AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

APRIL 1, 2008

CLOSED SESSION – 6:00 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.

City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.

City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber
14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

William H. Batey II, Mayor

Frank West, Mayor Pro Tem
Richard A. Stewart, Council Member

Bonnie Flickinger, Council Member
Charles R. White, Council Member

AGENDA
MORENO VALLEY CITY COUNCIL
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
CLOSED SESSION – 6:00 P.M.
APRIL 1, 2008

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY COUNCIL

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

CLOSED SESSION

A Closed Session of the City Council of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session. The Closed Session will be held pursuant to Government Code:

1) SECTION 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

a) Case: *Rados v. City of Moreno Valley, et al.*
Court: Riverside Superior Court
Case No.: RIC 425323

b) Case: *Mireles & Beeler v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 433878

c) Case: *Thompson, Ann Marie v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 456261

d) Case: *Ray, Danetra v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 459427

e) Case: *ENCO Utility Services Moreno Valley, LLC v. City of Moreno Valley/City of Moreno Valley v. ENCO Utility Services Moreno Valley, LLC*
Court: Riverside Superior Court
Case No.: RIC 478023

f) Case: *Monaco, Vincent v. City of Moreno Valley, et al.*
Court: Riverside Superior Court
Case No.: RIC 428221

g) Case: *City of Moreno Valley, Community Redevelopment Agency of the City of Moreno Valley v. County of Riverside, et al.*
Court: San Diego Superior Court
Case No.: 37-2007-00082461-CU-PT-CTL

h) Case: *Teague & Perez v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 472690

i) Case: *Stremski, Michael v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 472134

j) Case: *Fitch, Justin v. City of Moreno Valley, et al.*
Court: Riverside Superior Court & *Court of Appeal of the State of California, Fourth Appellate District, Division Two
Case No.: RIC 414978 & *E041090

k) Case: *Community Asset Management v. City of Moreno Valley*
Court: Riverside Superior Court
Case No.: RIC 465600

l) Case: *Webb, Earleen v. City of Moreno Valley, et al.*
Court: Riverside Superior Court
Case No.: RIC 490153

2) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: 2

3) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: 2

4) SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a) City's/Buyer's Negotiator: Chris Vogt
Under Negotiation: Price and terms of payment

APN	OWNER
291-171-002	Armstrong
291-230-005	Burden
291-171-005	Busacco
291-150-002	Castillo
291-130-003	Comorre
263-230-010	Davis
263-230-009	Deutsche Bank
291-191-001	Gabrych
263-230-007	Garcia
291-150-003	Gottschalk
263-210-039	Gottschalk
291-150-001	Gottschalk
291-191-002	Heredia
263-230-008	Holtzclaw
263-200-024	Lamas
263-200-025	LS Western, LP
291-171-001	McDermott
291-130-004	Nguyen
291-130-005	Nunez
291-150-004	Rude
291-150-005	Rude
291-191-004	Odulfalu
291-191-003	O'Malley
263-210-043	Ortiz
263-230-011	Patterson
291-171-004	Pulver
263-200-022	SSS Group
263-200-023	SSS Group
263-230-012	Teague
291-171-006	Verket
291-130-002	Ybarra

b) City's/Buyer's Negotiator: Chris Vogt
APN: 485-073-004
Owner: Robert & Wanna Moore
Owner's Negotiator: Sylvia J. Simmons, Esq.
Under Negotiation: Price and terms of payment

c) City's/Buyer's Negotiator: Barry Foster
APN: 488-330-019 & 488-330-020
Owner's Negotiator: ProLogis
Under Negotiation: Price and terms of payment

d) City's/Buyer's Negotiator: Barry Foster
APN: 481-070-044
Owner's Negotiator: R & M Realty
Under Negotiation: Price and terms of payment

5) SECTION 54957 – PERSONNEL MATTER

a) Annual Employee Performance Evaluation: City Manager

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

ADJOURNMENT

NOTICE AND CALL OF SPECIAL MEETING (CLOSED SESSION) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SEPTEMBER 25, 2007 – 5:00 P.M.

NOTICE IS HEREBY GIVEN that a special meeting (Closed Session) of the City Council of the City of Moreno Valley, Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley will be held on September 25, 2007, commencing at 5:00 p.m., in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

AGENDA

- **CALL TO ORDER**
- **ROLL CALL**
- **PUBLIC COMMENTS ON MATTERS ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL**

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

CLOSED SESSION

A Closed Session of the City Council of the City of Moreno Valley will be held in the City Manager's Conference Room, Second floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session. The Closed Session will be held pursuant to Government Code:

1) SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a)

Property:	Day Street Extension Project from Alessandro Boulevard to Cactus Avenue
Owner:	Community Redevelopment Agency of the City of Moreno Valley
Buyer's Negotiator:	Jacques S. Yeager, Trustee of the Yeager Family Trust
City's Negotiator:	Robert G. Gutierrez, Barry Foster
Under Negotiation:	Price and terms of payment

b)

Property:	APNs: 488-330-019 and 488-330-020
Owner:	ProLogis
Seller's Negotiator:	Michael Del Santo
City's Negotiator:	Barry Foster
Under Negotiation:	Price and terms of payment

2) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: 2

3) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: 2

4) SECTION 54957 – PUBLIC EMPLOYEE APPOINTMENT
Title: City Clerk

ADJOURN TO REGULAR CITY COUNCIL MEETING

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

SEPTEMBER 25, 2007

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber – 14177 Frederick Street

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Charles R. White, Mayor

William H. Batey, II, Mayor Pro Tem
Richard A. Stewart, Council Member

Bonnie Flickinger, Council Member
Frank West, Council Member

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 P.M.
SEPTEMBER 25, 2007

CALL TO ORDER (Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Romeo Seleccion, St. Christopher Parish

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS **ON MATTERS NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

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JOINT CONSENT CALENDARS (SECTIONS A-D)

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

A. CONSENT CALENDAR - CITY COUNCIL

A1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

A2. MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

A3. WARRANT REPORT – JULY 31, 2007 (Report of: Finance Department)

Recommendation: Adopt Resolution No. 2007-106 approving the Warrant Report, dated July 2007, in the total amount of $21,641,611.61.

Resolution No. 2007-106

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Warrant Report Dated July 31, 2007

A4. PA03-0079 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF FREDERICK STREET, AND TOWNGATE BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM, DEVELOPER – BRE PROPERTIES, INC., IRVINE, CA 92617 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2007-107 authorizing the acceptance of the public improvements for PA03-0079 as complete and accepting the portions of Frederick Street, and Towngate Boulevard associated with the project into the City's maintained

street system;

Resolution No. 2007-107

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements Associated with PA03-0079 as Complete, and Accepting the Portions of Frederick Street, and Towngate Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A5. SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services;

2. Authorize the Mayor to execute the "Second Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize an increase in the Purchase Order to SA in the amount of $250,000.00, when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A6. FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with VAS Associates, Inc. (VAS), 3174 Dogwood Drive, Corona, CA 92882 to provide Professional Consultant Services;

2. Authorize the Mayor to execute the "First Amendment to Agreement for Professional Consultant Services" with VAS;

and

3. Authorize an increase in the Purchase Order to VAS in the amount of $250,000.00, when the "First Amendment to Agreement for Professional Consultant Services: has been signed by all parties.

A7. THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS-REPKE, INC. – CIVIL ENGINEERING TECHNICIAN SERVICES (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke, Inc. (Norris-Repke), 400 North Tustin Avenue, Suite 230, Santa Ana, CA 92705 to provide Professional Civil Engineering Technician Services;

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke; and

3. Authorize an increase in the Purchase Order to Norris-Repke in the amount of $75,000.00 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A8. THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH NORRIS-REPKE, INC. – CIVIL ENGINEERING PROJECT MANAGEMENT SERVICES (Report of: Public Works Department)

Recommendation:

1 Approve the "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke, Inc. (Norris-Repke), 400 North Tustin Avenue, Suite 230, Santa Ana, CA 92705 to provide Professional Consultant Services;

2 Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Norris-Repke; and

3 Authorize an increase in the Purchase Order to Norris-Repke in the amount of $250,000.00 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A9. APPROPRIATION OF $37,434.12 FROM THE GENERAL FUND TO 133.65110.6641.641 TO PURCHASE NINE MURPHY BEDS WITH WARDROBES FOR FIRE STATION 65 AND AWARD BID TO MURPHY BEDS OF CALIFORNIA (Report of: Fire Department)

Recommendation:

1. Appropriate $37,434.12 from the General Fund to 133.65110.6641.641 for the purchase and installation of nine Murphy Beds with wardrobes for Fire Station 65;

2. Award Bid for the purchase and installation of Nine Murphy Beds with wardrobes for Fire Station 65 to Murphy Beds of California; and

3. Direct the Finance Director to issue a Purchase Order in the amount of $37,434.12 to Murphy Beds of California.

A10. TRACT 20185 – SINGLE FAMILY RESIDENTIAL – AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) AND SUBSTITUTION OF BONDS, FRAN LOU DRIVE, BETWEEN PERRIS BOULEVARD AND KITCHING STREET, SUBDIVIDER: LCTH INVESTMENT, L.P., NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract 20185;

2. Accept the substitution bonds issued by Western Insurance Company for Tract 20185 submitted by LCTH Investment, L.P.;

3. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation;

4. Authorize the City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by LCTH Investment, L.P., Inc. and issued by Insurance Company of the West upon acceptance of the substitution bonds; and

5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A11. 2007 LEGISLATIVE UPDATE (Report of: Assistant to the City

Manager)

Recommendation: Receive and file the informational report.

A12. MORENO VALLEY UTILITY TEN (10) YEAR ENERGY EFFICIENCY PORTFOLIO PLAN AS REQUIRED BY ASSEMBLY BILL 2021 (AB2021)

Recommendation:

1. Adopt Moreno Valley Utility Ten (10) Year Energy Efficiency Portfolio Plan as Required by Assembly Bill 2021 (AB 2021); and

2. Approve proposed Resolution 2007-108 Adopting the Moreno Valley Utility Energy Efficiency Targets.

Resolution No. 2007-108

A Resolution of the City Council of the City of Moreno Valley, California, to Approve the Energy Efficiency Targets for the Moreno Valley Electric Utility Mandated by Assembly Bill 2021

A13. TRACT 31494 – APPROVE FINAL MAP, SOUTH OF COTTONWOOD AVENUE, BETWEEN LASSELLE STREET AND NASON STREET, DEVELOPER: COLLIE COURT DEVELOPMENT, LLC, MORENO VALLEY, CA 92552-7599

Recommendation:

1. Approve Final Tract Map 31494; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A14. AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND BOX SPRINGS MUTUAL WATER COMPANY FOR EDGEMONT WATER QUALITY AND WATER LINE INFRASTRUCTURE IMPROVEMENT PROJECT (Report of: Economic Development Department)

Recommendation:

Authorize the City Manager to execute the Agreement (and any subsequent and related minor amendments) between the City of Moreno Valley and Box Springs Mutual Water Company for the Edgemont Water Quality and Water Line Infrastructure Improvement Project.

A15. CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

(Report of: City Clerk's Department)

Recommendation: Receive and file the Reports on Reimbursable Activities for the period of August 22 – September 18, 2007.

A16. RESOLUTION NO. 2007-112, APPROVE AND AUTHORIZE THE PROJECT DEVELOPMENT COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE MORENO BEACH DRIVE/SR-60 INTERCHANGE AND NASON STREET/SR-60 OVERCROSSING IMPROVEMENT PROJECT, PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution No. 2007-112, and approve the "Project Development Cooperative Agreement" with the State of California for the project development phase of the Moreno Beach Drive/SR-60 Interchange and Nason Street/SR-60 Overcrossing Improvement project; and

   Resolution No. 2007-112

   A Resolution of the City Council of the City of Moreno Valley, California, Approving the Project Development Cooperative Agreement, District Agreement No. 8-1314 with the State of California, Acting by and through its Department of Transportation, for the Project Development Phase of the Moreno Beach Drive/SR-60 Interchange and Nason Street/SR60 Overcrossing Improvement Project and Authorizing the Mayor to Execute the Project Development Cooperative Agreement with the State of California

2. Authorize the Mayor to execute the "Project Development Cooperative Agreement" with the State of California.

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B2. MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

B3. RESOLUTION FOR IMPLEMENTING THE COMMUNITY SERVICES DISTRICT ZONE E (HIGH-SERVICE-LEVEL

PARKWAY LANDSCAPE MAINTENANCE) SERVICE PLAN POLICY (Report of: Public Works Department)

Recommendation: Approve and Adopt Resolution No. CSD 2007-27, to implement the Community Services District Zone E (High-Service-Level Parkway Landscape Maintenance) Service Plan policy (the "Policy").

Resolution No. CSD 2007-27

A Resolution of the City Council of the City of Moreno Valley, California, Acting in its Capacity as the Board of Directors of the Moreno Valley Community Services District to Approve and Adopt the Community Services District Zone E (High-Service-Level Parkway Landscape Maintenance) Service Plan Policy to Provide Guidelines and Standards for the Landscape Maintenance of All Zone E Sub-Zones

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

C2. MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D1. ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D2. MINUTES - REGULAR MEETING OF SEPTEMBER 11, 2007 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

E. PUBLIC HEARINGS

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

E1. A PUBLIC HEARING ON THE FOLLOWING LAND USE PROPOSALS:

Project 1: General Plan Amendment (PA07-0065) from C (Commercial) to R10 (Residential), Specific Plan Amendment (P06-133) from SP 193 C (Commercial) to SP 193 MR (Medium Residential), Tentative Tract Map No. 34329 (PA05-0201), and Plot Plan (PA05-0203), to build 90 condominium units on 10.41 net acres located at the southwest corner of Iris Avenue and Via Del Lago. Applicant: Winchester Associates, Inc.;

Project 2: General Plan Amendment (PA07-0066) and Zone Change (PA07-0067) to change the land use designations for a portion (3.5+/- acres) of the 15.61-net acre project site from Business Park (BP) to Community Commercial (CC) for property located on the south side of State Route 60 at the northwest corner of Redlands Boulevard and Fir Avenue. The change is required to provide consistency with the current property line that was adjusted through approval of Lot Line Adjustment LLA #983 in early 2007. Applicant: Gascon Group, LLC; and

Project 3: General Plan Amendment (PA07-0038) and Zone Change (PA07-0037) from Office (O) to Neighborhood Commercial (NC) for the 1.77-net acres of Assessor's Parcel Number 291-242-018 in order to develop a 13,969-square foot grocery store at the southwest corner of Frederick Street and Cottonwood Avenue (Plot Plan PA07-0036). Applicant: TESCO.

Recommendation: That the City Council:

1. Conduct a public hearing for review of Project 1 and defer taking action on Project 1 until after the public hearing for Project 3;

2 Conduct a public hearing for review of Project 2, and defer taking action on Project 2 until after the public hearing for Project 3;

3. Conduct a public hearing for review of Project 3;

4. Adopt a Negative Declaration for Project 1 applications PA07-0065 (General Plan Amendment), P06-133 (Specific Plan Amendment), PA05-201 (Tentative Tract Map 34329), and PA05-0203 (Plot Plan). The projects, individually and cumulatively, will not result in a significant effect on the environment;

5. Adopt a Negative Declaration for Project 2 applications PA07-0066 (General Plan Amendment) and PA07-0067 (Zone Change). The projects, individually and cumulatively, will not result in a significant effect on the environment;

6. Adopt a Negative Declaration for Project 3 applications PA07-0038 (General Plan Amendment), PA07-0037 (Zone Change), and PA07-0036 (Plot Plan). The projects, individually and cumulatively, will not result in a significant effect on the environment;

7. Approve Resolution No. 2007-109 approving PA07-0065, PA07-0066, and PA07-0038, thereby establishing General Plan Land Use Map designations for Projects 1, 2, and 3 as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibits A, B, and C;

Resolution No. 2007-109

A Resolution of the City Council of the City of Moreno Valley, California, Approving a General Plan Amendment (PA07-0065) to Change the Land Use for the 10.41-Net Acres of Assessor's Parcel Number 304-260-007 from Commercial to Residential 10 Located at the Southwest Corner of Iris Avenue and Via Del Lago; a General Plan Amendment (PA07-0066) to Change the Land Use for a Portion (3.5+/- Acres) of the 15.61-Net Acre Project Site from Business Park to Commercial for Property Located on the South Side of State Route 60 at the Northwest Corner of Redlands Boulevard and Fir Avenue; and a General Plan Amendment (PA07-0038) from Office to Commercial for the 1.77-Net Acres of Assessor's Parcel Number 291-242-018 Located at the Southwest Corner of Frederick Street and Cottonwood , Thereby Establishing General Plan Land Use Map Designations for Certain Properties as Described in the Resolution, and the Revised General Plan Maps as Attached to the Resolution as Exhibits A, B, and C

8. Introduce Ordinance No. 753 approving Project 1 Specific Plan Amendment (P06-133) from Specific Plan 193 Commercial (SP193C) to Specific Plan 193 Medium Residential (SP193MR) for 10.41-net acres located at the southwest corner of Iris Avenue and Via Del Lago, based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

Ordinance No. 753

An Ordinance of the City Council of the City of Moreno

Valley, California, Approving P06-133 (Specific Plan Amendment) to Change the Land Use from SP193C (Commercial) to SP193MR (Medium Residential) for Assessor's Parcel Number 304-260-007 Approximately 10.31-Net Acres Located at the Southwest Corner of Iris Avenue and Via Del Lago

9. Introduce Ordinance No. 754 approving Project 2 Zone Change (PA07-0067) to change the land use designations for a portion (3.5+/- acres) of the 15.61-net acre project site from Business Park (BP) to Community Commercial (CC), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

Ordinance No. 754

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0067 (Zone Change) to Change the Land Use From Business Park to Community Commercial for the 3.49-Acres Located Within Portions of Parcel B and Parcel C of Lot Line Adjustment No. 983

10. Introduce Ordinance No. 755 approving Project 3 Zone Change (PA07-0037) from Office (O) to Neighborhood Commercial (NC) for 1.77-net acres located at the southwest corner of Frederick Street and Cottonwood Avenue, based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

Ordinance No. 755

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA07-0037 (Zone Change) to Change the Land Use for the 1.77-Net Acres of Assessor's Parcel Number 291-242-018 from Office to Neighborhood Commercial

11. Approve Resolution No. 2007-110 approving Project 1 Tentative Tract Map 34329 (PA05-0201) and Plot Plan (PA05-0203) to build 90 two-story condominium units on the 10.41-net acres of Assessor's Parcel Number 304-260-007, subject to a General Plan Amendment and Specific Plan Amendment based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2007-110

A Resolution of the City Council of the City of Moreno Valley

Approving Application Numbers PA05-0201 (Tentative Tract Map 34329), and PA05-0203 (Plot Plan) to Build 90 Residential Condominium Units, on Assessor's Parcel Number 304-260-007 Approximately 10.41-Net Acres Located at the Southwest Corner of Iris Avenue and Via Del Lago

12. Approve Resolution No. 2007-111 approving Project 3 Plot Plan (PA07-0036) to develop a 13,969-square foot grocery store on the 1.77-net acres of Assessor's Parcel Number 291-242-018, subject to a General Plan Amendment and Zone Change and based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A;

Resolution No. 2007-111

A Resolution of the City Council of the City of Moreno Valley, California, Approving PA07-0036, a Plot Plan to Develop a 13,969-Square Foot Grocery Store on the 1.77-Net Acres of Assessor's Parcel Number 291-242-018, Located at the Southwest Corner of Frederick Street and Cottonwood Avenue

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

G. REPORTS

G1. CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) Report on March Joint Powers Commission by Council Member Stewart

G2. PUBLIC MEETING REGARDING MAIL PROCEEDINGS FOR TENTATIVE TRACT 34407 (AND ALL AFFECTED PHASES) – BALLOTED ITEM: NPDES MAXIMUM RESIDENTIAL REGULATORY RATE; TENTATIVE PARCEL MAP 35150 – BALLOTED ITEM: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE; TENTATIVE TRACT 35514 (AND ALL AFFECTED PHASES) – BALLOTED ITEMS: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND FOR CSD ZONE E-4 (HIGH-SERVICE-LEVEL PARKWAY LANDSCAPE MAINTENANCE); AND TENTATIVE PARCEL MAP 34572 – BALLOTED ITEMS: NPDES MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY

RATE AND CSD ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) (Report of: Public Works Department)

Recommendation:

1. That the Mayor and Members of the City of Moreno Valley City Council conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:

    a. Tentative Tract 34407 (and all affected phases) for approval of the National Pollutant Discharge Elimination System (NPDES) maximum residential regulatory rate; and

    b. Tentative Parcel Map 35150 for approval of the NPDES maximum commercial/industrial regulatory rate; and

    c. Tentative Tract 35514 (and all affected phases) for approval of the NPDES maximum commercial/industrial regulatory rate; and

    d. Tentative Parcel Map 34572 for approval of the NPDES maximum commercial/industrial regulatory rate.

2. That the Members of the Board of Directors of the Moreno Valley Community Services District (the "CSD Board") conduct the Public Meeting to accept public comments regarding the mail ballot proceedings for:

    a. Tentative Tract 35514 (and all affected phases) for inclusion into and approval of the annual acreage charge for CSD Zone E-4 (High-Service-Level Parkway Landscape Maintenance); and

    b. Tentative Parcel Map 34572 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

G3. CITY MANAGER'S REPORT (Informational Oral Presentation – not for Council action)

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION - NONE

ORDINANCES - 2ND READING AND ADOPTION

H1. ORDINANCE NO. 752 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 5 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, BY ADDING A NEW CHAPTER 5.04 REGARDING THE LICENSURE OF TOBACCO RETAILERS

Recommendation: Adopt Ordinance No. 752

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 5 of the City of Moreno Valley Municipal Code, by Adding a New Chapter 5.04 Regarding the Licensure of Tobacco Retailers

ORDINANCES - URGENCY ORDINANCES - NONE

RESOLUTIONS – NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1) SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION
Number of Cases: 2

2) SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION
Number of Cases: 2

3) SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a)	Property:	Day Street Extension Project from Alessandro Boulevard to Cactus Avenue
	Owner:	Community Redevelopment Agency of the City of Moreno Valley
	Buyer's Negotiator:	Jacques S. Yeager, Trustee of the Yeager Family Trust
	City's Negotiator:	Robert G. Gutierrez, Barry Foster
	Under Negotiation:	Price and terms of payment
b)	Property:	APNs: 488-330-019 and 488-330-020
	Owner:	ProLogis
	Seller's Negotiator:	Michael Del Santo
	City's Negotiator:	Barry Foster
	Under Negotiation:	Price and terms of payment

4) SECTION 54957 – PUBLIC EMPLOYEE APPOINTMENT
Title: City Clerk

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

ADJOURNMENT

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

May 10, 2011

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

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Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 10, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2011 William H. Batey II Annual Reading Contest Winners

2. Recognition of Riverside Transit Agency (RTA) and Moreno Valley/Perris Transportation NOW Air Aware Contest Winners

3."Spotlight on Moreno Valley Business"

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MAY 10, 2011

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.5 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 20 - May 3, 2011.

A.6 PA07-0021 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: WESTERN STATES CONSTRUCTION, INC., ANAHEIM, CA 92807 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-37 authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into

the City's maintained street system; and

Resolution No. 2011-37

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA07-0021, and Accepting the Portion of Sunnymead Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor; and

4. Accept the improvements into the City's maintained system.

A.8 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND RAMP PROJECT NO. 08-12566627 (Report of: Public Works Department)

Recommendation:

1. Grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid;

2. Award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder;

3. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc.;

4. Authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties; and

5. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney.

A.9 PA09-0043 (PM 36262) – COMMERCIAL – ACCEPT FINAL MAP, AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE; DEVELOPER: FRANK POZGAJ & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA AND MORENO BEACH STATION, LLC, MORENO VALLEY, CA. (Report of: Public Works Department)

Recommendation:

1. Approve PA09-0043, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation;

2. Accept the Agreement and Bonds for Public Improvements;

3. Authorize the Mayor to execute the Agreement;

4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A.10 PERSONNEL RULES AND REGULATIONS REVISION (Report of: Human Resources Department)

Recommendation:

Approve the Personnel Rules and Regulations.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

C.5 REVISIONS TO THE RDA HOMEBUYER ASSISTANCE PROGRAM (Report of: Community & Economic Development Department)

Recommendation:
Approve amendments to the Homebuyer's Assistance Program (HAP) to allow the loan term to be reduced to 20 years and allow the loan to be forgiven upon the expiration of the loan term.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D.3 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

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

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2011/12 (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2011/12 Annual Action Plan; and

2. Approve the proposed 2011/12 Annual Action Plan.

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

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC) (Continued from April 26, 2011)

G.2 RESOLUTION REGARDING THE LIBERTY QUARRY (Continued from April 12, 2011) (Report of: City Manager's Office)

Recommendation: That the City Council:
Discuss and consider adopting Resolution No. 2011-31 regarding the Liberty Quarry.

Resolution No. 2011-31

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Need for and Benefits of Liberty Quarry

G.3 APPROVAL OF ERP SYSTEM REPLACEMENT PROJECT BUDGET AND FUNDING PLAN; AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CONTRACT WITH NEW WORLD SYSTEMS (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Approve the ERP System Replacement Project Budget and Funding Plan in the amount of $1,999,060; and

2. Authorize the City Manager to execute a contract and purchase order with New World Systems (NWS) for a one-time project cost not-to-exceed $1,322,490 and annual maintenance according to the not-to-exceed schedule below:

Year 1 maintenance	No Charge
Year 2 maintenance	$164,640
Year 3 maintenance	$174,930
Year 4 maintenance	$185,220
Year 5 maintenance	$195,510
Year 6 maintenance	$205,800

G.4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 AND 11.80.060

OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT (Report of: City Attorney)

Recommendation: That the City Council:

1. Consider the following alternatives:

   Adopt the proposed changes to Moreno Valley Municipal Code Sections 1.10.080 and 11.80.060; and introduce Ordinance No. 824; or

   Ordinance No. 824

   An Ordinance of the City Council of the City of Moreno Valley, California, Amending Sections 1.10.080 and 11.80.060 of the City of Moreno Valley Municipal Code, Relating to Civil Citations and Noise Enforcement

2. Direct staff to make changes to the ordinance and return to a City Council meeting or study session on a later date with a revised Ordinance; or

3. Take no action. The existing Ordinances will remain in effect.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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

AGENDA
May 10, 2011

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

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

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a) Property: SR-60/Moreno Beach Dr. Interchange Project
City Negotiator: Chris A. Vogt
Under Negotiation: Price and terms of payment

APN/Caltrans Parcel No.	Owner	Site Address	Site Location
21463	Moreno H & S	12611 Moreno Beach Dr.	Southwest corner of Moreno and Eucalyptus Ave.
21884	Robert Getz, Anita May Rosenstein, Gloria May	None	South side of SR-60, east of Moreno Beach Dr. between

	Offerman – Trustees of the David May II – Dorothy Duffy May Trust, David May II, Trustee of the David May II Revocable Trust, et al.		Eucalyptus Ave. and SR-60 (between Auto Mall and SR-60)
21460	Prologis	None	Northern top portion of parcel, east of Fire Station 58 and south of SR-60.

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

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

ADJOURNMENT

*REVISED AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

July 12, 2011

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street
Teleconference: Phoenix Park Hotel, LLC
520 North Capitol Street, N.W.
Federal City Room
Washington, D.C. 20001

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Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

***REVISED AGENDA**
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Officer of the Quarter presentation to Officer Kevin Dixon

2. Proclamation Recognizing Soroptimist International of Moreno Valley

3. Spotlight Business

***REVISED AGENDA**
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
JULY 12, 2011

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Diane Gardner

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

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

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 22 - July 5, 2011.

A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of

Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue;

2. Authorize the City Manager to execute a contract with Transtech;

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties; and

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Approve Tract Map No. 35760; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

Recommendation:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system;

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc.;

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877; and

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND

ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-72 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system; and

   Resolution No. 2011-72

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32707 and Accepting the Portion of Lasselle Street Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883;

2. Direct the City Clerk to record the Notice of Completion within ten (10)

calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to

release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division;

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC; and

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL

CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988. (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief

and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

Resolution No. 2011-73

A Resolution Of The City Council Of The City Of Moreno Valley, California, Rescinding Resolution No. 2005-30, And Re-Designate And Authorize Certain City Officials To Execute Applications And Documents For Purposes Of Obtaining Financial Assistance Under Section 404 Of Public Law 93-288, As Amended By The Robert T. Stafford Disaster Relief And Emergency Act Of 1988

A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis;

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS; and

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC; and

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services"

has been signed by all parties.

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

Resolution No. 2011-74

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Convenience Require the Sale of a Remainder Parcel Excess to Public Use

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-75

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report of: Financial & Administrative Services Department)

Recommendation:
Approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

Recommendation:
Approve the proposed staff assignments in support of Council Member participation with regional agencies.

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF

MORENO VALLEY, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF

LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553. (Report of: Public Works Department)

Recommendation:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO

ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works

Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement on behalf of the Community Redevelopment Agency; and

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

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

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010,

316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
That the City Council, after conducting the individual Public Hearings and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Recommendation: That the CSD:
That the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE

PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

   If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

   ADOPT City Council Resolution No 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution;

   Resolution No. 2011-76

   A Resolution of the City Council of the City of Moreno Valley, California, Denying a Change of Zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an Approximate 55 acre site, Located within Assessor's Parcel Numbers 488-330-003 through -006 and -026

2. OR

   If the City Council elects to overturn the Planning Commission decision, and approve the project:

   ADOPT City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

   Resolution No. 2011-77

   A Resolution of the City Council of the City of Moreno Valley,

California, Certifying the Final Environmental Impact Report (P08-133), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the West Ridge Commerce Center Project, Generally Located on the South Side of State Route 60, on the North Side of Fir Avenue/Future Eucalyptus Avenue and Approximately 650 Feet West of Redlands Boulevard

3. INTRODUCE Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change the Zone From Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

4. INTRODUCE Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

5. ADOPT City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2011-78

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA08-0097 for Development of a 937,260 Square Foot Warehouse Distribution Facility on 55 Acres Located Within Assessor's Parcel Numbers 488-330-003 Through -006 and -026

6. ADOPT City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the

resolution as Exhibit A

Resolution No. 2011-79

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Tentative Parcel Map 36207 (PA09-0022) to Combine the Existing Five Parcels Located Within the Project Site into a Single 55 Acre Parcel

E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

   RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 831 approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

   Ordinance No. 831

   An Ordinance of the City Council of the City of Moreno Valley, California Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV

Applications for Hillside Development Section 9.16.235 "Hillside Design Guidelines", Article VI Applications for Lighting and Section 9.16.280, "General Requirements" and Chapter 9.15, Section 9.15.030 "Definitions" Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

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

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

Recommendation: That the City Council:
Acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

Recommendation: That the City Council:
Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

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

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	Fire Station No. 65 Replacement Site
APN:	APN 297-170-077
Owner:	Group V San Bernardino
City's/Buyer's Negotiator:	Chris Vogt
Under Negotiation:	Price and terms of payment

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia

Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

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

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
JUNE 28, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Morning Optimist Club of Moreno Valley

2. Volunteers of the Year 2010 - Steven Morel, Jarrett Wegelin, Trent Terrell, Jarred Endres, Kyle Dagenhart, and Tim Barnes

3. Spotlight Business

MINUTES
REGULAR MEETING OF CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
SPECIAL MEETING OF MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

JUNE 28, 2011 - 6:30 PM

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:36 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Deacon Richard Heames, St. Patrick's Roman Catholic Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem (left at 9:45 p.m.)
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Barry Foster	Community & Economic Development Director
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

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

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 8-21, 2011.

A.4 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2011/2012 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:
Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2011/2012 Rate Adjustment.

A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE DRACAEA AVENUE SIDEWALK IMPROVEMENTS BETWEEN MORRISON STREET AND MASCOT LANE PROJECT NO. 10-12567129 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Dracaea Avenue Sidewalk Improvements between Morrison Street and Mascot Lane, constructed by Mamco, Inc., 16840 Van Buren Boulevard, Suite 200, Riverside, CA 92504;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Mamco, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.6 APPROVAL OF CHECK REGISTER FOR APRIL, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-63, approving the Check Register for the month of April, 2011 in the amount of $13,104,818.91.

Resolution No. 2011-63

A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of April, 2011

A.7 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE $91,557 ALLOCATION TO THE CITY (Report of: Community and Economic Development Department)

Recommendation:

Approve Resolution No. 2011-64 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the $91,557 allocated to the City.

Resolution No. 2011-64

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the $91,557 Allocation

A.8 ORDINANCE NO. 827 - AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011, BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 827 - An Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

A.9 SECOND AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - MELAD & ASSOCIATES (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Second Amendment of Independent Contractor Agreement with Melad & Associates for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Melad & Associates to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.10 THIRD AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - WILLDAN (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Third Amendment of Independent Contractor Agreement with Willdan for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders

through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Willdan to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.11 APPROVAL OF AN AGREEMENT WITH DATATICKET, INC. FOR PARKING CONTROL PROGRAM SERVICES; AUTHORIZE THE CITY MANAGER TO APPROVE ANNUAL PURCHASE ORDERS THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZE THE PURCHASING & FACILITIES MANAGER TO ISSUE ANNUAL PURCHASE ORDERS (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Agreement with DataTicket, Inc. for Parking Control Program Services for the City of Moreno Valley;

2. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

3. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to DataTicket, Inc. to cover the estimated costs for ticket processing, ticket printing, and other miscellaneous costs associated with the Parking Control Program for FY 2011/2012 and future years under the Agreement.

A.12 PA07-0090 – EXONERATION OF ROUGH GRADING AGREEMENT AND BOND, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

Contingent upon completion of the remaining public improvements, authorize the City Engineer to execute the exoneration of the Faithful Performance security associated with the project PA07-0090 rough grading improvements.

A.13 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR CYCLE 3 OF

THE FEDERAL SAFE ROUTES TO SCHOOL GRANT PROGRAM (Report of: Public Works Department)

Recommendation:

1. Review and approve project recommendations for Cycle 3 of the federal Safe Routes to School (SRTS) grant program; and

2. Adopt Resolution No. 2011-71 authorizing the submittal of applications for Cycle 3 of the federal Safe Routes to School (SRTS) Grant Program.

Resolution No. 2011-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Submittal of Applications for Cycle 3 of the Federal Safe Routes to School (SRTS) Grant Program

A.14 PA07-0090 – REDLANDS ROUGH GRADING – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE REDLANDS DRAINAGE IMPROVEMENTS AS COMPLETE AND INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, adopt the proposed Resolution authorizing the acceptance of the Redlands Drainage public improvements within project PA07-0090 as complete and into the City's maintained system.; and

Resolution No. 2011-67

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Project Number PA07-0090 and Accepting the Redlands Drainage Improvements Associated with the Project into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.15 PA07-0090 – EUCALYPTUS ELECTRICAL IMPROVEMENTS – ELECTRICAL UTILITY INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE ELECTRICAL UTILITY INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained system the Electrical Utility Infrastructure for PA07-0090 - Eucalyptus Electrical Improvements upon acceptance by the City Engineer as complete; and

   Resolution No. 2011-68

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Eucalyptus Electrical Improvements as Complete Within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.16 PA07-0090 – THEODORE STREET IMPROVEMENTS - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THEODORE STREET INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THE THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained street system the Theodore Street public improvements within project PA07-0090 upon acceptance by the City Engineer as complete; and

Resolution No. 2011-69

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project Number PA07-0090 and Accepting the Portion of Theodore Street Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.17 PA07-0090 – SINCLAIR OFF-SITE WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Sinclair Off-Site Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.18 PA07-0090 – REDLANDS SEWER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Sewer Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.19 PA07-0090 – REDLANDS WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.20 PA07-0090 (PM 35629) – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D11-001 FOR PARCEL MAP NO. 35629 PHASE 1 IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Development Impact Fee Improvement Credit Agreement #D11-001 (DIF Agreement) for Parcel Map No. 35629 Phase 1 improvements and right-of-way dedications; and

2. Authorize the Mayor to execute the DIF Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 6:50 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON THE SPECIAL MEETING AGENDA

President Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

G. REPORTS

G.1 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD; DEVELOPER: CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Moreno Valley Public Facilities Financing Corporation (MVPFFC) to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

Motion to pull the item from the agenda by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNED THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:53 P.M.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes).

Recommendation: That the CSD:

1. After conducting the public hearing for Tracts 19862, 19912, 20941, 21737, 22371, and 31591:

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Jeffrey Giba and Deanna Reeder.

Recommendation: That the CSD:

1. After conducting the public hearing for Zone E-1 (Towngate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East):

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

E.3 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2011/2012 Riverside County property tax roll for collection; and

2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health

and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

E.4 A PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DENIAL OF PA09-0027, A CONDITIONAL USE PERMIT REQUEST TO SELL ALCOHOL AND BEER AT A AN EXISTING CONVENIENCE STORE AT 21748 COTTONWOOD AVENUE. THE APPLICANT IS SOON-YI CHOI. (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-66 approving PA09-0027, a Conditional Use Permit based on the findings in the Resolution.

Resolution No. 2011-66

Resolution of the City Council of the City of Moreno Valley Denying PA09-0027, A Conditional Use Permit to Allow Alcohol Sales (Beer and Wine) at the Existing Convenience Store Located at 21748 Cottonwood Avenue APN # 263-160-037

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Bob Walker (opposes), Maricela Lopez (opposes), and Justin Kim (representing applicant).

RECESS
RECONVENED

Motion to Approve as amended to allow alcohol sale during the hours between 8:00 a.m. and 8:30 p.m. by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported that a nice reception for Mr. Holland, Deputy Secretary of the Air Force for Facilities, was held at Supervisor Marion Ashley's home; Mr. Holland was given a tour of March Joint Powers area and the base; a formal meeting with wing commander and military personnel, Joint Powers members and civil engineers will be held to discuss several issues, including the potential for the developer to actually relocate BX and the commissary to inside the base at the developer's expense and use that area for expansion of medical facilities.

G.2 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or

2. Appoint those applicants who received majority vote by the City Council;

3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

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

Motion to make following appointments for terms expiring June 30, 2014:

The Arts Commission: Lorna Kendrick, Lauretta Phillips and Nina Heirs;
The Environmental & Historical Preservation Board: Gerald Michael Budlong and Gregory A. Hagans;
The Library Commission: Beverly A. Crockett, Kristina Dixon and Cathy Merkt;
The Parks & Recreation Commission: Bill Alvarez and George Brummer;
The Recreational Trails Board: Margie Breitkreuz and Gilbert Brooks;
The Senior Citizens' Board: Delorise Anderson, Donna Annetta and Thelma Dunn;
The Traffic Safety Commission: Lawrence Baird, Mary C. Cole and Arthur W. Higgs.

Motion to approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceeding for First Industrial—Assessor Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceeding for First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for inclusion into and approval of the annual charges for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

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

No action required.

G.4 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV HEMLOCK LP (Report of: Community & Economic Development Department)

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

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-70 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Hemlock LP, a limited partnership; and

Resolution No. 2011-70

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley with MV Hemlock Limited Partnership, a California Limited Partnership and Approving and Authorizing Execution of an Affordable Housing Agreement (Home) Between the City and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve an Affordable Housing Agreement for HOME by and between the City of Moreno Valley and MV Hemlock LP, a limited partnership; and

Recommendation: That the RDA:
Adopt Resolution No. RDA 2011-10 approving an Affordable Housing Agreement by and between the Agency and MV Hemlock LP.

Resolution No. RDA 2011-10

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Agency Member Robin N. Hastings, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ORDINANCE NO. 825 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of:

Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.2 .2 ORDINANCE NO. 826 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

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

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Marie Hyta
1. Spending priorities; building a new fire station on Morrison; Station 58; salary of city administrator

Deanna Reeder
1. Redevelopment fund for the Aquabella project
2. Conduct during council meetings

Alicia Espinoza
1. DUI check points

Kenny Bell
1. Meetings of Home Owners Associations
2. Citizens' input/contributions

Librada Murillo
1. in Spanish

Jeffrey Giba
1. Increase of theft from recycle bins; thanked police officers for great job

Sue Gilchrist
1. Residents' contribution/input
2. Retirement benefits
3. Rancho Belago signs

Louise Palomarez
1. Red light camera on Day Street
2. Commended the Council for awarding alcohol business license and for supporting businesses
3. Rancho Belago signs

Victoria Baca
1. Fourth of July celebration
2. Cultural events in the City
3. Wished everyone a safe and happy 4th of July

Joe Bautista
1. Budget - reorganization in the City Clerk's Office

Pete Bleckert
1. Gate at Hemlock Street

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Congratulated Council Member Hastings for being installed as the new Chair of the Western Riverside Council of Governments

Council Member Co
1. Inquires about the incident with the tow truck company and a lost car
2. Attended WRCOG General Assembly reception with Condoleezza Rice as a speaker; was very impressed with the speaker, who talked about real things in life, is very humble and direct when talking to people

Council Member Hastings
1. Thanked Mr. Bell for his kind comments and for attending the Moreno Valley Crime Prevention meeting; thanked Chief Anderson for attending the meeting to address concerns about the crime, and what can be done about it; it was a very productive and well-attended meeting; appreciates the opportunity to meet with residents
2. Will be participating in the July 12 City Council meeting via teleconference; will attend a WRCOG meeting in Washington, DC, for the AB 811 program; more information about the program can be found on WRCOG Web site; anticipates that applications will be available at the end of this month
3. Appreciates the support for the 4th of July program; Thanked City Manager Garcia for the seed money; encouraged residents to volunteer
3. Addressed speaker's comments opposing shooting rangers – stated that this is a valuable program - payment of fees will allow the center to stay open; emphasized that residents' comments are not ignored and they are appreciated

Mayor Stewart
1. Responded to speaker's comment regarding Redevelopment Agency's support for the Burlington Coat Factory; said that the City is assisting new and existing businesses, as businesses generate sales tax revenue; the Economic Development Plan was developed to improve infrastructure and to retain existing

businesses
2. Fourth of July celebration with fireworks is expensive; the City is going to work very hard to have the celebration the next year
3. Regarding concerts - last concert he attended a few weeks ago was a patriotic concert at the Conference and Recreation Center, and it was a standing room only; it is provided for free four times a year; other cultural events are also held in the City
4. The Council received only three applications for three openings on the Arts Commission - encouraged residents to apply, get involved and help out
5. Addressed comments regarding clapping during council meetings - we don't allow outburst of support or opposition, as it is intimidating to speakers

Adjourned to Closed Session at 9:41 p.m.

CLOSED SESSION

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

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

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

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

None

RECONVENED Regular City Council Meeting at 10:02 p.m.

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract 19862:	"Yes" - 3;	"No" - 6;	Invalid - 7	-failed
Tract 19912:	"Yes" - 7;	"No" - 24;	Invalid - 0	-failed
Tract 20941:	"Yes" - 10;	"No" - 14;	Invalid - 0	-failed
Tract 21737:	"Yes" - 0;	"No" - 3;	Invalid - 1	-failed
Tract 23371:	"Yes" – 3;	"No" - 7;	Invalid - 0	-failed
Tract 31591:	"Yes" – 1;	"No" - 6;	Invalid - 0	-failed

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract No. E-1:	"Yes" - 440;	"No" - 542;	Invalid – 6;	-failed
Tract No. E-2:	"Yes" - 139;	"No" - 257;	Invalid – 11;	-failed
Tract No. E-3A:	"Yes" - 34;	"No" - 66;	Invalid – 2;	-failed
Tract No. E-4:	"Yes" - 212;	"No" - 393;	Invalid – 14;	-failed

2. Verify and accept the results of the mail ballot proceedings as

identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

Motion to Adjourn by m/Council Member William H. Batey II, s/Council Member Marcelo Co. Approved by a unanimous vote.

ADJOURNMENT

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

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees
enl

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: July 12, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of June 22 – July 5, 2011.

Reports on Reimbursable Activities June 22 – July 5, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	6/22/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	6/23/11	Leadership Moreno Valley
Jesse L. Molina		None
Richard A. Stewart	6/23/11	Leadership Moreno Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On July 13, 2010, the City Council awarded a construction contract to Riverside Construction Company, Inc. and authorized the issuance of a purchase order in the amount of $4,124,375.14. The work consisted of the construction of Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The work also included construction of street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, completion of missing portions of Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin and in Ironwood Avenue between Indian Street and Hubbard Street, and minor clearing for SCE poles on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard. On July 13, 2010, the City Council also approved the Reimbursement Agreement for the Eastern Municipal Water District improvements which appropriated sufficient funds from EMWD for relocation of four conflicting water lines.

The City issued a Notice to Proceed to Riverside Construction to start the work on October 4, 2010. The length of the contract is one hundred seventy (170) working days, which has been adjusted by Contract Change Order due to weather and other approved work. Riverside Construction anticipates completing the project by mid July 2011.

On April 26, 2011, the City Council approved a Cooperative Agreement with Riverside County Flood Control and Water Conservation District (RCFC&WCD) which set forth the City's responsibilities and the District's responsibilities for post-construction maintenance of the facilities.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company by mid July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $3,850,000 which is not expected to exceed the approved purchase order amount of $4,124,375.14. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after

the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in delaying payment to the Contractor, thereby delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The project is also partially

funded with 2005 Lease Revenue Bonds (Account No. 501.82625), Development Impact Fee (DIF) program funds (Account No. 416.78727), and the EMWD water line facilities were reimbursed by EMWD through a revenue set-aside in fund 414 (Account Nos. 414.80423 and 414.80424). The funds utilized for this project were designated for the Indian Basin and Ironwood Avenue capital improvements only. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91726)	$3,153,000
Fiscal Year 2010/2011 (Account No. 501.82625)	$933,000
Fiscal Year 2010/2011 (Account No. 416.78727)	$962,000
Fiscal Year 2010/2011 (Account No. 414.80423)	$185,000
Fiscal Year 2010/2011 (Account No. 414.80424)	$109,000
Total Budgeted Funds	$5,342,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$3,850,000
Design Support Costs during Construction	$109,000
Construction Geotechnical Services	$95,000
Construction Survey Services	$55,000
Project Administration and City Inspection*	$190,000
Total Project Construction Costs	$4,299,000

*Public Works staff provided project administration and primary inspection services.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Staff anticipates Riverside Construction Company will complete construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive improvements by mid July 2011. Staff requests the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are

completed, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, authorize the release of retention money to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Margery A. Lazarus, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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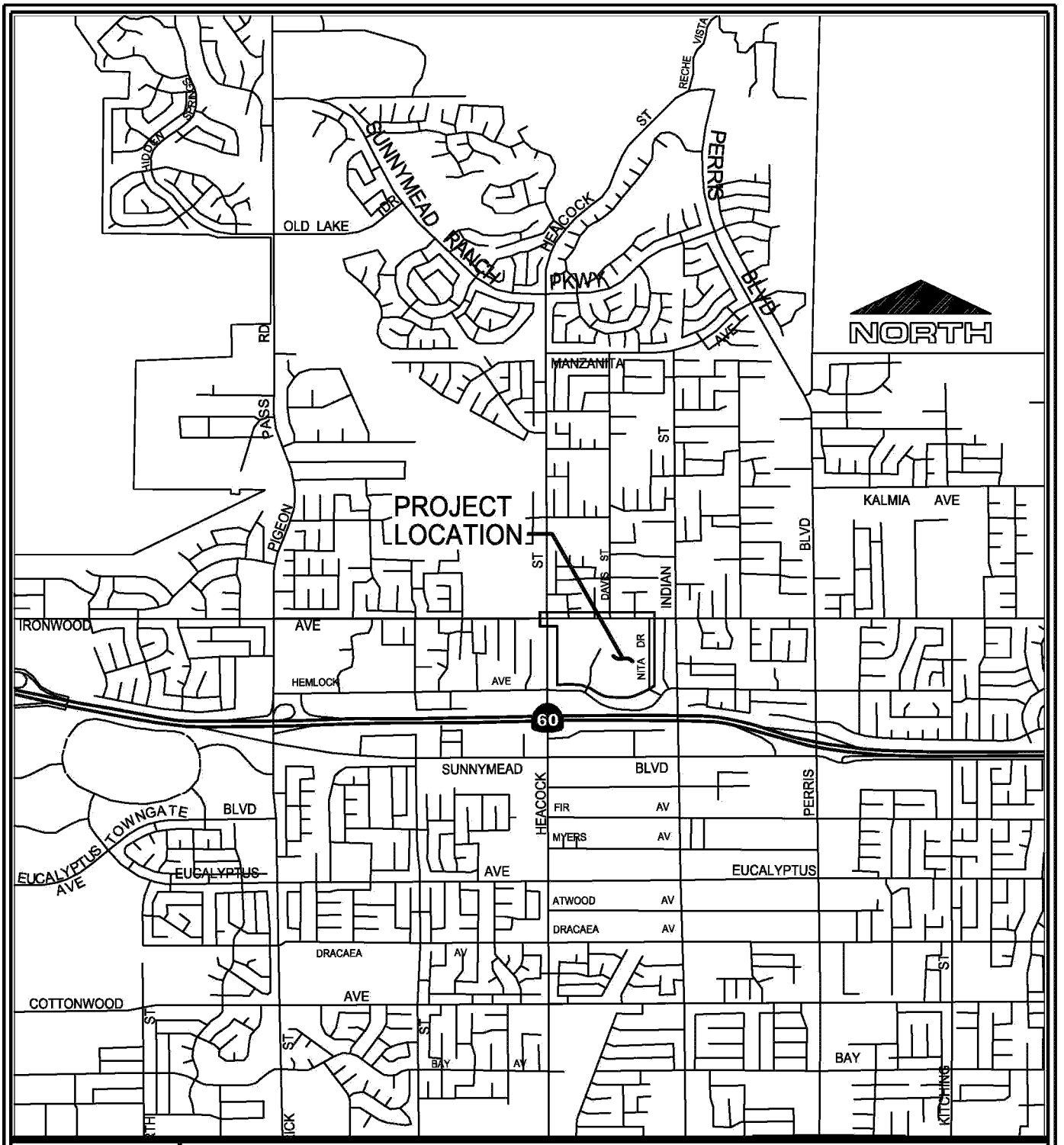

LOCATION MAP

Public WorksDepartment Capital Projects Division	INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVE FROM HEACOCK STREET TO NITA DRIVE (SOUTH SIDE) PROJECT NUMBER 09-89791726
Scale: None	
ATTACHMENT "A"	

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 20111

TITLE: APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue.

2. Authorize the City Manager to execute a contract with Transtech in the form attached hereto.

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties.

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

BACKGROUND

On April 26, 2011, the City Council approved an Economic Development Action Plan that re-sequenced Capital Improvement projects to fast-track the street improvements on Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

On May 24, 2011, City Council authorized the City Engineer / Public Works Director to execute the Program Supplement Agreement with the California Department of Transportation (Caltrans) for the Cactus Avenue Improvements project. This agreement established the policies and procedures for Caltrans reimbursement of $1 million funding for the State-Local Partnership Program (SLPP) grant program.

On June 14, 2011, City Council approved the FY 11/12 budget pending funding for Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

DISCUSSION

The project consists of street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). Because these street segments are considered very strategic to the City's Economic Development Plan, the City is taking a proactive approach in assisting with the completion of the plans, specifications, and estimate (PS&E). The City will coordinate the bidding and construction of the project once HFP provides the City with full biddable plans. In general, the proposed improvements are intended to include curb, gutter, street pavement reconstruction and widening, street lights, sidewalk, water, sewer, reclaimed water and master planned storm drain improvements, traffic signal work, a bridge along Nason Street over flood control channel Line F and construction of a portion of flood control channel Line F.

On May 25, 2011, staff solicited proposals from professional consultants. Approximately 200 consultants in the Public Works Department database were notified of the availability of the City's request for proposal. Eight (8) proposals were received in response to the City's Request for Proposals. The scope of work for the project includes project management, constructability review of PS&E, construction management, and construction inspection for the project. Subsequently, the project management tasks of the overall project is being proposed to be performed by the City's in-house consultant VAS Associates to ensure higher levels of project controls and improved efficiencies resulting in cost savings. A selection review committee comprised of City staff representatives from the Public Works Department reviewed and rated each prospective firm based on their proposals and presentations. After interviewing the three top-ranked firms, Transtech was selected as the most qualified firm to undertake the project.

The final scope of work focuses on constructability review of PS&E, construction management, and construction inspection. Transtech will provide highly skilled and experienced team of three professionals on a full time basis for the duration of construction phase of the project, ensuring quality construction and timely completion of the project. Prior to finalization of the project Plans, Specifications and Estimates (PS&E) and bidding of the project, Transtech will perform a detailed constructability review of the PS&E including on-site field check to ensure that conflicts that results in costly delays during construction are minimized. During construction, a Construction Manager will coordinate with all project stakeholders, ensure that the project is progressing in accordance with the contract documents leading to timely completion of the project within budget, minimize inconvenience to travelling public, and in his capacity as a Bridge Engineer, will inspect the technical aspects of the bridge construction. An experienced Public Works inspector will ensure that quality construction is carried out in accordance with the project plans and specifications; while an Office Engineer will assist the project team with other necessary tasks including satisfying the SLPP grant's requirements for this fast paced and multi-faceted construction project.

ALTERNATIVES

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, authorize the City Manager to execute a contract with Transtech in the form attached hereto, authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will allow for much needed improvements that are integral to the City's Economic Development Plan.*

2. Do not approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, do not authorize the City Manager to execute a contract with Transtech in the form attached hereto, do not authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and do not authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will delay much needed improvements that are integral to the City's Economic Development Plan.*

FISCAL IMPACT

The funding sources for this project are: RDA Tax Increment Fund 892 ($6M through an Agreement with Riverside County Flood Control and Water Conservation District), borrowed DIF Library and Corporate Yard Fund 412 ($6.5M), DIF Arterial Streets Fund 416 ($2.5M) - re-sequenced from Kitching Street Improvements project from Cactus Avenue to Gentian Avenue, General Fund 412 ($1.3M) - re-sequenced from Heacock Street and Cactus Avenue Channel Improvements, DIF Traffic Signals Fund 417 ($0.27M), Measure "A" Fund 125 ($3.1M) - re-sequenced from Reche Vista Drive Realignment project, and anticipated SLPP Grant monies Fund 125 ($1M). Total available funding is $20,672,000. Assumptions for this project include that the adjacent property owners will dedicate and be credited for an estimated $1M towards right of way.

BUDGETED FUNDS FOR DESIGN AND CONSTRUCTION:
Fiscal Year 2011/2012 Budget (Account No. 125.New) $20,672,000

ESTIMATED PROJECT COSTS:
Consultant Construction Management and Inspection Costs..... $999,000
City's Plan Check and Project Management Administration * $881,000
Construction Phase Technical Services (Survey, Geo, Design Support, etc.) .. $950,000
Construction and Utility Relocation Costs $17,842,000
Total Estimated Project Costs $20,672,000

* Public Works and in-house consultant staff will provide Plan Check and Project Administration.

ANTICIPATED PROJECT SCHEDULE:
Complete PS&E .....Fall 2011
Public Bid and Award of Construction .....Three Months Thereafter
Complete Construction.....Approximately Twelve Months

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

This project implements an initiative of the Economic Development Action Plan. The proposed improvements consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. Staff is requesting that City Council approve the Agreement with Transtech for Professional Construction Management and Inspection Consultant Services so that these improvements can move forward.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement for Professional Services

Prepared By:
Viren A. Shah, P.E.
City's Program Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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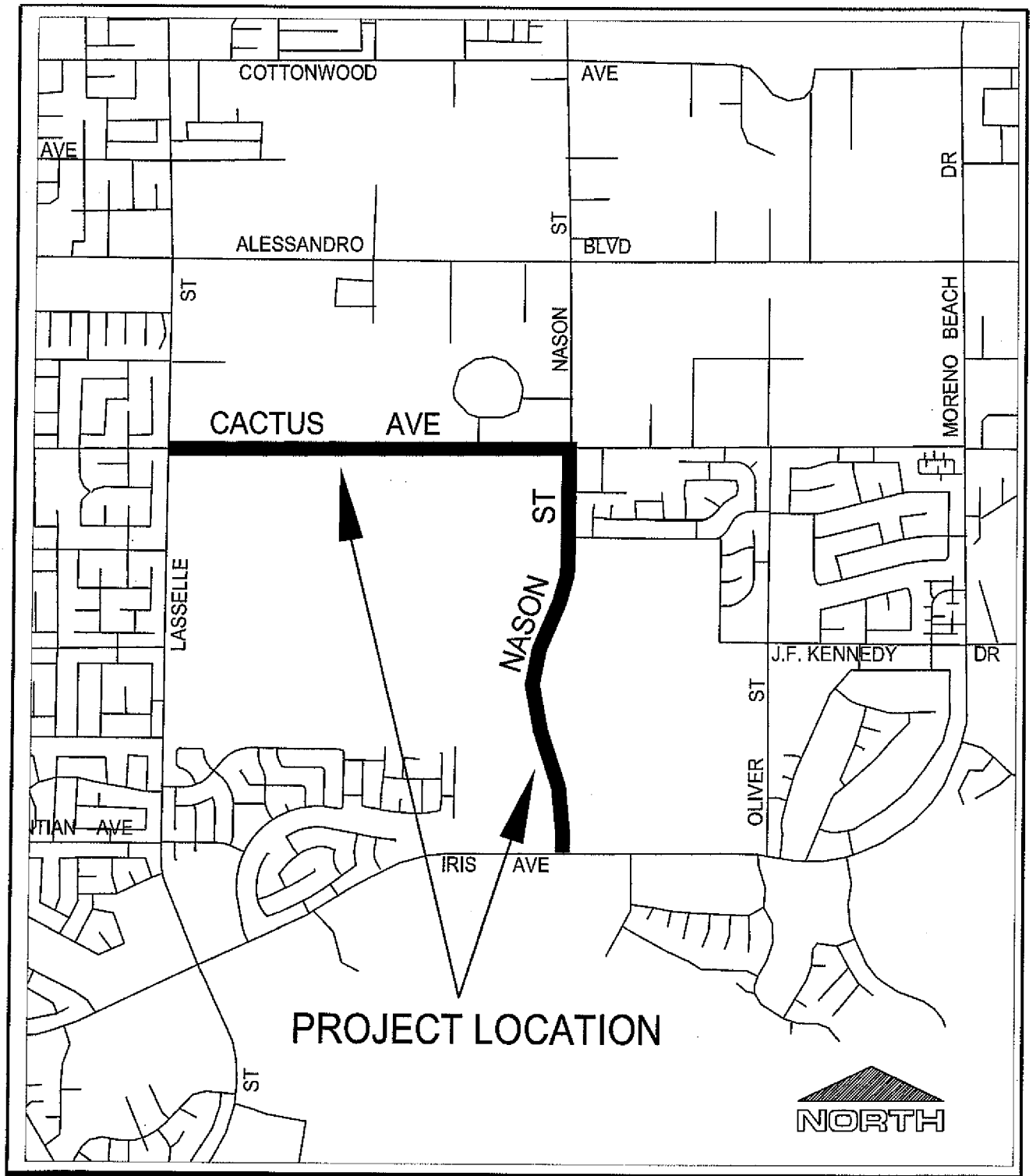

CITY OF MORENO VALLEY
DECEMBER 3, 1984

CAPITAL IMPROVEMENTS PROJECT

Public Works Department
Capital Projects Division

LOCATION MAP

STREET IMPROVEMENTS
CACTUS AVENUE AND NASON STREET

ATTACHMENT "A"

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Transtech Engineers, Inc., a California corporation, partnership, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

DESCRIPTION OF PROJECT

1. The Project is described as professional consultant Construction Management and Construction Inspection services for:

Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $995,595.00 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on **June 30, 2013** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10 (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation

to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with all applicable federal, state, and local laws in the performance of work under this Agreement.

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

(b) The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of

the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

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

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property

Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno

Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are legally employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, immediately upon request in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project. The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(d) The City agrees to hold the Consultant harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall

assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. Subject to the provisions of Section 19 (a) above, all plans, drawings, specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon demand by the City, be delivered to and become the property of the City for the limited use as set out above, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

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

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

Transtech Engineers, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
FOR PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES
FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE
FOR
THE CITY OF MORENO VALLEY'S CAPITAL PROJECTS DIVISION

I. INVITATION

You are hereby invited to submit a Proposal for: 1) Project Management Consultant (PMC) Services, Part 1; and 2) Construction Management Consultant (CMC) Services, Part 2, 3) Construction Inspection Consultant (CIC) Services, Part 3, associated with the above referenced project.

Five (5) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on compact disk (CD) of your Proposal shall be submitted before **5:00 p.m., June 8, 2011** addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Viren Shah, City's Program Manager.

II. GENERAL PROJECT DESCRIPTION

The project in general consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market. Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project. In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping" (see attachments for more details). As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

III. PROJECT BUDGET AND SCHEDULE

The funding for both projects have been tagged at slightly below $20 Million including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this

EXHIBIT "A"

Consultant contract.

The Tentative Schedule is as follows:
Anticipated Award of this Consultant Contract: Early July 2011
Biddable PS&E Complete: Early Fall 2011 or sooner
Public Bid and Award of Construction Contract(s): 3 months thereafter
Construction: Approximately 12 months

IV. SCOPE OF SERVICES

The Consultant shall perform all project management services necessary for a professionally completed project including but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end. The scope of work outlined below must be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

DETAILED PROJECT DESCRIPTION:

The following scope of work is not a complete listing; it is intended to aid the consultant to identify a complete and comprehensive scope of work.

PART 1: PROJECT MANAGEMENT CONSULTANT (PMC) SERVICES

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.
2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.
3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
4. Schedule, facilitate, and attend public meetings as necessary.
5. Provide progress reports at a minimum on a monthly basis.
6. Compose all correspondences to keep the project on schedule.
7. Attend and present the project to City Council as required.
8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).
11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.
12. Prepare agreements and assist with issuance of Purchase Orders.
13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.
14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.
15. Prepare project update write-ups for distribution to media and public.
16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.
17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.
18. Issue all necessary Notices to Proceed (NTP).
19. Assist with review and process of all invoices (City staff will approve).
20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.
21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:

    a. Various City Council Staff Reports.

    b. Utility correspondence letters and e-mails.

    c. Federal, State and local correspondence.

    d. Federal, State and local documentation required for the project.

    e. Right-of-way related documents and correspondence.

    f. Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding

purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a) Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b) Prepare bid packages for distribution as necessary.

    c) Maintain plan holder's list

    d) Schedule and conduct pre-bid meetings and site visits, if held.

    e) Provide responses to bidders' questions.

    f) Prepare and issue addenda if required.

    g) Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h) Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i) Check references and licenses of bidders.

    j) Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k) Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l) Prepare, coordinate, and process Notice of Award, Agreements, and

Purchase Order.

m) Review insurance, bonding, and other required documents.

n) Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

PART 2: CONSTRUCTION MANAGEMENT CONSULTANT (CMC) SERVICES

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project.

The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

**FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES**

General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.
2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
3. Schedule, facilitate, and attend public meetings as necessary.
4. Attend and present the project to City Council as required.
5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.
6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.
8. Prepare agreements and assist in processing Purchase Orders.
9. Issue all necessary Notices to Proceed (NTP).
10. Review and process all invoices (City staff will approve).
11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.
12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.
14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other

construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.
   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.
   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.
   d. Submit recommendations to the City relative to change order requests.
   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.
   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.
    b. Permits.
    c. SWPPP and WQMP
    d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.
    e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)
    f. Progress payments, inventories, and applicable codes.
    g. Contractor's reports, correspondence, certified payrolls, and accident reports.
    h. Survey and layout data and certifications, photographs of as-built

locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

PART 3: CONSTRUCTION INSPECTION CONSULTANT (CIC) SERVICES

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements,

such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the

field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

V. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall be no more than 50 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

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

A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).

B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.

C. **Qualifications and Experience:** Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed PMC, CMC & CIC's qualifications, track record and relevant experience. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule. The plan should show flexibility and consideration in resource loading due to the inherent variability in the schedule and performance of third parties. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the

number of hours that these individuals (including administrative support services) will be working on each task listed, included in adjacent columns.

E. **Work Plan and Schedule:** Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project taking into consideration how extra work is anticipated and incorporated into the contract from the onset. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal**.

F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent reviews and 95% plan biddability/constructability/claims avoidance reviews.

G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. **The City's standard Agreement will be executed without any proposed changes.**

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.

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

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

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

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

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

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

VII. FEDERAL EMPLOYEE BENEFIT

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

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

VIII. PAYMENT TO CONSULTANT

A. This work is to be performed for a "Not-to-Exceed Fee."

B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by Part, phase, and milestone.

C. Tasks shall include, but not be limited to, all Professional Consultant Services (including administrative support services) necessary to complete the work covered by this Proposal.

D. The City will pay the Consultant for work completed based on milestones completed and accepted by the City. These Milestones are:

1. Work associated with Project Constructability Review only is completed.
2. PS&E completed and advertised.
3. Project Bidding and City Council award of contract.

4. PMC Services on a monthly basis once construction starts.
5. CMC Services on a monthly basis.
6. CIC Services on a monthly basis.
7. Any other additional authorized work on a task successfully completed and accepted basis.

The City shall make sole and final determination if a milestone as described above is complete and acceptable for payment. Unless otherwise specifically mentioned, there will be no monthly payments until the milestone is reached at which point all applicable charges will be reviewed for applicability prior to payment. Consultant billing/invoices will commensurate with the pace of the construction work activities. The final 10% of the Consultant contract amount will be held back until all phases of the project is successfully closeout. The Consultant will not receive additional compensation for non-compliance or punch list items that were not identified in a timely manner in order to be addressed by the construction contractor(s).

E. All invoices will specifically identify job title, person-hours, and costs incurred by each task. Lump sump payments will not be accepted as all charges must be documented and justified.

F. Reimbursement costs such as mileage, computer usage, vehicle rates, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee." However, all overhead and reimbursement costs must be included in the personnel hourly rate for all services rendered upon commencement of the construction phase.

G. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.

H. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

I. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

J. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

IX. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

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

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

H. It is the consultant's responsibility to ensure that all subconsultants comply with the following: Each subconsultant that encroaches within the City's right-of-way **and** affects (i.e., damages or impacts) City infrastructure must comply with the liability insurance requirements of the City's Land Development Division. Examples of such subconsultant work include soil sample borings, utility potholing, etc.

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

that the Consultant's insurance documentation is submitted.

X. INDEMNIFICATION

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

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

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

XI. TERMINATION FOR CONVENIENCE OF THE CITY

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

XII. INDEPENDENT CONTRACTOR

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

XIII. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, City's Request for Proposal, Consultant's Proposal, and Exhibits. **No changes to the City's standard Agreement will be entertained since there will be no time for negotiations between attorneys to establish a revised acceptable agreement.** All Consultants are required to have a City of Moreno Valley Business License in order to conduct business in the City.

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

XIV. GENERAL CONDITIONS

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

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

B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XV. SELECTION CRITERIA

FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES

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

1. The Firm's General Experience and Qualification Information (20 points) – Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.

2. Experience of Key Personnel (40 points) – Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with General Law City agencies, and proven track record and depth of understanding/ knowledge of the proposed PMC, CMC & CIC.

3. Project Approach/Understanding (40 points) – Understanding of project, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

4. Expedited Schedule and Cost Controls (20 point bonus) – Elaborate based on experience with similar projects as to how the two projects can be completed based on an expedited schedule (please identify the shortened delivery timeline). Elaborate how the Consultant team can confidently deliver the project on time and within budget with specific focus that the Consultant can deliver this project within their executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Due to the accelerated nature in retaining a Consultant for this project sometime in early to mid July 2011, interviews may not be conducted in selecting the preferred firm. However, if an interview is deemed needed to make the final selection, the Consultant must be prepared to gather the proposed team likely within 24 hours of notification. Only the key individuals assigned to have a significant role in the project will be allowed to make the presentation at the interview

Exhibits incorporated by reference:

1. City Standard Consultant Agreement (no changes to this agreement will be allowed)
2. Nason-Cactus CIP Exhibits dated April 10, 2011 - Compilation of Plans based on current status of completion
3. Improvement Plans Status Summary dated May 4, 2011
4. Addendum to Moreno Valley Field Station EIR and Supplemental EIR

Submitted to:

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah
City's Program Manager

TECHNICAL PROPOSAL

PROFESSIONAL PROJECT MANAGEMENT CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS

1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Submitted by:

TRANSTECH/MAPCO
Contact Person for this proposal:
David Mlynarski, Project Principal
E-mail: david.mlynarski@transtech.org
T: 909-384-7464; F: 909-384-7475
413 MacKay Drive, San Bernardino, CA 92408

EXHIBIT "B"

Due Date: June 8, 2011, 5 p.m.
Submittal Requirement: 5 copies. 1 copy shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on CD. (As required, Fee Proposal is submitted in a separate envelope)

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Thank you for the opportunity to present our qualifications to the City and for the subsequent meetings and discussions to develop a cost efficient approach for the subject project.

It is very obvious that the city desires to establish professional relationships with consultants and carry out projects in an efficient and practical fashion. We also see the value to the overall community and business environment that will result with the inducement of these public improvements.

We understand this project will require an efficient coordination with various public and private parties, including City of Moreno Valley, developer, design engineers (RBF, Psomas, Butsko, Arcon), Riverside County Flood Control District, EMWD and Utility Companies. Furthermore, it is also important to coordinate with the Riverside County Hospital (Trauma Center) and the County EMS to maintain emergency vehicle access to the hospital along Cactus Avenue during construction.

Our goal is to provide our services in an efficient manner and minimize inconveniences and deliver the project to the City and public in a cost effective manner.

Our original fee submitted with the proposal was $1,114,000. Based on the meetings with and clarifications provided by the City, we made necessary adjustment in our scope, and our fee was reduced to $914,600. We then provided an additional 5% reduction in our fees as a good will, which resulted in a final adjusted fee of $868,870.

Also, we made appropriate adjustments in the staffing allocation as follows:

- We will assign Kurt Pegg as the Project CM, RE and Bridge Structural Rep, and Mike Schnepf as the Project Inspector. We understand the City desires a commitment that these staff members will be assigned to this project. As we indicated in our proposal, and subsequent communications, our firm is fully committed to assign these staff members to this project. Also, you had indicated that in the event any of these staff members leave our employment for reasons beyond our control, the City would have the right to approve any replacement, and if the City is not satisfied with the proposed replacement, the City would have the right to terminate the contract.
- The level of effort is based on 12 month duration for construction and project closure after start of Construction and under a single construction contract (prime contractor) for both Cactus and Nason Street Projects.
- We allocated additional support that may be need during construction to support Kurt Pegg and Mike Schnepf.
- We deleted general project management services, as this task will be performed by City CIP staff as you indicated.
- The City will hire construction surveying, materials testing and specialty inspection firms under separate contracts.
- The City will have separate contracts with the design firms for the preparation of final PS&E Bid Package, as well as engineering support during construction.

The attached Resource Allocation Table provides detailed breakdown by task and staff as you requested.

Our staff and project team are very excited about the potential of delivering our best effort in support of this project.

Thank you again for your thoughtful consideration.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
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Ali Cayir, PE, Principal
ali.cayir@transtech.org
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www.transtech.org

F:\WPROCESS\PROPOSALS\2011\P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ DUE 060811 5 PM\PROPOSAL\UPDATED FEE, 6-23-11\RESOURCE ALLOCATION BY TASK, STAFF, HRS, P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ.DOC

RESOURCE ALLOCATION

Task	Staff	Rate	Hrs	Fee
Constructability and PS&E Review, including field walk by Project RE, Inspector, and coordination with design team	*Sr Level Staff*	$145	160	$23,200
	Inspector Level Staff	$95	160	$15,200
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	70	$4,550
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	70	$10,150
	Subtotal		460	$53,100
Allocation to address unknown issues prior to finalization of PS&E	*Sr Level Staff*	$145	140	$20,300
	Inspector Level Staff	$95	60	$5,700
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	60	$3,900
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	60	$8,700
	Subtotal		320	$38,600
Bidding Phase Services to support City Proj Manager, PS&E Engineers for review of questions, field check, etc.	*Sr. Level Staff*	$145	40	$5,800
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	10	$650
	Principal In Charge Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	10	$1,450
	Subtotal		60	$7,900
Construction Phase (12 month duration assumed)	*Project CM, RE, and Bridge Structural Rep:* Kurt Pegg, PE	$145	2,200	$319,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project CM, RE, and Bridge Structural Rep	$145	200	$29,000
	Project Public Works Inspector: Mike Schnepf	$95	2,200	$209,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project Public Works Inspector	$95	200	$19,000
	Office Eng, Insp Support, State Funding Compliance Staff: Selim Bouhamidi	$65	2,200	$143,000
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	400	$58,000
	Subtotal		7,400	$777,000
Budget for Additional Inspections	*Budget for Additional Inspections during heavy work periods*	$95	400	$38,000
	Subtotal		400	$38,000
TOTALS			8,640	$914,600
Additional Reduction In Fee as a good will			5%	$45,730
TOTAL REDUCED FEE				$868,870

Original Fee submitted with the Proposal	$1,114,000
Final Submitted Fee after Meeting with City staff to fine tune scope, including adjustment in Project Management effort as the City will assign an in-house PM and plus an additional 5% reduction in the fee	$868,870
Total reduction in dollars between Originally submitted Fee and Final adjusted Fee	$245,130
Total reduction in % between Originally submitted Fee and Final adjusted Fee	22.00%

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TRANSTECH/MAPCO
PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

This letter serves as a follow up to our conversation regarding company legal name.

As indicated, our operating brand name in Inland Empire is Transtech/Mapco. The legal name of the corporation from which the Insurance will be provided is Transtech Engineers, Inc.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
ali.cayir@transtech.org
C: 714-883-8677; T: 909 595-8599, Ext. 121
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TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 8, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TECHNICAL PROPOSAL
PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Transtech/Mapco is pleased to submit this proposal for the subject project.

We are a multi-disciplinary engineering consulting firm which provides professional and technical services in engineering, planning and construction to governmental agencies, educational institutions and private sector. We serve as turn-key program manager/contractor on large and complex engineering projects by providing full service capability. We have managed and successfully delivered a number of similar assignments.

Our key project team members have extensive experience working for Public Agencies in capacities, such as Contract Building Official, Plans Examiner, Inspector, City Engineer, Planner, Construction Manager and Inspector. As contract City Engineer and Building Official for a number of Agencies, we manage all aspects project as Agency representatives, and provide turn-key services.

Our staff members are licensed as professional engineers, surveyors, plan checkers, building officials and inspectors. We are also licensed as General Contractor A (General Engineering) and B (General Building), and have the ability to function like a General Contractor and coordinate all aspects of construction of similar projects.

Our Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of the projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance, DBE/WBE.

Also, one of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

We also provide our expertise in the construction field to law firms for construction claims. Some of our key staff members served as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State.

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

We understand the importance of providing services that can respond to the project needs based on work load and demand by adjusting level of staffing as necessary, and provide the services in an efficient and cost effective manner without sacrificing the quality and responsiveness.

We have extensive experience in managing similar complex and multi faceted/phased projects. We will develop an expedited schedule to deliver these projects in an efficient and expeditious manner, and within the executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Our team has extensive experience in all aspects of similar projects, from design concept, design and regulatory agency approvals through construction. We have gained a solid reputation in the industry for delivering cost-efficient projects that are on schedule, within budget, and to the full satisfaction of the client. We have assembled an outstanding group of individuals we believe will provide the Agency with the precise services requested; combining strong technical skills, excellent communication, sensitivity to community values and efficient use of resources.

We have staff and resources readily available for the project.

Thank you for the opportunity to submit this proposal. If you have any questions or need additional information, please contact the undersigned.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org; T: 909 384 7464, Ext. 106 F: 909 384 7475; www.transtech.org

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SECTION A:	**Project Understanding**	**A.1 – A.1**
SECTION B:	**Approach and Management Plan**	**B.1 – B.2**
SECTION C:	**Qualifications and Experience**	**C.1 – C.5**
SECTION D:	**Staffing Plan**	**D.1 – D.1**
SECTION E:	**Work Plan and Schedule**	**E.1 – E.17**
SECTION F:	**Quality Control and Assurance**	**F.1 – F.1**
SECTION G:	**Additional Relevant Information**	**G.1 – G.1**
APPENDIX		**Appendix 1 – Appendix 19**

City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, states that resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the Appendix Section of the proposal. Based on this requirement, the following applicable information is included in the Appendix:

Resumes	**Appendix 1 – Appendix 14**
Billing Rates	**Appendix 15 – Appendix 15**
Resource Matrix	**Appendix 16 – Appendix 16**
Other Required Forms (Required Statements per the RFP)	**Appendix 17 – Appendix 19**

SECTION A: Project Understanding

The project in general consists of the ultimate width street improvements along:

1. Cactus Avenue between Lasselle Street and Nason Street, and
2. Nason Street between Cactus Avenue and Iris Avenue

The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market.

Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project.

In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping". As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

The funding for both projects have been estimated at slightly below $20 Million, including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this Consultant contract.

The Tentative Schedule is as follows:

- Anticipated Award of this Consultant Contract: Early July 2011
- Biddable PS&E Complete: Early Fall 2011 or sooner
- Public Bid and Award of Construction Contract(s): 3 months thereafter
- Construction: Approximately 12 months

The general scope of work to be provided by the selected Consultant includes all project management services necessary for a professionally completed project, including, but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end.

The scope of work will be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

SECTION B: Approach and Management Plan

B.1. APPROACH AND MANAGEMENT PLAN

Our goal is to deliver the project to the City in an efficient and cost effective manner.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects.

Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance program to prevent design errors and construction change orders.

Schedule control and management is a critical element. Our project manager conducts weekly in-house meetings with staff to review work progress, discuss any potential issues, and adjust staff resources as necessary to keep the project on schedule.

One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies. Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

In summary, our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and within budget. Our staff members have a strong educational background and are licensed and certified as engineers and inspectors.

B.2. PROJECT ORGANIZATION CHART

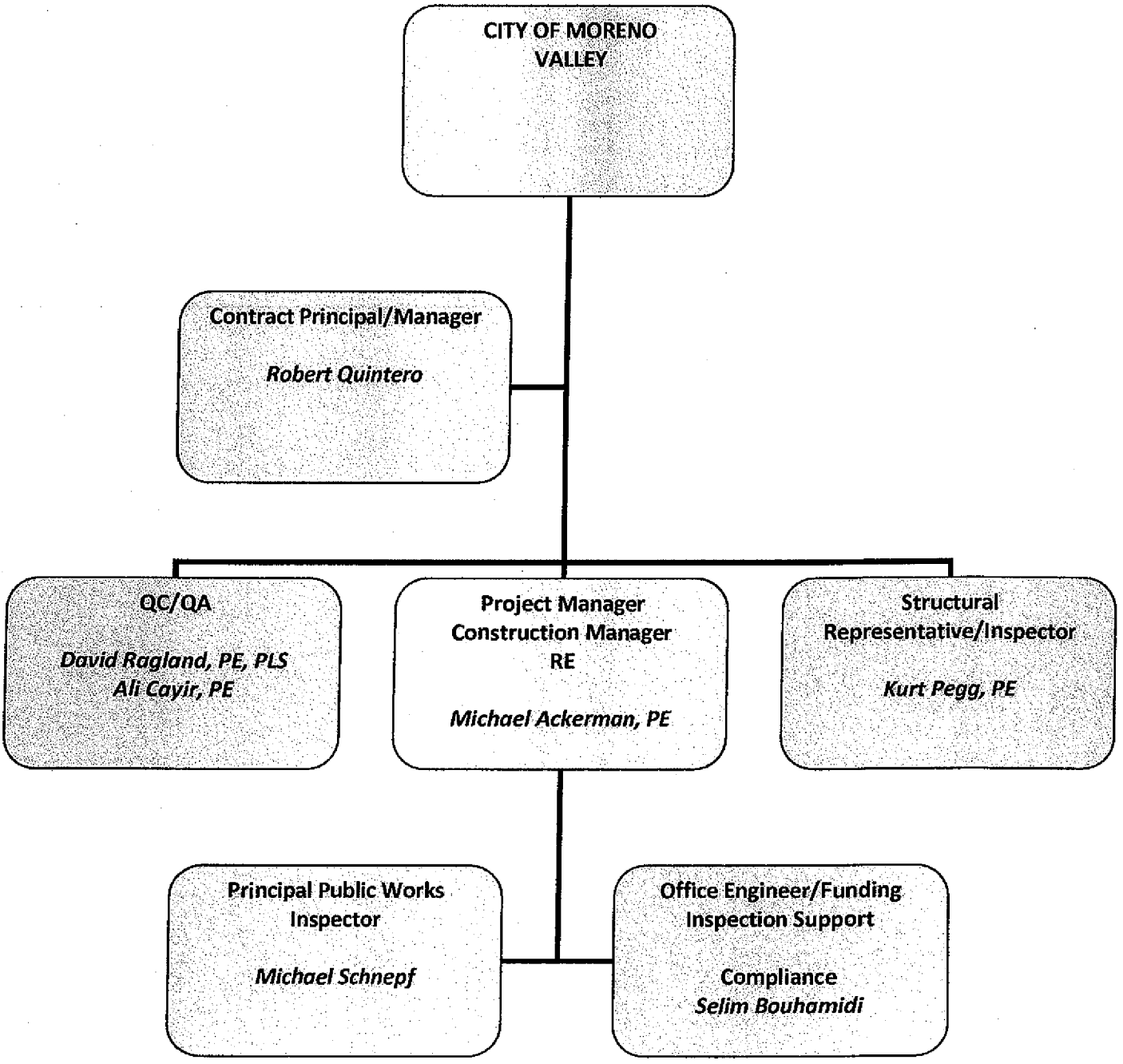

SECTION C: Qualifications and Experience

C.1. SIMILAR SERVICE EXPERIENCE

Following is a partial listing of similar projects where our firm provided similar services requested for this project:

- **Via Duct Boulevard Alignment and Reconstruction, Metrolink San Bernardino Parking Facility Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost: $10m
- **Valley Boulevard Widening Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost $5m.
- **State Route 710 Interim Improvements and Fremont Ave. Widening/Realignment:** Prepared PS&E as well as provided construction management and inspection services for 3 federally funded projects in Alhambra. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. The project involved coordination with Caltrans and encroachment permit processing/approval, as portions of the project was in Caltrans jurisdiction. These projects were all federally funded, requiring processing for E-76 through Caltrans Local Assistance. The total cost for 3 projects was $20m.
- **Mission Boulevard Widening:** Prepared PS&E as well as provided construction management and inspection services for Mission Boulevard widening and reconstruction. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. Transtech also provided construction management and inspection services for the project. The project involved coordination with Caltrans, and was federally funded and required processing for E-76 through Caltrans Local Assistance. Cost $3m.
- **City of Torrance Crenshaw and Skypark Reconstruction Projects:** Prepared PS&E as well as provided construction management and inspection services for Federally Funded reconstruction/rehabilitation of Crenshaw Boulevard and Skypark Avenue (2 separate projects). Cost: $3m.
- **Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino:** For the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution.
- **CSUSB (Cal State SB University) San Bernardino Campus Access Road:** Prepared PS&E as well as provided construction administration for the project. Improvements included approximately 1 mile street, water, landscape, grading, drainage, street lighting and various other improvements. Cost $6M.
- **Mission Bl and Rte 71 Grade Separation Project (currently under construction):** Serving as the Construction Manager for this regional project. The Mission Boulevard/State Route 71 Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40,000,000.
- **Alhambra Civic Library Project:** The project involved construction of a 45,000 SF 2 story library with 2 levels of underground parking garage. The project also included off-site improvements, such as streets, curb, gutter, utilities, fiber optic communication. Transtech provided construction management services. Project Cost $30m.
- **Riverside County Transportation Commission, Corona Main Street Metrolink Parking Structure and Pedestrian Bridge:** Served as Construction Manager. The project involved construction of a 6 level, approximately 1,000 space parking structure, and a pedestrian bridge over rail road tracks, and various offsite improvements, such as pavement, curb, gutter, drainage, sewer, electrical.

Project cost $24,000,000.

- **Alhambra Renaissance Plaza Parking Structure and Entertainment Center:** Served as Turn-key Program Manager from initial design thru construction of the Project. The project involved construction of a 5 level, approximately 600 space parking structure, as well as a 10 plex movie theater, and 3 restaurants and retail stores. Total project value was $40m.

Experience in Federally Funded Projects and with Caltrans Local Assistance Procedures Manual:
A majority of the projects were federally funded. Transtech administered all projects through Caltrans' Local Assistance in compliance with the Local Assistance Procedures Manual (LAPM). Authorization to Proceed (E76) was successfully obtained for each project as well. Our scope in these projects involved public relations, including providing information flyer, setting up a web-site for public access to provide up to date information, community meetings, and responding to questions and complaints and making sure impacts to public is minimized. Communication and coordination with public is an important element on this project as well.

Experience in Working with Caltrans/Encroachment Permit Department:
Several of these projects also involved close coordination with Caltrans and encroachment permit processing/approval, as portions of some of the projects were in Caltrans jurisdiction.

C.2. PROJECT STAFF

The following table provides summary information for project staff:

Key Person	Project Role	Yrs of Exp	Yrs w Firm
Robert Quintero	Contract Principal/Manager	20	5
Michael Ackerman, PE	Project Manager, Construction Manager, RE	15	4
Kurt Pegg, PE	Structural Representative/Inspector	20	2
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	30	12
Michael Schnepf	Principal Public Works Inspector	30	9
Selim Bouhamidi	Office Engineer/Funding Compliance and Inspection Support	5	3

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, Billing Rates, Resource Matrix, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

C.3. REFERENCES

City of Rialto
Ahmad Ansari, Director of Public Works/City Engineer
909-772-1518

City of Alhambra
James Funk, Development Services Director
626-570-5041

City of Pomona
Daryl R. Grigsby, Director of Public Works
909-620-2261

CSUSB, Cal State University
Hamid Azhand, Director of Capital Planning and Design
909-537-5000

C.4. COMPANY QUALIFICATIONS

Established in 1989, the firm provides consulting engineering services to several municipalities throughout Southern California. The municipal services provided by our firm include Building and Safety, Plan Check, Inspection, Code Enforcement, City Engineering, City Traffic Engineering, CIP Design, Project and Construction Management, Program Management, Utility Company Coordination and Management, CDBG, HUD and Federally/State Funded Project Management, Services.

- *Service Capabilities:*

Municipal Consulting Services	City Engineer; City Traffic Engineer; Capital Improvement Projects; Development Review; Plan Check/Counter Services
Building and Safety	Inspection; Plan Check; City Building Official; Code Enforcement
Program and Construction Management	Contract Administration; Construction Inspection; Labor Compliance; Design-built Engineering and Construction
Civil Engineering	Freeways and Interchanges, Local Streets and Roads Design; Sewerage, Water and Storm Drain Design; Pavement Management System; Grading Studies, Design and Earthwork Analysis
Traffic and Transportation Planning and Engineering	Traffic Signal and Control Systems; Parking Facilities Study and Design; Street Lighting; Speed Zone Surveys; Traffic Control; Intelligent Vehicle Highway Systems; Signing and Striping; Traffic Management Plans; Bicycle and Pedestrian Facilities; Neighborhood Traffic Control

Water Resources Engineering	Hydrologic Studies, Hydraulic Design Best Management Practices Storm Water Pollution Prevention (SWPPP) Low Impact Development Design Sediment, Erosion Control & Detention Facilities Urban Water Quality Retrofit Hydrologic Rainfall/ Runoff Watershed Simulations Hydro modification Studies, Water Quality Management Plans (WQMP) Storm Drainage Infrastructure Design Floodplain Analysis, Mapping Preparation of FEMA Requests for Letters of Map Revisions
Surveying and Mapping	ALTA, Topographic, Boundary Surveys; Construction Surveying/Staking; Aerial Mapping; GIS; Right-of-way Engineering
Planning	Master Plan Circulation Studies; Transportation Planning and Modeling; Capacity Evaluations; Impact Assessments; Site Planning; Specific Plans
Land Development	Subdivision/Master-Planned Communities; Commercial and Industrial Development
Governmental Permit Processing	Support services to coordinate and process permits through governmental agencies .

- *Experience in Working with Local Cities:* Our key staff members have served public agencies in various capacities including City Engineer, City Traffic Engineer, Building Official, Project Manager, Planner, and Inspector. We are accustomed to working with governmental agencies in every facet of planning, building, and public works, and our staff has an unparalleled understanding of public agency issues, procedures, and policies.

- *Turn-Key Service Capability:* The Firm serves as turn-key program and construction manager on large and complex engineering projects by providing a full service capability of comprehensive services to its clients from initial planning and design, systems engineering and technical assistance, permitting, program and construction management, and operations and maintenance services. The Firm has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects, including Public Works and Infrastructure Improvements; Institutional Buildings; Commercial and Retail Buildings; Transportation and Parking Facilities; Sports and Recreational Facilities; Residential Development.

- *Experience in Federal and State Funding Programs and Requirements:* The Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of these projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance. The Firm's Grant Writing and Funds Management services enable our municipal and agency clients of any size to find potential funding sources, and to prepare competitive applications. Additionally, after funds are awarded to a client, The Firm can ensure compliance with state and federal funding requirements. In the past few years, The Firm has facilitated over $100 million in funds for our clients' public works projects and transportation improvements.

- *Experience in Construction Claims:* The Firm staff also provides their expertise in the construction

field to law firms and universities. Some of our key staff members serve as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State San Bernardino University, International studies.

- *Quality Control/Quality Assurance (QC/QA):* The Firm has a proven track record in providing high quality engineering services which result in minimal problems during implementation of projects. Our extensive experience coupled with our in-house QA/QC program prevents design errors and change orders. Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and budget

- *Federally Audit and Approved Accounting System:* Our firm is involved in major projects with various governmental agencies, including Federal Government. Our accounting system is audited and approved by federal Government and found in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statues, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR).

SECTION D: Staffing Plan

Due to the inherent variability in the schedule and performance of third parties, our staffing approach is flexible. While we have assigned and are prepared full staffing as necessary to the project, our staff will work as necessary and flexible manner. We will adjust staffing levels as the project progresses and as needed, but, we will be responsive and add additional staffing when there is a need to ensure the project is managed in the most cost effective and efficient manner.

Our team members have the capacity to perform the requested services according to the proposed schedule, and complete the services required for this project within budget and schedule.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with City Staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City Staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

BILLING RATES AND RESOURCE MATRIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, Resumes, **Billing Rates**, **Resource Matrix**, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

SECTION E: Work Plan and Schedule

E.1. PROJECT MANAGEMENT AND DELIVERY APPROACH

Our approach is to be responsible and accountable for all aspects of the project in order to deliver the project on-time and on-budget. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before the result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

We have a structured approach to execute projects in an efficient manner that makes Transtech capable of providing the client with the highest quality product. Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects. The following paragraphs describe our approach to deliver projects in an efficient and cost effective manner:

- **Project Management:** Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become major problems. This requires extensive hands-on knowledge, and management skills of the people involved in the project's management and inspection. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on-time and on-budget. Our staff members have educational background and are licensed and certified as engineers and inspectors. They have been represented both public agencies and private developers/contractor on similar projects. They are seasoned industry veterans, and will manage this project in the most efficient manner. Key project team members will attend regularly-scheduled project status meetings with the City and other involved agencies throughout the project's duration. We will keep a detailed record of communication that will include directions given by City staff and actions taken by our team. These systems are structured such that recall of critical information is readily available. We will provide project status reports which updates, at a minimum, the status on the project's scope, schedule, budget, and pending issues requiring attention.

- **Quality Control and Assurance Program:** Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance Program to prevent design errors and construction change orders.

- **Design Review:** Our multi-disciplinary team of design professionals with extensive professional experience in similar projects. Our preferred approach is to engage in review documentation, response/reconciliation meeting cycle for each design phase. Each cycle's receipt of design documentation is the basis of design, plans, specifications and calculations. The documents are reviewed by each discipline along with the construction manager to validate design team approach to the project program requirements and identify code element, buildability items for consideration, adjustment and/or incorporated by the Design Team. Review comments are documented with our

web based review program and made available to the entire team through the web browser access and electronic files. After a short review period for the Design Team, a coordination/information meeting is held to discuss comments and ensure that the Design Team and other parties fully understand the intent and essence of the comments. Our teams early "catches" of these and similar design compliance issues have presented significant late phase document modification on numerous projects we have reviewed.

- **Constructability Reviews:** Our constructability reviews follow a similar process to design support review with a different focus. We prefer to do both reviews concurrently for efficiency, with early phase focus on design support issues moving to predominantly constructability, buildability and coordination in later phases. Our comprehensive database offers management tools that will allow all team members to review drawings simultaneously and track design progress and comment resolution.

- **Value Engineering:** We approach value engineering as a continuous and evolving function throughout the entire preliminary and design phases. Value engineering is treated as an integral part of developing design criteria and ultimate incorporation into the project plans, specifications and estimates. Integrating value engineering throughout the project significantly reduces the chance of a major design alternative being identified by a "value engineering team" after the project is designed, which would cause a tremendous redesign effort and considerable time delays.

- **Cost Estimating:** We use a variety of methods to generate accurate cost estimates. These include "Check Bids" developed from both internal and external private sources. Our estimators all have construction field backgrounds and pull in that additional perspective to cost estimating from project concept/feasibility through change orders to address your specific needs. A methodology of communication, technical resources, and analytical thinking shaped by experience is used to reflect projects in terms of costs. Our estimating database, based on our experience at construction, is continually reviewed and updated for current labor rates, equipment rates, and material pricing. We also utilize the construction schedule to determine cost escalation over the course of construction. Typically escalation is included to the mid-point of the construction schedule. We will work closely with our procurement team in order to track the trends in volatile materials such as steel and concrete. We also monitor local construction labor markets and unions to forecast trends in labor rates. These costs are tracked throughout the estimating process to insure there are no last minute surprises.

- **Third Party Coordination Public and Regulatory Agencies:** One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies . Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

- **Methodology for communication to inform City on work progress:** Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

- **Approach to Cost Control and Change Orders**
  Two feasible methods exist for practical control of publicly funded construction costs. One is *proactive* and the other is *reactive*.
  - *Proactive* cost control is achieved by putting sufficient effort into the plan and specification preparation to minimize potential change orders.
  - *Reactive* cost control occurs during the review of change order requests submitted by the contractor. A variety of techniques are employed when reviewing submitted change order requests.

  We evaluate monthly costs/expenditures based on an actual field review and documentation. The documentation is used as both criteria for evaluating the accuracy of costs/expenditures, and as input for review of the cost-loaded monthly progress schedule. An accurate schedule of values and baseline schedule are fundamental to this analysis. Base contract work, as well as changes to the work, is also progressed and quantified. Any differences between the original estimates and actual costs/expenditures are identified. We evaluate project costs and develop feasible mitigation measures to minimize additional costs. We work as a team to solve problems or make modifications in the field to address unforeseen conditions or owner generated changes in a cost effective manner.

- **Approach to Scheduling and Timely Completion of Project and Schedule Recovery**
  Understanding how the component pieces of a Project and the necessary sequencing are critical to the successful completion of the Project. We use various project management software depending on the nature of the Project to ensure proper schedule development, document control, including RFI's, submittals and plan review. The regular maintenance and updating of the schedule quickly identifies areas that can be accelerated, and those items that may need additional attention and oversight. We ensure that the contractor's construction baseline schedule has properly identified the project scope, critical path, project milestones, target dates, phases, and sequences of work, activity durations, activity float and relationships between activities. Interrelationships with various projects phases, and interfaces with Owner activities are verified to ensure proper coordination with the existing operations. We ensure that the baseline schedule considers access coordination; staging and lay-down areas and seamless transition and interfaces between the new and existing facilities, and any operation to be maintained on-site. When significant activities show that they are slipping from the baseline, we work with the contractor to develop "recovery plans" and verify that the plans are achievable and are implemented to have the desired effect. We incorporate progress information recorded on the Inspector's Reports to verify actual progress in the monthly schedule. These reports clearly identify and document if any delays occurred and what caused the delays. This approach enables all involved parties to anticipate potential delays early in order to proactively manage the schedule.

- **Methodology for Generating Bidder Interest**
  The bids are advertised in various trade publications, such as McGraw-Hill Construction Dodge-Green Sheets, Contractors Info Network, Bid America, Reed Construction Data. We also contact qualified contractors and inform them of the upcoming project. By the time the construction documents area ready for bid advertisement we have a data base of contractors who have known about this project in advance. This increases bidder interest and participation significantly.

- **Promote participation in the bidding by local subcontractors and vendors**

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

- **Contractor prequalifying**
  If desired by the City, we can conduct a contractor pre-qualifying process. Public Contract Code section 20101 authorizes local public agencies to prequalify contractors before allowing them to bid for public works projects. The key points are:
  - A public agency may require contractors to submit standardized questionnaires which seek information necessary to determine whether the contractors have met prequalifying standards. Uniform subjective rating systems must be used to determine the minimum requirements permitted for qualification to bid.
  - Agency must have procedures in place which allow contractors to appeal decisions that they are not qualified to bid, which will result in review and conclusion prior to the submission of bids.

- **Construction web-site:** If the City desires, we can establish a construction web-site and web-cams for real time monitoring of construction progress on internet. The following is a sample of our current website for the State Route 71 and Mission Interchange construction project. www.mission71project.com.

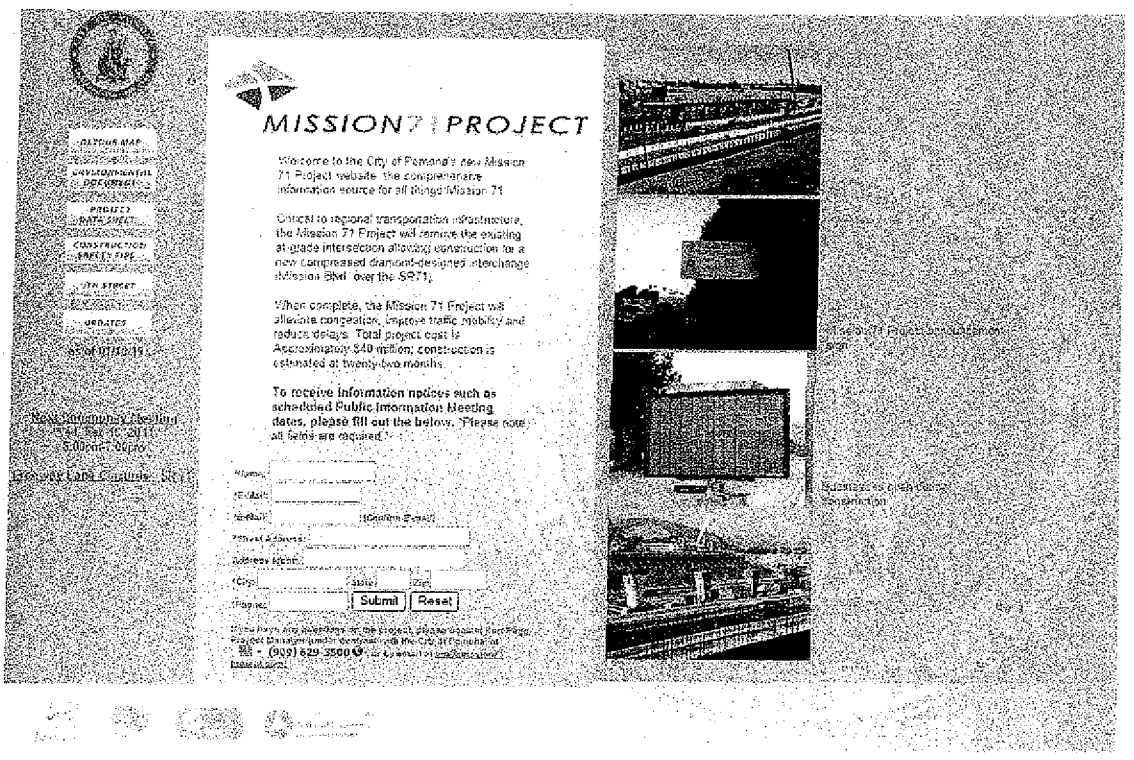

- **Quality Control and Assurance**
  Quality Control and Assurance will be consistently and thoroughly applied throughout project's duration. Assigned Quality Control and Assurance staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities.

A detailed description for Quality Control and Assurance is provided in Section F of the proposal.

E.2. SCOPE OF WORK

E.2.1. Project Management Consultant (PMC) Services

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.

2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.

3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

4. Schedule, facilitate, and attend public meetings as necessary.

5. Provide progress reports at a minimum on a monthly basis.

6. Compose all correspondences to keep the project on schedule.

7. Attend and present the project to City Council as required.

8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).

11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.

12. Prepare agreements and assist with issuance of Purchase Orders.

13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.

14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.

15. Prepare project update write-ups for distribution to media and public.

16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.

17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.

18. Issue all necessary Notices to Proceed (NTP).

19. Assist with review and process of all invoices (City staff will approve).

20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.

21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.

22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
    - Various City Council Staff Reports.
    - Utility correspondence letters and e-mails.
    - Federal, State and local correspondence.
    - Federal, State and local documentation required for the project.
    - Right-of-way related documents and correspondence.
    - Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and bidability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program

Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a. Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b. Prepare bid packages for distribution as necessary.

    c. Maintain plan holder's list

    d. Schedule and conduct pre-bid meetings and site visits, if held.

    e. Provide responses to bidders' questions.

    f. Prepare and issue addenda if required.

    g. Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h. Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i. Check references and licenses of bidders.

    j. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l. Prepare, coordinate, and process Notice of Award, Agreements, and Purchase Order.

    m. Review insurance, bonding, and other required documents.

    n. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

E.2.2. Construction Management Consultant (CMC) Services

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project. The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

E.2.2.1. General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.

2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

3. Schedule, facilitate, and attend public meetings as necessary.

4. Attend and present the project to City Council as required.

5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.

6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.

8. Prepare agreements and assist in processing Purchase Orders.

9. Issue all necessary Notices to Proceed (NTP).

10. Review and process all invoices (City staff will approve).

11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.

12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager. At a minimum, Project files will be organized to include the information indicated below:
    - Project Personnel
    - Correspondence
    - Weekly record of working days
    - Materials Data
    - Engineer's Daily Reports
    - Contract Item Pay Quantity Documents
    - Contract Change Orders
    - Extra Work Reports
    - Progress Pay Estimates and Status of Funds
    - Labor Compliance and EEO records
    - Contractor's Payrolls
    - Final Report
    - Materials Certificate
    - DBE Records

13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.

14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local

requirements.

15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

E.2.2.2 Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.

   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.

   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.

   d. Submit recommendations to the City relative to change order requests.

   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.

   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.

b. Permits.

c. SWPPP and WQMP

d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.

e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)

f. Progress payments, inventories, and applicable codes.

g. Contractor's reports, correspondence, certified payrolls, and accident reports.

h. Survey and layout data and certifications, photographs of as-built locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction

contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

E.2.3. Construction Inspection Consultant (CIC) Services

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements, such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

SECTION F: Quality Control and Assurance

Quality Control and Assurance (QC/QA) will be consistently and thoroughly applied throughout project's duration. Assigned QC/QA staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities. Firms considering proposal submittals are requested to have an in-house technical level of expertise to professionally address all aspects of the project.

Project Design meetings will be held twice a month. The Consultant will be responsible for preparing meeting agendas, minutes, and presentation materials. A Critical Path Method (CPM) network, based on activities to support all project milestones and subtasks will be prepared. The information will be in the form of a bar chart and show a deliverables schedule and other relevant data needed for the control of work, for City review of the work status and accomplishments occurring each month. Monthly updates will be furnished to the City's Project Manager.

The main objective of the Quality Control process for design projects is to provide a mechanism by which all construction plans can be subject to a systematic and consistent review. This process' outcome is the production of design plans and construction documents that accurately reflect the City's scope, schedule, and budget expectations for the project.

A secondary goal of the Quality Control process is to provide for a thorough documentation of the project's design process. A properly documented project file is a by-product of the quality control process. This will enable the City to substantiate its position from properly documented project files if any legal, political, or procedural issues arise regarding the project.

The Quality Control process includes comprehensive project planning, providing clear decisions and directions, constant supervision, immediate review of completed activities for accuracy and completeness, and documenting all decisions, assumptions and recommendations. Quality Control does not solely consist of a review after a product is completed. It is an approach and a realization that a product's ultimate quality is based on the quality of its production process.

As part of the initial project development, we will submit to the City for review and approval, a Project Specific Quality Control Plan, which will detail the proposed methods or processes of providing quality control for all work products. This plan will be kept current with the work requirements. The plan will include, but is not limited to, the following areas:

- Organization.
- Quality Control Reviews.
- Proposed method of documentation of comments, coordination responses and quality assurance records.

Submittals will be checked prior to presentation to the City for review. The review will include the following activities:

- Compliance with project requirements.
- Technical accuracy and adequacy.
- Compatibility with other associated project documents.
- Compliance with previous review comments.

In summary, our QC/QA is a systematic and documented review of each submittal phase/level, which will achieve a complete biddability/constructability/claims avoidance review and necessary revisions incorporated in the bid package at the 95% level completion.

SECTION G: Additional Relevant Information

TRANSTECH'S UNIQUE EXPERTISE AND SUCCESS IN FUNDING AND GRANTS

One of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

Our practice and approach in this area involves maintaining an extensive knowledge and understanding of current regional, state, and federal funding programs and procedures, and monitoring the development of future program or funding opportunities.

We use this knowledge base to work with our clients to improve their ability to secure and administer project financing, and to implement the resulting projects in a timely and cost-effective manner. The approach differs significantly from a more traditional approach where consultant assistance is used merely to prepare competitive grant applications in hope of securing funding for a specific project. We feel that an agency's ability to secure funding for a project depends on several factors including the project's level of completeness (having a well defined and defensible budget, scope, and schedule), the level of consistency between the proposed project and local policies and a funding program's guidelines and requirements, the quality of the information contained in a grant application, and an agency's ability to implement the project in a timely manner. This approach, as a result, focuses on improving the ability of our clients to successfully compete for funding through a competitive process rather than simply providing assistance to complete the required funding requests.

APPENDIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, **Billing Rates**, **Resource Matrix**, and **Other Required Forms (Required Statements per The RFP)** are attached in the appendix section of the proposal.

ROBERT QUINTERO
Contract Principal/Manager

EDUCATION

Master of Business Administration Degree, University of Redlands.

Bachelor of Science Degree in Urban and Regional Planning, California State Polytechnic University (Cal Poly), Pomona.

Edison International Executive Leadership Program

REGISTRATION

California Licensed General Contractor, B

SUMMARY

Mr. Quintero has approximately 20 years of experience in urban planning, management of municipal public works projects and operations, CIP (Capital Improvement Program), city administration, public and governmental affairs. He served as Principal Project Manager for the design, construction and management of a variety of Public Works and Infrastructure projects.

Prior to joining Transtech, Mr. Quintero worked for the City of Commerce and Southern California Edison (SCE), one of the largest energy utility firms in the world.

His experience at the City Commerce included working in various positions, including as Planner, Assistant to the City Administrator, Assistant Director of Public Services/Public Works, and finally as the City's Acting Director of Public Services/Public Works, and managed a department budget and infrastructure worth approximately $500 million.

At SCE, Mr. Quintero served as the company's Regional Manager for the Port of Long Beach and the cities of Avalon, Signal Hill, and Long Beach the fifth largest city in California and home to one of the largest commercial ports in the world.

As Vice President at Transtech, Mr. Quintero is responsible for corporate operations, business development, client relations, public and governmental affairs, project development and management oversight. With his ardent analytical and strategic management skills, Mr. Quintero provides strong leadership and exemplary public relations etiquette. Mr. Quintero develops and collaborates with primary contacts to protect and to enhance Transtech's position in specific proceedings; he ensures coordination with corporate policy and objectives on a broad range; he protects and transacts all phases of the company and customer business, and governmental affairs activities at the corporate level; and he facilitates and maintains close, long-term working relationships with governmental agencies.

PRIOR EXPERIENCE

City Of Commerce

Mr. Quintero started his professional career with the City of Commerce. While with the City, Mr. Quintero acquired an extensive management portfolio of economically, environmentally and technologically sound projects under the titles of Assistant Planner, Associate Planner, Assistant

Director of Public Services/ Public Works, Assistant to the City Administrator and finally as the City's Acting Director of Public Services/ Public Works. Robert was also responsible for representing the City of Commerce at the State Capitol in Sacramento as an advocate on legislative matters concerning land use, transportation, gaming and public works, are just a few of the myriad ways in which Mr. Quintero's leadership benefited the City of Commerce. In addition, Mr. Quintero was the Liaison and Political Ambassador to the City of Commerce/Aguascalientes Mexico Sister City Association.

Southern California Edison (SCE)

After several years with the City of Commerce, in 2002, Mr. Quintero joined Southern California Edison (SCE), as Region Manager of Public Affairs. At SCE, Mr. Quintero served as the company's representative to the Port of Long Beach and the cities of Avalon, Signal Hill and Long Beach, the fifth largest city in California and home to one of the largest commercial ports in the world. He managed the development of the company's position on federal, out-of-state and local legislative matters. He represented SCE before legislators, and industry organizations with regard to legislative and public affairs policy. He assists with the advocacy of the Company's position to provide advance notice of potentially significant legislative actions that may impact the company and took the necessary actions to protect the company's interests. He also organizes and coordinated with internal staff and resources, as well as took the lead in designing and implementing strategies to resolve issues affecting the company and its customers. As a SCE Region Manager, Mr. Quintero set standards of excellence with which the SCE name is proudly synonymous through his active support of and participation in programs that improve the lives of citizens in the community that SCE services. At SCE, Mr. Quintero successfully completed Leadership @ EIX Program. The Leadership @ EIX Program features a structural career development process for high performing employees who exhibit the corporate leadership competencies and may, with development, advance to a manager and senior leadership position.

Associations and Community Service

Founding Vice-President and currently serves as Senior Vice President to Embracing Latina Leadership Alliances (ELLAS) and is Vice President of the California Corporate Hispanic Council Leadership Institute (CCHCLI).

His memberships include the American Planning Association (APA), the American Public Works Association (APWA) and the American Water Works Association (AWWA).

MICHAEL ACKERMAN, PE
Project Manager, Construction Manager, RE

EDUCATION
- Bachelor of Science in Engineering, the University of Iowa

REGISTRATION
- Registered Civil Engineer

CERTIFICATIONS
- Resident Engineer Academy, Caltrans
- Water Pollution Control Compliance on Construction Sites for Resident Engineers, Caltrans
- Asphalt Pavement Fundamentals: Design, Construction, and Rehabilitation
- Construction Program Management Workshop, FHWA
- Field Office Procedures Course, Caltrans
- California Work Zone Inspection – High Speed, Caltrans
- Asphalt Concrete Inspection and Rehabilitation Strategies, Caltrans

HIGHLIGHTS
- Experience includes working for Caltrans.

SUMMARY

Mr. Ackerman has approximately 15 years of experience and participated on numerous multi-disciplinary teams dealing with the design and construction of civil and transportation engineering, urban and rural development, and public works projects. His prior experience includes working for the City of San Bernardino and Caltrans, District 8 in San Bernardino.

Recently, Mr. Ackerman has served as Deputy RE and Deputy Construction Manager for the State Route 71 and Mission Boulevard Grade Separation Project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.

PROFESSIONAL EXPERIENCE

City of San Bernardino: At the City of San Bernardino, Mr. Ackerman held the position of Associate Engineer under the City Engineer of the Division of Public Works in the Department of Development Services. There he was involved in a number of projects, including Development Review and Plan Check, design and review of Street Improvement Plans, Rough and Precise Grading Plans, Sewer Plans, Storm Drain Plans, Street Lighting Plans, Storm Water Pollution Prevention Plans, Water Quality Management Plans, Geotechnical Reports, and Hydrology/Hydraulic Studies, land development, industrial, commercial, residential, and transportation development projects including Tract and Parcel Maps. He also directed and performed plan check of improvement plans submitted by developers to the City. Also, he represented the City of San Bernardino at the South Tehachapi Management Team meetings, coordinated with San Bernardino County Flood Control and FEMA for the certification of City levees and updating of the Flood Insurance Rate Maps (FIRM), and oversaw permitting and tracking of Land Development Projects through the Division of Public Works/Engineering. In addition to this, Mr. Ackerman has worked intimately with Planning and Building and Safety Divisions on Land Development Projects.

Caltrans District 8: Mr. Ackerman was a civil transportation engineer for Caltrans District 8 where he was involved in the design and construction of various projects.

- ***Design Division:*** Designed plans, specifications, and estimates for the

rehabilitation of Route 10 freeway from the Riverside/San Bernardino County line to Beaumont.

- ***Traffic Operations Division:*** Performed studies and analyses to interpret and mitigate above average accident volume areas on highways and freeways. Also, he performed stop sign and traffic signal warrant studies.
- ***Construction Division:*** In the Construction Division, Mr. Ackerman was Resident Engineer for various projects including Watson Wash Bridge Replacement Right (Rte 40), Replacement of Drains and Earthwork (Rte 40), and Fenner Overhead Bridge Replacement (Replacement of two bridges over BNSF Railroad, Rte 40).

Mr. Ackerman served as Project Engineer and/or Construction Manager/Resident Engineer on a number of roadway projects. Recent similar projects include:

- City of San Bernardino, Via Duct Boulevard/2nd Street Realignment Project: Prepared PS&E and served as Construction Manager/Resident Engineer. Cost $1.5M.
- City of Alhambra, Polar Boulevard Rehabilitation Project: Federally funded project as part of Stimulus Program. Served as Construction Manager/Resident Engineer. Cost $1.2M.
- City of Baldwin Park, Francisquito Avenue Overlay Project; Ramona Boulevard Overlay Project: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3.5M.
- City of Commerce, Garfield Avenue Telegraph Road to Malt Avenue Street Improvements; Eastern Avenue Pavement Overlay Stevens Thru City Boundary; Garfield Avenue and Slauson Avenue Intersection Improvements; Washington/Ayers Intersection: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3M.
- CSUSB (Cal State SB University) San Bernardino Main Access Road: Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- City of Alhambra, Alhambra Road Rehabilitation and SRTS Project: Served as Construction Manager/Resident Engineer. Cost $1.2M.

KURT PEGG, PE
Structural Representative/Inspector

EDUCATION
- B.S. Civil Engineering, University of Calgary, Alberta, Canada

REGISTRATION
- Registered Civil Engineer

SUMMARY

Mr. Pegg has over 20 years of construction engineering experience related to highways, roadways and interchanges. He has served as a Senior Project Manager, Senior Estimator, Resident Engineer and Structural Representative. Mr. Pegg has been responsible for some of the largest freeway projects in Southern California, supervision of technical and field staff, change order negotiation and preparation, contract administration, critical path schedule development and review, storm water pollution prevention plan preparation and compliance, claims preparation and mitigation, cost estimating, reviewing and designing structure-related shop drawings, and assuring compliance with plans and specifications.

PROFESSIONAL EXPERIENCE

- **State Route 71 and Mission Boulevard Grade Separation Project:** Served as the Resident Engineer for this regional project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.
- **215/60 Riverside Interchange, Riverside, CA ($317 Million):** Senior Project Manager for the construction of 4 miles of high occupancy vehicle (HOV) lanes and widening of freeways on I-215, SR60 and SR91; Approximately 80 new sound walls and retaining walls throughout the project; major structural improvements at 8 local interchanges; 2 sweeping 'flyover' connector ramps between the I-215/SR60 and the SR91; Improvements to local drainage systems; new truck bypass connector leading from the eastbound SR 60 to the southbound I-215; new bridges at Linden, Iowa and Blaine Avenues providing better access to the University of Riverside. Funding for the project came from a combination of federal, state and local sources.
- **5/805 Interchange and Freeway Widening, San Diego, CA ($176 Million):** Project Manager for the construction of a separate freeway by-pass system from the junction of Interstate 5 and 805 to the Del Mar Heights Road Interchange. The Project also included the construction of a diamond type Interchange at Carmel Mountain Road, and adding of Auxiliary lanes to the existing main lanes. The projects goals were to reduce traffic through the corridor, improve safety through the addition of the by-pass system, and improve access to SR-56 and local roadway systems. Project innovations included building bridge foundations to better withstand earthquakes, eliminate merging and weaving traffic by separating SR-56 and local interchange

traffic from I-5 main lanes. Caltrans partnered with Contractors to ensure the project enabled cost effective construction methods and efficient staging in the interest of time saving to contractors and minimizing travel impact to motorists.

- **SR91/SR57 Interchange Widening, Anaheim, CA ($75 Million):** Project Manager for the construction of the widening of SR91 and SR57 freeways to construct a HOV connector almost a mile in length. The projects goal was to eliminate the weaving of traffic through the interchange caused by the transition from one freeway to the other of the HOV lanes. In order to accomplish this both freeways had to be widened and this required new bridges to be constructed at State College Boulevard, Placentia Avenue Overcrossing, Sunkist Avenue Overcrossing, Mira Loma Overcrossing, and La Jolla Overcrossing. New retaining walls and soundwalls were necessary to support the widening of the freeways along with new drainage improvements. The Contractor was awarded the gold medal in partnering from Caltrans for working through difficult construction issues and to expedite project bringing it in on time and under budget.
- **SR 55 Widening, Orange, CA ($40 Million):** Project Manager for the construction of approximately two and a half miles of freeway widening on SR 55. This project required the construction of two new bridges, retaining walls and soundwalls. Improvements were made to the interchange at Lincoln Ave and SR 55 to support the widening and the end result was an increase in traffic flow and a decrease in congestion on the SR 55 freeway.
- **Ave "H" Overcrossing, Lancaster, CA ($10 Million):** Project Manager for the construction of Avenue "H" Overcrossing. This project was part of the ever increasing development of the outer LA area. The project required street and drainage improvements to support the new bridge over SR 14 freeway.
- **I-10 Freeway at Palm Drive/Gene Autry Trail Interchange Project, Palm Springs, CA ($16 Million):** Resident Engineer / Structure Representative for the construction of a new cast in place post tensioned box girder bridge over the I-10 Freeway. A precast "I" girder widening over the BNSF railway tracks and the roadway widening of Palm Dr.

MICHAEL J. SCHNEPF
Principal Public Works Inspector

EDUCATION
- SDSU, CA 1977
- SDSU Extension: Construction Technology

Awards:
- Best Project, American Concrete Institute for The Falls at Rancho Bernardo

SUMMARY
Mr. Schnepf has approximately 30 years of experience in general engineering/public works and building construction projects. In these capacities, he has been responsible for more than $500 million worth of private and public works construction projects in Type A and Type B construction. He has inspected numerous federally funded projects in compliance with Local Assistance Procedures Manual, as well as projects under Caltrans' jurisdiction.

PROFESSIONAL EXPERIENCE
- **General Public Works Inspection:** Worked at various Cities under Transtech contracts as Senior Public Works Inspector. Projects inspected include, all aspects of new infrastructure construction and reconstruction, parks, ball fields, landscape aquatic facilities, fire stations, piers, skate parks, airports, coastal and recreational facilities, playgrounds, water and sewerage systems (including distribution mains (to 120 inch), mainlines, service laterals, lift & pump stations, domestic and reclaimed water systems, fire lines, backflows, pressure reducing stations, valve cut ins, line stops, line freezing, gravity and force mains and grease interceptors.
  - **Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **Avenida Pico Widening, San Clemente:** Widening of Avenida Pico from I-5 to Avenida Del Cerro including improvements to San Clemente High School. Widened arterial roadway within very limit time frame on a 24 hour a day schedule. High School kept open as were all businesses. Was

accepted by State Architect to perform all onsite inspection of improvements on school property.

- **Smart Corridor, Washington Avenue Culver City:** Coordinated and inspected the integrated Smart Corridor consisting of 51 fully reconstructed and signalized intersections with interconnect and monitoring in Culver City. Interfaced with Caltrans along the I-405 corridor.
- **Skypark Signalization and Widening, Torrance:** Provided construction management and inspection for widening and signalization of Skypark Drive and Madison Street. Interfaced with Edison for relocation of high voltage primary lines and street lighting, FAA personnel at Zamperini Field Airport and Administrative Staff at Torrance Memorial Medical Center. Twenty four hour access to all businesses and facilities were maintained.
- **City of San Clemente, multiple locations:** Provided inspection, design review and plan check for new and retrofits at over 40 intersections during a span of eleven years. Interconnect and camera detection systems. Interfaced with Caltrans along the I-5 corridor.

- **Grading:** Provided grading inspection from initial clearing & grubbing through rough grade and precise grading on projects ranging from 4,000 sq. ft. lots to 3200 acre master planned subdivisions. In many cases provided or assisted in engineering plan check processes. Provided all aspects of inspection for caissons, tie-backs, geotextiles, sub-drains, de-watering wells, wicking systems, benching, buttressing, minor & mass grading operations. Worked closely with Paleontologists and Archaeologists during grading operations. Sites have included the most fossil-rich find in Orange County. Retaining walls have included gravity/friction segmental walls, cmu, cast-in-place concrete and shotcrete applications.
- **Traffic Signals:** Project construction management and inspection of traffic signals and interconnect systems in conjunction with widening and total reconstruction of one of the most heavily utilized intersections in Los Angeles County, 190th & Crenshaw in the City of Torrance. Inspection, design review and plan check for new and retrofits at over 140 intersections during a span of eleven years. Interfaced with Caltrans along the I-5, I-10 and I-405 corridors.
- **Reservoir:** Reconstruction of Reservoir 5A and 8, San Clemente: Assisted in drafting specifications for the restoration, reconstruction of two reservoirs in San Clemente. Provided construction inspection services for all stages of construction and monitored deputy coating inspection team.
- **Storm drain systems:** Channel drains, local depressions, catch basins, main lines, head walls, box culverts, lined channels, desilters, detention basins, clarifiers, energy dissipaters, environmental containment, hydrocarbon filtration, in field testing.
- **Other Utilities:** All overhead and underground electrical, water, sewers, communications, gas, and fuel lines including storage facilities.

DAVID RAGLAND, PE, LS
QC/QA

EDUCATION
- Humboldt State University, CA, Bachelor of Science

REGISTRATION
- Registered Civil Engineer
- Licensed Land Surveyor

SUMMARY

Mr. Ragland is a civil engineer and land surveyor with approximately 30 years of diverse experience in a wide variety of projects in civil engineering. He has managed numerous multi-disciplinary teams dealing with the planning, engineering, entitlement, environmental permitting, development and construction of urban and rural development, and public works projects. His experience also includes special emphasis on complex grading and hillside developments (has worked on the civil engineering and development of more than 40,000 acres of hillside properties), preparation of due diligence and project feasibility analysis, through conceptual planning and design to entitlement and construction. Estimated valuation of projects that Mr. Ragland has been involved is approximately $1,000,000,000.

PROFESSIONAL EXPERIENCE

General Civil Engineering Projects:

- **CSUSB (Cal State SB University) San Bernardino Main Access Road:** Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Campus Parkway Roadway:** Design of a new roadway for a length of approximately 2 miles, and included street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Cannon Roadway and Sewer:** Design of approximately 2 miles of roadway and 36 inch sewer pipe and pump station. This project required careful consideration to pipe buckling due to the extreme soils conditions of the Agua Hedionda Lagoon. Special bedding techniques were used along with special coupling of the pipes to allow for potential deflection as the bridge abutment and road fill settled.
- **Lopez Canyon Roadway and Sewer:** Design and construction of over 5 miles of roadway sewer ranging up to 36 inches in diameter.
- **Sorrento Valley Boulevard:** Design and construction of 4 miles of roadway.
- **University Development:** Development of a 135 acre site in association with the City of San Bernardino, Watson Development and Cal-State SB for the development of 200 residential, mixed use, live-work, retail, office and educational and training facilities and offices for Cal State SB University.
- **San Elijo Hills Development:** Development of 2000 acre master

planned community including golf course and hotel. Project included preparation of Specific Plan, TM, Final Map, construction plans for all necessary infrastructure, environmental permits and Communities Facilities District.

- **Parkway Business Centre:** Design and construction of the 460 Acre industrial park including South Poway Parkway for ADI Properties, Inc. Also served as Assessment Engineer for Communities Facilities District.

Drainage And Sewer Projects:

- **City of Commerce:** Master Sewer Study Telegraph Corridor re-vitalization project. Documentation of existing system. Design capacity analysis based upon land use designations. Produced master plan study report for the project along with cost estimates.
- **University Park Storm Drain Design:** Design of storm drain system with pipes ranging in size from 18 to 60 inches and trapezoidal channel design for 4500 cfs.
- **University of Riverside:** West Campus Infrastructure, including sewer, storm drain, water, design.
- **San Elijo Ranch Drainage, Sewer and Water Master Plan, San Marcos:** 2,000 acre / 3400 unit master planned community. The project included literally miles of storm drain, sewer and water lines, sedimentation areas, pump stations, booster stations, water reservoirs and force mains. Cannon Road Trunk Sewer and Pump Station - Design of 8-12 inch gravity sewer, 6 and 8 inch force main, pump station and wet well. City of Carlsbad
- **Penasquitos Canyon Trunk Sewer:** PS&E for two miles 36-inch gravity sewer including design study reports. City of San Diego
- **Otay River hydrology study and dam breach analysis:** 22,000 acre Otay Ranch project in Chula Vista. Flows up to 33,000 cfs were studied for the Otay River.

Water Projects:

- **City of San Diego:** Green Valley Water line design and construction. 5000 feet, 30" Reinforced concrete water line and pressure reducing station and details for connection to a 60-inch San Diego County Water Authority Pipeline. Structural arch and encasement designs for road crossings over various SDCWA pipelines up to 108 inches in diameter. Design and construction of Mercy Road pressure booster.
- **City of San Bernardino:** Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino for the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution. Structural arch design for road crossing over the Dept of Water Resources 109-inch Santa Ana pipeline.
- **City of Riverside:** Water distribution analysis and computer modeling for University of California Riverside West Campus expansion infrastructure project.

ALI CAYIR, PE
QC/QA

EDUCATION
- BS Engineering
- MBA, Project/Construction Management, UC Irvine

REGISTRATION
- Registered Civil Engineer
- Licensed Gen Contractor A
- Licensed Gen Contractor B

HIGHLIGHTS
- Served as Contract City/Traffic Engineer for Cities.
- Federally Funded Project Experience: Extensive experience in the state and federal programs and procedures, and in the management of federally and/or state funded projects in compliance with the Local Assistance Procedures Manual.
- Diversified experience in both design and construction.

SUMMARY

Mr. Cayir has approximately 30 years of experience in engineering and construction. He served as contract City Engineer/City Traffic Engineer for a number of municipalities in Southern California. He has a broad knowledge of municipal government operations, including preparation and presentation of staff reports/resolutions to city councils, committees and interaction with public, various city departments, city council and other governmental agencies. He has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects.

PROFESSIONAL EXPERIENCE

Civil Engineering Experience

- Project Principal for I-710 Freeway Interim Improvements and Fremont Widening and Reconstruction: Transtech provided Turn-key Services, including Program Management, Construction Management, Design, Surveying, Right-of-Way Engineering, and Environmental. The project included major roadway improvements, removal/demolition of various buildings for additional right-of-way and reconstruction of buildings behind new right-of-way, traffic signals, infrastructure, utilities, pavement, drainage, water, sewer, landscape, street lighting, traffic signal, pavement improvements. Project was funded by Federal Funds, and was managed and inspected in compliance with Caltrans Local Assistance Procedures Manual. (Cost $20m).
- Project Principal for University Park Development/San Bernardino: The project included 2 miles of new roadway, sewer, water, utility and extensive hill side grading for a master planned residential and commercial development on 130 acre site across from the San Bernardino State University. (Cost $20m).
- Project Principal for $20 m Carlsbad to San Diego Rail Trail Project Report, which is funded by State and Federal funds and required complete project and environmental report, including Right-of-Way, Relocation, SHPO, NEPA, SEQA, Noise, Parking, Economic, Hazardous Materials technical studies, and processed through Caltrans and FHWA.
- Alameda Corridor Agency East (ACE) Rail Grade Crossing Improvement Project encompassing 6 agencies and 14 locations in Los Angeles County. Work involved roadway realignment and reconstruction, signalization, traffic control, and construction phasing as well as related improvements such as storm drain, water, sewer landscaping, underground utilities, etc. Construction cost $5,000,000.

Construction Management Experience

- Project Principal for City of San Bernardino, Santa Fe Historic Train Depot

Renovation. Transtech is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $13m

- Project Principal for City of Alhambra, Valley Boulevard Widening. Preparation of funding application, securing $5 million Federal, State and County funding, and design, and is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $5m
- Project Principal for City of Commerce, Rosewood Community Center. Transtech was retained by the City to take over the management of this multimillion dollar facility which was 2 years behind schedule. Within 5 months, Transtech brought the construction to substantial completion level allowing the City start the move-in process, and 2 months after, the facility was opened to public use. Currently, Transtech is assisting the City in claims analysis and change order resolution. Construction Cost: $15m.
- Project Principal for City of Alhambra Chapel, First St and Garfield Parking Structures: Transtech served as turn-key project manager, including management of design, construction, building plan check and inspection, federal funds, labor compliance for 3 parking structure projects. Chapel: 4 story, 300 space structure; First Street: 4 story, 276 space structure; Garfield: 5 story, 800 space structure. (Cost $15m)

Traffic Engineering Experience

- Design and management of a variety of traffic and transportation engineering projects, including traffic signals (more than 1000 locations), traffic signal interconnect system, street lighting, traffic control, signing and striping design; signal timing and coordination studies; traffic signal management studies; traffic safety projects (OTS) including traffic control device inventories and speed surveys; traffic impact and parking studies for more than 100 projects; and feasibility studies for traffic control measures, freeway access, bikeways and street improvements. Mr. Cayir has also served as consultant Traffic Engineer for various agencies in Southern California.
- Project Manager/Engineer for the preparation of ramp metering, count station, traffic signal, highway lighting, sign lighting, construction signing, pavement delineation, communication, and other traffic related plans for several state highways and freeway improvement projects involving Caltrans Districts 7, 8 and 12.
- Project Manager for the preparation of traffic signal modifications for various arterials in Los Angeles County including Garvey Avenue, El Segundo Boulevard, Crenshaw Boulevard, Slauson Avenue, Rosecrans Avenue, Arrow Highway and Huntington Drive/Alosta Avenue/Foothill Boulevard.

SELIM BOUHAMIDI
Office Engineer/Funding Compliance and Inspection Support

EDUCATION

- MA, Urban Planning, University of California, Los Angeles.
- BA, Anthropology, University of California, Los Angeles

HIGHLIGHTS

- Extensive experience in federal funds and grants and working with Caltrans Local Assistance and local agencies.
- Well versed in Caltrans and Local Assistance construction filing and document system.
- As the primary coordinator of Transtech's federal-aid internal procedural tracking system, Mr. Bouhamidi has been and is responsible for the direction and coordination of several federally funded projects having worked with numerous local agencies including the cities of Inglewood, Baldwin Park, Pomona, Lawndale, and Long Beach.
- Also worked with the City of Riverside Urban Planning Department.

SUMMARY

Mr. Bouhamidi has approximately 5 years of experience, and provides office support to Project Managers and Resident Engineers. He is well versed in Caltrans and Local Assistance construction filing and document system. He also works closely with various Funding Agencies, including Caltrans Local Assistance, and local agencies to successfully secure federal-aid for various construction projects. Mr. Bouhamidi has also worked with the City of Riverside Urban Planning Department. He was responsible for updating the city's property database recording architectural descriptions, and recent demolitions.

PROFESSIONAL EXPERIENCE

- Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- City of Alhambra, Josylin Community Center Renovation Project funded by Federal Energy Efficiency and Conservation Block Grant: Served as office support engineer and provided labor compliance services.

- City of Alhambra, Valley Boulevard Reconstruction, Federally Funded Project: Served as office support engineer and provided labor compliance services.

- City of Pomona, Rte 71/Mission: Provided funding support, assisted in E76 processing of various phases, and assisted in labor compliance.

- Office Engineer Federal- and State-Aid Internal Procedural Tracking System: Development of an internal electronic procedural tracking system to fast-track, coordinate, and organize federally-aided projects. This multi-layered, holistic system is process-oriented and developed over a timeline—a steady departure from the topically based and more general approach of the Caltrans Local Assistance Procedures Manual. The system provides swift results by ensuring that a project stays fully on track and is carried out in a timely and efficient manner, while providing personnel with all key reference points, timelines, and resources to complete and track the various ongoing projects. Responsible for tracking all aspects of a federal- or state-funded project beginning with the initial submittal of the funding packet application and signatures. Every step in the transmittal process is reviewed, tracked, and updated. The tracking system also includes follow-ups on federal application forms, which are subject to change after submittal and must be updated so as not to hold up authorization of funding. Working closely with Caltrans Local Assistance procedures, responsible for managing, tracking, and monitoring various transportation projects from a diverse number of cities.

The following are Billing Rates for project staff:

Key Person	Project Role	Billing Rate
Robert Quintero	Contract Principal/Manager	$145
Kurt Pegg, PE	PM/CM, Resident Engineer, Structural Representative	$145
Michael Ackerman, PE	Deputy PM, CM, RE	$145
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	$145
Michael Schnepf	Principal Public Works Inspector	$95
Selim Bouhamidi	Office Engineer/Funding Compliance	$65

As required in the RFP, we are providing the following billing statement:

The above hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

The following is the Resource Matrix showing hrs per task for each project staff:

Resource Matrix		Project Management Consultant (PMC) Services	Construction Management Consultant (CMC) Services	Construction Inspection Consultant (CIC) Services	Totals
Staff	Position	Hrs	Hrs	Hrs	Hrs
Robert Quintero	Contract Principal/Manager	250	250	0	**500**
Michael Ackerman, PE	Project Manager, Construction Manager, RE	1,000	1,500	500	**3,000**
Kurt Pegg, PE	Structural Representative and Inspector	100	300	800	**1,200**
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	500	100	0	**600**
Michael Schnepf	Principal Public Works Inspector	200	250	2,000	**2,450**
Selim Bouhamidi	Office Engineer, Funding Compliance and Inspection Support	100	1,000	750	**1,850**
Totals		**2,150**	**3,400**	**4,050**	**9,600**

MV00000200

The following are the required Statements to be included in the proposal per the City's RFP:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
   We agree with the above statement.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. The City's standard Agreement will be executed without any proposed changes.
   We agree with the above statement.

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
   We agree with the above statement, and do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
   We do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
   We agree with the above statement.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

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

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
   We agree with the above statement.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
   We agree with the above statement.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
   We agree with the above statement.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.
    We agree with the above statement.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
    We agree with the above statement.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
    We agree with the above statement.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
    We agree with the above statement.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
    We agree with the above statement.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
    We agree with the above statement.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under

the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

We agree with the above statement.

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT D

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $868,870.00.
2. The Consultant will submit an invoice to the City based on milestones completed and accepted by the City, which documentation evidencing milestones completed to date (refer to milestones identified in Section VIII, Payment to Consultant in Exhibit "A" – City's Request for Proposal). At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

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Revised 10/13/09

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129

NORTHWEST CORNER OF CACTUS AVENUE AND LANDON ROAD

DEVELOPER: WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Tract Map No. 35760.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On September 30, 2008, the Community Development Department of the City of Moreno Valley approved Tentative Tract Map No. 35760 as a revision to Tract Map No. 31129. The tentative tract map is a proposal to subdivide a 1.83-acre portion of previously approved Tract Map No. 31129 into six residential lots. The tentative tract map will allow for the subdivision of six lots, the elimination of a detention basin (Lot L of

Tract Map No. 31129), and the adjustment to existing lot lines previously approved on Tract Map No. 31129.

DISCUSSION

Tract Map No. 35760 is in conformance with the tentative tract map. The developer has requested that the tract map be approved for recordation. Most public street improvements were completed under Tract Map No. 31129. The remaining trail improvements adjacent to Lot 6 of Tract Map No. 35760 on Cactus Avenue and those along the west map boundary of Tract Map No. 35760 and Tract Map No. 31129 will be completed prior to occupancy of Tract Map No. 35760. The trail improvements include but are not limited to three-rail PVC fence, gates, bollards, decomposed granite, concrete curb, and related grading and drainage.

ALTERNATIVES

1. Approve Tract Map No. 35760 and authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would allow the developer to proceed with the recordation of the six-lot subdivision.*

2. Do not approve Tract Map No. 35760 nor authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would not allow the developer to proceed with their proposed residential subdivision development.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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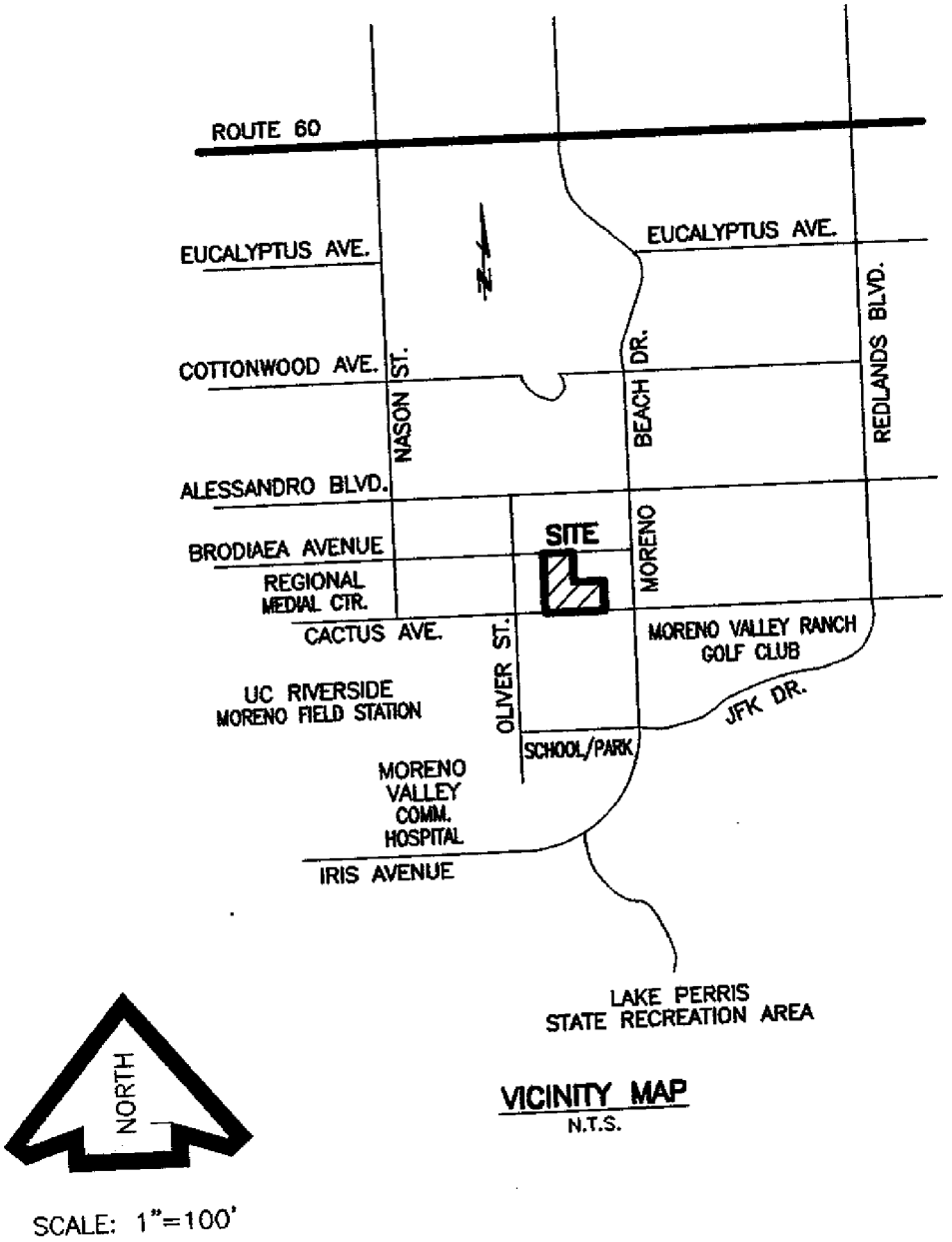

VICINITY MAP
N.T.S.

SCALE: 1"=100'

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**P07-144** **LOCATION MAP**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129)

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system.

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto.

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000.

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

BACKGROUND

Local traffic congestion has become increasingly prevalent as the City continues to grow. Congestion hot spots are well-known and include most intersections adjacent to freeway interchanges and several arterial corridors. The current recession has slightly improved conditions, but as the economy improves, and travel increases once again, traffic flow optimization will increase in importance to the community. In the long term, Moreno Valley's population will almost double, substantially increasing the traffic loading on our roadways. To address current and future traffic demand, staff has proposed

implementation of Intelligent Transportation Systems (ITS) technology to systematically manage and optimize traffic flow.

In 2009, the City completed an ITS Master Plan which provided recommendations for a systems-based approach to updating the City's traffic control infrastructure. The Transportation Management Center (TMC) is an integral component of the ITS Master Plan.

The City's current traffic signal control system was procured in 1991. The platform, which consists of field controllers and a computer in City Hall, is obsolete. The controllers are no longer available for purchase, and the central software (which is MS-DOS-based) cannot be run on newer operating systems. Therefore, City staff has planned for a replacement system consisting of a TMC and new central traffic control software, new traffic signal controllers to be deployed in the field over time, and a citywide communication network.

DISCUSSION

A TMC provides the ability to centrally monitor roadway conditions and adjust traffic signal timing to optimize vehicle flow. Monitoring is accomplished through the use of closed-circuit television cameras, and data from traffic detectors used to display real-time vehicle speeds. Control is accomplished via fiber optic communication facilities which will be steadily deployed over time.

The TMC would be linked to the City of Riverside and Caltrans District 8 TMC's via high-bandwidth data connections, allowing Moreno Valley the capability of viewing video from those agency's CCTV cameras, as well as coordinating response in the event of incidents. Other nearby agencies with fully operational TMC's include Temecula, Corona, and Fontana. In other parts of Southern California, virtually all agencies with populations over 50,000 maintain active TMC's.

With existing staff levels, Public Works is capable of operating and maintaining the TMC as an extension of their current duties, so no additional employees would be required. The TMC would produce net labor savings by reducing the need to deploy field personnel to diagnose and correct traffic signal equipment problems. The TMC would enable faster response for maintenance issues through the use of standard features such as automated paging/emailing of alerts and remote access capability.

The TMC would have secondary benefits, in that an ITS deployment better positions Moreno Valley for grant funds since it represents a higher level of commitment to improving mobility. The TMC would be located in the current Fishbowl Conference Room adjacent to the entrance lobby of City Hall.

In January 2011, City staff released a Request for Qualifications for central traffic control software, which was mailed to nine firms known to provide such software, and was also advertised on the City's Web site. Eight submittals were received, indicating a high level of interest. A panel of four persons, including one representative from the

City's Technology Services Division and an expert in traffic control system deployment from outside the City, reviewed and scored the submittals. Based on the scoring of the responses, four firms were invited to interviews, which consisted of a live software system demonstration and presentation. The same panel scored the interviewees. All four panelists ranked Kimley-Horn and Associates highest. The panel felt that the system will be state of the art for years to come and thus represents an excellent investment. Kimley-Horn has deployed this software system for numerous Southern California agencies, including Beverly Hills, Culver City, Los Angeles County, Claremont, San Dimas, and the City of Commerce.

ALTERNATIVES

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and authorize the Public Works Director to execute any subsequent amendments related to this agreement. *This is the recommended alternative.*

2. Do not approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; do not authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; do not authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and do not authorize the Public Works Director to execute any subsequent amendments related to this agreement. *Staff does not recommend this alternative.*

FISCAL IMPACT

The Transportation Management Center Project (TMC) is included in the Fiscal Year 2011/2012 Capital Improvement Program budget and will be financed by the Traffic Signals Development Impact Fee fund (Fund 202) and the Air Quality Management Fund (Fund 137). These funds can only be used for traffic signal and air quality improvement purposes. There is no impact to the General Fund. FY 2011/2012 budget amounts are estimated, since final financial data for FY2010/2011 are not yet available.

AVAILABLE FUNDS

FY 2011/2012 Development Impact Fees— Account No. 417.79528	$	220,000
FY 2011/2012 Air Quality Management— Account No. 137.68129	$	215,000
Available Funds	**$**	**435,000**

ESTIMATED COSTS

Central Traffic Control System Software Contract	$	315,000
Modifications to Fishbowl Conference Room	$	40,000
Video display units, furniture and Incidentals	$	60,000
Staff time	$	20,000
Total:	**$**	**435,000**

ANTICIPATED PROJECT SCHEDULE

Prepare plans for space reallocation by:	October 2011
Complete software integration by:	March 2012
Complete space reallocation by:	March 2012

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Services

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 10-13768129

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Kimley-Horn and Associates, Inc., a North Carolina Corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

DESCRIPTION OF PROJECT

1. The Project is described as the City of Moreno Valley Transportation Management Center (Project No. 10-13768129).

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "A" attached hereto and incorporated herein by this reference.

3. The City's responsibility is described on Exhibit "B" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $315,000.00 in accordance with the payment terms provided on Exhibit "C" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

5. The Consultant shall commence services upon receipt of written direction to proceed from the City.

6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "D" attached hereto and incorporated by this reference.

7. The Consultant and the City agree that the schedule in Paragraph 6 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

8. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for

performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

9. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

10. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

11. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

12. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

13. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

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

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

15. (a) The Consultant shall procure and maintain, at its sole expense, throughout

the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

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

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

16. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

17. Consultant and subconsultants shall pay prevailing wage rates when required by the

Labor Laws of the State of California.

18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

19. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the

Agreement unless the notice of termination authorizes such further work.

20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

25. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

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

SIGNATURE PAGE FOLLOWS

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

Contractor/Consultant Name

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

EXHIBIT B

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT B

EXHIBIT C

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $315,000.00.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
4. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

EXHIBIT C

MORENO VALLEY ATMS

Statement of Work

Prepared by:

Kimley-Horn and Associates, Inc.

For Review by:

City of Moreno Valley

Version 4.2

June 28, 2011

Exhibit A

PROJECT SCOPE

The following scope of services is for deployment and integration of KITS to meet the mandatory elements listed in KHA's response to the City's RFQ submitted on February 3, 2011.

SCOPE OF SERVICES

Task 1: Project Management

KHA's Project Manager shall act as the principal contact for the City and other involved agencies. KHA's Project Manager will be responsible for the completion of activities associated with the performance of this project. Additional responsibilities include management of project planning activities and tracking of resources associated with each aspect of the project. The Project Management task will be invoiced monthly based on percent complete. Target percentages should be outlined to ensure all parties understand the value of each task executed. KHA's Project Manager shall oversee and participate in the activities of the project.

Prepare Project Status Reports

KHA shall prepare and submit written monthly project status reports. The reports shall include the following information including a schedule outlining target dates for completion of items:

- Period covered by the report.
- Overview of the reporting period.
- Tasks, subtasks, deliverables, goods, services and other work scheduled for the reporting period which were completed.
- Action Items
- Updated Deliverables chart and completion schedule, if necessary.

KHA shall also prepare claims, invoices, billings, and other financial information for review and approval by the City, as required by this agreement.

Task 2: Preliminary Engineering

KHA will meet with City staff to discuss the existing condition of the City's internal network and field network along with future migration plans and schedule. KHA will provide input on communication equipment that the City is considering.

KHA shall collaborate with the City to determine the CCTV and signal controller hardware/firmware specifications for the pilot corridor. It is expected that the City will deploy a signal controller firmware protocol and CCTV encoder that has already been deployed with KITS. KHA will review and demonstrate existing KITS functionality currently deployed for specific firmware/hardware options. A document will be created that summarizes all of City's preliminary engineering decisions.

(continues)

Deliverables:
2.1 Communication Review
2.2 Firmware Specification and Existing Functionality Review
2.3 Signal Controller Hardware and Firmware Recommendations
2.4 CCTV Specification

Task 3: Procurement
Based on the information gathered during meetings with the City's Engineering and IT staff, KHA shall deliver complete equipment list ("Bill of Materials") for full system deployment and submit to the City for review. KHA will review options and provide input on reusing existing City server hardware and software licenses to fulfill the needs of the project. Upon KHA's approval of the equipment list and all system configurations, the City will procure system components, including supporting third party software, system hardware, network equipment, and peripherals. The equipment will remain at the City. The City will assist with the configuration of remote access into the network to enable authorized KHA staff to remotely diagnose the system. Using funds outside of this agreement, the City will purchase 3rd party software that is required for the deployment of the Integrated System. Anticipated software includes:

- SQL Server 2008
- ESRI ArcGIS
- MS Visio Standard
- Notepage PageGate

The workstations will be deployed on Windows XP or 7 and the servers on Windows Server 2008. The Integrated System will utilize SQL Server 2008 as its central database. The specific versions of the tools will be determined in conjunction with City IT preference.

Deliverables:
3.1 Identification of 3rd party software and hardware

Task 4: System Integration
Integration of KITS shall be performed in stages. The following sequence of events details the staged implementation of the KITS system.

1. KHA and the City will conduct multiple meetings to finalize the pilot corridor equipment.
2. The City will procure designated equipment.
3. Based on the City's preference for controller firmware and CCTV equipment, KHA will create a version of KITS that integrates existing modules to support the specified equipment and desired functionality. The source code, reports, registry, and database to support the functionality of the City's modules will be placed under configuration management and version control processes. No new software development is anticipated under this task.
4. A lab configuration will be created and maintained in KHA's facility to simulate the deployment environment.

MV00000231

5. An installation procedure will be generated by KHA. This will be a functional self-contained installation and automate many of the procedures used to install the KITS user interface. This automated installation will include most of the required 3rd party tools and may reference other supporting 3rd party documentation.
6. KHA will come to Moreno Valley to assist City personnel with the installation and configuration of the equipment and required 3rd party software.
7. A backup server will be identified by City staff and configured by KHA for backup and disaster recovery purposes.
8. City personnel, with assistance from KHA, will be responsible for converting and entering signal timing and configuration data into the system database. Preliminary testing will utilize controllers installed in the TMC and/or maintenance facility.
9. KHA will assist City personnel with the installation of 5 compatible BI Tran 233 intersections by assisting with the intersection graphics and configuration of these field signals within the Integrated System and by monitoring the operation of the System at the control center. This assistance will include preliminary training on the graphic configuration within the System.
10. KHA will demonstrate continuous successful communication with the traffic signal controllers and pan-tilt-zoom cameras.
11. KHA will configure compatible mobile devices with the KHA Mobile Performance Metric Collection application. This will allow up to 10 users to generate, high-resolution arterial performance metric data. Authorized users will be able to view and generate reports through a web browser. The arterial performance data will be stored on a server maintained by KHA.

Deliverables:

4.1 Software Configuration
4.2 KITS Installation Program and Procedures
4.3 Software Installation at City TMC
4.4 System Configuration and Integration for 5 Intersections
4.5 CCTV Integration
4.6 Mobile Performance Metrics Integration

Task 5: Documentation

KHA will provide KITS documentation for the City in the following form:

- System User's Manual – provides an overview description of the system, its components, how they are used or accessed by the operators as well as how to use the GUI's for all aspects of the system.
- Quick Start Guide – describes initial configuration and setup of the system. This brief document references the User's Guide, but presents the information in a simple format. The document focuses on data entry, map customization, and initial configuration.

Electronic copies of the final documentation will be provided.

Training topics include:

- On-line help
- Installing software updates
- Intersection phase configuration
- Data integrity
- Naming conventions
- System components
- Effective Monitoring

Deliverables:
5.1 Electronic copies of the System User's Manual and Quick Start Guide for KITS
5.2 Initial Operator Training

Task 6: Remote access configuration
KHA will facilitate meetings with City transportation and IT department to review cost-efficient solutions to allow authorized staff to view relevant signal system information remotely. KHA will assist with the implementation of a remote desktop solution to view and exchange relevant information.

Deliverables:
6.1 Documentation and Configuration Settings for Remote Access

Task 7: Final Training
The final training will be a comprehensive, hands-on review of all previous training sessions. In addition, the City may request additional topics that were not previously covered. The following topics will be discussed:

- Operation and Management of the Integrated System
- Overview of the KITS System
- Operations and System Maintenance
- Security
- Configuration and Customization
- Advanced Functionality

A training schedule will be delivered 2 weeks prior to the comprehensive training sessions that will detail the date and time for each topic. The City can provide input that will help determine the amount of time that is spent on each topic.

(continues)

Deliverables:
7.1 Electronic Copies of Training Documentation (syllabus, manuals, visual presentation materials)
7.2 Hands-on Two Day Workshop

Task 8: Warranty, Support, and Maintenance
The Consultant shall provide a warranty, support, and maintenance for the supplied software for a period of two years. Any ATMS software bugs found during this period will be corrected at no additional cost to the City. New functionality, additions, and enhancements made to the software, that do not constitute a separately packaged and marketed version or module of the system, developed by the Consultant during this period shall be offered to the City at no additional license fee. Upon approval by the City, these enhancements shall be installed and integrated based on current hourly rates.

The Consultant shall provide maintenance services, which will include phone and e-mail support during City's working hours. The Consultant shall perform periodic check-ups and tune-ups several times a year to validate System performance.

Deliverables:
8.1 Two Year Warranty, Support, and Maintenance

Project Deliverables
KHA shall use the standard City software set forth below when preparing deliverables. KHA shall provide deliverables in the appropriate file format (by downloads and/or via e-mail) as follows:

- Microsoft Word or Adobe PDF – Word Processing
- Microsoft Excel – Spreadsheet
- Microsoft PowerPoint – Presentation Materials

The City shall provide comments in electronic format using the same software as outline above.

Optional Operational Support
Other services may be provided in support of the system, its operations or the communication infrastructure for the City as additional services. Authorization by City is required prior to beginning any of these tasks. Services that are not included in this contract, but that may be provided as additional services may include but are not limited to:

- Integration services for additional intersections
- Database population
- Additional intersection graphic configuration
- Communication troubleshooting and integration
- Corridor retiming
- Before and after studies that quantify improvement from deploying the System

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR *LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY* RIVERSIDE SUPERIOR COURT CASE RIC 524877

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500).

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for *Los Angeles Engineering, Inc. v. City of Moreno Valley* Riverside Superior Court Case RIC 524877.

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

BACKGROUND

In 2007, the Community Services District awarded a contract to Los Angeles Engineering to renovate the Moreno Valley Community Park soccer fields. Five

Contract Change Orders were issued for various changes in the scope of the work and as a result of weather delays. Los Angeles Engineering completed the project later than the allowed and refused to process the last three Change Orders. Los Angeles Engineering filed a claim and then a lawsuit in 2009 alleging extra work and extended overhead cost. Gibbs, Giden, Locher, Turner & Senet (GGLTS) were retained to defend the lawsuit and bring the cross-complaint against Los Angeles Engineering.

DISCUSSION

Gibbs, Giden, Locher, Turner & Senet were retained as outside counsel for this case. In January 2009, the City issued a Purchase Order using unencumbered project funds for general legal services for the Moreno Valley Community Park Soccer Field Rehabilitation. Due to the ongoing nature of the litigation, the current Purchase Order is not sufficient to continue the defense of the case and the pursuit of the cross-complaint. Increasing the Purchase Order would allow the City to retain GGLTS to reach a conclusion in the lawsuit. Three sources of funding were used for the project: a State of California grant, Park Improvement Development Impact Fees, and Quimby In-Lieu Fees. In order to use Park Improvement Development Impact Fees for a project, the City must establish a nexus between the development projects paying the fees and the facilities being financed with the fees and the service level to be provided by the facility. Because the soccer fields were expanded by more than 50%, it was reasonable to fund half of the project with Park Improvement Development Impact Fees. The lawsuit is a direct result of the rehabilitation and expansion of the soccer fields. The use of Park Improvement Development Impact Fees for the City to continue to defend the lawsuit and pursue the cross-complaint is established as the result of the project's construction activities. Therefore, the use of Park Improvement Development Impact Fees for legal services against a claim resulting from the Soccer Field Renovations' construction activities is reasonable.

ALTERNATIVES

1. This alternative will allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel to continue the litigation.

2. This alternative will not allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel and may affect the outcome of potential litigation.

FISCAL IMPACT

Staff requests that an appropriation from Park Improvement Development Impact Fees (Fund 205) in the amount of $100,000 be authorized to allow for the purchase order increase and subsequent payments to GGLTS. There is no impact to the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2011/2012 Budget (Account No. 461.65325) $100,000
Total Available Funds $100,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Due to the ongoing litigation with Los Angeles Engineering, Inc. over the Moreno Valley Community Park Soccer Field Rehabilitation Project, Staff recommends an appropriation of $100,000 from Parkland Development Impact Fees (Fund 205) to allow for an increase to the Purchase Order to Gibbs, Giden, Locher, Turner and Senet, LLP. This increase will allow for the continuing payment of legal fees and costs due to the litigation with Los Angeles Engineering.

ATTACHMENTS

None

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: TRACT MAP 32707 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION
ONE BETTERWORLD CIRCLE, SUITE 300
TEMECULA, CA 92590

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-79 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32707 is a 137-lot single family residential development to be constructed in the City of Perris just south of Moreno Valley's City limits, with a portion of Lasselle Street being improved within the City of Moreno Valley. The project was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, landscaping, and sewer work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $95,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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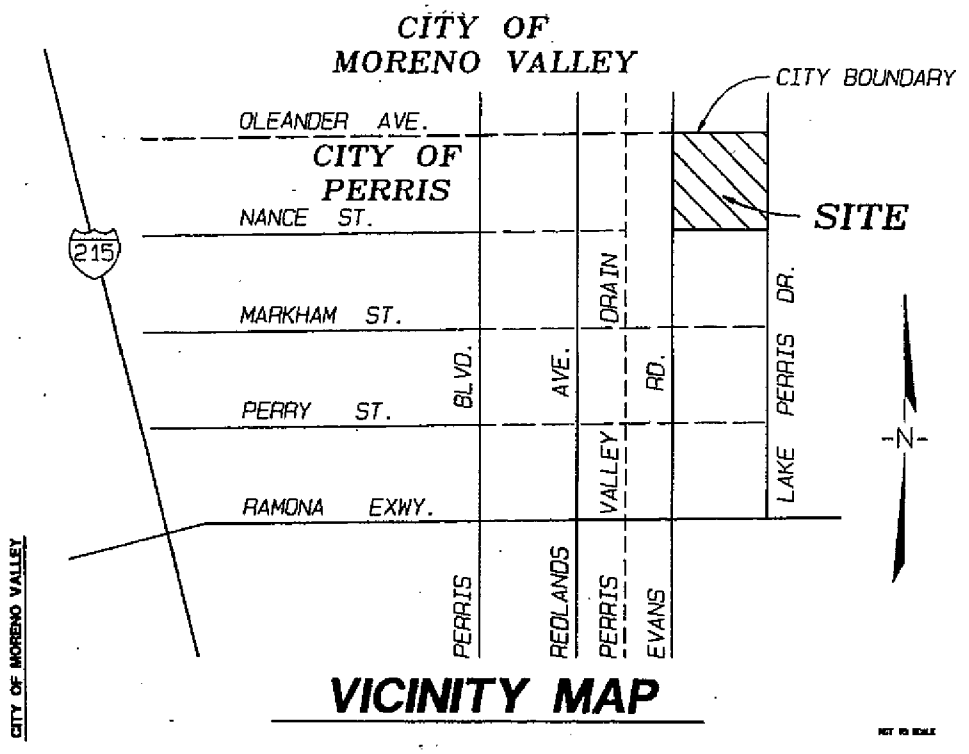

VICINITY MAP

NOT TO SCALE

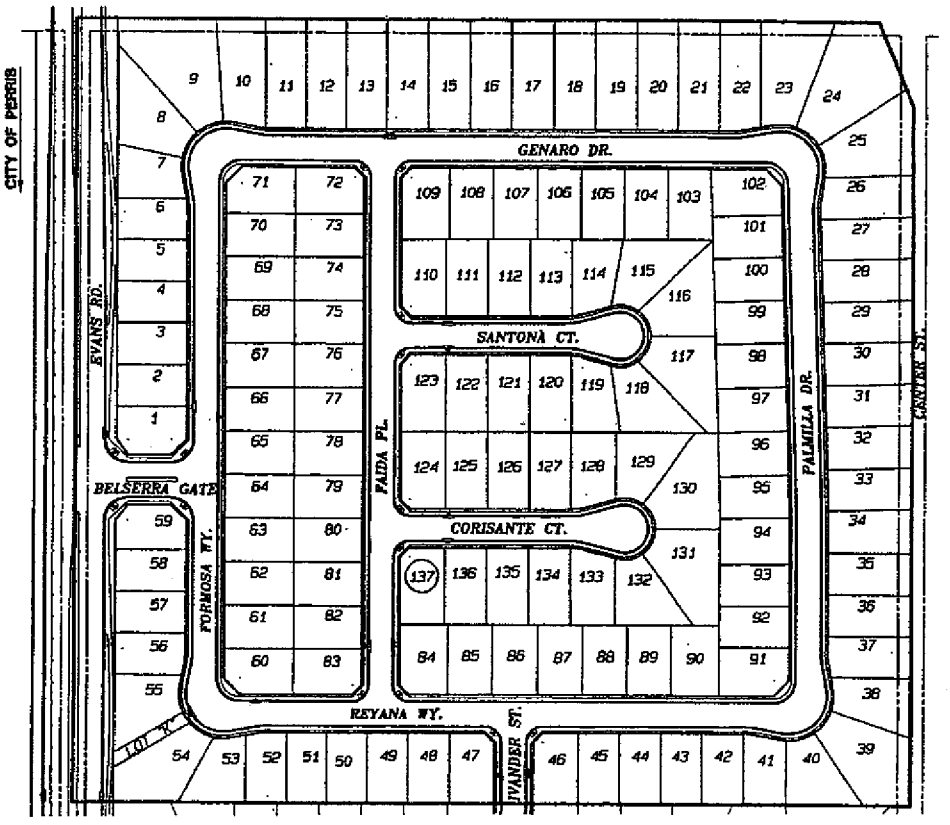

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**TRACT 32707** **VICINITY MAP**

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RESOLUTION NO. 2011-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32707 AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Redhawk Communities. on the portion of Lasselle Street associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32707 and accept the portion of Lasselle Street associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within Tract Map 32707 are complete, and the portion of Lasselle Street associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

EXHIBIT "B"

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract to Beador Construction Company, Inc. (Beador) and authorized the issuance of a purchase order in the amount of $243,960 for the 2011 Citywide Bridge Maintenance Program.

DISCUSSION

The 2011 Bridge Maintenance Program involved the application of Methacrylate Deck Treatment to three (3) bridges including Cactus Avenue Bridge, west side of Kitching Street (Bridge No. 56C0407), Bay Avenue Bridge, 0.25 mile east of Kitching Street, (Bridge No. 56C0401), Oliver Street Bridge, 500 feet north of John F. Kennedy Drive (Bridge No. 56C0559). Work on the remaining five (5) bridges included cold mill and pave back the existing asphalt concrete over the bridge deck and the bridge approaches at the following bridges: Cottonwood Avenue Bridge, 0.2 mile east of Heacock Street (Bridge No. 56C0214), Dracaea Avenue Bridge, 0.14 mile west of Indian Street (Bridge No. 56C0274), Cactus Avenue Bridge, 0.5 mile west of John F. Kennedy Drive (Bridge No. 56C0420), Cactus Avenue Bridge, 0.2 mile west of John F. Kennedy Drive (Bridge No. 56C0421), and Perris Boulevard Bridge Approaches, 1.0 mile south of Iris Avenue (Bridge No. 56C0464).

At the time of preparation of this Staff Report, the project is anticipated to be complete by June 30, 2011. Subsequently, staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost will not exceed the approved purchase order amount of $243,960. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release of retention money to Beador thirty five (35) calendar days after the date of recordation of the Notice of Completion, and accept the improvements into the maintained road system. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2010-2011 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. There is no impact to the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2010/2011 Budget (Account No. 226.79828)	$420,000
Total Available Funds	**$420,000**

ESTIMATED PROJECT COSTS:

Contractor Construction Costs*	$244,000
Project Administration, Design, and Inspection	$45,000
Miscellaneous Costs	$2,000
Total Estimated Project Costs	**$291,000**

*Staff anticipates that Contractor Construction Costs will not exceed purchase order amount.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Beador is anticipated to complete the 2011 Citywide Bridge Maintenance Program project by June 30, 2011. The City Council is requested to authorize the Public Works Director / City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Beador, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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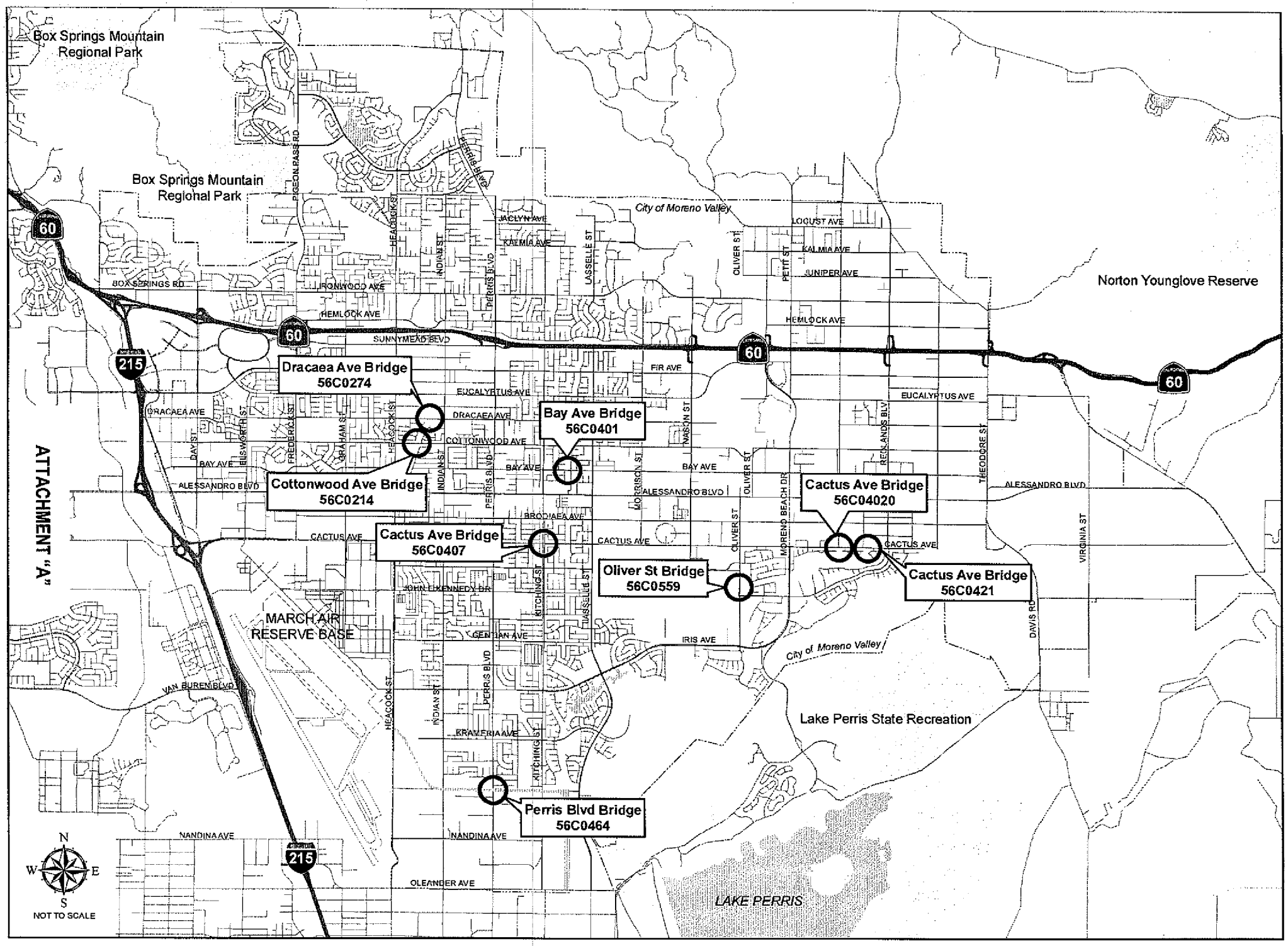

ATTACHMENT "A"

VICINITY MAP: 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM - MORENO VALLEY

MV00000250

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Community and Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date

of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

BACKGROUND

On June 22, 2010, the City Council awarded a contract in the amount of $706,716 to San Pedro Sign Company (SPESCO) and authorized the issuance of a purchase order in the amount of $812,724 for the construction of the Moreno Valley Auto Mall Freeway Pylon Sign.

DISCUSSION

The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase business advantageous by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The pylon sign is an integral element of the plan. The sign is located on the south side of the SR60 freeway, east of Moreno Beach Drive. This project replaced the existing aged and worn freeway sign with a new up-to-date high-tech two (2) sided sign that includes a larger video display. The sign is in conformance with the "Specific Plan No. 5 Sign," and is 31 feet wide and stand approximately 85 feet in height, as seen from the freeway.

At the time of preparation of this Staff Report, the construction of the pylon sign is anticipated to be completed at end of June 2010. Subsequently, Staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost is estimated at approximately $725,000 which does not exceed the approved purchase order amount of $812,724. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council and the Redevelopment Agency to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, authorize the release to retention money to SPESCO thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the pylon sign to the Moreno Valley Dealers Advertising Association. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public

Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will allow for timely payment to the Contractor and the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements, and delaying the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2010/2011 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2010/2011 Budget (Account No. 897.91725)..... $1,512,000

CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$725,000
Project Administration, Design Support, and Inspection Costs*	$ 46,000
Construction Support Services and Miscellaneous Costs	$ 15,000
Total Construction Related Costs	**$786,000**

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

SPESCO has completed the Moreno Valley Auto Mall Freeway Pylon Sign project. The City Council and the Community Redevelopment Agency is requested to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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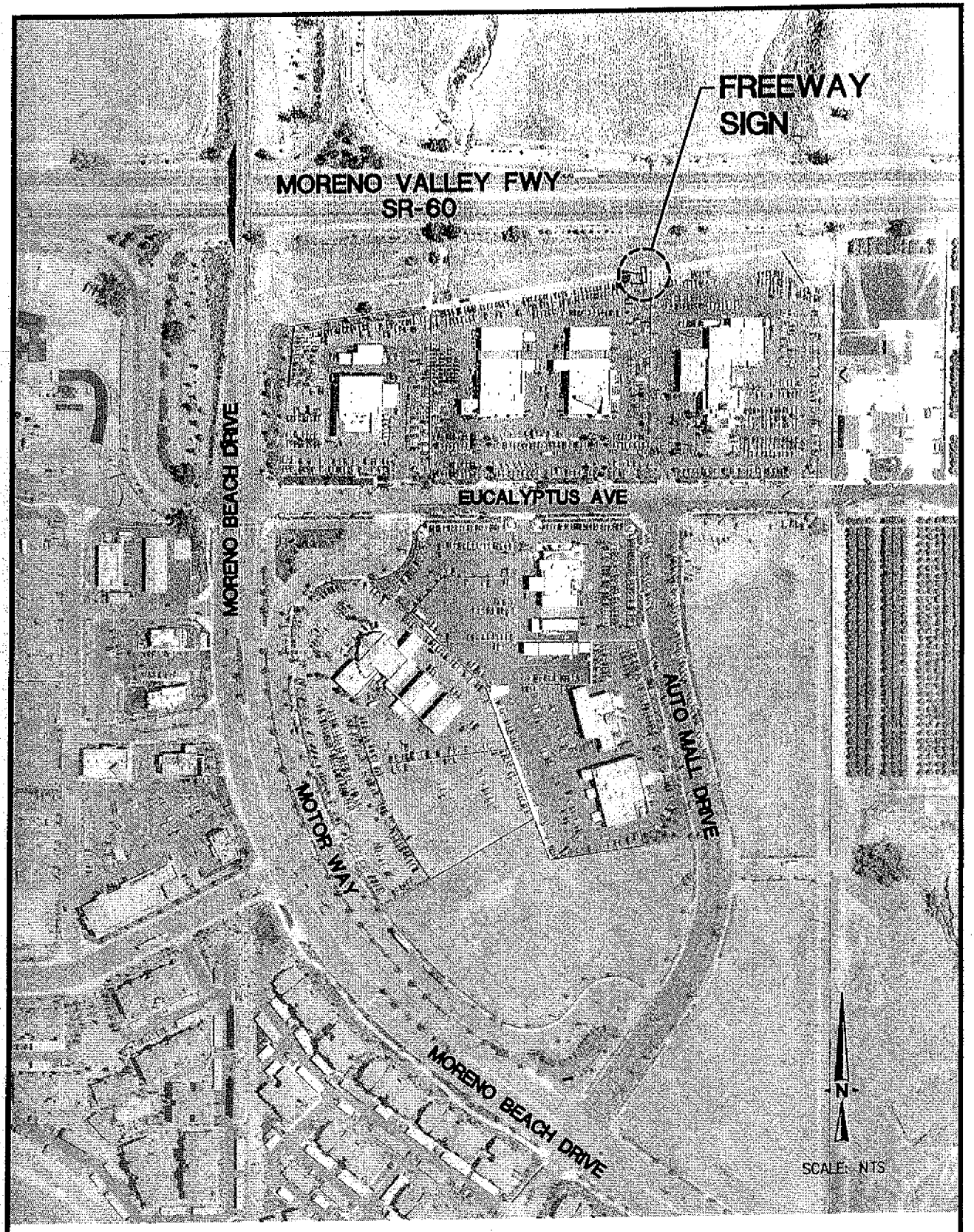

VICINTY MAP

ATTACHMENT "A"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division.

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto.

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

BACKGROUND

On July 13, 2010, City Council approved a Project Agreement in the amount of $99,000 with OPC for a one year period.

DISCUSSION

Due to the vacant City staff "Senior Real Property Agent" position, as well as an increase in project related right of way activities, additional resources are necessary. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to extend their Project Agreement with OPC.

OPC staff has an excellent track record of providing right of way services for budgeted capital improvement projects including, but not limited to, Kitching Street Improvements, Day Street Improvements, and Lasselle Street Widening Improvements. In the upcoming fiscal year, OPC staff will continue to work on right of way for projects such as the Perris Boulevard from PVSD Lateral "B" to Cactus Avenue Improvements, Perris Boulevard from Ironwood Avenue to Manzanita Avenue, acquisition of property for the future Industrial Fire Station and Fire Station No. 65, and other budgeted capital projects as assigned.

Staff recommends issuing an increase to the purchase order and executing the "First Amendment to Agreement for Professional Consultant Services" with OPC for a continuation of their services. The purchase order increase for $85,000 allows for additional right of way services by the in-house consultant staff on an as-needed basis with a revised contract expiration date of December 31, 2012.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, do not authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and do not authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Project Agreement for Professional Consultant Services" with OPC will be fully expended in September 2011. This First Amendment increases the purchase order by $85,000 to extend the as-needed temporary professional staffing services to December 31, 2012. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City

the ability to terminate the agreement by giving at least ten days written notice to the consultant.

As costs are incurred against this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The anticipated associated costs for the purchase order increase will be funded through DIF Arterial Streets (Fund 416), TUMF Capital Projects (Fund 415), Fire Station Funds (Fund 434), and Measure "A" (Fund 125):

Perris Boulevard from PVSD Lateral "B" to Cactus Avenue (416.78526)..... $30,000
Perris Boulevard from Ironwood Avenue to Manzanita Avenue (415.78726)..... $29,000
Industrial Fire Station (434.67930)..... $11,000
Fire Station No. 65 (434.72526)..... $11,000
Highland Fire Station (434.67830)..... $4,000
Total..... $85,000

These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

Due to the need for in-house right of way services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with OPC is necessary to continue the temporary professional staffing services for the Capital Projects Division. Staff recommends that the City Council authorize the execution of the Amendment and increase to the purchase order to OPC in the amount of $85,000.

ATTACHMENTS

Attachment "A" – First Amendment to Project Agreement for On-Call Professional Consultant Services

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Overland, Pacific and Cutler, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT for ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 22, 2010.

Whereas, the Consultant is providing Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed).

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 13, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as Exhibit "A" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended to December 31, 2012.

1.2 Exhibit "B" to the Project Agreement is hereby amended by adding to the scope of

work section described in Exhibit “A”, entitled "Consultant Proposal.”

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B”, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $85,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “B”.

1.5 The total “Not to Exceed” fee for this contract is $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley	Overland, Pacific and Cutler, Inc.
BY: _____ City Manager	BY: _____
DATE: _____	TITLE: _____ (President or Vice President)
	BY: _____
	TITLE: _____ (Corporate Secretary)

Attachments: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

Revised Dec 2010

OVERLAND PACIFIC & CUTLER, INC.
www.OPCservices.com
2280 Market Street, Suite 340, Riverside, CA 92501
phone: (951)683-2353, fax: (951)683-3901

June 13, 2011

Ms. Kimberly Jester
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: Continuation of In-House Right of Way Consulting Services 2011

Dear Ms. Jester:

In response to your request, Overland, Pacific & Cutler, Inc. (OPC) is pleased to present the City of Moreno Valley with this brief fee proposal for the continuation of in-house staffing services under our existing Professional On-Call Services Agreement.

OPC is proposing to continue with the existing arrangements and will assign Mr. Michael Green to the City for another one (1) year term beginning January 1, 2012 and expiring December 31, 2012. Mr. Green will be working at a rate of $105 per hour, Tuesdays and Thursdays, from 8:00 AM to 5:00 PM. At 16 hours per week for the year, we estimate the total annual cost to be $87,360, plus any reimbursable expenses pursuant to the Professional On-Call Services Agreement. Should the actual hours increase or decrease over the coming year, the estimated cost will adjust accordingly.

Should you have any questions or would like to discuss further, please do not hesitate to call me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Principal/Vice-President

EXHIBIT "A"

COST SUMMARY

1. The Consultant's compensation shall not exceed $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

EXHIBIT "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 12, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $1,768,222.35 to Riverside Construction Company, Inc., for the Ironwood Avenue improvements from Day Street to Barclay Drive. The project construction work began on December 6, 2010.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company, Inc. by July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $1,675,000 which is not expected to exceed the approved purchase order amount of $1,768,222.35. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally consisted of widening the south side of Ironwood Avenue from Day Street to Barclay Drive with the addition of one (1) lane plus a right turn lane, which included concrete curb, gutter, and sidewalk covering approximately 1,600 linear feet. Improvements included approximately 1,402 feet of new waterline in Ironwood Avenue beginning at Day Street and connecting to an existing waterline east of Athens Drive, a masonry block retaining wall along the southerly right of way line between Day Street and Athens Drive, storm drain improvements in Ironwood Avenue at the intersection of Athens Drive, a traffic signal modification at Day Street and Ironwood Avenue, a new traffic signal at Athens Drive and Ironwood Avenue, street lighting, and interconnect improvements. The modifications facilitate a smooth transition through the intersections for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue. Ironwood Avenue becomes Box Springs Road just west of Day Street.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion

within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Ironwood Avenue improvements from Day Street to Barclay Drive were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). In accordance with the terms of the Reimbursement Agreement, EMWD deposited $100,273 to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue through fund 414 (Account No. 414.80422); this amount may be adjusted based on final construction costs for this portion of the work. The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91727)	$2,585,000
Fiscal Year 2010/2011 (Account No. 414.80422)	$150,000
Total Budgeted Funds	$2,735,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	**$1,675,000**

Design Support Costs during Construction	$60,000
Construction Geotechnical Services	$30,000
Construction Survey Services	$30,000
Project Administration and City Inspection*	$80,000
SCE Costs (Utility, Streetlights, and Permits)	$32,000
Total Project Construction Costs	**$**1,907,000

*Public Works staff provided project administration and primary inspection services. Additional consultant inspection support was provided for supplemental inspection.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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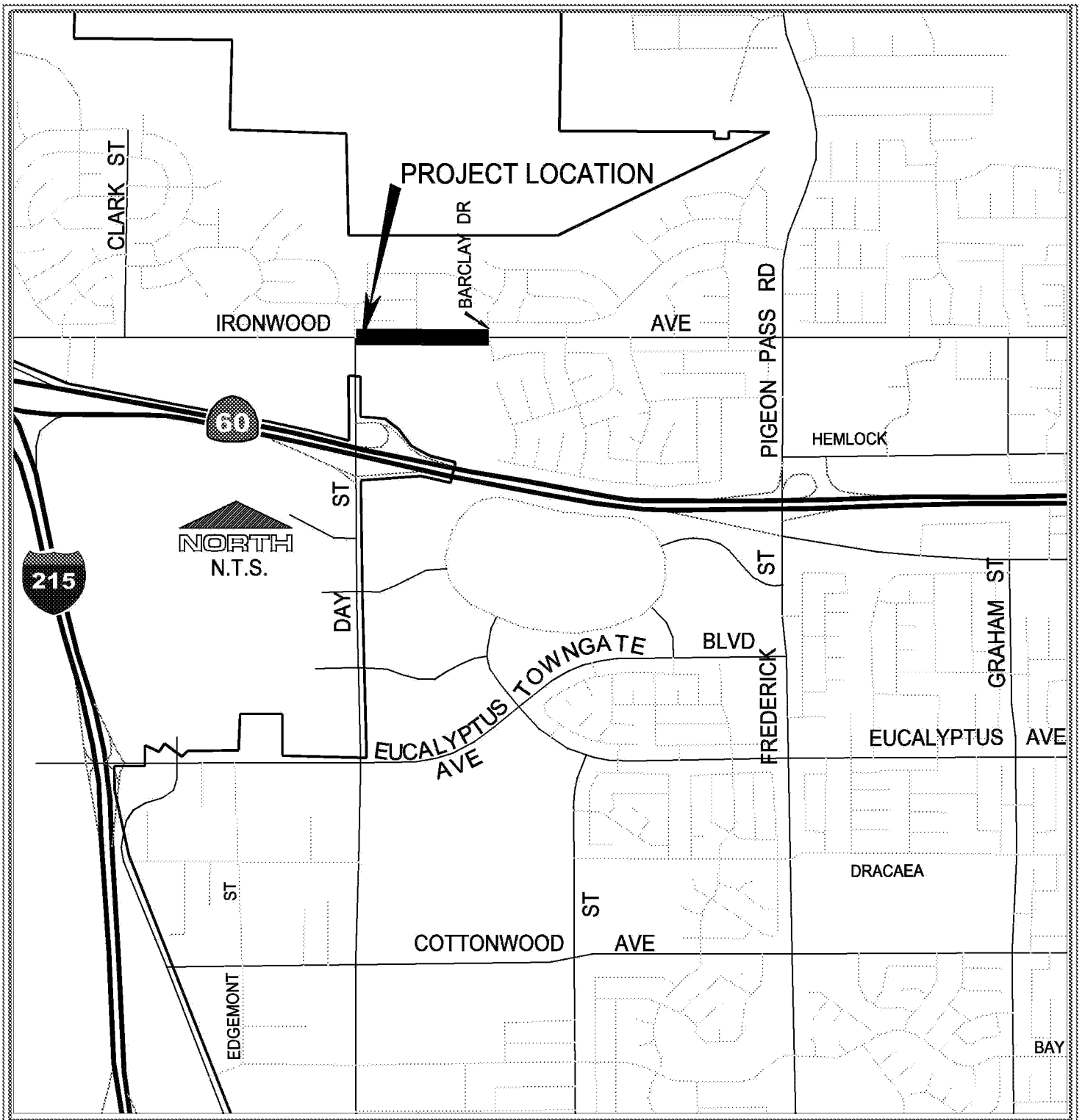

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 26, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $207,299 to SoCal Engineers, Inc., for the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east). The project construction work began on January 24, 2011.

DISCUSSION

Staff anticipates that all work will be completed by SoCal Engineers, Inc. in July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final construction cost will be approximately $205,000 which is not expected to exceed the approved purchase order amount of $207,299. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion after the Public Works Director/City Engineer accepts the improvements as complete with the County Recorder, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally involved the installation of a new traffic signal at the intersection of Sunnymead Ranch Parkway and Village Road (east). The work also included the removal and construction of new asphalt concrete pavement, curb and gutter, sidewalk, access ramps, interconnect conduit, and a residential driveway approach, as well as restriping of the intersection, and the installation of signage.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the

improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

The traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east) were included in the Fiscal Year 2010/2011 budget, and financed by DIF Traffic Signal Capital Projects (Fund 417). The funding for this project is restricted to traffic signal capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 417.79229)	$249,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Cost	$205,000
Construction Surveying Cost	$2,000
Construction Geotechnical Cost	$2,000
City Furnished Equipment	$19,000
Project Administration and Inspection Services	$21,000
Total Project Construction Costs	**$249,000**

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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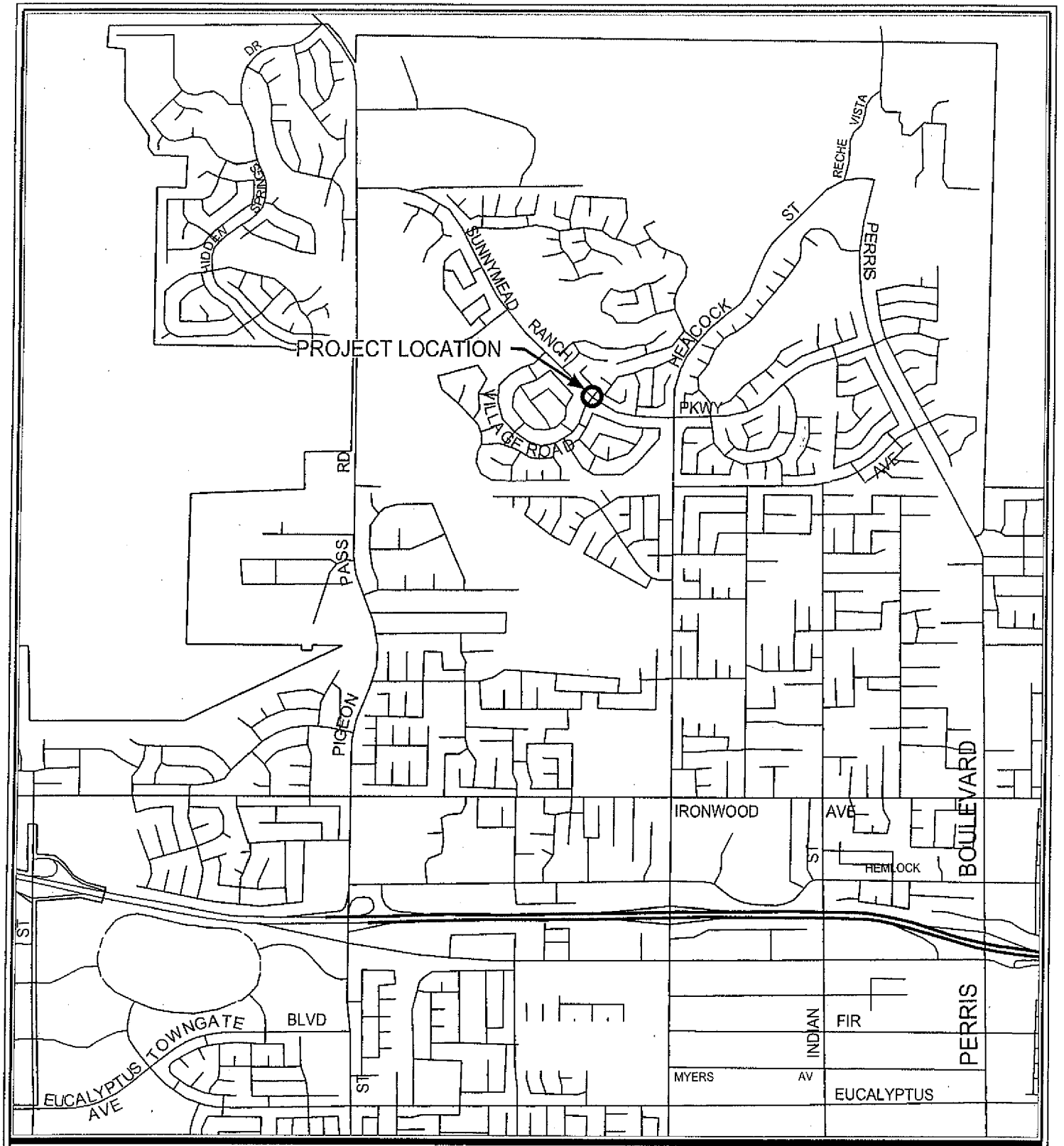

ATTACHMENT "A" - LOCATION MAP

Public Works Department Capital Projects Division	PROJECT NO. 10-41779229 TRAFFIC SIGNAL AT SUNNYMEAD RANCH PKWY AND VILLAGE RD (EAST)
Scale: None	
THOMAS GUIDE - PAGE 687, SECTION D6	

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On May 25, 2010, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,912,608.76 to Hillcrest Contracting, Inc. The work consisted of the construction of street, signing, striping, waterline, utility relocation, and other related road improvements on Day Street between Alessandro Boulevard and Cottonwood Avenue. The City issued a Notice to Proceed to Hillcrest Contracting, Inc. to start work on July 13, 2010.

On February 22, 2011, City Council and the Community Redevelopment Agency were informed that a design error was discovered pertaining to the design and construction of a portion of the street curb and gutter tied to a cross gutter to facilitate surface drainage, located on a short segment of the northerly end of Day Street, just south of Cottonwood Avenue. City Council also authorized an increase of the Purchase Order to a total amount of $2,104,608.76.

Staff is diligently working to resolve the drainage issue independently of this construction contract as part of a second phase of improvements for Day Street. This second phase, Storm Drain Improvements on Day Street South of Cottonwood Avenue, is included in the Fiscal Year 2011–12 CIP, which City Council adopted on June 14, 2011.

DISCUSSION

Hillcrest Contracting, Inc. completed all construction work per the plans and specifications in April 2011. In accordance with the contract documents, however, the date of acceptance of the work for this project by the City Council is contingent upon the satisfactory conclusion of the 90 day maintenance period, which is scheduled for the end of July 2011.

Staff is in the process of negotiating the final Contract Change Order and anticipates the final contract cost will be approximately $1,953,000.00 which does not exceed the approved purchase order amount of $2,104,608.76. Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice

of Completion. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2010-2011 Budget and is financed by RDA 2007 Tax Allocation Bonds (TABS) funds (Fund 897). **These funds have been allocated for the Day Street from Alessandro Boulevard to Cottonwood Avenue Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

FISCAL YEAR 2010-2011 BUDGETED FUNDS (ACCOUNT NO. 897.91724):
RDA 2007 Tax Allocation Bonds (TABS) $2,413,377

FINAL CONSTRUCTION RELATED COSTS:

Design Support Services during Construction	$15,000
Anticipated Contractor Construction Costs	$1,953,000
Construction Geotechnical Services	$15,000
Construction Survey Services	$45,000
Construction Inspection Services	$12,000
Project Administration and City Inspection	$90,000
Total Project Construction Costs	$2,130,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Hillcrest Contracting, Inc. completed construction of the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue at the end of April 2011 and, anticipating the successful completion of the 90 day maintenance period, the project will be complete at the end of July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Lorenz R. Gonzales, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community &Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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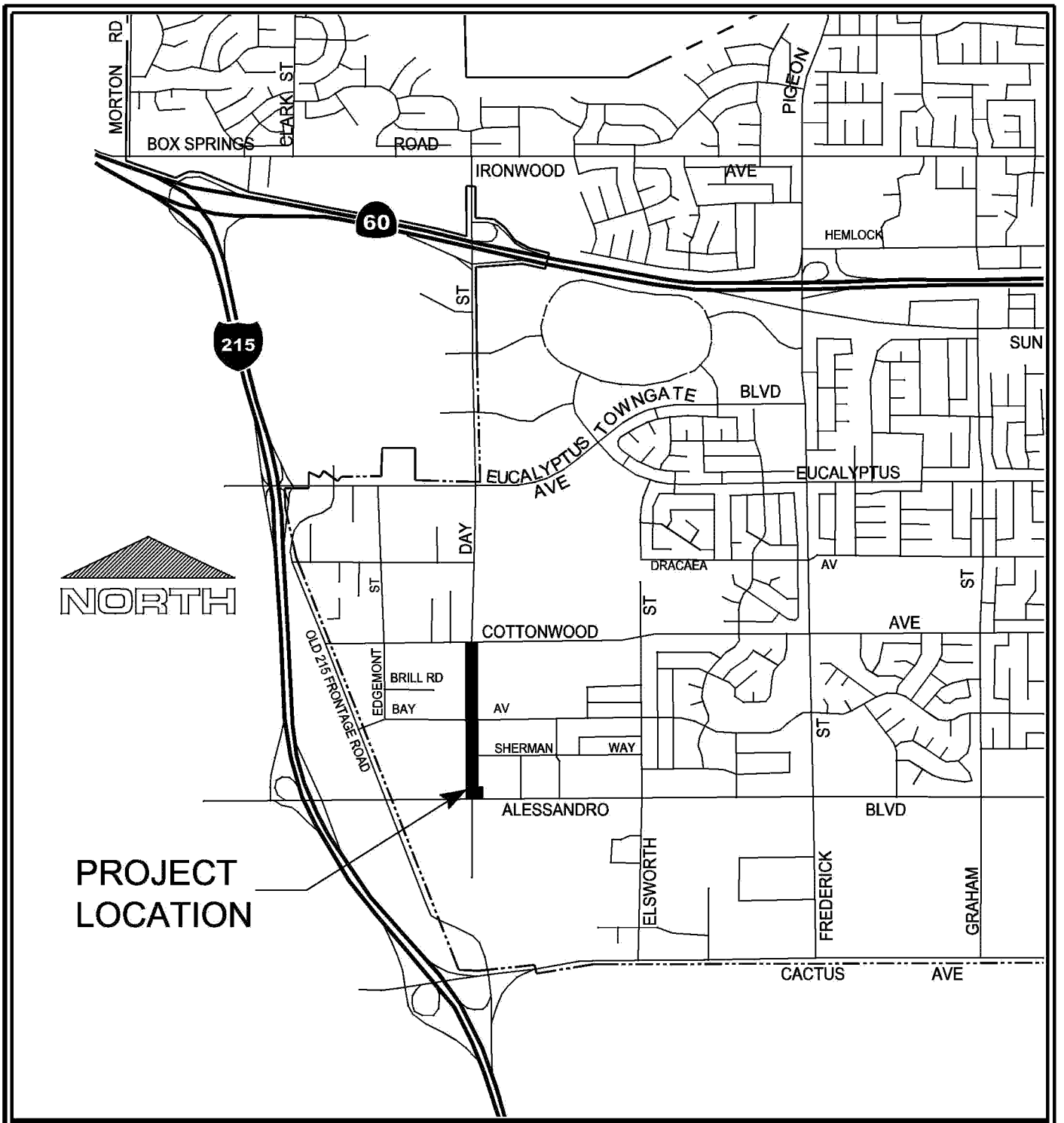

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

STREET IMPROVEMENTS FOR DAY STREET
FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE
PROJECT NUMBER 02-89266920

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: July 12, 2011

TITLE: RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On April 12, 2005, Moreno Valley City Council adopted Resolution No. 2005-30, authorizing the City Manager, Assistant City Manager and the Public Works Director/City Engineer to execute documents on behalf of the City of Moreno Valley for the purpose of obtaining federal and state financial assistance.

California Emergency Management Agency has required that Moreno Valley City Council adopt a new resolution in place of Resolution No. 2005-30, designating and authorizing City officials to execute applications and documents.

DISCUSSION

To apply for and receive disaster relief and other financial funding offered under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and/or under the California Disaster Assistance Act, the City of Moreno Valley must designate City officials who are authorized to execute applications and documents on behalf of the City. Resolution No. 2011-xx rescinds Resolution 2005-30 and authorizes the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer to execute documents on behalf of the City.

ALTERNATIVES

1. Adopt the proposed amended Resolution re-designating and authorizing signature authorities to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act. **Staff recommends this alternative.**

2. Do not adopt the proposed Resolution. This alternative would prevent the City from receiving disaster relief and other financial funding.

3. Provide staff with further direction.

FISCAL IMPACT

Without a new Resolution, the City would not be eligible to receive disaster relief and other financial funding.

CITY COUNCIL GOALS

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

NOTIFICATION

Publication of the Council Agenda.

ATTACHMENTS/EXHIBITS

Exhibit “A” - Proposed Resolution

Prepared By:
Name LeAnn M. Coletta, CEM
Title Office of Emergency Management Program Manager

Department Head Approval:
Name Steve Curley
Title Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING RESOLUTION NO. 2005-30, AND RE-DESIGNATE AND AUTHORIZE CERTAIN CITY OFFICIALS TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

WHEREAS, Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, requires a signature resolution designating and authorizing certain city officials to execute applications and documents necessary to obtain financial assistance; and

WHEREAS, the City Council of the City of Moreno Valley heretofore adopted Resolution No. 2005-30, designating and authorizing certain city officials to execute said applications and documents; and

WHEREAS, the California Emergency Management Agency has required that the Moreno Valley City Council update Resolution No. 2005-30 in order to be eligible for financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

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

1. That the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer, is hereby authorized to execute for and on behalf of the City of Moreno Valley, a local government established under the laws of the State of California, applications and other related documents for filing in the California Emergency Management Agency for purpose of obtaining financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

2. That the City Council of the City of Moreno Valley, a local government established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis.

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto.

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

BACKGROUND

On September 14, 2010, City Council approved an "Agreement for On-Call FY 10/11 Project Management Services" with VAS Associates, Inc. for $285,000 for various projects of the Capital Projects Division.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

VAS will serve as the Project Manager for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. These fast-tracked projects are part of the April 26, 2011 City Council approved Economic Development Action Plan. Furthermore, VAS will continue to work in the capacity of Consultant Project Manager for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue, which is anticipated to begin construction in the fall of 2011.

VAS currently provides Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract. This action is necessary due to on-going heavy workload and shortage of qualified, experienced, and knowledgeable Project Managers to complete budgeted capital improvement projects funded by various revenue sources as depicted in the FY 11/12 CIP budget.

VAS staff possesses a unique combination of skills as well as 30-plus years of industry experience. Their in-depth knowledge of the Public Contract Code, Green Book Specifications, and public works contracting practices, coupled with a vast network of contacts and experience with various Riverside County regional agencies has contributed to the successful execution of many complex public works projects. Two of the projects completed for the City by VAS staff received the Project of the Year Award from the American Public Works Association, Southern California Chapter.

VAS has a long-standing and proven track record of managing high-profile construction projects that are completed on time and within budget. Within the recent past, VAS has successfully completed the Kitching Street Improvements from Cactus Avenue to Alessandro Boulevard, which improved 2,800 linear feet of roadway segment to its General Plan width of four (4) travel lanes; the Lasselle Street Widening project, the widening of a one-mile stretch of roadway to its ultimate General Plan width of four (4) travel lanes; and the 2011 Citywide Bridge Maintenance Program, a project that repaired eight (8) bridges within the City. Previously, VAS constructed Pigeon Pass Road Widening, which completed improvements for missing segments of a two-mile section of roadway. VAS successfully completed several traffic signal construction projects such as the traffic signals at Cottonwood Avenue and Pattilynn Drive, Lasselle Street and Bay Avenue, and Lasselle Street and Cottonwood Avenue.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all

parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, do not authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and do not authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

The current Agreement for Professional Consultant Services with VAS will be fully expended in by late 2011/early 2012. This new amendment to agreement in the amount of $312,000 is for on-going services throughout the anticipated duration of the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. The new agreement termination date is June 30, 2013. Adequate funding is provided through the various budgeted capital improvement projects assigned to the consultant. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Avenue budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Amendment to Agreement for Professional Consultant Services will be funded through TUMF Capital Projects (Fund 415).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$196,000
Perris Boulevard Widening (Account No. 415.70225)	$116,000
Total	**$312,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary project management consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, the First Amendment to Agreement for Professional Consultant Services with VAS is necessary to extend temporary professional staffing services to the Capital Projects Division. Staff recommends issuance of a purchase order to VAS in the amount of $312,000.00.

ATTACHMENT

Attachment "A" – First Amendment to Project Agreement for On-Call Project Management Services for Various Projects of the Capital Projects Division

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and VAS Associates, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT FOR ON-CALL FY 10/11 PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION," hereinafter referred to as "Agreement," dated September 21, 2010.

Whereas, the Consultant is providing consultant Project Management services for budgeted Capital Improvement Plan (CIP) projects of the Capital Projects Division.

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 14, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as “Exhibit A -- First Amendment” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended from March 31, 2012 to June 30, 2013.

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A” -- First Amendment, entitled "Consultant Proposal."

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B” -- First Amendment, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $312,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “A” - First Amendment.

1.5 The total “Not to Exceed” fee for this contract is $597,000 ($285,000 for the original Agreement plus $312,000 for the First Amendment to Project Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

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

City of Moreno Valley

BY: _____
City Manager

DATE: _____

VAS Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachment: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

Revised Dec 2010

VAS Associates, Inc.
571 Ruth Circle
Corona, CA 92879-8088
(951) 314 2288
Viren50@hotmail.com

June 14, 2011

Prem Kumar, PE
Deputy Public Works Director/Assistant City Engineer
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Annual On-Call Professional Consultant Services-Project Management for Capital Improvements. Expansion of Services.

Dear Mr. Kumar:

VAS Associates, Inc. (VAS) is pleased to submit this proposal that expands services based on our recent discussions that identified needs of Capital Projects Division of Public Works Department based on recently adopted new set of priorities for the division in accordance with the following:

A) It is our understanding that previous assignment to VAS as identified in VAS letter dated August 2, 2010 to the City has now been expanded/revised to include the following projects:

- Design, Right of Way, Utilities Relocations and Construction phases for Perris Boulevard Widening from Ironwood to Manzanita Project.
- Completion of PS&E, Utilities Coordination and Construction phases for Cactus Avenue widening from Lasselle Street to Nason Street project.
- Completion of PS&E, Utilities Coordination and Construction phases for Nason Street improvements from Iris Avenue to Cactus Avenue project.
- Close out of 2011 Citywide Bridge Maintenance Program project.
- Completion of PS&E and Major Utilities Relocations for Kitching Street Improvements-Phase II from Gentian to Cactus project.
- Completion of PS&E including Utilities Relocation design for Reche Vista Drive Realignment project.

B) Our staff hourly billing rate will be $120/Hour. Standard Work Week will be based on a 40 Hours/Week.

EXHIBIT "A"

C) VAS services are requested at least until June 30, 2013 to ensure completion of the above-mentioned project assignments.

D) All other terms of the "Agreement for Annual On-Call Professional Consultant Services – Project Management for Capital Improvements" between the City of Moreno Valley and VAS will remain in force.

We look forward to continue to provide quality project management services to the City of Moreno Valley. If you have any questions, please do not hesitate to contact me at 951.314.2288.

Sincerely,

Viren Shah, PE
Principal

COST SUMMARY

1. The Consultant's compensation shall not exceed $597,000 ($285,000 for the original Agreement, plus $312,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of invoice.

EXHIBIT "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto.

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

BACKGROUND

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require

dedicated, knowledgeable, and efficient support with experience in assisting with these types of projects.

The Capital Projects Division currently receives Consultant Administrative Specialist services for several design and construction projects under an existing professional consultant service contract with RLZ Engineering, Inc. which is anticipated to be fully expended shortly. The key individual with RLZ Engineering, Inc. will be moving over to DMC Design Group, Inc. (DMC) and proposes to provide similar services through a new agreement with DMC.

Consultant staff will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with coordinating weekly meetings, permit and license processing, utility coordination, tracking consultant, vendor, and contractor progress, ensuring contract requirements are met, processing agreements and amendments, writing purchase requisitions and change orders, processing invoices for payment, labor and DBE compliance, as well as construction legal requirements.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes proficient review of certified payroll and vast knowledge of Department of Industrial Relations requirements, long-standing and proven history of processing contractor payments within 30 days including dealing with Stop Notices and release of retention in line with City financial and accounting procedures, understanding of the public bidding procedures and contract administration per the Public Contract Code, as well as processing Stop Notices and fulfilling Public Records requests in coordination with the City Clerk's Office. The Consultant staff has five years experience in Capital Projects and an additional five years experience in the construction engineering field for the private sector.

Consultant staff has a long-standing and proven track record of providing administrative support to on-time and on-budget projects such as the Lasselle Street Widening, Kitching Street Phase I Improvements, and the last two cycles of the Annual Bridge Maintenance Program. In addition to the services provided for the Cactus Avenue and Nason Street projects, the consultant staff will assist with the contract administration, accounting, invoice processing, as well as the development of the Five-Year CIP Budget for other approved projects on an as-needed basis.

The consultant staff will work on a full-time, 36-hour per week schedule. The Agreement termination date is June 30, 2013. DMC has acknowledged the current economic downturn that the City faces, and has reduced the hourly rate by approximately 2%.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted

Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and do not authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

This proposed "Agreement for Professional Consultant Administrative Services" with DMC in the amount of $139,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$80,000
Perris Boulevard Widening (Account No. 415.70225)	$40,000
Moreno Beach Widening (Account No. 416.83428)	$7,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$139,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for experienced consultant administrative services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Agreement for Professional Consultant Administrative Services with DMC Design Group, Inc. Staff also recommends issuance of a purchase order to DMC in the amount of $139,000.00.

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Administrative Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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AGREEMENT FOR PROFESSIONAL
CONSULTANT ADMINISTRATIVE SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and DMC Design Group, Inc., a California corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES

DESCRIPTION OF PROJECT

1. The project involves temporary administrative services for the Capital Projects Division associated with applicable capital improvements. The work will include administrative and accounting support services and other project-related duties as assigned.

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **$139,000** in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on June 30, 2013 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth herein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents

their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no

obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

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

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent

acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

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

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an

endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully

discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records

available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

DMC Design Group, Inc.

BY: _____

TITLE:_____
(President or Vice President)

_____
Date

BY:_____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Scope of Work
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

Revised 10/13/09

EXHIBIT “D”

SCOPE OF WORK

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating, and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports; reviewing and processing consultant, contractor, and vendor invoices for payment; processing journal entries; and reviewing project expenditures. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

June 15, 2011

Prem Kumar, PE
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Temporary Staffing for Professional Administrative Consultant Services

Dear Mr. Kumar:

DMC Design Group, Inc. is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Kimberly Jester is currently providing Consultant Contract Administrative Specialist services through an agreement with RLZ Engineering, Inc. Ms. Jester has provided these services through RLZ as well as a City employee since October 2006. As of September 1, 2011, Ms. Jester proposes to begin performing through DMC Design Group, Inc. (DMC).

Scope of Services and Fees:

Ms. Jester will provide consultant administrative specialist services, on a full-time (36 hours per week) basis at a rate of $61.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $139,000 for approximate fifteen months of service. Authorized work beyond normal 36 hours workweek will also be billed at $61.00 per hour.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

If you have any questions regarding this proposal, please contact me at 951.549.8100.

Sincerely,

Donna A. Cosper

Enclosure: Kimberly Jester Resume

Exhibit "B'

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@hotmail.com ▼ 858.775.9318

EXPERIENCE

2008 - Present **City of Moreno Valley – *Contract Administration Specialist, RLZ Engineering, Inc.***
2006 – 2008 **City of Moreno Valley – *Management Assistant, City Staff***

- Prepare project-specific expenditure analyses; including routine review of reports to ensure available budget versus expenditures balance.
- Develop and utilize spreadsheets, databases and other computer applications to assist with assigned studies, projects and reports.
- Perform analytical and administrative assignments in connection with preparation and management of division budgets and grant-funded programs.
- Perform administrative, management, program and other analysis assignments in accordance with established procedures and practices.
- Write contracts for services and goods for approval by Department Head through City Manager approvals.
- Prepare and process purchase requisitions and change orders for services and goods for approval by Department Head through City Manager approvals.
- Process contractor and service invoices for payment; including detailed review and analysis of invoice to ensure that charges are correct and consistent with work done.
- Review certified payroll reports for construction projects.
- Write staff reports for presentation to City Council.
- Review, edit and proofread other staff members' reports for presentation to City Council.
- Prepare exhibits and attachments for staff reports, with high attention to the accuracy of detailed data from multiple sources.
- Conduct research, analyze data and draft policy and procedure documents to address identified needs and issues

2003 - 2006 **Masson & Associates, Inc. – *Operations Manager***
Civil Engineering and Land Surveying Firm

- Create, write, edit and enforce standard operating procedures managing daily operations and the activities of administrative personnel including standard operating procedures for all business correspondence.
- Engage in promoting good will for the company by writing or selecting favorable publicity material and releasing it through various communications media.
- Research market conditions in local, regional, or national areas to determine potential sales of services.
- Provide training and assistance on a daily basis to ensure proper procedures are followed.
- Proofread and edit all business correspondence, checking for grammatical, punctuation, style and formatting errors.
- Provide quality assurance reviews of all marketing materials.
- Ensure all technical documents such as Due Diligence Reports are free of any typographical, grammatical, and punctuation errors.
- Write, edit, place and track job advertisements.
- Write, edit and format Corporate Statement of Qualifications and routinely revise based on target client.
- Responsible for maintaining updated database of all departmental job descriptions for existing positions and creating new ones for new position.
- Assist in the analysis of data from survey sources to determine salary competitiveness.
- Maintain electronic and manual employee benefits records for employees.
- Maintain employee manual and update as needed to ensure compliance.
- Suggest advertising placement.
- Organize special events.

Exhibit "B-2"

MV00000317

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@hotmail.com ▼ 858.775.9318

1998-2003 **Mentus, *Office Manager***
Biotechnology Marketing Firm

- Proofread and edited all written material.
- Provided administrative support to five partners.
- Assisted with the dissemination of press releases four times monthly.
- Assisted media buyer with preliminary calls to publications for mechanical specifications, ad rates and editorial calendars.
- Assisted in creation of media plans.
- Assisted in client and product naming on a project basis.
- Coordinated travel for five employees, including CEO and Vice President of Creative, on a monthly basis.
- Organized special events for employees, clients and vendors, including, but not limited to annual holiday party for more than 60 guests.
- Created FileMaker Pro databases for prospecting new clients, travel coordination, and directory sales.
- Organized direct mailings to over 1,000 contacts.
- Facilitated, in conjunction with CFO, accounts payable and receivable, deposits, and the collection of past due accounts.
- Conducted ongoing Internet research for competitors of 30-plus current clients as well as researched industry trends.
- Coordinated weekly direct mailings to prospective clients for marketing team.
- Conducted orientation and training of newly hired employees.
- Updated Media Map and Online Media Atlas databases (web based data management program).

Education

San Diego State University, San Diego, CA

- Certification in Event and Meeting Planning
- Certification in Strategic Marketing in Action

University of San Diego, San Diego, CA
Sarah Lawrence College, Bronxville, NY

Professional Training Seminars

- Effective Proofreading and Business Writing, SkillPath Seminars
- Winning Proposals and Presentations, PSMJ
- Notary Public, State of California through 2010
- Strategies for Public Sector Contracting, Metropolitan Water District/San Diego County Water Authority
- Navigating the Maze of Leaves of Absence, Strategic HR
- Improving Employee Performance through Coaching, Strategic HR
- How to Manage the Front Desk, Skill Path Seminars

Computer Skills

Microsoft Office (including Project 2003, Publisher, Word, Excel, Outlook, PowerPoint), Adobe Acrobat, Internet, JD Edwards OneWorld

MV00000318

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

Revised 10/13/09

EXHIBIT "D"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000 for temporary professional consultant services for the Capital Projects Division. On February 10, 2009, City Council approved the "First Amendment to Agreement for Professional Consultant Services" with SA for an additional $350,000. On November 11, 2009, the City executed the "Second Amendment to Agreement for Professional Consultant Services" with SA for a time extension only. On November 18, 2010, the City executed the "Third Amendment to Agreement for Professional Consultant Services" with SA for an additional time extension, extending the termination date of the contract to December 31, 2011.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require dedicated, knowledgeable, and efficient technical engineering support with experience in assisting with these types of projects.

SA Associates staff, in the capacity of in-house technical consultant, will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with mapping including plot preparation and reproduction, preparation of project schedules, utility coordination, and other technical engineering related tasks as necessary for the successful completion of the projects. Such technical services will be rendered for other funded CIP projects on an as-needed basis.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes extensive designing and drafting utilizing Auto Cad 3D Civil software, preparation of legal descriptions, plats, and boundary closures in coordination with right of way agents, and preparation of engineering cost estimates for multiple uses including the Development Impact Fee (DIF) Nexus Study Report. In addition, consultant staff has been integral in the securing of $1.3 million in grant monies including $900,000 for the Highway Safety Improvement Program (HSIP), $170,000 for the Bicycle Transportation Account (BTA), and $254,000 for the Safe Routes to School Program (SR2S).

The consultant staff has a long-standing and proven track record of providing exceptional support to projects such as the School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, and Iris Street Improvements. The consultant staff also provides technical services for the 5-year Capital Improvements Plan (CIP) and will continue to assist with the design of Street Improvement Program (SIP) and Citywide Annual Pavement Resurfacing Program Plans.

The consultant will work on a full-time, 36-hour per week schedule. The Agreement termination date is extended to June 30, 2013.

ALTERNATIVES

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the

Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The current Amendment to the Agreement for Professional Consultant Services will be expended by September 2011. This proposed "Fourth Amendment to Agreement for Professional Consultant Services" with SA in the amount of $185,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The new agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$75,000
Perris Boulevard Widening (Account No. 415.70225)	$32,000
Perris Boulevard Widening (Account No. 415.70125)	$32,000
SR 60 Nason and Moreno Beach Improvements (Account No. 415.70024)	$24,000
Moreno Beach Widening (Account No. 416.83428)	$10,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$185,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for experienced consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Fourth Amendment to Agreement for Professional Consultant Services with SA Associates, Inc. Staff also recommends issuance of a purchase order to SA in the amount of $185,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

W:\CapProj\CapProj\hirestaffconsultant\SA Associates\Agreement (June 2008)\Fourth Amendment 7-2011\SA Assoc Staff Rpt Fourth Amendment 07-2011.DOC

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 29, 2008.

Whereas, the Consultant is providing professional consultant services for various projects of the Capital Projects Division.

Whereas, the Agreement was amended on February 10, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 11, 2009 to extend the termination date for professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 18, 2010 to extend the termination date for professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

Attachment "A"

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

Whereas, it is desirable to amend the Agreement termination date as is more particularly described in Section 1 of this Fourth Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2011 to June 30, 2013 by this Amendment.

1.2 Exhibit "A" to the July 29, 2008 Agreement is hereby amended by adding to the "Scope of Work" section described in Exhibit "A" to this Fourth Amendment, entitled "Amended Scope of Work".

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $185,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this Fourth Amendment.

1.4 The total "Not to Exceed" fee for this contract is $885,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement, plus $0.00 for the Second and Third Amendments to Agreement, plus $185,000.00 for the Fourth Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

Revised Feb 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) The total "Not-to-Exceed" fee for the aforementioned services is $885,000 ($350,000 for original Agreement in July 2008, plus $350,000 for First Amendment to Agreement in February 2009, plus $0.00 for the Second and Third Amendments to Agreement in November 2009 and November 2010 respectively, plus $185,000 for the Fourth Amendment to Agreement).

3) The current assignment involves Deepak Solanki, Technical Consultant, at $75 per hour on an as-needed basis.

EXHIBIT "A"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL - APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD)

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

BACKGROUND

On May 25, 2010 the City Council approved acquisition of the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. The City acquired title to the property on July 29, 2010. The house on the property was demolished in May 2011 to make way for the proposed improvements. The property was acquired utilizing TUMF funds due to the direct transportation corridor related improvements that are required.

DISCUSSION

The improvements fronting this property along Ironwood Avenue and Davis Street will include a new curb ramp, sidewalks, and the relocation of power poles fronting Ironwood Avenue. The ultimate public right of way will be 44 feet from the centerline

along Ironwood Avenue and 33 feet from the centerline along Davis Street at the northwest corner.

The original lot size was 7,759 square feet, and purchased at $124,500. The ultimate improvements at the northwest corner of Ironwood Avenue and Davis Street, abutting to this property will occupy 2,534 square feet. The remaining vacant land, with an area of 5,225 square feet, is excess, not needed for public purposes, and considered a substandard residential lot in the current zone R5. The potential use and development of this remaining land is very limited but a single family home may be constructed subject to review and approval of a variance by the Planning Division. If the City retains ownership and the land remains vacant, it will require periodic on-going maintenance and weed abatement services most likely funded with General Fund monies as the surplus property is not needed for transportation related purposes. Therefore, City Council is being asked to set a public hearing date for August 23, 2011 at 6:30 p.m. at City Hall to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222. If there are no issues identified at the public hearing, the property would be offered for sale to qualified public agencies within a 60-day time frame. If there is no interest from a qualified public agency, the City could but would not be obligated, to put the property up for sale to the public at the expiration of the 60-day period.

The hearing is required by California Government Code, Section 37422. If City Council approves setting the hearing date, the Resolution will be published in the Press Enterprise, and the Resolution will be posted at the real property.

ALTERNATIVES

1. Adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative would allow the City to have a hearing to potentially sell the excess land.*

2. Do not adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative will result in delaying or stopping the potential sale of excess land.*

FISCAL IMPACT

There is no material fiscal impact to the adoption of the Proposed Resolution.

SUMMARY

The City acquired the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the

Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. Once the improvements are constructed, the remaining property area of 5,225 square feet can be disposed of as surplus property. If the City retains ownership of this property, it would require periodic on-going maintenance and weed abatement services. Therefore, City Council is being asked to set a public hearing date to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 06-50182625 Ironwood - Heacock to Perris\CC Reports\Real Property\7-12-11 Resolution for Surplus Land Sale APN 475-272-054 b.doc

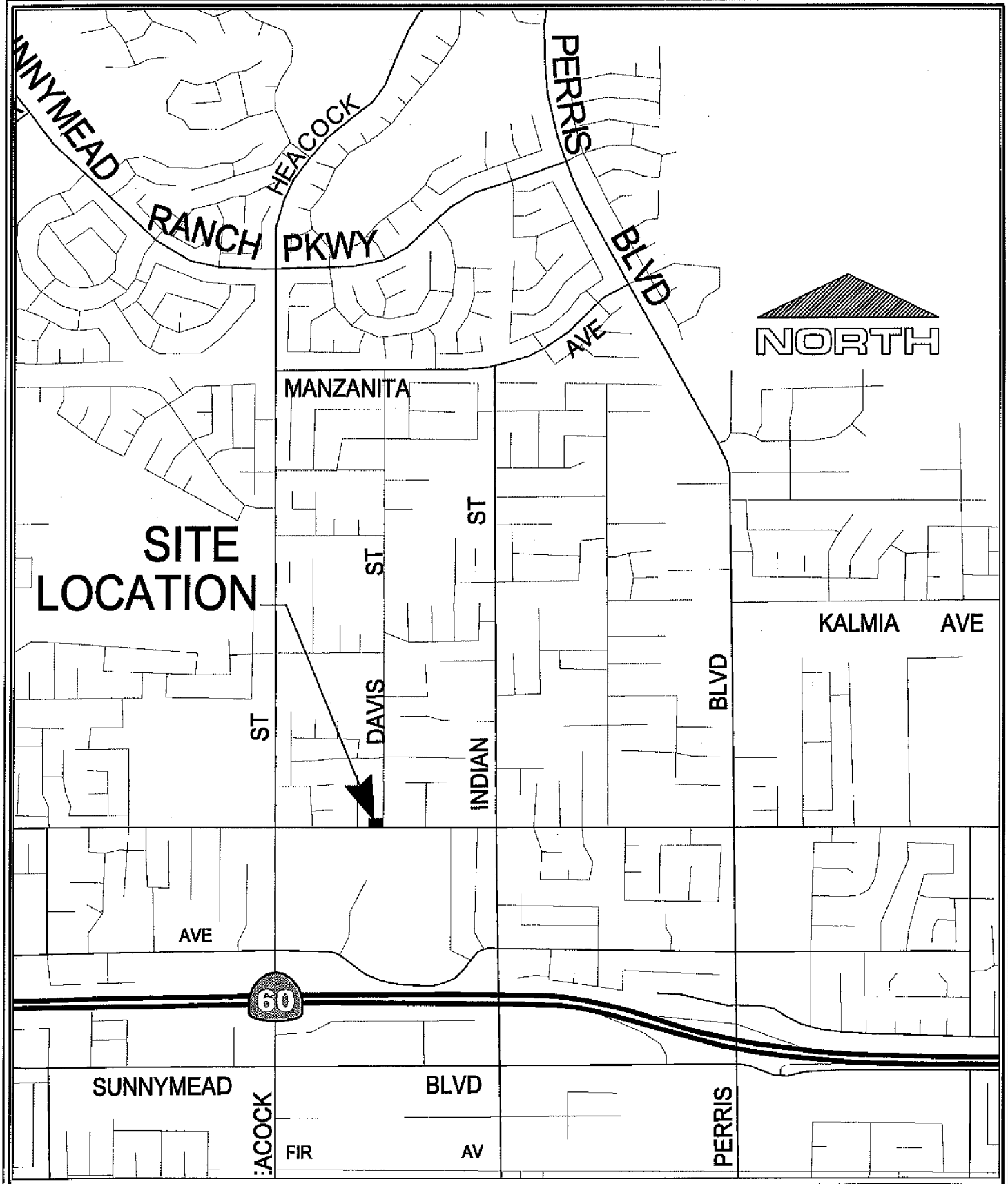

LOCATION MAP

Scale: None

ATTACHMENT "A"

11987 DAVIS STREET

APN 475-272-054

EXCESS PROPERTY- 0.12 ACRES

RESOLUTION N0. 2011-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF A REMAINDER PARCEL EXCESS TO PUBLIC USE.

WHEREAS, the City Council of the City of Moreno Valley desires to sell the remainder parcel APN 475-272-054, total area of 5,225 square feet, as described in Exhibit "A", that is attached hereto; and

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

1. The time and place for hearing protests to the sale of said real property shall be held on August 23, 2011, at 6:30 p.m. at City Hall, located at 14177 Frederick Street, Moreno Valley, California.
2. The City Council finds that the public interest and convenience require the sale of the subject real property for the following reasons:
    a) The real property is excess to that needed for public purposes; and
    b) There is an on-going cost to maintain and weed abate if ownership is retained by the City; and
    c) It is advantageous to return the property to private ownership for use and maintenance.
3. The City Clerk shall publish a copy of this Resolution in the Press Enterprise, a daily newspaper and shall cause a copy of said Resolution to be posted at the real property.

Resolution No. 2011-74
Date Adopted: July 12, 2011

Attachment "B"

4. At the hearing, any interested person may protest to the proposed sale. Any protests must be overruled by a 4/5ths vote of the Council members.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

LEGAL DESCRIPTION

In the City of Moreno Valley, that remainder parcel of land being a portion of lot 63 as shown on the map of Moreno Acres, filed in Book 11 of Maps, Page 53, records of the County of Riverside, State of California, more particularly described as follows:

BEGINNING at the southwestly corner of the east half of the east half of said lot 63; thence North 00°07'15" East, a distance 14 feet to a point 44 feet northly of the centerline of Ironwood Avenue, said point being the **TRUE POINT OF BEGINNING**;

Thence North 00°07'15" East, 41.50 feet along the east property line; thence N 89°50'30" East, 132.48 feet along the north property line to a point on a line parallel with and distant 33.00 feet westerly of Davis Street centerline; thence South 00°06'30" West, 18.66 feet along said line; thence Southwestly, a distance of 33.13 feet to a point on a line parallel with and distant 44.00 feet northerly of Ironwood Avenue centerline; thence South 89°50'30" West, a distance of 108.60 feet, more or less, along said last mentioned parallel line to the **TRUE POINT OF BEGINNING.**

The land described herein contains approximately 5,225 square feet (0.12 acres).

See Sheet 2 of 2 for a plat depicting the above described property.

APN: 475-272-054

CITY OF MORENO VALLEY,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
POR. LOT 63 ON MAP OF MORENO ACRES
BOOK 11 PAGE 53

EXHIBIT "A"
SHEET 2 OF 2

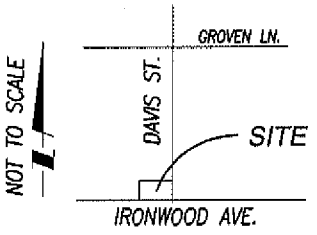

VICINITY MAP

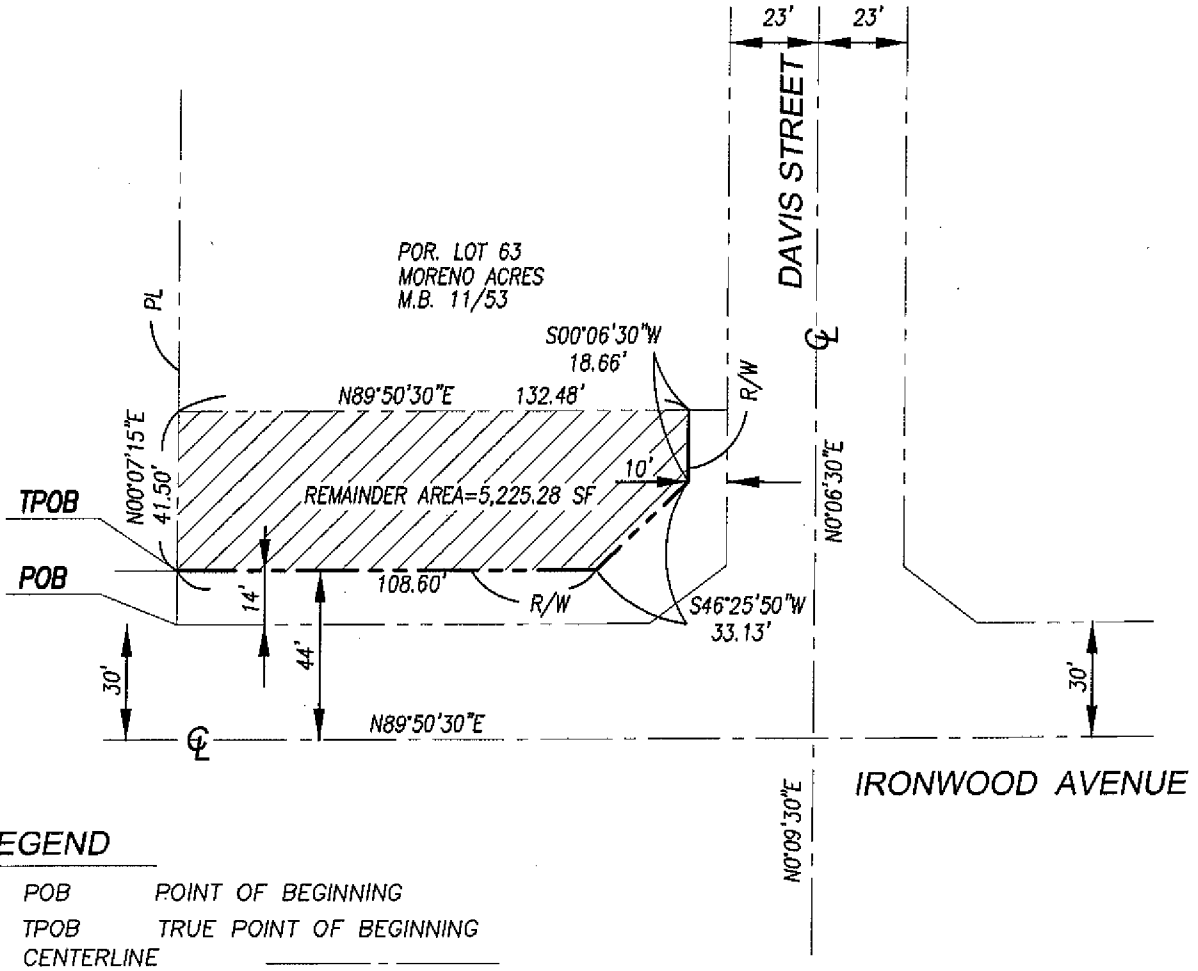

SCALE: 1"=50'

LEGEND

1. POB — POINT OF BEGINNING
2. TPOB — TRUE POINT OF BEGINNING
3. CENTERLINE
4. EXISTING ROW
5. NEW ROW
5. PROPERTY LINE

REMAINDER AREA = 5,225.28 SF

CITY OF MORENO VALLEY	PREPARED FOR: PLAT MAP FOR 11987 DAVIS STREET APN 475-272-054

File: Y:\Henry - 05-50182625 Ironwood - Heacock to Perris\Design Phase\Auto CAD\Phase II ROW\Exhibit A 11987 Davis St.dwg Jun 14, 2011

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	-$1.68	-2.03%	-$3.52	-3.39%
1,000 kWh usage	-$6.56	-3.64%	-$9.02	-4.12%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	-$43.64	-7.86%	-$24.11	-5.74%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	-$407.22	-7.61%	-$133.35	-4.11%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	-$5,369.69	-7.70%		
392,333 kWh usage, Demand of 666 kW			-$2,087.99	-5.48%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	-$2.83	-4.77%	-$2.83	-4.77%

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	-$147.57	-1.15%	-$147.57	-1.15%
Schedule SL-1 22,000 Lumen (317 lights)	-$160.97	-2.89%	-$160.97	-2.89%
Schedule SL-2 27,500 Lumen (139 lights)	-$103.49	-5.88%	-$103.49	-5.88%
Schedule SL-3 (per lamp)	$2.18	0.51%	$2.18	0.51%

If approved by the City Council, these changes will become effective at 12:00 a.m. on July 13, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be a reduction in rates.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to offer competitive rates.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and also its ability to offer competitive rates.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues are projected to decrease if the proposed changes are adopted by the City Council.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\Electric Utility\Administration - Finance\Staff Reports\2011 SR's\SR - Rate and Rules Adjustments 12 July 2011.doc

RESOLUTION NO. 2011-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Resolution No. 2011-75
Date Adopted: July 12, 2011

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

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-75
Date Adopted: July 12, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

Resolution No. 2011-75
Date Adopted: July 12, 2011

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial and Administrative Services Director

AGENDA DATE: July 12, 2011

TITLE: Approve Three-Year Agreement with Canon Business Solutions to Extend the Current Copier Contract

RECOMMENDED ACTION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

SUMMARY

In June of 2006 the City awarded the copier agreement to the Canon Copier Company from the Request for Proposal No. 05/06-08. Canon has worked closely with the city to provide the latest technology for copying, printing and scanning from their machines. Canon support staff is very responsive and work well with city staff on handling any problems or concerns. The current and proposed extension agreement includes both a cost-per-copy and annual maintenance agreement.

BACKGROUND

The Purchasing & Facilities Division has the responsibility to provide copy machines and their necessary maintenance for City offices. The copier fleet consists of 26 machines throughout city facilities. The City utilizes the cost-per-copy method that allows for a not-to-exceed amount of copies per quarter. Payment for all copier operational costs is handled through division operating budgets via the internal service fund charge-back system. When applicable, overage copy counts are added to the base amount on a quarterly basis.

Digital state-of-the-art technology in modern copy machines provide electronic networking which will allow staff to send print to a copier from the desktop when desired. Additionally, scanning to server capabilities is built into the copiers. The agreement provides fixed base pricing for the duration of a three-year period based on a year-by-year annual approved encumbrance in the City budget. The agreement provides that the City may upgrade, add or delete functions, services or products to the program as needs change throughout the contract period.

DISCUSSION

During the city's effort of asking for vendor participation in a 10% pricing reduction, the Canon company offered a 23.75% ($9,538 per month vs. $7,273 per month) overall decrease in exchange for our three-year extension agreement. This represents a monthly savings of $2,265 and translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. Additionally, Canon will exchange a total of six existing older machines for brand new copiers, at no cost to the city, due to excessive meter counts.

ALTERNATIVES

1. Staff recommends that the City Council award the three-year extension agreement to Canon Business Solutions in the total amount of $261,828 as being in the best interest of the City.

2. Elect to not award the three-year extension agreement copier agreement to Canon and provide further direction to staff.

FISCAL IMPACT

Approval of Alternative No. 1 will obligate the City to a base annual expenditure in Account Number 00754.75440.6281 of:

- $174,552 ($87,276 for each of years one and two). These funds are provided for in the City Manager's recommended FY 2011/2012 and FY 2012/2013 budgets.
- $87,276 where budgets are subsequently approved in FY 2013/2014.

Approving this contract extension represents monthly savings of $2,265 from the existing base contract cost. This translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. This contract directly affects the Internal Service Fund – Facilities.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

ATTACHMENTS/EXHIBITS

Prepared By:
Name Rix Skonberg
Title Purchasing & Facilities Division Manager

Department Head Approval:
Name Richard Teichert
Title Financial & Administrative Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AMENDMENT TO FACILITIES MANAGEMENT AND SERVICE AGREEMENT

This AMENDMENT No. 4 ("Amendment") is effective as of July 1, 2011 ("Effective Date") and supplements/modifies the Facilities Management and Service Agreement dated June 19, 2006, as amended (collectively, the "Agreement") between Canon Business Solutions Inc. ("CBS") and **the City of Moreno Valley** ("Customer") as follows:

1. All defined terms shall have the meanings set forth in the Agreement unless expressly defined herein.

2. Paragraph 2 of the Preamble of the Agreement is striken in its entirety and superseded by the following: Customer has during the term of the Agreement acquired by lease from a third party (or previously owned) the Items of equipment referenced in Addendum A to the Agreement ("Customer Owned Equipment").

3. As of the effective date, CBS agrees to provide to the Customer equipment ("Equipment") and FM Services for the Equipment and Customer Owned Equipment under the terms and conditions of the Agreement and as supplemented by this Amendment for an additional term of thirty-six (36) months concluding on July 5, 2014. The base quarterly charge shall be increased from $6,667.48 to $21,819.00, plus applicable taxes.

4. CBS will continue to provide the FM Services to the Customer Owned Equipment listed on Exhibit A currently on Customer site(s).

5. CBS will add the following Equipment in connection with the ongoing provision of FM Services under the Agreement :

Location	Model
COD-Graphics Rm 104	IR 6065
Finance Rm 246	IR 6065
Doc Imaging Rm 207	IR 6065
Recreation Center 1st Floor	IR 6065
Police Dept	IR 6065
Employment Resource Center	IR 6065

The configuration for each main unit will be as follows:

Item Description	Item Code
IMAGERUNNER ADVANCE 6065 V2 BASE MODEL	3892B011
STAPLE FINISHER-E1	3894B001
PCL PRINTER KIT-AJ1 ELAN	3905B005
PS PRINTER KIT-AJ1 ELAN	3906B006
ESP NEXT GEN PCS POWER FILTER (120V/15A) XG-PCS-15D	1972V064
ESP NEXT GEN PCS POWER FILTER (120V/20A) XG-PCS-20D	1972V073

6. Customer hereby authorizes CBS to pick up the equipment listed below. Customer acknowledges that this equipment will be shipped to Canon Financial Services, Inc. and CBS' sole obligation is to use commercially reasonable efforts to pick-up and remove the return equipment and to arrange, on your behalf and at CBS' expense and risk (but only to the extent of obvious damage in transit), for the shipment of the equipment to Canon Financial Services, Inc.

Location	Remove Model	S/N
CDD-Graphics Rm 104	IR6570	SLP12175
Finance Rm 246	IR6570	SLP12176
Doc Imaging Rm 207	IR6570	SLP12333
Recreation Center 1st Floor	IR6570	SLP12434
Police Dept	IR6570	SLP12929
Employment Resource Center	IR5000	NRL03962

7. Customer agrees to the following per impression charges :
   $0.00716 per black and white impression in excess of 750,000 impressions per quarter; and
   $0.0484 per color impression in excess of 14,000 impressions per month.

   An 11 X 17 image shall count as two images

8. Customer agrees that CBS will issue a check in the amount of $37,225 ("Buy-Out Reimbursement") which will be paid directly to Canon Financial Services by CBS. The Buy-Out Reimbursement will be paid for the sole purpose of reimbursement of early termination charges or fees and associated expenses payable for early termination of the lease of Customer Owned Equipment noted in Section 6 above and in Exhibit A. Customer acknowledges and agrees that CBS' financial obligation with respect to the Buy-Out Reimbursement is limited to Thirty Seven Thousand Two Hundred Twenty Five ($37,225), and that Customer is responsible for any other obligations, including any charges which are not covered by the Buy-Out Reimbursement. In the event, Customer cancels the Agreement prior to the end of the then current term, Customer agrees to pay CBS the pro-rata amount of the Buy-Out Reimbursement based on the number of months remaining in the then current term.

9. The following supplemental terms and conditions are hereby added to the Agreement:
   i. CBS shall have full and free access to the Equipment and Customer Owned Equipment to provide service thereon and to perform meter readings. In addition, Customer authorizes CBS to use networked features of the Equipment and Customer Owned Equipment including imageWARE Remote to receive software updates, activate features/new licenses and/or transmit use and service data accumulated by the Equipment and Customer Owned Equipment over Customer's network by means of an HTTPS protocol and to store, analyze and use such data for purposes related to servicing the Equipment and product improvement. If CBS does not receive Customer's timely meter readings, Customer agrees to provide meter readings in accordance with the applicable billing cycle for each unit of Equipment and Customer Owned Equipment as specified in this Agreement.
   ii. Customer agrees neither to make any alteration in the Equipment nor to remove it from the location where installed by CBS without prior written approval of CBS. Customer shall bear all risk of loss or damage to Equipment while on Customer's premises. Customer further agrees to return the Equipment at the end of the Term in the same condition as when received except for reasonable wear and tear.
   iii. Title to the Equipment shall remain at all times with CBS, and the Customer agrees that the CBS plaque affixed to the Equipment will not be removed. Customer agrees to keep the Equipment free from all liens, security interests and encumbrances. CBS is hereby authorized to file a financing statement to evidence its ownership in the Equipment in the possession of the Customer.

iv. CBS warrants that it is the owner of the Equipment and that it has the right to perform the Services. Except for the foregoing warranty, CBS' OBLIGATIONS UNDER THIS AGREEMENT ARE IN LIEU OF ALL WARRANTIES, AND CBS EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE USE OR PERFORMANCE OF THE EQUIPMENT OR THE SERVICES.

v. Provision of toner includes replenishment of consumables for Equipment and Customer Owned Equipment only. Customer shall be deemed to have materially defaulted under the terms of this Agreement if any supplies provided hereunder are used for other than Equipment and Customer Owned Equipment supplied by CBS or for Customer Owned Equipment under the FM Services of the Agreement. In the event that usage of any such consumable supplies provided hereunder exceeds manufacturer specifications for conventional office imaging coverage by more than 10%, CBS may invoice Customer for such excess usage.

vi. If Customer fails to pay any invoice within thirty days of the invoice date, Customer shall pay a monthly late charge equal to the lesser of one and one-half percent (1.5%) of the overdue amount, or the maximum amount allowed by law.

vii. Customer acknowledges that the hard drive on the Equipment and Customer Owned Equipment may retain images, content or other data during normal operation of the Equipment ("Data") and that exposure or access to the Data by CBS, if any, is purely incidental to the services performed by CBS. Neither CBS nor any of their affiliates has an obligation to erase or overwrite Data upon your return of the Equipment to CBS or any leasing company. Customer is solely responsible for: (i) compliance with applicable law and legal requirements pertaining to data privacy, security, retention and protection; and (ii) all decisions related to erasing or overwriting Data. Without limiting the foregoing, you should, prior to return or other disposition of the Equipment, utilize the Hard Disk Drive (HDD) (or comparable) formatting function (which may be referred to as "Initialized All Data/Settings" function) found on the Equipment to perform a one pass overwrite of Data or, if Customer has higher security requirements, Customer may purchase from CBS at current rates an available option for the Equipment and Customer Owned Equipment, which may include (a) an HDD Data Encryption Kit option which disguises information before it is written to the hard drive using encryption algorithms, (b) a HDD Data Erase Kit that can perform up to a 3-pass overwrite of Data or (c) a replacement hard drive (in which case Customer should properly destroy the replaced hard drive).

10. The following will be of no force or effect if the Customer is not a State or a Political Subdivision of a state within the meaning of Section 103(C) of the Internal Revenue Code of 1986, as amended.

i. The Customer warrants that it has funds available to pay the payments ("Payments") payable pursuant to Agreement between Customer and CBS until the end of its current appropriation period and warrants that it presently intends to make Payments in each appropriation period from now until the end of the Agreement. The officer of the Customer responsible for preparation of Customer's annual budget shall request from its legislative body or funding authority funds to be paid to CBS under the Agreement. If notwithstanding the making in good faith of such request in accordance with appropriate procedures and with the exercise of reasonable care and diligence, such legislative body or funding authority does not appropriate funds to be paid to the CBS for the Equipment, Customer may, upon prior written notice to CBS, effective upon the exhaustion of the funding authorized for the then current appropriation period, return the Equipment to CBS, in accordance with the Agreement, and thereupon, Customer shall be released of its obligations to make Payments to CBS due thereafter, provided: (1) the Equipment is returned to CBS as provided for in the Agreement, (2) the above described notice states the failure of the legislative body or funding authority to appropriate the necessary funds as the reason for cancellation; and (3) such notice is accompanied by payment of all amounts then due to the Lessor. In the event Customer returns the Equipment pursuant to the terms herein, CBS shall retain all sums paid by Customer. Customer's Payment obligations in any fiscal year shall constitute a current expense of Customer for such fiscal year, and shall not constitute indebtedness or a multiple fiscal year obligation of Customer under Customer's state constitution, state law or home rule charter. Nothing in this Agreement shall constitute a pledge by Customer of any taxes or other monies, other than as appropriated for a specific fiscal year for this Agreement and the Equipment.

ii. The undersigned represents and warrants to CBS that all action required to authorize the execution and delivery of this Amendment on behalf of the above referenced Customer by the following signatory has been duly taken and remains in full force and effect.

11. For any and all amendments to the Agreement with regard to the provision of Equipment to Customer, whether entered into before, during or after the effective date of this amendment and where the expiration date of such amendment falls after the expiration date of the Agreement, the expiration date of the amendment shall control, unless the amendment expressly states that it is coterminous with the Agreement.

12. Customer agrees that CBS may accept an electronic image of this Amendment as an original, and that electronic copies of your signature will be treated as an original for all purposes.

13. Except as supplemented/modified hereby, all terms of the Agreement remain in full force and effect and are ratified and confirmed in all respects.

IN WITNESS WHEREOF, each of the undersigned have caused this AMENDMENT to be executed by their duly authorized officials effective the Effective Date, intending to be legally bound hereby.

CANON BUSINESS SOLUTIONS, INC.	City of Moreno Valley
By: [signature]	By:
Name: Timothy Robinson	Name:
Title: VP Operations	Title:
Date: 7/5/11	Date:

Approved Bus Ops
BN
6/29/11

CITY ATTORNEY
Approved as to Form
By: [signature] 6/29/11
Date

Amendment 4 - Exhibit A

Room	Building	Model	Serial
Behind Front Counter	City Hall 1st Floor	IR3570	SKV55637
CDD-I.T side of foyer, Rm 132	City Hall 1st Floor	IR5570	SLQ22472
CDD - Graphics Rm 104		IRC2620	SHP10670
Small rm near Cap Prjcts Rm 253	City Hall 2nd Floor	IR3570	SKV55633
Finance Audit Rm 203	City Hall 2nd Floor	IR3570	SKV65067
City Clerk, outside door		IR2270	SLH27585
Storage next to Dco Img Rm 208		IR5570	SLQ22668
Front Office	City Yard 1st Floor	IR3570	SKV55636
1st Floor	Animal Services	IR3570	SKV55484
1st Floor	Senior Center	IR3570	SKV55491
1st Floor	Public Library	IR2270	SLH27639
	Recreation Center 1st Floor	IR3570	SKV55487
1st Floor Ste 1-3	TS Annex	IR2270	SLH27642
1st Floor Ste 4	Facilities	IR2270	SLH27597
1 st Floor Ste 9	Enterprise Services	IR3570	SKV55645
Whse Office	City Yard 1st Floor	IR2020	KRR05658
Volunteer Services - off chamber lobby	City Hall 1st Floor	IR2020	KRR05565
S.T.A.R.S	Employment Resourse Center	IR3570	SKV55471
Volunteer Services - off chamber lobby	Emergency Operations	IR3035	MUP07387
Police Dept	PD Accounting	IR3035	MUP11450

Approved Bus Ops

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name:_____ Title:_____	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

4827-4551-0409\3 6/16/2011 5:02 PM

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name: David Dunn Title: Director Business Operations	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES

RECOMMENDED ACTION

Staff recommends that the City Council approve the proposed staff assignments in support of Council Member participation with regional agencies.

BACKGROUND

At their May 18, 2011 Goal Setting Workshop, the City Council identified the organization's Strengths, Weaknesses, Opportunities, and Threats (SWOT). While the City's existing transportation corridors were identified as a strength, the lack of adequate infrastructure and planning was acknowledged as a weakness. The City's regional presence was identified as an opportunity. The Council used the results of their SWOT Analysis to develop five prioritized goals, one of which was to "Maximize Transportation and Infrastructure Opportunities."

DISCUSSION

The third prioritized goal developed by the City Council in their May 18 Goal Setting Workshop was to "Maximize Transportation and Infrastructure Opportunities." Actions identified to help achieve this goal included increasing the City's regional presence. A specific task assigned to City staff was to increase staff assistance to the Council as well as increase participation with regional agencies by assigning staff liaisons to each committee. The proposed staff assignments are included in the "2011 City Council Regional Committees & Staff Assignments" attachment.

ALTERNATIVES

1) Approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff recommends this alternative as the proposed staff assignments will assist the City Council in achieving their prioritized goal to maximize transportation and infrastructure opportunities by increasing the City's regional presence.*

2) Not approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff does not recommend this alternative as the proposed action is a task related to the Council-adopted goal to maximize transportation and infrastructure opportunities.*

FISCAL IMPACT

The proposed staff assignments in support of Council Member participation with regional agencies will have no fiscal impact to the City.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

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

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

Attachment: "2011 City Council Regional Committees & Staff Assignments"

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Barry Foster
Community and Economic Director

Concurred By:
Chris Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

	A	B	C
1			
2	**2011 CITY COUNCIL REGIONAL COMMITTEES & STAFF ASSIGNMENTS**		
3			
4	***REGIONAL AGENCY:***		
5	March Joint Powers Commission (JPC)	STEWART/BATEY	CO
6	**Staff: Community and Economic Development Director**		
7	School Districts/City Joint Task Force	STEWART/MOLINA	CO
8	**Staff: City Manager/Asst City Manager**		
9	Riverside County Habitat Conservation Agency (RCHCA)	BATEY	MOLINA
10	**Staff: Planning Official**		
11	Riverside County Transportation Commission (RCTC)	CO	STEWART
12	**Staff: City Manager/Asst City Manager**		
13	Riverside Transit Agency (RTA)	MOLINA	CO
14	**Staff: Public Works Director/Traffic Engineer**		
15	Western Riverside Council of Governments (WRCOG)	HASTINGS	CO
16	**Staff: City Manager**		
17	Western Riverside County Regional Conservation Authority (RCA)	BATEY	MOLINA
18	**Staff: Planning Official**		
19			
20	***WRCOG COMMITTEES:***		
21	Executive Committee	Robin Hastings, Chair	
22	Administration & Finance	Robin Hastings, Chair	
23	Technical Advisory Committee	Henry Garcia, Chair	
24	Planning Directors TAC	John Terell	
25	Public Works Committee	Chris Vogt, Chair	
26	Solid Waste Technical Committee	Robert Lemon	
27	Western Riverside County Clean Air Coalition	Robert Lemon	
28	Air Quality Task Force	Eric Lewis, Jeff Bradshaw	
29			
30	***RCTC COMMITTEES:***		
31	Western Riverside County Programs and Projects Committee	Marcelo Co	
32	San Jacinto Branch Line Ad Hoc Committee	Marcelo Co	
33	Technical Advisory Committee	Chris Vogt	

Attachment 1

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,729,200 to Hardy & Harper, Inc. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of the six arterial and collector streets identified in this report.

DISCUSSION

The project included the resurfacing of six (6) streets: Kitching Street from Fir Avenue to Cottonwood Avenue, Fir Avenue from Perris Boulevard to Lasselle Street, Perris Boulevard from Webster Avenue to Sunnymead Boulevard, Cactus Avenue from Commerce Center Drive to Elsworth Street, Indian Street from Ironwood Avenue to Sunnymead Boulevard, and Manzanita Avenue from Heacock Street to Perris Boulevard. Hardy & Harper's contracted work included removing existing asphalt concrete pavement, resurfacing with cold-in-place recycling (CIPR), pavement overlaying with rubberized asphalt concrete, reconstructing a number of access ramps along the listed streets to ADA requirements, re-establishment of traffic signal detector loops, utility covers, manholes, and re-striping. The resurfacing extends the life of the streets and provides a smoother riding surface.

The Contractor has completed all the paving work and anticipates completing the construction by mid July 2011. Staff anticipates the final contract cost will be approximately $1,631,000 which does not exceed the approved purchase order amount of $1,729,000. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works

Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project was included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:

Annual Pavement Resurfacing Program (Acct. No. 125.56330)	$1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722)	$1,550,000
Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Local Street Pavement Resurfacing Phase 1 (being constructed concurrently)	($2,684,000)
Remaining Funds Available	$2,452,400

PROJECT RELATED COSTS:

Design	$110,000
Anticipated Contractor Construction Costs	$1,631,000
Anticipated Construction Geotechnical Services	$22,000
Anticipated Construction Survey Services	$20,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$1,873,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Hardy & Harper anticipates completing the construction of the 2011 Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. The resurfacing extends the life of the streets and provides a smoother riding surface.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Quang - 11-12556330 - Citywide Annual Pavement Resurfacing Program\CC Reports\Notice of Completion\Staff Report - NOC- CC 07-12-11.doc

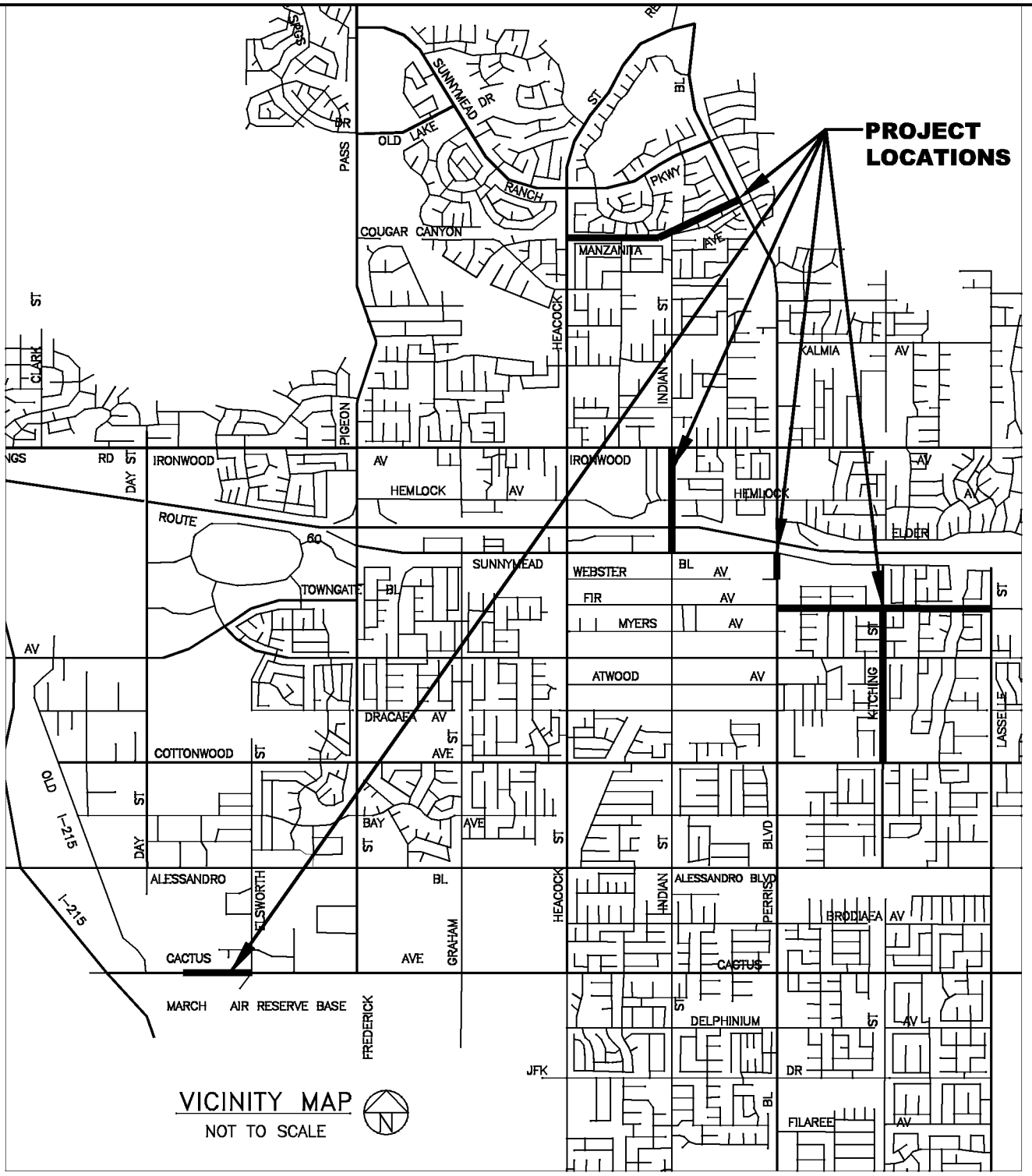

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 11-12556330

2011 PAVEMENT RESURFACING PROJECT

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $2,410,400 to Hardy & Harper, Inc. The project includes the resurfacing a total of twenty six local streets which are included in the Fiscal Year 2010-2011 CIP Budget. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of these streets.

DISCUSSION

Hardy & Harper's contracted work includes removing existing asphalt concrete pavement, pavement resurfacing with cold central plant recycling (CCPR), pavement overlaying with rubberized asphalt concrete, reconstructing number of access ramps along the listed streets to ADA requirements, adjusting utility manholes and covers, and re-establishing traffic striping. The Contractor has completed all the paving work and anticipates completing rest of the work by mid July 2011. Staff anticipates the final contract cost will be approximately $2,391,000 which does not exceed the approved purchase order amount of $2,410,400. The resurfacing extends the life of the streets and provides a smoother riding surface.

Three additional streets (Vellanto Way, Mantee Place and Ormista Drive) were added to the original twenty six streets, bringing a total of twenty nine streets being resurfaced (approximately 131,000 square yards of pavement area.) These three streets (also included in the Fiscal Year 2010-2011 CIP Budget for resurfacing) are in the neighborhood of Searson Drive which is one of the original twenty six streets. These streets are added to be constructed at the same time as Searson Drive in an effort to avoid repeat construction disturbance to the neighborhood as these streets were previously approved by City Council for Phase 2 Local Street Pavement Resurfacing Project.

Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the

Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:
Annual Pavement Resurfacing Program (Acct. No. 125.56330) $1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722) $1,550,000

Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Pavement Resurfacing Project Anticipated Costs (being constructed concurrently)	($1,873,000)
Remaining Funds Available	$3,263,400

PROJECT RELATED COSTS:

Design	$93,000
Anticipated Contractor Construction Costs	$2,391,000
Anticipated Construction Geotechnical Services	$73,000
Anticipated Construction Survey Services	$37,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$2,684,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Hardy & Harper, Inc. anticipates completing the construction of the 2011 Local Street Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Quang - 11-22679728 - Local Street Pavement Resurfacing - Phase 1\CC Reports\NOC 7-12-11\Staff Report - NOC- CC 07-12-11.doc

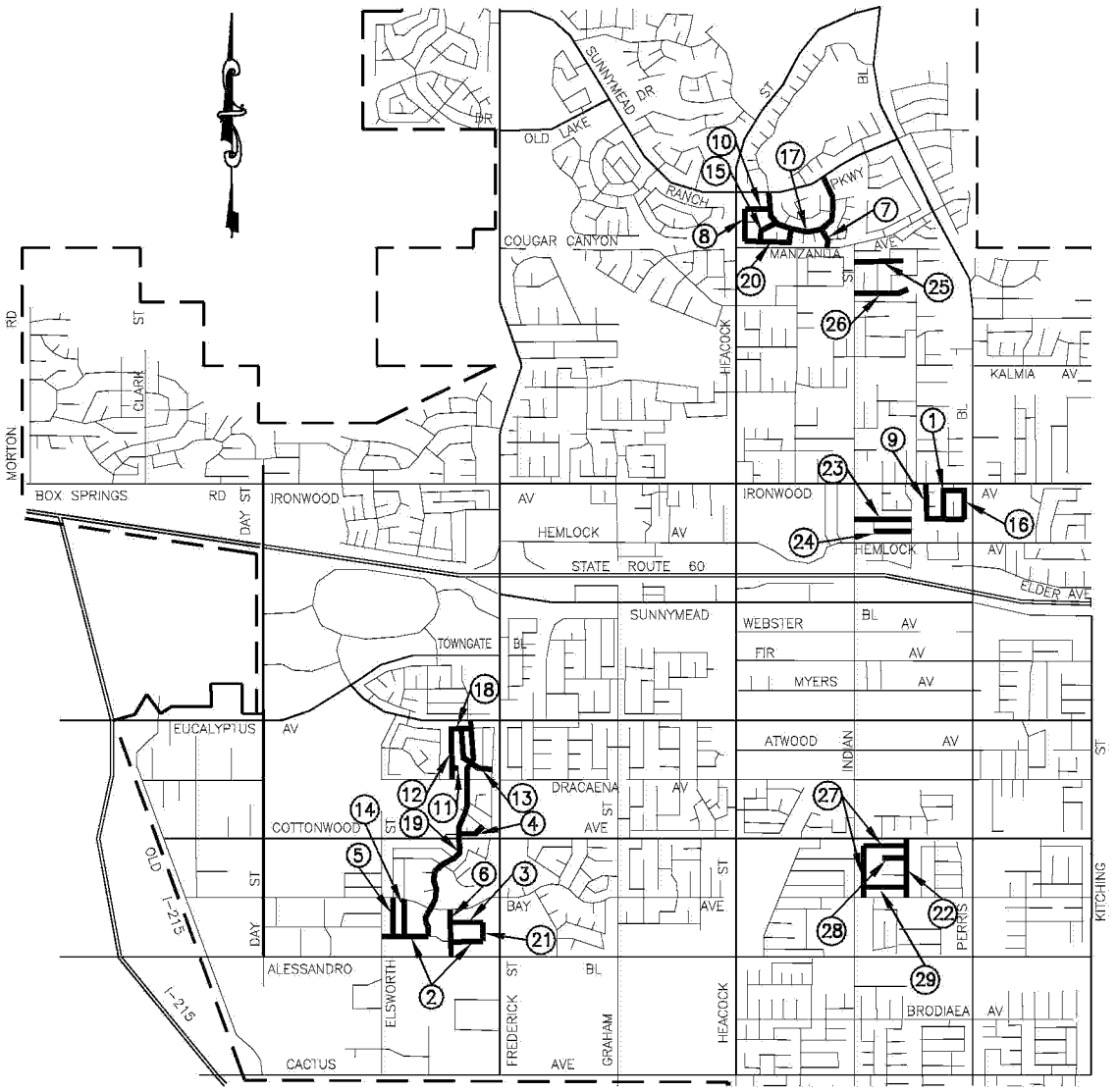

	STREET	LIMITS
1	AARON DR:	GASSEN PL TO HARCLARE DR
2	ADRIENNE AVE:	ELSWORTH ST TO PRIDE LN
3	ALLIES PL:	COURAGE ST TO PRIDE LN
4	BAYWOOD DR:	PAN AM BLVD TO AQUEDUCT WY
5	BOEING ST:	BAY AVE TO ADRIENNE AVE
6	COURAGE ST:	BAY AVE TO ALESSANDRO BLVD
7	DUCKBILL RD:	OLD COUNTRY RD TO MANZANITA AVE
8	FENTON RD:	IRONBARK RD TO PLEASANT RUN RD
9	HARCLARE DR:	ODESSA DR TO IRONWOOD AVE
10	IRONBARK RD:	FENTON RD TO OLD COUNTRY RD
11	KIOWA CT:	KIOWA DR TO EAST END
12	KIOWA DR:	PAHUTE DR TO DRACAENA AVE
13	LAKOTA DR:	PAHUTE DR TO OAK DELL ST
14	MCDONNEL ST;	BAY AVE TO ADRIENNE AVE
15	NOBLEWOOD RD:	OLD COUNTRY RD TO PLEASANT RUN RD
16	ODESSA DR:	GASSEN PL TO HARCLARE DR
17	OLD COUNTRY RD:	SUNNYMEAD RANCH TO SUNNYMEAD RANCH PKY
18	PAHUTE DR:	PAN AM BLVD TO KIOWA DR
19	PAN AM BLVD:	EUCALYPTUS AVE TO ADRIENNE AVE
20	PLEASANT RUN RD:	FENTON RD TO OLD COUNTRY RD
21	PRIDE LN:	ALLIES CT TO ADRIENNE AVE
22	SEARSON DR:	COTTONWOOD AVE TO BAY AVE
23	SINALOA ST:	INDIAN ST TO LEAHY DR
24	SINGER ST:	HANOVER AVE TO LEAHY DR
25	SUMMERFIELD DR:	INDIAN ST TO EAST END
26	SUNNY RIDGE DR:	INDIAN ST TO EAST END
27	VELLANTO WAY:	BAY AVE TO SEARSON DR
28	MANTEE PL:	WEST END TO SEARSON DR
29	ORMISTA DR:	VELLANTO WY TO SEARSON DR

CITY OF MORENO VALLEY
DECEMBER 3, 1984

2011 LOCAL STREET PAVEMENT RESURFACING - PHASE 1

Public Works Department
Capital Projects Division

LOCATION MAP

VARIOUS LOCATIONS
PROJECT NO. 11-22679728

ATTACHMENT "A"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD

DEVELOPER – CITY OF MORENO VALLEY, CALIFORNIA
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard.

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 12, 2010, the City Council approved the Agreement for Design Professional Consultant Services to Provide Architectural and Engineering Services (A&E) for the Corporate Yard Phase 1 Office Building and Sewer Line. The Agreement requires that the consultant obtain approval (Planning Application PA10-0013) from the various City departments as part of the design phase of the project. On March 8, 2011, the project received final Conditions of Approval that require the owner (City of Moreno Valley, a municipal corporation) to record an Offer of Dedication for additional right-of-way. The additional right-of-way will be at the two proposed driveway approaches, located on the north side of Santiago Drive east of Perris Boulevard, in accordance with the City Standard for a commercial driveway approach.

DISCUSSION

The owner, the City of Moreno Valley, is required to dedicate four (4) feet of right-of-way around the driveway approaches, at the proposed project entrances on Santiago Drive, to accommodate a public sidewalk for pedestrian circulation in accordance with City Standards. The Offer of Dedication is necessary to construct public improvements along the driveway entrances to match the existing street improvements immediately to the east and west of the project. Once the Offer of Dedication is executed by the City Manager, the document will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and to direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

2. Do not authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and do not direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would not allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Public Facilities and Capital Projects – Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Offer of Dedication

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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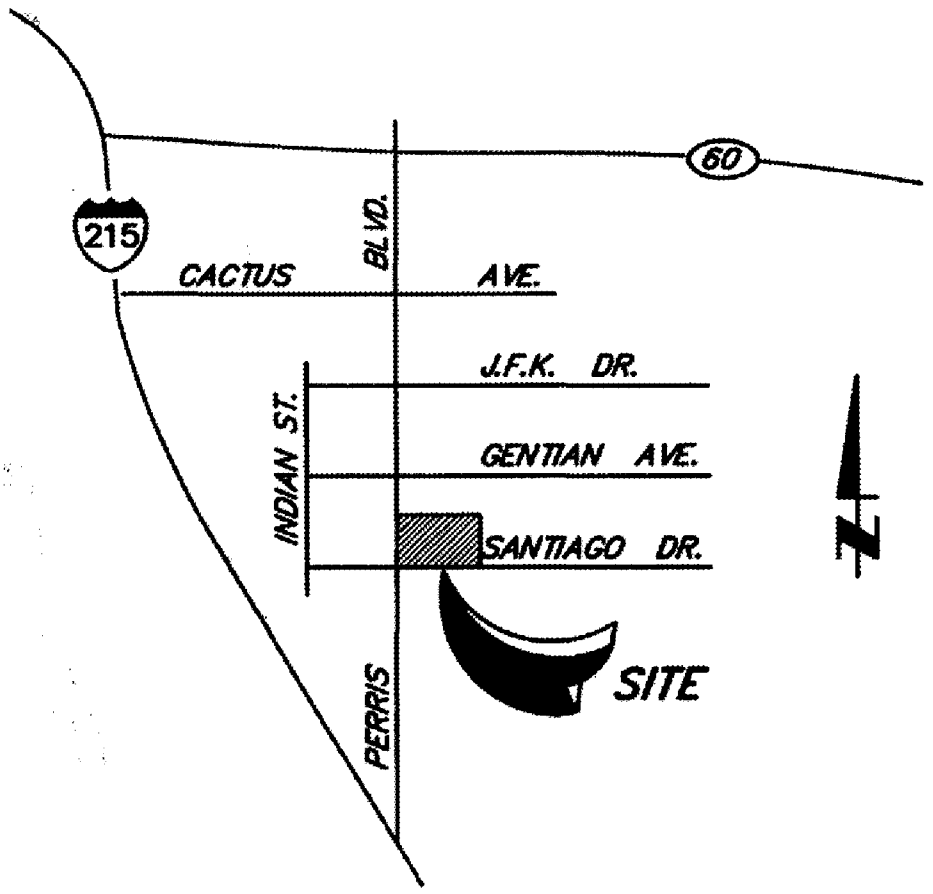

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment "A"	**PA10-0013** **VICINITY MAP**

Recording requested by and when
recorded, mail to:
City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
By:
A.P.N. 486-170-021 & 022

(Space above this line for Recorder's use)

DOCUMENTARY TRANSFER TAX IS NONE.

Public Agency exempt.
Revenue and Taxation Code Section 11922

OFFER OF DEDICATION

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, for public highway purposes, including public utility and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

City of Moreno Valley, a Municipal Corporation

By: _____
HENRY GARCIA, City Manager

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk (SEAL)

Date _____

Attachment "B"

ACCEPTANCE CERTIFICATE

This is to certify that the interest in real property conveyed by the deed or grant dated **July 12, 2011** from the **City of Moreno Valley Moreno, a municipal corporation**, to the City of Moreno Valley, a municipal corporation, in the form attached hereto, is hereby accepted, subject to completion of improvements, and the street improvements being accepted into and becoming a part of the City maintained street system, by the undersigned City Engineer on behalf of the City of Moreno Valley, pursuant to authority conferred by Resolution No. 94-5 of the City Council of Moreno Valley, adopted on January 25, 1994, and the grantee consented to recordation thereof.

Date: _____

By: _____
Chris A. Vogt, P.E.
Public Works Director/City Engineer
City of Moreno Valley

STATE OF CALIFORNIA)
County of _____)ss.
On _____ before me, _____, a Notary Public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

PARCEL A

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF NAN AVENUE AS SHOWN BY MAP OF TRACT NO. 15433-2, ON FILE IN BOOK 151 OF MAPS, PAGES 67 THROUGH 70, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 42.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

PARCEL B

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF COBRA DRIVE AS SHOWN BY MAP OF TRACT NO. 15433, ON FILE IN BOOK 151 OF MAPS, PAGES 71 THROUGH 75, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 47.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE DIRECTION OF:

5-3-11

MARISSA CROWTHER, PLS 6152
SB&O, INC.
41689 ENTERPRISE CIRCLE NORTH, SUITE 126
TEMECULA, CA. 92590

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

MV00000382

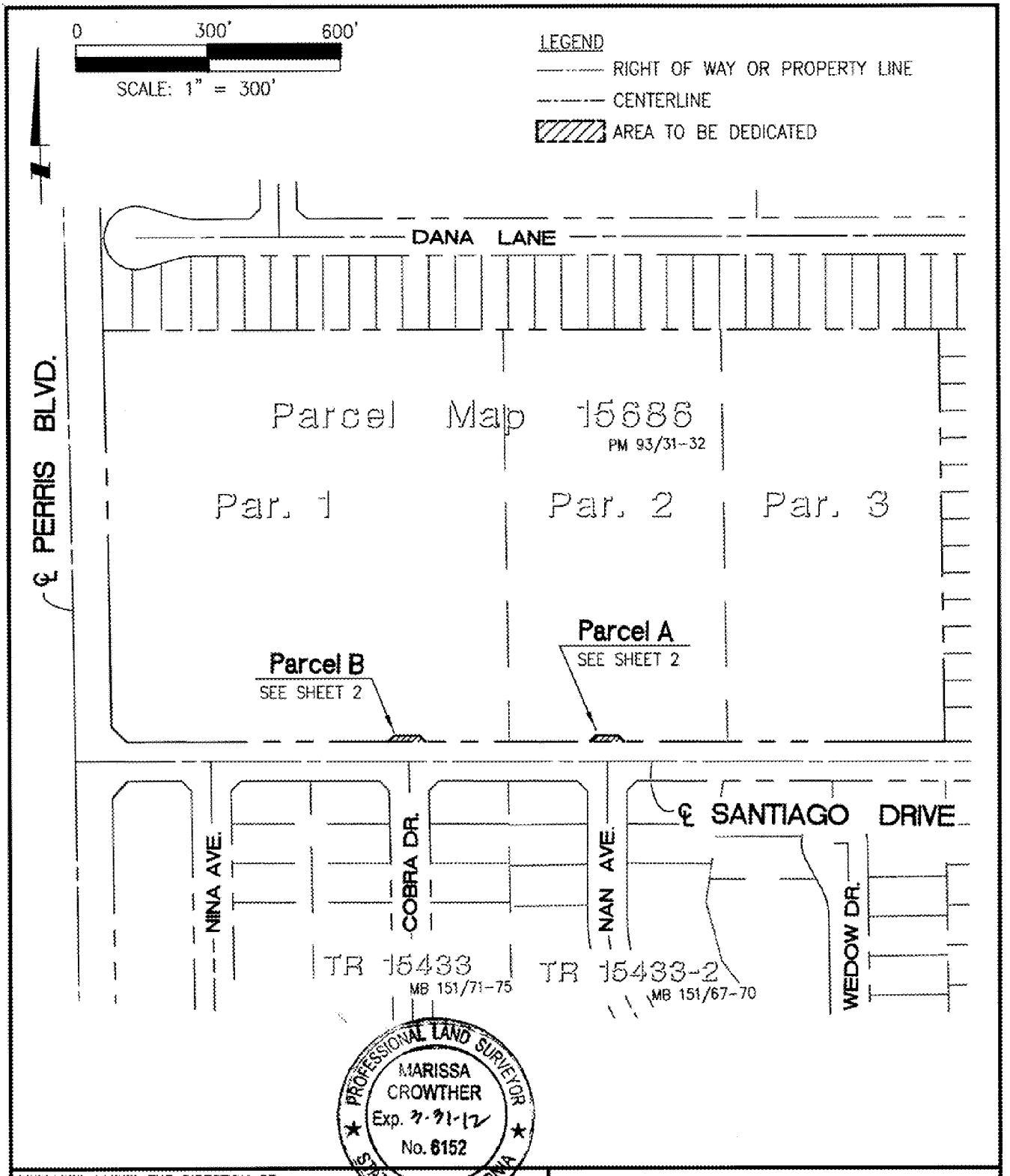

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

PREPARED UNDER THE DIRECTION OF:
S.B. & O., INC.
41689 ENTERPRISE CIRCLE NORTH
TEMECULA, CA 92590

MARISSA CROWTHER, PLS 6152 (EXP 3-31-12)

5-3-11
DATE

CITY OF MORENO VALLEY
CORPORATE YARD DRIVEWAY EASEMENTS

APRIL 2011	EXHIBIT "B"
SB&O, INC. JN 68251	SHEET 1 OF 2

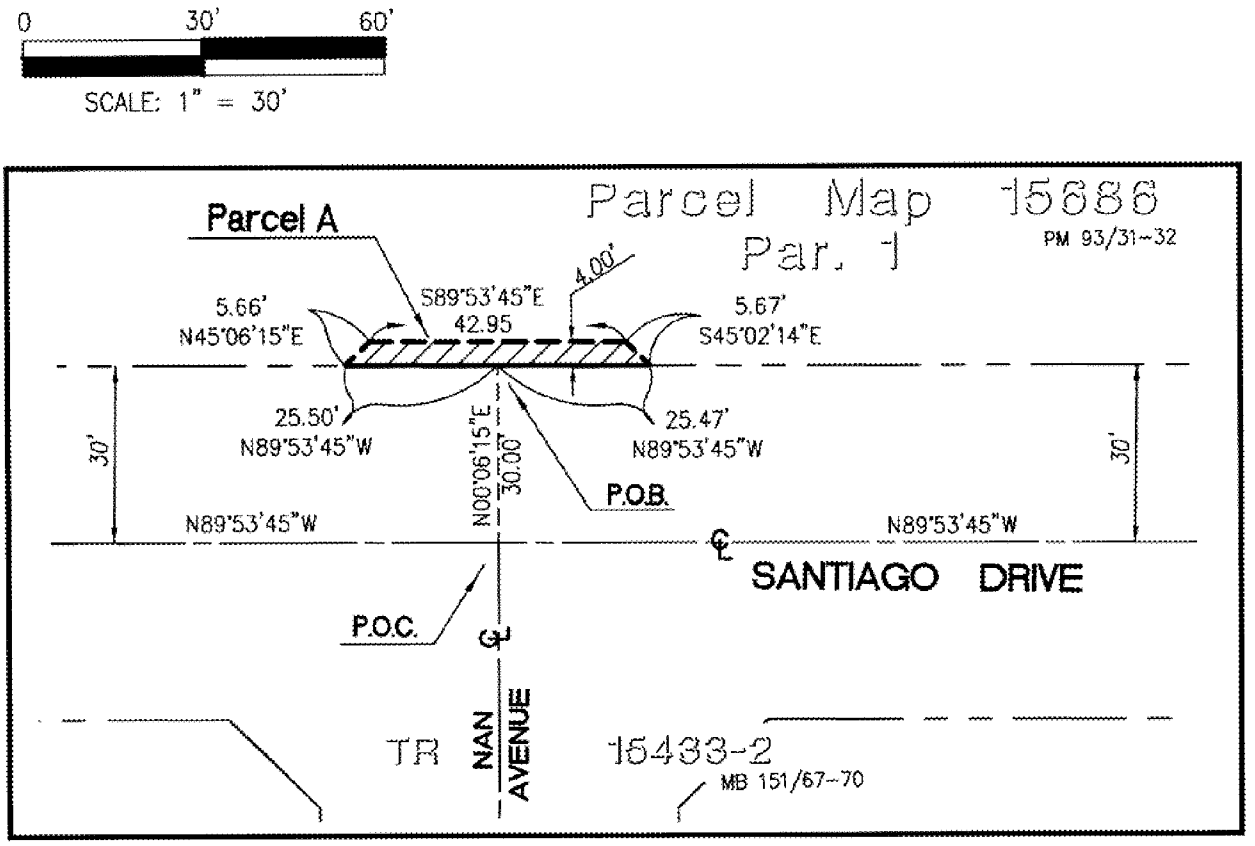

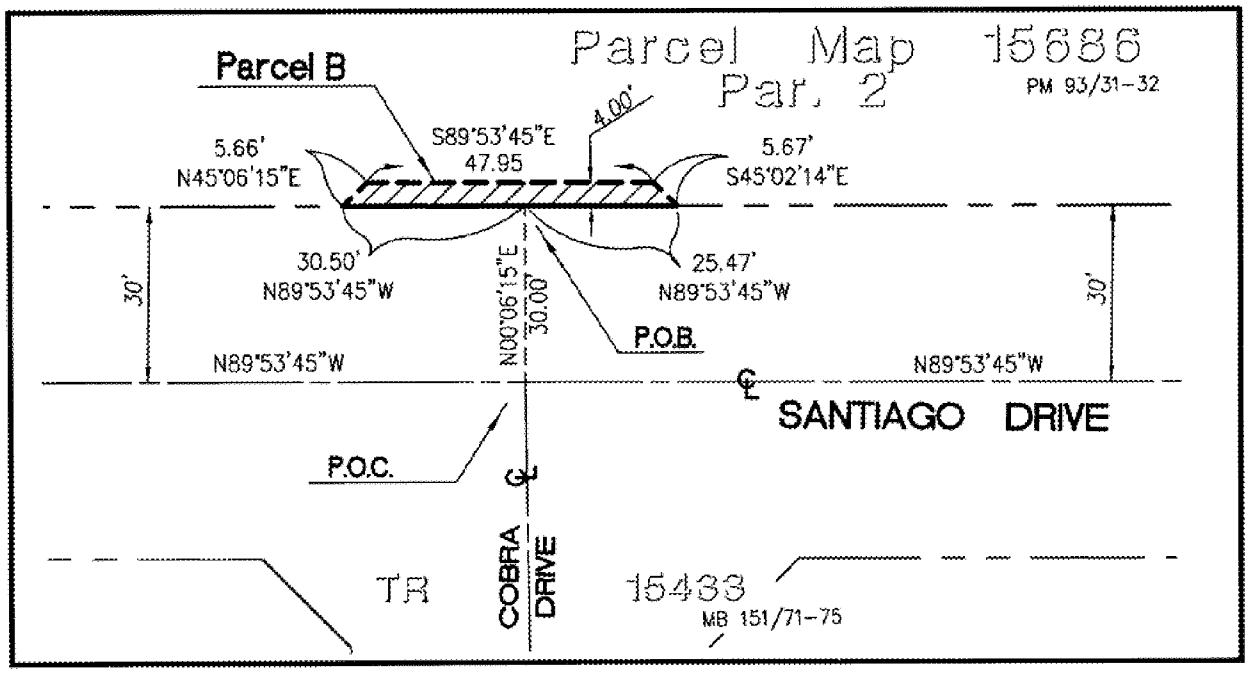

NOTES:

1. BEARINGS ARE BASED ON PARCEL MAP 15686.
2. P.O.C. INDICATES POINT OF COMMENCEMENT.
3. P.O.B. INDICATES POINT OF BEGINNING.

LEGEND

RIGHT OF WAY OR PROPERTY LINE

CENTERLINE

AREA TO BE DEDICATED

EXHIBIT "B"

SHEET 2 OF 2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Street improvements. The Conditions of Approval for this project required that the developer provide surety for street improvements. The security amount for the Eucalyptus Street improvements is Two Million Seven Hundred Seventy-Eight Thousand dollars ($2,778,000.00). The limits of the Eucalyptus Street improvements are within Eucalyptus Street between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: 6-inch thick asphalt concrete over 12-inch thick aggregate base, 8-inch curb and gutter, 6-inch AC curb commercial driveway approaches, sidewalk, street lights, street medians, median drains and landscaping, local depressions, pipe, gates, interconnect conduit, pull boxies, and signing/striping. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a punch list was generated. The required corrective actions have been completed and the improvements are now eligible for acceptance into the City's maintained street system.

On May 3, 2011, the Eucalyptus Street improvements received a 60% reduction. The amount reduced was One Million Six Hundred Sixty-Six Thousand Eight Hundred Dollars ($1,666,800.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved

plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with the Streets and Highway Code.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept the improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Eight Hundred Thirty-Three Thousand Four Hundred dollars ($833,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when

all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\7-12-11- PA07-0090 - Eucalyptus St 90% Bond Reduction.doc

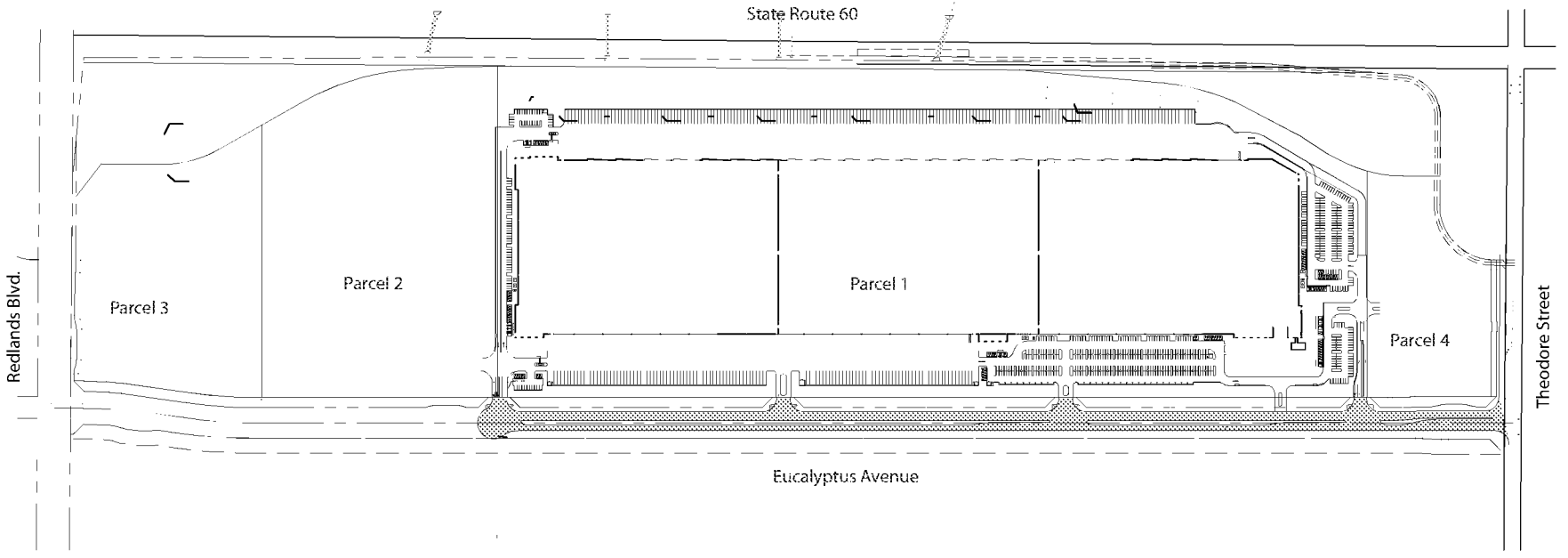

Exhibit "A"

PA07-0090 HFCP-Eucalyptus Phase 1 Street Improvements Vicinity Map

MV00000390

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Street Improvements

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Notify Land Development for inspection request.	
2	A/C Cap Pave	
3	Install Signs/Striping as shown on sheets 11 -12, Eucalyptus St. Imp. Plans	
4	Complete Median Island Pavers Irrigation, Landscape	
5	Complete Irrigation, Landscape N/S Eucalyptus, Install pedestals	
6	Install City-Wide Communication Conduits, Construction Note #16, Eucalyptus S/I plan city std. 421 (Furnish & Install 6 pair No. 19 Interconnect Cable in one conduit (Black Conduit)	
7	Install Monumentation city std.# 601a, b, c, d & e.	
8	Complete swale @ S/S Eucalyptus shoulder.	
9	Submit As-builts	
10	Clearance from Planning Divisions	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Water improvements is One Million Fifty Thousand dollars ($1,050,000.00). The limits of the Eucalyptus Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but is not limited to, the following: approximately 5,100 feet of 18-inch water main line, approximately 400 feet of 12-inch water laterals, twelve (12) fire hydrant assemblies, three (3) 4-inch service connections, three (3) 2-inch service connections, approximately 5,100 feet of telemetry (communication) cable, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, valves, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Water improvements received an 80% reduction. The amount reduced was Eight Hundred Forty Thousand dollars ($840,000.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is One Thousand Five Hundred dollars ($105,000.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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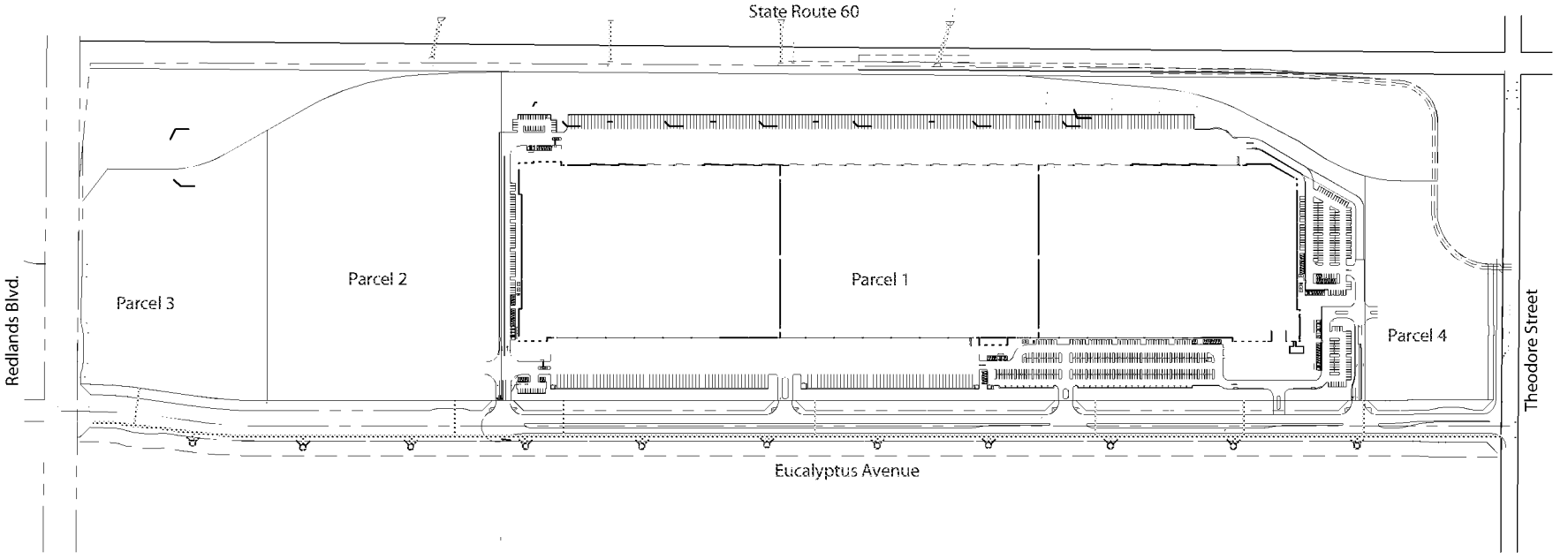

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Water Phase 1 Improvements | Vicinity Map

MV00000397

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-15-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD Clearance Letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Recycled Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Recycled Water improvements is Four Hundred Thirty-Four Thousand dollars ($434,000.00). The limits of the Eucalyptus Recycled Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 5,100 feet of twelve (12) inch purple water main line, six (6) 2-inch service connections, one (1) 4-inch service connection, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Recycled Water improvements received an 80% reduction. The amount reduced was Three Hundred Forty-Seven Thousand Two Hundred dollars ($347,200.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Recycled Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Three Thousand Four Hundred dollars ($43,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. D not authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required*

improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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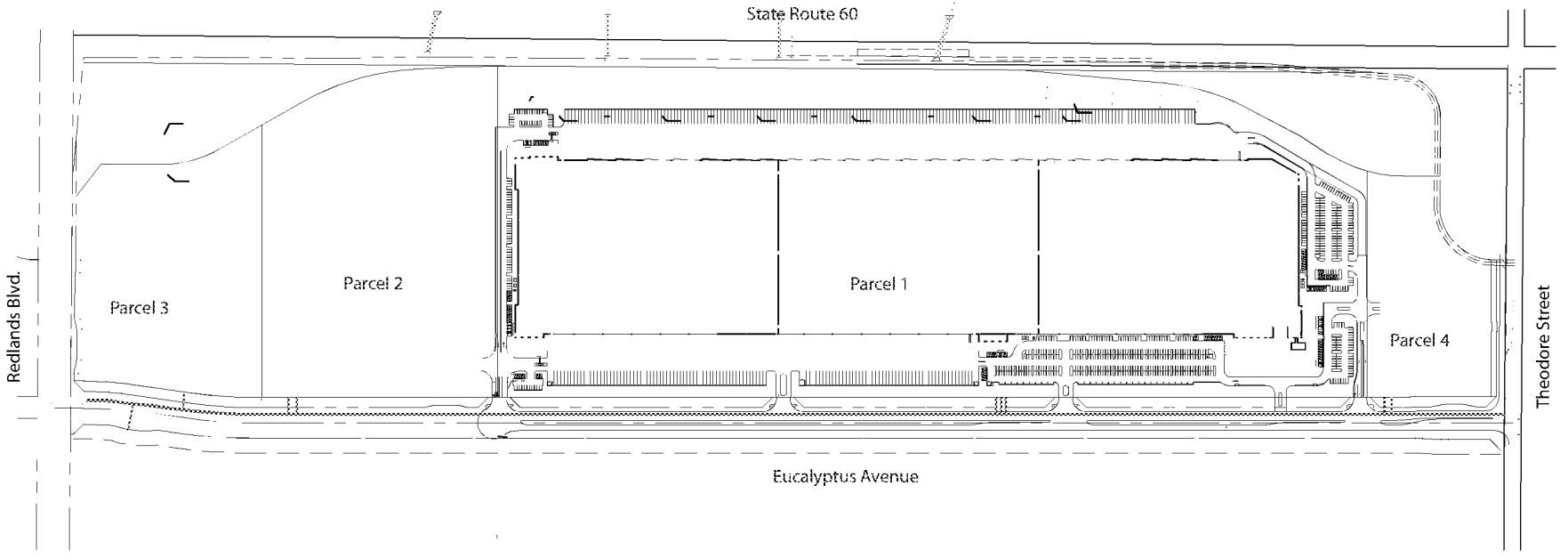

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Recycled Water Phase 1 Improvements | Vicinity Map

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Recycled Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Sewer improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Sewer improvements is Four Hundred Sixty-Seven Thousand dollars ($467,000.00). The limits of the Eucalyptus Sewer improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 1,500 feet of fifteen (15) inch sewer main line, approximately 2,400 feet of twelve (12) inch sewer main line, approximately 650 feet of eight (8) inch sewer main, approximately 150 feet of six (6) inch sewer laterals, and installation of 14 manholes and 2 cleanouts along the sewer line. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Sewer improvements received an 80% reduction. The amount reduced was Three Hundred Seventy-Three Thousand Six Hundred dollars ($373,600.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Sewer improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Six Thousand Seven Hundred dollars ($46,700.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the Public Works Director/City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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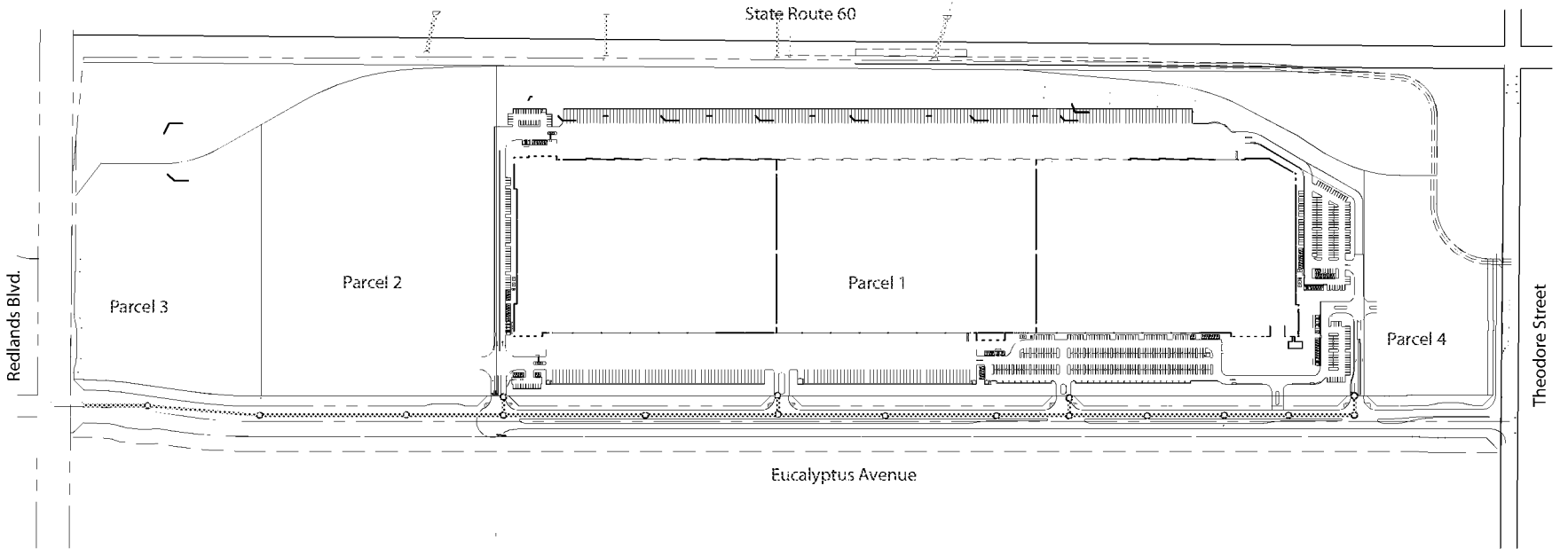

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Sewer Phase 1 Improvements | Vicinity Map

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Sewer

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or

liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On June 8, 2010, the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Line F Storm Drain improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Line F Storm Drain improvements is Six Million Eight Hundred Thirteen Thousand Five Hundred Ninety-Five dollars ($6,813,595.00).

On July 13, 2010, the City Council of the City of Moreno Valley approved the substitution agreement and replacement bonds for the Line F Storm Drain improvements.

The limits of the Line F Storm Drain improvements are within Route 60 to the north, Redlands Boulevard to the west, Eucalyptus Avenue to the south and Theodore Street to the east. The public improvements included, but is not limited to, the following: 2,600 feet of 24-inch RCP, 200 feet of 30-inch Reinforced Concrete Pipe (RCP), 1,900 feet of 36 -inch RCP, 1,500 feet of 42 -inch RCP, 650 feet of 48-inch RCP, 1050 feet of 10-ft by 8-ft Reinforced Concrete Box (RCB), 1,600 feet of 12-ft by 8-ft RCB, pipe inlets/outlets, wing walls, head walls, catch basins, local depressions, manholes, junction structures, transition structures, concrete bulkheads, trash racks, rip rap, fencing and gates. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Punch List was generated.

On March 3, 2011, the Line F Storm Drain improvements received a 90% reduction. The amount reduced was Six Million One Hundred Thirty-Two Thousand Two Hundred Thirty-Six dollars ($6,132,236.00).

DISCUSSION

Contingent upon receiving the acceptance letter from Riverside County Flood Control and Water Conservation District (District), City Staff will perform a final inspection to ensure that the improvements are in accordance with the approved plans and the standards of the City of Moreno Valley and District.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the Line F Storm Drain improvements as complete once the proper clearances are provided by the District. A portion of said improvements will be maintained by the District.

In accordance with the Cooperative Agreement approved by the City Council on August 24, 2010 and the storm drain plans approved by the City Engineer on June 14, 2010, the public storm drain improvements being accepted into the City Maintained system are as follows: a portion of Line D, Line G, Laterals F-2-A, F-8-A through F-8-K, F-8-M, F-8-N, F-8-P, F-9, F-9-A through F-9-D, and related appurtenances such as catch basins, inlets, outlets, headwalls, wingwalls, and rip-rap.

Ninety days after the City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley and District Standards*

and it is appropriate to accept the improvements once proper clearances are received.

2. Do not ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Do not authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Do not authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to enter said improvements into the 12 month warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all final approvals are received. *The required improvements have been completed according to City of Moreno Valley and District Standards and it is appropriate to accept the improvements once proper clearances are received.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\7-12-11 - PA07-0090 - Line F SD 90% Bond Reduction.doc

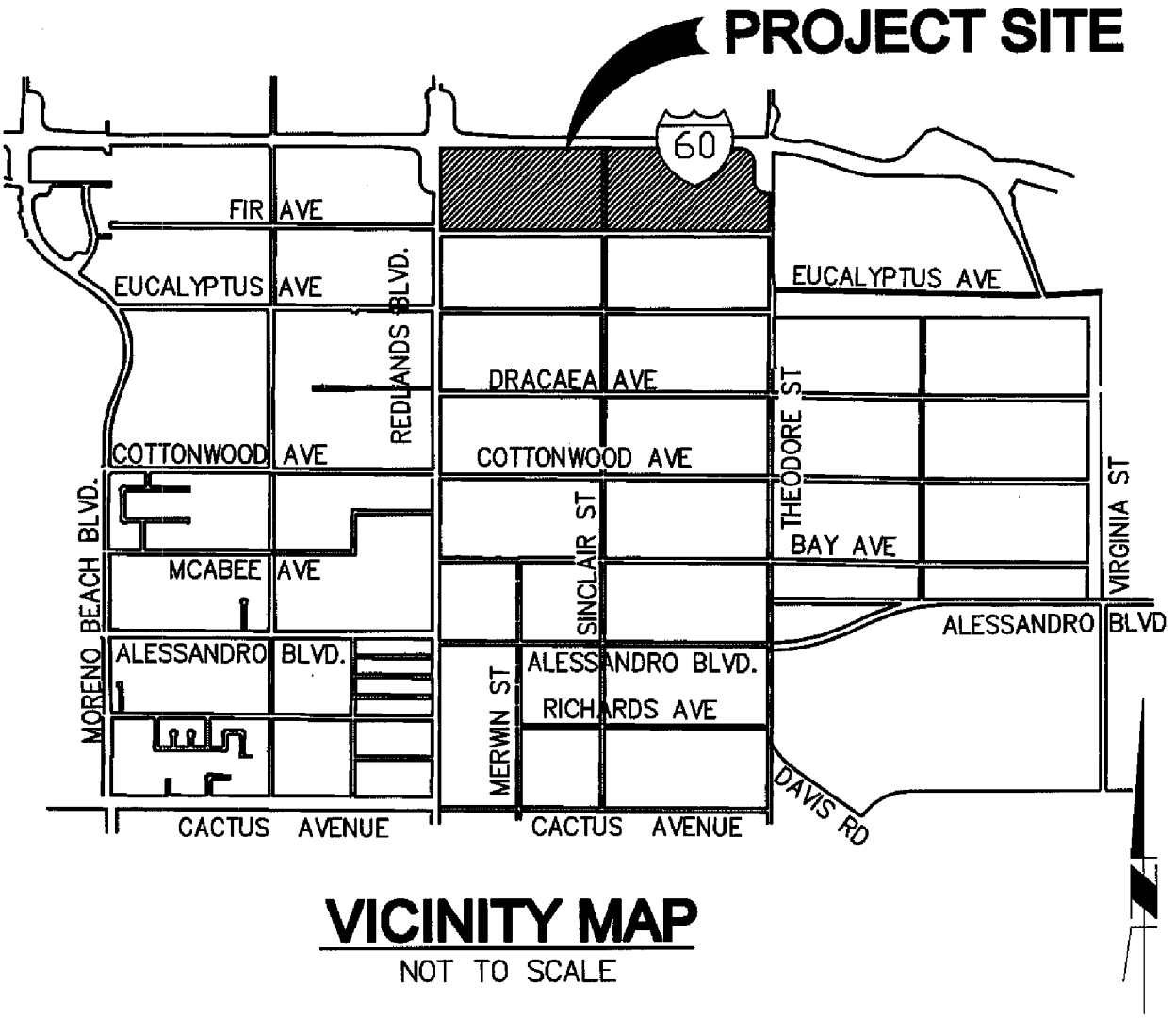

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **LOCATION MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

SEE AGENDA ITEM A.4

C3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.4) (**Report of: Public Works Department)

SEE AGENDA ITEM A.11

C4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION **(ALSO LISTED AS AGENDA ITEM A.11)** (Report of: Public Works Department

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SEE AGENDA ITEM A.13

C5. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.13)** (Report of: Public Works Department)

SEE AGENDA ITEM A.15

C6. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM **(ALSO LISTED AS AGENDA ITEM A.15)** (Report of: Public Works Department)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the Community Redevelopment Agency (RDA):

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

BACKGROUND

On April 28, 2009, City Council authorized VA Consulting, Inc. (VA Consulting) to proceed with the final Auto Mall design plans and specifications. On July 13, 2010, City Council authorized the City Manager to execute a Project Specific Agreement and assign said Project Specific Agreement to the Community Redevelopment Agency. At this same meeting, the Community Redevelopment Agency approved an increase to Purchase Order No. 37386 for $50,000.

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The pylon sign installation was completed on June 20, 2011.

Street improvement enhancements and revitalization are integral elements of the final Automall plans. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their Project Specific Agreement that expires May 1, 2012. Staff is recommending the First Amendment to the Project Agreement in order to increase the Project Specific Agreement amount by $25,000. The additional monies provide for 1) Finalization of the street improvement plans and specifications to reflect the construction scope of work based on available construction funds after the completion of the pylon sign, 2) bid support services during the advertising of the project for construction, and 3) design support services during the construction of the street improvements.

ALTERNATIVES

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725). *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and do not authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services bid design support services, and construction support services (Account No.

897.91725). *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Street Improvements is included in Fiscal Year 2011/2012 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities. There is no impact on the General Fund.

Fiscal Year 2010/2011 Budget (Account No. 897.91725)	$1,512,000
Pylon Sign Construction Related Costs	$786,000
Construction Related Savings	$726,000

AVAILABLE FUNDS:

Fiscal Year 2011/2012 Budget (Account No. 897.91725)	$726,000
Estimated Additional Design Related Services	$25,000
Remaining Available Balance for Construction of Street Improvements	$701,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the Community Redevelopment Agency authorize the First Amendment to the Project Specific Agreement and furthermore authorize an increase to Purchase Order No. 37386 with VA Consulting in the amount of $25,000 for additional design services, bid design support services, and construction support services.

ATTACHMENTS

Attachment "A" – First Amendment to Project Specific Agreement

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\CC Reports\Street Improvements\VA Consultant Award Aggreement CC\1st Amendment 7-12-2011\Increase PO - Design 7-2011.doc

FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES MORENO VALLEY AUTO MALL STREET IMPROVEMENTS PROJECT NO. 08-89791725

This First Amendment to Project Specific Agreement is by and between the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, hereinafter referred to as "RDA," and VA Consulting, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Specific Agreement is made and entered into effective on the date the RDA signs this First Amendment.

RECITALS:

Whereas, the City of Moreno Valley and Consultant entered into an Agreement entitled "PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Project Agreement," dated November 1, 2010.

Whereas, the City assigned its interest in said Agreement to RDA on November 1, 2010.

Whereas, the Consultant is providing consultant engineering services for the Moreno Valley Auto Mall Street Improvement project.

Whereas, it is desirable to amend the Project Specific Agreement to expand the scope of services as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The On-Call Agreement termination date of May 1, 2012 is not extended by this Amendment to the Project Agreement.

1.2 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “A” -- First Amendment, entitled “Terms of Payment”.

1.4 The RDA agrees to pay the Consultant and the Consultant agrees to receive a "Not-

to-Exceed" fee of $25,000.00 as set forth in the above-referenced Terms of Payment, in consideration of the Consultant's performance of the work set forth in Exhibit "A" - First Amendment.

1.5 The total "Not to Exceed" fee for this Agreement is $64,960.00 ($39,960.00 for the original Agreement plus $25,000.00 for the First Amendment to Project Specific Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 08-89791725

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

Community Redevelopment Agency

BY:_____
Executive Director

DATE:_____

VA Consulting, Inc.

BY:_____

TITLE:_____
(President or Vice President)

BY:_____

TITLE:_____
(Corporate Secretary)

RECOMMENDED FOR APPROVAL:

BY:_____
Chris A. Vogt, P.E.
Public Works Director/City Engineer

DATE:_____

APPROVED AS TO LEGAL FORM:

_____
General Counsel of the Community Redevelopment
Agency of the City of Moreno Valley

DATE:_____

Attachment: Exhibit "A" – First Amendment (Terms of Payment)
Exhibit "B" – First Amendment (Assignment of Project Agreement)
Exhibit "C" – First Amendment (Project Agreement)

TERMS OF PAYMENT

1. This First Amendment to Agreement shall have a Not-to-Exceed Fee of $25,000 for the First Amendment to the Project Specific Agreement.

2. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work for the Street Improvements covered by this Proposal including:

    a. Finalize Plans and Specifications to reflect Construction Scope of Work Based on Available Construction Funds.

    b. Bid Support Services During Construction Bid Advertisement

    c. Design Support Services During Construction

3. Work can only commence after this First Amendment to the Agreement has been executed and the City issues a notice to proceed.

4. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.

5. Sub-categorization of tasks is permitted to better define the task for payment.

6. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."

7. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.

8. The City will pay the Consultant for all acceptable services rendered in accordance with the "Project Specific Agreement" and this First Amendment.

9. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Project Specific Agreement," or this First Amendment an "Amendment to the Agreement" will be executed between the City and Consultant.

10. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.

EXHIBIT "A"

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

Beazer Homes

June 15, 2011

John Terell, Planning Director
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Tract 36340 – Rockcliffe City Council Continuance

Dear Mr. Terell:

Beazer Homes would like to request a continuance from the July 12th City Council meeting regarding our proposed Development Agreement for Tract 36340. Beazer is looking to revisit some of the items within this agreement with the City of Moreno Valley. Beazer would like to be scheduled on the October 11th City Council meeting

Thank you for your time and efforts regarding this project. We look forward to working with the City of Moreno Valley. Should you have any questions, please do not hesitate to contact me at (714) 720-6304.

Sincerely,

Bryan Bergeron
Development Manager
Beazer Homes Southern California Division

Orange County Office

1800 E. Imperial Highway, Suite 200
Brea, CA 92821

O: 714-672-7000
F: 714-285-2925
www.beazer.com

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011 (Continued from May 24, 2011)

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 2011- ___, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Town Center and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be

limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice

2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map
4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

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

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

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

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

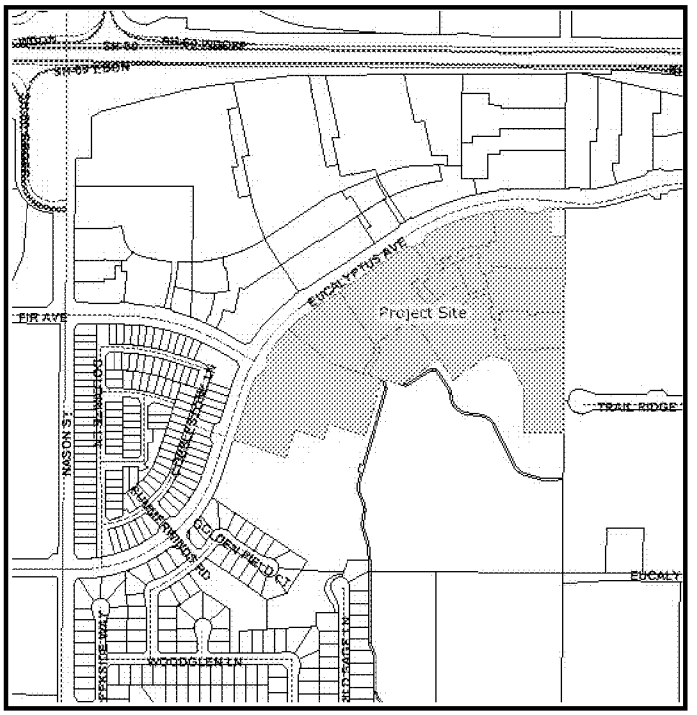

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE & TIME: March 22, 2011 at 6:30 P.M.

ATTACHMENT 1

CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. ____
Date Adopted:

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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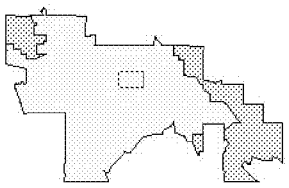

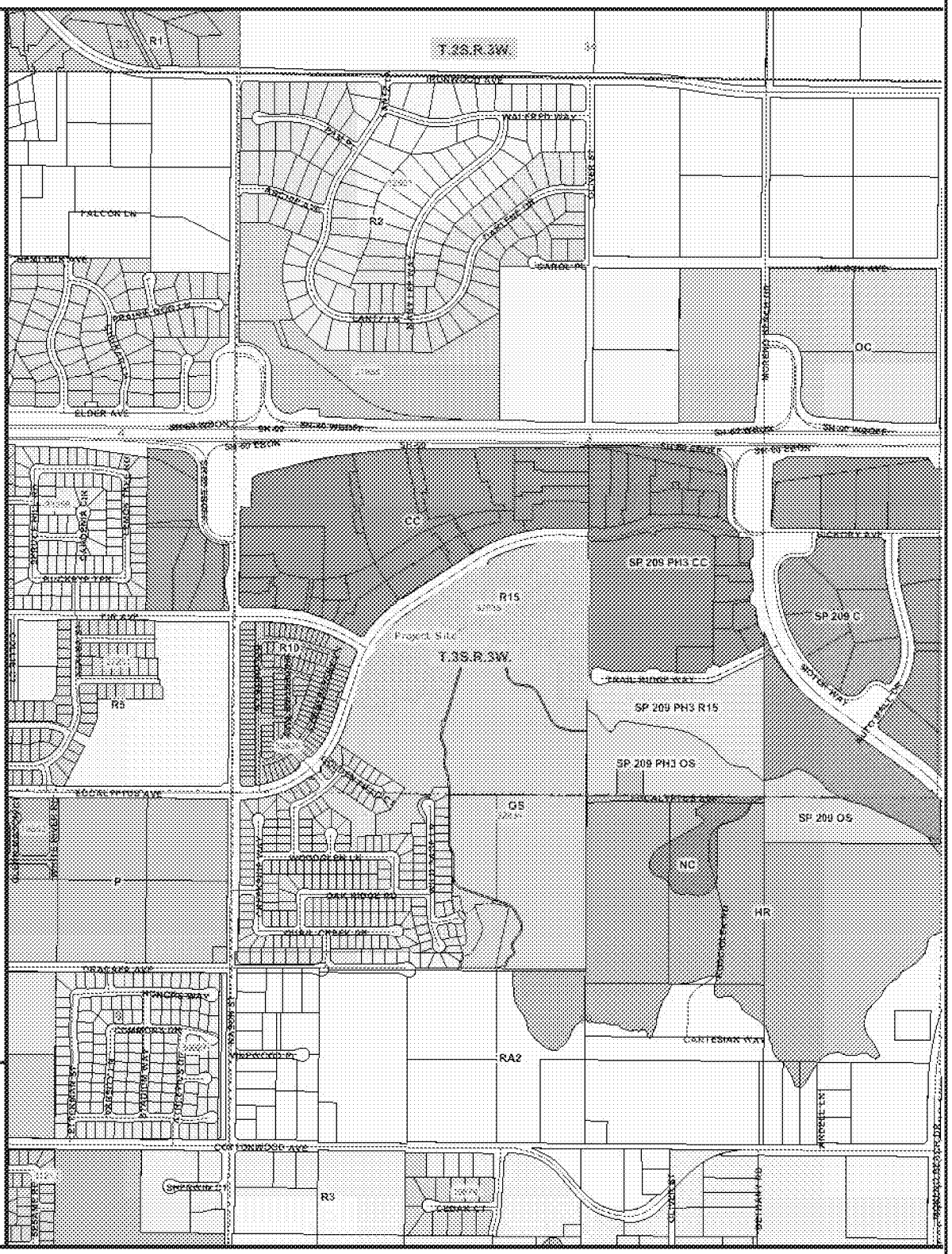

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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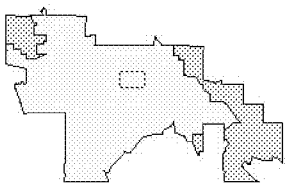

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS

(Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

ATTACHMENT 5

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as “Nature Park” on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will consist of individual lots with detached single-family homes, common open space areas, and private access roads. The common open space includes a recreation building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

<u>Other Design Considerations</u>

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees along private streets and allow continual break-up of the project massing. In addition, street trees will be clustered in strategic locations such as on corner lots, adjacent to guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry

statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from

general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets development standards as allowed under Section 9.03.060 (Planned Unit Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review

Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Act (CEQA) guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

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

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation District	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by: Approved by:

Mark Gross, AICP John C. Terell, AICP

Senior Planner Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. Recreation building floor and elevation plans (provided in reduced format in Exhibit 6).
6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

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case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

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Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

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PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

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seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

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quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

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COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

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ATTACHMENT 7

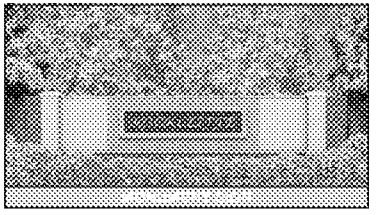

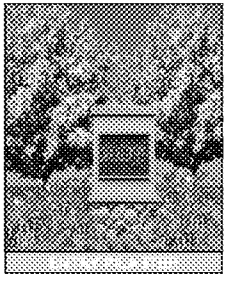

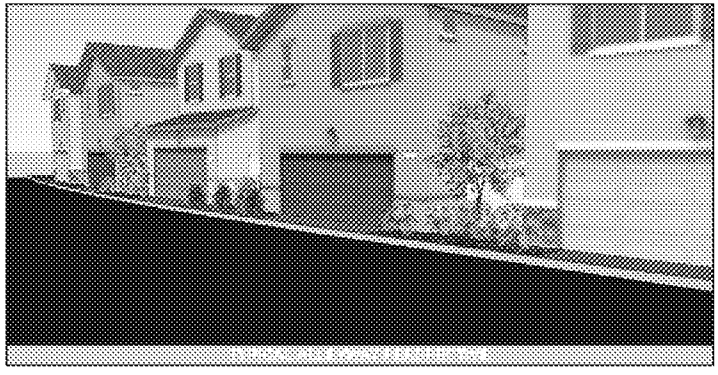

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

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PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the City Council, after conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;
   b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

   a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 has Conditions of Approval that require them to provide a funding source to help support the Stormwater Management program and the CSD Zone M program. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charges for the CSD Zone M program. The property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 28, 2011 and the Public Hearing on July 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies

are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to pruning, trimming, fertilizing, replacing plant material(s) as necessary, litter removal, maintenance of the irrigation systems, weed control, payment of the water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charges are levied on the property tax bill.

The CSD Zone M annual charges for APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 were estimated based on the proposed Perris Blvd. median adjacent to the parcels. Upon future development, parcels adjacent to the proposed median shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charges for balloting APNs shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceeding for First Industrial, receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M annual charges for First Industrial. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results of the mail ballot proceeding for First Industrial. *This alternative would be contrary to Proposition 218 mandates and may not allow the property owners to comply with their conditions of approval.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charges for First Industrial are as follows:

Property Owner	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
First Industrial		
APN 316-200-003 (and any division thereof)	$205	$494.31
APN 316-200-009 (and any division thereof)	205	492.14
APN 316-200-010 (and any division thereof)	205	516.09
APN 316-200-011 (and any division thereof)	205	489.96
APN 316-200-012 (and any division thereof)	205	2,184.13
APN 316-200-013 (and any division thereof)	205	520.44
APN 316-200-014 (and any division thereof)	205	520.44
APN 316-200-018 (and any division thereof)	205	1040.89
APN 316-200-028 (and any division thereof)	205	435.52
APN 316-200-029 (and any division thereof)	205	1,796.51

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Stormwater Management program.

There is no impact in the General Fund for the ongoing maintenance of the proposed median on Perris Blvd, north of Nandina Ave. The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for First Industrial.

NOTIFICATION

On May 17, 2011, a ballot packet was mailed to the owner of each parcel associated with Tentative Parcel Map 35859. The packets included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the June 28, 2011, Public Meeting and July 12, 2011, Public Hearing was published in The Press-Enterprise on June 9, 2011. Additionally, the Public Hearing notification was published on June 23 and again on June 30, 2011.

ATTACHMENT

Attachment 1: First Industrial sample mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\Ballots for FY 10.11\Zone M NPDES\PA07-0165 First Industrial (TPM 35859)\Stfrpt PH 07.12.11.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

First Industrial
c/o First Industrial Realty Trust
Jeff Evans, Operations Director
898 N. Sepulveda Blvd., Suite 750
El Segundo, CA 90245

May 17, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charges for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 are subdivided. If APNs are merged then the annual charges for those APNs shall be combined. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M annual charge for FY 2010/11 for the proposed Perris Blvd. median is $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy

amount will be assessed to APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, July 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a simple majority (50%+1) of the ballots are marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if a simple majority of the returned valid weighted ballots approve the annual charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If there is a tie or if a majority of the returned valid ballots oppose the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If there is a tie or if a majority of the returned valid weighted ballots oppose the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bills and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, July 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property**. **Initials must be clearly printed and placed at the right top corner of the revised selection**.

OFFICIAL MAIL BALLOT for ASSESSOR PARCEL NUMBERS (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

Moreno Valley Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof), **I approve** the annual CSD Zone M charges for FY 2010/11 for the proposed Perris Blvd. median of $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. Beginning FY 2011/12, the annual CSD Zone M charges shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amounts shall be assessed on the Riverside County property tax bills as planning of the Perris Blvd median occurs. The CSD Zone M charges shall be proportionally adjusted if said APNs are subdivided. If parcels are merged then the annual charges for those parcels shall be combined.

NO** — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the CSD Zone M annual parcel charges. I understand that not incorporating said APNs into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charges shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge*
316-200-003 (and any division thereof)	☐	☐	$494.31
316-200-011 (and any division thereof)	☐	☐	$489.96
316-200-028 (and any division thereof)	☐	☐	$435.52
316-200-029 (and any division thereof)	☐	☐	$1,796.51

*The weighted value for each APN is equal to its proposed annual charge. The total proposed charge for TPM 35859 is $8,490.43.

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for Assessor Parcel Numbers (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
316-200-003 (and any division thereof)	☐	☐	$205 per parcel
316-200-011 (and any division thereof)	☐	☐	$205 per parcel
316-200-028 (and any division thereof)	☐	☐	$205 per parcel
316-200-029 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00000516

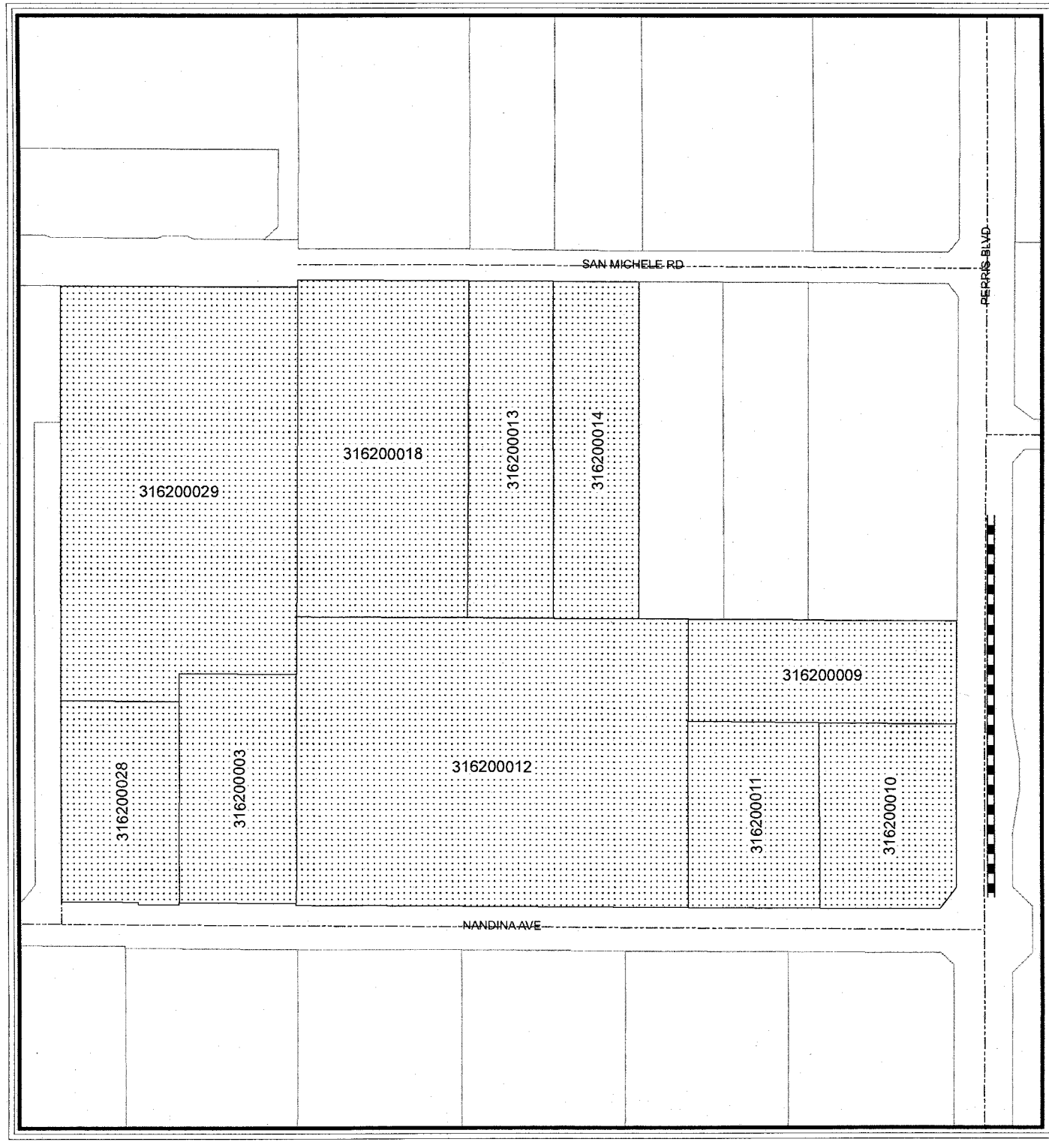

TPM 35859

APN

- 316200003
- 316200009
- 316200010
- 316200011
- 316200012
- 316200013
- 316200014
- 316200018
- 316200028
- 316200029
- Roads
- Parcels
- City Boundary
- Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of May 11, 2011.

N

0 150 300 450 600 Feet

G:\AVP\SDA\TPM 35859 PA07-0165.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

RIDGE PROPERTY TRUST

201 Covina Avenue, Suite 8 | Long Beach, CA 90803
T: (562) 856-3819 | F: (562) 856-3820
www.rptrust.com

June 29, 2011

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Case P08-133, PA08-0098, PA10-0017, PA08-0097, and PA09-0022
Applicant: Ridge Rancho Belago, LLC
Owner: Ridge Rancho Belago, LLC

Dear John,

As you know, on May 12, 2011 the City of Moreno Valley Planning Commission disapproved adoption of Resolution No. 2011-13 recommending to the Moreno Valley City Council the following items:

1. Approval of P08-133 (Approval and Certification of the EIR for the WestRidge Commerce Center project),
2. Approval of PA08-0098 (Zone Change),
3. Approval of PA10-0017 (Municipal Code Amendment),
4. Approval of PA08-0097 (Plot Plan), and
5. Approval of PA09-0022 (Tentative Parcel Map 36207)

On May 18th, Ridge Rancho Belago LLC formally appealed (see the attached letter) the decision of the Moreno Valley Planning Commission to the 5 member Moreno Valley City Council.
Our appeal to the Moreno Valley City Council Members was then scheduled for the July 12, 2011 City Council meeting.
Per this letter, I respectfully request a continuance of our appeal to the City Council meeting scheduled for August 23, 2011.

Thank you for your consideration and please call me if you have any questions.

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Cc: Jeff Bradshaw, City of Moreno Valley
Gil Saenz, Inland Empire Development Services

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t (562) 856-3819 | f (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

RIDGE PROPERTY TRUST

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet east of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Ranch Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3520

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dricke@ptrust.com

Contact Person: Derek Rice

OWNER Name: same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services LLC (951) 325-0430 — Telephone: (951) 845-1003

Address 931 Monarch Court — Fax No. (951) 845-9225

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson@ieds.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name

Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature 5-18-2011
Date

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature 5-18-2011
Date

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	CHECK NUMBER		
5-17-11	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	CHECK NUMBER		
5-17-11	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1230

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60603

2-4/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈00001194⑈ ⑆071000013⑆ 7495493⑈

MV00000523

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

1. **ADOPT** City Council Resolution No. 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution.

OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

1. **ADOPT** City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

2. **INTRODUCE** Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

3. **INTRODUCE** Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

4. **ADOPT** City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

5. **ADOPT** City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, on May 12, 2011, denied the proposed Zone Change required to allow the project. The Planning Commission adopted Resolution No. 2011-13 (Attachment 21) on June 9th documenting the denial by a vote of 3-2 with two commissioners absent or abstaining. Individual Planner Commissioners stated concerns with increased truck traffic on Redlands Boulevard, impacts to aesthetics and views from State Route 60, and the lack of a specified tenant for the project.

Appeal

An appeal of the Planning Commission's denial was submitted on May 19, 2011, by the applicant, Ridge Rancho Belago, LLC. The appeal was received within the required 15 day appeal period. The appeal letter has been included as Attachment 22.

The letter listed the following as the reasons for the appeal:

- The project's architecture is consistent with prior approvals for warehouse buildings of similar size;
- Requiring a project to have a signed lease agreement prior to approval of the land use is not a standard practice.
- Redlands Boulevard is currently identified as a truck route in the City's General Plan. The traffic study identified intersection and roadway segments that required mitigation to meet or improve General Plan levels of service requirements and the project has been conditioned to complete/install infrastructure in the immediate vicinity and off-site to mitigate operational impacts to the City's circulation system.

BACKGROUND

West Ridge Commerce Center

The applicant, Ridge Rancho Belago, LLC, submitted five applications for development of the West Ridge Commerce Center Project (Zone Change, Municipal Code Amendment, Plot Plan, Tentative Parcel Map, and Environmental Impact Report), in order to develop a 937,260 square foot warehouse facility on a 55-acre site located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard is presented as a Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was an issue reviewed for the project. Future Eucalyptus Avenue separates the proposed project from residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site.

In order to provide compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone

of 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

The Municipal Code Amendment would add a standard to the Light Industrial zone to require industrial and warehouse structures greater than 50,000 square feet to be separated from any residential district as determined by an air quality and noise impact analysis. The minimum separation distance would be 250 feet between the residential district and the building, truck court or loading area. Attachment 18 provides the proposed Amendment text. The proposed amendment would be effective City-wide.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility on 55 acres. The warehouse facility is a permitted use in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas on the northern and southern elevations and are screened by perimeter concrete tilt-up walls and slopes with a tree row required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide parking lot and setback landscape to include ground cover, shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will include curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, the Draft EIR was prepared by Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the Draft EIR for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required responsible agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. Two letters were received after the end of the review period.

Final Environmental Impact Report

The Draft EIR and Response to Comments constitute the Final EIR. Responses to the comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Final EIR was mailed to all interested parties and responsible agencies on April 28, 2011, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of

potential impacts cannot be reduced to a less than significant level. As identified in the document, these impacts are considered to be significant and unavoidable.

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

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant and do not require mitigation. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

Typically, the Planning Commission would take public testimony on the EIR and project and forward a recommendation to City Council. However, since the Planning Commission voted 3-2 denying approval of the requested Zone Change, effectively denying the project, no review or recommendation on the EIR was required.

Before the proposed project can be acted upon, the City Council must review the final EIR, receive public testimony and either certify or reject the Final EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

The proposed Municipal Code Amendment is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

DISCUSSION

Planning Commission Public Hearing

Prior to the Planning Commission public hearing on May 12, 2011, staff received three emails from the Sierra Club commenting on the project and the related EIR. An email was also submitted by Paul Claxton, along with letters from the South Coast Air Quality Management Board and Johnson & Sedlack (Attachments 23-28). Copies of the referenced correspondence were provided to the Planning Commission.

A public hearing for the project was conducted on May 12, 2011. Following presentation of the staff report, the applicant spoke and answered Commissioner questions related to building architecture, notification efforts by the applicant, and pre-leasing the building prior to approval of the land use.

There were three speakers at this meeting. Concerns raised by the speakers included increased truck traffic on Redlands Boulevard and Ironwood Avenue, too frequent changes to the General Plan Land Use Element, the City's policy for notification of a public hearing, opposition to the Zone Change request, preservation of the rural east end of City, air quality and Commissioner objectivity.

The Planning Commission asked the applicant whether they would agree to change the architecture or guarantee a tenant or buyer. The applicant indicated that securing a tenant or buyer prior to approval of the project was not a possibility. The applicant was not willing to make changes to the architecture and asserted that the proposed architecture meets current City design criteria. Planning staff stated that the proposed architecture is consistent with both the Municipal Code and prior City warehouse approvals.

Following public testimony, the Planning Commissioners discussed the project, and then voted 3-2 to deny the Zone Change, effectively denying the project based on concerns with the project's design and potential impacts. There was no discussion of the Environmental Impact Report and no recommendation action taken on project's environmental documents.

ALTERNATIVES

1. The City Council could deny the project by adopting the denial resolution included as Attachment 2.

2. The City Council could approve the project by adopting the resolutions and ordinances included as Attachments 3 through 7.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

SUMMARY

This report addresses the appeal of the Planning Commission's May 12, 2011 denial of Zone Change application PA08-0098 to change the zone from Business Park to Light Industrial for a 55 acre site for the West Ridge Commerce Center project. The project also includes applications for Plot Plan PA08-0097 for a 937,260 square foot warehouse facility on 55 acres; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum

separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal. Staff has provided recommended actions that would permit City Council to either uphold the Planning Commission denial or overturn that action and approve the proposed project.

NOTIFICATION

Notice of the appeal of the proposed West Ridge Commerce Center project was provided to all property owners of record within 300' of the properties covered under these applications as well as agencies and interested parties that requested notification of public meetings for this project. The public hearing notice for this project was also posted on the property site and published in the local newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. City Council Denial Resolution No. 2011-76
3. Environmental Impact Report Resolution No. 2011-77, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Ordinance No. 829 - Zone Change
5. Ordinance No. 830 - Municipal Code Amendment
6. Resolution No. 2011-78 - Plot Plan PA08-0097
7. Resolution No. 2011-79 - Tentative Tract Map 36207
8 Planning Commission Staff Report excluding exhibits
9. Planning Commission Minutes from May 12, 2011 meeting
10. Environmental Impact Report
11. Site Plan
12. Elevations
13. Color Rendering
14. Cross Sections – Line of Sight
15. Preliminary Landscape Plan
16. Tentative Parcel Map 36207
17. Aerial Photograph
18. Revisions to Municipal Code Chapter 9.05 Industrial Districts
19. Response to SCAQMD comments
20. Response to Tom Hyatt comments
21. Planning Commission Denial Resolution No. 2011-13
22. Appeal letter from Ridge Rancho Belago, LLC dated 05/19/11
23. Sierra Club email dated 05/05/11
24. Sierra Club email dated 05/09/11
25. Sierra Club email dated 05/11/11
26. Johnson & Sedlack comment letter dated 05/12/11
27. South Coast Air Quality Board comment letter dated 05/12/11
28. Email comments from Paul Claxton date 05/11/11

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

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

CASE: P08-133 – Environmental Impact Report
PA08-0098 – Zone Change
PA10-0017 – Municipal Code Amendment
PA08-0097 – Plot Plan
PA09-0022 – Tentative Parcel Map No. 36207

APPLICANT: Ridge Rancho Belago, LLO

OWNER: Ridge Rancho Belago, LLC

REPRESENTATIVE: Inland Empire Development Services

LOCATION: South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard

PROPOSAL: A public hearing regarding an appeal of the Planning Commission's May 12, 2011 denial of a Zone Change (PA08-0098) from Business Park (BP) to Light Industrial (LI) for a 55 acre site for the West Ridge Commerce Center project. The project also includes a Plot Plan (PA08-0097) for a 937,260 square foot warehouse facility; Tentative Parcel Map No. 36207 (PA09-0022) to create a single parcel; and a Municipal Code Amendment to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the project.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

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

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

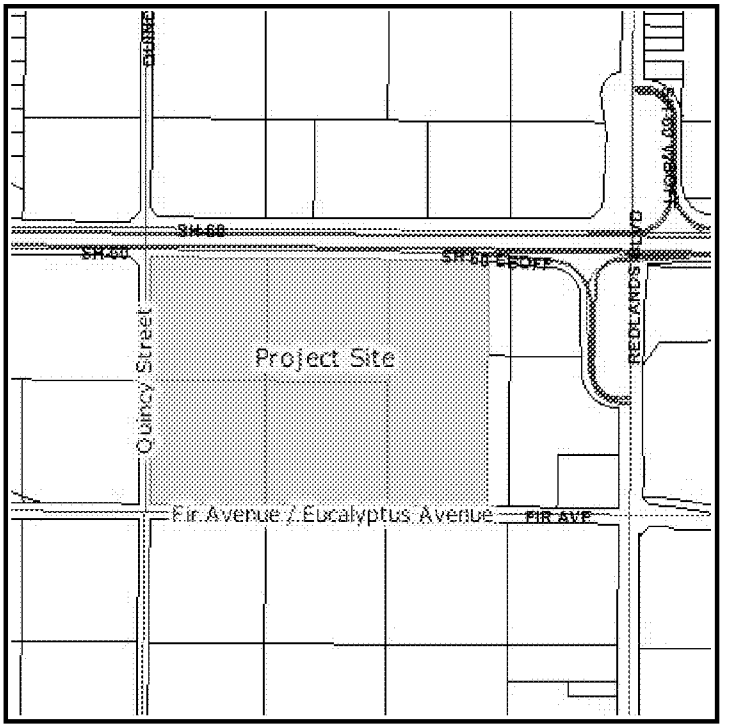

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: July 12, 2011 at 6:30 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

ATTACHMENT 1

RESOLUTION NO. 2011-76

Formatted: Right: 0.88"

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on June 9, 2011, the Planning Commission adopted a resolution by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider an appeal of the Planning Commission's denial of the Zone Change application.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the City Council voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

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

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor.

The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources. The proposed project includes a 937,260 square foot warehouse industrial building which exceeds the maximum building area of 50,000 square feet permitted by the current zoning designation of Business Park. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

2. The proposed warehouse industrial buildings would increase the amount of heavy truck traffic on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic would be incompatible with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building would be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, DENYING a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

RESOLUTION NO. 2011-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P08-133), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE WEST RIDGE COMMERCE CENTER PROJECT, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF FIR AVENUE/FUTURE ECUALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD.

WHEREAS, on July 12, 2011, the City Council of the City of Moreno Valley held a public hearing to consider the Environmental Impact Report and all related environmental documentation for the proposed project, which includes a Plot Plan for a 937,260 square foot distribution warehouse facility on 55 acres. The warehouse building includes 173 dock doors and provides parking for 307 employees/visitors and 175 trailer parking spaces within the enclosed truck court. The project site is currently zoned Business Park which limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial is required to allow the larger building proposed by the project. Tentative Parcel Map No. 36207 proposes to combine the multiple parcels of the project site into a single parcel This project also requires approval of a Municipal Code amendment to Chapter 9.05 Industrial Districts to require a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. The proposed amendment will be effective citywide;

WHEREAS, the project includes applications for a Change of Zone (PA08-0098), Municipal Code Amendment (PA10-0017), a plot plan (PA08-0097) and a tentative parcel map (PA09-0022). All the applications are related but shall not be approved unless the Environmental Impact Report (P08-133) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on October 22, 2010, while the review period ended on December 6, 2010. A Final EIR, (including the Draft EIR and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on April 28, 2011, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR with complete responses to comments to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider a Final EIR for this project.

WHEREAS on July 12, 2011, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

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

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the West Ridge Commerce Center Project, including, but not limited to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use, noise, transportation/traffic, and utilities/service systems;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

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

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The City Council certifies that the final Environmental Impact Report (EIR) for the West Ridge Commerce Center Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The City Council hereby adopts the Findings and Statement of Overriding Considerations regarding the final EIR for the West Ridge Commerce Center Project, attached hereto as Exhibit A; and

3. The City Council hereby approves the Mitigation Monitoring Program for the final EIR for the proposed West Ridge Commerce Center Project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the Westridge Commerce Center Project (State Clearinghouse No. 2009101008)

I. INTRODUCTION

The City Council of Moreno Valley (this "Council"), in certifying the EIR for the Westridge Commerce Center Project and approving Tentative Parcel Map 36207 and a Plot Plan authorizing the construction of up to 937,260 square feet of light industrial/distribution warehouse uses (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the City of Moreno Valley. The Project site consists of approximately 54.66 acres of vacant and undeveloped land, located southeasterly of the SR-60 interchange with Redlands Boulevard. Specifically, the Project is bounded by SR-60 to the North, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the

EXHIBIT A

west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east.

Properties to the west of the Westridge Commerce Center Project site, across the Quincy Channel, are currently in agricultural production; however, a development proposal has been submitted to the City for this adjacent site, involving six (6) distribution warehouse facilities totaling approximately 2.25 million square feet on 117 acres, and an EIR is currently being prepared for this project. To the south, across the Fir (future Eucalyptus) Avenue alignment, properties are currently vacant with the exception of one residence located near the southeasterly corner of the Project site. No active development proposals exist for southerly adjacent properties, which have a General Plan Land Use designation of "R2," allowing two dwelling units (DU) per acre. Properties immediately to the east of the Project site are designated for commercial use, though no development proposal is currently on file. Further to the east, across Redlands Boulevard, the Highland Fairview Corporate Park project is currently under construction. At buildout, this Project would involve approximately 2.6 million square feet of warehouse distribution uses and 200,000 square feet of commercial uses on approximately 158 acres located south of SR-60, between Redlands Boulevard and Theodore Street.

2. Project Description

The Project consists of construction and operation of an approximately 937,260 square foot light industrial/distribution warehouse facility, with onsite parking, circulation, and all required infrastructure. The Project site is currently designated for Business Park/Light Industrial uses in the City's General Plan, and its zoning designation is Business Park. The development of the Project requires a change of zone, from Business Park to Light Industrial zoning, to allow for the proposed light industrial/distribution warehouse uses configured in a single structure greater than 50,000 square feet. A Municipal Code text amendment to Section 9.05.020 B is also required by the Project, to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

MV00000543

3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- A zone change from Business Park to Light Industrial;
- Amendment to Municipal Code Section 9.05.020 B [Light Industrial Districts];
- Tentative Parcel Map approval (PM 36207);
- Development Plan Review and Plot Plan approval for the entire Project;
- Construction, grading, and encroachment permit approvals;
- Vacation and/or dedication of public rights-of-way and easements;
- Approval of the Final Water Quality Management Plan (WQMP); and
- Any other City of Moreno Valley approvals that may be necessary pursuant to applicable laws and regulations.

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the NOP/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On October 1, 2009 the City circulated a Notice of Preparation ("NOP") and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On October 28, 2009, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from October 1 to October 30, 2009. Written comments on the NOP were received from 26 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics; agricultural resources; air quality; biological resources; geology and soils (seismic risk); hazardous materials; hydrology/water quality; land use; noise; solid waste generation; traffic and circulation; water supply; alternatives selection; cumulative impacts; growth inducement; and the use of green building standards and solar energy.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information and analysis to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Agricultural Resources; (2) Geology and Soils; (3) Hazards/Hazardous Materials; (4) Mineral Resources; (5) Population/Housing; (6) Public Services; (7) Recreation; and, (8) Utilities and Service Systems.

MV00000545

- On October 21, 2010, the NOA/NOC was filed with the Riverside County Recorder and the State Clearinghouse and the DEIR was circulated for the 45 day public review, which ended December 6, 2010.
- The City received a total of six (6) comment letters from public agencies; five (5) from local business or community organizations; and thirteen (13) from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 3.0 of the FEIR.
- On December 2, 2010, the City held a publicly noticed meeting to provide additional information about the Project and the EIR.
- On April 29, 2011 in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On May 12, 2011, the City Planning Commission conducted a public hearing to consider the Project. After public testimony presented at the hearing, the Planning Commission denied the requested Zone Change for the Project, effectively denying the Project.
- On May 19, 2011, an appeal letter and application were submitted to the City by the applicant, Ridge Rancho Belago, LLC, appealing the Planning Commission's denial of the Project to the City Council.
- On June 30, 2011, Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On July 12, 2011, this Council approved a continuance to August 23, 2011.
- On August 23, 2011, this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding

MV00000546

Considerations, and the further recommendations in the Staff Report, and approved the Project, including the requested change of zone, Municipal Code Amendment, and PM 36207 (collectively the "Approvals").

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of Applied Planning, Inc. ("Applied Planning") to prepare the EIR for the Project. Applied Planning has prepared the EIR under the supervision, direction and review of the City with the assistance of an independent peer review (Willdan Associates). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures

recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

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

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 and 5.0 of the DEIR and Section 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 3.0 of the FEIR.

The EIR evaluated nine major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Land Use, Noise, Traffic and Circulation and Water Supply. Both Project-specific and cumulative impacts were evaluated. Of these nine major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. Land Use

a. General Plan Consistency

Potential Significant Impact: Whether the Project is consistent with applicable provisions of the City's General Plan.

Findings: Potential impacts of the Project related to consistency with the General Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to General Plan consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's General Plan Land Use designation is "Business Park/Light Industrial." The warehouse and distribution uses proposed by the Project are permitted or conditionally permitted by, and therefore are considered to be consistent with, applicable General Plan Land Use Plans and Policies. (DEIR, pg. 4.1-17) Accordingly, impacts associated with General Plan consistency would be less-than-significant and no mitigation is required.

b. Zoning Consistency

Potential Significant Impact: Whether the Project would conflict with the applicable zoning.

Findings: Potential impacts of the Project related to consistency with zoning are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to zoning consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's existing zoning designation of Business Park (BP) does not allow for development of distribution warehouse uses within single structures of more than 50,000 square feet, as proposed by the Project. As such, a zone change from BP to Light Industrial (LI) is requested in order to accommodate the Project. The proposed LI zoning designation is consistent with the site's underlying General Plan Land Use designation of Business Park/Light Industrial. In order to ensure compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses, a Municipal Code Amendment is also proposed that would require a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as

MV00000549

required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. (DEIR, pgs. 4.1-20 to 4.1-24) Accordingly, with approval of the Project's requested zone change and Municipal Code Amendment, impacts associated with zoning consistency would be less-than-significant and no mitigation is required.

c. Consistency with SCAG Plans and Policies

Potential Significant Impact: Whether the Project would conflict with any applicable Southern California Association of Governments (SCAG) plan or policy.

Findings: Potential impacts of the Project related to consistency with the applicable SCAG plans and policies are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impacts related to inconsistency with SCAG's regional plans or policies areas will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a SCAG member agency, and is subject to applicable Policies of SCAG's regional plans. The DEIR assessed the Project and found it to be consistent with applicable SCAG Policies on Growth Management, Air Quality, Open Space and Conservation, and Water Quality, Regional Transportation. The Project was also found to be consistent with SCAG's Regional Transportation Plan and Compass Growth Visioning Principles. (DEIR, pgs. 4.1-24 to 4.1-30) Accordingly, any impact associated with SCAG plan or policy consistency would be less-than-significant and no mitigation is required.

d. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with applicable Habitat Conservation Plans or other natural community conservation plans.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan. The Project complies with all applicable provisions of the MSHCP. The Project site is not within an MSHCP Criteria Cell, nor is the site within 1,000 feet of an identified Criteria Cell. No MSHCP conservation areas or habitat linkages occur onsite. (DEIR, pg. 4.1-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required.

Prior to the implementation of the MSHCP, Riverside County adopted a separate HCP for the Stephens' kangaroo rat (SKR, Dipodomys stephensi), which are federally listed as endangered and state listed as threatened. As with the MSHCP, participants of the SKR HCP can incorporate projects into the incidental "take" permit for SKR if the project complies with the requirements of the SKR HCP implementing agreement. Payment of the mitigation fees and compliance with the SKR HCP requirements provides full mitigation under CEQA for impacts to SKR. (DEIR, pg. 4.8-14)

e. Potential to Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the potential division of an established community are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the physical division of an established community will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is located within, and continues the business park/light industrial land uses that exist or are proposed along the City's southerly SR-60 frontage, consistent with land use and development patterns reflected in the Moreno Valley General Plan Land Use Map. Adjacent parcels to the east and south are currently vacant, with the exception of a single family residence to the south of Fir (future Eucalyptus) Avenue near the Project site's southeasterly corner. Parcels adjacent to this residence are designated for Rural Residential (RA-2) uses. However, with the exception of the single existing residence south of Fir (future Eucalyptus) Avenue, this adjacent, residentially designated area is not yet

MV00000551

developed, and as such, does not constitute an "established community." Implementation of the Project will realize light industrial/warehouse distribution uses that are compatible with, and similar to, anticipated development to the east and west of the Project as part of the approved Highland Fairview Corporate Park project, and the proposed ProLogis project. (DEIR, pgs. 4.1-32 to 4.1-33) Accordingly, any impacts related to the division of an established community would be less-than-significant and no mitigation is required.

f. Cumulative Impacts Related to Land Use

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to land use.

Findings: Potential cumulative impacts of the Project related to land use are discussed in detail in Section 5.1.1.1 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to land use will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. While it is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area, the proposed land use is consistent with the City's General Plan Land Use Element. The Project is also consistent with SCAG's regional plans and policies and the Western Riverside County MSHCP. With approval of the requested zone change (from Business Park to Light Industrial) and Municipal Code Amendment, in addition to approval of the discretionary actions identified in Section II (A)(3) of these Findings, the Project's contributions to potential cumulative land use impacts related to General Plan, Zoning, and Regional Plan consistency are less-than-significant. There are no known or probable off-site development proposals that would not, or could not, comply with applicable General Plan provisions; or that would otherwise adversely compound land use approvals requested by the Project, and so be determined to be cumulatively significant. It is assumed that other development projects within the cumulative impact area will also request appropriate discretionary land use approval where necessary, thereby reducing potential cumulative impacts. (DEIR, pgs. 5-5 to 5-7) Accordingly, any impacts to land use would not be cumulatively considerable and no mitigation is required.

2. Traffic and Circulation

a. Increase in Roadway Hazards

Potential Significant Impact: Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to increased roadway hazards are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: To ensure appropriate design and implementation of all Project access improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. Efficient and safe operations of the Project are provided by on-site and localized circulation and intersection improvements included as components of the Project. The safety of bicyclists and pedestrians shall be taken into consideration during the final design of future intersections within the vicinity of the Project. Additionally, sight distance at each Project access point shall be reviewed with respect to standard Caltrans/City of Moreno Valley sight distance standards at the time of preparation of final grading, landscape and street improvement plans. Temporary and short-term traffic detours and traffic disruption that may result during Project construction is adequately addressed through the submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours. Implementation of the approved construction area traffic management plan and resulting construction traffic control measures reduces potential circulation system impacts during construction to levels that are less-than-significant. (DEIR, pgs. 4.2-84 to 4.2-85) Therefore, no mitigation is required.

b. Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access or access to nearby uses.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the construction area traffic management plan/construction traffic control measures will assure adequate emergency access during the construction of the Project. Adequate emergency access will be provided upon completion of the Project improvements and mitigation measures. Prior to buildout of the local roadway system, which will ultimately include a bridge over the Quincy Channel, analysis included in the DEIR indicates that emergency vehicles serving the Project vicinity will be able to meet or exceed Moreno Valley Fire Protection Agency objectives for a five-minute response time using any of three alternate routes. Additionally, buildout of the local roadway system will improve overall emergency response to the area. (DEIR, pgs. 4.2-86 to 4.2-88) Accordingly, any impacts related to emergency access would be less-than-significant and no mitigation is required.

c. Alternative Transportation

Potential Significant Impact: Whether the Project would conflict with adopted policies supporting alternative transportation.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Riverside Transit Agency (RTA) currently provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. City staff has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project. However, the Project does not propose elements or aspects that would interfere or conflict with

MV00000554

the future provision of transit services. The Project will provide pedestrian and bikeway facilities consistent with City Municipal Code requirements to be identified in the Project Conditions of Approval, thereby reducing potential impacts below significance thresholds. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pg. 4.2-89) Therefore, no mitigation is required.

d. Air Traffic Patterns

Potential Significant Impact: Whether the Project would increase or otherwise affect existing air traffic patterns.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any change in air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an Airport Area of Influence or Airport Land Use Plan (ALUP). The March Inland Port/March Air Reserve Base is the airport located nearest the Project site, approximately five miles to the southwest. The Project does not propose elements that would affect, or be affected by, air traffic facilities. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pgs. 4.2-89 to 4.2-90) Therefore, no mitigation is required.

3. <u>Air Quality</u>

a. Air Quality Management Plan Consistency

Potential Significant Impact: Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Potential impacts of the Project related to the applicable air quality plan are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable air quality plan and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project is consistent with, and will not impede or otherwise conflict with implementation of the Air Quality Management Plan ("AQMP"). The

Project is consistent with AQMP Consistency Criterion No. 1 because it will not cause a potential increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (DEIR, pgs. 4.3-51 to 4.3-52) The Project will not exceed the California Ambient Air Quality Standards ("CAAQS") for localized criteria pollutants during construction operations. While operational emissions will be generated in excess of SCAQMD's regional threshold criteria, these emissions are already accounted for in the AQMP since the Project is consistent with the land uses and development intensities reflected in the City General Plan and incorporated in the adopted AQMP. Consistent with intent and provisions of the AQMP, the Project will implement all feasible mitigation, and comply with all applicable SCAQMD rules developed to reduce air pollutant emissions. The Project is also consistent with AQMP Consistency Criterion No. 2 because the extent of air pollutant emissions generated by the Project would be no greater than is reflected in the current General Plan and incorporated in the adopted AQMP. Because the Project is consistent with the General Plan Land Use designation of Business Park/Light Industrial, it does not exceed growth projections contained in the City's General Plan, and is consistent with growth assumptions in the AQMP. (DEIR, pgs. 4.3-52 to 4.3-53) Accordingly, impacts related to consistency with the applicable air quality plan will be less-than-significant and no mitigation is required.

b. Objectionable Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon

MV00000556

completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. (DEIR, pg. 4.3-88) Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required.

c. Greenhouse Gas Emissions

2. Potential Significant Impact: Whether the Project would directly or indirectly generate greenhouse gas emissions that may have a significant impact on the environment.

3. Findings: Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to the direct or indirect creation of greenhouse gas emissions and, therefore, no mitigation is required. Nonetheless, in order to reduce Project-related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, the following Mitigation Measures 4.3.11 through 4.3.13 will be implemented through the MMRP.

4.3.11 *Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.*

- *Increase in insulation such that heat transfer and thermal bridging is minimized;*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*
- *Incorporate dual-paned or other energy efficient windows;*

MV00000557

- *Incorporate energy efficient space heating and cooling equipment;*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;*
- *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*

4.3.12 *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.*

4.3.13 *GHG emissions reductions measures shall also include the following:*

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan*

MV00000558

approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

- *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.*
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*
- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*
    - *Implementation of compressed workweek schedules;*
    - *SmartWay partnership;*

MV00000559

- *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*
- *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Facts in Support of the Findings: As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the DEIR's analysis demonstrates that the Project will not exceed the proposed quantitative thresholds of CARB or the SCAQMD. Accordingly, Project greenhouse gas emissions impacts are considered less-than-significant. (DEIR, pgs. 4.3-88 to 4.3-94)

a. Greenhouse Gas Emission Reduction Plan Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to consistency with greenhouse gas emission reduction plans are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable greenhouse gas emissions reduction plans and, therefore, no mitigation is required.

Facts in Support of the Findings: In the absence of approved guidelines or thresholds, the Project's consistency with the State's goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan. As documented in the DEIR, the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. Additionally, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures. (DEIR, pgs. 4.3-94 to 4.3-110) Accordingly, impacts related to consistency with applicable greenhouse gas emissions reduction plans will be less-than-significant and no mitigation is required.

4. Noise

a. Ground-Borne Vibration/Ground-Bourne Noise

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. (DEIR, pg. 4.4-28) Although

MV00000561

heavy equipment employed during Project construction could potentially generate groundborne vibration resulting in annoyance at area residential land uses, the only sensitive receptor close enough to the Project site to experience disturbance is the single residence located at 28855 Fir Avenue. Vibration-producing activities at this location are unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment in the vicinity of this residence at the Project site perimeter. (DEIR, pgs. 4.4-27 to 4.4-28) Accordingly, potential groundborne vibration impacts due to Project construction or operations are less-than-significant and no mitigation is required.

b. Aircraft Noise

Potential Significant Impact: Whether the Project would result in significant impacts related to aircraft noise.

Findings: Potential impacts of the Project related to aircraft noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to aircraft noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. While occasional aircraft overflight noise from regional air facilities is expected to occur, the Project would not expose people residing or working in the Project area to excessive noise levels from aircraft operations. (DEIR, pg. 4.4-28) Accordingly, impacts related to aircraft noise will be less-than-significant and no mitigation is required.

5. Water Supply

a. Effect on Groundwater Supplies

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Findings: Potential impacts of the Project in regard to groundwater supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose nor require direct ground water withdrawals. Water to be provided to the Project will be supplied from imported water through MWD, with no impact to groundwater supplies. As such, the Project would not substantially deplete groundwater supplies. Nor will the Project substantially interfere with groundwater recharge capabilities. No designated groundwater recharge facilities exist within or proximate to the Project site, nor does the Project propose elements or operations that would directly or indirectly affect any designated groundwater recharge facilities. The Project will establish open space areas and landscaping allowing for potential capture, retention and infiltration of storm waters to the groundwater table. Accordingly, Project-related impacts relative to groundwater supply and recharge are less-than-significant. (DEIR, pgs. 4.5-26 to 4.5-27) Therefore, no mitigation is required.

b. Require New Water Supplies

Potential Significant Impact: Whether the Project would require new or expanded water supplies.

Findings: Potential impacts of the Project in regard to water supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required. Nonetheless, in order to further reduce the Project's overall water use, ensure ongoing availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project Water Supply Assessment (WSA), the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measure 4.5.1 through 4.5.4. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.

4.5.1 *Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.*

MV00000563

4.5.2 *The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.*

4.5.3 *The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.*

4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.*

Facts in Support of the Findings: As required under SB 610/221, a WSA has been prepared for the Project. The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, Eastern has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. With the implementation of these conditions, incorporated in the DEIR as Mitigation Measures 4.5.1 through 4.5.4, Project-related impacts relative to water supply are less-than-significant. (DEIR, pgs. 4.5-27 to 4.5-29)

c. Cumulative Impacts Related to Water Supply

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts related to water supply.

MV00000564

Findings: Potential cumulative impacts of the Project related to water supply are discussed in detail in Section 5.1.1.5 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential cumulative or areawide impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. It is assumed that other development projects within the cumulative impact area will also be realized consistent with development anticipated by the adopted Urban Water Management Plan (UWMP), and, like the Project, be required to pay connection and use fees providing for improvement and maintenance of serving water systems, thereby reducing potential cumulative impacts. Based on the preceding discussion, the Project's potential contribution to cumulative impacts in regard to water supply is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-17) Therefore, no mitigation is required.

6. Hydrology and Water Quality

a. Violate Water Quality Standards

Potential Significant Impact: Whether the Project would violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality.

Findings: Potential impacts of the Project related to water quality are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any exceedance of water quality or waste discharge standards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential erosion and siltation impacts related to Project construction will be addressed through the preparation and implementation of a City-approved Storm Water Pollution Prevention Plan (SWPPP), which is required to identify sources of sediments and other pollutants that could affect the quality of storm water discharge, and associated Best Management Practices (BMPs) such as the installation of filter fabric fences, sandbars, and checkdams to reduce pollutants within storm water discharge consistent with City,

MV00000565

County, and Regional Water Quality Control Board (RWQCB) performance standards. To prevent or reduce the effects of urban runoff that could result from long-term Project operations, a Project-specific Water Quality Management Plan (WQMP) will be implemented consistent with the requirements of Riverside County's National Pollutant Discharge Elimination System (NPDES) permit. The Project WQMP will incorporate selected BMPs approved by the City, the Riverside County Flood Control and Water Conservation District, and the Santa Ana RWQCB to establish a program and means to prevent or minimize potential storm water pollutant discharges over the life of the Project. As such, the potential for the Project to violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality is determined to be less-than-significant. (DEIR, pgs. 4.6-16 to 4.6-22) Accordingly, no mitigation is required.

b. Flooding on- or off-site

Potential Significant Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or provide substantial additional sources of polluted runoff.

Findings: Potential impacts of the Project relating flooding and stormwater management are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flooding or excess runoff will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project's drainage facilities will maintain existing drainage patterns (trending from northwest to southeast) will be maintained, and no stormwater runoff from the Project site will be directed to the Quincy Channel. Project storm water management improvements will be implemented to accommodate existing off-site flows in combination with increased onsite storm water discharge rates/volumes, and to address Project-related urban storm water pollutants. These include construction of a concrete cut-off wall protection barrier along the westerly edge of the Project area, to be located and designed so as not to impact any Delineated Jurisdictional Areas along the eastern bank of Quincy Channel,

MV00000566

and to help prevent any further erosion caused by migrating flows from the Quincy culvert crossing the SR-60 freeway. Along the south side of the Project, within the Fir (future Eucalyptus) Avenue right-of-way, drainage facilities will be installed consistent with Riverside County's Moreno Area Drainage Plan (ADP) line D-3. Along the east side of the property, the existing 60-inch culvert will remain in place to convey the runoff from north of the freeway to the existing drainage ditch on the west side of Redlands Boulevard. (DEIR, pgs. 4.6-23 to 4.6-25)

On-site, a series of underground pipes has been designed to collect the runoff from around the proposed facility. The underground pipes will be routed to the proposed bio-retention basins and detention basin at the south side of the facility. These basins would reduce storm water discharge from the site to levels equivalent to pre-development conditions, thereby precluding incremental impacts to receiving storm drain facilities. The on-site detention basin system will be designed to detain the differential runoff created due to the development of the site for the 2, 5, 10 and 100 year; 1, 3, 6 and 24 hour storm events. The detention basins will be equipped with an overflow structure that will release runoff into the public storm drain facility (Line D-3) and will ultimately drain to the drainage ditch along the west side of Redlands Boulevard.

Prior to issuance of grading permits, detailed final grading and drainage plans will be reviewed and approved by the City, in compliance with City, County, and SARWQCB requirements. Implementation of approved Project drainage improvements ensures that the Project would appropriately convey storm water runoff without adversely affecting upstream or downstream drainage characteristics. Further, pursuant to the Project SWPPP and WQMP (which, as discussed previously, are designed to minimize potential hydrologic and water quality impacts), Project-generated storm water runoff would not constitute a substantial pollutant source. (DEIR, pgs. 4.6-24 to 4.6-25) Accordingly, the Project would not substantially alter existing drainage patterns and has been developed in a manner that will assure that future runoff does not create any flooding issues, or otherwise exceed the capacity of stormwater drainage systems. Accordingly, any impacts related to flooding and stormwater management would be less-than-significant and no mitigation is required.

MV00000567

c. Place Structures or Housing within a 100-Year Floodplain

Potential Significant Impact: Whether the Project would place housing or structures that would impede or redirect flood flows within a 100-year flood hazard area.

Findings: Potential impacts of the Project related to hydrology and flooding are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the placement of structures or housing within a 100-year floodplain will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a 100-year flood hazard area, nor is the Project site located within a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100-year floodplain. Further, the Project does not propose the construction of housing. Implementation of new drainage facilities will ensure adequate flood carrying capacity for storm drainage generated on-site, as well as existing runoff entering the Project site from adjacent properties. As such, the potential for the Project to place housing or structures within a 100-year flood hazard area which would impede or redirect flood flows is less-than-significant. (DEIR, pg. 4.6-27) Accordingly, no mitigation is required.

d. Other Flood Hazards

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche, tsunami, or mudflow.

Findings: Potential impacts of the Project related to flood hazards discussed in detail in Section II-E of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flood hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a dam inundation area, nor does the Project site lie within a General Plan-designated 100-year flood hazard area or FIRM 100-year floodplain area. Notwithstanding, in order to preclude potential flood damage, the Project will be designed to provide protection of the proposed buildings and Project employees for the 100-year flood event by ensuring that the finished floor is set a minimum of one foot above the 100-year on-site flood elevation. Further, the proposed Project site is not

MV00000568

located within the vicinity of a hazardous coastal area, large water body, or unstable hills or slope. As such, the Project would not expose people to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or by inundation from a seiche, tsunami, or mudflow. (DEIR, pg. 4.6-28) Accordingly, no mitigation is required.

e. Cumulative Impacts Related to Hydrology and Water Quality

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to hydrology and water quality.

Findings: Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 5.1.1.6 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to hydrology and water quality will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area within the jurisdiction of the Santa Ana RWQCB. In accordance with NPDES requirements, the Project proponent will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and construction storm water discharge contamination impacts of the Project. The Project incorporates storm water management components, including drainage facilities and BMPs, which collectively act to ensure that post-development storm water discharge rates and volumes do not exceed pre-development conditions. Moreover, the Project's proposed storm water management systems will be designed, constructed and maintained so as to ensure compliance with City, RCFCWQCD, and RWQCB storm water quality requirements. In these regards, prior to issuance of building permits, all proposed storm water management components are subject to review and approval by the City, RCFCWQCD, and RWQCB. Ancillary facilities will also be subject to reviewed and approved by Caltrans. Storm water management components to be implemented by the Project, in combination with mandated compliance with State, RWQCB, and City storm water management requirements ensures that adequate storm water conveyance and treatment facilities will be provided to support development and operations of the Project. (DEIR, pgs. 5-18 to 5-19) Accordingly, the Project's potential contribution to cumulative

MV00000569

hydrology and water quality impacts would not be considerable, and the cumulative effects of the Project are less-than-significant.

7. Cultural Resources

a. Disturbance of Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to the potential disturbance of human remains are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the disturbance of human remains will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The likelihood of encountering human remains in the course of Project development is remote; however, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by State law. Based on compliance with these existing regulations, the Project's potential to adversely disturb human remains is considered unlikely. (DEIR, pg. 4.7-14) Accordingly, any impacts associated with the disturbance of human remains would be less-than-significant and no mitigation is required.

b. Cumulative Impacts Related to Cultural Resources

Potential Significant Impact: Whether the Project would result in cumulative considerable impacts to cultural resources.

Findings: Potential cumulative impacts of the Project on cultural resources are discussed in detail in Section 5.1.1.7 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to cultural resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for prehistoric, archaeological, and historic resources generally includes the Perris Plain/Perris Valley area (including the Cities

MV00000570

of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within this area would be site-specific. In the event that potentially significant resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. There are no known or probable potentially significant off-site development proposals that would interact with, or compound Project-related cultural resources impacts, that could be determined to be cumulatively significant. To the extent that each development proposal within the cumulative impact area provides appropriate mitigation during landform modification activities, cumulative impacts to cultural resources are reduced below significance thresholds. Based on the preceding, the Project's potential contribution to cumulative cultural resources impacts is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-19) Therefore, no mitigation is required.

8. Biological Resources

a. Federally Protected Wetlands

Potential Significant Impact: Whether the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Findings: Potential impacts of the Project related to federally protected wetlands are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to federally protected wetlands and, therefore, no mitigation is required.

Facts in Support of the Findings: No federally protected wetlands, as defined by Section 404 of the Clean Water Act, exist in the Project area. The Quincy Channel, an ephemeral drainage that runs along the western edge of the Project site, and an existing off-site drainage channel on the west side of Redlands Boulevard contain Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdictional areas, but these channels do not contain federally protected wetlands, as defined by Section 404 of the Clean Water Act. Nor does the Project propose uses or facilities that would otherwise substantively and adversely affect Section 404 federally protected wetlands. Accordingly, potential impacts would be less-than-significant. (DEIR, pg. 4.8-29) Therefore, no mitigation is required.

b. Wildlife Movement, Migration, and Nursery Sites

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to wildlife movement, migration, and nursery sites are discussed in detail in Section 4.8 the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildlife movement, migration, and nursery sites and, therefore, no mitigation is required.

Facts in Support of the Findings: During preparation of the MSHCP, wildlife corridors and habitat linkages throughout western Riverside County were analyzed extensively. No MSHCP wildlife habitat linkages or movement corridors were identified at the Project site. Nor does the Project propose facilities or activities that would substantively and adversely affect any offsite designated wildlife habitat linkage or movement corridor. On this basis, the potential for the Project to interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, is determined to be less-than-significant. (DEIR, pgs. 4.8-29 to 4.8-30) Therefore, no mitigation is required.

c. Local Policies or Ordinances Protecting Biological Resources

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to local policies or ordinances protecting biological resources are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to local policies or ordinances protecting biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, have been identified as applicable to the Project. (DEIR, pg. 4.8-30) Accordingly, impacts related to local policies or ordinances protecting biological resources will be less-than-significant and no mitigation is required.

f. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a participating agency in the Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP). As such, only projects consistent with the MSHCP will be developed within the City. The Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project "is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009." These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. As such, the Project is in compliance with the MSHCP. (DEIR, pg. 4.8-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required. This species has not been recorded within the Project area in the past and is presumed absent from the site. Additionally, the Project is consistent with the Habitat Conservation Plan for the Stephens' Kangaroo Rat, which allows for incidental take of Stephens' Kangaroo Rat for projects located within the plan area. With payment of the appropriate mitigation fee, which the City requires as a standard procedure during the processing of development applications, any potential impacts to Stephens' kangaroo rat would be less-than-significant.

d. Cumulative Impacts Related to Biological Resources

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to biological resources.

Findings: Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 5.1.1.8 of the DEIR. Based on the entire record before us, this

Council finds that no cumulatively significant impacts related to biological resources will occur as a result of development of the Project.

Facts in Support of the Findings: Implementation of mitigation measures proposed in the MMRP would reduce potential impacts to biological resources to levels that are less-than-significant. In this regard, mitigation of Project-specific biological resources impacts will also reduce the Project's potential incremental contributions to cumulative biological resources impacts within the region such that no additional mitigation for cumulative biological resources impacts is required. To the extent that each development proposal within the cumulative impact area(s) provides appropriate mitigation, cumulative impacts to biological resources are reduced to levels that are less-than-significant. Pursuant to the provisions of CEQA, each development project within the cumulative impact area that requires a discretionary action by a public agency will be assessed for its potential impacts on biological resources. Appropriate biological resources mitigation will also be required of other projects within the cumulative impact area(s). In this regard, it is noted that because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in the DEIR. With the application of the mitigation measures identified in the MMRP, the Project's potential contribution to cumulative impacts in regard to biological resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, pgs. 5-20 to 5-23) Accordingly, no mitigation is required.

9. Aesthetics

a. Scenic Resources

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway.

Findings: Potential impacts of the Project related to scenic resources are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to scenic resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is comprised of vacant disturbed property and does not contain designated scenic resources. No rock outcroppings or historic buildings are located onsite. Although the City's General Plan designates SR-60 as a local scenic road, this highway is not included in the California Department of Transportation's list of Officially Designated Scenic Highways. The Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements. (DEIR, pg. 4.8-19) Accordingly, impacts to scenic resources would be less-than-significant and no mitigation is required.

b. Visual Character

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Findings: Potential impacts of the Project related to visual character are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to visual character will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Determinations of visual character and quality are inherently subjective by nature. The DEIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. It is further noted that development of the subject site with business park and/or light industrial uses reflects buildout of the area anticipated under the General Plan, resulting in substantial visual change of the area, whether under the Project, or some other unspecified development proposal. To provide a visual transition and buffer between southerly adjacent properties (zoned for large lot residential uses) and the Project site, the Project incorporates a 250-foot landscaped setback along its southerly boundary. Masonry walls (which would be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti) are also proposed to screen the Project's operations from surrounding land uses. As supported by the preceding discussions, and with implementation of

MV00000575

the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant. (DEIR, pgs. 4.8-20 to 4.8-21) Accordingly, any impacts to the area's visual character would be less-than-significant and no mitigation is required.

c. Light or Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to light and glare will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Onsite lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance, including but not limited to Section 9.08.100, "Lighting." Project lighting will be designed and implemented so as to illuminate the site without causing undue light or glare, and to avoid light overspill on adjacent properties. (DEIR, pgs. 4.9-23 to 4.9-25) Accordingly, any impacts related to light and glare would be less-than-significant and no mitigation is required

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and

overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation, Cultural Resources, and Biological Resources, were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. <u>Traffic and Circulation</u>

a. Substantial Increase in Traffic

Potential Significant Impact: The EIR evaluated and concluded that the Project-related traffic could contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Redlands Boulevard at the SR-60 westbound ramps, and at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

Finding: Implementation of the following mitigation measures will reduce potential Opening Year traffic impacts at affected intersections:

4.2.1 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

MV00000577

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

Facts in Support of the Finding: Based on analysis performed as part of the Project Traffic Impact Analysis (TIA), the Project would contribute additional traffic to preexisting Opening Year Ambient Condition deficiencies occurring at the intersection of Redlands Boulevard at the SR-60 westbound ramps. Also, with the addition of Project traffic, the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue would perform unacceptably during peak hours. (DEIR, pgs. 4.2-31 through 4.2-34) However, with implementation of the roadway improvements identified in Mitigation Measures 4.2.1 and 4.2.2, these impacts will be reduced to a less-than-significant level. (DEIR, pg. 4.2-35)

2. <u>Cultural Resources</u>

a. Archaeological/Historic Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unknown or unrecorded archaeological or historic resources which may be present in a buried context.

Finding: Implementation of the following mitigation measures will reduce potential impacts to archaeological and/or historic resources to a less-than-significant level:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert*

MV00000578

equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2., resources shall be left in an undisturbed state. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

Facts in Support of the Finding: No known cultural resources of significance exist within the Project site. Additionally, no significant evidence of the early twentieth century occupation of the property was identified by the Project Cultural Resources Investigation. Nonetheless, some potential exists for resources to be located onsite in a buried context. Implementation of Mitigation measures 4.7.1 and 4.7.2 will ensure that archaeological and/or historic resources that may be unearthed during Project construction will be identified and preserved consistent with the recommendations of the Cultural Resources Study and California law. Accordingly, the Project's potential to impact archaeological or historic resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-11 through 4.7-13)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unique paleontological resources which may be present in a buried context.

Finding: Implementation of the following mitigation measure will reduce potential impacts to paleontological resources to a less-than-significant level:

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage and record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

Facts in Support of the Finding: Based on information presented in the Cultural Resources Investigation, the Project area is considered to have a moderate level of sensitivity for paleontological resources, indicating that paleontological resources may be encountered within the Project site. The area consists of older Quaternary alluvial deposits that have been associated with fossil specimens, which are covered by surficial deposits of younger Quaternary alluvium. In the course of Project site preparation activities, paleontological specimens may be uncovered. Mitigation Measure 4.7.3 requires paleontological monitoring during ground-disturbing activities that would exceed the relative depths of the younger alluvium on-site. Implementation of this mitigation measure would ensure that paleontological resources which may be present within

MV00000580

subsurface areas of the site are adequately identified and preserved. Accordingly, the Project's potential to impact paleontological resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-13 through 4.7-14)

3. Biological Resources

a. Vegetation Communities and Special Status Plant Species

Potential Significant Impact: The EIR evaluated and concluded that the Project's construction activities could have an adverse effect on CDFG and Corps jurisdictional areas, including riparian habitat areas existing on-site within the Quincy Channel, and off-site within the existing drainage channel adjacent to Redlands Boulevard.

Finding: Implementation of the following Mitigation will reduce potential impacts to jurisdictional areas to a less-than-significant level:

4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 Prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Facts in Support of the Finding: Design of the Project includes a buffer area to provide physical separation between the developed site and the adjacent Quincy Channel, in order to

MV00000582

minimize direct impacts to the Channel's habitat areas and associated vegetation communities and special status plant species. However, construction of the "scour wall" that would be implemented to prevent further erosion along the Quincy Channel could result in direct, temporary impacts to approximately 0.003 acres (22 lineal feet) of mulefat vegetated riparian habitat determined to be within California Department of Fish & Game (CDFG) jurisdictional areas. (DEIR pgs. 4.8-18 through 4.8-20) Additionally, implementation of drainage improvements associated with the Project could result in a potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat located in the existing drainage channel adjacent to Redlands Boulevard (DEIR, pgs. 4.8-21 to 4.8-22). This 0.08 acres has been determined to be jurisdictional under the Army Corps of Engineers (Corps), CDFG, State Water Resources Control Board (SWRCB), and MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Indirect impacts to proximate candidate, sensitive, or special status plant species could occur through the introduction of invasive plant species as a result of Project implementation. (DEIR pg. 4.8-23) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to vegetation communities and sensitive plant species will be reduced to a less-than-significant level.

b. Nesting Birds

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on nesting birds, which are protected under both the Migratory Bird Treaty Act and California Fish and Game Code.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the nesting birds to a less-than-significant level:

4.8.6 *If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning*

MV00000583

Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Facts in Support of the Finding: The removal of existing vegetation within the Project site as part of construction could affect nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. In addition, nests and eggs are protected under California Fish and Game Code Section 3503.5. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. (DEIR, pg. 4.8-25) Therefore, implementation of Mitigation Measure 4.8.6 is required to ensure that potential Project impacts related to nesting birds are reduced to a less-than-significant level.

c. Burrowing Owls

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on the Burrowing Owl, a special-status wildlife species.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the Burrowing Owl to a less-than-significant level:

4.8.7 *Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.*

Facts in Support of the Finding: The Project area is located within the MSHCP burrowing owl survey area. Focused burrowing owl surveys are required during the owl breeding season (April through August), pursuant to Section 6.3.2 and Appendix E, "Summary of Species Survey

MV00000584

Requirements. (DEIR, pgs. 4.8-25 to 4.8-26) Therefore, implementation of Mitigation Measure 4.8-7 will reduce Project impacts related to the Burrowing Owl to a less-than-significant level.

d. Riparian Habitat

Potential Significant Impact: The EIR evaluated and concluded that the Project could adversely affect riparian habitat/CDFG jurisdictional areas.

Finding: Implementation of the preceding Mitigation Measures 4.8.1 through 4.8.5 will reduce potential impacts to riparian habitat to a less-than-significant level.

Facts in Support of the Finding: Construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat riparian habitat/CDFG jurisdictional areas. The Project will have no direct impacts to any other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Potential indirect impacts may occur to proximate sensitive natural communities should invasive plant species be introduced to the area through Project implementation. (DEIR pg. 4.8-28) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to riparian habitat will be reduced to a less-than-significant level.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: cumulative traffic impacts to study area intersections and roadway segments; cumulative traffic impacts to mainline freeway segments; short-term construction air quality impacts; long-term operational air quality impacts; cumulative air quality impacts; short-term construction noise impacts (individually and cumulatively); and change to scenic vistas (individually and cumulatively).

In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment

opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the FEIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Traffic and Circulation

a. Intersection Operations

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain intersection locations under Opening Year cumulative conditions and cumulative General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.3 through 4.2.8, addressing Opening Year cumulative conditions, and Mitigation Measures 4.2.9 through 4.2.17, addressing cumulative General Plan buildout conditions, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative intersection operation impacts are considered significant and unavoidable.

4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:

- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:

- *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.*

The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF,

MV00000587

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.

4.2.6 *Redlands Boulevard at SR-60 Eastbound Ramps Improvements:*

- *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.7 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements*

MV00000588

would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.

- *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.*

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*

MV00000589

- *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*

4.2.8 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;*
- *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and*
- *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.9 *Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:*

- *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;*
- *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These*

MV00000590

improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

- *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and*
- *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.10 *Moreno Beach Drive at SR-60 Westbound Ramps Improvements:*

- *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection);*
- *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;*
- *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and*
- *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way*

MV00000591

from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:

- *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;*
- *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*
- *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*

MV00000592

- *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*

The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.

4.2.12 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane;*
- *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and*
- *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.13 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side*

MV00000593

of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;

- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.

4.2.14 *Redlands Boulevard at SR-60 Eastbound Ramps Improvements:*

- *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;*
- *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side*

MV00000594

of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and

- *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.15 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left turn lane with 200-feet of storage and a second through lane for a northbound lane configuration of one left turn lane, one through lane and one shared through right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*
- *Construct a southbound left turn lane with 250-feet of storage, a second left turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right-turn pocket length that extends the full length of the segment. These improvements would require the dedication of*

MV00000595

right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through Fair Share Fees;

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and*
- *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.*

The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate

MV00000596

General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

- *Install a traffic signal. This improvement would be funded through participation in the DIF Program;*
- *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*
- *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way with from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

MV00000597

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.

4.2.17 *Redlands Boulevard at Cottonwood Avenue Improvements:*

- *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;*
- *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

MV00000598

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.3 through 4.2.17, acceptable levels of service would be realized at all Study Area intersections under cumulative Opening Year and General Plan buildout conditions with the Project. (See DEIR Tables 4.2-10 and 4.2-11) Improvements necessary to mitigate potentially significant intersection impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, ramp and interchange improvements affecting the SR-60 are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. The Project's contribution to intersection impacts is therefore determined to be cumulatively significant and unavoidable notwithstanding mitigation. (DEIR, pgs. 4.2-36 to 4.2-55).

MV00000599

b. Roadway Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain roadway segments under Opening Year cumulative conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.18 and 4.2.19 are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative roadway segment impacts are considered significant and unavoidable.

4.2.18 *Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:*

- *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.

4.2.19 *Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) Avenue east of Redlands Boulevard Improvements:*

- *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between

the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Implementation of the previously identified Mitigation Measure 4.2.7 would ensure acceptable conditions at the segment of Redlands Boulevard located north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue. (See DEIR Table 4.2-13) Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-60 through 4.2-67)

c. Freeway Mainline Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards at study area freeway segments under General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to Study Area freeway mainline segments under General Plan buildout conditions will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would contribute additional traffic to segments of SR-60 within the Study Area that under General Plan buildout conditions (with or without the Project) are projected to operate under deficient conditions. While it is foreseeable that improvements to SR-60 in the Project vicinity will be completed prior to General Plan Buildout, timely completion of these improvements cannot be definitively assured. Further, SR-60 mainline improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-79 to 4.2-80) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

2. <u>Air Quality</u>

a. Short-Term Construction Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project's construction source emissions would temporarily exceed SCAQMD regional and localized significance thresholds, thereby potentially violating an air quality standard or contributing to an existing or projected air quality violation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9 are incorporated into the MMRP for

the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.1 *Consistent with URBEMIS modeling inputs and to effect implementation of Rule SCAQMD Rule 403, the following measures shall be incorporated:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce* PM_{10} *and* $PM_{2.5}$ *fugitive dust haul road emissions.*
- *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.*
- *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);*
- *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.2 *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's*

MV00000603

specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

4.3.3 *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.4 *Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.*

4.3.5 *In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

4.3.6 *During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

4.3.7 *The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

4.3.8 *Grading plans, construction specifications and bid documents shall also include the following notations:*

- *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels l fuel would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*

- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.9 *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and*

cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, Project construction activities would temporarily exceed SCAQMD regional emissions thresholds for volatile organic compounds (VOC) and oxides of nitrogen (NOx); and would also temporarily exceed localized emissions thresholds for particulate matter (PM_{10} and $PM_{2.5}$). (See DEIR Tables 4.3-9 and 4.3-10) Project construction-related emissions in exceedance of SCAQMD's regional and localized significance thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-53 through 4.3-65).

b. Long-Term Operational Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed SCAQMD daily emissions significance thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Council finds that Mitigation Measure 4.3.10 is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measure, operational emissions-related air quality impacts are considered significant and unavoidable.

4.3.10 *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

MV00000606

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measure 4.3.10, as well as Mitigation Measures 4.3.11 through 4.3.13 enumerated in Section V(A)(3)(c) above, Project operational activities will exceed SCAQMD daily emissions thresholds for VOC and NOx. (DEIR Table 4.3.13) Project operational-related impacts that exceed long-term, operational emissions thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-65 to 4.3.73)

c. Sensitive Receptors

Significant Unavoidable Impact: The EIR evaluated and concluded that Project construction activities could temporarily expose sensitive receptors to potentially substantial pollutant concentrations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9, enumerated in Section C(2)(a) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, the Project's construction source emissions could result in the temporary exposure of sensitive receptors to PM_{10} and $PM_{2.5}$ emissions in excess of applicable SCAQMD localized significance thresholds. Existing sensitive receptors are identified as a single developed residential use located at 28855 Fir Avenue. Although additional parcels zoned for residential land uses (potential future sensitive receptors) are present within the area of LST exceedance, they are largely undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. (DEIR, pgs. 4.3-73 through 4.3-76)

d. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.13, enumerated in Sections A(3)(c) and C(2)(a) & (b) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: The Project is located within non-attainment areas for PM_{10}, $PM_{2.5}$, and ozone (VOC and NOx are ozone precursors). Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.13, the Project will result in the following cumulatively significant and unavoidable air quality impacts: (1) Short-term Project construction activities that exceed the regional thresholds for VOC and NOx emissions are cumulatively significant for the duration of construction activities; (2) Short-term Project construction activities that exceed the localized significance thresholds for PM_{10} and $PM_{2.5}$ emissions are cumulatively significant for the duration of construction activities; (3) Long-term operations of the Project that exceeds the regional thresholds for VOC and NOx are cumulatively significant; and (4) The Project's operational VOC and NOx emissions, in combination with VOC and NOx emissions generated by other sources affecting the encompassing ozone non-attainment areas, will result in a cumulatively considerable net increase of this pollutant within the nonattainment areas. (DEIR, pgs. 5-12 to 5-13)

3. <u>Noise</u>

a. Short-Term Construction Noise (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the exposure of persons to or generation of noise levels in excess of

MV00000608

standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and potentially result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.4.1 through 4.4.4, presented below, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, short-term construction-related noise impacts are considered significant and unavoidable, and are determined cumulatively considerable for the duration of Project construction activities.

4.4.1 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.2 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.3 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on*

weekends or Federal holidays. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

Facts in Support of the Finding: Even with implementation of Mitigation Measures 4.4.1 through 4.4.4, the Project's construction activities would result in a temporary exceedance of applicable noise level standards and a temporary increase in ambient noise levels in the Project vicinity. Because construction noise levels are conservatively estimated to exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), construction noise is considered a significant and unavoidable impact of the Project. (DEIR, pgs. 4.4-15 to 4.4-21). Cumulative noise impacts for the duration of construction activities are also recognized as significant. (DEIR, pg. 5-14) As such, short-term construction noise impacts are determined to be individually and cumulatively significant notwithstanding mitigation.

4. Aesthetics

a. Scenic Vistas (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have an adverse effect on a scenic vista.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would potentially result in the restriction or interruption of near and distant scenic vistas. The Project proposes a single large structure (more than 970,000 square feet), that would alter and or/obstruct views through the currently undeveloped Project area. View obstruction will be limited to some extent by engineering and grading requirements that will establish the Project's building pad considerably below the grade of the adjacent SR-60. The Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks. Similarly, the proposed Project intends to serve a market need for users that demand a large, integrated facility. As such, the concept of substantially reducing the size of the building, or creating multiple buildings in lieu of one single building would compromise a basic objective of the Project. As such, there are no feasible mitigation measures that will reduce the Project's potential aesthetic impacts on scenic vistas below significance thresholds. (DEIR, pgs. 4.9-10 through 4.9-19) In combination with other known or probably development projects in the vicinity, the Project would also result in the cumulatively considerable restriction or interruption of near and distant scenic views. (DEIR, pgs. 5-23 to 5-15) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. At the direction of the City of Moreno Valley, two different "No Project" scenarios have been evaluated. The first, referred to as the No Project/No Build Alternative, assumes the site would remain in its current undeveloped state. The second, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed. A Reduced Intensity Alternative was also selected for analysis. CEQA

requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/No Build Alternative

Description: Under the No Project/No Build Alternative (hereinafter referenced as the "No Build" Alternative), it is presumed that if the Project or some similar development proposal is not implemented on the subject site, then there would be no other known or probable scenarios for the subject property, the site would likely remain in its current undeveloped state for the foreseeable future. (DEIR, pg. 5-31)

Impacts: The No Build Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-65) Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources. No discretionary actions or zone change would be required under the No Build Alternative. (DEIR, pg. 5-48) In addition, the Project's significant and unavoidable traffic impacts, construction noise impacts, construction and operational air quality impacts, and impacts to scenic vistas would not occur. (DEIR, pgs. 5-50 to 5-65) Under the No Build Alternative, potential traffic/transportation impacts would be representative of existing conditions. The No Build Alternative would reduce the aggregate amount of fee contributions available for long-term traffic improvements when compared to fee contributions realized under the Project. Additionally, the No Build Alternative would not realize Project-specific road widening/lane reconfiguration and signalization improvements as detailed in the Project Traffic Impact Analysis. Significant freeway mainline segment deficiencies would persist with or without the Project. (DEIR, pg. 5-49). Visual attributes of the Project site would remain in their current state. (DEIR, pg. 5-63)

Objectives: Under the No Build Alternative, the subject site would remain in its current undeveloped state, and none of the Project Objectives would be achieved. (DEIR, pg. 5-64)

Finding: Under the No Build Alternative, no development would occur. This Alternative would avoid all of the significant and unavoidable impacts associated with traffic, air quality, noise and aesthetics that have been identified within the DEIR. However, the City Council finds

that the No Build Alternative would not fulfill any of the Project Objectives. Because the No Build Alternative will not fulfill the Project Objectives, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the "No Project" Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Business Park zoning designation. To allow for quantified comparison of potential traffic impacts and related vehicular source air quality and noise impacts, the No Project Alternative assumes the site is developed consistent with assumptions employed in the City's General Plan Buildout traffic modeling, which was projected to be approximately four (4) times higher than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project.. (DEIR, pgs. 5-31 to 5-32)

Impacts: The No Project Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the No Project Alternative, a zone change would not be required. (DEIR, pg. 5-48) The Project's significant and unavoidable construction noise impacts and construction source air quality impacts would likely be similar to those of the Project. (DEIR, pgs. 5-52 and 5-56) Potential traffic impacts could be substantively increased under the No Project Alternative, due to the increased traffic associated with Business Park land uses. Significant mainline freeway segment impacts under General Plan Buildout conditions would persist, and due to increased traffic generation under the No Project Alternative, would likely be exacerbated. (DEIR, pgs. 5-50 to 5-51) Associated vehicular (operational) air pollutant emissions would similarly be increased when compared to the Project; however, the vehicle mix under the No Project Alterative would likely reflect decreased heavy truck traffic. Significant VOC and NOx emissions thresholds exceedances occurring under the Project would be incrementally greater under the No Project Alternative. (DEIR, pg. 5-53). Vehicular noise would also likely increase under the No Project Alternative based on increased trip generation. However, as with the Project, it is considered unlikely that sensitive receptors would be affected by potential vehicular

MV00000613

noise levels based on their physical separation from roadways and the presence of intervening noise-attenuating walls. (DEIR, pg. 5-57) Potential impacts to viewsheds may be reduced under the No Project Alternative, since the Business Park zoning designation would limit maximum individual building areas to 50,000 square feet. This limitation on individual building sizes could allow for configurations of the developed site that would provide additional or varied views through the Project site to off-site scenic resources. (DEIR, pg. 5-63)

Objectives: Business Park/Light Industrial uses that could be implemented under the No Project Alternative could substantially achieve the Project's development objectives for the site. Like the Project, it is anticipated that new development under the No Project Alternative would be designed and implemented so as to be compatible with neighboring land uses. The No Project Alternative would effectively capitalize on the site's regional freeway accessibility and visibility. New jobs, including light industrial, office, limited support commercial, or research and development employment opportunities would be created by the No Project Alternative. This Alternative would also provide additional tax revenues available to the City. (DEIR, pgs. 5-64 to 5-65)

Finding: Under the No Project Alternative, development of a business park development with a similar scale to that of the Project would occur. This Alternative would reduce the Project's potential aesthetic impacts, in that a series of smaller buildings could be constructed in place of the Project's single structure, allowing views through the site. However, none of the Project's remaining significant and unavoidable environmental impacts would be reduced under the No Project Alternative. Conversely, increased trip generation under a business park land use would likely lead to increased traffic, with correlating increases in air pollutant emissions and vehicular noise. Although the No Project Alternative could substantially achieve the Project's Objectives, because the No Project Alternative would not reduce the majority of the Project's significant and unavoidable impacts, the City Council hereby rejects the No Project Alternative.

3. Alternative 3 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for VOC based on operational emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent. (DEIR, pg. 5-33) Implementation of the Reduced Intensity Alternative would yield approximately 684,200 square feet of development, a reduction of approximately 27 percent or approximately 253,060 square feet, when compared to the approximately 937,260 square-foot Project analyzed in the EIR. (DEIR, pg. 5-48).

Impacts: The Reduced Intensity Alternative would result in similar, albeit slightly lessened, impacts when compared to the Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the Reduced Intensity Alternative, maximum construction-related emissions from site preparation and grading would likely be the same as for the Project, though it would occur within a shorter time frame due to the reduced development area. In this regard, the maximum daily site disturbance and amount of equipment employed concurrently would likely be similar to the construction scenario envisioned for the Project. As with the Project, mitigated construction-related emissions would still exceed SCAQMD emissions thresholds. Because the scope of development would be reduced under this Alternative, the duration of construction activities and resulting construction emissions and noise may be reduced when compared to the Project. (DEIR, pgs. 5-51 and 5-57) Based on its reduced scope of development and associated reductions in vehicle trips and vehicular emissions, long-term operations under the Reduced Intensity Alternative would be reduced by approximately 27 percent when compared to the Project. Operational NOx, PM_{10}, and $PM_{2.5}$ emissions under this Alternative would, however, still exceed applicable SCAQMD thresholds. Accordingly, as with the Project, this Alternative would result in cumulatively significant emissions contributions to existing non-attainment conditions for ozone and particulates. (DEIR, pgs. 5-53 to 5-55) The Reduced Intensity Alternative would result in an approximate 27 percent reduction in development intensity, with a commensurate reduction in trip generation when compared to the Project. The extent of area-wide traffic improvements and required traffic impact mitigation realized under the Project would also be reduced. Significant freeway mainline traffic impacts projected to occur under

MV00000615

General Plan buildout conditions would persist with or without development under the Reduced Intensity Alternative. As such, freeway impacts under this scenario would be less than the Project, but likely still be considered significant. (DEIR, pg. 5-51) The reduced area of development under the Reduced Intensity Alternative would also incrementally reduce significant viewshed impacts otherwise occurring under the Project. (DEIR, pg. 5-64)

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project. (DEIR, pg. 5-65)

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 27 percent (or 263,000 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable construction noise impacts and construction and operational air quality impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

4. <u>Alternatives Considered and Rejected</u>

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 5-32 through 5-41) An Extended Construction Alternative

and Multiple Building Design Alternative were considered and ultimately rejected based on infeasibility. Additionally, four Alternative Site locations were considered within the DEIR. The criteria for identifying potential alternate sites included:

- Location within the City of Moreno Valley;
- Appropriate General Plan and zoning designations, or the ability to be so-designated;
- Minimum size of 50 acres and a roughly rectangular shape;
- Location proximate to locate transportation corridors or at a regional transportation hub;
- Currently undeveloped or underutilized;
- Currently available;
- Access to existing or planned adequate serving infrastructure; and
- Able to support operations in a manner compatible with other proximate land uses.

Each of the four sites that were analyzed met the general requirements in that each was currently vacant, more than 50 acres and roughly a rectangular configuration; each was zoned for industrial uses and served by nearby utilities and infrastructure. Alternative Sites 1 through 4 are locally accessible and also located near the I-215 freeway, a regional transportation corridor. (DEIR, Figure 5.2-1) Upon further analysis, each of these sites was found to be currently unavailable. Alternative Site 1 currently has applications under review by the City for 1.6 million square feet of distribution warehouse uses, while development plans have been submitted and approved for Alternative Sites 2, 3 and 4.

5. <u>Environmentally Superior Alternative</u>

Based on comparative reductions in traffic generation, and associated reductions in noise and air emissions, and generally reduced scale, among the Alternatives considered, the Reduced Intensity Alternative would result in the greatest reduction in environmental effects, and is thus considered the environmentally superior alternative. (DEIR, pg. 5-65). The Reduced Intensity Alternative would also generally reduce other environmental effects of the Project, and

to a limited degree, realize attainment of the basic Project Objectives. (DEIR pgs. 5-47 to 5-65) Development of the Project or the Reduced Intensity Alternative would contribute to area employment and the City's overall tax base. However, because scope of land uses would be substantively reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, pg. VI-40)

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states than an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The types of employment opportunities offered by the Project (both management and regular employees) are relatively common throughout Southern California and are unlikely to generate significant population migration (if any). Any Project-related employment demands would likely be filled by the existing surplus personnel pool within the Moreno Valley area, and/or neighboring communities, especially with the currently low jobs per household ratio in the City, and regionally high unemployment rates. The Project would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning. (DEIR, pgs. 5-67 to 5-68)

Currently, the Project site is vacant and undeveloped. However, expansions of water and wastewater systems, along with other urban utilities, are programmed to serve the vicinity consistent with anticipated development of the City and region. In order to accommodate forecasted growth of the City and region over the long term, it is anticipated these improvements will be implemented regardless of the City's ultimate decision on the Westridge Commerce Center Project. The Project is not considered to provide an inducement to other lands within its vicinity to undertake unanticipated development due to the availability of new or expanded infrastructure systems. (DEIR, pgs. 5-68 to 5-69)

Notwithstanding, development of the Project as envisioned will entail upgrade/modification of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage

conveyance facilities. Infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. However, the characteristics and intensities of development that could occur on these properties are governed by the Moreno Valley General Plan. Development of these properties within the context of the approved General Plan should not result in unforeseen impacts or impacts that cannot be mitigated. (*Id.*)

Additionally, it is recognized that provision of services, e.g., utilities, fire protection, and law enforcement, may be expanded or otherwise enhanced to meet additional demands of the Project. Project design and payment of impact mitigation fees reduces individual and cumulative impacts in these regards. Services expansion or enhancements based on incremental demands of the Project will not result in substantial additional capacity that could be considered growth inducing. (*Id.*)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. (*Id.*) Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. It is not anticipated that the additional employment opportunities created by the Project would be substantial enough to produce noticeable population growth within the City and region. (DEIR, p. 5-68)

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project qualifies under Guidelines §15127 (a) in that a zone change is required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, will be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project will not result in or cause unwarranted or wasteful use of resources, including energy. (DEIR, pgs. 5-73 to 5-74)

9. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Traffic Impacts – Intersections and Roadway Segments (Cumulative); and
2. Traffic Impacts – Mainline Freeway Segments (Cumulative).
3. Short-Term Construction Air Quality Impacts (Individual and Cumulative);
4. Long-Term Operational Emissions (Individual and Cumulative);
5. Short-Term Construction Noise (Individual and Cumulative); and
6. Aesthetic Impacts – Change to Scenic Vistas (Individual and Cumulative)

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(D) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with the General Plan and in conformance with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project is located at the intersection of a major street and an interstate freeway, maximizing access opportunities for the convenience of operations;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V(H) above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency…" Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

10. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies,

amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. <u>Findings</u>

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(D) of these Findings: Traffic Impacts – Intersections and Roadway Segments (Cumulative); Traffic Impacts – Freeway Mainline Segments (Cumulative); Short-Term Construction Air Quality Impacts (Individual and Cumulative); Long-Term Operational Emissions (Individual and Cumulative); Short-Term Construction Noise (Individual and Cumulative); and Aesthetic Impacts – Changes to Scenic Vistas (Individual and Cumulative). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

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3. Conclusions

a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the FEIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(D) above.

b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

11. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring program has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described in *CEQA* § 15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of, compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented at Table 4.2-1.

EXHIBIT B

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4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
Traffic and Circulation				
4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal.* *This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department, California Department of Transportation	Before issuance of first Certificate of Occupancy
4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: *Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:* • *Install a traffic signal;* • *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and* • *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane,*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000628

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.3 (cont'd) *for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*				
4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.* *The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

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Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

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Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000631

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF[1] improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.* • *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

[1] With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

MV00000632

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd)				
participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*				
• *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east*				

MV00000633

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd) *leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*				
4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;* • *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and* • *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000634

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;* • *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;* • *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and* • *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000635

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.10 (cont'd) • *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;* • *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and* • *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*				
4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements: • *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000636

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.11 (cont'd)				
right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;				
• *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*				
• *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*				
• *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*				
The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.				

MV00000637

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane;* • *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and* • *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000638

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.13 (cont'd) *Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.*				
4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;* • *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000639

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.14 (cont'd) *require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*				
4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000640

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd)				
• *Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;*				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation*				

MV00000641

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd) *Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and* • *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.* *The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.*				
4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements: • *Install a traffic signal. This improvement would be funded through participation in the DIF Program;* • *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000642

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd)				
would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;				
• *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*				
• *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*				
• *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*				

MV00000643

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd) *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.*				
4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements: • *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;* • *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000644

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.17 (cont'd) *way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and* • *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.* *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.*				
4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements: • *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development	Before issuance of first building permit

MV00000645

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.19 (cont'd) • *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.*			Department	
Air Quality *To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.3 below, and shall be incorporated in all Project plans, specifications and contract documents.*				
4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated : • *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.* • *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least*	Ongoing throughout construction	Contractor	City Building Official, SCAQMD	Ongoing throughout construction

MV00000646

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.1 (cont'd) *three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.* • *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.* • *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.* • *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).* • *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*				
4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00000647

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
Additional mitigation required of the Project is identified below, and shall be shall be incorporated in all Project plans, specifications and contract documents.				
4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00000648

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.7 (cont'd) *(HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*				
4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations: • *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;* • *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;* • *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;* • *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;* • *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;* • *High pressure injectors shall be provided on diesel construction equipment where feasible;*	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00000649

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.8 (cont'd) • *Engine size of construction equipment shall be limited to the minimum practical size;* • *Substitute gasoline-powered for diesel powered construction equipment where feasible;* • *Use electric construction equipment where feasible;* • *Install catalytic converters on gasoline-powered equipment where feasible;* • *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;* • *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;* • *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;* • *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*				
4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.	Throughout Project construction	Applicant	City of Moreno Valley Development Department	Throughout Project construction

MV00000650

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.10 All Project entrances shall be posted with signs which state: • *Truck drivers shall turn off engines when not in use;* • *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and* • *Telephone numbers of the building facilities manager and CARB, to report violations.* *These measures shall be enforced by the on-site facilities manager (or equivalent).*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
Although potential Project-related Global Climate Change (GCC) impacts would be less-than-significant, the following Mitigation Measures 4.3.11 through 4.3.14 are provided to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources.				
4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent. • *Increase in insulation such that heat transfer and thermal bridging is minimized;* • *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000651

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.11 (cont'd) • *Incorporate dual-paned or other energy efficient windows;* • *Incorporate energy efficient space heating and cooling equipment;* • *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;* • *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.* • *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.* • *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*				
4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00000652

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 GHG emissions reductions measures shall also include the following: • *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;* • *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;* • *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.* • *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);* • *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy

MV00000653

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd)				
provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;				
• *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*				
• *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*				
o *Implementation of compressed workweek schedules;*				
o *SmartWay partnership;*				
o *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*				
o *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*				
o *Use of fleet vehicles conforming to 2010 air quality standards or better.*				

MV00000654

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd) o *Installation of catalytic converters on gasoline-powered equipment.* o *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;* o *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;* o *Provision of preferential parking for EV and CNG vehicles;* o *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;* o *Use of electric (instead of diesel or gasoline-powered) yard trucks;* o *Use of SmartWay 1.25 rated trucks.*				
4.4 Noise				
4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00000655

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00000656

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5 Water Supply				
To further minimize the Project's overall water use, ensure on-going availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project WSA, the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measures. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.				
4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00000657

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.				
Cultural Resources				
4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.	Ongoing throughout site excavation and grading activities	Applicant	City of Moreno Valley Development Department	Ongoing throughout site excavation and grading activities

MV00000658

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints: • *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;* • *A paleontological mitigation-monitoring plan shall be developed before grading begins;* • *Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid*	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00000659

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.3 (cont'd) *construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;* • *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and* • *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.*				
4.8 Biological Resources				
4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00000660

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.2 (cont'd) *of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*				
4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00000661

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.5 (cont'd) *CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:* • *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;* • *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and* • *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and* • *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*				
4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00000662

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.6 (cont'd) *retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*				
4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00000663

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA08-0098 TO CHANGE THE ZONE FROM BUSINESS PARK TO LIGHT INDUSTRIAL FOR A 55 ACRE SITE (ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed application PA08-0098, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 from Business Park (BP) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

ATTACHMENT 4

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BP to LI for the 55 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 829
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 829
Date Adopted: _____

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PA10-0017 AMENDING THE MUNICIPAL CODE TO MAKE CHANGES TO CHAPTER 9.05 INDUSTRIAL DISTRICTS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed Municipal Code Amendment application PA10-0017, requesting an amendment to the City's Municipal Code, which proposes revisions to Chapter 9.05 of Title 9 to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

SECTION 2: FINDINGS

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on November 30, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed Municipal Code Amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes changes to Permitted Uses Table 9.02.020-1 of the Municipal Code. The proposed Municipal Code Amendment is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

ATTACHMENT 5

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment will not adversely affect the public health, safety or general welfare. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Title 9 – The proposed Municipal Code Amendment is consistent with the purposes and intent of Title 9.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Chapter 9.02 of Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or

center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.

*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

SECTION 4: EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

4.2 All prior enactments of the City, which are in conflict with this Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 5: NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 830
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 830
Date Adopted: _____

RESOLUTION NO. 2011-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF PLOT PLAN PA08-0097 FOR DEVELOPMENT OF A 937,260 SQUARE FOOT WAREHOUSE DISTRIBUTION FACILITY ON 55 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of PA08-0097, a plot plan for a 937,260 square foot warehouse distribution facility on 55 acres, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities.

   ATTACHMENT 6

   Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan

and do not conflict with the goals, objectives, policies, and programs established within the Plan.

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

   FACT: The project site is current zoned BP. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA08-0098) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

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

   FACT: The proposed 937,260 square warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Conformance with City Redevelopment Plans – The proposed use conforms with any applicable provisions of any city redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

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

   FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with BP zone land to the west and Community Commercial zone land to the east. South of the facility on the other side of Fir Avenue/Future Eucalyptus Avenue is vacant RA-2 zone land with tract homes in the RA-2 zone approximately ¾ miles further south. The proposed warehouse distribution facility is a permitted use in both the BP and LI zones, but the size proposed by the project requires a Zone Change and the proximity to the Residential district to the south requires a Municipal Code Amendment to establish a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. As designed and conditioned and subject to

approval of the above mentioned Zone Change and Municipal Code Amendment, is compatible with existing and proposed land uses in the vicinity.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0097, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

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

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Plot Plan PA08-0097 for a 937,260 square foot warehouse distribution facility on a 55 acre site, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
PLOT PLAN PA08-0097 FOR A WAREHOUSE DISTRIBUTION FACILITY
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
_X_ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Approval of Plot Plan PA08-0097 is subject to adoption of a Zone Change (PA08-0098) from the Business Park zone to the Light Industrial zone for the project site and adoption of a Municipal Code Amendment (PA10-0017) to establish a minimum buffering/separation from buildings over 50,000 square in area and adjacent residential zoned land.

P2. Plot Plan PA08-0097 has been approved for development of a 937,260 square foot warehouse distribution facility, to be built on a 55 acre site within Assessor's Parcel Numbers 488-330-003 to -006 and -026. The facility includes 173 dock doors and 14,000 square feet of office. Required parking for this use equates to a total of 307 employee/visitor parking spaces and 173 truck/trailer parking spaces.

P3. Development of the warehouse facility is subject to approval of Tentative Parcel Map No. 36207 and the subsequent recordation of this map.

P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

P5. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).

P6. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

P7. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).

P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

P9. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue.

P10. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.

P11. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.

P12. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

P13. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P14. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P16. PA08-0097 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department - Planning Division. (MC 9.12.020)

Prior to Issuance of Grading Permits

P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area

will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-of-way or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P25. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.

P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P27. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.

P28. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P29. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P30. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P33. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

P34. (GP) Prior to the issuance of grading permits, a "no touch" area shall be staked along the westerly limit of project development as defined by the scour wall and a City approved Biologist be retained to monitor construction activities to ensure protection and preservation of Channel areas. Upon the completion of the above mitigation measure an on-site grading permit may be issued for project work to commence.

P35. **(GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P36. **(GP) Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.**

P37. **(GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

P38. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**

- **A.** **A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot.**
- **B.** **Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement for the specific plan and/or Municipal Code.**
- **C.** **A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks from view from Fir/Eucalyptus Avenue and at the northeast corner of the site.**
- **D.** **Wrought iron/tubular steel fence is required along portions of the northern, western and eastern property lines.**

E. A four foot tall three rail fence to match adjacent trail fencing is required to enclose the basins located along Fir/Eucalyptus Avenue.

F. **An 8 foot tall coated chain link fence is required along the western property line along the Riverside County Flood Control maintenance road.**

Prior to Issuance of Building Permits

P39. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P40. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P41. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P42. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P43. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. **A minimum size of 24" box mature trees shall be placed along the freeway or northern elevations of the building. Trees shall be in a double row or closely spaced as shown on the preliminary landscape plan?**
L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to**

achieve the overall 40 foot spacing requirement.

M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.**

N. **The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.**

P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.

P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.

P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.

P48. (BP) Prior to issuance of building permits for a final map for Tentative Parcel Map No. 36207 (PA09-0022) must be approved and recorded and all conditions of approval related to the parcel map must be satisfied.

P49. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

<u>Prior to Issuance of Certificate of Occupancy or Building Final</u>

P50. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)

P51. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P52. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

P53. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 or Eucalyptus/Fir Avenue rights of way.

MITIGATION MEASURES

P54. MM 4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

P55. MM 4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:
• Install a traffic signal;
• Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and
• Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

P56. MM 4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct an eastbound right-turn lane and re-stripe the shared left-or-righ turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P57. MM 4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

P58. MM 4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);

• Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and

• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.

P59. MM 4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:

• Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;

• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and

• Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P60. MM 4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:

• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);

• Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection.

• Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer,

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require

the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.

- **Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.**

P61. MM 4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;
• Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and
• Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P62. MM 4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;
• Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;
• Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and
• Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.

P63. MM 4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;
• Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and
• Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

P64. MM 4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:
• Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;
• Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;
• Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and
• Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.

P65. MM 4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane;
• Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and

• Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.

P66. MM 4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;
• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection. The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1.

P67. MM 4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;
• Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P68. MM 4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the

dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;

• Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.; and

• Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.

P69. MM 4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

• Install a traffic signal. This improvement would be funded through participation in the DIF Program;

• Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF

Program; remaining improvements would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;

• Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P70. MM 4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

• Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;

• Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and

the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P71. MM 4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:
• Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P72. MM 4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:
• Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P73. MM 4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.
• Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.
• Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
• In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

P74. MM 4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to

manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

P75. MM 4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).

P76. MM 4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

P77. MM 4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

P78. MM 4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

P79. MM 4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

P80. MM 4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations:

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**
- **Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;**
- **Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;**
- **The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;**
- **The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;**
- **High pressure injectors shall be provided on diesel construction equipment where feasible;**
- **Engine size of construction equipment shall be limited to the minimum**

practical size;
• Substitute gasoline-powered for diesel powered construction equipment where feasible;
• Use electric construction equipment where feasible;
• Install catalytic converters on gasoline-powered equipment where feasible;
• Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;
• Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
• Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;
• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

P81. MM 4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

P82. MM 4.3.10 All Project entrances shall be posted with signs which state:
• Truck drivers shall turn off engines when not in use;
• Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and
• Telephone numbers of the building facilities manager and CARB, to report violations.
These measures shall be enforced by the on-site facilities manager (or equivalent).

P83. MM 4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.
• Increase in insulation such that heat transfer and thermal bridging is minimized;
• Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
• Incorporate dual-paned or other energy efficient windows;
• Incorporate energy efficient space heating and cooling equipment;
• Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights

when they are not needed shall be implemented;
• To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.
• Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.

P84. MM 4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.

P85. MM 4.3.13 GHG emissions reductions measures shall also include the following:
• The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;
• The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;
• The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.
• Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);
• The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;
• The Project shall provide at least two electric vehicle charging stations.

Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.

- **Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:**
  - **Implementation of compressed workweek schedules;**
  - **SmartWay partnership;**
  - **Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.**
  - **Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.**
  - **Use of fleet vehicles conforming to 2010 air quality standards or better.**
  - **Installation of catalytic converters on gasoline-powered equipment.**
  - **Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;**
  - **Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;**
  - **Provision of preferential parking for EV and CNG vehicles;**
  - **Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;**
  - **Use of electric (instead of diesel or gasoline-powered) yard trucks;**
  - **Use of SmartWay 1.25 rated trucks.**

P86. MM 4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P87. MM 4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P88. MM 4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P89. MM 4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

P90. MM 4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.

P91. MM 4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.

P92. MM 4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.

P93. MM 4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.

P94. MM 4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

P95. MM 4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

P96. MM 4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- **Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;**
- **A paleontological mitigation-monitoring plan shall be developed before grading begins;**
- **Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;**
- **Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and**
- **Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources**

P97. MM 4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

P98. MM 4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

P99. MM 4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

P100. MM 4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

P101. MM 4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

• A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;

• A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and

• Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas

temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and

• Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.

P102. MM 4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

P103. MM 4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the

Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;

f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact

Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.

e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The

drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

c. **"A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.**

d. **The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.**

e. **Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.**

f. **The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.**

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. **Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).**

b. **Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs**

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of*

Moreno Valley Public Works Department Landscape Design Guidelines. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements

shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

- **a.** Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.
- **b.** The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.
- **c.** All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under <u>no</u> circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

RESOLUTION NO. 2011-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF TENTATIVE PARCEL MAP 36207 (PA09-0022) TO COMBINE THE EXISTING FIVE PARCELS LOCATED WITHIN THE PROJECT SITE INTO A SINGLE 55 ACRE PARCEL.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of Tentative Parcel Map No. 36207 (PA09-0022), to combine the existing five parcels located within the project site into a single 55 acre, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

ATTACHMENT 7

1. Conformance with General and Specific Plans – That the proposed land division is consistent with applicable general and specific plans.

   FACT: The proposed tentative parcel map is consistent with the General Plan designation of Business Park for the project site. The proposed parcel map will combine the existing five parcels located within the project site into a single 55 acre parcel. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. Design Conformance with General and Specific Plans – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

   FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's General Plan land use designation of Business Park.

3. Physically Suitable for Proposed Development – That the site of the proposed land division is physically suitable for the type of development.

   FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office zoned land north of the freeway. Land uses to the east include a mix of vacant Business Park, and residential zoned land. Land uses to the east include vacant Community Commercial zoned land. Land uses to the south include vacant RA-2 zone land on the other side of Fir Avenue/Future Eucalyptus Avenue with developed tract homes located approximately ¾ miles to the south. Overall, the project site is well suited for future development of industrial land uses.

4. Physically Suitable for Proposed Density – That the site of the proposed land division is physically suitable for the proposed density of the development.

   FACT: The project site is mostly flat and at grade along Fir Avenue/Future Eucalyptus Avenue. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

5. Protection of Fish or Wildlife Habitat – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

   FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. Health, Safety and Welfare – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

   FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. Easements – That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

   FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. Consistent with Applicable City Ordinances – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

   FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

9. Passive or Natural Heating and Cooling – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. Regional Housing – That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not propose housing. The project would not increase the demand for housing beyond that anticipated in the City's Housing Element or the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, the project and/or its tenants and employees will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA09-0022, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

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

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Tentative Parcel Map No. 36207 (PA09-0022) to combine the existing five parcels located within the project site into a single 55 acre, subject to the attached conditions of approval included as Exhibit A.

MV00000745

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00000746

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA09-0022
TENTATIVE PARCEL MAP NO. 36207
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
___ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Tentative Parcel Map No. 36207 is approved for the purposes of re-configuring the existing five parcels located within the project site and creating a single 55 acre parcel with lettered lots for a storm drain channel and a future off-ramp for State Route 60.

P2. Development within Tentative Parcel Map No. 36207 shall be under separate review and approval of a plot plan or a conditional use permit application(s) and shall be subject to the requirements of the City's Municipal Code.

P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

P4. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

EXHIBIT A

P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)

P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)

P12. (GP) Prior to approval of any grading permits, any required final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P13. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P14. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P15. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

<u>Prior to Recordation of Final Map</u>

P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In

multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and

approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and

h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the

approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

~~Prior to Grading Plan Approval or Grading Permit~~

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries.

For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

~~Prior to Map Approval or Recordation~~

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree

to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one

lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

~~Prior to Certificate of Occupancy~~

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees

are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to

secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. **A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

d. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

e. **Any necessary corner cutback right-of-way dedications per City Standard 208.**

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation

District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. **A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.**

c. **The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.**

d. **A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.**

e. **A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.**

f. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.**

g. **Corner cutback right-of-way dedications per City Standard 208.**

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5**

foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. **That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.**

d. **That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit

and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service

responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

~~PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION~~

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

<u>Prior to Acceptance of Streets Into The City-maintained Road System</u>

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and

other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and

Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

MV00000787

PLANNING COMMISSION STAFF REPORT

Case:	PA08-0098 – Zone Change PA10-0017 – Municipal Code Amendment PA08-0097 – Plot Plan PA09-0022 – Tentative Parcel Map No. 36207 P08-133 – Environmental Impact Report
Date:	May 12, 2011
Applicant:	Ridge Rancho Belago LLC
Representative:	Dennis Rice
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard
Proposal:	Plot Plan for a 937,260 square foot warehouse facility on 55 acres; a Zone Change from Business Park to Light Industrial; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal.
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

This project proposes the development of a 937,260 square foot warehouse facility on 55 acres. The project requires approval of a tentative parcel map, Zone Change and a Municipal Code Amendment, and certification of a Final EIR.

ATTACHMENT 8

PROJECT DESCRIPTION

The applicant, Ridge Rancho Belago, LLC, has submitted five applications for development of the West Ridge Commerce Center Project, which include a Zone Change, a Municipal Code Amendment, a Plot Plan, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 937,260 square foot warehouse facility on a 55-acre site (Assessor's Parcel Numbers 488-330-003 through -006 and -026) located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard within Chapter 9.05 Industrial Districts of Title 9 and is presented as Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was a concern raised and reviewed for the project. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site, this residence and the vacant residential property to the south have been reviewed as sensitive receptors.

In order to provide greater compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone of approximately 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

Application PA10-0017 for a Municipal Code Amendment proposes to add a standard to the Light Industrial zone that would require industrial and warehouse structures greater than 50,000 square feet in building area to be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

If approved, the proposed amendment would be effective City-wide.

Please see Exhibit E to Planning Commission Resolution No. 2011-13 for a copy of the proposed revisions to Chapter 9.05 Industrial Districts of Title 9.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility, to be located on 55 acres located south of the Moreno Valley Freeway and approximately 650 east of Redlands Boulevard. The warehouse facility is a permitted use in the existing Business Park zone and also permitted in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas have been placed on the northern and southern elevations and are screened by perimeter concrete tilt-up walls with slopes with a tree row also required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted with groundcover and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses. Developed land within proximity to the project site includes citrus groves, the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility under construction to the east between Redlands and Theodore and large lot subdivisions approximately 1/4 mile to the south in the RA-2 zone. Developed uses to the north on the other side of State Route 60 include an RV storage site, a telecommunications antenna, a residence and a feed store.

The vacant 120 acre site to the west is currently proposed for development of a 2.2 million square foot industrial park by ProLogis, The site for this neighboring project is currently zoned Business Park, Business Park Mixed Use, R15, R5, and RA-2. That applicant is proposing a General Plan Amendment and Zone Change from existing zoning to Light Industrial.

Access

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones located on the north and south elevations of the building.

Design

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the building is a concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical

features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the building include architectural treatment. The loading bays and trailer storage areas along the northern and southern elevations have been screened from view. The screen wall along the south elevation is a fourteen (14) foot wall of concrete tilt-up construction which will match the building design and colors.

Landscaping for the site is proposed at around 13% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

REVIEW PROCESS

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed Zone Change and Municipal Code Amendment as well as the Plot Plan for the warehouse facility.

Upon review at PRSC on November 19, 2008, modifications were required to the site plan. Comments from staff included revisions to the layout of the parking lot, access from adjacent roads, screening, architecture, typical street sections, grading and the submittal of required technical studies.

Subsequent PRSC reviews occurred in May and September 2009, and April, August and November 2010. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report, a determination was made to schedule this project for a Planning Commission public hearing on May 12, 2011.

The applicant held a community meeting on February 27, 2008, to present the project to neighboring property owners. There were approximately 30 people in attendance. Concerns raised at the meeting were related to the proposed land use changes, traffic, noise, light and glare, aesthetics, quality of life, impacts to property values, air quality, crime, and storm runoff.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required State and local agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. An additional two letters were received after the end of the review period.

Final Environmental Impact Report

Responses to the twenty-four comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Response to Comments and related documents were mailed to all interested parties and responsible agencies on April 28, 2011, to allow for their review prior to Planning Commission hearing, in excess of the minimum notice period of 10 days

required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the document, these noted impacts above are considered to be significant and unavoidable.

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

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

Although the proposed Municipal Code Amendment will be effective Citywide, it is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all responsible reviewing agencies.

Agency	Response Date	Comments
Southern California Edison	October 27, 2008	No Issues
Riverside County Flood Control	December 1, 2008	District Master Plan Facilities

Conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2011-13 and thereby recommend that the City Council take the following actions:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and

2. **APPROVE** Zone Change PA08-0097 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B;

3. **APPROVE** Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C;

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-13
   Exhibit A - Final Environmental Impact Report
   Exhibit B – Zone Change Map
   Exhibit C – Municipal Code Amendment
   Exhibit D – Plot Plan Conditions of Approval
   Exhibit E – Parcel Map Conditions of Approval
3. Site Plan
4. Elevations
5. Color Rendering
6. Cross Sections – Line of Sight
7. Preliminary Landscape Plan
8. Tentative Parcel Map 36207
9. Aerial Photograph
10. Response to SCAQMD comments
11. Response to Tom Hyatt comments

3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**

Case Planner: **Jeff Bradshaw**

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal…Under the current… one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park

ATTACHMENT 9

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separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck court loading area and that is a minimum. At the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. This facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans for development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that

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improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009. The result of that was the City was able to receive responses from various responsible agencies and members of the community. Here they identified concerns that they had with that document. And were able to hold a public meeting in October of 2009 for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year.

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The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information. Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances mitigation measures have been applied and the impacts reduced to the extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. A Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document. I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the

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Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yeah and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster. I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now. If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the

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housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Skechers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place. The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be?

I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs. If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

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The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Skechers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will come back again.

The opportunity where the large retailers are looking for is what Skechers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Skechers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings. The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community.

That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

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ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Skechers plant up here. You know Skechers has lots of truck bays. They may not be all used at one time. They

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may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION ENGINEER LLOYD – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno

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Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

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PLANNING OFFICIAL TERELL – The reason is because other than the Skechers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

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PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Skechers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

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PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Skechers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the

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freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to

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improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60 westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Skechers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

COMMISSIONER VAN NATTA – Okay… yeah but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added information was for Skechers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Skechers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

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COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Skechers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Skechers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

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PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.
One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did

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and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to.

We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within

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300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yeah, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

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COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

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APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Skechers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Skechers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yeah, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

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COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Skechers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Skechers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

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APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Skechers building around the square windows.

COMMISSIONER OWINGS – Yeah but, okay, but it does look totally different than the Skechers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Skechers building?

APPLICANT RICE – I think I would, yeah

COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Skechers is Skechers and we don't want to be like Skechers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Skechers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were

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to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

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APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yeah Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yeah unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to

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the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that.

The same thing with Skechers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor. We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan.

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Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it... they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no, they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know. The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Skechers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Skechers.

Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you were for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should

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at least put on an air that you are unbiased about it. Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Skechers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Skechers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Skechers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises. Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and… Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Skechers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case.

Things are planned. You need to put things where are they are planned. You need to approve them where they are planned. Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I

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told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Skechers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the 500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Skechers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Skechers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

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PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yeah I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yeah, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding, they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact

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base of personal attacks. Whether or not Iddo Benzeevi is a good person or a bad person, he has certain rights in this City and they should be obeyed or they should be respected. Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this.

There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself. In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking.

I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore

I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that

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live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs. It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Skechers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Skechers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Skechers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to

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Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

VICE CHAIR BAKER – No they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Skechers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

MV00000835

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Skechers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

MV00000836

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Skechers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

MV00000838

Westridge Commerce Center
Final Environmental Impact Report

Prepared for:
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
City Case # P08-133

Prepared by:

appliedplanning inc

April 2011

ATTACHMENT 10

FINAL ENVIRONMENTAL IMPACT REPORT

for the

Westridge Commerce Center Project

State Clearinghouse Number:
2009101008

Prepared for:

The City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
City Case No. P08-133

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

April 2011

Table of Contents

Section **Page**

1.0 Introduction 1-1
1.1 Overview 1-1
1.2 Content and Format 1-1
1.3 Draft EIR Commentors 1-1
1.4 Point of Contact 1-3
1.5 Project Summary 1-3

2.0 Revisions and Errata Corrections 2-1
2.1 Introduction 2-1
2.2 Text Revisions 2-1
2.3 Revisions to Graphic Illustrations 2-11

3.0 Comments and Responses 3-1
3.1 Introduction 3-1

4.0 Mitigation Monitoring Plan 4-1
4.1 Introduction 4-1
4.2 Mitigation Monitoring and Reporting 4-2

Appendix A: Attachments to Comments and Reponses
Attachment 1: Attachments to Comments Provided by Johnson and Sedlack
Attachment 2: *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions*

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List of Tables

Table **Page**

1.3-1 Draft EIR Commentors 1-2
3-1 Draft EIR Commentors 3-2
4.2-1 Mitigation Monitoring Plan 4-3

MV00000842

1.0 Introduction

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the Westridge Commerce Center Project (Project). The Draft EIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The Draft EIR was circulated for public review and comment from October 21, 2010 through December 6, 2010.

1.2 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 of this document contains corrections and errata to the Draft EIR. Section 3.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. The Project Mitigation Monitoring Plan, which includes additional measures developed as a part of this Final EIR, is presented in Section 4.0.

1.3 DRAFT EIR COMMENTORS

A total of twenty-four (24) comment letters were received from various agencies and organizations. Additionally, four comment cards were received at a December 2, 2010 public meeting that was held to discuss the Project. The following Table 1.3-1 identifies the Draft EIR commentors. For reference purposes, comments are numbered and may be referred to by an acronym within the Responses to Comments (Final EIR Section 3.0). These acronyms, along with the dates of correspondence received, are also included in Table 1.3-1. Comments denoted with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not provided responses within Section 3 of this Final EIR. The Lead Agency has, however, attached these late comments and their corresponding responses to the Project staff report.

Table 1.3-1
Draft EIR Commentors

Commentor	Acronym	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

1.4 POINT OF CONTACT

The Lead Agency for this Project is the City of Moreno Valley. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

1.5 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.5.1 Project Location

The Project site is located southwesterly of the State Route 60/Redlands Boulevard interchange, within the easterly portion of the City of Moreno Valley. The approximately 55-acre site is bounded to the north by State Route 60 (SR-60), to the west by the Quincy Channel, to the south by Fir Avenue (future Eucalyptus Avenue), and by a vacant parcel to the east. The Project's easterly boundary parallels Redlands Boulevard, which is located approximately 700 feet to the east.

1.5.2 Project Overview

The subject of this EIR is the proposed development of the Westridge Commerce Center, which has been initiated by the Project proponent, Ridge Property Trust. Together with supporting improvements, the Project will provide for approximately 937,260 square feet of new light industrial warehouse/distribution uses.

In addition, the Project includes the development of supporting infrastructure, including roadway improvements, all necessary utilities including storm water management detention/retention basins, and paved, on-site parking areas.

1.5.3 Project Objectives

Primary objectives of the Project, as identified by the Project Applicant, are as follows:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

1.5.4 Discretionary Actions

Necessary discretionary actions, permits, and consultations allowing for implementation and operation of the Project will include, but are not limited to, the following.

1.5.4.1 Lead Agency Discretionary Actions and Permits

Certification of the EIR (City Case # P08-133). The proposed development is a Project under CEQA, and may result in significant environmental impacts. Lead Agency certification of the Project EIR is required;

A zone change from Business Park to Light Industrial (City Case # PA08-0098). The proposed zone change will allow for construction and operation of the Project's distribution warehouse uses as configured;

Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts], to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property to ensure the protection of the health, safety and welfare of future residents;

Parcel Map Approval (City Case # PA09-0022) to consolidate and reconfigure existing parcels defining the Project site, and to provide necessary easements and dedications;

Development Plan Review (City Case # PA08-0097) pursuant to City of Moreno Valley Municipal Code Section 9.02.030 [Development Review Process], et al.;

Construction, grading, and encroachment permits allowing implementation of the Project facilities within City of Moreno Valley jurisdictional areas; and

Vacation and/or dedication of public rights-of-way and easements as elements of the proposed parcel map, or independent of the map. Rights-of-way and easements will provide public access, and ensure appropriate alignment of and access to infrastructure and utilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

Permitting and Consultation through the California Department of Fish and Game (CDFG), to include:

- **Lake and Streambed Alteration Agreement (LSA)** addressing potential CDFG jurisdictional area impacts resulting from the Project; and
- **Consultation** regarding the possible relocation of resident burrowing owls (if burrowing owls are determined to be present on the subject site during required pre-construction surveys).

CWA Section 404 and Army Corps of Engineers (ACOE) permitting will be required for Project activities affecting off-site ACOE jurisdictional areas. CWA Section 404 permitting may also be required should the Project riparian habitat mitigation plan involve or require use of off-site federal jurisdictional areas;

Permitting required by/through CWA Section 401 and Santa Ana Regional Water Quality Control Board (SARWQCB) pursuant to requirements of the National Pollutant Discharge Elimination System (NPDES) Permit;

Permitting required by/through the South Coast Air Quality Management District (SCAQMD) for certain equipment to be temporarily employed within the Project during construction, and/or permanently installed and used over the life of the Project; and

Permitting by/through the California Department of Transportation (Caltrans) for improvements within or that may affect Caltrans rights-of-way.

1.5.4.3 City Development Applications

In support of requested discretionary approvals and permits noted above, development applications submitted by the Project Applicant include:

Plot Plan for a 937,260 square foot warehouse distribution facility;

Zone Change from Business Park to Light Industrial;

Tentative Parcel Map No. 36207 to combine the Project's five parcels into a single parcel; and

Application to Amend the City Municipal Code. The Project Applicant is requesting a Municipal Code text Amendment to Section 9.05.020 B. The requested Amendment would provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

2.0 Revisions and Errata Corrections

2.0 REVISIONS AND ERRATA CORRECTIONS

2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text and graphic illustrations of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. It should be noted that the revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 TEXT REVISIONS

2.2.1 Text Revisions to Draft EIR Section 3.0, Project Description

Consistent with the comments provided by Thomas Thornsley, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include notation of screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.0 .150, Screening Requirements, and Section 9.10.160, Outdoor Storage, Trash Areas, and Service Areas. As required under

these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. **Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls** . . .

2.2.2 Text Revisions to Draft EIR Section 4.3, Air Quality

A typographical error appearing in the first paragraph of Draft EIR Page 4.3-68 is corrected as follows, providing consistency with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

Additionally, in response to correspondence from the South Coast Air Quality Management District and others, the Draft EIR's Air Quality Mitigation Measures are revised as follows.

> *4.3.1* ***Consistent with URBEMIS modeling inputs and to effect*** ~~***The following measures shall be incorporated as***~~ *implementation of* ***SCAQMD*** *Rule 403****, the following measures shall be incorporated****:*

All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.

The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.

The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.

Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.

Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);

In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

~~*4.3.4 Construction contractors shall use only lowpolluting paints and coatings as defined in SCAQMD Rule 1113.*~~

4.3.5~~4~~ *Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.*

*4.3.~~6~~**5** In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

*4.3.~~7~~**6** During Project construction, existing electrical power sources (e.g., power poles) shall be ~~provided for~~ **utilized to** power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

*4.3.~~8~~**7** The Applicant shall use ~~Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications~~ **"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be** consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

*4.3.~~9~~**8** Grading plans, construction specifications and bid documents shall **also** include ~~notation that off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where the use of biodiesel fuel would void the equipment warranty.~~ **the following notations:***

- ***Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;***

- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*

- ***All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.***

4.3.9 ***Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.***

4.3.13 GHG emissions reductions measures shall also include the following:

The Project shall provide ***secure, weather-protected*** *on-site bicycle storage/parking.~~ Bicycle storage parking/quantity and location shall be~~ consistent with City of Moreno Valley requirements;*

The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.

Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);

The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;

The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;

The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.

Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:

- ***Implementation of compressed workweek schedules;***
- ***SmartWay partnership;***
- ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.***
- ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***
- ***Use of fleet vehicles conforming to 2010 air quality standards or better.***
- ***Installation of catalytic converters on gasoline-powered equipment.***
- ***Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;***
- ***Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;***
- ***Provision of preferential parking for EV and CNG vehicles;***
- ***Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;***

- ***Use of electric (instead of diesel or gasoline-powered) yard trucks; and***
- ***Use of SmartWay 1.25 rated trucks.***

2.2.3 Text Revisions to Draft EIR Section 4.5, Water Supply

In response to correspondence from the Eastern Municipal Water District, Mitigation Measure 4.5.3 is revised as follows:

> *4.5.3 The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project****, to be constructed by the Applicant****.*

2.2.4 Text Revisions to Draft EIR Section 4.7, Cultural Resources

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

> *4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/****or*** *record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays****, consistent with the requirements of California Public Resources Code Section 21083.2****. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring.* ***Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, a****~~A~~ll recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and/or record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*

- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

2.2.5 Text Revisions to Draft EIR Section 4.8, Biological Resources

In response to correspondence from the California Department of Fish and Game, Mitigation Measure 4.5 is revised as follows:

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan****; and***

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

2.3 REVISIONS TO GRAPHIC ILLUSTRATIONS

In response to comments received from Gerald M. Budlong, a City of Moreno Valley Environmental and Historical Preservation Board member, several geologic maps, which were used as points of reference in the preparation of the Project Geotechnical Investigation, are incorporated on the following pages as Plates 1 through 4.

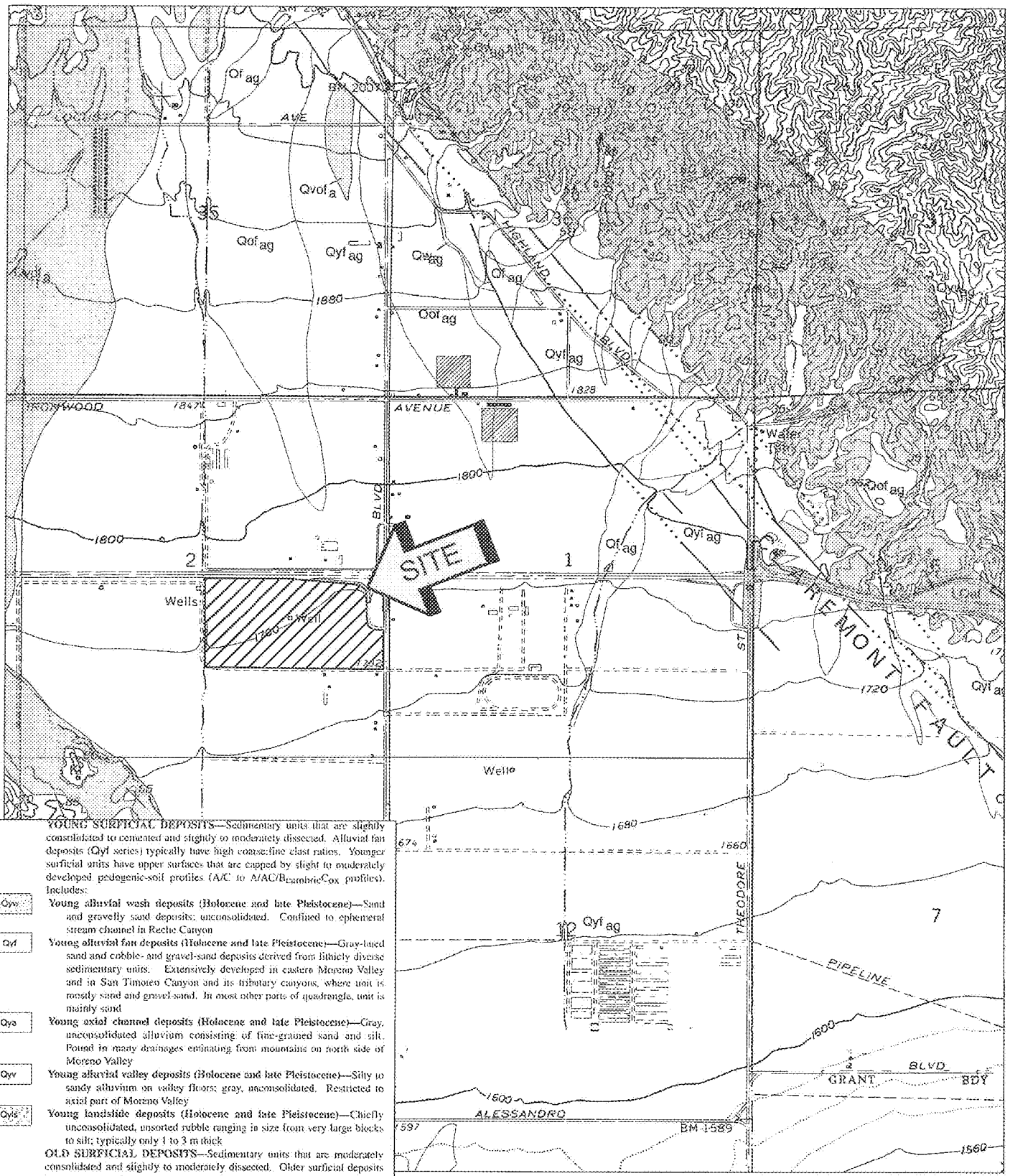

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic-soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

- Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon
- Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand
- Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley
- Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley
- Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

- Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravely alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

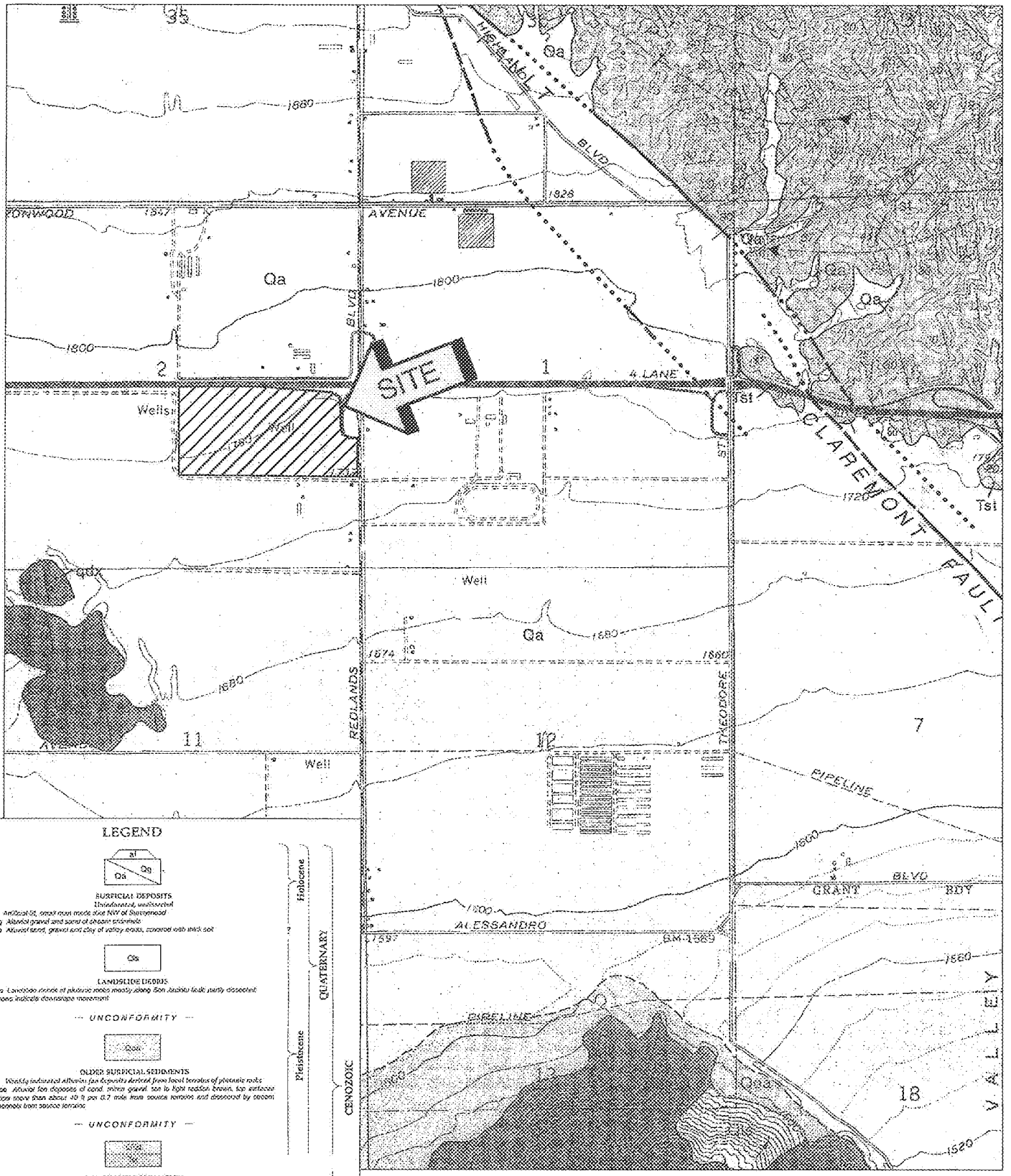
SITE
Qa
Qa
Qa

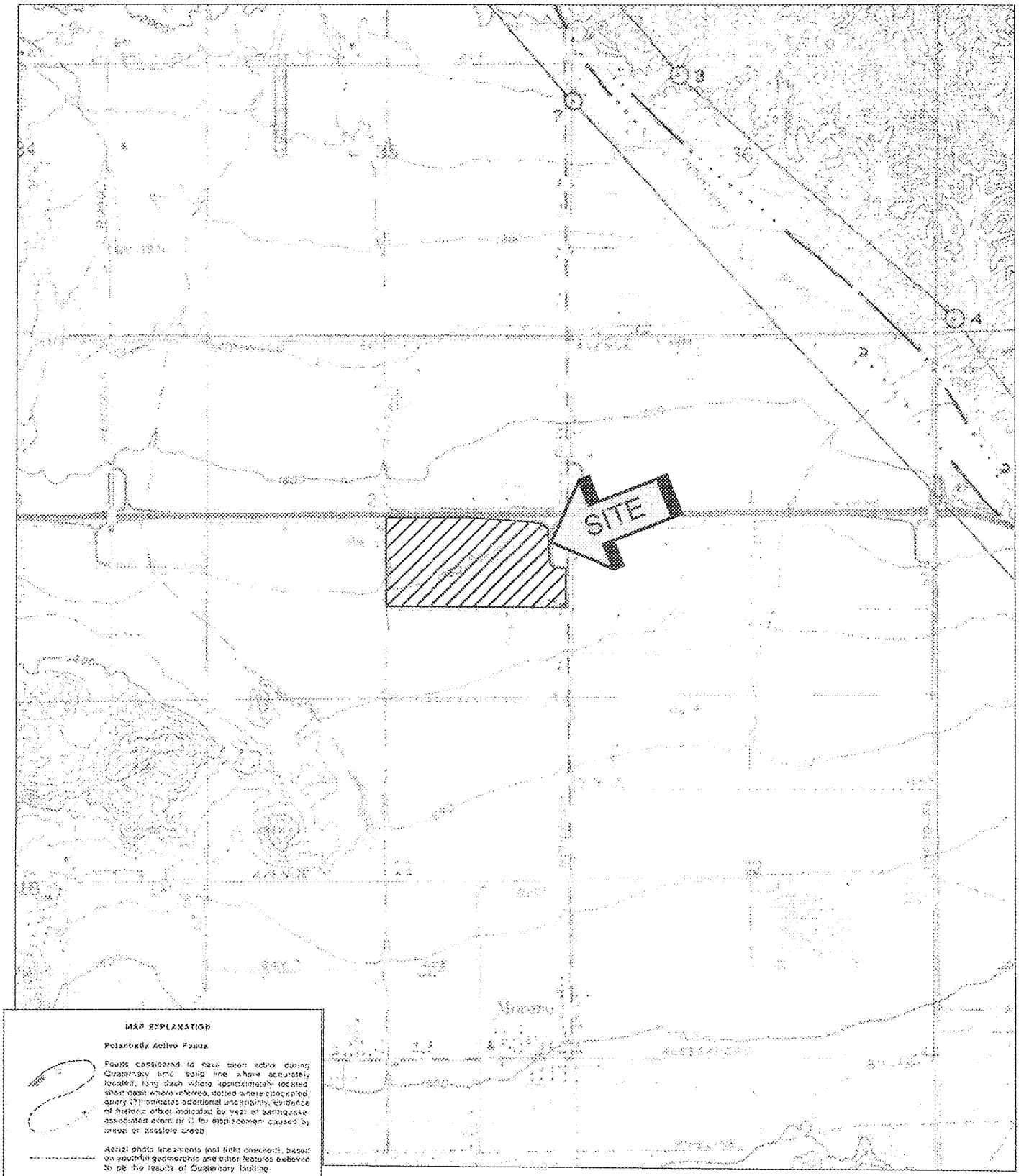

MAP EXPLANATION

Potentially Active Faults

Faults considered to have been active during Quaternary time: solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

Aerial photo lineaments (not field checked), based on youthful geomorphic and other features believed to be the results of Quaternary faulting.

Special Studies Zone Boundaries

These are delineated as straight-line segments that connect consecutively numbered turning points so as to define one or more special studies zone segments.

Seaward projection of zone boundary

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

FAULT ZONES
12/16/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

3.0 Comments and Responses

3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

The City of Moreno Valley's Responses to Comments on its Draft EIR for the Westridge Commerce Center are presented herein as required by California Code of Regulations, title 14 (hereinafter, State *CEQA Guidelines*) Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: [t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments. The 45-day comment period on the Draft EIR commenced on October 21, 2010 and concluded December 6, 2010.

Additionally, and as required by Section 15088, the City of Moreno Valley will provide written responses to all comments on the Draft EIR received from public agencies during the 45-day public review period at least 10 days prior to the proposed certification of the Program EIR.

In summary, the City's written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City's written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR's conclusions.

MV00000867

3.1.1 Comments Received

The following section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been organized by State agencies, County and regional agencies, and comments received from local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all commentor letters received by the City in regard to the Draft EIR, and the designation assigned to each. Comments with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not included with the provided responses herein. The Lead Agency has, however, included these late comments and their corresponding responses in the Project staff report.

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10

MV00000868

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10[illegible]
[illegible]hnson [illegible]edlack, [illegible] on behalf of Residents for a Liveable Moreno Valley, and Moreno Valley Group of Sierra Club.	[illegible]	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora [illegible]hnson	A[illegible]C	12/2/10
Richard [illegible]hnson	R[illegible]C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

[illegible]Comments received after the stated close of comments date (12/06/10).

The comment letters and the corresponding numbered responses are presented on the following pages.

MV00000869

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

December 7, 2010

RECEIVED
DEC 13 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
SCH#: 2009101008

Dear Jeff Bradshaw:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 6, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office. SCH-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009101008
Project Title PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
Lead Agency Moreno Valley, City of

Type EIR Draft EIR

Description The West Ridge Commerce Center project proposes a 937,260 square foot industrial warehouse building on approximately 55 acres located on the south side of State Route 60, on the north side of Eucalyptus Avenue and ~650 feet west of Redlands Boulevard. The proposed warehouse use requires a change of zone from the Business Park land use district to the Light Industrial land use district. The project also requires approval of Tentative Parcel Map No. 36207 to combine the project parcels into a single parcel and a Municipal Code Amendment to establish a minimum buffering distance between warehouse distribution activities in the LI zone and adjacent residential zones. THe Quincy Channel, which is a segment of the City's Master Plan of Drainage, runs along the west site boundary and the project will be responsible for some channel improvements.

Lead Agency Contact

Name Jeff Bradshaw
Agency City of Moreno Valley
Phone (951) 413-3224 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92553

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 56' 7.7" N / 117° 09' 34.5" W
Cross Streets Fir/Eucalyptus Avenue, Redlands Boulevard
Parcel No. 488-330-003 to 006 & 026
Township 3S **Range** 3W **Section** 2 **Base** SBB&M

Proximity to:

Highways SR 60
Airports No
Railways No
Waterways No
Schools No
Land Use GPD: Business Park
Z: Business Park

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Landuse; Noise; Public Services; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

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Date Received 10/21/2010 **Start of Review** 10/21/2010 **End of Review** 12/06/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2009101008

Response SCH-1

State Clearinghouse receipt of the Westridge Commerce Center Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2009101008) and dates of the public review period for the Draft EIR (October 21, 2010 through December 6, 2010) are also acknowledged.

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

December 3, 2010

RECEIVED
DEC - 7 2010
CITY OF MORENO VALLEY

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

Re: Draft Environmental Impact Report for Westridge Commerce Center
SCH No. 2009101008

Dear Mr. Bradshaw:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Westridge Commerce Center. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). CDFG-1

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the City of Moreno Valley, County of Riverside and is bounded on the north by SR-60 and Spruce Avenue, on the south by Eucalyptus Avenue, on the east by vacant land and Redlands Boulevard, and on the west by the Quincy Channel and agricultural land. Surrounding development consists of vacant and agricultural land. CDFG-2

The proposed project consists of a 937,260 square foot industrial warehouse building on 55 acres. The Quincy Channel runs along the western boundary and will require improvements.

MSHCP

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Moreno Valley is an MSHCP participant. CDFG-3

The project is not within Cell Criteria Areas and does not require additional surveys and narrow endemic surveys, however, burrowing owl surveys are required. Initial surveys showed that burrowing owl was not present. CDFG-3 cont'd.

Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

The Department recommends that the Lead Agency clarify the issues raised below and provide a response to these comments in the Final Environmental Impact Report (FEIR) or subsequent CEQA document. CDFG-4

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant revegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

Biological Resources

A biological assessment was conducted in October, 2008. Biological Resources Assessments for the project site include the following: Burrowing Owl surveys in July, 2009, an off-site biological assessment in May, 2010 and a wetland jurisdictional delineation in February, 2010.

Biological habitat communities on the site include mulefat riparian, ruderal and agricultural. The site is highly disturbed and was formerly utilized for agricultural purposes. No focused biological surveys were required. Two southern black walnut trees were found on site. CDFG-5

Impacts and Mitigation

Section 14(a) of Appendix G of the CEQA Guidelines provides an outline for significant biological impacts. Section (a) asks whether the project will have a substantial adverse effect "...either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species...". CDFG-6

Section (b) asks, in part, whether the project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game.

Impacts to terrestrial biological resources are minimal. Mitigation for these impacts is provided for by participation in the MSHCP. The project is also located within the fee area for the Stephens Kangaroo Rat Habitat Conservation Plan. No burrowing owl were found on the site. CDFG-6 cont'd

Streambed Alteration Agreements and CEQA

The site is located adjacent to the Quincy Channel. Potential receiving waters from Quincy Channel are the Heacock Channel, Perris Valley Storm Drain and the San Jacinto River. The project site is not within the 100-year floodplain. The Channel is 1,295 linear feet with 2.4 acres of riparian habitat. Sheet flow from the site drains to the east to the jurisdictional channel along the west side of Redlands Boulevard. Both channels collect runoff from SR-60 and north of SR-60. The applicant is proposing to construct a scour wall adjacent to this channel. Along with the scour wall will be a maintenance road and a 50-150 foot buffer between the development and the Channel. The stream is an eroded earthen channel that collects runoff from three five foot wide culverts under SR-60. CDFG-7

Impacts to Quincy Channel will be from a channel crossing, not the scour wall. Impacts will also occur to an off-site channel. Permanent impacts are .003 acres to the Quincy Channel and 0.08 acres to the channel to the east (off-site). The applicant is proposing to mitigate impacts to jurisdictional State waters and riparian habitat by replacing riparian habitat at a 1:1 ratio, success criteria, and a three year maintenance and monitoring plan. CDFG-8

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. CDFG-9

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-10

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

CDFG-11

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

CDFG-12

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Michael Flores

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Letter Dated December 3, 2010

Response CDFG-1

The commentor notes CDFG's status as a responding Trustee Agency for California's fish and wildlife resources, and as a Responsible Agency for CDFG discretionary actions and permits. For the Project under consideration, the commentor notes that CDFG provides comments as both a Trustee and Responsible Agency. The commentor notes further that, pursuant to *CEQA Guidelines* Section 15096, comments provided by Responsible Agencies should focus on shortcomings on an EIR, and on additional alternatives or mitigation to be included in the EIR.

Trustee and Responsible Agency status of CDFG is recognized. The *CEQA Guidelines* Section 15096 directions for comments on EIRs to be provided by Responsible Agencies are acknowledged. It is noted further the *CEQA Guidelines* Section 15096 requires that Responsible Agencies limit their comments to . . . those project activities which are in the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency.

Response CDFG-2

The Project location and scope as summarized by the commentor is materially correct. Please refer also to the detailed Project Description presented in Draft EIR Section 3.0.

Response CDFG-3

The commentor notes location of the Project within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).Attributes of the MSHCP and species take authorization for MSCHP participants are noted by the commentor. The commentor identifies the City of Moreno Valley as a participant in the MSHCP. The

MV00000877

commentor states further that the Project does not lie within [MSHCP] Cell Criteria Areas, and does not require surveys other than for burrowing owls. The commentor notes that initial [Draft EIR] surveys conducted for the Project indicate that owls are not present on the subject site.

Provisions of the MSHCP are noted, as is the City's status as an MSHCP participant. Species survey requirements for the Project, as stated by the commentor, are consistent with surveys conducted in conjunction with preparation of the Draft EIR. Results of the Project Burrowing Owl Survey (Survey) are summarized in Draft EIR Section 4.8, Biological Resources, and the Survey is provided at Draft EIR Appendix G. As noted by the commentor, the initial Survey results indicate that burrowing owls are not present on the Project site. The Survey notes that [n]o burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. In addition, this species has not been recorded from the project area in the past. [Survey, Page 6.] Further, the Draft EIR notes that [t]he Project area does provide suitable burrowing owl foraging habitat; however, no burrowing owls or their sign were detected during the Project burrowing owl survey. (Draft EIR, Page 4.8-8.)

<u>Response CDFG-4</u>

The commentor reiterates *CEQA Guidelines* Section 15096 provisions and requirements. The commentor notes that CDFG will consult the EIR for the purposes of preparing a Lake and Streambed Alteration Agreement and/or issuance of an Incidental Take Permit. The commentor lists three (3) issues to be clarified in the Final EIR:

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

The following responses are provided to the issues/requirements cited by the commentor.

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters. Draft EIR Mitigation Measure 4.8.4 requires that a lake and streambed alteration agreement (Section 1600 permit) or waiver be obtained prior to the issuance of any grading permit and that written verification of the permit or waiver be provided to the Lead Agency (Community Development Department-Planning Division and the Public Works Department-Land Development Division).In support of the Permit, the Draft EIR identifies estimated impacts at CDFG jurisdictional areas and habitat, and identifies responding mitigation. This information will be included in subsequent Section 1600 Permit documentation for the Project. Relevant EIR text is excerpted below:

> [T]he channel is jurisdictional under the U.S. Army Corps of Engineers, the California Department of Fish and Game, the California Regional Water Quality Control Board and the MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Under a maximum potential impact scenario, construction of off-site improvements could result in permanent disturbance and alteration of approximately 0.08 acres (710 lineal feet of 5-foot wide channel, or a total of 3,550 square feet) of un-vegetated riparian habitat. Consultation and permits from these agencies will be required prior to any disturbance of this channel (Draft EIR, Page 4.8-10).

As summarized in Draft EIR Section 4.8 and presented in detail in the Project Jurisdictional Delineation, construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat

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riparian habitat/CDFG jurisdictional areas. This is a potentially significant impact, as acknowledged on Draft EIR Page 4.8-23.

The following mitigation measures addressing potential impacts to jurisdictional/ habitat areas were incorporated in the Draft EIR, and will be reflected in subsequent Section 1600 Permit documentation.

4.8.1 *Prior to the issuance of a grading permit, a no touch area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps ~~u~~risdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*

4.8.2 *Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps ~~u~~risdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*

4.8.3 *Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be*

planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 *Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.*

4.8.5 *Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:*

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, and regular maintenance and monitoring activities to ensure the success of the mitigation plan*

(Draft EIR Pages 4.8-23 through 4.8-24).

The commentor incorrectly states subsequently (please refer to Comment CDFG-8) that

[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall.

Potential impacts from a future crossing of the Quincy Channel at Fir (future Eucalyptus) Avenue are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project. As noted in Footnote 2 on Draft EIR Page 4.8-19, repeated here for ease of reference:

> The EIR Jurisdictional Delineation also acknowledges jurisdictional impacts and associated mitigation and permitting requirements associated with the future bridge crossing of Fir (Eucalyptus) Avenue at the Quincy Channel, located southwesterly adjacent to the Project site. This bridge crossing, to be implemented by the City or others at a future date as a part of areawide circulation system improvements, will permanently impact an estimated 0.47 acres of CDFG jurisdictional areas, with temporary impacts to an additional 0.06 acres of CDFG jurisdictional area. Affected CDFG jurisdictional areas encompass ACOE and RWQCB jurisdictional areas. These are not Project-related impacts, but are however considered in this EIR and CEQA within the context of cumulative impacts. Please refer also to EIR Section 5.1.1.8, Cumulative Biological Resources impacts (Draft EIR Page 4.8-19).

2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan. The last bullet point at Mitigation Measure 4.8.5 is amended as follows to include native plant re-vegetation for areas temporarily disturbed by construction.

- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

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3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department. As noted above at Mitigation Measure 4.8.5 (as amended):

> *~~T~~he Project ~~H~~HMMP shall, at a minimum, meet the following requirements:*
> - *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
> - *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
> - *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal**, native plant re-vegetation for areas temporarily disturbed by construction,** and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

While the Draft EIR presents a reasoned best estimate of impacts and proposed responsive mitigation based on Project design concepts, details such as monitoring and maintenance of mitigation for impacts to jurisdictional areas and affected habitat are more effectively developed based on final Project designs including detailed grading plans, utility plans design and final building designs. As matter of clarification, the following bullet point is added to Mitigation Measure 4.8.5:

> ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

With these revisions, Mitigation Measure 4.8.5 in total will be worded as presented below. These revisions will be reflected in Final EIR Section 2.0, Revisions and Errata, as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

<u>Response CDFG-5</u>

The commentor notes biological resources surveys conducted for the Project, and comments further that no focused surveys were required. Surveys and survey results noted by the commentor are materially correct. No further response is required.

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Response CDFG-6

The commentor cites *CEQA Guidelines* Appendix G suggested threshold considerations addressing habitat modifications and potential impacts to candidate, sensitive or special status species, riparian habitat, or other sensitive natural communities. The commentor notes that [Project] impacts to terrestrial biological resources are minimal, and that mitigation for these impacts is provided for through participation in the encompassing MSHCP. The Project also lies within the fee area for the Stephens' angaroo Rat (S R) Habitat Conservation Plan. Potential impacts to SKR are addressed though fee payments consistent with provisions of the SKR Habitat Conservation Plan. The above statements provided by the commentor are materially correct. No further response is required.

Response CDFG-7

The commentor summarizes physical characteristics of the Quincy Channel (Channel), located westerly of the Project site. The commentor notes that the Project Applicant proposes to construct a scour wall adjacent to the Channel. A maintenance road will be constructed on the easterly (developed side) of the wall and an approximate 50-150 foot buffer area will be provided between the wall and the developed warehouse areas.

The commentor's summary descriptions of the Channel and Applicant-initiated improvements are materially correct. No further response is required.

Response CDFG-8

The commentor incorrectly states that [i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall. As noted in the preceding Response CDFG-4, potential impacts from a future crossing of the Quincy Channel at Fir (Future Eucalyptus) are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project.

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As noted by the commentor, the Draft EIR acknowledges that the Project will result in or cause approximately 0.003 acres of *temporary* emphasis added impact to CDFG jurisdictional area along the Quincy Channel due to construction of the scour wall. Impacts arising from eventual future crossing of the Channel are not Project-specific and no mitigation is proposed by the Project. Potential cumulative impacts of the crossing are discussed at Draft EIR Section 5.1.1.8:

> . . . It is noted that the ultimate design of Fir (future Eucalyptus) Avenue includes the construction of a crossing to span Quincy Channel. This future channel crossing is not considered a component of the proposed Project and is contingent on vicinity development, which may occur in the next several years. The future construction of a channel crossing could result in permanent and temporary impacts on the Quincy Channel. These potential impacts are identified within Section 5.2.2 of the Jurisdictional Delineation Report in Draft EIR Appendix G. Because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in this EIR. It is further noted, however, that the ultimate extension of Eucalyptus Avenue, including the construction of a Quincy Channel crossing, is included in the City's General Plan Circulation Element, and as such, has been considered as a part of the City's General Plan EIR. Cumulative Project impacts are not affected by the extension of Fir (future Eucalyptus) Avenue or the construction of a Quincy Channel crossing (Draft EIR Pages 5-22 through 5-23).

<u>Response CDFG-9</u>

The commentor states that the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance,

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mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement.

The commentor's statement/concern is recognized however, such concerns are not germane to the Project or to the Draft EIR. Potential Project-related impacts to lakes, streams, and associated resources are fully disclosed and discussed in the Draft EIR and supporting technical studies presented in Draft EIR Appendix G. A summary of impacts and proposed mitigation is provided in preceding responses CDFG-1 through CDFG-8. Please refer also to the detailed discussions presented in Draft EIR Section 4.8, Biological Resources, and supporting technical studies providedn Draft EIR Appendix G, Biological Resource Assessments. Moreover, all areas of potential jurisdictional impacts are avoided to the extent possible and mitigated where complete avoidance is infeasible. The discussion provided as part of Draft EIR Mitigation Measures 4.8.1 through 4.8.3, as excerpted below, requires and promotes avoidance. The complete text of these mitigation measures is provided in the preceding Response CDFG-4.

> *. . . Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel . . . a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*
>
> *. . .Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained*

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throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

. . . [N]o invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel (Draft EIR Page23).

Response CDFG-10

The commentor states that the Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:l replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

The Project does not propose elimination of drainages, lakes and their associated habitats. Mitigation is proposed for the Project's temporary impact to 0.003 acres of riparian (mulefat) habitat.[1]The ultimate scope and location of mitigation will be determined in consultation with CDFG through the Streambed Alteration Agreement Notification/Permit process (or waiver), to be completed prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas. Notification/Permit processes will be initiated by the Applicant at the earliest practicable date. Given the nominal scope of habitat impact (0.003 acres), its relative distance from proposed areas of development, and intervening buffering areas provided, no substantive alteration of the Project is proposed nor anticipated to be

[1] Total impacts to jurisdictional areas are estimated at 0.083 acres: 0.003 acres temporary impact to jurisdictional mulefat habitat; 0.08 acres permanent impact to non-habitat jurisdictional areas.

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required in order to successfully mitigate the Project's temporary impacts to riparian habitat. Contact information provided by the commentor is noted.

Response CDFG-11

The commentor notes the following informational requirements for a Streambed Alteration Agreement, and recommends its incorporation in CEQA documents:

> 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
> 2) Discussion of avoidance measures to reduce project impacts; and,
> 3)Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

The above information is provided in the Draft EIR and supporting jurisdictional delineation information presented at Draft EIR Appendix G. Excerpted germane Draft EIR discussions are presented below, and the commentor is referred to full detailed discussions presented in the body of the Draft EIR, specifically, within Section 1.0, Summary; Section 4.8, Biological Resources; and Section 5.0, Other CEQA Considerations. Supporting technical studies are provided at Draft EIR Appendix G, Biological Resource Assessments.

1. **Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type).** The Draft EIR states that project construction activities will result in the following potentially significant impacts: Potential direct temporary impacts to 0.003 acres, (22 lineal feet) of mulefat vegetated riparian habitat; and Potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat (Draft EIR Page 1-77, et al).

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2. **Discussion of avoidance measures to reduce project impacts.** The Draft EIR states that [a]maintenance road will be provided along the easterly edge of the scour wall, and Westerly of the scour wall, a buffer area averaging in width from approximately 50 feet to 150 feet will be established, providing separation between the developed site and the adjacent Quincy Channel. This physical separation between the developed site and the Channel habitat areas minimizes or precludes direct impacts to the Channel and its associated vegetation communities and special status plant species. (Draft EIR Page 4.8-18, *et al.*) Please refer also to the preceding Response CDFG-9.

3. **Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.** Please refer to Draft EIR Mitigation Measures 4.8.1 through 4.8.5 (as amended through these responses), presented in the preceding Response CDFG-4.

Response CDFG-12

The commentor cites *CEQA Guidelines* Section 15370, which describes/defines mitigation, and states that CDFG cannot fulfill its obligations absent defined impacts and proposed mitigation. CDFG point of contact information is provided.

Project impacts are fully and appropriately defined and disclosed as summarized in the preceding responses and presented in detail in the Draft EIR (0.08 acres permanent impact to non-habitat jurisdictional areas; 0.003 acres temporary impact to jurisdictional mulefat habitat). Mitigation is proposed for impacts determined to be potentially significant. Mitigation includes restoration/replacement habitat at a minimum 1:1 ratio. The Lead Agency considers the defined area of impact and proposed mitigation to be consistent with CDFG requirements, and supports the Department's obligations and responsibilities as a Trustee and Responsible Agency. Project impacts, as mitigated, are considered to be less-than-significant. Mitigation as revised herein is included in

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response to CDFG comments. CDFG staff were contacted (phone conversation 12.16.10) to clarify information provided in the DEIR and discuss CDFG concerns. Subsequent to that conversation, a draft of these responses was emailed to CDFG staff. As indicated in the following email response from CDFG, CDFG staff concurs with the substance of these responses and proposed revisions to the Draft EIR text.

MV00000891

From: Robin Maloney-Rames <RMaloney@dfg.ca.gov>
Date: December 29, 2010 9:13:07 AM PST
To: <cray@appliedplanning.com>
Subject: Re: Westridge Draft EIR-CDFG Comments and Responses (Draft)

Hello Charly:

I took a look at the letter and response to comments. It seems to be in order. If you could include this with the Response to Comments I would appreciate it.

thanks
Robin

Environmental Scientist
Dept. of Fish and Game
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 980-3818

Thank you for contacting the California Department of Fish and Game. Pursuant to Governor's Executive Order S-12-10, we are closed on the second, third and fourth Friday of each month.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-6890
TTY (909) 383-6300

Flex your power!
Be energy efficient!

December 6, 2010

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

Westridge Development Draft Environmental Impact Report (October 2010). SCH: 009101008.
Riv-60-PM19.0/20.4

Dear Mr. Bradshaw,

We have completed our review for the above noted project which is located south of State Route 60 (SR-60) east of Quincy Channel, and north of Fir Avenue in the City of Moreno Valley. The project proposal comprises of the construction of 937,260 square feet of new light industrial warehouse/distribution area.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS. DOT-1

We have the following comments:

Traffic Operations

1. Please include a Stacking Distance analysis for the Moreno Beach Road . DOT-2

2. Traffic Impact Study (page 124, Table 6-11); under Redlands Blvd at SR-60 Westbound Ramp, please include: WBL, WBR, EBL & EBR. Additionally, under SR-60 at eastbound Ramps, please include: SBR. DOT-3

3. Due to the potential high volumes of truck traffic, please ensure that the ramp intersection will accommodate STAA truck turning movements. DOT-4

4. Please include the ramp merge/diverge analysis for SR-60 at Moreno Beach Dr. and at Redlands Blvd. DOT-5

Hydrology

1. Although the proposed improvements should have no significant effect on Caltrans facilities, the documentation submitted did not give specific details how the runoff from the freeway SR-60 will be captured and contained. We would expect the developer's engineer to address this issue during the design and permit approval process. DOT-6

Permit Requirements:

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
Department of Transportation
464 West 4th Street, 6th Floor, MS-619
San Bernardino, CA 92401-1400
(909) 383-4526

DOT-7

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Joe Shaer at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DISTRICT 8

Letter Dated December 6, 2010

Response DD-1

Caltrans jurisdiction and statutory responsibilities in regard to the proposed Project's potential effects on SR-60 are acknowledged. Agency review of the Draft EIR is appreciated.

Response DD-2

The commentor requests a stacking distance analysis for Moreno Beach Road. Within the context of the Caltrans Guide for the Preparation Traffic Impact Studies (State of California Department of Transportation), December 2002, the traffic impact analysis consultant, guided by local input and expertise of the Lead Agency, established the parameters and extent of the Project Traffic Impact Analysis (TIA). The Project is anticipated to contribute nominal[2] traffic to Moreno Beach Road for opening year conditions and would contribute less than 50 peak hour trips to Moreno Beach Road under long-range conditions.

Pursuant to applicable CMP TIA guidelines (see Caltrans TIS Guidelines, Page 2), it is typically unnecessary for projects generating less than 50 peak hour trips to assess potential impacts in regard to stacking or progression through an interchange area. The Lead Agency has not indicated special circumstances or other considerations that would indicate a requirement for a stacking distance analysis for Moreno Beach Road, nor is such the conclusion of the TIA consultant.

[2] Nominal traffic contributions are defined less than 50 vehicles per day (Project TIA Page 44, et al.)

Response DD-3

The commentor requests specific analysis of the westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps. Analysis of the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps is also requested.

The westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps were not individually reported since they are shared lanes, and the queues associated with these movements are reflected in the 95th percentile queue presented for the westbound and eastbound through movements, respectively. Similarly, the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps was not reported individually since it is a shared movement with the southbound through lane. Please refer also to TIA Table 4-1 (Intersection Analysis for Existing Conditions).

Response DD-4

As noted in the discussion of regional access (Draft EIR Section 4.2.2.2 on Page4.2-8), the Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. (Please refer to Figure 3.5-1, Site Plan Concept). The Project would, upon approval, be responsible for payment of Traffic Uniform Mitigation Fee (TUMF) contributions; however, interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. When designed, reviewed and constructed, it is presumed that the ramps will be required to be consistent with Caltrans design standards, and will accommodate STAA truck turning movements.

Response DD-5

According to the Transportation Research Board's *Highway Capacity Manual*, the influence area for a merge junction is 1,500 feet downstream, and the influence area for a

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diverge junction is 1,500 feet upstream. The distance between the ramps at Redlands Boulevard and Moreno Beach Boulevard is approximately 6,600 feet. There are no other merge/diverge junctions (i.e., interchanges) within the 1,500-foot influence areas of the ramps at Moreno Beach Boulevard and Redlands Boulevard, and as such, merge and diverge analyses were determined unwarranted as part of the Project TIA.

Response D-6

As noted by the commentor, specific concerns in regard to the design of collectors for runoff from the SR-60 onto the site will be addressed as part of the design and permit approval process. In general, as discussed in Draft EIR Section 4.6, Hydrology and Water Quality, storm water will be collected onsite through a series of catch basins and clarifiers, and directed to a municipal drainage system, connections for which would be constructed adjacent to the site within the rights-of-way of Fir (future Eucalyptus) Avenue and Redlands Boulevard.

Response D-7

The required review of street, grading and drainage construction plans by Caltrans personnel prior to the issuance of encroachment permits is acknowledged. The address and contact information provided is appreciated.

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

December 6, 2010

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: West Ridge Commerce Center Project
Draft Environmental Impact Report
SCH No. 2009101008

Dear Mr. Bradshaw:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above referenced project. The project is generally described as a plot plan for development of a 937,260 square foot warehouse distribution on building on a 55 acre site, Related applications include a Zone Change from Business Park to Light Industrial, a tentative parcel map to combine five parcels into a single parcel and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment to establish a buffering distance between warehouse distribution land uses in the light industrial zone and adjacent residential zones. EMWD-1

Eastern Municipal Water District (EMWD) offers the following comments with respect to this DEIR document:

1- Please revise Mitigation Measure 4.5.3, on page 4.5-29, as follows (revisions indicated in ***bold italics***): EMWD-2

4.5.3 ***In this East Moreno Valley area, existing water, sewer and recycled water facilities are not adequate to accommodate the Project. Therefore, from a facilities perspective, the Project would be conditioned to construct off-site and on-site water, sewer and recycled facilities needed to serve the***

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

City of Moreno Valley
December 6, 2010
Page 2

Project. Accordingly, a Plan of Services (POS) must be completed and submitted by the Applicant, for EMWD's approval. As soon as possible, the Applicant shall meet with EMWD staff to develop a Plan Of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water ***facilities*** requirements to serve the project, ***to be constructed by the Applicant. Additionally, there could be temporary service impacts while constructing or extending facilities required for this Project, which should be evaluated in the Final EIR.*** EMWD-2 cont'd.

2- Please note the Water Supply Assessment (WSA) expiration date is June 4, 2011. EMWD-3

Again, EMWD appreciates the opportunity to comment on this project. Please forward future environmental documents for this project and the response to the above comments prior to EIR certification to the attention of Karen Hackett at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Karen Hackett at 951 928-3777, Ext. 4462, or myself at Ext. 4455. EMWD-4

Sincerely,

Joseph B. Lewis
Director of Engineering Services

JBL:ME:RR:KAH

cc: E. Lovsted

Encl.

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Anthony J. Pack

Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

Developers/Engineers

Will your project require service from Eastern Municipal Water District for water, sewer or recycled water?

EMWD requires beginning dialogue with the applicant at an early point in site design and development of a project, in order to assess the infrastructure needs. Accordingly, we offer to meet with developers/engineers for one initial due-diligence meeting, without requiring a deposit. This meeting is to review your project and determine potential service from EMWD. The objective is to provide a forum to resolve any questions about our development process and help to determine if there are any potential issues that may exist in the area concerning EMWD facilities (water, sewer or recycled water). Afterward, should you decide to pursue your project(s) with EMWD, we will require you to deposit funds and open a Work Order. This Work Order is used to cover staff time and research required to generate a Plan of Service. No improvement plans will be accepted until this pre-project phase is completed and an EMWD Plan of Service has been approved.

In an ongoing effort to develop a dependable and reliable water supply for its customers, EMWD's goal is to maximize the use of recycled water, for landscape demands. All projects that include landscaped areas are carefully considered for recycled water use. This process needs to begin early to avoid unnecessary delays. EMWD-5

In order to set up a Due Diligence meeting we need:

1- A completed Due Diligence questionnaire.
2- Your proposed agenda for the due-diligence meeting
3- Location Map
4- Proposed development plan layout if available (hard copy and JPEG format)

I encourage developers/engineers to become familiar with EMWD New Development processes, while designing your project. They have been developed over many years and serve a great importance as they can prevent complications and save time. More information can be found at http://www.emwd.org/new_biz/new-biz-dev.html

If at any point in time there are questions or concerns, please do not hesitate to contact me

Sincerely,

Linda H. Petersen
Development Coordinator ex. 4310
Petersel@emwd.org

EASTERN MUNICIPAL WATER DISTRICT

Letter Dated December 6, 2010

Response EMWD-1

The commentor has accurately summarized the general aspects of the proposed Project and required discretionary actions.

Response EMWD-2

As discussed in the EIR, the Project's impacts to water supplies is less-than-significant. Notwithstanding, mitigation is provided to ensure timely construction of service lines/facilities necessary to serve the Project. In this regard, the Lead Agency acknowledges the District's desire to clarify the referenced Mitigation Measure 4.5.3, which is discussed in Draft EIR Section 4.5, Water Supply. Accordingly, the language of this mitigation measure has been amended as follows.

> 4.5.3 *The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project,* ***to be constructed by the Applicant****.*

Related to the Project POS, preliminary information provided by EMWD indicates that provision of adequate fire flows for the area west of Redlands Boulevard and south of SR-60 will require construction of a 24-inch water line within the Fir (future Eucalyptus Avenue) extending westerly from Redlands Boulevard to connect to an existing 24-inch line at the approximate alignment of Petit Street. The extent of the actual construction of the line is not known at this time and is ultimately dependent on the timing of improvements constructed as a part of adjacent proposals. Regardless of these other projects, Certificate of Occupancy for the Project is conditioned on the provision of

adequate fire flows whether achieved by this new line, or by other means acceptable to EMWD and the City Fire Department.

To ensure monitoring and enforcement, this revision to Mitigation Measure 4.5.3 is reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata. Additional explanatory language provided by the commentor is not considered appropriate for inclusion in this mitigation measure.

The Applicant's responsibility for the construction of all required infrastructure to serve the Project, including but not limited to the extension of off-site and on-site water, wastewater, and recycled water facilities, is acknowledged. As noted in the discussion of Water/Sewer Services on Draft EIR Page 3-21, [a]lignment of service lines, and connection to existing services will be as required by EMWD.

The possibility of temporary service impacts during the construction or extension of facilities is acknowledged. Coordination with the District in regard to planned or proposed construction actions will occur as part of the preparation of the required PSO (identified in Mitigation Measure 4.5.3, above). Additionally, notification of potential utility service disruptions would be provided to existing residents and/or business owners in the area by the developer, acting to minimize their effects. The results and conclusions of the Draft EIR are not affected.

<u>Response EMWD-3</u>

As noted in Draft EIR Mitigation Measure 4.5.4 (excerpted below), the upcoming expiration date of the Project's Water Supply Assessment is acknowledged.

> 4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008.The Project Applicant shall maintain communication with EMWD*

on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA.

Response EMWD-4

As requested, and pursuant to Public Resources Code 21092.5, the District will receive a written response to these comments at least ten days prior to the certification of this EIR.

Response EMWD-5

EMWD provides a standardized Notice to Developers and Engineers outlining EMWD requirements and processes necessary to ensure adequate and timely provision of services.

The Notice to Developers and Engineers (Notice) attached to the above-referenced comment letter is acknowledged, and has been incorporated in this Final EIR for ease of reference. The Applicant consulted with EMWD early in the planning process (due diligence meeting conducted with EMWD staff on January 27, 2009) in order to determine the likely scope and type of improvements required. At the earliest feasible date, the Applicant will coordinate with EMWD in developing the POS for the Project consistent with provisions of the Notice.

MV00000903

WARREN D. WILLIAMS
General Manager-Chief Engineer

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www.rcflood.org

134314

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 29, 2010

RECEIVED
DEC - 6 2010
CITY OF MORENO VALLEY

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

~~Dear Mr.~~ Bradshaw:

Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

This letter is written in response to the Notice of Availability West Ridge Commerce Center Project Draft Environmental Impact Report. The purpose of the proposed project is to develop a 937,260 sq. ft. warehouse distribution building on a 55 acre site located near Eucalyptus Avenue and Redlands Boulevard. The project also requests a zone change of five parcels from Business Park to Light Industrial, combining the five parcels into one and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment. RCFC-1

The Riverside County Flood Control and Water Conservation District (District) has reviewed the DEIR and has the following comments:

This project involves District Master Drainage Plan facilities, namely Moreno Line G-7 and D-3. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards and District plan check and inspection will be required for District acceptance. Plan check and administrative fees will be required. RCFC-2

This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

The District is signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City will request that the District own, operate and maintain the above referenced facilities, the applicant will need to demonstrate that all construction related activities within the District right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP. RCFC-3

134314

Mr. Jeff Bradshaw -2- November 29, 2010
City of Moreno Valley
Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

General Information

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy. RCFC-4

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Edwin Quinonez

EDWIN QUINONEZ
Senior Civil Engineer

c: Riverside County Planning Department
Attn: Kathleen Browne

AJK:EQ:blj

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Letter Dated November 29, 2010

Response RCFC-1

The commentor has accurately summarized the general aspects of the proposed Project and its required discretionary actions.

Response RCFC-2

The District's requirements in regard to transfer of ownership, standards for construction, inspection and fees are acknowledged.

Response RCFC-3

The assessment of the Project's potential to conflict with any applicable habitat conservation plan or natural community conservation plan (Draft EIR Page 4.1-31), indicates that the Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).The Project's compliance with all referenced sections of the MSHCP is documented within the *Report on Habitat Assessments and Biological Surveys for the Westridge Project Site* (Pages 42-43, Draft EIR Appendix G).

Response RCFC-4

RCFC provides general information addressing: National Pollutant Discharge Elimination System (NPDES) permit requirements; Federal Emergency Management Agency (FEMA) requirements for projects or actions within or affecting FEMA-mapped floodplains; and Army Corps of Engineers (ACOE)/California Department of Fish and Game (CDFG) requirements for projects or actions within or affecting natural watercourses or mapped floodplains.

The Lead Agency appreciates the general information on permitting requirements provided by the District. As noted in the Draft EIR's discussion of stormwater

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permitting (Section 4.6.3.3, Pages 4.6-10 through 4.6-13), the Project is required to obtain clearance from the State Water Resources Control Board pursuant to the NPDES Statewide Industrial Storm Water Permit for General Construction activities. The Project does not lie within, nor would it otherwise affect any mapped floodplain areas. As such, the Project is not subject to FEMA floodplain requirements. As required through Project Mitigation Measure 4.8.4, the Applicant is required to obtain a streambed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit prior to physical disturbance of any jurisdictional areas.

MV00000907

December 5, 2010

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley 92552

Re: PROPOSED WAREHOUSE PROJECT, WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133

Dear Mr. Bradshaw:

I am a Moreno Valley resident, and have looked at the Westridge Commerce Center Draft Environmental Report and feel compelled to comment on this proposed project. I believe the proposed project; a 937,260 square foot warehouse distribution building on a 55-acre site located on the north side of Eucalyptus Avenue, approximately 650 feet west of Redlands Boulevard will negatively impact the overall quality of life in Moreno Valley. **I ask that this project be denied and not be built to the scope/size requested or in the area Ridge Property Trust is asking for it to be built on.** MA-1

The preamble to our City's General Plan states, "The City of Moreno Valley embraces the interests of its residents and strives to meet their needs by creating a sense of community. The commitment to this vision encourages attractive amenities and a full range of public services while promoting **a safe and healthy environment. It is the goal of the City to improve the quality of life ...**" and after reviewing the EIR it is apparent that this project will negatively affect: Air Quality, Traffic Congestion, Destroy Aesthetics, Impact Water, Incur Large amounts of Solid Waste, Bring More Light and Noise that overall will result in a deterioration of the quality of life enjoyed by residents of our city overall and in particular residents living on the East Side of our City and also hurt the children in our city by these negative impacts. MA-2

A survey taken for the City's General Plan also found out that **47% of our residents wanted to retain the rural character of northeast Moreno Valley** (10% disagreed). This project destroys that rural character, and it would be in the best interests of the residents of our City to honor that desire by denying this project. MA-3

I do not agree with the philosophy that for economic development to occur and for there to be jobs that I must lower my standard of living to achieve this. The 900 jobs that the EIR for this project suggests will occur, are in no way guaranteed to meet that number nor are they guaranteed to even go to a portion of Moreno Valley residents and this is a tactic that is playing upon the need for jobs in our City by promises that may not be kept, because there is no written contract that will guarantee this job number or that they go to local residents. MA-4

The EIR states repeatedly that the effects of this project are minimal and not significant in magnitude, however, if this were true this developer would not have to ask for a Zone Change from Business Park to Light Industrial because the proposed warehouse/distribution center at 937,260 sq. ft. exceeds Business Park footage in our City's General Plan of 50,000 sq. ft. This request in no way benefits the health, safety or welfare of current residents much less future residents as stated in the EIR. MA-5

This EIR also uses the approval of the 2.6 million square feet for the Highland Fairview Project as a tool for their requests to be granted. Due to the approval and development of Highland Fairview's mega warehouse and approval of the ProLogis project, any additional project(s) that incur additional MA-6

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
2

truck traffic, and diesel particulate matters into the air, as well as changing the scenic view by building another mega warehouse that will be open 24 hours per day, the accompanying lighting, noise, air pollution, traffic congestion, MUST be factored into the overall effect and impact of the Highland Fairview and ProLogis Projects to determine the real effects that will occur to the residents in the area of this development and the City as a whole. MA-6 cont'd.

With the State of California, Riverside County, and Moreno Valley all suffering from large budget deficits it is unknown when the necessary funds to upgrade the freeway, overpasses, roads will be able to be completed, and with numerous diesel trucks that will come from this project, the damage to local roads, streets, and increased congestion, as well as increased dirty air and diesel particulate will hurt our city's overall quality of life and could result in increased traffic accidents and costs to our police and fire as a result. MA-7

Again, our City's General Plan states, "The image of the community is perceived from freeways, streets and the point of view of the pedestrian. The viewer forms an impression about the beauty and safety of the community as he or she views the surrounding buildings …" If mega warehouses and distribution centers continue to be built along the eastern portion of our city and exceptions to the business park/light industrial maximum square footage of 50,000 sq. ft. continues to be ignored our city will suffer from negative impressions because we are allowing ourselves to become a warehouse ghetto, and that will also hurt property values of the residents surrounding this project as well as the others of the same ilk, and ultimately will cause depressed property values to continue if not decrease even more than they already have. By denying this project you will be protecting our home values and our city's image rather than letting the 60 freeway become a vision of mega warehouse distribution centers that were never intended to be built en masse in this part of our city. MA-8

In section 5.3.2.2 Industrial Development of the Moreno Valley General Plan it says, "Industrial and business park development is concentrated in the southern part of the City, generally located south of Iris Avenue and north of San Michele Road to the Perris city limits." Approving this project, as the others that have been approved, goes against what was to be an orderly and organized location for industrial and business park developments, not the east end of our city that was to have the rural characteristics valued and protected.

Although this project says it will get water from MWD and that there is no problem, I would point out that EMWD is still in a Stage 2 Water Shortage and goes on to say in their newsletter, that all EMWD customers are required to eliminate water waste, so how does approving mass warehouses help to not add more stress to our lack of water? And in their 10/21/10 newsletter, MWD says, "Southern California's water reserves are still low
Southern California continues to face significant water supply challenges in 2010 and beyond. … During the past three years, Metropolitan has tapped its reserves to maintain deliveries to its 26 member agencies and 19 million Southern Californians. Our reserves are down by about 50 percent. With water uncertainties facing the state, the challenge ahead is to continue to lower demand and stretch our reserve supplies as much as possible … Approving mega warehouse projects does not help in our struggle to maintain adequate water supplies whether it be from EMWD resources or MWD resources. This is another reason this project should be denied. MA-9

Regarding the increase diesel truck traffic that will occur if this project is approved, in a presentation, Truck Management Strategies in Los Angeles, by Susan Bok, AICP a Senior Transportation Planner, MA-10

Los Angeles it was noted that "Trucks often pass through or near residential areas en route to … distribution centers… safety, air pollution, vibration and noise impacts on residents. Truck impacts on roadway surfaces: 1 truck = 10,000 cars" which is a negative health and safety impact that will be incurred on the resident of Moreno Valley if this project is approved. MA-10 cont'd.

In an article from: Contemporary Economic Policy | January 1, 2007 | Bluffstone, Randall A.; Ouderkirk, Brad | Copyright:

"II. THE ENVIRONMENTAL ISSUES

Diesel exhaust is made up of gas and particulates. Gases include hydrocarbons, carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur oxides, but particulates are of special concern because they are associated with a variety of cancers and cardiopulmonary problems that have been shown to increase the risk of mortality. Relative to gasoline engines, heavy-duty diesel trucks, such as those used in the logistics industry, typically emit at least 24 times more fine particulate matter per mile traveled (Kirchstetter et al., 1999). Health effects associated with these particles fall disproportionately on vulnerable populations, such as the young, elderly, and those who already have compromised respiratory systems.

Recently, the toxic and especially carcinogenic effects of diesel particulate matter (DPM), much of which comes from trucks, have been highlighted. The State of California and the U.S. Environmental Protection Agency (USEPA) have identified more than 40 toxic pollutants in diesel emissions, and in 1998 the California Air Resources Board (CARB) named it a toxic air contaminant (CARB, 2000; Lippmann et al., 2003; Ostro and Chestnut, 1998; SCAQMD, 2003). MA-11

Particulates are classified according to their diameters. Those less than 2.5 [micro]m ([PM.sub.2.5]) pose the greatest threat to human health because smaller size allows deeper penetration into lung tissues as well as longer float times (as much as several days under dry conditions) and therefore wider deposition. DPM is particularly light, with a mean particle diameter of 0.2 [micro]m, but as much as 20% of DPM can be less than 0.05 [micro]m, which floats longer and penetrates deeper than larger particles. DPM also has a large surface area, making it an ideal carrier for a variety of toxic compounds. DPM typically makes up 10-30% of total [PM.sub.2.5] concentrations. The federal limit for [PM.sub.2.5] is 15 [micro]g/[m.sup.3] average annual concentration and 65 [micro]g/[m.sup.3] maximum concentration during any 24-h period. California has a stricter annual average concentration standard of 12 [micro]g/[m.sup.3]. DPM-specific standards do not exist.

The eastern Inland Empire and particularly the I-215, I-10, and I-15 freeway corridors have very high particulate concentrations. In 2003, Riverside and San Bernardino counties ranked first and second, respectively, in the nation for total particulate pollution (CARB/American Lung Association, 2004). For example, at the Rubidoux monitoring station in Riverside, during the period 2000-2002 the average annual [PM.sub.2.5] concentration was 28.9 [micro]g/[m.sup.3], which is about 1.75 times the federal limit and

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
4

> more than twice the state …Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire.(Report)"

This article spells out the health dangers from increased diesel truck traffic to our elderly, children, and our overall population, and this is a very real and dangerous and I might add, unnecessary and unacceptable health risk(s) and as such, this project should be denied as this should not be the price we have to pay for "900 jobs". MA-11 cont'd.

Sincerely,

Marcia Amino
10363 Crest Brook Drive
Moreno Valley 92557
951-247-8225

MARCIA AMINO

Letter Dated December 5, 2010

Response MA-1

The commentor, a Moreno Valley resident, expresses concern regarding the impact of the Project on the overall quality of life within the City and requests the Project be denied as proposed. These opinions are acknowledged.

Response MA-2

The commentor provides an excerpt of the City's General Plan regarding City goals and offers that the Project is not in keeping with the stated goals of the General Plan. Notwithstanding the commentor's opinions, Project consistency with the applicable provisions of the General Plan are substantiated within each EIR topical section (Land Use-Pages 4.1-17 through 4.1-20◎Traffic/Circulation-Pages 4.2-23, 4.2-24◎ Air Quality-Page 4.3-18◎Noise-Pages 4.4-10, 4.4-11◎Water Supply-Pages 4.5-24, 4.5-25 ◎Hydrology and Water Quality-Pages 4.6-13, 4.6-14◎Cultural Resources-Page 4.7-10◎Biological Resources-Pages 4.8-11, 4.8-12◎ and Aesthetics-Page 4.9-5 through 4.9-7. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-3

The commentor references a survey of opinion (regarding the City's General Plan) of Moreno Valley residents, wherein 47 percent of residents want to retain the rural character of the area. Notwithstanding poll results offered by the commentor, development of the site with industrial/business park uses is anticipated under the site's current General Plan land Use designation (Business Park/Light Industrial). Please refer also to the discussion of Project consistency with existing land use plans and policies (DEIR Pages 4.1-17 through 4.1-30). Moreover, design and visual attributes of the Project are consistent with General Plan (Community Development Element) Objectives

and Policies generally addressing design and aesthetic considerations (please refer to DEIR Pages 4.9-5 through 4.9-7). The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-4

The commentor's assertion that there is no written guarantee that the entire number of jobs referenced in the Draft EIR (approximately 900 jobs)[3] will be filled by Moreno Valley residents is accurate. However, the types of warehousing employment offered by the Project are not considered growth-inducing, as these types of jobs typically draw from the local employment pool and do not induce long commutes.

Response MA-5

Contrary to the commentor's assertion that the EIR states repeatedly that the effects of this project are minimal and not significant in magnitude, the Draft EIR contains50 mitigation measures, specifically developed to reduce the identified potentially significant impacts. Additionally, the environmental topics of traffic, air quality, and noise were found to have significant and unavoidable impacts, even after the implementation of all feasible mitigation. Please refer to Table 1.10-1 of the Draft EIR for a summary all of Project-related impacts.

The commentor also states an opinion regarding the Project's requested zone change. The General Plan's limitation of square footage (50,000) is per building. It is important to note that the total square footage and uses proposed by the Project are allowed under the site's current General Plan land use designation. The zone change is required to

[3] Based on one (1) job per 1,030 square feet of development, Riverside County General Plan Appendix E, Buildout Assumptions and Methodology, Page 6, Light Industrial employment multiplier (*See* DEIR, Page 5-44).

allow the proposed uses to be contained within a building larger than 50,000 square feet.

Response MA-6

The commentor expresses concern regarding the cumulative effects of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated related projects were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor (Highland Fairview and ProLogis).

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, Other CEQA Topics of the Draft EIR.

Response MA-7

While the State-wide budget deficit is out of the scope of the EIR, it should be noted that the Project will pay nearly 6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly 1 million in regional transportation improvements. Implementation will also produce nearly 1 million for regional water, sewer and flood control improvements. The Project's impacts on traffic, air quality, and public services are addressed in the EIR.

Response MA-8

The commentor expresses an opinion regarding the Project's role in what she perceives as the degradation of property values and the City's image as a whole. The commentor also asserts that the Project, along with other similar vicinity projects, is a direct contrast of the vision of the General Plan. The project's impacts on aesthetics and consistency with the City's General Plan are addressed in the EIR. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-9

As required under SB 610/221, a Water Supply Assessment (WSA) has been prepared by the serving water purveyor, Eastern Municipal Water District (EMWD). The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, EMWD has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. The commentor is referred to Section 4.5, Water Supply and Appendix E of the Draft EIR.

Response MA-10

The commentor references a Los Angeles County presentation regarding diesel truck management strategies. Specifically, the commentor excerpts a portion of the presentation regarding diesel truck trips through residential neighborhoods.

It should be noted that Project traffic will not pass through residential neighborhoods. The Project's proximity to State Route 60 minimizes the amount of truck trips occurring on residential streets. Trucks will exit Redlands Boulevard (passing properties designated for commercial and warehouse distribution uses), then turn right on Fir Avenue (future Eucalyptus) to access the site. Properties located south of Fir Avenue (future Eucalyptus) are designated for residential uses however, trucks will not require

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the use of internal neighborhood streets. Ultimate configuration of Redlands Boulevard under its current General Plan designation is a four-lane, divided arterial roadway. Fir Avenue (future Eucalyptus) is designated as an arterial roadway with a 104-foot right-of-way from west of Moreno Beach Drive to east of Redlands Boulevard. Please refer also to DEIR Section 4.3, Air Quality and DEIR Section 4.4, Noise.

The basis for the statement 1 truck 10,000 cars noted in the presentation is unclear. As presented in Section 4.2, Traffic and Circulation of the Draft EIR, passenger car equivalent (PCE) factors were utilized in the analysis. Specifically, Page 4.2-19 of the Draft EIR states:

> As seen in Table 4.2-5, passenger car equivalent (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour.

The PCE factors employed within the Draft EIR were derived from San Bernardino Associated Governments (SANBAG). SANBAG is the metropolitan planning organization for the County, with policy makers consisting of mayors, councilmembers, and county supervisors, and the funding agency for the county's transit systems.

Response MA-11

The commentor excerpts an article regarding the health dangers of diesel truck traffic. Similarly, Section 4.3, Air Quality of the Draft EIR presents background information, including the dangers of criteria pollutants. Additionally, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). Results of the Health Risk Assessment (HRA) are summarized at Draft EIR Pages 4.3-80 through 4.3-86, and the HRA is presented in its entirety at Appendix C to the Draft EIR.

Mitigation was developed to address DPM generation (Mitigation Measure 4.3.10). The Draft EIR concluded that, with mitigation, no sensitive receptors or off-site workers will be exposed to DPM-source cancer risks exceeding the SCAQMD's significance criteria. Additionally, the commentor expresses an opinion that the dangers are unnecessary and unacceptable and requests that the Project be denied. These opinions will be forwarded to the decision-makers for their consideration.

From: Lynne Ashley [lynneashley70@yahoo.com]
Sent: Sunday, December 05, 2010 8:52 AM

Dear Jeffrey,

I live on the North side of the freeway, Ironwood and Moreno Beach, I am very concerned about the health risks for myself and my family with the possibility of more warehouses coming to the East end of Moreno Valley, please see my concerns below.

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? LA-1

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? LA-2

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? LA-3

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? LA-4

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? LA-5

How will this project be growth inducing for similar projects? LA-6

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, Westridge Commerce Center and Pro Logis are in full operation? LA-7

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? LA-8

Sincerely,

Lynne Ashley
12285 Deep Valley Trail
Moreno Valley, CA 92555

LYNNE ASHLEY

Email Dated December 5, 2010

Response LA-1

The commentor expresses concerns about the effect of diesel truck emissions on the future sensitive receptors located on the south side of Fir Avenue. A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for

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the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [3]

Response LA-2

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, as summarized at DEIR Pages 1-18 and 1-19, the Project will result in certain significant and unavoidable air quality and noise impacts.

---

3 The AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI ≤1.0 while the cumulative (facility-wide) is HI ≤3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

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Response LA-3

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> If a facility must also comply with RCRA/CERCLA HRA requirements, health effects to on-site workers may also need to be addressed. The DTSC's Remedial Project Manager should be consulted on this issue. In some cases it may be appropriate to evaluate risks to on-site receptors. The district should be consulted about special cases for which evaluation of on-site receptors is appropriate, such as facilities frequented by the public or where people may reside (e.g., military facilities).
>
> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

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Response LA-4

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

Response LA-5

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating

system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards.

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project, nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response LA-6

The commentor expresses concern regarding the growth-inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, § 15126, subd. (d), 15126.2, subd (d).) To

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this end, Section 5.3, Growth-Inducing Impacts of the Proposed Action of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth, and would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response LA-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

97 two-axle trucks;
220 three-axle trucks; and
539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10).

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This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, Air Quality, and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, Traffic and Circulation, of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, passenger car equivalent (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

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Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project s incremental contributions to Opening ear Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***
>
> > Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;
> >
> > Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

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Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

It is further noted that with specific regard to Redlands Boulevard, this road is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response LA-8

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

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DEC - 2 2010
CITY OF MORENO VALLEY

CITY OF MORENO VALLEY
ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD
COMMENTS OF BOARD MEMBER GERALD M. BUDLONG
24821 Metric Drive
Moreno Valley, CA 92557
December 2, 2010

SUBJECT: WESTRIDGE COMMERCE CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
STATE CLEARINGHOUSE NUMBER 2009101008

COMMENT GLOBAL TO ALL APPLICABLE DEIR FIGURES: Why are the applicable figures throughout the DEIR not drawn to scale? How can the reader duplicate the science when for instance the maps and plans are not drawn to scale? GB-1

1.0 SUMMARY page 1-8 Geology and Soils. The DEIR addresses the Checklist Category "Geology and Soils" in a Geotechnical Investigation prepared for the Project site and is designated Appendices H. Geotechnical Investigation in the EIR. Therefore comments on the CEQA Geology and Soils Category will be addressed below in the Appendices H.

APPENDICES H. GEOTECHNICAL INVESTIGATION, Project No. 06G258-1, Proposed West Ridge Business Center, January 10, 2007, Southern California Geotechnical, Inc.

2.0 SCOPE OF SERVICES, page 3.

"The scope of services performed for this project was in accordance with our Proposal No. 06P420, dated November 20, 2006. The scope of services included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundation, building floor slabs, and parking lot pavements along with site preparation recommendations and construction considerations for the proposed development. The evaluation of the environmental aspect of this site was beyond the scope of services for this geotechnical investigation." GB-2

COMMENT: The subject geotechnical investigation appears to consist of a foundation analysis for future foundations for buildings and parking lot pavements. The scope does not evaluate the environmental aspect of this site. Please define what environmental aspects of the site are missing from this report? Is one of the missing environmental aspects a detailed seismic study of this site which defines buried fault(s) and their potential of rupturing the ground surface above them?

3.3 Previous Studies, page 5.

"As part of our investigation of the site, we were provided with one geotechnical report prepared by LGC Inland, Inc. pertaining to the north east portion of the site. The report is summarized below:"

COMMENT: I cannot find a copy of the LGC Inland, geotechnical report in the DEIR , Appendices or anywhere else in the DEIR? Should not the DEIR Appendices contain a complete copy of this study rather than just a one-paragraph summary?

GB-3

6.1 Seismic Design Parameters, page 9

"Faulting and Seismicity
Research of available maps indicates that the subject site is not located with an Alquist-Priolo Earthquake fault zone. Therefore, the possibility of significant fault rupture on the site is not located with an Alquist-Priolo Earthquake Fault Zone. Therefore, the possibility of significant fault rupture of the site is considered to be low."

COMMENT: I cannot find a list of references with subject Appendix H. What are your references used to research the faulting and seismicity conclusions in this study?

GB-4

UBCSEIS
Version 1.03
COMPUTATION OF 1997 UNIFORM BUILDING CODE SEISMIC DESIGN PARAMETERS, JOB NUMBER: 06G258-1, JOB NAME: West Ridge Business Center, DATE: 12-30-2006, FAULT-DATA-FILE NAME: CDMGUBRC. DAT lists the nearest type A fault as the San Andreas fault 19.8 km away and the nearest type B fault as the San Jacinto-San Jacinto Valley fault 1.0 km away. This table lists faults up to 1000 km away from the site.

COMMENT: Why is the Casa Loma fault missing from this table? Within the city jurisdiction of San Jacinto, the Casa Loma fault is very prominent with a displacement approximately of 20 vertical feet and designated as an Alquist-Priolo Earthquake Fault Zone and proceeds northwest to the vicinity of the San Jacinto Wildlife Area where the State Earthquake Zone terminates.

The following study provides geologic evidence of the continuance of the Casa Loma fault located northwest of the State Earthquake Zone. R M Environmental, Inc. prepared a Preliminary Geotechnical Investigation on January 19, 2004, under Project No03-406 for a proposed 347 lot single-family-residential development, 120 +- acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015), near the intersection of Pettit Street and Highway 50 in the City of Moreno Valley. This site abuts the West

GB-5

Ridge Business Center site on the east side of the single-family residential development site. GB-5, cont'd

Page 1 of this Geotechnical Investigation presents a scope of work presented in the form of six (6) bullets. The second bullet states"Geologic Mapping of the site by our geologist".

COMMENT: Why does the scope of the West Ridge Business Center geotechnical investigation omit the geologic mapping of the site by a geologist? GB-6

Page 4 of the R M geotechnical study states "the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located with an Alquist Priolo Earthquake Studies Zone for fault rupture hazard."

"Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto faults, the Casa Loma fault may be considered as active."

"The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present."

Page 6, 5.2 Ground Rupture states: "A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present." GB-7

"The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1."

The inferred trace of the Casa Loma fault as delineated by the geologist of RM Geotechnical enters the vicinity of the northwest corner of the West Ridge Center property and extends southeast across the property, leaving the property midway at the southern boundary of the site. The recommended hazard zone delineated by the RM Geotechnical geologist covers approximately two-thirds of the proposed footprint of the proposed 937,260 square foot building of West Ridge Center.

For more than 20 years I have been an appointed member of the City Ecological Protection Advisory Committee (name changed to Environmental and Historical Preservation Board) except for the 2.5 years where I served as a member of the City Planning Commission. During my tenure I have always expressed the need for detailed

geologic fault investigations to be conducted to delineate the trace of the Casa Loma fault and to evaluate if faulting has occurred on the site and the activity of faulting.
Also since the availability of the U.S. Geological Survey (USGS) Earthquake Hazards Program, I have monitored the recorded earthquake events in Moreno Valley. This USGS program records all earthquakes occurring in the United States for the past 7-days, having a magnitude of 1. I have shared to the Environmental and Historical Preservation Board, Planning Commission and the School Board of the regular USGS records of mini earthquakes along the trace of the Casa Loma fault within the city.

The most recent seismic event occurring along the Casa Loma fault recorded by the USGS was Event No. CI 14870228. This event occurred at 1:49:08 P.M., on October 28, 2010. The USGS recorded the magnitude at 1.1, at a depth of 9 miles, with the epicenter located southwest of Ironwood and Nason. GB-7, cont'd

COMMENT: Why doesn't the City of Moreno Valley require a geologic fault investigation and evaluate if faulting has occurred on the site and the activity of the faulting and present the evidence in the DEIR?

COMMENT: Why didn't Applied Planning Inc., review the City's copy of the R M Environmental Geotechnical Report and utilize the geological, faulting, and mapping data in the West Ridge Commerce Center DEIR? GB-8

COMMENT: In the past I was an Associate Instructor at San Jacinto Community College, where I conducted Physical Geography 101 classes at night and summer sessions. My final exams always had this question. "Why do you never ever build a building for human occupancy across an active fault?" Would you please answer this question, because the proposed building footprint will over lay the Casa Loma fault defined by R M Environmental Inc., a potentially active fault? GB-9

An appendix containing pages of the R M Environmental Inc. geotechnical report including the eastern part of plate 1 is included with these comments on the DEIR.

4.9 AESTHETICS

4.9.2 SETTING, page 4.9-3 Last paragraph concerns "Major Scenic Resources" addresses the badlands to the east and the Mount Russell and foothill areas to the east. GB-10

COMMENT: Why is the San Jacinto Valley containing the agricultural lands, riversidean sage habitat, and the wetlands of the State San Jacinto Wildlife Area, including Mystic Lake not included as a major scenic resource?

COMMENT: Figure 4.9-1 Major Scenic Resources delineates the San Jacinto Valley with the visual scenic resource symbol, why the inconsistency mentioned in proceeding comment. Also the San Jacinto Wildlife Area is mislabeled as Preserve rather than Area. GB-11

COMMENT: page 4.9-19 Level of Significance: Significant and Unavoidable. The California Department of Transportation's (CALTRANS) list of Officially Designated Scenic Highways is a legislative mandate upon this state agency. The state legislature also mandates cities and counties to address scenic roads and highways in their general plans. CALTRANS recognizes the importance of local scenic roads and highways. For instance, CALTRANS objected to the installation of a billboard adjacent to the right of way of U. S. Route 395(Highway 395) in the unincorporated town of Big Pine in Inyo County. Highway 395 at this location is outside of the CALTRANS Officially Designated Scenic Highway System, however the highway is a county scenic highway. CALTRANS at Inyo County Superior Court stated that the Scenic Highway Element of the Inyo County General Plan designated U.S. Route 395 as a county scenic highway as evidence for removing the billboard. The court in its decision ordered the defendant to remove the billboard in favor of CALTRANS. GB-12

What are your sources or evidence concerning the scenic values of CALTRANS Officially Designated Scenic Highways having scenic values rated higher than local scenic highways? For instance county scenic Highway 395 at Big Pine is located in the Owens Valley with the White Mountains to the east and the Sierra Nevada, including the Palisade Glacier to the west. The nickname of Owens Valley is the "Deepest Valley" the valley at 4000 feet and the surrounding mountains at 14,000 feet.

COMMENT: page 4.9-19 Why isn't the blocking of the view scape from SR-60 of the visual scenic resources consisting of the San Jacinto Valley a significant impact? Have you ever viewed the reflections of the wetlands of the San Jacinto Wildlife Area? GB-13

APPENDIX

R M Environmental, Inc., Preliminary Investigation dated January 19, 2004

COVER PAGE; Page 1- INTRODUCTION, including project scope;
Page 4 -4.0 Geology and 4.1 Regional Geologic Setting;
Page 6- 5.0 Seismicity, 5.2 Ground Rupture;
Figure 1- Location Map;
Plate 1 Site Plan with geological mapping containing projected Casa Loma fault and its recommended hazard zone. Contains only the mapped area east of the logical extension of Quincy Street, contained in three pages:
- Page 1: SR- 60 south;
- Page 2: Logical extension of Eucalyptus Avenue;
- Page 3: Title Block

GB-14

R M Environmental, Inc.

Geology - Environmental - Geotechnical Engineering

January 19, 2004
Project No. 03-406

Mr. Jeff Palmer
5511 Calumet Ave.,
La Jolla, CA., 92037

SUBJECT: PRELIMINARY GEOTECHNICAL INVESTIGATION
Proposed 347 Lot Single-Family Residential Development
120± Acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015)
Near the Intersection of Petit Street and Highway 60
City of Moreno Valley, California

Dear Mr. Palmer:

In accordance with your request, we have completed a Preliminary Geotechnical Investigation for the proposed development of the site. This report presents our findings regarding the site geotechnical conditions and recommendations for the anticipated earthwork and geotechnical design of the project.

For this investigation, we were provided with a 100-scale Site Plan/topographic map of the site titled "Eucalyptus Site, Moreno Valley, CA." This map was utilized as the base map for our Geotechnical Investigation of the site and is presented as **Plate 1**.

Provided the recommendations presented in this report are implemented during site development, the proposed project is feasible from a geotechnical standpoint.

This opportunity to be of service is sincerely appreciated. If you have any questions, please call us at (909) 446-0041.

Sincerely,

Robert C. Manning, CEG #1768/RCE #58565
President

Travis Meier
Staff Geologist

Post Office Box 878 • Calimesa, California 92320 • Telephone (909) 446-0041 • Fax (909) 446-0136

1.0 INTRODUCTION

This report presents the findings of our Preliminary Geotechnical Investigation for the proposed development of 347 single-family residential lots located southeast of the intersection of Pettit Street and Highway 60, City of Moreno Valley, California.

The site is identified as Assessor Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015). The site consists of approximately 120± acres of land located on the south side of Highway 60, southeast of the intersection of Pettit Street and Highway 60, Moreno Valley, California. The geographic setting of the site is shown on **Figure 1** - Site Location Map.

This report presents our findings regarding the site geotechnical conditions and general recommendations for the anticipated earthwork and geotechnical design of the project.

E M Environmental's scope of work for this investigation included the following:

- Review of selected background information, aerial photographs, and site reconnaissance;
- Geologic Mapping of the site by our geologist;
- Subsurface exploration by means of nine exploratory borings;
- Laboratory testing of selected soil samples obtained to evaluate geotechnical properties;
- Analysis of site conditions and test results; and
- Preparation of this report presenting our findings, conclusions, and recommendations.

1.1 Proposed Development

The proposed development of the site includes 347 single-family residential lots with associated streets and infrastructure.

It is our understanding, the proposed structures will be one to two story, wood framed, single family homes. Foundation designs are anticipated to consist of continuous and isolated shallow footing foundation systems, or utilization of post-tension type foundations. Maximum foundation loads using a continuous and isolated shallow footing foundation design are not anticipated to exceed 4 kips and 2 kips per foot for isolated and continuous footings, respectively.

4.0 GEOLOGY

4.1 Regional Geologic Setting

The site is located in the east portion of the Moreno Valley, which is part of the Perris Block area of the Peninsular Ranges Geomorphic Province of southern California. The regional geology of the site includes the San Timoteo Badlands to the northeast, Mt. Moleno to the south and southwest, and the San Jacinto Valley to the east.

Lateral displacement and uplift of the region have occurred on a series of major, northwest-trending faults which are thought to be related to the regional tectonic framework. These faults include the San Jacinto Fault zone located approximately 1 mile to the northeast, the San Andreas Fault zone located approximately 11 miles to the northeast, and the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located within an Alquist Priolo Earthquake Studies Zone for fault rupture hazard.

Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto fault zone located to the southeast. Based on prior investigation of the Reche Canyon and Hemet-San Jacinto faults, the Casa Loma fault may be considered as active.

The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

4.2 Local Geology

Locally, the site is underlain by at least 50 feet of recent alluvial deposits consisting of slightly moist to very moist, loose to medium dense, soft to very stiff, slightly clayey silts, sandy silts, clayey silts, silts, and fine to medium sands.

The in-situ dry density of the encountered soils varied from approximately 93 pounds per cubic foot (pcf) to 120 pcf. The measured in-situ moisture contents varied from approximately 1.7 to 18.3 percent.

The exploratory boring logs are presented in **Appendix B**. The exploratory boring locations are shown on **Plate 1**. The laboratory test results of the in-situ soils are presented in **Appendix C**.

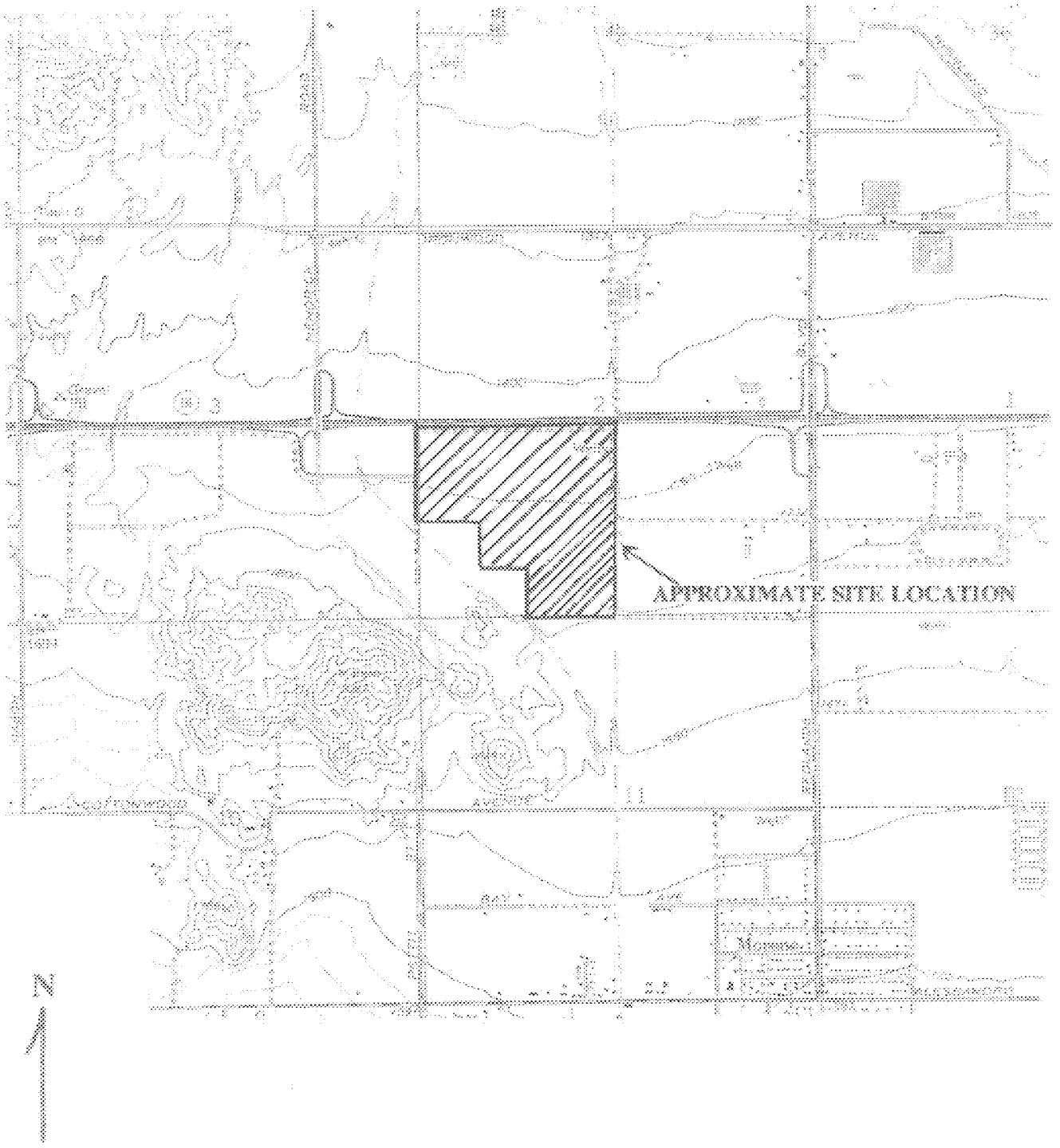

Scale: 1" = 2,000'

References: U.S.G.S., 1967, PR 1980, Sunnymead, California Quadrangle, 7.5 Minute Series

LOCATION MAP - 130± Acres, Near the Intersectin of Pettit Street and Highway 60, City of Moreno Valley, California

Project No. 03-406-geo	*DATE: January 2004*	*FIGURE 1*

5.0 SEISMICITY

5.1 Regional Seismicity

The site is located in a region of generally high seismicity which includes essentially all of southern California. During the design life-span of the project, the site is expected to experience ground motions from earthquakes on regional and/or local causative faults.

The site is located within Seismic Zone 4, which can be related to an "effective" peak acceleration of 0.40g, or a peak acceleration of 0.60g.

5.2 Ground Rupture

A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**.

5.3 Liquefaction

Soil liquefaction is the loss of soil strength due to increased pore water pressures caused by a significant ground shaking. Liquefaction typically consists of the re-arrangement of the soil particles into a denser condition resulting, in this case, in localized areas of settlement, sand boils, and flow failures. Areas underlain by loose to medium dense soils where groundwater is within 40 to 50 feet of the surface are particularly susceptible when subject to ground accelerations such as those due to earthquake motion. Groundwater at the site is greater than 50 feet is depth; therefore, the potential of liquefaction affecting site development may be considered as low.

5.4 Geologic Lineament Analysis

For this investigation, a geologic lineament analysis was performed. This analysis included review of the referenced aerial photographs pertinent to the site. Based on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed.

The site and surrounding areas have been farmed for over 50 years. Aerial photographs were not available prior to the observed farming activities. Therefore, the use of aerial photographs to evaluate geologic lineaments in the vicinity of the site was limited.

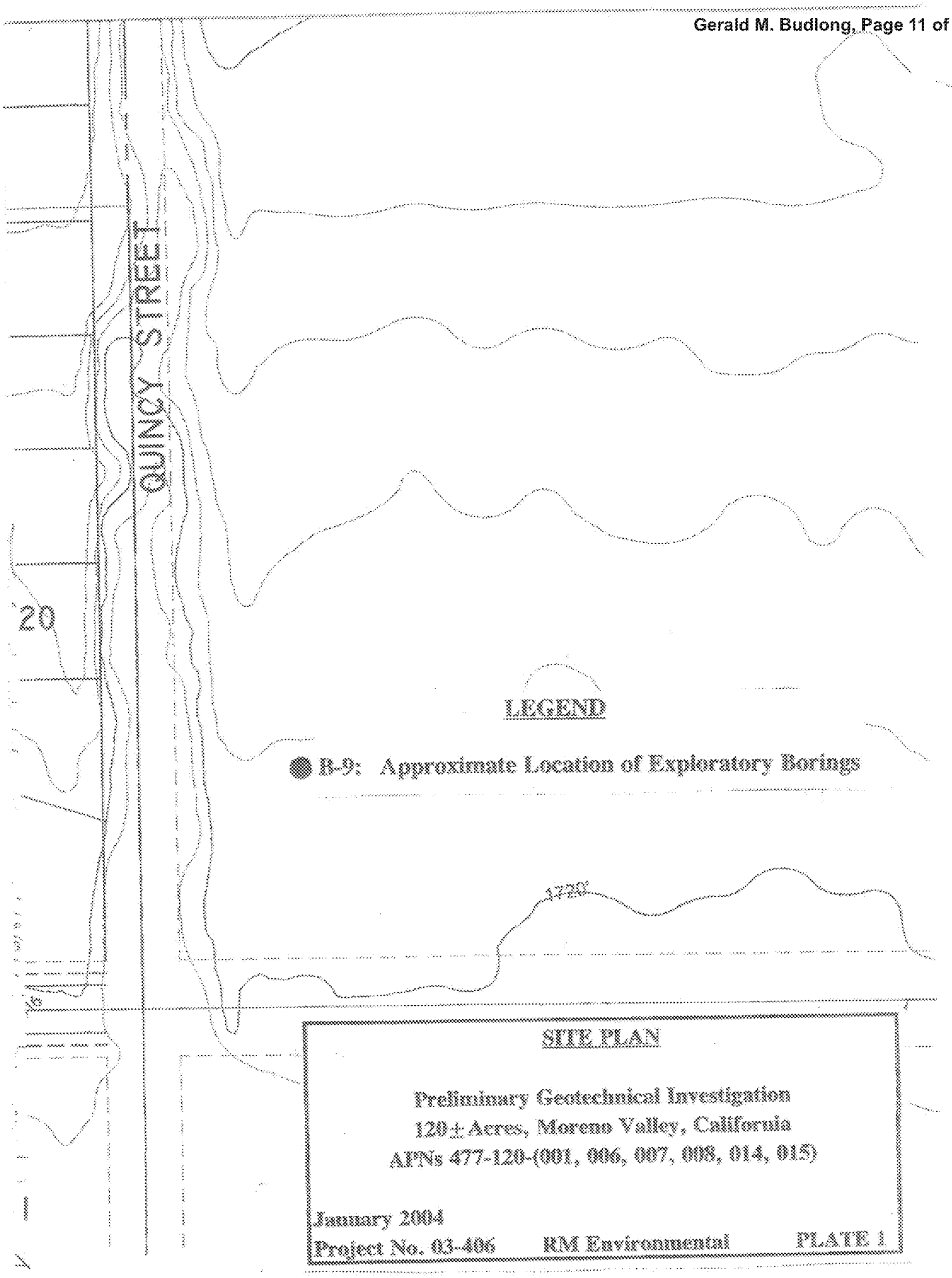

SITE PLAN

Preliminary Geotechnical Investigation
120± Acres, Moreno Valley, California
APNs 477-120-(001, 006, 007, 008, 014, 015)

January 2004
Project No. 03-406 RM Environmental PLATE 1

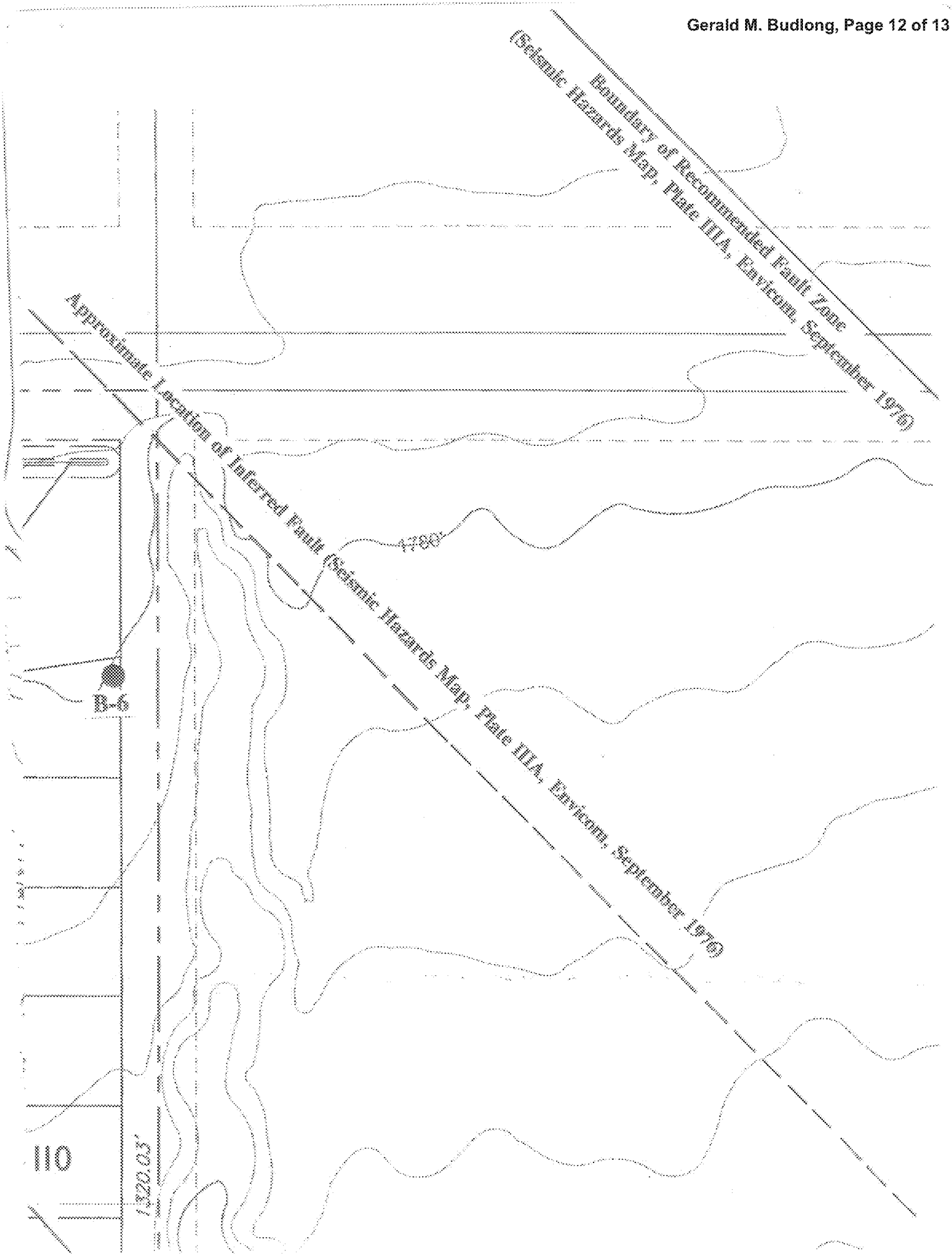
Boundary of Recommended Fault Zone
(Seismic Hazards Map, Plate IIIA, Earthcam, September 1976)
Approximate Location of Inferred Fault (Seismic Hazards Map, Plate IIIA, Earthcam, September 1976)
1780'
B-6
1320.03'
110

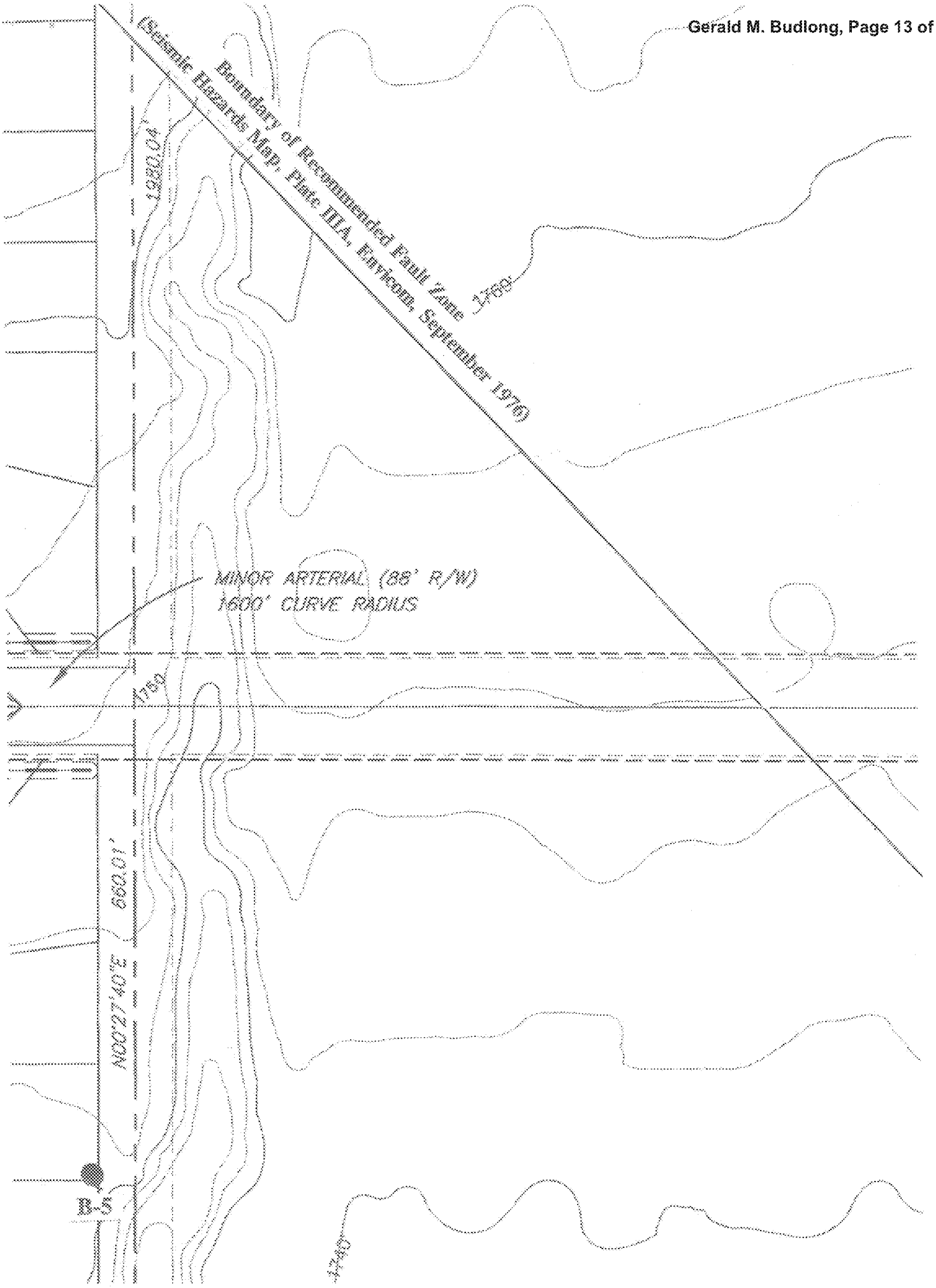
Boundary of Recommended Fault Zone
Seismic Hazards Map, Plate IIIA, Harrison, September 1976
1920.04'
1760
MINOR ARTERIAL (88' R/W)
1600' CURVE RADIUS
1760
660.01'
N00°27'40"E
1740

GERALD M. BELLONG
CITY OF MORENO VALLEY ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD MEMBER

Letter dated December 2, 2010

Response GB-1

The process of reproducing maps and plans at the size required for inclusion in the Draft EIR generally involves a substantial reduction from larger source documents. Where feasible, distances are indicated within the Draft EIR's illustrations; however, for accurately scaled plans, the reader is referred either to the document's Technical Appendices, or to full-sized copies of plans and maps available at the City of Moreno Valley Planning Department.

Response GB-2

The commentor correctly describes the Project Geotechnical Investigation (prepared by Southern California Geotechnical in January 2007, and included in its entirety as Draft EIR Appendix H), and its scope of services, which included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide recommendations in regard to building design criteria, site preparation, and construction. The Project Geotechnical Investigation was not intended to provide an environmental evaluation of the Project site; rather, the Phase I Environmental Site Assessment (Project ESA), included in Draft EIR Appendix I, addresses other environmental conditions affecting the Project site.

Both the Project ESA and the Geotechnical Investigation reference a fault study for a portion of the Project site that was prepared prior to the proposed Project application. The *Preliminary Geotechnical Investigation and Fault Study for the Proposed 31-1/2-Acre Residential Development, South of SR-60 and West of Redlands Boulevard, Assessor s Parcel Numbers 477-120-004 and 477-120-005, Moreno Valley, California (Project No. I05876-10)* was prepared by LGC Inland, Inc. (LGC) on September 12, 2005. The LGC Fault Study

states that [n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed. A detailed fault study was not prepared, because it was determined unnecessary based upon Southern California Geotechnical's review of the LGC Fault Study along with other mapping of the Project site (detailed in the following Response GB-4), and their on-site reconnaissance, which found no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas).

Response GB-3

The LGC report is available through the Lead Agency (a copy is available at the Planning Department), and was considered incorporated by reference into the Project Geotechnical Investigation. As discussed in the preceding Response GB-2, because no evidence of faulting or other geologic hazard was identified in this report, it was not determined necessary for inclusion.

Response GB-4

In addition to the LGC report referenced in the preceding Responses GB-2 and GB-3, several geologic maps were used as points of reference in the preparation of the Project Geotechnical Investigation. These include the following:

> Geologic Map of the Sunnymead 7.5' Quadrangle, Riverside County, California, by Douglas M. Morton and Jonathan C. Matti, 2001.
> Geologic Map of the Sunnymead/South ½ of Redlands Quadrangles, San Bernardino and Riverside County, California, by Thomas W. Dibblee, Jr., 2003.
> Alquist-Priolo Earthquake Fault Zones Map of the Sunnymead Quadrangle and Riverside County Land Information System Fault Zone Map.

Copies of these maps are included on the following pages for ease of reference, and have also been incorporated in Final EIR Section 2.0, Revisions and Errata.

MV00000943

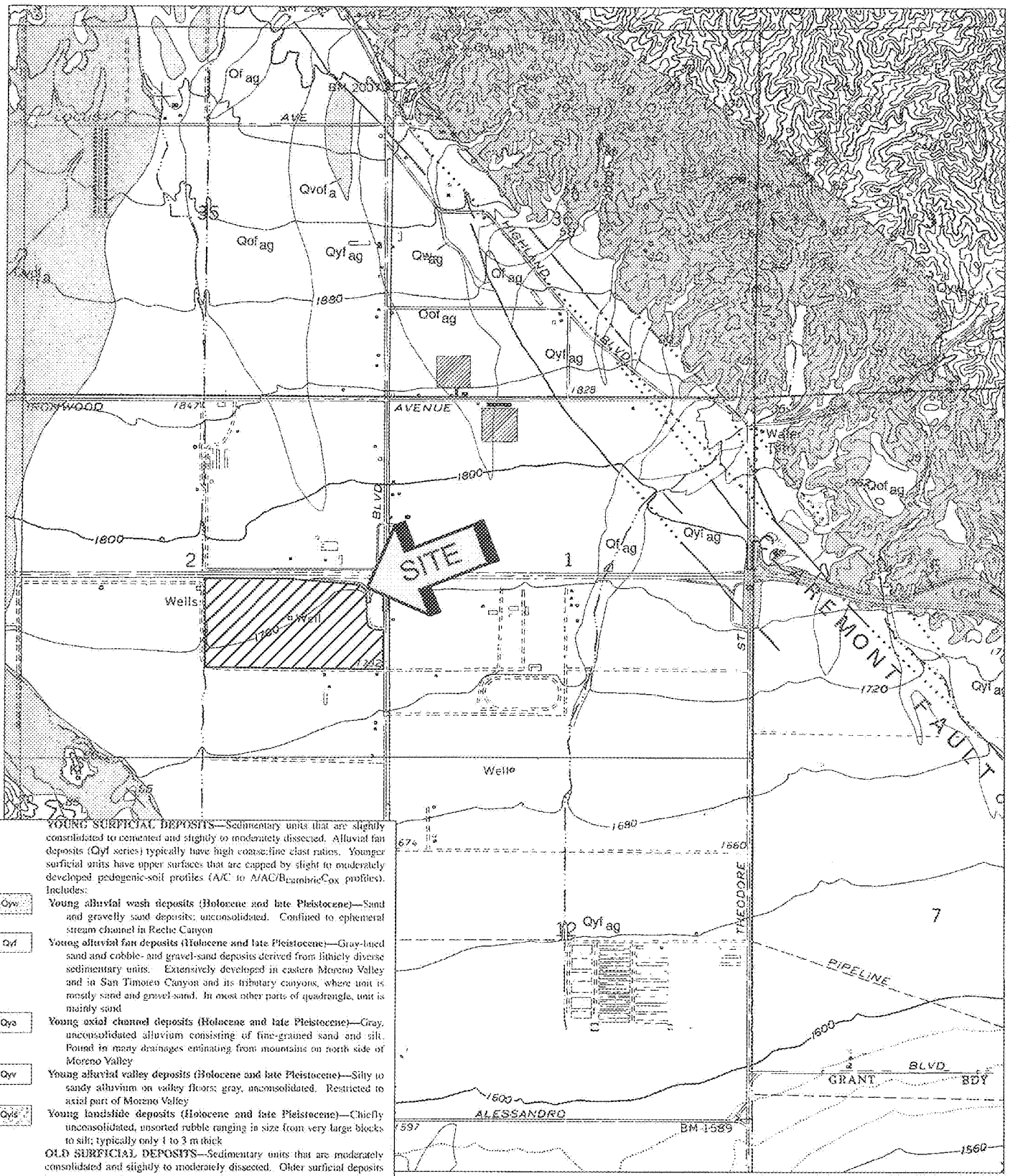

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic-soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

- Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon
- Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand
- Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley
- Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley
- Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

- Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravely alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

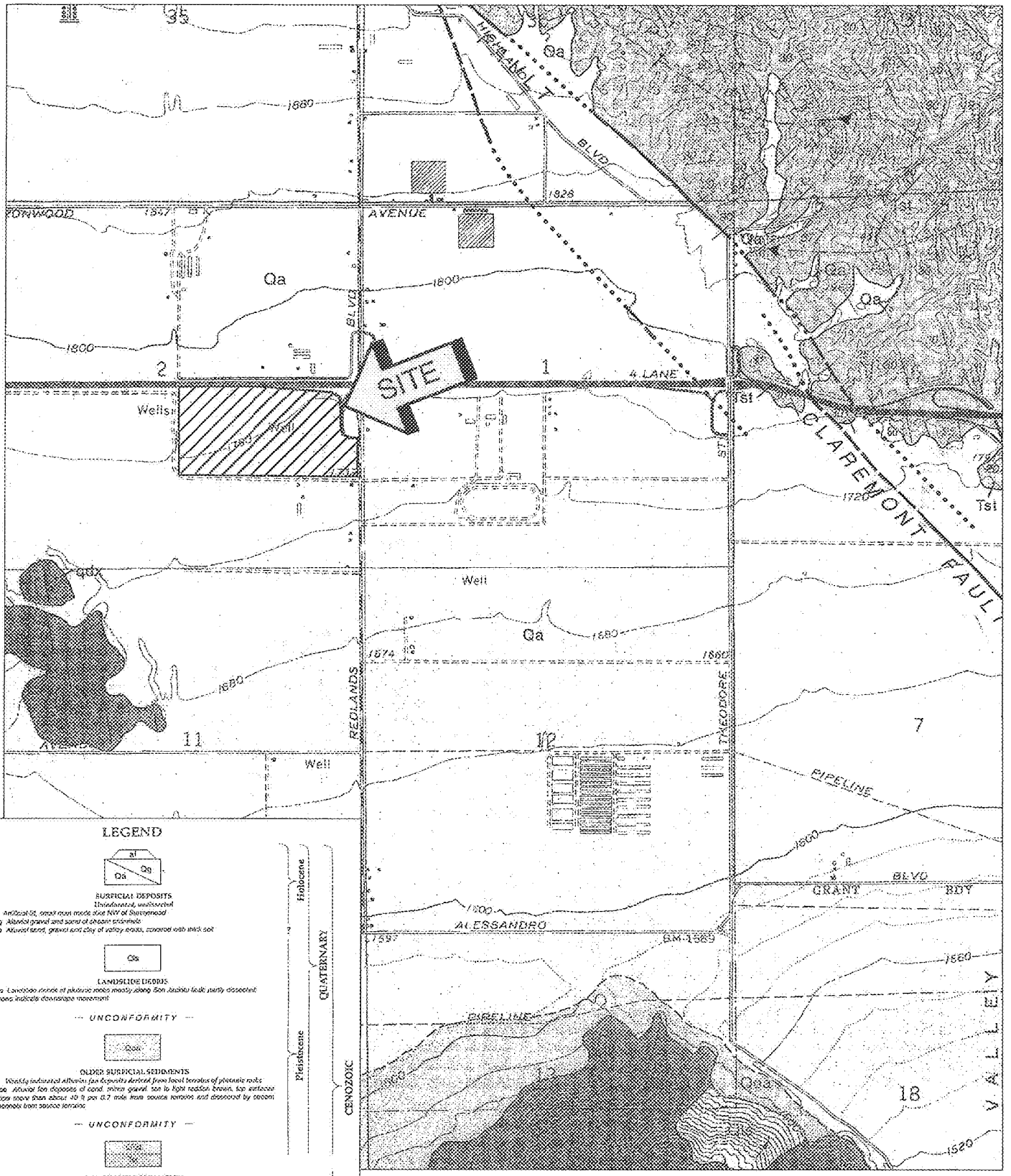

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af *Artificial fill, small man made dike NW of Sunnymead*
Qg *Alluvial gravel and sand of stream channels*
Qa *Alluvial sand, gravel and clay of valley areas, covered with thick soil*

LANDSLIDE DEBRIS
Qls *Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement*

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS
Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks
Qoa *Alluvial fan deposits of cond. mixed gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terraces and dissected by stream channels from source terraces*

— UNCONFORMITY —

SAN TIMOTEO FORMATION
(San Timoteo beds of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna Rancholabrean of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1987); main part referred to Pliocene age (Morton and Matti, 2001)
QTst *Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic detritus, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone; unconformably (?) overlain by Qoa in this quadrangle*
Tst *Main part pebble part of Morton and Matti, 2001; lithologically similar to upper part, where thin bit of San Jacinto fault includes more conglomerate; does not appear in this quadrangle*

af, Qg, Qa	Holocene	QUATERNARY
Qoa	Pleistocene	QUATERNARY
QTst	Pliocene	TERTIARY
Tst	Pliocene	TERTIARY

CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

MV00000945

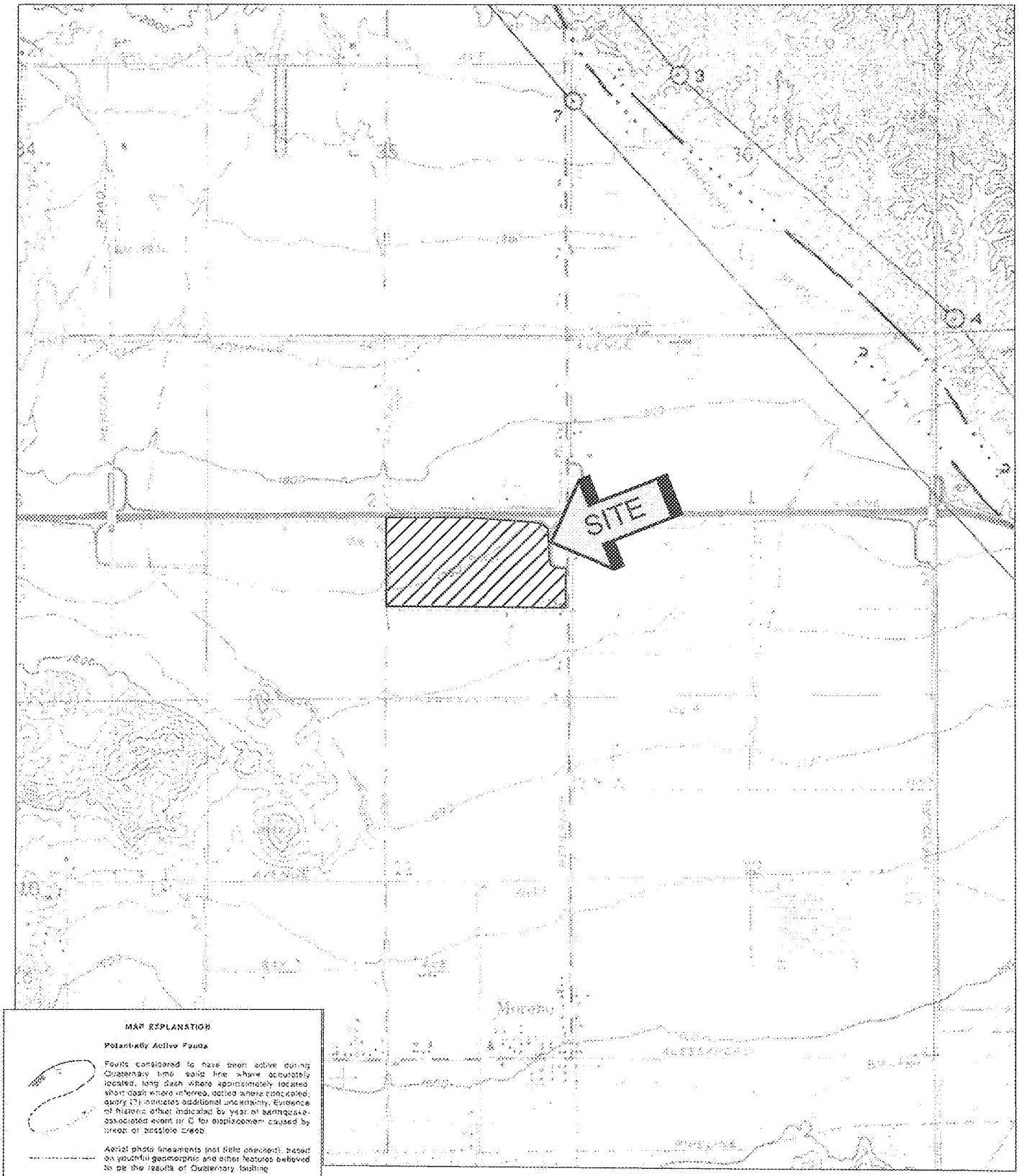

MAP EXPLANATION

Potentially Active Faults

Faults considered to have been active during Quaternary time: solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

Aerial photo lineaments (not field checked), based on youthful geomorphic and other features believed to be the results of Quaternary faulting.

Special Studies Zone Boundaries

These are delineated as straight-line segments that connect consecutively numbered turning points so as to define one or more special studies zone segments.

Seaward projection of zone boundary

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

FAULT ZONES
12/16/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Response GB-5

As noted on Page 9 of the Project Geotechnical Investigation (Draft EIR Appendix H), The 1997 BC/2001 CBC Design Parameters have been generated using UBCSEIS, a computer program published by Thomas F. Blake (January 199). It is assumed that the fault parameters were not available for the Casa Loma fault at the time the UBCSEIS program was published.

It may be noted that the building code has changed since the Project Geotechnical Investigation was issued. New development must now be designed in accordance with the requirements of the incumbent edition of the California Building Code (CBC). The CBC provides procedures for earthquake resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. The seismic design parameters are based on the soil profile and the proximity of known faults with respect to the subject site. The 2007 CBC Seismic Design Parameters are now generated using *Earthquake Ground Motion Parameters*, a software application developed by the United States Geological Survey (USGS). This software application, available at the USGS website, calculates seismic design parameters in accordance with the 2007 CBC, utilizing a database of deterministic site accelerations at 0.01 degree intervals. Since the UBCSEIS is no longer used to calculate the seismic design parameters for the proposed development, it is not considered relevant that the Casa Loma fault is not listed in the UBCSEIS database.

Please refer to the following Response GB-7 in regard to the referenced Preliminary Geotechnical Investigation for the property westerly adjacent to the Project site, prepared by RM Engineering.

Response GB-6

Please refer to the geologic maps referenced as part of the preceding Response GB-4.

MV00000948

Response GB-7

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering (RME) is acknowledged. The site addressed by this report is located westerly adjacent to the Project site. Although RME recommended that a fault investigation be conducted prior to development within the portion of the site within the zone designated by the Riverside County Seismic Safety Element (Envicom, 1976), RME provided no data or evidence that an active fault was located on the site or adjacent sites. In fact, RME performed a geologic lineament analysis and concluded (on Page 6 of the referenced report) that, [b]ased on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed. The recommendation by RME to perform a fault study was solely based on the Envicom report.

As referenced in the Project Geotechnical Investigation, Southern California Geotechnical reviewed the LGC report referenced in the preceding Response GB-2. LGC performed a fault study in the southeast portion of the Project site. The fault trench was approximately 400 feet in length and trended S48W (perpendicular to the projection of the nearest faults). The trench was excavated to a maximum depth of approximately 14 feet. LGC stated that [n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed. It should also be noted that no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas) were observed on the subject site at the time of the original geotechnical investigation. In addition, the two geological maps presented as part of the preceding Response GB-4 (Plates 1 and 2) indicate that the closest fault to the subject site is the Claremont Fault Section of the San Jacinto Fault Zone, located 3,700 feet northeast of the site. The mapped active portion of the Casa Loma fault is located approximately 4.5 miles southeast of the Project site.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone (Plate 3), nor is it located within a Riverside County designated fault zone (Plate 4). Based on

MV00000949

information from the previous LGC report and published geologic maps, it is not considered likely that the Casa Loma fault, located more than four miles southeast of the Project site, would cause on-site surface rupture.

Response GB-8

Applied Planning utilized the Project-specific Geotechnical Investigation provided in the Draft EIR, and its assessment of on-site conditions.

Response GB-9

As detailed in the preceding Response GB-7, despite the commentor's assertions to the contrary, as documented in the Project-specific Geotechnical Investigation, there is no indication that the Project building footprint will overlay any active fault, nor is there evidence of potential fault rupture.

Response GB-10

The Draft EIR's description of major scenic resources is focused primarily on those views that would be potentially affected by the Project. It may be noted that, on Draft EIR Page 4.9-3, the reader is referred to Draft EIR Figure 4.9-1, which is based on an exhibit from the Moreno Valley General Plan. This figure does indicate views of the San Jacinto Wildlife Preserve among the City's major scenic resources. As can also be seen from this figure, the San Jacinto Wildlife Area is located approximately 3.5 miles to the southeast of the Project site. Although not identified in the illustration, the California Department of Fish and Game (http://www.dfg.ca.gov/lands/wa/region6/sanjacinto/maps.html) identifies Mystic Lake as being located adjacent to the eastern boundary of the San Jacinto Wildlife Area.

Response GB-11

As noted on Draft EIR Page 4.9-3, Figure 4.9-1 is the Draft EIR is a reproduction of Moreno Valley General Plan Figure 5.11-1, and as such, reflects the labeling used in the General Plan.

Response GB-12

The Draft EIR acknowledges, on Page 4.9-10, that the Project site lies within an established view corridor adjacent to the SR-60, and that SR-60 has been locally designated in the Moreno Valley General Plan as a scenic route. Primarily on this basis, the Project was found to have a substantial adverse effect on a scenic vista, which is considered a significant and unavoidable impact. The CEQA thresholds differentiate effects on a scenic vista from potential impacts to scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway. Although SR-60 has not been designated as a State scenic highway, its local importance has been acknowledged in the Draft EIR.

Response GB-13

The Draft EIR acknowledges that the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact.

Response GB-14

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering is acknowledged.

MV00000951

From: Rachel Lopez [rachel.lopez@ccaej.org]
Sent: Monday, December 06, 2010 2:19 PM
To: Jeffrey Bradshaw
Subject: Project Description 105-131
Environmental Impact Analysis 132-135

Land Use and Planning 136-169

Air Quality 261-372

Noise 373-401

This is in response to the Project # 105-131.

Mitigations for the cumulative exposure from projects that have already been approved and those that are in the process of being will have a significant effect on traffic and diesel exposure to residents within the impacted area and fall short of lowering the impacts to residents in close proximity of these projects. How can you mitigate this to include the other projects impacts. CCA-1

The Environmental Impact Analysis does not indicate or give a true picture of projected truck trips taking into account the other projects and the new Sketchers project. What types of mitigation are being initiated for these projects when they reach full capacity and are taken into account. The noise impacts to the surrounding community and its residents must also be mitigated especially with the additional projects that are in the planning process. What will those mitigations look like on a cumulative level. CCA-2

There must be in the mitigation of this project stipulations from the projected/future tenants that only 2010-compliant truck fleet cleanest trucks be allowed into the facility and create incentives or a schedule to phase in a clean truck fleet. The project should also consider other alternatives which might be to consider alternatives such as a portion of the fleet might be retrofitted or repowered and be phased in over a period of time which could reduce the air quality health risks and may be more economically feasible. CCA-3

Cumulatively Significant and Unavoidable for PM10, PM2.5, VOC and NOx exceedances; and long term VOC and *NO exceedances* this phrase is repeated several times in the Draft EIR we must not continue to approve projects in our communities that continue to impact our residents with health risks that can be avoidable with mitigation that should be implemented even before projects are proposed for review. The fact that we see unavoidable and significant in the EIRs is great concern that these projects will continue to be approved with overriding considerations or approved regardless of the impacts to existing or future residents. CCA-4

There are designated proposed residential projects being proposed along side these industrial facilities with no significant buffer areas dedicated. The SCAQMD and the Air Resources board indicate a buffer zone of not less than 1,000 ft. between a sensitive receptor and a diesel source. These issues must be addressed and mitigated with what ever means are available to the lowest levels possible with **sufficient buffer zones of not less than 1,000** to lessen those impacts. The DEIR have buffers of 250 or 300 how can the developer include/mitigate buffer zones of 1,000 ft. CCA-5

Rachel Lopez

Community Organizer

Center for Community Action and Environemtal Justice

Centro de Accin Comunitaria y Justicia Ambiental

Office - 951-360-8451 / Fax - 951-360-5950

rachel.l@ccaej.org

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
RACHEL LOPEZ

Email Dated December 6, 2010

Response CCA-1

The commentor expresses concern regarding the cumulative effects of the Project's contributions to impacts from traffic and diesel emissions when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated related projects were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 discrete related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor (Highland Fairview and ProLogis). Additionally, the cumulative analysis reflects generalized disaggregated regional growth not otherwise attributable to specific development proposals.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, Other CEQA Topics of the Draft EIR.

Response CCA-2

As noted in the preceding Response CCA-1, the Draft EIR did consider the effects of cumulative projects including potential cumulative truck trips, including the Highland Fairview (Skechers) project.

With specific regard to truck traffic, estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard include:

97 two-axle trucks
220 three-axle trucks and
539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor. Vehicular noise impacts from all Project and cumulative traffic are also addressed in the DEIR, and are determined to be less-than-significant. Please refer to DEIR at Pages 4.4-21 through 4.4-23 and 5-14 through 5-17.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour intersection passenger car equivalent (PCE) traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, Air Quality, and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of

MV00000955

mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, Traffic and Circulation, of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, passenger car equivalent (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the

MV00000956

required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project s incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

Mitigation that addresses identified cumulative impacts was provided in the Draft EIR, and has been incorporated in the Project's Mitigation Monitoring Program, included in Final EIR Section 4.0. It is further noted that other development projects are required to address their own specific impacts, and projects subject to CEQA EIR mandates are also required to address cumulative impacts. In this regard, cumulative impacts are likely

MV00000957

overstated as these estimated impacts do not necessarily reflect or assume mitigation applied by other projects within the affected cumulative impact area.

Response CCA-3

The commentor expresses concern about emissions from diesel trucks associated with the Project. Mitigation Measure 4.3.13 has been revised to incorporate the following requirement.

> ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
>
> ***• Use of fleet vehicles conforming to 2010 air quality standards or better.***

These revisions are reflected in Final EIR Section 2.0, Revisions and Errata, as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

Response CCA-4

The commentor correctly reflects the Draft EIR's finding that the Project would have a cumulatively significant air quality impact in regard to the referenced criteria pollutant exceedances (temporary construction-related PM_{10}, $PM_{2.5}$, VO and NO exceedances and long-term operational VOC and NO exceedances). The commentor 's opinions regarding the possible approval of the Project with overriding considerations will be forwarded to decision-makers for their consideration.

Response CCA-5

As acknowledged in the Draft EIR (Pages 4.1-7 through 4.1-9), currently undeveloped properties to the south of Fir (future Eucalyptus) Avenue, and to the west of the Quincy Channel are designated for residential uses. Despite the commentor's assertion to the

MV00000958

contrary, the City has no currently active proposals for residential development on any parcels adjacent to the Westridge Commerce Center Project site.

The 1,000 foot buffer zone referenced by the commentor has been offered by the California Air Resources Board as a planning guideline, to be implemented in cases where site-specific analysis has not been conducted.[4] In the case of the Westridge Commerce Center Project, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

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[4] Please refer to the CARB *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005, Page ES-2, at the following website: http://www.arb.ca.gov/ch/handbook.pdf.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24-hour exposure for a 30- or 70- year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

MV00000960

From: Paul Claxton [paul1960@verizon.net]
Sent: Sunday, December 05, 2010 10:02 AM

To: Jeffrey Bradshaw

Subject: Moreno Valley Warehouses/Ridge Project

I am concerned about the efforts to rush into construction the millions of square feet worth of warehouses in the east end of Moreno Valley. These projects can do nothing positive to the natural environment of the area. My biggest concern is turning Moreno Valley into another Ontario with hundreds of diesel trucks lumbering down our roads spewing pollution, creating noise, and traffic. That additional traffic will add to commute times creating additional pollution. The 60 freeway east of this project is not contusive to big rig traffic. I've been a resident here for just nine years and I intentionally bought on the more rural east side to avoid the traffic of the 215 freeway. This project drives a stake into the heart of the city. I'm planning on leaving to seek a better managed city. PC-1

Paul Claxton
Moreno Valley CA

PAUL CLATON

Email Dated December 5, 2010

Response PC-1

The commentor's general concerns regarding the Project's location and the cumulative impacts of the Project when combined with other vicinity projects are noted. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A thorough discussion of the cumulative impacts is presented at Draft EIR Section 5.1.

Similarly, the commentor's generalized concerns regarding the increased traffic, air quality and noise impacts are discussed in the EIR. Specifically, traffic impacts are addressed in Draft EIR Section 4.2, air quality impacts at Draft EIR Section 4.3 and noise impacts at Draft EIR Section 4.4.

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

MV00000962

COMMENTS AND QUESTIONS REGARDING THE DEIR AND LAND USEAGE IN GENERAL FOR WESTRIDGE COMMERCIAL CENTER, A.K.A. "THE RIDGE PROJECT"

Stephen Crews, Moreno Valley, CA

1. It is evident from current zoning, that lands designated commercial south of SR60, from Moreno Beach Dr. to Redlands Blvd., including land devoted for the Westridge Center, do not extend southerly for a great distance, and thus any commercial development there is not intended as a part of an extensive commercial region. In fact, for this reason, it appears this land serves as a buffer for the residentially zoned areas to the south. Thus, it is incumbent on planners and developers to ensure that properties developed in these commercially zoned areas are in keeping with aesthetics, appearance, landscape, geographic culture, and the sentiments of future residents of the predominant land use in the area, residential. This warehouse structure, with its massive edifice and size could not possibly conform to nor compliment Rancho Belago, "the land of ranches and lakes". SCR-1

   Has any consideration been given to the degradation of future residential developments in the area by the construction of an eyesore across the street?

2. One can only presume that there is a cumulative effect of air pollution from SR60, diesel trucks on the site of Westridge, and those travelling on nearby surface streets, as well as these types of contributors to air pollution from future similar developments along the freeway, and that this would have a deleterious effect on the health of citizens residing in residential neighborhoods. SCR-2

   Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?

3. **The proposed project sits on the mouth of the entrance into the badlands heading east on SR 60, a highway that is essentially a rural route at this point, and one that is treacherous for traffic. At what point does the added introduction of truck traffic become dangerous? The route on SR60 west is extremely congested and practically at a standstill, caused by the incompletion of recent freeway construction, growth, and lack of capacity. At what point does the introduction of further truck traffic become untenable?** SCR-3
4. **The local surface roads and overpasses servicing the area of the project are dilapidated and are residential in nature. Will roads be brought up to standards, and who will pay for the inevitable degradation of heavy wear trucks cause on roads, with the potential of harm to automobile motorists?** SCR-4

STEPHEN CREWS

Letter Dated December 6, 2010

Response SCR-1

The commentor expresses an opinion regarding the land use designations (and the conformation of the proposed Project with the intent of those designations) of the properties located south of the SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

The commentor also expresses concern regarding the consideration of nearby residential uses. It is assumed that, in this instance, the commentor is referring to aesthetic consideration. Indeed, the Draft EIR contains a detailed analysis of the Project's aesthetic attributes and impacts within Section 4.9. Specifically, the analysis examined whether the Project would:

- Have a substantial adverse effect on a scenic vista@
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway@
- Substantially degrade the existing visual character or quality of the site and its surroundings@r
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As supported by the analysis, the Project would obstruct views of off-site scenic resources, and would therefore have a substantial adverse effect on a scenic vista. This is a significant and unavoidable impact. All other potential aesthetic impacts of the

MV00000964

Project were determined to be less-than-significant. The commentor is also referred to Figures 4.9-2 through 4.9-8 of the Draft EIR, which illustrate line of sight and view simulations of the Project.

Response SCR-2

The commentor expresses concern regarding the cumulative effects (air pollution) of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated related projects were identified within the cumulative scope of the Westridge Commerce Center Project. In total, eleven (11) distinct related projects were included within the Draft EIR cumulative analysis.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, Other CEQA Topics of the Draft EIR.

Cumulatively significant air quality impacts are summarized at DEIR Page 1-18, 1-19 and are discussed at DEIR pages 5-12 through 5-14.

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response SCR-3

The commentor characterizes location of the Project on the mouth of the entrance into the badlands heading east on SR-60. Location of the Project and proximity of the badlands are noted in the Draft EIR:

> 3.2 PROJECT LOCATION AND BOUNDARIES
>
> The Project site is located in the eastern portion of the City of Moreno Valley, in western Riverside County. Please refer to Figure 3.2-1, Regional Location. The Project will be developed within a 54.66-acre site, which is located near the SR-60/Redlands Boulevard interchange. The site is bounded by SR-60 to the north, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east. Please refer also to the Project site aerial, Figure 3.2-2, Project Vicinity (Draft EIR Page 3-1).
>
> General Plan Final EIR Figure 5.11-1, Major Scenic Resources, reproduced in this Draft EIR as Figure 4.9-1, indicates the Project site is located along the SR-60 scenic corridor. The Badlands area, located approximately one mile to the north, and the Mount Russell foothills and associated rock outcroppings, located approximately two miles southerly of the site (Draft EIR Page 4.9-3).

The commentor offers that SR-60 is essentially a rural route at this point, and one that is treacherous for traffic.

Existing and programmed SR-60 configurations proximate to the Project are accurately and appropriately described in the EIR:

Regional Access

State Route 60 (SR-60), adjacent to the Project site's northerly boundary, provides regional access to the subject property and vicinity. Connection to SR-60 is provided via Redlands Boulevard, located less than one-quarter mile east of the Project site. The Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. These interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. As demonstrated in the analysis presented in this Section, with implementation of the improvements identified subsequently (and in the Project TIA, EIR Appendix B),the existing rural interchange at Redlands Boulevard and the SR-60 will accommodate existing and anticipated future traffic, including Project-related traffic, at Opening Year and beyond. The upgrade of this interchange is included as part of the regional Western Riverside County TUMF improvement program.

The commentor provides no supporting evidence indicating any substantive potential safety concerns along the segment of SR-60 proximate to the project site. Moreover, Caltrans, the Responsible Agency for actions and projects affecting SR-60, has not suggested or indicated any significant safety issues for this segment of highway (Draft EIR, Page 4.2-8).

In response to the commentor's concerns regarding traffic on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these

MV00000967

impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

The commentor also provides opinions regarding traffic and safety along SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

<u>Response SCR-4</u>

The commentor expresses concern regarding the nature and condition of vicinity roadways. Section 3.0, Project Description of the Draft EIR includes a complete list of roadway improvements to be implemented by the Project. Roadway improvements to be implemented by the Project prior to issuance of the first Certificate of Occupancy are summarized below:

MV00000968

- Fir Avenue (future Eucalyptus Avenue) will be constructed to its ultimate half-section width (one-half of 104-foot right-of-way section improvements pursuant to City Standard No. 104B) as an arterial roadway from the westerly Project boundary, extending to Redlands Boulevard to the east. Signalization and turn lane improvements will be provided at the intersection of Fir Avenue (future Eucalyptus Avenue) at Redlands Boulevard consistent with City standards and requirements. At the westerly terminus of Fir Avenue (future Eucalyptus Avenue), full cul-de-sac improvements will be provided to allow for vehicle turnaround.

- An auxiliary lane along the westerly side of Redlands Boulevard will be constructed between Fir Avenue (future Eucalyptus Avenue) and the SR-60 eastbound off-ramps.

- The proposed public street (Street A) at the Project's easterly boundary will be constructed to its ultimate half-section width (one-half of 78-foot right-of-way section improvements pursuant to City Standard No. 106) as an industrial collector roadway from the proposed northern terminus of the road to Fir Avenue (future Eucalyptus Avenue) in conjunction with development. Full improvements will be provided at the cul-de-sac bulb to allow for vehicle turnaround.

All roadway improvements proposed by the Project will conform with City engineering standards thereby reducing future maintenance responsibilities for these improvements. The Project will contribute fees and tax revenues to the City that may be directed to the repair and maintenance of area roads.

More specifically, the Project will pay nearly 6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly 1 million in regional transportation improvements. Implementation will also produce nearly 1 million for regional water, sewer and flood control improvements.

MV00000969

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
P.O. Box 9097
Moreno Valley, CA 92552-9097
www.northfriends.org

6 December 2010

Via e-mail: Jeffreyb@moval.org

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552-0805

Dear Mr. Bradshaw:

Re: Westridge Commerce Center Draft Environmental Impact Report (DEIR)—State Clearing House Number 2009101008

The Friends of the Northern San Jacinto Valley are a local conservation group dedicated to preserving and protecting the Northern San Jacinto Valley, the San Jacinto Wildlife Area, and Mystic Lake. We are a 501(c)(3) organization. Since 1991, we have sponsored monthly nature walks at the wildlife area, reviewed and commented on numerous environmental documents, attended community events to share information about the wildlife area, and we have a long history of supporting public land acquisition at the San Jacinto Wildlife Area.

We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center and are very discouraged by the poor quality of the environmental document. To a great extent, the Draft EIR presupposes that the Moreno Valley Planning Commission and City Council will adopt a statement of overriding consideration for a number of the identified project impacts. This erroneous presumption allows the preparer of the California Environmental Quality Act (CEQA) document, Applied Planning, Inc., to avoid necessary consideration of feasible mitigation measures and to avert meaningful consideration of project alternatives to reduce or avoid significant environmental impacts. The Draft EIR incorrectly asserts that the following significant project impacts are unavoidable and the City's only prerogative is to make CEQA findings of overriding consideration. FNSJ-1

Aesthetics - Loss of Scenic Vista: Perhaps the most spectacular scenic vista from within the City of Moreno Valley is the view of Mystic Lake with the San Jacinto Mountains in the background which motorists can see while traveling east on Highway 60. This project proposes to block this scenic vista with the side of a warehouse building and summarily omits from consideration potential mitigation measures and a project alternative (Alternative Site) FNSJ-2

capable of avoiding or minimizing this aesthetic impact. The project proponents have the ability to buy land anywhere for this warehouse which will not be built until the have a tenant and this makes feasible several mitigation opportunities to avoid or lessen the loss of a scenic vista this project will incur. The pad level of the warehouse buildings is proposed to be 25 feet below the grade of Highway 60. *A project design mitigation measure limiting the building height to 25 feet would preserve the present scenic vista from the highway.* In our view, other building design mitigation measures are feasible and can be incorporated into the project to avoid or minimize the loss of this scenic resource. FNSJ-2 (cont'd)

Agriculture - Loss of Farmland of Local Importance: The Project will convert Farmland of Local Importance to nonagricultural uses and these losses will be cumulatively significant. The Draft EIR fails to consider mitigation for the loss of agricultural land this project will incur and merely dismisses mitigation measures included in the City's General Plan intended to stem the loss of agricultural land. Preservation can be a feasible means of reducing or eliminating the impact of agricultural land loss. The City's General Plan indicates agricultural lands subject to conversion can be mitigated through the purchase or transfer of development rights or the purchase of conservation easements. We believe the Loss of Agricultural lands of Local Importance must be thoroughly discussed and mitigated in the EIR. FNSJ-3

Air Quality: The project will generate long-term operational project emissions during operation that will exceed the South Coast Air Quality District's regional thresholds for a number of pollutants detrimental to community health. A recent Press-Enterprise newspaper article (September 11, 2008) indicates most of the cancer risk from Southern California air pollution is from diesel exhaust. The article also notes the Inland area still has the region's worst fine-particle pollution, which is linked to early deaths, heart attacks and, in children, stunted lung development. Diesel soot is the most toxic major ingredient of fine particle pollution. The Inland region is also recognized as having the worst ozone pollution, which causes nausea, fatigue and headaches, and aggravates asthma and other respiratory conditions. The project Draft EIR makes no attempt to mitigate or avoid these long-term operational emissions and instead asks the City Council to make findings of overriding consideration for this air quality impact. The Draft EIR fails to even consider feasible mitigation measures to reduce community exposure to these harmful long-term project pollutants. A feasible mitigation measure worthy of consideration would be for the developer and future warehouse tenant to commit to operating the facility with trucks equipped only with the latest air pollution abatement technology including diesel soot filters. Since Highland Fairview Corporate Center/Skechers project has been able to have 80% of all off-road heavy-duty construction equipment utilized during construction activity *certified as* CARB Tier III or better, your project and analysis must do at least as well. FNSJ-4

Climate Change and Greenhouse Gases: AB 32 requires that California's greenhouse gas emissions be reduced to 1990 levels by the year 2020. The Draft EIR indicates greenhouse gas emissions from the operation of the Westridge Commerce Center project will result in a significant and unavoidable impact to climate change because emissions will hinder or delay California's ability to meet the reduction targets contained in AB 32. The Draft EIR limits its consideration of emission reduction to on-site measures and will request the City Council make FNSJ-5

findings of overriding consideration for the project failure to achieve the reduction targets in AB 32. This approach is incorrect in that the CEQA analysis also needs to consider offsite mitigation remedies such as emission trading regimes and/or carbon sequestration to offset the emissions this project will generate. Given the urgency of climate change solutions, the project proponent's reliance on a finding of overriding consideration is misplaced. FNSJ-5 (cont'd)

THE EIR MUST ADEQUATELY ANALYZE AND MITIGATE AIR QUALITY IMPACTS

The EIR fails to adequately analyze and mitigate the significant impacts to air quality resulting from the project. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and $71 billion ($36–$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about $10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The EIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality. FNSJ-6

A. SIGNIFICANT AIR QUALITY HAZARDS IN RIVERSIDE COUNTY

Riverside County has the dubious distinction of being one of the most polluted areas in the country. (American Lung Association 2005; American Lung Association 2008). The Project will directly result in an increase in construction emissions and vehicle trips per day which will increase the level of a broad number of criteria pollutants under the Clean Air Act. The Project will result in significant impacts to air quality that result from significant levels of emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Particulate Matter of 10 microns and 2.5 microns or less (PM10 and PM2.5). Increased diesel exhaust is particularly detrimental to long term human and lung health.

Ozone (O_3) is the chief component of the common pollutant known as "smog." Ozone is formed when emissions including reactive organic gases (ROG) and oxides of nitrogen (NOx) undergo photochemical reactions in sunlight and are transformed to O_3. Ozone irritates lung airways and causes inflammation much like a sunburn. Ozone causes wheezing, coughing, pain when taking a deep breath, and breathing difficulties during outdoor activities. The American Lung Association focuses on ozone as one of the most hazardous of the common air pollutants. (American Lung Association 2008). Repeated exposure to ozone pollution for several months may cause permanent lung damage. Children, the elderly, and those with respiratory problems are most at risk, but anyone who spends time outdoors may be affected. Even at very low levels, ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to pneumonia and bronchitis. Ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, and weather, and damages the leaves of trees and plants, ruining the appearance of cities, national FNSJ-7

parks, and recreation areas. Ozone also reduces crop yields, and is, in fact, responsible for 98% of air quality related crop damage in California. A revised EIR must discuss the proposed project's production of ozone precursor emissions and the direct, indirect, and cumulative impact both on human health and on vegetation and wildlife habitat, especially habitat for threatened, endangered, and sensitive species.

Particulate matter (PM) is a category of pollutant which includes the respirable particles suspended in the the air. PM is classified into "coarse" particles, PM_{10}, or those under 10 microns in diameter, and "fine" particles, $PM_{2.5}$, or those under 2.5 microns in diameter, and comes from a variety of sources including diesel exhaust, windblown dust from agriculture and construction and motor vehicles. Because the human respiratory system's ability to filter out harmful particles decreases as particles size decreases, the smallest particles lodge deepest in the lungs and are especially dangerous. PM can contain at least 40 toxic chemicals including heavy metals, nitrates, sulfates, and aerosols, as well as soot, soil, and dust. FNSJ-7 (cont'd)

PM is associated with extreme health consequences. PM causes premature death, aggravates asthma, increases coughing, painful breathing, and chronic bronchitis, and decreases lung function. Lung inflammation caused by inhaling PM can also lead to changes in heart rhythm, constriction of blood vessels, blood coagulation, and increased risk of heart attacks. Unlike what is believed about some other air pollutants, there is no "safe" level of PM pollution: even very low levels of PM lead to health impacts. (EWG 2002 at 25). One study found that in Riverside County alone, 353 deaths per year are due to current PM10 levels, and 42,149 asthma attacks per year are due to current PM10 levels. (EWG 2002 at 19). The EIR's failure to address basic information on the link between air quality, health impacts, and impacts to biological resources render it inadequate. This and other information must be analyzed in a revised EIR so that the project's air quality impacts can be analyzed in the full environmental context.

B. THE EIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ENVIRONMENTAL SETTING

The EIR must provide a stable and accurate project description in order to properly inform decision makers and the public, as well as provide a proper basis for analysis of impacts and mitigation to address those impacts. Here the EIR fails to fully disclose and analyze the air quality impacts from diesel emissions. One of the project objectives is to "transition the existing site into a productive use" provided by over 900,000 square feet of industrial warehouse/distribution. (DEIR at 3-4). Presumably much of the transportation and traffic associated with industrial warehouse and distribution facilities will be diesel truck traffic, which poses a much greater threat to human health due to the carcinogenic effects of diesel exhaust and fine particulates associated with diesel emissions. However, the EIR fails to describe what types of vehicles will be accessing the facility, in what volumes, at what frequency, and during what times. The EIR must fully disclose the types of vehicles that will be associated with the Project because those different vehicles pose very different threats and must be analyzed and mitigated in different fashions. FNSJ-8

The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The Project is located across Fir Street from land that is zoned residential. The diesel trucks will enter and exit the project by using Fir and therefore will significantly impact future residents. Setting the building 250 feet back from these residential uses does not protect them from each and every diesel truck that enters and exit the Project. The direct, indirect and growth inducing impacts of this project have not been thoroughly analyzed – especially for the future residents immediately south of the project. The 2,000,000 sq. foot Highland Fairview Corporate Center/Skechers project and also the proposed 2,000,000 square foot ProLogis are on either side of this project and will also probably use Fir Street. The California Air Resources Board and others confirm that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. (CARB 2005). Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. Id. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. Id. FNSJ-8 (cont'd)

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The South Coast Air Quality Management District ("SCAQMD") includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. The Project fails to adequately identify the number and their distance from the 240 daily (24-7) moving diesel trucks related to this project as well as that of ProLogis and Highland Fairview Corporate Center/Skechers.

C. THE EIR FAILS TO ADEQUATELY EXAMINE THE PROJECT'S HEALTH RISKS

The EIR air quality analysis fails to adequately address the Project's effect on the community's health. Although the DEIR acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to conduct this critical study of demonstrating what the qualitative or quantitative risk is associated to nearby residents as result of the Project. The Project can lead to increased rates of asthma, decreased, lung or cardiac function, and other threats, but there is no analysis of what that means for the regional residents or visitors. As with other important impact analyses it appears that the EIR authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA. Without this information, it is all but impossible to accurately and effectively gauge the severity and extent of the health', effects that would result from building the proposed Project. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Envt'l Planning and Information Council of W.* FNSJ-9

El Dorado County v. County of El Dorado (1982) 131 Cal. App. 3d 350,357. It is critically important that the EIR emphasize the cumulative impacts of negative air quality and not simply dismiss those issues without thorough analysis and mitigation. FNSJ-9 (cont'd)

D. THE EIR FAILS TO ADEQUATELY ANALYZE AND IMPOSE MITIGATION MEASURES FOR SIGNIFICANT IMPACTS TO AIR QUALITY

In an attempt to subvert the procedural requirements of CEQA the EIR fails to adopt feasible mitigation measures that would have substantially lessened significant environmental impacts resulting from the Project. To effectuate its overarching purpose of reducing environmental harm, CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen" a Project's significant environmental effects. Pub. Res. Code § 21002; Guidelines 15021. CEQA's substantive mandate is clear, "each public agency shall mitigate or avoid the significant effects on the environment of projects that it caries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b) (emphasis added).. Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). FNSJ-10

There are numerous mitigation measures that could be adopted to reduce the significant air quality impacts associated with this project. Many of the mitigation measures outlined to reduce the significant impacts associated with greenhouse gas emissions can reduce criteria pollutants. Therefore the EIR should fully analyze all greenhouse gas and criteria pollutant mitigation measures in order to reduce the significant impacts to air quality, or describe why those mitigation measures are infeasible.

I. THE EIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

The Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed. FNSJ-11

A. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

Unfortunately, the EIR fails to address the impacts of global warming on the Project contrary to the requirements under CEQA. California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts. Global warming will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and FNSJ-12

a reduction in snowpack and precipitation levels and water availability. These factors will impact development under any Moreno Valley General Plan Update, as well as exacerbate its own environmental impacts. Therefore, these factors must be considered in the EIR. *See* Guidelines § 15126.2(a) (an EIR "shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.") The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change. (California Attorney General 2009). Examples of how global warming will impact development under the Moreno Valley General Plan and intensify the environmental impacts it will already have are discussed below. It is not an exhaustive list.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008). FNSJ-12 (cont'd)

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997). FNSJ-12 (cont'd)

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project significantly understates the Project's impacts.

B. The EIR's Significance Determination is Flawed

i. The EIR Fails to Properly Frame the Question of the Significance of the Project's Greenhouse Gas Impacts

As the EIR properly recognizes, the greenhouse gas emissions generated by the Project constitute a significant impact. (DEIR at 4.3-110). However, the DEIR improperly limits the consideration of its determination of significance to whether the project would significantly hinder or delay California's ability to meet reduction targets contained in AB 32. While the emission reduction targets set by AB 32 are important, they are only a first interim step toward a longer emission reduction pathway necessary to avoiding dangerous anthropogenic interference (DAI) with the climate system. While Project impacts remain significant, the significance criteria should be revised to recognize California's long term emission targets set by Executive Order S-3-05 and consider the extent to which these reductions are consistent with the emission reduction pathway necessary to avoid DAI. FNSJ-13

The relevant environmental objective with regard to a project's impact on global warming is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference ("DAI") with the climate system. Framing the objective of a threshold of significance in the context of preventing DAI with the climate system

is consistent with the policy of CEQA. As set forth in Public Resources Code Section 21000(d), "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." With regard to climate change, the prevention of DAI is the critical threshold to protect the health and safety of the people of California. The prevention of DAI with the climate is also the objective adopted by the international community. As set forth in the United Nations Framework Convention on Climate Change, to which the United States is a party: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."[1]

Dangerous anthropogenic interference with the climate system is a defined concept from which a threshold of significance under CEQA can be derived. While environmental impacts from global warming are already being experienced, dangerous anthropogenic interference has typically been defined at temperature increases above 2°C from pre-industrial levels, or a 450 ppm atmospheric concentration of CO_2 eq. (Union of Concerned Scientists 2007). 2050 is the time frame commonly set by scientists in which to achieve the emission reductions necessary for climate stabilization. The emission reduction scenario set by AB 32 and Executive Order S-3-05, whereby emissions are reduced to 1990 levels by 2020 and then to 80% below 1990 levels by 2050, is consistent with a stabilization scenario in the +/- 450 ppm range.[2] FNSJ-13 (cont'd)

However, climate scientists, including NASA's premier climatologist, James Hansen, are increasingly calling for more stringent stabilization targets in order to sufficiently reduce the risk of catastrophic outcomes. The best available scientific evidence now indicates that a 2°C temperature increase from pre-industrial levels is well past the point where severe and irreversible impacts will occur. It is now estimated that a mean global temperature increase of 1.5°C above pre-industrial levels has the potential to trigger irreversible melting of the Greenland ice sheet, a process that would result in an eventual 7m sea level rise over and above that caused by thermal expansion of the oceans, and potentially causing an additional sea level rise of 0.75m as soon as 2100. (Warren 2006 at 95). Specific consequences of a 2°C temperature rise from pre-industrial levels include the loss of 97% of the world's coral reefs and the transformation of 16% of global ecosystems. Approximately one to three billion people would experience an increase in water stress, sea level rise and cyclones would displace millions from the world's coastlines and agricultural yields would fall in the developed world. (Warren 2006). In the Arctic, ecosystem disruption is predicted owing to complete loss of summer sea ice, with only 42% of the tundra remaining stable. This would destroy the Inuit hunting culture and cause the extinction of the polar bear and large losses in global populations of birds. Moreover, because

1 United Nations Framework Convention on Climate Change (UNFCCC), art. 2, May 9, 1992, *available at* http://unfccc.int/essential_background/convention/background/items/1349.php.

2 While the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004).

Arctic ice functions to reflect heat back into the atmosphere, its loss would allow more sunlight to heat the Arctic Ocean and further accelerate the buildup heat and the melting of the Greenland ice sheet. In the Antarctic, key marine mollusks are predicted to become extinct with damaging ramifications for the rest of the Antarctic marine ecosystem. (Warren 2006). As the devastating and irreversible impacts resulting from a 2°C mean global temperature rise are far in excess of any reasonable definition of "dangerous" interference with the climate, a 2°C target is not an acceptable objective for climate policy.

Moreover, equating a particular atmospheric concentration of greenhouse gases with a specific temperature increase involves a significant degree of uncertainty. This is because climate sensitivity – the extent to which temperatures will rise as a result of increasing concentrations of heat-trapping gases – depends on Earth's response to certain physical processes that are not fully understood. (Cayan 2007 at 4). For example, as greenhouse gas emissions cause temperatures to rise, the atmosphere can hold more water vapor, which traps heat and raises temperatures further – a positive feedback. Clouds created by this water vapor could absorb and re-radiate outgoing infrared radiation from Earth's surface (another positive feedback) or reflect more incoming shortwave radiation from the sun before it reaches Earth's surface (a negative feedback). (Cayan 2007). Thus, due to uncertainty in climate sensitivity, scientists estimate that the mean probability of exceeding 2°C where stabilizing greenhouse gases at a CO_2eq level of 450 ppm is 54% with a 30% probability that global average temperature would rise more than 3°C. (Cayan 2007; Union of Concerned Scientists 2007). This is effectively the equivalent of flipping a coin in the hopes that our children and grandchildren will not be confronted with the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, and the triggering of multiple climatic "tipping points" wherein climate change begins to feed on itself and spin rapidly out of control. FNSJ-13 (cont'd)

As noted by the Attorney General in a recent guidance on the treatment of climate change in general plans, "the targets set by AB 32 and Executive Order S-3-05 can inform the CEQA analysis." (California Attorney General 2009 at 4). However, while the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. *See* Guidelines § 15064(b) ("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment … based to the extent possible on scientific and factual data."). Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). Thus, to properly address the question of the significance of Project impacts, the EIR should set forth the environmental objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent DAI with the climate system, discuss California's emission reduction targets and the extent to which these targets are sufficient to meet avoid DAI. In this manner, the EIR will set forth the issues related to the significance of Project impacts in a manner that accurately informs decision makers and the public.

ii. To Properly Evaluate Significance and Fulfill Its Informational Mandate, the EIR Must Compare Project Emissions with Emission Reduction Targets Set by AB 32 and Executive Order S-3-05

Although the EIR asserts that the Project would interfere with the goals of AB 32, the EIR fails to provide any data on Project emissions as compared with 1990 levels. Accordingly, it is impossible to analyze the extent to which the Project exceeds AB 32 emission reduction mandates. The EIR must be revised to provide this data.

FNSJ-14

Moreover, in a failure to adequately describe the Project, the EIR fails to note the year for which the Project envisions build-out. Should the next Moreno Valley General Plan update contemplate growth past 2020, its significance analysis should evaluate the extent to which the Project complies with Executive Order targets. While the trajectory of reductions under Executive Order S-3-05 has not been definitely established, the EIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for the undisclosed year of build-out. Thus, if Moreno Valley's General Plan is intended to accommodate growth until 2030, then the EIR could compare Project emissions with emissions approximately 27% below 1990 levels.

C. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

FNSJ-15

There are any number of feasible measures that can be incorporated into a Climate Action Plan to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the

Attorney General 2008b). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Furthermore, substantial federal funding is available to implement these projects so that implementation of greenhouse gas mitigation measures is economically feasible.3 Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like climate change the Project must adopt all feasible mitigation measures to reduce GHGs or provide substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3). FNSJ-15 (cont'd)

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Significant effort needs to be shown as to how carpooling will be instituted and alternative fueled cars will be encouraged with special onsite parking location/electrical plug-ins. Will there be on-site eating facilities with food in order to limit driving off site? FNSJ-16

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the Project will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008). FNSJ-17

3 Energy Efficiency and Conservation Block Grants are offered by the U.S. Department of Energy to municipalities in order to meet the following purposes: reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors. (US DOE 2009). See http://www.eecbg.energy.gov/

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals. We expect the project's minimum LEED certification to be Silver. And the EIR needs to explain why this would not be your goal. FNSJ-17 (cont'd)

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting FNSJ-18
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging

stations to reduce emissions from vehicle trips. FNSJ-18 (cont'd)

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

FNSJ-19

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

FNSJ-20

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SQAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA mitigation measures[4] once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008).

FNSJ-21

4 The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming See generally http://ag.ca.gov/globalwarming/ceqa.php

II. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR failed to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly" even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008). The Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty. FNSJ-22

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

Biological Resources: To a great extent the Draft EIR avoids an actual on the ground biological resource impact assessment. Instead the Draft EIR makes the claim that the cumulative wildlife resource impacts of this project will be mitigated by the payment of the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP) mitigation fee and the Multi-Species Habitat Conservation Plan (MSHCP) mitigation fee. It is important to recognize neither the SKRHCP nor the MSHCP exempts this project from full compliance with the requirements of CEQA. The Draft EIR does not indicate the amount of the SKRHCP mitigation fee or the amount of the MSHCP mitigation fee the project proponent will pay in order to reduce the cumulative wildlife resource impacts of this project to a less than significant level. Nor does the document indicate the mitigation fee amounts the City has collected thus far for SKRHCP and MSHCP wildlife mitigation and to FNSJ-23

what extent those fees have been used to mitigate cumulative wildlife resource impacts from previously approved projects within the jurisdiction. A lead agency, in this case the City of Moreno Valley, must provide supporting facts and provide analysis to support its conclusion that the payment of SKRHCP and MSHCP mitigation fees will render the project cumulative wildlife resource impacts to less than significant. Absent this analysis, the cumulative wildlife resource impacts this project will incur must be viewed as cumulatively considerable. FNSJ-23 (cont'd)

Thank you for the opportunity to comment on the Draft EIR for this project. The Friends would like to be informed of all documents, meetings and public hearings related to this project. Please provide us with a copy of the final EIR and other pertinent documents related to this project. Please contact us at our mailing address which is listed on the first page of this letter. FNSJ-24

Sincerely

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SCAQMD 2008, South Coast Air Quality Management District, Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold, October 2008.

SKR HCP EIS/EIR, Riverside County Habitat Conservation Agency, Final Environmental Impact Statement Report for the Long Term Stephens' Kangaroo Rat Habitat Conservation Plan.

SKR HCP, Riverside County Habitat Conservation Agency, Habitat Conservation Plan for the Stephens' Kangaroo Rat, 1996.

SKR HCP Figure 26, Riverside County Habitat Conservation Agency, Habitat Conservation Plan for the Stephens' Kangaroo Rat, 1996

USFWS BO, United States Fish and Wildlife Service, Intra-Service Formal Section 7 Consultation for Issuance of an Endangered Species Act Section 10(a)(1)(B) Permit (TE-088609-0) for the Western Riverside County Multiple Species Habitat Conservation Plan, Riverside County, California, June 22, 2004.

USFWS MSHCP IA, IMPLEMENTING AGREEMENT for the WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN/NATURAL COMMUNITY CONSERVATION PLAN

FNSJ-25 (cont'd)

FRIENDS FOR NORTHERN SAN JACINTO VALLEY

Letter Dated December 6, 2010

Response FNSV-1

The commentor's opinions in regard to the quality of the environmental document will be forwarded to decision-makers for their consideration. The Draft EIR has been prepared to identify the environmental impacts that could result from Project implementation and, where feasible, provides mitigation measures to substantially lessen or avoid the significant effects on the environment. The City of Moreno Valley, the Lead Agency for this Project, is required to consider the Project in its entirety before determining whether to approve the adoption of overriding considerations. As noted in *CEQA Guidelines* §15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

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(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The commentor concludes by correctly noting the Draft EIR's finding that the Westridge Commerce Center Project will result in certain significant and unavoidable impacts in regard to scenic vistas and air quality, but erroneously includes agriculture and global climate change in its summary of Project-related impacts. Specific topical concerns are addressed in the following Responses FNS-2 through FNS-5.

Response FNS-2

As discussed in the Draft EIR (Page 4.9-11), [n]otwithstanding the proposed depressed building pad area, as illustrated in Figures 4.9-4 through 4.9- , the Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. The building will be visible from higher elevations to the north, east, and south, and the rooftop of the building may be visible at a distance from higher elevations. This interruption of scenic views has been identified in the Draft EIR (Page 4.9-19 *et al.*) as an individually and cumulatively significant Project impact.

As further noted on Draft EIR Page 4.9-11, [t]he Project's intent is to create a regional-serving warehouse/logistics facility. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard dock-high bays for the loading and unloading of trucks. A tenable high-cube warehouse design with a 25-foot building height (estimated internal clear height of 15-20 feet) such as offered by the commentor, does not exist, and is contrary to the very term high cube. The high cube warehouse building height concept defines the viability of its internal operations,

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which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint. The suggested 25-foot high building offered by the commentor is untenable and infeasible.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives, including alternative sites. The text on Draft EIR Pages 5-37 through 5-44 provides the basis upon which each of the considered alternative sites was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response FNS-3

As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. Despite the commentor's assertions that the Draft EIR dismisses mitigation measures included in the City's General Plan, the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, [s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning

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area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable. Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required. The commentor's opinions to the contrary will be forwarded to decision-makers for their review. The results and conclusions of the Draft EIR are not affected.

Response FNS04

The Draft EIR acknowledges the Project's potential impacts in regard to long-term operational exceedance of SCAQMD standards for the emission of the criteria pollutants VO (volatile organic compounds) and NO (oxides of nitrogen). Despite the commentor's assertions to the contrary, the Draft EIR addresses the Project's potential to result in health risks relative to diesel emission exposure on Pages 4.3-79 through 4.3-86. As discussed at Draft EIR Page 4.3-84, with implementation of Mitigation Measure 4.3-10, which would be implemented to control on-site idling, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant. It may be noted that Mitigation Measure 4.3.5, as discussed in the Draft EIR (Page 4.3-62 *et al.*), specifically requires Project contractor(s) to ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better. Additional mitigation is proposed within this Final EIR addressing operational and construction-source emissions (please refer to revised mitigation presented within the EIR Mitigation Monitoring Program, Final EIR Section 4.0. The commentor erroneously contends that Since Highland Fairview Corporate Center Skechers project has been able to have 0 of all off-road heavy-duty construction equipment utilized during construction activity certified as CARB Tier III or better, your project and analysis must do at least as well.

There is no requirement that the Project implement a given mitigation measure simply because it was applied elsewhere. Such an approach discounts appropriate nexus between impacts and mitigation.

Response FNS-5

The commentor misrepresents and misstates the findings of the Draft EIR with regard to the potential significance of the Project's GHG emissions impacts and the Project's potential GCC impacts.

In the Draft EIR's analysis of cumulative impacts (Page 5-13 to 5-14), it is specifically noted that [i]n regard to the emission of greenhouse gases, the Project's Climate Change Analysis indicated that with the implementation of all Project design features and mitigation measures, greenhouse gas emissions would be reduced, and that the Project is consistent with state strategies to reduce greenhouse gases, including the California Air Resources Board (CARB) Scoping Plan's recommended measures, and the greenhouse gas emission reduction strategies set forth in the 2006 Climate Action Team (CAT) report.

Therefore, the Project would not hinder or delay implementation of AB 32. On this basis, the Project's individual and cumulative impact on climate change is less-than-significant. With specific regard to a cumulative-level analysis of GCC impacts, it is acknowledged that climate change is a global issue and the contribution of each greenhouse gas generated by the Project may have a cumulative effect. As noted in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . [t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable. Moreover, the EIR qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor cites various GHG/GCC mitigation schemes, none of which are required in this case since the Project's GHG/GCC individual and cumulative impacts are less-than-significant. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines ◎15126.4, subd. (a) (3).

Response FNS◎6

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's air quality analysis. Detailed analysis of the Project's potential air quality impacts are presented at EIR Section 4.3, Air Quality. Supporting technical studies ◎*Westridge Commerce Center Air Quality Impact Analysis, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010◎ *Westridge Commerce Center Health Risk Assessment, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010◎ and *Westridge Commerce Center Climate Change Analysis, City of Moreno Valley*, California (Urban Crossroads, Inc.), February 3, 2010◎specifically. The cited analyses address the direct, indirect ,and cumulative impacts of the Project..

As detailed in the following responses FNS◎7 through FNS◎21, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative air quality impacts, including potential impacts related to global climate change, have been proposed within the Draft EIR. Appropriate mitigation measures have been carried forward into the Mitigation Monitoring Program included at Section 4.0 within this Final EIR. For each proposed mitigation measure, the MMP identifies: mitigation timing, the responsible mitigation implementation entity, the responsible mitigation monitoring/reporting entity, and mitigation monitoring/reporting frequency. In combination, these provision act to ensure mitigation enforceability.

Response FNS◎7

The Draft EIR describes, at considerable length (Pages 4.3-4 through 4.3-10), the criteria air pollutants referenced by the commentor, including the possible health effects that have led to the monitoring and control of these pollutants as part of the environmental

review process. With specific regard to commentor-expressed ozone concerns, the Lead Agency has adopted SCAQMD regional thresholds for the ozone precursors NOx and VOC. These thresholds are based on the highest level of permitted emissions, and exceedance of these thresholds indicates that mitigation measures should be applied, not that specific health or other environmental damage would occur. The Project applies all feasible mitigation measures to reduce potentially significant Project-related ozone precursor emissions (NOx and VOCs). Significant NOx and VOC impacts resulting from the Project (regional threshold exceedances) are summarized at DEIR Page 1-17, 1-18. The Project will not exceed applicable localized significance thresholds for NO_2 (DEIR at Page 4.3-61 et al.). The AQMD has not established localized significance thresholds for VOC emissions.

Project NOx and VOC emissions are predominantly generated by mobile sources beyond control of the Lead Agency and/or the Applicant [approximately 99.9 percent of Project NOx emissions (by weight) are from vehicles; approximately 92.5 percent of Project VOC emissions (by weight) are from vehicles). Even after compliance with SCAQMD rules and regulations, and the application of EIR mitigation measures, operational pollutant emissions would exceed applicable SCAQMD regional emission thresholds for VOC and NOx. These impacts are therefore considered to be individually significant. It is noted however, that the Project land use and proposed development are consistent with development and associated air pollutant emissions impacts reflected in and anticipated by the applicable Air Quality Management Plan (AQMP).].

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards. Collectively, these are referred to as localized significance thresholds (LSTs). The additional potential secondary effects of ozone to plants and habitat cited by the commentor are noted. There is no demonstrable evidence or support indicating that the Project would cause or substantively contribute to adverse effects to plants or habitat, and to conclude otherwise is speculative.

Lastly, it is noted that the Project is consistent with the applicable Air Quality Management Plan (see EIR at Pages 4.3-49 through 4.3-53) indicating that it would not interfere with projected downward-trending ozone levels within the SCAQMD.[5]

The commentor also provides information regarding $PM_{10}/PM_{2.5}$ characteristics. Applicable $PM_{10}/PM_{2.5}$ thresholds are established by the SCAQMD. Potential effects of Project-related temporary localized construction-source $PM_{10}/PM_{2.5}$ emissions impacts are discussed and disclosed in the EIR:

> For modeling purposes, receptors were conservatively placed at a distance of 25 meters (approximately 82 feet) from the site, which is the most conservative distance recommended for use by the SCAQMD. As previously discussed, even with application of all feasible mitigation measures, localized PM_{10} and $PM_{2.5}$ construction-source emissions will exceed applicable LSTs. More specifically, during construction activity (after mitigation), PM_{10} emissions concentrations will exceed applicable LSTs at receptors located 71 meters (approximately 233 feet) or nearer, and $PM_{2.5}$ emissions concentrations will exceed applicable LSTs at receptors located 35 meters (approximately 115 feet) or nearer.
>
> These LST exceedances represent a potentially significant impact to sensitive receptors in the Project vicinity for short-term construction activity. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely

[5] *Summary Of The Ozone Air Quality Forum and Technical Roundtable* (Frederick W. Lurmann Sonoma Technology, Inc. for the South Coast Air Quality Management District) January 2007, Pages 2-5, 2-6.

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> undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter.
>
> It is noted that these exceedances would occur temporarily and intermittently during site preparation and grading processes, and would not substantively affect any receptors at greater distances from the emissions source. Moreover, in that construction emissions are short-term and intermittent, they will not result in any chronic or long-term impacts (Draft EIR, Page 4.3-75).

The Project will not result in or cause long-term exceedance of applicable SCAQMD localized and/or regional thresholds $PM_{10}/PM_{2.5}$ emissions.

The commentor's opinions and statements will be forwarded to decision-makers for their review. Results and conclusions of the Draft EIR are not affected.

Response FNS-8

The commentor expresses concern about emissions from diesel trucks associated with the Project. A Health Risk Assessment (HRA) of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The HRA was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). The HRA is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety at Appendix C to the Draft EIR.

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Contrary to the commentor's assertions otherwise, diesel and DPM emissions impacts are specifically evaluated and addressed in the DEIR (See DEIR at Pages 4.3-79 through 4.3-86, and the Project Health Risk Assessment (HRA) included at DEIR Appendix C.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6

Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4-axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).

[1] 2,930 PCE trips @ 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

As indicated in this summary of the Project's trip generation, approximately 75 percent of the Project's daily trips, on average, will be attributable to trucks. As noted at Draft EIR Page 4.3-79, the Project Air Quality analysis assumed, in order to ensure a conservative analysis, that all trucks associated with the Project will be diesel-powered.

In that vehicle class and type directly affect DPM emissions, the Project HRA (please refer to DEIR Appendix C, Table 1, Project Truck Trips) also explicitly defines anticipated daily truck trips (by type) entering/exiting the Project site, as follows:

- 97 two-axle trucks
- 220 three-axle trucks and
- 539 four-axle trucks.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

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Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [6]

Contrary to commentor assertions otherwise, baseline (setting) information is provided throughout the EIR. For example, general air quality setting information is presented at EIR Pages 4.3-10 through 4.3-16. Additional applicable specific baseline/setting information is also presented where it is beneficial to related discussions, e.g., the GCC Regulatory Setting is introduced at EIR Page 4.3-24 within the context of GCC/GHG considerations.

The commentor requests analysis of mobile-source DPM emissions for transient vehicles traveling along area roadways. With regard to air quality impacts generated by Project traffic along area roads, regionally significant NO_x emissions impacts would result as disclosed in the EIR and discussed here. However, no locally significant operational air quality impacts would result from the Project. In this latter regard, the

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6 The AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI ≤1.0 while the cumulative (facility-wide) is HI ≤3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Project Operational Localized Significance Threshold (LST) analysis considers potential worst case exposure by evaluating criteria pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by stationary sources. As discussed in the Draft EIR, these emissions concentrations would not exceed applicable LST thresholds.

Draft EIR Table 4.3-12 (Page 4.3-69) presents the results of the Project operational LST analysis, indicating unmitigated conditions. As shown, results of the analysis indicate that long-term operational emissions will not exceed localized emissions thresholds established by the SCAQMD. Other operational mitigation measures presented in the EIR would act to further reduce already less-than-significant potential operational LST impacts.

Similarly, consistent with SCAQMD protocols and methodologies, the Project Health Risk Assessment considers maximum probable exposure to DPM concentrations, resulting from the entering, exiting and idling diesel vehicles within the Project site. Moreover, the analysis reflects long-term constant exposure (70 year, 24 hours per day) for residential receptors. With application of mitigation, even under this potential maximum exposure scenario, exposure to DPM concentrations would not exceed applicable SCAQMD thresholds (please refer to Draft EIR Table 4.3-17, Page 4.3-86).

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to

TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [7]

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7 The AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI ≤1.0 while the cumulative (facility-wide) is HI ≤3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

Response FNS-9

Despite the commentor's assertion to the contrary, the Project has addressed the Project's potential to expose sensitive receptors to substantial pollutant concentrations. The analysis included in the Draft EIR (Pages 4.3-73 to 4.3-86) addresses (1) the potential effects of construction-source emissions at sensitive receptors; (2) potential carbon monoxide (CO) hotspots and (3) the health risks of diesel particulate emissions. A Health Risk Assessment was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed above, Project and cumulative diesel emissions impacts are less-than-significant. Project impacts in regard to CO hotspots are similarly determined less than-significant while temporary construction-source emissions are acknowledged as significant. Please refer also to DEIR Section 4.3, Air Quality and supporting technical air quality studies presented at DEIR Appendix C.

Response FNS-10

As discussed in the following responses FNS-15, FNS-16, and FNS -18 through FNS-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, Revisions and Errata, as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant and impacts that were previously determined to be significant remain significant.

Response FNS-11

The referenced citations are acknowledged and addressed at Response FNS-12. Additionally, it is noted that the Project's GHG emissions impacts (as presented at Draft EIR Page 4.3-90) is consistent with Section 15064.4 of the *Guidelines*.

Response FNS-12

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. It is also noted that CEQA directives allow for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the *Guidelines*. The EIR analysis of GHG emissions/GCC impacts (DEIR Pages 4.3-90 through 4.3-11; DEIR Appendix C, Project Climate Change Analysis) is consistent with Section 15064.4 of the *Guidelines*.

Response FNS-13

The commentor misinterprets analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the EIR analysis concludes that *greenhouse gas emissions generated by the Project constitute a significant impact.*

Such is not the case, as evidenced in germane excerpted GCC discussions presented below:

> **1.4 Summary of Findings**
>
> Results of the analysis indicate that the Project would generate GHG emissions that *may* (emphasis added) have a significant impact on the environment. However, the Project is consistent with, or otherwise not in conflict with (1) recommended measures and actions in the California Air Resources Board (CARB) December 2008 Scoping Plan (CARB Scoping Plan) setting forth strategies and measures to implement in order to achieve the GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32) and (2) the GHG emission reduction strategies set forth in the 2006 Climate Action Team

(CAT) Report, prepared in response to Executive Order S-3 -05, which established total GHG emission targets for the State.

As such, the Project GHG emissions are not cumulatively considerable. Further, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. This analysis takes no credit for such GHG emissions reductions. Thus, this analysis conservatively estimates the overall Project impacts on climate change from GHG emissions and the actual impacts will be less than what is calculated herein (Westridge Commerce Center Climate Change Analysis, Pages 1-2).

To further clarify, germane suggested CEQA Guidelines topical questions include:

Would the project:
a) Generate greenhouse gas emissions, either directly or indirectly, that *may* emphasis added have a significant impact on the environment

Language in the Project GCC study paraphrases and responds the Guidelines language. As also discussed in the Project GCC Study, it is likely that any GHG emissions reductions achieved locally and within the State will be offset by emissions increases in developing countries such as Brazil, Russia, India and China and that significant effects of climate change, such as global warming and sea level rise, will nevertheless occur due to the continuing effects of past and existing levels of emissions. In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts beyond the control of the Project significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see Climate Change Analysis, Page 42).

The commentor suggests alternative analysis/threshold considerations for evaluation of GCC/GHG impacts. Thresholds established in the Draft EIR are consistent with applicable provision of CEQA.

> **Findings and Recommendations**
> As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not ironclad; rather, the determination of whether a project may have a significant effect on the environment calls for careful judgment by the City based to the extent possible on scientific and factual data. The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less-than-significant (Draft EIR, Pages 4.3-93, 4.3-94).

Additionally, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. The Draft EIR's analysis takes no credit for such GHG emissions reductions. Thus, the Draft EIR's analysis conservatively estimates the overall Project impacts on climate change from GHG emissions, and the actual impacts will be less than what is calculated in the Draft EIR and associated Westridge Commerce Center Climate Change Analysis, included as part of Draft EIR Appendix C.

Response FNS-14

Despite the commentor's statement to the contrary, the Draft EIR does not assert that the Project would interfere with the goals of AB-32. On the contrary, the Draft EIR notes (on Page 4.3-95) that [t]he Project's consistency with the AB 32 goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change

Scoping Plan which includes nine Early Action Measures (qualitative approach). In addition, the analysis considers the numeric level of emissions generated by the Project to determine whether the emissions are cumulatively significant (quantitative approach). Following a detailed presentation of the assessment criteria and analysis of the Project's consistency with these criteria, the Draft EIR finds (on Page 4.3-109) that a project that is consistent with CAT strategies is consistent with the strategies suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32, and therefore the Project will result in a less-than-significant cumulative impact on GCC.

In regard to the Project's buildout year, as discussed in the Draft EIR Project Description (Page 3-4), construction is proposed to occur in one phase, with infrastructure and building construction following site preparation operations. As such, the Project would be effectively built out in its opening year, which is identified as 2011, as discussed at Draft EIR Page 4.2-15.

Response FNS-15

As discussed in the following Responses FNS-16 and FSN-18 through FNS-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are reduced to the extent feasible. These revisions are reflected in Final EIR Section 2.0, Revisions and Errata, as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. It is also noted that air quality mitigation measures presented in the EIR will peripherally act to reduce GHG emissions. However, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines §15126.4, subd. (a) (3).

Response FNSJ-16

The commentor suggests that the Project should incorporate provisions for public transit, carpooling, and other measures as a means of reducing VMT and associated GHG emissions.

Mitigation Measure 4.3.13 has been revised, as indicated below, to include additional VMT/GHG emission reduction measures. For ease of reference, the text of this measure in its entirety is provided. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant. Added measures are indicated as ***underline bold italicized*** font.

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The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.

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Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:

- ***Implementation of compressed workweek schedules;***
- ***SmartWay partnership;***
- ***Achievement of at least 20 per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 of all long haul trips carried by SmartWay 1.0 or greater carriers.***
- ***Achievement of at least 15 per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85 of all consolidator trips carried by SmartWay 1.0 or greater carriers.***

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- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Response FNS-17

As discussed on Page 3-16 of the Draft EIR:

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may

be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards.

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response FNS 18

The commentor proposes numerous additional measures (presented in the following Table) as means to reduce Project-related greenhouse gas emissions relative to energy consumption. While the suggested measures may in part act to generally reduce Project energy consumption, none of the measures are required in order to achieve the mitigation of impacts identified in the Draft EIR. That is, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed

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measures and their implied environmental benefit vis-@-vis Project impacts. Certain other suggested mitigation measures proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation.

Additionally, in some instances, the commentor proposes measures that would further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may impose these additional requirements@typically through Project Conditions of Approval.

Suggested Measure	Response
Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 3-16), the Westridge Commerce Center Project reflects design and operational criteria established under the LEED Green Building Rating System.
Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	
Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.	
Reducing the use of pavement and impermeable surfaces.	**Replicates existing requirements.** As noted in the Draft EIR (Page 4.6-13), onsite bio-retention and detention basins, along with selected areas of pervious concrete and perimeter landscape areas are provided throughout the Project site. Additional detail is included in Draft EIR Appendix F, Water Quality Management Plan.

MV00001012

Suggested Measure	Response
Requiring water re-use systems.	**Replicates existing requirements.** The Project is reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Nonetheless, as noted on Draft EIR Page 4.5-25, [t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards.
Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	**Replicates existing requirements.** Use of LEDs is currently required pursuant to EIR Mitigation Measure 4.3.13.
Limiting the hours of operation of outdoor lighting.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655, which includes restrictions in regard to hours of outdoor lighting operations. See also: www.clerkoftheboard.co.riverside.ca.us/ords/600/655.htm
Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.	**Replicates existing requirements.** Project landscaping will be provided pursuant to the requirements of the Moreno Valley Municipal Code (Section 9.17.030), which specifies a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Shade trees will be provided pursuant to the requirements of Municipal Code Section 9.17.050 subd. (d)(3).
Ensure that the Project is fully served by full recycling and composting services.	**Replicates existing requirements.** As noted on Draft EIR Page 3-14, [p]rior to issuance of a grading permit, the Project will have in place a City approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during Project construction. A similar plan will be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during ongoing operation of the warehouse and office portions of the Project. The plans will include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.
Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	**Not required.** As discussed in the Draft EIR (Pages 3-21 and 3-22), treatment of the Project's wastewater and solid waste will be accomplished by regional providers (i.e., Eastern Municipal Water District and Waste Management of the Inland Empire), and is outside the control of the Applicant and the City of Moreno Valley.

Suggested Measure	Response
Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible	**Not required.** As currently noted under EIR Mitigation Measure 4.3.11: All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design. There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics or wind energy.
Installing solar water heating systems to generate all of the Project's hot water requirements.	
Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.	

Response FNS-19

As discussed in the preceding Response FNS-1, the commentor's suggested mitigation measures to reduce Project impacts in regard to construction activities are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines §15126.4, subd. (a) (3).

Suggested Measure	Response
Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	**Not required.** Consistent with the Project's pursuit of LEED accreditation, the recommended building materials will be utilized to the extent available and feasible.
Minimize, reuse, and recycle construction-related waste.	**Replicates existing requirements.** As noted in the Draft EIR (Page 3-5), [a]ny residual materials resulting from site preparation processes will be appropriately disposed of and/or recycled in accordance with the City's Source Reduction and Recycling Element (SRRE).

Suggested Measure	Response
Minimize grading, earth-moving, and other energy-intensive construction practices.	**Not required, no nexus with significant impacts.** The Project will not cause or result in individually or cumulatively significant GHG/GCC impacts. There is no requirement to reduce construction-source GHG emissions. Moreover, within the context of Project-specific requirements (e.g., placement of structures approximately 25 feet below the existing grade of SR-60, and proper fill and re-compaction procedures to ensure proper foundation support, consistent with the recommendations of the Project Geotechnical Investigation, included as Draft EIR Appendix H), construction contractor(s) employ techniques and procedures so as to provide for the most efficient use of earth-moving and grading equipment as a matter of course.
Landscape to preserve natural vegetation and maintain watershed integrity.	**Replicates existing requirements.** Landscape improvements will be provided for the Project as required under the City's oning Code Section 9.17, Landscape Requirements. minimize risk of invasive non-native plants entering into the riparian habitat along the Quincy Channel, the Project includes mitigation (Measure 4.8.3) that prohibits the use of invasive non-native plant species within 150 feet of the Channel.
Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	**Incorporated** at revised Mitigation Measure 4.3.8.

Response FNS-20

As discussed in the preceding Response FNS-19, the commentor's suggested mitigation measures to reduce Project impacts in regard to transportation are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines §15126.4, subd. (a) (3).

Suggested Measure	Response
Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13.

Suggested Measure	Response
Create a car sharing program within the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide a shuttle service to public transit within and beyond the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Incorporate bicycle lanes and routes into the planned community's street systems.	**Replicates existing requirements.** The Project is required to provide pedestrian and bicycle connections to surrounding areas consistent with provisions of the City of Moreno Valley General Plan pursuant to the existing Mitigation Measure 4.3.13. This measure notes that the location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan.

Response FNS-21

The commentor suggests that carbon offsets be purchased to address remaining [greenhouse gas] emissions that cannot be eliminated. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines §15126.4, subd. (a) (3).

Response FNS-22

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's analysis of alternatives. As further presented in the *CEQA Guidelines* Section 15126.6, subd. (a), an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation.

To this end, the *CEQA Guidelines* indicate that the range of alternatives selected for examination in an EIR should be governed by rule of reason, and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a reasonable range of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of most Project objectives.

The commentor's suggestion that [t]he EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands is inconsistent not only with the Project objectives, but with the site's existing General Plan land use designation and zoning. Additionally, it is unclear that such an alternative would result in a lessening of the Project's environmental effects, particularly since commercial uses typically generate considerably higher average daily rates of traffic per square foot than light industrial uses, with correlating increases in air emissions. See for example Trip Generation 7th Edition (Institute of Traffic Engineers)trip generation rate for Specialty Retail (ITE Code 814), 44.32 trips/thousand square feet vis-a-vis the Project trip generation rate of 3.12 trips/thousand square feet. On a related note, the EIR specifically considers a No Project alternative which assumes development consistent with site's current Business Park zoning designation. As with the mixed use concept proposed by the commentor, substantially increased trip generation could be expected if developed with business park uses when compared to industrial uses proposed under the Project.

> In this regard, for Traffic Analysis Zone (TAZ) 209 encompassing the Project site, the General Plan Buildout traffic model reflects development of the subject site with Business Park/Light Industrial uses, and projects approximately 4.18 times the trip generation for TAZ 209 than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project. The No Project Alternative considered

herein approximates trip generation for the subject site under the General Plan Buildout Scenario at four (4) times that of the Project (Draft EIR, Page 5-32).

Based on the preceding, the commentor's suggested alternative concept fails as feasible alternative to the Project, and does not merit further analysis as part of the Project EIR.

In regard to the question of whether the Project could be accommodated elsewhere, the Draft EIR addresses, at length, the possible alternative sites that were considered as part of the review of Project alternatives (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the key question and first step in the analysis of alternative locations is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location.

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub was also locally accessible was underutilized and currently available could be developed and operated in a manner that was compatible with other proximate land uses and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular) and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Cameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it

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is not currently owned or controlled by the Project Applicant, and a zone change from Business Park to Light Industrial, would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor's states that [t]he Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty. No specific tenant(s) for the Project are currently under contract. Results and conclusions of the EIR are not affected.

The Draft EIR (on Pages 5-49 to 5-62) does provide a comparative analysis of the potential impacts of each alternative in regard to greenhouse gas emissions, biological resources, water supply, water quality, and traffic. As required under *CEQA Guidelines* Section 15126.6, subd. (d), this evaluation includes sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.

Response FNS-23

The City disagrees with the commentor's assertion that the Draft EIR avoids an actual on the ground biological resource impact assessment. Draft EIR Appendix G presents the Biological Resources Survey prepared for the Project, which consists of the following surveys and analysis, conducted throughout the Project area:

> General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements, as identified in the following Figure 4. -1;

General plant and wildlife surveys;
Habitat assessment to examine potential for special status plant species;
Habitat assessment to examine potential for special status wildlife species;
Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBO 1993), and the Western Riverside County Multi - Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
A jurisdictional delineation, which was prepared pursuant to the requirements of the California Department of Fish and Game and the Army Corps of Engineers.

As further discussed in the Draft EIR (Page 4.8-14), [p]ayment of the mitigation fee and compliance with the requirements of the MSHCP are intended to provide full mitigation under CEQA, although certain areas within the MSHCP boundaries require additional surveys to determine the presence or absence of specific MSHCP-covered resources, including sensitive plants, burrowing owls, and riparian or riverine areas. Although focused surveys for threatened, endangered and sensitive plant and wildlife species were not conducted as part of the Project's general Biological Assessment, protocol surveys were subsequently performed to determine the presence or absence of burrowing owls within areas of potential disturbance. The *Report on Burrowing Owl Surveys for the West Ridge Project Site* (Harsmworth Associates, July 2009) is also included in Draft EIR Appendix G.

In addition, implementation of Draft EIR Mitigation Measure 4.8.7, included in the Mitigation Monitoring Program presented in Final EIR Section 4.0, will ensure that a pre-construction survey be conducted to document the location of any occupied burrows on-site. With the implementation of this mitigation measure, as well as compliance with the requirements of the MSHCP, the Project's potential to impact burrowing owls is reduced to a less-than-significant level.

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The City of Moreno Valley's current schedule of non-residential impact fees indicates that the Project would be subject to an MSHCP fee of 6,597 per acre, and an additional 500 per acre S R (Stephens' kangaroo rat) mitigation fee. On this basis, the Project would contribute approximately 390,335 to meet its fair-share responsibility for regional plant and wildlife impacts. The amount collected by the City for wildlife mitigation to date, along with the effectiveness of such fee collections, is outside the scope of the Project's environmental analysis. The Draft EIR (Page 4.8-31) notes that [t]he Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009.' These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. This species has not been recorded within the Project area in the past and is presumed absent from the site. As such, the Project is in compliance with the MSHCP. The results and conclusions of the Draft EIR are not affected.

Response FNS-24

The commentor requests receipt of future information regarding the Project, and as such, has been added to the Project distribution list at the referenced address. A copy of the Project's Final EIR has also been provided to the commentor, as requested.

Response FNS-25

The commentor lists numerous publications and resources exhibits incorporated by reference. With the exception of certain web-linked publications, exhibits listed as incorporated by reference have not been provided. Nor has their disposition, availability, or specific relevance been otherwise identified.

From: sgcricket@aol.com
Sent: Monday, December 06, 2010 3:20 PM
To: Jeffrey Bradshaw
Subject: Western Ridge Commerce Center DEIR

Comments Regarding: West Ridge Commerce Center
From: Susan Gilchrist

The project under consideration requires a zoning change from Business Park to Light Industrial. It is my understanding that this is a speculative project and there is no tenant identified. This presents a problem for the residents of the eastern portion of the City. There are currently many unoccupied warehouse buildings on Cactus and along the 215 as well as many in other Inland Empire cities. The only logical reason for presenting this project at this time is to "ride the coattails" of Highland Fairview/Skechers and get approval for another megalithic structure. Since the City permitted a building 36 times the size of the General Plan recommendation, what will prevent the Council from approving another oversized structure? The only solution will be to retain the General Plan and wait for the economy to improve so that the long range goals of a diverse job base can be reached. SG-1

Ten to fifteen years ago, business park zoning was successful and in the future it will be that way again. If zoning changes could be reversed, this would be more acceptable, but they are not. It will never revert to Business Park zoning from Light Industrial and the vision of the eastern portion of the City will be changed forever. Those driving through Moreno Valley will think the City consists of warehouses and sound walls...how attractive!

Questions for the developer:

1. Is this a speculative project or is there a tenant ready to occupy a 900,000 sq ft building? SG-2

2. What benefit is there to the residents and the City for approving a zone change at this time? SG-3

3. Why is the City moving away from the General Plan without bringing the entire process back to the residents? Moreno Valley seems to be willing to accept anything offered rather than have high standards and long range goals. The desperation is obvious and not very reassuring. Surrounding cities of Temecula, Murrieta, Menifee, Riverside, and Redlands are constructing buildings with more style and substance than is seen in Moreno Valley. These cities are attracting a variety of businesses while our City accepts the dregs. SG-4

4. Should the Council change the zoning, will the property be sold to another developer? SG-5

5. As a condition for the zone change, will the developer be willing to put an appropriate buffer of 1500 feet on the south side of Fir and develop it as a City park with a block wall on the north side of the park? SG-6

6. Could the traffic flow from both Skechers and Western Ridge be restricted from Redlands Blvd? SG-7

7. Will the building be constructed to LEEDS standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved? SG-8

8. What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility? SG-9

Sincerely,
Susan Gilchrist

SUSAN GILCHRIST

Email dated December 6, 2010

Response SG-1

The commentor correctly notes that approval of the Westridge Commerce Center Project would involve a change of zone for the Project site, from Business Park to Light Industrial. The commentor's opinions regarding the proposed zone change will be forwarded to decision-makers for their consideration.

Response SG-2

The commentor inquires: Is this a speculative project or is there a tenant ready to occupy a 900,000 square foot building? At this time, no specific tenant(s) for the Project are under contract.

Response SG-3

The commentor inquires: What benefit is there to the residents and the City for approving a zone change at this time? The benefits of a project are not germane to an EIR pursuant to CEQA. Nevertheless, certain potential benefits to the residents and the City are reflected in the Project Objectives. More specifically, as noted at Draft EIR Page 3-4, the Primary Objectives of the Project as identified by the Project Applicant include the following:

- Transition the existing site into a productive use;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

Response SG-4

The commentor inquires: Why is the City moving away from the General Plan without bringing the entire process back to the residents? The commentor offers opinions on City development review and approval processes, and the character of local and regional development.

As discussed in the Draft EIR (Pages 4.1-6 through 4.1-9), implementation of the Project would not propose or require a change in the Project site's General Plan land use designation. The commentor's opinions in regard to the City's approval process and the character of local and regional development will be forwarded to decision-makers for their consideration.

Response SG-5

The commentor inquires: Should the Council change the zoning, will the property be sold to another developer? Should the Project be approved, it is the applicant's intention to develop the site as proposed. However, there are no restrictions to prohibit the sale of the subject property. It may be noted that, regardless of ownership, Project-specific mitigation measures and other applicable regulations relative to the Project's construction and operations, including those identified in the Draft EIR, would remain in force.

Response SG-6

The commentor inquires: As a condition of the requested zone change, will the developer be willing to put an appropriate buffer of 1,500 feet on the south side of Fir (future Eucalyptus) Avenue and develop it as a City park with a block wall on the north side of the park? As a point of clarification, the requested zone change cannot be lawfully conditioned as suggested. Moreover, there is no codified requirement or environmental impact nexus that would require or suggest a 1,500 setback or the creation of a park southerly of the Project site. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-7

The commentor inquires: Could the traffic flow from both Skechers and Western Ridge the proposed Westridge Project be restricted from using Redlands Boulevard Direct and practical access to the Project site is provided via Redlands Boulevard, located less than one-quarter mile easterly of the Project site. The Project provides all necessary improvements to mitigate its direct traffic impacts affecting Redlands Boulevard to levels that are less-than-significant. Additionally, appropriate mitigation is provided for all potentially significant cumulative traffic impacts affecting Redlands Boulevard.

Opening car access to and from the SR-60 to the Westridge Project site was assumed to utilize Redlands Boulevard exclusively. The Project TIA (included as Draft EIR Appendix B) does account for the fact that, upon the development of Eucalyptus Avenue to the ultimate configuration identified in the Moreno Valley General Plan Circulation Element, Project-related traffic could also access the SR-60 at Moreno Beach Drive.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-8

The commentor inquires: Will the building be constructed to LEED standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved? Similar to the recently approved Highland Fairview/Skechers project, the Westridge Commerce Center will be built to LEED standards. The following discussion at Draft EIR Page 3-16 is presented here for ease of reference.

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards.

MV00001027

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification. There is no requirement that LEED standards implemented by the Highland Fairview/Skechers development be similarly implemented by the instant Project.

As further described in the Aesthetics section of the Draft EIR (Page 4.9-11) and illustrated in Draft EIR Figure 4.9-3, the Project's building foundation is planned to be located approximately 25 feet lower in elevation than the existing elevation of SR-60. Substantial reduction of the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard dock-high bays for the loading and unloading of trucks. The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment.

In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured for example as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000 square foot building would have to be at least 1.7 million square feet in size in order to accommodate a comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be substantial additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint.

Response SG-9

The commentor inquires: What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility? As noted in the Draft EIR (Page 3-4), [f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations. Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site include:

97 two-axle trucks;
220 three-axle trucks; and
539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions as presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

MV00001029

HIGHLAND FAIRVIEW

14225 Corporate Way
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Tel: 951.867.5300

December 6, 2010

Mr. Jeff Bradshaw
Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: Westridge Commerce Center – Comments on Draft EIR

Dear Jeff,

Highland Fairview has reviewed the Draft EIR and is concerned with the manner in which the document addresses a number of environmental issues. As you know, the city imposed numerous mitigation measures and conditions of approval on the Highland Fairview Corporate Park (HFCP) project many of which are not applied to this project, despite the similarities of the two projects. Among these issues are air quality, water quality, freeway landscaping treatment, architectural design, sustainability, hazardous materials, biology, global climate change and many other environmental areas.

To address these concerns, we request a meeting with the City planning, traffic and engineering departments to review the proposed mitigations included in the Draft EIR. We are particularly concerned about the following subject areas:

1. The project's contribution to improvements to SR60 mainline and interchanges. HF-1
2. The project's contribution to improvements on Redlands Boulevard. HF has other projects in the area and insufficient improvements by this project should not be allowed.
3. Architectural standards and design comparable to that of the HFCP Skechers building should be articulated from the freeway.
4. The landscape treatment of the interface between the project and SR60 should be comparable to that required by the City for HFCP and should be consistent.
5. The need for a significant commitment from the project to address the visual relationship between the project and the SR60. For example, the HFCP project was lowered 25 feet so that its visual impact could be softened.

We request a meeting with City staff as soon as possible to address these concerns.

Sincerely,

Wayne Peterson
Vice President, Community Planning

HIGHLAND FAIRVIEW

Letter Dated December 6, 2010

Response HF-1

The subject line of this letter indicates that it contains comments on the Westridge Commerce Center Draft EIR©however, these comments do not appear to be intended to address the Draft EIR's technical analysis or findings. Instead, the comments focus on the Westridge Commerce Center's contribution to improvements, and express concerns regarding the equity of mitigation between the Westridge Commerce Center Project and the recently approved Highland Fairview Project (a 2.6 million-square-foot light industrial/commercial development located south of SR-60 east of Redlands Boulevard). A meeting with City staff is requested to address these concerns.

On this basis, specific technical responses are not warranted. Mitigation for the Project's potential impacts was included in the Draft EIR, and is detailed in the Project's Monitoring Program, provided in Final EIR Section 4.0. Further, the Project's architectural compatibility with City design standards, and with the Highland Fairview project, is addressed on Draft EIR Page 4.9-6.

The commentor's concerns will be forwarded to decision-makers, as requested. City staff will be pleased to meet with the commentor to discuss their concerns.

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December 3, 2010

City Council
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA U.S. MAIL

RE: Draft Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Draft Environmental Impact Report.

General Comments:

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Unfortunately, the **DEIR for this Project fails as an informational document** as it fails to adequately and accurately consider cumulative impacts throughout the document. The DEIR also misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The DEIR is often conclusory and does not provide the analysis required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusion. This includes often omitting to provide the information required to properly assess impacts. JS-1

Moreover, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation must be adopted**. In this way

CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. Moreover, all mitigation measures required in the EIR must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. The Project is also inconsistent with the City of Moreno Valley General Plan. This is unacceptable. JS-1 (cont'd)

Project Overview:

The Westridge Commerce Center is a proposal, sponsored by ProLogis, for the construction of a 937,260 sq. ft. warehouse-distribution facility on approximately 54.66 acres of mostly undeveloped agricultural land located on the north side of Eucalyptus Avenue, west of Redlands Boulevard, near the SR-60/Redlands Boulevard interchange. The project will include approximately 173 loading docks and 14,000 square feet of office space to be divided between the southeast and southwest corners of the building. The future occupants and uses of the property are unknown at this time.

The project would require the removal of approximately 70,000 cubic yards of soil. The project would require the discretionary approval of a zone change (City Case # PA08-0098) from business park to light industrial. The project would also require an amendment to City of Moreno Valley Municipal Code section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts] due to the Project sites adjacency to residentially-zoned property and approval of Tentative Parcel Map No. 36207 (City Case # PA09-023). Adjacent to the project site is SR-60 to the north and Eucalyptus Avenue to the south. Properties to the south of the project are zoned Rural Residential ("RA-2") and designated Primary Animal Keeping Overlay ("PAKO") Zone. A residence is located near the southeasterly corner of the project site. To the west of the project site, although properties are currently under agricultural production, a proposal, also sponsored by ProLogis, has been made to develop, on 117 acres, six distribution warehouse facilities totaling 2.25 million square feet. Properties immediately to the east are designated commercial. Further east, across Redlands Boulevard, development of the 2.6 million square feet Highland Fairview Corporate Park Project has been approved. Regional access to the Project will be provided by the SR-60/Redlands Avenue interchange. JS-2

The DEIR concludes that aesthetic impacts are significant and unavoidable. Noise impacts are significant and unavoidable for the construction phase. Air quality impacts are significant and unavoidable for construction and operation phases. The DEIR also concludes cumulative aesthetic, air quality, construction noise, and traffic impacts are significant.

Cumulative Impacts:

The cumulative impact analysis is brief, lacking in evidence and data, and generally insufficient. CEQA requires that in order to adequately discuss and analyze potential significant cumulative impacts, "[a] list of past, present, and probable future projects producing related or cumulative impacts" must be included in the DEIR. (Cal. Pub. Res. C. § 15130(b)(1)(A).) The lead agency must also "define the geographic scope of the area JS-3

affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." (Cal. Pub. Res. C. § 15130(b)(2).)

Here, the DEIR looks *only* at the cumulative effects from those "probable development proposals" within a two (2)-mile radius of the Project. **The analysis does not account for any past or present projects as required under CEQA and does not "provide a reasonable explanation" for why the two-mile radius was used.** Although a discussion as to why the Traffic Impact analysis was limited to a two-mile radius was provided in the DEIR, this reasoning does not support a basis for why the Cumulative Impact Analysis section of the DEIR was limited to such a small radius and purely probable future projects. Development within Moreno Valley is occurring on a large scale and the resulting impacts should not be ignored. (See Exhibits 1 – 3.) There is also a great amount of residential development within close proximity to the Project site, yet the impacts from these projects are not included in the analysis. For instance, The Moreno Highlands Specific Plan providing for 7,700 residential units located east of the Project site and the Aqua Belle Specific Plan providing for 2,922 "Active Adult" residential units located southwesterly of the Project site are neither included in the analysis nor mentioned in the DEIR. Also, the Centerpointe Project, a 353,859 square feet distribution center (PA07-0147, PA07-0157) which was approved by the Planning Commission in early 2010 was not included. This failure to analyze any impacts from past and present projects, as well as projects outside of the two-mile radius results in an inadequate analysis of the impacts to traffic, air quality, greenhouse gas emissions, and aesthetics, among others.

JS-3 (cont'd)

Furthermore, the cumulative impact section often fails to recognize that impacts which are less than significant on their own may nonetheless be cumulatively significant. The cumulative impact analysis also fails to summarize "the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available," as is required by CEQA. (Cal. Pub. Res. C. § 15130(b)(4).)

Therefore, the DEIR fails as an informational document as it does not provide an accurate analysis of the cumulative environmental effects that will result and therefore does not allow for sound and informed decision making on behalf of approving agencies.

General Plan Consistency:

CEQA requires that an EIR "discuss any inconsistencies between the proposed project and applicable general plans." (CEQA Guidelines 15125(d).)Yet, the DEIR fails to discuss the inconsistency of the Project with a number of applicable provisions contained within the General Plan.

JS-4

The project is inconsistent with the following General Plan provisions: Goal 2.2; Objective 2.13; and Policies 2.10.14, 2.13.1, and 2.13.3. Goal 2.2 requires that "the optimum degree of health, safety, well-being, and beauty for all areas of the community" be achieved yet the Project has numerous significant and unavoidable impacts to the safety, health and well-being of residents throughout Moreno Valley. Policy 2.10.14 requires that existing mature trees be preserved or relocated and only replaced when they cannot be preserved or relocated. Yet, although the Project will replace those existing mature pine trees along the

northerly boundary with a double-row of new trees, the DEIR fails to discuss whether these mature trees will be relocated and if not, how or why preservation or relocation of these mature trees is infeasible. Policy 2.13.3 of Objective 2.13 requires that "the sponsor of a development project…assure that all necessary infrastructure improvements…needed to support project development are available at the time that they are needed" yet, as will be discussed below, there is nothing to indicate that those improvements that will be required to mitigate for traffic will actually be implemented. JS-4 (cont'd)

Agricultural Impacts:

Although the Project will result in the conversion of farmland to non-agricultural uses the DIER finds that the impact will be less than significant. This finding is not supported by substantial evidence when the Initial Study itself states that the site is designated as Farmland of Local Importance due to the high quality of soil at the site and the Project Description states that the land has actually been used for agricultural production within the last twenty (20) years. As such, mitigation for this loss of prime agricultural land is required. It is well documented that agricultural land is the largest part of Riverside's economy. **The EIR prepared for the City of Moreno Valley General Plan recognizes that due to this loss of agricultural land, impacts are potentially significant and feasible mitigation measures would effectively lessen this significant impact.** (See Exhibit 4.) Therefore, the following mitigation measures must be adopted: JS-5

1. Purchase conservation easements on existing agricultural land to ensure that the land is never converted to urban uses.
2. Donate funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

Land Use and Planning:

This Project will have a significant impact to Land Use and Planning which was not adequately evaluated in the DEIR. The Project involves a zone change from Business Park to Light Industrial as well as an amendment to the Municipal Code as a result of its proximity to residential areas. The effects of the zone change and the amendment to the Muncipal Code are both potentially significant impacts which must be further evaluated and potentially mitigated in the DEIR. JS-6

Additionally, as stated on page 2-4 of the Initial Study land south of the Project site contains a Primary Animal Keeping Overlay Zone ("PAKO Zone") "in order to maintain animal keeping and the rural character of the area" yet this is not even mentioned in the DEIR. The Project's effects on this zoned area and the extent that this Project will disrupt the ability of people to keep animals in this zone must be analyzed and potentially mitigated.

Air Quality and Greenhouse Gas Emissions/Climate Change: JS-7

Air Quality

Air quality impacts will be significant and unavoidable during both the construction and operation phases.

Construction:

The air quality analysis is flawed and underestimates the impact on air quality during construction. The air quality analysis improperly assumes for Phase 2 Grading a value of zero Vehicle Miles Traveled (0 VMT) for on-road truck travel. This is improper as the analysis must account for the VMT by construction workers *to and from* the Project site. JS-7 (cont'd)

Even under the current analysis, without mitigation, construction of the project will result in levels of VOC, NOx, PM10, and PM2.5 exceeding SCAQMD Regional Thresholds, yet all feasible mitigation measures were not adopted to reduce construction related emissions, and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur. For example, MM 4.3.4 does not reduce VOC to the greatest extent feasible. MM 4.3.4 should be modified to require that all paints, coatings, and solvents are zero (0) VOC. JS-8

MM 4.3.1 does not sufficiently mitigate for air quality impacts and is uncertain and unenforceable. In recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM10 and PM2.5 fugitive dust haul road emissions *by approximately 44%*. Yet, MM 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. MM 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%. This measure should also be modified to include the specific measures which the contractor shall take to ensure that traffic speeds on unpaved roads are reduced to 15 miles per hour, such as the placement of signage or other speed controlling devices. Mitigation measures should also be required to include measures which mitigate for and ensure dust control at the dump site where the soil from the project site will be placed. JS-9

MM 4.3.7 should not only require that electrical power sources "be provided" but also require that electrical construction equipment be *actually used* "whenever technically feasible." JS-10

Although the air quality analysis recommends that "[p]rior to issuance of a grading permit, the grading plans shall reference that a sign shall be posted on-site stating that construction workers need to shut off engines after five minutes of idling," this mitigation measure was not included in the DEIR. This is unacceptable, particularly since the DEIR states that air quality emissions are significant and unavoidable, and this mitigation measure is plainly feasible and would reduce air quality emission. Moreover, this measure is required by CARB, in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations. This mitigation measure must be included in the DEIR. JS-11

The air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas "quickly" should be adopted. Yet, the DEIR fails to include such a mitigation measure. Again, this is unacceptable particularly since the air quality emissions are significant and unavoidable and this mitigation would reduce both PM10 and PM2.5 by JS-12

an additional 10%. Mitigation must be included requiring that landscaping or other vegetation be planted as soon as possible after disturbance. JS-12 (con'd)

In analyzing air quality due to fine site grading activity, the air quality analysis assumes that a maximum of 13.66 acres per day will be disturbed by grading activity. In order to ensure that the effect on air quality from fugitive dust is not greater than that relied upon by the DEIR, a mitigation measure must be adopted that *limits* fine site grading activity to a level below 13.66 acres per day. In fact, an even lower maximum daily acreage should be required in order to further mitigate for these impacts. JS-13

Even after applying mitigation measures, construction air quality impacts are expected to be significant and unavoidable and well above the thresholds of significance for criteria pollutants. For example, with implementation of the mitigation measures listed in the DEIR, emissions of PM10 during construction will amount to 39.51 $\mu g/m^3$ over 24-hours, almost four times the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold, while emissions of PM2.5 during construction will amount to 12.40 $\mu g/m^3$ over 24-hours, well over the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold. Additionally, VOC will reach 205.37 lbs/day, more than two and one half times the 75 lbs/day SCAQMD Regional Significance Threshold and NOx will reach 287.12 lbs/day, almost three times the 100 lbs/day SCQAMD Regional Significance Threshold. Yet, the DEIR suggests adoption of only nine (9) mitigation measures and simply concludes that the remaining unmitigated emission are unavoidable. This is insufficient. In order to further reduce construction air quality emissions, the following additional mitigation measures should be adopted:

1. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.
4. Complete all roadways, driveways, sidewalks, etc., as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.
5. Pave all roads on construction sites as soon as technically possible.
6. Limit fugitive dust sources to 20 percent opacity.
7. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
9. Require high pressure injectors on diesel construction equipment.*
10. Restrict engine size of construction equipment to the minimum practical size.*
11. Use Electric construction equipment where technically feasible.*
12. Substitute gasoline-powered for diesel-powered construction equipment.*
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
14. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of

JS-14

large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*

15. Install catalytic converters on gasoline-powered equipment.*
16. Use electricity from power poles rather than temporary diesel power generators.*
17. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*
20. Provide shuttle service to food service establishments/commercial areas.*
21. Provide shuttle service to transit stations/multimodal centers.*
22. Utilize only CARB certified equipment for construction activities.*
23. All forklifts shall be electric or natural gas powered.*
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.

JS-14 (cont'd)

Operational:

The Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. **Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930).** This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts.

JS-15

The DEIR also inaccurately represents the values used in the LST Analysis. The Air Quality Analysis states that the average trip length used was 0.3 miles and the vehicle speed was 10 miles per hour. Yet, the DEIR incorrectly states that the average trip length used in the LST Analysis was 0.5 miles while the vehicle speed was 5 miles per hour. (DEIR, 4.3-68) Again, this failure in the DEIR to accurately reflect the values used in the LST Analysis renders the DEIR inadequate as an informational document.

JS-16

The DEIR and air quality analysis conclude that for long-term operational activities, even after mitigation, VOCs and NO_x will exceed SCAQMD's Regional Significance Thresholds. Without mitigation, the regional emissions of VOCs and NO_x are exceeded for both summer and winter, with NO_x greatly exceeding the threshold of 55 lbs/day with 739.69 lbs/day in the summer and 819.10 lbs/day in the winter. With the mitigation measures, the emissions of

JS-17

NO_x would be reduced by only a meager .03 lbs/day in summer and .17 lbs/day in winter and emissions of VOCs would be reduced by only .01 lbs/day. These reductions are clearly insignificant. **The mitigation measures do not actually mitigate for the significant operational impacts to NOx and VOC.** JS-17 (cont'd)

MM 4.3.11 requires that the project surpass California Title 24 Energy Efficiency performance standards by a minimum of 20 percent. This goal is to be met by using any combination of a number of listed design features. Particularly since NOx emissions are significant this mitigation measure should require that the project surpass California Title 24 Energy Efficiency standards by at least 30 percent. In fact, all design features listed should be required to be implemented as a way to mitigate the significant effects on air quality. JS-18

Additionally, many more operational mitigation measures are feasible and may be implemented through contract requirements in the purchase, sale, or lease agreement. Such mitigation must be required unless the incorporation into the contract of a mitigation measures is shown to be *infeasible*, not merely inconvenient. The following mitigation measures should be required to reduce Project operational impacts:

1. Require the utilization of zero VOC paint, coatings, and solvents.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become SmartWay Partner.*
4. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.* JS-19
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. Install catalytic converters on gasoline-powered equipment.*
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM_{10} compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.

9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.*
10. Require each user to establish a carpool/vanpool program.*
11. Provide on-site child care or contribute to off-site child care within walking distance.*
12. Provide preferential parking for carpool/vanpool vehicles.*
13. Provide secure, weather-protected bicycle parking for employees.*
14. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
15. Provide showers and lockers for employees bicycling or walking to work.*
16. Short-term bicycle parking for retail customers and other non-commute trips.*
17. Connect bicycle lanes/paths to city-wide network.*
18. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
19. Prohibit idling of trucks for periods exceeding three minutes.*
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
21. Provide shuttle service to food service establishments/commercial areas.*
22. Provide shuttle service to transit stations/multimodal centers.*
23. Implement parking fee for single-occupancy vehicle commuters.*
24. Implement parking cash-out program for non-driving employees.*
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
26. Implement a compressed workweek schedule where feasible.*
27. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
28. Install EV charging facilities *for a minimum of 10% of all parking spaces.**
29. Install a CNG fueling facility.*
30. Provide preferential parking locations for EVs and CNG vehicles.*
31. Utilize electrical equipment for landscape maintenance.*
32. Utilize only CARB certified equipment for construction activities.*
33. All forklifts shall be electric or natural gas powered.*
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
36. Utilize low pressure sodium fixtures for exterior lighting including parking lots.
37. Utilize electric yard trucks.*
38. All buildings shall be constructed to LEED Platinum standards.*
39. The operator shall meet SmartWay 1.25 ratings.*
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.*
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.*
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.*
43. The operator shall purchase only green power.*

JS-19 (cont'd)

Climate Change/GHG emissions:

According to the air quality analysis, this Project would generate GHG emissions that will have a significant effect on the environment. However, the DEIR concluded that GHG emissions are less than significant since the Project's emissions will not exceed the thresholds of significance proposed by SCAQMD (stationary source GHG emissions ≥ 10,000 metric tons per year of CO_2E) or CARB (7,000 metric tons per year of CO_2E from non-transportation related GHG sources). Not only is this conclusion improper but the analysis used to determine GHG emissions is also flawed. JS-20

The thresholds for significance for SCAQMD and CARB relate only to *non-transportation/stationary* sources. Therefore, the GHG emission analysis and conclusion of less than significance is deeply flawed as it fails to account for the majority of GHG emissions for the Project which are attributable to non-stationary/mobile sources. Of the total estimated 30,003.39 metric tons/year of CO_2E, 27,858.08 metric tons/year come from mobile sources, whereas only 7% of CO_2E is derived from stationary sources. JS-21

Furthermore, the same reduced number of trips used in the air quality analysis was used for determining the impact on global climate change. For the same reasons previously discussed, this is inappropriate and does not adequately represent the negative impact this Project will have on global climate change. When the 2,930 traffic trips used in the traffic analysis is used rather than the 1,585.22 traffic trips as suggested, the GHG emission for transportation sources increases more than double from 27,858.08 CO_2E to 51,490.77 CO_2E. **Clearly, GHG emissions are far greater than that estimated in the DEIR.** JS-22

The GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project. Where the project consists of a new distribution center and truck parking, the vehicular emissions in fact create a "new" mobile source of emissions as they create new trucking jobs, and do not merely redistribute the existing traffic patterns as this analysis has assumed. JS-23

The DEIR incorrectly concludes that even though GHG emissions from the Project would be significant, since the Project is consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG emissions are not cumulatively considerable. Yet, this project is, in fact, inconsistent with the CARB Scoping Plan. For instance, Action T-7 recommends that trucks/trailers be retrofitted with BAT and/or CARB-approved technology, yet this Project does not require this retrofit. The DEIR also states that the Project is consistent with Action E-4 (Million Solar Roofs) which sets a target for the installation of 3,000 megawatts (MW) of new solar capacity by 2017, yet the Project does not include nor require installation of a photovoltaic solar electricity system. In order to actually work to achieve this goal of new solar capacity, the Project should require, as a mitigation measure, the installation of a photovoltaic solar electricity system Such a system may be required through contract requirements in the purchase, sale, or lease agreement. JS-24

The DEIR also states that the Project is in compliance with 2006 CAT Report GHG Emission Reduction Strategies. Yet, these determinations of compliance are not supported by any *mandatory requirements,* but rather based on mitigation measures which are not fully enforceable or feasible. For example, the DEIR states that vehicles accessing the site will be in compliance with CARB vehicle standards to the "maximum extent feasible," but does not define this or implement any standard of performance. The DEIR also states that compliance JS-25

with the State's goal of achieving 50% Statewide Recycling will be met through including "provisions for tenants to recycle," yet, there is no requirement that this goal be met. Recycling of at least 50% by the future tenant should be mandatory and required as a mitigation measure through contract requirements in the purchase, sale or lease agreement. In stating that the Project is compliant with the requirement for water use efficiency, the DEIR states that implementation of water conserving devices should be required "to the extent feasible." This language is again vague and does not include any enforceable performance standards. Also, the Project does not require compliance with the California Solar Initiative, one of the strategies identified as critical for California to meet its greenhouse gas reduction targets. The Project merely *recommends* adoption of a requirement that "[a]ll buildings be designed to accommodate renewable energy sources, such as pholtovoltaic solar energy systems…" (DEIR, pg. 1-58) Again, this should be a *required*. Furthermore, the project is also inconsistent, and/or determined to not require compliance with several other CAT strategies, notably with respect to Alternative Fuels. JS-25 (cont'd)

The DEIR fails to analyze or provide evidence as to how any alleged compliance with the strategies in the 2006 CAT Report or the CARB Scoping Plan would reduce GHG emissions from this Project so that cumulative GHG impacts would not be significant. Furthermore, the DEIR fails to show how the Project is consistent with statewide goals in AB32 of reducing carbon emissions to 1990 levels 2020 and of Executive Order S-3-05 of reducing carbon emissions to 80% below 1990 levels by 2050, when this project only contributes to and increases these carbon emissions. JS-26

The California Air Pollution Control Officer's Association ("CAPCOA") has analyzed several means of determining the significance of a project's greenhouse gas impacts under CEQA in its CEQA & Climate Change White Paper. CAPCOA determined that a threshold of zero or a quantitative threshold designed to capture 90 percent or more of likely future discretionary projects (a 900-ton CO_2E threshold) are highly effective at reducing emissions and highly consistent with the emission reduction targets set forth under AB 32 and Executive Order S-3-05. (See Exhibit 5.) The Bay Area Air Quality Management District (BAAQMD) has also drafted guidance on the determination of significance for greenhouse gas impacts. BAAQMD has recognized that there is a "gap" between state action to reduce emissions and the need to further reduce emissions from land-use driven sectors in order to reach AB 32 targets. (See Exhibit 6.) After a series of calculations, BAAQMD then determined that projects above 1,100 tons (accounting for approximately 92% of all GHG emissions from new land use development) would be considered significant, thereby requiring the adoption of all feasible mitigation measures and helping to get nearer to meeting AB 32 targets after statewide regulations are taken into account. Additionally, in the EIR for the Highland Fairview project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change. The Project clearly exceeds the zero threshold. Accordingly, all feasible mitigation measures must be implemented and thus all suggested design features in Mitigation Measure 4.3.11 must be required to be implemented in the Project design. JS-27

The DEIR improperly concludes that due to the Project's supposed consistency with the CARB Scoping Plan and the 2006 CAT Report "that the Project's greenhouse gas emissions are not cumulatively considerable." (DEIR, pg. 5-14) As discussed above, even if the Project were consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG JS-28

emissions from the Project are not less than significant. Additionally, the conclusion that GHG emissions are not cumulatively considerable just because the emissions are not individually considerable (although not actually true) completely ignores the concept of cumulative impacts. "'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15064(h)(1). As the DEIR admits, climate change is a global issue as emissions from sources worldwide combine to create the most pressing environmental and social problem of our time resulting in increased flooding, decreased water supply, negative impacts to biological resources, as well as numerous other negative effects. These sources may "appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Los Angeles Unified School Dist. v. City of Los Angeles,* 58 Cal.App.4th 1019, 1025 (1997). Here, the cumulative effects on GHG emissions were not adequately analyzed. GHG emissions, which are already estimated at over 30,000 metric tons of CO_2E per year for just this Project, will have a large cumulative effect and this impact must be addressed in the DEIR and be properly mitigated. **Adoption of air quality mitigation measures marked with an asterisk and provided above will help further mitigate GHG emissions.** JS-28 (cont'd)

After all measures have been implemented to reduce emissions, any remaining emissions that cannot be eliminated may be mitigated through off-site measures. The Final Statement of Reasons for CEQA GHG Guidelines specifically contemplates off-site mitigation such as "community energy conservation projects." CAPCOA also found that a potential cost-effective offset and verifiable offset could include an energy-efficient retrofit of existing building stock in the Project area to offset the remainder of the Project's emissions. (See Exhibit 5 at 80.) Offsetting GHG emissions in the project area could also effectively reduce criteria pollutants. JS-29

Noise:

Construction:

Intermittent noise levels due to construction at the Project site are expected to reach 89 dBA at the nearest residential properties, well in excess of the daytime 60 dBA Leq allowable under the Moreno Valley Municipal Code. Even at the more distant residential neighborhoods one quarter mile away from the Project site, noise levels during construction are expected to reach 60 to 65 dBA Leq. The DEIR concludes that even after implementing four mitigation measures, that construction noise will be significant and unavoidable. Yet, the DEIR does *not* adopt all feasible mitigation measures. Also note that Mitigation Measure 4.4.3, which limits constructions activities to between 7:00 a.m. and 8:00 p.m. does *not* mitigate the fact that noise levels of 89 dBA will be in excess of the City's noise ordinance during *daytime* hours. The fact that the ordinance establishes time frames does not eliminate or lessen the environmental impact it merely means that the impacts are not subject to criminal sanctions. The threshold of significance is therefore still exceeded during the day. JS-30

Additionally, Mitigation Measure 4.4.4 merely requires that the Project plans include a statement that "for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be JS-31

installed along the Project's southerly boundary" and should "provide maximum reduction for noise sensitive uses…." The term "maximum reduction" is vague and unenforceable. In order to ensure that this mitigation measure actually reduces the level of noise, the measure should require that these sound barriers, which should also include temporary sound walls, actually **reduce noise at sensitive receptors to no more than 60 dBA Leq.** JS-31 (cont'd)

The Noise Analysis recommends the following feasible mitigation measures which must be adopted:

1. Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.
2. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
3. Notify surrounding homeowners of expected, specific construction related noise impacts.

JS-32

In addition, the following mitigation measures, not mentioned in the Noise Analysis, should be adopted:

4. When technically feasible, electrical construction equipment should be utilized.
5. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.

JS-33

Additionally, the DEIR improperly adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA or greater. This is an improper and inaccurate assumption and is certainly not supported by Appendix G of the *CEQA Guidelines* as stated in the DEIR. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance…." Here, 60 dBA is the standard for residential uses and noise levels will be in excess of this standard. JS-34

In terms of ground-borne vibration, there is no evidence pointed to in the DEIR that shows that vibrations would be less than significant even though heavy equipment used during construction "could potentially generate groundborne vibration impacts." Instead the DEIR makes the conclusory statement of insignificance without data or analysis to support such a determination. The DEIR also only mentions vibration impacts to *buildings* when it should also look at impacts to people. Therefore, the DEIR again fails as an informational document. JS-35

<u>Operational - Cumulative Impacts:</u>

As previously discussed, the DEIR fails to look at all cumulatively related projects. This is improper. JS-36

The DEIR finds that the cumulative effects on existing roadways will cause an increase in noise levels of up to 9.5 dB, yet, the DEIR improperly concludes that since the impact from the Project *on its own* is less than 3 dBA that the cumulative impact is not significant. Again, this analysis is completely improper. An increase of 3 dBA is not the threshold of significance adopted for the project. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance ...." Again, that standard for residential uses is 60 dBA and noise levels will be in excess of this standard. For example, with the project, noise levels 100 feet from Redlands Boulevard south of the SR-60 eastbound off-ramp will reach 69.3 dBA and noise levels 100 feet from SR-60 will range from 82.1 to 83.9 dBA. Further, the project will cause noise levels to *increase over levels without the project* at numerous roadway segments. This is a significant impact for which all feasible mitigation must be required. JS-37

Additionally, the Noise Analysis uses noise measurements previously taken at the G.I. Trucking facility in Pomona, California, although neither the Noise Analysis nor the DEIR provide information on this facility in order to show that the activity at the G.I. Trucking facility is comparable to that which would occur at this Project. Therefore the analysis is inadequate to determine the accuracy of potential noise impacts. JS-38

The following feasible mitigation measures must be adopted as recommended in the Noise Analysis: JS-39

1. All trucks, tractors and forklifts shall be operated with proper operating and well maintained mufflers.
2. Maintain quality pavement conditions that are free of bumps to minimize truck noise.
3. Limit the number of idling trucks on the southeastern portion of the site.

Traffic and Circulation:

Interstate 15 ("I-15") and Interstate 215 ("I-215") provide access to the Project area and will most certainly be used to access the Project site. Yet, the DEIR fails to assess the impacts this Project will have on I-15 and I-215 and fails to provide feasible mitigation for projected increased traffic congestion to I-15 and I-215. In order to mitigate for the substantial impacts to these Interstates, mitigation must be included which requires the Project to contribute a fair share to CALTRANS in order to support implementation of improvements to the I-15 and I-215. JS-40

Numerous mitigation measures require that the project participate in fee programs, namely the TUMF and DIF Programs. While payment of fair share fees can be appropriate mitigation for cumulative traffic impacts, they are only adequate when there is an existing program, and that program is adequately funded. The DEIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project. The DEIR also fails to provide information as to the availability of existing fee programs and the financial capability of these programs to actually fund the required improvements for this project. JS-41

The traffic impact mitigation relying on the DIF program is inadequate and is not certain to mitigate traffic impacts. The City announced several months ago that the DIF fees were inadequate to actually construct all required improvements. At that time, the DIF fees were underfunded by approximately 50%. In addition, at the August 18, 2009 City Council Hearing, the City further reduced DIF fees, further increasing the shortfall. There is absolutely no evidence in the record to show that the existing program is adequately funded.

Additionally, these measures do not indicate when the fees will be paid. If required to be paid at the time of construction, the amount could be non-representative of the project's "fair share" in the future. Accordingly, there is absolutely nothing to indicate that the traffic mitigation needed can actually be completed, that mitigation will bring levels of service to acceptable levels, or that there will be adequate funding to install the improvements prior to their need. JS-41 (cont'd)

Therefore, the following mitigation measures should also be adopted:

1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
3. Reroute construction trucks away from congested streets and sensitive receptor areas.*
4. Configure construction parking to minimize traffic interference.*
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
8. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
9. Improve traffic flow by traffic synchronization.

JS-42

Again, the cumulative analysis of traffic impacts is insufficient as it fails to consider numerous projects as previously discussed. JS-43

Water Supply/Sewer:

The DEIR improperly looks to potable water demand of the project (44 acre feet per year) to determine less than significant impact on water supply, instead of total water demand. The DEIR states that the "EMWD has determined that it will be able to provide adequate water supply to meet the **potable** water demand for the project…." There is no analysis of the impact of any additional water for the Project on diminishing water supplies for other uses such as agricultural uses, despite the fact that agricultural users have been put on mandatory water reductions because of water shortages. JS-44

The DEIR fails to examine impacts from global warming and climate change to water supplies. Specifically, the DEIR does not account for decreased snow pack, expected levee failure, and salinity intrusion into coastal water tables, especially with the State Water Project. Additionally, the state-wide drought and low availability of water throughout southern California will cause water supply to likely be much lower than projected, and the project may have a very significant impact. JS-45

In order to mitigate for these significant impacts, the following mitigation measures should be adopted: JS-45 (cont'd)

1. Install permeable pavement in car parking areas.
2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.

Hydrology and Water Quality:

As discussed in the Preliminary Hydrology Study, on page 6, in order to mitigate for impacts from runoff, the project should be required to "clean the sediment build up in the existing triple 60" pipes crossing under the 60 freeway as well as the existing 60" Pipe outleting into the Redlands Blvd. westerly drainage ditch. This mitigation measure must be included in the DEIR. JS-46

The DEIR fails to analyze the impact at the southwesterly corner of the Project site if the future drainage improvements that are to eventually be constructed "by others in association with eventual bridged crossing of the Quincy Channel" are not constructed or construction is delayed. The DEIR fails to indicate when these drainage improvements are to be constructed and how they will be funded. JS-47

Cultural Resources:

The DEIR fails to provide adequate information to evaluate whether prehistoric resources will be impacted as a below ground investigation was not conducted, merely a surface study, even though most prehistoric resources would be expected to be discovered underground and prehistoric resources have been identified at numerous sites within one mile of the Project site. JS-48

Additionally, the mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground. MM 4.7.1 and 4.7.3 permit only temporary halts upon discovery of cultural resources, although longer halts and delays may be necessary to properly record and remove resources. These mitigation measures state that this delay is meant to "avoid construction delays." Therefore, it is likely that the cultural resources located onsite will be unearthed, damaged, improperly recorded, etc. in order to not inconvenience construction. JS-49

Further mitigation is feasible. The mitigation measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job. Further, some option to preserve the resources in situ should be provided in the event of the discovery of extensive cultural resources. JS-50

Biological Resources:

The DEIR and biological survey conclude, without providing adequate evidence or analysis, that although common wildlife would potentially be impacted by loss of this ruderal agricultural land, that this impact would not be significant. This is a conclusory statement not supported by evidence in the DEIR. The development of farmland and open space results in a loss of habitat and in turn, wildlife. The impacts to biological resources must be accurately analyzed and mitigated. JS-51

Aesthetics:

The Project is expected to change scenic vistas and cause a significant and unavoidable aesthetic impact and cumulatively result in a substantial adverse effect on scenic views in the Project area. In an attempt to mitigate these effects, the Project should be required to conduct off-site mitigation and preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County. JS-52

Project Alternatives:

CEQA requires that an EIR consider a reasonable range of project alternatives that lessen significant project impacts and meet basic project objectives. In this case, the DEIR fails to satisfy this mandate by not analyzing a "reasonable range" of alternatives because besides the no-project alternatives, the DEIR only actually considers the Reduced Intensity Alternative and Alternative Site 5. Further, Alternative Site 5 would not lessen significant project impacts. Although mentioned in the DEIR, Alternative Sites 1, 2, 3, and 4 were not actually considered as these sites are unavailable since other development is already planned for these sites. Further, any rejection of project alternatives has to be supported by findings supported by substantial evidence and this evidence does not appear in the record. JS-53

Thank you for your consideration.

Sincerely,

Raymond W. Johnson, Esq. AICP
JOHNSON & SEDLACK

Encl: Exh (11)

EXHIBITS

(1) Moreno Valley New Project Maps with Commercial Development Activity, New Housing and Planned New Housing. (Accessed from the City of Moreno Valley website, December 2, 2010).

(2) Moreno Valley Residential Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(3) Moreno Valley Commercial Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(4) Final Environmental Impact Report, Moreno Valley General Plan: 5.8, Agricultural Resources. (July 2006).

(5) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.*

JS-54

(6) Bay Area Air Quality Management District. (December 7, 2009) *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance.*

(7) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 4.0 Construction Noise Criteria and Descriptors.*

(8) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 9.0 Construction Equipment Noise Levels and Ranges.*

(9) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook.*

(10) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects.*

(11) Federal Interagency Committee on Urban Noise. (June 1980) *Guidelines for Considering Noise in Land Use Planning and Control.*

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(951) 506-9925
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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

JS-55

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

JS-55 (cont'd)

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

Johnson & Sedlack, Attorneys at Law
26785 Camino Seco 12/97- Present
Temecula, CA 92590
(951) 506-9925

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions
26785 Camino Seco 8/94- Present
Temecula, CA 92590
(909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department
Environmental Team 6/91-8/94
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department
General Plan Team 6/91-6/92
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community. JS-55 (cont'd)

San Bernardino County Planning Department
North Desert Regional Planning Team
15505 Civic 6/90-6/91
Victorville, CA
(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting
229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640 2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO
6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.
Lee's Summit, MO
9/78-5/84
Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association
Lee's Summit, Mo.

Project Coordinator
6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated. JS-55 (cont'd)

City of Lee's Summit, MO
220 SW Main
Lee's Summit, MO 64063
Community Development Director 4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff
9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800 5/73-4/75
Economist/Planner

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS. JS-55 (cont'd)

JOHNSON & SEDLACK

Letter Dated December 6, 2010

Response 8-1

The City disagrees with the commentor's generalized assertions regarding the adequacy of the Westridge Commerce Center Draft EIR. As detailed in the following responses, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative impacts has been identified within the Draft EIR. As appropriate, additional measures suggested by the commentor have been incorporated to further reduce impacts, but these changes do not alter the conclusions or analysis contained in the DEIR. These mitigation measures, as amended herein, have been carried forward into the Mitigation Monitoring Plan included as Section 4.0 within this Final EIR. Similarly, the commentor's contention that the Project is inconsistent with the City's General Plan is addressed in the following responses.

Response 8-2

This comment incorrectly identifies the Project Sponsor as ProLogis. As noted on Draft EIR Page 2-2, the Project proponent is actually Ridge Property Trust. Otherwise, the commentor has accurately summarized the general aspects of the proposed Project and its significant impacts.

Response 8-3

This comment incorrectly infers that the Draft EIR's analysis of cumulative impacts was limited to a limited geographical area surrounding the Project site. In addition to the eleven existing and planned development projects identified in Draft EIR Table 5.1-1 (please refer to Draft EIR Page 5-2), the Draft EIR notes that the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be

considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region (Draft EIR Page 5-4).

Affected Draft EIR discussions at Pages 5-1 through 5-25 are revised, as indicated below by **bold underlined text,** providing clarification of considered parameters and geographic scope for each cumulative impact topic.

5.1 CUMULATIVE IMPACT ANALYSIS

CEQA requires that an EIR identify any significant cumulative impacts associated with a project (Guidelines, Section 15130 (a)). When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." [*CEQA Guidelines*, Section 15355 (a 1)]. Thus, a legally adequate cumulative impact analysis is an analysis of a particular project viewed over time and in conjunction with other related past, present and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. CEQA notes that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness (Guidelines, Section 15130 (b)). Only those projects whose impacts might compound or interrelate with those of the project under consideration require evaluation. CEQA does not require as much detail in the analysis of cumulative environmental impacts as must be provided for the project alone.

The Guidelines identify two basic methods for satisfying the cumulative impacts analysis requirement: the list-of-projects methodology and the summary-of-projections methodology. Because each environmental resource is affected by its surroundings in different

MV00001056

ways, either of the two methodologies, or a combination of both, may be applied to the analysis of cumulative impacts to each resource. For example, because the approval process and construction phase of development typically takes at least one to two years, the list-of-projects method is likely to provide a more accurate projection of growth in the near term. This method may overstate potential cumulative impacts because the considered list-of-projects may include proposals that will never be developed. Similarly, because development proposals are rarely publicly known until within five (5) years of the expected development, the summary-of-projections method provides a more accurate projection of growth over the long term. This method may not accurately predict growth in any given year, but aggregates various growth trends over the long term. Unless otherwise noted, potential cumulative impacts of the Project are considered in the context of known or probable development proposals (related projects) as well as anticipated ambient growth of the City and region.

As noted previously, the Guidelines identify that only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation. In this regard, it is recognized that within the context of the cumulative impacts analysis, varied criteria are employed in determining the scope and type of cumulative projects to be considered. For example, the analysis of cumulative traffic impacts evaluates the Project's traffic impacts in the context of other known or probable development proposals that would discernibly affect traffic conditions within the Traffic Impact Analysis Study Area, though such projects may not affect other environmental considerations.

The manner in which each resource may be affected also dictates the geographic scope of the cumulative impacts analysis. For example, cumulative traffic impacts will typically be localized to the vicinity of a given project site because after a relatively short distance, traffic patterns tend to normalize. Similar considerations factor in evaluating potential cumulative impacts for each of the EIR's environmental topics (Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Water Supply, Hydrology and Water Quality, Cultural Resources, Biological Resources, and Aesthetics).

Unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Potential cumulative impacts of the Project are considered in the context of known or probable development proposals, as well as anticipated generalized ambient growth of the region. As identified at Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated related projects have been identified within the cumulative scope of the Westridge Commerce Center Project. Related projects have been identified in consultation and coordination with the Lead Agency. . . .

. . . It should be noted that, with the exception of specific Project-related traffic, air quality, noise and aesthetic impacts, which are forecast to remain significant and unavoidable even after application of all feasible

MV00001058

mitigation, implementation of the mitigation measures identified in this Draft EIR (found in Table 1.10-1) would reduce impacts to a level that is considered less-than-significant.

5.1.1 DISCUSSION OF CUMULATIVE IMPACTS

Potential cumulative impacts for each topic of environmental concern considered in this EIR and associated Initial Study are discussed below. Assessments of potential cumulative impacts are based on development scenarios and growth projections presented in the City's General Plan, related analyses of cumulative impacts presented in the General Plan EIR, as well as potential cumulative effects of the previously-identified related projects.

5.1.1.1 Cumulative Impacts Related to Land Use and Planning

The cumulative impact area when considering potential cumulative land use and planning issues generally includes areas that are currently, or are anticipated to be, subject to provisions of the City General Plan and Zoning Ordinance. These areas include the currently incorporated areas of the City of Moreno Valley and unincorporated areas of the County of Riverside lying within the City s Sphere of Influence

Implementation of the Westridge Commerce Center Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. It is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area. . . .

5.1.1.2 Cumulative Impacts Related to Traffic and Circulation

The cumulative impact area for traffic circulation impacts is generally defined by the Traffic Impact Study Area as detailed within the Project

Traffic Impact Analysis (EIR Appendix B). This Area includes, but is not limited to potentially affected roadways and intersections within the City of Moreno Valley, and also considers all potentially affected Caltrans and Congestion Management Program facilities.

Project-Specific Impacts Are Reduced To Levels That Are Less-Than-Significant

Project-specific traffic impacts are addressed through implementation of on-site improvements and mitigation to be completed prior to issuance of the first Certificate of Occupancy for the Project. . . .

5.1.1.3 Cumulative Impacts Related to Air Quality

The cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of jurisdictional air quality management agency, in this case, the South Coast Air Basin (SCAB) and the South Coast Air Quality Management District (SCAQMD) respectively. Project emissions within the context of SCAQMD s regional emissions thresholds provide an indicator of potential cumulative impacts within the jurisdictional Air Basin. Impacts to air quality from cumulative projects may occur within the entire Air Basin. Due to the defining geographic and meteorological characteristics of the Air Basin, criteria pollutant emissions that would potentially cumulatively impact air quality would be, for practical purposes, restricted to the Air Basin. Accordingly, the Basin geographic area is the appropriate limit for this cumulative Air Quality analysis. Cumulative localized impacts for pollutants are also considered, and reflect Project air pollutant emissions in the context of ambient air quality conditions more immediate to the Project site.

MV00001060

Global Climate Change impacts are by definition, cumulative and global in scope.

Construction-Source Pollutant Emissions

EIR Section 4.3, Air Quality, and EIR Appendix C address potential air quality impacts of the Project. As discussed, even after compliance with all rules and regulations, Project-related construction activities will temporarily result in exceedances of applicable SCAQMD regional thresholds for VOC and NOx . . .

5.1.1.4 Cumulative Impacts Related to Noise

The cumulative impact area for noise considerations is generally defined as surrounding properties that could receive Project-generated noise (either construction or operational), and would also include roadway corridors affected by Project-related traffic and associated vehicular noise (existing EIR discussion at Page 5-14).

5.1.1.5 Cumulative Impacts Related to Water Supply

The cumulative impact area for water is the Eastern Municipal Water District (EMWD) service area and encompassing Metropolitan Water District (MWD) jurisdiction. Water supply issues germane to the Project including cumulative water supply impacts are comprehensively addressed within The Project Water Supply Assessment, (Eastern Municipal Water District) June 4, 2008. The Project Water Supply Assessment is presented at Draft EIR Appendix E.

As discussed in Draft EIR Section 4.5, potential cumulative impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. . . .

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5.1.1.6 Cumulative Impacts Related to Hydrology and Water Quality

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB), in this case the Santa Ana Regional Water Quality Control Board. Local oversight is also provided by the City of Moreno Valley and Riverside County.

Potential hydrology and water quality impacts of the Project are addressed in EIR Section 4.6, Hydrology and Water Quality. As discussed in the EIR, Project-related storm water management will be realized through a system of on-site detention basins and controlled release of storm waters to existing and proposed drainage facilities. . . .

5.1.1.7 Cumulative Impacts Related to Cultural Resources

The cumulative impact area for prehistoric, archaeological, and historic resources is the Perris Plain/Perris Valley area (including the Cities of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within the Perris Plain/Perris Valley area would be site-specific. In the event that similar resources are encountered at any other project sites, specific mitigation measures would be applied before development could proceed.

As discussed in Draft EIR Section 4.7, potential impacts to cultural resources are determined to be less-than-significant as mitigated. . . .

5.1.1.8 Cumulative Impacts Related to Biological Resources

The cumulative impact areas for biological resources are generally defined by available habitat, species' range(s), physical constraints, and other

limiting factors as discussed within the Project Biological Resources Assessment, Draft EIR Appendix G (existing discussion at EIR Page 5-20).

5.1.1.9 Cumulative Impacts Related to Aesthetics

The cumulative impact area for aesthetic impact considerations is generally defined as the city of Moreno Valley General Plan Area. More specific to the Project, cumulative impacts of concern are impacts to views and viewsheds along SR-60 in the Project vicinity.

As presented in EIR Section 4.9, Aesthetics, new industrial uses proposed by the Project will substantially alter the existing visual sense of the subject property, which is currently a vacant site. . . .

Related development proposals that would potentially interact with Project traffic are summarized in the Draft EIR (Draft EIR at Page 4.2-16) and identified graphically at TIA Exhibit 5-11. The developments referenced by the commentor, including the Moreno Highlands Specific Plan (adopted in 1992), the Aqua Bella Specific Plan (adopted in 2005), and Centerpointe Business Park Project (approved in 2006) are reflected in the City's most recent General Plan Amendment, which was adopted in 2006. Traffic generated by these projects is modeled in traffic planning estimates and projections of the Moreno Valley General Plan buildout condition. As clarified previously in these responses, unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Response S-4

The Draft EIR addresses the Project's consistency with applicable General Plan goals, objectives and policies for each topic of analysis (please refer to Draft EIR Land Use Table 4.1-1 on Pages 4.1-18 through 4.1-20; Traffic and Circulation Table 4.2-8 on Pages 4.2-23 and 4.2-24; Air Quality Table 4.3-4 on Page 4.3-18; Noise Table 4.4-3 on Pages 4.4-10 and 4.4-11; Water Supply Table 4.5-10 on Pages 4.5-24 and 4.5-25; Hydrology and Water Quality Table 4.6-2 on Pages 4.6-13 and 4.6.14; Cultural Resources Table 4.7-1 on Page 4.7-10; Biological Resources Table 4.8-1 on Pages 4.8-11 and 4.8-12; and Aesthetics Table 4.9-1 on Pages 4.9-5 through 4.9-7).

The commentor asserts that the Project has numerous significant and unavoidable impacts to the safety, health, and well-being of residents throughout Moreno Valley. The Project's significant and unavoidable impacts have been identified as follows: cumulative traffic impacts affecting levels of service at certain intersections, roadway segments and freeway mainline segments; individual and cumulative short-term construction source exceedance of localized air quality thresholds for particulates (PM_{10} and $PM_{2.5}$); individual and cumulative long-term operational emissions exceedances for ozone precursors (VOC and NOx); individual and cumulative short-term construction noise impacts; and individual and cumulative aesthetic impacts related to changes to scenic vistas.

The Draft EIR acknowledges that increased air emissions could affect the health of area residents (please refer to Draft EIR Section 4.3, pages 4.3-4 through 4.3-10 *et al.*). The Draft EIR further acknowledges that the Project's temporary exceedance of the South Coast Air Quality Management District's Localized Significance Thresholds (LSTs) represents a potentially significant impact to sensitive receptors in the Project vicinity for the duration of Project construction. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely undeveloped. All other

study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. Additionally, the Draft EIR included a Health Risk Assessment which was prepared in order to specifically address potential health risks that could result from exposure to Project-generated Diesel Particulate Matter (DPM). No health risks related to DPM were identified, and potential impacts in this regard were found to be less-than-significant (please refer to Draft EIR pages 4.3-79 to 4.3-86).

Similarly, the potential for long-term increases in noise generation to lead to health impacts are acknowledged in the Draft EIR (please refer to Draft EIR pages 4.4-3 through 4.4-4, *et al*. However, the Draft EIR identified no long-term exceedances of existing noise standards due to Project operations (please refer to Draft EIR pages 4.4-21 through 4.4-26). The significant noise impacts identified in the Draft EIR were the result of Project construction activities, and as such, would be temporary and intermittent.

The Project will implement all feasible mitigation as summarized at revised Table 1.10-1. Notwithstanding, significant impacts are anticipated to occur from Project construction and/or operations. These significant impacts are summarized at EIR Table 1.8-1 (Draft EIR Pages 1.1-17 through 1.1-20). CEQA does not prohibit the Lead Agency from approving a project with significant impacts. As provided for under CEQA Section 15093 subd. (a):

> (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits,

MV00001065

> of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable.

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable. General Plan goal, objective, and policies cited by the commentor are provided in their entirety in the following table, along with a discussion of the Project's consistency with each of these provisions.

Goal/Objective/Policy	Project Consistency
Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.	**Consistent**. The Project is permitted under the site's current General Plan Land se Designation, reflecting consistency with the City's goal to establish an organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population. The Project establishes contemporary industrial facilities. As noted at EIR Page 3-5, [f]inal designs of the Project building will be realized consistent with industrial design requirements and standards identified under Municipal Code Section 9.05.040, Industrial Site Development Standards. Site plan and design concepts are articulated at EIR Section 3.0, Project Description. Moreover, the Project is required to comply with Development Plan Review provisions established within City of Moreno Valley Municipal Code Section 9.02.030. The Project will contribute to a functional balance by affecting the City's economic base through increased property tax revenues based on improvement of the vacant site. The Project proposes new industrial development within the City, and will create additional job opportunities (temporary construction jobs and as well as permanent warehouse staff and management positions)anticipated to be filled from local employment pools. At buildout, the Project is anticipated to generate up to approximately 900 permanent jobs.
Objective 2.13: Coordinate development activity with the provision of public infrastructure and services to eliminate possible gaps in service provision.	**Consistent.** The Project will provide all necessary infrastructure improvements to ensure safe and efficient operations. As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. Please refer also to the discussion of Project infrastructure presented at Draft EIR Pages 3-21 through 3-23. The Project will also be responsible for providing on-site and off-site roadway infrastructure improvements, prior to the issuance of occupancy permits, as presented at Draft EIR pages 3-7 and 3-8.

MV00001067

Goal/Objective/Policy	Project Consistency
Policy 2.10.14: Preserve or relocate existing mature trees and vegetation where practical. Mature trees shall be replaced when they cannot be preserved or relocated.	**Consistent.** The Project design concept as well as programmed Caltrans improvements to adjacent SR-60 would require elimination of certain mature pine trees existing along the existing northerly boundary of the subject property. That is, these trees will be displaced by Project and Caltrans improvements, and cannot be maintained in place. As discussed at Draft EIR Page 4.9-19, the Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements.
Policy 2.13.1: Limit the amount of development to that which can be adequately served by public services and facilities, based upon current information concerning the capability of public services and facilities.	**Consistent.** As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. The Project's potential to result in Projects-specific impacts due to insufficient roadway infrastructure have been addressed within the Draft EIR (Section 4.3, Traffic and Circulation, Mitigation Measures 4.2.1, 4.2.2), and are identifies as less-than-significant as mitigated.
Policy 2.13.3: It shall be the ultimate responsibility of the sponsor of a development project to assure that all necessary infrastructure improvements (including system wide improvements) needed to support project development are available at the time that they are needed.	

It is acknowledged that not every provision of the General Plan was addressed within the Westridge Draft EIR; however, the Lead Agency disagrees with the commentor's assertion that the Draft EIR is thus inconsistent with the General Plan. The results and conclusions of the Draft EIR are not affected.

Response 8-5

The commentor correctly notes that the Draft EIR identifies potential impacts regarding the conversion of farmland to non-agricultural uses to be a less-than-significant impact. However, the comment misconstrues the findings of the City's General Plan in regard

MV00001068

to this issue. As referenced in the discussion of Agricultural Resources analysis from the Moreno Valley General Plan Final Program EIR, which was attached to the commentor's letter and identified by the commentor as Exhibit 4, and has been included in Appendix A of this Final EIR), the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR states that, [s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable. Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. The Project land uses are consistent land uses reflected in the General Plan, and the Project would not result in impacts to farmlands differing substantively from those considered and evaluated in the GPEIR.

Moreover, relevant CEQA threshold considerations address lands defined as Prime Farmland, nique Farmland, or Farmland of Statewide Significance. In the case of the Project, the subject site does not qualify as any of these.[8] The mitigation measures identified by the commentor are unnecessary. The results and conclusions of the Draft EIR are not affected.

Response 8-6

This comment is unclear about the nature of the significant impact that will result should the Project's proposed zone change and Municipal Code amendment be

[8]State of California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program Riverside County Important Farmland 2008 (Sheet 1 of 3) identifies the Project site as Farmland of Local Importance.

adopted. The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23. Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.
>
> ey to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as required to fully mitigate any

MV00001070

potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties (Draft EIR Pages 4.1-22, 23).

The Draft EIR adequately and appropriately considers all potential land use and planning impacts, consistent with the methods set forth in the CEQA Guidelines. To these ends, the Draft EIR considers all pertinent land use plans, policies, regulations. There is no substantiation or indication that the Project would result in or cause potential interference with animal keeping on nearby properties. The Draft EIR acknowledges that development of the Project would result in a permanent change to the perceived rural character of the Project area (Draft EIR Page 55). Moreover, zone changes and amendments to the municipal code do not trigger any of the thresholds of significance under CEQA Guidelines Appendix G.

However, this change is consistent with the existing General Plan designation for the Project site. Further, potential effects on adjacent land uses are minimized by the 250-foot buffer area that would be provided by the Municipal Code amendment referenced above.

With approval of the Project's requested zone change and requested Municipal Code amendment to establish objective standards for the development of Light Industrial uses adjacent to residentially-zoned property, the Project's potential to result in significant land use impacts was determined to be less-than-significant. The results and conclusions of the Draft EIR are not affected.

Response 8-7

Despite the commentor's assertions to the contrary, the Project's air quality analysis does account for construction worker travel to and from the site. As noted in the Draft EIR (Page 4.3-56), [c]onstruction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips are also accounted for within the

MV00001071

Project construction emissions modeling. Worker trips for all construction phases are clearly identified and accounted for in the air quality modeling (see URBEMIS construction emission modeling data in Draft EIR Appendix C. Specifically, please refer to Appendix A of the Project Air Quality Impact Analysis). No indication of zero VMT for construction workers is found. The results and conclusions of the EIR are not affected.

Response 8-8

The commentor states that all feasible mitigation measures were not adopted . . . and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur. The commentor requests Mitigation Measure 4.3.4 to specifically include zero VOC applications for all paints, coatings, and solvents.

Draft EIR Mitigation Measure 4.3.4 serves as a formal restatement a of SCAQMD rules. As noted in the Draft EIR (Page 4.3-61), [i]n order to facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as mitigation measures, and shall be incorporated in all Project plans, specifications and contract documents. Complementing SCAQMD rule compliance, the Draft EIR incorporates additional requirements as mitigation measures. Additional mitigation required of the Project is identified below, and shall be incorporated in all Project plans, specifications and contract documents. (Draft EIR Page 4.3-62) Mitigation Measure 4.3. currently requires ero VOC paint applications. In response to the commentor's suggestion, Mitigation Measure 4.3.7 is amended to read as follows:

> ~~*Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications*~~***"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113. The Project shall surpass Rule 1113 minimum requirements through specification that VOC content shall not exceed 150 grams/liter; 1.25 pounds/gallon. High Pressure Low Volume***

> ***(HPLV) applications of paints, coatings, and solvents shall be*** *consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

This revision has been reflected in Final EIR Section 2.0, Revisions and Errata, and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Other than suggested language modification of SCAQMD rules, the commentor offers no new or revised mitigation for consideration here. Absent specific suggestions or requested revisions, further response in this regard is not possible. The conclusions of the EIR are not affected.

Response 8-9

The commentor appears to misinterpret Air Quality modeling protocols and outputs, stating that . . . [i]n recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions by approximately 44 percent, Mitigation Measure 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. Mitigation Measure 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44 .

To clarify, Mitigation Measure 4.3.1 is a formal restatement of SCAQMD Rule 403 provisions. URBEMIS modeling of the Rule application yields a 44 percent reduction in PM_{10} emissions. As suggested by the commentor, additional language specifying on-site speed controls is added to Mitigation Measure 4.3.1:

> ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project***

site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

This revision has been reflected in Final EIR Section 2.0, Revisions and Errata, and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-10

The commentor suggests explicit notation indicating required use of available electrical power during construction activities. In response to the commentor's suggestion, Mitigation Measure 4.3.6 is amended as follows:

> *4.3.6 During Project construction, existing electrical power sources (e.g., power takeoffs from existing or temporary power poles) shall be ~~provided for~~* ***utilized to*** *power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

This revision has been reflected in Final EIR Section 2.0, Revisions and Errata, and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-11

Please note that introductory language included prior to the introduction of construction-source emissions mitigation measures states: *To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.4 below, and shall be incorporated in all Project plans, specifications and contract documents.*

Existing Mitigation Measure 4.3.2, which read, [t]he contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper

MV00001074

tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law) is deleted and replaced with the following:

> ***4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer s specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).***

Response JS-12

The commentor states that [t]he air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas quickly' should be adopted. In fact, this statement does not appear to be included in the Project Air Quality Analysis. The mitigation input calling for the Project to replace ground cover in disturbed areas quickly is, however, a parameter reflected in the RBEMIS modeling output. Revised Mitigation Measure 4.3.1 is amended to reflect this specific parameter:

- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***

This revision has been reflected in Final EIR Section 2.0, Revisions and Errata, and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

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Response S-13

The commentor notes that an estimated disturbance area of 13.66 acres per day is reflected in the Air Quality modeling. The commentor suggests that a mitigation measure be included limiting site disturbance to less than 13.66 acres per day. The estimated disturbance of 13.66 acres per day (approximately one-quarter of the Project site) likely overstates actual disturbance and is employed for emissions modeling purposes and to develop mitigation addressing the likely maximum impact scenario. To assume or propose unrealistically limited grading of the site is contrary to CEQA disclosure mandates. Further, due to daily limits on grading, there would be incrementally increased impacts due to extended periods of fugitive dust, extended exposure to construction noise, and extended traffic disturbance. The commentor is referred to EIR Section 5.2.2.1, Extended Construction Alternative Considered and Rejected, which specifically considers and rejects limited grading of the Project site.To ensure consistency with URBEMIS modeling assumptions, new Mitigation Measure 4.3.1 is revised to include the following specification:

> ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***

This revision has been reflected in Final EIR Section 2.0, Revisions and Errata, and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response S-14

The commentor proposes numerous additional measures (following) as means to reduce Project-related construction-source emissions air quality impacts. Each of these measures is evaluated in the table which follows. Measures offered by the commentor are not required in order to achieve the level(s) of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed

measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-@-vis Project impacts.

As detailed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested mitigation measures proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to the following text from the Draft EIR:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation (Draft EIR Page 4-2).

It is further noted that in some instances, the commentor proposes additional operational emission measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements@typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application@to the extent that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the purchase of NO_x credits from a qualified broker to offset construction-related air quality impacts.	**Infeasible.** NO_x emissions credits are generally applied toward operational emissions at major source facilities (e.g., refineries, power plants, etc.). NO_x emissions credits are not commonly used to address short-term construction emissions. It would be impractical to purchase offsets for the Project's construction impacts since the actual amount of construction emissions set forth in the Draft EIR represent an overestimation of actual emissions (i.e., the Air Quality Analysis assumes all construction equipment is operating eight hours per day as a worst-case scenario), and because the actual Project construction schedule (duration) is not known with a great deal of certainty and is subject to change based on availability of contractors, equipment, materials, etc. Further, any emission reduction credits would not result in any reduction to construction emissions on-site or in the immediate vicinity of the Project. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
4. Complete all roadways, driveways, sidewalks, etc. as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.	**Incorporated** at revised Mitigation Measure 4.3.1, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
5. Pave all roads on construction sites as soon as technically possible.	**Infeasible.** It is infeasible and ineffective to pave roads within construction sites or at construction site access points. Such pavement is destroyed in the process of construction and/or is in perpetual state of disrepair. Paving temporary roads within construction areas unnecessarily increases VO generation, with little or no discernible reduction in other air pollutant emissions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
6. Limit fugitive dust sources to 20 percent opacity.	**Replicates existing requirements.** Please refer to SCAQMD Rule 403.
7. The contractor or builder shall designate a person or person(s) to monitor the dust control program and	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.

MV00001078

Suggested Measure	Response
to order increased watering, as necessary, to prevent transport of dust offsite.	
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
9. Require high pressure injectors on diesel construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
10. Restrict engine size of construction equipment to the minimum practical size.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
11. Use electric construction equipment where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
12. Substitute gasoline-powered for diesel powered construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane or biodiesel.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
14. Implement activity management techniques including: a) development of construction management plan to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.	**Not required, counterproductive.** Construction contractor(s) employ techniques and procedures so as to provide for the most efficient operation of their construction activities. No demonstrated or suggested nexus between the suggested measures and project impacts. The commentor indicates further that this measure would reduce greenhouse gas emissions; however, none of the measures would demonstrably reduce total greenhouse gas emissions. As also discussed in these responses, measures acting to prolong construction (e.g., restricted use of equipment, limitation of the length of construction work-day period; phasing of construction activities) tend to increase rather than decrease environmental impacts due to extended and periods of disturbance.
15. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
16. Use electricity from power poles rather than temporary diesel power generators.	**Replicates existing requirements.** This requirement is currently reflected at EIR Mitigation Measure 4.3.6, presented , in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
17. Alternative diesel fuels exist that achieve PM_{10} and NO_x reductions. PuriNOx is an alternative diesel	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South

MV00001079

Suggested Measure	Response
formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NO_x and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	Coast Air Quality Management (District representatives James Koizumi and Steve Smith) confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ride-sharing program for the construction crew has been encouraged and will be supported by contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
20. Provide shuttle service to food service establishments/commercial areas.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
21. Provide shuttle service to transit stations/multimodal stations.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
22. Utilize only CARB certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
23. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan. .

MV00001080

Suggested Measure	Response
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.	**Infeasible, counterproductive.** Extending the grading schedule would (1) increase the Project's grading costs; (2) hinder effective management, organizing, and scheduling of construction tasks and (3) result in adverse environmental trade-offs as a result of prolonged disturbance in the Project area, including but not limited to: extended periods of increased noise levels prolonged generation of fugitive dust and VOCs increased erosion exposure and associated water quality issues and additional traffic disturbances associated with on-site construction activities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Response 8-15

The commentor states: [t]he Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54 less than the total number of trips estimated in the traffic analysis (2,930). This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts.

It appears that the commentor has incorrectly interpreted and applied default URBEMIS values. SCAQMD does not typically conduct project-level URBEMIS modeling for other than their own projects. Moreover, default values are just that, the default condition. Changes to default values are appropriate when specific Project attributes or operational characteristics are known, as is the case for the Project. In this regard, the Air Quality analysis specifically recognizes vehicle types and trip generation characteristics of the Project. Known vehicle trip generation characteristics provide a more accurate assessment of Project vehicular-source emissions impacts than does application of default URBEMIS values.

MV00001081

The commentor appears to misinterpret and misapply vehicle trip generation characteristics and their use in developing estimated air pollutant emissions impacts vis-@-vis use of trip generation estimates for the purposes of traffic modeling. More specifically, as noted in the Project Air Quality Analysis, Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. The Project related operational air quality impact centers primarily on the approximate 1,585 net vehicle trips generated by the Project (at project buildout). Trip characteristics available from the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009, included in Draft EIR Appendix B) were utilized in this analysis. It should be noted that the Project's traffic study presents the total Project vehicle trips in terms of Passenger Car Equivalents, or PCEs (the 2,930 PCE value cited by the commentor) in an effort to recognize and acknowledge the effects of heavy vehicles at the study area intersections. For purpose of the air quality study, emissions were calculated based on the type of vehicle (e.g., passenger cars and trucks) a more detailed discussion of how the actual number of vehicles were programmed into the model is presented in Draft EIR Appendix C. Specifically, page 37 of the Project Air Quality Analysis refers to its own Appendix B for review. Parallel information is provided in the Draft EIR, and reprinted below for ease of reference.

> 2,930 PCE trips @1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and

MV00001082

> acknowledging physical size differences in vehicles and related effects on roadways and at intersections (Draft EIR Page 4.2-19).

Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. Assessment of the Project's operational air quality impact centers primarily on the approximately 1,585 net vehicle trips generated by the Project (or, the arithmetic sum of truck and passenger vehicle trips). Trip generation characteristics for the Project are presented in Draft EIR Appendix B, the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009). The results and conclusions of the Draft EIR are not affected.

Response 8-16

The commentor notes discrepancies between the Draft EIR text and the Air Quality Study regarding vehicle trip length and vehicle speed employed in the LST analysis. Notwithstanding, the quantified LST emissions impacts reported in the Draft EIR (Table 4.3-12) are consistent with the LST values presented in the Air Quality Analysis (Table 4-5). The typographic error at Draft EIR Page 4.3-68 is corrected (below) consistent with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

These corrections have been incorporated in Final EIR Section 2.0, Revisions and Errata. The results and conclusions of the Draft EIR are not affected.

Response S-17

The commentor provides opinions regarding the efficacy of mitigation proposed as means of reducing Project operational NO_x and VOC emissions. It is important to note that substantially all of the estimated NO_x emissions are from mobile sources principally vehicle exhaust, and vehicle tail pipe source emissions are regulated by CARB and USEPA. The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility.

In addition, the Project is compliant with the SCAQMD's attainment plans, as the use of the site for industrial purposes was included in the previous SCAQMD's ozone and PM attainment plans. The Project implements all feasible mitigation measures and complies with all applicable CARB and SCAQMD Rules directed toward reduction of NO_x and VOC emissions. The Lead Agency will however, adopt and implement EIR mitigation measures that minimize vehicle emissions generated on-site and by employees, but those vehicle miles are minor compared with the total vehicle miles used in the studies and further, URBEMIS does not account for any reductions for those measures.

The Draft EIR clearly states that even with application of proposed mitigation, Project operational NO_x and VOC emissions will exceed applicable SCAQMD regional thresholds. Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging Project exceedances for operational-source NO_x and VOC emissions.

Response S-18

The commentor arbitrarily suggests a 30 percent increase in energy efficiency beyond the requirements provided under Title 24 Building Energy Efficiency Standards, inferring a somehow substantial resultant decrease in NO_x emissions. Consistent with the provisions of Executive Order, S-20-04 (CA 2004),which sets a goal of reducing energy use in public and private buildings by 20 percent by 2015 (as compared with

2003 levels), the Project will achieve a minimum 20 percent increase in building efficiencies beyond Title 24 requirements (please refer to Mitigation Measure 4.3.11).

As noted previously, the predominance of Project operational NOx emissions are vehicle-generated, and beyond the control of the Applicant or Lead Agency. Any reduction in NOx emissions resulting from increased building/facility energy efficiencies would be, at best, nominal. Even assuming zero NOx emissions from building/area sources, NOx emissions would be reduced by approximately 0.09 to 0.11 percent (0.0009 to 0.0011), and would still exceed applicable SCAQMD regional thresholds. No additional Title 24 enhancements are proposed, nor are any required. Results and conclusions of the EIR are not affected.

Response 8-19

The commentor proposes numerous additional measures as a means to reduce Project-related operational-source air quality impacts. Each of these measures is evaluated in the Table which follows. While the suggested measures may in part act to generally reduce Project impacts, none of the measures are required in order to achieve the levels of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-a-vis Project impacts.

With specific regard to proposed measures targeting GHG emissions reductions, arguably, the proposed measures may prove of little net benefit, while imposing significant cost and economic burdens. Case studies have indicated that GHG measures implemented to date have yielded marginal benefits when compared to economic costs. Moreover, premature implementation of unproven measures would be detrimental by diverting resources that could be made available to other, more effective strategies. Please refer also to the attached: *The AB 32 Challenge: Reducing*

California s Greenhouse Gas Emissions (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 200

As discussed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested mitigation measures proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to Draft EIR Page 4-2:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation. . . .

It is further noted that in some instances, the commentor proposes additional measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent, that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

MV00001086

Suggested Measure	Response
1. Require the utilization of zero VO paint, coatings and solvents.	**Incorporated.** This requirement is reflected at EIR Mitigation Measure 4.3.7, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan. Mitigation Measure language has been revised as suggested by SCAQMD.
2. Require the purchase of NO credits from a qualified broker to off-set construction-related air quality impacts.	**Infeasible.** Please refer to Response S -14, item No. 1.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become a SmartWay partner.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
4.The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20 per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90 of all long haul trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 15 per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85 of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
7. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.

MV00001087

Suggested Measure	Response
8. Alternative diesel fuels exist that achieve PM_{10} and NO_x reductions. PuriNOx is an alternative diesel formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NO_x and a 63 percent reduction in PM_{10} compared to CARB diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South Coast Air Quality Management District representatives James Koizumi and Steve Smith confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
10. Require each user to establish a carpool/vanpool program.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
11. Provide on-site child care or contribute to off-site child care within walking distance.	**Infeasible, counterproductive.** Childcare facilities are not compatible with the proposed industrial warehouse uses. Moreover, there is no demonstrated nexus with Project-related operational emissions impacts requiring or suggesting implementation of childcare facilities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
12. Provide preferential parking for carpool/vanpool vehicles.	**Replicates existing requirements.** Preferential parking for carpools/vanpools is currently required pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
13. Provide secure, weather-protected bicycle parking for employees.	**Incorporated** at revised EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
14. Provide direct, safe bicycle access to adjacent bicycle routes.	**Replicates existing requirements.** Direct, safe bicycle access is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
15. Provide showers and lockers for employees bicycling or walking to work.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.

MV00001088

Suggested Measure	Response
16. Short-term bicycle parking for retail customers and other non-commute trips.	**Replicates existing requirements.** The Project does not propose retail uses. Bicycle parking is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
17. Connect bicycle lanes/paths to city-wide network.	**Replicates existing requirements.** Bicycle path connections are currently provided pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
18. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.	**Infeasible, counterproductive.** No transit stops exist proximate to the Project site such that building orientation would have any material effect on use of, or access to transit. Elimination of building setbacks as suggested would increase potential air quality, noise and visual impacts when compared to the Project as proposed. The suggested measure is not germane to the Project, and is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
19. Prohibit idling of trucks for periods extending three minutes.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.11 currently prohibits the idling of trucks for more than three (3) minutes.
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.	**Not required per Responsible Agency.** Riverside Transit Agency (RTA) provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. The Lead Agency has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project.
21. Provide shuttle service to food service establishments/commercial areas.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
22. Provide shuttle service to transit stations/multimodal centers.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
23. Implement parking fee for single-occupancy vehicle commuters.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
24. Implement parking cash-out program for non-driving employees.	**Not applicable.** In that there is no current or proposed parking subsidy, there is no available parking cash out resource or mechanism. As noted herein, other tenable incentives are provided as means of reducing vehicle trips.

MV00001089

Suggested Measure	Response
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.	**Replicates existing requirements.** The site is not currently provided transit service, nor is pedestrian access to the nearest transit stop possible at this time. Pursuant to the requirements of the City's Master Plan of Trails, the Project will dedicate and construct an 11-foot wide community trail segment along the southerly Project boundary, on the north side of Fir Avenue (future Eucalyptus Avenue). Upon development of the adjacent parcel(s), the trail is planned to continue off-site to the east and to the west, as part of the future Quincy Channel overcrossing.
26. Implement a compressed workweek schedule where feasible.	**Incorporated** at revised Mitigation Measure 4.3.13.
27. Provide electrical vehicle (EV) and compressed natural gas (CN) vehicles in vehicle fleets.	**Incorporated** at revised Mitigation Measure 4.3.13.
28. Install EV charging facilities for a minimum of 10% of all parking spaces.	**Infeasible.** The Project will provide, at minimum, two EV charging stations, as required by Mitigation Measure 4.3.13. There is no demonstrable evidence that installation of additional EV charging facilities would substantially reduce or eliminate the Project's operational emissions because chargeable electric vehicles represent a small percentage of vehicles on the road. Moreover, on a regional basis, increased power demands at electrical outlets/EV charging stations tend to increase power plant emissions, acting to offset any potential emissions reductions from individual sources such as motor vehicles. Further, it is noted that next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

MV00001090

Suggested Measure	Response
29. Install a CNG fueling facility.	**Infeasible.** As noted above, next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. Further, for CNG fuel to be a reasonable alternative to diesel fuel for the logistics industry, a reasonable distribution network must be in place so that drivers can be assured that they can re-fuel when making deliveries across the region. No such distribution system is presently in place nor is one likely to be developed in the near future. The installation of a stand-alone CNG fueling facility at this location would provide no benefit because no reasonable distribution system is in place. CNG-fueled vehicles have been found to be most useful for limited range, closed-circuit usage such as municipal fleets (refuse collection, city vehicles, and buses), taxi fleets, and local delivery services. Lastly, as with the commentor's suggestion for EV facilities, the installation of a CNG fueling facility is unlikely to substantially reduce or eliminate the Project's operational emissions because CNG vehicles represent a small percentage of vehicles on the road. Furthermore, the Draft EIR has not evaluated the potential environmental impacts related to the construction and operation of a CNG fueling facility. A Lead Agency is under no obligation to impose Mitigation Measures that in and of themselves may constitute a new project for purposes o CEQA. (See e.g., *Concerned Citizens of South Central L.A. v. Los Angeles Unified School District*, 24 Cal.App.4th, 826 (1994)). The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
30. Provide preferential parking locations for EVs and CNG vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
31. Utilize electrical equipment for landscape maintenance.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
32. Utilize only CARB-certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
33. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.

MV00001091

Suggested Measure	Response
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.	**Replicates existing requirements.** Please refer to City of Moreno Valley Municipal Code 9.17.050 (D) (3).
36. Utilize low pressure sodium fixtures for exterior lighting, including parking lots.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655 which requires that all outdoor lighting within the Project area will be provided by low-pressure sodium hooded lights.
37. Utilize electric yard trucks.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
38. All buildings shall be constructed to LEED Platinum standards.	**Not required, no nexus with significant impacts.** As discussed on Pages 3-18 and 5-79 of the Draft EIR, the Project, as a whole, will be developed as a LEED-certified facility. LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). Additionally, the LEED rating system is not the appropriate standard for determining building efficiency. The California Title 24 Building Energy Efficiency Standards are the appropriate baseline. As set forth in the Draft EIR, the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards. There is no requirement for LEED certification as mitigation of Project impacts. While LEED-certified facilities may tend to reduce various environmental effects, LEED certification is a voluntary exercise to be pursued by the Applicant outside of and independent of CEQA mandates.
39. The operator shall meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design. There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics.

MV00001092

Suggested Measure	Response
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design. There is no requirement or demonstrated nexus requiring full offset of Project vehicular emissions through use of photovoltaics.
43. The operator shall purchase only green power.	**Infeasible, not required, no nexus with significant impacts.** Power to the Project will be provided from the locally available electrical grid. The term green power i undefined, and moreover the Lead Agency has no practical way to require that power be provided from specified sources, green or otherwise. The suggested measure is nc capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible. There is no requirement or demonstrated nexus requiring the Project to purchase only green power'.

Results and conclusion of the Draft EIR are not affected.

Response 8-20

The commentor appears to misinterpret analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the analysis concludes that the Project ***will*** *emphasis added* have a significant effect on the environment.

To further clarify, germane suggested CEQA Guidelines topical questions include:

> Would the project:
>
> a) Generate greenhouse gas emissions, either directly or indirectly, that ***may*** *emphasis added* have a significant impact on the environment

In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts

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[beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see *Climate Change Analysis*, Page 42).

The commentor states that the finding of less-than-significant Project GCC impacts is based on non-exceedance of (draft) CARB and SCAQMD GHG emissions thresholds. Though this is the case, the GCC Study clearly states that these thresholds are not applicable to the Project:

> CARB's Draft Threshold Of Significance For Industrial Projects Has Not Been Finalized And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 40).
>
> SCAQMD's Adopted GHG Threshold Applies Only To Projects Where It Is The Lead Agency And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 41).

As discussed in the *Climate Change Analysis*, there are no adopted quantitative GHG emissions thresholds applicable to the Project. Absent such quantified thresholds, the CARB and SCAQMD GHG emissions standards nonetheless provide an indication of current policies and strategic approaches employed in evaluating and addressing GHG emissions and potential GCC impacts, and may portend similar future statewide, regional, and/or local quantified thresholds. The clearly stated threshold considerations applicable to the Project are:

1. Would the proposed project generate GHG that may have a cumulatively significant impact on the environment; and

2. Would the proposed project conflict with GHG reduction measures identified in CARB's AB 32 Scoping Plan.

As concluded in the *Climate Change Analysis*, the answer to both of the preceding questions is no, yielding the conclusion that the Project GCC impacts are less-than-significant. Moreover, as also discussed in the *Climate Change Analysis*, Project GHG emissions would not exceed either CARB or SCAQMD GHG emissions thresholds, further supporting the conclusion that the Project GCC impacts are less-than-significant. As a matter of clarification, the abbreviated conclusion presented at Draft EIR Page 4.3-94 is expanded/revised as follows:

> ~~Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less than significant.~~ **As noted in the preceding discussions, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.**
>
> **In evaluating the potential global climate change impacts of the Project, every attempt has been made to accurately and comprehensively quantify the greenhouse gas emissions associated with the Project. However, a number of inherent limitations are unavoidable in compiling or estimating project-level GHG emissions. Among these limitations, the use of models that measure overall emissions increases without accounting for existing emissions tend to substantially overstate the GHG emissions impacts of a new development projects. This makes an accurate analysis of GHG emissions substantially different from other air quality impacts, where the addition of redistributed emissions can make a substantial difference to overall air quality. Notably, not all the vehicular trips that result from the Project will be new vehicle trips, but that a majority of these trips already occur elsewhere, and currently generate GHG**

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emissions within a global context. For example, the Project will not create entirely new truck trips (globally). However, implementation of the Project would establish a new destination point for trucks already utilizing the area roadway system. Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory.

The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is inferred by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Based on the preceding discussions and supporting analysis provided in the Project Global Climate Change Analysis included at EIR Appendix C, the Project's potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment is less-than-significant.

This revision has been reflected in Final EIR Section 2.0, Revisions and Errata, and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response S-21

The commentor reiterates the Draft EIR discussion that the CARB and SCAQMD GHG emissions thresholds consider only non-transportation sources. To clarify, the thresholds address all stationary GHG sources, but do not include mobile sources. To a certain extent this limitation on threshold considerations reflect the previously noted limitations involved in attempting to estimate new emissions associated with vehicle trips to/from new facilities. Nonetheless, the thresholds and their interpretation and application are correct as stated in the EIR and Project *Climate Change Analysis* (included at EIR Appendix C).

Contrary to the commentor's assertion, the *Climate Change Analysis* is not deeply flawed through an omission of mobile-source GHG emissions. Mobile-source emissions are clearly identified and quantified at *Climate Change Analysis,* Page 45, Table 2-4 (27,858.08metric tons CO_2E) and at Draft EIR Table 4.3-18 (Page 4.3-92) . Mobile source emissions are not however, by CARB and SCAQMD-defined thresholds, utilized by those agencies in determining GHG emissions significance for their facilities. Project facilities emissions of GHG would not exceed GHG thresholds established by CARB and SCAQMD for their facilities. As noted above, this fact is considered within the entirety of the Climate Change Analysis, and in evaluating the Project's potential GCC impact significance, which is, as correctly concluded in the EIR, less-than-significant.

Response S-22

The commentor reiterates incorrect calculation and interpretation of Project vehicle trip generation. Please refer to Responses S-15, S-20, and S-21. Results and conclusions of the EIR are not affected.

Response S-23

The commentor states that [t]he GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project. This

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opinion, along with the commentor's related statements and conclusions, are addressed in preceding Responses S-15, S-20 and S-21, which provide clarification regarding mobile-source GHG emissions evaluated and addressed in the EIR. The Draft EIR analyzes both the mobile and stationary GHG emissions associated with the Project. The EIR analysis conservatively does not assume mere redistribution of existing GHG emissions, particularly with regard to vehicle emissions when considered in a global context. Results and conclusions of the EIR are not affected.

Response S-24

The commentor provides opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable. Commentor opinions and statements are forwarded to the decision-makers for their consideration.

Contrary to commentor opinions and statements, in point of fact, an exhaustive and accurate assessment of the Project's GHG emissions impacts and related potential GCC impacts are presented in the Draft EIR (Pages 4.3-23 through 4.3-47, Pages 4.3-88 through Pages 4.3-111, at al.), and supporting technical Global Climate Change Analysis included at Draft EIR Appendix C. These discussions not only establish Project consistency with the CARB Scoping Plan (one component of the EIR analysis), but also provide detailed discussion of the sources and effects of GHG emissions, consider and evaluate the Project in the context of existing and proposed GHG emissions reductions strategies, and provides an analysis of Project GHG emissions vis-a-vis adopted and anticipated thresholds. Importantly, the analysis provided in the EIR is consistent with applicable CEQA directives:

> Based on the direction provided in Section 15064.4 of the *Guidelines*, a lead agency should make a good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions associated with a project. Because the methodologies for

performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

1. Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should also include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

2. Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions (Draft EIR Page 4.3-35).

Substantial evidence provided in the Draft EIR, as summarized above, supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor notes *recommended* emphasis added CARB Scoping Plan Actions, and misinterprets these as Project requirements. The commentor cites specifically, **Action T-7**: Sector-Transportation Recommended Action-Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure - Aerodynamic Efficiency; and **Action E-4**: Sector-Electricity and Natural Gas-Recommended Action-Million Solar Roofs. As noted in the Draft EIR (Pages 4.3-99, 4.3-100), the Project will not conflict with applicable recommended Actions. Consistent with other revisions proposed herein, Action T-7, Action E-4 applicability discussions at Page 4.3-102 are deleted and replaced with the following:

- Action T-7 **recommends existing trucks/trailers to be retrofitted with the best available technology and or CARB-approved technology. Implementation of such a standard is not within the purview of the Project. GHG emissions reductions would be achieved however through standards compliance by vehicles accessing the Project. Further, pursuant to EIR Mitigation Measure 4.3.13, tenants are encouraged to provide incentives to realize Smartway certification, and to use fleet vehicles conforming to CARB 2010 emissions standards or better, thereby reducing GHG emissions. The Project supports, and would not interfere with Action T-7.**

  Action E-4 **promotes solar generated electricity. As discussed within this EIR, the Project design accommodates renewable energy sources, such as photovoltaic solar electricity systems. (Draft EIR Mitigation Measure 4.3.11 re uires in part that** ***All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*** **The Project supports, and would not interfere with Action E-4.**

It is further noted that the AB-32 Scoping Plan merely sets forth concepts, the implementation of which will be refined during the rulemaking process contemplated under AB-32. Thus, merely because Action T-7 recommends that existing trucks/trailers be retrofitted with the best available technology and/or CARB-approved technology; and/or that Action E-4 promotes solar generated electricity does not mean that a given project must require best available technology retrofits; nor install PV solar panels on its roof in order to be consistent with the Scoping Plan.

Please refer also to the complete discussion of Project consistency with applicable recommended CARB Scoping Plan Actions presented at Draft EIR Pages 4.3-98 through 4.3-103. The results and conclusions of the EIR are not affected.

Response JS-25

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable, but provides no supporting analysis or evidence. In point of fact, as supported by the discussion in the EIR, the project will not result in significant GHG/GCC emissions impacts, and no mitigation is required. Measures included in the EIR, including those addressing recycling, water conservation, and solar energy systems, therefore further reduce GHG/GCC impacts that, even absent mitigation, are less-than-significant. Commentor's citation to EIR statements that: *vehicles accessing the site will be in compliance with CARB vehicle standards to the maximum extent feasible* are not found. Adopted applicable CARB standards are regulatory in nature, and required of all vehicles. Please refer also to the preceding Response JS-24.

Response JS-26

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor cites various 2006 CAT Report GHG Emission Reduction Strategies, contending the Project does not support applicable strategies. The commentor incorrectly interprets the strategies as requirements of the Project. Specific citations of the commentor include compliance with CARB vehicle standards, source reduction and recycling, California solar initiative recommendations, and the use of alternative fuels.

The approach suggested by the commentor is not required under the CEQA Guidelines, and is not the approach employed by the Lead Agency here. Comparison of this Project with the CAT strategies and AB-32 Scoping Plan concepts is made for the purpose of evaluating whether the project conflicts with an applicable plan, policy, or regulation adopted for the purposes of reducing emissions of greenhouse gases. That is the applicable threshold under the CEQA Guidelines. Upon determining that the Project does not conflict with these plans, the Lead Agency appropriately concluded

that the impacts are less than significant, and therefore, no mitigation is required. Project support of, and compliance with, applicable 2006 CAT Report GHG Emission Reduction Strategies is presented at Draft EIR Pages 4.3-103 through 4.3-110. With specific regard to Project compliance with CARB vehicle standards, search of the EIR text does not yield the phrase maximum extent feasible as suggested by the commentor. EIR discussions of strategies noted by the commentor as excerpted from Draft EIR Table 4.3-20, are presented below.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Air Resource Board	
Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	Enforcement of State regulation is beyond the scope of the Project. The Project will not interfere or conflict with AB 1493 (Pavley).
Other Light Duty Vehicle Technology New standards would be adopted to phase in beginning in the 2017 model.	Enforcement of State standards for Light Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Light Duty Vehicles.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	Enforcement of State standards for Heavy Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Heavy Duty Vehicles.
Diesel Anti-Idling In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Heavy-duty diesel trucks that access the Project site will be required to limit idling to no more than three (3) minutes (EIR Mitigation Measure 4.3.10).
Alternative Fuels: Biodiesel Blends CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	When CARB adopts regulations for the use of biodiesel fuel in heavy duty trucks, trucks supplying the commercial uses will comply with this measure.
Hydrogen Highway The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.	Not Applicable.

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Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
Integrated Waste Management Board	
Achieve 50 percent Statewide Recycling Goal Achieving California's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Zero Waste - High Recycling Additional recycling beyond the State's 50 percent recycling goal.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions.	In support of water Use Efficiency strategies, the Project will implement U.S. EPA Certified WaterSense labeled or equivalent faucets and high-efficiency toilets (HETs), and implement water-conserving shower heads to the extent feasible.
California Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	As required through the EIR air quality mitigation measures noted herein, and based on energy efficiency/sustainability attributes of the Project presented in the EIR Project Description (EIR Section 3.0), energy efficiencies achieved by the Project will surpass incumbent Title 24 Energy Efficiency Standards by at least 20 percent. Verification of increased energy efficiencies is documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Energy efficient Project designs and operational programs will facilitate Applicant-initiated LEED Certification actions.

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Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Solar Initiative Installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses; increased use of solar thermal systems to offset the increasing demand for natural gas; use of advanced metering in solar applications; and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	In support of the California Solar Initiative, the Project design accommodates potential future installation and use of renewable energy sources, such as photovoltaic solar energy systems. (See EIR Section 3.0, Project Description).

Contrary to the commentor's assertions, as indicated at Table 4.3-20, the Project complies with and supports applicable 2006 CAT Report Greenhouse Gas Emission Reduction Strategies. There is no mandate or specific requirement or singular methodology for strategy compliance as suggested by the commentor. The results and conclusions of the EIR are not affected.

Response S-27

The commentor cites various recommended or adopted thresholds of other agencies addressing GHG emission and GCC impacts. The commentor erroneously states that in the EIR for the Highland Fairview Project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change.

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. The commentor is referred to previous responses and CEQA directives allowing for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the Guidelines. The EIR analysis of GHG emissions/GCC impacts is consistent with Section 15064.4 of the Guidelines. Please refer also to response S-24.

No zero emissions threshold for GHG emissions either appears, nor was applied, in the EIR for the Highland Fairview Project. The commentor is referred to *Draft*

Environmental Impact Report Highland Fairview Corporate Park PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090 (TPM 35629), and PA07-0091 (PP) City of Moreno Valley, Riverside County, California State Clearinghouse No. 2007101132 (Michael Brandman Associates) August 4, 2008, Page 5.16-5:

> AB 32 states that, global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. Although it is unknown if AB 32 alone is enough to reduce California's fair-share contribution to global greenhouse gas inventory, it is currently the only well-defined and widely accepted benchmark for greenhouse gas emissions in California. Therefore, for purposes of this analysis, the following significance thresholds have been used:
>
> **Impact GCC-1** Does the project comply with the provisions of an adopted Greenhouse Gas Reduction Plan or Strategy? If no such Plan or Strategy is applicable, would the project significantly hinder or delay California's ability to meet the reduction targets contained in AB 32?
>
> **Impact GCC-2** Would the impacts of climate change significantly impact the project?

The Highland Fairview Project EIR concluded that project had the potential to significantly hinder California's ability to meet the reduction targets contained in AB 32, and therefore reached a conclusion of potentially significant GHG emissions impacts for that project.

Such is not the case for the proposed Westridge Commerce Center Project as supported by the analysis presented in the Westridge Commerce Center Project EIR and supporting Global Climate Change analysis.

Continuing at Page 5.16-6, the Highland Fairview EIR also importantly notes that:

> The thresholds and the analysis contained below *may not be relevant to other projects. This analysis does not establish thresholds for the City or set precedents for the type of analysis in a climate change analysis, as this discipline is still evolving. [emphasis added]*

Clearly, whatever thresholds and analysis may have been employed in the Highland Fairview EIR were for that project only, and not intended or necessarily applicable to the proposed Westridge Commerce Center Project. The results and conclusions of the EIR are not affected.

Response 8-28

The commentor considers the term cumulatively considerable established under the *CEQA Guidelines* Section 15064, subd. (h)(1), and appears to misapply it in evaluating Project GHG emissions and potential Project-related Global Climate Change impacts. In total, *CEQA Guidelines* Section 15064, subd. (h)(1) cited by the commentor, and excerpted below, provides guidance as to whether an EIR is required based on the potential for a given project to cause or result in cumulatively considerable impacts.

> (h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Lead Agency had previously determined through the Initial Study process that an EIR is required for the Project, to include an analysis of all potential cumulatively considerable impacts, including potential GHG/GCC impacts.

The EIR analysis supports the conclusion that Project-specific GHG/GCC impacts are individually less-than-significant and not cumulatively considerable (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C). To this end, not only are the Project's incremental GHG/GCC impacts substantiated to be less-than-significant. As noted in the Draft EIR, with regard to global climate change, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.

Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory. The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is assessed by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Additionally, as discussed in the Draft EIR . . . to facilitate their monitored implementation throughout Project development and operations, design features and operational attributes of the Project are incorporated into this EIR as Mitigation

Measures 4.3.10 through 4.3.13 . . . These measures act to reduce Project-related operational source air pollutants and GHG emissions, and promote sustainability through conservation of energy and other natural resources (Draft EIR at Page 4.3-94). As amended in these Responses, additional mitigation has been also been provided, further reducing already less-than-significant Project GHG emissions levels. Please refer also to previous discussions at Responses 6-20 through 6-27, substantiating less-than-significant Project GHG/GCC impacts.

As provided for under *CEQA Guidelines* Section 15064(h)(2), [w]hen a project might contribute a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures . . . the supporting analysis shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable. Design features, operational programs, and mitigation measures included in the Draft EIR (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C) render the Project's potential contribution to Global Climate Change impacts to levels that are less than cumulatively considerable.

As further provided under *CEQA Guidelines* Section 15064(h)(3), . . . a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make

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specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable.

The general arena of GHG emissions regulations remains preliminary and still formative, and there are no plans (as yet) with the effect of law that would be applicable to the Project. Notwithstanding, the CARB Scoping Plan and 2006 CAT Report are considered indicative of likely future guidelines and requirements. The Project supports and is consistent with CAT strategies and other means suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32. Qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report (Draft EIR Pages 4.3-94 through 4.3-110) supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

Continuing, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . [t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable. The commentor's assertion that because cumulative GCC impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

It is further noted cumulative effects of Global Climate Change would be considered significant irrespective of any increment of GHG emissions generated by, or reduced through, implementation of the Project. Moreover, absent similar commitments worldwide, even full state-level reduction of GHGs as provided for under California

statute would not notably or discernibly affect a difference in global climate change. In this regard, the World Resources Institute estimates California GHG emissions comprised an estimated 1.3 percent of worldwide GHG emissions as of 2000.[9] Further, whereas California since 2000 continued to implement further energy efficient technologies and other means that directly or indirectly reduce GHG emissions and thereby reduce its proportionate impacts, these reductions have been more than offset by increasing growth and industrialization worldwide. This speaks to *CEQA Guidelines* Section 15064(h) (4) provisions, which provide that the mere existence of significant cumulative GCC impacts caused by other projects (worldwide growth and industrialization) alone does not constitute substantial evidence that the Westridge Commerce Center Project's incremental GCC effects are cumulatively considerable.

Based on the preceding the project will not result in or cause cumulatively considerable GCC impacts. Results and conclusions of the EIR are not affected.

Response JS-29

The commentor summarizes various provisions of the *Final Statement of Reasons for Regulatory Action* (California Natural Resources Agency) December 2009 which allow for off-site mitigation of GHG impacts.

As substantiated in the EIR and discussed in these Responses, Project-related GHG emissions impacts are less-than-significant and are not cumulatively considerable. Off-site mitigation is not proposed nor is it required. Results and conclusions of the EIR are not affected.

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9 *The AB 32 Challenge: Reducing California s Greenhouse Gas Emissions* (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 200 Page

Response 6-30

Temporary and intermittent significant construction-source noise impacts noted by the commentor are fully discussed and disclosed in the Draft EIR:

> **Level of Significance after Mitigation:** Mitigation Measures 4.4.1 through 4.4.4 will qualitatively reduce construction-source noise and its perceived impacts to the extent feasible. The proposed use of noise curtains during the most noise intensive activities (grading/site preparation) may reduce received noise levels by 10-20 dBA at the nearest receptors. Nonetheless, it is anticipated that construction-source noise received at the nearest affected residential receptor adjacent may temporarily and periodically reach the maximum anticipated exterior noise level of 89 dBA Leq. This condition would occur in particular when heavy equipment is used for the construction of adjacent Fir (future Eucalyptus) Avenue. At more distant residential neighborhoods, the maximum received noise level is conservatively estimated at 60 to 65 dBA Leq. As such, even with the application of proposed mitigation, Project construction equipment activities would exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), and consequently would be considered a substantial temporary and periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project (Draft EIR Page 4.4-20).

Mitigation of construction-source noise impacts is addressed in the following responses 6 -31 and 6-32. Results and conclusions of the Draft EIR are not affected.

Response 6-31

The commentor provides opinions on Draft EIR Mitigation Measure 4.4.4, which is presented in its entirety here:

4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project s southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

The commentor states that the mitigation language [n]oise curtains shall be installed so as to provide maximum reduction for noise sensitive uses is unenforceable. The commentor fails to note or recognize that construction activities by their nature are fluid and mitigation addressing such activities is similarly fluid. The stipulation that noise curtains be installed so as to achieve the maximum reduction in noise accommodates site and use-specific variations in construction activities and construction noise that may affect proximate sensitive receptors. As discussed at Draft EIR Page 4.4-1 , [t]he closest noise sensitive receptor that will be subject to potential construction noise impacts is the residence located at 2555 Fir Avenue (future Eucalyptus Avenue),approximately 150 feet southerly of the Project site's southernmost boundary. Because roadway improvements along future Eucalyptus Avenue are also part of Project development, an overall grading noise level of 90 dBA at 50 feet has been used as the worst-case, maximum exterior noise level when heavy equipment is nearest this sensitive receptor. At the nearest residential neighborhood, located more than one-quarter mile from the Project site, received construction-related noise levels would be reduced by 30 decibels or more based on physical separation between these residences and the Project site.

As also noted in the Draft EIR, the noise curtains required pursuant to Mitigation Measure 4.4.4 would conservatively provide an estimated 10 to 20 dBA of noise

reduction acting to reduce noise at proximate receptors. Worst-case construction noise levels (estimated to be 89 dBA at 50 feet) would occur as roadway improvements occur along future Eucalyptus Avenue. To ensure that the single residential use would not be temporarily and intermittently exposed to construction noise levels exceeding 60 dBA would in effect require construction of a barrier along the southerly edge of the Fir (future Eucalyptus Avenue) right-of-way, extending at a minimum the length of the affected receptor property line (approximately 620 feet) providing line-of sight interruption of noise yielding a 29 dBA noise reduction. Alternatively, an encapsulating 620 foot by 620 foot, 29 dBA noise-reducing barrier could be constructed around the receptor property in question.

For construction equipment with a 12-foot high exhaust stack, and not accounting for grade differentials, line of-sight noise protection would require a minimum 15 foot high wall (noise source height plus three feet).Under laboratory conditions a 4-inch thick concrete wall (or equivalent @30 lbs./s.f.) would provide approximately 37 dB noise attenuation (one side of a barrier to the other)@and under uncontrolled exterior conditions could hypothetically provide 29 dBA noise reduction in protected areas immediately adjacent to the wall, within the noise shadow zone. However noise diffracted over the top of or sides of the wall would still affect more distant unprotected receptors. Moreover, a 4-inch thick concrete wall, 15 feet in height is not structurally stable without significant reinforcing (envision a 15-foot high freestanding brick wall)@and in practical application would constitute a permanent structure with anchoring footings or caissons.

The commentor suggests that temporary sound walls be implemented. As indicated, such walls would not be temporary. Moreover, construction of the temporary walls themselves, as well as their demolition, would generate noise levels equaling or exceeding those resulting from the Project. That is, the noise barrier's own construction and its subsequent demolition, would occur at the southerly right of-way line, and would require use of construction equipment in addition to, and for periods of time

greater than, that otherwise required to implement the Project. This would arguably increase rather than decrease net adverse effects construction noise.

Response 8-32

Please refer to the following Response 8-33.

Response 8-33

The commentor's suggested additional measures to reduce construction-source noise are addressed below.

Suggested Measure	Response
1.Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.	**Not required, no nexus with significant impacts.** The Noise Impact Analysis states that this program is merely recommended not required. Nor are the recommended measures reflected in or required to attain the mitigated condition presented in th Draft EIR. The Lead Agency may, at its discretion, impose additional Conditions of Approval (such as recommendations within studies) supplementing the EIR Mitigation Measures. The Draft EIR contains comprehensive mitigation to address noise impacts of the Project. These measures are included as part of the Mitigation Monitoring Plan, presented in Section 4.0 of this Final EIR. The Mitigation Monitoring Plan: 1) assigns responsibility for, and ensures proper implementation of Mitigation Measures; 2) assigns responsibility for, and provides for monitoring and reporting of compliance with Mitigation Measures; and 3) provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs. The City will monitor and report on all mitigation activities.
2.The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	**Incorporated** at revised EIR Mitigation Measure 4.4.3.

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Suggested Measure	Response
3.Notify surrounding homeowners of expected, specific construction-related noise impacts.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations vis-@-vis noise-related requirements. The public, including surrounding homeowners, has been notified of the Project via direct mailing and public notice, consistent with the provisions of the City of Moreno Valley Municipal Code. Copies of the Draft EIR are available upon request.
4.When technically feasible, electrical construction equipment should be utilized.	**Incorporated** at revised Mitigation Measure 4.3.8.
5.During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.	**Replicates existing requirements.** Mitigation Measure 4.3.10, as currently presented in the Draft EIR, prohibits the idling of trucks for more than three (3) minutes.

Response S-34

The commentor appears to misinterpret and/or misapply noise limitations established under the City's Noise Ordinance, noise standards provided for under the General Plan, and their application within the EIR. The commentor erroneously states *. . . the DEIR . . . adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA greater.* The commentor suggests that the City Noise Ordinance threshold of 60 dBA Leq be universally applied irrespective of existing conditions, noise source, or noise duration.

To clarify, as noted in the Draft EIR . . . [t]he City's Noise Ordinance applies to stationary source' noise occurring on one property, which may affect a neighboring property (Draft EIR at Page 4.4-13). Mobile source (roadway noise) is not regulated under the City Noise Ordinance. The Noise Ordinance is directed toward discrete, identifiable stationary or area source noise. Noise thresholds established in the Ordinance are expressed in Leq, acknowledging noise levels occurring within a limited and defined time frame (in this case one-hour).

As described and discussed in the EIR, the Noise Ordinance's most restrictive threshold conditions of 60 dBA Leq daytime/55 dBA Leq nighttime for residential land uses are appropriately applied in evaluating discrete area/stationary source noise generated by the Project and received at proximate residential land uses. As discussed in the Draft EIR (Pages 4.4-23 through 4.4-26), at receiving residential land uses, Project operational stationary/area source noise will not exceed 60 dBA Leq daytime /55 dBA Leq nighttime.

The Noise Ordinance is not intended or constructed to address modeled areawide ambient noise levels increases, such as occur over time due to ambient increases in areawide traffic. Nor is it appropriate to evaluate or consider long term increases in ambient noise levels (such as increases in roadway corridor noise) in terms of Leq. It is the 24-hour average weighted noise level (CNEL) that accurately and appropriately describes the effective ambient noise condition, and indicates whether there would be a substantial permanent increase in noise levels due to the effects of a given project.

CNEL guidelines applicable to increases in ambient noise conditions, including noise generated by Project-related mobile sources (traffic) are established under the City General Plan Noise Element. As discussed in the Draft EIR:

> The Safety Element of the City's General Plan discusses noise and future projected noise levels within the City. For planning purposes, the City employs a 65 CNEL standard for noise-sensitive outdoor areas (e.g., rear yards of single family homes), and an indoor noise standard of 45 CNEL for residential developments (Draft EIR Page 4.4-14).

As supported by analysis presented in the EIR (see EIR Section 4.0, Noise EIR Appendix D, noise Impact Analysis) the Project will not result in or cause operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

MV00001116

Response S-35

The commentor states that . . *the Draft EIR makes a conclusory statement of insignificance without data or analysis* . . . with regard to potential vibration impacts of the Project. The commentor also states that the Draft EIR only addresses vibration impacts to buildings, but fails to address such impacts to people.

For ease of reference, the EIR discussion of vibration impacts is excerpted below:

> **Impact Analysis:** Groundborne vibration refers to groundborne noise and perceptible motion. Typical sources of groundborne vibration include the use of heavy-duty construction equipment to be employed at the Project site. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where motion may be discernible but without the accompanying effects (e.g., the shaking of a building).
>
> Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Vibration-caused building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during foundation construction, neither of which is anticipated as part of construction of the Project considered here.
>
> The City of Moreno Valley does not currently have adopted vibration regulations. Notwithstanding, germane vibration criteria has been established by the California Department of Transportation (Caltrans) and is employed in analyses presented here.

> The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. However, heavy equipment employed during Project construction could potentially generate groundborne vibration impacts at adjacent land uses. Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, proximate operations of large bulldozers and loaded trucks can cause perceptible vibration levels, notwithstanding, according to the *Transportation and Construction-Induced Vibration Guidance Manual* prepared for Caltrans, groundborne vibration from construction activities and equipment such as such as D- and D-9 Caterpillar bulldozers, earthmovers and haul trucks at distances of 10 feet do not create vibration amplitudes that would cause structural damage to nearby structures. The proposed Project is not anticipated to employ any pile driving equipment, nor require blasting activities. Further, the nearest heavy equipment operations would occur at a distance of 40 to 50 feet from the nearest residential use (255 Fir Avenue). Impacts from construction-source groundborne vibration are therefore anticipated to be less-than-significant (Draft EIR Pages 4.4-27 to 4.4-29).

As indicated above, the City has no adopted vibration thresholds, much less a threshold adopted to address speculative vibration impacts to people suggested by the commentor. Structural damage is a defined concern addressed by Caltrans, and would be considered to constitute excessive groundborne vibration or groundborne noise levels. This concern is likewise is considered in the EIR. Occasional perceptible vibration levels should they occur, do not constitute excessive groundborne vibration or groundborne noise levels. Any vibration impacts perceived at off-site locations would, as noted, be temporary and intermittent due to transient construction vehicles.

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There are no sensitive historic structures or instruments located proximate to the Project that would somehow be affected by temporary and transient construction-source vibration.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Results and conclusions of the EIR are not affected.

Response S-36

Please refer to the following Response S-37.

Response S-37

The commentor again appears to misinterpret and/or misapply noise thresholds, now within a cumulative analysis context, and incorrectly states threshold considerations applicable to the Project.

In brief, the City Noise Ordinance regulates stationary/area source noise generated by the Project will not result in operational noise that would exceed Ordinance Standards (60 dBA Leq daytime/55 dBA Leq nighttime). Ambient noise increases, including traffic noise generated by the Project would not exceed the applicable 65 CNEL residential standard established by the General Plan. (The commentor misstates the threshold as 60 dBA Leq). Noise levels of less than 65 dBA CNEL are acceptable. In the instance noted by the commentor, vehicular noise levels due to cumulative growth (including noise generated by the Project traffic) would increase by 9.8 dBA CNEL over time, totaling an estimated 61.1 dBA CNEL at General Plan Buildout. Vehicular noise levels of 61.1 dBA CNEL are less than the threshold condition of 65 dBA CNEL, and impacts are therefore not cumulatively considerable. In instances where pre-existing noise levels exceed 65 dBA CNEL, or such traffic noise levels would occur due to cumulative growth absent the Project, the Project's incremental contribution would

range from 0.0 dBA to 0.4 dBA, and would not be discernible. In these instances, perceived noise conditions would the same with, or without the Project. As noted previously in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . [t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable. The commentor's assertion that because cumulative noise impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

Project operational source noise would not exceed applicable standards established under the Noise Ordinance and/or General Plan. In no instance would Project noise cause a transition from acceptable ambient conditions to conditionally acceptable conditions or from conditionally acceptable conditions to unacceptable conditions.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause cumulatively considerable operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response 8-38

The commentor notes that modeling of noise based on measurements taken at the G.I trucking facility (Pomona CA) may not yield noise levels comparable to those that would be generated by the Project.

The G.I. trucking facility conducts logistics warehousing operations, including acceptance and dispatch of big-rig long-haul and consolidated freight trucks, similar to operations anticipated under the Project. The G.I. trucking facility noise measurements are not intended to precisely replicate noise generated by the Project operations site on any given day or at any given time. The empirical data collected does however provide a real world snapshot of anticipated noise sources and noise conditions typical of

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heavy-duty, long-haul trucking operations conditions, and is considered superior to an assumed estimate of noise sources and noise levels. Results and conclusions of the EIR are not affected.

Response S-39

The commentor's suggested additional measures to reduce operational-source noise are addressed below.

Suggested Measure	Response
1. All truck, tractors and forklifts shall be operated with proper operating and well-maintained mufflers. 2. Maintain quality pavement conditions that are free of bumps to minimize truck noise. 3. Limit the number of idling trucks on the southeastern portion of the site.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations in Response S-32 vis-a-vis noise-related requirements. As noted in the Noise Impact Analysis, all operational noise impacts are less-than-significant. No additional mitigation of operational noise impacts is required.

Response S-40

The commentor incorrectly states that Interstate 15 (I-15) and Interstate 215 (I-215) provide access to the Project are and will most certainly be used to access the Project site. It is noted that I-215 was constructed to run roughly parallel to I-15 between Murrieta (approximately 30 miles south of the Project site) and Devore (located approximately 25 miles to the north of the Project site). In the vicinity of Moreno Valley, while I-215 is acknowledged as providing access, I-15 is located approximately 20 miles to the west. At these distances, I-15 does not provide direct access to the Project site, and on this basis, was not considered as part of the Project's traffic analysis.

With respect to commentor's concerns regarding potential Project-related impacts to I-215, a basic freeway segment analysis has been conducted between Box Springs

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Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the Project's Traffic Impact Analysis (TIA Appendix 7. , included as part of Draft EIR Appendix B). As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freewaymainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening ear Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. Nor is there an established fair share fee program for potentially affected SR-60 freeway segments. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response 8-41

Despite the commentor's assertion that [the Draft EIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project, the Project TIA (Draft EIR Appendix B) provides a summary of the Project's fee obligations in Table 8-

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2. The application of fee-based mitigation is summarized at Draft EIR Pages 4.2-25 to 4.2-26 and discussed in greater detail at TIA Pages 200 through 206. The majority of the required improvements identified in the Draft EIR involve Caltrans facilities, improvement of which is outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The commentor's concerns regarding the adequacy of these funding mechanisms will be forwarded to decision-makers for their consideration.

Response S-42

The commentor's suggested additional measures to reduce traffic-circulation impacts are addressed below. The results and conclusions of the Draft EIR are not affected.

Suggested Measure	Response
1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. 2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. 3. Reroute construction trucks away from congested streets and sensitive receptor areas.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 4.2-5), [i]t is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours. No additional mitigation is required.
4. Configure construction parking to minimize traffic interference.	**Replicates existing requirements.** Construction parking is one of many components considered in the required construction traffic management plan. No additional mitigation is required.
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.

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Suggested Measure	Response
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
8. Provide shuttle service to transit stations/ multimodal centers for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, Mitigation Monitoring and Reporting Plan.
9. Improve traffic flow by traffic synchronization.	**Replicates existing requirements.** Signal synchronization is currently effected by the City, beyond control or purview of the Applicant. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.

Response 8-43

Please refer to the preceding Response 8-3 .

Response 8-44

Contrary to the commentor's assertion, the Project's total water demand is disclosed in the Draft EIR. As discussed in Draft EIR Section 4.5, Water Supply, and supported by the Water Supply Assessment prepared for the Project by Eastern Municipal Water District (EMWD), the Project's estimated maximum water demand would be 44 acre-feet per year (please refer to Draft EIR Table 4.5-8 on Page 4.5-17). As noted in the Draft EIR, [w]ater demand for this Project is calculated for planning purposes only, and reflects potential maximum demand conditions. Actual water use will be reduced through conservation, use of water efficient devices, and use of recycled water as it becomes available (Draft EIR Page 4.5-17).

Response 8-45

The commentor's suggested additional measures to reduce hydrology/water resources/impacts are addressed below.

MV00001124

Suggested Measure	Response
1. Install permeable pavement in car parking areas. 2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.	**Not required, no nexus with significant impacts.** As discussed in the Draft EIR, potential water supply and hydrology/water quality impacts are less-than-significant as mitigated. No additional mitigation is required. The Lead Agency may, at its discretion, impose additional Conditions of Approval supplementing the EIR Mitigation Measures.

Response S-46

Maintenance of municipal storm drains is not customarily the responsibility of surrounding property owners. Sediment collected within the SR-60 culverts, which are located upstream from the Project site, is removed in the course of regular maintenance activities performed under the direction of the Riverside County Flood Control and Water Conservation District.

In the interest of accuracy, it may be noted that the Project's Hydrology study actually states, [t]he development may be conditioned to clean the existing sediment build up in the existing triple 60-inch pipes crossing under the 60 Freeway as well as the existing 60-inch pipe [discharging]into the Redlands Boulevard westerly drainage ditch. City Engineering staff may, as part of pre-construction review, include this recommendation as a condition of Project approval. However, despite the assertions of the commentor, the removal of sediment in culverts upstream of the Project is not required to mitigate for impacts from runoff. Nor would any such requirement be rationally related to impacts by the Project. Potential Project-related drainage impacts are addressed in Draft EIR Section 4.6, Hydrology and Water Quality. No significant impacts requiring mitigation have been identified in regard to hydrology or storm water management.

Response S-47

As noted on Pages 4.6-22 through 4.6-23 of the Draft EIR, the Project's drainage plan was purposely designed to ensure that runoff from the site does not enter the Quincy Channel. Future drainage improvements associated with the Quincy Channel and its

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proposed overcrossing will not affect, nor be affected by, implementation of the Project. The future improvements are noted in the Draft EIR merely as a point of reference.

Response 8-48

The Cultural Resources Investigation prepared for the Project included a records search and above-ground reconnaissance survey, which is customary for pre-development review. No underground investigation is required under the CEQA guidelines, or any federal, state, or local laws or regulations.

The Cultural Resource Investigation and the Draft EIR acknowledge the possibility of historic and/or prehistoric cultural resources being present on the site in a buried context, but no evidence exists to indicate the probability of any on-site archeological or paleontological resources or human remains. Mitigation is provided that requires the use of professional monitors during all Project-related excavation and grading activities. Relevant text from the Draft EIR (Pages 4.7-11 through 4.7-13) has been included below for ease of reference.

> The Project Cultural Resources Investigation report notes that there was early occupation in the area and evidence of this occupation may be present in a buried context e.g., evidence of the water well in the center of the property, buried refuse deposits, privies, irrigation systems, foundations, etc. If evidence of such remains is uncovered during the grading of this property, the proponent should contact a qualified archaeologist to assess the find(s) and to make recommendations for a monitoring program to oversee the remainder of the grading program. The report further notes that the paleontological monitor [discussed below] can also serve to oversee archaeological monitoring and negate the need for two monitors. The following mitigation measures will ensure that the recommendations of the Project Cultural Resources Investigation are implemented during Project development.

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Mitigation Measures:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

The results and conclusions of the Draft EIR are not affected.

Response JS-49

The commentor appears to misconstrue the intent of Mitigation Measure 4.7.1, the text of which is provided as part of the preceding Response GB-4. As stated in this measure, the monitor is to be adequately equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays. Further, no time limit or emphasis on urgency is placed on the temporary halt on construction activities. Rather, Measure 4.7.1 states, [t]he monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. Mitigation Measure 4.7.3, included below for ease of reference, contains wording similar to that of Measure 4.7.1, specifically in regard to the potential occurrence of paleontological resources.

> *4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*
>
> - *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
> - *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
> - *Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
> - *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
> - *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon*

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exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays,* ***consistent with the requirements of California Public Resources Code Section 21083.2.*** *The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2.,* ***resources shall be left in an undisturbed state. Where preservation in place is infeasible, a~~A~~ll*** *recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum*

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repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

To ensure monitoring and enforcement, these revisions to Mitigation Measures are reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata.

Response S-50

As noted in the preceding response S- 49, despite the commentor's assertions to the contrary, Draft EIR Mitigation Measures 4.7.1 and 4.7.3 do not include restrictions or limitations on the time that would be allowed for adequate monitoring and recording of cultural resources. As further discussed in the preceding response S-49, the wording of these measures has been amended to clarify that, if found, cultural resources would be preserved in place where appropriate.

Response S-51

Despite the commentor's assertions to the contrary, the Project's potential effects on common wildlife species have been addressed in *Report On Habitat Assessments and Biological Surveys for the West Ridge Project Site* (Harmsworth Associates) October 2008 , presented at Draft EIR Appendix D. Relevant text is excerpted below for ease of reference.

> **5.8 Direct impacts to wildlife**
>
> **5.8.1 Common Wildlife**
>
> The primary impacts of the project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. These impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated

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in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Report on Habitat Assessments, Page 36).

This same material discussion appears in the body of the Draft EIR.

Common Wildlife Species

The primary impacts of the Project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the Project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. However, these impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Draft EIR Page 4.8-25).

No potentially significant impacts have been identified, and no mitigation is required. The results and conclusions of the Draft EIR are not affected.

Response 8-52

The commentor recommends additional measures to be implemented to reduce the Project's adverse effect on scenic views in the Project area. The Draft EIR acknowledges, in Section 4.9, Aesthetics, that implementation of the Project would obstruct or alter views from major roadways and surrounding areas, and would therefore have a

MV00001132

substantial adverse effect on a scenic vista, which is a significant individual and cumulative impact.

No feasible mitigation measures were identified within the Draft EIR which would reduce this loss of viewshed. All other potential aesthetic impacts of the Project were determined less-than-significant.

The particular mitigation measure suggested by the commentor is presented and responded to below:

1) *Preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County.*

The City does not currently conduct a program that would allow for the purchase of off-site areas for scenic preservation, as suggested by the commentor, nor is it aware of other such programs offered by agencies or organizations within the Western Riverside County area. Moreover, preserving another existing scenic view elsewhere would not serve to mitigate the impacts of this Project. While the value of off-site mitigation for certain environmental impacts (e.g., biological habitat areas) has been demonstrated, the application of the proposed measure in regard to aesthetic impacts is considered infeasible.

Response 8-53

As noted in the Draft EIR (Pages 5-25 and 5-26), §15126.6 of the *CEQA Guidelines* states that an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the *CEQA Guidelines*, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the *CEQA Guidelines* indicate that the

range of alternatives selected for examination in an EIR should be governed by rule of reason, and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing oning Alternative, and a Reduced Intensity Alternative present a reasonable range of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of Project Objectives.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives. The text on Draft EIR Pages 5-35 through 5-44 provides the basis upon which each of the considered alternatives was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response 8-54

The exhibits identified by the commentor and provided as part of these comments have been included in Appendix A of this Final EIR.

Response 8-55

The commentor attaches various professional references. No response is required.

MV00001134

From: Shelly Mesa [shellymesa@roadrunner.com]
Sent: Monday, December 06, 2010 1:35 PM
To: Jeffrey Bradshaw

Subject: Questions about Sketchers, Westridge Commerce Center and Pro Logis projects.

Dear Jeffrey,

Hello, I am a concerned homeowner my name is Shelly Mesa, we bought out here 5-years ago and have been enjoying our beautiful view of the Badlands as well San Bernadino Mountains. I am concerned about all the changes that are taking place around us! I have been active an obtaining signatures against this project, just to be disappointed in our City Officials who over rode the City"s Planning Commision Votes, because their back pockets were padded by Mr. Benzeevi, as well as The Sequoia Club being bought, who had an active interest as well about the Enviromental Impact this will have on our "Beautiful Land." I intended to be out here thru our "Retirement Years". But what is to become of the East end of Moreno Valley? SM-1

1. How will the toxic diesal truck emmisions affect the people who will live on the south side of Fir when both the Warehouse and Pro Logis as well as Sketchers are at full operation? SM-2

2. What measures could be implemented during the construction and operation of this warehouse which could lesson the impact on noise, air quality and global warming, but which you are not going to put in place? SM-3

3. What will you do to protect the Warehouse Wokers from the effects of toxic diesal pollution? SM-4

4. How many toxic diesal trucks do you calculate to use Redlands Blvd. to come north out of town when Sketchers, Westridge Commerce Center and Pro Logis are in full operation? SM-5

I am concerned that if we don't take a stand we will have nothing but warehouses and low income apartments here in our community! SM-6

Sincerely
Shelly Mesa

SHELL MESA

Email Dated December 6, 2010

Response SM-1

The commentor's concerns and opinions will be forwarded to decision-makers for their consideration.

Response SM-2

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant with mitigation, on both an individual and cumulative basis (i.e., with the Project alone and with the development of the ProLogis and Highland Fairview project, as well as other anticipated cumulative growth). Please refer also to Responses LA-1, FNS 8, *et al.* addressing diesel emissions impacts.

Response SM-3

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have otherwise been employed within the Draft EIR to reduce any potentially significant impacts. As discussed at FEIR Section 2.0, additional/revised mitigation has been incorporated based on comments received on the Draft EIR. Inclusion of these measures does not however, materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant and impacts that were previously determined to be significant remain significant.

As disclosed in the DEIR, even with the application of mitigation, the Project will result in certain significant and unavoidable air quality and noise impacts. A summary of significant impacts is presented at DEIR Pages 1-17 through 1-20.

Response SM-4

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpt from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response SM-5

Opening Year Cumulative Conditions for area roadway segments, including Redlands Boulevard, are identified in the Draft EIR at Table 4.2-13 (Pages 4.2-61 to 4.2-62). Section 4.2 of the Draft EIR further identifies the number of trucks that will be accessing the site

MV00001137

and vicinity projects on Page 4.2-18. This discussion is presented below for ease of reference.

> As seen in Draft EIR Table 4.2- 5, passenger car equivalent (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour.

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks
- 220 three-axle trucks and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, Air Quality, and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Response SM-6

The commentor's concerns will be forwarded to decision-makers for their consideration.

MV00001139

From: ned newkirk [ned_newkirk@verizon.net]
Sent: Monday, December 06, 2010 3:00 PM
To: Jeffrey Bradshaw
Subject: Proposed West Ridge Commerce Center

Name: Ned and Dawn Newkirk Phone: 951-242-3055 Address: 29080 Dracaea Avenue--
MorenoValley, Ca. 92555
Email Address: ned_newkirk@verizon.net

How does the the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan? NDN-1

As new warehouses such as Skechers and the proposed West Ridge Commerce Site are very near to residential areas, what measures will be required to reduce the size and starkness of the warehouses that are very close to these residential areas? If you do not require measures for warehouses to esthetically fit into the neighborhood, residential property values could be dramatically affected and reduced. NDN-2

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? NDN-3

What warehouses are under consideration for the Eastern end of the City of Moreno Valley consisting of the area from Moreno Beach to Gilman Springs Road and Ironwood Ave to south of Alessandro Blvd? NDN-4

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? NDN-5

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? NDN-6

What will you do to protect nearby residents from the effects of toxic diesel pollution? NDN-7

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? NDN-8

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? NDN-9

How will this project be growth inducing for similar projects? NDN-10

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, WestRidgeCommerceCenter and Pro Logis are in full operation? NDN-11

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? NDN-12

NED AND DAWN NEWER

Email Dated December 6, 2010

Response NDN-1

The commentor inquires: How does the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan.

The commentor's inquiry is not specific to the Project or the EIR and absent further explanation, does not allow for on-point response. Moreover, there is no formal adopted Moreno Valley Beautification Plan. Notwithstanding, as discussed in the Draft EIR (Pages 4.1-17 to 4.1-20), uses proposed by the Project are consistent with applicable General Plan Land Use Policies. It is presumed that other projects proposed for development within the Project area (warehouses or other uses) will be subject to a similar consistency analysis.

Individually and cumulatively significant aesthetic impacts of the Project are also acknowledged in the Draft EIR.

AESTHETICS **Project-Specific Significant Impacts**

Change to Scenic Vistas

Construction of the proposed Project would result in interrupted or obstructed views of off-site scenic areas. This is recognized as a significant and unavoidable aesthetic impact.

Cumulatively Significant Impacts

The Project will restrict or interrupt both near and distant views in the Project area, and in combination with other vicinity development, will cumulatively result in a substantial adverse effect on scenic views in the Project area. The cumulative effects of the Project in regard to scenic vistas are determined to be significant.

(Source: Draft EIR Table 1.8-1, Pages 1-19, 1-20)

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response NDN-2

The Draft EIR's discussion of Aesthetics (Section 4.9) addresses the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings. The Draft EIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. However, the analysis concludes that no potentially significant impacts would occur in this regard. The relevant text from Draft EIR Page 4.9-22 is provided here for ease of reference.

> Properties to the south of Fir (future Eucalyptus) Avenue are currently zoned for large lot residential uses. To provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary. This wall will be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti.
>
> As supported by the preceding discussions, and with implementation of the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant.

Response NDN-3

The commentor expresses concerns about the effect of diesel truck emissions on the sensitive receptors located on the South side of Fir Avenue.

A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk

shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [10]

Response NDN-4

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. These include the recently approved Highland Fairview Corporate Park, and the proposed ProLogis warehouse project. To date, no further inquiries, applications, or other proposals have been received by the City in regard to development of the types of land uses referenced by the commentor.

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10 The AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI ≤1.0 while the cumulative (facility-wide) is HI ≤3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

It may be noted that a Logistics Modified General Plan development concept was included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16). This development concept addressed the possible future development of a substantial number of warehouse facilities in the eastern end of the City.

For the purposes of the Westridge Commerce Center Draft EIR analysis, the City does not consider the Logistics Modified General Plan (LGMP) proposal included within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development concept was not included among those identified as related projects for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), [a]s no pre application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP General Plan. The logistics modified concept does not represent a specific development proposal. however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the Moreno High lands Specific Plan] MHSP.

Response NDN-5

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, the Project will result in certain significant and unavoidable air quality and noise impacts.

Response NDN-6

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response NDN-7

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant as mitigated.

Response NDN-8

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the

Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

<u>Response NDN-9</u>

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards.

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project—nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

<u>Response NDN-10</u>

The commentor expresses concern regarding the growth inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, §21100, subd. (b)(5); CEQA Guidelines, §15126, subd. (d), 15126.2, subd (d).) To this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth. Moreover, the Project is consistent with the adopted General Plan, would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response NDN-11

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks
- 220 three-axle trucks and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, Air Quality, and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19,

acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project s incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Response NDN-12

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR

Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:16 PM
To: Jeffrey Bradshaw; John Terell
Subject: DEIR Comments for Ridge-1
To: Jeff Bradshaw,

These are my comments and questions concerning the Westridge Commerce Center Project.

My biggest concern and questions are regarding the cumulative effects of the 35 million square feet of warehousing proposed for this area of the city. The law requires that the FEIR address the cumulative impacts of the entire known proposal. The Agency (the city of Moreno Valley) is well aware of the fact the developer that owns most the raw land in this area wants to turn this area into another Mira Loma type warehouse district encompassing 35 million square feet of warehousing. The city has an obligation to make sure that the impacts of all 35 million square feet are addressed in this document. It is not acceptable for the city to pretend it doesn't know about these other planned warehouses. The fact they have not submitted an application yet has no bearing on the known intended plan. I will include the Press-Enterprise article in which these35 million square feet warehousing plan was detailed. DR1-1

There is only one actual lane on the westbound 60that leaves Moreno Valley and continues to Riverside. How are all these trucks going to affect the traffic going west on the 60? How is the truck traffic from the other 30 million square feet of warehouses going to affect the truck traffic?Is the city going to let this developer lie about the traffic the way they let Highland Fairview lie? Is this developer going to be allowed to show unrealistic videos of dream traffic or they going to be required to tell the truth? What is the impact of the additional truck traffic from this approximately one million square foot warehouse on the one actual lane that leaves Moreno Valley and continues to Riverside?What is the impact of the truck traffic from all 35 million square feet of warehousing on the one lane of the 60 that leaves Moreno Valley and continues to Riverside? DR1-2

We know we are not going to meet our 2015air quality targets. How are we going to meet them by adding warehousing that is not even required to meet LEED standards? Why would we add anything that is not required to meet LEED standards? How much farther over our target will we be with the addition of a one million square foot warehouse? How much farther will we be over our target with the entire 35 million square feet of warehousing proposed? DR1-3

The City of Moreno Valley has some of the most beautiful vistas in the Inland Empire. Why does the consortium this developer belongs to think it is ok to rape the views of this city when other locations would serve the same function without doing so? Why does this consortium of developers think so little of the beauty of Moreno Valley that they would destroy it just to make a couple extra bucks? There are plenty of parcels in the flat area where warehousing was intended to go. I know because my home overlooks this area. Why is this consortium of developers destroying the vistas of people who have lived in their homes many over 20 years when they don't have to? Nobody that cared for our city would so callously destroy it! Why would we want to do business with developers who care nothing for our city? DR1-4

Why is this consortium of developers building off the 60 when the 215 is a much better location? The 215 has millions of federal money spent and planned to be spent on it. The 60 has no plans to add more than the one and only west bound lane that leaves the city and continues into Riverside. March Global Port by the 215 has an airport and is nearer to the railroad. Why isn't this warehouse being proposed in the area of the city that was intended for a warehouse? Why not the March Global Port? DR1-5

The Skechers project caused animosity that still has not been resolved. This developer knows that. Why does this developer and the consortium he is aligned with think it is ok to emotionally tear a city apart? Why doesn't this developer care about the quality of life of the residents most affected by this project?

Knowing how you feel and knowing what you want to say is much easier than typing it. I sincerely hope you will answer all my concerns about this project. DR1-6

PS. I referenced newspaper articles that I will send separately

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno Valley CA 92555

DEANNA REEDER, LETTER 1

Email Dated December 6, 2010

Response DR1-1

The commentor expresses concern regarding the cumulative effects of the 35 million square feet of warehousing proposed . . . , citing an article from the *Press Enterprise* newspaper dated August 21, 200 which references a Logistics Modified General Plan development concept included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16).

The *CEQA Guidelines* (Section 15130, subd. (b)(1)(A)) state that a list of past, present and probable future projects may be used to provide an adequate discussion of significant cumulative impacts. No active application exists for Logistics Modified General Plan (LGMP) proposal. Nor does the City consider the LGMP proposal cited within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development is not included as a related project for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), [a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP (General Plan). The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the Moreno Highlands Specific Plan] MHSP.

To date, no further inquiries, applications, or other proposals have been received by the City in regard to the possible amendment of the General Plan or the Moreno Highlands Specific Plan to support the type of development referenced by the commentor. As

identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that the cumulative impacts analysis assumes development of the area in a manner consistent with the adopted City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region (Draft EIR Pag 5-4).

The commentor's concerns and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-2

In regard to cumulative traffic impacts, please refer to the preceding Response DR1-1. In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As

noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response DR1-3

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards.

Although the ultimate level of LEED certification cannot be determined at this time, since the tenant and therefore specific environmental strategies to be employed at the facility, are unknown, it is important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

The commentor refers to our 2015 air quality targets but does not quantify or otherwise specify our targets. The Project is consistent with land uses plans, and emissions reductions programs, and emission control strategies outlined in the applicable Air Quality Management Plan (DEIR at Pages 4.3-49 through 4.3-52). The Project further incorporates all feasible measures to reduce its air quality impacts. Please refer also to the preceding Response DR1-1. The commentor's statements are forwarded to the decision-makers.

Response DR1-4

The Draft EIR addresses the Project's potential aesthetic impacts in Section 4.9, and acknowledges that implementation of the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact. The suggested relocation of the Project is addressed in the following Response DR1-5. The commentor's statements and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-5

In regard to the commentor's suggestion that the Project be located in another area of the City, several alternative sites were analyzed as part of the Draft EIR (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location.

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub, was also locally accessible, was underutilized and currently available, could be developed and operated in a manner that was compatible with other proximate land uses, and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular), and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076).

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014).

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Cameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019) and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant, is more than 50 acres in size and of a roughly rectangular configuration, is zoned for industrial use, and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation, is of adequate size and is appropriately configured, and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase, however, it is not currently controlled by the Project Applicant, and a zone change from Business Park to Light Industrial, would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or

MV00001159

substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

Response DR1-6

The commentor's concerns and opinions are forwarded to decision-makers for their consideration.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:23 PM
To: Jeffrey Bradshaw
Subject: DEIR Comments Ridge-2
To Jeff Bradshaw,

This is the article I referenced in the first email.

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno valley CA 92555

DR2-1

More distribution centers proposed for Moreno Valley's eastern side

Download story podcast

10:00 PM PDT on Thursday, August 21, 2008

By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.

Story continues below

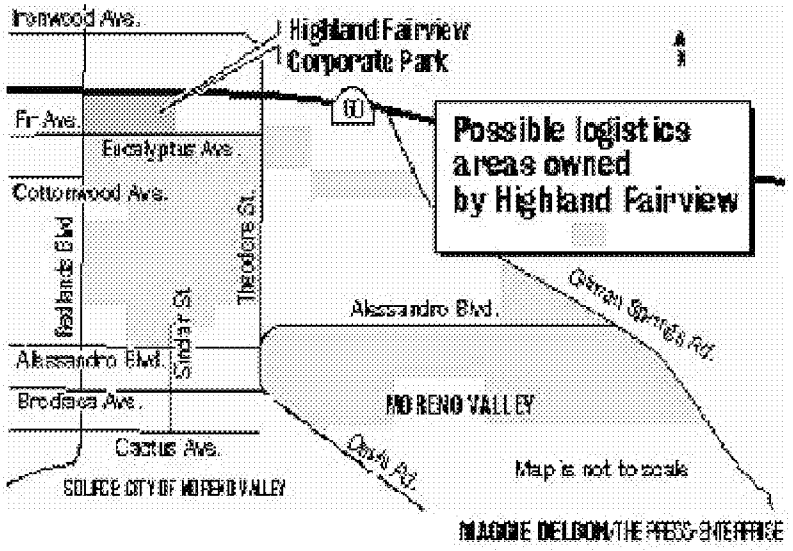

"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about $120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed $60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at 951-763-3457 or dlee@PE.com

DEANNA REEDER, LETTER 2

Email Dated December 6, 2010

Response DR2-1

Receipt of the article referenced in the commentor's preceding correspondence (referenced in this document as Deanna Reeder, Letter 1) is acknowledged. The preceding responses DR1-1 through DR1-6 are provided to address the commentor's specific concerns.

From: sgcricket@aol.com
Sent: Friday, December 03, 2010 11:58 AM
To: Jeffrey Bradshaw
Subject: Public Comment on West Ridge Commerce Center

Comments: West Ridge Commerce Center Draft EIR
From: Residents for a Livable Moreno Valley

Residents for a Livable Moreno Valley is concerned that the City of Moreno Valley is not moving in the direction as stated in the General Plan. The eastern end of the City has the potential to develop into something the residents can be proud to share. There are mountain views, Lake Perris Recreational Area, Riverside County Conservation Area land, San Jacinto Wildlife Area and San Timoteo State Park surrounding this portion of Moreno Valley. The pathway chosen by Council and reflected in past General Plan changes is a concern. The City must:

1. Increase employment
2. Improve high school and college graduation rates
3. Raise the median income of the City
4. Provide a variety of housing for the residents
5. Protect the health and safety of the residents

Warehousing provides none of these benefits to the citizens. The number of employees per square foot of warehouse is minimal, the education requirements are marginal, the salary of a warehouse employee will not provide a middle/upper middle class life style, the location of warehouses will discourage construction of large, estate homes, the accumulated pollution will create health hazards for residents, and the dangerous conditions on SR 60 will not be addressed. RLMV-1

My questions to the developer (and Council, which has power to approve General Plan amendments):

1. Employment
   How many permanent employees per square foot will be working on site after construction? How many employees per square foot are employed at a Business Park designation?
   If the public wants to know the number of employees, will the tenant's personnel offer to provide this?
   If Moreno Valley residents are expected to tolerate the pollution, traffic and noise associated with warehouses, what percentage of City residents will be hired for the facility and will personnel make proof of residency available?

2. Education
   If the education needed for a warehouse position does not require a high school diploma or equivalency, how will this project improve the incentive for students to graduate?
   What percentage of positions will require post-high school education?
   What percentage of positions will require a 4 year college degree?
   What support will the employees receive to attend RCC or trade schools?

3. Income
   What will be the median and average salaries for the proposed warehouse employees?
   Will the median and average be above or below the median and average income for Moreno Valley?
   If the median and average is below that of the current City income, how will the warehouse help to raise that statistic?

4. Housing
   Where in Moreno Valley will the "estate" housing be built?
   Warehousing presents a stigma for the development of upper end housing. How will this provide a positive direction for the City?
   For every apartment unit built for homeless and low income warehouse employees, why isn't a home built that is above the average home cost?
   How will warehousing stop the downward spiral of low cost housing that is not balanced with an increase in upper end homes?
   What will stop the median home cost from going down and making the City look less attractive to those with money to buy?

RLMV-2

5. Health and Safety
   Why is Caltrans not being tasked to provide safe improvements to Highway 60 BEFORE the increase in truck traffic?
   Why are overpass improvements considered sufficient to improve traffic flow?
   Why is the cumulative effect of future development not considered?

RLMV-3

Why are two lanes in each direction considered sufficient when they are immediately impacted by one truck passing another?
Why is the one lane merge from the 60 to the 215 considered a final solution when accidents occur daily and deaths occasionally? What amount of "backup" is considered tolerable? RLMV-3 (cont'd)

What buffer is provided between residential zoning and the project? Business Park is considered a buffer between Light Industrial and residential. Does this mean that should the zoning be changed to Light Industrial to accommodate the project, the land south of the project will be rezoned as BP? RLMV-4

Sincerely,
Residents for a Livable Moreno Valley
3 December 2010

RESIDENTS FOR A LIVEABLE MORENO VALLEY

Letter Dated December 3, 2010

Response RLMV-1

The commentor's views in regard to the City's direction and potential, along with their concerns regarding warehouse development, are forwarded to decision-makers for their consideration.

Response RLMV-2

The purpose of the California Environmental Quality Act (CEQA) is to identify and determine the significance of the environmental effects caused by a project. As noted in *CEQA Guidelines* Section 15064 subd. (e), [e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment.

No physical changes resulting from the Project's potential economic or social changes have been identified, and as such, the Project's potential economic effects were not addressed within the Draft EIR. While outside the scope of the Draft EIR, the commentor's questions regarding employment, education, income and housing are forwarded to decision-makers. It may be noted that no amendment to the General Plan is proposed as part of the Westridge Commerce Center Project, nor would a General Plan amendment be required in order to approve the Project.

Response RLMV-3

The timing of roadway improvements on the SR-60, which are jurisdictionally controlled by Caltrans, is outside the control of the Applicant and the Lead Agency (the City of Moreno Valley). It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area.

The commentor's question in regard to overpass improvements appears to misconstrue the findings of the Draft EIR. The commentor is referred to Draft EIR Section 4.2, Traffic and Circulation, which identifies a combination of Project improvements and mitigation measures mitigation to address the Project's potentially significant traffic impacts. While the overpass improvements identified in the Project's Traffic Impact Analysis (and summarized in Draft EIR Table 4.2-15) are expected to improve traffic flow, the Project was found to result in significant cumulative traffic impacts that cannot be sufficiently addressed by overpass improvements alone.

The Draft EIR considers, at some length, the cumulative effects of future development. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A discussion of the Project's potential cumulative impact is included in each of the Draft EIR's topical analysis sections, and potential impacts are summarized in Section 5.1, Cumulative Impact Analysis (Pages 5-1 through 5-25).

The number of lanes required for local streets within the Project vicinity is determined by the City of Moreno Valley General Plan Circulation Element, which is available for review at the City's Planning Department, or online at the following website: http://www.moreno-valley.ca.us/cityhall/general-plan/06gpfinal/gp/5-circu.pdf.

In regard to the referenced one lane merge from the 60 to the 215, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be

nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Effects of cumulative development of concern to the commentor are addressed at DEIR Section 5.1, Cumulative Impact Analysis. Topical areas considered therein include:

- Cumulative Impacts Related to Land Use and Planning;
- Cumulative Impacts Related to Traffic and Circulation;
- Cumulative Impacts Related to Air Quality;
- Cumulative Impacts Related to Noise;
- Cumulative Impacts Related to Water Supply;
- Cumulative Impacts Related to Cultural Resources;
- Cumulative Impacts Related to Biological Resources; and
- Cumulative Impacts Related to Aesthetics.

Response RLMV-4

As presented in the Draft EIR (Page 4.9-22), [t]o provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). The proposed buffer/setback incorporated in the Project design also provides physical separation between the Project's operational activities and southerly adjacent land uses, acting to reduce potential environmental impacts (e.g. noise and air quality impacts) received at off-site land uses. This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary.

Related to design and implementation of the Project setback described above, the Project includes a discretionary action (Amendment to Municipal Code Section 9.05.020 B (City Case PA10-0017) Light Industrial Districts The proposed code amendment requires buffering between Residential districts and industrial and warehouse structures greater than 50,000 square feet in building area (such as the Project). More specifically, as provided under proposed Code Section 9.05.040 Industrial Site Development Standards, Section B, 9. :

> 9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

The above requirements would apply to the Project and would act to ensure the protection of the health, safety and welfare of future residents. While it is acknowledged that the Project proposes a change of zone from Business Park to Light Industrial, no other zone changes are proposed.

From: George Hague [gbhague@gmail.com]
Sent: Monday, December 06, 2010 4:52 PM
To: Jeffrey Bradshaw
Subject: Please confirm = II Additional Sierra Club comments to Westridge Commerce Center's DEIR

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, December 06, 2010 11:40 AM
To: Jeffrey Bradshaw
Subject: Additional Sierra Club comments to Westridge Commerce Center's DEIR

Good morning Mr Bradshaw,

Please use these comments instead of what I sent you at 11:40 am today.

Re: Comments to the Westridge Commerce Center Draft Environmental Impact Report (DEIR)

During Thursdays Informational meeting the Consultant said that Appendix B would show that the Moreno Highlands project would be included. Using cumulative development from Chpater 5 and appendix B one does not find the Moreno Highlands Project. You do not even include Moreno Highlands at build out, but instead use 2013 as some magical date. Based on this standard if Moreno Highlands is not build for another 20 years then we can just approve all other lands with projects which would use all of SR 60 capacity- SC-1
without factoring Moreno Highlands into the equation. How can Moreno Valley allow what is shown on Exhibit 7-2 where the SR-60 westbound traffic is Four times the present level in 25 years? SR-60 can not handle the traffic we presently have. The Final EIR will be inadequate unless you can show the LOS at the point where SR-60 & I- 215 connect heading west with today's traffic, with this project added and 25 years from now with its ultimate improvement according to the RCTC. The same needs to be done heading east on SR-60 at the point it passes over Pigeon Pass/Frederick Street. The City then needs to explain how anyone will want to do business in a city that doesn't allow you to move through except at a crawl. SC-2

Whenever Skechers or the Highland Fairview project is mentioned you need to include both approved warehouses on their site as well as all the other commercial and land uses approved-- not just the single Skechers warehouse. This is true for not only for all Sierra Club comments, but all other comment letters on this project-- or your EIR will be inadequate. SC-3

How many diesel truck trips are expected to/from this project site and during what times of the day? Please respond to all question submitted to this DEIR within the Final EIR and not redirecting the public to someplace in the DEIR. SC-4

Building to LEED certification is good, but explain why the project will not try for at least Silver. There are many good ideas which could be designed/built into this huge warehouse to make it a environmentally superior and healthier project for Moreno Valley. The FEIR must list all those ideas which you will not incorporate into the project and fully explain why not. This must include those ideas which would lessen the projects impacts on Air Quality, Greenhouse Gas, and Global Warming. How will this project either help meet the goals of AB 32 or hinder our City's fair share in meeting its goals and standards? SC-5

The Sierra Club believes the impacts to Agricultural resources are considerable and need to be thoroughly discussed in the FEIR. The Lands of Local importance can not be just dismissed. Your project is growth inducing and could lead to the destruction of one of the last citrus groves in our city with the approval of Pro Logis. SC-6

How many diesel Trucks trips are calculated to use Redlands Blvd to enter/exit the city from your project? When combined with Skechers and ProLogis how many truck trips are calculated to use Redlands Blvd to enter/exit Moreno Valley. When you combine all three of these warehouses, operating a full capacity, with the existing background traffic, how many diesel trucks trips will use Redlands Blvd to enter/exit our city? SC-7

Since all diesel trucks must use Fir Street to enter/exit the project, how can you say the project is a safe distance from the property zoned residential across the street from your project? How will all the diesel trucks impact these future residents during your 24-7 operation? How does the toxic diesel emissions change during acceleration/deceleration as the trucks enter/exit the project? Your analysis of impacts must take this into consideration. With your growth inducing impacts how many diesel trucks will be using the improved Fir Street, adjacent to your project and future residents, when both approved warehouses at the Highland Fairview project, and Pro Logis are in full operation? SC-8

Please explain why reclaimed water will not be used? Between this project and Skechers you should be able to bring it north to serve both the needs of both sites. SC-9

The Sierra Club believes the DEIR fails to fully explain all the direct, indirect, growth inducing and cumulative impacts. The cumulative development list is not complete. The alternatives need to be further developed--especially since this project will not be built for perhaps years and there are existing warehouses sitting unoccupied. SC-10

The Sierra Club appreciates the opportunity to continue to add comments to this project's environmental documents. Please keep me informed of all future meetings and documents by using the address below. SC-11

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley Ca. 92555

SIERRA CLUB (GEORGE HAGUE)

Email Dated December 6, 2010

Response SC-1

It is presumed that the commentor's references to the Moreno Highlands project are intended to mean the Moreno Highlands Specific Plan, which was approved in 1992. Because approval of this Specific Plan preceded the adoption of the City's existing General Plan, the land uses approved as part of the Specific Plan are reflected in the adopted General Plan land use designations, which were the basis for the Draft EIR's consideration of ambient growth.

The year 2013 is utilized within the Project's Traffic Impact Analysis (TIA) and identified in the Draft EIR as the Project's anticipated opening year. As noted on Draft EIR Page 4.2-15, [t]he City requires development TIAs to analyze a horizon year that is a minimum of five (5) years from baseline existing (2008) conditions reflected in the TIA. Accordingly, the potential traffic impacts of the Project are determined for 2013 (Opening ear) conditions. This includes the application of an assumed background growth factor, to which traffic generated by known or probable related projects was added.

Response SC-2

In regard to the commentor's concerns regarding traffic growth on SR-60, the Project TIA (included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather

to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response SC-3

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. Included for the Highland Fairview Corporate Park were the following anticipated land uses: Logistics (2,410,000 square feet), Retail/Outlet Center (10,000 square feet), and Community Commercial (200,000 square feet). A review of the Highland Fairview Draft EIR (available at the City of Moreno Valley Planning Department) indicates that this is the maximum development scenario for this recently approved project.

Response SC-4

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks
- 220 three-axle trucks and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4-axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).

[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

The germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, Air Quality, and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

As noted in the Draft EIR (Page 3-4), [f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations.

Response SC-5

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project, nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

As noted on Draft EIR Page 4.3-110, the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. As such, a qualitative assessment of the Project impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report, supports the conclusion that the Project GHG emissions are not cumulatively considerable. [Draft EIR] Table 4.3-21 identifies the various sources of guidance for determining the significance of impacts from GHG emissions, and the applicability of each source to this Project. Further, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures.

Contrary to the commentor's assertion otherwise, the FEIR need not list and evaluate all mitigation measures offered. With specific regard to potential GHG/GCC impacts (and measures offered to reduce potential GHG/GCC impacts), the Project's individual and cumulative impacts GHG/GCC impacts are substantiated to be less than-significant (DEIR Pages 4.3-88 through 4.3-110, DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, Revisions and

Errata, as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant and impacts that were previously determined to be significant remain significant.

Response SC-6

Despite the commentor's assertions, the Draft EIR does not just dismiss potential impacts to agricultural resources. As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. The potential loss of agricultural land throughout the City attributable to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR, available for review at the City of Moreno Valley Planning Department) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, [s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable. Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required.

The commentor's opinions in regard to the potential impacts of the proposed ProLogis project are forwarded to decision-makers for their consideration.

Response SC-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

97 two-axle trucks;
220 three-axle trucks; and
539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Exhibit 5-4 in the Project TIA (Draft EIR Appendix B) identifies the truck trip distribution anticipated at General Plan Buildout, which includes traffic generated by the Project, the Projects referenced by the commentor, and all other known and probable development that is anticipated to occur at the SR-60/Redlands Boulevard Interchange.

Response SC-8

The commentor expresses concerns regarding diesel emissions from vehicles traveling along Fir (future Eucalyptus Avenue) and their potential impacts at adjacent residential uses. A Health Risk Assessment of Diesel Particulate Emissions was prepared to

address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment (HRA) was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA arguably consider potential worst case cancer risk exposure by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, and a portion of each 24-hour cycle is spent indoors. In addition, individuals and families at a given location for 70 or even 30 years would be considered the exception rather than the norm. The California OEHHA has indicated that based on EPA studies, the EPA

MV00001180

recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

In response to the commentor's specific concerns regarding potential cumulative effects of DPM emissions, regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as

discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [11] Please refer also to Response SC-4.

Response SC-9

Developments within the Project area are reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Ultimate timing and provision of recycled water to the Project will be determined by EMWD, not the Applicant or the Lead Agency. To assert or assume otherwise is speculative. As noted on Draft EIR Page 4.5-25, [t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In

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11 The AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI ≤1.0 while the cumulative (facility-wide) is HI ≤3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards.

Response SC-10

The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration during deliberations on the Project. The cumulative project list was compiled in consultation with City staff, and includes Projects that are consistent with those of other EIRs that have been prepared by the City for development proposals in the vicinity of the Project. The commentor is also directed to Draft EIR Section 5.2, which includes a comprehensive discussion of the potential for other approved warehouse projects to serve as an alternative to the proposed Project site.

Response SC-11

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings.

Thomas Thornsley
29177 Stevens Street
Moreno Valley, CA 92555

December 5, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552

Via e-mail: JeffreyB@moval.org

Dear Mr. Bradshaw:

Re: Draft Environmental Impact Report (DEIR) Westridge Commerce Center, SCH#: 2009101008

As a concerned residents on the east end I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center. I can not agree with some of the conclusions because it appears that some impacts are being written off because the City simply has not taken a progressive stand on potential development impacts or adopted stricter criteria for development (i.e.: enhanced development standard and limited design guidelines, or full improvements with future restitution.). As with most projects requirinig EIRs this project has some significant impacts that, quite simply, are being written off because the impact can not be completely mitigated to below a level of significance. However, several impacts could be lessened with further mitigated than what is proposed; most notable with regard to Traffic Impacts. In these instances it would be prudent to impose mitigation(s) to further lessen those impacts, thereby, leaving a smaller intensity of impacts that to be overridden by the City Council. TT-1

Project Description – So much of this document reads like "boilerplate text" and it fails to provide complete account of the entire project in any one location. The full project description is hard to quantify without looking in several places in two separate chapters. Even then the proposed Amendment to the Municipal Code related to providing "objective standards for the development of Light Industrial uses adjacent to residentially zoned property," fails to be detailed anywhere in the text and I am unable to determine what changes are being made. So therefore I ask: TT-2

- Why are you not providing a detailed description of the code amendment?
- What are the details of the proposed amendment? (Provide current text and proposed text.)

Aesthetics

Loss of Scenic Vista – The DEIR states that there is no feasible way to reduce impact (lost view of the surrounding hills) below a level of significance which may be true, but man-made enhancements along the 60-Freeway can offer a new pleasurable scenic vista thus mitigating a substantial amount of the loss. As such this issue should be addressed in greater detail to enhance what is lost for the community. TT-3

- Why is this project not offing to better enhance and screen the view from 60-Freeways with more extensive architectural relief, landscaping and a screen wall? TT-3 cont'd.

The photo simulations in the DEIR fails to depict the actual view from the roadways or what the view would be like for passing motorist after freeway expansion. Each simulation is a straight ahead view from each particular roadway/highway. Since the 60-Freeway is a General Plan designated Scenic Corridor true views are 360 degrees (and primarily southward as shown in Figure 4.9-1) and as such this document needs to be amended to <u>show the impacted views from the 60 Freeway looking south across the project site</u> to show how the building and loading docks will be buffered and compliment by landscaping and the screen wall as required by the development code. TT-4

- Why doesn't this document show a true view southward across the site as it would be viewed from the 60-Freeway by passing motorist?
- Why doesn't this document show the screening method of the building and loading docks?
- Why isn't there a visualization of the site screening method at full build-out of the Freeway?

Under the current zoning, building sizes are limited to 50,000 s.f. thus offering the opportunity for smaller buildings, greater elevation variations, and views through and between buildings if built and scattered across the same project area. So far the warehouse projects approved and proposed along the 60-Freeway corridor far exceed the original zoning building size limitations and as proposed are creating what will appear to be a mile long wall blocking almost all vistas to the south. TT-5

- Why is it not feasible to create smaller buildings for what is a speculative project at this time in a down economy?

<u>Recommendation</u>: **Mitigation measures** should be added to this project to require a sufficient landscape area and screen wall along the 60-Freeway to effectively screen the building and the loading dock and to act as an alternate aesthetic feature in place of the lost Scenic Vista. TT-6

<u>Building</u> – It is hard to understand the need for such a tall building unless it contains multiple internal stories which would then conflict with the floor area ratio (another issue). Under the existing zoning it was much more likely that the site would develop with smaller buildings and thus lower building profiles. One method to better preserve the scenic vistas would be limiting the overall building height to 25-30 feet. This would permit the building to go almost unnoticed if is truly built 20 plus feet below grade. As such a **<u>mitigation measure reducing the height of the structure to preserve some of the scenic vistas should be imposed.</u>** Thus, mitigating the impact to scenic vistas may not require the City to override this impact as proposed. Additionally, building relief (offsets) appears to be non existent on all elevations with limited compliance with General Plan Policy 2.10.3. Mitigation measures should be included requiring greater wall offsets relative to the expanse (1,300 foot length) of the building elevation. TT-7

- Building function is not necessarily compromised by building plane variations so why are there not more telling offsets to the building exterior? This applies to all four sides.

<u>Light and Glare</u> – The east end of Moreno Valley as enjoyed a rural atmosphere for decades and as such would be significantly impacted if project site lighting is not controlled. Additionally, this area falls just within the Mount Palomar Observatory Dark Skies area and should comply with their limitation to prevent light pollution. The International Dark-Sky Association web site at: www.darksky.org lists lighting fixtures and methods to meet dark sky specifications. <u>Add a Mitigation Measure</u> (beyond city policy) to assure that site lighting is compatible with "Dark-Sky" specifications or limit lighting to only the use of low pressure sodium lights, full shielding above a horizontal plain and no building or pole mounted lighting fixtures that project light outward horizontally beyond the property boundary to TT-8

eliminate the potential for nighttime light glare to motorist. This last request is especially relevant to freeway motorist.

- Why is there not a mitigation measure include with this project that assures full compliance and extra measure beyond the basic restrictions listed in the city?

TT-8, cont'd

<u>*Screen Walls*</u> – Page 3-9 makes mention of an 8-foot screen wall along the 60-Freeway yet there is no mention of this wall in Section 3.5.12. Neither the site plan nor the cross sections in this document list any screen wall along the 60-Freeway frontage. Since the City's General Plan Policies (2.10.2, 2.10.4, 2.10.5) and Development Code requires the screening of loading areas a **Mitigation Measure** needs to be added that will assure a wall of sufficient height will be installed along the project's north property line to screen the view down into the loading dock from the 60-Freeway and the eastbound off-ramp. Additionally, due to the massive length of this wall the screen wall should have significant vertical wall plain offsets and other variations (texture, style, height) to avoid visual monotony along the freeway.

- What type of adequate full screening method will be provide along the north property boundary adjacent to the 60-Freeway in compliance with city code?

<u>*Landscaping*</u> – Extensive landscaping is provided along the southern boundary of the project as a buffer for visibility of the project. The same level of treatment should be provided along the north property line in compensation for the lost Scenic Vista. The northern most landscaping provided on site is on what appears to be a 2:1 slope dropping immediately from the freeway right-of-way down to the parking and loading area. Since all of this landscaping is below freeway grade it will provide little complimentary relief to the massive building. Additionally, city code requires screening of parking and loading areas with a minimum 10-foot landscape buffer utilizing walls and burms to screen these elements.

TT-9

- Why is there not a sufficient landscape buffer and screen wall along the northern most project boundary along the freeway right-of-way?
- How does this project proposes to meet the 10-foot landscape requirement for buffering if all of this area is below grade?

Traffic

The DEIR states that "the Project cannot feasibly construct the required improvements and/or Payment of fees will not assure their timely completion" and "Pending completion of required improvements the Project's incremental contributions to Opening Year Cumulative traffic impacts at or affecting (certain) intersections are considered cumulatively significant and unavoidable." Since most of the studied intersection are not currently impacted this project will be the ultimate source causing them to be impacted and as such this project should be held responsible to further eliminate those impacts beyond just "paying the TUMF" and letting the improvement happen when they may. The following passage, "The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts," is utilized time and again in MMs 4.2.3 through 4.2.9 in what appears to be the project proponents out for making some simple fixes such as stripping for right-turn lanes. These types of simple fixes should be the responsibility of the development.

TT-10

Since it appear that it could be quite some time before full improvement are made to connect Fir Avenue through from Redlands Boulevard to the terminus of Eucalyptus Avenue the added traffic burden to Redlands Boulevard will greatly impact travel and completely diminish the level of service currently available The project proponent needs to provide a supplemental or alternative analysis in the form of a

tiered level of improvements that can be made that diminishes the impacts at Opening Year. Additionally, the cost burden undertaken by the developer should be determined for reimbursement.

- What additional improvements can be made prior to building occupancy that will address the immediate impact at Redlands Boulevard and the 60-Freeway in exchange for fees paid for improvements elsewhere?
- Since the city will reimburse developers for improvement costs beyond those associated with their project why is this project not proposing to make the extra improvements to lessen the impacts and better serve its future users and the neighboring community? TT-10 (cont'd)

If these improvements are not made by the time the project is in its Opening Year what will be the timelines for making these improvements and what criteria (money, Caltrans approval, other projects…) have to be met before the mitigation measure are carried out?

- How will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Air Quality

There is no doubt that any urban development on the project site will generate long-term operational emissions that will exceed the South Coast Air Quality District's regional thresholds. However, the types of pollutants vary by the activities associated with different land uses, some of which may not be as hazardous to the health of those in the surrounding community. Since most of the cancer risk from air pollution is from diesel exhaust it would be best to rethink the land uses of a community as a whole and limit those that pose the greatest risk to health. Maintaining the existing zoning would prevent uses such as this distribution center which requires extensive use of trucks burning diesel fuel. Under the current zoning the range of business permitted are likely to generate more vehicle trips but fewer emissions by trips from diesel fueled vehicles.

This type of project would also be best suited for a location where it could utilizes rail transport for the massive daily volume of trips associated with warehouses or logistic centers. For this reason alone, the City should not approve the zone change and this project should locate to a site with more efficient transportation infrastructure better suited to meet speculative users' needs with fewer environmental impacts. TT-11

It is unrealistic for the City of Moreno Valley and the project proponent to disregard the cumulative impacts this project will have on this area when utilizing a scenario where much of the surrounding area is converted to industrial and warehouse uses. This analysis should be undertaken so as to find what level of incremental increase this project will have on the overall community.

- Why in there now effort made to look at the real possibility of cumulative impacts from this project and the likely land use changes surrounding this project site?

However, because I believe that the City will approve this project; additional tougher mitigation should be added to offset local and regional impacts to the fullest extent possible before overriding what can not be achieved. If these mean reducing the size of the project to reduce environment impacts, as a suggested in the alternatives, then it should be seriously considered. Also, there should be mitigation measures requiring a percentage of the fleet vehicle (diesel trucks) of future tenants to be low to zero emission vehicles. Also, diesel trucks delivering to the site shall include soot filters or the latest technological equipment available.

Additionally, MM 4.3.11 addresses improvements to the project that will allow the project to exceed Title 24 standards by 20 percent. This is a nice thing but more should be offered. The final item on the list of improvements states that the building should be structurally designed to handle the installation of roof mounted solar panels. This should be mitigation measure unto its own along with requiring the project proponent to work with energy providers and vendors to install such equipment to offset fuels used to generate electricity. There are numerous vendors and utilities interested in joint projects to install these systems, and they are always looking for places to install systems, and this should be made a part of this project. This measure also works well to mitigate the issues associated with greenhouse gases.

- Why can't this project be required to have all buildings designed forthwith to accommodate renewable energy sources such as photovoltaic solar electricity systems appropriate to their architectural design?
- Why is there no mention of the project proponent working to insure the opportunity to utilize this structure is know in the industry?

TT-11 (cont'd)

As stated in the Traffic section may intersection improvements will not be undertaken by the project but will instead only be mitigated through the payment of improvement fees. If this is true the project will create traffic impacts that do not currently exist.

- Therefore, how will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Climate Change and Greenhouse Gases

Since the state has enacted legislation to lower greenhouse gas emissions any and all possible measures to lower emissions that could be undertaken by this project should be listed, discussed and analyzed for their effectiveness, not just a list of improvements that will exceed Title 24 by 20 percent. The City should then include mitigation measures that significantly reduce (though they may not entirely mitigate impacts) associated impacts prior to any consideration to override them as the DEIR suggests.

TT-12

- Why is the project not being designed to meet some of the highest LEEDS standards and only offering to exceed Title 24 by 20 percent?

Thank you for the opportunity to comment on the Draft EIR for this project. I request to be informed of all meetings and public hearings related to this project or other consideration in east end of Moreno Valley. Please let me know if it is possible to review a copy of the project plans so that I may provide constructive comments related to the development proposal prior to its next appearance before the Planning Commission or City Council. I would also like to request copies of any follow-up documents related to this project (2nd DEIR and/or Final EIR). Feel free to contact me if you have any questions regarding my comments.

TT-13

Sincerely,

Thomas Thornsley
909-797-1397
e-mail: tomthornsley@msn.com

THOMAS THORNSLEY

Letter Dated December 6, 2010

Response TT-1

The City disagrees with the commentor's assertion that potentially significant impacts of the Project are being written off. As required by CEQA, the Draft EIR identifies the feasible and enforceable mitigation measures that have been determined necessary to reduce the Project's potentially significant environmental impacts. The commentor's references to additional traffic mitigation are addressed more specifically in the subsequent Response TT-10. The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration.

Response TT-2

The commentor's opinions in regard to the Draft EIR's organization are forwarded to decision-makers for their consideration. The actual wording of the proposed Municipal Code Amendment was not available at the time the Draft EIR was completed. The proposed amendment will be crafted by City staff and made available prior to its consideration by Planning Commission or City Council, consistent with the City's standard procedures for the adoption of Municipal Code Amendments.

For the purposes of the Draft EIR's analysis, the code section to be amended is identified (Section 9.05.020 B, City Case PA10-0017) on Draft EIR Page 3-24. Further, the intent of the proposed code amendment is summarized as follows.

> The proposed Code Amendment would mandate minimum separation/ buffer requirements (250 feet) between proposed light industrial use and residentially-zoned properties. As further required under the proposed Code Amendment, this setback/buffer area shall be increased should the minimum 250-foot separation/buffer prove insufficient to eliminate

> significant health risks or project operational noise impacts as reflected in project-specific air quality and noise analysis (Draft EIR Page 4.1-19, *et al.*).

The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City.

Response TT-3

As acknowledged in the Draft EIR's analysis of the Project's potential aesthetic impacts, [d]eterminations of visual character and quality are inherently subjective by nature. The commentor's suggestion that man-made enhancements along the 60-Freeway be utilized to mitigate the Project's adverse effect on scenic vistas could be perceived as exacerbating the potential change to existing views. It is further noted that land adjacent to SR-60 is within a Caltrans easement, and is reserved for future freeway improvements that are outside the jurisdictional authority of the Applicant or the City of Moreno Valley. The Project has nonetheless proposed a wall of trees at the property line along the top of the slope to further soften views of the Project from the adjacent SR-60. The trees will be configured and planted in a double row the northwestern portion of the site, and in a single row along the future off-ramp.

The Project's potentially significant visual impacts are attributable to potential view obstruction, not architectural design or appearance of the Project (please refer to the summary of significant aesthetic impacts presented at DEIR Pages 1-19, 1-20). Architectural revisions or additional screening suggested by the commentor do not act to review the project's identified view obstruction. Moreover, as described on Draft EIR Page 4.9-21, [i]n order to ensure visually acceptable and compatible development, and subject to the proposed change of zone from Business Park to Light Industrial, the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05,

Industrial Districts. To these ends, the Project site plan, landscaping, and architectural concepts provided at EIR Section 3.0, Project Description demonstrate consistency with Municipal Code Section 9.05.040, B., Special Site Development Standards.

Response TT-4

The Draft EIR acknowledges the designation of SR-60 as a scenic route, and the Project's location within a scenic view corridor (Draft EIR Page 4.9-10). Despite the commentor's assertions to the contrary, the Draft EIR's view simulations provide actual pre-development views from the SR-60, with post-development photo simulations reflecting the facilities and landscape screening of the Project. A direct southerly view of the Project from Ironwood Avenue, located approximately 2,500 feet north of the freeway, is provided in Draft EIR Figure 4.9- . The Project's landscape screening has been conceptually illustrated in Draft EIR Figures 3.5-4 and 3.5-5, and is reflected in the previously referenced Draft EIR's Post-Development View Simulations (Draft EIR Figures 4.9-4 through 4.9-). It may be noted that because the Project's facilities will be located approximately 25 feet below the grade of the SR-60, the loading docks will not be visible from the SR-60, or from other properties not located at a considerably higher elevation than SR-60. (Draft EIR Figures 4.9-2, 4.9-3)

In regard to the commentor's concerns regarding views in the Project vicinity following freeway expansion, it is noted that although the Project has been designed to accommodate future interchange improvements planned by Caltrans, these improvements will be constructed by Caltrans, and are not a part of the proposed Project. Improvements adjacent to the Project site have been neither programmed nor funded at this time. The preparation of view simulations incorporating these improvements would be speculative, and as such, were not undertaken as part of the Draft EIR.

Response TT-5

As discussed in the Draft EIR's analysis of alternatives (Pages 5-36 to 5-37), the possibility of limiting the Project's building size was considered, but rejected as infeasible. The relevant discussion is presented below for ease of reference.

> In order to potentially avoid or reduce view obstruction/view interruption resulting from the large consolidated warehouse structure proposed under the Project, an alternative site design employing multiple smaller structures of 50,000 square feet (per the site's current Business Park zoning requirements) was considered. However, the intent of the Project is to achieve full utility of the available site while providing region-serving logistic warehouse facilities. Feasibility and function of the proposed regional warehouse is dependent on its size and configuration, allowing for centralized and consolidated storage and transfer of large (numerically and dimensionally) inventories serving smaller local and end-use facilities. Division of the proposed building into substantively smaller components (50,000 square feet maximum buildings) is not practically or economically feasible.
>
> Moreover, such division of the Project would act to unnecessarily duplicate or expand serving utilities, would result in multiple and redundant internal operations (e.g., intersite transfer of inventories), would restrict flexibility of warehouse operations and use of warehouse space and may necessitate additional access to adjacent roadways in order to serve the individual buildings, with potentially increased circulation/access impacts. Lastly, it is noted that the Project design is typical of other regional distribution warehouses implemented within the City, surrounding Riverside County, and throughout southern California. Empirical evidence indicates that the Project design is an established functional and efficient format for regional distribution warehouse

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facilities. For these reasons, an alternative based on a compartmentalized building design scenario resulting in multiple smaller buildings was not further considered.

The commentor's concerns in regard to the Project's feasibility in the current economic climate are forwarded to decision-makers for their consideration.

Response TT-6

Please refer to the preceding Response TT-3. The commentor's opinions in regard to the provision of an alternate aesthetic feature' are forwarded to decision-makers for their consideration.

Response TT-7

The commentor requests explanation of the proposed building design, and specifically the proposed building height.

The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. While multiple stories are not proposed, the high-cube building design typically requires internal clear heights of 30 feet or more. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy

efficiencies associated with such a large building footprint. The suggestion that architectural offsets be required is forwarded to decision-makers for their consideration.

Response TT-8

The Project's potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is addressed in Draft EIR Section 4.9. As noted on Draft EIR Page 4.9-22, [o]n-site lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance, which are detailed within this discussion. As further noted on Draft EIR Page 3-17, [t]he Project lies within 45 miles of the Mt. Palomar Observatory, and would comply with applicable provisions of County of Riverside Ordinance 655 which addresses protection of the night sky from light pollution that would interfere with astronomical observations. Additional mitigation suggested by the commentor has not been included because no potential impacts relative to the Project's potential to create light or glare have been identified. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

It is further noted that the City is considering a Dark Sky ordinance that would act to prevent or reduce light pollution.

Response TT-9

Consistent with the commentor's observation, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.0 .150, Screening Requirements, and Section 9.10.160, Outdoor Storage, Trash Areas, and Service Areas. As required under

> these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. ***Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls*** . . . .

Results and conclusions of the DEIR are not affected.

As noted on Draft EIR Page 4.9-21, the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05, Industrial Districts. The landscape buffer proposed along the Project's northernmost boundary, adjacent to SR-60, is, as noted by the commentor, a landscaped slope, with a depth of approximately 41 feet, or more than four times the required ten-foot landscape buffer. Additionally, as noted in the preceding Response TT-3, the Project also includes the planting of a double row of trees along the site's northwestern property line. As demonstrated in the line of sight illustration provided as Draft EIR Figure 4.9-3, loading areas on the north side of the Project will not be visible from SR-60. The commentor's opinions in regard to the adequacy of the Project's proposed landscape screening are forwarded to decision-makers for their consideration.

<u>Response TT-10</u>

It appears that the commentor is unclear in regard to which potential traffic-related impacts are considered significant due to the Project, and those that are forecast to occur as a result of cumulative growth. As discussed in the Draft EIR (Pages 4.2-15 to 4.2-16), , the Project's Traffic Impact Analysis (TIA) identifies ambient growth using a standard annual growth factor of two percent per year to account for non-specific development

within the Study Area, as well as anticipated growth in traffic volumes generated by projects outside the Study Area. The ambient growth factor of two percent per year was applied to existing ear 200 traffic volumes, yielding a ten percent (10) growth in existing volumes over the five intervening years until the Project Opening ear, 2013. As discussed in the Draft EIR (Pages 4.2-34 to 4.2-35), under the Opening ear Ambient Condition defined abve, only two intersections would be affected by Project-related traffic. Mitigation for impacts at these two intersections is provided in Draft EIR Mitigation Measures 4.2.1 and 4.2.2, which are provided below for ease of reference.

4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

Install a traffic signal.

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements - Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

Install a traffic signal;

Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and

Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

With implementation of these mitigation measures, the Project's potential impacts are identified as less-than-significant. All other traffic-related impacts identified in the Draft EIR occur in the cumulative condition, which is defined (on Draft EIR Page 4.2-16) as including other known or probable related projects assumed to be occupied and operational by the Project's opening in 2013. A map of the approved and pending projects is included in EIR Section 5.1 (Cumulative Impacts Analysis). Additional detail regarding the trip generation of these related projects is also presented in the Project TIA (EIR Appendix B).

Despite the commentor's assertion that simple fixes should be the responsibility of the development, it is noted that the majority of the required improvements are within Caltrans facilities, which are outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The application of fee-based mitigation is discussed further in the Draft EIR on Pages 4.2-25 to 4.2-26. The commentor's opinions regarding alternative analysis in the form of a tiered level of improvements will be forwarded to decision-makers for their consideration.

The Draft EIR's air quality analysis (Section 4.3) is based on the Project TIA, and as such, comprehensively addresses the Project's potential traffic-related impacts, along with other potential effects on air quality. The commentor speculates that required traffic improvements will not be completed. Please refer to the discussion of improvements programs and the implementation of improvements required pursuant to those programs presented in detail in the Project TIA at TIA Pages 205-208. As noted therein, the TUMF program was implemented to ensure timely completion of region-serving transportation improvements. Locally, the City has an established, proven track record with respect to implementing the City's DIF Program. Many of the roadway segments and intersections included within the study area for this Traffic Impact Analysis are at various stages of widening and improvement based on the City's collection of DIF fees. Under this Program, as a result of the City's continual monitoring of the local

circulation system, the City insures that DIF improvements are construction prior to when the level of service would otherwise fall below the City's established performance criteria. The commentor's statements are forwarded to the decision-makers.

Response TT-11

The commentor's opinions related to the best use of the Project site in regard to air quality considerations will be forwarded to decision-makers for their consideration. With regard to statements concerning diesel emissions, please refer to response FNS-8, et al. presented herein.

With regard to comments addressing air quality, alternatives, and maintaining the site's existing zoning designation, the Draft EIR includes a No Project Alternative analysis which assumes development of the subject site consistent with the existing Zoning Designation of Business Park. A comparative analysis of operational air quality emissions under each of the Project's alternatives is provided on Draft EIR Page 5-53 acknowledges that the vehicle mix under the No Project Alterative would likely reflect incrementally decreased heavy truck traffic, with related decreases in diesel particulate emissions when compared to the Project. However, as also noted on Draft EIR Page 5-53, the Project's significant operational air quality impacts consist of exceedances of SCAQMD regional thresholds for VOC and NOx emissions. As noted on Draft EIR Page 4.3-84, potential environmental impacts from Project-related diesel particulate emissions were determined to be less-than-significant with mitigation. On this basis, the suggested continuance of the site's existing Business Park zoning would not necessarily result in a lessening of environmental impacts.

Evaluation of Alternative Sites (also of concern to the commentor) is presented in the DEIR (DEIR at Pages 5-38 through 5-34). As substantiated in the DEIR four (4) of the considered Alternative Sites (Sites 1-4) were ultimately determined infeasible. Alternative Site 5 would not result in the avoidance or substantive reduction of Project related impacts, this Alternative Site was also rejected from further consideration.

The commentor incorrectly states that cumulative impacts are disregarded. Please refer to DEIR Section 5.1, Cumulative Impact Analysis, DEIR Pages 5-1 through 5-25. With specific regard to energy consumption and potential GHG/GCC impacts (and measures offered to reduce potential energy/GHG/GCC impacts), the Project's individual and cumulative impacts are substantiated to be less than-significant (DEIR Section 5.6 Energy Conservation, DEIR Pages 4.3-88 through 4.3-11 (GHG/GCC impacts), and DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, Revisions and Errata, as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0 Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant, and impacts that were previously determined to be significant remain significant.

In regard to the use of photovoltaics, as currently noted under EIR Mitigation Measure 4.3.11: All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design. As such, the Project supports, and would not interfere with use of solar energy. The commentor's opinions regarding joint projects will be forwarded to decision-makers for their considerations.

Traffic concerns have been addressed in the preceding Response TT-10.

<u>Response TT-12</u>

The commentor's opinions in regard to further lowering the Project's greenhouse gas emissions are forwarded to decision-makers for their consideration. It may be noted that

because the Project's Global Climate Change Analysis identified no significant impact on the environment, overriding considerations in regard to greenhouse gas emissions would not be required. Further, mitigation measures 4.3.11 through 4.3.13 were provided as part of the Draft EIR in order to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, rather than to reduce potentially significant impacts.

In regard to the commentor's concerns regarding Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20

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percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards.

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response TT-13

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings. As requested, noticing of other projects in the area will also be provided. Project plans are available for review at the City of Moreno Valley Planning Department.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): AMORA JOHNSON Phone:

*Address (Required): 13301 McGahee Dr. Moreno Valley 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☑ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. AJ-C-1

Please provide your comments below:

Date: 12-6-2010

My main concern would be the effect on the wildlife in the area, with more vehicles - especially the diesel trucks' output - the wildlife's preservation attempts thus far will be undermined by the construction activities and the afterward effect will be detrimental to what good work the preservation has in humans' quality of life, too.

Being able to enjoy those migrating birds and all the other animals that most of us can't see within the cities, anywhere, will give younger generation appreciation of the existence of some rare animals, birds, creatures, bugs and other micro organism. Taking children to enjoy our open spaces, clean, clear air and to watch those rare creatures are much more important than seeing these block buildings that can be seen everywhere else, whereas the San Jacinto Wildlife Area can be made into a destination for younger generation. AJ-C-2

City of Moreno Valley needs to see the future, not just the $ for the present by ignoring the future of the next generations. -

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

AMORA JOHNSON

Via Public Comment Card

Response AJ-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response AJ-C-2

The commentor expresses concern regarding the effects of the Project on wildlife in the area.

The biological assessment for the Project consisted of the following surveys and analysis, conducted throughout the Project area:

General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements;

General plant and wildlife surveys;

Habitat assessment to examine potential for special status plant species;

Habitat assessment to examine potential for special status wildlife species;

Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and

Jurisdictional delineation.

As supported by the analysis presented in Section 4. , Biological Resources of the Draft EIR, with application of proposed mitigation measures, the Project's potential impacts to biological resources are less-than-significant.

Additionally, the commentor references the San Jacinto Wildlife Area. It is noted that this area is located approximately 3.5 miles to the southeast of Project site, and will not be affected by the Project.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)

PUBLIC COMMENT CARD

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*Name (Required): Richard Johnson Phone: 951-243-0804

*Address (Required): 13301 McGEHEE Dr. MV 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☐ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings.

Please provide your comments below:

Date: 12/8/2010

I believe the project will overburden the present areas infrastructure, from the streets to the 60 FWY and beyond the 215 as well. The estimates along with future planning seems to set no limit for continued development of the area and it will be a very dangerous roadway system to be driving in this area. Future warehouse building will make it a very difficult place to drive a car. The vision of this area has now been lost. These buildings and the businesses may turn out to be a continued trend for dumbing down the area overall. RJ-C-1

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

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DEC - 6 2010
CITY OF MORENO VALLEY

RICHARD JOHNSON

Via Public Comment Card

Response RJC-1

The commentor's concerns regarding the effects of the Project on regional traffic safety and opinions regarding development trends within the City are forwarded to decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): Deanna Reeder Phone:

*Address (Required): 17351 Riva Ridge Rd E-Mail: late98765@aol.com

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. DR-C-1

Please provide your comments below:

Date: 12/2/2010

I want to know the cumulative impacts of this and all proposed projects as well the entire 35 million sq ft of warehouses that are proposed for this area.

This report most include all the impacts of all 35 million sq ft in order to be of actual value to the community. DR-C-2

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

DEANNA REEDER

Via Public Comment Card

Response DR-C-1

Commentor's contact information is noted and will be added to the Project mailing list to receive any subsequent environmental documentation for this Project and/or notification of any future public hearing(s) to consider the Project and EIR.

Response DR-C-2

The commentor expresses concern regarding the cumulative impacts of the Project and all proposed projects in the vicinity. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. Please also refer to the preceding Response DR1-1 (Draft EIR Page 5-4).

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): George B. Hague (Sierra Club) Phone:

*Address (Required): 26711 Ironwood Ave MV 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. SC-C-1

Please provide your comments below:

Date: 12-2-10

Comments to DEIR

Comment of 250' buffer to land zoned for housing is not enough because the trucks will use Fir and therefore impact the homes to be built. USC + UCLA studies show that 250' would not be enough. SC-C-2

Your Traffic study needs to show the amount of Truck Traffic that will use Redlands Blvd. SC-C-3

Hwy 60/215 ultimate RETC improvements will allow only two lanes heading west and the traffic analysis needs to show this. Right now we have only one lane that continues West - the other lane forces you off at Central Ave. SC-C-4

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

SIERRA CLUB

Via Public Comment Card

Response SC-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response SC-C-2

The commentor offers information from unknown, unvetted SC & CLA studies however, the commentor does not provide adequate citation to allow meaningful response to the contention that the Project setback of 250 feet from the ultimate northerly right-of-way for Fir/future Eucalyptus Avenue] would not be enough.

This 250 foot setback is designed to provide adequate separation between the Project's highest activity areas (the most intense worst case sources of DPM emissions) and adjacent residential properties, so that with incorporation of mitigation, diesel emissions impacts are reduced to levels that are less-than-significant.

Moreover, as discussed in the DEIR:

> ey to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties.

> This 250 foot minimum separation shall be increased as required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. In addition to reducing potential air quality and noise impacts, this required setback would tend to diminish visual impacts of the Project as seen from southerly vantages and while increasing the extent of potential viewsheds (DEIR, Page 5-24).

In order to evaluate the potential effects of Project diesel emissions (of noted concern to the commentor) a Health Risk Assessment (HRA) was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the HRA prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant

emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads (such as Fir Avenue noted by the commentor) would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

Response SC-C-3

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

97 two-axle trucks;
220 three-axle trucks; and
539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Response SC-C-4

In response to the commentor's concerns regarding traffic at the intersection of SR-60 and I-215, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), [i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics.

The study concludes that [a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen. It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, [u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area. Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

MV00001214

APPENDICES

Please refer to accompanying CD-ROM

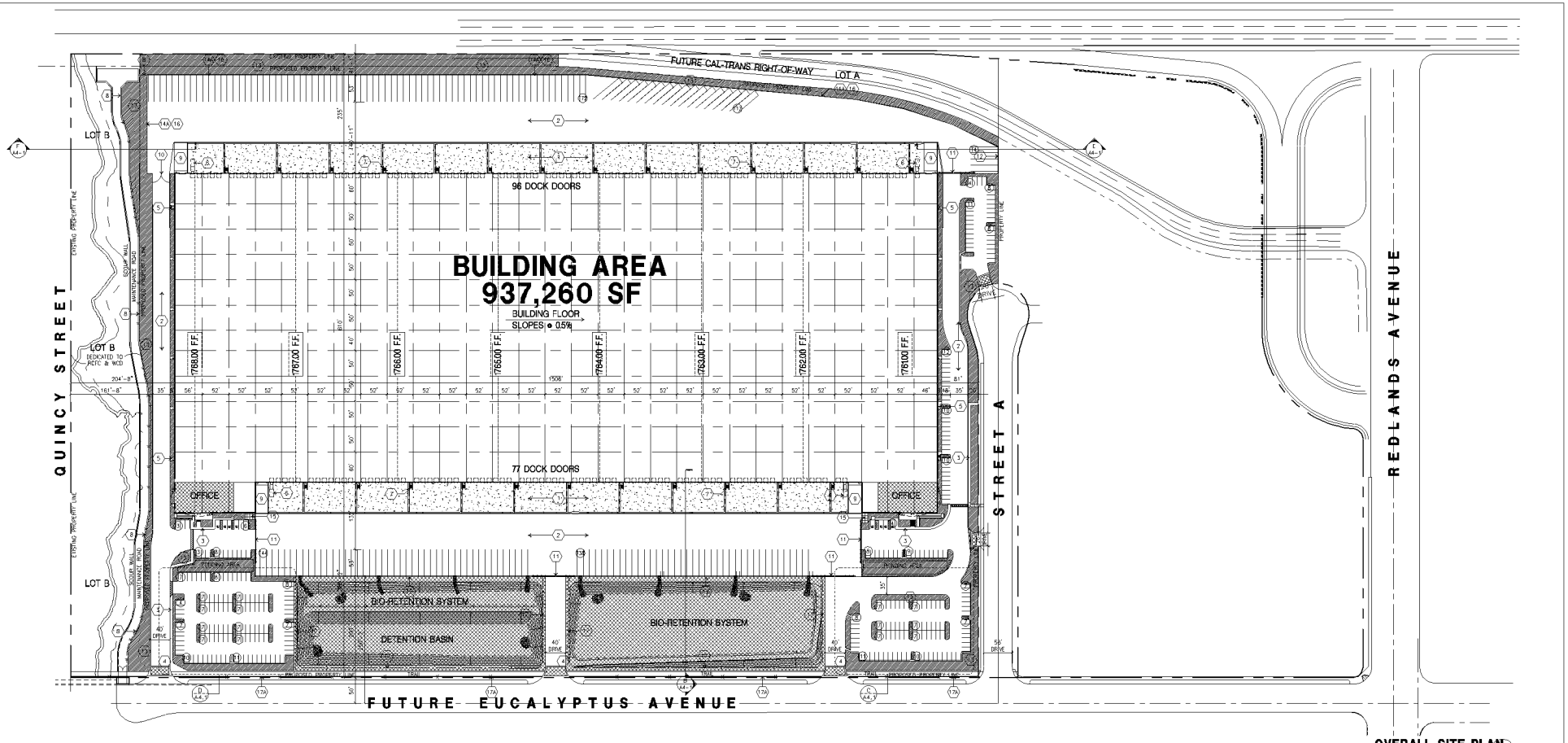

OVERALL SITE PLAN

scale: 1" = 80'-0"

1" = 80'-0"

0 80 160 240

NORTH

TYPICAL STREET SECTIONS

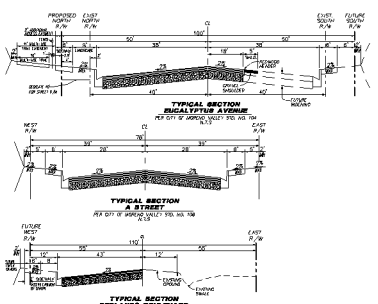

PROJECT TABULATIONS

TABULATION	Bldg 1	Channel	Grand Total
Gross site area (in s.q.ft.)		111,865	2,380,905
Gross site area (in acres)		2.57	54.68
Net site area (in s.q.ft.)	2,269,040		2,251,964
Net site area (in acres)	52.09		51.68
Warehouse area	923,260		
Office area	14,000		
Total building area	937,260		
Coverage (Gross)			
Coverage (Net)	42%		
Landscape required (10%)	226,904		
Landscape provided	305,038		
% of landscape provided	13%		
Parking required			
1st. 20k@1/1,000 s.f.	20		
2nd. 20k@1/2,000 s.f.	10		
above 40k @1/4,000 s.f.	221		
office @1/250	56		
Total parking required	307		
Parking provided			
Standard	307		
Trailers	175		

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONC. PAVEMENT. SEE "C" & "S" DWGS.
2. ASPHALT CONCRETE (AC) PAVING. SEE "C" DWGS.
3. CONCRETE WALKWAY. SEE "L" DRAWINGS.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C. NO DECORATIVE PAVING WITHIN RIGHT-OF-WAY. SEE "L" DWGS.
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 7' SIDE X 15' LONG TRASH COMPACTOR W/ 8' WIDE X 22' LONG REFUSE CONTAINER.
7. EXTERIOR CONC. STAIR.
8. 6' H. COATED CHAIN-LINK FENCE OR OTHER AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.
9. CONCRETE RAMP.
10. 8' H. METAL SWING GATE.
11. 8' H. METAL SLIDING GATE.
12. 14' H CONCRETE SCREENWALL. PAINTED.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. 8' H. WROUGHT IRON FENCE.
14A. 14' H. WROUGHT IRON FENCE.
15. COURTYARD PATIO AREA.
16. RETAINING WALL. SEE "C" DWGS.
17. 4' H. THREE RAIL FENCE.
17A. 4' H. THREE RAIL FENCE AS PER COMMUNITY DEVELOPMENT DIRECTOR.

GENERAL NOTES - FLOOR PLAN

A. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.

B. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.

C. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL. FACE OF CONCRETE CURB OR GRID LINE U.N.O.

D. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.

E. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM

F. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.

G. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.

H. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.

I. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.

J. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.

K. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.

L. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

M. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.

N. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.

O. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB

P. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

PROJECT INFORMATION

Owner / Applicant

PIERCE RANCHO BELLAGIO, LLC
c/o PIERCE PROPERTY TRUST
301 CONVAL AVE. - STE #8
LONG BEACH, CA 90803
TEL: (562) 856-3619
CONTACT: DENNIS PICE

Architect

HPA, INC.
18831 BARDEEN AVE. SUITE #100
IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: INDRI CHANG

Applicant's Representative

INLAND EMPIRE DEVELOPMENT SERVICES, INC.
531 MONROE COURT
BEAUMONT, CA 92223
TEL: (909) 845-1003
CONTACT: GIL SWENT

Civil Engineer

HUITT ZOLLARS
1101 S. MILIKEN - STE.C
ONTARIO, CA 91761
TEL: (909) 390-9400
CONTACT: MAURICE MURAD

Legal Description

ALL OF LOTS 3,4,5,6 BLK. 35 AND A PORTION OF LOTS 2 AND 7 BLK. 35 LYING WITHIN MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY IN THE COUNTY OF RIVERSIDE, STATE OF CALIF. AS PER MAP RECORDED IN BOOK 11, PG. 10 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning

ZONING: EXISTING - BP
PROPOSED - LI

Assessors Parcel Number

APN 488-330-003
APN 488-330-004
APN 488-330-005
APN 488-330-006
APN 488-330-026

SITE LEGEND

- LANDSCAPED AREA
- WQMP AREA
- AC PAVING - SEE "C" DWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- HANDICAP PARKING STALL (9' X 18')
- OFFICE AREA
- PROPERTY LINE
- ADA PATH OF TRAVEL
- (#) PARKING STALL COUNT

CIVIL LINETYPES

- DW — PROPOSED DOMESTIC SERVICE
- FW — PROPOSED FIRE SERVICE
- W — PROPOSED WATER LINE
- S — PROPOSED SEWER LINE
- RIGHT OF WAY/SITE BOUNDARY
- EXTND RIGHT OF WAY/SITE BOUNDARY
- P — PROPOSED RIDGE LINE
- SD — PROPOSED STORM DRAIN
- PROPOSED GRATING INLET

UTILITY INFORMATION

TELEPHONE
VERIZON
1980 ORANGE TREE LANE, STE 100
REDLANDS, CA 92374
PHONE: (909) 748-6839
CONTACT: TINA CARSON

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA 92552
PHONE: (951) 413-3450
CONTACT: DARCY RAMIREZ

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928 - 3777
CONTACT: NEW BUSINESS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

GAS
SOUTHERN CALIFORNIA GAS CO.
25500 TRUMBLE ROAD SC 6058
ROMOLAND, CA 92380
PHONE: (951) 335-3502
CONTACT: DAVE MULLIGAN

CABLE - TV
TIME WARNER CABLE
1500 AUTO CENTER DR.
ONTARIO, CA 91761
PHONE: (909) 975-3380
(909) 390-4777
CONTACT: MARK DAUENHAUER

VICINITY MAP

N.T.S.

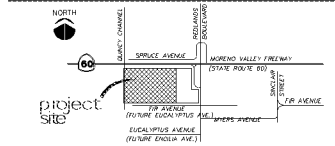

PLOT PLAN
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge
Commerce Center
MORENO VALLEY, CALIFORNIA

PIERCE PROPERTY TRUST
EXCEPTIONAL RESULTS ...WITHOUT EXCEPTION

HPA# 6342

NOVEMBER 5, 2010

A1.1

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

ATTACHMENT 11

MV00001216

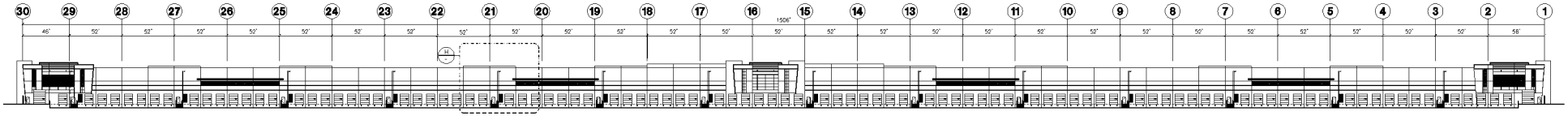

NORTH ELEVATION (A)
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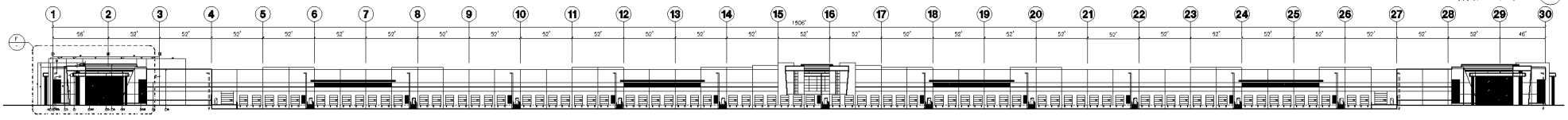

SOUTH ELEVATION (B)
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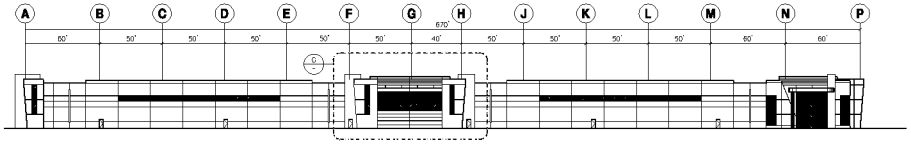

WEST ELEVATION (D)
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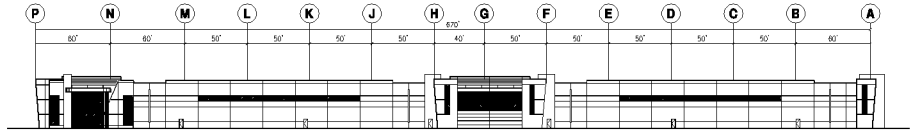

EAST ELEVATION (C)
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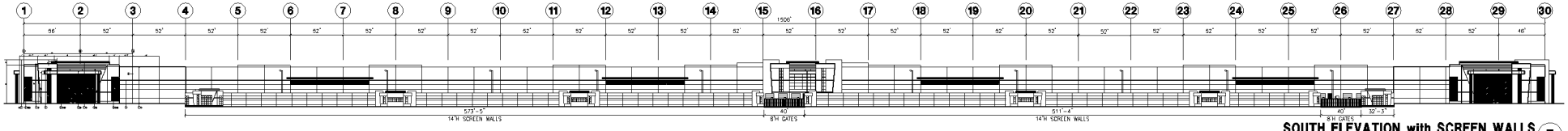

SOUTH ELEVATION with SCREEN WALLS (E)
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SCALE: 1"=40'
0 40' 80' 120'

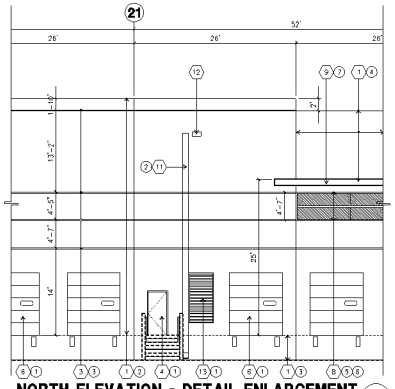

NORTH ELEVATION - DETAIL ENLARGEMENT (H)
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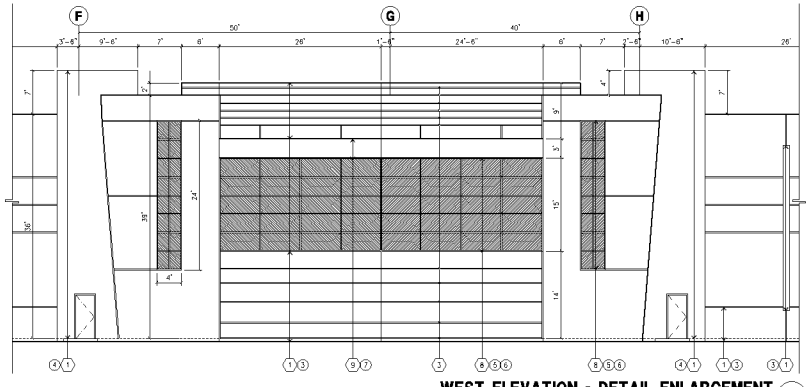

WEST ELEVATION - DETAIL ENLARGEMENT (G)
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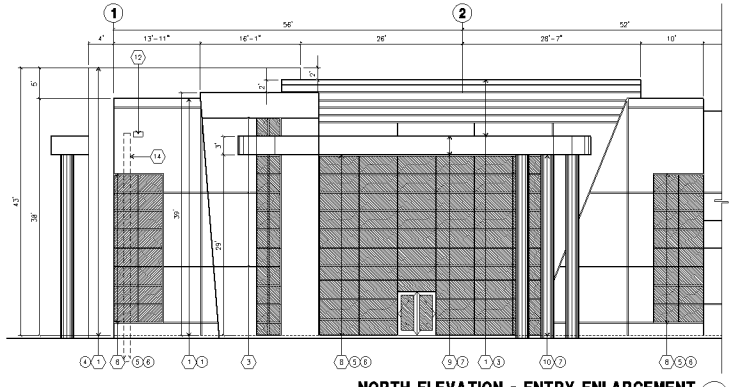

NORTH ELEVATION - ENTRY ENLARGEMENT (F)
scale: 1/8"=1'-0"

SCALE: 1/8"=1'-0"
0 8' 16' 24'

KEYNOTES - ELEVATION

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL.
4. HOLLOW METAL DOORS.
5. OVERHEAD DOOR @ DRIVE THRU.
6. OVERHEAD DOOR @ DOCK HIGH.
7. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
8. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
9. DECORATIVE CANOPY.
10. DECORATIVE COLUMN SUPPORT FOR CANOPY.
11. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER. PAINT TO MATCH BUILDING COLOR.
12. 9" X 18" OPENING METAL SCUPPER @ 2" ABOVE FINISHED ROOF.
13. 4'W. X 8'H METAL LOUVER PAINT TO MATCH BUILDING COLOR.
14. INTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.

B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.

C. T.O.P.= TOP OF PARAPET ELEVATION.
F.F.= FINISH FLOOR ELEVATION.

D. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 105 MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.

E. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.

F. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.

G. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.

H. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.

J. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULES - ELEVATIONS

1	CONCRETE PANEL	PAINT BRAND	FRAZEE 001 WHITE
2	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3171W SILVER LINING
3	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3173W EXCALIBUR
4	CONCRETE PANEL	PAINT BRAND	FRAZEE CL2566A DEUCE
5	MULLIONS	ALUMINUM	CLEAR ANODIZED
6	GLAZING	COLOR	BLUE REFLECTIVE
7	CANOPY	PAINT BRAND	FRAZEE PRECISION COATINGS INC. SILVER MIST METALLIC FLAT

GLAZING LEGEND

- SPANDREL GLASS
- VISION GLASS
- TEMPERED SPANDREL GLASS
- TEMPERED VISION GLASS

ELEVATIONS
CASE NUMBER: PA06-0097/0098
MARCH 24, 2009

WestRidge
Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

A3.1

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

ATTACHMENT 12

MV00001217

HPA

18831 Bardeen Ave. - Suite #100
Irvine, CA 92612
(949)863-1770
www. hparchs.com

WestRidge Commerce Center

Moreno Valley, California

RIDGE PROPERTY TRUST

August 9, 2010/Job#8418

ATTACHMENT 13

MV00001218

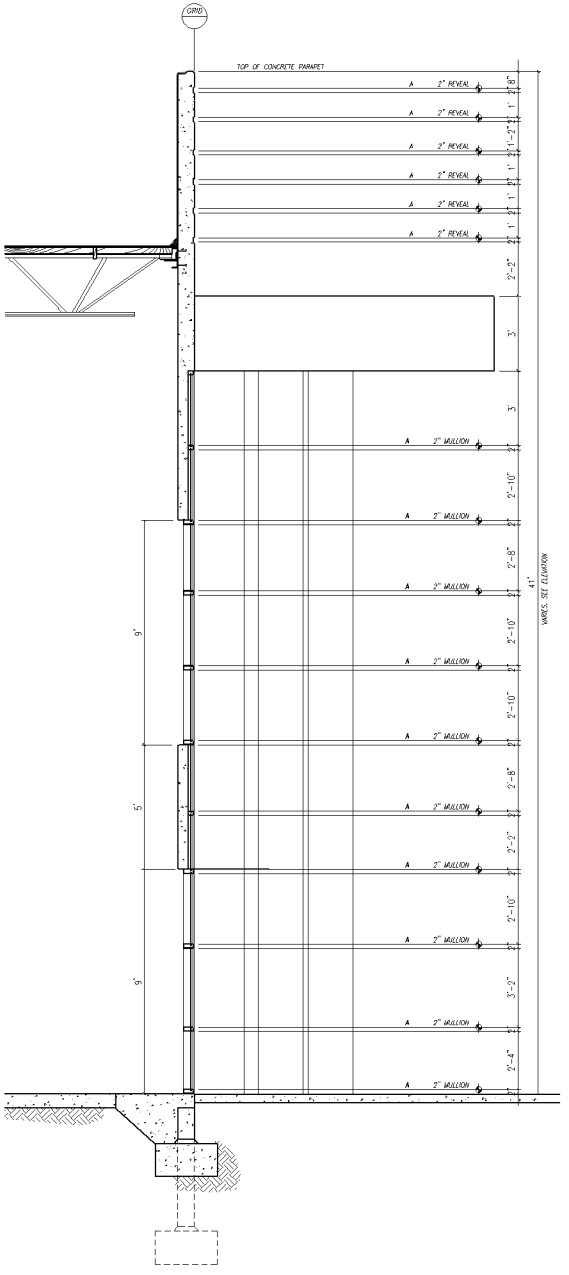

BUILDING SECTION @ OFFICE AREA (A)
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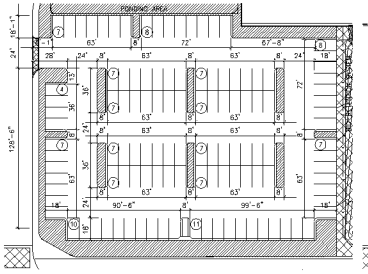

ENLARGED SITE PLAN @ SOUTHWEST (D)
scale: 1" = 40'-0"

1" = 40'-0"
0 40 80 120
NORTH

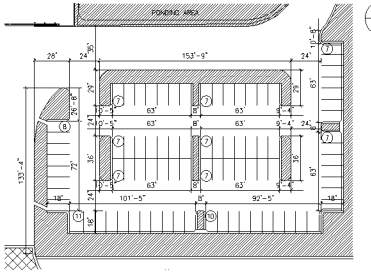

ENLARGED SITE PLAN @ SOUTHEAST (C)
scale: 1" = 40'-0"

1" = 40'-0"
0 40 80 120
NORTH

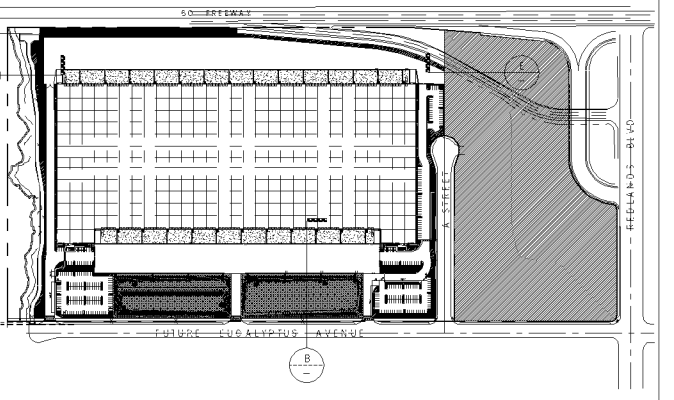

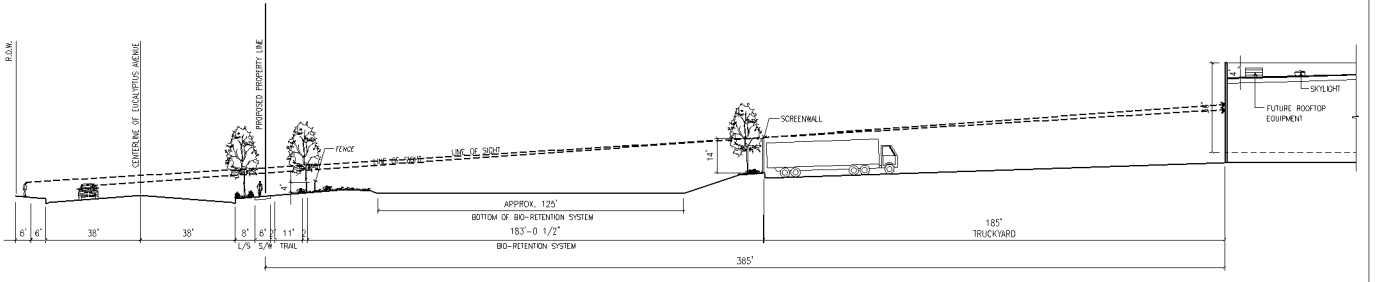

LINE OF SIGHT (B)
scale: 1" = 20'-0"

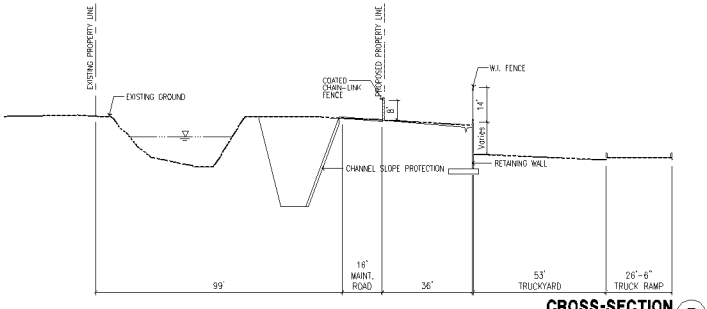

CROSS-SECTION (F)
scale: 1" = 20'-0"

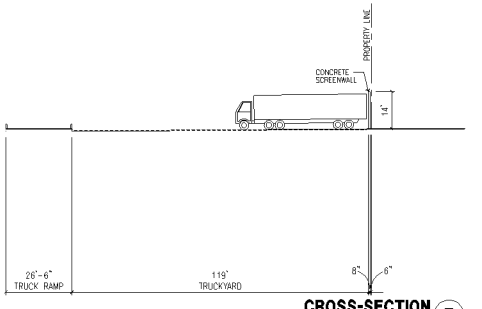

CROSS-SECTION (E)
scale: 1" = 20'-0"

WestRidge
Commerce Center
MORENO VALLEY, CALIFORNIA

SITE ANALYSIS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A4.1

ATTACHMENT 14

MV00001219

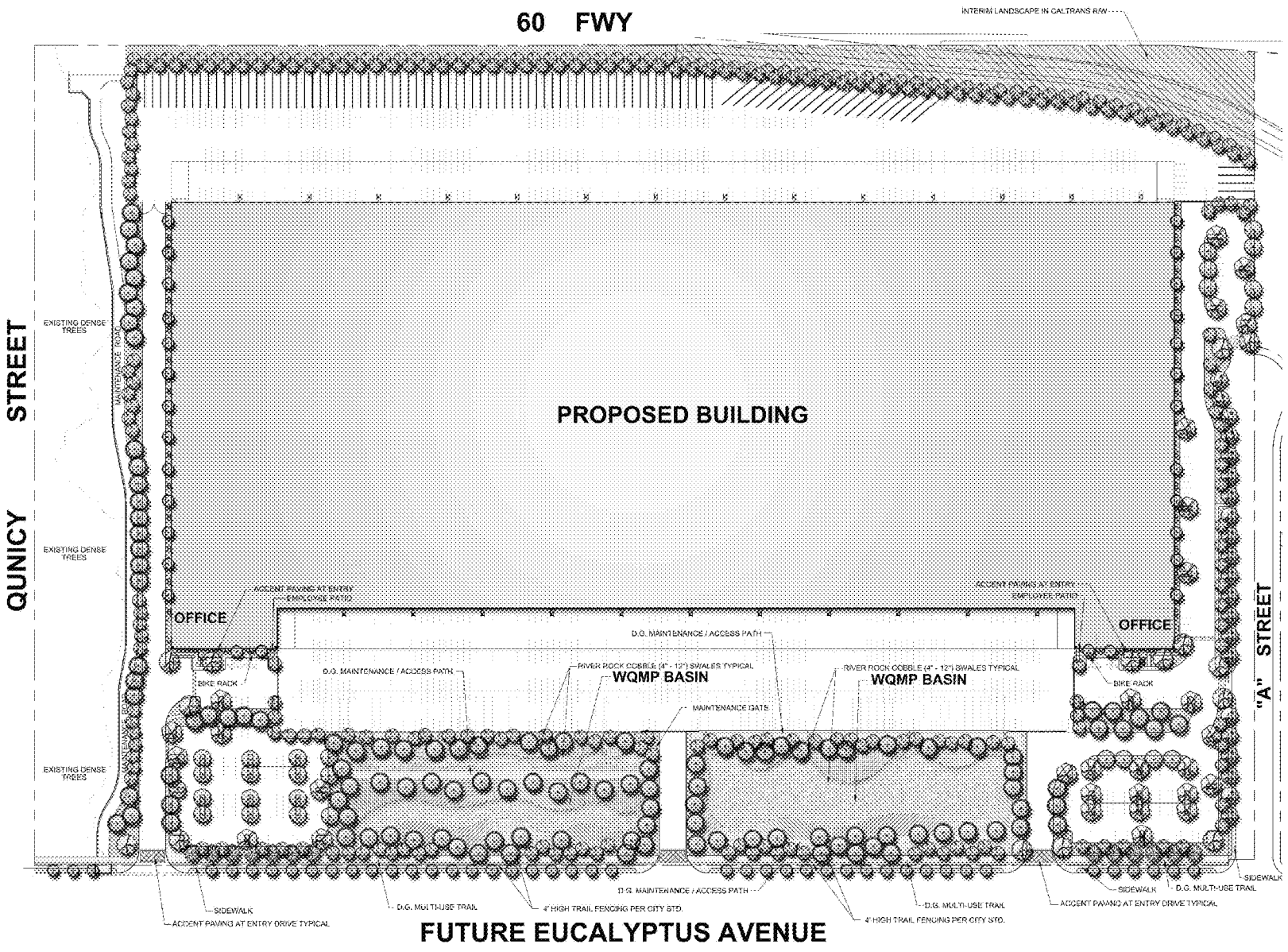

PLANT PALETTE

TREES

SYMBOL	TREE	SIZE	QUANTITY
	Quercus suber (Cork Oak)	15 GAL 24" BOX	30 51
	Eucalyptus sideroxylon (Red Ironbark)	24" BOX	79
	Tilia cordata (Crimean Linden) Malo Trees	48" BOX	16
	Ulmus americana (Liberty and Pink) OR Pistacia atlantica (Shade Pine)	15 GAL 24" BOX	150 104
	Platanus acerifolia 'Bloodgood' (London Plane Sycamore) (Shade Street Tree)	24" BOX	13
	Pinus canariensis (Canary Island Pine)	15 GAL	152
	Pistacia chinensis (Chinese Pistache) (Shade Street Tree)	24" BOX	21
	Quercus agrifolia (Coast Live Oak)	24" BOX	24
	Rhus lancea (African Sumac)	15 GAL	27

ROOT BARRIER NOTE

ALL TREES WITHIN 5' OF HARDSCAPE SHALL BE 18" X 4' SHAW TOWN ROOT BARRIER 24" HIGH

SHRUBS

PLANT NAME	SIZE	SPACING
Abelia grandiflora 'full Scarlet' (ACR)	5 gallon	30" o.c. spacing
Acacia cf. (Shrub Type Acacia)	5 gallon	8' o.c. spacing
Adenanthos sericeus (Woolly Bush)	5 gallon	72" o.c. to 84" o.c. spacing
Agave americana (Century Plant)	5 & 15 gallon	8' o.c. spacing
Agave attenuata (Foxtail Agave)	5 gallon	4' o.c. spacing
Aloe Species	5 gallon	3' o.c. spacing
Anigozanthos flavidus (Kangaroo Paw)	5 gallon	3' o.c. spacing
Arbutus unedo (Strawberry Tree)	5 gallon	5' o.c. spacing
Calocephalus (Cassinia) (Multicaule)	5 gallon	3-4' o.c. spacing
Carpenteria californica (Tree Anemone)	5 gallon	3-4' o.c. spacing
Ceanothus cuneatus (Buckbrush)	5 gallon	4' o.c. spacing
Cistus species (Rock rose)	5 gallon	4' o.c. spacing
Dodonaea species (Hopseed)	5 gallon	3' o.c. spacing
Dymondia margaretae (Silver Carpet)	1 gallon	24" o.c. spacing
Elaeagnus pungens (Silverberry)	5 gallon	4-5' o.c. spacing
Fragaria chiloensis (Strawberry Runner)	1 gallon	3-4' o.c. spacing
Galium odoratum (Sweetwoodruff)	1 gallon	3-4' o.c. spacing
Heteromeles arbutifolia (Red Berry)	5 & 15 gallon	8' o.c. minimum
Juniperus species (various)	1 and 5 gallon	varies
Leucadendron species (Leucadendron)	1 and 5 gallon	24" o.c. to 48" o.c. spacing
Leucospermum cordifolium 'Pincushion'	5 gallon	4' o.c. spacing
Leucospermum tottonianum 'Green Coast' (Trailing Pin Cushion)	5 gallon	4-5' o.c. spacing
Ligustrum lucidum (Wax-leaf Privet)	5 gallon	30" o.c. spacing
Macadamia integrifolia and tetraphylla (Macadamia Nut Tree)	5 gallon	24" o.c. spacing
Mahonia aquifolium (ACR)	5 gallon	24" o.c. spacing
Muhlenbergia capillaris (Pink Muhly Grass)	5 gallon	24" o.c. spacing
Myrtus communis 'Compacta' (Tree Myrtle)	5 gallon	24" o.c. spacing
Nandina domestica (Heavenly Bamboo)	5 gallon	24"-36" o.c. spacing
Pittosporum tobira (Tobira) (Mock Orange)	5 gallon	4-6' o.c. spacing
Polygala myrtifolia	5 gallon	4-6' o.c. spacing
Prunus ilicifolia (Holly Leaf Cherry)	5 gallon	4-6' o.c. spacing
Rhamnus californica (Coffeeberry)	5 gallon	4-6' o.c. spacing
Rhus ovata (Sugar)	5 gallon	varies
Romneya coulteri (Matilija Poppy)	15 & 5 gallon	36" o.c. to 48" o.c. spacing
Salvia clevelandii (Autumn Sage)	5 gallon	5' o.c. spacing
Verbena lilacina (Lilac Verbena)	5 gallon	4-6' o.c. spacing
Xylosma congestum (Shiny Xylosma)	5 gallon	4-6' o.c. spacing

GROUNDCOVERS

PLANT NAME	SIZE	SPACING
Acacia redolens (ACR)	1 and 5 gallon	48" o.c. spacing, min
Baccharis pilularis (Coyote Brush)	1 gallon	48" o.c. spacing, min
Carex divulsa (Berkeley)	1 gallon	42" o.c. spacing, min
Delosperma cooperi (Trailing Ice Plant)	1 gallon	24" o.c. spacing, min
Hedera helix (English Ivy)	1 gallon	24" o.c. spacing
Juniperus species (various)	1 gallon	30" o.c. spacing
Lonicera japonica 'Halliana' (Hall's Honeysuckle)	1 gallon	18" o.c. spacing
Muehlenbergia rigens (Deergrass)	1 gallon	24"-42" o.c. spacing
Myoporum parvifolium (Prostrate)	1 gallon	48" o.c. spacing
Rosmarinus officinalis 'Huntington Carpet'	1 gallon	30" o.c. spacing
Trachelospermum jasminoides (Star Jasmine)	From and 1 gallon	18" o.c. spacing

INTERIM LANDSCAPE WITHIN CALTRANS R/W - PLANT 1 GAL., ACHIEVE BEGOLENE 12" O.C. WITH 3" INNER LAYER OFFICIALLY BIOSOIL TRANSFER SEED IRRIGATED WITH DRIP IRRIGATION

SIDEWALK VINE - INVISIBLE HOA SIDEWALK PURGE ESSING INC

0.25 AC	ACTINOSTEMMA LINE	
0.25 AC	MASSELLA CERULEA	
0.25 AC	MONEMERSION BUBBS	
0.25 AC	MORNING GLORY	
0.25 AC	MULTI SEASON VIA	
0.25 AC	VERBENA POSTGROVE	
0.25 AC	MONEMERSION SANDPIPER	

VINES FOR SCREENWALLS

SYMBOL	PLANT NAME	SIZE	SPACING
	Pyrus communis (Common Pear)	1 gallon	15' o.c. spacing
	Berberidaceae nepalensis (Oregon)	1 gallon	12' o.c. spacing

VINES FOR W.I. FENCING AROUND BASIN

SYMBOL	PLANT NAME	SIZE	SPACING
	Dendrocalamus latiflorus (Giant Timber Bamboo)	5 gallon	8' o.c. spacing

NOTE: VINES ARE REQUIRED ON ALL SCREENWALLS & W.I. FENCING AROUND BASIN

MULCH NOTE

ALL PLANTER AREAS TO RECEIVE A 3" LAYER OF COVER MULCH AVAILABLE FROM KURTH MULCHES (951) 970-0266

Environsul

West Ridge Commerce Center

Moreno Valley, CA

Ridge Property Trust

PRELIMINARY LANDSCAPE PLAN

NORTH

SCALE: 1" = 60' - 0"

SHEET L-1

DATE: 6-9-10

ATTACHMENT 15

MV00001220

TENTATIVE PARCEL MAP NO. 36207

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF PORTIONS OF LOTS 2, 3, 4, 5, 6 & 7 INDUSTRIE, BLOCK 35, OF MAP NO. 1 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGE 71, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE.

HUITT-ZOLLARS

NOVEMBER, 2010

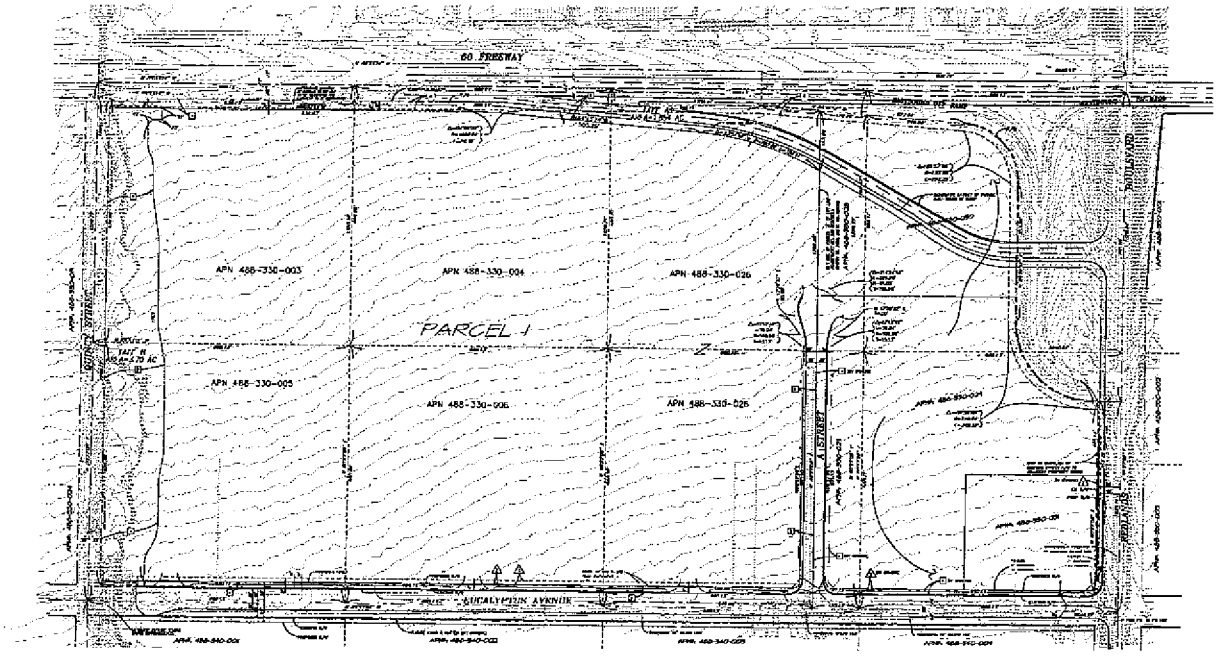

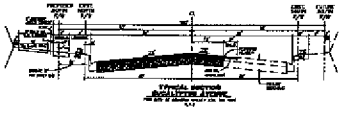

EASEMENT NOTES

(A) EASEMENTS FOR THE PURPOSES SHOWN ON OR AND ABUTTING INTERNAL STREETS AS SHOWN ON A. BOUNDARY

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: WATER AND SANITARY SEWER
RECORDED: OCTOBER 15, 1986, AS INSTRUMENT NO. 274466, BOOK 2872, PAGE 1001, OF OFFICIAL RECORDS

PROPOSED EASEMENT

(1) 17' EASEMENT FOR MULTI-USE TRAIL TO BE GIVEN TO THE CITY OF MORENO VALLEY.

(2) 5' EASEMENT FOR THE PURPOSE OF DRAINAGE AND ACCESS TO BE GIVEN TO THE CITY OF MORENO VALLEY.

PROPOSED DEDICATION

(1) DEDICATE 30' ADDITIONAL STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY.

(2) DEDICATE 30' STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY.

(3) PLOT A DEDICATE TO BE GIVEN TO THE CITY OF MORENO VALLEY FOR FUTURE CULTURAL USE.

(4) DEDICATE A DEDICATE TO BE GIVEN TO THE DISTRICT CHANNEL R/W. FOR DRAINAGE PURPOSES.

LINE DATA		
LINE	BEARING	DISTANCE
L1	N 89°43'00" E	41.00'
L2	N 89°43'00" E	80.00'
L3	N 89°43'00" E	20.00'
L4	N 89°43'00" E	20.00'
L5	N 89°43'00" E	20.00'
L6	N 89°43'00" E	20.00'
L7	N 89°43'00" E	20.00'
L8	N 89°43'00" E	20.00'
L9	N 89°43'00" E	20.00'
L10	N 89°43'00" E	20.00'
L11	N 89°43'00" E	20.00'
L12	N 89°43'00" E	20.00'
L13	N 89°43'00" E	20.00'
L14	N 89°43'00" E	20.00'
L15	N 89°43'00" E	20.00'
L16	N 89°43'00" E	20.00'
L17	N 89°43'00" E	20.00'

PARCEL TABULATION TABLE	
PARCEL 1	7.70 AC
TOTAL	7.70 AC

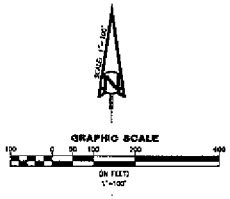

GENERAL NOTES

1. EXISTING LAND USE: VACANT
2. ADJACENT LAND USE: INDUSTRIAL, AND IS PARALLEL TO THE SOUTH, AGRICULTURE TO THE WEST, VACANT TO THE NORTH AND COMMERCIAL TO THE EAST
3. MINIMUM LOT SIZE: 1 ACRE
4. EXISTING ZONING: IP1 PROPOSED ZONING: IP1
5. PLANT STAR # PA07-101 DESIGNATIONS SEE REPORT AUGUST 26, 2008
6. PROPOSED LAND USE: LIGHT INDUSTRIAL / WAREHOUSE DISTRIBUTION
7. PROPOSED WATER SERVICE WILL BE PROVIDED BY EASTERN MUNICIPAL WATER DISTRICT
8. PROPOSED SEWER SERVICE WILL BE PROVIDED BY EASTERN MUNICIPAL WATER DISTRICT
9. ALL UTILITIES SHALL BE UNDERGROUND
   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: CITY OF MORENO VALLEY ELECTRIC UTILITY
   TELEPHONE: VERIZON TELEPHONE COMPANY
10. ALL SLOPES SHALL BE CONSTRUCTED AT A MAXIMUM RATIO OF 3:1 UNLESS OTHERWISE PERMITTED
11. ALL STREETS WILL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARDS
12. AERIAL TOPOGRAPHY PROVIDED BY: SYDAL MAPPING INC.
13. ANY PUBLIC EASEMENT TO BE ABANDONED SHALL BE DONE ON THE PARCEL MAP.
14. AREA=8.0846 AC

PREPARED FOR OWNER/DEVELOPER
RIDGE RANCHO BELAGIO, LLC
[illegible]

PREPARED IN THE OFFICE OF
HUITT-ZOLLARS, INC.
[illegible]

UTILITY PROVIDERS
WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

GAS
SOUTHERN CALIFORNIA GAS COMPANY
[illegible]

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

TELEPHONE
VERIZON
[illegible]
PERRIS, CA 92570

CABLE - TV
MEDIACOM COMMUNICATIONS
[illegible]

LAND USE

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

EARTHWORK

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

LEGEND / ABBREVIATIONS

[illegible]	PROPOSED DRAINAGE LINE
[illegible]	PROPOSED CURB GUTTER LINE
[illegible]	PROPOSED SIDEWALK SAFTER LINE
[illegible]	PROPOSED SEWER LINE
[illegible]	PROPOSED STORM DRAIN
[illegible]	EXISTING GAS LINE
[illegible]	EXISTING SAFTER LINE
[illegible]	EXISTING SEWER LINE
[illegible]	EXISTING STORM DRAIN
[illegible]	STORM DRAIN INLET
[illegible]	CATCH BASIN
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

West Ridge Commece Center Project

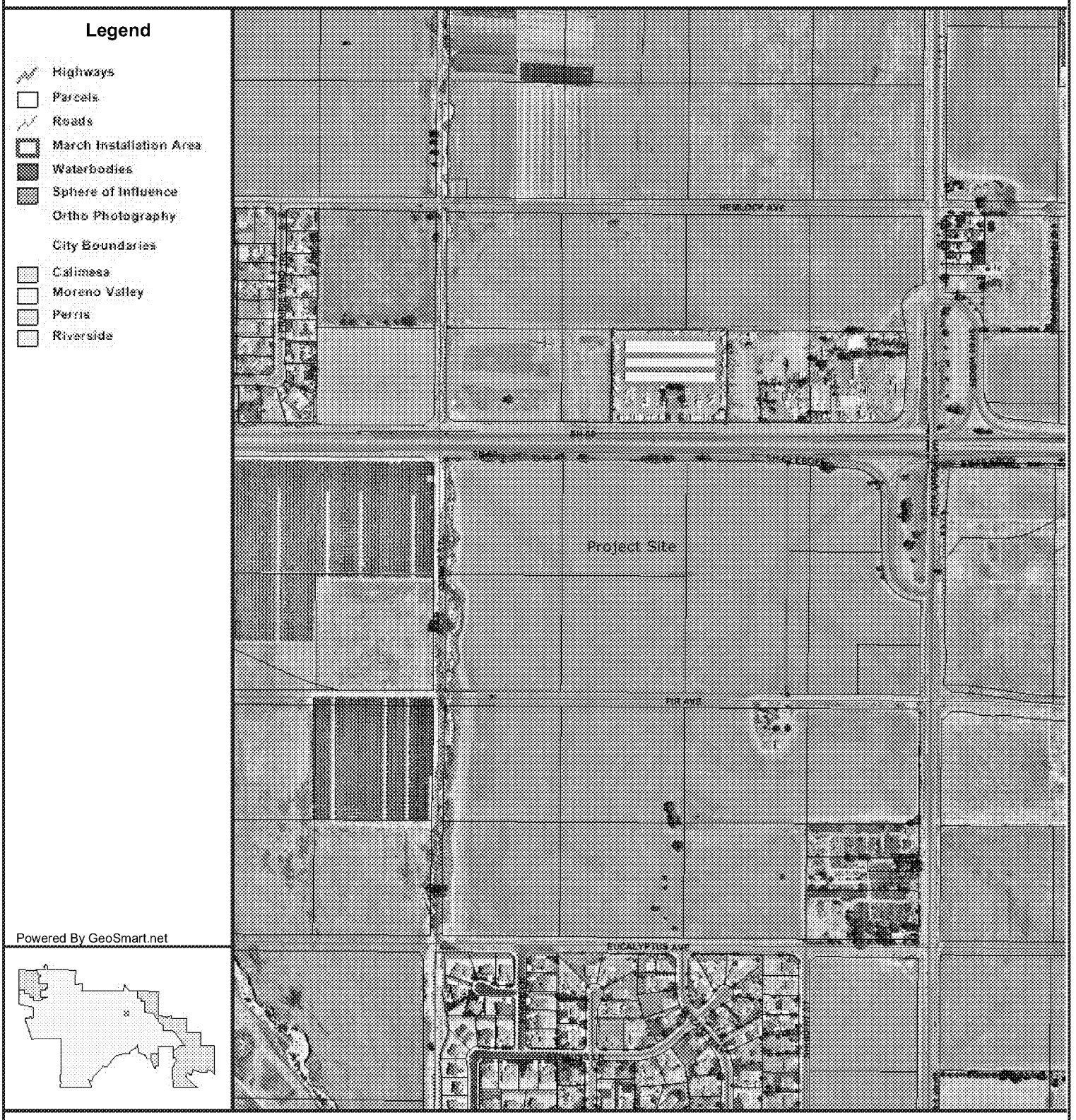

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 17

N

0 300 600 1200ft

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MORENO VALLEY
WHERE DREAMS SOAR

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP /LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.
*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

~~9~~10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: December 10, 2010
jeffreyb@moval.org

December 10, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about the significant regional and localized air quality impacts from the proposed project. In addition, AQMD staff is concerned that the health risks are underestimated in the draft EIR due to calculation errors and the use of low trip generation rates. Given the project's close proximity to sensitive land uses and the significant air quality impacts demonstrated in the air quality analysis, the AQMD staff strongly recommends that the lead agency provide additional mitigation measures to minimize the air quality impacts from the proposed project. AQMD-1

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

ATTACHMENT 19

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC101021-01
Control Number

1. Health Risk Assessment Emission Calculations

The Health Risk Assessment (HRA) prepared in the Draft EIR relies on emission rates calculated for each roadway segment serving the project. These emission rates are based on heavy duty diesel truck emission factors derived from EMFAC software and are input into the dispersion model after adjusting for the number of trucks using each roadway link. However, the emission calculations provided in the Draft EIR use a unitary truck traffic rate of one vehicle per hour for each roadway link serving the project site. This unitary trip rate does not appear to be adjusted upward prior to deriving the health risk values. As several hundred heavy duty diesel trucks will use each roadway link, the health risk values appear to be substantially underestimated, perhaps by more than one order of magnitude. AQMD-2

In addition, the emission rate calculated for the idling area sources onsite appear to be miscalculated. For example, the idling mitigated emission rate of 6.459 E-6 grams per second does not include the total number of trucks idling per day, it does not include the emissions from onsite truck travel, and it includes one too many conversions of seconds to hours. If the calculation is corrected, the idling emission rate should be approximately 30 times higher at 1.952 E-4 grams per second (assuming half of the trucks use each area source). AQMD staff strongly recommends that the lead agency revisit the emissions calculations and rerun the dispersion model to derive more accurate health risk estimates. If health risks are found to be significant after revising the analysis, mitigation measures should be pursued that would reduce any health risk to a less than significant level (see comment #3 below). AQMD-3

2. Warehouse Trip Rates

As stated on page 51 of the Traffic Impact Analysis prepared for the Draft EIR, the trip generation rates are "hybrid rates" based on two recent traffic studies of high-cube warehouses conducted in the Inland Empire region. The final rate used in the Draft EIR is 1.69 trips per thousand square feet of warehouse space. AQMD staff has recently researched the referenced trip generation studies and others and has concluded that the average trip rates presented in these studies may be underestimated due to the inclusion of potentially vacant warehouses, warehouses served by rail, and the use of average trip rates. In order to provide a reasonable worst case analysis of potential air quality impacts, AQMD staff calculated and recommends that lead agencies utilize a 95th percentile trip generation rate of 2.59 trips per thousand square feet for individual warehouse projects that are not directly serviced by rail lines. The fleet mix described in the Fontana Truck Trip Generation Study is appropriate to determine the proportion of heavy duty vehicles servicing the project. AQMD-4

3. Regional and Localized Operational Air Quality Impacts

Given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff strongly recommends adding AQMD-5

the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible:

- Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks,[1]
- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded,
- Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/distribution center,
- Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors,
- Develop, adopt and enforce truck routes both in an out of city and in and out of facilities,
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride,
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes,
- Require or provide incentives for particulate traps that meet CARB certified level 3 requirements,
- Electrify all service equipment at the facility, and
- Improve traffic flow by signal synchronization.

AQMD-5 cont'd.

4. Regional and Localized Construction Air Quality Impacts

Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from VOC, NOx, PM10 and PM2.5 emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,

[1] An example clean truck program for a similar project approved by another lead agency can be found here (beginning on page 183 of 254):
http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf

- Reroute construction trucks away from congested streets or sensitive receptor areas, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).

Further, AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.5 as follows:

- All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards according to the following:

  - ✓ *April 1, 2010, to December 31, 2011:* All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. AQMD-5 cont'd.

  - ✓ *January 1, 2012, to December 31, 2014*: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - ✓ *Post-January 1, 2015*: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

  Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction AQMD-6

equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

AQMD-6 cont'd.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Letter Dated December 10, 2010

Response AQMD-1

The commentor provides introductory agency remarks, and expresses concern about significant Project-related localized and regional air quality impacts, and potential (DPM-source) health risks. The commentor alleges errors in the EIR's air quality modeling, which are further detailed in the District's specific comments on the following pages. Responses to specific issues are addressed below at Responses AQMD-2 to AQMD-7. AQMD suggests that additional mitigation be incorporated in the EIR as means of reducing significant air quality impacts.

The comments provided by AQMD were submitted after the close of comments period, and while the Lead Agency may elect to respond to late comments, no response is required, pursuant to Pub. Resources Code Section 21091, subd. (d)(2)(A); *CEQA Guidelines* § 15088, subd. (a). Notwithstanding, in order to provide clarification of baseline issues and assumptions; and in consideration of disclosure and ultimate mitigation of potentially significant impacts, responses to AQMD's comments are provided herein. Feasible mitigation offered by AQMD has been incorporated.

Response AQMD-2

This comment appears to incorrectly interpret the Project's Health Risk Assessment (HRA) data and modeling (DEIR Appendix C, Project HRA), with resulting erroneous conclusions. The Unitary truck traffic rate cited by the commentor was used only in deriving the model input value in grams per second per truck (per day). As reflected in the ISCST3 model output summary sheets, the ISCST3's Model Scalar Option was enabled and hourly truck rates were adjusted upward accordingly (DEIR Appendix C, Project HRA, Attachment A). Additionally, the "Hourly Trucks.xls" file that was previously provided to AQMD by Urban Crossroads, preparer of the Project's Air

Quality Analysis, provides a breakdown of the hourly trucks as they are input in the model's scalar option. The EIR conclusions and results are not affected.

Response AQMD-3

This comment appears to incorrectly interpret the Project emission rate calculations and modeling, with resulting erroneous conclusions. As noted in the preceding Response AQMD-2, the ISCST3's Model Scalar Option was enabled, and hourly truck values were entered accordingly. The emissions from on-site truck travel are included as multiple volume sources in the model and therefore do not need to be included in the area source algorithm.

Additionally, the "Model Emission Rate" provided as 6.459E-06 is representative of grams per second per truck (per day), and is input into the model as a unitized rate. The unitized rate is then adjusted upward based on the model's scalar option. Based on a thorough review, as detailed here, this calculation does not need to be corrected. The vehicle idling time is presented in seconds and the idling rate from EMFAC is in grams per hour. Therefore, the first conversion is to identify the grams per hour a given truck would emit during idle events. This is achieved by first converting the idling time from seconds to hours. In this case, for mitigated emissions, 180 seconds is divided by 3,600 seconds (60 minutes per hour x 60 seconds per minute). The next step is to multiply the resulting value by the EMFAC grams per hour rate, which provides an emission factor in grams per hour for a given truck per day. In order to input this value into the model as a unitized rate, this value is then converted from grams per hour for a given truck per day to grams per second for a given truck per day. This is achieved by taking the grams per hour rate and dividing by 3,600 seconds per hour, which yields the resulting 6.459E-06 grams per second rate that is modeled. Please refer also the DEIR Appendix C, Project HRA, Attachment A-ISCST3 Summary Output, Attachment B-Emissions Rate and Risk Calculations. The EIR conclusions and results are not affected.

MV00001234

Response AQMD-4

AQMD offers alternative trip generation rates for use in the Draft EIR. AQMD cites its own research and conclusions.

Notwithstanding AQMD suggested trip generation rates, trip generation rates and vehicle mix employed in the Draft EIR are supported by definitive studies of high-cube warehouse trip generation characteristics (*City of Fontana Truck Trip Generation Study*, and *San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study).* Both of these studies are available through Lead Agency (a copy of each is available at the Planning Department). The trip generation rates and ranges from these studies were used to define the trip rate employed in the DEIR. This same rate is employed in analyses for similar projects in the City, and is considered by the Lead Agency to be appropriate and accurate. Relevant discussion from the Draft EIR is excerpted below:

> Trip generation characteristics of the Project were derived from studies which reflect the trip generation rates of warehouse facilities storing and transporting international goods imported into the country from the Ports of Los Angeles and Long Beach. These include the *City of Fontana Truck Trip Generation Study* commissioned in 2003 (Fontana Study), and the updated 2007 *National Association of Industrial and Office Properties (NAIOP) Trip Generation Study*. The NAIOP Study included data collected from 13locations within Riverside County, and provides trip generation rates that are use-specific to warehouse distribution projects such as that proposed by the Project. The recent date and geographic orientation of the Study contribute further to its utility and applicability in estimating the likely trip generation characteristics of the Westridge Commerce Center Project. Using data from the NAIOP Study, the City's Transportation Department approved the use of "hybrid" trip generation rates for the Project's trip generation forecast . . . (Draft EIR Page 4.2-17).

The trip generation rates provided by AQMD are noted; however, no revisions to the trip generation rates employed in the Draft EIR are proposed, nor are any required.

Response AQMD-5

AQMD states, "given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM_{10} and $PM_{2.5}$ emissions the AQMD staff strongly recommends adding the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible . . ."

Each of the measures suggested by AQMD are addressed in the following table, and have either been incorporated, or determined infeasible, not applicable, and/or replicate existing requirements, as indicated in the remarks below. The State Legislature has defined "feasible," for purposes of CEQA review, as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Division 13, Chapter 2.5. Definitions, Subd. 21061.1.] In those instances where additional mitigation has been incorporated or mitigation has been revised, incremental reduction in impacts may be realized. However, results and conclusions of the EIR are not affected. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

AQMD-Suggested Measures	Remarks
Operational-source Emissions	
Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks (AQMD offers citation of an example clean truck program at [the following website]: http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf. If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded.	**Incorporated.** Mitigation Measure 4.3.13 has been revised to incorporate the following requirement (please refer to Final EIR Section 4.0). • *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.* • *If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.*
Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/ distribution center.	**Infeasible.** Development of the Project is consistent with City General Plan Land Use designations, and the General Plan currently includes residential land uses within 1,000 feet (0.19 miles) of the Project site. Moreover, as supported by the EIR analysis, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. The measure suggested by AQMD is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors.	**Not Required.** There are no significant and/or unmitigable operational air pollutant emissions impacts related to or resulting from the site plan configuration. As noted above, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. It is further noted that the access concept proposed by the Project has been reviewed and preliminarily approved by the Lead Agency. The measure suggested by AQMD is not necessary.

MV00001237

AQMD-Suggested Measures	Remarks
Develop, adopt and enforce truck routes both in an*[d]* out of city and in and out of facilities.	**Replicates existing requirements.** Designated truck routes exist within the City. As noted in the City's General Plan, "Chapter 12.36 of the City Municipal Code regulates the travel and access of trucks on the City road system, and designates official truck routes. Designated truck routes change over time as new arterials are built, and commercial and industrial projects are completed." [City of Moreno Valley General Plan Circulation Element, Page 5-4.] The Applicant will comply with all designated truck route regulations and ordinances, both in and out of the City. Compliance with existing regulations and ordinances does not constitute mitigation.
Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,	**Replicates existing requirements.** Truck routes are marked by the City consistent with City sign regulations. The Applicant will comply with all City sign regulations and ordinances. Compliance with existing regulations and ordinances does not constitute mitigation.
Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.	**Replicates existing Project design.** Adequate, secure parking areas are provided onsite for the use of Project-related trucks. No off-site parking is required or proposed.
Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes.	**Infeasible.** Current location of the Project adjacent to the SR-60 minimizes non-freeway truck travel, and minimizes travel along residential streets. Addition of direct SR-60 off-ramps for trucks access the Project site is contrary to reasoned freeway design which by its nature limits freeway access and exit points. Within the State, Caltrans ultimately determines freeway access and exit locations and related ramp designs. The proposed measure would result in potentially significant and increased jurisdictional, traffic/circulation, and land use impacts when compared to the Project. Further, the suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and is therefore infeasible. The Applicant will comply with designated truck routes reducing truck traffic along sensitive routes.
Require or provide incentives for particulate traps that meet CARB certified level 3 requirements.	**Replicates existing requirements.** As a matter of California law, all on-road vehicles, whether or not they are used for the Project, are required to meet California Air Resources Board (CARB) emissions standards. Moreover, future tenancy of the Project is not yet known, and that trucks using the facility may include independent truckers. There is no feasible enforcement mechanism by which the operator of the facility could meaningfully enforce pollution control equipment requirements above and beyond state law requirements.

MV00001238

AQMD-Suggested Measures	Remarks
Electrify all service equipment at the facility.	**Incorporated.** Mitigation Measure 4.3.8 has been revised to incorporate the following requirement: • *All service equipment used during construction and in subsequent operation of the Project shall be electric or natural gas powered.* Similar to use of electrical equipment, use of natural gas equipment alternatively allowed under this mitigation measure acts to generally reduce localized criteria pollutant emissions. Natural gas equipment may in some cases be the only available alternative to diesel/gasoline powered equipment. Further, Mitigation Measure 4.3.13 has been revised to incorporate the following requirements (please refer to Final EIR Section 4.0). *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:* • *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance; and* • *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
Improve traffic flow by signal synchronization.	**Replicates existing requirements.** Signal synchronization is currently administered by the City. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.
Construction-source Emissions	
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. "It is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours" (Draft EIR Page 4.2-85).

MV00001239

AQMD-Suggested Measures	Remarks
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation.	**Incorporated.** The following new mitigation measure has been created, and will be included in the Mitigation Monitoring Plan (please refer to Final EIR Section 4.0). *4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.*
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine if and where dedicated turn lanes for construction equipment and trucks are required. Please refer to the preceding construction traffic management remarks.
Reroute construction trucks away from congested streets or sensitive receptor areas.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine appropriate construction truck routes. Please refer to the preceding construction traffic management remarks.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).	**Otherwise Addressed.** Contractors will employ available equipment to include any 2010 and newer vehicles. Restricting the pool of suitable diesel haul trucks solely to model years 2010 or newer unreasonably limits the pool of available contractors and equipment. Moreover, there is no demonstrated nexus between construction model-year requirements and potential reductions in air quality impacts. Arguably, meaningful reductions in air pollutant emissions are achieved as much or more through efficient and appropriate operation of equipment as required herein (see for example Mitigation Measure*4.3.2: The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).* Further, all equipment (regardless of model-year) is required to comply with applicable CARB emissions standards, the appropriate gauge for emissions levels.

MV00001240

AQMD-Suggested Measures	Remarks
All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards.	**Incorporated.** Electric construction equipment is not commonly or widely available or used in Southern California. Requiring sole use of electric construction equipment would effectively preclude participation by most, if not all, locally-based construction contractors. This would act to unnecessarily exclude otherwise qualified contractors, restrict the pool of available construction resources, increase costs through diminished competition. Mitigation Measure 4.3.8 has been revised to incorporate the following requirement(please refer to Final EIR Section 4.0): • *Use electric construction equipment where feasible.*

Response AQMD-6

AQMD suggests that the Lead Agency consider encouraging construction contractors to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) program funds.

- The following notation (incorporated at Mitigation Measure 4.3.9), shall appear on all construction document and plans:

> *Contractors are encouraged to apply for funding/assistance under the AQMD SOON program.*
> *See also www.aqmd.gov/tao/Implementation/SOONProgram.htm*

AQMD contact information is noted.

MV00001241

From: Tom Hyatt [cdftom@aol.com]
Sent: Friday, December 10, 2010 9:18 PM
To: Jeffrey Bradshaw
Cc: Deanna Reeder
Subject: Warehouse

My neighbors and I oppose this project. After having the Mega Sketchers warehouse shoved down our throats by a corrupt developer and a city council that will flip their skirt up for him without questior we are vehemently against more unchecked commercial development. The City Council went to the trouble to re-name this end of the city "Rancho Belago", claiming it would be the upscale end of town yet the approve these ugly polluting warehouses when the zoning should be for 1/2 to 1 acre lots and upscale retail etc... How about a nice softba and swimming sports complex??? Why don't you go lease/ purchase some of the vacant warehouse space that can't even be filled in the south end of town?? How many diesel truck trips will this project generate on top of the Super Walmart and Sketchers projects already do??? Can't wait to see the cumulative air pollution totals! TH-1

Signed,

Tom H.
Moreno Valley Citizen

ATTACHMENT 20

TOM HYATT

Email Dated December 10, 2010

Response TH-1

The commentor states his opposition to the Project, presents his opinion regarding recent unrelated project approvals in the area, and suggests a "nice softball and swimming sports complex" be developed on-site. These opinions are acknowledged.

The basis for the commentor's statement that "the zoning should be for ½ to 1 acre lots and upscale retail, etc." is unclear. The existing zoning for the site is Business Park, which allows the types of uses proposed by the Project; however, would not allow for buildings of the size proposed by the Project. For this reason, the Project has requested a change of zone to Light Industrial. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23). Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.

The commentor suggests locating the Project in another area of the City. Several alternatives were analyzed as part of the Draft EIR, including, beginning on Draft EIR Page 5-37, alternative sites. As stated in Guidelines Section 15126.6,subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is served adequately by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million s.f. warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

MV00001245

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor expresses concern regarding the cumulative traffic and air quality impacts of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Super Walmart and Sketchers*[sic]*").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region.

The commentor is referred to Table 4.2-6 of the Draft EIR for the specific trip generation of the Project. Additionally, Draft EIR Section 5.0 presents a detailed discussion of the cumulative impacts of the Project. Specifically, cumulative impacts related to traffic and circulation are discussed at Draft EIR Pages 5-7 through 5-12. Cumulative impacts related to air quality are discussed on Draft EIR Pages 5-12 through 5-14. Results and conclusions of the Draft EIR are not affected.

PLANNING COMMISSION RESOLUTION NO. 2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on May 12, 2011, the Planning Commission passed a motion by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the Planning Commission voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

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

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

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

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor. The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources.

ATTACHMENT 21

MV00001247

The proposed project includes a 937,260 square foot warehouse industrial building which far exceeds the maximum building area of 50,000 square feet as permitted by the current zoning designation of Business Park. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

The proposed architectural design of the facility is not consistent with that of other approved warehouse facilities in the vicinity. A change of zone to LI would allow for buildings greater than 50,000 square feet in size. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building may be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-13, **DENYING** a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED this 12th day of May, 2011.

Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

Deputy City Attorney

MV00001248

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

ATTACHMENT 22

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet west of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Rancho Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dave@rptrust.com

Contact Person: Dennis Rice

OWNER Name: Same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services — Telephone: (951) 845-1003 cell 909-225-0430

Address 931 Monarch Court — Fax No. (951) 845-9775

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson2@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC (Print Name) am the owner of the property described in this application and hereby authorize Dennis S. Rice (Applicant/Representative Name) to act on my behalf on matters pertaining to this application.

Property Owner's Signature: [signature] Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature: [signature] Date: 5-18-2011

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60603

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK---HOLD AT AN angle TO VIEW

⑈00000 1194⑈ ⑆071000013⑆ 719549123⑈

MV00001253

From: george hague
Sent: Thursday, May 05, 2011 2:55 PM
To: John Terell
Cc: Jeffrey Bradshaw
Subject: Please send my letter to all the Planning Commissioners today (5-5-11) concerning the West Ridge Commerce Center FEIR

Good afternoon Planning Commissioner,

I hope the planning department has helped those of you who are not use to reading Final Environmental Impact Reports (FEIR). I am sure it would help with the West Ridge Commerce Center FEIR.

In 2009 some Moreno Valley residents responded to a Notice of Preparation (NOP) for this project. These comments were to let those who prepare the document know what we wanted studied and answered in the Draft Environmental Impact Report (DEIR). You should realize that those who do the studies are paid for by the developer and realize that if they want a good reputation among the development community that their report must be favorable to the project. It would be better if we would go back to Moreno Valley's previous system where the report from consultants goes directly to the Moreno Valley Planning department instead of first passing through the hands of the developer where it many times gets massaged.

Last Fall The DEIR was made available which you should read. Different agencies/groups/individuals used the 45 days they were given to read and make comments on the adequacies of the West Ridge Commerce Center's DEIR. They turned in their comments during the first part of last December.

Section three of the FEIR has these commenters original letters which you will notice have been blocked off. You should make an effort to read each of these letters and only then read the responses which immediately follow the original letters. Many of those who write letters believe the responses do not do justice to their concerns and questions. On projects like this it is good to study what the Department of Transportation(DOT) and the South Coast Air Quality Management District (SCAQMD) wanted from this project and the responses they received. These and other agencies are to help protect us and guide us towards better planning. It is sad when responses to their letters are not serious, but just pass the buck.

In section two of the FEIR you will see what I call weasel words which require nothing. Words like "where feasible", "shall encourage", and "greatest extent practical" are just a few examples. These may sound good, but usually result in little, if any, mitigation. Words like "shall" and "will" instead of "should" are more binding and therefor avoided.

Section four has the Mitigation Monitoring Plan which should also be read in order that they are mitigating those items which are brought up in the comment letters.

Usually they bury at the end of some document that which they call "Overriding Considerations". These are the impacts to Moreno Valley which could not be mitigated. This could be such things as toxic diesel air pollution (pm 10 and pm 2.5) which cause significant health effects. It is very sad when projects make the air more toxic to breath-- especially for children and the elderly.

ATTACHMENT 23

Appendix A points out some of these air pollution problems and they should be read by decision makers.

Since I am sure most of you have regular jobs, I find it very sad that you have not been given time to do justice to this FEIR. It must be especially difficult when a couple of our weekends prior to your meeting have holidays that many people enjoy to celebrate. You should ask the planning department for more time to educate yourself by reading the document.

Your responsibility is to "protect the health, safety and welfare" of the residents of Moreno Valley. Only after you have read this document can you fulfill your responsibility.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

From: george hague
Date: May 9, 2011 11:03:09 AM PDT
To: John Terell <JohnT@moval.org>
Cc: Jeffrey Bradshaw <JeffreyB@moval.org>, gracee@moval.org
Subject: West Ridge Commerce Center Experts & Editorial on Tortoises & Solar threat | Press-Enterprise Editorials | PE.com | Southern California News | News for Inland Southern California

Good afternoon/evening Planning Commissioner,

Lat week I sent you an email about reading the environmental documents for the West Ridge Commerce Center warehouse. I mentioned in that email how developer consultants/experts sometimes supply reports which benefit the proposed project---even when they are selected from an "approved" list. The last line of the second paragraph of this past Saturday's Editorial does a nice job of pointing this out where it reads "studies commissioned by the developer". I hope you will read this editorial and realize this happens on many projects. It is only when agencies like the Department of Transportation, South Coast Air Quality Management District and as well as others who job it is to help you plan for our city respond to DEIRs that you get a much more unbiased/independent view. I hope you will remember this when West Ridge Commerce Center and other developers respond in their FEIRs to these agencies letters.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Solar threat

08:24 PM PDT on Friday, May 6, 2011

The discovery of far more desert tortoises than expected near a planned solar power plant in the Mojave Desert should prompt federal officials to rethink the project. And the incident should spur federal officials to require independent environmental studies before bulldozers roll on future solar projects.

Last week, a U.S. Bureau of Land Management assessment found the $2.1 billion BrightSource Energy Co. project near Primm, Nev., would disturb up to 3,000 tortoises and kill as many as 700 young ones. That far exceeds an estimate of 32 of the threatened species at the site -- a number derived from studies commissioned by the developer.

ATTACHMENT 24

After biologists relocated 39 tortoises -- the maximum allowed -- BLM officials last month ordered BrightSource to stop work on two-thirds of the 5.6-square-mile site. U.S. Fish and Wildlife Service officials will decide soon if completing the second and third phases of the Ivanpah Solar Electric Generating System -- which would nearly double the amount of solar electricity produced in the country -- would jeopardize the species.

The clean energy generated by this project is no excuse for federal officials to allow shoddy surveys that underestimate the tortoise population. A developer rushing to qualify for hundreds of millions in federal "stimulus" funding is hardly an objective source about issues that could obstruct construction. Federal officials should have required an independent biological survey before grading and construction work began in October. And that approach should be standard for the numerous solar projects now proposed for desert land.

In this case, the sheer number of the animals that would be killed or disturbed by the solar plant justifies a significant downsizing -- eliminating one or both of the last two phases. Federal officials could have avoided such backtracking had they had the right information before BrightSource broke ground.

Wildlife officials are likely under political pressure to let the developer proceed with much of the project. But even a compromise such as relocating large numbers of the animals would be highly risky. In 2008, the U.S. Army suspended a tortoise relocation effort at Fort Irwin after about 90 of the 556 tortoises moved died, mostly killed by coyotes.

The Mojave Desert, with endless sunny days, is not a bad place for solar power plants. But federal officials need to do a better job of surveying the native wildlife before construction starts. Green projects should not, ironically, degrade the very environment they are meant to help sustain.

From: george hague
Sent: Wednesday, May 11, 2011 10:29 PM
To: John Terell
Cc: Jeffrey Bradshaw; Grace Espino-Salcedo
Subject: PLEASE READ re West Ridge Commerce Center Final Environmental Impact Report (FEIR)
Good evening Planning Commissioners,

YOU NEED TO ASK TONIGHT NOT WHAT THE OPENING-YEAR TRUCK TRAFFIC WILL BE, BUT WHAT IS THE PROJECT DESIGNED FOR AND WHAT WILL THE TRUCK TRAFFIC BE WHEN THE PROJECT IS USED TO ITS FULLEST CAPACITY AND NOT LIMITED TO JUST REDLANDS BLVD IN FUTURE YEARS.

"Estimated opening-year average daily Project-generated truck traffic ingressing/egressing the Project site via Redlands Boulevard includes:

97 two-axel trucks;

220 three-axel trucks; and

539 four-axel trucks." (FEIR p 3-58 & p 3-88 & p 3-163 & other pages)

THESE NUMBERS ARE A DISSERVICE TO YOU AND THE PUBLIC. THE FULL IMPACTS ON TRAFFIC AND AIR QUALITY ARE NOT FULLING EXPLAINED AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THEREFORE THE FEIR IS INADEQUATE. THEY ARE REQUIRED TO BE EASILY UNDERSTOOD BY THE PULIC AND MITIGATED BEYOND WHAT WEST RIDGE COMMERCE CENTER TRULLY HAS COMMITTED TO IMPLEMENT.

You should not vote on this or any other project unless you have read the documents. You should never just rely on Staff Reports. The Planning Commission should represent all the many varied interests/concerns of the residents of Moreno Valley. I believe if you read all the letters from the agencies as well as the public and groups you will see that many of their legitimate CEQA concerns were not answered or the buck was passed.

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

ATTCHMENT 25

Johnson & Sedlack
ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP
Carl T. Sedlack, Esq. Retired
Abigail A. Broedling, Esq.
Kimberly Foy, Esq.

26785 Camino Seco, Temecula, CA 92590

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Abby.JSLaw@gmail.com
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Facsimile: 951-506-9725

May 12, 2011

Planning Commission
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA US MAIL AND FACSIMILE

RE: Final Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Final Environmental Impact Report (FEIR) for the Westridge Commerce Center.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the EIR as an informational document.

Unfortunately, the FEIR for this Project fails as an informational document. The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The FEIR is also internally inconsistent, with statements and conclusions made from one section to another in conflict with one another.

On top of these inadequacies, the FEIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions.

CEQA also requires that ***where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted.*** In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the FEIR concludes that *unavoidable* adverse impacts will result to/from the following: aesthetics, air quality, noise, and transportation/traffic.

ATTACHMENT 26

Feasible mitigation measures exist which would reduce these impacts, and ***which have not been required of this project.*** This is contrary to the requirements of CEQA, and the additional feasible mitigation provided in the comments must be required of this project.

Moreover, all mitigation measures required in the FEIR ***must be fully enforceable and certain to occur.*** This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures. While it appears that substantial mitigation was incorporated into the project, ***very little mitigation is actually enforceable and required.*** Also, some mitigation measures are included in the text revisions section, yet have not been incorporated into the Mitigation Monitoring Plan. This is unacceptable.

The FEIR fails to make findings supported by substantial evidence in the record. CEQA requires that an agency must make specific findings, based on substantial evidence in the record, where a project has been determined to have significant environmental effects. Here, the findings are nothing more than conclusory statements, and there is no attempt to trace the path from evidence to the conclusions reached. The findings made are not supported by substantial evidence in the record as discussed herein and in our previous comments on the DEIR.

The FEIR lastly fails to adequately respond to the significant environmental points raised in public comments pursuant to CEQA Guidelines. Particularly, Guidelines § 15088 (c) requires that a response to comments evince a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and often ignores comments altogether. Also, the responses tend to generalize specific comments made by the commenter. For instance, a comment regarding cumulative air pollution impacts which asks: "Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?" is responded to generally: "The commenter expresses concerns regarding the cumulative effects (air pollution) of this Project when combined with other vicinity projects." (Comment and response for SCR-2) These generalizations tend to result in responses which do not respond to the comments and questions presented. This is contrary to the policies of CEQA.

In additional to the general comments above, the below specific inadequacies were discovered upon review of the FEIR:

Text Revisions:

- Revision to 3.5.12 Screening: It is unclear why the sentence ends in an ellipsis. Was more intended to be included here?
- The language of Air Quality Mitigation 4.3.8 is uncertain and vague.
    - The introductory statement is unclear and should be omitted, as discussed below.
    - Where the mitigation measures state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically feasible" so that the mitigation measures are certain and enforceable.

- At Mitigation Measure 4.3.13 for GHG's, lease/ purchase documents must require, not merely encourage lessors or purchasers to comply with the measures provided.
- Mitigation Measure 4.7.2 states that artifacts will be curated where preservation in place is infeasible. This measure should require that this determination of infeasibility be made by a qualified archaeologist and approved by the City.
- At Mitigation Measure 4.7.3: the paleontological mitigation-monitoring plan must be developed prior to project approval so it may be determined that such mitigation is sufficient to reduce paleontological impacts. As is, the paleontological mitigation-monitoring plan is impermissibly deferred per CEQA and case law. Also at the third bullet, the word "salvage" should be changed to something which implies that fossils are being properly cared for. Likewise, "to avoid construction delays" should be removed: the purpose is to mitigate for potentially significant paleontological impacts, *not* to remove all impediments to construction as quickly and haphazardly as possible.
- Mitigation Measure 4.8.5 should require that all habitat replacement, revegetation and mitigation for impacts to riparian habitat be implemented by an approved biological monitor. The measure should also require that, if in 3 years the success criterion of 80% has not yet been achieved, revegetation and other mitigation shall continue until such criterion is achieved.

Responses to Comments:

Responses to Johnson & Sedlack Comments:

Response to JS-5 does not evidence a good faith, reasoned response. First, the response states that despite a finding of significant and unavoidable impacts to agriculture in the GPEIR, the agricultural impacts of this project are less than significant. To the contrary, a reasoned outlook would find project impacts to be significant and unavoidable as detailed and considered in the GPEIR, and for which a statement of overriding consideration was necessary. Second, the response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are *susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc.* (Guidelines § 15152) Here, Johnson & Sedlack has provided two possible mitigation measures, namely conservation easements or donation of funds, which would reduce the project's impacts to agriculture and therefore must be considered.

Response to JS-6 does not provide a reason for failing disclose that the project is located in a PAKO zone. The response also states, without substantiation, that there is no indication that the project would interfere with animal keeping, where the project would plainly alter the rural nature of the area. (DEIR p. 5-5)

Response to JS-7 is incorrect. Specifically, the comment stated that the assumption of zero VMT for on road truck travel was erroneously assumed in the Air Study. At Appendix A, page 1 Phase: Fine Grading 7/1/2009-7/15/2009 (Phase 2 Grading), the air study plainly states On Road Truck Travel as zero. The air quality analysis remains flawed and understates impacts from fine grading.

Response to JS-14 and other comments apply a too strict standard for evaluating mitigation measures proposed by commenters on a DEIR. A commenter need not demonstrate the quantitative efficacy of a measure nor a nexus between each mitigation measure presented and its benefit. This demonstration of need and nexus is a requirement of the measure itself to be determined by the lead agency. (Guidelines 15126.4(a)(4) and (5).) Rather, a commenter need only suggest specific alternatives and/or mitigation measures that would avoid or mitigate a significant effect. (Guidelines § 15204(a).) The comment states that measures proposed will reduce construction air quality emissions.

Moreover, the mitigation measures deemed "incorporated" per JS-14 are not actually incorporated as project mitigation at MM 4.3.8. Namely, the "mitigation" does not apply to the project itself, but instead must be notated in "Grading plans, construction specifications and bid documents..." The measures may not be implemented for construction of the project itself while still complying with the terms of MM4.3.8, namely by adding a notation within the construction documents. Hence, this supposed incorporation of mitigation measures does not actually occur, and not all feasible mitigation has been required of this project. MM4.3.8 is uncertain and unenforceable.

JS-14 number 20 is not included in MM 4.3.13 in the Mitigation Monitoring Plan, despite the statement to the contrary. Moreover, MM4.3.13 generally applies to operational impacts and not construction impacts, as evidenced by the timing of monitoring, "Before issuance of first Certificate of Occupancy," and thus will not mitigate for construction emissions. Number 21 is included, but with the limit that "a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit." This is a severe limitation on the measure recommended and such limitation is not disclosed in the response to comments. The mitigation measure *as recommended* must be adopted.

Response to JS-15 is unresponsive to the comment made regarding the need to note variances from URBEMIS defaults for informational purposes. The comment does not state that variances from defaults are improper, as the response asserts, but merely that they must be disclosed.

Response to JS-17 alleges that, "The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility." This is simply untrue. The lead agency may adopt mitigation measures, such as those recommended by the commenter requiring that lessees/purchasers become SmartWay partners, meet 2010 air quality standards or better, etc.

Response to JS-19 has the same problems as the response to JS-14, ***namely that almost all of the mitigation measures deemed "incorporated" at MM4.3.13 are not actually incorporated as certain and enforceable mitigation measures of the project.*** Instead, MM4.3.13, bullet 7, merely requires that, "Lease/purchase documents shall identify that tenants are *encouraged* to provide incentives to realize the following..." [emphasis added]. Hence all that is required is a *written provision* in the lease/purchase documents *encouraging* the use of incentives, not any actual requirement that mitigation be implemented. These repeated untruths in the response to comments cause the FEIR to fail as an informational document and are completely contrary to CEQA policy that mitigation be certain and enforceable.

Likewise, JS-19 number 19 is not incorporated into mitigation as stated in the Response and is vague and uncertain. In 4.3.10 (not 4.3.11 as stated), the mitigation required is that "All entrances shall be *posted with signs* which state: ...Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes..." [emphasis added] The mitigation does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-30 is unresponsive to the comment made regarding insufficient project noise mitigation. Response to JS-31 provides no reason for failing to incorporate the performance standard of noise barriers which will reduce noise at sensitive receptors to no more than 60dBA Leq, particularly.

Response to JS-33 (1) refuses to incorporate mitigation measures which would reduce significant construction noise impacts without finding that such mitigation is infeasible. Instead, the response merely states that such mitigation is not required, but is only recommended, by the Noise Impact Analysis. CEQA provides that agencies may not approve projects for which feasible mitigation measures exist which would reduce a project's significant environmental effects. Here, the comment suggested feasible mitigation to reduce construction noise impacts which were, in turn, recommended in the Noise Impact Analysis. Such mitigation is not shown to be infeasible, and therefore must be incorporated in the project. At (4), the mitigation at 4.3.8 is inadequate and unenforceable. At (5), MM 4.3.10 does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-34 incorrectly insinuates that, in determining a projects noise impacts, the noise from transportation/trucks should be omitted. While ambient noise may not be included to determine a project's noise impacts, impacts directly related to the project's operations must be included in the EIR's determination, as they are incorporated into the whole of the project. This response is also greatly unresponsive to the comment made.

Response to JS-35 merely restates the EIR and does not evidence a good faith response to the comment made. Specifically, the comment notes that the EIR does not provide data regarding groundbourne vibration levels nor evaluate potential impacts to people. The response repeats these issues, but fails to address them in the EIR, or alternatively to provide a reason for failing to correct the EIR.

Response to JS-39 does not evidence a good faith, reasoned response to the comment made and does not adopt feasible mitigation to reduce project noise impacts.

Response to JS-40 is unresponsive to the comment made regarding impacts to 1-215. The response instead dissolves into a discussion of SR-60.

Response to JS-42 (5) and (6) are included at MM 4.3.8, but in a manner which is unenforceable and requires zero actual mitigation to occur, as discussed above regarding JS-14. Numbers (7)

and (8) are not included at MM 4.3.8 at all, despite the statement to the contrary in the response to comments.

Response to JS-53 is conclusory and does not evidence a good faith, reasoned response to the comments made.

Other Responses to Comments

Please note that many responses to comments are repeated throughout the FEIR. The evaluation of inadequate responses below will often refer only to the first time the response is given, where such responses are repeated. Moreover, such inadequacies are likely discussed with regards to responses to Johnson & Sedlack's comments above.

- Response to CDFG-10 does not provide a good faith reason for failing to require a 3:1 replacement ratio of riparian habitat as recommended by CDFG. Specifically, CDFG stated that, "The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or offsite at a minimum 3:1 replacement-to-impact ratio…" The response cites no reason based on substantial evidence in the record for failing to incorporate this mitigation.
- Response to EMWD-2 is inadequate and conclusory. The commenter noted that impacts from construction will likely create impacts to service which must be evaluated in the EIR. However, the response states, based on no evidence in the record, that the conclusions of the Draft EIR are not affected by the inclusion of this potential impact in the EIR's analysis. Such analysis must first be conducted in order for this conclusion to be made.
- Response to RCFC-3 does not respond to the comment made. The commenter stated that the Project must *demonstrate consistency* with the MSHCP, not that the project must comply with the MSHCP requirements. A project may comply with the MSHCP requirements and still be inconsistent.
- Response to MA-4 is conclusory and not based on reasoning or evidence in the record.
- Response to MA-7 is unresponsive to the comment made regarding impacts to freeways, overpasses, and roads which will not receive the fees paid by this project for improvements and for which improvements are uncertain. The response also seems to suggest that the project will be gifting massive sums of money to the state and region for improvements. This response fails to state, however, that the fees to be paid by this project are for the purpose of mitigating this project's environmental impacts.
- Response to MA-10 is contradictory and does not respond to the comment made. The response states that project traffic will not pass through residential neighborhoods, while noting that properties adjacent to the access road to the site are designated residential. Moreover, the comment made stated that trucks often pass through "or near residential areas." Also, the comment clearly states that, for truck impacts *to roadway surfaces*, 1 truck =1,000 cars. The referenced portion of the EIR instead discusses traffic/ truck volume impacts, not necessarily impacts to roadway surfaces.

- Response to LA-2 does not respond to the comment made which inquires which mitigation measures were found to be infeasible and will not be required of this project.
- Response to LA-3 is unresponsive to the comment made. The comment inquires what protection measures against Diesel PM will be implemented for the warehouse workers, and the response merely states that the impacts to on-site workers are not analyzed in the EIR. Nonetheless, mitigation measures, conditions, and project design may implement *protection* measures. Also CAL/OHSA may require additional worker protection measures. The FEIR is thus unresponsive to the comment made.
- Response LA-4 is conclusory and states, without reference to any evidence in the record that, "No potentially hazardous materials, beyond those described [paint, solvents, fertilizers, etc.] are anticipated to be handled at the site." There is simply no basis for this conclusion. The remainder of the commenter's concerns regarding spills and smoke plumes are unaddressed.
- Response to LA-5 states that the level of LEED certification cannot be determined as the tenants and uses are unknown. However, it would be feasible to require at least LEED silver certification by contract specification. If a higher LEED certification was deemed possible, there is no bar from achieving that higher level.
- Response to GB-2 is unresponsive to the comment made. Namely, the commenter merely asked what "environmental aspects" of the site are missing from the Geotechnical investigation. This question remains unanswered in the response.
- Responses to GB-5, GB-7, and GB-9 neither make needed changes to the EIR nor provide good faith, reasoned responses for determining not to make those changes. Specifically, the commenter asked why the Casa Loma fault was not included in the EIR when it is proximate to the project. The responses ignore the EIR's role as an informational document and determined that, since the project would nonetheless comply with the California Building Code, such information could be omitted. This is contrary to the information disclosure requirements of CEQA. Likewise, the response at GB-5 notes that the Casa Loma fault was likely not included in the UBCSEIS database. None of these three responses, however, support a determination that the project will not be impacted by this fault.
- Response to GB-8 is unresponsive to the comment made.
- Response to GB-10 neither makes needed changes to the EIR nor provides good faith, reasoned responses for determining not to make those changes. The commenter points out scenic resources which were unincorporated into the EIR and the DEIR description, and the response seems to concur that these scenic resources are significant and were omitted. Beyond such concurrence, however, no changes are made to the EIR or explanation given for determining not to make those changes.
- Response to CCA-1 is unresponsive to the comment made. The commenter specifically asks what mitigation will occur for cumulative traffic and diesel impacts. No response to this inquiry is given.
- Response to CCA-2 is likewise unresponsive to the inquiries made regarding noise impacts and mitigation for cumulative impacts.
- Response to CCA-3 does not evidence that the project adopted all feasible mitigation. Comment CCA-3 recommended additional and certain mitigation which was not discussed in the response and not determined to be infeasible. Such measures as retrofit

all trucks and phase them in over a period of time must be included to reduce the project's air quality impacts.

- Response to FNSJ-3 is unresponsive to the comment made. The commenter stated that agricultural impacts for this project were deemed potentially significant and should be mitigated through the purchase of conservation easements. The response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc. (Guidelines § 15152) Here, the commenter plainly states that such potentially significant impacts could be reduced through purchase of conservation easements, and the comment should be given substantial consideration.
- Response to FNSJ-4 does not find that it is infeasible to require that off-road heavy construction to meet CARB Tier III or better certification. Such mitigation is feasible and would significantly reduce the project's air quality impacts. The measure must be required.
- Response to FNSJ-7 combines many comments and provides conclusory, unreasoned, and unresponsive responses. The response ignores the comment calling for a discussion of air quality impacts to health risks and impacts to biological resources.
- Response to FNSJ-8 combines the response to at least four comments into one, and goes on to ignore several of the comments made. For instance, there is not response made to the comment that growth inducing impacts on air quality were not evaluated.
- Response to FNSJ-12 does not evince a good faith, reasoned response to the comments made that impacts from global warming on the project must be analyzed; potentially exacerbated project impacts as a result of climate change must be analyzed; and global warming impacts on water supply and flooding must be analyzed.
- Response to FNSJ-16 does not respond to the question raised regarding onsite eating facilities.
- Responses to FNSJ regarding mitigation measures (FNSJ-18-20) seem to state that the *commenter* need to demonstrate that mitigation is either required or a nexus such that mitigation is necessary. This is not a showing required of a commenter in proposing mitigation; this is a requirement of the measure itself to be determined by the lead agency, as discussed above. (Guidelines 15126.4(a)(4) and (5).)
- Response to FNSJ-22 notes that four of the alternative sites considered are not available, yet irrationally concludes that by considering four unavailable and impossible alternative sites, a reasonable range of alternatives was considered. None of these "alternatives" may be included in the range of alternatives considered when, in fact, only Alternative Site 5 was considered. The response also does not address the issue of quantification of impacts raised by the commenter.
- Response to SG-1 is unresponsive to the comment made. The commenter notes the potential for blight in the area due to unoccupied buildings, aesthetic impacts, and long term growth inducing impacts from the zone change. No response is made to these issues.
- Response to SG-8 does not respond to the issue raised of reinforcing the roof and installing solar panels.

- Response to HF-1 is unresponsive to the comments made and fails to demonstrate a good faith, reasoned response.
- Response to SM-3 is conclusory and fails to provide reasoning. Likewise, NDN-5. The project fails to incorporate feasible mitigation recommended previously by Johnson & Sedlack, discussed above, including mitigation recommended in the Noise Impact Study.
- Response to DR1-6 is unresponsive to the comment made suggesting an alternative site by March Global Port.
- Response to SC-4 does not respond to what time of day truck trips are expected, merely that the project is assumed to be operation 24/7. This is unresponsive to the comment made and fails to provide any hourly expectations, particularly during peak hours.
- Response to TT-7 does not find it infeasible to require additional wall offsets in order to mitigate for aesthetic impacts. Instead, the response purports to defer this potential mitigation to a later time. This is improper and this mitigation measure must be required of the project.
- Response to TT-11 does not incorporate or find infeasible the mitigation recommended including requiring that a percentage of the fleet vehicles of tenants be low or zero emission and requiring soot filters or the latest available technology.
- Response to RJ-C-1 is unresponsive to the comment made.

Mitigation Monitoring Plan:

The following comments on the MMP are in addition to comments made previously in the "Text Revisions" section.

Traffic:
Many of the traffic mitigation measures state that the improvement will be funded through participation in the TUMF, DIF, or other fair share program. It is unclear in the MMP, however, whether the applicant need only pay into the program prior to issuance of the first building permit, or whether the improvements must be completed prior to issuance of the first building permit in order to mitigate for the traffic impacts listed. This should be clarified so that mitigation is certain and enforceable in the monitoring program.

Air Quality:
Not all feasible mitigation has been adopted to reduce air quality impacts from the project.

MM 4.3.2 in the MMP does not make the alterations stated in the responses to comments and text revision section (removing "during smog season", etc.) Moreover, trucks should be limited from idling beyond 3 minutes.

MM4.3.4 requires that contractors for the project will use CARB Tier 2 equipment or better. It is feasible to require at least Tier 3 certified or better.

For MM 4.3.6, it is feasible to require that only existing electrical power sources may be used; no diesel or gasoline powered generators shall not be utilized for project construction.

For MM 4.3.8, the language creates uncertain and unenforceable. Measures must only be included in plans and bid documents which may be subsequently altered and are not required of the project itself as written. The language must be changed to delete the introductory statement such that the mitigation measures apply directly to the project. Also, at bullets 6, 8, 9, and 10 which state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically possible." Likewise, at bullet 12, the "greatest extent practical" language must be deleted. As currently written, such mitigation measures are unenforceable and contrary to CEQA. Finally, bullet 14 states that all forklifts used in the operation of the Project shall be electric or natural gas powered, where MM 4.3.8 applies only to construction and construction contracts. This measure should be repeated elsewhere to reduce operation air quality impacts of the project.

MM 4.3.10 represents only one half of the mitigation measure- the posting of signs. An additional mitigation measure and/or monitoring program must be adopted for the second half of the mitigation measure-enforcement of the measures by the on-site facilities manager (or equivalent.) As written, this mitigation measure is uncertain and unenforceable.

MM 4.3.11 requires less mitigation than stated in the EIR. Namely, the EIR and responses to comments have repeatedly stated that the project will surpass Title 24 standards by 20%, yet the mitigation measure actually requires this surpassing of Title 24 by 20% only for "water heating and space heating and cooling." This limitation must be removed from the language of the mitigation measure. It is feasible to require that the project surpass Title 24 by 20% for the project as a whole, and in fact, feasible to surpass Title 24 by 30%.

MM 4.3.13 bullet 7 is completely uncertain and unenforceable. The measure provides that lease/purchase documents shall *note* that tenants are "encouraged" to provide incentives to realize mitigation measures. This introductory language must be removed and the mitigation measures required of the *project itself* through lease/purchase contracts. Moreover, most of the mitigation measures included in MM4.3.13 bullet 7 would reduce air quality emissions, namely Diesel PM, not merely GHGs as stated.

Noise:
Mitigation measures adopted for noise require that "Project plans and specifications shall include a statement that…" Again, no mitigation or monitoring is actually required of the project itself, only the written documents. No mitigation of project impacts is certain to occur.

MM4.4.2 is unenforceable, as the language of the measure requires that equipment be staged in areas that will create the "greatest distance" between noise and off-site receptors. A minimum distance or performance standard must be required to ensure that the distance chosen mitigates noise impacts.

MM 4.4.3 is uncertain, as it requires that haul routes not pass sensitive land uses or residences "[t]o the extent feasible." This feasibility language must be removed so that this measure is certain and enforceable.

MM4.4.4 is unenforceable as it provides for the "maximum reduction for noise sensitive uses." Some performance standard or specific type of noise curtain must be specified to ensure that the maximum reduction for noise sensitive uses actually occurs.

Water Supply:
There is no monitoring plan for MM 4.5.4.

Cultural Resources:
The mitigation and monitoring for MM 4.7.2 must occur throughout excavation and grading activities, not "Prior to issuance of first Certificate of Occupancy."

Alternatives:
A substantial number of comments concern the consideration of an inadequate range of alternatives, namely the *consideration of only one viable alternative site*. Alternative Sites Nos.1-4 are unavailable and were presumably included in the EIR in order to deceive the public and decision-makers into believing that an adequate range of alternatives was considered. The responses to comments concur that only Alternative Site No.5 was a viable alternative. (*See,* Response to FNSJ-22) Additional alternative sites must be considered for this project in order for there to have been consideration of a reasonable range of alternatives.

Statement of Overriding Considerations:
A statement of overriding considerations is improper with this project as the project will have extensive environmental impacts, as discussed above, yet only minimal project benefits. The project will have adverse impacts to/from the following: aesthetics, air quality, noise, and transportation/traffic. This includes substantial concerns for human health, including health risks from air pollutant emissions and health risks from excessive noise. These are major environmental risks which must be deemed offset by the economic, legal, social, technological, or other benefits of the project. (Guidelines § 15093(a).) This project will generally only benefit the developer of the warehouse. Yes, the project could create some new jobs in the area and generate some annual taxable sales, yet as noted by many commenters, warehouses already developed in the area remain vacant. These speculative benefits are comparatively insubstantial when compared to project risks. A statement of overriding considerations cannot be adopted for this project.

Thank you for your consideration of the above comments.

Sincerely,

Raymond W. Johnson
JOHNSON & SEDLACK

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: May 12, 2011 May 12, 2011
jeffreyb@moval.org

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Final Environmental Impact Report (Final EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be considered prior to certifying the Final Environmental Impact Report (Final EIR) as appropriate.

The proposed project will result in at least 856 trucks per day serving a warehouse that is approximately one million square feet. As a result, the AQMD staff is concerned about the significant air quality impacts and elevated cancer risk impacts to sensitive receptors (i.e., residences adjacent to the project site) from the high volume of diesel truck traffic generated by the proposed project. On December 10, 2010 the AQMD staff provided comments on the draft EIR regarding these impacts and expressed specific concern about the project's air quality analysis and health risk assessment (HRA). Further, AQMD staff suggested a list of mitigation measures to reduce the project's significant air quality impacts.

On May 2, 2011 the AQMD staff received the response to comments in the most recent staff report. Upon review of this document we continue to have concerns regarding the project's significant air quality impacts, potential deficiencies in the health risk assessment, mitigation measures and land use compatibility. Specifically, the AQMD staff recommends that the lead agency revisit the operational profile in the HRA to ensure that it is consistent with the traffic study. Also, given that the proposed warehouse project will require a significant number of trucks that travel adjacent to residential land uses the AQMD staff recommends that the lead agency provide additional mitigation to

reduce the project's significant truck emissions and revisit the size of the proposed setback between the trucks serving the project and future and current residential uses. Details regarding these concerns are enclosed.

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC110428-02
Control Number

1. Health Risk Assessment Methodology

AQMD staff originally commented on potential methodological deficiencies in the HRA presented in the Draft EIR. We appreciate the response to those comments, and have the following comments based on those responses. AQMD staff is still concerned that the HRA methodology in the Draft EIR may underestimate potential health risks to nearby sensitive receptors based on the following points.

- The HRA source geometry does not reflect the layout of the proposed building as detailed in Figure 3.5-4 of the Draft EIR and Exhibit 5-4 of the Transportation Impact Analysis (TIA) appendix. The primary difference between the modeled approach and the project description in the EIR is the location of truck entrances to the facility. The project description and TIA indicate that up to 80% of the truck traffic serving this facility will travel along the future Eucalyptus Avenue, just south of the site. However the HRA assumes that the majority of truck traffic enters the facility through eastern and western entrances, and that Eucalyptus Avenue only accommodates 29.7% of all truck traffic. This discrepancy yields an underestimation of approximately 430 truck trips per day travelling along Eucalyptus Avenue. Without considering the diesel emissions from these trips, the risk reported for the residential receptors located closest to the facility just south of Eucalyptus Avenue will be underestimated.

- The HRA underestimates the amount of trucking activity that will occur onsite by not including onsite traveling emissions. Given the significant size of the project, each truck can be expected to travel approximately ¼ mile in the southern truck entrances and loading areas onsite and nearly ¾ mile in the northern loading areas and western entrance. With 856 truck trips per day, this omission yields an underestimate of approximately 200 miles of onsite trucking activity per day. Without including the diesel emissions from this activity, the health risk reported in the Final EIR is underestimated.

- The proposed mitigation measure of reducing idling to a total of 3 minutes onsite for each truck may not be achievable given the description included in the EIR. For example, it is unclear how the project proponent will enforce the measure with 856 trucks per day (equal to approximately two truck trips onsite each minute of a 24 hour day) on a 50+ acre site with 173 docks and 175 truck parking stalls. The lead agency should either include specific provisions that establish how this measure will be enforced (e.g., onsite staff dedicated solely to monitoring diesel activities), or revise the HRA to include a more realistic composite onsite idling time of 15 minutes per truck (5 minutes entering, 5 minutes onsite, 5 minutes exiting).

2. Land Use Compatibility Mitigation

AQMD staff appreciates the inclusion of the proposed amendment of Municipal Code 9.05 as a part of this project. This amendment requires that industrial and warehouse projects greater than 50,000 square feet in size be separated from any residential district

by a distance established by an air quality or noise analysis, with a minimum of a 250-foot setback. This is a forward-thinking measure; however, its overall effect may be substantially reduced by not including a cumulative analysis of the primary truck route serving the facility in the distance measurement. For example, in the current project over 680 truck trips per day serving this facility will pass adjacent to a residential district south of the future Eucalyptus Avenue. This significant trucking activity may produce emissions that surpass those produced in the southern loading area. However, as written the setback area is measured from the loading area, not the truck route. AQMD staff recommends that the lead agency include truck routes within this amendment.

3. Regional and Localized Air Quality Mitigation

AQMD staff appreciates the addition of a mitigation measure in the Final EIR to address diesel emissions from trucks. However, given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.13 to ensure that these impacts are minimized. Specifically, the lead agency should revise the aforementioned measure to extend this requirement to any fleet owners/operators that serve the proposed project; therefore, the measure should be revised as follows:

- Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.

- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project and/or fleet owners and/or operators that serve the proposed project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.

Information about various funding programs can be found the following websites:

- http://www.aqmd.gov/tao/Implementation/index.htm and

- http://www.arb.ca.gov/msprog/truckstop/azregs/fa_resources.php

From: Paul Claxton
Sent: Wednesday, May 11, 2011 5:42 PM
To: Jeffrey Bradshaw; John Terell; Grace Espino-Salcedo
Subject: West Ridge Commerce Center

Mr. Bradshaw, Mr. Terell, and Ms Espino-Salcedo,

I am writing to express my concern about plans to put in another nearly one million square foot warehouse.

I bought my home ten years ago in a very different Moreno Valley. I work at March Air Force Base and when we moved here from Washington state my family looked at a number of towns in the area – Corona, Riverside, and Moreno Valley among others. What struck me about Moreno Valley was the beautiful east end of ranches and open land. The city struck me as a pleasant bedroom community to raise my family, grow old, and retire in. That's no longer the case. The city seems hell bent into becoming another Ontario or San Bernadino full of warehouses, lower wage jobs, traffic, noise, pollution, crime, and high taxes. Sorry, I am at a point in my career that I can afford to pull out and move if I have to and it is very apparent to this frog that the pot is on the range top and the water is getting warmer. The crime rate is already soaring with the violence brought here by the gangs and the drugs they freely peddle on our streets without having to drive out more tax payers for additional renters and section 8 housing.

I live just a couple short miles away from this second stake into the heart of the valley. The Sketcher's warehouse has yet to open and I can hardly wait for 200 semi-trucks an hour to roll down the 60 freeway, Ironwood and other side streets creating noise and pollution. This warehouse hasn't created another job in the city yet, I find it hard to imagine that people would sell their homes in Ontario and move here to be 15 miles closer to work, unlikely.

Paul Claxton
Moreno Valley

ATTACHMENT 28

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **ADOPT** Ordinance No. 2011-831, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

ADVISORY BOARD RECOMMENDATIONS

On April 14, 2011, the Planning Commission conducted a public hearing to review proposed revisions related to lighting for general site, street and athletic field/park lighting citywide. At the conclusion of the public hearing and Commissioner debate, the Commission unanimously recommended that the City Council not amend lighting provisions within the Municipal Code to include a dark sky emphasis for general site, street and athletic field/park lighting.

The Planning Commission stated a number of reasons for their recommendation for denial including, but not limited to, their belief that the proposed dark sky ordinance revisions to existing Municipal Code lighting standards would be intrusive to both residential homeowners and commercial/industrial projects, curfew lighting having the potential to create reduced lighting conditions and the potential for reduced lighting within parking lot peripheries. The Commissioners mentioned that the reduction of lighting in the later night hours may lead to potential public safety issues and that some provisions such as the night lighting curfew and light wattage requirements may be difficult to enforce.

BACKGROUND

On October 20, 2009, the City Council provided direction for staff to review existing lighting standards and provide proposed dark sky provisions for consideration. The review of existing lighting ordinance standards is a direct result of the settlement agreement reached on January 7, 2010, between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project and the Skechers warehouse building.

The current City of Moreno Valley Municipal Code lighting requirements include provisions to curb on-site lighting such as the current limit for lighting at property lines to a maximum of 0.5 foot candle and residential lighting fixture limit of twelve feet in height. Some of the current lighting standards however, do not facilitate a dark sky approach or assist in promoting energy efficiency. For example, the City currently requires that parking lots and other public spaces be lit “from dusk to dawn” which exceeds the hours of operation for most retail and non-retail properties, especially office and religious establishments.

Research conducted by the Planning Division found that only a few cities had adopted dark sky ordinances. Surrounding cities such as Riverside, Perris and Redlands have not adopted dark sky ordinances. Although the settlement agreement suggested utilizing standards from the City of Palm Desert, a combination of ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas, San Diego and other cities were reviewed. Standards within these ordinances and draft guidance standards by the International Dark-Sky Association were the basis for the revised lighting provisions.

The primary purposes of changing current lighting practices and drafting a dark sky ordinance include**:**

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the negative effects of night lighting.

DISCUSSION

Pursuant to the direction provided by the City Council, staff developed revised onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields for City Council consideration. Based on provisions within the settlement agreement, staff was to report back to City Council with draft lighting requirements and recommendations for consideration without commitment to adopt an ordinance.

Some of the major modifications proposed to the existing lighting standards include:

- Revised development and performance standards including maximum wattage of light bulbs for single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);
- All lighting to include full cutoffs to prevent excess trespass for residential-multiple family and all non-residential properties.
- A further reduction of permitted light trespass or spillover lighting on adjacent properties for all non-residential and multi-family residential properties to not exceed 0.25 foot candle minimum maintained lighting measured from within five (5) feet of any property line consistent with language in the Palm Desert ordinance. This compares with the existing ordinance standard to not exceed 0.50 foot candle at the property line.
- The inclusion of height limits for hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet; and non-residential lighting height limits of 30 feet, except within 100 feet of a residential use, where the maximum height would be 20 feet and walkway/courtyard lighting with a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting for non-residential uses requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.
- The addition of athletic field lighting standards to include horizontal cutoffs to reduce vertical lighting above the fixture for new lighting and retrofit fixtures and a maximum lighting value for lighting recreational athletic fields to be an average maintained 50 foot-candles.

- The modification of existing street light standards to indicate that the installation of street lighting is solely for the purpose of illuminating the public right of way in conformance to the city street lighting standards, which include the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

In the process of updating current lighting standards, staff established a subcommittee with members from the departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utility and Parks and Community Services. All department representatives of the subcommittee assisted in drafting revised lighting language, reviewed draft dark sky lighting standards, and have agreed to the proposed modifications as presented and attached to this report in cross-out/underline and clean copy formats.

ALTERNATIVES

1. Based on the recommendation of the Planning Commission, reject the proposed draft dark sky lighting modifications and not take action on the ordinance.

2. Approve the proposed draft dark sky lighting ordinance as written.

3. Approve the proposed draft dark sky lighting ordinance with modifications. The Council could elect to remove or modify items such as the lighting curfew, provisions modifying additional spill-over lighting adjacent to adjoining properties or restricting wattage of lighting for residential and/or non-residential properties.

4. Return the proposed dark sky lighting ordinance back to the Planning Commission with further direction.

NOTIFICATION

Public notice of the proposed Municipal Code Amendment was published in the local newspaper as a 1/8 page display ad on June 24, 2011, and was mailed to the Sierra Club.

ATTACHMENTS

1. Public hearing notice
2. City Council Ordinance, including clean copies of the Ordinance amendment
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.
8. Planning Commission Report dated April 14, 2011, excluding attachments
9. Planning Commission Minutes of April 14, 2011

Prepared By:
Mark Gross, AICP,
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

NOTICE
OF
CITY COUNCIL
PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT (PA10-0022) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS", AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The amendment would modify current lighting provisions including, but not limited to the refinement of existing code standards for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties and a dark sky approach citywide.

The City Council may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk or City Council on or before the following meeting date:

Tuesday, July 12, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

ATTACHMENT 1

ORDINANCE NO. 831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use.

ATTACHMENT 2

All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting should not cause nuisance levels of light or glare on adjacent properties.

2. **Conformance with Zoning Regulations –** The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

   FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

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

   FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as residential hillside and open space areas. Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environmental, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to

adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

EXHIBIT A

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be

beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type_and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of maintained lighting.

2. Aisles and passageways related to and within a building complex, during the hours of darkness, shall be illuminated with a maximum of one-half (0.50) to one (1) foot candles of maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure not to exceed a height of eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

2. Lighting should improve the visual identification of residences and businesses.

3. Energy efficient lighting of buildings is encouraged.

4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements.

5. The location, color and intensity of private lighting should relate to and complement public lighting.

6. Lighting fixture design should complement the overall design theme of the project in which they are located.

7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare.

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

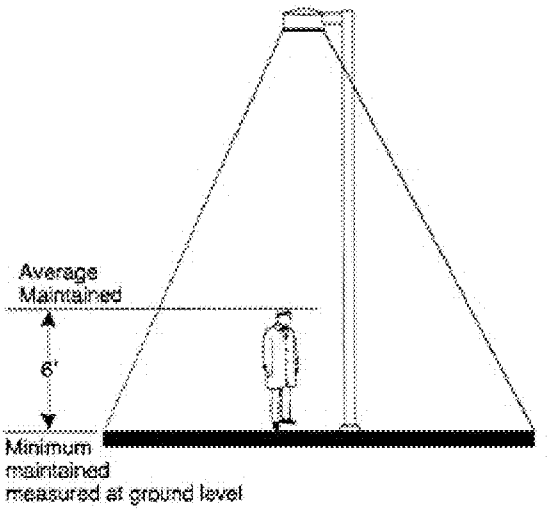

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. ~~Each~~ Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to ~~these~~ illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

ATTACHMENT 3

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

~~A.~~ a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the nonresidential use~~ measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

~~B.~~ a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface ~~from dusk until dawn~~, unless otherwise approved, for visibility and security ~~over the entire parking surface~~. ~~Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines~~. ~~Each parking area of five or more spaces existing prior to the effective date of the ordinance codified in this chapter which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements.~~ Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the non-residential use~~ measured from within

five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of ~~minimum~~ maintained lighting.

2. Aisles and passageways ~~and recesses~~ related to and within a building complex, during the hours of darkness, shall be illuminated ~~to~~ with a maximum of one-half (0.50) to one (1) foot candles of ~~minimum~~ maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

~~7. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor

light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

~~C. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:~~

~~1. The operation of searchlights for advertising purposes; and~~

~~2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.~~

~~D. Overhead roof lighting is prohibited.~~

~~E. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.~~

~~F. All exterior commercial doors during the hours of darkness shall be illuminated with one footcandle, minimum maintained of light on the surface.~~

~~G. Aisles, passageways and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to one-half footcandle, minimum maintained on the surface.~~

~~H. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~I. General Guidelines.~~

~~1. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.~~

~~2. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.~~

~~3. All exterior lighting shall be shielded to prevent spillover onto adjacent properties.~~

~~4. Industrial and manufacturing developments shall provide adequate lighting for safe and secure on-site parking, loading, storage, receiving and pedestrian areas.~~

~~5. All exterior doors on commercial structures shall be illuminated with a "minimum maintained" of one footcandle of light on the door surface during hours of darkness.~~

~~6. Aisles, passageways and recesses within a building complex shall be illuminated with a "minimum maintained" of one-half footcandle of light during hours of darkness.~~

~~7. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~8. In multifamily developments, laundry rooms shall be well-lit at all times they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.~~

~~9. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

~~9.08.190 Street lighting.~~

~~A. Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~B. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~1. A utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~2. A municipally-owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~C. If a utility-owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~D. If a municipally-owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~E. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility-owned system and the public works director. (Ord. 359 (part), 1992)~~

ATTACHMENT 4

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

ATTACHMENT 5

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure ~~of not more than~~ not to exceed a height of ~~twelve (12~~) eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

~~2. Parking lot and walkway lighting fixture height and brightness should conform to the following table:~~

~~Table 9.16.280A~~

~~Site Lighting~~

-

~~Lamp Types and Characteristics~~

~~Type~~	**~~Characteristics~~**
~~Low Level~~	~~Heights below eye level~~
-	~~Very finite patterns with hour wattage capabilities~~
-	~~Incandescent, fluorescent~~
-	~~Lowest maintenance requirements, but highly susceptible to vandals~~
~~Mall and Walkway~~	~~10′ - 15′ heights average~~
-	~~Multi-use because of extreme variety of fixtures and light pattern~~
-	~~Incandescent, high pressure sodium~~
-	~~Susceptible to vandalism~~
~~Special Purpose~~	~~20′ - 30′ heights average~~
-	~~Recreational, commercial, residential, industrial~~
-	~~Metal halide, high or low pressure sodium~~
-	~~Fixtures monitored by sentry~~

ATTACHMENT 6

~~3.~~ 2. Lighting should improve the visual identification of residences and businesses. ~~Within commercial areas, lighting should help to create a festive atmosphere by encouraging nighttime pedestrian use.~~

~~4.~~ 3. Energy efficient lighting of buildings is encouraged.

~~5.~~ 4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements. ~~and should be de-signed either to uplight structures from the ground or to downlight structures from projecting or detached architectural elements.~~

~~6.~~ 5. The location, color and intensity of private lighting should relate to and complement public lighting.

~~7.~~ 6. Lighting fixture design should complement the overall design theme of the project in which they are located.

~~8. Fixtures should be placed so that light patterns overlap at a height of seven feet, which is sufficiently high to illuminate a person's body vertically. This is a particularly important consideration now that lighting fixture manufacturers are designing luminaries with highly controlled light patterns.~~

~~9~~ 7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

~~10~~ 8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare. ~~Most eye levels occur between three feet eight inches (for wheelchair users) and six feet for standing adults.~~

~~11. When walkway lighting is provided primarily by low fixtures, there should be sufficient peripheral lighting to illuminate the immediate surroundings. Peripheral lighting provides for a better feeling of security for individuals because they can see into their surroundings to determine whether passage through an area is safe. Such lighting should be approached from one of two ways:~~

~~a. By lighting the area so that an object or person may be seen directly; or~~

~~b. By lighting the area to place an object or a person in silhouette. (Ord. 698 § 3.1(g), 2005; Ord. 359 (Attach. 2 (part)), 1992)~~

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

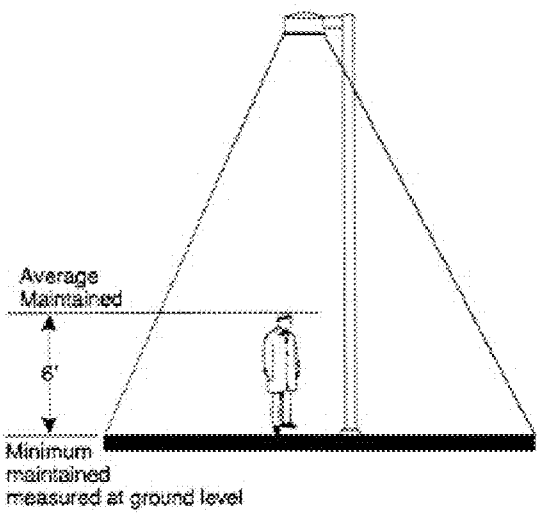

Figure 9.15.030-10

Lighting (Minimum Maintained)

<u>"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.</u>

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

PLANNING COMMISSION STAFF REPORT

Case:	PA10-0022
Date:	April 14, 2011
Applicant:	City of Moreno Valley
Representative:	Same as above
Location:	Citywide
Proposal:	Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general site, street and athletic field/park lighting citywide.
Redevelopment Area:	N/A
Recommendation:	Recommend ordinance amendment to City Council

SUMMARY
The Planning Division of the City of Moreno Valley proposes modifications to various sections of Title 9 of the Municipal code to refine existing lighting standards to provide for better viewing of the night sky ("dark sky"). The amendment proposes modifications to onsite, athletic field/park and street lighting to minimize light pollution and trespass. All newly establish developments citywide will be subject to the proposed revisions to the code.

ATTACHMENT 8

BACKGROUND

At the October 20, 2009, Study Session, the City Council provided direction to review the City's lighting standards based on the International Dark-Sky Association (IDA) recommendations and dark sky ordinances from other communities. This review was identified in the Settlement Agreement between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project. The review also reflects previous development review projects located within the rural and hillside residential areas within the north and east portions of the City.

The underlying principles of the proposed lighting standards/dark sky ordinance are to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky;
- Curtail and reverse degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Based on information from the IDA, the assumption that more light always results in better safety and security is not supported. Only the right amount of light, in the right place, at the right time should be necessary. In most instances, providing more light or creating bright areas often leads to glare and reduced visibility as well as wasted light and energy. The IDA recommendations call for the use of the lowest feasible wattage lamp. The maximum wattage recommended for most commercial applications is 250 watts of high intensity discharge lighting.

The current City Municipal Code includes provisions to curb on-site lighting. The Municipal Code requires that "lighting shall be adequate to help ensure a safe environment, but not cause excessive glare or intense light." All non-residential lighting is required to be shielded to avoid glare and prevent light spillage over property lines or into the public right of way. The lighting at property lines is limited to a maximum of 0.5 foot candle. The minimum lighting required in parking lots, pedestrian walkways and other areas accessible to the general public is 1 foot-candle and the maximum is 8 foot-candle to provide adequate nighttime visibility without creating excessive glare. Lighting standards are verified by a review of a point by point lighting plan showing the foot-candle lighting for closely spaced points across a site based on the fixtures proposed for the on-site use. Residential lighting is limited to twelve feet in height, below the typical eave line for a house. Finally, the stated intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are an inherently characteristic of hillside areas.

PROJECT ANALYSIS

In order to comply with the direction provided by the City Council at their October 20, 2009 Study Session meeting and the Settlement Agreement between the Sierra Club, Highland Fairview and the City of Moreno Valley, staff is presenting the Planning Commission with revised Municipal Code standards for lighting. Staff has included specific updated standards relating to onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields.

Research conducted by the Planning Division found that very few cities had adopted dark sky ordinances. For example, surrounding cities such as Riverside, Perris and Redlands did not have adopted dark sky ordinances. The majority of the cities who have adopted dark sky ordinances were found to be more rural, desert and tourist areas where climate conditions more easily allow the viewing of the stars and night sky. While the Settlement Agreement specifically identified consideration of standards from the City of Palm Desert, staff also reviewed ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas and San Diego and other cities, and the IDA recommendations.

Based on the review of existing Municipal Code standards and other communities dark sky ordinances, staff has proposed updated standards in Attachment 3 of this report. Many of the standards in the existing ordinance were used; however a number of items from IDA recommendations and ordinances such as Palm Desert's were utilized to incorporate dark sky practices. The major modifications to the existing lighting ordinance include:

- Revised development and performance standards to include maximum wattage for light bulbs on single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);

- All lighting designed with full cutoffs to fully shield light fixtures on residential-multiple family and all non-residential properties.

- A further reduction of permitted light trespass or spillover lighting onto adjacent properties for all non-residential (commercial and industrial) and multi-family residential properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle. The revised standard is consistent with language provided within the Palm Desert Ordinance.

- The inclusion of lighting height limits on hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet. Non-residential lighting height limits shall be a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.

- The addition of athletic field lighting standards to include horizontal cutoffs to reduce lighting above the fixture for new and retrofit lighting designs and a maximum lighting value used in lighting recreational athletic fields of an average maintained 50 foot-candles.

- The modification of existing street light standards to include the installation of street lighting solely for the purpose of illuminating the public right of way and conformance to the city street lighting standards, including the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

The dark sky standards would apply to all new development and to existing development/parking areas that are enlarged or altered. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to review of a new or revised point by point photometric lighting plan.

Specific language of the above sections of the Municipal Code can be found in Attachment 3 of this report, which includes a strikeout/underline version of the language added and subtracted.

REVIEW PROCESS

Staff originally presented the item to the City Council at the October 20, 2009, Study Session meeting as in conjunction an overall review of City efforts included in the Highland Fairview Corporate Park Settlement Agreement. During the study session meeting, existing and proposed standards were discussed, with the City Council recommending that staff bring back proposals to incorporate guidelines of the International Dark Sky Association and exterior lighting standards of jurisdictions such as Palm Desert which have created dark sky ordinances.

Subsequently, staff established a subcommittee of members from various internal departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utilities and Parks and Community Services. Collectively, all internal departments and representatives of the subcommittee have drafted revised lighting language and/or reviewed draft dark sky lighting standards. All members of the subcommittee have agreed to modify the ordinance as is presented and attached to this report.

The next step in the process is to have the Planning Commission review the proposed amended lighting standards and recommend to the City Council for final review and action.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA10-0022) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines in that there is no possibility that the proposed activity and the modification of existing light standards to further prevent light spillover into adjacent properties and the night sky would create the potential for a significant impact upon the environment.

NOTIFICATION

A 1/8 page public hearing notice for this development code amendment was published in the local newspaper. The Sierra Club was also notified of the meeting.

REVIEW COMMENTS

Staff sent out the final draft of the modified lighting ordinance to eleven (11) lighting designers and experts in the field that have previously submitted photometric lighting plans to the City, inviting any comments on the draft language to be provided. Staff did not receive any comments during or since the 30 day transmittal period.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Prepared by:	Approved by:
Mark Gross, AICP Senior Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-10
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code.
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for

non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.
Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the

proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things

through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I

even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not

changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule

saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old

business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a

stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could

recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of

inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 12, 2011

TITLE: Approval of Concessionaire Agreement with Pacifica University, Inc., for the Cottonwood Golf Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

BACKGROUND

The City has owned the Cottonwood Golf Center since incorporation. During this time, the City has contracted with two concessionaires to operate the clubhouse/pro shop portion of the course. Whether operated by contract or in-house the golf course has always shown an annual deficit. At one time the operational deficit at the Center was more than $350,000 per year. While the deficit has been reduced significantly, it is anticipated that the deficit will be approximately $199,000 for the current fiscal year.

The City has been operating Cottonwood for the last nine years and has been able to somewhat reduce the deficit; however, we have been unable to make the course cost effective. The proposed contract with Pacifica University indicates their interest in being the concessionaire at Cottonwood including the operation and maintenance of the golf course and the management and operation of the adjacent banquet facility. The proposal, if approved, will immediately reduce the deficit by approximately $70,000 and will completely create a self sufficient golf course within four to five years.

DISCUSSION

At the City Council Study Session in April 2010, staff was directed to retain the maintenance and operation of the Cottonwood Golf Center, while trying to reduce the deficit it incurs. For fiscal year 2009/10, expenditures at the golf course were $336,726 while revenues came in around $71,000 for an annual deficit of $265,726. With some aggressive maintenance changes, staff immediately reduced the fiscal year 2010/11 expenditure budget to approximately $289,886. This reduced the overall annul deficit to $199,886.

Staff met regularly with a newly established Golf Course Committee, comprised of residents that utilize the golf course. Working with this committee, the City adjusted the fee schedule, improved marketing to increase play, and brainstormed as to what would be best for the Cottonwood Golf Center. Along with this staff repaired a massive drainage problem, originally projected to cost more than $300,000, but was completed for approximately $20,000.

On February 23, 2011 staff advertised a request for proposal, subsequently receiving four inquiries. Staff and elected members from the Golf Course Committee conducted in person interviews with all interested parties which resulted in a unanimous decision to begin negotiations with Pacifica University.

Pacifica University is a newly formed athletic and sports management institution currently based in Riverside. Staff has a positive working relationship with the college as their men's basketball and baseball teams have been renting the gymnasium at the Conference and Recreation Center as well as Sunnymead Park's Salas Field. Pacifica University is in the midst of forming women's basketball, soccer, and volleyball along with men's soccer and rugby with more teams on the horizon. The proposal from Pacifica University involves the college golf team assuming responsibility for the maintenance and operation of the golf course as well as responsibility for the adjacent banquet area.

There are many advantages to this unique opportunity including the following:

1. Pacifica University will relocate to Moreno Valley with the name Pacifica University of Moreno Valley.
2. Upon expansion the college will be leasing other facilities within the City for their classrooms.
3. Pacifica University has other money backing this endeavor (tuition and investors) which gives the City an opportunity to have a golf course out of debt.
4. Staff at the course (golf team) will have knowledge of this sport which will be great for the players that frequent Cottonwood.
5. Pacifica University is enthusiastic about immediately helping the CSD in constructing a practice hitting area and eventually improving the kitchen to serve prepared food.

6. The University golf team will be promoting the course in the community especially amongst our youth, providing tournaments and leagues in hopes of increasing play at Cottonwood.
7. Lastly the university students and staff will be frequenting Moreno Valley restaurants, stores, and gas stations which obviously help the City's economy.

The details of the proposed agreement are attached but in short allows the University to retain all revenues for the first three years while freeing up staff expenditures, contractual services, and supply expenses currently incurred by City.

It will be necessary for staff to address certain building deficiencies to get this facility up to code and operating efficiently, while the University will be constructing improvements that will make Cottonwood a more inviting place to visit.

ALTERNATIVES

1. Approve the Concessionaire Agreement with Pacifica University, Inc., to maintain and operate Cottonwood Golf Center for a period of five (5) years with a renewal opportunity for 20 additional years.

2. Not approve the Concessionaire Agreement and direct staff to identify alternatives to reduce funding deficit.

FISCAL IMPACT

By approving staff's recommendation, Cottonwood Golf Center will reduce annual expenses by approximately $70,000 this fiscal year, while eventually eliminating the deficit at the course for the first time in the history of its existence.

SUMMARY

Staff and the Golf Course Committee believe the City has a unique and creative opportunity that benefits the entire community and will help the Cottonwood Golf Center become a successful, more attractive area for residents and non-residents to spend their leisure time. Pacifica University is excited about not only operating the course but also becoming part of Moreno Valley.

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A: Proposed Concessionaire Agreement with Pacifica University

Prepared By:
Michael McCarty
Director of Parks and Community Services

Department Head Approval:
Michael McCarty
Director of Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT A

CONCESSION SERVICES AGREEMENT BETWEEN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND PACIFICA UNIVERSITY, INC.
(Cottonwood Golf Center)

THIS AGREEMENT is made and entered into this 1st day of August, 2011, by and between the Moreno Valley Community Services District, a Municipal corporation (hereinafter called the "CSD") and Pacifica University, Inc. (hereinafter called the "Concessionaire") whereby said parties agreed upon the following terms and conditions:

RECITALS.

CSD owns a golf course facility and recreation center and related facilities and property located at 13671 Frederick Street in the City of Moreno Valley, County of Riverside, State of California, known as Cottonwood Golf Center ("Golf Course"). The Golf Course includes a 9-hole golf course consisting of fairways, roughs, sand traps, driving range, water areas, maintenance yard, fencing, lawn, restroom facilities, a golf clubhouse, a pro shop, a parking lot, and the adjacent banquet room. Concessionaire will not have use or be permitted into the two rooms north of the banquet room, and the restrooms in this area can only be utilized until outside restrooms at the Golf Course are repaired. Upon repair the restrooms located inside banquet facility will be closed or reconstructed as monies allow.

Concessionaire represents that it is qualified in the management, operation, supervision, and maintenance of all aspects of golf course properties and their related facilities, and that Concessionaire is qualified to manage, operate, supervise, and maintain the Golf Course.

CSD desires Concessionaire to manage, operate, supervise, and maintain the Golf Course on behalf of the CSD, and Concessionaire desires to and has agreed to do so upon the terms and conditions hereinafter set forth.

AGREEMENT.

1.1 Agreement to Manage and Operate Golf Course.

CSD hereby appoints Concessionaire, and Concessionaire hereby accepts such appointment as the operator of the Golf Course during the Term, with full power and authority to carry out all the duties and responsibilities specified herein, upon the terms and subject to conditions hereinafter set forth.

1.2 Standards of Performance; Fiduciary Duty.

Concessionaire acknowledges that there is a relationship of trust and confidence between Concessionaire and CSD, and that Concessionaire has a fiduciary duty to CSD pursuant to this Agreement. Concessionaire shall use Concessionaire's best skill and judgment in performing its duties and obligations hereunder, and shall at all times provide such management, operating, supervision, and maintenance services in a manner which maintains the good name of the CSD; perform its duties and obligations under this Agreement in an efficient, expeditious, prudent, and economical manner, consistent with the best interest of the CSD, in accordance with generally approved practices and standards followed by similarly situated public golf courses in California.

2.1 General Duties and Obligations.

A. Throughout the term, subject to any restrictions or limitations set forth elsewhere in this Agreement and subject to CSD's approval, Concessionaire shall, at a minimum, do the following:

(1) Fully comply, and cause the Golf Course and all Equipment and Supplies and operation thereof to fully comply with all legal requirements including all laws, statutes, ordinances, codes, orders, rules, regulations, permits, licenses, authorizations, entitlements, and conditions imposed by all federal, state, and local governmental

regulatory agencies and authorities which are applicable as of the date hereof and hereafter become applicable to the Golf Course, the Equipment and Supplies, or the operation thereof, including without limitation, environmental laws.

(2) Apply for, obtain, and maintain in full force and effect, at Concessionaire's expense, all permits, licenses, and authorizations required, whether by CSD, City of Moreno Valley, or by any other governmental agency, that are necessary or appropriate for the management, operation and maintenance of the Golf Course.

(3) Obtain and maintain in full force and effect all insurance required to be maintained by Concessionaire pursuant to this Agreement.

(4) Concessionaire shall diligently and faithfully perform the following services (among others) during the term of this Agreement:

(a) Promote the sport of golf in such a manner that will encourage, and thereby cause, the public to engage in such sport at the Golf Course.

(b) Promote, manage, and arrange for golf tournaments and recreation programs related to the sport of golf at Golf Course.

(c) Manage and conduct the play of golf at Golf Course in such a manner that will permit the public to play in an orderly and non-obtrusive fashion at said golf course.

(d) Operate a pro shop and practice hitting/driving area including, but not limited to, sale and/or rental of golf equipment, non-motorized golf carts, motorized golf carts, and golf-related apparel items.

(e) Maintain an adequate stock of golf merchandise, supplies, and equipment necessary for the operation of a golf shop and in keeping with the demand.

(f) All golf merchandise, supplies, and equipment used in the pro shop operation and practice hitting/driving area shall be the responsibility of the

Concessionaire.

(g) Be responsible for selection, training, and supervision of all pro shop personnel described herein. All payroll related costs, including workers compensation insurance, sick leave, and vacation pay shall be the sole responsibility of the Concessionaire.

(h) Provide close liaison between pro shop management and CSD management in order to aggressively develop methods to improve golf service and build a high level of customer satisfaction.

(i) Generate sufficient revenue to cover expenses of the pro shop operation with a pricing structure partially established by CSD resolution with respect to greens fees, with related prices to be justified by current local market conditions comparable from facility to facility within the county, as per City Council.

(j) Charge and collect from all members of the public who desire to use and play upon said golf course, greens, practice hitting/driving area, and/or lesson fees as from time to time may be established by resolution of the City Council. Fees established by the City Council shall be the maximum fee charged to use and play upon said golf course. Concessionaire may from time to time, with the approval of the Director of Parks and Community Services or his/her representative, provide "discount" and/or "special" rates as a marketing tool to attract additional play. Concessionaire shall not permit, or cause to be permitted, any members of the public to play upon said golf course unless such established greens fees have been collected in advance from such persons.

(k) Concessionaire to maintain a "tee sheet" listing type of fee paid and player's name. Concessionaire shall provide each customer with a receipt for their transaction.

(l) Provide for the sale of food and beverages including beer and

wine in the pro shop located at the Golf Course. Drinking of beer and wine shall be limited to the pro shop/restaurant and not be permitted on the course.

2.2. Throughout the Term, Concessionaire shall, subject to any restrictions or limitations set forth elsewhere in this Agreement, perform or cause to be performed all tasks necessary or appropriate in connection with the ongoing operation, management, supervision, maintenance, repair, and upkeep of the Golf Course. In performing such tasks Concessionaire shall, at a minimum, do each of the following:

Golf Course

A. Be responsible for and control the play at the Golf Course, including making reservations, starting players, supervision of all of Concessionaire's personnel on the Golf Course, and all other aspects involving use of the Golf Course by members of the public.

B. Provide and supervise all personnel necessary to properly fulfill Concessionaire's requirements under this Agreement, including but not limited to golfing instructors, pro shop staff, driving range staff, putting green staff, and any other persons necessary for the successful and efficient operation of the Golf Course. Concessionaire shall take care to ensure that all staff persons are qualified for their positions and have the ability to relate to the public in the context of a municipal golf course.

C. Concessionaire shall also perform the following services under the direction and supervision of CSD staff as needed:

(1) Water greens, tees, fairways, practice range and landscaped areas.

(2) Change cup locations daily.

(3) Rake traps and repair divots daily.

(4) Edge all sand traps twice monthly.

(5) Verticut all greens not less than four times per year, and more frequently if required.

(6) Aerate greens twice annually, or more if required.

(7) Top dress all greens twice per year.

(8) Mow greens at least four times per week in the months of March through October, and at least twice per week in the months of November through February, or more if required.

(9) Fertilize greens and heavy traffic areas every eight weeks.

(10) Repair tees, including divots, and move tee markers daily.

(11) Spray greens as needed.

(12) Mow fairways twice weekly during the months of March through October, and at least once a week during the months of November through February, or more if required.

(13) Operate the Golf Course and all related facilities during all daylight hours, seven days per week, on all days when the Golf Course is playable. The course may be closed or hours adjusted as per authorization from Director of Parks and Community Services or his/her representative.

Golf Course General Maintenance and Repair.

A. Maintain the clubhouse, pro shop, golf cart storage building, banquet facility, and all other facilities related to the Golf Course in a safe, neat, and orderly condition.

B. Maintain all restroom facilities to ensure that they are constantly and fully equipped and in a clean, sanitary, safe, and orderly condition. Concessionaire shall provide all supplies and materials reasonably necessary for the proper maintenance of

restroom facilities by Concessionaire.

C. Maintain and perform minor repairs to the premises, including but not limited to greens, fairways, tees, roughs, driving range, water areas, maintenance yard, irrigation systems, landscaping, shrubs, trees, planter areas, fencing, lawns, restroom facilities, golf clubhouse, pro shop, parking lot, all personal property related thereto, and all other portions of the grounds and related facilities in accordance with industry standards and established minimum maintenance levels for the Golf Course.

Pro Shop

Concessionaire shall manage and operate the pro shop consistent with the following requirements:

A. At all times maintain a reasonable and adequate inventory of new and used golfing equipment in order to provide Golf Course patrons with a reasonable variety of golfing equipment for purchase or rent. All of the inventory in the pro shop shall be purchased by Concessionaire at Concessionaire's sole cost and expense, and shall be owned by Concessionaire.

B. Maintain the pro shop in neat, clean, safe, and orderly condition

C. Provide golf instruction and other services typically provided to a golf course.

D. Maintain adequate, qualified, and competent supervision of the Golf Course and all related facilities at all times.

2.3 Equipment and Supplies.

A. Equipment.

(1) Definition of Equipment. An inventory of the minimum equipment necessary for the performance of this Agreement by Concessionaire (hereafter

"Equipment") pertains to the following list: one of each, Gang Mower 5 Reel Ground master, Sidewinder 3 Reel Toro, Greens Mower 3250 3 Reel Green master, Tee Mower 3200 Green master, Cushman 01-770, Reel Sharpener. Said inventory may be updated from time to time by written agreement between Concessionaire and the CSD.

(2) Maintenance and Repair. CSD and Concessionaire agree that the inventory of Equipment currently located at the Golf Center is all the equipment and parts necessary for the performance of this Agreement by Concessionaire. Concessionaire shall keep all such Equipment in good maintenance and repair throughout its useful life. Equipment and parts damaged by the Concessionaire shall be repaired or replaced by Concessionaire, at Concessionaire's sole expense.

(3) Maintenance Buildings. Concessionaire is hereby permitted to utilize the maintenance buildings on the Golf Course to store Equipment and Supplies for the maintenance and repair of the Golf Course and related facilities, and Concessionaire shall keep these buildings in neat, safe, clean, and orderly conditions. Concessionaire shall maintain and repair these maintenance buildings, and all damage to said buildings shall be repaired by Concessionaire at Concessionaire's sole expense.

B. Supplies.

Concessionaire shall, at Concessionaire's sole expense, purchase all of the supplies, including but not limited to: gas, oil, grease, all small tools, shovels, rakes, hoes, brooms, fertilizers, weed control products, chemicals, grass seed, cups, flags, flagpoles, tee markers, trash receptacles, sand, special tools to maintain Equipment, and all top dress materials. Concessionaire may purchases such supplies from CSD inventory, if available.

2.4 Additional Repairs and Improvements.

Notwithstanding anything to the contrary in this Agreement, in the event Concessionaire is engaged to perform improvements that are outside the scope of this Agreement, such as installation of kitchen improvements and banquet facility enhancement. CSD and Concessionaire shall agree to the terms of such engagement.

CSD shall be responsible for and bear the cost of all major improvements including but not limited to parking lot improvements, exterior restroom improvements, building access improvements from public right away installation of driving range area, and completion of roof improvements. Concessionaire shall be responsible to provide labor for all minor Equipment repairs, tune-ups, grinding, belt and chain replacements, and all scheduled or manufacturer recommended servicing of Equipment.

Concessionaire and CSD will work together on adding patio cover in back area of golf course, trim scraping, and building paint as needed.

2.5 Utilities.

The Concessionaire shall pay for all utilities and services necessary to carry out Concessionaire's obligations of this Agreement, including but not limited to pest control and janitorial services. Furthermore, internet service, television cable or satellite service, and similar non-essential utilities shall be furnished at the sole cost and expense of Concessionaire.

2.6 Alterations and Fixtures.

A. Concessionaire shall have the right to install and maintain in the pro shop display cases and all other fixtures reasonably necessary for proper operation of the pro shop. Before installing any such fixtures or making any alteration to the pro shop,

Concessionaire shall submit plans and designs for the installation to the CSD for its approval which shall not be unreasonably withheld. Concessionaire shall maintain an up-to-date list of all fixtures, alterations, and improvements installed at the pro shop and shall furnish a copy to the CSD each time Concessionaire removes a fixture or improvement so that both parties have a current list of all alterations and fixtures installed by Concessionaire. At the end of the Term, at CSD's sole discretion, Concessionaire shall restore the pro shop to the same condition as before the alterations and fixtures, as required by the CSD, and Concessionaire will indemnify and defend CSD for all liens, stop notices, claims, or damages caused by the alterations, improvements, fixtures, additions, and removal thereof from the pro shop. In the event Concessionaire fails to remove all of Concessionaire's fixtures and alterations as requested by CSD within five (5) business days of the end of the Term, and restore the pro shop to its original condition, all such fixtures, alterations, and improvements shall become the property of the CSD.

B. Concessionaire shall design to CSD's reasonable satisfaction and approval a fully enclosed practice hitting/driving area. Such improvements, and any other improvements, alterations, and installation of fixtures, to be undertaken by Concessionaire, shall have the prior written approval of the CSD after Concessionaire has submitted to the CSD proposed construction plans and specifications therefore, in writing. Such approval by the CSD shall not be unreasonably withheld. Upon such approval, Concessionaire shall complete such improvements in strict compliance with said plans and specifications.

(1) Following completion of such improvements, Concessionaire shall submit to the CSD:

(a) Itemized statements showing the entire cost of such

improvements, alterations, and fixtures, and

(b) A complete set of "as-built" drawings showing every detail, latent or otherwise, of such improvements, alterations, and fixtures, including, but not limited to, electrical circuitry and plumbing.

(c) All such improvements, alterations, and fixtures (except trade fixtures as that term is used in Section 1019 of the Civil Code) shall be the property of the CSD; provided, however, that Concessionaire may remove, at its expense, such trade fixtures at or prior to the expiration of this Agreement and restore the premises to its original shape and condition as nearly as practicable. In the event Concessionaire does not so remove such trade fixtures, they shall become the property of the CSD for no further consideration of any kind, and Concessionaire shall execute any documents that may be required or necessitated in conveying their interest in such improvements, alterations, and fixtures to the CSD.

2.7 Revenue and Compensation.

A. For the first three (3) years of this agreement, the Concessionaire shall keep all revenues generated at Golf Course including all green fees, hitting area revenue, sale of food and beverages, sale of golf products, and all rentals.

B. In years four (4) and five (5), Concessionaire shall remit to the CSD the following amounts.

(1) Ten percent (10%) of all revenues generated from green fees, sale of food, beverages, golf related products, and by rentals.

(2) Fifty percent (50%) of all revenues generated from City installed driving range area.

C. The CSD shall have no responsibility for collection of any monies due the Concessionaire as a result of pro shop operations. The Concessionaire may offer promotional programs and other financial incentives in order to generate additional participation and/or sales including promotional green fees.

2.8 Taxes, Licenses, Permits and Fees.

The Concessionaire shall be responsible for payment of any taxes, duties, fees, or other governmental charges levied or assessed on the food service operation or property. The Concessionaire shall also be required to purchase any applicable permits and licenses (including City business license and any licenses required for alcohol).

2.9 Prohibited Activities.

Concessionaire shall not do, nor cause nor permit to be done, any of the following:

A. Lease, sell, transfer, assign, convey, pledge, encumber or otherwise dispose of the Golf Course, related facilities, Equipment, or Supplies.

B. Violate any of the legal requirements or engage in or permit, suffer, or allow the occurrence of, any storage, holding, release, emission, discharge, generation, abatement, disposition, handling, or transportation of any hazardous substance.

C. Make any deletion, modification, alteration, or improvement to the Golf Course or related facilities other than expressly authorized.

D. Except for fertilizers, pesticides, and fuel and motor oil reasonably necessary for operation and maintenance of the Golf Course, and except for any other substances and materials reasonably necessary for the operation and maintenance of the Golf Course (all of which shall be used, installed, kept, and maintained in compliance with all applicable legal requirements), place or cause to be placed in, on, under or around the Golf Course or

any related facilities any hazardous substance. Concessionaire hereby agrees to indemnify, defend (through counsel reasonably satisfactory to the CSD), and hold CSD harmless from any cost, expense, loss, damage, or other liability, including all costs of testing, monitoring, and remediation incurred by CSD as a result of any breach of Concessionaire of its obligations under this section.

3.1 Books and Reports.

A. Throughout the Term, Concessionaire shall maintain in accordance with generally accepted accounting principles, consistently applied, full and separate books and records for the Golf Course with entries supported by documentation sufficient to allow CSD to ascertain the accuracy of such books and records. Concessionaire shall provide legible, complete copies of such books and records to CSD at such times at CSD request. Concessionaire shall ensure the necessary control over accounting and financial transactions as is necessary to protect CSD's assets from theft, error or fraudulent activity by Concessionaire's staff.

B. Concessionaire shall prepare and submit to CSD, no later than ninety (90) days after the end of each fiscal year, an Annual Operating Report for the immediately preceding fiscal year which shall be in such form and contain such information as CSD may require.

3.2 CSD's Right to Audit.

All books, records, and supporting documentation maintained by Concessionaire pursuant to this Agreement and/or relating to the Concessionaire's operation of the Golf Course, shall be the sole and exclusive property of the CSD, and shall be made available to CSD at CSD's request at reasonable times during normal business hours. CSD may

examine all books, records, and supporting documentation maintained by Concessionaire relating to the Golf Course.

3.3. Annual Meeting.

During each fiscal year, Concessionaire and CSD shall meet a minimum of one time to establish such things as the contract details relating to maintenance and operation and fee structure.

4. Indemnity.

To the maximum extent permitted by law, Concessionaire and Concessionaire's Parties ("Concessionaire's Parties" mean Concessionaire and Concessionaire's officers, shareholders, partners, trustees, members, agents, employees and independent contractors, as well as all persons and entities claiming through any of these persons or entities) and hold CSD (including CSD's officers, employees, agents, representatives, and their respective successors and assigns) harmless from, and CSD shall not be liable from any and all liability, loss, cost, expense or damage (including but not limited to damage to CSD's property, third party claims, and CSD's attorneys' fees and expenses) resulting from or arising out of (a) the negligent acts or omissions or willful misconduct in the performance by the Concessionaire or Concessionaire's staff or agents hereunder, or (b) any acts by Concessionaire or Concessionaire's staff or agents which are beyond the scope of authority which Concessionaire reasonably believes it has been granted pursuant to this Agreement in connection or relating to Concessionaire's performance of its obligations under this Agreement. Concessionaire shall be obligated to indemnify CSD as described in this paragraph, whether or not there is concurrent negligence on the part of the CSD, but shall not be so obligated to the extent that a court of competent jurisdiction

has established that said liability was caused by CSD's sole active gross negligence or willful misconduct.

5. EXEMPTION OF CSD FROM LIABILITY.

To the fullest extent permitted by law, Concessionaire, and on its behalf and on behalf of all Concessionaire Parties, as a material part of the consideration to CSD, hereby waives all claims (in law, equity, or otherwise) against CSD arising out of, knowingly and voluntarily assumes the risk of, and agrees that CSD shall not be liable to Concessionaire or Concessionaire Parties for (i) injury to or death of any person; or (ii) loss of, injury or damage to, or destruction of any tangible or intangible property, including the resulting loss of use, economic losses, and consequential or resulting damage of any kind from any cause, including without limitation for injury to CSD property or vehicles, or other property or vehicles of the public, and to Concessionaire or Concessionaire's Parties business, or any loss of income there from, or for damage to the goods, wares, merchandise, or other property of Concessionaire or Concessionaire's Parties, or any other person in or about the Golf Course, whether such damage or injury is caused by or results from theft, fire, steam, electricity, gas, earthquake, water or rain, or from the breakage, leaking, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, of from any other cause, whether said damage or injury results from conditions arising on or around the Golf Course or from other sources or places, or from construction or repair, alteration or improvement of any part of the Golf Course or any related structures, or of the equipment, fixtures or appurtenances applicable thereto, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Concessionaire or Concessionaire's Parties. CSD shall not be liable for

any damages arising from any act or neglect of any occupant or user of the Golf Course, nor from the failure of Concessionaire or Concessionaire's Parties to comply with the provisions of this Agreement. CSD shall not be liable regardless of whether liability results from any active or passive act, error, omission or negligence of CSD or any of its officers, employees or agents. The foregoing exculpation shall (a) not apply to claims against CSD to the extent that a final judgment of a court of competent jurisdiction establishes that the injury, loss, damage, or destruction was proximately caused by fraud, willful injury to person or property or violation of law by CSD, or (b) not be interpreted or construed as an attempt by CSD to be relieved of liability arising out of a non-delegable duty on the part of the CSD.

6.1 Commercial General Liability Insurance.

Concessionaire shall, at no expense to CSD, maintain commercial general liability insurance, including products liability and completed operation, and contractual liability coverage, in the amount of Three Million Dollars ($3,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage, arising from or related to the Golf Course, or directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement. This insurance shall be a per occurrence policy. The policy shall also cover Operations, Independent Contractors, Products and Completed Operations, Contractual Liability covering Concessionaire's indemnity obligations contained in this Agreement, severability, and cross liability clauses. The limits of liability of the insurance coverage specified in this paragraph may be provided by any combination of primary and excess liability policies carried by Concessionaire.

6.2 Automobile Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain business automobile insurance in the amount of One Million Dollars ($1,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage arising from or caused, directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement and covering the use of all automobiles, trucks and other motor vehicles utilized by Concessionaire or Concessionaire's Parties in connection with this Agreement. This insurance shall be a per occurrence policy.

6.3 Additional Insured Endorsement.

Under the public liability, property damage, and automobile liability insurance required in this Agreement, the CSD and the City of Moreno Valley, their officers, agents, and employees shall be named as additional insured by endorsement and as to such additional insured, the insurance shall be primary and the policies shall contain by endorsement a cross liability clause.

6.4 Workers' Compensation and Employer's Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain workers' compensation insurance, as required by law, and employer's liability insurance (at a minimum limit of One Million Dollars ($1,000,000) for all Concessionaire's officers, agents, employees, and staff.

6.5 Comprehensive Dishonesty, Destruction, and Disappearance Coverage.

Concessionaire shall, at no expense to the CSD, maintain coverage for comprehensive dishonesty, destruction, and disappearance or the equivalent crime or other coverage, in an amount not less than Twenty-five Thousand Dollars ($25,000), covering, at a minimum, depositor's forgery and theft and dishonesty by all

Concessionaire's employees or agents or staff who may handle funds or property in connection with the Agreement.

6.6 Deductible Self-Insurance Retention.

Any deductible or self-insurance retention shall be certified on a certificate of insurance and approved by the CSD. CSD may require Concessionaire either (1) reduce or eliminate such deductible or self-insurance retention as it applies to the CSD, or (2) procure a bond guaranteeing payment of losses and all costs associated with investigation, administration and defense of claims and/or lawsuits. The bond shall be in a form acceptable to the CSD.

6.7 Certificates.

The insurance required above shall be evidenced by certificate(s) submitted to the CSD which shall be executed by the insurance company or companies involved and which shall state that this insurance may not be terminated without 30 days prior written notice being received by CSD. The certificates shall be submitted to CSD before or at the time Concessionaire executes this Agreement.

6.8 No Representation of Adequate Coverage.

CSD makes no representation that the limits or forms of coverage of insurance specified in this Agreement are adequate to cover Concessionaire's obligation under this Agreement.

7.1 Term of Agreement.

The term of this Lease Agreement will be August 1, 2011 through July 31, 2016. Options to extend this agreement are available upon both parties agreeing on terms for up to 20 additional years.

7.2 Early Termination Without Cause.

Either party may terminate this Agreement upon one hundred eighty (180) days advance written notice to the other party, without penalty or cause.

7.3 Termination Upon Default by Concessionaire.

Upon the occurrence of an Event of Default by Concessionaire, as described herein, CSD may, at its option, and in addition to any and all other rights to which it may be entitled under this Agreement or applicable law, elect to terminate this Agreement. Any such termination shall be effective on the date specified by the CSD in such election; provided, however, in no event shall such date be later than thirty (30) days following the date CSD elects to terminate this Agreement.

The following shall constitute an Event of Default with respect to Concessionaire under this Agreement:

A. Any failure by Concessionaire to perform any of the terms, conditions, or covenants of this Agreement to be observed or performed by Concessionaire within thirty (30) days after written notice from CSD.

B If Concessionaire shall become insolvent or files any debtor proceedings, or any adjudication of bankruptcy is rendered against Concessionaire, or if Concessionaire takes or there is taken against Concessionaire in any court pursuant to any statute of the United Stated or of any state a petition in bankruptcy or insolvency, or for reorganization or for the appointment of a receiver or trustee of all or a portion of Concessionaire's property, and if the foregoing proceedings are not discharged within sixty (60) days thereof.

C. If Concessionaire makes an assignment for the benefit of creditors, or petitions for or enters into an arrangement of its debts, or it Concessionaire shall permit or

suffer this Agreement to be taken under any writ of attachment or execution, and the same is not discharged within thirty (30) days thereafter;

D. If Concessionaire assigns this Agreement in violation thereof.

7.4 Actions Following Termination.

A. Immediately following any termination of this Agreement for any reason whatsoever, Concessionaire shall assign, convey, transfer, and deliver to CSD, pursuant to an assignment in form and content satisfactory to CSD, all of Concessionaire's right, title, and interest in and to all Operating Contracts then in effect and in Concessionaire's name with respect to the Golf Course as requested by CSD, and Concessionaire shall transfer to CSD possession of all Equipment and Supplies owned by, purchased by or supplied by CSD.

B. Upon any termination of this Agreement for any reason whatsoever, Concessionaire shall, for a period of two (2) months following such termination, assist, and cooperate with CSD to the extent deemed necessary by CSD to ensure an orderly and efficient transfer of the operations of the Golf Course by Concessionaire to CSD or to CSD's designee. This covenant of Concessionaire contained herein shall survive and remain in full force and effect following any such termination of this Agreement.

C. Upon termination of this Agreement for any reason whatsoever, Concessionaire shall surrender the Golf Course and all related structures, improvements, and alterations, in good condition, and in accordance with all other provisions of this Agreement regarding fixtures, alteration, and improvements.

8. Transfer and Assignment.

Concessionaire may not, voluntarily or involuntarily, sell, convey, assign, transfer,

hypothecate, pledge, or otherwise dispose of (or agree to do any of the foregoing) all or any part of its interest, if any, in this Agreement, or any contractual rights or obligations related hereto without the prior written consent of CSD, which may be granted or withheld in CSD's sole discretion. Any assignment by Concessionaire without CSD's consent shall be considered any Event of Default and the assignment shall be of no force or effect.

9. Prohibition of Advertising and Certain Displays.

Concessionaire shall not display, nor shall Concessionaire permit the displaying of any advertising or any other postings at the Golf Course that are unrelated to golfing activities, without the prior written consent of CSD, in CSD's sole discretion.

10. Warranties and Representations.

Concessionaire hereby represents and warrants that in entering into this Agreement, Concessionaire has not relied on any statements from CSD or any representative thereof, and has conducted such due diligence and investigations as Concessionaire deems appropriate before entering into this Agreement.

11. Independent Contractor.

Concessionaire and CSD hereby acknowledge and agree that Concessionaire, in performing this Agreement, will be and will at all times act as an independent contractor in the performance of its duties and responsibilities set forth herein, and that Concessionaire will have control of its work and the manner in which it is performed. Concessionaire shall not be considered as an agent or employee of the CSD or the City of Moreno Valley. None of the provisions of this Agreement are intended to nor shall they be interpreted to create a partnership or joint venture between Concessionaire and CSD with respect to the Golf Course or otherwise, and neither party shall have the power to bind or obligate the other

party, except as expressly set forth in this Agreement. Concessionaire shall timely pay all taxes and impositions and for all other benefits required by law and relating to Concessionaire's staff.

12. Right to Inspection.

The CSD shall have the right to enter and inspect the Golf Course and the buildings and the premises as well as any Concessionaire-operated equipment, at any time during business hours.

13. Applicable Law.

This Agreement and all provisions hereof, irrespective of the place of execution or performance, shall be construed and enforced in accordance with the laws of the State of California. The sole and exclusive venue for any legal action under this Agreement or in any way related to the Golf Course shall be the Superior Court in and for the County of Riverside, and CSD and Concessionaire agree to submit to the jurisdiction of such court.

14. Savings Clause.

Any Provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefit by any party hereunder, or substantially increase the burden on any party hereto, shall be held to be invalid or unenforceable to any extent, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

15. Attorneys' Fees and Expenses.

In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement, or any part thereof, the losing party shall pay all costs, charges, fees, and expenses (including reasonable attorneys' fees and costs) paid or

incurred by the prevailing party, regardless of whether any such litigation is prosecuted to judgment.

16. Non- Waiver.

The waiver by the CSD of any breach of any term, covenant, or consideration herein contained shall not be deemed to be a waiver of such term, covenant, or consideration or any subsequent breach of the same or any other term, covenant, or condition therein contained. No covenant, term, or condition of this Agreement shall be deemed to have been waived by CSD or Concessionaire, unless such waiver is in writing signed by the party against whom such waiver is asserted.

17. Compliance with Applicable Laws.

In the performance of services hereunder, Concessionaire shall comply with all applicable local, state, and federal statutes, regulations, ordinances, and orders now in force or which may be hereafter in force, to include public health sanitation requirements.

18. Equal Employment/Discrimination.

A. Concessionaire shall not discriminate in its recruiting, hiring, promotion, demotion, or termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, physical handicap, medical condition, or marital status with respect to the services to be performed hereunder, and Concessionaire shall comply with the provisions of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1964 (P.L. 88-352), and all amendments thereto, Executive Order No. 11246 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issues pursuant to said Acts and Orders.

B. Concessionaire shall not discriminate against or cause the segregation of any person or group of persons on account of race, color, creed, national origin, or ancestry with respect to the services to be performed hereunder, nor shall the Concessionaire or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the services to be performed hereunder.

19. Food and Beverage Laws.

With respect to any food or beverage sales or distribution operation conducted by Concessionaire as a golf play related service, Concessionaire shall keep the pro shop premises in a neat and sanitary condition and shall comply with the California Restaurant Act (Section 28529, et. seq. of the Health and Safety Code) and all applicable laws regarding the sale or distribution of intoxicating liquors. Health grade shall not be lower than an "A" rating.

20. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties, or to such other addresses as from time to time shall be designated by the respective parties, as set forth as follows:

CSD:
City of Moreno Valley
Parks and Community Services Department
14075 Frederick Street
Post Office Box 88005
Moreno Valley, Ca 92552-0805

CONCESSIONAIRE:
Pacifica University, Inc.
Attention: William Meyers
2764 Ridgeline Dr #101
Corona, Ca 92882

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement on the 1st day of August, 2011_.

MORENO VALLEY
COMMUNITY SERVICES DISTRICT
Municipal Corporation

BY: _____

TITLE: _____

DATE: _____

ATTEST:

_____
City Clerk, in the capacity of Secretary to the Board of Directors of the Moreno Valley Community Services District

Approved as to form this

____ day of

City Attorney, in the capacity of general legal counsel to the Moreno Valley Community Services District

PACIFICA UNIVERSITY, INC.

BY: _____

TITLE: _____

DATE: _____

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: "BEST PLACE TO DO BUSINESS" ACTION STEPS

RECOMMENDED ACTION

Staff recommends that the City Council approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

ADVISORY BOARD RECOMMENDATION

On June 8, 2011 the Economic Development Subcommittee approved the recommended "Best Place to do Business" Action Steps.

BACKGROUND

The City of Moreno Valley is moving to improve the economic condition of the community through a variety of methods.

On March 22, 2011, the City Council reviewed and provided input for an Economic Development Plan- Areas of Opportunity brought forth by the Community & Economic Development Department. The twelve specific Areas of Opportunity provide a broad roadmap for the City of Moreno Valley to become a major business development area by creating major employment hubs, successful retail centers and pursuing redevelopment opportunities.

Continuing the process of refining and developing a short-term Economic Development Plan, on April 26, 2011 the City Council adopted a 2-year Economic Development Action Plan containing five initiatives focusing economic development efforts on the Areas of Opportunity that include TownGate, Centerpointe Business Park, South Industrial Area, East Moreno Valley-Rancho Belago, and City Center. Included in the adoption of the 2-year Action Plan was the re-sequencing of specified Capital

Improvement Program projects bolstering the economic impacts within the five key initiatives.

Prior to, and in conjunction with the adoption of the Economic Development Action Plan, many economic development activities were in motion including:

- Reformation of the City Council Economic Development Subcommittee
- Updating of the City's Housing Element
- Conduct a Developer's Workshop
- Collaboration with key Developers to advance development projects
- Study of best practices to make Moreno Valley a "Best Place to do Business"

DISCUSSION

The study of best practices to make Moreno Valley a "Best Place to do Business" was undertaken to identify attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations that are identified for use as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

The following searches were used to identify the communities that were reviewed and the practices that were identified:

- Economic Development best practices
- Economic Development award winners
- Cities recognized for being a best place to do business

Of the hundreds of cities considered in the search, thirty communities across the U.S. were selected based on similar populations and/or those within California. They were representative of top U.S. communities utilizing best practices or receiving awards and/ or recognition for being a "Best Place to do Business". Of the thirty communities studied, the Economic Development Subcommittee evaluated 5 cities including Austin, TX; Chico, CA; Raleigh, NC; Santa Clarita, CA; and Seattle WA. Examples of the program ideas shared by these cities include: e-permitting, user-friendly (yet content rich) websites, social media, targeted and effective marketing programs, incentive programs, workforce training, fast-track development services, local vendor preference programs, industry groups, and methods to improve overall quality of life creating a "sense of place".

The recommendations listed on Attachment A are based on the evaluations of the programs and characteristics of those five cities and direction from the Economic Development Subcommittee.

ALTERNATIVES

1) Approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff recommends this alternative.*

2) Do not approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff does not recommend this alternative.*

FISCAL IMPACT

The implementation of the Action Steps to make Moreno Valley a "Best Place to do Business" will create a positive environment whereby businesses can thrive and quality development can occur, thus improving the potential for a stronger local economy. Specific actions including implementing program changes related to the Action Steps shall be further analyzed on a case by case basis consistent with appropriate funding sources.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and polices to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

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

SUMMARY

As part of the effort to improve the City's efforts with economic development, the Community & Economic Development Department studied best practices to make Moreno Valley a "Best Place to do Business". The study identified attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations, with the help of the Economic Development Subcommittee, that are recommended shall be used as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

ATTACHMENTS/EXHIBITS

Attachment A: Recommendations for Action Steps to make Moreno Valley a "Best Place to do Business".

Prepared By:
Shanna Palau
Management Analyst

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Recommendations for Action Steps

to Make Moreno Valley a "Best Place to do Business"

Development Services

- Implement the use of "E-permitting" to accelerate the process of doing business in Moreno Valley

- Expand and strengthen business and development ombudsperson program to include new or expanding small businesses.

- Host quarterly workshops with contractors and developers aimed at improving development processes in Moreno Valley.

- Improve Pre-Project Review Staff Committee (PRSC) and PRSC process to include project management services to small business.

- Create consistent explanation (website and handouts) of codes and processes, and to provide clarity and coordination of development services processes.

Business Attraction

- Identify and form key industry leadership groups to create industry specific synergy in the community helping to mitigate any obstacles to business attraction and help develop strategies to attract industry related business and workforce, improve city processes, and evaluate policies that may require updating to support the objectives outlined in the Economic Development Action Plan.

- Explore policy development for the creation of a tiered Moreno Valley Electric Utility "Economic Development" rate structure and incentive program.

Business Retention and Expansion

- Develop ways to expand the Shop MoVal campaign to provide more exposure for local business and encourage increased business-to-business relationships.

- Pursue ways to increase local vendor preference, including expanding existing procurement policy.

- Implement a new meeting program with local businesses to discuss business opportunities. The Program would be held once a year in each Council District and include the opportunity to talk to the Councilmember, City Manager, and Community & Economic Development Director. The Program will compliment the existing Business Roundtable.

- Enhance the Business Resource Guide.

Marketing and Communication

- Perform an audit of the City's website to ensure that it is user friendly and data rich, and identify areas where processes can be clarified.

- Develop a re-tooled marketing plan to incorporate the following:
    - Cooperative marketing opportunities with targeted area developers to attract tenants
    - Identifying the City as a medical community
    - Brand the City as a job center

- Create an e-newsletter or explore other communication methods to improve residents' and business' knowledge about what's happening in the City.

- Increase use of social media.

- Create and maintain a community calendar to include business networking and education opportunities as well as community events and meetings.

- Explore use of Smartphone apps for improved communication and connectivity.

- Encourage on going feedback (How are we doing?) by posting regular surveys on the city's website.

Community Vitality

The best places to do business also reflect characteristics of the best places to live. These places tend to exude a "sense of place" reflected in aspects of quality of life including activity, arts and culture, and beauty in the environment.

- Explore additional community events- things to do.

- Explore idea of annual corporate sponsorship programs to create marketing value for local business and provide funding for community events.

- Enhance neighborhood groups by implementing community update meetings.

MV00001376

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: Appointment of City Council Ad Hoc Subcommittee for the Purpose of Reestablishing July 4th Events for 2012

RECOMMENDED ACTION

Staff recommends that the City Council appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

BACKGROUND

City Resolution 2003-17 enacted the *Rules of Procedure for Council Meetings and Related Functions and Activities.* Section 9.3 Other Committees states "The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes."

DISCUSSION

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to a significant budget deficit. The budget for the annual July 4th activities in previous years has exceeded $100,000. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012. By definition Ad Hoc Subcommittees are appointed for particular temporary purposes. The proposed Ad Hoc Subcommittee would seek donations to fund the July 4th events and work with Parks and Community Services staff in planning the events.

ALTERNATIVES

1) Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff recommends this alternative as the proposed Ad Hoc Subcommittee would provide fund raising and planning to reestablish the City's annual July 4th community activities.*

2) Not appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff does not recommend this alternative as the City's annual July 4th community activities are important to the City's image and promoting community spirit.*

FISCAL IMPACT

Appointing an Ad Hoc Subcommittee will have no fiscal impact to the City.

SUMMARY

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to budget challenges. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012.

COUNCIL GOALS

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

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Mike McCarty
Parks and Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

*REVISED AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

July 12, 2011

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street
Teleconference: Phoenix Park Hotel, LLC
520 North Capitol Street, N.W.
Federal City Room
Washington, D.C. 20001

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor
Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00001380

***REVISED AGENDA**
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Officer of the Quarter presentation to Officer Kevin Dixon

2. Proclamation Recognizing Soroptimist International of Moreno Valley

3. Spotlight Business

***REVISED AGENDA**
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
JULY 12, 2011

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Diane Gardner

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

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

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 22 - July 5, 2011.

A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of

Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue;

2. Authorize the City Manager to execute a contract with Transtech;

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties; and

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Approve Tract Map No. 35760; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

Recommendation:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system;

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc.;

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877; and

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND

ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-72 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system; and

   Resolution No. 2011-72

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32707 and Accepting the Portion of Lasselle Street Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883;

2. Direct the City Clerk to record the Notice of Completion within ten (10)

calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to

release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division;

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC; and

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL

CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988. (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief

and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

Resolution No. 2011-73

A Resolution Of The City Council Of The City Of Moreno Valley, California, Rescinding Resolution No. 2005-30, And Re-Designate And Authorize Certain City Officials To Execute Applications And Documents For Purposes Of Obtaining Financial Assistance Under Section 404 Of Public Law 93-288, As Amended By The Robert T. Stafford Disaster Relief And Emergency Act Of 1988

A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis;

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS; and

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC; and

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services"

has been signed by all parties.

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

Resolution No. 2011-74

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Convenience Require the Sale of a Remainder Parcel Excess to Public Use

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-75

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report of: Financial & Administrative Services Department)

Recommendation:
Approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

Recommendation:
Approve the proposed staff assignments in support of Council Member participation with regional agencies.

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF

MORENO VALLEY, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF

LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553. (Report of: Public Works Department)

Recommendation:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO

ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works

Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement on behalf of the Community Redevelopment Agency; and

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

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

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010,

316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
That the City Council, after conducting the individual Public Hearings and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Recommendation: That the CSD:
That the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE

PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

   If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

   ADOPT City Council Resolution No 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution;

   Resolution No. 2011-76

   A Resolution of the City Council of the City of Moreno Valley, California, Denying a Change of Zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an Approximate 55 acre site, Located within Assessor's Parcel Numbers 488-330-003 through -006 and -026

2. OR

   If the City Council elects to overturn the Planning Commission decision, and approve the project:

   ADOPT City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

   Resolution No. 2011-77

   A Resolution of the City Council of the City of Moreno Valley,

California, Certifying the Final Environmental Impact Report (P08-133), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the West Ridge Commerce Center Project, Generally Located on the South Side of State Route 60, on the North Side of Fir Avenue/Future Eucalyptus Avenue and Approximately 650 Feet West of Redlands Boulevard

3. INTRODUCE Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change the Zone From Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

4. INTRODUCE Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

5. ADOPT City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2011-78

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA08-0097 for Development of a 937,260 Square Foot Warehouse Distribution Facility on 55 Acres Located Within Assessor's Parcel Numbers 488-330-003 Through -006 and -026

6. ADOPT City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the

resolution as Exhibit A

Resolution No. 2011-79

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Tentative Parcel Map 36207 (PA09-0022) to Combine the Existing Five Parcels Located Within the Project Site into a Single 55 Acre Parcel

E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

   RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 831 approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

   Ordinance No. 831

   An Ordinance of the City Council of the City of Moreno Valley, California Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV

Applications for Hillside Development Section 9.16.235 “Hillside Design Guidelines”, Article VI Applications for Lighting and Section 9.16.280, “General Requirements” and Chapter 9.15, Section 9.15.030 “Definitions” Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

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

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

Recommendation: That the City Council:
Acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Approve the Action Steps formulated to help establish a foundation for making Moreno Valley a “Best Place to do Business”.

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

Recommendation: That the City Council:
Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

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

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	Fire Station No. 65 Replacement Site
APN:	APN 297-170-077
Owner:	Group V San Bernardino
City's/Buyer's Negotiator:	Chris Vogt
Under Negotiation:	Price and terms of payment

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia

Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

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

ADJOURNMENT

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MV00001411

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
JUNE 28, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Morning Optimist Club of Moreno Valley

2. Volunteers of the Year 2010 - Steven Morel, Jarrett Wegelin, Trent Terrell, Jarred Endres, Kyle Dagenhart, and Tim Barnes

3. Spotlight Business

MINUTES
REGULAR MEETING OF CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
SPECIAL MEETING OF MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

JUNE 28, 2011 - 6:30 PM

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:36 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Deacon Richard Heames, St. Patrick's Roman Catholic Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem (left at 9:45 p.m.)
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Barry Foster	Community & Economic Development Director
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

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

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 8-21, 2011.

A.4 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2011/2012 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:
Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2011/2012 Rate Adjustment.

A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE DRACAEA AVENUE SIDEWALK IMPROVEMENTS BETWEEN MORRISON STREET AND MASCOT LANE PROJECT NO. 10-12567129 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Dracaea Avenue Sidewalk Improvements between Morrison Street and Mascot Lane, constructed by Mamco, Inc., 16840 Van Buren Boulevard, Suite 200, Riverside, CA 92504;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Mamco, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.6 APPROVAL OF CHECK REGISTER FOR APRIL, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-63, approving the Check Register for the month of April, 2011 in the amount of $13,104,818.91.

Resolution No. 2011-63

A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of April, 2011

A.7 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE $91,557 ALLOCATION TO THE CITY (Report of: Community and Economic Development Department)

Recommendation:

Approve Resolution No. 2011-64 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the $91,557 allocated to the City.

Resolution No. 2011-64

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the $91,557 Allocation

A.8 ORDINANCE NO. 827 - AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011, BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 827 - An Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

A.9 SECOND AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - MELAD & ASSOCIATES (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Second Amendment of Independent Contractor Agreement with Melad & Associates for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Melad & Associates to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.10 THIRD AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - WILLDAN (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Third Amendment of Independent Contractor Agreement with Willdan for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders

through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Willdan to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.11 APPROVAL OF AN AGREEMENT WITH DATATICKET, INC. FOR PARKING CONTROL PROGRAM SERVICES; AUTHORIZE THE CITY MANAGER TO APPROVE ANNUAL PURCHASE ORDERS THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZE THE PURCHASING & FACILITIES MANAGER TO ISSUE ANNUAL PURCHASE ORDERS (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Agreement with DataTicket, Inc. for Parking Control Program Services for the City of Moreno Valley;

2. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

3. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to DataTicket, Inc. to cover the estimated costs for ticket processing, ticket printing, and other miscellaneous costs associated with the Parking Control Program for FY 2011/2012 and future years under the Agreement.

A.12 PA07-0090 – EXONERATION OF ROUGH GRADING AGREEMENT AND BOND, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:
Contingent upon completion of the remaining public improvements, authorize the City Engineer to execute the exoneration of the Faithful Performance security associated with the project PA07-0090 rough grading improvements.

A.13 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR CYCLE 3 OF

THE FEDERAL SAFE ROUTES TO SCHOOL GRANT PROGRAM (Report of: Public Works Department)

Recommendation:

1. Review and approve project recommendations for Cycle 3 of the federal Safe Routes to School (SRTS) grant program; and

2. Adopt Resolution No. 2011-71 authorizing the submittal of applications for Cycle 3 of the federal Safe Routes to School (SRTS) Grant Program.

Resolution No. 2011-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Submittal of Applications for Cycle 3 of the Federal Safe Routes to School (SRTS) Grant Program

A.14 PA07-0090 – REDLANDS ROUGH GRADING – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE REDLANDS DRAINAGE IMPROVEMENTS AS COMPLETE AND INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, adopt the proposed Resolution authorizing the acceptance of the Redlands Drainage public improvements within project PA07-0090 as complete and into the City's maintained system.; and

Resolution No. 2011-67

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Project Number PA07-0090 and Accepting the Redlands Drainage Improvements Associated with the Project into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.15 PA07-0090 – EUCALYPTUS ELECTRICAL IMPROVEMENTS – ELECTRICAL UTILITY INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE ELECTRICAL UTILITY INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained system the Electrical Utility Infrastructure for PA07-0090 - Eucalyptus Electrical Improvements upon acceptance by the City Engineer as complete; and

Resolution No. 2011-68

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Eucalyptus Electrical Improvements as Complete Within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.16 PA07-0090 – THEODORE STREET IMPROVEMENTS - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THEODORE STREET INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THE THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained street system the Theodore Street public improvements within project PA07-0090 upon acceptance by the City Engineer as complete; and

Resolution No. 2011-69

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project Number PA07-0090 and Accepting the Portion of Theodore Street Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.17 PA07-0090 – SINCLAIR OFF-SITE WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Sinclair Off-Site Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.18 PA07-0090 – REDLANDS SEWER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Sewer Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.19 PA07-0090 – REDLANDS WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.20 PA07-0090 (PM 35629) – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D11-001 FOR PARCEL MAP NO. 35629 PHASE 1 IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Development Impact Fee Improvement Credit Agreement #D11-001 (DIF Agreement) for Parcel Map No. 35629 Phase 1 improvements and right-of-way dedications; and

2. Authorize the Mayor to execute the DIF Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 6:50 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON THE SPECIAL MEETING AGENDA

President Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

G. REPORTS

G.1 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD; DEVELOPER: CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Moreno Valley Public Facilities Financing Corporation (MVPFFC) to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

Motion to pull the item from the agenda by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNED THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:53 P.M.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes).

Recommendation: That the CSD:

1. After conducting the public hearing for Tracts 19862, 19912, 20941, 21737, 22371, and 31591:

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Jeffrey Giba and Deanna Reeder.

Recommendation: That the CSD:

1. After conducting the public hearing for Zone E-1 (Towngate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East):

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

E.3 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2011/2012 Riverside County property tax roll for collection; and

2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health

and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

E.4 A PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DENIAL OF PA09-0027, A CONDITIONAL USE PERMIT REQUEST TO SELL ALCOHOL AND BEER AT A AN EXISTING CONVENIENCE STORE AT 21748 COTTONWOOD AVENUE. THE APPLICANT IS SOON-YI CHOI. (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-66 approving PA09-0027, a Conditional Use Permit based on the findings in the Resolution.

Resolution No. 2011-66

Resolution of the City Council of the City of Moreno Valley Denying PA09-0027, A Conditional Use Permit to Allow Alcohol Sales (Beer and Wine) at the Existing Convenience Store Located at 21748 Cottonwood Avenue APN # 263-160-037

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Bob Walker (opposes), Maricela Lopez (opposes), and Justin Kim (representing applicant).

RECESS
RECONVENED

Motion to Approve as amended to allow alcohol sale during the hours between 8:00 a.m. and 8:30 p.m. by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported that a nice reception for Mr. Holland, Deputy Secretary of the Air Force for Facilities, was held at Supervisor Marion Ashley's home; Mr. Holland was given a tour of March Joint Powers area and the base; a formal meeting with wing commander and military personnel, Joint Powers members and civil engineers will be held to discuss several issues, including the potential for the developer to actually relocate BX and the commissary to inside the base at the developer's expense and use that area for expansion of medical facilities.

G.2 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or

2. Appoint those applicants who received majority vote by the City Council;

3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

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

Motion to make following appointments for terms expiring June 30, 2014:

The Arts Commission: Lorna Kendrick, Lauretta Phillips and Nina Heirs;
The Environmental & Historical Preservation Board: Gerald Michael Budlong and Gregory A. Hagans;
The Library Commission: Beverly A. Crockett, Kristina Dixon and Cathy Merkt;
The Parks & Recreation Commission: Bill Alvarez and George Brummer;
The Recreational Trails Board: Margie Breitkreuz and Gilbert Brooks;
The Senior Citizens' Board: Delorise Anderson, Donna Annetta and Thelma Dunn;
The Traffic Safety Commission: Lawrence Baird, Mary C. Cole and Arthur W. Higgs.

Motion to approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceeding for First Industrial—Assessor Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceeding for First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for inclusion into and approval of the annual charges for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

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

No action required.

G.4 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV HEMLOCK LP (Report of: Community & Economic Development Department)

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

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-70 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Hemlock LP, a limited partnership; and

Resolution No. 2011-70

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley with MV Hemlock Limited Partnership, a California Limited Partnership and Approving and Authorizing Execution of an Affordable Housing Agreement (Home) Between the City and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve an Affordable Housing Agreement for HOME by and between the City of Moreno Valley and MV Hemlock LP, a limited partnership; and

Recommendation: That the RDA:
Adopt Resolution No. RDA 2011-10 approving an Affordable Housing Agreement by and between the Agency and MV Hemlock LP.

Resolution No. RDA 2011-10

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Agency Member Robin N. Hastings, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ORDINANCE NO. 825 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of:

Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.2 .2 ORDINANCE NO. 826 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

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

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Marie Hyta
1. Spending priorities; building a new fire station on Morrison; Station 58; salary of city administrator

Deanna Reeder
1. Redevelopment fund for the Aquabella project
2. Conduct during council meetings

Alicia Espinoza
1. DUI check points

Kenny Bell
1. Meetings of Home Owners Associations
2. Citizens' input/contributions

Librada Murillo
1. in Spanish

Jeffrey Giba
1. Increase of theft from recycle bins; thanked police officers for great job

Sue Gilchrist
1. Residents' contribution/input
2. Retirement benefits
3. Rancho Belago signs

Louise Palomarez
1. Red light camera on Day Street
2. Commended the Council for awarding alcohol business license and for supporting businesses
3. Rancho Belago signs

Victoria Baca
1. Fourth of July celebration
2. Cultural events in the City
3. Wished everyone a safe and happy 4th of July

Joe Bautista
1. Budget - reorganization in the City Clerk's Office

Pete Bleckert
1. Gate at Hemlock Street

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Congratulated Council Member Hastings for being installed as the new Chair of the Western Riverside Council of Governments

Council Member Co
1. Inquires about the incident with the tow truck company and a lost car
2. Attended WRCOG General Assembly reception with Condoleezza Rice as a speaker; was very impressed with the speaker, who talked about real things in life, is very humble and direct when talking to people

Council Member Hastings
1. Thanked Mr. Bell for his kind comments and for attending the Moreno Valley Crime Prevention meeting; thanked Chief Anderson for attending the meeting to address concerns about the crime, and what can be done about it; it was a very productive and well-attended meeting; appreciates the opportunity to meet with residents
2. Will be participating in the July 12 City Council meeting via teleconference; will attend a WRCOG meeting in Washington, DC, for the AB 811 program; more information about the program can be found on WRCOG Web site; anticipates that applications will be available at the end of this month
3. Appreciates the support for the 4th of July program; Thanked City Manager Garcia for the seed money; encouraged residents to volunteer
3. Addressed speaker's comments opposing shooting rangers – stated that this is a valuable program - payment of fees will allow the center to stay open; emphasized that residents' comments are not ignored and they are appreciated

Mayor Stewart
1. Responded to speaker's comment regarding Redevelopment Agency's support for the Burlington Coat Factory; said that the City is assisting new and existing businesses, as businesses generate sales tax revenue; the Economic Development Plan was developed to improve infrastructure and to retain existing

businesses
2. Fourth of July celebration with fireworks is expensive; the City is going to work very hard to have the celebration the next year
3. Regarding concerts - last concert he attended a few weeks ago was a patriotic concert at the Conference and Recreation Center, and it was a standing room only; it is provided for free four times a year; other cultural events are also held in the City
4. The Council received only three applications for three openings on the Arts Commission - encouraged residents to apply, get involved and help out
5. Addressed comments regarding clapping during council meetings - we don't allow outburst of support or opposition, as it is intimidating to speakers

Adjourned to Closed Session at 9:41 p.m.

CLOSED SESSION

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

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

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

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

None

RECONVENED Regular City Council Meeting at 10:02 p.m.

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract 19862:	"Yes" - 3;	"No" - 6;	Invalid - 7	-failed
Tract 19912:	"Yes" - 7;	"No" - 24;	Invalid - 0	-failed
Tract 20941:	"Yes" - 10;	"No" - 14;	Invalid - 0	-failed
Tract 21737:	"Yes" - 0;	"No" - 3;	Invalid - 1	-failed
Tract 23371:	"Yes" – 3;	"No" - 7;	Invalid - 0	-failed
Tract 31591:	"Yes" – 1;	"No" - 6;	Invalid - 0	-failed

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract No. E-1:	"Yes" - 440;	"No" - 542;	Invalid – 6;	-failed
Tract No. E-2:	"Yes" - 139;	"No" - 257;	Invalid – 11;	-failed
Tract No. E-3A:	"Yes" - 34;	"No" - 66;	Invalid – 2;	-failed
Tract No. E-4:	"Yes" - 212;	"No" - 393;	Invalid – 14;	-failed

2. Verify and accept the results of the mail ballot proceedings as

identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

Motion to Adjourn by m/Council Member William H. Batey II, s/Council Member Marcelo Co. Approved by a unanimous vote.

ADJOURNMENT

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

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees
enl

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: July 12, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of June 22 – July 5, 2011.

Reports on Reimbursable Activities June 22 – July 5, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	6/22/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	6/23/11	Leadership Moreno Valley
Jesse L. Molina		None
Richard A. Stewart	6/23/11	Leadership Moreno Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001437

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On July 13, 2010, the City Council awarded a construction contract to Riverside Construction Company, Inc. and authorized the issuance of a purchase order in the amount of $4,124,375.14. The work consisted of the construction of Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The work also included construction of street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, completion of missing portions of Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin and in Ironwood Avenue between Indian Street and Hubbard Street, and minor clearing for SCE poles on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard. On July 13, 2010, the City Council also approved the Reimbursement Agreement for the Eastern Municipal Water District improvements which appropriated sufficient funds from EMWD for relocation of four conflicting water lines.

The City issued a Notice to Proceed to Riverside Construction to start the work on October 4, 2010. The length of the contract is one hundred seventy (170) working days, which has been adjusted by Contract Change Order due to weather and other approved work. Riverside Construction anticipates completing the project by mid July 2011.

On April 26, 2011, the City Council approved a Cooperative Agreement with Riverside County Flood Control and Water Conservation District (RCFC&WCD) which set forth the City's responsibilities and the District's responsibilities for post-construction maintenance of the facilities.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company by mid July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $3,850,000 which is not expected to exceed the approved purchase order amount of $4,124,375.14. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after

the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in delaying payment to the Contractor, thereby delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The project is also partially

funded with 2005 Lease Revenue Bonds (Account No. 501.82625), Development Impact Fee (DIF) program funds (Account No. 416.78727), and the EMWD water line facilities were reimbursed by EMWD through a revenue set-aside in fund 414 (Account Nos. 414.80423 and 414.80424). The funds utilized for this project were designated for the Indian Basin and Ironwood Avenue capital improvements only. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91726)	$3,153,000
Fiscal Year 2010/2011 (Account No. 501.82625)	$933,000
Fiscal Year 2010/2011 (Account No. 416.78727)	$962,000
Fiscal Year 2010/2011 (Account No. 414.80423)	$185,000
Fiscal Year 2010/2011 (Account No. 414.80424)	$109,000
Total Budgeted Funds	$5,342,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$3,850,000
Design Support Costs during Construction	$109,000
Construction Geotechnical Services	$95,000
Construction Survey Services	$55,000
Project Administration and City Inspection*	$190,000
Total Project Construction Costs	$4,299,000

*Public Works staff provided project administration and primary inspection services.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Staff anticipates Riverside Construction Company will complete construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive improvements by mid July 2011. Staff requests the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are

completed, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, authorize the release of retention money to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Margery A. Lazarus, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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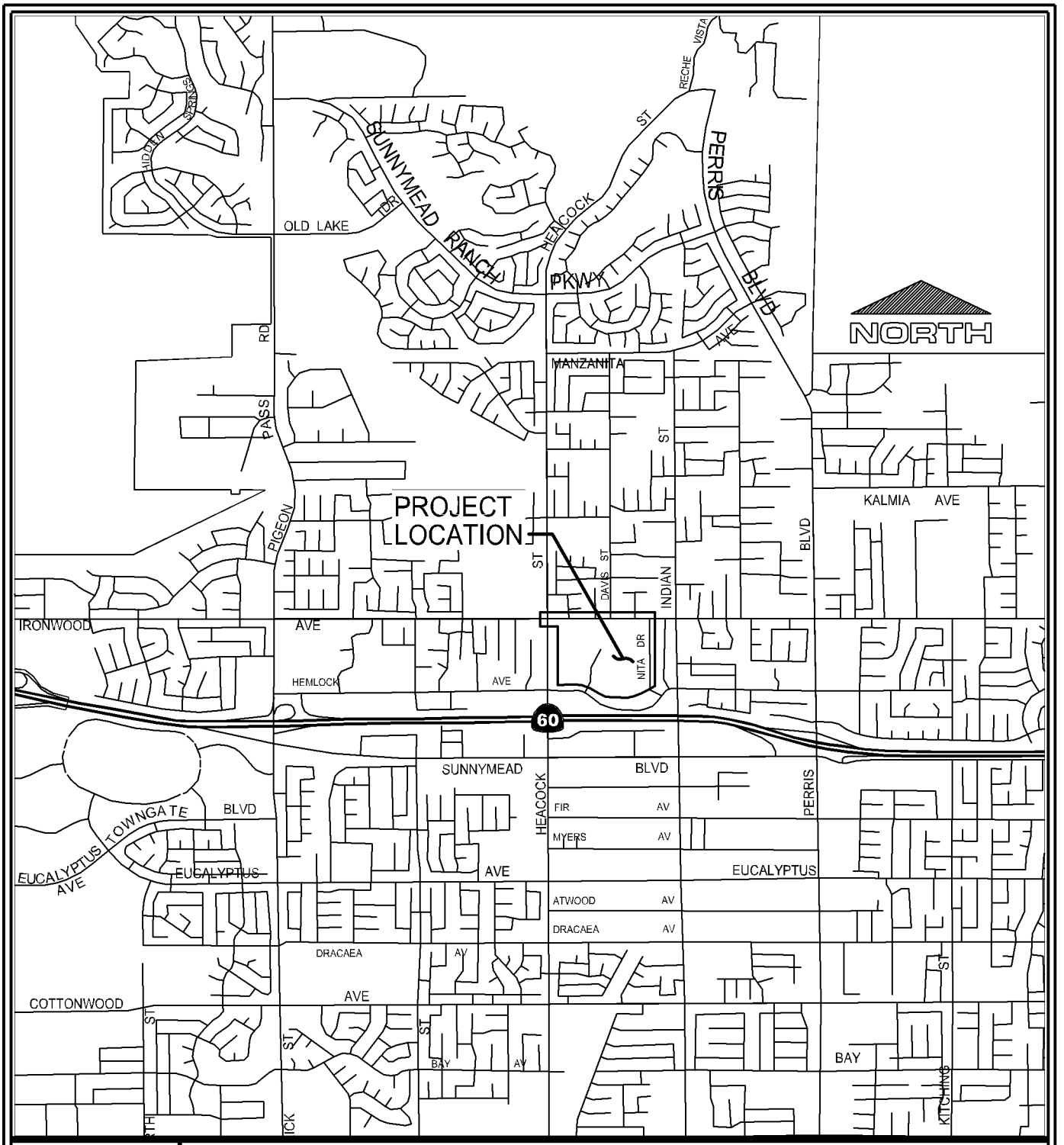

LOCATION MAP

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

INDIAN DETENTION BASIN
DRAINAGE IMPROVEMENTS AND
IRONWOOD AVE FROM HEACOCK STREET TO NITA DRIVE
(SOUTH SIDE)
PROJECT NUMBER 09-89791726

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MV00001445

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 20111

TITLE: APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue.

2. Authorize the City Manager to execute a contract with Transtech in the form attached hereto.

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties.

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

BACKGROUND

On April 26, 2011, the City Council approved an Economic Development Action Plan that re-sequenced Capital Improvement projects to fast-track the street improvements on Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

On May 24, 2011, City Council authorized the City Engineer / Public Works Director to execute the Program Supplement Agreement with the California Department of Transportation (Caltrans) for the Cactus Avenue Improvements project. This agreement established the policies and procedures for Caltrans reimbursement of $1 million funding for the State-Local Partnership Program (SLPP) grant program.

On June 14, 2011, City Council approved the FY 11/12 budget pending funding for Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

DISCUSSION

The project consists of street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). Because these street segments are considered very strategic to the City's Economic Development Plan, the City is taking a proactive approach in assisting with the completion of the plans, specifications, and estimate (PS&E). The City will coordinate the bidding and construction of the project once HFP provides the City with full biddable plans. In general, the proposed improvements are intended to include curb, gutter, street pavement reconstruction and widening, street lights, sidewalk, water, sewer, reclaimed water and master planned storm drain improvements, traffic signal work, a bridge along Nason Street over flood control channel Line F and construction of a portion of flood control channel Line F.

On May 25, 2011, staff solicited proposals from professional consultants. Approximately 200 consultants in the Public Works Department database were notified of the availability of the City's request for proposal. Eight (8) proposals were received in response to the City's Request for Proposals. The scope of work for the project includes project management, constructability review of PS&E, construction management, and construction inspection for the project. Subsequently, the project management tasks of the overall project is being proposed to be performed by the City's in-house consultant VAS Associates to ensure higher levels of project controls and improved efficiencies resulting in cost savings. A selection review committee comprised of City staff representatives from the Public Works Department reviewed and rated each prospective firm based on their proposals and presentations. After interviewing the three top-ranked firms, Transtech was selected as the most qualified firm to undertake the project.

The final scope of work focuses on constructability review of PS&E, construction management, and construction inspection. Transtech will provide highly skilled and experienced team of three professionals on a full time basis for the duration of construction phase of the project, ensuring quality construction and timely completion of the project. Prior to finalization of the project Plans, Specifications and Estimates (PS&E) and bidding of the project, Transtech will perform a detailed constructability review of the PS&E including on-site field check to ensure that conflicts that results in costly delays during construction are minimized. During construction, a Construction Manager will coordinate with all project stakeholders, ensure that the project is progressing in accordance with the contract documents leading to timely completion of the project within budget, minimize inconvenience to travelling public, and in his capacity as a Bridge Engineer, will inspect the technical aspects of the bridge construction. An experienced Public Works inspector will ensure that quality construction is carried out in accordance with the project plans and specifications; while an Office Engineer will assist the project team with other necessary tasks including satisfying the SLPP grant's requirements for this fast paced and multi-faceted construction project.

ALTERNATIVES

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, authorize the City Manager to execute a contract with Transtech in the form attached hereto, authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will allow for much needed improvements that are integral to the City's Economic Development Plan.*

2. Do not approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, do not authorize the City Manager to execute a contract with Transtech in the form attached hereto, do not authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and do not authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will delay much needed improvements that are integral to the City's Economic Development Plan.*

FISCAL IMPACT

The funding sources for this project are: RDA Tax Increment Fund 892 ($6M through an Agreement with Riverside County Flood Control and Water Conservation District), borrowed DIF Library and Corporate Yard Fund 412 ($6.5M), DIF Arterial Streets Fund 416 ($2.5M) - re-sequenced from Kitching Street Improvements project from Cactus Avenue to Gentian Avenue, General Fund 412 ($1.3M) - re-sequenced from Heacock Street and Cactus Avenue Channel Improvements, DIF Traffic Signals Fund 417 ($0.27M), Measure "A" Fund 125 ($3.1M) - re-sequenced from Reche Vista Drive Realignment project, and anticipated SLPP Grant monies Fund 125 ($1M). Total available funding is $20,672,000. Assumptions for this project include that the adjacent property owners will dedicate and be credited for an estimated $1M towards right of way.

BUDGETED FUNDS FOR DESIGN AND CONSTRUCTION:
Fiscal Year 2011/2012 Budget (Account No. 125.New) $20,672,000

ESTIMATED PROJECT COSTS:
Consultant Construction Management and Inspection Costs..... $999,000
City's Plan Check and Project Management Administration * $881,000
Construction Phase Technical Services (Survey, Geo, Design Support, etc.) .. $950,000
Construction and Utility Relocation Costs $17,842,000
Total Estimated Project Costs $20,672,000

* Public Works and in-house consultant staff will provide Plan Check and Project Administration.

ANTICIPATED PROJECT SCHEDULE:
Complete PS&E .....Fall 2011
Public Bid and Award of Construction .....Three Months Thereafter
Complete Construction.....Approximately Twelve Months

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

This project implements an initiative of the Economic Development Action Plan. The proposed improvements consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. Staff is requesting that City Council approve the Agreement with Transtech for Professional Construction Management and Inspection Consultant Services so that these improvements can move forward.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement for Professional Services

Prepared By:
Viren A. Shah, P.E.
City's Program Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001451

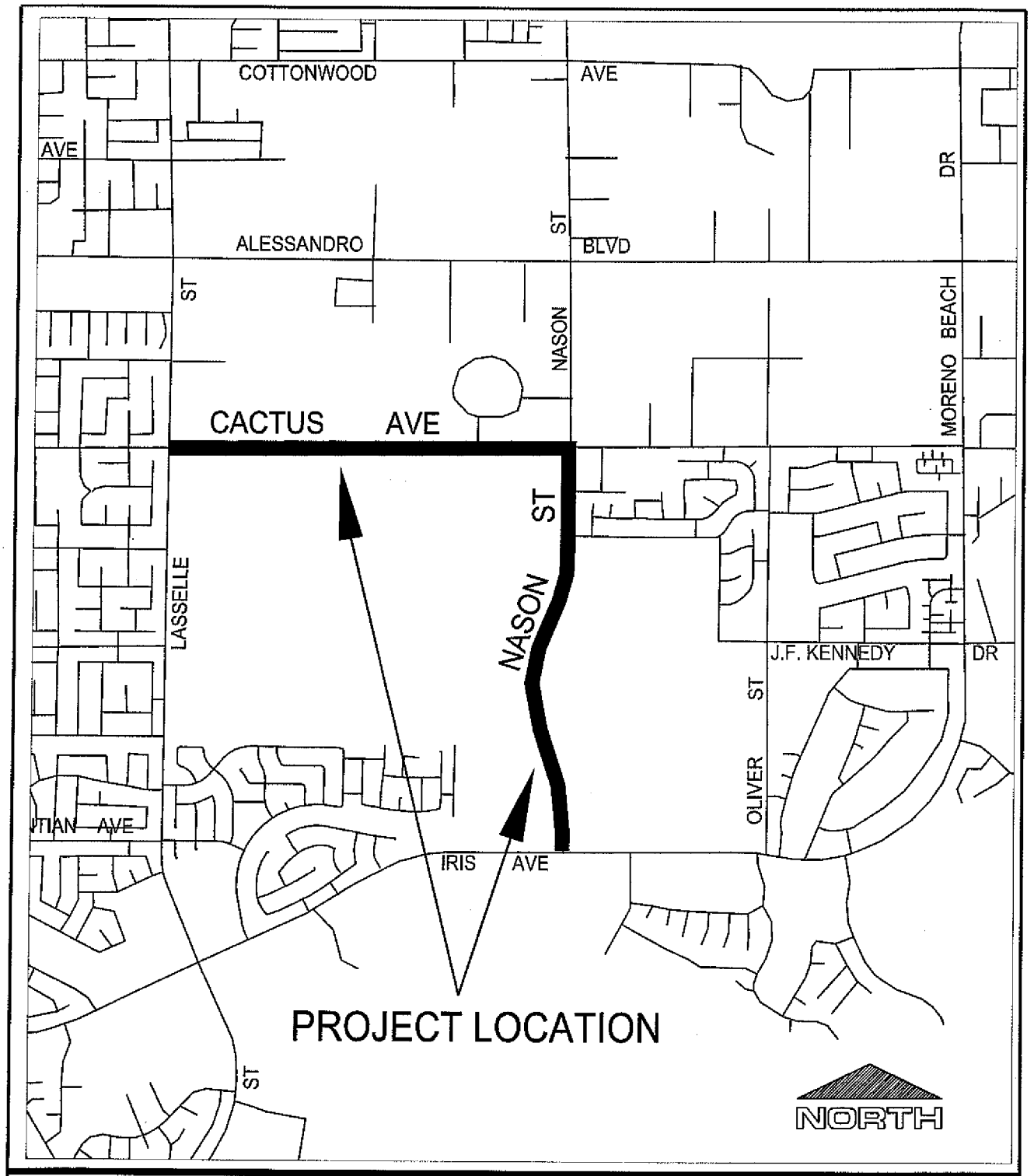

CITY OF MORENO VALLEY
DECEMBER 3, 1984

CAPITAL IMPROVEMENTS PROJECT

Public Works Department
Capital Projects Division

LOCATION MAP

STREET IMPROVEMENTS
CACTUS AVENUE AND NASON STREET

ATTACHMENT "A"

Item No. A.5

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MV00001453

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Transtech Engineers, Inc., a California corporation, partnership, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

DESCRIPTION OF PROJECT

1. The Project is described as professional consultant Construction Management and Construction Inspection services for:

Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $995,595.00 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on **June 30, 2013** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10 (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation

to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with all applicable federal, state, and local laws in the performance of work under this Agreement.

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

(b) The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of

the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

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

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property

Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno

Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are legally employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, immediately upon request in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project. The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(d) The City agrees to hold the Consultant harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall

assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. Subject to the provisions of Section 19 (a) above, all plans, drawings, specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon demand by the City, be delivered to and become the property of the City for the limited use as set out above, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

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

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

Transtech Engineers, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
FOR PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES
FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE
FOR
THE CITY OF MORENO VALLEY'S CAPITAL PROJECTS DIVISION

I. INVITATION

You are hereby invited to submit a Proposal for: 1) Project Management Consultant (PMC) Services, Part 1; and 2) Construction Management Consultant (CMC) Services, Part 2, 3) Construction Inspection Consultant (CIC) Services, Part 3, associated with the above referenced project.

Five (5) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on compact disk (CD) of your Proposal shall be submitted before **5:00 p.m., June 8, 2011** addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Viren Shah, City's Program Manager.

II. GENERAL PROJECT DESCRIPTION

The project in general consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market. Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project. In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping" (see attachments for more details). As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

III. PROJECT BUDGET AND SCHEDULE

The funding for both projects have been tagged at slightly below $20 Million including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this

Consultant contract.

The Tentative Schedule is as follows:
Anticipated Award of this Consultant Contract: Early July 2011
Biddable PS&E Complete: Early Fall 2011 or sooner
Public Bid and Award of Construction Contract(s): 3 months thereafter
Construction: Approximately 12 months

IV. SCOPE OF SERVICES

The Consultant shall perform all project management services necessary for a professionally completed project including but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end. The scope of work outlined below must be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

DETAILED PROJECT DESCRIPTION:

The following scope of work is not a complete listing; it is intended to aid the consultant to identify a complete and comprehensive scope of work.

PART 1: PROJECT MANAGEMENT CONSULTANT (PMC) SERVICES

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.
2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.
3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
4. Schedule, facilitate, and attend public meetings as necessary.
5. Provide progress reports at a minimum on a monthly basis.
6. Compose all correspondences to keep the project on schedule.
7. Attend and present the project to City Council as required.
8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).
11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.
12. Prepare agreements and assist with issuance of Purchase Orders.
13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.
14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.
15. Prepare project update write-ups for distribution to media and public.
16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.
17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.
18. Issue all necessary Notices to Proceed (NTP).
19. Assist with review and process of all invoices (City staff will approve).
20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.
21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:

    a. Various City Council Staff Reports.

    b. Utility correspondence letters and e-mails.

    c. Federal, State and local correspondence.

    d. Federal, State and local documentation required for the project.

    e. Right-of-way related documents and correspondence.

    f. Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding

purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a) Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b) Prepare bid packages for distribution as necessary.

    c) Maintain plan holder's list

    d) Schedule and conduct pre-bid meetings and site visits, if held.

    e) Provide responses to bidders' questions.

    f) Prepare and issue addenda if required.

    g) Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h) Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i) Check references and licenses of bidders.

    j) Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k) Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l) Prepare, coordinate, and process Notice of Award, Agreements, and

Purchase Order.

m) Review insurance, bonding, and other required documents.

n) Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

PART 2: CONSTRUCTION MANAGEMENT CONSULTANT (CMC) SERVICES

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project.

The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

**FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES**

General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.
2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
3. Schedule, facilitate, and attend public meetings as necessary.
4. Attend and present the project to City Council as required.
5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.
6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.
8. Prepare agreements and assist in processing Purchase Orders.
9. Issue all necessary Notices to Proceed (NTP).
10. Review and process all invoices (City staff will approve).
11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.
12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.
14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other

construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.
   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.
   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.
   d. Submit recommendations to the City relative to change order requests.
   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.
   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.
    b. Permits.
    c. SWPPP and WQMP
    d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.
    e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)
    f. Progress payments, inventories, and applicable codes.
    g. Contractor's reports, correspondence, certified payrolls, and accident reports.
    h. Survey and layout data and certifications, photographs of as-built

locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

PART 3: CONSTRUCTION INSPECTION CONSULTANT (CIC) SERVICES

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements,

such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the

field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

V. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall be no more than 50 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

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

A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).

B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.

C. **Qualifications and Experience:** Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed PMC, CMC & CIC's qualifications, track record and relevant experience. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule. The plan should show flexibility and consideration in resource loading due to the inherent variability in the schedule and performance of third parties. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the

number of hours that these individuals (including administrative support services) will be working on each task listed, included in adjacent columns.

E. **Work Plan and Schedule:** Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project taking into consideration how extra work is anticipated and incorporated into the contract from the onset. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal**.

F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent reviews and 95% plan biddability/constructability/claims avoidance reviews.

G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. **The City's standard Agreement will be executed without any proposed changes.**

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.

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

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

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

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

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

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

VII. FEDERAL EMPLOYEE BENEFIT

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

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

VIII. PAYMENT TO CONSULTANT

A. This work is to be performed for a "Not-to-Exceed Fee."

B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by Part, phase, and milestone.

C. Tasks shall include, but not be limited to, all Professional Consultant Services (including administrative support services) necessary to complete the work covered by this Proposal.

D. The City will pay the Consultant for work completed based on milestones completed and accepted by the City. These Milestones are:

1. Work associated with Project Constructability Review only is completed.
2. PS&E completed and advertised.
3. Project Bidding and City Council award of contract.

4. PMC Services on a monthly basis once construction starts.
5. CMC Services on a monthly basis.
6. CIC Services on a monthly basis.
7. Any other additional authorized work on a task successfully completed and accepted basis.

The City shall make sole and final determination if a milestone as described above is complete and acceptable for payment. Unless otherwise specifically mentioned, there will be no monthly payments until the milestone is reached at which point all applicable charges will be reviewed for applicability prior to payment. Consultant billing/invoices will commensurate with the pace of the construction work activities. The final 10% of the Consultant contract amount will be held back until all phases of the project is successfully closeout. The Consultant will not receive additional compensation for non-compliance or punch list items that were not identified in a timely manner in order to be addressed by the construction contractor(s).

E. All invoices will specifically identify job title, person-hours, and costs incurred by each task. Lump sump payments will not be accepted as all charges must be documented and justified.

F. Reimbursement costs such as mileage, computer usage, vehicle rates, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee." However, all overhead and reimbursement costs must be included in the personnel hourly rate for all services rendered upon commencement of the construction phase.

G. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.

H. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

I. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

J. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

IX. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

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

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

H. It is the consultant's responsibility to ensure that all subconsultants comply with the following: Each subconsultant that encroaches within the City's right-of-way **and** affects (i.e., damages or impacts) City infrastructure must comply with the liability insurance requirements of the City's Land Development Division. Examples of such subconsultant work include soil sample borings, utility potholing, etc.

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

that the Consultant's insurance documentation is submitted.

X. INDEMNIFICATION

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

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

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

XI. TERMINATION FOR CONVENIENCE OF THE CITY

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

XII. INDEPENDENT CONTRACTOR

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

XIII. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, City's Request for Proposal, Consultant's Proposal, and Exhibits. **No changes to the City's standard Agreement will be entertained since there will be no time for negotiations between attorneys to establish a revised acceptable agreement.** All Consultants are required to have a City of Moreno Valley Business License in order to conduct business in the City.

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

XIV. GENERAL CONDITIONS

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

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

B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XV. SELECTION CRITERIA

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

1. The Firm's General Experience and Qualification Information (20 points) – Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.

2. Experience of Key Personnel (40 points) – Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with General Law City agencies, and proven track record and depth of understanding/ knowledge of the proposed PMC, CMC & CIC.

3. Project Approach/Understanding (40 points) – Understanding of project, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

4. Expedited Schedule and Cost Controls (20 point bonus) – Elaborate based on experience with similar projects as to how the two projects can be completed based on an expedited schedule (please identify the shortened delivery timeline). Elaborate how the Consultant team can confidently deliver the project on time and within budget with specific focus that the Consultant can deliver this project within their executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Due to the accelerated nature in retaining a Consultant for this project sometime in early to mid July 2011, interviews may not be conducted in selecting the preferred firm. However, if an interview is deemed needed to make the final selection, the Consultant must be prepared to gather the proposed team likely within 24 hours of notification. Only the key individuals assigned to have a significant role in the project will be allowed to make the presentation at the interview

Exhibits incorporated by reference:

1. City Standard Consultant Agreement (no changes to this agreement will be allowed)
2. Nason-Cactus CIP Exhibits dated April 10, 2011 - Compilation of Plans based on current status of completion
3. Improvement Plans Status Summary dated May 4, 2011
4. Addendum to Moreno Valley Field Station EIR and Supplemental EIR

Submitted to:

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah
City's Program Manager

TECHNICAL PROPOSAL

PROFESSIONAL PROJECT MANAGEMENT CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS

1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Submitted by:

TRANSTECH/MAPCO
Contact Person for this proposal:
David Mlynarski, Project Principal
E-mail: david.mlynarski@transtech.org
T: 909-384-7464; F: 909-384-7475
413 MacKay Drive, San Bernardino, CA 92408

EXHIBIT "B"

Item No. A.5 copy shall be unbound and paper clipped, with holes, perforations, or cardboard inserts, suitable for copying with an automatic feed copy machine and one copy shall be on CD. (As required, Fee Proposal is submitted in a separate envelope)

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Thank you for the opportunity to present our qualifications to the City and for the subsequent meetings and discussions to develop a cost efficient approach for the subject project.

It is very obvious that the city desires to establish professional relationships with consultants and carry out projects in an efficient and practical fashion. We also see the value to the overall community and business environment that will result with the inducement of these public improvements.

We understand this project will require an efficient coordination with various public and private parties, including City of Moreno Valley, developer, design engineers (RBF, Psomas, Butsko, Arcon), Riverside County Flood Control District, EMWD and Utility Companies. Furthermore, it is also important to coordinate with the Riverside County Hospital (Trauma Center) and the County EMS to maintain emergency vehicle access to the hospital along Cactus Avenue during construction.

Our goal is to provide our services in an efficient manner and minimize inconveniences and deliver the project to the City and public in a cost effective manner.

Our original fee submitted with the proposal was $1,114,000. Based on the meetings with and clarifications provided by the City, we made necessary adjustment in our scope, and our fee was reduced to $914,600. We then provided an additional 5% reduction in our fees as a good will, which resulted in a final adjusted fee of $868,870.

Also, we made appropriate adjustments in the staffing allocation as follows:

- We will assign Kurt Pegg as the Project CM, RE and Bridge Structural Rep, and Mike Schnepf as the Project Inspector. We understand the City desires a commitment that these staff members will be assigned to this project. As we indicated in our proposal, and subsequent communications, our firm is fully committed to assign these staff members to this project. Also, you had indicated that in the event any of these staff members leave our employment for reasons beyond our control, the City would have the right to approve any replacement, and if the City is not satisfied with the proposed replacement, the City would have the right to terminate the contract.
- The level of effort is based on 12 month duration for construction and project closure after start of Construction and under a single construction contract (prime contractor) for both Cactus and Nason Street Projects.
- We allocated additional support that may be need during construction to support Kurt Pegg and Mike Schnepf.
- We deleted general project management services, as this task will be performed by City CIP staff as you indicated.
- The City will hire construction surveying, materials testing and specialty inspection firms under separate contracts.
- The City will have separate contracts with the design firms for the preparation of final PS&E Bid Package, as well as engineering support during construction.

The attached Resource Allocation Table provides detailed breakdown by task and staff as you requested.

Our staff and project team are very excited about the potential of delivering our best effort in support of this project.

Thank you again for your thoughtful consideration.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
ali.cayir@transtech.org
C: 714-883-8677; T: 909 595-8599, Ext. 121
www.transtech.org

F:\WPROCESS\PROPOSALS\2011\P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ DUE 060811 5 PM\PROPOSAL\UPDATED FEE, 6-23-11\RESOURCE ALLOCATION BY TASK, STAFF, HRS, P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ.DOC

RESOURCE ALLOCATION

Task	Staff	Rate	Hrs	Fee
Constructability and PS&E Review, including field walk by Project RE, Inspector, and coordination with design team	*Sr Level Staff*	$145	160	$23,200
	Inspector Level Staff	$95	160	$15,200
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	70	$4,550
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	70	$10,150
	Subtotal		460	$53,100
Allocation to address unknown issues prior to finalization of PS&E	*Sr Level Staff*	$145	140	$20,300
	Inspector Level Staff	$95	60	$5,700
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	60	$3,900
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	60	$8,700
	Subtotal		320	$38,600
Bidding Phase Services to support City Proj Manager, PS&E Engineers for review of questions, field check, etc.	*Sr. Level Staff*	$145	40	$5,800
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	10	$650
	Principal In Charge Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	10	$1,450
	Subtotal		60	$7,900
Construction Phase (12 month duration assumed)	*Project CM, RE, and Bridge Structural Rep:* Kurt Pegg, PE	$145	2,200	$319,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project CM, RE, and Bridge Structural Rep	$145	200	$29,000
	Project Public Works Inspector: Mike Schnepf	$95	2,200	$209,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project Public Works Inspector	$95	200	$19,000
	Office Eng, Insp Support, State Funding Compliance Staff: Selim Bouhamidi	$65	2,200	$143,000
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	400	$58,000
	Subtotal		7,400	$777,000
Budget for Additional Inspections	*Budget for Additional Inspections during heavy work periods*	$95	400	$38,000
	Subtotal		400	$38,000
TOTALS			8,640	$914,600
Additional Reduction in Fee as a good will			5%	$45,730
TOTAL REDUCED FEE				$868,870

Original Fee submitted with the Proposal	$1,114,000
Final Submitted Fee after Meeting with City staff to fine tune scope, including adjustment in Project Management effort as the City will assign an in-house PM and plus an additional 5% reduction in the fee	$868,870
Total reduction in dollars between Originally submitted Fee and Final adjusted Fee	$245,130
Total reduction in % between Originally submitted Fee and Final adjusted Fee	22.00%

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TRANSTECH/MAPCO
PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

This letter serves as a follow up to our conversation regarding company legal name.

As indicated, our operating brand name in Inland Empire is Transtech/Mapco. The legal name of the corporation from which the Insurance will be provided is Transtech Engineers, Inc.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
ali.cayir@transtech.org
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TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 8, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TECHNICAL PROPOSAL
PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Transtech/Mapco is pleased to submit this proposal for the subject project.

We are a multi-disciplinary engineering consulting firm which provides professional and technical services in engineering, planning and construction to governmental agencies, educational institutions and private sector. We serve as turn-key program manager/contractor on large and complex engineering projects by providing full service capability. We have managed and successfully delivered a number of similar assignments.

Our key project team members have extensive experience working for Public Agencies in capacities, such as Contract Building Official, Plans Examiner, Inspector, City Engineer, Planner, Construction Manager and Inspector. As contract City Engineer and Building Official for a number of Agencies, we manage all aspects project as Agency representatives, and provide turn-key services.

Our staff members are licensed as professional engineers, surveyors, plan checkers, building officials and inspectors. We are also licensed as General Contractor A (General Engineering) and B (General Building), and have the ability to function like a General Contractor and coordinate all aspects of construction of similar projects.

Our Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of the projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance, DBE/WBE.

Also, one of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

We also provide our expertise in the construction field to law firms for construction claims. Some of our key staff members served as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State.

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

We understand the importance of providing services that can respond to the project needs based on work load and demand by adjusting level of staffing as necessary, and provide the services in an efficient and cost effective manner without sacrificing the quality and responsiveness.

We have extensive experience in managing similar complex and multi faceted/phased projects. We will develop an expedited schedule to deliver these projects in an efficient and expeditious manner, and within the executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Our team has extensive experience in all aspects of similar projects, from design concept, design and regulatory agency approvals through construction. We have gained a solid reputation in the industry for delivering cost-efficient projects that are on schedule, within budget, and to the full satisfaction of the client. We have assembled an outstanding group of individuals we believe will provide the Agency with the precise services requested; combining strong technical skills, excellent communication, sensitivity to community values and efficient use of resources.

We have staff and resources readily available for the project.

Thank you for the opportunity to submit this proposal. If you have any questions or need additional information, please contact the undersigned.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org; T: 909 384 7464, Ext. 106 F: 909 384 7475; www.transtech.org

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SECTION A:	**Project Understanding**	**A.1 – A.1**
SECTION B:	**Approach and Management Plan**	**B.1 – B.2**
SECTION C:	**Qualifications and Experience**	**C.1 – C.5**
SECTION D:	**Staffing Plan**	**D.1 – D.1**
SECTION E:	**Work Plan and Schedule**	**E.1 – E.17**
SECTION F:	**Quality Control and Assurance**	**F.1 – F.1**
SECTION G:	**Additional Relevant Information**	**G.1 – G.1**
APPENDIX		**Appendix 1 – Appendix 19**

City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, states that resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the Appendix Section of the proposal. Based on this requirement, the following applicable information is included in the Appendix:

Resumes	**Appendix 1 – Appendix 14**
Billing Rates	**Appendix 15 – Appendix 15**
Resource Matrix	**Appendix 16 – Appendix 16**
Other Required Forms (Required Statements per the RFP)	**Appendix 17 – Appendix 19**

SECTION A: Project Understanding

The project in general consists of the ultimate width street improvements along:

1. Cactus Avenue between Lasselle Street and Nason Street, and
2. Nason Street between Cactus Avenue and Iris Avenue

The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market.

Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project.

In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping". As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

The funding for both projects have been estimated at slightly below $20 Million, including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this Consultant contract.

The Tentative Schedule is as follows:

- Anticipated Award of this Consultant Contract: Early July 2011
- Biddable PS&E Complete: Early Fall 2011 or sooner
- Public Bid and Award of Construction Contract(s): 3 months thereafter
- Construction: Approximately 12 months

The general scope of work to be provided by the selected Consultant includes all project management services necessary for a professionally completed project, including, but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end.

The scope of work will be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

SECTION B: Approach and Management Plan

B.1. APPROACH AND MANAGEMENT PLAN

Our goal is to deliver the project to the City in an efficient and cost effective manner.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects.

Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance program to prevent design errors and construction change orders.

Schedule control and management is a critical element. Our project manager conducts weekly in-house meetings with staff to review work progress, discuss any potential issues, and adjust staff resources as necessary to keep the project on schedule.

One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies. Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

In summary, our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and within budget. Our staff members have a strong educational background and are licensed and certified as engineers and inspectors.

B.2. PROJECT ORGANIZATION CHART

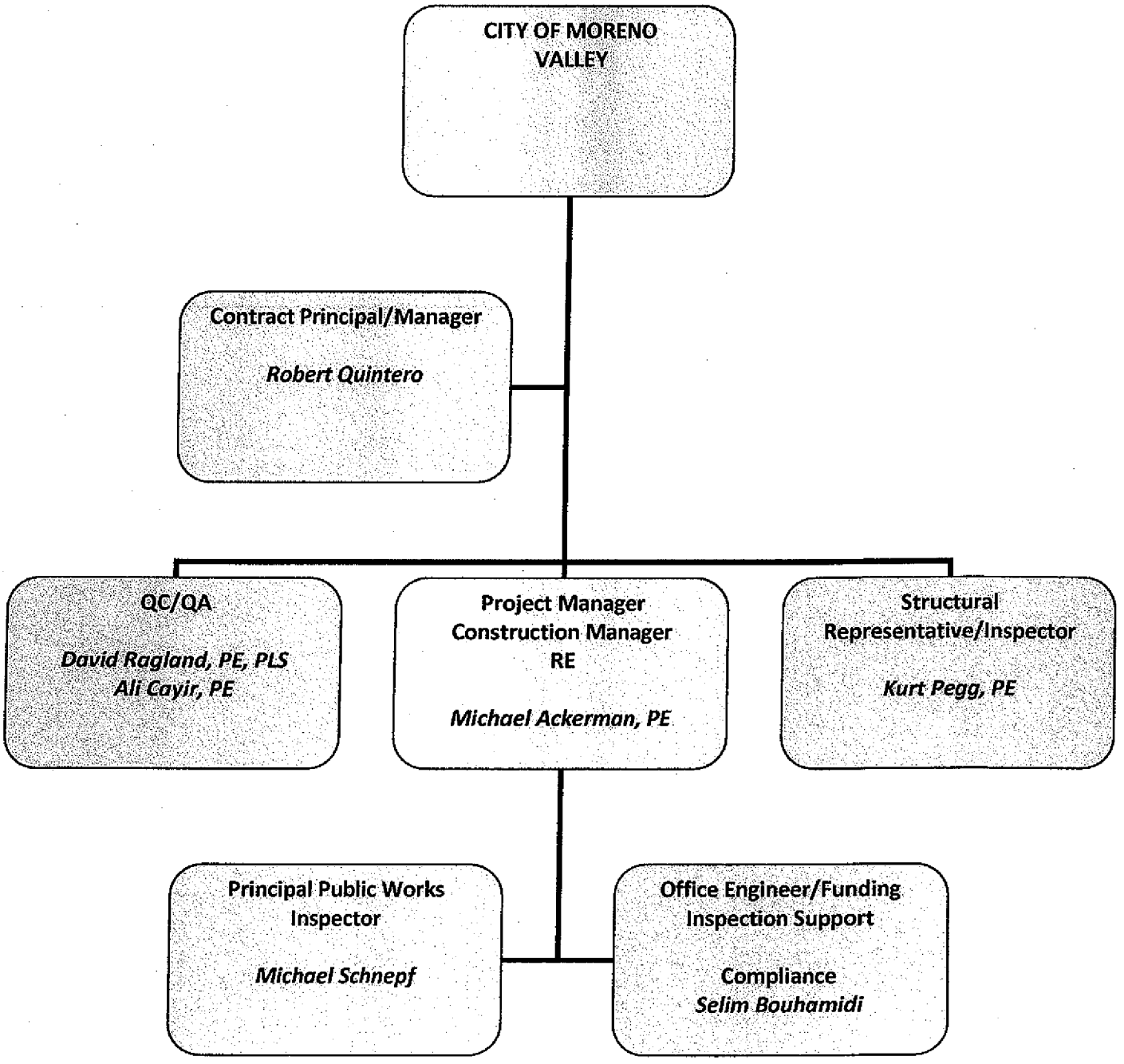

SECTION C: Qualifications and Experience

C.1. SIMILAR SERVICE EXPERIENCE

Following is a partial listing of similar projects where our firm provided similar services requested for this project:

- **Via Duct Boulevard Alignment and Reconstruction, Metrolink San Bernardino Parking Facility Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost: $10m
- **Valley Boulevard Widening Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost $5m.
- **State Route 710 Interim Improvements and Fremont Ave. Widening/Realignment:** Prepared PS&E as well as provided construction management and inspection services for 3 federally funded projects in Alhambra. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. The project involved coordination with Caltrans and encroachment permit processing/approval, as portions of the project was in Caltrans jurisdiction. These projects were all federally funded, requiring processing for E-76 through Caltrans Local Assistance. The total cost for 3 projects was $20m.
- **Mission Boulevard Widening:** Prepared PS&E as well as provided construction management and inspection services for Mission Boulevard widening and reconstruction. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. Transtech also provided construction management and inspection services for the project. The project involved coordination with Caltrans, and was federally funded and required processing for E-76 through Caltrans Local Assistance. Cost $3m.
- **City of Torrance Crenshaw and Skypark Reconstruction Projects:** Prepared PS&E as well as provided construction management and inspection services for Federally Funded reconstruction/rehabilitation of Crenshaw Boulevard and Skypark Avenue (2 separate projects). Cost: $3m.
- **Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino:** For the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution.
- **CSUSB (Cal State SB University) San Bernardino Campus Access Road:** Prepared PS&E as well as provided construction administration for the project. Improvements included approximately 1 mile street, water, landscape, grading, drainage, street lighting and various other improvements. Cost $6M.
- **Mission Bl and Rte 71 Grade Separation Project (currently under construction):** Serving as the Construction Manager for this regional project. The Mission Boulevard/State Route 71 Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40,000,000.
- **Alhambra Civic Library Project:** The project involved construction of a 45,000 SF 2 story library with 2 levels of underground parking garage. The project also included off-site improvements, such as streets, curb, gutter, utilities, fiber optic communication. Transtech provided construction management services. Project Cost $30m.
- **Riverside County Transportation Commission, Corona Main Street Metrolink Parking Structure and Pedestrian Bridge:** Served as Construction Manager. The project involved construction of a 6 level, approximately 1,000 space parking structure, and a pedestrian bridge over rail road tracks, and various offsite improvements, such as pavement, curb, gutter, drainage, sewer, electrical.

Project cost $24,000,000.

- **Alhambra Renaissance Plaza Parking Structure and Entertainment Center:** Served as Turn-key Program Manager from initial design thru construction of the Project. The project involved construction of a 5 level, approximately 600 space parking structure, as well as a 10 plex movie theater, and 3 restaurants and retail stores. Total project value was $40m.

Experience in Federally Funded Projects and with Caltrans Local Assistance Procedures Manual:
A majority of the projects were federally funded. Transtech administered all projects through Caltrans' Local Assistance in compliance with the Local Assistance Procedures Manual (LAPM). Authorization to Proceed (E76) was successfully obtained for each project as well. Our scope in these projects involved public relations, including providing information flyer, setting up a web-site for public access to provide up to date information, community meetings, and responding to questions and complaints and making sure impacts to public is minimized. Communication and coordination with public is an important element on this project as well.

Experience in Working with Caltrans/Encroachment Permit Department:
Several of these projects also involved close coordination with Caltrans and encroachment permit processing/approval, as portions of some of the projects were in Caltrans jurisdiction.

C.2. PROJECT STAFF

The following table provides summary information for project staff:

Key Person	Project Role	Yrs of Exp	Yrs w Firm
Robert Quintero	Contract Principal/Manager	20	5
Michael Ackerman, PE	Project Manager, Construction Manager, RE	15	4
Kurt Pegg, PE	Structural Representative/Inspector	20	2
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	30	12
Michael Schnepf	Principal Public Works Inspector	30	9
Selim Bouhamidi	Office Engineer/Funding Compliance and Inspection Support	5	3

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, Billing Rates, Resource Matrix, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

C.3. REFERENCES

City of Rialto
Ahmad Ansari, Director of Public Works/City Engineer
909-772-1518

City of Alhambra
James Funk, Development Services Director
626-570-5041

City of Pomona
Daryl R. Grigsby, Director of Public Works
909-620-2261

CSUSB, Cal State University
Hamid Azhand, Director of Capital Planning and Design
909-537-5000

C.4. COMPANY QUALIFICATIONS

Established in 1989, the firm provides consulting engineering services to several municipalities throughout Southern California. The municipal services provided by our firm include Building and Safety, Plan Check, Inspection, Code Enforcement, City Engineering, City Traffic Engineering, CIP Design, Project and Construction Management, Program Management, Utility Company Coordination and Management, CDBG, HUD and Federally/State Funded Project Management, Services.

- *Service Capabilities:*

Municipal Consulting Services	City Engineer; City Traffic Engineer; Capital Improvement Projects; Development Review; Plan Check/Counter Services
Building and Safety	Inspection; Plan Check; City Building Official; Code Enforcement
Program and Construction Management	Contract Administration; Construction Inspection; Labor Compliance; Design-built Engineering and Construction
Civil Engineering	Freeways and Interchanges, Local Streets and Roads Design; Sewerage, Water and Storm Drain Design; Pavement Management System; Grading Studies, Design and Earthwork Analysis
Traffic and Transportation Planning and Engineering	Traffic Signal and Control Systems; Parking Facilities Study and Design; Street Lighting; Speed Zone Surveys; Traffic Control; Intelligent Vehicle Highway Systems; Signing and Striping; Traffic Management Plans; Bicycle and Pedestrian Facilities; Neighborhood Traffic Control

Water Resources Engineering	Hydrologic Studies, Hydraulic Design Best Management Practices Storm Water Pollution Prevention (SWPPP) Low Impact Development Design Sediment, Erosion Control & Detention Facilities Urban Water Quality Retrofit Hydrologic Rainfall/ Runoff Watershed Simulations Hydro modification Studies, Water Quality Management Plans (WQMP) Storm Drainage Infrastructure Design Floodplain Analysis, Mapping Preparation of FEMA Requests for Letters of Map Revisions
Surveying and Mapping	ALTA, Topographic, Boundary Surveys; Construction Surveying/Staking; Aerial Mapping; GIS; Right-of-way Engineering
Planning	Master Plan Circulation Studies; Transportation Planning and Modeling; Capacity Evaluations; Impact Assessments; Site Planning; Specific Plans
Land Development	Subdivision/Master-Planned Communities; Commercial and Industrial Development
Governmental Permit Processing	Support services to coordinate and process permits through governmental agencies .

- *Experience in Working with Local Cities:* Our key staff members have served public agencies in various capacities including City Engineer, City Traffic Engineer, Building Official, Project Manager, Planner, and Inspector. We are accustomed to working with governmental agencies in every facet of planning, building, and public works, and our staff has an unparalleled understanding of public agency issues, procedures, and policies.

- *Turn-Key Service Capability:* The Firm serves as turn-key program and construction manager on large and complex engineering projects by providing a full service capability of comprehensive services to its clients from initial planning and design, systems engineering and technical assistance, permitting, program and construction management, and operations and maintenance services. The Firm has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects, including Public Works and Infrastructure Improvements; Institutional Buildings; Commercial and Retail Buildings; Transportation and Parking Facilities; Sports and Recreational Facilities; Residential Development.

- *Experience in Federal and State Funding Programs and Requirements:* The Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of these projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance. The Firm's Grant Writing and Funds Management services enable our municipal and agency clients of any size to find potential funding sources, and to prepare competitive applications. Additionally, after funds are awarded to a client, The Firm can ensure compliance with state and federal funding requirements. In the past few years, The Firm has facilitated over $100 million in funds for our clients' public works projects and transportation improvements.

- *Experience in Construction Claims:* The Firm staff also provides their expertise in the construction

field to law firms and universities. Some of our key staff members serve as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State San Bernardino University, International studies.

- *Quality Control/Quality Assurance (QC/QA):* The Firm has a proven track record in providing high quality engineering services which result in minimal problems during implementation of projects. Our extensive experience coupled with our in-house QA/QC program prevents design errors and change orders. Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and budget

- *Federally Audit and Approved Accounting System:* Our firm is involved in major projects with various governmental agencies, including Federal Government. Our accounting system is audited and approved by federal Government and found in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statues, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR).

SECTION D: Staffing Plan

Due to the inherent variability in the schedule and performance of third parties, our staffing approach is flexible. While we have assigned and are prepared full staffing as necessary to the project, our staff will work as necessary and flexible manner. We will adjust staffing levels as the project progresses and as needed, but, we will be responsive and add additional staffing when there is a need to ensure the project is managed in the most cost effective and efficient manner.

Our team members have the capacity to perform the requested services according to the proposed schedule, and complete the services required for this project within budget and schedule.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with City Staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City Staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

BILLING RATES AND RESOURCE MATRIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, Resumes, **Billing Rates**, **Resource Matrix**, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

SECTION E: Work Plan and Schedule

E.1. PROJECT MANAGEMENT AND DELIVERY APPROACH

Our approach is to be responsible and accountable for all aspects of the project in order to deliver the project on-time and on-budget. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before the result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

We have a structured approach to execute projects in an efficient manner that makes Transtech capable of providing the client with the highest quality product. Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects. The following paragraphs describe our approach to deliver projects in an efficient and cost effective manner:

- **Project Management:** Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become major problems. This requires extensive hands-on knowledge, and management skills of the people involved in the project's management and inspection. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on-time and on-budget. Our staff members have educational background and are licensed and certified as engineers and inspectors. They have been represented both public agencies and private developers/contractor on similar projects. They are seasoned industry veterans, and will manage this project in the most efficient manner. Key project team members will attend regularly-scheduled project status meetings with the City and other involved agencies throughout the project's duration. We will keep a detailed record of communication that will include directions given by City staff and actions taken by our team. These systems are structured such that recall of critical information is readily available. We will provide project status reports which updates, at a minimum, the status on the project's scope, schedule, budget, and pending issues requiring attention.

- **Quality Control and Assurance Program:** Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance Program to prevent design errors and construction change orders.

- **Design Review:** Our multi-disciplinary team of design professionals with extensive professional experience in similar projects. Our preferred approach is to engage in review documentation, response/reconciliation meeting cycle for each design phase. Each cycle's receipt of design documentation is the basis of design, plans, specifications and calculations. The documents are reviewed by each discipline along with the construction manager to validate design team approach to the project program requirements and identify code element, buildability items for consideration, adjustment and/or incorporated by the Design Team. Review comments are documented with our

web based review program and made available to the entire team through the web browser access and electronic files. After a short review period for the Design Team, a coordination/information meeting is held to discuss comments and ensure that the Design Team and other parties fully understand the intent and essence of the comments. Our teams early "catches" of these and similar design compliance issues have presented significant late phase document modification on numerous projects we have reviewed.

- **Constructability Reviews:** Our constructability reviews follow a similar process to design support review with a different focus. We prefer to do both reviews concurrently for efficiency, with early phase focus on design support issues moving to predominantly constructability, buildability and coordination in later phases. Our comprehensive database offers management tools that will allow all team members to review drawings simultaneously and track design progress and comment resolution.

- **Value Engineering:** We approach value engineering as a continuous and evolving function throughout the entire preliminary and design phases. Value engineering is treated as an integral part of developing design criteria and ultimate incorporation into the project plans, specifications and estimates. Integrating value engineering throughout the project significantly reduces the chance of a major design alternative being identified by a "value engineering team" after the project is designed, which would cause a tremendous redesign effort and considerable time delays.

- **Cost Estimating:** We use a variety of methods to generate accurate cost estimates. These include "Check Bids" developed from both internal and external private sources. Our estimators all have construction field backgrounds and pull in that additional perspective to cost estimating from project concept/feasibility through change orders to address your specific needs. A methodology of communication, technical resources, and analytical thinking shaped by experience is used to reflect projects in terms of costs. Our estimating database, based on our experience at construction, is continually reviewed and updated for current labor rates, equipment rates, and material pricing. We also utilize the construction schedule to determine cost escalation over the course of construction. Typically escalation is included to the mid-point of the construction schedule. We will work closely with our procurement team in order to track the trends in volatile materials such as steel and concrete. We also monitor local construction labor markets and unions to forecast trends in labor rates. These costs are tracked throughout the estimating process to insure there are no last minute surprises.

- **Third Party Coordination Public and Regulatory Agencies:** One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies . Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

- **Methodology for communication to inform City on work progress:** Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

- **Approach to Cost Control and Change Orders**
  Two feasible methods exist for practical control of publicly funded construction costs. One is *proactive* and the other is *reactive*.
  - *Proactive* cost control is achieved by putting sufficient effort into the plan and specification preparation to minimize potential change orders.
  - *Reactive* cost control occurs during the review of change order requests submitted by the contractor. A variety of techniques are employed when reviewing submitted change order requests.

  We evaluate monthly costs/expenditures based on an actual field review and documentation. The documentation is used as both criteria for evaluating the accuracy of costs/expenditures, and as input for review of the cost-loaded monthly progress schedule. An accurate schedule of values and baseline schedule are fundamental to this analysis. Base contract work, as well as changes to the work, is also progressed and quantified. Any differences between the original estimates and actual costs/expenditures are identified. We evaluate project costs and develop feasible mitigation measures to minimize additional costs. We work as a team to solve problems or make modifications in the field to address unforeseen conditions or owner generated changes in a cost effective manner.

- **Approach to Scheduling and Timely Completion of Project and Schedule Recovery**
  Understanding how the component pieces of a Project and the necessary sequencing are critical to the successful completion of the Project. We use various project management software depending on the nature of the Project to ensure proper schedule development, document control, including RFI's, submittals and plan review. The regular maintenance and updating of the schedule quickly identifies areas that can be accelerated, and those items that may need additional attention and oversight. We ensure that the contractor's construction baseline schedule has properly identified the project scope, critical path, project milestones, target dates, phases, and sequences of work, activity durations, activity float and relationships between activities. Interrelationships with various projects phases, and interfaces with Owner activities are verified to ensure proper coordination with the existing operations. We ensure that the baseline schedule considers access coordination; staging and lay-down areas and seamless transition and interfaces between the new and existing facilities, and any operation to be maintained on-site. When significant activities show that they are slipping from the baseline, we work with the contractor to develop "recovery plans" and verify that the plans are achievable and are implemented to have the desired effect. We incorporate progress information recorded on the Inspector's Reports to verify actual progress in the monthly schedule. These reports clearly identify and document if any delays occurred and what caused the delays. This approach enables all involved parties to anticipate potential delays early in order to proactively manage the schedule.

- **Methodology for Generating Bidder Interest**
  The bids are advertised in various trade publications, such as McGraw-Hill Construction Dodge-Green Sheets, Contractors Info Network, Bid America, Reed Construction Data. We also contact qualified contractors and inform them of the upcoming project. By the time the construction documents area ready for bid advertisement we have a data base of contractors who have known about this project in advance. This increases bidder interest and participation significantly.

- **Promote participation in the bidding by local subcontractors and vendors**

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

- **Contractor prequalifying**
  If desired by the City, we can conduct a contractor pre-qualifying process. Public Contract Code section 20101 authorizes local public agencies to prequalify contractors before allowing them to bid for public works projects. The key points are:
  - A public agency may require contractors to submit standardized questionnaires which seek information necessary to determine whether the contractors have met prequalifying standards. Uniform subjective rating systems must be used to determine the minimum requirements permitted for qualification to bid.
  - Agency must have procedures in place which allow contractors to appeal decisions that they are not qualified to bid, which will result in review and conclusion prior to the submission of bids.

- **Construction web-site:** If the City desires, we can establish a construction web-site and web-cams for real time monitoring of construction progress on internet. The following is a sample of our current website for the State Route 71 and Mission Interchange construction project. www.mission71project.com.

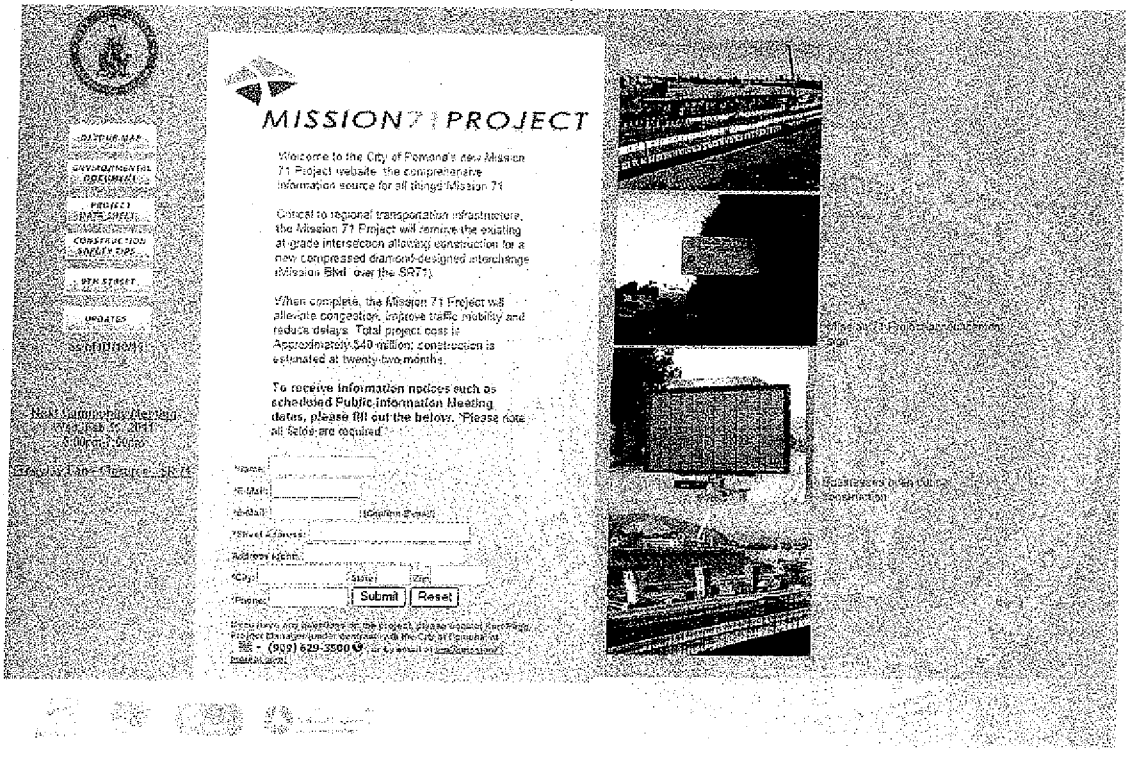

- **Quality Control and Assurance**
  Quality Control and Assurance will be consistently and thoroughly applied throughout project's duration. Assigned Quality Control and Assurance staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities.

A detailed description for Quality Control and Assurance is provided in Section F of the proposal.

E.2. SCOPE OF WORK

E.2.1. Project Management Consultant (PMC) Services

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.

2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.

3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

4. Schedule, facilitate, and attend public meetings as necessary.

5. Provide progress reports at a minimum on a monthly basis.

6. Compose all correspondences to keep the project on schedule.

7. Attend and present the project to City Council as required.

8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).

11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.

12. Prepare agreements and assist with issuance of Purchase Orders.

13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.

14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.

15. Prepare project update write-ups for distribution to media and public.

16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.

17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.

18. Issue all necessary Notices to Proceed (NTP).

19. Assist with review and process of all invoices (City staff will approve).

20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.

21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.

22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
    - Various City Council Staff Reports.
    - Utility correspondence letters and e-mails.
    - Federal, State and local correspondence.
    - Federal, State and local documentation required for the project.
    - Right-of-way related documents and correspondence.
    - Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and bidability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program

Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a. Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b. Prepare bid packages for distribution as necessary.

    c. Maintain plan holder's list

    d. Schedule and conduct pre-bid meetings and site visits, if held.

    e. Provide responses to bidders' questions.

    f. Prepare and issue addenda if required.

    g. Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h. Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i. Check references and licenses of bidders.

    j. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l. Prepare, coordinate, and process Notice of Award, Agreements, and Purchase Order.

    m. Review insurance, bonding, and other required documents.

    n. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

E.2.2. Construction Management Consultant (CMC) Services

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project. The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

E.2.2.1. General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.

2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

3. Schedule, facilitate, and attend public meetings as necessary.

4. Attend and present the project to City Council as required.

5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.

6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.

8. Prepare agreements and assist in processing Purchase Orders.

9. Issue all necessary Notices to Proceed (NTP).

10. Review and process all invoices (City staff will approve).

11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.

12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager. At a minimum, Project files will be organized to include the information indicated below:
    - Project Personnel
    - Correspondence
    - Weekly record of working days
    - Materials Data
    - Engineer's Daily Reports
    - Contract Item Pay Quantity Documents
    - Contract Change Orders
    - Extra Work Reports
    - Progress Pay Estimates and Status of Funds
    - Labor Compliance and EEO records
    - Contractor's Payrolls
    - Final Report
    - Materials Certificate
    - DBE Records

13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.

14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local

requirements.

15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

E.2.2.2 Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.

   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.

   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.

   d. Submit recommendations to the City relative to change order requests.

   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.

   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.

b. Permits.

c. SWPPP and WQMP

d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.

e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)

f. Progress payments, inventories, and applicable codes.

g. Contractor's reports, correspondence, certified payrolls, and accident reports.

h. Survey and layout data and certifications, photographs of as-built locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction

contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

E.2.3. Construction Inspection Consultant (CIC) Services

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements, such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

SECTION F: Quality Control and Assurance

Quality Control and Assurance (QC/QA) will be consistently and thoroughly applied throughout project's duration. Assigned QC/QA staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities. Firms considering proposal submittals are requested to have an in-house technical level of expertise to professionally address all aspects of the project.

Project Design meetings will be held twice a month. The Consultant will be responsible for preparing meeting agendas, minutes, and presentation materials. A Critical Path Method (CPM) network, based on activities to support all project milestones and subtasks will be prepared. The information will be in the form of a bar chart and show a deliverables schedule and other relevant data needed for the control of work, for City review of the work status and accomplishments occurring each month. Monthly updates will be furnished to the City's Project Manager.

The main objective of the Quality Control process for design projects is to provide a mechanism by which all construction plans can be subject to a systematic and consistent review. This process' outcome is the production of design plans and construction documents that accurately reflect the City's scope, schedule, and budget expectations for the project.

A secondary goal of the Quality Control process is to provide for a thorough documentation of the project's design process. A properly documented project file is a by-product of the quality control process. This will enable the City to substantiate its position from properly documented project files if any legal, political, or procedural issues arise regarding the project.

The Quality Control process includes comprehensive project planning, providing clear decisions and directions, constant supervision, immediate review of completed activities for accuracy and completeness, and documenting all decisions, assumptions and recommendations. Quality Control does not solely consist of a review after a product is completed. It is an approach and a realization that a product's ultimate quality is based on the quality of its production process.

As part of the initial project development, we will submit to the City for review and approval, a Project Specific Quality Control Plan, which will detail the proposed methods or processes of providing quality control for all work products. This plan will be kept current with the work requirements. The plan will include, but is not limited to, the following areas:

- Organization.
- Quality Control Reviews.
- Proposed method of documentation of comments, coordination responses and quality assurance records.

Submittals will be checked prior to presentation to the City for review. The review will include the following activities:

- Compliance with project requirements.
- Technical accuracy and adequacy.
- Compatibility with other associated project documents.
- Compliance with previous review comments.

In summary, our QC/QA is a systematic and documented review of each submittal phase/level, which will achieve a complete biddability/constructability/claims avoidance review and necessary revisions incorporated in the bid package at the 95% level completion.

SECTION G: Additional Relevant Information

TRANSTECH'S UNIQUE EXPERTISE AND SUCCESS IN FUNDING AND GRANTS

One of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

Our practice and approach in this area involves maintaining an extensive knowledge and understanding of current regional, state, and federal funding programs and procedures, and monitoring the development of future program or funding opportunities.

We use this knowledge base to work with our clients to improve their ability to secure and administer project financing, and to implement the resulting projects in a timely and cost-effective manner. The approach differs significantly from a more traditional approach where consultant assistance is used merely to prepare competitive grant applications in hope of securing funding for a specific project. We feel that an agency's ability to secure funding for a project depends on several factors including the project's level of completeness (having a well defined and defensible budget, scope, and schedule), the level of consistency between the proposed project and local policies and a funding program's guidelines and requirements, the quality of the information contained in a grant application, and an agency's ability to implement the project in a timely manner. This approach, as a result, focuses on improving the ability of our clients to successfully compete for funding through a competitive process rather than simply providing assistance to complete the required funding requests.

APPENDIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, **Billing Rates**, **Resource Matrix**, and **Other Required Forms (Required Statements per The RFP)** are attached in the appendix section of the proposal.

ROBERT QUINTERO
Contract Principal/Manager

EDUCATION

Master of Business Administration Degree, University of Redlands.

Bachelor of Science Degree in Urban and Regional Planning, California State Polytechnic University (Cal Poly), Pomona.

Edison International Executive Leadership Program

REGISTRATION

California Licensed General Contractor, B

SUMMARY

Mr. Quintero has approximately 20 years of experience in urban planning, management of municipal public works projects and operations, CIP (Capital Improvement Program), city administration, public and governmental affairs. He served as Principal Project Manager for the design, construction and management of a variety of Public Works and Infrastructure projects.

Prior to joining Transtech, Mr. Quintero worked for the City of Commerce and Southern California Edison (SCE), one of the largest energy utility firms in the world.

His experience at the City Commerce included working in various positions, including as Planner, Assistant to the City Administrator, Assistant Director of Public Services/Public Works, and finally as the City's Acting Director of Public Services/Public Works, and managed a department budget and infrastructure worth approximately $500 million.

At SCE, Mr. Quintero served as the company's Regional Manager for the Port of Long Beach and the cities of Avalon, Signal Hill, and Long Beach the fifth largest city in California and home to one of the largest commercial ports in the world.

As Vice President at Transtech, Mr. Quintero is responsible for corporate operations, business development, client relations, public and governmental affairs, project development and management oversight. With his ardent analytical and strategic management skills, Mr. Quintero provides strong leadership and exemplary public relations etiquette. Mr. Quintero develops and collaborates with primary contacts to protect and to enhance Transtech's position in specific proceedings; he ensures coordination with corporate policy and objectives on a broad range; he protects and transacts all phases of the company and customer business, and governmental affairs activities at the corporate level; and he facilitates and maintains close, long-term working relationships with governmental agencies.

PRIOR EXPERIENCE

City Of Commerce

Mr. Quintero started his professional career with the City of Commerce. While with the City, Mr. Quintero acquired an extensive management portfolio of economically, environmentally and technologically sound projects under the titles of Assistant Planner, Associate Planner, Assistant

Director of Public Services/ Public Works, Assistant to the City Administrator and finally as the City's Acting Director of Public Services/ Public Works. Robert was also responsible for representing the City of Commerce at the State Capitol in Sacramento as an advocate on legislative matters concerning land use, transportation, gaming and public works, are just a few of the myriad ways in which Mr. Quintero's leadership benefited the City of Commerce. In addition, Mr. Quintero was the Liaison and Political Ambassador to the City of Commerce/Aguascalientes Mexico Sister City Association.

Southern California Edison (SCE)

After several years with the City of Commerce, in 2002, Mr. Quintero joined Southern California Edison (SCE), as Region Manager of Public Affairs. At SCE, Mr. Quintero served as the company's representative to the Port of Long Beach and the cities of Avalon, Signal Hill and Long Beach, the fifth largest city in California and home to one of the largest commercial ports in the world. He managed the development of the company's position on federal, out-of-state and local legislative matters. He represented SCE before legislators, and industry organizations with regard to legislative and public affairs policy. He assists with the advocacy of the Company's position to provide advance notice of potentially significant legislative actions that may impact the company and took the necessary actions to protect the company's interests. He also organizes and coordinated with internal staff and resources, as well as took the lead in designing and implementing strategies to resolve issues affecting the company and its customers. As a SCE Region Manager, Mr. Quintero set standards of excellence with which the SCE name is proudly synonymous through his active support of and participation in programs that improve the lives of citizens in the community that SCE services. At SCE, Mr. Quintero successfully completed Leadership @ EIX Program. The Leadership @ EIX Program features a structural career development process for high performing employees who exhibit the corporate leadership competencies and may, with development, advance to a manager and senior leadership position.

Associations and Community Service

Founding Vice-President and currently serves as Senior Vice President to Embracing Latina Leadership Alliances (ELLAS) and is Vice President of the California Corporate Hispanic Council Leadership Institute (CCHCLI).

His memberships include the American Planning Association (APA), the American Public Works Association (APWA) and the American Water Works Association (AWWA).

MICHAEL ACKERMAN, PE
Project Manager, Construction Manager, RE

EDUCATION
- Bachelor of Science in Engineering, the University of Iowa

REGISTRATION
- Registered Civil Engineer

CERTIFICATIONS
- Resident Engineer Academy, Caltrans
- Water Pollution Control Compliance on Construction Sites for Resident Engineers, Caltrans
- Asphalt Pavement Fundamentals: Design, Construction, and Rehabilitation
- Construction Program Management Workshop, FHWA
- Field Office Procedures Course, Caltrans
- California Work Zone Inspection – High Speed, Caltrans
- Asphalt Concrete Inspection and Rehabilitation Strategies, Caltrans

HIGHLIGHTS
- Experience includes working for Caltrans.

SUMMARY

Mr. Ackerman has approximately 15 years of experience and participated on numerous multi-disciplinary teams dealing with the design and construction of civil and transportation engineering, urban and rural development, and public works projects. His prior experience includes working for the City of San Bernardino and Caltrans, District 8 in San Bernardino.

Recently, Mr. Ackerman has served as Deputy RE and Deputy Construction Manager for the State Route 71 and Mission Boulevard Grade Separation Project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.

PROFESSIONAL EXPERIENCE

City of San Bernardino: At the City of San Bernardino, Mr. Ackerman held the position of Associate Engineer under the City Engineer of the Division of Public Works in the Department of Development Services. There he was involved in a number of projects, including Development Review and Plan Check, design and review of Street Improvement Plans, Rough and Precise Grading Plans, Sewer Plans, Storm Drain Plans, Street Lighting Plans, Storm Water Pollution Prevention Plans, Water Quality Management Plans, Geotechnical Reports, and Hydrology/Hydraulic Studies, land development, industrial, commercial, residential, and transportation development projects including Tract and Parcel Maps. He also directed and performed plan check of improvement plans submitted by developers to the City. Also, he represented the City of San Bernardino at the South Tehachapi Management Team meetings, coordinated with San Bernardino County Flood Control and FEMA for the certification of City levees and updating of the Flood Insurance Rate Maps (FIRM), and oversaw permitting and tracking of Land Development Projects through the Division of Public Works/Engineering. In addition to this, Mr. Ackerman has worked intimately with Planning and Building and Safety Divisions on Land Development Projects.

Caltrans District 8: Mr. Ackerman was a civil transportation engineer for Caltrans District 8 where he was involved in the design and construction of various projects.

- ***Design Division:*** Designed plans, specifications, and estimates for the

rehabilitation of Route 10 freeway from the Riverside/San Bernardino County line to Beaumont.

- ***Traffic Operations Division:*** Performed studies and analyses to interpret and mitigate above average accident volume areas on highways and freeways. Also, he performed stop sign and traffic signal warrant studies.
- ***Construction Division:*** In the Construction Division, Mr. Ackerman was Resident Engineer for various projects including Watson Wash Bridge Replacement Right (Rte 40), Replacement of Drains and Earthwork (Rte 40), and Fenner Overhead Bridge Replacement (Replacement of two bridges over BNSF Railroad, Rte 40).

Mr. Ackerman served as Project Engineer and/or Construction Manager/Resident Engineer on a number of roadway projects. Recent similar projects include:

- City of San Bernardino, Via Duct Boulevard/2nd Street Realignment Project: Prepared PS&E and served as Construction Manager/Resident Engineer. Cost $1.5M.
- City of Alhambra, Polar Boulevard Rehabilitation Project: Federally funded project as part of Stimulus Program. Served as Construction Manager/Resident Engineer. Cost $1.2M.
- City of Baldwin Park, Francisquito Avenue Overlay Project; Ramona Boulevard Overlay Project: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3.5M.
- City of Commerce, Garfield Avenue Telegraph Road to Malt Avenue Street Improvements; Eastern Avenue Pavement Overlay Stevens Thru City Boundary; Garfield Avenue and Slauson Avenue Intersection Improvements; Washington/Ayers Intersection: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3M.
- CSUSB (Cal State SB University) San Bernardino Main Access Road: Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- City of Alhambra, Alhambra Road Rehabilitation and SRTS Project: Served as Construction Manager/Resident Engineer. Cost $1.2M.

KURT PEGG, PE
Structural Representative/Inspector

EDUCATION
- B.S. Civil Engineering, University of Calgary, Alberta, Canada

REGISTRATION
- Registered Civil Engineer

SUMMARY

Mr. Pegg has over 20 years of construction engineering experience related to highways, roadways and interchanges. He has served as a Senior Project Manager, Senior Estimator, Resident Engineer and Structural Representative. Mr. Pegg has been responsible for some of the largest freeway projects in Southern California, supervision of technical and field staff, change order negotiation and preparation, contract administration, critical path schedule development and review, storm water pollution prevention plan preparation and compliance, claims preparation and mitigation, cost estimating, reviewing and designing structure-related shop drawings, and assuring compliance with plans and specifications.

PROFESSIONAL EXPERIENCE

- **State Route 71 and Mission Boulevard Grade Separation Project:** Served as the Resident Engineer for this regional project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.
- **215/60 Riverside Interchange, Riverside, CA ($317 Million):** Senior Project Manager for the construction of 4 miles of high occupancy vehicle (HOV) lanes and widening of freeways on I-215, SR60 and SR91; Approximately 80 new sound walls and retaining walls throughout the project; major structural improvements at 8 local interchanges; 2 sweeping 'flyover' connector ramps between the I-215/SR60 and the SR91; Improvements to local drainage systems; new truck bypass connector leading from the eastbound SR 60 to the southbound I-215; new bridges at Linden, Iowa and Blaine Avenues providing better access to the University of Riverside. Funding for the project came from a combination of federal, state and local sources.
- **5/805 Interchange and Freeway Widening, San Diego, CA ($176 Million):** Project Manager for the construction of a separate freeway by-pass system from the junction of Interstate 5 and 805 to the Del Mar Heights Road Interchange. The Project also included the construction of a diamond type Interchange at Carmel Mountain Road, and adding of Auxiliary lanes to the existing main lanes. The projects goals were to reduce traffic through the corridor, improve safety through the addition of the by-pass system, and improve access to SR-56 and local roadway systems. Project innovations included building bridge foundations to better withstand earthquakes, eliminate merging and weaving traffic by separating SR-56 and local interchange

traffic from I-5 main lanes. Caltrans partnered with Contractors to ensure the project enabled cost effective construction methods and efficient staging in the interest of time saving to contractors and minimizing travel impact to motorists.

- **SR91/SR57 Interchange Widening, Anaheim, CA ($75 Million):** Project Manager for the construction of the widening of SR91 and SR57 freeways to construct a HOV connector almost a mile in length. The projects goal was to eliminate the weaving of traffic through the interchange caused by the transition from one freeway to the other of the HOV lanes. In order to accomplish this both freeways had to be widened and this required new bridges to be constructed at State College Boulevard, Placentia Avenue Overcrossing, Sunkist Avenue Overcrossing, Mira Loma Overcrossing, and La Jolla Overcrossing. New retaining walls and soundwalls were necessary to support the widening of the freeways along with new drainage improvements. The Contractor was awarded the gold medal in partnering from Caltrans for working through difficult construction issues and to expedite project bringing it in on time and under budget.
- **SR 55 Widening, Orange, CA ($40 Million):** Project Manager for the construction of approximately two and a half miles of freeway widening on SR 55. This project required the construction of two new bridges, retaining walls and soundwalls. Improvements were made to the interchange at Lincoln Ave and SR 55 to support the widening and the end result was an increase in traffic flow and a decrease in congestion on the SR 55 freeway.
- **Ave "H" Overcrossing, Lancaster, CA ($10 Million):** Project Manager for the construction of Avenue "H" Overcrossing. This project was part of the ever increasing development of the outer LA area. The project required street and drainage improvements to support the new bridge over SR 14 freeway.
- **I-10 Freeway at Palm Drive/Gene Autry Trail Interchange Project, Palm Springs, CA ($16 Million):** Resident Engineer / Structure Representative for the construction of a new cast in place post tensioned box girder bridge over the I-10 Freeway. A precast "I" girder widening over the BNSF railway tracks and the roadway widening of Palm Dr.

MICHAEL J. SCHNEPF
Principal Public Works Inspector

EDUCATION
- SDSU, CA 1977
- SDSU Extension: Construction Technology

Awards:
- Best Project, American Concrete Institute for The Falls at Rancho Bernardo

SUMMARY

Mr. Schnepf has approximately 30 years of experience in general engineering/public works and building construction projects. In these capacities, he has been responsible for more than $500 million worth of private and public works construction projects in Type A and Type B construction. He has inspected numerous federally funded projects in compliance with Local Assistance Procedures Manual, as well as projects under Caltrans' jurisdiction.

PROFESSIONAL EXPERIENCE

- **General Public Works Inspection:** Worked at various Cities under Transtech contracts as Senior Public Works Inspector. Projects inspected include, all aspects of new infrastructure construction and reconstruction, parks, ball fields, landscape aquatic facilities, fire stations, piers, skate parks, airports, coastal and recreational facilities, playgrounds, water and sewerage systems (including distribution mains (to 120 inch), mainlines, service laterals, lift & pump stations, domestic and reclaimed water systems, fire lines, backflows, pressure reducing stations, valve cut ins, line stops, line freezing, gravity and force mains and grease interceptors.
  - **Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **Avenida Pico Widening, San Clemente:** Widening of Avenida Pico from I-5 to Avenida Del Cerro including improvements to San Clemente High School. Widened arterial roadway within very limit time frame on a 24 hour a day schedule. High School kept open as were all businesses. Was

accepted by State Architect to perform all onsite inspection of improvements on school property.

- **Smart Corridor, Washington Avenue Culver City:** Coordinated and inspected the integrated Smart Corridor consisting of 51 fully reconstructed and signalized intersections with interconnect and monitoring in Culver City. Interfaced with Caltrans along the I-405 corridor.
- **Skypark Signalization and Widening, Torrance:** Provided construction management and inspection for widening and signalization of Skypark Drive and Madison Street. Interfaced with Edison for relocation of high voltage primary lines and street lighting, FAA personnel at Zamperini Field Airport and Administrative Staff at Torrance Memorial Medical Center. Twenty four hour access to all businesses and facilities were maintained.
- **City of San Clemente, multiple locations:** Provided inspection, design review and plan check for new and retrofits at over 40 intersections during a span of eleven years. Interconnect and camera detection systems. Interfaced with Caltrans along the I-5 corridor.

- **Grading:** Provided grading inspection from initial clearing & grubbing through rough grade and precise grading on projects ranging from 4,000 sq. ft. lots to 3200 acre master planned subdivisions. In many cases provided or assisted in engineering plan check processes. Provided all aspects of inspection for caissons, tie-backs, geotextiles, sub-drains, de-watering wells, wicking systems, benching, buttressing, minor & mass grading operations. Worked closely with Paleontologists and Archaeologists during grading operations. Sites have included the most fossil-rich find in Orange County. Retaining walls have included gravity/friction segmental walls, cmu, cast-in-place concrete and shotcrete applications.
- **Traffic Signals:** Project construction management and inspection of traffic signals and interconnect systems in conjunction with widening and total reconstruction of one of the most heavily utilized intersections in Los Angeles County, 190th & Crenshaw in the City of Torrance. Inspection, design review and plan check for new and retrofits at over 140 intersections during a span of eleven years. Interfaced with Caltrans along the I-5, I-10 and I-405 corridors.
- **Reservoir:** Reconstruction of Reservoir 5A and 8, San Clemente: Assisted in drafting specifications for the restoration, reconstruction of two reservoirs in San Clemente. Provided construction inspection services for all stages of construction and monitored deputy coating inspection team.
- **Storm drain systems:** Channel drains, local depressions, catch basins, main lines, head walls, box culverts, lined channels, desilters, detention basins, clarifiers, energy dissipaters, environmental containment, hydrocarbon filtration, in field testing.
- **Other Utilities:** All overhead and underground electrical, water, sewers, communications, gas, and fuel lines including storage facilities.

DAVID RAGLAND, PE, LS
QC/QA

EDUCATION
- Humboldt State University, CA, Bachelor of Science

REGISTRATION
- Registered Civil Engineer
- Licensed Land Surveyor

SUMMARY

Mr. Ragland is a civil engineer and land surveyor with approximately 30 years of diverse experience in a wide variety of projects in civil engineering. He has managed numerous multi-disciplinary teams dealing with the planning, engineering, entitlement, environmental permitting, development and construction of urban and rural development, and public works projects. His experience also includes special emphasis on complex grading and hillside developments (has worked on the civil engineering and development of more than 40,000 acres of hillside properties), preparation of due diligence and project feasibility analysis, through conceptual planning and design to entitlement and construction. Estimated valuation of projects that Mr. Ragland has been involved is approximately $1,000,000,000.

PROFESSIONAL EXPERIENCE

General Civil Engineering Projects:

- **CSUSB (Cal State SB University) San Bernardino Main Access Road:** Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Campus Parkway Roadway:** Design of a new roadway for a length of approximately 2 miles, and included street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Cannon Roadway and Sewer:** Design of approximately 2 miles of roadway and 36 inch sewer pipe and pump station. This project required careful consideration to pipe buckling due to the extreme soils conditions of the Agua Hedionda Lagoon. Special bedding techniques were used along with special coupling of the pipes to allow for potential deflection as the bridge abutment and road fill settled.
- **Lopez Canyon Roadway and Sewer:** Design and construction of over 5 miles of roadway sewer ranging up to 36 inches in diameter.
- **Sorrento Valley Boulevard:** Design and construction of 4 miles of roadway.
- **University Development:** Development of a 135 acre site in association with the City of San Bernardino, Watson Development and Cal-State SB for the development of 200 residential, mixed use, live-work, retail, office and educational and training facilities and offices for Cal State SB University.
- **San Elijo Hills Development:** Development of 2000 acre master

planned community including golf course and hotel. Project included preparation of Specific Plan, TM, Final Map, construction plans for all necessary infrastructure, environmental permits and Communities Facilities District.

- **Parkway Business Centre:** Design and construction of the 460 Acre industrial park including South Poway Parkway for ADI Properties, Inc. Also served as Assessment Engineer for Communities Facilities District.

Drainage And Sewer Projects:

- **City of Commerce**: Master Sewer Study Telegraph Corridor re-vitalization project. Documentation of existing system. Design capacity analysis based upon land use designations. Produced master plan study report for the project along with cost estimates.
- **University Park Storm Drain Design:** Design of storm drain system with pipes ranging in size from 18 to 60 inches and trapezoidal channel design for 4500 cfs.
- **University of Riverside:** West Campus Infrastructure, including sewer, storm drain, water, design.
- **San Elijo Ranch Drainage, Sewer and Water Master Plan, San Marcos:** 2,000 acre / 3400 unit master planned community. The project included literally miles of storm drain, sewer and water lines, sedimentation areas, pump stations, booster stations, water reservoirs and force mains. Cannon Road Trunk Sewer and Pump Station - Design of 8-12 inch gravity sewer, 6 and 8 inch force main, pump station and wet well. City of Carlsbad
- **Penasquitos Canyon Trunk Sewer:** PS&E for two miles 36-inch gravity sewer including design study reports. City of San Diego
- **Otay River hydrology study and dam breach analysis:** 22,000 acre Otay Ranch project in Chula Vista. Flows up to 33,000 cfs were studied for the Otay River.

Water Projects:

- **City of San Diego:** Green Valley Water line design and construction. 5000 feet, 30" Reinforced concrete water line and pressure reducing station and details for connection to a 60-inch San Diego County Water Authority Pipeline. Structural arch and encasement designs for road crossings over various SDCWA pipelines up to 108 inches in diameter. Design and construction of Mercy Road pressure booster.
- **City of San Bernardino:** Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino for the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution. Structural arch design for road crossing over the Dept of Water Resources 109-inch Santa Ana pipeline.
- **City of Riverside:** Water distribution analysis and computer modeling for University of California Riverside West Campus expansion infrastructure project.

ALI CAYIR, PE
QC/QA

EDUCATION
- BS Engineering
- MBA, Project/Construction Management, UC Irvine

REGISTRATION
- Registered Civil Engineer
- Licensed Gen Contractor A
- Licensed Gen Contractor B

HIGHLIGHTS
- Served as Contract City/Traffic Engineer for Cities.
- Federally Funded Project Experience: Extensive experience in the state and federal programs and procedures, and in the management of federally and/or state funded projects in compliance with the Local Assistance Procedures Manual.
- Diversified experience in both design and construction.

SUMMARY

Mr. Cayir has approximately 30 years of experience in engineering and construction. He served as contract City Engineer/City Traffic Engineer for a number of municipalities in Southern California. He has a broad knowledge of municipal government operations, including preparation and presentation of staff reports/resolutions to city councils, committees and interaction with public, various city departments, city council and other governmental agencies. He has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects.

PROFESSIONAL EXPERIENCE

Civil Engineering Experience

- Project Principal for I-710 Freeway Interim Improvements and Fremont Widening and Reconstruction: Transtech provided Turn-key Services, including Program Management, Construction Management, Design, Surveying, Right-of-Way Engineering, and Environmental. The project included major roadway improvements, removal/demolition of various buildings for additional right-of-way and reconstruction of buildings behind new right-of-way, traffic signals, infrastructure, utilities, pavement, drainage, water, sewer, landscape, street lighting, traffic signal, pavement improvements. Project was funded by Federal Funds, and was managed and inspected in compliance with Caltrans Local Assistance Procedures Manual. (Cost $20m).
- Project Principal for University Park Development/San Bernardino: The project included 2 miles of new roadway, sewer, water, utility and extensive hill side grading for a master planned residential and commercial development on 130 acre site across from the San Bernardino State University. (Cost $20m).
- Project Principal for $20 m Carlsbad to San Diego Rail Trail Project Report, which is funded by State and Federal funds and required complete project and environmental report, including Right-of-Way, Relocation, SHPO, NEPA, SEQA, Noise, Parking, Economic, Hazardous Materials technical studies, and processed through Caltrans and FHWA.
- Alameda Corridor Agency East (ACE) Rail Grade Crossing Improvement Project encompassing 6 agencies and 14 locations in Los Angeles County. Work involved roadway realignment and reconstruction, signalization, traffic control, and construction phasing as well as related improvements such as storm drain, water, sewer landscaping, underground utilities, etc. Construction cost $5,000,000.

Construction Management Experience

- Project Principal for City of San Bernardino, Santa Fe Historic Train Depot

Renovation. Transtech is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $13m

- Project Principal for City of Alhambra, Valley Boulevard Widening. Preparation of funding application, securing $5 million Federal, State and County funding, and design, and is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $5m
- Project Principal for City of Commerce, Rosewood Community Center. Transtech was retained by the City to take over the management of this multimillion dollar facility which was 2 years behind schedule. Within 5 months, Transtech brought the construction to substantial completion level allowing the City start the move-in process, and 2 months after, the facility was opened to public use. Currently, Transtech is assisting the City in claims analysis and change order resolution. Construction Cost: $15m.
- Project Principal for City of Alhambra Chapel, First St and Garfield Parking Structures: Transtech served as turn-key project manager, including management of design, construction, building plan check and inspection, federal funds, labor compliance for 3 parking structure projects. Chapel: 4 story, 300 space structure; First Street: 4 story, 276 space structure; Garfield: 5 story, 800 space structure. (Cost $15m)

Traffic Engineering Experience

- Design and management of a variety of traffic and transportation engineering projects, including traffic signals (more than 1000 locations), traffic signal interconnect system, street lighting, traffic control, signing and striping design; signal timing and coordination studies; traffic signal management studies; traffic safety projects (OTS) including traffic control device inventories and speed surveys; traffic impact and parking studies for more than 100 projects; and feasibility studies for traffic control measures, freeway access, bikeways and street improvements. Mr. Cayir has also served as consultant Traffic Engineer for various agencies in Southern California.
- Project Manager/Engineer for the preparation of ramp metering, count station, traffic signal, highway lighting, sign lighting, construction signing, pavement delineation, communication, and other traffic related plans for several state highways and freeway improvement projects involving Caltrans Districts 7, 8 and 12.
- Project Manager for the preparation of traffic signal modifications for various arterials in Los Angeles County including Garvey Avenue, El Segundo Boulevard, Crenshaw Boulevard, Slauson Avenue, Rosecrans Avenue, Arrow Highway and Huntington Drive/Alosta Avenue/Foothill Boulevard.

SELIM BOUHAMIDI
Office Engineer/Funding Compliance and Inspection Support

EDUCATION

- MA, Urban Planning, University of California, Los Angeles.
- BA, Anthropology, University of California, Los Angeles

HIGHLIGHTS

- Extensive experience in federal funds and grants and working with Caltrans Local Assistance and local agencies.
- Well versed in Caltrans and Local Assistance construction filing and document system.
- As the primary coordinator of Transtech's federal-aid internal procedural tracking system, Mr. Bouhamidi has been and is responsible for the direction and coordination of several federally funded projects having worked with numerous local agencies including the cities of Inglewood, Baldwin Park, Pomona, Lawndale, and Long Beach.
- Also worked with the City of Riverside Urban Planning Department.

SUMMARY

Mr. Bouhamidi has approximately 5 years of experience, and provides office support to Project Managers and Resident Engineers. He is well versed in Caltrans and Local Assistance construction filing and document system. He also works closely with various Funding Agencies, including Caltrans Local Assistance, and local agencies to successfully secure federal-aid for various construction projects. Mr. Bouhamidi has also worked with the City of Riverside Urban Planning Department. He was responsible for updating the city's property database recording architectural descriptions, and recent demolitions.

PROFESSIONAL EXPERIENCE

- Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- City of Alhambra, Josylin Community Center Renovation Project funded by Federal Energy Efficiency and Conservation Block Grant: Served as office support engineer and provided labor compliance services.

- City of Alhambra, Valley Boulevard Reconstruction, Federally Funded Project: Served as office support engineer and provided labor compliance services.

- City of Pomona, Rte 71/Mission: Provided funding support, assisted in E76 processing of various phases, and assisted in labor compliance.

- Office Engineer Federal- and State-Aid Internal Procedural Tracking System: Development of an internal electronic procedural tracking system to fast-track, coordinate, and organize federally-aided projects. This multi-layered, holistic system is process-oriented and developed over a timeline—a steady departure from the topically based and more general approach of the Caltrans Local Assistance Procedures Manual. The system provides swift results by ensuring that a project stays fully on track and is carried out in a timely and efficient manner, while providing personnel with all key reference points, timelines, and resources to complete and track the various ongoing projects. Responsible for tracking all aspects of a federal- or state-funded project beginning with the initial submittal of the funding packet application and signatures. Every step in the transmittal process is reviewed, tracked, and updated. The tracking system also includes follow-ups on federal application forms, which are subject to change after submittal and must be updated so as not to hold up authorization of funding. Working closely with Caltrans Local Assistance procedures, responsible for managing, tracking, and monitoring various transportation projects from a diverse number of cities.

The following are Billing Rates for project staff:

Key Person	Project Role	Billing Rate
Robert Quintero	Contract Principal/Manager	$145
Kurt Pegg, PE	PM/CM, Resident Engineer, Structural Representative	$145
Michael Ackerman, PE	Deputy PM, CM, RE	$145
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	$145
Michael Schnepf	Principal Public Works Inspector	$95
Selim Bouhamidi	Office Engineer/Funding Compliance	$65

As required in the RFP, we are providing the following billing statement:

The above hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

The following is the Resource Matrix showing hrs per task for each project staff:

Resource Matrix		Project Management Consultant (PMC) Services	Construction Management Consultant (CMC) Services	Construction Inspection Consultant (CIC) Services	Totals
Staff	Position	Hrs	Hrs	Hrs	Hrs
Robert Quintero	Contract Principal/Manager	250	250	0	**500**
Michael Ackerman, PE	Project Manager, Construction Manager, RE	1,000	1,500	500	**3,000**
Kurt Pegg, PE	Structural Representative and Inspector	100	300	800	**1,200**
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	500	100	0	**600**
Michael Schnepf	Principal Public Works Inspector	200	250	2,000	**2,450**
Selim Bouhamidi	Office Engineer, Funding Compliance and Inspection Support	100	1,000	750	**1,850**
Totals		**2,150**	**3,400**	**4,050**	**9,600**

The following are the required Statements to be included in the proposal per the City's RFP:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
   We agree with the above statement.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. The City's standard Agreement will be executed without any proposed changes.
   We agree with the above statement.

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
   We agree with the above statement, and do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
   We do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
   We agree with the above statement.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

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

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
   We agree with the above statement.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
   We agree with the above statement.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
   We agree with the above statement.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.
    We agree with the above statement.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
    We agree with the above statement.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
    We agree with the above statement.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
    We agree with the above statement.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
    We agree with the above statement.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
    We agree with the above statement.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under

the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

We agree with the above statement.

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT D

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $868,870.00.
2. The Consultant will submit an invoice to the City based on milestones completed and accepted by the City, which documentation evidencing milestones completed to date (refer to milestones identified in Section VIII, Payment to Consultant in Exhibit "A" – City's Request for Proposal). At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

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Revised 10/13/09

EXHIBIT "D"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129

NORTHWEST CORNER OF CACTUS AVENUE AND LANDON ROAD

DEVELOPER: WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Tract Map No. 35760.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On September 30, 2008, the Community Development Department of the City of Moreno Valley approved Tentative Tract Map No. 35760 as a revision to Tract Map No. 31129. The tentative tract map is a proposal to subdivide a 1.83-acre portion of previously approved Tract Map No. 31129 into six residential lots. The tentative tract map will allow for the subdivision of six lots, the elimination of a detention basin (Lot L of

Tract Map No. 31129), and the adjustment to existing lot lines previously approved on Tract Map No. 31129.

DISCUSSION

Tract Map No. 35760 is in conformance with the tentative tract map. The developer has requested that the tract map be approved for recordation. Most public street improvements were completed under Tract Map No. 31129. The remaining trail improvements adjacent to Lot 6 of Tract Map No. 35760 on Cactus Avenue and those along the west map boundary of Tract Map No. 35760 and Tract Map No. 31129 will be completed prior to occupancy of Tract Map No. 35760. The trail improvements include but are not limited to three-rail PVC fence, gates, bollards, decomposed granite, concrete curb, and related grading and drainage.

ALTERNATIVES

1. Approve Tract Map No. 35760 and authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would allow the developer to proceed with the recordation of the six-lot subdivision.*

2. Do not approve Tract Map No. 35760 nor authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would not allow the developer to proceed with their proposed residential subdivision development.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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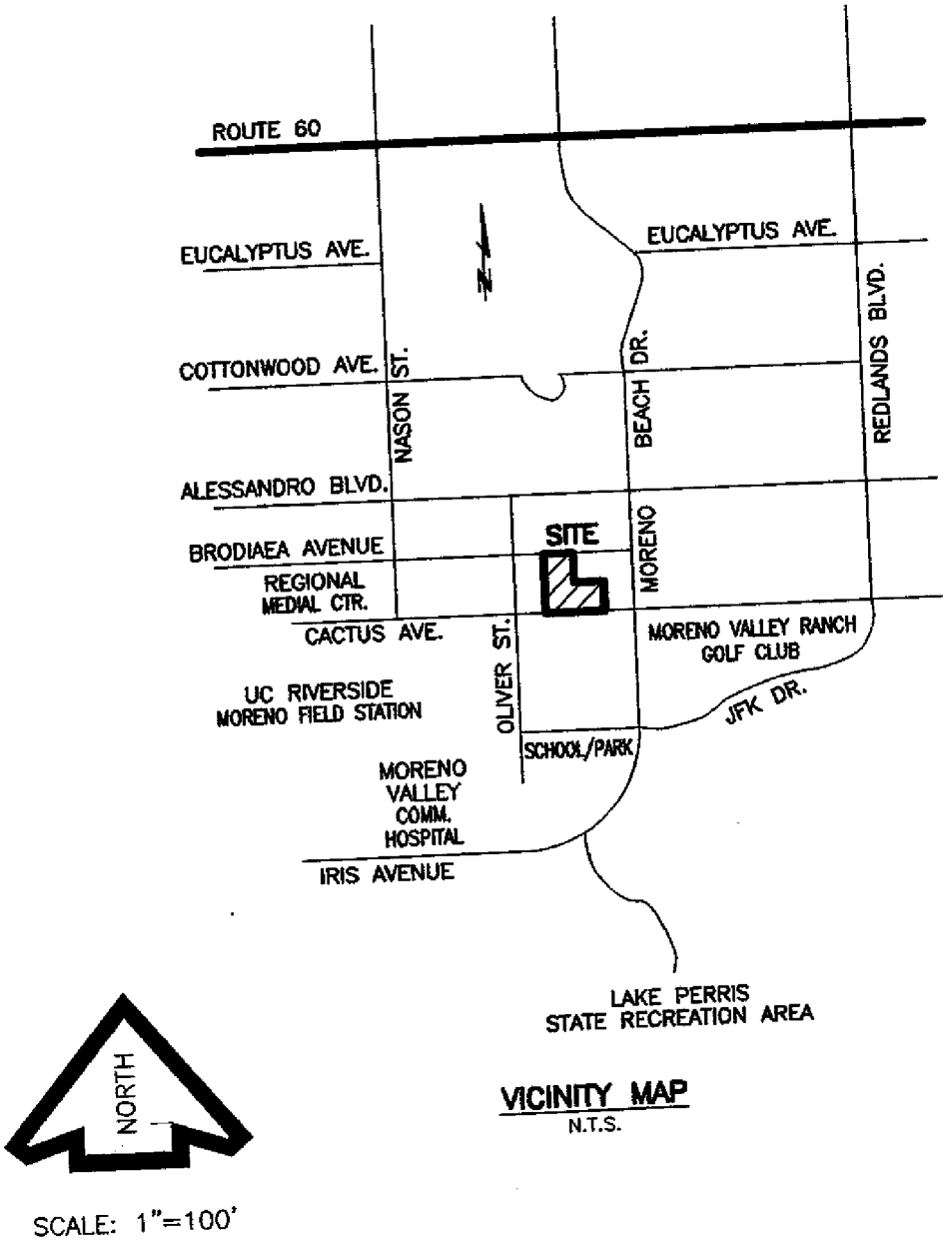

VICINITY MAP
N.T.S.

SCALE: 1"=100'

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	P07-144 LOCATION MAP

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129)

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system.

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto.

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000.

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

BACKGROUND

Local traffic congestion has become increasingly prevalent as the City continues to grow. Congestion hot spots are well-known and include most intersections adjacent to freeway interchanges and several arterial corridors. The current recession has slightly improved conditions, but as the economy improves, and travel increases once again, traffic flow optimization will increase in importance to the community. In the long term, Moreno Valley's population will almost double, substantially increasing the traffic loading on our roadways. To address current and future traffic demand, staff has proposed

implementation of Intelligent Transportation Systems (ITS) technology to systematically manage and optimize traffic flow.

In 2009, the City completed an ITS Master Plan which provided recommendations for a systems-based approach to updating the City's traffic control infrastructure. The Transportation Management Center (TMC) is an integral component of the ITS Master Plan.

The City's current traffic signal control system was procured in 1991. The platform, which consists of field controllers and a computer in City Hall, is obsolete. The controllers are no longer available for purchase, and the central software (which is MS-DOS-based) cannot be run on newer operating systems. Therefore, City staff has planned for a replacement system consisting of a TMC and new central traffic control software, new traffic signal controllers to be deployed in the field over time, and a citywide communication network.

DISCUSSION

A TMC provides the ability to centrally monitor roadway conditions and adjust traffic signal timing to optimize vehicle flow. Monitoring is accomplished through the use of closed-circuit television cameras, and data from traffic detectors used to display real-time vehicle speeds. Control is accomplished via fiber optic communication facilities which will be steadily deployed over time.

The TMC would be linked to the City of Riverside and Caltrans District 8 TMC's via high-bandwidth data connections, allowing Moreno Valley the capability of viewing video from those agency's CCTV cameras, as well as coordinating response in the event of incidents. Other nearby agencies with fully operational TMC's include Temecula, Corona, and Fontana. In other parts of Southern California, virtually all agencies with populations over 50,000 maintain active TMC's.

With existing staff levels, Public Works is capable of operating and maintaining the TMC as an extension of their current duties, so no additional employees would be required. The TMC would produce net labor savings by reducing the need to deploy field personnel to diagnose and correct traffic signal equipment problems. The TMC would enable faster response for maintenance issues through the use of standard features such as automated paging/emailing of alerts and remote access capability.

The TMC would have secondary benefits, in that an ITS deployment better positions Moreno Valley for grant funds since it represents a higher level of commitment to improving mobility. The TMC would be located in the current Fishbowl Conference Room adjacent to the entrance lobby of City Hall.

In January 2011, City staff released a Request for Qualifications for central traffic control software, which was mailed to nine firms known to provide such software, and was also advertised on the City's Web site. Eight submittals were received, indicating a high level of interest. A panel of four persons, including one representative from the

City's Technology Services Division and an expert in traffic control system deployment from outside the City, reviewed and scored the submittals. Based on the scoring of the responses, four firms were invited to interviews, which consisted of a live software system demonstration and presentation. The same panel scored the interviewees. All four panelists ranked Kimley-Horn and Associates highest. The panel felt that the system will be state of the art for years to come and thus represents an excellent investment. Kimley-Horn has deployed this software system for numerous Southern California agencies, including Beverly Hills, Culver City, Los Angeles County, Claremont, San Dimas, and the City of Commerce.

ALTERNATIVES

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and authorize the Public Works Director to execute any subsequent amendments related to this agreement. *This is the recommended alternative.*

2. Do not approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; do not authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; do not authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and do not authorize the Public Works Director to execute any subsequent amendments related to this agreement. *Staff does not recommend this alternative.*

FISCAL IMPACT

The Transportation Management Center Project (TMC) is included in the Fiscal Year 2011/2012 Capital Improvement Program budget and will be financed by the Traffic Signals Development Impact Fee fund (Fund 202) and the Air Quality Management Fund (Fund 137). These funds can only be used for traffic signal and air quality improvement purposes. There is no impact to the General Fund. FY 2011/2012 budget amounts are estimated, since final financial data for FY2010/2011 are not yet available.

AVAILABLE FUNDS

FY 2011/2012 Development Impact Fees— Account No. 417.79528	$	220,000
FY 2011/2012 Air Quality Management— Account No. 137.68129	$	215,000
Available Funds	**$**	**435,000**

ESTIMATED COSTS

Central Traffic Control System Software Contract	$	315,000
Modifications to Fishbowl Conference Room	$	40,000
Video display units, furniture and Incidentals	$	60,000
Staff time	$	20,000
Total:	**$**	**435,000**

ANTICIPATED PROJECT SCHEDULE

Prepare plans for space reallocation by:	October 2011
Complete software integration by:	March 2012
Complete space reallocation by:	March 2012

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Services

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 10-13768129

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Kimley-Horn and Associates, Inc., a North Carolina Corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

DESCRIPTION OF PROJECT

1. The Project is described as the City of Moreno Valley Transportation Management Center (Project No. 10-13768129).

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "A" attached hereto and incorporated herein by this reference.

3. The City's responsibility is described on Exhibit "B" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $315,000.00 in accordance with the payment terms provided on Exhibit "C" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

5. The Consultant shall commence services upon receipt of written direction to proceed from the City.

6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "D" attached hereto and incorporated by this reference.

7. The Consultant and the City agree that the schedule in Paragraph 6 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

8. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified

delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

9. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

10. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

11. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

12. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

13. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

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

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

15. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure

and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any

third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

16. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

17. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

19. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant

representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

25. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

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

delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

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

SIGNATURE PAGE FOLLOWS

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

City of Moreno Valley	Contractor/Consultant Name
BY: _____ City Manager	BY: _____
	TITLE: _____ (President or Vice President)
_____ Date	_____ Date
	BY: _____
	TITLE: _____ (Corporate Secretary)
	_____ Date

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

EXHIBIT B

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT B

EXHIBIT C

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $315,000.00.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
4. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

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MV00001577

MORENO VALLEY ATMS

Statement of Work

Prepared by:

Kimley-Horn and Associates, Inc.

For Review by:

City of Moreno Valley

Version 4.2

June 28, 2011

Exhibit A

PROJECT SCOPE

The following scope of services is for deployment and integration of KITS to meet the mandatory elements listed in KHA's response to the City's RFQ submitted on February 3, 2011.

SCOPE OF SERVICES

Task 1: Project Management

KHA's Project Manager shall act as the principal contact for the City and other involved agencies. KHA's Project Manager will be responsible for the completion of activities associated with the performance of this project. Additional responsibilities include management of project planning activities and tracking of resources associated with each aspect of the project. The Project Management task will be invoiced monthly based on percent complete. Target percentages should be outlined to ensure all parties understand the value of each task executed. KHA's Project Manager shall oversee and participate in the activities of the project.

Prepare Project Status Reports

KHA shall prepare and submit written monthly project status reports. The reports shall include the following information including a schedule outlining target dates for completion of items:

- Period covered by the report.
- Overview of the reporting period.
- Tasks, subtasks, deliverables, goods, services and other work scheduled for the reporting period which were completed.
- Action Items
- Updated Deliverables chart and completion schedule, if necessary.

KHA shall also prepare claims, invoices, billings, and other financial information for review and approval by the City, as required by this agreement.

Task 2: Preliminary Engineering

KHA will meet with City staff to discuss the existing condition of the City's internal network and field network along with future migration plans and schedule. KHA will provide input on communication equipment that the City is considering.

KHA shall collaborate with the City to determine the CCTV and signal controller hardware/firmware specifications for the pilot corridor. It is expected that the City will deploy a signal controller firmware protocol and CCTV encoder that has already been deployed with KITS. KHA will review and demonstrate existing KITS functionality currently deployed for specific firmware/hardware options. A document will be created that summarizes all of City's preliminary engineering decisions.

(continues)

Deliverables:
2.1 Communication Review
2.2 Firmware Specification and Existing Functionality Review
2.3 Signal Controller Hardware and Firmware Recommendations
2.4 CCTV Specification

Task 3: Procurement
Based on the information gathered during meetings with the City's Engineering and IT staff, KHA shall deliver complete equipment list ("Bill of Materials") for full system deployment and submit to the City for review. KHA will review options and provide input on reusing existing City server hardware and software licenses to fulfill the needs of the project. Upon KHA's approval of the equipment list and all system configurations, the City will procure system components, including supporting third party software, system hardware, network equipment, and peripherals. The equipment will remain at the City. The City will assist with the configuration of remote access into the network to enable authorized KHA staff to remotely diagnose the system. Using funds outside of this agreement, the City will purchase 3rd party software that is required for the deployment of the Integrated System. Anticipated software includes:

- SQL Server 2008
- ESRI ArcGIS
- MS Visio Standard
- Notepage PageGate

The workstations will be deployed on Windows XP or 7 and the servers on Windows Server 2008. The Integrated System will utilize SQL Server 2008 as its central database. The specific versions of the tools will be determined in conjunction with City IT preference.

Deliverables:
3.1 Identification of 3rd party software and hardware

Task 4: System Integration
Integration of KITS shall be performed in stages. The following sequence of events details the staged implementation of the KITS system.

1. KHA and the City will conduct multiple meetings to finalize the pilot corridor equipment.
2. The City will procure designated equipment.
3. Based on the City's preference for controller firmware and CCTV equipment, KHA will create a version of KITS that integrates existing modules to support the specified equipment and desired functionality. The source code, reports, registry, and database to support the functionality of the City's modules will be placed under configuration management and version control processes. No new software development is anticipated under this task.

4. A lab configuration will be created and maintained in KHA's facility to simulate the deployment environment.
5. An installation procedure will be generated by KHA. This will be a functional self-contained installation and automate many of the procedures used to install the KITS user interface. This automated installation will include most of the required 3rd party tools and may reference other supporting 3rd party documentation.
6. KHA will come to Moreno Valley to assist City personnel with the installation and configuration of the equipment and required 3rd party software.
7. A backup server will be identified by City staff and configured by KHA for backup and disaster recovery purposes.
8. City personnel, with assistance from KHA, will be responsible for converting and entering signal timing and configuration data into the system database. Preliminary testing will utilize controllers installed in the TMC and/or maintenance facility.
9. KHA will assist City personnel with the installation of 5 compatible BI Tran 233 intersections by assisting with the intersection graphics and configuration of these field signals within the Integrated System and by monitoring the operation of the System at the control center. This assistance will include preliminary training on the graphic configuration within the System.
10. KHA will demonstrate continuous successful communication with the traffic signal controllers and pan-tilt-zoom cameras.
11. KHA will configure compatible mobile devices with the KHA Mobile Performance Metric Collection application. This will allow up to 10 users to generate, high-resolution arterial performance metric data. Authorized users will be able to view and generate reports through a web browser. The arterial performance data will be stored on a server maintained by KHA.

Deliverables:

4.1 Software Configuration
4.2 KITS Installation Program and Procedures
4.3 Software Installation at City TMC
4.4 System Configuration and Integration for 5 Intersections
4.5 CCTV Integration
4.6 Mobile Performance Metrics Integration

Task 5: Documentation

KHA will provide KITS documentation for the City in the following form:

- System User's Manual – provides an overview description of the system, its components, how they are used or accessed by the operators as well as how to use the GUI's for all aspects of the system.
- Quick Start Guide – describes initial configuration and setup of the system. This brief document references the User's Guide, but presents the information in a simple format. The document focuses on data entry, map customization, and initial configuration.

Electronic copies of the final documentation will be provided.

Training topics include:

- On-line help
- Installing software updates
- Intersection phase configuration
- Data integrity
- Naming conventions
- System components
- Effective Monitoring

Deliverables:
5.1 Electronic copies of the System User's Manual and Quick Start Guide for KITS
5.2 Initial Operator Training

Task 6: Remote access configuration
KHA will facilitate meetings with City transportation and IT department to review cost-efficient solutions to allow authorized staff to view relevant signal system information remotely. KHA will assist with the implementation of a remote desktop solution to view and exchange relevant information.

Deliverables:
6.1 Documentation and Configuration Settings for Remote Access

Task 7: Final Training
The final training will be a comprehensive, hands-on review of all previous training sessions. In addition, the City may request additional topics that were not previously covered. The following topics will be discussed:

- Operation and Management of the Integrated System
- Overview of the KITS System
- Operations and System Maintenance
- Security
- Configuration and Customization
- Advanced Functionality

A training schedule will be delivered 2 weeks prior to the comprehensive training sessions that will detail the date and time for each topic. The City can provide input that will help determine the amount of time that is spent on each topic.

(continues)

Deliverables:
7.1 Electronic Copies of Training Documentation (syllabus, manuals, visual presentation materials)
7.2 Hands-on Two Day Workshop

Task 8: Warranty, Support, and Maintenance
The Consultant shall provide a warranty, support, and maintenance for the supplied software for a period of two years. Any ATMS software bugs found during this period will be corrected at no additional cost to the City. New functionality, additions, and enhancements made to the software, that do not constitute a separately packaged and marketed version or module of the system, developed by the Consultant during this period shall be offered to the City at no additional license fee. Upon approval by the City, these enhancements shall be installed and integrated based on current hourly rates.

The Consultant shall provide maintenance services, which will include phone and e-mail support during City's working hours. The Consultant shall perform periodic check-ups and tune-ups several times a year to validate System performance.

Deliverables:
8.1 Two Year Warranty, Support, and Maintenance

Project Deliverables
KHA shall use the standard City software set forth below when preparing deliverables. KHA shall provide deliverables in the appropriate file format (by downloads and/or via e-mail) as follows:

- Microsoft Word or Adobe PDF – Word Processing
- Microsoft Excel – Spreadsheet
- Microsoft PowerPoint – Presentation Materials

The City shall provide comments in electronic format using the same software as outline above.

Optional Operational Support
Other services may be provided in support of the system, its operations or the communication infrastructure for the City as additional services. Authorization by City is required prior to beginning any of these tasks. Services that are not included in this contract, but that may be provided as additional services may include but are not limited to:

- Integration services for additional intersections
- Database population
- Additional intersection graphic configuration
- Communication troubleshooting and integration
- Corridor retiming
- Before and after studies that quantify improvement from deploying the System

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR *LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY* RIVERSIDE SUPERIOR COURT CASE RIC 524877

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500).

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for *Los Angeles Engineering, Inc. v. City of Moreno Valley* Riverside Superior Court Case RIC 524877.

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

BACKGROUND

In 2007, the Community Services District awarded a contract to Los Angeles Engineering to renovate the Moreno Valley Community Park soccer fields. Five

Contract Change Orders were issued for various changes in the scope of the work and as a result of weather delays. Los Angeles Engineering completed the project later than the allowed and refused to process the last three Change Orders. Los Angeles Engineering filed a claim and then a lawsuit in 2009 alleging extra work and extended overhead cost. Gibbs, Giden, Locher, Turner & Senet (GGLTS) were retained to defend the lawsuit and bring the cross-complaint against Los Angeles Engineering.

DISCUSSION

Gibbs, Giden, Locher, Turner & Senet were retained as outside counsel for this case. In January 2009, the City issued a Purchase Order using unencumbered project funds for general legal services for the Moreno Valley Community Park Soccer Field Rehabilitation. Due to the ongoing nature of the litigation, the current Purchase Order is not sufficient to continue the defense of the case and the pursuit of the cross-complaint. Increasing the Purchase Order would allow the City to retain GGLTS to reach a conclusion in the lawsuit. Three sources of funding were used for the project: a State of California grant, Park Improvement Development Impact Fees, and Quimby In-Lieu Fees. In order to use Park Improvement Development Impact Fees for a project, the City must establish a nexus between the development projects paying the fees and the facilities being financed with the fees and the service level to be provided by the facility. Because the soccer fields were expanded by more than 50%, it was reasonable to fund half of the project with Park Improvement Development Impact Fees. The lawsuit is a direct result of the rehabilitation and expansion of the soccer fields. The use of Park Improvement Development Impact Fees for the City to continue to defend the lawsuit and pursue the cross-complaint is established as the result of the project's construction activities. Therefore, the use of Park Improvement Development Impact Fees for legal services against a claim resulting from the Soccer Field Renovations' construction activities is reasonable.

ALTERNATIVES

1. This alternative will allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel to continue the litigation.

2. This alternative will not allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel and may affect the outcome of potential litigation.

FISCAL IMPACT

Staff requests that an appropriation from Park Improvement Development Impact Fees (Fund 205) in the amount of $100,000 be authorized to allow for the purchase order increase and subsequent payments to GGLTS. There is no impact to the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2011/2012 Budget (Account No. 461.65325) $100,000
Total Available Funds $100,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Due to the ongoing litigation with Los Angeles Engineering, Inc. over the Moreno Valley Community Park Soccer Field Rehabilitation Project, Staff recommends an appropriation of $100,000 from Parkland Development Impact Fees (Fund 205) to allow for an increase to the Purchase Order to Gibbs, Giden, Locher, Turner and Senet, LLP. This increase will allow for the continuing payment of legal fees and costs due to the litigation with Los Angeles Engineering.

ATTACHMENTS

None

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001587

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: TRACT MAP 32707 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION
ONE BETTERWORLD CIRCLE, SUITE 300
TEMECULA, CA 92590

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-79 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32707 is a 137-lot single family residential development to be constructed in the City of Perris just south of Moreno Valley's City limits, with a portion of Lasselle Street being improved within the City of Moreno Valley. The project was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, landscaping, and sewer work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $95,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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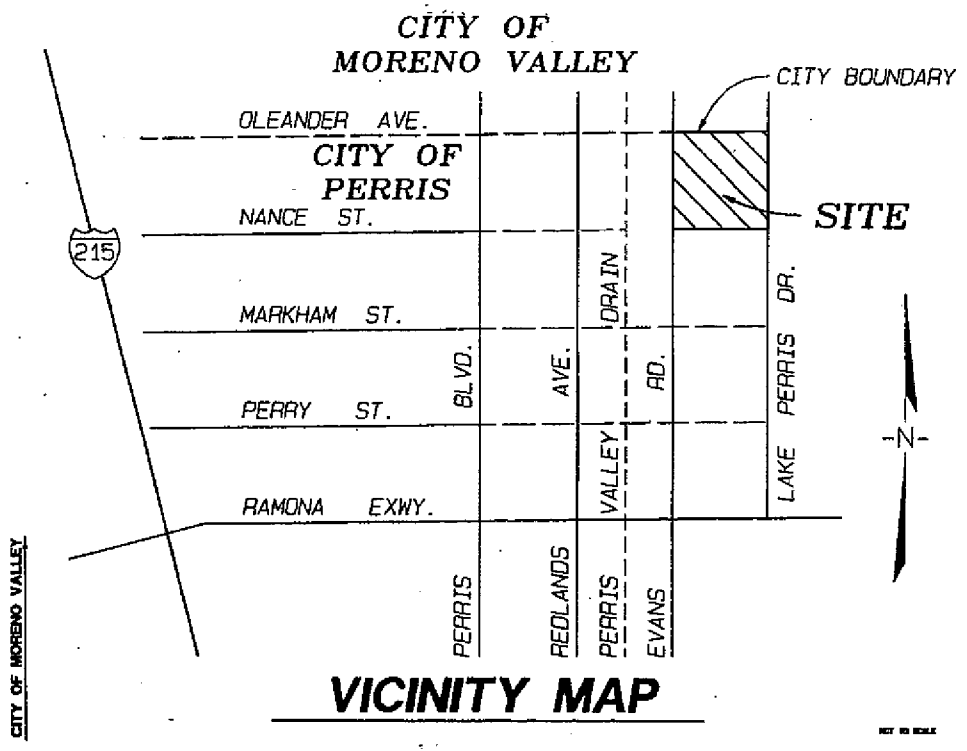

VICINITY MAP

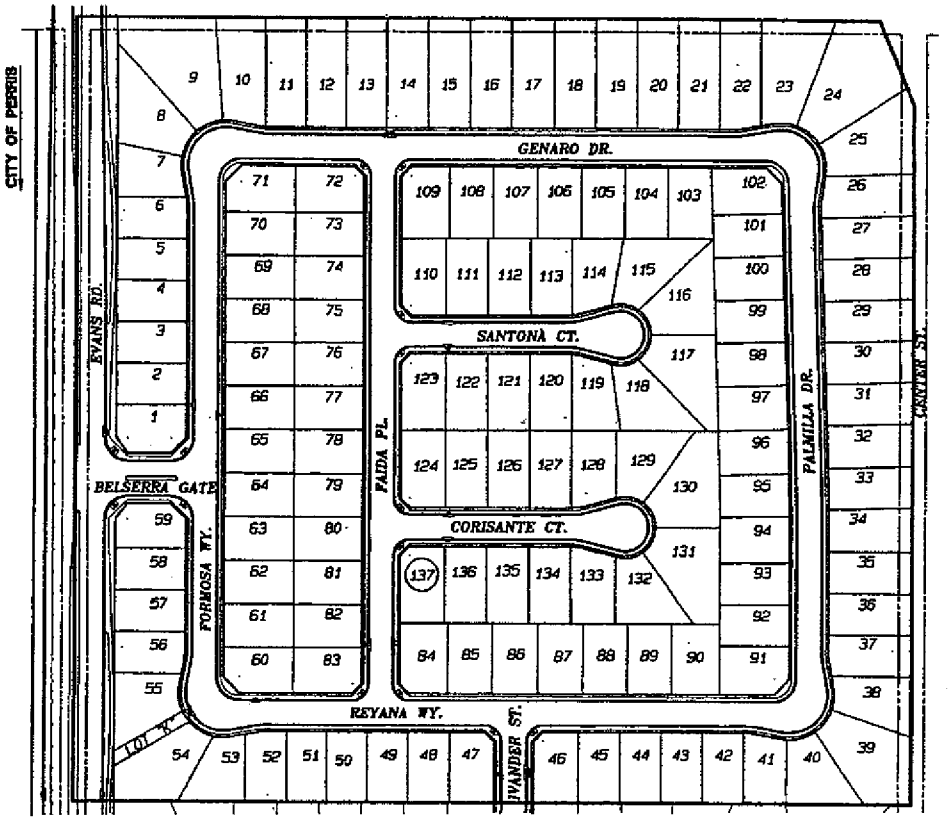

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**TRACT 32707** **VICINITY MAP**

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Item No. A.9

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MV00001593

RESOLUTION NO. 2011-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32707 AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Redhawk Communities. on the portion of Lasselle Street associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32707 and accept the portion of Lasselle Street associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within Tract Map 32707 are complete, and the portion of Lasselle Street associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

EXHIBIT "B"

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00001597

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract to Beador Construction Company, Inc. (Beador) and authorized the issuance of a purchase order in the amount of $243,960 for the 2011 Citywide Bridge Maintenance Program.

DISCUSSION

The 2011 Bridge Maintenance Program involved the application of Methacrylate Deck Treatment to three (3) bridges including Cactus Avenue Bridge, west side of Kitching Street (Bridge No. 56C0407), Bay Avenue Bridge, 0.25 mile east of Kitching Street, (Bridge No. 56C0401), Oliver Street Bridge, 500 feet north of John F. Kennedy Drive (Bridge No. 56C0559). Work on the remaining five (5) bridges included cold mill and pave back the existing asphalt concrete over the bridge deck and the bridge approaches at the following bridges: Cottonwood Avenue Bridge, 0.2 mile east of Heacock Street (Bridge No. 56C0214), Dracaea Avenue Bridge, 0.14 mile west of Indian Street (Bridge No. 56C0274), Cactus Avenue Bridge, 0.5 mile west of John F. Kennedy Drive (Bridge No. 56C0420), Cactus Avenue Bridge, 0.2 mile west of John F. Kennedy Drive (Bridge No. 56C0421), and Perris Boulevard Bridge Approaches, 1.0 mile south of Iris Avenue (Bridge No. 56C0464).

At the time of preparation of this Staff Report, the project is anticipated to be complete by June 30, 2011. Subsequently, staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost will not exceed the approved purchase order amount of $243,960. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release of retention money to Beador thirty five (35) calendar days after the date of recordation of the Notice of Completion, and accept the improvements into the maintained road system. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2010-2011 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. There is no impact to the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2010/2011 Budget (Account No. 226.79828)	$420,000
Total Available Funds	**$420,000**

ESTIMATED PROJECT COSTS:

Contractor Construction Costs*	$244,000
Project Administration, Design, and Inspection	$45,000
Miscellaneous Costs	$2,000
Total Estimated Project Costs	**$291,000**

*Staff anticipates that Contractor Construction Costs will not exceed purchase order amount.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Beador is anticipated to complete the 2011 Citywide Bridge Maintenance Program project by June 30, 2011. The City Council is requested to authorize the Public Works Director / City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Beador, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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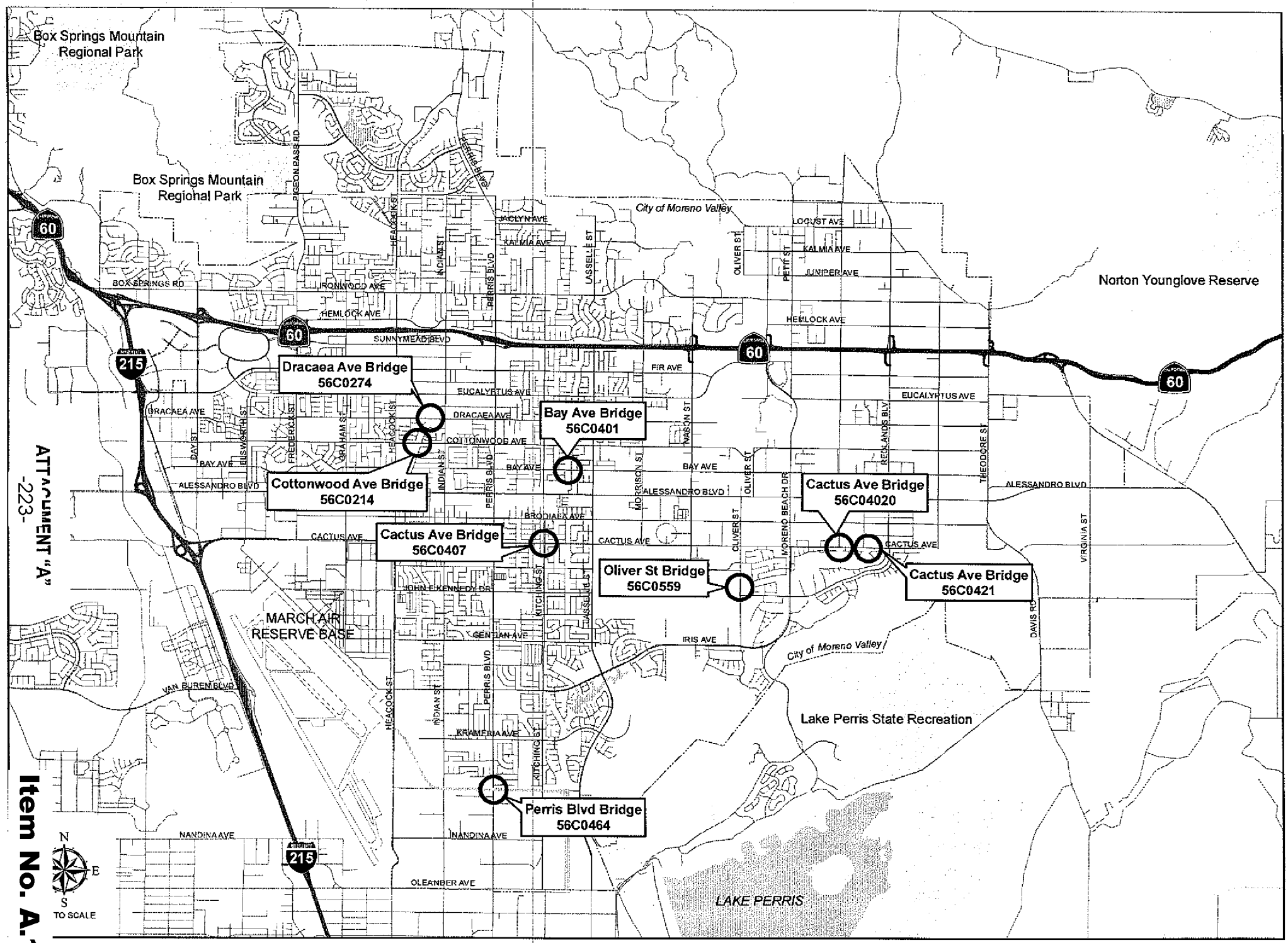

VICINITY MAP: 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM - MORENO VALLEY

ATTACHMENT "A"

-223-

Item No. A.10

MV00001602

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MV00001603

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Community and Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date

of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

BACKGROUND

On June 22, 2010, the City Council awarded a contract in the amount of $706,716 to San Pedro Sign Company (SPESCO) and authorized the issuance of a purchase order in the amount of $812,724 for the construction of the Moreno Valley Auto Mall Freeway Pylon Sign.

DISCUSSION

The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase business advantageous by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The pylon sign is an integral element of the plan. The sign is located on the south side of the SR60 freeway, east of Moreno Beach Drive. This project replaced the existing aged and worn freeway sign with a new up-to-date high-tech two (2) sided sign that includes a larger video display. The sign is in conformance with the "Specific Plan No. 5 Sign," and is 31 feet wide and stand approximately 85 feet in height, as seen from the freeway.

At the time of preparation of this Staff Report, the construction of the pylon sign is anticipated to be completed at end of June 2010. Subsequently, Staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost is estimated at approximately $725,000 which does not exceed the approved purchase order amount of $812,724. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council and the Redevelopment Agency to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, authorize the release to retention money to SPESCO thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the pylon sign to the Moreno Valley Dealers Advertising Association. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public

Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will allow for timely payment to the Contractor and the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements, and delaying the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2010/2011 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2010/2011 Budget (Account No. 897.91725)..... $1,512,000

CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$725,000
Project Administration, Design Support, and Inspection Costs*	$ 46,000
Construction Support Services and Miscellaneous Costs	$ 15,000
Total Construction Related Costs	**$786,000**

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

SPESCO has completed the Moreno Valley Auto Mall Freeway Pylon Sign project. The City Council and the Community Redevelopment Agency is requested to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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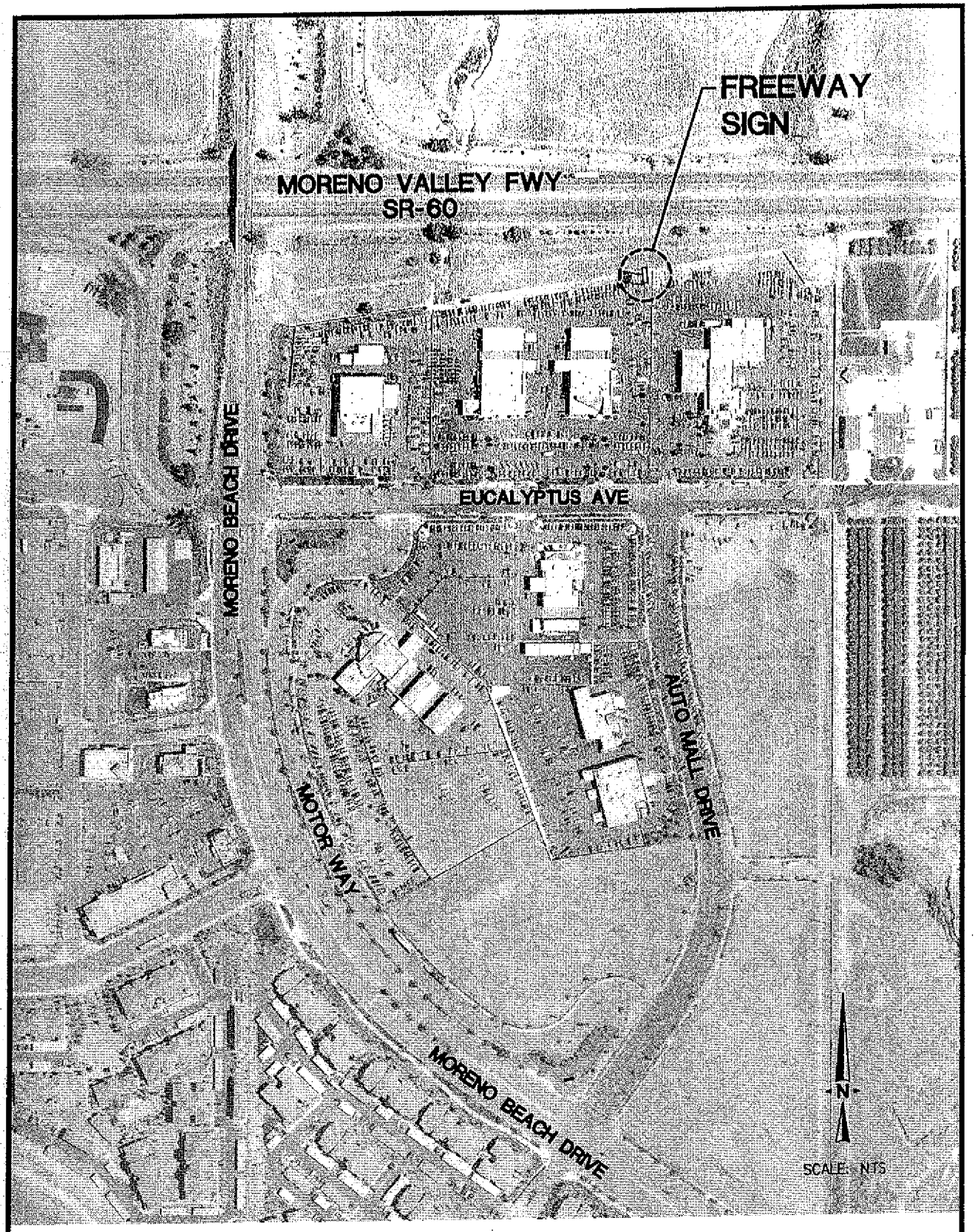
FREEWAY SIGN
MORENO VALLEY FWY
SR-60
MORENO BEACH DRIVE
EUCALYPTUS AVE
AUTO MALL DRIVE
MOTOR WAY
MORENO BEACH DRIVE
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SCALE: NTS

VICINTY MAP

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MV00001609

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division.

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto.

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

BACKGROUND

On July 13, 2010, City Council approved a Project Agreement in the amount of $99,000 with OPC for a one year period.

DISCUSSION

Due to the vacant City staff "Senior Real Property Agent" position, as well as an increase in project related right of way activities, additional resources are necessary. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to extend their Project Agreement with OPC.

OPC staff has an excellent track record of providing right of way services for budgeted capital improvement projects including, but not limited to, Kitching Street Improvements, Day Street Improvements, and Lasselle Street Widening Improvements. In the upcoming fiscal year, OPC staff will continue to work on right of way for projects such as the Perris Boulevard from PVSD Lateral "B" to Cactus Avenue Improvements, Perris Boulevard from Ironwood Avenue to Manzanita Avenue, acquisition of property for the future Industrial Fire Station and Fire Station No. 65, and other budgeted capital projects as assigned.

Staff recommends issuing an increase to the purchase order and executing the "First Amendment to Agreement for Professional Consultant Services" with OPC for a continuation of their services. The purchase order increase for $85,000 allows for additional right of way services by the in-house consultant staff on an as-needed basis with a revised contract expiration date of December 31, 2012.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, do not authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and do not authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Project Agreement for Professional Consultant Services" with OPC will be fully expended in September 2011. This First Amendment increases the purchase order by $85,000 to extend the as-needed temporary professional staffing services to December 31, 2012. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City

the ability to terminate the agreement by giving at least ten days written notice to the consultant.

As costs are incurred against this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The anticipated associated costs for the purchase order increase will be funded through DIF Arterial Streets (Fund 416), TUMF Capital Projects (Fund 415), Fire Station Funds (Fund 434), and Measure "A" (Fund 125):

Perris Boulevard from PVSD Lateral "B" to Cactus Avenue (416.78526)..... $30,000
Perris Boulevard from Ironwood Avenue to Manzanita Avenue (415.78726)..... $29,000
Industrial Fire Station (434.67930)..... $11,000
Fire Station No. 65 (434.72526)..... $11,000
Highland Fire Station (434.67830)..... $4,000
Total..... $85,000

These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

Due to the need for in-house right of way services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with OPC is necessary to continue the temporary professional staffing services for the Capital Projects Division. Staff recommends that the City Council authorize the execution of the Amendment and increase to the purchase order to OPC in the amount of $85,000.

ATTACHMENTS

Attachment "A" – First Amendment to Project Agreement for On-Call Professional Consultant Services

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT AGREEMENT
FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES
VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Overland, Pacific and Cutler, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT for ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 22, 2010.

Whereas, the Consultant is providing Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed).

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 13, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as Exhibit "A" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended to December 31, 2012.

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A”, entitled "Consultant Proposal.”

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B”, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $85,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “B”.

1.5 The total “Not to Exceed” fee for this contract is $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley	Overland, Pacific and Cutler, Inc.
BY: _____ City Manager	BY: _____
DATE: _____	TITLE: _____ (President or Vice President)
	BY: _____
	TITLE: _____ (Corporate Secretary)

Attachments: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

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Revised Dec 2010

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MV00001617

OVERLAND PACIFIC & CUTLER, INC.
www.OPCservices.com
2280 Market Street, Suite 340, Riverside, CA 92501
phone: (951)683-2353, fax: (951)683-3901

June 13, 2011

Ms. Kimberly Jester
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: Continuation of In-House Right of Way Consulting Services 2011

Dear Ms. Jester:

In response to your request, Overland, Pacific & Cutler, Inc. (OPC) is pleased to present the City of Moreno Valley with this brief fee proposal for the continuation of in-house staffing services under our existing Professional On-Call Services Agreement.

OPC is proposing to continue with the existing arrangements and will assign Mr. Michael Green to the City for another one (1) year term beginning January 1, 2012 and expiring December 31, 2012. Mr. Green will be working at a rate of $105 per hour, Tuesdays and Thursdays, from 8:00 AM to 5:00 PM. At 16 hours per week for the year, we estimate the total annual cost to be $87,360, plus any reimbursable expenses pursuant to the Professional On-Call Services Agreement. Should the actual hours increase or decrease over the coming year, the estimated cost will adjust accordingly.

Should you have any questions or would like to discuss further, please do not hesitate to call me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Principal/Vice-President

EXHIBIT "A"

Item No. A.12

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MV00001619

COST SUMMARY

1. The Consultant's compensation shall not exceed $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

EXHIBIT "B"

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MV00001621

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 12, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $1,768,222.35 to Riverside Construction Company, Inc., for the Ironwood Avenue improvements from Day Street to Barclay Drive. The project construction work began on December 6, 2010.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company, Inc. by July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $1,675,000 which is not expected to exceed the approved purchase order amount of $1,768,222.35. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally consisted of widening the south side of Ironwood Avenue from Day Street to Barclay Drive with the addition of one (1) lane plus a right turn lane, which included concrete curb, gutter, and sidewalk covering approximately 1,600 linear feet. Improvements included approximately 1,402 feet of new waterline in Ironwood Avenue beginning at Day Street and connecting to an existing waterline east of Athens Drive, a masonry block retaining wall along the southerly right of way line between Day Street and Athens Drive, storm drain improvements in Ironwood Avenue at the intersection of Athens Drive, a traffic signal modification at Day Street and Ironwood Avenue, a new traffic signal at Athens Drive and Ironwood Avenue, street lighting, and interconnect improvements. The modifications facilitate a smooth transition through the intersections for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue. Ironwood Avenue becomes Box Springs Road just west of Day Street.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion

within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Ironwood Avenue improvements from Day Street to Barclay Drive were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). In accordance with the terms of the Reimbursement Agreement, EMWD deposited $100,273 to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue through fund 414 (Account No. 414.80422); this amount may be adjusted based on final construction costs for this portion of the work. The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91727)	$2,585,000
Fiscal Year 2010/2011 (Account No. 414.80422)	$150,000
Total Budgeted Funds	$2,735,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	**$1,675,000**

Design Support Costs during Construction	$60,000
Construction Geotechnical Services	$30,000
Construction Survey Services	$30,000
Project Administration and City Inspection*	$80,000
SCE Costs (Utility, Streetlights, and Permits)	$32,000
Total Project Construction Costs	**$**1,907,000

*Public Works staff provided project administration and primary inspection services. Additional consultant inspection support was provided for supplemental inspection.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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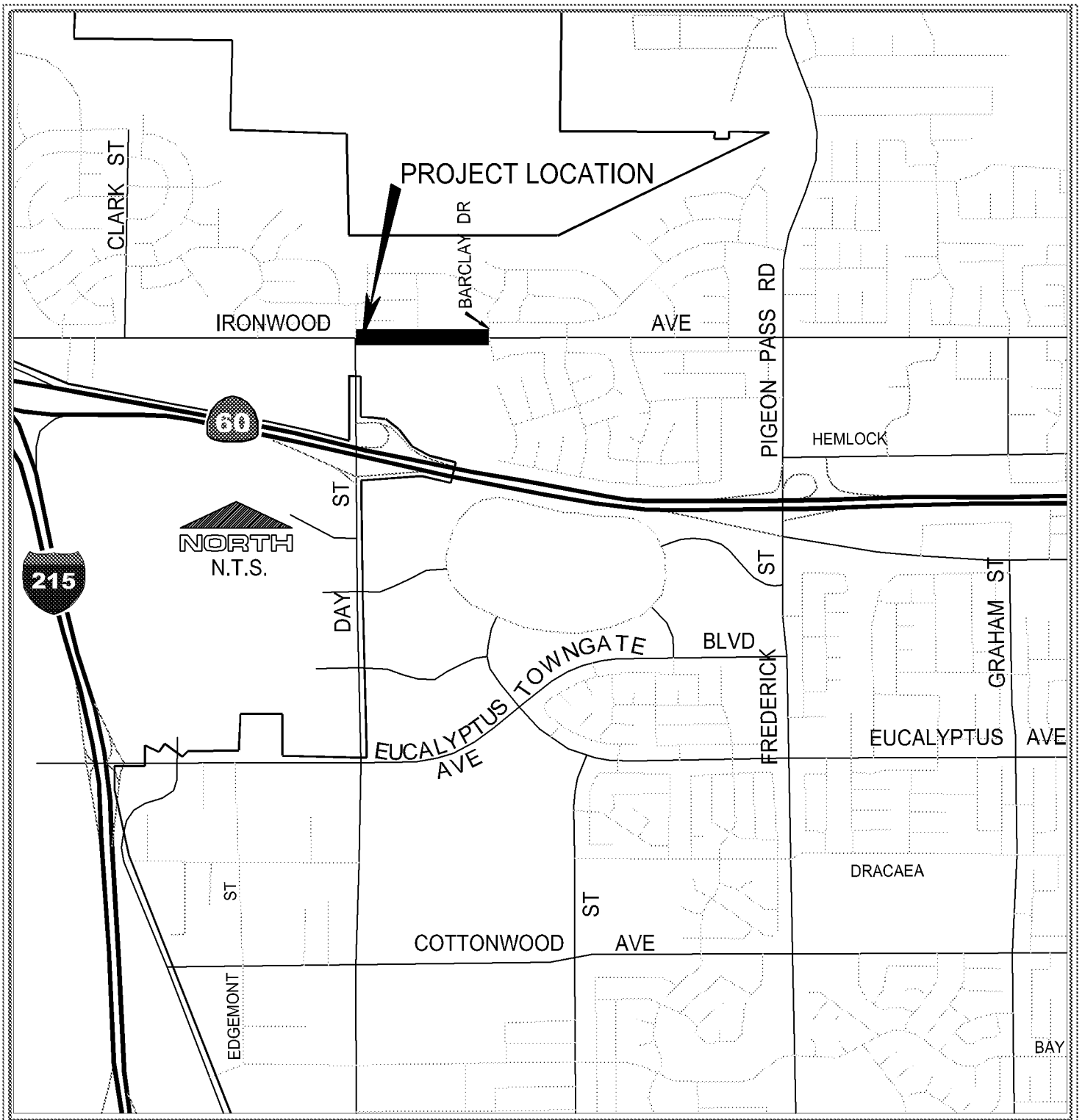

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027

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MV00001627

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 26, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $207,299 to SoCal Engineers, Inc., for the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east). The project construction work began on January 24, 2011.

DISCUSSION

Staff anticipates that all work will be completed by SoCal Engineers, Inc. in July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final construction cost will be approximately $205,000 which is not expected to exceed the approved purchase order amount of $207,299. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion after the Public Works Director/City Engineer accepts the improvements as complete with the County Recorder, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally involved the installation of a new traffic signal at the intersection of Sunnymead Ranch Parkway and Village Road (east). The work also included the removal and construction of new asphalt concrete pavement, curb and gutter, sidewalk, access ramps, interconnect conduit, and a residential driveway approach, as well as restriping of the intersection, and the installation of signage.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the

improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

The traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east) were included in the Fiscal Year 2010/2011 budget, and financed by DIF Traffic Signal Capital Projects (Fund 417). The funding for this project is restricted to traffic signal capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 417.79229)	$249,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Cost	$205,000
Construction Surveying Cost	$2,000
Construction Geotechnical Cost	$2,000
City Furnished Equipment	$19,000
Project Administration and Inspection Services	$21,000
Total Project Construction Costs	**$249,000**

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
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Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\John K - 10-41779229- - Sunnymead Ranch Pkwy-Village Rd TS\CC Reports\071211 Notice of Completion for TS Sunnymead Ranch Village.doc

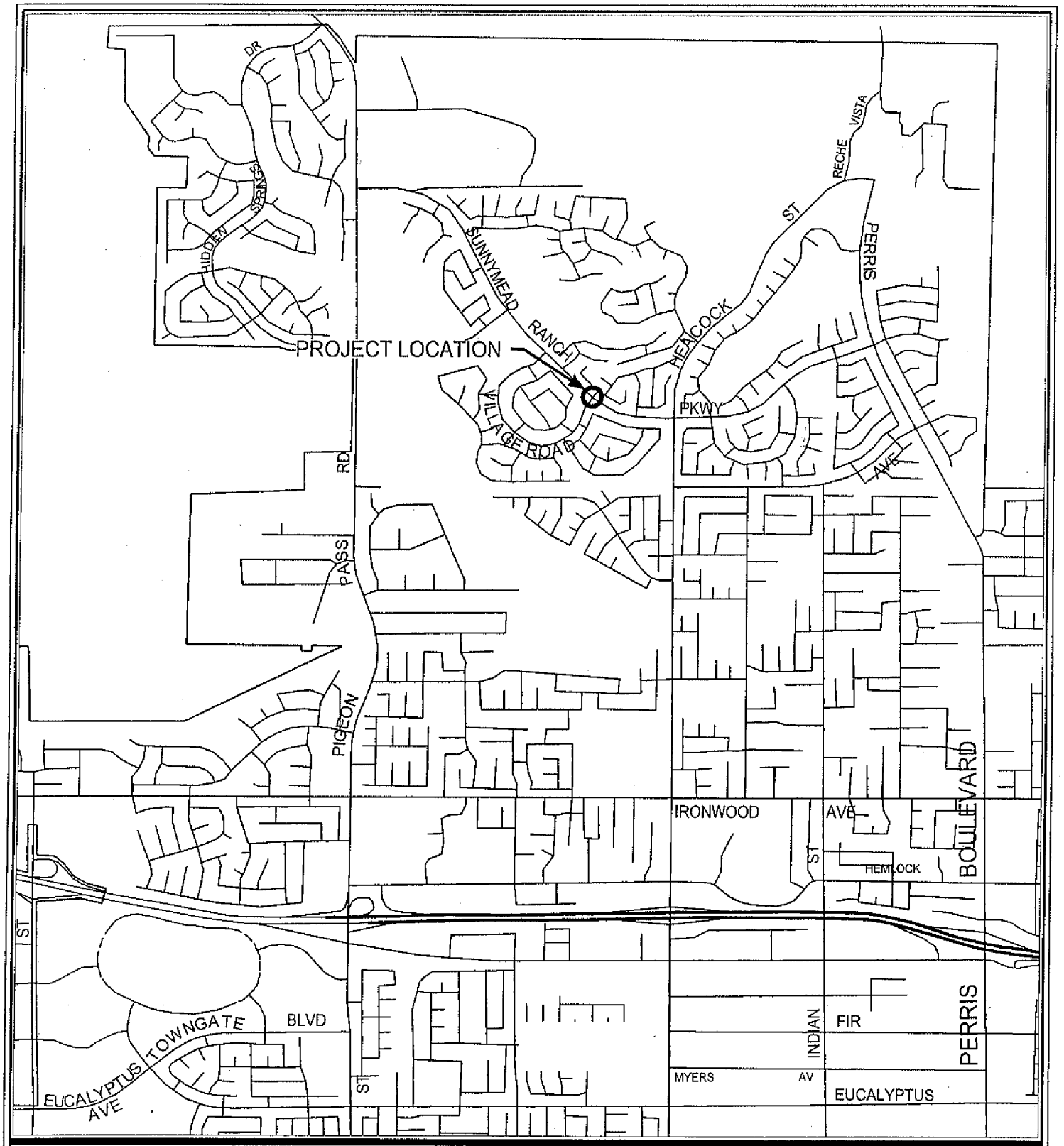

ATTACHMENT "A" - LOCATION MAP

Public Works Department Capital Projects Division	PROJECT NO. 10-41779229 TRAFFIC SIGNAL AT SUNNYMEAD RANCH PKWY AND VILLAGE RD (EAST)
Scale: None	
THOMAS GUIDE - PAGE 687, SECTION D6	

Item No. A.14

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MV00001633

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On May 25, 2010, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,912,608.76 to Hillcrest Contracting, Inc. The work consisted of the construction of street, signing, striping, waterline, utility relocation, and other related road improvements on Day Street between Alessandro Boulevard and Cottonwood Avenue. The City issued a Notice to Proceed to Hillcrest Contracting, Inc. to start work on July 13, 2010.

On February 22, 2011, City Council and the Community Redevelopment Agency were informed that a design error was discovered pertaining to the design and construction of a portion of the street curb and gutter tied to a cross gutter to facilitate surface drainage, located on a short segment of the northerly end of Day Street, just south of Cottonwood Avenue. City Council also authorized an increase of the Purchase Order to a total amount of $2,104,608.76.

Staff is diligently working to resolve the drainage issue independently of this construction contract as part of a second phase of improvements for Day Street. This second phase, Storm Drain Improvements on Day Street South of Cottonwood Avenue, is included in the Fiscal Year 2011–12 CIP, which City Council adopted on June 14, 2011.

DISCUSSION

Hillcrest Contracting, Inc. completed all construction work per the plans and specifications in April 2011. In accordance with the contract documents, however, the date of acceptance of the work for this project by the City Council is contingent upon the satisfactory conclusion of the 90 day maintenance period, which is scheduled for the end of July 2011.

Staff is in the process of negotiating the final Contract Change Order and anticipates the final contract cost will be approximately $1,953,000.00 which does not exceed the approved purchase order amount of $2,104,608.76. Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice

of Completion. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2010-2011 Budget and is financed by RDA 2007 Tax Allocation Bonds (TABS) funds (Fund 897). **These funds have been allocated for the Day Street from Alessandro Boulevard to Cottonwood Avenue Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

FISCAL YEAR 2010-2011 BUDGETED FUNDS (ACCOUNT NO. 897.91724):
RDA 2007 Tax Allocation Bonds (TABS) $2,413,377

FINAL CONSTRUCTION RELATED COSTS:

Design Support Services during Construction	$15,000
Anticipated Contractor Construction Costs	$1,953,000
Construction Geotechnical Services	$15,000
Construction Survey Services	$45,000
Construction Inspection Services	$12,000
Project Administration and City Inspection	$90,000
Total Project Construction Costs	$2,130,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Hillcrest Contracting, Inc. completed construction of the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue at the end of April 2011 and, anticipating the successful completion of the 90 day maintenance period, the project will be complete at the end of July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Lorenz R. Gonzales, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community &Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 02-89266920 - Day St\CC Reports\NOC Staff Report (CC 07-12-11)\Staff Report - NOC Day Street (CC 07-12-11) Revised 062711.doc

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MV00001639

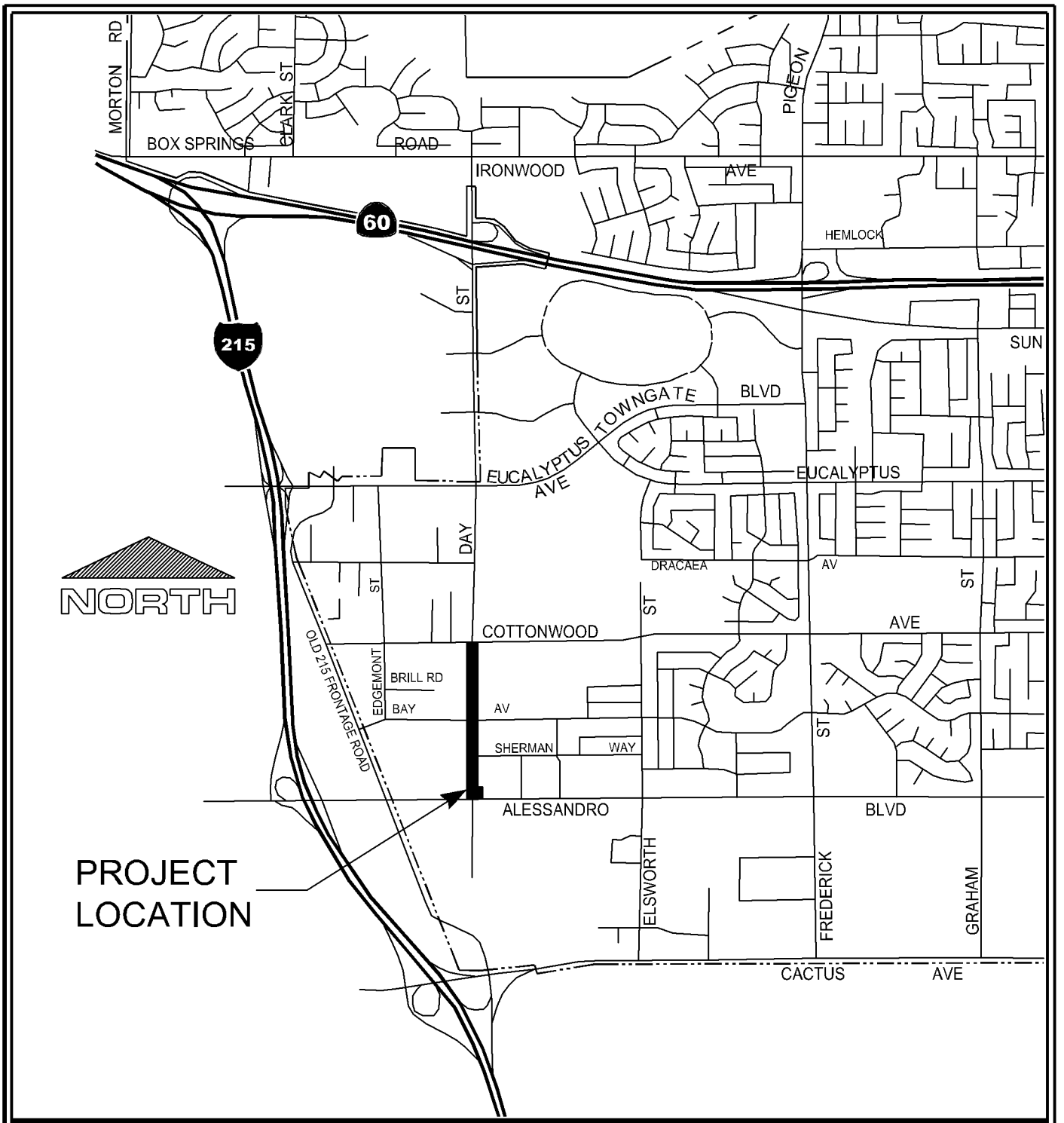

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

STREET IMPROVEMENTS FOR DAY STREET
FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE
PROJECT NUMBER 02-89266920

Item No. A.15

MV00001640

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MV00001641

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: July 12, 2011

TITLE: RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On April 12, 2005, Moreno Valley City Council adopted Resolution No. 2005-30, authorizing the City Manager, Assistant City Manager and the Public Works Director/City Engineer to execute documents on behalf of the City of Moreno Valley for the purpose of obtaining federal and state financial assistance.

California Emergency Management Agency has required that Moreno Valley City Council adopt a new resolution in place of Resolution No. 2005-30, designating and authorizing City officials to execute applications and documents.

DISCUSSION

To apply for and receive disaster relief and other financial funding offered under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and/or under the California Disaster Assistance Act, the City of Moreno Valley must designate City officials who are authorized to execute applications and documents on behalf of the City. Resolution No. 2011-xx rescinds Resolution 2005-30 and authorizes the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer to execute documents on behalf of the City.

ALTERNATIVES

1. Adopt the proposed amended Resolution re-designating and authorizing signature authorities to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act. **Staff recommends this alternative.**

2. Do not adopt the proposed Resolution. This alternative would prevent the City from receiving disaster relief and other financial funding.

3. Provide staff with further direction.

FISCAL IMPACT

Without a new Resolution, the City would not be eligible to receive disaster relief and other financial funding.

CITY COUNCIL GOALS

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

NOTIFICATION

Publication of the Council Agenda.

ATTACHMENTS/EXHIBITS

Exhibit “A” - Proposed Resolution

Prepared By:
Name LeAnn M. Coletta, CEM
Title Office of Emergency Management Program Manager

Department Head Approval:
Name Steve Curley
Title Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001645

RESOLUTION NO. 2011-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING RESOLUTION NO. 2005-30, AND RE-DESIGNATE AND AUTHORIZE CERTAIN CITY OFFICIALS TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

WHEREAS, Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, requires a signature resolution designating and authorizing certain city officials to execute applications and documents necessary to obtain financial assistance; and

WHEREAS, the City Council of the City of Moreno Valley heretofore adopted Resolution No. 2005-30, designating and authorizing certain city officials to execute said applications and documents; and

WHEREAS, the California Emergency Management Agency has required that the Moreno Valley City Council update Resolution No. 2005-30 in order to be eligible for financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

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

1. That the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer, is hereby authorized to execute for and on behalf of the City of Moreno Valley, a local government established under the laws of the State of California, applications and other related documents for filing in the California Emergency Management Agency for purpose of obtaining financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

2. That the City Council of the City of Moreno Valley, a local government established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00001649

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis.

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto.

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

BACKGROUND

On September 14, 2010, City Council approved an "Agreement for On-Call FY 10/11 Project Management Services" with VAS Associates, Inc. for $285,000 for various projects of the Capital Projects Division.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

VAS will serve as the Project Manager for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. These fast-tracked projects are part of the April 26, 2011 City Council approved Economic Development Action Plan. Furthermore, VAS will continue to work in the capacity of Consultant Project Manager for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue, which is anticipated to begin construction in the fall of 2011.

VAS currently provides Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract. This action is necessary due to on-going heavy workload and shortage of qualified, experienced, and knowledgeable Project Managers to complete budgeted capital improvement projects funded by various revenue sources as depicted in the FY 11/12 CIP budget.

VAS staff possesses a unique combination of skills as well as 30-plus years of industry experience. Their in-depth knowledge of the Public Contract Code, Green Book Specifications, and public works contracting practices, coupled with a vast network of contacts and experience with various Riverside County regional agencies has contributed to the successful execution of many complex public works projects. Two of the projects completed for the City by VAS staff received the Project of the Year Award from the American Public Works Association, Southern California Chapter.

VAS has a long-standing and proven track record of managing high-profile construction projects that are completed on time and within budget. Within the recent past, VAS has successfully completed the Kitching Street Improvements from Cactus Avenue to Alessandro Boulevard, which improved 2,800 linear feet of roadway segment to its General Plan width of four (4) travel lanes; the Lasselle Street Widening project, the widening of a one-mile stretch of roadway to its ultimate General Plan width of four (4) travel lanes; and the 2011 Citywide Bridge Maintenance Program, a project that repaired eight (8) bridges within the City. Previously, VAS constructed Pigeon Pass Road Widening, which completed improvements for missing segments of a two-mile section of roadway. VAS successfully completed several traffic signal construction projects such as the traffic signals at Cottonwood Avenue and Pattilynn Drive, Lasselle Street and Bay Avenue, and Lasselle Street and Cottonwood Avenue.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all

parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, do not authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and do not authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

The current Agreement for Professional Consultant Services with VAS will be fully expended in by late 2011/early 2012. This new amendment to agreement in the amount of $312,000 is for on-going services throughout the anticipated duration of the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. The new agreement termination date is June 30, 2013. Adequate funding is provided through the various budgeted capital improvement projects assigned to the consultant. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Avenue budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Amendment to Agreement for Professional Consultant Services will be funded through TUMF Capital Projects (Fund 415).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$196,000
Perris Boulevard Widening (Account No. 415.70225)	$116,000
Total	**$312,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary project management consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, the First Amendment to Agreement for Professional Consultant Services with VAS is necessary to extend temporary professional staffing services to the Capital Projects Division. Staff recommends issuance of a purchase order to VAS in the amount of $312,000.00.

ATTACHMENT

Attachment "A" – First Amendment to Project Agreement for On-Call Project Management Services for Various Projects of the Capital Projects Division

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and VAS Associates, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT FOR ON-CALL FY 10/11 PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION," hereinafter referred to as "Agreement," dated September 21, 2010.

Whereas, the Consultant is providing consultant Project Management services for budgeted Capital Improvement Plan (CIP) projects of the Capital Projects Division.

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 14, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as “Exhibit A -- First Amendment” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended from March 31, 2012 to June 30, 2013.

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A” -- First Amendment, entitled "Consultant Proposal."

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B” -- First Amendment, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $312,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “A” - First Amendment.

1.5 The total “Not to Exceed” fee for this contract is $597,000 ($285,000 for the original Agreement plus $312,000 for the First Amendment to Project Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

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

City of Moreno Valley

BY: _____
City Manager

DATE: _____

VAS Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachment: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

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Revised Dec 2010

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MV00001657

VAS Associates, Inc.
571 Ruth Circle
Corona, CA 92879-8088
(951) 314 2288
Viren50@hotmail.com

June 14, 2011

Prem Kumar, PE
Deputy Public Works Director/Assistant City Engineer
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Annual On-Call Professional Consultant Services-Project Management for Capital Improvements. Expansion of Services.

Dear Mr. Kumar:

VAS Associates, Inc. (VAS) is pleased to submit this proposal that expands services based on our recent discussions that identified needs of Capital Projects Division of Public Works Department based on recently adopted new set of priorities for the division in accordance with the following:

A) It is our understanding that previous assignment to VAS as identified in VAS letter dated August 2, 2010 to the City has now been expanded/revised to include the following projects:

- Design, Right of Way, Utilities Relocations and Construction phases for Perris Boulevard Widening from Ironwood to Manzanita Project.
- Completion of PS&E, Utilities Coordination and Construction phases for Cactus Avenue widening from Lasselle Street to Nason Street project.
- Completion of PS&E, Utilities Coordination and Construction phases for Nason Street improvements from Iris Avenue to Cactus Avenue project.
- Close out of 2011 Citywide Bridge Maintenance Program project.
- Completion of PS&E and Major Utilities Relocations for Kitching Street Improvements-Phase II from Gentian to Cactus project.
- Completion of PS&E including Utilities Relocation design for Reche Vista Drive Realignment project.

B) Our staff hourly billing rate will be $120/Hour. Standard Work Week will be based on a 40 Hours/Week.

C) VAS services are requested at least until June 30, 2013 to ensure completion of the above-mentioned project assignments.

D) All other terms of the "Agreement for Annual On-Call Professional Consultant Services – Project Management for Capital Improvements" between the City of Moreno Valley and VAS will remain in force.

We look forward to continue to provide quality project management services to the City of Moreno Valley. If you have any questions, please do not hesitate to contact me at 951.314.2288.

Sincerely,

Viren Shah, PE
Principal

COST SUMMARY

1. The Consultant's compensation shall not exceed $597,000 ($285,000 for the original Agreement, plus $312,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of invoice.

EXHIBIT "B"

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MV00001661

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto.

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

BACKGROUND

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require

dedicated, knowledgeable, and efficient support with experience in assisting with these types of projects.

The Capital Projects Division currently receives Consultant Administrative Specialist services for several design and construction projects under an existing professional consultant service contract with RLZ Engineering, Inc. which is anticipated to be fully expended shortly. The key individual with RLZ Engineering, Inc. will be moving over to DMC Design Group, Inc. (DMC) and proposes to provide similar services through a new agreement with DMC.

Consultant staff will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with coordinating weekly meetings, permit and license processing, utility coordination, tracking consultant, vendor, and contractor progress, ensuring contract requirements are met, processing agreements and amendments, writing purchase requisitions and change orders, processing invoices for payment, labor and DBE compliance, as well as construction legal requirements.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes proficient review of certified payroll and vast knowledge of Department of Industrial Relations requirements, long-standing and proven history of processing contractor payments within 30 days including dealing with Stop Notices and release of retention in line with City financial and accounting procedures, understanding of the public bidding procedures and contract administration per the Public Contract Code, as well as processing Stop Notices and fulfilling Public Records requests in coordination with the City Clerk's Office. The Consultant staff has five years experience in Capital Projects and an additional five years experience in the construction engineering field for the private sector.

Consultant staff has a long-standing and proven track record of providing administrative support to on-time and on-budget projects such as the Lasselle Street Widening, Kitching Street Phase I Improvements, and the last two cycles of the Annual Bridge Maintenance Program. In addition to the services provided for the Cactus Avenue and Nason Street projects, the consultant staff will assist with the contract administration, accounting, invoice processing, as well as the development of the Five-Year CIP Budget for other approved projects on an as-needed basis.

The consultant staff will work on a full-time, 36-hour per week schedule. The Agreement termination date is June 30, 2013. DMC has acknowledged the current economic downturn that the City faces, and has reduced the hourly rate by approximately 2%.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted

Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and do not authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

This proposed "Agreement for Professional Consultant Administrative Services" with DMC in the amount of $139,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$80,000
Perris Boulevard Widening (Account No. 415.70225)	$40,000
Moreno Beach Widening (Account No. 416.83428)	$7,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$139,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for experienced consultant administrative services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Agreement for Professional Consultant Administrative Services with DMC Design Group, Inc. Staff also recommends issuance of a purchase order to DMC in the amount of $139,000.00.

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Administrative Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File
W:\CapProj\CapProj\hirestaffconsultant\DMC Design Group\DMC Agreement Staff Report 7-12-11.DOC

AGREEMENT FOR PROFESSIONAL
CONSULTANT ADMINISTRATIVE SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and DMC Design Group, Inc., a California corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES

DESCRIPTION OF PROJECT

1. The project involves temporary administrative services for the Capital Projects Division associated with applicable capital improvements. The work will include administrative and accounting support services and other project-related duties as assigned.

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **$139,000** in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on June 30, 2013 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth herein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City

acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform

their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

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

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

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

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

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits

hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

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

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors

and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

DMC Design Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Scope of Work
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**

2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.

3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00001679

SCOPE OF WORK

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating, and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports; reviewing and processing consultant, contractor, and vendor invoices for payment; processing journal entries; and reviewing project expenditures. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

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MV00001681

June 15, 2011

Prem Kumar, PE
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Temporary Staffing for Professional Administrative Consultant Services

Dear Mr. Kumar:

DMC Design Group, Inc. is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Kimberly Jester is currently providing Consultant Contract Administrative Specialist services through an agreement with RLZ Engineering, Inc. Ms. Jester has provided these services through RLZ as well as a City employee since October 2006. As of September 1, 2011, Ms. Jester proposes to begin performing through DMC Design Group, Inc. (DMC).

Scope of Services and Fees:

Ms. Jester will provide consultant administrative specialist services, on a full-time (36 hours per week) basis at a rate of $61.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $139,000 for approximate fifteen months of service. Authorized work beyond normal 36 hours workweek will also be billed at $61.00 per hour.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

If you have any questions regarding this proposal, please contact me at 951.549.8100.

Sincerely,

Donna A. Cosper

Enclosure: Kimberly Jester Resume

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MV00001683

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

EXPERIENCE

2008 - Present **City of Moreno Valley** ***Contract Administration Specialist, RLZ Engineering, Inc.***
2006 2008 **City of Moreno Valley** ***Management Assistant, City Staff***

- Prepare project-specific expenditure analyses; including routine review of reports to ensure available budget versus expenditures balance.
- Develop and utilize spreadsheets, databases and other computer applications to assist with assigned studies, projects and reports.
- Perform analytical and administrative assignments in connection with preparation and management of division budgets and grant-funded programs.
- Perform administrative, management, program and other analysis assignments in accordance with established procedures and practices.
- Write contracts for services and goods for approval by Department Head through City Manager approvals.
- Prepare and process purchase requisitions and change orders for services and goods for approval by Department Head through City Manager approvals.
- Process contractor and service invoices for payment; including detailed review and analysis of invoice to ensure that charges are correct and consistent with work done.
- Review certified payroll reports for construction projects.
- Write staff reports for presentation to City Council.
- Review, edit and proofread other staff members' reports for presentation to City Council.
- Prepare exhibits and attachments for staff reports, with high attention to the accuracy of detailed data from multiple sources.
- Conduct research, analyze data and draft policy and procedure documents to address identified needs and issues

2003 - 2006 **Masson & Associates, Inc.** ***Operations Manager***
Civil Engineering and Land Surveying Firm

- Create, write, edit and enforce standard operating procedures managing daily operations and the activities of administrative personnel including standard operating procedures for all business correspondence.
- Engage in promoting good will for the company by writing or selecting favorable publicity material and releasing it through various communications media.
- Research market conditions in local, regional, or national areas to determine potential sales of services.
- Provide training and assistance on a daily basis to ensure proper procedures are followed.
- Proofread and edit all business correspondence, checking for grammatical, punctuation, style and formatting errors.
- Provide quality assurance reviews of all marketing materials.
- Ensure all technical documents such as Due Diligence Reports are free of any typographical, grammatical, and punctuation errors.
- Write, edit, place and track job advertisements.
- Write, edit and format Corporate Statement of Qualifications and routinely revise based on target client.
- Responsible for maintaining updated database of all departmental job descriptions for existing positions and creating new ones for new position.
- Assist in the analysis of data from survey sources to determine salary competitiveness.
- Maintain electronic and manual employee benefits records for employees.
- Maintain employee manual and update as needed to ensure compliance.
- Suggest advertising placement.
- Organize special events.

Exhibit B-2

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

1998-2003 **Mentus, *Office Manager***
Biotechnology Marketing Firm

- Proofread and edited all written material.
- Provided administrative support to five partners.
- Assisted with the dissemination of press releases four times monthly.
- Assisted media buyer with preliminary calls to publications for mechanical specifications, ad rates and editorial calendars.
- Assisted in creation of media plans.
- Assisted in client and product naming on a project basis.
- Coordinated travel for five employees, including CEO and Vice President of Creative, on a monthly basis.
- Organized special events for employees, clients and vendors, including, but not limited to annual holiday party for more than 60 guests.
- Created FileMaker Pro databases for prospecting new clients, travel coordination, and directory sales.
- Organized direct mailings to over 1,000 contacts.
- Facilitated, in conjunction with CFO, accounts payable and receivable, deposits, and the collection of past due accounts.
- Conducted ongoing Internet research for competitors of 30-plus current clients as well as researched industry trends.
- Coordinated weekly direct mailings to prospective clients for marketing team.
- Conducted orientation and training of newly hired employees.
- Updated Media Map and Online Media Atlas databases (web based data management program).

Education

San Diego State University, San Diego, CA

- Certification in Event and Meeting Planning
- Certification in Strategic Marketing in Action

University of San Diego, San Diego, CA
Sarah Lawrence College, Bronxville, NY

Professional Training Seminars

- Effective Proofreading and Business Writing, SkillPath Seminars
- Winning Proposals and Presentations, PSMJ
- Notary Public, State of California through 2010
- Strategies for Public Sector Contracting, Metropolitan Water District/San Diego County Water Authority
- Navigating the Maze of Leaves of Absence, Strategic HR
- Improving Employee Performance through Coaching, Strategic HR
- How to Manage the Front Desk, Skill Path Seminars

Computer Skills

Microsoft Office (including Project 2003, Publisher, Word, Excel, Outlook, PowerPoint), Adobe Acrobat, Internet, JD Edwards OneWorld

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT "C"

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MV00001687

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00001689

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000 for temporary professional consultant services for the Capital Projects Division. On February 10, 2009, City Council approved the "First Amendment to Agreement for Professional Consultant Services" with SA for an additional $350,000. On November 11, 2009, the City executed the "Second Amendment to Agreement for Professional Consultant Services" with SA for a time extension only. On November 18, 2010, the City executed the "Third Amendment to Agreement for Professional Consultant Services" with SA for an additional time extension, extending the termination date of the contract to December 31, 2011.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require dedicated, knowledgeable, and efficient technical engineering support with experience in assisting with these types of projects.

SA Associates staff, in the capacity of in-house technical consultant, will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with mapping including plot preparation and reproduction, preparation of project schedules, utility coordination, and other technical engineering related tasks as necessary for the successful completion of the projects. Such technical services will be rendered for other funded CIP projects on an as-needed basis.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes extensive designing and drafting utilizing Auto Cad 3D Civil software, preparation of legal descriptions, plats, and boundary closures in coordination with right of way agents, and preparation of engineering cost estimates for multiple uses including the Development Impact Fee (DIF) Nexus Study Report. In addition, consultant staff has been integral in the securing of $1.3 million in grant monies including $900,000 for the Highway Safety Improvement Program (HSIP), $170,000 for the Bicycle Transportation Account (BTA), and $254,000 for the Safe Routes to School Program (SR2S).

The consultant staff has a long-standing and proven track record of providing exceptional support to projects such as the School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, and Iris Street Improvements. The consultant staff also provides technical services for the 5-year Capital Improvements Plan (CIP) and will continue to assist with the design of Street Improvement Program (SIP) and Citywide Annual Pavement Resurfacing Program Plans.

The consultant will work on a full-time, 36-hour per week schedule. The Agreement termination date is extended to June 30, 2013.

ALTERNATIVES

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the

Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The current Amendment to the Agreement for Professional Consultant Services will be expended by September 2011. This proposed "Fourth Amendment to Agreement for Professional Consultant Services" with SA in the amount of $185,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The new agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$75,000
Perris Boulevard Widening (Account No. 415.70225)	$32,000
Perris Boulevard Widening (Account No. 415.70125)	$32,000
SR 60 Nason and Moreno Beach Improvements (Account No. 415.70024)	$24,000
Moreno Beach Widening (Account No. 416.83428)	$10,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$185,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for experienced consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Fourth Amendment to Agreement for Professional Consultant Services with SA Associates, Inc. Staff also recommends issuance of a purchase order to SA in the amount of $185,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 29, 2008.

Whereas, the Consultant is providing professional consultant services for various projects of the Capital Projects Division.

Whereas, the Agreement was amended on February 10, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 11, 2009 to extend the termination date for professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 18, 2010 to extend the termination date for professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

Whereas, it is desirable to amend the Agreement termination date as is more particularly described in Section 1 of this Fourth Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2011 to June 30, 2013 by this Amendment.

1.2 Exhibit "A" to the July 29, 2008 Agreement is hereby amended by adding to the "Scope of Work" section described in Exhibit "A" to this Fourth Amendment, entitled "Amended Scope of Work".

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $185,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this Fourth Amendment.

1.4 The total "Not to Exceed" fee for this contract is $885,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement, plus $0.00 for the Second and Third Amendments to Agreement, plus $185,000.00 for the Fourth Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

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Revised Feb 2009

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MV00001697

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) The total "Not-to-Exceed" fee for the aforementioned services is $885,000 ($350,000 for original Agreement in July 2008, plus $350,000 for First Amendment to Agreement in February 2009, plus $0.00 for the Second and Third Amendments to Agreement in November 2009 and November 2010 respectively, plus $185,000 for the Fourth Amendment to Agreement).

3) The current assignment involves Deepak Solanki, Technical Consultant, at $75 per hour on an as-needed basis.

EXHIBIT "A"

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MV00001699

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL - APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD)

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

BACKGROUND

On May 25, 2010 the City Council approved acquisition of the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. The City acquired title to the property on July 29, 2010. The house on the property was demolished in May 2011 to make way for the proposed improvements. The property was acquired utilizing TUMF funds due to the direct transportation corridor related improvements that are required.

DISCUSSION

The improvements fronting this property along Ironwood Avenue and Davis Street will include a new curb ramp, sidewalks, and the relocation of power poles fronting Ironwood Avenue. The ultimate public right of way will be 44 feet from the centerline

along Ironwood Avenue and 33 feet from the centerline along Davis Street at the northwest corner.

The original lot size was 7,759 square feet, and purchased at $124,500. The ultimate improvements at the northwest corner of Ironwood Avenue and Davis Street, abutting to this property will occupy 2,534 square feet. The remaining vacant land, with an area of 5,225 square feet, is excess, not needed for public purposes, and considered a substandard residential lot in the current zone R5. The potential use and development of this remaining land is very limited but a single family home may be constructed subject to review and approval of a variance by the Planning Division. If the City retains ownership and the land remains vacant, it will require periodic on-going maintenance and weed abatement services most likely funded with General Fund monies as the surplus property is not needed for transportation related purposes. Therefore, City Council is being asked to set a public hearing date for August 23, 2011 at 6:30 p.m. at City Hall to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222. If there are no issues identified at the public hearing, the property would be offered for sale to qualified public agencies within a 60-day time frame. If there is no interest from a qualified public agency, the City could but would not be obligated, to put the property up for sale to the public at the expiration of the 60-day period.

The hearing is required by California Government Code, Section 37422. If City Council approves setting the hearing date, the Resolution will be published in the Press Enterprise, and the Resolution will be posted at the real property.

ALTERNATIVES

1. Adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative would allow the City to have a hearing to potentially sell the excess land.*

2. Do not adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative will result in delaying or stopping the potential sale of excess land.*

FISCAL IMPACT

There is no material fiscal impact to the adoption of the Proposed Resolution.

SUMMARY

The City acquired the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the

Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. Once the improvements are constructed, the remaining property area of 5,225 square feet can be disposed of as surplus property. If the City retains ownership of this property, it would require periodic on-going maintenance and weed abatement services. Therefore, City Council is being asked to set a public hearing date to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 06-50182625 Ironwood - Heacock to Perris\CC Reports\Real Property\7-12-11 Resolution for Surplus Land Sale APN 475-272-054 b.doc

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MV00001703

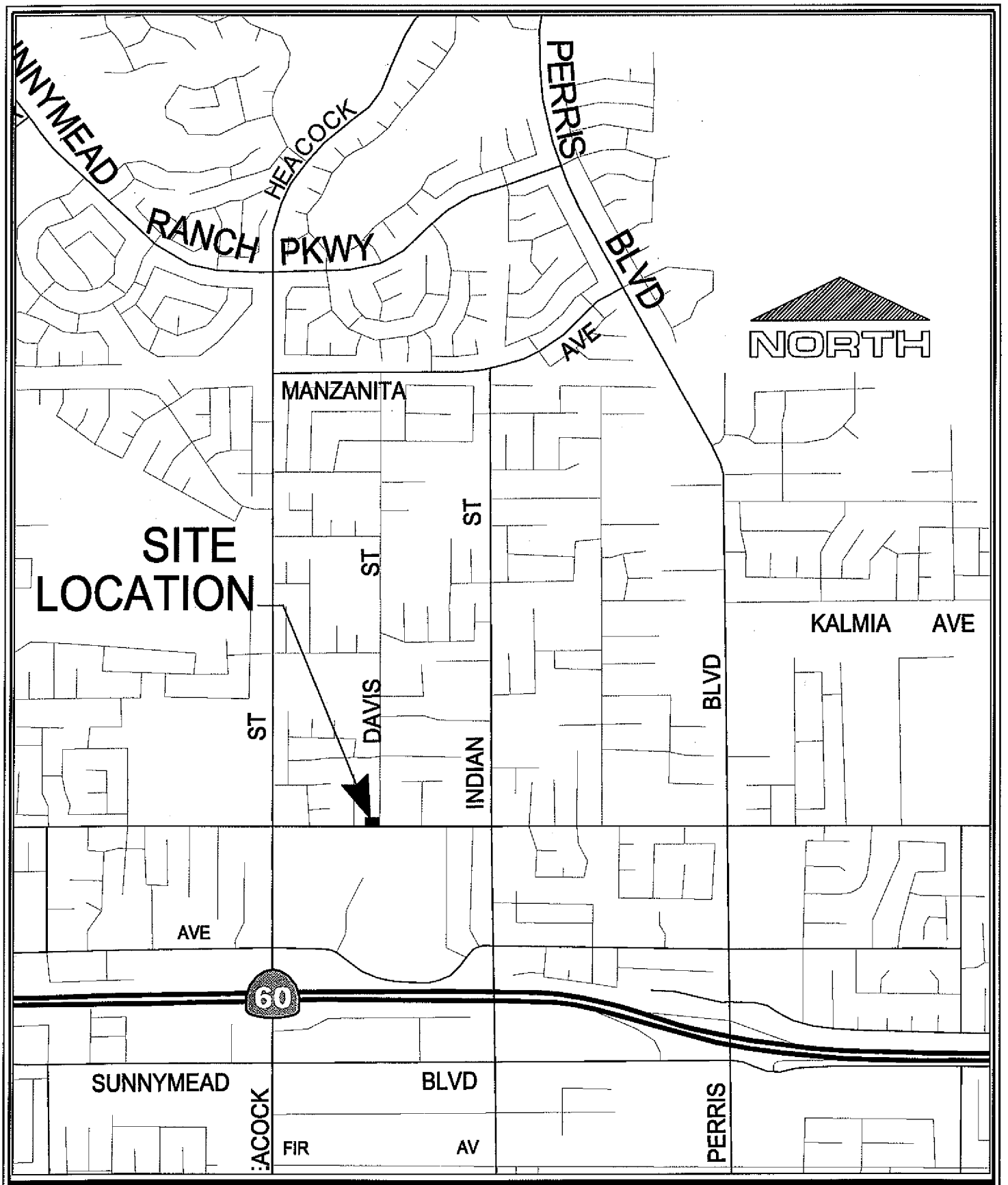

LOCATION MAP

Scale: None

ATTACHMENT "A"

11987 DAVIS STREET

APN 475-272-054

EXCESS PROPERTY- 0.12 ACRES

Item No. A.20

MV00001704

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MV00001705

RESOLUTION N0. 2011-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF A REMAINDER PARCEL EXCESS TO PUBLIC USE.

WHEREAS, the City Council of the City of Moreno Valley desires to sell the remainder parcel APN 475-272-054, total area of 5,225 square feet, as described in Exhibit "A", that is attached hereto; and

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

1. The time and place for hearing protests to the sale of said real property shall be held on August 23, 2011, at 6:30 p.m. at City Hall, located at 14177 Frederick Street, Moreno Valley, California.
2. The City Council finds that the public interest and convenience require the sale of the subject real property for the following reasons:
    a) The real property is excess to that needed for public purposes; and
    b) There is an on-going cost to maintain and weed abate if ownership is retained by the City; and
    c) It is advantageous to return the property to private ownership for use and maintenance.
3. The City Clerk shall publish a copy of this Resolution in the Press Enterprise, a daily newspaper and shall cause a copy of said Resolution to be posted at the real property.

Resolution No. 2011-74
Date Adopted: July 12, 2011

Attachment "B"

4. At the hearing, any interested person may protest to the proposed sale. Any protests must be overruled by a 4/5ths vote of the Council members.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-74
Date Adopted: July 12, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00001709

LEGAL DESCRIPTION

In the City of Moreno Valley, that remainder parcel of land being a portion of lot 63 as shown on the map of Moreno Acres, filed in Book 11 of Maps, Page 53, records of the County of Riverside, State of California, more particularly described as follows:

BEGINNING at the southwestly corner of the east half of the east half of said lot 63; thence North 00°07'15" East, a distance 14 feet to a point 44 feet northly of the centerline of Ironwood Avenue, said point being the **TRUE POINT OF BEGINNING**;

Thence North 00°07'15" East, 41.50 feet along the east property line; thence N 89°50'30" East, 132.48 feet along the north property line to a point on a line parallel with and distant 33.00 feet westerly of Davis Street centerline; thence South 00°06'30" West, 18.66 feet along said line; thence Southwestly, a distance of 33.13 feet to a point on a line parallel with and distant 44.00 feet northerly of Ironwood Avenue centerline; thence South 89°50'30" West, a distance of 108.60 feet, more or less, along said last mentioned parallel line to the **TRUE POINT OF BEGINNING.**

The land described herein contains approximately 5,225 square feet (0.12 acres).

See Sheet 2 of 2 for a plat depicting the above described property.

APN: 475-272-054

CITY OF MORENO VALLEY,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
POR. LOT 63 ON MAP OF MORENO ACRES
BOOK 11 PAGE 53

EXHIBIT "A"
SHEET 2 OF 2

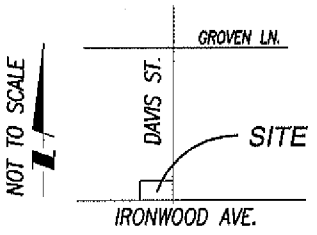

VICINITY MAP

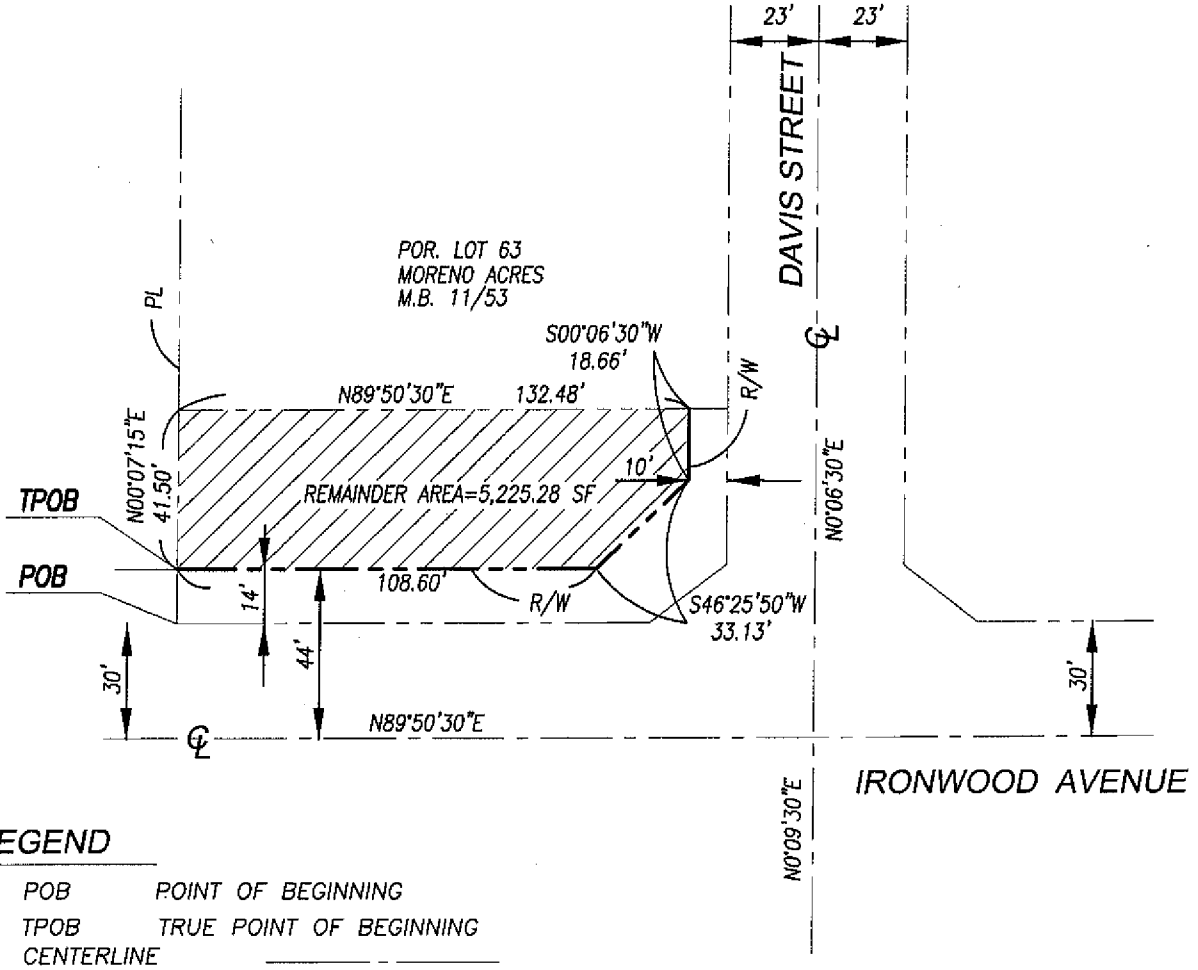

SCALE: 1"=50'

LEGEND

1. POB — POINT OF BEGINNING
2. TPOB — TRUE POINT OF BEGINNING
3. CENTERLINE
4. EXISTING ROW
5. NEW ROW
5. PROPERTY LINE

REMAINDER AREA = 5,225.28 SF

CITY OF MORENO VALLEY

PREPARED FOR:

PLAT MAP FOR
11987 DAVIS STREET
APN 475-272-054

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	-$1.68	-2.03%	-$3.52	-3.39%
1,000 kWh usage	-$6.56	-3.64%	-$9.02	-4.12%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	-$43.64	-7.86%	-$24.11	-5.74%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	-$407.22	-7.61%	-$133.35	-4.11%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	-$5,369.69	-7.70%		
392,333 kWh usage, Demand of 666 kW			-$2,087.99	-5.48%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	-$2.83	-4.77%	-$2.83	-4.77%

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	-$147.57	-1.15%	-$147.57	-1.15%
Schedule SL-1 22,000 Lumen (317 lights)	-$160.97	-2.89%	-$160.97	-2.89%
Schedule SL-2 27,500 Lumen (139 lights)	-$103.49	-5.88%	-$103.49	-5.88%
Schedule SL-3 (per lamp)	$2.18	0.51%	$2.18	0.51%

If approved by the City Council, these changes will become effective at 12:00 a.m. on July 13, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be a reduction in rates.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to offer competitive rates.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and also its ability to offer competitive rates.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues are projected to decrease if the proposed changes are adopted by the City Council.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\Electric Utility\Administration - Finance\Staff Reports\2011 SR's\SR - Rate and Rules Adjustments 12 July 2011.doc

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MV00001717

RESOLUTION NO. 2011-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Resolution No. 2011-75
Date Adopted: July 12, 2011

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

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-75
Date Adopted: July 12, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

Resolution No. 2011-75
Date Adopted: July 12, 2011

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MV00001721

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial and Administrative Services Director

AGENDA DATE: July 12, 2011

TITLE: Approve Three-Year Agreement with Canon Business Solutions to Extend the Current Copier Contract

RECOMMENDED ACTION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

SUMMARY

In June of 2006 the City awarded the copier agreement to the Canon Copier Company from the Request for Proposal No. 05/06-08. Canon has worked closely with the city to provide the latest technology for copying, printing and scanning from their machines. Canon support staff is very responsive and work well with city staff on handling any problems or concerns. The current and proposed extension agreement includes both a cost-per-copy and annual maintenance agreement.

BACKGROUND

The Purchasing & Facilities Division has the responsibility to provide copy machines and their necessary maintenance for City offices. The copier fleet consists of 26 machines throughout city facilities. The City utilizes the cost-per-copy method that allows for a not-to-exceed amount of copies per quarter. Payment for all copier operational costs is handled through division operating budgets via the internal service fund charge-back system. When applicable, overage copy counts are added to the base amount on a quarterly basis.

Digital state-of-the-art technology in modern copy machines provide electronic networking which will allow staff to send print to a copier from the desktop when desired. Additionally, scanning to server capabilities is built into the copiers. The agreement provides fixed base pricing for the duration of a three-year period based on a year-by-year annual approved encumbrance in the City budget. The agreement provides that the City may upgrade, add or delete functions, services or products to the program as needs change throughout the contract period.

DISCUSSION

During the city's effort of asking for vendor participation in a 10% pricing reduction, the Canon company offered a 23.75% ($9,538 per month vs. $7,273 per month) overall decrease in exchange for our three-year extension agreement. This represents a monthly savings of $2,265 and translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. Additionally, Canon will exchange a total of six existing older machines for brand new copiers, at no cost to the city, due to excessive meter counts.

ALTERNATIVES

1. Staff recommends that the City Council award the three-year extension agreement to Canon Business Solutions in the total amount of $261,828 as being in the best interest of the City.

2. Elect to not award the three-year extension agreement copier agreement to Canon and provide further direction to staff.

FISCAL IMPACT

Approval of Alternative No. 1 will obligate the City to a base annual expenditure in Account Number 00754.75440.6281 of:

- $174,552 ($87,276 for each of years one and two). These funds are provided for in the City Manager's recommended FY 2011/2012 and FY 2012/2013 budgets.
- $87,276 where budgets are subsequently approved in FY 2013/2014.

Approving this contract extension represents monthly savings of $2,265 from the existing base contract cost. This translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. This contract directly affects the Internal Service Fund – Facilities.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

ATTACHMENTS/EXHIBITS

Prepared By:
Name Rix Skonberg
Title Purchasing & Facilities Division Manager

Department Head Approval:
Name Richard Teichert
Title Financial & Administrative Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AMENDMENT TO FACILITIES MANAGEMENT AND SERVICE AGREEMENT

This AMENDMENT No. 4 ("Amendment") is effective as of July 1, 2011 ("Effective Date") and supplements/modifies the Facilities Management and Service Agreement dated June 19, 2006, as amended (collectively, the "Agreement") between Canon Business Solutions Inc. ("CBS") and **the City of Moreno Valley** ("Customer") as follows:

1. All defined terms shall have the meanings set forth in the Agreement unless expressly defined herein.

2. Paragraph 2 of the Preamble of the Agreement is striken in its entirety and superseded by the following: Customer has during the term of the Agreement acquired by lease from a third party (or previously owned) the Items of equipment referenced in Addendum A to the Agreement ("Customer Owned Equipment").

3. As of the effective date, CBS agrees to provide to the Customer equipment ("Equipment") and FM Services for the Equipment and Customer Owned Equipment under the terms and conditions of the Agreement and as supplemented by this Amendment for an additional term of thirty-six (36) months concluding on July 5, 2014. The base quarterly charge shall be increased from $6,667.48 to $21,819.00, plus applicable taxes.

4. CBS will continue to provide the FM Services to the Customer Owned Equipment listed on Exhibit A currently on Customer site(s).

5. CBS will add the following Equipment in connection with the ongoing provision of FM Services under the Agreement :

Location	Model
CDD-Graphics Rm 104	IR 6065
Finance Rm 246	IR 6065
Doc Imaging Rm 207	IR 6065
Recreation Center 1st Floor	IR 6065
Police Dept	IR 6065
Employment Resource Center	IR 6065

The configuration for each main unit will be as follows:

Item Description	Item Code
IMAGERUNNER ADVANCE 6065 V2 BASE MODEL	3892B011
STAPLE FINISHER-E1	3894B001
PCL PRINTER KIT-AJ1 ELAN	3905B005
PS PRINTER KIT-AJ1 ELAN	3906B006
ESP NEXT GEN PCS POWER FILTER (120V/15A) XG-PCS-15D	1972V064
ESP NEXT GEN PCS POWER FILTER (120V/20A) XG-PCS-20D	1972V073

6. Customer hereby authorizes CBS to pick up the equipment listed below. Customer acknowledges that this equipment will be shipped to Canon Financial Services, Inc. and CBS' sole obligation is to use commercially reasonable efforts to pick-up and remove the return equipment and to arrange, on your behalf and at CBS' expense and risk (but only to the extent of obvious damage in transit), for the shipment of the equipment to Canon Financial Services, Inc.

Location	Remove Model	S/N
CDD-Graphics Rm 104	IR6570	SLP12175
Finance Rm 246	IR6570	SLP12176
Doc Imaging Rm 207	IR6570	SLP12333
Recreation Center 1st Floor	IR6570	SLP12434
Police Dept	IR6570	SLP12929
Employment Resource Center	IR5000	NRL03962

7. Customer agrees to the following per impression charges :
   $0.00716 per black and white impression in excess of 750,000 impressions per quarter; and
   $0.0484 per color impression in excess of 14,000 impressions per month.

   An 11 X 17 image shall count as two images

8. Customer agrees that CBS will issue a check in the amount of $37,225 ("Buy-Out Reimbursement") which will be paid directly to Canon Financial Services by CBS. The Buy-Out Reimbursement will be paid for the sole purpose of reimbursement of early termination charges or fees and associated expenses payable for early termination of the lease of Customer Owned Equipment noted in Section 6 above and in Exhibit A. Customer acknowledges and agrees that CBS' financial obligation with respect to the Buy-Out Reimbursement is limited to Thirty Seven Thousand Two Hundred Twenty Five ($37,225), and that Customer is responsible for any other obligations, including any charges which are not covered by the Buy-Out Reimbursement. In the event, Customer cancels the Agreement prior to the end of the then current term, Customer agrees to pay CBS the pro-rata amount of the Buy-Out Reimbursement based on the number of months remaining in the then current term.

9. The following supplemental terms and conditions are hereby added to the Agreement:
   i. CBS shall have full and free access to the Equipment and Customer Owned Equipment to provide service thereon and to perform meter readings. In addition, Customer authorizes CBS to use networked features of the Equipment and Customer Owned Equipment including imageWARE Remote to receive software updates, activate features/new licenses and/or transmit use and service data accumulated by the Equipment and Customer Owned Equipment over Customer's network by means of an HTTPS protocol and to store, analyze and use such data for purposes related to servicing the Equipment and product improvement. If CBS does not receive Customer's timely meter readings, Customer agrees to provide meter readings in accordance with the applicable billing cycle for each unit of Equipment and Customer Owned Equipment as specified in this Agreement.
   ii. Customer agrees neither to make any alteration in the Equipment nor to remove it from the location where installed by CBS without prior written approval of CBS. Customer shall bear all risk of loss or damage to Equipment while on Customer's premises. Customer further agrees to return the Equipment at the end of the Term in the same condition as when received except for reasonable wear and tear.
   iii. Title to the Equipment shall remain at all times with CBS, and the Customer agrees that the CBS plaque affixed to the Equipment will not be removed. Customer agrees to keep the Equipment free from all liens, security interests and encumbrances. CBS is hereby authorized to file a financing statement to evidence its ownership in the Equipment in the possession of the Customer.

iv. CBS warrants that it is the owner of the Equipment and that it has the right to perform the Services. Except for the foregoing warranty, CBS' OBLIGATIONS UNDER THIS AGREEMENT ARE IN LIEU OF ALL WARRANTIES, AND CBS EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE USE OR PERFORMANCE OF THE EQUIPMENT OR THE SERVICES.

v. Provision of toner includes replenishment of consumables for Equipment and Customer Owned Equipment only. Customer shall be deemed to have materially defaulted under the terms of this Agreement if any supplies provided hereunder are used for other than Equipment and Customer Owned Equipment supplied by CBS or for Customer Owned Equipment under the FM Services of the Agreement. In the event that usage of any such consumable supplies provided hereunder exceeds manufacturer specifications for conventional office imaging coverage by more than 10%, CBS may invoice Customer for such excess usage.

vi. If Customer fails to pay any invoice within thirty days of the Invoice date, Customer shall pay a monthly late charge equal to the lesser of one and one-half percent (1.5%) of the overdue amount, or the maximum amount allowed by law.

vii. Customer acknowledges that the hard drive on the Equipment and Customer Owned Equipment may retain images, content or other data during normal operation of the Equipment ("Data") and that exposure or access to the Data by CBS, if any, is purely incidental to the services performed by CBS. Neither CBS nor any of their affiliates has an obligation to erase or overwrite Data upon your return of the Equipment to CBS or any leasing company. Customer is solely responsible for: (i) compliance with applicable law and legal requirements pertaining to data privacy, security, retention and protection; and (ii) all decisions related to erasing or overwriting Data. Without limiting the foregoing, you should, prior to return or other disposition of the Equipment, utilize the Hard Disk Drive (HDD) (or comparable) formatting function (which may be referred to as "Initialized All Data/Settings" function) found on the Equipment to perform a one pass overwrite of Data or, if Customer has higher security requirements, Customer may purchase from CBS at current rates an available option for the Equipment and Customer Owned Equipment, which may include (a) an HDD Data Encryption Kit option which disguises information before it is written to the hard drive using encryption algorithms, (b) a HDD Data Erase Kit that can perform up to a 3-pass overwrite of Data or (c) a replacement hard drive (in which case Customer should properly destroy the replaced hard drive).

10. The following will be of no force or effect if the Customer is not a State or a Political Subdivision of a state within the meaning of Section 103(C) of the Internal Revenue Code of 1986, as amended.

i. The Customer warrants that it has funds available to pay the payments ("Payments") payable pursuant to Agreement between Customer and CBS until the end of its current appropriation period and warrants that it presently intends to make Payments in each appropriation period from now until the end of the Agreement. The officer of the Customer responsible for preparation of Customer's annual budget shall request from its legislative body or funding authority funds to be paid to CBS under the Agreement. If notwithstanding the making in good faith of such request in accordance with appropriate procedures and with the exercise of reasonable care and diligence, such legislative body or funding authority does not appropriate funds to be paid to the CBS for the Equipment, Customer may, upon prior written notice to CBS, effective upon the exhaustion of the funding authorized for the then current appropriation period, return the Equipment to CBS, in accordance with the Agreement, and thereupon, Customer shall be released of its obligations to make Payments to CBS due thereafter, provided: (1) the Equipment is returned to CBS as provided for in the Agreement, (2) the above described notice states the failure of the legislative body or funding authority to appropriate the necessary funds as the reason for cancellation; and (3) such notice is accompanied by payment of all amounts then due to the Lessor. In the event Customer returns the Equipment pursuant to the terms herein, CBS shall retain all sums paid by Customer. Customer's Payment obligations in any fiscal year shall constitute a current expense of Customer for such fiscal year, and shall not constitute indebtedness or a multiple fiscal year obligation of Customer under Customer's state constitution, state law or home rule charter. Nothing in this Agreement shall constitute a pledge by Customer of any taxes or other monies, other than as appropriated for a specific fiscal year for this Agreement and the Equipment.

ii. The undersigned represents and warrants to CBS that all action required to authorize the execution and delivery of this Amendment on behalf of the above referenced Customer by the following signatory has been duly taken and remains in full force and effect.

11. For any and all amendments to the Agreement with regard to the provision of Equipment to Customer, whether entered into before, during or after the effective date of this amendment and where the expiration date of such amendment falls after the expiration date of the Agreement, the expiration date of the amendment shall control, unless the amendment expressly states that it is coterminous with the Agreement.

12. Customer agrees that CBS may accept an electronic image of this Amendment as an original, and that electronic copies of your signature will be treated as an original for all purposes.

13. Except as supplemented/modified hereby, all terms of the Agreement remain in full force and effect and are ratified and confirmed in all respects.

IN WITNESS WHEREOF, each of the undersigned have caused this AMENDMENT to be executed by their duly authorized officials effective the Effective Date, intending to be legally bound hereby.

CANON BUSINESS SOLUTIONS, INC.	City of Moreno Valley
By: [signature]	By: _____
Name: Timothy Robinson	Name: _____
Title: VP Operations	Title: _____
Date: 7/5/11	Date: _____

Approved Bus Ops
BAV
6/29/11

CITY ATTORNEY
Approved as to Form
By: [signature] 6/29/11
Date

Amendment 4 - Exhibit A

Room	Building	Model	Serial
Behind Front Counter	City Hall 1st Floor	IR3570	SKV55637
CDD-I.T side of foyer, Rm 132	City Hall 1st Floor	IR5570	SLQ22472
CDD - Graphics Rm 104		IRC2620	SHP10670
Small rm near Cap Prjcts Rm 253	City Hall 2nd Floor	IR3570	SKV55633
Finance Audit Rm 203	City Hall 2nd Floor	IR3570	SKV65067
City Clerk, outside door		IR2270	SLH27585
Storage next to Dco Img Rm 208		IR5570	SLQ22668
Front Office	City Yard 1st Floor	IR3570	SKV55636
1st Floor	Animal Services	IR3570	SKV55484
1st Floor	Senior Center	IR3570	SKV55491
1st Floor	Public Library	IR2270	SLH27639
	Recreation Center 1st Floor	IR3570	SKV55487
1st Floor Ste 1-3	TS Annex	IR2270	SLH27642
1st Floor Ste 4	Facilities	IR2270	SLH27597
1 st Floor Ste 9	Enterprise Services	IR3570	SKV55645
Whse Office	City Yard 1st Floor	IR2020	KRR05658
Volunteer Services - off chamber lobby	City Hall 1st Floor	IR2020	KRR05565
S.T.A.R.S	Employment Resourse Center	IR3570	SKV55471
Volunteer Services - off chamber lobby	Emergency Operations	IR3035	MUP07387
Police Dept	PD Accounting	IR3035	MUP11450

Approved Bus Ops

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name:_____ Title:_____	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/27/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By: David Dunn Printed Name: David Dunn Title: Director Business Operations	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

4827-4551-0409\3 6/16/2011 5:02 PM

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES

RECOMMENDED ACTION

Staff recommends that the City Council approve the proposed staff assignments in support of Council Member participation with regional agencies.

BACKGROUND

At their May 18, 2011 Goal Setting Workshop, the City Council identified the organization's Strengths, Weaknesses, Opportunities, and Threats (SWOT). While the City's existing transportation corridors were identified as a strength, the lack of adequate infrastructure and planning was acknowledged as a weakness. The City's regional presence was identified as an opportunity. The Council used the results of their SWOT Analysis to develop five prioritized goals, one of which was to "Maximize Transportation and Infrastructure Opportunities."

DISCUSSION

The third prioritized goal developed by the City Council in their May 18 Goal Setting Workshop was to "Maximize Transportation and Infrastructure Opportunities." Actions identified to help achieve this goal included increasing the City's regional presence. A specific task assigned to City staff was to increase staff assistance to the Council as well as increase participation with regional agencies by assigning staff liaisons to each committee. The proposed staff assignments are included in the "2011 City Council Regional Committees & Staff Assignments" attachment.

ALTERNATIVES

1) Approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff recommends this alternative as the proposed staff assignments will assist the City Council in achieving their prioritized goal to maximize transportation and infrastructure opportunities by increasing the City's regional presence.*

2) Not approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff does not recommend this alternative as the proposed action is a task related to the Council-adopted goal to maximize transportation and infrastructure opportunities.*

FISCAL IMPACT

The proposed staff assignments in support of Council Member participation with regional agencies will have no fiscal impact to the City.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

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

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

Attachment: "2011 City Council Regional Committees & Staff Assignments"

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Barry Foster
Community and Economic Director

Concurred By:
Chris Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001737

2011 CITY COUNCIL REGIONAL COMMITTEES & STAFF ASSIGNMENTS

REGIONAL AGENCY:

March Joint Powers Commission (JPC)	STEWART/BATEY	CO
Staff: Community and Economic Development Director		
School Districts/City Joint Task Force	STEWART/MOLINA	CO
Staff: City Manager/Asst City Manager		
Riverside County Habitat Conservation Agency (RCHCA)	BATEY	MOLINA
Staff: Planning Official		
Riverside County Transportation Commission (RCTC)	CO	STEWART
Staff: City Manager/Asst City Manager		
Riverside Transit Agency (RTA)	MOLINA	CO
Staff: Public Works Director/Traffic Engineer		
Western Riverside Council of Governments (WRCOG)	HASTINGS	CO
Staff: City Manager		
Western Riverside County Regional Conservation Authority (RCA)	BATEY	MOLINA
Staff: Planning Official		

WRCOG COMMITTEES:

Executive Committee	Robin Hastings, Chair
Administration & Finance	Robin Hastings, Chair
Technical Advisory Committee	Henry Garcia, Chair
Planning Directors TAC	John Terell
Public Works Committee	Chris Vogt, Chair
Solid Waste Technical Committee	Robert Lemon
Western Riverside County Clean Air Coalition	Robert Lemon
Air Quality Task Force	Eric Lewis, Jeff Bradshaw

RCTC COMMITTEES:

Western Riverside County Programs and Projects Committee	Marcelo Co
San Jacinto Branch Line Ad Hoc Committee	Marcelo Co
Technical Advisory Committee	Chris Vogt

Attachment 1

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MV00001739

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,729,200 to Hardy & Harper, Inc. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of the six arterial and collector streets identified in this report.

DISCUSSION

The project included the resurfacing of six (6) streets: Kitching Street from Fir Avenue to Cottonwood Avenue, Fir Avenue from Perris Boulevard to Lasselle Street, Perris Boulevard from Webster Avenue to Sunnymead Boulevard, Cactus Avenue from Commerce Center Drive to Elsworth Street, Indian Street from Ironwood Avenue to Sunnymead Boulevard, and Manzanita Avenue from Heacock Street to Perris Boulevard. Hardy & Harper's contracted work included removing existing asphalt concrete pavement, resurfacing with cold-in-place recycling (CIPR), pavement overlaying with rubberized asphalt concrete, reconstructing a number of access ramps along the listed streets to ADA requirements, re-establishment of traffic signal detector loops, utility covers, manholes, and re-striping. The resurfacing extends the life of the streets and provides a smoother riding surface.

The Contractor has completed all the paving work and anticipates completing the construction by mid July 2011. Staff anticipates the final contract cost will be approximately $1,631,000 which does not exceed the approved purchase order amount of $1,729,000. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works

Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project was included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:

Annual Pavement Resurfacing Program (Acct. No. 125.56330)	$1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722)	$1,550,000
Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Local Street Pavement Resurfacing Phase 1 (being constructed concurrently)	($2,684,000)
Remaining Funds Available	$2,452,400

PROJECT RELATED COSTS:

Design	$110,000
Anticipated Contractor Construction Costs	$1,631,000
Anticipated Construction Geotechnical Services	$22,000
Anticipated Construction Survey Services	$20,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$1,873,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Hardy & Harper anticipates completing the construction of the 2011 Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. The resurfacing extends the life of the streets and provides a smoother riding surface.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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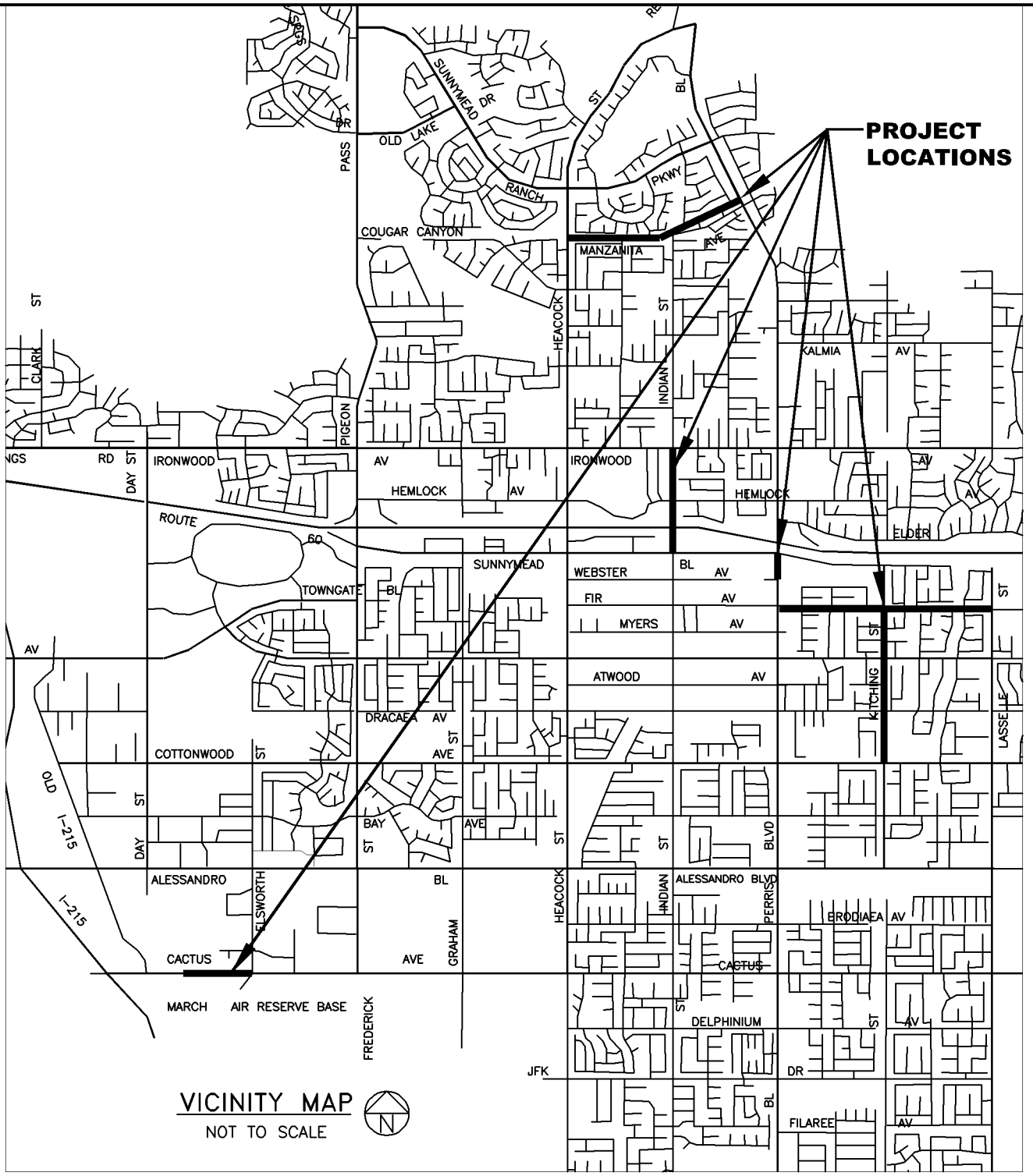

LOCATION MAP

LOCATION MAP
Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 11-12556330

2011 PAVEMENT RESURFACING PROJECT

Item No. A.24

MV00001746

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MV00001747

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $2,410,400 to Hardy & Harper, Inc. The project includes the resurfacing a total of twenty six local streets which are included in the Fiscal Year 2010-2011 CIP Budget. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of these streets.

DISCUSSION

Hardy & Harper's contracted work includes removing existing asphalt concrete pavement, pavement resurfacing with cold central plant recycling (CCPR), pavement overlaying with rubberized asphalt concrete, reconstructing number of access ramps along the listed streets to ADA requirements, adjusting utility manholes and covers, and re-establishing traffic striping. The Contractor has completed all the paving work and anticipates completing rest of the work by mid July 2011. Staff anticipates the final contract cost will be approximately $2,391,000 which does not exceed the approved purchase order amount of $2,410,400. The resurfacing extends the life of the streets and provides a smoother riding surface.

Three additional streets (Vellanto Way, Mantee Place and Ormista Drive) were added to the original twenty six streets, bringing a total of twenty nine streets being resurfaced (approximately 131,000 square yards of pavement area.) These three streets (also included in the Fiscal Year 2010-2011 CIP Budget for resurfacing) are in the neighborhood of Searson Drive which is one of the original twenty six streets. These streets are added to be constructed at the same time as Searson Drive in an effort to avoid repeat construction disturbance to the neighborhood as these streets were previously approved by City Council for Phase 2 Local Street Pavement Resurfacing Project.

Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the

Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:
Annual Pavement Resurfacing Program (Acct. No. 125.56330) $1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722) $1,550,000

Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Pavement Resurfacing Project Anticipated Costs (being constructed concurrently)	($1,873,000)
Remaining Funds Available	$3,263,400

PROJECT RELATED COSTS:

Design	$93,000
Anticipated Contractor Construction Costs	$2,391,000
Anticipated Construction Geotechnical Services	$73,000
Anticipated Construction Survey Services	$37,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$2,684,000

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Hardy & Harper, Inc. anticipates completing the construction of the 2011 Local Street Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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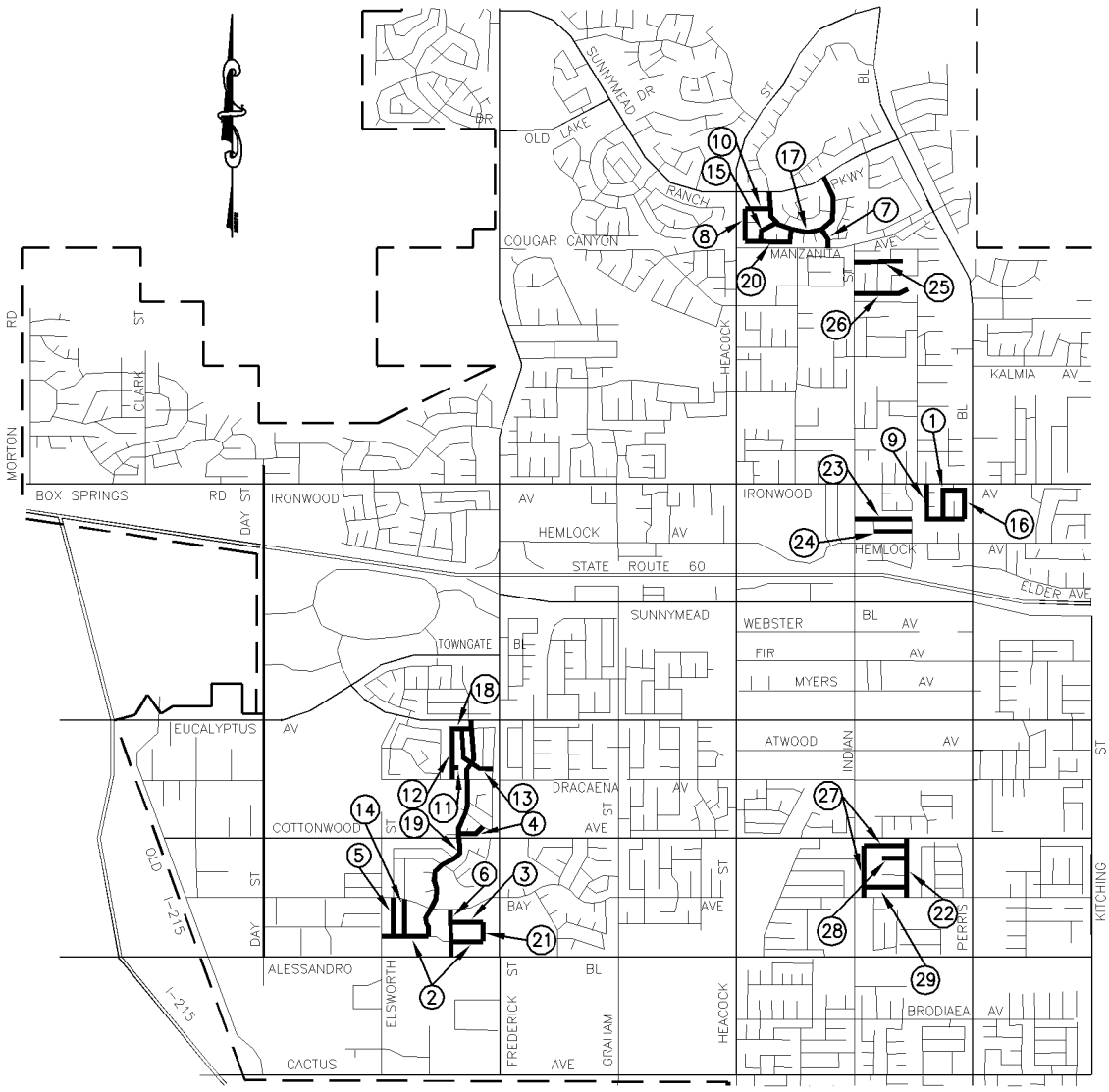

	STREET	LIMITS
1	AARON DR:	GASSEN PL TO HARCLARE DR
2	ADRIENNE AVE:	ELSWORTH ST TO PRIDE LN
3	ALLIES PL:	COURAGE ST TO PRIDE LN
4	BAYWOOD DR:	PAN AM BLVD TO AQUEDUCT WY
5	BOEING ST:	BAY AVE TO ADRIENNE AVE
6	COURAGE ST:	BAY AVE TO ALESSANDRO BLVD
7	DUCKBILL RD:	OLD COUNTRY RD TO MANZANITA AVE
8	FENTON RD:	IRONBARK RD TO PLEASANT RUN RD
9	HARCLARE DR:	ODESSA DR TO IRONWOOD AVE
10	IRONBARK RD:	FENTON RD TO OLD COUNTRY RD
11	KIOWA CT:	KIOWA DR TO EAST END
12	KIOWA DR:	PAHUTE DR TO DRACAENA AVE
13	LAKOTA DR:	PAHUTE DR TO OAK DELL ST
14	MCDONNEL ST;	BAY AVE TO ADRIENNE AVE
15	NOBLEWOOD RD:	OLD COUNTRY RD TO PLEASANT RUN RD
16	ODESSA DR:	GASSEN PL TO HARCLARE DR
17	OLD COUNTRY RD:	SUNNYMEAD RANCH TO SUNNYMEAD RANCH PKY
18	PAHUTE DR:	PAN AM BLVD TO KIOWA DR
19	PAN AM BLVD:	EUCALYPTUS AVE TO ADRIENNE AVE
20	PLEASANT RUN RD:	FENTON RD TO OLD COUNTRY RD
21	PRIDE LN:	ALLIES CT TO ADRIENNE AVE
22	SEARSON DR:	COTTONWOOD AVE TO BAY AVE
23	SINALOA ST:	INDIAN ST TO LEAHY DR
24	SINGER ST:	HANOVER AVE TO LEAHY DR
25	SUMMERFIELD DR:	INDIAN ST TO EAST END
26	SUNNY RIDGE DR:	INDIAN ST TO EAST END
27	VELLANTO WAY:	BAY AVE TO SEARSON DR
28	MANTEE PL:	WEST END TO SEARSON DR
29	ORMISTA DR:	VELLANTO WY TO SEARSON DR

CITY OF MORENO VALLEY
DECEMBER 3, 1984

2011 LOCAL STREET PAVEMENT RESURFACING - PHASE 1

Public Works Department
Capital Projects Division

LOCATION MAP

VARIOUS LOCATIONS
PROJECT NO. 11-22679728

ATTA(-375-ENT "A"

Item No. A.25

MV00001754

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MV00001755

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD

DEVELOPER – CITY OF MORENO VALLEY, CALIFORNIA
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard.

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 12, 2010, the City Council approved the Agreement for Design Professional Consultant Services to Provide Architectural and Engineering Services (A&E) for the Corporate Yard Phase 1 Office Building and Sewer Line. The Agreement requires that the consultant obtain approval (Planning Application PA10-0013) from the various City departments as part of the design phase of the project. On March 8, 2011, the project received final Conditions of Approval that require the owner (City of Moreno Valley, a municipal corporation) to record an Offer of Dedication for additional right-of-way. The additional right-of-way will be at the two proposed driveway approaches, located on the north side of Santiago Drive east of Perris Boulevard, in accordance with the City Standard for a commercial driveway approach.

DISCUSSION

The owner, the City of Moreno Valley, is required to dedicate four (4) feet of right-of-way around the driveway approaches, at the proposed project entrances on Santiago Drive, to accommodate a public sidewalk for pedestrian circulation in accordance with City Standards. The Offer of Dedication is necessary to construct public improvements along the driveway entrances to match the existing street improvements immediately to the east and west of the project. Once the Offer of Dedication is executed by the City Manager, the document will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and to direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

2. Do not authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and do not direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would not allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Public Facilities and Capital Projects – Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Offer of Dedication

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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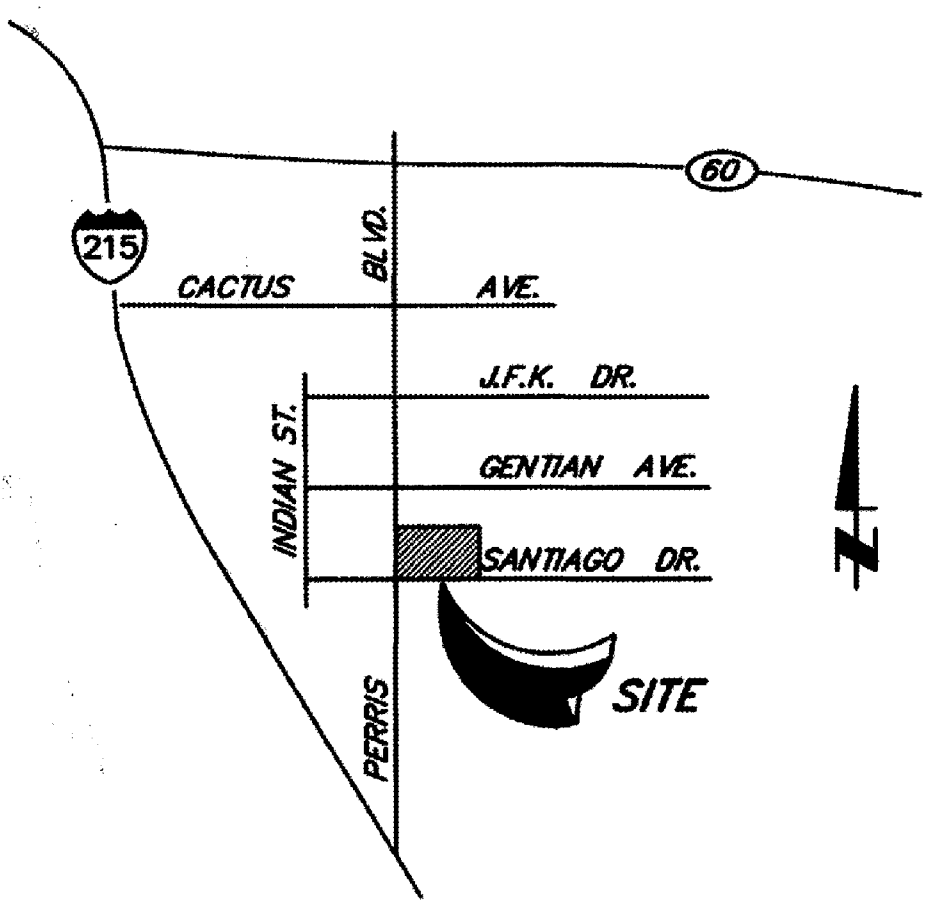

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment "A"	**PA10-0013** **VICINITY MAP**

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MV00001761

Recording requested by and when
recorded, mail to:
City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
By:
A.P.N. 486-170-021 & 022

(Space above this line for Recorder's use)

DOCUMENTARY TRANSFER TAX IS NONE.

Public Agency exempt.
Revenue and Taxation Code Section 11922

OFFER OF DEDICATION

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, for public highway purposes, including public utility and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

City of Moreno Valley, a Municipal Corporation

By: _____
HENRY GARCIA, City Manager

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk (SEAL)

Date _____

Attachment "B"

Item No. A.26

ACCEPTANCE CERTIFICATE

This is to certify that the interest in real property conveyed by the deed or grant dated **July 12, 2011** from the **City of Moreno Valley Moreno, a municipal corporation**, to the City of Moreno Valley, a municipal corporation, in the form attached hereto, is hereby accepted, subject to completion of improvements, and the street improvements being accepted into and becoming a part of the City maintained street system, by the undersigned City Engineer on behalf of the City of Moreno Valley, pursuant to authority conferred by Resolution No. 94-5 of the City Council of Moreno Valley, adopted on January 25, 1994, and the grantee consented to recordation thereof.

Date: _____

By: _____
Chris A. Vogt, P.E.
Public Works Director/City Engineer
City of Moreno Valley

STATE OF CALIFORNIA)
County of _____)ss.
On _____ before me, _____, a Notary Public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the
State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

PARCEL A

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF NAN AVENUE AS SHOWN BY MAP OF TRACT NO. 15433-2, ON FILE IN BOOK 151 OF MAPS, PAGES 67 THROUGH 70, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 42.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

PARCEL B

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF COBRA DRIVE AS SHOWN BY MAP OF TRACT NO. 15433, ON FILE IN BOOK 151 OF MAPS, PAGES 71 THROUGH 75, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 47.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE DIRECTION OF:

5-3-11

MARISSA CROWTHER, PLS 6152
SB&O, INC.
41689 ENTERPRISE CIRCLE NORTH, SUITE 126
TEMECULA, CA. 92590

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

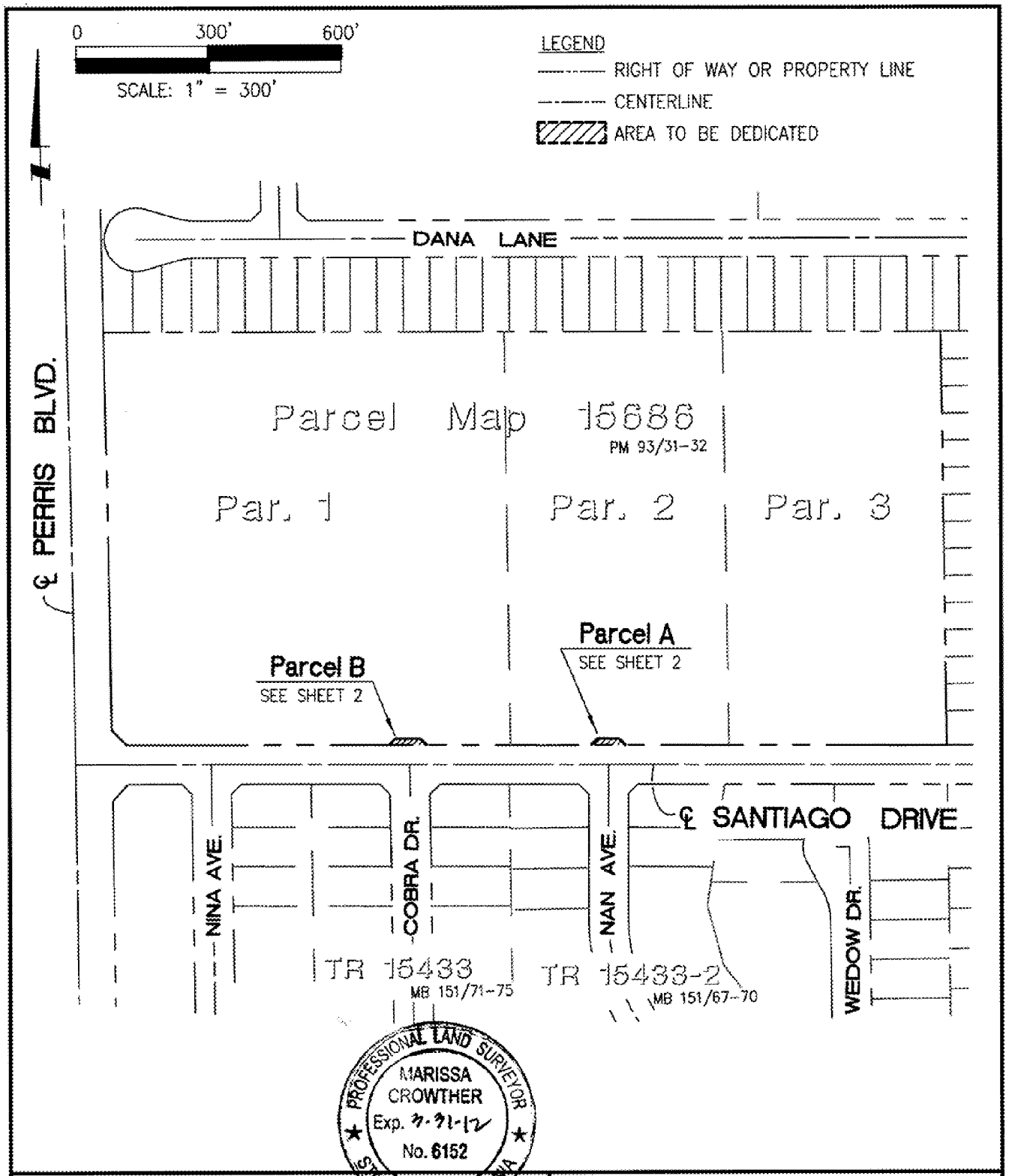

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

PREPARED UNDER THE DIRECTION OF:
S.B. & O., INC.
41689 ENTERPRISE CIRCLE NORTH
TEMECULA, CA 92590

MARISSA CROWTHER, PLS 6152 (EXP 3-31-12)

5-3-11
DATE

CITY OF MORENO VALLEY
CORPORATE YARD DRIVEWAY EASEMENTS

APRIL 2011	EXHIBIT "B"
SB&O, INC. JN 68251	SHEET 1 OF 2

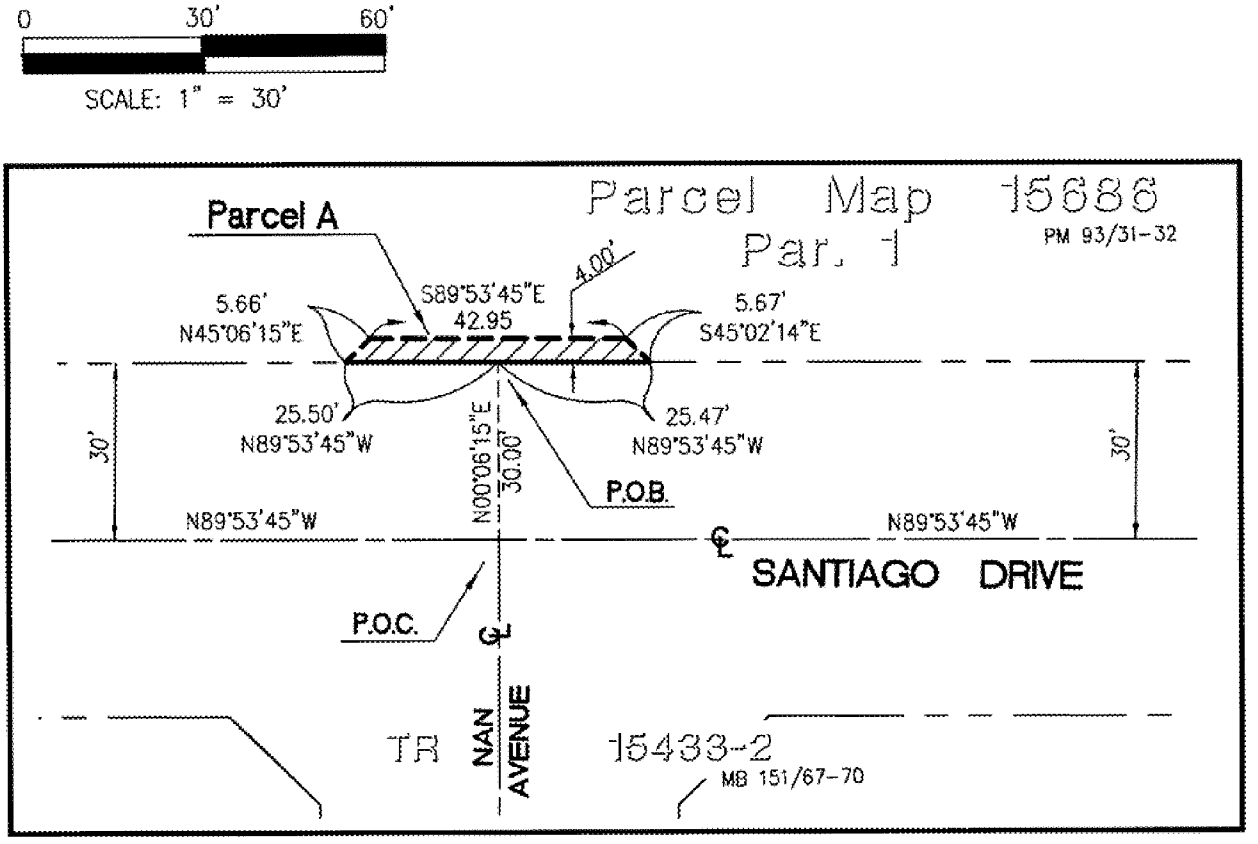

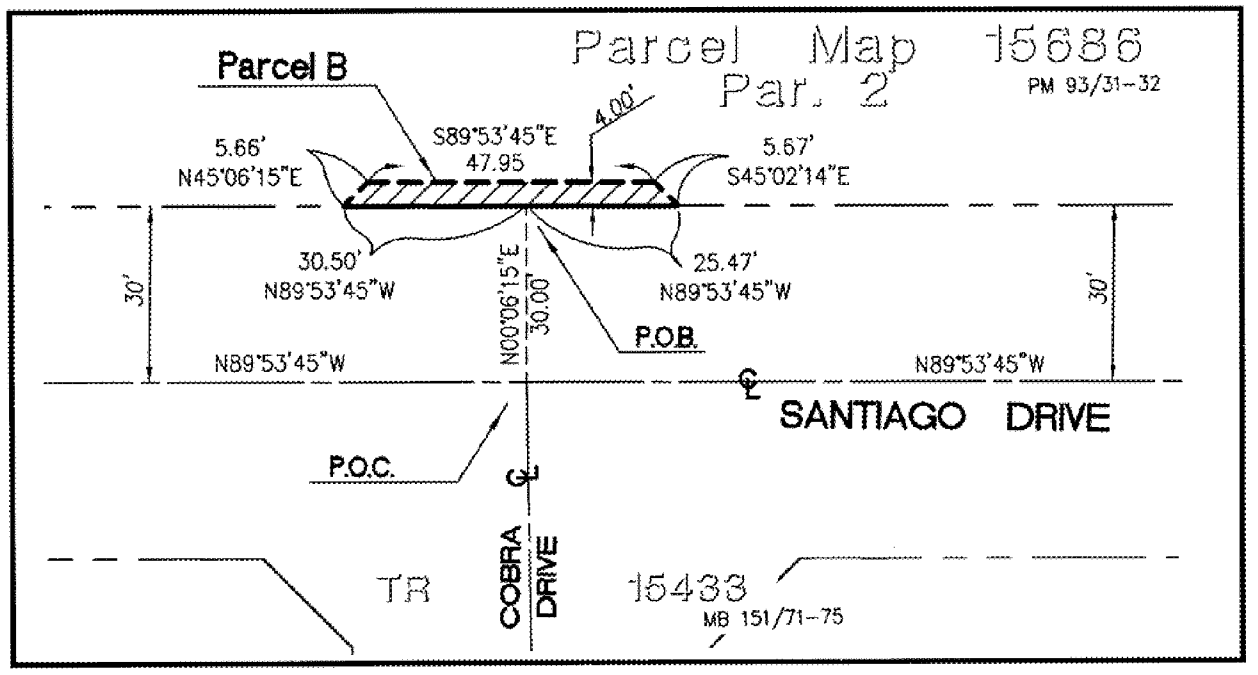

NOTES:

1. BEARINGS ARE BASED ON PARCEL MAP 15686.
2. P.O.C. INDICATES POINT OF COMMENCEMENT.
3. P.O.B. INDICATES POINT OF BEGINNING.

LEGEND

RIGHT OF WAY OR PROPERTY LINE

CENTERLINE

AREA TO BE DEDICATED

EXHIBIT "B"

SHEET 2 OF 2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Street improvements. The Conditions of Approval for this project required that the developer provide surety for street improvements. The security amount for the Eucalyptus Street improvements is Two Million Seven Hundred Seventy-Eight Thousand dollars ($2,778,000.00). The limits of the Eucalyptus Street improvements are within Eucalyptus Street between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: 6-inch thick asphalt concrete over 12-inch thick aggregate base, 8-inch curb and gutter, 6-inch AC curb commercial driveway approaches, sidewalk, street lights, street medians, median drains and landscaping, local depressions, pipe, gates, interconnect conduit, pull boxies, and signing/striping. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a punch list was generated. The required corrective actions have been completed and the improvements are now eligible for acceptance into the City's maintained street system.

On May 3, 2011, the Eucalyptus Street improvements received a 60% reduction. The amount reduced was One Million Six Hundred Sixty-Six Thousand Eight Hundred Dollars ($1,666,800.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved

plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with the Streets and Highway Code.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept the improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Eight Hundred Thirty-Three Thousand Four Hundred dollars ($833,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when

all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001773

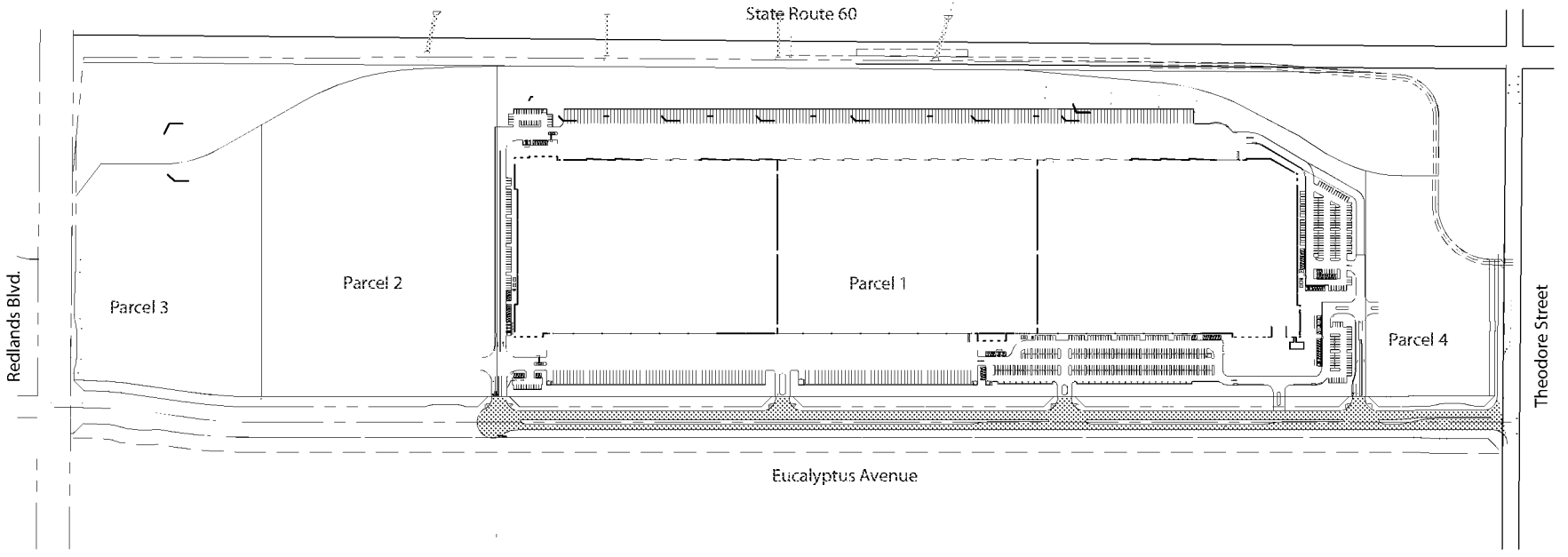

Exhibit "A"

PA07-0090 HFCP-Eucalyptus Phase 1 Street Improvements Vicinity Map

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MV00001775

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Street Improvements

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Notify Land Development for inspection request.	
2	A/C Cap Pave	
3	Install Signs/Striping as shown on sheets 11 -12, Eucalyptus St. Imp. Plans	
4	Complete Median Island Pavers Irrigation, Landscape	
5	Complete Irrigation, Landscape N/S Eucalyptus, Install pedestals	
6	Install City-Wide Communication Conduits, Construction Note #16, Eucalyptus S/I plan city std. 421 (Furnish & Install 6 pair No. 19 Interconnect Cable in one conduit (Black Conduit)	
7	Install Monumentation city std.# 601a, b, c, d & e.	
8	Complete swale @ S/S Eucalyptus shoulder.	
9	Submit As-builts	
10	Clearance from Planning Divisions	

Exhibit "B"

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\7-12-11- PA07-0090 - Eucalyptus St 90% Reduction Exhibit C.doc

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MV00001777

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Water improvements is One Million Fifty Thousand dollars ($1,050,000.00). The limits of the Eucalyptus Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but is not limited to, the following: approximately 5,100 feet of 18-inch water main line, approximately 400 feet of 12-inch water laterals, twelve (12) fire hydrant assemblies, three (3) 4-inch service connections, three (3) 2-inch service connections, approximately 5,100 feet of telemetry (communication) cable, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, valves, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Water improvements received an 80% reduction. The amount reduced was Eight Hundred Forty Thousand dollars ($840,000.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is One Thousand Five Hundred dollars ($105,000.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001783

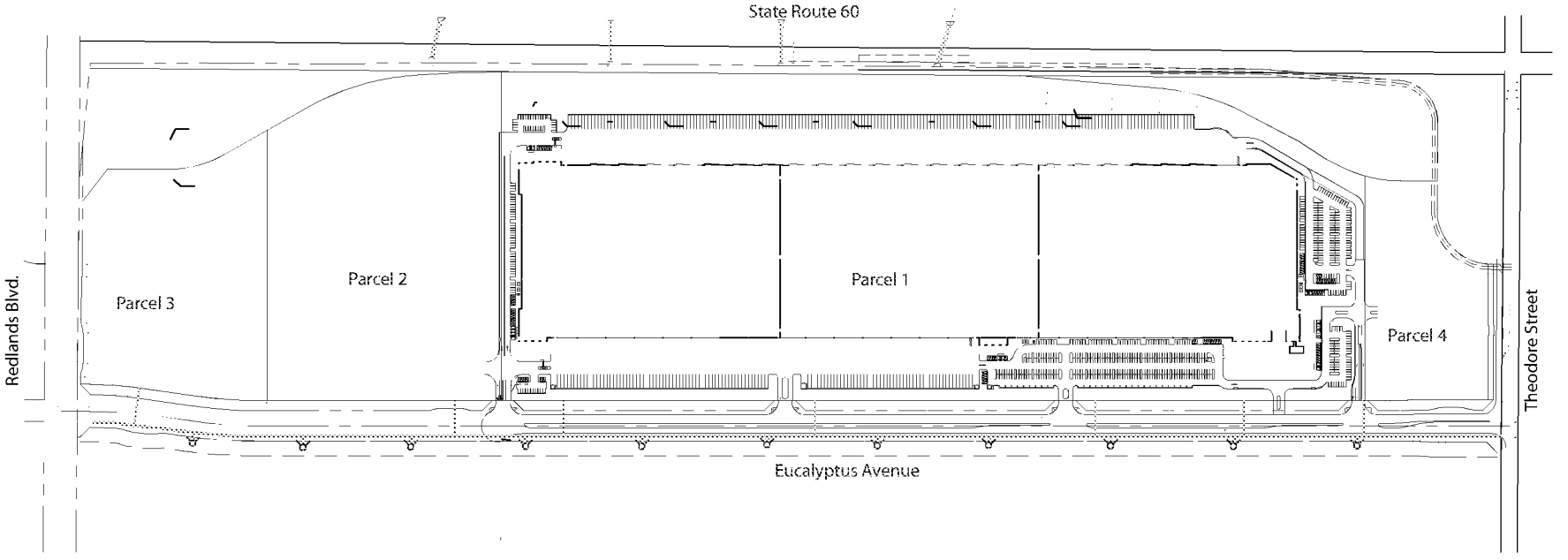

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Water Phase 1 Improvements | Vicinity Map

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MV00001785

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-15-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD Clearance Letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00001787

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Recycled Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Recycled Water improvements is Four Hundred Thirty-Four Thousand dollars ($434,000.00). The limits of the Eucalyptus Recycled Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 5,100 feet of twelve (12) inch purple water main line, six (6) 2-inch service connections, one (1) 4-inch service connection, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Recycled Water improvements received an 80% reduction. The amount reduced was Three Hundred Forty-Seven Thousand Two Hundred dollars ($347,200.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Recycled Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Three Thousand Four Hundred dollars ($43,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. D not authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required*

improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001793

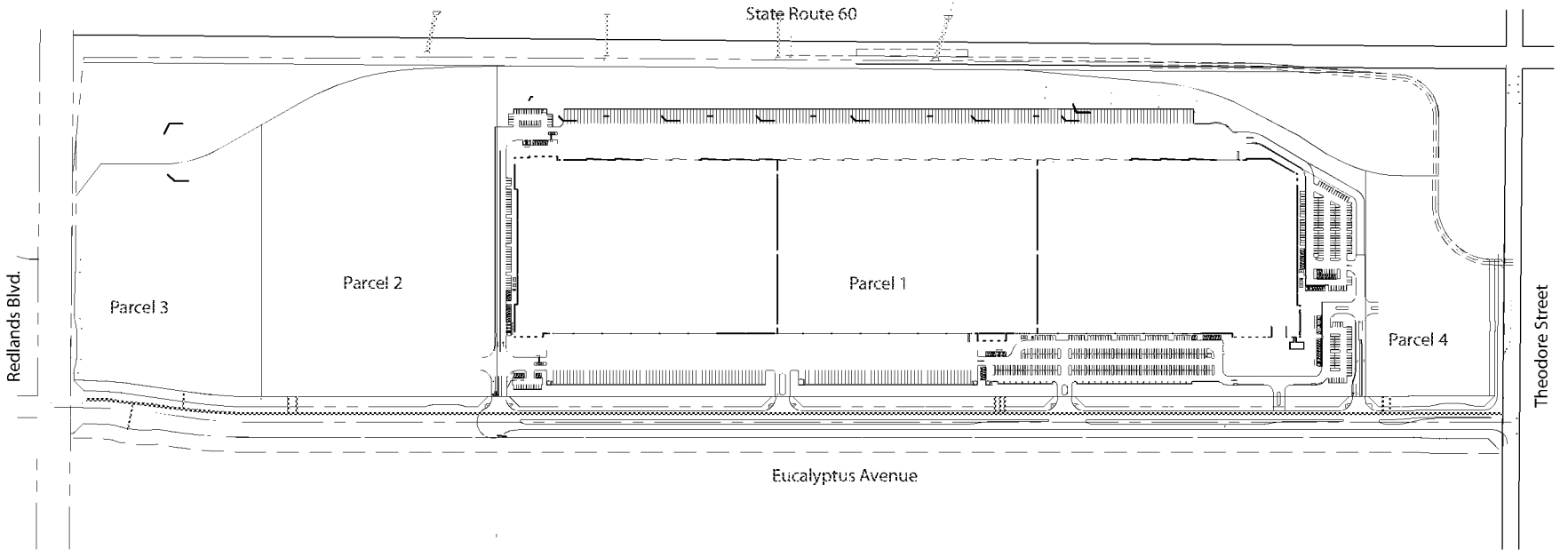

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Recycled Water Phase 1 Improvements | Vicinity Map

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MV00001795

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Recycled Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00001797

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Sewer improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Sewer improvements is Four Hundred Sixty-Seven Thousand dollars ($467,000.00). The limits of the Eucalyptus Sewer improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 1,500 feet of fifteen (15) inch sewer main line, approximately 2,400 feet of twelve (12) inch sewer main line, approximately 650 feet of eight (8) inch sewer main, approximately 150 feet of six (6) inch sewer laterals, and installation of 14 manholes and 2 cleanouts along the sewer line. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Sewer improvements received an 80% reduction. The amount reduced was Three Hundred Seventy-Three Thousand Six Hundred dollars ($373,600.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Sewer improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Six Thousand Seven Hundred dollars ($46,700.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the Public Works Director/City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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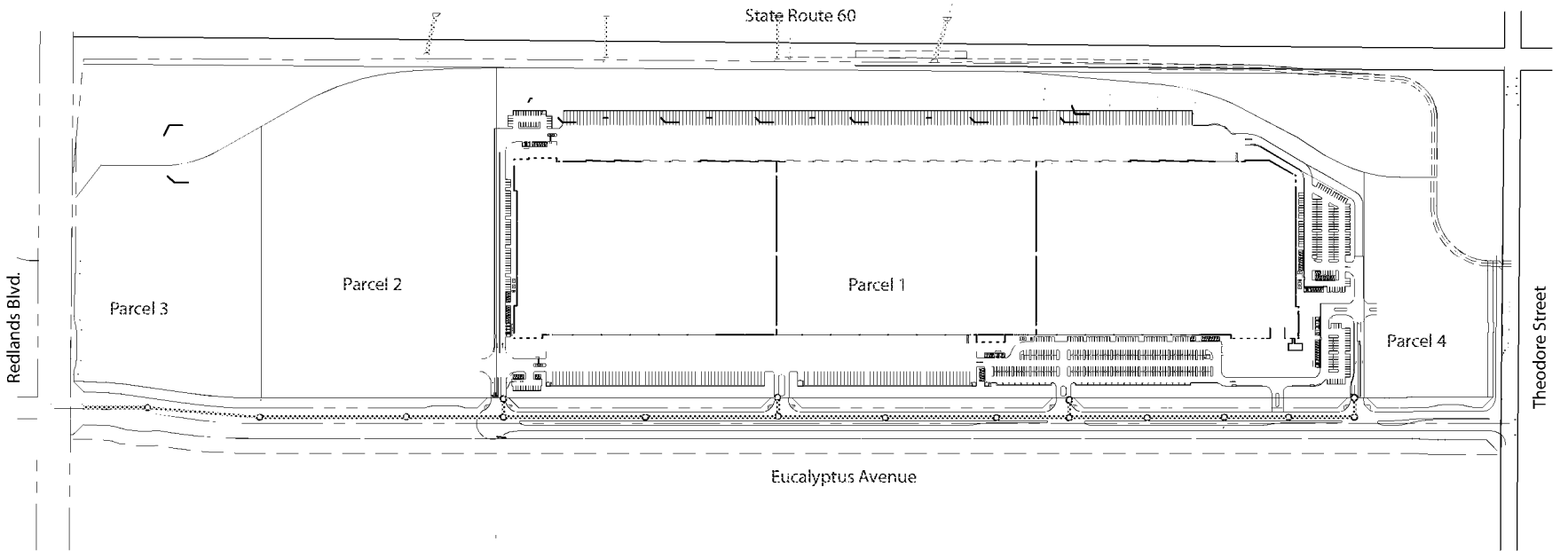

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Sewer Phase 1 Improvements | Vicinity Map

MV00001804

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MV00001805

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Sewer

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00001807

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or

liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On June 8, 2010, the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Line F Storm Drain improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Line F Storm Drain improvements is Six Million Eight Hundred Thirteen Thousand Five Hundred Ninety-Five dollars ($6,813,595.00).

On July 13, 2010, the City Council of the City of Moreno Valley approved the substitution agreement and replacement bonds for the Line F Storm Drain improvements.

The limits of the Line F Storm Drain improvements are within Route 60 to the north, Redlands Boulevard to the west, Eucalyptus Avenue to the south and Theodore Street to the east. The public improvements included, but is not limited to, the following: 2,600 feet of 24-inch RCP, 200 feet of 30-inch Reinforced Concrete Pipe (RCP), 1,900 feet of 36 -inch RCP, 1,500 feet of 42 -inch RCP, 650 feet of 48-inch RCP, 1050 feet of 10-ft by 8-ft Reinforced Concrete Box (RCB), 1,600 feet of 12-ft by 8-ft RCB, pipe inlets/outlets, wing walls, head walls, catch basins, local depressions, manholes, junction structures, transition structures, concrete bulkheads, trash racks, rip rap, fencing and gates. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Punch List was generated.

On March 3, 2011, the Line F Storm Drain improvements received a 90% reduction. The amount reduced was Six Million One Hundred Thirty-Two Thousand Two Hundred Thirty-Six dollars ($6,132,236.00).

DISCUSSION

Contingent upon receiving the acceptance letter from Riverside County Flood Control and Water Conservation District (District), City Staff will perform a final inspection to ensure that the improvements are in accordance with the approved plans and the standards of the City of Moreno Valley and District.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the Line F Storm Drain improvements as complete once the proper clearances are provided by the District. A portion of said improvements will be maintained by the District.

In accordance with the Cooperative Agreement approved by the City Council on August 24, 2010 and the storm drain plans approved by the City Engineer on June 14, 2010, the public storm drain improvements being accepted into the City Maintained system are as follows: a portion of Line D, Line G, Laterals F-2-A, F-8-A through F-8-K, F-8-M, F-8-N, F-8-P, F-9, F-9-A through F-9-D, and related appurtenances such as catch basins, inlets, outlets, headwalls, wingwalls, and rip-rap.

Ninety days after the City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley and District Standards*

and it is appropriate to accept the improvements once proper clearances are received.

2. Do not ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Do not authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Do not authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to enter said improvements into the 12 month warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all final approvals are received. *The required improvements have been completed according to City of Moreno Valley and District Standards and it is appropriate to accept the improvements once proper clearances are received.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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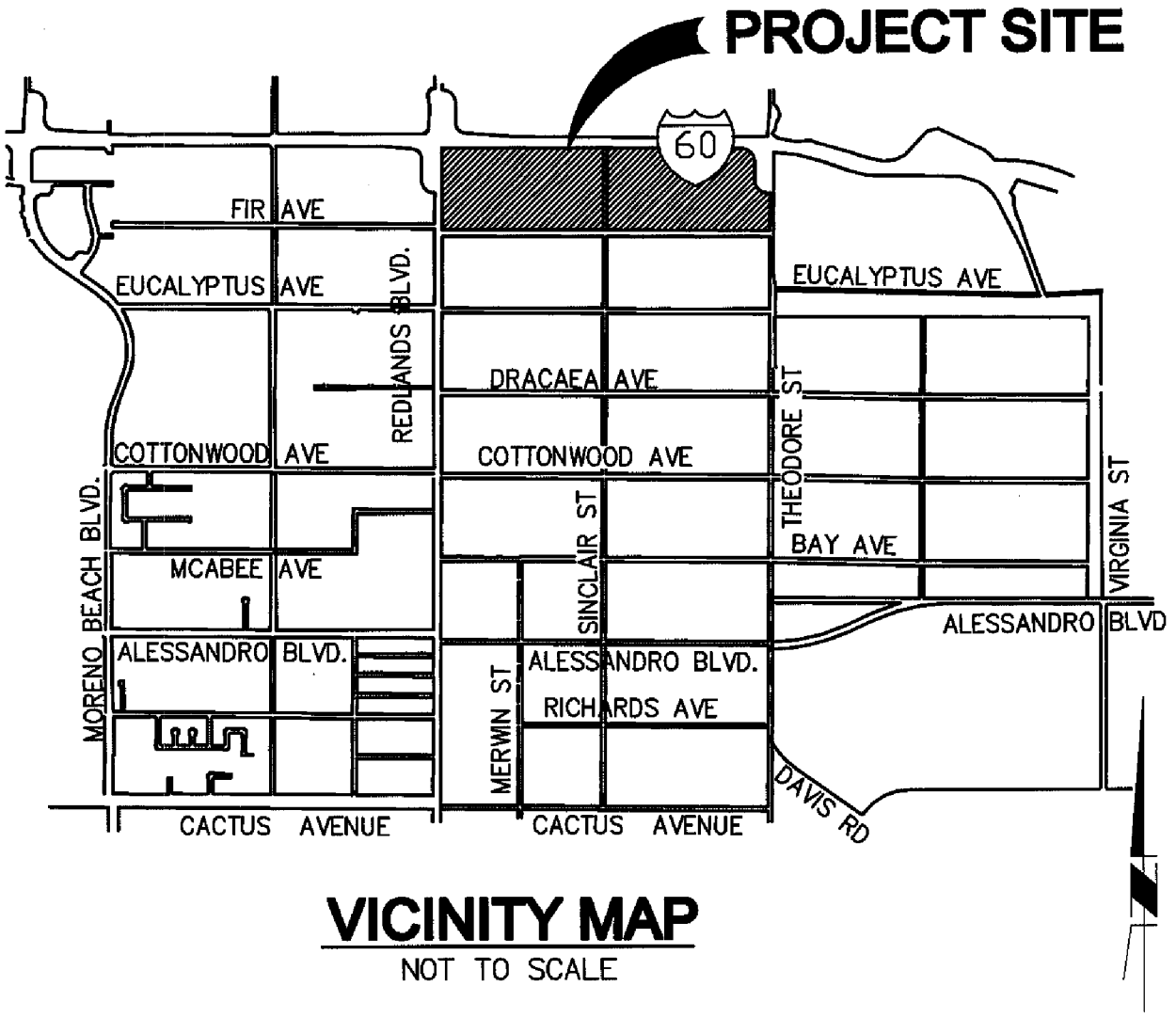

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **LOCATION MAP**

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MV00001815

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00001817

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00001819

SEE AGENDA ITEM A.4

C3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.4) (**Report of: Public Works Department)

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MV00001821

SEE AGENDA ITEM A.11

C4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION **(ALSO LISTED AS AGENDA ITEM A.11)** (Report of: Public Works Department

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MV00001823

SEE AGENDA ITEM A.13

C5. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.13)** (Report of: Public Works Department)

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MV00001825

SEE AGENDA ITEM A.15

C6. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM **(ALSO LISTED AS AGENDA ITEM A.15)** (Report of: Public Works Department)

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MV00001827

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the Community Redevelopment Agency (RDA):

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

BACKGROUND

On April 28, 2009, City Council authorized VA Consulting, Inc. (VA Consulting) to proceed with the final Auto Mall design plans and specifications. On July 13, 2010, City Council authorized the City Manager to execute a Project Specific Agreement and assign said Project Specific Agreement to the Community Redevelopment Agency. At this same meeting, the Community Redevelopment Agency approved an increase to Purchase Order No. 37386 for $50,000.

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The pylon sign installation was completed on June 20, 2011.

Street improvement enhancements and revitalization are integral elements of the final Automall plans. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their Project Specific Agreement that expires May 1, 2012. Staff is recommending the First Amendment to the Project Agreement in order to increase the Project Specific Agreement amount by $25,000. The additional monies provide for 1) Finalization of the street improvement plans and specifications to reflect the construction scope of work based on available construction funds after the completion of the pylon sign, 2) bid support services during the advertising of the project for construction, and 3) design support services during the construction of the street improvements.

ALTERNATIVES

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725). *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and do not authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services bid design support services, and construction support services (Account No.

897.91725). *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Street Improvements is included in Fiscal Year 2011/2012 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities. There is no impact on the General Fund.

Fiscal Year 2010/2011 Budget (Account No. 897.91725)	$1,512,000
Pylon Sign Construction Related Costs	$786,000
Construction Related Savings	$726,000

AVAILABLE FUNDS:

Fiscal Year 2011/2012 Budget (Account No. 897.91725)	$726,000
Estimated Additional Design Related Services	$25,000
Remaining Available Balance for Construction of Street Improvements	$701,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the Community Redevelopment Agency authorize the First Amendment to the Project Specific Agreement and furthermore authorize an increase to Purchase Order No. 37386 with VA Consulting in the amount of $25,000 for additional design services, bid design support services, and construction support services.

ATTACHMENTS

Attachment "A" – First Amendment to Project Specific Agreement

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\CC Reports\Street Improvements\VA Consultant Award Aggreement CC\1st Amendment 7-12-2011\Increase PO - Design 7-2011.doc

FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES MORENO VALLEY AUTO MALL STREET IMPROVEMENTS PROJECT NO. 08-89791725

This First Amendment to Project Specific Agreement is by and between the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, hereinafter referred to as "RDA," and VA Consulting, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Specific Agreement is made and entered into effective on the date the RDA signs this First Amendment.

RECITALS:

Whereas, the City of Moreno Valley and Consultant entered into an Agreement entitled "PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Project Agreement," dated November 1, 2010.

Whereas, the City assigned its interest in said Agreement to RDA on November 1, 2010.

Whereas, the Consultant is providing consultant engineering services for the Moreno Valley Auto Mall Street Improvement project.

Whereas, it is desirable to amend the Project Specific Agreement to expand the scope of services as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The On-Call Agreement termination date of May 1, 2012 is not extended by this Amendment to the Project Agreement.

1.2 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “A” -- First Amendment, entitled “Terms of Payment”.

1.4 The RDA agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $25,000.00 as set forth in the above-referenced Terms of Payment, in

consideration of the Consultant's performance of the work set forth in Exhibit "A" - First Amendment.

1.5 The total "Not to Exceed" fee for this Agreement is $64,960.00 ($39,960.00 for the original Agreement plus $25,000.00 for the First Amendment to Project Specific Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 08-89791725

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

Community Redevelopment Agency

BY:_____
Executive Director

DATE:_____

VA Consulting, Inc.

BY:_____

TITLE:_____
(President or Vice President)

BY:_____

TITLE:_____
(Corporate Secretary)

RECOMMENDED FOR APPROVAL:

BY:_____
Chris A. Vogt, P.E.
Public Works Director/City Engineer

DATE:_____

APPROVED AS TO LEGAL FORM:

_____
General Counsel of the Community Redevelopment Agency of the City of Moreno Valley

DATE:_____

Attachment: Exhibit "A" – First Amendment (Terms of Payment)
Exhibit "B" – First Amendment (Assignment of Project Agreement)
Exhibit "C" – First Amendment (Project Agreement)

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\Design Phase\Consultant -\Agreement\VA Consulting\Project Specific Agreement\Agmt A Street Improvements - $39K\1st Amendment\First Amendment to Project Agreement 7-2011.DOC

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MV00001835

TERMS OF PAYMENT

1. This First Amendment to Agreement shall have a Not-to-Exceed Fee of $25,000 for the First Amendment to the Project Specific Agreement.

2. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work for the Street Improvements covered by this Proposal including:

    a. Finalize Plans and Specifications to reflect Construction Scope of Work Based on Available Construction Funds.

    b. Bid Support Services During Construction Bid Advertisement

    c. Design Support Services During Construction

3. Work can only commence after this First Amendment to the Agreement has been executed and the City issues a notice to proceed.

4. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.

5. Sub-categorization of tasks is permitted to better define the task for payment.

6. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."

7. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.

8. The City will pay the Consultant for all acceptable services rendered in accordance with the "Project Specific Agreement" and this First Amendment.

9. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Project Specific Agreement," or this First Amendment an "Amendment to the Agreement" will be executed between the City and Consultant.

10. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.

EXHIBIT "A"

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MV00001837

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00001839

Beazer Homes

June 15, 2011

John Terell, Planning Director
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Tract 36340 – Rockcliffe City Council Continuance

Dear Mr. Terell:

Beazer Homes would like to request a continuance from the July 12th City Council meeting regarding our proposed Development Agreement for Tract 36340. Beazer is looking to revisit some of the items within this agreement with the City of Moreno Valley. Beazer would like to be scheduled on the October 11th City Council meeting

Thank you for your time and efforts regarding this project. We look forward to working with the City of Moreno Valley. Should you have any questions, please do not hesitate to contact me at (714) 720-6304.

Sincerely,

Bryan Bergeron
Development Manager
Beazer Homes Southern California Division

Orange County Office

1800 E. Imperial Highway, Suite 200
Brea, CA 92821

O: 714-672-7000
F: 714-285-2925

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MV00001841

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011 (Continued from May 24, 2011)

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 2011- ___, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Town Center and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be

limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice

2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map
4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

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

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

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

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

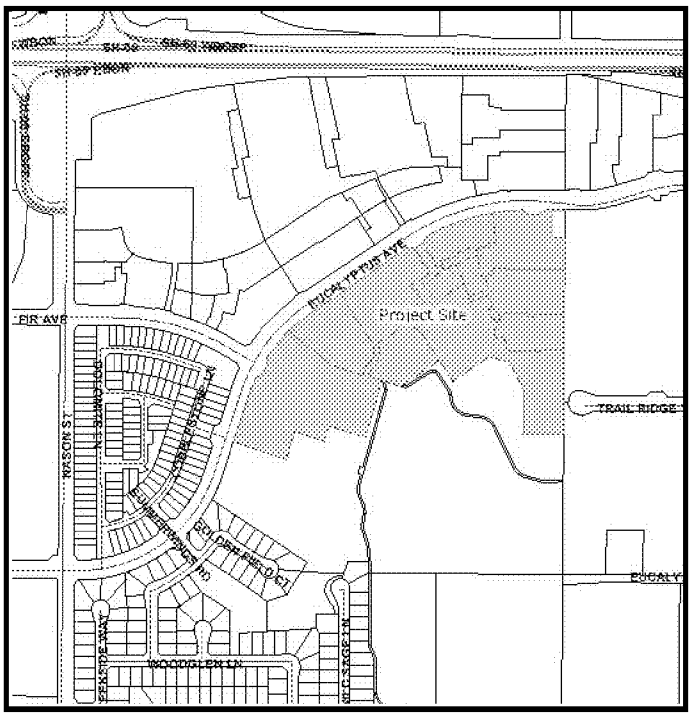

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE & TIME: March 22, 2011 at 6:30 P.M.
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

Item No. E.1

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MV00001847

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

ATTACHMENT 2

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00001853

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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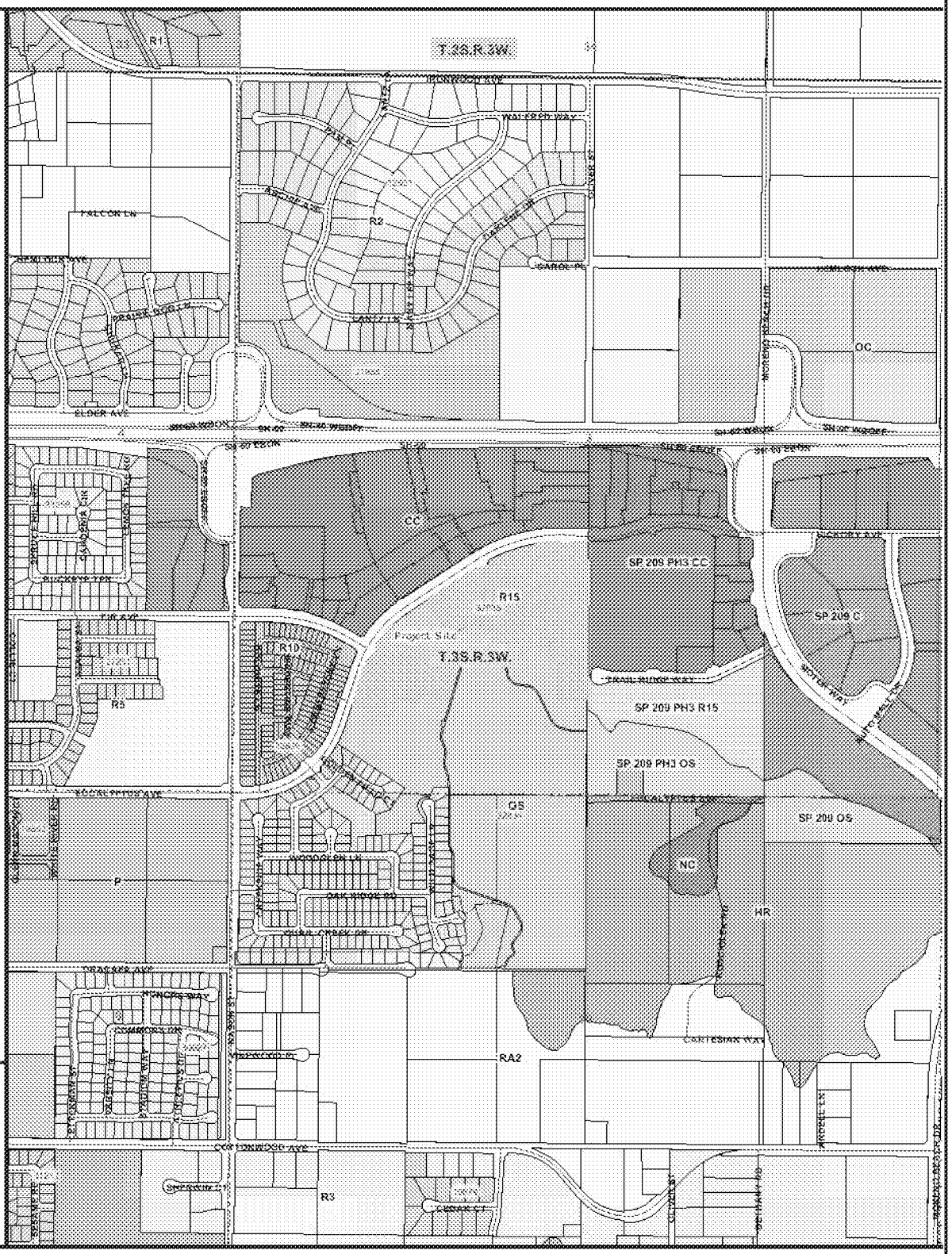

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

MV00001888

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MV00001889

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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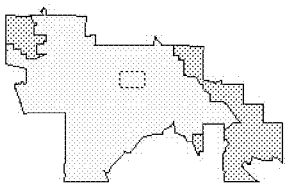

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

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MV00001891

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as "Nature Park" on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will [illegible] individual lots with detached single-family homes, common open space [illegible] private access roads. The [illegible]non open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

Other Design Considerations

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees [illegible] te streets and allow continual break-up of the project massing. In addition, [illegible] will be clustered in strategic [illegible]ons such as on corner lots, adjacent to

guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be r[illegible]d by 50% from the Current Fe[illegible]

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets [illegible]nt standards as allowed [illegible]r Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Ac[illegible] guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

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

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. ation building floor and eleva

Item No. E.1

(provided in reduced format in Exhibit 6).

6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

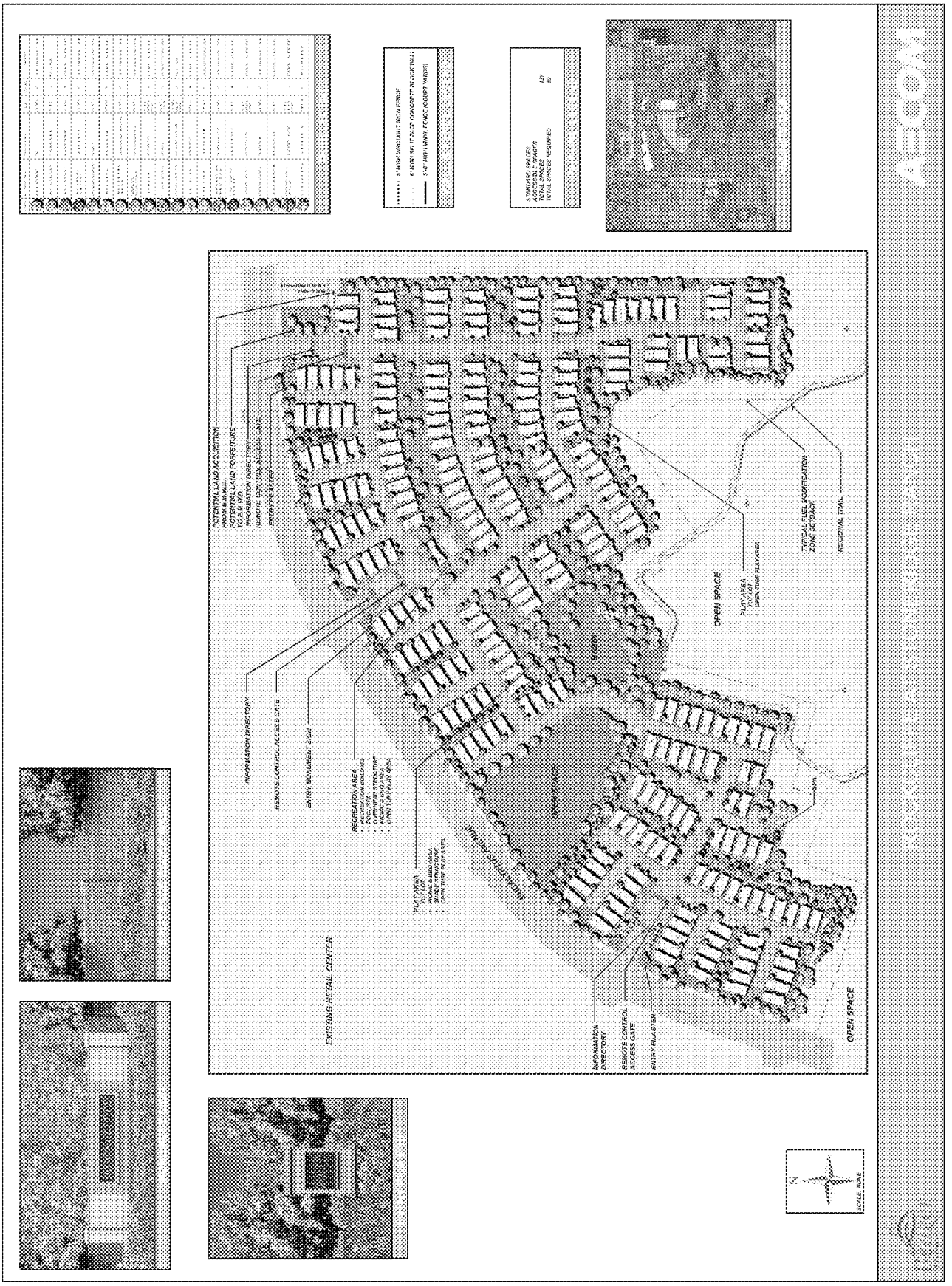

ATTACHMENT 7

Item No. E.1

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

ROCKCLIFFE AT STONERIDGE RANCH

AECOM

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the City Council, after conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;
   b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

   a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 has Conditions of Approval that require them to provide a funding source to help support the Stormwater Management program and the CSD Zone M program. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charges for the CSD Zone M program. The property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 28, 2011 and the Public Hearing on July 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies

are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to pruning, trimming, fertilizing, replacing plant material(s) as necessary, litter removal, maintenance of the irrigation systems, weed control, payment of the water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charges are levied on the property tax bill.

The CSD Zone M annual charges for APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 were estimated based on the proposed Perris Blvd. median adjacent to the parcels. Upon future development, parcels adjacent to the proposed median shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charges for balloting APNs shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceeding for First Industrial, receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M annual charges for First Industrial. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results of the mail ballot proceeding for First Industrial. *This alternative would be contrary to Proposition 218 mandates and may not allow the property owners to comply with their conditions of approval.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charges for First Industrial are as follows:

Property Owner	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
First Industrial		
APN 316-200-003 (and any division thereof)	$205	$494.31
APN 316-200-009 (and any division thereof)	205	492.14
APN 316-200-010 (and any division thereof)	205	516.09
APN 316-200-011 (and any division thereof)	205	489.96
APN 316-200-012 (and any division thereof)	205	2,184.13
APN 316-200-013 (and any division thereof)	205	520.44
APN 316-200-014 (and any division thereof)	205	520.44
APN 316-200-018 (and any division thereof)	205	1040.89
APN 316-200-028 (and any division thereof)	205	435.52
APN 316-200-029 (and any division thereof)	205	1,796.51

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Stormwater Management program.

There is no impact in the General Fund for the ongoing maintenance of the proposed median on Perris Blvd, north of Nandina Ave. The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for First Industrial.

NOTIFICATION

On May 17, 2011, a ballot packet was mailed to the owner of each parcel associated with Tentative Parcel Map 35859. The packets included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the June 28, 2011, Public Meeting and July 12, 2011, Public Hearing was published in The Press-Enterprise on June 9, 2011. Additionally, the Public Hearing notification was published on June 23 and again on June 30, 2011.

ATTACHMENT

Attachment 1: First Industrial sample mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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TEL: 951.413.3480
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MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

First Industrial
c/o First Industrial Realty Trust
Jeff Evans, Operations Director
898 N. Sepulveda Blvd., Suite 750
El Segundo, CA 90245

May 17, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charges for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 are subdivided. If APNs are merged then the annual charges for those APNs shall be combined. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M annual charge for FY 2010/11 for the proposed Perris Blvd. median is $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy

amount will be assessed to APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, July 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a simple majority (50%+1) of the ballots are marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if a simple majority of the returned valid weighted ballots approve the annual charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If there is a tie or if a majority of the returned valid ballots oppose the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If there is a tie or if a majority of the returned valid weighted ballots oppose the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bills and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, July 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for ASSESSOR PARCEL NUMBERS (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

Moreno Valley Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof), **I approve** the annual CSD Zone M charges for FY 2010/11 for the proposed Perris Blvd. median of $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. Beginning FY 2011/12, the annual CSD Zone M charges shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amounts shall be assessed on the Riverside County property tax bills as planning of the Perris Blvd median occurs. The CSD Zone M charges shall be proportionally adjusted if said APNs are subdivided. If parcels are merged then the annual charges for those parcels shall be combined.

NO** — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the CSD Zone M annual parcel charges. I understand that not incorporating said APNs into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charges shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge*
316-200-003 (and any division thereof)	☐	☐	$494.31
316-200-011 (and any division thereof)	☐	☐	$489.96
316-200-028 (and any division thereof)	☐	☐	$435.52
316-200-029 (and any division thereof)	☐	☐	$1,796.51

*The weighted value for each APN is equal to its proposed annual charge. The total proposed charge for TPM 35859 is $8,490.43.

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for Assessor Parcel Numbers (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
316-200-003 (and any division thereof)	☐	☐	$205 per parcel
316-200-011 (and any division thereof)	☐	☐	$205 per parcel
316-200-028 (and any division thereof)	☐	☐	$205 per parcel
316-200-029 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

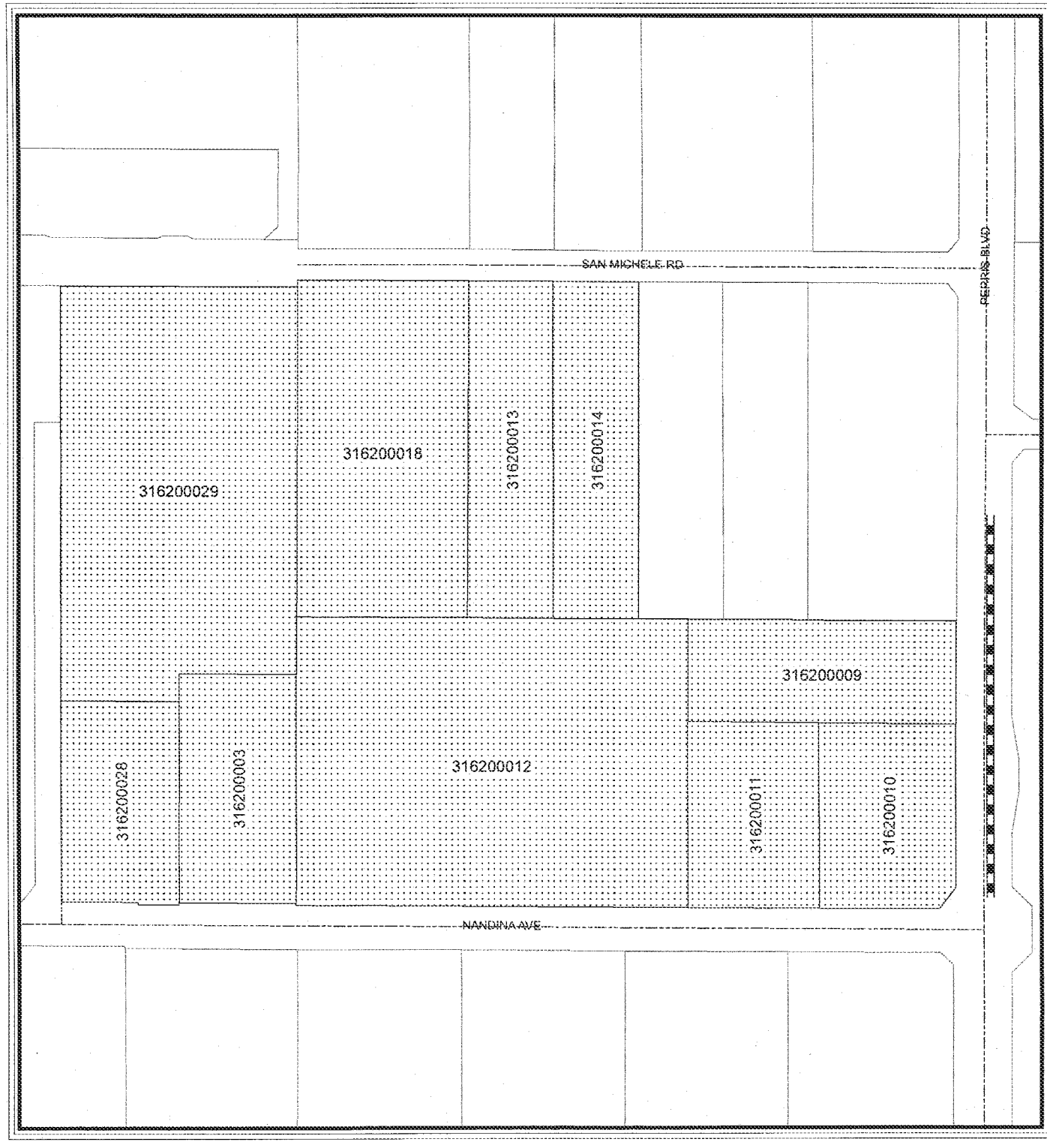

TPM 35859

APN

- 316200003
- 316200009
- 316200010
- 316200011
- 316200012
- 316200013
- 316200014
- 316200018
- 316200028
- 316200029
- Roads
- Parcels
- City Boundary
- Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of May 11, 2011.

N

0 150 300 450 600 Feet

G:\AVP\SDA\TPM 35859 PA07-0165.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

RIDGE PROPERTY TRUST

201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

June 29, 2011

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Case P08-133, PA08-0098, PA10-0017, PA08-0097, and PA09-0022
Applicant: Ridge Rancho Belago, LLC
Owner: Ridge Rancho Belago, LLC

Dear John,

As you know, on May 12, 2011 the City of Moreno Valley Planning Commission disapproved adoption of Resolution No. 2011-13 recommending to the Moreno Valley City Council the following items:

1. Approval of P08-133 (Approval and Certification of the EIR for the WestRidge Commerce Center project),
2. Approval of PA08-0098 (Zone Change),
3. Approval of PA10-0017 (Municipal Code Amendment),
4. Approval of PA08-0097 (Plot Plan), and
5. Approval of PA09-0022 (Tentative Parcel Map 36207)

On May 18th, Ridge Rancho Belago LLC formally appealed (see the attached letter) the decision of the Moreno Valley Planning Commission to the 5 member Moreno Valley City Council.
Our appeal to the Moreno Valley City Council Members was then scheduled for the July 12, 2011 City Council meeting.
Per this letter, I respectfully request a continuance of our appeal to the City Council meeting scheduled for August 23, 2011.

Thank you for your consideration and please call me if you have any questions.

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Cc: Jeff Bradshaw, City of Moreno Valley
Gil Saenz, Inland Empire Development Services

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t (562) 856-3819 | f (562) 856-3820
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City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

RIDGE PROPERTY TRUST

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet east of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Ranch Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: drice@ptrnet.com

Contact Person: Derek Rice

OWNER Name: same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services LLC — Telephone: (951) 845-1003 cell 909-226-0420

Address 931 Monarch Court — Fax No. (951) 845-9225

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson26@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name
Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Dennis S. Rice 5-18-2011
Property Owner's Signature Date

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Dennis S. Rice 5-18-2011
Applicant's Signature Date

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60605

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈001194⑈ ⑆071000013⑆495693⑈

Item No. E.3

MV00001935

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

1. **ADOPT** City Council Resolution No. 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution.

OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

1. **ADOPT** City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

2. **INTRODUCE** Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

3. **INTRODUCE** Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

4. **ADOPT** City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

5. **ADOPT** City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, on May 12, 2011, denied the proposed Zone Change required to allow the project. The Planning Commission adopted Resolution No. 2011-13 (Attachment 21) on June 9th documenting the denial by a vote of 3-2 with two commissioners absent or abstaining. Individual Planner Commissioners stated concerns with increased truck traffic on Redlands Boulevard, impacts to aesthetics and views from State Route 60, and the lack of a specified tenant for the project.

Appeal

An appeal of the Planning Commission's denial was submitted on May 19, 2011, by the applicant, Ridge Rancho Belago, LLC. The appeal was received within the required 15 day appeal period. The appeal letter has been included as Attachment 22.

The letter listed the following as the reasons for the appeal:

- The project's architecture is consistent with prior approvals for warehouse buildings of similar size;
- Requiring a project to have a signed lease agreement prior to approval of the land use is not a standard practice.
- Redlands Boulevard is currently identified as a truck route in the City's General Plan. The traffic study identified intersection and roadway segments that required mitigation to meet or improve General Plan levels of service requirements and the project has been conditioned to complete/install infrastructure in the immediate vicinity and off-site to mitigate operational impacts to the City's circulation system.

BACKGROUND

West Ridge Commerce Center

The applicant, Ridge Rancho Belago, LLC, submitted five applications for development of the West Ridge Commerce Center Project (Zone Change, Municipal Code Amendment, Plot Plan, Tentative Parcel Map, and Environmental Impact Report), in order to develop a 937,260 square foot warehouse facility on a 55-acre site located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard is presented as a Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was an issue reviewed for the project. Future Eucalyptus Avenue separates the proposed project from residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site.

In order to provide compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone

of 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

The Municipal Code Amendment would add a standard to the Light Industrial zone to require industrial and warehouse structures greater than 50,000 square feet to be separated from any residential district as determined by an air quality and noise impact analysis. The minimum separation distance would be 250 feet between the residential district and the building, truck court or loading area. Attachment 18 provides the proposed Amendment text. The proposed amendment would be effective City-wide.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility on 55 acres. The warehouse facility is a permitted use in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas on the northern and southern elevations and are screened by perimeter concrete tilt-up walls and slopes with a tree row required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide parking lot and setback landscape to include ground cover, shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will include curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, the Draft EIR was prepared by Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the Draft EIR for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required responsible agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. Two letters were received after the end of the review period.

Final Environmental Impact Report

The Draft EIR and Response to Comments constitute the Final EIR. Responses to the comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Final EIR was mailed to all interested parties and responsible agencies on April 28, 2011, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of

potential impacts cannot be reduced to a less than significant level. As identified in the document, these impacts are considered to be significant and unavoidable.

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

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant and do not require mitigation. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

Typically, the Planning Commission would take public testimony on the EIR and project and forward a recommendation to City Council. However, since the Planning Commission voted 3-2 denying approval of the requested Zone Change, effectively denying the project, no review or recommendation on the EIR was required.

Before the proposed project can be acted upon, the City Council must review the final EIR, receive public testimony and either certify or reject the Final EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

The proposed Municipal Code Amendment is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

DISCUSSION

Planning Commission Public Hearing

Prior to the Planning Commission public hearing on May 12, 2011, staff received three emails from the Sierra Club commenting on the project and the related EIR. An email was also submitted by Paul Claxton, along with letters from the South Coast Air Quality Management Board and Johnson & Sedlack (Attachments 23-28). Copies of the referenced correspondence were provided to the Planning Commission.

A public hearing for the project was conducted on May 12, 2011. Following presentation of the staff report, the applicant spoke and answered Commissioner questions related to building architecture, notification efforts by the applicant, and pre-leasing the building prior to approval of the land use.

There were three speakers at this meeting. Concerns raised by the speakers included increased truck traffic on Redlands Boulevard and Ironwood Avenue, too frequent changes to the General Plan Land Use Element, the City's policy for notification of a public hearing, opposition to the Zone Change request, preservation of the rural east end of City, air quality and Commissioner objectivity.

The Planning Commission asked the applicant whether they would agree to change the architecture or guarantee a tenant or buyer. The applicant indicated that securing a tenant or buyer prior to approval of the project was not a possibility. The applicant was not willing to make changes to the architecture and asserted that the proposed architecture meets current City design criteria. Planning staff stated that the proposed architecture is consistent with both the Municipal Code and prior City warehouse approvals.

Following public testimony, the Planning Commissioners discussed the project, and then voted 3-2 to deny the Zone Change, effectively denying the project based on concerns with the project's design and potential impacts. There was no discussion of the Environmental Impact Report and no recommendation action taken on project's environmental documents.

ALTERNATIVES

1. The City Council could deny the project by adopting the denial resolution included as Attachment 2.

2. The City Council could approve the project by adopting the resolutions and ordinances included as Attachments 3 through 7.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

SUMMARY

This report addresses the appeal of the Planning Commission's May 12, 2011 denial of Zone Change application PA08-0098 to change the zone from Business Park to Light Industrial for a 55 acre site for the West Ridge Commerce Center project. The project also includes applications for Plot Plan PA08-0097 for a 937,260 square foot warehouse facility on 55 acres; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum

separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal. Staff has provided recommended actions that would permit City Council to either uphold the Planning Commission denial or overturn that action and approve the proposed project.

NOTIFICATION

Notice of the appeal of the proposed West Ridge Commerce Center project was provided to all property owners of record within 300' of the properties covered under these applications as well as agencies and interested parties that requested notification of public meetings for this project. The public hearing notice for this project was also posted on the property site and published in the local newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. City Council Denial Resolution No. 2011-76
3. Environmental Impact Report Resolution No. 2011-77, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Ordinance No. 829 - Zone Change
5. Ordinance No. 830 - Municipal Code Amendment
6. Resolution No. 2011-78 - Plot Plan PA08-0097
7. Resolution No. 2011-79 - Tentative Tract Map 36207
8 Planning Commission Staff Report excluding exhibits
9. Planning Commission Minutes from May 12, 2011 meeting
10. Environmental Impact Report
11. Site Plan
12. Elevations
13. Color Rendering
14. Cross Sections – Line of Sight
15. Preliminary Landscape Plan
16. Tentative Parcel Map 36207
17. Aerial Photograph
18. Revisions to Municipal Code Chapter 9.05 Industrial Districts
19. Response to SCAQMD comments
20. Response to Tom Hyatt comments
21. Planning Commission Denial Resolution No. 2011-13
22. Appeal letter from Ridge Rancho Belago, LLC dated 05/19/11
23. Sierra Club email dated 05/05/11
24. Sierra Club email dated 05/09/11
25. Sierra Club email dated 05/11/11
26. Johnson & Sedlack comment letter dated 05/12/11
27. South Coast Air Quality Board comment letter dated 05/12/11
28. Email comments from Paul Claxton date 05/11/11

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00001945

Notice of
PUBLIC HEARING

This may affect your property. Please read.

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

CASE: P08-133 – Environmental Impact Report
PA08-0098 – Zone Change
PA10-0017 – Municipal Code Amendment
PA08-0097 – Plot Plan
PA09-0022 – Tentative Parcel Map No. 36207

APPLICANT: Ridge Rancho Belago, LLO

OWNER: Ridge Rancho Belago, LLC

REPRESENTATIVE: Inland Empire Development Services

LOCATION: South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard

PROPOSAL: A public hearing regarding an appeal of the Planning Commission's May 12, 2011 denial of a Zone Change (PA08-0098) from Business Park (BP) to Light Industrial (LI) for a 55 acre site for the West Ridge Commerce Center project. The project also includes a Plot Plan (PA08-0097) for a 937,260 square foot warehouse facility; Tentative Parcel Map No. 36207 (PA09-0022) to create a single parcel; and a Municipal Code Amendment to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the project.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

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

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

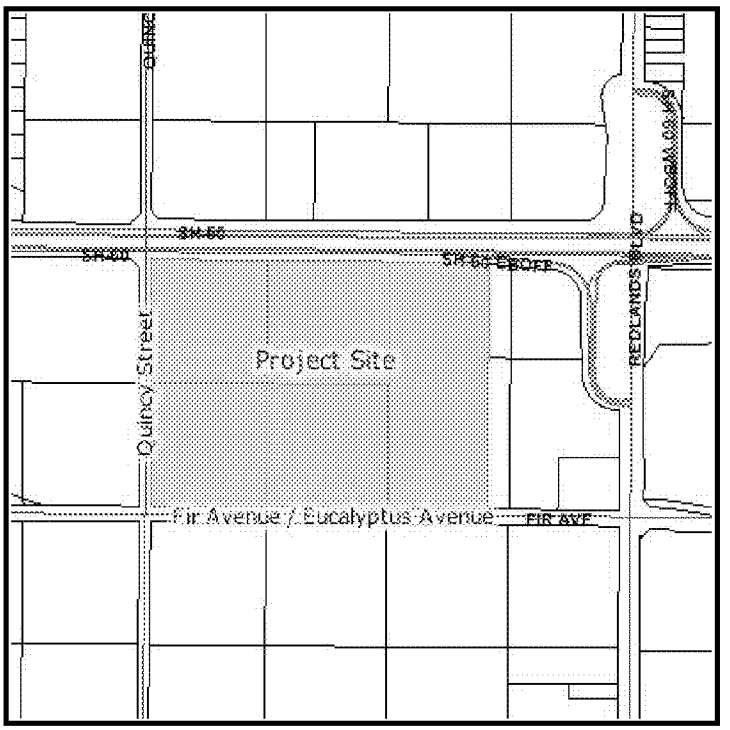

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: July 12, 2011 at 6:30 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

ATTACHMENT 1

Item No. E.3

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MV00001947

RESOLUTION NO. 2011-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on June 9, 2011, the Planning Commission adopted a resolution by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider an appeal of the Planning Commission's denial of the Zone Change application.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the City Council voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

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

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor.

The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources. The proposed project includes a 937,260 square foot warehouse industrial building which exceeds the maximum building area of 50,000 square feet permitted by the current zoning designation of Business Park. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

2. The proposed warehouse industrial buildings would increase the amount of heavy truck traffic on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic would be incompatible with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building would be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, DENYING a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00001951

RESOLUTION NO. 2011-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P08-133), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE WEST RIDGE COMMERCE CENTER PROJECT, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF FIR AVENUE/FUTURE ECUALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD.

WHEREAS, on July 12, 2011, the City Council of the City of Moreno Valley held a public hearing to consider the Environmental Impact Report and all related environmental documentation for the proposed project, which includes a Plot Plan for a 937,260 square foot distribution warehouse facility on 55 acres. The warehouse building includes 173 dock doors and provides parking for 307 employees/visitors and 175 trailer parking spaces within the enclosed truck court. The project site is currently zoned Business Park which limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial is required to allow the larger building proposed by the project. Tentative Parcel Map No. 36207 proposes to combine the multiple parcels of the project site into a single parcel This project also requires approval of a Municipal Code amendment to Chapter 9.05 Industrial Districts to require a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. The proposed amendment will be effective citywide;

WHEREAS, the project includes applications for a Change of Zone (PA08-0098), Municipal Code Amendment (PA10-0017), a plot plan (PA08-0097) and a tentative parcel map (PA09-0022). All the applications are related but shall not be approved unless the Environmental Impact Report (P08-133) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on October 22, 2010, while the review period ended on December 6, 2010. A Final EIR, (including the Draft EIR and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on April 28, 2011, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR with complete responses to comments to the State Clearinghouse, local agencies and other interested parties;

ATTACHMENT 3

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider a Final EIR for this project.

WHEREAS on July 12, 2011, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

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

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the West Ridge Commerce Center Project, including, but not limited to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use, noise, transportation/traffic, and utilities/service systems;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

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

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The City Council certifies that the final Environmental Impact Report (EIR) for the West Ridge Commerce Center Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The City Council hereby adopts the Findings and Statement of Overriding Considerations regarding the final EIR for the West Ridge Commerce Center Project, attached hereto as Exhibit A; and

3. The City Council hereby approves the Mitigation Monitoring Program for the final EIR for the proposed West Ridge Commerce Center Project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the Westridge Commerce Center Project (State Clearinghouse No. 2009101008)

I. INTRODUCTION

The City Council of Moreno Valley (this "Council"), in certifying the EIR for the Westridge Commerce Center Project and approving Tentative Parcel Map 36207 and a Plot Plan authorizing the construction of up to 937,260 square feet of light industrial/distribution warehouse uses (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the City of Moreno Valley. The Project site consists of approximately 54.66 acres of vacant and undeveloped land, located southeasterly of the SR-60 interchange with Redlands Boulevard. Specifically, the Project is bounded by SR-60 to the North, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the

EXHIBIT A

west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east.

Properties to the west of the Westridge Commerce Center Project site, across the Quincy Channel, are currently in agricultural production; however, a development proposal has been submitted to the City for this adjacent site, involving six (6) distribution warehouse facilities totaling approximately 2.25 million square feet on 117 acres, and an EIR is currently being prepared for this project. To the south, across the Fir (future Eucalyptus) Avenue alignment, properties are currently vacant with the exception of one residence located near the southeasterly corner of the Project site. No active development proposals exist for southerly adjacent properties, which have a General Plan Land Use designation of "R2," allowing two dwelling units (DU) per acre. Properties immediately to the east of the Project site are designated for commercial use, though no development proposal is currently on file. Further to the east, across Redlands Boulevard, the Highland Fairview Corporate Park project is currently under construction. At buildout, this Project would involve approximately 2.6 million square feet of warehouse distribution uses and 200,000 square feet of commercial uses on approximately 158 acres located south of SR-60, between Redlands Boulevard and Theodore Street.

2. <u>Project Description</u>

The Project consists of construction and operation of an approximately 937,260 square foot light industrial/distribution warehouse facility, with onsite parking, circulation, and all required infrastructure. The Project site is currently designated for Business Park/Light Industrial uses in the City's General Plan, and its zoning designation is Business Park. The development of the Project requires a change of zone, from Business Park to Light Industrial zoning, to allow for the proposed light industrial/distribution warehouse uses configured in a single structure greater than 50,000 square feet. A Municipal Code text amendment to Section 9.05.020 B is also required by the Project, to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- A zone change from Business Park to Light Industrial;
- Amendment to Municipal Code Section 9.05.020 B [Light Industrial Districts];
- Tentative Parcel Map approval (PM 36207);
- Development Plan Review and Plot Plan approval for the entire Project;
- Construction, grading, and encroachment permit approvals;
- Vacation and/or dedication of public rights-of-way and easements;
- Approval of the Final Water Quality Management Plan (WQMP); and
- Any other City of Moreno Valley approvals that may be necessary pursuant to applicable laws and regulations.

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the NOP/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On October 1, 2009 the City circulated a Notice of Preparation ("NOP") and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On October 28, 2009, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from October 1 to October 30, 2009. Written comments on the NOP were received from 26 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics; agricultural resources; air quality; biological resources; geology and soils (seismic risk); hazardous materials; hydrology/water quality; land use; noise; solid waste generation; traffic and circulation; water supply; alternatives selection; cumulative impacts; growth inducement; and the use of green building standards and solar energy.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information and analysis to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Agricultural Resources; (2) Geology and Soils; (3) Hazards/Hazardous Materials; (4) Mineral Resources; (5) Population/Housing; (6) Public Services; (7) Recreation; and, (8) Utilities and Service Systems.

- On October 21, 2010, the NOA/NOC was filed with the Riverside County Recorder and the State Clearinghouse and the DEIR was circulated for the 45 day public review, which ended December 6, 2010.
- The City received a total of six (6) comment letters from public agencies; five (5) from local business or community organizations; and thirteen (13) from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 3.0 of the FEIR.
- On December 2, 2010, the City held a publicly noticed meeting to provide additional information about the Project and the EIR.
- On April 29, 2011 in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On May 12, 2011, the City Planning Commission conducted a public hearing to consider the Project. After public testimony presented at the hearing, the Planning Commission denied the requested Zone Change for the Project, effectively denying the Project.
- On May 19, 2011, an appeal letter and application were submitted to the City by the applicant, Ridge Rancho Belago, LLC, appealing the Planning Commission's denial of the Project to the City Council.
- On June 30, 2011, Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On July 12, 2011, this Council approved a continuance to August 23, 2011.
- On August 23, 2011, this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding

Considerations, and the further recommendations in the Staff Report, and approved the Project, including the requested change of zone, Municipal Code Amendment, and PM 36207 (collectively the "Approvals").

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of Applied Planning, Inc. ("Applied Planning") to prepare the EIR for the Project. Applied Planning has prepared the EIR under the supervision, direction and review of the City with the assistance of an independent peer review (Willdan Associates). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures

recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

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

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 and 5.0 of the DEIR and Section 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 3.0 of the FEIR.

The EIR evaluated nine major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Land Use, Noise, Traffic and Circulation and Water Supply. Both Project-specific and cumulative impacts were evaluated. Of these nine major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. **Land Use**

a. **General Plan Consistency**

Potential Significant Impact: Whether the Project is consistent with applicable provisions of the City's General Plan.

Findings: Potential impacts of the Project related to consistency with the General Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to General Plan consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's General Plan Land Use designation is "Business Park/Light Industrial." The warehouse and distribution uses proposed by the Project are permitted or conditionally permitted by, and therefore are considered to be consistent with, applicable General Plan Land Use Plans and Policies. (DEIR, pg. 4.1-17) Accordingly, impacts associated with General Plan consistency would be less-than-significant and no mitigation is required.

b. **Zoning Consistency**

Potential Significant Impact: Whether the Project would conflict with the applicable zoning.

Findings: Potential impacts of the Project related to consistency with zoning are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to zoning consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's existing zoning designation of Business Park (BP) does not allow for development of distribution warehouse uses within single structures of more than 50,000 square feet, as proposed by the Project. As such, a zone change from BP to Light Industrial (LI) is requested in order to accommodate the Project. The proposed LI zoning designation is consistent with the site's underlying General Plan Land Use designation of Business Park/Light Industrial. In order to ensure compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses, a Municipal Code Amendment is also proposed that would require a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as

required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. (DEIR, pgs. 4.1-20 to 4.1-24) Accordingly, with approval of the Project's requested zone change and Municipal Code Amendment, impacts associated with zoning consistency would be less-than-significant and no mitigation is required.

c. Consistency with SCAG Plans and Policies

Potential Significant Impact: Whether the Project would conflict with any applicable Southern California Association of Governments (SCAG) plan or policy.

Findings: Potential impacts of the Project related to consistency with the applicable SCAG plans and policies are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impacts related to inconsistency with SCAG's regional plans or policies areas will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a SCAG member agency, and is subject to applicable Policies of SCAG's regional plans. The DEIR assessed the Project and found it to be consistent with applicable SCAG Policies on Growth Management, Air Quality, Open Space and Conservation, and Water Quality, Regional Transportation. The Project was also found to be consistent with SCAG's Regional Transportation Plan and Compass Growth Visioning Principles. (DEIR, pgs. 4.1-24 to 4.1-30) Accordingly, any impact associated with SCAG plan or policy consistency would be less-than-significant and no mitigation is required.

d. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with applicable Habitat Conservation Plans or other natural community conservation plans.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan. The Project complies with all applicable provisions of the MSHCP. The Project site is not within an MSHCP Criteria Cell, nor is the site within 1,000 feet of an identified Criteria Cell. No MSHCP conservation areas or habitat linkages occur onsite. (DEIR, pg. 4.1-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required.

Prior to the implementation of the MSHCP, Riverside County adopted a separate HCP for the Stephens' kangaroo rat (SKR, Dipodomys stephensi), which are federally listed as endangered and state listed as threatened. As with the MSHCP, participants of the SKR HCP can incorporate projects into the incidental "take" permit for SKR if the project complies with the requirements of the SKR HCP implementing agreement. Payment of the mitigation fees and compliance with the SKR HCP requirements provides full mitigation under CEQA for impacts to SKR. (DEIR, pg. 4.8-14)

e. Potential to Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the potential division of an established community are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the physical division of an established community will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is located within, and continues the business park/light industrial land uses that exist or are proposed along the City's southerly SR-60 frontage, consistent with land use and development patterns reflected in the Moreno Valley General Plan Land Use Map. Adjacent parcels to the east and south are currently vacant, with the exception of a single family residence to the south of Fir (future Eucalyptus) Avenue near the Project site's southeasterly corner. Parcels adjacent to this residence are designated for Rural Residential (RA-2) uses. However, with the exception of the single existing residence south of Fir (future Eucalyptus) Avenue, this adjacent, residentially designated area is not yet

developed, and as such, does not constitute an "established community." Implementation of the Project will realize light industrial/warehouse distribution uses that are compatible with, and similar to, anticipated development to the east and west of the Project as part of the approved Highland Fairview Corporate Park project, and the proposed ProLogis project. (DEIR, pgs. 4.1-32 to 4.1-33) Accordingly, any impacts related to the division of an established community would be less-than-significant and no mitigation is required.

f. Cumulative Impacts Related to Land Use

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to land use.

Findings: Potential cumulative impacts of the Project related to land use are discussed in detail in Section 5.1.1.1 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to land use will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. While it is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area, the proposed land use is consistent with the City's General Plan Land Use Element. The Project is also consistent with SCAG's regional plans and policies and the Western Riverside County MSHCP. With approval of the requested zone change (from Business Park to Light Industrial) and Municipal Code Amendment, in addition to approval of the discretionary actions identified in Section II (A)(3) of these Findings, the Project's contributions to potential cumulative land use impacts related to General Plan, Zoning, and Regional Plan consistency are less-than-significant. There are no known or probable off-site development proposals that would not, or could not, comply with applicable General Plan provisions; or that would otherwise adversely compound land use approvals requested by the Project, and so be determined to be cumulatively significant. It is assumed that other development projects within the cumulative impact area will also request appropriate discretionary land use approval where necessary, thereby reducing potential cumulative impacts. (DEIR, pgs. 5-5 to 5-7) Accordingly, any impacts to land use would not be cumulatively considerable and no mitigation is required.

2. Traffic and Circulation

a. Increase in Roadway Hazards

Potential Significant Impact: Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to increased roadway hazards are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: To ensure appropriate design and implementation of all Project access improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. Efficient and safe operations of the Project are provided by on-site and localized circulation and intersection improvements included as components of the Project. The safety of bicyclists and pedestrians shall be taken into consideration during the final design of future intersections within the vicinity of the Project. Additionally, sight distance at each Project access point shall be reviewed with respect to standard Caltrans/City of Moreno Valley sight distance standards at the time of preparation of final grading, landscape and street improvement plans. Temporary and short-term traffic detours and traffic disruption that may result during Project construction is adequately addressed through the submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours. Implementation of the approved construction area traffic management plan and resulting construction traffic control measures reduces potential circulation system impacts during construction to levels that are less-than-significant. (DEIR, pgs. 4.2-84 to 4.2-85) Therefore, no mitigation is required.

b. Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access or access to nearby uses.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the construction area traffic management plan/construction traffic control measures will assure adequate emergency access during the construction of the Project. Adequate emergency access will be provided upon completion of the Project improvements and mitigation measures. Prior to buildout of the local roadway system, which will ultimately include a bridge over the Quincy Channel, analysis included in the DEIR indicates that emergency vehicles serving the Project vicinity will be able to meet or exceed Moreno Valley Fire Protection Agency objectives for a five-minute response time using any of three alternate routes. Additionally, buildout of the local roadway system will improve overall emergency response to the area. (DEIR, pgs. 4.2-86 to 4.2-88) Accordingly, any impacts related to emergency access would be less-than-significant and no mitigation is required.

c. Alternative Transportation

Potential Significant Impact: Whether the Project would conflict with adopted policies supporting alternative transportation.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Riverside Transit Agency (RTA) currently provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. City staff has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project. However, the Project does not propose elements or aspects that would interfere or conflict with

the future provision of transit services. The Project will provide pedestrian and bikeway facilities consistent with City Municipal Code requirements to be identified in the Project Conditions of Approval, thereby reducing potential impacts below significance thresholds. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pg. 4.2-89) Therefore, no mitigation is required.

d. Air Traffic Patterns

Potential Significant Impact: Whether the Project would increase or otherwise affect existing air traffic patterns.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any change in air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an Airport Area of Influence or Airport Land Use Plan (ALUP). The March Inland Port/March Air Reserve Base is the airport located nearest the Project site, approximately five miles to the southwest. The Project does not propose elements that would affect, or be affected by, air traffic facilities. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pgs. 4.2-89 to 4.2-90) Therefore, no mitigation is required.

3. <u>Air Quality</u>

a. Air Quality Management Plan Consistency

Potential Significant Impact: Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Potential impacts of the Project related to the applicable air quality plan are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable air quality plan and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project is consistent with, and will not impede or otherwise conflict with implementation of the Air Quality Management Plan ("AQMP"). The

Project is consistent with AQMP Consistency Criterion No. 1 because it will not cause a potential increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (DEIR, pgs. 4.3-51 to 4.3-52) The Project will not exceed the California Ambient Air Quality Standards ("CAAQS") for localized criteria pollutants during construction operations. While operational emissions will be generated in excess of SCAQMD's regional threshold criteria, these emissions are already accounted for in the AQMP since the Project is consistent with the land uses and development intensities reflected in the City General Plan and incorporated in the adopted AQMP. Consistent with intent and provisions of the AQMP, the Project will implement all feasible mitigation, and comply with all applicable SCAQMD rules developed to reduce air pollutant emissions. The Project is also consistent with AQMP Consistency Criterion No. 2 because the extent of air pollutant emissions generated by the Project would be no greater than is reflected in the current General Plan and incorporated in the adopted AQMP. Because the Project is consistent with the General Plan Land Use designation of Business Park/Light Industrial, it does not exceed growth projections contained in the City's General Plan, and is consistent with growth assumptions in the AQMP. (DEIR, pgs. 4.3-52 to 4.3-53) Accordingly, impacts related to consistency with the applicable air quality plan will be less-than-significant and no mitigation is required.

b. Objectionable Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon

completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. (DEIR, pg. 4.3-88) Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required.

c. Greenhouse Gas Emissions

2. Potential Significant Impact: Whether the Project would directly or indirectly generate greenhouse gas emissions that may have a significant impact on the environment.

3. Findings: Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to the direct or indirect creation of greenhouse gas emissions and, therefore, no mitigation is required. Nonetheless, in order to reduce Project-related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, the following Mitigation Measures 4.3.11 through 4.3.13 will be implemented through the MMRP.

4.3.11 *Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.*

- *Increase in insulation such that heat transfer and thermal bridging is minimized;*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*
- *Incorporate dual-paned or other energy efficient windows;*

- *Incorporate energy efficient space heating and cooling equipment;*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;*
- *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*

4.3.12 *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.*

4.3.13 *GHG emissions reductions measures shall also include the following:*

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan*

approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

- *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.*
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*
- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*
    - *Implementation of compressed workweek schedules;*
    - *SmartWay partnership;*

- *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*
- *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Facts in Support of the Findings: As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the DEIR's analysis demonstrates that the Project will not exceed the proposed quantitative thresholds of CARB or the SCAQMD. Accordingly, Project greenhouse gas emissions impacts are considered less-than-significant. (DEIR, pgs. 4.3-88 to 4.3-94)

a. Greenhouse Gas Emission Reduction Plan Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to consistency with greenhouse gas emission reduction plans are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable greenhouse gas emissions reduction plans and, therefore, no mitigation is required.

Facts in Support of the Findings: In the absence of approved guidelines or thresholds, the Project's consistency with the State's goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan. As documented in the DEIR, the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. Additionally, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures. (DEIR, pgs. 4.3-94 to 4.3-110) Accordingly, impacts related to consistency with applicable greenhouse gas emissions reduction plans will be less-than-significant and no mitigation is required.

4. Noise

a. Ground-Borne Vibration/Ground-Bourne Noise

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. (DEIR, pg. 4.4-28) Although

heavy equipment employed during Project construction could potentially generate groundborne vibration resulting in annoyance at area residential land uses, the only sensitive receptor close enough to the Project site to experience disturbance is the single residence located at 28855 Fir Avenue. Vibration-producing activities at this location are unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment in the vicinity of this residence at the Project site perimeter. (DEIR, pgs. 4.4-27 to 4.4-28) Accordingly, potential groundborne vibration impacts due to Project construction or operations are less-than-significant and no mitigation is required.

b. Aircraft Noise

Potential Significant Impact: Whether the Project would result in significant impacts related to aircraft noise.

Findings: Potential impacts of the Project related to aircraft noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to aircraft noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. While occasional aircraft overflight noise from regional air facilities is expected to occur, the Project would not expose people residing or working in the Project area to excessive noise levels from aircraft operations. (DEIR, pg. 4.4-28) Accordingly, impacts related to aircraft noise will be less-than-significant and no mitigation is required.

5. Water Supply

a. Effect on Groundwater Supplies

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Findings: Potential impacts of the Project in regard to groundwater supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose nor require direct ground water withdrawals. Water to be provided to the Project will be supplied from imported water through MWD, with no impact to groundwater supplies. As such, the Project would not substantially deplete groundwater supplies. Nor will the Project substantially interfere with groundwater recharge capabilities. No designated groundwater recharge facilities exist within or proximate to the Project site, nor does the Project propose elements or operations that would directly or indirectly affect any designated groundwater recharge facilities. The Project will establish open space areas and landscaping allowing for potential capture, retention and infiltration of storm waters to the groundwater table. Accordingly, Project-related impacts relative to groundwater supply and recharge are less-than-significant. (DEIR, pgs. 4.5-26 to 4.5-27) Therefore, no mitigation is required.

b. Require New Water Supplies

Potential Significant Impact: Whether the Project would require new or expanded water supplies.

Findings: Potential impacts of the Project in regard to water supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required. Nonetheless, in order to further reduce the Project's overall water use, ensure ongoing availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project Water Supply Assessment (WSA), the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measure 4.5.1 through 4.5.4. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.

4.5.1 *Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.*

4.5.2 *The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.*

4.5.3 *The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.*

4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.*

Facts in Support of the Findings: As required under SB 610/221, a WSA has been prepared for the Project. The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, Eastern has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. With the implementation of these conditions, incorporated in the DEIR as Mitigation Measures 4.5.1 through 4.5.4, Project-related impacts relative to water supply are less-than-significant. (DEIR, pgs. 4.5-27 to 4.5-29)

c. Cumulative Impacts Related to Water Supply

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts related to water supply.

Findings: Potential cumulative impacts of the Project related to water supply are discussed in detail in Section 5.1.1.5 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential cumulative or areawide impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. It is assumed that other development projects within the cumulative impact area will also be realized consistent with development anticipated by the adopted Urban Water Management Plan (UWMP), and, like the Project, be required to pay connection and use fees providing for improvement and maintenance of serving water systems, thereby reducing potential cumulative impacts. Based on the preceding discussion, the Project's potential contribution to cumulative impacts in regard to water supply is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-17) Therefore, no mitigation is required.

6. Hydrology and Water Quality

a. Violate Water Quality Standards

Potential Significant Impact: Whether the Project would violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality.

Findings: Potential impacts of the Project related to water quality are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any exceedance of water quality or waste discharge standards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential erosion and siltation impacts related to Project construction will be addressed through the preparation and implementation of a City-approved Storm Water Pollution Prevention Plan (SWPPP), which is required to identify sources of sediments and other pollutants that could affect the quality of storm water discharge, and associated Best Management Practices (BMPs) such as the installation of filter fabric fences, sandbars, and checkdams to reduce pollutants within storm water discharge consistent with City,

County, and Regional Water Quality Control Board (RWQCB) performance standards. To prevent or reduce the effects of urban runoff that could result from long-term Project operations, a Project-specific Water Quality Management Plan (WQMP) will be implemented consistent with the requirements of Riverside County's National Pollutant Discharge Elimination System (NPDES) permit. The Project WQMP will incorporate selected BMPs approved by the City, the Riverside County Flood Control and Water Conservation District, and the Santa Ana RWQCB to establish a program and means to prevent or minimize potential storm water pollutant discharges over the life of the Project. As such, the potential for the Project to violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality is determined to be less-than-significant. (DEIR, pgs. 4.6-16 to 4.6-22) Accordingly, no mitigation is required.

b. Flooding on- or off-site

Potential Significant Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or provide substantial additional sources of polluted runoff.

Findings: Potential impacts of the Project relating flooding and stormwater management are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flooding or excess runoff will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project's drainage facilities will maintain existing drainage patterns (trending from northwest to southeast) will be maintained, and no stormwater runoff from the Project site will be directed to the Quincy Channel. Project storm water management improvements will be implemented to accommodate existing off-site flows in combination with increased onsite storm water discharge rates/volumes, and to address Project-related urban storm water pollutants. These include construction of a concrete cut-off wall protection barrier along the westerly edge of the Project area, to be located and designed so as not to impact any Delineated Jurisdictional Areas along the eastern bank of Quincy Channel,

and to help prevent any further erosion caused by migrating flows from the Quincy culvert crossing the SR-60 freeway. Along the south side of the Project, within the Fir (future Eucalyptus) Avenue right-of-way, drainage facilities will be installed consistent with Riverside County's Moreno Area Drainage Plan (ADP) line D-3. Along the east side of the property, the existing 60-inch culvert will remain in place to convey the runoff from north of the freeway to the existing drainage ditch on the west side of Redlands Boulevard. (DEIR, pgs. 4.6-23 to 4.6-25)

On-site, a series of underground pipes has been designed to collect the runoff from around the proposed facility. The underground pipes will be routed to the proposed bio-retention basins and detention basin at the south side of the facility. These basins would reduce storm water discharge from the site to levels equivalent to pre-development conditions, thereby precluding incremental impacts to receiving storm drain facilities. The on-site detention basin system will be designed to detain the differential runoff created due to the development of the site for the 2, 5, 10 and 100 year; 1, 3, 6 and 24 hour storm events. The detention basins will be equipped with an overflow structure that will release runoff into the public storm drain facility (Line D-3) and will ultimately drain to the drainage ditch along the west side of Redlands Boulevard.

Prior to issuance of grading permits, detailed final grading and drainage plans will be reviewed and approved by the City, in compliance with City, County, and SARWQCB requirements. Implementation of approved Project drainage improvements ensures that the Project would appropriately convey storm water runoff without adversely affecting upstream or downstream drainage characteristics. Further, pursuant to the Project SWPPP and WQMP (which, as discussed previously, are designed to minimize potential hydrologic and water quality impacts), Project-generated storm water runoff would not constitute a substantial pollutant source. (DEIR, pgs. 4.6-24 to 4.6-25) Accordingly, the Project would not substantially alter existing drainage patterns and has been developed in a manner that will assure that future runoff does not create any flooding issues, or otherwise exceed the capacity of stormwater drainage systems. Accordingly, any impacts related to flooding and stormwater management would be less-than-significant and no mitigation is required.

c. Place Structures or Housing within a 100-Year Floodplain

Potential Significant Impact: Whether the Project would place housing or structures that would impede or redirect flood flows within a 100-year flood hazard area.

Findings: Potential impacts of the Project related to hydrology and flooding are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the placement of structures or housing within a 100-year floodplain will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a 100-year flood hazard area, nor is the Project site located within a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100-year floodplain. Further, the Project does not propose the construction of housing. Implementation of new drainage facilities will ensure adequate flood carrying capacity for storm drainage generated on-site, as well as existing runoff entering the Project site from adjacent properties. As such, the potential for the Project to place housing or structures within a 100-year flood hazard area which would impede or redirect flood flows is less-than-significant. (DEIR, pg. 4.6-27) Accordingly, no mitigation is required.

d. Other Flood Hazards

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche, tsunami, or mudflow.

Findings: Potential impacts of the Project related to flood hazards discussed in detail in Section II-E of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flood hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a dam inundation area, nor does the Project site lie within a General Plan-designated 100-year flood hazard area or FIRM 100-year floodplain area. Notwithstanding, in order to preclude potential flood damage, the Project will be designed to provide protection of the proposed buildings and Project employees for the 100-year flood event by ensuring that the finished floor is set a minimum of one foot above the 100-year on-site flood elevation. Further, the proposed Project site is not

located within the vicinity of a hazardous coastal area, large water body, or unstable hills or slope. As such, the Project would not expose people to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or by inundation from a seiche, tsunami, or mudflow. (DEIR, pg. 4.6-28) Accordingly, no mitigation is required.

e. Cumulative Impacts Related to Hydrology and Water Quality

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to hydrology and water quality.

Findings: Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 5.1.1.6 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to hydrology and water quality will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area within the jurisdiction of the Santa Ana RWQCB. In accordance with NPDES requirements, the Project proponent will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and construction storm water discharge contamination impacts of the Project. The Project incorporates storm water management components, including drainage facilities and BMPs, which collectively act to ensure that post-development storm water discharge rates and volumes do not exceed pre-development conditions. Moreover, the Project's proposed storm water management systems will be designed, constructed and maintained so as to ensure compliance with City, RCFCWQCD, and RWQCB storm water quality requirements. In these regards, prior to issuance of building permits, all proposed storm water management components are subject to review and approval by the City, RCFCWQCD, and RWQCB. Ancillary facilities will also be subject to reviewed and approved by Caltrans. Storm water management components to be implemented by the Project, in combination with mandated compliance with State, RWQCB, and City storm water management requirements ensures that adequate storm water conveyance and treatment facilities will be provided to support development and operations of the Project. (DEIR, pgs. 5-18 to 5-19) Accordingly, the Project's potential contribution to cumulative

hydrology and water quality impacts would not be considerable, and the cumulative effects of the Project are less-than-significant.

7. Cultural Resources

a. Disturbance of Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to the potential disturbance of human remains are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the disturbance of human remains will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The likelihood of encountering human remains in the course of Project development is remote; however, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by State law. Based on compliance with these existing regulations, the Project's potential to adversely disturb human remains is considered unlikely. (DEIR, pg. 4.7-14) Accordingly, any impacts associated with the disturbance of human remains would be less-than-significant and no mitigation is required.

b. Cumulative Impacts Related to Cultural Resources

Potential Significant Impact: Whether the Project would result in cumulative considerable impacts to cultural resources.

Findings: Potential cumulative impacts of the Project on cultural resources are discussed in detail in Section 5.1.1.7 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to cultural resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for prehistoric, archaeological, and historic resources generally includes the Perris Plain/Perris Valley area (including the Cities

of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within this area would be site-specific. In the event that potentially significant resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. There are no known or probable potentially significant off-site development proposals that would interact with, or compound Project-related cultural resources impacts, that could be determined to be cumulatively significant. To the extent that each development proposal within the cumulative impact area provides appropriate mitigation during landform modification activities, cumulative impacts to cultural resources are reduced below significance thresholds. Based on the preceding, the Project's potential contribution to cumulative cultural resources impacts is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-19) Therefore, no mitigation is required.

8. Biological Resources

a. Federally Protected Wetlands

Potential Significant Impact: Whether the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Findings: Potential impacts of the Project related to federally protected wetlands are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to federally protected wetlands and, therefore, no mitigation is required.

Facts in Support of the Findings: No federally protected wetlands, as defined by Section 404 of the Clean Water Act, exist in the Project area. The Quincy Channel, an ephemeral drainage that runs along the western edge of the Project site, and an existing off-site drainage channel on the west side of Redlands Boulevard contain Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdictional areas, but these channels do not contain federally protected wetlands, as defined by Section 404 of the Clean Water Act. Nor does the Project propose uses or facilities that would otherwise substantively and adversely affect Section 404 federally protected wetlands. Accordingly, potential impacts would be less-than-significant. (DEIR, pg. 4.8-29) Therefore, no mitigation is required.

b. Wildlife Movement, Migration, and Nursery Sites

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to wildlife movement, migration, and nursery sites are discussed in detail in Section 4.8 the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildlife movement, migration, and nursery sites and, therefore, no mitigation is required.

Facts in Support of the Findings: During preparation of the MSHCP, wildlife corridors and habitat linkages throughout western Riverside County were analyzed extensively. No MSHCP wildlife habitat linkages or movement corridors were identified at the Project site. Nor does the Project propose facilities or activities that would substantively and adversely affect any offsite designated wildlife habitat linkage or movement corridor. On this basis, the potential for the Project to interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, is determined to be less-than-significant. (DEIR, pgs. 4.8-29 to 4.8-30) Therefore, no mitigation is required.

c. Local Policies or Ordinances Protecting Biological Resources

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to local policies or ordinances protecting biological resources are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to local policies or ordinances protecting biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, have been identified as applicable to the Project. (DEIR, pg. 4.8-30) Accordingly, impacts related to local policies or ordinances protecting biological resources will be less-than-significant and no mitigation is required.

f. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a participating agency in the Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP). As such, only projects consistent with the MSHCP will be developed within the City. The Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project "is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009." These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. As such, the Project is in compliance with the MSHCP. (DEIR, pg. 4.8-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required. This species has not been recorded within the Project area in the past and is presumed absent from the site. Additionally, the Project is consistent with the Habitat Conservation Plan for the Stephens' Kangaroo Rat, which allows for incidental take of Stephens' Kangaroo Rat for projects located within the plan area. With payment of the appropriate mitigation fee, which the City requires as a standard procedure during the processing of development applications, any potential impacts to Stephens' kangaroo rat would be less-than-significant.

d. Cumulative Impacts Related to Biological Resources

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to biological resources.

Findings: Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 5.1.1.8 of the DEIR. Based on the entire record before us, this

Council finds that no cumulatively significant impacts related to biological resources will occur as a result of development of the Project.

Facts in Support of the Findings: Implementation of mitigation measures proposed in the MMRP would reduce potential impacts to biological resources to levels that are less-than-significant. In this regard, mitigation of Project-specific biological resources impacts will also reduce the Project's potential incremental contributions to cumulative biological resources impacts within the region such that no additional mitigation for cumulative biological resources impacts is required. To the extent that each development proposal within the cumulative impact area(s) provides appropriate mitigation, cumulative impacts to biological resources are reduced to levels that are less-than-significant. Pursuant to the provisions of CEQA, each development project within the cumulative impact area that requires a discretionary action by a public agency will be assessed for its potential impacts on biological resources. Appropriate biological resources mitigation will also be required of other projects within the cumulative impact area(s). In this regard, it is noted that because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in the DEIR. With the application of the mitigation measures identified in the MMRP, the Project's potential contribution to cumulative impacts in regard to biological resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, pgs. 5-20 to 5-23) Accordingly, no mitigation is required.

9. Aesthetics

a. Scenic Resources

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway.

Findings: Potential impacts of the Project related to scenic resources are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to scenic resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is comprised of vacant disturbed property and does not contain designated scenic resources. No rock outcroppings or historic buildings are located onsite. Although the City's General Plan designates SR-60 as a local scenic road, this highway is not included in the California Department of Transportation's list of Officially Designated Scenic Highways. The Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements. (DEIR, pg. 4.8-19) Accordingly, impacts to scenic resources would be less-than-significant and no mitigation is required.

b. Visual Character

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Findings: Potential impacts of the Project related to visual character are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to visual character will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Determinations of visual character and quality are inherently subjective by nature. The DEIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. It is further noted that development of the subject site with business park and/or light industrial uses reflects buildout of the area anticipated under the General Plan, resulting in substantial visual change of the area, whether under the Project, or some other unspecified development proposal. To provide a visual transition and buffer between southerly adjacent properties (zoned for large lot residential uses) and the Project site, the Project incorporates a 250-foot landscaped setback along its southerly boundary. Masonry walls (which would be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti) are also proposed to screen the Project's operations from surrounding land uses. As supported by the preceding discussions, and with implementation of

the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant. (DEIR, pgs. 4.8-20 to 4.8-21) Accordingly, any impacts to the area's visual character would be less-than-significant and no mitigation is required.

c. Light or Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to light and glare will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Onsite lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance, including but not limited to Section 9.08.100, "Lighting." Project lighting will be designed and implemented so as to illuminate the site without causing undue light or glare, and to avoid light overspill on adjacent properties. (DEIR, pgs. 4.9-23 to 4.9-25) Accordingly, any impacts related to light and glare would be less-than-significant and no mitigation is required

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and

overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation, Cultural Resources, and Biological Resources, were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. <u>Traffic and Circulation</u>

a. Substantial Increase in Traffic

Potential Significant Impact: The EIR evaluated and concluded that the Project-related traffic could contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Redlands Boulevard at the SR-60 westbound ramps, and at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

Finding: Implementation of the following mitigation measures will reduce potential Opening Year traffic impacts at affected intersections:

4.2.1 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

Facts in Support of the Finding: Based on analysis performed as part of the Project Traffic Impact Analysis (TIA), the Project would contribute additional traffic to preexisting Opening Year Ambient Condition deficiencies occurring at the intersection of Redlands Boulevard at the SR-60 westbound ramps. Also, with the addition of Project traffic, the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue would perform unacceptably during peak hours. (DEIR, pgs. 4.2-31 through 4.2-34) However, with implementation of the roadway improvements identified in Mitigation Measures 4.2.1 and 4.2.2, these impacts will be reduced to a less-than-significant level. (DEIR, pg. 4.2-35)

2. <u>Cultural Resources</u>

a. Archaeological/Historic Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unknown or unrecorded archaeological or historic resources which may be present in a buried context.

Finding: Implementation of the following mitigation measures will reduce potential impacts to archaeological and/or historic resources to a less-than-significant level:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert*

equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2., resources shall be left in an undisturbed state. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

Facts in Support of the Finding: No known cultural resources of significance exist within the Project site. Additionally, no significant evidence of the early twentieth century occupation of the property was identified by the Project Cultural Resources Investigation. Nonetheless, some potential exists for resources to be located onsite in a buried context. Implementation of Mitigation measures 4.7.1 and 4.7.2 will ensure that archaeological and/or historic resources that may be unearthed during Project construction will be identified and preserved consistent with the recommendations of the Cultural Resources Study and California law. Accordingly, the Project's potential to impact archaeological or historic resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-11 through 4.7-13)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unique paleontological resources which may be present in a buried context.

Finding: Implementation of the following mitigation measure will reduce potential impacts to paleontological resources to a less-than-significant level:

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage and record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

Facts in Support of the Finding: Based on information presented in the Cultural Resources Investigation, the Project area is considered to have a moderate level of sensitivity for paleontological resources, indicating that paleontological resources may be encountered within the Project site. The area consists of older Quaternary alluvial deposits that have been associated with fossil specimens, which are covered by surficial deposits of younger Quaternary alluvium. In the course of Project site preparation activities, paleontological specimens may be uncovered. Mitigation Measure 4.7.3 requires paleontological monitoring during ground-disturbing activities that would exceed the relative depths of the younger alluvium on-site. Implementation of this mitigation measure would ensure that paleontological resources which may be present within

subsurface areas of the site are adequately identified and preserved. Accordingly, the Project's potential to impact paleontological resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-13 through 4.7-14)

3. Biological Resources

a. Vegetation Communities and Special Status Plant Species

Potential Significant Impact: The EIR evaluated and concluded that the Project's construction activities could have an adverse effect on CDFG and Corps jurisdictional areas, including riparian habitat areas existing on-site within the Quincy Channel, and off-site within the existing drainage channel adjacent to Redlands Boulevard.

Finding: Implementation of the following Mitigation will reduce potential impacts to jurisdictional areas to a less-than-significant level:

4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 Prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Facts in Support of the Finding: Design of the Project includes a buffer area to provide physical separation between the developed site and the adjacent Quincy Channel, in order to

minimize direct impacts to the Channel's habitat areas and associated vegetation communities and special status plant species. However, construction of the "scour wall" that would be implemented to prevent further erosion along the Quincy Channel could result in direct, temporary impacts to approximately 0.003 acres (22 lineal feet) of mulefat vegetated riparian habitat determined to be within California Department of Fish & Game (CDFG) jurisdictional areas. (DEIR pgs. 4.8-18 through 4.8-20) Additionally, implementation of drainage improvements associated with the Project could result in a potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat located in the existing drainage channel adjacent to Redlands Boulevard (DEIR, pgs. 4.8-21 to 4.8-22). This 0.08 acres has been determined to be jurisdictional under the Army Corps of Engineers (Corps), CDFG, State Water Resources Control Board (SWRCB), and MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Indirect impacts to proximate candidate, sensitive, or special status plant species could occur through the introduction of invasive plant species as a result of Project implementation. (DEIR pg. 4.8-23) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to vegetation communities and sensitive plant species will be reduced to a less-than-significant level.

b. Nesting Birds

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on nesting birds, which are protected under both the Migratory Bird Treaty Act and California Fish and Game Code.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the nesting birds to a less-than-significant level:

4.8.6 *If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning*

Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Facts in Support of the Finding: The removal of existing vegetation within the Project site as part of construction could affect nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. In addition, nests and eggs are protected under California Fish and Game Code Section 3503.5. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. (DEIR, pg. 4.8-25) Therefore, implementation of Mitigation Measure 4.8.6 is required to ensure that potential Project impacts related to nesting birds are reduced to a less-than-significant level.

c. Burrowing Owls

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on the Burrowing Owl, a special-status wildlife species.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the Burrowing Owl to a less-than-significant level:

4.8.7 *Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.*

Facts in Support of the Finding: The Project area is located within the MSHCP burrowing owl survey area. Focused burrowing owl surveys are required during the owl breeding season (April through August), pursuant to Section 6.3.2 and Appendix E, "Summary of Species Survey

Requirements. (DEIR, pgs. 4.8-25 to 4.8-26) Therefore, implementation of Mitigation Measure 4.8-7 will reduce Project impacts related to the Burrowing Owl to a less-than-significant level.

d. Riparian Habitat

Potential Significant Impact: The EIR evaluated and concluded that the Project could adversely affect riparian habitat/CDFG jurisdictional areas.

Finding: Implementation of the preceding Mitigation Measures 4.8.1 through 4.8.5 will reduce potential impacts to riparian habitat to a less-than-significant level.

Facts in Support of the Finding: Construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat riparian habitat/CDFG jurisdictional areas. The Project will have no direct impacts to any other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Potential indirect impacts may occur to proximate sensitive natural communities should invasive plant species be introduced to the area through Project implementation. (DEIR pg. 4.8-28) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to riparian habitat will be reduced to a less-than-significant level.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: cumulative traffic impacts to study area intersections and roadway segments; cumulative traffic impacts to mainline freeway segments; short-term construction air quality impacts; long-term operational air quality impacts; cumulative air quality impacts; short-term construction noise impacts (individually and cumulatively); and change to scenic vistas (individually and cumulatively).

In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment

opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the FEIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Traffic and Circulation

a. Intersection Operations

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain intersection locations under Opening Year cumulative conditions and cumulative General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.3 through 4.2.8, addressing Opening Year cumulative conditions, and Mitigation Measures 4.2.9 through 4.2.17, addressing cumulative General Plan buildout conditions, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative intersection operation impacts are considered significant and unavoidable.

4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:

- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.4 *Moreno Beach Drive at SR-60 Westbound Ramps Improvements:*

- *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.*

The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.5 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF,

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.

4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:

- *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements*

would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.

- *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.*

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*

- *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*

4.2.8 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;*
- *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and*
- *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.9 *Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:*

- *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;*
- *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These*

improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

- *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and*
- *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.10 *Moreno Beach Drive at SR-60 Westbound Ramps Improvements:*

- *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection);*
- *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;*
- *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and*
- *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way*

from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:

- *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;*
- *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*
- *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*

- *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*

The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.

4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane;*
- *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and*
- *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side*

of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;

- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.

4.2.14 *Redlands Boulevard at SR-60 Eastbound Ramps Improvements:*

- *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;*
- *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side*

of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and

- *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.15 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left turn lane with 200-feet of storage and a second through lane for a northbound lane configuration of one left turn lane, one through lane and one shared through right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*
- *Construct a southbound left turn lane with 250-feet of storage, a second left turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right-turn pocket length that extends the full length of the segment. These improvements would require the dedication of*

right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through Fair Share Fees;

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and*
- *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.*

The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate

General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

- *Install a traffic signal. This improvement would be funded through participation in the DIF Program;*
- *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*
- *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way with from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.

4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

- *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;*
- *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.3 through 4.2.17, acceptable levels of service would be realized at all Study Area intersections under cumulative Opening Year and General Plan buildout conditions with the Project. (See DEIR Tables 4.2-10 and 4.2-11) Improvements necessary to mitigate potentially significant intersection impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, ramp and interchange improvements affecting the SR-60 are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. The Project's contribution to intersection impacts is therefore determined to be cumulatively significant and unavoidable notwithstanding mitigation. (DEIR, pgs. 4.2-36 to 4.2-55).

b. Roadway Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain roadway segments under Opening Year cumulative conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.18 and 4.2.19 are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative roadway segment impacts are considered significant and unavoidable.

4.2.18 *Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:*

- *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.

4.2.19 *Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) Avenue east of Redlands Boulevard Improvements:*

- *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between

the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Implementation of the previously identified Mitigation Measure 4.2.7 would ensure acceptable conditions at the segment of Redlands Boulevard located north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue. (See DEIR Table 4.2-13) Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-60 through 4.2-67)

c. Freeway Mainline Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards at study area freeway segments under General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to Study Area freeway mainline segments under General Plan buildout conditions will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would contribute additional traffic to segments of SR-60 within the Study Area that under General Plan buildout conditions (with or without the Project) are projected to operate under deficient conditions. While it is foreseeable that improvements to SR-60 in the Project vicinity will be completed prior to General Plan Buildout, timely completion of these improvements cannot be definitively assured. Further, SR-60 mainline improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-79 to 4.2-80) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

2. <u>Air Quality</u>

a. Short-Term Construction Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project's construction source emissions would temporarily exceed SCAQMD regional and localized significance thresholds, thereby potentially violating an air quality standard or contributing to an existing or projected air quality violation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9 are incorporated into the MMRP for

the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.1 *Consistent with URBEMIS modeling inputs and to effect implementation of Rule SCAQMD Rule 403, the following measures shall be incorporated:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions.*
- *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.*
- *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);*
- *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.2 *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's*

specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

4.3.3 *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.4 *Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.*

4.3.5 *In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

4.3.6 *During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

4.3.7 *The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

4.3.8 *Grading plans, construction specifications and bid documents shall also include the following notations:*

- *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels l fuel would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*

- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.9 *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and*

cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, Project construction activities would temporarily exceed SCAQMD regional emissions thresholds for volatile organic compounds (VOC) and oxides of nitrogen (NOx); and would also temporarily exceed localized emissions thresholds for particulate matter (PM_{10} and $PM_{2.5}$). (See DEIR Tables 4.3-9 and 4.3-10) Project construction-related emissions in exceedance of SCAQMD's regional and localized significance thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-53 through 4.3-65).

b. Long-Term Operational Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed SCAQMD daily emissions significance thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Council finds that Mitigation Measure 4.3.10 is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measure, operational emissions-related air quality impacts are considered significant and unavoidable.

4.3.10 *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measure 4.3.10, as well as Mitigation Measures 4.3.11 through 4.3.13 enumerated in Section V(A)(3)(c) above, Project operational activities will exceed SCAQMD daily emissions thresholds for VOC and NOx. (DEIR Table 4.3.13) Project operational-related impacts that exceed long-term, operational emissions thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-65 to 4.3.73)

c. Sensitive Receptors

Significant Unavoidable Impact: The EIR evaluated and concluded that Project construction activities could temporarily expose sensitive receptors to potentially substantial pollutant concentrations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9, enumerated in Section C(2)(a) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, the Project's construction source emissions could result in the temporary exposure of sensitive receptors to PM_{10} and $PM_{2.5}$ emissions in excess of applicable SCAQMD localized significance thresholds. Existing sensitive receptors are identified as a single developed residential use located at 28855 Fir Avenue. Although additional parcels zoned for residential land uses (potential future sensitive receptors) are present within the area of LST exceedance, they are largely undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. (DEIR, pgs. 4.3-73 through 4.3-76)

d. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.13, enumerated in Sections A(3)(c) and C(2)(a) & (b) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: The Project is located within non-attainment areas for PM_{10}, $PM_{2.5}$, and ozone (VOC and NOx are ozone precursors). Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.13, the Project will result in the following cumulatively significant and unavoidable air quality impacts: (1) Short-term Project construction activities that exceed the regional thresholds for VOC and NOx emissions are cumulatively significant for the duration of construction activities; (2) Short-term Project construction activities that exceed the localized significance thresholds for PM_{10} and $PM_{2.5}$ emissions are cumulatively significant for the duration of construction activities; (3) Long-term operations of the Project that exceeds the regional thresholds for VOC and NOx are cumulatively significant; and (4) The Project's operational VOC and NOx emissions, in combination with VOC and NOx emissions generated by other sources affecting the encompassing ozone non-attainment areas, will result in a cumulatively considerable net increase of this pollutant within the nonattainment areas. (DEIR, pgs. 5-12 to 5-13)

3. <u>Noise</u>

a. Short-Term Construction Noise (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the exposure of persons to or generation of noise levels in excess of

standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and potentially result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.4.1 through 4.4.4, presented below, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, short-term construction-related noise impacts are considered significant and unavoidable, and are determined cumulatively considerable for the duration of Project construction activities.

4.4.1 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.2 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.3 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on*

weekends or Federal holidays. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

Facts in Support of the Finding: Even with implementation of Mitigation Measures 4.4.1 through 4.4.4, the Project's construction activities would result in a temporary exceedance of applicable noise level standards and a temporary increase in ambient noise levels in the Project vicinity. Because construction noise levels are conservatively estimated to exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), construction noise is considered a significant and unavoidable impact of the Project. (DEIR, pgs. 4.4-15 to 4.4-21). Cumulative noise impacts for the duration of construction activities are also recognized as significant. (DEIR, pg. 5-14) As such, short-term construction noise impacts are determined to be individually and cumulatively significant notwithstanding mitigation.

4. Aesthetics

a. Scenic Vistas (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have an adverse effect on a scenic vista.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would potentially result in the restriction or interruption of near and distant scenic vistas. The Project proposes a single large structure (more than 970,000 square feet), that would alter and or/obstruct views through the currently undeveloped Project area. View obstruction will be limited to some extent by engineering and grading requirements that will establish the Project's building pad considerably below the grade of the adjacent SR-60. The Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks. Similarly, the proposed Project intends to serve a market need for users that demand a large, integrated facility. As such, the concept of substantially reducing the size of the building, or creating multiple buildings in lieu of one single building would compromise a basic objective of the Project. As such, there are no feasible mitigation measures that will reduce the Project's potential aesthetic impacts on scenic vistas below significance thresholds. (DEIR, pgs. 4.9-10 through 4.9-19) In combination with other known or probably development projects in the vicinity, the Project would also result in the cumulatively considerable restriction or interruption of near and distant scenic views. (DEIR, pgs. 5-23 to 5-15) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. At the direction of the City of Moreno Valley, two different "No Project" scenarios have been evaluated. The first, referred to as the No Project/No Build Alternative, assumes the site would remain in its current undeveloped state. The second, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed. A Reduced Intensity Alternative was also selected for analysis. CEQA

requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/No Build Alternative

Description: Under the No Project/No Build Alternative (hereinafter referenced as the "No Build" Alternative), it is presumed that if the Project or some similar development proposal is not implemented on the subject site, then there would be no other known or probable scenarios for the subject property, the site would likely remain in its current undeveloped state for the foreseeable future. (DEIR, pg. 5-31)

Impacts: The No Build Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-65) Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources. No discretionary actions or zone change would be required under the No Build Alternative. (DEIR, pg. 5-48) In addition, the Project's significant and unavoidable traffic impacts, construction noise impacts, construction and operational air quality impacts, and impacts to scenic vistas would not occur. (DEIR, pgs. 5-50 to 5-65) Under the No Build Alternative, potential traffic/transportation impacts would be representative of existing conditions. The No Build Alternative would reduce the aggregate amount of fee contributions available for long-term traffic improvements when compared to fee contributions realized under the Project. Additionally, the No Build Alternative would not realize Project-specific road widening/lane reconfiguration and signalization improvements as detailed in the Project Traffic Impact Analysis. Significant freeway mainline segment deficiencies would persist with or without the Project. (DEIR, pg. 5-49). Visual attributes of the Project site would remain in their current state. (DEIR, pg. 5-63)

Objectives: Under the No Build Alternative, the subject site would remain in its current undeveloped state, and none of the Project Objectives would be achieved. (DEIR, pg. 5-64)

Finding: Under the No Build Alternative, no development would occur. This Alternative would avoid all of the significant and unavoidable impacts associated with traffic, air quality, noise and aesthetics that have been identified within the DEIR. However, the City Council finds

that the No Build Alternative would not fulfill any of the Project Objectives. Because the No Build Alternative will not fulfill the Project Objectives, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the "No Project" Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Business Park zoning designation. To allow for quantified comparison of potential traffic impacts and related vehicular source air quality and noise impacts, the No Project Alternative assumes the site is developed consistent with assumptions employed in the City's General Plan Buildout traffic modeling, which was projected to be approximately four (4) times higher than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project.. (DEIR, pgs. 5-31 to 5-32)

Impacts: The No Project Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the No Project Alternative, a zone change would not be required. (DEIR, pg. 5-48) The Project's significant and unavoidable construction noise impacts and construction source air quality impacts would likely be similar to those of the Project. (DEIR, pgs. 5-52 and 5-56) Potential traffic impacts could be substantively increased under the No Project Alternative, due to the increased traffic associated with Business Park land uses. Significant mainline freeway segment impacts under General Plan Buildout conditions would persist, and due to increased traffic generation under the No Project Alternative, would likely be exacerbated. (DEIR, pgs. 5-50 to 5-51) Associated vehicular (operational) air pollutant emissions would similarly be increased when compared to the Project; however, the vehicle mix under the No Project Alterative would likely reflect decreased heavy truck traffic. Significant VOC and NOx emissions thresholds exceedances occurring under the Project would be incrementally greater under the No Project Alternative. (DEIR, pg. 5-53). Vehicular noise would also likely increase under the No Project Alternative based on increased trip generation. However, as with the Project, it is considered unlikely that sensitive receptors would be affected by potential vehicular

noise levels based on their physical separation from roadways and the presence of intervening noise-attenuating walls. (DEIR, pg. 5-57) Potential impacts to viewsheds may be reduced under the No Project Alternative, since the Business Park zoning designation would limit maximum individual building areas to 50,000 square feet. This limitation on individual building sizes could allow for configurations of the developed site that would provide additional or varied views through the Project site to off-site scenic resources. (DEIR, pg. 5-63)

Objectives: Business Park/Light Industrial uses that could be implemented under the No Project Alternative could substantially achieve the Project's development objectives for the site. Like the Project, it is anticipated that new development under the No Project Alternative would be designed and implemented so as to be compatible with neighboring land uses. The No Project Alternative would effectively capitalize on the site's regional freeway accessibility and visibility. New jobs, including light industrial, office, limited support commercial, or research and development employment opportunities would be created by the No Project Alternative. This Alternative would also provide additional tax revenues available to the City. (DEIR, pgs. 5-64 to 5-65)

Finding: Under the No Project Alternative, development of a business park development with a similar scale to that of the Project would occur. This Alternative would reduce the Project's potential aesthetic impacts, in that a series of smaller buildings could be constructed in place of the Project's single structure, allowing views through the site. However, none of the Project's remaining significant and unavoidable environmental impacts would be reduced under the No Project Alternative. Conversely, increased trip generation under a business park land use would likely lead to increased traffic, with correlating increases in air pollutant emissions and vehicular noise. Although the No Project Alternative could substantially achieve the Project's Objectives, because the No Project Alternative would not reduce the majority of the Project's significant and unavoidable impacts, the City Council hereby rejects the No Project Alternative.

3. Alternative 3 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for VOC based on operational emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent. (DEIR, pg. 5-33) Implementation of the Reduced Intensity Alternative would yield approximately 684,200 square feet of development, a reduction of approximately 27 percent or approximately 253,060 square feet, when compared to the approximately 937,260 square-foot Project analyzed in the EIR. (DEIR, pg. 5-48).

Impacts: The Reduced Intensity Alternative would result in similar, albeit slightly lessened, impacts when compared to the Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the Reduced Intensity Alternative, maximum construction-related emissions from site preparation and grading would likely be the same as for the Project, though it would occur within a shorter time frame due to the reduced development area. In this regard, the maximum daily site disturbance and amount of equipment employed concurrently would likely be similar to the construction scenario envisioned for the Project. As with the Project, mitigated construction-related emissions would still exceed SCAQMD emissions thresholds. Because the scope of development would be reduced under this Alternative, the duration of construction activities and resulting construction emissions and noise may be reduced when compared to the Project. (DEIR, pgs. 5-51 and 5-57) Based on its reduced scope of development and associated reductions in vehicle trips and vehicular emissions, long-term operations under the Reduced Intensity Alternative would be reduced by approximately 27 percent when compared to the Project. Operational NOx, PM_{10}, and $PM_{2.5}$ emissions under this Alternative would, however, still exceed applicable SCAQMD thresholds. Accordingly, as with the Project, this Alternative would result in cumulatively significant emissions contributions to existing non-attainment conditions for ozone and particulates. (DEIR, pgs. 5-53 to 5-55) The Reduced Intensity Alternative would result in an approximate 27 percent reduction in development intensity, with a commensurate reduction in trip generation when compared to the Project. The extent of area-wide traffic improvements and required traffic impact mitigation realized under the Project would also be reduced. Significant freeway mainline traffic impacts projected to occur under

General Plan buildout conditions would persist with or without development under the Reduced Intensity Alternative. As such, freeway impacts under this scenario would be less than the Project, but likely still be considered significant. (DEIR, pg. 5-51) The reduced area of development under the Reduced Intensity Alternative would also incrementally reduce significant viewshed impacts otherwise occurring under the Project. (DEIR, pg. 5-64)

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project. (DEIR, pg. 5-65)

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 27 percent (or 263,000 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable construction noise impacts and construction and operational air quality impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

4. <u>Alternatives Considered and Rejected</u>

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 5-32 through 5-41) An Extended Construction Alternative

and Multiple Building Design Alternative were considered and ultimately rejected based on infeasibility. Additionally, four Alternative Site locations were considered within the DEIR. The criteria for identifying potential alternate sites included:

- Location within the City of Moreno Valley;
- Appropriate General Plan and zoning designations, or the ability to be so-designated;
- Minimum size of 50 acres and a roughly rectangular shape;
- Location proximate to locate transportation corridors or at a regional transportation hub;
- Currently undeveloped or underutilized;
- Currently available;
- Access to existing or planned adequate serving infrastructure; and
- Able to support operations in a manner compatible with other proximate land uses.

Each of the four sites that were analyzed met the general requirements in that each was currently vacant, more than 50 acres and roughly a rectangular configuration; each was zoned for industrial uses and served by nearby utilities and infrastructure. Alternative Sites 1 through 4 are locally accessible and also located near the I-215 freeway, a regional transportation corridor. (DEIR, Figure 5.2-1) Upon further analysis, each of these sites was found to be currently unavailable. Alternative Site 1 currently has applications under review by the City for 1.6 million square feet of distribution warehouse uses, while development plans have been submitted and approved for Alternative Sites 2, 3 and 4.

5. <u>Environmentally Superior Alternative</u>

Based on comparative reductions in traffic generation, and associated reductions in noise and air emissions, and generally reduced scale, among the Alternatives considered, the Reduced Intensity Alternative would result in the greatest reduction in environmental effects, and is thus considered the environmentally superior alternative. (DEIR, pg. 5-65). The Reduced Intensity Alternative would also generally reduce other environmental effects of the Project, and

to a limited degree, realize attainment of the basic Project Objectives. (DEIR pgs. 5-47 to 5-65) Development of the Project or the Reduced Intensity Alternative would contribute to area employment and the City's overall tax base. However, because scope of land uses would be substantively reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, pg. VI-40)

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states than an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The types of employment opportunities offered by the Project (both management and regular employees) are relatively common throughout Southern California and are unlikely to generate significant population migration (if any). Any Project-related employment demands would likely be filled by the existing surplus personnel pool within the Moreno Valley area, and/or neighboring communities, especially with the currently low jobs per household ratio in the City, and regionally high unemployment rates. The Project would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning. (DEIR, pgs. 5-67 to 5-68)

Currently, the Project site is vacant and undeveloped. However, expansions of water and wastewater systems, along with other urban utilities, are programmed to serve the vicinity consistent with anticipated development of the City and region. In order to accommodate forecasted growth of the City and region over the long term, it is anticipated these improvements will be implemented regardless of the City's ultimate decision on the Westridge Commerce Center Project. The Project is not considered to provide an inducement to other lands within its vicinity to undertake unanticipated development due to the availability of new or expanded infrastructure systems. (DEIR, pgs. 5-68 to 5-69)

Notwithstanding, development of the Project as envisioned will entail upgrade/modification of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage

conveyance facilities. Infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. However, the characteristics and intensities of development that could occur on these properties are governed by the Moreno Valley General Plan. Development of these properties within the context of the approved General Plan should not result in unforeseen impacts or impacts that cannot be mitigated. (*Id.*)

Additionally, it is recognized that provision of services, e.g., utilities, fire protection, and law enforcement, may be expanded or otherwise enhanced to meet additional demands of the Project. Project design and payment of impact mitigation fees reduces individual and cumulative impacts in these regards. Services expansion or enhancements based on incremental demands of the Project will not result in substantial additional capacity that could be considered growth inducing. (*Id.*)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. (*Id.*) Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. It is not anticipated that the additional employment opportunities created by the Project would be substantial enough to produce noticeable population growth within the City and region. (DEIR, p. 5-68)

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project qualifies under Guidelines §15127 (a) in that a zone change is required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, will be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project will not result in or cause unwarranted or wasteful use of resources, including energy. (DEIR, pgs. 5-73 to 5-74)

9. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Traffic Impacts – Intersections and Roadway Segments (Cumulative); and
2. Traffic Impacts – Mainline Freeway Segments (Cumulative).
3. Short-Term Construction Air Quality Impacts (Individual and Cumulative);
4. Long-Term Operational Emissions (Individual and Cumulative);
5. Short-Term Construction Noise (Individual and Cumulative); and
6. Aesthetic Impacts – Change to Scenic Vistas (Individual and Cumulative)

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(D) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with the General Plan and in conformance with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project is located at the intersection of a major street and an interstate freeway, maximizing access opportunities for the convenience of operations;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V(H) above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency…" Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

10. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies,

amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. <u>Findings</u>

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(D) of these Findings: Traffic Impacts – Intersections and Roadway Segments (Cumulative); Traffic Impacts – Freeway Mainline Segments (Cumulative); Short-Term Construction Air Quality Impacts (Individual and Cumulative); Long-Term Operational Emissions (Individual and Cumulative); Short-Term Construction Noise (Individual and Cumulative); and Aesthetic Impacts – Changes to Scenic Vistas (Individual and Cumulative). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the FEIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(D) above.

b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

11. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring program has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described in *CEQA* § 15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of, compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented at Table 4.2-1.

EXHIBIT B

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
Traffic and Circulation				
4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal.* *This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department, California Department of Transportation	Before issuance of first Certificate of Occupancy
4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: *Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:* • *Install a traffic signal;* • *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and* • *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane,*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00002042

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.3 (cont'd) *for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*				
4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.* *The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF[1] improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.* • *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

[1] With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

MV00002046

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd)				
participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*				
• *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east*				

-668-
Item No. E.3
MV00002047

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd) *leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*				
4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;* • *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and* • *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00002048

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;* • *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;* • *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and* • *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.10 (cont'd) • *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;* • *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and* • *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*				
4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements: • *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00002050

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.11 (cont'd)				
right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;				
• *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*				
• *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*				
• *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*				
The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.				

-672-
Item No. E.3
MV00002051

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane;* • *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and* • *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.13 (cont'd) *Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.*				
4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;* • *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.14 (cont'd) *require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*				
4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00002054

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd)				
• *Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;*				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.15 (cont'd) *Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and* • *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.* *The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.*				
4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements: • *Install a traffic signal. This improvement would be funded through participation in the DIF Program;* • *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00002056

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd)				
would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;				
• *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*				
• *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*				
• *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.16 (cont'd) *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.*				
4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements: • *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;* • *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00002058

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.17 (cont'd) *way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and* • *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.* *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.*				
4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements: • *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development	Before issuance of fi building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.19 (cont'd)			Department	
• *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*				
The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.				
Air Quality				
To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.3 below, and shall be incorporated in all Project plans, specifications and contract documents.				
4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :	Ongoing throughout construction	Contractor	City Building Official, SCAQMD	Ongoing throughout construction
• *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*				
• *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least*				

MV00002060

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.1 (cont'd) *three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.* • *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.* • *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.* • *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).* • *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*				
4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti_g Frequency
4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
Additional mitigation required of the Project is identified below, and shall be shall be incorporated in all Project plans, specifications and contract documents.				
4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00002062

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.7 (cont'd) *(HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*				
4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations: • *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;* • *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;* • *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;* • *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;* • *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;* • *High pressure injectors shall be provided on diesel construction equipment where feasible;*	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.8 (cont'd) • *Engine size of construction equipment shall be limited to the minimum practical size;* • *Substitute gasoline-powered for diesel powered construction equipment where feasible;* • *Use electric construction equipment where feasible;* • *Install catalytic converters on gasoline-powered equipment where feasible;* • *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;* • *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;* • *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;* • *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*				
4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.	Throughout Project construction	Applicant	City of Moreno Valley Development Department	Throughout Project construction

MV00002064

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.10 All Project entrances shall be posted with signs which state: • *Truck drivers shall turn off engines when not in use;* • *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and* • *Telephone numbers of the building facilities manager and CARB, to report violations.* *These measures shall be enforced by the on-site facilities manager (or equivalent).*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
Although potential Project-related Global Climate Change (GCC) impacts would be less-than-significant, the following Mitigation Measures 4.3.11 through 4.3.14 are provided to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources.				
4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent. • *Increase in insulation such that heat transfer and thermal bridging is minimized;* • *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.3.11 (cont'd) • *Incorporate dual-paned or other energy efficient windows;* • *Incorporate energy efficient space heating and cooling equipment;* • *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;* • *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.* • *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.* • *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*				
4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00002066

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 GHG emissions reductions measures shall also include the following: • *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;* • *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;* • *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.* • *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);* • *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd)				
provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;				
• *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*				
• *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*				
o *Implementation of compressed workweek schedules;*				
o *SmartWay partnership;*				
o *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*				
o *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*				
o *Use of fleet vehicles conforming to 2010 air quality standards or better.*				

MV00002068

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd) ○ *Installation of catalytic converters on gasoline-powered equipment.* ○ *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;* ○ *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;* ○ *Provision of preferential parking for EV and CNG vehicles;* ○ *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;* ○ *Use of electric (instead of diesel or gasoline-powered) yard trucks;* ○ *Use of SmartWay 1.25 rated trucks.*				
4.4 Noise				
4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00002070

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5 Water Supply				
To further minimize the Project's overall water use, ensure on-going availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project WSA, the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measures. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.				
4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building pe

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.				
Cultural Resources				
4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.	Ongoing throughout site excavation and grading activities	Applicant	City of Moreno Valley Development Department	Ongoing throughout site excavation and grading activities

MV00002072

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints: • *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;* • *A paleontological mitigation-monitoring plan shall be developed before grading begins;* • *Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid*	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.3 (cont'd) *construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;* • *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and* • *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.*				
4.8 Biological Resources				
4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00002074

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.2 (cont'd) *of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*				
4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of fi grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.8.5 (cont'd) *CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:* • *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;* • *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and* • *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and* • *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*				
4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00002076

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.6 (cont'd) *retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*				
4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA08-0098 TO CHANGE THE ZONE FROM BUSINESS PARK TO LIGHT INDUSTRIAL FOR A 55 ACRE SITE (ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed application PA08-0098, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 from Business Park (BP) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

ATTACHMENT 4

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BP to LI for the 55 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 829
Date Adopted: _____

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PA10-0017 AMENDING THE MUNICIPAL CODE TO MAKE CHANGES TO CHAPTER 9.05 INDUSTRIAL DISTRICTS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed Municipal Code Amendment application PA10-0017, requesting an amendment to the City's Municipal Code, which proposes revisions to Chapter 9.05 of Title 9 to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

SECTION 2: FINDINGS

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on November 30, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed Municipal Code Amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes changes to Permitted Uses Table 9.02.020-1 of the Municipal Code. The proposed Municipal Code Amendment is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

ATTACHMENT 5

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment will not adversely affect the public health, safety or general welfare. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Title 9 – The proposed Municipal Code Amendment is consistent with the purposes and intent of Title 9.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Chapter 9.02 of Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or

center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.

*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

SECTION 4: EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

4.2 All prior enactments of the City, which are in conflict with this Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 5: NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 830
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 830
Date Adopted:

Item No. E.3

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MV00002089

RESOLUTION NO. 2011-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF PLOT PLAN PA08-0097 FOR DEVELOPMENT OF A 937,260 SQUARE FOOT WAREHOUSE DISTRIBUTION FACILITY ON 55 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of PA08-0097, a plot plan for a 937,260 square foot warehouse distribution facility on 55 acres, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities.

   ATTACHMENT 6

   Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan

and do not conflict with the goals, objectives, policies, and programs established within the Plan.

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

   FACT: The project site is current zoned BP. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA08-0098) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

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

   FACT: The proposed 937,260 square warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Conformance with City Redevelopment Plans – The proposed use conforms with any applicable provisions of any city redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

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

   FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with BP zone land to the west and Community Commercial zone land to the east. South of the facility on the other side of Fir Avenue/Future Eucalyptus Avenue is vacant RA-2 zone land with tract homes in the RA-2 zone approximately ¾ miles further south. The proposed warehouse distribution facility is a permitted use in both the BP and LI zones, but the size proposed by the project requires a Zone Change and the proximity to the Residential district to the south requires a Municipal Code Amendment to establish a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. As designed and conditioned and subject to

approval of the above mentioned Zone Change and Municipal Code Amendment, is compatible with existing and proposed land uses in the vicinity.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0097, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

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

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Plot Plan PA08-0097 for a 937,260 square foot warehouse distribution facility on a 55 acre site, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
PLOT PLAN PA08-0097 FOR A WAREHOUSE DISTRIBUTION FACILITY
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
_X_ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Approval of Plot Plan PA08-0097 is subject to adoption of a Zone Change (PA08-0098) from the Business Park zone to the Light Industrial zone for the project site and adoption of a Municipal Code Amendment (PA10-0017) to establish a minimum buffering/separation from buildings over 50,000 square in area and adjacent residential zoned land.

P2. Plot Plan PA08-0097 has been approved for development of a 937,260 square foot warehouse distribution facility, to be built on a 55 acre site within Assessor's Parcel Numbers 488-330-003 to -006 and -026. The facility includes 173 dock doors and 14,000 square feet of office. Required parking for this use equates to a total of 307 employee/visitor parking spaces and 173 truck/trailer parking spaces.

P3. Development of the warehouse facility is subject to approval of Tentative Parcel Map No. 36207 and the subsequent recordation of this map.

P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

P5. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).

P6. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

P7. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).

P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

P9. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue.

P10. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.

P11. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.

P12. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

P13. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P14. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P16. PA08-0097 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department - Planning Division. (MC 9.12.020)

Prior to Issuance of Grading Permits

P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area

will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-of-way or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P25. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.

P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P27. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.

P28. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P29. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P30. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P33. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

P34. (GP) Prior to the issuance of grading permits, a "no touch" area shall be staked along the westerly limit of project development as defined by the scour wall and a City approved Biologist be retained to monitor construction activities to ensure protection and preservation of Channel areas. Upon the completion of the above mitigation measure an on-site grading permit may be issued for project work to commence.

P35. **(GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P36. **(GP) Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.**

P37. **(GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

P38. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**

- **A.** **A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot.**
- **B.** **Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement for the specific plan and/or Municipal Code.**
- **C.** **A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks from view from Fir/Eucalyptus Avenue and at the northeast corner of the site.**
- **D.** **Wrought iron/tubular steel fence is required along portions of the northern, western and eastern property lines.**

E. A four foot tall three rail fence to match adjacent trail fencing is required to enclose the basins located along Fir/Eucalyptus Avenue.

F. **An 8 foot tall coated chain link fence is required along the western property line along the Riverside County Flood Control maintenance road.**

Prior to Issuance of Building Permits

P39. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P40. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P41. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P42. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P43. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. **A minimum size of 24" box mature trees shall be placed along the freeway or northern elevations of the building. Trees shall be in a double row or closely spaced as shown on the preliminary landscape plan?**
L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to**

achieve the overall 40 foot spacing requirement.

M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.**

N. **The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.**

P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.

P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.

P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.

P48. (BP) Prior to issuance of building permits for a final map for Tentative Parcel Map No. 36207 (PA09-0022) must be approved and recorded and all conditions of approval related to the parcel map must be satisfied.

P49. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

<u>Prior to Issuance of Certificate of Occupancy or Building Final</u>

P50. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)

P51. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P52. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

P53. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 or Eucalyptus/Fir Avenue rights of way.

MITIGATION MEASURES

P54. MM 4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

P55. MM 4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:
• Install a traffic signal;
• Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and
• Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

P56. MM 4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct an eastbound right-turn lane and re-stripe the shared left-or-righ turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P57. MM 4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

P58. MM 4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);

• Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.

P59. MM 4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P60. MM 4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection.
• Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer,
• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require

the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.

- **Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.**

P61. MM 4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;
• Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and
• Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P62. MM 4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;
• Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;
• Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and
• Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.

P63. MM 4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;
• Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and
• Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

P64. MM 4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:
• Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;
• Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;
• Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and
• Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.

P65. MM 4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane;
• Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and

• Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.

P66. MM 4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;
• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection. The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1.

P67. MM 4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;
• Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P68. MM 4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the

dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;

• Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.; and

• Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.

P69. MM 4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

• Install a traffic signal. This improvement would be funded through participation in the DIF Program;

• Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF

Program; remaining improvements would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;

• Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P70. MM 4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

• Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;

• Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and

the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P71. MM 4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:
• Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P72. MM 4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:
• Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P73. MM 4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.
• Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.
• Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
• In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

P74. MM 4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to

manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

P75. MM 4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).

P76. MM 4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

P77. MM 4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

P78. MM 4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

P79. MM 4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

P80. MM 4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations:

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**
- **Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;**
- **Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;**
- **The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;**
- **The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;**
- **High pressure injectors shall be provided on diesel construction equipment where feasible;**
- **Engine size of construction equipment shall be limited to the minimum**

practical size;
• Substitute gasoline-powered for diesel powered construction equipment where feasible;
• Use electric construction equipment where feasible;
• Install catalytic converters on gasoline-powered equipment where feasible;
• Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;
• Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
• Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;
• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

P81. MM 4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

P82. MM 4.3.10 All Project entrances shall be posted with signs which state:
• Truck drivers shall turn off engines when not in use;
• Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and
• Telephone numbers of the building facilities manager and CARB, to report violations.
These measures shall be enforced by the on-site facilities manager (or equivalent).

P83. MM 4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.
• Increase in insulation such that heat transfer and thermal bridging is minimized;
• Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
• Incorporate dual-paned or other energy efficient windows;
• Incorporate energy efficient space heating and cooling equipment;
• Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights

when they are not needed shall be implemented;
• To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.
• Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.

P84. MM 4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.

P85. MM 4.3.13 GHG emissions reductions measures shall also include the following:
• The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;
• The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;
• The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.
• Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);
• The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;
• The Project shall provide at least two electric vehicle charging stations.

Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.

- **Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:**
  - **Implementation of compressed workweek schedules;**
  - **SmartWay partnership;**
  - **Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.**
  - **Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.**
  - **Use of fleet vehicles conforming to 2010 air quality standards or better.**
  - **Installation of catalytic converters on gasoline-powered equipment.**
  - **Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;**
  - **Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;**
  - **Provision of preferential parking for EV and CNG vehicles;**
  - **Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;**
  - **Use of electric (instead of diesel or gasoline-powered) yard trucks;**
  - **Use of SmartWay 1.25 rated trucks.**

P86. MM 4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P87. MM 4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P88. MM 4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P89. MM 4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

P90. MM 4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.

P91. MM 4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.

P92. MM 4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.

P93. MM 4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.

P94. MM 4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

P95. MM 4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

P96. MM 4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- **Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;**
- **A paleontological mitigation-monitoring plan shall be developed before grading begins;**
- **Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;**
- **Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and**
- **Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources**

P97. MM 4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

P98. MM 4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

P99. MM 4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

P100. MM 4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

P101. MM 4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

• A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;

• A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and

• Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas

temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and

• Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.

P102. MM 4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

P103. MM 4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the

Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;

f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact

Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.

e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The

drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

c. **"A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.**

d. **The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.**

e. **Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.**

f. **The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.**

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. **Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).**

b. **Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs**

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of*

Moreno Valley Public Works Department Landscape Design Guidelines. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements

shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

RESOLUTION NO. 2011-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF TENTATIVE PARCEL MAP 36207 (PA09-0022) TO COMBINE THE EXISTING FIVE PARCELS LOCATED WITHIN THE PROJECT SITE INTO A SINGLE 55 ACRE PARCEL.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of Tentative Parcel Map No. 36207 (PA09-0022), to combine the existing five parcels located within the project site into a single 55 acre, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

ATTACHMENT 7

1. Conformance with General and Specific Plans – That the proposed land division is consistent with applicable general and specific plans.

   FACT: The proposed tentative parcel map is consistent with the General Plan designation of Business Park for the project site. The proposed parcel map will combine the existing five parcels located within the project site into a single 55 acre parcel. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. Design Conformance with General and Specific Plans – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

   FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's General Plan land use designation of Business Park.

3. Physically Suitable for Proposed Development – That the site of the proposed land division is physically suitable for the type of development.

   FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office zoned land north of the freeway. Land uses to the east include a mix of vacant Business Park, and residential zoned land. Land uses to the east include vacant Community Commercial zoned land. Land uses to the south include vacant RA-2 zone land on the other side of Fir Avenue/Future Eucalyptus Avenue with developed tract homes located approximately ¾ miles to the south. Overall, the project site is well suited for future development of industrial land uses.

4. Physically Suitable for Proposed Density – That the site of the proposed land division is physically suitable for the proposed density of the development.

   FACT: The project site is mostly flat and at grade along Fir Avenue/Future Eucalyptus Avenue. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

5. Protection of Fish or Wildlife Habitat – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

   FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. Health, Safety and Welfare – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

   FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. Easements – That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

   FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. Consistent with Applicable City Ordinances – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

   FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

9. Passive or Natural Heating and Cooling – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. Regional Housing – That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not propose housing. The project would not increase the demand for housing beyond that anticipated in the City's Housing Element or the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, the project and/or its tenants and employees will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA09-0022, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

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

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

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

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Tentative Parcel Map No. 36207 (PA09-0022) to combine the existing five parcels located within the project site into a single 55 acre, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA09-0022
TENTATIVE PARCEL MAP NO. 36207
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
___ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Tentative Parcel Map No. 36207 is approved for the purposes of re-configuring the existing five parcels located within the project site and creating a single 55 acre parcel with lettered lots for a storm drain channel and a future off-ramp for State Route 60.

P2. Development within Tentative Parcel Map No. 36207 shall be under separate review and approval of a plot plan or a conditional use permit application(s) and shall be subject to the requirements of the City's Municipal Code.

P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

P4. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

EXHIBIT A

P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)

P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)

P12. (GP) Prior to approval of any grading permits, any required final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P13. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P14. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P15. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

<u>Prior to Recordation of Final Map</u>

P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In

multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and

approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and

h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

~~PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION~~

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

~~General Conditions~~

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the

approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

~~Prior to Grading Plan Approval or Grading Permit~~

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries.

For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

~~Prior to Map Approval or Recordation~~

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree

to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one

lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

~~Prior to Certificate of Occupancy~~

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees

are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to

secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. **A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

d. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

e. **Any necessary corner cutback right-of-way dedications per City Standard 208.**

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation

District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. **A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.**

c. **The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.**

d. **A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.**

e. **A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.**

f. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.**

g. **Corner cutback right-of-way dedications per City Standard 208.**

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5**

foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. **That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.**

d. **That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

~~PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION~~

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit

and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service

responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

~~PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION~~

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and

other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and

Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

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MV00002203

PLANNING COMMISSION STAFF REPORT

Case:	PA08-0098 – Zone Change PA10-0017 – Municipal Code Amendment PA08-0097 – Plot Plan PA09-0022 – Tentative Parcel Map No. 36207 P08-133 – Environmental Impact Report
Date:	May 12, 2011
Applicant:	Ridge Rancho Belago LLC
Representative:	Dennis Rice
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard
Proposal:	Plot Plan for a 937,260 square foot warehouse facility on 55 acres; a Zone Change from Business Park to Light Industrial; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal.
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

This project proposes the development of a 937,260 square foot warehouse facility on 55 acres. The project requires approval of a tentative parcel map, Zone Change and a Municipal Code Amendment, and certification of a Final EIR.

ATTACHMENT 8

PROJECT DESCRIPTION

The applicant, Ridge Rancho Belago, LLC, has submitted five applications for development of the West Ridge Commerce Center Project, which include a Zone Change, a Municipal Code Amendment, a Plot Plan, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 937,260 square foot warehouse facility on a 55-acre site (Assessor's Parcel Numbers 488-330-003 through -006 and -026) located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard within Chapter 9.05 Industrial Districts of Title 9 and is presented as Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was a concern raised and reviewed for the project. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site, this residence and the vacant residential property to the south have been reviewed as sensitive receptors.

In order to provide greater compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone of approximately 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

Application PA10-0017 for a Municipal Code Amendment proposes to add a standard to the Light Industrial zone that would require industrial and warehouse structures greater than 50,000 square feet in building area to be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

If approved, the proposed amendment would be effective City-wide.

Please see Exhibit E to Planning Commission Resolution No. 2011-13 for a copy of the proposed revisions to Chapter 9.05 Industrial Districts of Title 9.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility, to be located on 55 acres located south of the Moreno Valley Freeway and approximately 650 east of Redlands Boulevard. The warehouse facility is a permitted use in the existing Business Park zone and also permitted in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas have been placed on the northern and southern elevations and are screened by perimeter concrete tilt-up walls with slopes with a tree row also required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted with groundcover and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses. Developed land within proximity to the project site includes citrus groves, the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility under construction to the east between Redlands and Theodore and large lot subdivisions approximately 1/4 mile to the south in the RA-2 zone. Developed uses to the north on the other side of State Route 60 include an RV storage site, a telecommunications antenna, a residence and a feed store.

The vacant 120 acre site to the west is currently proposed for development of a 2.2 million square foot industrial park by ProLogis, The site for this neighboring project is currently zoned Business Park, Business Park Mixed Use, R15, R5, and RA-2. That applicant is proposing a General Plan Amendment and Zone Change from existing zoning to Light Industrial.

Access

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones located on the north and south elevations of the building.

Design

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the building is a concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the building include architectural treatment. The loading bays and trailer storage areas along the northern and southern elevations have been screened from view. The screen wall along the south elevation is a fourteen (14) foot wall of concrete tilt-up construction which will match the building design and colors.

Landscaping for the site is proposed at around 13% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

REVIEW PROCESS

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed Zone Change and Municipal Code Amendment as well as the Plot Plan for the warehouse facility.

Upon review at PRSC on November 19, 2008, modifications were required to the site plan. Comments from staff included revisions to the layout of the parking lot, access from adjacent roads, screening, architecture, typical street sections, grading and the submittal of required technical studies.

Subsequent PRSC reviews occurred in May and September 2009, and April, August and November 2010. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report, a determination was made to schedule this project for a Planning Commission public hearing on May 12, 2011.

The applicant held a community meeting on February 27, 2008, to present the project to neighboring property owners. There were approximately 30 people in attendance. Concerns raised at the meeting were related to the proposed land use changes, traffic, noise, light and glare, aesthetics, quality of life, impacts to property values, air quality, crime, and storm runoff.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required State and local agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. An additional two letters were received after the end of the review period.

Final Environmental Impact Report

Responses to the twenty-four comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Response to Comments and related documents were mailed to all interested parties and responsible agencies on April 28, 2011, to allow for their review prior to Planning Commission hearing, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the document, these noted impacts above are considered to be significant and unavoidable.

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

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

Although the proposed Municipal Code Amendment will be effective Citywide, it is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all responsible reviewing agencies.

Agency	Response Date	Comments
Southern California Edison	October 27, 2008	No Issues
Riverside County Flood Control	December 1, 2008	District Master Plan Facilities

Conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2011-13 and thereby recommend that the City Council take the following actions:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and

2. **APPROVE** Zone Change PA08-0097 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B;

3. **APPROVE** Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C;

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-13
   Exhibit A - Final Environmental Impact Report
   Exhibit B – Zone Change Map
   Exhibit C – Municipal Code Amendment
   Exhibit D – Plot Plan Conditions of Approval
   Exhibit E – Parcel Map Conditions of Approval
3. Site Plan
4. Elevations
5. Color Rendering
6. Cross Sections – Line of Sight
7. Preliminary Landscape Plan
8. Tentative Parcel Map 36207
9. Aerial Photograph
10. Response to SCAQMD comments
11. Response to Tom Hyatt comments

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MV00002213

3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**

Case Planner: **Jeff Bradshaw**

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal…Under the current… one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park

ATTACHMENT 9

separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck court loading area and that is a minimum. At the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. This facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans for development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that

improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009. The result of that was the City was able to receive responses from various responsible agencies and members of the community. Here they identified concerns that they had with that document. And were able to hold a public meeting in October of 2009 for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year.

The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information. Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances mitigation measures have been applied and the impacts reduced to the extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. A Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document. I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the

Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yeah and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster. I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now. If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the

housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Skechers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place. The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be?

I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs. If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Skechers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will come back again.

The opportunity where the large retailers are looking for is what Skechers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Skechers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings. The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community.

That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Skechers plant up here. You know Skechers has lots of truck bays. They may not be all used at one time. They

may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION ENGINEER LLOYD – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno

Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

PLANNING OFFICIAL TERELL – The reason is because other than the Skechers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Skechers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Skechers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the

freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to

improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60 westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Skechers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

COMMISSIONER VAN NATTA – Okay… yeah but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added information was for Skechers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Skechers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Skechers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Skechers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.
One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did

and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to.

We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within

300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yeah, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Skechers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Skechers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yeah, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Skechers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Skechers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Skechers building around the square windows.

COMMISSIONER OWINGS – Yeah but, okay, but it does look totally different than the Skechers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Skechers building?

APPLICANT RICE – I think I would, yeah

COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Skechers is Skechers and we don't want to be like Skechers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Skechers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were

to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yeah Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yeah unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to

the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that.

The same thing with Skechers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor. We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan.

Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it… they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no, they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know. The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Skechers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Skechers.

Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you were for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should

at least put on an air that you are unbiased about it. Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Skechers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Skechers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Skechers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises. Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and… Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Skechers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case.

Things are planned. You need to put things where are they are planned. You need to approve them where they are planned. Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I

told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Skechers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the 500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Skechers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Skechers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yeah I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yeah, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding, they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact

base of personal attacks. Whether or not Iddo Benzeevi is a good person or a bad person, he has certain rights in this City and they should be obeyed or they should be respected. Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this.

There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself. In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking.

I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore

I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that

live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs. It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Skechers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Skechers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Skechers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to

Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

VICE CHAIR BAKER – No they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Skechers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Skechers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Skechers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

Westridge Commerce Center
Final Environmental Impact Report

Prepared for:
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
City Case # P08-133

Prepared by:

appliedplanning inc

April 2011

ATTACHMENT 10

FINAL ENVIRONMENTAL IMPACT REPORT

for the

Westridge Commerce Center Project

State Clearinghouse Number:
2009101008

Prepared for:

The City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
City Case No. P08-133

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

April 2011

Table of Contents

Section **Page**

1.0 Introduction 1-1
1.1 Overview 1-1
1.2 Content and Format 1-1
1.3 Draft EIR Commentors 1-1
1.4 Point of Contact 1-3
1.5 Project Summary 1-3

2.0 Revisions and Errata Corrections 2-1
2.1 Introduction 2-1
2.2 Text Revisions 2-1
2.3 Revisions to Graphic Illustrations 2-11

3.0 Comments and Responses 3-1
3.1 Introduction 3-1

4.0 Mitigation Monitoring Plan 4-1
4.1 Introduction 4-1
4.2 Mitigation Monitoring and Reporting 4-2

Appendix A: Attachments to Comments and Reponses
Attachment 1: Attachments to Comments Provided by Johnson and Sedlack
Attachment 2: *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions*

List of Tables

Table **Page**

1.3-1 Draft EIR Commentors 1-2
3-1 Draft EIR Commentors 3-2
4.2-1 Mitigation Monitoring Plan 4-3

Item No. E.3

1.0 Introduction

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the Westridge Commerce Center Project (Project). The Draft EIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The Draft EIR was circulated for public review and comment from October 21, 2010 through December 6, 2010.

1.2 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 of this document contains corrections and errata to the Draft EIR. Section 3.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. The Project Mitigation Monitoring Plan, which includes additional measures developed as a part of this Final EIR, is presented in Section 4.0.

1.3 DRAFT EIR COMMENTORS

A total of twenty-four (24) comment letters were received from various agencies and organizations. Additionally, four comment cards were received at a December 2, 2010 public meeting that was held to discuss the Project. The following Table 1.3-1 identifies the Draft EIR commentors. For reference purposes, comments are numbered and may be referred to by an acronym within the Responses to Comments (Final EIR Section 3.0). These acronyms, along with the dates of correspondence received, are also included in Table 1.3-1. Comments denoted with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not provided responses within Section 3 of this Final EIR. The Lead Agency has, however, attached these late comments and their corresponding responses to the Project staff report.

Table 1.3-1
Draft EIR Commentors

Commentor	Acronym	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

1.4 POINT OF CONTACT

The Lead Agency for this Project is the City of Moreno Valley. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

1.5 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.5.1 Project Location

The Project site is located southwesterly of the State Route 60/Redlands Boulevard interchange, within the easterly portion of the City of Moreno Valley. The approximately 55-acre site is bounded to the north by State Route 60 (SR-60), to the west by the Quincy Channel, to the south by Fir Avenue (future Eucalyptus Avenue), and by a vacant parcel to the east. The Project's easterly boundary parallels Redlands Boulevard, which is located approximately 700 feet to the east.

1.5.2 Project Overview

The subject of this EIR is the proposed development of the Westridge Commerce Center, which has been initiated by the Project proponent, Ridge Property Trust. Together with supporting improvements, the Project will provide for approximately 937,260 square feet of new light industrial warehouse/distribution uses.

In addition, the Project includes the development of supporting infrastructure, including roadway improvements, all necessary utilities including storm water management detention/retention basins, and paved, on-site parking areas.

1.5.3 Project Objectives

Primary objectives of the Project, as identified by the Project Applicant, are as follows:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

1.5.4 Discretionary Actions

Necessary discretionary actions, permits, and consultations allowing for implementation and operation of the Project will include, but are not limited to, the following.

1.5.4.1 Lead Agency Discretionary Actions and Permits

- **Certification of the EIR (City Case # P08-133).** The proposed development is a Project under CEQA, and may result in significant environmental impacts. Lead Agency certification of the Project EIR is required;

- **A zone change from Business Park to Light Industrial (City Case # PA08-0098).** The proposed zone change will allow for construction and operation of the Project's distribution warehouse uses as configured;

- **Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts],** to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property to ensure the protection of the health, safety and welfare of future residents;

- **Parcel Map Approval (City Case # PA09-0022)** to consolidate and reconfigure existing parcels defining the Project site, and to provide necessary easements and dedications;

- **Development Plan Review (City Case # PA08-0097)** pursuant to City of Moreno Valley Municipal Code Section 9.02.030 [Development Review Process], et al.;

- **Construction, grading, and encroachment permits** allowing implementation of the Project facilities within City of Moreno Valley jurisdictional areas; and

- **Vacation and/or dedication of public rights-of-way and easements** as elements of the proposed parcel map, or independent of the map. Rights-of-way and easements will provide public access, and ensure appropriate alignment of and access to infrastructure and utilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

- **Permitting and Consultation through the California Department of Fish and Game (CDFG)**, to include:

  - **Lake and Streambed Alteration Agreement (LSA)** addressing potential CDFG jurisdictional area impacts resulting from the Project; and
  - **Consultation** regarding the possible relocation of resident burrowing owls (if burrowing owls are determined to be present on the subject site during required pre-construction surveys).

- **CWA Section 404 and Army Corps of Engineers (ACOE) permitting** will be required for Project activities affecting off-site ACOE jurisdictional areas. CWA Section 404 permitting may also be required should the Project riparian habitat mitigation plan involve or require use of off-site federal jurisdictional areas;

- **Permitting required by/through CWA Section 401 and Santa Ana Regional Water Quality Control Board (SARWQCB)** pursuant to requirements of the National Pollutant Discharge Elimination System (NPDES) Permit;

- **Permitting required by/through the South Coast Air Quality Management District (SCAQMD)** for certain equipment to be temporarily employed within the Project during construction, and/or permanently installed and used over the life of the Project; and

- **Permitting by/through the California Department of Transportation (Caltrans)** for improvements within or that may affect Caltrans rights-of-way.

1.5.4.3 City Development Applications

In support of requested discretionary approvals and permits noted above, development applications submitted by the Project Applicant include:

- **Plot Plan** for a 937,260 square foot warehouse distribution facility;

- **Zone Change** from Business Park to Light Industrial;

- **Tentative Parcel Map** No. 36207 to combine the Project's five parcels into a single parcel; and

- **Application to Amend the City Municipal Code.** The Project Applicant is requesting a Municipal Code text Amendment to Section 9.05.020 B. The requested Amendment would provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

2.0 Revisions and Errata Corrections

2.0 REVISIONS AND ERRATA CORRECTIONS

2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text and graphic illustrations of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. It should be noted that the revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 TEXT REVISIONS

2.2.1 Text Revisions to Draft EIR Section 3.0, Project Description

Consistent with the comments provided by Thomas Thornsley, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include notation of screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. **Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls** . . .

2.2.2 Text Revisions to Draft EIR Section 4.3, Air Quality

A typographical error appearing in the first paragraph of Draft EIR Page 4.3-68 is corrected as follows, providing consistency with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

Additionally, in response to correspondence from the South Coast Air Quality Management District and others, the Draft EIR's Air Quality Mitigation Measures are revised as follows.

> *4.3.1* ***Consistent with URBEMIS modeling inputs and to effect*** ~~***The following measures shall be incorporated as***~~ *implementation of* ***SCAQMD*** *Rule 403****, the following measures shall be incorporated****:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.*
- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***
- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***
- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.***

~~*4.3.4 Construction contractors shall use only lowpolluting paints and coatings as defined in SCAQMD Rule 1113.*~~

4.3.5~~4~~ Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

4.3.~~6~~5 *In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

4.3.~~7~~6 *During Project construction, existing electrical power sources (e.g., power poles) shall be ~~provided for~~* ***utilized to*** *power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

4.3.~~8~~7 *The Applicant shall use ~~Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications~~* ***"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be*** *consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

4.3.~~9~~8 *Grading plans, construction specifications and bid documents shall* ***also*** *include ~~notation that off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where the use of biodiesel fuel would void the equipment warranty.~~* ***the following notations:***

- ***Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;***

- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*

• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide* ***secure, weather-protected*** *on-site bicycle storage/parking.~~ Bicycle storage parking/quantity and location shall be~~ consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***
  - ***Use of fleet vehicles conforming to 2010 air quality standards or better.***
  - ***Installation of catalytic converters on gasoline-powered equipment.***
  - ***Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;***
  - ***Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;***
  - ***Provision of preferential parking for EV and CNG vehicles;***
  - ***Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;***

- ***Use of electric (instead of diesel or gasoline-powered) yard trucks; and***
- ***Use of SmartWay 1.25 rated trucks.***

2.2.3 Text Revisions to Draft EIR Section 4.5, Water Supply

In response to correspondence from the Eastern Municipal Water District, Mitigation Measure 4.5.3 is revised as follows:

> *4.5.3 The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project****, to be constructed by the Applicant****.*

2.2.4 Text Revisions to Draft EIR Section 4.7, Cultural Resources

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

> *4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/****or*** *record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays****, consistent with the requirements of California Public Resources Code Section 21083.2****. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring.* ***Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, a****~~A~~ll recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and/or record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*

- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

2.2.5 Text Revisions to Draft EIR Section 4.8, Biological Resources

In response to correspondence from the California Department of Fish and Game, Mitigation Measure 4.8.5 is revised as follows:

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan****; and***

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

2.3 REVISIONS TO GRAPHIC ILLUSTRATIONS

In response to comments received from Gerald M. Budlong, a City of Moreno Valley Environmental and Historical Preservation Board member, several geologic maps, which were used as points of reference in the preparation of the Project Geotechnical Investigation, are incorporated on the following pages as "Plates 1 through 4."

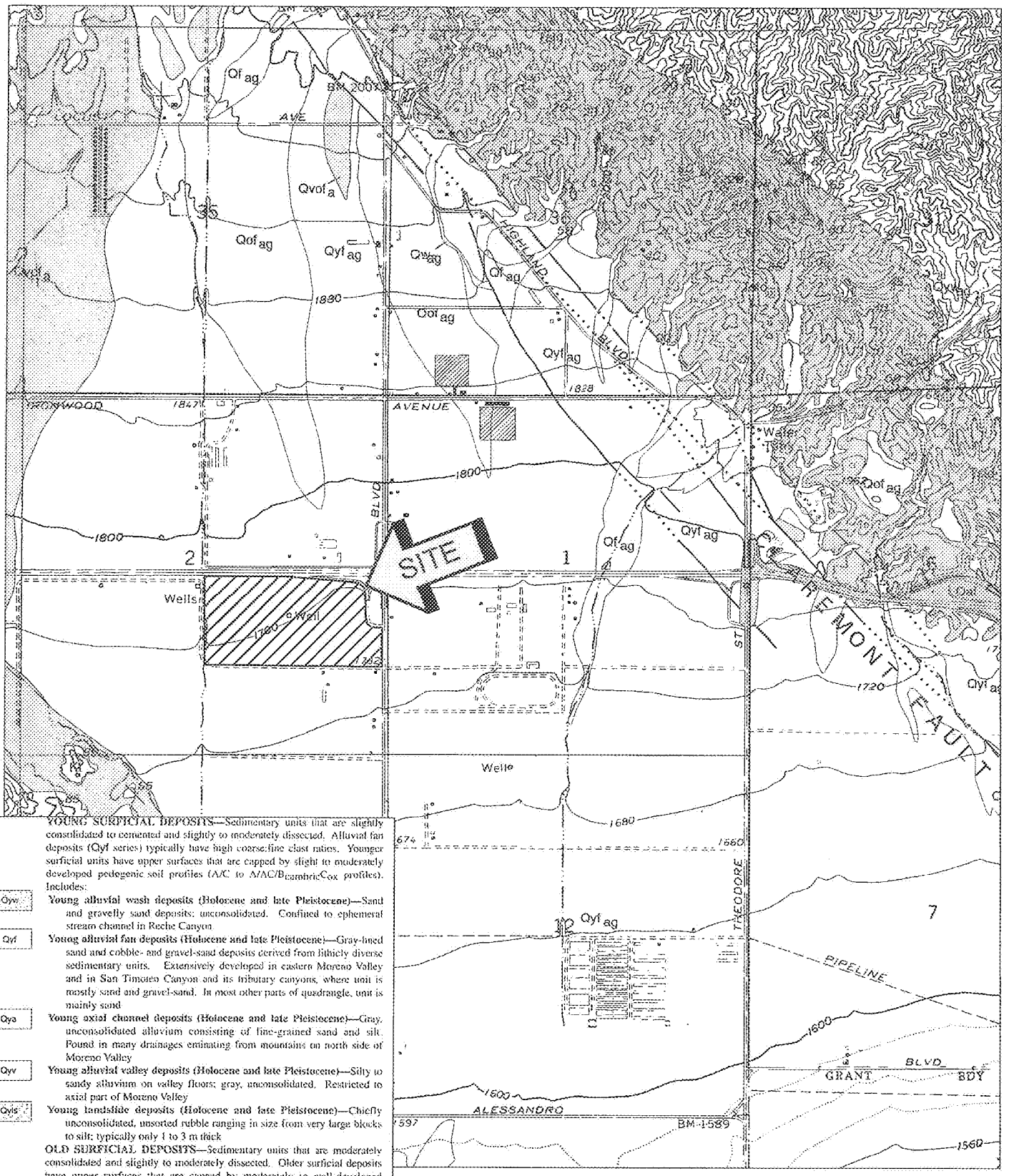

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

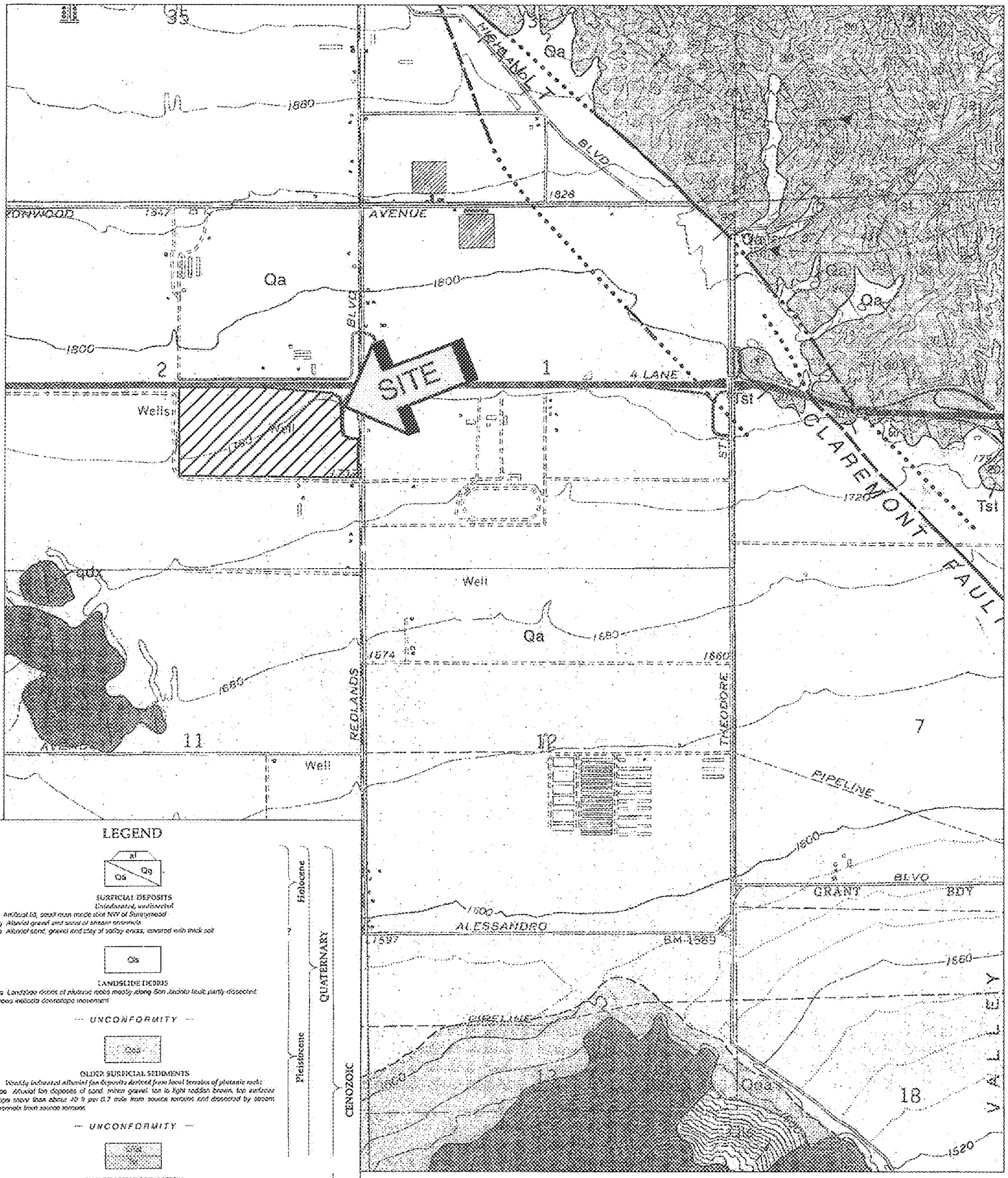

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af Artificial fill, small man made site NW of Sunnymead
Qg Alluvial gravel and sand of stream channels
Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:

Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terrains and dissected by stream channels from source terrains

— UNCONFORMITY —

SAN TIMOTEO FORMATION

(San Timoteo Sets of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1954), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); strata part referred to late of Pliocene age (Morton and Matti, 2001)

QTsd Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone; unconformably (?) overlain by Qoa in this quadrangle

Tst Main part (pebble part of Morton and Matti, 2001), lithologically similar to upper part; within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Holocene	QUATERNARY	CENOZOIC
Pleistocene	QUATERNARY	CENOZOIC
Pliocene	TERTIARY	CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

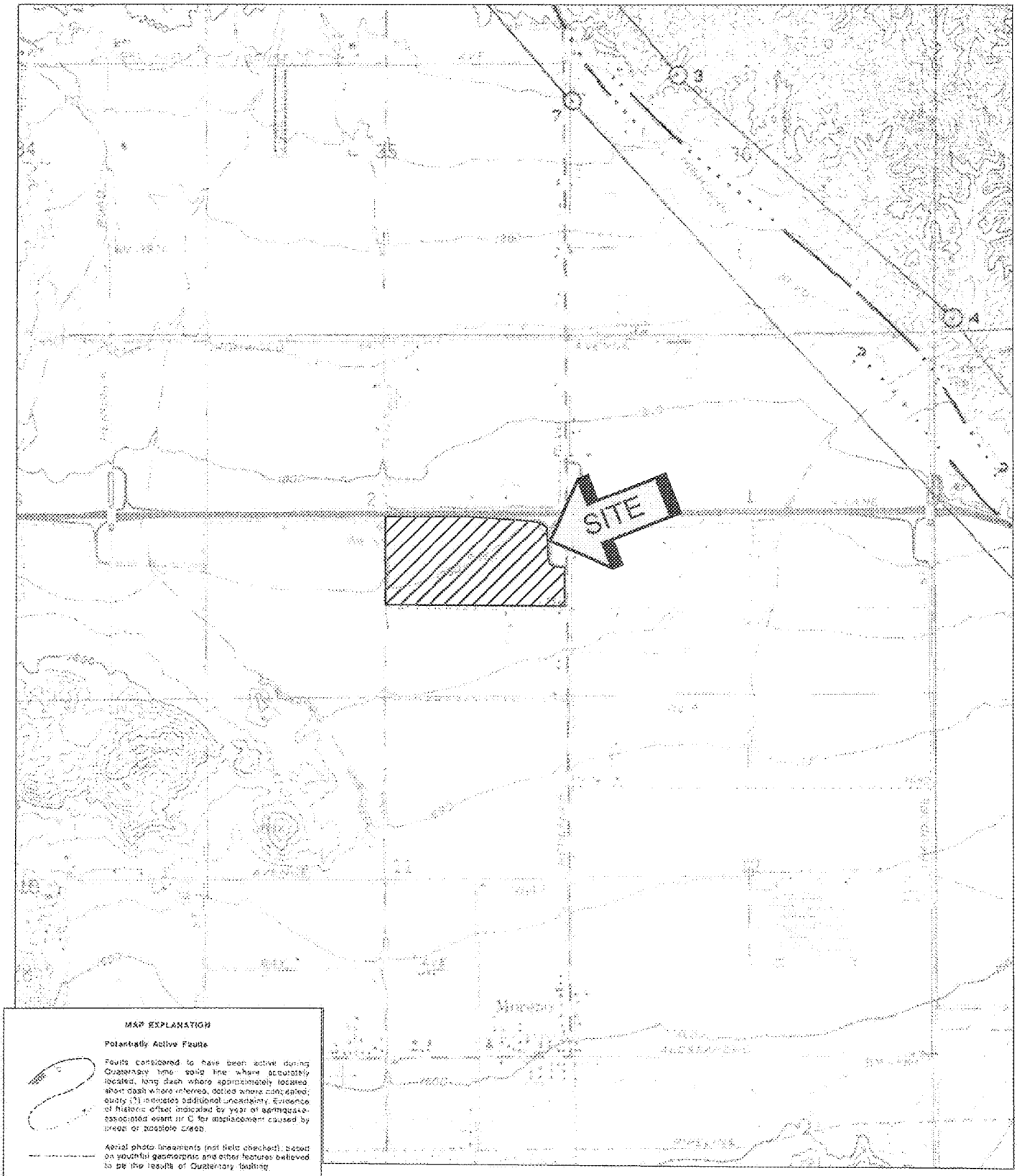

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

FAULT ZONES
03/15/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00002282

3.0 Comments and Responses

3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

The City of Moreno Valley's Responses to Comments on its Draft EIR for the Westridge Commerce Center are presented herein as required by California Code of Regulations, title 14 (hereinafter, "State *CEQA Guidelines*") Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: "[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." The 45-day comment period on the Draft EIR commenced on October 21, 2010 and concluded December 6, 2010.

Additionally, and as required by Section 15088, the City of Moreno Valley will provide written responses to all comments on the Draft EIR received from public agencies during the 45-day public review period at least 10 days prior to the proposed certification of the Program EIR.

In summary, the City's written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City's written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR's conclusions.

3.1.1 Comments Received

The following section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been organized by State agencies, County and regional agencies, and comments received from local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all commentor letters received by the City in regard to the Draft EIR, and the designation assigned to each. Comments with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not included with the provided responses herein. The Lead Agency has, however, included these late comments and their corresponding responses in the Project staff report.

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack, on behalf of Residents for a Liveable Moreno Valley, and Moreno Valley Group of Sierra Club.	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

The comment letters and the corresponding numbered responses are presented on the following pages.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

December 7, 2010

RECEIVED
DEC 13 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
SCH#: 2009101008

Dear Jeff Bradshaw:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 6, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office. SCH-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009101008
Project Title PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
Lead Agency Moreno Valley, City of

Type EIR Draft EIR

Description The West Ridge Commerce Center project proposes a 937,260 square foot industrial warehouse building on approximately 55 acres located on the south side of State Route 60, on the north side of Eucalyptus Avenue and ~650 feet west of Redlands Boulevard. The proposed warehouse use requires a change of zone from the Business Park land use district to the Light Industrial land use district. The project also requires approval of Tentative Parcel Map No. 36207 to combine the project parcels into a single parcel and a Municipal Code Amendment to establish a minimum buffering distance between warehouse distribution activities in the LI zone and adjacent residential zones. THe Quincy Channel, which is a segment of the City's Master Plan of Drainage, runs along the west site boundary and the project will be responsible for some channel improvements.

Lead Agency Contact

Name Jeff Bradshaw
Agency City of Moreno Valley
Phone (951) 413-3224 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92553

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 56' 7.7" N / 117° 09' 34.5" W
Cross Streets Fir/Eucalyptus Avenue, Redlands Boulevard
Parcel No. 488-330-003 to 006 & 026
Township 3S **Range** 3W **Section** 2 **Base** SBB&M

Proximity to:

Highways SR 60
Airports No
Railways No
Waterways No
Schools No
Land Use GPD: Business Park
Z: Business Park

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Landuse; Noise; Public Services; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

Date Received 10/21/2010 **Start of Review** 10/21/2010 **End of Review** 12/06/2010

Note: Blanks in data fields result from insufficient information provided by lead age

Item No. E.3

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2009101008

Response SCH-1

State Clearinghouse receipt of the Westridge Commerce Center Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2009101008) and dates of the public review period for the Draft EIR (October 21, 2010 through December 6, 2010) are also acknowledged.

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

December 3, 2010

RECEIVED
DEC - 7 2010
CITY OF MORENO VALLEY

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

Re: Draft Environmental Impact Report for Westridge Commerce Center
SCH No. 2009101008

Dear Mr. Bradshaw:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Westridge Commerce Center. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). CDFG-1

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the City of Moreno Valley, County of Riverside and is bounded on the north by SR-60 and Spruce Avenue, on the south by Eucalyptus Avenue, on the east by vacant land and Redlands Boulevard, and on the west by the Quincy Channel and agricultural land. Surrounding development consists of vacant and agricultural land. CDFG-2

The proposed project consists of a 937,260 square foot industrial warehouse building on 55 acres. The Quincy Channel runs along the western boundary and will require improvements.

MSHCP

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Moreno Valley is an MSHCP participant. CDFG-3

The project is not within Cell Criteria Areas and does not require additional surveys and narrow endemic surveys, however, burrowing owl surveys are required. Initial surveys showed that burrowing owl was not present. CDFG-3 cont'd.

Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

The Department recommends that the Lead Agency clarify the issues raised below and provide a response to these comments in the Final Environmental Impact Report (FEIR) or subsequent CEQA document. CDFG-4

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant revegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

Biological Resources

A biological assessment was conducted in October, 2008. Biological Resources Assessments for the project site include the following: Burrowing Owl surveys in July, 2009, an off-site biological assessment in May, 2010 and a wetland jurisdictional delineation in February, 2010.

Biological habitat communities on the site include mulefat riparian, ruderal and agricultural. The site is highly disturbed and was formerly utilized for agricultural purposes. No focused biological surveys were required. Two southern black walnut trees were found on site. CDFG-5

Impacts and Mitigation

Section 14(a) of Appendix G of the CEQA Guidelines provides an outline for significant biological impacts. Section (a) asks whether the project will have a substantial adverse effect "...either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species...". CDFG-6

Section (b) asks, in part, whether the project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game.

Impacts to terrestrial biological resources are minimal. Mitigation for these impacts is provided for by participation in the MSHCP. The project is also located within the fee area for the Stephens Kangaroo Rat Habitat Conservation Plan. No burrowing owl were found on the site. CDFG-6 cont'd

Streambed Alteration Agreements and CEQA

The site is located adjacent to the Quincy Channel. Potential receiving waters from Quincy Channel are the Heacock Channel, Perris Valley Storm Drain and the San Jacinto River. The project site is not within the 100-year floodplain. The Channel is 1,295 linear feet with 2.4 acres of riparian habitat. Sheet flow from the site drains to the east to the jurisdictional channel along the west side of Redlands Boulevard. Both channels collect runoff from SR-60 and north of SR-60. The applicant is proposing to construct a scour wall adjacent to this channel. Along with the scour wall will be a maintenance road and a 50-150 foot buffer between the development and the Channel. The stream is an eroded earthen channel that collects runoff from three five foot wide culverts under SR-60. CDFG-7

Impacts to Quincy Channel will be from a channel crossing, not the scour wall. Impacts will also occur to an off-site channel. Permanent impacts are .003 acres to the Quincy Channel and 0.08 acres to the channel to the east (off-site). The applicant is proposing to mitigate impacts to jurisdictional State waters and riparian habitat by replacing riparian habitat at a 1:1 ratio, success criteria, and a three year maintenance and monitoring plan. CDFG-8

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. CDFG-9

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-10

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

CDFG-11

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

CDFG-12

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Michael Flores

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Letter Dated December 3, 2010

Response CDFG-1

The commentor notes CDFG's status as a responding Trustee Agency for California's fish and wildlife resources, and as a Responsible Agency for CDFG discretionary actions and permits. For the Project under consideration, the commentor notes that CDFG provides comments as both a Trustee and Responsible Agency. The commentor notes further that, pursuant to *CEQA Guidelines* Section 15096, comments provided by Responsible Agencies should focus on shortcomings on an EIR, and on additional alternatives or mitigation to be included in the EIR.

Trustee and Responsible Agency status of CDFG is recognized. The *CEQA Guidelines* Section 15096 directions for comments on EIRs to be provided by Responsible Agencies are acknowledged. It is noted further the *CEQA Guidelines* Section 15096 requires that Responsible Agencies limit their comments to ". . . those project activities which are in the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency."

Response CDFG-2

The Project location and scope as summarized by the commentor is materially correct. Please refer also to the detailed Project Description presented in Draft EIR Section 3.0.

Response CDFG-3

The commentor notes location of the Project within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).Attributes of the MSHCP and species "take" authorization for MSCHP participants are noted by the commentor. The commentor identifies the City of Moreno Valley as a participant in the MSHCP. The

commentor states further that the Project does not lie within [MSHCP] Cell Criteria Areas, and does not require surveys other than for burrowing owls. The commentor notes that initial [Draft EIR] surveys conducted for the Project indicate that owls are not present on the subject site.

Provisions of the MSHCP are noted, as is the City's status as an MSHCP participant. Species survey requirements for the Project, as stated by the commentor, are consistent with surveys conducted in conjunction with preparation of the Draft EIR. Results of the Project Burrowing Owl Survey (Survey) are summarized in Draft EIR Section 4.8, "Biological Resources," and the Survey is provided at Draft EIR Appendix G.As noted by the commentor, the initial Survey results indicate that burrowing owls are not present on the Project site. The Survey notes that "[n]o burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. In addition, this species has not been recorded from the project area in the past." [Survey, Page 6.] Further, the Draft EIR notes that "[t]he Project area does provide suitable burrowing owl foraging habitat; however, no burrowing owls or their sign were detected during the Project burrowing owl survey." (Draft EIR, Page 4.8-8.)

<u>Response CDFG-4</u>

The commentor reiterates *CEQA Guidelines* Section 15096 provisions and requirements. The commentor notes that CDFG will consult the EIR for the purposes of preparing a Lake and Streambed Alteration Agreement and/or issuance of an Incidental Take Permit. The commentor lists three (3) issues to be clarified in the Final EIR:

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

The following responses are provided to the issues/requirements cited by the commentor.

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters. Draft EIR Mitigation Measure 4.8.4 requires that a lake and streambed alteration agreement (Section 1600 permit) or waiver be obtained prior to the issuance of any grading permit and that written verification of the permit or waiver be provided to the Lead Agency (Community Development Department-Planning Division and the Public Works Department-Land Development Division).In support of the Permit, the Draft EIR identifies estimated impacts at CDFG jurisdictional areas and habitat, and identifies responding mitigation. This information will be included in subsequent Section 1600 Permit documentation for the Project. Relevant EIR text is excerpted below:

> [T]he channel is jurisdictional under the U.S. Army Corps of Engineers, the California Department of Fish and Game, the California Regional Water Quality Control Board and the MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Under a maximum potential impact scenario, construction of off-site improvements could result in permanent disturbance and alteration of approximately 0.08 acres (710 lineal feet of 5-foot wide channel, or a total of 3,550 square feet) of un-vegetated riparian habitat. Consultation and permits from these agencies will be required prior to any disturbance of this channel (Draft EIR, Page 4.8-10).

As summarized in Draft EIR Section 4.8 and presented in detail in the Project Jurisdictional Delineation, construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat

riparian habitat/CDFG jurisdictional areas. This is a potentially significant impact, as acknowledged on Draft EIR Page 4.8-23.

The following mitigation measures addressing potential impacts to jurisdictional/ habitat areas were incorporated in the Draft EIR, and will be reflected in subsequent Section 1600 Permit documentation.

4.8.1 *Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*

4.8.2 *Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*

4.8.3 *Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be*

planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 *Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.*

4.8.5 *Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:*

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, and regular maintenance and monitoring activities to ensure the success of the mitigation plan*

(Draft EIR Pages 4.8-23 through 4.8-24).

The commentor incorrectly states subsequently (please refer to Comment CDFG-8) that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." Potential impacts from a future crossing of the Quincy Channel at Fir (future Eucalyptus) Avenue are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project. As noted in Footnote 2 on Draft EIR Page 4.8-19, repeated here for ease of reference:

> The EIR Jurisdictional Delineation also acknowledges jurisdictional impacts and associated mitigation and permitting requirements associated with the future bridge crossing of Fir (Eucalyptus) Avenue at the Quincy Channel, located southwesterly adjacent to the Project site. This bridge crossing, to be implemented by the City or others at a future date as a part of areawide circulation system improvements, will permanently impact an estimated 0.47 acres of CDFG jurisdictional areas, with temporary impacts to an additional 0.06 acres of CDFG jurisdictional area. Affected CDFG jurisdictional areas encompass ACOE and RWQCB jurisdictional areas. These are not Project-related impacts, but are however considered in this EIR and CEQA within the context of cumulative impacts. Please refer also to EIR Section 5.1.1.8, Cumulative Biological Resources impacts (Draft EIR Page 4.8-19).

2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan. The last bullet point at Mitigation Measure 4.8.5 is amended as follows to include native plant re-vegetation for areas temporarily disturbed by construction.

- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department. As noted above at Mitigation Measure 4.8.5 (as amended):

> *[The Project] HMMP shall, at a minimum, meet the following requirements:*
> - *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
> - *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
> - *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal**, native plant re-vegetation for areas temporarily disturbed by construction,** and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

While the Draft EIR presents a reasoned best estimate of impacts and proposed responsive mitigation based on Project design concepts, details such as monitoring and maintenance of mitigation for impacts to jurisdictional areas and affected habitat are more effectively developed based on final Project designs including detailed grading plans, utility plans design and final building designs. As matter of clarification, the following bullet point is added to Mitigation Measure 4.8.5:

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

With these revisions, Mitigation Measure 4.8.5 in total will be worded as presented below. These revisions will be reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Response CDFG-5

The commentor notes biological resources surveys conducted for the Project, and comments further that no focused surveys were required. Surveys and survey results noted by the commentor are materially correct. No further response is required.

Response CDFG-6

The commentor cites *CEQA Guidelines* Appendix G suggested threshold considerations addressing habitat modifications and potential impacts to candidate, sensitive or special status species, riparian habitat, or other sensitive natural communities. The commentor notes that [Project] impacts to terrestrial biological resources are minimal, and that mitigation for these impacts is provided for through participation in the encompassing MSHCP. The Project also lies within the fee area for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan. Potential impacts to SKR are addressed though fee payments consistent with provisions of the SKR Habitat Conservation Plan. The above statements provided by the commentor are materially correct. No further response is required.

Response CDFG-7

The commentor summarizes physical characteristics of the Quincy Channel (Channel), located westerly of the Project site. The commentor notes that the Project Applicant proposes to construct a scour wall adjacent to the Channel. A maintenance road will be constructed on the easterly (developed side) of the wall and an approximate 50-150 foot buffer area will be provided between the wall and the developed warehouse areas.

The commentor's summary descriptions of the Channel and Applicant-initiated improvements are materially correct. No further response is required.

Response CDFG-8

The commentor incorrectly states that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." As noted in the preceding Response CDFG-4, potential impacts from a future crossing of the Quincy Channel at Fir (Future Eucalyptus) are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project.

As noted by the commentor, the Draft EIR acknowledges that the Project will result in or cause approximately 0.003 acres of *temporary* [emphasis added] impact to CDFG jurisdictional area along the Quincy Channel due to construction of the scour wall. Impacts arising from eventual future crossing of the Channel are not Project-specific and no mitigation is proposed by the Project. Potential cumulative impacts of the crossing are discussed at Draft EIR Section 5.1.1.8:

> . . .[I]t is noted that the ultimate design of Fir (future Eucalyptus) Avenue includes the construction of a crossing to span Quincy Channel. This future channel crossing is not considered a component of the proposed [P]roject and is contingent on vicinity development, which may occur in the next several years. The future construction of a channel crossing could result in permanent and temporary impacts on [the] Quincy Channel. These potential impacts are identified within Section 5.2.2 of the Jurisdictional Delineation Report in Draft EIR Appendix G. Because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in this EIR. It is further noted, however, that the ultimate extension of Eucalyptus Avenue, including the construction of a Quincy Channel crossing, is included in the City's General Plan Circulation Element, and as such, has been considered as a part of the City's General Plan EIR. Cumulative Project impacts are not affected by the extension of Fir (future Eucalyptus) Avenue or the construction of a Quincy Channel crossing (Draft EIR Pages 5-22 through 5-23).

<u>Response CDFG-9</u>

The commentor states that"[i]f the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance,

mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement."

The commentor's statement/concern is recognized; however, such concerns are not germane to the Project or to the Draft EIR. Potential Project-related impacts to lakes, streams, and associated resources are fully disclosed and discussed in the Draft EIR and supporting technical studies presented in Draft EIR Appendix G. A summary of impacts and proposed mitigation is provided in preceding responses CDFG-1 through CDFG-8. Please refer also to the detailed discussions presented in Draft EIR Section 4.8, "Biological Resources," and supporting technical studies provided in Draft EIR Appendix G, "Biological Resource Assessments." Moreover, all areas of potential jurisdictional impacts are avoided to the extent possible and mitigated where complete avoidance is infeasible. The discussion provided as part of Draft EIR Mitigation Measures 4.8.1 through 4.8.3, as excerpted below, requires and promotes avoidance. The complete text of these mitigation measures is provided in the preceding Response CDFG-4.

> *. . . Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel . . . a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*
>
> *. . .Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained*

throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

. . . [N]o invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel (Draft EIR Page23).

Response CDFG-10

The commentor states that "[t]he Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:l replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors."

The Project does not propose elimination of drainages, lakes and their associated habitats. Mitigation is proposed for the Project's temporary impact to 0.003 acres of riparian (mulefat) habitat.[1]The ultimate scope and location of mitigation will be determined in consultation with CDFG through the Streambed Alteration Agreement Notification/Permit process (or waiver), to be completed prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas. Notification/Permit processes will be initiated by the Applicant at the earliest practicable date. Given the nominal scope of habitat impact (0.003 acres), its relative distance from proposed areas of development, and intervening buffering areas provided, no substantive alteration of the Project is proposed nor anticipated to be

[1] Total impacts to jurisdictional areas are estimated at 0.083 acres: 0.003 acres temporary impact to jurisdictional mulefat habitat; 0.08 acres permanent impact to non-habitat jurisdictional areas.

required in order to successfully mitigate the Project's temporary impacts to riparian habitat. Contact information provided by the commentor is noted.

Response CDFG-11

The commentor notes the following informational requirements for a Streambed Alteration Agreement, and recommends its incorporation in CEQA documents:

> 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
> 2) Discussion of avoidance measures to reduce project impacts; and,
> 3)Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

The above information is provided in the Draft EIR and supporting jurisdictional delineation information presented at Draft EIR Appendix G. Excerpted germane Draft EIR discussions are presented below, and the commentor is referred to full detailed discussions presented in the body of the Draft EIR, specifically, within Section 1.0, Summary; Section 4.8, Biological Resources; and Section 5.0, Other CEQA Considerations. Supporting technical studies are provided at Draft EIR Appendix G, Biological Resource Assessments.

1. **Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type).**The Draft EIR states that "[p]roject construction activities will result in the following potentially significant impacts: Potential direct temporary impacts to 0.003 acres, (22 lineal feet) of mulefat vegetated riparian habitat; and Potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat" (Draft EIR Page 1-77, et al.).

2. **Discussion of avoidance measures to reduce project impacts.** The Draft EIR states that "[a]maintenance road will be provided along the easterly edge of the scour wall, and Westerly of the scour wall, a buffer area averaging in width from approximately 50 feet to 150 feet will be established, providing separation between the developed site and the adjacent Quincy Channel. This physical separation between the developed site and the Channel habitat areas minimizes or precludes direct impacts to the Channel and its associated vegetation communities and special status plant species." (Draft EIR Page 4.8-18, *et al.*) Please refer also to the preceding Response CDFG-9.

3. **Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.** Please refer to Draft EIR Mitigation Measures 4.8.1 through 4.8.5 (as amended through these responses), presented in the preceding Response CDFG-4.

Response CDFG-12

The commentor cites *CEQA Guidelines* Section 15370, which describes/defines mitigation, and states that CDFG cannot fulfill its obligations absent defined impacts and proposed mitigation. CDFG point of contact information is provided.

Project impacts are fully and appropriately defined and disclosed as summarized in the preceding responses and presented in detail in the Draft EIR (0.08 acres permanent impact to non-habitat jurisdictional areas; 0.003 acres temporary impact to jurisdictional mulefat habitat). Mitigation is proposed for impacts determined to be potentially significant. Mitigation includes restoration/replacement habitat at a minimum 1:1 ratio. The Lead Agency considers the defined area of impact and proposed mitigation to be consistent with CDFG requirements, and supports the Department's obligations and responsibilities as a Trustee and Responsible Agency. Project impacts, as mitigated, are considered to be less-than-significant. Mitigation as revised herein is included in

response to CDFG comments. CDFG staff were contacted (phone conversation 12.16.10) to clarify information provided in the DEIR and discuss CDFG concerns. Subsequent to that conversation, a draft of these responses was emailed to CDFG staff. As indicated in the following email response from CDFG, CDFG staff concurs with the substance of these responses and proposed revisions to the Draft EIR text.

From: Robin Maloney-Rames <RMaloney@dfg.ca.gov>
Date: December 29, 2010 9:13:07 AM PST
To: <cray@appliedplanning.com>
Subject: Re: Westridge Draft EIR-CDFG Comments and Responses (Draft)

Hello Charly:

I took a look at the letter and response to comments. It seems to be in order. If you could include this with the Response to Comments I would appreciate it.

thanks
Robin

Environmental Scientist
Dept. of Fish and Game
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 980-3818

Thank you for contacting the California Department of Fish and Game. Pursuant to Governor's Executive Order S-12-10, we are closed on the second, third and fourth Friday of each month.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-6890
TTY (909) 383-6300

Flex your power!
Be energy efficient!

December 6, 2010

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

Westridge Development Draft Environmental Impact Report (October 2010). SCH: 009101008.
Riv-60-PM19.0/20.4

Dear Mr. Bradshaw,

We have completed our review for the above noted project which is located south of State Route 60 (SR-60) east of Quincy Channel, and north of Fir Avenue in the City of Moreno Valley. The project proposal comprises of the construction of 937,260 square feet of new light industrial warehouse/distribution area.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS. DOT-1

We have the following comments:

Traffic Operations

1. Please include a Stacking Distance analysis for the Moreno Beach Road . DOT-2

2. Traffic Impact Study (page 124, Table 6-11); under Redlands Blvd at SR-60 Westbound Ramp, please include: WBL, WBR, EBL & EBR. Additionally, under SR-60 at eastbound Ramps, please include: SBR. DOT-3

3. Due to the potential high volumes of truck traffic, please ensure that the ramp intersection will accommodate STAA truck turning movements. DOT-4

4. Please include the ramp merge/diverge analysis for SR-60 at Moreno Beach Dr. and at Redlands Blvd. DOT-5

Mr. Bradshaw
December 6, 2010
Page 2

Hydrology

1. Although the proposed improvements should have no significant effect on Caltrans facilities, the documentation submitted did not give specific details how the runoff from the freeway SR-60 will be captured and contained. We would expect the developer's engineer to address this issue during the design and permit approval process. DOT-6

Permit Requirements:

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
Department of Transportation
464 West 4th Street, 6th Floor, MS-619
San Bernardino, CA 92401-1400
(909) 383-4526

DOT-7

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Joe Shaer at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DISTRICT 8

Letter Dated December 6, 2010

Response DOT-1

Caltrans jurisdiction and statutory responsibilities in regard to the proposed Project's potential effects on SR-60 are acknowledged. Agency review of the Draft EIR is appreciated.

Response DOT-2

The commentor requests a stacking distance analysis for Moreno Beach Road. Within the context of the Caltrans Guide for the Preparation Traffic Impact Studies (State Of California Department Of Transportation), December 2002, the traffic impact analysis consultant, guided by local input and expertise of the Lead Agency, established the parameters and extent of the Project Traffic Impact Analysis (TIA). The Project is anticipated to contribute nominal[2] traffic to Moreno Beach Road for opening year conditions; and would contribute less than 50 peak hour trips to Moreno Beach Road under long-range conditions.

Pursuant to applicable CMP TIA guidelines (see Caltrans TIS Guidelines, Page 2), it is typically unnecessary for projects generating less than 50 peak hour trips to assess potential impacts in regard to stacking or progression through an interchange area. The Lead Agency has not indicated special circumstances or other considerations that would indicate a requirement for a stacking distance analysis for Moreno Beach Road, nor is such the conclusion of the TIA consultant.

---

[2] Nominal traffic contributions are defined less than 50 vehicles per day (Project TIA Page 44, et al.)

Response DOT-3

The commentor requests specific analysis of the westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps. Analysis of the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps is also requested.

The westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps were not individually reported since they are shared lanes, and the queues associated with these movements are reflected in the 95th percentile queue presented for the westbound and eastbound through movements, respectively. Similarly, the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps was not reported individually since it is a shared movement with the southbound through lane. Please refer also to TIA Table 4-1 (Intersection Analysis for Existing Conditions).

Response DOT-4

As noted in the discussion of regional access (Draft EIR Section 4.2.2.2 on Page4.2-8), the Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. (Please refer to Figure 3.5-1, Site Plan Concept). The Project would, upon approval, be responsible for payment of Traffic Uniform Mitigation Fee (TUMF) contributions; however, interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. When designed, reviewed and constructed, it is presumed that the ramps will be required to be consistent with Caltrans design standards, and will accommodate STAA truck turning movements.

Response DOT-5

According to the Transportation Research Board's *Highway Capacity Manual*, the influence area for a merge junction is 1,500 feet downstream, and the influence area for a

diverge junction is 1,500 feet upstream. The distance between the ramps at Redlands Boulevard and Moreno Beach Boulevard is approximately 6,600 feet. There are no other merge/diverge junctions (i.e., interchanges) within the 1,500-foot influence areas of the ramps at Moreno Beach Boulevard and Redlands Boulevard, and as such, merge and diverge analyses were determined unwarranted as part of the Project TIA.

Response DOT-6

As noted by the commentor, specific concerns in regard to the design of collectors for runoff from the SR-60 onto the site will be addressed as part of the design and permit approval process. In general, as discussed in Draft EIR Section 4.6, "Hydrology and Water Quality," storm water will be collected onsite through a series of catch basins and clarifiers, and directed to a municipal drainage system, connections for which would be constructed adjacent to the site within the rights-of-way of Fir (future Eucalyptus) Avenue and Redlands Boulevard.

Response DOT-7

The required review of street, grading and drainage construction plans by Caltrans personnel prior to the issuance of encroachment permits is acknowledged. The address and contact information provided is appreciated.

Board of Directors

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

December 6, 2010

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: West Ridge Commerce Center Project
Draft Environmental Impact Report
SCH No. 2009101008

Dear Mr. Bradshaw:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above referenced project. The project is generally described as a plot plan for development of a 937,260 square foot warehouse distribution on building on a 55 acre site, Related applications include a Zone Change from Business Park to Light Industrial, a tentative parcel map to combine five parcels into a single parcel and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment to establish a buffering distance between warehouse distribution land uses in the light industrial zone and adjacent residential zones. EMWD-1

Eastern Municipal Water District (EMWD) offers the following comments with respect to this DEIR document:

1- Please revise Mitigation Measure 4.5.3, on page 4.5-29, as follows (revisions indicated in ***bold italics***):

4.5.3 ***In this East Moreno Valley area, existing water, sewer and recycled water facilities are not adequate to accommodate the Project. Therefore, from a facilities perspective, the Project would be conditioned to construct off-site and on-site water, sewer and recycled facilities needed to serve the*** EMWD-2

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

City of Moreno Valley
December 6, 2010
Page 2

Project. Accordingly, a Plan of Services (POS) must be completed and submitted by the Applicant, for EMWD's approval. As soon as possible, the Applicant shall meet with EMWD staff to develop a Plan Of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water ***facilities*** requirements to serve the project, ***to be constructed by the Applicant. Additionally, there could be temporary service impacts while constructing or extending facilities required for this Project, which should be evaluated in the Final EIR.*** EMWD-2 cont'd.

2- Please note the Water Supply Assessment (WSA) expiration date is June 4, 2011. EMWD-3

Again, EMWD appreciates the opportunity to comment on this project. Please forward future environmental documents for this project and the response to the above comments prior to EIR certification to the attention of Karen Hackett at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Karen Hackett at 951 928-3777, Ext. 4462, or myself at Ext. 4455. EMWD-4

Sincerely,

Joseph B. Lewis
Director of Engineering Services

JBL:ME:RR:KAH

cc: E. Lovsted

Encl.

Board of Directors

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Anthony J. Pack

Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

Developers/Engineers

Will your project require service from Eastern Municipal Water District for water, sewer or recycled water?

EMWD requires beginning dialogue with the applicant at an early point in site design and development of a project, in order to assess the infrastructure needs. Accordingly, we offer to meet with developers/engineers for one initial due-diligence meeting, without requiring a deposit. This meeting is to review your project and determine potential service from EMWD. The objective is to provide a forum to resolve any questions about our development process and help to determine if there are any potential issues that may exist in the area concerning EMWD facilities (water, sewer or recycled water). Afterward, should you decide to pursue your project(s) with EMWD, we will require you to deposit funds and open a Work Order. This Work Order is used to cover staff time and research required to generate a Plan of Service. No improvement plans will be accepted until this pre-project phase is completed and an EMWD Plan of Service has been approved.

In an ongoing effort to develop a dependable and reliable water supply for its customers, EMWD's goal is to maximize the use of recycled water, for landscape demands. All projects that include landscaped areas are carefully considered for recycled water use. This process needs to begin early to avoid unnecessary delays. EMWD-5

In order to set up a Due Diligence meeting we need:

1- A completed Due Diligence questionnaire.
2- Your proposed agenda for the due-diligence meeting
3- Location Map
4- Proposed development plan layout if available (hard copy and JPEG format)

I encourage developers/engineers to become familiar with EMWD New Development processes, while designing your project. They have been developed over many years and serve a great importance as they can prevent complications and save time. More information can be found at http://www.emwd.org/new_biz/new-biz-dev.html

If at any point in time there are questions or concerns, please do not hesitate to contact me

Sincerely,

Linda H. Petersen
Development Coordinator ex. 4310
Petersel@emwd.org

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet: www.emwd.org

EASTERN MUNICIPAL WATER DISTRICT

Letter Dated December 6, 2010

Response EMWD-1

The commentor has accurately summarized the general aspects of the proposed Project and required discretionary actions.

Response EMWD-2

As discussed in the EIR, the Project's impacts to water supplies is less-than-significant. Notwithstanding, mitigation is provided to ensure timely construction of service lines/facilities necessary to serve the Project. In this regard, the Lead Agency acknowledges the District's desire to clarify the referenced Mitigation Measure 4.5.3, which is discussed in Draft EIR Section 4.5, "Water Supply." Accordingly, the language of this mitigation measure has been amended as follows.

> 4.5.3 *The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project,* ***to be constructed by the Applicant****.*

Related to the Project POS, preliminary information provided by EMWD indicates that provision of adequate fire flows for the area west of Redlands Boulevard and south of SR-60 will require construction of a 24-inch water line within the Fir (future Eucalyptus Avenue) extending westerly from Redlands Boulevard to connect to an existing 24-inch line at the approximate alignment of Petit Street. The extent of the actual construction of the line is not known at this time and is ultimately dependent on the timing of improvements constructed as a part of adjacent proposals. Regardless of these other projects, Certificate of Occupancy for the Project is conditioned on the provision of

adequate fire flows whether achieved by this new line, or by other means acceptable to EMWD and the City Fire Department.

To ensure monitoring and enforcement, this revision to Mitigation Measure 4.5.3 is reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata. Additional explanatory language provided by the commentor is not considered appropriate for inclusion in this mitigation measure.

The Applicant's responsibility for the construction of all required infrastructure to serve the Project, including but not limited to the extension of off-site and on-site water, wastewater, and recycled water facilities, is acknowledged. As noted in the discussion of Water/Sewer Services on Draft EIR Page 3-21, "[a]lignment of service lines, and connection to existing services will be as required by EMWD."

The possibility of temporary service impacts during the construction or extension of facilities is acknowledged. Coordination with the District in regard to planned or proposed construction actions will occur as part of the preparation of the required POS (identified in Mitigation Measure 4.5.3, above). Additionally, notification of potential utility service disruptions would be provided to existing residents and/or business owners in the area by the developer, acting to minimize their effects. The results and conclusions of the Draft EIR are not affected.

<u>Response EMWD-3</u>

As noted in Draft EIR Mitigation Measure 4.5.4 (excerpted below), the upcoming expiration date of the Project's Water Supply Assessment is acknowledged.

> 4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008.The Project Applicant shall maintain communication with EMWD*

on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA.

Response EMWD-4

As requested, and pursuant to Public Resources Code §21092.5, the District will receive a written response to these comments at least ten days prior to the certification of this EIR.

Response EMWD-5

EMWD provides a standardized Notice to Developers and Engineers outlining EMWD requirements and processes necessary to ensure adequate and timely provision of services.

The Notice to Developers and Engineers (Notice) attached to the above-referenced comment letter is acknowledged, and has been incorporated in this Final EIR for ease of reference. The Applicant consulted with EMWD early in the planning process (due diligence meeting conducted with EMWD staff on January 27, 2009) in order to determine the likely scope and type of improvements required. At the earliest feasible date, the Applicant will coordinate with EMWD in developing the POS for the Project consistent with provisions of the Notice.

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

134314

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 29, 2010

RECEIVED
DEC - 6 2010
CITY OF MORENO VALLEY

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

~~Dear Mr.~~ Bradshaw:

Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

This letter is written in response to the Notice of Availability West Ridge Commerce Center Project Draft Environmental Impact Report. The purpose of the proposed project is to develop a 937,260 sq. ft. warehouse distribution building on a 55 acre site located near Eucalyptus Avenue and Redlands Boulevard. The project also requests a zone change of five parcels from Business Park to Light Industrial, combining the five parcels into one and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment. RCFC-1

The Riverside County Flood Control and Water Conservation District (District) has reviewed the DEIR and has the following comments:

This project involves District Master Drainage Plan facilities, namely Moreno Line G-7 and D-3. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards and District plan check and inspection will be required for District acceptance. Plan check and administrative fees will be required. RCFC-2

This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

The District is signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City will request that the District own, operate and maintain the above referenced facilities, the applicant will need to demonstrate that all construction related activities within the District right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP. RCFC-3

134314

Mr. Jeff Bradshaw -2- November 29, 2010
City of Moreno Valley
Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

General Information

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy. RCFC-4

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Edwin Quinonez

EDWIN QUINONEZ
Senior Civil Engineer

c: Riverside County Planning Department
Attn: Kathleen Browne

AJK:EQ:blj

RIVERSIDECOUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Letter Dated November 29, 2010

Response RCFC-1

The commentor has accurately summarized the general aspects of the proposed Project and its required discretionary actions.

Response RCFC-2

The District's requirements in regard to transfer of ownership, standards for construction, inspection and fees are acknowledged.

Response RCFC-3

The assessment of the Project's potential to conflict with any applicable habitat conservation plan or natural community conservation plan (Draft EIR Page 4.1-31), indicates that the Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).The Project's compliance with all referenced sections of the MSHCP is documented within the *Report on Habitat Assessments and Biological Surveys for the Westridge Project Site* (Pages 42-43, Draft EIR Appendix G).

Response RCFC-4

RCFC provides general information addressing: National Pollutant Discharge Elimination System (NPDES) permit requirements; Federal Emergency Management Agency (FEMA) requirements for projects or actions within or affecting FEMA-mapped floodplains; and Army Corps of Engineers (ACOE)/California Department of Fish and Game (CDFG) requirements for projects or actions within or affecting natural watercourses or mapped floodplains.

The Lead Agency appreciates the general information on permitting requirements provided by the District. As noted in the Draft EIR's discussion of stormwater

permitting (Section 4.6.3.3, Pages 4.6-10 through 4.6-13), the Project is required to obtain clearance from the State Water Resources Control Board pursuant to the NPDES Statewide Industrial Storm Water Permit for General Construction activities. The Project does not lie within, nor would it otherwise affect any mapped floodplain areas. As such, the Project is not subject to FEMA floodplain requirements. As required through Project Mitigation Measure 4.8.4, the Applicant is required to obtain a streambed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit prior to physical disturbance of any jurisdictional areas.

December 5, 2010

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley 92552

Re: PROPOSED WAREHOUSE PROJECT, WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133

Dear Mr. Bradshaw:

I am a Moreno Valley resident, and have looked at the Westridge Commerce Center Draft Environmental Report and feel compelled to comment on this proposed project. I believe the proposed project; a 937,260 square foot warehouse distribution building on a 55-acre site located on the north side of Eucalyptus Avenue, approximately 650 feet west of Redlands Boulevard will negatively impact the overall quality of life in Moreno Valley. **I ask that this project be denied and not be built to the scope/size requested or in the area Ridge Property Trust is asking for it to be built on.** MA-1

The preamble to our City's General Plan states, "The City of Moreno Valley embraces the interests of its residents and strives to meet their needs by creating a sense of community. The commitment to this vision encourages attractive amenities and a full range of public services while promoting **a safe and healthy environment. It is the goal of the City to improve the quality of life ...**" and after reviewing the EIR it is apparent that this project will negatively affect: Air Quality, Traffic Congestion, Destroy Aesthetics, Impact Water, Incur Large amounts of Solid Waste, Bring More Light and Noise that overall will result in a deterioration of the quality of life enjoyed by residents of our city overall and in particular residents living on the East Side of our City and also hurt the children in our city by these negative impacts. MA-2

A survey taken for the City's General Plan also found out that **47% of our residents wanted to retain the rural character of northeast Moreno Valley** (10% disagreed). This project destroys that rural character, and it would be in the best interests of the residents of our City to honor that desire by denying this project. MA-3

I do not agree with the philosophy that for economic development to occur and for there to be jobs that I must lower my standard of living to achieve this. The 900 jobs that the EIR for this project suggests will occur, are in no way guaranteed to meet that number nor are they guaranteed to even go to a portion of Moreno Valley residents and this is a tactic that is playing upon the need for jobs in our City by promises that may not be kept, because there is no written contract that will guarantee this job number or that they go to local residents. MA-4

The EIR states repeatedly that the effects of this project are minimal and not significant in magnitude, however, if this were true this developer would not have to ask for a Zone Change from Business Park to Light Industrial because the proposed warehouse/distribution center at 937,260 sq. ft. exceeds Business Park footage in our City's General Plan of 50,000 sq. ft. This request in no way benefits the health, safety or welfare of current residents much less future residents as stated in the EIR. MA-5

This EIR also uses the approval of the 2.6 million square feet for the Highland Fairview Project as a tool for their requests to be granted. Due to the approval and development of Highland Fairview's mega warehouse and approval of the ProLogis project, any additional project(s) that incur additional MA-6

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
2

truck traffic, and diesel particulate matters into the air, as well as changing the scenic view by building another mega warehouse that will be open 24 hours per day, the accompanying lighting, noise, air pollution, traffic congestion, MUST be factored into the overall effect and impact of the Highland Fairview and ProLogis Projects to determine the real effects that will occur to the residents in the area of this development and the City as a whole. MA-6 cont'd.

With the State of California, Riverside County, and Moreno Valley all suffering from large budget deficits it is unknown when the necessary funds to upgrade the freeway, overpasses, roads will be able to be completed, and with numerous diesel trucks that will come from this project, the damage to local roads, streets, and increased congestion, as well as increased dirty air and diesel particulate will hurt our city's overall quality of life and could result in increased traffic accidents and costs to our police and fire as a result. MA-7

Again, our City's General Plan states, "The image of the community is perceived from freeways, streets and the point of view of the pedestrian. The viewer forms an impression about the beauty and safety of the community as he or she views the surrounding buildings …" If mega warehouses and distribution centers continue to be built along the eastern portion of our city and exceptions to the business park/light industrial maximum square footage of 50,000 sq. ft. continues to be ignored our city will suffer from negative impressions because we are allowing ourselves to become a warehouse ghetto, and that will also hurt property values of the residents surrounding this project as well as the others of the same ilk, and ultimately will cause depressed property values to continue if not decrease even more than they already have. By denying this project you will be protecting our home values and our city's image rather than letting the 60 freeway become a vision of mega warehouse distribution centers that were never intended to be built en masse in this part of our city. MA-8

In section 5.3.2.2 Industrial Development of the Moreno Valley General Plan it says, "Industrial and business park development is concentrated in the southern part of the City, generally located south of Iris Avenue and north of San Michele Road to the Perris city limits." Approving this project, as the others that have been approved, goes against what was to be an orderly and organized location for industrial and business park developments, not the east end of our city that was to have the rural characteristics valued and protected.

Although this project says it will get water from MWD and that there is no problem, I would point out that EMWD is still in a Stage 2 Water Shortage and goes on to say in their newsletter, that all EMWD customers are required to eliminate water waste, so how does approving mass warehouses help to not add more stress to our lack of water? And in their 10/21/10 newsletter, MWD says, "Southern California's water reserves are still low
Southern California continues to face significant water supply challenges in 2010 and beyond. … During the past three years, Metropolitan has tapped its reserves to maintain deliveries to its 26 member agencies and 19 million Southern Californians. Our reserves are down by about 50 percent. With water uncertainties facing the state, the challenge ahead is to continue to lower demand and stretch our reserve supplies as much as possible … Approving mega warehouse projects does not help in our struggle to maintain adequate water supplies whether it be from EMWD resources or MWD resources. This is another reason this project should be denied. MA-9

Regarding the increase diesel truck traffic that will occur if this project is approved, in a presentation, Truck Management Strategies in Los Angeles, by Susan Bok, AICP a Senior Transportation Planner, MA-10

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
3

Los Angeles it was noted that "Trucks often pass through or near residential areas en route to … distribution centers… safety, air pollution, vibration and noise impacts on residents. Truck impacts on roadway surfaces: 1 truck = 10,000 cars" which is a negative health and safety impact that will be incurred on the resident of Moreno Valley if this project is approved. MA-10 cont'd.

In an article from: Contemporary Economic Policy | January 1, 2007 | Bluffstone, Randall A.; Ouderkirk, Brad | Copyright:

"II. THE ENVIRONMENTAL ISSUES

Diesel exhaust is made up of gas and particulates. Gases include hydrocarbons, carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur oxides, but particulates are of special concern because they are associated with a variety of cancers and cardiopulmonary problems that have been shown to increase the risk of mortality. Relative to gasoline engines, heavy-duty diesel trucks, such as those used in the logistics industry, typically emit at least 24 times more fine particulate matter per mile traveled (Kirchstetter et al., 1999). Health effects associated with these particles fall disproportionately on vulnerable populations, such as the young, elderly, and those who already have compromised respiratory systems.

Recently, the toxic and especially carcinogenic effects of diesel particulate matter (DPM), much of which comes from trucks, have been highlighted. The State of California and the U.S. Environmental Protection Agency (USEPA) have identified more than 40 toxic pollutants in diesel emissions, and in 1998 the California Air Resources Board (CARB) named it a toxic air contaminant (CARB, 2000; Lippmann et al., 2003; Ostro and Chestnut, 1998; SCAQMD, 2003). MA-11

Particulates are classified according to their diameters. Those less than 2.5 [micro]m ([PM.sub.2.5]) pose the greatest threat to human health because smaller size allows deeper penetration into lung tissues as well as longer float times (as much as several days under dry conditions) and therefore wider deposition. DPM is particularly light, with a mean particle diameter of 0.2 [micro]m, but as much as 20% of DPM can be less than 0.05 [micro]m, which floats longer and penetrates deeper than larger particles. DPM also has a large surface area, making it an ideal carrier for a variety of toxic compounds. DPM typically makes up 10-30% of total [PM.sub.2.5] concentrations. The federal limit for [PM.sub.2.5] is 15 [micro]g/[m.sup.3] average annual concentration and 65 [micro]g/[m.sup.3] maximum concentration during any 24-h period. California has a stricter annual average concentration standard of 12 [micro]g/[m.sup.3]. DPM-specific standards do not exist.

The eastern Inland Empire and particularly the I-215, I-10, and I-15 freeway corridors have very high particulate concentrations. In 2003, Riverside and San Bernardino counties ranked first and second, respectively, in the nation for total particulate pollution (CARB/American Lung Association, 2004). For example, at the Rubidoux monitoring station in Riverside, during the period 2000-2002 the average annual [PM.sub.2.5] concentration was 28.9 [micro]g/[m.sup.3], which is about 1.75 times the federal limit and

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
4

> more than twice the state …Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire.(Report)"

MA-11 cont'd.

This article spells out the health dangers from increased diesel truck traffic to our elderly, children, and our overall population, and this is a very real and dangerous and I might add, unnecessary and unacceptable health risk(s) and as such, this project should be denied as this should not be the price we have to pay for "900 jobs".

Sincerely,

Marcia Amino
10363 Crest Brook Drive
Moreno Valley 92557
951-247-8225

MARCIA AMINO

Letter Dated December 5, 2010

Response MA-1

The commentor, a Moreno Valley resident, expresses concern regarding the impact of the Project on the overall quality of life within the City and requests the Project be denied as proposed. These opinions are acknowledged.

Response MA-2

The commentor provides an excerpt of the City's General Plan regarding City goals and offers that the Project is not in keeping with the stated goals of the General Plan. Notwithstanding the commentor's opinions, Project consistency with the applicable provisions of the General Plan are substantiated within each EIR topical section (Land Use-Pages 4.1-17 through 4.1-20; Traffic/Circulation-Pages 4.2-23, 4.2-24; Air Quality-Page 4.3-18; Noise-Pages 4.4-10, 4.4-11; Water Supply-Pages 4.5-24, 4.5-25; Hydrology and Water Quality-Pages 4.6-13, 4.6-14; Cultural Resources-Page 4.7-10; Biological Resources-Pages 4.8-11, 4.8-12; and Aesthetics-Page 4.9-5 through 4.9-7. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-3

The commentor references a survey of opinion (regarding the City's General Plan) of Moreno Valley residents, wherein 47 percent of residents want to retain the rural character of the area. Notwithstanding poll results offered by the commentor, development of the site with industrial/business park uses is anticipated under the site's current General Plan land Use designation (Business Park/Light Industrial). Please refer also to the discussion of Project consistency with existing land use plans and policies (DEIR Pages 4.1-17 through 4.1-30). Moreover, design and visual attributes of the Project are consistent with General Plan (Community Development Element) Objectives

and Policies generally addressing design and aesthetic considerations (please refer to DEIR Pages 4.9-5 through 4.9-7). The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-4

The commentor's assertion that there is no written guarantee that the entire number of jobs referenced in the Draft EIR (approximately 900 jobs)[3] will be filled by Moreno Valley residents is accurate. However, the types of warehousing employment offered by the Project are not considered growth-inducing, as these types of jobs typically draw from the local employment pool and do not induce long commutes.

Response MA-5

Contrary to the commentor's assertion that "the EIR states repeatedly that the effects of this project are minimal and not significant in magnitude," the Draft EIR contains 50 mitigation measures, specifically developed to reduce the identified potentially significant impacts. Additionally, the environmental topics of traffic, air quality, and noise were found to have significant and unavoidable impacts, even after the implementation of all feasible mitigation. Please refer to Table 1.10-1 of the Draft EIR for a summary all of Project-related impacts.

The commentor also states an opinion regarding the Project's requested zone change. The General Plan's limitation of square footage (50,000) is per building. It is important to note that the total square footage and uses proposed by the Project are allowed under the site's current General Plan land use designation. The zone change is required to

[3] Based on one (1) job per 1,030 square feet of development, Riverside County General Plan Appendix E, Buildout Assumptions and Methodology, Page 6, Light Industrial employment multiplier (*See* DEIR, Page 5-44).

allow the proposed uses to be contained within a building larger than 50,000 square feet.

Response MA-6

The commentor expresses concern regarding the cumulative effects of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response MA-7

While the State-wide budget deficit is out of the scope of the EIR, it should be noted that the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements. The Project's impacts on traffic, air quality, and public services are addressed in the EIR.

Response MA-8

The commentor expresses an opinion regarding the Project's role in what she perceives as the degradation of property values and the City's image as a whole. The commentor also asserts that the Project, along with other similar vicinity projects, is a direct contrast of the vision of the General Plan. The project's impacts on aesthetics and consistency with the City's General Plan are addressed in the EIR. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-9

As required under SB 610/221, a Water Supply Assessment (WSA) has been prepared by the serving water purveyor, Eastern Municipal Water District (EMWD). The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, EMWD has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. The commentor is referred to Section 4.5, "Water Supply" and Appendix E of the Draft EIR.

Response MA-10

The commentor references a Los Angeles County presentation regarding diesel truck management strategies. Specifically, the commentor excerpts a portion of the presentation regarding diesel truck trips through residential neighborhoods.

It should be noted that Project traffic will not pass through residential neighborhoods. The Project's proximity to State Route 60 minimizes the amount of truck trips occurring on residential streets. Trucks will exit Redlands Boulevard (passing properties designated for commercial and warehouse distribution uses), then turn right on Fir Avenue (future Eucalyptus) to access the site. Properties located south of Fir Avenue (future Eucalyptus) are designated for residential uses; however, trucks will not require

the use of internal neighborhood streets. Ultimate configuration of Redlands Boulevard under its current General Plan designation is a four-lane, divided arterial roadway. Fir Avenue (future Eucalyptus) is designated as an arterial roadway with a 104-foot right-of-way from west of Moreno Beach Drive to east of Redlands Boulevard. Please refer also to DEIR Section 4.3, Air Quality; and DEIR Section 4.4, Noise.

The basis for the statement "1 truck = 10,000 cars" noted in the presentation is unclear. As presented in Section 4.2, "Traffic and Circulation" of the Draft EIR, "passenger car equivalent" (PCE) factors were utilized in the analysis. Specifically, Page 4.2-19 of the Draft EIR states:

> "As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour."

The PCE factors employed within the Draft EIR were derived from San Bernardino Associated Governments (SANBAG). SANBAG is the metropolitan planning organization for the County, with policy makers consisting of mayors, councilmembers, and county supervisors, and the funding agency for the county's transit systems.

Response MA-11

The commentor excerpts an article regarding the health dangers of diesel truck traffic. Similarly, Section 4.3, "Air Quality" of the Draft EIR presents background information, including the dangers of criteria pollutants. Additionally, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). Results of the Health Risk Assessment (HRA) are summarized at Draft EIR Pages 4.3-80 through 4.3-86, and the HRA is presented in its entirety at Appendix C to the Draft EIR.

Mitigation was developed to address DPM generation (Mitigation Measure 4.3.10). The Draft EIR concluded that, with mitigation, no sensitive receptors or off-site workers will be exposed to DPM-source cancer risks exceeding the SCAQMD's significance criteria. Additionally, the commentor expresses an opinion that the dangers are "unnecessary and unacceptable" and requests that the Project be denied. These opinions will be forwarded to the decision-makers for their consideration.

From: Lynne Ashley [lynneashley70@yahoo.com]
Sent: Sunday, December 05, 2010 8:52 AM

Dear Jeffrey,

I live on the North side of the freeway, Ironwood and Moreno Beach, I am very concerned about the health risks for myself and my family with the possibility of more warehouses coming to the East end of Moreno Valley, please see my concerns below.

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? LA-1

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? LA-2

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? LA-3

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? LA-4

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? LA-5

How will this project be growth inducing for similar projects? LA-6

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, Westridge Commerce Center and Pro Logis are in full operation? LA-7

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? LA-8

Sincerely,

Lynne Ashley
12285 Deep Valley Trail
Moreno Valley, CA 92555

LYNNE ASHLEY

Email Dated December 5, 2010

Response LA-1

The commentor expresses concerns about the effect of diesel truck emissions on the future sensitive receptors located on the south side of Fir Avenue. A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for

the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [3]

Response LA-2

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, as summarized at DEIR Pages 1-18 and 1-19, the Project will result in certain significant and unavoidable air quality and noise impacts.

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3 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Response LA-3

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> If a facility must also comply with RCRA/CERCLA HRA requirements, health effects to on-site workers may also need to be addressed. The DTSC's Remedial Project Manager should be consulted on this issue. In some cases it may be appropriate to evaluate risks to on-site receptors. The district should be consulted about special cases for which evaluation of on-site receptors is appropriate, such as facilities frequented by the public or where people may reside (e.g., military facilities).
>
> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response LA-4

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

Response LA-5

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating

system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response LA-6

The commentor expresses concern regarding the growth-inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To

this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth, and would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response LA-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10).

This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***
>
> - Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;
>
> - Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

It is further noted that with specific regard to Redlands Boulevard, this road is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response LA-8

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

RECEIVED
DEC - 2 2010
CITY OF MORENO VALLEY

CITY OF MORENO VALLEY
ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD
COMMENTS OF BOARD MEMBER GERALD M. BUDLONG
24821 Metric Drive
Moreno Valley, CA 92557
December 2, 2010

SUBJECT: WESTRIDGE COMMERCE CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
STATE CLEARINGHOUSE NUMBER 2009101008

COMMENT GLOBAL TO ALL APPLICABLE DEIR FIGURES: Why are the applicable figures throughout the DEIR not drawn to scale? How can the reader duplicate the science when for instance the maps and plans are not drawn to scale? GB-1

1.0 SUMMARY page 1-8 Geology and Soils. The DEIR addresses the Checklist Category "Geology and Soils" in a Geotechnical Investigation prepared for the Project site and is designated Appendices H. Geotechnical Investigation in the EIR. Therefore comments on the CEQA Geology and Soils Category will be addressed below in the Appendices H.

APPENDICES H. GEOTECHNICAL INVESTIGATION, Project No. 06G258-1, Proposed West Ridge Business Center, January 10, 2007, Southern California Geotechnical, Inc.

2.0 SCOPE OF SERVICES, page 3.

"The scope of services performed for this project was in accordance with our Proposal No. 06P420, dated November 20, 2006. The scope of services included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundation, building floor slabs, and parking lot pavements along with site preparation recommendations and construction considerations for the proposed development. The evaluation of the environmental aspect of this site was beyond the scope of services for this geotechnical investigation." GB-2

COMMENT: The subject geotechnical investigation appears to consist of a foundation analysis for future foundations for buildings and parking lot pavements. The scope does not evaluate the environmental aspect of this site. Please define what environmental aspects of the site are missing from this report? Is one of the missing environmental aspects a detailed seismic study of this site which defines buried fault(s) and their potential of rupturing the ground surface above them?

3.3 Previous Studies, page 5.

"As part of our investigation of the site, we were provided with one geotechnical report prepared by LGC Inland, Inc. pertaining to the north east portion of the site. The report is summarized below:"

COMMENT: I cannot find a copy of the LGC Inland, geotechnical report in the DEIR , Appendices or anywhere else in the DEIR? Should not the DEIR Appendices contain a complete copy of this study rather than just a one-paragraph summary?

GB-3

6.1 Seismic Design Parameters, page 9

"Faulting and Seismicity
Research of available maps indicates that the subject site is not located with an Alquist-Priolo Earthquake fault zone. Therefore, the possibility of significant fault rupture on the site is not located with an Alquist-Priolo Earthquake Fault Zone. Therefore, the possibility of significant fault rupture of the site is considered to be low."

COMMENT: I cannot find a list of references with subject Appendix H. What are your references used to research the faulting and seismicity conclusions in this study?

GB-4

UBCSEIS
Version 1.03
COMPUTATION OF 1997 UNIFORM BUILDING CODE SEISMIC DESIGN PARAMETERS, JOB NUMBER: 06G258-1, JOB NAME: West Ridge Business Center, DATE: 12-30-2006, FAULT-DATA-FILE NAME: CDMGUBRC. DAT lists the nearest type A fault as the San Andreas fault 19.8 km away and the nearest type B fault as the San Jacinto-San Jacinto Valley fault 1.0 km away. This table lists faults up to 1000 km away from the site.

COMMENT: Why is the Casa Loma fault missing from this table? Within the city jurisdiction of San Jacinto, the Casa Loma fault is very prominent with a displacement approximately of 20 vertical feet and designated as an Alquist-Priolo Earthquake Fault Zone and proceeds northwest to the vicinity of the San Jacinto Wildlife Area where the State Earthquake Zone terminates.

GB-5

The following study provides geologic evidence of the continuance of the Casa Loma fault located northwest of the State Earthquake Zone. R M Environmental, Inc. prepared a Preliminary Geotechnical Investigation on January 19, 2004, under Project No03-406 for a proposed 347 lot single-family-residential development, 120 +- acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015), near the intersection of Pettit Street and Highway 50 in the City of Moreno Valley. This site abuts the West

Ridge Business Center site on the east side of the single-family residential development site. GB-5, cont'd

Page 1 of this Geotechnical Investigation presents a scope of work presented in the form of six (6) bullets. The second bullet states"Geologic Mapping of the site by our geologist".

COMMENT: Why does the scope of the West Ridge Business Center geotechnical investigation omit the geologic mapping of the site by a geologist? GB-6

Page 4 of the R M geotechnical study states "the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located with an Alquist Priolo Earthquake Studies Zone for fault rupture hazard."

"Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto faults, the Casa Loma fault may be considered as active."

"The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present."

Page 6, 5.2 Ground Rupture states: "A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present." GB-7

"The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1."

The inferred trace of the Casa Loma fault as delineated by the geologist of RM Geotechnical enters the vicinity of the northwest corner of the West Ridge Center property and extends southeast across the property, leaving the property midway at the southern boundary of the site. The recommended hazard zone delineated by the RM Geotechnical geologist covers approximately two-thirds of the proposed footprint of the proposed 937,260 square foot building of West Ridge Center.

For more than 20 years I have been an appointed member of the City Ecological Protection Advisory Committee (name changed to Environmental and Historical Preservation Board) except for the 2.5 years where I served as a member of the City Planning Commission. During my tenure I have always expressed the need for detailed

geologic fault investigations to be conducted to delineate the trace of the Casa Loma fault and to evaluate if faulting has occurred on the site and the activity of faulting.
Also since the availability of the U.S. Geological Survey (USGS) Earthquake Hazards Program, I have monitored the recorded earthquake events in Moreno Valley. This USGS program records all earthquakes occurring in the United States for the past 7-days, having a magnitude of 1. I have shared to the Environmental and Historical Preservation Board, Planning Commission and the School Board of the regular USGS records of mini earthquakes along the trace of the Casa Loma fault within the city.

The most recent seismic event occurring along the Casa Loma fault recorded by the USGS was Event No. CI 14870228. This event occurred at 1:49:08 P.M., on October 28, 2010. The USGS recorded the magnitude at 1.1, at a depth of 9 miles, with the epicenter located southwest of Ironwood and Nason.

GB-7, cont'd

COMMENT: Why doesn't the City of Moreno Valley require a geologic fault investigation and evaluate if faulting has occurred on the site and the activity of the faulting and present the evidence in the DEIR?

COMMENT: Why didn't Applied Planning Inc., review the City's copy of the R M Environmental Geotechnical Report and utilize the geological, faulting, and mapping data in the West Ridge Commerce Center DEIR?

GB-8

COMMENT: In the past I was an Associate Instructor at San Jacinto Community College, where I conducted Physical Geography 101 classes at night and summer sessions. My final exams always had this question. "Why do you never ever build a building for human occupancy across an active fault?" Would you please answer this question, because the proposed building footprint will over lay the Casa Loma fault defined by R M Environmental Inc., a potentially active fault?

An appendix containing pages of the R M Environmental Inc. geotechnical report including the eastern part of plate 1 is included with these comments on the DEIR.

GB-9

4.9 AESTHETICS

4.9.2 SETTING, page 4.9-3 Last paragraph concerns "Major Scenic Resources" addresses the badlands to the east and the Mount Russell and foothill areas to the east.

COMMENT: Why is the San Jacinto Valley containing the agricultural lands, riversidean sage habitat, and the wetlands of the State San Jacinto Wildlife Area, including Mystic Lake not included as a major scenic resource?

GB-10

COMMENT: Figure 4.9-1 Major Scenic Resources delineates the San Jacinto Valley with the visual scenic resource symbol, why the inconsistency mentioned in proceeding comment. Also the San Jacinto Wildlife Area is mislabeled as Preserve rather than Area. GB-11

COMMENT: page 4.9-19 Level of Significance: Significant and Unavoidable. The California Department of Transportation's (CALTRANS) list of Officially Designated Scenic Highways is a legislative mandate upon this state agency. The state legislature also mandates cities and counties to address scenic roads and highways in their general plans. CALTRANS recognizes the importance of local scenic roads and highways. For instance, CALTRANS objected to the installation of a billboard adjacent to the right of way of U. S. Route 395(Highway 395) in the unincorporated town of Big Pine in Inyo County. Highway 395 at this location is outside of the CALTRANS Officially Designated Scenic Highway System, however the highway is a county scenic highway. CALTRANS at Inyo County Superior Court stated that the Scenic Highway Element of the Inyo County General Plan designated U.S. Route 395 as a county scenic highway as evidence for removing the billboard. The court in its decision ordered the defendant to remove the billboard in favor of CALTRANS. GB-12

What are your sources or evidence concerning the scenic values of CALTRANS Officially Designated Scenic Highways having scenic values rated higher than local scenic highways? For instance county scenic Highway 395 at Big Pine is located in the Owens Valley with the White Mountains to the east and the Sierra Nevada, including the Palisade Glacier to the west. The nickname of Owens Valley is the "Deepest Valley" the valley at 4000 feet and the surrounding mountains at 14,000 feet.

COMMENT: page 4.9-19 Why isn't the blocking of the view scape from SR-60 of the visual scenic resources consisting of the San Jacinto Valley a significant impact? Have you ever viewed the reflections of the wetlands of the San Jacinto Wildlife Area? GB-13

APPENDIX

R M Environmental, Inc., Preliminary Investigation dated January 19, 2004

COVER PAGE; Page 1- INTRODUCTION, including project scope;
Page 4 -4.0 Geology and 4.1 Regional Geologic Setting;
Page 6- 5.0 Seismicity, 5.2 Ground Rupture;
Figure 1- Location Map;
Plate 1 Site Plan with geological mapping containing projected Casa Loma fault and its recommended hazard zone. Contains only the mapped area east of the logical extension of Quincy Street, contained in three pages:
- Page 1: SR- 60 south;
- Page 2: Logical extension of Eucalyptus Avenue;
- Page 3: Title Block

GB-14

R M Environmental, Inc.

Geology - Environmental - Geotechnical Engineering

January 19, 2004
Project No. 03-406

Mr. Jeff Palmer
5511 Calumet Ave.,
La Jolla, CA., 92037

SUBJECT: PRELIMINARY GEOTECHNICAL INVESTIGATION
Proposed 347 Lot Single-Family Residential Development
120± Acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015)
Near the Intersection of Petit Street and Highway 60
City of Moreno Valley, California

Dear Mr. Palmer:

In accordance with your request, we have completed a Preliminary Geotechnical Investigation for the proposed development of the site. This report presents our findings regarding the site geotechnical conditions and recommendations for the anticipated earthwork and geotechnical design of the project.

For this investigation, we were provided with a 100-scale Site Plan/topographic map of the site titled "Eucalyptus Site, Moreno Valley, CA." This map was utilized as the base map for our Geotechnical Investigation of the site and is presented as **Plate 1**.

Provided the recommendations presented in this report are implemented during site development, the proposed project is feasible from a geotechnical standpoint.

This opportunity to be of service is sincerely appreciated. If you have any questions, please call us at (909) 446-0041.

Sincerely,

Robert C. Manning, CEG #1768/RCE #58565
President

Travis Meier
Staff Geologist

Post Office Box 878 • Calimesa, California 92320 • Telephone (909) 446-0041 • Fax (909) 446-0136

1.0 INTRODUCTION

This report presents the findings of our Preliminary Geotechnical Investigation for the proposed development of 347 single-family residential lots located southeast of the intersection of Pettit Street and Highway 60, City of Moreno Valley, California.

The site is identified as Assessor Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015). The site consists of approximately 120± acres of land located on the south side of Highway 60, southeast of the intersection of Pettit Street and Highway 60, Moreno Valley, California. The geographic setting of the site is shown on **Figure 1** - Site Location Map.

This report presents our findings regarding the site geotechnical conditions and general recommendations for the anticipated earthwork and geotechnical design of the project.

E M Environmental's scope of work for this investigation included the following:

- Review of selected background information, aerial photographs, and site reconnaissance;
- Geologic Mapping of the site by our geologist;
- Subsurface exploration by means of nine exploratory borings;
- Laboratory testing of selected soil samples obtained to evaluate geotechnical properties;
- Analysis of site conditions and test results; and
- Preparation of this report presenting our findings, conclusions, and recommendations.

1.1 Proposed Development

The proposed development of the site includes 347 single-family residential lots with associated streets and infrastructure.

It is our understanding, the proposed structures will be one to two story, wood framed, single family homes. Foundation designs are anticipated to consist of continuous and isolated shallow footing foundation systems, or utilization of post-tension type foundations. Maximum foundation loads using a continuous and isolated shallow footing foundation design are not anticipated to exceed 4 kips and 2 kips per foot for isolated and continuous footings, respectively.

4.0 GEOLOGY

4.1 Regional Geologic Setting

The site is located in the east portion of the Moreno Valley, which is part of the Perris Block area of the Peninsular Ranges Geomorphic Province of southern California. The regional geology of the site includes the San Timoteo Badlands to the northeast, Mt. Moleno to the south and southwest, and the San Jacinto Valley to the east.

Lateral displacement and uplift of the region have occurred on a series of major, northwest-trending faults which are thought to be related to the regional tectonic framework. These faults include the San Jacinto Fault zone located approximately 1 mile to the northeast, the San Andreas Fault zone located approximately 11 miles to the northeast, and the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located within an Alquist Priolo Earthquake Studies Zone for fault rupture hazard.

Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto fault zone located to the southeast. Based on prior investigation of the Reche Canyon and Hemet-San Jacinto faults, the Casa Loma fault may be considered as active.

The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

4.2 Local Geology

Locally, the site is underlain by at least 50 feet of recent alluvial deposits consisting of slightly moist to very moist, loose to medium dense, soft to very stiff, slightly clayey silts, sandy silts, clayey silts, silts, and fine to medium sands.

The in-situ dry density of the encountered soils varied from approximately 93 pounds per cubic foot (pcf) to 120 pcf. The measured in-situ moisture contents varied from approximately 1.7 to 18.3 percent.

The exploratory boring logs are presented in **Appendix B**. The exploratory boring locations are shown on **Plate 1**. The laboratory test results of the in-situ soils are presented in **Appendix C**.

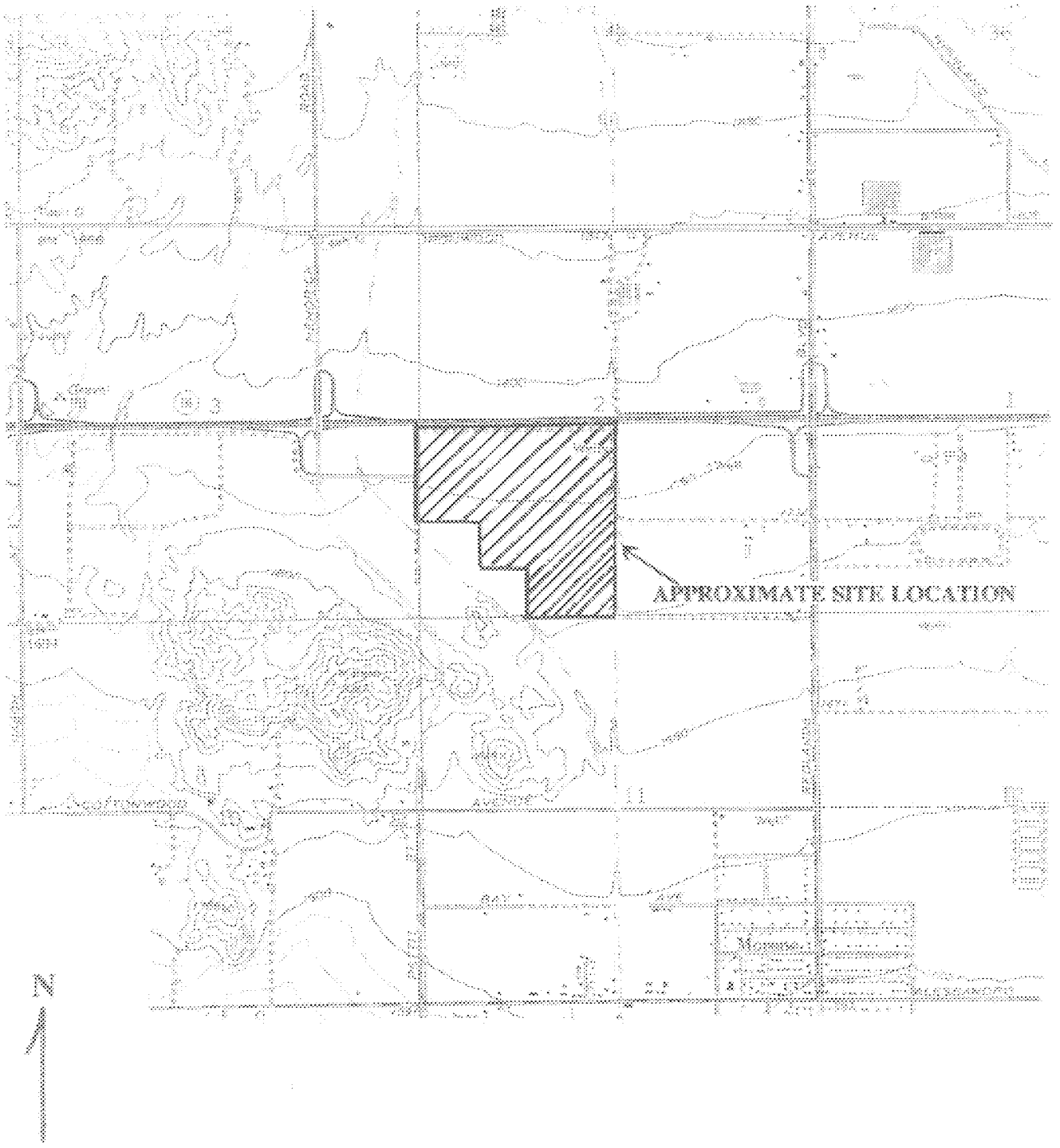

Scale: 1" = 2,000'

References: U.S.G.S., 1967, PR 1980, Sunnymead, California Quadrangle, 7.5 Minute Series

LOCATION MAP - 130± Acres, Near the Intersectin of Pettit Street and Highway 60, City of Moreno Valley, California

Project No. 03-406-geo	*DATE: January 2004*	*FIGURE 1*

5.0 SEISMICITY

5.1 Regional Seismicity

The site is located in a region of generally high seismicity which includes essentially all of southern California. During the design life-span of the project, the site is expected to experience ground motions from earthquakes on regional and/or local causative faults.

The site is located within Seismic Zone 4, which can be related to an "effective" peak acceleration of 0.40g, or a peak acceleration of 0.60g.

5.2 Ground Rupture

A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**.

5.3 Liquefaction

Soil liquefaction is the loss of soil strength due to increased pore water pressures caused by a significant ground shaking. Liquefaction typically consists of the re-arrangement of the soil particles into a denser condition resulting, in this case, in localized areas of settlement, sand boils, and flow failures. Areas underlain by loose to medium dense soils where groundwater is within 40 to 50 feet of the surface are particularly susceptible when subject to ground accelerations such as those due to earthquake motion. Groundwater at the site is greater than 50 feet is depth; therefore, the potential of liquefaction affecting site development may be considered as low.

5.4 Geologic Lineament Analysis

For this investigation, a geologic lineament analysis was performed. This analysis included review of the referenced aerial photographs pertinent to the site. Based on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed.

The site and surrounding areas have been farmed for over 50 years. Aerial photographs were not available prior to the observed farming activities. Therefore, the use of aerial photographs to evaluate geologic lineaments in the vicinity of the site was limited.

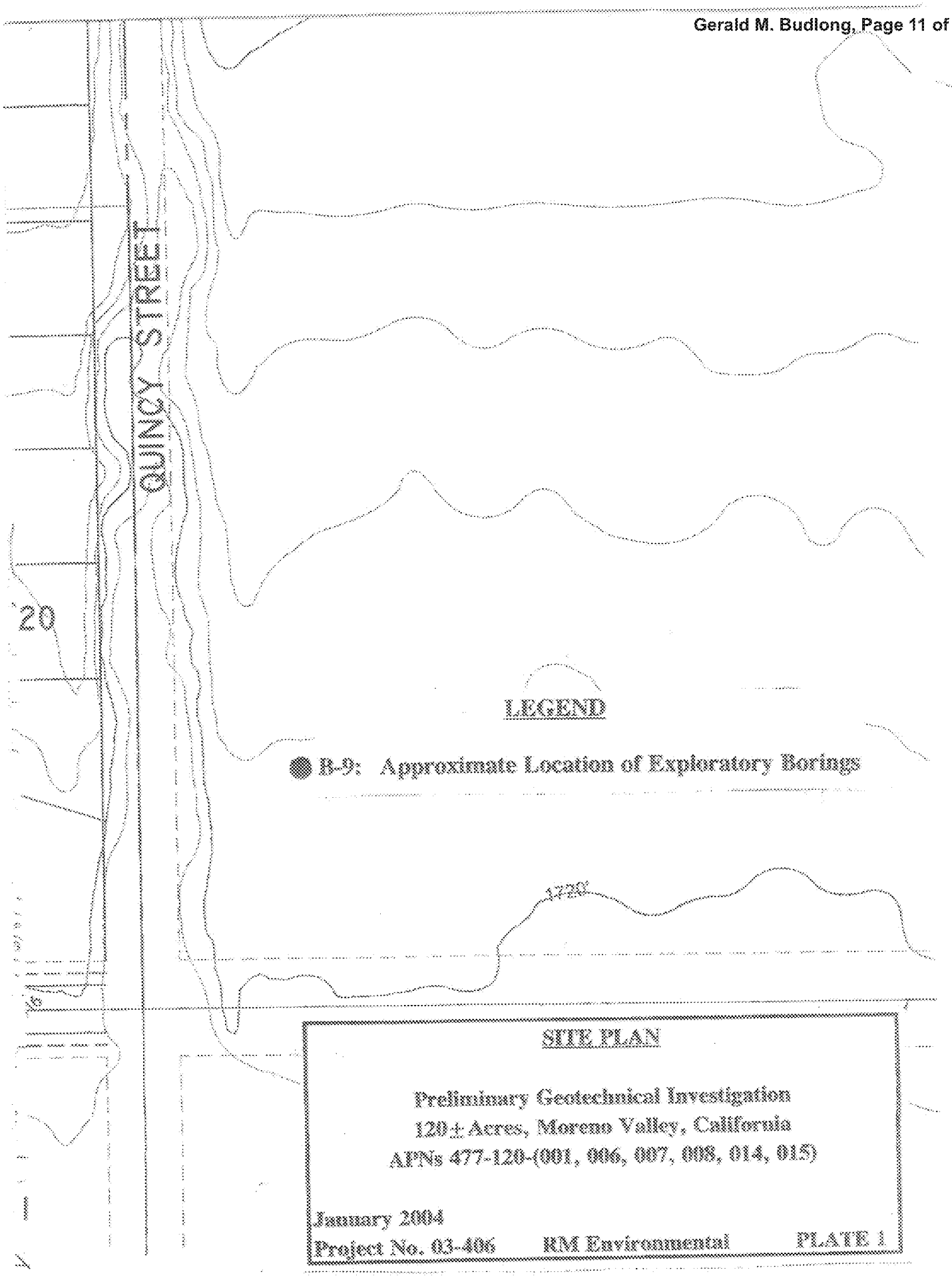

SITE PLAN

Preliminary Geotechnical Investigation
120± Acres, Moreno Valley, California
APNs 477-120-(001, 006, 007, 008, 014, 015)

January 2004
Project No. 03-406 RM Environmental PLATE 1

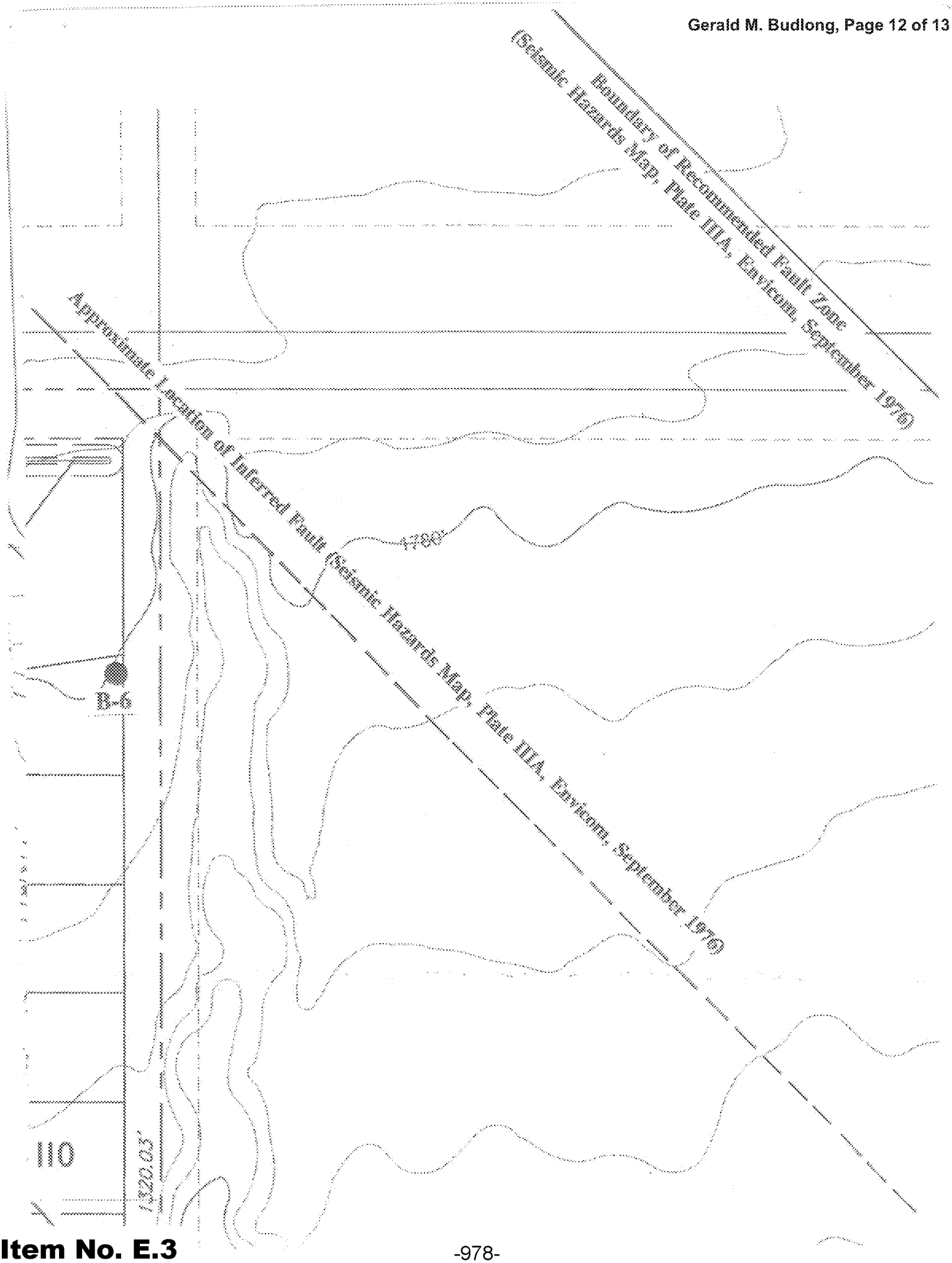
Boundary of Recommended Fault Zone
(Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
Approximate Location of Inferred Fault (Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
1780'
B-6
110
1320.03'

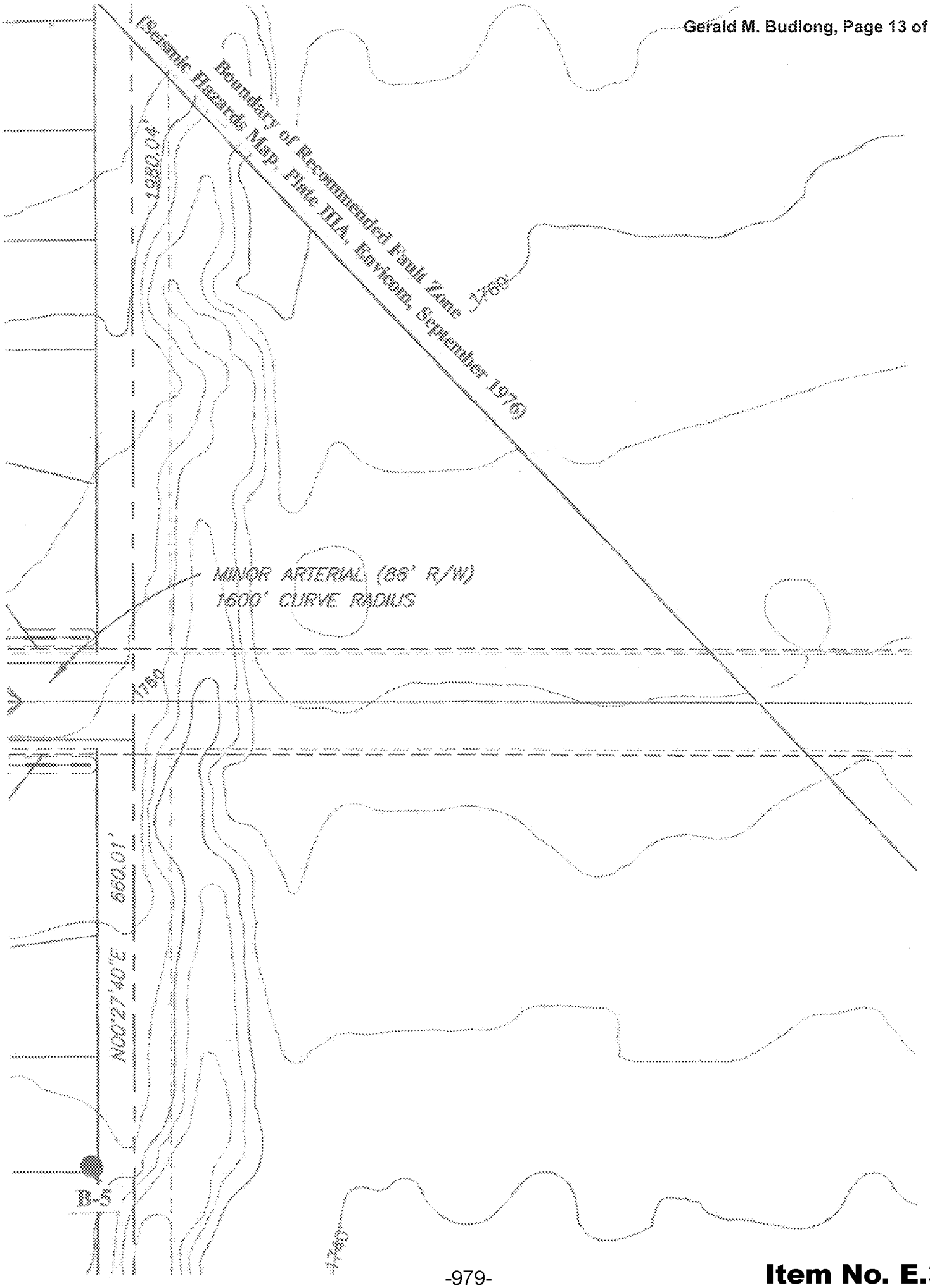
Boundary of Recommended Fault Zone
Seismic Hazards Map, Plate IIIA, Earthquake, September 1976
1920.04'
1769'
MINOR ARTERIAL (88' R/W)
1600' CURVE RADIUS
1760
660.01'
N00°27'40"E
1740

Item No. E.3

GERALD M. BUDLONG
CITY OF MORENO VALLEY ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD MEMBER

Letter dated December 2, 2010

Response GB-1

The process of reproducing maps and plans at the size required for inclusion in the Draft EIR generally involves a substantial reduction from larger source documents. Where feasible, distances are indicated within the Draft EIR's illustrations; however, for accurately scaled plans, the reader is referred either to the document's Technical Appendices, or to full-sized copies of plans and maps available at the City of Moreno Valley Planning Department.

Response GB-2

The commentor correctly describes the Project Geotechnical Investigation (prepared by Southern California Geotechnical in January 2007, and included in its entirety as Draft EIR Appendix H), and its scope of services, which included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide recommendations in regard to building design criteria, site preparation, and construction. The Project Geotechnical Investigation was not intended to provide an environmental evaluation of the Project site; rather, the Phase I Environmental Site Assessment (Project ESA), included in Draft EIR Appendix I, addresses other environmental conditions affecting the Project site.

Both the Project ESA and the Geotechnical Investigation reference a fault study for a portion of the Project site that was prepared prior to the proposed Project application. The *Preliminary Geotechnical Investigation and Fault Study for the Proposed 31-1/2-Acre Residential Development, South of SR-60 and West of Redlands Boulevard, Assessor's Parcel Numbers 477-120-004 and 477-120-005, Moreno Valley, California (Project No. I05876-10)* was prepared by LGC Inland, Inc. (LGC) on September 12, 2005. The LGC Fault Study

states that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." A detailed fault study was not prepared, because it was determined unnecessary based upon Southern California Geotechnical's review of the LGC Fault Study along with other mapping of the Project site (detailed in the following Response GB-4), and their on-site reconnaissance, which found no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas).

Response GB-3

The LGC report is available through the Lead Agency (a copy is available at the Planning Department), and was considered incorporated by reference into the Project Geotechnical Investigation. As discussed in the preceding Response GB-2, because no evidence of faulting or other geologic hazard was identified in this report, it was not determined necessary for inclusion.

Response GB-4

In addition to the LGC report referenced in the preceding Responses GB-2 and GB-3, several geologic maps were used as points of reference in the preparation of the Project Geotechnical Investigation. These include the following:

- Geologic Map of the Sunnymead 7.5' Quadrangle, Riverside County, California, by Douglas M. Morton and Jonathan C. Matti, 2001;
- Geologic Map of the Sunnymead/South ½ of Redlands Quadrangles, San Bernardino and Riverside County, California, by Thomas W. Dibblee, Jr., 2003;
- Alquist-Priolo Earthquake Fault Zones Map of the Sunnymead Quadrangle; and
- Riverside County Land Information System – Fault Zone Map.

Copies of these maps are included on the following pages for ease of reference, and have also been incorporated in Final EIR Section 2.0, Revisions and Errata.

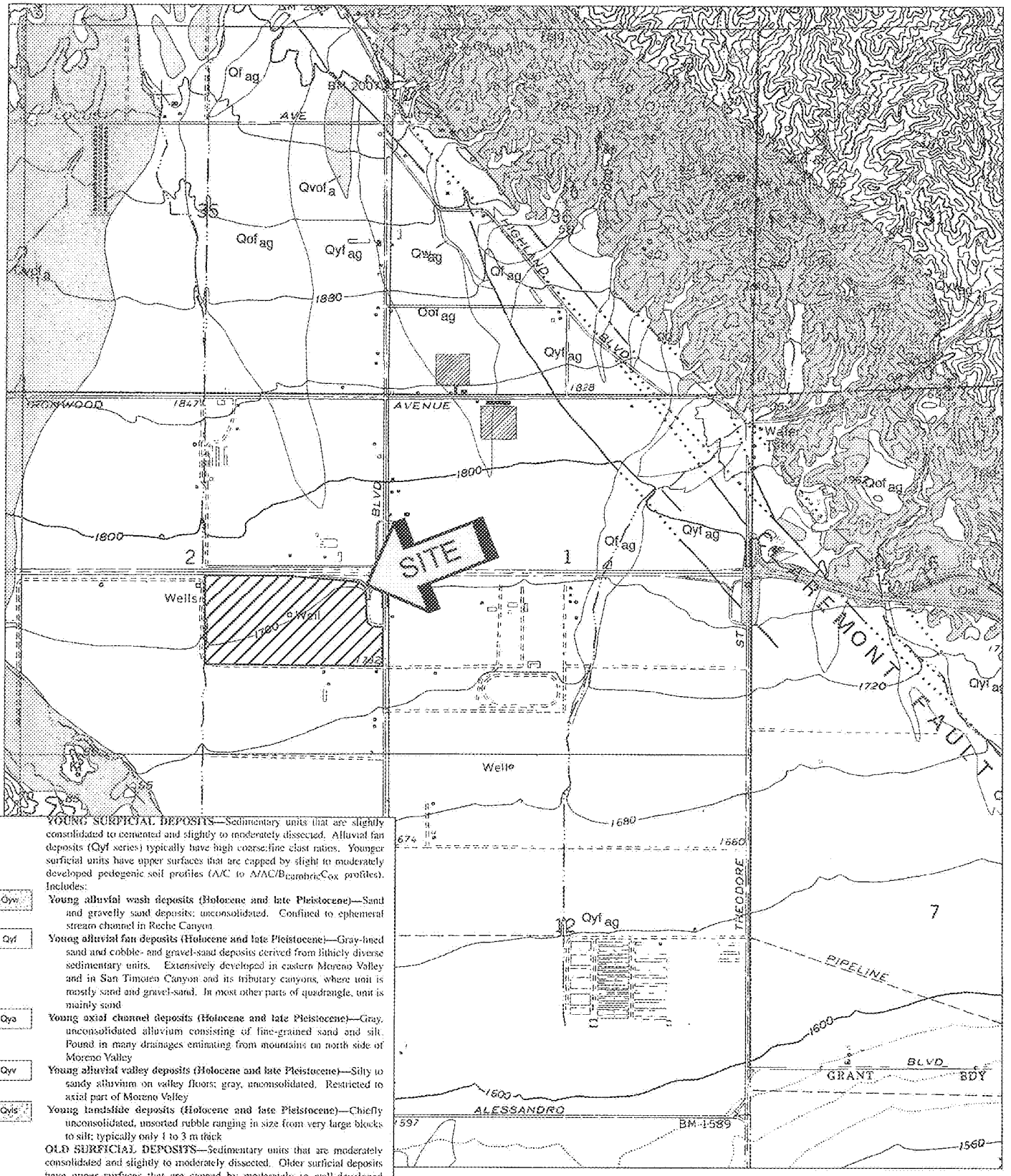

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00002361

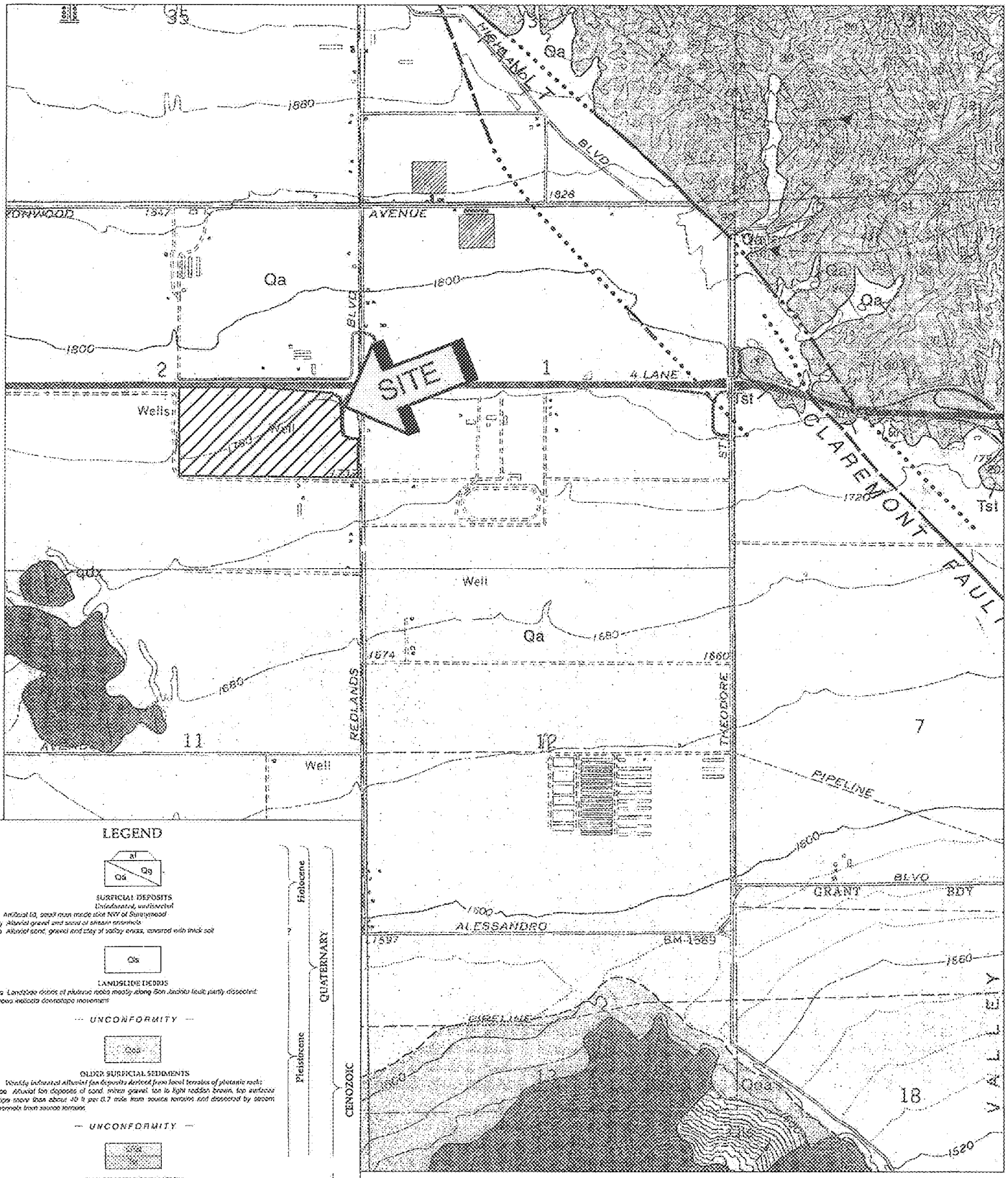

LEGEND

SURFICIAL DEPOSITS
Unlaminated, undissected

af Artificial fill, small mass made due NW of Sunnymead

Qg Alluvial gravel and sand of stream channels

Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:

Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, fan surfaces slope more than about 40 ft per 0.7 mile from source terrains and dissected by stream channels from source terrains

— UNCONFORMITY —

SAN TIMOTEO FORMATION

(San Timoteo Sets of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); whole part referred to be of Pliocene age (Morton and Matti, 2001)

QTsa Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone; unconformably (?) overlain by Qoa in this quadrangle

Tsi Main part (pebble part of Morton and Matti, 2001), lithologically similar to upper part; within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Qa, Qg, af	Holocene	QUATERNARY
Qoa, Qds	Pleistocene	QUATERNARY
QTsa	Pliocene	TERTIARY
		CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'

DRAWN: DRK
CHKD: JAS

SCG PROJECT
06G285-2

PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00002362

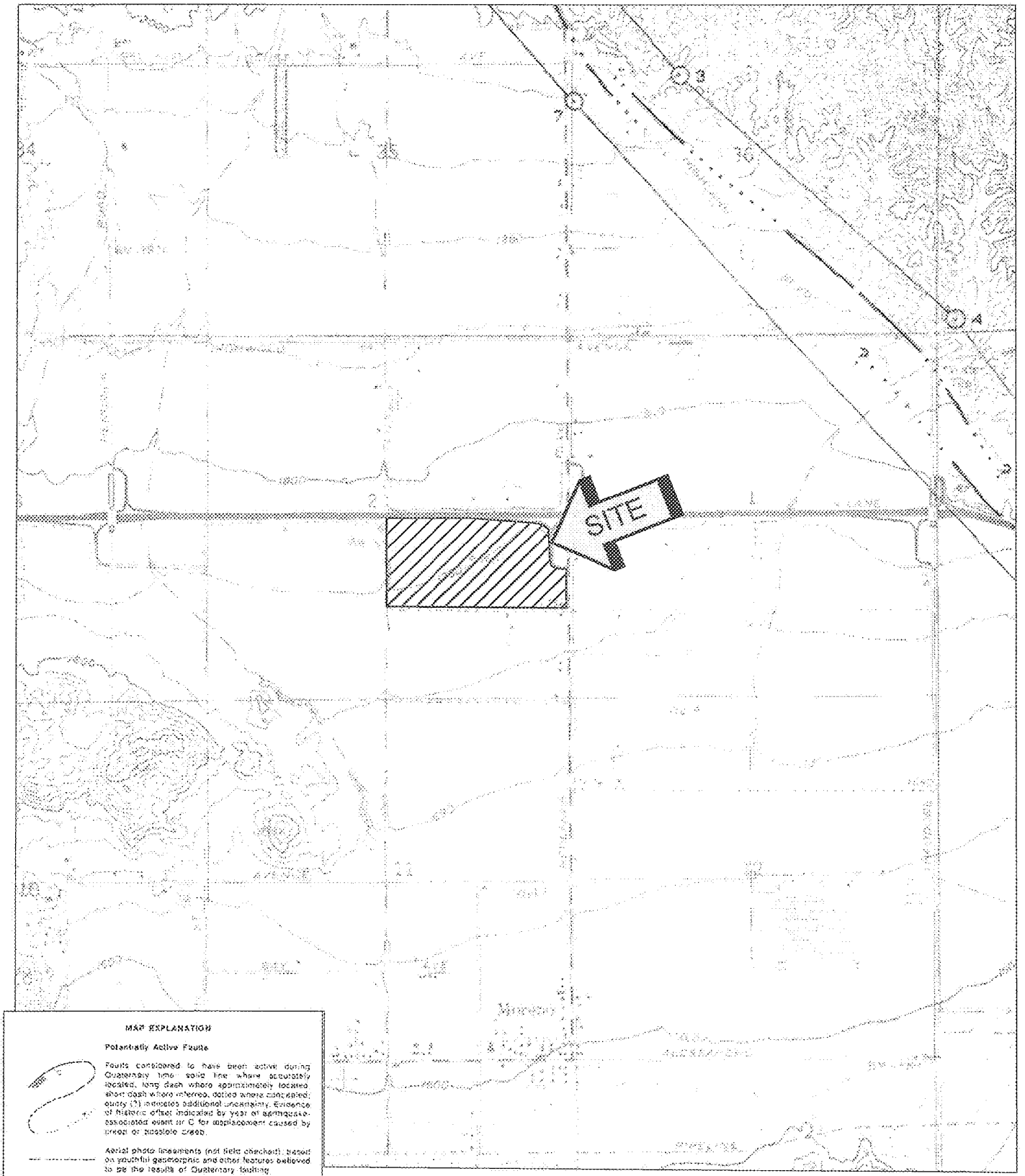

MAP EXPLANATION

Potentially Active Faults

Faults considered to have been active during Quaternary time: solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

Aerial photo lineaments (not field checked), based on youthful geomorphic and other features believed to be the results of Quaternary faulting.

Special Studies Zone Boundaries

These are delineated as straight-line segments that connect consecutively numbered turning points so as to define one or more special studies zone segments.

Seaward projection of zone boundary

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00002363

FAULT ZONES
03/16/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00002364

Response GB-5

As noted on Page 9 of the Project Geotechnical Investigation (Draft EIR Appendix H), "The 1997 UBC/2001 CBC Design Parameters have been generat[ed] using UBCSEIS, a computer program published by Thomas F. Blake (January 1998)." It is assumed that the fault parameters were not available for the Casa Loma fault at the time the UBCSEIS program was published.

It may be noted that the building code has changed since the Project Geotechnical Investigation was issued. New development must now be designed in accordance with the requirements of the incumbent edition of the California Building Code (CBC). The CBC provides procedures for earthquake resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. The seismic design parameters are based on the soil profile and the proximity of known faults with respect to the subject site. The 2007 CBC Seismic Design Parameters are now generated using *Earthquake Ground Motion Parameters*, a software application developed by the United States Geological Survey (USGS). This software application, available at the USGS website, calculates seismic design parameters in accordance with the 2007 CBC, utilizing a database of deterministic site accelerations at 0.01 degree intervals. Since the UBCSEIS is no longer used to calculate the seismic design parameters for the proposed development, it is not considered relevant that the Casa Loma fault is not listed in the UBCSEIS database.

Please refer to the following Response GB-7 in regard to the referenced Preliminary Geotechnical Investigation for the property westerly adjacent to the Project site, prepared by RM Engineering.

Response GB-6

Please refer to the geologic maps referenced as part of the preceding Response GB-4.

Response GB-7

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering (RME) is acknowledged. The site addressed by this report is located westerly adjacent to the Project site. Although RME recommended that a fault investigation be conducted prior to development within the portion of the site within the zone designated by the Riverside County Seismic Safety Element (Envicom, 1976), RME provided no data or evidence that an active fault was located on the site or adjacent sites. In fact, RME performed a geologic lineament analysis and concluded (on Page 6 of the referenced report) that, "[b]ased on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed." The recommendation by RME to perform a fault study was solely based on the Envicom report.

As referenced in the Project Geotechnical Investigation, Southern California Geotechnical reviewed the LGC report referenced in the preceding Response GB-2. LGC performed a fault study in the southeast portion of the Project site. The fault trench was approximately 400 feet in length and trended S48W (perpendicular to the projection of the nearest faults). The trench was excavated to a maximum depth of approximately 14 feet. LGC stated that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." It should also be noted that no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas) were observed on the subject site at the time of the original geotechnical investigation. In addition, the two geological maps presented as part of the preceding Response GB-4 (Plates 1 and 2) indicate that the closest fault to the subject site is the Claremont Fault Section of the San Jacinto Fault Zone, located 3,700 feet northeast of the site. The mapped active portion of the Casa Loma fault is located approximately 4.5 miles southeast of the Project site.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone (Plate 3), nor is it located within a Riverside County designated fault zone (Plate 4). Based on

information from the previous LGC report and published geologic maps, it is not considered likely that the Casa Loma fault, located more than four miles southeast of the Project site, would cause on-site surface rupture.

Response GB-8

Applied Planning utilized the Project-specific Geotechnical Investigation provided in the Draft EIR, and its assessment of on-site conditions.

Response GB-9

As detailed in the preceding Response GB-7, despite the commentor's assertions to the contrary, as documented in the Project-specific Geotechnical Investigation, there is no indication that the Project building footprint will overlay any active fault, nor is there evidence of potential fault rupture.

Response GB-10

The Draft EIR's description of major scenic resources is focused primarily on those views that would be potentially affected by the Project. It may be noted that, on Draft EIR Page 4.9-3, the reader is referred to Draft EIR Figure 4.9-1, which is based on an exhibit from the Moreno Valley General Plan. This figure does indicate views of the San Jacinto Wildlife Preserve among the City's major scenic resources. As can also be seen from this figure, the San Jacinto Wildlife Area is located approximately 3.5 miles to the southeast of the Project site. Although not identified in the illustration, the California Department of Fish and Game (http://www.dfg.ca.gov/lands/wa/region6/sanjacinto/maps.html) identifies Mystic Lake as being located adjacent to the eastern boundary of the San Jacinto Wildlife Area.

Response GB-11

As noted on Draft EIR Page 4.9-3, Figure 4.9-1 is the Draft EIR is a reproduction of Moreno Valley General Plan Figure 5.11-1, and as such, reflects the labeling used in the General Plan.

Response GB-12

The Draft EIR acknowledges, on Page 4.9-10, that the Project site lies within an established view corridor adjacent to the SR-60, and that SR-60 has been locally designated in the Moreno Valley General Plan as a scenic route. Primarily on this basis, the Project was found to have a substantial adverse effect on a scenic vista, which is considered a significant and unavoidable impact. The CEQA thresholds differentiate effects on a "scenic vista" from potential impacts to "scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway." Although SR-60 has not been designated as a "State scenic highway," its local importance has been acknowledged in the Draft EIR.

Response GB-13

The Draft EIR acknowledges that the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact.

Response GB-14

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering is acknowledged.

From: Rachel Lopez [rachel.lopez@ccaej.org]
Sent: Monday, December 06, 2010 2:19 PM
To: Jeffrey Bradshaw
Subject: Project Description 105-131
Environmental Impact Analysis 132-135

Land Use and Planning 136-169

Air Quality 261-372

Noise 373-401

This is in response to the Project # 105-131.

Mitigations for the cumulative exposure from projects that have already been approved and those that are in the process of being will have a significant effect on traffic and diesel exposure to residents within the impacted area and fall short of lowering the impacts to residents in close proximity of these projects. How can you mitigate this to include the other projects impacts. CCA-1

The Environmental Impact Analysis does not indicate or give a true picture of projected truck trips taking into account the other projects and the new Sketchers project. What types of mitigation are being initiated for these projects when they reach full capacity and are taken into account. The noise impacts to the surrounding community and its residents must also be mitigated especially with the additional projects that are in the planning process. What will those mitigations look like on a cumulative level. CCA-2

There must be in the mitigation of this project stipulations from the projected/future tenants that only 2010-compliant truck fleet cleanest trucks be allowed into the facility and create incentives or a schedule to phase in a clean truck fleet. The project should also consider other alternatives which might be to consider alternatives such as a portion of the fleet might be retrofitted or repowered and be phased in over a period of time which could reduce the air quality health risks and may be more economically feasible. CCA-3

Cumulatively Significant and Unavoidable for PM10, PM2.5, VOC and NOx exceedances; and long term VOC and *NO exceedances* this phrase is repeated several times in the Draft EIR we must not continue to approve projects in our communities that continue to impact our residents with health risks that can be avoidable with mitigation that should be implemented even before projects are proposed for review. The fact that we see unavoidable and significant in the EIRs is great concern that these projects will continue to be approved with overriding considerations or approved regardless of the impacts to existing or future residents. CCA-4

There are designated proposed residential projects being proposed along side these industrial facilities with no significant buffer areas dedicated. The SCAQMD and the Air Resources board indicate a buffer zone of not less than 1,000 ft. between a sensitive receptor and a diesel source. These issues must be addressed and mitigated with what ever means are available to the lowest levels possible with **sufficient buffer zones of not less than 1,000** to lessen those impacts. The DEIR have buffers of 250 or 300 how can the developer include/mitigate buffer zones of 1,000 ft. CCA-5

Rachel Lopez

Community Organizer

Center for Community Action and Environemtal Justice

Centro de Accin Comunitaria y Justicia Ambiental

Office - 951-360-8451 / Fax - 951-360-5950

rachel.l@ccaej.org

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
RACHEL LOPEZ

Email Dated December 6, 2010

Response CCA-1

The commentor expresses concern regarding the cumulative effects of the Project's contributions to impacts from traffic and diesel emissions when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 discrete related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis"). Additionally, the cumulative analysis reflects generalized disaggregated regional growth not otherwise attributable to specific development proposals.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response CCA-2

As noted in the preceding Response CCA-1, the Draft EIR did consider the effects of cumulative projects including potential cumulative truck trips, including the Highland Fairview ("Skechers") project.

With specific regard to truck traffic, estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor. Vehicular noise impacts from all Project and cumulative traffic are also addressed in the DEIR, and are determined to be less-than-significant. Please refer to DEIR at Pages 4.4-21 through 4.4-23; and 5-14 through 5-17.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour intersection passenger car equivalent (PCE) traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of

mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the

required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

Mitigation that addresses identified cumulative impacts was provided in the Draft EIR, and has been incorporated in the Project's Mitigation Monitoring Program, included in Final EIR Section 4.0. It is further noted that other development projects are required to address their own specific impacts, and projects subject to CEQA EIR mandates are also required to address cumulative impacts. In this regard, cumulative impacts are likely

overstated as these estimated impacts do not necessarily reflect or assume mitigation applied by other projects within the affected cumulative impact area.

Response CCA-3

The commentor expresses concern about emissions from diesel trucks associated with the Project. Mitigation Measure 4.3.13 has been revised to incorporate the following requirement.

> ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
>
> ***• Use of fleet vehicles conforming to 2010 air quality standards or better.***

These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

Response CCA-4

The commentor correctly reflects the Draft EIR's finding that the Project would have a cumulatively significant air quality impact in regard to the referenced criteria pollutant exceedances (temporary construction-related PM_{10}, $PM_{2.5}$, VOC and NOx exceedances; and long-term operational VOC and NOx exceedances). The commentor's opinions regarding the possible approval of the Project with overriding considerations will be forwarded to decision-makers for their consideration.

Response CCA-5

As acknowledged in the Draft EIR (Pages 4.1-7 through 4.1-9), currently undeveloped properties to the south of Fir (future Eucalyptus) Avenue, and to the west of the Quincy Channel are designated for residential uses. Despite the commentor's assertion to the

contrary, the City has no currently active proposals for residential development on any parcels adjacent to the Westridge Commerce Center Project site.

The 1,000 foot buffer zone referenced by the commentor has been offered by the California Air Resources Board as a planning guideline, to be implemented in cases where site-specific analysis has not been conducted.[4] In the case of the Westridge Commerce Center Project, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

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[4] Please refer to the CARB *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005, Page ES-2, at the following website: http://www.arb.ca.gov/ch/handbook.pdf.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24-hour exposure for a 30- or 70- year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

From: Paul Claxton [paul1960@verizon.net]
Sent: Sunday, December 05, 2010 10:02 AM

To: Jeffrey Bradshaw

Subject: Moreno Valley Warehouses/Ridge Project

I am concerned about the efforts to rush into construction the millions of square feet worth of warehouses in the east end of Moreno Valley. These projects can do nothing positive to the natural environment of the area. My biggest concern is turning Moreno Valley into another Ontario with hundreds of diesel trucks lumbering down our roads spewing pollution, creating noise, and traffic. That additional traffic will add to commute times creating additional pollution. The 60 freeway east of this project is not contusive to big rig traffic. I've been a resident here for just nine years and I intentionally bought on the more rural east side to avoid the traffic of the 215 freeway. This project drives a stake into the heart of the city. I'm planning on leaving to seek a better managed city. PC-1

Paul Claxton
Moreno Valley CA

PAUL CLAXTON

Email Dated December 5, 2010

Response PC-1

The commentor's general concerns regarding the Project's location and the cumulative impacts of the Project when combined with other vicinity projects are noted. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A thorough discussion of the cumulative impacts is presented at Draft EIR Section 5.1.

Similarly, the commentor's generalized concerns regarding the increased traffic, air quality and noise impacts are discussed in the EIR. Specifically, traffic impacts are addressed in Draft EIR Section 4.2, air quality impacts at Draft EIR Section 4.3 and noise impacts at Draft EIR Section 4.4.

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

COMMENTS AND QUESTIONS REGARDING THE DEIR AND LAND USEAGE IN GENERAL FOR WESTRIDGE COMMERCIAL CENTER, A.K.A. "THE RIDGE PROJECT"

Stephen Crews, Moreno Valley, CA

1. It is evident from current zoning, that lands designated commercial south of SR60, from Moreno Beach Dr. to Redlands Blvd., including land devoted for the Westridge Center, do not extend southerly for a great distance, and thus any commercial development there is not intended as a part of an extensive commercial region. In fact, for this reason, it appears this land serves as a buffer for the residentially zoned areas to the south. Thus, it is incumbent on planners and developers to ensure that properties developed in these commercially zoned areas are in keeping with aesthetics, appearance, landscape, geographic culture, and the sentiments of future residents of the predominant land use in the area, residential. This warehouse structure, with its massive edifice and size could not possibly conform to nor compliment Rancho Belago, "the land of ranches and lakes". SCR-1

   Has any consideration been given to the degradation of future residential developments in the area by the construction of an eyesore across the street?

2. One can only presume that there is a cumulative effect of air pollution from SR60, diesel trucks on the site of Westridge, and those travelling on nearby surface streets, as well as these types of contributors to air pollution from future similar developments along the freeway, and that this would have a deleterious effect on the health of citizens residing in residential neighborhoods. SCR-2

   Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?

3. **The proposed project sits on the mouth of the entrance into the badlands heading east on SR 60, a highway that is essentially a rural route at this point, and one that is treacherous for traffic. At what point does the added introduction of truck traffic become dangerous? The route on SR60 west is extremely congested and practically at a standstill, caused by the incompletion of recent freeway construction, growth, and lack of capacity. At what point does the introduction of further truck traffic become untenable?** SCR-3
4. **The local surface roads and overpasses servicing the area of the project are dilapidated and are residential in nature. Will roads be brought up to standards, and who will pay for the inevitable degradation of heavy wear trucks cause on roads, with the potential of harm to automobile motorists?** SCR-4

STEPHEN CREWS

Letter Dated December 6, 2010

Response SCR-1

The commentor expresses an opinion regarding the land use designations (and the conformation of the proposed Project with the intent of those designations) of the properties located south of the SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

The commentor also expresses concern regarding the consideration of nearby residential uses. It is assumed that, in this instance, the commentor is referring to aesthetic consideration. Indeed, the Draft EIR contains a detailed analysis of the Project's aesthetic attributes and impacts within Section 4.9. Specifically, the analysis examined whether the Project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As supported by the analysis, the Project would obstruct views of off-site scenic resources, and would therefore have a substantial adverse effect on a scenic vista. This is a significant and unavoidable impact. All other potential aesthetic impacts of the

Project were determined to be less-than-significant. The commentor is also referred to Figures 4.9-2 through 4.9-8 of the Draft EIR, which illustrate line of sight and view simulations of the Project.

Response SCR-2

The commentor expresses concern regarding the cumulative effects (air pollution) of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, eleven (11) distinct related projects were included within the Draft EIR cumulative analysis.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Cumulatively significant air quality impacts are summarized at DEIR Page 1-18, 1-19 and are discussed at DEIR pages 5-12 through 5-14.

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response SCR-3

The commentor characterizes location of the Project "on the mouth of the entrance into the badlands heading east on SR-60." Location of the Project and proximity of the badlands are noted in the Draft EIR:

> 3.2 PROJECT LOCATION AND BOUNDARIES
>
> The Project site is located in the eastern portion of the City of Moreno Valley, in western Riverside County. Please refer to Figure 3.2-1, "Regional Location." The Project will be developed within a 54.66-acre site, which is located near the SR-60/Redlands Boulevard interchange. The site is bounded by SR-60 to the north, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east. Please refer also to the Project site aerial, Figure 3.2-2, "Project Vicinity" (Draft EIR Page 3-1).
>
> General Plan Final EIR Figure 5.11-1, "Major Scenic Resources," reproduced in this Draft EIR as Figure 4.9-1, indicates the Project site is located along the SR-60 scenic corridor. The Badlands area, located approximately one mile to the north, and the Mount Russell foothills and associated rock outcroppings, located approximately two miles southerly of the site (Draft EIR Page 4.9-3).

The commentor offers that SR-60 "is essentially a rural route at this point, and one that is treacherous for traffic."

Existing and programmed SR-60 configurations proximate to the Project are accurately and appropriately described in the EIR:

Regional Access

State Route 60 (SR-60), adjacent to the Project site's northerly boundary, provides regional access to the subject property and vicinity. Connection to SR-60 is provided via Redlands Boulevard, located less than one-quarter mile east of the Project site. The Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. These interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. As demonstrated in the analysis presented in this Section, with implementation of the improvements identified subsequently (and in the Project TIA, EIR Appendix B),the existing rural interchange at Redlands Boulevard and the SR-60 will accommodate existing and anticipated future traffic, including Project-related traffic, at Opening Year and beyond. The upgrade of this interchange is included as part of the regional Western Riverside County TUMF improvement program.

The commentor provides no supporting evidence indicating any substantive potential safety concerns along the segment of SR-60 proximate to the project site. Moreover, Caltrans, the Responsible Agency for actions and projects affecting SR-60, has not suggested or indicated any significant safety issues for this segment of highway (Draft EIR, Page 4.2-8).

In response to the commentor's concerns regarding traffic on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these

impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

The commentor also provides opinions regarding traffic and safety along SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

Response SCR-4

The commentor expresses concern regarding the nature and condition of vicinity roadways. Section 3.0, "Project Description" of the Draft EIR includes a complete list of roadway improvements to be implemented by the Project. Roadway improvements to be implemented by the Project prior to issuance of the first Certificate of Occupancy are summarized below:

- Fir Avenue (future Eucalyptus Avenue) will be constructed to its ultimate half-section width (one-half of 104-foot right-of-way section improvements pursuant to City Standard No. 104B) as an arterial roadway from the westerly Project boundary, extending to Redlands Boulevard to the east. Signalization and turn lane improvements will be provided at the intersection of Fir Avenue (future Eucalyptus Avenue) at Redlands Boulevard consistent with City standards and requirements. At the westerly terminus of Fir Avenue (future Eucalyptus Avenue), full cul-de-sac improvements will be provided to allow for vehicle turnaround.

- An auxiliary lane along the westerly side of Redlands Boulevard will be constructed between Fir Avenue (future Eucalyptus Avenue) and the SR-60 eastbound off-ramps.

- The proposed public street (Street "A") at the Project's easterly boundary will be constructed to its ultimate half-section width (one-half of 78-foot right-of-way section improvements pursuant to City Standard No. 106) as an industrial collector roadway from the proposed northern terminus of the road to Fir Avenue (future Eucalyptus Avenue) in conjunction with development. Full improvements will be provided at the cul-de-sac "bulb" to allow for vehicle turnaround.

All roadway improvements proposed by the Project will conform with City engineering standards thereby reducing future maintenance responsibilities for these improvements. The Project will contribute fees and tax revenues to the City that may be directed to the repair and maintenance of area roads.

More specifically, the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements.

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
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6 December 2010

Via e-mail: Jeffreyb@moval.org

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552-0805

Dear Mr. Bradshaw:

Re: Westridge Commerce Center Draft Environmental Impact Report (DEIR)—State Clearing House Number 2009101008

The Friends of the Northern San Jacinto Valley are a local conservation group dedicated to preserving and protecting the Northern San Jacinto Valley, the San Jacinto Wildlife Area, and Mystic Lake. We are a 501(c)(3) organization. Since 1991, we have sponsored monthly nature walks at the wildlife area, reviewed and commented on numerous environmental documents, attended community events to share information about the wildlife area, and we have a long history of supporting public land acquisition at the San Jacinto Wildlife Area.

We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center and are very discouraged by the poor quality of the environmental document. To a great extent, the Draft EIR presupposes that the Moreno Valley Planning Commission and City Council will adopt a statement of overriding consideration for a number of the identified project impacts. This erroneous presumption allows the preparer of the California Environmental Quality Act (CEQA) document, Applied Planning, Inc., to avoid necessary consideration of feasible mitigation measures and to avert meaningful consideration of project alternatives to reduce or avoid significant environmental impacts. The Draft EIR incorrectly asserts that the following significant project impacts are unavoidable and the City's only prerogative is to make CEQA findings of overriding consideration. FNSJ-1

Aesthetics - Loss of Scenic Vista: Perhaps the most spectacular scenic vista from within the City of Moreno Valley is the view of Mystic Lake with the San Jacinto Mountains in the background which motorists can see while traveling east on Highway 60. This project proposes to block this scenic vista with the side of a warehouse building and summarily omits from consideration potential mitigation measures and a project alternative (Alternative Site) FNSJ-2

capable of avoiding or minimizing this aesthetic impact. The project proponents have the ability to buy land anywhere for this warehouse which will not be built until the have a tenant and this makes feasible several mitigation opportunities to avoid or lessen the loss of a scenic vista this project will incur. The pad level of the warehouse buildings is proposed to be 25 feet below the grade of Highway 60. *A project design mitigation measure limiting the building height to 25 feet would preserve the present scenic vista from the highway.* In our view, other building design mitigation measures are feasible and can be incorporated into the project to avoid or minimize the loss of this scenic resource. FNSJ-2 (cont'd)

Agriculture - Loss of Farmland of Local Importance: The Project will convert Farmland of Local Importance to nonagricultural uses and these losses will be cumulatively significant. The Draft EIR fails to consider mitigation for the loss of agricultural land this project will incur and merely dismisses mitigation measures included in the City's General Plan intended to stem the loss of agricultural land. Preservation can be a feasible means of reducing or eliminating the impact of agricultural land loss. The City's General Plan indicates agricultural lands subject to conversion can be mitigated through the purchase or transfer of development rights or the purchase of conservation easements. We believe the Loss of Agricultural lands of Local Importance must be thoroughly discussed and mitigated in the EIR. FNSJ-3

Air Quality: The project will generate long-term operational project emissions during operation that will exceed the South Coast Air Quality District's regional thresholds for a number of pollutants detrimental to community health. A recent Press-Enterprise newspaper article (September 11, 2008) indicates most of the cancer risk from Southern California air pollution is from diesel exhaust. The article also notes the Inland area still has the region's worst fine-particle pollution, which is linked to early deaths, heart attacks and, in children, stunted lung development. Diesel soot is the most toxic major ingredient of fine particle pollution. The Inland region is also recognized as having the worst ozone pollution, which causes nausea, fatigue and headaches, and aggravates asthma and other respiratory conditions. The project Draft EIR makes no attempt to mitigate or avoid these long-term operational emissions and instead asks the City Council to make findings of overriding consideration for this air quality impact. The Draft EIR fails to even consider feasible mitigation measures to reduce community exposure to these harmful long-term project pollutants. A feasible mitigation measure worthy of consideration would be for the developer and future warehouse tenant to commit to operating the facility with trucks equipped only with the latest air pollution abatement technology including diesel soot filters. Since Highland Fairview Corporate Center/Skechers project has been able to have 80% of all off-road heavy-duty construction equipment utilized during construction activity *certified as* CARB Tier III or better, your project and analysis must do at least as well. FNSJ-4

Climate Change and Greenhouse Gases: AB 32 requires that California's greenhouse gas emissions be reduced to 1990 levels by the year 2020. The Draft EIR indicates greenhouse gas emissions from the operation of the Westridge Commerce Center project will result in a significant and unavoidable impact to climate change because emissions will hinder or delay California's ability to meet the reduction targets contained in AB 32. The Draft EIR limits its consideration of emission reduction to on-site measures and will request the City Council make FNSJ-5

findings of overriding consideration for the project failure to achieve the reduction targets in AB 32. This approach is incorrect in that the CEQA analysis also needs to consider offsite mitigation remedies such as emission trading regimes and/or carbon sequestration to offset the emissions this project will generate. Given the urgency of climate change solutions, the project proponent's reliance on a finding of overriding consideration is misplaced. FNSJ-5 (cont'd)

THE EIR MUST ADEQUATELY ANALYZE AND MITIGATE AIR QUALITY IMPACTS

The EIR fails to adequately analyze and mitigate the significant impacts to air quality resulting from the project. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and $71 billion ($36–$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about $10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The EIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality. FNSJ-6

A. SIGNIFICANT AIR QUALITY HAZARDS IN RIVERSIDE COUNTY

Riverside County has the dubious distinction of being one of the most polluted areas in the country. (American Lung Association 2005; American Lung Association 2008). The Project will directly result in an increase in construction emissions and vehicle trips per day which will increase the level of a broad number of criteria pollutants under the Clean Air Act. The Project will result in significant impacts to air quality that result from significant levels of emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Particulate Matter of 10 microns and 2.5 microns or less (PM10 and PM2.5). Increased diesel exhaust is particularly detrimental to long term human and lung health.

Ozone (O_3) is the chief component of the common pollutant known as "smog." Ozone is formed when emissions including reactive organic gases (ROG) and oxides of nitrogen (NOx) undergo photochemical reactions in sunlight and are transformed to O_3. Ozone irritates lung airways and causes inflammation much like a sunburn. Ozone causes wheezing, coughing, pain when taking a deep breath, and breathing difficulties during outdoor activities. The American Lung Association focuses on ozone as one of the most hazardous of the common air pollutants. (American Lung Association 2008). Repeated exposure to ozone pollution for several months may cause permanent lung damage. Children, the elderly, and those with respiratory problems are most at risk, but anyone who spends time outdoors may be affected. Even at very low levels, ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to pneumonia and bronchitis. Ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, and weather, and damages the leaves of trees and plants, ruining the appearance of cities, national FNSJ-7

parks, and recreation areas. Ozone also reduces crop yields, and is, in fact, responsible for 98% of air quality related crop damage in California. A revised EIR must discuss the proposed project's production of ozone precursor emissions and the direct, indirect, and cumulative impact both on human health and on vegetation and wildlife habitat, especially habitat for threatened, endangered, and sensitive species.

Particulate matter (PM) is a category of pollutant which includes the respirable particles suspended in the the air. PM is classified into "coarse" particles, PM_{10}, or those under 10 microns in diameter, and "fine" particles, $PM_{2.5}$, or those under 2.5 microns in diameter, and comes from a variety of sources including diesel exhaust, windblown dust from agriculture and construction and motor vehicles. Because the human respiratory system's ability to filter out harmful particles decreases as particles size decreases, the smallest particles lodge deepest in the lungs and are especially dangerous. PM can contain at least 40 toxic chemicals including heavy metals, nitrates, sulfates, and aerosols, as well as soot, soil, and dust. FNSJ-7 (cont'd)

PM is associated with extreme health consequences. PM causes premature death, aggravates asthma, increases coughing, painful breathing, and chronic bronchitis, and decreases lung function. Lung inflammation caused by inhaling PM can also lead to changes in heart rhythm, constriction of blood vessels, blood coagulation, and increased risk of heart attacks. Unlike what is believed about some other air pollutants, there is no "safe" level of PM pollution: even very low levels of PM lead to health impacts. (EWG 2002 at 25). One study found that in Riverside County alone, 353 deaths per year are due to current PM10 levels, and 42,149 asthma attacks per year are due to current PM10 levels. (EWG 2002 at 19). The EIR's failure to address basic information on the link between air quality, health impacts, and impacts to biological resources render it inadequate. This and other information must be analyzed in a revised EIR so that the project's air quality impacts can be analyzed in the full environmental context.

B. THE EIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ENVIRONMENTAL SETTING

The EIR must provide a stable and accurate project description in order to properly inform decision makers and the public, as well as provide a proper basis for analysis of impacts and mitigation to address those impacts. Here the EIR fails to fully disclose and analyze the air quality impacts from diesel emissions. One of the project objectives is to "transition the existing site into a productive use" provided by over 900,000 square feet of industrial warehouse/distribution. (DEIR at 3-4). Presumably much of the transportation and traffic associated with industrial warehouse and distribution facilities will be diesel truck traffic, which poses a much greater threat to human health due to the carcinogenic effects of diesel exhaust and fine particulates associated with diesel emissions. However, the EIR fails to describe what types of vehicles will be accessing the facility, in what volumes, at what frequency, and during what times. The EIR must fully disclose the types of vehicles that will be associated with the Project because those different vehicles pose very different threats and must be analyzed and mitigated in different fashions. FNSJ-8

The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The Project is located across Fir Street from land that is zoned residential. The diesel trucks will enter and exit the project by using Fir and therefore will significantly impact future residents. Setting the building 250 feet back from these residential uses does not protect them from each and every diesel truck that enters and exit the Project. The direct, indirect and growth inducing impacts of this project have not been thoroughly analyzed – especially for the future residents immediately south of the project. The 2,000,000 sq. foot Highland Fairview Corporate Center/Skechers project and also the proposed 2,000,000 square foot ProLogis are on either side of this project and will also probably use Fir Street. The California Air Resources Board and others confirm that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. (CARB 2005). Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. Id. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. Id. FNSJ-8 (cont'd)

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The South Coast Air Quality Management District ("SCAQMD") includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. The Project fails to adequately identify the number and their distance from the 240 daily (24-7) moving diesel trucks related to this project as well as that of ProLogis and Highland Fairview Corporate Center/Skechers.

C. THE EIR FAILS TO ADEQUATELY EXAMINE THE PROJECT'S HEALTH RISKS

The EIR air quality analysis fails to adequately address the Project's effect on the community's health. Although the DEIR acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to conduct this critical study of demonstrating what the qualitative or quantitative risk is associated to nearby residents as result of the Project. The Project can lead to increased rates of asthma, decreased, lung or cardiac function, and other threats, but there is no analysis of what that means for the regional residents or visitors. As with other important impact analyses it appears that the EIR authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA. Without this information, it is all but impossible to accurately and effectively gauge the severity and extent of the health', effects that would result from building the proposed Project. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Envt'l Planning and Information Council of W.* FNSJ-9

El Dorado County v. County of El Dorado (1982) 131 Cal. App. 3d 350,357. It is critically important that the EIR emphasize the cumulative impacts of negative air quality and not simply dismiss those issues without thorough analysis and mitigation. FNSJ-9 (cont'd)

D. THE EIR FAILS TO ADEQUATELY ANALYZE AND IMPOSE MITIGATION MEASURES FOR SIGNIFICANT IMPACTS TO AIR QUALITY

In an attempt to subvert the procedural requirements of CEQA the EIR fails to adopt feasible mitigation measures that would have substantially lessened significant environmental impacts resulting from the Project. To effectuate its overarching purpose of reducing environmental harm, CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen" a Project's significant environmental effects. Pub. Res. Code § 21002; Guidelines 15021. CEQA's substantive mandate is clear, "each public agency shall mitigate or avoid the significant effects on the environment of projects that it caries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b) (emphasis added).. Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). FNSJ-10

There are numerous mitigation measures that could be adopted to reduce the significant air quality impacts associated with this project. Many of the mitigation measures outlined to reduce the significant impacts associated with greenhouse gas emissions can reduce criteria pollutants. Therefore the EIR should fully analyze all greenhouse gas and criteria pollutant mitigation measures in order to reduce the significant impacts to air quality, or describe why those mitigation measures are infeasible.

I. THE EIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

The Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed. FNSJ-11

A. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

Unfortunately, the EIR fails to address the impacts of global warming on the Project contrary to the requirements under CEQA. California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts. Global warming will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and FNSJ-12

a reduction in snowpack and precipitation levels and water availability. These factors will impact development under any Moreno Valley General Plan Update, as well as exacerbate its own environmental impacts. Therefore, these factors must be considered in the EIR. *See* Guidelines § 15126.2(a) (an EIR "shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.") The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change. (California Attorney General 2009). Examples of how global warming will impact development under the Moreno Valley General Plan and intensify the environmental impacts it will already have are discussed below. It is not an exhaustive list.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008). FNSJ-12 (cont'd)

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997). FNSJ-12 (cont'd)

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project significantly understates the Project's impacts.

B. The EIR's Significance Determination is Flawed

i. The EIR Fails to Properly Frame the Question of the Significance of the Project's Greenhouse Gas Impacts

As the EIR properly recognizes, the greenhouse gas emissions generated by the Project constitute a significant impact. (DEIR at 4.3-110). However, the DEIR improperly limits the consideration of its determination of significance to whether the project would significantly hinder or delay California's ability to meet reduction targets contained in AB 32. While the emission reduction targets set by AB 32 are important, they are only a first interim step toward a longer emission reduction pathway necessary to avoiding dangerous anthropogenic interference (DAI) with the climate system. While Project impacts remain significant, the significance criteria should be revised to recognize California's long term emission targets set by Executive Order S-3-05 and consider the extent to which these reductions are consistent with the emission reduction pathway necessary to avoid DAI. FNSJ-13

The relevant environmental objective with regard to a project's impact on global warming is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference ("DAI") with the climate system. Framing the objective of a threshold of significance in the context of preventing DAI with the climate system

is consistent with the policy of CEQA. As set forth in Public Resources Code Section 21000(d), "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." With regard to climate change, the prevention of DAI is the critical threshold to protect the health and safety of the people of California. The prevention of DAI with the climate is also the objective adopted by the international community. As set forth in the United Nations Framework Convention on Climate Change, to which the United States is a party: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."[1]

Dangerous anthropogenic interference with the climate system is a defined concept from which a threshold of significance under CEQA can be derived. While environmental impacts from global warming are already being experienced, dangerous anthropogenic interference has typically been defined at temperature increases above 2°C from pre-industrial levels, or a 450 ppm atmospheric concentration of CO_2 eq. (Union of Concerned Scientists 2007). 2050 is the time frame commonly set by scientists in which to achieve the emission reductions necessary for climate stabilization. The emission reduction scenario set by AB 32 and Executive Order S-3-05, whereby emissions are reduced to 1990 levels by 2020 and then to 80% below 1990 levels by 2050, is consistent with a stabilization scenario in the +/- 450 ppm range.[2] FNSJ-13 (cont'd)

However, climate scientists, including NASA's premier climatologist, James Hansen, are increasingly calling for more stringent stabilization targets in order to sufficiently reduce the risk of catastrophic outcomes. The best available scientific evidence now indicates that a 2°C temperature increase from pre-industrial levels is well past the point where severe and irreversible impacts will occur. It is now estimated that a mean global temperature increase of 1.5°C above pre-industrial levels has the potential to trigger irreversible melting of the Greenland ice sheet, a process that would result in an eventual 7m sea level rise over and above that caused by thermal expansion of the oceans, and potentially causing an additional sea level rise of 0.75m as soon as 2100. (Warren 2006 at 95). Specific consequences of a 2°C temperature rise from pre-industrial levels include the loss of 97% of the world's coral reefs and the transformation of 16% of global ecosystems. Approximately one to three billion people would experience an increase in water stress, sea level rise and cyclones would displace millions from the world's coastlines and agricultural yields would fall in the developed world. (Warren 2006). In the Arctic, ecosystem disruption is predicted owing to complete loss of summer sea ice, with only 42% of the tundra remaining stable. This would destroy the Inuit hunting culture and cause the extinction of the polar bear and large losses in global populations of birds. Moreover, because

1 United Nations Framework Convention on Climate Change (UNFCCC), art. 2, May 9, 1992, *available at* http://unfccc.int/essential_background/convention/background/items/1349.php.

2 While the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004).

Arctic ice functions to reflect heat back into the atmosphere, its loss would allow more sunlight to heat the Arctic Ocean and further accelerate the buildup heat and the melting of the Greenland ice sheet. In the Antarctic, key marine mollusks are predicted to become extinct with damaging ramifications for the rest of the Antarctic marine ecosystem. (Warren 2006). As the devastating and irreversible impacts resulting from a 2°C mean global temperature rise are far in excess of any reasonable definition of "dangerous" interference with the climate, a 2°C target is not an acceptable objective for climate policy.

Moreover, equating a particular atmospheric concentration of greenhouse gases with a specific temperature increase involves a significant degree of uncertainty. This is because climate sensitivity – the extent to which temperatures will rise as a result of increasing concentrations of heat-trapping gases – depends on Earth's response to certain physical processes that are not fully understood. (Cayan 2007 at 4). For example, as greenhouse gas emissions cause temperatures to rise, the atmosphere can hold more water vapor, which traps heat and raises temperatures further – a positive feedback. Clouds created by this water vapor could absorb and re-radiate outgoing infrared radiation from Earth's surface (another positive feedback) or reflect more incoming shortwave radiation from the sun before it reaches Earth's surface (a negative feedback). (Cayan 2007). Thus, due to uncertainty in climate sensitivity, scientists estimate that the mean probability of exceeding 2°C where stabilizing greenhouse gases at a CO_2eq level of 450 ppm is 54% with a 30% probability that global average temperature would rise more than 3°C. (Cayan 2007; Union of Concerned Scientists 2007). This is effectively the equivalent of flipping a coin in the hopes that our children and grandchildren will not be confronted with the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, and the triggering of multiple climatic "tipping points" wherein climate change begins to feed on itself and spin rapidly out of control. FNSJ-13 (cont'd)

As noted by the Attorney General in a recent guidance on the treatment of climate change in general plans, "the targets set by AB 32 and Executive Order S-3-05 can inform the CEQA analysis." (California Attorney General 2009 at 4). However, while the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. *See* Guidelines § 15064(b) ("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment … based to the extent possible on scientific and factual data."). Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). Thus, to properly address the question of the significance of Project impacts, the EIR should set forth the environmental objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent DAI with the climate system, discuss California's emission reduction targets and the extent to which these targets are sufficient to meet avoid DAI. In this manner, the EIR will set forth the issues related to the significance of Project impacts in a manner that accurately informs decision makers and the public.

ii. To Properly Evaluate Significance and Fulfill Its Informational Mandate, the EIR Must Compare Project Emissions with Emission Reduction Targets Set by AB 32 and Executive Order S-3-05

Although the EIR asserts that the Project would interfere with the goals of AB 32, the EIR fails to provide any data on Project emissions as compared with 1990 levels. Accordingly, it is impossible to analyze the extent to which the Project exceeds AB 32 emission reduction mandates. The EIR must be revised to provide this data.

FNSJ-14

Moreover, in a failure to adequately describe the Project, the EIR fails to note the year for which the Project envisions build-out. Should the next Moreno Valley General Plan update contemplate growth past 2020, its significance analysis should evaluate the extent to which the Project complies with Executive Order targets. While the trajectory of reductions under Executive Order S-3-05 has not been definitely established, the EIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for the undisclosed year of build-out. Thus, if Moreno Valley's General Plan is intended to accommodate growth until 2030, then the EIR could compare Project emissions with emissions approximately 27% below 1990 levels.

C. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

FNSJ-15

There are any number of feasible measures that can be incorporated into a Climate Action Plan to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the

Attorney General 2008b). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Furthermore, substantial federal funding is available to implement these projects so that implementation of greenhouse gas mitigation measures is economically feasible.3 Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like climate change the Project must adopt all feasible mitigation measures to reduce GHGs or provide substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3). FNSJ-15 (cont'd)

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Significant effort needs to be shown as to how carpooling will be instituted and alternative fueled cars will be encouraged with special onsite parking location/electrical plug-ins. Will there be on-site eating facilities with food in order to limit driving off site? FNSJ-16

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the Project will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008). FNSJ-17

3 Energy Efficiency and Conservation Block Grants are offered by the U.S. Department of Energy to municipalities in order to meet the following purposes: reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors. (US DOE 2009). See http://www.eecbg.energy.gov/

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals. We expect the project's minimum LEED certification to be Silver. And the EIR needs to explain why this would not be your goal. FNSJ-17 (cont'd)

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting FNSJ-18
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging

stations to reduce emissions from vehicle trips. FNSJ-18 (cont'd)

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

FNSJ-19

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

FNSJ-20

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SQAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA mitigation measures[4] once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008).

FNSJ-21

4 The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming See generally http://ag.ca.gov/globalwarming/ceqa.php

II. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR failed to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly" even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008). The Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty. FNSJ-22

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

Biological Resources: To a great extent the Draft EIR avoids an actual on the ground biological resource impact assessment. Instead the Draft EIR makes the claim that the cumulative wildlife resource impacts of this project will be mitigated by the payment of the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP) mitigation fee and the Multi-Species Habitat Conservation Plan (MSHCP) mitigation fee. It is important to recognize neither the SKRHCP nor the MSHCP exempts this project from full compliance with the requirements of CEQA. The Draft EIR does not indicate the amount of the SKRHCP mitigation fee or the amount of the MSHCP mitigation fee the project proponent will pay in order to reduce the cumulative wildlife resource impacts of this project to a less than significant level. Nor does the document indicate the mitigation fee amounts the City has collected thus far for SKRHCP and MSHCP wildlife mitigation and to FNSJ-23

what extent those fees have been used to mitigate cumulative wildlife resource impacts from previously approved projects within the jurisdiction. A lead agency, in this case the City of Moreno Valley, must provide supporting facts and provide analysis to support its conclusion that the payment of SKRHCP and MSHCP mitigation fees will render the project cumulative wildlife resource impacts to less than significant. Absent this analysis, the cumulative wildlife resource impacts this project will incur must be viewed as cumulatively considerable. FNSJ-23 (cont'd)

Thank you for the opportunity to comment on the Draft EIR for this project. The Friends would like to be informed of all documents, meetings and public hearings related to this project. Please provide us with a copy of the final EIR and other pertinent documents related to this project. Please contact us at our mailing address which is listed on the first page of this letter. FNSJ-24

Sincerely

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FNSJ-25 (cont'd)

FRIENDS OF NORTHERN SAN JACINTO VALLEY

Letter Dated December 6, 2010

Response FNSJ-1

The commentor's opinions in regard to the "quality of the environmental document" will be forwarded to decision-makers for their consideration. The Draft EIR has been prepared to identify the environmental impacts that could result from Project implementation and, where feasible, provides mitigation measures to substantially lessen or avoid the significant effects on the environment. The City of Moreno Valley, the Lead Agency for this Project, is required to consider the Project in its entirety before determining whether to approve the adoption of overriding considerations. As noted in *CEQA Guidelines* § 15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The commentor concludes by correctly noting the Draft EIR's finding that the Westridge Commerce Center Project will result in certain significant and unavoidable impacts in regard to scenic vistas and air quality, but erroneously includes agriculture and global climate change in its summary of Project-related impacts. Specific topical concerns are addressed in the following Responses FNSJ-2 through FNSJ-5.

Response FNSJ-2

As discussed in the Draft EIR (Page 4.9-11), "[n]otwithstanding the proposed depressed building pad area, as illustrated in Figures 4.9-4 through 4.9-8, the Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. The building will be visible from higher elevations to the north, east, and south, and the rooftop of the building may be visible at a distance from higher elevations." This "interruption" of scenic views has been identified in the Draft EIR (Page 4.9-19 *et al.*) as an individually and cumulatively significant Project impact.

As further noted on Draft EIR Page 4.9-11, "[t]he Project's intent is to create a regional-serving warehouse/logistics facility. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." A tenable high-cube warehouse design with a 25-foot building height (estimated internal clear height of 15-20 feet) such as offered by the commentor, does not exist, and is contrary to the very term "high cube." The high-cube warehouse building height concept defines the viability of its internal operations,

which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint. The suggested 25-foot high building offered by the commentor is untenable and infeasible.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives, including alternative sites. The text on Draft EIR Pages 5-37 through 5-44 provides the basis upon which each of the considered alternative sites was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-3

As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. Despite the commentor's assertions that the Draft EIR "dismisses mitigation measures included in the City's General Plan," the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning

area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required. The commentor's opinions to the contrary will be forwarded to decision-makers for their review. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-4

The Draft EIR acknowledges the Project's potential impacts in regard to long-term operational exceedance of SCAQMD standards for the emission of the criteria pollutants VOC (volatile organic compounds) and NOx (oxides of nitrogen). Despite the commentor's assertions to the contrary, the Draft EIR addresses the Project's potential to result in health risks relative to diesel emission exposure on Pages 4.3-79 through 4.3-86. As discussed at Draft EIR Page 4.3-84, with implementation of Mitigation Measure 4.3-10, which would be implemented to control on-site idling, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant. It may be noted that Mitigation Measure 4.3.5, as discussed in the Draft EIR (Page 4.3-62 *et al.*), specifically requires Project contractor(s) to ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better. Additional mitigation is proposed within this Final EIR addressing operational and construction-source emissions (please refer to revised mitigation presented within the EIR Mitigation Monitoring Program, Final EIR Section 4.0. The commentor erroneously contends that "Since Highland Fairview Corporate Center Skechers project has been able to have 80 % of all off-road heavy-duty construction equipment utilized during construction activity certified as CARB Tier III or better, your project and analysis must do at least as well."

There is no requirement that the Project implement a given mitigation measure simply because it was applied elsewhere. Such an approach discounts appropriate nexus between impacts and mitigation.

Response FNSJ-5

The commentor misrepresents and misstates the findings of the Draft EIR with regard to the potential significance of the Project's GHG emissions impacts and the Project's potential GCC impacts.

In the Draft EIR's analysis of cumulative impacts (Page 5-13 to 5-14), it is specifically noted that "[i]n regard to the emission of greenhouse gases, the Project's Climate Change Analysis indicated that with the implementation of all Project design features and mitigation measures, greenhouse gas emissions would be reduced, and that the Project is consistent with state strategies to reduce greenhouse gases, including the California Air Resources Board (CARB) Scoping Plan's recommended measures, and the greenhouse gas emission reduction strategies set forth in the 2006 Climate Action Team (CAT) report.

Therefore, the Project would not hinder or delay implementation of AB 32. On this basis, the Project's individual and cumulative impact on climate change is less-than-significant. With specific regard to a cumulative-level analysis of GCC impacts, it is acknowledged that climate change is a global issue and the contribution of each greenhouse gas generated by the Project may have a cumulative effect. As noted in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Moreover, the EIR qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor cites various GHG/GCC mitigation schemes, none of which are required in this case since the Project's GHG/GCC individual and cumulative impacts are less-than-significant. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-6

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's air quality analysis. Detailed analysis of the Project's potential air quality impacts are presented at EIR Section 4.3, "Air Quality." Supporting technical studies [*Westridge Commerce Center Air Quality Impact Analysis, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; *Westridge Commerce Center Health Risk Assessment, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; and *Westridge Commerce Center Climate Change Analysis, City of Moreno Valley*, California (Urban Crossroads, Inc.), February 3, 2010] specifically. The cited analyses address the direct, indirect ,and cumulative impacts of the Project..

As detailed in the following responses FNSJ-7 through FNSJ-21, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative air quality impacts, including potential impacts related to global climate change, have been proposed within the Draft EIR. Appropriate mitigation measures have been carried forward into the Mitigation Monitoring Program included at Section 4.0 within this Final EIR. For each proposed mitigation measure, the MMP identifies: mitigation timing, the responsible mitigation implementation entity, the responsible mitigation monitoring/reporting entity, and mitigation monitoring/reporting frequency. In combination, these provision act to ensure mitigation enforceability.

Response FNSJ-7

The Draft EIR describes, at considerable length (Pages 4.3-4 through 4.3-10), the criteria air pollutants referenced by the commentor, including the possible health effects that have led to the monitoring and control of these pollutants as part of the environmental

review process. With specific regard to commentor-expressed ozone concerns, the Lead Agency has adopted SCAQMD regional thresholds for the ozone precursors NOx and VOC. These thresholds are based on the highest level of permitted emissions, and exceedance of these thresholds indicates that mitigation measures should be applied, not that specific health or other environmental damage would occur. The Project applies all feasible mitigation measures to reduce potentially significant Project-related ozone precursor emissions (NOx and VOCs). Significant NOx and VOC impacts resulting from the Project (regional threshold exceedances) are summarized at DEIR Page 1-17, 1-18. The Project will not exceed applicable localized significance thresholds for NO_2 (DEIR at Page 4.3-61 et al.). The AQMD has not established localized significance thresholds for VOC emissions.

Project NOx and VOC emissions are predominantly generated by mobile sources beyond control of the Lead Agency and/or the Applicant [approximately 99.9 percent of Project NOx emissions (by weight) are from vehicles; approximately 92.5 percent of Project VOC emissions (by weight) are from vehicles). Even after compliance with SCAQMD rules and regulations, and the application of EIR mitigation measures, operational pollutant emissions would exceed applicable SCAQMD regional emission thresholds for VOC and NOx. These impacts are therefore considered to be individually significant. It is noted however, that the Project land use and proposed development are consistent with development and associated air pollutant emissions impacts reflected in and anticipated by the applicable Air Quality Management Plan (AQMP).].

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards. Collectively, these are referred to as localized significance thresholds (LSTs). The additional potential secondary effects of ozone to plants and habitat cited by the commentor are noted. There is no demonstrable evidence or support indicating that the Project would cause or substantively contribute to adverse effects to plants or habitat, and to conclude otherwise is speculative.

Lastly, it is noted that the Project is consistent with the applicable Air Quality Management Plan (see EIR at Pages 4.3-49 through 4.3-53) indicating that it would not interfere with projected downward-trending ozone levels within the SCAQMD.[5]

The commentor also provides information regarding $PM_{10}/PM_{2.5}$ characteristics. Applicable $PM_{10}/PM_{2.5}$ thresholds are established by the SCAQMD. Potential effects of Project-related temporary localized construction-source $PM_{10}/PM_{2.5}$ emissions impacts are discussed and disclosed in the EIR:

> For modeling purposes, receptors were conservatively placed at a distance of 25 meters (approximately 82 feet) from the site, which is the most conservative distance recommended for use by the SCAQMD. As previously discussed, even with application of all feasible mitigation measures, localized PM_{10} and $PM_{2.5}$ construction-source emissions will exceed applicable LSTs. More specifically, during construction activity (after mitigation), PM_{10} emissions concentrations will exceed applicable LSTs at receptors located 71 meters (approximately 233 feet) or nearer, and $PM_{2.5}$ emissions concentrations will exceed applicable LSTs at receptors located 35 meters (approximately 115 feet) or nearer.
>
> These LST exceedances represent a potentially significant impact to sensitive receptors in the Project vicinity for short-term construction activity. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely

[5]*Summary Of The Ozone Air Quality Forum and Technical Roundtable*(Frederick W. Lurmann Sonoma Technology, Inc. for the South Coast Air Quality Management District) January 2007, Pages 2-5, 2-6.

> undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter.
>
> It is noted that these exceedances would occur temporarily and intermittently during site preparation and grading processes, and would not substantively affect any receptors at greater distances from the emissions source. Moreover, in that construction emissions are short-term and intermittent, they will not result in any chronic or long-term impacts (Draft EIR, Page 4.3-75).

The Project will not result in or cause long-term exceedance of applicable SCAQMD localized and/or regional thresholds $PM_{10}/PM_{2.5}$ emissions.

The commentor's opinions and statements will be forwarded to decision-makers for their review. Results and conclusions of the Draft EIR are not affected.

Response FNSJ-8

The commentor expresses concern about emissions from diesel trucks associated with the Project. A Health Risk Assessment (HRA) of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The HRA was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). The HRA is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety at Appendix C to the Draft EIR.

Contrary to the commentor's assertions otherwise, diesel and DPM emissions impacts are specifically evaluated and addressed in the DEIR (See DEIR at Pages 4.3-79 through 4.3-86, and the Project Health Risk Assessment (HRA) included at DEIR Appendix C.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).
[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

As indicated in this summary of the Project's trip generation, approximately 75 percent of the Project's daily trips, on average, will be attributable to trucks. As noted at Draft EIR Page 4.3-79, the Project Air Quality analysis assumed, in order to ensure a conservative analysis, that all trucks associated with the Project will be diesel-powered.

In that vehicle class and type directly affect DPM emissions, the Project HRA (please refer to DEIR Appendix C, Table 1, Project Truck Trips) also explicitly defines anticipated daily truck trips (by type) entering/exiting the Project site, as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [6]

Contrary to commentor assertions otherwise, baseline (setting) information is provided throughout the EIR. For example, general air quality setting information is presented at EIR Pages 4.3-10 through 4.3-16. Additional applicable specific baseline/setting information is also presented where it is beneficial to related discussions, e.g., the GCC Regulatory Setting is introduced at EIR Page 4.3-24 within the context of GCC/GHG considerations.

The commentor requests analysis of mobile-source DPM emissions for transient vehicles traveling along area roadways. With regard to air quality impacts generated by Project traffic along area roads, regionally significant NOx emissions impacts would result as disclosed in the EIR and discussed here. However, no locally significant operational air quality impacts would result from the Project. In this latter regard, the

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6 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Project Operational Localized Significance Threshold (LST) analysis considers potential worst case exposure by evaluating criteria pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by stationary sources. As discussed in the Draft EIR, these emissions concentrations would not exceed applicable LST thresholds.

Draft EIR Table 4.3-12 (Page 4.3-69) presents the results of the Project operational LST analysis, indicating unmitigated conditions. As shown, results of the analysis indicate that long-term operational emissions will not exceed localized emissions thresholds established by the SCAQMD. Other operational mitigation measures presented in the EIR would act to further reduce already less-than-significant potential operational LST impacts.

Similarly, consistent with SCAQMD protocols and methodologies, the Project Health Risk Assessment considers maximum probable exposure to DPM concentrations, resulting from the entering, exiting and idling diesel vehicles within the Project site. Moreover, the analysis reflects long-term constant exposure (70 year, 24 hours per day) for residential receptors. With application of mitigation, even under this potential maximum exposure scenario, exposure to DPM concentrations would not exceed applicable SCAQMD thresholds (please refer to Draft EIR Table 4.3-17, Page 4.3-86).

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to

TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [7]

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7 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

Response FNSJ-9

Despite the commentor's assertion to the contrary, the Project has addressed the Project's potential to expose sensitive receptors to substantial pollutant concentrations. The analysis included in the Draft EIR (Pages 4.3-73 to 4.3-86) addresses (1) the potential effects of construction-source emissions at sensitive receptors; (2) potential carbon monoxide (CO) hotspots; and (3) the health risks of diesel particulate emissions. A Health Risk Assessment was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed above, Project and cumulative diesel emissions impacts are less-than-significant. Project impacts in regard to CO "hotspots" are similarly determined less-than-significant; while temporary construction-source emissions are acknowledged as significant. Please refer also to DEIR Section 4.3, Air Quality and supporting technical air quality studies presented at DEIR Appendix C.

Response FNSJ-10

As discussed in the following responses FNSJ-15, FNSJ-16, and FNSJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response FNSJ-11

The referenced citations are acknowledged and addressed at Response FNSJ-12. Additionally, it is noted that the Project's GHG emissions impacts (as presented at Draft EIR Page 4.3-90) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-12

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. It is also noted that CEQA directives allow for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the *Guidelines*. The EIR analysis of GHG emissions/GCC impacts (DEIR Pages 4.3-90 through 4.3-11; DEIR Appendix C, Project Climate Change Analysis) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-13

The commentor misinterprets analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the EIR analysis concludes that *greenhouse gas emissions generated by the Project constitute a significant impact.*

Such is not the case, as evidenced in germane excerpted GCC discussions presented below:

> **1.4 Summary of Findings**
>
> Results of the analysis indicate that the Project would generate GHG emissions that *may* [emphasis added] have a significant impact on the environment. However, the Project is consistent with, or otherwise not in conflict with (1) recommended measures and actions in the California Air Resources Board (CARB) December 2008 Scoping Plan (CARB Scoping Plan) setting forth strategies and measures to implement in order to achieve the GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32); and (2) the GHG emission reduction strategies set forth in the 2006 Climate Action Team

(CAT) Report, prepared in response to Executive Order S-3-05, which established total GHG emission targets for the State.

As such, the Project GHG emissions are not cumulatively considerable. Further, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. This analysis takes no credit for such GHG emissions reductions. Thus, this analysis conservatively estimates the overall Project impacts on climate change from GHG emissions and the actual impacts will be less than what is calculated herein (Westridge Commerce Center Climate Change Analysis, Pages 1-2).

To further clarify, germane suggested CEQA Guidelines topical questions include:

Would the project:
a) Generate greenhouse gas emissions, either directly or indirectly, that *may* [emphasis added] have a significant impact on the environment?

Language in the Project GCC study paraphrases and responds the Guidelines language. As also discussed in the Project GCC Study, it is likely that any GHG emissions reductions achieved locally and within the State will be offset by emissions increases in developing countries such as Brazil, Russia, India and China and that significant effects of climate change, such as global warming and sea level rise, will nevertheless occur due to the continuing effects of past and existing levels of emissions. In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts [beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see Climate Change Analysis, Page 42).

The commentor suggests alternative analysis/threshold considerations for evaluation of GCC/GHG impacts. Thresholds established in the Draft EIR are consistent with applicable provision of CEQA.

> **Findings and Recommendations**
> As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less-than-significant (Draft EIR, Pages 4.3-93, 4.3-94).

Additionally, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. The Draft EIR's analysis takes no credit for such GHG emissions reductions. Thus, the Draft EIR's analysis conservatively estimates the overall Project impacts on climate change from GHG emissions, and the actual impacts will be less than what is calculated in the Draft EIR and associated Westridge Commerce Center Climate Change Analysis, included as part of Draft EIR Appendix C.

<u>Response FNSJ-14</u>

Despite the commentor's statement to the contrary, the Draft EIR does not "assert that the Project would interfere with the goals of AB-32." On the contrary, the Draft EIR notes (on Page 4.3-95) that "[t]he Project's consistency with the AB 32 goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change

Scoping Plan which includes nine Early Action Measures (qualitative approach). In addition, the analysis considers the numeric level of emissions generated by the Project to determine whether the emissions are cumulatively significant (quantitative approach)." Following a detailed presentation of the assessment criteria and analysis of the Project's consistency with these criteria, the Draft EIR finds (on Page 4.3-109) that "a project that is consistent with CAT strategies is consistent with the strategies suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32, and therefore the Project will result in a less-than-significant cumulative impact on GCC."

In regard to the Project's "build-out" year, as discussed in the Draft EIR Project Description (Page 3-4), "construction is proposed to occur in one phase, with infrastructure and building construction following site preparation operations." As such, the Project would be effectively "built out" in its opening year, which is identified as 2011, as discussed at Draft EIR Page 4.2-15.

Response FNSJ-15

As discussed in the following Responses FNSJ-16 and FSNJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are reduced to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. It is also noted that air quality mitigation measures presented in the EIR will peripherally act to reduce GHG emissions. However, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-16

The commentor suggests that the Project should incorporate provisions for public transit, carpooling, and other measures as a means of reducing VMT and associated GHG emissions.

Mitigation Measure 4.3.13 has been revised, as indicated below, to include additional VMT/GHG emission reduction measures. For ease of reference, the text of this measure in its entirety is provided. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant. Added measures are indicated as ***underline bold italicized*** font.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its*

services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 %of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***

- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Response FNSJ-17

As discussed on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may

be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response FNSJ-18

The commentor proposes numerous additional measures (presented in the following Table) as means to reduce Project-related greenhouse gas emissions relative to energy consumption. While the suggested measures may in part act to generally reduce Project energy consumption, none of the measures are required in order to achieve the mitigation of impacts identified in the Draft EIR. That is, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed

measures and their implied environmental benefit vis-à-vis Project impacts. Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation.

Additionally, in some instances, the commentor proposes measures that would further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may impose these additional requirements; typically through Project Conditions of Approval.

Suggested Measure	Response
Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 3-16), the Westridge Commerce Center Project reflects design and operational criteria established under the LEED Green Building Rating System.
Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	
Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.	
Reducing the use of pavement and impermeable surfaces.	**Replicates existing requirements.** As noted in the Draft EIR (Page 4.6-13), onsite bio-retention and detention basins, along with selected areas of pervious concrete and perimeter landscape areas are provided throughout the Project site. Additional detail is included in Draft EIR Appendix F, "Water Quality Management Plan."

Suggested Measure	Response
Requiring water re-use systems.	**Replicates existing requirements.** The Project is reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Nonetheless, as noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."
Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	**Replicates existing requirements.** Use of LEDs is currently required pursuant to EIR Mitigation Measure 4.3.13.
Limiting the hours of operation of outdoor lighting.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655, which includes restrictions in regard to hours of outdoor lighting operations. See also: www.clerkoftheboard.co.riverside.ca.us/ords/600/655.htm
Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.	**Replicates existing requirements.** Project landscaping will be provided pursuant to the requirements of the Moreno Valley Municipal Code (Section 9.17.030), which specifies a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Shade trees will be provided pursuant to the requirements of Municipal Code Section 9.17.050 subd. (d)(3).
Ensure that the Project is fully served by full recycling and composting services.	**Replicates existing requirements.** As noted on Draft EIR Page 3-14, "[p]rior to issuance of a grading permit, the Project will have in place a City approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during Project construction. A similar plan will be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during ongoing operation of the warehouse and office portions of the Project. The plans will include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.
Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	**Not required.** As discussed in the Draft EIR (Pages 3-21 and 3-22), treatment of the Project's wastewater and solid waste will be accomplished by regional providers (i.e., Eastern Municipal Water District and Waste Management of the Inland Empire), and is outside the control of the Applicant and the City of Moreno Valley.

Suggested Measure	Response
Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible	**Not required.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics or "wind energy."
Installing solar water heating systems to generate all of the Project's hot water requirements.	
Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.	

Response FNSJ-19

As discussed in the preceding Response FNSJ-18, the commentor's suggested mitigation measures to reduce Project impacts in regard to construction activities are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	**Not required.** Consistent with the Project's pursuit of LEED accreditation, the recommended building materials will be utilized to the extent available and feasible.
Minimize, reuse, and recycle construction-related waste.	**Replicates existing requirements.** As noted in the Draft EIR (Page 3-5), "[a]ny residual materials resulting from site preparation processes will be appropriately disposed of and/or recycled in accordance with the City's Source Reduction and Recycling Element (SRRE)."

Suggested Measure	Response
Minimize grading, earth-moving, and other energy-intensive construction practices.	**Not required, no nexus with significant impacts.** The Project will not cause or result in individually or cumulatively significant GHG/GCC impacts. There is no requirement to reduce construction-source GHG emissions. Moreover, within the context of Project-specific requirements (e.g., placement of structures approximately 25 feet below the existing grade of SR-60, and proper fill and re-compaction procedures to ensure proper foundation support, consistent with the recommendations of the Project Geotechnical Investigation, included as Draft EIR Appendix H), construction contractor(s) employ techniques and procedures so as to provide for the most efficient use of earth-moving and grading equipment as a matter of course.
Landscape to preserve natural vegetation and maintain watershed integrity.	**Replicates existing requirements.** Landscape improvements will be provided for the Project as required under the City's Zoning Code Section 9.17, "Landscape Requirements." To minimize risk of invasive non-native plants entering into the riparian habitat along the Quincy Channel, the Project includes mitigation (Measure 4.8.3) that prohibits the use of invasive non-native plant species within 150 feet of the Channel.
Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	**Incorporated** at revised Mitigation Measure 4.3.8.

Response FNSJ-20

As discussed in the preceding Response FNSJ-19, the commentor's suggested mitigation measures to reduce Project impacts in regard to transportation are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13.

Suggested Measure	Response
Create a car sharing program within the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide a shuttle service to public transit within and beyond the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Incorporate bicycle lanes and routes into the planned community's street systems.	**Replicates existing requirements.** The Project is required to provide pedestrian and bicycle connections to surrounding areas consistent with provisions of the City of Moreno Valley General Plan pursuant to the existing Mitigation Measure 4.3.13. This measure notes that the location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan.

Response FNSJ-21

The commentor suggests that carbon offsets be purchased to address "remaining [greenhouse gas] emissions that cannot be eliminated." It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-22

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's analysis of alternatives. As further presented in the *CEQA Guidelines* Section 15126.6, subd. (a), an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation.

To this end, the *CEQA Guidelines* indicate that the range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of most Project objectives.

The commentor's suggestion that "[t]he EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands" is inconsistent not only with the Project objectives, but with the site's existing General Plan land use designation and zoning. Additionally, it is unclear that such an alternative would result in a lessening of the Project's environmental effects, particularly since commercial uses typically generate considerably higher average daily rates of traffic per square foot than light industrial uses, with correlating increases in air emissions. See for example Trip Generation 7th Edition (Institute of Traffic Engineers)trip generation rate for Specialty Retail (ITE Code 814), 44.32 trips/thousand square feet; vis-à-vis the Project trip generation rate of 3.12 trips/thousand square feet. On a related note, the EIR specifically considers a "No Project" alternative which assumes development consistent with site's current Business Park zoning designation. As with the mixed use concept proposed by the commentor, substantially increased trip generation could be expected if developed with business park uses when compared to industrial uses proposed under the Project.

> In this regard, for Traffic Analysis Zone (TAZ) 209 encompassing the Project site, the General Plan Buildout traffic model reflects development of the subject site with Business Park/Light Industrial uses, and projects approximately 4.18 times the trip generation for TAZ 209 than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project. The No Project Alternative considered

herein approximates trip generation for the subject site under the General Plan Buildout Scenario at four (4) times that of the Project (Draft EIR, Page 5-32).

Based on the preceding, the commentor's suggested alternative concept fails as feasible alternative to the Project, and does not merit further analysis as part of the Project EIR.

In regard to the question of whether the Project could be accommodated elsewhere, the Draft EIR addresses, at length, the possible alternative sites that were considered as part of the review of Project alternatives (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it

is not currently owned or controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor's states that "[t]he Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty." No specific tenant(s) for the Project are currently under contract. Results and conclusions of the EIR are not affected.

The Draft EIR (on Pages 5-49 to 5-62) does provide a comparative analysis of the potential impacts of each alternative in regard to greenhouse gas emissions, biological resources, water supply, water quality, and traffic. As required under *CEQA Guidelines* Section 15126.6, subd. (d), this evaluation includes "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."

<u>Response FNSJ-23</u>

The City disagrees with the commentor's assertion that "the Draft EIR avoids an actual on the ground biological resource impact assessment." Draft EIR Appendix G presents the Biological Resources Survey prepared for the Project, which consists of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements, as identified in the following Figure 4.8-1;

- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- A jurisdictional delineation, which was prepared pursuant to the requirements of the California Department of Fish and Game and the Army Corps of Engineers.

As further discussed in the Draft EIR (Page 4.8-14), "[p]ayment of the mitigation fee and compliance with the requirements of the MSHCP are intended to provide full mitigation under CEQA, although certain areas within the MSHCP boundaries require additional surveys to determine the presence or absence of specific MSHCP-covered resources, including sensitive plants, burrowing owls, and riparian or riverine areas." Although focused surveys for threatened, endangered and sensitive plant and wildlife species were not conducted as part of the Project's general Biological Assessment, protocol surveys were subsequently performed to determine the presence or absence of burrowing owls within areas of potential disturbance. The *Report on Burrowing Owl Surveys for the West Ridge Project Site* (Harsmworth Associates, July 2009) is also included in Draft EIR Appendix G.

In addition, implementation of Draft EIR Mitigation Measure 4.8.7, included in the Mitigation Monitoring Program presented in Final EIR Section 4.0, will ensure that a pre-construction survey be conducted to document the location of any occupied burrows on-site. With the implementation of this mitigation measure, as well as compliance with the requirements of the MSHCP, the Project's potential to impact burrowing owls is reduced to a less-than-significant level.

The City of Moreno Valley's current schedule of non-residential impact fees indicates that the Project would be subject to an MSHCP fee of $6,597 per acre, and an additional $500 per acre SKR (Stephens' kangaroo rat) mitigation fee. On this basis, the Project would contribute approximately $390,335 to meet its fair-share responsibility for regional plant and wildlife impacts. The amount collected by the City for wildlife mitigation to date, along with the effectiveness of such fee collections, is outside the scope of the Project's environmental analysis. The Draft EIR (Page 4.8-31) notes that "[t]he Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project 'is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009.' These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. This species has not been recorded within the Project area in the past and is presumed absent from the site. As such, the Project is in compliance with the MSHCP." The results and conclusions of the Draft EIR are not affected.

Response FNSJ-24

The commentor requests receipt of future information regarding the Project, and as such, has been added to the Project distribution list at the referenced address. A copy of the Project's Final EIR has also been provided to the commentor, as requested.

Response FNSJ-25

The commentor lists numerous publications and resources exhibits incorporated by reference. With the exception of certain web-linked publications, exhibits listed "as incorporated by reference" have not been provided. Nor has their disposition, availability, or specific relevance been otherwise identified.

From: sgcricket@aol.com
Sent: Monday, December 06, 2010 3:20 PM
To: Jeffrey Bradshaw
Subject: Western Ridge Commerce Center DEIR

Comments Regarding: West Ridge Commerce Center
From: Susan Gilchrist

The project under consideration requires a zoning change from Business Park to Light Industrial. It is my understanding that this is a speculative project and there is no tenant identified. This presents a problem for the residents of the eastern portion of the City. There are currently many unoccupied warehouse buildings on Cactus and along the 215 as well as many in other Inland Empire cities. The only logical reason for presenting this project at this time is to "ride the coattails" of Highland Fairview/Skechers and get approval for another megalithic structure. Since the City permitted a building 36 times the size of the General Plan recommendation, what will prevent the Council from approving another oversized structure? The only solution will be to retain the General Plan and wait for the economy to improve so that the long range goals of a diverse job base can be reached. SG-1

Ten to fifteen years ago, business park zoning was successful and in the future it will be that way again. If zoning changes could be reversed, this would be more acceptable, but they are not. It will never revert to Business Park zoning from Light Industrial and the vision of the eastern portion of the City will be changed forever. Those driving through Moreno Valley will think the City consists of warehouses and sound walls...how attractive!

Questions for the developer:

1. Is this a speculative project or is there a tenant ready to occupy a 900,000 sq ft building? SG-2

2. What benefit is there to the residents and the City for approving a zone change at this time? SG-3

3. Why is the City moving away from the General Plan without bringing the entire process back to the residents? Moreno Valley seems to be willing to accept anything offered rather than have high standards and long range goals. The desperation is obvious and not very reassuring. Surrounding cities of Temecula, Murrieta, Menifee, Riverside, and Redlands are constructing buildings with more style and substance than is seen in Moreno Valley. These cities are attracting a variety of businesses while our City accepts the dregs. SG-4

4. Should the Council change the zoning, will the property be sold to another developer? SG-5

5. As a condition for the zone change, will the developer be willing to put an appropriate buffer of 1500 feet on the south side of Fir and develop it as a City park with a block wall on the north side of the park? SG-6

6. Could the traffic flow from both Skechers and Western Ridge be restricted from Redlands Blvd? SG-7

7. Will the building be constructed to LEEDS standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved? SG-8

8. What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility? SG-9

Sincerely,
Susan Gilchrist

SUSAN GILCHRIST

Email dated December 6, 2010

Response SG-1

The commentor correctly notes that approval of the Westridge Commerce Center Project would involve a change of zone for the Project site, from Business Park to Light Industrial. The commentor's opinions regarding the proposed zone change will be forwarded to decision-makers for their consideration.

Response SG-2

The commentor inquires: "Is this a speculative project or is there a tenant ready to occupy a 900,000 square foot building?" At this time, no specific tenant(s) for the Project are under contract.

Response SG-3

The commentor inquires: "What benefit is there to the residents and the City for approving a zone change at this time?" The benefits of a project are not germane to an EIR pursuant to CEQA. Nevertheless, certain potential benefits to the residents and the City are reflected in the Project Objectives. More specifically, as noted at Draft EIR Page 3-4, the Primary Objectives of the Project as identified by the Project Applicant include the following:

- Transition the existing site into a productive use;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

Response SG-4

The commentor inquires: "Why is the City moving away from the General Plan without bringing the entire process back to the residents?" The commentor offers opinions on City development review and approval processes, and the character of local and regional development.

As discussed in the Draft EIR (Pages 4.1-6 through 4.1-9), implementation of the Project would not propose or require a change in the Project site's General Plan land use designation. The commentor's opinions in regard to the City's approval process and the character of local and regional development will be forwarded to decision-makers for their consideration.

Response SG-5

The commentor inquires: "Should the Council change the zoning, will the property be sold to another developer?" Should the Project be approved, it is the applicant's intention to develop the site as proposed. However, there are no restrictions to prohibit the sale of the subject property. It may be noted that, regardless of ownership, Project-specific mitigation measures and other applicable regulations relative to the Project's construction and operations, including those identified in the Draft EIR, would remain in force.

Response SG-6

The commentor inquires: "As a condition of the requested zone change, will the developer be willing to put an appropriate buffer of 1,500 feet on the south side of Fir (future Eucalyptus) Avenue and develop it as a City park with a block wall on the north side of the park?" As a point of clarification, the requested zone change cannot be lawfully conditioned as suggested. Moreover, there is no codified requirement or environmental impact nexus that would require or suggest a 1,500 setback or the creation of a park southerly of the Project site. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-7

The commentor inquires: "Could the traffic flow from both Skechers and Western Ridge [the proposed Westridge Project] be restricted from [using] Redlands Boulevard?" Direct and practical access to the Project site is provided via Redlands Boulevard, located less than one-quarter mile easterly of the Project site. The Project provides all necessary improvements to mitigate its direct traffic impacts affecting Redlands Boulevard to levels that are less-than-significant. Additionally, appropriate mitigation is provided for all potentially significant cumulative traffic impacts affecting Redlands Boulevard.

Opening Year access to and from the SR-60 to the Westridge Project site was assumed to utilize Redlands Boulevard exclusively. The Project TIA (included as Draft EIR Appendix B) does account for the fact that, upon the development of Eucalyptus Avenue to the ultimate configuration identified in the Moreno Valley General Plan Circulation Element, Project-related traffic could also access the SR-60 at Moreno Beach Drive.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-8

The commentor inquires: "Will the building be constructed to LEED standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved?" Similar to the recently approved Highland Fairview/Skechers project, the Westridge Commerce Center will be built to LEED standards. The following discussion at Draft EIR Page 3-16 is presented here for ease of reference.

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification. There is no requirement that LEED standards implemented by the Highland Fairview/Skechers development be similarly implemented by the instant Project.

As further described in the Aesthetics section of the Draft EIR (Page 4.9-11) and illustrated in Draft EIR Figure 4.9-3, the Project's building foundation is planned to be located approximately 25 feet lower in elevation than the existing elevation of SR-60. Substantial reduction of the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment.

In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured for example as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000 square foot building would have to be at least 1.7 million square feet in size in order to accommodate a comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be substantial additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint.

Response SG-9

The commentor inquires: "What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility?" As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations." Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions as presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

December 6, 2010

Mr. Jeff Bradshaw
Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: Westridge Commerce Center – Comments on Draft EIR

Dear Jeff,

Highland Fairview has reviewed the Draft EIR and is concerned with the manner in which the document addresses a number of environmental issues. As you know, the city imposed numerous mitigation measures and conditions of approval on the Highland Fairview Corporate Park (HFCP) project many of which are not applied to this project, despite the similarities of the two projects. Among these issues are air quality, water quality, freeway landscaping treatment, architectural design, sustainability, hazardous materials, biology, global climate change and many other environmental areas.

To address these concerns, we request a meeting with the City planning, traffic and engineering departments to review the proposed mitigations included in the Draft EIR. We are particularly concerned about the following subject areas:

1. The project's contribution to improvements to SR60 mainline and interchanges. HF-1
2. The project's contribution to improvements on Redlands Boulevard. HF has other projects in the area and insufficient improvements by this project should not be allowed.
3. Architectural standards and design comparable to that of the HFCP Skechers building should be articulated from the freeway.
4. The landscape treatment of the interface between the project and SR60 should be comparable to that required by the City for HFCP and should be consistent.
5. The need for a significant commitment from the project to address the visual relationship between the project and the SR60. For example, the HFCP project was lowered 25 feet so that its visual impact could be softened.

We request a meeting with City staff as soon as possible to address these concerns.

Sincerely,

Wayne Peterson
Vice President, Community Planning

HIGHLAND FAIRVIEW

Letter Dated December 6, 2010

Response HF-1

The subject line of this letter indicates that it contains comments on the Westridge Commerce Center Draft EIR; however, these comments do not appear to be intended to address the Draft EIR's technical analysis or findings. Instead, the comments focus on the Westridge Commerce Center's "contribution to improvements," and express concerns regarding the equity of mitigation between the Westridge Commerce Center Project and the recently approved Highland Fairview Project (a 2.6 million-square-foot light industrial/commercial development located south of SR-60 east of Redlands Boulevard). A meeting with City staff is requested "to address these concerns."

On this basis, specific technical responses are not warranted. Mitigation for the Project's potential impacts was included in the Draft EIR, and is detailed in the Project's Monitoring Program, provided in Final EIR Section 4.0. Further, the Project's architectural compatibility with City design standards, and with the Highland Fairview project, is addressed on Draft EIR Page 4.9-6.

The commentor's concerns will be forwarded to decision-makers, as requested. City staff will be pleased to meet with the commentor to discuss their concerns.

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December 3, 2010

City Council
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA U.S. MAIL

RE: Draft Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Draft Environmental Impact Report.

General Comments:

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Unfortunately, the **DEIR for this Project fails as an informational document** as it fails to adequately and accurately consider cumulative impacts throughout the document. The DEIR also misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The DEIR is often conclusory and does not provide the analysis required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusion. This includes often omitting to provide the information required to properly assess impacts. JS-1

Moreover, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation must be adopted**. In this way

CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. Moreover, all mitigation measures required in the EIR must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. The Project is also inconsistent with the City of Moreno Valley General Plan. This is unacceptable. JS-1 (cont'd)

Project Overview:

The Westridge Commerce Center is a proposal, sponsored by ProLogis, for the construction of a 937,260 sq. ft. warehouse-distribution facility on approximately 54.66 acres of mostly undeveloped agricultural land located on the north side of Eucalyptus Avenue, west of Redlands Boulevard, near the SR-60/Redlands Boulevard interchange. The project will include approximately 173 loading docks and 14,000 square feet of office space to be divided between the southeast and southwest corners of the building. The future occupants and uses of the property are unknown at this time.

The project would require the removal of approximately 70,000 cubic yards of soil. The project would require the discretionary approval of a zone change (City Case # PA08-0098) from business park to light industrial. The project would also require an amendment to City of Moreno Valley Municipal Code section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts] due to the Project sites adjacency to residentially-zoned property and approval of Tentative Parcel Map No. 36207 (City Case # PA09-023). Adjacent to the project site is SR-60 to the north and Eucalyptus Avenue to the south. Properties to the south of the project are zoned Rural Residential ("RA-2") and designated Primary Animal Keeping Overlay ("PAKO") Zone. A residence is located near the southeasterly corner of the project site. To the west of the project site, although properties are currently under agricultural production, a proposal, also sponsored by ProLogis, has been made to develop, on 117 acres, six distribution warehouse facilities totaling 2.25 million square feet. Properties immediately to the east are designated commercial. Further east, across Redlands Boulevard, development of the 2.6 million square feet Highland Fairview Corporate Park Project has been approved. Regional access to the Project will be provided by the SR-60/Redlands Avenue interchange. JS-2

The DEIR concludes that aesthetic impacts are significant and unavoidable. Noise impacts are significant and unavoidable for the construction phase. Air quality impacts are significant and unavoidable for construction and operation phases. The DEIR also concludes cumulative aesthetic, air quality, construction noise, and traffic impacts are significant.

Cumulative Impacts:

The cumulative impact analysis is brief, lacking in evidence and data, and generally insufficient. CEQA requires that in order to adequately discuss and analyze potential significant cumulative impacts, "[a] list of past, present, and probable future projects producing related or cumulative impacts" must be included in the DEIR. (Cal. Pub. Res. C. § 15130(b)(1)(A).) The lead agency must also "define the geographic scope of the area JS-3

affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." (Cal. Pub. Res. C. § 15130(b)(2).)

Here, the DEIR looks *only* at the cumulative effects from those "probable development proposals" within a two (2)-mile radius of the Project. **The analysis does not account for any past or present projects as required under CEQA and does not "provide a reasonable explanation" for why the two-mile radius was used.** Although a discussion as to why the Traffic Impact analysis was limited to a two-mile radius was provided in the DEIR, this reasoning does not support a basis for why the Cumulative Impact Analysis section of the DEIR was limited to such a small radius and purely probable future projects. Development within Moreno Valley is occurring on a large scale and the resulting impacts should not be ignored. (See Exhibits 1 – 3.) There is also a great amount of residential development within close proximity to the Project site, yet the impacts from these projects are not included in the analysis. For instance, The Moreno Highlands Specific Plan providing for 7,700 residential units located east of the Project site and the Aqua Belle Specific Plan providing for 2,922 "Active Adult" residential units located southwesterly of the Project site are neither included in the analysis nor mentioned in the DEIR. Also, the Centerpointe Project, a 353,859 square feet distribution center (PA07-0147, PA07-0157) which was approved by the Planning Commission in early 2010 was not included. This failure to analyze any impacts from past and present projects, as well as projects outside of the two-mile radius results in an inadequate analysis of the impacts to traffic, air quality, greenhouse gas emissions, and aesthetics, among others.

JS-3 (cont'd)

Furthermore, the cumulative impact section often fails to recognize that impacts which are less than significant on their own may nonetheless be cumulatively significant. The cumulative impact analysis also fails to summarize "the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available," as is required by CEQA. (Cal. Pub. Res. C. § 15130(b)(4).)

Therefore, the DEIR fails as an informational document as it does not provide an accurate analysis of the cumulative environmental effects that will result and therefore does not allow for sound and informed decision making on behalf of approving agencies.

General Plan Consistency:

CEQA requires that an EIR "discuss any inconsistencies between the proposed project and applicable general plans." (CEQA Guidelines 15125(d).)Yet, the DEIR fails to discuss the inconsistency of the Project with a number of applicable provisions contained within the General Plan.

JS-4

The project is inconsistent with the following General Plan provisions: Goal 2.2; Objective 2.13; and Policies 2.10.14, 2.13.1, and 2.13.3. Goal 2.2 requires that "the optimum degree of health, safety, well-being, and beauty for all areas of the community" be achieved yet the Project has numerous significant and unavoidable impacts to the safety, health and well-being of residents throughout Moreno Valley. Policy 2.10.14 requires that existing mature trees be preserved or relocated and only replaced when they cannot be preserved or relocated. Yet, although the Project will replace those existing mature pine trees along the

northerly boundary with a double-row of new trees, the DEIR fails to discuss whether these mature trees will be relocated and if not, how or why preservation or relocation of these mature trees is infeasible. Policy 2.13.3 of Objective 2.13 requires that "the sponsor of a development project…assure that all necessary infrastructure improvements…needed to support project development are available at the time that they are needed" yet, as will be discussed below, there is nothing to indicate that those improvements that will be required to mitigate for traffic will actually be implemented. JS-4 (cont'd)

Agricultural Impacts:

Although the Project will result in the conversion of farmland to non-agricultural uses the DIER finds that the impact will be less than significant. This finding is not supported by substantial evidence when the Initial Study itself states that the site is designated as Farmland of Local Importance due to the high quality of soil at the site and the Project Description states that the land has actually been used for agricultural production within the last twenty (20) years. As such, mitigation for this loss of prime agricultural land is required. It is well documented that agricultural land is the largest part of Riverside's economy. **The EIR prepared for the City of Moreno Valley General Plan recognizes that due to this loss of agricultural land, impacts are potentially significant and feasible mitigation measures would effectively lessen this significant impact.** (See Exhibit 4.) Therefore, the following mitigation measures must be adopted: JS-5

1. Purchase conservation easements on existing agricultural land to ensure that the land is never converted to urban uses.
2. Donate funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

Land Use and Planning:

This Project will have a significant impact to Land Use and Planning which was not adequately evaluated in the DEIR. The Project involves a zone change from Business Park to Light Industrial as well as an amendment to the Municipal Code as a result of its proximity to residential areas. The effects of the zone change and the amendment to the Muncipal Code are both potentially significant impacts which must be further evaluated and potentially mitigated in the DEIR. JS-6

Additionally, as stated on page 2-4 of the Initial Study land south of the Project site contains a Primary Animal Keeping Overlay Zone ("PAKO Zone") "in order to maintain animal keeping and the rural character of the area" yet this is not even mentioned in the DEIR. The Project's effects on this zoned area and the extent that this Project will disrupt the ability of people to keep animals in this zone must be analyzed and potentially mitigated.

Air Quality and Greenhouse Gas Emissions/Climate Change: JS-7

Air Quality

Air quality impacts will be significant and unavoidable during both the construction and operation phases.

Construction:

The air quality analysis is flawed and underestimates the impact on air quality during construction. The air quality analysis improperly assumes for Phase 2 Grading a value of zero Vehicle Miles Traveled (0 VMT) for on-road truck travel. This is improper as the analysis must account for the VMT by construction workers *to and from* the Project site. JS-7 (cont'd)

Even under the current analysis, without mitigation, construction of the project will result in levels of VOC, NOx, PM10, and PM2.5 exceeding SCAQMD Regional Thresholds, yet all feasible mitigation measures were not adopted to reduce construction related emissions, and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur. For example, MM 4.3.4 does not reduce VOC to the greatest extent feasible. MM 4.3.4 should be modified to require that all paints, coatings, and solvents are zero (0) VOC. JS-8

MM 4.3.1 does not sufficiently mitigate for air quality impacts and is uncertain and unenforceable. In recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM10 and PM2.5 fugitive dust haul road emissions *by approximately 44%*. Yet, MM 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. MM 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%. This measure should also be modified to include the specific measures which the contractor shall take to ensure that traffic speeds on unpaved roads are reduced to 15 miles per hour, such as the placement of signage or other speed controlling devices. Mitigation measures should also be required to include measures which mitigate for and ensure dust control at the dump site where the soil from the project site will be placed. JS-9

MM 4.3.7 should not only require that electrical power sources "be provided" but also require that electrical construction equipment be *actually used* "whenever technically feasible." JS-10

Although the air quality analysis recommends that "[p]rior to issuance of a grading permit, the grading plans shall reference that a sign shall be posted on-site stating that construction workers need to shut off engines after five minutes of idling," this mitigation measure was not included in the DEIR. This is unacceptable, particularly since the DEIR states that air quality emissions are significant and unavoidable, and this mitigation measure is plainly feasible and would reduce air quality emission. Moreover, this measure is required by CARB, in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations. This mitigation measure must be included in the DEIR. JS-11

The air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas "quickly" should be adopted. Yet, the DEIR fails to include such a mitigation measure. Again, this is unacceptable particularly since the air quality emissions are significant and unavoidable and this mitigation would reduce both PM10 and PM2.5 by JS-12

an additional 10%. Mitigation must be included requiring that landscaping or other vegetation be planted as soon as possible after disturbance. JS-12 (con'd)

In analyzing air quality due to fine site grading activity, the air quality analysis assumes that a maximum of 13.66 acres per day will be disturbed by grading activity. In order to ensure that the effect on air quality from fugitive dust is not greater than that relied upon by the DEIR, a mitigation measure must be adopted that *limits* fine site grading activity to a level below 13.66 acres per day. In fact, an even lower maximum daily acreage should be required in order to further mitigate for these impacts. JS-13

Even after applying mitigation measures, construction air quality impacts are expected to be significant and unavoidable and well above the thresholds of significance for criteria pollutants. For example, with implementation of the mitigation measures listed in the DEIR, emissions of PM10 during construction will amount to 39.51 $\mu g/m^3$ over 24-hours, almost four times the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold, while emissions of PM2.5 during construction will amount to 12.40 $\mu g/m^3$ over 24-hours, well over the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold. Additionally, VOC will reach 205.37 lbs/day, more than two and one half times the 75 lbs/day SCAQMD Regional Significance Threshold and NOx will reach 287.12 lbs/day, almost three times the 100 lbs/day SCQAMD Regional Significance Threshold. Yet, the DEIR suggests adoption of only nine (9) mitigation measures and simply concludes that the remaining unmitigated emission are unavoidable. This is insufficient. In order to further reduce construction air quality emissions, the following additional mitigation measures should be adopted:

1. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.
4. Complete all roadways, driveways, sidewalks, etc., as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.
5. Pave all roads on construction sites as soon as technically possible.
6. Limit fugitive dust sources to 20 percent opacity.
7. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
9. Require high pressure injectors on diesel construction equipment.*
10. Restrict engine size of construction equipment to the minimum practical size.*
11. Use Electric construction equipment where technically feasible.*
12. Substitute gasoline-powered for diesel-powered construction equipment.*
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
14. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of

JS-14

large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*

15. Install catalytic converters on gasoline-powered equipment.*
16. Use electricity from power poles rather than temporary diesel power generators.*
17. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke. JS-14 (cont'd)
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*
20. Provide shuttle service to food service establishments/commercial areas.*
21. Provide shuttle service to transit stations/multimodal centers.*
22. Utilize only CARB certified equipment for construction activities.*
23. All forklifts shall be electric or natural gas powered.*
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.

Operational:

The Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. **Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930).** This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts. JS-15

The DEIR also inaccurately represents the values used in the LST Analysis. The Air Quality Analysis states that the average trip length used was 0.3 miles and the vehicle speed was 10 miles per hour. Yet, the DEIR incorrectly states that the average trip length used in the LST Analysis was 0.5 miles while the vehicle speed was 5 miles per hour. (DEIR, 4.3-68) Again, this failure in the DEIR to accurately reflect the values used in the LST Analysis renders the DEIR inadequate as an informational document. JS-16

The DEIR and air quality analysis conclude that for long-term operational activities, even after mitigation, VOCs and NO_x will exceed SCAQMD's Regional Significance Thresholds. Without mitigation, the regional emissions of VOCs and NO_x are exceeded for both summer and winter, with NO_x greatly exceeding the threshold of 55 lbs/day with 739.69 lbs/day in the summer and 819.10 lbs/day in the winter. With the mitigation measures, the emissions of JS-17

NO_x would be reduced by only a meager .03 lbs/day in summer and .17 lbs/day in winter and emissions of VOCs would be reduced by only .01 lbs/day. These reductions are clearly insignificant. **The mitigation measures do not actually mitigate for the significant operational impacts to NOx and VOC.** JS-17 (cont'd)

MM 4.3.11 requires that the project surpass California Title 24 Energy Efficiency performance standards by a minimum of 20 percent. This goal is to be met by using any combination of a number of listed design features. Particularly since NOx emissions are significant this mitigation measure should require that the project surpass California Title 24 Energy Efficiency standards by at least 30 percent. In fact, all design features listed should be required to be implemented as a way to mitigate the significant effects on air quality. JS-18

Additionally, many more operational mitigation measures are feasible and may be implemented through contract requirements in the purchase, sale, or lease agreement. Such mitigation must be required unless the incorporation into the contract of a mitigation measures is shown to be *infeasible*, not merely inconvenient. The following mitigation measures should be required to reduce Project operational impacts:

1. Require the utilization of zero VOC paint, coatings, and solvents.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become SmartWay Partner.*
4. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.* JS-19
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. Install catalytic converters on gasoline-powered equipment.*
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM_{10} compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.

9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.*
10. Require each user to establish a carpool/vanpool program.*
11. Provide on-site child care or contribute to off-site child care within walking distance.*
12. Provide preferential parking for carpool/vanpool vehicles.*
13. Provide secure, weather-protected bicycle parking for employees.*
14. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
15. Provide showers and lockers for employees bicycling or walking to work.*
16. Short-term bicycle parking for retail customers and other non-commute trips.*
17. Connect bicycle lanes/paths to city-wide network.*
18. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
19. Prohibit idling of trucks for periods exceeding three minutes.*
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
21. Provide shuttle service to food service establishments/commercial areas.*
22. Provide shuttle service to transit stations/multimodal centers.*
23. Implement parking fee for single-occupancy vehicle commuters.*
24. Implement parking cash-out program for non-driving employees.*
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
26. Implement a compressed workweek schedule where feasible.*
27. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
28. Install EV charging facilities *for a minimum of 10% of all parking spaces.**
29. Install a CNG fueling facility.*
30. Provide preferential parking locations for EVs and CNG vehicles.*
31. Utilize electrical equipment for landscape maintenance.*
32. Utilize only CARB certified equipment for construction activities.*
33. All forklifts shall be electric or natural gas powered.*
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
36. Utilize low pressure sodium fixtures for exterior lighting including parking lots.
37. Utilize electric yard trucks.*
38. All buildings shall be constructed to LEED Platinum standards.*
39. The operator shall meet SmartWay 1.25 ratings.*
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.*
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.*
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.*
43. The operator shall purchase only green power.*

JS-19 (cont'd)

Climate Change/GHG emissions:

According to the air quality analysis, this Project would generate GHG emissions that will have a significant effect on the environment. However, the DEIR concluded that GHG emissions are less than significant since the Project's emissions will not exceed the thresholds of significance proposed by SCAQMD (stationary source GHG emissions ≥ 10,000 metric tons per year of CO_2E) or CARB (7,000 metric tons per year of CO_2E from non-transportation related GHG sources). Not only is this conclusion improper but the analysis used to determine GHG emissions is also flawed. JS-20

The thresholds for significance for SCAQMD and CARB relate only to *non-transportation/stationary* sources. Therefore, the GHG emission analysis and conclusion of less than significance is deeply flawed as it fails to account for the majority of GHG emissions for the Project which are attributable to non-stationary/mobile sources. Of the total estimated 30,003.39 metric tons/year of CO_2E, 27,858.08 metric tons/year come from mobile sources, whereas only 7% of CO_2E is derived from stationary sources. JS-21

Furthermore, the same reduced number of trips used in the air quality analysis was used for determining the impact on global climate change. For the same reasons previously discussed, this is inappropriate and does not adequately represent the negative impact this Project will have on global climate change. When the 2,930 traffic trips used in the traffic analysis is used rather than the 1,585.22 traffic trips as suggested, the GHG emission for transportation sources increases more than double from 27,858.08 CO_2E to 51,490.77 CO_2E. **Clearly, GHG emissions are far greater than that estimated in the DEIR.** JS-22

The GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project. Where the project consists of a new distribution center and truck parking, the vehicular emissions in fact create a "new" mobile source of emissions as they create new trucking jobs, and do not merely redistribute the existing traffic patterns as this analysis has assumed. JS-23

The DEIR incorrectly concludes that even though GHG emissions from the Project would be significant, since the Project is consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG emissions are not cumulatively considerable. Yet, this project is, in fact, inconsistent with the CARB Scoping Plan. For instance, Action T-7 recommends that trucks/trailers be retrofitted with BAT and/or CARB-approved technology, yet this Project does not require this retrofit. The DEIR also states that the Project is consistent with Action E-4 (Million Solar Roofs) which sets a target for the installation of 3,000 megawatts (MW) of new solar capacity by 2017, yet the Project does not include nor require installation of a photovoltaic solar electricity system. In order to actually work to achieve this goal of new solar capacity, the Project should require, as a mitigation measure, the installation of a photovoltaic solar electricity system Such a system may be required through contract requirements in the purchase, sale, or lease agreement. JS-24

The DEIR also states that the Project is in compliance with 2006 CAT Report GHG Emission Reduction Strategies. Yet, these determinations of compliance are not supported by any *mandatory requirements,* but rather based on mitigation measures which are not fully enforceable or feasible. For example, the DEIR states that vehicles accessing the site will be in compliance with CARB vehicle standards to the "maximum extent feasible," but does not define this or implement any standard of performance. The DEIR also states that compliance JS-25

with the State's goal of achieving 50% Statewide Recycling will be met through including "provisions for tenants to recycle," yet, there is no requirement that this goal be met. Recycling of at least 50% by the future tenant should be mandatory and required as a mitigation measure through contract requirements in the purchase, sale or lease agreement. In stating that the Project is compliant with the requirement for water use efficiency, the DEIR states that implementation of water conserving devices should be required "to the extent feasible." This language is again vague and does not include any enforceable performance standards. Also, the Project does not require compliance with the California Solar Initiative, one of the strategies identified as critical for California to meet its greenhouse gas reduction targets. The Project merely *recommends* adoption of a requirement that "[a]ll buildings be designed to accommodate renewable energy sources, such as pholtovoltaic solar energy systems..." (DEIR, pg. 1-58) Again, this should be a *required*. Furthermore, the project is also inconsistent, and/or determined to not require compliance with several other CAT strategies, notably with respect to Alternative Fuels. JS-25 (cont'd)

The DEIR fails to analyze or provide evidence as to how any alleged compliance with the strategies in the 2006 CAT Report or the CARB Scoping Plan would reduce GHG emissions from this Project so that cumulative GHG impacts would not be significant. Furthermore, the DEIR fails to show how the Project is consistent with statewide goals in AB32 of reducing carbon emissions to 1990 levels 2020 and of Executive Order S-3-05 of reducing carbon emissions to 80% below 1990 levels by 2050, when this project only contributes to and increases these carbon emissions. JS-26

The California Air Pollution Control Officer's Association ("CAPCOA") has analyzed several means of determining the significance of a project's greenhouse gas impacts under CEQA in its CEQA & Climate Change White Paper. CAPCOA determined that a threshold of zero or a quantitative threshold designed to capture 90 percent or more of likely future discretionary projects (a 900-ton CO_2E threshold) are highly effective at reducing emissions and highly consistent with the emission reduction targets set forth under AB 32 and Executive Order S-3-05. (See Exhibit 5.) The Bay Area Air Quality Management District (BAAQMD) has also drafted guidance on the determination of significance for greenhouse gas impacts. BAAQMD has recognized that there is a "gap" between state action to reduce emissions and the need to further reduce emissions from land-use driven sectors in order to reach AB 32 targets. (See Exhibit 6.) After a series of calculations, BAAQMD then determined that projects above 1,100 tons (accounting for approximately 92% of all GHG emissions from new land use development) would be considered significant, thereby requiring the adoption of all feasible mitigation measures and helping to get nearer to meeting AB 32 targets after statewide regulations are taken into account. Additionally, in the EIR for the Highland Fairview project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change. The Project clearly exceeds the zero threshold. Accordingly, all feasible mitigation measures must be implemented and thus all suggested design features in Mitigation Measure 4.3.11 must be required to be implemented in the Project design. JS-27

The DEIR improperly concludes that due to the Project's supposed consistency with the CARB Scoping Plan and the 2006 CAT Report "that the Project's greenhouse gas emissions are not cumulatively considerable." (DEIR, pg. 5-14) As discussed above, even if the Project were consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG JS-28

emissions from the Project are not less than significant. Additionally, the conclusion that GHG emissions are not cumulatively considerable just because the emissions are not individually considerable (although not actually true) completely ignores the concept of cumulative impacts. "'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15064(h)(1). As the DEIR admits, climate change is a global issue as emissions from sources worldwide combine to create the most pressing environmental and social problem of our time resulting in increased flooding, decreased water supply, negative impacts to biological resources, as well as numerous other negative effects. These sources may "appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Los Angeles Unified School Dist. v. City of Los Angeles,* 58 Cal.App.4th 1019, 1025 (1997). Here, the cumulative effects on GHG emissions were not adequately analyzed. GHG emissions, which are already estimated at over 30,000 metric tons of CO_2E per year for just this Project, will have a large cumulative effect and this impact must be addressed in the DEIR and be properly mitigated. **Adoption of air quality mitigation measures marked with an asterisk and provided above will help further mitigate GHG emissions.** JS-28 (cont'd)

After all measures have been implemented to reduce emissions, any remaining emissions that cannot be eliminated may be mitigated through off-site measures. The Final Statement of Reasons for CEQA GHG Guidelines specifically contemplates off-site mitigation such as "community energy conservation projects." CAPCOA also found that a potential cost-effective offset and verifiable offset could include an energy-efficient retrofit of existing building stock in the Project area to offset the remainder of the Project's emissions. (See Exhibit 5 at 80.) Offsetting GHG emissions in the project area could also effectively reduce criteria pollutants. JS-29

Noise:

Construction:

Intermittent noise levels due to construction at the Project site are expected to reach 89 dBA at the nearest residential properties, well in excess of the daytime 60 dBA Leq allowable under the Moreno Valley Municipal Code. Even at the more distant residential neighborhoods one quarter mile away from the Project site, noise levels during construction are expected to reach 60 to 65 dBA Leq. The DEIR concludes that even after implementing four mitigation measures, that construction noise will be significant and unavoidable. Yet, the DEIR does *not* adopt all feasible mitigation measures. Also note that Mitigation Measure 4.4.3, which limits constructions activities to between 7:00 a.m. and 8:00 p.m. does *not* mitigate the fact that noise levels of 89 dBA will be in excess of the City's noise ordinance during *daytime* hours. The fact that the ordinance establishes time frames does not eliminate or lessen the environmental impact it merely means that the impacts are not subject to criminal sanctions. The threshold of significance is therefore still exceeded during the day. JS-30

Additionally, Mitigation Measure 4.4.4 merely requires that the Project plans include a statement that "for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be JS-31

installed along the Project's southerly boundary" and should "provide maximum reduction for noise sensitive uses…." The term "maximum reduction" is vague and unenforceable. In order to ensure that this mitigation measure actually reduces the level of noise, the measure should require that these sound barriers, which should also include temporary sound walls, actually **reduce noise at sensitive receptors to no more than 60 dBA Leq.** JS-31 (cont'd)

The Noise Analysis recommends the following feasible mitigation measures which must be adopted:

1. Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.
2. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
3. Notify surrounding homeowners of expected, specific construction related noise impacts.

JS-32

In addition, the following mitigation measures, not mentioned in the Noise Analysis, should be adopted:

4. When technically feasible, electrical construction equipment should be utilized.
5. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.

JS-33

Additionally, the DEIR improperly adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA or greater. This is an improper and inaccurate assumption and is certainly not supported by Appendix G of the *CEQA Guidelines* as stated in the DEIR. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance…." Here, 60 dBA is the standard for residential uses and noise levels will be in excess of this standard. JS-34

In terms of ground-borne vibration, there is no evidence pointed to in the DEIR that shows that vibrations would be less than significant even though heavy equipment used during construction "could potentially generate groundborne vibration impacts." Instead the DEIR makes the conclusory statement of insignificance without data or analysis to support such a determination. The DEIR also only mentions vibration impacts to *buildings* when it should also look at impacts to people. Therefore, the DEIR again fails as an informational document. JS-35

<u>Operational - Cumulative Impacts:</u>

As previously discussed, the DEIR fails to look at all cumulatively related projects. This is improper. JS-36

The DEIR finds that the cumulative effects on existing roadways will cause an increase in noise levels of up to 9.5 dB, yet, the DEIR improperly concludes that since the impact from the Project *on its own* is less than 3 dBA that the cumulative impact is not significant. Again, this analysis is completely improper. An increase of 3 dBA is not the threshold of significance adopted for the project. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance ...." Again, that standard for residential uses is 60 dBA and noise levels will be in excess of this standard. For example, with the project, noise levels 100 feet from Redlands Boulevard south of the SR-60 eastbound off-ramp will reach 69.3 dBA and noise levels 100 feet from SR-60 will range from 82.1 to 83.9 dBA. Further, the project will cause noise levels to *increase over levels without the project* at numerous roadway segments. This is a significant impact for which all feasible mitigation must be required. JS-37

Additionally, the Noise Analysis uses noise measurements previously taken at the G.I. Trucking facility in Pomona, California, although neither the Noise Analysis nor the DEIR provide information on this facility in order to show that the activity at the G.I. Trucking facility is comparable to that which would occur at this Project. Therefore the analysis is inadequate to determine the accuracy of potential noise impacts. JS-38

The following feasible mitigation measures must be adopted as recommended in the Noise Analysis: JS-39

1. All trucks, tractors and forklifts shall be operated with proper operating and well maintained mufflers.
2. Maintain quality pavement conditions that are free of bumps to minimize truck noise.
3. Limit the number of idling trucks on the southeastern portion of the site.

Traffic and Circulation:

Interstate 15 ("I-15") and Interstate 215 ("I-215") provide access to the Project area and will most certainly be used to access the Project site. Yet, the DEIR fails to assess the impacts this Project will have on I-15 and I-215 and fails to provide feasible mitigation for projected increased traffic congestion to I-15 and I-215. In order to mitigate for the substantial impacts to these Interstates, mitigation must be included which requires the Project to contribute a fair share to CALTRANS in order to support implementation of improvements to the I-15 and I-215. JS-40

Numerous mitigation measures require that the project participate in fee programs, namely the TUMF and DIF Programs. While payment of fair share fees can be appropriate mitigation for cumulative traffic impacts, they are only adequate when there is an existing program, and that program is adequately funded. The DEIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project. The DEIR also fails to provide information as to the availability of existing fee programs and the financial capability of these programs to actually fund the required improvements for this project. JS-41

The traffic impact mitigation relying on the DIF program is inadequate and is not certain to mitigate traffic impacts. The City announced several months ago that the DIF fees were inadequate to actually construct all required improvements. At that time, the DIF fees were underfunded by approximately 50%. In addition, at the August 18, 2009 City Council Hearing, the City further reduced DIF fees, further increasing the shortfall. There is absolutely no evidence in the record to show that the existing program is adequately funded.

Additionally, these measures do not indicate when the fees will be paid. If required to be paid at the time of construction, the amount could be non-representative of the project's "fair share" in the future. Accordingly, there is absolutely nothing to indicate that the traffic mitigation needed can actually be completed, that mitigation will bring levels of service to acceptable levels, or that there will be adequate funding to install the improvements prior to their need. JS-41 (cont'd)

Therefore, the following mitigation measures should also be adopted:

1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
3. Reroute construction trucks away from congested streets and sensitive receptor areas.*
4. Configure construction parking to minimize traffic interference.*
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
8. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
9. Improve traffic flow by traffic synchronization.

JS-42

Again, the cumulative analysis of traffic impacts is insufficient as it fails to consider numerous projects as previously discussed. JS-43

Water Supply/Sewer:

The DEIR improperly looks to potable water demand of the project (44 acre feet per year) to determine less than significant impact on water supply, instead of total water demand. The DEIR states that the "EMWD has determined that it will be able to provide adequate water supply to meet the **potable** water demand for the project…." There is no analysis of the impact of any additional water for the Project on diminishing water supplies for other uses such as agricultural uses, despite the fact that agricultural users have been put on mandatory water reductions because of water shortages. JS-44

The DEIR fails to examine impacts from global warming and climate change to water supplies. Specifically, the DEIR does not account for decreased snow pack, expected levee failure, and salinity intrusion into coastal water tables, especially with the State Water Project. Additionally, the state-wide drought and low availability of water throughout southern California will cause water supply to likely be much lower than projected, and the project may have a very significant impact. JS-45

In order to mitigate for these significant impacts, the following mitigation measures should be adopted: JS-45 (cont'd)

1. Install permeable pavement in car parking areas.
2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.

Hydrology and Water Quality:

As discussed in the Preliminary Hydrology Study, on page 6, in order to mitigate for impacts from runoff, the project should be required to "clean the sediment build up in the existing triple 60" pipes crossing under the 60 freeway as well as the existing 60" Pipe outleting into the Redlands Blvd. westerly drainage ditch. This mitigation measure must be included in the DEIR. JS-46

The DEIR fails to analyze the impact at the southwesterly corner of the Project site if the future drainage improvements that are to eventually be constructed "by others in association with eventual bridged crossing of the Quincy Channel" are not constructed or construction is delayed. The DEIR fails to indicate when these drainage improvements are to be constructed and how they will be funded. JS-47

Cultural Resources:

The DEIR fails to provide adequate information to evaluate whether prehistoric resources will be impacted as a below ground investigation was not conducted, merely a surface study, even though most prehistoric resources would be expected to be discovered underground and prehistoric resources have been identified at numerous sites within one mile of the Project site. JS-48

Additionally, the mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground. MM 4.7.1 and 4.7.3 permit only temporary halts upon discovery of cultural resources, although longer halts and delays may be necessary to properly record and remove resources. These mitigation measures state that this delay is meant to "avoid construction delays." Therefore, it is likely that the cultural resources located onsite will be unearthed, damaged, improperly recorded, etc. in order to not inconvenience construction. JS-49

Further mitigation is feasible. The mitigation measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job. Further, some option to preserve the resources in situ should be provided in the event of the discovery of extensive cultural resources. JS-50

Biological Resources:

The DEIR and biological survey conclude, without providing adequate evidence or analysis, that although common wildlife would potentially be impacted by loss of this ruderal agricultural land, that this impact would not be significant. This is a conclusory statement not supported by evidence in the DEIR. The development of farmland and open space results in a loss of habitat and in turn, wildlife. The impacts to biological resources must be accurately analyzed and mitigated. JS-51

Aesthetics:

The Project is expected to change scenic vistas and cause a significant and unavoidable aesthetic impact and cumulatively result in a substantial adverse effect on scenic views in the Project area. In an attempt to mitigate these effects, the Project should be required to conduct off-site mitigation and preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County. JS-52

Project Alternatives:

CEQA requires that an EIR consider a reasonable range of project alternatives that lessen significant project impacts and meet basic project objectives. In this case, the DEIR fails to satisfy this mandate by not analyzing a "reasonable range" of alternatives because besides the no-project alternatives, the DEIR only actually considers the Reduced Intensity Alternative and Alternative Site 5. Further, Alternative Site 5 would not lessen significant project impacts. Although mentioned in the DEIR, Alternative Sites 1, 2, 3, and 4 were not actually considered as these sites are unavailable since other development is already planned for these sites. Further, any rejection of project alternatives has to be supported by findings supported by substantial evidence and this evidence does not appear in the record. JS-53

Thank you for your consideration.

Sincerely,

Raymond W. Johnson, Esq. AICP
JOHNSON & SEDLACK

Encl: Exh (11)

EXHIBITS

(1) Moreno Valley New Project Maps with Commercial Development Activity, New Housing and Planned New Housing. (Accessed from the City of Moreno Valley website, December 2, 2010).

(2) Moreno Valley Residential Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(3) Moreno Valley Commercial Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(4) Final Environmental Impact Report, Moreno Valley General Plan: 5.8, Agricultural Resources. (July 2006).

(5) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.*

JS-54

(6) Bay Area Air Quality Management District. (December 7, 2009) *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance.*

(7) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 4.0 Construction Noise Criteria and Descriptors.*

(8) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 9.0 Construction Equipment Noise Levels and Ranges.*

(9) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook.*

(10) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects.*

(11) Federal Interagency Committee on Urban Noise. (June 1980) *Guidelines for Considering Noise in Land Use Planning and Control.*

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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

JS-55

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

JS-55 (cont'd)

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

Johnson & Sedlack, Attorneys at Law
26785 Camino Seco 12/97- Present
Temecula, CA 92590
(951) 506-9925

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions
26785 Camino Seco 8/94- Present
Temecula, CA 92590
(909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department
Environmental Team 6/91-8/94
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department
General Plan Team 6/91-6/92
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community. JS-55 (cont'd)

San Bernardino County Planning Department
North Desert Regional Planning Team
15505 Civic 6/90-6/91
Victorville, CA
(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting
229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640 2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO
6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.
Lee's Summit, MO
9/78-5/84
Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association
Lee's Summit, Mo.

Project Coordinator
6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

JS-55 (cont'd)

City of Lee's Summit, MO
220 SW Main
Lee's Summit, MO 64063
Community Development Director 4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff
9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800 5/73-4/75
Economist/Planner

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS. JS-55 (cont'd)

JOHNSON & SEDLACK

Letter Dated December 6, 2010

Response JS-1

The City disagrees with the commentor's generalized assertions regarding the adequacy of the Westridge Commerce Center Draft EIR. As detailed in the following responses, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative impacts has been identified within the Draft EIR. As appropriate, additional measures suggested by the commentor have been incorporated to further reduce impacts, but these changes do not alter the conclusions or analysis contained in the DEIR. These mitigation measures, as amended herein, have been carried forward into the Mitigation Monitoring Plan included as Section 4.0 within this Final EIR. Similarly, the commentor's contention that the Project is inconsistent with the City's General Plan is addressed in the following responses.

Response JS-2

This comment incorrectly identifies the "Project Sponsor" as ProLogis. As noted on Draft EIR Page 2-2, the Project proponent is actually Ridge Property Trust. Otherwise, the commentor has accurately summarized the general aspects of the proposed Project and its significant impacts.

Response JS-3

This comment incorrectly infers that the Draft EIR's analysis of cumulative impacts was limited to a limited geographical area surrounding the Project site. In addition to the eleven existing and planned development projects identified in Draft EIR Table 5.1-1 (please refer to Draft EIR Page 5-2), the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be

considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

Affected Draft EIR discussions at Pages 5-1 through 5-25 are revised, as indicated below by **bold underlined text,** providing clarification of considered parameters and geographic scope for each cumulative impact topic.

5.1 CUMULATIVE IMPACT ANALYSIS

CEQA requires that an EIR identify any significant cumulative impacts associated with a project [Guidelines, Section 15130 (a)]. When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." [*CEQA Guidelines*, Section 15355 (a l)]. Thus, a legally adequate cumulative impact analysis is an analysis of a particular project viewed over time and in conjunction with other related past, present and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. CEQA notes that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness [Guidelines, Section 15130 (b)]. Only those projects whose impacts might compound or interrelate with those of the project under consideration require evaluation. CEQA does not require as much detail in the analysis of cumulative environmental impacts as must be provided for the project alone.

The Guidelines identify two basic methods for satisfying the cumulative impacts analysis requirement: the list-of-projects methodology and the summary-of-projections methodology. Because each environmental resource is affected by its surroundings in different

ways, either of the two methodologies, or a combination of both, may be applied to the analysis of cumulative impacts to each resource. For example, because the approval process and construction phase of development typically takes at least one to two years, the list-of-projects method is likely to provide a more accurate projection of growth in the near term. This method may overstate potential cumulative impacts because the considered list-of-projects may include proposals that will never be developed. Similarly, because development proposals are rarely publicly known until within five (5) years of the expected development, the summary-of-projections method provides a more accurate projection of growth over the long term. This method may not accurately predict growth in any given year, but aggregates various growth trends over the long term. Unless otherwise noted, potential cumulative impacts of the Project are considered in the context of known or probable development proposals (related projects) as well as anticipated ambient growth of the City and region.

As noted previously, the Guidelines identify "that only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation." In this regard, it is recognized that within the context of the cumulative impacts analysis, varied criteria are employed in determining the scope and type of "cumulative projects" to be considered. For example, the analysis of cumulative traffic impacts evaluates the Project's traffic impacts in the context of other known or probable development proposals that would discernibly affect traffic conditions within the Traffic Impact Analysis Study Area, though such projects may not affect other environmental considerations.

The manner in which each resource may be affected also dictates the geographic scope of the cumulative impacts analysis. For example, cumulative traffic impacts will typically be localized to the vicinity of a given project site because after a relatively short distance, traffic patterns tend to normalize. Similar considerations factor in evaluating potential cumulative impacts for each of the EIR's environmental topics (Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Water Supply, Hydrology and Water Quality, Cultural Resources, Biological Resources, and Aesthetics).

Unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Potential cumulative impacts of the Project are considered in the context of known or probable development proposals, as well as anticipated generalized ambient growth of the region. As identified at Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" have been identified within the cumulative scope of the Westridge Commerce Center Project. Related projects have been identified in consultation and coordination with the Lead Agency. . . .

. . . It should be noted that, with the exception of specific Project-related traffic, air quality, noise and aesthetic impacts, which are forecast to remain significant and unavoidable even after application of all feasible

mitigation, implementation of the mitigation measures identified in this Draft EIR (found in Table 1.10-1) would reduce impacts to a level that is considered less-than-significant.

5.1.1 DISCUSSION OF CUMULATIVE IMPACTS

Potential cumulative impacts for each topic of environmental concern considered in this EIR and associated Initial Study are discussed below. Assessments of potential cumulative impacts are based on development scenarios and growth projections presented in the City's General Plan, related analyses of cumulative impacts presented in the General Plan EIR, as well as potential cumulative effects of the previously-identified related projects.

5.1.1.1 Cumulative Impacts Related to Land Use and Planning

The cumulative impact area when considering potential cumulative land use and planning issues generally includes areas that are currently, or are anticipated to be, subject to provisions of the City General Plan and Zoning Ordinance. These areas include the currently incorporated areas of the City of Moreno Valley and unincorporated areas of the County of Riverside lying within the City's Sphere of Influence.

Implementation of the Westridge Commerce Center Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. It is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area. . . .

5.1.1.2 Cumulative Impacts Related to Traffic and Circulation

The cumulative impact area for traffic circulation impacts is generally defined by the Traffic Impact Study Area as detailed within the Project

Traffic Impact Analysis (EIR Appendix B). This Area includes, but is not limited to potentially affected roadways and intersections within the City of Moreno Valley, and also considers all potentially affected Caltrans and Congestion Management Program facilities.

Project-Specific Impacts Are Reduced To Levels That Are Less-Than-Significant

Project-specific traffic impacts are addressed through implementation of on-site improvements and mitigation to be completed prior to issuance of the first Certificate of Occupancy for the Project. . . .

5.1.1.3 Cumulative Impacts Related to Air Quality

The cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of jurisdictional air quality management agency, in this case, the South Coast Air Basin (SCAB) and the South Coast Air Quality Management District (SCAQMD) respectively. Project emissions within the context of SCAQMD's regional emissions thresholds provide an indicator of potential cumulative impacts within the jurisdictional Air Basin. Impacts to air quality from cumulative projects may occur within the entire Air Basin. Due to the defining geographic and meteorological characteristics of the Air Basin, criteria pollutant emissions that would potentially cumulatively impact air quality would be, for practical purposes, restricted to the Air Basin. Accordingly, the Basin geographic area is the appropriate limit for this cumulative Air Quality analysis. Cumulative localized impacts for pollutants are also considered, and reflect Project air pollutant emissions in the context of ambient air quality conditions more immediate to the Project site.

Global Climate Change impacts are by definition, cumulative and global in scope.

Construction-Source Pollutant Emissions

EIR Section 4.3, "Air Quality," and EIR Appendix C address potential air quality impacts of the Project. As discussed, even after compliance with all rules and regulations, Project-related construction activities will temporarily result in exceedances of applicable SCAQMD regional thresholds for VOC and NOx. . . .

5.1.1.4 Cumulative Impacts Related to Noise

The cumulative impact area for noise considerations is generally defined as surrounding properties that could receive Project-generated noise (either construction or operational), and would also include roadway corridors affected by Project-related traffic and associated vehicular noise (existing EIR discussion at Page 5-14).

5.1.1.5 Cumulative Impacts Related to Water Supply

The cumulative impact area for water is the Eastern Municipal Water District (EMWD) service area and encompassing Metropolitan Water District (MWD) jurisdiction. Water supply issues germane to the Project including cumulative water supply impacts are comprehensively addressed within The Project Water Supply Assessment, (Eastern Municipal Water District) June 4, 2008. The Project Water Supply Assessment is presented at Draft EIR Appendix E.

As discussed in Draft EIR Section 4.5, potential cumulative impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. . . .

5.1.1.6 Cumulative Impacts Related to Hydrology and Water Quality

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB), in this case the Santa Ana Regional Water Quality Control Board. Local oversight is also provided by the City of Moreno Valley and Riverside County.

Potential hydrology and water quality impacts of the Project are addressed in EIR Section 4.6, "Hydrology and Water Quality." As discussed in the EIR, Project-related storm water management will be realized through a system of on-site detention basins and controlled release of storm waters to existing and proposed drainage facilities. . . .

5.1.1.7 Cumulative Impacts Related to Cultural Resources

The cumulative impact area for prehistoric, archaeological, and historic resources is the Perris Plain/Perris Valley area (including the Cities of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within the Perris Plain/Perris Valley area would be site-specific. In the event that similar resources are encountered at any other project sites, specific mitigation measures would be applied before development could proceed.

As discussed in Draft EIR Section 4.7, potential impacts to cultural resources are determined to be less-than-significant as mitigated. . . .

5.1.1.8 Cumulative Impacts Related to Biological Resources

The cumulative impact areas for biological resources are generally defined by available habitat, species' range(s), physical constraints, and other

limiting factors as discussed within the Project Biological Resources Assessment, Draft EIR Appendix G (existing discussion at EIR Page 5-20).

5.1.1.9 Cumulative Impacts Related to Aesthetics

The cumulative impact area for aesthetic impact considerations is generally defined as the city of Moreno Valley General Plan Area. More specific to the Project, cumulative impacts of concern are impacts to views and viewsheds along SR-60 in the Project vicinity.

As presented in EIR Section 4.9, "Aesthetics," new industrial uses proposed by the Project will substantially alter the existing visual sense of the subject property, which is currently a vacant site. . . .

Related development proposals that would potentially interact with Project traffic are summarized in the Draft EIR (Draft EIR at Page 4.2-16) and identified graphically at TIA Exhibit 5-11. The developments referenced by the commentor, including the Moreno Highlands Specific Plan (adopted in 1992), the Aqua Bella Specific Plan (adopted in 2005), and Centerpointe Business Park Project (approved in 2006) are reflected in the City's most recent General Plan Amendment, which was adopted in 2006. Traffic generated by these projects is modeled in traffic planning estimates and projections of the Moreno Valley General Plan buildout condition. As clarified previously in these responses, unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Response JS-4

The Draft EIR addresses the Project's consistency with applicable General Plan goals, objectives and policies for each topic of analysis (please refer to Draft EIR Land Use Table 4.1-1 on Pages 4.1-18 through 4.1-20; Traffic and Circulation Table 4.2-8 on Pages 4.2-23 and 4.2-24; Air Quality Table 4.3-4 on Page 4.3-18; Noise Table 4.4-3 on Pages 4.4-10 and 4.4-11; Water Supply Table 4.5-10 on Pages 4.5-24 and 4.5-25; Hydrology and Water Quality Table 4.6-2 on Pages 4.6-13 and 4.6.14; Cultural Resources Table 4.7-1 on Page 4.7-10; Biological Resources Table 4.8-1 on Pages 4.8-11 and 4.8-12; and Aesthetics Table 4.9-1 on Pages 4.9-5 through 4.9-7).

The commentor asserts that "the Project has numerous significant and unavoidable impacts to the safety, health, and well-being of residents throughout Moreno Valley." The Project's significant and unavoidable impacts have been identified as follows: cumulative traffic impacts affecting levels of service at certain intersections, roadway segments and freeway mainline segments; individual and cumulative short-term construction source exceedance of localized air quality thresholds for particulates (PM_{10} and $PM_{2.5}$); individual and cumulative long-term operational emissions exceedances for ozone precursors (VOC and NOx); individual and cumulative short-term construction noise impacts; and individual and cumulative aesthetic impacts related to changes to scenic vistas.

The Draft EIR acknowledges that increased air emissions could affect the health of area residents (please refer to Draft EIR Section 4.3, pages 4.3-4 through 4.3-10 *et al.*). The Draft EIR further acknowledges that the Project's temporary exceedance of the South Coast Air Quality Management District's Localized Significance Thresholds (LSTs) represents a potentially significant impact to sensitive receptors in the Project vicinity for the duration of Project construction. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely undeveloped. All other

study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. Additionally, the Draft EIR included a Health Risk Assessment which was prepared in order to specifically address potential health risks that could result from exposure to Project-generated Diesel Particulate Matter (DPM). No health risks related to DPM were identified, and potential impacts in this regard were found to be less-than-significant (please refer to Draft EIR pages 4.3-79 to 4.3-86).

Similarly, the potential for long-term increases in noise generation to lead to health impacts are acknowledged in the Draft EIR (please refer to Draft EIR pages 4.4-3 through 4.4-4, *et al*. However, the Draft EIR identified no long-term exceedances of existing noise standards due to Project operations (please refer to Draft EIR pages 4.4-21 through 4.4-26). The significant noise impacts identified in the Draft EIR were the result of Project construction activities, and as such, would be temporary and intermittent.

The Project will implement all feasible mitigation as summarized at revised Table 1.10-1. Notwithstanding, significant impacts are anticipated to occur from Project construction and/or operations. These significant impacts are summarized at EIR Table 1.8-1 (Draft EIR Pages 1.1-17 through 1.1-20). CEQA does not prohibit the Lead Agency from approving a project with significant impacts. As provided for under CEQA Section 15093 subd. (a):

> (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits,

> of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable. General Plan goal, objective, and policies cited by the commentor are provided in their entirety in the following table, along with a discussion of the Project's consistency with each of these provisions.

Goal/Objective/Policy	Project Consistency
Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.	**Consistent**. The Project is permitted under the site's current General Plan Land Use Designation, reflecting consistency with the City's goal to establish an organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population. The Project establishes contemporary industrial facilities. As noted at EIR Page 3-5, "[f]inal designs of the Project building will be realized consistent with industrial design requirements and standards identified under Municipal Code Section 9.05.040, "Industrial Site Development Standards." Site plan and design concepts are articulated at EIR Section 3.0, Project Description. Moreover, the Project is required to comply with Development Plan Review provisions established within City of Moreno Valley Municipal Code Section 9.02.030. The Project will contribute to a functional balance by affecting the City's economic base through increased property tax revenues based on improvement of the vacant site. The Project proposes new industrial development within the City, and will create additional job opportunities (temporary construction jobs and as well as permanent warehouse staff and management positions)anticipated to be filled from local employment pools. At buildout, the Project is anticipated to generate up to approximately 900 permanent jobs.
Objective 2.13: Coordinate development activity with the provision of public infrastructure and services to eliminate possible gaps in service provision.	**Consistent.** The Project will provide all necessary infrastructure improvements to ensure safe and efficient operations. As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. Please refer also to the discussion of Project infrastructure presented at Draft EIR Pages 3-21 through 3-23. The Project will also be responsible for providing on-site and off-site roadway infrastructure improvements, prior to the issuance of occupancy permits, as presented at Draft EIR pages 3-7 and 3-8.

Goal/Objective/Policy	Project Consistency
Policy 2.10.14: Preserve or relocate existing mature trees and vegetation where practical. Mature trees shall be replaced when they cannot be preserved or relocated.	**Consistent.** The Project design concept as well as programmed Caltrans improvements to adjacent SR-60 would require elimination of certain mature pine trees existing along the existing northerly boundary of the subject property. That is, these trees will be displaced by Project and Caltrans improvements, and cannot be maintained in place. As discussed at Draft EIR Page 4.9-19, the Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements.
Policy 2.13.1: Limit the amount of development to that which can be adequately served by public services and facilities, based upon current information concerning the capability of public services and facilities.	**Consistent.** As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. The Project's potential to result in Projects-specific impacts due to insufficient roadway infrastructure have been addressed within the Draft EIR (Section 4.3, "Traffic and Circulation," Mitigation Measures 4.2.1, 4.2.2), and are identifies as less-than-significant as mitigated.
Policy 2.13.3: It shall be the ultimate responsibility of the sponsor of a development project to assure that all necessary infrastructure improvements (including system wide improvements) needed to support project development are available at the time that they are needed.	

It is acknowledged that not every provision of the General Plan was addressed within the Westridge Draft EIR; however, the Lead Agency disagrees with the commentor's assertion that the Draft EIR is thus inconsistent with the General Plan. The results and conclusions of the Draft EIR are not affected.

Response JS-5

The commentor correctly notes that the Draft EIR identifies potential impacts regarding the conversion of farmland to non-agricultural uses to be a less-than-significant impact. However, the comment misconstrues the findings of the City's General Plan in regard

to this issue. As referenced in the discussion of Agricultural Resources analysis from the Moreno Valley General Plan Final Program EIR, which was attached to the commentor's letter and identified by the commentor as "Exhibit 4," and has been included in Appendix A of this Final EIR), the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. The Project land uses are consistent land uses reflected in the General Plan, and the Project would not result in impacts to farmlands differing substantively from those considered and evaluated in the GPEIR.

Moreover, relevant CEQA threshold considerations address lands defined as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Significance." In the case of the Project, the subject site does not qualify as any of these.[8] The mitigation measures identified by the commentor are unnecessary. The results and conclusions of the Draft EIR are not affected.

Response JS-6

This comment is unclear about the nature of the significant impact that will result should the Project's proposed zone change and Municipal Code amendment be

[8]State of California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program Riverside County Important Farmland 2008 (Sheet 1 of 3) identifies the Project site as "Farmland of Local Importance."

adopted. The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23. Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.
>
> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as required to fully mitigate any

potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties (Draft EIR Pages 4.1-22, 23).

The Draft EIR adequately and appropriately considers all potential land use and planning impacts, consistent with the methods set forth in the CEQA Guidelines. To these ends, the Draft EIR considers all pertinent land use plans, policies, regulations. There is no substantiation or indication that the Project would result in or cause potential interference with animal keeping on nearby properties. The Draft EIR acknowledges that "development of the Project would result in a permanent change to the perceived rural character of the Project area" (Draft EIR Page 5-5). Moreover, zone changes and amendments to the municipal code do not trigger any of the thresholds of significance under CEQA Guidelines Appendix G.

However, this change is consistent with the existing General Plan designation for the Project site. Further, potential effects on adjacent land uses are minimized by the 250-foot buffer area that would be provided by the Municipal Code amendment referenced above.

With approval of the Project's requested zone change and requested Municipal Code amendment to establish objective standards for the development of Light Industrial uses adjacent to residentially-zoned property, the Project's potential to result in significant land use impacts was determined to be less-than-significant. The results and conclusions of the Draft EIR are not affected.

Response JS-7

Despite the commentor's assertions to the contrary, the Project's air quality analysis does account for construction worker travel to and from the site. As noted in the Draft EIR (Page 4.3-56), "[c]onstruction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips are also accounted for within the

Project construction emissions modeling." Worker trips for all construction phases are clearly identified and accounted for in the air quality modeling (see URBEMIS construction emission modeling data in Draft EIR Appendix C. Specifically, please refer to Appendix A of the Project Air Quality Impact Analysis). No indication of zero VMT for construction workers is found. The results and conclusions of the EIR are not affected.

Response JS-8

The commentor states that "all feasible mitigation measures were not adopted . . . and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur." The commentor requests Mitigation Measure 4.3.4 to specifically include zero VOC applications for all "paints, coatings, and solvents."

Draft EIR Mitigation Measure 4.3.4 serves as a formal restatement a of SCAQMD rules. As noted in the Draft EIR (Page 4.3-61), "[i]n order to facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as mitigation measures, and shall be incorporated in all Project plans, specifications and contract documents." Complementing SCAQMD rule compliance, the Draft EIR incorporates additional requirements as mitigation measures. "Additional mitigation required of the Project is identified below, and shall be incorporated in all Project plans, specifications and contract documents." (Draft EIR Page 4.3-62) Mitigation Measure 4.3.8 currently requires Zero VOC paint applications. In response to the commentor's suggestion, Mitigation Measure 4.3.7 is amended to read as follows:

> ~~*Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications*~~***"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113. The Project shall surpass Rule 1113 minimum requirements through specification that VOC content shall not exceed 150 grams/liter; 1.25 pounds/gallon. High Pressure Low Volume***

(HPLV) applications of paints, coatings, and solvents shall be *consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Other than suggested language modification of SCAQMD rules, the commentor offers no new or revised mitigation for consideration here. Absent specific suggestions or requested revisions, further response in this regard is not possible. The conclusions of the EIR are not affected.

Response JS-9

The commentor appears to misinterpret Air Quality modeling protocols and outputs, stating that " . . . [i]n recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions by approximately 44%. Yet, Mitigation Measure 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. Mitigation Measure 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%."

To clarify, Mitigation Measure 4.3.1 is a formal restatement of SCAQMD Rule 403 provisions. URBEMIS modeling of the Rule application yields a 44 percent reduction in PM_{10} emissions. As suggested by the commentor, additional language specifying on-site speed controls is added to Mitigation Measure 4.3.1:

- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project***

site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-10

The commentor suggests explicit notation indicating required use of available electrical power during construction activities. In response to the commentor's suggestion, Mitigation Measure 4.3.6 is amended as follows:

> *4.3.6 During Project construction, existing electrical power sources (e.g., power takeoffs from existing or temporary power poles) shall be ~~provided for~~* ***utilized to*** *power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-11

Please note that introductory language included prior to the introduction of construction-source emissions mitigation measures states: *"To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.4 below, and shall be incorporated in all Project plans, specifications and contract documents."*

Existing Mitigation Measure 4.3.2, which read, "[t]he contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper

tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law)"is deleted and replaced with the following:

> ***4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).***

Response JS-12

The commentor states that "[t]he air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas 'quickly' should be adopted." In fact, this statement does not appear to be included in the Project Air Quality Analysis. The mitigation input calling for the Project to replace ground cover in disturbed areas quickly is, however, a parameter reflected in the URBEMIS modeling output. Revised Mitigation Measure 4.3.1 is amended to reflect this specific parameter:

- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-13

The commentor notes that an estimated disturbance area of 13.66 acres per day is reflected in the Air Quality modeling. The commentor suggests that a mitigation measure be included limiting site disturbance to less than 13.66 acres per day. The estimated disturbance of 13.66 acres per day (approximately one-quarter of the Project site) likely overstates actual disturbance and is employed for emissions modeling purposes and to develop mitigation addressing the likely maximum impact scenario. To assume or propose unrealistically limited grading of the site is contrary to CEQA disclosure mandates. Further, due to daily limits on grading, there would be incrementally increased impacts due to extended periods of fugitive dust, extended exposure to construction noise, and extended traffic disturbance. The commentor is referred to EIR Section 5.2.2.1, "Extended Construction Alternative Considered and Rejected," which specifically considers and rejects limited grading of the Project site. To ensure consistency with URBEMIS modeling assumptions, new Mitigation Measure 4.3.1 is revised to include the following specification:

- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-14

The commentor proposes numerous additional measures (following) as means to reduce Project-related construction-source emissions air quality impacts. Each of these measures is evaluated in the table which follows. Measures offered by the commentor are not required in order to achieve the level(s) of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed

measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

As detailed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to the following text from the Draft EIR:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation (Draft EIR Page 4-2).

It is further noted that in some instances, the commentor proposes additional operational emission measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the purchase of NOx credits from a qualified broker to offset construction-related air quality impacts.	**Infeasible.** NOx emissions credits are generally applied toward operational emissions at major source facilities (e.g., refineries, power plants, etc.). NOx emissions credits are not commonly used to address short-term construction emissions. It would be impractical to purchase offsets for the Project's construction impacts since the actual amount of construction emissions set forth in the Draft EIR represent an overestimation of actual emissions (i.e., the Air Quality Analysis assumes all construction equipment is operating eight hours per day as a "worst-case" scenario), and because the actual Project construction schedule (duration) is not known with a great deal of certainty and is subject to change based on availability of contractors, equipment, materials, etc. Further, any emission reduction credits would not result in any reduction to construction emissions on-site or in the immediate vicinity of the Project. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4. Complete all roadways, driveways, sidewalks, etc. as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.	**Incorporated** at revised Mitigation Measure 4.3.1, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. Pave all roads on construction sites as soon as technically possible.	**Infeasible.** It is infeasible and ineffective to pave roads within construction sites or at construction site access points. Such pavement is destroyed in the process of construction and/or is in perpetual state of disrepair. Paving temporary roads within construction areas unnecessarily increases VOC generation, with little or no discernible reduction in other air pollutant emissions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
6. Limit fugitive dust sources to 20 percent opacity.	**Replicates existing requirements.** Please refer to SCAQMD Rule 403.
7. The contractor or builder shall designate a person or person(s) to monitor the dust control program and	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
to order increased watering, as necessary, to prevent transport of dust offsite.	
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Require high pressure injectors on diesel construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Restrict engine size of construction equipment to the minimum practical size.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Use electric construction equipment where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
12. Substitute gasoline-powered for diesel powered construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane or biodiesel.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Implement activity management techniques including: a) development of construction management plan to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.	**Not required, counterproductive.** Construction contractor(s) employ techniques and procedures so as to provide for the most efficient operation of their construction activities. No demonstrated or suggested nexus between the suggested measures and project impacts. The commentor indicates further that this measure would reduce greenhouse gas emissions; however, none of the measures would demonstrably reduce total greenhouse gas emissions. As also discussed in these responses, measures acting to prolong construction (e.g., restricted use of equipment, limitation of the length of construction work-day period; phasing of construction activities) tend to increase rather than decrease environmental impacts due to extended and periods of disturbance.
15. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
16. Use electricity from power poles rather than temporary diesel power generators.	**Replicates existing requirements.** This requirement is currently reflected at EIR Mitigation Measure 4.3.6, presented , in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South

Suggested Measure	Response
formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	Coast Air Quality Management (District representatives James Koizumi and Steve Smith) confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ride-sharing program for the construction crew has been encouraged and will be supported by contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
20. Provide shuttle service to food service establishments/commercial areas.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
21. Provide shuttle service to transit stations/multimodal stations.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
22. Utilize only CARB certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
23. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan.".

Suggested Measure	Response
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.	**Infeasible, counterproductive.** Extending the grading schedule would (1) increase the Project's grading costs; (2) hinder effective management, organizing, and scheduling of construction tasks; and (3) result in adverse environmental trade-offs as a result of prolonged disturbance in the Project area, including but not limited to: extended periods of increased noise levels; prolonged generation of fugitive dust and VOCs; increased erosion exposure and associated water quality issues; and additional traffic disturbances associated with on-site construction activities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Response JS-15

The commentor states: "[t]he Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930). This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts."

It appears that the commentor has incorrectly interpreted and applied default URBEMIS values. SCAQMD does not typically conduct project-level URBEMIS modeling for other than their own projects. Moreover, default values are just that, the "default" condition. Changes to default values are appropriate when specific Project attributes or operational characteristics are known, as is the case for the Project. In this regard, the Air Quality analysis specifically recognizes vehicle types and trip generation characteristics of the Project. Known vehicle trip generation characteristics provide a more accurate assessment of Project vehicular-source emissions impacts than does application of default URBEMIS values.

The commentor appears to misinterpret and misapply vehicle trip generation characteristics and their use in developing estimated air pollutant emissions impacts vis-à-vis use of trip generation estimates for the purposes of traffic modeling. More specifically, as noted in the Project Air Quality Analysis, Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. The Project related operational air quality impact centers primarily on the approximate 1,585 net vehicle trips generated by the Project (at project buildout). Trip characteristics available from the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009, included in Draft EIR Appendix B) were utilized in this analysis. It should be noted that the Project's traffic study presents the total Project vehicle trips in terms of Passenger Car Equivalents, or PCEs (the 2,930 PCE value cited by the commentor) in an effort to recognize and acknowledge the effects of heavy vehicles at the study area intersections. For purpose of the air quality study, emissions were calculated based on the type of vehicle (e.g., passenger cars and trucks) a more detailed discussion of how the actual number of vehicles were programmed into the model is presented in Draft EIR Appendix C. Specifically, page 37 of the Project Air Quality Analysis refers to its own Appendix B for review. Parallel information is provided in the Draft EIR, and reprinted below for ease of reference.

> 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and

> acknowledging physical size differences in vehicles and related effects on roadways and at intersections (Draft EIR Page 4.2-19).

Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. Assessment of the Project's operational air quality impact centers primarily on the approximately 1,585 net vehicle trips generated by the Project (or, the arithmetic sum of truck and passenger vehicle trips). Trip generation characteristics for the Project are presented in Draft EIR Appendix B, the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009). The results and conclusions of the Draft EIR are not affected.

Response JS-16

The commentor notes discrepancies between the Draft EIR text and the Air Quality Study regarding vehicle trip length and vehicle speed employed in the LST analysis. Notwithstanding, the quantified LST emissions impacts reported in the Draft EIR (Table 4.3-12) are consistent with the LST values presented in the Air Quality Analysis (Table 4-5). The typographic error at Draft EIR Page 4.3-68 is corrected (below) consistent with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

These corrections have been incorporated in Final EIR Section 2.0, "Revisions and Errata." The results and conclusions of the Draft EIR are not affected.

Response JS-17

The commentor provides opinions regarding the efficacy of mitigation proposed as means of reducing Project operational NOx and VOC emissions. It is important to note that substantially all of the estimated NOx emissions are from mobile sources – principally vehicle exhaust, and vehicle tail pipe source emissions are regulated by CARB and USEPA. The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility.

In addition, the Project is compliant with the SCAQMD's attainment plans, as the use of the site for industrial purposes was included in the previous SCAQMD's ozone and PM attainment plans. The Project implements all feasible mitigation measures and complies with all applicable CARB and SCAQMD Rules directed toward reduction of NOx and VOC emissions. The Lead Agency will however, adopt and implement EIR mitigation measures that minimize vehicle emissions generated on-site and by employees, but those vehicle miles are minor compared with the total vehicle miles used in the studies; and further, URBEMIS does not account for any reductions for those measures.

The Draft EIR clearly states that even with application of proposed mitigation, Project operational NOx and VOC emissions will exceed applicable SCAQMD regional thresholds. Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging Project exceedances for operational-source NOx and VOC emissions.

Response JS-18

The commentor arbitrarily suggests a 30 percent increase in energy efficiency beyond the requirements provided under Title 24 Building Energy Efficiency Standards, inferring a somehow substantial resultant decrease in NOx emissions. Consistent with the provisions of Executive Order, S-20-04 (CA 2004),which sets a goal of reducing energy use in public and private buildings by 20 percent by 2015 (as compared with

2003 levels), the Project will achieve a minimum 20 percent increase in building efficiencies beyond Title 24 requirements (please refer to Mitigation Measure 4.3.11).

As noted previously, the predominance of Project operational NOx emissions are vehicle-generated, and beyond the control of the Applicant or Lead Agency. Any reduction in NOx emissions resulting from increased building/facility energy efficiencies would be, at best, nominal. Even assuming "zero" NOx emissions from building/area sources, NOx emissions would be reduced by approximately 0.09 to 0.11 percent (0.0009 to 0.0011), and would still exceed applicable SCAQMD regional thresholds. No additional Title 24 enhancements are proposed, nor are any required. Results and conclusions of the EIR are not affected.

Response JS-19

The commentor proposes numerous additional measures as a means to reduce Project-related operational-source air quality impacts. Each of these measures is evaluated in the Table which follows. While the suggested measures may in part act to generally reduce Project impacts, none of the measures are required in order to achieve the levels of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

With specific regard to proposed measures targeting GHG emissions reductions, arguably, the proposed measures may prove of little net benefit, while imposing significant cost and economic burdens. Case studies have indicated that GHG measures implemented to date have yielded marginal benefits when compared to economic costs. Moreover, premature implementation of unproven measures would be detrimental by diverting resources that could be made available to other, more effective strategies. Please refer also to the attached: *The AB 32 Challenge: Reducing*

California's Greenhouse Gas Emissions (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008.

As discussed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to Draft EIR Page 4-2:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation. . . .

It is further noted that in some instances, the commentor proposes additional measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent, that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the utilization of zero VOC paint, coatings and solvents.	**Incorporated.** This requirement is reflected at EIR Mitigation Measure 4.3.7, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan." Mitigation Measure language has been revised as suggested by SCAQMD.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.	**Infeasible.** Please refer to Response JS-14, item No. 1.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become a SmartWay partner.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4.The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90%of all long haul trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
7. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South Coast Air Quality Management District representatives James Koizumi and Steve Smith confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Require each user to establish a carpool/vanpool program.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Provide on-site child care or contribute to off-site child care within walking distance.	**Infeasible, counterproductive.** Childcare facilities are not compatible with the proposed industrial warehouse uses. Moreover, there is no demonstrated nexus with Project-related operational emissions impacts requiring or suggesting implementation of childcare facilities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
12. Provide preferential parking for carpool/vanpool vehicles.	**Replicates existing requirements.** Preferential parking for carpools/vanpools is currently required pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Provide secure, weather-protected bicycle parking for employees.	**Incorporated** at revised EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Provide direct, safe bicycle access to adjacent bicycle routes.	**Replicates existing requirements.** Direct, safe bicycle access is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
15. Provide showers and lockers for employees bicycling or walking to work.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
16. Short-term bicycle parking for retail customers and other non-commute trips.	**Replicates existing requirements.** The Project does not propose retail uses. Bicycle parking is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Connect bicycle lanes/paths to city-wide network.	**Replicates existing requirements.** Bicycle path connections are currently provided pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
18. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.	**Infeasible, counterproductive.** No transit stops exist proximate to the Project site such that building orientation would have any material effect on use of, or access to transit. Elimination of building setbacks as suggested would increase potential air quality, noise and visual impacts when compared to the Project as proposed. The suggested measure is not germane to the Project, and is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
19. Prohibit idling of trucks for periods extending three minutes.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.11 currently prohibits the idling of trucks for more than three (3) minutes.
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.	**Not required per Responsible Agency.** Riverside Transit Agency (RTA) provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. The Lead Agency has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project.
21. Provide shuttle service to food service establishments/commercial areas.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
22. Provide shuttle service to transit stations/multimodal centers.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
23. Implement parking fee for single-occupancy vehicle commuters.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
24. Implement parking cash-out program for non-driving employees.	**Not applicable.** In that there is no current or proposed parking subsidy, there is no available parking "cash out" resource or mechanism. As noted herein, other tenable incentives are provided as means of reducing vehicle trips.

Suggested Measure	Response
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.	**Replicates existing requirements.** The site is not currently provided transit service, nor is pedestrian access to the nearest transit stop possible at this time. Pursuant to the requirements of the City's Master Plan of Trails, the Project will dedicate and construct an 11-foot wide community trail segment along the southerly Project boundary, on the north side of Fir Avenue (future Eucalyptus Avenue). Upon development of the adjacent parcel(s), the trail is planned to continue off-site to the east and to the west, as part of the future Quincy Channel overcrossing.
26. Implement a compressed workweek schedule where feasible.	**Incorporated** at revised Mitigation Measure 4.3.13.
27. Provide electrical vehicle (EV) and compressed natural gas (CN) vehicles in vehicle fleets.	**Incorporated** at revised Mitigation Measure 4.3.13.
28. Install EV charging facilities for a minimum of 10% of all parking spaces.	**Infeasible.** The Project will provide, at minimum, two EV charging stations, as required by Mitigation Measure 4.3.13. There is no demonstrable evidence that installation of additional EV charging facilities would substantially reduce or eliminate the Project's operational emissions because chargeable electric vehicles represent a small percentage of vehicles on the road. Moreover, on a regional basis, increased power demands at electrical outlets/EV charging stations tend to increase power plant emissions, acting to offset any potential emissions reductions from individual sources such as motor vehicles. Further, it is noted that next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Suggested Measure	Response
29. Install a CNG fueling facility.	**Infeasible.** As noted above, next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. Further, for CNG fuel to be a reasonable alternative to diesel fuel for the logistics industry, a reasonable distribution network must be in place so that drivers can be assured that they can re-fuel when making deliveries across the region. No such distribution system is presently in place nor is one likely to be developed in the near future. The installation of a stand-alone CNG fueling facility at this location would provide no benefit because no reasonable distribution system is in place. CNG-fueled vehicles have been found to be most useful for limited range, closed-circuit usage such as municipal fleets (refuse collection, city vehicles, and buses), taxi fleets, and local delivery services. Lastly, as with the commentor's suggestion for EV facilities, the installation of a CNG fueling facility is unlikely to substantially reduce or eliminate the Project's operational emissions because CNG vehicles represent a small percentage of vehicles on the road. Furthermore, the Draft EIR has not evaluated the potential environmental impacts related to the construction and operation of a CNG fueling facility. A Lead Agency is under no obligation to impose Mitigation Measures that in and of themselves may constitute a new "project" for purposes of CEQA. (See e.g., *Concerned Citizens of South Central L.A. v. Los Angeles Unified School District*, 24 Cal.App.4th, 826 (1994)). The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
30. Provide preferential parking locations for EVs and CNG vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
31. Utilize electrical equipment for landscape maintenance.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
32. Utilize only CARB-certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
33. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.	**Replicates existing requirements.** Please refer to City of Moreno Valley Municipal Code 9.17.050 (D) (3).
36. Utilize low pressure sodium fixtures for exterior lighting, including parking lots.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655 which requires that all outdoor lighting within the Project area will be provided by low-pressure sodium hooded lights.
37. Utilize electric yard trucks.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
38. All buildings shall be constructed to LEED Platinum standards.	**Not required, no nexus with significant impacts.** As discussed on Pages 3-18 and 5-79 of the Draft EIR, the Project, as a whole, will be developed as a LEED-certified facility. LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). Additionally, the LEED rating system is not the appropriate standard for determining building efficiency. The California Title 24 Building Energy Efficiency Standards are the appropriate baseline. As set forth in the Draft EIR, the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards. There is no requirement for LEED certification as mitigation of Project impacts. While LEED-certified facilities may tend to reduce various environmental effects, LEED certification is a voluntary exercise to be pursued by the Applicant outside of and independent of CEQA mandates.
39. The operator shall meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics.

Suggested Measure	Response
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project vehicular emissions through use of photovoltaics.
43. The operator shall purchase only green power.	**Infeasible, not required, no nexus with significant impacts.** Power to the Project will be provided from the locally available electrical grid. The term "green power" is undefined, and moreover the Lead Agency has no practical way to require that power be provided from specified sources, "green" or otherwise. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible. There is no requirement or demonstrated nexus requiring the Project to "purchase only 'green power'."

Results and conclusion of the Draft EIR are not affected.

Response JS-20

The commentor appears to misinterpret analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the analysis concludes that the Project ***will*** *[emphasis added]* have a significant effect on the environment.

To further clarify, germane suggested CEQA Guidelines topical questions include:

> Would the project:
>
> a) Generate greenhouse gas emissions, either directly or indirectly, that ***may*** *[emphasis added]* have a significant impact on the environment?

In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts

[beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see *Climate Change Analysis*, Page 42).

The commentor states that the finding of "less-than-significant" Project GCC impacts is based on non-exceedance of (draft) CARB and SCAQMD GHG emissions thresholds. Though this is the case, the GCC Study clearly states that these thresholds are not applicable to the Project:

> CARB's Draft Threshold Of Significance For Industrial Projects Has Not Been Finalized And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 40).
>
> SCAQMD's Adopted GHG Threshold Applies Only To Projects Where It Is The Lead Agency And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 41).

As discussed in the *Climate Change Analysis*, there are no adopted quantitative GHG emissions thresholds applicable to the Project. Absent such quantified thresholds, the CARB and SCAQMD GHG emissions standards nonetheless provide an indication of current policies and strategic approaches employed in evaluating and addressing GHG emissions and potential GCC impacts, and may portend similar future statewide, regional, and/or local quantified thresholds. The clearly stated threshold considerations applicable to the Project are:

1. Would the proposed project generate GHG that may have a cumulatively significant impact on the environment; and

2. Would the proposed project conflict with GHG reduction measures identified in CARB's AB 32 Scoping Plan.

As concluded in the *Climate Change Analysis*, the answer to both of the preceding questions is "no," yielding the conclusion that the Project GCC impacts are less-than-significant. Moreover, as also discussed in the *Climate Change Analysis*, Project GHG emissions would not exceed either CARB or SCAQMD GHG emissions thresholds, further supporting the conclusion that the Project GCC impacts are less-than-significant. As a matter of clarification, the abbreviated conclusion presented at Draft EIR Page 4.3-94 is expanded/revised as follows:

> ~~Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less than significant.~~ **As noted in the preceding discussions, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.**
>
> **In evaluating the potential global climate change impacts of the Project, every attempt has been made to accurately and comprehensively quantify the greenhouse gas emissions associated with the Project. However, a number of inherent limitations are unavoidable in compiling or estimating project-level GHG emissions. Among these limitations, the use of models that measure overall emissions increases without accounting for existing emissions tend to substantially overstate the GHG emissions impacts of a new development projects. This makes an accurate analysis of GHG emissions substantially different from other air quality impacts, where the "addition" of redistributed emissions can make a substantial difference to overall air quality. Notably, not all the vehicular trips that result from the Project will be "new" vehicle trips, but that a majority of these trips already occur elsewhere, and currently generate GHG**

emissions within a global context. For example, the Project will not create entirely new truck trips (globally). However, implementation of the Project would establish a new destination point for trucks already utilizing the area roadway system. Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory.

The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is inferred by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Based on the preceding discussions and supporting analysis provided in the Project Global Climate Change Analysis included at EIR Appendix C, the Project's potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment is less-than-significant.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-21

The commentor reiterates the Draft EIR discussion that the CARB and SCAQMD GHG emissions thresholds consider only non-transportation sources. To clarify, the thresholds address all stationary GHG sources, but do not include mobile sources. To a certain extent this limitation on threshold considerations reflect the previously noted limitations involved in attempting to estimate "new" emissions associated with vehicle trips to/from new facilities. Nonetheless, the thresholds and their interpretation and application are correct as stated in the EIR and Project *Climate Change Analysis* (included at EIR Appendix C).

Contrary to the commentor's assertion, the *Climate Change Analysis* is not "deeply flawed" through an omission of mobile-source GHG emissions. Mobile-source emissions are clearly identified and quantified at *Climate Change Analysis,* Page 45, Table 2-4 (27,858.08metric tonsCO2E) and at Draft EIR Table 4.3-18 (Page 4.3-92). Mobile source emissions are not however, by CARB and SCAQMD-defined thresholds, utilized by those agencies in determining GHG emissions significance for their facilities. Project facilities emissions of GHG would not exceed GHG thresholds established by CARB and SCAQMD for their facilities. As noted above, this fact is considered within the entirety of the Climate Change Analysis, and in evaluating the Project's potential GCC impact significance, which is, as correctly concluded in the EIR, less-than-significant.

Response JS-22

The commentor reiterates incorrect calculation and interpretation of Project vehicle trip generation. Please refer to Responses JS-15, JS-20, and JS-21. Results and conclusions of the EIR are not affected.

Response JS-23

The commentor states that "[t]he GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project." This

opinion, along with the commentor's related statements and conclusions, are addressed in preceding Responses JS-15, JS-20 and JS-21, which provide clarification regarding mobile-source GHG emissions evaluated and addressed in the EIR. The Draft EIR analyzes both the mobile and stationary GHG emissions associated with the Project. The EIR analysis conservatively does not assume mere redistribution of existing GHG emissions, particularly with regard to vehicle emissions when considered in a global context. Results and conclusions of the EIR are not affected.

Response JS-24

The commentor provides opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable. Commentor opinions and statements are forwarded to the decision-makers for their consideration.

Contrary to commentor opinions and statements, in point of fact, an exhaustive and accurate assessment of the Project's GHG emissions impacts and related potential GCC impacts are presented in the Draft EIR (Pages 4.3-23 through 4.3-47, Pages 4.3-88 through Pages 4.3-111, at al.), and supporting technical Global Climate Change Analysis included at Draft EIR Appendix C. These discussions not only establish Project consistency with the CARB Scoping Plan (one component of the EIR analysis), but also provide detailed discussion of the sources and effects of GHG emissions, consider and evaluate the Project in the context of existing and proposed GHG emissions reductions strategies, and provides an analysis of Project GHG emissions vis-à-vis adopted and anticipated thresholds. Importantly, the analysis provided in the EIR is consistent with applicable CEQA directives:

> Based on the direction provided in Section 15064.4 of the *Guidelines*, a lead agency should make a good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions associated with a project. Because the methodologies for

performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

1. Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should also include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

2. Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions (Draft EIR Page 4.3-35).

Substantial evidence provided in the Draft EIR, as summarized above, supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor notes *recommended* [emphasis added] CARB Scoping Plan Actions, and misinterprets these as Project requirements. The commentor cites specifically, **Action T-7**: Sector-Transportation; Recommended Action-Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure - Aerodynamic Efficiency; and **Action E-4**: Sector-Electricity and Natural Gas-Recommended Action-Million Solar Roofs. As noted in the Draft EIR (Pages 4.3-99, 4.3-100), the Project will not conflict with applicable recommended Actions. Consistent with other revisions proposed herein, Action T-7, Action E-4 applicability discussions at Page 4.3-102 are deleted and replaced with the following:

- Action T-7 **recommends existing trucks/trailers to be retrofitted with the best available technology and/or CARB-approved technology. Implementation of such a standard is not within the purview of the Project. GHG emissions reductions would be achieved however through standards compliance by vehicles accessing the Project. Further, pursuant to EIR Mitigation Measure 4.3.13, tenants are encouraged to provide incentives to realize Smartway certification, and to use fleet vehicles conforming to CARB 2010 emissions standards or better, thereby reducing GHG emissions. The Project supports, and would not interfere with Action T-7.**

  Action E-4 **promotes solar generated electricity. As discussed within this EIR, the Project design accommodates renewable energy sources, such as photovoltaic solar electricity systems. (Draft EIR Mitigation Measure 4.3.11 requires in part that: *"All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design."*) The Project supports, and would not interfere with Action E-4.**

It is further noted that the AB-32 Scoping Plan merely sets forth concepts, the implementation of which will be refined during the rulemaking process contemplated under AB-32. Thus, merely because Action T-7 recommends that existing trucks/trailers be retrofitted with the best available technology and/or CARB-approved technology; and/or that Action E-4 promotes solar generated electricity does not mean that a given project must require best available technology retrofits; nor install PV solar panels on its roof in order to be consistent with the Scoping Plan.

Please refer also to the complete discussion of Project consistency with applicable recommended CARB Scoping Plan Actions presented at Draft EIR Pages 4.3-98 through 4.3-103. The results and conclusions of the EIR are not affected.

Response JS-25

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable, but provides no supporting analysis or evidence. In point of fact, as supported by the discussion in the EIR, the project will not result in significant GHG/GCC emissions impacts, and no mitigation is required. Measures included in the EIR, including those addressing recycling, water conservation, and solar energy systems, therefore further reduce GHG/GCC impacts that, even absent mitigation, are less-than-significant. Commentor's citation to EIR statements that: *"vehicles accessing the site will be in compliance with CARB vehicle standards to the maximum extent feasible"* are not found. Adopted applicable CARB standards are regulatory in nature, and required of all vehicles. Please refer also to the preceding Response JS-24.

Response JS-26

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor cites various 2006 CAT Report GHG Emission Reduction Strategies, contending the Project does not support applicable strategies. The commentor incorrectly interprets the strategies as requirements of the Project. Specific citations of the commentor include compliance with CARB vehicle standards, source reduction and recycling, California solar initiative recommendations, and the use of alternative fuels.

The approach suggested by the commentor is not required under the CEQA Guidelines, and is not the approach employed by the Lead Agency here. Comparison of this Project with the CAT strategies and AB-32 Scoping Plan concepts is made for the purpose of evaluating whether the project conflicts with an applicable plan, policy, or regulation adopted for the purposes of reducing emissions of greenhouse gases. That is the applicable threshold under the CEQA Guidelines. Upon determining that the Project does not conflict with these plans, the Lead Agency appropriately concluded

that the impacts are less than significant, and therefore, no mitigation is required. Project support of, and compliance with, applicable 2006 CAT Report GHG Emission Reduction Strategies is presented at Draft EIR Pages 4.3-103 through 4.3-110. With specific regard to Project compliance with CARB vehicle standards, search of the EIR text does not yield the phrase "maximum extent feasible" as suggested by the commentor. EIR discussions of strategies noted by the commentor as excerpted from Draft EIR Table 4.3-20, are presented below.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Air Resource Board	
Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	Enforcement of State regulation is beyond the scope of the Project. The Project will not interfere or conflict with AB 1493 (Pavley).
Other Light Duty Vehicle Technology New standards would be adopted to phase in beginning in the 2017 model.	Enforcement of State standards for Light Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Light Duty Vehicles.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	Enforcement of State standards for Heavy Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Heavy Duty Vehicles.
Diesel Anti-Idling In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Heavy-duty diesel trucks that access the Project site will be required to limit idling to no more than three (3) minutes (EIR Mitigation Measure 4.3.10).
Alternative Fuels: Biodiesel Blends CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	When CARB adopts regulations for the use of biodiesel fuel in heavy duty trucks, trucks supplying the commercial uses will comply with this measure.
Hydrogen Highway The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.	Not Applicable.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
Integrated Waste Management Board	
Achieve 50 percent Statewide Recycling Goal Achieving California's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Zero Waste - High Recycling Additional recycling beyond the State's 50 percent recycling goal.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions.	In support of water Use Efficiency strategies, the Project will implement U.S. EPA Certified WaterSense labeled or equivalent faucets and high-efficiency toilets (HETs), and implement water-conserving shower heads to the extent feasible.
California Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	As required through the EIR air quality mitigation measures noted herein, and based on energy efficiency/sustainability attributes of the Project presented in the EIR Project Description (EIR Section 3.0), energy efficiencies achieved by the Project will surpass incumbent Title 24 Energy Efficiency Standards by at least 20 percent. Verification of increased energy efficiencies is documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Energy efficient Project designs and operational programs will facilitate Applicant-initiated LEED Certification actions.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Solar Initiative Installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses; increased use of solar thermal systems to offset the increasing demand for natural gas; use of advanced metering in solar applications; and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	In support of the California Solar Initiative, the Project design accommodates potential future installation and use of renewable energy sources, such as photovoltaic solar energy systems. (See EIR Section 3.0, Project Description).

Contrary to the commentor's assertions, as indicated at Table 4.3-20, the Project complies with and supports applicable 2006 CAT Report Greenhouse Gas Emission Reduction Strategies. There is no mandate or specific requirement or singular methodology for strategy compliance as suggested by the commentor. The results and conclusions of the EIR are not affected.

Response JS-27

The commentor cites various recommended or adopted thresholds of other agencies addressing GHG emission and GCC impacts. The commentor erroneously states that "in the EIR for the Highland Fairview Project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change."

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. The commentor is referred to previous responses and CEQA directives allowing for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the Guidelines. The EIR analysis of GHG emissions/GCC impacts is consistent with Section 15064.4 of the Guidelines. Please refer also to response JS-24.

No "zero emissions threshold" for GHG emissions neither appears, nor was applied, in the EIR for the Highland Fairview Project. The commentor is referred to *Draft*

Environmental Impact Report Highland Fairview Corporate Park PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090 (TPM 35629), and PA07-0091 (PP) City of Moreno Valley, Riverside County, California State Clearinghouse No. 2007101132 (Michael Brandman Associates) August 4, 2008, Page 5.16-5:

> AB 32 states that, "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Although it is unknown if AB 32 alone is enough to reduce California's fair-share contribution to global greenhouse gas inventory, it is currently the only well-defined and widely accepted benchmark for greenhouse gas emissions in California. Therefore, for purposes of this analysis, the following significance thresholds have been used:
>
> **Impact GCC-1** Does the project comply with the provisions of an adopted Greenhouse Gas Reduction Plan or Strategy? If no such Plan or Strategy is applicable, would the project significantly hinder or delay California's ability to meet the reduction targets contained in AB 32?
>
> **Impact GCC-2** Would the impacts of climate change significantly impact the project?

The Highland Fairview Project EIR concluded that project had the potential to significantly hinder California's ability to meet the reduction targets contained in AB 32, and therefore reached a conclusion of "potentially significant" GHG emissions impacts for that project.

Such is not the case for the proposed Westridge Commerce Center Project as supported by the analysis presented in the Westridge Commerce Center Project EIR and supporting Global Climate Change analysis.

Continuing at Page 5.16-6, the Highland Fairview EIR also importantly notes that:

> The thresholds and the analysis contained below *may not be relevant to other projects. This analysis does not establish thresholds for the City or set precedents for the type of analysis in a climate change analysis, as this discipline is still evolving. [emphasis added]*

Clearly, whatever thresholds and analysis may have been employed in the Highland Fairview EIR were for that project only, and not intended or necessarily applicable to the proposed Westridge Commerce Center Project. The results and conclusions of the EIR are not affected.

Response JS-28

The commentor considers the term "cumulatively considerable" established under the *CEQA Guidelines* Section 15064, subd. (h)(1), and appears to misapply it in evaluating Project GHG emissions and potential Project-related Global Climate Change impacts. In total, *CEQA Guidelines* Section 15064, subd. (h)(1) cited by the commentor, and excerpted below, provides guidance as to whether an EIR is required based on the potential for a given project to cause or result in cumulatively considerable impacts.

> (h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Lead Agency had previously determined through the Initial Study process that an EIR is required for the Project, to include an analysis of all potential cumulatively considerable impacts, including potential GHG/GCC impacts.

The EIR analysis supports the conclusion that Project-specific GHG/GCC impacts are individually less-than-significant and not cumulatively considerable (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C). To this end, not only are the Project's incremental GHG/GCC impacts substantiated to be less-than-significant. As noted in the Draft EIR, with regard to global climate change, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.

Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory. The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is assessed by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Additionally, as discussed in the Draft EIR . . . "to facilitate their monitored implementation throughout Project development and operations, design features and operational attributes of the Project are incorporated into this EIR as Mitigation

Measures 4.3.10 through 4.3.13 . . . These measures act to reduce Project-related operational source air pollutants and GHG emissions, and promote sustainability through conservation of energy and other natural resources" (Draft EIR at Page 4.3-94). As amended in these Responses, additional mitigation has been also been provided, further reducing already less-than-significant Project GHG emissions levels. Please refer also to previous discussions at Responses JS-20 through JS-27, substantiating less-than-significant Project GHG/GCC impacts.

As provided for under *CEQA Guidelines* Section 15064(h)(2), "[w]hen a project might contribute a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures . . . [the supporting analysis] shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable." Design features, operational programs, and mitigation measures included in the Draft EIR (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C) render the Project's potential contribution to Global Climate Change impacts to levels that are less than cumulatively considerable.

As further provided under *CEQA Guidelines* Section 15064(h)(3), . . . "a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make

specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable."

The general arena of GHG emissions regulations remains preliminary and still formative, and there are no plans (as yet) with the effect of law that would be applicable to the Project. Notwithstanding, the CARB Scoping Plan and 2006 CAT Report are considered indicative of likely future guidelines and requirements. The Project supports and is consistent with CAT strategies and other means suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32. Qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report (Draft EIR Pages 4.3-94 through 4.3-110) supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

Continuing, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative GCC impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

It is further noted cumulative effects of Global Climate Change would be considered significant irrespective of any increment of GHG emissions generated by, or reduced through, implementation of the Project. Moreover, absent similar commitments worldwide, even full state-level reduction of GHGs as provided for under California

statute would not notably or discernibly affect a difference in global climate change. In this regard, the World Resources Institute estimates California GHG emissions comprised an estimated 1.3 percent of worldwide GHG emissions as of 2000.[9] Further, whereas California since 2000 continued to implement further energy efficient technologies and other means that directly or indirectly reduce GHG emissions and thereby reduce its proportionate impacts, these reductions have been more than offset by increasing growth and industrialization worldwide. This speaks to *CEQA Guidelines* Section 15064(h) (4) provisions, which provide that the mere existence of significant cumulative GCC impacts caused by other projects (worldwide growth and industrialization) alone does not constitute substantial evidence that the Westridge Commerce Center Project's incremental GCC effects are cumulatively considerable.

Based on the preceding the project will not result in or cause cumulatively considerable GCC impacts. Results and conclusions of the EIR are not affected.

Response JS-29

The commentor summarizes various provisions of the *Final Statement of Reasons for Regulatory Action* (California Natural Resources Agency) December 2009 which allow for off-site mitigation of GHG impacts.

As substantiated in the EIR and discussed in these Responses, Project-related GHG emissions impacts are less-than-significant and are not cumulatively considerable. Off-site mitigation is not proposed nor is it required. Results and conclusions of the EIR are not affected.

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9 *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions* (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008, Page 8.

Response JS-30

Temporary and intermittent significant construction-source noise impacts noted by the commentor are fully discussed and disclosed in the Draft EIR:

> **Level of Significance after Mitigation:** Mitigation Measures 4.4.1 through 4.4.4 will qualitatively reduce construction-source noise and its perceived impacts to the extent feasible. The proposed use of noise curtains during the most noise intensive activities (grading/site preparation) may reduce received noise levels by 10-20 dBA at the nearest receptors. Nonetheless, it is anticipated that construction-source noise received at the nearest affected residential receptor adjacent may temporarily and periodically reach the maximum anticipated exterior noise level of 89 dBA Leq. This condition would occur in particular when heavy equipment is used for the construction of adjacent Fir (future Eucalyptus) Avenue. At more distant residential neighborhoods, the maximum received noise level is conservatively estimated at 60 to 65 dBA Leq. As such, even with the application of proposed mitigation, Project construction equipment activities would exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), and consequently would be considered a substantial temporary and periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project (Draft EIR Page 4.4-20).

Mitigation of construction-source noise impacts is addressed in the following responses JS-31 and JS-32. Results and conclusions of the Draft EIR are not affected.

Response JS-31

The commentor provides opinions on Draft EIR Mitigation Measure 4.4.4, which is presented in its entirety here:

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

The commentor states that the mitigation language "[n]oise curtains shall be installed so as to provide maximum reduction for noise sensitive uses" is "unenforceable." The commentor fails to note or recognize that construction activities by their nature are fluid and mitigation addressing such activities is similarly fluid. The stipulation that noise curtains be installed so as to achieve the maximum reduction in noise accommodates site and use-specific variations in construction activities and construction noise that may affect proximate sensitive receptors. As discussed at Draft EIR Page 4.4-18, "[t]he closest noise sensitive receptor that will be subject to potential construction noise impacts is the residence located at 28855 Fir Avenue (future Eucalyptus Avenue),approximately 150 feet southerly of the Project site's southernmost boundary. Because roadway improvements along future Eucalyptus Avenue are also part of Project development, an overall grading noise level of 89 dBA at 50 feet has been used as the worst-case, maximum exterior noise level when heavy equipment is nearest this sensitive receptor. At the nearest residential neighborhood, located more than one-quarter mile from the Project site, received construction-related noise levels would be reduced by 30 decibels or more based on physical separation between these residences and the Project site.

As also noted in the Draft EIR, the noise curtains required pursuant to Mitigation Measure 4.4.4 would conservatively provide an estimated 10 to 20 dBA of noise

reduction acting to reduce noise at proximate receptors. Worst-case construction noise levels (estimated to be 89 dBA at 50 feet) would occur as roadway improvements occur along future Eucalyptus Avenue. To ensure that the single residential use would not be temporarily and intermittently exposed to construction noise levels exceeding 60 dBA would in effect require construction of a barrier along the southerly edge of the Fir (future Eucalyptus Avenue) right-of-way, extending at a minimum the length of the affected receptor property line (approximately 620 feet) providing line-of sight interruption of noise yielding a 29 dBA noise reduction. Alternatively, an encapsulating 620 foot by 620 foot, 29 dBA noise-reducing barrier could be constructed around the receptor property in question.

For construction equipment with a 12-foot high exhaust stack, and not accounting for grade differentials, line of-sight noise protection would require a minimum 15 foot high wall (noise source height plus three feet).Under laboratory conditions a 4-inch thick concrete wall (or equivalent @ 30 lbs./s.f.) would provide approximately 37 dB noise attenuation (one side of a barrier to the other); and under uncontrolled exterior conditions could hypothetically provide 29 dBA noise reduction in protected areas immediately adjacent to the wall, within the noise "shadow zone." However noise diffracted over the top of or sides of the wall would still affect more distant unprotected receptors. Moreover, a 4-inch thick concrete wall, 15 feet in height is not structurally stable without significant reinforcing (envision a 15-foot high freestanding brick wall); and in practical application would constitute a permanent structure with anchoring footings or caissons.

The commentor suggests that "temporary sound walls" be implemented. As indicated, such walls would not be temporary. Moreover, construction of the "temporary" walls themselves, as well as their demolition, would generate noise levels equaling or exceeding those resulting from the Project. That is, the noise barrier's own construction and its subsequent demolition, would occur at the southerly right of-way line, and would require use of construction equipment in addition to, and for periods of time

greater than, that otherwise required to implement the Project. This would arguably increase rather than decrease net adverse effects construction noise.

Response JS-32

Please refer to the following Response JS-33.

Response JS-33

The commentor's suggested additional measures to reduce construction-source noise are addressed below.

Suggested Measure	Response
1.Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.	**Not required, no nexus with significant impacts.** The Noise Impact Analysis states that this program is merely recommended not required. Nor are the recommended measures reflected in or required to attain the "mitigated condition" presented in the Draft EIR. The Lead Agency may, at its discretion, impose additional Conditions of Approval (such as recommendations within studies) supplementing the EIR Mitigation Measures. The Draft EIR contains comprehensive mitigation to address noise impacts of the Project. These measures are included as part of the Mitigation Monitoring Plan, presented in Section 4.0 of this Final EIR. The Mitigation Monitoring Plan: 1) assigns responsibility for, and ensures proper implementation of Mitigation Measures; 2) assigns responsibility for, and provides for monitoring and reporting of compliance with Mitigation Measures; and 3) provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs. The City will monitor and report on all mitigation activities.
2.The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	**Incorporated** at revised EIR Mitigation Measure 4.4.3.

Suggested Measure	Response
3.Notify surrounding homeowners of expected, specific construction-related noise impacts.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations vis-à-vis noise-related requirements. The public, including surrounding homeowners, has been notified of the Project via direct mailing and public notice, consistent with the provisions of the City of Moreno Valley Municipal Code. Copies of the Draft EIR are available upon request.
4.When technically feasible, electrical construction equipment should be utilized.	**Incorporated** at revised Mitigation Measure 4.3.8.
5.During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.	**Replicates existing requirements.** Mitigation Measure 4.3.10, as currently presented in the Draft EIR, prohibits the idling of trucks for more than three (3) minutes.

Response JS-34

The commentor appears to misinterpret and/or misapply noise limitations established under the City's Noise Ordinance, noise standards provided for under the General Plan, and their application within the EIR. The commentor erroneously states " . . . *the DEIR . . . adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA greater*." The commentor suggests that the City Noise Ordinance threshold of 60 dBA Leq be universally applied irrespective of existing conditions, noise source, or noise duration.

To clarify, as noted in the Draft EIR . . . "[t]he City's Noise Ordinance applies to 'stationary source' noise occurring on one property, which may affect a neighboring property (Draft EIR at Page 4.4-13). Mobile source (roadway noise) is not regulated under the City Noise Ordinance. The Noise Ordinance is directed toward discrete, identifiable stationary or area source noise. Noise thresholds established in the Ordinance are expressed in Leq, acknowledging noise levels occurring within a limited and defined time frame (in this case one-hour).

As described and discussed in the EIR, the Noise Ordinance's most restrictive threshold conditions of 60 dBA Leq daytime/55 dBA Leq nighttime for residential land uses are appropriately applied in evaluating discrete area/stationary source noise generated by the Project and received at proximate residential land uses. As discussed in the Draft EIR (Pages 4.4-23 through 4.4-26), at receiving residential land uses, Project operational stationary/area source noise will not exceed 60 dBA Leq daytime /55 dBA Leq nighttime.

The Noise Ordinance is not intended or constructed to address modeled areawide ambient noise levels increases, such as occur over time due to ambient increases in areawide traffic. Nor is it appropriate to evaluate or consider long term increases in ambient noise levels (such as increases in roadway corridor noise) in terms of Leq. It is the 24-hour average weighted noise level (CNEL) that accurately and appropriately describes the effective ambient noise condition, and indicates whether there would be a substantial permanent increase in noise levels due to the effects of a given project.

CNEL guidelines applicable to increases in ambient noise conditions, including noise generated by Project-related mobile sources (traffic) are established under the City General Plan Noise Element. As discussed in the Draft EIR:

> The Safety Element of the City's General Plan discusses noise and future projected noise levels within the City. For planning purposes, the City employs a 65 CNEL standard for noise-sensitive outdoor areas (e.g., rear yards of single family homes), and an indoor noise standard of 45 CNEL for residential developments (Draft EIR Page 4.4-14).

As supported by analysis presented in the EIR (see EIR Section 4.0, Noise; EIR Appendix D, noise Impact Analysis) the Project will not result in or cause operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-35

The commentor states that "*. . . the Draft EIR makes a conclusory statement of insignificance without data or analysis . . .*" with regard to potential vibration impacts of the Project. The commentor also states that the Draft EIR only addresses vibration impacts to buildings, but fails to address such impacts to people.

For ease of reference, the EIR discussion of vibration impacts is excerpted below:

> **Impact Analysis:** Groundborne vibration refers to groundborne noise and perceptible motion. Typical sources of groundborne vibration include the use of heavy-duty construction equipment to be employed at the Project site. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where motion may be discernible but without the accompanying effects (e.g., the shaking of a building).
>
> Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Vibration-caused building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during foundation construction, neither of which is anticipated as part of construction of the Project considered here.
>
> The City of Moreno Valley does not currently have adopted vibration regulations. Notwithstanding, germane vibration criteria has been established by the California Department of Transportation (Caltrans) and is employed in analyses presented here.

> The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. However, heavy equipment employed during Project construction could potentially generate groundborne vibration impacts at adjacent land uses. Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, proximate operations of large bulldozers and loaded trucks can cause perceptible vibration levels, notwithstanding, according to the *Transportation and Construction-Induced Vibration Guidance Manual* prepared for Caltrans, groundborne vibration from construction activities and equipment such as such as D-8 and D-9 Caterpillar bulldozers, earthmovers and haul trucks at distances of 10 feet do not create vibration amplitudes that would cause structural damage to nearby structures. The proposed Project is not anticipated to employ any pile driving equipment, nor require blasting activities. Further, the nearest heavy equipment operations would occur at a distance of 40 to 50 feet from the nearest residential use (28855 Fir Avenue). Impacts from construction-source groundborne vibration are therefore anticipated to be less-than-significant (Draft EIR Pages 4.4-27 to 4.4-28).

As indicated above, the City has no adopted vibration thresholds, much less a threshold adopted to address speculative "vibration impacts to people" suggested by the commentor. Structural damage is a defined concern addressed by Caltrans, and would be considered to constitute excessive groundborne vibration or groundborne noise levels. This concern is likewise is considered in the EIR. Occasional perceptible vibration levels should they occur, do not constitute excessive groundborne vibration or groundborne noise levels. Any vibration impacts perceived at off-site locations would, as noted, be temporary and intermittent due to transient construction vehicles.

There are no sensitive historic structures or instruments located proximate to the Project that would somehow be affected by temporary and transient construction-source vibration.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Results and conclusions of the EIR are not affected.

Response JS-36

Please refer to the following Response JS-37.

Response JS-37

The commentor again appears to misinterpret and/or misapply noise thresholds, now within a cumulative analysis context, and incorrectly states threshold considerations applicable to the Project.

In brief, the City Noise Ordinance regulates stationary/area source noise generated by the Project will not result in operational noise that would exceed Ordinance Standards (60 dBA Leq daytime/55 dBA Leq nighttime). Ambient noise increases, including traffic noise generated by the Project would not exceed the applicable 65 CNEL residential standard established by the General Plan. (The commentor misstates the threshold as 60 dBA Leq). Noise levels of less than 65 dBA CNEL are acceptable. In the instance noted by the commentor, vehicular noise levels due to cumulative growth (including noise generated by the Project traffic) would increase by 9.8 dBA CNEL over time, totaling an estimated 61.1 dBA CNEL at General Plan Buildout. Vehicular noise levels of 61.1 dBA CNEL are less than the threshold condition of 65 dBA CNEL, and impacts are therefore not cumulatively considerable. In instances where pre-existing noise levels exceed 65 dBA CNEL, or such traffic noise levels would occur due to cumulative growth absent the Project, the Project's incremental contribution would

range from 0.0 dBA to 0.4 dBA, and would not be discernible. In these instances, perceived noise conditions would the same with, or without the Project. As noted previously in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative noise impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

Project operational source noise would not exceed applicable standards established under the Noise Ordinance and/or General Plan. In no instance would Project noise cause a transition from acceptable ambient conditions to conditionally acceptable conditions or from conditionally acceptable conditions to unacceptable conditions.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause cumulatively considerable operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-38

The commentor notes that modeling of noise based on measurements taken at the G.I trucking facility (Pomona CA) may not yield noise levels comparable to those that would be generated by the Project.

The G.I. trucking facility conducts logistics warehousing operations, including acceptance and dispatch of big-rig long-haul and consolidated freight trucks, similar to operations anticipated under the Project. The G.I. trucking facility noise measurements are not intended to precisely replicate noise generated by the Project operations site on any given day or at any given time. The empirical data collected does however provide a real world snapshot of anticipated noise sources and noise conditions typical of

heavy-duty, long-haul trucking operations conditions, and is considered superior to an assumed estimate of noise sources and noise levels. Results and conclusions of the EIR are not affected.

Response JS-39

The commentor's suggested additional measures to reduce operational-source noise are addressed below.

Suggested Measure	Response
1. All truck, tractors and forklifts shall be operated with proper operating and well-maintained mufflers. 2. Maintain quality pavement conditions that are free of bumps to minimize truck noise. 3. Limit the number of idling trucks on the southeastern portion of the site.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations in Response JS-32 vis-à-vis noise-related requirements. As noted in the Noise Impact Analysis, all operational noise impacts are less-than-significant. No additional mitigation of operational noise impacts is required.

Response JS-40

The commentor incorrectly states that "Interstate 15 (I-15) and Interstate 215 (I-215) provide access to the Project are and will most certainly be used to access the Project site." It is noted that I-215 was constructed to run roughly parallel to I-15 between Murrieta (approximately 30 miles south of the Project site) and Devore (located approximately 25 miles to the north of the Project site). In the vicinity of Moreno Valley, while I-215 is acknowledged as providing access, I-15 is located approximately 20 miles to the west. At these distances, I-15 does not provide direct access to the Project site, and on this basis, was not considered as part of the Project's traffic analysis.

With respect to commentor's concerns regarding potential Project-related impacts to I-215, a basic freeway segment analysis has been conducted between Box Springs

Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the Project's Traffic Impact Analysis (TIA Appendix 7.8, included as part of Draft EIR Appendix B). As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. Nor is there an established fair share fee program for potentially affected SR-60 freeway segments. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response JS-41

Despite the commentor's assertion that "[t]he Draft EIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project," the Project TIA (Draft EIR Appendix B) provides a summary of the Project's fee obligations in Table 8-

2. The application of fee-based mitigation is summarized at Draft EIR Pages 4.2-25 to 4.2-26; and discussed in greater detail at TIA Pages 200 through 206. The majority of the required improvements identified in the Draft EIR involve Caltrans facilities, improvement of which is outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The commentor's concerns regarding the adequacy of these funding mechanisms will be forwarded to decision-makers for their consideration.

Response JS-42

The commentor's suggested additional measures to reduce traffic-circulation impacts are addressed below. The results and conclusions of the Draft EIR are not affected.

Suggested Measure	Response
1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. 2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. 3. Reroute construction trucks away from congested streets and sensitive receptor areas.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 4.2-85), "[i]t is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours." No additional mitigation is required.
4. Configure construction parking to minimize traffic interference.	**Replicates existing requirements.** Construction parking is one of many components considered in the required construction traffic management plan. No additional mitigation is required.
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
8. Provide shuttle service to transit stations/ multimodal centers for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Improve traffic flow by traffic synchronization.	**Replicates existing requirements.** Signal synchronization is currently effected by the City, beyond control or purview of the Applicant. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.

Response JS-43

Please refer to the preceding Response JS-3.

Response JS-44

Contrary to the commentor's assertion, the Project's total water demand is disclosed in the Draft EIR. As discussed in Draft EIR Section 4.5, "Water Supply," and supported by the Water Supply Assessment prepared for the Project by Eastern Municipal Water District (EMWD), the Project's estimated maximum water demand would be 44 acre-feet per year (please refer to Draft EIR Table 4.5-8 on Page 4.5-17). As noted in the Draft EIR, "[w]ater demand for this Project is calculated for planning purposes only, and reflects potential maximum demand conditions. Actual water use will be reduced through conservation, use of water efficient devices, and use of recycled water as it becomes available" (Draft EIR Page 4.5-17).

Response JS-45

The commentor's suggested additional measures to reduce hydrology/water resources/impacts are addressed below.

Suggested Measure	Response
1. Install permeable pavement in car parking areas. 2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.	**Not required, no nexus with significant impacts.** As discussed in the Draft EIR, potential water supply and hydrology/water quality impacts are less-than-significant as mitigated. No additional mitigation is required. The Lead Agency may, at its discretion, impose additional Conditions of Approval supplementing the EIR Mitigation Measures.

Response JS-46

Maintenance of municipal storm drains is not customarily the responsibility of surrounding property owners. Sediment collected within the SR-60 culverts, which are located upstream from the Project site, is removed in the course of regular maintenance activities performed under the direction of the Riverside County Flood Control and Water Conservation District.

In the interest of accuracy, it may be noted that the Project's Hydrology study actually states, "[t]he development may be conditioned to clean the existing sediment build up in the existing triple 60-inch pipes crossing under the 60 Freeway as well as the existing 60-inch pipe [discharging]into the Redlands Boulevard westerly drainage ditch." City Engineering staff may, as part of pre-construction review, include this recommendation as a condition of Project approval. However, despite the assertions of the commentor, the removal of sediment in culverts upstream of the Project is not required "to mitigate for impacts from runoff." Nor would any such requirement be rationally related to impacts by the Project. Potential Project-related drainage impacts are addressed in Draft EIR Section 4.6, Hydrology and Water Quality. No significant impacts requiring mitigation have been identified in regard to hydrology or storm water management.

Response JS-47

As noted on Pages 4.6-22 through 4.6-23 of the Draft EIR, the Project's drainage plan was purposely designed to ensure that runoff from the site does not enter the Quincy Channel. Future drainage improvements associated with the Quincy Channel and its

proposed overcrossing will not affect, nor be affected by, implementation of the Project. The future improvements are noted in the Draft EIR merely as a point of reference.

Response JS-48

The Cultural Resources Investigation prepared for the Project included a records search and above-ground reconnaissance survey, which is customary for pre-development review. No underground investigation is required under the CEQA guidelines, or any federal, state, or local laws or regulations.

The Cultural Resource Investigation and the Draft EIR acknowledge the possibility of historic and/or prehistoric cultural resources being present on the site in a buried context, but no evidence exists to indicate the probability of any on-site archeological or paleontological resources or human remains. Mitigation is provided that requires the use of professional monitors during all Project-related excavation and grading activities. Relevant text from the Draft EIR (Pages 4.7-11 through 4.7-13) has been included below for ease of reference.

> The Project Cultural Resources Investigation report notes that "there was early occupation in the area and evidence of this occupation may be present in a buried context – e.g., evidence of the water well in the center of the property, buried refuse deposits, privies, irrigation systems, foundations, etc. If evidence of such remains is uncovered during the grading of this property, the proponent should contact a qualified archaeologist to assess the find(s) and to make recommendations for a monitoring program to oversee the remainder of the grading program." The report further notes that "the paleontological monitor [discussed below] can also serve to oversee archaeological monitoring and negate the need for two monitors." The following mitigation measures will ensure that the recommendations of the Project Cultural Resources Investigation are implemented during Project development.

Mitigation Measures:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

The results and conclusions of the Draft EIR are not affected.

Response JS-49

The commentor appears to misconstrue the intent of Mitigation Measure 4.7.1, the text of which is provided as part of the preceding Response GB-48. As stated in this measure, the monitor is to be adequately "equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays." Further, no time limit or emphasis on urgency is placed on the "temporary" halt on construction activities. Rather, Measure 4.7.1 states, "[t]he monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification." Mitigation Measure 4.7.3, included below for ease of reference, contains wording similar to that of Measure 4.7.1, specifically in regard to the potential occurrence of paleontological resources.

> 4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*
>
> - *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
> - *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
> - *Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
> - *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
> - *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon*

exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays,* ***consistent with the requirements of California Public Resources Code Section 21083.2.*** *The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2.,* ***resources shall be left in an undisturbed state. Where preservation in place is infeasible, a~~A~~ll*** *recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum*

repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

To ensure monitoring and enforcement, these revisions to Mitigation Measures are reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata.

Response JS-50

As noted in the preceding response JS-49, despite the commentor's assertions to the contrary, Draft EIR Mitigation Measures 4.7.1 and 4.7.3 do not include restrictions or limitations on the time that would be allowed for adequate monitoring and recording of cultural resources. As further discussed in the preceding response JS-49, the wording of these measures has been amended to clarify that, if found, cultural resources would be preserved in place where appropriate.

Response JS-51

Despite the commentor's assertions to the contrary, the Project's potential effects on common wildlife species have been addressed in *Report On Habitat Assessments and Biological Surveys for the West Ridge Project Site* (Harmsworth Associates) October 2008, presented at Draft EIR Appendix D. Relevant text is excerpted below for ease of reference.

> **5.8 Direct impacts to wildlife**
>
> **5.8.1 Common Wildlife**
>
> The primary impacts of the project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. These impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated

in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Report on Habitat Assessments, Page 36).

This same material discussion appears in the body of the Draft EIR.

Common Wildlife Species

The primary impacts of the Project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the Project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. However, these impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Draft EIR Page 4.8-25).

No potentially significant impacts have been identified, and no mitigation is required. The results and conclusions of the Draft EIR are not affected.

Response JS-52

The commentor recommends additional measures to be implemented to reduce the Project's adverse effect on scenic views in the Project area. The Draft EIR acknowledges, in Section 4.9, "Aesthetics," that implementation of the Project would obstruct or alter views from major roadways and surrounding areas, and would therefore have a

substantial adverse effect on a scenic vista, which is a significant individual and cumulative impact.

No feasible mitigation measures were identified within the Draft EIR which would reduce this loss of viewshed. All other potential aesthetic impacts of the Project were determined less-than-significant.

The particular mitigation measure suggested by the commentor is presented and responded to below:

1) *Preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County.*

The City does not currently conduct a program that would allow for the purchase of off-site areas for "scenic preservation," as suggested by the commentor, nor is it aware of other such programs offered by agencies or organizations within the Western Riverside County area. Moreover, preserving another existing scenic view elsewhere would not serve to mitigate the impacts of this Project. While the value of off-site mitigation for certain environmental impacts (e.g., biological habitat areas) has been demonstrated, the application of the proposed measure in regard to aesthetic impacts is considered infeasible.

<u>Response JS-53</u>

As noted in the Draft EIR (Pages 5-25 and 5-26), §15126.6 of the *CEQA Guidelines* states that an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the *CEQA Guidelines*, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the *CEQA Guidelines* indicate that the

range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of Project Objectives.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives. The text on Draft EIR Pages 5-35 through 5-44 provides the basis upon which each of the considered alternatives was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response JS-54

The exhibits identified by the commentor and provided as part of these comments have been included in Appendix A of this Final EIR.

Response JS-55

The commentor attaches various professional references. No response is required.

From: Shelly Mesa [shellymesa@roadrunner.com]
Sent: Monday, December 06, 2010 1:35 PM
To: Jeffrey Bradshaw

Subject: Questions about Sketchers, Westridge Commerce Center and Pro Logis projects.

Dear Jeffrey,

Hello, I am a concerned homeowner my name is Shelly Mesa, we bought out here 5-years ago and have been enjoying our beautiful view of the Badlands as well San Bernadino Mountains. I am concerned about all the changes that are taking place around us! I have been active an obtaining signatures against this project, just to be disappointed in our City Officials who over rode the City"s Planning Commision Votes, because their back pockets were padded by Mr. Benzeevi, as well as The Sequoia Club being bought, who had an active interest as well about the Enviromental Impact this will have on our "Beautiful Land." I intended to be out here thru our "Retirement Years". But what is to become of the East end of Moreno Valley? SM-1

1. How will the toxic diesal truck emmisions affect the people who will live on the south side of Fir when both the Warehouse and Pro Logis as well as Sketchers are at full operation? SM-2

2. What measures could be implemented during the construction and operation of this warehouse which could lesson the impact on noise, air quality and global warming, but which you are not going to put in place? SM-3

3. What will you do to protect the Warehouse Wokers from the effects of toxic diesal pollution? SM-4

4. How many toxic diesal trucks do you calculate to use Redlands Blvd. to come north out of town when Sketchers, Westridge Commerce Center and Pro Logis are in full operation? SM-5

I am concerned that if we don't take a stand we will have nothing but warehouses and low income apartments here in our community! SM-6

Sincerely
Shelly Mesa

SHELLY MESA

Email Dated December 6, 2010

Response SM-1

The commentor's concerns and opinions will be forwarded to decision-makers for their consideration.

Response SM-2

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant with mitigation, on both an individual and cumulative basis (i.e., with the Project alone and with the development of the ProLogis and Highland Fairview project, as well as other anticipated cumulative growth). Please refer also to Responses LA-1, FNSJ-8, *et al.* addressing diesel emissions impacts.

Response SM-3

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have otherwise been employed within the Draft EIR to reduce any potentially significant impacts. As discussed at FEIR Section 2.0, additional/revised mitigation has been incorporated based on comments received on the Draft EIR. Inclusion of these measures does not however, materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

As disclosed in the DEIR, even with the application of mitigation, the Project will result in certain significant and unavoidable air quality and noise impacts. A summary of significant impacts is presented at DEIR Pages 1-17 through 1-20.

Response SM-4

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpt from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response SM-5

Opening Year Cumulative Conditions for area roadway segments, including Redlands Boulevard, are identified in the Draft EIR at Table 4.2-13 (Pages 4.2-61 to 4.2-62). Section 4.2 of the Draft EIR further identifies the number of trucks that will be accessing the site

and vicinity projects on Page 4.2-18. This discussion is presented below for ease of reference.

> As seen in [Draft EIR] Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour.

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Response SM-6

The commentor's concerns will be forwarded to decision-makers for their consideration.

From: ned newkirk [ned_newkirk@verizon.net]
Sent: Monday, December 06, 2010 3:00 PM
To: Jeffrey Bradshaw
Subject: Proposed West Ridge Commerce Center

Name: Ned and Dawn Newkirk Phone: 951-242-3055 Address: 29080 Dracaea Avenue--
MorenoValley, Ca. 92555
Email Address: ned_newkirk@verizon.net

How does the the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan? NDN-1

As new warehouses such as Skechers and the proposed West Ridge Commerce Site are very near to residential areas, what measures will be required to reduce the size and starkness of the warehouses that are very close to these residential areas? If you do not require measures for warehouses to esthetically fit into the neighborhood, residential property values could be dramatically affected and reduced. NDN-2

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? NDN-3

What warehouses are under consideration for the Eastern end of the City of Moreno Valley consisting of the area from Moreno Beach to Gilman Springs Road and Ironwood Ave to south of Alessandro Blvd? NDN-4

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? NDN-5

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? NDN-6

What will you do to protect nearby residents from the effects of toxic diesel pollution? NDN-7

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? NDN-8

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? NDN-9

How will this project be growth inducing for similar projects? NDN-10

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, WestRidgeCommerceCenter and Pro Logis are in full operation? NDN-11

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists [illegible] LOS be as a result of these three warehouses? NDN-12

NED AND DAWN NEWKIRK

Email Dated December 6, 2010

Response NDN-1

The commentor inquires: "How does the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan."

The commentor's inquiry is not specific to the Project or the EIR and absent further explanation, does not allow for on-point response. Moreover, there is no formal adopted "Moreno Valley Beautification Plan." Notwithstanding, as discussed in the Draft EIR (Pages 4.1-17 to 4.1-20), uses proposed by the Project are consistent with applicable General Plan Land Use Policies. It is presumed that other projects proposed for development within the Project area (warehouses or other uses) will be subject to a similar consistency analysis.

Individually and cumulatively significant aesthetic impacts of the Project are also acknowledged in the Draft EIR.

AESTHETICS **Project-Specific Significant Impacts**

Change to Scenic Vistas

Construction of the proposed Project would result in interrupted or obstructed views of off-site scenic areas. This is recognized as a significant and unavoidable aesthetic impact.

Cumulatively Significant Impacts

The Project will restrict or interrupt both near and distant views in the Project area, and in combination with other vicinity development, will cumulatively result in a substantial adverse effect on scenic views in the Project area. The cumulative effects of the Project in regard to scenic vistas are determined to be significant.

(Source: Draft EIR Table 1.8-1, Pages 1-19, 1-20)

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response NDN-2

The Draft EIR's discussion of Aesthetics (Section 4.9) addresses the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings. The Draft EIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. However, the analysis concludes that no potentially significant impacts would occur in this regard. The relevant text from Draft EIR Page 4.9-22 is provided here for ease of reference.

> Properties to the south of Fir (future Eucalyptus) Avenue are currently zoned for large lot residential uses. To provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary. This wall will be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti.
>
> As supported by the preceding discussions, and with implementation of the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant.

Response NDN-3

The commentor expresses concerns about the effect of diesel truck emissions on the sensitive receptors located on the South side of Fir Avenue.

A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk

shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [10]

Response NDN-4

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. These include the recently approved Highland Fairview Corporate Park, and the proposed ProLogis warehouse project. To date, no further inquiries, applications, or other proposals have been received by the City in regard to development of the types of land uses referenced by the commentor.

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10 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

It may be noted that a "Logistics Modified General Plan" development concept was included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16). This development concept addressed the possible future development of a substantial number of warehouse facilities in the eastern end of the City.

For the purposes of the Westridge Commerce Center Draft EIR analysis, the City does not consider the "Logistics Modified General Plan" (LGMP) proposal included within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development concept was not included among those identified as "related projects" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

Response NDN-5

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, the Project will result in certain significant and unavoidable air quality and noise impacts.

Response NDN-6

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response NDN-7

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant as mitigated.

Response NDN-8

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the

Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

<u>Response NDN-9</u>

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response NDN-10

The commentor expresses concern regarding the growth inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth. Moreover, the Project is consistent with the adopted General Plan, would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response NDN-11

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19,

acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

<u>Response NDN-12</u>

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR

Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:16 PM
To: Jeffrey Bradshaw; John Terell
Subject: DEIR Comments for Ridge-1
To: Jeff Bradshaw,

These are my comments and questions concerning the Westridge Commerce Center Project.

My biggest concern and questions are regarding the cumulative effects of the 35 million square feet of warehousing proposed for this area of the city. The law requires that the FEIR address the cumulative impacts of the entire known proposal. The Agency (the city of Moreno Valley) is well aware of the fact the developer that owns most the raw land in this area wants to turn this area into another Mira Loma type warehouse district encompassing 35 million square feet of warehousing. The city has an obligation to make sure that the impacts of all 35 million square feet are addressed in this document. It is not acceptable for the city to pretend it doesn't know about these other planned warehouses. The fact they have not submitted an application yet has no bearing on the known intended plan. I will include the Press-Enterprise article in which these35 million square feet warehousing plan was detailed. DR1-1

There is only one actual lane on the westbound 60that leaves Moreno Valley and continues to Riverside. How are all these trucks going to affect the traffic going west on the 60? How is the truck traffic from the other 30 million square feet of warehouses going to affect the truck traffic?Is the city going to let this developer lie about the traffic the way they let Highland Fairview lie? Is this developer going to be allowed to show unrealistic videos of dream traffic or they going to be required to tell the truth? What is the impact of the additional truck traffic from this approximately one million square foot warehouse on the one actual lane that leaves Moreno Valley and continues to Riverside?What is the impact of the truck traffic from all 35 million square feet of warehousing on the one lane of the 60 that leaves Moreno Valley and continues to Riverside? DR1-2

We know we are not going to meet our 2015air quality targets. How are we going to meet them by adding warehousing that is not even required to meet LEED standards? Why would we add anything that is not required to meet LEED standards? How much farther over our target will we be with the addition of a one million square foot warehouse? How much farther will we be over our target with the entire 35 million square feet of warehousing proposed? DR1-3

The City of Moreno Valley has some of the most beautiful vistas in the Inland Empire. Why does the consortium this developer belongs to think it is ok to rape the views of this city when other locations would serve the same function without doing so? Why does this consortium of developers think so little of the beauty of Moreno Valley that they would destroy it just to make a couple extra bucks? There are plenty of parcels in the flat area where warehousing was intended to go. I know because my home overlooks this area. Why is this consortium of developers destroying the vistas of people who have lived in their homes many over 20 years when they don't have to? Nobody that cared for our city would so callously destroy it! Why would we want to do business with developers who care nothing for our city? DR1-4

Why is this consortium of developers building off the 60 when the 215 is a much better location? The 215 has millions of federal money spent and planned to be spent on it. The 60 has no plans to add more than the one and only west bound lane that leaves the city and continues into Riverside. March Global Port by the 215 has an airport and is nearer to the railroad. Why isn't this warehouse being proposed in the area of the city that was intended for a warehouse? Why not the March Global Port? DR1-5

The Skechers project caused animosity that still has not been resolved. This developer knows that. Why does this developer and the consortium he is aligned with think it is ok to emotionally tear a city apart? Why doesn't this developer care about the quality of life of the residents most affected by this project?

Knowing how you feel and knowing what you want to say is much easier than typing it. I sincerely hope you will answer all my concerns about this project. DR1-6

PS. I referenced newspaper articles that I will send separately

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno Valley CA 92555

DEANNA REEDER, LETTER 1

Email Dated December 6, 2010

Response DR1-1

The commentor expresses concern regarding "the cumulative effects of the 35 million square feet of warehousing proposed . . . ," citing an article from the *Press Enterprise* newspaper dated August 21, 2008 which references a "Logistics Modified General Plan" development concept included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16).

The *CEQA Guidelines* (Section 15130, subd. (b)(1)(A)) state that "a list of past, present and probable future projects" may be used to provide an adequate discussion of significant cumulative impacts. No active application exists for Logistics Modified General Plan (LGMP) proposal. Nor does the City consider the LGMP proposal cited within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development is not included as a "related project" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

To date, no further inquiries, applications, or other proposals have been received by the City in regard to the possible amendment of the General Plan or the Moreno Highlands Specific Plan to support the type of development referenced by the commentor. As

identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the adopted City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

The commentor's concerns and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-2

In regard to cumulative traffic impacts, please refer to the preceding Response DR1-1. In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As

noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response DR1-3

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

Although the ultimate level of LEED certification cannot be determined at this time, since the tenant and therefore specific environmental strategies to be employed at the facility, are unknown, it is important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

The commentor refers to "our 2015 air quality targets" but does not quantify or otherwise specify "our targets." The Project is consistent with land uses plans, and emissions reductions programs, and emission control strategies outlined in the applicable Air Quality Management Plan (DEIR at Pages 4.3-49 through 4.3-52). The Project further incorporates all feasible measures to reduce its air quality impacts. Please refer also to the preceding Response DR1-1. The commentor's statements are forwarded to the decision-makers.

Response DR1-4

The Draft EIR addresses the Project's potential aesthetic impacts in Section 4.9, and acknowledges that implementation of the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact. The suggested relocation of the Project is addressed in the following Response DR1-5. The commentor's statements and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-5

In regard to the commentor's suggestion that the Project be located in another area of the City, several alternative sites were analyzed as part of the Draft EIR (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or

substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

Response DR1-6

The commentor's concerns and opinions are forwarded to decision-makers for their consideration.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:23 PM
To: Jeffrey Bradshaw
Subject: DEIR Comments Ridge-2
To Jeff Bradshaw,

This is the article I referenced in the first email.

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno valley CA 92555

DR2-1

More distribution centers proposed for Moreno Valley's eastern side

Download story podcast

10:00 PM PDT on Thursday, August 21, 2008

By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.

Story continues below

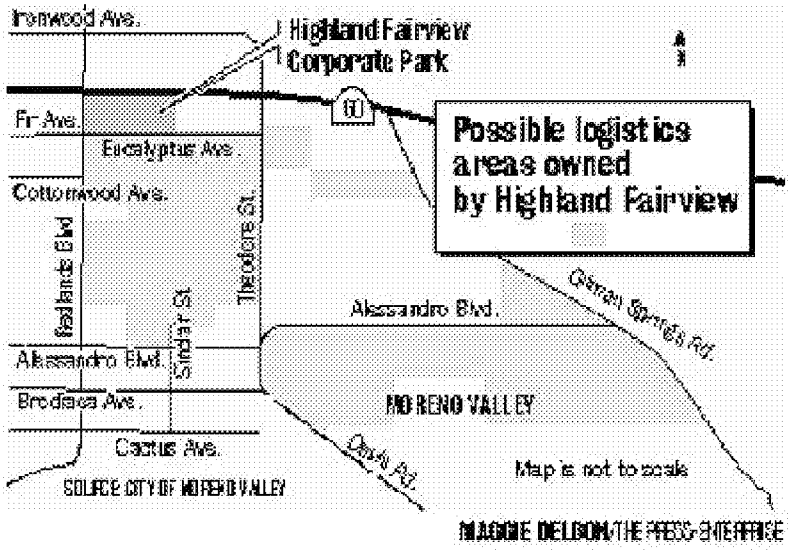

"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about $120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed $60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at 951-763-3457 or dlee@PE.com

DEANNA REEDER, LETTER 2

Email Dated December 6, 2010

Response DR2-1

Receipt of the article referenced in the commentor's preceding correspondence (referenced in this document as "Deanna Reeder, Letter 1") is acknowledged. The preceding responses DR1-1 through DR1-6 are provided to address the commentor's specific concerns.

From: sgcricket@aol.com
Sent: Friday, December 03, 2010 11:58 AM
To: Jeffrey Bradshaw
Subject: Public Comment on West Ridge Commerce Center

Comments: West Ridge Commerce Center Draft EIR
From: Residents for a Livable Moreno Valley

Residents for a Livable Moreno Valley is concerned that the City of Moreno Valley is not moving in the direction as stated in the General Plan. The eastern end of the City has the potential to develop into something the residents can be proud to share. There are mountain views, Lake Perris Recreational Area, Riverside County Conservation Area land, San Jacinto Wildlife Area and San Timoteo State Park surrounding this portion of Moreno Valley. The pathway chosen by Council and reflected in past General Plan changes is a concern. The City must:

1. Increase employment
2. Improve high school and college graduation rates
3. Raise the median income of the City
4. Provide a variety of housing for the residents
5. Protect the health and safety of the residents

Warehousing provides none of these benefits to the citizens. The number of employees per square foot of warehouse is minimal, the education requirements are marginal, the salary of a warehouse employee will not provide a middle/upper middle class life style, the location of warehouses will discourage construction of large, estate homes, the accumulated pollution will create health hazards for residents, and the dangerous conditions on SR 60 will not be addressed. RLMV-1

My questions to the developer (and Council, which has power to approve General Plan amendments):

1. Employment
   How many permanent employees per square foot will be working on site after construction? How many employees per square foot are employed at a Business Park designation?
   If the public wants to know the number of employees, will the tenant's personnel offer to provide this?
   If Moreno Valley residents are expected to tolerate the pollution, traffic and noise associated with warehouses, what percentage of City residents will be hired for the facility and will personnel make proof of residency available?

2. Education
   If the education needed for a warehouse position does not require a high school diploma or equivalency, how will this project improve the incentive for students to graduate?
   What percentage of positions will require post-high school education?
   What percentage of positions will require a 4 year college degree?
   What support will the employees receive to attend RCC or trade schools?

3. Income
   What will be the median and average salaries for the proposed warehouse employees?
   Will the median and average be above or below the median and average income for Moreno Valley?
   If the median and average is below that of the current City income, how will the warehouse help to raise that statistic?

4. Housing
   Where in Moreno Valley will the "estate" housing be built?
   Warehousing presents a stigma for the development of upper end housing. How will this provide a positive direction for the City?
   For every apartment unit built for homeless and low income warehouse employees, why isn't a home built that is above the average home cost?
   How will warehousing stop the downward spiral of low cost housing that is not balanced with an increase in upper end homes?
   What will stop the median home cost from going down and making the City look less attractive to those with money to buy?

RLMV-2

5. Health and Safety
   Why is Caltrans not being tasked to provide safe improvements to Highway 60 BEFORE the increase in truck traffic?
   Why are overpass improvements considered sufficient to improve traffic flow?
   Why is the cumulative effect of future development not considered?

RLMV-3

Why are two lanes in each direction considered sufficient when they are immediately impacted by one truck passing another?
Why is the one lane merge from the 60 to the 215 considered a final solution when accidents occur daily and deaths occasionally? What amount of "backup" is considered tolerable? RLMV-3 (cont'd)

What buffer is provided between residential zoning and the project? Business Park is considered a buffer between Light Industrial and residential. Does this mean that should the zoning be changed to Light Industrial to accommodate the project, the land south of the project will be rezoned as BP? RLMV-4

Sincerely,
Residents for a Livable Moreno Valley
3 December 2010

RESIDENTS FOR A LIVEABLE MORENO VALLEY

Letter Dated December 3, 2010

Response RLMV-1

The commentor's views in regard to the City's direction and potential, along with their concerns regarding warehouse development, are forwarded to decision-makers for their consideration.

Response RLMV-2

The purpose of the California Environmental Quality Act (CEQA) is to identify and determine the significance of the environmental effects caused by a project. As noted in *CEQA Guidelines* Section 15064 subd. (e), "[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment."

No physical changes resulting from the Project's potential economic or social changes have been identified, and as such, the Project's potential economic effects were not addressed within the Draft EIR. While outside the scope of the Draft EIR, the commentor's questions regarding employment, education, income and housing are forwarded to decision-makers. It may be noted that no amendment to the General Plan is proposed as part of the Westridge Commerce Center Project, nor would a General Plan amendment be required in order to approve the Project.

Response RLMV-3

The timing of roadway improvements on the SR-60, which are jurisdictionally controlled by Caltrans, is outside the control of the Applicant and the Lead Agency (the City of Moreno Valley). It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area.

The commentor's question in regard to overpass improvements appears to misconstrue the findings of the Draft EIR. The commentor is referred to Draft EIR Section 4.2, "Traffic and Circulation," which identifies a combination of Project improvements and mitigation measures mitigation to address the Project's potentially significant traffic impacts. While the overpass improvements identified in the Project's Traffic Impact Analysis (and summarized in Draft EIR Table 4.2-15) are expected to improve traffic flow, the Project was found to result in significant cumulative traffic impacts that cannot be sufficiently addressed by overpass improvements alone.

The Draft EIR considers, at some length, the cumulative effects of future development. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A discussion of the Project's potential cumulative impact is included in each of the Draft EIR's topical analysis sections, and potential impacts are summarized in Section 5.1, "Cumulative Impact Analysis" (Pages 5-1 through 5-25).

The number of lanes required for local streets within the Project vicinity is determined by the City of Moreno Valley General Plan Circulation Element, which is available for review at the City's Planning Department, or online at the following website: http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/gp/5-circu.pdf.

In regard to the referenced "one lane merge from the 60 to the 215," the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be

nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Effects of cumulative development of concern to the commentor are addressed at DEIR Section 5.1, "Cumulative Impact Analysis." Topical areas considered therein include:

- Cumulative Impacts Related to Land Use and Planning;
- Cumulative Impacts Related to Traffic and Circulation;
- Cumulative Impacts Related to Air Quality;
- Cumulative Impacts Related to Noise;
- Cumulative Impacts Related to Water Supply;
- Cumulative Impacts Related to Cultural Resources;
- Cumulative Impacts Related to Biological Resources; and
- Cumulative Impacts Related to Aesthetics.

Response RLMV-4

As presented in the Draft EIR (Page 4.9-22), "[t]o provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). The proposed buffer/setback incorporated in the Project design also provides physical separation between the Project's operational activities and southerly adjacent land uses, acting to reduce potential environmental impacts (e.g. noise and air quality impacts) received at off-site land uses. This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary."

Related to design and implementation of the Project setback described above, the Project includes a discretionary action (Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts]. The proposed code amendment requires buffering between Residential districts and industrial and warehouse structures greater than 50,000 square feet in building area (such as the Project). More specifically, as provided under proposed Code Section 9.05.040 Industrial Site Development Standards, Section B, 9. :

> 9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

The above requirements would apply to the Project and would act to ensure the protection of the health, safety and welfare of future residents. While it is acknowledged that the Project proposes a change of zone from Business Park to Light Industrial, no other zone changes are proposed.

From: George Hague [gbhague@gmail.com]
Sent: Monday, December 06, 2010 4:52 PM
To: Jeffrey Bradshaw
Subject: Please confirm = II Additional Sierra Club comments to Westridge Commerce Center's DEIR

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, December 06, 2010 11:40 AM
To: Jeffrey Bradshaw
Subject: Additional Sierra Club comments to Westridge Commerce Center's DEIR

Good morning Mr Bradshaw,

Please use these comments instead of what I sent you at 11:40 am today.

Re: Comments to the Westridge Commerce Center Draft Environmental Impact Report (DEIR)

During Thursdays Informational meeting the Consultant said that Appendix B would show that the Moreno Highlands project would be included. Using cumulative development from Chpater 5 and appendix B one does not find the Moreno Highlands Project. You do not even include Moreno Highlands at build out, but instead use 2013 as some magical date. Based on this standard if Moreno Highlands is not build for another 20 years then we can just approve all other lands with projects which would use all of SR 60 capacity- without factoring Moreno Highlands into the equation. SC-1

How can Moreno Valley allow what is shown on Exhibit 7-2 where the SR-60 westbound traffic is Four times the present level in 25 years? SR-60 can not handle the traffic we presently have. The Final EIR will be inadequate unless you can show the LOS at the point where SR-60 & I- 215 connect heading west with today's traffic, with this project added and 25 years from now with its ultimate improvement according to the RCTC. The same needs to be done heading east on SR-60 at the point it passes over Pigeon Pass/Frederick Street. The City then needs to explain how anyone will want to do business in a city that doesn't allow you to move through except at a crawl. SC-2

Whenever Skechers or the Highland Fairview project is mentioned you need to include both approved warehouses on their site as well as all the other commercial and land uses approved-- not just the single Skechers warehouse. This is true for not only for all Sierra Club comments, but all other comment letters on this project-- or your EIR will be inadequate. SC-3

How many diesel truck trips are expected to/from this project site and during what times of the day? Please respond to all question submitted to this DEIR within the Final EIR and not redirecting the public to someplace in the DEIR. SC-4

Building to LEED certification is good, but explain why the project will not try for at least Silver. There are many good ideas which could be designed/built into this huge warehouse to make it a environmentally superior and healthier project for Moreno Valley. The FEIR must list all those ideas which you will not incorporate into the project and fully explain why not. This must include those ideas which would lessen the projects impacts on Air Quality, Greenhouse Gas, and Global Warming. How will this project either help meet the goals of AB 32 or hinder our City's fair share in meeting its goals and standards? SC-5

The Sierra Club believes the impacts to Agricultural resources are considerable and need to be thoroughly discussed in the FEIR. The Lands of Local importance can not be just dismissed. Your project is growth inducing and could lead to the destruction of one of the last citrus groves in our city with the approval of Pro Logis. SC-6

How many diesel Trucks trips are calculated to use Redlands Blvd to enter/exit the city from your project? When combined with Skechers and ProLogis how many truck trips are calculated to use Redlands Blvd to enter/exit Moreno Valley. When you combine all three of these warehouses, operating a full capacity, with the existing background traffic, how many diesel trucks trips will use Redlands Blvd to enter/exit our city? SC-7

Since all diesel trucks must use Fir Street to enter/exit the project, how can you say the project is a safe distance from the property zoned residential across the street from your project? How will all the diesel trucks impact these future residents during your 24-7 operation? How does the toxic diesel emissions change during acceleration/deceleration as the trucks enter/exit the project? Your analysis of impacts must take this into consideration. With your growth inducing impacts how many diesel trucks will be using the improved Fir Street, adjacent to your project and future residents, when both approved warehouses at the Highland Fairview project, and Pro Logis are in full operation? SC-8

Please explain why reclaimed water will not be used? Between this project and Skechers you should be able to bring it north to serve both the needs of both sites. SC-9

The Sierra Club believes the DEIR fails to fully explain all the direct, indirect, growth inducing and cumulative impacts. The cumulative development list is not complete. The alternatives need to be further developed--especially since this project will not be built for perhaps years and there are existing warehouses sitting unoccupied. SC-10

The Sierra Club appreciates the opportunity to continue to add comments to this project's environmental documents. Please keep me informed of all future meetings and documents by using the address below. SC-11

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley Ca. 92555

SIERRA CLUB (GEORGE HAGUE)

Email Dated December 6, 2010

Response SC-1

It is presumed that the commentor's references to the "Moreno Highlands project" are intended to mean the Moreno Highlands Specific Plan, which was approved in 1992. Because approval of this Specific Plan preceded the adoption of the City's existing General Plan, the land uses approved as part of the Specific Plan are reflected in the adopted General Plan land use designations, which were the basis for the Draft EIR's consideration of ambient growth.

The year 2013 is utilized within the Project's Traffic Impact Analysis (TIA) and identified in the Draft EIR as the Project's anticipated opening year. As noted on Draft EIR Page 4.2-15, "[t]he City requires development TIAs to analyze a horizon year that is a minimum of five (5) years from baseline existing (2008) conditions reflected in the TIA. Accordingly, the potential traffic impacts of the Project are determined for 2013 ("Opening Year") conditions. This includes the application of an assumed background growth factor, to which traffic generated by known or probable 'related projects' was added."

Response SC-2

In regard to the commentor's concerns regarding traffic growth on SR-60, the Project TIA (included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather

to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response SC-3

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. Included for the Highland Fairview Corporate Park were the following anticipated land uses: Logistics (2,410,000 square feet); Retail/Outlet Center (10,000 square feet); and Community Commercial (200,000 square feet). A review of the Highland Fairview Draft EIR (available at the City of Moreno Valley Planning Department) indicates that this is the maximum development scenario for this recently approved project.

Response SC-4

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).

[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

The germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations."

Response SC-5

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

As noted on Draft EIR Page 4.3-110, "the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. As such, a qualitative assessment of the Project impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report, supports the conclusion that the Project GHG emissions are not cumulatively considerable. [Draft EIR] Table 4.3-21 identifies the various sources of guidance for determining the significance of impacts from GHG emissions, and the applicability of each source to this Project. Further, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures."

Contrary to the commentor's assertion otherwise, the FEIR need not list and evaluate all mitigation measures offered. With specific regard to potential GHG/GCC impacts (and measures offered to reduce potential GHG/GCC impacts), the Project's individual and cumulative impacts GHG/GCC impacts are substantiated to be less than-significant (DEIR Pages 4.3-88 through 4.3-11; DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and

Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response SC-6

Despite the commentor's assertions, the Draft EIR does not "just dismiss" potential impacts to agricultural resources. As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. The potential loss of agricultural land throughout the City attributable to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR, available for review at the City of Moreno Valley Planning Department) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required.

The commentor's opinions in regard to the potential impacts of the proposed ProLogis project are forwarded to decision-makers for their consideration.

Response SC-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Exhibit 5-4 in the Project TIA (Draft EIR Appendix B) identifies the truck trip distribution anticipated at General Plan Buildout, which includes traffic generated by the Project, the Projects referenced by the commentor, and all other known and probable development that is anticipated to occur at the SR-60/Redlands Boulevard Interchange.

Response SC-8

The commentor expresses concerns regarding diesel emissions from vehicles traveling along Fir (future Eucalyptus Avenue) and their potential impacts at adjacent residential uses. A Health Risk Assessment of Diesel Particulate Emissions was prepared to

address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment (HRA) was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA arguably consider potential worst case cancer risk exposure by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, and a portion of each 24-hour cycle is spent indoors. In addition, individuals and families at a given location for 70 or even 30 years would be considered the exception rather than the norm. The California OEHHA has indicated that based on EPA studies, the EPA

recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

In response to the commentor's specific concerns regarding potential cumulative effects of DPM emissions, regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as

discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [11] Please refer also to Response SC-4.

Response SC-9

Developments within the Project area are reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Ultimate timing and provision of recycled water to the Project will be determined by EMWD, not the Applicant or the Lead Agency. To assert or assume otherwise is speculative. As noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In

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11 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."

Response SC-10

The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration during deliberations on the Project. The cumulative project list was compiled in consultation with City staff, and includes Projects that are consistent with those of other EIRs that have been prepared by the City for development proposals in the vicinity of the Project. The commentor is also directed to Draft EIR Section 5.2, which includes a comprehensive discussion of the potential for other approved warehouse projects to serve as an alternative to the proposed Project site.

Response SC-11

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings.

Thomas Thornsley
29177 Stevens Street
Moreno Valley, CA 92555

December 5, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552

Via e-mail: JeffreyB@moval.org

Dear Mr. Bradshaw:

Re: Draft Environmental Impact Report (DEIR) Westridge Commerce Center, SCH#: 2009101008

As a concerned residents on the east end I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center. I can not agree with some of the conclusions because it appears that some impacts are being written off because the City simply has not taken a progressive stand on potential development impacts or adopted stricter criteria for development (i.e.: enhanced development standard and limited design guidelines, or full improvements with future restitution.). As with most projects requirinig EIRs this project has some significant impacts that, quite simply, are being written off because the impact can not be completely mitigated to below a level of significance. However, several impacts could be lessened with further mitigated than what is proposed; most notable with regard to Traffic Impacts. In these instances it would be prudent to impose mitigation(s) to further lessen those impacts, thereby, leaving a smaller intensity of impacts that to be overridden by the City Council. TT-1

Project Description – So much of this document reads like "boilerplate text" and it fails to provide complete account of the entire project in any one location. The full project description is hard to quantify without looking in several places in two separate chapters. Even then the proposed Amendment to the Municipal Code related to providing "objective standards for the development of Light Industrial uses adjacent to residentially zoned property," fails to be detailed anywhere in the text and I am unable to determine what changes are being made. So therefore I ask: TT-2

- Why are you not providing a detailed description of the code amendment?
- What are the details of the proposed amendment? (Provide current text and proposed text.)

Aesthetics

Loss of Scenic Vista – The DEIR states that there is no feasible way to reduce impact (lost view of the surrounding hills) below a level of significance which may be true, but man-made enhancements along the 60-Freeway can offer a new pleasurable scenic vista thus mitigating a substantial amount of the loss. As such this issue should be addressed in greater detail to enhance what is lost for the community. TT-3

- Why is this project not offing to better enhance and screen the view from 60-Freeways with more extensive architectural relief, landscaping and a screen wall? TT-3 cont'd.

The photo simulations in the DEIR fails to depict the actual view from the roadways or what the view would be like for passing motorist after freeway expansion. Each simulation is a straight ahead view from each particular roadway/highway. Since the 60-Freeway is a General Plan designated Scenic Corridor true views are 360 degrees (and primarily southward as shown in Figure 4.9-1) and as such this document needs to be amended to show the impacted views from the 60 Freeway looking south across the project site to show how the building and loading docks will be buffered and compliment by landscaping and the screen wall as required by the development code. TT-4

- Why doesn't this document show a true view southward across the site as it would be viewed from the 60-Freeway by passing motorist?
- Why doesn't this document show the screening method of the building and loading docks?
- Why isn't there a visualization of the site screening method at full build-out of the Freeway?

Under the current zoning, building sizes are limited to 50,000 s.f. thus offering the opportunity for smaller buildings, greater elevation variations, and views through and between buildings if built and scattered across the same project area. So far the warehouse projects approved and proposed along the 60-Freeway corridor far exceed the original zoning building size limitations and as proposed are creating what will appear to be a mile long wall blocking almost all vistas to the south. TT-5

- Why is it not feasible to create smaller buildings for what is a speculative project at this time in a down economy?

Recommendation: **Mitigation measures** should be added to this project to require a sufficient landscape area and screen wall along the 60-Freeway to effectively screen the building and the loading dock and to act as an alternate aesthetic feature in place of the lost Scenic Vista. TT-6

Building – It is hard to understand the need for such a tall building unless it contains multiple internal stories which would then conflict with the floor area ratio (another issue). Under the existing zoning it was much more likely that the site would develop with smaller buildings and thus lower building profiles. One method to better preserve the scenic vistas would be limiting the overall building height to 25-30 feet. This would permit the building to go almost unnoticed if is truly built 20 plus feet below grade. As such a **mitigation measure reducing the height of the structure to preserve some of the scenic vistas should be imposed.** Thus, mitigating the impact to scenic vistas may not require the City to override this impact as proposed. Additionally, building relief (offsets) appears to be non existent on all elevations with limited compliance with General Plan Policy 2.10.3. Mitigation measures should be included requiring greater wall offsets relative to the expanse (1,300 foot length) of the building elevation. TT-7

- Building function is not necessarily compromised by building plane variations so why are there not more telling offsets to the building exterior? This applies to all four sides.

Light and Glare – The east end of Moreno Valley as enjoyed a rural atmosphere for decades and as such would be significantly impacted if project site lighting is not controlled. Additionally, this area falls just within the Mount Palomar Observatory Dark Skies area and should comply with their limitation to prevent light pollution. The International Dark-Sky Association web site at: www.darksky.org lists lighting fixtures and methods to meet dark sky specifications. Add a Mitigation Measure (beyond city policy) to assure that site lighting is compatible with "Dark-Sky" specifications or limit lighting to only the use of low pressure sodium lights, full shielding above a horizontal plain and no building or pole mounted lighting fixtures that project light outward horizontally beyond the property boundary to TT-8

eliminate the potential for nighttime light glare to motorist. This last request is especially relevant to freeway motorist.

- Why is there not a mitigation measure include with this project that assures full compliance and extra measure beyond the basic restrictions listed in the city?

TT-8, cont'd

Screen Walls – Page 3-9 makes mention of an 8-foot screen wall along the 60-Freeway yet there is no mention of this wall in Section 3.5.12. Neither the site plan nor the cross sections in this document list any screen wall along the 60-Freeway frontage. Since the City's General Plan Policies (2.10.2, 2.10.4, 2.10.5) and Development Code requires the screening of loading areas a **Mitigation Measure** needs to be added that will assure a wall of sufficient height will be installed along the project's north property line to screen the view down into the loading dock from the 60-Freeway and the eastbound off-ramp. Additionally, due to the massive length of this wall the screen wall should have significant vertical wall plain offsets and other variations (texture, style, height) to avoid visual monotony along the freeway.

- What type of adequate full screening method will be provide along the north property boundary adjacent to the 60-Freeway in compliance with city code?

Landscaping – Extensive landscaping is provided along the southern boundary of the project as a buffer for visibility of the project. The same level of treatment should be provided along the north property line in compensation for the lost Scenic Vista. The northern most landscaping provided on site is on what appears to be a 2:1 slope dropping immediately from the freeway right-of-way down to the parking and loading area. Since all of this landscaping is below freeway grade it will provide little complimentary relief to the massive building. Additionally, city code requires screening of parking and loading areas with a minimum 10-foot landscape buffer utilizing walls and burms to screen these elements.

TT-9

- Why is there not a sufficient landscape buffer and screen wall along the northern most project boundary along the freeway right-of-way?
- How does this project proposes to meet the 10-foot landscape requirement for buffering if all of this area is below grade?

Traffic

The DEIR states that "the Project cannot feasibly construct the required improvements and/or Payment of fees will not assure their timely completion" and "Pending completion of required improvements the Project's incremental contributions to Opening Year Cumulative traffic impacts at or affecting (certain) intersections are considered cumulatively significant and unavoidable." Since most of the studied intersection are not currently impacted this project will be the ultimate source causing them to be impacted and as such this project should be held responsible to further eliminate those impacts beyond just "paying the TUMF" and letting the improvement happen when they may. The following passage, "The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts," is utilized time and again in MMs 4.2.3 through 4.2.9 in what appears to be the project proponents out for making some simple fixes such as stripping for right-turn lanes. These types of simple fixes should be the responsibility of the development.

TT-10

Since it appear that it could be quite some time before full improvement are made to connect Fir Avenue through from Redlands Boulevard to the terminus of Eucalyptus Avenue the added traffic burden to Redlands Boulevard will greatly impact travel and completely diminish the level of service currently available The project proponent needs to provide a supplemental or alternative analysis in the form of a

tiered level of improvements that can be made that diminishes the impacts at Opening Year. Additionally, the cost burden undertaken by the developer should be determined for reimbursement.

- What additional improvements can be made prior to building occupancy that will address the immediate impact at Redlands Boulevard and the 60-Freeway in exchange for fees paid for improvements elsewhere?
- Since the city will reimburse developers for improvement costs beyond those associated with their project why is this project not proposing to make the extra improvements to lessen the impacts and better serve its future users and the neighboring community? TT-10 (cont'd)

If these improvements are not made by the time the project is in its Opening Year what will be the timelines for making these improvements and what criteria (money, Caltrans approval, other projects…) have to be met before the mitigation measure are carried out?

- How will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Air Quality

There is no doubt that any urban development on the project site will generate long-term operational emissions that will exceed the South Coast Air Quality District's regional thresholds. However, the types of pollutants vary by the activities associated with different land uses, some of which may not be as hazardous to the health of those in the surrounding community. Since most of the cancer risk from air pollution is from diesel exhaust it would be best to rethink the land uses of a community as a whole and limit those that pose the greatest risk to health. Maintaining the existing zoning would prevent uses such as this distribution center which requires extensive use of trucks burning diesel fuel. Under the current zoning the range of business permitted are likely to generate more vehicle trips but fewer emissions by trips from diesel fueled vehicles.

This type of project would also be best suited for a location where it could utilizes rail transport for the massive daily volume of trips associated with warehouses or logistic centers. For this reason alone, the City should not approve the zone change and this project should locate to a site with more efficient transportation infrastructure better suited to meet speculative users' needs with fewer environmental impacts. TT-11

It is unrealistic for the City of Moreno Valley and the project proponent to disregard the cumulative impacts this project will have on this area when utilizing a scenario where much of the surrounding area is converted to industrial and warehouse uses. This analysis should be undertaken so as to find what level of incremental increase this project will have on the overall community.

- Why in there now effort made to look at the real possibility of cumulative impacts from this project and the likely land use changes surrounding this project site?

However, because I believe that the City will approve this project; additional tougher mitigation should be added to offset local and regional impacts to the fullest extent possible before overriding what can not be achieved. If these mean reducing the size of the project to reduce environment impacts, as a suggested in the alternatives, then it should be seriously considered. Also, there should be mitigation measures requiring a percentage of the fleet vehicle (diesel trucks) of future tenants to be low to zero emission vehicles. Also, diesel trucks delivering to the site shall include soot filters or the latest technological equipment available.

Additionally, MM 4.3.11 addresses improvements to the project that will allow the project to exceed Title 24 standards by 20 percent. This is a nice thing but more should be offered. The final item on the list of improvements states that the building should be structurally designed to handle the installation of roof mounted solar panels. This should be mitigation measure unto its own along with requiring the project proponent to work with energy providers and vendors to install such equipment to offset fuels used to generate electricity. There are numerous vendors and utilities interested in joint projects to install these systems, and they are always looking for places to install systems, and this should be made a part of this project. This measure also works well to mitigate the issues associated with greenhouse gases.

- Why can't this project be required to have all buildings designed forthwith to accommodate renewable energy sources such as photovoltaic solar electricity systems appropriate to their architectural design?
- Why is there no mention of the project proponent working to insure the opportunity to utilize this structure is know in the industry?

TT-11 (cont'd)

As stated in the Traffic section may intersection improvements will not be undertaken by the project but will instead only be mitigated through the payment of improvement fees. If this is true the project will create traffic impacts that do not currently exist.

- Therefore, how will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Climate Change and Greenhouse Gases

Since the state has enacted legislation to lower greenhouse gas emissions any and all possible measures to lower emissions that could be undertaken by this project should be listed, discussed and analyzed for their effectiveness, not just a list of improvements that will exceed Title 24 by 20 percent. The City should then include mitigation measures that significantly reduce (though they may not entirely mitigate impacts) associated impacts prior to any consideration to override them as the DEIR suggests.

TT-12

- Why is the project not being designed to meet some of the highest LEEDS standards and only offering to exceed Title 24 by 20 percent?

Thank you for the opportunity to comment on the Draft EIR for this project. I request to be informed of all meetings and public hearings related to this project or other consideration in east end of Moreno Valley. Please let me know if it is possible to review a copy of the project plans so that I may provide constructive comments related to the development proposal prior to its next appearance before the Planning Commission or City Council. I would also like to request copies of any follow-up documents related to this project (2nd DEIR and/or Final EIR). Feel free to contact me if you have any questions regarding my comments.

TT-13

Sincerely,

Thomas Thornsley
909-797-1397
e-mail: tomthornsley@msn.com

THOMAS THORNSLEY

Letter Dated December 6, 2010

Response TT-1

The City disagrees with the commentor's assertion that potentially significant impacts of the Project are being "written off." As required by CEQA, the Draft EIR identifies the feasible and enforceable mitigation measures that have been determined necessary to reduce the Project's potentially significant environmental impacts. The commentor's references to additional traffic mitigation are addressed more specifically in the subsequent Response TT-10. The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration.

Response TT-2

The commentor's opinions in regard to the Draft EIR's organization are forwarded to decision-makers for their consideration. The actual wording of the proposed Municipal Code Amendment was not available at the time the Draft EIR was completed. The proposed amendment will be crafted by City staff and made available prior to its consideration by Planning Commission or City Council, consistent with the City's standard procedures for the adoption of Municipal Code Amendments.

For the purposes of the Draft EIR's analysis, the code section to be amended is identified (Section 9.05.020 B, City Case # PA10-0017) on Draft EIR Page 3-24. Further, the intent of the proposed code amendment is summarized as follows.

> The proposed Code Amendment would mandate minimum separation/ buffer requirements (250 feet) between proposed light industrial use and residentially-zoned properties. As further required under the proposed Code Amendment, this setback/buffer area shall be increased should the minimum 250-foot separation/buffer prove insufficient to eliminate

significant health risks or project operational noise impacts as reflected in project-specific air quality and noise analysis (Draft EIR Page 4.1-19, *et al.*).

The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City.

Response TT-3

As acknowledged in the Draft EIR's analysis of the Project's potential aesthetic impacts, "[d]eterminations of visual character and quality are inherently subjective by nature." The commentor's suggestion that "man-made enhancements along the 60-Freeway" be utilized to mitigate the Project's adverse effect on scenic vistas could be perceived as exacerbating the potential change to existing views. It is further noted that land adjacent to SR-60 is within a Caltrans easement, and is reserved for future freeway improvements that are outside the jurisdictional authority of the Applicant or the City of Moreno Valley. The Project has nonetheless proposed a wall of trees at the property line along the top of the slope to further soften views of the Project from the adjacent SR-60. The trees will be configured and planted in a double row the northwestern portion of the site, and in a single row along the future off-ramp.

The Project's potentially significant visual impacts are attributable to potential view obstruction, not architectural design or appearance of the Project (please refer to the summary of significant aesthetic impacts presented at DEIR Pages 1-19, 1-20). Architectural revisions or additional screening suggested by the commentor do not act to review the project's identified view obstruction. Moreover, as described on Draft EIR Page 4.9-21, "[i]n order to ensure visually acceptable and compatible development, and subject to the proposed change of zone from Business Park to Light Industrial, the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05,

Industrial Districts. To these ends, the Project site plan, landscaping, and architectural concepts provided at EIR Section 3.0, Project Description demonstrate consistency with Municipal Code Section 9.05.040, B., Special Site Development Standards."

Response TT-4

The Draft EIR acknowledges the designation of SR-60 as a scenic route, and the Project's location within a scenic view corridor (Draft EIR Page 4.9-10). Despite the commentor's assertions to the contrary, the Draft EIR's view simulations provide actual pre-development views from the SR-60, with post-development photo simulations reflecting the facilities and landscape screening of the Project. A direct southerly view of the Project from Ironwood Avenue, located approximately 2,500 feet north of the freeway, is provided in Draft EIR Figure 4.9-8. The Project's landscape screening has been conceptually illustrated in Draft EIR Figures 3.5-4 and 3.5-5, and is reflected in the previously referenced Draft EIR's Post-Development View Simulations (Draft EIR Figures 4.9-4 through 4.9-8). It may be noted that because the Project's facilities will be located approximately 25 feet below the grade of the SR-60, the loading docks will not be visible from the SR-60, or from other properties not located at a considerably higher elevation than SR-60. (Draft EIR Figures 4.9-2, 4.9-3)

In regard to the commentor's concerns regarding views in the Project vicinity following freeway expansion, it is noted that although the Project has been designed to accommodate future interchange improvements planned by Caltrans, these improvements will be constructed by Caltrans, and are not a part of the proposed Project. Improvements adjacent to the Project site have been neither programmed nor funded at this time. The preparation of view simulations incorporating these improvements would be speculative, and as such, were not undertaken as part of the Draft EIR.

Response TT-5

As discussed in the Draft EIR's analysis of alternatives (Pages 5-36 to 5-37), the possibility of limiting the Project's building size was considered, but rejected as infeasible. The relevant discussion is presented below for ease of reference.

> In order to potentially avoid or reduce view obstruction/view interruption resulting from the large consolidated warehouse structure proposed under the Project, an alternative site design employing multiple smaller structures of 50,000 square feet (per the site's current Business Park zoning requirements) was considered. However, the intent of the Project is to achieve full utility of the available site while providing region-serving logistic warehouse facilities. Feasibility and function of the proposed regional warehouse is dependent on its size and configuration, allowing for centralized and consolidated storage and transfer of large (numerically and dimensionally) inventories serving smaller local and end-use facilities. Division of the proposed building into substantively smaller components (50,000 square feet maximum buildings) is not practically or economically feasible.
>
> Moreover, such division of the Project would act to unnecessarily duplicate or expand serving utilities, would result in multiple and redundant internal operations (e.g., intersite transfer of inventories), would restrict flexibility of warehouse operations and use of warehouse space; and may necessitate additional access to adjacent roadways in order to serve the individual buildings, with potentially increased circulation/access impacts. Lastly, it is noted that the Project design is typical of other regional distribution warehouses implemented within the City, surrounding Riverside County, and throughout southern California. Empirical evidence indicates that the Project design is an established functional and efficient format for regional distribution warehouse

facilities. For these reasons, an alternative based on a compartmentalized building design scenario resulting in multiple smaller buildings was not further considered.

The commentor's concerns in regard to the Project's feasibility in the current economic climate are forwarded to decision-makers for their consideration.

Response TT-6

Please refer to the preceding Response TT-3. The commentor's opinions in regard to the provision of an 'alternate aesthetic feature' are forwarded to decision-makers for their consideration.

Response TT-7

The commentor requests explanation of the proposed building design, and specifically the proposed building height.

The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. While multiple stories are not proposed, the high-cube building design typically requires internal clear heights of 30 feet or more. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy

efficiencies associated with such a large building footprint. The suggestion that architectural "offsets" be required is forwarded to decision-makers for their consideration.

Response TT-8

The Project's potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is addressed in Draft EIR Section 4.9. As noted on Draft EIR Page 4.9-22, "[o]n-site lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance," which are detailed within this discussion. As further noted on Draft EIR Page 3-17, "[t]he Project lies within 45 miles of the Mt. Palomar Observatory, and would comply with applicable provisions of County of Riverside Ordinance 655 which addresses protection of the night sky from light pollution that would interfere with astronomical observations." Additional mitigation suggested by the commentor has not been included because no potential impacts relative to the Project's potential to create light or glare have been identified. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

It is further noted that the City is considering a "Dark Sky" ordinance that would act to prevent or reduce light pollution.

Response TT-9

Consistent with the commentor's observation, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

> these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. ***Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls*** . . . .

Results and conclusions of the DEIR are not affected.

As noted on Draft EIR Page 4.9-21, "the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05, Industrial Districts." The landscape buffer proposed along the Project's northernmost boundary, adjacent to SR-60, is, as noted by the commentor, a landscaped slope, with a depth of approximately 41 feet, or more than four times the required ten-foot landscape buffer. Additionally, as noted in the preceding Response TT-3, the Project also includes the planting of a double row of trees along the site's northwestern property line. As demonstrated in the line of sight illustration provided as Draft EIR Figure 4.9-3, loading areas on the north side of the Project will not be visible from SR-60. The commentor's opinions in regard to the adequacy of the Project's proposed landscape screening are forwarded to decision-makers for their consideration.

<u>Response TT-10</u>

It appears that the commentor is unclear in regard to which potential traffic-related impacts are considered significant due to the Project, and those that are forecast to occur as a result of cumulative growth. As discussed in the Draft EIR (Pages 4.2-15 to 4.2-16), , the Project's Traffic Impact Analysis (TIA) identifies ambient growth using a standard annual growth factor of two percent per year to account for non-specific development

within the Study Area, as well as anticipated growth in traffic volumes generated by projects outside the Study Area. The ambient growth factor of two percent per year was applied to existing Year 2008 traffic volumes, yielding a ten percent (10%) growth in existing volumes over the five intervening years until the Project Opening Year, 2013. As discussed in the Draft EIR (Pages 4.2-34 to 4.2-35), under the "Opening Year Ambient Condition" defined above, only two intersections would be affected by Project-related traffic. Mitigation for impacts at these two intersections is provided in Draft EIR Mitigation Measures 4.2.1 and 4.2.2, which are provided below for ease of reference.

4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements - Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

With implementation of these mitigation measures, the Project's potential impacts are identified as less-than-significant. All other traffic-related impacts identified in the Draft EIR occur in the cumulative condition, which is defined (on Draft EIR Page 4.2-16) as including other known or probable related projects assumed to be occupied and operational by the Project's opening in 2013. A map of the approved and pending projects is included in EIR Section 5.1 (Cumulative Impacts Analysis). Additional detail regarding the trip generation of these related projects is also presented in the Project TIA (EIR Appendix B).

Despite the commentor's assertion that "simple fixes should be the responsibility of the development," it is noted that the majority of the required improvements are within Caltrans facilities, which are outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The application of fee-based mitigation is discussed further in the Draft EIR on Pages 4.2-25 to 4.2-26. The commentor's opinions regarding "alternative analysis in the form of a tiered level of improvements" will be forwarded to decision-makers for their consideration.

The Draft EIR's air quality analysis (Section 4.3) is based on the Project TIA, and as such, comprehensively addresses the Project's potential traffic-related impacts, along with other potential effects on air quality. The commentor speculates that required traffic improvements will not be completed. Please refer to the discussion of improvements programs and the implementation of improvements required pursuant to those programs presented in detail in the Project TIA at TIA Pages 205-208. As noted therein, the TUMF program was implemented to ensure timely completion of region-serving transportation improvements. Locally, the City has an established, proven track record with respect to implementing the City's DIF Program. Many of the roadway segments and intersections included within the study area for this Traffic Impact Analysis are at various stages of widening and improvement based on the City's collection of DIF fees. Under this Program, as a result of the City's continual monitoring of the local

circulation system, the City insures that DIF improvements are construction prior to when the level of service would otherwise fall below the City's established performance criteria. The commentor's statements are forwarded to the decision-makers.

Response TT-11

The commentor's opinions related to the best use of the Project site in regard to air quality considerations will be forwarded to decision-makers for their consideration. With regard to statements concerning diesel emissions, please refer to response FNSJ-8, et al. presented herein.

With regard to comments addressing air quality, alternatives, and maintaining the site's existing zoning designation, the Draft EIR includes a "No Project Alternative" analysis which assumes development of the subject site consistent with the existing Zoning Designation of "Business Park." A comparative analysis of operational air quality emissions under each of the Project's alternatives is provided on Draft EIR Page 5-53 – acknowledges that "the vehicle mix under the No Project Alterative would likely reflect incrementally decreased heavy truck traffic, with related decreases in diesel particulate emissions when compared to the Project." However, as also noted on Draft EIR Page 5-53, the Project's significant operational air quality impacts consist of exceedances of SCAQMD regional thresholds for VOC and NOx emissions. As noted on Draft EIR Page 4.3-84, potential environmental impacts from Project-related diesel particulate emissions were determined to be less-than-significant with mitigation. On this basis, the suggested continuance of the site's existing Business Park zoning would not necessarily result in a lessening of environmental impacts.

Evaluation of Alternative Sites (also of concern to the commentor) is presented in the DEIR (DEIR at Pages 5-38 through 5-34). As substantiated in the DEIR four (4) of the considered Alternative Sites (Sites 1-4) were ultimately determined infeasible. Alternative Site 5 would not result in the avoidance or substantive reduction of Project related impacts, this Alternative Site was also rejected from further consideration.

The commentor incorrectly states that cumulative impacts are disregarded. Please refer to DEIR Section 5.1, Cumulative Impact Analysis, DEIR Pages 5-1 through 5-25. With specific regard to energy consumption and potential GHG/GCC impacts (and measures offered to reduce potential energy/GHG/GCC impacts), the Project's individual and cumulative impacts are substantiated to be less than-significant (DEIR Section 5.6 Energy Conservation; DEIR Pages 4.3-88 through 4.3-11 (GHG/GCC impacts); and DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

In regard to the use of photovoltaics, as currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." As such, the Project supports, and would not interfere with use of solar energy. The commentor's opinions regarding "joint projects" will be forwarded to decision-makers for their considerations.

Traffic concerns have been addressed in the preceding Response TT-10.

<u>Response TT-12</u>

The commentor's opinions in regard to further lowering the Project's greenhouse gas emissions are forwarded to decision-makers for their consideration. It may be noted that

because the Project's Global Climate Change Analysis identified no significant impact on the environment, overriding considerations in regard to greenhouse gas emissions would not be required. Further, mitigation measures 4.3.11 through 4.3.13 were provided as part of the Draft EIR in order to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, rather than to reduce potentially significant impacts.

In regard to the commentor's concerns regarding Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20

percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response TT-13

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings. As requested, noticing of other projects in the area will also be provided. Project plans are available for review at the City of Moreno Valley Planning Department.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): AMORA JOHNSON Phone:

*Address (Required): 13301 McGahee Dr. Moreno Valley 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☑ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. AJ-C-1

Please provide your comments below:

Date: 12-6-2010

My main concern would be the effect on the wildlife in the area, with more vehicles - especially the diesel trucks' output - the wildlife's preservation attempts thus far will be undermined by the construction activities and the afterward effect will be detrimental to what good work the preservation has in humans' quality of life, too.

Being able to enjoy those migrating birds and all the other animals that most of us can't see within the cities, anywhere, will give younger generation appreciation of the existence of some rare animals, birds, creatures, bugs and other micro organism. Taking children to enjoy our open spaces, clean, clear air and to watch those rare creatures are much more important than seeing these block buildings that can be seen everywhere else, whereas the San Jacinto Wildlife Area can be made into a destination for younger generation. AJ-C-2

City of Moreno Valley needs to see the future, not just the $ for the present by ignoring the future of the next generations. -

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

AMORA JOHNSON

Via Public Comment Card

Response AJ-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response AJ-C-2

The commentor expresses concern regarding the effects of the Project on wildlife in the area.

The biological assessment for the Project consisted of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements;
- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- Jurisdictional delineation.

As supported by the analysis presented in Section 4.8, "Biological Resources" of the Draft EIR, with application of proposed mitigation measures, the Project's potential impacts to biological resources are less-than-significant.

Additionally, the commentor references the San Jacinto Wildlife Area. It is noted that this area is located approximately 3.5 miles to the southeast of Project site, and will not be affected by the Project.

City of Moreno Valley
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*Name (Required): Richard Johnson Phone: 951-243-0804

*Address (Required): 13301 McGEHEE Dr. MV 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☐ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings.

Please provide your comments below:

Date: 12/8/2010

I believe the project will overburden the present areas infrastructure, from the streets to the 60 FWY and beyond the 215 as well. The estimates along with future planning seems to set no limit for continued development of the area and it will be a very dangerous roadway system to be driving in this area. Future warehouse building will make it a very difficult place to drive a car. The vision of this area has now been lost. These buildings and the businesses may turn out to be a continued trend for dumbing down the area overall. RJ-C-1

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

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Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

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CITY OF MORENO VALLEY

Item No. E.3

RICHARD JOHNSON

Via Public Comment Card

Response RJ-C-1

The commentor's concerns regarding the effects of the Project on regional traffic safety and opinions regarding development trends within the City are forwarded to decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

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*Name (Required): Deanna Reeder Phone:

*Address (Required): 17351 Riva Ridge Rd E-Mail: late98765@aol.com

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. DR-C-1

Please provide your comments below:

Date: 12/2/2010

I want to know the cumulative impacts of this and all proposed projects as well the entire 35 million sq ft of warehouses that are proposed for this area. DR-C-2

This report must include all the impacts of all 35 million sq ft in order to be of actual value to the community.

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

DEANNA REEDER

Via Public Comment Card

Response DR-C-1

Commentor's contact information is noted and will be added to the Project mailing list to receive any subsequent environmental documentation for this Project and/or notification of any future public hearing(s) to consider the Project and EIR.

Response DR-C-2

The commentor expresses concern regarding the cumulative impacts of the Project and all proposed projects in the vicinity. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region." Please also refer to the preceding Response DR1-1 (Draft EIR Page 5-4).

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): George B. Hague (Sierra Club) Phone:

*Address (Required): 26711 Ironwood Ave MV 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. SC-C-1

Please provide your comments below:

Date: 12-2-10

Comments to DEIR

Comment of 250' buffer to land zoned for housing is not enough because the trucks will use Fir and therefore impact the homes to be built. USC + UCLA studies show that 250' would not be enough. SC-C-2

Your Traffic study needs to show the amount of Truck Traffic that will use Redlands Blvd. SC-C-3

Hwy 60/215 ultimate RETC improvements will allow only two lanes heading west and the traffic analysis needs to show this. Right now we have only one lane that continues West - the other lane forces you off at Central Ave. SC-C-4

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

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Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

SIERRA CLUB

Via Public Comment Card

Response SC-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response SC-C-2

The commentor offers information from unknown, unvetted "USC & UCLA studies" however, the commentor does not provide adequate citation to allow meaningful response to the contention that the Project setback of 250 feet [from the ultimate northerly right-of-way for Fir/future Eucalyptus Avenue] "would not be enough."

This 250 foot setback is designed to provide adequate separation between the Project's highest activity areas (the most intense "worst case" sources of DPM emissions) and adjacent residential properties, so that with incorporation of mitigation, diesel emissions impacts are reduced to levels that are less-than-significant.

Moreover, as discussed in the DEIR:

> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties.

> This 250 foot minimum separation shall be increased as required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. In addition to reducing potential air quality and noise impacts, this required setback would tend to diminish visual impacts of the Project as seen from southerly vantages and while increasing the extent of potential viewsheds (DEIR, Page 5-24).

In order to evaluate the potential effects of Project diesel emissions (of noted concern to the commentor) a Health Risk Assessment (HRA) was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the HRA prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant

emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads (such as Fir Avenue noted by the commentor) would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

Response SC-C-3

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Response SC-C-4

In response to the commentor's concerns regarding traffic at the intersection of SR-60 and I-215, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

APPENDICES

Please refer to accompanying CD-ROM

Item No. E.3

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MV00002633

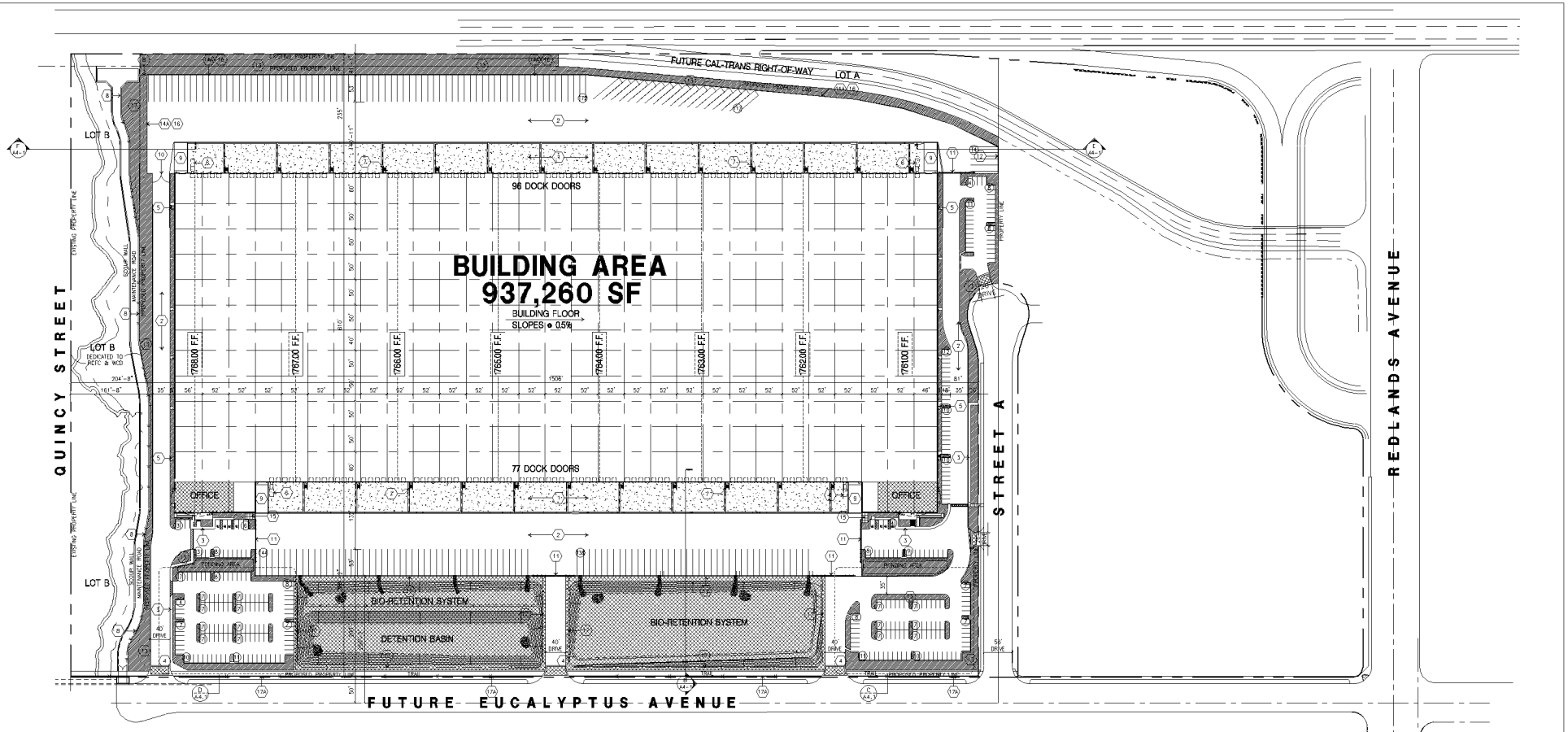

OVERALL SITE PLAN

scale: 1" = 80'-0"

1" = 80'-0"

0 80 160 240

NORTH

TYPICAL STREET SECTIONS

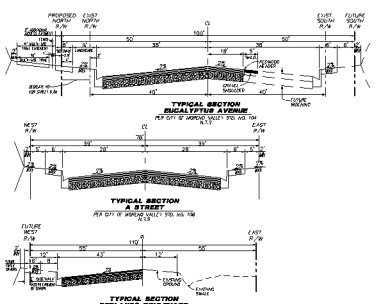

PROJECT TABULATIONS

TABULATION	Bldg 1	Channel	Grand Total
Gross site area (in s.q.ft.)		111,865	2,380,905
Gross site area (in acres)		2.57	54.68
Net site area (in s.q.ft.)	2,269,040		2,251,964
Net site area (in acres)	52.09		51.68
Warehouse area	923,260		
Office area	14,000		
Total building area	937,260		
Coverage (Gross)			
Coverage (Net)	42%		
Landscape required (10%)	226,904		
Landscape provided	305,038		
% of landscape provided	13%		
Parking required			
1st. 20k @1/1,000 s.f.	20		
2nd. 20k@1/2,000 s.f.	10		
above 40k @1/4,000 s.f.	221		
office @1/250	56		
Total parking required	307		
Parking provided			
Standard	307		
Trailers	175		

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONC. PAVEMENT. SEE "C" & "S" DWGS.
2. ASPHALT CONCRETE (AC) PAVING. SEE "C" DWGS.
3. CONCRETE WALKWAY. SEE "L" DRAWINGS.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C. NO DECORATIVE PAVING WITHIN RIGHT-OF-WAY. SEE "L" DWGS.
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 7' SIDE X 15' LONG TRASH COMPACTOR W/ 8' WIDE X 22' LONG REFUSE CONTAINER.
7. EXTERIOR CONC. STAIR.
8. 8' H. COATED CHAIN-LINK FENCE OR OTHER AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.
9. CONCRETE RAMP.
10. 8' H. METAL SWING GATE.
11. 8' H. METAL SLIDING GATE.
12. 14' H CONCRETE SCREENWALL. PAINTED.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. 8' H. WROUGHT IRON FENCE.
14A. 14' H. WROUGHT IRON FENCE.
15. COURTYARD PATIO AREA.
16. RETAINING WALL. SEE "C" DWGS.
17. 4' H. THREE RAIL FENCE.
17A. 4' H. THREE RAIL FENCE AS PER COMMUNITY DEVELOPMENT DIRECTOR.

GENERAL NOTES - FLOOR PLAN

A. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.

B. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.

C. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL. FACE OF CONCRETE CURB OR GRID LINE U.N.O.

D. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.

E. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM

F. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.

G. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.

H. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.

I. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.

J. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.

K. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.

L. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

M. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.

N. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.

O. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB

P. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

PROJECT INFORMATION

Owner / Applicant

PIERCE RANCHO BELLAGIO, LLC
c/o PIERCE PROPERTY TRUST
301 CONVAL AVE. - STE #8
LONG BEACH, CA 90803
TEL: (562) 856-3619
CONTACT: DENNIS PICE

Architect

HPA, INC.
18831 BARDEEN AVE. SUITE #100
IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: INDRI CHANG

Applicant's Representative

INLAND EMPIRE DEVELOPMENT SERVICES, INC.
531 MONROE COURT
BEAUMONT, CA 92223
TEL: (909) 845-1003
CONTACT: GIL SWENT

Civil Engineer

HUITT ZOLLARS
1101 S. MILIKEN - STE.C
ONTARIO, CA 91761
TEL: (909) 390-9400
CONTACT: MAURICE MURAD

Legal Description

ALL OF LOTS 3,4,5,6 BLK. 35 AND A PORTION OF LOTS 2 AND 7 BLK. 35 LYING WITHIN MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY IN THE COUNTY OF RIVERSIDE, STATE OF CALIF. AS PER MAP RECORDED IN BOOK 11, PG. 10 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning

ZONING: EXISTING - BP
PROPOSED - LI

Assessors Parcel Number

APN 488-330-003
APN 488-330-004
APN 488-330-005
APN 488-330-006
APN 488-330-026

SITE LEGEND

- LANDSCAPED AREA
- WQMP AREA
- AC PAVING - SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- HANDICAP PARKING STALL (9' X 18')
- OFFICE AREA
- PROPERTY LINE
- ADA PATH OF TRAVEL
- (#) PARKING STALL COUNT

CIVIL LINETYPES

- DW — PROPOSED DOMESTIC SERVICE
- FW — PROPOSED FIRE SERVICE
- W — PROPOSED WATER LINE
- S — PROPOSED SEWER LINE
- RIGHT OF WAY/SITE BOUNDARY
- EXTND RIGHT OF WAY/SITE BOUNDARY
- P — PROPOSED RIDGE LINE
- SD — PROPOSED STORM DRAIN
- PROPOSED GRATING INLET

UTILITY INFORMATION

TELEPHONE
VERIZON
1980 ORANGE TREE LANE, STE 100
REDLANDS, CA 92374
PHONE: (909) 748-6839
CONTACT: TINA CARSON

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA 92552
PHONE: (951) 413-3450
CONTACT: DARCY RAMIREZ

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928 - 3777
CONTACT: NEW BUSINESS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

GAS
SOUTHERN CALIFORNIA GAS CO.
25500 TRUMBLE ROAD SC 6058
ROMOLAND, CA 92380
PHONE: (951) 335-3502
CONTACT: DAVE MULLIGAN

CABLE - TV
TIME WARNER CABLE
1500 AUTO CENTER DR.
ONTARIO, CA 91761
PHONE: (909) 975-3380
(909) 390-4777
CONTACT: MARK DAUENHAUER

VICINITY MAP

N.T.S.

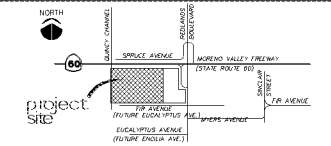

PLOT PLAN
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge
Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION
HPA# 6342

NOVEMBER 5, 2010

A1.1

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

ATTACHMENT 11

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MV00002635

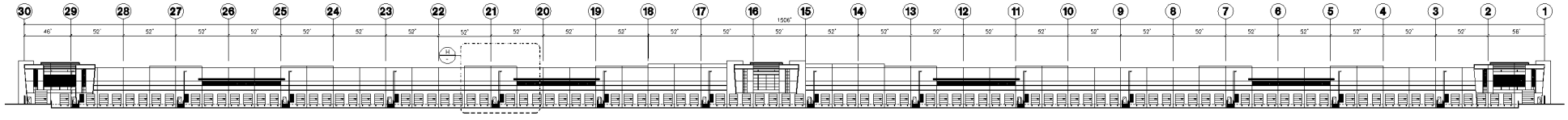

NORTH ELEVATION (A)
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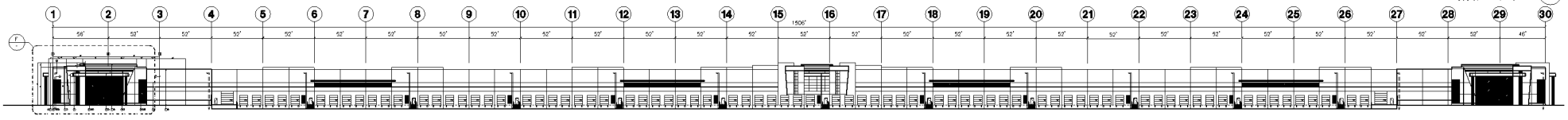

SOUTH ELEVATION (B)
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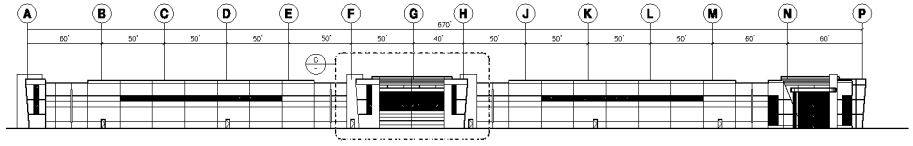

WEST ELEVATION (D)
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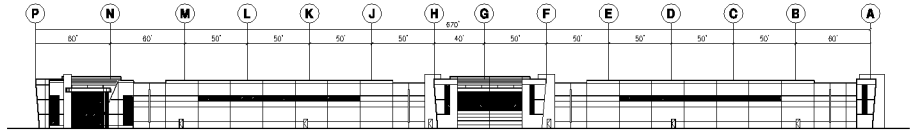

EAST ELEVATION (C)
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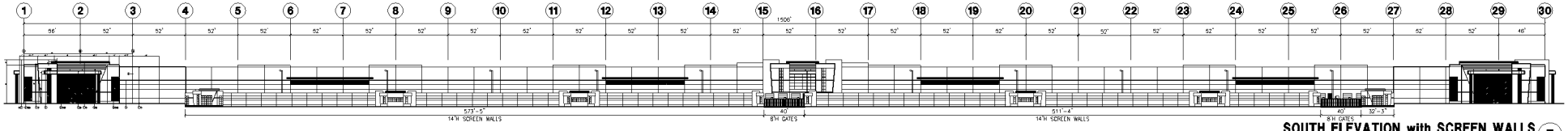

SOUTH ELEVATION with SCREEN WALLS (E)
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SCALE: 1"=40'
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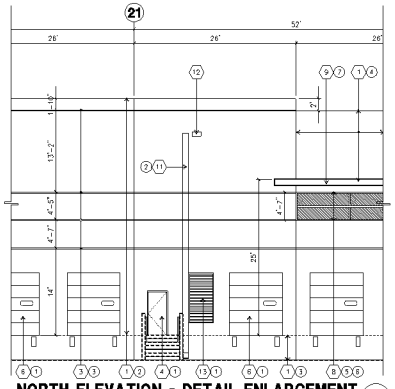

NORTH ELEVATION - DETAIL ENLARGEMENT (H)
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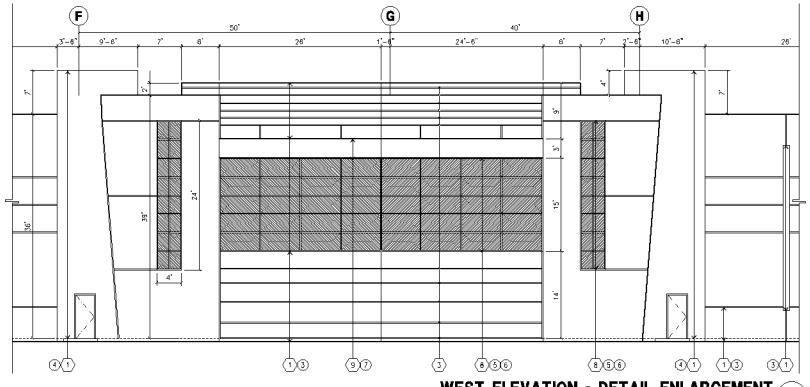

WEST ELEVATION - DETAIL ENLARGEMENT (G)
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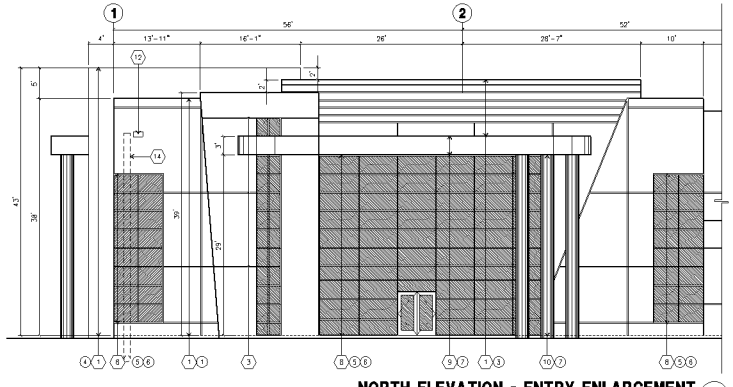

NORTH ELEVATION - ENTRY ENLARGEMENT (F)
scale: 1/8"=1'-0"

SCALE: 1/8"=1'-0"
0 8' 16' 24'

KEYNOTES - ELEVATION

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL.
4. HOLLOW METAL DOORS.
5. OVERHEAD DOOR @ DRIVE THRU.
6. OVERHEAD DOOR @ DOCK HIGH.
7. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
8. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
9. DECORATIVE CANOPY.
10. DECORATIVE COLUMN SUPPORT FOR CANOPY.
11. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER. PAINT TO MATCH BUILDING COLOR.
12. 9" X 18" OPENING METAL SCUPPER @ 2" ABOVE FINISHED ROOF.
13. 4'W. X 8'H METAL LOUVER PAINT TO MATCH BUILDING COLOR.
14. INTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.

B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.

C. T.O.P.= TOP OF PARAPET ELEVATION.
F.F.= FINISH FLOOR ELEVATION.

D. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 105 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.

E. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.

F BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.

G FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.

H. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.

J. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULES - ELEVATIONS

1	CONCRETE PANEL	PAINT BRAND	FRAZEE 001 WHITE
2	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3171W SILVER LINING
3	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3173M EXCALIBUR
4	CONCRETE PANEL	PAINT BRAND	FRAZEE CL2566A DEUCE
5	MULLIONS	ALUMINUM	CLEAR ANODIZED
6	GLAZING	COLOR	BLUE REFLECTIVE
7	CANOPY	PAINT BRAND	FRAZEE PRECISION COATINGS INC. SILVER MIST METALLIC FLAT

GLAZING LEGEND

- SPANDREL GLASS
- VISION GLASS
- TEMPERED SPANDREL GLASS
- TEMPERED VISION GLASS

ELEVATIONS
CASE NUMBER: PA06-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

NOVEMBER 5, 2010
A3.1

ATTACHMENT 12

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MV00002637

HPA

18831 Bardeen Ave. - Suite #100
Irvine, CA 92612
(949)863-1770
www. hparchs.com

WestRidge Commerce Center

Moreno Valley, California

RIDGE PROPERTY TRUST

August 9, 2010/Job#8418

ATTACHMENT 13

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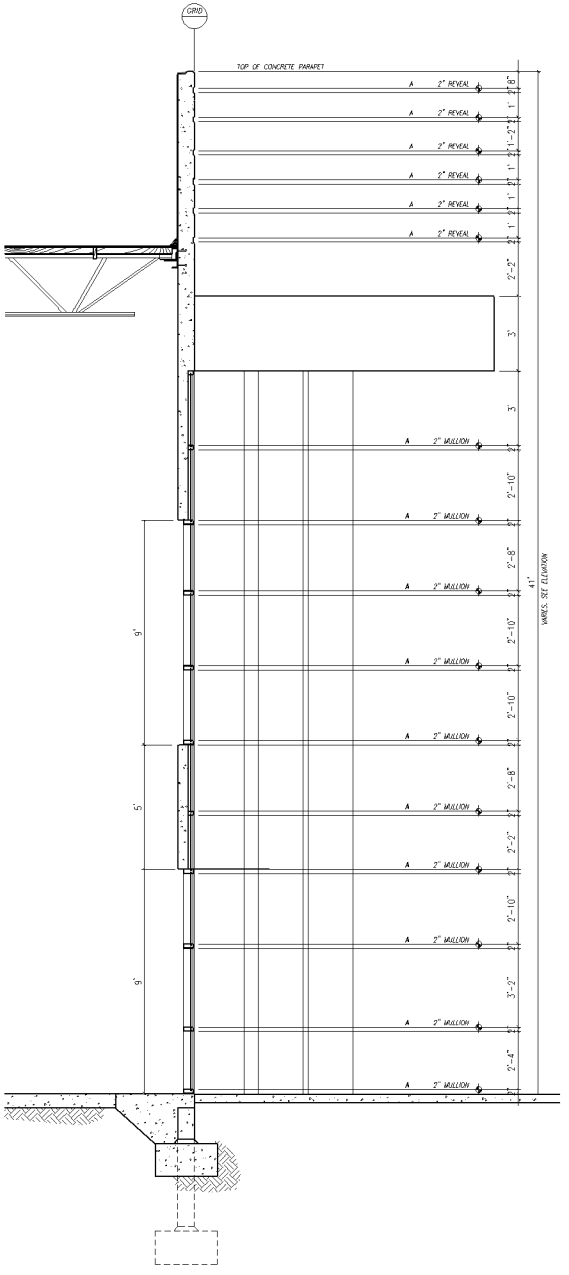

BUILDING SECTION @ OFFICE AREA (A)
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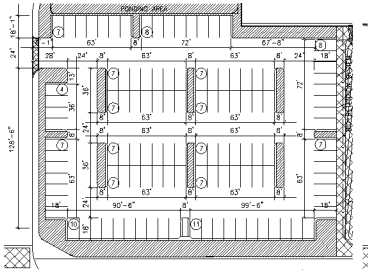

ENLARGED SITE PLAN @ SOUTHWEST (D)
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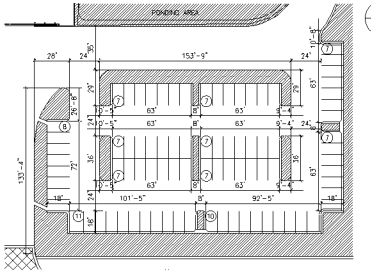

ENLARGED SITE PLAN @ SOUTHEAST (C)
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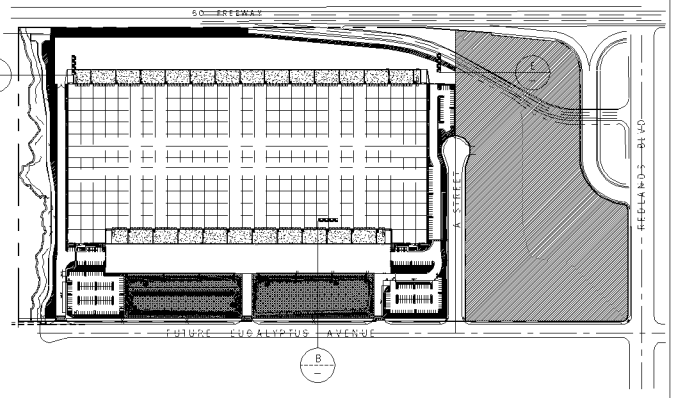

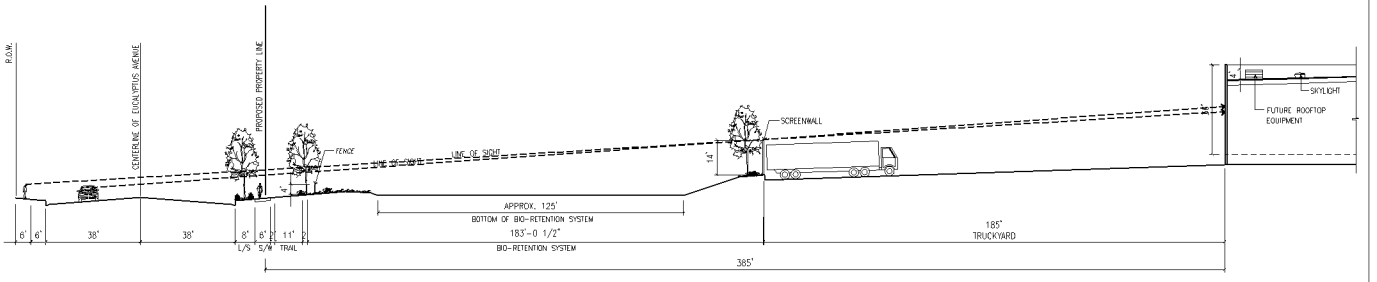

LINE OF SIGHT (B)
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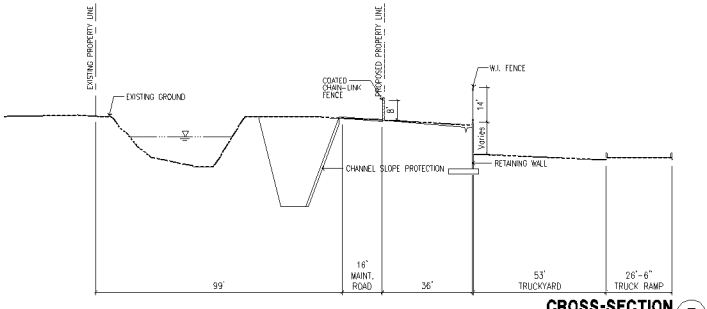

CROSS-SECTION (F)
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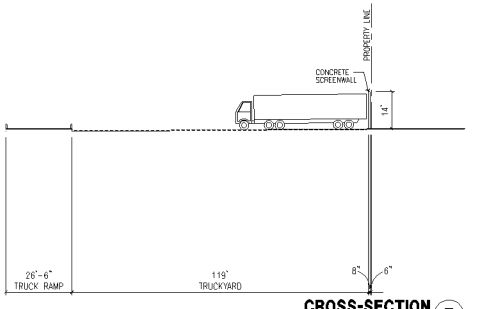

CROSS-SECTION (E)
scale: 1" = 20'-0"

SITE ANALYSIS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

Rexford Property Trust
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A4.1

ATTACHMENT 14

MV00002640

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MV00002641

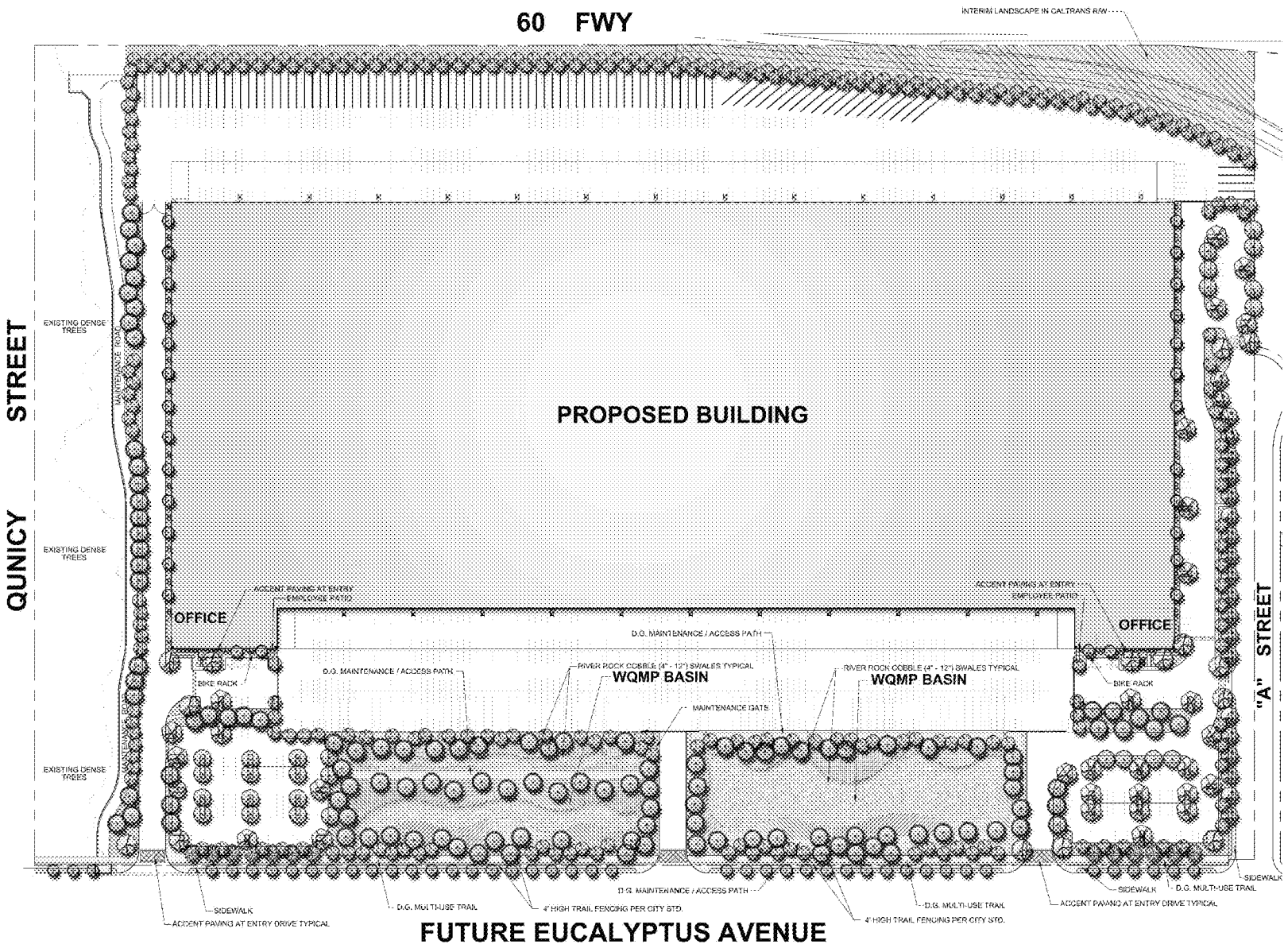

PLANT PALETTE

TREES

SYMBOL	TREE	SIZE	QUANTITY
	Quercus suber (Cork Oak)	15 GAL 24" BOX	30 51
	Eucalyptus sideroxylon (Red Ironbark)	24" BOX	79
	Tilia cordata (Crimean Linden)	48" BOX	16
	Ulmus americana (Liberty and Pink) OR Pistacia atlantica (Atlantic Pist)	15 GAL 24" BOX	150 104
	Platanus acerifolia 'Bloodgood' (London Plane Sycamore) (Includes Street Tree)	24" BOX	13
	Pinus canariensis (Canary Island Pine)	15 GAL	152
	Pistachia chinensis 'Keith Davey' (Includes Street Tree)	24" BOX	21
	Quercus agrifolia (Coast Live Oak)	24" BOX	24
	Rhus lancea (African Sumac)	15 GAL	27

ROOT BARRIER NOTE

ALL TREES WITHIN 5' OF HARDSCAPE SHALL BE 24" X 8' GRANTOWN ROOT BARRIER 24" HIGH

SHRUBS

PLANT NAME	SIZE	SPACING
Abelia grandiflora 'full Scarlet' (ACR)	5 gallon	30" o.c. spacing
Acacia cf. (Sunset Trails Acacia)	5 gallon	8' o.c. spacing
Adenanthos sericeus (Coastal Woolly)	5 gallon	12" o.c. to 24" o.c. spacing
Agave americana (Century Plant)	5 & 15 gallon	8' o.c. spacing
Agave attenuata (Foxtail Agave)	5 gallon	4' o.c. spacing
Aloe Species	5 gallon	3' o.c. spacing
Artemisia pycnocephala 'Sunny Mountain' Pink	5 gallon	3' o.c. spacing
Arctostaphylos 'Sunset' (Sunset Manzanita)	5 gallon	5' o.c. spacing
Baccharis pilularis (Dwarf Coyote Bush)	5 gallon	5' o.c. spacing
Calliandra tweedii (Brazilian Red Bush)	5 gallon	5' o.c. spacing
Carex divulsa (Berkeley Sedge)	5 gallon	3' o.c. spacing
Carex tumulicola (Foothill Sedge)	5 gallon	3' o.c. spacing
Ceanothus 'Concha' (Concha Ceanothus)	5 gallon	4' o.c. spacing
Ceanothus 'Frosty Blue' (Frosty Blue Ceanothus)	5 gallon	4' o.c. spacing
Ceanothus 'Julia Phelps' (Julia Phelps Ceanothus)	5 gallon	4' o.c. spacing
Ceanothus 'Ray Hartman' (Ray Hartman)	5 gallon	4' o.c. spacing
Ceanothus 'Yankee Point' (Yankee Point)	5 gallon	4' o.c. spacing
Cercocarpus betuloides (Mountain Mahogany)	5 gallon	5' o.c. spacing
Cercocarpus ledifolius (Curl-leaf Mtn Mahogany)	15 gallon	8' o.c. spacing
Chamaerops humilis (Mediterranean Fan Palm)	15 & 24 box	8' o.c. minimum
Juniperus chinensis 'Pfitzerana'	1 and 5 gallon	varies
Leucadendron 'Safari Sunset'	1 and 5 gallon	24" o.c. to 36" o.c. spacing
Leucophyllum frutescens 'Rio Grande'	5 gallon	4' o.c. spacing
Leucophyllum frutescens 'Green Cloud' (Texas Ranger)	5 gallon	4' o.c. spacing
Ligustrum lucidum (Wax-leaf Privet)	5 gallon	30" o.c. spacing
Macadamia integrifolia and tetraphylla (Macadamia Nut)	15 gallon	24' o.c. spacing
Melaleuca nesophila (BOTA)	5 gallon	24' o.c. spacing
Muhlenbergia capillaris (Pink Muhly Grass)	5 gallon	24" o.c. spacing
Myrtus communis 'Compacta' (Tuna Myrtle)	5 gallon	24" o.c. spacing
Nandina domestica (Heavenly Bamboo)	5 gallon	24" 36" o.c. spacing
Pittosporum tobira 'Wheeler's Dwarf' (Wheeler's Dwarf)	5 gallon	4' 6" o.c. spacing
Plumbago auriculata (Cape Plumbago)	5 gallon	4' 6" o.c. spacing
Prunus ilicifolia ssp. lyonii (Catalina Cherry)	15 gallon	8' o.c. spacing
Rhamnus californica 'Mound San Bruno' (Mound San Bruno Coffeeberry)	5 gallon	4' o.c. spacing
Rhamnus ilicifolia (Holly-leaf Redberry)	5 gallon	4' o.c. spacing
Rhus integrifolia (Lemonade Berry)	15 gallon	8' o.c. spacing
Rhus ovata (Sugar Bush)	5 gallon	5' o.c. spacing
Ribes viburnifolium (Catalina Perfumed Currant)	5 gallon	4' 6" o.c. spacing
Salvia mellifera (Black Sage)	5 gallon	4' 6" o.c. spacing

GROUNDCOVERS

PLANT NAME	SIZE	SPACING
Acacia redolens (ACRN)	1 and 5 gallon	48" o.c. spacing min
Baccharis pilularis (Coyote Brush)	1 gallon	48" o.c. spacing min
Carex divulsa (Berkeley)	1 gallon	42" o.c. spacing min
Dichondra repens (Kidney Weed) (Dichondra repens)	1 gallon	24" o.c. spacing min
Hedera helix (Ivy) (Ivy)	1 gallon	24" o.c. spacing
Juniperus conferta (Shore Juniper)	1 gallon	30" o.c. spacing
Lonicera japonica 'Aureoreticulata' (Gold Flame Honeysuckle)	1 gallon	24" o.c. spacing
Myoporum parvifolium (Myoporum)	1 gallon	24" 42" o.c. spacing
Myoporum parvifolium 'Putah Creek' (Putah Creek Myoporum)	1 gallon	48" o.c. spacing
Rosmarinus officinalis (Rosemary)	1 gallon	30" o.c. spacing
Santolina chamaecyparissus (Lavender Cotton)	1 gallon	24" o.c. spacing
Trachelospermum jasminoides (Star Jasmine)	From and 1 gallon	18" o.c. spacing

INTERIM LANDSCAPE WITHIN CALTRANS R/W - PLANT 1 GAL., ACHIEVE RESOLVE TO 2 C. WITH 3" INNER LAYER OF DECOMPOSED GRANITE. THANE SHALL BE IRRIGATED WITH DRIP IRRIGATION.

SIDEWALK VISTA - NATIVE WILDFLOWER PURGE SEEDING MIX

0.25 LBS/AC	ACHILLEA MILLEFOLIUM
0.50 LBS/AC	NASSELLA CERNUA
0.25 LBS/AC	LUPINUS BICOLOR
0.50 LBS/AC	LUPINUS SUBVARIUS
0.50 LBS/AC	NASSELLA MEXICANA
0.50 LBS/AC	VULPIA MICROSTACHYS
0.25 LBS/AC	LUPINUS CONCINNUS

VINES FOR SCREENWALLS

SYMBOL	PLANT NAME	SIZE	SPACING
	Pyrostegia venusta (Orange Vine)	1 gallon	10' o.c. spacing
	Bougainvillea 'Raspberry Ice' (Bougainvillea)	1 gallon	10' o.c. spacing

VINES FOR W.I. FENCING AROUND BASIN

SYMBOL	PLANT NAME	SIZE	SPACING
	Dendrocalamus latiflorus (Giant Timber Bamboo)	5 gallon	8' o.c. spacing

NOTE: VINES ARE REQUIRED ON ALL SCREENWALLS & W.I. FENCING AROUND BASIN

MULCH NOTE

ALL PLANTER AREAS TO RECEIVE A 3" LAYER OF COVER MULCH AVAILABLE FROM MATERIALS DIST. 800-0266

NORTH

SCALE: 1" = 60' - 0"

SHEET L-1

DATE: 6-9-10

West Ridge Commerce Center

Moreno Valley, CA

Ridge Property Trust

PRELIMINARY LANDSCAPE PLAN

ATTACHMENT 15

MV00002642

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MV00002643

TENTATIVE PARCEL MAP NO. 36207

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF PORTIONS OF LOTS 2, 3, 4, 5, 6 & 7 INCLUSIVE, BLOCK 35, OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGE 71, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE.

HUITT-ZOLLARS

NOVEMBER, 2010

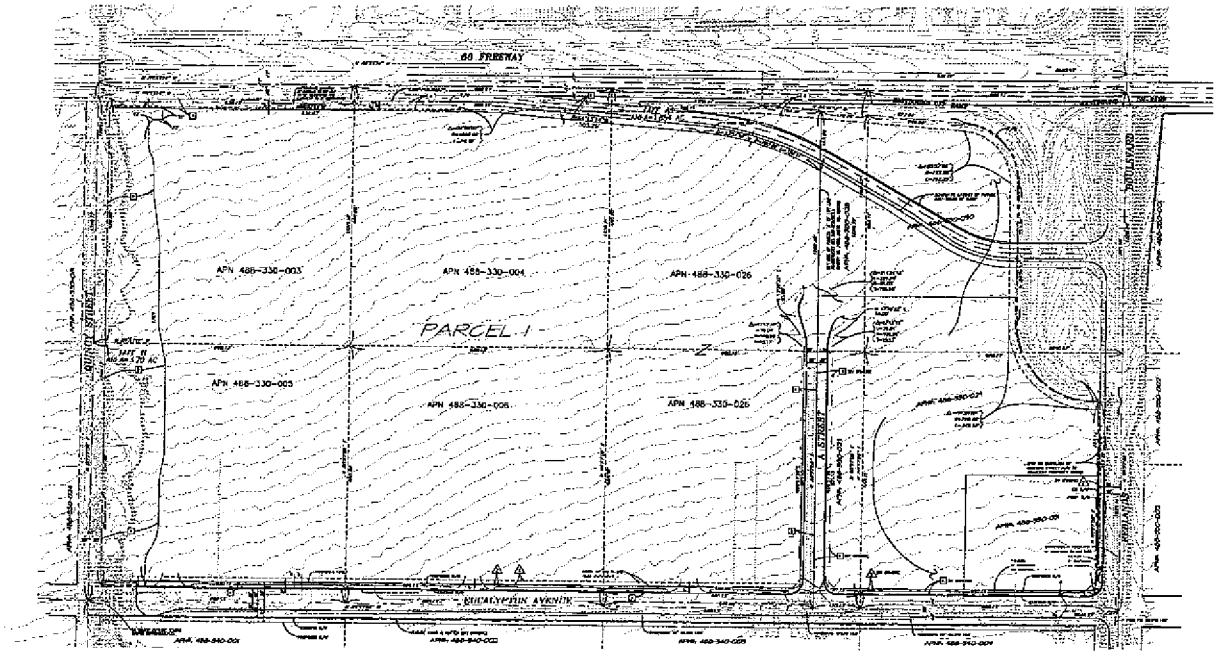

TYPICAL SECTION
EUCALYPTUS AVENUE

TYPICAL SECTION
A STREET

TYPICAL SECTION
PERIMETER ROADWAY

EASEMENT NOTES

(A) EASEMENT(S) FOR THE PURPOSES SHOWN BELOW AND HEREIN INCLUDED, RESERVED AS SHOWN ON A MAP RECORDED

RECORD NO	EASTERN MUNICIPAL WATER DISTRICT
PURPOSE	PUBLIC PIPELINES AND FACILITIES
INCLUDING	INCLUDING, BUT NOT LIMITED TO, APPURTENANCES, INCLUDING, BUT NOT LIMITED TO, ACCESS, WITHIN THE ENTIRE PARCEL, AS SHOWN ON THE PARCEL MAP, PER MAP NO. 36207

PROPOSED EASEMENT

(1) 10' EASEMENT FOR PUBLIC USE OVER THE EAST 10' OF EUCALYPTUS AVENUE

(2) 5' EASEMENT FOR THE PURPOSE OF DISTRIBUTION AND NODES OF THE MAIL TO THE CITY OF MORENO VALLEY

PROPOSED DEDICATION

(A) DEDICATE 30' ADDITIONAL STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY

(B) DEDICATE 30' STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY

(C) ~~LOT A, BEGINNING ON THE CITY OF MORENO VALLEY FOR FUTURE CALTRANS R/W~~

(D) ~~LOT B, BEGINNING ON THE CITY OF MORENO VALLEY FOR FUTURE CALTRANS R/W~~
(SEE EASEMENT DESCRIPTION)

LINE DATA:		
LINE	BEARING	DISTANCE
L1	N 89°59'00" E	30.00'
L2	N 00°01'00" W	30.00'
L3	N 89°59'00" E	30.00'
L4	N 00°01'00" W	30.00'
L5	N 89°59'00" E	30.00'
L6	N 00°01'00" W	30.00'
L7	N 89°59'00" E	30.00'
L8	N 00°01'00" W	30.00'
L9	N 89°59'00" E	30.00'
L10	N 00°01'00" W	30.00'
L11	N 89°59'00" E	30.00'
L12	N 00°01'00" W	30.00'

PARCEL SUMMARY TABLE	
PARCEL 1	20.00 ACRES
TOTAL	20.00 ACRES

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1" = 100'

GENERAL NOTES

1. EXISTING LAND USE: VACANT
2. ADJACENT LAND USE: INDUSTRIAL, AND IS FULLY TO THE EAST; AGRICULTURE TO THE SOUTH, WITHIN THE MORENO AND TEMECULA, TO THE EAST
3. MINIMUM LOT SIZE: 1 ACRE
4. EXISTING ZONING: IP1 PROPOSED ZONING: IP1
5. FLOOD ZONE IS FIRM NO. DESIGNATION MAP REVISED AUGUST 28, 2008
6. PROPOSED LAND USE: LIGHT INDUSTRIAL / WAREHOUSE DISTRIBUTION
7. PROPOSED WATER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
8. PROPOSED SEWER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
9. ALL UTILITIES SHALL BE UNDERGROUND:
   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: CITY OF MORENO VALLEY ELECTRIC UTILITY
   ELEPHONE: VERIZON TELEPHONE COMPANY
10. ALL SLOPES SHALL BE CONSTRUCTED AT A MAXIMUM RATIO OF 2:1 UNLESS OTHERWISE PERMITTED
11. ALL STREETS WILL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARDS
12. ACTUAL TOPOGRAPHY PROVIDED BY: DIGITAL MAPPING INC.
13. ANY PUBLIC EASEMENT TO BE ABANDONED SHALL BE DONE ON THE PARCEL MAP.
14. AREA=20.0AC ±0

PREPARED FOR OWNER/DEVELOPER
RIDGE RANCHO BELACO, LLC
700 HOWARD AVENUE, SUITE A
LONG BEACH, CA 90803
PH: 562-494-2012
FAX: 562-594-3420
CONTACT: ROBERT BECK

PREPARED IN THE OFFICE OF
HUITT-ZOLLARS, INC.
3990 CONCOURSE, SUITE 150
IRVINE, CALIFORNIA 92604
PHONE: (949) 851-7700

ROBERT E. SCHAFFER R.E. 64473

UTILITY PROVIDERS

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

GAS
SOUTHERN CALIFORNIA GAS COMPANY
9520 TRADING NO. 3C 8000
MORENO VALLEY, 92588
(800) 427-2200

ELECTRIC
CITY OF MORENO VALLEY ELECTRIC UTILITY
14075 PERRIS BLVD
MORENO VALLEY, CA 92555
(951) 413-3500

TELEPHONE
VERIZON
9505 ORANGE WAY, LAND, 92, 100
FONTANA, CA. 92335

SEWER
MORENO VALLEY UTILITIES
14075 PERRIS BLVD
MORENO VALLEY, CA. 92555
(951) 413-3500

CABLE - TV
MEDIACOM COMMUNICATIONS
1500 JEFFERSON DR
DIXIONS, CA 92707
(866) 519-2266

LAND USE

AT _____ GROSS ACRES

CONTOURS

INTERVAL OF 1.0 FEET
ELEVATIONS ARE IN FEET
DATUM: NAVD 88

LEGEND / ABBREVIATIONS

W	PROPOSED WATER LINE
W	PROPOSED FIRE WATER LINE
W	PROPOSED DOMESTIC WATER LINE
S	PROPOSED SEWER LINE
D	PROPOSED STORM DRAIN
G	EXISTING GAS LINE
E	EXISTING ELECTRIC LINE
T	EXISTING TELEPHONE LINE
TV	EXISTING CABLE TV LINE
	EXISTING STORM DRAIN
	STORM DRAIN INLET
	CATCH BASIN
	BOUNDARY OF SUBDIVISION BOUNDARY
	EXISTING RIGHT OF WAY/SITE BOUNDARY
	EXISTING SIDE LINE
	LOT LINE
	FIRE HYDRANT

LEGAL DESCRIPTIONS

THE DESCRIPTIONS SHOWN BELOW HAVE BEEN EXTRACTED FROM A PRELIMINARY TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. 00-0200000-[illegible], DATED MAY 10, 2010. THEY HAVE NOT BEEN REVIEWED BY THE PURCHASER OF REGIONAL BUILDING, IN SAID, THE SAID PROPERTY MAY INCLUDE OTHER PARCELS.

PARCEL 1:

LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

PARCEL 2:

LOT A, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION THEREOF DESCRIBED IN DEED RECORDED JANUARY 30, 1964, IN BOOK 1264, PAGE 1, OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY THE SAID LOT 2, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

PARCEL 3:

LOT A, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION THEREOF DESCRIBED IN DEED RECORDED JANUARY 30, 1964, IN BOOK 1264, PAGE 1, OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY THE SAID LOT 2, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

PARCEL 4:

LOT A, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION THEREOF DESCRIBED IN DEED RECORDED JANUARY 30, 1964, IN BOOK 1264, PAGE 1, OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY THE SAID LOT 2, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 5:

A PORTION OF LOTS 2, AND 7 BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF MORENO VALLEY, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, BEING A STRIP OF LAND 30.00 FEET WIDE, LYING 15.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF THE EASTERLY 30.00 FEET OF LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITH THE WESTERLY LINE OF THE EASTERLY 30.00 FEET OF LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, AND THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF THE EASTERLY 30.00 FEET OF LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, AND THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF THE EASTERLY 30.00 FEET OF LOT 7, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, THE SAID STRIP OF LAND 30.00 FEET WIDE, LYING 15.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF THE EASTERLY 30.00 FEET OF LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITH THE WESTERLY LINE OF THE EASTERLY 30.00 FEET OF LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, AND THE SOUTHERLY LINE OF THE NORTHERLY 30.00 FEET OF THE EASTERLY 30.00 FEET OF LOT 7, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

CITY CASE NO. PA09-0022

HUITT-ZOLLARS
HUITT-ZOLLARS, INC.
3990 CONCOURSE STREET, SUITE 150 / IRVINE, CALIFORNIA 92604 / (949) 851-7700

DESIGNED BY R.E.S.	SHEET 1 OF 1
DRAWN BY T.T. SUN	
CHECKED BY R.E.S.	DATE
JOB NO. 11-0010-01	

ATTACHMENT 16

Item No. E.3

MV00002644

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MV00002645

West Ridge Commece Center Project

Legend

- Highways
- Parcels
- Roads
- March Installation Area
- Waterbodies
- Sphere of Influence
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

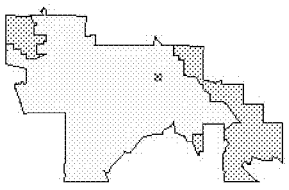

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 17

N

0 300 600 1200ft

MORENO VALLEY
WHERE DREAMS SOAR

Printed 1:52:36 AM

Item No. E.3

MV00002646

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MV00002647

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.
*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

~~9~~10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

South Coast
Air Quality Management District
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E-Mailed: December 10, 2010
jeffreyb@moval.org

December 10, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about the significant regional and localized air quality impacts from the proposed project. In addition, AQMD staff is concerned that the health risks are underestimated in the draft EIR due to calculation errors and the use of low trip generation rates. Given the project's close proximity to sensitive land uses and the significant air quality impacts demonstrated in the air quality analysis, the AQMD staff strongly recommends that the lead agency provide additional mitigation measures to minimize the air quality impacts from the proposed project. AQMD-1

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

ATTACHMENT 19

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC101021-01
Control Number

1. Health Risk Assessment Emission Calculations

The Health Risk Assessment (HRA) prepared in the Draft EIR relies on emission rates calculated for each roadway segment serving the project. These emission rates are based on heavy duty diesel truck emission factors derived from EMFAC software and are input into the dispersion model after adjusting for the number of trucks using each roadway link. However, the emission calculations provided in the Draft EIR use a unitary truck traffic rate of one vehicle per hour for each roadway link serving the project site. This unitary trip rate does not appear to be adjusted upward prior to deriving the health risk values. As several hundred heavy duty diesel trucks will use each roadway link, the health risk values appear to be substantially underestimated, perhaps by more than one order of magnitude. AQMD-2

In addition, the emission rate calculated for the idling area sources onsite appear to be miscalculated. For example, the idling mitigated emission rate of 6.459 E-6 grams per second does not include the total number of trucks idling per day, it does not include the emissions from onsite truck travel, and it includes one too many conversions of seconds to hours. If the calculation is corrected, the idling emission rate should be approximately 30 times higher at 1.952 E-4 grams per second (assuming half of the trucks use each area source). AQMD staff strongly recommends that the lead agency revisit the emissions calculations and rerun the dispersion model to derive more accurate health risk estimates. If health risks are found to be significant after revising the analysis, mitigation measures should be pursued that would reduce any health risk to a less than significant level (see comment #3 below). AQMD-3

2. Warehouse Trip Rates

As stated on page 51 of the Traffic Impact Analysis prepared for the Draft EIR, the trip generation rates are "hybrid rates" based on two recent traffic studies of high-cube warehouses conducted in the Inland Empire region. The final rate used in the Draft EIR is 1.69 trips per thousand square feet of warehouse space. AQMD staff has recently researched the referenced trip generation studies and others and has concluded that the average trip rates presented in these studies may be underestimated due to the inclusion of potentially vacant warehouses, warehouses served by rail, and the use of average trip rates. In order to provide a reasonable worst case analysis of potential air quality impacts, AQMD staff calculated and recommends that lead agencies utilize a 95th percentile trip generation rate of 2.59 trips per thousand square feet for individual warehouse projects that are not directly serviced by rail lines. The fleet mix described in the Fontana Truck Trip Generation Study is appropriate to determine the proportion of heavy duty vehicles servicing the project. AQMD-4

3. Regional and Localized Operational Air Quality Impacts

Given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff strongly recommends adding AQMD-5

the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible:

- Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks,[1]
- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded,
- Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/distribution center,
- Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors,
- Develop, adopt and enforce truck routes both in an out of city and in and out of facilities,
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride,
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes,
- Require or provide incentives for particulate traps that meet CARB certified level 3 requirements,
- Electrify all service equipment at the facility, and
- Improve traffic flow by signal synchronization.

AQMD-5 cont'd.

4. Regional and Localized Construction Air Quality Impacts

Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from VOC, NOx, PM10 and PM2.5 emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,

[1] An example clean truck program for a similar project approved by another lead agency can be found here (beginning on page 183 of 254): http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf

- Reroute construction trucks away from congested streets or sensitive receptor areas, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).

Further, AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.5 as follows:

- All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards according to the following:

  ✓ *April 1, 2010, to December 31, 2011:* All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. AQMD-5 cont'd.

  ✓ *January 1, 2012, to December 31, 2014*: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  ✓ *Post-January 1, 2015*: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

  Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction AQMD-6

equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

AQMD-6 cont'd.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Letter Dated December 10, 2010

Response AQMD-1

The commentor provides introductory agency remarks, and expresses concern about significant Project-related localized and regional air quality impacts, and potential (DPM-source) health risks. The commentor alleges errors in the EIR's air quality modeling, which are further detailed in the District's specific comments on the following pages. Responses to specific issues are addressed below at Responses AQMD-2 to AQMD-7. AQMD suggests that additional mitigation be incorporated in the EIR as means of reducing significant air quality impacts.

The comments provided by AQMD were submitted after the close of comments period, and while the Lead Agency may elect to respond to late comments, no response is required, pursuant to Pub. Resources Code Section 21091, subd. (d)(2)(A); *CEQA Guidelines* § 15088, subd. (a). Notwithstanding, in order to provide clarification of baseline issues and assumptions; and in consideration of disclosure and ultimate mitigation of potentially significant impacts, responses to AQMD's comments are provided herein. Feasible mitigation offered by AQMD has been incorporated.

Response AQMD-2

This comment appears to incorrectly interpret the Project's Health Risk Assessment (HRA) data and modeling (DEIR Appendix C, Project HRA), with resulting erroneous conclusions. The Unitary truck traffic rate cited by the commentor was used only in deriving the model input value in grams per second per truck (per day). As reflected in the ISCST3 model output summary sheets, the ISCST3's Model Scalar Option was enabled and hourly truck rates were adjusted upward accordingly (DEIR Appendix C, Project HRA, Attachment A). Additionally, the "Hourly Trucks.xls" file that was previously provided to AQMD by Urban Crossroads, preparer of the Project's Air

Quality Analysis, provides a breakdown of the hourly trucks as they are input in the model's scalar option. The EIR conclusions and results are not affected.

Response AQMD-3

This comment appears to incorrectly interpret the Project emission rate calculations and modeling, with resulting erroneous conclusions. As noted in the preceding Response AQMD-2, the ISCST3's Model Scalar Option was enabled, and hourly truck values were entered accordingly. The emissions from on-site truck travel are included as multiple volume sources in the model and therefore do not need to be included in the area source algorithm.

Additionally, the "Model Emission Rate" provided as 6.459E-06 is representative of grams per second per truck (per day), and is input into the model as a unitized rate. The unitized rate is then adjusted upward based on the model's scalar option. Based on a thorough review, as detailed here, this calculation does not need to be corrected. The vehicle idling time is presented in seconds and the idling rate from EMFAC is in grams per hour. Therefore, the first conversion is to identify the grams per hour a given truck would emit during idle events. This is achieved by first converting the idling time from seconds to hours. In this case, for mitigated emissions, 180 seconds is divided by 3,600 seconds (60 minutes per hour x 60 seconds per minute). The next step is to multiply the resulting value by the EMFAC grams per hour rate, which provides an emission factor in grams per hour for a given truck per day. In order to input this value into the model as a unitized rate, this value is then converted from grams per hour for a given truck per day to grams per second for a given truck per day. This is achieved by taking the grams per hour rate and dividing by 3,600 seconds per hour, which yields the resulting 6.459E-06 grams per second rate that is modeled. Please refer also the DEIR Appendix C, Project HRA, Attachment A-ISCST3 Summary Output, Attachment B-Emissions Rate and Risk Calculations. The EIR conclusions and results are not affected.

Response AQMD-4

AQMD offers alternative trip generation rates for use in the Draft EIR. AQMD cites its own research and conclusions.

Notwithstanding AQMD suggested trip generation rates, trip generation rates and vehicle mix employed in the Draft EIR are supported by definitive studies of high-cube warehouse trip generation characteristics (*City of Fontana Truck Trip Generation Study*, and *San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study).* Both of these studies are available through Lead Agency (a copy of each is available at the Planning Department). The trip generation rates and ranges from these studies were used to define the trip rate employed in the DEIR. This same rate is employed in analyses for similar projects in the City, and is considered by the Lead Agency to be appropriate and accurate. Relevant discussion from the Draft EIR is excerpted below:

> Trip generation characteristics of the Project were derived from studies which reflect the trip generation rates of warehouse facilities storing and transporting international goods imported into the country from the Ports of Los Angeles and Long Beach. These include the *City of Fontana Truck Trip Generation Study* commissioned in 2003 (Fontana Study), and the updated 2007 *National Association of Industrial and Office Properties (NAIOP) Trip Generation Study*. The NAIOP Study included data collected from 13locations within Riverside County, and provides trip generation rates that are use-specific to warehouse distribution projects such as that proposed by the Project. The recent date and geographic orientation of the Study contribute further to its utility and applicability in estimating the likely trip generation characteristics of the Westridge Commerce Center Project. Using data from the NAIOP Study, the City's Transportation Department approved the use of "hybrid" trip generation rates for the Project's trip generation forecast . . . (Draft EIR Page 4.2-17).

The trip generation rates provided by AQMD are noted; however, no revisions to the trip generation rates employed in the Draft EIR are proposed, nor are any required.

Response AQMD-5

AQMD states, "given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM_{10} and $PM_{2.5}$ emissions the AQMD staff strongly recommends adding the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible . . ."

Each of the measures suggested by AQMD are addressed in the following table, and have either been incorporated, or determined infeasible, not applicable, and/or replicate existing requirements, as indicated in the remarks below. The State Legislature has defined "feasible," for purposes of CEQA review, as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Division 13, Chapter 2.5. Definitions, Subd. 21061.1.] In those instances where additional mitigation has been incorporated or mitigation has been revised, incremental reduction in impacts may be realized. However, results and conclusions of the EIR are not affected. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

AQMD-Suggested Measures	Remarks
Operational-source Emissions	
Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks (AQMD offers citation of an example clean truck program at [the following website]: http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf. If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded.	**Incorporated.** Mitigation Measure 4.3.13 has been revised to incorporate the following requirement (please refer to Final EIR Section 4.0). • *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.* • *If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.*
Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/ distribution center.	**Infeasible.** Development of the Project is consistent with City General Plan Land Use designations, and the General Plan currently includes residential land uses within 1,000 feet (0.19 miles) of the Project site. Moreover, as supported by the EIR analysis, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. The measure suggested by AQMD is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors.	**Not Required.** There are no significant and/or unmitigable operational air pollutant emissions impacts related to or resulting from the site plan configuration. As noted above, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. It is further noted that the access concept proposed by the Project has been reviewed and preliminarily approved by the Lead Agency. The measure suggested by AQMD is not necessary.

AQMD-Suggested Measures	Remarks
Develop, adopt and enforce truck routes both in an*[d]* out of city and in and out of facilities.	**Replicates existing requirements.** Designated truck routes exist within the City. As noted in the City's General Plan, "Chapter 12.36 of the City Municipal Code regulates the travel and access of trucks on the City road system, and designates official truck routes. Designated truck routes change over time as new arterials are built, and commercial and industrial projects are completed." [City of Moreno Valley General Plan Circulation Element, Page 5-4.] The Applicant will comply with all designated truck route regulations and ordinances, both in and out of the City. Compliance with existing regulations and ordinances does not constitute mitigation.
Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,	**Replicates existing requirements.** Truck routes are marked by the City consistent with City sign regulations. The Applicant will comply with all City sign regulations and ordinances. Compliance with existing regulations and ordinances does not constitute mitigation.
Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.	**Replicates existing Project design.** Adequate, secure parking areas are provided onsite for the use of Project-related trucks. No off-site parking is required or proposed.
Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes.	**Infeasible.** Current location of the Project adjacent to the SR-60 minimizes non-freeway truck travel, and minimizes travel along residential streets. Addition of direct SR-60 off-ramps for trucks access the Project site is contrary to reasoned freeway design which by its nature limits freeway access and exit points. Within the State, Caltrans ultimately determines freeway access and exit locations and related ramp designs. The proposed measure would result in potentially significant and increased jurisdictional, traffic/circulation, and land use impacts when compared to the Project. Further, the suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and is therefore infeasible. The Applicant will comply with designated truck routes reducing truck traffic along sensitive routes.
Require or provide incentives for particulate traps that meet CARB certified level 3 requirements.	**Replicates existing requirements.** As a matter of California law, all on-road vehicles, whether or not they are used for the Project, are required to meet California Air Resources Board (CARB) emissions standards. Moreover, future tenancy of the Project is not yet known, and that trucks using the facility may include independent truckers. There is no feasible enforcement mechanism by which the operator of the facility could meaningfully enforce pollution control equipment requirements above and beyond state law requirements.

AQMD-Suggested Measures	Remarks
Electrify all service equipment at the facility.	**Incorporated.** Mitigation Measure 4.3.8 has been revised to incorporate the following requirement: • *All service equipment used during construction and in subsequent operation of the Project shall be electric or natural gas powered.* Similar to use of electrical equipment, use of natural gas equipment alternatively allowed under this mitigation measure acts to generally reduce localized criteria pollutant emissions. Natural gas equipment may in some cases be the only available alternative to diesel/gasoline powered equipment. Further, Mitigation Measure 4.3.13 has been revised to incorporate the following requirements (please refer to Final EIR Section 4.0). *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:* • *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance; and* • *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
Improve traffic flow by signal synchronization.	**Replicates existing requirements.** Signal synchronization is currently administered by the City. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.
Construction-source Emissions	
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. "It is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours" (Draft EIR Page 4.2-85).

AQMD-Suggested Measures	Remarks
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation.	**Incorporated.** The following new mitigation measure has been created, and will be included in the Mitigation Monitoring Plan (please refer to Final EIR Section 4.0). *4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.*
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine if and where dedicated turn lanes for construction equipment and trucks are required. Please refer to the preceding construction traffic management remarks.
Reroute construction trucks away from congested streets or sensitive receptor areas.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine appropriate construction truck routes. Please refer to the preceding construction traffic management remarks.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).	**Otherwise Addressed.** Contractors will employ available equipment to include any 2010 and newer vehicles. Restricting the pool of suitable diesel haul trucks solely to model years 2010 or newer unreasonably limits the pool of available contractors and equipment. Moreover, there is no demonstrated nexus between construction model-year requirements and potential reductions in air quality impacts. Arguably, meaningful reductions in air pollutant emissions are achieved as much or more through efficient and appropriate operation of equipment as required herein (see for example Mitigation Measure*4.3.2: The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).* Further, all equipment (regardless of model-year) is required to comply with applicable CARB emissions standards, the appropriate gauge for emissions levels.

AQMD-Suggested Measures	Remarks
All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards.	**Incorporated.** Electric construction equipment is not commonly or widely available or used in Southern California. Requiring sole use of electric construction equipment would effectively preclude participation by most, if not all, locally-based construction contractors. This would act to unnecessarily exclude otherwise qualified contractors, restrict the pool of available construction resources, increase costs through diminished competition. Mitigation Measure 4.3.8 has been revised to incorporate the following requirement(please refer to Final EIR Section 4.0): • *Use electric construction equipment where feasible.*

Response AQMD-6

AQMD suggests that the Lead Agency consider encouraging construction contractors to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) program funds.

- The following notation (incorporated at Mitigation Measure 4.3.9), shall appear on all construction document and plans:

> *Contractors are encouraged to apply for funding/assistance under the AQMD SOON program.*
> *See also www.aqmd.gov/tao/Implementation/SOONProgram.htm*

AQMD contact information is noted.

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MV00002667

From: Tom Hyatt [cdftom@aol.com]
Sent: Friday, December 10, 2010 9:18 PM
To: Jeffrey Bradshaw
Cc: Deanna Reeder
Subject: Warehouse

My neighbors and I oppose this project. After having the Mega Sketchers warehouse shoved down our throats by a corrupt developer and a city council that will flip their skirt up for him without questior we are vehemently against more unchecked commercial development. The City Council went to the trouble to re-name this end of the city "Rancho Belago", claiming it would be the upscale end of town yet the approve these ugly polluting warehouses when the zoning should be for 1/2 to 1 acre lots and upscale retail etc... How about a nice softba and swimming sports complex??? Why don't you go lease/ purchase some of the vacant warehouse space that can't even be filled in the south end of town?? How many diesel truck trips will this project generate on top of the Super Walmart and Sketchers projects already do??? Can't wait to see the cumulative air pollution totals! TH-1

Signed,

Tom H.
Moreno Valley Citizen

ATTACHMENT 20

TOM HYATT

Email Dated December 10, 2010

Response TH-1

The commentor states his opposition to the Project, presents his opinion regarding recent unrelated project approvals in the area, and suggests a "nice softball and swimming sports complex" be developed on-site. These opinions are acknowledged.

The basis for the commentor's statement that "the zoning should be for ½ to 1 acre lots and upscale retail, etc." is unclear. The existing zoning for the site is Business Park, which allows the types of uses proposed by the Project; however, would not allow for buildings of the size proposed by the Project. For this reason, the Project has requested a change of zone to Light Industrial. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23). Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.

The commentor suggests locating the Project in another area of the City. Several alternatives were analyzed as part of the Draft EIR, including, beginning on Draft EIR Page 5-37, alternative sites. As stated in Guidelines Section 15126.6,subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is served adequately by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million s.f. warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor expresses concern regarding the cumulative traffic and air quality impacts of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Super Walmart and Sketchers*[sic]*").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region.

The commentor is referred to Table 4.2-6 of the Draft EIR for the specific trip generation of the Project. Additionally, Draft EIR Section 5.0 presents a detailed discussion of the cumulative impacts of the Project. Specifically, cumulative impacts related to traffic and circulation are discussed at Draft EIR Pages 5-7 through 5-12. Cumulative impacts related to air quality are discussed on Draft EIR Pages 5-12 through 5-14. Results and conclusions of the Draft EIR are not affected.

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MV00002673

PLANNING COMMISSION RESOLUTION NO. 2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on May 12, 2011, the Planning Commission passed a motion by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the Planning Commission voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

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

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

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

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor. The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources.

ATTACHMENT 21

The proposed project includes a 937,260 square foot warehouse industrial building which far exceeds the maximum building area of 50,000 square feet as permitted by the current zoning designation of Business Park. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

The proposed architectural design of the facility is not consistent with that of other approved warehouse facilities in the vicinity. A change of zone to LI would allow for buildings greater than 50,000 square feet in size. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building may be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-13, **DENYING** a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED this 12th day of May, 2011.

Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

Deputy City Attorney

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

ATTACHMENT 22

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

- ☐ Administrative Plot Plan
- ☐ Administrative Variance
- ☐ Amended Conditional Use Permit
- ☐ Amended Plot Plan
- ☐ Change of Zone
- ☐ Conditional Use Permit
- ☐ Development Agreement
- ☐ Development Code Amendment
- ☐ Extension of Time
- ☐ General Plan Amendment
- ☐ Plot Plan
- ☐ Pre-Application Review
- ☐ Specific Plan
- ☐ Specific Plan Amendment
- ☐ Tentative Parcel Map
- ☐ Tentative Tract Map
- ☐ Variance
- ☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet west of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Rancho Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dave@rptrust.com

Contact Person: Dennis Rice

OWNER Name: Same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services — Telephone: (951) 845-1003 cell 909-325-0430

Address 931 Monarch Court — Fax No. (951) 845-9775

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson2@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name

Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature — Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature — Date: 5-18-2011

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60603

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK---HOLD AT AN ANGLE TO VIEW

⑈00000 1194⑈ ⑆071000013⑆ 154912 3⑈

Item No. E.3

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MV00002681

From: george hague
Sent: Thursday, May 05, 2011 2:55 PM
To: John Terell
Cc: Jeffrey Bradshaw
Subject: Please send my letter to all the Planning Commissioners today (5-5-11) concerning the West Ridge Commerce Center FEIR

Good afternoon Planning Commissioner,

I hope the planning department has helped those of you who are not use to reading Final Environmental Impact Reports (FEIR). I am sure it would help with the West Ridge Commerce Center FEIR.

In 2009 some Moreno Valley residents responded to a Notice of Preparation (NOP) for this project. These comments were to let those who prepare the document know what we wanted studied and answered in the Draft Environmental Impact Report (DEIR). You should realize that those who do the studies are paid for by the developer and realize that if they want a good reputation among the development community that their report must be favorable to the project. It would be better if we would go back to Moreno Valley's previous system where the report from consultants goes directly to the Moreno Valley Planning department instead of first passing through the hands of the developer where it many times gets massaged.

Last Fall The DEIR was made available which you should read. Different agencies/groups/individuals used the 45 days they were given to read and make comments on the adequacies of the West Ridge Commerce Center's DEIR. They turned in their comments during the first part of last December.

Section three of the FEIR has these commenters original letters which you will notice have been blocked off. You should make an effort to read each of these letters and only then read the responses which immediately follow the original letters. Many of those who write letters believe the responses do not do justice to their concerns and questions. On projects like this it is good to study what the Department of Transportation(DOT) and the South Coast Air Quality Management District (SCAQMD) wanted from this project and the responses they received. These and other agencies are to help protect us and guide us towards better planning. It is sad when responses to their letters are not serious, but just pass the buck.

In section two of the FEIR you will see what I call weasel words which require nothing. Words like "where feasible", "shall encourage", and "greatest extent practical" are just a few examples. These may sound good, but usually result in little, if any, mitigation. Words like "shall" and "will" instead of "should" are more binding and therefor avoided.

Section four has the Mitigation Monitoring Plan which should also be read in order that they are mitigating those items which are brought up in the comment letters.

Usually they bury at the end of some document that which they call "Overriding Considerations". These are the impacts to Moreno Valley which could not be mitigated. This could be such things as toxic diesel air pollution (pm 10 and pm 2.5) which cause significant health effects. It is very sad when projects make the air more toxic to breath-- especially for children and the elderly.

ATTACHMENT 23

Appendix A points out some of these air pollution problems and they should be read by decision makers.

Since I am sure most of you have regular jobs, I find it very sad that you have not been given time to do justice to this FEIR. It must be especially difficult when a couple of our weekends prior to your meeting have holidays that many people enjoy to celebrate. You should ask the planning department for more time to educate yourself by reading the document.

Your responsibility is to "protect the health, safety and welfare" of the residents of Moreno Valley. Only after you have read this document can you fulfill your responsibility.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

From: george hague
Date: May 9, 2011 11:03:09 AM PDT
To: John Terell <JohnT@moval.org>
Cc: Jeffrey Bradshaw <JeffreyB@moval.org>, gracee@moval.org
Subject: West Ridge Commerce Center Experts & Editorial on Tortoises & Solar threat | Press-Enterprise Editorials | PE.com | Southern California News | News for Inland Southern California

Good afternoon/evening Planning Commissioner,

Lat week I sent you an email about reading the environmental documents for the West Ridge Commerce Center warehouse. I mentioned in that email how developer consultants/experts sometimes supply reports which benefit the proposed project---even when they are selected from an "approved" list. The last line of the second paragraph of this past Saturday's Editorial does a nice job of pointing this out where it reads "studies commissioned by the developer". I hope you will read this editorial and realize this happens on many projects. It is only when agencies like the Department of Transportation, South Coast Air Quality Management District and as well as others who job it is to help you plan for our city respond to DEIRs that you get a much more unbiased/independent view. I hope you will remember this when West Ridge Commerce Center and other developers respond in their FEIRs to these agencies letters.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Solar threat

08:24 PM PDT on Friday, May 6, 2011

The discovery of far more desert tortoises than expected near a planned solar power plant in the Mojave Desert should prompt federal officials to rethink the project. And the incident should spur federal officials to require independent environmental studies before bulldozers roll on future solar projects.

Last week, a U.S. Bureau of Land Management assessment found the $2.1 billion BrightSource Energy Co. project near Primm, Nev., would disturb up to 3,000 tortoises and kill as many as 700 young ones. That far exceeds an estimate of 32 of the threatened species at the site -- a number derived from studies commissioned by the developer. ATTACHMENT 24

After biologists relocated 39 tortoises -- the maximum allowed -- BLM officials last month ordered BrightSource to stop work on two-thirds of the 5.6-square-mile site. U.S. Fish and Wildlife Service officials will decide soon if completing the second and third phases of the Ivanpah Solar Electric Generating System -- which would nearly double the amount of solar electricity produced in the country -- would jeopardize the species.

The clean energy generated by this project is no excuse for federal officials to allow shoddy surveys that underestimate the tortoise population. A developer rushing to qualify for hundreds of millions in federal "stimulus" funding is hardly an objective source about issues that could obstruct construction. Federal officials should have required an independent biological survey before grading and construction work began in October. And that approach should be standard for the numerous solar projects now proposed for desert land.

In this case, the sheer number of the animals that would be killed or disturbed by the solar plant justifies a significant downsizing -- eliminating one or both of the last two phases. Federal officials could have avoided such backtracking had they had the right information before BrightSource broke ground.

Wildlife officials are likely under political pressure to let the developer proceed with much of the project. But even a compromise such as relocating large numbers of the animals would be highly risky. In 2008, the U.S. Army suspended a tortoise relocation effort at Fort Irwin after about 90 of the 556 tortoises moved died, mostly killed by coyotes.

The Mojave Desert, with endless sunny days, is not a bad place for solar power plants. But federal officials need to do a better job of surveying the native wildlife before construction starts. Green projects should not, ironically, degrade the very environment they are meant to help sustain.

From: george hague
Sent: Wednesday, May 11, 2011 10:29 PM
To: John Terell
Cc: Jeffrey Bradshaw; Grace Espino-Salcedo
Subject: PLEASE READ re West Ridge Commerce Center Final Environmental Impact Report (FEIR)
Good evening Planning Commissioners,

YOU NEED TO ASK TONIGHT NOT WHAT THE OPENING-YEAR TRUCK TRAFFIC WILL BE, BUT WHAT IS THE PROJECT DESIGNED FOR AND WHAT WILL THE TRUCK TRAFFIC BE WHEN THE PROJECT IS USED TO ITS FULLEST CAPACITY AND NOT LIMITED TO JUST REDLANDS BLVD IN FUTURE YEARS.

"Estimated opening-year average daily Project-generated truck traffic ingressing/egressing the Project site via Redlands Boulevard includes:

97 two-axel trucks;

220 three-axel trucks; and

539 four-axel trucks." (FEIR p 3-58 & p 3-88 & p 3-163 & other pages)

THESE NUMBERS ARE A DISSERVICE TO YOU AND THE PUBLIC. THE FULL IMPACTS ON TRAFFIC AND AIR QUALITY ARE NOT FULLING EXPLAINED AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THEREFORE THE FEIR IS INADEQUATE. THEY ARE REQUIRED TO BE EASILY UNDERSTOOD BY THE PULIC AND MITIGATED BEYOND WHAT WEST RIDGE COMMERCE CENTER TRULLY HAS COMMITTED TO IMPLEMENT.

You should not vote on this or any other project unless you have read the documents. You should never just rely on Staff Reports. The Planning Commission should represent all the many varied interests/concerns of the residents of Moreno Valley. I believe if you read all the letters from the agencies as well as the public and groups you will see that many of their legitimate CEQA concerns were not answered or the buck was passed.

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

ATTCHMENT 25

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MV00002687

Johnson & Sedlack
ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP
Carl T. Sedlack, Esq. Retired
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26785 Camino Seco, Temecula, CA 92590

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Abby.JSLaw@gmail.com
Kim.JSLaw@gmail.com
Telephone: 951-506-9925
Facsimile: 951-506-9725

May 12, 2011

Planning Commission
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA US MAIL AND FACSIMILE

RE: Final Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Final Environmental Impact Report (FEIR) for the Westridge Commerce Center.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the EIR as an informational document.

Unfortunately, the FEIR for this Project fails as an informational document. The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The FEIR is also internally inconsistent, with statements and conclusions made from one section to another in conflict with one another.

On top of these inadequacies, the FEIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions.

CEQA also requires that ***where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted.*** In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the FEIR concludes that *unavoidable* adverse impacts will result to/from the following: aesthetics, air quality, noise, and transportation/traffic.

Feasible mitigation measures exist which would reduce these impacts, and ***which have not been required of this project.*** This is contrary to the requirements of CEQA, and the additional feasible mitigation provided in the comments must be required of this project.

Moreover, all mitigation measures required in the FEIR ***must be fully enforceable and certain to occur.*** This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures. While it appears that substantial mitigation was incorporated into the project, ***very little mitigation is actually enforceable and required.*** Also, some mitigation measures are included in the text revisions section, yet have not been incorporated into the Mitigation Monitoring Plan. This is unacceptable.

The FEIR fails to make findings supported by substantial evidence in the record. CEQA requires that an agency must make specific findings, based on substantial evidence in the record, where a project has been determined to have significant environmental effects. Here, the findings are nothing more than conclusory statements, and there is no attempt to trace the path from evidence to the conclusions reached. The findings made are not supported by substantial evidence in the record as discussed herein and in our previous comments on the DEIR.

The FEIR lastly fails to adequately respond to the significant environmental points raised in public comments pursuant to CEQA Guidelines. Particularly, Guidelines § 15088 (c) requires that a response to comments evince a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and often ignores comments altogether. Also, the responses tend to generalize specific comments made by the commenter. For instance, a comment regarding cumulative air pollution impacts which asks: "Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?" is responded to generally: "The commenter expresses concerns regarding the cumulative effects (air pollution) of this Project when combined with other vicinity projects." (Comment and response for SCR-2) These generalizations tend to result in responses which do not respond to the comments and questions presented. This is contrary to the policies of CEQA.

In additional to the general comments above, the below specific inadequacies were discovered upon review of the FEIR:

Text Revisions:

- Revision to 3.5.12 Screening: It is unclear why the sentence ends in an ellipsis. Was more intended to be included here?
- The language of Air Quality Mitigation 4.3.8 is uncertain and vague.
    - The introductory statement is unclear and should be omitted, as discussed below.
    - Where the mitigation measures state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically feasible" so that the mitigation measures are certain and enforceable.

- At Mitigation Measure 4.3.13 for GHG's, lease/ purchase documents must require, not merely encourage lessors or purchasers to comply with the measures provided.
- Mitigation Measure 4.7.2 states that artifacts will be curated where preservation in place is infeasible. This measure should require that this determination of infeasibility be made by a qualified archaeologist and approved by the City.
- At Mitigation Measure 4.7.3: the paleontological mitigation-monitoring plan must be developed prior to project approval so it may be determined that such mitigation is sufficient to reduce paleontological impacts. As is, the paleontological mitigation-monitoring plan is impermissibly deferred per CEQA and case law. Also at the third bullet, the word "salvage" should be changed to something which implies that fossils are being properly cared for. Likewise, "to avoid construction delays" should be removed: the purpose is to mitigate for potentially significant paleontological impacts, *not* to remove all impediments to construction as quickly and haphazardly as possible.
- Mitigation Measure 4.8.5 should require that all habitat replacement, revegetation and mitigation for impacts to riparian habitat be implemented by an approved biological monitor. The measure should also require that, if in 3 years the success criterion of 80% has not yet been achieved, revegetation and other mitigation shall continue until such criterion is achieved.

Responses to Comments:

Responses to Johnson & Sedlack Comments:

Response to JS-5 does not evidence a good faith, reasoned response. First, the response states that despite a finding of significant and unavoidable impacts to agriculture in the GPEIR, the agricultural impacts of this project are less than significant. To the contrary, a reasoned outlook would find project impacts to be significant and unavoidable as detailed and considered in the GPEIR, and for which a statement of overriding consideration was necessary. Second, the response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are *susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc.* (Guidelines § 15152) Here, Johnson & Sedlack has provided two possible mitigation measures, namely conservation easements or donation of funds, which would reduce the project's impacts to agriculture and therefore must be considered.

Response to JS-6 does not provide a reason for failing disclose that the project is located in a PAKO zone. The response also states, without substantiation, that there is no indication that the project would interfere with animal keeping, where the project would plainly alter the rural nature of the area. (DEIR p. 5-5)

Response to JS-7 is incorrect. Specifically, the comment stated that the assumption of zero VMT for on road truck travel was erroneously assumed in the Air Study. At Appendix A, page 1 Phase: Fine Grading 7/1/2009-7/15/2009 (Phase 2 Grading), the air study plainly states On Road Truck Travel as zero. The air quality analysis remains flawed and understates impacts from fine grading.

Response to JS-14 and other comments apply a too strict standard for evaluating mitigation measures proposed by commenters on a DEIR. A commenter need not demonstrate the quantitative efficacy of a measure nor a nexus between each mitigation measure presented and its benefit. This demonstration of need and nexus is a requirement of the measure itself to be determined by the lead agency. (Guidelines 15126.4(a)(4) and (5).) Rather, a commenter need only suggest specific alternatives and/or mitigation measures that would avoid or mitigate a significant effect. (Guidelines § 15204(a).) The comment states that measures proposed will reduce construction air quality emissions.

Moreover, the mitigation measures deemed "incorporated" per JS-14 are not actually incorporated as project mitigation at MM 4.3.8. Namely, the "mitigation" does not apply to the project itself, but instead must be notated in "Grading plans, construction specifications and bid documents…" The measures may not be implemented for construction of the project itself while still complying with the terms of MM4.3.8, namely by adding a notation within the construction documents. Hence, this supposed incorporation of mitigation measures does not actually occur, and not all feasible mitigation has been required of this project. MM4.3.8 is uncertain and unenforceable.

JS-14 number 20 is not included in MM 4.3.13 in the Mitigation Monitoring Plan, despite the statement to the contrary. Moreover, MM4.3.13 generally applies to operational impacts and not construction impacts, as evidenced by the timing of monitoring, "Before issuance of first Certificate of Occupancy," and thus will not mitigate for construction emissions. Number 21 is included, but with the limit that "a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit." This is a severe limitation on the measure recommended and such limitation is not disclosed in the response to comments. The mitigation measure *as recommended* must be adopted.

Response to JS-15 is unresponsive to the comment made regarding the need to note variances from URBEMIS defaults for informational purposes. The comment does not state that variances from defaults are improper, as the response asserts, but merely that they must be disclosed.

Response to JS-17 alleges that, "The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility." This is simply untrue. The lead agency may adopt mitigation measures, such as those recommended by the commenter requiring that lessees/purchasers become SmartWay partners, meet 2010 air quality standards or better, etc.

Response to JS-19 has the same problems as the response to JS-14, ***namely that almost all of the mitigation measures deemed "incorporated" at MM4.3.13 are not actually incorporated as certain and enforceable mitigation measures of the project.*** Instead, MM4.3.13, bullet 7, merely requires that, "Lease/purchase documents shall identify that tenants are *encouraged* to provide incentives to realize the following…" [emphasis added]. Hence all that is required is a *written provision* in the lease/purchase documents *encouraging* the use of incentives, not any actual requirement that mitigation be implemented. These repeated untruths in the response to comments cause the FEIR to fail as an informational document and are completely contrary to CEQA policy that mitigation be certain and enforceable.

Likewise, JS-19 number 19 is not incorporated into mitigation as stated in the Response and is vague and uncertain. In 4.3.10 (not 4.3.11 as stated), the mitigation required is that "All entrances shall be *posted with signs* which state: ...Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes..." [emphasis added] The mitigation does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-30 is unresponsive to the comment made regarding insufficient project noise mitigation. Response to JS-31 provides no reason for failing to incorporate the performance standard of noise barriers which will reduce noise at sensitive receptors to no more than 60dBA Leq, particularly.

Response to JS-33 (1) refuses to incorporate mitigation measures which would reduce significant construction noise impacts without finding that such mitigation is infeasible. Instead, the response merely states that such mitigation is not required, but is only recommended, by the Noise Impact Analysis. CEQA provides that agencies may not approve projects for which feasible mitigation measures exist which would reduce a project's significant environmental effects. Here, the comment suggested feasible mitigation to reduce construction noise impacts which were, in turn, recommended in the Noise Impact Analysis. Such mitigation is not shown to be infeasible, and therefore must be incorporated in the project. At (4), the mitigation at 4.3.8 is inadequate and unenforceable. At (5), MM 4.3.10 does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-34 incorrectly insinuates that, in determining a projects noise impacts, the noise from transportation/trucks should be omitted. While ambient noise may not be included to determine a project's noise impacts, impacts directly related to the project's operations must be included in the EIR's determination, as they are incorporated into the whole of the project. This response is also greatly unresponsive to the comment made.

Response to JS-35 merely restates the EIR and does not evidence a good faith response to the comment made. Specifically, the comment notes that the EIR does not provide data regarding groundbourne vibration levels nor evaluate potential impacts to people. The response repeats these issues, but fails to address them in the EIR, or alternatively to provide a reason for failing to correct the EIR.

Response to JS-39 does not evidence a good faith, reasoned response to the comment made and does not adopt feasible mitigation to reduce project noise impacts.

Response to JS-40 is unresponsive to the comment made regarding impacts to 1-215. The response instead dissolves into a discussion of SR-60.

Response to JS-42 (5) and (6) are included at MM 4.3.8, but in a manner which is unenforceable and requires zero actual mitigation to occur, as discussed above regarding JS-14. Numbers (7)

and (8) are not included at MM 4.3.8 at all, despite the statement to the contrary in the response to comments.

Response to JS-53 is conclusory and does not evidence a good faith, reasoned response to the comments made.

Other Responses to Comments

Please note that many responses to comments are repeated throughout the FEIR. The evaluation of inadequate responses below will often refer only to the first time the response is given, where such responses are repeated. Moreover, such inadequacies are likely discussed with regards to responses to Johnson & Sedlack's comments above.

- Response to CDFG-10 does not provide a good faith reason for failing to require a 3:1 replacement ratio of riparian habitat as recommended by CDFG. Specifically, CDFG stated that, "The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or offsite at a minimum 3:1 replacement-to-impact ratio…" The response cites no reason based on substantial evidence in the record for failing to incorporate this mitigation.
- Response to EMWD-2 is inadequate and conclusory. The commenter noted that impacts from construction will likely create impacts to service which must be evaluated in the EIR. However, the response states, based on no evidence in the record, that the conclusions of the Draft EIR are not affected by the inclusion of this potential impact in the EIR's analysis. Such analysis must first be conducted in order for this conclusion to be made.
- Response to RCFC-3 does not respond to the comment made. The commenter stated that the Project must *demonstrate consistency* with the MSHCP, not that the project must comply with the MSHCP requirements. A project may comply with the MSHCP requirements and still be inconsistent.
- Response to MA-4 is conclusory and not based on reasoning or evidence in the record.
- Response to MA-7 is unresponsive to the comment made regarding impacts to freeways, overpasses, and roads which will not receive the fees paid by this project for improvements and for which improvements are uncertain. The response also seems to suggest that the project will be gifting massive sums of money to the state and region for improvements. This response fails to state, however, that the fees to be paid by this project are for the purpose of mitigating this project's environmental impacts.
- Response to MA-10 is contradictory and does not respond to the comment made. The response states that project traffic will not pass through residential neighborhoods, while noting that properties adjacent to the access road to the site are designated residential. Moreover, the comment made stated that trucks often pass through "or near residential areas." Also, the comment clearly states that, for truck impacts *to roadway surfaces*, 1 truck =1,000 cars. The referenced portion of the EIR instead discusses traffic/ truck volume impacts, not necessarily impacts to roadway surfaces.

- Response to LA-2 does not respond to the comment made which inquires which mitigation measures were found to be infeasible and will not be required of this project.
- Response to LA-3 is unresponsive to the comment made. The comment inquires what protection measures against Diesel PM will be implemented for the warehouse workers, and the response merely states that the impacts to on-site workers are not analyzed in the EIR. Nonetheless, mitigation measures, conditions, and project design may implement *protection* measures. Also CAL/OHSA may require additional worker protection measures. The FEIR is thus unresponsive to the comment made.
- Response LA-4 is conclusory and states, without reference to any evidence in the record that, "No potentially hazardous materials, beyond those described [paint, solvents, fertilizers, etc.] are anticipated to be handled at the site." There is simply no basis for this conclusion. The remainder of the commenter's concerns regarding spills and smoke plumes are unaddressed.
- Response to LA-5 states that the level of LEED certification cannot be determined as the tenants and uses are unknown. However, it would be feasible to require at least LEED silver certification by contract specification. If a higher LEED certification was deemed possible, there is no bar from achieving that higher level.
- Response to GB-2 is unresponsive to the comment made. Namely, the commenter merely asked what "environmental aspects" of the site are missing from the Geotechnical investigation. This question remains unanswered in the response.
- Responses to GB-5, GB-7, and GB-9 neither make needed changes to the EIR nor provide good faith, reasoned responses for determining not to make those changes. Specifically, the commenter asked why the Casa Loma fault was not included in the EIR when it is proximate to the project. The responses ignore the EIR's role as an informational document and determined that, since the project would nonetheless comply with the California Building Code, such information could be omitted. This is contrary to the information disclosure requirements of CEQA. Likewise, the response at GB-5 notes that the Casa Loma fault was likely not included in the UBCSEIS database. None of these three responses, however, support a determination that the project will not be impacted by this fault.
- Response to GB-8 is unresponsive to the comment made.
- Response to GB-10 neither makes needed changes to the EIR nor provides good faith, reasoned responses for determining not to make those changes. The commenter points out scenic resources which were unincorporated into the EIR and the DEIR description, and the response seems to concur that these scenic resources are significant and were omitted. Beyond such concurrence, however, no changes are made to the EIR or explanation given for determining not to make those changes.
- Response to CCA-1 is unresponsive to the comment made. The commenter specifically asks what mitigation will occur for cumulative traffic and diesel impacts. No response to this inquiry is given.
- Response to CCA-2 is likewise unresponsive to the inquiries made regarding noise impacts and mitigation for cumulative impacts.
- Response to CCA-3 does not evidence that the project adopted all feasible mitigation. Comment CCA-3 recommended additional and certain mitigation which was not discussed in the response and not determined to be infeasible. Such measures as retrofit

all trucks and phase them in over a period of time must be included to reduce the project's air quality impacts.

- Response to FNSJ-3 is unresponsive to the comment made. The commenter stated that agricultural impacts for this project were deemed potentially significant and should be mitigated through the purchase of conservation easements. The response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc. (Guidelines § 15152) Here, the commenter plainly states that such potentially significant impacts could be reduced through purchase of conservation easements, and the comment should be given substantial consideration.
- Response to FNSJ-4 does not find that it is infeasible to require that off-road heavy construction to meet CARB Tier III or better certification. Such mitigation is feasible and would significantly reduce the project's air quality impacts. The measure must be required.
- Response to FNSJ-7 combines many comments and provides conclusory, unreasoned, and unresponsive responses. The response ignores the comment calling for a discussion of air quality impacts to health risks and impacts to biological resources.
- Response to FNSJ-8 combines the response to at least four comments into one, and goes on to ignore several of the comments made. For instance, there is not response made to the comment that growth inducing impacts on air quality were not evaluated.
- Response to FNSJ-12 does not evince a good faith, reasoned response to the comments made that impacts from global warming on the project must be analyzed; potentially exacerbated project impacts as a result of climate change must be analyzed; and global warming impacts on water supply and flooding must be analyzed.
- Response to FNSJ-16 does not respond to the question raised regarding onsite eating facilities.
- Responses to FNSJ regarding mitigation measures (FNSJ-18-20) seem to state that the *commenter* need to demonstrate that mitigation is either required or a nexus such that mitigation is necessary. This is not a showing required of a commenter in proposing mitigation; this is a requirement of the measure itself to be determined by the lead agency, as discussed above. (Guidelines 15126.4(a)(4) and (5).)
- Response to FNSJ-22 notes that four of the alternative sites considered are not available, yet irrationally concludes that by considering four unavailable and impossible alternative sites, a reasonable range of alternatives was considered. None of these "alternatives" may be included in the range of alternatives considered when, in fact, only Alternative Site 5 was considered. The response also does not address the issue of quantification of impacts raised by the commenter.
- Response to SG-1 is unresponsive to the comment made. The commenter notes the potential for blight in the area due to unoccupied buildings, aesthetic impacts, and long term growth inducing impacts from the zone change. No response is made to these issues.
- Response to SG-8 does not respond to the issue raised of reinforcing the roof and installing solar panels.

- Response to HF-1 is unresponsive to the comments made and fails to demonstrate a good faith, reasoned response.
- Response to SM-3 is conclusory and fails to provide reasoning. Likewise, NDN-5. The project fails to incorporate feasible mitigation recommended previously by Johnson & Sedlack, discussed above, including mitigation recommended in the Noise Impact Study.
- Response to DR1-6 is unresponsive to the comment made suggesting an alternative site by March Global Port.
- Response to SC-4 does not respond to what time of day truck trips are expected, merely that the project is assumed to be operation 24/7. This is unresponsive to the comment made and fails to provide any hourly expectations, particularly during peak hours.
- Response to TT-7 does not find it infeasible to require additional wall offsets in order to mitigate for aesthetic impacts. Instead, the response purports to defer this potential mitigation to a later time. This is improper and this mitigation measure must be required of the project.
- Response to TT-11 does not incorporate or find infeasible the mitigation recommended including requiring that a percentage of the fleet vehicles of tenants be low or zero emission and requiring soot filters or the latest available technology.
- Response to RJ-C-1 is unresponsive to the comment made.

Mitigation Monitoring Plan:

The following comments on the MMP are in addition to comments made previously in the "Text Revisions" section.

Traffic:
Many of the traffic mitigation measures state that the improvement will be funded through participation in the TUMF, DIF, or other fair share program. It is unclear in the MMP, however, whether the applicant need only pay into the program prior to issuance of the first building permit, or whether the improvements must be completed prior to issuance of the first building permit in order to mitigate for the traffic impacts listed. This should be clarified so that mitigation is certain and enforceable in the monitoring program.

Air Quality:
Not all feasible mitigation has been adopted to reduce air quality impacts from the project.

MM 4.3.2 in the MMP does not make the alterations stated in the responses to comments and text revision section (removing "during smog season", etc.) Moreover, trucks should be limited from idling beyond 3 minutes.

MM4.3.4 requires that contractors for the project will use CARB Tier 2 equipment or better. It is feasible to require at least Tier 3 certified or better.

For MM 4.3.6, it is feasible to require that only existing electrical power sources may be used; no diesel or gasoline powered generators shall not be utilized for project construction.

For MM 4.3.8, the language creates uncertain and unenforceable. Measures must only be included in plans and bid documents which may be subsequently altered and are not required of the project itself as written. The language must be changed to delete the introductory statement such that the mitigation measures apply directly to the project. Also, at bullets 6, 8, 9, and 10 which state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically possible." Likewise, at bullet 12, the "greatest extent practical" language must be deleted. As currently written, such mitigation measures are unenforceable and contrary to CEQA. Finally, bullet 14 states that all forklifts used in the operation of the Project shall be electric or natural gas powered, where MM 4.3.8 applies only to construction and construction contracts. This measure should be repeated elsewhere to reduce operation air quality impacts of the project.

MM 4.3.10 represents only one half of the mitigation measure- the posting of signs. An additional mitigation measure and/or monitoring program must be adopted for the second half of the mitigation measure-enforcement of the measures by the on-site facilities manager (or equivalent.) As written, this mitigation measure is uncertain and unenforceable.

MM 4.3.11 requires less mitigation than stated in the EIR. Namely, the EIR and responses to comments have repeatedly stated that the project will surpass Title 24 standards by 20%, yet the mitigation measure actually requires this surpassing of Title 24 by 20% only for "water heating and space heating and cooling." This limitation must be removed from the language of the mitigation measure. It is feasible to require that the project surpass Title 24 by 20% for the project as a whole, and in fact, feasible to surpass Title 24 by 30%.

MM 4.3.13 bullet 7 is completely uncertain and unenforceable. The measure provides that lease/purchase documents shall *note* that tenants are "encouraged" to provide incentives to realize mitigation measures. This introductory language must be removed and the mitigation measures required of the *project itself* through lease/purchase contracts. Moreover, most of the mitigation measures included in MM4.3.13 bullet 7 would reduce air quality emissions, namely Diesel PM, not merely GHGs as stated.

Noise:
Mitigation measures adopted for noise require that "Project plans and specifications shall include a statement that…" Again, no mitigation or monitoring is actually required of the project itself, only the written documents. No mitigation of project impacts is certain to occur.

MM4.4.2 is unenforceable, as the language of the measure requires that equipment be staged in areas that will create the "greatest distance" between noise and off-site receptors. A minimum distance or performance standard must be required to ensure that the distance chosen mitigates noise impacts.

MM 4.4.3 is uncertain, as it requires that haul routes not pass sensitive land uses or residences "[t]o the extent feasible." This feasibility language must be removed so that this measure is certain and enforceable.

MM4.4.4 is unenforceable as it provides for the "maximum reduction for noise sensitive uses." Some performance standard or specific type of noise curtain must be specified to ensure that the maximum reduction for noise sensitive uses actually occurs.

Water Supply:
There is no monitoring plan for MM 4.5.4.

Cultural Resources:
The mitigation and monitoring for MM 4.7.2 must occur throughout excavation and grading activities, not "Prior to issuance of first Certificate of Occupancy."

Alternatives:
A substantial number of comments concern the consideration of an inadequate range of alternatives, namely the *consideration of only one viable alternative site*. Alternative Sites Nos.1-4 are unavailable and were presumably included in the EIR in order to deceive the public and decision-makers into believing that an adequate range of alternatives was considered. The responses to comments concur that only Alternative Site No.5 was a viable alternative. (*See,* Response to FNSJ-22) Additional alternative sites must be considered for this project in order for there to have been consideration of a reasonable range of alternatives.

Statement of Overriding Considerations:
A statement of overriding considerations is improper with this project as the project will have extensive environmental impacts, as discussed above, yet only minimal project benefits. The project will have adverse impacts to/from the following: aesthetics, air quality, noise, and transportation/traffic. This includes substantial concerns for human health, including health risks from air pollutant emissions and health risks from excessive noise. These are major environmental risks which must be deemed offset by the economic, legal, social, technological, or other benefits of the project. (Guidelines § 15093(a).) This project will generally only benefit the developer of the warehouse. Yes, the project could create some new jobs in the area and generate some annual taxable sales, yet as noted by many commenters, warehouses already developed in the area remain vacant. These speculative benefits are comparatively insubstantial when compared to project risks. A statement of overriding considerations cannot be adopted for this project.

Thank you for your consideration of the above comments.

Sincerely,

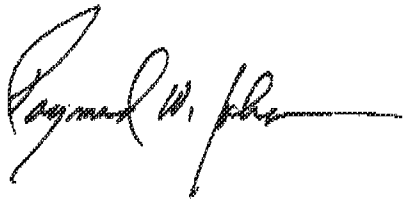

Raymond W. Johnson
JOHNSON & SEDLACK

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MV00002699

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: May 12, 2011 May 12, 2011
jeffreyb@moval.org

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Final Environmental Impact Report (Final EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be considered prior to certifying the Final Environmental Impact Report (Final EIR) as appropriate.

The proposed project will result in at least 856 trucks per day serving a warehouse that is approximately one million square feet. As a result, the AQMD staff is concerned about the significant air quality impacts and elevated cancer risk impacts to sensitive receptors (i.e., residences adjacent to the project site) from the high volume of diesel truck traffic generated by the proposed project. On December 10, 2010 the AQMD staff provided comments on the draft EIR regarding these impacts and expressed specific concern about the project's air quality analysis and health risk assessment (HRA). Further, AQMD staff suggested a list of mitigation measures to reduce the project's significant air quality impacts.

On May 2, 2011 the AQMD staff received the response to comments in the most recent staff report. Upon review of this document we continue to have concerns regarding the project's significant air quality impacts, potential deficiencies in the health risk assessment, mitigation measures and land use compatibility. Specifically, the AQMD staff recommends that the lead agency revisit the operational profile in the HRA to ensure that it is consistent with the traffic study. Also, given that the proposed warehouse project will require a significant number of trucks that travel adjacent to residential land uses the AQMD staff recommends that the lead agency provide additional mitigation to

reduce the project's significant truck emissions and revisit the size of the proposed setback between the trucks serving the project and future and current residential uses. Details regarding these concerns are enclosed.

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC110428-02
Control Number

1. Health Risk Assessment Methodology

AQMD staff originally commented on potential methodological deficiencies in the HRA presented in the Draft EIR. We appreciate the response to those comments, and have the following comments based on those responses. AQMD staff is still concerned that the HRA methodology in the Draft EIR may underestimate potential health risks to nearby sensitive receptors based on the following points.

- The HRA source geometry does not reflect the layout of the proposed building as detailed in Figure 3.5-4 of the Draft EIR and Exhibit 5-4 of the Transportation Impact Analysis (TIA) appendix. The primary difference between the modeled approach and the project description in the EIR is the location of truck entrances to the facility. The project description and TIA indicate that up to 80% of the truck traffic serving this facility will travel along the future Eucalyptus Avenue, just south of the site. However the HRA assumes that the majority of truck traffic enters the facility through eastern and western entrances, and that Eucalyptus Avenue only accommodates 29.7% of all truck traffic. This discrepancy yields an underestimation of approximately 430 truck trips per day travelling along Eucalyptus Avenue. Without considering the diesel emissions from these trips, the risk reported for the residential receptors located closest to the facility just south of Eucalyptus Avenue will be underestimated.

- The HRA underestimates the amount of trucking activity that will occur onsite by not including onsite traveling emissions. Given the significant size of the project, each truck can be expected to travel approximately ¼ mile in the southern truck entrances and loading areas onsite and nearly ¾ mile in the northern loading areas and western entrance. With 856 truck trips per day, this omission yields an underestimate of approximately 200 miles of onsite trucking activity per day. Without including the diesel emissions from this activity, the health risk reported in the Final EIR is underestimated.

- The proposed mitigation measure of reducing idling to a total of 3 minutes onsite for each truck may not be achievable given the description included in the EIR. For example, it is unclear how the project proponent will enforce the measure with 856 trucks per day (equal to approximately two truck trips onsite each minute of a 24 hour day) on a 50+ acre site with 173 docks and 175 truck parking stalls. The lead agency should either include specific provisions that establish how this measure will be enforced (e.g., onsite staff dedicated solely to monitoring diesel activities), or revise the HRA to include a more realistic composite onsite idling time of 15 minutes per truck (5 minutes entering, 5 minutes onsite, 5 minutes exiting).

2. Land Use Compatibility Mitigation

AQMD staff appreciates the inclusion of the proposed amendment of Municipal Code 9.05 as a part of this project. This amendment requires that industrial and warehouse projects greater than 50,000 square feet in size be separated from any residential district

by a distance established by an air quality or noise analysis, with a minimum of a 250-foot setback. This is a forward-thinking measure; however, its overall effect may be substantially reduced by not including a cumulative analysis of the primary truck route serving the facility in the distance measurement. For example, in the current project over 680 truck trips per day serving this facility will pass adjacent to a residential district south of the future Eucalyptus Avenue. This significant trucking activity may produce emissions that surpass those produced in the southern loading area. However, as written the setback area is measured from the loading area, not the truck route. AQMD staff recommends that the lead agency include truck routes within this amendment.

3. Regional and Localized Air Quality Mitigation

AQMD staff appreciates the addition of a mitigation measure in the Final EIR to address diesel emissions from trucks. However, given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.13 to ensure that these impacts are minimized. Specifically, the lead agency should revise the aforementioned measure to extend this requirement to any fleet owners/operators that serve the proposed project; therefore, the measure should be revised as follows:

- Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.

- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project and/or fleet owners and/or operators that serve the proposed project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.

Information about various funding programs can be found the following websites:

- http://www.aqmd.gov/tao/Implementation/index.htm and

- http://www.arb.ca.gov/msprog/truckstop/azregs/fa_resources.php

From: Paul Claxton
Sent: Wednesday, May 11, 2011 5:42 PM
To: Jeffrey Bradshaw; John Terell; Grace Espino-Salcedo
Subject: West Ridge Commerce Center

Mr. Bradshaw, Mr. Terell, and Ms Espino-Salcedo,

I am writing to express my concern about plans to put in another nearly one million square foot warehouse.

I bought my home ten years ago in a very different Moreno Valley. I work at March Air Force Base and when we moved here from Washington state my family looked at a number of towns in the area – Corona, Riverside, and Moreno Valley among others. What struck me about Moreno Valley was the beautiful east end of ranches and open land. The city struck me as a pleasant bedroom community to raise my family, grow old, and retire in. That's no longer the case. The city seems hell bent into becoming another Ontario or San Bernadino full of warehouses, lower wage jobs, traffic, noise, pollution, crime, and high taxes. Sorry, I am at a point in my career that I can afford to pull out and move if I have to and it is very apparent to this frog that the pot is on the range top and the water is getting warmer. The crime rate is already soaring with the violence brought here by the gangs and the drugs they freely peddle on our streets without having to drive out more tax payers for additional renters and section 8 housing.

I live just a couple short miles away from this second stake into the heart of the valley. The Sketcher's warehouse has yet to open and I can hardly wait for 200 semi-trucks an hour to roll down the 60 freeway, Ironwood and other side streets creating noise and pollution. This warehouse hasn't created another job in the city yet, I find it hard to imagine that people would sell their homes in Ontario and move here to be 15 miles closer to work, unlikely.

Paul Claxton
Moreno Valley

ATTACHMENT 28

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MV00002705

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **ADOPT** Ordinance No. 2011-831, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

ADVISORY BOARD RECOMMENDATIONS

On April 14, 2011, the Planning Commission conducted a public hearing to review proposed revisions related to lighting for general site, street and athletic field/park lighting citywide. At the conclusion of the public hearing and Commissioner debate, the Commission unanimously recommended that the City Council not amend lighting provisions within the Municipal Code to include a dark sky emphasis for general site, street and athletic field/park lighting.

The Planning Commission stated a number of reasons for their recommendation for denial including, but not limited to, their belief that the proposed dark sky ordinance revisions to existing Municipal Code lighting standards would be intrusive to both residential homeowners and commercial/industrial projects, curfew lighting having the potential to create reduced lighting conditions and the potential for reduced lighting within parking lot peripheries. The Commissioners mentioned that the reduction of lighting in the later night hours may lead to potential public safety issues and that some provisions such as the night lighting curfew and light wattage requirements may be difficult to enforce.

BACKGROUND

On October 20, 2009, the City Council provided direction for staff to review existing lighting standards and provide proposed dark sky provisions for consideration. The review of existing lighting ordinance standards is a direct result of the settlement agreement reached on January 7, 2010, between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project and the Skechers warehouse building.

The current City of Moreno Valley Municipal Code lighting requirements include provisions to curb on-site lighting such as the current limit for lighting at property lines to a maximum of 0.5 foot candle and residential lighting fixture limit of twelve feet in height. Some of the current lighting standards however, do not facilitate a dark sky approach or assist in promoting energy efficiency. For example, the City currently requires that parking lots and other public spaces be lit “from dusk to dawn” which exceeds the hours of operation for most retail and non-retail properties, especially office and religious establishments.

Research conducted by the Planning Division found that only a few cities had adopted dark sky ordinances. Surrounding cities such as Riverside, Perris and Redlands have not adopted dark sky ordinances. Although the settlement agreement suggested utilizing standards from the City of Palm Desert, a combination of ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas, San Diego and other cities were reviewed. Standards within these ordinances and draft guidance standards by the International Dark-Sky Association were the basis for the revised lighting provisions.

The primary purposes of changing current lighting practices and drafting a dark sky ordinance include**:**

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the negative effects of night lighting.

DISCUSSION

Pursuant to the direction provided by the City Council, staff developed revised onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields for City Council consideration. Based on provisions within the settlement agreement, staff was to report back to City Council with draft lighting requirements and recommendations for consideration without commitment to adopt an ordinance.

Some of the major modifications proposed to the existing lighting standards include:

- Revised development and performance standards including maximum wattage of light bulbs for single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);
- All lighting to include full cutoffs to prevent excess trespass for residential-multiple family and all non-residential properties.
- A further reduction of permitted light trespass or spillover lighting on adjacent properties for all non-residential and multi-family residential properties to not exceed 0.25 foot candle minimum maintained lighting measured from within five (5) feet of any property line consistent with language in the Palm Desert ordinance. This compares with the existing ordinance standard to not exceed 0.50 foot candle at the property line.
- The inclusion of height limits for hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet; and non-residential lighting height limits of 30 feet, except within 100 feet of a residential use, where the maximum height would be 20 feet and walkway/courtyard lighting with a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting for non-residential uses requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.
- The addition of athletic field lighting standards to include horizontal cutoffs to reduce vertical lighting above the fixture for new lighting and retrofit fixtures and a maximum lighting value for lighting recreational athletic fields to be an average maintained 50 foot-candles.

- The modification of existing street light standards to indicate that the installation of street lighting is solely for the purpose of illuminating the public right of way in conformance to the city street lighting standards, which include the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

In the process of updating current lighting standards, staff established a subcommittee with members from the departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utility and Parks and Community Services. All department representatives of the subcommittee assisted in drafting revised lighting language, reviewed draft dark sky lighting standards, and have agreed to the proposed modifications as presented and attached to this report in cross-out/underline and clean copy formats.

ALTERNATIVES

1. Based on the recommendation of the Planning Commission, reject the proposed draft dark sky lighting modifications and not take action on the ordinance.

2. Approve the proposed draft dark sky lighting ordinance as written.

3. Approve the proposed draft dark sky lighting ordinance with modifications. The Council could elect to remove or modify items such as the lighting curfew, provisions modifying additional spill-over lighting adjacent to adjoining properties or restricting wattage of lighting for residential and/or non-residential properties.

4. Return the proposed dark sky lighting ordinance back to the Planning Commission with further direction.

NOTIFICATION

Public notice of the proposed Municipal Code Amendment was published in the local newspaper as a 1/8 page display ad on June 24, 2011, and was mailed to the Sierra Club.

ATTACHMENTS

1. Public hearing notice
2. City Council Ordinance, including clean copies of the Ordinance amendment
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.
8. Planning Commission Report dated April 14, 2011, excluding attachments
9. Planning Commission Minutes of April 14, 2011

Prepared By:
Mark Gross, AICP,
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00002711

NOTICE
OF
CITY COUNCIL
PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT (PA10-0022) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS", AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The amendment would modify current lighting provisions including, but not limited to the refinement of existing code standards for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties and a dark sky approach citywide.

The City Council may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk or City Council on or before the following meeting date:

Tuesday, July 12, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

A7 **Item No. E.4**

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MV00002713

ORDINANCE NO. 831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use.

ATTACHMENT 2

All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting should not cause nuisance levels of light or glare on adjacent properties.

2. **Conformance with Zoning Regulations –** The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

   FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

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

   FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as residential hillside and open space areas. Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environmental, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to

adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

EXHIBIT A

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be

beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type_and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of maintained lighting.

2. Aisles and passageways related to and within a building complex, during the hours of darkness, shall be illuminated with a maximum of one-half (0.50) to one (1) foot candles of maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure not to exceed a height of eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

2. Lighting should improve the visual identification of residences and businesses.

3. Energy efficient lighting of buildings is encouraged.

4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements.

5. The location, color and intensity of private lighting should relate to and complement public lighting.

6. Lighting fixture design should complement the overall design theme of the project in which they are located.

7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare.

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

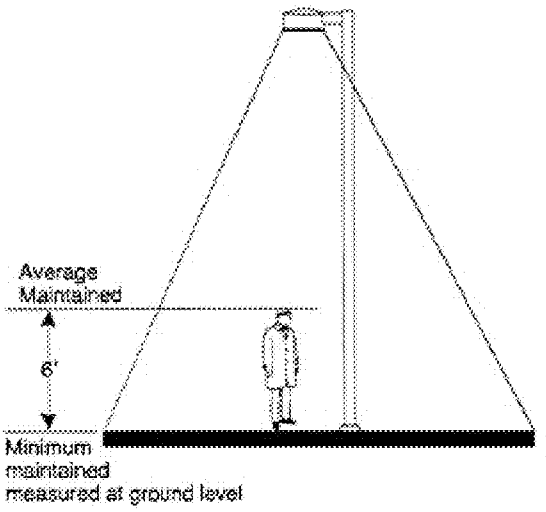

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

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MV00002731

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. ~~Each~~ Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to ~~these~~ illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

ATTACHMENT 3

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

~~A.~~ a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the nonresidential use~~ measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

~~B.~~ a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface ~~from dusk until dawn~~, unless otherwise approved, for visibility and security ~~over the entire parking surface~~. ~~Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines~~. ~~Each parking area of five or more spaces existing prior to the effective date of the ordinance codified in this chapter which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements.~~ Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the non-residential use~~ measured from within

five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of ~~minimum~~ maintained lighting.

2. Aisles and passageways ~~and recesses~~ related to and within a building complex, during the hours of darkness, shall be illuminated ~~to~~ with a maximum of one-half (0.50) to one (1) foot candles of ~~minimum~~ maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

~~7. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor

light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

~~C. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:~~

~~1. The operation of searchlights for advertising purposes; and~~

~~2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.~~

~~D. Overhead roof lighting is prohibited.~~

~~E. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.~~

~~F. All exterior commercial doors during the hours of darkness shall be illuminated with one footcandle, minimum maintained of light on the surface.~~

~~G. Aisles, passageways and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to one-half footcandle, minimum maintained on the surface.~~

~~H. All lighting shall be enclosed in vandal-resistant fixtures~~.

~~I. General Guidelines.~~

~~1. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.~~

~~2. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.~~

~~3. All exterior lighting shall be shielded to prevent spillover onto adjacent properties.~~

~~4. Industrial and manufacturing developments shall provide adequate lighting for safe and secure on-site parking, loading, storage, receiving and pedestrian areas.~~

~~5. All exterior doors on commercial structures shall be illuminated with a "minimum maintained" of one footcandle of light on the door surface during hours of darkness.~~

~~6. Aisles, passageways and recesses within a building complex shall be illuminated with a "minimum maintained" of one-half footcandle of light during hours of darkness.~~

~~7. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~8. In multifamily developments, laundry rooms shall be well-lit at all times they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.~~

~~9. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

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MV00002741

~~9.08.190 Street lighting.~~

~~A. Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~B. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~1. A utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~2. A municipally-owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~C. If a utility-owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~D. If a municipally-owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~E. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility-owned system and the public works director. (Ord. 359 (part), 1992)~~

ATTACHMENT 4

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MV00002743

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

ATTACHMENT 5

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure ~~of not more than~~ not to exceed a height of ~~twelve (12~~) eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

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MV00002747

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

~~2. Parking lot and walkway lighting fixture height and brightness should conform to the following table:~~

~~Table 9.16.280A~~

~~Site Lighting~~

-

~~Lamp Types and Characteristics~~

~~Type~~	~~Characteristics~~
~~Low Level~~	~~Heights below eye level~~
-	~~Very finite patterns with hour wattage capabilities~~
-	~~Incandescent, fluorescent~~
-	~~Lowest maintenance requirements, but highly susceptible to vandals~~
~~Mall and Walkway~~	~~10′ – 15′ heights average~~
-	~~Multi-use because of extreme variety of fixtures and light pattern~~
-	~~Incandescent, high pressure sodium~~
-	~~Susceptible to vandalism~~
~~Special Purpose~~	~~20′ – 30′ heights average~~
-	~~Recreational, commercial, residential, industrial~~
-	~~Metal halide, high or low pressure sodium~~
-	~~Fixtures monitored by sentry~~

ATTACHMENT 6

~~3.~~ 2. Lighting should improve the visual identification of residences and businesses. ~~Within commercial areas, lighting should help to create a festive atmosphere by encouraging nighttime pedestrian use.~~

~~4.~~ 3. Energy efficient lighting of buildings is encouraged.

~~5~~. 4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements. ~~and should be de-signed either to uplight structures from the ground or to downlight structures from projecting or detached architectural elements.~~

~~6.~~ 5. The location, color and intensity of private lighting should relate to and complement public lighting.

~~7~~. 6. Lighting fixture design should complement the overall design theme of the project in which they are located.

~~8. Fixtures should be placed so that light patterns overlap at a height of seven feet, which is sufficiently high to illuminate a person's body vertically. This is a particularly important consideration now that lighting fixture manufacturers are designing luminaries with highly controlled light patterns.~~

~~9~~ 7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

~~10~~ 8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare. ~~Most eye levels occur between three feet eight inches (for wheelchair users) and six feet for standing adults.~~

~~11. When walkway lighting is provided primarily by low fixtures, there should be sufficient peripheral lighting to illuminate the immediate surroundings. Peripheral lighting provides for a better feeling of security for individuals because they can see into their surroundings to determine whether passage through an area is safe. Such lighting should be approached from one of two ways:~~

~~a. By lighting the area so that an object or person may be seen directly; or~~

~~b. By lighting the area to place an object or a person in silhouette. (Ord. 698 § 3.1(g), 2005; Ord. 359 (Attach. 2 (part)), 1992)~~

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

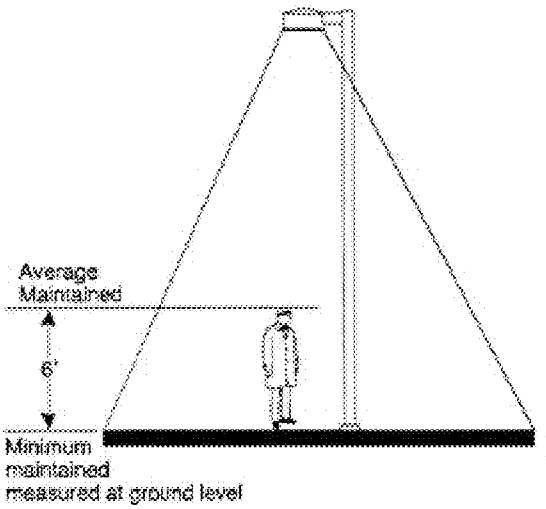

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

ATTACHMENT 7

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MV00002751

PLANNING COMMISSION STAFF REPORT

Case:	PA10-0022
Date:	April 14, 2011
Applicant:	City of Moreno Valley
Representative:	Same as above
Location:	Citywide
Proposal:	Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general site, street and athletic field/park lighting citywide.
Redevelopment Area:	N/A
Recommendation:	Recommend ordinance amendment to City Council

SUMMARY
The Planning Division of the City of Moreno Valley proposes modifications to various sections of Title 9 of the Municipal code to refine existing lighting standards to provide for better viewing of the night sky ("dark sky"). The amendment proposes modifications to onsite, athletic field/park and street lighting to minimize light pollution and trespass. All newly establish developments citywide will be subject to the proposed revisions to the code.

ATTACHMENT 8

Item No. E.4

BACKGROUND

At the October 20, 2009, Study Session, the City Council provided direction to review the City's lighting standards based on the International Dark-Sky Association (IDA) recommendations and dark sky ordinances from other communities. This review was identified in the Settlement Agreement between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project. The review also reflects previous development review projects located within the rural and hillside residential areas within the north and east portions of the City.

The underlying principles of the proposed lighting standards/dark sky ordinance are to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky;
- Curtail and reverse degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Based on information from the IDA, the assumption that more light always results in better safety and security is not supported. Only the right amount of light, in the right place, at the right time should be necessary. In most instances, providing more light or creating bright areas often leads to glare and reduced visibility as well as wasted light and energy. The IDA recommendations call for the use of the lowest feasible wattage lamp. The maximum wattage recommended for most commercial applications is 250 watts of high intensity discharge lighting.

The current City Municipal Code includes provisions to curb on-site lighting. The Municipal Code requires that "lighting shall be adequate to help ensure a safe environment, but not cause excessive glare or intense light." All non-residential lighting is required to be shielded to avoid glare and prevent light spillage over property lines or into the public right of way. The lighting at property lines is limited to a maximum of 0.5 foot candle. The minimum lighting required in parking lots, pedestrian walkways and other areas accessible to the general public is 1 foot-candle and the maximum is 8 foot-candle to provide adequate nighttime visibility without creating excessive glare. Lighting standards are verified by a review of a point by point lighting plan showing the foot-candle lighting for closely spaced points across a site based on the fixtures proposed for the on-site use. Residential lighting is limited to twelve feet in height, below the typical eave line for a house. Finally, the stated intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are an inherently characteristic of hillside areas.

PROJECT ANALYSIS

In order to comply with the direction provided by the City Council at their October 20, 2009 Study Session meeting and the Settlement Agreement between the Sierra Club, Highland Fairview and the City of Moreno Valley, staff is presenting the Planning Commission with revised Municipal Code standards for lighting. Staff has included specific updated standards relating to onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields.

Research conducted by the Planning Division found that very few cities had adopted dark sky ordinances. For example, surrounding cities such as Riverside, Perris and Redlands did not have adopted dark sky ordinances. The majority of the cities who have adopted dark sky ordinances were found to be more rural, desert and tourist areas where climate conditions more easily allow the viewing of the stars and night sky. While the Settlement Agreement specifically identified consideration of standards from the City of Palm Desert, staff also reviewed ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas and San Diego and other cities, and the IDA recommendations.

Based on the review of existing Municipal Code standards and other communities dark sky ordinances, staff has proposed updated standards in Attachment 3 of this report. Many of the standards in the existing ordinance were used; however a number of items from IDA recommendations and ordinances such as Palm Desert's were utilized to incorporate dark sky practices. The major modifications to the existing lighting ordinance include:

- Revised development and performance standards to include maximum wattage for light bulbs on single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);

- All lighting designed with full cutoffs to fully shield light fixtures on residential-multiple family and all non-residential properties.

- A further reduction of permitted light trespass or spillover lighting onto adjacent properties for all non-residential (commercial and industrial) and multi-family residential properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle. The revised standard is consistent with language provided within the Palm Desert Ordinance.

- The inclusion of lighting height limits on hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet. Non-residential lighting height limits shall be a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.

- The addition of athletic field lighting standards to include horizontal cutoffs to reduce lighting above the fixture for new and retrofit lighting designs and a maximum lighting value used in lighting recreational athletic fields of an average maintained 50 foot-candles.

- The modification of existing street light standards to include the installation of street lighting solely for the purpose of illuminating the public right of way and conformance to the city street lighting standards, including the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

The dark sky standards would apply to all new development and to existing development/parking areas that are enlarged or altered. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to review of a new or revised point by point photometric lighting plan.

Specific language of the above sections of the Municipal Code can be found in Attachment 3 of this report, which includes a strikeout/underline version of the language added and subtracted.

REVIEW PROCESS

Staff originally presented the item to the City Council at the October 20, 2009, Study Session meeting as in conjunction an overall review of City efforts included in the Highland Fairview Corporate Park Settlement Agreement. During the study session meeting, existing and proposed standards were discussed, with the City Council recommending that staff bring back proposals to incorporate guidelines of the International Dark Sky Association and exterior lighting standards of jurisdictions such as Palm Desert which have created dark sky ordinances.

Subsequently, staff established a subcommittee of members from various internal departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utilities and Parks and Community Services. Collectively, all internal departments and representatives of the subcommittee have drafted revised lighting language and/or reviewed draft dark sky lighting standards. All members of the subcommittee have agreed to modify the ordinance as is presented and attached to this report.

The next step in the process is to have the Planning Commission review the proposed amended lighting standards and recommend to the City Council for final review and action.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA10-0022) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines in that there is no possibility that the proposed activity and the modification of existing light standards to further prevent light spillover into adjacent properties and the night sky would create the potential for a significant impact upon the environment.

NOTIFICATION

A 1/8 page public hearing notice for this development code amendment was published in the local newspaper. The Sierra Club was also notified of the meeting.

REVIEW COMMENTS

Staff sent out the final draft of the modified lighting ordinance to eleven (11) lighting designers and experts in the field that have previously submitted photometric lighting plans to the City, inviting any comments on the draft language to be provided. Staff did not receive any comments during or since the 30 day transmittal period.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Prepared by:	Approved by:
Mark Gross, AICP Senior Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-10
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code.
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for

non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.
Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the

proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things

through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I

even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not

changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule

saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old

business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a

stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could

recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of

inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

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MV00002779

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 12, 2011

TITLE: Approval of Concessionaire Agreement with Pacifica University, Inc., for the Cottonwood Golf Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

BACKGROUND

The City has owned the Cottonwood Golf Center since incorporation. During this time, the City has contracted with two concessionaires to operate the clubhouse/pro shop portion of the course. Whether operated by contract or in-house the golf course has always shown an annual deficit. At one time the operational deficit at the Center was more than $350,000 per year. While the deficit has been reduced significantly, it is anticipated that the deficit will be approximately $199,000 for the current fiscal year.

The City has been operating Cottonwood for the last nine years and has been able to somewhat reduce the deficit; however, we have been unable to make the course cost effective. The proposed contract with Pacifica University indicates their interest in being the concessionaire at Cottonwood including the operation and maintenance of the golf course and the management and operation of the adjacent banquet facility. The proposal, if approved, will immediately reduce the deficit by approximately $70,000 and will completely create a self sufficient golf course within four to five years.

DISCUSSION

At the City Council Study Session in April 2010, staff was directed to retain the maintenance and operation of the Cottonwood Golf Center, while trying to reduce the deficit it incurs. For fiscal year 2009/10, expenditures at the golf course were $336,726 while revenues came in around $71,000 for an annual deficit of $265,726. With some aggressive maintenance changes, staff immediately reduced the fiscal year 2010/11 expenditure budget to approximately $289,886. This reduced the overall annul deficit to $199,886.

Staff met regularly with a newly established Golf Course Committee, comprised of residents that utilize the golf course. Working with this committee, the City adjusted the fee schedule, improved marketing to increase play, and brainstormed as to what would be best for the Cottonwood Golf Center. Along with this staff repaired a massive drainage problem, originally projected to cost more than $300,000, but was completed for approximately $20,000.

On February 23, 2011 staff advertised a request for proposal, subsequently receiving four inquiries. Staff and elected members from the Golf Course Committee conducted in person interviews with all interested parties which resulted in a unanimous decision to begin negotiations with Pacifica University.

Pacifica University is a newly formed athletic and sports management institution currently based in Riverside. Staff has a positive working relationship with the college as their men's basketball and baseball teams have been renting the gymnasium at the Conference and Recreation Center as well as Sunnymead Park's Salas Field. Pacifica University is in the midst of forming women's basketball, soccer, and volleyball along with men's soccer and rugby with more teams on the horizon. The proposal from Pacifica University involves the college golf team assuming responsibility for the maintenance and operation of the golf course as well as responsibility for the adjacent banquet area.

There are many advantages to this unique opportunity including the following:

1. Pacifica University will relocate to Moreno Valley with the name Pacifica University of Moreno Valley.
2. Upon expansion the college will be leasing other facilities within the City for their classrooms.
3. Pacifica University has other money backing this endeavor (tuition and investors) which gives the City an opportunity to have a golf course out of debt.
4. Staff at the course (golf team) will have knowledge of this sport which will be great for the players that frequent Cottonwood.
5. Pacifica University is enthusiastic about immediately helping the CSD in constructing a practice hitting area and eventually improving the kitchen to serve prepared food.

6. The University golf team will be promoting the course in the community especially amongst our youth, providing tournaments and leagues in hopes of increasing play at Cottonwood.
7. Lastly the university students and staff will be frequenting Moreno Valley restaurants, stores, and gas stations which obviously help the City's economy.

The details of the proposed agreement are attached but in short allows the University to retain all revenues for the first three years while freeing up staff expenditures, contractual services, and supply expenses currently incurred by City.

It will be necessary for staff to address certain building deficiencies to get this facility up to code and operating efficiently, while the University will be constructing improvements that will make Cottonwood a more inviting place to visit.

ALTERNATIVES

1. Approve the Concessionaire Agreement with Pacifica University, Inc., to maintain and operate Cottonwood Golf Center for a period of five (5) years with a renewal opportunity for 20 additional years.

2. Not approve the Concessionaire Agreement and direct staff to identify alternatives to reduce funding deficit.

FISCAL IMPACT

By approving staff's recommendation, Cottonwood Golf Center will reduce annual expenses by approximately $70,000 this fiscal year, while eventually eliminating the deficit at the course for the first time in the history of its existence.

SUMMARY

Staff and the Golf Course Committee believe the City has a unique and creative opportunity that benefits the entire community and will help the Cottonwood Golf Center become a successful, more attractive area for residents and non-residents to spend their leisure time. Pacifica University is excited about not only operating the course but also becoming part of Moreno Valley.

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A: Proposed Concessionaire Agreement with Pacifica University

Prepared By:
Michael McCarty
Director of Parks and Community Services

Department Head Approval:
Michael McCarty
Director of Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT A

CONCESSION SERVICES AGREEMENT BETWEEN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND PACIFICA UNIVERSITY, INC.
(Cottonwood Golf Center)

THIS AGREEMENT is made and entered into this 1st day of August, 2011, by and between the Moreno Valley Community Services District, a Municipal corporation (hereinafter called the "CSD") and Pacifica University, Inc. (hereinafter called the "Concessionaire") whereby said parties agreed upon the following terms and conditions:

RECITALS.

CSD owns a golf course facility and recreation center and related facilities and property located at 13671 Frederick Street in the City of Moreno Valley, County of Riverside, State of California, known as Cottonwood Golf Center ("Golf Course"). The Golf Course includes a 9-hole golf course consisting of fairways, roughs, sand traps, driving range, water areas, maintenance yard, fencing, lawn, restroom facilities, a golf clubhouse, a pro shop, a parking lot, and the adjacent banquet room. Concessionaire will not have use or be permitted into the two rooms north of the banquet room, and the restrooms in this area can only be utilized until outside restrooms at the Golf Course are repaired. Upon repair the restrooms located inside banquet facility will be closed or reconstructed as monies allow.

Concessionaire represents that it is qualified in the management, operation, supervision, and maintenance of all aspects of golf course properties and their related facilities, and that Concessionaire is qualified to manage, operate, supervise, and maintain the Golf Course.

CSD desires Concessionaire to manage, operate, supervise, and maintain the Golf Course on behalf of the CSD, and Concessionaire desires to and has agreed to do so upon the terms and conditions hereinafter set forth.

AGREEMENT.

1.1 Agreement to Manage and Operate Golf Course.

CSD hereby appoints Concessionaire, and Concessionaire hereby accepts such appointment as the operator of the Golf Course during the Term, with full power and authority to carry out all the duties and responsibilities specified herein, upon the terms and subject to conditions hereinafter set forth.

1.2 Standards of Performance; Fiduciary Duty.

Concessionaire acknowledges that there is a relationship of trust and confidence between Concessionaire and CSD, and that Concessionaire has a fiduciary duty to CSD pursuant to this Agreement. Concessionaire shall use Concessionaire's best skill and judgment in performing its duties and obligations hereunder, and shall at all times provide such management, operating, supervision, and maintenance services in a manner which maintains the good name of the CSD; perform its duties and obligations under this Agreement in an efficient, expeditious, prudent, and economical manner, consistent with the best interest of the CSD, in accordance with generally approved practices and standards followed by similarly situated public golf courses in California.

2.1 General Duties and Obligations.

A. Throughout the term, subject to any restrictions or limitations set forth elsewhere in this Agreement and subject to CSD's approval, Concessionaire shall, at a minimum, do the following:

(1) Fully comply, and cause the Golf Course and all Equipment and Supplies and operation thereof to fully comply with all legal requirements including all laws, statutes, ordinances, codes, orders, rules, regulations, permits, licenses, authorizations, entitlements, and conditions imposed by all federal, state, and local governmental

regulatory agencies and authorities which are applicable as of the date hereof and hereafter become applicable to the Golf Course, the Equipment and Supplies, or the operation thereof, including without limitation, environmental laws.

(2) Apply for, obtain, and maintain in full force and effect, at Concessionaire's expense, all permits, licenses, and authorizations required, whether by CSD, City of Moreno Valley, or by any other governmental agency, that are necessary or appropriate for the management, operation and maintenance of the Golf Course.

(3) Obtain and maintain in full force and effect all insurance required to be maintained by Concessionaire pursuant to this Agreement.

(4) Concessionaire shall diligently and faithfully perform the following services (among others) during the term of this Agreement:

(a) Promote the sport of golf in such a manner that will encourage, and thereby cause, the public to engage in such sport at the Golf Course.

(b) Promote, manage, and arrange for golf tournaments and recreation programs related to the sport of golf at Golf Course.

(c) Manage and conduct the play of golf at Golf Course in such a manner that will permit the public to play in an orderly and non-obtrusive fashion at said golf course.

(d) Operate a pro shop and practice hitting/driving area including, but not limited to, sale and/or rental of golf equipment, non-motorized golf carts, motorized golf carts, and golf-related apparel items.

(e) Maintain an adequate stock of golf merchandise, supplies, and equipment necessary for the operation of a golf shop and in keeping with the demand.

(f) All golf merchandise, supplies, and equipment used in the pro shop operation and practice hitting/driving area shall be the responsibility of the

Concessionaire.

(g) Be responsible for selection, training, and supervision of all pro shop personnel described herein. All payroll related costs, including workers compensation insurance, sick leave, and vacation pay shall be the sole responsibility of the Concessionaire.

(h) Provide close liaison between pro shop management and CSD management in order to aggressively develop methods to improve golf service and build a high level of customer satisfaction.

(i) Generate sufficient revenue to cover expenses of the pro shop operation with a pricing structure partially established by CSD resolution with respect to greens fees, with related prices to be justified by current local market conditions comparable from facility to facility within the county, as per City Council.

(j) Charge and collect from all members of the public who desire to use and play upon said golf course, greens, practice hitting/driving area, and/or lesson fees as from time to time may be established by resolution of the City Council. Fees established by the City Council shall be the maximum fee charged to use and play upon said golf course. Concessionaire may from time to time, with the approval of the Director of Parks and Community Services or his/her representative, provide "discount" and/or "special" rates as a marketing tool to attract additional play. Concessionaire shall not permit, or cause to be permitted, any members of the public to play upon said golf course unless such established greens fees have been collected in advance from such persons.

(k) Concessionaire to maintain a "tee sheet" listing type of fee paid and player's name. Concessionaire shall provide each customer with a receipt for their transaction.

(l) Provide for the sale of food and beverages including beer and

wine in the pro shop located at the Golf Course. Drinking of beer and wine shall be limited to the pro shop/restaurant and not be permitted on the course.

2.2. Throughout the Term, Concessionaire shall, subject to any restrictions or limitations set forth elsewhere in this Agreement, perform or cause to be performed all tasks necessary or appropriate in connection with the ongoing operation, management, supervision, maintenance, repair, and upkeep of the Golf Course. In performing such tasks Concessionaire shall, at a minimum, do each of the following:

Golf Course

A. Be responsible for and control the play at the Golf Course, including making reservations, starting players, supervision of all of Concessionaire's personnel on the Golf Course, and all other aspects involving use of the Golf Course by members of the public.

B. Provide and supervise all personnel necessary to properly fulfill Concessionaire's requirements under this Agreement, including but not limited to golfing instructors, pro shop staff, driving range staff, putting green staff, and any other persons necessary for the successful and efficient operation of the Golf Course. Concessionaire shall take care to ensure that all staff persons are qualified for their positions and have the ability to relate to the public in the context of a municipal golf course.

C. Concessionaire shall also perform the following services under the direction and supervision of CSD staff as needed:

(1) Water greens, tees, fairways, practice range and landscaped areas.

(2) Change cup locations daily.

(3) Rake traps and repair divots daily.

(4) Edge all sand traps twice monthly.

(5) Verticut all greens not less than four times per year, and more frequently if required.

(6) Aerate greens twice annually, or more if required.

(7) Top dress all greens twice per year.

(8) Mow greens at least four times per week in the months of March through October, and at least twice per week in the months of November through February, or more if required.

(9) Fertilize greens and heavy traffic areas every eight weeks.

(10) Repair tees, including divots, and move tee markers daily.

(11) Spray greens as needed.

(12) Mow fairways twice weekly during the months of March through October, and at least once a week during the months of November through February, or more if required.

(13) Operate the Golf Course and all related facilities during all daylight hours, seven days per week, on all days when the Golf Course is playable. The course may be closed or hours adjusted as per authorization from Director of Parks and Community Services or his/her representative.

Golf Course General Maintenance and Repair.

A. Maintain the clubhouse, pro shop, golf cart storage building, banquet facility, and all other facilities related to the Golf Course in a safe, neat, and orderly condition.

B. Maintain all restroom facilities to ensure that they are constantly and fully equipped and in a clean, sanitary, safe, and orderly condition. Concessionaire shall provide all supplies and materials reasonably necessary for the proper maintenance of

restroom facilities by Concessionaire.

C. Maintain and perform minor repairs to the premises, including but not limited to greens, fairways, tees, roughs, driving range, water areas, maintenance yard, irrigation systems, landscaping, shrubs, trees, planter areas, fencing, lawns, restroom facilities, golf clubhouse, pro shop, parking lot, all personal property related thereto, and all other portions of the grounds and related facilities in accordance with industry standards and established minimum maintenance levels for the Golf Course.

Pro Shop

Concessionaire shall manage and operate the pro shop consistent with the following requirements:

A. At all times maintain a reasonable and adequate inventory of new and used golfing equipment in order to provide Golf Course patrons with a reasonable variety of golfing equipment for purchase or rent. All of the inventory in the pro shop shall be purchased by Concessionaire at Concessionaire's sole cost and expense, and shall be owned by Concessionaire.

B. Maintain the pro shop in neat, clean, safe, and orderly condition

C. Provide golf instruction and other services typically provided to a golf course.

D. Maintain adequate, qualified, and competent supervision of the Golf Course and all related facilities at all times.

2.3 Equipment and Supplies.

A. Equipment.

(1) Definition of Equipment. An inventory of the minimum equipment necessary for the performance of this Agreement by Concessionaire (hereafter

"Equipment") pertains to the following list: one of each, Gang Mower 5 Reel Ground master, Sidewinder 3 Reel Toro, Greens Mower 3250 3 Reel Green master, Tee Mower 3200 Green master, Cushman 01-770, Reel Sharpener. Said inventory may be updated from time to time by written agreement between Concessionaire and the CSD.

(2) Maintenance and Repair. CSD and Concessionaire agree that the inventory of Equipment currently located at the Golf Center is all the equipment and parts necessary for the performance of this Agreement by Concessionaire. Concessionaire shall keep all such Equipment in good maintenance and repair throughout its useful life. Equipment and parts damaged by the Concessionaire shall be repaired or replaced by Concessionaire, at Concessionaire's sole expense.

(3) Maintenance Buildings. Concessionaire is hereby permitted to utilize the maintenance buildings on the Golf Course to store Equipment and Supplies for the maintenance and repair of the Golf Course and related facilities, and Concessionaire shall keep these buildings in neat, safe, clean, and orderly conditions. Concessionaire shall maintain and repair these maintenance buildings, and all damage to said buildings shall be repaired by Concessionaire at Concessionaire's sole expense.

B. Supplies.

Concessionaire shall, at Concessionaire's sole expense, purchase all of the supplies, including but not limited to: gas, oil, grease, all small tools, shovels, rakes, hoes, brooms, fertilizers, weed control products, chemicals, grass seed, cups, flags, flagpoles, tee markers, trash receptacles, sand, special tools to maintain Equipment, and all top dress materials. Concessionaire may purchases such supplies from CSD inventory, if available.

2.4 Additional Repairs and Improvements.

Notwithstanding anything to the contrary in this Agreement, in the event Concessionaire is engaged to perform improvements that are outside the scope of this Agreement, such as installation of kitchen improvements and banquet facility enhancement. CSD and Concessionaire shall agree to the terms of such engagement.

CSD shall be responsible for and bear the cost of all major improvements including but not limited to parking lot improvements, exterior restroom improvements, building access improvements from public right away installation of driving range area, and completion of roof improvements. Concessionaire shall be responsible to provide labor for all minor Equipment repairs, tune-ups, grinding, belt and chain replacements, and all scheduled or manufacturer recommended servicing of Equipment.

Concessionaire and CSD will work together on adding patio cover in back area of golf course, trim scraping, and building paint as needed.

2.5 Utilities.

The Concessionaire shall pay for all utilities and services necessary to carry out Concessionaire's obligations of this Agreement, including but not limited to pest control and janitorial services. Furthermore, internet service, television cable or satellite service, and similar non-essential utilities shall be furnished at the sole cost and expense of Concessionaire.

2.6 Alterations and Fixtures.

A. Concessionaire shall have the right to install and maintain in the pro shop display cases and all other fixtures reasonably necessary for proper operation of the pro shop. Before installing any such fixtures or making any alteration to the pro shop,

Concessionaire shall submit plans and designs for the installation to the CSD for its approval which shall not be unreasonably withheld. Concessionaire shall maintain an up-to-date list of all fixtures, alterations, and improvements installed at the pro shop and shall furnish a copy to the CSD each time Concessionaire removes a fixture or improvement so that both parties have a current list of all alterations and fixtures installed by Concessionaire. At the end of the Term, at CSD's sole discretion, Concessionaire shall restore the pro shop to the same condition as before the alterations and fixtures, as required by the CSD, and Concessionaire will indemnify and defend CSD for all liens, stop notices, claims, or damages caused by the alterations, improvements, fixtures, additions, and removal thereof from the pro shop. In the event Concessionaire fails to remove all of Concessionaire's fixtures and alterations as requested by CSD within five (5) business days of the end of the Term, and restore the pro shop to its original condition, all such fixtures, alterations, and improvements shall become the property of the CSD.

B. Concessionaire shall design to CSD's reasonable satisfaction and approval a fully enclosed practice hitting/driving area. Such improvements, and any other improvements, alterations, and installation of fixtures, to be undertaken by Concessionaire, shall have the prior written approval of the CSD after Concessionaire has submitted to the CSD proposed construction plans and specifications therefore, in writing. Such approval by the CSD shall not be unreasonably withheld. Upon such approval, Concessionaire shall complete such improvements in strict compliance with said plans and specifications.

(1) Following completion of such improvements, Concessionaire shall submit to the CSD:

(a) Itemized statements showing the entire cost of such

improvements, alterations, and fixtures, and

(b) A complete set of "as-built" drawings showing every detail, latent or otherwise, of such improvements, alterations, and fixtures, including, but not limited to, electrical circuitry and plumbing.

(c) All such improvements, alterations, and fixtures (except trade fixtures as that term is used in Section 1019 of the Civil Code) shall be the property of the CSD; provided, however, that Concessionaire may remove, at its expense, such trade fixtures at or prior to the expiration of this Agreement and restore the premises to its original shape and condition as nearly as practicable. In the event Concessionaire does not so remove such trade fixtures, they shall become the property of the CSD for no further consideration of any kind, and Concessionaire shall execute any documents that may be required or necessitated in conveying their interest in such improvements, alterations, and fixtures to the CSD.

2.7 Revenue and Compensation.

A. For the first three (3) years of this agreement, the Concessionaire shall keep all revenues generated at Golf Course including all green fees, hitting area revenue, sale of food and beverages, sale of golf products, and all rentals.

B. In years four (4) and five (5), Concessionaire shall remit to the CSD the following amounts.

(1) Ten percent (10%) of all revenues generated from green fees, sale of food, beverages, golf related products, and by rentals.

(2) Fifty percent (50%) of all revenues generated from City installed driving range area.

C. The CSD shall have no responsibility for collection of any monies due the Concessionaire as a result of pro shop operations. The Concessionaire may offer promotional programs and other financial incentives in order to generate additional participation and/or sales including promotional green fees.

2.8 Taxes, Licenses, Permits and Fees.

The Concessionaire shall be responsible for payment of any taxes, duties, fees, or other governmental charges levied or assessed on the food service operation or property. The Concessionaire shall also be required to purchase any applicable permits and licenses (including City business license and any licenses required for alcohol).

2.9 Prohibited Activities.

Concessionaire shall not do, nor cause nor permit to be done, any of the following:

A. Lease, sell, transfer, assign, convey, pledge, encumber or otherwise dispose of the Golf Course, related facilities, Equipment, or Supplies.

B. Violate any of the legal requirements or engage in or permit, suffer, or allow the occurrence of, any storage, holding, release, emission, discharge, generation, abatement, disposition, handling, or transportation of any hazardous substance.

C. Make any deletion, modification, alteration, or improvement to the Golf Course or related facilities other than expressly authorized.

D. Except for fertilizers, pesticides, and fuel and motor oil reasonably necessary for operation and maintenance of the Golf Course, and except for any other substances and materials reasonably necessary for the operation and maintenance of the Golf Course (all of which shall be used, installed, kept, and maintained in compliance with all applicable legal requirements), place or cause to be placed in, on, under or around the Golf Course or

any related facilities any hazardous substance. Concessionaire hereby agrees to indemnify, defend (through counsel reasonably satisfactory to the CSD), and hold CSD harmless from any cost, expense, loss, damage, or other liability, including all costs of testing, monitoring, and remediation incurred by CSD as a result of any breach of Concessionaire of its obligations under this section.

3.1 Books and Reports.

A. Throughout the Term, Concessionaire shall maintain in accordance with generally accepted accounting principles, consistently applied, full and separate books and records for the Golf Course with entries supported by documentation sufficient to allow CSD to ascertain the accuracy of such books and records. Concessionaire shall provide legible, complete copies of such books and records to CSD at such times at CSD request. Concessionaire shall ensure the necessary control over accounting and financial transactions as is necessary to protect CSD's assets from theft, error or fraudulent activity by Concessionaire's staff.

B. Concessionaire shall prepare and submit to CSD, no later than ninety (90) days after the end of each fiscal year, an Annual Operating Report for the immediately preceding fiscal year which shall be in such form and contain such information as CSD may require.

3.2 CSD's Right to Audit.

All books, records, and supporting documentation maintained by Concessionaire pursuant to this Agreement and/or relating to the Concessionaire's operation of the Golf Course, shall be the sole and exclusive property of the CSD, and shall be made available to CSD at CSD's request at reasonable times during normal business hours. CSD may

examine all books, records, and supporting documentation maintained by Concessionaire relating to the Golf Course.

3.3. Annual Meeting.

During each fiscal year, Concessionaire and CSD shall meet a minimum of one time to establish such things as the contract details relating to maintenance and operation and fee structure.

4. Indemnity.

To the maximum extent permitted by law, Concessionaire and Concessionaire's Parties ("Concessionaire's Parties" mean Concessionaire and Concessionaire's officers, shareholders, partners, trustees, members, agents, employees and independent contractors, as well as all persons and entities claiming through any of these persons or entities) and hold CSD (including CSD's officers, employees, agents, representatives, and their respective successors and assigns) harmless from, and CSD shall not be liable from any and all liability, loss, cost, expense or damage (including but not limited to damage to CSD's property, third party claims, and CSD's attorneys' fees and expenses) resulting from or arising out of (a) the negligent acts or omissions or willful misconduct in the performance by the Concessionaire or Concessionaire's staff or agents hereunder, or (b) any acts by Concessionaire or Concessionaire's staff or agents which are beyond the scope of authority which Concessionaire reasonably believes it has been granted pursuant to this Agreement in connection or relating to Concessionaire's performance of its obligations under this Agreement. Concessionaire shall be obligated to indemnify CSD as described in this paragraph, whether or not there is concurrent negligence on the part of the CSD, but shall not be so obligated to the extent that a court of competent jurisdiction

has established that said liability was caused by CSD's sole active gross negligence or willful misconduct.

5. EXEMPTION OF CSD FROM LIABILITY.

To the fullest extent permitted by law, Concessionaire, and on its behalf and on behalf of all Concessionaire Parties, as a material part of the consideration to CSD, hereby waives all claims (in law, equity, or otherwise) against CSD arising out of, knowingly and voluntarily assumes the risk of, and agrees that CSD shall not be liable to Concessionaire or Concessionaire Parties for (i) injury to or death of any person; or (ii) loss of, injury or damage to, or destruction of any tangible or intangible property, including the resulting loss of use, economic losses, and consequential or resulting damage of any kind from any cause, including without limitation for injury to CSD property or vehicles, or other property or vehicles of the public, and to Concessionaire or Concessionaire's Parties business, or any loss of income there from, or for damage to the goods, wares, merchandise, or other property of Concessionaire or Concessionaire's Parties, or any other person in or about the Golf Course, whether such damage or injury is caused by or results from theft, fire, steam, electricity, gas, earthquake, water or rain, or from the breakage, leaking, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, of from any other cause, whether said damage or injury results from conditions arising on or around the Golf Course or from other sources or places, or from construction or repair, alteration or improvement of any part of the Golf Course or any related structures, or of the equipment, fixtures or appurtenances applicable thereto, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Concessionaire or Concessionaire's Parties. CSD shall not be liable for

any damages arising from any act or neglect of any occupant or user of the Golf Course, nor from the failure of Concessionaire or Concessionaire's Parties to comply with the provisions of this Agreement. CSD shall not be liable regardless of whether liability results from any active or passive act, error, omission or negligence of CSD or any of its officers, employees or agents. The foregoing exculpation shall (a) not apply to claims against CSD to the extent that a final judgment of a court of competent jurisdiction establishes that the injury, loss, damage, or destruction was proximately caused by fraud, willful injury to person or property or violation of law by CSD, or (b) not be interpreted or construed as an attempt by CSD to be relieved of liability arising out of a non-delegable duty on the part of the CSD.

6.1 Commercial General Liability Insurance.

Concessionaire shall, at no expense to CSD, maintain commercial general liability insurance, including products liability and completed operation, and contractual liability coverage, in the amount of Three Million Dollars ($3,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage, arising from or related to the Golf Course, or directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement. This insurance shall be a per occurrence policy. The policy shall also cover Operations, Independent Contractors, Products and Completed Operations, Contractual Liability covering Concessionaire's indemnity obligations contained in this Agreement, severability, and cross liability clauses. The limits of liability of the insurance coverage specified in this paragraph may be provided by any combination of primary and excess liability policies carried by Concessionaire.

6.2 Automobile Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain business automobile insurance in the amount of One Million Dollars ($1,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage arising from or caused, directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement and covering the use of all automobiles, trucks and other motor vehicles utilized by Concessionaire or Concessionaire's Parties in connection with this Agreement. This insurance shall be a per occurrence policy.

6.3 Additional Insured Endorsement.

Under the public liability, property damage, and automobile liability insurance required in this Agreement, the CSD and the City of Moreno Valley, their officers, agents, and employees shall be named as additional insured by endorsement and as to such additional insured, the insurance shall be primary and the policies shall contain by endorsement a cross liability clause.

6.4 Workers' Compensation and Employer's Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain workers' compensation insurance, as required by law, and employer's liability insurance (at a minimum limit of One Million Dollars ($1,000,000) for all Concessionaire's officers, agents, employees, and staff.

6.5 Comprehensive Dishonesty, Destruction, and Disappearance Coverage.

Concessionaire shall, at no expense to the CSD, maintain coverage for comprehensive dishonesty, destruction, and disappearance or the equivalent crime or other coverage, in an amount not less than Twenty-five Thousand Dollars ($25,000), covering, at a minimum, depositor's forgery and theft and dishonesty by all

Concessionaire's employees or agents or staff who may handle funds or property in connection with the Agreement.

6.6 Deductible Self-Insurance Retention.

Any deductible or self-insurance retention shall be certified on a certificate of insurance and approved by the CSD. CSD may require Concessionaire either (1) reduce or eliminate such deductible or self-insurance retention as it applies to the CSD, or (2) procure a bond guaranteeing payment of losses and all costs associated with investigation, administration and defense of claims and/or lawsuits. The bond shall be in a form acceptable to the CSD.

6.7 Certificates.

The insurance required above shall be evidenced by certificate(s) submitted to the CSD which shall be executed by the insurance company or companies involved and which shall state that this insurance may not be terminated without 30 days prior written notice being received by CSD. The certificates shall be submitted to CSD before or at the time Concessionaire executes this Agreement.

6.8 No Representation of Adequate Coverage.

CSD makes no representation that the limits or forms of coverage of insurance specified in this Agreement are adequate to cover Concessionaire's obligation under this Agreement.

7.1 Term of Agreement.

The term of this Lease Agreement will be August 1, 2011 through July 31, 2016. Options to extend this agreement are available upon both parties agreeing on terms for up to 20 additional years.

7.2 Early Termination Without Cause.

Either party may terminate this Agreement upon one hundred eighty (180) days advance written notice to the other party, without penalty or cause.

7.3 Termination Upon Default by Concessionaire.

Upon the occurrence of an Event of Default by Concessionaire, as described herein, CSD may, at its option, and in addition to any and all other rights to which it may be entitled under this Agreement or applicable law, elect to terminate this Agreement. Any such termination shall be effective on the date specified by the CSD in such election; provided, however, in no event shall such date be later than thirty (30) days following the date CSD elects to terminate this Agreement.

The following shall constitute an Event of Default with respect to Concessionaire under this Agreement:

A. Any failure by Concessionaire to perform any of the terms, conditions, or covenants of this Agreement to be observed or performed by Concessionaire within thirty (30) days after written notice from CSD.

B If Concessionaire shall become insolvent or files any debtor proceedings, or any adjudication of bankruptcy is rendered against Concessionaire, or if Concessionaire takes or there is taken against Concessionaire in any court pursuant to any statute of the United Stated or of any state a petition in bankruptcy or insolvency, or for reorganization or for the appointment of a receiver or trustee of all or a portion of Concessionaire's property, and if the foregoing proceedings are not discharged within sixty (60) days thereof.

C. If Concessionaire makes an assignment for the benefit of creditors, or petitions for or enters into an arrangement of its debts, or it Concessionaire shall permit or

suffer this Agreement to be taken under any writ of attachment or execution, and the same is not discharged within thirty (30) days thereafter;

D. If Concessionaire assigns this Agreement in violation thereof.

7.4 Actions Following Termination.

A. Immediately following any termination of this Agreement for any reason whatsoever, Concessionaire shall assign, convey, transfer, and deliver to CSD, pursuant to an assignment in form and content satisfactory to CSD, all of Concessionaire's right, title, and interest in and to all Operating Contracts then in effect and in Concessionaire's name with respect to the Golf Course as requested by CSD, and Concessionaire shall transfer to CSD possession of all Equipment and Supplies owned by, purchased by or supplied by CSD.

B. Upon any termination of this Agreement for any reason whatsoever, Concessionaire shall, for a period of two (2) months following such termination, assist, and cooperate with CSD to the extent deemed necessary by CSD to ensure an orderly and efficient transfer of the operations of the Golf Course by Concessionaire to CSD or to CSD's designee. This covenant of Concessionaire contained herein shall survive and remain in full force and effect following any such termination of this Agreement.

C. Upon termination of this Agreement for any reason whatsoever, Concessionaire shall surrender the Golf Course and all related structures, improvements, and alterations, in good condition, and in accordance with all other provisions of this Agreement regarding fixtures, alteration, and improvements.

8. Transfer and Assignment.

Concessionaire may not, voluntarily or involuntarily, sell, convey, assign, transfer,

hypothecate, pledge, or otherwise dispose of (or agree to do any of the foregoing) all or any part of its interest, if any, in this Agreement, or any contractual rights or obligations related hereto without the prior written consent of CSD, which may be granted or withheld in CSD's sole discretion. Any assignment by Concessionaire without CSD's consent shall be considered any Event of Default and the assignment shall be of no force or effect.

9. Prohibition of Advertising and Certain Displays.

Concessionaire shall not display, nor shall Concessionaire permit the displaying of any advertising or any other postings at the Golf Course that are unrelated to golfing activities, without the prior written consent of CSD, in CSD's sole discretion.

10. Warranties and Representations.

Concessionaire hereby represents and warrants that in entering into this Agreement, Concessionaire has not relied on any statements from CSD or any representative thereof, and has conducted such due diligence and investigations as Concessionaire deems appropriate before entering into this Agreement.

11. Independent Contractor.

Concessionaire and CSD hereby acknowledge and agree that Concessionaire, in performing this Agreement, will be and will at all times act as an independent contractor in the performance of its duties and responsibilities set forth herein, and that Concessionaire will have control of its work and the manner in which it is performed. Concessionaire shall not be considered as an agent or employee of the CSD or the City of Moreno Valley. None of the provisions of this Agreement are intended to nor shall they be interpreted to create a partnership or joint venture between Concessionaire and CSD with respect to the Golf Course or otherwise, and neither party shall have the power to bind or obligate the other

party, except as expressly set forth in this Agreement. Concessionaire shall timely pay all taxes and impositions and for all other benefits required by law and relating to Concessionaire's staff.

12. Right to Inspection.

The CSD shall have the right to enter and inspect the Golf Course and the buildings and the premises as well as any Concessionaire-operated equipment, at any time during business hours.

13. Applicable Law.

This Agreement and all provisions hereof, irrespective of the place of execution or performance, shall be construed and enforced in accordance with the laws of the State of California. The sole and exclusive venue for any legal action under this Agreement or in any way related to the Golf Course shall be the Superior Court in and for the County of Riverside, and CSD and Concessionaire agree to submit to the jurisdiction of such court.

14. Savings Clause.

Any Provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefit by any party hereunder, or substantially increase the burden on any party hereto, shall be held to be invalid or unenforceable to any extent, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

15. Attorneys' Fees and Expenses.

In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement, or any part thereof, the losing party shall pay all costs, charges, fees, and expenses (including reasonable attorneys' fees and costs) paid or

incurred by the prevailing party, regardless of whether any such litigation is prosecuted to judgment.

16. Non- Waiver.

The waiver by the CSD of any breach of any term, covenant, or consideration herein contained shall not be deemed to be a waiver of such term, covenant, or consideration or any subsequent breach of the same or any other term, covenant, or condition therein contained. No covenant, term, or condition of this Agreement shall be deemed to have been waived by CSD or Concessionaire, unless such waiver is in writing signed by the party against whom such waiver is asserted.

17. Compliance with Applicable Laws.

In the performance of services hereunder, Concessionaire shall comply with all applicable local, state, and federal statutes, regulations, ordinances, and orders now in force or which may be hereafter in force, to include public health sanitation requirements.

18. Equal Employment/Discrimination.

A. Concessionaire shall not discriminate in its recruiting, hiring, promotion, demotion, or termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, physical handicap, medical condition, or marital status with respect to the services to be performed hereunder, and Concessionaire shall comply with the provisions of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1964 (P.L. 88-352), and all amendments thereto, Executive Order No. 11246 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issues pursuant to said Acts and Orders.

B. Concessionaire shall not discriminate against or cause the segregation of any person or group of persons on account of race, color, creed, national origin, or ancestry with respect to the services to be performed hereunder, nor shall the Concessionaire or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the services to be performed hereunder.

19. Food and Beverage Laws.

With respect to any food or beverage sales or distribution operation conducted by Concessionaire as a golf play related service, Concessionaire shall keep the pro shop premises in a neat and sanitary condition and shall comply with the California Restaurant Act (Section 28529, et. seq. of the Health and Safety Code) and all applicable laws regarding the sale or distribution of intoxicating liquors. Health grade shall not be lower than an "A" rating.

20. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties, or to such other addresses as from time to time shall be designated by the respective parties, as set forth as follows:

CSD:
City of Moreno Valley
Parks and Community Services Department
14075 Frederick Street
Post Office Box 88005
Moreno Valley, Ca 92552-0805

CONCESSIONAIRE:
Pacifica University, Inc.
Attention: William Meyers
2764 Ridgeline Dr #101
Corona, Ca 92882

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement on the 1st day of August, 2011_.

MORENO VALLEY
COMMUNITY SERVICES DISTRICT
Municipal Corporation

BY: _____

TITLE: _____

DATE: _____

ATTEST:

_____
City Clerk, in the capacity of Secretary to the Board of Directors of the Moreno Valley Community Services District

Approved as to form this

____ day of

City Attorney, in the capacity of general legal counsel to the Moreno Valley Community Services District

PACIFICA UNIVERSITY, INC.

BY: _____

TITLE: _____

DATE: _____

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MV00002809

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: "BEST PLACE TO DO BUSINESS" ACTION STEPS

RECOMMENDED ACTION

Staff recommends that the City Council approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

ADVISORY BOARD RECOMMENDATION

On June 8, 2011 the Economic Development Subcommittee approved the recommended "Best Place to do Business" Action Steps.

BACKGROUND

The City of Moreno Valley is moving to improve the economic condition of the community through a variety of methods.

On March 22, 2011, the City Council reviewed and provided input for an Economic Development Plan- Areas of Opportunity brought forth by the Community & Economic Development Department. The twelve specific Areas of Opportunity provide a broad roadmap for the City of Moreno Valley to become a major business development area by creating major employment hubs, successful retail centers and pursuing redevelopment opportunities.

Continuing the process of refining and developing a short-term Economic Development Plan, on April 26, 2011 the City Council adopted a 2-year Economic Development Action Plan containing five initiatives focusing economic development efforts on the Areas of Opportunity that include TownGate, Centerpointe Business Park, South Industrial Area, East Moreno Valley-Rancho Belago, and City Center. Included in the adoption of the 2-year Action Plan was the re-sequencing of specified Capital

Improvement Program projects bolstering the economic impacts within the five key initiatives.

Prior to, and in conjunction with the adoption of the Economic Development Action Plan, many economic development activities were in motion including:

- Reformation of the City Council Economic Development Subcommittee
- Updating of the City's Housing Element
- Conduct a Developer's Workshop
- Collaboration with key Developers to advance development projects
- Study of best practices to make Moreno Valley a "Best Place to do Business"

DISCUSSION

The study of best practices to make Moreno Valley a "Best Place to do Business" was undertaken to identify attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations that are identified for use as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

The following searches were used to identify the communities that were reviewed and the practices that were identified:

- Economic Development best practices
- Economic Development award winners
- Cities recognized for being a best place to do business

Of the hundreds of cities considered in the search, thirty communities across the U.S. were selected based on similar populations and/or those within California. They were representative of top U.S. communities utilizing best practices or receiving awards and/ or recognition for being a "Best Place to do Business". Of the thirty communities studied, the Economic Development Subcommittee evaluated 5 cities including Austin, TX; Chico, CA; Raleigh, NC; Santa Clarita, CA; and Seattle WA. Examples of the program ideas shared by these cities include: e-permitting, user-friendly (yet content rich) websites, social media, targeted and effective marketing programs, incentive programs, workforce training, fast-track development services, local vendor preference programs, industry groups, and methods to improve overall quality of life creating a "sense of place".

The recommendations listed on Attachment A are based on the evaluations of the programs and characteristics of those five cities and direction from the Economic Development Subcommittee.

ALTERNATIVES

1) Approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff recommends this alternative.*

2) Do not approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff does not recommend this alternative.*

FISCAL IMPACT

The implementation of the Action Steps to make Moreno Valley a "Best Place to do Business" will create a positive environment whereby businesses can thrive and quality development can occur, thus improving the potential for a stronger local economy. Specific actions including implementing program changes related to the Action Steps shall be further analyzed on a case by case basis consistent with appropriate funding sources.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and polices to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

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

SUMMARY

As part of the effort to improve the City's efforts with economic development, the Community & Economic Development Department studied best practices to make Moreno Valley a "Best Place to do Business". The study identified attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations, with the help of the Economic Development Subcommittee, that are recommended shall be used as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

ATTACHMENTS/EXHIBITS

Attachment A: Recommendations for Action Steps to make Moreno Valley a "Best Place to do Business".

Prepared By:
Shanna Palau
Management Analyst

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Recommendations for Action Steps

to Make Moreno Valley a "Best Place to do Business"

Development Services

- Implement the use of "E-permitting" to accelerate the process of doing business in Moreno Valley

- Expand and strengthen business and development ombudsperson program to include new or expanding small businesses.

- Host quarterly workshops with contractors and developers aimed at improving development processes in Moreno Valley.

- Improve Pre-Project Review Staff Committee (PRSC) and PRSC process to include project management services to small business.

- Create consistent explanation (website and handouts) of codes and processes, and to provide clarity and coordination of development services processes.

Business Attraction

- Identify and form key industry leadership groups to create industry specific synergy in the community helping to mitigate any obstacles to business attraction and help develop strategies to attract industry related business and workforce, improve city processes, and evaluate policies that may require updating to support the objectives outlined in the Economic Development Action Plan.

- Explore policy development for the creation of a tiered Moreno Valley Electric Utility "Economic Development" rate structure and incentive program.

Business Retention and Expansion

- Develop ways to expand the Shop MoVal campaign to provide more exposure for local business and encourage increased business-to-business relationships.

- Pursue ways to increase local vendor preference, including expanding existing procurement policy.

- Implement a new meeting program with local businesses to discuss business opportunities. The Program would be held once a year in each Council District and include the opportunity to talk to the Councilmember, City Manager, and Community & Economic Development Director. The Program will compliment the existing Business Roundtable.

- Enhance the Business Resource Guide.

Marketing and Communication

- Perform an audit of the City's website to ensure that it is user friendly and data rich, and identify areas where processes can be clarified.

- Develop a re-tooled marketing plan to incorporate the following:
    - Cooperative marketing opportunities with targeted area developers to attract tenants
    - Identifying the City as a medical community
    - Brand the City as a job center

- Create an e-newsletter or explore other communication methods to improve residents' and business' knowledge about what's happening in the City.

- Increase use of social media.

- Create and maintain a community calendar to include business networking and education opportunities as well as community events and meetings.

- Explore use of Smartphone apps for improved communication and connectivity.

- Encourage on going feedback (How are we doing?) by posting regular surveys on the city's website.

Community Vitality

The best places to do business also reflect characteristics of the best places to live. These places tend to exude a "sense of place" reflected in aspects of quality of life including activity, arts and culture, and beauty in the environment.

- Explore additional community events- things to do.

- Explore idea of annual corporate sponsorship programs to create marketing value for local business and provide funding for community events.

- Enhance neighborhood groups by implementing community update meetings.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: Appointment of City Council Ad Hoc Subcommittee for the Purpose of Reestablishing July 4th Events for 2012

RECOMMENDED ACTION

Staff recommends that the City Council appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

BACKGROUND

City Resolution 2003-17 enacted the *Rules of Procedure for Council Meetings and Related Functions and Activities.* Section 9.3 Other Committees states "The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes."

DISCUSSION

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to a significant budget deficit. The budget for the annual July 4th activities in previous years has exceeded $100,000. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012. By definition Ad Hoc Subcommittees are appointed for particular temporary purposes. The proposed Ad Hoc Subcommittee would seek donations to fund the July 4th events and work with Parks and Community Services staff in planning the events.

ALTERNATIVES

1) Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff recommends this alternative as the proposed Ad Hoc Subcommittee would provide fund raising and planning to reestablish the City's annual July 4th community activities.*

2) Not appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff does not recommend this alternative as the City's annual July 4th community activities are important to the City's image and promoting community spirit.*

FISCAL IMPACT

Appointing an Ad Hoc Subcommittee will have no fiscal impact to the City.

SUMMARY

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to budget challenges. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012.

COUNCIL GOALS

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

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Mike McCarty
Parks and Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

Item No. G.5

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MV00002819

SUMMARY OF ACTIONS July 12, 2011

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

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

A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC

CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

MV00002821

TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO

MV00002822

COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988. (Report of: Fire Department)

A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR

MV00002823

MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report of: Financial & Administrative Services Department)

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF MORENO VALLEY, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE

MV00002824

PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALUPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS

BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553. (Report of: Public Works Department)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

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TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works Department)

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

E. PUBLIC HEARINGS

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

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E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

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

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

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H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

Meeting Paused

1. Officer of the Quarter presentation to Officer Kevin Dixon

2. Proclamation Recognizing Soroptimist International of Moreno Valley

3. Spotlight Business

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
July 12, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Diane Gardner

ROLL CALL

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

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

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 22 - July 5, 2011.

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A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue;

2. Authorize the City Manager to execute a contract with Transtech;

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties; and

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Approve Tract Map No. 35760; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

Recommendation:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system;

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc.;

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3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877; and

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-72 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system; and

Resolution No. 2011-72

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public

Improvements as Complete within Tract Map 32707 and Accepting the Portion of Lasselle Street Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division;

2. Authorize the City Manager to execute the "First Amendment to

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Agreement for Professional Consultant Services" with OPC; and

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON

SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the

work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988. (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

Resolution No. 2011-73

A Resolution Of The City Council Of The City Of Moreno Valley, California, Rescinding Resolution No. 2005-30, And Re-Designate And Authorize Certain City Officials To Execute Applications And Documents For Purposes Of Obtaining Financial Assistance Under Section 404 Of Public Law 93-288, As Amended By The Robert T. Stafford Disaster Relief And Emergency Act Of 1988

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A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis;

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS; and

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC; and

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement

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Plan (CIP) projects;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

Resolution No. 2011-74

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Convenience Require the Sale of a Remainder Parcel Excess to Public Use

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:
Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-75

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report

of: Financial & Administrative Services Department)

Recommendation:
Approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

Recommendation:
Approve the proposed staff assignments in support of Council Member participation with regional agencies.

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon

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acceptance of the improvements as complete.

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF MORENO VALLEY, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the

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City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALUPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the

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work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553. (Report of: Public Works Department)

Recommendation:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

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B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to

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release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO

ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works

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Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement on behalf of the Community Redevelopment Agency; and

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve by m/William H. Batey II, s/Marcelo Co
Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

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Motion to Approve by m/Jesse L. Molina, s/William H. Batey II
Approved by a vote of 5-0.
Continued Colntinue speaker slips

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
That the City Council, after conducting the individual Public Hearings and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Recommendation: That the CSD:
That the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-

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010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Motion to Approve by m/William H. Batey II, s/Jesse L. Molina Approved by a vote of 5-0.
Total 10 yes 0 no 0 invalad approved
Motion to Approve by m/William H. Batey II, s/Jesse L. Molina Approved by a vote of 5-0.
Motion to Approve by m/William H. Batey II, s/Jesse L. Molina Approved by a vote of 5-0.
Motion to Approve by m/William H. Batey II, s/Jesse L. Molina Approved by a vote of 5-0.
All yes valid no nos no invalids
Motion to Approve by m/William H. Batey II, s/Jesse L. Molina Approved by a vote of 5-0.

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

   If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

   ADOPT City Council Resolution No 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution;

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Resolution No. 2011-76

A Resolution of the City Council of the City of Moreno Valley, California, Denying a Change of Zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an Approximate 55 acre site, Located within Assessor's Parcel Numbers 488-330-003 through -006 and -026

2. OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

ADOPT City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

Resolution No. 2011-77

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P08-133), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the West Ridge Commerce Center Project, Generally Located on the South Side of State Route 60, on the North Side of Fir Avenue/Future Ecualyptus Avenue and Approximately 650 Feet West of Redlands Boulevard

3. INTRODUCE Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change the Zone From Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

4. INTRODUCE Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones,

based on the findings in the City Council Ordinance;

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

5. ADOPT City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2011-78

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA08-0097 for Development of a 937,260 Square Foot Warehouse Distribution Facility on 55 Acres Located Within Assessor's Parcel Numbers 488-330-003 Through -006 and -026

6. ADOPT City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A

Resolution No. 2011-79

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Tentative Parcel Map 36207 (PA09-0022) to Combine the Existing Five Parcels Located Within the Project Site into a Single 55 Acre Parcel

Meeting Paused
Meeting Resumed
Motion to Approve by m/William H. Batey II, s/Marcelo Co
Approved by a vote of 5-0.
Continue to Aug. 23

E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND

CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

   RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 831 approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

   Ordinance No. 831

   An Ordinance of the City Council of the City of Moreno Valley, California Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV Applications for Hillside Development Section 9.16.235 "Hillside Design Guidelines", Article VI Applications for Lighting and Section 9.16.280, "General Requirements" and Chapter 9.15, Section 9.15.030 "Definitions" Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

Bring back to a Study sesssion incorporate any changes w/ LED and solar and review the impact of the Federal law.

Motion to Approve continue to March 2012 study session by m/William H. Batey II, s/Jesse L. Molina
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR

SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Richard going through an audit. tear down deep into the stuff. Look at one major change dismissed the contract management and are doing in house management which is the resedential. Aopproving the first part of the agreement w/ March Health Care. No specifice for funding for fire fighters. Decided build a fire station. Negotiations when and where it will be was not decided. want developer to pick site, or will dedicate the the land away, and MV will carry the fire. Who will pay for fire fighters. froming a fire protection district. Before we get all buildings MV doesn't want to fund the fire. There are modifications.

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

Recommendation: That the City Council:
Acting in their capactiy as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

cooperate to reach a agreement to pay for the patio cover. city should pay for it. Make it clear MV will pay for it.

city may from time to time conduct unannounced green fee inspection.

12 Right of Inspection as well as conduct inspection of green fees

Finger printing and scrrening

2.4 Clarify who is going to do the painting

19 limit alcohol consumption to the Club House

Motion to Approve by m/William H. Batey II, s/Jesse L. Molina
Approved by a vote of 5-0.

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

Tom Jerele
Motion to Approve by m/William H. Batey II, s/Marcelo Co
Approved by a vote of 5-0.

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

Recommendation: That the City Council:
Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

Debra Craig
Pete
Deanna Reeder
Tom Jerele

Motion to Approve by m/Richard A. Stewart, s/Marcelo Co
Approved by a vote of 5-0.
robin hastings and jesse molina to be on the subcommittee

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

Meeting Resumed

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Deanne Reeder
8/2 National Night Out
Every Friday from 7/15 to 10 in front of Bob's Big Boy and Target Talent Show from 6:00 to 9:30 - 10 events

Pete
Chamber of Commerce
Susan Gilchrist
Sound Study
Compare Raleigh Durham, NC vs. Moreno Valley is silly
Shooting at the Park - Municipal Code - Changing
Tom Jerele
Commend Council for fast tracking the 4th of July
Thursday with School Districts Meeting
Jose Chavez
Fireworks
Don't take away our liberties

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Robin
Main Street has talent at Stoneridge variety of events for young people to go to to keep in the city and keep them safe. Celebrate our young people.
Do National Night Out. Encourage anyone who wants to participate.
Attended an event at the ABC Market the Grab and Go Dept. Public Health putting fruits and vegetables in small public markets. Juvenile diabetes on the rise and african americans consitute 60% of obesity. Perris and Alessandro first store to do this. Encourage all of you to go.
In DC through Thursday to promate AB811 energy efficiency for Moreno Valley. Had it approved. applications available in August. Go to WRCOG website.
325M available for Western Riverside County. Advocate for it in DC.
Marcelo
We will try very hard to provide the July 4 event. Wasn't here wen this was talked about. Do support this effort, but ask to please ask the business peopel to join in to advertise their business,a nd they will be more likely to promote their business. Apologize for not having it. Didn't have the funds. Committee would have a big task to make sure the next one is twice as

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good as in the past. Ask all of you to participate. Need your help.
Bill Batey
Encourage everyone on Aug 2 to get to know your neighbors and find out who lives in your neighborhood. That/'s what National Night Out is. You know who belongs in your nmeighborhood and who doesn't.
Jesse Molina
Wondering why I'm wearing one of those things. Apologize the way I talked. I have a very serious injury and serious surgery that is basically like having a borken neck, and I was in a lot of pain.
Prayer Walk on Friday Hearts for Victime at 5:00 p.m. at Stoneride at bob's Big boy in honor of Normal Lopez. Speaks in Spanish. Somebody out ther knows somehting and asking anyone with information to go to the police. Until that is solved we will not rest.
Juloy 1 went to the new city of Jurupa Valley the first council meeting. A lot of peopel there. If you haven't seen me out there walking around your streets and visiting you it's becaose I'm recuperating.
Richard
Impressed with the golf course committee and how the cooperated. Take a look at trying to get more committees. Quopte by Abe Lincoln he has a right to criticize who has a heart to help. If yall you want to do is complain nad not help that was AL said to do.

A coluple of emails Traffic Divisionan award they got and an OES Grant

Chief Anderson CA office of safety Applied for $204,000 pays for checkpoiknts. Recieved a little over 190,000. Notified by the state our traffic division ntook first place in the towards traffic safety and how we approcha it over the last 3 years. Lowering traffic collision. Recieved notification 1st place at the aNational level national law enforcement challenge.

Richard

None

CLOSED SESSION

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

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at ____ p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

MV00002862

NOTICE AND CALL OF SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF MORENO VALLEY, CALIFORNIA

FEBRUARY 3, 2009 - 6:00 PM

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley, California will be held on February 3, 2009, commencing at 6:00 PM, in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

AGENDA

CALL TO ORDER

ROLL CALL

E. PUBLIC HEARING

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

E. 1. A PHASED TENTATIVE PARCEL MAP (PA07-0090 AND P08-057) TO SUBDIVIDE A 158 GROSS ACRE SITE (265.3 ACRES INCLUDING OFFSITE IMPROVEMENTS AND DRAINAGE) INTO FOUR BUILDABLE PARCELS AND TWO PARCELS DEDICATED FOR FUTURE FREEWAY IMPROVEMENT PURPOSES (THIRTEEN PARCELS TOTAL INCLUDING PUBLIC ACCESS AND DEDICATION), AND FIRST PHASE PLOT PLAN (PA07-0091) FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING ON APPROXIMATELY 83 ACRES (TOTAL OF 2,620,000 SQUARE FEET OF BUILDING FOR THE ALL PHASES OF DEVELOPMENT). THE PROJECT SITE CURRENTLY

LIES WITHIN THE BP (BUSINESS PARK) AND CC (COMMUNITY COMMERCIAL) LAND USE DISTRICTS AND INCLUDES A REQUEST A CHANGE OF ZONE (PA07-0088) TO LI (LIGHT INDUSTRIAL) FOR ALL PROPOSED INDUSTRIAL USES AND A GENERAL PLAN AMENDMENT (PA07-0089) TO ELIMINATE A PLANNED MULTI-USE TRAIL OVER HIGHWAY 60, TO ADJUST AND EXTEND A PLANNED MULTI-USE TRAIL FROM THE SOUTH TO THE NORTH SIDE OF FUTURE EUCALYPTUS AVENUE FROM QUINCY STREET TO THEODORE STREET, TO RE-DESIGNATE FUTURE EUCALYPTUS AVENUE FROM REDLANDS BOULEVARD TO THEODORE STREET FROM AN ARTERIAL TO A DIVIDED ARTERIAL TO ALLOW THE ADDITION OF MEDIANS, AND TO ADJUST PARCEL LINES AND LAND USE FOR TWO PARCELS LOCATED IN THE CC LAND USE DISTRICT (NARROW WIDTH 126 FEET ON THE EASTERN PORTION OF THE SITE AND WIDEN 87 FEET ON THE WESTERN PORTION OF THE SITE). THE PROPOSED PROJECT IS LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. AN APPEAL HAS BEEN FILED BY THE PROJECT APPLICANT, HIGHLAND FAIRVIEW PROPERTIES, TO PROTECT THEIR RIGHTS (Report of: Community Development Department)

Recommendation: The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required

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Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines;

Resolution No. 2009-08

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-157), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the Highland Fairview Corporate Park Project, Generally Located Adjacent to and South Of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the resolution;

Ordinance No. 785

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the Official Zoning Atlas of Said City, to Include a Change of Zone (PA07-0088) From BP (Business Park) To LI (Light Industrial) for an Approximate 104.9 Acre Portion of the Site, Including a Change of Zone for a 87 Foot Area Between Parcels 2 and 3 from BP (Business Park) to CC (Community Commercial) and Change of Zone for 126 Feet of Land Between Parcels 1 and 4 from CC (Community Commercial) to LI (Light Industrial), All Encompassed Within an Approximately 158 Acre Site (Including Relevant Offsite Improvements and Drainage) Commercial Land Uses on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional

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parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the resolutions, and conditions of approval in the resolutions, attached as Exhibit A to two of the resolutions.

Resolution No. 2009-09

A Resolution of the City Council of the City of Moreno Valley, California, Approving A General Plan Amendment (PA07-0089) for the Elimination of a Portion of a General Plan Designated Multi-Use Trail, the Adjustment of a Planned Multi-Use Trail on Future Eucalyptus Avenue (Fir), the Upgrading from an Arterial to a Divided Arterial for Future Eucalyptus Avenue (Fir) and a Change in Land Use for a 87 Foot Area Between Parcel of Land Use for of 126 Feet of Land Between Parcels 1 and 4 From C (Commercial) To BP (Business Park), and a Plot Plan for an Approximately 1,820,000 Square Foot Warehouse Industrial Building (Total of 2,620,000 Square Feet for All Phases of Development Consisting of Industrial and Commercial Land Uses) on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

Resolution No. 2009-10

A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of PA07-0090 (Tentative Parcel Map No. 35629) for Four Separate Buildable Parcels and Two Primary Parcels Dedicated for Freeway and Improvement Purposes (Thirteen Parcels Overall to Include Lettered Lots for Public Access and Dedication Purposes) and a Phased Subdivision of Land (P08-057) Consisting of a Proposed Industrial and Commercial Development (2,620,000 Square Feet) to Include Two Parcels for Industrial Warehouse Uses, Two Parcels for Commercial/Retail Uses and Two Parcels that will be Dedicated for Future Freeway Improvements on a 158 Acre Site (With Additional Off-Site Improvements and Drainage) Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

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Resolution No. 2009-11

A Resolution of the City Council of the City of Moreno Valley, California Approving PA07-0091 (Plot Plan) for an Approximate 1,820,000 Square Foot Industrial Warehouse Building with Ancillary Commercial/Retail and Office Uses on an Approximately 83 Acre Parcel Generally Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

ADJOURNMENT

***Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: February 3, 2009

TITLE: A phased tentative parcel map (PA07-0090 and P08-057) to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including public access and dedication), and first phase plot plan (PA07-0091) for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres (total of 2,620,000 square feet of building for the all phases of development). The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and includes a request a Change of Zone (PA07-0088) to LI (Light Industrial) for all proposed industrial uses and a General Plan Amendment (PA07-0089) to eliminate a planned multi-use trail over Highway 60, to adjust and extend a planned multi-use trail from the south to the north side of future Eucalyptus Avenue from Quincy Street to Theodore Street, to re-designate future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians, and to adjust parcel lines and land use for two parcels located in the CC land use district (narrow width 126 feet on the eastern portion of the site and widen 87 feet on the western portion of the site). The proposed project is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. An appeal has been filed by the project applicant, Highland Fairview Properties, to protect their rights.

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines.

2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the attached resolution.

3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions, and conditions of approval, attached as Exhibit A to two of the resolutions.

ADVISORY BOARD/COMMISSION RECOMMENDATIONS

On January 23, 2008, the Recreational Trails Board reviewed and concurred with the applicant's request to remove a planned trail segment on Sinclair Street between future Eucalyptus Avenue and Highway 60 that was subject to the feasibility of a freeway bridge over Highway 60. In addition, the Board recommended an extension of a planned trail from future Eucalyptus Avenue from Sinclair Street to Theodore Street.

On July 23, 2008, The Recreational Trail Board met to reconsider its original recommendation. At said meeting, the Board reaffirmed its earlier recommendation with the added provision to move the planned future Eucalyptus Avenue trail from the south to the north side of the street as requested by the applicant.

On January 8, 2009, the Planning Commission conducted a public hearing on the proposed project. Based on public testimony from over 60 speakers testifying for or against the project, the Planning Commission closed the public hearing portion and continued the meeting to January 15, 2009, for the applicant's rebuttal to public comments and Planning Commission deliberation. Although the public hearing portion was closed at the conclusion of the meeting on January 8, 2009, the Planning Commission agreed to accept written public comments up to the continued meeting.

On January 15, 2009, the Planning Commission conducted the continued meeting on the proposal. At said meeting, the applicant provided a rebuttal presentation to the public testimony received at the prior meeting. Subsequently, the Planning Commission deliberated on the project and at the conclusion of its deliberation voted 4-2 to refer the project to the City Council with a policy recommendation not to change the property zoning on a 104.9-acre portion of the project site from Business Park to Light Industrial to allow warehouse buildings greater than 50,000 square feet. Reasons given for the recommendation included perceived inconsistency with the existing General Plan vision adopted in 2006 for the area, which was clarified by the subsequent zoning consistency study, additional truck traffic generated by a large warehousing project, and the proposed project being better suited for the planned industrial area in the southern portion of the City.

BACKGROUND

The applicant, Highland Fairview Properties, has proposed Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of industrial and commercial building area in three phases on four parcels. The project site is in the BP (Business Park) and CC (Community Commercial) land use districts.

The project also includes a request for a change of zone from BP (Business Park) to LI (Light Industrial) on approximately 104.9 acres of the project site. The primary purpose of the change of zone is to allow warehouse buildings larger than the 50,000 square foot maximum permitted under the current BP zoning. The project also includes a General Plan amendment covering three elements: 1) modification of the Trails Map to eliminate the planned Sinclair Street trail from future Eucalyptus Avenue to Highway 60 and extend a planned trail on future Eucalyptus Avenue from Sinclair Street to Theodore Street and move the entire Eucalyptus Avenue trail to the north side of the street; 2) modification of the Circulation Plan to allow landscape medians on future Eucalyptus Avenue from Redlands Boulevard to Theodore Street by re-designating the segment from an Arterial to a Divided Arterial; and 3) minor modification of land use between industrial and commercial districts.

The Planning Commission held hearings on January 8, 2009, and January 15, 2009, and, after consideration of considerable written and oral information and testimony, referred the project to the City Council with a recommendation that the proposed policy change re-zone an approximately 104.9 acre portion of the project site not be approved. On January 22, 2009, the Planning Commission officially approved a resolution to formalize the recommendation.

Although the project was forwarded to the City Council by the Planning Commission referral, the applicant filed an appeal of the decision of the Planning Commission's action on January 16, 2009, to protect their rights and ensure review by the City Council. A copy of the appeal letter is included as an attachment to this report.

DISCUSSION

Policy Decision

The proposed Highland Fairview Corporate Park project includes a Change of Zone on 104.9 acres of the project site from Business Park (BP) to Light Industrial (LI). The Change of Zone represents a material change to the land use pattern along Highway 60 and the direction provided by the City Council during the zoning consistency study approved in 2006 shortly after the adoption of the General Plan Update. A policy decision relative to the proposed Change of Zone is required to allow for the approval of warehouse industrial buildings larger than 50,000 square feet on the project site. Allowable land uses under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category include all of the above uses with building sizes of 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

While the proposed project would be consistent with the current General Plan land use designation of Business Park/Industrial, a General Plan Amendment is required to eliminate the planned trail segment along Sinclair Street between future Eucalyptus Avenue and Highway 60. The planned trail bisects the proposed 1,820,000 square foot (Phase 1) warehouse industrial building.

Environmental Impact Report

Should the City Council want to consider approval of the applicant's appeal request and make a policy decision to approve the requested change of zone from Business Park (BP) to Light Industrial (LI), an Environmental Impact Report (EIR) would need to be considered and certified for the entire project. The EIR was prepared for the applicant by Michael Brandman and Associates, an approved City consultant, and thoroughly reviewed and accepted by City staff and a City-contracted peer consultant, the Chambers Group.

An EIR was required and completed for the proposed project pursuant to the California Environmental Quality Act (CEQA). Notice of completion and availability of EIR included a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. The City accepted comments well past the 45-day review period. The document was sent to numerous state and local agencies and interested parties on August 5, 2008, as well as the Environmental and Historical Preservation Board. All interested parties and responsible agencies had the chance to review responses to their comments in the draft Final EIR that was mailed to all parties providing letters on December 18, 2008, twenty one days prior to the first Planning Commission hearing on the project. The transmittal was well before the minimum 10 day notice required by CEQA but less than the 30 day notice that has been the City's historical practice. Both the Draft EIR and EIR in its final form were provided for the public's review at City Hall, the City public library and on the City's website.

The EIR concludes that the proposed project will have certain aesthetics, agricultural, air quality, noise and climate change/greenhouse gas impacts that cannot be reduced to a less than significant level, even with proposed mitigation. As identified in the EIR, impacts for the five items are considered to be significant and unavoidable. The EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts. All mitigation measures have been included as conditions of approval and within a Mitigation Monitoring Program attached to the draft project resolutions. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be successfully mitigated below significant thresholds.

Two key elements evaluated in the EIR are the applicant's proposed 24 hour grading operations and the buffer of existing and future sensitive receptors or land uses surrounding the project. In order to mitigate or lessen the ongoing grading operation of the proposed "around the clock" grading activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and other sensitive receptors. In order to provide greater compatibility between the

project if built and current and proposed land uses, the EIR proposed a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. The proposed buffer area, zoned R3 (Residential – up to 3 units per acre), is currently owned by the applicant. Development with such uses as residential homes, schools or other sensitive receptors would not be permitted within this designated buffer area subject to deed restrictions placed on all affected properties.

Since all potential environmental impacts of the project could not be mitigated to less than significant levels, a Statement of Overriding Considerations was prepared. The California Environmental Quality Act (CEQA) requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report for review and possible consideration.

ALTERNATIVES

1. Deny the policy decision for the Change of Zone or General Plan Amendment, thus denying the proposed project.

2. Deny the certification of the Environmental Impact Report, thus denying the proposed project.

3. Approve the policy decision for the Change of Zone and overall project proposal, including certification of an Environmental Impact Report with modifications to address City Council concerns.

4. Approve the policy decision for the Change of Zone and overall project proposal as submitted, including the certification of the Environmental Impact Report.

5. Refer the proposed project back to the Planning Commission for further review and analysis.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

A phased industrial and future commercial project is being proposed for property bounded by Redlands Boulevard, Theodore Street, Highway 60, and future Eucalyptus Avenue. The applicant, Highland Fairview Properties, is proposing a General Plan Amendment for items relating to a multi-use trail, minor adjustment of land uses, the addition of center medians, and a Change of Zone for a proposed 83 acre Phase 1 1,820,000 square feet industrial warehouse project and future 600,000 square foot building on approximately 22 acres under Phase 2.

The vision provided by the Planning Commission and City Council during the 2006 General Plan Update and subsequent zoning consistency included zoning which restricted warehouse and industrial buildings to 50,000 square foot or smaller for the Business Park areas in the eastern portion of the City. A policy decision by the City Council would be needed to allow larger industrial buildings in this area. A proposed Change of Zone from BP or Business Park to LI or Light Industrial would allow industrial buildings larger than 50,000 square feet at the project site. The Planning Commission decision at their January 15, 2009 meeting was to recommend denial of the request to change existing land use policy and the current zone to LI (Light Industrial) for the project site.

NOTIFICATION

Notice of the project was provided to potentially affected agencies, adjacent property owners and the general public. This included notice to all responsible agencies, property owners of record within 300 feet of the project, and all interested parties that had asked to be included on the mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper. Prior notification of the draft and final versions of the Environmental Impact Report was provided to all responsible agencies and interested parties.

ATTACHMENTS

1. Public Hearing Notice
2. Appeal letter from Highland Fairview dated January 16, 2009
3. Environmental Impact Report Resolution, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Change of Zone Ordinance, including Exhibit A
5. General Plan Resolution, including three (3) individual exhibits, Exhibits A through C
6. Tentative Parcel Map Resolution, with attached conditions of approval
7. Plot Plan Resolution, with attached conditions of approval
8. Environmental Impact Report (Previously provided in disk format under separate cover)
9. Letter from Caltrans and Response to Comments
10. Letter from Mr. Mike Rios and Response to Comments

11. Planning Commission Report excluding exhibits
12. Planning Commission Minutes of January 8, 2009 and January 15, 2009
13. Aerial Map
14. Zoning Map
15. Reduced Tentative Parcel Map
16. Reduced Site Plan
17. Zoning and Land Use Boundary Change Map in EIR
18. Land Use Buffer Map in EIR
19. Planning Commission Denial Recommendation Resolution No. 2009-01

Prepared By Mark Gross, AICP, Senior Planner

Kyle Kollar, Community Development Director

Concurred By John C. Terell, AICP, Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held at a special meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Tentative Parcel Map No. 35629) to include P08-057 (Phasing Plan), PA07-0091 (Plot Plan) and P07-157(EIR)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A tentative parcel map to subdivide a 158.4 gross acre portion of land (265.3 acres to include offsite improvements and drainage) into four (4) separate buildable parcels and two parcels dedicated for freeway improvement purposes (a total of 2,620,000 square feet of industrial and commercial development), with the first phase to include a plot plan for a 1,820,000 square foot distribution warehouse building on approximately 83 acres. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) for all proposed industrial uses/parcels and a General Plan Amendment for the elimination of a required multi-use trail connection, adjustment of a multi-use trail to the north side of future Eucalyptus Avenue, re-designation of future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians as well as the adjustment of parcel lines and land use for two parcels located in the CC land use district (a deduction of 126 feet in width on the eastern portion and enlargement of 87 feet in width on the western portion. An Environmental Impact Report (EIR) has been prepared. An appeal of a Planning Commission recommendation not to recommend approval of a change of zone for a portion of the project site has been filed by the applicant, Highland Fairview Properties.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157) including a Statement of Overriding Considerations and Mitigation Monitoring Program, has been prepared for this project (SCH#2007101132). The document was circulated in draft form to the public (including interested parties/responsible agencies) for review from August 5, 2008 to September 19, 2008. The Final EIR was distributed on December 19, 2008, and is included on the City's website at www.moval.org.

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday; 8 a.m. to 5 p.m. on Friday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

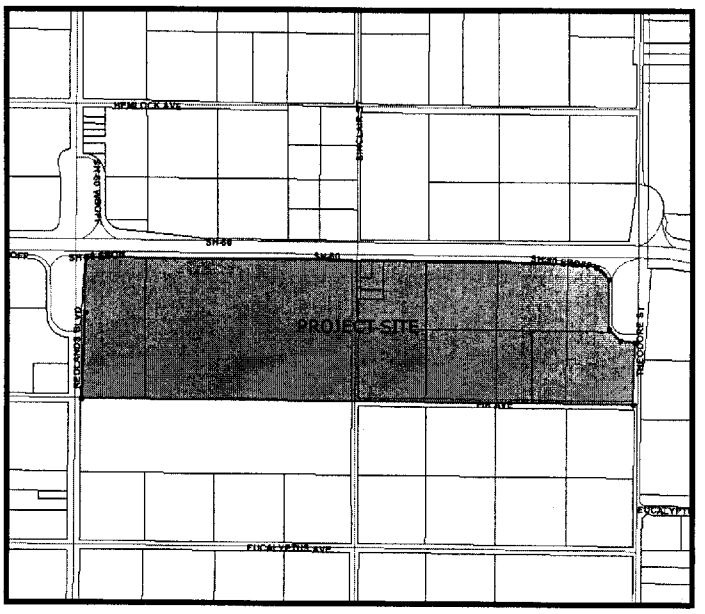

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: February 3, 2009 at 6:00 PM
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

January 16, 2009

Mayor Richard A. Stewart, Mayor and
Members of the Moreno Valley City Council
City of Moreno Valley
14177 Frederick Avenue
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park - PA07-0088 Zone Change, PA07-0089 General Plan Amendment, PA07-0090 TPM 35629 (including PA08-07 Phasing Plan), P07-157 Environmental Impact Report

Mr. Mayor and Members of the City Council:

On January 15, 2009, the Planning Commission voted to refer the above-referenced project applications being processed for the Highland Fairview Corporate Park project to the City Council with a recommendation that the Council deny the project. We have been advised by staff that these applications will be forwarded to the Council for review and final action.

However, because 1) sec. 9.02.040(E)(1)(c) of the Moreno Valley Municipal Code states that a decision by the Commission to recommend disapproval of a proposed General Plan Amendment is final unless appealed within 15 days of the Commission's action, 2) sec. 9.02.050 (C)(2)(a)(iii) contains similar appeal language relative to proposed zone change applications, 3) sec. 9.14.050 provides for the appeal of a Planning Commission action on a proposed tentative map and 4) sec. 9.02.240 states that any action by the Planning Commission may be appealed to the City Council (applicable to the certification of the EIR, the Plot Plan and the Phasing Plan), Highland Fairview hereby respectfully appeals the Commission's recommendation with respect to the certification of the EIR (P07-157), the approval of the general plan amendment (PA07-0089), the change of zone (PA07-0088), the tentative subdivision map (PA07-0090), the phasing plan (PA07-057), and the Plot Plan (PA07-0091).

This appeal is based on the Commission's error in not finding that the project will be consistent with existing goals, objectives, policies and programs of the General Plan, on its error in not finding that the project will be consistent with all applicable portions of the City's Municipal Code and its error in not finding the proposed project will not adversely affect the public, health, safety or general welfare.

Enclosed, per the City's Fee Table, is a check in the amount of $750.00 for the appeal filing fee. If there is any additional material, or any added information required, please contact me directly.

Sincerely,

HIGHLAND FAIRVIEW

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RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P07-157), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE HIGHLAND FAIRVIEW CORPORATE PARK PROJECT, GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, on February 3, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the proposed project, which includes a tentative parcel map to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication) with a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres, and a total of approximately 2,620,000 square foot of building for all phases of development. The project also includes related offsite improvements and drainage. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) to allow the proposed industrial structures and a General Plan Amendment to move a planned multi-use trail from the south side to the north side of future Eucalyptus Avenue (Fir Avenue), eliminate a planned multi-use trail along the Sinclair Street alignment over Highway 60, and the adjustment of parcel lines and land use for two parcels located in the CC land use district, and to consider all environmental documentation;

WHEREAS, the project includes applications for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), phasing (P08-057) tentative parcel map (PA07-0090) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings and shall not be approved unless the Environmental Impact Report (P07-157) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on August 5, 2008, while the review period ended on September 19, 2008. A Final EIR, (including the Draft EIR dated August 4, 2008, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on January 8, 2009, the Planning Commission conducted a public hearing to consider the proposed project, or the Highland Fairview Corporate Park project

consisting of a tentative parcel map to subdivide a 158 gross acre portion of land into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.), and a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres and a total of approximately 2,620,000 square foot of building for all phases of development, and a related Change of Zone and General Plan Amendment, and to consider environmental documentation in its final form;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS on February 3, 2009, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

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

WHEREAS, the comment period for the draft Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project began on August 5, 2008, while said document was circulated for a 45 day period to the public and to responsible agencies for comments, concluding on September 19, 2008;

WHEREAS, on December 19, 2008, the City published a Notice of Availability in the local newspaper (Press Enterprise), posted the Notice of Availability at the Riverside County Clerk's office, and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, since August 5, 2008, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library;

WHEREAS, the final public comment period closed on September 19, 2008, and the City has prepared responses, which have been included in the Final EIR, to all comments received by that date and through the month of October;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the Highland Fairview Corporate Park Project, including, but not limited to land use, traffic and circulation, air quality, noise and aesthetics, light and glare. A statement of overriding considerations is provided for environmental impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas

emissions;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

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

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The Planning Commission hereby recommends that the City Council certify that the final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project on file with the Community and Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The Planning Commission recommends that the City Council hereby adopt the Findings and Statement of Overriding Considerations regarding the final EIR for the Highland Fairview Corporate park Project, attached hereto as Exhibit A; and

3. The Planning Commission recommends that the City Council hereby approve the Mitigation Monitoring Program for the final EIR for the proposed Highland Fairview Corporate Park project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects of the Approval of the Highland Fairview Corporate Park Project (State Clearinghouse No. 2007101132)

I. INTRODUCTION

The City Council of Moreno Valley (the "Council") in approving the Highland Fairview Corporate Park project (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Findings are based upon the entire record before the Council, as described in Section III below, including the Environmental Impact Report ("EIR") prepared for the Project by the City, acting as the lead agency under the California Environmental Quality Act ("CEQA").

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The Project consists of the development of a corporate park in three phases comprising a 1,820,000 square foot ("sf") logistics (i.e., warehouse and distribution) building, which will be leased to Skechers, and 80,000 sf of commercial facilities in Phase 1; a second 600,000 sf logistics building in Phase 2; and 120,000 sf of commercial facilities in Phase 3. The Project will affect three different areas which, together, will contain approximately 265 acres: the Project Site which will contain approximately 125 acres which will be developed and approximately 33 acres which will be dedicated or improved for various improvements and utility extensions; and approximately 23 acres, located south of the Project Site, which will be used for drainage purposes in connection with the development of the Project Site. The Project Site is bounded on the north by State Route 60 ("SR-60"), on the east by Theodore Street, on the south by future Eucalyptus Avenue (approximately on the current alignment of Fir Avenue) and on the west by Redlands Boulevard.

The eastern and western portions of the Project Site are currently designated for Commercial uses in the City's General Plan and are zoned for Community Commercial uses. The center of the Project Site is designated for Business Park/Light Industrial use in the General Plan and is zoned for Business Park uses. The development of the Project requires a General Plan amendment to increase the commercial area on the western portion of the Project Site, to reduce the commercial area on the eastern portion of the Project Site, to amend the City's Master Plan of Trails and to amend the Circulation Element of its General Plan to make future Eucalyptus Avenue a four lane divided arterial street with a median; a zone change to reflect the changes in the areas designated for Commercial and Business Park uses; a change in the zoning in the center of the

Project Site from Business Park to Light Industrial; a tentative parcel map to create four parcels on which development will occur, three parcels which will be used for SR-60 improvements and six parcels which will serve as common areas; the approval of the Plot Plan for the development planned for Parcel 1; the approval of alternate work hours during the construction period; and future discretionary approvals needed to complete the development of the Project.

B. PROJECT OBJECTIVES

The objectives for the Project are to:

1. Perform construction in an accelerated manner in order to meet Skechers' occupancy needs;

2. Provide additional employment opportunities;

3. Provide logistic facilities in a single building containing at least 1,800,000 sf to allow for the consolidation of several existing Skechers' logistics facilities into one;

4. Plan for, and entitle, the Project Site to allow for the possibility of adding another building containing up to 600,000 sf to account for future growth in the need for logistics facilities;

5. Provide logistics facilities on land with immediate access to State Route-60 to minimize the use of City streets;

6. Provide the City with new jobs and revenues from the construction and operation of the logistics facilities;

7. Construct the logistics facilities in a manner that maximizes the use of green technology; and

8. Develop the Project Site to ensure an adequate rate of return on the Project applicant's investment.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive environmental review of the Project to ensure that both the City's decision makers and the public are fully informed about potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in the Project through the use of mitigation measures which have been found to be feasible; and to disclose to the public the reasons why the City has approved the Project in the manner chosen in light of the significant

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environmental effects which have been identified in the EIR. In order to do this, the City, as the lead agency under CEQA, has done all of the following:

1. Prepared and distributed an Initial Study/Notice of Preparation, dated October 29, 2007, a copy of which was circulated the following day through the State Clearinghouse to various state agencies for their comments;

2. Sent the Initial Study/Notice of Preparation, which contained the notice of a scoping meeting to be held on November 26, 2007, to each of the governmental agencies, organizations and individuals shown on the distribution list for the Notice of Preparation/Initial Study, Appendix A to the Draft EIR, on October 29, 2007;

3. Held a public scoping meeting on November 26, 2007, to solicit comments from the public on what should be analyzed in the EIR;

4. Sent a Notice of Completion and a copy of the Draft EIR to the State Clearinghouse on August 4, 2008;

5. Filed a Notice of Availability with the Clerk of the Riverside County Board of Supervisors on August 4, 2008, informing the public that the Draft EIR was available for public review for a 45 day period beginning on August 6, 2008, and ending on September 19, 2008;

6. Mailed the Notice of Availability to all organizations and individuals who had previously requested the Notice on August 4, 2008;

7. Mailed the Notice of Availability to all residents and property owners within 300 feet of the Project Site on August 4, 2008;

8. Provided copies of the Draft EIR to 132 public agencies, organizations and individuals on August 4, 2008;

9. Placed copies of the Draft EIR on the City's website, at the City's Planning Department's public counter and at the public library located at 25480 Alessandro Boulevard on August 4, 2008;

10. Published the Notice of Availability on August 8, 2008, in the Press Enterprise, which is the newspaper of general circulation which has the largest circulation in the areas affected by the Project;

11. Prepared responses to comments on the Draft EIR received during and after the 45 day comment period on the Draft EIR, which have been included in the Final EIR;

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12. Published a Notice on December 19, 2008, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the City's Planning Commission would hold a public hearing on January 8, 2009, to consider the Final EIR and the Project in order to provide recommendations to the Council;

13. Sent copies of the Final EIR on December 19, 2008, to all public agencies, organizations and individuals who had submitted comments;

14. Held a public hearing of the City's Planning Commission to consider the adequacy of the Final EIR on January ___, 2009, and, at the conclusion of the hearing, recommended that the Council certify that the Final EIR had been prepared in full compliance with CEQA;

15. Published a notice on January ___, 2009, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the Council would hold a public hearing on January ___, 2009, to consider certification of the Final EIR as having been prepared in compliance with CEQA and the approval of the Project;

16. Mailed notice of the Council's hearing to all residents and property owners within 300 feet of the Project Site on January ___, 2009;

17. Sent notice of the Council's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on January ___, 2009; and

18. Held a public hearing of the Council on January ___, 2009, and, after full consideration of all comments, written and oral, certified that the Final EIR had been completed in compliance with CEQA and approval of the Project.

All of the documents identified above and all of the documents which are required to be part of the record pursuant to Public Resources Code § 21167.6(e) are on file with the City's Community Development Department, Planning Division, located at 14177 Frederick Street, Moreno Valley, CA 92552-0805. Questions should be directed to Mark Gross, AICP, Senior Planner, in the Division.

A. INDEPENDENT JUDGMENT FINDING

Finding: The Final EIR for the Project reflects the City's and the Council's independent judgment and analysis.

Factual Basis for the Finding: The EIR was prepared by Michael Brandman Associates, an independent consulting firm, under the supervision and direction of Planning Division staff of

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the City's Community Development Department and was thoroughly reviewed by the Chambers Group, an expert consultant hired by the City to provide independent peer review and assure the exercise of thorough and independent review and judgment by the City. The Council, as the City's final decision making body for the Project, received and reviewed the Final EIR and the comments, both written and oral, provided by public agencies and members of the public prior to certifying that the Final EIR complied with CEQA. The participation of City Staff in selection and approval of Michael Brandman Associates as the EIR Consultant, the professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by the City Staff, the thorough and independent review of the Draft and Final EIRs, including comments and responses to comments, by both the City Staff and the Chambers Group and the review and careful consideration by the City Council of the Final EIR, comments and responses to comments all conclusively show that the Final EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency, and of the City Council as its governing body.

B. FINDING OF THE ABSENCE OF ANY NEED TO RECIRCULATE THE FINAL EIR

Finding: The Council finds that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Project EIR.

Factual Basis for the Finding: The Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed and that the Final EIR contains additions, clarifications and minor modifications to the Draft EIR. The Council has reviewed and considered the Final EIR and all of the information contained in it and has determined that the new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact nor a feasible

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mitigation measure or an alternative considerably different from others previously analyzed that the Project applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the Council indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

C. GENERAL TREATMENT OF MITIGATION MEASURES

It is the Council's intention to adopt all mitigation measures recommended by the Final EIR. If a measure has been omitted from the Conditions of Approval, from the Findings or from the Mitigation Monitoring Program (the "MMP"), a copy of which is attached as Exhibit A and which is hereby adopted, that mitigation measure shall be deemed to be adopted pursuant to this paragraph.

In addition, all Conditions of Approval and the MMP repeating or rewording mitigation measures recommended in the Final EIR are intended to be substantially similar to the mitigation measures as stated in the Final EIR and are found to be equally effective in avoiding or lessening the identified environmental impact.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

Based on the Initial Study, Appendix A.2 to the Draft EIR, and the responses to the Notice of Preparation, the EIR analyzed 16 potential areas where significant environmental impacts could result from the development of the Project. Five of those, aesthetics, agricultural resources, air quality, noise and global climate change and greenhouse gases, were found to have significant and unavoidable environmental impacts after the imposition of all feasible mitigation measures. The remaining 11 areas, biology, cultural resources, geology, hazards and hazardous materials, hydrology, land use and planning, mineral resources, population, housing and employment, public services, transportation and traffic and utilities and service systems were found to have either no significant and unavoidable environmental impacts or that the environmental impacts could be mitigated into a level of insignificance. The description of each environmental area, the potential impacts and the feasible mitigation measures are set forth in Sections 5 and 6 of the Draft EIR together with the changes and additions set forth in Section 4 of the Final EIR.

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A. IMPACTS IDENTIFIED IN THE EIR AS LESS THEN SIGNIFICANT REQUIRING NO MITIGATION

1. AESTHETICS

a. Potential Significant Impact: Damage to scenic resources (Impact 5.1-2)

Finding: The Project will not substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings visible from a State scenic highway.

Factual Basis for the Finding: As discussed in Sections 5.1 and 5.2 of the Draft EIR and as shown in the Aesthetics Assessment, Appendix M.1 to the Draft EIR, the Project Site is flat, having been used for farming in the past and contains no trees, rock outcroppings or historic buildings within any State scenic highway.

b. Potential Significant Impact: Degradation of the existing visual character or quality of the Project Site and its surroundings (Impact 5.1-3)

Finding: The Project will not substantially degrade the existing visual character or quality of the Project Site or its surroundings.

Factual Basis for the Finding: As discussed on pages 5.1-25-26 of the Draft EIR, the development of the Project will introduce urban development into an area of the City that has historically been used for ranching and agricultural purposes. However, the City's General Plan has identified the Project Site for business park and commercial development with the recognition that the visual attributes of the Project Site will change. That change is a continuation of planned development that is visually compatible with the proposed future urbanization of the area surrounding the Project Site.

2. AGRICULTURAL RESOURCES

a. Potential Significant Impact: Conflict with existing zoning for agricultural use or a Williamson Act contract (Impact 5.2-2)

Finding: The Project does not conflict with existing zoning for agricultural use or a Williamson Act contract.

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Factual Basis for the Finding: As discussed on page 5.2-5 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site is zoned as Business Park and Commercial and is not subject to a Williamson Act contract.

b. Potential Significant Impact: Conversion of other farmland to nonagricultural use (Impact 5.2-3)

Finding: The Project will cause changes in the existing environment which could result in the conversion of other farmland to nonagricultural use. However, such changes will not rise to a level of significance because the surrounding farmland is designated for development in the City's General Plan and is not suitable for farming in the long term in any event.

Factual Basis for the Finding: As discussed on page 5.2-6 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site and the area surrounding the Project Site are vacant and, in the past, have been used for dry land farming. However, the development of the Project would not, by itself, in any way limit the use of adjacent land for agricultural purposes. Moreover, the surrounding land is designated for urban use with the understanding that whatever limited agricultural use now exists will not continue to exist for much longer.

Moreover, as discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although land near the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing

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facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of production means that the land near the Project Site cannot be realistically considered as an agricultural resource.

3. AIR QUALITY

a. Potential Significant Impact: Conflict with, or obstruction of, implementation of the applicable air quality plan (Impact 5.3-1)

Finding: The Project will not conflict with, nor will it obstruct implementation of, the applicable air quality plan.

Factual Basis for the Finding: As discussed on pages 5.3-22-23 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the Project is consistent with the Air Quality Management Plan prepared by the South Coast Air Quality Management District because, as set forth in Response 20-2 on page 3-94 of the Final EIR, the number of trips generated under the existing General Plan land use designation, which forms the basis for the Air Quality Management Plan, contemplates vehicle trips substantially in excess of those which will result once the Project is fully developed.

b. Potential Significant Impact: Creation of objectionable odors (Impact 5.3-5)

Finding: The Project will not create objectionable odors affecting substantial numbers of people.

Factual Basis for the Finding: As discussed on page 5.3-54 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the project will not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds would be emitted during construction and operation of the project, which may be objectionable; however, emissions would disperse rapidly from the project site

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and therefore will not be at a level that would induce any significant negative response.

4. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse impact on habitat (Impact 5.4-2)

Finding: The Project will not have a substantial adverse affect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or the U.S.A. Fish and Wildlife Service.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site does not contain any riparian habitat nor does it contain any habitat for either sensitive plants or wildlife.

b. Potential Significant Impact: Substantial adverse effect on protected wetlands (Impact 5.4-3)

Finding: The Project will not have any effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis and the Delineation of Jurisdictional Waters and Wetlands, Tentative Parcel Map No. 35629 and Associated Offsite Areas, Appendices C.1 and C.2 to the Draft EIR, there are no wetlands or wetland vegetation on the Project Site.

c. Potential Significant Impact: Interference with migratory wildlife corridors (Impact 5.4-4)

Finding: The Project will not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery sites.

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Factual Basis for the Finding: As discussed on pages 5.4-31-32 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, no wildlife movement corridors occur on, or directly adjacent to, the Project Site nor will there be any impact on native wildlife nursery sites because no such sites were observed on, or directly adjacent to, the Project Site.

4. GEOLOGY AND SOILS

a. Potential Significant Impact: Exposure of people or structures to potential substantial adverse effects (Impact 5.6-1)

Finding: The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the Project Site or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; and (iv) landslides.

Factual Basis for the Finding: As discussed on pages 5.6-1-15 and Responses 15-1-5 on pages 3-137-138 of the Final EIR and in the geotechnical studies, Appendix F to the Draft EIR, the Project Site is not located in an area that is underlain by any active fault segments although there may be unnamed fault splays nearby. The Project Site is located in an area where there is a moderate potential for liquefaction. However, liquefaction occurs only when groundwater is present within 50 feet of the surface, something which exploratory wells have shown does not occur on the Project Site. The combination of required setbacks and adherence to the structural design requirements set forth in the California Building Code means that the chances of substantial adverse effects will be no greater on the Project Site than anywhere else in Southern California.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GEO-1, set forth on page 4-52 of the Final EIR, has been imposed as a condition of Project approval to ensure that any fault features found on the Project Site will be suitably dealt with.

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b. Potential Significant Impact: Substantial soil erosion or loss of top soil (Impact 5.6-2)

Finding: The Project will not result in substantial soil erosion or the loss of topsoil.

Factual Basis for the Finding: As discussed on page 5.6-15 of the Draft EIR, the Project Site has a gentle slope which does not have a high erosion potential. The fine sandy soil on the Site does have a potential for wind erosion but standard best management practices and air quality emission dust controls during grading will ensure that the soils are properly moistened during high wind conditions. Topsoil on the Site will be lost due to the construction of the Project. However, because the Project Site will ultimately be converted to urban uses and no longer available for agricultural production, the loss of the topsoil will not result in any significant impact.

c. Potential Significant Impact: Unstable geologic location (Impact 5.6-3)

Finding: The Project will not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and will not potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

Factual Basis for the Finding: As discussed on pages 5.6-1-10 and –15 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, and in subsection IV.4.a. above, no evidence of geologic instability underlaying the Project Site has been identified as a result of the geotechnical investigations carried out on the Site. Moreover, the development of the Project will be subject to the City's Grading Ordinance and the California Building Code, both of which are designed to deal with potential problems of geologic instability.

d. Potential Significant Impact: Location of the Project on expansive soil (Impact 5.6-4)

Finding: The Project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), nor will it create substantial risk to life or property.

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Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, limited laboratory tests of the soils at the Project Site at shallow depth show that they have a low expansion potential. Moreover, the Project will be required to comply with the City's Grading Ordinance and the California Building Code, both of which are designed to deal with the potential of expansive soils.

e. Potential Significant Impact: Wastewater disposal systems (Impact 5.6-5)

Finding: Wastewater disposal will have no effect on the soils on the Project Site.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR, the Project will be connected to wastewater service provided by the Eastern Municipal Water District and no septic tanks will be used.

f. Potential Significant Impact: Cumulative impacts on geology and soils

Finding: Cumulative impacts on geology and soils caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-12 of the Draft EIR, the physical development of other land will be subject to the same strict safeguards applicable to the development of the Project Site. Further, impacts to geology and soils are site specific so that a problem on one site does not contribute to problems on other sites.

5. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: Hazardous emissions within one-quarter mile of an existing or proposed school (Impact 5.7-2)

Finding: The Project will not emit hazardous emissions nor will it handle hazardous or acutely hazardous materials, substances or wastes within one-quarter mile of an existing or proposed school.

Factual Basis for the Finding: As discussed on page 5.7-9 of the Draft EIR and in the letter from Jeff Hoskinson dated April 21, 2008, Appendix L to the Draft EIR, the nearest school site, the Calvary Chapel Christian School, is located

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approximately 1.3 miles northwest of the Project Site. Two school sites which had previously been considered by the Moreno Valley Unified School District within one-quarter mile of the Project Site have been abandoned.

b. Potential Significant Impact: Safety hazard due to proximity to an airport (Impact 5.7-3)

Finding: The Project will not result in a safety hazard for people residing or working in the area due to the proximity of an airport or private airstrip.

Factual Basis for the Finding: As discussed on page 5.7-19 of the Draft EIR, the nearest airport or private airstrip is March Air Force Base which is located approximately 7.3 miles southwest of the Project Site. The Site is not within any airport land use plan area.

c. Potential Significant Impact: Impairment or interference with an adopted emergency response plan (Impact 5.7-4)

Finding: The Project's implementation will not impair or physically interfere with any adopted emergency response plan or any emergency evacuation plan.

Factual Basis for the Finding: As discussed on pages 5.7-9-10 of the Draft EIR, the Project Site is located on the City's urban fringe and does not interfere with access to any other area. Emergency access to the Project Site will be available from both Redlands Boulevard and Theodore Street along future Eucalyptus Avenue for all three Phases of the Project.

d. Potential Significant Impact: Exposure to wildland fires (Impact 5.7-5)

Finding: The development of the Project will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

Factual Basis for the Finding: As discussed on page 5.7-10 of the Draft EIR, the Project Site is located in an area which is currently undeveloped and actively dry farmed. No heavy natural vegetation exists in the area surrounding the Site, the surrounding areas cannot be characterized as wildlands nor is the Project Site located in an area identified as a high fire area by Riverside County. The

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closest high fire area is approximately eight-tenths of a mile west of the Site.

6. HYDROLOGY AND WATER QUALITY

a. Potential Significant Impact: Violation of water quality or waste discharge standards (Impact 5.8-1)

Finding: The Project will not violate any water quality standards nor any waste discharge standards nor will it otherwise degrade water quality.

Factual Basis for the Finding: As discussed on pages 5.8-11-15 of the Draft EIR, as modified on page 4-56-57 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the Project applicant will be required to prepare a Stormwater Pollution Prevention Plan ("SWPPP") that conforms to the State Water Resources Control Board's National Pollutant Discharge Elimination System permit prior to the issuance of grading or construction permits. The SWPPP will identify best management practices to prevent construction related pollutants from reaching stormwater and all products of erosion from moving off-site. Conformance with the mandatory requirements of the SWPPP will ensure that no substantial degradation of water quality associated with the short-term construction activities will occur.

Long-term operational stormwater quality concerns will be managed pursuant to a City approved Water Quality Management Plan for the Project Site. The Plan requires the construction of a stormwater conveyance system that will include a series of extended detention basins, which will also serve as infiltration basins, with catch basin inserts for the removal of trash. The result will be a significant reduction in pollutant loads in the stormwater runoff from the Project Site which might otherwise reach surface water bodies.

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b. Potential Significant Impact: Depletion of groundwater supplies or interference with groundwater recharge (Impact 5.8-2)

Finding: The Project will not substantially deplete groundwater supplies nor will it interfere substantially with groundwater recharge.

Factual Basis for the Finding: As discussed on page 5.8-15 of the Draft EIR, and in the geotechnical studies, Appendix F to the Draft EIR, development of the Project Site will increase the amount of impervious area on the Site. However, because groundwater is located more than 110 feet below the existing ground surface, existing recharge is currently minimal. Stormwater runoff from the Project Site will be released into existing downstream drainage areas which will continue to allow runoff from the Site to percolate into the soil.

c. Potential Significant Impact: Alteration of existing drainage patterns resulting in substantial erosion, siltation or flooding on- or off-site (Impact 5.8-3)

Finding: The Project will not substantially alter the existing drainage pattern in a manner which would result in substantial erosion, siltation or flooding on- or off-site.

Factual Basis for the Finding: As discussed on pages 5.8-16-18 of the Draft EIR, as modified on page 4-58 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the best management practices requirement of the SWPPP will ensure that runoff from the Project Site, including siltation, will be cleaned and delivered into existing off-site drainage channels in an amount which will not exceed predevelopment flows.

The Project Site is located in an area which is subject to a 500-year flood or a 100-year flood with an average flooding depth of less than one foot. The Project's detention basins will be utilized to reduce the 100-year peak storm flows to levels at or below existing peak discharges for the Project Site. Thus, the

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development of the Project will not add to the potential for flooding on- or off-site.

d. **Potential Significant Impact:** Creation or contribution of runoff waters exceeding the capacity of existing or planned drainage systems or resulting in substantial additional sources of polluted runoff (Impact 5.8-4)

Finding: The Project will not create, nor will it contribute to, runoff water which would exceed the capacity of existing or planned stormwater drainage systems nor will it provide substantial additional sources of polluted runoff.

Factual Basis for the Finding: As discussed on pages 5.8-17-18 of the Draft EIR, as modified on page 4-38 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, development of the Project Site will increase the impervious surface and would, in the absence of suitable improvements, result in increased stormwater runoff. However, because of the drainage improvements discussed in Section 5.8 of the Draft EIR, stormwater runoff from the Project Site will be less than, or equal to, the peak discharges under existing conditions. Further, the Project's treatment of stormwater runoff, discussed in subsection IV.7.a. above, will ensure the absence of pollutants leaving the Project Site.

e. **Potential Significant Impact:** The location of housing within a 100-year flood hazard area (Impact 5.8-5)

Finding: The Project will not place housing or other structures within a 100-year flood hazard area.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the Project will not contain any housing and the Project Site is not located within a 100-year flood hazard area.

f. **Potential Significant Impact:** Exposure of people or structures to significant risk of loss, injury or death involving flooding (Impact 5.8-6)

Finding: The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or a dam.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the nearest dam is approximately five miles downstream of the Project Site so that there is no risk from dam failure. Further, there are no levees located anywhere in the vicinity of the Project Site.

g. Potential Significant Impact: Inundation by seiche, tsunami or mud flow (Impact 5.8-7)

Finding: The Project Site will not be subject to inundation by seiche, tsunami or mud flow.

Factual Basis for the Finding: As discussed on pages 5.8-18-19 of the Draft EIR, the Project Site is not located near the Pacific Ocean nor any large body of water. Therefore, neither tsunamis nor seiches, which are defined as standing waves in a partially enclosed body of water, present any hazard to the Project Site. Further, the Site and its surrounding vicinity is relatively flat and the nearest foothills are more than a mile away so that the potential for a mud flow affecting the Site is remote.

h. Potential Significant Impact: Cumulative impacts on hydrology and water quality

Finding: Cumulative impacts on hydrology and water quality caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-14 of the Draft EIR, the EIR prepared for the City's General Plan found that the development of the Project Site and surrounding areas has the potential to increase flooding, erosion, stormwater pollutants. These impacts will be avoided through the implementation of required Best management Practices on a project by project basis in accordance with the national Pollutant Discharge Elimination Stormwater Permit and Water Quality Management Plans. All flood control measures and infrastructure maintenance will be required to comply

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with either the Riverside County Flood Control and Water Conservation District's or the City's standard engineering practices. Additionally, all new development will be required to build master drainage plan facilities and/or pay fees which will be used to build them.

7. LAND USE AND PLANNING

a. Potential Significant Impact: Physical division of an established community (Impact 5.9-1)

Finding: The Project will not physically divide an established community.

Factual Basis for the Finding: As discussed on page 5.9-16 of the Draft EIR, there is no established community in the Project area at the present time. Further, the existing General Plan designates the Project Site for nonresidential development.

b. Potential Significant Impact: Cumulative impacts on land use and planning

Finding: Cumulative impacts on land use and planning caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-14-16 of the Draft EIR, the changes in land use for the Project Site will produce fewer jobs than currently projected based on the development contemplated by the existing General Plan designation and zoning but will still increase the City's job/housing ratio. Further, the impacts resulting from changes in land use are site specific so that a change of use on one site does not contribute to a change of use on other sites.

8. MINERAL RESOURCES

a. Potential Significant Impact: Loss of a known valuable mineral resource (Impact 5.10-1)

Finding: The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

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Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, there are no known mineral resources on the Project Site.

b. Potential Significant Impact: Loss of availability of a locally-important mineral resource recovery site (Impact 5.10-2)

Finding: The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on the City's General Plan or any other land use plan.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, the Project Site is not identified on any land use plan as containing any locally-important mineral resource recovery site.

c. Potential Significant Impact: Cumulative impacts on mineral resources

Finding: Cumulative impacts on mineral resources caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant

Factual Basis for the Finding: As discussed on pages 6-16-17 of the Draft EIR, there are no mineral resources located on the Project Site so the development of the Project will not have any impact on mineral resources. Further, impacts to mineral resources are site specific so that a problem on one site does not contribute to problems on other sites.

9. NOISE

a. Potential Significant Impact: Exposure of people to noise levels in excess of applicable standards or a substantial permanent noise increase in the vicinity of the Project (Impact 5.11-1)

Finding: The Project will not expose people to noise levels in excess of applicable standards. The Project will produce a permanent noise increase in the vicinity of the Project Site but will not result in any significant impact.

Factual Basis for the Finding: As discussed on pages 5.11-17-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the Project will result in a permanent noise increase in the vicinity of the Project Site because the Site is currently vacant. Traffic servicing the Project Site will

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add to the existing noise along Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. However, there are no sensitive receptors along either of these street segments which would be adversely affected by the increased noise. Any residential development on land south of future Eucalyptus Avenue will require a sound study, which will review the physical layout of the development, and, if noise problems are found, will require the imposition of appropriate noise reduction measures to ensure that the noise impacting future residents will not exceed that allowed by the City's Municipal Code.

The buildings housing the Project's logistics and commercial uses will be serviced by loading docks and other accessory equipment which will operate outside of the buildings. If adjacent to residential and other sensitive land uses, these activities could result in adverse noise impacts. However, all of the Project related activities will be separated from surrounding areas by surface streets or SR-60. The traffic generated noise on these roadways will be much greater than noise generated on the Project Site and will, therefore, completely mask any such noise. Further, noise generated on the Project Site will be under 65 CNEL, the City's noise standard for residential areas, for all areas zoned for residential development.

b. Potential Significant Impact: Exposure of people to excessive ground borne vibration or noise (Impact 5.11-2)

Finding: The Project will not expose people to, nor will it generate, excessive ground borne vibration or noise.

Factual Basis for the Finding: As discussed on page 5.11-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the grading and construction associated with the development of the Project will not require pile drivers, blasting or other vibration causing equipment or events. Rubber tired vehicles, such as the trucks and cars which will be servicing the Project, generally do not cause significant vibration.

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c. **Potential Significant Impact:** Exposure of people to excessive noise levels from airports (Impact 5.11-4)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within an airport land use plan area or within two miles of a public or public use airport.

Factual Basis for the Finding: As discussed on page 5.11-26 of the Draft EIR, the Project Site is not located within an airport land use plan area nor is it located within two miles of a public or public use airport.

d. **Potential Significant Impact:** Excessive noise levels due to the proximity of a private airstrip (Impact 5.11-5)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within the vicinity of a private airstrip.

Factual Basis for the Finding: As discussed on pages 5.7-9 and 5.11-26 of the Draft EIR, the nearest airport is more than seven miles away from the Project Site and there are no known private airstrips in the vicinity. Therefore, the Project Site will not be subject to excessive noise levels from aircraft.

10. POPULATION, HOUSING AND EMPLOYMENT

a. **Potential Significant Impact:** The inducement of substantial population growth in the Project area (Impact 5.12-1)

Finding: The Project will not, directly or indirectly, induce substantial population growth in the Project area through the introduction of homes or businesses nor through the extension of roads or other infrastructure.

Factual Basis for the Finding: As discussed on page 5.12-3 of the Draft EIR, approximately 2,000 jobs will be generated by the development of the Project. It is expected that most of the workers will reside in the local area. There is a sufficient housing supply already in existence to accommodate those employees who will move into the City.

The construction of future Eucalyptus Avenue, as well as the extension of public services and utilities, will primarily serve the Project Site and will not lead,

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directly or indirectly, to any substantial population growth in the Project area. Adjacent properties may use future Eucalyptus Avenue, which will run between Redlands Boulevard and Theodore Street, but adjacent properties already have access to these two roadways.

b. Potential Significant Impact: Displacement of existing housing (Impact 5.12-2)

Finding: The Project will not displace existing housing nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on pages 5.12-3-4 of the Draft EIR, the Project Site does not have any housing on it.

c. Potential Significant Impact: Displacement of people (Impact 5.12-3)

Finding: The Project will not displace people nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on page 5.12-4 of the Draft EIR, the Project Site is currently vacant so that the development of the Project will not result in the displacement of anyone.

d. Potential Significant Impact: Cumulative impacts on population, housing and employment

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-23-24 of the Draft EIR, the development of the Project will help improve the City's jobs/housing imbalance by adding jobs but not housing. Development of other land will be pursuant to the City's existing General Plan, which contemplates a substantial increase in jobs and homes, and will not be affected by the development of the Project.

11. PUBLIC SERVICES

a. Potential Significant Impact: The provision of new or physically altered police facilities (Impact 5.13-1)

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Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Factual Basis for the Finding: As discussed on pages 5.13-1-2 of the Draft EIR and in the letter from Moreno Valley's Police Chief, in Appendix L to the Draft EIR, the development of the Project may require an incremental increase in the need for police services but no new facilities will have to be constructed to provide that service which will be in the form of personnel and equipment which will be paid for out of general City revenues.

b. Potential Significant Impact: Adverse physical impacts associated with the provision of new or physically altered school facilities (Impact 5.13-3)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

Factual Basis for the Finding: As discussed on page 5.13-4 of the Draft EIR, the Project will not contain any homes and therefore will not house any school-age children and will not, therefore, create the need for new or altered school facilities. Further, the payment of school fees authorized by Government Code § 65995 would constitute full mitigation even if any additional needs were created.

c. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of new or physically altered park facilities (Impact 5.13-4)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services.

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Factual Basis for the Finding: As discussed on pages 5.13-5-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the park needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no City recreational facilities near the Project Site that would be used by employees.

d. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of other new or physically altered other facilities (Impact 5.13-6)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of other new or physically altered other facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other services.

Factual Basis for the Finding: As discussed on page 5.13-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the other needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no other City facilities near the Project Site that would be used by employees.

e. Potential Significant Impact: Cumulative impacts on public services

Finding: Cumulative impacts caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-24-25 of the Draft EIR, the impacts on public services caused by the development of the Project will be less than significant. Development of other land will be pursuant to the City's existing General Plan, which incorporates the need for, and the provision of, public services and will not be affected by the development of the Project.

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12. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Exceeding a level of service set by a congestion management agency (Impact 5.14-2)

Finding: No roadway or highway subject to Riverside County's Congestion Management Plan will be significantly affected by Project traffic.

Factual Basis for the Finding: As discussed on pages 5.14-4 and -29-34 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in Traffic Study, Appendix J to the Draft EIR and in the Traffic Topical response, pages 3-145-163 of the Final EIR, the Project traffic will account for approximately 2% of the traffic at SR 60/I-215 which is less than the 3% level of significance threshold contained in the Riverside County Congestion Management Plan.

SR-60 is the only roadway or highway affected by the Project which is also subject to the Riverside County Congestion Management Plan. Two segments just east of the SR-60/I-215 intersection are currently, and will remain, at level of service F with or without Project traffic. However, while this exceeds the Riverside County Congestion Management Plan's level of service requirement of E, it is less than significant because the Project's contribution of approximately 2% is less than the 3% level of significance threshold.

b. Potential Significant Impact: Increase in hazards due to a design feature or an incompatible use (Impact 5.14-3)

Finding: The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or an incompatible use (e.g., farm equipment).

Factual Basis for the Finding: As discussed on pages 5.14-34-35 of the Draft EIR, the Project Site will be served by large trucks. All roadways and entryways associated with the Project Site have been designed in accordance with standards provided by the City. Moreover, a separate northbound left-turn lane at the Theodore Street/SR-60

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eastbound ramp will improve safety for truck operations over that currently existing.

The normal hazards associated with blind spots created when people in vehicles are in close proximity to large trucks and trailers will be substantially reduced because a single driveway will serve as a primary entrance for truck traffic serving the Project Site and potential blind spots will be addressed through the design feature of the individual driveways.

Finally, a Construction Management Plan will be implemented to address traffic during the grading and construction phases of the Project to ensure that construction traffic will not result in any hazards to the traveling public.

c. **Potential Significant Impact:** Inadequate emergency access (Impact 5.14-4)

Finding: The Project will not result in inadequate emergency access.

Factual Basis for the Finding: As discussed on page 5.14-35 of the Draft EIR, the Project does not create any barriers between roadways and any other land use. Emergency access to the Project Site will be available over future Eucalyptus Avenue from both Redlands Boulevard and Theodore Street for all three Phases of the Project even though access from Redlands Boulevard will not be available to the general public until Phase 3.

d. **Potential Significant Impact:** Conflict with adopted policies, plans or programs supporting alternative transportation (Impact 5.14-5)

Finding: The Project will not conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.).

Factual Basis for the Finding: As discussed on pages 5.14-35-39 of the Draft EIR, future Eucalyptus Avenue will be improved adjacent to the Project Site and will be suitable for a bus route should one be extended to the Site by the Riverside County Transit Agency. Further, a multi-use trail, suitable for pedestrians and bicyclists, will be

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constructed adjacent to the Project Site on the north side of future Eucalyptus Avenue.

13. UTILITIES AND SERVICE SYSTEMS

a. Potential Significant Impact: Exceeding wastewater treatment requirements (Impact 5.15-1)

Finding: The Project will not exceed wastewater treatment requirements set by the Regional Water Quality Control Board.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –9 of the Draft EIR, the Project's wastewater flows will be typical of those from commercial/retail facilities and, for the logistics facilities, would consist of domestic waste from employees. No effluents are expected that would exceed the treatment requirements set by the Regional Water Quality Control Board.

b. Potential Significant Impact: Construction of new water and wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-2)

Finding: The Project will not require, nor result in, the construction of new water and wastewater treatment facilities nor the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed on pages 5.15-2-5 and –9 of the Draft EIR, as modified on pages 4-65-68 of the Final EIR, no expansion of existing water and wastewater treatment facilities will be required to serve the Project Site.

c. Potential Significant Impact: Construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-3)

Finding: The Project will not require, nor will it result in, the construction of new stormwater drainage facilities nor will it require, nor result in, the expansion of existing facilities, the construction of which could cause significant environmental effects.

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Factual Basis for the Finding: As discussed in Section 5.8 and page 5.15-9 of the Draft EIR, as modified by pages 4-55-58 of the Final EIR, the Project's new stormwater drainage facilities will decrease stormwater runoff from the Project Site compared to that which currently exists and will also significantly reduce the pollutant load of stormwater runoff over that which currently exists.

d. Potential Significant Impact: Adequacy of water supplies available to serve the Project (Impact 5.15-4)

Finding: Sufficient water supplies are available to serve the Project from existing resources so that neither new nor expanded entitlements are required.

Factual Basis for the Finding: As discussed on pages 5.15-2-5, 9-11 and 14-15 of the Draft EIR, as modified on pages 4-67-68 of the Final EIR, and the March 5, 2008, Water Supply Assessment prepared for the Project by the water provider, the Eastern Municipal Water District (the "EMWD") as corrected by the June 4, 2008, letter from the EMWD, Appendix K.2 to the Draft EIR, the Project, at build out, will use just over 140 acre feet of potable water per year. The Water Supply Assessment, which was prepared pursuant to SB610, took into consideration the October, 2007, reduction in water from Northern California through the State Water Project which substantially reduced the amount of water available to Southern California. After taking that information into consideration, the EMWD determined that "it will be able to provide adequate water supply to meet the potable water demand for Tentative Parcel Map 35629, in addition to existing and future uses." (Page 33 of the Water Supply Assessment.)

Further, existing water infrastructure currently exists which, with the addition of a 12 inch pipeline to the Project Site from an existing water line located south of and adjacent to SR-60, west of Redlands Boulevard, will allow water to be brought to the Project Site.

Although no mitigation is required to reduce any significant impact, Mitigation Measure W-1, set forth on pages 5.15-14-15 of the Draft EIR, which requires the preparation of a planting and irrigation for the

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City's review and approval, has been imposed as a condition of Project approval to ensure further reduction of water used for landscaping.

e. **Potential Significant Impact:** Adequacy of wastewater treatment capacity (Impact 5.15-5)

Finding: Adequate wastewater treatment capacity exists to serve the Project in addition to existing commitments.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –11 of the Draft EIR, the Project will generate approximately 61,680 gallons of wastewater per day. The EMWD's Moreno Valley Regional Water Reclamation Facility has a capacity to treat 16,000,000 gallons of wastewater per day with the ability to expand to 41,000,000 gallons per day. The current utilization is approximately 11,200,000 gallons per day.

An existing sewer line will be extended along Redlands Boulevard and then easterly along future Eucalyptus Avenue to serve the Project Site.

f. **Potential Significant Impact:** Insufficient landfill capacity to accommodate the Project's solid waste disposal needs (Impact 5.15-6)

Finding: Adequate landfill capacity exists to accommodate the Project's solid waste disposal needs.

Factual Basis for the Finding: As discussed on pages 5.15-6-7 and –11-12 of the Draft EIR, the Project, at build out, will generate just under 129 tons of solid waste per day. The City currently has available to it three landfills. The three landfills have a total capacity to accept solid waste of just under 14,600 tons per day, a minimum of 3,820 tons per day of which is not currently being used. The total remaining capacity in the three landfills is approximately 134,200,000 tons with sufficient capacity for the next 10 to 15 years with the ability to expand for another 15 years after that.

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g. **Potential Significant Impact:** Compliance with federal, state and local statutes and regulations related to solid waste capacity (Impact 5.15-7)

Finding The Project will comply with federal, state and local statutes and regulations related to solid waste capacity.

Factual Basis for the Finding: As discussed on page 5.15-12 of the Draft EIR, the City has regulations which govern the disposal of solid waste. Skechers, the tenant for the building to be constructed on the Parcel 1, has instituted a significant recycling program at its current locations which will be continued upon relocation to the Project Site. Further, recycled material will be used to the greatest extent practicable in the construction of the Project.

h. **Potential Significant Impact:** Sufficiency of electrical service for the Project (Impact 5.15-8)

Finding: The Project will be provided with sufficient electrical service.

Factual Basis for the Finding: As discussed on pages 5.15-7-8, –12-14 and 5.16-11-13, as modified on pages 4-68-69 of the Final EIR, the Project will use approximately 3.7 megawatts of electricity which will be provided by the City of Moreno Valley Utilities. The substation which will serve the Project Site has a current capacity of 56 megawatts, expandable to 112 megawatts, with a current peak load of 15 megawatts.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GCC-1 through GCC-4, set forth on page 5.16-11 of the Draft EIR, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, set forth on page 5.15-13 of the Draft EIR, as modified on page 4.20 of the Final EIR, which requires LEED certification, have been imposed as conditions of Project approval to ensure greater reductions in energy used by the Project.

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i. **Potential Significant Impact:** Cumulative impacts on utilities and service systems

Finding: Cumulative impacts on utilities and service systems caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-32-33 of the Draft EIR and in subsections I.V.A.14.a-h above, the Project's impacts on water and wastewater treatment requirements and capacity, stormwater drainage facilities, water supply availability, solid waste disposal capacity and availability of electricity at build out will be less than significant. The Projects impacts on each of these utilities and public services has already been factored in to long term needs and requirements so that its cumulative impacts will also be less than significant.

B. IMPACTS IDENTIFIED IN THE EIR AS POTENTIALLY SIGNIFICANT THAT HAVE BEEN MITIGATED TO LESS THAN SIGNIFICANT

1. AESTHETICS

a. **Potential Significant Impact:** Creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Impact 5.1-4)

Finding: The Project has the potential of creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. However, with the imposition of Mitigation Measure A-1, which requires limitations on night time lighting during construction, and compliance with existing City ordinances, standards and regulations, the impact will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.1-26-35 of the Draft EIR, the lighting associated with the operation of the Project will be required to comply with all of the City's lighting regulations and will therefore result in a less than significant impact. Nighttime lighting during the Project's construction has the potential to create temporary new sources of light and glare that will emanate from the Project Site. Requiring the use of directional lighting, shielding and other similar measures will ensure that the impact will be less than

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significant. Accordingly, Mitigation Measure A-1, set forth on page 5.1-35 of the Draft EIR, has been imposed as a condition of approval of the Project.

2. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse effect on federally and California protected and special-status plant and wildlife (Impact 5.4-1)

Finding: The Project Site contains moderately suitable habitat for the Stephens' kangaroo rat, the burrowing owl and for ground-, tree- and shrub-nesting birds, all of which could be adversely affected by the development of the Project. The imposition of Mitigation Measures BR-1 through BR-3, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-31 and –35-36 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site contains moderately suitable habitat for several federally and state protected plants and wildlife which would be affected directly, and through the loss of habitat, indirectly, as a result of the development of the Project. However, a pre-construction survey of the Project Site, avoidance of activities which would affect nesting sites and payment of the mitigation fee called for under the Stephens' Kangaroo Rat Habitat Conservation Plan will ensure that the impacts will be less than significant. Accordingly, Mitigation Measures BR-1, BR-2 and BR-3, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Conflict with local policies or ordinances protecting biological resources (Impact 5.4-5)

Finding: The Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan so that the development of the Project has the potential to adversely affect biological resources. The imposition of

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Mitigation Measures BR-2 through BR-4, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

c. **Potential Significant Impact:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan (Impact 5.4-6)

Finding: The Project Site lies within an area subject to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. The development of the Project could significantly affect the species and their habitats protected by the two Plans. However, the imposition of Mitigation Measures BR-2, which requires the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, and BR-4, which requires the payment of mitigation fees which will be used to protect the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-33-34 of the Draft EIR and the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located in an area subject to both Plans. However, both Plans identify the Project Site as an area where the payment of mitigation fees will fully mitigate any impact which might otherwise occur.

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Accordingly, Mitigation Measures BR-2 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on biological resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant and adverse impacts to biological resources. However, the imposition of Mitigation Measures BR-1 through BR-4, which require the protection of birds which might be found on the Project Site, the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, and compliance by other projects with the requirements of the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As discussed on pages 6-10-11 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, substantial amounts of land in the vicinity of the Project contain habitat beneficial to various species. However, the land is also within the areas subject to the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan, both of which are designed to protect habitat and species. The imposition of Mitigation Measures BR-1 through BR-4, discussed in subsections IV.2.a-c above, on the Project and the compliance of other projects with the requirements of the two plans will ensure that the impacts on biological resources will be reduced to less than significant.

3. CULTURAL RESOURCES

a. **Potential Significant Impact:** Substantial change in the significance of an historical or archeological resource pursuant to CEQA Guideline § 15064.5 (Impact 5.5-1)

Finding: Although no known cultural resources are located on the Project Site, 14 cultural resources have been identified within one mile of the Site so that

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development of the Project could have a significant impact on cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-4, which require a City approved archeologist to oversee cultural resource mitigation monitoring while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological resources are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-1-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, the Project Site does not contain any prehistoric sites or isolated artifacts. However, a record search indicated that 14 cultural resources are located within one mile of the Site. The Project Site has been plowed for many years and it is possible that cultural resources might be found once grading begins. Requiring continuing archeological review and monitoring, in cooperation with the representative of a City designated Tribe, will reduce the impact to less than significant. Accordingly, Mitigation Measures CR-1, CR-2, CR-3 and CR-4, set forth on page 5.5-8 of the Draft EIR, as modified on pages 4-9-10 of the Final EIR, which will ensure adequate protection of any cultural resources which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Destruction of a unique paleontological resource or site or unique geologic feature (Impact 5.5-2)

Finding: There are no unique paleontological resource or unique geologic features on the Project Site. However, the impact of the development of the Project on paleontological resources is considered significant because there is a moderate possibility that paleontological resources exist because the geological feature underlying the Project Site has a high potential to contain such resources. However, the imposition of Mitigation Measure CR-5, which require a City approved paleontologist to oversee paleontological resource mitigation monitoring while earth moving activities are taking place on the Project Site and which sets forth the procedures to be followed if paleontological resources are encountered, will reduce the impact to less than significant.

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Factual Basis for the Finding: As discussed on pages 5.5-6-7 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, a literature search indicated that no paleontological resources have been identified on the Project Site. However, the Project Site is situated upon a geologic feature which is highly sensitive for fossil resources. Accordingly, Mitigation Measure CR-5, set forth on page 5.5-9 of the Draft EIR, as modified on page 4-10 of the Final EIR, which will ensure adequate protection of any paleontological resources which may be found during grading of the Project Site, has been imposed as a condition of approval of the Project.

c. **Potential Significant Impact:** Disturbance of human remains, including those interred outside of formal cemeteries (Impact 5.5-3)

Finding: The location of human remains within the Project Site would be a significant impact even though no human remains have been identified on the Site nor are any expected to be found. However, the imposition of Mitigation Measure CR-6, which requires compliance with the procedures set forth if human remains are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on page 5.5-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no human remains have been located in or near the Project Site and none are expected. However, the Site is located in an area which has been inhabited by several Native American Tribes in the past and the possibility that human remains may be found on the Site cannot be rejected. Accordingly, Mitigation Measure CR-6, set forth on pages 5.5-9-10, as modified on pages 4-11-12 of the Final EIR, which will ensure adequate protection of any human remains which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on cultural resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts to

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cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-6, which require a City approved archeologist to oversee cultural resource mitigation monitoring, and a City approved paleontologist to oversee paleontological resources, while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological or paleontological resources or human remains are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As set forth on pages 6-11-12 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no cultural resources have been found on or near the Project Site although cultural resources have been found within a mile of the Site and the Site itself lies within an area which has been historically used by several Native American Tribes. There therefore exists the possibility that cultural resources may be found on the Site once grading begins. However, Mitigation Measures CR-1 through CR-6, discussed in subsections IV.3.a-c above, which will ensure that the information associated with any cultural resources found on the Site will not be lost but will, instead, be available to be used in the context of cultural resources recovered from other, nearby sites, have been imposed as conditions of approval of the Project.

4. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (Impact 5.7-1)

Finding: Neither the construction nor the operation of the Project will create a significant hazard to the public or the environment through the routine transfer, use or disposal of hazardous materials. However, fire and smoke hazards and emissions from diesel powered trucks serving the Project can result in significant environmental and health hazards. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, AQ-5, which requires the review and approval by the City of a construction travel plan, AQ-8, which requires the use of electrically powered equipment during

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construction, AQ-10 through AQ-13, which require off-site construction to be limited to day light hours, posting signs prohibiting diesel idling for more than three minutes and prohibiting the establishment of sensitive receptors near the Project Site, and GCC-11, which prohibits heavy trucks from coming on to the Project Site if properly certified, will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.7-7-9 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety.

Potential fire and smoke hazards associated with the Project, particularly given its size, could present a significant impact. However, the imposition of Mitigation Measures HH-1 through HH-4, set forth on page 5.7-11 of the Draft EIR, which will substantially minimize the chance of a major fire, have been imposed as conditions of approval of the Project.

As discussed on pages 5.3-49-53 and 5.7-8-9, emissions from diesel trucks serving the Project Site could have a substantial impact on the health of anyone living south of future Eucalyptus Avenue. Prohibiting idling of diesel trucks, providing electricity to trucks at the Project Site, requiring that only trucks in good operating condition be allowed to access the Project Site and requiring the applicant to record a land use restriction which will prohibit residential development south of future Eucalyptus Avenue will ensure that adverse health impacts will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, and GCC-11, set forth on pages 4-5-6 of the Final EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Cumulative hazard and hazardous materials impacts

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Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts resulting from hazards and hazardous materials. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, and AQ-13 which prohibits the establishment of sensitive receptors near the Project Site, on the Project and similar mitigation measures on other projects will reduce the impact to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6.12-13 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety. Similar regulation will also apply to the development of other projects. The imposition of Mitigation Measures HH-1 through HH-4 and AQ-13, discussed in subsection IV.4.a above, on the Project and the imposition of similar mitigation measures on other projects will reduce the impacts to less than significant.

5. LAND USE AND PLANNING

a. Potential Significant Impact: Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate environmental effects (Impact 5.9-2)

Finding: The Project would be technically inconsistent with the City's General Plan and Zoning Ordinance prior to approval of the proposed General Plan amendment and the change of zone. However, after the adoption of the General Plan amendment and the change of zone, the Project will be fully consistent with the goals and policies of the City's General Plan for this area of the City under the existing land use plan and will not conflict with any of the City's policies or regulations adopted to avoid or mitigate an environmental effect. The imposition of Mitigation Measure LU-1, which prohibits the establishment of sensitive receptors near the Project Site, will reduce the impacts to less than significant consistent with goals set by regional planning organizations.

Factual Basis for the Finding: As discussed on pages 5.9-16-27 of the Draft EIR and pages 4-58-59 of the Final EIR, with the adoption of

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the required General Plan Amendment and Zone Change, the Project is consistent with all of the City's applicable land use, General Plan and Zoning Goals and Policies, including those designed to avoid or mitigate environmental effects. The Project will be consistent with all of the regional and County plans except that it will be inconsistent with the air quality goals of the South Coast Air Quality Management District, the Southern California Association of Governments' Regional Transportation Plan and the Western Riverside County Council of Governments' Comprehensive Plan but neither the Air Quality Management District nor the Associations have any permitting jurisdiction over the Project. Imposing a buffer immediately south of future Eucalyptus Avenue, which will prohibit the location of residences and other sensitive receptors through the recordation of a deed restriction, will ensure that no sensitive receptors near the Project Site will be affected by adverse air quality impacts emanating from the construction and operation of the Project. Accordingly, Mitigation Measure LU-1, set forth on page 4-13 of the Final EIR, has been imposed as a condition of approval of the Project.

b. **Potential Significant Impact:** Conflict with an applicable habitat conservation plan or natural communities conservation plan (Impact 5.9-3)

Finding: The Project could conflict with any applicable habitat conservation plan or natural communities conservation plan. However, the imposition of Mitigation Measures BR-2 through BR-4 which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C-1 to the Draft EIR, the Project Site is located within an area which is subject to both the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project

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Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, as modified on page 4-8 of the Final EIR, have been imposed as conditions of approval of the Project.

6. NOISE

a. Potential Significant Impact: Temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project (Impact 5.11-3)

Finding: Construction work on the Project Site could result in substantial temporary increases in ambient noise levels for existing residences located along Redlands Boulevard. However, the imposition of Mitigation Measures N-1 through N-5, which require that no construction vehicles use Redlands Boulevard south of future Eucalyptus Avenue, that there be no night time construction within 1200 feet of sensitive receptors, that temporary sound barriers be constructed to ensure that day time construction noise not exceed City standards, that all equipment be kept in good working order and that materials be stockpiled at least 1200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed in Section 5.11 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, off-site construction along Redlands Boulevard,. Theodore Street, future Eucalyptus Avenue and the drainage facilities to the south of the Project Site will take place during daylight hours and, with the exception of noisy equipment which will be used for very limited periods of time, there will be no substantial exposure of residents to significant noise impacts. The grading and construction which will take place on the Project Site will take place around the clock for almost a year and would expose nearby residents to noise levels in excess of those allowed under the City's Municipal Code. However, prohibiting construction vehicles on Redlands Boulevard south of future Eucalyptus Avenue, prohibiting nighttime grading within 1,200 feet of

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residences south of future Eucalyptus Avenue, the erection of temporary sound barriers, maintaining equipment in good working order and locating material stockpiles at least 1,200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street will ensure that none of the residences will be exposed to noise levels in excess of those allowed by the City's Municipal Code. Accordingly, Mitigation Measures N-1 through N-5, as set forth on pages 5.11-29-30 of the Draft EIR, as modified on pages 4-14-15 of the Final EIR, have been imposed as conditions of approval of the Project.

7. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Substantial increase on traffic load and street capacity (Impact 5.14-1)

Finding: As there is currently little traffic between Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60 any additional traffic by comparison could be considered significant and would cause the intersection of Redlands Boulevard and the SR-60 westbound ramps to exceed the City's level of service during the AM peak hour. However, with the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, the impacts will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.14-15-28 and –39-40 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in the Traffic Study, Appendix J to the Draft EIR, a large number of trucks serving the Project Site will use Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. The City's level of service is D. Without improvements, the intersection of Redlands Boulevard and the SR-60 westbound ramps would be at level of service E in the AM peak hour. Requiring the improvement of the intersection will reduce the impact to less than significant. Accordingly, Mitigation Measure TT-2, set forth on page 5.14-39 of the Draft EIR, as modified on page 4-16 of the Final EIR, has been imposed as a condition of approval of the Project. Although no mitigation is required to reduce any other significant

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impact, Mitigation Measures TT-1 and TT-3, set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, have also been imposed as conditions of approval of the Project to ensure that any improvements needed at the intersections of future Eucalyptus Avenue and Redland Boulevard and Theodore Street and at the intersection of Theodore Street and SR-60 will also be constructed.

b. Potential Significant Impact: Cumulative traffic impacts

Finding: Cumulative impacts of the Project, in conjunction with other development, could result in significant adverse impacts on traffic. However, the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, and TT(C)-1 through TT(C)-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, on the Project, together similar mitigation measures imposed on other projects, will reduce the impacts to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-25-32 of the Draft EIR and in the Traffic Study, Appendix J to the Draft EIR, traffic impacts of other projects have the potential to cause a number of intersections to exceed the City's level of service D requirement. Requiring the Project to provide improvements to the intersections of future Eucalyptus Avenue with Redland Boulevards and Theodore Street and at the intersections of SR-60 and Redlands Boulevard and Theodore Street will ensure that the project's impacts will be less than significant. Accordingly, Mitigation measures TT-1 through TT-3, as set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, and TT-1(C) through TT-3(C), set forth on pages 6-32 of the Draft EIR, have been imposed as condition of approval of the Project. The City's General Plan requires that new development mitigate their traffic impacts so that similar mitigation measures will be imposed on other projects.

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C. IMPACTS IDENTIFIED IN THE EIR AS BEING SIGNIFICANT AND UNAVOIDABLE EVEN AFTER THE IMPOSITION OF ALL FEASIBLE MITIGATION MEASURES

1. AESTHETICS

a. Significant Unavoidable Impact: Substantial adverse effect on a scenic vista (Impact 5.1-1)

Finding: The development of the Project will have a substantial adverse effect on a significant scenic vista and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As shown and discussed on pages 5.1-4-25 of the Draft EIR and Appendix M to the Draft EIR, the Project Site is currently vacant except for a single structure and thus is part of a scenic open space vista. In addition, the Project Site as it now exists is somewhat obscured by existing trees and vegetation but does not completely interfere with the views of mountains and foothills to the north, east and south. The development of the Project will block views of these scenic vistas from SR-60, Redlands Boulevard, future Eucalyptus Avenue and Theodore Street along the full length of each of these roadways adjacent to the Project Site. Further, the buildings to be constructed on the Project Site will be visible from higher elevations to the north, the east and the south and will alter the expansive view of the undeveloped property now evidenced from these areas.

These impacts are significant and unavoidable and there are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project.

b. Significant Unavoidable Impact: Cumulative aesthetic impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on scenic vistas and there are no feasible mitigation measures which will reduce the impact to less than significant.

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Factual Basis for the Finding: As discussed on pages 6-5-6 of the Draft EIR, the development of land in the vicinity of the Project Site will add to the loss of scenic vistas which will occur because of the development of the Project. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

2. AGRICULTURAL RESOURCES

a. Significant Unavoidable Impact: Conversion of farmland to non-agricultural use (Impact 5.2-1)

Finding: The development of the Project will have a significant and unavoidable impact on 24.1 acres of Prime Farmland, 98.8 acres of Farmland of Local Importance and 35.5 acres of Other Land which will be converted from agricultural uses into commercial and industrial uses. There are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of

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production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

b. Significant Unavoidable Impact: Cumulative loss of farmland

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on farming. There are no mitigation measures which will reduce the impact to less than significant other than prohibiting development on sites now used for agriculture.

Factual Basis for the Finding: As discussed on pages 5.2-5-7 and 6-6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could

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be grown if water were available would not cover the costs of production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

3. AIR QUALITY

a. Significant Unavoidable Impact: Violation of an air quality standard or substantial contribution to an existing or projected air quality violation (Impact 5.3-2)

Finding: The construction and operation of the Project will not violate any air quality standards for localized impacts with two exceptions: those promulgated by the South Coast Air Quality Management District for the emission of coarse and fine particulate matter ("PM_{10}" and "$PM_{2.5}$") during the construction of the Project. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, to less than significant. There are no mitigation measures which will reduce the emission of $PM_{2.5}$ to less than

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significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed on pages 5.3-22-40 of the Draft EIR, as modified on pages 4-40-44 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the grading of the Project Site and the operation of the Project will result in the emission of pollutants – nitrogen dioxide ("NO_2"), carbon monoxide ("CO"), PM_{10} and $PM_{2.5}$. The South Coast Air Quality Management District has established localized significance thresholds to determine whether the emission of any of the pollutants will have a significant adverse effect on those nearby, both residents and workers. None of the thresholds will be exceeded after the construction of the buildings on the Project Site has been completed and operations begun. The same thing is true for NO_2 and CO during the construction Phases of the Project. However, without mitigation, the thresholds will be exceeded for both PM_{10} and $PM_{2.5}$. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the emission of PM_{10} will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, as set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. However, there are no feasible mitigation measures which will reduce the emissions of $PM_{2.5}$ to less than significant which would feasibly attain most of the basic objectives of the Project.

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b. Significant Unavoidable Impact: Cumulatively significant net increase of any criteria pollutant for which the Project area is non-attainment under an applicable federal or state ambient air quality standard (Impact 5.3-3)

Finding: The Project Site is located in a non-attainment area for ozone, PM_{10} and $PM_{2.5}$. The grading of the Project Site and the construction of Phase 1 of the Project on the Site could result in emissions of volatile organic compounds ("VOC"), nitrogen oxides ("NO_x"), PM_{10} and $PM_{2.5}$ in excess of the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, will ensure that the daily amount of PM_{10} and $PM_{2.5}$ emitted during the grading and construction Phase 1 of the Project will reduce their impacts to less than significant and will reduce the daily amount of the emission of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 2 of the Project will result in the daily amount of emissions of VOC and NO_x in excess of the thresholds promulgated by the South Coast Air Quality Management District; the daily amount of emissions of PM_{10} and $PM_{2.5}$ will be less than those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 3 of the Project will result in the daily amount of emissions of VOC exceeding the threshold promulgated by the South Coast Air Quality Management District; the daily amount of emissions of NO_x, PM_{10} and $PM_{2.5}$ will not exceed those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC but not to less than significant.

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The daily amount of emissions of VOC, NO_x, PM_{10} and $PM_{2.5}$ associated with the operation of the Project during all Project Phases will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-21, which require off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label, will reduce the daily amount of emissions slightly but in no case will they cause the emissions to be less than significant.

In no case will the daily amount of the emission of CO exceed the threshold promulgated by the South Coast Air Quality Management District during either the grading of the Project Site or the construction of buildings on the Site. The daily amount of emissions of CO will exceed the threshold for CO promulgated by the South Coast Air Quality Management District during all of the three operational Phases of the Project. The imposition of Mitigation Measures AQ-11 through AQ-21 and GCC-5(a), GCC-5(e), GCC-9 and GCC-11, all as described above, will reduce the daily amount of emissions slightly but not to less than significant.

There are no further mitigation measures which will reduce the foregoing impacts to insignificant which would feasibly attain most of the basic objectives of the Project.

The daily amount of emissions of SO_x will be less than the thresholds promulgated by the South Coast Air Quality Management District throughout the grading of the Project Site, the construction of buildings on the Site and the operation of the Project.

Factual Basis for the Finding: As discussed on Section 5.3 of the Draft EIR, as modified on pages 4.40-4.46 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1

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to the Draft EIR, the development of the Project has the potential of emitting criteria pollutants, except for SO_x, in excess of the thresholds promulgated by the South Coast Air Quality Management District during the grading of the Project Site, construction of buildings on the Site and the operation of the Project. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the daily amount of emissions of PM_{10} and $PM_{2.5}$ during the grading and construction associated with Phase 1 of the Project will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. The same conditions will reduce the daily amount of emissions of NO_x during the grading and construction associated with Phase 2 of the Project to less than significant but will reduce the daily amount of emissions of VOC only slightly and not below the threshold promulgated by the South Coast Air Quality Management District. The daily amount of emissions of the other criteria pollutants will be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions of VOC associated with the grading and construction of Phase 3 of the Project will exceed the threshold promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, as described above, will reduce the daily amount of

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emissions of VOC slightly but not to less than significant. The daily amount of emissions of the remaining criteria pollutants will all be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions for all three operational phases of the Project, with the exception of SO_x, will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR,all as described above, will reduce the daily amount of emissions of each of the other five criteria pollutants slightly but not to less than significant.

There are no further mitigation measures which will reduce the emissions of the criteria pollutants to less than significant which would feasibly attain most of the basic objectives of the Project. The emissions of VOC and NO_x are associated with the grading of the Project Site and the asphalt, building and architectural coatings for those buildings. The operational emissions are due almost entirely to mobile sources – cars and trucks – over which the City has no control because the Legislature has vested all authority to deal with the emissions from cars and trucks in the California Air Resources Board.

c. **Significant Unavoidable Impact:** Exposure of sensitive receptors to substantial pollutant concentrations (Impact 5.3-4)

Finding: The development of the Project has the potential to expose sensitive receptors to emissions of PM_{10} and $PM_{2.5}$ in excess of local significance thresholds promulgated by the South Coast Air Quality Management District and to the risk of cancer from the operation of the Project in excess of the significance threshold of 10 in 1,000,000. The imposition of Mitigation Measures AQ-1 through AQ-21, which require the control of fugitive dust, the acquisition of

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Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label will reduce the impacts of PM_{10} and the risk of cancer to less than significant but the risk associated with the emissions of PM_{10} during the grading and construction associated with Phase 1 of the Project will remain significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed in Section 5.3 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, as amplified and clarified in the Supplemental Health Risk Assessment Report, Appendix D.1 to the Final EIR, and in subsection IV.C.3.a above, the grading, construction and operation associated with the Project has the potential to exceed localized significance thresholds and cancer risks for sensitive receptors near the Project Site. Controlling fugitive dust, acquiring Tier II level construction equipment, to the extent available,

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properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, providing bicycle parking spaces and on-site showers, preferential parking for carpools and alternatively fueled vehicles, obtaining LEED, or if not available an approved program to achieve the same level of environmental benefit, certification for the Project, prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label and establishing a buffer area on land immediately south of future Eucalyptus Avenue through a deed restriction will ensure that the risks associated with $PM_{2.5}$ and cancer will be mitigated into insignificance. Accordingly, The imposition of Mitigation Measures AQ-1 through AQ-13, as set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, Mitigation measures AQ-1 through AQ-21, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.3-38-39 and –52 of the Draft EIR, as modified on pages 4-2-5 and –19-20 of the Final EIR, have been imposed as conditions of approval of the Project. However, as set forth in the factual basis for the finding in subsection IV.C.3.a above, there are no feasible mitigation measures which will reduce the emissions of PM_{10} associated with the grading and construction of Phase 1 of the Project to less than significant.

d. **Significant Unavoidable Impact:** Cumulative contribution to air quality impacts

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Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on VOC, NO_x, CO, PM_{10} and $PM_{2.5}$. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-8-10 of the Draft EIR, in the Air Quality and Health Risk Analysis Report, Appendix D.1 to the Draft EIR, Response 10-2, page 3-99 of the Final EIR and in subsections IV.C.3.a-c above, the air quality pollutants emitted during the operation of the Project, alone or in conjunction with those emitted by surrounding development, will be cumulatively significant. All feasible mitigation measures have been imposed as conditions of approval of the Project. The City will impose feasible mitigation measures on projects seeking approval within the future. However, the air quality problems that exist in the area of the Project are, in most cases, problems affecting the entirety of the South Coast air basin and, as such, are beyond the City's control.

4. NOISE

a. Significant Unavoidable Impact: Cumulative adverse noise impacts

Finding: The development of the Project, in conjunction with the development of related projects and that authorized by the Moreno Highlands Specific Plan will result in significant and unavoidable cumulative noise impacts on houses located near SR-60. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-17-23 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the increase in noise due to the operation of the Project will be small. However, when added to that which can be expected by the use of vehicles on SR-60 from both related projects and the development of the Moreno Highlands Specific Plan area, the result will be that at least one residence east of Theodore Street and several residences located west of Redlands Boulevard will experience a noise increase of more than 3 dB with a future noise level above 65 CNEL, the City's noise level for residential areas. There are no mitigation

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measures which will reduce the impacts to less than significant.

5. GLOBAL CLIMATE CHANGE AND GREENHOUSE GASES

a. Significant Unavoidable Impact: Hindrance or delay of California's ability to meet the climate reduction targets contained in AB32 (Impact GCC-1)

Finding: The grading and construction associated with the Project will, after the application of all feasible mitigation measures, result in approximately 6,500 metric tons of carbon dioxide equivalent ("CO_{2e}"). The operation of the Project, after the imposition of all feasible mitigation measures, will produce approximately 81,800 metric tons of CO_{2e} per year. In the absence of any quantitative or qualitative threshold of significance for the emissions of CO_{2e}, it must be assumed that the amount of the emissions of CO_{2e}, both during the grading and construction associated with the Project and the operation of the Project will, individually and cumulatively, be a significant and unavoidable impact. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed in Section 5.16 and pages 6-40-41 of the Draft EIR and in the Climate Change Analysis, Appendix N to the Draft EIR, the grading and construction associated with the Project and the operation of the Project will generate substantial amounts of CO_{2e} emissions. There is, currently, neither a quantitative nor a qualitative threshold to be used to determine whether the amount of CO_{2e} emissions is significant. Various thresholds, ranging from no new contributions to over 40,000 metric tons per year, have been proposed. The staff of the South Coast Air Quality Management District has suggested a possible threshold of 10,000 tons of CO_{2e} per year for industrial projects but has not suggested a numerical threshold for non-industrial projects; the District has not yet acted on the proposal. However, the California Air Resources Board and the Office of Planning and Research are considering the adoption of a threshold of significance for CO_{2e} emissions but have not yet decided on that threshold. AB32 requires a reduction of approximately 30% in CO_{2e} emissions over business as usual by 2020 in order to reach the levels emitted in California in 1990. Irrespective of

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when or what standards will be adopted by the California Air Resources Board all feasible measures have been implemented in this project in compliance with AB-32.

Incorporating water conservation requirements, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting construction equipment from idling for more than five minutes, controlling traffic around the Project Site, encouraging construction workers to carpool, prohibiting truck idling for more than three minutes per day per truck, providing electricity in the loading area for transportation refrigeration units, designing the Project to meet 2008 Title 24 energy efficiency requirements, using "cool roofs" and "cool paints," installing renewable energy generation on-site to meet the Project's Phase 1 office electricity needs, using ENERGY STAR-qualified energy efficient appliances, providing bicycle storage parking and showers for employees, installing Light Emitting Diodes in any traffic lights which are a part of the Project, providing pedestrian and bicycle connections to surrounding areas, establishing a Transportation Management Association to encourage and coordinate carpooling by occupants of the Project, providing preferential parking for carpools, vanpools and alternatively fueled vehicles, obtaining LEED certification or, if not available, a similar program to achieve the same level of environmental benefit, designing loading docks which will accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features, and prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label will ensure reduction in the amount of emissions of CO_{2e}. Accordingly, Mitigation Measures AQ-1, AQ-3, AQ-4, AQ-5, AQ-7, AQ-11, AQ-12 and GCC-1through10, set forth on pages 5.16-9-13 of the Draft EIR, as modified on pages 4-2-6 and –18-21 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, have been imposed as conditions of approval of the Project. However, there

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are no additional feasible mitigation measures which would reduce the impact to less than significant.

b. **Significant Unavoidable Impact:** Impacts of climate change on the Project (Impact GCC-2)

Finding: Potential impacts of climate change include the exacerbation of air quality problems, reduction in the quality and supply of water from the Sierra snow pack, damage to the natural environment, reduction of in-state electricity production, and an increase in wildfires, all of which could adversely affect the Project. The imposition of Mitigation Measures W-1, which requires the preparation of a planting and irrigation plan for the City's review and approval, GCC-1 through GCC-4, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, which requires LEED credit in a number of areas, will reduce the Project's need for energy and water slightly but the impact of global climate change on the Project will continue to be significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.16-16-18 of the Draft EIR and the Climate Change Analysis, Appendix N to the Draft EIR, global climate change will affect the Project in various ways. Imposing the mitigation measures discussed in subsection IV.C.5 above will decrease the amounts of water and energy required by the Project after it is in operation but it, like all other projects in California, will be subject to the deleterious impacts of climate change.

V. PROJECT ALTERNATIVES

A. ALTERNATIVE SITES

Finding: There exists no reasonably feasible and available alternative site for the Project which would avoid or substantially lessen the significant impacts of the Project or to allow it to feasibly attain most of the Project's basic objectives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for

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reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers's requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also unlikely to be reduced for any otherwise feasible site that would satisfy Skechers's needs.

B. NO PROJECT — NO DEVELOPMENT ALTERNATIVE

Finding: The No Project — No Development Alternative is environmentally superior to the Project but would not attain any of the objectives for the Project.

Factual Basis for the Finding: As discussed on pages 9-3-9 and -36 of the Draft EIR, leaving the Project Site in its current condition would result in no impacts to the environment with the exception that the existing General Plan's designation of the Project Site for development with commercial and industrial uses would not be satisfied. None of the Project's objectives would be met.

C. EXISTING GENERAL PLAN ALTERNATIVE

Finding: Developing the Project Site under the existing General Plan designation and zoning would allow for the development of 1,715,000 sf of business park and 410,000 sf of community commercial uses. The impacts on the environment of development pursuant to the existing General Plan designation and zoning would be roughly comparable to those which would result from the

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development of the Project. However, it would not meet any of Skechers's needs nor would it allow Skechers to have the logistics facility available in the very near future at any other reasonably feasible and available site. In addition, due to market conditions, development under the existing General Plan designation and zoning would not currently be feasible and therefore would delay any benefits that development of the Project Site would bring to the City, such as jobs and revenues. Likewise, it would not provide the Project applicant with an adequate rate of return on its investment because there is no market available for development of the Project Site consistent with the existing General Plan designation and zoning.

Factual Basis for the Finding: As discussed on pages 9-9-19 and -36 of the Draft EIR and in the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, there is currently no market for the development of the Project Site consistent with the existing General Plan designation and zoning. The environmental impacts of development of the Project Site consistent with the existing General Plan designation and zoning are roughly comparable to those of the Project with the impacts on aesthetics, noise, public services and utilities being slightly less and those on air quality, geology and soils, hazards and hazardous materials and global climate change being slightly more. Developing the Project Site consistent with the existing General Plan designation and zoning would not allow the Project applicant to achieve its objectives. because it would not be able to provide logistics facilities to Skechers, resulting in delay or denial of providing the City with new jobs and revenues from the development of the Project Site and precluding an adequate rate of return on its investment because there is simply no existing market for development of the Project Site consistent with the General Plan designation and zoning.

D. REDUCED DENSITY ALTERNATIVE

Finding: Developing the Project Site with 1,000,000 sf of logistics use and 200,000 sf of community commercial uses would result in environmental impacts which would be slightly less than those which would result from the development of the Project. However, a reduced density alternative would not allow the Project to attain a number of its basic objectives and would not reduce any

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significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-19-26 and -36 of the Draft EIR, the environmental impacts of the reduced project would be marginally less than, or equal to, those of the Project. In particular, impacts on Agricultural Resources, Biological Resources, Cultural Resources Hydrology and Water Quality, Mineral Resources, and Population, Housing and Employment would be the same for the Reduced Density Alternative as for the Project, except that employment opportunities would be reduced. Reductions in most other impacts would be marginal to modest. Only reductions in impacts on Air Quality would be likely to be substantial. However, no significant unavoidable impact of the Project would be reduced to or made capable of mitigation to a level of insignificance. Also, the reduced density alternative would prevent achieving some of the Project's basic objectives. In particular, Skechers would not be provided the size and expandability required by its business objectives. Current market conditions would render the Reduced Density Alternative not reasonably feasible and therefore preclude the Project applicant from obtaining an adequate rate of return on its investment.

E. NORMAL CONSTRUCTION SCHEDULE ALTERNATIVE

Finding: The normal construction alternative would have moderately fewer environmental impacts than the Project. However, it would not allow the Project to attain a number of its basic objectives and would not reduce any significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-27-33 and -36 of the Draft EIR, the normal construction schedule would have a moderately lesser environmental impact on aesthetics, air quality and noise during the construction phase but would otherwise be comparable to the impacts which would result from the development of the Project and make no difference in any impacts during the

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operation of the Project. However, Skechers would be delayed in consolidating its operations in a single logistics facility and the City would also be delayed in obtaining the jobs and revenues which the construction and operation of the Project will generate. Therefore, development of the Project Site with a normal construction schedule would delay achievement of most of the basic objectives of the Project and would not be significantly environmentally superior to the Project.

F. ADEQUACY OF THE RANGE OF ALTERNATIVES

Finding: Alternatives consisting of development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found.. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also likely to not be

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reduced for any site truly feasible for Skechers's objectives.

Because, there are no reasonably feasible and available alternative sites, development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives. The purpose of the Guidelines requirements of studying a reasonable range of alternatives would not be met by constructing additional alternatives that would not meet the basic objectives of the Project. Because Skechers needs are specific as to size, expandability, location and transport accessibility, and without alternative sites as an option, no other alternatives appear feasible which would not defeat at least one basic Project objective.

VI. LOGISTIC MODIFIED GENERAL PLAN CONCEPT

Section 8.3 of the Draft EIR discusses a modification of the Moreno Highlands Specific Plan which would substantially decrease the residential, commercial and business park/light industrial uses of the Specific Plan area and allow the development of substantial logistic facilities, a use not contemplated in the existing Specific Plan. No application for any modification of the Specific Plan has been submitted to the City and there is no guarantee that any application will be submitted. Any modification of the Specific Plan is independent of the development of the Project. Its only connection is that the Project applicant owns both the Project Site and the land which would be affected by a modification of the Specific Plan.

This information was provided solely because the project applicant, the owner of a substantial portion of the land subject to the Specific Plan, is considering the possibility of seeking an amendment of the Specific Plan so that, consistent with CEQA's purpose of providing full information to decision makers and the public, the discussion was included in the Draft EIR.

Specifically, any such amendment to the Specific Plan would require compliance with all of the City's approval process including, but not limited to, a development application, environmental review and new and separate Planning Commission and City Council public hearing. Nothing in the Draft or Final EIR nor in this set of Findings constitutes approval of, or any commitment to approve, any such future application.

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VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in Section IV. above, most of the Project's impacts on the environment will either be insignificant or, through the imposition of mitigation measures as conditions of approval of the Project, can be reduced to less than significant. However, as set forth in subsection VI.C. above, impacts to aesthetics, agricultural resources, air quality, noise and climate change and greenhouse gases will remain significant and unavoidable even after the imposition of all feasible mitigation measures. Further, as set forth in Section V. above, there are no feasible alternatives to the Project which would mitigate or avoid those environmental impacts. Nevertheless, as set forth below, the Council has determined that the benefits which will accrue from the development of the Project outweigh the significant and unavoidable impacts which the Project will produce.

A. AESTHETICS

Finding: Notwithstanding the significant unavoidable impacts to aesthetics discussed in subsection IV.C.1 above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to aesthetics. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on aesthetics which will result.

Factual Basis for the Finding: As set forth in the Project Objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

MV00016831

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

B. AGRICULTURAL RESOURCES

Finding: Notwithstanding the significant unavoidable impacts to agricultural resources discussed in subsection IV.C.2. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to agricultural resources. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on agricultural resources which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

MV00016832

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

C. AIR QUALITY

Finding: Notwithstanding the significant unavoidable impacts to air quality discussed in subsection IV.C.3. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to air quality. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on air quality which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

MV00016833

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

D. NOISE

Finding: Notwithstanding the significant unavoidable noise impacts discussed in subsection IV.C.4. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse noise impacts. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on noise which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

MV00016834

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

E. CLIMATE CHANGE AND GREENHOUSE GASES

Finding: Notwithstanding the significant unavoidable climate change and greenhouse gases impacts discussed in subsection IV.C.5. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse impact on global climate change. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on climate change and greenhouse gases which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

MV00016835

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

MV00016836

Mitigation Monitoring Program
Highland Fairview Corporate Park Project

State Clearinghouse No. 2007101132

Prepared for:

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December 23, 2008

EXHIBIT B

INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The Planning Division would coordinate the project monitoring of the mitigation measures with each applicable department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures. (See Mitigation Monitoring and Reporting Summary Chart beginning on page 5.) The City of Moreno Valley Public Works Department (City) would coordinate monitoring of the implementation of all mitigation measures for the project. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the MMP for the Proposed Project include the following:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist City administration in its determination of the effectiveness of the adopted mitigation measures;
- To report periodically regarding project compliance with mitigation measures, performance standards and/or other conditions; and
- To make available to the public, upon request, the City record of compliance with project mitigation measures.

Overview of the Project

The project site and relevant off-site areas encompass a total of approximately 265.3 acres, development of the site includes approximately 2,420,000 square feet devoted to light industrial logistics uses, and 200,000 square feet of commercial uses. The proposed project includes a Tentative Parcel Map (TPM), a Change of Zone (CZ), a Plot Plan (PP), and a General Plan Amendment (GPA). The Parcel Map would create parcels for two logistics buildings, two commercial projects, and future SR-60 right-of-way. The parcel map would also establish the dedications for required improvements. The Change of Zone would change 6.7 acres of Community Commercial to Light Industrial. The Plot Plan would provide the site plan for the logistics building. The GPA widens the commercial area on the west, reduces the commercial area on the east, and

MV00016838

eliminates a segment of a proposed trail alignment that was contingent upon its feasibility and replaces it with a connection to a planned trail to the east.

Organization of the Mitigation Monitoring Program

The following describes the various sections of the MMP:

- **Introduction** - Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation monitoring program has been organized.
- **MMP** - Describes the City entities responsible for implementation of the mitigation monitoring plan, the plan scope, procedures for monitoring and reporting, public availability of documents, the process for making changes to the program, types of mitigation measures, and the manner in which monitoring will be coordinated to ensure implementation of mitigation measures.
- **Mitigation Monitoring and Reporting Summary** - Outlines the impacts and mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the plan.

DESCRIPTION OF PLAN

Mitigation Monitoring Procedures

This MMP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the monitoring and reporting summary table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. For instance, with any major construction project, the administration generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program.

Responsibilities of City include identification of typical mitigation measure-related issues such as noisy equipment, dust, safety problems, etc. Any problems are generally corrected through directions to the contractors, or through other appropriate, established mechanisms. Internal reporting procedures are already in place to document any problems and to address broader implementation issues.

Reporting Procedures

The City would be responsible for monitoring and implementing the mitigation measures included in this monitoring plan.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate City Department (as indicated on the Mitigation Monitoring and Reporting forms) or employs the office's existing reporting process for verification of compliance.
- Responsible entities verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.
- Responsible entities provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.

The reporting forms prepared by the City would document the implementation status of mitigation measures of the project. The progress reports describe the monitoring status of all project mitigation measures. Project reporting forms and periodic status reports will be available at the City.

The City would also be responsible for assisting their contractor with reporting responsibilities to ensure that they understand their charge and complete their reporting procedures accurately and on schedule.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the Mitigation Monitoring Program for Highland Fairview Corporate Park would be available for public review upon request at the City of Moreno Valley Department of Public Works offices during normal business hours.

Program Changes

If minor changes are required to the MMP, they would be made in accordance with CEQA and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or redesign to make any appropriate improvements. No change would be permitted unless the Mitigation Monitoring Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The Final Environmental Impact Report for the Highland Fairview Corporate Park Project is a "project specific" and "cumulative" evaluation as defined in the CEQA Guidelines.

The Final Environmental Impact Report recommends 63 project specific and cumulative mitigation measures to reduce impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, noise, transportation and traffic, utilities and service systems, and global climate change and greenhouse gases. Compliance with these mitigation measures will be accomplished through administrative controls over project planning and implementation, in this case, through incorporation of specific construction methods, and verification of construction in accordance with these special provisions. Monitoring would be accomplished as described previously under "Reporting Procedures" through verification and certification by personnel.

In general, implementation of the MMP will require the following actions:

- Appropriate mitigation measures would be included in construction documents.
- Departments with reporting responsibilities would review the Final Environmental Impact Report, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance would be addressed by the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

Mitigation Monitoring and Reporting Summary

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Aesthetics							
MM A-1. During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.	Construction Supervisor	City of Moreno Valley Planning Division	During Construction				
MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following: • Use of color; or • Texture variation; or • Roof line variation.	Applicant	City of Moreno Valley, Planning Division	Plot Plan Review/Approval				
Air Quality							
Construction **MM AQ-1.** Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include: • Application of water on disturbed soils a minimum of three times per day; • Covering haul vehicles; • Replanting disturbed areas as soon as practical; • Restricting vehicle speeds on unpaved roads to 15 mph; • Suspension of all grading activities during high wind	Applicant	City of Moreno Valley Public Works, Land Development Division, and the South Coast Air Quality Management District	Prior to Issuance of Grading Permit				

MV00016842

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
speeds in excess of 25 mph. • A Large Operation notification shall be submitted to the SCAQMD prior to construction. • Project applicant to designate a to designate a person(s) to monitor the dust control program and to order increased watering, as necessary. • Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours. • Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust. • Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.							
MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment). The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Prior to Construction During Onsite/Offsite Construction (Provide evidence that this has been certified at occupancy)				

MV00016843

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.	Construction Supervisor	City of Moreno Valley Planning Division, Public Works, Land Development Divison, and the South Coast Air Quality Management District	Onsite/Offsite Construction				
MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.	Construction Supervisor	City of Moreno Valley, Building and Safety Division	Onsite/Offsite Construction				
MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing	Applicant	City of Moreno Valley, Transportation Engineering Division	Prior to issuance of a grading permit				

MV00016844

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Traffic Management Plans for Work Zones.							
MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				
MM AQ-7A. *Construction Phases.* Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division,	Prior to issuance of grading permits. Construction				
MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division	Prior to issuance of Certificate of Occupancy				
MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				

MV00016845

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.	Applicant, Construction Supervision	City of Moreno Valley, :Public Works Land Development Division	Construction				
MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.	Construction Supervisor	City of Moreno Valley Public Works Land Development Division	Offsite Construction				
Operations **MM AQ-11.** All project entrances shall be posted with signs which state: a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to issuance of occupancy permits/Operation				
MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to Issuance of Certificate of Occupancy/ Operation				

MV00016846

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.	Applicant	City of Moreno Valley, Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				
MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Plot Plan Approval/Prior to Occupancy Permits				
MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.	Applicant	City of Moreno Valley, Planning Division	Operation (Written Documentation shall be provided)				
MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				

MV00016847

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.	Applicant	City of Moreno Valley, Planning Division, and Transportation Engineering Division	Plot Plan Review/ Approval				
MM AQ-18. Food services shall be provided onsite.	Applicant, Tenants	City of Moreno Valley, Planning Division	Onsite Construction, Operation				
MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.	Applicant, Tenant	City of Moreno Valley, Planning Division and Transportation Engineering Division	Written Evidence of Compliance Shall Be Provided at Occupancy/Operation				
MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				
MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.	City of Moreno Valley	City of Moreno Valley, Transportation Engineering Division	Prior to Certificate of Occupancy For Phase III.				

MV00016848

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Biological Resources							
MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-2. Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of a Grading Permit				

MV00016849

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM BR-3. A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities. If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG. If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-4. Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.	Applicant	City of Moreno Valley Planning Division	Prior to the Issuance of a Building Permit				

MV00016850

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Cultural Resources							
MM CR-1. Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley, Planning Division	Prior to Issuance of a Grading Permit (Provide document for review prior to issuance of a Grading Permit)				
MM CR-2. Project-related archaeological monitoring shall include the following constraints: 1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative; 2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected; 3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative. 4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and 5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or	Applicant, Consulting Archaeologist, Construction Supervisor	City of Moreno Valley Planning Division	During Grading				

MV00016851

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.							
MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley Planning Division	During Grading				
MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.	City of Moreno Valley, Construction Supervisor	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM CR-5. Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below: 1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place. 2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. 3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and, 4. Monitoring may be reduced if the potentially	Applicant, Construction Supervisor, Consulting Paleontologist	City of Moreno Valley Planning Division, and Land Development Division of the Public Works Department	Prior to Issuance of Grading Permits, During Grading				

MV00016852

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.							
MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed. In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.	Applicant/, Construction Supervisor	City of Moreno Valley, Planning Division	During Grading				

MV00016853

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Geology and Soils							
The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. **MM GEO-1.** During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.	Applicant, Consulting Geologist	City of Moreno Valley, Planning Division, Building and Safety Division, and Public Works Land Development Division	Onsite Construction During Grading				
Hazards and Hazardous Materials							
MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				

MV00016854

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
Land Use and Planning							
MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)	Applicant	City of Moreno Valley Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				

MV00016855

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Noise							
Temporary Impacts Due to Construction Noise **MM N-1**. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Construction				
MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City. The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction. In the event any new residential units or other noise sensitive land uses are built and occupied in the	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and During Construction				

MV00016856

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP. With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.							

MV00016857

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses. In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences. With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and Construction				

MV00016858

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division, Building and Safety Division	During Construction				
MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division, and the Building and Safety Division	Pre-Construction and Construction				
Transportation and Traffic							
MM TT-1. Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3 Plot Plan Review, Prior to Issuance of Building Permits for Phase 3				

MV00016859

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.							
MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3, Prior to Issuance of Occupancy Permits				
MM TT(C)-1. Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				

MV00016860

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project.		Division, Riverside County Transportation Department					
MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				
Utilities and Service Systems							
MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components: • The plans shall incorporate water conservation principles as detailed in the Moreno Valley	Applicant	City of Moreno Valley Planning Division	Plan Check Review/Prior to Issuance of Building Permit				

MV00016861

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Municipal Code § 9.17.030 Landscape and irrigation design standards. • Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. • Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant. • All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5"). • Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications. • All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. • Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended							

MV00016862

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
operating pressure of the irrigation system. • The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).							
Global Climate Change and Greenhouse Gases							
MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Prior to Certificate of Occupancy/Phase 1 Office Occupancy				
MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager: a) Onsite secure, weather-protected bicycle storage	Applicant	City of Moreno Valley Planning Division, Building and Safety Division, Public Works, Transportation Engineering Division	Prior to Certificate of Occupancy, Operation				

MV00016863

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers. b) Any traffic lights installed as part of this project shall use Light Emitting Diodes. c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan. d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information. e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.							
MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Prior to Certificate of Occupancy				

MV00016864

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.	Applicant, Construction Supervisor	City of Moreno Valley Public Works, Land Development Division	Prior to Issuance of Grading Permits During Construction				
MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.	Applicant	City of Moreno Valley Planning Division and Public Works and Development Division	Prior to Issuance of Grading Permit Prior to Certificate of Occupancy				

MV00016865

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Submit Prior to Building Permits				
MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of Building Permits/Prior to Construction (Provide Documentation)				
MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.	Applicant, Tenant	City of Moreno Valley, Planning Division	Operation				

MV00016866

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING ATLAS OF SAID CITY, TO INCLUDE A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE PORTION OF THE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE (INCLUDING RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE) COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Highland Fairview, has filed Application PA07-0088, requesting an amending of the City of Moreno Valley Municipal Code and Official Zoning Atlas as described in this ordinance.

1.2 The Planning Commission conducted a public hearing on January 8, 2009, and a continued meeting on January 15, 2009, with project forwarded to the City Council on said date.

1.3 Pursuant to the provisions of the law, public hearings were held before the City Council on February 3, 2009.

1.4 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.5 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The change of zone is consistent with the General Plan land use designation on the property of Business Park/Light Industrial. Although the General Plan designation of BP would allow the project as currently proposed, the current zoning designation of BP would not allow for the large industrial warehouse structure as proposed under Phase 1 of the plot plan. Therefore, the applicant has requested a change of zone from a business park land use designation (BP) to a light industrial designation (LI) to allow for large industrial warehouse buildings to occur. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur.

   Land uses allowed under the proposed LI zoning category allow for indoor wholesale, storage and distribution buildings uses, but also allow building sizes of 50,000 square feet or greater that facilitate general manufacturing or warehouse uses with frequent truck traffic. In order to provide greater compatibility between current and proposed land uses, the applicant has proposed a buffer zone within approximately 440 feet south of the project's southern property fence line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or hospitals would not occur within this buffer area based on deed restrictions placed on all properties within the zone. All other areas to the east (vacant BP or Business Park land), west (vacant CC or Community Commercial land) and north (Highway 60) would not contain sensitive receptors and so not include a land use buffer.

   The project and proposed change of zone as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included

to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations and is consistent with the purposes and intent of this title.

FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been

prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project

will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

SECTION 3 - AMENDMENT OF THE OFFICIAL ZONING ATLAS

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk), PA06-0099.

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

MV00016872

CHANGE OF ZONE

Application No. PA07-0088

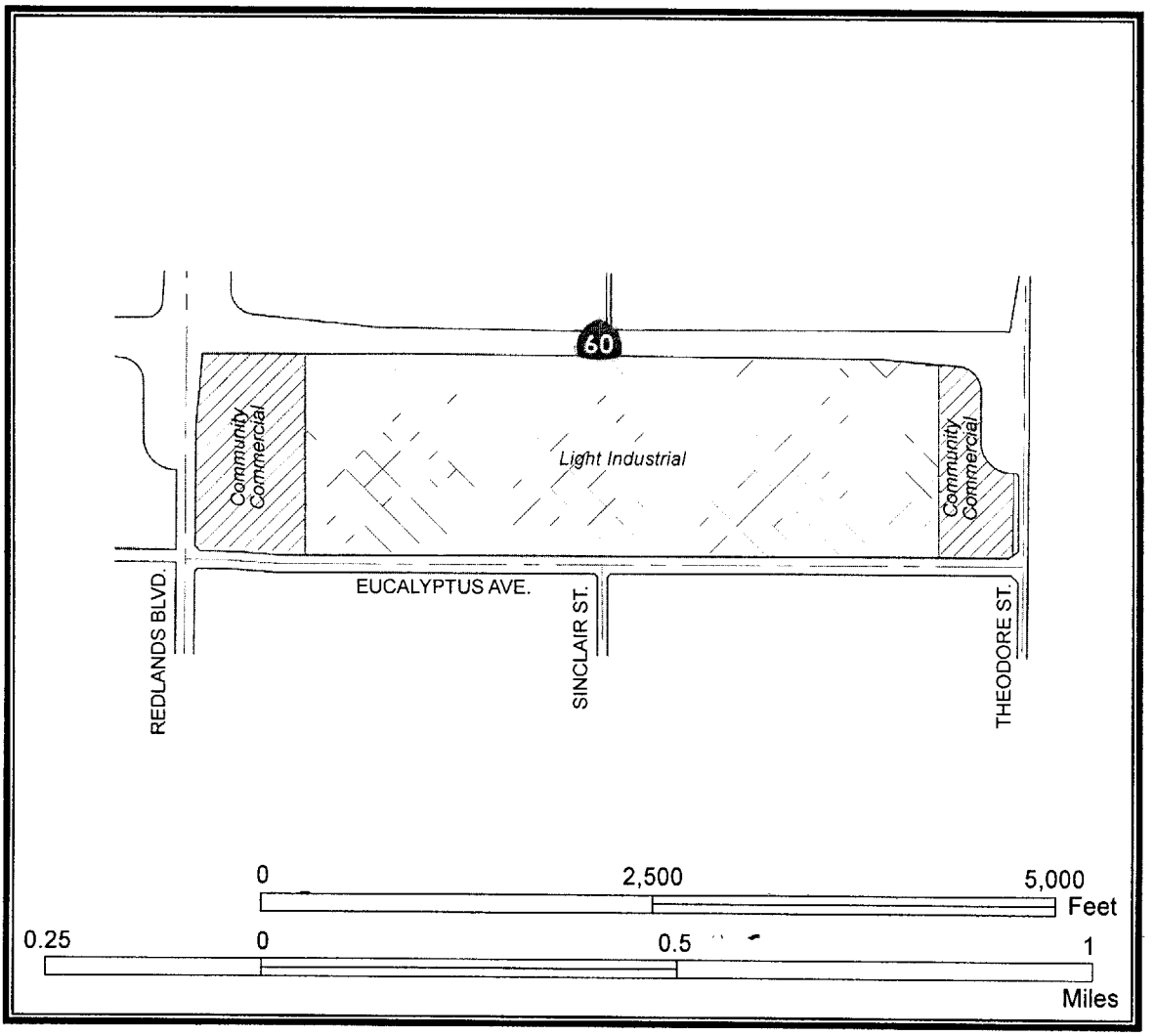

LEGEND

N

Light Industrial

Community Commercial

EXHIBIT A

RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (PA07-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street, and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, application PA07-0089 was separately filed to modify the existing General Plan as discussed in the title of this resolution

WHEREAS, there is hereby imposed on the proposed project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

WHEREAS, there is hereby imposed on the subject development project(s) certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application as described above and an Environmental Impact Report (EIR) with mitigation measures has been certified pursuant to the California Environmental Quality Act (CEQA),

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting and public hearing to consider a General Plan Amendment PA07-0089. At the conclusion of the meeting, the Planning Commission continued the item to January 15, 2009.

WHEREAS, on January 15, 2009, the Planning Commission forwarded the project to the City Council;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

Section 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FIND AND RESOLVE AS FOLLOWS WITH RESPECT TO PA07-0089:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: A proposed General Plan amendment includes four items to be modified for consistency purposes as proposed by the applicant. The first includes the elimination of a General Plan designated multi-use trail (Sinclair extension) through the center of the property. The Sinclair trail would have included an overpass subject to the feasibility of a freeway bridge. Connections with a multi-use trail are required by the General Plan on both Redlands Boulevard and Theodore Street, with a third possible connection on Quincy Street subject to the feasibility of a freeway bridge. On two separate occasions, the Moreno Valley Trails Committee recommended that the Sinclair connection be eliminated and the trail along Fir/Eucalyptus be extended from Redlands to Theodore.

The second portion of the amendment includes an amendment of the proposed General Plan trail along future Eucalyptus Avenue (Fir) from the south side of the street to the north side of the street. This proposed change by the applicant would not be inconsistent with the intent of the General Plan to include multi-use trails in designated areas throughout the City. The revised multi-use trail will link Quincy Street to Theodore Street on the north side of Fir Avenue/Future Eucalyptus Avenue.

A third portion of the amendment includes the modification to the General Plan circulation plan to change the designation from arterial to divided arterial and to add landscaped medians along future Eucalyptus Avenue (Fir) between Redlands Boulevard and Theodore Street. This modification will be an improvement to the General Plan Circulation element and provide greater traffic safety and improve aesthetics along this roadway system.

The fourth and final portion of the amendment includes the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

The project and proposed General Plan amendment as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said

conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

   The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

   The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been prepared for said project to deal with impacts related to aesthetics,

agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future

properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA08-0089, thereby establishing General Plan amendments as described in the Resolution, and the revised General Plan diagrams as attached to the Resolution as Exhibits A, B and C.

APPROVED AND ADOPTED this _____ day of _____ 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

GENERAL PLAN AMENDMENT
FIGURE 9-1
CIRCULATION PLAN

Application No. PA07-0089

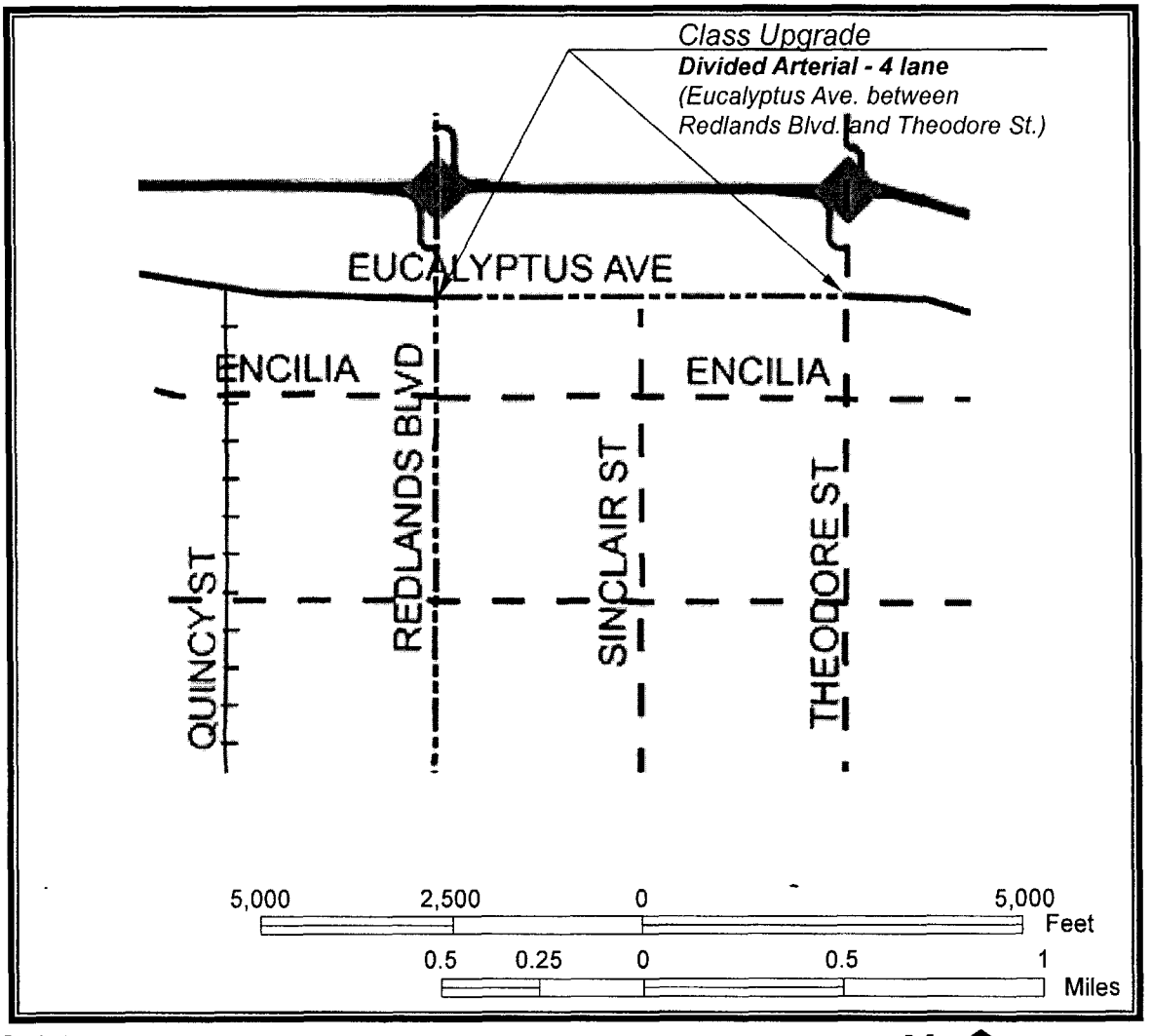

LEGEND

N

Street Classification

- Freeway
- Divided Major Arterial
- Divided Major Arterial - Reduced Cross Section
- Divided Arterial - 6 lane
- Divided Arterial - 4 lane
- Arterial
- Minor Arterial
- Minor Arterial - Pigeon Pass Cross Section
- Collector
- Freeway Overpass
- Freeway Interchange

EXHIBIT A

GENERAL PLAN AMENDMENT
FIGURE 4-3
MASTER PLAN OF TRAILS

Application No. PA07-0089

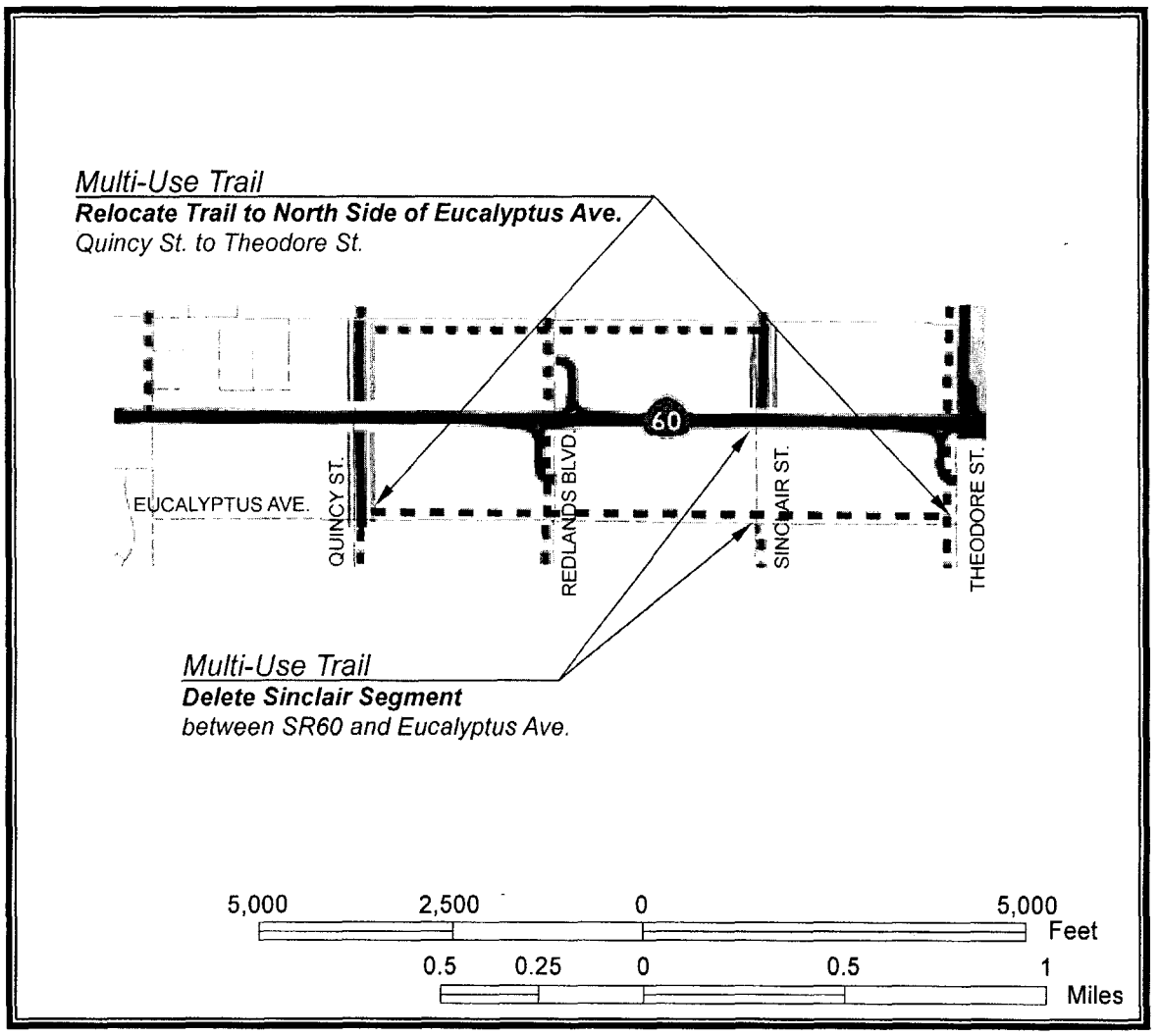

LEGEND

N

- Trail Staging - Existing
- Trail Staging - Proposed
- Streets
- Highways
- Improved Trail
- Multiuse Trail
- Proposed Trail
- Regional Trail
- State Trail
- Proposed Subject to Feasibility of Freeway Bridge or Underpass
- Badlands Landfill
- State and County Parks
- Moreno Valley
- Moreno Valley Sphere
- San Jacinto Wildlife Area
- Waterbodies

* Trail locations are approximate

EXHIBIT B

MV00016882

GENERAL PLAN AMENDMENT/LAND USE ELEMENT

Application No. PA07-0089

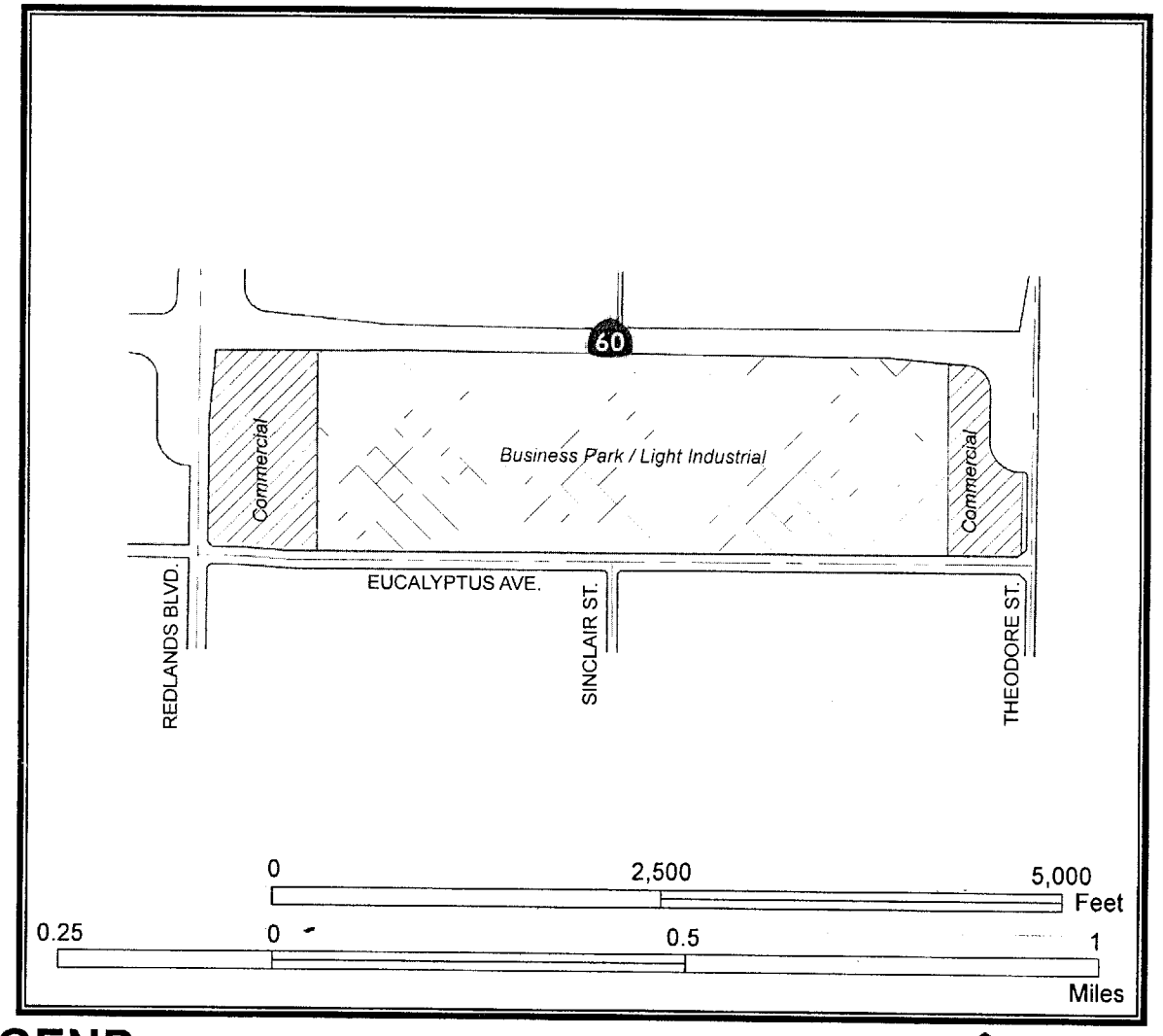

LEGEND

N

Business Park / Light Industrial

Commercial

EXHIBIT C

RESOLUTION NO. 2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) FOR FOUR SEPARATE BUILDABLE PARCELS AND TWO PRIMARY PARCELS DEDICATED FOR FREEWAY AND IMPROVEMENT PURPOSES (THIRTEEN PARCELS OVERALL TO INCLUDE LETTERED LOTS FOR PUBLIC ACCESS AND DEDICATION PURPOSES) AND A PHASED SUBDIVISION OF LAND (P08-057) CONSISTING OF A PROPOSED INDUSTRIAL AND COMMERCIAL DEVELOPMENT (2,620,000 SQUARE FEET) TO INCLUDE TWO PARCELS FOR INDUSTRIAL WAREHOUSE USES, TWO PARCELS FOR COMMERCIAL/RETAIL USES AND TWO PARCELS THAT WILL BE DEDICATED FOR FUTURE FREEWAY IMPROVEMENTS ON A 158 ACRE SITE (WITH ADDITIONAL OFF-SITE IMPROVEMENTS AND DRAINAGE) LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, the Highland Fairview., has filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3).. The project will include four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (and thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street;

The project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the

application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and recommended that the project be forwarded to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The applicant has proposed Tentative Parcel Map No. 35629 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map would be consistent with a proposed General Pan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future

Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 93 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

2. The site of the proposed land division is physically suitable for the type of development and proposed density of development.

   FACT: The proposed subdivision has been designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act. The proposed subdivision of vacant land complies with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, and noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said EIR will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public

health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction in 50 percent in particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer or minimize environmental impacts of the project from future sensitive receptors which could be constructed south of the site. Other mitigation throughout the EIR document reduces the remaining environmental impacts noted in the document to less than significant levels.

With the above mitigation measures imposed for items including noise, air quality, climate change/greenhouse gases, aesthetics and agricultural impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

4. The design of the proposed land division or type of improvements will not conflict with easements, acquired by

the public at large, for access through, or use of, property within the proposed land division.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements.

5. The design of the proposed land division or the type of improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

   FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, An Environmental Impact Report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   With mitigation measures imposed for noise, air quality, climate, aesthetics and agricultural and traffic impacts, impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations and not mitigated to less than significant levels. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The proposed map meets the intent of the General Plan if the proposed general plan amendment (PA08-0089) is approved. The map will provide for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The project does not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan. The project does not exceed a threshold, which would create potential significant impacts to fiscal resources. The project will supplement the City's fiscal resources by paying applicable impact fees for public facilities Additionally, future development within the four buildable parcels will pay Community Services District fees, property tax, sales tax, utility tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

7. The design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

   FACT: The size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The project conforms with any applicable provisions of the City's redevelopment plan.

   FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development impact fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the

applicant and will be determined at the time the fees become due and payable.

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0090, and the phasing implementation mechanism (P08-057) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

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

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-03, **APPROVING** PA07-0090 (Tentative Tract Map No. 35629) for a phased subdivision (P08-057) of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for warehouse industrial, retail, and freeway dedication purposes based on the affirmative recommendation of the Adoption

and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP No. 35629
Case No: PA07-0090 - To include P08-057 (Phasing Plan)
A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.

Approval Date:
Expiration Date:

The following conditions are attached for the following departments:

_x_ Planning (P), including School District (S), Post Office (PO), Building (B)
_x_ Fire Prevention Bureau (F)
_x_ Public Works, Land Development (LD)
_x_ Public Works, Special Districts (SD)
_x_ Public Works – Transportation (TE)
_x_ Parks & Community Services (PCS)
_x_ Police (PD)
_x_ Moreno Valley Utilities
___ Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

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

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

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

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

P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.

P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigtion plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)

P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)

P12. ((GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

P14. **(GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)**

P15. **A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **(GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**

P17. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)**

P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)

P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)

P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)

P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- **The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**

- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

CITY OF MORENO VALLEY
COMMENTS - MAP
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of building plan submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D). **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD55. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.

LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.

c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.

d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.

e. At proposed pavement transitions at edge of pavement.

f. As required by the City Public Works Inspector(s).

LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across

Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.

LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.

LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

LD67. (MA) Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

   i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

   ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

   iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

   iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

   v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

   vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

   vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.

LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.

LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.

LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD84. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD85. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD86. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD87. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD88. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.

LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

<u>Phase 3 – Development Associated with Parcel 3 of PM 35629</u>
In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.

LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0090 (TPM 35629)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0090**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Recordation of Final Map

SD-5 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map. (California Government Code) **This condition would no longer apply if the final map is recorded prior to the formation of the Public Safety Community Facilities District.**

SD-6 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-7 *Commercial* (R) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial

option selected to fund the continued maintenance. (California Government Code)

SD-8 (R) Prior to recordation of the final map, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Building Permit Issuance

SD-9 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley
Special Districts
14325 Frederick Street – Suite 9
P. O. Box 88005
Moreno Valley, CA 92552-0805

SD-14 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0090
Tentative Parcel Map for four parcels located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.

TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.

TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.

PRIOR TO GRADING PERMIT

TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE19. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**

- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE20. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0090 (Map)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

MVU Map Conditions of Approval Highland Fairview 12-18-08

MVU-1 (R) If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric service and utility-related telecommunication only "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

MVU-2A The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

The installation of any proposed temporary overhead electric distribution lines to be constructed to serve the subject project will be installed/executed pursuant to a temporary utility service agreement. The service agreement will address such things as the necessary electrical circuit protection, as well as the requirement to permanently relocate any temporary overhead to a permanent underground system in a timely manner (not greater than 36 months) consistent with the requirements of the service agreement and pursuant to applicable state law.

An electrical protection coordination study shall be performed and stamped by a registered professional electrical engineer in the State of California and submitted to the utility for review and approval prior to construction of the temporary overhead line consistent with the service agreement.

Once the protection settings are approved and test reports performed, a certified apparatus technician shall be submitted to the utility for review. Any protection studies shall be stamped by the applicant's registered professional electrical engineer.

A specific easement will be required for the entire overhead line extension constructed outside of the public right-of-way consistent with the service agreement.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

RESOLUTION NO. 2009-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA07-0091 (PLOT PLAN) FOR AN APPROXIMATE 1,820,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING WITH ANCILLARY COMMERCIAL/RETAIL AND OFFICE USES ON AN APPROXIMATELY 83 ACRE PARCEL GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street, and along future Eucalyptus Avenue (Fir Avenue);

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a tentative parcel map (PA07-0090). All of the discretionary applications are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to the City Council during the meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes an approximately 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposal conforms with the Business Park or BP General Plan designation, which allows for a variety of industrial related land uses from office and business park uses to heavier industrial land uses.

   Greater compatibility of the proposed land use with surrounding land uses in the general vicinity of the project will be achieved by project design, mitigation and conditions of approval. For example, dense landscape and proposed 11 foot screen walls used for screening purposes will allow for necessary compatibility of the intended industrial warehouse use with any surrounding commercial, business park or residential properties in the general vicinity that would be developed in the future.

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

   FACT:. The proposed project does not currently conform with zoning regulations of Business Park (BP), which would only allow for industrial buildings of 50,000 square feet or less from being developed. With a proposed 1,820,000 square foot warehouse industrial building, the applicant is requesting a change of zone to Light Industrial or LI. A 1,820,000 square foot warehouse building is

a permitted used within the LI land use designation. Various conditions of approval have also been included to address specific requirements, including but not limited to site improvements and aesthetic enhancements.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum 50 percent particulate matter control, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that

an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be built south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With the above mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity on the proposed development and project and reduce impacts to public health, safety and welfare.

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

FACT: Surrounding land uses include Highway 60 to the north, vacant commercial land uses to the west, vacant business park uses to the east and vacant R-3 (Residential 3) single-family residential properties to the south of the site. The location, design and operation of the proposed project will be compatible with existing and planned land uses in the general vicinity with proposed mitigation measures, conditions of approval and design of the plot plan and architecture of the buildings. For example, dense landscape and proposed 11 foot screen walls provided for screening purposes will allow for necessary compatibility of the use with any surrounding properties in the general vicinity that would be developed in the future.

With the mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, including an approximate 440 foot buffer from the property line of the proposed property preventing development to occur on any of the land planned and zoned for residential development immediately to the south of the subject site, any environmental impacts from the proposed project and use will be significantly reduced. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development

and project, reduce impacts to public health, safety and welfare, and provide greater compatibility of land uses between the proposed project and surrounding properties in the general vicinity.

5. The project conforms with any applicable provisions of the City's redevelopment plan.

FACT: The project site does not reside in a redevelopment area or within the plan.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0091 (Master Plot Plan) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-____, **APPROVING** PA07-0091 (Plot Plan) for a 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses based on the affirmative recommendation of the Adoption and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)
APN: 488-350-001 through 002 and 488-360-001 through 012.

APPROVAL DATE:
EXPIRATION DATE:

_x_ **Planning (P), including School District (S), Post Office (PO), Building (B)**
_x_ **Fire Prevention Bureau (F)**
_x_ **Public Works, Land Development (LD)**
_x_ **Public Works, Special Districts (SD)**
_x_ **Public Works – Transportation Engineering (TE)**
_x_ **Parks & Community Services (PCS)**
_x_ **Police (PD)**
_x_ **Moreno Valley Utilities**
___ **Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of

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

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

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

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

Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**

P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor**

Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**

P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**

P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)

P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

PRIOR TO BUILDING PERMITS

P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from

public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)

P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)

P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)

P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs

and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides

and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.

P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)

P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.

P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.

P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required.

P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.

P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)

P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)

P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)

P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.

P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of

alternative treatment measures may include, but not be limited to the following:

- **Use of color; or**
- **Texture variation; or**
- **Roof line variation.**

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- **Application of water on disturbed soils a minimum of three times per day;**
- **Covering haul vehicles;**
- **Replanting disturbed areas as soon as practical;**
- **Restricting vehicle speeds on unpaved roads to 15 mph;**
- **Suspension of all grading activities during high wind speeds in excess of 25 mph.**
- **A Large Operation notification shall be submitted to the SCAQMD prior to construction.**
- **Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.**
- **Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.**
- **Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.**
- **Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.**

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment

using Level III diesel particulate filters.

P39. MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.

P40. MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.

P41. MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.

P42. MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.

P43. MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle

trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.

P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.

P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.

P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:

a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and

b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.

P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

P51. MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.

P52. MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.

P53. MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.

P54. MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.

P55. MM AQ-18. Food services shall be provided onsite.

P56. MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.

P57. MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.

P58. MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.

P59. MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian

nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.

P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.

P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.

P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:

1. **All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;**
2. **Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;**
3. **If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.**
4. **Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and**
5. **If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.**

P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.

P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

1. **Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.**
2. **Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.**
3. **Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,**
4. **Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.**

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. **There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as**

provided in PRC Section 5097.98.

P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.

P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.

P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.

P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.

P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.

P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-

care centers, and schools within this area. (MM AQ-13)

P75. MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.

P76. MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P81. MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.

P82. MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.

P83. MM TT(C)-1. (CO) Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P84. MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at

Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

P85. MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.

P86. MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:

- **The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.**
- **Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.**
- **Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.**
- **All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").**
- **Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.**
- **All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures.**

Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.

- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
- The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).

P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.

P88. MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."

P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.

P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.

P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:

a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.

c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.

d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.

e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.

P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.

P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination

for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

P95. MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.

P96. MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.

P97. MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required. (Advisory)

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process. (Advisory)

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project. (Advisory)

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. (Advisory)

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY
COMMENTS – PLOT PLAN
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F4. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5) (ADVISORY)

F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3) (ADVISORY)

F6. Prior to building construction, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F7. Prior to building construction, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty–four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050) (ADVISORY)

F8. All roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050) (ADVISORY)

F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050) (ADVISORY)

F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050) (ADVISORY)

F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F13. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to Certificate of occupancy. They shall be maintained accessible. The interim Fire Master Plan (invasion line) will provide temporary fire protection during construction.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100) (ADVISORY)

F14. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1) (ADVISORY)

F15. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1) (ADVISORY)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9) (ADVISORY)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be

accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070) (ADVISORY)

F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1) (ADVISORY)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5) (ADVISORY)

F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5) (ADVISORY)

F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F22. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I) (ADVISORY)

F23. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050) (ADVISORY)

F24. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards. (ADVISORY)

F25. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100. (ADVISORY)

F26. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14) (ADVISORY)

F27. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS). (ADVISORY)

F28. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H) (ADVISORY)

F29. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106) (ADVISORY)

F30. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106) (ADVISORY)

F31. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104) (ADVISORY)

F32. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7) (ADVISORY)

F33. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1) (ADVISORY)

F34. Prior to installation, Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105) (ADVISORY)

F35. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.

F36. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site. (Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)

LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures.
(Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD50. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD51. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD52. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD53. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.

LD54. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD55. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.

LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0091 (PP for a Warehouse Building),
PA07-0089 (GPA), and PA07-0088 (Zone Change)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0091**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD-5 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-6 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts prior to the City's issuance of a building permit. (California Government Code) **This condition would no longer apply if the building permit is issued prior to the formation of the Public Safety Community Facilities District.**

SD-7 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved

Median Maintenance), and pay all associated costs with the ballot process; or

b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance.

SD-8 *Commercial* (BP) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD-9 (BP) Prior to release of building permit, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0091

Plot Plan for approximately 1.8 million square feet of warehousing uses located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.

TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.

TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.

PRIOR TO GRADING PERMIT

TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Each gated entrance shall be provided with the following, or as approved by the City Traffic Engineer:

a) A storage lane with a minimum of 75 feet queuing length for entering traffic.
b) Appropriate signing and striping.
c) The employee gated entrance along Eucalyptus Avenue shall remain open for a half hour prior to and a half hour after a shift change.

All of these features must be kept in working order.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE19. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE20. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**
- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

<u>PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM</u>

TE21. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0091 (Plot Plan)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080) (Advisory)

PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient. (Advisory)

PD5. All exterior doors in the rear and the front of the buildings need an address or suite number on them. (Advisory)

PD6. All rear exterior doors should have an overhead low sodium light or a light comparable to the same. (Advisory)

PD7. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees. (Advisory)

PD8. All landscape cover should not exceed over 3' from the ground in the parking lot.

PD9. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.

PD10. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.

PD11. Cash registers shall be placed near the front entrance of any retail portion of the establishment or as approved by the Police Chief.

PD12. Window coverings shall comply with the city ordinance.

PD13. No loitering signs shall be posted in plain view throughout the building, or as approved by the Police Chief.

ENVIRONMENTAL IMPACT REPORT (EIR)

Under Separate Cover

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING AND LOCAL ASSISTANCE (MS 722)
464 WEST 4th STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
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CITY OF MORENO VALLEY

November 25, 2008

Mr. Mark Gross, Senior Planner
City of Moreno Valley
Community Development Dept.
14177 Frederick Street.
P.O. Box 88005
Moreno Valley, CA 92552-0805

Dear Mr. Gross:

Highland Fairview Corporate Park Draft Environmental Impact Review, TPM 35629, SCH #2007101132. Riv-60 PM 20.4/22.227

We have completed our initial review of the Draft Environmental Impact Review (DEIR) for the Highland Fairview Corporate Park, located in the City of Moreno Valley. The project is located in the eastern area of the city, bounded by State Route 60 (SR-60) to the north, the future Eucalyptus Avenue on the south, Redlands Boulevard on the west, and Theodore Street on the east. The project site and relevant offsite areas studied in this DEIR encompass approximately 265.3 acres.

It is difficult for us to comprehend that the 35 million square feet of warehousing planned for this part of Moreno Valley will have a less than significant impact on SR-60. It appears from the low numbers during the peak period that most of the traffic generated will be during non-peak hours. We believe the truck traffic will not only impact the Redlands and Theodore interchanges with SR-60, as noted in the DEIR, but also the mainline. Specifically, we recommend the following:

- An ultimate right of way dedication to accommodate 4 through lanes, a High Occupancy Vehicle (HOV) lane, and an auxiliary lane in each direction through Moreno Valley.
- Auxiliary lanes in both directions between Redlands and Theodore and between Theodore and Gilman Springs.
- Traffic analysis of the impact at the SR-60/Interstate 215 (I-215) interchange, at the SR-60 between Gilman Springs and I-10, and at the I-10/SR-79 interchange.
- A mitigation agreement between the City and Caltrans to provide a method for implementing this mitigation.

We also have the following comments based on the submittals received with a date of August 7, 2008:

Traffic Operations:

The following four comments are in reference to Appendix J of the DEIR, which is the Traffic Study Report:

- We recommend the inclusion of Traffic Signal Warrants for SR-60 EB/Redlands and SR-60 WB/Redlands Boulevard ramp termini intersections in Appendix H.
- We recommend all freeway mainline analysis sheets be provided for review
- We recommend that a Peak Hour Factor (PHF) of 0.92 be applied to all studied scenarios.
- Appendix A of the Traffic Study, Delay Worksheets, Existing + Ambient + Project (Phase 3) at Redlands/Eucalyptus, page A-99: Verify if the WB lane geometries that were shown in this scenario should be under "mitigation" on page A-144. Otherwise, lane geometries under the "without improvements" scenario should be used for analysis.

The following comments refer directly to the DEIR:

- We recommend the verification of the traffic volumes on SR-60 on page 5.14-32 in Table 5.14-14. Currently it shows lower volumes for Phase 3 than it shows for Phase 2 of the project.
- It is stated on page 5.14-29 that Caltrans LOS criterion is Level of Service (LOS) "E." However, Caltrans LOS standard is the transition between LOS "C" and "D." Please see the Caltrans Guide for the Preparation of Traffic Impact Studies, December 2002. The guide is available online at: www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf
- Page 4.14-34 currently states that Facilities will be designed according to City of Moreno Valley standards. Facilities within State Right-of-Way (R/W) should be designed in accordance with Caltrans Manuals, Standards and Specifications. We recommend that a similar statement be included in the final DEIR.

Electrical Operations (Synchro Analysis)

- Many intersections contain unbalanced and/or unacceptable LOS. Each phase within an intersection should fall within the standard transition between LOS "C" and LOS "D." Currently, there are intersections with an overall LOS within acceptable range, but a single phase is LOS "E" or "F."
- We recommend that all cycle lengths be optimized in the future-year analysis scenarios in order to achieve acceptable LOS results.

- A 3.5 second yellow time is used throughout the analysis. The yellow time should be calculated based upon the speeds on the roadway.
- A 0.5 all-red time is used throughout the analysis. The all-red time should be calculated based on the width of the intersection for safety.

Hydraulics and Storm Water Quality

- Appendix H.1, Runoff Management Plan, page 1-7 states, "It is assumed that Caltrans will construct and maintain debris control devices within the northern right-of-way of State Highway 60." However, there are no such debris control devices planned along this segment of SR-60 in the Caltrans District 8 Project Management Database. The conveyances under the highway conduct off-site runoff. Most sediment is from the undeveloped area to the north, not from roadway runoff. We recommend that this issue be addressed.
- Draft EIR, page 5.8-15, Erosion and Siltation states "However, sediment conveyed through the culverts may be deposited on the project site..." Appendix H.1 Runoff Management Plan, page 1-14 states, "Once Caltrans constructs sediment control devices to allow proper functioning of the culvert, only "clear" flows will be passed through to the site. Once the Sinclair Detention Basin is constructed, upstream..." Before the Sinclair Detention Basin is constructed, large amounts of sediment may flow into the project's proposed storm drains; clear flows should not be assumed. We recommend that the incoming sediment be addressed in the scenario before the construction of the Sinclair Detention Basin.

Thank you for providing us this opportunity to review this proposal and for your consideration of these, previous, and future comments. If you have questions about this letter, please contact me at (909) 383-4557.

Sincerely,

DANIEL KOPULSKY
Office Chief, IGR/Community Planning

c: Brian Hixson, Highland Fairview
Bobby Kohltfarber, RBF Consulting
Richard Goh, Caltrans D8
George Hague

12/19/08

Letter CT. State Department of Transportation, District 8 (Received 12/1/08)

Response CT-1.

This comment (1st through 4th Bullets) does not appear to relate specifically to the proposed Project. CalTrans has mistakenly identified the Project currently being considered by the City. That Project consists of 2,400,000 square feet of logistics facilities and 200,000 sq.ft. of commercial facilities. The 35,000,000 square feet mentioned in the letter is apparently a reference to the Logistics Modified General Plan Concept discussed in Section 8.3 of the Draft EIR. As pointed out on page 8-2 of the Draft EIR, the discussion is included in the Draft EIR because Highland Fairview is the owner of both the Project Site and a substantial portion of nearby land which may be the subject of an application to change the applicable planning and zoning to allow development of logistic facilities. The information is provided only in the interest of full disclosure. It is not part of the Project currently being considered by the City. Moreover, no application for such a change has been filed with the City and there is no guarantee that one will be filed. Therefore, to the extent that the recommendations on page one of the letter refer to the Logistic Modified General Plan Concept, when, and if, such an application is submitted to the City, it will be subject to review under CEQA and appropriate mitigation measures will be identified and imposed.

As documented in the EIR Traffic Study (Appendix J), and discussed in Draft EIR Section 5.14 Transportation and Traffic, and the Traffic Topical Response in Section 3 of the Final EIR Response to Comments document, the traffic impacts of the Highland Fairview Corporate Park project encompassing a total of 2.62 million square feet of building area do not warrant or justify the improvements or actions listed in this comment. The Traffic Topical Response - SR-60, pages 3-268-286 of the Final EIR, determined that the Project will not cause substantial impacts, individually or cumulatively, on SR-60 and, therefore, the nexus, discussed in CEQA Guidelines Sec. 15126.4(a)(4), required to impose exactions, whether through the dedication of land or through the payment of in-lieu fees, is absent. Nevertheless, the HFCP project right of way dedication on the south side of SR 60 along the project frontage does in fact accommodate the ultimate lane configuration that CalTrans is requesting in this comment (1st Bullet). Also, please see the referenced Traffic Topical Response for discussion of mainline SR 60 impacts from Interstate 215 to east of Gilman Springs Road.

Response CT-2.

The following responses correspond to bullets under the 'Traffic Operations' comments referring to the Traffic Study Report in Appendix J of the Draft EIR:

- (5th Bullet) Peak hour traffic signal warrants for the intersections of Redlands Boulevard at the SR-60 eastbound and westbound ramps (traffic study intersections #4 and #5) can be found in Table 6-9 on page 60 of the traffic study, the location for all off-site signal warrants. Appendix H contains only the signal warrants for project driveways.

- (6th Bullet) The SR-60 freeway mainline analysis sheets are included in Chapter 6 of the traffic study (pages 6-1 through 6-5) and in the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" located in Section 3.3 of the Response to Comments on the Draft Environmental Impact Report.

- (7th Bullet) In peak hour delay calculation methodology, a peak hour factor (PHF) adjusts a given volume by addressing the fluctuation in demand within the peak hour. A PHF can be derived from a traffic count, or a standard factor can be utilized (.92 is the default factor in the HCM software). When deriving a PHF from a traffic count, the total hourly volume is divided by the highest of four 15 minute interval volumes multiplied by four, and the result is the PHF. An example of the derivation of a PHF from a traffic count is described in the following paragraph.

  Peak hour counts collected over a two-hour time period are summarized in 15-minute intervals, with the highest consecutive four intervals determining the actual peak hour. A peak hour factor (PHF) can be calculated utilizing those four volumes (i.e., volumes of 15,18,8,5 for each of the four 15-minute intervals resulting in a total hourly count of 46) by dividing the total volume (46), by the highest interval multiplied by four (18x4=72), for a PHF of .64. The PHF is lower when there is a higher disparity in the four interval volumes than when the volumes are similar.

  In the traffic study, peak hour factors were derived from existing traffic count data (see Appendix G of the traffic study) and are used in the short-range analyses. The derived factors are lower than the standard default factor of .92 and, as discussed above, utilization of these factors *is a more conservative approach* than using the standard default factor. For example, when a .64 PHF is then applied to a volume of 150, the result is a higher adjusted volume (234) than when using a PHF of .92 (adjusted volume of 163). Thus, the lower the PHF, the higher the adjusted volume used in the delay calculation. A peak hour factor of 1.00 is used in the General Plan analyses, standard practice when calculating intersection delay for long-range time periods.

- (8th Bullet) The westbound leg of the intersection is a feature of the project and will be constructed with a separate left turn lane, through lane and right turn lane. This configuration is assumed under each scenario that includes the project, as indicated on page A-99 for Exist + Ambient + Project (Phase 3), on page A-137 for Exist + Ambient + Related Project + Project (Phase 3), and page A-144 for Exist + Ambient + Related Project + Project (Phase 3) with Mitigation.

Response CT-3.

The following responses correspond to bullets under the 'Traffic Operations' comments referring directly to the Draft EIR:

- (9th Bullet) Traffic volumes given on page 5.14-32 in Table 5.14-14 are for the Existing + Ambient + Project (Phase 3) scenario, and the corresponding volumes for Phase 2 are given in Table 5.14-13. (It should be noted that Table 5.14-14 was updated as part of the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" and these volumes are given in the table below.) The update did not change any of the project impacts or findings in the traffic analysis or Draft EIR and does not affect the response given below).

Table 1
FREEWAY IMPACT ANALYSIS
- Existing + Ambient + Project

Component	SR-60 West of Redlands			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	150	236
Project Trucks[2] – AM	45	44	50	56
Project pce[3] - AM	209	258	250	348
Total Project Vehicles[1] – PM	234	162	327	231
Project Trucks[2] – PM	56	47	71	59
Project pce[3] - PM	346	256	469	349
Component	SR-60 West of Theodore (Between Redlands and Theodore Interchanges)			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	55	68
Project Trucks[2] – AM	45	44	14	16
Project pce[3] - AM	209	258	83	100
Total Project Vehicles[1]– PM	234	162	106	99
Project Trucks [2]– PM	56	47	19	20
Project pce[3] - PM	346	256	144	139

[1]The total number of project vehicles including both light vehicles and trucks.
[2]Project trucks only.
[3]The project's passenger car equivalent (pce) volume (see Topical Response to Comments for full discussion on pce).
*The volumes given for Phase 3 are the updated volumes presented in the Topical Response to Comments – Section 3.3 of the Final EIR Response to Comments.

During each phase of the project, project traffic volumes increase but have access to different travel routes since Eucalyptus Avenue will not be connected to Redlands Boulevard until Phase 3. In Phase 3 the SR-60 volumes west of Theodore Street are lower than in Phase 2, however the volumes west of Redlands Boulevard are higher. The increase west of Redlands is due to the increased land use intensity in Phase 3 of the project. West of Theodore Street, a reduction occurs due to the redistribution of project traffic volumes with the opening of Eucalyptus Street to Redlands Boulevard. In Phases 1 and 2, Eucalyptus Avenue is only constructed to Theodore Street and all freeway-oriented project traffic must use the Theodore Street interchange. In Phase 3, Eucalyptus Avenue is connected westward to Redlands Boulevard and some project traffic that used the Theodore Street interchange in Phases 1 and 2 will redistribute to the Redlands Boulevard interchange, thus reducing the project volumes on the freeway segment between the two interchanges.

- (10th Bullet) The traffic analysis utilized Riverside County Transportation Commission's (RCTC) adopted minimum level of service threshold of "E" for state highways from the Congestion Management Program (CMP) (see page 4-2 of the "2007 Congestion Management Program for Riverside County" which can be found at www.rctc.org/downloads/congestionmanagementprogram.pdf.

Page 5.14-29 (last paragraph) of the Draft EIR has been corrected to reflect this in the Final EIR (Response to Comments Section 4).

- (11th Bullet) The City of Moreno Valley concurs that facilities within the jurisdiction of CalTrans be designed in accordance with CalTrans Manuals, Standards and Specifications.

Response CT-4.

(12th through 15th Bullets) As recommended in Caltrans Comment CT-2, the delay calculations in the traffic analysis do assume optimal signal cycle lengths (and optimal splits), and standard defaults were used to calculate the yellow and red times. As stated in the comment, some individual signal cycles (at a particular leg of the intersection) operate at an unacceptable LOS while the overall LOS is acceptable. When the actual signal design is carried out, the timing inputs can be established in a manner that differs from the optimization derived here.

Response CT-5.

(16th and 17th Bullets) Section 1.5.5 of the Runoff Management Plan (ROMP) inappropriately assumes an obligation for CalTrans to provide sediment control devices upstream of their culverts that pass under SR60. The text within the ROMP has been corrected (see attached revisions - TO BE PROVIDED) to remove the implication that CalTrans has any greater responsibility other than routine maintenance of their existing facilities.

Removing the assumption that upstream sediment control devices will be constructed has no impact on the adequacy of the currently proposed drainage facilities for the project. The details supporting this statement can be found in Section 5.8 "Regional Facilities" of the Draft EIR. In short, the existing culverts under SR60 are under-sized (based on Q_{100} - the flow that can be expected during a 100 year storm) causing flows to be detained north of SR60. The proposed project drainage facilities have been sized to accept the maximum flows that can pass through the Caltrans culverts. Therefore, an assumption of "clear flow" (all debris removed) or "bulked flow" (water and debris) does not alter the sizing of the project drainage facilities from a hydraulic capacity perspective. It should be noted that the proposed drainage facilities on the project site have been sized to accommodate maintenance equipment to properly deal with debris laden flows. Upon completion of the master planned facilities north of SR60, including Sinclair Detention Basin, which have been planned for, and which will be constructed by, RCFC&WCD, the peak storm flows will be reduced to 65% of the design flows utilized for the proposed project.

Thus, the Project's drainage facilities have been sized, and will be able to handle, all water and debris which can reach the Project Site through the existing culverts, with or without upstream sediment control devices.

RECEIVED

DEC 18 2008

PLANNING
CITY OF MORENO VALLEY

Mark Gross
Senior Planner
City of Moreno Valley

17, December 2008

Dear Mr. Gross,

Re: Highland Fairview Corporate Park's failure to test for the presence of Coccidioides Immitis, and Coccidioides Posadasii fungi.

I strongly believe that the health of Moreno Valley residents must be protected. I have not seen where soil testing has been done on the project site for the fungi known to cause Coccidioidomycosis, better known as Valley Fever.

The fungi which cause this serious illness is known to exist in the Inland Empire, and can be stirred into the air by anything which disrupts the soil such as construction. Once airborne these spores can be carried by the wind for distances of over one hundred miles. It medically reported that only one Coccidioides fungi spore need to be inhaled to cause this illness, and that the severity of the illness increases with the number of spores inhaled.

Coccidioidomycosis is a condition that is often misdiagnosed as other illnesses and diseases such as cancer, tuberculosis, and the common flue or pneumonia. As results of such, most cases are not diagnosed and treated in a timely manner, causing the need for more invasive testing such as lung biopsies.

Those more susceptible to the disease are those who have a lowered immune system, diabetics, the elderly and women who are in their third trimester of pregnancy, and immediately following the birth of their child (at this time there is not enough information as to the effects on the unborn).

Person with whom have been infected have been known to receive initial diagnosis of lung cancer based on chest X-rays which tend to show the presence of nodules much like that of cancer. Receiving this kind of news alone can cause great emotional pain and hardship to the person and family of such an infected person.

The State of California reports an infection rate of at least 35,000 new cases per year, with that number growing with time, and at one point was at epidemic levels in the Bakersfield area.

The testing of the project site's soil needs to be performed by an agency that is independent of the developer, and the result of such report sent directly to you without the developer knowing of its contents first. Upon your review of the report it should be made available for public review by means of postings in accordance with current law, and should also be made available review on the city's web site.

The main responsibility of The Planning Commission and the City Council members is to "protect the health, safety and welfare" of the city's residents. Failure to conduct these tests shows they are not fulfilling their official duties.

If needed members of my staff can be made available to assist you with any questions you may have regarding this condition.

Please enter my comments into the public records on The Highland Fairview Corporate Park project and make sure each Planning Commissioner and City Council Member receive a copy of this request for soil testing as soon as possible. I would also appreciate you notifying me of all future documents and meetings related to this project. I also need the final copy of the EIR sent to me and I hope all Moreno Valley citizens will have the full 30 days to read this massive document which has always been our City's practice.

Sincerely,

Mike Rios
29034 Cantabrria Ct.
Moreno Valley, CA. 92555
(951) 581-3132

Michael Brandman Associates

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December 23, 2008

Subject: **Response to December 17, 2008 Letter from Mike Rios Regarding Valley Fever Spore Testing**

The author of this letter expressed concern that the Highland Fairview Corporate Park project EIR did not propose to conduct soil testing to determine the presence of Coccidiodides Immitis, and Coccidioidis fungi (Valley Fever spores).

Michael Brandman Associates (MBA) air quality staff frequently addresses this issue in connection with projects in the San Joaquin Valley and other areas of California where Valley Fever spores have been identified as a concern. The key factor in determining whether Valley Fever is a potential concern for a particular project site is the existing conditions of the soil. Soils that have been disturbed by agricultural activity and plowing are not conducive to the life cycle of the Valley Fever spores. The spores are found in the top 20 centimeters of the soil (8 inches) which would typically be disturbed by plowing and irrigation. Alkali soils, still in the natural state with natural vegetation, have a much higher potential to be a source of the spores.

Soil Conditions on the Project Site are Not Conducive to Valley Fever. According to the Draft EIR Section 5.2 – Agricultural Resources, the predominant soils on the project site are San Emigdio series that are well-drained soils on alluvial fans and the Metz series, excessively drained soils on alluvial plains. The San Emigdio series soils are used for dryland grain, pasture, and irrigated citrus, walnut, alfalfa, apricot, and truck crops. Large portions of the site were used to grow grain and grapes during the early part of the century. The majority of the westerly section of the site starting at Redlands Boulevard at the west and Sinclair Street on the east has been used for boarding and raising horses since the 1940s. Approximately 20-acres immediately east of Sinclair Street contained a cluster of homes. The remainder of the site has been intermittently used for dry farming for a number of years. The type of soil and crops grown indicate that the soils would not be alkali and not conducive to the presence of Valley Fever spores. Since the project has been farmed and a part of the site previously developed, the probability of the soil harboring Valley Fever spores is very low.

The Incidence of Reported Valley Fever Cases is Very Low. It should be noted that cases of Valley Fever have been reported within western Riverside County and Moreno Valley within the past 2-3 years. According to the County of Riverside Department of Health[1], there have been a total of 48 cases reported in western Riverside County during the period January 2006 through September 2008. This represents 0.67% of the total 7,199 cases reported statewide during the same period[2]. A total of 7 cases were reported in Moreno Valley during this period, with only one of these reported within 2008. The reported Moreno Valley cases represent less than 0.01% of all reported cases statewide. The location of the

[1] Source: County of Riverside Department of Health-Epidemiology, Diagnosed Cases of Valley Fever in Western Riverside County, January 2006-September 2008 (12/22/08).

[2] Source: State Data Summaries of Communicable Diseases
[http://www.cdph.ca.gov/data/statistics/Documents/CM-SEP2008.pdf]
[http://www.cdph.ca.gov/data/statistics/Documents/CM-DEC2007.pdf]

reporting does not necessarily determine the origin or geographic source of fungus, however, as the Valley Fever spores can be transported by winds over significant distances.

Pre-Grading Testing for Valley Fever is Unreliable. Since the existence of the fungus in most soil areas is temporary to fleeting, extensive soil sampling and testing for the fungus to determine infectivity is not highly reliable[3]. Michael Brandman Associates is aware of no agency in California that requires pre-grading testing for the Valley Fever fungus.

Conclusions. Based on MBA's experience and analysis of the foregoing information, with significant weight given to the historic disturbances to the project site soils through previous agriculture activities, Valley Fever is not an issue at the Project site, and therefore, soil testing is not necessary. In any event, the mitigation measures that are typically applied in areas that have a high potential of Valley Fever spores are also uniformly applied throughout our region in compliance with South Coast Air Quality Management District fugitive dust regulations (Rule 403). As described in the Draft EIR Section 5.3 Air Quality, Mitigation Measure AQ-1 of the EIR already requires implementation of these measures. The rigorous application of these measures, which include watering, soil stabilization and soil trackout prevention, during construction will prevent fugitive dust and would reduce the possibility of Valley Fever occurring to insignificance even if the possibility of soils conditions harboring Valley Fever were not already very low.

[3] Conclusions of the Valley Fever Task Force Report on the Control of *Coccidioides immitis,* Kern County Department of Public Health. (August 1995); page 3.

PLANNING COMMISSION STAFF REPORT

Case:	PA07-0088 (Change of Zone) PA07-0089 (General Plan Amendment) PA07-0090 (Tentative Parcel Map No. 35629), to include PA08-057 (Phasing Plan) PA07-0091 (Plot Plan) P07-157 (Environmental Impact Report)
Date:	January 8, 2009
Applicant:	Highland Fairview Inc.
Representative:	Same as above
Location:	On the north side of Eucalyptus Ave., east of Redlands Blvd., west of Theodore Street and south of Highway 60
Proposal:	Tentative parcel map for a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of building area. The project site, now in the BP (Business Park) and CC (Community Commercial) land use districts, proposes a change of zone to LI (Light Industrial) for proposed industrial uses and a General Plan Amendment to eliminate a planned multi-use trail along the Sinclair Street alignment, the adjustment land use for 2 CC land use district

	parcels (126 foot width reduction on the east parcel and 87 foot width increase on the west parcel).
Redevelopment Area:	No
Recommendation:	**1. Provide a policy recommendation to the City Council regarding the requested change in property zoning from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and** **2. Based upon that policy recommendation, recommend approval or denial of the proposed project to City Council. An approval recommendation will be subject to the conditions of approval and mitigation measures imposed by and certification of an Environmental Impact Report (EIR)**

SUMMARY

The applicant, Highland Fairview Inc., is proposing a project with warehouse industrial and future commercial land uses on a block of property bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street, and the Moreno Valley Freeway (Highway 60). The project site encompasses 158 gross acres of land. The project applications include a tentative parcel map to subdivide into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a plot plan for a 1,820,000 square foot warehouse industrial building under Phase 1, with 2 additional phases for a total of 2,620,000 square feet of building at project buildout. The identified tenant for the first phase warehouse is Sketchers.

Before considering the proposal, a policy decision will need to be made regarding the proposed General Plan Amendment and Change of Zone. The proposed Change of Zone from BP (Business Park) to LI (Light Industrial) would allow warehouse/industrial buildings larger than 50,000 square feet at the project site. The current zoning arose from discussions during the update of General Plan and zoning consistency in 2006, which envisioned the preclusion of large warehouses in favor of smaller business park uses.

The proposed General Plan Amendment includes four items, two of which are related to modification of the Master Plan of Trails, including the elimination of the Sinclair Street alignment from new Eucalyptus to Highway 60 and extending and moving a planned trail from the south to the north side of future Eucalyptus from Quincy Street to Theodore Street, another to modify the Circulation Plan and allow landscaped medians on future Eucalyptus Avenue and finally a minor modification between industrial and commercial land uses.

PROJECT DESCRIPTION

Project

The proposed project creates four buildable parcels and approximately 2,620,000 square feet of building area, consisting of a 1,820,000 square foot logistics warehouse building on Parcel 1 (Phase 1), a 600,000 square foot building on Parcel 2 (Phase 2), 80,000 square feet of retail on Parcel 4 (Phase 2) and 120,000 square feet of retail on Parcel 3 (Phase 3). The project includes a plot plan for Phase 1. Future phases would require the submittal of additional plot plans. The project site includes an area of approximately 158 acres, located just south of Highway 60 between Redlands Boulevard and Theodore Street. Offsite infrastructure including street improvements, downstream drainage, overhead utilities and other improvements raise the total study area for the EIR to a total of 265.3 acres.

In order to recommend approval of the proposed project stated above by the Planning Commission and then to ultimately consider approval at the City Council level, a policy decision would need to be made regarding the proposed change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. The General Plan land use designation of Business Park/Industrial would allow the project as currently proposed, and does not need to be amended. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Two additional large warehouse industrial projects that have been submitted to the west of the subject project would require similar changes in zoning to proceed. Both are currently progressing through the City review process and therefore have been included in the environmental review document cumulative project analysis. The projects are the proposed Prologis warehouse industrial project consisting of approximately 2,268,000 square feet located on the south side of State Route 60 and east of Moreno Valley Auto Mall, along Eucalyptus Avenue, between Pettit Street and Quincy Street and the proposed Ridge Property Trust industrial warehousing project totaling approximately 944,000 square feet on the south side of Highway 60, between Quincy Street and Redlands Boulevard.

If the Planning Commission recommends approval of a policy decision to allow more intensive land uses on the east end of the City along Highway 60, the remaining components of the project may be evaluated and recommended to the City Council for approval. The applicant, Highland Fairview, is requesting the following discretionary permits for the proposed project:

1. General Plan Amendment (PA07-0089)

The General Plan land use designation on Parcel 1 is BP or Business Park/Industrial. This designation allows for a wide variety of industrial land uses such as office/technology, manufacturing uses, small industrial warehouse buildings (50,000 square feet or less) and large industrial warehouse buildings (greater than 50,000 square feet). A General Plan amendment is not necessary to change the underlying General Plan designation for Parcel 1, as the proposed large industrial warehouse use is permitted under the current General Plan designation of BP.

The General Plan amendment covers four proposed changes, with two modifying the Master Plan of Trails, one modifying the Land Use Map, and one modifying the Circulation Plan. The following summarizes each of the applicant's proposals:

A. Proposed Changes to the Master Plan of Trails

Two specific changes are being proposed to the Master Plan of Trails. The first includes the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Street) between Sinclair Street and Redlands Boulevard. As Sinclair is not anticipated to carry significant vehicular traffic, the feasibility of financing a future freeway bridge would be difficult to accomplish.

The second change in the General Plan Master Plan of Trails is the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus.

The Recreational Trails Board reviewed the proposed changes on two separate occasions. On January 23, 2008, the Board reviewed and concurred with the applicant's request to remove the trail extension over Highway 60. To mitigate the trail elimination, the Board recommended an extension of the planned trail from Sinclair to connect to a planned trail on Theodore Street. On July 23, 2008, The Recreational Trail Board brought the item back for reconsideration of the original recommendation in January. At that meeting, the Board recommended that the trail be removed from the General Plan over State Highway 60, with the trail shifted to the north side of the future Eucalyptus extending from Redlands Boulevard to Theodore Street. With this recommendation and concurrence from the applicant, the General Plan amendment was expanded to include the trail extension. Although the applicant will only be responsible for a portion of this trail from Redlands Boulevard to Theodore Street, the change of trail location to Quincy will provide consistency within the trail system to provide one continuous trail on the north side of Eucalyptus from Quincy Street to Theodore Street.

B. Proposed Changes to the Land Use Map

The project will require a General Plan for a proposed change in land use for the areas between proposed Parcels 2 and 3 and Parcels 1 and 4. The area between Parcels 1 and 4 would widen by 126 feet the CC (Community Commercial) land use district and narrow by 126 feet the BP land use district. The area between Parcels 2 and 3 would narrow the CC land use district by 87 feet and widen by 87 feet the BP land use district.

C. Proposed changes to the Circulation Plan

The applicant, Highland Fairview, is requesting the addition of landscaped medians along future Eucalyptus Avenue in front of their project which would require a change in the Circulation Plan to from an arterial to a divided arterial between Redlands Boulevard and Theodore Street. Both street classifications include four lanes. Landscaped medians would increase the street capacity by limiting potential turning movement conflicts and will improve the aesthetics along the streetscape.

2. Change of Zone (PA07-0088)

In addition to the adjustment of the commercial land use lines between the three parcels, the applicant is requesting that the existing zoning classification on Parcels 1 and 2 to change from Business Park (BP) to Light Industrial (LI). This includes the approximate 82 acre parcel that is proposed to house the Skechers warehouse industrial building.

Although the General Plan designation of BP/I would allow the project as currently proposed, the current zoning designation of BP would not allow for the large warehouse industrial uses proposed under the Phase 1 plot plan or Phase 2. Therefore, the applicant has requested a change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Land uses to the south across future Eucalyptus are residential. Buffering of the industrial land use from the residentially zoned properties to the south was a concern raised and reviewed in the project Environmental Impact Report. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. Although there is no current residential development immediately to the south of the project site, the area has been reviewed as a sensitive receptor for possible future residential development.

In order to provide greater compatibility between current and proposed land uses, the EIR proposes a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or similar sensitive receptors would not be permitted within this buffer area subject to deed restrictions placed on all properties within the buffer zone. Without a change to the affected residential properties, the remaining uses permitted on those properties will be very limited.

3. Tentative Parcel Map (PA07-0090) – To include PA08-0057 (Phasing Plan)

Tentative Parcel Map No. 35629 proposes to subdivide an approximate 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication). Pursuant to Municipal Code requirements, all buildable parcels have direct access to a right of way.

Proposed land uses vary for the four buildable parcels. The applicant proposes to include a phasing plan as an implementation mechanism to approve three individual phases of the project. The first phase of the project will include all on-site and off-site infrastructure associated with that development and a 1,820,000 square foot warehouse industrial building on Parcel 1, except for the planned multi-use trail. The Parks and Community Services conditions require the multi-use trail along Eucalyptus Street and Theodore Street to be completed when Eucalyptus Street connects to Redlands Boulevard and Theodore Street (Phase 3) or at the discretion of the Parks and Community Services Director and allows for a cash payment in lieu of construction of the improvements. The second phase of the proposed project includes all on-site and off-site infrastructure associated with that development of a 600,000 square foot expansion to the Phase 1 warehouse industrial building onto Parcel 2 and an 80,000 square foot retail/commercial use on Parcel 4. The third phase consists of all remaining on and off-site improvements associated with Parcel 3 and an approximate 120,000 square foot retail/commercial use and building. Parcels 5 and 6 will be designated primarily for State Highway 60 dedication purposes for future freeway interchange improvements.

The proposed design of the map conforms to all development standards of the Municipal Code All proposed lots either meet or exceed the minimum standards for the land use districts, including lot size, lot width and lot depth. In addition the proposed tract conforms to the provisions of State Law, including requirements within the Subdivision Map Act.

4. Plot Plan

A plot plan is required to look at specific building and site improvements that are proposed to be constructed. The plot plan covers the Phase 1 building, including detailed parking lot design and elevation drawings of the development.

The proposed tenant for Parcel 1 is Sketchers, which proposes to relocate from their smaller Inland Empire location to this site. Parcels 2 through 4 will be developed in the future, and conditioned to file discretionary plot plan reviews. The scale and location of the future phases would require Planning Commission review.

The proposed industrial warehouse use located on Parcel 1 will include a 1,820,000 square foot logistics use with approximately 10,000 square feet designated for retail uses. The plot plan includes requirements consistent with the Municipal Code for building elevations, parking, access, landscape, and other development components. Each will be discussed later in this report.

Site

The site is currently vacant, with limited weedy vegetation. Based on an inspection conducted on the site, there was no standing water or riparian vegetation evident.

Although various structures were included on the site as part of the Kerr Stock Farm or Kerr Ranch in operation from the 1920's to the late 1990's, including a single family home and other structures for the farm/ranch and the boarding or race horses, all have been cleared from the site. In 2007, a demolition permit was issued to remove all structures from the site.

The applicant and their consultant, Michael Brandman Associates, conducted a Historic Resources Assessment dated December 7, 2006 for review by City staff. The historic evaluation determined that none of the buildings or structures located on the site were eligible in terms of the California Environmental Quality Act (CEQA) guidelines or listed on the cultural resources list of the state. Therefore, no further investigations or mitigation measures were required prior to removing the buildings and structures located on the parcel. The Environmental and Cultural Advisory Committee concurred with conclusions of the report in 2007.

Surrounding Area

The project site is surrounded by State Highway 60, Office (O), and Residential 1 (R1) parcels and scattered development to the north, a vacant Community Commercial (CC) parcel and RA2 (Residential Agricultural-2) parcels with some scattered residential development to the west and southwest, vacant Business Park (BP) and Residential 5 (R5) to the east and southeast and vacant Residential 3 (R3) to the south.

Based on the applicant's project and proposed buffer area just south of Eucalyptus Avenue, residential land use totaling 21 acres and the potential to develop approximately 63 units would be precluded. If residential density was to be transferred to other areas of the City or adjacent property that the applicant owns to replace the housing units, both General Plan amendments and Change of Zones may be required.

Although the site is in close proximity to the Moreno Highlands Specific Plan (just south of the subject site), the project does not include or change land uses anywhere within the Specific Plan area. The Environmental Impact Report refers to a possible future project by the Highland Fairview (owners of property to the south of the site including a large portion of the Moreno Highlands Specific Plan). No applications have been filed with the City for any such project. If a project of this nature is proposed by the applicant in the future, it would be subject to a completely separate review process, including a separate environmental impact report. No land use changes beyond the current 158-acre site are included in the current applications.

Access/Parking

There will be a total of five (5) access points off of Fir/future Eucalyptus Avenue provided for Phase 1 and the proposed 1,820,000 square foot Skechers building. The easternmost driveway between Parcels 1 and 4 would be shared with a reciprocal access agreement required. All points of access have been reviewed in the traffic study and approved by the Transportation Division. Access points for future phases would be determined in conjunction with future applications for those sites.

Access from the Phase 1 project would be entirely from Theodore Street and the Theodore Street interchange. New Eucalyptus Avenue would not extend to Redlands Boulevard until Phase 3 of the project.

Truck loading is provided on both sides of the Phase 1 warehouse industrial building, adjacent to Highway 60 (north elevation) and future Eucalyptus Avenue (south elevation). All loading areas will include a decorative screen wall and/or dense landscape to screen all truck activity from public view. As the proposed site grading varies between approximately 20 and 30 feet below the freeway grade, the limited view from Highway 60 along with a low decorative wall and dense landscaping would screen loading activity away from the freeway.

According to the plot plan submitted for Phase 1, parking would include 715 total vehicular stalls, including accessible parking stalls. This exactly meets the 715 vehicular stalls required by City code for the 1,820,000 square foot warehouse industrial building, including parking necessary for the ancillary office and retail uses.

Truck parking is included on site, with 306 trailer parking stalls provided. This is well above the 254 dock doors that are proposed on the building. A minimum one to one ratio is recommended.

Bicycle parking is also provided at the required amount of five (5) percent of the required parking. Therefore, spaces for 36 bicycles have been proposed for the site and will be scattered among the designated office areas and the portion provided as commercial/retail.

Access and parking for all other parcels not included in Phase 1 will be reviewed and approved under future plot plan reviews.

Design/Landscaping

As indicated previously, the site will sit approximately 20 to 30 feet below the current elevation of Highway 60. Therefore, the mass of the building will be greatly diminished compared to a structure at grade with the freeway. A Site Line Distance analysis has been included in plan form on the plot plan and within the EIR for the project.

Site design of the proposed warehouse industrial building is consistent with that required within the Municipal Code. All proposed industrial buildings will include a pleasing visual treatment along public right of ways where streetscape plant materials and architectural treatments provide visual character. Loading bays and storage areas will be screened to minimize visual impacts. Dense landscape will be provided along future Eucalyptus Avenue for Phase 1 and along Highway 60 with tree rows that would screen out truck activity and break up the massing of the large building. The building will meet setback requirements established within the Municipal Code, with primarily landscape, multi-use trail and parking areas visible from the streetscape.

The architectural design of the proposed building includes a modern architecture with a "fish-scale" panel design with individual tilt-up panels that angle out and up to provide shadowing and visual interest. The building is proposed for a monochromatic color scheme broken up by the shadowing and metal louvers. Tree rows will be strategically placed along the freeway elevation (one row of palms and two rows of pines) to allow for view corridors to the upper half of the building. Primary elevations on the east and west ends of the building and along the southern elevations will include reflective glass, metal features (louvers, panels and screens), as well as decorative pop-out windows and recessed glass. Roof top equipment will be screened from public view by the building parapet walls.

A variety of screening mechanisms (i.e. decorative screen walls) will be placed around the loading and employee parking areas. Eleven (11) foot high solid decorative block perimeter walls with pilasters or design elements to break up the wall will be provided for screening of truck activity from all public right of ways for industrial related uses. In addition, dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall. Mature trees with a size minimum of 36 inch box will be included along the Highway 60 elevation to provide further break-up of the architecture.

Landscaping for Parcel 1 would exceed the amount of typically provided for industrial facilities. Typically, landscaping is provided on roughly 15 percent of an industrial site. In this case, landscape is being proposed on roughly 22 percent of the parcel. The differential is primarily due to the lowering of the site resulting in extensive slope areas. Landscaping for the site will be drought tolerant in nature with primarily low water using species. A landscape and irrigation plan will be required to be submitted prior to the approval of a grading permit and approved by the Planning Division prior to approval of a building permit. Landscaping will be required along all front yard areas and adjacent to designated parking lots, with additional screening provided adjacent to loading areas and enhanced landscaping at entryways to the site along the Eucalyptus frontage.

All proposed detention basins included on the plan shall be maintained by a property owners association. Landscape (trees, groundcover and shrubs) and irrigation shall be placed along the sides of all proposed detention basins. A minimum of a hydroseed mix and irrigation shall be included at the bottom of the basins. Design for all other parcels, not including Parcel 1, will be provided for review when future plot and elevations plans are provided. Any proposed wall or monument signs that may be shown on any plans will be reviewed and approved at a later date, as signs are not a part of this approval and under separate administrative permit.

The developer proposes to include overhead electrical service from the nearest source to the building for approximately one mile along Redlands Boulevard due to property obstructions. All other utility lines for the project will be established underground. Overhead lines along Redlands Boulevard would be placed underground in conjunction with future adjacent projects.

To date, building elevations plans have not been provided by the applicant for the northeast portion of the building adjacent to Highway 60 and Theodore Street. As this is the focal point of the building, a condition of approval has been added to provide this detailed elevation to the Planning Commission for review and approval.

REVIEW PROCESS

On August 14, 2007, the proposed project was submitted and deemed incomplete due to a number of missing submittal requirements. The project was deemed complete on May 8, 2008 after the submittal of additional documents, most notably building elevations. To assist in the timely processing of the project, it was first reviewed by the Project Review Staff Committee (PRSC) on September 12, 2007, while still in an incomplete status. During the above meeting, specific items were required to be submitted or revised prior to submitting for subsequent reviews. Most notably, staff comments included, but were not limited to the completion of various studies by the applicant, including water, traffic, noise, biological assessment, drainage and air quality, the completion of an Environmental Impact Report (EIR), the completion and approval of a Water Quality Management Plan (WQMP), drought tolerant landscape in all planter areas, the modification of vehicular parking, including diamond and finger planters, modification of loading design and driveways on some of the buildings, and the submittal of elevation plans to include four sided architecture for all buildings. At

the conclusion of said review, written comments were provided to the applicant in order to make the necessary corrections and submittals.

On two subsequent occasions, the project was reviewed by PRSC with the applicant present, including meetings on May 20, 2008 after the project was deemed complete and October 8, 2008. At those times, follow up and/or repeated comments were made regarding landscape, project design and architecture of the proposed industrial buildings.

To date, the applicant has submitted revised plans to address a majority of the PRSC's initial concerns. With the inclusion of specific conditions of approval, all of the concerns of the PRSC have been addressed.

After reviewing the draft conditions of approval, the applicant identified a number of concerns. In response to these concerns, staff made a number of revisions/refinements to conditions of approval where it appeared both reasonable on technical grounds and within the administrative discretion of staff to do so.

However, there is a particular condition of approval proposed by staff - requiring the developer to provide landscaping within the Caltrans right-of-way adjacent to the project - from which the applicant seeks relief. In this case though, staff does not have the authority to eliminate/modify the condition because if derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Thus, staff is seeking policy direction from the Planning Commission as to whether to retain/modify this condition of approval.

By way of background, in the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan; a few residential projects have been conditioned to install of participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan - some of this landscaping has thrived while some has suffered over the intervening years. Notably, the recent Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note is that the two adjacent warehouse industrial projects - Prologis and Ridge Realty - have been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects represent two miles of the City's freeway frontage.

ENVIRONMENTAL IMPACT REPORT

An Initial Study was completed after all discretionary applications were deemed complete. (Attachment No. 5). Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued October 29, 2007, and a public meeting to receive

input on the issues to be covered by the EIR was held at City Hall on November 26, 2007. Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Michael Brandman and Associates and submitted to the City and its peer consultant for review. After City review of the draft environmental documents and revisions to address City questions and concerns, per California Environmental Quality Act (CEQA) Guidelines, the Draft EIR was circulated for a 45-day public review period. Notice of completion and availability of the Draft EIR was documented with a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. To facilitate increased input, the City accepted comments well past the 45-day review period. The Draft EIR was sent to numerous State and local agencies and interested parties on August 5, 2008, as well as to the City's Environmental and Historical Preservation Board. Thirty-one comment letters were provided during the 45-day review period. An additional two letters were received subsequent to the review period and included in the EIR process. Responses to all of these comments are included in the Response to Comments. A comment letter was received from the State Department of Transportation on December 1, 2008, 73 days after the end of the 45-day review period. A letter from a local resident was received on December 18, 2008, 90 days after the end of the comment period. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on December 19, 2008, to allow for their review prior to Planning Commission hearing. This notice period exceeds the minimum notice period of 10 days as provided for in CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

In briefly summarizing the key points of the document, analysis presented in the Draft EIR indicates that the proposed project will have a number of potentially significant impacts, either individually or cumulatively on aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gas impacts, as described in detail in Draft EIR that cannot be reduced to a less than significant level even with proposed mitigation. As identified in the document, cumulative impacts for these noted impacts above are considered to be significant and unavoidable. The Draft EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts for Aesthetics and Air Quality. All other environmental effects evaluated in the Draft EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval under the Planning Division.

Although traffic and transportation would be considered a less than significant impact with mitigation measures imposed, the project will produce vehicular and truck related traffic materially different from the current BP zoning, and therefore a traffic impact analysis was prepared. The Transportation Engineering Division (TED) staff reviewed the revised traffic impact analysis dated July 14, 2008 for the proposed

warehouses/commercial project. Project build-out is assumed to be in the Year 2012 and is projected to produce 769 AM peak hour trips, 1,157 PM peak hour trips, and 15,339 daily trips. These trips are inclusive of both cars and trucks and do not include any adjustments to convert truck traffic to their equivalent in passenger cars (commonly abbreviated as PCE's or "passenger car equivalency factors"). The percentage of trucks during the peak AM periods is 19 percent and during the peak PM periods is 15 percent, and the total daily truck percentage for the project is 14 percent. The level of service analyses contained within the study accounted for the disproportionate traffic impacts of trucks directly, through truck percentages as opposed to the use of PCE factors. The study assumes that Eucalyptus Avenue will only connect to Theodore Street for Phases 1 and 2, while Eucalyptus Avenue would connect to Redlands Boulevard at the time of Phase 3. In this case, all project traffic for Phase 1 and 2 travels through the intersection of Theodore Street and Eucalyptus Avenue.

The EIR includes specific mitigation measures related to traffic and transportation related impacts. Due to limited existing pavement at the SR-60 ramps at Theodore Street and Eucalyptus Avenue not existing at this time, pavement widening would be required at the ramps and the Theodore Street/Eucalyptus Avenue intersection to accommodate turning trucks. Other mitigation measures addressed in the EIR include turn lanes provided along Theodore Street at State Route 60 and Eucalyptus Avenue and the construction of the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue and a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. In addition, various improvements are planned for the Redlands Boulevard interchange, in which the applicant would participate in fair share funding and specific interim improvements.

Another key environmental issue that the EIR analyzes is the applicant's request for 24 hour grading operations, which would include environmental air quality and noise impacts associated with the use. The applicant has requested the "around the clock" grading to meet the timeframe specified by Skechers to occupy the Phase 1 building. In order to mitigate or lessen these ongoing grading operation activities required to produce a building, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Although impacts to aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gases cannot be reduced to less than significant levels, the California Environmental Quality Act (CEQA) allows for statement of overriding considerations and findings to be considered. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report as Attachment 2 for review and consideration.

The Planning Commission will have the opportunity to take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be approved, the City Council will have the opportunity to review the final environmental document, receive public testimony and either certify or reject the Environmental Impact Report (EIR) and subsequent Mitigation Monitoring Program.

NOTIFICATION

All responsible agencies, interested parties and property owners of record within 300 feet of the project were provided a notice of the project public hearing. In addition, the copy of the Draft Environmental Impact Report was sent out to all responsible agencies, and interested parties that had asked to be included on a mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received approximately 33 responses to the notice of preparation of an Environmental Impact Report; which was sent to all potentially affected reviewing agencies. Comments on environmental issues included and discussed within the Draft EIR were provided specific environmental responses within the Final EIR.

All comment letters and required response to comments are included in the final Environmental Impact Report (See attached). Two additional comments were provided well after 45 day comment period. This includes comments from Caltrans and a local resident. Attachments 7 and 8 include the letters and responses to comments.

STAFF RECOMMENDATION

That the Planning Commission:

1. **PROVIDE** a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and

If a change in policy is recommended by the Planning Commission:

2. APPROVE Resolution Nos. 2009-01, 2009-02, 2009-03, and 2009-04 **RECOMMENDING** that the City Council **CERTIFY** the Environmental Impact Report (EIR), and **APPROVE** PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Plot Plan) and PA07-0091 (Tentative Parcel Map No. 35629) including phasing (P08-057) for the subdivision of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication) for a 2,620,000 square foot industrial/commercial development, including a plot plan for a 1,820,000 square foot warehouse industrial building (Phase 1), subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions and conditions of approval, attached as Exhibit A to the resolutions.

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No.2009-01 with Statement of Overriding Considerations and Mitigation Monitoring Program.
3. Planning Commission Resolution No.2009-02
4. Planning Commission Resolution No. 2009-03, including conditions of approval
5. Planning Commission Resolution No. 2009-04, including conditions of approval
6. Environmental Impact Report (Previously provided to the Planning Commission in disk format)
7. Caltrans Letter and Response to Comments
8. Letter from Mr. Mike Rios and Response to Comments
9. Aerial Map
10. Zoning Map
11. Reduced Map
12. Reduced Site Plan
13. Zoning and Land Use Boundary Change Map from EIR

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 8TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Jane Halstead, City Clerk
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Principal Land Development Engineer
Clement Jimenez, Senior Land Development Engineer
Carlos Rodriguez, Fire Safety Specialist, Fire Prevention
Rick Hartman, Deputy City Director for Development Services
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Jennifer Terry, Special Districts Management Analyst
George Hansen, Electric Utility Division Manger
Ralph Scharffenberg, Special Districts Landscape Development Coordinator
Marshall Eyerman, Special Districts Program Manager

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

CHAIR DE JONG – Item 400 is the approval of the Agenda

COMMISSIONER RIECHERS – So moved

COMMISSIONER GELLER – Second

CHAIR DE JONG – Okay, I a motion and a second. Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0, with one Absent (Commissioner Springer)

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are on display at the side of the room there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission and I have three Speaker Slips. I'll call you up... two names please. There is a three minute limit to your speaking... Gordon Tucker followed by Mike Rios. Would the second speaker please be ready to speak when the first speaker is done? Your name and address for the record please...

SPEAKER TUCKER – Good evening Commission, I would just like to make a simple comment that I'm not 100 percent behind this warehouse nor am I one hundred percent against the warehouse, but I am one hundred percent against the tactics in which we've gotten to this point. That's it.

CHAIR DE JONG – Thank you... Mike Rios followed by George Hague

SPEAKER RIOS – Good evening Commission, my name is Mike Rios. I'd like to start by saying that I want to thank everybody who showed up tonight whether you are for or against the project. It shows that you care about your community and that you want to do the right thing and hear what is going on. Basically this has been a hot issue during the campaign and remains to be as of today. Whether you are for or against the warehouse, this is one of the biggest decisions that Moreno Valley has had to face in decades and we need to very much pay attention to what the people have to say because the people should be the ones that decide what really happens in their City. Now I'm for jobs and I see

MV00017026

a lot of people with job shirts. Unfortunately this project is going to be fully automated and the public has to understand that.

CHAIR DE JONG – Excuse me Mr. Rios, this really is regarding the subject matter... This section is for items that are not on the Agenda

SPEAKER RIOS – Okay, well... yeah okay... What I just want to say is basically I want all the people to pay attention to what's going on and this City right now in a crisis. The whole State is in a crisis and a recession and these jobs that will be created will help our community but we need to really study what's going on with the EIR and everything that's happening and again the people should be the ones who decide what happens for their City. If the majority of the people want this project, I will back it. If the majority of the people don't want the project, I won't back it. It's up to the people to decide and I just want their voice to be heard. This is why I started my campaign to make sure that the people's voice is heard and their decisions are respected. I will address this issue on matters of the Agenda and I want to thank you very much for having this and hopefully the people on the other end have a chance to speak in the Rec Center. I hope that you make that available to them because not everybody was available to fit in this building. Okay thank you.

CHAIR DE JONG – Thank you... George Hague

SPEAKER HAGUE – I'll give you just a few minutes to look at this handout. I brought it because our Mayor today said we need to be looking for jobs like we always do and I think one of our benefits that we have here as a City is that we're not in the dark plumes that you see there in the upper right-hand corner map and that is a selling point to bring businesses to our City. The cancer risk from diesel has not really quite reached us; the highest point. It would be really nice if were like we were down in the lower right-hand corner where if you eliminate diesel pollution, a lot of Southern California would be wonderful, but right now that is a excellent selling point for us to get jobs, is to let people know that we're not in the very dark plumes of this. The other thing that I'd like to mention and to thank is two or three nights ago, a family member was robbed at gunpoint in one of our newer shopping centers in the parking lot. It happened about 8 o'clock at night and two of our City's finest, Deputy Kennedy and Deputy Leone responded and while the people did get away at the time of this armed robbery, it was not until 1:30 that very same morning that they brought forward a picture lineup for my family member and by 6:30 they had actually caught the person; at least according to the picture from lineup that my family member went to and so I would definitely like to thank Deputy Kennedy and Leone, both who did an excellent job in very quickly responding and to say I'm sure a representative sample of our Department. Thank you very much.

CHAIR DE JONG – Thank you. Our next Item on the Agenda is Item 700.

MV00017027

700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

CHAIR DE JONG – Staff Report please

PLANNING OFFICIAL TERELL – Yeah, before we do that, just a couple of announcements. Many of you probably haven't been to a Planning Commission Meeting before so I wanted to go briefly process tonight. The first item is the Staff member assigned to this project will give a brief report about the project and then we'll open it for questions of the Planning Commission of Staff. After that the Applicant will give his presentation and then there is a period of time when the Commission can ask questions of the Applicant. After that we open the Public Hearing and the Chair will call people up to the dais over here to my right and the Speakers have three minutes to speak and I believe I'm not sure whether you announced this already, but at 10:30 the TV machine runs out of tape, so we will be taking a break at that time, but before that the Commission will have a discussion as to how long they will continue the meeting tonight; if that's an issue; if we're still here at 10:30 and make a decision on that and then we'll have a short break and either come back or do as the Planning Commission sees fit at that time. For those of you that are over at the Conference Center, there are Speaker Slips over there and if you fill those out and give those to I believe Michelle Dawson who is there in the room with you and after we are finished with the Speakers who have handed in slips in this room, we'll have a short break if necessary to bring over folks from the other building. If you've handed in a slip here and you are in the other building, we'll call your name but if you are not here, we'll place that at the end of the list of names and call you up at the appropriate time. So I don't know if the Commission had any questions, but I just wanted to kind of establish a few ground rules before we moved in.

CHAIR DE JONG – Fair enough... Actually we go to a Staff Report I think the Deputy City Attorney has a comment to make.

DEPUTY CITY ATTORNEY ERLY – Thank you Chair. The City Attorney's been advised that there is several legal allegations that have been made by members of the public with respect to tonight's Hearing. We just wanted to address a couple of those briefly before we got started. The first allegation involved the ability of four of the sitting Commissioners that they are actually still Commissioners. The allegation is that on January 1st, 2005 those four were

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appointed to a four year term that was set to expire on January 1st, 2009. While that is true, subsequent to the January 1st, 2005 appointment on or about August 23rd, 2005. The City Council amended the Ordinance and changed the term to expire on March 31st, 2009, so those four Commissioners are still acting Commissioners until March 31st, 2009 and so everybody up there is able to make this decision tonight. The second allegation involves conflicts of interest, specifically it's been alleged that Commissioner Geller's role as the Treasurer of the Moreno Valley Taxpayer's Association should be a disqualifying event not allowing him to sit on this Hearing. Additionally, both Commissioner Geller and Commissioner Dozier involvement with the Rancho Belago Economic Development Committee has been raised as a possible conflict of interest as well. Our office has researched the issue. We have consulted with Steve Dorsey with Richard Watson and Garcon Gershon(?) the expert and conflicts in this area and have also spoken with the Fair Political Practices Commission today. All three Agencies and Attorneys reached the same conclusion and concur that with the evidence that we've been provided, that there is no direct economic benefit to the Commissioners in question and the Political Action Commissions and the Economic Development Committee; the money being spend there is constitutionally protected, both under State and Federal Constitution and without any evidence of any individual personal gain to the Commissioners, this office can't opine in any way that they should be disqualified from serving on this Hearing. Thank you.

CHAIR DE JONG – Thank you. I think we're ready for the Staff Report now.

SENIOR PLANNER GROSS – Good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross from the Planning Division here to provide a report on the project before you this evening. Before I get into the project or the report that I want to provide, I wanted to turn your attention... there a few items to read into the record and since these are legal documents, we wanted to make sure that they were correct. If you turn to page 122 of your Staff Report you'll see and this is pretty much an ongoing theme that you'll see as a change and once you get there I'll kind of give you an idea of what that is. Again that is page 122 of the Staff Report. If you go down to the fourth paragraph down, there is a reference of and this is the third sentence in that fourth paragraph of "93 feet"... that changes to "87 feet" is the correct number and again you'll see this recurring theme a couple to times as I'm providing. There was also one very minor change just below that under the fifth paragraph and this would be the fifth sentence of that paragraph where it states "not below significant levels"; we would say "not all below significant levels". We just wanted to add the word all. And again page 123; again there is two; second paragraph under Conformance with Zoning Regulations, where it states "93", which changes to "87". The same can be said on page 125 of the Staff Report, there is the recommendation there and some of the areas down below; this is the last paragraph of that page where again "93" is changed to "87" and the same would be for page number 131 and this is on the last paragraph; actually the fourth

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sentence from the bottom... again "93" changes to "87". With that, let me go ahead and provide a Staff Report here on the Item.

The Applicant, Highland Fairview is proposing a project tonight that includes industrial warehouses, future commercial parcels and these are bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street and Highway 60. Again this is south of Highway 60. The project site includes 158 acres and includes a Tentative Parcel Map to subdivide four buildable parcels and two primary parcels dedicated to freeway improvement purposes. There is a total of 13 parcels, although a good majority of those parcels are for public access and the Plot Plan that is before you this evening includes a 1,820,000 square foot warehouse industrial building which it is identified as the occupant of Sketcher's under Phase One and with two additional phases for a total project area or square footage of 2,620,000 square feet. The Applicant is also requesting this evening a General Plan Amendment for four items, including the modification of a Master Plan of Trails, including elimination of the Sinclair Trail alignment from new Eucalyptus to Highway 60 and extension and adjustment of a planned trail from south to north side of the future Eucalyptus from Quincy Street to Theodore Street and also includes the modification of the Circulation Plan to allow landscaped medians on future Eucalyptus Avenue and a minor modification of lot lines between four parcels.

Now before considering the proposal and providing a recommendation to Council, the Planning Commission this evening is reviewing the project and there is what is considered a policy decision that would need to be made regarding the Applicant's request for a Change of Zone from Business Park, which is classified as BP to Light Industrial which is LI, which includes a material change to land use patterns along Highway 60. The proposed Change of Zone from again BP to LI would allow warehouse industrial buildings larger than 50,000 square feet on the project site. The current zoning of BP and the limitation that comes along with this zoning designation of less than 50,000 square foot buildings arose during the discussions back in 2006 with the Zoning Consistency Study that was part of the General Plan, which at that point there was discussion that it would envision the preclusion of large warehouses in favor of smaller Business Park uses on this particular site.

I do want direct your attention over to the far wall because we will go into a little bit of the Site Plan and a little bit of the architecture of what is being proposed this evening. From a Site Plan perspective there is going to be a proposal of roughly five access points off of Fir, future Eucalyptus Avenue provided again for Phase One. A Site Line Distance Analysis was conducted indicating that the site was between approximately 20 to 30 feet below the freeway grade and the mass of the building would be greatly diminished compared to structures at grade with the freeway. Now screening mechanisms will be placed around the loading and parking areas, including dense landscape and eleven foot high solid decorative block perimeter walls that would go around the site.

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Now from an elevation perspective, we have elevations again on the wall. You can see here towards the right hand side of the wall here and from that you will see that the architecture is primarily a modern architectural theme. There is quite a bit of; there is metal louvers, tilt-up panels, reflective glass, recessed glass and decorative pop-out windows and I did want to mention there is going to be some very mature tree rows that will be strategically placed along the freeway elevation to allow for view corridors to the upper half of the building and although a Condition to be reviewed by the Planning Commission at a later date; I think we did Condition at least a portion of that building; we do have a portion of that building shown here and it was related to one of the Conditions and that is something for the Planning Commission to consider. We can address that once we get that once we to that point in time.

I do want to go over the EIR part of it just briefly. Again there was an Environmental Impact Report completed for this project and it indicated that there were a number of potentially significant impacts. This was either individually or cumulatively that was aesthetics which was one of them, agriculture lands, air quality, noise, climate change, greenhouse gas impacts that could not be reduced to a less than significant level with proposed mitigation would occur with this project. Now one such mitigation measure that is proposed includes a buffer area prohibiting sensitive receptors just south of Fir and future Eucalyptus Avenue. As identified in the document itself; the EIR; accumulative impacts for these particular impacts that we talked about are considered to be significant and unavoidable although all other aspects of the Environmental Impact Report basically indicate that certain environmental aspects of the project can be mitigated to below significant threshold levels.

And it is important to note and I did want to make this, this is an important part of the EIR and of this report. There is a request for a 24-hour grading operations to occur. The Applicant has requested this to meet the timeframe specified by the Phase One tenant that is going proposed to go in. Now in order to lessen ongoing grading operation activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Now CEQA; the California Environmental Quality Act allows statement of overriding considerations and finding to be considered and requires the decision making body to balance the economic, social, technological and other benefits of the proposed project against it's unavoidable environmental risks and you'll have a chance as you're reviewing the document to review this.

Staff has received approximately 33 letters on the Draft EIR that was provided for the required 45 day review period and they were included into the Final EIR. There were a couple of additional letters both from Cal Trans and a local resident that were provided quite a bit of time after the 45 day comment period, which were not able to be included in the Final EIR document, but we did include them

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as attachments to the Staff Report and they are available for the public record. As well, in addition to these two late responses, there were other numerous Draft EIR's and letters I should say and general public correspondence provided to the Planning Commission tonight as part of the public record and I did want to mention as well that the Applicant has provided a letter that you will see dated January 7th, that does go into addressing some concerns with the Conditions and other aspects of the project. I believe there are about three issues that are provided within that particular letter.

And I did want to mention that all responsible agencies, interested parties, property owners within 300 feet of the project were provided notice of this Hearing, in addition to posting on site and publishing in the newspaper. A copy of the Draft EIR was also located on the City's website; both the Draft and the Final, at City Hall and at the Public Library and sent to all responsible agencies, commenting agencies and organizations and interested parties that asked to be included on a mailing list. Staff did receive approximately 30 telephone calls. This was probably from the time that we had that everything went out for our Public Hearing Notice on the project and some of those calls just kind of briefly explain from the Public; they were asking to... again first of all to be provided on Public Notice lists; that was quite a bit of calls that I got originally and then there were some other general concerns of the project, just basically again looking at the environmental aspects of the project, primarily traffic and transportation was an issue that was brought up quite a bit and land use related items.

And that pretty much concludes my aspect; the Staff's aspect of the report. I do want to say that we have quite a bit of in-house Staff with us tonight from various departments along with representatives of the City's Peer Consultant Chambers Group and this would be on left, which is both Michael Hendricks and Andy Minor who are here. They actually had a chance to assist the City as a peer consultant in reviewing the EIR that was prepared and they are available of course to answer any questions that you may have. We also have representatives in the audience tonight from MBA; Michael Brahma Associates in the audience to answer questions on the EIR that has been prepared and we have representatives from the Applicant, Highland Fairview that are also here tonight to answer questions regarding their project requests this evening. Thank you.

CHAIR DE JONG – Thank you very much... a very complete report. Are there any Commissioner questions of Staff?

COMMISSIONER GELLER – Yeah I just want to verify what we're being asked to approve separate from the Zone Change, but in terms of actual buildings, the only thing we're if we approve tonight would be up to 2.6 million square feet as to the Plot Plan and if they want to build any more buildings they have to come back to the Planning Commission or is that not correct?

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SENIOR PLANNER GROSS – Well the building that you're looking at this evening is really under Phase One and as you look over on the far wall you can see that's the 1,820,000 square foot building. Now there are other parcels associated with the project and if you combine all those together it's 2,620,000. Now when other parcels come in; when the Applicant comes in with other possible users, then what we would do is take a look at that and bring those back to the Planning Commission so you would have a chance to look at the architecture and some of those type of items.

COMMISSIONER GELLER – Okay, so again though... so we're only approving the 1.8 million square foot building?

SENIOR PLANNER GROSS – Yes

COMMISSIONER GELLER – So the next phase to bring it to 2.6 would have come back to the Planning Commission?

SENIOR PLANNER GROSS – Yes, but as far as the Environmental Impact Report goes of course, we had to look at everything, but yes this is the only proposal as far as a building before you this evening.

COMMISSIONER GELLER – Okay, thank you

CHAIR DE JONG – Other Commissioner questions...

VICE CHAIR MERKT – I was curious, are we going to have an opportunity to question you later on?

PLANNING OFFICIAL TERELL – You can ask questions at any time

VICE CHAIR MERKT – Okay fine, because I think I'll hold my questions until further into the Hearing. Thank you.

CHAIR DE JONG – Are there any questions down this way? Okay seeing none, I'm going to open Public Testimony and call the Applicant forward. Please state your name and address for the record.

APPLICANT BENZEEVI – Good evening Planning Commissioners. My name is Iddo Benzeevi, 14225 Corporate Way, Moreno Valley. First of all, I had an interesting thing that occurred to me. I went over to the other room; the other conference facility; there is obviously a lot of people that are interested which is good; community involvement which is always good and a few people approached me there and upon entering on discussion with me and they said we have reached a really low point in Moreno Valley; the economy the way it is; you know thousands of foreclosures; a few people there just recently lost their jobs and some were even worried about losing their job and some announcements

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made in their firms and they really felt we have reached a low point. One even mentioned he brought a LA Times article that said that when they surveyed California and the nation, the one location that lost the highest value in property values; homes in Moreno Valley were 53.2 percent and we thought we really reached a low point in Moreno Valley, but I think we really reached a turning point. In this economy to be able to attract and to have the commitment of a major global company for the first time; a global brand commit to Moreno Valley and a major employer, I think it's significant, especially in today's economy. But the project itself are not here, as was mentioned as several Sketcher's is a tenant in the corporate park in this development, so really the issue here is the project itself. The project itself, we're actually very proud of it. It's the next generation of logistics buildings. Most people relate to logistics as maybe some warehouse with some boxes that are put into some trucks, but it's really a lot more than that as you will see and can see. The logistics industry is really a convergence of communications technology, material handling technologies, supply chain management and a lot of other IT and communications developments that have to go into operating a global business and this will be for the tenant the major North American operations center. We've never had that in Moreno Valley before. The building is also and will be probably the largest LEAD certified building in the United States. We have designed the building to achieve LEAD Certification so it will be one of the largest green developments, which I think we can be part of in Moreno Valley. The architecture is also unique. We have retained two architectural firms; one that specializes in actually the mechanics of this type of buildings and one that is world renowned architect that has received numerous awards as well as designed many corporate headquarters. His name is Jose Pelasios and he has designed such buildings as the Hewlett Packard Headquarters, the American Airlines Headquarters and many other global companies, so I think we have significance in terms of architecture for this type of building. There are several issues in terms of the design itself. One of the things that was mentioned and are always a concern as well as us were Moreno Valley companies so that health and wellness of our community is in our hearts; that we're healthy; we work here; our offices are here and we develop out here. Some of you know us from other developments in our City here that are also on a significant scale. We were able in terms of the use to reduce the traffic impacts from the City's General Plan uses by about 58 percent, so the traffic generated from this building is actually 58 percent less than if we have developed out the proposed General Plan uses. The issue in front of you today is also the 50,000 square foot building limitation. We think it's somewhat arbitrary. It's almost unique. We've never seen it anywhere else we have developed literally around the world. It's almost tantamount to saying if you are a company and you do well like us in Moreno Valley, should I go out to 51,000 square feet, I'd have to move out of town. I'd have to take my business and jobs and move somewhere else. If a company does well and starts even with 10,000 square feet and goes up to 50 and becomes 51,000, we'll have to tell them to leave to another town. The issue is not really building sizes, the issue is quality development and quality projects is really what it's about We also have to be responsive to the local

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original economy. There are really no businesses any more and we've seen even during the boom years of the last five, six, seven years that the small buildings actually have not been able to fill up. Just across from City Hall here there is a small industrial project with smaller buildings. There has been vacancies there continuously throughout the boom area. There have been some developments of smaller scales along the freeway. There have also been buildings there that are brand new that in fact they are on the verge of bankruptcy and cannot attract any tenants. They are just not responsive to today's market and regional and global economy that we are part of. What I'd like to do if I may is approach the desk. We have prepared a presentation that actually help us understand the project better but in order to operate it I have to step up over to that computer area there if I may.

CHAIR DE JONG – Fair enough

SPEAKER BENZEEVI – Just to locate the project, this is the Moreno Valley Freeway Highway 60. This project area is bounded to the north by Highway 60, to the south by the future Eucalyptus Avenue. It's in now but Eucalyptus would be here. The western boundary would be Redlands Boulevard and the eastern boundary is Theodore. So again there has been some confusion in the community that I've heard people think the project is much larger. The project that's in front of tonight is actually within this area and we can see it's within the Business Park zoning in the General Plan today. There are a few things here that I would like to share with you. One is just some of the views of what the building looks like around it and we've taken different angles and different areas of the buildings and depicted them for computerized rendering that is accurate to the architecture. It's actually based on CAD. If we look at the building itself as you can see, this is the main building. This is where the office operations will be as well and also for the headquarters facility will be at the building. There is a building in here. It hard to see this angle, but these are very large reflective ponds. There is a fountain element in front of the building and there is another bigger reflective pond on this side and a bridge. This is actually the structure that sits almost floating within those big reflecting ponds. At this angle is hard to see but it's a stand alone structure that's connected to the building as an architectural feature as well. As we move along around the building, it's sort of like a campus. From a different angle there is also some more offices but a big retail facility that will also be there selling some of their products. As we move around the facility itself, I'll go around it this way. This is actually the view from the 60 freeway looking west; southwest coming in from the badlands heading west into town. Looking at this view is actually again further down the building looking west again; west and south of the building. And this is the rear of the building and as you can see, Highway 60 is up at this elevation. The building is down here, so from the freeway itself you only see the very top element of the building. There is also a very large setback from the freeway to where the building is which is way over here; several hundred feet. Moving along, there is another area which is the transportation hub and facilities. Most truck traffic is concealed behind gates, so

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unless the truck comes out of the facility it won't be visible to the community. There is also an area; this is the wall treatment along the property. There is an area here that's been reserved for a future trail. The sidewalks of course; this is Eucalyptus over here and that's the wall treatment... highly landscaped, perhaps the most landscaped facility that we have in the region; definitely in our town here. This is just looking at the treatment from a different direction. It has different pop-out elements. It's actually sitting on a berm so the water itself is about eleven feet, but from a pedestrian level it's probably around 14 to 15 feet in terms of the height and it's heavily landscaped in that area. There is also another element. This is a broader view of the same treatment which you see by driving along Eucalyptus Street and part of the General Plan Amendment was us requesting to introduce a median on Eucalyptus Street which is currently not called for in the General Plan. This is again looking east now towards the badlands from Eucalyptus and Theodore will be right along this area, so this is in front of the facility itself. This is some of the horse trails. We also what we did which is interesting is we actually created a simulation; a drive simulation; where we're actually sitting in a car. It's done with GPS so it's accurate to which you will see sitting in a car and we took it from several directions so we can see what we will actually experience driving by the facility when it's built. This is heading east. This is the Redlands Bridge and we're going pass the site from the Redlands Bridge and the project will be down on the south side to right in the photo. That landscaped corridor is the landscape that we are proposing for the project. The landscaping has actually being approved by Staff to be installed on the project. Essentially the building is almost not visible at all. It is a beautiful building and it's done with unique features, so we purposely opened some areas so you can actually see the building. We felt it silly that instead of being proud of a building with level of architecture we're actually going to hide it altogether, so we have actually opened some areas so you can have a peak into the building itself. As we go to the corner, that's the Theodore exit. I know it goes by quickly. Is there a way to show it again or do we have to... Again this is headed east the bridge you see first is Redlands and the project is to the right; to the south. The views are also preserved. This is Mount San Jacinto, so the significant views in the community have been preserved. Actually they are more obscured by the landscaping than the building itself. The building is much lower as you can see with some of the openings there. And this of course is the Theodore exit that you will see. If anyone wants to see it again, we can run it again. No, okay. Eucalyptus; this is the south street and this will now be driving into Eucalyptus from Theodore and this will be the entry into Eucalyptus. There they will set up the gateway and the project of course will be north of Eucalyptus and it will be on your right; north side of the photo. Here we are driving by the facility. If you look to your right where there are entry points; there are gates, so most of the activity is actually shielded behind these walls and berms. This area of course is the commercial area within the plant. Those are just the depictions. There is no building to be approved on those at this point. There are just stand-ins. And this will be now Redlands Boulevard. This is my kind of driving. If you would like to see it again, I'll run it again. There has also been some issues and concerns

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about what you would see as you come in from the north side of the freeway heading south on Redlands Boulevard and over the 60 Freeway, so we've simulated that as well. This is now headed south on Redlands coming over. This is Ironwood; now we're coming over the 60 Freeway and the project will be over on the left and this will be of course the Redlands Bridge from the high point that we'll see here. The point here is that the significant views of the community; the ridgelines; the mountains are all going to be visible and preserved by the design of the project. As you can see we dropped it down so it's below eye level at the freeway. Of course this gate area is Eucalyptus and you will turn left to go into the project. This is headed now from the badlands into Moreno Valley headed west. This will be the Theodore Bridge you cross under and of course the project is over on the left. And the bridge out there will be the Redlands Bridge; Redlands crossing. I want to point out one more thing as we're driving east that in the future this area that is setback is for future Cal Trans and highway expansion and there is also an issue in front of you and that became the issue of what to do with this area today. We are taking the position that the landscaping that we are installing around the project that we will maintain is much upgraded that what Cal Trans freeway landscaping is and by installing that landscaping it will actually obscure and take away from the landscape design that is actually installed by the project itself and of course later on will have to be torn up as the freeway gets expanded and widened, so we think it's also a waste of money to try and install landscaping that you'll tear up. But again the permanent landscaping on the project as you saw, that is landscaping that we're installing and we would be maintaining as well, which is a good point if you drive around Moreno Valley and look at the way companies maintains their landscaping, makes you wonder if it's maintained at all at some points. So, there is one other thing that was raised as an issue and the EIR and the community and I wanted to address it and that is you know what do you see from Ironwood looking south. This is Mount Russell, Lake Perris will be just behind this knoll here and Highway 60 is here and this is the projects landscaping, so from Ironwood Boulevard, this is the view that you will see. It is calibrated, obviously with GPS and so it's accurate to exactly to what you will see at that point and of course the ridgelines are preserved and views of the east end and character of the east end will be preserved in that way. There is one more thing that I'd like to share with you and that is traffic. People are very concerned about traffic. What will traffic look like on the freeway and for most people including myself, reading traffic reports is quite different than how you would experience it on a human level, so what we did is we took the actual Traffic Study that was done for the EIR by the City and converted it to a digital format where you can actually animate the traffic. What we've done; all the traffic that will be depicted is traffic at project build-out, which means everything is built out; every building is occupied and the project is fully operational including all the ambient which mean everything else that gets in the City along with it and so you'll houses are painted sort of white or gray. This the traffic that's on the freeway irrespective of whether or not this project comes along and the tracks of the cars or the traffic... the traffic that we're placing on the freeway or the additional traffic that is project generated are sort of in

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red/orange colors, so when you see a orange car or a red truck that's traffic that's generated by the traffic. This is now sitting on the Redlands Bridge looking east at traffic that's moving west; so all the white traffic; this is traffic not today; that's the projected future load of traffic and when you see a orange car or a red truck again that's project generated traffic. In other words if the project never existed, the red cars would not be there as part of the traffic. Now this is also done at peak time, which means this is at the worst case... This for example would be am morning time at peak rush hour, so clearly if you are in Moreno Valley after ten or eleven o'clock those hours of the day, there is hardly anybody on the freeway. This is depicted at the peak worst condition. We can actually see the traffic now headed west and this standing on the Theodore Bridge looking west into town and again same thing. This is probably the pm at the 5 o'clock in the summer rush hour time; loads of traffic and again the red cars are project related. I think watching traffic can be boring, but I think you get the point. The amount of traffic that the project loads onto the freeway is really very low and ... There is also a depiction here of looking at Redlands Boulevard. This is Redlands Boulevard and the project is on the right. Actually because along Redlands; this is the future; just a stand-in building; that doesn't exist; it's not up for consideration. The building we're talking is past it, but this is again at peak hours. This is the load on Redlands Boulevard again; red cars are project related and the white cars are traffic that will be at build out here in any event. I won't bore you with watching traffic, it's like watching paint dry, but we'll... There are a few other issues that were raised within the project that we'd like to share with you. One is air quality and in terms of air quality everybody knows that you know when you have trucks or any equipment at all, if we put a moped on the freeway it adds to pollution and that's a serious business and we need to do everything we can to mitigate those kind of issues down to a minimum and obviously within the law to the extent possible. This is essentially a graph that depicts the profile as you know; a seventy year lifetime span and the propensity for either lung disease or lung cancer as a result of being exposed to a diesel source and clearly as you are further and further away from the sources it goes below what the SCQMD designates as the threshold. As you can see as you get to within after about 100 to 140 meters, which is about 440 feet, it crosses the line where it meets the threshold and anywhere further and further away it starts to diminish to the ambient level. This is where the project lies. We have mitigated. We have created setbacks and buffers that will actually get all the air around the project and the surrounding... no sensitive receptors will actually be affected the significant setback. There is no current homes that are in immediately adjacent to the property; to the north it's the freeway; to the west is the Business Park zoning; north also has Office zoning and of course to the right or east is also Business Park zoning surrounding the property. There was also an issue raised in the community and some people spoke to it about where is the most logical place to put it and some of them said maybe on the west side of town is more appropriate and we looked at it and we studied it as well and we realized that if you take a two mile radius of impact the project might have; if you placed it out here in the east end you can see most of the area is either the badlands or open

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space of part of the Mount Russell area and of course this is our property here. Most of this is already zoned Business Park and there is some area in here which is residential, so about this area is what could potentially be affected as residential areas. Compared to for example the area that's right here by City Hall, take a two mile radius and you pretty much encompass almost everything out to Perris Boulevard. This is where we are right now and if you do a two mile circle here you'll be all the way clear of the entire major population of Moreno Valley would be within that sphere. If you go down south of where we have the industrial area by March, you can see it takes in a big part of the Moreno Valley Ranch and a lot of the area of this district, so if you compare the amount of housing area that can potentially be affected, even though two miles is way beyond any buffer the reality would have been that we are probably better off having it out here than having it out here where most of the population is here, where most of the housing is, where most of the schools are and everything else. This is just looking at the project more closely. This is where the project area is and this is General Plan zoning for Business Park, Office and Commercial. The project is well within the Business Park and Commercial zoned area in the City. It is surrounded by Business Park; a major Business Park that is currently part of the General Plan on the east end. This is the boundary; this is the State Fish and Game property down here; the badlands over here and this is Moreno Beach Drive, Redlands and of course we are familiar with the Target and Wal Mart Center, the Auto Mall and of course the Business Park zoning that goes here, so we're within the band of the Business Park and Commercial zoned area of the City. Looking at the project, this is the area that is impacted. There is currently vacant land and most of it is ours and over to east and west is all Business Park or Commercial. I think we talked about some of this... just to compare the traffic relationships; the Moreno Valley Mall is a project that generates 60,000 trips a day, so when you experience it; if you go to the mall you are experiencing basically traffic levels that are at 60,000 trips a day. If you are over at the Stoneridge Wal Mart Center, that traffic gets 36,000 trips a day levels, so that's how you experience 36,000 trips if you go to the Wal Mart, Stoneridge Target Center that's 36,000 trips a day. This project at completion would be 15,000 trips a day, so as you can see it's actually almost less than half of what the Target Wal Mart Center is in terms of what the traffic values are and how you would experience traffic there. There are a lot of other economic benefits that are also important. The job creation, but I think maybe that's better said in a different form, but the bottom line is there will be 2,500 jobs that will be created at project build-out. In addition to that they'll be construction jobs and you'll have the multiplier effect of people who service those facilities you know and so forth and of course the revenues to the City; the tax base that will be generated to the City is about 1.4 million dollars a year that will go to the benefit of the City itself and we have essentially the impact to the economy; the Moreno Valley economy as a result of the project is 156-157 million dollars annually. So that shows a significant, positive economic impact to the community as a whole and I will conclude with that. If I have any questions, obviously I will be here to answer them. There is a lot of data. The EIR on this project is about four feet tall...

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VICE CHAIR MERKT – Could you possibly go back to the tax...

APPLICANT BENZEEVI – Tax...sure

CHAIR DE JONG – Do you want to make a comment?

VICE CHAIR MERKT – I just wanted to take a look at it. He went through it rather quickly and I wanted to see where the different aspects were coming in.

CHAIR DE JONG – Thank you.

COMMISSIONER GELLER – When you are doing the car sequences through the park, there were these low bridges. What are those for?

APPLICANT BENZEEVI – Low bridges?

COMMISSIONER GELLER – Yeah, you know they went all the way across the road and they had a bar underneath them...

APPLICANT BENZEEVI – Oh yeah, let me show it, because some may not have... On the Redlands side, we came up with a concept that we are driving all the traffic onto the 60 freeway on Theodore. This is where our major artery is. This is where traffic is designed to go, but Eucalyptus goes all the way out to Redlands Boulevard, so what we are proposing to do; although it's not in front of you today, is to actually to have a bar that will be lowered that will restrict truck traffic; higher vehicles from crossing, therefore eliminating the ability of trucks to enter Redlands Boulevard and only go out to Theodore. And we can see through that through the animation...is when we go down Redlands again you'll see on the left side.

PLANNING OFFICIAL TERELL – Just to point out as Mr. Benzeevi said, that is a concept. It's not part of the project at this point in time, so Staff has not done any particular review of that. I think it's a concept that might be considered for the future.

APPLICANT BENZEEVI – I wanted to interrupt you before it goes away, you see the bar here, that will be sort of the mechanism where emergency vehicles can get in and out and you can get through, but truck traffic on daily basis cannot get into Redlands Boulevard or get into the project from Redlands Boulevard therefore focusing all that activity onto Theodore, which where we think it's appropriate and away from any neighborhoods or the community itself.

CHAIR DE JONG – So you're saying that bar would raise or lower to allow a fire truck in; is that it?

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APPLICANT BENZEEVI – There is a mechanism to do that, but only the Fire Department or Emergency or Police to do that; the general public doesn't have the ability to lower or raise it.

PLANNING OFFICIAL TERELL – And again, it really hasn't been... It's in your Staff Report but just so the audience has... This is proposed as a three phase project. The first phase is before you tonight. As part of the first and second phase, there would be no connection to Redlands Boulevard. All of the traffic in Phase One and Two will be directed towards Theodore except for emergency vehicles, which will have an area which they can get through. I mean, you've seen that pretty often again on say apartment projects where they have an emergency access only. That would be the Condition should this project be approved for Phase One and Two. Phase Three is when Redlands would be the connection to Redlands would be completed, so any discussion of I guess restricting truck traffic or even car traffic is relevant to the build-out condition, but not to Phase One or Two.

APPLICANT BENZEEVI – The Phase One Site Plan and what will be approved now actually has Eucalyptus starting at Theodore going towards Redlands, but actually a cul-de-sac before it reaches Redlands. There is no connection from Eucalyptus into Redlands until project build-out at which point by then as we bring in the phases, would like to propose that mechanism to restrict the traffic should the City consider having access and Eucalyptus and Redlands in general, that would be one way that we can restrict and direct the heavy traffic away from Redlands Boulevard.

CHAIR DE JONG – Okay, any Commissioner questions of the Applicant?

COMMISSIONER MARZOEKI – You talked about this building being LEAD certified. What level are you looking for?

APPLICANT BENZEEVI – We are currently in the process; we're going to reach at least the first level. We added more solar now and so I see you're familiar with LEAD, you have to (inaudible) your other points; we're trying to reach the maximum. We are trying on achieving LEAD's and then how far up the ladder we're going to go will depend on our features. We've actually had some meetings today relating to adding additional solar capacity. This building also has very extensive solar system, so all of the power will be generated through solar means and panels, but there will be through the building process.

COMMISSIONER MARZOEKI – At least a silver rating?

APPLICANT BENZEEVI – We're hoping to get as high as possible. We don't know exactly how we're going to end up...

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COMMISSIONER MARZOEKI – And then during your animation you talked a little bit about the landscaping. Was that shown at full growth?

APPLICANT BENZEEVI – That's shown at some of maturity. We are starting with somewhat mature trees, but you know I would say five to seven years into maturity.

COMMISSIONER MARZOEKI – Five to seven years, okay...

CHAIR DE JONG – Anything else?

COMMISSIONER MARZOEKI – That's all I have right now

COMMISSIONER RIECHERS - I note in the materials that we have; well I guess it was in the EIR; that to get your water for this project you... I don't know exactly how to phrase it, but you made an agreement with EMWD to reduce your water requirements for Aquabella. That's correct?

APPLICANT BENZEEVI – Well not the water. We haven't reduced the water requirements for Aquabella. What has happened is Aquabella got allocated way more water than we actually need because we implemented water conservation in our design and drought resistant planting; where the allocation we got was in the old days; basically based on the old standards where we got way more water than we actually are consuming in Aquabella. We felt that rather than to hold in a way that capacity that we will never use, we'll turn it back to the District and the District has devaluated the water sources; recognized that there is sufficient water coming out of Aquabella that could service several other projects including this one.

COMMISSIONER RIECHERS – Okay, so that change is going to have no impact on any of your design or landscaping in the Aquabella project?

APPLICANT BENZEEVI – Not at all, not at all

COMMISSIONER RIECHERS – Okay, that's all I have right now

CHAIR DE JONG – Thank you

VICE CHAIR MERKT – When we say the visuals from the freeway, it raised a question. I don't recall exactly the height of this building; you know what the maximum is and the average height of the building. Could you refresh my memory?

APPLICANT BENZEEVI – It's about 45. Some areas go taller. The building sits between 20 and 30 feet below. You are probably seeing between I would say on average 20 feet of the building, but don't forget that you are seeing 20 feet, but

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20 feet probably about 300 to 400 feet away from you, so you are seeing a 20 foot element that's probably 350 feet at least away from your line of sight.

VICE CHAIR MERKT – Also, off the top of your head do you know how this compares to other warehouses in Moreno Valley in terms of size? Is this by far the largest? Is this...

APPLICANT BENZEEVI – It's probably I would tend to think that it is the largest, although I know there is a 1.7 million square foot building and I know there is several 1 million square foot buildings, but it's probably inching everybody else. It's probably the largest and I hesitate to say it because I don't know what everybody's plan out there, but it probably is the largest.

VICE CHAIR MERKT – Well maybe I'll just ask John if he could add to that...

PLANNING OFFICIAL TERELL – Yeah in Moreno Valley the largest, other than the mall, which the mall is about 1.3 million...

VICE CHAIR MERKT – No I'm talking about warehouses

PLANNING OFFICIAL TERELL – The Ross warehouse on Perris Boulevard as you are entering the City and my recollection is that's about 1 ½ million square feet.

VICE CHAIR MERKT – Yeah that's what I was thinking it was. Okay, fine, thank you very much

CHAIR DE JONG – Are there any other Commissioner questions of the Applicant?

COMMISSIONER DOZIER – What's the capital investment to do this at full build-out? How much will it cost to build this whole thing?

APPLICANT BENZEEVI – As far as we know it; things cost today; because if I had to estimate a year and a half ago, they went up like 50 percent, but it's probably between 250 and 300 million dollars depending on ultimate build-out and exactly what goes on there. I would safely say it's about 250 million dollars... that would be a reasonable number.

COMMISSIONER DOZIER – Thank you

VICE CHAIR MERKT – Yes, we obviously see that you are here tonight, but are there representatives here of Sketchers as well tonight?

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APPLICANT BENZEEVI – No representatives of Sketchers, although the project is being called and everybody first heard it as the Sketchers building, but Sketchers is the tenant.

VICE CHAIR MERKT – No I understand that, but sometimes there are questions we might be interested in asking them and I was curious if there was someone who could answer those

APPLICANT BENZEEVI – No, I'm sure in the audience there might be some folks there, but there is no one here that came to represent them

VICE CHAIR MERKT – Okay, fine, thank you

COMMISSIONER RIECHERS – I believe you said the project would generate 15,000 vehicle trips a day

APPLICANT BENZEEVI – At entire build-out

COMMISSIONER RIECHERS – At build-out... How many of those will be truck trips?

APPLICANT BENZEEVI – I think it's about 30 percent.... Fifteen percent of it is truck traffic

COMMISSIONER RIECHERS – Okay, thank you

CHAIR DE JONG – Any other questions of the Applicant? Okay I see none; we have some Speaker Slips of course, so you'll get a chance to rebut at the end.

APPLICANT BENZEEVI – Okay, thank you

CHAIR DE JONG – Okay, before I call speakers up for tonight's Public Hearing, let me read a few points pertinent to tonight's meeting. Let me remind you please that speakers are limited to three minutes max. Our time clock is working tonight, so please observe the time clock up here. We encourage everyone who wishes to speak to come up and voice their opinion once you fill out the appropriate Speaker Slip of course. Please do not repeat information that has already been voiced. If you have nothing new to add, just say that I support or that I don't support the project or words to that effect of course. I am going to call speakers up in two's. The second person called should make their way to be positioned near the speaker or behind the speaker and be ready to go when the speaker is completed. Please be courteous to all speakers and I'm sure we're not going to have a problem tonight, but I'd like to repeat that. Please be courteous to all speakers. No call outs, cat calls or loud comments will be tolerated from the audience and all speakers are asked to please address the Commission as a whole body. Do not direct comments to individual

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Commissioners and please do not address comments to the audience. Okay, thank you, so that being said, please give your address; your name and your address... Gwendolyn Cross followed by Dolorise Anderson-Reid...

SPEAKER CROSS – Good evening. I'm Gwendolyn Cross. I live in 4th District at 14570 Agave Street and I'm here to say that I do support this Sketchers project. I do think it will be good for the City of Moreno Valley. It will bring jobs into our City and also our schools will benefit from it. Also I know that there was concern from a lot of people of the traffic and the trucks coming into the City. I just want to remind everybody that we do have trucks that come in to bring our fuel and also our food and all of the other things that we have to have in this City. That's all I have to say. I just think it's a good project. Thank you

CHAIR DE JONG – Thank you... Dolores Anderson-Reed followed by Mike Rios

SPEAKER ANDERSON – REED – My name is Dolores Anderson-Reed. I live at 10111 Lake Summit Drive, Moreno Valley and based on what you said I have to say ditto to Gwen, but also I'd like to add one thing. I'd like to know if we are going to negotiate a certain amount of the residents hired when it comes in and rents the facility because we are guaranteed that the citizens will be benefited in this community. Thank you

CHAIR DE JONG – Thank you... Mike Rios followed by Debra Craig...

SPEAKER REOS – Mike Rios, 29034 Cansa Maria Court. I just want to give out the facts. I've spoken with Mr. Iddo Benzeevi several times regarding this project. It's a Class One "A" project that I will say. It's a beautiful building. Will it cause traffic – very minimal. Will it cause smog – probably not too much? Will it cause environmental impacts – not significant enough, but let's look at the big picture. Once this is built it's a Pandora's Box. You are going to start having more and more and more of them. We're going to end up with 30 of them out there and then we have traffic; then we will have smog; then we will have environmental impacts. Now I've spoken to Mr. Benzeevi myself with these concerns. He has a "A" Class building, which is really nice and I told him what is going to prevent other builders from coming in and building "D" class buildings after yours is done. We're going to have a really nice building and then lower class buildings around. What can we do? Well there is really nothing we can do, but I asked Iddo will you help me fight to make sure that all the buildings out there are going to look as nice as yours. He gave me his word that he will and I just want to make sure that these are "A" Class buildings. I know this project is going to go through. It doesn't matter. This City is controlled by him, so it doesn't matter what it is, it's going to go through no matter what I say; no matter what anybody says and I told him that too; I told him himself, so it's not like I'm making something up. If you don't agree with him, you end up like Charles White and Frank West; plain and simple; that's the bottom line and what's amazing to me is I think Moreno Valley is doing very well because I see a lot of new

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residents and I've been walking the streets all over Moreno Valley, so we must be selling a lot of houses. I mean seriously, you need to make this decision; if we're going to make this project happen, which it's going to, we need to make sure all the buildings look as good as this one. Whether you are for or against it, we need to do the best thing to make this project the best and everyone after that follow in that footsteps. That's all I'm asking because it's going to happen, plain and simple. Thank you.

CHAIR DE JONG – Thank you...Debra Craig followed by Charles White

SPEAKER CRAIG – Good evening. My name is Debra Craig. I live at 10792 Cloud Haven Drive and I have lived in Moreno Valley for 18 years. For the record I live in Sunnymead Ranch and not near the area affected by this zoning change, but I have an interest in this project because as teacher who works for the Moreno Valley Unified School District, I understand that a huge step in improving student learning is improving the family life that students come from and that means having parents in a good income in the City they live, so they no longer have to commute. This is why I wanted to know more about this development. After researching both sides, this is what I have concluded. The people against this zoning change are correct in saying it might not be a perfect development. Yes the project might cause more traffic and air pollution and it might not employ the number of people that they say. Will it put us all at risk for valley fever? Well even the Riverside County Health Officer has been quoted as saying valley fever is very uncommon in Riverside County. We all agree that nobody likes air pollution, traffic and getting sick, but if warehouses are so destructive to a community why in 2006 did our affluent neighbor to the north; the City of Redlands allow Payless Shoes to build a 400,000 square foot shoe distribution warehouse and Laps Plus to build a 784,000 square foot distribution center right next door. Did these developments result like many here fear a change in air quality and traffic that diminished the citizen's quality of life? I haven't heard that this is the case. We all know our Country is in tough economic times, however do the citizen's of Moreno Valley realize how lucky we are to have a developer who is willing to invest millions of dollars in our community right now, that will immediately bring new construction jobs to the area and boost our own economy. Yes, he is doing it to make money, but he is a businessman and Moreno Valley will make money in the process as well. More money for our City means more parks, more Police, more services and a better quality of life and if you don't believe me just drive to Temecula or Irvine. This Sketchers development isn't just about creating some warehouse jobs; Highland Fairview President Iddo Benzeevi is also bringing to Moreno Valley a new vision that our City can be successful. He spent extra time and money making sure this development was environmentally friendly as well as beautiful. What more can we all ask for. I ask this, yet that I am amazed that they are people in our community who would still rather have us continue on a path of fear meaning we will continue on a path of declining home values and more businesses closing. We must all remember that this isn't the same Moreno Valley from 40 years ago

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or when the Master Plan was developed. Times have changed and it's time our City changes too. The job of the Planning Commission is to decide what's in the best interest for the majority of our citizens, not just a few. In closing, our City needs to attract companies that can offer high paying jobs. Our City needs to find families to fill the hundreds of vacant homes. Our City needs to thrive. This project I see will accomplish all of these things. This is why this Zoning Change should be approved. It's time to bring Moreno Valley's transportation from being a dysfunctional bedroom community into a prosperous 21st century City that we are all proud to call home. Thank you very much.

CHAIR DE JONG – Charles White followed by Ricardo Olalde

SPEAKER WHITE – Good evening Planning Commissioners and Staff. It's nice to see you again. My name is Charles White and my residence is 11833 Indian Street in the City of Moreno Valley. My purpose this evening is not that of confrontation but that of understanding. I would like to understand how and why a subject of such importance as changing our General Plan and thereby changing the direction of how this community will be affected for the next 30 to 50 years is not allowing the citizens of Moreno Valley the same amount of time for review and comments that has past policy of the City Council. Our current General Plan took members of this community 10 years to develop and was recently approved by this Commission and the City Council. Why is this Sketchers project being rushed to judgment? Would greed be the answer? It appears that Highland Fairview developer Iddo Benzeevi was premature in guaranteeing General Plan and Zone Changes before any such approval was made by this Commission and certainly before the approval of the City Council. Why would he think he has such approval so far in advance of submitting an Application for approval? It also appears that Highland Fairview properties developer Iddo Benzeevi is looking for the City to bail him out of an expensive situation to the detriment of the health, safety and welfare of the people of the City of Moreno Valley. As I indicated earlier, I do not understand how or why the normal process is being circumvented. In past years it has been the policy of the City to provide the community a 30 day review and comment period on all EIR's. As you know the law provides a minimum of 10 days for public review, however the community has the right to expect and should receive the same review and comment period time that has been provided in the past 12 or more years. All other developers have had to honor standing Council policy whether they be pistols or cannons. It is nice to be business friendly but how about the citizen friendly end of it. I do not recall the City's review policy being agendized for open discussion and then being voted on by the City Council to reduce the public's time in this matter, however it appears that the time has been reduced. Apparently there is a magnanimous gesture by someone to give the citizens a break and has allowed a 20 day review of this project. Can you believe the extended time goes right through the Christmas and New Year's holidays; talk about outfoxing the public? I'll be through in just a minute Chairman. Changes of such enormity are such that they will dismantle the envisioned controlled

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growth of our City as approved by the citizens. Warehouses or distribution centers are allowed by the current General Plan in the southern portion of our City close to the 215 Freeway; why not build there.

CHAIR DE JONG – Can you wrap it up please?

SPEAKER WHITE – I respectfully ask this Commission of the people recommend to the City Council denial of any General Plan or Zone Change as regards to this project and to also recommend to the City Council that the developer look elsewhere to the south for his development project. Thank you very much for the opportunity to speak on this issue.

CHAIR DE JONG – Thank you... Ricardo Olalde following Daryl Terell

SPEAKER OLALDE – Mr. Chairman and members of this Commission. Thank you for allowing me to speak. My name is Rick Olalde. I live in the City of Perris and I wish I had a warehouse like that in my City. I am here to speak on behalf of Riverside County Workforce Development Board of which I Chair. I applaud the developer in bringing this type of a product to your City. Site locators work long and hard to find a prime location for their facilities and apparently they thought your City was one of those. In that vein, this project has already created jobs in coming to this point in professional job; high paying jobs and that's we need in this County is those types of jobs, along with the many construction jobs. On this project you will have continuing operations out there that will bring a tax increment that will repeat itself throughout the City through those several million dollars that the City will realize that will only benefit the City and its residents. These types of facilities are not your father's warehouse. Those jobs are high tech jobs and in a time when we have an unemployment rate hovering around 10 percent in our County and nearing that in our nation. To have somebody put their private dollars to work in your City should be a privilege. Aside from everything else that I've heard from others on the positive side, I thank you very much.

CHAIR DE JONG – Thank you... Daryl Terrell followed by Deana Reeder

SPEAKER TERELL – Hi my name is Daryl Terrell and I live at 13689 Moreno Way here in Moreno Valley. Moreno Valley has the potential of being a world class city. One of the key foundations in building a world class city is having high paying, high quality jobs closer to home. Another component is to attract a world class company and in a global economy you shouldn't have to leave your own city to find a high quality, high paying world class job. Tonight before the Planning Commission we have an opportunity to lay down the key foundations in becoming a world class city by bringing a global company; the new Sketchers North American Operational Headquarters into our community. Bringing this global company into our community is important to our community and to our local economy. To bring this point closer to home, according to the latest

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unemployment figures for Moreno Valley, 10,200 of our fellow residents are out of work. Having Sketchers in our community will put "Joe Six-Pack" back to work and mom or dad off the freeway and closer to home. What do I mean? It means 2,500 jobs from entry level to skilled jobs, supervisory position and upper management and it means 1,000 local construction jobs but most importantly it means bringing 1,507,000 dollars in economic benefit to our City to maintain or enhance our quality of life through our City services like public safety, after school programs and infrastructure improvements. In closing this project is not about one individual or one developer or about our past election. It's about that 10,200 of our fellow residents who lost their jobs; lost hope; had their American dream foreclosed; it's about Mary the commuter who is frustrated because she can't find a job closer to home and my final comments; we will have people that will come here and they will say they the developers are taking over the City; they got all this power and things, but it was their special interests that have already taken over this City. What do I mean? The General Plan has approximately proposed over one hundred million dollars worth of improvements. They have approximately one fourth of this City zoned for low density, minimum half acre lots to large lots for this special interest. They only represent only approximately maybe less than one percent and they receive most of the benefits. How can we be against a project that is going to put our people back to work that is going benefit the whole mass instead of a few, so I hope go for it on this. Thank you.

CHAIR DE JONG – Thank you... Deane Reeder followed by Carl Rowe...

SPEAKER REEDER – I've been living in this City for over 20 years and this is one of your promises; the City's promises of another rose garden and generally when this City promises a rose garden what we get is thorns and barbed wire. I remember how much the mall is supposed to make us. It isn't even close. INCO our utility was supposed to make us a bunch of money; well that's not going to happen because that is so far in the deficit because nobody here thought through the plan, so we are now paying Southern California Edison about three million dollars a year in what is supposed to be our profits because nobody thought through the process. Now as far as it being a solid developer, Mr. Benzeevi by his own words has been a developer his entire adult life; that would be 30 years and in 30 years Mr. Benzeevi has not developed one single, solitary thing, so what his solid score is zero. He has done nothing in the way of development and the entire time he has been a developer he has had a contractor's license for a year and a half and it is currently suspended. Now that's my idea of a solid character. Now he does shell out a lot of money that he didn't make from developing, so I'm not sure where he gets it or how he makes it, but he does not make his money as a developer, but he does make a lot money doing something. He also bought this property for by the way 2.4 million dollars for almost 500 acres. Well those 500 acres are all going to end up being warehouses. This one is going to look pretty, I'll give you that. It's going to look gorgeous. It's the only one that is going to look gorgeous. The whole point is for him to get his foot in

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the door and then it will start looking like everybody has been telling it. This is one of those things where you've gotten promised stuff and there is a reason that Sketchers will not comment on how many jobs there is going to be. This is a state of the art, fully automated facility. Everyone that works there other than the bookkeeper, manager and the assistant manager; they're going to be minimum wage. Sketchers people; they actually get them from temporary agencies. They don't even get benefits. They don't even know how long they are going to be there. That is what this will bring. Thank you.

CHAIR DE JONG – Carl Rowe followed by Margie Breitkruez...

SPEAKER ROWE – Good evening Commissioner, Planning Agents and the general public. My name is Carl Rowe. I live at 23633 Marguerite Circle. I've been a resident of Moreno Valley since 1992. I've seen a couple busts, one boom; we're in the middle of a pretty significant bust right now. The Los Angeles Times quotes that Riverside County and the Inland Empire lead the nation in unemployment. As the previous speaker indicated, we have a great number of foreclosures and our property values have diminished significantly in this most recent bust, therefore I can't think of a project whose timing is better than this one in terms of it's impact on the overall economy of the City; on the number of jobs that it will create; both permanent and temporary in the construction industry, which has more than a 30 percent unemployment rate right now. I think we can truly say that this is an earth-shaking project and I urge your support.

CHAIR DE JONG – Margie Breitkruez followed by Victoria Baca...

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. The citizens of Moreno Valley worked diligently with the City for years to develop a General Plan that addressed our future needs. During this lengthy process, areas of the City were set aside for business, industrial including warehouses, housing, residential, etc. Now a change in zoning is being requested. This project and its overwhelming negative impact is being shoved down our throats even by some of our own elected and appointed City officials. This site isn't being selected because it's the optimum place for the warehouse; it's being selected because it's owned by Highland Fairview. Case in point as far as it shoved down our throats. On September 11th, Press Enterprise article regarding former Mayor Batey stated in the City address, he said, these challenges have sometimes made our journey towards excellence but we've made it through and we'll make it through now. There are reasons to be optimistic... 22 million square feet of office and logistics buildings. That sounds like a pre-endorsement to me. An article in the November 5th, 2008 Press Enterprise is another example. The Moreno Valley Taxpayer's Association, whose leader is Planning Commissioner Michael Geller, spent more than 350 thousand this year primarily on a barrage of campaign mailers touting Molina and Hastings.

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CHAIR DE JONG – Excuse me... Do not address particular Planning Commissioners.

SPEAKER BREITKRUEZ – I'm reading what was in the newspapers... No?

CHAIR DE JONG – Please don't...

SPEAKER BREITKRUEZ – Okay, it's in the September 5th, Press Enterprise. Our nation and State is currently in a financial crisis, but there are long term trade-offs of 35 million square feet of warehouses. Are they worth the quality of life and health toll to our community and children? Do those here tonight realize the health hazards of working in warehouses; no air conditioning except in the offices; diesel pollution? Most warehouse jobs provide no long term employment let alone offer benefits. Sketchers wants to consolidate its three Ontario, California warehouses into one modernized automated facility. To say that this project will bring Moreno Valley residents 2,500 jobs is insulting to our intelligence. Sketchers have 2,157 employees nationwide. How could they bring 2,500 jobs to Moreno Valley? What about all their employees from their Ontario operation. There are no guarantees that the rest of the project area will be occupied anytime soon, so job projections there can't be counted either. If this project is approved, their existing employees will have to commute to Moreno Valley, incurring more traffic. Just as likely overall jobs will be lost not added if this Zone Change is approved. I've got more, but I'll do it next time.

CHAIR DE JONG – Thank you... Victoria Baca followed by Art Alcaraz...

SPEAKER BACA – Good evening Commissioners, ladies and gentlemen in the audience and those of you at the Rec Center. Thank you for coming out to support the project. I understand that there are about 500 supporters outside and I hope that this meeting accommodates them and gives them the opportunity to address the Planning Commission tonight. I'm an elected member. I'm a member of the Moreno Valley Unified School District Board of Education and our children's future is always my first priority and that's why I'm here. If this project indeed was detrimental to health of our families and our children, I would not be here before you tonight supporting the project. The students of Moreno Valley; when they graduate, where can they go to get jobs? If they don't go away to college and they decide to stay here in Moreno Valley, where can they get jobs? Yes it's true that this City has brought better restaurants to the City, however how many people can those restaurants give jobs to... very few. In fact, it's limited to those who understand the restaurant business. The children of Moreno Valley; the students deserve to have companies such as Sketchers come to Moreno Valley and it should not be detrimental to businesses that want to come to Moreno Valley. For example, you have the businesses in Towngate; the Ralph's Market; Circuit City; Mervyn's; Gottschalk's, Lane Bryant and the Mall; other businesses that have left Moreno Valley, yet you have a company such as Sketcher's that wants to come to Moreno Valley and it just confuses and it upsets

MV00017051

me that we have people that are opposed to bringing a company such as Sketchers to Moreno Valley. Our students; they ask for Work Permits from the School District, so we issue Work Permits but there are no jobs. That's an insult to our families in Moreno Valley. We have families that commute to LA County, Orange County, some to San Bernadino County and San Diego County for jobs. These families can have jobs here in this City and they should, so that they can spend more time with their families and I'm appalled that we don't have the vision to embrace this company to come to Moreno Valley and be part of the community. We have to start doing things differently. We are not business friendly. We have the land. We have someone; a tenant that wants to come in; we have empty warehouses; we have empty buildings. When I moved in here, we had Home Base on Hemlock. That building has been empty since and no one has taken the time to occupy it, so I hope that you support the project and that you vote to bring Sketchers to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you...Art Alcaraz followed by Paul Rosso...

SPEAKER ALCARAZ –. Thank you for the opportunity Planning Commissioner members. I don't live in Moreno Valley but I'm active in Moreno Valley and I've been active with Chamber and am out and about quite a bit in the community and during the last two years; if there was an issue that was frequently brought up in meetings wherever I was, it was the need to attract businesses that would create jobs for the residents of Moreno Valley and/or bring persons to work in Moreno Valley who would have a positive impact on the local economy. The support to the community that a Sketcher's Operations Center could provide does both. It brings numerous jobs at various levels, brings positive impact as these people begin Moreno Valley at all levels from retail purchases, to home purchases and everything in between. The boom to the local economy I envision will be significant. The project is a viable project to support. It does take into account the need to preserve local air quality; takes into account water preservation measures; it does create green efficient processes in it's development; it's strongly weighing the impact of traffic flow as you saw earlier; it's cognizant of it's truck fleet and it's need to impose standards that preserve air quality and they've also integrated solar efficient processes in their development plans. As a Human Resources Director in the local area for 28 years, I can tell you that given the current economy, the numbers of candidates for even the lowest paying employment opportunities is reaching proportions that I haven't seen for quite a while. The potential to bring jobs to Moreno Valley which can provide competitive opportunities for local residents is an awesome opportunity. The potential to bring jobs requiring some technical savvy and information technology is important. The potential to provide employment for those skilled in logistics and distribution processes is valuable and the potential and opportunity to partner with local learning institutions to help develop skills of the workforce positively impacts our local economy. The benefits derived from this project and the positive impact to the City seems to be benefits that the Planning Commission should not pass up at this time. As a citizen interested in the future

MV00017052

of this great City, I encourage the Commission to do what it can to support the project. Thank you very much.

CHAIR DE JONG – Thank you...Paul Rosso followed by Stan Stosel

SPEAKER ROSSO – Good evening honorable Commission members and ladies and gentlemen in attendance. My name is Paul Rosso and I'm a resident in Moreno Valley and reside at 23426 Woodlander Way. I am also involved in our City and local politics; State and National. Currently I'm a board member with the community health systems. We just opened the Innovative Health Care Center hear in our City and I also serve as President of one of the two Democratic clubs here in Moreno Valley. I'm here this evening because after reviewing the presentation which we have all seen this evening with the innovative environmental design of the structure, including the tax revenue that it would generate to our City and the thousands of jobs, I support this project and I urge you to support it. With that said; during this past election, I want to talk a little bit about this. You know that our candidates were out there proposing that you know they were going to make changes to the City. They want to fight crime in our City, but the problem is that when you ask them what is your plan to fight crime, they had no plan; no plan at all and we know how do we fight crime that's in the City. Well fight crime by hiring more Police Officers; more Fireman and I believe that with the tax revenue generated by bringing Sketchers into our City, we can do just that. We can fight crime and provide jobs to the community. Thank you.

CHAIR DE JONG – Thank you.... Stan Stosel followed by Norma Cortez...

SPEAKER STOSELL – Good evening, my name is Stan Stosel and I'm an Assistant Business Manager with IBW Local No. 47; that's Electrical Workers No. 47. I live in Riverside at 782 South University Drive. Our Local alone represents more than 125 families in this community. Our sister, IBW Local's represents several hundred more. I am also a 20 year member of the Sierra Club, although I'm not speaking for them tonight, I mentioned that just to show my long term commitment to the environment. Demagoguery is easy. Solutions are difficult. Balancing community interests is the role and an appropriate role of government. Schools, quality of life, jobs, the environment, all are bona fide concerns of the government and then the government needs to figure out how to finance these issues. There has been some talk about jobs. What the magic number is, I don't know; 500; 600; 1000; any number is better than zero and that number is increasing and when people talk about the Sketchers jobs, there are going to be ancillary services that result from that hub, so there will be jobs around the area. It will be a magnet for future jobs. On November 4th last year, most of the country recognized the need for change. Tonight you have the opportunity to embrace change yourselves. Instead of exporting jobs overseas, let's change; create jobs here in America. Instead of other cities getting tax revenues; your tax revenues; let's change; let's bring that revenue to Moreno Valley. Instead of

MV00017053

starving our schools, let's change; let's help fund our schools. Instead of commuting hours to work; let's change; let's commute minutes to work. Instead of polluting the environment with greenhouse gases creating electricity; let's change; let's use clean green solar power. This one project alone will be enough to power 3,000 homes. Think of the pollution that we're saving there. On behalf of IBW 47 and the working people in the community, I ask you to support this project. Thank you very much.

CHAIR DE JONG – Norma Cortez following by Elena Santa Cruz...

SPEAKER CORTEZ – Good evening, it's Norma Cortez. I'm Normal Cortez, a 15 year resident in Moreno Valley and wow and now I voted the way I did. This is not only about Highland Fairview; this is not only about Sketchers, this is about our community and this is about jobs. And Iddo just set the bar pretty high for new developers coming in and I applaud him for that. Yes, I agree foreclosures are the result of some bad choices, but foreclosures are also the result of people losing their homes due to losing their jobs or there are no jobs. That's a fact that we don't talk about and by the way I'm actually a senior partner in staffing agency a temp to hire; which temps get a foot in the door with some of these companies such as Ross, which has over 3,000 employees. They are fully automated, but they need 3,000 people help them run all their different machines and all their different warehouses. So it's quite simple; Moreno Valley needs jobs. What do we want – jobs and when do we want them – now. Thank you, that's all I have to say.

CHAIR DE JONG – Can we take a moment to remind everybody to please address us and not the audience. Elena Santa Cruz followed by Hector Reza...

SPEAKER SANTA CRUZ – Good evening, my name is Elena Santa Cruz. I live at 23192 Sonnet Drive, Moreno Valley, California. I want to read you some very important numbers tonight. The current unemployment rate in our country is 6.7 percent. The unemployment rate in California is 8.4 percent, yet the unemployment rate in Riverside County is 9.8 percent and here in Moreno Valley, our unemployment rate is 11.4. That means whenever you come in contact with any ten working age Moreno Valley residents at least one of them is unemployed. Moreno Valley's unemployment rate is large amount greater than the country is as a whole and it's about a third higher than the State's rate and we have almost twice the amount of people out of work as compared in the rest of the country. Corona's unemployment rate is 7.3 and Rancho Cucamonga's is only 5.9. That's because those cities are not afraid of locating businesses in their backyards; businesses that put their residents to work, even during one of the worst recessions ever. Moreno Valley needs to follow their example and not be swayed by the unjustified claims of a few people that may have a personal grudge against someone who wants to build business in Moreno Valley. Iddo Benzeevi; he seems to be more of a visionary and a leader that we would all be wise is listen to. Moreno Valley needs jobs and with your approval of the

MV00017054

Sketcher's, followed by its approval by our City Council we can bring those jobs here to Moreno Valley. There's over a thousand construction workers; many of whom have not worked this entire year who will immediately be put work on this building; this incredible building that will be the most environmentally green building in the entire country. I urge you to get behind Sketchers and get behind job creation and vote yes tonight. Thank you very much.

CHAIR DE JONG – Hector Reza followed by Louise Palomarez

SPEAKER REZA – Good evening, my name is Hector Reza and I live 11521 Davis Street here in Moreno Valley. First off I'd like to say that I appreciate the Planning Commission's valuable time and I simply ask that you vote for the Sketchers project. As you have heard, I am in favor of the project. We must face the facts. Moreno Valley needs the money that Sketchers will bring. That's clear to see and those who oppose or way otherwise are not in touch the facts or reality. The fact is that Moreno Valley is in bad financial shape. If we don't do something about it now, things will only get worse. In the past two years, the City of Moreno Valley's revenue has decreased approximately 15 million dollars and that's due to all of the businesses moving out of town. Yes, the City Commission has enacted some deficit reduction plans; however that has not been enough for the City to avoid major cuts in services and massive layoffs, possibly in areas we need most. The City may have to raise sales tax or even the utility tax again or even both. This year Moreno Valley could face another deficit. The only way to avoid layoffs, cuts in City services and tax increases, is for the City to extend an open hand to job creating businesses like Sketchers and others that want to invest their money here in Moreno Valley. Not only will Sketchers help put Moreno Valley residents to work; the taxes and fees that Sketchers will pay to the City will help balance the budget. I hope you will approve Sketchers. Moreno Valley residents need tax relief. I say let Sketchers carry some of that burden. Thank you.

CHAIR DE JONG – Louise Palomarez followed by Librada Murillo

SPEAKER MURILLO – (Speaker speaks in Spanish)

SPEAKER PALOMAREZ – You need a translator and I can do that for you if you wish unless you have your own translator.

COMMISSIONER RIECHERS – That's fine with me.

CHAIR DE JONG – That's fine, okay, go ahead

PLANNING OFFICIAL TERELL – Yeah, that's fine

SPEAKER PALOMAREZ TRANSLATING FOR LIBRADA MURILLO – My name is Librada Murillo and I live at 12379 Kitching Street, Moreno Valley,

MV00017055

California, 92557. As a resident of Moreno Valley and the President of the Moreno Valley Parents Association, I'm here to ask you to vote for Sketchers tonight. Year after year politicians campaign for office telling us that the best way to reduce traffic on our freeways is bring jobs to our City. They tell us the more jobs we have here; the less cars will be on the freeways going to and from Los Angeles and Orange Counties. We all know this makes sense and we cast our votes for these politicians, but something happens after they get sworn in; the jobs never show up. Finally, after all these years of empty promises a company wants to come to Moreno Valley and bring jobs. We should all be welcoming Sketchers will open arms, but instead we come here tonight to find various people, some from our community, others that have never been here before telling us we can't have these jobs because Sketchers will create too much traffic. That's just bull. The jobs Sketchers creates, will take cars off of our freeways. The activists say Sketchers will put too many trucks on the road. They say it will create an additional 40,000 but that number is unsubstantiated. That phony number comes from Frank West's last failed campaign that even the voters of his District didn't buy into. The number of additional vehicle trips is actually closer to 3,000, which is the same as the traffic created by Wal Mart, but the activists here tonight didn't come to the Planning Commission to complain about that traffic or about the minimum wage jobs Wal Mart brought to our town. The opponents to Sketchers don't care about these facts and they don't care about the jobs they are trying to chase away. They do not speak for the majority of Moreno Valley. They speak for their narrow selfish interests. Don't be fooled by their tricks and their lies. Moreno Valley needs jobs and it needs Sketchers. I am here tonight to ask you to approve this project.

CHAIR DE JONG – I'm going to read one more and that's Librada Murillo and then we're going to take a break.

COMMISSIONER MARZOEKI – That was here

SPEAKER PALOMAREZ – That was her.

CHAIR DE JONG – Oh I'm sorry, excuse me...

SPEAKER PALOMAREZ - My name is Louisa Palomarez. I'm a resident here for 20 years. My address is 24766 Thornbury Circle, Moreno Valley. I've been here 20 years in this community and this is a blessing in disguise. We need to get on board here. We need this for our City. I'm an activist here in the community and an advocate for kids in the schools. Now this is going to be good for our students when they get out of school and they graduate because a lot of them aren't ready to go into the Colleges; a lot of they aren't ready to go into the trade schools and we don't have any jobs. A lot of them have to take a year and work, but where are the jobs; there's no jobs. A lot of them; I've seen a lot of the students go into the Colleges; RTC and they drop out because they're not ready for that. A lot of them are still immature. This is something to say to them okay,

MV00017056

let me go get a job; let me work and then I will think what I want to do from there. We need these jobs here. I have 20 children; I mean I have 6 children and 20 grandchildren and most of them live in this community and go to school here and we need these jobs, so I hope; I support... there's a lot of things that were already said that I want to say so I don't to say them, but I hope you support this project and we go forward with it because this is a blessing and it's a God send, so thank you so much.

CHAIR DE JONG – Thank you for your comments so far. We're going take a short break; about a 10 minute break. Let's reconvene at 9:15.

(TEN MINUTE RECESS)

CHAIR DE JONG – And we have reconvened our meeting. We are in the middle of Public Hearing. Let me please remind you before I continue. I've been asked to remind the audience to please turn off your cell phones and please keep talking amongst yourselves to an absolute minimum as it's hard for other to hear. Thank you. Our next two Speakers would be Robert Palomarez followed by Mary Anne Gonzalez.

SPEAKER PALOMAREZ – Good evening Planning Commission. My name is Robert Palomarez. I live at 24766 Thornbury Circle, Moreno Valley and I'm here to support the Sketchers and I've been over at the Elder Center and I've seen all the support that people want that help with this project and it's overwhelming and I wonder why people would not want it. I mean right now, you know it's getting pretty thin. There are a lot of people losing jobs and a lot of businesses going under and as for me I'd rather collect a pay check than an unemployment check and I know you people have a lot of wisdom. I've looked a couple of your Planning Meetings and you're pretty thorough about things and I know you won't let this one get by you because it's hard times and we need it and I hope you make the right decision. Thank you.

CHAIR DE JONG – Maryanne Gonzalez followed by Jack Shierner...

SPEAKER GONZALES – Good evening Commission. Yes it's Mary Anna Maria Gonzalez and I do live in Riverside and may be asked why I'm here in Moreno Valley; well because to me I think that anything good that happens in Moreno Valley has a direct impact on us in Riverside and they've cited the statistics over and over again how dismal the picture is as far as unemployment and it's getting worse by the day. Macy's is now going to close eleven more stores in the nine states. Every single day between the automotive industry and every corporation that you can think of are finding new ways of out sourcing our jobs to other countries and so to me I find it commendable that these individuals want to bring business to this City. Instead of me having to worry that I'm buying Nike and

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having to worry that some child in exploitive labor conditions or some women chained to that machine is having to produce that tennis shoe, there is going to be a body that will be able to oversee that the conditions in that worksite maintain good, healthy, humane conditions for these individuals and if there is a tax base that is ensured that's reinvested into this community. I know I heard a couple of speakers say that it's a shoe in and that these people are going to get this business because... I don't think so. I'm assuming that you have that responsibility to determine whether or not that business comes into this area and that you are going to make sure that they have dotted all the "I's" and crossed all the "T's" and it sounds like they have bent over backwards to make sure that they answer all the issues and concerns that are being raised and I can only wonder if all of those individuals who against this project are employed or retired, because I can't think that if you lost your job in the last few months, you would not welcome gladly the opportunity to work at job in such a nice environment. I worry every single day that people are going to be coming more and more apt to go to crime because of the fact that they don't have enough to eat and I get sick and tired of seeing every single day more and more men on the side of freeway asking for dollars and now women and young kids. Why... Because there's nothing else for them to hold on to. This is an opportunity and I commend you for addressing this you and I commend this company for doing such good homework and I can only hope that my City of Riverside also doesn't get blinded by stupidity and greed on their own because of the fact that they have a job and they are in a cushy environment and make sure that when someone has offered the opportunity to give someone else a helping hand by way of a job that we ensure that opportunity to someone else. I have listened to some of the rumblings in the back that it's a front for another organization that's coming in. I don't even know. I listened to one individual make a presentation as far as almost totally calling this person a crook. Well give me a break. Prove it. Thank you very much.

CHAIR DE JONG – Jack Shierner ... Are you Jack Shierner?

SPEAKER CARRILLO – My name is Norma Carrillo. You called me earlier. Can I present now?

CHAIR DE JONG – Yes go ahead

SPEAKER CARRILLO– Okay, good evening my name is Norma Carrillo. I grew up in Moreno Valley. I respect the Planning Commissioner's valuable time. As a resident of Moreno Valley and credentialed teacher, I am here to ask you to vote for Sketchers tonight. President Elect Obama gave a speech yesterday stressing the need for Congress to pass an 800 billion dollar economic stimulus package, even as the nation faces a 1.2 trillion deficit. He said doing nothing was not an option and if Congress failed to act, that the consequences could be horrible. With the recession lingering for years and unemployment going up into the double digits and in Moreno Valley we've already hit double digit unemployment. Over 11 percent of the workers living here cannot find work and why; because

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this City has done nothing year after year to attract job creating businesses. Now we have Sketchers that wants to come here with 1,000 construction jobs. There are people badly in need and over 2,000 jobs that Sketchers will create here at its North American Headquarters. I ask everyone in Moreno Valley to welcome Sketchers with open arms; to thank them for seeing more potential in our City than our City leaders have for two decades and I ask you to approve Sketchers tonight because doing nothing is not an option and a no vote will have dire consequences on the future of our City. Thank you.

CHAIR DE JONG – Okay I called Jack Shierner. Is Jack Shierner available? Okay I'll set Jack's aside... Raul Wilson followed by James Dudley.

SPEAKER WILSON – Good evening members of the Planning Commission. My name is Raul Wilson and make no mistake, I support the Sketchers project. Now what's happening tonight appears to be a fight for Sketchers and against it by what is really on is more important. This is a fight between the rich and the poor. This is a fight between the haves and have nots. This is a fight about whether Moreno Valley should remain a house divided or if we should come together and do something beneficial for all the people. We are divided City based on social class and income. These are a few rich people; there are a few rich people in Moreno Valley; probably less than 100 families that always get their way in what happens in Moreno Valley while the rest of us struggle for the bread crumbs we get in order to survive and provide for our families. If these 100 rich families that have organized the fight against Sketchers and the jobs that it will bring here, that doesn't make sense to me. Sketchers will be a distribution center of shoes. What's the big deal? They should be concerned if the company we are talking about bombs or even cigarettes, but it doesn't; Sketchers makes shoes and we all wear them. Why are they fighting Sketchers? It's not like we all marched on City Hall and fought against the 100 million of our tax dollars that have gone to pay for the horse trails and those 100 families that have the Equestrian down there. We never complained about the cost we had to pick up for their horses even though the money they got would pay many times over for us to have a real Library. We never asked them to pay a special tax on each horse they own. They pay for the damage the manure causes to our water supply when it gets into the ground water. Now there's a real risk to the health of our children that should be examined. So why are these rich people living high in the hills fighting against Sketchers? Simple... because they don't care about the poor. They always look down their noses at us. They don't care that our families don't have jobs, just as long as their families have their houses away from us where they can toast champagne on New Year's Day while we in our houses are not high by gunfire from those that think that shooting bullets into the air is an appropriate celebration. We live in different worlds and the people fighting Sketchers don't care about us and they use their scare tactics and act like they care about our children, but they don't fool us. We know that they don't care about us. They never have and they never will. Can we really hold that against them... not really? It's just who they are; they are snobs, but tonight I am representing the

MV00017059

working class people in Moreno Valley. We've had enough of the rich always getting their way. We want Sketchers. We want jobs and we want them now and I would like to say in closing, what will history record of this Planning Commission? Would it say that you heard the pleas of the poor and you acted on their behalf and remember justice delayed is justice denied?

CHAIR DE JONG – James Dudley followed by Oscar Valdepina

SPEAKER DUDLEY – Hello my name is James Dudley and I live on the east end of Moreno Valley, 15857 Oliver Street. I'm here in support of this project. Earlier when I had taken the first look in the newspapers and you know they talked about a warehouse and what have you, the first thing that comes to mind is awe geez, another warehouse and we have some that are vacant right now and so forth and so on, but you know I'm the type of individual that I just don't take things for face value and take what I read in the newspaper as accurate and concise and so I made the attempt to address my concerns and I found out about this project and I'm very impressed with what they are going to build and aesthetically it will look very nice out there in that area. They answered a lot of the questions when it comes down to the environmental issues. I think if you stop and think about this for a minute a lot of people you know you always us about the mere fact that they are outsourcing work; not only outsourcing out of the State of California, but the other States; not only are they outsourcing work to other countries, but you know what manufacturing plants have closed down throughout the whole United States and you know when the elections were going on and they talked about Iowa and the many manufacturing jobs that they lost there, that was pretty disappointing and to stop and think today and we look at an opportunity here, we're going to have an opportunity to bring in a major business, this might be and somebody used this term, priming the pump to get other businesses to come into the City of Moreno Valley as well. You know this City stands on people, pride and progress. I think I remember that since I moved here in 1987. I ultimately watched a lot of people vacate and leave this City and go down to Temecula or they thought it was brighter on the other side out in Rancho Cucamonga but I stayed here in this City because I do believe in the people, pride an the progress that we can make. Thank you.

CHAIR DE JONG – Oscar Valdepina following Francisco Sanchez

SPEAKER VALDEPINA – Good evening Commissioners; Oscar Val Pena, Executive Director, Moreno Valley Chamber, 22500 Town Circle, 2090 Moreno Valley and resident 98292 Tamarpais Place, Moreno Valley. Moreno Valley was the sixth fastest City growing in the nation just not too long ago; about two years ago. Moreno Valley had many goals and aspirations as we grew. Moreno Valley had a lot of success stories and has a lot off success stories. We had a lot of businesses that were number one in their chains; in the industry; in the country. When stores opened up in Moreno Valley people were either hesitant to either support or see what they can do. When stores opened up in Moreno Valley, not

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only did it bring jobs, but they hit national sales and goals that no other company did in the country. Now is the time when we are falling behind in the economy; what's happening in our community, we see the businesses closing; we see what's happening in our local community. We see people leaving out to go find those jobs. This is the time when we need to support this. We need to make sure that this zoning plan is changed. We need to make sure that this project comes to life. We need to make sure that not only the jobs that are going to be at this site that they will bring, but we need to think about the jobs outside of there. We need to think about Joe the plumber; Mary the maid and Tom the taxpayer. We need to think about the parents that will stay closer to their kids for the schools. We need to think about that it's a known fact that if you're not working in the community you live in, you will buy your gas, you will eat your lunch and you will shop where you work and we cannot grow and we cannot provide those services that everybody calls the Chamber for; why don't we get this; why can't we have that. This is why; because we don't have a project like this that will help us go to the next level. We need it. It's more than the jobs here; yes it will provide the jobs there, but it's going to provide a great community; it's going to provide a resource; it's going to provide a future. Like I said, I am resident and I have twin boys and I love this City. This City has been great. We have been through its ups and downs. We have wonderful people here and we have people out in this business industry that need to survive and this is going to help them and they give back, so please think about more than just the project; what the positive impact this is going to do to our community; to our businesses. They are going to benefit; Sketchers is going to benefit; the City of Moreno Valley is going to benefit. This is a young City but we can be a rich City, more than money, but a value to others as well. When people go and they see where the Sketchers project is; where their corporation is... When you're in New York, you're going to see Moreno Valley on the map. When you're in Paris and they'e talking in their Corporate Headquarters, let's fly to Moreno Valley. Let's go talk about and see what's happening there; let's go eat out; let's go have our meetings; let's support the community that support us. We need to support them, so please this zoning change needs to happen. This project is beneficial for everyone, not just their employees, but to the whole community. Thank you.

CHAIR DE JONG – Thank you... Francisco Sanchez followed by Donni Borchard...

SPEAKER SANCHEZ – Okay, Buenos noches; Good evening Commission, my name is Francisco Sanchez, 25387 Renoir Avenue and I am a proud resident of Moreno Valley. We hear it all over the news; internationally; nationally and I hear it everyday locally at my worksite that we are in economical crisis and we need jobs. I work for an agency that helps people with job training and placement; that is when there is money for training and when there are jobs to place them in. It's heartbreaking to see so many people coming into our office with a dream of finding a job so that they can feed their family, but there are not enough jobs. I encourage them and tell the job seekers that it will get better and that jobs are

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coming our way, but all they do is respond that's great but my children need to eat something besides promises of a job. These are Moreno Valley families; the working class and we need jobs. I'm here tonight to emphasize the need of jobs here in our wonderful City of Moreno Valley. Less jobs mean more crime. It's a no-brainer. A couple of months ago my home was burglarized. My family and I were victims of a crime. It's not the value of the stolen property that matters it's the violation of our privacy; it's my children's lost innocence. I constantly have to reassure my children that the bad people will not come again because now we have invested in a guard dog; we have system and we have a glock pistol. Last I checked our City model that was not where crime soars. Wouldn't it be nice if we could have local jobs to reduce the number of residents that commute? It would be nice to have parents work locally so we could spend more quality time with our children; attend school functions and be actively in their education. Parental involvement in the educational system has been proven to reduce juvenile delinquency; that's another reason that we need local jobs. Let's take our City back and make it a prosperous City that it was meant to be with jobs and quality of life for every resident; even the working class. Let's make Moreno Valley our home; the place where dreams soar. Let's support this project. Thank you.

CHAIR DE JONG – Thank you... Donni Borchard followed by Melody Lardner...

SPEAKER BORCHARD – Good evening, my name is Donni Borchard. I live at 13780 Roderick Drive in Moreno Valley. I live on the far end east side of Moreno Valley not too far from where the warehouses are to be built. I have several concerns about this project, but my most concern is the fact that the trucks are going to be coming through my neighborhood. I know that you say that they are not going too, but we see it going on every single day now as it is. The City has failed to put up speed limit signs in my neighborhood. You have failed to put in road blocks. You have failed to put in speed bumps. All I am going to see is more and more and traffic and trash and the environmental impact on this project in my neighborhood will be detrimental. The 24 hour proposal to build is going to have a direct impact on my quietness at night and it's just not working. I think that there are other places where that this project could be put and maybe they need to be explored. I do believe this City needs jobs, but not where you are going to put this. It's just not the right place for it. Thank you.

CHAIR DE JONG – Thank you... Melody Lardner followed by Meli Van Natta

SPEAKER LARDNER – My name is Melody Lardner. I live at 28201 War Admiral Street in Moreno Valley. My biggest concern with this project is the truck traffic and the lack of improvements to Highway 60. Cal Trans is always way behind the eightball as we know. This project in the EIR said it will generate 15,339 trips; that are not all trucks but its cars and trucks just from this project alone and of those trucks, 330 of those trucks would be going eastbound through the badlands, which we also know is badly in need of improvements. My concern is the on-ramps and off-ramps at Theodore and Redlands. I heard that

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they proposed maybe something stopping the trucks getting through on Eucalyptus from Redlands, but that's not a for sure thing and I worry that the trucks will get off, see that barrier and then they'll go wondering through the neighborhoods trying to figure out how to get to Sketchers. Maybe the developer should have to help Cal Trans with these improvements. We know the State is in trouble and I worry when that will come because even Nason and Moreno Beach aren't going to be improved until at least 2011; it could be a lot further into the future. The EIR explained away the traffic saying that Cal Trans monitors the situation and deals with it but we know with the State budget crisis that might be a long ways off. I'm also concerned that they didn't analyze trucks perhaps using San Timateo Canyon. I've seen trucks do it when there are problems with traffic on Highway 60. Some of the things they mentioned; putting solar on the roof of the building. It was only enough to generate for righting the offices. I'd like to see them go full blown solar and run the whole operation and contribute some electricity back to the grid. The utility companies are under pressure to go more green. Let's have them go completely green and contribute some power back to the grid. The job statistics I keep hearing thrown around. I read the EIR and the response to comments said this project would create 1,986 jobs, but 1,000 people currently work in Ontario. In this economy I don't think they'll quit and just not commute. I think they'll commute over here. Under the current General Plan the EIR said they'll be 4,250 jobs created. The landscaping; they said they were going to put some openings along the freeway. I'm not sure why I'd rather see more landscaping to help mitigate the pollution. I'd like see watering the landscaping used recycled water. I don't know whether they are going to do that, that wasn't clear to me and I'm concerned the ponds will create evaporation of water and create impacts to the downstream Mystic Lake. Thank you.

CHAIR DE JONG – Thank you... Meli Van Natta followed by Steven Crews...

SPEAKER VAN NATTA – Commissioners, my name is Meli Van Natta, Rancho Belago Realty. I live at 12099 Franklin Street here in Moreno Valley and I speak in support of this project and I'm not going to go back through all of the statistics and all of the reasons why we all know that jobs are great to have in town. I just want to talk to you about what I know about and that is in the real estate business, which has been my career for 30 years and I've sold property here in Moreno Valley for about the last 20 years. When people first started coming and when first started bringing clients out and selling them property in Moreno Valley it was basically because it was the cheapest place to live and it usually wasn't the first choice. They wanted to live somewhere else and ended up in Moreno Valley because they could afford it Now I'm finding more and more people moving to Moreno Valley because they have friends and relatives here because they like the lifestyle, because they find it an attractive place to live, but more often than not, the people who are buying homes are working outside of the City and one of the things that I hear over and over again is well I know that we are going to have to commute for now, but Moreno Valley is growing and we're hoping that sooner or later they'll be jobs that we can work at here in Moreno

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Valley so that we don't have to commute and that becomes the biggest lifestyle improvement that we can do for our residents and that is to provide jobs for them locally to where they don't have to commute. The other thing that I wanted to mention was there has been a lot of scare talk about all the pollution and we're going to end up looking like Mira Loma and all the problems that they have with air quality there and so forth and I just want to debunk that a little bit. I lived in Mira Loma for about five years back in the 80's. The air quality was poor then even before warehouses were moved in and it was because of the topography of the area there. We have a different topography. We have nice breezes come through in the afternoons and so forth and we're not going to turn into another Mira Loma and I'm not too concerned about whether or not this is opening a Pandora's Box and this is going to bring more warehouses and distribution centers. If it does I say bring them on. I'm not concerned about what they are going to look like because I know that we have a hard working Planning Commission that's going to make sure that any other projects that are approved for the area will be attractive projects that will benefit the community and what benefits the east side of Moreno Valley will benefit all of Moreno Valley, so I urge you to go ahead and approve this project. Thank you.

CHAIR DE JONG – Thank you... Steven Crews followed by Joanne Stephen...

SPEAKER CREWS – My name is Steven Crews. I live at 14828 Stephenson Street in District 3. I'm directly affected by this proposal. I live in what would have been known as the land of lakes and ranches and will not be any longer. I respect that an individual sat at this dais as a councilman who once said that we really don't care whether or not what is developed, all we care about is good development and however just merely because a development is beautiful does not mean that's appropriate for the citizens of that area. May I make analogy? A goose honks like a duck, smells like a duck and defecates like a duck and a duck is a duck, is a duck. It is about the trucks stupid. It is about their smell. It is about their pollution and it is about their noise and for those of us who live in eastern Moreno Valley, this is of great concern to us. There was a lady who was here. Here letter will be read to you recently, but I remind you that this project has flunked the EIR and let me quote to you the American Lung Association already has given the Riverside area an F grade in its state of the air report. An Association official wrote that the County cannot afford more pollution and meet Federal air quality standards. The issue of how much business these new warehouses would bring to the community is clearly overshadowed by the health costs which would arise from this heavy source of pollution; the Association's Paula Gonzales wrote in a letter included in the report. There are other concerns of mine I'll read from something that I sent to the City Council... time is running out. The traffic congestion should be apparently obvious to anyone especially the dangerous interplay between autos and trucks. Access and egress on Theodore and Redlands where crumbling freeway ramps are not expected to be modernized and even Moreno Beach which has its own traffic concerns as motorists gravitate to that route for relief will be difficult. Furthermore Moreno

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Beach and Iris will become corridors for truck traffic seeking relief. I'm running out of time, but I just wanted to say to you here is a map of the current General Plan with residences, parks, development for business. This was to have been Mission Viejo East. There is the new development. Here is Easter Market with nothing but land devoted for warehousing all around it. The people in that area of the City will have nothing but warehouses and they were expecting to have open space and a very grand plan for the development of their community where they live.

CHAIR DE JONG – Joanne Stephan followed by Jack Shierner...

SPEAKER STEPHAN – Hello Commissioners and Staff, my name is Joanne Stephan and I have lived here for 25 years. I moved here when we were an unincorporated area and we became a City and then we were a bedroom community. There were no jobs here, so people had to commute back and forth to work and I'm hoping that we become a regional global hub. When I came here tonight I was given a t-shirt. I was given this flyer which I don't know who or what these people belong to, but I actually didn't know whether I'd be for or against the project. I am for it. I've seen a lot of changes in the City since I've been here. I still see a lot of changes. I just went down Cactus the other day to Wisteria. I saw warehouses there that were built empty and I couldn't imagine why anybody would build something without having a tenant there. I did ask Mr. Benzeevi; the tenant that he does have has signed on for 15 years. I think that as a business man like they say he is in business and I think him getting to go on for 15 years, I commend him for that because I've seen too many building that are vacant here in the City. I've listened to a lot of the proponents on this. I've recorded four that are against and one that is iffy and the rest seem to be all for the project. We've got over 500 people seated in the next room that are for the project, so I think it's a no-brainer, I really do and I know I have children and grandchildren in the community. I have a son right now that is going into an apprenticeship program and has to go all the way to Anaheim for it because there isn't any out here. I own homes in Orange County. I was almost going to move back to Orange County because there is really nothing out here. When I moved out here I did have a lot of big aspirations. I live at 23311 Western Ridge Ranch. I live on a half acre. I have a beautiful home but I'm willing to go back to a home that I own in Anaheim and I hope that you guys will have the foresight that Anaheim did years ago in the 50's when they almost lost one of their biggest investments to Santa Ana, so I hope you guys up there think about this because it's a beautiful building. I think it will really attract other people to come here and give jobs for our children, because like some of the people have said, some of our kids... I have five boys; some have gone on to College and some haven't and I'm hoping that maybe that the one that didn't will be afforded an opportunity to maybe to get training or maybe even get an apprenticeship program or something you know. That's up to Sketchers, but I think the zoning should be approved for this project. Thank you.

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CHAIR DE JONG – Thank you... Jack Shierner followed by Debra Coggins-Ortiz...

SPEAKER SHIERNER – Hello, my name is Jack Shierner. I live at 11780 Steeplechase Drive. I have been a citizen in this community now in my 19th year... a business owner in this town for over 7 years; former Executive Chairman of Boy Scouts in the Moreno Valley area and current President of the Moreno Valley Hispanic Chamber of Commerce. Honorable Planning Commissioner members I'd like to thank you for spending in giving the voice to the people. Our job as Chamber Presidents, both me and Oscar and our Past Presidents who have spent many hours in looking over this proposal celebrate the wisdom of what we're about ready to vote on. It's not very often that you have this level of willing investment into this community and we celebrate the idea of further growth along these lines will truly benefit Moreno Valley and turn it into the gem that many City Council's past have promised. Several Presidents, along with me who have spent many hours reviewing this program; these plans that are up for vote tonight and in our interest; in businesses interest, we wholly endorse them. Thank you for your time.

CHAIR DE JONG – Debra Coggins-Ortiz followed by Lucy Starr...

SPEAKER COGGINS-ORTIZ – Good evening my name is Debra Coggins-Ortiz; 29060 Juniper Avenue. I live actually walking distance from the proposed project. My family and I have lived in Moreno Valley since 1984. We moved out to the east end to enjoy the scenic rural community. We are not rich. I grew up poor, okay. I resent the fact that we were not notified of this project and that I had to find out by a flyer on my mailbox the night before last. My front property span is 300 feet. I did not get notified and I would have appreciated the time to review the project more thoroughly, however the information that I did obtain was easily obtainable online through research through the Press-Enterprise, stories on Sketchers that have been done here and from the California Air Resource Board and also from your General Plan; our General Plan that was approved and you are trying to now change. According to the California Air Resources Board, quote, fine particulate matter in diesel exhaust can bypass the body's natural defenses penetrating deep into the lungs where it may cause or exacerbate respiratory and cardiovascular illnesses and even premature death. California has identified diesel pm as a toxic air contaminant and estimates 70 percent of the cancer is from the air we breathe is attributable to diesel pm fuel. The ARB estimates that diesel pollution from trucks alone was responsible for 4,500 premature deaths in California in 2005. When combined with estimates for hospitalizations, asthmas attacks, missed work and school days from exposure to particulate matter and smog, the total economic cost to Californians in 2005 is estimated at 40 million dollars, one reason Sketchers should not be at that location. I am not opposed to jobs. Yes we need jobs. My husband has a contractor's license. Yes he travels out of town to work but that is not the right location for it. It should not be around residential homes. According to the

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General Plan, scenic resources.... You have shown this area right here. Okay the view from the 60 freeway; the scenic resources have value. You are taking away that value by putting that there and I have so much more to say but my time is up. I would appreciate if there is way that people can contact me, so we can organize to fight this because we will fight this. Thank you.

CHAIR DE JONG – Lucy Starr followed by George Hague...

SPEAKER STARR – Hi, good evening, this is Lucy Starr and I live on Shasta; 12321 Shasta Place in Moreno Valley on the north side. I like the proposal. I think it's really good. We need jobs and we need them now. We have kids and they are traveling far to get to work and it is too much for them, so please I ask the Planning Commission to please say yes to this Sketchers company. Thank you.

CHAIR DE JONG – George Hague followed by Gordon Tucker

SPEAKER HAGUE – George Hague, 26711 Ironwood Avenue here in Moreno Valley speaking on behalf of the Sierra Club and the Community Alliance for Riverside's Economy and Environment. I've actually been an AFLCL member longer than I have been a Sierra Club Member. This meeting should be continued to a second meeting so both the public and yourselves can do justice to the 2,000 plus pages; 1,200 of those have come since December 19th. The developer has shown us his pretty pictures; however he has to give an overriding consideration for aesthetics. That means he is making the City uglier and you have do an overriding consideration on that fact. You must vote overriding considerations on air quality. That means it is going to produce bad air for us; all of the warehouse workers and this is what the supporters need to realize. All of the warehouses will be subjected to significant health problems for the thousands of daily truck trips; one every 40 seconds in every 24 hours. The massive area where the workers labor is not air conditioned or filtered, thus they must continually breathe in the toxic diesel pollutions we just heard about which will eventually affect most with health problems. They will have more than 100 open bays pulling that stuff into the workers. There are two other projects that are adjacent to this one which will add 3 million more square feet of warehousing and logistics centers. If you approve this project you are in reality are probably approving all three for a total of 5 million. The Sierra Club and CAREE do not believe the cumulative growth inducing impacts have been thoroughly analyzed with the environmental impacts to our community. The logistics modified General Plan proposed by the developer; this concept is something that must be incorporated into this document that is now before you. Just saying the developer has not submitted paperwork for this does not justify not having this foreseeable project information prior to your vote. Noise; another one that has to be overridden is substantially increased and you are telling hundreds if not thousands of residents to grin and bear it so you can improve this unhealthy project. State Route 60 through Moreno Valley has few trucks compared to

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Interstate 10. This project in its growth inducing impacts will change our commuter freeway into one that makes those who close to it suffer significant noise and pollution impacts from this all noisy polluting diesel trucks. This raises a question as to where the environmental justice analysis is in this document. It is totally lacking and needs to be before you prior to a vote. Traffic; another issue that has not been resolved prior to your vote. The developer does not factor in and in fact he totally kept if off of his pictures that there are 6,000 homes already approved on the Moreno Highlands project and 20,000 jobs. The final EIR states that there are two lanes that allow you to continue west from 60 to the 215. In reality State Route 60 has one lane; the one to the far left that allows you to continue west while the other lane forces drivers to exist Central Avenue. Until the traffic analysis deals with this issue, you cannot vote to certify the EIR because it's inadequate. You must realize that while 2,200 diesel truck trips may not sound overwhelming, they represent 1 every 40 seconds for 24 hours every day. If the two adjacent ones are approved then you are looking at 1 every 10 to 15 seconds; every truck; every 10 to 15 seconds. Anyway I hope you read the other materials I gave you prior to your vote. They will add to your understanding of the people who are impacted by these projects. Thank you very much.

CHAIR DE JONG – Thank you...Gordon Tucker followed by Joe Zmudosky

SPEAKER TUCKER – Good evening and thank you for letting me speak again. I've heard a lot about green this evening and how this project is going green and I'd like to draw your attention to this picture. This is called green. In the EIR this was supposed to be taken care of in accordance with California laws, the Federal laws local laws, however as found also in the EIR, this substance you see on the ground was merely plowed under the soil; not a good way to start a relationship with the community. Another thing Mr. Benzeevi talks about it's not the size of the building, it's the quality. Well someone mentioned our new President not too long ago; well I'd like to quote him too; if you put lipstick on a pig, it's still a pig. Further more we heard a lot about children this evening. I want to stop and think about children; not just our children, but how about the children around the world; the ones that Sketchers employs for less than 50 cents a day in third world countries. Do we really want them here? Secondly, I want to say something that is really important to think about. This City when it was first built had a General Plan that said that warehouses are not very good for our community. They occupy large spaces of land and they employ very little people. Now we've got one we want to build here that is equal to basically little more than 30 fifty square foot businesses. I wonder how many 30 fifty square foot businesses could employ over Sketchers. Sketchers have 2,114 employees nationwide. You are telling me closing five warehouses in Ontario who are one given time have 120 employees is somehow going to increase their employment needs to 2,150. Someone is pulling over the wool over everybody's eyes around here and this City needs to wake up. Thank you.

CHAIR DE JONG – Joe Zmudosky followed Suzanne Potter

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SPEAKER ZMUDOSKY – Good evening, my name is Joe Zmudosky, 28131 Bethany Circle, Moreno Valley. As you asked not to repeat everything that has been said tonight, the project at Highland Fairview as presented here tonight is one of a kind and I've been behind the project since the last several months and I think the Commission here should look at it on the basis of what it is going to bring to this City. We talk about jobs; we talk about pollution and we talk about all these other things that these trucks are going to bring in. If you listen to some of these proponents, just one iota to think about; 40,000 trucks; if you put them end to end, it is 862 miles end to end. There is no way you could pass that many trucks through here in a day; a week; a year. Iddo has come up with a pretty sizable project here that needs you as Commissioners to look at and understand the value that is going to bring to this City and the value is (a) jobs, tax base and money to the General Fund and a couple of million dollars that it is going to put into the school budget because we're not going to get anything from Sacramento or Washington and the scope of the project is massive. It's going to bring other corporate businesses to the City and I think you should look at it, talk amongst yourselves and give it the thumbs up because this is as our City motto goes, you know where dreams soar and you guys have an opportunity to put Moreno Valley a little bit higher up on the map than we've been in the past and I appreciate your time. Thank you.

CHAIR DE JONG – Suzanne Potter followed by James Hutchinson

SPEAKER POTTER – Good evening members of the Planning Commission. My name is Suzanne Potter-Smodowski. I live at 28131 Bethany Circle in Moreno Valley. As citizens I believe it is our responsibility to look at the big picture rather than our own personal concerns. Now I realize the big picture is different depending on your perception. I believe we can either look at things as the glass half full as somebody who is saying that this would be another Mira Loma or a Pandora's Box or you can look at it as the glass half full by saying this is priming the pump, this is start of world class City, this is another Irvine. The choice is really ours and how you view it, but the reality in the big picture is that we have warehouses around here and if we look to every side of us we have warehouse and distribution centers but they are not in Moreno Valley, so we can either be in the driver's seat and be the ones to mitigate and control the impact; the negative impact that such a project might consider and then on the other hand reap the financial benefits or we can just feel the impact and reap no benefits if it's not here in Moreno Valley. As an educator I support the change in the General Plan for two reasons. First it brings a favorable and measurable financial impact to our school system. Second it means this project in it's vision means more time for families to spend with their children and to be involved in their education and you've heard that this a very important factor in a child's education. Now that might be time is immeasurable but it's not just immeasurable, that's priceless. Thank you.

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CHAIR DE JONG – James Hutchinson followed by Steve Clute. Is Steve Clute ready to go after this? Are you Steve Clute... is James Hutchinson here?

SPEAKER CLUTE – Thank you Mr. Chairman, members and for all your time and consideration tonight. I'm at 600 Central, Riverside. I'm Business Director for Electrical Workers IBW and NECO, National Electrical Contractors. Bob Frost is our Business Manager and I have a history in Moreno Valley. I was married in Sunnymead in 1977. My mother in law lives here. I used to fly in the Navy; I'd come into March Air Force Base when we couldn't find the ship and later I had the privilege to serve the area in the Assembly and I remember I think it was right about the time; the year of incorporation; yeah '84, so '83, '84, '85 was right at that time when of course the housing was really taking off and good and rightfully so and you could see back then the beginnings of the imbalance of housing to jobs and I think to have a project like this that we certainly strongly support means a lot to try help even that kind of balance and I know you and City leader have been dealing with that for years and have done some good things to address that, but here is I think an outstanding project to help address that. I commute on the 60 or go through it at least several times a week. I've stayed somewhat current with the area and I appreciate the potential also in renewable energy, which we think is huge, and particularly could be with this project and could possibly have positive benefits for rate payers in this area. We think it's the right project at the right time. I appreciate all your consideration tonight. Thank you very much.

CHAIR DE JONG – Thank you... Patricia Gonzalez followed by Derek Stephens

SPEAKER MERRILL FOR PATRICIA CONZALEZ – Hi, I was asked to read Patricia Gonzalez's letter because she had to leave. Is that okay?

CHAIR DE JONG – That's fine

SPEAKER MERRILL – My name is Laura Merrill and I live in Moreno Valley at 28115 Gerald Lane. Patricia Gonzalez's letter reads as follows: Dear Commissioners; the American Lung Association is very concerned about adding a major air pollution source from thousands of heavy duty trucks to a community that may already be burdened by multiple sources of pollution and subsequently suffer from multiple health problems. Additionally it is important to note that pollution from East Moreno Valley can easily spread to other parts of the polluted County of Riverside. The connection between pollution and negative health effects impacts from heavy duty diesel trucks has been documented in numerous research studies. Recent studies from USC Medical Schools indicate that pollution from trucks and cars have stunted lung development in children in nearby Mira Loma, never to be regained and can even be reasonable for actually causing asthma and aggravating asthma. According to the American Lung Association's State of the Air Report, Riverside received an F grade for having a very high number of days with unhealthy air pollution both for smog and soot.

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According to the same report in Riverside County, currently over 160,000 people suffer from asthma; almost 25,000 from emphysema and over 60,000 from chronic bronchitis. Additionally, approximately 458,324 residents suffer from heart disease. Riverside County cannot afford more air pollution in terms of meeting health based Federal air quality standards for both ozone and particle pollution especially since the standards are now more stringent than before. There are remedies that the new warehouses can adopt... buffer zones and cleaner trucks, either retrofitted with particular pollution filters or new trucks. The issue of how much businesses these new warehouses would bring to the community is clearly overshadowed by the health costs which would rise from this heavy source of pollution and Ms. Gonzalez is writing on behalf of the American Lung Association of California. Thank you.

CHAIR DE JONG – Derek Stephens followed by Dr. Regina Brockmueller

SPEAKER STEPHENS – Good evening, my name is Derek Stephens. I live at 11370 Moreno Beach Drive and I'd like to say that I support this project and as a future college graduate I'd like to see Moreno Valley for once bring some real jobs into the City. For years and years I've seen the same old Wal Mart, Target, Stater Bros., Mac Donald's jobs in here every single year and for once I think we have the opportunity to bring some credible jobs into the City and I think it is something that Moreno Valley really should do and it will provide such benefit to our City and I only hope that we support this project. Thank you.

CHAIR DE JONG – Dr Regina Brockmueller followed by Duncan Bush

SPEAKER BROCKMUELLER – Good evening wonderful Planning Commission and all of our audience; citizen's of Moreno Valley. I've been a resident here for 23 plus years and I really am in favor of this distribution center being brought forth to do a lot of various things that it can create for our City. We need to have a change; we need to see change and we need to give our citizen's hope. Moreno Valley can no longer afford to have status quo. We have a township of over 180,000 plus population. We are no longer a bedroom community. We need to welcome change, create jobs for our citizen's and their children and not just minimum wage jobs. As an educator this project represents dollars to our school. I think that someone has mentioned 1.2 million and it also creates time. So many parents I see commuting to jobs outside our own townships; Orange County, Los Angeles; San Bernadino; Riverside and we're not even able to support our own business communities here. We have watched a massive amount of businesses close up unnecessarily because the parents are commuting. With that being said as an educator, I'm expected to teach these children so much and give them assignments and homework and I do this diligently and watch the parents come home late at night after a long commute that was not necessary if we're allowed to create more jobs that are higher paid and well established jobs. I've watched this City go through five transitions of watching our home values plummet. We've watched our values go down, some

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of our investments go down and I think that if we take this job and this distribution center and put it forth that we will see that it is the start of something new; the start of change and a creation of hope for our members in society. Thank you.

CHAIR DE JONG – Duncan Bush followed by Patricia Korzec

SPEAKER BUSH – Thank you for the opportunity. My name is Duncan Bush. I live at 29307 Highland Boulevard. It's within a two mile radius of the outline that the presenter showed us earlier. I live between the badlands and the dump, so if anybody knows where that is. I'm not rich. I still work. I'm well beyond the age of retirement. I do live out in that area. I do like it out there. I've been an appraiser. I've topped sugar beets. I'm a licensed general contractor; real estate agent; a lot of different jobs in order to be able to keep a job. I've been in the community well over 20 years. I remember quite a few years ago there was a new warehouse built I think five or eight hundred thousand square feet. It was touted to bring jobs here; manufacturing jobs for intra-manufacturing jobs down near Perris Boulevard; I it think it was BHF or something like that I can't remember the name... PDF; anyway it never opened. They built the warehouse and it never opened up. There are no guarantees that we are going to have jobs if this opens up. To me the big question is not jobs; it is this project in the right location? We just went through about 8 to 10 years of a General Plan and Zoning Change out in the east end. Throughout the entire community the east end particularly got an awful lot of attention. Highland Fairview was part of that. They were definitely against warehousing out there. Part of the biggest problem with warehousing at that end; if you follow the step which is the State Transportation Improvement Program, there are no provisions to widen the 60 Freeway through Moreno Valley. On the 215 down where we have several million square feet of warehousing that's just recently been built in Moreno Valley they are planning on widening the 215. They have wider overpasses and better transportation facilities to put warehousing down in that direction. That's where the City chose to put it; that's where they should put it. The other issues are the bridges. I go over Theodore every day; that's my commute to and from work; down the 60 freeway. If you go over Theodore bridge and you take a look at the bridge, it's just torn up dramatically because you get several hundred or thousand trucks comes through there every single day over that bridge to that dump. Half the railing on that bridge is gone. The on and off ramps not only on that intersection but also on Redlands Boulevard are trashed and they are going to put all this trucking on Theodore. I would like you to vote against this project. I think it's a beautiful project. It's an appraisal. It's a misplaced improvement. It's not the highest and best use for the location. Thank you.

CHAIR DE JONG – Thank you... Patricia Korzec followed by James Hutchinson

SPEAKER KORZEC – Hello I'm Patricia Korzec. I live at 27439 Laurel Court in Moreno Valley. I live and work in the City. I truly believe this is a visionary project for a City that needs some vision in very bad times. It's so well designed;

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the architecture is exquisite. I believe it will be one of the finest buildings in the City. The fact that it will be a LEAD certified building shows the proper use of environmental materials. I think that it's a time when the City needs to look at this and we need to reap the benefits of the potential 1.4 million in tax revenues and 157 million in annual other types of revenues affiliated with this. It's important for us to have this project here and not have it move down the freeway to another City which we would reap none of these tax benefits and the traffic would still come through and go up the freeway, so I really ask you to vote in favor of this and I really think it's an important project for us in a very troubling time. Thank you.

CHAIR DE JONG – Thank you... James Hutchinson... Is James Hutchinson here? Okay, Diana Kurr and I am only calling one name because we are almost at 10:30, which is the end of our tape.

SPEAKER KURR – Thank you for hearing me. My name is Diana Kurr and I'm a resident of Moreno Valley at 14885 San Jacinto Drive. I live within the radius that we are speaking about within this plant. I just basically have the major objection that has just been spoken by another person so I'll say it briefly. I think that the precedent for changing this plan and moving to this location is a silly thing to do when we already have a plan that you've spent a long time developing. When I first moved here I was very pleased and felt secure that the plan was a place where I wanted to be and now I feel a little bit concerned that this might go out from underneath me and not be the one that I had hoped it would be. I think there is a tremendous amount of naiveté tonight that this one project is just going to change everything that needs to be changed in the world; the jobs will be wonderful; everything is going to be just wonderful as a result of this one plant. Coming down to a very personal level and I know a lot of other people spoke about the big picture but I sat there as I watched the presentation and I thought to myself on a personal level I don't even exit at Nason anymore. It's just totally impossible. Occasionally I go down Moreno Beach, but generally I go down Redlands and if you take Redlands away from me I don't know how I plan to get home because that's going to be really congested. I've looked at that beautiful lush landscaping and that I remember just recently I was given a notice from the water company that my tiered things were go into effect because I needed to be very conservative with my water and that the prices and everything were going up and that we were in an water crisis and I looked at that forest around that beautiful building and I think oh my gosh, that looks like a really poor use of water. You're talking about dropping property values. I personally think that my property value will be of less value if I have to tell people oh yes there is a warehouse right down the street, but the big precedent; the problem for me is the precedent that once anything is modified you leave the door open so that every other person that comes in here, the precedent has been set and that whole entire area I fear will be turned into warehouses. The one warehouse sounds pretty sound pretty innocuous but I think when that whole area turns into

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warehouses we would have a serious problem in that end of town and I ask you to seriously consider your decision tonight against the warehouse. Thank you.

CHAIR DE JONG – Thank you... As I noted at the beginning of the meeting we need to take a break at this point to at least to change the tape and then we are going to discuss what we are going to do further, so are we going to do that after; how does that work?

PLANNING OFFICIAL TERELL – I suggest that you might want to have a discussion now before you break. You've got a few minutes to do that.

CHAIR DE JONG – We have 15 Speaker Slips left.

COMMISSIONER GELLER - I'd like to finish tonight. I don't want to have to drag everyone back and I don't it's fair to even the residents. They're here; they're waiting; let them speak and let's get it done.

CHAIR DE JONG – Do we have more Speaker Slips?

PLANNING OFFICIAL TERELL – My understanding is there are more Speaker Slips from people in the other building than you have in front of you.

CHAIR DE JONG – Let's bring them on. What's the rest think?

VICE CHAIR MERKT – There is a lot more to cover and I think that we're all going to get exhausted and we're going to drag these people out till after midnight... well after midnight if we keep going and I think that we should stick with what we thought about last time which is simply we go to 11 o'clock and adjourn this and then come back; continue it because it's just you know... it would give people more time to look at it because that's been a common complaint that they haven't enough time to review it and it will give them more time to review and it will give us a change to review even further and review the material that's been given to us by several people. I just see many, many benefits by calling it at a reasonable hour and not keeping people out in the middle of the night over this. There is no need to rush this. It doesn't deserve that.

CHAIR DE JONG – Can you give us an estimation of how many other slips there are?

PLANNING OFFICIAL TERELL – My understanding is I think I gave you about 20 and there is another 20 beyond that.

CHAIR DE JONG – So that's another two hours minimum?

PLANNING OFFICIAL TERELL – Potentially yes...

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VICE CHAIR MERKT – Too late

COMMISSIONER MARZOEKI – Way too late

COMMISSIONER DOZIER – Well I would like to get as much done as we can tonight. I got a nap before I came here. I'm good to go. I'd like to really get... It's hard to get people out. I'm happy to see them out and I'm happy they've taken the time to come and express themselves and I think they've already waited 3 ½ hours to speak, so I would like to just continue with this as long as we feel we can go.

PLANNING OFFICIAL TERELL – Just for clarification, I've got a clarification... There were originally more people in the other building but other than the ones that you have, the other people left, so what you have before you; I think it's about 20 is it.

CHAIR DE JONG – So there are no additional Speaker Slips...

PLANNING OFFICIAL TERELL – That's correct

CHAIR DE JONG – Okay so let's... Does that change your opinion?

COMMISSIONER RIECHERS – Yes

COMMISSIONER MARZOEKI – Twenty more is how many?

CHAIR DE JONG – We have 15 here...

VICE CHAIR MERKT - But that doesn't include our questions or comments or nothing else or Commissioner Debate. We can go forever...

COMMISSIONER MARZOEKI – But we can get this portion done

PLANNING OFFICIAL TERELL – Yeah you have two issues. Obviously one is completing the Public Testimony and the other is whether or not you want to have any discussion tonight; that would be a separate decision.

CHAIR DE JONG – Well we can reach another discussion point after we finish the Public Testimony...

COMMISSIONER GELLER – Yeah let's at least finish the Public Testimony and get through that.

CHAIR DE JONG – We'll at least finish that

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COMMISSIONER GELLER – So at least the people don't have to come back unless they really want to.

CHAIR DE JONG – Let's go to break then and allow the tape to be changed and we will continue public discussion when we come back from the break change... 10 minutes, is that appropriate... Thank you, 10 minutes.

(10 MINUTE RECESS)

CHAIR DE JONG – And we're back to our Public Hearing. We are continuing our Public Testimony. I'd like to hear from Rachel Lopez now followed by Terri Hall. Ms Hall if you could would for a minute please; hold on... Let's have a quick discussion amongst ourselves before so we can determine what we're going to at the end of the Speaker Slips here.

VICE CHAIR MERKT – Yes just briefly, we've covered some of possibilities of for what we're going to do with this meeting. As it now looks we'll probably have another hour's worth of public testimony and we felt that as Commissioners that we wanted to review some of the material that had been given to us tonight; perhaps review some of the original material and some of us have early morning operations that we need to do. In addition the public shouldn't have to stay here until 12 or 1 or 2 o'clock, so we thought we'd continue the Public Comments and at the conclusion of the Public Comments we would continue this Hearing to another meeting and then we would hear the rebuttal and subsequent information that meted from these meetings.

CHAIR DE JONG – I think that wraps it up. Does everybody concur?

COMMISSIONER DOZIER – I just wanted to clarify that we would; we've got 15...

COMMISSIONER MARZOEKI – 15 Speaker Slips...

COMMISSIONER DOZIER – 15 Speaker Slips and we're going to get through those and we're going close Public Testimony and that'll be pretty late and the next thing that comes after that is rebuttal by the Applicant and then after that Commissioner Debate. Those are the things that we're going to do during the continuation that we have agreed that would be after we Public Testimony there will not be another opportunity for the Public to give a Speaker Slip.

COMMISSIONER GELLER – Right, but they can submit comments in writing for our next meeting and we'll certainly read them...

CHAIR DE JONG – Right, absolutely...

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COMMISSIONER DOZIER – If you're still away and you had to leave early for whatever and you still want to have your comments read by us before we deliberate, they can be submitted in writing to the City and we will get them and we will read them before we have to enter into Commissioner Debate on the issue.

COMMISSIONER MARZOEKI – And when would that meeting be? I'm just questioning when that would be...

PLANNING OFFICIAL TERELL – Well we've reserved a couple of dates... We do have this room reserved for next Thursday the 15th and that may fit into what you're talking about because it doesn't appear you are asking for any Staff work to be done between now and your next meeting. The other date that we do have reserved is the 29th, but that was in anticipation that you might want some data generated and that doesn't appear to be the case at least from what I've heard. We haven't got that far yet.

COMMISSIONER GELLER – I would like to do it on the 15th

COMMISSIONER MARZOEKI – Yeah the 15th is fine with me

CHAIR DE JONG – I would agree with that. I concur

COMMISSIONER RIECHERS – Yup

VICE CHAIR MERKT – If we're taking a straw poll, yes the 15th sounds fine for me as well

CHAIR DE JONG – Okay, so that's it. Tonight if you want to get your Speaker Slips in tonight; tonight is the last opportunity. Thank you... Rachel Lopez followed by Terri Hall

SPEAKER LOPEZ – Thank and good evening. My name is Rachel Lopez and I do not live in Moreno Valley. I work with the Center for Community Action Environmental Justice in Riverside, but I am a resident of Mira Loma and Mira Loma has been mentioned quite a few times. It is known as the warehouse capitol of the Inland Empire. We're number one in worst fine particulate pollution in the south coast basin according to a recent study in June of 2008 indicating we have the highest levels of particulate pollution; air pollution; pm 10 and also fine particulate pollution. Fine particulate pollution is the worst kind that gets down into the lungs and really causes cancer. It has even been known to cause or create DNA issues. We have children in our community; our children in Mira Loma have the weakest lung capacity of all children in the south coast basin. Inland air pollution not only can steal people's health but as the recent study indicates it also brings a huge financial burden to everybody. The smog the

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shroud Southern California costs the region an estimated 21.6 billion dollars a year in health care expenses, sick days and deaths according to the authors of the study by California State Fullerton's Institute for Economic and Environmental Studies. The total includes 6.3 billion in estimated costs in Riverside and San Bernadino Counties. We pay for loss of life and sickness and for the kids who don't get to school or we pay for the clean up of pollution. There is a price either way. The researchers calculated that that the highest costs were in the Inland area; an average of 1,500 to 1,600 per person particularly in Riverside County because of high levels of fine particulate pollution. Past research has linked such pollution to heart attacks, asthma episodes and increased hospitalizations and death. Using statistical studies that link increased air pollution and increased illness, the estimated health effects that included nearly 900 early deaths in the Inland counties; 785 non-fatal heart attacks and 97,530 missed work days. Many studies have shown that death rates increase along with air pollution. Scientists call those premature deaths. Now I've heard all evening about and I've seen the pictures of this beautiful warehouse. It is beautiful, the landscaping is great, but remember this landscaping is not going to be up right away. The warehouses we have in Mira Loma, we have over 100 of them; over 100 warehouses in our community. Even if they were this beautiful, they would be still causing the air pollution that they are causing now. I want to; the last little piece that I want to do is I want to urge the decision makers here tonight to sit back and take a long hard look at what you are asking these residents of Moreno Valley and the health risk that you are putting them in; the type of health risks that you are asking them to endure. This developer is going to come in, do his development and will not be here to feel any of these impacts. Thank you.

CHAIR DE JONG – Thank you...Terri Hall followed by Susan Siegle

SPEAKER HALL – Good evening. I'm Terri Hall. I live at 29177 Stephens Avenue. I've been a resident of Moreno Valley for 31 years. Prior to that I was born and raised in Pedley which is right next to Mira Loma and I'm very glad to be a speaker right after this woman because I am testimony to the air pollution problems that developed from Mira Loma. Pedley was a wonderful community to be raised in. Air quality was not a problem, but once all the warehouses started to be developed in Mira Loma, my mother in particular developed asthma so bad, we moved her from Pedley finally after living there for 50 plus years to Moreno Valley where the air quality was better. Her asthma disappeared. Her breathing was much better. Now you are bringing the same environment that we escaped from Pedley out here to our community. I love the east end of Moreno Valley; the beautiful vistas that we have out there. I don't want the warehouses and I think the people that think this is going to bring jobs to us; it's not. The people who already work for Sketchers in Ontario; they are the ones that are coming to come and take these jobs. I think it's going to be such a disappointment to them and I really feel bad for them because I realize the necessity for jobs, but this Sketchers is such a bad project and it's not going to be what it is proposed to be. Thank you.

CHAIR DE JONG – Thank you... Susan Siegle followed by Thomas Thornsley

SPEAKER SIEGLE – Good evening. My name is Susan Siegle. I live at 28910 Bay Avenue. I'm within a half mile of the project. I have lived there for 27 years. Terrl is my sister and so of course I've seen the difference in my mother from moving from the pollution up to where we live now. The building is beautiful, but I see a lot of things that need to be watered and I too have been notified by the water district that I need to probably need to pay a higher rate. I do have an acre. I have a huge garden that I do every year, so I know that water is going to be scarce and I planned on removing some of my grass so that I could still water my garden, but my main concern is the pollution. Are 120 jobs worth the life and the health of the people that live in Moreno Valley? How many people that commute are going to get a job there? How many people from Moreno Valley are going to get a job there? If there are so many jobs, why isn't Sketchers here to tell us how many jobs it's going to create? Now I understand it is going to create construction jobs, but then those jobs are going to be gone and we're left with a beautiful warehouse that's still a warehouse and that beautiful one is going to make another one over here and then we're going to have another one over here and it's all going to move into our beautiful east side and yes we have horses. That's why we moved... I don't have a horse but there are horses all around me. I'm not rich. I did not drink champagne New Year's Eve and I find that the gentleman needs work; we all need work, but I just thought that he wasn't very eloquent in describing the people that live out there. We're just normal, everyday, hardworking people; some of us are out of work; some of us have lost our homes, but I don't think this is the answer. What we're bringing is a beautiful building that's going to pollute. I can walk out at 4 in the morning, which is when I get up to get my paper and I actually can see the stars. Is that still going to be the way when we have 1,400 trucks coming in every single day? I'm just really concerned with the health issues and the chance that this is just going to spread and that this whole beautiful area is just going to become on big giant warehouse. Thank you very much.

CHAIR DE JONG – Thank you... Thomas Thornsley followed by I believe its Kenneth Engi...

SPEAKER THORNSLEY – Good evening Commissioners; Thomas Thornsley, 29177 Stevens Street in Moreno Valley. We're within a view's distance of looking up to the project site. I've been involved with City Planning for 18 years. It's been my career. I've done environmental documents, specific plans and been in Mike's position before in other cities, so to see what's coming you before now is nothing new, but after spending 10 years updating your General Plan and only two and half years ago finally finishing it, you are now coming forward and wanting to change this. The City arranged where they wanted land uses to be and I think you need to keep them that way; keep the types of businesses where they need to be. This project obviously needs to go somewhere. From what I've

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read and I spend days reading through the EIR, this needs to be off of a rail spur, so that the volumes of stuff that comes in from the port of Long Beach and LA can come out by train to the site as opposed to all the trucks that will bring it to it, so for location it's not right; for the jobs per square foot is definitely is not right because a warehouse is one of the lowest job generators per square foot of all of the businesses you can have. Your number of about 2,400 jobs; a lot of that is going to be part of the commercial components, so you'll have to look at that. I have no idea what Sketchers will ultimately have when they have their state of the art facility. It probably won't be the same level as it is now. For LEAD certification, the building proposed; they haven't established a standard. They don't tell you that they want to be silver, gold or platinum. If they are silver, which is the bottom, they'll just barely be above the building code standards. If they want to go to gold or platinum, that may be something to talk about. The generation power on there; the responses to my comments; it says right in there that they will not provide any more solar panels on there that what would facilitate the office portion of the building and that anything beyond that was too costly, so they've said it right there, they are not going to go very far on that part of it. There was mention here about the school district. The school abandoned this site for a high school just catty-corner from this site within the last year because of this kind of a project that's in the works in the City and that the City officials are considering. The district doesn't want to have their students which are the sensitive receptors next to this kind of facility. My biggest fear is that the entire area out there which comprises of over 800 acres is going to convert all the way into warehouses as opposed to the residential, which we knew we were getting into when we bought our house. As a Planner I went there and found that out. If you're going to change it out there and you're going to get around to it, we all need to work at coming up with a whole new vision for that whole area so that it's not just one piece at a time until we diminish our way of life. Thank you very much.

CHAIR DE JONG – Thank you... Kenneth Engi followed by David Serrano

SPEAKER ENGI – Good evening, my name is Kenneth Engel and I live at 10680 Harry Keith Drive. I represent a small community of 13 homeowners and we are not incorporated by the City of Moreno Valley, however we do drive through it and hope to be incorporated one day and I'm sure we will be, but I would like to bring up as a point to you all is I represent the future of Moreno Valley. My wife and I moved here three years ago. We bought land here. We built our home here. We are solar. We are off the grid completely. We have family members who moved to Moreno Valley. We have our dearest friends who moved to Moreno Valley; bought property; built homes. Out in the east end we are in 92555, which is now called Rancho Belago. As I recall a year ago we were renamed because we were being touted as the new Beverley Hills. Well I've never seen a warehouse and I've never seen a warehouse of this magnitude anywhere near Beverley Hills, so what direction are you driving this City? We already have an area in the southwest that is designated as being warehouse.

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It's close to the airport; there is railroad nearby; easy access off the freeway and the freeway will take anyone where they want to be. I drive on that 60 freeway everyday. My wife and I both work for the County of Riverside. We are in Social Services. We are not wealthy people. We have worked hard to get where we are and we like where we are. We like the rural community. We loved the equestrian trail. Do I have horses; no; I can't afford them, but my neighbors that do, more power to them. Do they want to be riding through an area of warehouses; no. We have an entire area that is to the east of our property and I don't know how many acres it is; it's been sold and re-sold and re-sold so many times just in the last four years that's it's in incredible. The County of Riverside has recently purchased all of that land. All of that land is now a preserve for the Kangaroo Rats and the Burrowing Owls that everyone was so concerned about some 10 years ago for the east end of the valley and now there is no concern for these animals that are natural to the area and have no other place to go to. We have different groups of individuals; private parties who have gathered together to buy up land in the badlands to preserve that. We have the area around Mystic Lake, which no one will be able to see from the 60 freeway any more because there is going to be a huge warehouse there, with lots of pretty landscape that only the workers who work there will see and how many of those workers will there be and is Sketchers going to be around in five years? How many banks have gone under recently, but we're counting on a nation or a worldwide corporation to provide a handful of jobs, destroy east end valley...

CHAIR DE JONG – Time is up sir

SPEAKER ENGI – Well thank you very much

CHAIR DE JONG – David Serrano followed by William Arsenault

SPEAKER SERRANO – I'm David Serrano and I've lived in Moreno Valley for 34 years; my current address for 30 years. My wife and I are both retired and currently we both drive both the 60 and the canyon route to babysit our grandchildren. We drive that in the morning and then in the afternoon and they are both very dangerous roads because of the number of trucks that are on there and this project is going to add even more trucks to that. It's going to make it more dangerous. My daughter drives that 60 freeway to go to work in Riverside and you know she can't... I don't want her to be driving under those conditions. It would be easier for her to drive from Beaumont than for her to drive on the 10 than to drive the 60. I also wanted to point out that the presentation that was made earlier showed very clearly two lane roads around that property and the 60 is two lanes each way with slow trucks and faster trucks trying to pass those trucks, so that congestion is just going to increase. In the presentation they also conceded that there are many, many small warehouses empty in the Inland Empire. We're just bringing businesses that are in one place; there's no jobs being created, they are just coming from one place to another. They're playing musical chairs. His solution is to build an even bigger warehouse and there is no

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guarantee that that warehouse in a couple of years is going to be sitting empty. He also pointed out that there were three and I don't know where that analysis came from but there are three alternative sites. It's clear that the other two sites on the 215 corridor are better situated. They would not create the congestion. The only reason that site has been chosen is because they own the property. There was no analysis made as to where to situate it, they bought the property and then they decided to built it there and he's not going to build one building, he's going to build two or more, so I think you need to really look at the quality of life in Moreno Valley. I don't apologize for being retired. I don't apologize for having lived here and wanting to keep it the way it is.

CHAIR DE JONG – Thank you... William Arsenault followed by Vivian Galvan

SPEAKER ARSENAULT – Hi my name is William Arsenault. I live at 12020 Fennimore Drive in Moreno Valley; the east side of Moreno Valley. One of the penalties of being one of the last Speakers is that everybody has pretty much covered everything you've got to say, so I'll try to keep it short, but the big issue for me and my family is that we were pretty active in the east side. We've been there for 20 years. People remember maybe the Fun Zone that was going to be built out in Moreno Beach; that was an inappropriate development and fortunately it wasn't done. We can look at Pharaoh's Lost Kingdom and what it's done to Redlands and that area and now we've got another one. We've worked hard to get the General Plan to fit everybody's needs. There was talk about commercial. There was talk about warehousing way back when and we had a lot of input from the east side to find something that everybody could adapt to and everybody could accept and it was agreed that Business Parks would be acceptable. Now the ink is barely dry and here we are talking about... we're not talking about changing a little piece of it; we're not talking about taking one little Business Park out and putting a little biddy warehouse in; we're taking about changing the entire scope of the east side of town. You put in a 1.8 million square foot warehouse; the template is set; it's done, so we can't sit here and say we'll we're only making a five percent or 10 percent change to the General Plan, we all have to be realists and say we're changing the entire scope of that side of the City, so we've got to be very, very careful about this decision. There is a lot of talk about jobs. This isn't about Sketchers in Moreno Valley. I think Sketchers being in Moreno Valley is a great thing. I don't know that anybody is going to fly from Paris to Moreno Valley to visit, but it would be nice to have Sketchers in town, but Sketchers needs to be where the City has already agreed to have commercial distribution facilities and that's over by March Air Force Base in that whole area. That area was designated for it. We've got a great tenant. This City ought to work with the developer; they do it every day to try and find ways to get landowners to sell so you can get a large enough parcel and do whatever it is you've got to do and in the end this is non-scientific, but that the video of the 60 freeway had to have been shot simulation at 2 in the morning. There is just no way... I don't forget red cars; forget red trucks... It has nothing to do with more trucks less... there is no way that that traffic... I came home tonight

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at about 4:30 dead stopped at Pigeon Pass to Heacock. There is no way it's nice, easy, on-ramp/off-ramp. Thank very much. Please do not approve this project.

CHAIR DE JONG – Thank you... Vivian Galvan followed by Kia J. Kerr.

SPEAKER GALVAN – Hi my name is Vivian Galvan and I am Moreno Valley resident. I have been living here now for about 4 years. I wan enticed to come out here by the promise of Rancho Belago. It was supposed to be the beautiful part of Moreno Valley. I came out from the Rancho Cucamonga area. I am a Registered Nurse. I have a Masters in Nursing and in Public Health. I am very, very, extremely concerned about what the pollution will do to our children, the elderly in the community and what the long term implications will be. I think that we're looking at this currently. I know that we are in a financial deficit and I know that we need money and that we need jobs and I know that everybody looks and needs a quick fix, but the money; the revenues that we're going to be acquiring will not, and I repeat will not outlast the long term health benefits and we're talking about bronchitis; somebody talked about moms who have lung problems. Yes it does affect the elderly more. It affects children because under seven years of age, their lungs aren't developed. There are brand new families out there. Everyday I run the trails out there. I take my dogs out for a walk out there just as Maureen, I was out there and I encourage the members here to go out there and drive in the early morning and at nights it's true. I have family that come from the Rancho area to my home so that we can have picnics and do camping out in the backyards. You know we can see the stars. You can really, really see the stars... why; because the pollution is not as great as it is in the inner part of the valley, so we have to think; we have to realize is this really something that really is going to benefit us as community. I know that we need the jobs, but really consider the fact that this may not be the best solution for us and it's not in the proper place. When I bought my home in this area I was promised Rancho Belago; a beautiful community. I have evidence here; a brochure that was given to me about how I going to be able to ride my horse. I was going to be able to run on the trails.

CHAIR DE JONG – Please limit the outbursts from the audience...

SPEAKER GALVAN - I was going to be able to walk at any time of the day or night without problems and now we come before... this is not the Rancho; beautiful, educational and I'm talking beautiful area. It's really; it's sad to me that a lot of other communities don't know how beautiful because that's what I can really tell you, it's a beautiful area. Please do not destroy it. There are kangaroo rats out there. I have seen them. There are rabbits out there. Yesterday we saw coyotes. There is a whole array of different animals and species that still live in that area and I urge you to please save our area. There is an array of different areas where you can put this and this not the right location. Please save my Rancho Belago or Moreno Valley or whatever you want to call it, but

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think of our brochure and think of why we bought there. I didn't just buy my house there. I did my homework and this is what was promised. There was no light industrial zoning. There were no big diesel trucks coming by. I ride my bike to work; I mean... Thank you.

CHAIR DE JONG – Thank you... Kia J. Kerr followed by Jerry Schatz

SPEAKER KERR – Good evening Honorable Chairman and fellow Commissioners. My name is Kia J. Kerr. I live at 13161 Mozart Way, which yes is out on the east end. I work for a nearby jurisdiction and I understand the process for this type of a project and of this; you know a little bit. Generally projects of this size and money once they have made it to this stage are pretty much; they have a high percentage of approval, but I feel as in voting that if you don't voice your opinion, you have no reason to gripe about it later, so I do have some concerns that could possibly be muted if certain conditions were put on this project and future projects going out there. Some of those concerns are of course the traffic, which you guys have heard about. Who is going to be paying for the roads and the repairs of the roads? I don't know if you guys have been out on Redlands Boulevard lately. Basically half the street looks like it's been pummeled covered and that's just going to get worse with heavier trucks, so is the City going to be paying for that; the developer. Is the City able to pay for that if that's the case? Parking and travel of the trucks in residential neighborhoods... it looks like everything is going to come off of Theodore but the only problem is some of those truckers they don't get that message. They'll get off at Redlands thinking that's the shortest route in and see that there is no access or if that bar is there and they still can't get access, they are going to go through those neighborhoods to either turnaround to go back out or they are mandated to sleep a certain amount of time everyday; they might end up in those neighborhoods. Does the City have the ability to pay for the expenses for the extra Police, parking enforcement and the Fire Department that is going to have to go out there? Is the City able to cover all these expenses? You guys have already heard about the actual jobs. I had one gentleman that come in to pull an electrical permit; he said he worked in the Sketchers warehouse over in Ontario and they had 30 people; that was it and like he said, they're planning on shutting down three warehouses down there and those people are going to move over here. They are going to take their experienced people and move them over if they are willing to drive, so there is more traffic coming from other places on that freeway. I'd like to see if there are guarantees of occupancy. I've heard that there is a 15 year lease; that's great. What if something happens? Are we going to see that empty warehouse for years and years to come? Are the funds secured to even build it? We have projects, plan checks done, permits ready and the banks won't fund it. Do they have the funds to actually build this project and the renderings are great, I love them; beautiful. Is there any guarantee that those will be done and how far into the future? Those trees probably look like they are 20 or 30 years old and I don't think they are going to be planting that type of tree right there.

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CHAIR DE JONG – Time is up

SPEAKER KERR – Thank you very much and have a good evening.

CHAIR DE JONG – Thank you... Jerry Schatz followed by James Bryant

SPEAKER SCHATZ – Hi my name is Jerry Schatz and I live 28689 Manzanita Avenue. I too live on the east end of town. I can't give much more information that what the past ten or fifteen people have already told you. Traffic will be a problem. Pollution will be a problem. Those trucks coming down the 60 freeway to the 215 interchange is just going to make a traffic nightmare for Moreno Valley. People that want it now for the jobs, there is no job guarantee like people said. How many of the jobs are actually going to be Moreno Valley residents? Are we not just going to get Sketchers out here with people commuting from Pomona, Ontario up to Moreno Valley causing us more problems and having no jobs for Moreno Valley? That's all I wanted to say... just that all these people have already said it, but I would ask that you vote no for this project. The east end of town has been a designated rural area. It's been kept way. We need to keep it that way. There are plenty of places for this type of development over by March Air Force Base. Thank you.

CHAIR DE JONG – Thank you... James Bryant followed by June Louedy

SPEAKER BRYANT – Okay my name is Jim Bryant. I also live in the east end. We're finally getting up here after on the west end talking all night long. I live 29124 Alessandro; that's south of this project. I've been there for 40 years. I'm not like these new kids been here for 10 and 15 years. I've seen the east end as being a dumping place for everything through the years. Most people don't know about it, but they wanted to put an acid pit out there. That was voted out. That was by the same guy that by made Stringfellow. He learned his mistakes that Stringfellow. They wanted to put a prison out there on the end of Alessandro. They wanted to put a tire burning plant out there on the end of Alessandro and an airport that was going to be right in the corridor where Rionerkak (?) comes through and there is supposed to be crippled aircraft; maybe without radios or whatever and well that one also got all shot down. The reason I'm here again; like they said about traffic congestion. That was a really cute picture that he showed, but then like then he said it was probably about 2 o'clock in the morning. It's always jammed up. You go down any day and talk to Mr. West about it. I said have you every gone to Riverside at 8 o'clock in the morning... ah no... well try it. You get stopped at Day Street and you're stuck. I was going to Court and it took me two hours to get into Riverside. The roads that are there aren't made for heavy traffic. Like the gentleman was saying they're all busting up. Rancho Belago was supposedly in the master plan as acreage and lakes and all kinds of nifty stuff out there like the lady showed you. That's kind of gone down in the deal. About six months ago I was in a deal where they are putting R6 housing in

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that area. R6 six is high. My wife got run over by a truck. She is now permanently disabled. That's why a few more trucks out there would be hitting cars. There is no way we should have that out there. Like I said, it's going ruin the whole rural area out there. Like I said, I've been out there in that particular area for about 35 years and it's been nice. We don't get all the amenities they have in town, but the people like it and we want to be left alone and keep your warehouse out of there and put it back in down by March Air Force Base. Like the other gentleman said, they got railroad spurs; they got the airport; they can get their stuff in, instead of trucking everything up the roads. Thank you.

CHAIR DE JONG – Okay, June Lowedy followed by Don Krasniak

SPEAKER LOWDEY – Good evening. My name is June Lowdey. I live at 25890 Jumano Drive, Moreno Valley at the Moreno Valley Ranch. Now I am from London and London is a big city and in London they have a lot of Fortune 500 there and this is going to be a Fortune 500 that is coming to Moreno Valley and that's terrific because this is exactly what we need. We need those great Fortune 500 companies to come here in Moreno Valley because it will make it a big city where we will have lots of lovely visitors; just like we have in London. We have lots of great visitors from all over the world and lots of jobs. Maybe it might not be as much as what people are hoping for from the Sketchers Company but at least it's a start. Thank you.

CHAIR DE JONG – Thank you... Don Krasniak followed by... I can't read that, please go ahead...

SPEAKER KRASNIAK – Good evening. My name is Don Krasniak. I'm a resident in Moreno Valley for 24 years and I've lived for 15 years on the east side at 11663 Via Colina and I'm within about a mile of the proposed development. It seems we've been front loaded with supporters of the development project by Highland Fairview and finally some of the residents from the area are speaking. Now I'd like to speak from the position of living just across the freeway from the proposed warehouses. I believe I speak for many residents in asking the Council to consider voting against the change in zoning and allow an appropriate period of time to review and assess the environmental impact of this proposed plan with consideration of the future beyond this project. I am an educator in Moreno Valley and I teach science. We haven't had any real scientific person come up and speak and I can't really say that I'm a expert in any area, but I do have several degrees in biology and a Master's and I think I can reason through some of the concerns that people have already stated and I'm a realist when I consider the impacts of large scale projects like this and the developer briefly stated there are air quality concerns that cannot be mitigated and tried to prove the low level of impact with the graph showing this during his presentation. But a project of this size involving diesel truck traffic with what I call no limits on what numbers will result in 10 to 20 years must be studied further before proceeding. Unforeseen impact nearly always involves impact to human health. Now I'm not

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a tree hugger; as I said I'm a realist and about the future and the current benefits of the employment and the tax revenues for the City, they cannot outweigh the potential benefits I want say... they cannot outweigh the health of our future five warehouses down the road. When I bought my home in east Moreno Valley 16 years ago I did so with the intention and desire to retire there and I have only 12 years left to pay on my house. Now I'm worried that my beautiful home will be devalued because of a nearby warehouse district. Contrary to some people's understanding east side Moreno Valley home values will take a hit with warehouses. I bought my home there because of the rural plan and I'd like to see it stay that way knowing that the houses are supposed to be on half acre lots and so on, but the pinch of economic times should not bring poor decisions and we need to reason through those decisions, even though the warehouse is going to be a "A" Class warehouse. As stated before, much worse can come down the road and I just want to mention one more thing. It's very easy mathematically to figure out what truck traffic does at 15 percent of the proposed increase of 15,000 vehicles per day, that yields 32 miles of semi's bumper to bumper with no spaces inbetween, so if you space that out; 32 miles worth of trucks in a 12 hour period, that's two trucks every minute if that's all they worked was 12 hours. If it's 24 hours, it's one every 40 seconds, but that's too much diesel and too much of a health impact. Thank you.

CHAIR DE JONG – Thank you... Laura Covanrubio followed by James Hutchinson. Did I get that name close? Here she is... is James Hutchinson available?

SPEAKER COVANRUBIO – My name is Laura Covanrubio. I've lived in Moreno Valley since 1990 and at first I'd like to read a card that my dad had written. For many years Moreno Valley has been known for anti-business and in these difficult economic times Moreno Valley needs to consider opportunities for it's residents over the objections of a few. He has worked in the warehouse in Ontario at Vietta for about 14 years almost and I've worked there for about five summers, so I know that air quality is not nearly bad as you would say it is. I had about asked about how many big rigs go in and out daily and he said that at maximum capacity it's usually... for maximum capacity it would be about maybe 120; normally less. In fact a big day is usually about 100, so that would not actually create as much traffic as they had said it would be for a comparable sized building. As that said, I believe what we need to do is just make it more open to any business. Frankly I can't think of a more pressing issue at this point. The fact that we are being targeted for a warehouse is both a good thing and a bad thing. While I had heard about Business Parks being in this area, we haven't really been that open to them either. I haven't heard of anything more than kicking out DHL because of noise pollution but at the same time the keep saying if you want more noisy vehicles to go somewhere they want you to go down to March Air Force Base but every time there is more objections. Every where you go there is going to be objections, but in the end we just need to make it more

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open to having more businesses; maybe not in this place, but somewhere. Thank you.

CHAIR DE JONG – Thank you... Murdoch Wilson...

PLANNING OFFICIAL TERELL – He left

CHAIR DE JONG – Okay, so James Hutchinson I've called a couple of times and he's not here either. That's the end of our Speaker Slips. Is there anybody else that wants to speak?

SPEAKER NAROG – I submitted Speaker Slips and other people did too in the other room and you didn't call my name.

CHAIR DE JONG – I don't have it up here; John... Okay, come on up, say your name... state your name please... just get in line

PLANNING OFFICIAL TERELL – Fill out a Speaker Slip after you leave

COMMISSIONER GELLER – When you're done

CHAIR DE JONG – When you are done...

SPEAKER NAROG – Okay I think this is conducive... I mean in the other room we couldn't find Speaker Slips; we couldn't find the person for the Speaker Slips and I don't want my time to start yet and people left without having Speaker Slips and I think you guys should postpone the Public Speaking thing so the people that were not given the opportunity have the opportunity to speak. I think it's outrageous that it wasn't available for us and that we were going to be missed and that people were missed. On to the concern at hand... I'm very upset that there a gross discrimination against visions of different lifestyle.

COMMISSIONER GELLER – What is your name?

SPEAKER NAROG – My name is Marsha Narog. I live at 11475 Kerry Lane in the east end or Morningside or whatever you want to call it. I will not call it Rancho Belago because it's a grand takeover of everything we hold dear out there, but the majority of the people in our zip code; the 92555 zip code; that's 12,000 out of 15,000 voters voted for candidates that were against the warehouses because we don't want our lifestyle changed. We worked long and hard for the General Plan to have a Business Park there. We wanted to have an overpass where people could walk or ride their bikes to work to the Business Parks. We had a vision. We have a dream too. Our dream did not include warehouses. Our dream did not include extra semi-trucks. Our dream did not include a lot of what Iddo Benzeevi's dream is. One of the things I see missing here is that the Sketchers representatives aren't here. I think because there is so

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much confusion on how many jobs it would create that a Sketchers representative should be at one of the meetings before any vote is taken. I think it would be credible for them to show up so that people will not be saying this, that or the other thing in making numbers up. People that are wanting these jobs, do not necessarily live or appreciate the values that we appreciate in the 92555 zip code area and I think condemning us to a lifestyle that we don't want is irresponsible and the Planning Commission is supposed to be full of people that do planning. I have been a resident of Moreno Valley since 1977. When we incorporated I was hoping that Planning would be paramount and that people would follow the plans. This is one more indication of plans not being followed. It is not appropriate for the plan to be so grossly changed. I walked the neighborhoods putting out flyers for people to come to this meeting tonight. Not one person; not one person supported the warehouses that I talked to. Twelve thousand people voted for people for no warehouses in this area. I want to emphasize that. We do not want that kind of lifestyle in our area. On a more personal note, I am super chemically sensitive. I moved to the northeast end because the air was cleaner. I have lived in five other sections of Moreno Valley. I had problems with pollution in every single one of them. I work in Riverside. I have an air filter in my office. I have air filters that I travel with and I have air filters in my home. I was on Moreno Beach one day when they were developing the condominiums there and a truck sitting next to me was gross polluting so bad that I was going into anaphylactic shock. I sped up to get a way from him and I got a ticket for speeding. If one truck causes that much problem for me and Iddo Benzeevi also said that it's a two mile radius around his place that causes health problems, I'm within that two mile radius and I will not be able to breathe, so I beseech each and every one of you to consider our personal values and desires and vote no for this Sketchers; put the jobs somewhere else for this kind of construction.

CHAIR DE JONG – Thank you... Please state your name and address...

SPEAKER MCKEE – Good evening. Susan McKee, 11577 Knoll Vista and a 29 year resident of Moreno Valley. Thank you to all of you for allowing us to speak tonight. I know it's been a long evening and everybody wants to go home, so I'll be brief. I do want to applaud the developers for taking a lot of opportunity to consider the changes and the requests that were made. My objection is only in terms of the location, not the looks or the warehouse itself. I think we have an opportunity with the Business Park perspective; we have a School of Medicine going into UC Riverside. We have the Allied Health Program at RCC along with Kaiser now going into the Hospital and one of the things that the Planning Commission should be looking at or considering are those businesses that look to professionals in building and educating a high quality workforce. And with that, I just thank you for your consideration. Thank you.

CHAIR DE JONG – Thank you...

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SPEAKER BAYER – Hi my name is Beverly Bayer. I live at 11719 Via Colina, zip code 92555. I am also in the neighborhood of some of these other people that have spoken recently. I am for this and I am for it because of jobs. We need jobs. The latest unemployment in our region is almost 10 percent; it's 9 ½ percent. Two years ago; this is November numbers; that's before the December January and February job loses that we are going to see. Most of those are in retail. Two years ago in November of 2006 the unemployment in our area was at 5 percent. Now it's almost 10 percent and it's going to go higher than 10, so we need to consider that jobs are important. I am real estate appraiser. I have watched home values in our area skyrocket through the last few years and dropped starting the summer of 2006. We have lost probably on average 60 percent of our values from the summer of 2006 in our homes. We are going to continue to see home values drop because we still have a boat load of foreclosures coming our way. The last recession that was in the 90's was caused by job losses. This recession is caused by irresponsible mortgage and lending. It's being followed by job losses. I think that is going to snowball into more people losing their jobs and more people losing their homes. We do not need that in our community. We do not need more people to lose their homes. It will drop values faster if we have houses that don't have families moving into them. The Inland Empire has been very lucky. In the recession of the 1990's we gained jobs while Orange County and Los Angeles County lost jobs. We have not seen this kind of disaster in our region; in the Inland Empire forever. I mean it really goes back a long, long time. This is really serious and the only way we are going to pull us these tough times that are ahead of us are with jobs. If people have jobs they can afford houses. If people have jobs they can buy stuff. If people have jobs they can pay their taxes. We have to do whatever we can to preserve and provide jobs for our population and that is the bottom line. It is all about trying to preserve our community and it's going to only happen if people have jobs. Thank you very much.

CHAIR DE JONG – Thank you and it appears to be our last Speaker.

SPEAKER HOPPER – Good evening. My name is Joseph Hopper. I live at 27400 Walther Way, so I'm almost across the freeway from this development myself. I'm a proud member of IBW Local 440 the Electrical Union and I want to say that I helped build these warehouses that you are all complaining about and the jobs coming out; yeah they're going to be construction jobs for us and you're right, they're going to be short term, but what do need in this area? We need to bring developers into this area to help improve our quality of life. No one has spoken about quality of life here. All you spoke about is we don't want this warehouse. Well let's talk about the west side. Everybody says move it out by March Air Force Base. What happened to DHL? The same people who have come here talking about the negatives of what is going to happen are the same ones that complained about DHL Warehouse out there. They wanted the jobs; they got it; then they complained and they said well the airplanes keep us up, so that now DHL is leaving, so based on those negative feelings about DHL and

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let's build out in the west end; now you don't want building on the east end either. I live in east end. I live in the nice rural atmosphere too. Change has to come. Change is good. Development is good as long as development is for the right reasons and I think this is the right reason. I think this is a positive move for this City. We do need this development. It will bring jobs. To paraphrase from Field of Dreams, "if you build it, they will come". Thank you.

CHAIR DE JONG – Thank you... Are there any other potential speakers in the audience because this will be the last opportunity? Okay I see none... going once... I'm going to close Public Testimony. Thank you. Alright, true to our word...

COMMISSIONER GELLER – Do we need to make a motion to continue the meeting?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER GELLER – Mr. Chairman I'd like to make a motion that we continue this meeting until next Thursday which is ...

COMMISSIONER MARZOEKI – The 15th...

PLANNING OFFICIAL TERELL – The 15th ...

CHAIR DE JONG – Before we do that, we have a comment...

VICE CHAIR MERKT – Well just a request... John, some of the people have asked and I also would appreciate if we have a meeting next Thursday that there could be a representative from Sketchers here to ask certain questions, because I have a number that probably cannot be answered without a representative from Sketchers.

PLANNING OFFICIAL TERELL – Okay, we're not in direct contact with them but certainly the question has gone to the Applicant and they are aware of it and hopefully they can take care of that.

VICE CHAIR MERKT – We're seeing Sketchers and its being referred to constantly so it's not like it's in a vacuum. I'd like to be able to ask them some questions.

PLANNING OFFICIAL TERELL – Understood

CHAIR DE JONG – It would be appropriate, thank you... continue...

COMMISSIONER GELLER – Okay, anyway I'd like to make a motion that we continue this meeting to Thursday, January 15th, 2009 at 7 o'clock.

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CHAIR DE JONG – Thank you

COMMISSIONER MARZOEKI – I'll second that...

CHAIR DE JONG – Hold on...

COMMISSIONER RIECHERS – I think we're continuing the Public Hearing and I think (inaudible)

COMMISSIONER GELLER – I guess... we're continuing this Public Hearing Item. Thank you for the correction. It is late for all of us, so yes let me change the motion that we continue the Public Hearing until that same date and time.

CHAIR DE JONG – Very good

COMMISSIONER MARZOEKI – And I'll second it

CHAIR DE JONG – I have a second... Is there any discussion?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Springer)

CHAIR DE JONG – Alright we'll reconvene this Public hearing on January 15th at 7:00 pm. Is there a wrap up that we need?

PLANNING OFFICIAL TERELL – No the only thing I think left on your Agenda is to adjourn the meeting.

1000 ADJOURNMENT

COMMISSIONER GELLER – Motion to adjourn

CHAIR DE JONG – Do I have a second?

VICE CHAIR MERKT – Second

CHAIR DE JONG – Okay, all those in favor? Good night

SIGNATURE PAGE FOLLOWS:

MV00017092

John C. Terell Planning Official Approved	Date

Rick De Jong Chair	Date

MV00017093

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 15TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Land Development – Principal Engineer
Clement Jimenez, Land Development – Senior Engineer
Randy Metz, Fire Prevention – Fire Marshall
Rick Hartman, Deputy Assistant City Manager
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Gerald McAllister, Senior Electrical Engineer
Jennifer Terry, Special Districts Management Analyst
Marshall Eyerman, Special Districts Program Manager
Jane Halstead, City Clerk
Andy Minor, Consultant
Michael Hendricks, Consultant

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

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CHAIR DE JONG – Item 400 is the approval of the Agenda
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COMMISSIONER GELLER – Move approval

CHAIR DE JONG – Is there a second?

COMMISSIONER RIECHERS – Second

CHAIR DE JONG – Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are posted on the table by the entrance door there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission. I do have Speaker Slips tonight. I'll call you up in groups of two. The second person be ready to speak whey the first one is done. You have three minutes to speak. Please don't take any more. Let me please remind you this for items not on the Agenda. If you are speaking on the Sketchers project; the warehouse project, you will be cut-off. Okay, the first Speaker is Jamil Dada followed by Carol Avila.

SPEAKER DADA – Good evening; thank you. My name is Jamil Dada and I'm here representing the Moreno Valley Chamber of Commerce. I am a member of the Governor's Workforce Investment Board in Sacramento and I am also the incoming Chair of the National Association of Workforce Boards in Washington DC. My office is at 12460 Heacock in Moreno Valley and my other location is at 16110 Perris Boulevard. This evening I want to just highlight a couple facts about Moreno Valley. There are four cities in Riverside County that are half the size of Moreno Valley that have DMV offices, yet the DMV refuses to open an office in Moreno Valley. Moreno Valley has the highest percentage of youth of any city in this two county area, yet several other cities have gotten State Library funding and not Moreno Valley. Three years ago I attended the Yucaipa State of the City Address and the then Mayor mentioned in his State of the City Address how they needed to manage the growth properly because they did not want to

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become another Moreno Valley. Economist John Hughsing just this past summer in July of 2008, as he was delivering his contractual business plan to the Lake Elsinore City Council showed them how to avoid becoming another Moreno Valley. I think you get the picture. We don't get any respect in this region. Instead we are mostly known for the high utility turn-offs, the highest foreclosure of starter homes and cheap dirt. We're getting tired of being treated like that and we're not going to take it anymore. So I'm asking you to please take into consideration the land use planning that you do that would provide jobs and I know people complain about low paying jobs, but you've got to take baby steps first. Any kind of jobs are better than no jobs at all, so if you care about Moreno Valley, please take care of the job issue. Thank you.

CHAIR DE JONG – Thank you... Carol Avila followed by Norma Carillo. Is Carol Avila here? Okay then Norma Carillo? Alright Robert Palomarez? Louise Palomarez? Okay, we're running through this list pretty quickly. Joanne Stephens followed by Lori Nichol.

SPEAKER STEPHENS – I just wanted to reiterate the fact that we do need jobs in the City and that anything that would... you know I'm not a factual person but I believe Mr. Dada is and I believe that he has more facts than anybody else and due to that every toher rhetoric that is going around should actually... you know I mean whatever is best for the City of Moreno Valley and not the masses. That's all I have to say.

CHAIR DE JONG – Thank you... Lori Nichol followed by Victoria Baca

SPEAKER NICHOL – I'm part of the old guard. The old guard meaning that I sat through the very first General Plan with all the input with the original Council. I am really concerned that the direction that the City is taking is going to desperate acts, grasping at things with the promise of new jobs that can't be guaranteed in today's economic climate, but I think in view of our Presidential election that we had and that our new President-Elect's theme is change. We have to be really careful of the type of change that we inflict on this community and what brought many of us to this community particularly in the east end. Having the designed the first bike-way map through the City, I was very sensitive to the east end and their need for the people that use horses and what all their dreams and everything were and a lot of those people were here long before the I came in '84 and we still owe it to maintain a healthy, wonderful community instead of just grabbing at whatever plan change that comes through and I remember a long time ago when the City first started that there was a lot of land grabs with taking like R1 designated areas and seeking General Plan changes so that that property owner could turn around and sell it for a highly inflated price. One such example; when the developer bought the property at about 400 thousand dollars; got his zoning changed to scenic highway 1; was able to turn around and within three months, sell it for 1.3 million dollars. That was the early days in Moreno Valley. I'm hoping we're not seeing us going in that direction again. We really

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need to maintain quality in our development and give serious consideration to any changes in this economic climate and be sure that everybody has their money to really this structure and to provide jobs they promise. Thank you.

CHAIR DE JONG – Thank you... The next Speaker on items not on the Agenda is Victoria Baca followed by Mary Palomarez...

SPEAKER BACA – Good evening and thank you Commissioners for the opportunity to speak to you again tonight. My name is Victoria Baca. I'm a member of the School Board and I'm also an activist in the community and the reason that I'm here again tonight is to talk about a City-wide issue. We have all the industry and all of the commercial on the west side of town. We have Costco; we have the mall; we have the theaters; we even have City Hall and we also have the sewage treatment plant. We have the congestion on our side of town. Now let's even it out. Let's move some of the industry to the east end.

CHAIR DE JONG – Remember, this is for items not on the Agenda

SPEAKER BACA – Okay it's not on the Agenda. I'm talking about being fair to the City. Okay we hear let's keep the east end pristine. It's only for horses or people with horses; you know we don't want them or those people on our side of town; child labor... they had someone holding up a paper out there. I mean that's not a city issue; that's a national issue. I'm against NAFTA, but I bet everyone here is wearing something or has bought something that has been made in another country, so it's time that we move in the right direction. Our City motto is people, pride and progress. We've got the people. Let's give them the pride and progress and let's even out the inequities. Okay we can't just use the same thing that been happening over and over; its nimbi; not in my backyard. The people on the east end; they say well some have even resigned themselves to say well it's a good project but not on my side of town. Keep it on that side. Well we could also say, then don't come to our theaters; don't come to the mall; don't use our freeway; don't come to City Hall; you're congesting; you're polluting; we can say that too.

CHAIR DE JONG – Ms. Baca, I believe you are referring to the project...

SPEAKER BACA – Okay, let me just finish by saying that this map that was put out. It doesn't reflect the speakers. I know that one of those dots is not any members of my family or any of the speakers that I know. They are not on here, so this is not a fair representation of who is a supporter and who is opposing the project, so let's be fair and let's move in the right direction. Thank you very much.

CHAIR DE JONG – Mary Palomarez followed by Vincent Ortiz. Vincent Ortiz appears to be here... followed by Dr. Monte Perez. Again these are items not on the Agenda.

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SPEAKER ORTIZ – Vincent Ortiz, 29060 Juniper Avenue. Yes we need jobs to support our families and our loved ones when we get out of College, but how is a warehouse going to support us. It's not. Tell me how an almost fully automated warehouse...

CHAIR DE JONG – Excuse me... that is an item on the Agenda. I believe you are referring directly to the Sketchers warehouse. Am I not making that clear? Are you going to continue on the item on the Agenda sir?

SPEAKER ORTIZ – Yes

CHAIR DE JONG – Well I'll have to call the next speaker sir...

SPEAKER ORTIZ – Me and my friends have dreams and careers that we would like to occupy when we become adults and I know none of ...

CHAIR DE JONG – Okay, I think we're ready for the next speaker. Okay, speakers you were told you'd be cut off if you are going to speak about the warehouse. This is not the time to speak about the warehouse. Thank you... Dr. Monte Perez.

SPEAKER PEREZ – Thank you very much. Good evening ladies and gentlemen and members of the audience. My name is Dr. Monte Perez. I am a resident of Moreno Valley and currently the President of Moreno Valley Campus. Tonight I want to speak as a resident. I'm not speaking for the Riverside Community College District or the Moreno Valley Campus; I'm speaking as a citizen of this great community. Education is very important and our College is committed to that and we want every single young person and returning adults to be re-trained to get the best possible training education available. Education doesn't start necessarily from any one particular occupation. It can start from the lowest levels of occupation. They key is for people to be motivated and interested in fulfilling their lives. Our College is committed to whatever decision this Planning Council or City Council make with regard to any future development. We are committed to assist this community to realize its goals and to make sure that people have jobs; to make sure that people can serve in this community and pay taxes, so I wanted to make that available to you to know that that is our core mission as a College. We're here to serve whatever is decided by the community, but beyond that I want to say that youth in this community and this young man who just spoke was speaking from the heart about his future and there are many youth in this community that deserve a bright future. Our College is committed to make sure that that happens as I'm sure you are committed to that and whatever avenues can be made available to young people to work and get an education should be made available. The bottom line is that we have 10,000 students now. This is and will be a sustainable community and we're planning to have 13 to 16,000 students over the next five years and that's going to happen because this community will have jobs; this community will have the

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ability to send their children to our College, UCR, Loma Linda or wherever else they want to go. Thank you very much.

CHAIR DE JONG – Thank you... Debra Coggins-Ortiz followed by Raul Wilson. This is for items not on the Agenda.

SPEAKER COGGINS-ORTIZ – Good evening, Debra Coggins-Ortiz, 29060 Juniper Avenue in Moreno Valley, 92555. I'm here to request that the Planning Commission and the City Council consider some kind of campaigns to bring real jobs to the community. I'm talking about manufacturing jobs that Americans; maybe entrepreneurs can start businesses where we as a City can help them to start the businesses so that we can have real American jobs for our youth and for our City's future. I would like to... my son actually wrote this for himself; he's not a public speaker; he's never done this before; but I would like to read his last bit that he on here if I may...

CHAIR DE JONG – Remember the rules...

SPEAKER COGGINS-ORTIZ – What are the rules?

CHAIR DE JONG – They rules are it cannot pertain to the Sketchers warehouse

SPEAKER COGGINS-ORTIZ – No, this... he wrote; let's see... I would like a good job that I can have that I can help support my family when I grow up. My friends and I have dreams and careers that we would like to occupy when we become adults and I know none of our dreams is to work at lower paying jobs. We want careers. If we want jobs, why can't we have manufacturing jobs in America? I do not want to work for China. That's what he wrote. Thank you.

CHAIR DE JONG – Thank you... Raul Wilson followed by Steve Clute

SPEAKER WILSON – My name is Raul Wilson. I live at 23595 Court and I'm not on this paper either, so don't use it for any type of guide. We're not supposed to talk about Sketchers right?

CHAIR DE JONG – Absolutely correct

SPEAKER WILSON – But I want to talk about empty stomachs. I want to talk about people who are hungry; hungry to eat; hungry to have education. Those are the things the City is supposed to be thinking about. We have a lot of people out there who are hungry. I've been a student advocate for almost 50 years. I do things for young people; get them into Colleges; get them into good employment, but you know that young man who stood here last time and said I'd rather have a job than an unemployment check and you know that a lot of poor paying jobs are at the casinos and the people work there because you know what hunger is world-wide; not just Moreno Valley; its everywhere and we have

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to start looking out for our young people. Believe me they need the help or we're going to continue to fill up the prisons State-wide. A city becomes a prison of dejection when it doesn't provide for its citizens that it has. Gracias

CHAIR DE JONG – Thank you... Steve Clute followed by Steven Bennett

SPEAKER CLUTE – Good evening Mr. Chairman and members. Steve Clute, Riverside, 600 Central; business development with the Electrical Workers IBW and National Electrical Contractors NECA and I'd just like to share that our training center in San Bernadino three or four a nights a week trains apprenticeship electricians and they do that for four years and then in their fifth year they are journeyman and many of these members; some 800 are in Riverside County and no doubt many in the Greater Moreno Valley area and certainly others around the Inland Empire; men and women, although we are always recruiting more women; I think probably that they are the best trained electricians there are and many also or some come out of the military and they mean a lot to their communities and they mean a lot to business in quality workmanship and their skills are top notch and they'd love to work more in Moreno Valley. We appreciate everything you are doing to bring more business to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you... Steven Bennett followed by Mike Rios

SPEAKER BENNETT – Hello, my name is Steven Bennett. I live at 25800 Margarita Street and I just wanted to you about providing more jobs in the community. I have been a resident here just shy of ten years. In that short period of time I've seen some changes being made. I just think we should all welcome the opportunity to have more jobs for people who live in the City to work; some local jobs. I'm sure it's like 90 percent of the residents have to leave the City to go to work and we need to have more jobs in the City beyond retail. Retail doesn't pay enough to have a decent living. Organized labor has a history with Moreno Valley for some time and they have access to the technologies we need for energy saving projects and we need to bring some more projects in where they can participate and you know they have a great apprenticeship program so you can get the quality work, energy saving technologies and the City comes out ahead, so you know I urge the City to think about these things when they decide how they are going to use different land projects and I urge everyone to approve the project. Thank you very much.

CHAIR DE JONG – Very creative... creative at the end there. Mike Rios followed by Joe Zmudosky

SPEAKER RIOS – Good evening Commissioners, I'd like to talk about a couple of myths about the east end. When I moved out here in Moreno Valley in 2003 I wasn't rich and I bought my first house on the north side and as time went by and me and my family bought here it was economically okay for us to do so and then

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we bought our second house on the east end in 2006 and I will tell you no one in my tract owns a horse. I mean I don't own a horse, but I wish I did when gas prices were expensive, but I will say that our City needs jobs; it really does. For that matter our whole country needs jobs at this time. We're all hurting at this time. Families are hurting because it would be mom and dad working and now all of a sudden one of them has lost their job and they are trying to figure out how to pay the mortgage; how to make that car payment; how to pay their children's health insurance. A lot of families are forced now to make drastic cut backs in their livelihood. A lot of families used to go out and eat on weekends; you know to the restaurants around here. Now they are cutting that out because they just can't afford it. My thing here is yes, I'm for jobs. We do need jobs, but we need jobs that can pay the mortgage. We need jobs that can pay our card note. We need jobs that we can put money in our 401-k for our retirement. We need jobs that will help support us instead of having more foreclosures as time goes by and we are leading in Riverside County in foreclosures and we need to change that and yes we do need jobs, but we do need jobs that can make those payments so we don't lose our homes and I just want you guys when; because you guys are going to talk about a lot of projects in the future and keep that in mind when you are making your decisions on what jobs we are bringing in. It's very important that we get Moreno Valley back on track and we could be the leading City in Riverside in California and all United States if we get the right jobs in our City, when our children when they go out to College and they come back; they could come back to us and work in our City. That's what I'd love. I'd love my children; I don't want them going somewhere else in LA or in Orange County to get a job. I want them to work in Moreno Valley so I could have them near me and that's I'd like to say. Thank you.

CHAIR DE JONG – Thank you... Joe Zmudosky followed by Deana Reeder

SPEAKER ZMUDOSKY – Good evening, Joe Zmudosky, 28131 Bethany Circle here in Moreno Valley. A couple notes about the jobs. In the LA Times today, 160,000 businesses closed in 2008 and they are predicting 200,000 more businesses to fail this year. A job is a job whether it's 10 dollars an hour or 20 dollars an hour; it's a job and you guys sit up there listening to everything that's going on and you know somebody said a long time ago in a movie that logic clearly dictates that the needs of the many outweigh the needs of the few and with the jobs; how many it brings, nobody really knows; 1000, 2000 or 3000 but it's a step. In this City; you guys up there tonight; you need to look at opening the door so that we can move forward and bring jobs and prosperity back to Moreno Valley. I thank you for you time and wish you well.

CHAIR DE JONG – Thank you... Deana Reeder followed by Vicki Watson

SPEAKER REEDER – Hello, my name is Deana Reeder and he said a job is a job. Well I'm here to you that a lie is a lie. When things are advertised, they should be what they're advertised. For example I was here in the building, in the

City Clerk's Office and asked what time those doors were going to open last Thursday. The Clerk called the Deputy that opens the door and while I was standing there listening to her the Deputy told her 6:45 and absolutely not before and we all know that is not what happened. Now you know maybe that was an accident, but these accidents keep happening and they keep happening to the benefit of some groups and the detriment of others and that makes what happened inequitable. Now let's get to some other lies. We're not going to talk about the 1.8 million, but let me talk about the other 33 million square feet of proposed warehouses from this developer; not that part... see the whole total package is 35 million square feet; that is the total package. That is the anticipated amount. That's where the 2,500 jobs come from; if you do all 35 million square feet. If you don't that's not how many jobs that are going to be there. There is only going to be 50 if you only do this project. That's it. So you guys can lie all you want; people back there can believe BS, just like Madiff got his 15 billion because believed in though someone for almost 10 years said ah this ain't making sense. On 9-11, the day before hand, the guy called the FBI and said this is going to happen and they're like ah... and they did nothing. So you guys can do nothing; you don't have to believe me and that's okay. When it comes about, that's when it will be proved and I can live with that. Thank you.

CHAIR DE JONG – Thank you... Vicki Watson followed by Lorena Santa Cruz

SPEAKER WATSON – Vicki Watson, 11109 Night Shadow Drive, Moreno Valley. I'd like to ask some questions before the Commission as they consider our future and some of the issues that face. No one has been untouched by our economy. Its hit us as individuals; as businesses; as city States to the Federal Government. As the Commission is reviewing proposed changes, is the current economic environment being considered such as what if the company suffers financial hardship and they need to close their doors and leave? Currently our supply is exceeding demand and the balance of supply and demand is fundamental. We've experienced severe rainfall shortages and we may face mandatory water rationing. We have been forced to ration before and Sunnymead Ranch almost became a dry lake. When we are considering these proposals are we considering the impact of projects that are large water consuming proposals and what this would mean to projects currently under developed or proposed for the future. Also in reviewing large projects are we considering AB32 and the City's potential exposure to litigation by the State for not complying with these mandates? There are the green valley initiatives and are we considering projects that have us working with the green valley initiatives? Are we a partner or are we an outcast? There is also law regarding withholding gas taxes if we don't have proper traffic circulation. Have these issues been considered? When considering projects we have to consider the local impacts. Traffic is like water. What are the benefits and the risks to our City? We have to be reviewing the benefit versus the consequence. We need to weight the two against each other and ensure that the benefit is to the City over the long term. Each of the items above has direct bearing on property values and the City

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revenue stream and we must be developing areas that protect our property values and attract people to our community. We have vacant residential properties. We need to put development around them that encourages people to come to our City and want to reside here. We should not be putting things in place that prevent the City from people wanting to come to our City and how is existing land use measured against proposed projects? Do they compete with each other or do they support each other. We can all exist together. We can have residential properties and we can have business, but we've got to do it through good planning.

CHAIR DE JONG – Thank you... Lorena Santa Cruz followed by Elena Santa Cruz

SPEAKER LORETTA SANTA CRUZ – My name is Lorena Santa Cruz and I'm in the 5th grade. I hope that by the time I graduate from High School and College there will be a job waiting for me here in Moreno Valley. I love this City. I've grown up here and I hope that this City will grow with me and be able to support my own family some day. Thank you.

CHAIR DE JONG – Thank you... Elena Santa Cruz followed by George Hague

SPEAKER ELENA SANTA CRUZ – Members of the Planning Commission. I'm very concerned that there is a very strong undercurrent of racism running through your proceedings and possibly those of every City Commission and even City Council meetings. Last week I overheard comments by those in the audience that were very racist against many Hispanic residents of Moreno Valley that had interest in the item on your Agenda. They used unfriendly language in reference to the ethnicity and very rudely said that Moreno Valley doesn't need to attract any more of those people. As one of those people, let me make it very clear to you, I am an American citizen and I am very proud of that fact. I love this Country and I love this City and I think that anyone who hates America does not know anything about this great nation. Because of my skin tone and the fact that I am fluent in both English and Spanish, I am looked down upon as a second class citizen by my neighbors who have fairer skin. This type of prejudice has to stop in our City. We cannot let the bigots of this City continue to deny a voice to American citizens and residents of Moreno Valley because of their last name. Perhaps it is Baca; perhaps it is Rodriguez; Santa Cruz, Pacheco or even Molina. The woman who addressed you in Spanish last week also spoke to the City Council on Tuesday. The City did not provide her with an interpreter at either meeting. Someone had to translate for her to the officials and Councilwoman Flickinger said the City could not afford an interpreter and that Mr. Wilson would be cheaper. That is ridiculous and that is racist. If Moreno Valley can afford to pay a City Manager who takes every Friday off, over half a million dollars they can afford a part-time interpreter. Roughly half of Moreno Valley's population is Hispanic. Many still have difficulty with English because it is not their first language. This City needs to include them in public process. Anything less is

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taxpayer, subsidized, racism. Thank you... oh I spoke last week on Sketchers and I am not on this map.

CHAIR DE JONG – George Hague followed by Librada Murillo

SPEAKER HAGUE – What you are looking at... George Hague, 26711 Ironwood Avenue, here in Moreno Valley speaking as a Sierra Club person and in fact I gave you a newspaper and to Staff also. It should be in front of you from the Sierra Club. One of the main areas that we do try to protect is the San Jacinto Wildlife area, part of which is in the City of Moreno Valley. You're looking not a painting but an actual photograph of the San Jacinto Wildlife area and it's an area that is very wonderful. In fact the newspaper on page 8; there is a walk this Sunday out there starting at 9 o'clock and lasts for two or three hours. You are more than welcome to join in. The San Jacinto Wildlife area is mitigation for many other projects. There is a project north of this called Moreno Highlands. That project already is in our General Plan; was already approved in the early 1990's. It already has that on the east end; 21,000 jobs approved, so the east end does have jobs approved and it was part of the General Plan for these 21,000 jobs and hopefully you realize this and there will be a wide variety of jobs in the Moreno Highlands project, especially if they continue with the plan as it is. If the plan does change, then we may not have the variety of jobs that was envisioned in our General Plan and hopefully that will not happen, but what is needed in our City besides just saying we want jobs now, is saying we want healthy jobs now. Ideally they would be jobs where people would not have to suffer from various pollutions that are around and that's what a lot of people are asking for; for this City is to have an image that we provide healthy jobs for individuals and hopefully you will proceed and try to find those types of jobs. But again, going back to the San Jacinto Wildlife area, just for your history about it; it was actually mitigation for the State water project; when they brought the water down from the delta, they destroyed habitat along the way. They started with 4,200 acres out there and with those 4,200 acres, different parties; Sierra Club; Audubon Society; different hunting groups because hunting is allowed out there, all worked together and that 4,200 acres now is more than 19,000 acres. It's in two different parcels. There are 10,000 in one and 10,000 in another. I invite you to come out there this Sunday or anytime it's open to the public. Thank you very much.

CHAIR DE JONG – Thank you... Librado Murillo followed by Margie Breitkruez. Remember these are items no on the Agenda

SPEAKER MURRILLO – (Speaker speaks in Spanish)

INTERPRETER FOR SPEAKER MURILLO – Good evening ladies and gentleman of the Planning Commission. My name is Librado Murillo and my address is 12379 Kitching Street in Moreno Valley. I was here and I am the President of the Moreno Valley Parents Association. I was here at the meeting

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that took place last week where the Sketchers project was discussed. Today I am here before you to speak on issues or things that are not on today's Agenda. First of all I want to say that where my house is located and where I live it's not on this map (and she showed this map). Please do not use this map to make an informed decision. I depend on the wisdom of the City Council who has appointed you to this position on this Commission under certain criteria. For that reason I hope that you will see that this document does not reflect actual data or facts and I ask you who made this map and what is it based upon? Secondly, please understand that I and several of my friends, neighbors and parishioners felt intimidated and discriminated by persons that are here today opposing the Sketchers project. Although we do not speak very good English we do understand dirty looks and profanities made towards us and in our face. Finally, I want you to know that the majority of persons that were here in front of you last week are in favor of the project. I know that you could not hear the applause from the people who were at the Rec Center applauding the project, but that is all you could hear. The opponents are very few. I do not know who they are, however I know that they are here today and in my opinion they are a bunch of racist people. Thank you very much.

CHAIR DE JONG – Margie Breitkruez followed by Gordie Tucker

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. Multi-use trails are the gem of our community. In our City they are for the benefit of walkers, joggers, riders and equestrians. Communities that don't have equestrian properties have the same type of pathways for residents to enjoy. There is little pleasure or physical comfort or benefit on walking on concrete or asphalt. Multi-use trails are available for use by everyone. The City of Moreno Valley has opened its arms to multi-use trails through the adoption of the Master Plan for trails. As residents we're blessed with an excellent and growing multi-use trail system. Our trails take us through the beautiful paseos of Hidden Springs, do or will connect us to Regional and State Parks and provide vistas of the City that are just breathtaking, provide inter-city connections. They are also importantly another mode of transportation rather than vehicular. Multi-use trail users enjoy all trails. In other communities the multi-use trails meander through a variety of settings. In Palm Springs the multi-use trail system takes you around a beautiful member's only golf course. To reach the Palm Canyon trail system you pass directly alongside condominiums. In Pedley and Mira Loma you ride through the beautiful riverbed. In San Dimas you traverse by a small airport. In Walnut Creek the trail is just as it sounds; a watershed area behind homes. In Daneda you pass residential, business, corporate areas and cross a bridge that spans a major freeway. All of these are beautiful; all the more enjoyable for variety. Multi-use trail users enjoy any type of trail especially when it provides continuous connections and diversity. In Moreno Valley we are a relatively young City. All of our multi-use trail connections have not been finished. Each time when development is on a downward spiral it delays the completion of the system, however trail connections will eventually be reached. Our Master Plan of

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Trails is there to do that and is our vision for the future of our City. As a Trails Board Member, I am pleased to report the positive response we have had from our multi-use trails and offer our quarterly hike events. These hikes are open to all children and adults in the community and from outside the community. They are just amazed when they see things in Moreno Valley on the trails that they haven't seen before. I agree with the Moreno Valley Chamber Newsletter that stated that Moreno Valley trails are the hidden gem of our community. Thank you.

CHAIR DE JONG – Thank you... Gordie Tucker followed by Thomas Thornsley

SPEAKER TUCKER – Good evening, my name is Lil' Gordie Tucker from Moreno Valley. I'd just like to make some statements here towards these union brothers and sisters that are here tonight. It goes a long way in showing strong lack of union brotherhood among unions in America. It wasn't that long ago these same warehouses in Ontario and around California undertook actions against unions by forcing them out. The union was the International Longshoreman's and Warehousemen's Union. They chased them out of their facilities in an effort to seek lower wager and no benefits. As an ex-ILWU representative at time, based out of Los Angeles Harbor, I didn't see or hear of any of these unions standing up for their brothers then and I see nothing has changed. These jobs that warehouses will bring to the City of Moreno Valley will not be offered to union members at union wages and union benefits. The ILWU has members of all trades; electricians, crane operators, stevedore operators, truck drivers, maintenance workers, pipe fitters, boiler makers, welders, carpenters, heavy equipment operators and yes warehouse workers. They and their families wish the same as everybody else; to earn a decent wage and get benefits. Think about that tonight and how you as union brother and sisters would feel if the ILWU supported projects which are now off limits to you and your fellow members. After all the members of the ILWU can fill each and every aspect of your unions trades and in the event that you for some reason need to walk off those jobs in order to keep your wages and benefits at the level that you need to support you and your families. Thank you.

CHAIR DE JONG – Thank you...Thomas Thornsley followed by Alex Ortiz

SPEAKER THORNSLEY – Hi Thomas Thornsley, 29177 Steven Street in Moreno Valley. I'm not here to talk about jobs. I'd like to talk about some unfinished road improvements knowing that we've got another project that's going to be right at two major intersections at Redlands and Theodore; I've been concerned for three years with the unfinished access points near the Wal Mart Center. We have a four lane roadway that comes from the Auto Malls along the south side of the Wal Mart Center and dead ends at a block wall. From all my years in Planning in the past you wouldn't have put a four lane highway or a roadway if you hadn't intended it to go through and connect somewhere else. It doesn't make much sense to dead end there. You also have a four lane roadway

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that comes from the Target Center at Nason and terminates right up against Moreno Beach and does not go through either. Now the only way to go from the east side off of Moreno Beach to the Target Center is drive through the Wal Mart Center which from all my years in planning and studying with Transportation circulation, that's very poor circulation planning. I know Cal Trans is very slow to deal with to get improvements made and that improvement I think should have been done at least by the time the Target Center opened and then I think everybody who gets off at Nason will totally agree that that intersection is so far from being adequate that it's at Level of Service "F" most of the time that I've ever been there. During the Christmas holidays it was insane. It was so much easier for me to go from Cottonwood and meander through there in order to even try get up to that Center. I hope with any future projects that are along the freeway long before the projects are open for business we don't let them develop and have that same kind of infrastructure or lack of infrastructure that's critically needed. I would like to hear an addressing of when those improvements will be would, whether it would be tonight, which I don't think we have the time for it, but I do tune into you guys, so if it's talked about another night, I'd like it to be talked publicly. I know if I would go in and ask John or he would probably discuss it with me, but I think it's something the community needs to have addressed at this time because it's been a long time for the Wal Mart Center to be in and operating and not have the through access that should be there and at this point if there were ever any problems on the freeways, typically you would have an alternative frontage type access from one area to another and it does not exist right now and I hope in the near future that those are taken care of. Thank you.

CHAIR DE JONG – Okay I have four more Speaker Slips. I want to tell you now, if you wish to speak, fill out a slip and turn it in now. We're going to hear these four more; if we get no more in the next minute or so that will be it. Thank you... Alex Ortiz followed by Jim Koch

SPEAKER ORTIZ – Hello good evening. My name is Alex Ortiz, 29060 Juniper Avenue, Moreno Valley, California. I would like to suggest the forming of a volunteer group that will work to bring real manufacturing jobs to our community; not the ones that pollute our cities and our communities or destroy our environment. Maybe those that need jobs could get together and start a business and entrepreneurships. This is the American dream isn't it? For those Hispanics that come here tonight to use the racial card, maybe they need to get together with the Hispanics; they can tell them; guide them and tell them what to do and how to do it so that their families can benefit in the future. And one more thing I want to let you know that I don't need an interpreter, so therefore I won't become a City program or the government and remember one more thing; Government is not the solution to our problems, Government is the problem.

CHAIR DE JONG – Jim Koch followed by Michael Greco... Excuse me; we're taking no more Speaker Slips at this time.

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SPEAKER KOCH – Members of the Commission, my name is Jim Koch. I live at 28283 Keaton Drive, on the east end of Moreno Valley. I want to build on what Mr. Dada presented here earlier; the first speaker here regarding the image of Moreno Valley. Yes jobs are very important, but I think we need to look at the big picture. We have an opportunity here to provide a business education nurturing place here in the plan that provides locations and an opportunity for businesses to work together with the Colleges and UCR to provide a place for the graduates in conjunction with the businesses to provide good jobs and high end jobs like tech complexes and so forth. I was involved in the business education nurturing program at Cal Poly. It has been very successful in attracting the businesses that would help Moreno Valley enhance the image of Moreno Valley and yet you do also have places now that have the whole gamut of the other types of jobs in addition to these jobs that would provide the image and the jobs here for Moreno Valley and that means the business parks set aside in a plan to provide this opportunity. Thank you.

CHAIR DE JONG – Michael Greco followed by Ken Gilbert

SPEAKER GRECO – Good evening; Michael Greco. I've been a resident of Moreno Valley for almost five years. I live down in the Rancho Belago district. I was under the impression before I came here when I saw the baby killing and child labor signs that there was going to be a big debate tonight about development, but since it's off that I've been listening to the comments by everybody and it seems like the common theme is jobs and what really has been resonating with me as I've been listened to everybody is your jobs right, because all of you up there are paid by us and I think that from what I've seen in the time that I've been here and a lot of it's legacy that pre-dates probably you know a lot of you, but when you talk about things how the roads don't make sense, it's almost like somebody wasn't doing their job right with planning or when you see large chains come in and build stores and then they go out of business and then it just sits there. When you see millions of dollars commissioned to do things you know whatever; horse trails or different things, but you don't see millions of dollars commissioned to do things for children. I mean I know my own children when we've done sports; local sports; we had to fight to get a lighted area for our teams to practice, so what I really hope that you go away with tonight when you are making decisions on some of the developments that are to come, that you really think about not just the name; like if it's a Circuit City or you know... it's easy sign up a Jack-in-the-Box and give us another fast food. It's easy to you know to put down roads that don't really have a purpose that just cause more congestion. I think that one of the things that you need to consider that all of you that have jobs in this City, you don't have to drive in and out of the City; right you're not faced with that kind of pressures that the people live here are and I really hope that when you make your decisions going forward that you hold accountable whatever developers; whatever companies that come in and solicit your you know acceptance... you know there's economic viability and then there's you know environmental impacts, but I think what you really ought to

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consider is who is going to do things for the City for the long term and when we talk about jobs, we need to talk about your jobs and then the things that the people that are here like myself that have come here that are educated; that understand business; that know to read and that really are going to motivate and get a ground swell to make things that are better for everybody, mainly for our children and that's one of things that I hope we go away with is, that everybody is looking for jobs, that you've got jobs that don't require you to drive in and out of the City and I really you want to consider some of things going forward from people that want to come to this City than want to spend money on things like parks; things for our children; okay. Thank you.

CHAIR DE JONG – Thank you... Ken Gilbert followed by Susan Siegle

SPEAKER GILBERT – My name is Ken Gilbert and I live 23507 Woodlander Way in Moreno Valley. I've been living in this City for 20 years. Ever since I came to the City or since I had kids I kept them busy. Yeah we're all talking about jobs but I think the more important thing is the future for our kids, because kids are our future. Whether you have a job or not; I know people that have jobs that don't have jobs... even if you get a job a lot of people don't even spend time with their kids, they would rather buy a twelve pack of beer. There are millions of kids out there that are spending time on the streets not knowing what to do. Their parents have jobs; they just don't spend the time with them. Okay I spend every dime I have on my kids; keeping them busy; keeping out of trouble; trying to keep gangs away from our neighborhoods and what not; trying to get involved. There are a lot more people in Moreno Valley than this hundred people here and I'm talking to everybody watching TV right now that's going the City needs to do something; they need to do something... you need to do something Moreno Valley... watching TV and going this guy ought to do something; this guy ought to do something. I've coached kids that are black, Mexican, white, Asian; every nationality and it doesn't matter and I'm sitting here being labeled a racist and what not. Get off your butt; do something for your kids; that's an investment in our City; our State and our Country and I'm tired of people going oh well need jobs... yeah we need jobs. You need to take care of your kids first. It doesn't matter. You need to take care of your kids' man.

CHAIR DE JONG – Thank you... Manual Topete...

SPEAKER SIEGLE – Good evening, I've come here in good faith twice. I'm really sad that some of the speakers are a little demeaning last week because I'm against something. I was labeled a snob and grouped together like we're just one big group because we aren't pro and be that as it may that's neither here or there. What I really resent and think is just terrible is that someone would stand up here and label one whole group of people that they have never met; never spoken with; do not know personally as racist. To me racism is the ugliest word in the English language or any language and I think when you label a group of people racist for their beliefs just because they are not the same as yours, you

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then become a racist because you're grouping people together by whether it's their color; their beliefs or what they want to fight for. I don't think anyone has a right to group any people, whether they are blonde, black, Hispanic, white or whatever as a racist and I feel sorry for them that they are narrow minded enough to do that and I apologize for using this, but twice I've been called something I am not and I just really think it's sad. Thank you.

CHAIR DE JONG – Thank you...Manual Topete

SPEAKER TOPETE – Good evening. I kind of came here last minute you know; I didn't think I was going to come up here to speak, so I kind of snuck in one of those Speaker lists, but the reason I'm here is because I was raised in Moreno Valley since '82. I've been here all my life. I'm 38 years old now. I've been here 36 years. I've been in the same corner for now 36 years; where I work now; where I own business is where I rode my bike. In the last week I think I've finally go the straw thrown on my back. Is 20 years of owning a business here in Moreno Valley an expiration date, because they're really making it very hard for me to stay in business? Just like the sign behind you that states this is the City of Moreno Valley; I need signs in front of my business that say who I am. They're telling me I need to take down my signs; take down my neon; why? That's what attracts people to my business. True we need jobs. You know how I guarantee my job, I made my manager; my boss; my best friend myself. I've only had one job besides my business. A week after graduation from High School I opened my shop and it's been there for 20 years; well September it will be 20 years if Code Enforcement allows it. They are making it very hard. I'm losing money in closing in coming over here trying to get things done, only to get I'll call you back; I'll call you back and I don't get calls back. I've got two folders already of messages already of messages where nobody is calling me back. What do I have to do? I am being harassed by Code Enforcement. They are trying to make me do something that's illegal. They are threatening me. I need some help. No Councilmember is helping me. I've got people that are not even on the City Council coming to my rescue. I've got Mike Rios who is doing more for me than anybody that is getting paid to do their jobs. People that are doing this because they've known my business. Some of you are familiar with my business and you know I apologize if I'm getting a little loud but this is coming from my heart. I don't have anything written. I want to be left alone to run my business; that way I can secure at least 10 to 15 jobs on my corner. It's just a little corner; it's not a lot, but 20 years of not collecting unemployment checks; of keeping the same employees. I've got employees that have been with me for 15 years. What does that say for my business? I want to run my business the way I feel I should run it. It's been good to me. I've had a good life here. I've raised four kids. I want my kids to do the same thing I'm doing right now. I don't want them to go to school and then leave Moreno Valley. I want them to start a business here; make some money here and stay in the City that they grew up in. That's all I'm asking for. I wish somebody would come to my rescue. This week I'm going to go and find out how many other people I feel are victims of what Code

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Enforcement is doing. I just want to make my money and not ask anything from you guys. I don't even call the Police when I need them. I do not get my Police services. I've been burglarized over 30 times; armed robbery twice and nobody has been arrested. I need some help. Thank you.

CHAIR DE JONG – Thank you. Okay, that's the last of the Speaker Slips. I understand that a gentleman came up to one of the Officers and said that I had called his name earlier and now he's here. Can that gentleman come forward or woman; I'm sorry. We've already cut off Speaker Slips at this point. What is your name?

SPEAKER PALOMARES – Louise Palomares, I've lived here in the City for 20 years. Okay I'm not on this map and I support this project and I'm not on this map.

CHAIR DE JONG – Remember this is not items not on the Agenda.

SPEAKER PALOMARES – Okay, well there is a lot of people I heard at the last meeting that were speaking about the east end and they don't speak for everybody in the east end because I have rentals in the east end and when my tenants heard that a project might be coming to Moreno Valley they were ecstatic. We need these jobs here. We really need them and that's as much as I've got to say because everybody has already said quite a lot already. Thank you so much.

700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

(CONTINUED FROM PLANNING COMMISSION OF JANUARY 8TH, 2009)

CHAIR DE JONG – Thank you. Alright at this point we've reached a point where our Applicant is going to present a rebuttal to the Speakers both tonight and last week, but I understand that he has a powerpoint presentation and City Staff needs to set that up, so prior to the presentation we're going to take a 10 minute break at this point. Thank you.

(10 minute recess)

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CHAIR DE JONG – Hi we're back. As promised we're going to open the portion of the meeting where the applicant has a chance to rebut what he has heard this evening and the previous evening. It is now the Applicant's turn... Mr. Benzeevi.

APPLICANT BENZEEVI – Thank you. Good evening again. Is the sound on?

CHAIR DE JONG – I'm not sure...

APPLICANT BENZEEVI – Tell me if it's fine... I know between the accent and the acoustics, it doesn't quite work well. This is fine?

CHAIR DE JONG – I can hear you

COMMISSIONER MARZOEKI – I can hear you

APPLICANT BENZEEVI – Okay great... In any event thank you for giving us an opportunity to come back and I'm not sure if it's a rebuttal but I would like to respond to all the issues that were raised. We were amazed and actually pleased to see a lot of the community has come out and had a lot of things to say; some were legitimate concerns and I think are issues that should be addressed; others I would say that you know to some you know the truth is just a more elaborate form of fiction. I'm not sure exactly where things came from but you know I want to address those things that I think are far beyond what the realm of the project is. I thought I would address my remarks to the project itself, but a lot of things were said and I'm really not going to respond or rebut to all of those other issues. I think all of your time is valuable and I think it's probably proper for a different forum, not the Planning Commission. Just to get up to speed and sort of reiterate where we were last time, I'll just briefly and quickly go over what the parameters of the project is. We're talking about a project that is located between Redlands Boulevard and Theodore Street, bounded on the north by Highway 60 and the south by future Eucalyptus. It incorporates essentially four parcels; two commercial parcels; two investor parcels that are sort of center to the project. The two outer pieces are actually commercially zoned, all of which are within the Business Park zoning designation; Commercial designation within the current General Plan. There is no General Plan Amendment required for that; that's a point I will elaborate on and describe. Very quickly, to understand what we're talking about in terms of the building; this is the main building facility and it incorporates the logistics operation as well as an office and management operations. I've recently spoken with some of the Sketcher's representatives and asking them generally what the make-up of the operation will be and I was told that the head of the global logistics operation will actually have an office right here in this building as well as four Senior Vice Presidents in their divisions, as well as all of the IT both hardware and software compliance; you know customs; purchasing, management, marketing, finance and a lot of other functions. Approximately 100 to 150 executive type positions will be hired on the first Phase of the operation. They are expanding and

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planning to stay here for a long time and expand within our community, so that was generally what the numbers were. Again what the project looks like to remind everybody, I showed last time sort of... I'm going to show what the project looks like. This is again heading east. We are now going to cross the Redlands Boulevard Bridge and the project will be on the right as you are watching the video. It is highly landscaped. We'll also talk about that space between the pavement, the freeway and the actual landscape that belongs to the project. That is one of the issues that were raised and we will look at that as well, but generally speaking this is what we'll be seeing as we drive on our freeway; the Moreno Valley freeway; Highway 60 heading east. It's heavily landscaped with some areas which will remain open to expose the building. We think it's a tremendous building; sort of an iconic building and we think the community as well as the general public should have the opportunity to have a glimpse of the architecture, which is unique. Eucalyptus, which is the southern boundary; again this is turning from Theodore into Eucalyptus heading west towards Redlands Boulevard and this is sort of the entry. We will also talk about the median you see here. This median here is part of our General Plan Amendment. Currently Eucalyptus does not have a median and we are requesting the General Plan to allow us to install a median on Eucalyptus, which we will also be maintaining. Again, the project is on your right; again heavily landscaped with drought resistant type of planting. Anywhere there where there are posts or gates are essentially concealed from the public view and it's really a nice boulevard that you can get... If you didn't know there was that type of an operation behind it; it could be anything; it could be a hotel; it could be a high-end residential community; it could be anything at all really. The enhanced landscaping along the boulevard coupled with the median, obviously just creates a whole different experience. We're hoping that the City will continue with the median throughout Eucalyptus; again we're just proposing it for this segment that we have which is between Redlands and Theodore. Anyway this is heading to Redlands Boulevard now. Here we are going by the commercial area that will be on the right. It's zoned Commercial in the General Plan. It is still zoned Commercial and proposed to be Commercial in our plan here. Okay, in terms of traffic and traffic was an issue that was raised and exactly how heavy the traffic will be, we've had the simulation again and some folks said, well gee there is so many trucks; there is so much traffic and so on and I just want to remind you that how we looked at traffic or how we look at traffic as individuals and how we experience it on a human scale is entirely different. Some folks said, well gee there will be a truck every 42 seconds and things of that nature and we actually have a simulation of the traffic and we can actually... again this is looking in; if anybody has a stop watch or wants to count every red truck again; is every red car or truck is actual traffic that we are contributing to the ambient level of traffic at build-out, which means what you are seeing here is a simulation of traffic as it will be when it will be built-out and the red trucks and red cars are actually project related traffic. As you will see and you can count the interval between trucks and it may be 48 or 49 seconds; 50 seconds; you know it's intermittent, but on average it's about a minute, but this is how you know a car or a truck every 40

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some seconds looks like. It is not the kind of congestions that we all think about when we hear these kinds of numbers. It's easy to get scared by thousands of anything, but how we experience it is entirely different and when you compare it to the fact that we are running so many over a 24 hour period; well the freeway capacity is several thousand cars; 70 to 80 to 90 depending on many thousand cars an hour going through the freeway at normal times so you can actually clock those trucks and you can see they might be those red trucks; it might be every 40 something seconds, so it's not accurate what people were trying to say that there are trucks on the freeway, but the reality is that it does not generate congestion; not at the level we're talking about. On average around the here, we represent about; according to the Traffic Study and the EIR analysis, about two percent of the traffic as we are going down west to the 60 Freeway, so traffic is really not a concern and everybody is welcome to clock it if you want to, but it exactly depicts the Traffic Study that was done for the project. Again it's not different when we head the other way. The same thing can be done. This is now traffic coming towards us. This is standing on Redlands Boulevard and looking east and the traffic coming west. Again the red cars and trucks are project related traffic... very low level compared to the freeway and this is at build-out. I mean it's almost kind of boring to watch traffic, it's just not that exciting, but it's also is not terrible, it's actually very well moving and fairly freely moving and this is taken at peek hours. This is the worst case during the traffic cycle of a day. We've tried to summarize all the issues raised and consolidated it into a presentation so we can go through some of the issues and one issue that was raised is the commitment to the City. Some people said; when our former Councilman said that somehow the City is betting us out one way or the other... A lot of nonsense in the sense; we haven't taken a dime from the City. We actually have no debt. All the properties were purchased for cash. It's in the tens of millions of dollars for that particular project alone; not the rest of our holdings here. For somebody in Moreno Valley that has a mortgage on their home; they are actually more in debt than we are. We have no debt and we own everything as they say on the street; free and clear, so we're certainly are not looking for (inaudible) thinking, actually we'll be helping the City with millions of dollars of improvements and in this particular project, approximately 45 million dollars between street improvements and other things. In terms of how much time did the public have to review this process? We heard people say it was rushed through. Actually the process started in August of 2007. We've been through the notice of preparation. It was published in October of 2007. There was a Public Hearing; EIR scoping meeting and a NOP (Notice of Preparation) and a Hearing that was conducted out in August of 2008 where the public brought in their input. A Draft EIR was prepared and circulated for 45 days. That 45 day circulation period terminated September 19th of 2008 and since that time we've continuously to receive, even though it was the deadline, we've accepted all requests and all input and data that was sent to us, reviewed it and responded to it. The City did that as well as part of the EIR process which culminated in the drafting and the publishing of the Final EIR, which was really adding on the comments to the Draft. The Draft was really the complete document and the Final EIR is that draft document; the complete

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EIR plus the comments that were received after that period. We answered to all of them. There is also part of the process that has been occurring here that I think was somewhat; every meeting we come in and you are handed another stack of 300, 100, 200, 300, 1000 pages and ask how could you possibly make a decision before you read these extra 1,000 pages. Well in today's day and age of the internet, anybody can push print and regurgitate thousands of pages on any subject at all. We have to have a process in place and we have to make sure that whatever is presented is actually the relevant information or new information otherwise it will never end and we'll keep on hearing the same thing or we get handed another 300 pages of the same information again and ask that you couldn't possibly make a decision because you have so much new information now. Well we've looked at all this new information; the City has looked at it as well and there wasn't any new information in all those stacks of papers. It's the same thing repeating itself, so we're hoping that if you review the EIR which is almost a four foot high document. It's very detailed and almost has an answer to any issue that exists. In general context with what you have here... Sorry...Okay, this is essentially an overlay of the General Plan designation on top of where the project is. If you notice where it says project area is where the project site is. It is within the Business Park zoning. As you remember there were two commercial areas at Theodore and Redlands. Those remain commercial areas and it's within the General Plan Business Park designation. Well in any event, I want to clarify one important thing. We've heard a lot about the General Plan; we're amending the General Plan; we're changing the General Plan in the east end; we worked so hard on it for 10 years. I've been around and I understand how long it took to put this General Plan together, but the reality is we're not talking about changing the General Plan. The only General Plan Amendment that's in front of you actually relates to the realignment of trails and the placing of a median in future Eucalyptus. This is the only General Plan Amendment that is front of you. It isn't to change what the east end was like. It isn't to change the uses out there. The simple General Plan Amendment that's in front of you is to amend the General Plan as it relates to trails and the trail issue is simply this: There was a trail designated to go from Theodore to Sinclair, which is not there today and I hope we have that exhibit. I don't know if it's easy to see with the lights on? Are the lights on, on purpose are can see the slide this way? So the General Plan Amendment; what are we asking the Commission to evaluate and to amend? The only General Plan Amendment in front of you is to look at the multi-use trails that were crossing Highway 60. There was a bridge designated; simply a horse bridge; a bridge to cross Freeway 60; not for cars or anything else, simply for this trail and it's totally invisible; it's 20 million dollars, plus if you come south of the 60 Freeway the segment of Sinclair between the 60 Freeway and Eucalyptus has been abandoned by the City; not by us; it's been abandoned by the City. There is no connection from Sinclair to cross over the 60 Freeway and get to the north side, so that bridge or if you remember the bridge to nowhere; that's kind of the same thing; it's a bridge to nowhere, it wasn't going anywhere; there wasn't a street to receive it on the other end. So what we've done instead is to take the trail segment from Theodore and instead of going up

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to Sinclair and going over the freeway, we're taking it from Theodore all the way out; actually extending it to Redlands Boulevard; so actually lengthening this trail and so we're asking the amendment is to actually extend the trail. But there is a bigger issue with the trail. We call it multi-purpose trail, but in reality we're asked to put this trail in next to a sidewalk; next to a bike trail and so what is the purpose of... if it's truly multi-purpose let's just have one trail that's for pedestrians, horses and bicyclists and not have a multi-purpose trail; a sidewalk and then have a bike trail. The reality of the fact is that it's really a horse trail and I understand why because no one will let his three year old kid on a tricycle be on that trail, followed by a ten year old kid on a two thousand pound horse galloping behind it, only to be followed by a senior citizen with a walker. It's just an impossible situation and bounded by the fences. You can even escape the place, so we questioned the whole issue of what it actually means, but that's a separate discussion. The General Plan Amendment simply is not to amend the allowable uses or anything else; it's simply to amend the realignment of the trail from Redlands to Theodore instead of from Redlands up across the freeway; over the 60 Freeway. By the way a bridge like this we estimate will cost about 20 million dollars and we thought that if 20 million dollars are spent in the City, there are better uses today than a bridge; in fact we can fix some of our roads with those 20 million dollars before we built those kinds of bridges. The second thing is the median. That is the second General Plan Amendment which is to amend the Circulation Plan of Eucalyptus Boulevard to accommodate a median and maybe we can take a look at Eucalyptus Street. Yeah you can see this is the median we're talking about. This is Eucalyptus. Eucalyptus as it exists today in the General Plan does not have a median, so we're proposing this median on Eucalyptus Street, so that's one of the issues with the General Plan Amendment and the second issue of the General Plan Amendment is the realignment of the trail that used to start at Redlands, come approximately half way to Sinclair and go over the freeway. It doesn't exist today and the bridge doesn't exist today, but that's how it was laid out. We're talking about taking the trail; potentially the alignment out to Redlands as a straight line. Okay we also think that... again you can see the alignment here and you'll take it all the way to Theodore Boulevard. This will be the entry to the Sketchers building. There was a lot of discussion about air quality and the buffer... Maybe I can just describe it... Well the project is here; there is... Well I'll just describe it... Generally speaking the air quality analysis indicates that the air quality surrounding the project preserved. The distance in which we get down to below the threshold of acceptable; the ambient air quality is about 440 feet and as you can see from the project site itself there is no one anywhere the vicinity; any residential units; any other units and in fact it is surrounded on three sides entirely by Commercial, Industrial and Business Park developments. Hopefully we'll have the slide that's more accurate and we can show that. There is another issue which we need to understand. A lot of things have been discussed about air quality and the context in which it's played out. The risk of being impacted by being close to a diesel source takes explanation a little bit. According to the way it is evaluated, it looks at incidents in the population per million, so the ambient level of air quality out in our environment

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and the threshold is about 10 incidents per million people. The project itself with the 400 foot buffer gets us to that level, which means the air quality in the general area is preserved and air quality in general is an original issue; it isn't project specific or a building specific. You put the building anywhere and the ambient quality is affected by everything that is surrounding us. This was just a comparison of the risk rate, so for example if in Moreno Valley the risk of having any respiratory disease is one per a hundred thousand and murder is about six, so you know you are actually six times more likely to lose your life here because of homicide or murder than ever from inhaling any diesel fuel. Theft is about 3,200, so you a 3,200 or three thousand times chance more of actually being robbed today in your house while you are here at the Planning Commission Hearing because of the likelihood of propensity. But anyways, traffic again just very quickly; the traffic is diverted into the 60 Freeway. It goes along Eucalyptus and up Theodore and Redlands Boulevard. We are actually proposing in the first phase that Eucalyptus is actually a cul-de-sac and I think it's shown on the plan as a cul-de-sac such that the only way to enter in and out of the project is through Theodore. Later on we have that mechanism that we'll discuss with the City to limit truck access into Redlands Boulevard. As far as the project is concerned it's designed to work from Theodore. We're not looking really for access to Redlands Boulevard but none the less it goes north of Theodore and doesn't down to any of our communities. Just in terms of comparison, the General Plan uses that are allocated right now will produce about 36,000 trips a day. Our proposal actually is at 15, which is a 58 percent reduction from the proposed plan. The actual numbers of cars... if by comparison to look at the comparison of the weight; Moreno Valley Mall is at about 60,000 trips a day. That's what 60,000 trips a day looks like. The Stoneridge Wal Mart Center off of Moreno Beach Drive is at about 36,000 trips a day. The entire Highland Fairview Corporate Park; this entire project including Sketchers is at 15 and the Sketcher building itself is at 3,300, so by comparison we are about a tenth of what the Stoneridge Wal Mart Center at Moreno Beach Drive is in terms of traffic. The actual operational characteristics of Sketchers itself though is about 50 inbound trucks and 50 outgoing trucks; 50 usually coming in from the ports, which is at night time and not during daylight hours and the 50 outbound trucks go out after peak hours, which means they leave the capacity wide open on the freeway. That's their particular operational characteristics is about 100 trucks a day. The reason this says 3,000 is because this is not about Sketchers and their operational characteristics; is this... if you call it the typical or the typical such operation based on City guidelines and standards; it is not the actual operation, but the actual operation is about 100 movements a day for Sketchers. Okay I'd just like to summarize one point about jobs. There has been a lot of discussion about jobs and all this discussion if we just zone it a certain way they will come. Well as we all know you can't just zone something and they will come, otherwise why stop at a 50,000 square foot building or any building. We can zone it a bio-tech center; capitol of the world and bio-tech center of the world. We can zone it Manhattan be the financial capitol of the world; it doesn't quite work that way. We have to be responsive to our local original, even global economy to have real

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jobs and because we have those designations that don't respond to the market; is we've been empty all this time. We are the second largest City in Riverside County and do not have any major employers here and it's not by happenstance. It's the type of decision we've been making all along that brought us here. There is no science to it. Other cities have been able to during the boom years attract a lot of businesses and that's because we cannot be arbitrary in terms of building size. It's like saying if you are a Moreno Valley company and you grow to be 50,000 square feet and you need 51,000 square feet we say take your business and your jobs and take it somewhere else because we are only limited to 50,000. In terms of the jobs generated in the park, there are already many jobs generating here. We are a Moreno Valley company. Our payroll is equivalent average median pay in Moreno Valley to about 60 people. That's part of what we do; that already jobs in Moreno Valley. There are about 1,000 construction jobs. The entire Business Park as it builds out is projected and this is according to analysis based on types of uses is about 2,500. People asked about Sketchers. They range today between 800 to 1,000 jobs with about 150 or 10 to 20 percent executive level type people there. So that's essentially the project. I'll just conclude with taking your around the project once again so we can see what... so in summary the General Plan Amendment; it is not to change the entire east end of Moreno Valley. It is simply the amendment that you're looking at is to amend the trail alignment and extend it. It is also to place a median on Eucalyptus Street. That is the entirety of the General Plan Amendment. The second part is the design of the building. This is a green building. We're trying to achieve the highest LEAD Certification possible. The solar system on this building already will be the largest in the region; several million dollars by far. The design of the project in terms of the freeway; we are proposing to put in our own landscaping and maintain our own landscaping and not do Cal Trans landscaping. Cal Trans landscaping and I wonder if we have those slides... If you look at comparison between what Cal Trans and actually the City standard and what we are proposing, you can compare to see... this is if we can go through slides... This is our 60 freeway. No, this is not the 60 freeway. This is estate areas in the rural east end... I guess this is not the day for slides or for computers... In any event as you know, obviously all of you drive the freeways and you know exactly what Cal Trans landscaping is. It is very sparse; it's very minimal; there's not a lot with it and if you compare it to the landscaping that we're proposing it's much, much more extensive than the Cal Trans landscaping, plus we control and maintain that landscaping. Unlike Cal Trans you'd have to ask permission from them to enter Cal Tran's property and then again it would have to be torn up when the freeway makes any improvements at all at some point. Okay I guess I'll open it up for questions because I guess the technology is going haywire here this evening.

CHAIR DE JONG – Okay, thank you. Commissioner questions of the Applicant?

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VICE CHAIR MERKT – Yes, good evening, thank you for being here. For my own personal interest I understand you have been a developer for some period of time. Would you mind telling us how long you've been a developer.

APPLICANT BENZEEVI – I've been a businessman and a developer; sort of a generic term; doing real estate. I've been in real estate probably 27 years.

VICE CHAIR MERKT – Good, that's a lot of experience. Can you tell us a brief history of any of the projects you have completed in Moreno Valley or that Highland Fairview...?

COMMISSIONER GELLER – Mr. Chairman, this is absolutely improper. We have never grilled a developer like this. This is out of the scope of our responsibility. We are reviewing a project...

CHAIR DE JONG – I think that it's... Let's let him finish. I think it's relevant.

VICE CHAIR MERKT – You know, I'm just asking a question. If you object to it, please tell me, but I think it's a fair question.

APPLICANT BENZEEVI – It's fine. You can ask me those kinds of questions. I've never been asked that in a Planning Commission Hearing of forum but that's fine. I've invested a lot of Moreno Valley. We have spent a couple of 100 to 150 million dollars in Moreno Valley in cash buying property. We've owned a lot of property. We have started Aquabella as you know. We have done all the grading already in Aquabella. We have dug up all the lakes; about 20 million dollars of grading has been completed in Aquabella. Those Specific Plans have been completed for that. The plan check is in process for the club house. We currently shutdown for the winter and are waiting to see what the economy will do and as you know home prices in Moreno Valley has down by more than half; thousands of foreclosures and it becomes a question of whether or not you should start new housing when the market is in this state but we're certainly anxious to do it. We've bought all the remaining properties that you see here and again they are owned by us. They are owned for; as they say there is no financing involved there. We have done all of our plans. These plans have been checked by the City, so what you see here is exactly what is intended to be built and we're interested in pulling the building permits.

VICE CHAIR MERKT – Well I'm aware of what projects have in work and I understand you've been in this area since around 1990 or perhaps before that I just wanted to know if you had completed any projects in that period of time. I know you have started some. I know...

COMMISSIONER GELLER – You know Mr. Chairman this is absurd... What does this have to do with anything? It is not right. It is unfair.

APPLICANT BENZEEVI – Okay, let me just say that we're trying very, very hard for years to get to a point where we can pull the permits so we can get to the business of building. You know we are trying very hard. We've spent a lot of time with City Staff; literally years going through plans; spending millions of dollars in plans; asking this Commission to move on with approval so we can actually get started with building the project.

VICE CHAIR MERKT – Okay...

CHAIR DE JONG – Do you have another question?

VICE CHAIR MERKT – No I'll leave it at that..

CHAIR DE JONG – Are there any other questions of the Applicant? Well I have one. I am curious Mr. Benzeevi, why you didn't mention the zone change as part of what we are voting on tonight?

APPLICANT BENZEEVI – I was again; there are a lot of technical issues here. I was referring to the General Plan Amendment. The General Plan Amendment relates to the issues that I talked about. There are other things that you are approving here. There is a Parcel Map, there is also the Zone Change to allow buildings larger than the 50,000 foot limitation, but that is not a General Plan Amendment.

CHAIR DE JONG – No it's not. Are there any other questions of the Applicant? Okay, thank you. I see none. Thank you for your time. I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – I'd like to start.

CHAIR DE JONG – Go ahead

COMMISSIONER GELLER – First off, what we are here to do tonight; we're approving a 2.6 million square foot project. We've heard all of these things about 35 million feet and I don't know millions of numbers have come out. I think the only thing in front of us tonight is 2.6 million square feet. I think the number one issue that I think that came up was pollution. First of all nobody bothered to bring up that I think the new trucks that are being produced today are far cleaner. They are not the kinds of trucks that are belching all these fumes. Also what hasn't been brought up is the State of California Air Resources Board passed the strictest retrofitting rules I believe anywhere in the nation that's going to require the entire diesel fleet that travels in the State of California to upgrade and basically to remove most of this particulate matter and yes it's going to take a number of years, but everything is going to take a number of years, but the fact is that no one bothered to mention it. It was just like well... but the State has taken action. Air quality is a regional issue; it's a statewide issue; it's not a block by

MV00017120

block issue. As a matter of fact we had people up here that said that yeah Mira Loma air it's so bad that it's moved to other cities. Well the point is air quality is not within a 300 foot range. If there is bad air, there is bad air, if there isn't; there isn't and I think first of all the reality is the number of trucks is going to be relatively, virtually none. You know we have lots of warehouses in this City and there are warehouses around us. There is the Mattress Factory; I mean there are warehouses all over the place and you know what, maybe I'm unique and again but no one here complained, I have never seen a Serta Mattress truck on our streets. I have never seen any of these warehouses; any body with trucks going in and out of them except for the UPS truck. I have a client near the Big 5 warehouse and I have been by there all the time during daylight hours. I see hundreds of cars in the parking lot. I have never seen a truck go or enter or leave that distribution center and no one here in all of Moreno Valley; no one has complained about one warehouse that's here and all of the trucks that are coming and going, because it doesn't happen. The trucks come and go in the middle of the night when no one is on the roads. That's the way it is. If the traffic of trucks in the City was such a big problem everybody would be complaining about it. I challenge anyone to find actual trucks delivering goods to one of these so called warehouses. What you see on the road during the day are trucks that have to go during the day. The trucks that bring us fuel; the trucks that bring groceries to the grocery stores; some of them have to be during the day; the construction trucks; concrete trucks and I mean those are who is out during the day and yeah there is some long haul truckers that might through up the 60 or somewhere else in Moreno Valley on their to somewhere else, but the core distribution centers do not have trucks going in and out during the day. It is not cost effective; they don't do it and that's why no one and of all the people that have testified in front of us and the three or four dozen letters and I have read every single letter that anyone gave us and anyone emailed and there is nothing in there to complain about any warehouse in this City and the so-called all the traffic and all of the fumes and all of this. We've approved several 1.5 or at least one 1.5 million square foot warehouse and I don't think anybody came to the public hearing. It hasn't been built, but if air quality was such a concern, there should have been hundreds of people there complaining about the air quality. No one came. I think it was just the Applicant or maybe a couple of people but we've approved lots of warehouses; none have been built because none of them have tenants, but the fact is the air quality is just a red herring really for the people that don't want this warehouse in the so called east end, although it's already been zoned for warehouses. Actually the number of trucks is relatively small. You know what no one... belching diesel fumes and my apologies to the School District; those darn school buses are worse than any truck I've ever been near. I drive behind those buses and you do start coughing and they are belching black smoke. The fact is the schools have no money to upgrade their fleet. I don't even know if they are called to upgrade their fleet over a period of time, but no one has complained about the school buses. All the people that complained about all these trucks, they still go to the market and they really like having a supermarket full of food. How do you think that it gets here? It doesn't

MV00017121

get here on a horse and buggy. They like going to Target or any of these other stores; how do think they get goods. They come on a truck; a diesel truck; that's the only practical means of fuel that there is and the State recognizes the problem and they are trying to make it better and they have made it better. You know there is also a new diesel fuel formulation that also was blissfully ignored by everybody again to try to create cleaner diesel vehicles. It isn't a situation that's been ignored. The jobs are an interesting thing. I have had heard all these people saying these don't create jobs; these warehouses are all fake. Well in Inland Empire Magazine the top 100 private companies in the Inland Empire. The largest one listed is the Moreno Valley Mall, but they are not a real employer because they are full of different stores that employ people. The largest single employer in the City of Moreno Valley is the Walgreen's Distribution Center listing 2,240 workers. Now where are these five workers that run the whole warehouse? I have been in their warehouse. It is as automated as anything I've ever seen in my life. They've got... they've built that large... the reason that it stands so high is that they have a vertical crane or a vertical robotic system that needed height to move around. They got these little automated trolleys running over the building; 2,240 workers. Where is thing that nobody thing about nobody works there. You know my Uncle Fred has seen this warehouse and they only have five people. That's just utter nonsense. The Big 5 Warehouse; I don't have any reason to believe that it's not state of the art. It was just built a couple of years ago. They're parking lot is full of cars every single day. Drive by it; drive by any of these warehouses; drive by Walgreen's and see how many cars are in the parking lot and tell me they don't hire anybody. I mean it's just simply absurd. The other thing is let's assume we don't build this project; okay, we're not going to get those jobs ever. Some people said, well you know they're going to build the warehouse and they're going to bring all their employees from these other warehouses. Maybe that's true and maybe it's not. Some will come; some won't. I know lots of companies and you know I heard antidotes from a lot of the owners of businesses that have moved to Moreno Valley; some of their employees come and some don't and over time people quite; people retire; people move away; companies expand. If we don't get the jobs here now we're never going to get them. Whether it generates 100 new jobs or 10 new jobs, so what; sooner or later the Moreno Valley people are going to have all the advantages of getting those jobs. Number two is there are all the support services. You know they have warehouses in Ontario or wherever and you know when their plumbing breaks they're not going to call a plumber in Ontario; they are going to call one in Moreno Valley or someone in the general area and you've got all the services that these companies need to keep everything going. The practical side is that it is going to create a lot of ancillary jobs and again oh, they're not the jobs we want. Let me tell you... there was an article in the paper; In and Out Burger and I think it was in Banning; I might be wrong, but they had three or four hundred applicants for an eight dollar an hour burger flipping jobs, so don't tell me that people don't want ten dollar an hour jobs. I have a client who makes ten dollars an hour at a manufacturing company somewhere out here locally, they're going to close; they can't afford to stay in business and they're

MV00017122

going to move to Covina and it's not going to be practical for ten dollars an hour for him to go to Covina, but to say; for anyone to sit here and say well ten dollar an hour jobs are just no good, if that's even the case and I don't know how much they pay. You know that's just outrageous to say that. Ten dollar an hour jobs are fine for a lot of people. I know there are a lot of people here that are retired that have nice government pensions and that's fine, you don't need a ten dollar an hour job and there also that that's a heck of a lot of money and you know maybe both of them in family have to work, but they can make a living and not having to drive to Covina for ten dollar an hour jobs a heck of a lot better and clearly in this center there is going to be a lot more than ten dollar an hour jobs. The schools... people say what's the impact? The fact is they're going to pay all of this money to the School District with zero impact on the schools. They're not going to generate one new student and there was some talk about the School District wasn't going to build schools. Well that's old news; it's done. The School District has pulled out. Whatever happens, they're not building there, but this project will create zero students for the School District and yet they'll pay all the school fees that everybody else pays. Now if they build 8,000 homes what's the impact to the School District? There were some issues of infrastructure. Let's talk about crime and fire. Well who is going to pay for it? You know what; do you really think there is much crime in these warehouse distribution centers? Do you think there are a lot of family squabbles that the Police have to come to and break up? Do you think there are a lot of burglaries? They have high security; they have full time guards; all places are gated; fully monitored with high end security; they don't have burglaries for the most part and robberies; they don't have anything. The Police don't come out to these centers except on very, very, rare occasions. The parking lots are secure; their cars aren't broken into and they have roving guards and they have cameras; they can afford it with the economies of scale. The Fire Department; they are all sprinklered; they have state of the art fire prevention; fire suppression systems. How many articles of paper have you read about you know; a modern state of the art industrial building having a big fire? Oh yeah, you get some of these old ones and some that have illegal materials on them, but mostly we read about house fires; that's what the City goes and responds to; either they are house fires or medical emergencies and again, even these buildings they have medical personnel; I mean they have everything. There's very, very low impact for the public. Number two is what people don't realize and for every house that's built, the taxes that homeowner pays; sad but true in this City due to the Prop 13 restrictions; the fact is the City loses ground with every house that is built. Rarely do the houses pay enough property taxes to cover the support of those extra Police created by the population; the extra Fire Department. I mean you can go to the City budget and look it up. The fact is that every house that is built; everybody's quality of life in some way comes down slightly because they can't afford to provide Police and enough Fire for all these people; whereas the fact is the businesses that get added add very little overhead to the City's operation. People say, oh if we do this it will open this Pandora's Box. I don't know of what. The zoning is the zoning. It was already zoned for Industrial type buildings. Somebody said, wow

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50,000 square foot buildings are fine. Well nobody wants 50,000 foot buildings. You know we can pretend; you know we can pretend about everything, but the fact is if all you had to do was zone and get people to build you know every city in the world would have all these high tech businesses and industries. It's just not there. You know if we compare the environmental impact of this project to homes, how much pollution does like 8,000 homes create. How much water does 8,000 homes use really... electrical; traffic, how many cars are there and really what is the health hazard? People just ignore like cars; well you know close the garage door with your car running and see how long you live. I mean in reality, cars are dangerous too. It's not just like diesel vehicles too that create pollution. People keep saying this General Plan took 10 years. Yeah it's true. On a calendar it took 10 years. It's not like every week we met for 10 years to resolve these issues. There is a whole array of reasons it took 10 years. One of the problems of taking 10 years is by the time it was done it was obsolete to a degree and also the General Plan is a dynamic document. It's not cast in stone; changes are made all the time. It just is what it is. You do the best you can, but it did take 10 years and like I say part of the result of that is the world we live in today is not the world that was in 10 years ago when we started it. I was there for the whole process. You know it is not the same world today. We can pretend that it is and put our head in the sand, but it's not. And again, mostly what's being requested is a Change of Zone. As discussed, the General Plan Update is trivial and yet you know oh don't change the General Plan. I know there one of the... and I took careful notes. I know one of the Speakers last week said, oh Mr. Benzeevi is just going to build and leave this town. I'll tell you something, nobody in this City has invested more in their personal residence than Mr. Benzeevi; nobody. He has made this his home and is spending millions of dollars on personal residence in this town and he is going to see this building from his house. We've have housing cycles in this City. I've moved here in 1983. Nothing was selling because interest rates for houses were at 15 percent. We made that crazy decision to do it because we knew they'd go down. We've had this huge flip flop of housing prices; skyrocketing, crashing, skyrocketing, crashing, foreclosures galore; you know one day we are the fastest growing City in the nation and the next day we are the foreclosure capital. Why does that happen? What is different here and the difference here; one of the big ones is we have no jobs in this City really. The jobs to housing ratio are way out of whack. The towns with little fluctuation in their housing prices have lots of jobs nearby of all different kinds and if we don't break that cycle and increase the jobs to housing ratio, in eight or ten more years we going to have another crash of housing prices. It's inevitable and it is not going to change. You look at Northern California cities or even Los Angeles; a lot of these cities where they had a much smaller decline in prices and a much lower foreclosure rate are that they've got jobs in their community. We basically have none to speak of and the only way we're going to break that cycle is to do that. People talk about all these trucks wandering around residential neighborhoods. Of all the warehouses put in this City, this one is the only one right next to the freeway. I mean I don't know how much closer you could get short of getting put in their own offering. All the other

MV00017124

warehouses... some of them are miles from the warehouses and yet still again nobody complained about all the trucks on our City streets and yet we have warehouses all throughout the City. The fact is that it is isn't a problem and yeah it is possible; some trucker is going to illegally you know leave their deviated path; you know it happens. Yeah and some trucker illegally parks on the side of the road to take a nap. I know it happens, but the fact is it isn't going to be because or in spite of this project. One way or the other, the same things are still going to happen. You know I wish it was sort of in our power to you know end all air pollution and end this problem and end that problem but it's not. The impact of this proposed project is so trivial in the scheme of things in terms of air pollution and air quality and these other traffic issues; yeah I know people laughed at the graphics... oh that's not the way traffic is. You know I know, I've lived here for a lot of years and I've seen the traffic get worse, but again traffic modeling is traffic modeling; that's how it's done for better or for worse; it's not necessarily looking at the freeway in the real world, but the fact is the numbers of trips. Wal Mart generates far more trips than this project ever will. Is that good or bad and I thought that traffic would be much worse getting off at the Wal Mart and it's actually better than I had thought. You know I don't know what the right job is. I don't know. For the moment I have a job you know. It might change someday but for the moment I have a job, but you know one of the speakers talked about rich and poor and I think some of the residents really didn't understand that. You know what's rich and what's poor? The median income in this town is about 50 or 60 thousand dollars. I think that someone that makes 120, you know I think that's pretty rich by this City's standards. You know all the people on the east end aren't rolling in money and believe me I'm one of them. I couldn't that house... well maybe I could afford it today but four years ago I could have never afforded it and I've lived there in the same years for 25 or 26 years, but we have all types of people here and we need all types of jobs. There is nothing wrong with a warehouse job. I don't know what it is and the only people that are going to say that there is something wrong with it is someone that has a job. People that are unemployed aren't going to thumb their noise at either a warehouse job or flipping burgers at In and Out. I mean it's just... I don't know where that comes from, but again it comes from having a secure pension and a government pension plan; having a nice government job or whatever. I mean most of the people that spoke that didn't want it; that didn't like this project, most of them seemed to have pretty decent jobs or secure incomes. I don't think there are many people whose house is being foreclosed and they still said we don't need any jobs here. I don't think there many of those and if there were, they didn't say anything during their testimony. Water was an issue... look we don't run the water district. Eastern Municipal Water District; they are a government agency; they have their own Board of Directors. They said they will provide water to this project. It's their responsibility; that's it, I don't know. If they say they'll supply the water, they'll supply the water. We can sit and second guess well maybe there won't be enough; the fact is they said they will supply the water. That's all we can go on. Every single project that is built in this City they have to get a letter from the District that says we provide them water. They got their

MV00017125

letter and that's the end of it. Property values... I don't know how much more property values can go down. I don't know how this project can make property values much worse than they've been in this City. I mean it's just not even possible. The fact is I have heard that mantra. When we had an apartments going up; well property values will plummet. You know what, they didn't plummet they actually went up. Having jobs and having you know a full service City that can provide jobs, entertainment and all the other things, that is what is going to keep housing values up. The fact is this project whether this project is built or not built; I can guarantee your house values are not going to up if this project is not built. If you think that then I don't know. No credible information was ever provided that that would be the case and my own experience; being here a long time; knowing lots of construction projects, it just doesn't happen. Yeah, if there were 20 houses right next to it, yeah there might be a problem for those 20 houses, but that's not the case here. You know people said we should provide healthy jobs. I don't know what that is. You know we have all these government agencies that are responsible for keeping people healthy and safe in their jobs. If these warehouse jobs were so dangerous why doesn't Cal OCEA shut down every warehouse in the State of California? Well the fact is apparently it's not as dangerous as some people like to say. I mean apparently it must work out okay because otherwise every warehouse would be shut down because they are dangerous. The fact is idling is illegal... diesel trucks they have to park and shut off and again the model of the modern logistics plants; again you go look at any of them; the trucks come in once a day, they back up, they turn off and they're done. They open the little loading dock doors and everyone does their thing, then the next day when they are ready to leave, they close the loading dock doors, they start their truck and they leave. People that are at neighbors running their trucks for 20 minutes in a residential neighborhood, they ought to call Code Enforcement. I think it's illegal and it's dead wrong. If my neighbor were idling his stupid truck for 20 or 30 minutes in my backyard, I'd be complaining, but that has nothing to do with this project and that isn't really an issue that is going to be there; that's the reality... they park, they unload and they leave. You know all we can do as Planning Commissioners; we can do kind of the best we can. There is no magic solution. There is nothing we could do; there is nothing the City Council could do and I don't think there is anything that anybody can do per say that's going to magically create these great jobs; if so every City in the nation would do it. My wife travels a lot for work out of the City and out of the State and she is in Oregon and she's been in the Mid-west in these little tiny towns where a lot of these factories have been built; these factory jobs that everybody wants. They ain't coming. I can guarantee you that they are not coming to California. They are in the Mid-west where wages are lower and you know they are where they are. They are in rural areas where they have a wide work force. There is virtually no manufacturing in California left of any size. The last car plant that was in Van Nuys I think closed about 20 or 30 years ago. It's just wishful thinking and again there is nothing we can do that would get General Motors... I don't know if we want General Motors, but you know there is nothing we can do. You can even look at aviation. I mean Long Beach is a hare's breath from closing;

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the now Boeing Plant, formerly Douglas. It's a hare's breath from closing and the only reason that it's still open is the government extended one of their contracts. It's sad and I'd love to see high paying manufacturing jobs here. Again we do the best we can. All we can hope is that if this project is approved you know that something good will come of it and maybe some manufacturers will come here; small manufacturers, but I had a lot of clients and most of the manufacturing; they have left this State. I mean there is just too must nonsense going on here; too many people against everything and you know what I think if the proposal was to build a manufacturing plant, the same people would come up with the same environmental issues and the same this issue and the same that issue and they'd find a reason to kill that project too. You know I live on the east end and you know I say I've been there all this time and there is no doubt in my mind that anyone that came up here and said it's a great project but it would be better if it was moved. Again, not in my backyard has been a mantra that I have heard with apartments; I heard with every project practically that we have approved that somebody doesn't want it because it's close to them and it's not in their perception of what they think. I have a simple test that I use and I've used it on this project and I've used it on every project... if I were in the same relationship as the effected homeowners would I vote for it. If I wouldn't vote for it for me, I wouldn't vote for it for anybody else and I am going to tell you the opportunity to get a Fortune 500 Headquarters is absolutely unbelievable. The reason the Press-Enterprise hasn't run a positive article is they don't want Moreno Valley to succeed. They want us to flunk. They want to knock us to the ground. They have published letter after letter of anti-Moreno Valley and all the anti-people they published their letters and I know that's not the only letters they got. They haven't published I don't think one pro-letter in a long time. The Editor of the Press-Enterprise is clearly against Sketchers or anything else that might bring Moreno Valley out of its current situation. Maybe it makes Riverside feel great; maybe they are hoping it will go to Riverside, but the fact is enough is enough. You know the headlines in the Press-Enterprise today is... you know people have said well what guarantee is this going to happen or that going to happen? Look, every project we approve; half of them get built and half of them don't and it's the way it is. Lots and lots of projects get approved and then don't get built for lots of reasons. The biggest reason these projects don't get built is the builders don't have any money. There is no financing now. It is unbelievable and anyone who knows anything about economics, it is unbelievable for a developer to have paid for all of their land in cash and have no encumbrances. You have no idea; there is nobody that is in that position that I'm aware of. All of the big industrial developers are maybe on the teetering of bankruptcy because of their huge leveraged debt. Debt is... you know a lot of these companies are going under; housing companies; retailers; their going under because of a huge amount of debt. It's absolutely incredible that any developer has paid cash for everything and again if you can find another company with that kind of you know, I'd sure love to hear about them because I'm not aware of any. It just doesn't exist in the real world companies of that and they talk about finishing projects or not finishing projects. The bottom line is our how one looks at it; Highland

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Fairview has invested millions and millions and millions of dollars. If they don't finish it; we approve and they never build it, well they never build it. I mean we don't have any control over that, but the fact that they have no debt and they have a tenant, makes it pretty likely. This idea of we are bailing them out of something, I have no clue where that comes from. You know most cities would pay money to have this kind of project in their town, and it isn't just another warehouse... if you compare this building to any other building in the City and tell me that's not the best looking thing you've ever seen... I mean there is nothing that even comes close and I thought we had raised the bar on industrial development. I mean I think most of the stuff built is pretty nice, but nothing in this City and I don't think anything in the City of Riverside or any of the other surrounding cities architecturally is going to come close to this building regardless of its size. You know the headline in the Press-Enterprise today really says it all; grim gets grimmer on economy. Who the heck would turn down a project like this...? I have no clue. That's all I have for this portion. I have some issues with the Conditions but we can wait on that. Let's the other Commissioners speak on this project and then I'd like to come back and talk about some of the Conditions.

CHAIR DE JONG – Okay

COMMISSIONER RIECHERS – Yes I have a number of points I would like to make. I don't have a particularly well organized order in which I'd like to make them. Some of them are comments related to points which were made last week; some points which were made this week; some points made by Commissioner Geller who spoke just before me. I will try to keep them reasonably well organized, but there will be a bit of rambling here I fear. I guess I'll start with a point just made by the Applicant who stated that there will approximately 50 trucks coming and going per day. A quick back of the envelope calculation here is that 50 trucks going into 1.8 million square feet... if you park the whole trailer inside that one 1.8 million square feet, it would take 40 days to fill that sucker up if you never took anything back out, so that doesn't quite seem to add up me. It seems to me that this warehouse is going to require a lot more traffic than that. I may be wrong; I may not understand warehousing at all, but it seems to me that there has to be a lot more turnover in that warehouse than that and it doesn't seem to me that 50 trucks a day is enough traffic for warehouse of that size. A point was made that 50,000 square feet is a ridiculous size for a limit on building size and that that's not what the market wants so that is not what we should require. I made the point scores, if not hundreds of times over my tenure here on the Planning Commission that it is not our job to create areas or change areas to meet the current demand of the City. We are a Planning Commission. It is our job to plan the City and design the City for the best future for the CIty, not to meet the needs and desires of the Applicants as they see fit at the current time. If we don't plan for the future, we will not be able to meet and design a future which we desire. It is our job to put together a plan and wait for conditions to come around to meet that plan. When I joined this Commission some 12

MV00017128

years ago, many, many people told us that we were completely pie in the sky to put all of that land there in the southwest part of the City for an industrial area; that we were ridiculous; we were never going to get industrial development here in Moreno Valley; it was never going to come out here; it was far too much land; much closer to the ports in LA and Long Beach and we would never get industrial development here in Moreno Valley and several of us on the Commission said we need it; we have to wait for it and over the past several years we've had significant development down in our current industrial area; the former Oleander Specific Plan. I believe when we most recently reviewed and revised the Specific Plan we came up with a good plan for the 60 corridor, with offices on the north, Business Park on the south. Certainly nothing is knocking on our door to fill those spaces today, especially in our market right now, but I think it's a very good plan. I think is something that will greatly benefit the City in the years down the road, but I think we have to bite the bullet and wait for what we want and not to succumb to the temptation to accept something which is expedient at this point and frankly from standpoints would be beneficial to the City from a tax and revenue standpoint, at least short term, but to wait for what we really want and which would be far more beneficial to the City in the long term. It was stated that the traffic count is going to be far lower with this development than it would be under the existing General Plan. I couldn't agree more. That is simply because there would many, many, many more jobs under the existing General Plan than there will be under the proposed plan. If we put Business Park in there in 50,000 square foot buildings as opposed to an almost 2 million square foot building on half a mile frontage we're going to have a lot more jobs than we're going to have in that warehouse and in the long term I have no doubt that those are going to be and pardon me if I'm snobbish, but those are going to be more upscale jobs than what we're going to have in that warehouse notwithstanding the fact that we're going to have some technical jobs in the warehouse and I would remind everyone that this is the logistics center for this company; this is logistics headquarters for this company. This is not the corporate headquarters for this company in North America. We're not going to have the CEO; North American... I don't know what the title would be for the head honcho in North American, but I don't believe he is going to be moving to Moreno Valley. The distribution head for North America will be operating out of North America, but Sketchers will not be operating out of Moreno Valley; their distribution function will be but the corporate headquarters for Moreno Valley I doubt will be moving to and operating out of Moreno Valley. And furthermore I have no doubt that everyone; nearly everyone who is currently employed by Sketchers in their various buildings as they now exist will be offered jobs in the new facility here should it be built and I have very little doubt that anyone will turn down any one of those jobs in our current economy. There are not that far away and with the current economy I don't think any of them are going to see the commute from the current location to Moreno Valley as something they can turn down. They're not going to give up the change for any kind of job because of that commute. That's not going to leave a whole lot of jobs open for people of our community. Let's see... air quality has been kicked around a lot from both sides. Yeah the State is trying to

MV00017129

do a lot to try to clean up diesel trucks, but if you read the detailed analysis of that, it's going to take at least 10 or 15 or 20 years to get all the trucks; all the dirty trucks off the roads. Nobody is going to be able to force the guys with the older trucks to scrap them or buy new trucks and nobody has got the money to buy them out or buy them new trucks. We have cleaned up the diesel fuel; we've taken the sulfur out of it, but that's largely so they can put cleaner engines in the newer trucks; that doesn't have a lot to do with the emissions that come out the older trucks and if air quality were not bad around concentrations of warehouses, why is Mira Loma moving way, way, way up the list very fast as a center of very toxic pollution and of concentrations of various medical problems including lung diseases and cancers and premature deaths. Mr. Geller spoke of the housing crash. The housing crash is certainly nothing unique to Moreno Valley or specific to policies of Moreno Valley. It's to say the least a national phenomenon. The previous time around we got clobbered particularly hard because of the Base realignment. We do perhaps get hit a little bit harder because of our lack of jobs, but the fact of the matter is Moreno Valley has always been in a boom bust cycle. Any place where you are going to periodically be the fastest growing City in the nation or in the State, when things slow down or turn down, you are going to get hit hard, if not hardest when things turn around, so that's a simple matter of fact. The faster things go up, the faster they go down, but by the same token the faster and the farther they go down, the faster and the farther they come back up, so our cycles just swing a little more widely than they do most other places. I remember very shortly after we moved into our house and I mean very shortly; within about 2 months, we were 40 percent upside down. It took a few years; we stayed down there, but within 10 years we were about double where we started, so the fact of the matter is Moreno Valley is a place where market values on single family houses swing wildly. I have not yet stated that I, like Mr. Geller very much commend the Applicant on his architecture for this facility. I find it outstanding and I'll come back to that in just a moment. I do want to say that I don't believe that I've stated it yet, and if I have I apologize, this project is pure and simply not what I personally and I don't; well I won't speak for anyone else; it's not what I personally envisioned for the 60 corridor while we were doing the Specific Plan. It's not even close. While we were doing the Specific Plan this would not have even been under consideration. I would not have voted for this Specific Plan if there was any way that anything like this could have come in there. I heard on the news either last night or it must have been earlier this evening that the water Gods were declaring and this is a direct quote, a prediction that this year releases from the delta were predicted to be 15 percent of normal. Now I'm believing that might have been a mis-statement and it might have been a 15 percent reduction from normal, which seems more reasonable, but it if is indeed 15 percent of normal our water supply is going to be in crisis mode and given that this project had to give up water from... this Applicant had to give up water from another of his projects, I have to have to severe concerns about the degree of rationing which will be implied and what that means to the land... the potential for what that means to the landscaping which is required of this project, which is very extensive. I don't know how much of that we can really

MV00017130

consider tonight, but it is a concern of mine and I guess my last point would be that in fact this City wholeheartedly welcomes projects exactly like this and exactly of this size and we would and I would; I won't speak for my fellow Commissioners again, but I would love to see this project presented to us, but I need to see it presented to us down in our already industrial zoned area before I can support it. We have an industrial zone. We have facilities there already designed to handle it; to handle the traffic ready for this kind of development and the 215 corridor is ready to handle it and the 60 corridor frankly is not. The overpasses which have to be used to get to and from this project are not designed to handle the traffic which will be required to get to this project. Down in our industrial area, this would be the star project of that industrial area and I would wholeheartedly support this project without even blinking; without even thinking were it proposed for down there, but where it is proposed, I can't even think about supporting it. I cannot make the findings required for the statement of overriding considerations and I cannot support the project for where and how it is proposed.

CHAIR DE JONG – Thank you Commissioner Riechers

COMMISSIONER MARZOEKI – I'm not as eloquent a speaker as my other Commissioners here, so I did write some notes. First I'd like to thank everybody for coming out; everybody in the community here that was for or against the project. I really do appreciate all of your time; all our your comments that you have provided us and it did help me in rendering my decision tonight and I think you all deserve a round of applause, so if you would give yourself a round of applause for coming out and sharing in this with us. I just wish that when we did the General Plan Amendment, that we had as many people come out and let us know what their vision was for the City was at that time. Bringing jobs to Moreno Valley has always been an important endeavor for this Commission for many years and this project in front of us tonight promises to do just that. The positives of the project are a large well designed warehouse facility that will be built to LEAD standards. It is state of the art. It is beautiful and has plush landscaping you know to make the building and the surrounding area visibly pleasing and detracts from the massiveness of the project because it is a large project. But before I go any farther with my comments, just bear with me for a moment while I reflect. In April of 2006 you know the Planning Commission finished the review of the General Plan Update at that time. Several members of the community did come out and once again I said not as many as that are here tonight, but they spoke about what they liked about the Draft General Plan Amendment and what they did not like about it. We listened to their concerns and these were from community members from all over the City and with their comments we were able to put together a shared vision of what we the community members; not the City Staff wanted our City to look like in the future and one of the primary changes to the original General Plan included changes to the land uses to provide a more balanced community and at that time I felt that is what we did. But to coming back to today, I feel we need to consider that same mindset and

MV00017131

be smart about our growth here in Moreno Valley. This is an amazing project... yes it is and it would be wonderful to have a company like Sketchers in our community, but just based on something the Applicant said in the previous meeting, this project is not about Sketchers; it really isn't, they are only a tenant of this facility, so it's not about Sketchers, so we have to look at the building itself and what it is in the area. Though a great project, I have several concerns about the traffic impacts to the City. Where is the infrastructure to support this? As Commissioner Riechers said, you know Cal Trans has no immediate plans to actually improve the 60 freeway or Redlands Boulevard or Theodore interchanges and with the development of a 1.8 million square foot warehouse facility generating over 15 thousand and that's the number that I got and I see you changed that number to 3,000 for this facility; vehicle trips a day with our already crowded freeways, it's not going to be able to handle that extra congestion. I don't know if you are like me, but somebody said that we all have jobs here in Moreno Valley. I work in Ontario every day and I drive that 60 freeway every day and the traffic just gets worse, so the Planning Commission is my second job and this is something that I am pleased to do for this City that has done a lot for me. I've been here in this City for 23 years, so this is not just something that I take lightly, it really isn't. Okay it was quite interesting; the video simulations that you provided from Redlands Boulevard to Theodore but I would have much seen the impacts to the interchange from the 60/215 to the project and then vice versa. You know that would've really I'm sure grabbed a lot of peoples attention with that. I work for an engineering firm and I've worked for an engineering firm for over 20 years and this has provided me with enough insight on projects like this that I thoroughly understand the type of facilities these are and how much traffic it can generate. There is also a visual impact. While watching the video simulation again, the building and how it would look from the freeway; I counted 15 seconds to drive by it at normal speeds. Now that's a big building, now I don't know how long that is but to me it seemed like a mile. It just seemed to me like a very long building. I'm also concerned about the air quality issues because I read in the documentation that was provided that the School District was looking to develop a school in close proximity to this project and this worries me and I know Michael Bremen and Associates who actually who put together the EIR, that was one of their concerns as well. I know on another project that was here in the City that was in the industrial area, I had some similar concerns and was assured by the experts that it was not a problem for our children. I voted yes on the project, only to find out that I was not provided all the information at that time and as parents and grandparents in Moreno Valley our children's health and safety need to be a priority. I am not against development and I'm certainly not against Sketchers. The site is zoned Business Park and the Planning Commission did that for a reason and one of them is to have less intensity in the east end of the City. Looking back at my notes for the General Plan Update which I did last night, the east end was to remain rural on the north side of the 60 freeway; and executive style living on the south and this project does not fit that model. So furthermore, though I know that some of my fellow Commissioners will disagree with me, to rezone this site could possibly set

MV00017132

precedence and I personally don't believe we need an additional industrial area in the City when the southwest portion is already zoned that way. So in closing, though this is an incredible project and I do agree with Commissioner Riechers that if it was in the industrial area, I would have no problem saying yes to it. In good conscience I cannot say yes to this project.

CHAIR DE JONG – Thank you

COMMISSIONER DOZIER – You know it's been almost a year since we've had to think about this project. We've seen newspaper articles. We've heard testimony from... I've had a year to talk to my Historical Society members who are some of the oldest families in this town about what it means to them and what the project would mean to them and so I've gotten a lot more feedback than just the public testimony that we've heard over the last couple of Thursdays and I'm just going to share some of those thoughts with you so you'll kind of get to how I'm thinking about the project. I'm in economic development. It's my job every day for the County of Riverside to find companies that might want to invest here in Riverside County. We run a business attraction program for the County and we on a daily basis talk to companies about what they look for and why they would chose a location to bring their company and so I have a different perspective on how difficult it is to do that. These are multi-million dollar decisions being made by companies to decide where they are going to put their businesses. I'll just share a couple of thoughts with you that manufacturing... if we think that we're going to fill the south section of our City with a lot of manufacturing... manufacturing for you environmentalists out there is an endangered species. We're not going to get that car manufacturer here. They don't come here. They go out to Georgia and they go to Alabama and that's where all of the plants have been going. It used to be that a small town could count on one major manufacturer coming into town and employ half the population. That is not going to happen in our Country much any more. It's happening in those sections of the Country that I just mentioned. There is a new animal for us. Our manufacturing has gone off-shore and our companies are American companies that are doing business here in the United States have found labor pools that will allow them to produce a different kind of sneaker or a different kind of a pair of pants that can be marketed here. What we're getting is we're getting ships coming into our ports; delivering those manufactured goods. We have two of the largest ports in the world to receive these goods from Asia and points west and what that does for us here in Southern California is it makes us an opportunity to warehouse and somehow distribute those goods throughout the United States for all our citizens to consume. So in the past in the 1950's and 60's when steel companies or auto manufacturers or airplane manufacturers could come into a town and make that economy; we don't have that. We don't have that opportunity here any more; it's very rare. The companies that we are getting to manufacture here are a lot smaller and in their industries we're probably going to get a company called Primary Steel that might go off of the I-215 and they are going to provide 200 jobs. It's very rare to get a steel

MV00017133

manufacturer anywhere these days as they are an endangered species, so we get distribution and we happen to be near the 60, the I-215 freeways and because of those corridors, we are the next... there is a progression. They bring it into the ports; they fill up all the warehouses and we're it because we've got the amount of land where we can build larger distribution projects, so whether we like it or not, the fact that we geographically are prime for distribution; we're getting it. Look along the I-215. We had some people from the State come down. They do economic development for the State and they asked us to give them a tour of just our area here and their comments were God; geez; the size of these buildings. They were just shocked at the size of the buildings. Well that's the market; that's the market. These companies don't need 50,000 square foot warehouses. Tesco would not be here... I don't know if you know who Tesco is but they've got a warehouse on the other side of the I-215. They supply all of the Fresh N Easy's in the area. I think they are in and I want to 800,000 square feet. I don't remember what the exact size of that building, but they wouldn't come to Moreno Valley if we only had 50,000 square foot buildings. That's why they are on the other side of the freeway. They are paying taxes over there and as an aside for this so you understand how this works; Tesco is a British company who invested here in our Inland Empire which was a first for them and they brought two other companies with them... a company called Wild Rocket that does meat packaging for them and they brought another called Two Sisters which does some other kind of packaging of goods for them and they are now over there too. So that's an example that I'm going to touch on a little bit later that because Tesco who is the Wal Mart of England, so to speak in terms of size and stature, because they chose to come here and chose that address over there, two of their major suppliers had to come too and so we got the benefit of that business. Had Tesco not come here, those other two companies wouldn't need to come here; there would be no attraction. You know they had to ask well where are you going and why are you going there and we need to be there too. I think Sketchers will do a little bit of that for us as well here in Moreno Valley, but manufacturing is an endangered species, so what do we get... we get distribution because geographically that's what we can support; that's what these companies are looking for; we have the open land; we have the larger inventory buildings that will draw these companies to us and those containers that are coming into the ports are going to double and triple in number over the next 10 to 15 years, so we're going to be a more of a logistics center than we may even want to be, but that's what we are and unless we want to get rid of the ports; unless we don't want these jobs, these are good jobs. You know when you get into the distribution and supply chain management, there are some jobs that are very, very high paid if you are good at what you do because these companies aren't manufacturing any more; they are creating marketing plans, distribution plans; supply chain management scenarios and they want the expertise of people who know how to do that and do it efficiently and they want to hire those kinds of people. It's not about whether they've got an automated place. DHL was automated, but I saw hundreds of people working over there until they moved, but these are jobs; these are futures for people. You know you come out of the

MV00017134

military; if you were in supply chain management in the military you've got a very good opportunity in this region to have full career and work for the rest of your life and feed your family and support your family on the kinds of jobs that these projects can bring. We're going to get companies that we hope will bring their corporate headquarters with them. We're not going... some corporate headquarters; they want to be in Paris; they want to be in New York; they want to be in San Francisco because those big cities have a certain appeal; they have a certain lifestyle; they have a certain ambiance to them. We're not going to get some of those corporate headquarters. It's unrealistic for us to think that we can, but we can get a regional headquarters that needs to be near their distribution center. This company Sketchers; they're smart. They are scattered out in four or five warehouses; economies of scale; they need large acreage; they need large buildings so that they can consolidate their operations. There isn't a city that I talked to and I talk to the economic development people in all 26 cities now in Riverside County that wouldn't die and beg to have this kind of project in their City. Now that's an issue of... and we compete with those cities because we compete for those jobs and we compete for the tax revenue and we compete for the infrastructure development that they bring when they come. Riverside would love to have this project; trust me; they would love to have it. So would San Bernadino is losing it; they're trying to keep it, so we have to understand I guess when we look at this project what is it's value to us as a City. What does it really represent and you know we've set aside land in the south. I had to deal with this issue because I understand the vision of the people on the east side of Moreno Valley. I understand their vision. I'd love... I don't like riding horses that much, but I'd love to have horse property up in the hills nestled away and very fortunate for them and there is plenty of land over there that that lifestyle can be maintained whether this warehouse is built where we're considering putting it or not. Okay, there is plenty of land over there. The other thing I think is that we don't have enough really land set aside to put industry in; any kind of industry that will provide the number of jobs that we should provide and need to provide for the residents of this City. Some cities have 20 percent of their land mass set aside to accommodate jobs for their citizens. I think we have maybe 3 to 5 percent of our land mass set aside for industry. It may be a little higher than that, but not much higher than that, so if we want to provide for our City, so if we're going to have to look at regions that we can logically develop to provide some of those jobs. Somebody said well let's wait until we can get the jobs we want. We're going to wait a long time let me tell you. I'm telling you I'm in this business. If you are waiting for corporate headquarters, it ain't coming okay. If you are waiting for a lot of companies that would move into large office space I can tell about what the vacancy rate is for office space throughout Southern California right now. We have more office space than we can fill and people are begging to try to finds these kinds of companies. Do we want medical or bio-tech jobs...everybody wants those jobs. Oh those are high paying jobs and its clean industry. Well we have a program in the County where we go after those kinds of companies. Let me tell you, if you have a PhD and you are working in Irvine or you are working in San Diego or you're working in these coastal communities

MV00017135

where you are being paid well; you're working for a clean company, you've got a lifestyle down there; you're not coming here and you're company; the CEO's aren't brining those companies here. That ain't going to happen, so we have to deal with what we can really, reasonably afford to go after and to get and we have a diverse population here in Moreno Valley. Let me tell you the statistics don't lie. We have 50 percent of our population that has not seen the inside of a College classroom okay. That means we have to provide jobs for 50 percent of our population that aren't going to be those high tech jobs; that aren't going to be those necessarily high paying jobs, we have to provide for citizens and some of these distribution centers will provide those kinds of jobs and when we talk about jobs, you know there are primary jobs. I have what I call a primary job because I make the most money between my wife and me and so I pay most of the bills. She has a job that I consider a secondary job because she makes less than I do but it is an important job to our family. If she doesn't have the opportunity to have that secondary job making less money, collectively I can't afford to live the way I live. A lot of these jobs that we look at and we frown on and we say that's just a twelve dollar an hour job or you know that's a ten dollar an hour job. There are a lot of families in this town that covet those jobs; need those jobs; their wives need those jobs; their children need those jobs; they are secondary jobs, but put together with what they do, they have a whole job; they have an income that they can live and survive in our society, so I don't look down and I came from Workforce Development and I don't look down on any job. A job is positive for anyone who needs that particular job, so this kind of project does bring some of those kinds of jobs. The attraction of a Fortune 500 company that will bring even their regional executives or regional headquarters is a very difficult thing to do. It's highly sought after and we already; whatever you think about Highland Fairview properties or Iddo Benzeevi; in the world of economic development, he already has a contract for a Fortune 500 company already signed before he even gets the permit. If you don't think that that's hard to do and a difficult thing to do, you are sadly mistaken... very difficult to do and we should be thanking Highland Fairview properties for at least having us on the short list and even get Sketchers executives to even to be talking about us to do a project like this. That's my opinion. Now I'm going to say this and let's not talk about Sketchers; let's just talk about the whole idea of getting people who are willing to invest this kind of money in our community. This is an idea and it represents a promise of some kind of future. We've heard the testimony here; they're a lot of people who see their future wrapped up in what we're able to do or not able to do in terms of providing jobs for our citizens and it represents that American dream; the possibility of it that a Fortune 500 company could even locate here. It represents an economic development win for Moreno Valley. It represents an opportunity to open a door for other major companies that will look at our City because Sketchers made a business decision to locate here. Those executives out there aren't stupid. They have to compete with Sketchers... what was it about Moreno Valley that Sketchers saw that made them decide to come here over Riverside and all of these other places that they go can go wherever they want... they have the money to go wherever they want. Why are they choosing us? So it makes

MV00017136

those other companies think about that and those are reasons why we should consider the value of just having them considering our town. A little story was told to me and I'll just share it with you. Sketchers said well we're in Paris, we're in New York; we're in these major cities. You know when you say those names you think of these cosmopolitan areas that are large and international and are vibrant. Well when you say Moreno Valley, you're going to have one of your regional corporate headquarters and you're major distribution center in Moreno Valley, it doesn't ring like Paris; it doesn't ring Paris; it doesn't ring like New York or San Francisco, so there was a move to change the name to Rancho Belago and I supported that because as a marketer I understand. If you understood what happened in Chino and Chino Hills, all you had to do was add the Hills onto Chino and all of a sudden you have a whole new idea and look at Chino Hills today. They are able to attract some of the largest and best retailers and companies around because of that. I supported that and I thought it was a good idea because it allows Moreno Valley to be more than what it is and it allows it to become even more than what its founding fathers envisioned it could be. It allows that possibility, so now let's deal with the tough issues. What do I think about putting it on the east end of town and what do I think about whether the trucks are going to be able to get in and out of there and the traffic; what do I think about the pollution; what do I think about the lifestyle that you know the east end would like to maintain and I understand them and I appreciate them and I know that they have to fight to try and keep a lifestyle that they have there. Well about the traffic... traffic is a funny thing. Until you actually experience it and realize what it's going to be you can only speculate. You can only think that that's what's going to happen. I trust our Planning Department. Our Traffic Division; we've got some experienced people in Transportation and Traffic in our City. Their job is to study that issue and make a determination. That's why they are paid; that's what they went to school for; that's what they do everyday. They tell me that based on the traffic studies; based on what's going on over there now that they recommend approval; that that traffic is going to be okay and I think that they did their job well and so I'm going with them. I'm saying hey, thank you very much and I'm going with them. And then the other thing that I want to say is you know anything that is built; if it becomes obsolete ten or fifteen years from now then do what other cities do, tear it down and build what you need to build you know to serve your community at that time; because that's what they do. It takes them years but they do it; tear down communities; entire projects to make room for what's got to come new, so I don't worry about it's going to be an albatross or a dinosaur if they ever lose Sketchers. I don't worry about that you know; I deal with today. Alright, the last thing I'm going to say and I really appreciate... I didn't think I was going to go this long, but remember I had a year to think about this. It represents an important crossroads for Moreno Valley. I love Moreno Valley. I've invested my life; my wife; my children and we've had a good time here in Moreno Valley and I'm going to work until I retire I'm going to be in Moreno Valley, so it's an important crossroads for Moreno Valley because you know I see our City and it's changing and it's growing and we have all kinds of folks here and our needs are different. You know if you have a job its easy for

MV00017137

you to say lets wait until tomorrow to get a job for someone else. If you don't have a job, you need a job today; you need it yesterday, so to say that we could be naive enough and say well lets wait until we can get those medical bio-tech companies and wait till they can come, we'll be waiting a long time, meanwhile people will be starving; there will be soup kitchens; you know you don't plan that way. We're in the toughest economy that we've been in for 50 years. People are losing jobs left and right and I came from Workforce Development for the County. I can tell you that we are approaching almost 14 percent unemployment in our County. It used to hover around 4 or 5 and it's now close to 12 and they are predicting it could be as high as 14 or above by the time 2009 ends, so I understand when you come and say we need jobs. I've got neighbors...those houses are empty, not because of foreclosures because they don't have any work. They were in the construction trades. Some of them have gone back to Mexico because they can take what they earn here and live a lot better during tough economic times than they can here, but they would like to come back and we should be able to have jobs so that they can come back, because their children are invested in our community; in our schools; and their families are still here; the ones that have jobs, so we're impacted by it. I think it's a great project. I wish we could have more like it and I wish we could ensure... there's one caveat and then I will end and that is I had this vision too. Somebody took a Rancho Belago flyer and said what happened to this vision and Mr. Benzeevi was kind enough to show the new drawings and show the vision and I'm happy that we have someone in Moreno Valley that has a vision and what we think of it that has a vision for a future and the caveat is that vision in my mind did not include at that moment an industrial area right off of the 60 between Theodore and that wasn't part of the General Plan. But it's my attitude about the General Plan and you'll understand how I think about that. The General Plan is a general guide and economies change; situations change. Who would have predicted we would have been in this kind of economy today. Nobody predicted that and nobody knows where the bottom is really right now. We think we're going to hit bottom soon, but we don't know, so things change and I think that if we owe 10 years to do the plan it's sacred. It's not sacred. It's a plan. City General Plans change because cities change; people change; ideas change and if we're not ready to change then we are not going to survive. We've got to be able to adapt and we've got to be able to do the kinds of things that make sense for our community, so I think about the General Plan and I say okay, it wasn't quite what I envisioned; it wasn't quite part of that Rancho Belago vision that I had even thought about. I would have loved to have nothing but Business Parks and medical tech companies and bio-tech companies but that's not a reality. What is a reality is Sketchers has signed a contact to come here and provide about 2,000 jobs in that place at this time and so that's why I will change my mind. Thank you I appreciate it.

CHAIR DE JONG – Thank you

MV00017138

VICE CHAIR MERKT – Wow what a meeting. The last couple of meetings have been very exciting. I'd like to echo what Commissioner Marzoeki said...

COMMISSIONER MARZOEKI – Do they need to change the tape?

CHAIR DE JONG – It was 10:30 last time...

PLANNING OFFICIAL TERELL – Yeah apparently the tape is longer this time. No I did go back and check and they have about an hour of tape left.

CHAIR DE JONG – Okay, good thank you. Sorry to interrupt...

VICE CHAIR MERKT – That's actually a shame because I have about three hours worth of comments to make after all this information, but I have some good news I have been able to reduce it by five minutes because of what my fellow Commissioners have said. Just kidding... Anyway, there a lot of things to cover on this issue and it's exciting as Commissioner Marzoeki said to see this kind of a turnout for this and hopefully we'll get this kind of a turnout the next time we update the General Plan and I think that maybe this meeting will educate people on how much they have to be involved in these things or they are going to be surprised when they get changed later on because they weren't done the way they wanted them done. This project first came to my attention in a very general way. I heard about a 1.8 million square foot warehouse; perhaps manufacturing combination building being proposed. Actually my first impression was this is going to be in the industrially zoned area of Moreno Valley to the southeast of the March Air Field and didn't hear too much about it and then all of a sudden my wife heard some information on the radio that it was going to be Sketchers in this project, so that kind of came along and both ideas kind of had a positive ring with me because I didn't know Sketchers as a company, but I did know Sketchers as a shoe, so I assumed that you know they probably were a pretty good company. But as the project location became obvious, it raised some concerns because it's so obviously conflicted with what we had set out as a vision for the City through our General Plan and as the project was presented to us I was actually amazed by the almost schizophrenic nature of this project and the way it was being presented to us. I'll explain that... on the one hand we're told this is Sketchers. It's on the drawings we received. We were told how many jobs Sketchers will provide. We were told about the Sketchers warehouses that are going to be left behind over in Ontario. Literally Sketchers is the star of this particular project, yet as Commissioner Marzoeki said, we're told well this really isn't about Sketchers. In fact we were told Sketchers is just the tenant and in fact the reality of that is reflected by the fact that there was not a single Sketchers representative at the prior meeting and there isn't a Sketchers representative here. The reason that is important is because a lot of the things we're being asked to believe about this project aren't known to the Planning Commission as to be valid or not valid. To be honest I don't know how many jobs Sketchers has in their warehouses in Ontario and I don't know how many jobs they're going to have here. We hear all

MV00017139

kinds of figures but they are interspersed from are they going to be in this building we are approving tonight or they on all three phases and from what I understand they are on all three phases with the number 2,500 and the estimate of 1,000 apparently is what is going to work in the warehouse. I don't know. I don't have anybody to ask and that's a major problem for me. A lot of the vote on this comes down to credibility on the part of two entities. One is Highland Fairview and the other is Sketchers. I've heard the name as I said Sketchers. I know they make shoes. Apparently they are a Fortune 500 company but recently we've had some huge shocks from Fortune 500 companies. I don't think anybody could have imagined that General Motors would be within weeks of failing without a Government bailout... Chrysler the same situation... Lehman Bros... 100 years in existence and they had to be bailed out. Citibank; WaMu; bankrupt and had to be bought out. I mean the economic crisis around it is obvious when the government announces it's going to help it, but when Mervyn's went out of business I didn't see a government bailout of Mervyn's, so frankly without Sketchers here I don't know how this economy has affected their sales. I don't know what their financial standing is. The bottom line is I don't know that the lease Sketchers signed is worth the paper it's written on if their economics don't exist, so they're not here to testify, so I don't know. There's a credibility issue here...

CHAIR DE JONG – He says they are here

VICE CHAIR MERKT - Well they haven't testified and I asked if they were here, but in any case I assume that maybe they are financially sound. I don't know whether for example whether I can buy a car today; whether I can get financing because the car companies have backed down on financing cars. People buying homes... let's face it, it's hard to re-finance a mortgage. It's hard to buy a new home unless you have wonderful credit. I don't know whether this building can be financed. I don't know, so these are some questions that I have. I also don't know whether this developer can finish a project. He's been out here a long time. We've identified that, but I'd like to see some results. Doesn't this quality it but it would make feel a lot better about approving a project if I'd seen some results or something in the past. It's just me; that's my feelings about credibility. Another question about Sketchers; like for instance we're talking about pollution and perhaps I might have the most experience in trucking of anyone on the Planning Commission. I owned a small trucking company and before that I was an owner/operator and the type of operation very much determines exactly how much pollution comes from a trucking operation. I'll give you an example: Fresh N Easy; the Tesco Warehouse that we're talking about; when they back their trucks up to the warehouse and they have refrigeration units and things like that, they have plug ins so that they don't run generators. The trucks aren't idled. They are kept in very good condition. The company controls the trucking operation, but most of the warehousing operations that I've seen are serviced by owner/operators who work for companies like JB Hunt and Schneider and a whole assortment of trucks and frankly their conditions are significantly less

MV00017140

modern than a fleet owned by a company, but I can't ask this question because the people that are going to determine the operation haven't been available to my knowledge on this, so basically if this a owner/operator type of operation we have to ask ourselves this question. If a person comes up there what are they going to do on a hundred degree day when they back their truck up to a warehouse door? We have rules and regulations, but the bottom line is this owner/operator probably won't know that and what's he going to do, sit in a 110 degree truck while his truck is loaded. I don't know. What's he going to do if the truck takes let's say overnight to load. Where is he going to take his truck? Is he going to take his truck to Ontario or perhaps even to Colton or someplace like that or is he just going to find a local location where he park his truck and maybe idle it and stay cook. I don't know. It's an issue on how much pollution will be provided and we truly don't have any answers to that yet. A lot of this testimony so far has been about jobs. Frankly I would liked to have asked the questions directly of Sketchers because... I'm sorry the testimony is finished, but they weren't available. Believe me I asked and was told they weren't here, but beyond that...

APPLICANT BENZEEVI – Who said that?

VICE CHAIR MERKT – Mr. Terell

APPLICANT BENZEEVI – Nobody asked us. I told Mr. Terell they were here tonight

VICE CHAIR MERKT - Well anyway as I said, they were not offered for testimony and I was not and frankly at this point I think we've passed that.

APPLICANT BENZEEVI – They are here tonight because you requested. There have been sitting here for a few hours

VICE CHAIR MERKT – And I didn't hear you say they were here.

APPLICANT BENZEEVI – You didn't ask me.

VICE CHAIR MERKT - Okay fine, I'm sorry Mr. Benzeevi.

APPLICANT BENZEEVI – You bring up whoever you want and ask questions from

VICE CHAIR MERKT - You testified and I was never told they were available. I asked specifically if they were there and I was told they weren't. Okay, so I'm not going to ask about something that I was told they weren't here. In any case, we're past that point, you know... Sir, this is Commissioner Debate, okay and frankly I'm not going to hold a conversation with you during the Debate. But in any case if they were here, I would have loved to have them present something, but they didn't. Frankly when it comes before the City Council, perhaps they can

MV00017141

testify then and perhaps the decision will be different. As I said, I wish they had been part of the conversation before this point. You know I see this building okay and I notice the computer animation. In the computer animation even the freeways; the berms of the freeway are green. The fields around this are green, but the bottom line is we know that's not the case. I see trees there; by his own admission the developer has said these are images of the business five years from now and frankly I think that's very, very optimistic. I think these trees are the kind of trees you see in 15 to 20 years. I think this is going to be a big, big building; clearly visible from all around. It will dominate the landscape out there. We're told not to consider this as the Sketchers project, but the bottom line is if this was presented to us as a four speculation property that might or might not be built, we wouldn't probably approve it, because we have lots and lots and lots of empty warehouse property in the City. In fact by the City figures, we have an approved project of I believe 1,560,000 square foot warehouse. We have many other millions of square footage of property, so I don't think if there wasn't a tenant that we would want to increase our stock by 1.8 million square feet without a tenant, so they are combined. This is a warehouse that is proposed that doesn't fit the plans of the vision of the General Plan, but also it doesn't fit the vision of Rancho Belago; the sign up there. When this was being debated in the City Council, they talked of a land of lakes and green fields and upscale housing and affordable housing and moderate homes and businesses to service that. There was no comment about warehouses being included in this vision and while this is only one project, the bottom line is we have two other projects in the pipeline. That's a fact and how many others are behind that; only the people who own the land and want to build warehouses know, but my guess is that they're probably keeping quiet at this point in time because they don't want to broil the waters. We've talked about jobs and whether the jobs are provided here, I don't know. For example, whether Sketchers testifies or whether they don't at this meeting, I think we'll all agree that the economy is down. As I said, Mervyn's is gone. I look at the figures in the paper about company results and sales are down, down, down. I find it difficult to believe that Sketchers is going to abandon their warehouses in Ontario and then come up to Moreno Valley, increase their capacity at a time that it would be amazing if their sales were down and seek much greater capacity. I find it difficult to believe that Sketchers would pick this period of time to increase their labor costs by increasing the number of employees from Ontario to Moreno Valley. I cannot believe that. It strains credulity. Some of the other things I kind of find funny is that Riverside has a conspiracy against Moreno Valley and the Press Enterprise is part of it. It's our regional newspaper. We have a reporter that is sitting outside the door; Dan Lee that reports on our City. I hope he isn't part of the conspiracy if there is one I don't know about. The bottom line is that if we approve this project I am not at all certain it will be built. I am not at all certain Sketchers will move here, but what I am positive is that if we approve this, we will have changed the zoning and vision of eastern Moreno Valley. That's a fact. It's simply a fact and I'm not ready to recommend to the City Council that we change that vision because I find way too much of this unconvincing. I hope that Sketchers... Well let me approach

MV00017142

another subject... jobs. Whether this provides jobs or it doesn't is clearly up in the air. We've heard people testify the workers from Ontario will be offered the jobs and frankly I haven't heard a single word by anybody guaranteeing even one job to a person in Moreno Valley, but let take a look at jobs in general in the Moreno Valley area. We talked about the Tesco Fresh N Easy Warehouse. My neighbor next door has a son. He is a Chef over at the food preparation center at Tesco, but Tesco isn't located in Moreno Valley. He is working maybe 500 feet away from Moreno Valley. I have other friends that work in Lowe's; the distribution center just south of the Ramona Freeway. We didn't get that facility. Actually there are other warehouses where it would have been scheduled but they moved down there and Moreno Valley citizens got jobs there, so just because a facility is not located in Moreno Valley, doesn't guarantee citizens will get the jobs here. People from Perris could; people from Riverside could. There are all kinds of things like that that could occur, and just because a job is outside of Moreno Valley, doesn't mean Moreno Valley citizens are excluded from these jobs, so you know the issue of jobs is really sort of a wash on this especially if Sketchers chooses to build this warehouse or perhaps occupy one of the empty warehouses in the industrial area that exist or that are approved for that area. The only thing that we know for sure tonight is that if we change the zoning and this building is not built or for some reason Sketchers doesn't come and occupy this building, that the zones will be changed forever. It doesn't revert back to the Business Park designation if the project associated with the zone change goes on. It just doesn't. One is not connected with the other even though we are presented with the two at the same time and frankly this is the wrong place for it for so many reasons that its just overwhelming in my mind and for those reason I would not recommend this for approval to the City Council.

CHAIR DE JONG – It's been a long night. Thank you everybody for hanging tight. Well I'm going to say it's a very good design. My compliments to the designers. There's a lot of work that has gone into this project and presentation and the video here and everything else. I need to say that I too love Moreno Valley very much. I've lived here almost 20 years, but I am also one of those that feel that is absolutely the wrong place for this to be. The City has an industrial zone with the dedicated truck access off of the 215; it's Oleander. The City has always embraced a less dense plan for the east end originally and that's still highly supported from rural pastoral to two houses per acre and Business Park of the approved General Plan including support Commercial. This warehouse building is equivalent size of 900 two thousand square foot home blueprints... it's huge or 36 fifty thousand Business Park buildings and it's only the first one. As it's been mentioned before, we know that there are more coming. I think that's a stated fact. This is a huge change to the approved General Plan. Now everybody is concerned about jobs, however the quality of those jobs really does need to be a concern as well. It's been noted and I agree that Business Park jobs already approved under the General Plan would offer a much greater range and diversity for the potential workers with a higher pay scale. That is important. We know that Sketchers is consolidating five warehouses in Ontario in these

MV00017143

economic challenged times. I think it's a very fair bet to say that those workers will relocate to Moreno Valley; at least a large percentage. There is a large amount of approved commercial in this City that offers a great potential for jobs. We talk about jobs; the Meridian Business Park just across the way and yes it's been mentioned before that it's in Riverside... Cactus and the 215; that offers approximately 38,000 jobs at build out... 38,000 jobs. We know the Sycamore Canyon Manufacturing Warehouse Plan just adjacent to it is going to offer approximately 10,000 more. We have 14 approved but yet unbuilt industrial warehouse projects currently in Moreno Valley and that totals 8,187,677 square feet. That's a huge potential for thousands of temporary construction jobs and full time jobs. I agree with an expressed opinion I believe was in the paper that the City of Moreno Valley would do much better for its job market by raising the bar for the quality of jobs. I believe that's true. I believe that the approved General Plan consists of Business Park, R2A housing and supporting commercial. Business Park jobs offer skilled and semi-skilled light manufacturing as well as highly paid professional office jobs. Currently the General Plan is offering 14,245 jobs in that area right now. Now granted, they are not knocking on the door, but they'll come. I believe that the ongoing debate regarding public health and safety in respect to diesel pm is a major concern. That has to be a major concern. It should be a concern to you as well. The EIR states that this impact cannot be remedied. I'm not willing to trade the health of the citizens of Moreno Valley for tax benefits. I've heard the arguments that we want the land to remain as farmland or that a no vote is a vote for no growth. Both of those statements do not reflect the truth. That's not right. That's not farmland now. I mean that it is, but it's not zoned farmland, it's been changed already. I remember the area in question has already been changed, approved for the aforementioned Business Park, R2A housing and the supporting commercial needed to sustain the community. Change will happen. The Planning Commission's job is to recommend that growth occurs in a logical, manageable and foreseeable way benefiting the future vision of the City. I support a no vote to this project, voting instead to maintain the General Plan.

COMMISSIONER GELLER – I've got a couple of additional comments I'd like to make. First off to Commissioner Marzoeki, well I don't think it's going to effect her decision, the schools are absolutely, positively are not going to build in that area. I don't know where that comes from. They withdrew all those approvals. They are not going to build those schools in that area. I talked with the School Board members and it isn't even on their plan anymore, so this is just a red herring that has been floating around. That's why they aren't here. That's why they didn't write any letters. They are not building any schools there. You know I am embarrassed; we have never gone to a developer and asked for financial statements. It's really; it's absolutely embarrassing. I'm embarrassed to be on this Planning Commission. We have never asked anyone for financial statements before we'd approve a project. We've never grilled the Applicants. You know there are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen approved and unconstructed industrial buildings. The

MV00017144

reason they are not constructed is there is no one to go in them. You know basically we had a Commissioner that said the Applicant flat out lied. He didn't use those words, but that's what he said and that's disgusting to me. That isn't the kind... that's just wholly inappropriate. You know all these un-built buildings are un-built because there is no one there. I don't know why anyone would believe that any developer would invest 250 million dollars if he didn't think his lease was good. You know I don't whose here or whose there... my wife is watching this and she can't believe it. She says tomorrow everyone on the fricking City is going to be on the phone to Sketchers wanting to put the place there. I mean I have no idea. I don't know what vision anyone is looking for on anything but personal attacks against the developer is outrageous. You know and again there is this confusion between approved and built. There are no empty 1.5 million square foot buildings in this City and the reason we want the buildings in this City as opposed to across the street in the County, property taxes don't get paid to Moreno Valley if they are in the County. Employment taxes don't get paid; sales taxes. This place used to be a sales tax generator; they don't get paid to Moreno Valley. Utility taxes don't get paid to Moreno Valley. Nothing gets paid to Moreno Valley for all those businesses across the street. Of course we want guarantees of jobs. Who is going to guarantee anything? We've never asked a developer, oh well we wont approve your project unless you guarantee this is going to happen. I mean it's simply outrageous. I don't know what's gotten into everybody. You don't have to prove it. You don't have to prove anything, but the kind of attacks on the developer; his credibility and his integrity, I find it disgusting and I apologize. You know I can only say what I can say. The economy is down, so our answer to a bad economy is to kill a project that would be an economy builder. That really makes a lot of sense to me. You know the economy is doing terribly so we shouldn't build anything in this town because something might happen down the road. Anything might happen anywhere at any time... a bird in the hand is worth two in bush. Ah, we'd approve it in the industrial area. Well that's not what's in front of us. You know we can go round and round on that but the fact is you know anyone when they say we'll that apartment building would be great somewhere else. You know we can all say that the projects are what the projects are, but the problem with the buildings not being here is no taxes, all the major benefits or many of the major benefits don't come to the City and it is... Conspiracy... the Press-Enterprise flat out told some of the Councilmembers they didn't want any of this stuff being built in Moreno Valley. Call it a conspiracy or not and I know Dan Lee and if he wants to talk to me about it I'll be happy to, but he isn't going to deny it either. You know just look at the paper and read it. Read the editorial sections; read the slant; it's pretty clear. I don't what the conspiracy mean, I'm saying the publishers. Yeah it's a regional newspaper and they've done everything they can to beat up Moreno Valley. It's just the way it is and it hasn't changed in all the years. Anyhow I guess we need to move forward.

CHAIR DE JONG – I have a request to speak from Commissioner Riechers.

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COMMISSIONER RIECHERS – Yeah I just have two very quick comments for Commissioner Geller. One is that the General Plan as it was first defined to me is that the General Plan of the City is best defined as the constitution of the City, so to say that it is a working document open to change; certainly it's open to change but it's not a frivolous document. We are limited to three amendments per year... four amendments per year. It's meant to be a very stable document. It's mean to be a long term document.

CHAIR DE JONG – We have ten minutes of tape.

COMMISSIONER RIECHERS – Okay, it's meant to be a long term vision for the City, so it's not meant to be something which is tweaked everytime a new proposal comes in which, for expediency the Plan can be changed. My second point is... I've lost it...

COMMISSIONER GELLER - Do you want me to help you...?

COMMISSIONER RIECHERS – What was your last comment?

COMMISSIONER GELLER – I talked about when the economy is down...

COMMISSIONER RIECHERS – Not the Press-Enterprise

COMMISSIONER GELLER – Oh the taxes don't get paid here; confusion between approved and built; issue of person gets financing... you know getting financial statements from Applicants; schools and I think that's it.

COMMISSIONER RIECHERS – I've lost it; never mind

VICE CHAIR MERKT – Yes Commissioner Riechers I'm you'll have a chance to recover on this and the one additional comment I wanted to make.

CHAIR DE JONG – We have six minutes of tape left

VICE CHAIR MERKT – And I'm going to make it very short, we don't approve projects based solely on its going to provide money to the City. The project has to stand on its own. If it provides funding for the City that's a great benefit and I love it, but I'm not going to buy something just because it's going to give money to us. That is not a reason to approve a project and to say it is, is wrong. Thank you.

COMMISSIONER GELLER – We're going to have to take a break anyway before concluding...

COMMISSIONER DOZIER – I have a great deal of respect for my fellow Commissioners, but this is one of the reasons why Moreno Valley gets laughed

at from the outside world and the economic development world out there that competes with us and does everything they can do to keep us as a City going in a certain direction. This is one of the tragic reasons why this happens. I am a little disappointed; very disappointed in fact that there is not a greater vision for a larger goal that will move Moreno Valley out of what I call a bedroom community mentality. That's all I'm going to say.

CHAIR DE JONG - Are we ready for a motion?

COMMISSIONER GELLER – Are we going to have time or do you want to...?

CHAIR DE JONG – I think we have time. We'll wrap it up... Who wants to make it?

VICE CHAIR MERKT – Yeah, let me put my reading glasses on and I'll make it. I move that we provide a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet and...

CHAIR RIECHERS – No we take them separately

COMMISSIONER MARZOEKI – No...

COMMISSIONER GELLER – I'll second that

CHAIR DE JONG – Do we do that separately?

VICE CHAIR MERKT – Yeah I think we do that separately because of the way it's written

CHAIR DE JONG – John do you concur with that?

PLANNING OFFICIAL TERELL – You first need to make a policy decision before we can move on to any other action items. It's not a Resolution, that's just a decision whether you want to... It's really the change...

CHAIR DE JONG – Do we vote on that with a motion and a second?

PLANNING OFFICIAL TERELL – Yes but the motion would be change the general land use in that area or not. It's not approving the Resolution related to the project or the zoning or anything else and I would do that by a motion. Can I defer to legal to advise us or give us a little advice there or make some conversation right there?

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CHAIR DE JONG – They are conferring. We are waiting for legal to finish conferring.

DEPUTY CITY ATTORNEY'S ERLY – Yes Chair, the Commission is not bound to the recommendations here. You could simply refer this to the City Council and you're not making the recommendation. In other words providing the policy recommendation is not a step that you have to take at all in this case. You can simply refer to the City Council without the recommendation.

CHAIR DE JONG – We may as well just continue

COMMISSIONER MARZOEKI - I'm not sure... I'm really not sure

CHAIR DE JONG – Go ahead and read it

VICE CHAIR MERKT – I think what I brought up is exactly what the Staff Report asked us to vote on. You know vote aye or no on this particular recommendation, so my motion stands and the second I assume stands.

CHAIR DE JONG – I'm just waiting for Bob to finalize that. Okay, we have five minutes... We had a second right?

COMMISSIONER GELLER – I suggest we take a break. We're not going to finish. If we run out of time, we're going have to take it anyway.

CHAIR DE JONG – I would agree, that's probably true

COMMISSIONER GELLER – We've been here a long time...

CHAR DE JONG – What's your finding?

PLANNING OFFICIAL TERELL – Well and maybe the City Attorney wants to say it directly, but basically as it seems you are inclined not to recommend the project to the City Council you would make a motion that says that... and the Deputy City Attorney... you are referring it to the City Council with a recommendation not to approve the project and with that it's my understanding you don't have to take any other actions.

CHAIR DE JONG – Any other action; that's it; alright

PLANNING OFFICIAL TERELL – Correct

CHAIR DE JONG – Well we can do that within five minutes

VICE CHAIR MERKT – Do you want me to try it again?

MV00017148

CHAIR DE JONG – Yes please

VICE CHAIR MERKT – I move that we provide a policy recommendation to City Council not to approve the requested changes in property zoning in a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet.

CHAIR DE JONG – Okay, do I have a second on that?

COMMISSIONER RIECHERS – I'll second that

CHAIR DE JONG – Any discussion? All those in favor?

Opposed – 2 (Commissioner Geller and Commissioner Dozier)

Motion carries 4 – 2

CHAIR DE JONG – That concludes the recommendation. Staff wrap up please.

PLANNING OFFICIAL TERELL – Yes this recommendation shall be forwarded to the City Council for final review and action.

CHAIR DE JONG – Okay, thank you. Let's take a quick break so they can change tape and we'll get to the comments and finalize the meeting.

(10 minute recess)

CHAIR DOZIER – And we're back.

800 OTHER BUSINESS

810 STAFF COMMENTS

PLANNING OFFICIAL TERELL – You have a meeting next week I believe. The Agenda packets were provided to you tonight.

COMMISSIONER GELLER – Do you think it will be less contentious? It's a joke...

PLANNING OFFICIAL TERELL – Maybe, maybe you never know, but there are four items on the Agenda... A continued item from December for a project down in the south end of town; an industrial project...

COMMISSIONER GELLER – Sorry to interrupt... I saved the stuff. Is there new stuff in there or should we have our old stuff?

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PLANNING OFFICIAL TERELL – You should have your old stuff on that particular case

COMMISSIONER GELLER – I did save it, I just wanted to make sure

PLANNING OFFICIAL TERELL – Yes thank you. If you haven't let us know we can get that to you.

COMMISSIONER GELLER – On that one case, not the whole?

PLANNING OFFICIAL TERELL – Correct, the other cases are all new. There is a communications... a mono-eucalyptus off of Kalmia on the north side of town next to a water tank. There is a Buddhist Temple on Nason Street near Alessandro and then the last case is a comprehensive review and update to the City's landscape guidelines in advance of some new laws that are due next year increasing the water efficiency of our regulations, so that's the primary reason. So those are the four items you have for next week.

CHAIR DE JONG – Thank you. Item 900 Commissioner Comments

900 COMMISSIONER COMMENTS

VICE CHAIR MERKT – Over the past few weeks I was thinking about what I might say about a fellow Commissioner who has resigned from this Commission and I can't say enough fine things about Commissioner Bruce Springer. Basically he was a leader and a fine example on this Commission for many, many years. I believe he was on this Commission for 14 years.

COMMISSIONER MARZOEKI – 15 years

VICE CHAIR MERKT – 15... you know frankly I already miss him. He was a voice of reason. One of the most polite individuals I've ever met and did an outstanding job and I always admired him and I will miss him and I want to thank him for his service and tell him hopefully we'll all be able to stay in touch.

CHAIR DE JONG – Thank you. Are there any other Commissioner Comments down at this end?

COMMISSIONER RIECHERS – Well I also can't let this meeting end without making a comment about the empty chair to my left. Bruce was the only person up here who was here when I came so I'm dating myself, but lets just say many, many years I've spent up here with Bruce and early on we were pretty much polar opposites on the Commission but over the years we kind of drifted together on some if not many aspects and saw more and more eye to eye on an increasing number of issues; not that we didn't have our differences to the end,

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but we certainly came to have a respect for each other and he will certainly be missed. He brought a perspective to this Commission which will certainly be missed, so I want to wish him well. I have spoken with him on the phone since he left and just want to say for the public record that I'm sorry he's gone and want to wish him well.

CHAIR DE JONG – Very good...

COMMISSIONER MARZOEKI – Well I say ditto to that as well, but unlike all of you, I live right down the street from Bruce, so I see Bruce all the time. So it is nice to actually as I'm walking the neighborhood to see him and to talk to him and he did do a wonderful job for this Commission. He spent those 15 years here and he always had something positive to say, even if he was against a project, he always said something positive. We butted heads on the landscape issues always, but he did teach me a lot and you know I'm still probably going call him if I have some issues or I want some clarification on something, so yeah I will miss him too.

CHAIR DE JONG – I'd like to say thank you to everybody coming out these last two meetings. The involvement in the City is certainly your responsibility and I can see that a lot of people take that very seriously and I appreciate that very much and I'd like to say Bruce if you are listening ca-nee-chi-wa

COMMISSIONER GELLER – I think we've had enough syrupy stuff on Springee, but I just miss the interplay with him and just to all the people watching, there are four openings on the Planning Commission and if you really like being up here and like taking the abuse and you get a big hundred dollars a meeting, but seriously I know I think the Application deadline is January 30th at 5 o'clock. You can download Applications off the City's web-site or you can get them from the City Clerk, but you know think a lot more than we do, then I urge you all to apply and see what happens, but four of the terms are up including Commissioner Springer's, so depending on who re-applies and not there is certainly at least one unfilled seat, but anyway there are four openings and the Council will ultimately interview who they perceive are the finalists and make a decision on a whole, so again if you really want to get involved in a way, I urge you to submit your Application.

COMMISSIONER DOZIER – I have to comment on Bruce. Bruce I found out that he was gone when I came to the next meeting because I didn't get the email.

COMMISSIONER GELLER – You thought he was watching TV?

COMMISSIONER DOZIER – I said Bruce why was I the only one that didn't get the email; I have to find out at the meeting? Wonderful person; great guy to do business with; we've done business with the County and his firm; his real estate firm and he's just a good guy and we're going to miss him here. If you think of 15

MV00017151

years of development in Moreno Valley, he was a part of every one of those decisions that came to that Planning Commission except for the days he was absent and that wasn't very often, so the City owes him a debt of gratitude because we don't this for the pay. If I calculated what I made an hour for the 100 dollars tonight, it doesn't add up to much. I'm working for below minimum wage today, so we don't do it for the money; we do it because we feel we want to help our community and Bruce dedicated... think about this...14, 15 years of his life and his time to our City and so we should thank him for that and if you see him tell him we're going to miss him.

CHAIR DE JONG – I think we are thanking for it... Anybody else? How about move for an adjournment?

1000 ADJOURNMENT

COMMISSIONER GELLER – So moved

COMMISSIONER RIECHERS – And seconded

CHAIR DE JONG – Okay, all those in favor? Good night Moreno Valley

_____ _____

John C. Terell Date
Planning Official
Approved

_____ _____

Rick De Jong Date
Chair

MV00017152

Aerial Map

PA07-0088 through PA07-0090

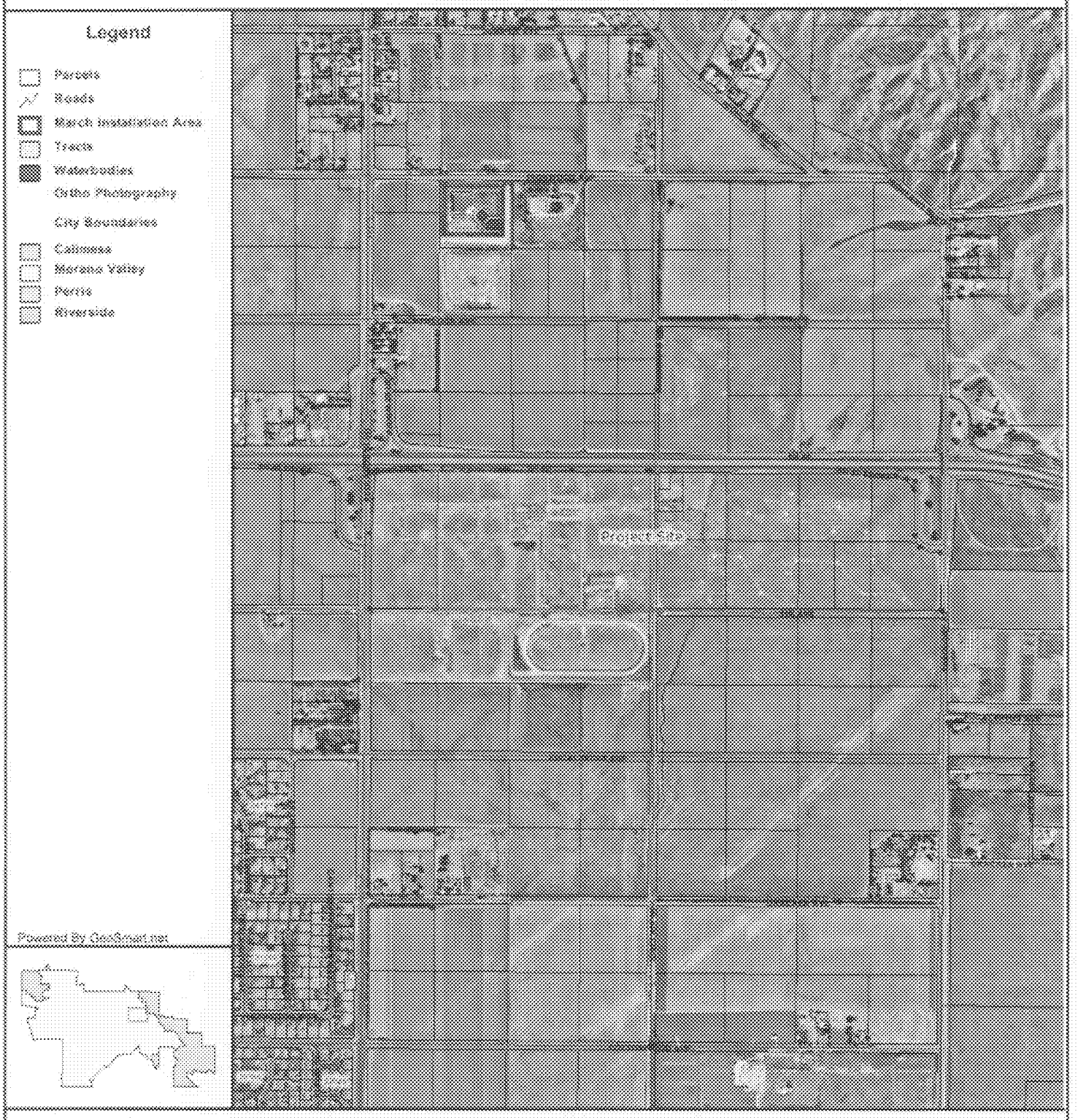

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY

ATTACHMENT 13

Zoning Map

PA07-0088 through PA07-0090

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The data here and hereby information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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Printed: 11/21/2008 9:29:10 AM

MORENO VALLEY

TENTATIVE PARCEL MAP NO. 35629

GROSS ACRES: 158.4
NET ACRES: 128.7

APN: 488-350-001, 488-350-002, 488-350-011, 488-350-012, 488-350-013, 488-350-014, 488-360-001, 488-360-002, 488-360-003, 488-360-004, 488-360-005, 488-360-006, 488-360-008, 488-360-009, 488-360-010, 488-360-011, 488-360-012, 488-360-013, 488-360-014

AUGUST 2008

LEGAL DESCRIPTION

"PROPOSED SUBDIVISION OF PORTIONS OF SECTIONS 33, 34, 35 & 36 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY."

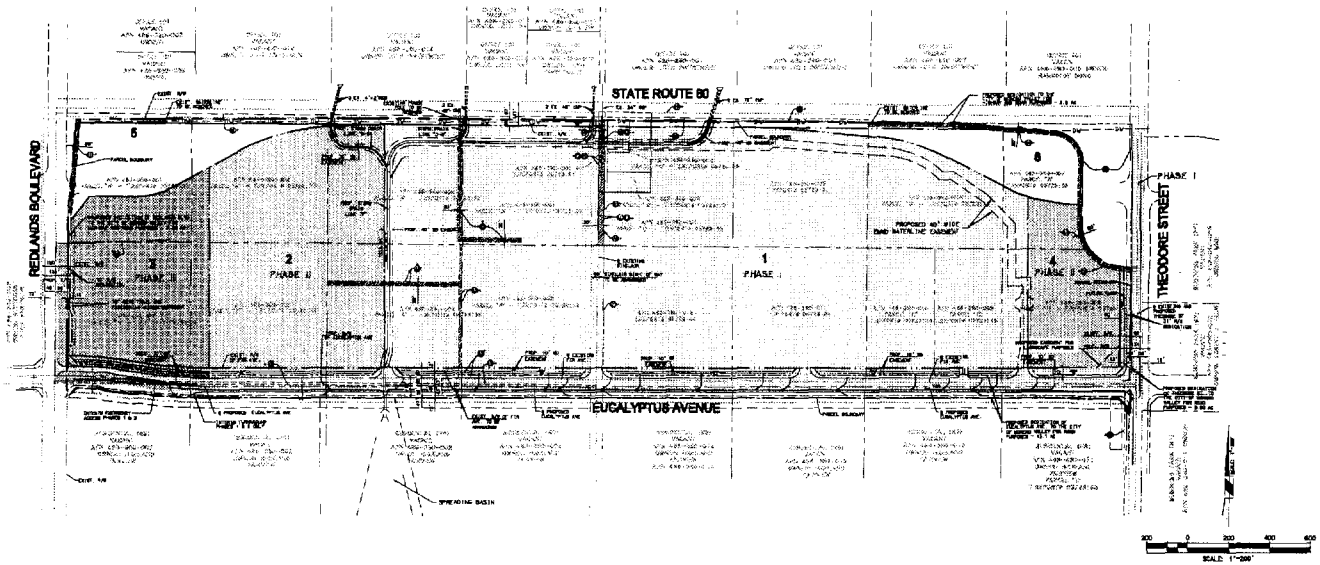

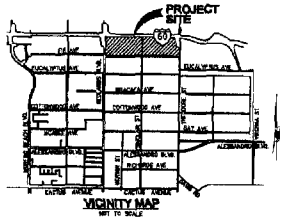

VICINITY MAP
NOT TO SCALE

PG 262

GENERAL INFORMATION

1. EXISTING LAND USE: VACANT/RESIDENTIAL
2. PROPOSED LAND USE: COMMUNITY COMMERCIAL (CC) AND LIGHT INDUSTRIAL (LI)
3. EXISTING ZONING: BUSINESS PARK, COMMUNITY COMMERCIAL
4. ADJACENT LAND USE: SP, RR AND B
5. ALL PUBLIC STREET IMPROVEMENTS AND STORM DRAIN FACILITIES WILL BE IN CONFORMANCE AND CONSTRUCTED PER CITY OF MORENO VALLEY AND RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT STANDARDS.
6. ALL UTILITIES SHALL BE UNDERGROUND, AND PROVIDED BY:

GAS	SOUTHERN CALIFORNIA GAS COMPANY 26200 TRABUCO ROAD, RANCHO, CA 92584 (800)427 2200
ELECTRICAL	MORENO VALLEY UTILITIES 14075 FRENSHIP STREET, SUITE, MORENO VALLEY, CA 92553 (909)413 6700
TELEPHONE	VERIZON P.O. BOX 11338, ST. PETERSBURG, FL 33733 (800)483 4000
SEWER/WATER	EASTERN MUNICIPAL WATER DISTRICT 2270 TRABUCO ROAD P.O. BOX 8300, PERRIS, CA 92572-8300 (951)928 3777
CABLE TV	TIME WARNER CABLE 1725 COOK ST., PALM DESERT, CA 92211 (760)340 7310

7. UTILITY DESIGN WILL BE IN COMPLIANCE WITH WATER, SEWER, AND STORM DRAIN MASTER PLANS
8. THE SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS TENTATIVE PARCEL MAP
9. ALL SLOPES SHALL BE CONSTRUCTED AT A RATIO OF 2:1 UNLESS OTHERWISE INDICATED
10. SEE PRELIMINARY MAP FOR WATER QUALITY BMP'S PROPOSED ON THIS PROJECT.
11. PROJECT SITE IS IN FLOOD ZONE X-SHADED, DESCRIBED AS: "AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD."
12. BOUNDARY ADJUSTMENT (BA) OF THE SUBDIVISION MAP ACT DOES NOT INCLUDE ANY REMAINDER PARCELS TO BE SHOWN ON THE MAP OF THE GROSS AREA EXCEEDS 5 ACRES. ALL REMAINDER PARCELS EXCEED 5 ACRES.
13. EXISTING EASEMENTS ADMITTED AS A WILL BE REQUIRED TO BE RELOCATED OR QUITCLAIMED
14. SEE SITE PLAN FOR SLOPES AND PRELIMINARY GRADING. BUDGET "TRIBUTARY TO THE SITE CONSISTS OF 11 ACRES OF NATIVE DESERT LAND. THE EXISTING FACILITIES UNDER SR-60 INCLUDE "TRIPLE 4'X8' BOXES 2-DOUBLE 48" PIPES, AND 1-DOUBLE 72" RCB. THE RUNOFF SHALL BE CONVEYED THROUGH TRANSITION STRUCTURES & EMBEDED INTO 3'X3'X10' RCBS WITHIN THE SITE. THE RUNOFF SHALL PASS THROUGH AN E DISSIPATION STRUCTURE BEFORE BEING INTRODUCED TO A SPREADING BASIN IN THE SOUTH OF THE SITE. DISTURBED RUNOFF SHALL THEN BE CONSISTENT WITH THE EXISTING FLOW PATTERN.
15. ALL EXISTING IMPROVEMENTS WITHIN PROJECT LIMITS WILL BE REMOVED
16. SEE CONCEPTUAL WINDOW PLAN FOR MARKING
17. THERE ARE TRIES ALONG THE COMMON BOUNDARY WITH SR-60.
18. THE SIGHT DISTANCES MEET OR EXCEED THE REQUIREMENT SHOWN ON THE CITY OF MORENO VALLEY STD 12 1203
19. CORNER CUTBACKS SHALL BE PER CITY STANDARD 308
20. PROJECT ENTRANCES WITH DRIVEWAYS GREATER THAN 40' WILL BE DESIGNED AS CITY INTERSECTIONS. PROJECT ENTRANCES NOT WIDE OR LESS WILL BE DESIGNED PER CITY STANDARD NO. 1130.
21. ALL DRIVEWAY ENTRANCE CURB RETURNS WILL BE DESIGNED WITH A RADIUS OF 40' UNLESS OTHERWISE N
22. ALL TRASH ENCLOSURES ARE TO BE DUAL BIN (TRASH/RECYCLE), PER CITY STD 827 AND MODIFIED TO AN FULLY ENCLOSED
23. WATER SERVICE FOR THIS PROJECT WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 18-INCH WATERLINE LOCATED SOUTH OF AND ADJACENT TO SR-60. WEST OF REDLANDS BOULEVA. SECOND SOURCE OF WATER WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 12-INCH WATERLINE LOCATED SOUTH OF BRAMAGE AVENUE, NORTH OF SR-60. THE NEW 12-INCH WATERLINE WIL FOLLOW SINCLAIR STREET ALIGNMENT SOUTH TO A PROPOSED PRESSURE REDUCING VALVE STATION LOCATED THE INTERSECTION OF SINCLAIR STREET AND SR-60. FROM THE PRV THE 12-INCH WATER LINE WILL CONTINUE SOUTH UNDER SR-60 AND ROUTE THROUGH PARCEL 1 OF THE PROJECT, TO A POINT OF CONNECTION WITH THE PROPOSED WATERLINE IN EUCALYPTUS STREET
24. SEWER FOR THIS SITE WILL BE SERVED BY THE INSTALLING A 18-INCH SEWER LINE IN REDLANDS BOULEVARD FROM AN EXISTING 18-INCH SEWER LINE LOCATED APPROXIMATELY 0.4 MILE SOUTHEAST TO THE INTERSECTIO OF REDLANDS AND EUCALYPTUS AVENUE. THE SEWER LINE WILL CONTINUE EAST ALONG EUCALYPTUS, TO THE POINTS OF CONNECTION TO THE PROJECT SITE.
25. DESILTING AND DETENTION BASINS WITHIN PARCELS 1 THROUGH 4 WILL BE FENCED PER CITY OF MORENO VALLEY REQUIREMENTS
26. PARCELS A THRU F ARE PROPOSED FOR FUTURE PDA PURPOSES
27. EXISTING 12" WATERLINE ALONG SR-60 TO BE ABANDONED. PROPOSED 16" WATERLINE IN EUCALYPTUS TO REPLACE ABANDONED WATERLINE.
28. PARCELS C, D & E WILL BE EXTENDED TO CITY OF MORENO VALLEY FOR FUTURE CALTRANS RIGHT OF WAY.
29. A RECIPROCAL ACCESS EASEMENT WILL BE RECORDED WITH THE FINAL MAP FOR THE DRIVE WAY BETWEEN PARCELS 1 & 4 AND 1 & 2
30. THIS PROJECT SHALL UNDERGROUND ALL LINES LESS THAN 115,000 VOLTS UNLESS OTHERWISE APPROVED BY CITY ENGINEER
31. A 10' ACCESS ROAD WILL BE PROVIDED TO PARCELS 5 & 8

LAND USE SUMMARY

NUMBER OF PARCELS		
2	LIGHT INDUSTRIAL (LI) PARCELS	104.8 AC (PARCELS 1 & 2)
2	COMMUNITY COMMERCIAL (CC) PARCELS	30.4 AC (PARCELS 3 & 4)
	GROSS ACREAGE	135.3 AC

PARCEL SUMMARY

	GROSS AREA (AC)	GROSS AREA (SF)	NET AREA** (AC)	NET AREA** (SF)
PARCEL 1	81.8	3,562,056	77.5	3,377,184
PARCEL 2	23.3	1,015,188	21.5	937,164
PARCEL 3	12.9	574,992	11.8	511,416
PARCEL 4	7.2	313,632	5.3	230,868
SUBTOTAL	125.2		116.9	
PARCEL A (PDA/PUBLIC ACCESS)	1.46		1.46	
PARCEL B (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL C (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL D (PDA/PUBLIC ACCESS)	0.56		0.60	
PARCEL E (PDA/PUBLIC ACCESS)	0.56		0.60	
PARCEL F (PDA/PUBLIC ACCESS)	0.56		0.60	
PARCEL G (NW 60 DEDICATION)	3.3		3.3	
PARCEL H (NEW DEDICATION)	0.1		0.1	
PARCEL I (NEW DEDICATION)	0.1		0.1	
SUBTOTAL	10.2		10.2	
EUCALYPTUS DEDICATION	12.10		12.10	
REDLANDS DEDICATION	0.30		0.30	
THEODORE DEDICATION	0.60		0.60	
SUBTOTAL	13.0		13.0	
TOTAL	158.4		140.0	

** = NET AREA EXHALE SHRES AREA MINUS THE SLOPE AREA.

STREET LENGTHS

REDLANDS BOULEVARD	3,240	LF
EUCALYPTUS AVENUE	5,140	LF
THEODORE STREET	300	LF

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(1) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL A (APN 488-350-003)

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JULY 6, 1951 IN BOOK 1280, PAGE 250 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: APRIL 30, 1982 IN BOOK 1384, PAGE 316 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(4) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: FOR CONDUITS
RECORDED: AUGUST 19, 1994 IN BOOK 1621, PAGE 284 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(5) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: SEPTEMBER 14, 1994 IN BOOK 1630, PAGE 018 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL C (APN'S 488-350-001, 488-360-002 & 488-360-004)

(6) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: MAY 17, 1949 IN BOOK 1977, PAGE 108 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

CONT. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(8) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: UTILITIES
RECORDED: JULY 3, 1957 IN BOOK 2113, PAGE 284 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(9) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60, ADJOINING SAID LAND, SUCH RIGHTS HAVING BEEN REMOVED FROM SAID LAND BY THE DOCUMENT

RECORDED: FEBRUARY 1, 1961 AS FILE NO 10881 OF OFFICIAL RECORDS

SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(10) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: FEBRUARY 1, 1983 AS FILE NO. 11530 OF OFFICIAL RECORDS

(11) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED

ENTITLED: A ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
EXECUTED BY: OTIS K. BEASLEY, ET AL
RECORDED: OCTOBER 14, 1977 AS FILE NO 203437 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL B AND C (APN 488-360-002) & (APN'S 488-350-001, 488-360-002 & 488-360-004)

(12) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: AUGUST 29, 1983 AS FILE NO. 190230 OF OFFICIAL RECORDS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES
RECORDED: AUGUST 23, 1974 IN BOOK 1622, PAGE(S) 315, OF OFFICIAL RECORDS
AFFECTS: THE NORTH 25 FEET OF PARCEL J

C. EASEMENT NOTES PER TITLE REPORT NO. 05723138

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: SEPTEMBER 16, 1992 AS INSTRUMENT NO. 67869 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

(3) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE ANY RIGHTS OF ACCESS OR CROSS TO OR FROM THE FREEWAY ADJACENT TO SAID LAND, SAID RIGHTS HAVING BEEN RELINQUISHED BY DEED TO THE STATE OF CALIFORNIA.
RECORDED: DECEMBER 27, 1962 AS INSTRUMENT NO. 119102 OF OFFICIAL RECORDS

SAID MATTER IS SAID TO AFFECT PARCELS A, B AND C (APN's 488-360-007, 488-360-08 & 488-360-004)

(4) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
PURPOSE: ELECTRICAL SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: JUNE 19, 1971 AS INSTRUMENT NO 93632, OF OFFICIAL RECORDS
AFFECTS: EASTERLY 23.00 FEET OF PARCEL E

D. EASEMENT NOTES PER TITLE REPORT NO. 05723144

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 3, 1957 IN BOOK 2113, PAGE 538 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

E. EASEMENT NOTES PER TITLE REPORT NO. 05723181

(3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

(6) THE EFFECT OF A DECLARATION OF DEDICATION DATED OCTOBER 9, 1963, EXECUTED BY DEAN M. SANDERS AND NANCY A. SANDERS, CURRENT NOT TO IMMEDIATELY DEDICATE "IN PERPETUITY" FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1963 AS INSTRUMENT NO 1963 117832 OF OFFICIAL RECORDS

(7) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED

ENTITLED: ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
BY AND BETWEEN: JEANNE R. BIBBS, ET AL
RECORDED: OCTOBER 14, 1977 AS INSTRUMENT NO 1977-203437 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

NON PLOTTABLE PARCEL EASEMENTS

(2)(A) AN EASEMENT OVER SAID LAND FOR PIPELINES, DITCHES, FLUMES AND RIGHTS INCIDENTAL (3)(B) THERETO, AS SHOWN BY MAP BOOK 11, PAGE 10, RECORDS OF SAN BERNARDINO COUNTY, AS FOLLOWS:

TO: THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY

THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

(2)(B) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH (3)(A) IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
RECORDED: MARCH 4, 1988 IN BOOK 1702, PAGE 586 OF OFFICIAL RECORDS

AND AS SET OUT IN MEMO OF AGREEMENT AND IN SUPPLEMENTAL AGREEMENT:

RECORDED: MARCH 4, 1988 IN BOOK 1702, PAGES 587 AND 592 AND BY DEED RECORDED NOVEMBER 12, 1988 AS FILE NO 1118620 WITH OF OFFICIAL RECORDS

(3) AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN OR AS OFFERED FOR DEDICATION ON THE RECORDED MAP OF SAID TRACT:

PURPOSES: PUBLIC STREETS AND ALLEYS

THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

LEGEND

GRADE BREAK	GB
HIGH POINT	HP
LOW POINT	LP
ROMANTIC WATER	RW
EDGE OF PAVEMENT	EP
EDGE OF TRAVELED WAY	ETW
RIGHT OF WAY	R/W OR ROW
LANDSCAPE	LS OR LSCP
TITLE REPORT NUMBER	T.REPORT#
TENTATIVE PARCEL MAP BOUNDARY	
PROPOSED STREET ELEVATION	1790.00
PROPOSED PARCEL LINE	
PROPOSED PUBLIC RIGHT OF WAY	
EXISTING RIGHT OF WAY	
PARCEL NUMBERS	1
EXISTING CONTOURS	
EXISTING APN BOUNDARIES	
INDUSTRIAL	I
COMMUNITY COMMERCIAL	CC
OFFICE	O
OPEN AREA DEDICATED WITH RESIDENTIAL DEVELOPMENT	RS
EXISTING EASEMENTS	
PHASE I IMPROVEMENTS	
PHASE II IMPROVEMENTS	
PHASE III IMPROVEMENTS	

OWNERS

BANDI PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

DEVELOPER/APPLICANT

HIGHLAND FAIRVIEW
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
(951) 697 3300
CONTACT: WAYNE PETERSON

SOILS ENGINEERS

LEIGHTON AND ASSOCIATES, INC
41715 ENTERPRISE CIRCLE N., #103
TEMECULA, CA. 92590-5691
(951) 308-9500

ENGINEER

RBF CONSULTING
14725 ALTON PKWY.
IRVINE, CA. 92618-2027
(949) 472-3505

Project File Numbers:
PA07-0035 (Zone Change)
PA07-0036 (GPA)
PA07-0037 (TPM 35629)
PA07-0038 (Plot Plan)

TENTATIVE PARCEL MAP
35629

SHEET 1 OF 2

HIGHLAND FAIRVIEW
RANCHO BELARDO, CALIFORNIA
AUGUST 2008

RBF CONSULTING
14725 ALTON PARKWAY, IRVINE, CA 92618-2027 (949)472-3505

ATTACHMENT 15

MV00017155

ATTACHMENT 16

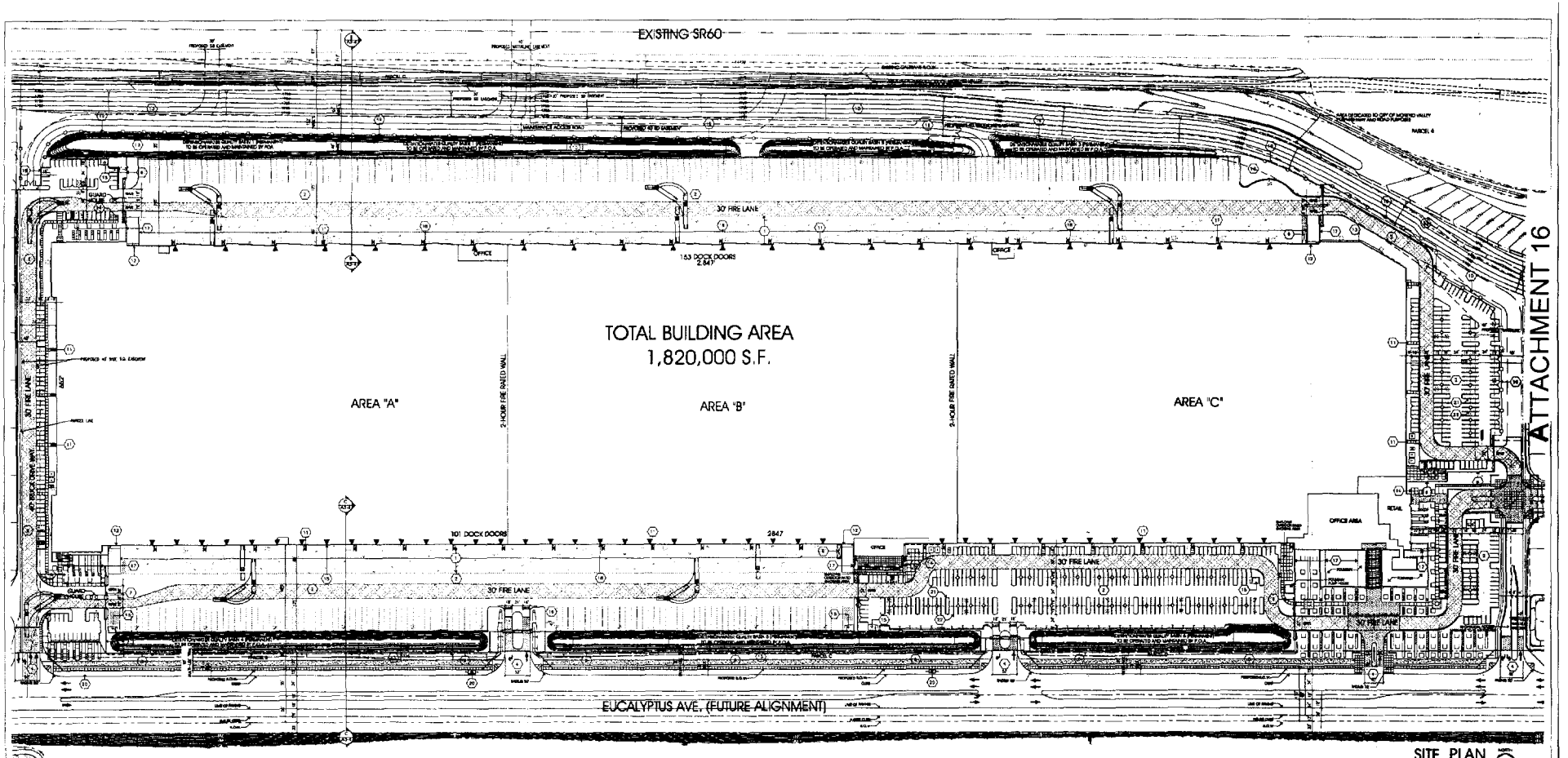

SITE PLAN

SCALE: 1" = 80'-0"

parking lot striping detail

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

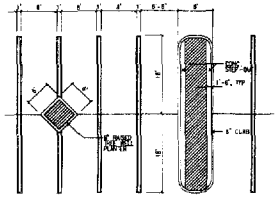

tabulation

	SQ.FT. (GSF)
Site area (gross)	5,174,294
Site area (net)	75,77
Maintenance yard	1,757,299
Total Place Office area	31,147
Retail & Retail Area	1,533
Mezzanine Office Area	20,040
Total building area	1,820,000
Coverage	35.0%
Landscape (in sqft) (10%)	371,192
Landscape (in acres) (10.0%)	8.52 (10.0%)
Parking area (gross) (35.7%)	1,847,515
equivalent parking area (sqft) (35.7%)	1,847,515
equivalent parking area (ac) (35.7%)	42.41
Parking required	
Warehouse	
1st: 20,000 x 1.00 = 20	20
Next: 100,000 x 0.20 = 20	20
Remainder: @ 0.05 = 0	0
Office & mezz. @ 1/250	217
Retail @ 1/225	7
Total parking required	264
Parking provided	
Regular stalls	1,551
Handicap	78
Car Pool Stalls (1.0%)	51
Electric vehicle (Equally Preferred Stalls (EEPS))	51
Total parking provided	1,731
Trailer parking	200
RV parking (approximately 10% of trailer parking)	20
Total Dock Doors	264

site plan keynotes

1. 8" THICK MINIMUM REINFORCED CONCRETE TILT-UP PANELS, 30' X 50' X 10' (L.V.L.) & 30' X 50' X 8' CONSTRUCTION JOINTS ON EXTERIOR, WITH A MINIMUM OF 18" OF SOIL. PANELS SHALL TRANSITION BY 12" LONG CONCRETE SKIRTS AT ALL CONCRETE TILT-UP JOINTS. PANELS SHALL BE FREE OF ALL CONCRETE FINISHES. ALL JOINTS TO BE CLEANED AND FILLED W/ APPROVED CAULKING.
2. ASPHALT CONCRETE (AC) PAVING. SEE SOILS REPORT FOR SECTION REQUIREMENTS. SEE 'D' DRAWING FOR LOCATION.
3. CONCRETE WALKWAY.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD PROVIDED. APRONS SHALL BE CONSTRUCTED OF CONCRETE. EXPANSION JOINTS AT A MINIMUM OF 10' O.C. MAXIMUM.
5. 5'-0" X 5'-0" EXIT TRUCK DOORS AT EXTERIOR LANDING PAD TOP AT ALL EXTERIOR DOOR OPENINGS. LANDING PAD SHALL BE SLOPED TO BE SLOPING DOWN 1/4" PER FOOT AWAY FROM BUILDING. TOP OF DOCK DOOR MUST BE FREE OF CITY PROPERTY.
6. CONCRETE TILT-UP SCREEN WALL. SEE 'L' DWGS.
7. STEEL SLIDING/ROLLING GATE. ALL GATES TO BE EQUIPPED WITH KNOX BOX ENTRY SYSTEM. SEE 'L' DWGS.
8. CONCRETE RAMP.
9. DUAL TRASH COMPACTOR.
10. 8'H TUBULAR STEEL FENCE.
11. CONCRETE STAIRS.
12. 3' X 14' DRIVE-IN DOOR.
13. LANDSCAPE. REFER TO CONCEPTUAL LANDSCAPE PLAN. CONCRETE CURB STRIPS ARE REQUIRED BETWEEN ALL SOIL AND GROUNDCOVER AREAS.
14. BIKE RACK. SEE 'L' SHEETS.
15. TRASH ENCLOSURE-TRASH BIN WITH SOLID ROOF STRUCTURE (PER CITY STD. 6271) NO HOUSE LANDSCAPE SCREENING ON 3 SIDES WHERE VISIBLE TO THE PUBLIC.
16. FIRE PUMP HOUSE.
17. UNDERGROUND CONNECTION FROM INT. ROOF DRAIN TO STORM DRAIN.
18. EXTERIOR DOWNSPOUT.
19. 6' HIGH VINYL COATED CHAIN-LINK. SEE L2-2 FOR DETAIL.
20. ABOVE GROUND UTILITY EQUIPMENT.
21. CONCRETE STEPS-OUT AT ALL PLANTERS. SEE PARKING LOT STRIPING DETAIL.
22. DOUBLE STRIPE AT ALL PARKING STALLS. SEE PARKING LOT STRIPING DETAIL.

site legend

- CONC. PAVING
- PARKING STALL
- HANDICAP PARKING STALL
- TRAILER DOUBLE STRIPING FOR PARKING STALLS

linetype legend

- PROPOSED PUBLIC RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED EASEMENT
- EXISTING UTILITY EASEMENTS
- CONCRETE PAVEMENT
- ENHANCED PAVING
- DECORATIVE GRANITE TRAIL
- FENCE
- WALL
- SIDEWALK
- SITE LIGHTING
- EXTERIOR DOOR SWING
- PROPERTY CORNER IDENTIFICATION

vicinity map

N.T.S

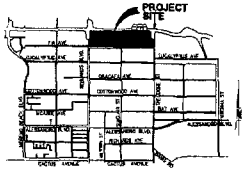

VICINITY MAP
NOT TO SCALE

project information

APPLICANT
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14225 CORPORATE WAY
MORENO VALLEY, CA 92553
(951) 867-5300
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CONTACT: MIKE CHANG

CIVIL ENGINEER
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CONTACT: PAT RILEY

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SCHOOL DISTRICT
14095 MORENO BEACH DRIVE
PHONE: (951) 571-6000
GAS:
SOUTHERN CALIFORNIA GAS COMPANY
12392 TRUMBLE ROAD
MORENO, CA 92555
PHONE: (800) 427 - 2200

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MORENO VALLEY, CALIFORNIA 92553
WESTCOAST PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
SAND PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
HF EQUITY PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

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2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777
SEWER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777
CABLE TV:
TIME WARNER CABLE
14177 FRONTIER
FONTANA, CA 92337
PHONE: (909) 350-1312

ZONING
ZONING: L (LIGHT INDUSTRIAL)
CC (COMMUNITY COMMERCIAL)

ASSESSORS PARCEL NUMBER
[illegible]

LEGAL DESCRIPTION
PROPOSED SUBDIVISION OF PORTION OF SECTIONS 33, 34, 35 & 36 OF NAR THE LOS BANOS TELEPHONE STATE CALIFORNIA, AS SHOWN ON MAP OF SURVEY OF THE RANCHO JUAN ALESSANDRO, OF SAN BERNARDINO, CALIFORNIA, AS SHOWN ON MAP OF R.S.S. IN BOOK 1, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

LEED CERTIFICATION

The project has registered with the U.S. Green Building Council for certification under the Leadership in Energy and Environmental Design (LEED) program. The following project elements are proposed:

1) Sustainable Alternative Transportation - Including low emitting/fuel efficient vehicles, bike racks/showers, showers and changing rooms, preferential parking for low emitting and fuel efficient vehicles.
2) Alternative Site Design - Project is required to meet stormwater requirements by 25%.
3) Heat Island Effect - Roofs: Use heat island reduction roofing materials.
4) Water Efficiency - Use of water efficient landscaping, irrigation, and low water use building fixtures.
5) Energy Efficiency - Reduce energy use by exceeding performance of building envelope, lighting, and HVAC and lighting controls.
6) Renewable Energy (Green Power) - Incorporating solar energy or renewable energy purchasing program.
7) Construction Waste Management - Divert recyclable construction materials from landfills.
8) Recycled Building Materials - Incorporate recycled building materials, such as steel and concrete, into the building construction.
9) Regional Material Use - Utilize regionally sourced materials such as concrete and aggregate to reduce transportation impacts.
10) Indoor Environmental Quality - Incorporating low emitting adhesives, sealants, paints and materials into the building construction to improve the well-being of building and occupants.

A1-2

PROJECT FILE NUMBER:
PA07-0088 (Zone Change)
PA07-0089 (GPA)
PA07-0090 (TPM 35429)
PA07-0091 (Plot Plan)

SITE PLAN

SCALE: 1" =80'

HPA# 7084

HIGHLAND FAIRVIEW

RIVERSIDE COUNTY, CALIFORNIA — DECEMBER 11, 2008

HPA, INC.
18011 BARDEN AVENUE, IRVINE, CA 92612 (949) 863-1770

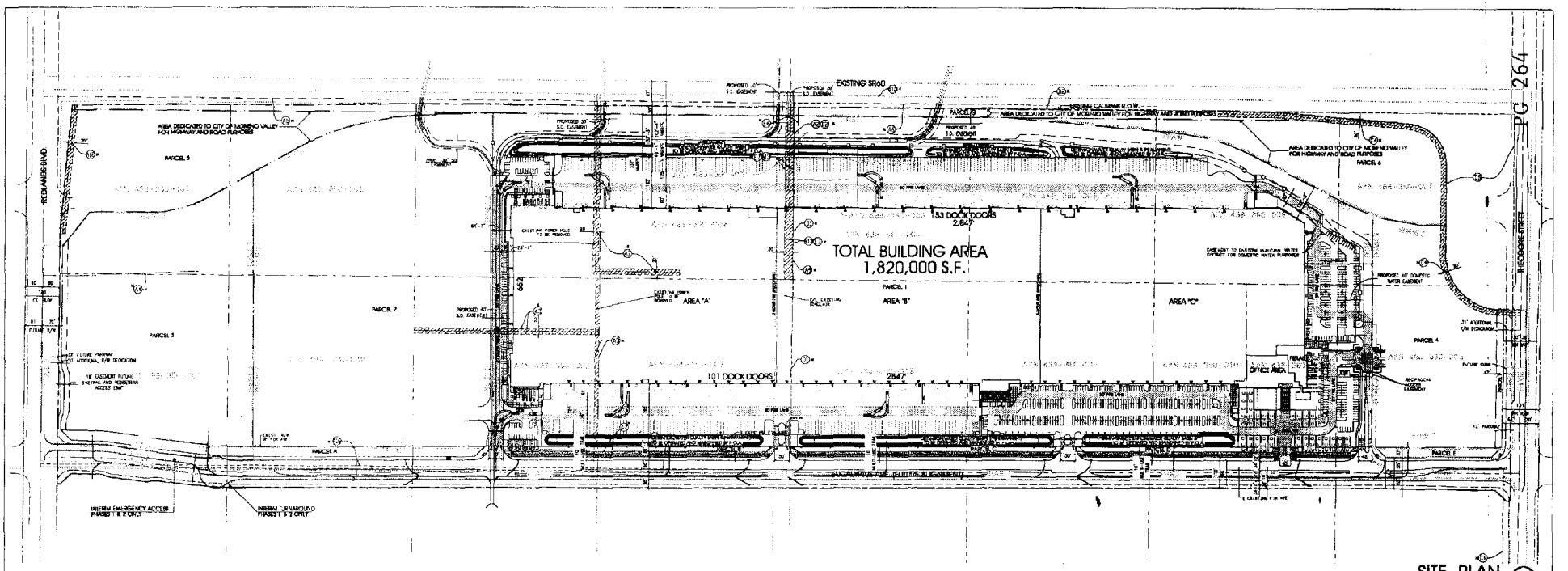

SITE PLAN

SCALE: 1" = 100'-0"

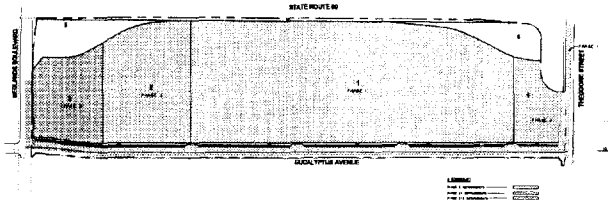

PHASING PLAN

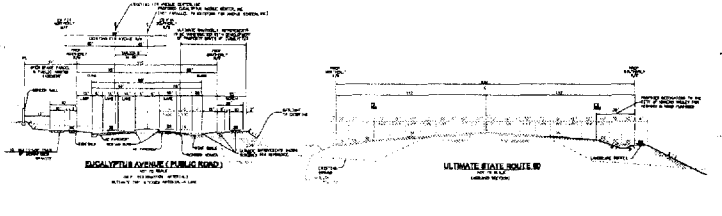

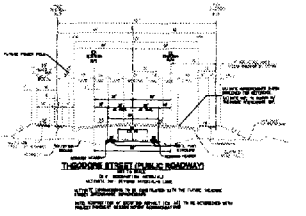

TYPICAL STREET SECTIONS

sheet index

ARCHITECTURAL

A1-1 COVER SHEET
A1-2 SITE PLAN
A2-1 FLOOR PLAN
A2-2 ROOF PLAN
A3-1 ELEVATIONS
A3-2 ELEVATIONS
A3-3 ELEVATIONS
A3-4 ELEVATIONS & SECTIONS

CIVIL

C2-1 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629
C2-2 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629

LANDSCAPE

L1-1 PRELIMINARY LANDSCAPE PLAN
L2-1 PRELIMINARY NORTH ELEVATION
L2-2 PRELIMINARY WEST & EAST ELEVATIONS
L2-3 PRELIMINARY SOUTH ELEVATIONS
L3-1 PRELIMINARY EUCALYPTUS STREET SECTIONS
L3-2 PRELIMINARY SECTIONS & DETAILS
L4-1 PRELIMINARY TREE IMAGES
L4-2 PRELIMINARY SHRUB IMAGES

easement legend

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(A2)	GRANTED TO:	NEVADA-CALIFORNIA ELECTRIC CORPORATION
	PURPOSE:	POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
(A3)	GRANTED TO:	CALIFORNIA ELECTRIC POWER COMPANY
	PURPOSE:	POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
(A4)	GRANTED TO:	CALIFORNIA ELECTRIC POWER COMPANY
	PURPOSE:	FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
(A5)	GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT
	PURPOSE:	FOR CONDUITS
(A6)	GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT
	PURPOSE:	PIPELINES
(A7)	GRANTED TO:	CALIFORNIA ELECTRIC POWER COMPANY
	PURPOSE:	FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
(A8)	GRANTED TO:	CALIFORNIA ELECTRIC POWER COMPANY
	PURPOSE:	UTILITIES
(A11)		THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60 ADJACENT SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT
(A13)	GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
	PURPOSE:	PIPELINES
(A15)	ENTITLED:	A ROAD MAINTENANCE AGREEMENT
(A19)	GRANTED TO:	SOUTHERN CALIFORNIA EDISON COMPANY
	PURPOSE:	UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

(B2)	GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
	PURPOSE:	PUBLIC UTILITIES

C. EASEMENT NOTES PER TITLE REPORT NO. 05723138

(C4)	GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
	PURPOSE:	PUBLIC UTILITIES
(C5)		THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE ANY RIGHTS OF ACCESS TO OR FROM THE FREEWAY ADJACENT TO SAID LAND, SAID RIGHTS HAVING BEEN RELINQUISHED BY DEED TO THE STATE OF CALIFORNIA
(C6)	GRANTED TO:	SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
	PURPOSE:	ELECTRICAL SYSTEMS AND COMMUNICATION SYSTEMS

D. EASEMENT NOTES PER TITLE REPORT NO. 05723144

(D1)	GRANTED TO:	CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION
	PURPOSE:	PUBLIC UTILITIES

E. EASEMENT NOTES PER TITLE REPORT NO. 05723161

(E2)	GRANTED TO:	NEVADA-CALIFORNIA ELECTRIC CORPORATION
	PURPOSE:	PUBLIC UTILITIES
(E3)		THE EFFECT OF A DEDICATION OF DEDICATION DATED OCTOBER 9, 1986, EXECUTED BY DUANE W. SANDERS AND WILLIE M. SANDERS, WHEREBY TO THE MORENO VALLEY DEDICATED IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1986 AS INSTRUMENT NO. 1986-317858 OF OFFICIAL RECORDS.
(E7)	ENTITLED:	ROAD MAINTENANCE AGREEMENT

NON PLOTTABLE EASEMENTS

A1,B1,C1,D1	TO:	THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY
A3,B4,C2,D4	GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT
C2	PURPOSE:	PUBLIC STREETS AND ALLEYS

*EXISTING EASEMENTS DENOTED AS * WILL BE REQUIRED TO BE RELOCATED OR QUIT CLAIMED

linetype legend

- PARCEL BOUNDARY
- PROPOSED PUBLIC RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED EASEMENT
- EXISTING UTILITY EASEMENTS
- EXISTING RIGHT OF WAY
- CONCRETE PAVEMENT
- ENHANCED PAVING
- DECOMPOSED GRANITE TRAIL
- FENCE
- WALL
- SIDEWALK
- PHASING LINE
- SITE LIGHTING
- EXTERIOR DOWN SPOUT
- PROPERTY OWNER ASSOCIATION (P.O.A.)
- FUTURE CURB

vicinity map

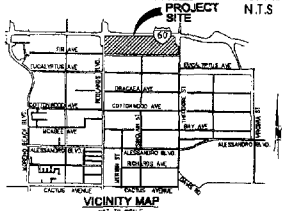

VICINITY MAP

NOT TO SCALE

project information

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SOUTHERN CALIFORNIA GAS COMPANY
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WESTCREST PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

SAID PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
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MORENO VALLEY, CALIFORNIA 92553

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FAX: 949.472.8172
CONTACT: PAT VALLY

ZONING

ZONING: LI (LIGHT INDUSTRIAL)
GP: COMMUNITY COMMERCIAL)

ASSESSORS PARCEL NUMBER

486-310-001, 486-270-001, 486-310-010, 486-310-011, 486-310-013, 486-310-014, 486-360-001, 486-360-005, 486-360-006, 486-360-007, 486-360-008, 486-360-009, 486-360-010, 486-360-011, 486-360-012, 486-360-013, 486-360-014, 486-360-015, 486-360-016, 486-360-017, 486-360-018, 486-360-019, 486-360-020, 486-360-021, 486-360-022, 486-360-023, 486-360-024

LEGAL DESCRIPTION

PROPOSED SUBDIVISION OF PORTIONS OF BLOCKS 33, 34, 35 & 36 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 31, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

A1-1 COVER SHEET/SITE PLAN

PROJECT FILE NUMBERS:
PA07-0068 (Zone Change)
PA07-0069 (GPA)
PA07-0090 (TPM 35629)
PA07-0081 (Plot Plan)

SCALE: 1"=100'

HPA# 7069

HIGHLAND FAIRVIEW

RANCHO BELLADO, CALIFORNIA — DECEMBER 17, 2008

HPA, INC.

18831 BARDEEN AVENUE, IRVINE, CA 92612 (949) 833-1770

MV00017157

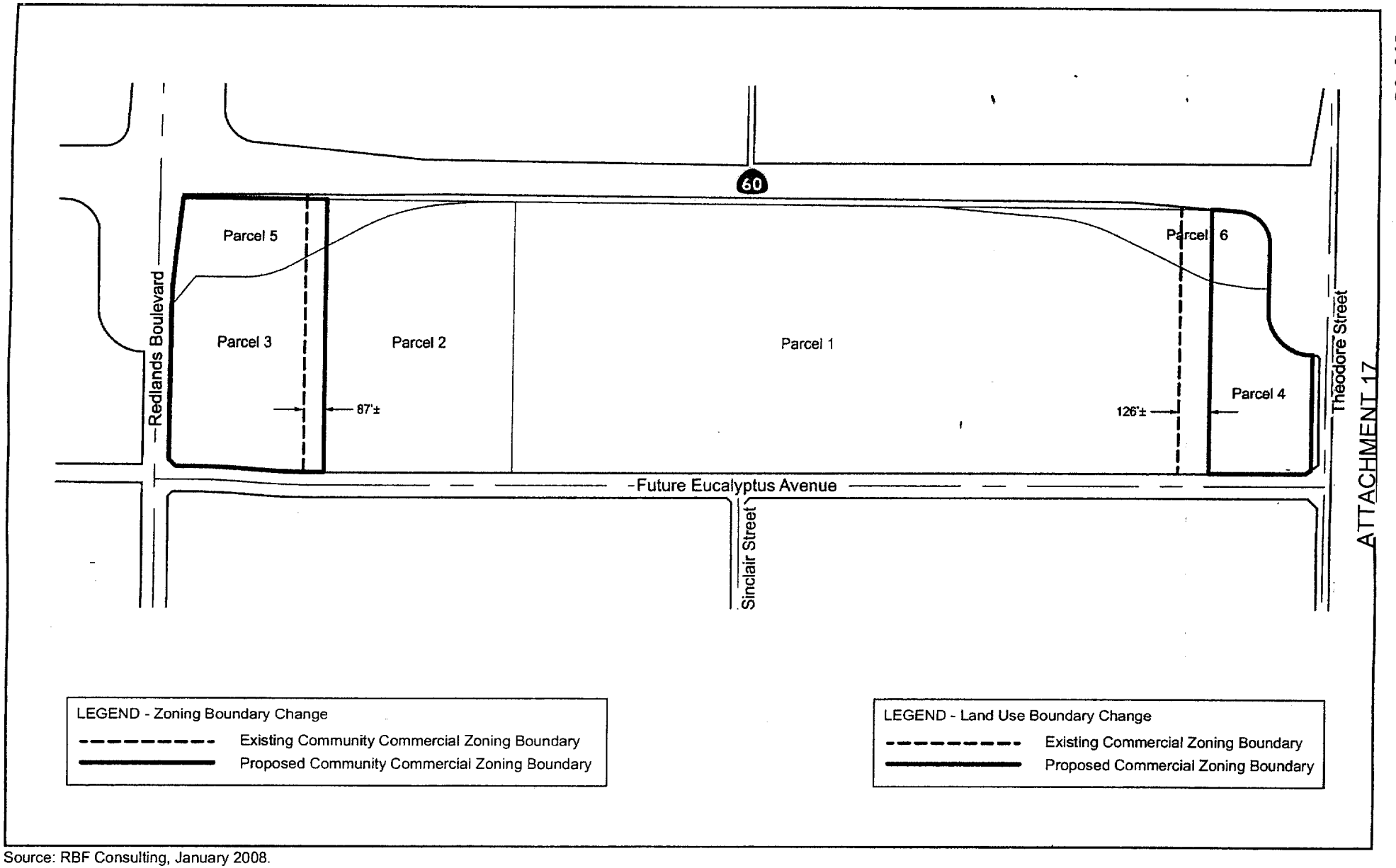

Source: RBF Consulting, January 2008.

NORTH

NOT TO SCALE

Michael Brandman Associates

26100015 • 02/2008 | 3-6_boundary_change.cdr

Exhibit 3-6
Zoning and Land Use Boundary Change

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

ATTACHMENT 17

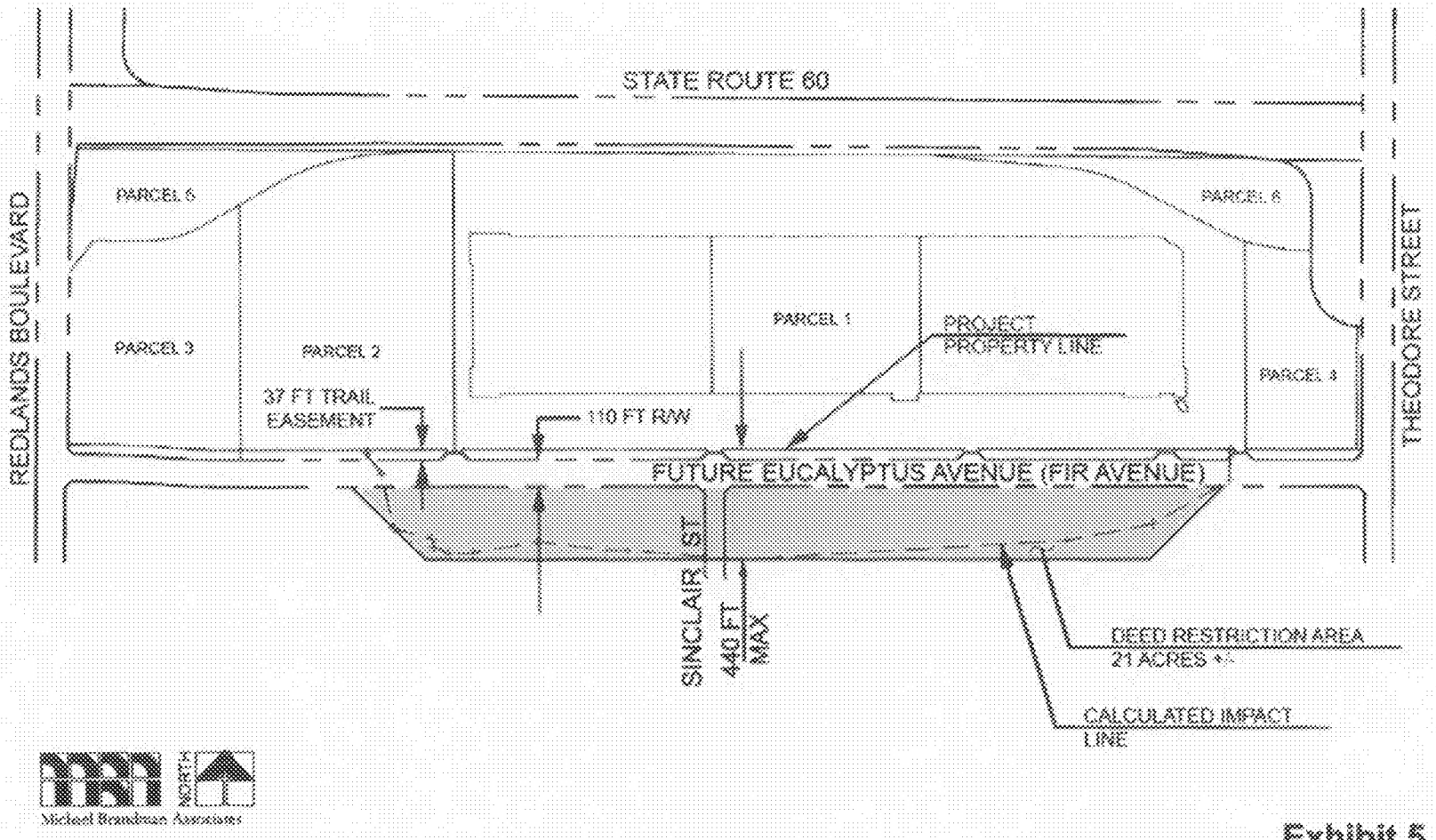

Exhibit 5

Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

PLANNING COMMISSION RESOLUTION NO. 2009-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL DENY A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE LAND (AND RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE), A GENERAL PLAN AMENDMENT (PA08-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street,

and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P07-157), a tentative parcel map (PA07-0090) and a plot plan (PA07-0091). The Planning Commission is not making recommendations on these three items because it is recommending that the City Council deny the General Plan Amendment and Change of Zone and, therefore, no recommendations on those subsidiary matters is required.

WHEREAS, on January 8, 2009, and January 15, 2009, the Planning Commission of the City of Moreno Valley held meetings to consider the application and to provide a recommendation to the City Council.

WHEREAS, on January 15, 2009, the Planning Commission passed a motion by a vote of 4 to 2 to refer the project to the City Council with a recommendation to deny the proposed change in policy to allow large warehouses on the project site because it would be contrary to the intent of the vision for this portion of the community as identified during the General Plan Update and subsequent zoning consistency study.

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

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

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

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meetings on January 8, 2009, and January 15, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The proposed Change of Zone is not consistent with the vision identified by the Planning Commission and City Council in 2006 during the review and adoption of the General Plan Update and subsequent zoning consistency study. This vision called for the development of business parks with buildings not exceeding 50,000 square feet in the eastern part of the City along Highway 60. The proposed project includes a 1,820,000 square foot warehouse industrial building as part of Phase 1 and an additional 600,000 square foot industrial building as part of Phase Both of these buildings far exceed the maximum of 50,000 square feet as permitted by the current zoning designation of Business Park.

MV00017161

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent arterial roads leading from the project to Highway 60. The heavy truck traffic would impact the air quality, traffic flow and image of the area of lower intensity business park area with adjacent executive housing. The project traffic study indicates that approximately fifteen percent of the project's peak hour traffic would be heavy trucks, a much greater percentage than anticipated under the current zoning designation of Business Park. Heavy truck traffic produces more particulate emissions than light duty trucks and automobiles. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the vision for the area of lower intensity business park uses with executive housing.

3. The proposed warehouse industrial buildings are better suited to the industrial areas in the southern portion of the City. These areas are currently zoned for heavy and light industrial uses, including large warehouse and industrial buildings with heavy truck traffic. These areas are better separated from adjacent planned or existing residential areas. These areas also provide better access to the freeway system through upgraded roadways and freeway interchanges. The proposed mitigation measures for the proposed project do not provide the same level of access.

4. The benefits of the proposed project do not justify the proposed change in policy.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2009- 01, recommending that the City Council **DENY** a Change of Zone (PA07-0088) for an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage) from BP (Business Park) to LI (Light Industrial) and the General Plan Amendment (PA07-0089).

APPROVED this 22nd day of January, 2009.

ATTEST:

Rick De Jong
Chair, Planning Commission

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

MV00017162

Highland Fairview Corporate Park

Tentative Parcel Map 35629

(PA 07-0088, 07-0089, 07-0090, 07-0091)

City of Moreno Valley City Council

Supplemental Package
City Council Hearing - February 3, 2009

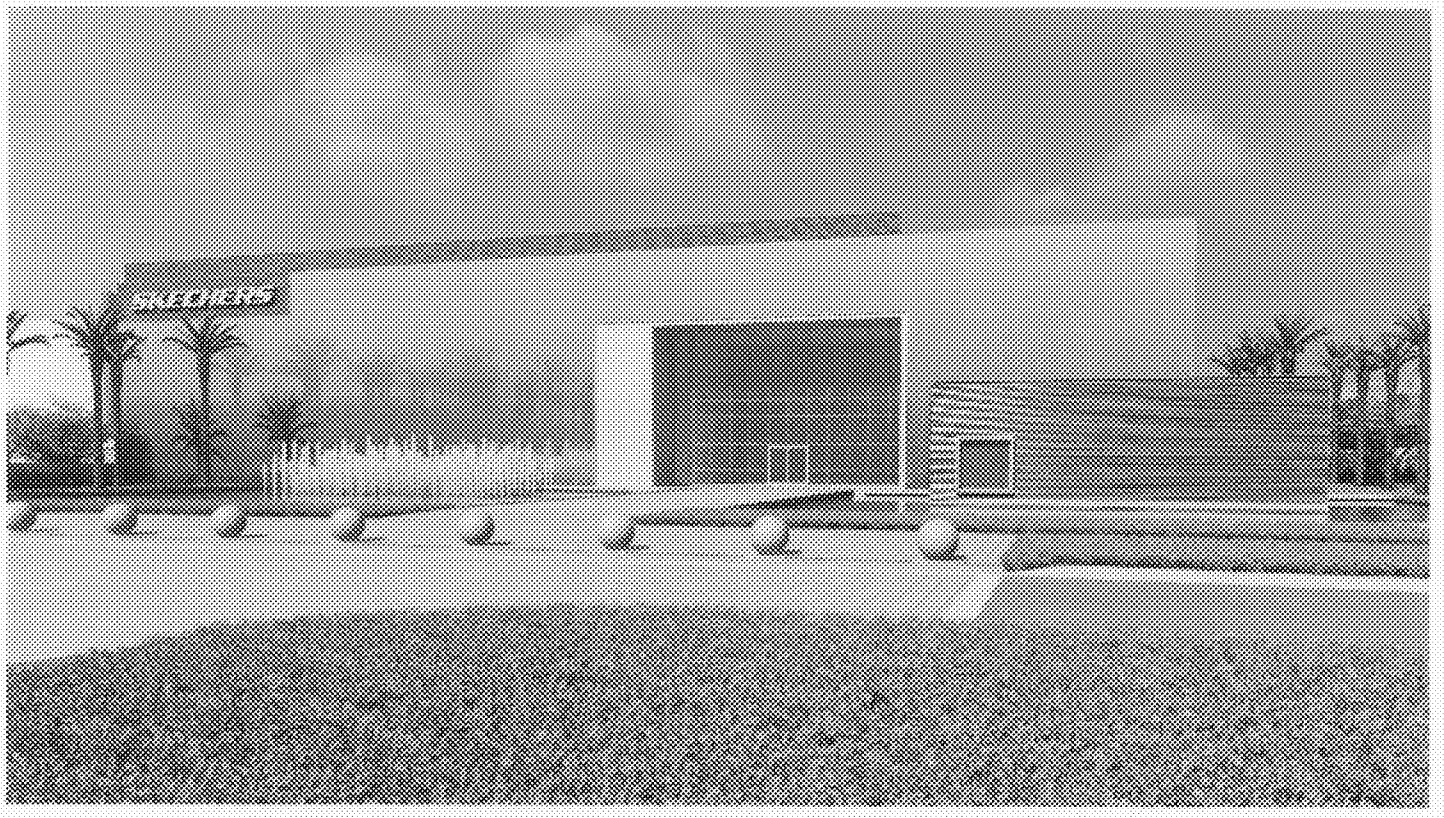

Highland Fairview

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

Council Members:

Enclosed for your use are several exhibits that illustrate many of the unique details of the Highland Fairview Corporate Park project. We have included a variety of renderings and visual simulations that provide a three-dimensional perspective of key project elements that cannot be accurately conveyed in the two-dimensional drawings that are part of the formal submittal package. We have also provided several colored exhibits that help to make the technical plans easier to read.

Please contact Highland Fairview if there are any questions.

Thank you.

Iddo Benzeevi
HIGHLAND FAIRVIEW

Main Office (SE Corner)
View Rendering

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be taken upon entering the project at the second driveway from the east. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

MV00017166

Main Office (SE Corner)
View Rendering (Eucalyptus Ave.)

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be from east bound Eucalyptus Avenue, near the project entry. The selective use of trees and landscaping allow for a view of the enhanced architecture. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

NE Building Corner
View Rendering

The following view depicts the Northeast Corner of the building adjacent to SR60. This corner of the building is architecturally enhanced and treated as a prominent feature due to its visibility from SR60.

MV00017170

Main Office (SE Corner)
View Rendering (Retail Entry)

This rendering depicts the Retail Entry at the east end of the building. The view is looking West at the retail entry. Vehicular access would be taken from the most easterly driveway off of Eucalyptus Avenue and would direct the driver to parking lot serving the retail site.

MV00017172

Employee Area
View Rendering (South Side)

This rendering depicts the Employee Area on the south side at the mid-point of the building. It will include a break room for employee use and includes an outdoor patio area.

MV00017174

Project Entry at Eucalyptus Avenue
View Rendering

This rendering depicts the view looking east along Eucalyptus Avenue when exiting the project entry (driveway 2nd from the east).

MV00017176

Eucalyptus Avenue Screen Wall
View Rendering

This view depicts the Screen Wall along Eucalyptus Avenue. The top of wall is tapered with a minimum height of 11 ft. and a maximum height of 15.5 ft.

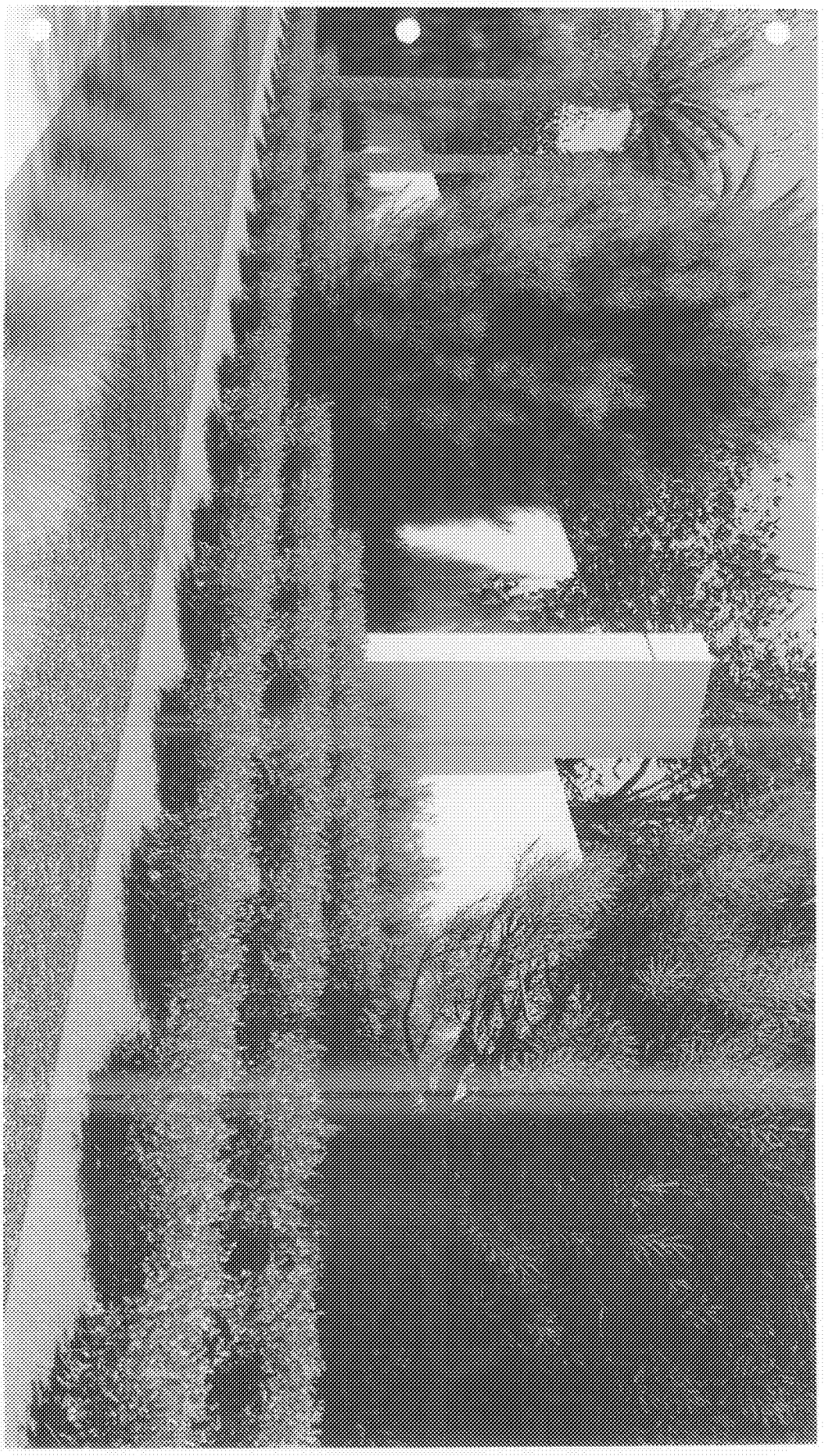

MV00017178

SR60 View Rendering

This rendering depicts the view as traveling east on SR60 between Redlands Blvd. and Theodore Street. Rendering shows the effective screening of the building and view opportunities at the palm trees.

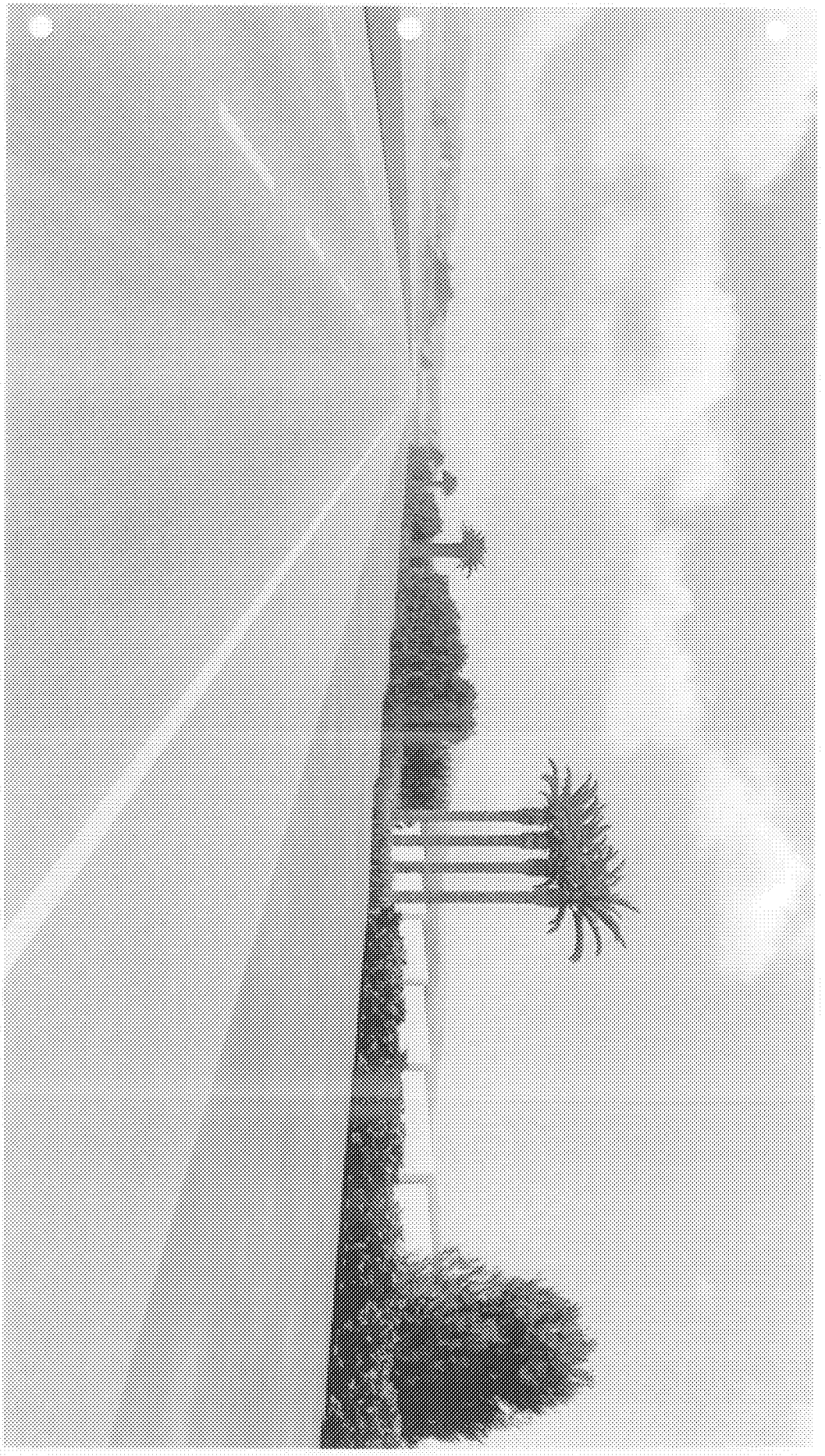

MV00017180

MV00017181

SR60 Slope
View Rendering (North Side)

This rendering depicts the slope between SR60 and the north side of the building and the loading docks. Note the landscaping and trees at the top of slope providing screening and viewing opportunities from SR60.

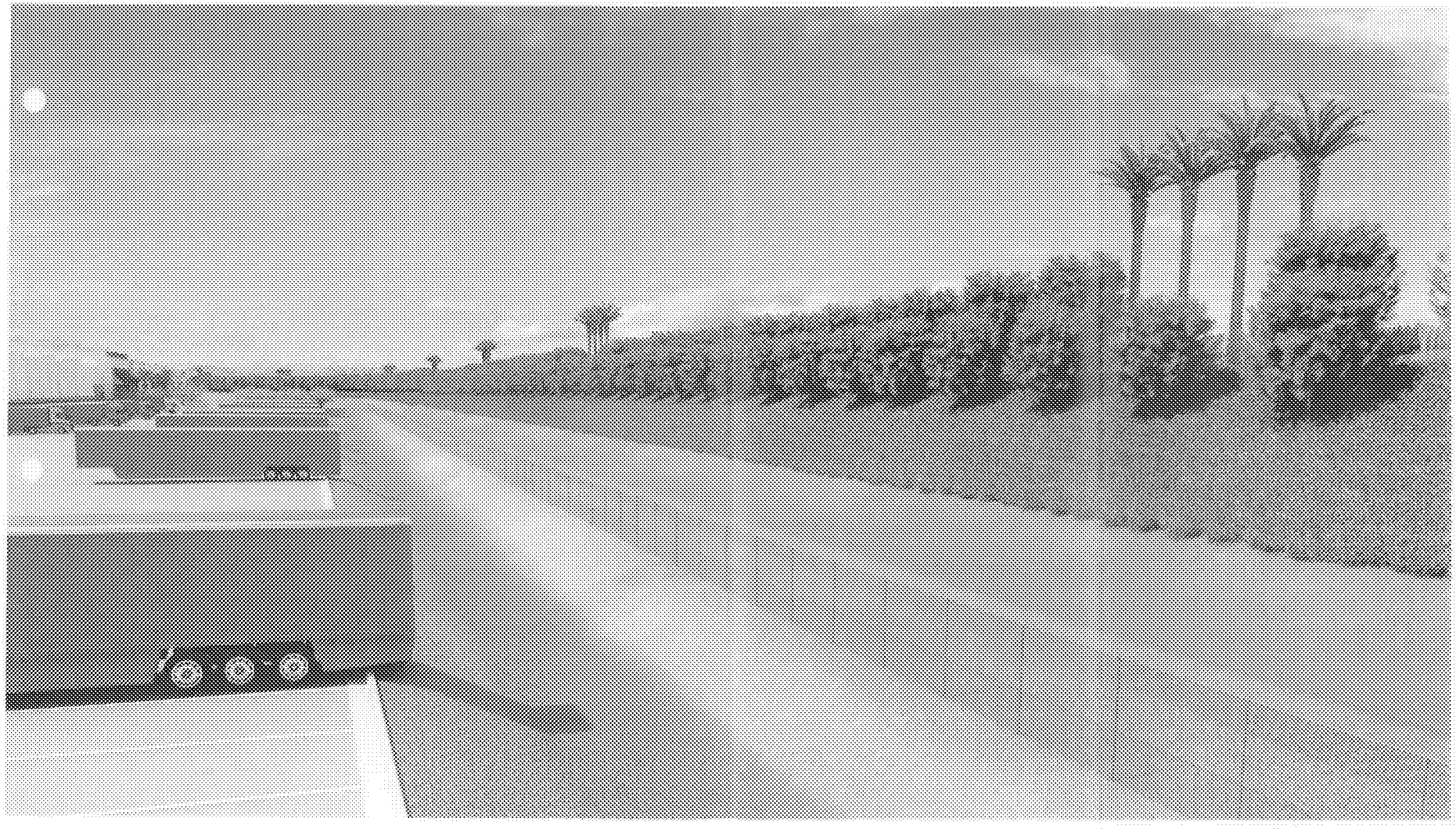

Northwest View – SR 60 Slope and Basins

Template Parcel Map 28626 - BA 07-0748, 07-0265, 07-0620, 07-0261

North Dock Elevation
View Rendering

This rendering depicts the North Dock Elevation and shows the architectural enhancements made to the north side using staggered wall panels and louvers to provide relief and interest to the building.

Kroft Dover Elevation

Artist renderings enclosed please refer to architectural and landscape drawings.

Preliminary Landscape Plan (Colored)

Plan depicts the areas of landscaping to be installed with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

General Plan Land Use Overlay

This map depicts the Existing General Plan Land Use Overlay with the project site, showing the existing Business Park and Commercial corridor.

Project Site

Circulation Plan – Aerial View

The two plans depict the Project Site and the proposed Circulation Corridor to and from SR60.

Intelligent vehicle circulation plan designed
to minimize local traffic impact

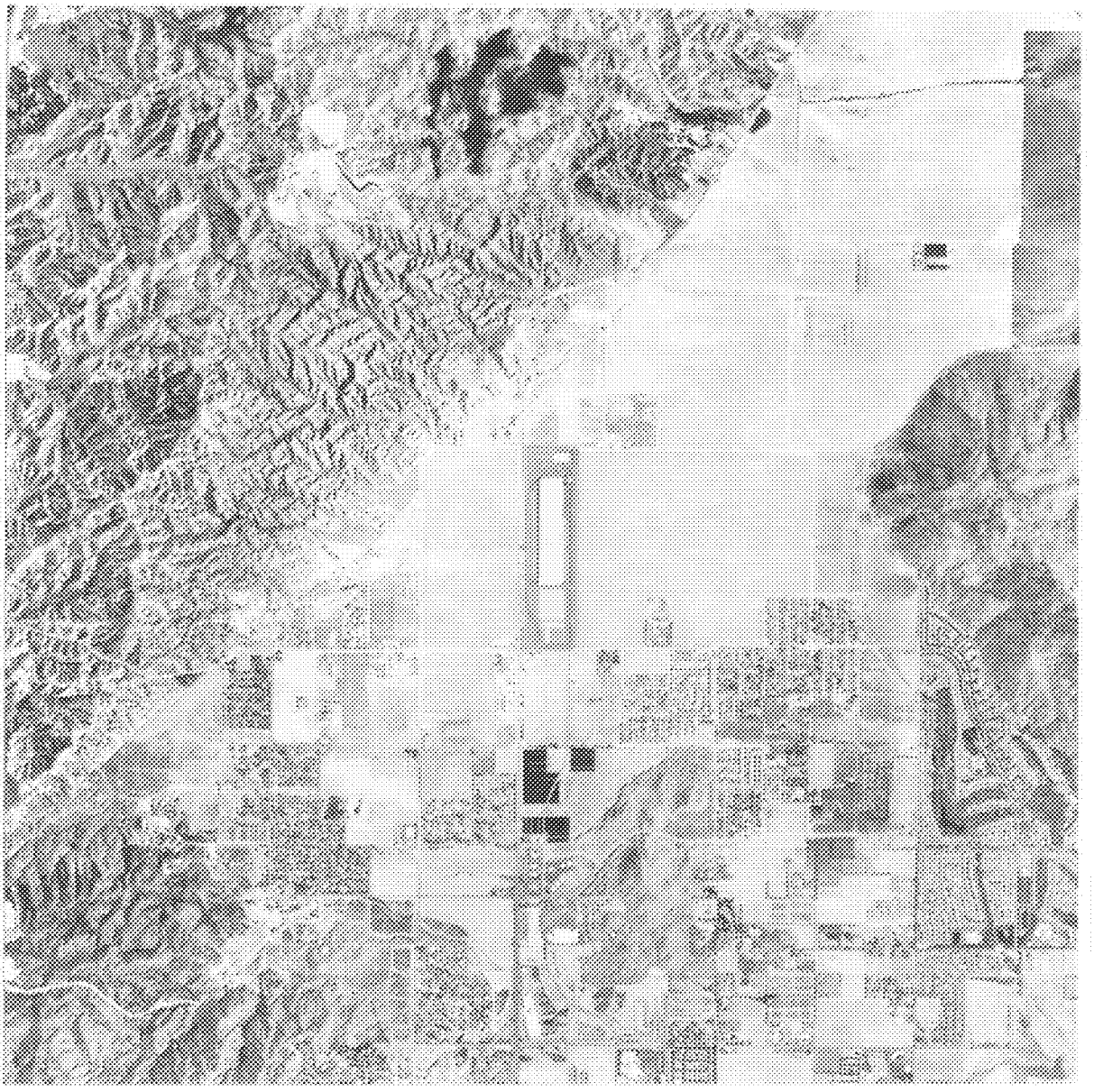

Landscaped Building Elevations (Colored)

Plan depicts the Building Elevations with proposed Landscaping for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

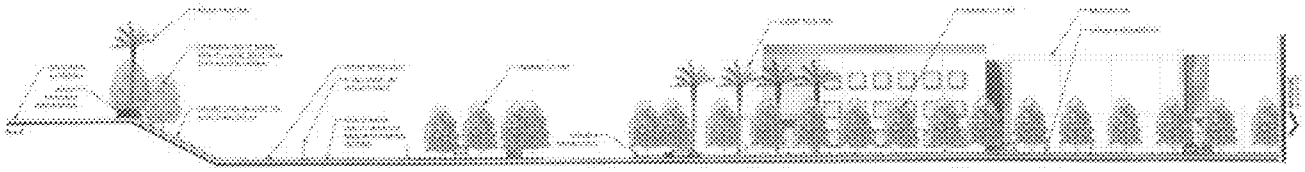

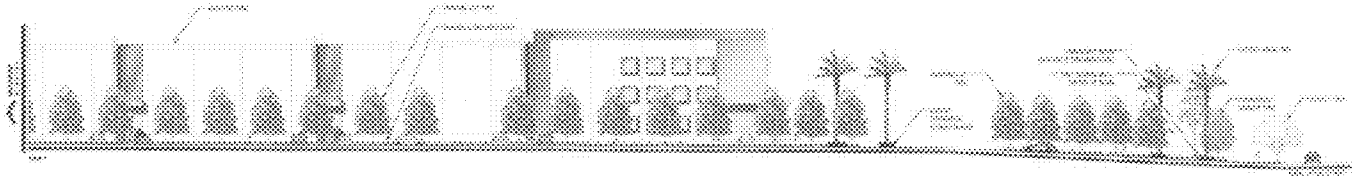

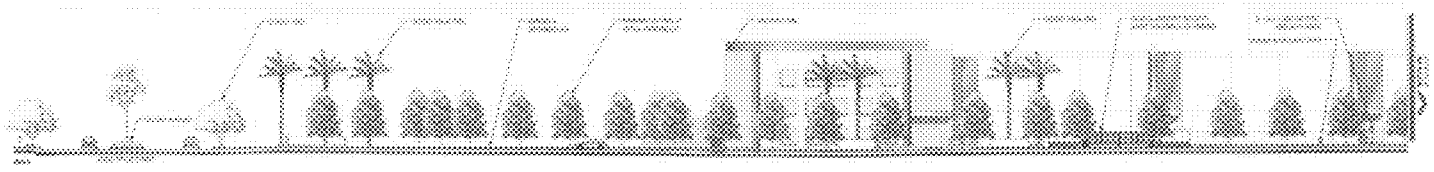

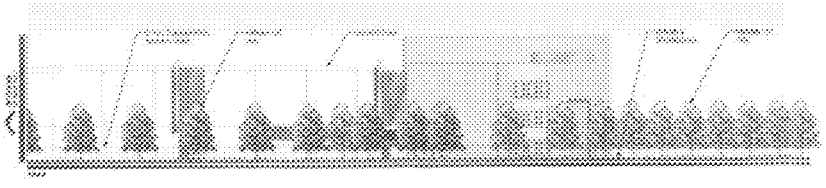

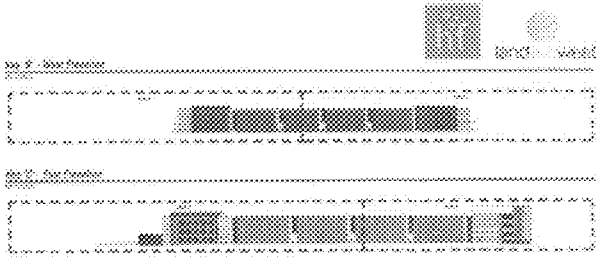

Site Sections (Colored)

Plan depicts site sections showing the developed conditions along Eucalyptus and SR60 with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

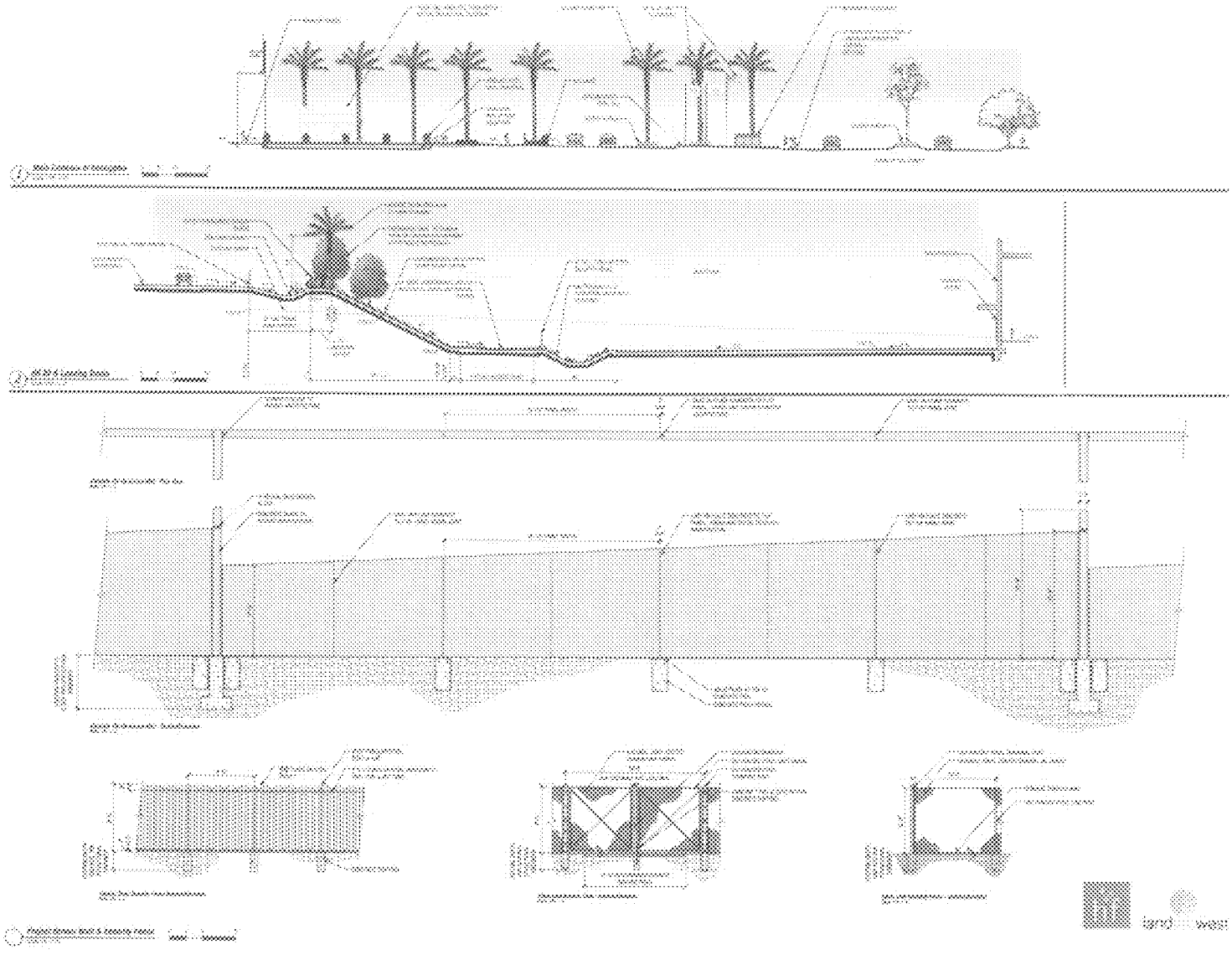
land west

Architectural Building Elevations (Colored)

Plan depicts the Building Elevations for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

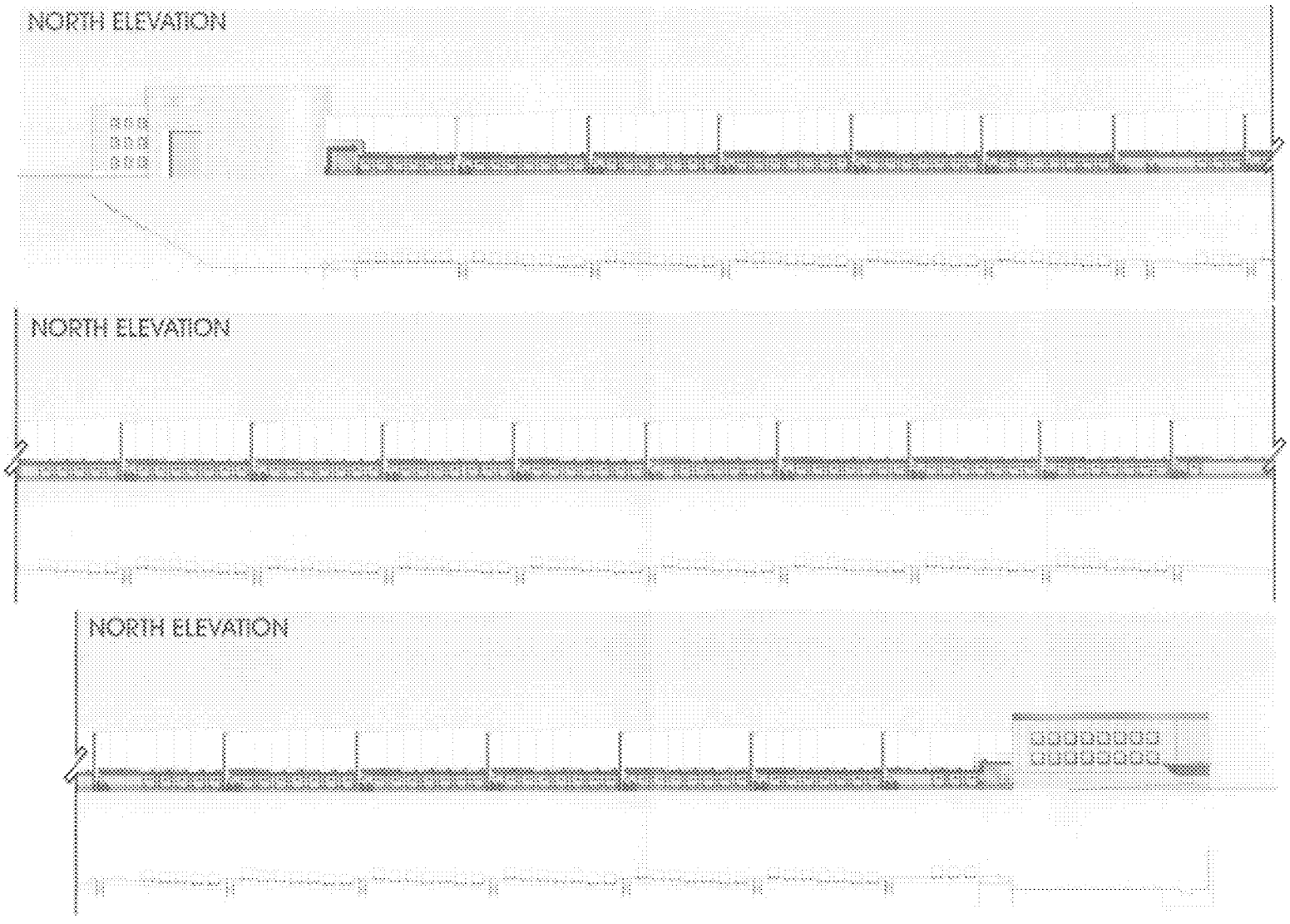

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00017202

SOUTH ELEVATION

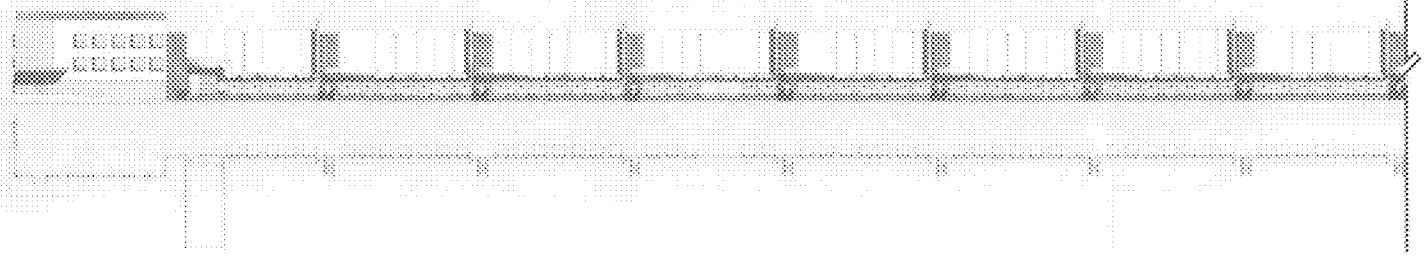

SOUTH ELEVATION

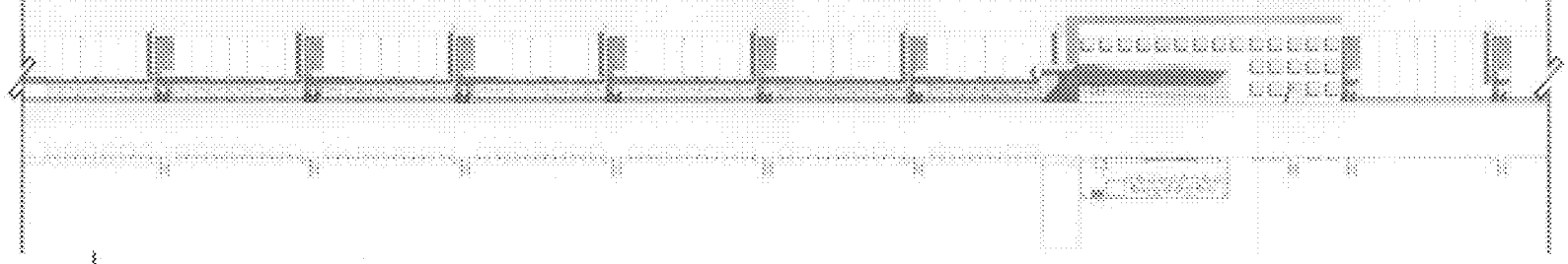

SOUTH ELEVATION

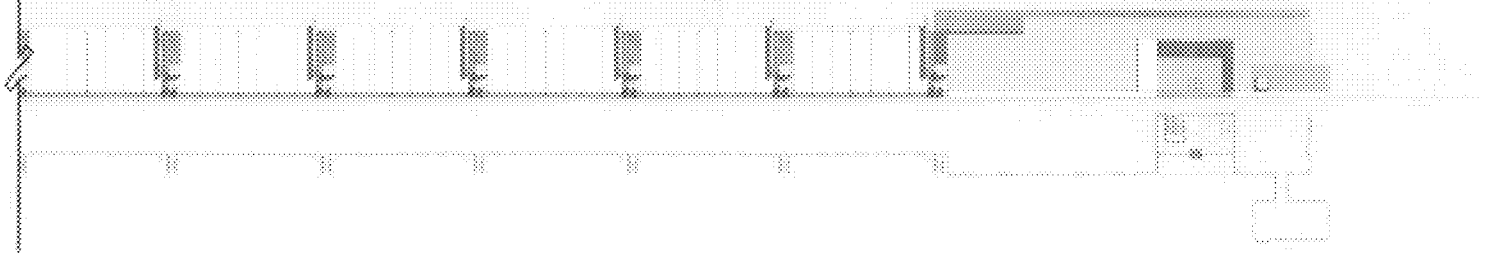

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00017203

WEST ELEVATION

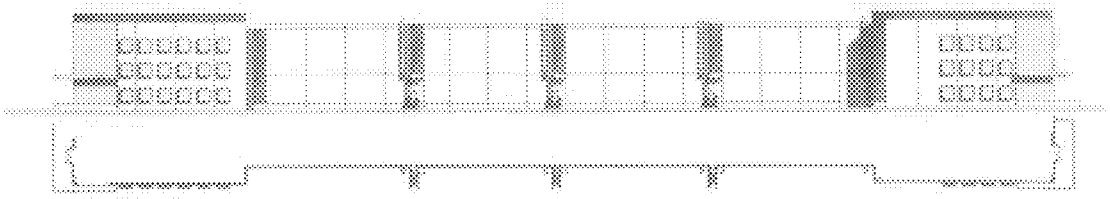

WEST ELEVATION

EAST ELEVATION

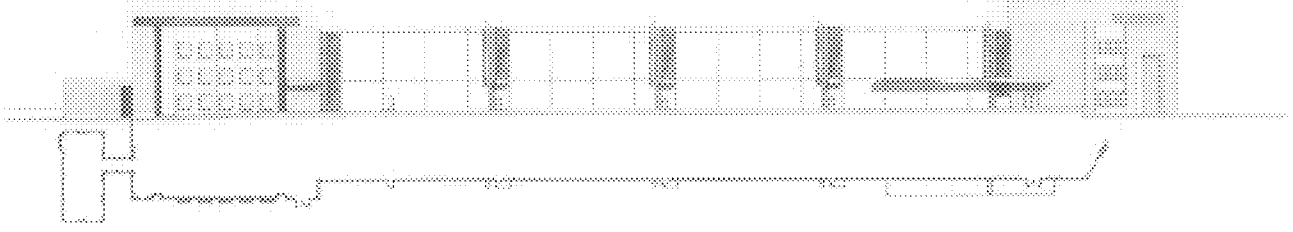

EAST ELEVATION

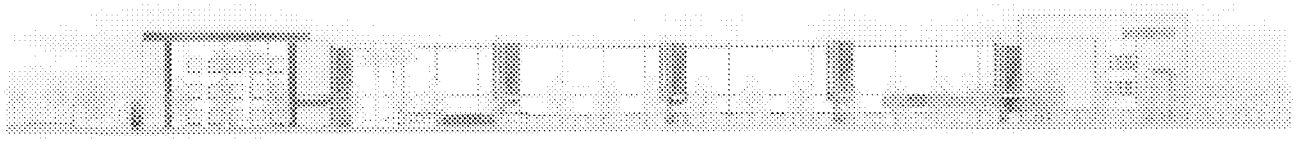

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00017204

Architectural Building Elevations (Colored)

(with Superimposed Landscaping)

Plan depicts the Building Elevations with trees superimposed for reference, for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

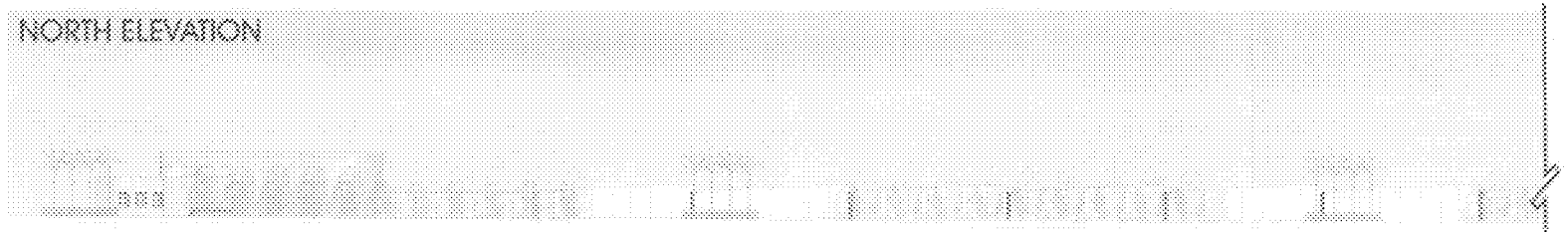

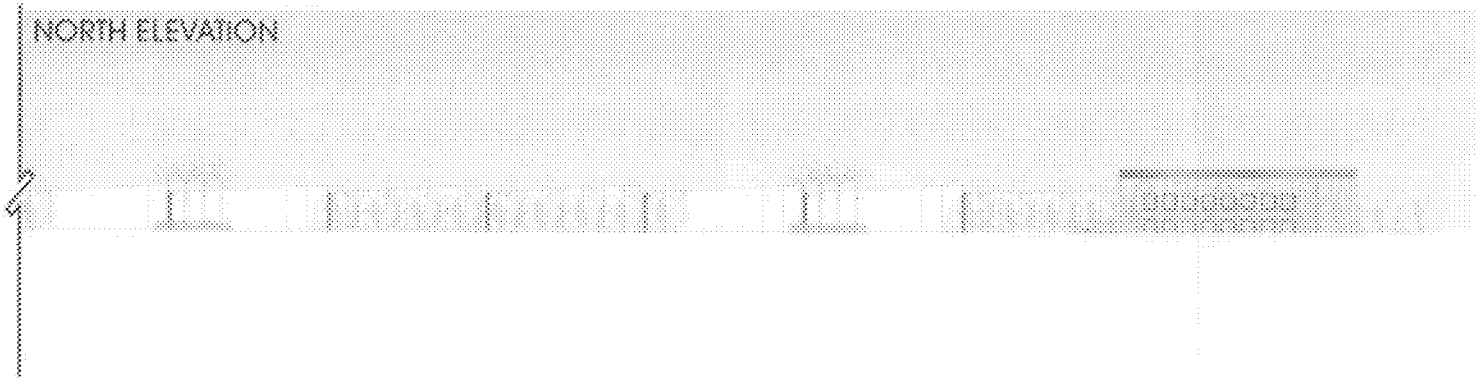

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV000017206

SOUTH ELEVATION

SOUTH ELEVATION

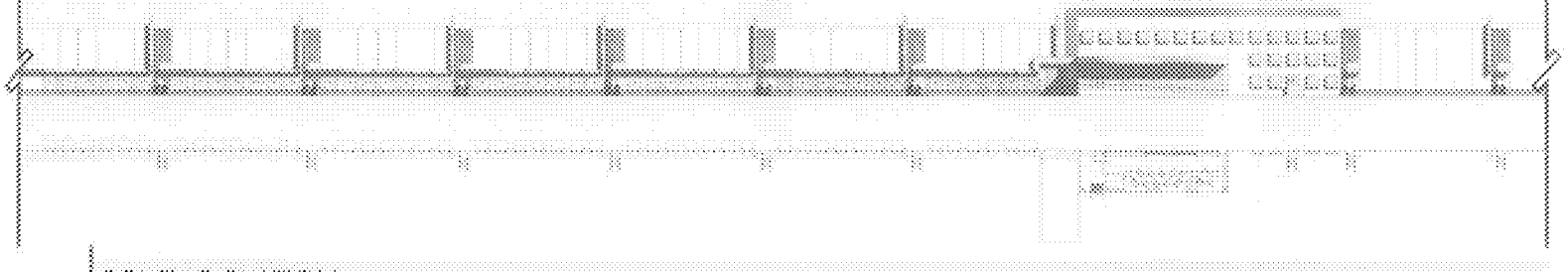

SOUTH ELEVATION

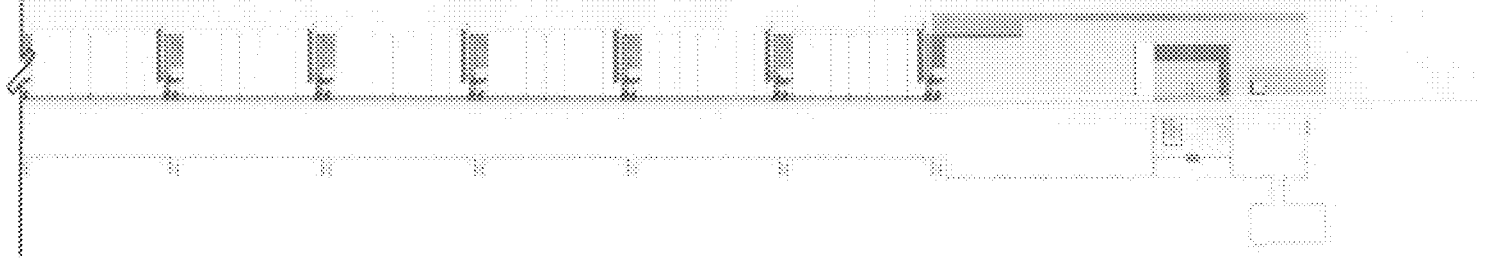

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00017207

SR60 Freeway Landscaping

The following views depict the existing landscape corridor along SR60 both east and west bound, between Day Street and Theodore Street. Included is an Ultimate Section for SR60 showing 30 ft. of additional right of way dedication to accommodate the future widening of SR60.

SR60 Freeway Landscaping

Photo Book · December 12, 2008

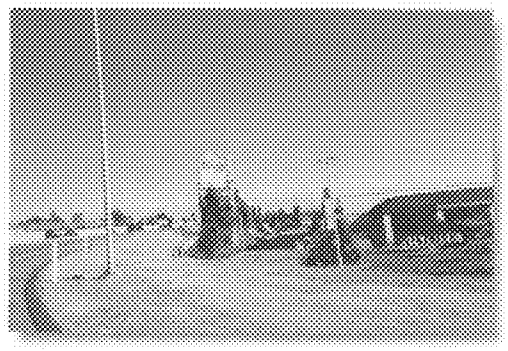

SR60 Eastbound from Day Street to Frederick Street

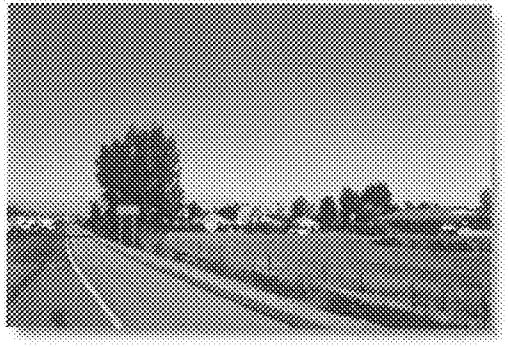

SR60 Eastbound from Frederick Street to Heacock Street

MV00017209

SR60 Freeway Landscaping

Photo Book · December 12, 2008

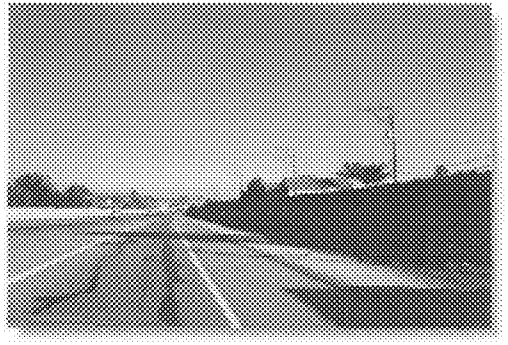

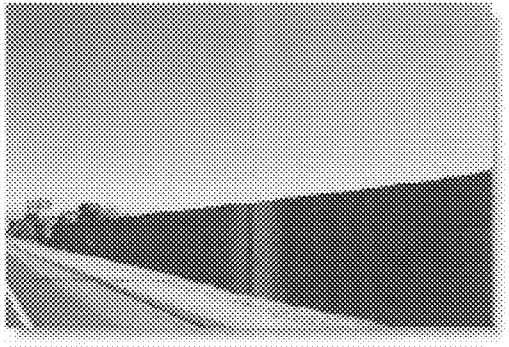

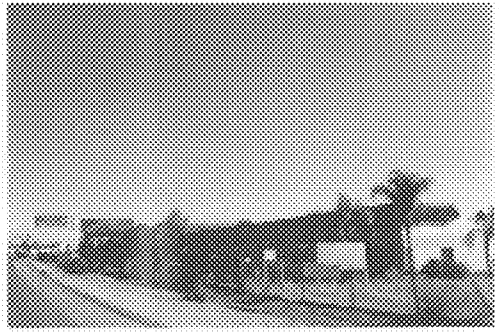

SR60 Eastbound from Hewitt Street to Perris Boulevard

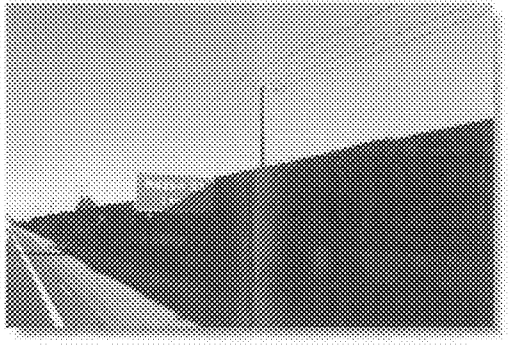

SR60 Eastbound from Perris Boulevard to Nason Street

MV00017210

SR60 Freeway Landscaping

Photo Book - December 12, 2008

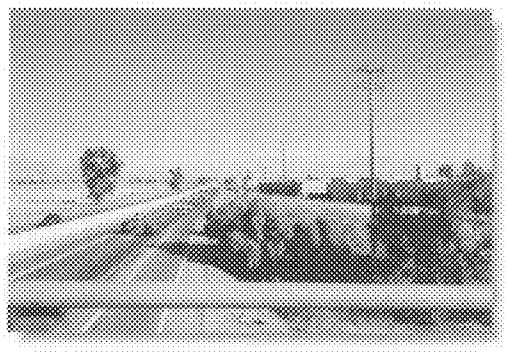

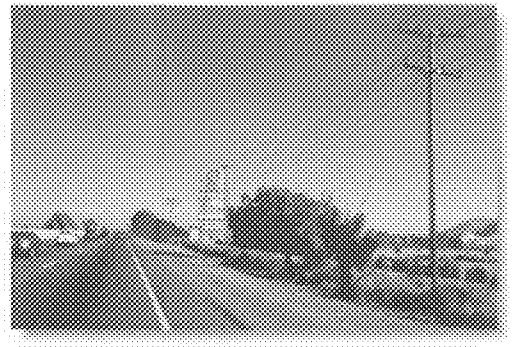

SR60 Eastbound from Nason Street Street to Moreno Beach Drive

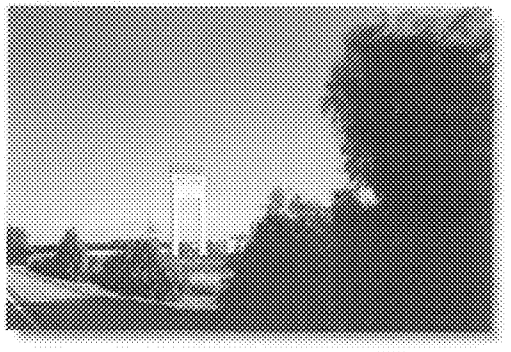

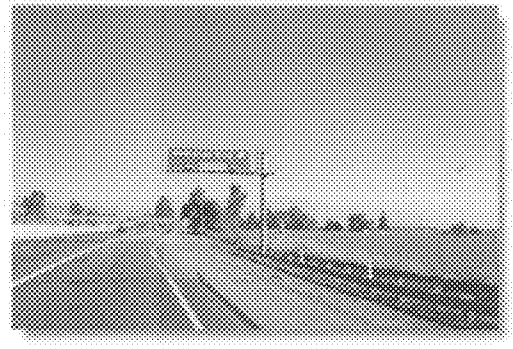

SR60 Eastbound from Moreno Beach Drive to Redlands Boulevard

MV00017211

SR60 Freeway Landscaping
Photo Book - December 12, 2008

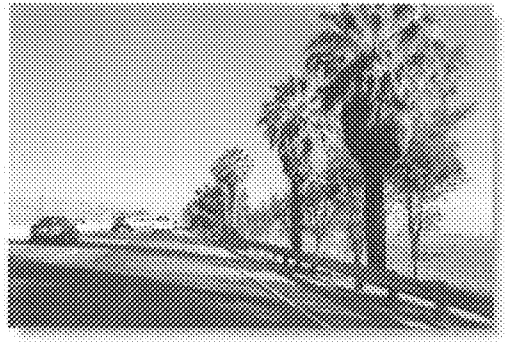

SR60 Eastbound from Redlands Boulevard to Theodore Street

MV00017212

SR60 Freeway Landscaping

Photo Book · December 12, 2008

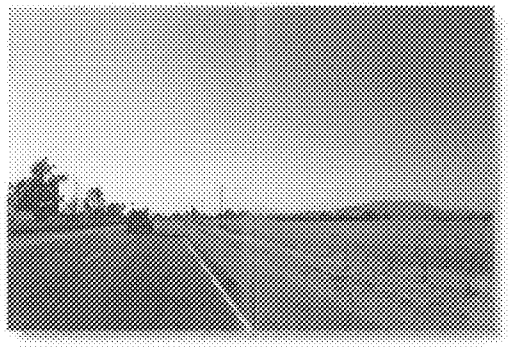

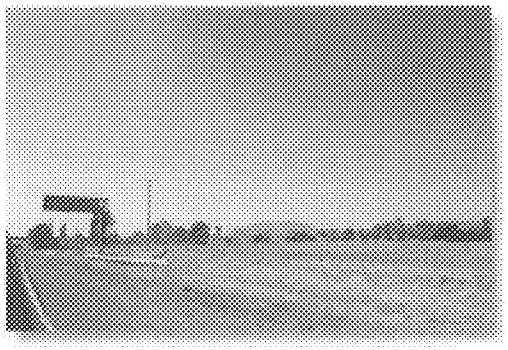

SR60 Westbound from Theodore Street to Redlands Boulevard

SR60 Westbound from Redlands Boulevard to Moreno Beach Drive

MV00017213

SR60 Freeway Landscaping
Photo Book - December 12, 2008

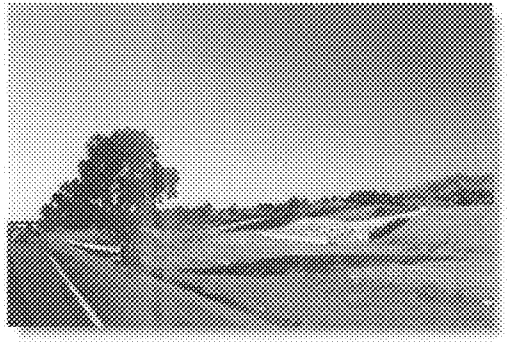

SR60 Westbound from Moreno Beach Drive to Nason Street

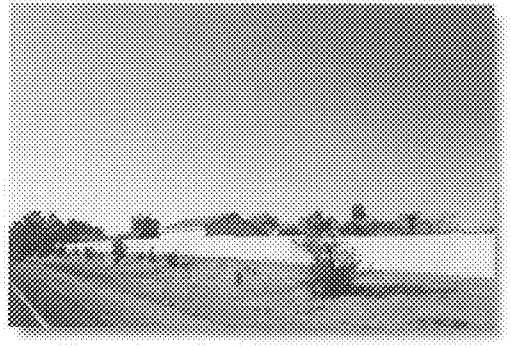

SR60 Westbound from Nason Street to Perris Boulevard

MV00017214

SR60 Freeway Landscaping

Photo Book · December 12, 2008

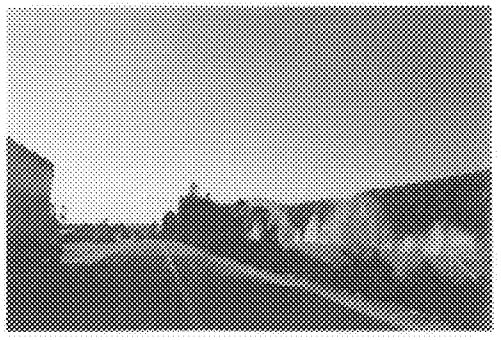

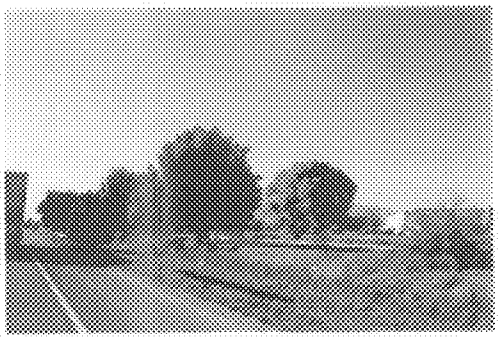

SR60 Westbound from Perris Boulevard to Heacock Street

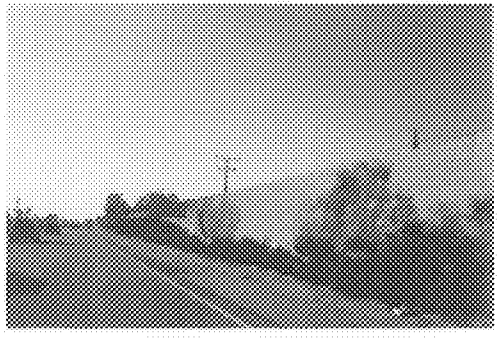

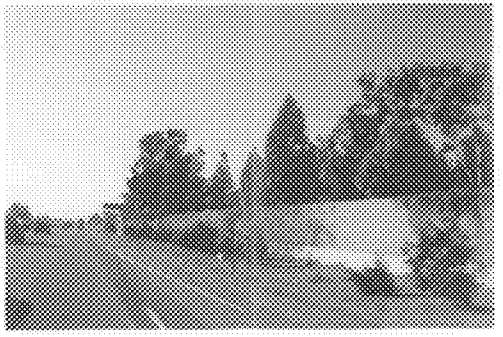

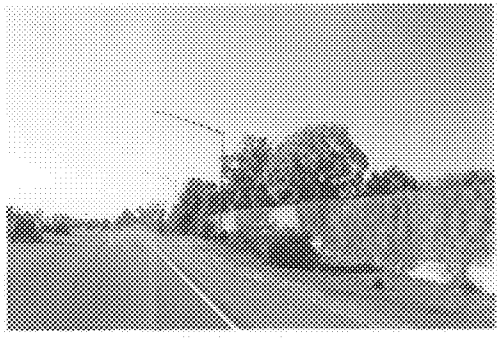

SR60 Westbound from Heacock Street to Frederick Street

MV00017215

SR60 Freeway Landscaping

Photo Book · December 12, 2008

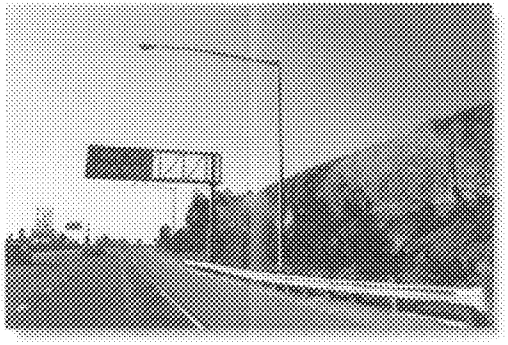

SR60 Westbound from Frederick Street to Day Street

MV00017216

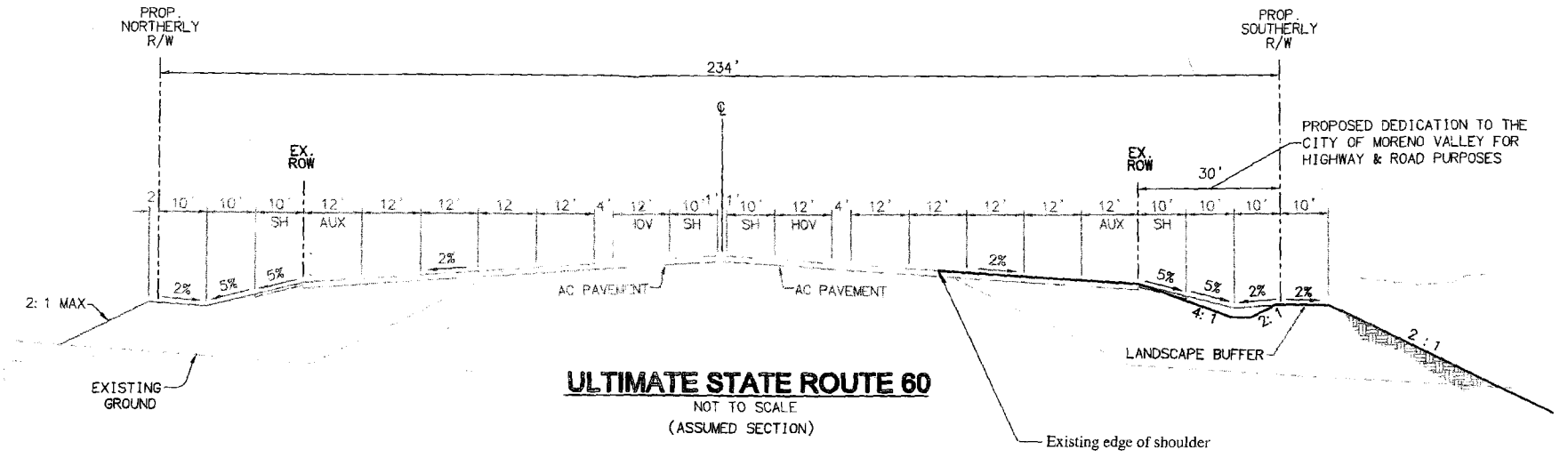

ULTIMATE STATE ROUTE 60

NOT TO SCALE

(ASSUMED SECTION)

MV00017217

Deed Restriction Exhibit

The Schematic Diagram depicts the Deed Restriction Area that will limit uses to mitigate for impacts to air quality along Eucalyptus Avenue.

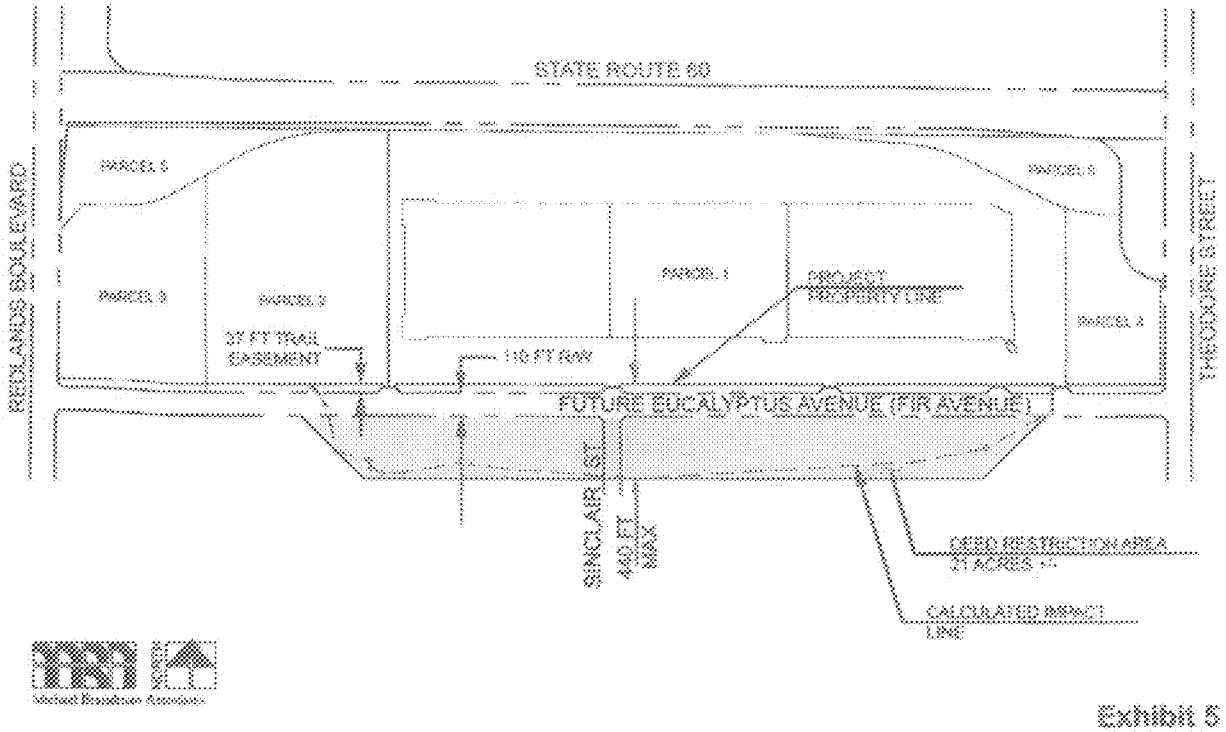

Exhibit 5

Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

NOTICE AND CALL OF SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF MORENO VALLEY, CALIFORNIA

FEBRUARY 3, 2009 - 6:00 PM

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley, California will be held on February 3, 2009, commencing at 6:00 PM, in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

AGENDA

CALL TO ORDER

ROLL CALL

E. PUBLIC HEARING

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

E. 1. A PHASED TENTATIVE PARCEL MAP (PA07-0090 AND P08-057) TO SUBDIVIDE A 158 GROSS ACRE SITE (265.3 ACRES INCLUDING OFFSITE IMPROVEMENTS AND DRAINAGE) INTO FOUR BUILDABLE PARCELS AND TWO PARCELS DEDICATED FOR FUTURE FREEWAY IMPROVEMENT PURPOSES (THIRTEEN PARCELS TOTAL INCLUDING PUBLIC ACCESS AND DEDICATION), AND FIRST PHASE PLOT PLAN (PA07-0091) FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING ON APPROXIMATELY 83 ACRES (TOTAL OF 2,620,000 SQUARE FEET OF BUILDING FOR THE ALL PHASES OF DEVELOPMENT). THE PROJECT SITE CURRENTLY

LIES WITHIN THE BP (BUSINESS PARK) AND CC (COMMUNITY COMMERCIAL) LAND USE DISTRICTS AND INCLUDES A REQUEST A CHANGE OF ZONE (PA07-0088) TO LI (LIGHT INDUSTRIAL) FOR ALL PROPOSED INDUSTRIAL USES AND A GENERAL PLAN AMENDMENT (PA07-0089) TO ELIMINATE A PLANNED MULTI-USE TRAIL OVER HIGHWAY 60, TO ADJUST AND EXTEND A PLANNED MULTI-USE TRAIL FROM THE SOUTH TO THE NORTH SIDE OF FUTURE EUCALYPTUS AVENUE FROM QUINCY STREET TO THEODORE STREET, TO RE-DESIGNATE FUTURE EUCALYPTUS AVENUE FROM REDLANDS BOULEVARD TO THEODORE STREET FROM AN ARTERIAL TO A DIVIDED ARTERIAL TO ALLOW THE ADDITION OF MEDIANS, AND TO ADJUST PARCEL LINES AND LAND USE FOR TWO PARCELS LOCATED IN THE CC LAND USE DISTRICT (NARROW WIDTH 126 FEET ON THE EASTERN PORTION OF THE SITE AND WIDEN 87 FEET ON THE WESTERN PORTION OF THE SITE). THE PROPOSED PROJECT IS LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. AN APPEAL HAS BEEN FILED BY THE PROJECT APPLICANT, HIGHLAND FAIRVIEW PROPERTIES, TO PROTECT THEIR RIGHTS (Report of: Community Development Department)

Recommendation: The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required

MV00017221

Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines;

Resolution No. 2009-08

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-157), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the Highland Fairview Corporate Park Project, Generally Located Adjacent to and South Of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the resolution;

Ordinance No. 785

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the Official Zoning Atlas of Said City, to Include a Change of Zone (PA07-0088) From BP (Business Park) To LI (Light Industrial) for an Approximate 104.9 Acre Portion of the Site, Including a Change of Zone for a 87 Foot Area Between Parcels 2 and 3 from BP (Business Park) to CC (Community Commercial) and Change of Zone for 126 Feet of Land Between Parcels 1 and 4 from CC (Community Commercial) to LI (Light Industrial), All Encompassed Within an Approximately 158 Acre Site (Including Relevant Offsite Improvements and Drainage) Commercial Land Uses on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional

parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the resolutions, and conditions of approval in the resolutions, attached as Exhibit A to two of the resolutions.

Resolution No. 2009-09

A Resolution of the City Council of the City of Moreno Valley, California, Approving A General Plan Amendment (PA07-0089) for the Elimination of a Portion of a General Plan Designated Multi-Use Trail, the Adjustment of a Planned Multi-Use Trail on Future Eucalyptus Avenue (Fir), the Upgrading from an Arterial to a Divided Arterial for Future Eucalyptus Avenue (Fir) and a Change in Land Use for a 87 Foot Area Between Parcel of Land Use for of 126 Feet of Land Between Parcels 1 and 4 From C (Commercial) To BP (Business Park), and a Plot Plan for an Approximately 1,820,000 Square Foot Warehouse Industrial Building (Total of 2,620,000 Square Feet for All Phases of Development Consisting of Industrial and Commercial Land Uses) on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

Resolution No. 2009-10

A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of PA07-0090 (Tentative Parcel Map No. 35629) for Four Separate Buildable Parcels and Two Primary Parcels Dedicated for Freeway and Improvement Purposes (Thirteen Parcels Overall to Include Lettered Lots for Public Access and Dedication Purposes) and a Phased Subdivision of Land (P08-057) Consisting of a Proposed Industrial and Commercial Development (2,620,000 Square Feet) to Include Two Parcels for Industrial Warehouse Uses, Two Parcels for Commercial/Retail Uses and Two Parcels that will be Dedicated for Future Freeway Improvements on a 158 Acre Site (With Additional Off-Site Improvements and Drainage) Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

Resolution No. 2009-11

A Resolution of the City Council of the City of Moreno Valley, California Approving PA07-0091 (Plot Plan) for an Approximate 1,820,000 Square Foot Industrial Warehouse Building with Ancillary Commercial/Retail and Office Uses on an Approximately 83 Acre Parcel Generally Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

ADJOURNMENT

***Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: February 3, 2009

TITLE: A phased tentative parcel map (PA07-0090 and P08-057) to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including public access and dedication), and first phase plot plan (PA07-0091) for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres (total of 2,620,000 square feet of building for the all phases of development). The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and includes a request a Change of Zone (PA07-0088) to LI (Light Industrial) for all proposed industrial uses and a General Plan Amendment (PA07-0089) to eliminate a planned multi-use trail over Highway 60, to adjust and extend a planned multi-use trail from the south to the north side of future Eucalyptus Avenue from Quincy Street to Theodore Street, to re-designate future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians, and to adjust parcel lines and land use for two parcels located in the CC land use district (narrow width 126 feet on the eastern portion of the site and widen 87 feet on the western portion of the site). The proposed project is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. An appeal has been filed by the project applicant, Highland Fairview Properties, to protect their rights.

MV00017226

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines.

2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the attached resolution.

3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions, and conditions of approval, attached as Exhibit A to two of the resolutions.

MV00017227

ADVISORY BOARD/COMMISSION RECOMMENDATIONS

On January 23, 2008, the Recreational Trails Board reviewed and concurred with the applicant's request to remove a planned trail segment on Sinclair Street between future Eucalyptus Avenue and Highway 60 that was subject to the feasibility of a freeway bridge over Highway 60. In addition, the Board recommended an extension of a planned trail from future Eucalyptus Avenue from Sinclair Street to Theodore Street.

On July 23, 2008, The Recreational Trail Board met to reconsider its original recommendation. At said meeting, the Board reaffirmed its earlier recommendation with the added provision to move the planned future Eucalyptus Avenue trail from the south to the north side of the street as requested by the applicant.

On January 8, 2009, the Planning Commission conducted a public hearing on the proposed project. Based on public testimony from over 60 speakers testifying for or against the project, the Planning Commission closed the public hearing portion and continued the meeting to January 15, 2009, for the applicant's rebuttal to public comments and Planning Commission deliberation. Although the public hearing portion was closed at the conclusion of the meeting on January 8, 2009, the Planning Commission agreed to accept written public comments up to the continued meeting.

On January 15, 2009, the Planning Commission conducted the continued meeting on the proposal. At said meeting, the applicant provided a rebuttal presentation to the public testimony received at the prior meeting. Subsequently, the Planning Commission deliberated on the project and at the conclusion of its deliberation voted 4-2 to refer the project to the City Council with a policy recommendation not to change the property zoning on a 104.9-acre portion of the project site from Business Park to Light Industrial to allow warehouse buildings greater than 50,000 square feet. Reasons given for the recommendation included perceived inconsistency with the existing General Plan vision adopted in 2006 for the area, which was clarified by the subsequent zoning consistency study, additional truck traffic generated by a large warehousing project, and the proposed project being better suited for the planned industrial area in the southern portion of the City.

BACKGROUND

The applicant, Highland Fairview Properties, has proposed Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of industrial and commercial building area in three phases on four parcels. The project site is in the BP (Business Park) and CC (Community Commercial) land use districts.

The project also includes a request for a change of zone from BP (Business Park) to LI (Light Industrial) on approximately 104.9 acres of the project site. The primary purpose of the change of zone is to allow warehouse buildings larger than the 50,000 square foot maximum permitted under the current BP zoning. The project also includes a General Plan amendment covering three elements: 1) modification of the Trails Map to eliminate the planned Sinclair Street trail from future Eucalyptus Avenue to Highway 60 and extend a planned trail on future Eucalyptus Avenue from Sinclair Street to Theodore Street and move the entire Eucalyptus Avenue trail to the north side of the street; 2) modification of the Circulation Plan to allow landscape medians on future Eucalyptus Avenue from Redlands Boulevard to Theodore Street by re-designating the segment from an Arterial to a Divided Arterial; and 3) minor modification of land use between industrial and commercial districts.

The Planning Commission held hearings on January 8, 2009, and January 15, 2009, and, after consideration of considerable written and oral information and testimony, referred the project to the City Council with a recommendation that the proposed policy change re-zone an approximately 104.9 acre portion of the project site not be approved. On January 22, 2009, the Planning Commission officially approved a resolution to formalize the recommendation.

Although the project was forwarded to the City Council by the Planning Commission referral, the applicant filed an appeal of the decision of the Planning Commission's action on January 16, 2009, to protect their rights and ensure review by the City Council. A copy of the appeal letter is included as an attachment to this report.

DISCUSSION

Policy Decision

The proposed Highland Fairview Corporate Park project includes a Change of Zone on 104.9 acres of the project site from Business Park (BP) to Light Industrial (LI). The Change of Zone represents a material change to the land use pattern along Highway 60 and the direction provided by the City Council during the zoning consistency study approved in 2006 shortly after the adoption of the General Plan Update. A policy decision relative to the proposed Change of Zone is required to allow for the approval of warehouse industrial buildings larger than 50,000 square feet on the project site. Allowable land uses under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category include all of the above uses with building sizes of 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

MV00017229

While the proposed project would be consistent with the current General Plan land use designation of Business Park/Industrial, a General Plan Amendment is required to eliminate the planned trail segment along Sinclair Street between future Eucalyptus Avenue and Highway 60. The planned trail bisects the proposed 1,820,000 square foot (Phase 1) warehouse industrial building.

Environmental Impact Report

Should the City Council want to consider approval of the applicant's appeal request and make a policy decision to approve the requested change of zone from Business Park (BP) to Light Industrial (LI), an Environmental Impact Report (EIR) would need to be considered and certified for the entire project. The EIR was prepared for the applicant by Michael Brandman and Associates, an approved City consultant, and thoroughly reviewed and accepted by City staff and a City-contracted peer consultant, the Chambers Group.

An EIR was required and completed for the proposed project pursuant to the California Environmental Quality Act (CEQA). Notice of completion and availability of EIR included a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. The City accepted comments well past the 45-day review period. The document was sent to numerous state and local agencies and interested parties on August 5, 2008, as well as the Environmental and Historical Preservation Board. All interested parties and responsible agencies had the chance to review responses to their comments in the draft Final EIR that was mailed to all parties providing letters on December 18, 2008, twenty one days prior to the first Planning Commission hearing on the project. The transmittal was well before the minimum 10 day notice required by CEQA but less than the 30 day notice that has been the City's historical practice. Both the Draft EIR and EIR in its final form were provided for the public's review at City Hall, the City public library and on the City's website.

The EIR concludes that the proposed project will have certain aesthetics, agricultural, air quality, noise and climate change/greenhouse gas impacts that cannot be reduced to a less than significant level, even with proposed mitigation. As identified in the EIR, impacts for the five items are considered to be significant and unavoidable. The EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts. All mitigation measures have been included as conditions of approval and within a Mitigation Monitoring Program attached to the draft project resolutions. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be successfully mitigated below significant thresholds.

Two key elements evaluated in the EIR are the applicant's proposed 24 hour grading operations and the buffer of existing and future sensitive receptors or land uses surrounding the project. In order to mitigate or lessen the ongoing grading operation of the proposed "around the clock" grading activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and other sensitive receptors. In order to provide greater compatibility between the

project if built and current and proposed land uses, the EIR proposed a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. The proposed buffer area, zoned R3 (Residential – up to 3 units per acre), is currently owned by the applicant. Development with such uses as residential homes, schools or other sensitive receptors would not be permitted within this designated buffer area subject to deed restrictions placed on all affected properties.

Since all potential environmental impacts of the project could not be mitigated to less than significant levels, a Statement of Overriding Considerations was prepared. The California Environmental Quality Act (CEQA) requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report for review and possible consideration.

ALTERNATIVES

1. Deny the policy decision for the Change of Zone or General Plan Amendment, thus denying the proposed project.

2. Deny the certification of the Environmental Impact Report, thus denying the proposed project.

3. Approve the policy decision for the Change of Zone and overall project proposal, including certification of an Environmental Impact Report with modifications to address City Council concerns.

4. Approve the policy decision for the Change of Zone and overall project proposal as submitted, including the certification of the Environmental Impact Report.

5. Refer the proposed project back to the Planning Commission for further review and analysis.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

MV00017231

SUMMARY

A phased industrial and future commercial project is being proposed for property bounded by Redlands Boulevard, Theodore Street, Highway 60, and future Eucalyptus Avenue. The applicant, Highland Fairview Properties, is proposing a General Plan Amendment for items relating to a multi-use trail, minor adjustment of land uses, the addition of center medians, and a Change of Zone for a proposed 83 acre Phase 1 1,820,000 square feet industrial warehouse project and future 600,000 square foot building on approximately 22 acres under Phase 2.

The vision provided by the Planning Commission and City Council during the 2006 General Plan Update and subsequent zoning consistency included zoning which restricted warehouse and industrial buildings to 50,000 square foot or smaller for the Business Park areas in the eastern portion of the City. A policy decision by the City Council would be needed to allow larger industrial buildings in this area. A proposed Change of Zone from BP or Business Park to LI or Light Industrial would allow industrial buildings larger than 50,000 square feet at the project site. The Planning Commission decision at their January 15, 2009 meeting was to recommend denial of the request to change existing land use policy and the current zone to LI (Light Industrial) for the project site.

NOTIFICATION

Notice of the project was provided to potentially affected agencies, adjacent property owners and the general public. This included notice to all responsible agencies, property owners of record within 300 feet of the project, and all interested parties that had asked to be included on the mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper. Prior notification of the draft and final versions of the Environmental Impact Report was provided to all responsible agencies and interested parties.

ATTACHMENTS

1. Public Hearing Notice
2. Appeal letter from Highland Fairview dated January 16, 2009
3. Environmental Impact Report Resolution, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Change of Zone Ordinance, including Exhibit A
5. General Plan Resolution, including three (3) individual exhibits, Exhibits A through C
6. Tentative Parcel Map Resolution, with attached conditions of approval
7. Plot Plan Resolution, with attached conditions of approval
8. Environmental Impact Report (Previously provided in disk format under separate cover)
9. Letter from Caltrans and Response to Comments
10. Letter from Mr. Mike Rios and Response to Comments

11. Planning Commission Report excluding exhibits
12. Planning Commission Minutes of January 8, 2009 and January 15, 2009
13. Aerial Map
14. Zoning Map
15. Reduced Tentative Parcel Map
16. Reduced Site Plan
17. Zoning and Land Use Boundary Change Map in EIR
18. Land Use Buffer Map in EIR
19. Planning Commission Denial Recommendation Resolution No. 2009-01

Prepared By Mark Gross, AICP, Senior Planner

Kyle Kollar, Community Development Director

Concurred By John C. Terell, AICP, Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held at a special meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Tentative Parcel Map No. 35629) to include P08-057 (Phasing Plan), PA07-0091 (Plot Plan) and P07-157(EIR)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A tentative parcel map to subdivide a 158.4 gross acre portion of land (265.3 acres to include offsite improvements and drainage) into four (4) separate buildable parcels and two parcels dedicated for freeway improvement purposes (a total of 2,620,000 square feet of industrial and commercial development), with the first phase to include a plot plan for a 1,820,000 square foot distribution warehouse building on approximately 83 acres. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) for all proposed industrial uses/parcels and a General Plan Amendment for the elimination of a required multi-use trail connection, adjustment of a multi-use trail to the north side of future Eucalyptus Avenue, re-designation of future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians as well as the adjustment of parcel lines and land use for two parcels located in the CC land use district (a deduction of 126 feet in width on the eastern portion and enlargement of 87 feet in width on the western portion. An Environmental Impact Report (EIR) has been prepared. An appeal of a Planning Commission recommendation not to recommend approval of a change of zone for a portion of the project site has been filed by the applicant, Highland Fairview Properties.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157) including a Statement of Overriding Considerations and Mitigation Monitoring Program, has been prepared for this project (SCH#2007101132). The document was circulated in draft form to the public (including interested parties/responsible agencies) for review from August 5, 2008 to September 19, 2008. The Final EIR was distributed on December 19, 2008, and is included on the City's website at www.moval.org.

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday; 8 a.m. to 5 p.m. on Friday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

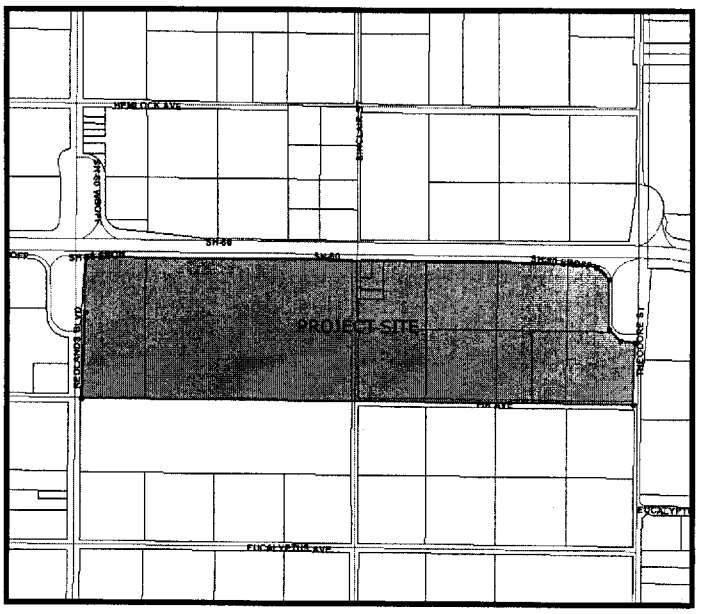

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: February 3, 2009 at 6:00 PM
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

January 16, 2009

Mayor Richard A. Stewart, Mayor and
Members of the Moreno Valley City Council
City of Moreno Valley
14177 Frederick Avenue
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park - PA07-0088 Zone Change, PA07-0089 General Plan Amendment, PA07-0090 TPM 35629 (including PA08-07 Phasing Plan), P07-157 Environmental Impact Report

Mr. Mayor and Members of the City Council:

On January 15, 2009, the Planning Commission voted to refer the above-referenced project applications being processed for the Highland Fairview Corporate Park project to the City Council with a recommendation that the Council deny the project. We have been advised by staff that these applications will be forwarded to the Council for review and final action.

However, because 1) sec. 9.02.040(E)(1)(c) of the Moreno Valley Municipal Code states that a decision by the Commission to recommend disapproval of a proposed General Plan Amendment is final unless appealed within 15 days of the Commission's action, 2) sec. 9.02.050 (C)(2)(a)(iii) contains similar appeal language relative to proposed zone change applications, 3) sec. 9.14.050 provides for the appeal of a Planning Commission action on a proposed tentative map and 4) sec. 9.02.240 states that any action by the Planning Commission may be appealed to the City Council (applicable to the certification of the EIR, the Plot Plan and the Phasing Plan), Highland Fairview hereby respectfully appeals the Commission's recommendation with respect to the certification of the EIR (P07-157), the approval of the general plan amendment (PA07-0089), the change of zone (PA07-0088), the tentative subdivision map (PA07-0090), the phasing plan (PA07-057), and the Plot Plan (PA07-0091).

This appeal is based on the Commission's error in not finding that the project will be consistent with existing goals, objectives, policies and programs of the General Plan, on its error in not finding that the project will be consistent with all applicable portions of the City's Municipal Code and its error in not finding the proposed project will not adversely affect the public, health, safety or general welfare.

Enclosed, per the City's Fee Table, is a check in the amount of $750.00 for the appeal filing fee. If there is any additional material, or any added information required, please contact me directly.

Sincerely,

HIGHLAND FAIRVIEW

Iddo Benzeevi

MV00017236

RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P07-157), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE HIGHLAND FAIRVIEW CORPORATE PARK PROJECT, GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, on February 3, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the proposed project, which includes a tentative parcel map to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication) with a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres, and a total of approximately 2,620,000 square foot of building for all phases of development. The project also includes related offsite improvements and drainage. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) to allow the proposed industrial structures and a General Plan Amendment to move a planned multi-use trail from the south side to the north side of future Eucalyptus Avenue (Fir Avenue), eliminate a planned multi-use trail along the Sinclair Street alignment over Highway 60, and the adjustment of parcel lines and land use for two parcels located in the CC land use district, and to consider all environmental documentation;

WHEREAS, the project includes applications for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), phasing (P08-057) tentative parcel map (PA07-0090) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings and shall not be approved unless the Environmental Impact Report (P07-157) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on August 5, 2008, while the review period ended on September 19, 2008. A Final EIR, (including the Draft EIR dated August 4, 2008, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on January 8, 2009, the Planning Commission conducted a public hearing to consider the proposed project, or the Highland Fairview Corporate Park project

consisting of a tentative parcel map to subdivide a 158 gross acre portion of land into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.), and a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres and a total of approximately 2,620,000 square foot of building for all phases of development, and a related Change of Zone and General Plan Amendment, and to consider environmental documentation in its final form;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS on February 3, 2009, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

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

WHEREAS, the comment period for the draft Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project began on August 5, 2008, while said document was circulated for a 45 day period to the public and to responsible agencies for comments, concluding on September 19, 2008;

WHEREAS, on December 19, 2008, the City published a Notice of Availability in the local newspaper (Press Enterprise), posted the Notice of Availability at the Riverside County Clerk's office, and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, since August 5, 2008, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library;

WHEREAS, the final public comment period closed on September 19, 2008, and the City has prepared responses, which have been included in the Final EIR, to all comments received by that date and through the month of October;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the Highland Fairview Corporate Park Project, including, but not limited to land use, traffic and circulation, air quality, noise and aesthetics, light and glare. A statement of overriding considerations is provided for environmental impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas

emissions;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

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

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The Planning Commission hereby recommends that the City Council certify that the final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project on file with the Community and Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The Planning Commission recommends that the City Council hereby adopt the Findings and Statement of Overriding Considerations regarding the final EIR for the Highland Fairview Corporate park Project, attached hereto as Exhibit A; and

3. The Planning Commission recommends that the City Council hereby approve the Mitigation Monitoring Program for the final EIR for the proposed Highland Fairview Corporate Park project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects of the Approval of the Highland Fairview Corporate Park Project (State Clearinghouse No. 2007101132)

I. INTRODUCTION

The City Council of Moreno Valley (the "Council") in approving the Highland Fairview Corporate Park project (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Findings are based upon the entire record before the Council, as described in Section III below, including the Environmental Impact Report ("EIR") prepared for the Project by the City, acting as the lead agency under the California Environmental Quality Act ("CEQA").

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The Project consists of the development of a corporate park in three phases comprising a 1,820,000 square foot ("sf") logistics (i.e., warehouse and distribution) building, which will be leased to Skechers, and 80,000 sf of commercial facilities in Phase 1; a second 600,000 sf logistics building in Phase 2; and 120,000 sf of commercial facilities in Phase 3. The Project will affect three different areas which, together, will contain approximately 265 acres: the Project Site which will contain approximately 125 acres which will be developed and approximately 33 acres which will be dedicated or improved for various improvements and utility extensions; and approximately 23 acres, located south of the Project Site, which will be used for drainage purposes in connection with the development of the Project Site. The Project Site is bounded on the north by State Route 60 ("SR-60"), on the east by Theodore Street, on the south by future Eucalyptus Avenue (approximately on the current alignment of Fir Avenue) and on the west by Redlands Boulevard.

The eastern and western portions of the Project Site are currently designated for Commercial uses in the City's General Plan and are zoned for Community Commercial uses. The center of the Project Site is designated for Business Park/Light Industrial use in the General Plan and is zoned for Business Park uses. The development of the Project requires a General Plan amendment to increase the commercial area on the western portion of the Project Site, to reduce the commercial area on the eastern portion of the Project Site, to amend the City's Master Plan of Trails and to amend the Circulation Element of its General Plan to make future Eucalyptus Avenue a four lane divided arterial street with a median; a zone change to reflect the changes in the areas designated for Commercial and Business Park uses; a change in the zoning in the center of the

Project Site from Business Park to Light Industrial; a tentative parcel map to create four parcels on which development will occur, three parcels which will be used for SR-60 improvements and six parcels which will serve as common areas; the approval of the Plot Plan for the development planned for Parcel 1; the approval of alternate work hours during the construction period; and future discretionary approvals needed to complete the development of the Project.

B. PROJECT OBJECTIVES

The objectives for the Project are to:

1. Perform construction in an accelerated manner in order to meet Skechers' occupancy needs;

2. Provide additional employment opportunities;

3. Provide logistic facilities in a single building containing at least 1,800,000 sf to allow for the consolidation of several existing Skechers' logistics facilities into one;

4. Plan for, and entitle, the Project Site to allow for the possibility of adding another building containing up to 600,000 sf to account for future growth in the need for logistics facilities;

5. Provide logistics facilities on land with immediate access to State Route-60 to minimize the use of City streets;

6. Provide the City with new jobs and revenues from the construction and operation of the logistics facilities;

7. Construct the logistics facilities in a manner that maximizes the use of green technology; and

8. Develop the Project Site to ensure an adequate rate of return on the Project applicant's investment.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive environmental review of the Project to ensure that both the City's decision makers and the public are fully informed about potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in the Project through the use of mitigation measures which have been found to be feasible; and to disclose to the public the reasons why the City has approved the Project in the manner chosen in light of the significant

environmental effects which have been identified in the EIR. In order to do this, the City, as the lead agency under CEQA, has done all of the following:

1. Prepared and distributed an Initial Study/Notice of Preparation, dated October 29, 2007, a copy of which was circulated the following day through the State Clearinghouse to various state agencies for their comments;

2. Sent the Initial Study/Notice of Preparation, which contained the notice of a scoping meeting to be held on November 26, 2007, to each of the governmental agencies, organizations and individuals shown on the distribution list for the Notice of Preparation/Initial Study, Appendix A to the Draft EIR, on October 29, 2007;

3. Held a public scoping meeting on November 26, 2007, to solicit comments from the public on what should be analyzed in the EIR;

4. Sent a Notice of Completion and a copy of the Draft EIR to the State Clearinghouse on August 4, 2008;

5. Filed a Notice of Availability with the Clerk of the Riverside County Board of Supervisors on August 4, 2008, informing the public that the Draft EIR was available for public review for a 45 day period beginning on August 6, 2008, and ending on September 19, 2008;

6. Mailed the Notice of Availability to all organizations and individuals who had previously requested the Notice on August 4, 2008;

7. Mailed the Notice of Availability to all residents and property owners within 300 feet of the Project Site on August 4, 2008;

8. Provided copies of the Draft EIR to 132 public agencies, organizations and individuals on August 4, 2008;

9. Placed copies of the Draft EIR on the City's website, at the City's Planning Department's public counter and at the public library located at 25480 Alessandro Boulevard on August 4, 2008;

10. Published the Notice of Availability on August 8, 2008, in the Press Enterprise, which is the newspaper of general circulation which has the largest circulation in the areas affected by the Project;

11. Prepared responses to comments on the Draft EIR received during and after the 45 day comment period on the Draft EIR, which have been included in the Final EIR;

12. Published a Notice on December 19, 2008, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the City's Planning Commission would hold a public hearing on January 8, 2009, to consider the Final EIR and the Project in order to provide recommendations to the Council;

13. Sent copies of the Final EIR on December 19, 2008, to all public agencies, organizations and individuals who had submitted comments;

14. Held a public hearing of the City's Planning Commission to consider the adequacy of the Final EIR on January ___, 2009, and, at the conclusion of the hearing, recommended that the Council certify that the Final EIR had been prepared in full compliance with CEQA;

15. Published a notice on January ___, 2009, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the Council would hold a public hearing on January ___, 2009, to consider certification of the Final EIR as having been prepared in compliance with CEQA and the approval of the Project;

16. Mailed notice of the Council's hearing to all residents and property owners within 300 feet of the Project Site on January ___, 2009;

17. Sent notice of the Council's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on January ___, 2009; and

18. Held a public hearing of the Council on January ___, 2009, and, after full consideration of all comments, written and oral, certified that the Final EIR had been completed in compliance with CEQA and approval of the Project.

All of the documents identified above and all of the documents which are required to be part of the record pursuant to Public Resources Code § 21167.6(e) are on file with the City's Community Development Department, Planning Division, located at 14177 Frederick Street, Moreno Valley, CA 92552-0805. Questions should be directed to Mark Gross, AICP, Senior Planner, in the Division.

A. INDEPENDENT JUDGMENT FINDING

Finding: The Final EIR for the Project reflects the City's and the Council's independent judgment and analysis.

Factual Basis for the Finding: The EIR was prepared by Michael Brandman Associates, an independent consulting firm, under the supervision and direction of Planning Division staff of

the City's Community Development Department and was thoroughly reviewed by the Chambers Group, an expert consultant hired by the City to provide independent peer review and assure the exercise of thorough and independent review and judgment by the City. The Council, as the City's final decision making body for the Project, received and reviewed the Final EIR and the comments, both written and oral, provided by public agencies and members of the public prior to certifying that the Final EIR complied with CEQA. The participation of City Staff in selection and approval of Michael Brandman Associates as the EIR Consultant, the professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by the City Staff, the thorough and independent review of the Draft and Final EIRs, including comments and responses to comments, by both the City Staff and the Chambers Group and the review and careful consideration by the City Council of the Final EIR, comments and responses to comments all conclusively show that the Final EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency, and of the City Council as its governing body.

B. FINDING OF THE ABSENCE OF ANY NEED TO RECIRCULATE THE FINAL EIR

Finding: The Council finds that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Project EIR.

Factual Basis for the Finding: The Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed and that the Final EIR contains additions, clarifications and minor modifications to the Draft EIR. The Council has reviewed and considered the Final EIR and all of the information contained in it and has determined that the new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact nor a feasible

mitigation measure or an alternative considerably different from others previously analyzed that the Project applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the Council indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

C. GENERAL TREATMENT OF MITIGATION MEASURES

It is the Council's intention to adopt all mitigation measures recommended by the Final EIR. If a measure has been omitted from the Conditions of Approval, from the Findings or from the Mitigation Monitoring Program (the "MMP"), a copy of which is attached as Exhibit A and which is hereby adopted, that mitigation measure shall be deemed to be adopted pursuant to this paragraph.

In addition, all Conditions of Approval and the MMP repeating or rewording mitigation measures recommended in the Final EIR are intended to be substantially similar to the mitigation measures as stated in the Final EIR and are found to be equally effective in avoiding or lessening the identified environmental impact.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

Based on the Initial Study, Appendix A.2 to the Draft EIR, and the responses to the Notice of Preparation, the EIR analyzed 16 potential areas where significant environmental impacts could result from the development of the Project. Five of those, aesthetics, agricultural resources, air quality, noise and global climate change and greenhouse gases, were found to have significant and unavoidable environmental impacts after the imposition of all feasible mitigation measures. The remaining 11 areas, biology, cultural resources, geology, hazards and hazardous materials, hydrology, land use and planning, mineral resources, population, housing and employment, public services, transportation and traffic and utilities and service systems were found to have either no significant and unavoidable environmental impacts or that the environmental impacts could be mitigated into a level of insignificance. The description of each environmental area, the potential impacts and the feasible mitigation measures are set forth in Sections 5 and 6 of the Draft EIR together with the changes and additions set forth in Section 4 of the Final EIR.

A. IMPACTS IDENTIFIED IN THE EIR AS LESS THEN SIGNIFICANT REQUIRING NO MITIGATION

1. AESTHETICS

a. Potential Significant Impact: Damage to scenic resources (Impact 5.1-2)

Finding: The Project will not substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings visible from a State scenic highway.

Factual Basis for the Finding: As discussed in Sections 5.1 and 5.2 of the Draft EIR and as shown in the Aesthetics Assessment, Appendix M.1 to the Draft EIR, the Project Site is flat, having been used for farming in the past and contains no trees, rock outcroppings or historic buildings within any State scenic highway.

b. Potential Significant Impact: Degradation of the existing visual character or quality of the Project Site and its surroundings (Impact 5.1-3)

Finding: The Project will not substantially degrade the existing visual character or quality of the Project Site or its surroundings.

Factual Basis for the Finding: As discussed on pages 5.1-25-26 of the Draft EIR, the development of the Project will introduce urban development into an area of the City that has historically been used for ranching and agricultural purposes. However, the City's General Plan has identified the Project Site for business park and commercial development with the recognition that the visual attributes of the Project Site will change. That change is a continuation of planned development that is visually compatible with the proposed future urbanization of the area surrounding the Project Site.

2. AGRICULTURAL RESOURCES

a. Potential Significant Impact: Conflict with existing zoning for agricultural use or a Williamson Act contract (Impact 5.2-2)

Finding: The Project does not conflict with existing zoning for agricultural use or a Williamson Act contract.

Factual Basis for the Finding: As discussed on page 5.2-5 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site is zoned as Business Park and Commercial and is not subject to a Williamson Act contract.

b. Potential Significant Impact: Conversion of other farmland to nonagricultural use (Impact 5.2-3)

Finding: The Project will cause changes in the existing environment which could result in the conversion of other farmland to nonagricultural use. However, such changes will not rise to a level of significance because the surrounding farmland is designated for development in the City's General Plan and is not suitable for farming in the long term in any event.

Factual Basis for the Finding: As discussed on page 5.2-6 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site and the area surrounding the Project Site are vacant and, in the past, have been used for dry land farming. However, the development of the Project would not, by itself, in any way limit the use of adjacent land for agricultural purposes. Moreover, the surrounding land is designated for urban use with the understanding that whatever limited agricultural use now exists will not continue to exist for much longer.

Moreover, as discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although land near the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing

facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of production means that the land near the Project Site cannot be realistically considered as an agricultural resource.

3. AIR QUALITY

a. Potential Significant Impact: Conflict with, or obstruction of, implementation of the applicable air quality plan (Impact 5.3-1)

Finding: The Project will not conflict with, nor will it obstruct implementation of, the applicable air quality plan.

Factual Basis for the Finding: As discussed on pages 5.3-22-23 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the Project is consistent with the Air Quality Management Plan prepared by the South Coast Air Quality Management District because, as set forth in Response 20-2 on page 3-94 of the Final EIR, the number of trips generated under the existing General Plan land use designation, which forms the basis for the Air Quality Management Plan, contemplates vehicle trips substantially in excess of those which will result once the Project is fully developed.

b. Potential Significant Impact: Creation of objectionable odors (Impact 5.3-5)

Finding: The Project will not create objectionable odors affecting substantial numbers of people.

Factual Basis for the Finding: As discussed on page 5.3-54 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the project will not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds would be emitted during construction and operation of the project, which may be objectionable; however, emissions would disperse rapidly from the project site

and therefore will not be at a level that would induce any significant negative response.

4. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse impact on habitat (Impact 5.4-2)

Finding: The Project will not have a substantial adverse affect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or the U.S.A. Fish and Wildlife Service.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site does not contain any riparian habitat nor does it contain any habitat for either sensitive plants or wildlife.

b. Potential Significant Impact: Substantial adverse effect on protected wetlands (Impact 5.4-3)

Finding: The Project will not have any effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis and the Delineation of Jurisdictional Waters and Wetlands, Tentative Parcel Map No. 35629 and Associated Offsite Areas, Appendices C.1 and C.2 to the Draft EIR, there are no wetlands or wetland vegetation on the Project Site.

c. Potential Significant Impact: Interference with migratory wildlife corridors (Impact 5.4-4)

Finding: The Project will not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery sites.

Factual Basis for the Finding: As discussed on pages 5.4-31-32 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, no wildlife movement corridors occur on, or directly adjacent to, the Project Site nor will there be any impact on native wildlife nursery sites because no such sites were observed on, or directly adjacent to, the Project Site.

4. GEOLOGY AND SOILS

a. Potential Significant Impact: Exposure of people or structures to potential substantial adverse effects (Impact 5.6-1)

Finding: The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the Project Site or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; and (iv) landslides.

Factual Basis for the Finding: As discussed on pages 5.6-1-15 and Responses 15-1-5 on pages 3-137-138 of the Final EIR and in the geotechnical studies, Appendix F to the Draft EIR, the Project Site is not located in an area that is underlain by any active fault segments although there may be unnamed fault splays nearby. The Project Site is located in an area where there is a moderate potential for liquefaction. However, liquefaction occurs only when groundwater is present within 50 feet of the surface, something which exploratory wells have shown does not occur on the Project Site. The combination of required setbacks and adherence to the structural design requirements set forth in the California Building Code means that the chances of substantial adverse effects will be no greater on the Project Site than anywhere else in Southern California.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GEO-1, set forth on page 4-52 of the Final EIR, has been imposed as a condition of Project approval to ensure that any fault features found on the Project Site will be suitably dealt with.

b. Potential Significant Impact: Substantial soil erosion or loss of top soil (Impact 5.6-2)

Finding: The Project will not result in substantial soil erosion or the loss of topsoil.

Factual Basis for the Finding: As discussed on page 5.6-15 of the Draft EIR, the Project Site has a gentle slope which does not have a high erosion potential. The fine sandy soil on the Site does have a potential for wind erosion but standard best management practices and air quality emission dust controls during grading will ensure that the soils are properly moistened during high wind conditions. Topsoil on the Site will be lost due to the construction of the Project. However, because the Project Site will ultimately be converted to urban uses and no longer available for agricultural production, the loss of the topsoil will not result in any significant impact.

c. Potential Significant Impact: Unstable geologic location (Impact 5.6-3)

Finding: The Project will not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and will not potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

Factual Basis for the Finding: As discussed on pages 5.6-1-10 and –15 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, and in subsection IV.4.a. above, no evidence of geologic instability underlaying the Project Site has been identified as a result of the geotechnical investigations carried out on the Site. Moreover, the development of the Project will be subject to the City's Grading Ordinance and the California Building Code, both of which are designed to deal with potential problems of geologic instability.

d. Potential Significant Impact: Location of the Project on expansive soil (Impact 5.6-4)

Finding: The Project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), nor will it create substantial risk to life or property.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, limited laboratory tests of the soils at the Project Site at shallow depth show that they have a low expansion potential. Moreover, the Project will be required to comply with the City's Grading Ordinance and the California Building Code, both of which are designed to deal with the potential of expansive soils.

e. Potential Significant Impact: Wastewater disposal systems (Impact 5.6-5)

Finding: Wastewater disposal will have no effect on the soils on the Project Site.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR, the Project will be connected to wastewater service provided by the Eastern Municipal Water District and no septic tanks will be used.

f. Potential Significant Impact: Cumulative impacts on geology and soils

Finding: Cumulative impacts on geology and soils caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-12 of the Draft EIR, the physical development of other land will be subject to the same strict safeguards applicable to the development of the Project Site. Further, impacts to geology and soils are site specific so that a problem on one site does not contribute to problems on other sites.

5. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: Hazardous emissions within one-quarter mile of an existing or proposed school (Impact 5.7-2)

Finding: The Project will not emit hazardous emissions nor will it handle hazardous or acutely hazardous materials, substances or wastes within one-quarter mile of an existing or proposed school.

Factual Basis for the Finding: As discussed on page 5.7-9 of the Draft EIR and in the letter from Jeff Hoskinson dated April 21, 2008, Appendix L to the Draft EIR, the nearest school site, the Calvary Chapel Christian School, is located

approximately 1.3 miles northwest of the Project Site. Two school sites which had previously been considered by the Moreno Valley Unified School District within one-quarter mile of the Project Site have been abandoned.

b. Potential Significant Impact: Safety hazard due to proximity to an airport (Impact 5.7-3)

Finding: The Project will not result in a safety hazard for people residing or working in the area due to the proximity of an airport or private airstrip.

Factual Basis for the Finding: As discussed on page 5.7-19 of the Draft EIR, the nearest airport or private airstrip is March Air Force Base which is located approximately 7.3 miles southwest of the Project Site. The Site is not within any airport land use plan area.

c. Potential Significant Impact: Impairment or interference with an adopted emergency response plan (Impact 5.7-4)

Finding: The Project's implementation will not impair or physically interfere with any adopted emergency response plan or any emergency evacuation plan.

Factual Basis for the Finding: As discussed on pages 5.7-9-10 of the Draft EIR, the Project Site is located on the City's urban fringe and does not interfere with access to any other area. Emergency access to the Project Site will be available from both Redlands Boulevard and Theodore Street along future Eucalyptus Avenue for all three Phases of the Project.

d. Potential Significant Impact: Exposure to wildland fires (Impact 5.7-5)

Finding: The development of the Project will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

Factual Basis for the Finding: As discussed on page 5.7-10 of the Draft EIR, the Project Site is located in an area which is currently undeveloped and actively dry farmed. No heavy natural vegetation exists in the area surrounding the Site, the surrounding areas cannot be characterized as wildlands nor is the Project Site located in an area identified as a high fire area by Riverside County. The

closest high fire area is approximately eight-tenths of a mile west of the Site.

6. HYDROLOGY AND WATER QUALITY

a. Potential Significant Impact: Violation of water quality or waste discharge standards (Impact 5.8-1)

Finding: The Project will not violate any water quality standards nor any waste discharge standards nor will it otherwise degrade water quality.

Factual Basis for the Finding: As discussed on pages 5.8-11-15 of the Draft EIR, as modified on page 4-56-57 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the Project applicant will be required to prepare a Stormwater Pollution Prevention Plan ("SWPPP") that conforms to the State Water Resources Control Board's National Pollutant Discharge Elimination System permit prior to the issuance of grading or construction permits. The SWPPP will identify best management practices to prevent construction related pollutants from reaching stormwater and all products of erosion from moving off-site. Conformance with the mandatory requirements of the SWPPP will ensure that no substantial degradation of water quality associated with the short-term construction activities will occur.

Long-term operational stormwater quality concerns will be managed pursuant to a City approved Water Quality Management Plan for the Project Site. The Plan requires the construction of a stormwater conveyance system that will include a series of extended detention basins, which will also serve as infiltration basins, with catch basin inserts for the removal of trash. The result will be a significant reduction in pollutant loads in the stormwater runoff from the Project Site which might otherwise reach surface water bodies.

b. Potential Significant Impact: Depletion of groundwater supplies or interference with groundwater recharge (Impact 5.8-2)

Finding: The Project will not substantially deplete groundwater supplies nor will it interfere substantially with groundwater recharge.

Factual Basis for the Finding: As discussed on page 5.8-15 of the Draft EIR, and in the geotechnical studies, Appendix F to the Draft EIR, development of the Project Site will increase the amount of impervious area on the Site. However, because groundwater is located more than 110 feet below the existing ground surface, existing recharge is currently minimal. Stormwater runoff from the Project Site will be released into existing downstream drainage areas which will continue to allow runoff from the Site to percolate into the soil.

c. Potential Significant Impact: Alteration of existing drainage patterns resulting in substantial erosion, siltation or flooding on- or off-site (Impact 5.8-3)

Finding: The Project will not substantially alter the existing drainage pattern in a manner which would result in substantial erosion, siltation or flooding on- or off-site.

Factual Basis for the Finding: As discussed on pages 5.8-16-18 of the Draft EIR, as modified on page 4-58 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the best management practices requirement of the SWPPP will ensure that runoff from the Project Site, including siltation, will be cleaned and delivered into existing off-site drainage channels in an amount which will not exceed predevelopment flows.

The Project Site is located in an area which is subject to a 500-year flood or a 100-year flood with an average flooding depth of less than one foot. The Project's detention basins will be utilized to reduce the 100-year peak storm flows to levels at or below existing peak discharges for the Project Site. Thus, the

development of the Project will not add to the potential for flooding on- or off-site.

d. **Potential Significant Impact:** Creation or contribution of runoff waters exceeding the capacity of existing or planned drainage systems or resulting in substantial additional sources of polluted runoff (Impact 5.8-4)

Finding: The Project will not create, nor will it contribute to, runoff water which would exceed the capacity of existing or planned stormwater drainage systems nor will it provide substantial additional sources of polluted runoff.

Factual Basis for the Finding: As discussed on pages 5.8-17-18 of the Draft EIR, as modified on page 4-38 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, development of the Project Site will increase the impervious surface and would, in the absence of suitable improvements, result in increased stormwater runoff. However, because of the drainage improvements discussed in Section 5.8 of the Draft EIR, stormwater runoff from the Project Site will be less than, or equal to, the peak discharges under existing conditions. Further, the Project's treatment of stormwater runoff, discussed in subsection IV.7.a. above, will ensure the absence of pollutants leaving the Project Site.

e. **Potential Significant Impact:** The location of housing within a 100-year flood hazard area (Impact 5.8-5)

Finding: The Project will not place housing or other structures within a 100-year flood hazard area.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the Project will not contain any housing and the Project Site is not located within a 100-year flood hazard area.

f. **Potential Significant Impact:** Exposure of people or structures to significant risk of loss, injury or death involving flooding (Impact 5.8-6)

Finding: The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or a dam.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the nearest dam is approximately five miles downstream of the Project Site so that there is no risk from dam failure. Further, there are no levees located anywhere in the vicinity of the Project Site.

g. Potential Significant Impact: Inundation by seiche, tsunami or mud flow (Impact 5.8-7)

Finding: The Project Site will not be subject to inundation by seiche, tsunami or mud flow.

Factual Basis for the Finding: As discussed on pages 5.8-18-19 of the Draft EIR, the Project Site is not located near the Pacific Ocean nor any large body of water. Therefore, neither tsunamis nor seiches, which are defined as standing waves in a partially enclosed body of water, present any hazard to the Project Site. Further, the Site and its surrounding vicinity is relatively flat and the nearest foothills are more than a mile away so that the potential for a mud flow affecting the Site is remote.

h. Potential Significant Impact: Cumulative impacts on hydrology and water quality

Finding: Cumulative impacts on hydrology and water quality caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-14 of the Draft EIR, the EIR prepared for the City's General Plan found that the development of the Project Site and surrounding areas has the potential to increase flooding, erosion, stormwater pollutants. These impacts will be avoided through the implementation of required Best management Practices on a project by project basis in accordance with the national Pollutant Discharge Elimination Stormwater Permit and Water Quality Management Plans. All flood control measures and infrastructure maintenance will be required to comply

with either the Riverside County Flood Control and Water Conservation District's or the City's standard engineering practices. Additionally, all new development will be required to build master drainage plan facilities and/or pay fees which will be used to build them.

7. LAND USE AND PLANNING

a. Potential Significant Impact: Physical division of an established community (Impact 5.9-1)

Finding: The Project will not physically divide an established community.

Factual Basis for the Finding: As discussed on page 5.9-16 of the Draft EIR, there is no established community in the Project area at the present time. Further, the existing General Plan designates the Project Site for nonresidential development.

b. Potential Significant Impact: Cumulative impacts on land use and planning

Finding: Cumulative impacts on land use and planning caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-14-16 of the Draft EIR, the changes in land use for the Project Site will produce fewer jobs than currently projected based on the development contemplated by the existing General Plan designation and zoning but will still increase the City's job/housing ratio. Further, the impacts resulting from changes in land use are site specific so that a change of use on one site does not contribute to a change of use on other sites.

8. MINERAL RESOURCES

a. Potential Significant Impact: Loss of a known valuable mineral resource (Impact 5.10-1)

Finding: The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, there are no known mineral resources on the Project Site.

b. Potential Significant Impact: Loss of availability of a locally-important mineral resource recovery site (Impact 5.10-2)

Finding: The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on the City's General Plan or any other land use plan.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, the Project Site is not identified on any land use plan as containing any locally-important mineral resource recovery site.

c. Potential Significant Impact: Cumulative impacts on mineral resources

Finding: Cumulative impacts on mineral resources caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant

Factual Basis for the Finding: As discussed on pages 6-16-17 of the Draft EIR, there are no mineral resources located on the Project Site so the development of the Project will not have any impact on mineral resources. Further, impacts to mineral resources are site specific so that a problem on one site does not contribute to problems on other sites.

9. NOISE

a. Potential Significant Impact: Exposure of people to noise levels in excess of applicable standards or a substantial permanent noise increase in the vicinity of the Project (Impact 5.11-1)

Finding: The Project will not expose people to noise levels in excess of applicable standards. The Project will produce a permanent noise increase in the vicinity of the Project Site but will not result in any significant impact.

Factual Basis for the Finding: As discussed on pages 5.11-17-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the Project will result in a permanent noise increase in the vicinity of the Project Site because the Site is currently vacant. Traffic servicing the Project Site will

add to the existing noise along Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. However, there are no sensitive receptors along either of these street segments which would be adversely affected by the increased noise. Any residential development on land south of future Eucalyptus Avenue will require a sound study, which will review the physical layout of the development, and, if noise problems are found, will require the imposition of appropriate noise reduction measures to ensure that the noise impacting future residents will not exceed that allowed by the City's Municipal Code.

The buildings housing the Project's logistics and commercial uses will be serviced by loading docks and other accessory equipment which will operate outside of the buildings. If adjacent to residential and other sensitive land uses, these activities could result in adverse noise impacts. However, all of the Project related activities will be separated from surrounding areas by surface streets or SR-60. The traffic generated noise on these roadways will be much greater than noise generated on the Project Site and will, therefore, completely mask any such noise. Further, noise generated on the Project Site will be under 65 CNEL, the City's noise standard for residential areas, for all areas zoned for residential development.

b. Potential Significant Impact: Exposure of people to excessive ground borne vibration or noise (Impact 5.11-2)

Finding: The Project will not expose people to, nor will it generate, excessive ground borne vibration or noise.

Factual Basis for the Finding: As discussed on page 5.11-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the grading and construction associated with the development of the Project will not require pile drivers, blasting or other vibration causing equipment or events. Rubber tired vehicles, such as the trucks and cars which will be servicing the Project, generally do not cause significant vibration.

c. **Potential Significant Impact:** Exposure of people to excessive noise levels from airports (Impact 5.11-4)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within an airport land use plan area or within two miles of a public or public use airport.

Factual Basis for the Finding: As discussed on page 5.11-26 of the Draft EIR, the Project Site is not located within an airport land use plan area nor is it located within two miles of a public or public use airport.

d. **Potential Significant Impact:** Excessive noise levels due to the proximity of a private airstrip (Impact 5.11-5)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within the vicinity of a private airstrip.

Factual Basis for the Finding: As discussed on pages 5.7-9 and 5.11-26 of the Draft EIR, the nearest airport is more than seven miles away from the Project Site and there are no known private airstrips in the vicinity. Therefore, the Project Site will not be subject to excessive noise levels from aircraft.

10. POPULATION, HOUSING AND EMPLOYMENT

a. **Potential Significant Impact:** The inducement of substantial population growth in the Project area (Impact 5.12-1)

Finding: The Project will not, directly or indirectly, induce substantial population growth in the Project area through the introduction of homes or businesses nor through the extension of roads or other infrastructure.

Factual Basis for the Finding: As discussed on page 5.12-3 of the Draft EIR, approximately 2,000 jobs will be generated by the development of the Project. It is expected that most of the workers will reside in the local area. There is a sufficient housing supply already in existence to accommodate those employees who will move into the City.

The construction of future Eucalyptus Avenue, as well as the extension of public services and utilities, will primarily serve the Project Site and will not lead,

directly or indirectly, to any substantial population growth in the Project area. Adjacent properties may use future Eucalyptus Avenue, which will run between Redlands Boulevard and Theodore Street, but adjacent properties already have access to these two roadways.

b. Potential Significant Impact: Displacement of existing housing (Impact 5.12-2)

Finding: The Project will not displace existing housing nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on pages 5.12-3-4 of the Draft EIR, the Project Site does not have any housing on it.

c. Potential Significant Impact: Displacement of people (Impact 5.12-3)

Finding: The Project will not displace people nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on page 5.12-4 of the Draft EIR, the Project Site is currently vacant so that the development of the Project will not result in the displacement of anyone.

d. Potential Significant Impact: Cumulative impacts on population, housing and employment

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-23-24 of the Draft EIR, the development of the Project will help improve the City's jobs/housing imbalance by adding jobs but not housing. Development of other land will be pursuant to the City's existing General Plan, which contemplates a substantial increase in jobs and homes, and will not be affected by the development of the Project.

11. PUBLIC SERVICES

a. Potential Significant Impact: The provision of new or physically altered police facilities (Impact 5.13-1)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Factual Basis for the Finding: As discussed on pages 5.13-1-2 of the Draft EIR and in the letter from Moreno Valley's Police Chief, in Appendix L to the Draft EIR, the development of the Project may require an incremental increase in the need for police services but no new facilities will have to be constructed to provide that service which will be in the form of personnel and equipment which will be paid for out of general City revenues.

b. Potential Significant Impact: Adverse physical impacts associated with the provision of new or physically altered school facilities (Impact 5.13-3)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

Factual Basis for the Finding: As discussed on page 5.13-4 of the Draft EIR, the Project will not contain any homes and therefore will not house any school-age children and will not, therefore, create the need for new or altered school facilities. Further, the payment of school fees authorized by Government Code § 65995 would constitute full mitigation even if any additional needs were created.

c. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of new or physically altered park facilities (Impact 5.13-4)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services.

Factual Basis for the Finding: As discussed on pages 5.13-5-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the park needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no City recreational facilities near the Project Site that would be used by employees.

d. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of other new or physically altered other facilities (Impact 5.13-6)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of other new or physically altered other facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other services.

Factual Basis for the Finding: As discussed on page 5.13-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the other needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no other City facilities near the Project Site that would be used by employees.

e. Potential Significant Impact: Cumulative impacts on public services

Finding: Cumulative impacts caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-24-25 of the Draft EIR, the impacts on public services caused by the development of the Project will be less than significant. Development of other land will be pursuant to the City's existing General Plan, which incorporates the need for, and the provision of, public services and will not be affected by the development of the Project.

12. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Exceeding a level of service set by a congestion management agency (Impact 5.14-2)

Finding: No roadway or highway subject to Riverside County's Congestion Management Plan will be significantly affected by Project traffic.

Factual Basis for the Finding: As discussed on pages 5.14-4 and -29-34 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in Traffic Study, Appendix J to the Draft EIR and in the Traffic Topical response, pages 3-145-163 of the Final EIR, the Project traffic will account for approximately 2% of the traffic at SR 60/I-215 which is less than the 3% level of significance threshold contained in the Riverside County Congestion Management Plan.

SR-60 is the only roadway or highway affected by the Project which is also subject to the Riverside County Congestion Management Plan. Two segments just east of the SR-60/I-215 intersection are currently, and will remain, at level of service F with or without Project traffic. However, while this exceeds the Riverside County Congestion Management Plan's level of service requirement of E, it is less than significant because the Project's contribution of approximately 2% is less than the 3% level of significance threshold.

b. Potential Significant Impact: Increase in hazards due to a design feature or an incompatible use (Impact 5.14-3)

Finding: The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or an incompatible use (e.g., farm equipment).

Factual Basis for the Finding: As discussed on pages 5.14-34-35 of the Draft EIR, the Project Site will be served by large trucks. All roadways and entryways associated with the Project Site have been designed in accordance with standards provided by the City. Moreover, a separate northbound left-turn lane at the Theodore Street/SR-60

eastbound ramp will improve safety for truck operations over that currently existing.

The normal hazards associated with blind spots created when people in vehicles are in close proximity to large trucks and trailers will be substantially reduced because a single driveway will serve as a primary entrance for truck traffic serving the Project Site and potential blind spots will be addressed through the design feature of the individual driveways.

Finally, a Construction Management Plan will be implemented to address traffic during the grading and construction phases of the Project to ensure that construction traffic will not result in any hazards to the traveling public.

c. **Potential Significant Impact:** Inadequate emergency access (Impact 5.14-4)

Finding: The Project will not result in inadequate emergency access.

Factual Basis for the Finding: As discussed on page 5.14-35 of the Draft EIR, the Project does not create any barriers between roadways and any other land use. Emergency access to the Project Site will be available over future Eucalyptus Avenue from both Redlands Boulevard and Theodore Street for all three Phases of the Project even though access from Redlands Boulevard will not be available to the general public until Phase 3.

d. **Potential Significant Impact:** Conflict with adopted policies, plans or programs supporting alternative transportation (Impact 5.14-5)

Finding: The Project will not conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.).

Factual Basis for the Finding: As discussed on pages 5.14-35-39 of the Draft EIR, future Eucalyptus Avenue will be improved adjacent to the Project Site and will be suitable for a bus route should one be extended to the Site by the Riverside County Transit Agency. Further, a multi-use trail, suitable for pedestrians and bicyclists, will be

constructed adjacent to the Project Site on the north side of future Eucalyptus Avenue.

13. UTILITIES AND SERVICE SYSTEMS

a. Potential Significant Impact: Exceeding wastewater treatment requirements (Impact 5.15-1)

Finding: The Project will not exceed wastewater treatment requirements set by the Regional Water Quality Control Board.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –9 of the Draft EIR, the Project's wastewater flows will be typical of those from commercial/retail facilities and, for the logistics facilities, would consist of domestic waste from employees. No effluents are expected that would exceed the treatment requirements set by the Regional Water Quality Control Board.

b. Potential Significant Impact: Construction of new water and wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-2)

Finding: The Project will not require, nor result in, the construction of new water and wastewater treatment facilities nor the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed on pages 5.15-2-5 and –9 of the Draft EIR, as modified on pages 4-65-68 of the Final EIR, no expansion of existing water and wastewater treatment facilities will be required to serve the Project Site.

c. Potential Significant Impact: Construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-3)

Finding: The Project will not require, nor will it result in, the construction of new stormwater drainage facilities nor will it require, nor result in, the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed in Section 5.8 and page 5.15-9 of the Draft EIR, as modified by pages 4-55-58 of the Final EIR, the Project's new stormwater drainage facilities will decrease stormwater runoff from the Project Site compared to that which currently exists and will also significantly reduce the pollutant load of stormwater runoff over that which currently exists.

d. Potential Significant Impact: Adequacy of water supplies available to serve the Project (Impact 5.15-4)

Finding: Sufficient water supplies are available to serve the Project from existing resources so that neither new nor expanded entitlements are required.

Factual Basis for the Finding: As discussed on pages 5.15-2-5, 9-11 and 14-15 of the Draft EIR, as modified on pages 4-67-68 of the Final EIR, and the March 5, 2008, Water Supply Assessment prepared for the Project by the water provider, the Eastern Municipal Water District (the "EMWD") as corrected by the June 4, 2008, letter from the EMWD, Appendix K.2 to the Draft EIR, the Project, at build out, will use just over 140 acre feet of potable water per year. The Water Supply Assessment, which was prepared pursuant to SB610, took into consideration the October, 2007, reduction in water from Northern California through the State Water Project which substantially reduced the amount of water available to Southern California. After taking that information into consideration, the EMWD determined that "it will be able to provide adequate water supply to meet the potable water demand for Tentative Parcel Map 35629, in addition to existing and future uses." (Page 33 of the Water Supply Assessment.)

Further, existing water infrastructure currently exists which, with the addition of a 12 inch pipeline to the Project Site from an existing water line located south of and adjacent to SR-60, west of Redlands Boulevard, will allow water to be brought to the Project Site.

Although no mitigation is required to reduce any significant impact, Mitigation Measure W-1, set forth on pages 5.15-14-15 of the Draft EIR, which requires the preparation of a planting and irrigation for the

City's review and approval, has been imposed as a condition of Project approval to ensure further reduction of water used for landscaping.

e. **Potential Significant Impact:** Adequacy of wastewater treatment capacity (Impact 5.15-5)

Finding: Adequate wastewater treatment capacity exists to serve the Project in addition to existing commitments.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –11 of the Draft EIR, the Project will generate approximately 61,680 gallons of wastewater per day. The EMWD's Moreno Valley Regional Water Reclamation Facility has a capacity to treat 16,000,000 gallons of wastewater per day with the ability to expand to 41,000,000 gallons per day. The current utilization is approximately 11,200,000 gallons per day.

An existing sewer line will be extended along Redlands Boulevard and then easterly along future Eucalyptus Avenue to serve the Project Site.

f. **Potential Significant Impact:** Insufficient landfill capacity to accommodate the Project's solid waste disposal needs (Impact 5.15-6)

Finding: Adequate landfill capacity exists to accommodate the Project's solid waste disposal needs.

Factual Basis for the Finding: As discussed on pages 5.15-6-7 and –11-12 of the Draft EIR, the Project, at build out, will generate just under 129 tons of solid waste per day. The City currently has available to it three landfills. The three landfills have a total capacity to accept solid waste of just under 14,600 tons per day, a minimum of 3,820 tons per day of which is not currently being used. The total remaining capacity in the three landfills is approximately 134,200,000 tons with sufficient capacity for the next 10 to 15 years with the ability to expand for another 15 years after that.

g. **Potential Significant Impact:** Compliance with federal, state and local statutes and regulations related to solid waste capacity (Impact 5.15-7)

Finding The Project will comply with federal, state and local statutes and regulations related to solid waste capacity.

Factual Basis for the Finding: As discussed on page 5.15-12 of the Draft EIR, the City has regulations which govern the disposal of solid waste. Skechers, the tenant for the building to be constructed on the Parcel 1, has instituted a significant recycling program at its current locations which will be continued upon relocation to the Project Site. Further, recycled material will be used to the greatest extent practicable in the construction of the Project.

h. **Potential Significant Impact:** Sufficiency of electrical service for the Project (Impact 5.15-8)

Finding: The Project will be provided with sufficient electrical service.

Factual Basis for the Finding: As discussed on pages 5.15-7-8, –12-14 and 5.16-11-13, as modified on pages 4-68-69 of the Final EIR, the Project will use approximately 3.7 megawatts of electricity which will be provided by the City of Moreno Valley Utilities. The substation which will serve the Project Site has a current capacity of 56 megawatts, expandable to 112 megawatts, with a current peak load of 15 megawatts.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GCC-1 through GCC-4, set forth on page 5.16-11 of the Draft EIR, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, set forth on page 5.15-13 of the Draft EIR, as modified on page 4.20 of the Final EIR, which requires LEED certification, have been imposed as conditions of Project approval to ensure greater reductions in energy used by the Project.

i. **Potential Significant Impact:** Cumulative impacts on utilities and service systems

Finding: Cumulative impacts on utilities and service systems caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-32-33 of the Draft EIR and in subsections I.V.A.14.a-h above, the Project's impacts on water and wastewater treatment requirements and capacity, stormwater drainage facilities, water supply availability, solid waste disposal capacity and availability of electricity at build out will be less than significant. The Projects impacts on each of these utilities and public services has already been factored in to long term needs and requirements so that its cumulative impacts will also be less than significant.

B. IMPACTS IDENTIFIED IN THE EIR AS POTENTIALLY SIGNIFICANT THAT HAVE BEEN MITIGATED TO LESS THAN SIGNIFICANT

1. AESTHETICS

a. **Potential Significant Impact:** Creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Impact 5.1-4)

Finding: The Project has the potential of creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. However, with the imposition of Mitigation Measure A-1, which requires limitations on night time lighting during construction, and compliance with existing City ordinances, standards and regulations, the impact will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.1-26-35 of the Draft EIR, the lighting associated with the operation of the Project will be required to comply with all of the City's lighting regulations and will therefore result in a less than significant impact. Nighttime lighting during the Project's construction has the potential to create temporary new sources of light and glare that will emanate from the Project Site. Requiring the use of directional lighting, shielding and other similar measures will ensure that the impact will be less than

significant. Accordingly, Mitigation Measure A-1, set forth on page 5.1-35 of the Draft EIR, has been imposed as a condition of approval of the Project.

2. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse effect on federally and California protected and special-status plant and wildlife (Impact 5.4-1)

Finding: The Project Site contains moderately suitable habitat for the Stephens' kangaroo rat, the burrowing owl and for ground-, tree- and shrub-nesting birds, all of which could be adversely affected by the development of the Project. The imposition of Mitigation Measures BR-1 through BR-3, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-31 and –35-36 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site contains moderately suitable habitat for several federally and state protected plants and wildlife which would be affected directly, and through the loss of habitat, indirectly, as a result of the development of the Project. However, a pre-construction survey of the Project Site, avoidance of activities which would affect nesting sites and payment of the mitigation fee called for under the Stephens' Kangaroo Rat Habitat Conservation Plan will ensure that the impacts will be less than significant. Accordingly, Mitigation Measures BR-1, BR-2 and BR-3, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Conflict with local policies or ordinances protecting biological resources (Impact 5.4-5)

Finding: The Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan so that the development of the Project has the potential to adversely affect biological resources. The imposition of

Mitigation Measures BR-2 through BR-4, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

c. **Potential Significant Impact:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan (Impact 5.4-6)

Finding: The Project Site lies within an area subject to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. The development of the Project could significantly affect the species and their habitats protected by the two Plans. However, the imposition of Mitigation Measures BR-2, which requires the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, and BR-4, which requires the payment of mitigation fees which will be used to protect the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-33-34 of the Draft EIR and the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located in an area subject to both Plans. However, both Plans identify the Project Site as an area where the payment of mitigation fees will fully mitigate any impact which might otherwise occur.

Accordingly, Mitigation Measures BR-2 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on biological resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant and adverse impacts to biological resources. However, the imposition of Mitigation Measures BR-1 through BR-4, which require the protection of birds which might be found on the Project Site, the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, and compliance by other projects with the requirements of the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As discussed on pages 6-10-11 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, substantial amounts of land in the vicinity of the Project contain habitat beneficial to various species. However, the land is also within the areas subject to the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan, both of which are designed to protect habitat and species. The imposition of Mitigation Measures BR-1 through BR-4, discussed in subsections IV.2.a-c above, on the Project and the compliance of other projects with the requirements of the two plans will ensure that the impacts on biological resources will be reduced to less than significant.

3. CULTURAL RESOURCES

a. **Potential Significant Impact:** Substantial change in the significance of an historical or archeological resource pursuant to CEQA Guideline § 15064.5 (Impact 5.5-1)

Finding: Although no known cultural resources are located on the Project Site, 14 cultural resources have been identified within one mile of the Site so that

development of the Project could have a significant impact on cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-4, which require a City approved archeologist to oversee cultural resource mitigation monitoring while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological resources are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-1-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, the Project Site does not contain any prehistoric sites or isolated artifacts. However, a record search indicated that 14 cultural resources are located within one mile of the Site. The Project Site has been plowed for many years and it is possible that cultural resources might be found once grading begins. Requiring continuing archeological review and monitoring, in cooperation with the representative of a City designated Tribe, will reduce the impact to less than significant. Accordingly, Mitigation Measures CR-1, CR-2, CR-3 and CR-4, set forth on page 5.5-8 of the Draft EIR, as modified on pages 4-9-10 of the Final EIR, which will ensure adequate protection of any cultural resources which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Destruction of a unique paleontological resource or site or unique geologic feature (Impact 5.5-2)

Finding: There are no unique paleontological resource or unique geologic features on the Project Site. However, the impact of the development of the Project on paleontological resources is considered significant because there is a moderate possibility that paleontological resources exist because the geological feature underlying the Project Site has a high potential to contain such resources. However, the imposition of Mitigation Measure CR-5, which require a City approved paleontologist to oversee paleontological resource mitigation monitoring while earth moving activities are taking place on the Project Site and which sets forth the procedures to be followed if paleontological resources are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-6-7 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, a literature search indicated that no paleontological resources have been identified on the Project Site. However, the Project Site is situated upon a geologic feature which is highly sensitive for fossil resources. Accordingly, Mitigation Measure CR-5, set forth on page 5.5-9 of the Draft EIR, as modified on page 4-10 of the Final EIR, which will ensure adequate protection of any paleontological resources which may be found during grading of the Project Site, has been imposed as a condition of approval of the Project.

c. **Potential Significant Impact:** Disturbance of human remains, including those interred outside of formal cemeteries (Impact 5.5-3)

Finding: The location of human remains within the Project Site would be a significant impact even though no human remains have been identified on the Site nor are any expected to be found. However, the imposition of Mitigation Measure CR-6, which requires compliance with the procedures set forth if human remains are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on page 5.5-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no human remains have been located in or near the Project Site and none are expected. However, the Site is located in an area which has been inhabited by several Native American Tribes in the past and the possibility that human remains may be found on the Site cannot be rejected. Accordingly, Mitigation Measure CR-6, set forth on pages 5.5-9-10, as modified on pages 4-11-12 of the Final EIR, which will ensure adequate protection of any human remains which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on cultural resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts to

cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-6, which require a City approved archeologist to oversee cultural resource mitigation monitoring, and a City approved paleontologist to oversee paleontological resources, while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological or paleontological resources or human remains are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As set forth on pages 6-11-12 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no cultural resources have been found on or near the Project Site although cultural resources have been found within a mile of the Site and the Site itself lies within an area which has been historically used by several Native American Tribes. There therefore exists the possibility that cultural resources may be found on the Site once grading begins. However, Mitigation Measures CR-1 through CR-6, discussed in subsections IV.3.a-c above, which will ensure that the information associated with any cultural resources found on the Site will not be lost but will, instead, be available to be used in the context of cultural resources recovered from other, nearby sites, have been imposed as conditions of approval of the Project.

4. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (Impact 5.7-1)

Finding: Neither the construction nor the operation of the Project will create a significant hazard to the public or the environment through the routine transfer, use or disposal of hazardous materials. However, fire and smoke hazards and emissions from diesel powered trucks serving the Project can result in significant environmental and health hazards. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, AQ-5, which requires the review and approval by the City of a construction travel plan, AQ-8, which requires the use of electrically powered equipment during

construction, AQ-10 through AQ-13, which require off-site construction to be limited to day light hours, posting signs prohibiting diesel idling for more than three minutes and prohibiting the establishment of sensitive receptors near the Project Site, and GCC-11, which prohibits heavy trucks from coming on to the Project Site if properly certified, will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.7-7-9 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety.

Potential fire and smoke hazards associated with the Project, particularly given its size, could present a significant impact. However, the imposition of Mitigation Measures HH-1 through HH-4, set forth on page 5.7-11 of the Draft EIR, which will substantially minimize the chance of a major fire, have been imposed as conditions of approval of the Project.

As discussed on pages 5.3-49-53 and 5.7-8-9, emissions from diesel trucks serving the Project Site could have a substantial impact on the health of anyone living south of future Eucalyptus Avenue. Prohibiting idling of diesel trucks, providing electricity to trucks at the Project Site, requiring that only trucks in good operating condition be allowed to access the Project Site and requiring the applicant to record a land use restriction which will prohibit residential development south of future Eucalyptus Avenue will ensure that adverse health impacts will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, and GCC-11, set forth on pages 4-5-6 of the Final EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Cumulative hazard and hazardous materials impacts

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts resulting from hazards and hazardous materials. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, and AQ-13 which prohibits the establishment of sensitive receptors near the Project Site, on the Project and similar mitigation measures on other projects will reduce the impact to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6.12-13 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety. Similar regulation will also apply to the development of other projects. The imposition of Mitigation Measures HH-1 through HH-4 and AQ-13, discussed in subsection IV.4.a above, on the Project and the imposition of similar mitigation measures on other projects will reduce the impacts to less than significant.

5. LAND USE AND PLANNING

a. Potential Significant Impact: Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate environmental effects (Impact 5.9-2)

Finding: The Project would be technically inconsistent with the City's General Plan and Zoning Ordinance prior to approval of the proposed General Plan amendment and the change of zone. However, after the adoption of the General Plan amendment and the change of zone, the Project will be fully consistent with the goals and policies of the City's General Plan for this area of the City under the existing land use plan and will not conflict with any of the City's policies or regulations adopted to avoid or mitigate an environmental effect. The imposition of Mitigation Measure LU-1, which prohibits the establishment of sensitive receptors near the Project Site, will reduce the impacts to less than significant consistent with goals set by regional planning organizations.

Factual Basis for the Finding: As discussed on pages 5.9-16-27 of the Draft EIR and pages 4-58-59 of the Final EIR, with the adoption of

the required General Plan Amendment and Zone Change, the Project is consistent with all of the City's applicable land use, General Plan and Zoning Goals and Policies, including those designed to avoid or mitigate environmental effects. The Project will be consistent with all of the regional and County plans except that it will be inconsistent with the air quality goals of the South Coast Air Quality Management District, the Southern California Association of Governments' Regional Transportation Plan and the Western Riverside County Council of Governments' Comprehensive Plan but neither the Air Quality Management District nor the Associations have any permitting jurisdiction over the Project. Imposing a buffer immediately south of future Eucalyptus Avenue, which will prohibit the location of residences and other sensitive receptors through the recordation of a deed restriction, will ensure that no sensitive receptors near the Project Site will be affected by adverse air quality impacts emanating from the construction and operation of the Project. Accordingly, Mitigation Measure LU-1, set forth on page 4-13 of the Final EIR, has been imposed as a condition of approval of the Project.

b. Potential Significant Impact: Conflict with an applicable habitat conservation plan or natural communities conservation plan (Impact 5.9-3)

Finding: The Project could conflict with any applicable habitat conservation plan or natural communities conservation plan. However, the imposition of Mitigation Measures BR-2 through BR-4 which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C-1 to the Draft EIR, the Project Site is located within an area which is subject to both the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project

Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, as modified on page 4-8 of the Final EIR, have been imposed as conditions of approval of the Project.

6. NOISE

a. Potential Significant Impact: Temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project (Impact 5.11-3)

Finding: Construction work on the Project Site could result in substantial temporary increases in ambient noise levels for existing residences located along Redlands Boulevard. However, the imposition of Mitigation Measures N-1 through N-5, which require that no construction vehicles use Redlands Boulevard south of future Eucalyptus Avenue, that there be no night time construction within 1200 feet of sensitive receptors, that temporary sound barriers be constructed to ensure that day time construction noise not exceed City standards, that all equipment be kept in good working order and that materials be stockpiled at least 1200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed in Section 5.11 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, off-site construction along Redlands Boulevard,. Theodore Street, future Eucalyptus Avenue and the drainage facilities to the south of the Project Site will take place during daylight hours and, with the exception of noisy equipment which will be used for very limited periods of time, there will be no substantial exposure of residents to significant noise impacts. The grading and construction which will take place on the Project Site will take place around the clock for almost a year and would expose nearby residents to noise levels in excess of those allowed under the City's Municipal Code. However, prohibiting construction vehicles on Redlands Boulevard south of future Eucalyptus Avenue, prohibiting nighttime grading within 1,200 feet of

residences south of future Eucalyptus Avenue, the erection of temporary sound barriers, maintaining equipment in good working order and locating material stockpiles at least 1,200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street will ensure that none of the residences will be exposed to noise levels in excess of those allowed by the City's Municipal Code. Accordingly, Mitigation Measures N-1 through N-5, as set forth on pages 5.11-29-30 of the Draft EIR, as modified on pages 4-14-15 of the Final EIR, have been imposed as conditions of approval of the Project.

7. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Substantial increase on traffic load and street capacity (Impact 5.14-1)

Finding: As there is currently little traffic between Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60 any additional traffic by comparison could be considered significant and would cause the intersection of Redlands Boulevard and the SR-60 westbound ramps to exceed the City's level of service during the AM peak hour. However, with the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, the impacts will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.14-15-28 and –39-40 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in the Traffic Study, Appendix J to the Draft EIR, a large number of trucks serving the Project Site will use Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. The City's level of service is D. Without improvements, the intersection of Redlands Boulevard and the SR-60 westbound ramps would be at level of service E in the AM peak hour. Requiring the improvement of the intersection will reduce the impact to less than significant. Accordingly, Mitigation Measure TT-2, set forth on page 5.14-39 of the Draft EIR, as modified on page 4-16 of the Final EIR, has been imposed as a condition of approval of the Project. Although no mitigation is required to reduce any other significant

impact, Mitigation Measures TT-1 and TT-3, set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, have also been imposed as conditions of approval of the Project to ensure that any improvements needed at the intersections of future Eucalyptus Avenue and Redland Boulevard and Theodore Street and at the intersection of Theodore Street and SR-60 will also be constructed.

b. Potential Significant Impact: Cumulative traffic impacts

Finding: Cumulative impacts of the Project, in conjunction with other development, could result in significant adverse impacts on traffic. However, the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, and TT(C)-1 through TT(C)-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, on the Project, together similar mitigation measures imposed on other projects, will reduce the impacts to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-25-32 of the Draft EIR and in the Traffic Study, Appendix J to the Draft EIR, traffic impacts of other projects have the potential to cause a number of intersections to exceed the City's level of service D requirement. Requiring the Project to provide improvements to the intersections of future Eucalyptus Avenue with Redland Boulevards and Theodore Street and at the intersections of SR-60 and Redlands Boulevard and Theodore Street will ensure that the project's impacts will be less than significant. Accordingly, Mitigation measures TT-1 through TT-3, as set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, and TT-1(C) through TT-3(C), set forth on pages 6-32 of the Draft EIR, have been imposed as condition of approval of the Project. The City's General Plan requires that new development mitigate their traffic impacts so that similar mitigation measures will be imposed on other projects.

C. IMPACTS IDENTIFIED IN THE EIR AS BEING SIGNIFICANT AND UNAVOIDABLE EVEN AFTER THE IMPOSITION OF ALL FEASIBLE MITIGATION MEASURES

1. AESTHETICS

a. Significant Unavoidable Impact: Substantial adverse effect on a scenic vista (Impact 5.1-1)

Finding: The development of the Project will have a substantial adverse effect on a significant scenic vista and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As shown and discussed on pages 5.1-4-25 of the Draft EIR and Appendix M to the Draft EIR, the Project Site is currently vacant except for a single structure and thus is part of a scenic open space vista. In addition, the Project Site as it now exists is somewhat obscured by existing trees and vegetation but does not completely interfere with the views of mountains and foothills to the north, east and south. The development of the Project will block views of these scenic vistas from SR-60, Redlands Boulevard, future Eucalyptus Avenue and Theodore Street along the full length of each of these roadways adjacent to the Project Site. Further, the buildings to be constructed on the Project Site will be visible from higher elevations to the north, the east and the south and will alter the expansive view of the undeveloped property now evidenced from these areas.

These impacts are significant and unavoidable and there are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project.

b. Significant Unavoidable Impact: Cumulative aesthetic impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on scenic vistas and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 6-5-6 of the Draft EIR, the development of land in the vicinity of the Project Site will add to the loss of scenic vistas which will occur because of the development of the Project. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

2. AGRICULTURAL RESOURCES

a. Significant Unavoidable Impact: Conversion of farmland to non-agricultural use (Impact 5.2-1)

Finding: The development of the Project will have a significant and unavoidable impact on 24.1 acres of Prime Farmland, 98.8 acres of Farmland of Local Importance and 35.5 acres of Other Land which will be converted from agricultural uses into commercial and industrial uses. There are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of

production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

b. Significant Unavoidable Impact: Cumulative loss of farmland

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on farming. There are no mitigation measures which will reduce the impact to less than significant other than prohibiting development on sites now used for agriculture.

Factual Basis for the Finding: As discussed on pages 5.2-5-7 and 6-6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could

be grown if water were available would not cover the costs of production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

3. AIR QUALITY

a. Significant Unavoidable Impact: Violation of an air quality standard or substantial contribution to an existing or projected air quality violation (Impact 5.3-2)

Finding: The construction and operation of the Project will not violate any air quality standards for localized impacts with two exceptions: those promulgated by the South Coast Air Quality Management District for the emission of coarse and fine particulate matter ("PM_{10}" and "$PM_{2.5}$") during the construction of the Project. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, to less than significant. There are no mitigation measures which will reduce the emission of $PM_{2.5}$ to less than

significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed on pages 5.3-22-40 of the Draft EIR, as modified on pages 4-40-44 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the grading of the Project Site and the operation of the Project will result in the emission of pollutants – nitrogen dioxide ("NO_2"), carbon monoxide ("CO"), PM_{10} and $PM_{2.5}$. The South Coast Air Quality Management District has established localized significance thresholds to determine whether the emission of any of the pollutants will have a significant adverse effect on those nearby, both residents and workers. None of the thresholds will be exceeded after the construction of the buildings on the Project Site has been completed and operations begun. The same thing is true for NO_2 and CO during the construction Phases of the Project. However, without mitigation, the thresholds will be exceeded for both PM_{10} and $PM_{2.5}$. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the emission of PM_{10} will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, as set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. However, there are no feasible mitigation measures which will reduce the emissions of $PM_{2.5}$ to less than significant which would feasibly attain most of the basic objectives of the Project.

b. Significant Unavoidable Impact: Cumulatively significant net increase of any criteria pollutant for which the Project area is non-attainment under an applicable federal or state ambient air quality standard (Impact 5.3-3)

Finding: The Project Site is located in a non-attainment area for ozone, PM_{10} and $PM_{2.5}$. The grading of the Project Site and the construction of Phase 1 of the Project on the Site could result in emissions of volatile organic compounds ("VOC"), nitrogen oxides ("NO_x"), PM_{10} and $PM_{2.5}$ in excess of the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, will ensure that the daily amount of PM_{10} and $PM_{2.5}$ emitted during the grading and construction Phase 1 of the Project will reduce their impacts to less than significant and will reduce the daily amount of the emission of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 2 of the Project will result in the daily amount of emissions of VOC and NO_x in excess of the thresholds promulgated by the South Coast Air Quality Management District; the daily amount of emissions of PM_{10} and $PM_{2.5}$ will be less than those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 3 of the Project will result in the daily amount of emissions of VOC exceeding the threshold promulgated by the South Coast Air Quality Management District; the daily amount of emissions of NO_x, PM_{10} and $PM_{2.5}$ will not exceed those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC but not to less than significant.

The daily amount of emissions of VOC, NO_x, PM_{10} and $PM_{2.5}$ associated with the operation of the Project during all Project Phases will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-21, which require off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label, will reduce the daily amount of emissions slightly but in no case will they cause the emissions to be less than significant.

In no case will the daily amount of the emission of CO exceed the threshold promulgated by the South Coast Air Quality Management District during either the grading of the Project Site or the construction of buildings on the Site. The daily amount of emissions of CO will exceed the threshold for CO promulgated by the South Coast Air Quality Management District during all of the three operational Phases of the Project. The imposition of Mitigation Measures AQ-11 through AQ-21 and GCC-5(a), GCC-5(e), GCC-9 and GCC-11, all as described above, will reduce the daily amount of emissions slightly but not to less than significant.

There are no further mitigation measures which will reduce the foregoing impacts to insignificant which would feasibly attain most of the basic objectives of the Project.

The daily amount of emissions of SO_x will be less than the thresholds promulgated by the South Coast Air Quality Management District throughout the grading of the Project Site, the construction of buildings on the Site and the operation of the Project.

Factual Basis for the Finding: As discussed on Section 5.3 of the Draft EIR, as modified on pages 4.40-4.46 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1

to the Draft EIR, the development of the Project has the potential of emitting criteria pollutants, except for SO_x, in excess of the thresholds promulgated by the South Coast Air Quality Management District during the grading of the Project Site, construction of buildings on the Site and the operation of the Project. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the daily amount of emissions of PM_{10} and $PM_{2.5}$ during the grading and construction associated with Phase 1 of the Project will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. The same conditions will reduce the daily amount of emissions of NO_x during the grading and construction associated with Phase 2 of the Project to less than significant but will reduce the daily amount of emissions of VOC only slightly and not below the threshold promulgated by the South Coast Air Quality Management District. The daily amount of emissions of the other criteria pollutants will be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions of VOC associated with the grading and construction of Phase 3 of the Project will exceed the threshold promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, as described above, will reduce the daily amount of

emissions of VOC slightly but not to less than significant. The daily amount of emissions of the remaining criteria pollutants will all be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions for all three operational phases of the Project, with the exception of SO_x, will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR,all as described above, will reduce the daily amount of emissions of each of the other five criteria pollutants slightly but not to less than significant.

There are no further mitigation measures which will reduce the emissions of the criteria pollutants to less than significant which would feasibly attain most of the basic objectives of the Project. The emissions of VOC and NO_x are associated with the grading of the Project Site and the asphalt, building and architectural coatings for those buildings. The operational emissions are due almost entirely to mobile sources – cars and trucks – over which the City has no control because the Legislature has vested all authority to deal with the emissions from cars and trucks in the California Air Resources Board.

c. **Significant Unavoidable Impact:** Exposure of sensitive receptors to substantial pollutant concentrations (Impact 5.3-4)

Finding: The development of the Project has the potential to expose sensitive receptors to emissions of PM_{10} and $PM_{2.5}$ in excess of local significance thresholds promulgated by the South Coast Air Quality Management District and to the risk of cancer from the operation of the Project in excess of the significance threshold of 10 in 1,000,000. The imposition of Mitigation Measures AQ-1 through AQ-21, which require the control of fugitive dust, the acquisition of

Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label will reduce the impacts of PM_{10} and the risk of cancer to less than significant but the risk associated with the emissions of PM_{10} during the grading and construction associated with Phase 1 of the Project will remain significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed in Section 5.3 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, as amplified and clarified in the Supplemental Health Risk Assessment Report, Appendix D.1 to the Final EIR, and in subsection IV.C.3.a above, the grading, construction and operation associated with the Project has the potential to exceed localized significance thresholds and cancer risks for sensitive receptors near the Project Site. Controlling fugitive dust, acquiring Tier II level construction equipment, to the extent available,

properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, providing bicycle parking spaces and on-site showers, preferential parking for carpools and alternatively fueled vehicles, obtaining LEED, or if not available an approved program to achieve the same level of environmental benefit, certification for the Project, prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label and establishing a buffer area on land immediately south of future Eucalyptus Avenue through a deed restriction will ensure that the risks associated with $PM_{2.5}$ and cancer will be mitigated into insignificance. Accordingly, The imposition of Mitigation Measures AQ-1 through AQ-13, as set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, Mitigation measures AQ-1 through AQ-21, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.3-38-39 and –52 of the Draft EIR, as modified on pages 4-2-5 and –19-20 of the Final EIR, have been imposed as conditions of approval of the Project. However, as set forth in the factual basis for the finding in subsection IV.C.3.a above, there are no feasible mitigation measures which will reduce the emissions of PM_{10} associated with the grading and construction of Phase 1 of the Project to less than significant.

d. Significant Unavoidable Impact: Cumulative contribution to air quality impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on VOC, NO_x, CO, PM_{10} and $PM_{2.5}$. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-8-10 of the Draft EIR, in the Air Quality and Health Risk Analysis Report, Appendix D.1 to the Draft EIR, Response 10-2, page 3-99 of the Final EIR and in subsections IV.C.3.a-c above, the air quality pollutants emitted during the operation of the Project, alone or in conjunction with those emitted by surrounding development, will be cumulatively significant. All feasible mitigation measures have been imposed as conditions of approval of the Project. The City will impose feasible mitigation measures on projects seeking approval within the future. However, the air quality problems that exist in the area of the Project are, in most cases, problems affecting the entirety of the South Coast air basin and, as such, are beyond the City's control.

4. NOISE

a. Significant Unavoidable Impact: Cumulative adverse noise impacts

Finding: The development of the Project, in conjunction with the development of related projects and that authorized by the Moreno Highlands Specific Plan will result in significant and unavoidable cumulative noise impacts on houses located near SR-60. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-17-23 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the increase in noise due to the operation of the Project will be small. However, when added to that which can be expected by the use of vehicles on SR-60 from both related projects and the development of the Moreno Highlands Specific Plan area, the result will be that at least one residence east of Theodore Street and several residences located west of Redlands Boulevard will experience a noise increase of more than 3 dB with a future noise level above 65 CNEL, the City's noise level for residential areas. There are no mitigation

measures which will reduce the impacts to less than significant.

5. GLOBAL CLIMATE CHANGE AND GREENHOUSE GASES

a. Significant Unavoidable Impact: Hindrance or delay of California's ability to meet the climate reduction targets contained in AB32 (Impact GCC-1)

Finding: The grading and construction associated with the Project will, after the application of all feasible mitigation measures, result in approximately 6,500 metric tons of carbon dioxide equivalent ("CO_{2e}"). The operation of the Project, after the imposition of all feasible mitigation measures, will produce approximately 81,800 metric tons of CO_{2e} per year. In the absence of any quantitative or qualitative threshold of significance for the emissions of CO_{2e}, it must be assumed that the amount of the emissions of CO_{2e}, both during the grading and construction associated with the Project and the operation of the Project will, individually and cumulatively, be a significant and unavoidable impact. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed in Section 5.16 and pages 6-40-41 of the Draft EIR and in the Climate Change Analysis, Appendix N to the Draft EIR, the grading and construction associated with the Project and the operation of the Project will generate substantial amounts of CO_{2e} emissions. There is, currently, neither a quantitative nor a qualitative threshold to be used to determine whether the amount of CO_{2e} emissions is significant. Various thresholds, ranging from no new contributions to over 40,000 metric tons per year, have been proposed. The staff of the South Coast Air Quality Management District has suggested a possible threshold of 10,000 tons of CO_{2e} per year for industrial projects but has not suggested a numerical threshold for non-industrial projects; the District has not yet acted on the proposal. However, the California Air Resources Board and the Office of Planning and Research are considering the adoption of a threshold of significance for CO_{2e} emissions but have not yet decided on that threshold. AB32 requires a reduction of approximately 30% in CO_{2e} emissions over business as usual by 2020 in order to reach the levels emitted in California in 1990. Irrespective of

when or what standards will be adopted by the California Air Resources Board all feasible measures have been implemented in this project in compliance with AB-32.

Incorporating water conservation requirements, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting construction equipment from idling for more than five minutes, controlling traffic around the Project Site, encouraging construction workers to carpool, prohibiting truck idling for more than three minutes per day per truck, providing electricity in the loading area for transportation refrigeration units, designing the Project to meet 2008 Title 24 energy efficiency requirements, using "cool roofs" and "cool paints," installing renewable energy generation on-site to meet the Project's Phase 1 office electricity needs, using ENERGY STAR-qualified energy efficient appliances, providing bicycle storage parking and showers for employees, installing Light Emitting Diodes in any traffic lights which are a part of the Project, providing pedestrian and bicycle connections to surrounding areas, establishing a Transportation Management Association to encourage and coordinate carpooling by occupants of the Project, providing preferential parking for carpools, vanpools and alternatively fueled vehicles, obtaining LEED certification or, if not available, a similar program to achieve the same level of environmental benefit, designing loading docks which will accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features, and prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label will ensure reduction in the amount of emissions of CO_{2e}. Accordingly, Mitigation Measures AQ-1, AQ-3, AQ-4, AQ-5, AQ-7, AQ-11, AQ-12 and GCC-1through10, set forth on pages 5.16-9-13 of the Draft EIR, as modified on pages 4-2-6 and –18-21 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, have been imposed as conditions of approval of the Project. However, there

are no additional feasible mitigation measures which would reduce the impact to less than significant.

b. **Significant Unavoidable Impact:** Impacts of climate change on the Project (Impact GCC-2)

Finding: Potential impacts of climate change include the exacerbation of air quality problems, reduction in the quality and supply of water from the Sierra snow pack, damage to the natural environment, reduction of in-state electricity production, and an increase in wildfires, all of which could adversely affect the Project. The imposition of Mitigation Measures W-1, which requires the preparation of a planting and irrigation plan for the City's review and approval, GCC-1 through GCC-4, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, which requires LEED credit in a number of areas, will reduce the Project's need for energy and water slightly but the impact of global climate change on the Project will continue to be significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.16-16-18 of the Draft EIR and the Climate Change Analysis, Appendix N to the Draft EIR, global climate change will affect the Project in various ways. Imposing the mitigation measures discussed in subsection IV.C.5 above will decrease the amounts of water and energy required by the Project after it is in operation but it, like all other projects in California, will be subject to the deleterious impacts of climate change.

V. PROJECT ALTERNATIVES

A. ALTERNATIVE SITES

Finding: There exists no reasonably feasible and available alternative site for the Project which would avoid or substantially lessen the significant impacts of the Project or to allow it to feasibly attain most of the Project's basic objectives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for

reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers's requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also unlikely to be reduced for any otherwise feasible site that would satisfy Skechers's needs.

B. NO PROJECT — NO DEVELOPMENT ALTERNATIVE

Finding: The No Project — No Development Alternative is environmentally superior to the Project but would not attain any of the objectives for the Project.

Factual Basis for the Finding: As discussed on pages 9-3-9 and -36 of the Draft EIR, leaving the Project Site in its current condition would result in no impacts to the environment with the exception that the existing General Plan's designation of the Project Site for development with commercial and industrial uses would not be satisfied. None of the Project's objectives would be met.

C. EXISTING GENERAL PLAN ALTERNATIVE

Finding: Developing the Project Site under the existing General Plan designation and zoning would allow for the development of 1,715,000 sf of business park and 410,000 sf of community commercial uses. The impacts on the environment of development pursuant to the existing General Plan designation and zoning would be roughly comparable to those which would result from the

development of the Project. However, it would not meet any of Skechers's needs nor would it allow Skechers to have the logistics facility available in the very near future at any other reasonably feasible and available site. In addition, due to market conditions, development under the existing General Plan designation and zoning would not currently be feasible and therefore would delay any benefits that development of the Project Site would bring to the City, such as jobs and revenues. Likewise, it would not provide the Project applicant with an adequate rate of return on its investment because there is no market available for development of the Project Site consistent with the existing General Plan designation and zoning.

Factual Basis for the Finding: As discussed on pages 9-9-19 and -36 of the Draft EIR and in the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, there is currently no market for the development of the Project Site consistent with the existing General Plan designation and zoning. The environmental impacts of development of the Project Site consistent with the existing General Plan designation and zoning are roughly comparable to those of the Project with the impacts on aesthetics, noise, public services and utilities being slightly less and those on air quality, geology and soils, hazards and hazardous materials and global climate change being slightly more. Developing the Project Site consistent with the existing General Plan designation and zoning would not allow the Project applicant to achieve its objectives. because it would not be able to provide logistics facilities to Skechers, resulting in delay or denial of providing the City with new jobs and revenues from the development of the Project Site and precluding an adequate rate of return on its investment because there is simply no existing market for development of the Project Site consistent with the General Plan designation and zoning.

D. REDUCED DENSITY ALTERNATIVE

Finding: Developing the Project Site with 1,000,000 sf of logistics use and 200,000 sf of community commercial uses would result in environmental impacts which would be slightly less than those which would result from the development of the Project. However, a reduced density alternative would not allow the Project to attain a number of its basic objectives and would not reduce any

significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-19-26 and -36 of the Draft EIR, the environmental impacts of the reduced project would be marginally less than, or equal to, those of the Project. In particular, impacts on Agricultural Resources, Biological Resources, Cultural Resources Hydrology and Water Quality, Mineral Resources, and Population, Housing and Employment would be the same for the Reduced Density Alternative as for the Project, except that employment opportunities would be reduced. Reductions in most other impacts would be marginal to modest. Only reductions in impacts on Air Quality would be likely to be substantial. However, no significant unavoidable impact of the Project would be reduced to or made capable of mitigation to a level of insignificance. Also, the reduced density alternative would prevent achieving some of the Project's basic objectives. In particular, Skechers would not be provided the size and expandability required by its business objectives. Current market conditions would render the Reduced Density Alternative not reasonably feasible and therefore preclude the Project applicant from obtaining an adequate rate of return on its investment.

E. NORMAL CONSTRUCTION SCHEDULE ALTERNATIVE

Finding: The normal construction alternative would have moderately fewer environmental impacts than the Project. However, it would not allow the Project to attain a number of its basic objectives and would not reduce any significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-27-33 and -36 of the Draft EIR, the normal construction schedule would have a moderately lesser environmental impact on aesthetics, air quality and noise during the construction phase but would otherwise be comparable to the impacts which would result from the development of the Project and make no difference in any impacts during the

operation of the Project. However, Skechers would be delayed in consolidating its operations in a single logistics facility and the City would also be delayed in obtaining the jobs and revenues which the construction and operation of the Project will generate. Therefore, development of the Project Site with a normal construction schedule would delay achievement of most of the basic objectives of the Project and would not be significantly environmentally superior to the Project.

F. ADEQUACY OF THE RANGE OF ALTERNATIVES

Finding: Alternatives consisting of development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found.. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also likely to not be

reduced for any site truly feasible for Skechers's objectives.

Because, there are no reasonably feasible and available alternative sites, development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives. The purpose of the Guidelines requirements of studying a reasonable range of alternatives would not be met by constructing additional alternatives that would not meet the basic objectives of the Project. Because Skechers needs are specific as to size, expandability, location and transport accessibility, and without alternative sites as an option, no other alternatives appear feasible which would not defeat at least one basic Project objective.

VI. LOGISTIC MODIFIED GENERAL PLAN CONCEPT

Section 8.3 of the Draft EIR discusses a modification of the Moreno Highlands Specific Plan which would substantially decrease the residential, commercial and business park/light industrial uses of the Specific Plan area and allow the development of substantial logistic facilities, a use not contemplated in the existing Specific Plan. No application for any modification of the Specific Plan has been submitted to the City and there is no guarantee that any application will be submitted. Any modification of the Specific Plan is independent of the development of the Project. Its only connection is that the Project applicant owns both the Project Site and the land which would be affected by a modification of the Specific Plan.

This information was provided solely because the project applicant, the owner of a substantial portion of the land subject to the Specific Plan, is considering the possibility of seeking an amendment of the Specific Plan so that, consistent with CEQA's purpose of providing full information to decision makers and the public, the discussion was included in the Draft EIR.

Specifically, any such amendment to the Specific Plan would require compliance with all of the City's approval process including, but not limited to, a development application, environmental review and new and separate Planning Commission and City Council public hearing. Nothing in the Draft or Final EIR nor in this set of Findings constitutes approval of, or any commitment to approve, any such future application.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in Section IV. above, most of the Project's impacts on the environment will either be insignificant or, through the imposition of mitigation measures as conditions of approval of the Project, can be reduced to less than significant. However, as set forth in subsection VI.C. above, impacts to aesthetics, agricultural resources, air quality, noise and climate change and greenhouse gases will remain significant and unavoidable even after the imposition of all feasible mitigation measures. Further, as set forth in Section V. above, there are no feasible alternatives to the Project which would mitigate or avoid those environmental impacts. Nevertheless, as set forth below, the Council has determined that the benefits which will accrue from the development of the Project outweigh the significant and unavoidable impacts which the Project will produce.

A. AESTHETICS

Finding: Notwithstanding the significant unavoidable impacts to aesthetics discussed in subsection IV.C.1 above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to aesthetics. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on aesthetics which will result.

Factual Basis for the Finding: As set forth in the Project Objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

B. AGRICULTURAL RESOURCES

Finding: Notwithstanding the significant unavoidable impacts to agricultural resources discussed in subsection IV.C.2. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to agricultural resources. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on agricultural resources which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

C. AIR QUALITY

Finding: Notwithstanding the significant unavoidable impacts to air quality discussed in subsection IV.C.3. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to air quality. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on air quality which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

D. NOISE

Finding: Notwithstanding the significant unavoidable noise impacts discussed in subsection IV.C.4. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse noise impacts. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on noise which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

E. CLIMATE CHANGE AND GREENHOUSE GASES

Finding: Notwithstanding the significant unavoidable climate change and greenhouse gases impacts discussed in subsection IV.C.5. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse impact on global climate change. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on climate change and greenhouse gases which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

Mitigation Monitoring Program
Highland Fairview Corporate Park Project

State Clearinghouse No. 2007101132

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December 23, 2008

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INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The Planning Division would coordinate the project monitoring of the mitigation measures with each applicable department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures. (See Mitigation Monitoring and Reporting Summary Chart beginning on page 5.) The City of Moreno Valley Public Works Department (City) would coordinate monitoring of the implementation of all mitigation measures for the project. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the MMP for the Proposed Project include the following:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist City administration in its determination of the effectiveness of the adopted mitigation measures;
- To report periodically regarding project compliance with mitigation measures, performance standards and/or other conditions; and
- To make available to the public, upon request, the City record of compliance with project mitigation measures.

Overview of the Project

The project site and relevant off-site areas encompass a total of approximately 265.3 acres, development of the site includes approximately 2,420,000 square feet devoted to light industrial logistics uses, and 200,000 square feet of commercial uses. The proposed project includes a Tentative Parcel Map (TPM), a Change of Zone (CZ), a Plot Plan (PP), and a General Plan Amendment (GPA). The Parcel Map would create parcels for two logistics buildings, two commercial projects, and future SR-60 right-of-way. The parcel map would also establish the dedications for required improvements. The Change of Zone would change 6.7 acres of Community Commercial to Light Industrial. The Plot Plan would provide the site plan for the logistics building. The GPA widens the commercial area on the west, reduces the commercial area on the east, and

eliminates a segment of a proposed trail alignment that was contingent upon its feasibility and replaces it with a connection to a planned trail to the east.

Organization of the Mitigation Monitoring Program

The following describes the various sections of the MMP:

- **Introduction** - Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation monitoring program has been organized.
- **MMP** - Describes the City entities responsible for implementation of the mitigation monitoring plan, the plan scope, procedures for monitoring and reporting, public availability of documents, the process for making changes to the program, types of mitigation measures, and the manner in which monitoring will be coordinated to ensure implementation of mitigation measures.
- **Mitigation Monitoring and Reporting Summary** - Outlines the impacts and mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the plan.

DESCRIPTION OF PLAN

Mitigation Monitoring Procedures

This MMP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the monitoring and reporting summary table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. For instance, with any major construction project, the administration generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program.

Responsibilities of City include identification of typical mitigation measure-related issues such as noisy equipment, dust, safety problems, etc. Any problems are generally corrected through directions to the contractors, or through other appropriate, established mechanisms. Internal reporting procedures are already in place to document any problems and to address broader implementation issues.

Reporting Procedures

The City would be responsible for monitoring and implementing the mitigation measures included in this monitoring plan.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate City Department (as indicated on the Mitigation Monitoring and Reporting forms) or employs the office's existing reporting process for verification of compliance.
- Responsible entities verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.
- Responsible entities provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.

The reporting forms prepared by the City would document the implementation status of mitigation measures of the project. The progress reports describe the monitoring status of all project mitigation measures. Project reporting forms and periodic status reports will be available at the City.

The City would also be responsible for assisting their contractor with reporting responsibilities to ensure that they understand their charge and complete their reporting procedures accurately and on schedule.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the Mitigation Monitoring Program for Highland Fairview Corporate Park would be available for public review upon request at the City of Moreno Valley Department of Public Works offices during normal business hours.

Program Changes

If minor changes are required to the MMP, they would be made in accordance with CEQA and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or redesign to make any appropriate improvements. No change would be permitted unless the Mitigation Monitoring Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The Final Environmental Impact Report for the Highland Fairview Corporate Park Project is a "project specific" and "cumulative" evaluation as defined in the CEQA Guidelines.

The Final Environmental Impact Report recommends 63 project specific and cumulative mitigation measures to reduce impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, noise, transportation and traffic, utilities and service systems, and global climate change and greenhouse gases. Compliance with these mitigation measures will be accomplished through administrative controls over project planning and implementation, in this case, through incorporation of specific construction methods, and verification of construction in accordance with these special provisions. Monitoring would be accomplished as described previously under "Reporting Procedures" through verification and certification by personnel.

In general, implementation of the MMP will require the following actions:

- Appropriate mitigation measures would be included in construction documents.
- Departments with reporting responsibilities would review the Final Environmental Impact Report, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance would be addressed by the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

Mitigation Monitoring and Reporting Summary

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Aesthetics							
MM A-1. During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.	Construction Supervisor	City of Moreno Valley Planning Division	During Construction				
MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following: • Use of color; or • Texture variation; or • Roof line variation.	Applicant	City of Moreno Valley, Planning Division	Plot Plan Review/Approval				
Air Quality							
Construction **MM AQ-1.** Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include: • Application of water on disturbed soils a minimum of three times per day; • Covering haul vehicles; • Replanting disturbed areas as soon as practical; • Restricting vehicle speeds on unpaved roads to 15 mph; • Suspension of all grading activities during high wind	Applicant	City of Moreno Valley Public Works, Land Development Division, and the South Coast Air Quality Management District	Prior to Issuance of Grading Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
speeds in excess of 25 mph. • A Large Operation notification shall be submitted to the SCAQMD prior to construction. • Project applicant to designate a to designate a person(s) to monitor the dust control program and to order increased watering, as necessary. • Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours. • Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust. • Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.							
MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment). The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Prior to Construction During Onsite/Offsite Construction (Provide evidence that this has been certified at occupancy)				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.	Construction Supervisor	City of Moreno Valley Planning Division, Public Works, Land Development Divison, and the South Coast Air Quality Management District	Onsite/Offsite Construction				
MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.	Construction Supervisor	City of Moreno Valley, Building and Safety Division	Onsite/Offsite Construction				
MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing	Applicant	City of Moreno Valley, Transportation Engineering Division	Prior to issuance of a grading permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Traffic Management Plans for Work Zones.							
MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				
MM AQ-7A. *Construction Phases.* Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division,	Prior to issuance of grading permits. Construction				
MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division	Prior to issuance of Certificate of Occupancy				
MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.	Applicant, Construction Supervision	City of Moreno Valley, :Public Works Land Development Division	Construction				
MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.	Construction Supervisor	City of Moreno Valley Public Works Land Development Division	Offsite Construction				
Operations **MM AQ-11.** All project entrances shall be posted with signs which state: a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to issuance of occupancy permits/Operation				
MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to Issuance of Certificate of Occupancy/ Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.	Applicant	City of Moreno Valley, Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				
MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Plot Plan Approval/Prior to Occupancy Permits				
MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.	Applicant	City of Moreno Valley, Planning Division	Operation (Written Documentation shall be provided)				
MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.	Applicant	City of Moreno Valley, Planning Division, and Transportation Engineering Division	Plot Plan Review/ Approval				
MM AQ-18. Food services shall be provided onsite.	Applicant, Tenants	City of Moreno Valley, Planning Division	Onsite Construction, Operation				
MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.	Applicant, Tenant	City of Moreno Valley, Planning Division and Transportation Engineering Division	Written Evidence of Compliance Shall Be Provided at Occupancy/Operation				
MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				
MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.	City of Moreno Valley	City of Moreno Valley, Transportation Engineering Division	Prior to Certificate of Occupancy For Phase III.				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Biological Resources							
MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-2. Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of a Grading Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM BR-3. A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities. If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG. If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-4. Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.	Applicant	City of Moreno Valley Planning Division	Prior to the Issuance of a Building Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Cultural Resources							
MM CR-1. Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley, Planning Division	Prior to Issuance of a Grading Permit (Provide document for review prior to issuance of a Grading Permit)				
MM CR-2. Project-related archaeological monitoring shall include the following constraints: 1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative; 2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected; 3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative. 4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and 5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or	Applicant, Consulting Archaeologist, Construction Supervisor	City of Moreno Valley Planning Division	During Grading				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.							
MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley Planning Division	During Grading				
MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.	City of Moreno Valley, Construction Supervisor	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM CR-5. Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below: 1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place. 2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. 3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and, 4. Monitoring may be reduced if the potentially	Applicant, Construction Supervisor, Consulting Paleontologist	City of Moreno Valley Planning Division, and Land Development Division of the Public Works Department	Prior to Issuance of Grading Permits, During Grading				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.							
MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed. In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.	Applicant/, Construction Supervisor	City of Moreno Valley, Planning Division	During Grading				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Geology and Soils							
The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. **MM GEO-1.** During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.	Applicant, Consulting Geologist	City of Moreno Valley, Planning Division, Building and Safety Division, and Public Works Land Development Division	Onsite Construction During Grading				
Hazards and Hazardous Materials							
MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
Land Use and Planning							
MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)	Applicant	City of Moreno Valley Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Noise							
Temporary Impacts Due to Construction Noise **MM N-1**. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Construction				
MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City. The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction. In the event any new residential units or other noise sensitive land uses are built and occupied in the	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and During Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP. With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.							

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses. In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences. With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division, Building and Safety Division	During Construction				
MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division, and the Building and Safety Division	Pre-Construction and Construction				
Transportation and Traffic							
MM TT-1. Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3 Plot Plan Review, Prior to Issuance of Building Permits for Phase 3				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.							
MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3, Prior to Issuance of Occupancy Permits				
MM TT(C)-1. Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project.		Division, Riverside County Transportation Department					
MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				
Utilities and Service Systems							
MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components: • The plans shall incorporate water conservation principles as detailed in the Moreno Valley	Applicant	City of Moreno Valley Planning Division	Plan Check Review/Prior to Issuance of Building Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Municipal Code § 9.17.030 Landscape and irrigation design standards. • Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. • Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant. • All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5"). • Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications. • All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. • Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended							

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
operating pressure of the irrigation system. • The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).							
Global Climate Change and Greenhouse Gases							
MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Prior to Certificate of Occupancy/Phase 1 Office Occupancy				
MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager: a) Onsite secure, weather-protected bicycle storage	Applicant	City of Moreno Valley Planning Division, Building and Safety Division, Public Works, Transportation Engineering Division	Prior to Certificate of Occupancy, Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers. b) Any traffic lights installed as part of this project shall use Light Emitting Diodes. c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan. d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information. e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.							
MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Prior to Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.	Applicant, Construction Supervisor	City of Moreno Valley Public Works, Land Development Division	Prior to Issuance of Grading Permits During Construction				
MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.	Applicant	City of Moreno Valley Planning Division and Public Works and Development Division	Prior to Issuance of Grading Permit Prior to Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Submit Prior to Building Permits				
MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of Building Permits/Prior to Construction (Provide Documentation)				
MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.	Applicant, Tenant	City of Moreno Valley, Planning Division	Operation				

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING ATLAS OF SAID CITY, TO INCLUDE A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE PORTION OF THE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE (INCLUDING RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE) COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Highland Fairview, has filed Application PA07-0088, requesting an amending of the City of Moreno Valley Municipal Code and Official Zoning Atlas as described in this ordinance.

1.2 The Planning Commission conducted a public hearing on January 8, 2009, and a continued meeting on January 15, 2009, with project forwarded to the City Council on said date.

1.3 Pursuant to the provisions of the law, public hearings were held before the City Council on February 3, 2009.

1.4 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.5 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The change of zone is consistent with the General Plan land use designation on the property of Business Park/Light Industrial. Although the General Plan designation of BP would allow the project as currently proposed, the current zoning designation of BP would not allow for the large industrial warehouse structure as proposed under Phase 1 of the plot plan. Therefore, the applicant has requested a change of zone from a business park land use designation (BP) to a light industrial designation (LI) to allow for large industrial warehouse buildings to occur. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur.

   Land uses allowed under the proposed LI zoning category allow for indoor wholesale, storage and distribution buildings uses, but also allow building sizes of 50,000 square feet or greater that facilitate general manufacturing or warehouse uses with frequent truck traffic. In order to provide greater compatibility between current and proposed land uses, the applicant has proposed a buffer zone within approximately 440 feet south of the project's southern property fence line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or hospitals would not occur within this buffer area based on deed restrictions placed on all properties within the zone. All other areas to the east (vacant BP or Business Park land), west (vacant CC or Community Commercial land) and north (Highway 60) would not contain sensitive receptors and so not include a land use buffer.

   The project and proposed change of zone as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included

to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations and is consistent with the purposes and intent of this title.

FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been

prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project

will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

SECTION 3 - AMENDMENT OF THE OFFICIAL ZONING ATLAS

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk), PA06-0099.

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

CHANGE OF ZONE

Application No. PA07-0088

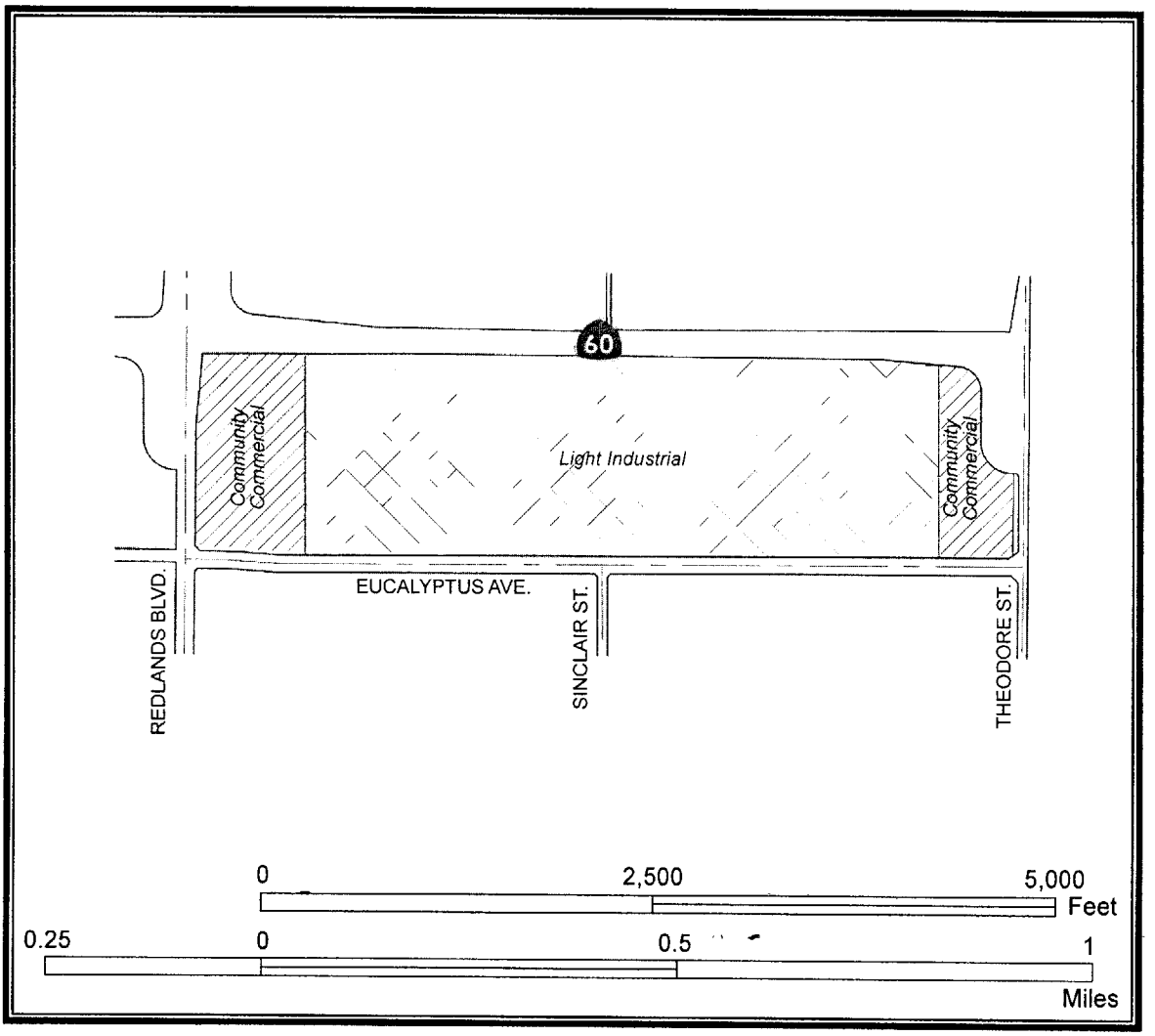

LEGEND

N

Light Industrial

Community Commercial

EXHIBIT A

RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (PA07-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street, and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, application PA07-0089 was separately filed to modify the existing General Plan as discussed in the title of this resolution

WHEREAS, there is hereby imposed on the proposed project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

WHEREAS, there is hereby imposed on the subject development project(s) certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application as described above and an Environmental Impact Report (EIR) with mitigation measures has been certified pursuant to the California Environmental Quality Act (CEQA),

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting and public hearing to consider a General Plan Amendment PA07-0089. At the conclusion of the meeting, the Planning Commission continued the item to January 15, 2009.

WHEREAS, on January 15, 2009, the Planning Commission forwarded the project to the City Council;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

Section 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FIND AND RESOLVE AS FOLLOWS WITH RESPECT TO PA07-0089:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: A proposed General Plan amendment includes four items to be modified for consistency purposes as proposed by the applicant. The first includes the elimination of a General Plan designated multi-use trail (Sinclair extension) through the center of the property. The Sinclair trail would have included an overpass subject to the feasibility of a freeway bridge. Connections with a multi-use trail are required by the General Plan on both Redlands Boulevard and Theodore Street, with a third possible connection on Quincy Street subject to the feasibility of a freeway bridge. On two separate occasions, the Moreno Valley Trails Committee recommended that the Sinclair connection be eliminated and the trail along Fir/Eucalyptus be extended from Redlands to Theodore.

The second portion of the amendment includes an amendment of the proposed General Plan trail along future Eucalyptus Avenue (Fir) from the south side of the street to the north side of the street. This proposed change by the applicant would not be inconsistent with the intent of the General Plan to include multi-use trails in designated areas throughout the City. The revised multi-use trail will link Quincy Street to Theodore Street on the north side of Fir Avenue/Future Eucalyptus Avenue.

A third portion of the amendment includes the modification to the General Plan circulation plan to change the designation from arterial to divided arterial and to add landscaped medians along future Eucalyptus Avenue (Fir) between Redlands Boulevard and Theodore Street. This modification will be an improvement to the General Plan Circulation element and provide greater traffic safety and improve aesthetics along this roadway system.

The fourth and final portion of the amendment includes the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

The project and proposed General Plan amendment as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said

conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

   The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

   The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been prepared for said project to deal with impacts related to aesthetics,

agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future

properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA08-0089, thereby establishing General Plan amendments as described in the Resolution, and the revised General Plan diagrams as attached to the Resolution as Exhibits A, B and C.

APPROVED AND ADOPTED this _____ day of _____ 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

GENERAL PLAN AMENDMENT
FIGURE 9-1
CIRCULATION PLAN

Application No. PA07-0089

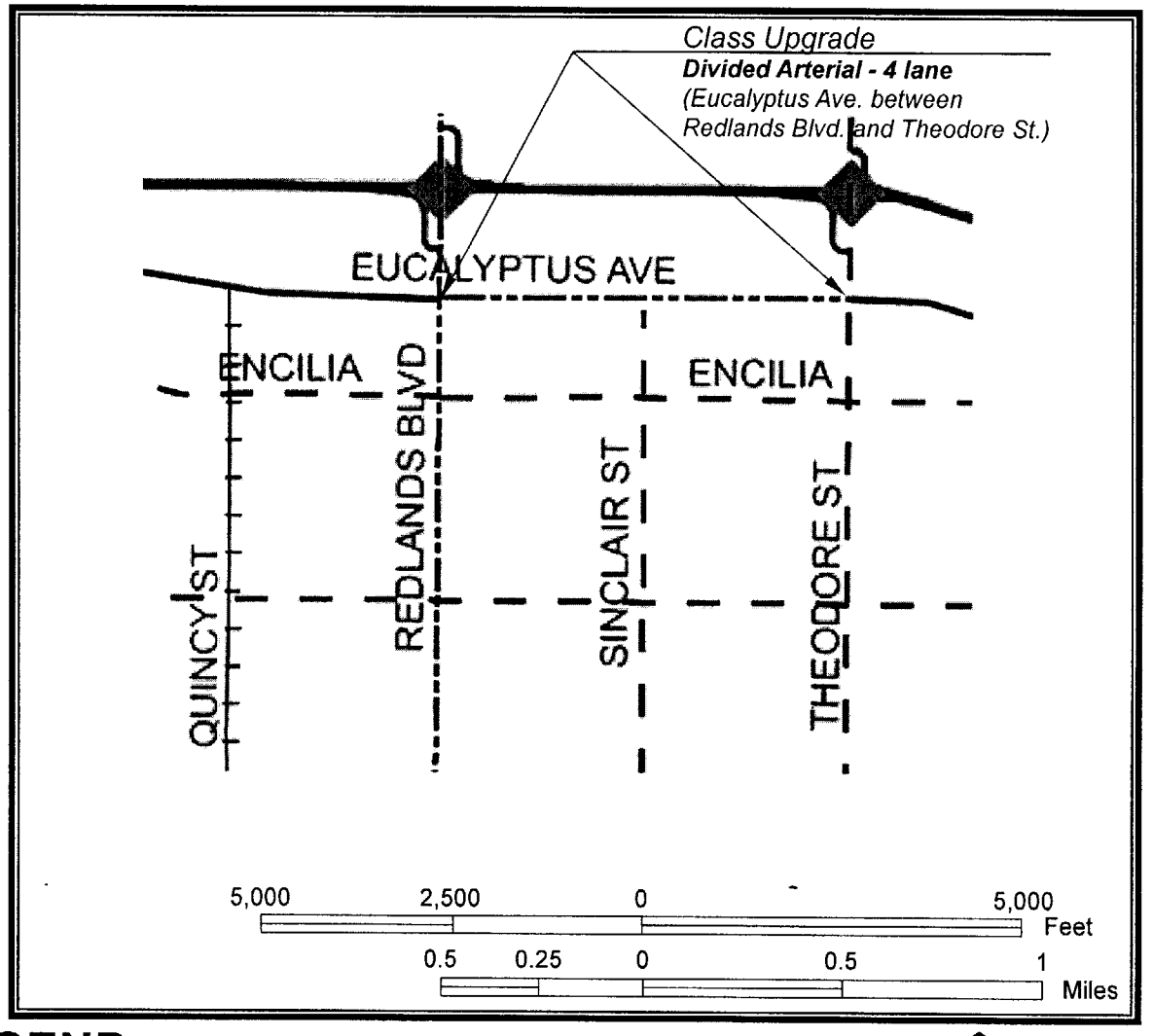

LEGEND

N

Street Classification

- Freeway
- Divided Major Arterial
- Divided Major Arterial - Reduced Cross Section
- Divided Arterial - 6 lane
- Divided Arterial - 4 lane
- Arterial
- Minor Arterial
- Minor Arterial - Pigeon Pass Cross Section
- Collector
- Freeway Overpass
- Freeway Interchange

EXHIBIT A

GENERAL PLAN AMENDMENT
FIGURE 4-3
MASTER PLAN OF TRAILS

Application No. PA07-0089

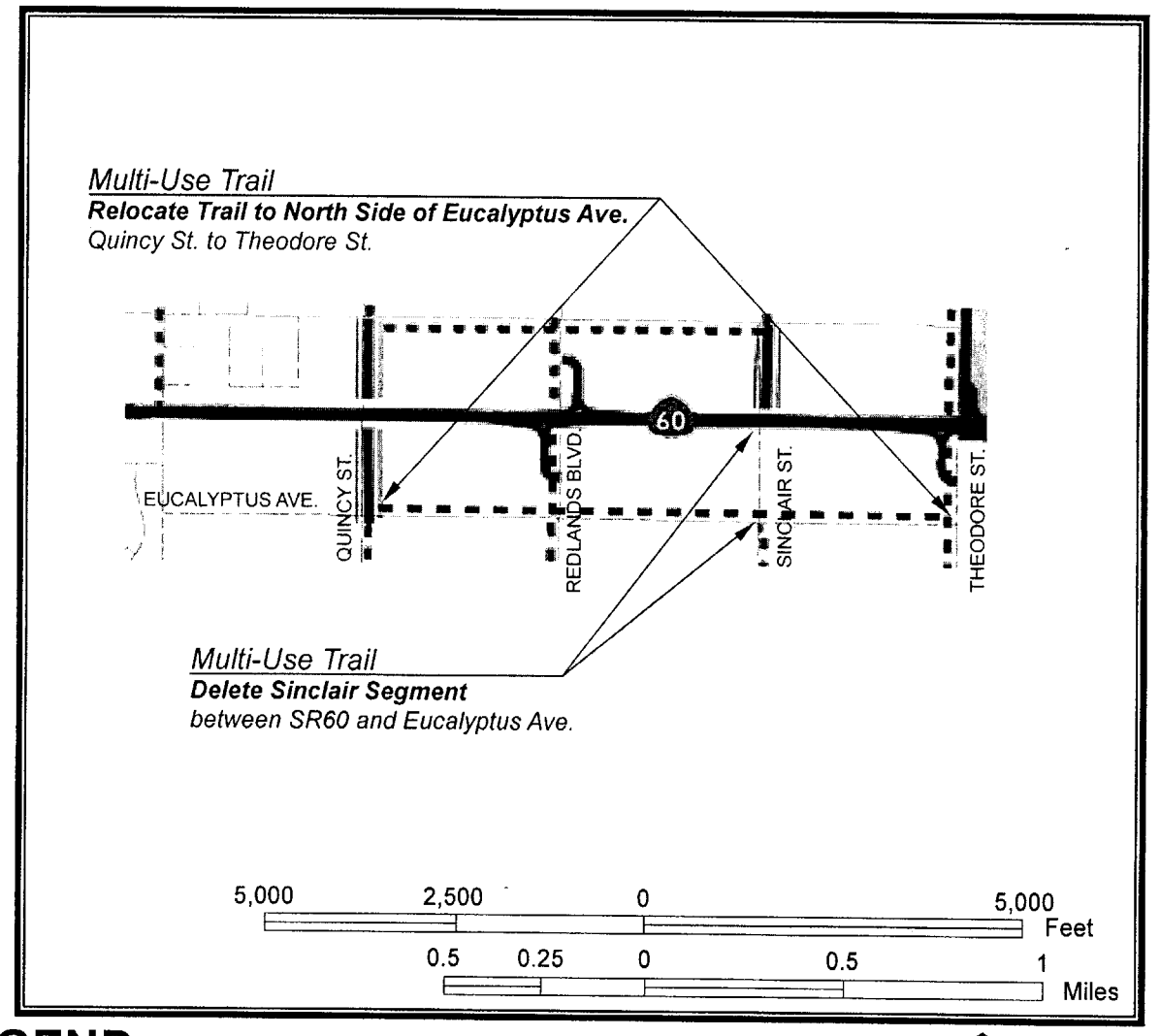

LEGEND

N

- Trail Staging - Existing
- Trail Staging - Proposed
- Streets
- Highways
- Improved Trail
- Multiuse Trail
- Proposed Trail
- Regional Trail
- State Trail
- Proposed Subject to Feasibility of Freeway Bridge or Underpass
- Badlands Landfill
- State and County Parks
- Moreno Valley
- Moreno Valley Sphere
- San Jacinto Wildlife Area
- Waterbodies

* Trail locations are approximate

EXHIBIT B

GENERAL PLAN AMENDMENT/LAND USE ELEMENT

Application No. PA07-0089

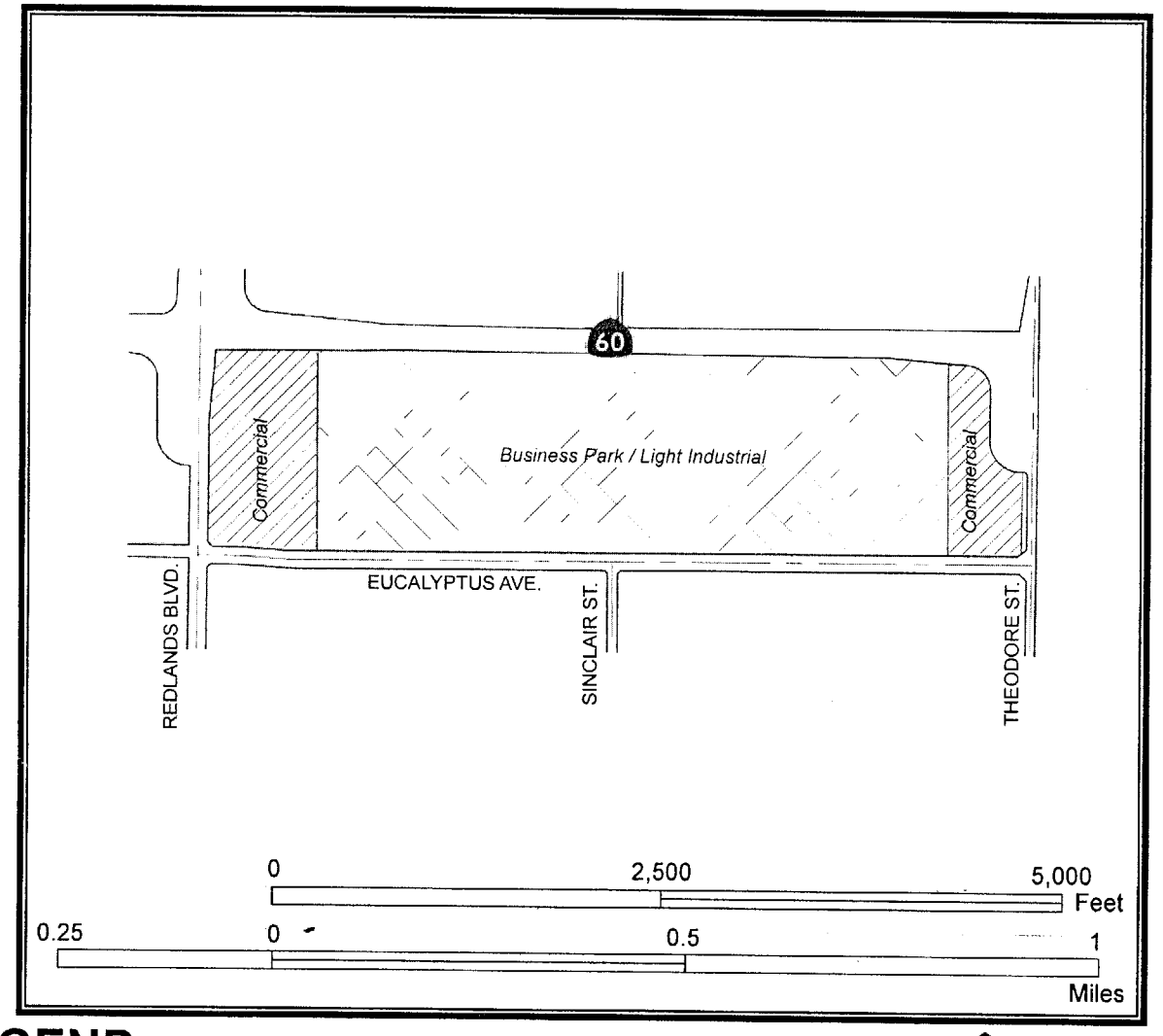

LEGEND

N

Business Park / Light Industrial

Commercial

EXHIBIT C

RESOLUTION NO. 2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) FOR FOUR SEPARATE BUILDABLE PARCELS AND TWO PRIMARY PARCELS DEDICATED FOR FREEWAY AND IMPROVEMENT PURPOSES (THIRTEEN PARCELS OVERALL TO INCLUDE LETTERED LOTS FOR PUBLIC ACCESS AND DEDICATION PURPOSES) AND A PHASED SUBDIVISION OF LAND (P08-057) CONSISTING OF A PROPOSED INDUSTRIAL AND COMMERCIAL DEVELOPMENT (2,620,000 SQUARE FEET) TO INCLUDE TWO PARCELS FOR INDUSTRIAL WAREHOUSE USES, TWO PARCELS FOR COMMERCIAL/RETAIL USES AND TWO PARCELS THAT WILL BE DEDICATED FOR FUTURE FREEWAY IMPROVEMENTS ON A 158 ACRE SITE (WITH ADDITIONAL OFF-SITE IMPROVEMENTS AND DRAINAGE) LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, the Highland Fairview., has filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3).. The project will include four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (and thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street;

The project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the

application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and recommended that the project be forwarded to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The applicant has proposed Tentative Parcel Map No. 35629 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map would be consistent with a proposed General Pan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future

Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 93 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

2. The site of the proposed land division is physically suitable for the type of development and proposed density of development.

   FACT: The proposed subdivision has been designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act. The proposed subdivision of vacant land complies with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, and noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said EIR will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public

health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction in 50 percent in particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer or minimize environmental impacts of the project from future sensitive receptors which could be constructed south of the site. Other mitigation throughout the EIR document reduces the remaining environmental impacts noted in the document to less than significant levels.

With the above mitigation measures imposed for items including noise, air quality, climate change/greenhouse gases, aesthetics and agricultural impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

4. The design of the proposed land division or type of improvements will not conflict with easements, acquired by

the public at large, for access through, or use of, property within the proposed land division.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements.

5. The design of the proposed land division or the type of improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, An Environmental Impact Report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

With mitigation measures imposed for noise, air quality, climate, aesthetics and agricultural and traffic impacts, impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations and not mitigated to less than significant levels. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The proposed map meets the intent of the General Plan if the proposed general plan amendment (PA08-0089) is approved. The map will provide for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The project does not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan. The project does not exceed a threshold, which would create potential significant impacts to fiscal resources. The project will supplement the City's fiscal resources by paying applicable impact fees for public facilities Additionally, future development within the four buildable parcels will pay Community Services District fees, property tax, sales tax, utility tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

7. The design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

   FACT: The size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The project conforms with any applicable provisions of the City's redevelopment plan.

   FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development impact fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the

applicant and will be determined at the time the fees become due and payable.

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0090, and the phasing implementation mechanism (P08-057) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

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

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-03, **APPROVING** PA07-0090 (Tentative Tract Map No. 35629) for a phased subdivision (P08-057) of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for warehouse industrial, retail, and freeway dedication purposes based on the affirmative recommendation of the Adoption

and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP No. 35629
Case No: PA07-0090 - To include P08-057 (Phasing Plan)
A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.

Approval Date:
Expiration Date:

The following conditions are attached for the following departments:

_x_ Planning (P), including School District (S), Post Office (PO), Building (B)
_x_ Fire Prevention Bureau (F)
_x_ Public Works, Land Development (LD)
_x_ Public Works, Special Districts (SD)
_x_ Public Works – Transportation (TE)
_x_ Parks & Community Services (PCS)
_x_ Police (PD)
_x_ Moreno Valley Utilities
___ Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

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

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

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

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

P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.

P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigtion plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)

P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)

P12. ((GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

P14. **(GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)**

P15. **A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **(GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**

P17. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)**

P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

MV00017369

PRIOR TO RECORDATION OF FINAL MAP

P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)

P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)

P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)

P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- **The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

MV00017370

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**

- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

markg/PA07-0088 through PA07-0091/MapCoa's

CITY OF MORENO VALLEY
COMMENTS - MAP
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of building plan submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D). **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

MV00017373

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

MV00017374

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

MV00017375

(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

MV00017376

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

MV00017377

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

MV00017378

i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

MV00017379

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

MV00017380

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

MV00017381

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

MV00017382

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD55. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.

LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

MV00017383

road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.

c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.

d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.

e. At proposed pavement transitions at edge of pavement.

f. As required by the City Public Works Inspector(s).

LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across

MV00017384

Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.

LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.

LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

MV00017385

parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

LD67. (MA) Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

MV00017386

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

MV00017387

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

   i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

   ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

   iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

   iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

   v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

   vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

   vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

MV00017388

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

MV00017389

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.

LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

MV00017390

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.

LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.

LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

MV00017391

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD84. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD85. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD86. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD87. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD88. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.

LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

MV00017393

within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

Phase 3 – Development Associated with Parcel 3 of PM 35629

In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.

LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

MV00017394

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0090 (TPM 35629)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0090**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

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successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Recordation of Final Map

SD-5 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map. (California Government Code) **This condition would no longer apply if the final map is recorded prior to the formation of the Public Safety Community Facilities District.**

SD-6 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-7 *Commercial* (R) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial

option selected to fund the continued maintenance. (California Government Code)

SD-8 (R) Prior to recordation of the final map, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Building Permit Issuance

SD-9 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley
Special Districts
14325 Frederick Street – Suite 9
P. O. Box 88005
Moreno Valley, CA 92552-0805

SD-14 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0090

Tentative Parcel Map for four parcels located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.

TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.

TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.

PRIOR TO GRADING PERMIT

TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE19. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**

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- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE20. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0090 (Map)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

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MVU Map Conditions of Approval Highland Fairview 12-18-08

MVU-1 (R) If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric service and utility-related telecommunication only "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

MVU-2A The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

The installation of any proposed temporary overhead electric distribution lines to be constructed to serve the subject project will be installed/executed pursuant to a temporary utility service agreement. The service agreement will address such things as the necessary electrical circuit protection, as well as the requirement to permanently relocate any temporary overhead to a permanent underground system in a timely manner (not greater than 36 months) consistent with the requirements of the service agreement and pursuant to applicable state law.

An electrical protection coordination study shall be performed and stamped by a registered professional electrical engineer in the State of California and submitted to the utility for review and approval prior to construction of the temporary overhead line consistent with the service agreement.

Once the protection settings are approved and test reports performed, a certified apparatus technician shall be submitted to the utility for review. Any protection studies shall be stamped by the applicant's registered professional electrical engineer.

A specific easement will be required for the entire overhead line extension constructed outside of the public right-of-way consistent with the service agreement.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

RESOLUTION NO. 2009-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA07-0091 (PLOT PLAN) FOR AN APPROXIMATE 1,820,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING WITH ANCILLARY COMMERCIAL/RETAIL AND OFFICE USES ON AN APPROXIMATELY 83 ACRE PARCEL GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street, and along future Eucalyptus Avenue (Fir Avenue);

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a tentative parcel map (PA07-0090). All of the discretionary applications are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to the City Council during the meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes an approximately 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposal conforms with the Business Park or BP General Plan designation, which allows for a variety of industrial related land uses from office and business park uses to heavier industrial land uses.

   Greater compatibility of the proposed land use with surrounding land uses in the general vicinity of the project will be achieved by project design, mitigation and conditions of approval. For example, dense landscape and proposed 11 foot screen walls used for screening purposes will allow for necessary compatibility of the intended industrial warehouse use with any surrounding commercial, business park or residential properties in the general vicinity that would be developed in the future.

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

   FACT:. The proposed project does not currently conform with zoning regulations of Business Park (BP), which would only allow for industrial buildings of 50,000 square feet or less from being developed. With a proposed 1,820,000 square foot warehouse industrial building, the applicant is requesting a change of zone to Light Industrial or LI. A 1,820,000 square foot warehouse building is

a permitted used within the LI land use designation. Various conditions of approval have also been included to address specific requirements, including but not limited to site improvements and aesthetic enhancements.

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

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum 50 percent particulate matter control, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that

an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be built south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With the above mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity on the proposed development and project and reduce impacts to public health, safety and welfare.

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

FACT: Surrounding land uses include Highway 60 to the north, vacant commercial land uses to the west, vacant business park uses to the east and vacant R-3 (Residential 3) single-family residential properties to the south of the site. The location, design and operation of the proposed project will be compatible with existing and planned land uses in the general vicinity with proposed mitigation measures, conditions of approval and design of the plot plan and architecture of the buildings. For example, dense landscape and proposed 11 foot screen walls provided for screening purposes will allow for necessary compatibility of the use with any surrounding properties in the general vicinity that would be developed in the future.

With the mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, including an approximate 440 foot buffer from the property line of the proposed property preventing development to occur on any of the land planned and zoned for residential development immediately to the south of the subject site, any environmental impacts from the proposed project and use will be significantly reduced. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development

and project, reduce impacts to public health, safety and welfare, and provide greater compatibility of land uses between the proposed project and surrounding properties in the general vicinity.

5. The project conforms with any applicable provisions of the City's redevelopment plan.

FACT: The project site does not reside in a redevelopment area or within the plan.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0091 (Master Plot Plan) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-____, **APPROVING** PA07-0091 (Plot Plan) for a 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses based on the affirmative recommendation of the Adoption and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)
APN: 488-350-001 through 002 and 488-360-001 through 012.

APPROVAL DATE:
EXPIRATION DATE:

_x_ **Planning (P), including School District (S), Post Office (PO), Building (B)**
_x_ **Fire Prevention Bureau (F)**
_x_ **Public Works, Land Development (LD)**
_x_ **Public Works, Special Districts (SD)**
_x_ **Public Works – Transportation Engineering (TE)**
_x_ **Parks & Community Services (PCS)**
_x_ **Police (PD)**
_x_ **Moreno Valley Utilities**
___ **Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of

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

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

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

GP - General Plan | MC - Municipal Code | CEQA - California Environmental Quality Act
Ord - Ordinance | DG - Design Guidelines | Ldscp - Landscape Development Guidelines and Specs
Res - Resolution | UFC - Uniform Fire Code | UBC - Uniform Building Code
SBM - Subdivision Ma

Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**

P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor**

Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**

P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**

P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)

P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

PRIOR TO BUILDING PERMITS

P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from

public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)

P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)

P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)

P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs

and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides

and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.

P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)

P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.

P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.

P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required.

P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.

P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

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PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)

P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)

P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)

P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.

P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of

alternative treatment measures may include, but not be limited to the following:

- Use of color; or
- Texture variation; or
- Roof line variation.

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- Application of water on disturbed soils a minimum of three times per day;
- Covering haul vehicles;
- Replanting disturbed areas as soon as practical;
- Restricting vehicle speeds on unpaved roads to 15 mph;
- Suspension of all grading activities during high wind speeds in excess of 25 mph.
- A Large Operation notification shall be submitted to the SCAQMD prior to construction.
- Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.
- Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.
- Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.
- Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment

using Level III diesel particulate filters.

P39. MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.

P40. MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.

P41. MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.

P42. MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.

P43. MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle

trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.

P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.

P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.

P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:

a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and

b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.

P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

P51. MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.

P52. MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.

P53. MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.

P54. MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.

P55. MM AQ-18. Food services shall be provided onsite.

P56. MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.

P57. MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.

P58. MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.

P59. MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian

MV00017427

nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.

P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.

P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.

P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:

1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;
2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;
3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.
4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and
5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.

P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.

P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.
2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,
4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as

provided in PRC Section 5097.98.

P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.

P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.

P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.

P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.

P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.

P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-

care centers, and schools within this area. (MM AQ-13)

P75. MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.

P76. MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P81. MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.

P82. MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.

P83. MM TT(C)-1. (CO) Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P84. MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at

Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

P85. MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.

P86. MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:

- The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.
- Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.
- Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.
- All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").
- Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.
- All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures.

Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.

- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
- The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).

P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.

P88. MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."

P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.

P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.

P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:

a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.

c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.

d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.

e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.

P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.

P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination

for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

P95. MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.

P96. MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.

P97. MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required. (Advisory)

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process. (Advisory)

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project. (Advisory)

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. (Advisory)

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY
COMMENTS – PLOT PLAN
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F4. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5) (ADVISORY)

F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3) (ADVISORY)

F6. Prior to building construction, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F7. Prior to building construction, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty–four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050) (ADVISORY)

F8. All roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050) (ADVISORY)

F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050) (ADVISORY)

F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050) (ADVISORY)

F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F13. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to Certificate of occupancy. They shall be maintained accessible. The interim Fire Master Plan (invasion line) will provide temporary fire protection during construction.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100) (ADVISORY)

F14. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1) (ADVISORY)

F15. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1) (ADVISORY)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9) (ADVISORY)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be

MV00017441

accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070) (ADVISORY)

F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1) (ADVISORY)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5) (ADVISORY)

F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5) (ADVISORY)

F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F22. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I) (ADVISORY)

F23. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050) (ADVISORY)

F24. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards. (ADVISORY)

F25. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

MV00017442

equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100. (ADVISORY)

F26. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14) (ADVISORY)

F27. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS). (ADVISORY)

F28. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H) (ADVISORY)

F29. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106) (ADVISORY)

MV00017443

F30. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106) (ADVISORY)

F31. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104) (ADVISORY)

F32. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7) (ADVISORY)

F33. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1) (ADVISORY)

F34. Prior to installation, Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105) (ADVISORY)

F35. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.

F36. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

MV00017444

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

MV00017445

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

MV00017446

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.
(Advisory)

MV00017447

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

MV00017448

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

MV00017449

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

MV00017450

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

MV00017451

LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)

LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

MV00017452

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures.
(Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

MV00017453

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD50. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD51. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD52. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD53. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.

LD54. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD55. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

MV00017454

shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

MV00017455

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.

LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

MV00017456

proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

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organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0091 (PP for a Warehouse Building),
PA07-0089 (GPA), and PA07-0088 (Zone Change)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0091**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

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successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD-5 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-6 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts prior to the City's issuance of a building permit. (California Government Code) **This condition would no longer apply if the building permit is issued prior to the formation of the Public Safety Community Facilities District.**

SD-7 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved

Median Maintenance), and pay all associated costs with the ballot process; or

b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance.

SD-8 *Commercial* (BP) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD-9 (BP) Prior to release of building permit, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0091

Plot Plan for approximately 1.8 million square feet of warehousing uses located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. **Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.**

TE2. **A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.**

TE3. **The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.**

PRIOR TO GRADING PERMIT

TE4. **(GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.**

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

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Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Each gated entrance shall be provided with the following, or as approved by the City Traffic Engineer:

a) A storage lane with a minimum of 75 feet queuing length for entering traffic.
b) Appropriate signing and striping.
c) The employee gated entrance along Eucalyptus Avenue shall remain open for a half hour prior to and a half hour after a shift change.

All of these features must be kept in working order.

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TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE19. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE20. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**
- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE21. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

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CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

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n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0091 (Plot Plan)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080) (Advisory)

PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient. (Advisory)

PD5. All exterior doors in the rear and the front of the buildings need an address or suite number on them. (Advisory)

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PD6. All rear exterior doors should have an overhead low sodium light or a light comparable to the same. (Advisory)

PD7. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees. (Advisory)

PD8. All landscape cover should not exceed over 3' from the ground in the parking lot.

PD9. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.

PD10. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.

PD11. Cash registers shall be placed near the front entrance of any retail portion of the establishment or as approved by the Police Chief.

PD12. Window coverings shall comply with the city ordinance.

PD13. No loitering signs shall be posted in plain view throughout the building, or as approved by the Police Chief.

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ENVIRONMENTAL IMPACT REPORT (EIR)

Under Separate Cover

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING AND LOCAL ASSISTANCE (MS 722)
464 WEST 4th STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
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CITY OF MORENO VALLEY

November 25, 2008

Mr. Mark Gross, Senior Planner
City of Moreno Valley
Community Development Dept.
14177 Frederick Street.
P.O. Box 88005
Moreno Valley, CA 92552-0805

Dear Mr. Gross:

Highland Fairview Corporate Park Draft Environmental Impact Review, TPM 35629, SCH #2007101132. Riv-60 PM 20.4/22.227

We have completed our initial review of the Draft Environmental Impact Review (DEIR) for the Highland Fairview Corporate Park, located in the City of Moreno Valley. The project is located in the eastern area of the city, bounded by State Route 60 (SR-60) to the north, the future Eucalyptus Avenue on the south, Redlands Boulevard on the west, and Theodore Street on the east. The project site and relevant offsite areas studied in this DEIR encompass approximately 265.3 acres.

It is difficult for us to comprehend that the 35 million square feet of warehousing planned for this part of Moreno Valley will have a less than significant impact on SR-60. It appears from the low numbers during the peak period that most of the traffic generated will be during non-peak hours. We believe the truck traffic will not only impact the Redlands and Theodore interchanges with SR-60, as noted in the DEIR, but also the mainline. Specifically, we recommend the following:

- An ultimate right of way dedication to accommodate 4 through lanes, a High Occupancy Vehicle (HOV) lane, and an auxiliary lane in each direction through Moreno Valley.
- Auxiliary lanes in both directions between Redlands and Theodore and between Theodore and Gilman Springs.
- Traffic analysis of the impact at the SR-60/Interstate 215 (I-215) interchange, at the SR-60 between Gilman Springs and I-10, and at the I-10/SR-79 interchange.
- A mitigation agreement between the City and Caltrans to provide a method for implementing this mitigation.

We also have the following comments based on the submittals received with a date of August 7, 2008:

Traffic Operations:

The following four comments are in reference to Appendix J of the DEIR, which is the Traffic Study Report:

- We recommend the inclusion of Traffic Signal Warrants for SR-60 EB/Redlands and SR-60 WB/Redlands Boulevard ramp termini intersections in Appendix H.
- We recommend all freeway mainline analysis sheets be provided for review
- We recommend that a Peak Hour Factor (PHF) of 0.92 be applied to all studied scenarios.
- Appendix A of the Traffic Study, Delay Worksheets, Existing + Ambient + Project (Phase 3) at Redlands/Eucalyptus, page A-99: Verify if the WB lane geometries that were shown in this scenario should be under "mitigation" on page A-144. Otherwise, lane geometries under the "without improvements" scenario should be used for analysis.

The following comments refer directly to the DEIR:

- We recommend the verification of the traffic volumes on SR-60 on page 5.14-32 in Table 5.14-14. Currently it shows lower volumes for Phase 3 than it shows for Phase 2 of the project.
- It is stated on page 5.14-29 that Caltrans LOS criterion is Level of Service (LOS) "E." However, Caltrans LOS standard is the transition between LOS "C" and "D." Please see the Caltrans Guide for the Preparation of Traffic Impact Studies, December 2002. The guide is available online at: www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf
- Page 4.14-34 currently states that Facilities will be designed according to City of Moreno Valley standards. Facilities within State Right-of-Way (R/W) should be designed in accordance with Caltrans Manuals, Standards and Specifications. We recommend that a similar statement be included in the final DEIR.

Electrical Operations (Synchro Analysis)

- Many intersections contain unbalanced and/or unacceptable LOS. Each phase within an intersection should fall within the standard transition between LOS "C" and LOS "D." Currently, there are intersections with an overall LOS within acceptable range, but a single phase is LOS "E" or "F."
- We recommend that all cycle lengths be optimized in the future-year analysis scenarios in order to achieve acceptable LOS results.

- A 3.5 second yellow time is used throughout the analysis. The yellow time should be calculated based upon the speeds on the roadway.
- A 0.5 all-red time is used throughout the analysis. The all-red time should be calculated based on the width of the intersection for safety.

Hydraulics and Storm Water Quality

- Appendix H.1, Runoff Management Plan, page 1-7 states, "It is assumed that Caltrans will construct and maintain debris control devices within the northern right-of-way of State Highway 60." However, there are no such debris control devices planned along this segment of SR-60 in the Caltrans District 8 Project Management Database. The conveyances under the highway conduct off-site runoff. Most sediment is from the undeveloped area to the north, not from roadway runoff. We recommend that this issue be addressed.
- Draft EIR, page 5.8-15, Erosion and Siltation states "However, sediment conveyed through the culverts may be deposited on the project site..." Appendix H.1 Runoff Management Plan, page 1-14 states, "Once Caltrans constructs sediment control devices to allow proper functioning of the culvert, only "clear" flows will be passed through to the site. Once the Sinclair Detention Basin is constructed, upstream..." Before the Sinclair Detention Basin is constructed, large amounts of sediment may flow into the project's proposed storm drains; clear flows should not be assumed. We recommend that the incoming sediment be addressed in the scenario before the construction of the Sinclair Detention Basin.

Thank you for providing us this opportunity to review this proposal and for your consideration of these, previous, and future comments. If you have questions about this letter, please contact me at (909) 383-4557.

Sincerely,

DANIEL KOPULSKY
Office Chief, IGR/Community Planning

c: Brian Hixson, Highland Fairview
Bobby Kohltfarber, RBF Consulting
Richard Goh, Caltrans D8
George Hague

Letter CT. State Department of Transportation, District 8 (Received 12/1/08)

Response CT-1.

This comment (1st through 4th Bullets) does not appear to relate specifically to the proposed Project. CalTrans has mistakenly identified the Project currently being considered by the City. That Project consists of 2,400,000 square feet of logistics facilities and 200,000 sq.ft. of commercial facilities. The 35,000,000 square feet mentioned in the letter is apparently a reference to the Logistics Modified General Plan Concept discussed in Section 8.3 of the Draft EIR. As pointed out on page 8-2 of the Draft EIR, the discussion is included in the Draft EIR because Highland Fairview is the owner of both the Project Site and a substantial portion of nearby land which may be the subject of an application to change the applicable planning and zoning to allow development of logistic facilities. The information is provided only in the interest of full disclosure. It is not part of the Project currently being considered by the City. Moreover, no application for such a change has been filed with the City and there is no guarantee that one will be filed. Therefore, to the extent that the recommendations on page one of the letter refer to the Logistic Modified General Plan Concept, when, and if, such an application is submitted to the City, it will be subject to review under CEQA and appropriate mitigation measures will be identified and imposed.

As documented in the EIR Traffic Study (Appendix J), and discussed in Draft EIR Section 5.14 Transportation and Traffic, and the Traffic Topical Response in Section 3 of the Final EIR Response to Comments document, the traffic impacts of the Highland Fairview Corporate Park project encompassing a total of 2.62 million square feet of building area do not warrant or justify the improvements or actions listed in this comment. The Traffic Topical Response - SR-60, pages 3-268-286 of the Final EIR, determined that the Project will not cause substantial impacts, individually or cumulatively, on SR-60 and, therefore, the nexus, discussed in CEQA Guidelines Sec. 15126.4(a)(4), required to impose exactions, whether through the dedication of land or through the payment of in-lieu fees, is absent. Nevertheless, the HFCP project right of way dedication on the south side of SR 60 along the project frontage does in fact accommodate the ultimate lane configuration that CalTrans is requesting in this comment (1st Bullet). Also, please see the referenced Traffic Topical Response for discussion of mainline SR 60 impacts from Interstate 215 to east of Gilman Springs Road.

Response CT-2.

The following responses correspond to bullets under the 'Traffic Operations' comments referring to the Traffic Study Report in Appendix J of the Draft EIR:

- (5th Bullet) Peak hour traffic signal warrants for the intersections of Redlands Boulevard at the SR-60 eastbound and westbound ramps (traffic study intersections #4 and #5) can be found in Table 6-9 on page 60 of the traffic study, the location for all off-site signal warrants. Appendix H contains only the signal warrants for project driveways.

- (6th Bullet) The SR-60 freeway mainline analysis sheets are included in Chapter 6 of the traffic study (pages 6-1 through 6-5) and in the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" located in Section 3.3 of the Response to Comments on the Draft Environmental Impact Report.

- (7th Bullet) In peak hour delay calculation methodology, a peak hour factor (PHF) adjusts a given volume by addressing the fluctuation in demand within the peak hour. A PHF can be derived from a traffic count, or a standard factor can be utilized (.92 is the default factor in the HCM software). When deriving a PHF from a traffic count, the total hourly volume is divided by the highest of four 15 minute interval volumes multiplied by four, and the result is the PHF. An example of the derivation of a PHF from a traffic count is described in the following paragraph.

  Peak hour counts collected over a two-hour time period are summarized in 15-minute intervals, with the highest consecutive four intervals determining the actual peak hour. A peak hour factor (PHF) can be calculated utilizing those four volumes (i.e., volumes of 15,18,8,5 for each of the four 15-minute intervals resulting in a total hourly count of 46) by dividing the total volume (46), by the highest interval multiplied by four (18x4=72), for a PHF of .64. The PHF is lower when there is a higher disparity in the four interval volumes than when the volumes are similar.

  In the traffic study, peak hour factors were derived from existing traffic count data (see Appendix G of the traffic study) and are used in the short-range analyses. The derived factors are lower than the standard default factor of .92 and, as discussed above, utilization of these factors *is a more conservative approach* than using the standard default factor. For example, when a .64 PHF is then applied to a volume of 150, the result is a higher adjusted volume (234) than when using a PHF of .92 (adjusted volume of 163). Thus, the lower the PHF, the higher the adjusted volume used in the delay calculation. A peak hour factor of 1.00 is used in the General Plan analyses, standard practice when calculating intersection delay for long-range time periods.

- (8th Bullet) The westbound leg of the intersection is a feature of the project and will be constructed with a separate left turn lane, through lane and right turn lane. This configuration is assumed under each scenario that includes the project, as indicated on page A-99 for Exist + Ambient + Project (Phase 3), on page A-137 for Exist + Ambient + Related Project + Project (Phase 3), and page A-144 for Exist + Ambient + Related Project + Project (Phase 3) with Mitigation.

Response CT-3.

The following responses correspond to bullets under the 'Traffic Operations' comments referring directly to the Draft EIR:

- (9th Bullet) Traffic volumes given on page 5.14-32 in Table 5.14-14 are for the Existing + Ambient + Project (Phase 3) scenario, and the corresponding volumes for Phase 2 are given in Table 5.14-13. (It should be noted that Table 5.14-14 was updated as part of the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" and these volumes are given in the table below.) The update did not change any of the project impacts or findings in the traffic analysis or Draft EIR and does not affect the response given below).

Table 1
FREEWAY IMPACT ANALYSIS
- Existing + Ambient + Project

Component	SR-60 West of Redlands			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	150	236
Project Trucks[2] – AM	45	44	50	56
Project pce[3] - AM	209	258	250	348
Total Project Vehicles[1] – PM	234	162	327	231
Project Trucks[2] – PM	56	47	71	59
Project pce[3] - PM	346	256	469	349
Component	SR-60 West of Theodore (Between Redlands and Theodore Interchanges)			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	55	68
Project Trucks[2] – AM	45	44	14	16
Project pce[3] - AM	209	258	83	100
Total Project Vehicles[1]– PM	234	162	106	99
Project Trucks [2]– PM	56	47	19	20
Project pce[3] - PM	346	256	144	139

[1]The total number of project vehicles including both light vehicles and trucks.
[2]Project trucks only.
[3]The project's passenger car equivalent (pce) volume (see Topical Response to Comments for full discussion on pce).
*The volumes given for Phase 3 are the updated volumes presented in the Topical Response to Comments – Section 3.3 of the Final EIR Response to Comments.

During each phase of the project, project traffic volumes increase but have access to different travel routes since Eucalyptus Avenue will not be connected to Redlands Boulevard until Phase 3. In Phase 3 the SR-60 volumes west of Theodore Street are lower than in Phase 2, however the volumes west of Redlands Boulevard are higher. The increase west of Redlands is due to the increased land use intensity in Phase 3 of the project. West of Theodore Street, a reduction occurs due to the redistribution of project traffic volumes with the opening of Eucalyptus Street to Redlands Boulevard. In Phases 1 and 2, Eucalyptus Avenue is only constructed to Theodore Street and all freeway-oriented project traffic must use the Theodore Street interchange. In Phase 3, Eucalyptus Avenue is connected westward to Redlands Boulevard and some project traffic that used the Theodore Street interchange in Phases 1 and 2 will redistribute to the Redlands Boulevard interchange, thus reducing the project volumes on the freeway segment between the two interchanges.

- (10th Bullet) The traffic analysis utilized Riverside County Transportation Commission's (RCTC) adopted minimum level of service threshold of "E" for state highways from the Congestion Management Program (CMP) (see page 4-2 of the "2007 Congestion Management Program for Riverside County" which can be found at www.rctc.org/downloads/congestionmanagementprogram.pdf.

Page 5.14-29 (last paragraph) of the Draft EIR has been corrected to reflect this in the Final EIR (Response to Comments Section 4).

- (11th Bullet) The City of Moreno Valley concurs that facilities within the jurisdiction of CalTrans be designed in accordance with CalTrans Manuals, Standards and Specifications.

Response CT-4.

(12th through 15th Bullets) As recommended in Caltrans Comment CT-2, the delay calculations in the traffic analysis do assume optimal signal cycle lengths (and optimal splits), and standard defaults were used to calculate the yellow and red times. As stated in the comment, some individual signal cycles (at a particular leg of the intersection) operate at an unacceptable LOS while the overall LOS is acceptable. When the actual signal design is carried out, the timing inputs can be established in a manner that differs from the optimization derived here.

Response CT-5.

(16th and 17th Bullets) Section 1.5.5 of the Runoff Management Plan (ROMP) inappropriately assumes an obligation for CalTrans to provide sediment control devices upstream of their culverts that pass under SR60. The text within the ROMP has been corrected (see attached revisions - TO BE PROVIDED) to remove the implication that CalTrans has any greater responsibility other than routine maintenance of their existing facilities.

Removing the assumption that upstream sediment control devices will be constructed has no impact on the adequacy of the currently proposed drainage facilities for the project. The details supporting this statement can be found in Section 5.8 "Regional Facilities" of the Draft EIR. In short, the existing culverts under SR60 are under-sized (based on Q_{100} - the flow that can be expected during a 100 year storm) causing flows to be detained north of SR60. The proposed project drainage facilities have been sized to accept the maximum flows that can pass through the Caltrans culverts. Therefore, an assumption of "clear flow" (all debris removed) or "bulked flow" (water and debris) does not alter the sizing of the project drainage facilities from a hydraulic capacity perspective. It should be noted that the proposed drainage facilities on the project site have been sized to accommodate maintenance equipment to properly deal with debris laden flows. Upon completion of the master planned facilities north of SR60, including Sinclair Detention Basin, which have been planned for, and which will be constructed by, RCFC&WCD, the peak storm flows will be reduced to 65% of the design flows utilized for the proposed project.

Thus, the Project's drainage facilities have been sized, and will be able to handle, all water and debris which can reach the Project Site through the existing culverts, with or without upstream sediment control devices.

RECEIVED

DEC 18 2008

PLANNING
CITY OF MORENO VALLEY

Mark Gross
Senior Planner
City of Moreno Valley

17, December 2008

Dear Mr. Gross,

Re: Highland Fairview Corporate Park's failure to test for the presence of Coccidioides Immitis, and Coccidioides Posadasii fungi.

I strongly believe that the health of Moreno Valley residents must be protected. I have not seen where soil testing has been done on the project site for the fungi known to cause Coccidioidomycosis, better known as Valley Fever.

The fungi which cause this serious illness is known to exist in the Inland Empire, and can be stirred into the air by anything which disrupts the soil such as construction. Once airborne these spores can be carried by the wind for distances of over one hundred miles. It medically reported that only one Coccidioides fungi spore need to be inhaled to cause this illness, and that the severity of the illness increases with the number of spores inhaled.

Coccidioidomycosis is a condition that is often misdiagnosed as other illnesses and diseases such as cancer, tuberculosis, and the common flue or pneumonia. As results of such, most cases are not diagnosed and treated in a timely manner, causing the need for more invasive testing such as lung biopsies.

Those more susceptible to the disease are those who have a lowered immune system, diabetics, the elderly and women who are in their third trimester of pregnancy, and immediately following the birth of their child (at this time there is not enough information as to the effects on the unborn).

Person with whom have been infected have been known to receive initial diagnosis of lung cancer based on chest X-rays which tend to show the presence of nodules much like that of cancer. Receiving this kind of news alone can cause great emotional pain and hardship to the person and family of such an infected person.

The State of California reports an infection rate of at least 35,000 new cases per year, with that number growing with time, and at one point was at epidemic levels in the Bakersfield area.

The testing of the project site's soil needs to be performed by an agency that is independent of the developer, and the result of such report sent directly to you without the developer knowing of its contents first. Upon your review of the report it should be made available for public review by means of postings in accordance with current law, and should also be made available review on the city's web site.

The main responsibility of The Planning Commission and the City Council members is to "protect the health, safety and welfare" of the city's residents. Failure to conduct these tests shows they are not fulfilling their official duties.

If needed members of my staff can be made available to assist you with any questions you may have regarding this condition.

Please enter my comments into the public records on The Highland Fairview Corporate Park project and make sure each Planning Commissioner and City Council Member receive a copy of this request for soil testing as soon as possible. I would also appreciate you notifying me of all future documents and meetings related to this project. I also need the final copy of the EIR sent to me and I hope all Moreno Valley citizens will have the full 30 days to read this massive document which has always been our City's practice.

Sincerely,

Mike Rios
29034 Cantabrria Ct.
Moreno Valley, CA. 92555
(951) 581-3132

Michael Brandman Associates

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December 23, 2008

Subject: **Response to December 17, 2008 Letter from Mike Rios Regarding Valley Fever Spore Testing**

The author of this letter expressed concern that the Highland Fairview Corporate Park project EIR did not propose to conduct soil testing to determine the presence of Coccidiodides Immitis, and Coccidioidis fungi (Valley Fever spores).

Michael Brandman Associates (MBA) air quality staff frequently addresses this issue in connection with projects in the San Joaquin Valley and other areas of California where Valley Fever spores have been identified as a concern. The key factor in determining whether Valley Fever is a potential concern for a particular project site is the existing conditions of the soil. Soils that have been disturbed by agricultural activity and plowing are not conducive to the life cycle of the Valley Fever spores. The spores are found in the top 20 centimeters of the soil (8 inches) which would typically be disturbed by plowing and irrigation. Alkali soils, still in the natural state with natural vegetation, have a much higher potential to be a source of the spores.

Soil Conditions on the Project Site are Not Conducive to Valley Fever. According to the Draft EIR Section 5.2 - Agricultural Resources, the predominant soils on the project site are San Emigdio series that are well-drained soils on alluvial fans and the Metz series, excessively drained soils on alluvial plains. The San Emigdio series soils are used for dryland grain, pasture, and irrigated citrus, walnut, alfalfa, apricot, and truck crops. Large portions of the site were used to grow grain and grapes during the early part of the century. The majority of the westerly section of the site starting at Redlands Boulevard at the west and Sinclair Street on the east has been used for boarding and raising horses since the 1940s. Approximately 20-acres immediately east of Sinclair Street contained a cluster of homes. The remainder of the site has been intermittently used for dry farming for a number of years. The type of soil and crops grown indicate that the soils would not be alkali and not conducive to the presence of Valley Fever spores. Since the project has been farmed and a part of the site previously developed, the probability of the soil harboring Valley Fever spores is very low.

The Incidence of Reported Valley Fever Cases is Very Low. It should be noted that cases of Valley Fever have been reported within western Riverside County and Moreno Valley within the past 2-3 years. According to the County of Riverside Department of Health[1], there have been a total of 48 cases reported in western Riverside County during the period January 2006 through September 2008. This represents 0.67% of the total 7,199 cases reported statewide during the same period[2]. A total of 7 cases were reported in Moreno Valley during this period, with only one of these reported within 2008. The reported Moreno Valley cases represent less than 0.01% of all reported cases statewide. The location of the

[1] Source: County of Riverside Department of Health-Epidemiology, Diagnosed Cases of Valley Fever in Western Riverside County, January 2006-September 2008 (12/22/08).

[2] Source: State Data Summaries of Communicable Diseases
[http://www.cdph.ca.gov/data/statistics/Documents/CM-SEP2008.pdf]
[http://www.cdph.ca.gov/data/statistics/Documents/CM-DEC2007.pdf]

reporting does not necessarily determine the origin or geographic source of fungus, however, as the Valley Fever spores can be transported by winds over significant distances.

Pre-Grading Testing for Valley Fever is Unreliable. Since the existence of the fungus in most soil areas is temporary to fleeting, extensive soil sampling and testing for the fungus to determine infectivity is not highly reliable[3]. Michael Brandman Associates is aware of no agency in California that requires pre-grading testing for the Valley Fever fungus.

Conclusions. Based on MBA's experience and analysis of the foregoing information, with significant weight given to the historic disturbances to the project site soils through previous agriculture activities, Valley Fever is not an issue at the Project site, and therefore, soil testing is not necessary. In any event, the mitigation measures that are typically applied in areas that have a high potential of Valley Fever spores are also uniformly applied throughout our region in compliance with South Coast Air Quality Management District fugitive dust regulations (Rule 403). As described in the Draft EIR Section 5.3 Air Quality, Mitigation Measure AQ-1 of the EIR already requires implementation of these measures. The rigorous application of these measures, which include watering, soil stabilization and soil trackout prevention, during construction will prevent fugitive dust and would reduce the possibility of Valley Fever occurring to insignificance even if the possibility of soils conditions harboring Valley Fever were not already very low.

[3] Conclusions of the Valley Fever Task Force Report on the Control of *Coccidioides immitis*, Kern County Department of Public Health. (August 1995); page 3.

PLANNING COMMISSION STAFF REPORT

Case:	PA07-0088 (Change of Zone) PA07-0089 (General Plan Amendment) PA07-0090 (Tentative Parcel Map No. 35629), to include PA08-057 (Phasing Plan) PA07-0091 (Plot Plan) P07-157 (Environmental Impact Report)
Date:	January 8, 2009
Applicant:	Highland Fairview Inc.
Representative:	Same as above
Location:	On the north side of Eucalyptus Ave., east of Redlands Blvd., west of Theodore Street and south of Highway 60
Proposal:	Tentative parcel map for a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of building area. The project site, now in the BP (Business Park) and CC (Community Commercial) land use districts, proposes a change of zone to LI (Light Industrial) for proposed industrial uses and a General Plan Amendment to eliminate a planned multi-use trail along the Sinclair Street alignment, the adjustment land use for 2 CC land use district

	parcels (126 foot width reduction on the east parcel and 87 foot width increase on the west parcel).
Redevelopment Area:	No
Recommendation:	**1. Provide a policy recommendation to the City Council regarding the requested change in property zoning from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and** **2. Based upon that policy recommendation, recommend approval or denial of the proposed project to City Council. An approval recommendation will be subject to the conditions of approval and mitigation measures imposed by and certification of an Environmental Impact Report (EIR)**

SUMMARY

The applicant, Highland Fairview Inc., is proposing a project with warehouse industrial and future commercial land uses on a block of property bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street, and the Moreno Valley Freeway (Highway 60). The project site encompasses 158 gross acres of land. The project applications include a tentative parcel map to subdivide into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a plot plan for a 1,820,000 square foot warehouse industrial building under Phase 1, with 2 additional phases for a total of 2,620,000 square feet of building at project buildout. The identified tenant for the first phase warehouse is Sketchers.

Before considering the proposal, a policy decision will need to be made regarding the proposed General Plan Amendment and Change of Zone. The proposed Change of Zone from BP (Business Park) to LI (Light Industrial) would allow warehouse/industrial buildings larger than 50,000 square feet at the project site. The current zoning arose from discussions during the update of General Plan and zoning consistency in 2006, which envisioned the preclusion of large warehouses in favor of smaller business park uses.

The proposed General Plan Amendment includes four items, two of which are related to modification of the Master Plan of Trails, including the elimination of the Sinclair Street alignment from new Eucalyptus to Highway 60 and extending and moving a planned trail from the south to the north side of future Eucalyptus from Quincy Street to Theodore Street, another to modify the Circulation Plan and allow landscaped medians on future Eucalyptus Avenue and finally a minor modification between industrial and commercial land uses.

PROJECT DESCRIPTION

Project

The proposed project creates four buildable parcels and approximately 2,620,000 square feet of building area, consisting of a 1,820,000 square foot logistics warehouse building on Parcel 1 (Phase 1), a 600,000 square foot building on Parcel 2 (Phase 2), 80,000 square feet of retail on Parcel 4 (Phase 2) and 120,000 square feet of retail on Parcel 3 (Phase 3). The project includes a plot plan for Phase 1. Future phases would require the submittal of additional plot plans. The project site includes an area of approximately 158 acres, located just south of Highway 60 between Redlands Boulevard and Theodore Street. Offsite infrastructure including street improvements, downstream drainage, overhead utilities and other improvements raise the total study area for the EIR to a total of 265.3 acres.

In order to recommend approval of the proposed project stated above by the Planning Commission and then to ultimately consider approval at the City Council level, a policy decision would need to be made regarding the proposed change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. The General Plan land use designation of Business Park/Industrial would allow the project as currently proposed, and does not need to be amended. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Two additional large warehouse industrial projects that have been submitted to the west of the subject project would require similar changes in zoning to proceed. Both are currently progressing through the City review process and therefore have been included in the environmental review document cumulative project analysis. The projects are the proposed Prologis warehouse industrial project consisting of approximately 2,268,000 square feet located on the south side of State Route 60 and east of Moreno Valley Auto Mall, along Eucalyptus Avenue, between Pettit Street and Quincy Street and the proposed Ridge Property Trust industrial warehousing project totaling approximately 944,000 square feet on the south side of Highway 60, between Quincy Street and Redlands Boulevard.

If the Planning Commission recommends approval of a policy decision to allow more intensive land uses on the east end of the City along Highway 60, the remaining components of the project may be evaluated and recommended to the City Council for approval. The applicant, Highland Fairview, is requesting the following discretionary permits for the proposed project:

1. General Plan Amendment (PA07-0089)

The General Plan land use designation on Parcel 1 is BP or Business Park/Industrial. This designation allows for a wide variety of industrial land uses such as office/technology, manufacturing uses, small industrial warehouse buildings (50,000 square feet or less) and large industrial warehouse buildings (greater than 50,000 square feet). A General Plan amendment is not necessary to change the underlying General Plan designation for Parcel 1, as the proposed large industrial warehouse use is permitted under the current General Plan designation of BP.

The General Plan amendment covers four proposed changes, with two modifying the Master Plan of Trails, one modifying the Land Use Map, and one modifying the Circulation Plan. The following summarizes each of the applicant's proposals:

A. Proposed Changes to the Master Plan of Trails

Two specific changes are being proposed to the Master Plan of Trails. The first includes the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Street) between Sinclair Street and Redlands Boulevard. As Sinclair is not anticipated to carry significant vehicular traffic, the feasibility of financing a future freeway bridge would be difficult to accomplish.

The second change in the General Plan Master Plan of Trails is the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus.

The Recreational Trails Board reviewed the proposed changes on two separate occasions. On January 23, 2008, the Board reviewed and concurred with the applicant's request to remove the trail extension over Highway 60. To mitigate the trail elimination, the Board recommended an extension of the planned trail from Sinclair to connect to a planned trail on Theodore Street. On July 23, 2008, The Recreational Trail Board brought the item back for reconsideration of the original recommendation in January. At that meeting, the Board recommended that the trail be removed from the General Plan over State Highway 60, with the trail shifted to the north side of the future Eucalyptus extending from Redlands Boulevard to Theodore Street. With this recommendation and concurrence from the applicant, the General Plan amendment was expanded to include the trail extension. Although the applicant will only be responsible for a portion of this trail from Redlands Boulevard to Theodore Street, the change of trail location to Quincy will provide consistency within the trail system to provide one continuous trail on the north side of Eucalyptus from Quincy Street to Theodore Street.

B. Proposed Changes to the Land Use Map

The project will require a General Plan for a proposed change in land use for the areas between proposed Parcels 2 and 3 and Parcels 1 and 4. The area between Parcels 1 and 4 would widen by 126 feet the CC (Community Commercial) land use district and narrow by 126 feet the BP land use district. The area between Parcels 2 and 3 would narrow the CC land use district by 87 feet and widen by 87 feet the BP land use district.

C. Proposed changes to the Circulation Plan

The applicant, Highland Fairview, is requesting the addition of landscaped medians along future Eucalyptus Avenue in front of their project which would require a change in the Circulation Plan to from an arterial to a divided arterial between Redlands Boulevard and Theodore Street. Both street classifications include four lanes. Landscaped medians would increase the street capacity by limiting potential turning movement conflicts and will improve the aesthetics along the streetscape.

2. Change of Zone (PA07-0088)

In addition to the adjustment of the commercial land use lines between the three parcels, the applicant is requesting that the existing zoning classification on Parcels 1 and 2 to change from Business Park (BP) to Light Industrial (LI). This includes the approximate 82 acre parcel that is proposed to house the Skechers warehouse industrial building.

Although the General Plan designation of BP/I would allow the project as currently proposed, the current zoning designation of BP would not allow for the large warehouse industrial uses proposed under the Phase 1 plot plan or Phase 2. Therefore, the applicant has requested a change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Land uses to the south across future Eucalyptus are residential. Buffering of the industrial land use from the residentially zoned properties to the south was a concern raised and reviewed in the project Environmental Impact Report. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. Although there is no current residential development immediately to the south of the project site, the area has been reviewed as a sensitive receptor for possible future residential development.

In order to provide greater compatibility between current and proposed land uses, the EIR proposes a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or similar sensitive receptors would not be permitted within this buffer area subject to deed restrictions placed on all properties within the buffer zone. Without a change to the affected residential properties, the remaining uses permitted on those properties will be very limited.

3. Tentative Parcel Map (PA07-0090) – To include PA08-0057 (Phasing Plan)

Tentative Parcel Map No. 35629 proposes to subdivide an approximate 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication). Pursuant to Municipal Code requirements, all buildable parcels have direct access to a right of way.

Proposed land uses vary for the four buildable parcels. The applicant proposes to include a phasing plan as an implementation mechanism to approve three individual phases of the project. The first phase of the project will include all on-site and off-site infrastructure associated with that development and a 1,820,000 square foot warehouse industrial building on Parcel 1, except for the planned multi-use trail. The Parks and Community Services conditions require the multi-use trail along Eucalyptus Street and Theodore Street to be completed when Eucalyptus Street connects to Redlands Boulevard and Theodore Street (Phase 3) or at the discretion of the Parks and Community Services Director and allows for a cash payment in lieu of construction of the improvements. The second phase of the proposed project includes all on-site and off-site infrastructure associated with that development of a 600,000 square foot expansion to the Phase 1 warehouse industrial building onto Parcel 2 and an 80,000 square foot retail/commercial use on Parcel 4. The third phase consists of all remaining on and off-site improvements associated with Parcel 3 and an approximate 120,000 square foot retail/commercial use and building. Parcels 5 and 6 will be designated primarily for State Highway 60 dedication purposes for future freeway interchange improvements.

The proposed design of the map conforms to all development standards of the Municipal Code All proposed lots either meet or exceed the minimum standards for the land use districts, including lot size, lot width and lot depth. In addition the proposed tract conforms to the provisions of State Law, including requirements within the Subdivision Map Act.

4. Plot Plan

A plot plan is required to look at specific building and site improvements that are proposed to be constructed. The plot plan covers the Phase 1 building, including detailed parking lot design and elevation drawings of the development.

The proposed tenant for Parcel 1 is Sketchers, which proposes to relocate from their smaller Inland Empire location to this site. Parcels 2 through 4 will be developed in the future, and conditioned to file discretionary plot plan reviews. The scale and location of the future phases would require Planning Commission review.

The proposed industrial warehouse use located on Parcel 1 will include a 1,820,000 square foot logistics use with approximately 10,000 square feet designated for retail uses. The plot plan includes requirements consistent with the Municipal Code for building elevations, parking, access, landscape, and other development components. Each will be discussed later in this report.

Site

The site is currently vacant, with limited weedy vegetation. Based on an inspection conducted on the site, there was no standing water or riparian vegetation evident.

Although various structures were included on the site as part of the Kerr Stock Farm or Kerr Ranch in operation from the 1920's to the late 1990's, including a single family home and other structures for the farm/ranch and the boarding or race horses, all have been cleared from the site. In 2007, a demolition permit was issued to remove all structures from the site.

The applicant and their consultant, Michael Brandman Associates, conducted a Historic Resources Assessment dated December 7, 2006 for review by City staff. The historic evaluation determined that none of the buildings or structures located on the site were eligible in terms of the California Environmental Quality Act (CEQA) guidelines or listed on the cultural resources list of the state. Therefore, no further investigations or mitigation measures were required prior to removing the buildings and structures located on the parcel. The Environmental and Cultural Advisory Committee concurred with conclusions of the report in 2007.

Surrounding Area

The project site is surrounded by State Highway 60, Office (O), and Residential 1 (R1) parcels and scattered development to the north, a vacant Community Commercial (CC) parcel and RA2 (Residential Agricultural-2) parcels with some scattered residential development to the west and southwest, vacant Business Park (BP) and Residential 5 (R5) to the east and southeast and vacant Residential 3 (R3) to the south.

Based on the applicant's project and proposed buffer area just south of Eucalyptus Avenue, residential land use totaling 21 acres and the potential to develop approximately 63 units would be precluded. If residential density was to be transferred to other areas of the City or adjacent property that the applicant owns to replace the housing units, both General Plan amendments and Change of Zones may be required.

Although the site is in close proximity to the Moreno Highlands Specific Plan (just south of the subject site), the project does not include or change land uses anywhere within the Specific Plan area. The Environmental Impact Report refers to a possible future project by the Highland Fairview (owners of property to the south of the site including a large portion of the Moreno Highlands Specific Plan). No applications have been filed with the City for any such project. If a project of this nature is proposed by the applicant in the future, it would be subject to a completely separate review process, including a separate environmental impact report. No land use changes beyond the current 158-acre site are included in the current applications.

Access/Parking

There will be a total of five (5) access points off of Fir/future Eucalyptus Avenue provided for Phase 1 and the proposed 1,820,000 square foot Skechers building. The easternmost driveway between Parcels 1 and 4 would be shared with a reciprocal access agreement required. All points of access have been reviewed in the traffic study and approved by the Transportation Division. Access points for future phases would be determined in conjunction with future applications for those sites.

Access from the Phase 1 project would be entirely from Theodore Street and the Theodore Street interchange. New Eucalyptus Avenue would not extend to Redlands Boulevard until Phase 3 of the project.

Truck loading is provided on both sides of the Phase 1 warehouse industrial building, adjacent to Highway 60 (north elevation) and future Eucalyptus Avenue (south elevation). All loading areas will include a decorative screen wall and/or dense landscape to screen all truck activity from public view. As the proposed site grading varies between approximately 20 and 30 feet below the freeway grade, the limited view from Highway 60 along with a low decorative wall and dense landscaping would screen loading activity away from the freeway.

According to the plot plan submitted for Phase 1, parking would include 715 total vehicular stalls, including accessible parking stalls. This exactly meets the 715 vehicular stalls required by City code for the 1,820,000 square foot warehouse industrial building, including parking necessary for the ancillary office and retail uses.

Truck parking is included on site, with 306 trailer parking stalls provided. This is well above the 254 dock doors that are proposed on the building. A minimum one to one ratio is recommended.

Bicycle parking is also provided at the required amount of five (5) percent of the required parking. Therefore, spaces for 36 bicycles have been proposed for the site and will be scattered among the designated office areas and the portion provided as commercial/retail.

Access and parking for all other parcels not included in Phase 1 will be reviewed and approved under future plot plan reviews.

Design/Landscaping

As indicated previously, the site will sit approximately 20 to 30 feet below the current elevation of Highway 60. Therefore, the mass of the building will be greatly diminished compared to a structure at grade with the freeway. A Site Line Distance analysis has been included in plan form on the plot plan and within the EIR for the project.

Site design of the proposed warehouse industrial building is consistent with that required within the Municipal Code. All proposed industrial buildings will include a pleasing visual treatment along public right of ways where streetscape plant materials and architectural treatments provide visual character. Loading bays and storage areas will be screened to minimize visual impacts. Dense landscape will be provided along future Eucalyptus Avenue for Phase 1 and along Highway 60 with tree rows that would screen out truck activity and break up the massing of the large building. The building will meet setback requirements established within the Municipal Code, with primarily landscape, multi-use trail and parking areas visible from the streetscape.

The architectural design of the proposed building includes a modern architecture with a "fish-scale" panel design with individual tilt-up panels that angle out and up to provide shadowing and visual interest. The building is proposed for a monochromatic color scheme broken up by the shadowing and metal louvers. Tree rows will be strategically placed along the freeway elevation (one row of palms and two rows of pines) to allow for view corridors to the upper half of the building. Primary elevations on the east and west ends of the building and along the southern elevations will include reflective glass, metal features (louvers, panels and screens), as well as decorative pop-out windows and recessed glass. Roof top equipment will be screened from public view by the building parapet walls.

A variety of screening mechanisms (i.e. decorative screen walls) will be placed around the loading and employee parking areas. Eleven (11) foot high solid decorative block perimeter walls with pilasters or design elements to break up the wall will be provided for screening of truck activity from all public right of ways for industrial related uses. In addition, dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall. Mature trees with a size minimum of 36 inch box will be included along the Highway 60 elevation to provide further break-up of the architecture.

Landscaping for Parcel 1 would exceed the amount of typically provided for industrial facilities. Typically, landscaping is provided on roughly 15 percent of an industrial site. In this case, landscape is being proposed on roughly 22 percent of the parcel. The differential is primarily due to the lowering of the site resulting in extensive slope areas. Landscaping for the site will be drought tolerant in nature with primarily low water using species. A landscape and irrigation plan will be required to be submitted prior to the approval of a grading permit and approved by the Planning Division prior to approval of a building permit. Landscaping will be required along all front yard areas and adjacent to designated parking lots, with additional screening provided adjacent to loading areas and enhanced landscaping at entryways to the site along the Eucalyptus frontage.

All proposed detention basins included on the plan shall be maintained by a property owners association. Landscape (trees, groundcover and shrubs) and irrigation shall be placed along the sides of all proposed detention basins. A minimum of a hydroseed mix and irrigation shall be included at the bottom of the basins. Design for all other parcels, not including Parcel 1, will be provided for review when future plot and elevations plans are provided. Any proposed wall or monument signs that may be shown on any plans will be reviewed and approved at a later date, as signs are not a part of this approval and under separate administrative permit.

The developer proposes to include overhead electrical service from the nearest source to the building for approximately one mile along Redlands Boulevard due to property obstructions. All other utility lines for the project will be established underground. Overhead lines along Redlands Boulevard would be placed underground in conjunction with future adjacent projects.

To date, building elevations plans have not been provided by the applicant for the northeast portion of the building adjacent to Highway 60 and Theodore Street. As this is the focal point of the building, a condition of approval has been added to provide this detailed elevation to the Planning Commission for review and approval.

REVIEW PROCESS

On August 14, 2007, the proposed project was submitted and deemed incomplete due to a number of missing submittal requirements. The project was deemed complete on May 8, 2008 after the submittal of additional documents, most notably building elevations. To assist in the timely processing of the project, it was first reviewed by the Project Review Staff Committee (PRSC) on September 12, 2007, while still in an incomplete status. During the above meeting, specific items were required to be submitted or revised prior to submitting for subsequent reviews. Most notably, staff comments included, but were not limited to the completion of various studies by the applicant, including water, traffic, noise, biological assessment, drainage and air quality, the completion of an Environmental Impact Report (EIR), the completion and approval of a Water Quality Management Plan (WQMP), drought tolerant landscape in all planter areas, the modification of vehicular parking, including diamond and finger planters, modification of loading design and driveways on some of the buildings, and the submittal of elevation plans to include four sided architecture for all buildings. At

the conclusion of said review, written comments were provided to the applicant in order to make the necessary corrections and submittals.

On two subsequent occasions, the project was reviewed by PRSC with the applicant present, including meetings on May 20, 2008 after the project was deemed complete and October 8, 2008. At those times, follow up and/or repeated comments were made regarding landscape, project design and architecture of the proposed industrial buildings.

To date, the applicant has submitted revised plans to address a majority of the PRSC's initial concerns. With the inclusion of specific conditions of approval, all of the concerns of the PRSC have been addressed.

After reviewing the draft conditions of approval, the applicant identified a number of concerns. In response to these concerns, staff made a number of revisions/refinements to conditions of approval where it appeared both reasonable on technical grounds and within the administrative discretion of staff to do so.

However, there is a particular condition of approval proposed by staff - requiring the developer to provide landscaping within the Caltrans right-of-way adjacent to the project - from which the applicant seeks relief. In this case though, staff does not have the authority to eliminate/modify the condition because if derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Thus, staff is seeking policy direction from the Planning Commission as to whether to retain/modify this condition of approval.

By way of background, in the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan; a few residential projects have been conditioned to install of participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan - some of this landscaping has thrived while some has suffered over the intervening years. Notably, the recent Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note is that the two adjacent warehouse industrial projects - Prologis and Ridge Realty - have been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects represent two miles of the City's freeway frontage.

ENVIRONMENTAL IMPACT REPORT

An Initial Study was completed after all discretionary applications were deemed complete. (Attachment No. 5). Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued October 29, 2007, and a public meeting to receive

input on the issues to be covered by the EIR was held at City Hall on November 26, 2007. Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Michael Brandman and Associates and submitted to the City and its peer consultant for review. After City review of the draft environmental documents and revisions to address City questions and concerns, per California Environmental Quality Act (CEQA) Guidelines, the Draft EIR was circulated for a 45-day public review period. Notice of completion and availability of the Draft EIR was documented with a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. To facilitate increased input, the City accepted comments well past the 45-day review period. The Draft EIR was sent to numerous State and local agencies and interested parties on August 5, 2008, as well as to the City's Environmental and Historical Preservation Board. Thirty-one comment letters were provided during the 45-day review period. An additional two letters were received subsequent to the review period and included in the EIR process. Responses to all of these comments are included in the Response to Comments. A comment letter was received from the State Department of Transportation on December 1, 2008, 73 days after the end of the 45-day review period. A letter from a local resident was received on December 18, 2008, 90 days after the end of the comment period. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on December 19, 2008, to allow for their review prior to Planning Commission hearing. This notice period exceeds the minimum notice period of 10 days as provided for in CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

In briefly summarizing the key points of the document, analysis presented in the Draft EIR indicates that the proposed project will have a number of potentially significant impacts, either individually or cumulatively on aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gas impacts, as described in detail in Draft EIR that cannot be reduced to a less than significant level even with proposed mitigation. As identified in the document, cumulative impacts for these noted impacts above are considered to be significant and unavoidable. The Draft EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts for Aesthetics and Air Quality. All other environmental effects evaluated in the Draft EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval under the Planning Division.

Although traffic and transportation would be considered a less than significant impact with mitigation measures imposed, the project will produce vehicular and truck related traffic materially different from the current BP zoning, and therefore a traffic impact analysis was prepared. The Transportation Engineering Division (TED) staff reviewed the revised traffic impact analysis dated July 14, 2008 for the proposed

warehouses/commercial project. Project build-out is assumed to be in the Year 2012 and is projected to produce 769 AM peak hour trips, 1,157 PM peak hour trips, and 15,339 daily trips. These trips are inclusive of both cars and trucks and do not include any adjustments to convert truck traffic to their equivalent in passenger cars (commonly abbreviated as PCE's or "passenger car equivalency factors"). The percentage of trucks during the peak AM periods is 19 percent and during the peak PM periods is 15 percent, and the total daily truck percentage for the project is 14 percent. The level of service analyses contained within the study accounted for the disproportionate traffic impacts of trucks directly, through truck percentages as opposed to the use of PCE factors. The study assumes that Eucalyptus Avenue will only connect to Theodore Street for Phases 1 and 2, while Eucalyptus Avenue would connect to Redlands Boulevard at the time of Phase 3. In this case, all project traffic for Phase 1 and 2 travels through the intersection of Theodore Street and Eucalyptus Avenue.

The EIR includes specific mitigation measures related to traffic and transportation related impacts. Due to limited existing pavement at the SR-60 ramps at Theodore Street and Eucalyptus Avenue not existing at this time, pavement widening would be required at the ramps and the Theodore Street/Eucalyptus Avenue intersection to accommodate turning trucks. Other mitigation measures addressed in the EIR include turn lanes provided along Theodore Street at State Route 60 and Eucalyptus Avenue and the construction of the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue and a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. In addition, various improvements are planned for the Redlands Boulevard interchange, in which the applicant would participate in fair share funding and specific interim improvements.

Another key environmental issue that the EIR analyzes is the applicant's request for 24 hour grading operations, which would include environmental air quality and noise impacts associated with the use. The applicant has requested the "around the clock" grading to meet the timeframe specified by Skechers to occupy the Phase 1 building. In order to mitigate or lessen these ongoing grading operation activities required to produce a building, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Although impacts to aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gases cannot be reduced to less than significant levels, the California Environmental Quality Act (CEQA) allows for statement of overriding considerations and findings to be considered. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report as Attachment 2 for review and consideration.

The Planning Commission will have the opportunity to take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be approved, the City Council will have the opportunity to review the final environmental document, receive public testimony and either certify or reject the Environmental Impact Report (EIR) and subsequent Mitigation Monitoring Program.

NOTIFICATION

All responsible agencies, interested parties and property owners of record within 300 feet of the project were provided a notice of the project public hearing. In addition, the copy of the Draft Environmental Impact Report was sent out to all responsible agencies, and interested parties that had asked to be included on a mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received approximately 33 responses to the notice of preparation of an Environmental Impact Report; which was sent to all potentially affected reviewing agencies. Comments on environmental issues included and discussed within the Draft EIR were provided specific environmental responses within the Final EIR.

All comment letters and required response to comments are included in the final Environmental Impact Report (See attached). Two additional comments were provided well after 45 day comment period. This includes comments from Caltrans and a local resident. Attachments 7 and 8 include the letters and responses to comments.

STAFF RECOMMENDATION

That the Planning Commission:

1. **PROVIDE** a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and

If a change in policy is recommended by the Planning Commission:

2. APPROVE Resolution Nos. 2009-01, 2009-02, 2009-03, and 2009-04 **RECOMMENDING** that the City Council **CERTIFY** the Environmental Impact Report (EIR), and **APPROVE** PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Plot Plan) and PA07-0091 (Tentative Parcel Map No. 35629) including phasing (P08-057) for the subdivision of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication) for a 2,620,000 square foot industrial/commercial development, including a plot plan for a 1,820,000 square foot warehouse industrial building (Phase 1), subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions and conditions of approval, attached as Exhibit A to the resolutions.

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No.2009-01 with Statement of Overriding Considerations and Mitigation Monitoring Program.
3. Planning Commission Resolution No.2009-02
4. Planning Commission Resolution No. 2009-03, including conditions of approval
5. Planning Commission Resolution No. 2009-04, including conditions of approval
6. Environmental Impact Report (Previously provided to the Planning Commission in disk format)
7. Caltrans Letter and Response to Comments
8. Letter from Mr. Mike Rios and Response to Comments
9. Aerial Map
10. Zoning Map
11. Reduced Map
12. Reduced Site Plan
13. Zoning and Land Use Boundary Change Map from EIR

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 8TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Jane Halstead, City Clerk
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Principal Land Development Engineer
Clement Jimenez, Senior Land Development Engineer
Carlos Rodriguez, Fire Safety Specialist, Fire Prevention
Rick Hartman, Deputy City Director for Development Services
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Jennifer Terry, Special Districts Management Analyst
George Hansen, Electric Utility Division Manger
Ralph Scharffenberg, Special Districts Landscape Development Coordinator
Marshall Eyerman, Special Districts Program Manager

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

CHAIR DE JONG – Item 400 is the approval of the Agenda

COMMISSIONER RIECHERS – So moved

COMMISSIONER GELLER – Second

CHAIR DE JONG – Okay, I a motion and a second. Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0, with one Absent (Commissioner Springer)

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are on display at the side of the room there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission and I have three Speaker Slips. I'll call you up... two names please. There is a three minute limit to your speaking... Gordon Tucker followed by Mike Rios. Would the second speaker please be ready to speak when the first speaker is done? Your name and address for the record please...

SPEAKER TUCKER – Good evening Commission, I would just like to make a simple comment that I'm not 100 percent behind this warehouse nor am I one hundred percent against the warehouse, but I am one hundred percent against the tactics in which we've gotten to this point. That's it.

CHAIR DE JONG – Thank you... Mike Rios followed by George Hague

SPEAKER RIOS – Good evening Commission, my name is Mike Rios. I'd like to start by saying that I want to thank everybody who showed up tonight whether you are for or against the project. It shows that you care about your community and that you want to do the right thing and hear what is going on. Basically this has been a hot issue during the campaign and remains to be as of today. Whether you are for or against the warehouse, this is one of the biggest decisions that Moreno Valley has had to face in decades and we need to very much pay attention to what the people have to say because the people should be the ones that decide what really happens in their City. Now I'm for jobs and I see

MV00017500

a lot of people with job shirts. Unfortunately this project is going to be fully automated and the public has to understand that.

CHAIR DE JONG – Excuse me Mr. Rios, this really is regarding the subject matter... This section is for items that are not on the Agenda

SPEAKER RIOS – Okay, well... yeah okay... What I just want to say is basically I want all the people to pay attention to what's going on and this City right now in a crisis. The whole State is in a crisis and a recession and these jobs that will be created will help our community but we need to really study what's going on with the EIR and everything that's happening and again the people should be the ones who decide what happens for their City. If the majority of the people want this project, I will back it. If the majority of the people don't want the project, I won't back it. It's up to the people to decide and I just want their voice to be heard. This is why I started my campaign to make sure that the people's voice is heard and their decisions are respected. I will address this issue on matters of the Agenda and I want to thank you very much for having this and hopefully the people on the other end have a chance to speak in the Rec Center. I hope that you make that available to them because not everybody was available to fit in this building. Okay thank you.

CHAIR DE JONG – Thank you... George Hague

SPEAKER HAGUE – I'll give you just a few minutes to look at this handout. I brought it because our Mayor today said we need to be looking for jobs like we always do and I think one of our benefits that we have here as a City is that we're not in the dark plumes that you see there in the upper right-hand corner map and that is a selling point to bring businesses to our City. The cancer risk from diesel has not really quite reached us; the highest point. It would be really nice if were like we were down in the lower right-hand corner where if you eliminate diesel pollution, a lot of Southern California would be wonderful, but right now that is a excellent selling point for us to get jobs, is to let people know that we're not in the very dark plumes of this. The other thing that I'd like to mention and to thank is two or three nights ago, a family member was robbed at gunpoint in one of our newer shopping centers in the parking lot. It happened about 8 o'clock at night and two of our City's finest, Deputy Kennedy and Deputy Leone responded and while the people did get away at the time of this armed robbery, it was not until 1:30 that very same morning that they brought forward a picture lineup for my family member and by 6:30 they had actually caught the person; at least according to the picture from lineup that my family member went to and so I would definitely like to thank Deputy Kennedy and Leone, both who did an excellent job in very quickly responding and to say I'm sure a representative sample of our Department. Thank you very much.

CHAIR DE JONG – Thank you. Our next Item on the Agenda is Item 700.

MV00017501

700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

CHAIR DE JONG – Staff Report please

PLANNING OFFICIAL TERELL – Yeah, before we do that, just a couple of announcements. Many of you probably haven't been to a Planning Commission Meeting before so I wanted to go briefly process tonight. The first item is the Staff member assigned to this project will give a brief report about the project and then we'll open it for questions of the Planning Commission of Staff. After that the Applicant will give his presentation and then there is a period of time when the Commission can ask questions of the Applicant. After that we open the Public Hearing and the Chair will call people up to the dais over here to my right and the Speakers have three minutes to speak and I believe I'm not sure whether you announced this already, but at 10:30 the TV machine runs out of tape, so we will be taking a break at that time, but before that the Commission will have a discussion as to how long they will continue the meeting tonight; if that's an issue; if we're still here at 10:30 and make a decision on that and then we'll have a short break and either come back or do as the Planning Commission sees fit at that time. For those of you that are over at the Conference Center, there are Speaker Slips over there and if you fill those out and give those to I believe Michelle Dawson who is there in the room with you and after we are finished with the Speakers who have handed in slips in this room, we'll have a short break if necessary to bring over folks from the other building. If you've handed in a slip here and you are in the other building, we'll call your name but if you are not here, we'll place that at the end of the list of names and call you up at the appropriate time. So I don't know if the Commission had any questions, but I just wanted to kind of establish a few ground rules before we moved in.

CHAIR DE JONG – Fair enough... Actually we go to a Staff Report I think the Deputy City Attorney has a comment to make.

DEPUTY CITY ATTORNEY ERLY – Thank you Chair. The City Attorney's been advised that there is several legal allegations that have been made by members of the public with respect to tonight's Hearing. We just wanted to address a couple of those briefly before we got started. The first allegation involved the ability of four of the sitting Commissioners that they are actually still Commissioners. The allegation is that on January 1st, 2005 those four were

MV00017502

appointed to a four year term that was set to expire on January 1st, 2009. While that is true, subsequent to the January 1st, 2005 appointment on or about August 23rd, 2005. The City Council amended the Ordinance and changed the term to expire on March 31st, 2009, so those four Commissioners are still acting Commissioners until March 31st, 2009 and so everybody up there is able to make this decision tonight. The second allegation involves conflicts of interest, specifically it's been alleged that Commissioner Geller's role as the Treasurer of the Moreno Valley Taxpayer's Association should be a disqualifying event not allowing him to sit on this Hearing. Additionally, both Commissioner Geller and Commissioner Dozier involvement with the Rancho Belago Economic Development Committee has been raised as a possible conflict of interest as well. Our office has researched the issue. We have consulted with Steve Dorsey with Richard Watson and Garcon Gershon(?) the expert and conflicts in this area and have also spoken with the Fair Political Practices Commission today. All three Agencies and Attorneys reached the same conclusion and concur that with the evidence that we've been provided, that there is no direct economic benefit to the Commissioners in question and the Political Action Commissions and the Economic Development Committee; the money being spend there is constitutionally protected, both under State and Federal Constitution and without any evidence of any individual personal gain to the Commissioners, this office can't opine in any way that they should be disqualified from serving on this Hearing. Thank you.

CHAIR DE JONG – Thank you. I think we're ready for the Staff Report now.

SENIOR PLANNER GROSS – Good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross from the Planning Division here to provide a report on the project before you this evening. Before I get into the project or the report that I want to provide, I wanted to turn your attention... there a few items to read into the record and since these are legal documents, we wanted to make sure that they were correct. If you turn to page 122 of your Staff Report you'll see and this is pretty much an ongoing theme that you'll see as a change and once you get there I'll kind of give you an idea of what that is. Again that is page 122 of the Staff Report. If you go down to the fourth paragraph down, there is a reference of and this is the third sentence in that fourth paragraph of "93 feet"... that changes to "87 feet" is the correct number and again you'll see this recurring theme a couple to times as I'm providing. There was also one very minor change just below that under the fifth paragraph and this would be the fifth sentence of that paragraph where it states "not below significant levels"; we would say "not all below significant levels". We just wanted to add the word all. And again page 123; again there is two; second paragraph under Conformance with Zoning Regulations, where it states "93", which changes to "87". The same can be said on page 125 of the Staff Report, there is the recommendation there and some of the areas down below; this is the last paragraph of that page where again "93" is changed to "87" and the same would be for page number 131 and this is on the last paragraph; actually the fourth

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sentence from the bottom... again "93" changes to "87". With that, let me go ahead and provide a Staff Report here on the Item.

The Applicant, Highland Fairview is proposing a project tonight that includes industrial warehouses, future commercial parcels and these are bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street and Highway 60. Again this is south of Highway 60. The project site includes 158 acres and includes a Tentative Parcel Map to subdivide four buildable parcels and two primary parcels dedicated to freeway improvement purposes. There is a total of 13 parcels, although a good majority of those parcels are for public access and the Plot Plan that is before you this evening includes a 1,820,000 square foot warehouse industrial building which it is identified as the occupant of Sketcher's under Phase One and with two additional phases for a total project area or square footage of 2,620,000 square feet. The Applicant is also requesting this evening a General Plan Amendment for four items, including the modification of a Master Plan of Trails, including elimination of the Sinclair Trail alignment from new Eucalyptus to Highway 60 and extension and adjustment of a planned trail from south to north side of the future Eucalyptus from Quincy Street to Theodore Street and also includes the modification of the Circulation Plan to allow landscaped medians on future Eucalyptus Avenue and a minor modification of lot lines between four parcels.

Now before considering the proposal and providing a recommendation to Council, the Planning Commission this evening is reviewing the project and there is what is considered a policy decision that would need to be made regarding the Applicant's request for a Change of Zone from Business Park, which is classified as BP to Light Industrial which is LI, which includes a material change to land use patterns along Highway 60. The proposed Change of Zone from again BP to LI would allow warehouse industrial buildings larger than 50,000 square feet on the project site. The current zoning of BP and the limitation that comes along with this zoning designation of less than 50,000 square foot buildings arose during the discussions back in 2006 with the Zoning Consistency Study that was part of the General Plan, which at that point there was discussion that it would envision the preclusion of large warehouses in favor of smaller Business Park uses on this particular site.

I do want direct your attention over to the far wall because we will go into a little bit of the Site Plan and a little bit of the architecture of what is being proposed this evening. From a Site Plan perspective there is going to be a proposal of roughly five access points off of Fir, future Eucalyptus Avenue provided again for Phase One. A Site Line Distance Analysis was conducted indicating that the site was between approximately 20 to 30 feet below the freeway grade and the mass of the building would be greatly diminished compared to structures at grade with the freeway. Now screening mechanisms will be placed around the loading and parking areas, including dense landscape and eleven foot high solid decorative block perimeter walls that would go around the site.

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Now from an elevation perspective, we have elevations again on the wall. You can see here towards the right hand side of the wall here and from that you will see that the architecture is primarily a modern architectural theme. There is quite a bit of; there is metal louvers, tilt-up panels, reflective glass, recessed glass and decorative pop-out windows and I did want to mention there is going to be some very mature tree rows that will be strategically placed along the freeway elevation to allow for view corridors to the upper half of the building and although a Condition to be reviewed by the Planning Commission at a later date; I think we did Condition at least a portion of that building; we do have a portion of that building shown here and it was related to one of the Conditions and that is something for the Planning Commission to consider. We can address that once we get that once we to that point in time.

I do want to go over the EIR part of it just briefly. Again there was an Environmental Impact Report completed for this project and it indicated that there were a number of potentially significant impacts. This was either individually or cumulatively that was aesthetics which was one of them, agriculture lands, air quality, noise, climate change, greenhouse gas impacts that could not be reduced to a less than significant level with proposed mitigation would occur with this project. Now one such mitigation measure that is proposed includes a buffer area prohibiting sensitive receptors just south of Fir and future Eucalyptus Avenue. As identified in the document itself; the EIR; accumulative impacts for these particular impacts that we talked about are considered to be significant and unavoidable although all other aspects of the Environmental Impact Report basically indicate that certain environmental aspects of the project can be mitigated to below significant threshold levels.

And it is important to note and I did want to make this, this is an important part of the EIR and of this report. There is a request for a 24-hour grading operations to occur. The Applicant has requested this to meet the timeframe specified by the Phase One tenant that is going proposed to go in. Now in order to lessen ongoing grading operation activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Now CEQA; the California Environmental Quality Act allows statement of overriding considerations and finding to be considered and requires the decision making body to balance the economic, social, technological and other benefits of the proposed project against it's unavoidable environmental risks and you'll have a chance as you're reviewing the document to review this.

Staff has received approximately 33 letters on the Draft EIR that was provided for the required 45 day review period and they were included into the Final EIR. There were a couple of additional letters both from Cal Trans and a local resident that were provided quite a bit of time after the 45 day comment period, which were not able to be included in the Final EIR document, but we did include them

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as attachments to the Staff Report and they are available for the public record. As well, in addition to these two late responses, there were other numerous Draft EIR's and letters I should say and general public correspondence provided to the Planning Commission tonight as part of the public record and I did want to mention as well that the Applicant has provided a letter that you will see dated January 7th, that does go into addressing some concerns with the Conditions and other aspects of the project. I believe there are about three issues that are provided within that particular letter.

And I did want to mention that all responsible agencies, interested parties, property owners within 300 feet of the project were provided notice of this Hearing, in addition to posting on site and publishing in the newspaper. A copy of the Draft EIR was also located on the City's website; both the Draft and the Final, at City Hall and at the Public Library and sent to all responsible agencies, commenting agencies and organizations and interested parties that asked to be included on a mailing list. Staff did receive approximately 30 telephone calls. This was probably from the time that we had that everything went out for our Public Hearing Notice on the project and some of those calls just kind of briefly explain from the Public; they were asking to... again first of all to be provided on Public Notice lists; that was quite a bit of calls that I got originally and then there were some other general concerns of the project, just basically again looking at the environmental aspects of the project, primarily traffic and transportation was an issue that was brought up quite a bit and land use related items.

And that pretty much concludes my aspect; the Staff's aspect of the report. I do want to say that we have quite a bit of in-house Staff with us tonight from various departments along with representatives of the City's Peer Consultant Chambers Group and this would be on left, which is both Michael Hendricks and Andy Minor who are here. They actually had a chance to assist the City as a peer consultant in reviewing the EIR that was prepared and they are available of course to answer any questions that you may have. We also have representatives in the audience tonight from MBA; Michael Brahma Associates in the audience to answer questions on the EIR that has been prepared and we have representatives from the Applicant, Highland Fairview that are also here tonight to answer questions regarding their project requests this evening. Thank you.

CHAIR DE JONG – Thank you very much... a very complete report. Are there any Commissioner questions of Staff?

COMMISSIONER GELLER – Yeah I just want to verify what we're being asked to approve separate from the Zone Change, but in terms of actual buildings, the only thing we're if we approve tonight would be up to 2.6 million square feet as to the Plot Plan and if they want to build any more buildings they have to come back to the Planning Commission or is that not correct?

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SENIOR PLANNER GROSS – Well the building that you're looking at this evening is really under Phase One and as you look over on the far wall you can see that's the 1,820,000 square foot building. Now there are other parcels associated with the project and if you combine all those together it's 2,620,000. Now when other parcels come in; when the Applicant comes in with other possible users, then what we would do is take a look at that and bring those back to the Planning Commission so you would have a chance to look at the architecture and some of those type of items.

COMMISSIONER GELLER – Okay, so again though... so we're only approving the 1.8 million square foot building?

SENIOR PLANNER GROSS – Yes

COMMISSIONER GELLER – So the next phase to bring it to 2.6 would have come back to the Planning Commission?

SENIOR PLANNER GROSS – Yes, but as far as the Environmental Impact Report goes of course, we had to look at everything, but yes this is the only proposal as far as a building before you this evening.

COMMISSIONER GELLER – Okay, thank you

CHAIR DE JONG – Other Commissioner questions...

VICE CHAIR MERKT – I was curious, are we going to have an opportunity to question you later on?

PLANNING OFFICIAL TERELL – You can ask questions at any time

VICE CHAIR MERKT – Okay fine, because I think I'll hold my questions until further into the Hearing. Thank you.

CHAIR DE JONG – Are there any questions down this way? Okay seeing none, I'm going to open Public Testimony and call the Applicant forward. Please state your name and address for the record.

APPLICANT BENZEEVI – Good evening Planning Commissioners. My name is Iddo Benzeevi, 14225 Corporate Way, Moreno Valley. First of all, I had an interesting thing that occurred to me. I went over to the other room; the other conference facility; there is obviously a lot of people that are interested which is good; community involvement which is always good and a few people approached me there and upon entering on discussion with me and they said we have reached a really low point in Moreno Valley; the economy the way it is; you know thousands of foreclosures; a few people there just recently lost their jobs and some were even worried about losing their job and some announcements

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made in their firms and they really felt we have reached a low point. One even mentioned he brought a LA Times article that said that when they surveyed California and the nation, the one location that lost the highest value in property values; homes in Moreno Valley were 53.2 percent and we thought we really reached a low point in Moreno Valley, but I think we really reached a turning point. In this economy to be able to attract and to have the commitment of a major global company for the first time; a global brand commit to Moreno Valley and a major employer, I think it's significant, especially in today's economy. But the project itself are not here, as was mentioned as several Sketcher's is a tenant in the corporate park in this development, so really the issue here is the project itself. The project itself, we're actually very proud of it. It's the next generation of logistics buildings. Most people relate to logistics as maybe some warehouse with some boxes that are put into some trucks, but it's really a lot more than that as you will see and can see. The logistics industry is really a convergence of communications technology, material handling technologies, supply chain management and a lot of other IT and communications developments that have to go into operating a global business and this will be for the tenant the major North American operations center. We've never had that in Moreno Valley before. The building is also and will be probably the largest LEAD certified building in the United States. We have designed the building to achieve LEAD Certification so it will be one of the largest green developments, which I think we can be part of in Moreno Valley. The architecture is also unique. We have retained two architectural firms; one that specializes in actually the mechanics of this type of buildings and one that is world renowned architect that has received numerous awards as well as designed many corporate headquarters. His name is Jose Pelasios and he has designed such buildings as the Hewlett Packard Headquarters, the American Airlines Headquarters and many other global companies, so I think we have significance in terms of architecture for this type of building. There are several issues in terms of the design itself. One of the things that was mentioned and are always a concern as well as us were Moreno Valley companies so that health and wellness of our community is in our hearts; that we're healthy; we work here; our offices are here and we develop out here. Some of you know us from other developments in our City here that are also on a significant scale. We were able in terms of the use to reduce the traffic impacts from the City's General Plan uses by about 58 percent, so the traffic generated from this building is actually 58 percent less than if we have developed out the proposed General Plan uses. The issue in front of you today is also the 50,000 square foot building limitation. We think it's somewhat arbitrary. It's almost unique. We've never seen it anywhere else we have developed literally around the world. It's almost tantamount to saying if you are a company and you do well like us in Moreno Valley, should I go out to 51,000 square feet, I'd have to move out of town. I'd have to take my business and jobs and move somewhere else. If a company does well and starts even with 10,000 square feet and goes up to 50 and becomes 51,000, we'll have to tell them to leave to another town. The issue is not really building sizes, the issue is quality development and quality projects is really what it's about We also have to be responsive to the local

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original economy. There are really no businesses any more and we've seen even during the boom years of the last five, six, seven years that the small buildings actually have not been able to fill up. Just across from City Hall here there is a small industrial project with smaller buildings. There has been vacancies there continuously throughout the boom area. There have been some developments of smaller scales along the freeway. There have also been buildings there that are brand new that in fact they are on the verge of bankruptcy and cannot attract any tenants. They are just not responsive to today's market and regional and global economy that we are part of. What I'd like to do if I may is approach the desk. We have prepared a presentation that actually help us understand the project better but in order to operate it I have to step up over to that computer area there if I may.

CHAIR DE JONG – Fair enough

SPEAKER BENZEEVI – Just to locate the project, this is the Moreno Valley Freeway Highway 60. This project area is bounded to the north by Highway 60, to the south by the future Eucalyptus Avenue. It's in now but Eucalyptus would be here. The western boundary would be Redlands Boulevard and the eastern boundary is Theodore. So again there has been some confusion in the community that I've heard people think the project is much larger. The project that's in front of tonight is actually within this area and we can see it's within the Business Park zoning in the General Plan today. There are a few things here that I would like to share with you. One is just some of the views of what the building looks like around it and we've taken different angles and different areas of the buildings and depicted them for computerized rendering that is accurate to the architecture. It's actually based on CAD. If we look at the building itself as you can see, this is the main building. This is where the office operations will be as well and also for the headquarters facility will be at the building. There is a building in here. It hard to see this angle, but these are very large reflective ponds. There is a fountain element in front of the building and there is another bigger reflective pond on this side and a bridge. This is actually the structure that sits almost floating within those big reflecting ponds. At this angle is hard to see but it's a stand alone structure that's connected to the building as an architectural feature as well. As we move along around the building, it's sort of like a campus. From a different angle there is also some more offices but a big retail facility that will also be there selling some of their products. As we move around the facility itself, I'll go around it this way. This is actually the view from the 60 freeway looking west; southwest coming in from the badlands heading west into town. Looking at this view is actually again further down the building looking west again; west and south of the building. And this is the rear of the building and as you can see, Highway 60 is up at this elevation. The building is down here, so from the freeway itself you only see the very top element of the building. There is also a very large setback from the freeway to where the building is which is way over here; several hundred feet. Moving along, there is another area which is the transportation hub and facilities. Most truck traffic is concealed behind gates, so

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unless the truck comes out of the facility it won't be visible to the community. There is also an area; this is the wall treatment along the property. There is an area here that's been reserved for a future trail. The sidewalks of course; this is Eucalyptus over here and that's the wall treatment... highly landscaped, perhaps the most landscaped facility that we have in the region; definitely in our town here. This is just looking at the treatment from a different direction. It has different pop-out elements. It's actually sitting on a berm so the water itself is about eleven feet, but from a pedestrian level it's probably around 14 to 15 feet in terms of the height and it's heavily landscaped in that area. There is also another element. This is a broader view of the same treatment which you see by driving along Eucalyptus Street and part of the General Plan Amendment was us requesting to introduce a median on Eucalyptus Street which is currently not called for in the General Plan. This is again looking east now towards the badlands from Eucalyptus and Theodore will be right along this area, so this is in front of the facility itself. This is some of the horse trails. We also what we did which is interesting is we actually created a simulation; a drive simulation; where we're actually sitting in a car. It's done with GPS so it's accurate to which you will see sitting in a car and we took it from several directions so we can see what we will actually experience driving by the facility when it's built. This is heading east. This is the Redlands Bridge and we're going pass the site from the Redlands Bridge and the project will be down on the south side to right in the photo. That landscaped corridor is the landscape that we are proposing for the project. The landscaping has actually being approved by Staff to be installed on the project. Essentially the building is almost not visible at all. It is a beautiful building and it's done with unique features, so we purposely opened some areas so you can actually see the building. We felt it silly that instead of being proud of a building with level of architecture we're actually going to hide it altogether, so we have actually opened some areas so you can have a peak into the building itself. As we go to the corner, that's the Theodore exit. I know it goes by quickly. Is there a way to show it again or do we have to... Again this is headed east the bridge you see first is Redlands and the project is to the right; to the south. The views are also preserved. This is Mount San Jacinto, so the significant views in the community have been preserved. Actually they are more obscured by the landscaping than the building itself. The building is much lower as you can see with some of the openings there. And this of course is the Theodore exit that you will see. If anyone wants to see it again, we can run it again. No, okay. Eucalyptus; this is the south street and this will now be driving into Eucalyptus from Theodore and this will be the entry into Eucalyptus. There they will set up the gateway and the project of course will be north of Eucalyptus and it will be on your right; north side of the photo. Here we are driving by the facility. If you look to your right where there are entry points; there are gates, so most of the activity is actually shielded behind these walls and berms. This area of course is the commercial area within the plant. Those are just the depictions. There is no building to be approved on those at this point. There are just stand-ins. And this will be now Redlands Boulevard. This is my kind of driving. If you would like to see it again, I'll run it again. There has also been some issues and concerns

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about what you would see as you come in from the north side of the freeway heading south on Redlands Boulevard and over the 60 Freeway, so we've simulated that as well. This is now headed south on Redlands coming over. This is Ironwood; now we're coming over the 60 Freeway and the project will be over on the left and this will be of course the Redlands Bridge from the high point that we'll see here. The point here is that the significant views of the community; the ridgelines; the mountains are all going to be visible and preserved by the design of the project. As you can see we dropped it down so it's below eye level at the freeway. Of course this gate area is Eucalyptus and you will turn left to go into the project. This is headed now from the badlands into Moreno Valley headed west. This will be the Theodore Bridge you cross under and of course the project is over on the left. And the bridge out there will be the Redlands Bridge; Redlands crossing. I want to point out one more thing as we're driving east that in the future this area that is setback is for future Cal Trans and highway expansion and there is also an issue in front of you and that became the issue of what to do with this area today. We are taking the position that the landscaping that we are installing around the project that we will maintain is much upgraded that what Cal Trans freeway landscaping is and by installing that landscaping it will actually obscure and take away from the landscape design that is actually installed by the project itself and of course later on will have to be torn up as the freeway gets expanded and widened, so we think it's also a waste of money to try and install landscaping that you'll tear up. But again the permanent landscaping on the project as you saw, that is landscaping that we're installing and we would be maintaining as well, which is a good point if you drive around Moreno Valley and look at the way companies maintains their landscaping, makes you wonder if it's maintained at all at some points. So, there is one other thing that was raised as an issue and the EIR and the community and I wanted to address it and that is you know what do you see from Ironwood looking south. This is Mount Russell, Lake Perris will be just behind this knoll here and Highway 60 is here and this is the projects landscaping, so from Ironwood Boulevard, this is the view that you will see. It is calibrated, obviously with GPS and so it's accurate to exactly to what you will see at that point and of course the ridgelines are preserved and views of the east end and character of the east end will be preserved in that way. There is one more thing that I'd like to share with you and that is traffic. People are very concerned about traffic. What will traffic look like on the freeway and for most people including myself, reading traffic reports is quite different than how you would experience it on a human level, so what we did is we took the actual Traffic Study that was done for the EIR by the City and converted it to a digital format where you can actually animate the traffic. What we've done; all the traffic that will be depicted is traffic at project build-out, which means everything is built out; every building is occupied and the project is fully operational including all the ambient which mean everything else that gets in the City along with it and so you'll houses are painted sort of white or gray. This the traffic that's on the freeway irrespective of whether or not this project comes along and the tracks of the cars or the traffic... the traffic that we're placing on the freeway or the additional traffic that is project generated are sort of in

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red/orange colors, so when you see a orange car or a red truck that's traffic that's generated by the traffic. This is now sitting on the Redlands Bridge looking east at traffic that's moving west; so all the white traffic; this is traffic not today; that's the projected future load of traffic and when you see a orange car or a red truck again that's project generated traffic. In other words if the project never existed, the red cars would not be there as part of the traffic. Now this is also done at peak time, which means this is at the worst case... This for example would be am morning time at peak rush hour, so clearly if you are in Moreno Valley after ten or eleven o'clock those hours of the day, there is hardly anybody on the freeway. This is depicted at the peak worst condition. We can actually see the traffic now headed west and this standing on the Theodore Bridge looking west into town and again same thing. This is probably the pm at the 5 o'clock in the summer rush hour time; loads of traffic and again the red cars are project related. I think watching traffic can be boring, but I think you get the point. The amount of traffic that the project loads onto the freeway is really very low and ... There is also a depiction here of looking at Redlands Boulevard. This is Redlands Boulevard and the project is on the right. Actually because along Redlands; this is the future; just a stand-in building; that doesn't exist; it's not up for consideration. The building we're talking is past it, but this is again at peak hours. This is the load on Redlands Boulevard again; red cars are project related and the white cars are traffic that will be at build out here in any event. I won't bore you with watching traffic, it's like watching paint dry, but we'll... There are a few other issues that were raised within the project that we'd like to share with you. One is air quality and in terms of air quality everybody knows that you know when you have trucks or any equipment at all, if we put a moped on the freeway it adds to pollution and that's a serious business and we need to do everything we can to mitigate those kind of issues down to a minimum and obviously within the law to the extent possible. This is essentially a graph that depicts the profile as you know; a seventy year lifetime span and the propensity for either lung disease or lung cancer as a result of being exposed to a diesel source and clearly as you are further and further away from the sources it goes below what the SCQMD designates as the threshold. As you can see as you get to within after about 100 to 140 meters, which is about 440 feet, it crosses the line where it meets the threshold and anywhere further and further away it starts to diminish to the ambient level. This is where the project lies. We have mitigated. We have created setbacks and buffers that will actually get all the air around the project and the surrounding... no sensitive receptors will actually be affected the significant setback. There is no current homes that are in immediately adjacent to the property; to the north it's the freeway; to the west is the Business Park zoning; north also has Office zoning and of course to the right or east is also Business Park zoning surrounding the property. There was also an issue raised in the community and some people spoke to it about where is the most logical place to put it and some of them said maybe on the west side of town is more appropriate and we looked at it and we studied it as well and we realized that if you take a two mile radius of impact the project might have; if you placed it out here in the east end you can see most of the area is either the badlands or open

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space of part of the Mount Russell area and of course this is our property here. Most of this is already zoned Business Park and there is some area in here which is residential, so about this area is what could potentially be affected as residential areas. Compared to for example the area that's right here by City Hall, take a two mile radius and you pretty much encompass almost everything out to Perris Boulevard. This is where we are right now and if you do a two mile circle here you'll be all the way clear of the entire major population of Moreno Valley would be within that sphere. If you go down south of where we have the industrial area by March, you can see it takes in a big part of the Moreno Valley Ranch and a lot of the area of this district, so if you compare the amount of housing area that can potentially be affected, even though two miles is way beyond any buffer the reality would have been that we are probably better off having it out here than having it out here where most of the population is here, where most of the housing is, where most of the schools are and everything else. This is just looking at the project more closely. This is where the project area is and this is General Plan zoning for Business Park, Office and Commercial. The project is well within the Business Park and Commercial zoned area in the City. It is surrounded by Business Park; a major Business Park that is currently part of the General Plan on the east end. This is the boundary; this is the State Fish and Game property down here; the badlands over here and this is Moreno Beach Drive, Redlands and of course we are familiar with the Target and Wal Mart Center, the Auto Mall and of course the Business Park zoning that goes here, so we're within the band of the Business Park and Commercial zoned area of the City. Looking at the project, this is the area that is impacted. There is currently vacant land and most of it is ours and over to east and west is all Business Park or Commercial. I think we talked about some of this... just to compare the traffic relationships; the Moreno Valley Mall is a project that generates 60,000 trips a day, so when you experience it; if you go to the mall you are experiencing basically traffic levels that are at 60,000 trips a day. If you are over at the Stoneridge Wal Mart Center, that traffic gets 36,000 trips a day levels, so that's how you experience 36,000 trips if you go to the Wal Mart, Stoneridge Target Center that's 36,000 trips a day. This project at completion would be 15,000 trips a day, so as you can see it's actually almost less than half of what the Target Wal Mart Center is in terms of what the traffic values are and how you would experience traffic there. There are a lot of other economic benefits that are also important. The job creation, but I think maybe that's better said in a different form, but the bottom line is there will be 2,500 jobs that will be created at project build-out. In addition to that they'll be construction jobs and you'll have the multiplier effect of people who service those facilities you know and so forth and of course the revenues to the City; the tax base that will be generated to the City is about 1.4 million dollars a year that will go to the benefit of the City itself and we have essentially the impact to the economy; the Moreno Valley economy as a result of the project is 156-157 million dollars annually. So that shows a significant, positive economic impact to the community as a whole and I will conclude with that. If I have any questions, obviously I will be here to answer them. There is a lot of data. The EIR on this project is about four feet tall...

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VICE CHAIR MERKT – Could you possibly go back to the tax...

APPLICANT BENZEEVI – Tax...sure

CHAIR DE JONG – Do you want to make a comment?

VICE CHAIR MERKT – I just wanted to take a look at it. He went through it rather quickly and I wanted to see where the different aspects were coming in.

CHAIR DE JONG – Thank you.

COMMISSIONER GELLER – When you are doing the car sequences through the park, there were these low bridges. What are those for?

APPLICANT BENZEEVI – Low bridges?

COMMISSIONER GELLER – Yeah, you know they went all the way across the road and they had a bar underneath them...

APPLICANT BENZEEVI – Oh yeah, let me show it, because some may not have... On the Redlands side, we came up with a concept that we are driving all the traffic onto the 60 freeway on Theodore. This is where our major artery is. This is where traffic is designed to go, but Eucalyptus goes all the way out to Redlands Boulevard, so what we are proposing to do; although it's not in front of you today, is to actually to have a bar that will be lowered that will restrict truck traffic; higher vehicles from crossing, therefore eliminating the ability of trucks to enter Redlands Boulevard and only go out to Theodore. And we can see through that through the animation...is when we go down Redlands again you'll see on the left side.

PLANNING OFFICIAL TERELL – Just to point out as Mr. Benzeevi said, that is a concept. It's not part of the project at this point in time, so Staff has not done any particular review of that. I think it's a concept that might be considered for the future.

APPLICANT BENZEEVI – I wanted to interrupt you before it goes away, you see the bar here, that will be sort of the mechanism where emergency vehicles can get in and out and you can get through, but truck traffic on daily basis cannot get into Redlands Boulevard or get into the project from Redlands Boulevard therefore focusing all that activity onto Theodore, which where we think it's appropriate and away from any neighborhoods or the community itself.

CHAIR DE JONG – So you're saying that bar would raise or lower to allow a fire truck in; is that it?

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APPLICANT BENZEEVI – There is a mechanism to do that, but only the Fire Department or Emergency or Police to do that; the general public doesn't have the ability to lower or raise it.

PLANNING OFFICIAL TERELL – And again, it really hasn't been... It's in your Staff Report but just so the audience has... This is proposed as a three phase project. The first phase is before you tonight. As part of the first and second phase, there would be no connection to Redlands Boulevard. All of the traffic in Phase One and Two will be directed towards Theodore except for emergency vehicles, which will have an area which they can get through. I mean, you've seen that pretty often again on say apartment projects where they have an emergency access only. That would be the Condition should this project be approved for Phase One and Two. Phase Three is when Redlands would be the connection to Redlands would be completed, so any discussion of I guess restricting truck traffic or even car traffic is relevant to the build-out condition, but not to Phase One or Two.

APPLICANT BENZEEVI – The Phase One Site Plan and what will be approved now actually has Eucalyptus starting at Theodore going towards Redlands, but actually a cul-de-sac before it reaches Redlands. There is no connection from Eucalyptus into Redlands until project build-out at which point by then as we bring in the phases, would like to propose that mechanism to restrict the traffic should the City consider having access and Eucalyptus and Redlands in general, that would be one way that we can restrict and direct the heavy traffic away from Redlands Boulevard.

CHAIR DE JONG – Okay, any Commissioner questions of the Applicant?

COMMISSIONER MARZOEKI – You talked about this building being LEAD certified. What level are you looking for?

APPLICANT BENZEEVI – We are currently in the process; we're going to reach at least the first level. We added more solar now and so I see you're familiar with LEAD, you have to (inaudible) your other points; we're trying to reach the maximum. We are trying on achieving LEAD's and then how far up the ladder we're going to go will depend on our features. We've actually had some meetings today relating to adding additional solar capacity. This building also has very extensive solar system, so all of the power will be generated through solar means and panels, but there will be through the building process.

COMMISSIONER MARZOEKI – At least a silver rating?

APPLICANT BENZEEVI – We're hoping to get as high as possible. We don't know exactly how we're going to end up...

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COMMISSIONER MARZOEKI – And then during your animation you talked a little bit about the landscaping. Was that shown at full growth?

APPLICANT BENZEEVI – That's shown at some of maturity. We are starting with somewhat mature trees, but you know I would say five to seven years into maturity.

COMMISSIONER MARZOEKI – Five to seven years, okay...

CHAIR DE JONG – Anything else?

COMMISSIONER MARZOEKI – That's all I have right now

COMMISSIONER RIECHERS - I note in the materials that we have; well I guess it was in the EIR; that to get your water for this project you... I don't know exactly how to phrase it, but you made an agreement with EMWD to reduce your water requirements for Aquabella. That's correct?

APPLICANT BENZEEVI – Well not the water. We haven't reduced the water requirements for Aquabella. What has happened is Aquabella got allocated way more water than we actually need because we implemented water conservation in our design and drought resistant planting; where the allocation we got was in the old days; basically based on the old standards where we got way more water than we actually are consuming in Aquabella. We felt that rather than to hold in a way that capacity that we will never use, we'll turn it back to the District and the District has devaluated the water sources; recognized that there is sufficient water coming out of Aquabella that could service several other projects including this one.

COMMISSIONER RIECHERS – Okay, so that change is going to have no impact on any of your design or landscaping in the Aquabella project?

APPLICANT BENZEEVI – Not at all, not at all

COMMISSIONER RIECHERS – Okay, that's all I have right now

CHAIR DE JONG – Thank you

VICE CHAIR MERKT – When we say the visuals from the freeway, it raised a question. I don't recall exactly the height of this building; you know what the maximum is and the average height of the building. Could you refresh my memory?

APPLICANT BENZEEVI – It's about 45. Some areas go taller. The building sits between 20 and 30 feet below. You are probably seeing between I would say on average 20 feet of the building, but don't forget that you are seeing 20 feet, but

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20 feet probably about 300 to 400 feet away from you, so you are seeing a 20 foot element that's probably 350 feet at least away from your line of sight.

VICE CHAIR MERKT – Also, off the top of your head do you know how this compares to other warehouses in Moreno Valley in terms of size? Is this by far the largest? Is this...

APPLICANT BENZEEVI – It's probably I would tend to think that it is the largest, although I know there is a 1.7 million square foot building and I know there is several 1 million square foot buildings, but it's probably inching everybody else. It's probably the largest and I hesitate to say it because I don't know what everybody's plan out there, but it probably is the largest.

VICE CHAIR MERKT – Well maybe I'll just ask John if he could add to that...

PLANNING OFFICIAL TERELL – Yeah in Moreno Valley the largest, other than the mall, which the mall is about 1.3 million...

VICE CHAIR MERKT – No I'm talking about warehouses

PLANNING OFFICIAL TERELL – The Ross warehouse on Perris Boulevard as you are entering the City and my recollection is that's about 1 ½ million square feet.

VICE CHAIR MERKT – Yeah that's what I was thinking it was. Okay, fine, thank you very much

CHAIR DE JONG – Are there any other Commissioner questions of the Applicant?

COMMISSIONER DOZIER – What's the capital investment to do this at full build-out? How much will it cost to build this whole thing?

APPLICANT BENZEEVI – As far as we know it; things cost today; because if I had to estimate a year and a half ago, they went up like 50 percent, but it's probably between 250 and 300 million dollars depending on ultimate build-out and exactly what goes on there. I would safely say it's about 250 million dollars... that would be a reasonable number.

COMMISSIONER DOZIER – Thank you

VICE CHAIR MERKT – Yes, we obviously see that you are here tonight, but are there representatives here of Sketchers as well tonight?

APPLICANT BENZEEVI – No representatives of Sketchers, although the project is being called and everybody first heard it as the Sketchers building, but Sketchers is the tenant.

VICE CHAIR MERKT – No I understand that, but sometimes there are questions we might be interested in asking them and I was curious if there was someone who could answer those

APPLICANT BENZEEVI – No, I'm sure in the audience there might be some folks there, but there is no one here that came to represent them

VICE CHAIR MERKT – Okay, fine, thank you

COMMISSIONER RIECHERS – I believe you said the project would generate 15,000 vehicle trips a day

APPLICANT BENZEEVI – At entire build-out

COMMISSIONER RIECHERS – At build-out... How many of those will be truck trips?

APPLICANT BENZEEVI – I think it's about 30 percent.... Fifteen percent of it is truck traffic

COMMISSIONER RIECHERS – Okay, thank you

CHAIR DE JONG – Any other questions of the Applicant? Okay I see none; we have some Speaker Slips of course, so you'll get a chance to rebut at the end.

APPLICANT BENZEEVI – Okay, thank you

CHAIR DE JONG – Okay, before I call speakers up for tonight's Public Hearing, let me read a few points pertinent to tonight's meeting. Let me remind you please that speakers are limited to three minutes max. Our time clock is working tonight, so please observe the time clock up here. We encourage everyone who wishes to speak to come up and voice their opinion once you fill out the appropriate Speaker Slip of course. Please do not repeat information that has already been voiced. If you have nothing new to add, just say that I support or that I don't support the project or words to that effect of course. I am going to call speakers up in two's. The second person called should make their way to be positioned near the speaker or behind the speaker and be ready to go when the speaker is completed. Please be courteous to all speakers and I'm sure we're not going to have a problem tonight, but I'd like to repeat that. Please be courteous to all speakers. No call outs, cat calls or loud comments will be tolerated from the audience and all speakers are asked to please address the Commission as a whole body. Do not direct comments to individual

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Commissioners and please do not address comments to the audience. Okay, thank you, so that being said, please give your address; your name and your address... Gwendolyn Cross followed by Dolorise Anderson-Reid...

SPEAKER CROSS – Good evening. I'm Gwendolyn Cross. I live in 4th District at 14570 Agave Street and I'm here to say that I do support this Sketchers project. I do think it will be good for the City of Moreno Valley. It will bring jobs into our City and also our schools will benefit from it. Also I know that there was concern from a lot of people of the traffic and the trucks coming into the City. I just want to remind everybody that we do have trucks that come in to bring our fuel and also our food and all of the other things that we have to have in this City. That's all I have to say. I just think it's a good project. Thank you

CHAIR DE JONG – Thank you... Dolores Anderson-Reed followed by Mike Rios

SPEAKER ANDERSON – REED – My name is Dolores Anderson-Reed. I live at 10111 Lake Summit Drive, Moreno Valley and based on what you said I have to say ditto to Gwen, but also I'd like to add one thing. I'd like to know if we are going to negotiate a certain amount of the residents hired when it comes in and rents the facility because we are guaranteed that the citizens will be benefited in this community. Thank you

CHAIR DE JONG – Thank you... Mike Rios followed by Debra Craig...

SPEAKER REOS – Mike Rios, 29034 Cansa Maria Court. I just want to give out the facts. I've spoken with Mr. Iddo Benzeevi several times regarding this project. It's a Class One "A" project that I will say. It's a beautiful building. Will it cause traffic – very minimal. Will it cause smog – probably not too much? Will it cause environmental impacts – not significant enough, but let's look at the big picture. Once this is built it's a Pandora's Box. You are going to start having more and more and more of them. We're going to end up with 30 of them out there and then we have traffic; then we will have smog; then we will have environmental impacts. Now I've spoken to Mr. Benzeevi myself with these concerns. He has a "A" Class building, which is really nice and I told him what is going to prevent other builders from coming in and building "D" class buildings after yours is done. We're going to have a really nice building and then lower class buildings around. What can we do? Well there is really nothing we can do, but I asked Iddo will you help me fight to make sure that all the buildings out there are going to look as nice as yours. He gave me his word that he will and I just want to make sure that these are "A" Class buildings. I know this project is going to go through. It doesn't matter. This City is controlled by him, so it doesn't matter what it is, it's going to go through no matter what I say; no matter what anybody says and I told him that too; I told him himself, so it's not like I'm making something up. If you don't agree with him, you end up like Charles White and Frank West; plain and simple; that's the bottom line and what's amazing to me is I think Moreno Valley is doing very well because I see a lot of new

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residents and I've been walking the streets all over Moreno Valley, so we must be selling a lot of houses. I mean seriously, you need to make this decision; if we're going to make this project happen, which it's going to, we need to make sure all the buildings look as good as this one. Whether you are for or against it, we need to do the best thing to make this project the best and everyone after that follow in that footsteps. That's all I'm asking because it's going to happen, plain and simple. Thank you.

CHAIR DE JONG – Thank you...Debra Craig followed by Charles White

SPEAKER CRAIG – Good evening. My name is Debra Craig. I live at 10792 Cloud Haven Drive and I have lived in Moreno Valley for 18 years. For the record I live in Sunnymead Ranch and not near the area affected by this zoning change, but I have an interest in this project because as teacher who works for the Moreno Valley Unified School District, I understand that a huge step in improving student learning is improving the family life that students come from and that means having parents in a good income in the City they live, so they no longer have to commute. This is why I wanted to know more about this development. After researching both sides, this is what I have concluded. The people against this zoning change are correct in saying it might not be a perfect development. Yes the project might cause more traffic and air pollution and it might not employ the number of people that they say. Will it put us all at risk for valley fever? Well even the Riverside County Health Officer has been quoted as saying valley fever is very uncommon in Riverside County. We all agree that nobody likes air pollution, traffic and getting sick, but if warehouses are so destructive to a community why in 2006 did our affluent neighbor to the north; the City of Redlands allow Payless Shoes to build a 400,000 square foot shoe distribution warehouse and Laps Plus to build a 784,000 square foot distribution center right next door. Did these developments result like many here fear a change in air quality and traffic that diminished the citizen's quality of life? I haven't heard that this is the case. We all know our Country is in tough economic times, however do the citizen's of Moreno Valley realize how lucky we are to have a developer who is willing to invest millions of dollars in our community right now, that will immediately bring new construction jobs to the area and boost our own economy. Yes, he is doing it to make money, but he is a businessman and Moreno Valley will make money in the process as well. More money for our City means more parks, more Police, more services and a better quality of life and if you don't believe me just drive to Temecula or Irvine. This Sketchers development isn't just about creating some warehouse jobs; Highland Fairview President Iddo Benzeevi is also bringing to Moreno Valley a new vision that our City can be successful. He spent extra time and money making sure this development was environmentally friendly as well as beautiful. What more can we all ask for. I ask this, yet that I am amazed that they are people in our community who would still rather have us continue on a path of fear meaning we will continue on a path of declining home values and more businesses closing. We must all remember that this isn't the same Moreno Valley from 40 years ago

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or when the Master Plan was developed. Times have changed and it's time our City changes too. The job of the Planning Commission is to decide what's in the best interest for the majority of our citizens, not just a few. In closing, our City needs to attract companies that can offer high paying jobs. Our City needs to find families to fill the hundreds of vacant homes. Our City needs to thrive. This project I see will accomplish all of these things. This is why this Zoning Change should be approved. It's time to bring Moreno Valley's transportation from being a dysfunctional bedroom community into a prosperous 21st century City that we are all proud to call home. Thank you very much.

CHAIR DE JONG – Charles White followed by Ricardo Olalde

SPEAKER WHITE – Good evening Planning Commissioners and Staff. It's nice to see you again. My name is Charles White and my residence is 11833 Indian Street in the City of Moreno Valley. My purpose this evening is not that of confrontation but that of understanding. I would like to understand how and why a subject of such importance as changing our General Plan and thereby changing the direction of how this community will be affected for the next 30 to 50 years is not allowing the citizens of Moreno Valley the same amount of time for review and comments that has past policy of the City Council. Our current General Plan took members of this community 10 years to develop and was recently approved by this Commission and the City Council. Why is this Sketchers project being rushed to judgment? Would greed be the answer? It appears that Highland Fairview developer Iddo Benzeevi was premature in guaranteeing General Plan and Zone Changes before any such approval was made by this Commission and certainly before the approval of the City Council. Why would he think he has such approval so far in advance of submitting an Application for approval? It also appears that Highland Fairview properties developer Iddo Benzeevi is looking for the City to bail him out of an expensive situation to the detriment of the health, safety and welfare of the people of the City of Moreno Valley. As I indicated earlier, I do not understand how or why the normal process is being circumvented. In past years it has been the policy of the City to provide the community a 30 day review and comment period on all EIR's. As you know the law provides a minimum of 10 days for public review, however the community has the right to expect and should receive the same review and comment period time that has been provided in the past 12 or more years. All other developers have had to honor standing Council policy whether they be pistols or cannons. It is nice to be business friendly but how about the citizen friendly end of it. I do not recall the City's review policy being agendized for open discussion and then being voted on by the City Council to reduce the public's time in this matter, however it appears that the time has been reduced. Apparently there is a magnanimous gesture by someone to give the citizens a break and has allowed a 20 day review of this project. Can you believe the extended time goes right through the Christmas and New Year's holidays; talk about outfoxing the public? I'll be through in just a minute Chairman. Changes of such enormity are such that they will dismantle the envisioned controlled

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growth of our City as approved by the citizens. Warehouses or distribution centers are allowed by the current General Plan in the southern portion of our City close to the 215 Freeway; why not build there.

CHAIR DE JONG – Can you wrap it up please?

SPEAKER WHITE – I respectfully ask this Commission of the people recommend to the City Council denial of any General Plan or Zone Change as regards to this project and to also recommend to the City Council that the developer look elsewhere to the south for his development project. Thank you very much for the opportunity to speak on this issue.

CHAIR DE JONG – Thank you... Ricardo Olalde following Daryl Terell

SPEAKER OLALDE – Mr. Chairman and members of this Commission. Thank you for allowing me to speak. My name is Rick Olalde. I live in the City of Perris and I wish I had a warehouse like that in my City. I am here to speak on behalf of Riverside County Workforce Development Board of which I Chair. I applaud the developer in bringing this type of a product to your City. Site locators work long and hard to find a prime location for their facilities and apparently they thought your City was one of those. In that vein, this project has already created jobs in coming to this point in professional job; high paying jobs and that's we need in this County is those types of jobs, along with the many construction jobs. On this project you will have continuing operations out there that will bring a tax increment that will repeat itself throughout the City through those several million dollars that the City will realize that will only benefit the City and its residents. These types of facilities are not your father's warehouse. Those jobs are high tech jobs and in a time when we have an unemployment rate hovering around 10 percent in our County and nearing that in our nation. To have somebody put their private dollars to work in your City should be a privilege. Aside from everything else that I've heard from others on the positive side, I thank you very much.

CHAIR DE JONG – Thank you... Daryl Terrell followed by Deana Reeder

SPEAKER TERELL – Hi my name is Daryl Terrell and I live at 13689 Moreno Way here in Moreno Valley. Moreno Valley has the potential of being a world class city. One of the key foundations in building a world class city is having high paying, high quality jobs closer to home. Another component is to attract a world class company and in a global economy you shouldn't have to leave your own city to find a high quality, high paying world class job. Tonight before the Planning Commission we have an opportunity to lay down the key foundations in becoming a world class city by bringing a global company; the new Sketchers North American Operational Headquarters into our community. Bringing this global company into our community is important to our community and to our local economy. To bring this point closer to home, according to the latest

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unemployment figures for Moreno Valley, 10,200 of our fellow residents are out of work. Having Sketchers in our community will put "Joe Six-Pack" back to work and mom or dad off the freeway and closer to home. What do I mean? It means 2,500 jobs from entry level to skilled jobs, supervisory position and upper management and it means 1,000 local construction jobs but most importantly it means bringing 1,507,000 dollars in economic benefit to our City to maintain or enhance our quality of life through our City services like public safety, after school programs and infrastructure improvements. In closing this project is not about one individual or one developer or about our past election. It's about that 10,200 of our fellow residents who lost their jobs; lost hope; had their American dream foreclosed; it's about Mary the commuter who is frustrated because she can't find a job closer to home and my final comments; we will have people that will come here and they will say they the developers are taking over the City; they got all this power and things, but it was their special interests that have already taken over this City. What do I mean? The General Plan has approximately proposed over one hundred million dollars worth of improvements. They have approximately one fourth of this City zoned for low density, minimum half acre lots to large lots for this special interest. They only represent only approximately maybe less than one percent and they receive most of the benefits. How can we be against a project that is going to put our people back to work that is going benefit the whole mass instead of a few, so I hope go for it on this. Thank you.

CHAIR DE JONG – Thank you... Deane Reeder followed by Carl Rowe...

SPEAKER REEDER – I've been living in this City for over 20 years and this is one of your promises; the City's promises of another rose garden and generally when this City promises a rose garden what we get is thorns and barbed wire. I remember how much the mall is supposed to make us. It isn't even close. INCO our utility was supposed to make us a bunch of money; well that's not going to happen because that is so far in the deficit because nobody here thought through the plan, so we are now paying Southern California Edison about three million dollars a year in what is supposed to be our profits because nobody thought through the process. Now as far as it being a solid developer, Mr. Benzeevi by his own words has been a developer his entire adult life; that would be 30 years and in 30 years Mr. Benzeevi has not developed one single, solitary thing, so what his solid score is zero. He has done nothing in the way of development and the entire time he has been a developer he has had a contractor's license for a year and a half and it is currently suspended. Now that's my idea of a solid character. Now he does shell out a lot of money that he didn't make from developing, so I'm not sure where he gets it or how he makes it, but he does not make his money as a developer, but he does make a lot money doing something. He also bought this property for by the way 2.4 million dollars for almost 500 acres. Well those 500 acres are all going to end up being warehouses. This one is going to look pretty, I'll give you that. It's going to look gorgeous. It's the only one that is going to look gorgeous. The whole point is for him to get his foot in

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the door and then it will start looking like everybody has been telling it. This is one of those things where you've gotten promised stuff and there is a reason that Sketchers will not comment on how many jobs there is going to be. This is a state of the art, fully automated facility. Everyone that works there other than the bookkeeper, manager and the assistant manager; they're going to be minimum wage. Sketchers people; they actually get them from temporary agencies. They don't even get benefits. They don't even know how long they are going to be there. That is what this will bring. Thank you.

CHAIR DE JONG – Carl Rowe followed by Margie Breitkruez...

SPEAKER ROWE – Good evening Commissioner, Planning Agents and the general public. My name is Carl Rowe. I live at 23633 Marguerite Circle. I've been a resident of Moreno Valley since 1992. I've seen a couple busts, one boom; we're in the middle of a pretty significant bust right now. The Los Angeles Times quotes that Riverside County and the Inland Empire lead the nation in unemployment. As the previous speaker indicated, we have a great number of foreclosures and our property values have diminished significantly in this most recent bust, therefore I can't think of a project whose timing is better than this one in terms of it's impact on the overall economy of the City; on the number of jobs that it will create; both permanent and temporary in the construction industry, which has more than a 30 percent unemployment rate right now. I think we can truly say that this is an earth-shaking project and I urge your support.

CHAIR DE JONG – Margie Breitkruez followed by Victoria Baca...

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. The citizens of Moreno Valley worked diligently with the City for years to develop a General Plan that addressed our future needs. During this lengthy process, areas of the City were set aside for business, industrial including warehouses, housing, residential, etc. Now a change in zoning is being requested. This project and its overwhelming negative impact is being shoved down our throats even by some of our own elected and appointed City officials. This site isn't being selected because it's the optimum place for the warehouse; it's being selected because it's owned by Highland Fairview. Case in point as far as it shoved down our throats. On September 11th, Press Enterprise article regarding former Mayor Batey stated in the City address, he said, these challenges have sometimes made our journey towards excellence but we've made it through and we'll make it through now. There are reasons to be optimistic... 22 million square feet of office and logistics buildings. That sounds like a pre-endorsement to me. An article in the November 5th, 2008 Press Enterprise is another example. The Moreno Valley Taxpayer's Association, whose leader is Planning Commissioner Michael Geller, spent more than 350 thousand this year primarily on a barrage of campaign mailers touting Molina and Hastings.

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CHAIR DE JONG – Excuse me... Do not address particular Planning Commissioners.

SPEAKER BREITKRUEZ – I'm reading what was in the newspapers... No?

CHAIR DE JONG – Please don't...

SPEAKER BREITKRUEZ – Okay, it's in the September 5th, Press Enterprise. Our nation and State is currently in a financial crisis, but there are long term trade-offs of 35 million square feet of warehouses. Are they worth the quality of life and health toll to our community and children? Do those here tonight realize the health hazards of working in warehouses; no air conditioning except in the offices; diesel pollution? Most warehouse jobs provide no long term employment let alone offer benefits. Sketchers wants to consolidate its three Ontario, California warehouses into one modernized automated facility. To say that this project will bring Moreno Valley residents 2,500 jobs is insulting to our intelligence. Sketchers have 2,157 employees nationwide. How could they bring 2,500 jobs to Moreno Valley? What about all their employees from their Ontario operation. There are no guarantees that the rest of the project area will be occupied anytime soon, so job projections there can't be counted either. If this project is approved, their existing employees will have to commute to Moreno Valley, incurring more traffic. Just as likely overall jobs will be lost not added if this Zone Change is approved. I've got more, but I'll do it next time.

CHAIR DE JONG – Thank you... Victoria Baca followed by Art Alcaraz...

SPEAKER BACA – Good evening Commissioners, ladies and gentlemen in the audience and those of you at the Rec Center. Thank you for coming out to support the project. I understand that there are about 500 supporters outside and I hope that this meeting accommodates them and gives them the opportunity to address the Planning Commission tonight. I'm an elected member. I'm a member of the Moreno Valley Unified School District Board of Education and our children's future is always my first priority and that's why I'm here. If this project indeed was detrimental to health of our families and our children, I would not be here before you tonight supporting the project. The students of Moreno Valley; when they graduate, where can they go to get jobs? If they don't go away to college and they decide to stay here in Moreno Valley, where can they get jobs? Yes it's true that this City has brought better restaurants to the City, however how many people can those restaurants give jobs to... very few. In fact, it's limited to those who understand the restaurant business. The children of Moreno Valley; the students deserve to have companies such as Sketchers come to Moreno Valley and it should not be detrimental to businesses that want to come to Moreno Valley. For example, you have the businesses in Towngate; the Ralph's Market; Circuit City; Mervyn's; Gottschalk's, Lane Bryant and the Mall; other businesses that have left Moreno Valley, yet you have a company such as Sketcher's that wants to come to Moreno Valley and it just confuses and it upsets

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me that we have people that are opposed to bringing a company such as Sketchers to Moreno Valley. Our students; they ask for Work Permits from the School District, so we issue Work Permits but there are no jobs. That's an insult to our families in Moreno Valley. We have families that commute to LA County, Orange County, some to San Bernadino County and San Diego County for jobs. These families can have jobs here in this City and they should, so that they can spend more time with their families and I'm appalled that we don't have the vision to embrace this company to come to Moreno Valley and be part of the community. We have to start doing things differently. We are not business friendly. We have the land. We have someone; a tenant that wants to come in; we have empty warehouses; we have empty buildings. When I moved in here, we had Home Base on Hemlock. That building has been empty since and no one has taken the time to occupy it, so I hope that you support the project and that you vote to bring Sketchers to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you...Art Alcaraz followed by Paul Rosso...

SPEAKER ALCARAZ –. Thank you for the opportunity Planning Commissioner members. I don't live in Moreno Valley but I'm active in Moreno Valley and I've been active with Chamber and am out and about quite a bit in the community and during the last two years; if there was an issue that was frequently brought up in meetings wherever I was, it was the need to attract businesses that would create jobs for the residents of Moreno Valley and/or bring persons to work in Moreno Valley who would have a positive impact on the local economy. The support to the community that a Sketcher's Operations Center could provide does both. It brings numerous jobs at various levels, brings positive impact as these people begin Moreno Valley at all levels from retail purchases, to home purchases and everything in between. The boom to the local economy I envision will be significant. The project is a viable project to support. It does take into account the need to preserve local air quality; takes into account water preservation measures; it does create green efficient processes in it's development; it's strongly weighing the impact of traffic flow as you saw earlier; it's cognizant of it's truck fleet and it's need to impose standards that preserve air quality and they've also integrated solar efficient processes in their development plans. As a Human Resources Director in the local area for 28 years, I can tell you that given the current economy, the numbers of candidates for even the lowest paying employment opportunities is reaching proportions that I haven't seen for quite a while. The potential to bring jobs to Moreno Valley which can provide competitive opportunities for local residents is an awesome opportunity. The potential to bring jobs requiring some technical savvy and information technology is important. The potential to provide employment for those skilled in logistics and distribution processes is valuable and the potential and opportunity to partner with local learning institutions to help develop skills of the workforce positively impacts our local economy. The benefits derived from this project and the positive impact to the City seems to be benefits that the Planning Commission should not pass up at this time. As a citizen interested in the future

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of this great City, I encourage the Commission to do what it can to support the project. Thank you very much.

CHAIR DE JONG – Thank you...Paul Rosso followed by Stan Stosel

SPEAKER ROSSO – Good evening honorable Commission members and ladies and gentlemen in attendance. My name is Paul Rosso and I'm a resident in Moreno Valley and reside at 23426 Woodlander Way. I am also involved in our City and local politics; State and National. Currently I'm a board member with the community health systems. We just opened the Innovative Health Care Center hear in our City and I also serve as President of one of the two Democratic clubs here in Moreno Valley. I'm here this evening because after reviewing the presentation which we have all seen this evening with the innovative environmental design of the structure, including the tax revenue that it would generate to our City and the thousands of jobs, I support this project and I urge you to support it. With that said; during this past election, I want to talk a little bit about this. You know that our candidates were out there proposing that you know they were going to make changes to the City. They want to fight crime in our City, but the problem is that when you ask them what is your plan to fight crime, they had no plan; no plan at all and we know how do we fight crime that's in the City. Well fight crime by hiring more Police Officers; more Fireman and I believe that with the tax revenue generated by bringing Sketchers into our City, we can do just that. We can fight crime and provide jobs to the community. Thank you.

CHAIR DE JONG – Thank you.... Stan Stosel followed by Norma Cortez...

SPEAKER STOSELL – Good evening, my name is Stan Stosel and I'm an Assistant Business Manager with IBW Local No. 47; that's Electrical Workers No. 47. I live in Riverside at 782 South University Drive. Our Local alone represents more than 125 families in this community. Our sister, IBW Local's represents several hundred more. I am also a 20 year member of the Sierra Club, although I'm not speaking for them tonight, I mentioned that just to show my long term commitment to the environment. Demagoguery is easy. Solutions are difficult. Balancing community interests is the role and an appropriate role of government. Schools, quality of life, jobs, the environment, all are bona fide concerns of the government and then the government needs to figure out how to finance these issues. There has been some talk about jobs. What the magic number is, I don't know; 500; 600; 1000; any number is better than zero and that number is increasing and when people talk about the Sketchers jobs, there are going to be ancillary services that result from that hub, so there will be jobs around the area. It will be a magnet for future jobs. On November 4th last year, most of the country recognized the need for change. Tonight you have the opportunity to embrace change yourselves. Instead of exporting jobs overseas, let's change; create jobs here in America. Instead of other cities getting tax revenues; your tax revenues; let's change; let's bring that revenue to Moreno Valley. Instead of

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starving our schools, let's change; let's help fund our schools. Instead of commuting hours to work; let's change; let's commute minutes to work. Instead of polluting the environment with greenhouse gases creating electricity; let's change; let's use clean green solar power. This one project alone will be enough to power 3,000 homes. Think of the pollution that we're saving there. On behalf of IBW 47 and the working people in the community, I ask you to support this project. Thank you very much.

CHAIR DE JONG – Norma Cortez following by Elena Santa Cruz...

SPEAKER CORTEZ – Good evening, it's Norma Cortez. I'm Normal Cortez, a 15 year resident in Moreno Valley and wow and now I voted the way I did. This is not only about Highland Fairview; this is not only about Sketchers, this is about our community and this is about jobs. And Iddo just set the bar pretty high for new developers coming in and I applaud him for that. Yes, I agree foreclosures are the result of some bad choices, but foreclosures are also the result of people losing their homes due to losing their jobs or there are no jobs. That's a fact that we don't talk about and by the way I'm actually a senior partner in staffing agency a temp to hire; which temps get a foot in the door with some of these companies such as Ross, which has over 3,000 employees. They are fully automated, but they need 3,000 people help them run all their different machines and all their different warehouses. So it's quite simple; Moreno Valley needs jobs. What do we want – jobs and when do we want them – now. Thank you, that's all I have to say.

CHAIR DE JONG – Can we take a moment to remind everybody to please address us and not the audience. Elena Santa Cruz followed by Hector Reza...

SPEAKER SANTA CRUZ – Good evening, my name is Elena Santa Cruz. I live at 23192 Sonnet Drive, Moreno Valley, California. I want to read you some very important numbers tonight. The current unemployment rate in our country is 6.7 percent. The unemployment rate in California is 8.4 percent, yet the unemployment rate in Riverside County is 9.8 percent and here in Moreno Valley, our unemployment rate is 11.4. That means whenever you come in contact with any ten working age Moreno Valley residents at least one of them is unemployed. Moreno Valley's unemployment rate is large amount greater than the country is as a whole and it's about a third higher than the State's rate and we have almost twice the amount of people out of work as compared in the rest of the country. Corona's unemployment rate is 7.3 and Rancho Cucamonga's is only 5.9. That's because those cities are not afraid of locating businesses in their backyards; businesses that put their residents to work, even during one of the worst recessions ever. Moreno Valley needs to follow their example and not be swayed by the unjustified claims of a few people that may have a personal grudge against someone who wants to build business in Moreno Valley. Iddo Benzeevi; he seems to be more of a visionary and a leader that we would all be wise is listen to. Moreno Valley needs jobs and with your approval of the

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Sketcher's, followed by its approval by our City Council we can bring those jobs here to Moreno Valley. There's over a thousand construction workers; many of whom have not worked this entire year who will immediately be put work on this building; this incredible building that will be the most environmentally green building in the entire country. I urge you to get behind Sketchers and get behind job creation and vote yes tonight. Thank you very much.

CHAIR DE JONG – Hector Reza followed by Louise Palomarez

SPEAKER REZA – Good evening, my name is Hector Reza and I live 11521 Davis Street here in Moreno Valley. First off I'd like to say that I appreciate the Planning Commission's valuable time and I simply ask that you vote for the Sketchers project. As you have heard, I am in favor of the project. We must face the facts. Moreno Valley needs the money that Sketchers will bring. That's clear to see and those who oppose or way otherwise are not in touch the facts or reality. The fact is that Moreno Valley is in bad financial shape. If we don't do something about it now, things will only get worse. In the past two years, the City of Moreno Valley's revenue has decreased approximately 15 million dollars and that's due to all of the businesses moving out of town. Yes, the City Commission has enacted some deficit reduction plans; however that has not been enough for the City to avoid major cuts in services and massive layoffs, possibly in areas we need most. The City may have to raise sales tax or even the utility tax again or even both. This year Moreno Valley could face another deficit. The only way to avoid layoffs, cuts in City services and tax increases, is for the City to extend an open hand to job creating businesses like Sketchers and others that want to invest their money here in Moreno Valley. Not only will Sketchers help put Moreno Valley residents to work; the taxes and fees that Sketchers will pay to the City will help balance the budget. I hope you will approve Sketchers. Moreno Valley residents need tax relief. I say let Sketchers carry some of that burden. Thank you.

CHAIR DE JONG – Louise Palomarez followed by Librada Murillo

SPEAKER MURILLO – (Speaker speaks in Spanish)

SPEAKER PALOMAREZ – You need a translator and I can do that for you if you wish unless you have your own translator.

COMMISSIONER RIECHERS – That's fine with me.

CHAIR DE JONG – That's fine, okay, go ahead

PLANNING OFFICIAL TERELL – Yeah, that's fine

SPEAKER PALOMAREZ TRANSLATING FOR LIBRADA MURILLO – My name is Librada Murillo and I live at 12379 Kitching Street, Moreno Valley,

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California, 92557. As a resident of Moreno Valley and the President of the Moreno Valley Parents Association, I'm here to ask you to vote for Sketchers tonight. Year after year politicians campaign for office telling us that the best way to reduce traffic on our freeways is bring jobs to our City. They tell us the more jobs we have here; the less cars will be on the freeways going to and from Los Angeles and Orange Counties. We all know this makes sense and we cast our votes for these politicians, but something happens after they get sworn in; the jobs never show up. Finally, after all these years of empty promises a company wants to come to Moreno Valley and bring jobs. We should all be welcoming Sketchers will open arms, but instead we come here tonight to find various people, some from our community, others that have never been here before telling us we can't have these jobs because Sketchers will create too much traffic. That's just bull. The jobs Sketchers creates, will take cars off of our freeways. The activists say Sketchers will put too many trucks on the road. They say it will create an additional 40,000 but that number is unsubstantiated. That phony number comes from Frank West's last failed campaign that even the voters of his District didn't buy into. The number of additional vehicle trips is actually closer to 3,000, which is the same as the traffic created by Wal Mart, but the activists here tonight didn't come to the Planning Commission to complain about that traffic or about the minimum wage jobs Wal Mart brought to our town. The opponents to Sketchers don't care about these facts and they don't care about the jobs they are trying to chase away. They do not speak for the majority of Moreno Valley. They speak for their narrow selfish interests. Don't be fooled by their tricks and their lies. Moreno Valley needs jobs and it needs Sketchers. I am here tonight to ask you to approve this project.

CHAIR DE JONG – I'm going to read one more and that's Librada Murillo and then we're going to take a break.

COMMISSIONER MARZOEKI – That was here

SPEAKER PALOMAREZ – That was her.

CHAIR DE JONG – Oh I'm sorry, excuse me...

SPEAKER PALOMAREZ - My name is Louisa Palomarez. I'm a resident here for 20 years. My address is 24766 Thornbury Circle, Moreno Valley. I've been here 20 years in this community and this is a blessing in disguise. We need to get on board here. We need this for our City. I'm an activist here in the community and an advocate for kids in the schools. Now this is going to be good for our students when they get out of school and they graduate because a lot of them aren't ready to go into the Colleges; a lot of they aren't ready to go into the trade schools and we don't have any jobs. A lot of them have to take a year and work, but where are the jobs; there's no jobs. A lot of them; I've seen a lot of the students go into the Colleges; RTC and they drop out because they're not ready for that. A lot of them are still immature. This is something to say to them okay,

let me go get a job; let me work and then I will think what I want to do from there. We need these jobs here. I have 20 children; I mean I have 6 children and 20 grandchildren and most of them live in this community and go to school here and we need these jobs, so I hope; I support... there's a lot of things that were already said that I want to say so I don't to say them, but I hope you support this project and we go forward with it because this is a blessing and it's a God send, so thank you so much.

CHAIR DE JONG – Thank you for your comments so far. We're going take a short break; about a 10 minute break. Let's reconvene at 9:15.

(TEN MINUTE RECESS)

CHAIR DE JONG – And we have reconvened our meeting. We are in the middle of Public Hearing. Let me please remind you before I continue. I've been asked to remind the audience to please turn off your cell phones and please keep talking amongst yourselves to an absolute minimum as it's hard for other to hear. Thank you. Our next two Speakers would be Robert Palomarez followed by Mary Anne Gonzalez.

SPEAKER PALOMAREZ – Good evening Planning Commission. My name is Robert Palomarez. I live at 24766 Thornbury Circle, Moreno Valley and I'm here to support the Sketchers and I've been over at the Elder Center and I've seen all the support that people want that help with this project and it's overwhelming and I wonder why people would not want it. I mean right now, you know it's getting pretty thin. There are a lot of people losing jobs and a lot of businesses going under and as for me I'd rather collect a pay check than an unemployment check and I know you people have a lot of wisdom. I've looked a couple of your Planning Meetings and you're pretty thorough about things and I know you won't let this one get by you because it's hard times and we need it and I hope you make the right decision. Thank you.

CHAIR DE JONG – Maryanne Gonzalez followed by Jack Shierner...

SPEAKER GONZALES – Good evening Commission. Yes it's Mary Anna Maria Gonzalez and I do live in Riverside and may be asked why I'm here in Moreno Valley; well because to me I think that anything good that happens in Moreno Valley has a direct impact on us in Riverside and they've cited the statistics over and over again how dismal the picture is as far as unemployment and it's getting worse by the day. Macy's is now going to close eleven more stores in the nine states. Every single day between the automotive industry and every corporation that you can think of are finding new ways of out sourcing our jobs to other countries and so to me I find it commendable that these individuals want to bring business to this City. Instead of me having to worry that I'm buying Nike and

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having to worry that some child in exploitive labor conditions or some women chained to that machine is having to produce that tennis shoe, there is going to be a body that will be able to oversee that the conditions in that worksite maintain good, healthy, humane conditions for these individuals and if there is a tax base that is ensured that's reinvested into this community. I know I heard a couple of speakers say that it's a shoe in and that these people are going to get this business because... I don't think so. I'm assuming that you have that responsibility to determine whether or not that business comes into this area and that you are going to make sure that they have dotted all the "I's" and crossed all the "T's" and it sounds like they have bent over backwards to make sure that they answer all the issues and concerns that are being raised and I can only wonder if all of those individuals who against this project are employed or retired, because I can't think that if you lost your job in the last few months, you would not welcome gladly the opportunity to work at job in such a nice environment. I worry every single day that people are going to be coming more and more apt to go to crime because of the fact that they don't have enough to eat and I get sick and tired of seeing every single day more and more men on the side of freeway asking for dollars and now women and young kids. Why... Because there's nothing else for them to hold on to. This is an opportunity and I commend you for addressing this you and I commend this company for doing such good homework and I can only hope that my City of Riverside also doesn't get blinded by stupidity and greed on their own because of the fact that they have a job and they are in a cushy environment and make sure that when someone has offered the opportunity to give someone else a helping hand by way of a job that we ensure that opportunity to someone else. I have listened to some of the rumblings in the back that it's a front for another organization that's coming in. I don't even know. I listened to one individual make a presentation as far as almost totally calling this person a crook. Well give me a break. Prove it. Thank you very much.

CHAIR DE JONG – Jack Shierner ... Are you Jack Shierner?

SPEAKER CARRILLO – My name is Norma Carrillo. You called me earlier. Can I present now?

CHAIR DE JONG – Yes go ahead

SPEAKER CARRILLO– Okay, good evening my name is Norma Carrillo. I grew up in Moreno Valley. I respect the Planning Commissioner's valuable time. As a resident of Moreno Valley and credentialed teacher, I am here to ask you to vote for Sketchers tonight. President Elect Obama gave a speech yesterday stressing the need for Congress to pass an 800 billion dollar economic stimulus package, even as the nation faces a 1.2 trillion deficit. He said doing nothing was not an option and if Congress failed to act, that the consequences could be horrible. With the recession lingering for years and unemployment going up into the double digits and in Moreno Valley we've already hit double digit unemployment. Over 11 percent of the workers living here cannot find work and why; because

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this City has done nothing year after year to attract job creating businesses. Now we have Sketchers that wants to come here with 1,000 construction jobs. There are people badly in need and over 2,000 jobs that Sketchers will create here at its North American Headquarters. I ask everyone in Moreno Valley to welcome Sketchers with open arms; to thank them for seeing more potential in our City than our City leaders have for two decades and I ask you to approve Sketchers tonight because doing nothing is not an option and a no vote will have dire consequences on the future of our City. Thank you.

CHAIR DE JONG – Okay I called Jack Shierner. Is Jack Shierner available? Okay I'll set Jack's aside... Raul Wilson followed by James Dudley.

SPEAKER WILSON – Good evening members of the Planning Commission. My name is Raul Wilson and make no mistake, I support the Sketchers project. Now what's happening tonight appears to be a fight for Sketchers and against it by what is really on is more important. This is a fight between the rich and the poor. This is a fight between the haves and have nots. This is a fight about whether Moreno Valley should remain a house divided or if we should come together and do something beneficial for all the people. We are divided City based on social class and income. These are a few rich people; there are a few rich people in Moreno Valley; probably less than 100 families that always get their way in what happens in Moreno Valley while the rest of us struggle for the bread crumbs we get in order to survive and provide for our families. If these 100 rich families that have organized the fight against Sketchers and the jobs that it will bring here, that doesn't make sense to me. Sketchers will be a distribution center of shoes. What's the big deal? They should be concerned if the company we are talking about bombs or even cigarettes, but it doesn't; Sketchers makes shoes and we all wear them. Why are they fighting Sketchers? It's not like we all marched on City Hall and fought against the 100 million of our tax dollars that have gone to pay for the horse trails and those 100 families that have the Equestrian down there. We never complained about the cost we had to pick up for their horses even though the money they got would pay many times over for us to have a real Library. We never asked them to pay a special tax on each horse they own. They pay for the damage the manure causes to our water supply when it gets into the ground water. Now there's a real risk to the health of our children that should be examined. So why are these rich people living high in the hills fighting against Sketchers? Simple... because they don't care about the poor. They always look down their noses at us. They don't care that our families don't have jobs, just as long as their families have their houses away from us where they can toast champagne on New Year's Day while we in our houses are not high by gunfire from those that think that shooting bullets into the air is an appropriate celebration. We live in different worlds and the people fighting Sketchers don't care about us and they use their scare tactics and act like they care about our children, but they don't fool us. We know that they don't care about us. They never have and they never will. Can we really hold that against them... not really? It's just who they are; they are snobs, but tonight I am representing the

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working class people in Moreno Valley. We've had enough of the rich always getting their way. We want Sketchers. We want jobs and we want them now and I would like to say in closing, what will history record of this Planning Commission? Would it say that you heard the pleas of the poor and you acted on their behalf and remember justice delayed is justice denied?

CHAIR DE JONG – James Dudley followed by Oscar Valdepina

SPEAKER DUDLEY – Hello my name is James Dudley and I live on the east end of Moreno Valley, 15857 Oliver Street. I'm here in support of this project. Earlier when I had taken the first look in the newspapers and you know they talked about a warehouse and what have you, the first thing that comes to mind is awe geez, another warehouse and we have some that are vacant right now and so forth and so on, but you know I'm the type of individual that I just don't take things for face value and take what I read in the newspaper as accurate and concise and so I made the attempt to address my concerns and I found out about this project and I'm very impressed with what they are going to build and aesthetically it will look very nice out there in that area. They answered a lot of the questions when it comes down to the environmental issues. I think if you stop and think about this for a minute a lot of people you know you always us about the mere fact that they are outsourcing work; not only outsourcing out of the State of California, but the other States; not only are they outsourcing work to other countries, but you know what manufacturing plants have closed down throughout the whole United States and you know when the elections were going on and they talked about Iowa and the many manufacturing jobs that they lost there, that was pretty disappointing and to stop and think today and we look at an opportunity here, we're going to have an opportunity to bring in a major business, this might be and somebody used this term, priming the pump to get other businesses to come into the City of Moreno Valley as well. You know this City stands on people, pride and progress. I think I remember that since I moved here in 1987. I ultimately watched a lot of people vacate and leave this City and go down to Temecula or they thought it was brighter on the other side out in Rancho Cucamonga but I stayed here in this City because I do believe in the people, pride an the progress that we can make. Thank you.

CHAIR DE JONG – Oscar Valdepina following Francisco Sanchez

SPEAKER VALDEPINA – Good evening Commissioners; Oscar Val Pena, Executive Director, Moreno Valley Chamber, 22500 Town Circle, 2090 Moreno Valley and resident 98292 Tamarpais Place, Moreno Valley. Moreno Valley was the sixth fastest City growing in the nation just not too long ago; about two years ago. Moreno Valley had many goals and aspirations as we grew. Moreno Valley had a lot of success stories and has a lot off success stories. We had a lot of businesses that were number one in their chains; in the industry; in the country. When stores opened up in Moreno Valley people were either hesitant to either support or see what they can do. When stores opened up in Moreno Valley, not

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only did it bring jobs, but they hit national sales and goals that no other company did in the country. Now is the time when we are falling behind in the economy; what's happening in our community, we see the businesses closing; we see what's happening in our local community. We see people leaving out to go find those jobs. This is the time when we need to support this. We need to make sure that this zoning plan is changed. We need to make sure that this project comes to life. We need to make sure that not only the jobs that are going to be at this site that they will bring, but we need to think about the jobs outside of there. We need to think about Joe the plumber; Mary the maid and Tom the taxpayer. We need to think about the parents that will stay closer to their kids for the schools. We need to think about that it's a known fact that if you're not working in the community you live in, you will buy your gas, you will eat your lunch and you will shop where you work and we cannot grow and we cannot provide those services that everybody calls the Chamber for; why don't we get this; why can't we have that. This is why; because we don't have a project like this that will help us go to the next level. We need it. It's more than the jobs here; yes it will provide the jobs there, but it's going to provide a great community; it's going to provide a resource; it's going to provide a future. Like I said, I am resident and I have twin boys and I love this City. This City has been great. We have been through its ups and downs. We have wonderful people here and we have people out in this business industry that need to survive and this is going to help them and they give back, so please think about more than just the project; what the positive impact this is going to do to our community; to our businesses. They are going to benefit; Sketchers is going to benefit; the City of Moreno Valley is going to benefit. This is a young City but we can be a rich City, more than money, but a value to others as well. When people go and they see where the Sketchers project is; where their corporation is... When you're in New York, you're going to see Moreno Valley on the map. When you're in Paris and they'e talking in their Corporate Headquarters, let's fly to Moreno Valley. Let's go talk about and see what's happening there; let's go eat out; let's go have our meetings; let's support the community that support us. We need to support them, so please this zoning change needs to happen. This project is beneficial for everyone, not just their employees, but to the whole community. Thank you.

CHAIR DE JONG – Thank you... Francisco Sanchez followed by Donni Borchard...

SPEAKER SANCHEZ – Okay, Buenos noches; Good evening Commission, my name is Francisco Sanchez, 25387 Renoir Avenue and I am a proud resident of Moreno Valley. We hear it all over the news; internationally; nationally and I hear it everyday locally at my worksite that we are in economical crisis and we need jobs. I work for an agency that helps people with job training and placement; that is when there is money for training and when there are jobs to place them in. It's heartbreaking to see so many people coming into our office with a dream of finding a job so that they can feed their family, but there are not enough jobs. I encourage them and tell the job seekers that it will get better and that jobs are

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coming our way, but all they do is respond that's great but my children need to eat something besides promises of a job. These are Moreno Valley families; the working class and we need jobs. I'm here tonight to emphasize the need of jobs here in our wonderful City of Moreno Valley. Less jobs mean more crime. It's a no-brainer. A couple of months ago my home was burglarized. My family and I were victims of a crime. It's not the value of the stolen property that matters it's the violation of our privacy; it's my children's lost innocence. I constantly have to reassure my children that the bad people will not come again because now we have invested in a guard dog; we have system and we have a glock pistol. Last I checked our City model that was not where crime soars. Wouldn't it be nice if we could have local jobs to reduce the number of residents that commute? It would be nice to have parents work locally so we could spend more quality time with our children; attend school functions and be actively in their education. Parental involvement in the educational system has been proven to reduce juvenile delinquency; that's another reason that we need local jobs. Let's take our City back and make it a prosperous City that it was meant to be with jobs and quality of life for every resident; even the working class. Let's make Moreno Valley our home; the place where dreams soar. Let's support this project. Thank you.

CHAIR DE JONG – Thank you... Donni Borchard followed by Melody Lardner...

SPEAKER BORCHARD – Good evening, my name is Donni Borchard. I live at 13780 Roderick Drive in Moreno Valley. I live on the far end east side of Moreno Valley not too far from where the warehouses are to be built. I have several concerns about this project, but my most concern is the fact that the trucks are going to be coming through my neighborhood. I know that you say that they are not going too, but we see it going on every single day now as it is. The City has failed to put up speed limit signs in my neighborhood. You have failed to put in road blocks. You have failed to put in speed bumps. All I am going to see is more and more and traffic and trash and the environmental impact on this project in my neighborhood will be detrimental. The 24 hour proposal to build is going to have a direct impact on my quietness at night and it's just not working. I think that there are other places where that this project could be put and maybe they need to be explored. I do believe this City needs jobs, but not where you are going to put this. It's just not the right place for it. Thank you.

CHAIR DE JONG – Thank you... Melody Lardner followed by Meli Van Natta

SPEAKER LARDNER – My name is Melody Lardner. I live at 28201 War Admiral Street in Moreno Valley. My biggest concern with this project is the truck traffic and the lack of improvements to Highway 60. Cal Trans is always way behind the eightball as we know. This project in the EIR said it will generate 15,339 trips; that are not all trucks but its cars and trucks just from this project alone and of those trucks, 330 of those trucks would be going eastbound through the badlands, which we also know is badly in need of improvements. My concern is the on-ramps and off-ramps at Theodore and Redlands. I heard that

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they proposed maybe something stopping the trucks getting through on Eucalyptus from Redlands, but that's not a for sure thing and I worry that the trucks will get off, see that barrier and then they'll go wondering through the neighborhoods trying to figure out how to get to Sketchers. Maybe the developer should have to help Cal Trans with these improvements. We know the State is in trouble and I worry when that will come because even Nason and Moreno Beach aren't going to be improved until at least 2011; it could be a lot further into the future. The EIR explained away the traffic saying that Cal Trans monitors the situation and deals with it but we know with the State budget crisis that might be a long ways off. I'm also concerned that they didn't analyze trucks perhaps using San Timateo Canyon. I've seen trucks do it when there are problems with traffic on Highway 60. Some of the things they mentioned; putting solar on the roof of the building. It was only enough to generate for righting the offices. I'd like to see them go full blown solar and run the whole operation and contribute some electricity back to the grid. The utility companies are under pressure to go more green. Let's have them go completely green and contribute some power back to the grid. The job statistics I keep hearing thrown around. I read the EIR and the response to comments said this project would create 1,986 jobs, but 1,000 people currently work in Ontario. In this economy I don't think they'll quit and just not commute. I think they'll commute over here. Under the current General Plan the EIR said they'll be 4,250 jobs created. The landscaping; they said they were going to put some openings along the freeway. I'm not sure why I'd rather see more landscaping to help mitigate the pollution. I'd like see watering the landscaping used recycled water. I don't know whether they are going to do that, that wasn't clear to me and I'm concerned the ponds will create evaporation of water and create impacts to the downstream Mystic Lake. Thank you.

CHAIR DE JONG – Thank you... Meli Van Natta followed by Steven Crews...

SPEAKER VAN NATTA – Commissioners, my name is Meli Van Natta, Rancho Belago Realty. I live at 12099 Franklin Street here in Moreno Valley and I speak in support of this project and I'm not going to go back through all of the statistics and all of the reasons why we all know that jobs are great to have in town. I just want to talk to you about what I know about and that is in the real estate business, which has been my career for 30 years and I've sold property here in Moreno Valley for about the last 20 years. When people first started coming and when first started bringing clients out and selling them property in Moreno Valley it was basically because it was the cheapest place to live and it usually wasn't the first choice. They wanted to live somewhere else and ended up in Moreno Valley because they could afford it Now I'm finding more and more people moving to Moreno Valley because they have friends and relatives here because they like the lifestyle, because they find it an attractive place to live, but more often than not, the people who are buying homes are working outside of the City and one of the things that I hear over and over again is well I know that we are going to have to commute for now, but Moreno Valley is growing and we're hoping that sooner or later they'll be jobs that we can work at here in Moreno

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Valley so that we don't have to commute and that becomes the biggest lifestyle improvement that we can do for our residents and that is to provide jobs for them locally to where they don't have to commute. The other thing that I wanted to mention was there has been a lot of scare talk about all the pollution and we're going to end up looking like Mira Loma and all the problems that they have with air quality there and so forth and I just want to debunk that a little bit. I lived in Mira Loma for about five years back in the 80's. The air quality was poor then even before warehouses were moved in and it was because of the topography of the area there. We have a different topography. We have nice breezes come through in the afternoons and so forth and we're not going to turn into another Mira Loma and I'm not too concerned about whether or not this is opening a Pandora's Box and this is going to bring more warehouses and distribution centers. If it does I say bring them on. I'm not concerned about what they are going to look like because I know that we have a hard working Planning Commission that's going to make sure that any other projects that are approved for the area will be attractive projects that will benefit the community and what benefits the east side of Moreno Valley will benefit all of Moreno Valley, so I urge you to go ahead and approve this project. Thank you.

CHAIR DE JONG – Thank you... Steven Crews followed by Joanne Stephen...

SPEAKER CREWS – My name is Steven Crews. I live at 14828 Stephenson Street in District 3. I'm directly affected by this proposal. I live in what would have been known as the land of lakes and ranches and will not be any longer. I respect that an individual sat at this dais as a councilman who once said that we really don't care whether or not what is developed, all we care about is good development and however just merely because a development is beautiful does not mean that's appropriate for the citizens of that area. May I make analogy? A goose honks like a duck, smells like a duck and defecates like a duck and a duck is a duck, is a duck. It is about the trucks stupid. It is about their smell. It is about their pollution and it is about their noise and for those of us who live in eastern Moreno Valley, this is of great concern to us. There was a lady who was here. Here letter will be read to you recently, but I remind you that this project has flunked the EIR and let me quote to you the American Lung Association already has given the Riverside area an F grade in its state of the air report. An Association official wrote that the County cannot afford more pollution and meet Federal air quality standards. The issue of how much business these new warehouses would bring to the community is clearly overshadowed by the health costs which would arise from this heavy source of pollution; the Association's Paula Gonzales wrote in a letter included in the report. There are other concerns of mine I'll read from something that I sent to the City Council... time is running out. The traffic congestion should be apparently obvious to anyone especially the dangerous interplay between autos and trucks. Access and egress on Theodore and Redlands where crumbling freeway ramps are not expected to be modernized and even Moreno Beach which has its own traffic concerns as motorists gravitate to that route for relief will be difficult. Furthermore Moreno

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Beach and Iris will become corridors for truck traffic seeking relief. I'm running out of time, but I just wanted to say to you here is a map of the current General Plan with residences, parks, development for business. This was to have been Mission Viejo East. There is the new development. Here is Easter Market with nothing but land devoted for warehousing all around it. The people in that area of the City will have nothing but warehouses and they were expecting to have open space and a very grand plan for the development of their community where they live.

CHAIR DE JONG – Joanne Stephan followed by Jack Shierner...

SPEAKER STEPHAN – Hello Commissioners and Staff, my name is Joanne Stephan and I have lived here for 25 years. I moved here when we were an unincorporated area and we became a City and then we were a bedroom community. There were no jobs here, so people had to commute back and forth to work and I'm hoping that we become a regional global hub. When I came here tonight I was given a t-shirt. I was given this flyer which I don't know who or what these people belong to, but I actually didn't know whether I'd be for or against the project. I am for it. I've seen a lot of changes in the City since I've been here. I still see a lot of changes. I just went down Cactus the other day to Wisteria. I saw warehouses there that were built empty and I couldn't imagine why anybody would build something without having a tenant there. I did ask Mr. Benzeevi; the tenant that he does have has signed on for 15 years. I think that as a business man like they say he is in business and I think him getting to go on for 15 years, I commend him for that because I've seen too many building that are vacant here in the City. I've listened to a lot of the proponents on this. I've recorded four that are against and one that is iffy and the rest seem to be all for the project. We've got over 500 people seated in the next room that are for the project, so I think it's a no-brainer, I really do and I know I have children and grandchildren in the community. I have a son right now that is going into an apprenticeship program and has to go all the way to Anaheim for it because there isn't any out here. I own homes in Orange County. I was almost going to move back to Orange County because there is really nothing out here. When I moved out here I did have a lot of big aspirations. I live at 23311 Western Ridge Ranch. I live on a half acre. I have a beautiful home but I'm willing to go back to a home that I own in Anaheim and I hope that you guys will have the foresight that Anaheim did years ago in the 50's when they almost lost one of their biggest investments to Santa Ana, so I hope you guys up there think about this because it's a beautiful building. I think it will really attract other people to come here and give jobs for our children, because like some of the people have said, some of our kids... I have five boys; some have gone on to College and some haven't and I'm hoping that maybe that the one that didn't will be afforded an opportunity to maybe to get training or maybe even get an apprenticeship program or something you know. That's up to Sketchers, but I think the zoning should be approved for this project. Thank you.

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CHAIR DE JONG – Thank you... Jack Shierner followed by Debra Coggins-Ortiz...

SPEAKER SHIERNER – Hello, my name is Jack Shierner. I live at 11780 Steeplechase Drive. I have been a citizen in this community now in my 19th year... a business owner in this town for over 7 years; former Executive Chairman of Boy Scouts in the Moreno Valley area and current President of the Moreno Valley Hispanic Chamber of Commerce. Honorable Planning Commissioner members I'd like to thank you for spending in giving the voice to the people. Our job as Chamber Presidents, both me and Oscar and our Past Presidents who have spent many hours in looking over this proposal celebrate the wisdom of what we're about ready to vote on. It's not very often that you have this level of willing investment into this community and we celebrate the idea of further growth along these lines will truly benefit Moreno Valley and turn it into the gem that many City Council's past have promised. Several Presidents, along with me who have spent many hours reviewing this program; these plans that are up for vote tonight and in our interest; in businesses interest, we wholly endorse them. Thank you for your time.

CHAIR DE JONG – Debra Coggins-Ortiz followed by Lucy Starr...

SPEAKER COGGINS-ORTIZ – Good evening my name is Debra Coggins-Ortiz; 29060 Juniper Avenue. I live actually walking distance from the proposed project. My family and I have lived in Moreno Valley since 1984. We moved out to the east end to enjoy the scenic rural community. We are not rich. I grew up poor, okay. I resent the fact that we were not notified of this project and that I had to find out by a flyer on my mailbox the night before last. My front property span is 300 feet. I did not get notified and I would have appreciated the time to review the project more thoroughly, however the information that I did obtain was easily obtainable online through research through the Press-Enterprise, stories on Sketchers that have been done here and from the California Air Resource Board and also from your General Plan; our General Plan that was approved and you are trying to now change. According to the California Air Resources Board, quote, fine particulate matter in diesel exhaust can bypass the body's natural defenses penetrating deep into the lungs where it may cause or exacerbate respiratory and cardiovascular illnesses and even premature death. California has identified diesel pm as a toxic air contaminant and estimates 70 percent of the cancer is from the air we breathe is attributable to diesel pm fuel. The ARB estimates that diesel pollution from trucks alone was responsible for 4,500 premature deaths in California in 2005. When combined with estimates for hospitalizations, asthmas attacks, missed work and school days from exposure to particulate matter and smog, the total economic cost to Californians in 2005 is estimated at 40 million dollars, one reason Sketchers should not be at that location. I am not opposed to jobs. Yes we need jobs. My husband has a contractor's license. Yes he travels out of town to work but that is not the right location for it. It should not be around residential homes. According to the

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General Plan, scenic resources.... You have shown this area right here. Okay the view from the 60 freeway; the scenic resources have value. You are taking away that value by putting that there and I have so much more to say but my time is up. I would appreciate if there is way that people can contact me, so we can organize to fight this because we will fight this. Thank you.

CHAIR DE JONG – Lucy Starr followed by George Hague...

SPEAKER STARR – Hi, good evening, this is Lucy Starr and I live on Shasta; 12321 Shasta Place in Moreno Valley on the north side. I like the proposal. I think it's really good. We need jobs and we need them now. We have kids and they are traveling far to get to work and it is too much for them, so please I ask the Planning Commission to please say yes to this Sketchers company. Thank you.

CHAIR DE JONG – George Hague followed by Gordon Tucker

SPEAKER HAGUE – George Hague, 26711 Ironwood Avenue here in Moreno Valley speaking on behalf of the Sierra Club and the Community Alliance for Riverside's Economy and Environment. I've actually been an AFLCL member longer than I have been a Sierra Club Member. This meeting should be continued to a second meeting so both the public and yourselves can do justice to the 2,000 plus pages; 1,200 of those have come since December 19th. The developer has shown us his pretty pictures; however he has to give an overriding consideration for aesthetics. That means he is making the City uglier and you have do an overriding consideration on that fact. You must vote overriding considerations on air quality. That means it is going to produce bad air for us; all of the warehouse workers and this is what the supporters need to realize. All of the warehouses will be subjected to significant health problems for the thousands of daily truck trips; one every 40 seconds in every 24 hours. The massive area where the workers labor is not air conditioned or filtered, thus they must continually breathe in the toxic diesel pollutions we just heard about which will eventually affect most with health problems. They will have more than 100 open bays pulling that stuff into the workers. There are two other projects that are adjacent to this one which will add 3 million more square feet of warehousing and logistics centers. If you approve this project you are in reality are probably approving all three for a total of 5 million. The Sierra Club and CAREE do not believe the cumulative growth inducing impacts have been thoroughly analyzed with the environmental impacts to our community. The logistics modified General Plan proposed by the developer; this concept is something that must be incorporated into this document that is now before you. Just saying the developer has not submitted paperwork for this does not justify not having this foreseeable project information prior to your vote. Noise; another one that has to be overridden is substantially increased and you are telling hundreds if not thousands of residents to grin and bear it so you can improve this unhealthy project. State Route 60 through Moreno Valley has few trucks compared to

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Interstate 10. This project in its growth inducing impacts will change our commuter freeway into one that makes those who close to it suffer significant noise and pollution impacts from this all noisy polluting diesel trucks. This raises a question as to where the environmental justice analysis is in this document. It is totally lacking and needs to be before you prior to a vote. Traffic; another issue that has not been resolved prior to your vote. The developer does not factor in and in fact he totally kept if off of his pictures that there are 6,000 homes already approved on the Moreno Highlands project and 20,000 jobs. The final EIR states that there are two lanes that allow you to continue west from 60 to the 215. In reality State Route 60 has one lane; the one to the far left that allows you to continue west while the other lane forces drivers to exist Central Avenue. Until the traffic analysis deals with this issue, you cannot vote to certify the EIR because it's inadequate. You must realize that while 2,200 diesel truck trips may not sound overwhelming, they represent 1 every 40 seconds for 24 hours every day. If the two adjacent ones are approved then you are looking at 1 every 10 to 15 seconds; every truck; every 10 to 15 seconds. Anyway I hope you read the other materials I gave you prior to your vote. They will add to your understanding of the people who are impacted by these projects. Thank you very much.

CHAIR DE JONG – Thank you...Gordon Tucker followed by Joe Zmudosky

SPEAKER TUCKER – Good evening and thank you for letting me speak again. I've heard a lot about green this evening and how this project is going green and I'd like to draw your attention to this picture. This is called green. In the EIR this was supposed to be taken care of in accordance with California laws, the Federal laws local laws, however as found also in the EIR, this substance you see on the ground was merely plowed under the soil; not a good way to start a relationship with the community. Another thing Mr. Benzeevi talks about it's not the size of the building, it's the quality. Well someone mentioned our new President not too long ago; well I'd like to quote him too; if you put lipstick on a pig, it's still a pig. Further more we heard a lot about children this evening. I want to stop and think about children; not just our children, but how about the children around the world; the ones that Sketchers employs for less than 50 cents a day in third world countries. Do we really want them here? Secondly, I want to say something that is really important to think about. This City when it was first built had a General Plan that said that warehouses are not very good for our community. They occupy large spaces of land and they employ very little people. Now we've got one we want to build here that is equal to basically little more than 30 fifty square foot businesses. I wonder how many 30 fifty square foot businesses could employ over Sketchers. Sketchers have 2,114 employees nationwide. You are telling me closing five warehouses in Ontario who are one given time have 120 employees is somehow going to increase their employment needs to 2,150. Someone is pulling over the wool over everybody's eyes around here and this City needs to wake up. Thank you.

CHAIR DE JONG – Joe Zmudosky followed Suzanne Potter

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SPEAKER ZMUDOSKY – Good evening, my name is Joe Zmudosky, 28131 Bethany Circle, Moreno Valley. As you asked not to repeat everything that has been said tonight, the project at Highland Fairview as presented here tonight is one of a kind and I've been behind the project since the last several months and I think the Commission here should look at it on the basis of what it is going to bring to this City. We talk about jobs; we talk about pollution and we talk about all these other things that these trucks are going to bring in. If you listen to some of these proponents, just one iota to think about; 40,000 trucks; if you put them end to end, it is 862 miles end to end. There is no way you could pass that many trucks through here in a day; a week; a year. Iddo has come up with a pretty sizable project here that needs you as Commissioners to look at and understand the value that is going to bring to this City and the value is (a) jobs, tax base and money to the General Fund and a couple of million dollars that it is going to put into the school budget because we're not going to get anything from Sacramento or Washington and the scope of the project is massive. It's going to bring other corporate businesses to the City and I think you should look at it, talk amongst yourselves and give it the thumbs up because this is as our City motto goes, you know where dreams soar and you guys have an opportunity to put Moreno Valley a little bit higher up on the map than we've been in the past and I appreciate your time. Thank you.

CHAIR DE JONG – Suzanne Potter followed by James Hutchinson

SPEAKER POTTER – Good evening members of the Planning Commission. My name is Suzanne Potter-Smodowski. I live at 28131 Bethany Circle in Moreno Valley. As citizens I believe it is our responsibility to look at the big picture rather than our own personal concerns. Now I realize the big picture is different depending on your perception. I believe we can either look at things as the glass half full as somebody who is saying that this would be another Mira Loma or a Pandora's Box or you can look at it as the glass half full by saying this is priming the pump, this is start of world class City, this is another Irvine. The choice is really ours and how you view it, but the reality in the big picture is that we have warehouses around here and if we look to every side of us we have warehouse and distribution centers but they are not in Moreno Valley, so we can either be in the driver's seat and be the ones to mitigate and control the impact; the negative impact that such a project might consider and then on the other hand reap the financial benefits or we can just feel the impact and reap no benefits if it's not here in Moreno Valley. As an educator I support the change in the General Plan for two reasons. First it brings a favorable and measurable financial impact to our school system. Second it means this project in it's vision means more time for families to spend with their children and to be involved in their education and you've heard that this a very important factor in a child's education. Now that might be time is immeasurable but it's not just immeasurable, that's priceless. Thank you.

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CHAIR DE JONG – James Hutchinson followed by Steve Clute. Is Steve Clute ready to go after this? Are you Steve Clute... is James Hutchinson here?

SPEAKER CLUTE – Thank you Mr. Chairman, members and for all your time and consideration tonight. I'm at 600 Central, Riverside. I'm Business Director for Electrical Workers IBW and NECO, National Electrical Contractors. Bob Frost is our Business Manager and I have a history in Moreno Valley. I was married in Sunnymead in 1977. My mother in law lives here. I used to fly in the Navy; I'd come into March Air Force Base when we couldn't find the ship and later I had the privilege to serve the area in the Assembly and I remember I think it was right about the time; the year of incorporation; yeah '84, so '83, '84, '85 was right at that time when of course the housing was really taking off and good and rightfully so and you could see back then the beginnings of the imbalance of housing to jobs and I think to have a project like this that we certainly strongly support means a lot to try help even that kind of balance and I know you and City leader have been dealing with that for years and have done some good things to address that, but here is I think an outstanding project to help address that. I commute on the 60 or go through it at least several times a week. I've stayed somewhat current with the area and I appreciate the potential also in renewable energy, which we think is huge, and particularly could be with this project and could possibly have positive benefits for rate payers in this area. We think it's the right project at the right time. I appreciate all your consideration tonight. Thank you very much.

CHAIR DE JONG – Thank you... Patricia Gonzalez followed by Derek Stephens

SPEAKER MERRILL FOR PATRICIA CONZALEZ – Hi, I was asked to read Patricia Gonzalez's letter because she had to leave. Is that okay?

CHAIR DE JONG – That's fine

SPEAKER MERRILL – My name is Laura Merrill and I live in Moreno Valley at 28115 Gerald Lane. Patricia Gonzalez's letter reads as follows: Dear Commissioners; the American Lung Association is very concerned about adding a major air pollution source from thousands of heavy duty trucks to a community that may already be burdened by multiple sources of pollution and subsequently suffer from multiple health problems. Additionally it is important to note that pollution from East Moreno Valley can easily spread to other parts of the polluted County of Riverside. The connection between pollution and negative health effects impacts from heavy duty diesel trucks has been documented in numerous research studies. Recent studies from USC Medical Schools indicate that pollution from trucks and cars have stunted lung development in children in nearby Mira Loma, never to be regained and can even be reasonable for actually causing asthma and aggravating asthma. According to the American Lung Association's State of the Air Report, Riverside received an F grade for having a very high number of days with unhealthy air pollution both for smog and soot.

According to the same report in Riverside County, currently over 160,000 people suffer from asthma; almost 25,000 from emphysema and over 60,000 from chronic bronchitis. Additionally, approximately 458,324 residents suffer from heart disease. Riverside County cannot afford more air pollution in terms of meeting health based Federal air quality standards for both ozone and particle pollution especially since the standards are now more stringent than before. There are remedies that the new warehouses can adopt... buffer zones and cleaner trucks, either retrofitted with particular pollution filters or new trucks. The issue of how much businesses these new warehouses would bring to the community is clearly overshadowed by the health costs which would rise from this heavy source of pollution and Ms. Gonzalez is writing on behalf of the American Lung Association of California. Thank you.

CHAIR DE JONG – Derek Stephens followed by Dr. Regina Brockmueller

SPEAKER STEPHENS – Good evening, my name is Derek Stephens. I live at 11370 Moreno Beach Drive and I'd like to say that I support this project and as a future college graduate I'd like to see Moreno Valley for once bring some real jobs into the City. For years and years I've seen the same old Wal Mart, Target, Stater Bros., Mac Donald's jobs in here every single year and for once I think we have the opportunity to bring some credible jobs into the City and I think it is something that Moreno Valley really should do and it will provide such benefit to our City and I only hope that we support this project. Thank you.

CHAIR DE JONG – Dr Regina Brockmueller followed by Duncan Bush

SPEAKER BROCKMUELLER – Good evening wonderful Planning Commission and all of our audience; citizen's of Moreno Valley. I've been a resident here for 23 plus years and I really am in favor of this distribution center being brought forth to do a lot of various things that it can create for our City. We need to have a change; we need to see change and we need to give our citizen's hope. Moreno Valley can no longer afford to have status quo. We have a township of over 180,000 plus population. We are no longer a bedroom community. We need to welcome change, create jobs for our citizen's and their children and not just minimum wage jobs. As an educator this project represents dollars to our school. I think that someone has mentioned 1.2 million and it also creates time. So many parents I see commuting to jobs outside our own townships; Orange County, Los Angeles; San Bernadino; Riverside and we're not even able to support our own business communities here. We have watched a massive amount of businesses close up unnecessarily because the parents are commuting. With that being said as an educator, I'm expected to teach these children so much and give them assignments and homework and I do this diligently and watch the parents come home late at night after a long commute that was not necessary if we're allowed to create more jobs that are higher paid and well established jobs. I've watched this City go through five transitions of watching our home values plummet. We've watched our values go down, some

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of our investments go down and I think that if we take this job and this distribution center and put it forth that we will see that it is the start of something new; the start of change and a creation of hope for our members in society. Thank you.

CHAIR DE JONG – Duncan Bush followed by Patricia Korzec

SPEAKER BUSH – Thank you for the opportunity. My name is Duncan Bush. I live at 29307 Highland Boulevard. It's within a two mile radius of the outline that the presenter showed us earlier. I live between the badlands and the dump, so if anybody knows where that is. I'm not rich. I still work. I'm well beyond the age of retirement. I do live out in that area. I do like it out there. I've been an appraiser. I've topped sugar beets. I'm a licensed general contractor; real estate agent; a lot of different jobs in order to be able to keep a job. I've been in the community well over 20 years. I remember quite a few years ago there was a new warehouse built I think five or eight hundred thousand square feet. It was touted to bring jobs here; manufacturing jobs for intra-manufacturing jobs down near Perris Boulevard; I it think it was BHF or something like that I can't remember the name... PDF; anyway it never opened. They built the warehouse and it never opened up. There are no guarantees that we are going to have jobs if this opens up. To me the big question is not jobs; it is this project in the right location? We just went through about 8 to 10 years of a General Plan and Zoning Change out in the east end. Throughout the entire community the east end particularly got an awful lot of attention. Highland Fairview was part of that. They were definitely against warehousing out there. Part of the biggest problem with warehousing at that end; if you follow the step which is the State Transportation Improvement Program, there are no provisions to widen the 60 Freeway through Moreno Valley. On the 215 down where we have several million square feet of warehousing that's just recently been built in Moreno Valley they are planning on widening the 215. They have wider overpasses and better transportation facilities to put warehousing down in that direction. That's where the City chose to put it; that's where they should put it. The other issues are the bridges. I go over Theodore every day; that's my commute to and from work; down the 60 freeway. If you go over Theodore bridge and you take a look at the bridge, it's just torn up dramatically because you get several hundred or thousand trucks comes through there every single day over that bridge to that dump. Half the railing on that bridge is gone. The on and off ramps not only on that intersection but also on Redlands Boulevard are trashed and they are going to put all this trucking on Theodore. I would like you to vote against this project. I think it's a beautiful project. It's an appraisal. It's a misplaced improvement. It's not the highest and best use for the location. Thank you.

CHAIR DE JONG – Thank you... Patricia Korzec followed by James Hutchinson

SPEAKER KORZEC – Hello I'm Patricia Korzec. I live at 27439 Laurel Court in Moreno Valley. I live and work in the City. I truly believe this is a visionary project for a City that needs some vision in very bad times. It's so well designed;

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the architecture is exquisite. I believe it will be one of the finest buildings in the City. The fact that it will be a LEAD certified building shows the proper use of environmental materials. I think that it's a time when the City needs to look at this and we need to reap the benefits of the potential 1.4 million in tax revenues and 157 million in annual other types of revenues affiliated with this. It's important for us to have this project here and not have it move down the freeway to another City which we would reap none of these tax benefits and the traffic would still come through and go up the freeway, so I really ask you to vote in favor of this and I really think it's an important project for us in a very troubling time. Thank you.

CHAIR DE JONG – Thank you... James Hutchinson... Is James Hutchinson here? Okay, Diana Kurr and I am only calling one name because we are almost at 10:30, which is the end of our tape.

SPEAKER KURR – Thank you for hearing me. My name is Diana Kurr and I'm a resident of Moreno Valley at 14885 San Jacinto Drive. I live within the radius that we are speaking about within this plant. I just basically have the major objection that has just been spoken by another person so I'll say it briefly. I think that the precedent for changing this plan and moving to this location is a silly thing to do when we already have a plan that you've spent a long time developing. When I first moved here I was very pleased and felt secure that the plan was a place where I wanted to be and now I feel a little bit concerned that this might go out from underneath me and not be the one that I had hoped it would be. I think there is a tremendous amount of naiveté tonight that this one project is just going to change everything that needs to be changed in the world; the jobs will be wonderful; everything is going to be just wonderful as a result of this one plant. Coming down to a very personal level and I know a lot of other people spoke about the big picture but I sat there as I watched the presentation and I thought to myself on a personal level I don't even exit at Nason anymore. It's just totally impossible. Occasionally I go down Moreno Beach, but generally I go down Redlands and if you take Redlands away from me I don't know how I plan to get home because that's going to be really congested. I've looked at that beautiful lush landscaping and that I remember just recently I was given a notice from the water company that my tiered things were go into effect because I needed to be very conservative with my water and that the prices and everything were going up and that we were in an water crisis and I looked at that forest around that beautiful building and I think oh my gosh, that looks like a really poor use of water. You're talking about dropping property values. I personally think that my property value will be of less value if I have to tell people oh yes there is a warehouse right down the street, but the big precedent; the problem for me is the precedent that once anything is modified you leave the door open so that every other person that comes in here, the precedent has been set and that whole entire area I fear will be turned into warehouses. The one warehouse sounds pretty sound pretty innocuous but I think when that whole area turns into

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warehouses we would have a serious problem in that end of town and I ask you to seriously consider your decision tonight against the warehouse. Thank you.

CHAIR DE JONG – Thank you... As I noted at the beginning of the meeting we need to take a break at this point to at least to change the tape and then we are going to discuss what we are going to do further, so are we going to do that after; how does that work?

PLANNING OFFICIAL TERELL – I suggest that you might want to have a discussion now before you break. You've got a few minutes to do that.

CHAIR DE JONG – We have 15 Speaker Slips left.

COMMISSIONER GELLER - I'd like to finish tonight. I don't want to have to drag everyone back and I don't it's fair to even the residents. They're here; they're waiting; let them speak and let's get it done.

CHAIR DE JONG – Do we have more Speaker Slips?

PLANNING OFFICIAL TERELL – My understanding is there are more Speaker Slips from people in the other building than you have in front of you.

CHAIR DE JONG – Let's bring them on. What's the rest think?

VICE CHAIR MERKT – There is a lot more to cover and I think that we're all going to get exhausted and we're going to drag these people out till after midnight... well after midnight if we keep going and I think that we should stick with what we thought about last time which is simply we go to 11 o'clock and adjourn this and then come back; continue it because it's just you know... it would give people more time to look at it because that's been a common complaint that they haven't enough time to review it and it will give them more time to review and it will give us a change to review even further and review the material that's been given to us by several people. I just see many, many benefits by calling it at a reasonable hour and not keeping people out in the middle of the night over this. There is no need to rush this. It doesn't deserve that.

CHAIR DE JONG – Can you give us an estimation of how many other slips there are?

PLANNING OFFICIAL TERELL – My understanding is I think I gave you about 20 and there is another 20 beyond that.

CHAIR DE JONG – So that's another two hours minimum?

PLANNING OFFICIAL TERELL – Potentially yes...

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VICE CHAIR MERKT – Too late

COMMISSIONER MARZOEKI – Way too late

COMMISSIONER DOZIER – Well I would like to get as much done as we can tonight. I got a nap before I came here. I'm good to go. I'd like to really get... It's hard to get people out. I'm happy to see them out and I'm happy they've taken the time to come and express themselves and I think they've already waited 3 ½ hours to speak, so I would like to just continue with this as long as we feel we can go.

PLANNING OFFICIAL TERELL – Just for clarification, I've got a clarification... There were originally more people in the other building but other than the ones that you have, the other people left, so what you have before you; I think it's about 20 is it.

CHAIR DE JONG – So there are no additional Speaker Slips...

PLANNING OFFICIAL TERELL – That's correct

CHAIR DE JONG – Okay so let's... Does that change your opinion?

COMMISSIONER RIECHERS – Yes

COMMISSIONER MARZOEKI – Twenty more is how many?

CHAIR DE JONG – We have 15 here...

VICE CHAIR MERKT - But that doesn't include our questions or comments or nothing else or Commissioner Debate. We can go forever...

COMMISSIONER MARZOEKI – But we can get this portion done

PLANNING OFFICIAL TERELL – Yeah you have two issues. Obviously one is completing the Public Testimony and the other is whether or not you want to have any discussion tonight; that would be a separate decision.

CHAIR DE JONG – Well we can reach another discussion point after we finish the Public Testimony...

COMMISSIONER GELLER – Yeah let's at least finish the Public Testimony and get through that.

CHAIR DE JONG – We'll at least finish that

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COMMISSIONER GELLER – So at least the people don't have to come back unless they really want to.

CHAIR DE JONG – Let's go to break then and allow the tape to be changed and we will continue public discussion when we come back from the break change... 10 minutes, is that appropriate... Thank you, 10 minutes.

(10 MINUTE RECESS)

CHAIR DE JONG – And we're back to our Public Hearing. We are continuing our Public Testimony. I'd like to hear from Rachel Lopez now followed by Terri Hall. Ms Hall if you could would for a minute please; hold on... Let's have a quick discussion amongst ourselves before so we can determine what we're going to at the end of the Speaker Slips here.

VICE CHAIR MERKT – Yes just briefly, we've covered some of possibilities of for what we're going to do with this meeting. As it now looks we'll probably have another hour's worth of public testimony and we felt that as Commissioners that we wanted to review some of the material that had been given to us tonight; perhaps review some of the original material and some of us have early morning operations that we need to do. In addition the public shouldn't have to stay here until 12 or 1 or 2 o'clock, so we thought we'd continue the Public Comments and at the conclusion of the Public Comments we would continue this Hearing to another meeting and then we would hear the rebuttal and subsequent information that meted from these meetings.

CHAIR DE JONG – I think that wraps it up. Does everybody concur?

COMMISSIONER DOZIER – I just wanted to clarify that we would; we've got 15...

COMMISSIONER MARZOEKI – 15 Speaker Slips...

COMMISSIONER DOZIER – 15 Speaker Slips and we're going to get through those and we're going close Public Testimony and that'll be pretty late and the next thing that comes after that is rebuttal by the Applicant and then after that Commissioner Debate. Those are the things that we're going to do during the continuation that we have agreed that would be after we Public Testimony there will not be another opportunity for the Public to give a Speaker Slip.

COMMISSIONER GELLER – Right, but they can submit comments in writing for our next meeting and we'll certainly read them...

CHAIR DE JONG – Right, absolutely...

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COMMISSIONER DOZIER – If you're still away and you had to leave early for whatever and you still want to have your comments read by us before we deliberate, they can be submitted in writing to the City and we will get them and we will read them before we have to enter into Commissioner Debate on the issue.

COMMISSIONER MARZOEKI – And when would that meeting be? I'm just questioning when that would be...

PLANNING OFFICIAL TERELL – Well we've reserved a couple of dates... We do have this room reserved for next Thursday the 15th and that may fit into what you're talking about because it doesn't appear you are asking for any Staff work to be done between now and your next meeting. The other date that we do have reserved is the 29th, but that was in anticipation that you might want some data generated and that doesn't appear to be the case at least from what I've heard. We haven't got that far yet.

COMMISSIONER GELLER – I would like to do it on the 15th

COMMISSIONER MARZOEKI – Yeah the 15th is fine with me

CHAIR DE JONG – I would agree with that. I concur

COMMISSIONER RIECHERS – Yup

VICE CHAIR MERKT – If we're taking a straw poll, yes the 15th sounds fine for me as well

CHAIR DE JONG – Okay, so that's it. Tonight if you want to get your Speaker Slips in tonight; tonight is the last opportunity. Thank you... Rachel Lopez followed by Terri Hall

SPEAKER LOPEZ – Thank and good evening. My name is Rachel Lopez and I do not live in Moreno Valley. I work with the Center for Community Action Environmental Justice in Riverside, but I am a resident of Mira Loma and Mira Loma has been mentioned quite a few times. It is known as the warehouse capitol of the Inland Empire. We're number one in worst fine particulate pollution in the south coast basin according to a recent study in June of 2008 indicating we have the highest levels of particulate pollution; air pollution; pm 10 and also fine particulate pollution. Fine particulate pollution is the worst kind that gets down into the lungs and really causes cancer. It has even been known to cause or create DNA issues. We have children in our community; our children in Mira Loma have the weakest lung capacity of all children in the south coast basin. Inland air pollution not only can steal people's health but as the recent study indicates it also brings a huge financial burden to everybody. The smog the

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shroud Southern California costs the region an estimated 21.6 billion dollars a year in health care expenses, sick days and deaths according to the authors of the study by California State Fullerton's Institute for Economic and Environmental Studies. The total includes 6.3 billion in estimated costs in Riverside and San Bernadino Counties. We pay for loss of life and sickness and for the kids who don't get to school or we pay for the clean up of pollution. There is a price either way. The researchers calculated that that the highest costs were in the Inland area; an average of 1,500 to 1,600 per person particularly in Riverside County because of high levels of fine particulate pollution. Past research has linked such pollution to heart attacks, asthma episodes and increased hospitalizations and death. Using statistical studies that link increased air pollution and increased illness, the estimated health effects that included nearly 900 early deaths in the Inland counties; 785 non-fatal heart attacks and 97,530 missed work days. Many studies have shown that death rates increase along with air pollution. Scientists call those premature deaths. Now I've heard all evening about and I've seen the pictures of this beautiful warehouse. It is beautiful, the landscaping is great, but remember this landscaping is not going to be up right away. The warehouses we have in Mira Loma, we have over 100 of them; over 100 warehouses in our community. Even if they were this beautiful, they would be still causing the air pollution that they are causing now. I want to; the last little piece that I want to do is I want to urge the decision makers here tonight to sit back and take a long hard look at what you are asking these residents of Moreno Valley and the health risk that you are putting them in; the type of health risks that you are asking them to endure. This developer is going to come in, do his development and will not be here to feel any of these impacts. Thank you.

CHAIR DE JONG – Thank you...Terri Hall followed by Susan Siegle

SPEAKER HALL – Good evening. I'm Terri Hall. I live at 29177 Stephens Avenue. I've been a resident of Moreno Valley for 31 years. Prior to that I was born and raised in Pedley which is right next to Mira Loma and I'm very glad to be a speaker right after this woman because I am testimony to the air pollution problems that developed from Mira Loma. Pedley was a wonderful community to be raised in. Air quality was not a problem, but once all the warehouses started to be developed in Mira Loma, my mother in particular developed asthma so bad, we moved her from Pedley finally after living there for 50 plus years to Moreno Valley where the air quality was better. Her asthma disappeared. Her breathing was much better. Now you are bringing the same environment that we escaped from Pedley out here to our community. I love the east end of Moreno Valley; the beautiful vistas that we have out there. I don't want the warehouses and I think the people that think this is going to bring jobs to us; it's not. The people who already work for Sketchers in Ontario; they are the ones that are coming to come and take these jobs. I think it's going to be such a disappointment to them and I really feel bad for them because I realize the necessity for jobs, but this Sketchers is such a bad project and it's not going to be what it is proposed to be. Thank you.

CHAIR DE JONG – Thank you... Susan Siegle followed by Thomas Thornsley

SPEAKER SIEGLE – Good evening. My name is Susan Siegle. I live at 28910 Bay Avenue. I'm within a half mile of the project. I have lived there for 27 years. Terrl is my sister and so of course I've seen the difference in my mother from moving from the pollution up to where we live now. The building is beautiful, but I see a lot of things that need to be watered and I too have been notified by the water district that I need to probably need to pay a higher rate. I do have an acre. I have a huge garden that I do every year, so I know that water is going to be scarce and I planned on removing some of my grass so that I could still water my garden, but my main concern is the pollution. Are 120 jobs worth the life and the health of the people that live in Moreno Valley? How many people that commute are going to get a job there? How many people from Moreno Valley are going to get a job there? If there are so many jobs, why isn't Sketchers here to tell us how many jobs it's going to create? Now I understand it is going to create construction jobs, but then those jobs are going to be gone and we're left with a beautiful warehouse that's still a warehouse and that beautiful one is going to make another one over here and then we're going to have another one over here and it's all going to move into our beautiful east side and yes we have horses. That's why we moved... I don't have a horse but there are horses all around me. I'm not rich. I did not drink champagne New Year's Eve and I find that the gentleman needs work; we all need work, but I just thought that he wasn't very eloquent in describing the people that live out there. We're just normal, everyday, hardworking people; some of us are out of work; some of us have lost our homes, but I don't think this is the answer. What we're bringing is a beautiful building that's going to pollute. I can walk out at 4 in the morning, which is when I get up to get my paper and I actually can see the stars. Is that still going to be the way when we have 1,400 trucks coming in every single day? I'm just really concerned with the health issues and the chance that this is just going to spread and that this whole beautiful area is just going to become on big giant warehouse. Thank you very much.

CHAIR DE JONG – Thank you... Thomas Thornsley followed by I believe its Kenneth Engi...

SPEAKER THORNSLEY – Good evening Commissioners; Thomas Thornsley, 29177 Stevens Street in Moreno Valley. We're within a view's distance of looking up to the project site. I've been involved with City Planning for 18 years. It's been my career. I've done environmental documents, specific plans and been in Mike's position before in other cities, so to see what's coming you before now is nothing new, but after spending 10 years updating your General Plan and only two and half years ago finally finishing it, you are now coming forward and wanting to change this. The City arranged where they wanted land uses to be and I think you need to keep them that way; keep the types of businesses where they need to be. This project obviously needs to go somewhere. From what I've

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read and I spend days reading through the EIR, this needs to be off of a rail spur, so that the volumes of stuff that comes in from the port of Long Beach and LA can come out by train to the site as opposed to all the trucks that will bring it to it, so for location it's not right; for the jobs per square foot is definitely is not right because a warehouse is one of the lowest job generators per square foot of all of the businesses you can have. Your number of about 2,400 jobs; a lot of that is going to be part of the commercial components, so you'll have to look at that. I have no idea what Sketchers will ultimately have when they have their state of the art facility. It probably won't be the same level as it is now. For LEAD certification, the building proposed; they haven't established a standard. They don't tell you that they want to be silver, gold or platinum. If they are silver, which is the bottom, they'll just barely be above the building code standards. If they want to go to gold or platinum, that may be something to talk about. The generation power on there; the responses to my comments; it says right in there that they will not provide any more solar panels on there that what would facilitate the office portion of the building and that anything beyond that was too costly, so they've said it right there, they are not going to go very far on that part of it. There was mention here about the school district. The school abandoned this site for a high school just catty-corner from this site within the last year because of this kind of a project that's in the works in the City and that the City officials are considering. The district doesn't want to have their students which are the sensitive receptors next to this kind of facility. My biggest fear is that the entire area out there which comprises of over 800 acres is going to convert all the way into warehouses as opposed to the residential, which we knew we were getting into when we bought our house. As a Planner I went there and found that out. If you're going to change it out there and you're going to get around to it, we all need to work at coming up with a whole new vision for that whole area so that it's not just one piece at a time until we diminish our way of life. Thank you very much.

CHAIR DE JONG – Thank you... Kenneth Engi followed by David Serrano

SPEAKER ENGI – Good evening, my name is Kenneth Engel and I live at 10680 Harry Keith Drive. I represent a small community of 13 homeowners and we are not incorporated by the City of Moreno Valley, however we do drive through it and hope to be incorporated one day and I'm sure we will be, but I would like to bring up as a point to you all is I represent the future of Moreno Valley. My wife and I moved here three years ago. We bought land here. We built our home here. We are solar. We are off the grid completely. We have family members who moved to Moreno Valley. We have our dearest friends who moved to Moreno Valley; bought property; built homes. Out in the east end we are in 92555, which is now called Rancho Belago. As I recall a year ago we were renamed because we were being touted as the new Beverley Hills. Well I've never seen a warehouse and I've never seen a warehouse of this magnitude anywhere near Beverley Hills, so what direction are you driving this City? We already have an area in the southwest that is designated as being warehouse.

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It's close to the airport; there is railroad nearby; easy access off the freeway and the freeway will take anyone where they want to be. I drive on that 60 freeway everyday. My wife and I both work for the County of Riverside. We are in Social Services. We are not wealthy people. We have worked hard to get where we are and we like where we are. We like the rural community. We loved the equestrian trail. Do I have horses; no; I can't afford them, but my neighbors that do, more power to them. Do they want to be riding through an area of warehouses; no. We have an entire area that is to the east of our property and I don't know how many acres it is; it's been sold and re-sold and re-sold so many times just in the last four years that's it's in incredible. The County of Riverside has recently purchased all of that land. All of that land is now a preserve for the Kangaroo Rats and the Burrowing Owls that everyone was so concerned about some 10 years ago for the east end of the valley and now there is no concern for these animals that are natural to the area and have no other place to go to. We have different groups of individuals; private parties who have gathered together to buy up land in the badlands to preserve that. We have the area around Mystic Lake, which no one will be able to see from the 60 freeway any more because there is going to be a huge warehouse there, with lots of pretty landscape that only the workers who work there will see and how many of those workers will there be and is Sketchers going to be around in five years? How many banks have gone under recently, but we're counting on a nation or a worldwide corporation to provide a handful of jobs, destroy east end valley...

CHAIR DE JONG – Time is up sir

SPEAKER ENGI – Well thank you very much

CHAIR DE JONG – David Serrano followed by William Arsenault

SPEAKER SERRANO – I'm David Serrano and I've lived in Moreno Valley for 34 years; my current address for 30 years. My wife and I are both retired and currently we both drive both the 60 and the canyon route to babysit our grandchildren. We drive that in the morning and then in the afternoon and they are both very dangerous roads because of the number of trucks that are on there and this project is going to add even more trucks to that. It's going to make it more dangerous. My daughter drives that 60 freeway to go to work in Riverside and you know she can't... I don't want her to be driving under those conditions. It would be easier for her to drive from Beaumont than for her to drive on the 10 than to drive the 60. I also wanted to point out that the presentation that was made earlier showed very clearly two lane roads around that property and the 60 is two lanes each way with slow trucks and faster trucks trying to pass those trucks, so that congestion is just going to increase. In the presentation they also conceded that there are many, many small warehouses empty in the Inland Empire. We're just bringing businesses that are in one place; there's no jobs being created, they are just coming from one place to another. They're playing musical chairs. His solution is to build an even bigger warehouse and there is no

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guarantee that that warehouse in a couple of years is going to be sitting empty. He also pointed out that there were three and I don't know where that analysis came from but there are three alternative sites. It's clear that the other two sites on the 215 corridor are better situated. They would not create the congestion. The only reason that site has been chosen is because they own the property. There was no analysis made as to where to situate it, they bought the property and then they decided to built it there and he's not going to build one building, he's going to build two or more, so I think you need to really look at the quality of life in Moreno Valley. I don't apologize for being retired. I don't apologize for having lived here and wanting to keep it the way it is.

CHAIR DE JONG – Thank you... William Arsenault followed by Vivian Galvan

SPEAKER ARSENAULT – Hi my name is William Arsenault. I live at 12020 Fennimore Drive in Moreno Valley; the east side of Moreno Valley. One of the penalties of being one of the last Speakers is that everybody has pretty much covered everything you've got to say, so I'll try to keep it short, but the big issue for me and my family is that we were pretty active in the east side. We've been there for 20 years. People remember maybe the Fun Zone that was going to be built out in Moreno Beach; that was an inappropriate development and fortunately it wasn't done. We can look at Pharaoh's Lost Kingdom and what it's done to Redlands and that area and now we've got another one. We've worked hard to get the General Plan to fit everybody's needs. There was talk about commercial. There was talk about warehousing way back when and we had a lot of input from the east side to find something that everybody could adapt to and everybody could accept and it was agreed that Business Parks would be acceptable. Now the ink is barely dry and here we are talking about... we're not talking about changing a little piece of it; we're not talking about taking one little Business Park out and putting a little biddy warehouse in; we're taking about changing the entire scope of the east side of town. You put in a 1.8 million square foot warehouse; the template is set; it's done, so we can't sit here and say we'll we're only making a five percent or 10 percent change to the General Plan, we all have to be realists and say we're changing the entire scope of that side of the City, so we've got to be very, very careful about this decision. There is a lot of talk about jobs. This isn't about Sketchers in Moreno Valley. I think Sketchers being in Moreno Valley is a great thing. I don't know that anybody is going to fly from Paris to Moreno Valley to visit, but it would be nice to have Sketchers in town, but Sketchers needs to be where the City has already agreed to have commercial distribution facilities and that's over by March Air Force Base in that whole area. That area was designated for it. We've got a great tenant. This City ought to work with the developer; they do it every day to try and find ways to get landowners to sell so you can get a large enough parcel and do whatever it is you've got to do and in the end this is non-scientific, but that the video of the 60 freeway had to have been shot simulation at 2 in the morning. There is just no way... I don't forget red cars; forget red trucks... It has nothing to do with more trucks less... there is no way that that traffic... I came home tonight

at about 4:30 dead stopped at Pigeon Pass to Heacock. There is no way it's nice, easy, on-ramp/off-ramp. Thank very much. Please do not approve this project.

CHAIR DE JONG – Thank you... Vivian Galvan followed by Kia J. Kerr.

SPEAKER GALVAN – Hi my name is Vivian Galvan and I am Moreno Valley resident. I have been living here now for about 4 years. I wan enticed to come out here by the promise of Rancho Belago. It was supposed to be the beautiful part of Moreno Valley. I came out from the Rancho Cucamonga area. I am a Registered Nurse. I have a Masters in Nursing and in Public Health. I am very, very, extremely concerned about what the pollution will do to our children, the elderly in the community and what the long term implications will be. I think that we're looking at this currently. I know that we are in a financial deficit and I know that we need money and that we need jobs and I know that everybody looks and needs a quick fix, but the money; the revenues that we're going to be acquiring will not, and I repeat will not outlast the long term health benefits and we're talking about bronchitis; somebody talked about moms who have lung problems. Yes it does affect the elderly more. It affects children because under seven years of age, their lungs aren't developed. There are brand new families out there. Everyday I run the trails out there. I take my dogs out for a walk out there just as Maureen, I was out there and I encourage the members here to go out there and drive in the early morning and at nights it's true. I have family that come from the Rancho area to my home so that we can have picnics and do camping out in the backyards. You know we can see the stars. You can really, really see the stars... why; because the pollution is not as great as it is in the inner part of the valley, so we have to think; we have to realize is this really something that really is going to benefit us as community. I know that we need the jobs, but really consider the fact that this may not be the best solution for us and it's not in the proper place. When I bought my home in this area I was promised Rancho Belago; a beautiful community. I have evidence here; a brochure that was given to me about how I going to be able to ride my horse. I was going to be able to run on the trails.

CHAIR DE JONG – Please limit the outbursts from the audience...

SPEAKER GALVAN - I was going to be able to walk at any time of the day or night without problems and now we come before... this is not the Rancho; beautiful, educational and I'm talking beautiful area. It's really; it's sad to me that a lot of other communities don't know how beautiful because that's what I can really tell you, it's a beautiful area. Please do not destroy it. There are kangaroo rats out there. I have seen them. There are rabbits out there. Yesterday we saw coyotes. There is a whole array of different animals and species that still live in that area and I urge you to please save our area. There is an array of different areas where you can put this and this not the right location. Please save my Rancho Belago or Moreno Valley or whatever you want to call it, but

think of our brochure and think of why we bought there. I didn't just buy my house there. I did my homework and this is what was promised. There was no light industrial zoning. There were no big diesel trucks coming by. I ride my bike to work; I mean... Thank you.

CHAIR DE JONG – Thank you... Kia J. Kerr followed by Jerry Schatz

SPEAKER KERR – Good evening Honorable Chairman and fellow Commissioners. My name is Kia J. Kerr. I live at 13161 Mozart Way, which yes is out on the east end. I work for a nearby jurisdiction and I understand the process for this type of a project and of this; you know a little bit. Generally projects of this size and money once they have made it to this stage are pretty much; they have a high percentage of approval, but I feel as in voting that if you don't voice your opinion, you have no reason to gripe about it later, so I do have some concerns that could possibly be muted if certain conditions were put on this project and future projects going out there. Some of those concerns are of course the traffic, which you guys have heard about. Who is going to be paying for the roads and the repairs of the roads? I don't know if you guys have been out on Redlands Boulevard lately. Basically half the street looks like it's been pummeled covered and that's just going to get worse with heavier trucks, so is the City going to be paying for that; the developer. Is the City able to pay for that if that's the case? Parking and travel of the trucks in residential neighborhoods... it looks like everything is going to come off of Theodore but the only problem is some of those truckers they don't get that message. They'll get off at Redlands thinking that's the shortest route in and see that there is no access or if that bar is there and they still can't get access, they are going to go through those neighborhoods to either turnaround to go back out or they are mandated to sleep a certain amount of time everyday; they might end up in those neighborhoods. Does the City have the ability to pay for the expenses for the extra Police, parking enforcement and the Fire Department that is going to have to go out there? Is the City able to cover all these expenses? You guys have already heard about the actual jobs. I had one gentleman that come in to pull an electrical permit; he said he worked in the Sketchers warehouse over in Ontario and they had 30 people; that was it and like he said, they're planning on shutting down three warehouses down there and those people are going to move over here. They are going to take their experienced people and move them over if they are willing to drive, so there is more traffic coming from other places on that freeway. I'd like to see if there are guarantees of occupancy. I've heard that there is a 15 year lease; that's great. What if something happens? Are we going to see that empty warehouse for years and years to come? Are the funds secured to even build it? We have projects, plan checks done, permits ready and the banks won't fund it. Do they have the funds to actually build this project and the renderings are great, I love them; beautiful. Is there any guarantee that those will be done and how far into the future? Those trees probably look like they are 20 or 30 years old and I don't think they are going to be planting that type of tree right there.

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CHAIR DE JONG – Time is up

SPEAKER KERR – Thank you very much and have a good evening.

CHAIR DE JONG – Thank you... Jerry Schatz followed by James Bryant

SPEAKER SCHATZ – Hi my name is Jerry Schatz and I live 28689 Manzanita Avenue. I too live on the east end of town. I can't give much more information that what the past ten or fifteen people have already told you. Traffic will be a problem. Pollution will be a problem. Those trucks coming down the 60 freeway to the 215 interchange is just going to make a traffic nightmare for Moreno Valley. People that want it now for the jobs, there is no job guarantee like people said. How many of the jobs are actually going to be Moreno Valley residents? Are we not just going to get Sketchers out here with people commuting from Pomona, Ontario up to Moreno Valley causing us more problems and having no jobs for Moreno Valley? That's all I wanted to say... just that all these people have already said it, but I would ask that you vote no for this project. The east end of town has been a designated rural area. It's been kept way. We need to keep it that way. There are plenty of places for this type of development over by March Air Force Base. Thank you.

CHAIR DE JONG – Thank you... James Bryant followed by June Louedy

SPEAKER BRYANT – Okay my name is Jim Bryant. I also live in the east end. We're finally getting up here after on the west end talking all night long. I live 29124 Alessandro; that's south of this project. I've been there for 40 years. I'm not like these new kids been here for 10 and 15 years. I've seen the east end as being a dumping place for everything through the years. Most people don't know about it, but they wanted to put an acid pit out there. That was voted out. That was by the same guy that by made Stringfellow. He learned his mistakes that Stringfellow. They wanted to put a prison out there on the end of Alessandro. They wanted to put a tire burning plant out there on the end of Alessandro and an airport that was going to be right in the corridor where Rionerkak (?) comes through and there is supposed to be crippled aircraft; maybe without radios or whatever and well that one also got all shot down. The reason I'm here again; like they said about traffic congestion. That was a really cute picture that he showed, but then like then he said it was probably about 2 o'clock in the morning. It's always jammed up. You go down any day and talk to Mr. West about it. I said have you every gone to Riverside at 8 o'clock in the morning... ah no... well try it. You get stopped at Day Street and you're stuck. I was going to Court and it took me two hours to get into Riverside. The roads that are there aren't made for heavy traffic. Like the gentleman was saying they're all busting up. Rancho Belago was supposedly in the master plan as acreage and lakes and all kinds of nifty stuff out there like the lady showed you. That's kind of gone down in the deal. About six months ago I was in a deal where they are putting R6 housing in

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that area. R6 six is high. My wife got run over by a truck. She is now permanently disabled. That's why a few more trucks out there would be hitting cars. There is no way we should have that out there. Like I said, it's going ruin the whole rural area out there. Like I said, I've been out there in that particular area for about 35 years and it's been nice. We don't get all the amenities they have in town, but the people like it and we want to be left alone and keep your warehouse out of there and put it back in down by March Air Force Base. Like the other gentleman said, they got railroad spurs; they got the airport; they can get their stuff in, instead of trucking everything up the roads. Thank you.

CHAIR DE JONG – Okay, June Lowedy followed by Don Krasniak

SPEAKER LOWDEY – Good evening. My name is June Lowdey. I live at 25890 Jumano Drive, Moreno Valley at the Moreno Valley Ranch. Now I am from London and London is a big city and in London they have a lot of Fortune 500 there and this is going to be a Fortune 500 that is coming to Moreno Valley and that's terrific because this is exactly what we need. We need those great Fortune 500 companies to come here in Moreno Valley because it will make it a big city where we will have lots of lovely visitors; just like we have in London. We have lots of great visitors from all over the world and lots of jobs. Maybe it might not be as much as what people are hoping for from the Sketchers Company but at least it's a start. Thank you.

CHAIR DE JONG – Thank you... Don Krasniak followed by... I can't read that, please go ahead...

SPEAKER KRASNIAK – Good evening. My name is Don Krasniak. I'm a resident in Moreno Valley for 24 years and I've lived for 15 years on the east side at 11663 Via Colina and I'm within about a mile of the proposed development. It seems we've been front loaded with supporters of the development project by Highland Fairview and finally some of the residents from the area are speaking. Now I'd like to speak from the position of living just across the freeway from the proposed warehouses. I believe I speak for many residents in asking the Council to consider voting against the change in zoning and allow an appropriate period of time to review and assess the environmental impact of this proposed plan with consideration of the future beyond this project. I am an educator in Moreno Valley and I teach science. We haven't had any real scientific person come up and speak and I can't really say that I'm a expert in any area, but I do have several degrees in biology and a Master's and I think I can reason through some of the concerns that people have already stated and I'm a realist when I consider the impacts of large scale projects like this and the developer briefly stated there are air quality concerns that cannot be mitigated and tried to prove the low level of impact with the graph showing this during his presentation. But a project of this size involving diesel truck traffic with what I call no limits on what numbers will result in 10 to 20 years must be studied further before proceeding. Unforeseen impact nearly always involves impact to human health. Now I'm not

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a tree hugger; as I said I'm a realist and about the future and the current benefits of the employment and the tax revenues for the City, they cannot outweigh the potential benefits I want say... they cannot outweigh the health of our future five warehouses down the road. When I bought my home in east Moreno Valley 16 years ago I did so with the intention and desire to retire there and I have only 12 years left to pay on my house. Now I'm worried that my beautiful home will be devalued because of a nearby warehouse district. Contrary to some people's understanding east side Moreno Valley home values will take a hit with warehouses. I bought my home there because of the rural plan and I'd like to see it stay that way knowing that the houses are supposed to be on half acre lots and so on, but the pinch of economic times should not bring poor decisions and we need to reason through those decisions, even though the warehouse is going to be a "A" Class warehouse. As stated before, much worse can come down the road and I just want to mention one more thing. It's very easy mathematically to figure out what truck traffic does at 15 percent of the proposed increase of 15,000 vehicles per day, that yields 32 miles of semi's bumper to bumper with no spaces inbetween, so if you space that out; 32 miles worth of trucks in a 12 hour period, that's two trucks every minute if that's all they worked was 12 hours. If it's 24 hours, it's one every 40 seconds, but that's too much diesel and too much of a health impact. Thank you.

CHAIR DE JONG – Thank you... Laura Covanrubio followed by James Hutchinson. Did I get that name close? Here she is... is James Hutchinson available?

SPEAKER COVANRUBIO – My name is Laura Covanrubio. I've lived in Moreno Valley since 1990 and at first I'd like to read a card that my dad had written. For many years Moreno Valley has been known for anti-business and in these difficult economic times Moreno Valley needs to consider opportunities for it's residents over the objections of a few. He has worked in the warehouse in Ontario at Vietta for about 14 years almost and I've worked there for about five summers, so I know that air quality is not nearly bad as you would say it is. I had about asked about how many big rigs go in and out daily and he said that at maximum capacity it's usually... for maximum capacity it would be about maybe 120; normally less. In fact a big day is usually about 100, so that would not actually create as much traffic as they had said it would be for a comparable sized building. As that said, I believe what we need to do is just make it more open to any business. Frankly I can't think of a more pressing issue at this point. The fact that we are being targeted for a warehouse is both a good thing and a bad thing. While I had heard about Business Parks being in this area, we haven't really been that open to them either. I haven't heard of anything more than kicking out DHL because of noise pollution but at the same time the keep saying if you want more noisy vehicles to go somewhere they want you to go down to March Air Force Base but every time there is more objections. Every where you go there is going to be objections, but in the end we just need to make it more

open to having more businesses; maybe not in this place, but somewhere. Thank you.

CHAIR DE JONG – Thank you... Murdoch Wilson...

PLANNING OFFICIAL TERELL – He left

CHAIR DE JONG – Okay, so James Hutchinson I've called a couple of times and he's not here either. That's the end of our Speaker Slips. Is there anybody else that wants to speak?

SPEAKER NAROG – I submitted Speaker Slips and other people did too in the other room and you didn't call my name.

CHAIR DE JONG – I don't have it up here; John... Okay, come on up, say your name... state your name please... just get in line

PLANNING OFFICIAL TERELL – Fill out a Speaker Slip after you leave

COMMISSIONER GELLER – When you're done

CHAIR DE JONG – When you are done...

SPEAKER NAROG – Okay I think this is conducive... I mean in the other room we couldn't find Speaker Slips; we couldn't find the person for the Speaker Slips and I don't want my time to start yet and people left without having Speaker Slips and I think you guys should postpone the Public Speaking thing so the people that were not given the opportunity have the opportunity to speak. I think it's outrageous that it wasn't available for us and that we were going to be missed and that people were missed. On to the concern at hand... I'm very upset that there a gross discrimination against visions of different lifestyle.

COMMISSIONER GELLER – What is your name?

SPEAKER NAROG – My name is Marsha Narog. I live at 11475 Kerry Lane in the east end or Morningside or whatever you want to call it. I will not call it Rancho Belago because it's a grand takeover of everything we hold dear out there, but the majority of the people in our zip code; the 92555 zip code; that's 12,000 out of 15,000 voters voted for candidates that were against the warehouses because we don't want our lifestyle changed. We worked long and hard for the General Plan to have a Business Park there. We wanted to have an overpass where people could walk or ride their bikes to work to the Business Parks. We had a vision. We have a dream too. Our dream did not include warehouses. Our dream did not include extra semi-trucks. Our dream did not include a lot of what Iddo Benzeevi's dream is. One of the things I see missing here is that the Sketchers representatives aren't here. I think because there is so

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much confusion on how many jobs it would create that a Sketchers representative should be at one of the meetings before any vote is taken. I think it would be credible for them to show up so that people will not be saying this, that or the other thing in making numbers up. People that are wanting these jobs, do not necessarily live or appreciate the values that we appreciate in the 92555 zip code area and I think condemning us to a lifestyle that we don't want is irresponsible and the Planning Commission is supposed to be full of people that do planning. I have been a resident of Moreno Valley since 1977. When we incorporated I was hoping that Planning would be paramount and that people would follow the plans. This is one more indication of plans not being followed. It is not appropriate for the plan to be so grossly changed. I walked the neighborhoods putting out flyers for people to come to this meeting tonight. Not one person; not one person supported the warehouses that I talked to. Twelve thousand people voted for people for no warehouses in this area. I want to emphasize that. We do not want that kind of lifestyle in our area. On a more personal note, I am super chemically sensitive. I moved to the northeast end because the air was cleaner. I have lived in five other sections of Moreno Valley. I had problems with pollution in every single one of them. I work in Riverside. I have an air filter in my office. I have air filters that I travel with and I have air filters in my home. I was on Moreno Beach one day when they were developing the condominiums there and a truck sitting next to me was gross polluting so bad that I was going into anaphylactic shock. I sped up to get a way from him and I got a ticket for speeding. If one truck causes that much problem for me and Iddo Benzeevi also said that it's a two mile radius around his place that causes health problems, I'm within that two mile radius and I will not be able to breathe, so I beseech each and every one of you to consider our personal values and desires and vote no for this Sketchers; put the jobs somewhere else for this kind of construction.

CHAIR DE JONG – Thank you... Please state your name and address...

SPEAKER MCKEE – Good evening. Susan McKee, 11577 Knoll Vista and a 29 year resident of Moreno Valley. Thank you to all of you for allowing us to speak tonight. I know it's been a long evening and everybody wants to go home, so I'll be brief. I do want to applaud the developers for taking a lot of opportunity to consider the changes and the requests that were made. My objection is only in terms of the location, not the looks or the warehouse itself. I think we have an opportunity with the Business Park perspective; we have a School of Medicine going into UC Riverside. We have the Allied Health Program at RCC along with Kaiser now going into the Hospital and one of the things that the Planning Commission should be looking at or considering are those businesses that look to professionals in building and educating a high quality workforce. And with that, I just thank you for your consideration. Thank you.

CHAIR DE JONG – Thank you...

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SPEAKER BAYER – Hi my name is Beverly Bayer. I live at 11719 Via Colina, zip code 92555. I am also in the neighborhood of some of these other people that have spoken recently. I am for this and I am for it because of jobs. We need jobs. The latest unemployment in our region is almost 10 percent; it's 9 ½ percent. Two years ago; this is November numbers; that's before the December January and February job loses that we are going to see. Most of those are in retail. Two years ago in November of 2006 the unemployment in our area was at 5 percent. Now it's almost 10 percent and it's going to go higher than 10, so we need to consider that jobs are important. I am real estate appraiser. I have watched home values in our area skyrocket through the last few years and dropped starting the summer of 2006. We have lost probably on average 60 percent of our values from the summer of 2006 in our homes. We are going to continue to see home values drop because we still have a boat load of foreclosures coming our way. The last recession that was in the 90's was caused by job losses. This recession is caused by irresponsible mortgage and lending. It's being followed by job losses. I think that is going to snowball into more people losing their jobs and more people losing their homes. We do not need that in our community. We do not need more people to lose their homes. It will drop values faster if we have houses that don't have families moving into them. The Inland Empire has been very lucky. In the recession of the 1990's we gained jobs while Orange County and Los Angeles County lost jobs. We have not seen this kind of disaster in our region; in the Inland Empire forever. I mean it really goes back a long, long time. This is really serious and the only way we are going to pull us these tough times that are ahead of us are with jobs. If people have jobs they can afford houses. If people have jobs they can buy stuff. If people have jobs they can pay their taxes. We have to do whatever we can to preserve and provide jobs for our population and that is the bottom line. It is all about trying to preserve our community and it's going to only happen if people have jobs. Thank you very much.

CHAIR DE JONG – Thank you and it appears to be our last Speaker.

SPEAKER HOPPER – Good evening. My name is Joseph Hopper. I live at 27400 Walther Way, so I'm almost across the freeway from this development myself. I'm a proud member of IBW Local 440 the Electrical Union and I want to say that I helped build these warehouses that you are all complaining about and the jobs coming out; yeah they're going to be construction jobs for us and you're right, they're going to be short term, but what do need in this area? We need to bring developers into this area to help improve our quality of life. No one has spoken about quality of life here. All you spoke about is we don't want this warehouse. Well let's talk about the west side. Everybody says move it out by March Air Force Base. What happened to DHL? The same people who have come here talking about the negatives of what is going to happen are the same ones that complained about DHL Warehouse out there. They wanted the jobs; they got it; then they complained and they said well the airplanes keep us up, so that now DHL is leaving, so based on those negative feelings about DHL and

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let's build out in the west end; now you don't want building on the east end either. I live in east end. I live in the nice rural atmosphere too. Change has to come. Change is good. Development is good as long as development is for the right reasons and I think this is the right reason. I think this is a positive move for this City. We do need this development. It will bring jobs. To paraphrase from Field of Dreams, "if you build it, they will come". Thank you.

CHAIR DE JONG – Thank you... Are there any other potential speakers in the audience because this will be the last opportunity? Okay I see none... going once... I'm going to close Public Testimony. Thank you. Alright, true to our word...

COMMISSIONER GELLER – Do we need to make a motion to continue the meeting?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER GELLER – Mr. Chairman I'd like to make a motion that we continue this meeting until next Thursday which is ...

COMMISSIONER MARZOEKI – The 15th...

PLANNING OFFICIAL TERELL – The 15th ...

CHAIR DE JONG – Before we do that, we have a comment...

VICE CHAIR MERKT – Well just a request... John, some of the people have asked and I also would appreciate if we have a meeting next Thursday that there could be a representative from Sketchers here to ask certain questions, because I have a number that probably cannot be answered without a representative from Sketchers.

PLANNING OFFICIAL TERELL – Okay, we're not in direct contact with them but certainly the question has gone to the Applicant and they are aware of it and hopefully they can take care of that.

VICE CHAIR MERKT – We're seeing Sketchers and its being referred to constantly so it's not like it's in a vacuum. I'd like to be able to ask them some questions.

PLANNING OFFICIAL TERELL – Understood

CHAIR DE JONG – It would be appropriate, thank you... continue...

COMMISSIONER GELLER – Okay, anyway I'd like to make a motion that we continue this meeting to Thursday, January 15th, 2009 at 7 o'clock.

CHAIR DE JONG – Thank you

COMMISSIONER MARZOEKI – I'll second that...

CHAIR DE JONG – Hold on...

COMMISSIONER RIECHERS – I think we're continuing the Public Hearing and I think (inaudible)

COMMISSIONER GELLER – I guess... we're continuing this Public Hearing Item. Thank you for the correction. It is late for all of us, so yes let me change the motion that we continue the Public Hearing until that same date and time.

CHAIR DE JONG – Very good

COMMISSIONER MARZOEKI – And I'll second it

CHAIR DE JONG – I have a second... Is there any discussion?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Springer)

CHAIR DE JONG – Alright we'll reconvene this Public hearing on January 15th at 7:00 pm. Is there a wrap up that we need?

PLANNING OFFICIAL TERELL – No the only thing I think left on your Agenda is to adjourn the meeting.

1000 ADJOURNMENT

COMMISSIONER GELLER – Motion to adjourn

CHAIR DE JONG – Do I have a second?

VICE CHAIR MERKT – Second

CHAIR DE JONG – Okay, all those in favor? Good night

SIGNATURE PAGE FOLLOWS:

MV00017566

John C. Terell Planning Official Approved	Date

Rick De Jong Chair	Date

MV00017567

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 15TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Land Development – Principal Engineer
Clement Jimenez, Land Development – Senior Engineer
Randy Metz, Fire Prevention – Fire Marshall
Rick Hartman, Deputy Assistant City Manager
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Gerald McAllister, Senior Electrical Engineer
Jennifer Terry, Special Districts Management Analyst
Marshall Eyerman, Special Districts Program Manager
Jane Halstead, City Clerk
Andy Minor, Consultant
Michael Hendricks, Consultant

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

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CHAIR DE JONG – Item 400 is the approval of the Agenda
.

COMMISSIONER GELLER – Move approval

CHAIR DE JONG – Is there a second?

COMMISSIONER RIECHERS – Second

CHAIR DE JONG – Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are posted on the table by the entrance door there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission. I do have Speaker Slips tonight. I'll call you up in groups of two. The second person be ready to speak whey the first one is done. You have three minutes to speak. Please don't take any more. Let me please remind you this for items not on the Agenda. If you are speaking on the Sketchers project; the warehouse project, you will be cut-off. Okay, the first Speaker is Jamil Dada followed by Carol Avila.

SPEAKER DADA – Good evening; thank you. My name is Jamil Dada and I'm here representing the Moreno Valley Chamber of Commerce. I am a member of the Governor's Workforce Investment Board in Sacramento and I am also the incoming Chair of the National Association of Workforce Boards in Washington DC. My office is at 12460 Heacock in Moreno Valley and my other location is at 16110 Perris Boulevard. This evening I want to just highlight a couple facts about Moreno Valley. There are four cities in Riverside County that are half the size of Moreno Valley that have DMV offices, yet the DMV refuses to open an office in Moreno Valley. Moreno Valley has the highest percentage of youth of any city in this two county area, yet several other cities have gotten State Library funding and not Moreno Valley. Three years ago I attended the Yucaipa State of the City Address and the then Mayor mentioned in his State of the City Address how they needed to manage the growth properly because they did not want to

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become another Moreno Valley. Economist John Hughsing just this past summer in July of 2008, as he was delivering his contractual business plan to the Lake Elsinore City Council showed them how to avoid becoming another Moreno Valley. I think you get the picture. We don't get any respect in this region. Instead we are mostly known for the high utility turn-offs, the highest foreclosure of starter homes and cheap dirt. We're getting tired of being treated like that and we're not going to take it anymore. So I'm asking you to please take into consideration the land use planning that you do that would provide jobs and I know people complain about low paying jobs, but you've got to take baby steps first. Any kind of jobs are better than no jobs at all, so if you care about Moreno Valley, please take care of the job issue. Thank you.

CHAIR DE JONG – Thank you... Carol Avila followed by Norma Carillo. Is Carol Avila here? Okay then Norma Carillo? Alright Robert Palomarez? Louise Palomarez? Okay, we're running through this list pretty quickly. Joanne Stephens followed by Lori Nichol.

SPEAKER STEPHENS – I just wanted to reiterate the fact that we do need jobs in the City and that anything that would... you know I'm not a factual person but I believe Mr. Dada is and I believe that he has more facts than anybody else and due to that every toher rhetoric that is going around should actually... you know I mean whatever is best for the City of Moreno Valley and not the masses. That's all I have to say.

CHAIR DE JONG – Thank you... Lori Nichol followed by Victoria Baca

SPEAKER NICHOL – I'm part of the old guard. The old guard meaning that I sat through the very first General Plan with all the input with the original Council. I am really concerned that the direction that the City is taking is going to desperate acts, grasping at things with the promise of new jobs that can't be guaranteed in today's economic climate, but I think in view of our Presidential election that we had and that our new President-Elect's theme is change. We have to be really careful of the type of change that we inflict on this community and what brought many of us to this community particularly in the east end. Having the designed the first bike-way map through the City, I was very sensitive to the east end and their need for the people that use horses and what all their dreams and everything were and a lot of those people were here long before the I came in '84 and we still owe it to maintain a healthy, wonderful community instead of just grabbing at whatever plan change that comes through and I remember a long time ago when the City first started that there was a lot of land grabs with taking like R1 designated areas and seeking General Plan changes so that that property owner could turn around and sell it for a highly inflated price. One such example; when the developer bought the property at about 400 thousand dollars; got his zoning changed to scenic highway 1; was able to turn around and within three months, sell it for 1.3 million dollars. That was the early days in Moreno Valley. I'm hoping we're not seeing us going in that direction again. We really

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need to maintain quality in our development and give serious consideration to any changes in this economic climate and be sure that everybody has their money to really this structure and to provide jobs they promise. Thank you.

CHAIR DE JONG – Thank you... The next Speaker on items not on the Agenda is Victoria Baca followed by Mary Palomarez...

SPEAKER BACA – Good evening and thank you Commissioners for the opportunity to speak to you again tonight. My name is Victoria Baca. I'm a member of the School Board and I'm also an activist in the community and the reason that I'm here again tonight is to talk about a City-wide issue. We have all the industry and all of the commercial on the west side of town. We have Costco; we have the mall; we have the theaters; we even have City Hall and we also have the sewage treatment plant. We have the congestion on our side of town. Now let's even it out. Let's move some of the industry to the east end.

CHAIR DE JONG – Remember, this is for items not on the Agenda

SPEAKER BACA – Okay it's not on the Agenda. I'm talking about being fair to the City. Okay we hear let's keep the east end pristine. It's only for horses or people with horses; you know we don't want them or those people on our side of town; child labor... they had someone holding up a paper out there. I mean that's not a city issue; that's a national issue. I'm against NAFTA, but I bet everyone here is wearing something or has bought something that has been made in another country, so it's time that we move in the right direction. Our City motto is people, pride and progress. We've got the people. Let's give them the pride and progress and let's even out the inequities. Okay we can't just use the same thing that been happening over and over; its nimbi; not in my backyard. The people on the east end; they say well some have even resigned themselves to say well it's a good project but not on my side of town. Keep it on that side. Well we could also say, then don't come to our theaters; don't come to the mall; don't use our freeway; don't come to City Hall; you're congesting; you're polluting; we can say that too.

CHAIR DE JONG – Ms. Baca, I believe you are referring to the project...

SPEAKER BACA – Okay, let me just finish by saying that this map that was put out. It doesn't reflect the speakers. I know that one of those dots is not any members of my family or any of the speakers that I know. They are not on here, so this is not a fair representation of who is a supporter and who is opposing the project, so let's be fair and let's move in the right direction. Thank you very much.

CHAIR DE JONG – Mary Palomarez followed by Vincent Ortiz. Vincent Ortiz appears to be here... followed by Dr. Monte Perez. Again these are items not on the Agenda.

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SPEAKER ORTIZ – Vincent Ortiz, 29060 Juniper Avenue. Yes we need jobs to support our families and our loved ones when we get out of College, but how is a warehouse going to support us. It's not. Tell me how an almost fully automated warehouse...

CHAIR DE JONG – Excuse me... that is an item on the Agenda. I believe you are referring directly to the Sketchers warehouse. Am I not making that clear? Are you going to continue on the item on the Agenda sir?

SPEAKER ORTIZ – Yes

CHAIR DE JONG – Well I'll have to call the next speaker sir...

SPEAKER ORTIZ – Me and my friends have dreams and careers that we would like to occupy when we become adults and I know none of ...

CHAIR DE JONG – Okay, I think we're ready for the next speaker. Okay, speakers you were told you'd be cut off if you are going to speak about the warehouse. This is not the time to speak about the warehouse. Thank you... Dr. Monte Perez.

SPEAKER PEREZ – Thank you very much. Good evening ladies and gentlemen and members of the audience. My name is Dr. Monte Perez. I am a resident of Moreno Valley and currently the President of Moreno Valley Campus. Tonight I want to speak as a resident. I'm not speaking for the Riverside Community College District or the Moreno Valley Campus; I'm speaking as a citizen of this great community. Education is very important and our College is committed to that and we want every single young person and returning adults to be re-trained to get the best possible training education available. Education doesn't start necessarily from any one particular occupation. It can start from the lowest levels of occupation. They key is for people to be motivated and interested in fulfilling their lives. Our College is committed to whatever decision this Planning Council or City Council make with regard to any future development. We are committed to assist this community to realize its goals and to make sure that people have jobs; to make sure that people can serve in this community and pay taxes, so I wanted to make that available to you to know that that is our core mission as a College. We're here to serve whatever is decided by the community, but beyond that I want to say that youth in this community and this young man who just spoke was speaking from the heart about his future and there are many youth in this community that deserve a bright future. Our College is committed to make sure that that happens as I'm sure you are committed to that and whatever avenues can be made available to young people to work and get an education should be made available. The bottom line is that we have 10,000 students now. This is and will be a sustainable community and we're planning to have 13 to 16,000 students over the next five years and that's going to happen because this community will have jobs; this community will have the

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ability to send their children to our College, UCR, Loma Linda or wherever else they want to go. Thank you very much.

CHAIR DE JONG – Thank you... Debra Coggins-Ortiz followed by Raul Wilson. This is for items not on the Agenda.

SPEAKER COGGINS-ORTIZ – Good evening, Debra Coggins-Ortiz, 29060 Juniper Avenue in Moreno Valley, 92555. I'm here to request that the Planning Commission and the City Council consider some kind of campaigns to bring real jobs to the community. I'm talking about manufacturing jobs that Americans; maybe entrepreneurs can start businesses where we as a City can help them to start the businesses so that we can have real American jobs for our youth and for our City's future. I would like to... my son actually wrote this for himself; he's not a public speaker; he's never done this before; but I would like to read his last bit that he on here if I may...

CHAIR DE JONG – Remember the rules...

SPEAKER COGGINS-ORTIZ – What are the rules?

CHAIR DE JONG – They rules are it cannot pertain to the Sketchers warehouse

SPEAKER COGGINS-ORTIZ – No, this... he wrote; let's see... I would like a good job that I can have that I can help support my family when I grow up. My friends and I have dreams and careers that we would like to occupy when we become adults and I know none of our dreams is to work at lower paying jobs. We want careers. If we want jobs, why can't we have manufacturing jobs in America? I do not want to work for China. That's what he wrote. Thank you.

CHAIR DE JONG – Thank you... Raul Wilson followed by Steve Clute

SPEAKER WILSON – My name is Raul Wilson. I live at 23595 Court and I'm not on this paper either, so don't use it for any type of guide. We're not supposed to talk about Sketchers right?

CHAIR DE JONG – Absolutely correct

SPEAKER WILSON – But I want to talk about empty stomachs. I want to talk about people who are hungry; hungry to eat; hungry to have education. Those are the things the City is supposed to be thinking about. We have a lot of people out there who are hungry. I've been a student advocate for almost 50 years. I do things for young people; get them into Colleges; get them into good employment, but you know that young man who stood here last time and said I'd rather have a job than an unemployment check and you know that a lot of poor paying jobs are at the casinos and the people work there because you know what hunger is world-wide; not just Moreno Valley; its everywhere and we have

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to start looking out for our young people. Believe me they need the help or we're going to continue to fill up the prisons State-wide. A city becomes a prison of dejection when it doesn't provide for its citizens that it has. Gracias

CHAIR DE JONG – Thank you... Steve Clute followed by Steven Bennett

SPEAKER CLUTE – Good evening Mr. Chairman and members. Steve Clute, Riverside, 600 Central; business development with the Electrical Workers IBW and National Electrical Contractors NECA and I'd just like to share that our training center in San Bernadino three or four a nights a week trains apprenticeship electricians and they do that for four years and then in their fifth year they are journeyman and many of these members; some 800 are in Riverside County and no doubt many in the Greater Moreno Valley area and certainly others around the Inland Empire; men and women, although we are always recruiting more women; I think probably that they are the best trained electricians there are and many also or some come out of the military and they mean a lot to their communities and they mean a lot to business in quality workmanship and their skills are top notch and they'd love to work more in Moreno Valley. We appreciate everything you are doing to bring more business to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you... Steven Bennett followed by Mike Rios

SPEAKER BENNETT – Hello, my name is Steven Bennett. I live at 25800 Margarita Street and I just wanted to you about providing more jobs in the community. I have been a resident here just shy of ten years. In that short period of time I've seen some changes being made. I just think we should all welcome the opportunity to have more jobs for people who live in the City to work; some local jobs. I'm sure it's like 90 percent of the residents have to leave the City to go to work and we need to have more jobs in the City beyond retail. Retail doesn't pay enough to have a decent living. Organized labor has a history with Moreno Valley for some time and they have access to the technologies we need for energy saving projects and we need to bring some more projects in where they can participate and you know they have a great apprenticeship program so you can get the quality work, energy saving technologies and the City comes out ahead, so you know I urge the City to think about these things when they decide how they are going to use different land projects and I urge everyone to approve the project. Thank you very much.

CHAIR DE JONG – Very creative... creative at the end there. Mike Rios followed by Joe Zmudosky

SPEAKER RIOS – Good evening Commissioners, I'd like to talk about a couple of myths about the east end. When I moved out here in Moreno Valley in 2003 I wasn't rich and I bought my first house on the north side and as time went by and me and my family bought here it was economically okay for us to do so and then

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we bought our second house on the east end in 2006 and I will tell you no one in my tract owns a horse. I mean I don't own a horse, but I wish I did when gas prices were expensive, but I will say that our City needs jobs; it really does. For that matter our whole country needs jobs at this time. We're all hurting at this time. Families are hurting because it would be mom and dad working and now all of a sudden one of them has lost their job and they are trying to figure out how to pay the mortgage; how to make that car payment; how to pay their children's health insurance. A lot of families are forced now to make drastic cut backs in their livelihood. A lot of families used to go out and eat on weekends; you know to the restaurants around here. Now they are cutting that out because they just can't afford it. My thing here is yes, I'm for jobs. We do need jobs, but we need jobs that can pay the mortgage. We need jobs that can pay our card note. We need jobs that we can put money in our 401-k for our retirement. We need jobs that will help support us instead of having more foreclosures as time goes by and we are leading in Riverside County in foreclosures and we need to change that and yes we do need jobs, but we do need jobs that can make those payments so we don't lose our homes and I just want you guys when; because you guys are going to talk about a lot of projects in the future and keep that in mind when you are making your decisions on what jobs we are bringing in. It's very important that we get Moreno Valley back on track and we could be the leading City in Riverside in California and all United States if we get the right jobs in our City, when our children when they go out to College and they come back; they could come back to us and work in our City. That's what I'd love. I'd love my children; I don't want them going somewhere else in LA or in Orange County to get a job. I want them to work in Moreno Valley so I could have them near me and that's I'd like to say. Thank you.

CHAIR DE JONG – Thank you... Joe Zmudosky followed by Deana Reeder

SPEAKER ZMUDOSKY – Good evening, Joe Zmudosky, 28131 Bethany Circle here in Moreno Valley. A couple notes about the jobs. In the LA Times today, 160,000 businesses closed in 2008 and they are predicting 200,000 more businesses to fail this year. A job is a job whether it's 10 dollars an hour or 20 dollars an hour; it's a job and you guys sit up there listening to everything that's going on and you know somebody said a long time ago in a movie that logic clearly dictates that the needs of the many outweigh the needs of the few and with the jobs; how many it brings, nobody really knows; 1000, 2000 or 3000 but it's a step. In this City; you guys up there tonight; you need to look at opening the door so that we can move forward and bring jobs and prosperity back to Moreno Valley. I thank you for you time and wish you well.

CHAIR DE JONG – Thank you... Deana Reeder followed by Vicki Watson

SPEAKER REEDER – Hello, my name is Deana Reeder and he said a job is a job. Well I'm here to you that a lie is a lie. When things are advertised, they should be what they're advertised. For example I was here in the building, in the

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City Clerk's Office and asked what time those doors were going to open last Thursday. The Clerk called the Deputy that opens the door and while I was standing there listening to her the Deputy told her 6:45 and absolutely not before and we all know that is not what happened. Now you know maybe that was an accident, but these accidents keep happening and they keep happening to the benefit of some groups and the detriment of others and that makes what happened inequitable. Now let's get to some other lies. We're not going to talk about the 1.8 million, but let me talk about the other 33 million square feet of proposed warehouses from this developer; not that part... see the whole total package is 35 million square feet; that is the total package. That is the anticipated amount. That's where the 2,500 jobs come from; if you do all 35 million square feet. If you don't that's not how many jobs that are going to be there. There is only going to be 50 if you only do this project. That's it. So you guys can lie all you want; people back there can believe BS, just like Madiff got his 15 billion because believed in though someone for almost 10 years said ah this ain't making sense. On 9-11, the day before hand, the guy called the FBI and said this is going to happen and they're like ah... and they did nothing. So you guys can do nothing; you don't have to believe me and that's okay. When it comes about, that's when it will be proved and I can live with that. Thank you.

CHAIR DE JONG – Thank you... Vicki Watson followed by Lorena Santa Cruz

SPEAKER WATSON – Vicki Watson, 11109 Night Shadow Drive, Moreno Valley. I'd like to ask some questions before the Commission as they consider our future and some of the issues that face. No one has been untouched by our economy. Its hit us as individuals; as businesses; as city States to the Federal Government. As the Commission is reviewing proposed changes, is the current economic environment being considered such as what if the company suffers financial hardship and they need to close their doors and leave? Currently our supply is exceeding demand and the balance of supply and demand is fundamental. We've experienced severe rainfall shortages and we may face mandatory water rationing. We have been forced to ration before and Sunnymead Ranch almost became a dry lake. When we are considering these proposals are we considering the impact of projects that are large water consuming proposals and what this would mean to projects currently under developed or proposed for the future. Also in reviewing large projects are we considering AB32 and the City's potential exposure to litigation by the State for not complying with these mandates? There are the green valley initiatives and are we considering projects that have us working with the green valley initiatives? Are we a partner or are we an outcast? There is also law regarding withholding gas taxes if we don't have proper traffic circulation. Have these issues been considered? When considering projects we have to consider the local impacts. Traffic is like water. What are the benefits and the risks to our City? We have to be reviewing the benefit versus the consequence. We need to weight the two against each other and ensure that the benefit is to the City over the long term. Each of the items above has direct bearing on property values and the City

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revenue stream and we must be developing areas that protect our property values and attract people to our community. We have vacant residential properties. We need to put development around them that encourages people to come to our City and want to reside here. We should not be putting things in place that prevent the City from people wanting to come to our City and how is existing land use measured against proposed projects? Do they compete with each other or do they support each other. We can all exist together. We can have residential properties and we can have business, but we've got to do it through good planning.

CHAIR DE JONG – Thank you... Lorena Santa Cruz followed by Elena Santa Cruz

SPEAKER LORETTA SANTA CRUZ – My name is Lorena Santa Cruz and I'm in the 5th grade. I hope that by the time I graduate from High School and College there will be a job waiting for me here in Moreno Valley. I love this City. I've grown up here and I hope that this City will grow with me and be able to support my own family some day. Thank you.

CHAIR DE JONG – Thank you... Elena Santa Cruz followed by George Hague

SPEAKER ELENA SANTA CRUZ – Members of the Planning Commission. I'm very concerned that there is a very strong undercurrent of racism running through your proceedings and possibly those of every City Commission and even City Council meetings. Last week I overheard comments by those in the audience that were very racist against many Hispanic residents of Moreno Valley that had interest in the item on your Agenda. They used unfriendly language in reference to the ethnicity and very rudely said that Moreno Valley doesn't need to attract any more of those people. As one of those people, let me make it very clear to you, I am an American citizen and I am very proud of that fact. I love this Country and I love this City and I think that anyone who hates America does not know anything about this great nation. Because of my skin tone and the fact that I am fluent in both English and Spanish, I am looked down upon as a second class citizen by my neighbors who have fairer skin. This type of prejudice has to stop in our City. We cannot let the bigots of this City continue to deny a voice to American citizens and residents of Moreno Valley because of their last name. Perhaps it is Baca; perhaps it is Rodriguez; Santa Cruz, Pacheco or even Molina. The woman who addressed you in Spanish last week also spoke to the City Council on Tuesday. The City did not provide her with an interpreter at either meeting. Someone had to translate for her to the officials and Councilwoman Flickinger said the City could not afford an interpreter and that Mr. Wilson would be cheaper. That is ridiculous and that is racist. If Moreno Valley can afford to pay a City Manager who takes every Friday off, over half a million dollars they can afford a part-time interpreter. Roughly half of Moreno Valley's population is Hispanic. Many still have difficulty with English because it is not their first language. This City needs to include them in public process. Anything less is

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taxpayer, subsidized, racism. Thank you... oh I spoke last week on Sketchers and I am not on this map.

CHAIR DE JONG – George Hague followed by Librada Murillo

SPEAKER HAGUE – What you are looking at... George Hague, 26711 Ironwood Avenue, here in Moreno Valley speaking as a Sierra Club person and in fact I gave you a newspaper and to Staff also. It should be in front of you from the Sierra Club. One of the main areas that we do try to protect is the San Jacinto Wildlife area, part of which is in the City of Moreno Valley. You're looking not a painting but an actual photograph of the San Jacinto Wildlife area and it's an area that is very wonderful. In fact the newspaper on page 8; there is a walk this Sunday out there starting at 9 o'clock and lasts for two or three hours. You are more than welcome to join in. The San Jacinto Wildlife area is mitigation for many other projects. There is a project north of this called Moreno Highlands. That project already is in our General Plan; was already approved in the early 1990's. It already has that on the east end; 21,000 jobs approved, so the east end does have jobs approved and it was part of the General Plan for these 21,000 jobs and hopefully you realize this and there will be a wide variety of jobs in the Moreno Highlands project, especially if they continue with the plan as it is. If the plan does change, then we may not have the variety of jobs that was envisioned in our General Plan and hopefully that will not happen, but what is needed in our City besides just saying we want jobs now, is saying we want healthy jobs now. Ideally they would be jobs where people would not have to suffer from various pollutions that are around and that's what a lot of people are asking for; for this City is to have an image that we provide healthy jobs for individuals and hopefully you will proceed and try to find those types of jobs. But again, going back to the San Jacinto Wildlife area, just for your history about it; it was actually mitigation for the State water project; when they brought the water down from the delta, they destroyed habitat along the way. They started with 4,200 acres out there and with those 4,200 acres, different parties; Sierra Club; Audubon Society; different hunting groups because hunting is allowed out there, all worked together and that 4,200 acres now is more than 19,000 acres. It's in two different parcels. There are 10,000 in one and 10,000 in another. I invite you to come out there this Sunday or anytime it's open to the public. Thank you very much.

CHAIR DE JONG – Thank you... Librado Murillo followed by Margie Breitkruez. Remember these are items no on the Agenda

SPEAKER MURRILLO – (Speaker speaks in Spanish)

INTERPRETER FOR SPEAKER MURILLO – Good evening ladies and gentleman of the Planning Commission. My name is Librado Murillo and my address is 12379 Kitching Street in Moreno Valley. I was here and I am the President of the Moreno Valley Parents Association. I was here at the meeting

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that took place last week where the Sketchers project was discussed. Today I am here before you to speak on issues or things that are not on today's Agenda. First of all I want to say that where my house is located and where I live it's not on this map (and she showed this map). Please do not use this map to make an informed decision. I depend on the wisdom of the City Council who has appointed you to this position on this Commission under certain criteria. For that reason I hope that you will see that this document does not reflect actual data or facts and I ask you who made this map and what is it based upon? Secondly, please understand that I and several of my friends, neighbors and parishioners felt intimidated and discriminated by persons that are here today opposing the Sketchers project. Although we do not speak very good English we do understand dirty looks and profanities made towards us and in our face. Finally, I want you to know that the majority of persons that were here in front of you last week are in favor of the project. I know that you could not hear the applause from the people who were at the Rec Center applauding the project, but that is all you could hear. The opponents are very few. I do not know who they are, however I know that they are here today and in my opinion they are a bunch of racist people. Thank you very much.

CHAIR DE JONG – Margie Breitkruez followed by Gordie Tucker

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. Multi-use trails are the gem of our community. In our City they are for the benefit of walkers, joggers, riders and equestrians. Communities that don't have equestrian properties have the same type of pathways for residents to enjoy. There is little pleasure or physical comfort or benefit on walking on concrete or asphalt. Multi-use trails are available for use by everyone. The City of Moreno Valley has opened its arms to multi-use trails through the adoption of the Master Plan for trails. As residents we're blessed with an excellent and growing multi-use trail system. Our trails take us through the beautiful paseos of Hidden Springs, do or will connect us to Regional and State Parks and provide vistas of the City that are just breathtaking, provide inter-city connections. They are also importantly another mode of transportation rather than vehicular. Multi-use trail users enjoy all trails. In other communities the multi-use trails meander through a variety of settings. In Palm Springs the multi-use trail system takes you around a beautiful member's only golf course. To reach the Palm Canyon trail system you pass directly alongside condominiums. In Pedley and Mira Loma you ride through the beautiful riverbed. In San Dimas you traverse by a small airport. In Walnut Creek the trail is just as it sounds; a watershed area behind homes. In Daneda you pass residential, business, corporate areas and cross a bridge that spans a major freeway. All of these are beautiful; all the more enjoyable for variety. Multi-use trail users enjoy any type of trail especially when it provides continuous connections and diversity. In Moreno Valley we are a relatively young City. All of our multi-use trail connections have not been finished. Each time when development is on a downward spiral it delays the completion of the system, however trail connections will eventually be reached. Our Master Plan of

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Trails is there to do that and is our vision for the future of our City. As a Trails Board Member, I am pleased to report the positive response we have had from our multi-use trails and offer our quarterly hike events. These hikes are open to all children and adults in the community and from outside the community. They are just amazed when they see things in Moreno Valley on the trails that they haven't seen before. I agree with the Moreno Valley Chamber Newsletter that stated that Moreno Valley trails are the hidden gem of our community. Thank you.

CHAIR DE JONG – Thank you... Gordie Tucker followed by Thomas Thornsley

SPEAKER TUCKER – Good evening, my name is Lil' Gordie Tucker from Moreno Valley. I'd just like to make some statements here towards these union brothers and sisters that are here tonight. It goes a long way in showing strong lack of union brotherhood among unions in America. It wasn't that long ago these same warehouses in Ontario and around California undertook actions against unions by forcing them out. The union was the International Longshoreman's and Warehousemen's Union. They chased them out of their facilities in an effort to seek lower wager and no benefits. As an ex-ILWU representative at time, based out of Los Angeles Harbor, I didn't see or hear of any of these unions standing up for their brothers then and I see nothing has changed. These jobs that warehouses will bring to the City of Moreno Valley will not be offered to union members at union wages and union benefits. The ILWU has members of all trades; electricians, crane operators, stevedore operators, truck drivers, maintenance workers, pipe fitters, boiler makers, welders, carpenters, heavy equipment operators and yes warehouse workers. They and their families wish the same as everybody else; to earn a decent wage and get benefits. Think about that tonight and how you as union brother and sisters would feel if the ILWU supported projects which are now off limits to you and your fellow members. After all the members of the ILWU can fill each and every aspect of your unions trades and in the event that you for some reason need to walk off those jobs in order to keep your wages and benefits at the level that you need to support you and your families. Thank you.

CHAIR DE JONG – Thank you...Thomas Thornsley followed by Alex Ortiz

SPEAKER THORNSLEY – Hi Thomas Thornsley, 29177 Steven Street in Moreno Valley. I'm not here to talk about jobs. I'd like to talk about some unfinished road improvements knowing that we've got another project that's going to be right at two major intersections at Redlands and Theodore; I've been concerned for three years with the unfinished access points near the Wal Mart Center. We have a four lane roadway that comes from the Auto Malls along the south side of the Wal Mart Center and dead ends at a block wall. From all my years in Planning in the past you wouldn't have put a four lane highway or a roadway if you hadn't intended it to go through and connect somewhere else. It doesn't make much sense to dead end there. You also have a four lane roadway

that comes from the Target Center at Nason and terminates right up against Moreno Beach and does not go through either. Now the only way to go from the east side off of Moreno Beach to the Target Center is drive through the Wal Mart Center which from all my years in planning and studying with Transportation circulation, that's very poor circulation planning. I know Cal Trans is very slow to deal with to get improvements made and that improvement I think should have been done at least by the time the Target Center opened and then I think everybody who gets off at Nason will totally agree that that intersection is so far from being adequate that it's at Level of Service "F" most of the time that I've ever been there. During the Christmas holidays it was insane. It was so much easier for me to go from Cottonwood and meander through there in order to even try get up to that Center. I hope with any future projects that are along the freeway long before the projects are open for business we don't let them develop and have that same kind of infrastructure or lack of infrastructure that's critically needed. I would like to hear an addressing of when those improvements will be would, whether it would be tonight, which I don't think we have the time for it, but I do tune into you guys, so if it's talked about another night, I'd like it to be talked publicly. I know if I would go in and ask John or he would probably discuss it with me, but I think it's something the community needs to have addressed at this time because it's been a long time for the Wal Mart Center to be in and operating and not have the through access that should be there and at this point if there were ever any problems on the freeways, typically you would have an alternative frontage type access from one area to another and it does not exist right now and I hope in the near future that those are taken care of. Thank you.

CHAIR DE JONG – Okay I have four more Speaker Slips. I want to tell you now, if you wish to speak, fill out a slip and turn it in now. We're going to hear these four more; if we get no more in the next minute or so that will be it. Thank you... Alex Ortiz followed by Jim Koch

SPEAKER ORTIZ – Hello good evening. My name is Alex Ortiz, 29060 Juniper Avenue, Moreno Valley, California. I would like to suggest the forming of a volunteer group that will work to bring real manufacturing jobs to our community; not the ones that pollute our cities and our communities or destroy our environment. Maybe those that need jobs could get together and start a business and entrepreneurships. This is the American dream isn't it? For those Hispanics that come here tonight to use the racial card, maybe they need to get together with the Hispanics; they can tell them; guide them and tell them what to do and how to do it so that their families can benefit in the future. And one more thing I want to let you know that I don't need an interpreter, so therefore I won't become a City program or the government and remember one more thing; Government is not the solution to our problems, Government is the problem.

CHAIR DE JONG – Jim Koch followed by Michael Greco... Excuse me; we're taking no more Speaker Slips at this time.

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SPEAKER KOCH – Members of the Commission, my name is Jim Koch. I live at 28283 Keaton Drive, on the east end of Moreno Valley. I want to build on what Mr. Dada presented here earlier; the first speaker here regarding the image of Moreno Valley. Yes jobs are very important, but I think we need to look at the big picture. We have an opportunity here to provide a business education nurturing place here in the plan that provides locations and an opportunity for businesses to work together with the Colleges and UCR to provide a place for the graduates in conjunction with the businesses to provide good jobs and high end jobs like tech complexes and so forth. I was involved in the business education nurturing program at Cal Poly. It has been very successful in attracting the businesses that would help Moreno Valley enhance the image of Moreno Valley and yet you do also have places now that have the whole gamut of the other types of jobs in addition to these jobs that would provide the image and the jobs here for Moreno Valley and that means the business parks set aside in a plan to provide this opportunity. Thank you.

CHAIR DE JONG – Michael Greco followed by Ken Gilbert

SPEAKER GRECO – Good evening; Michael Greco. I've been a resident of Moreno Valley for almost five years. I live down in the Rancho Belago district. I was under the impression before I came here when I saw the baby killing and child labor signs that there was going to be a big debate tonight about development, but since it's off that I've been listening to the comments by everybody and it seems like the common theme is jobs and what really has been resonating with me as I've been listened to everybody is your jobs right, because all of you up there are paid by us and I think that from what I've seen in the time that I've been here and a lot of it's legacy that pre-dates probably you know a lot of you, but when you talk about things how the roads don't make sense, it's almost like somebody wasn't doing their job right with planning or when you see large chains come in and build stores and then they go out of business and then it just sits there. When you see millions of dollars commissioned to do things you know whatever; horse trails or different things, but you don't see millions of dollars commissioned to do things for children. I mean I know my own children when we've done sports; local sports; we had to fight to get a lighted area for our teams to practice, so what I really hope that you go away with tonight when you are making decisions on some of the developments that are to come, that you really think about not just the name; like if it's a Circuit City or you know... it's easy sign up a Jack-in-the-Box and give us another fast food. It's easy to you know to put down roads that don't really have a purpose that just cause more congestion. I think that one of the things that you need to consider that all of you that have jobs in this City, you don't have to drive in and out of the City; right you're not faced with that kind of pressures that the people live here are and I really hope that when you make your decisions going forward that you hold accountable whatever developers; whatever companies that come in and solicit your you know acceptance... you know there's economic viability and then there's you know environmental impacts, but I think what you really ought to

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consider is who is going to do things for the City for the long term and when we talk about jobs, we need to talk about your jobs and then the things that the people that are here like myself that have come here that are educated; that understand business; that know to read and that really are going to motivate and get a ground swell to make things that are better for everybody, mainly for our children and that's one of things that I hope we go away with is, that everybody is looking for jobs, that you've got jobs that don't require you to drive in and out of the City and I really you want to consider some of things going forward from people that want to come to this City than want to spend money on things like parks; things for our children; okay. Thank you.

CHAIR DE JONG – Thank you... Ken Gilbert followed by Susan Siegle

SPEAKER GILBERT – My name is Ken Gilbert and I live 23507 Woodlander Way in Moreno Valley. I've been living in this City for 20 years. Ever since I came to the City or since I had kids I kept them busy. Yeah we're all talking about jobs but I think the more important thing is the future for our kids, because kids are our future. Whether you have a job or not; I know people that have jobs that don't have jobs... even if you get a job a lot of people don't even spend time with their kids, they would rather buy a twelve pack of beer. There are millions of kids out there that are spending time on the streets not knowing what to do. Their parents have jobs; they just don't spend the time with them. Okay I spend every dime I have on my kids; keeping them busy; keeping out of trouble; trying to keep gangs away from our neighborhoods and what not; trying to get involved. There are a lot more people in Moreno Valley than this hundred people here and I'm talking to everybody watching TV right now that's going the City needs to do something; they need to do something... you need to do something Moreno Valley... watching TV and going this guy ought to do something; this guy ought to do something. I've coached kids that are black, Mexican, white, Asian; every nationality and it doesn't matter and I'm sitting here being labeled a racist and what not. Get off your butt; do something for your kids; that's an investment in our City; our State and our Country and I'm tired of people going oh well need jobs... yeah we need jobs. You need to take care of your kids first. It doesn't matter. You need to take care of your kids' man.

CHAIR DE JONG – Thank you... Manual Topete...

SPEAKER SIEGLE – Good evening, I've come here in good faith twice. I'm really sad that some of the speakers are a little demeaning last week because I'm against something. I was labeled a snob and grouped together like we're just one big group because we aren't pro and be that as it may that's neither here or there. What I really resent and think is just terrible is that someone would stand up here and label one whole group of people that they have never met; never spoken with; do not know personally as racist. To me racism is the ugliest word in the English language or any language and I think when you label a group of people racist for their beliefs just because they are not the same as yours, you

then become a racist because you're grouping people together by whether it's their color; their beliefs or what they want to fight for. I don't think anyone has a right to group any people, whether they are blonde, black, Hispanic, white or whatever as a racist and I feel sorry for them that they are narrow minded enough to do that and I apologize for using this, but twice I've been called something I am not and I just really think it's sad. Thank you.

CHAIR DE JONG – Thank you...Manual Topete

SPEAKER TOPETE – Good evening. I kind of came here last minute you know; I didn't think I was going to come up here to speak, so I kind of snuck in one of those Speaker lists, but the reason I'm here is because I was raised in Moreno Valley since '82. I've been here all my life. I'm 38 years old now. I've been here 36 years. I've been in the same corner for now 36 years; where I work now; where I own business is where I rode my bike. In the last week I think I've finally go the straw thrown on my back. Is 20 years of owning a business here in Moreno Valley an expiration date, because they're really making it very hard for me to stay in business? Just like the sign behind you that states this is the City of Moreno Valley; I need signs in front of my business that say who I am. They're telling me I need to take down my signs; take down my neon; why? That's what attracts people to my business. True we need jobs. You know how I guarantee my job, I made my manager; my boss; my best friend myself. I've only had one job besides my business. A week after graduation from High School I opened my shop and it's been there for 20 years; well September it will be 20 years if Code Enforcement allows it. They are making it very hard. I'm losing money in closing in coming over here trying to get things done, only to get I'll call you back; I'll call you back and I don't get calls back. I've got two folders already of messages already of messages where nobody is calling me back. What do I have to do? I am being harassed by Code Enforcement. They are trying to make me do something that's illegal. They are threatening me. I need some help. No Councilmember is helping me. I've got people that are not even on the City Council coming to my rescue. I've got Mike Rios who is doing more for me than anybody that is getting paid to do their jobs. People that are doing this because they've known my business. Some of you are familiar with my business and you know I apologize if I'm getting a little loud but this is coming from my heart. I don't have anything written. I want to be left alone to run my business; that way I can secure at least 10 to 15 jobs on my corner. It's just a little corner; it's not a lot, but 20 years of not collecting unemployment checks; of keeping the same employees. I've got employees that have been with me for 15 years. What does that say for my business? I want to run my business the way I feel I should run it. It's been good to me. I've had a good life here. I've raised four kids. I want my kids to do the same thing I'm doing right now. I don't want them to go to school and then leave Moreno Valley. I want them to start a business here; make some money here and stay in the City that they grew up in. That's all I'm asking for. I wish somebody would come to my rescue. This week I'm going to go and find out how many other people I feel are victims of what Code

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Enforcement is doing. I just want to make my money and not ask anything from you guys. I don't even call the Police when I need them. I do not get my Police services. I've been burglarized over 30 times; armed robbery twice and nobody has been arrested. I need some help. Thank you.

CHAIR DE JONG – Thank you. Okay, that's the last of the Speaker Slips. I understand that a gentleman came up to one of the Officers and said that I had called his name earlier and now he's here. Can that gentleman come forward or woman; I'm sorry. We've already cut off Speaker Slips at this point. What is your name?

SPEAKER PALOMARES – Louise Palomares, I've lived here in the City for 20 years. Okay I'm not on this map and I support this project and I'm not on this map.

CHAIR DE JONG – Remember this is not items not on the Agenda.

SPEAKER PALOMARES – Okay, well there is a lot of people I heard at the last meeting that were speaking about the east end and they don't speak for everybody in the east end because I have rentals in the east end and when my tenants heard that a project might be coming to Moreno Valley they were ecstatic. We need these jobs here. We really need them and that's as much as I've got to say because everybody has already said quite a lot already. Thank you so much.

700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

(CONTINUED FROM PLANNING COMMISSION OF JANUARY 8TH, 2009)

CHAIR DE JONG – Thank you. Alright at this point we've reached a point where our Applicant is going to present a rebuttal to the Speakers both tonight and last week, but I understand that he has a powerpoint presentation and City Staff needs to set that up, so prior to the presentation we're going to take a 10 minute break at this point. Thank you.

(10 minute recess)

CHAIR DE JONG – Hi we're back. As promised we're going to open the portion of the meeting where the applicant has a chance to rebut what he has heard this evening and the previous evening. It is now the Applicant's turn... Mr. Benzeevi.

APPLICANT BENZEEVI – Thank you. Good evening again. Is the sound on?

CHAIR DE JONG – I'm not sure...

APPLICANT BENZEEVI – Tell me if it's fine... I know between the accent and the acoustics, it doesn't quite work well. This is fine?

CHAIR DE JONG – I can hear you

COMMISSIONER MARZOEKI – I can hear you

APPLICANT BENZEEVI – Okay great... In any event thank you for giving us an opportunity to come back and I'm not sure if it's a rebuttal but I would like to respond to all the issues that were raised. We were amazed and actually pleased to see a lot of the community has come out and had a lot of things to say; some were legitimate concerns and I think are issues that should be addressed; others I would say that you know to some you know the truth is just a more elaborate form of fiction. I'm not sure exactly where things came from but you know I want to address those things that I think are far beyond what the realm of the project is. I thought I would address my remarks to the project itself, but a lot of things were said and I'm really not going to respond or rebut to all of those other issues. I think all of your time is valuable and I think it's probably proper for a different forum, not the Planning Commission. Just to get up to speed and sort of reiterate where we were last time, I'll just briefly and quickly go over what the parameters of the project is. We're talking about a project that is located between Redlands Boulevard and Theodore Street, bounded on the north by Highway 60 and the south by future Eucalyptus. It incorporates essentially four parcels; two commercial parcels; two investor parcels that are sort of center to the project. The two outer pieces are actually commercially zoned, all of which are within the Business Park zoning designation; Commercial designation within the current General Plan. There is no General Plan Amendment required for that; that's a point I will elaborate on and describe. Very quickly, to understand what we're talking about in terms of the building; this is the main building facility and it incorporates the logistics operation as well as an office and management operations. I've recently spoken with some of the Sketcher's representatives and asking them generally what the make-up of the operation will be and I was told that the head of the global logistics operation will actually have an office right here in this building as well as four Senior Vice Presidents in their divisions, as well as all of the IT both hardware and software compliance; you know customs; purchasing, management, marketing, finance and a lot of other functions. Approximately 100 to 150 executive type positions will be hired on the first Phase of the operation. They are expanding and

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planning to stay here for a long time and expand within our community, so that was generally what the numbers were. Again what the project looks like to remind everybody, I showed last time sort of... I'm going to show what the project looks like. This is again heading east. We are now going to cross the Redlands Boulevard Bridge and the project will be on the right as you are watching the video. It is highly landscaped. We'll also talk about that space between the pavement, the freeway and the actual landscape that belongs to the project. That is one of the issues that were raised and we will look at that as well, but generally speaking this is what we'll be seeing as we drive on our freeway; the Moreno Valley freeway; Highway 60 heading east. It's heavily landscaped with some areas which will remain open to expose the building. We think it's a tremendous building; sort of an iconic building and we think the community as well as the general public should have the opportunity to have a glimpse of the architecture, which is unique. Eucalyptus, which is the southern boundary; again this is turning from Theodore into Eucalyptus heading west towards Redlands Boulevard and this is sort of the entry. We will also talk about the median you see here. This median here is part of our General Plan Amendment. Currently Eucalyptus does not have a median and we are requesting the General Plan to allow us to install a median on Eucalyptus, which we will also be maintaining. Again, the project is on your right; again heavily landscaped with drought resistant type of planting. Anywhere there where there are posts or gates are essentially concealed from the public view and it's really a nice boulevard that you can get... If you didn't know there was that type of an operation behind it; it could be anything; it could be a hotel; it could be a high-end residential community; it could be anything at all really. The enhanced landscaping along the boulevard coupled with the median, obviously just creates a whole different experience. We're hoping that the City will continue with the median throughout Eucalyptus; again we're just proposing it for this segment that we have which is between Redlands and Theodore. Anyway this is heading to Redlands Boulevard now. Here we are going by the commercial area that will be on the right. It's zoned Commercial in the General Plan. It is still zoned Commercial and proposed to be Commercial in our plan here. Okay, in terms of traffic and traffic was an issue that was raised and exactly how heavy the traffic will be, we've had the simulation again and some folks said, well gee there is so many trucks; there is so much traffic and so on and I just want to remind you that how we looked at traffic or how we look at traffic as individuals and how we experience it on a human scale is entirely different. Some folks said, well gee there will be a truck every 42 seconds and things of that nature and we actually have a simulation of the traffic and we can actually... again this is looking in; if anybody has a stop watch or wants to count every red truck again; is every red car or truck is actual traffic that we are contributing to the ambient level of traffic at build-out, which means what you are seeing here is a simulation of traffic as it will be when it will be built-out and the red trucks and red cars are actually project related traffic. As you will see and you can count the interval between trucks and it may be 48 or 49 seconds; 50 seconds; you know it's intermittent, but on average it's about a minute, but this is how you know a car or a truck every 40

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some seconds looks like. It is not the kind of congestions that we all think about when we hear these kinds of numbers. It's easy to get scared by thousands of anything, but how we experience it is entirely different and when you compare it to the fact that we are running so many over a 24 hour period; well the freeway capacity is several thousand cars; 70 to 80 to 90 depending on many thousand cars an hour going through the freeway at normal times so you can actually clock those trucks and you can see they might be those red trucks; it might be every 40 something seconds, so it's not accurate what people were trying to say that there are trucks on the freeway, but the reality is that it does not generate congestion; not at the level we're talking about. On average around the here, we represent about; according to the Traffic Study and the EIR analysis, about two percent of the traffic as we are going down west to the 60 Freeway, so traffic is really not a concern and everybody is welcome to clock it if you want to, but it exactly depicts the Traffic Study that was done for the project. Again it's not different when we head the other way. The same thing can be done. This is now traffic coming towards us. This is standing on Redlands Boulevard and looking east and the traffic coming west. Again the red cars and trucks are project related traffic... very low level compared to the freeway and this is at build-out. I mean it's almost kind of boring to watch traffic, it's just not that exciting, but it's also is not terrible, it's actually very well moving and fairly freely moving and this is taken at peek hours. This is the worst case during the traffic cycle of a day. We've tried to summarize all the issues raised and consolidated it into a presentation so we can go through some of the issues and one issue that was raised is the commitment to the City. Some people said; when our former Councilman said that somehow the City is betting us out one way or the other... A lot of nonsense in the sense; we haven't taken a dime from the City. We actually have no debt. All the properties were purchased for cash. It's in the tens of millions of dollars for that particular project alone; not the rest of our holdings here. For somebody in Moreno Valley that has a mortgage on their home; they are actually more in debt than we are. We have no debt and we own everything as they say on the street; free and clear, so we're certainly are not looking for (inaudible) thinking, actually we'll be helping the City with millions of dollars of improvements and in this particular project, approximately 45 million dollars between street improvements and other things. In terms of how much time did the public have to review this process? We heard people say it was rushed through. Actually the process started in August of 2007. We've been through the notice of preparation. It was published in October of 2007. There was a Public Hearing; EIR scoping meeting and a NOP (Notice of Preparation) and a Hearing that was conducted out in August of 2008 where the public brought in their input. A Draft EIR was prepared and circulated for 45 days. That 45 day circulation period terminated September 19th of 2008 and since that time we've continuously to receive, even though it was the deadline, we've accepted all requests and all input and data that was sent to us, reviewed it and responded to it. The City did that as well as part of the EIR process which culminated in the drafting and the publishing of the Final EIR, which was really adding on the comments to the Draft. The Draft was really the complete document and the Final EIR is that draft document; the complete

EIR plus the comments that were received after that period. We answered to all of them. There is also part of the process that has been occurring here that I think was somewhat; every meeting we come in and you are handed another stack of 300, 100, 200, 300, 1000 pages and ask how could you possibly make a decision before you read these extra 1,000 pages. Well in today's day and age of the internet, anybody can push print and regurgitate thousands of pages on any subject at all. We have to have a process in place and we have to make sure that whatever is presented is actually the relevant information or new information otherwise it will never end and we'll keep on hearing the same thing or we get handed another 300 pages of the same information again and ask that you couldn't possibly make a decision because you have so much new information now. Well we've looked at all this new information; the City has looked at it as well and there wasn't any new information in all those stacks of papers. It's the same thing repeating itself, so we're hoping that if you review the EIR which is almost a four foot high document. It's very detailed and almost has an answer to any issue that exists. In general context with what you have here... Sorry...Okay, this is essentially an overlay of the General Plan designation on top of where the project is. If you notice where it says project area is where the project site is. It is within the Business Park zoning. As you remember there were two commercial areas at Theodore and Redlands. Those remain commercial areas and it's within the General Plan Business Park designation. Well in any event, I want to clarify one important thing. We've heard a lot about the General Plan; we're amending the General Plan; we're changing the General Plan in the east end; we worked so hard on it for 10 years. I've been around and I understand how long it took to put this General Plan together, but the reality is we're not talking about changing the General Plan. The only General Plan Amendment that's in front of you actually relates to the realignment of trails and the placing of a median in future Eucalyptus. This is the only General Plan Amendment that is front of you. It isn't to change what the east end was like. It isn't to change the uses out there. The simple General Plan Amendment that's in front of you is to amend the General Plan as it relates to trails and the trail issue is simply this: There was a trail designated to go from Theodore to Sinclair, which is not there today and I hope we have that exhibit. I don't know if it's easy to see with the lights on? Are the lights on, on purpose are can see the slide this way? So the General Plan Amendment; what are we asking the Commission to evaluate and to amend? The only General Plan Amendment in front of you is to look at the multi-use trails that were crossing Highway 60. There was a bridge designated; simply a horse bridge; a bridge to cross Freeway 60; not for cars or anything else, simply for this trail and it's totally invisible; it's 20 million dollars, plus if you come south of the 60 Freeway the segment of Sinclair between the 60 Freeway and Eucalyptus has been abandoned by the City; not by us; it's been abandoned by the City. There is no connection from Sinclair to cross over the 60 Freeway and get to the north side, so that bridge or if you remember the bridge to nowhere; that's kind of the same thing; it's a bridge to nowhere, it wasn't going anywhere; there wasn't a street to receive it on the other end. So what we've done instead is to take the trail segment from Theodore and instead of going up

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to Sinclair and going over the freeway, we're taking it from Theodore all the way out; actually extending it to Redlands Boulevard; so actually lengthening this trail and so we're asking the amendment is to actually extend the trail. But there is a bigger issue with the trail. We call it multi-purpose trail, but in reality we're asked to put this trail in next to a sidewalk; next to a bike trail and so what is the purpose of... if it's truly multi-purpose let's just have one trail that's for pedestrians, horses and bicyclists and not have a multi-purpose trail; a sidewalk and then have a bike trail. The reality of the fact is that it's really a horse trail and I understand why because no one will let his three year old kid on a tricycle be on that trail, followed by a ten year old kid on a two thousand pound horse galloping behind it, only to be followed by a senior citizen with a walker. It's just an impossible situation and bounded by the fences. You can even escape the place, so we questioned the whole issue of what it actually means, but that's a separate discussion. The General Plan Amendment simply is not to amend the allowable uses or anything else; it's simply to amend the realignment of the trail from Redlands to Theodore instead of from Redlands up across the freeway; over the 60 Freeway. By the way a bridge like this we estimate will cost about 20 million dollars and we thought that if 20 million dollars are spent in the City, there are better uses today than a bridge; in fact we can fix some of our roads with those 20 million dollars before we built those kinds of bridges. The second thing is the median. That is the second General Plan Amendment which is to amend the Circulation Plan of Eucalyptus Boulevard to accommodate a median and maybe we can take a look at Eucalyptus Street. Yeah you can see this is the median we're talking about. This is Eucalyptus. Eucalyptus as it exists today in the General Plan does not have a median, so we're proposing this median on Eucalyptus Street, so that's one of the issues with the General Plan Amendment and the second issue of the General Plan Amendment is the realignment of the trail that used to start at Redlands, come approximately half way to Sinclair and go over the freeway. It doesn't exist today and the bridge doesn't exist today, but that's how it was laid out. We're talking about taking the trail; potentially the alignment out to Redlands as a straight line. Okay we also think that... again you can see the alignment here and you'll take it all the way to Theodore Boulevard. This will be the entry to the Sketchers building. There was a lot of discussion about air quality and the buffer... Maybe I can just describe it... Well the project is here; there is... Well I'll just describe it... Generally speaking the air quality analysis indicates that the air quality surrounding the project preserved. The distance in which we get down to below the threshold of acceptable; the ambient air quality is about 440 feet and as you can see from the project site itself there is no one anywhere the vicinity; any residential units; any other units and in fact it is surrounded on three sides entirely by Commercial, Industrial and Business Park developments. Hopefully we'll have the slide that's more accurate and we can show that. There is another issue which we need to understand. A lot of things have been discussed about air quality and the context in which it's played out. The risk of being impacted by being close to a diesel source takes explanation a little bit. According to the way it is evaluated, it looks at incidents in the population per million, so the ambient level of air quality out in our environment

and the threshold is about 10 incidents per million people. The project itself with the 400 foot buffer gets us to that level, which means the air quality in the general area is preserved and air quality in general is an original issue; it isn't project specific or a building specific. You put the building anywhere and the ambient quality is affected by everything that is surrounding us. This was just a comparison of the risk rate, so for example if in Moreno Valley the risk of having any respiratory disease is one per a hundred thousand and murder is about six, so you know you are actually six times more likely to lose your life here because of homicide or murder than ever from inhaling any diesel fuel. Theft is about 3,200, so you a 3,200 or three thousand times chance more of actually being robbed today in your house while you are here at the Planning Commission Hearing because of the likelihood of propensity. But anyways, traffic again just very quickly; the traffic is diverted into the 60 Freeway. It goes along Eucalyptus and up Theodore and Redlands Boulevard. We are actually proposing in the first phase that Eucalyptus is actually a cul-de-sac and I think it's shown on the plan as a cul-de-sac such that the only way to enter in and out of the project is through Theodore. Later on we have that mechanism that we'll discuss with the City to limit truck access into Redlands Boulevard. As far as the project is concerned it's designed to work from Theodore. We're not looking really for access to Redlands Boulevard but none the less it goes north of Theodore and doesn't down to any of our communities. Just in terms of comparison, the General Plan uses that are allocated right now will produce about 36,000 trips a day. Our proposal actually is at 15, which is a 58 percent reduction from the proposed plan. The actual numbers of cars... if by comparison to look at the comparison of the weight; Moreno Valley Mall is at about 60,000 trips a day. That's what 60,000 trips a day looks like. The Stoneridge Wal Mart Center off of Moreno Beach Drive is at about 36,000 trips a day. The entire Highland Fairview Corporate Park; this entire project including Sketchers is at 15 and the Sketcher building itself is at 3,300, so by comparison we are about a tenth of what the Stoneridge Wal Mart Center at Moreno Beach Drive is in terms of traffic. The actual operational characteristics of Sketchers itself though is about 50 inbound trucks and 50 outgoing trucks; 50 usually coming in from the ports, which is at night time and not during daylight hours and the 50 outbound trucks go out after peak hours, which means they leave the capacity wide open on the freeway. That's their particular operational characteristics is about 100 trucks a day. The reason this says 3,000 is because this is not about Sketchers and their operational characteristics; is this... if you call it the typical or the typical such operation based on City guidelines and standards; it is not the actual operation, but the actual operation is about 100 movements a day for Sketchers. Okay I'd just like to summarize one point about jobs. There has been a lot of discussion about jobs and all this discussion if we just zone it a certain way they will come. Well as we all know you can't just zone something and they will come, otherwise why stop at a 50,000 square foot building or any building. We can zone it a bio-tech center; capitol of the world and bio-tech center of the world. We can zone it Manhattan be the financial capitol of the world; it doesn't quite work that way. We have to be responsive to our local original, even global economy to have real

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jobs and because we have those designations that don't respond to the market; is we've been empty all this time. We are the second largest City in Riverside County and do not have any major employers here and it's not by happenstance. It's the type of decision we've been making all along that brought us here. There is no science to it. Other cities have been able to during the boom years attract a lot of businesses and that's because we cannot be arbitrary in terms of building size. It's like saying if you are a Moreno Valley company and you grow to be 50,000 square feet and you need 51,000 square feet we say take your business and your jobs and take it somewhere else because we are only limited to 50,000. In terms of the jobs generated in the park, there are already many jobs generating here. We are a Moreno Valley company. Our payroll is equivalent average median pay in Moreno Valley to about 60 people. That's part of what we do; that already jobs in Moreno Valley. There are about 1,000 construction jobs. The entire Business Park as it builds out is projected and this is according to analysis based on types of uses is about 2,500. People asked about Sketchers. They range today between 800 to 1,000 jobs with about 150 or 10 to 20 percent executive level type people there. So that's essentially the project. I'll just conclude with taking your around the project once again so we can see what... so in summary the General Plan Amendment; it is not to change the entire east end of Moreno Valley. It is simply the amendment that you're looking at is to amend the trail alignment and extend it. It is also to place a median on Eucalyptus Street. That is the entirety of the General Plan Amendment. The second part is the design of the building. This is a green building. We're trying to achieve the highest LEAD Certification possible. The solar system on this building already will be the largest in the region; several million dollars by far. The design of the project in terms of the freeway; we are proposing to put in our own landscaping and maintain our own landscaping and not do Cal Trans landscaping. Cal Trans landscaping and I wonder if we have those slides... If you look at comparison between what Cal Trans and actually the City standard and what we are proposing, you can compare to see... this is if we can go through slides... This is our 60 freeway. No, this is not the 60 freeway. This is estate areas in the rural east end... I guess this is not the day for slides or for computers... In any event as you know, obviously all of you drive the freeways and you know exactly what Cal Trans landscaping is. It is very sparse; it's very minimal; there's not a lot with it and if you compare it to the landscaping that we're proposing it's much, much more extensive than the Cal Trans landscaping, plus we control and maintain that landscaping. Unlike Cal Trans you'd have to ask permission from them to enter Cal Tran's property and then again it would have to be torn up when the freeway makes any improvements at all at some point. Okay I guess I'll open it up for questions because I guess the technology is going haywire here this evening.

CHAIR DE JONG – Okay, thank you. Commissioner questions of the Applicant?

VICE CHAIR MERKT – Yes, good evening, thank you for being here. For my own personal interest I understand you have been a developer for some period of time. Would you mind telling us how long you've been a developer.

APPLICANT BENZEEVI – I've been a businessman and a developer; sort of a generic term; doing real estate. I've been in real estate probably 27 years.

VICE CHAIR MERKT – Good, that's a lot of experience. Can you tell us a brief history of any of the projects you have completed in Moreno Valley or that Highland Fairview...?

COMMISSIONER GELLER – Mr. Chairman, this is absolutely improper. We have never grilled a developer like this. This is out of the scope of our responsibility. We are reviewing a project...

CHAIR DE JONG – I think that it's... Let's let him finish. I think it's relevant.

VICE CHAIR MERKT – You know, I'm just asking a question. If you object to it, please tell me, but I think it's a fair question.

APPLICANT BENZEEVI – It's fine. You can ask me those kinds of questions. I've never been asked that in a Planning Commission Hearing of forum but that's fine. I've invested a lot of Moreno Valley. We have spent a couple of 100 to 150 million dollars in Moreno Valley in cash buying property. We've owned a lot of property. We have started Aquabella as you know. We have done all the grading already in Aquabella. We have dug up all the lakes; about 20 million dollars of grading has been completed in Aquabella. Those Specific Plans have been completed for that. The plan check is in process for the club house. We currently shutdown for the winter and are waiting to see what the economy will do and as you know home prices in Moreno Valley has down by more than half; thousands of foreclosures and it becomes a question of whether or not you should start new housing when the market is in this state but we're certainly anxious to do it. We've bought all the remaining properties that you see here and again they are owned by us. They are owned for; as they say there is no financing involved there. We have done all of our plans. These plans have been checked by the City, so what you see here is exactly what is intended to be built and we're interested in pulling the building permits.

VICE CHAIR MERKT – Well I'm aware of what projects have in work and I understand you've been in this area since around 1990 or perhaps before that I just wanted to know if you had completed any projects in that period of time. I know you have started some. I know...

COMMISSIONER GELLER – You know Mr. Chairman this is absurd... What does this have to do with anything? It is not right. It is unfair.

APPLICANT BENZEEVI – Okay, let me just say that we're trying very, very hard for years to get to a point where we can pull the permits so we can get to the business of building. You know we are trying very hard. We've spent a lot of time with City Staff; literally years going through plans; spending millions of dollars in plans; asking this Commission to move on with approval so we can actually get started with building the project.

VICE CHAIR MERKT – Okay...

CHAIR DE JONG – Do you have another question?

VICE CHAIR MERKT – No I'll leave it at that..

CHAIR DE JONG – Are there any other questions of the Applicant? Well I have one. I am curious Mr. Benzeevi, why you didn't mention the zone change as part of what we are voting on tonight?

APPLICANT BENZEEVI – I was again; there are a lot of technical issues here. I was referring to the General Plan Amendment. The General Plan Amendment relates to the issues that I talked about. There are other things that you are approving here. There is a Parcel Map, there is also the Zone Change to allow buildings larger than the 50,000 foot limitation, but that is not a General Plan Amendment.

CHAIR DE JONG – No it's not. Are there any other questions of the Applicant? Okay, thank you. I see none. Thank you for your time. I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – I'd like to start.

CHAIR DE JONG – Go ahead

COMMISSIONER GELLER – First off, what we are here to do tonight; we're approving a 2.6 million square foot project. We've heard all of these things about 35 million feet and I don't know millions of numbers have come out. I think the only thing in front of us tonight is 2.6 million square feet. I think the number one issue that I think that came up was pollution. First of all nobody bothered to bring up that I think the new trucks that are being produced today are far cleaner. They are not the kinds of trucks that are belching all these fumes. Also what hasn't been brought up is the State of California Air Resources Board passed the strictest retrofitting rules I believe anywhere in the nation that's going to require the entire diesel fleet that travels in the State of California to upgrade and basically to remove most of this particulate matter and yes it's going to take a number of years, but everything is going to take a number of years, but the fact is that no one bothered to mention it. It was just like well... but the State has taken action. Air quality is a regional issue; it's a statewide issue; it's not a block by

block issue. As a matter of fact we had people up here that said that yeah Mira Loma air it's so bad that it's moved to other cities. Well the point is air quality is not within a 300 foot range. If there is bad air, there is bad air, if there isn't; there isn't and I think first of all the reality is the number of trucks is going to be relatively, virtually none. You know we have lots of warehouses in this City and there are warehouses around us. There is the Mattress Factory; I mean there are warehouses all over the place and you know what, maybe I'm unique and again but no one here complained, I have never seen a Serta Mattress truck on our streets. I have never seen any of these warehouses; any body with trucks going in and out of them except for the UPS truck. I have a client near the Big 5 warehouse and I have been by there all the time during daylight hours. I see hundreds of cars in the parking lot. I have never seen a truck go or enter or leave that distribution center and no one here in all of Moreno Valley; no one has complained about one warehouse that's here and all of the trucks that are coming and going, because it doesn't happen. The trucks come and go in the middle of the night when no one is on the roads. That's the way it is. If the traffic of trucks in the City was such a big problem everybody would be complaining about it. I challenge anyone to find actual trucks delivering goods to one of these so called warehouses. What you see on the road during the day are trucks that have to go during the day. The trucks that bring us fuel; the trucks that bring groceries to the grocery stores; some of them have to be during the day; the construction trucks; concrete trucks and I mean those are who is out during the day and yeah there is some long haul truckers that might through up the 60 or somewhere else in Moreno Valley on their to somewhere else, but the core distribution centers do not have trucks going in and out during the day. It is not cost effective; they don't do it and that's why no one and of all the people that have testified in front of us and the three or four dozen letters and I have read every single letter that anyone gave us and anyone emailed and there is nothing in there to complain about any warehouse in this City and the so-called all the traffic and all of the fumes and all of this. We've approved several 1.5 or at least one 1.5 million square foot warehouse and I don't think anybody came to the public hearing. It hasn't been built, but if air quality was such a concern, there should have been hundreds of people there complaining about the air quality. No one came. I think it was just the Applicant or maybe a couple of people but we've approved lots of warehouses; none have been built because none of them have tenants, but the fact is the air quality is just a red herring really for the people that don't want this warehouse in the so called east end, although it's already been zoned for warehouses. Actually the number of trucks is relatively small. You know what no one... belching diesel fumes and my apologies to the School District; those darn school buses are worse than any truck I've ever been near. I drive behind those buses and you do start coughing and they are belching black smoke. The fact is the schools have no money to upgrade their fleet. I don't even know if they are called to upgrade their fleet over a period of time, but no one has complained about the school buses. All the people that complained about all these trucks, they still go to the market and they really like having a supermarket full of food. How do you think that it gets here? It doesn't

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get here on a horse and buggy. They like going to Target or any of these other stores; how do think they get goods. They come on a truck; a diesel truck; that's the only practical means of fuel that there is and the State recognizes the problem and they are trying to make it better and they have made it better. You know there is also a new diesel fuel formulation that also was blissfully ignored by everybody again to try to create cleaner diesel vehicles. It isn't a situation that's been ignored. The jobs are an interesting thing. I have had heard all these people saying these don't create jobs; these warehouses are all fake. Well in Inland Empire Magazine the top 100 private companies in the Inland Empire. The largest one listed is the Moreno Valley Mall, but they are not a real employer because they are full of different stores that employ people. The largest single employer in the City of Moreno Valley is the Walgreen's Distribution Center listing 2,240 workers. Now where are these five workers that run the whole warehouse? I have been in their warehouse. It is as automated as anything I've ever seen in my life. They've got... they've built that large... the reason that it stands so high is that they have a vertical crane or a vertical robotic system that needed height to move around. They got these little automated trolleys running over the building; 2,240 workers. Where is thing that nobody thing about nobody works there. You know my Uncle Fred has seen this warehouse and they only have five people. That's just utter nonsense. The Big 5 Warehouse; I don't have any reason to believe that it's not state of the art. It was just built a couple of years ago. They're parking lot is full of cars every single day. Drive by it; drive by any of these warehouses; drive by Walgreen's and see how many cars are in the parking lot and tell me they don't hire anybody. I mean it's just simply absurd. The other thing is let's assume we don't build this project; okay, we're not going to get those jobs ever. Some people said, well you know they're going to build the warehouse and they're going to bring all their employees from these other warehouses. Maybe that's true and maybe it's not. Some will come; some won't. I know lots of companies and you know I heard antidotes from a lot of the owners of businesses that have moved to Moreno Valley; some of their employees come and some don't and over time people quite; people retire; people move away; companies expand. If we don't get the jobs here now we're never going to get them. Whether it generates 100 new jobs or 10 new jobs, so what; sooner or later the Moreno Valley people are going to have all the advantages of getting those jobs. Number two is there are all the support services. You know they have warehouses in Ontario or wherever and you know when their plumbing breaks they're not going to call a plumber in Ontario; they are going to call one in Moreno Valley or someone in the general area and you've got all the services that these companies need to keep everything going. The practical side is that it is going to create a lot of ancillary jobs and again oh, they're not the jobs we want. Let me tell you... there was an article in the paper; In and Out Burger and I think it was in Banning; I might be wrong, but they had three or four hundred applicants for an eight dollar an hour burger flipping jobs, so don't tell me that people don't want ten dollar an hour jobs. I have a client who makes ten dollars an hour at a manufacturing company somewhere out here locally, they're going to close; they can't afford to stay in business and they're

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going to move to Covina and it's not going to be practical for ten dollars an hour for him to go to Covina, but to say; for anyone to sit here and say well ten dollar an hour jobs are just no good, if that's even the case and I don't know how much they pay. You know that's just outrageous to say that. Ten dollar an hour jobs are fine for a lot of people. I know there are a lot of people here that are retired that have nice government pensions and that's fine, you don't need a ten dollar an hour job and there also that that's a heck of a lot of money and you know maybe both of them in family have to work, but they can make a living and not having to drive to Covina for ten dollar an hour jobs a heck of a lot better and clearly in this center there is going to be a lot more than ten dollar an hour jobs. The schools... people say what's the impact? The fact is they're going to pay all of this money to the School District with zero impact on the schools. They're not going to generate one new student and there was some talk about the School District wasn't going to build schools. Well that's old news; it's done. The School District has pulled out. Whatever happens, they're not building there, but this project will create zero students for the School District and yet they'll pay all the school fees that everybody else pays. Now if they build 8,000 homes what's the impact to the School District? There were some issues of infrastructure. Let's talk about crime and fire. Well who is going to pay for it? You know what; do you really think there is much crime in these warehouse distribution centers? Do you think there are a lot of family squabbles that the Police have to come to and break up? Do you think there are a lot of burglaries? They have high security; they have full time guards; all places are gated; fully monitored with high end security; they don't have burglaries for the most part and robberies; they don't have anything. The Police don't come out to these centers except on very, very, rare occasions. The parking lots are secure; their cars aren't broken into and they have roving guards and they have cameras; they can afford it with the economies of scale. The Fire Department; they are all sprinklered; they have state of the art fire prevention; fire suppression systems. How many articles of paper have you read about you know; a modern state of the art industrial building having a big fire? Oh yeah, you get some of these old ones and some that have illegal materials on them, but mostly we read about house fires; that's what the City goes and responds to; either they are house fires or medical emergencies and again, even these buildings they have medical personnel; I mean they have everything. There's very, very low impact for the public. Number two is what people don't realize and for every house that's built, the taxes that homeowner pays; sad but true in this City due to the Prop 13 restrictions; the fact is the City loses ground with every house that is built. Rarely do the houses pay enough property taxes to cover the support of those extra Police created by the population; the extra Fire Department. I mean you can go to the City budget and look it up. The fact is that every house that is built; everybody's quality of life in some way comes down slightly because they can't afford to provide Police and enough Fire for all these people; whereas the fact is the businesses that get added add very little overhead to the City's operation. People say, oh if we do this it will open this Pandora's Box. I don't know of what. The zoning is the zoning. It was already zoned for Industrial type buildings. Somebody said, wow

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50,000 square foot buildings are fine. Well nobody wants 50,000 foot buildings. You know we can pretend; you know we can pretend about everything, but the fact is if all you had to do was zone and get people to build you know every city in the world would have all these high tech businesses and industries. It's just not there. You know if we compare the environmental impact of this project to homes, how much pollution does like 8,000 homes create. How much water does 8,000 homes use really... electrical; traffic, how many cars are there and really what is the health hazard? People just ignore like cars; well you know close the garage door with your car running and see how long you live. I mean in reality, cars are dangerous too. It's not just like diesel vehicles too that create pollution. People keep saying this General Plan took 10 years. Yeah it's true. On a calendar it took 10 years. It's not like every week we met for 10 years to resolve these issues. There is a whole array of reasons it took 10 years. One of the problems of taking 10 years is by the time it was done it was obsolete to a degree and also the General Plan is a dynamic document. It's not cast in stone; changes are made all the time. It just is what it is. You do the best you can, but it did take 10 years and like I say part of the result of that is the world we live in today is not the world that was in 10 years ago when we started it. I was there for the whole process. You know it is not the same world today. We can pretend that it is and put our head in the sand, but it's not. And again, mostly what's being requested is a Change of Zone. As discussed, the General Plan Update is trivial and yet you know oh don't change the General Plan. I know there one of the... and I took careful notes. I know one of the Speakers last week said, oh Mr. Benzeevi is just going to build and leave this town. I'll tell you something, nobody in this City has invested more in their personal residence than Mr. Benzeevi; nobody. He has made this his home and is spending millions of dollars on personal residence in this town and he is going to see this building from his house. We've have housing cycles in this City. I've moved here in 1983. Nothing was selling because interest rates for houses were at 15 percent. We made that crazy decision to do it because we knew they'd go down. We've had this huge flip flop of housing prices; skyrocketing, crashing, skyrocketing, crashing, foreclosures galore; you know one day we are the fastest growing City in the nation and the next day we are the foreclosure capital. Why does that happen? What is different here and the difference here; one of the big ones is we have no jobs in this City really. The jobs to housing ratio are way out of whack. The towns with little fluctuation in their housing prices have lots of jobs nearby of all different kinds and if we don't break that cycle and increase the jobs to housing ratio, in eight or ten more years we going to have another crash of housing prices. It's inevitable and it is not going to change. You look at Northern California cities or even Los Angeles; a lot of these cities where they had a much smaller decline in prices and a much lower foreclosure rate are that they've got jobs in their community. We basically have none to speak of and the only way we're going to break that cycle is to do that. People talk about all these trucks wandering around residential neighborhoods. Of all the warehouses put in this City, this one is the only one right next to the freeway. I mean I don't know how much closer you could get short of getting put in their own offering. All the other

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warehouses... some of them are miles from the warehouses and yet still again nobody complained about all the trucks on our City streets and yet we have warehouses all throughout the City. The fact is that it is isn't a problem and yeah it is possible; some trucker is going to illegally you know leave their deviated path; you know it happens. Yeah and some trucker illegally parks on the side of the road to take a nap. I know it happens, but the fact is it isn't going to be because or in spite of this project. One way or the other, the same things are still going to happen. You know I wish it was sort of in our power to you know end all air pollution and end this problem and end that problem but it's not. The impact of this proposed project is so trivial in the scheme of things in terms of air pollution and air quality and these other traffic issues; yeah I know people laughed at the graphics... oh that's not the way traffic is. You know I know, I've lived here for a lot of years and I've seen the traffic get worse, but again traffic modeling is traffic modeling; that's how it's done for better or for worse; it's not necessarily looking at the freeway in the real world, but the fact is the numbers of trips. Wal Mart generates far more trips than this project ever will. Is that good or bad and I thought that traffic would be much worse getting off at the Wal Mart and it's actually better than I had thought. You know I don't know what the right job is. I don't know. For the moment I have a job you know. It might change someday but for the moment I have a job, but you know one of the speakers talked about rich and poor and I think some of the residents really didn't understand that. You know what's rich and what's poor? The median income in this town is about 50 or 60 thousand dollars. I think that someone that makes 120, you know I think that's pretty rich by this City's standards. You know all the people on the east end aren't rolling in money and believe me I'm one of them. I couldn't that house... well maybe I could afford it today but four years ago I could have never afforded it and I've lived there in the same years for 25 or 26 years, but we have all types of people here and we need all types of jobs. There is nothing wrong with a warehouse job. I don't know what it is and the only people that are going to say that there is something wrong with it is someone that has a job. People that are unemployed aren't going to thumb their noise at either a warehouse job or flipping burgers at In and Out. I mean it's just... I don't know where that comes from, but again it comes from having a secure pension and a government pension plan; having a nice government job or whatever. I mean most of the people that spoke that didn't want it; that didn't like this project, most of them seemed to have pretty decent jobs or secure incomes. I don't think there are many people whose house is being foreclosed and they still said we don't need any jobs here. I don't think there many of those and if there were, they didn't say anything during their testimony. Water was an issue... look we don't run the water district. Eastern Municipal Water District; they are a government agency; they have their own Board of Directors. They said they will provide water to this project. It's their responsibility; that's it, I don't know. If they say they'll supply the water, they'll supply the water. We can sit and second guess well maybe there won't be enough; the fact is they said they will supply the water. That's all we can go on. Every single project that is built in this City they have to get a letter from the District that says we provide them water. They got their

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letter and that's the end of it. Property values... I don't know how much more property values can go down. I don't know how this project can make property values much worse than they've been in this City. I mean it's just not even possible. The fact is I have heard that mantra. When we had an apartments going up; well property values will plummet. You know what, they didn't plummet they actually went up. Having jobs and having you know a full service City that can provide jobs, entertainment and all the other things, that is what is going to keep housing values up. The fact is this project whether this project is built or not built; I can guarantee your house values are not going to up if this project is not built. If you think that then I don't know. No credible information was ever provided that that would be the case and my own experience; being here a long time; knowing lots of construction projects, it just doesn't happen. Yeah, if there were 20 houses right next to it, yeah there might be a problem for those 20 houses, but that's not the case here. You know people said we should provide healthy jobs. I don't know what that is. You know we have all these government agencies that are responsible for keeping people healthy and safe in their jobs. If these warehouse jobs were so dangerous why doesn't Cal OCEA shut down every warehouse in the State of California? Well the fact is apparently it's not as dangerous as some people like to say. I mean apparently it must work out okay because otherwise every warehouse would be shut down because they are dangerous. The fact is idling is illegal... diesel trucks they have to park and shut off and again the model of the modern logistics plants; again you go look at any of them; the trucks come in once a day, they back up, they turn off and they're done. They open the little loading dock doors and everyone does their thing, then the next day when they are ready to leave, they close the loading dock doors, they start their truck and they leave. People that are at neighbors running their trucks for 20 minutes in a residential neighborhood, they ought to call Code Enforcement. I think it's illegal and it's dead wrong. If my neighbor were idling his stupid truck for 20 or 30 minutes in my backyard, I'd be complaining, but that has nothing to do with this project and that isn't really an issue that is going to be there; that's the reality... they park, they unload and they leave. You know all we can do as Planning Commissioners; we can do kind of the best we can. There is no magic solution. There is nothing we could do; there is nothing the City Council could do and I don't think there is anything that anybody can do per say that's going to magically create these great jobs; if so every City in the nation would do it. My wife travels a lot for work out of the City and out of the State and she is in Oregon and she's been in the Mid-west in these little tiny towns where a lot of these factories have been built; these factory jobs that everybody wants. They ain't coming. I can guarantee you that they are not coming to California. They are in the Mid-west where wages are lower and you know they are where they are. They are in rural areas where they have a wide work force. There is virtually no manufacturing in California left of any size. The last car plant that was in Van Nuys I think closed about 20 or 30 years ago. It's just wishful thinking and again there is nothing we can do that would get General Motors... I don't know if we want General Motors, but you know there is nothing we can do. You can even look at aviation. I mean Long Beach is a hare's breath from closing;

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the now Boeing Plant, formerly Douglas. It's a hare's breath from closing and the only reason that it's still open is the government extended one of their contracts. It's sad and I'd love to see high paying manufacturing jobs here. Again we do the best we can. All we can hope is that if this project is approved you know that something good will come of it and maybe some manufacturers will come here; small manufacturers, but I had a lot of clients and most of the manufacturing; they have left this State. I mean there is just too must nonsense going on here; too many people against everything and you know what I think if the proposal was to build a manufacturing plant, the same people would come up with the same environmental issues and the same this issue and the same that issue and they'd find a reason to kill that project too. You know I live on the east end and you know I say I've been there all this time and there is no doubt in my mind that anyone that came up here and said it's a great project but it would be better if it was moved. Again, not in my backyard has been a mantra that I have heard with apartments; I heard with every project practically that we have approved that somebody doesn't want it because it's close to them and it's not in their perception of what they think. I have a simple test that I use and I've used it on this project and I've used it on every project... if I were in the same relationship as the effected homeowners would I vote for it. If I wouldn't vote for it for me, I wouldn't vote for it for anybody else and I am going to tell you the opportunity to get a Fortune 500 Headquarters is absolutely unbelievable. The reason the Press-Enterprise hasn't run a positive article is they don't want Moreno Valley to succeed. They want us to flunk. They want to knock us to the ground. They have published letter after letter of anti-Moreno Valley and all the anti-people they published their letters and I know that's not the only letters they got. They haven't published I don't think one pro-letter in a long time. The Editor of the Press-Enterprise is clearly against Sketchers or anything else that might bring Moreno Valley out of its current situation. Maybe it makes Riverside feel great; maybe they are hoping it will go to Riverside, but the fact is enough is enough. You know the headlines in the Press-Enterprise today is... you know people have said well what guarantee is this going to happen or that going to happen? Look, every project we approve; half of them get built and half of them don't and it's the way it is. Lots and lots of projects get approved and then don't get built for lots of reasons. The biggest reason these projects don't get built is the builders don't have any money. There is no financing now. It is unbelievable and anyone who knows anything about economics, it is unbelievable for a developer to have paid for all of their land in cash and have no encumbrances. You have no idea; there is nobody that is in that position that I'm aware of. All of the big industrial developers are maybe on the teetering of bankruptcy because of their huge leveraged debt. Debt is... you know a lot of these companies are going under; housing companies; retailers; their going under because of a huge amount of debt. It's absolutely incredible that any developer has paid cash for everything and again if you can find another company with that kind of you know, I'd sure love to hear about them because I'm not aware of any. It just doesn't exist in the real world companies of that and they talk about finishing projects or not finishing projects. The bottom line is our how one looks at it; Highland

Fairview has invested millions and millions and millions of dollars. If they don't finish it; we approve and they never build it, well they never build it. I mean we don't have any control over that, but the fact that they have no debt and they have a tenant, makes it pretty likely. This idea of we are bailing them out of something, I have no clue where that comes from. You know most cities would pay money to have this kind of project in their town, and it isn't just another warehouse... if you compare this building to any other building in the City and tell me that's not the best looking thing you've ever seen... I mean there is nothing that even comes close and I thought we had raised the bar on industrial development. I mean I think most of the stuff built is pretty nice, but nothing in this City and I don't think anything in the City of Riverside or any of the other surrounding cities architecturally is going to come close to this building regardless of its size. You know the headline in the Press-Enterprise today really says it all; grim gets grimmer on economy. Who the heck would turn down a project like this...? I have no clue. That's all I have for this portion. I have some issues with the Conditions but we can wait on that. Let's the other Commissioners speak on this project and then I'd like to come back and talk about some of the Conditions.

CHAIR DE JONG – Okay

COMMISSIONER RIECHERS – Yes I have a number of points I would like to make. I don't have a particularly well organized order in which I'd like to make them. Some of them are comments related to points which were made last week; some points which were made this week; some points made by Commissioner Geller who spoke just before me. I will try to keep them reasonably well organized, but there will be a bit of rambling here I fear. I guess I'll start with a point just made by the Applicant who stated that there will approximately 50 trucks coming and going per day. A quick back of the envelope calculation here is that 50 trucks going into 1.8 million square feet... if you park the whole trailer inside that one 1.8 million square feet, it would take 40 days to fill that sucker up if you never took anything back out, so that doesn't quite seem to add up me. It seems to me that this warehouse is going to require a lot more traffic than that. I may be wrong; I may not understand warehousing at all, but it seems to me that there has to be a lot more turnover in that warehouse than that and it doesn't seem to me that 50 trucks a day is enough traffic for warehouse of that size. A point was made that 50,000 square feet is a ridiculous size for a limit on building size and that that's not what the market wants so that is not what we should require. I made the point scores, if not hundreds of times over my tenure here on the Planning Commission that it is not our job to create areas or change areas to meet the current demand of the City. We are a Planning Commission. It is our job to plan the City and design the City for the best future for the CIty, not to meet the needs and desires of the Applicants as they see fit at the current time. If we don't plan for the future, we will not be able to meet and design a future which we desire. It is our job to put together a plan and wait for conditions to come around to meet that plan. When I joined this Commission some 12

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years ago, many, many people told us that we were completely pie in the sky to put all of that land there in the southwest part of the City for an industrial area; that we were ridiculous; we were never going to get industrial development here in Moreno Valley; it was never going to come out here; it was far too much land; much closer to the ports in LA and Long Beach and we would never get industrial development here in Moreno Valley and several of us on the Commission said we need it; we have to wait for it and over the past several years we've had significant development down in our current industrial area; the former Oleander Specific Plan. I believe when we most recently reviewed and revised the Specific Plan we came up with a good plan for the 60 corridor, with offices on the north, Business Park on the south. Certainly nothing is knocking on our door to fill those spaces today, especially in our market right now, but I think it's a very good plan. I think is something that will greatly benefit the City in the years down the road, but I think we have to bite the bullet and wait for what we want and not to succumb to the temptation to accept something which is expedient at this point and frankly from standpoints would be beneficial to the City from a tax and revenue standpoint, at least short term, but to wait for what we really want and which would be far more beneficial to the City in the long term. It was stated that the traffic count is going to be far lower with this development than it would be under the existing General Plan. I couldn't agree more. That is simply because there would many, many, many more jobs under the existing General Plan than there will be under the proposed plan. If we put Business Park in there in 50,000 square foot buildings as opposed to an almost 2 million square foot building on half a mile frontage we're going to have a lot more jobs than we're going to have in that warehouse and in the long term I have no doubt that those are going to be and pardon me if I'm snobbish, but those are going to be more upscale jobs than what we're going to have in that warehouse notwithstanding the fact that we're going to have some technical jobs in the warehouse and I would remind everyone that this is the logistics center for this company; this is logistics headquarters for this company. This is not the corporate headquarters for this company in North America. We're not going to have the CEO; North American... I don't know what the title would be for the head honcho in North American, but I don't believe he is going to be moving to Moreno Valley. The distribution head for North America will be operating out of North America, but Sketchers will not be operating out of Moreno Valley; their distribution function will be but the corporate headquarters for Moreno Valley I doubt will be moving to and operating out of Moreno Valley. And furthermore I have no doubt that everyone; nearly everyone who is currently employed by Sketchers in their various buildings as they now exist will be offered jobs in the new facility here should it be built and I have very little doubt that anyone will turn down any one of those jobs in our current economy. There are not that far away and with the current economy I don't think any of them are going to see the commute from the current location to Moreno Valley as something they can turn down. They're not going to give up the change for any kind of job because of that commute. That's not going to leave a whole lot of jobs open for people of our community. Let's see... air quality has been kicked around a lot from both sides. Yeah the State is trying to

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do a lot to try to clean up diesel trucks, but if you read the detailed analysis of that, it's going to take at least 10 or 15 or 20 years to get all the trucks; all the dirty trucks off the roads. Nobody is going to be able to force the guys with the older trucks to scrap them or buy new trucks and nobody has got the money to buy them out or buy them new trucks. We have cleaned up the diesel fuel; we've taken the sulfur out of it, but that's largely so they can put cleaner engines in the newer trucks; that doesn't have a lot to do with the emissions that come out the older trucks and if air quality were not bad around concentrations of warehouses, why is Mira Loma moving way, way, way up the list very fast as a center of very toxic pollution and of concentrations of various medical problems including lung diseases and cancers and premature deaths. Mr. Geller spoke of the housing crash. The housing crash is certainly nothing unique to Moreno Valley or specific to policies of Moreno Valley. It's to say the least a national phenomenon. The previous time around we got clobbered particularly hard because of the Base realignment. We do perhaps get hit a little bit harder because of our lack of jobs, but the fact of the matter is Moreno Valley has always been in a boom bust cycle. Any place where you are going to periodically be the fastest growing City in the nation or in the State, when things slow down or turn down, you are going to get hit hard, if not hardest when things turn around, so that's a simple matter of fact. The faster things go up, the faster they go down, but by the same token the faster and the farther they go down, the faster and the farther they come back up, so our cycles just swing a little more widely than they do most other places. I remember very shortly after we moved into our house and I mean very shortly; within about 2 months, we were 40 percent upside down. It took a few years; we stayed down there, but within 10 years we were about double where we started, so the fact of the matter is Moreno Valley is a place where market values on single family houses swing wildly. I have not yet stated that I, like Mr. Geller very much commend the Applicant on his architecture for this facility. I find it outstanding and I'll come back to that in just a moment. I do want to say that I don't believe that I've stated it yet, and if I have I apologize, this project is pure and simply not what I personally and I don't; well I won't speak for anyone else; it's not what I personally envisioned for the 60 corridor while we were doing the Specific Plan. It's not even close. While we were doing the Specific Plan this would not have even been under consideration. I would not have voted for this Specific Plan if there was any way that anything like this could have come in there. I heard on the news either last night or it must have been earlier this evening that the water Gods were declaring and this is a direct quote, a prediction that this year releases from the delta were predicted to be 15 percent of normal. Now I'm believing that might have been a mis-statement and it might have been a 15 percent reduction from normal, which seems more reasonable, but it if is indeed 15 percent of normal our water supply is going to be in crisis mode and given that this project had to give up water from... this Applicant had to give up water from another of his projects, I have to have to severe concerns about the degree of rationing which will be implied and what that means to the land... the potential for what that means to the landscaping which is required of this project, which is very extensive. I don't know how much of that we can really

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consider tonight, but it is a concern of mine and I guess my last point would be that in fact this City wholeheartedly welcomes projects exactly like this and exactly of this size and we would and I would; I won't speak for my fellow Commissioners again, but I would love to see this project presented to us, but I need to see it presented to us down in our already industrial zoned area before I can support it. We have an industrial zone. We have facilities there already designed to handle it; to handle the traffic ready for this kind of development and the 215 corridor is ready to handle it and the 60 corridor frankly is not. The overpasses which have to be used to get to and from this project are not designed to handle the traffic which will be required to get to this project. Down in our industrial area, this would be the star project of that industrial area and I would wholeheartedly support this project without even blinking; without even thinking were it proposed for down there, but where it is proposed, I can't even think about supporting it. I cannot make the findings required for the statement of overriding considerations and I cannot support the project for where and how it is proposed.

CHAIR DE JONG – Thank you Commissioner Riechers

COMMISSIONER MARZOEKI – I'm not as eloquent a speaker as my other Commissioners here, so I did write some notes. First I'd like to thank everybody for coming out; everybody in the community here that was for or against the project. I really do appreciate all of your time; all our your comments that you have provided us and it did help me in rendering my decision tonight and I think you all deserve a round of applause, so if you would give yourself a round of applause for coming out and sharing in this with us. I just wish that when we did the General Plan Amendment, that we had as many people come out and let us know what their vision was for the City was at that time. Bringing jobs to Moreno Valley has always been an important endeavor for this Commission for many years and this project in front of us tonight promises to do just that. The positives of the project are a large well designed warehouse facility that will be built to LEAD standards. It is state of the art. It is beautiful and has plush landscaping you know to make the building and the surrounding area visibly pleasing and detracts from the massiveness of the project because it is a large project. But before I go any farther with my comments, just bear with me for a moment while I reflect. In April of 2006 you know the Planning Commission finished the review of the General Plan Update at that time. Several members of the community did come out and once again I said not as many as that are here tonight, but they spoke about what they liked about the Draft General Plan Amendment and what they did not like about it. We listened to their concerns and these were from community members from all over the City and with their comments we were able to put together a shared vision of what we the community members; not the City Staff wanted our City to look like in the future and one of the primary changes to the original General Plan included changes to the land uses to provide a more balanced community and at that time I felt that is what we did. But to coming back to today, I feel we need to consider that same mindset and

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be smart about our growth here in Moreno Valley. This is an amazing project... yes it is and it would be wonderful to have a company like Sketchers in our community, but just based on something the Applicant said in the previous meeting, this project is not about Sketchers; it really isn't, they are only a tenant of this facility, so it's not about Sketchers, so we have to look at the building itself and what it is in the area. Though a great project, I have several concerns about the traffic impacts to the City. Where is the infrastructure to support this? As Commissioner Riechers said, you know Cal Trans has no immediate plans to actually improve the 60 freeway or Redlands Boulevard or Theodore interchanges and with the development of a 1.8 million square foot warehouse facility generating over 15 thousand and that's the number that I got and I see you changed that number to 3,000 for this facility; vehicle trips a day with our already crowded freeways, it's not going to be able to handle that extra congestion. I don't know if you are like me, but somebody said that we all have jobs here in Moreno Valley. I work in Ontario every day and I drive that 60 freeway every day and the traffic just gets worse, so the Planning Commission is my second job and this is something that I am pleased to do for this City that has done a lot for me. I've been here in this City for 23 years, so this is not just something that I take lightly, it really isn't. Okay it was quite interesting; the video simulations that you provided from Redlands Boulevard to Theodore but I would have much seen the impacts to the interchange from the 60/215 to the project and then vice versa. You know that would've really I'm sure grabbed a lot of peoples attention with that. I work for an engineering firm and I've worked for an engineering firm for over 20 years and this has provided me with enough insight on projects like this that I thoroughly understand the type of facilities these are and how much traffic it can generate. There is also a visual impact. While watching the video simulation again, the building and how it would look from the freeway; I counted 15 seconds to drive by it at normal speeds. Now that's a big building, now I don't know how long that is but to me it seemed like a mile. It just seemed to me like a very long building. I'm also concerned about the air quality issues because I read in the documentation that was provided that the School District was looking to develop a school in close proximity to this project and this worries me and I know Michael Bremen and Associates who actually who put together the EIR, that was one of their concerns as well. I know on another project that was here in the City that was in the industrial area, I had some similar concerns and was assured by the experts that it was not a problem for our children. I voted yes on the project, only to find out that I was not provided all the information at that time and as parents and grandparents in Moreno Valley our children's health and safety need to be a priority. I am not against development and I'm certainly not against Sketchers. The site is zoned Business Park and the Planning Commission did that for a reason and one of them is to have less intensity in the east end of the City. Looking back at my notes for the General Plan Update which I did last night, the east end was to remain rural on the north side of the 60 freeway; and executive style living on the south and this project does not fit that model. So furthermore, though I know that some of my fellow Commissioners will disagree with me, to rezone this site could possibly set

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precedence and I personally don't believe we need an additional industrial area in the City when the southwest portion is already zoned that way. So in closing, though this is an incredible project and I do agree with Commissioner Riechers that if it was in the industrial area, I would have no problem saying yes to it. In good conscience I cannot say yes to this project.

CHAIR DE JONG – Thank you

COMMISSIONER DOZIER – You know it's been almost a year since we've had to think about this project. We've seen newspaper articles. We've heard testimony from... I've had a year to talk to my Historical Society members who are some of the oldest families in this town about what it means to them and what the project would mean to them and so I've gotten a lot more feedback than just the public testimony that we've heard over the last couple of Thursdays and I'm just going to share some of those thoughts with you so you'll kind of get to how I'm thinking about the project. I'm in economic development. It's my job every day for the County of Riverside to find companies that might want to invest here in Riverside County. We run a business attraction program for the County and we on a daily basis talk to companies about what they look for and why they would chose a location to bring their company and so I have a different perspective on how difficult it is to do that. These are multi-million dollar decisions being made by companies to decide where they are going to put their businesses. I'll just share a couple of thoughts with you that manufacturing... if we think that we're going to fill the south section of our City with a lot of manufacturing... manufacturing for you environmentalists out there is an endangered species. We're not going to get that car manufacturer here. They don't come here. They go out to Georgia and they go to Alabama and that's where all of the plants have been going. It used to be that a small town could count on one major manufacturer coming into town and employ half the population. That is not going to happen in our Country much any more. It's happening in those sections of the Country that I just mentioned. There is a new animal for us. Our manufacturing has gone off-shore and our companies are American companies that are doing business here in the United States have found labor pools that will allow them to produce a different kind of sneaker or a different kind of a pair of pants that can be marketed here. What we're getting is we're getting ships coming into our ports; delivering those manufactured goods. We have two of the largest ports in the world to receive these goods from Asia and points west and what that does for us here in Southern California is it makes us an opportunity to warehouse and somehow distribute those goods throughout the United States for all our citizens to consume. So in the past in the 1950's and 60's when steel companies or auto manufacturers or airplane manufacturers could come into a town and make that economy; we don't have that. We don't have that opportunity here any more; it's very rare. The companies that we are getting to manufacture here are a lot smaller and in their industries we're probably going to get a company called Primary Steel that might go off of the I-215 and they are going to provide 200 jobs. It's very rare to get a steel

manufacturer anywhere these days as they are an endangered species, so we get distribution and we happen to be near the 60, the I-215 freeways and because of those corridors, we are the next... there is a progression. They bring it into the ports; they fill up all the warehouses and we're it because we've got the amount of land where we can build larger distribution projects, so whether we like it or not, the fact that we geographically are prime for distribution; we're getting it. Look along the I-215. We had some people from the State come down. They do economic development for the State and they asked us to give them a tour of just our area here and their comments were God; geez; the size of these buildings. They were just shocked at the size of the buildings. Well that's the market; that's the market. These companies don't need 50,000 square foot warehouses. Tesco would not be here... I don't know if you know who Tesco is but they've got a warehouse on the other side of the I-215. They supply all of the Fresh N Easy's in the area. I think they are in and I want to 800,000 square feet. I don't remember what the exact size of that building, but they wouldn't come to Moreno Valley if we only had 50,000 square foot buildings. That's why they are on the other side of the freeway. They are paying taxes over there and as an aside for this so you understand how this works; Tesco is a British company who invested here in our Inland Empire which was a first for them and they brought two other companies with them... a company called Wild Rocket that does meat packaging for them and they brought another called Two Sisters which does some other kind of packaging of goods for them and they are now over there too. So that's an example that I'm going to touch on a little bit later that because Tesco who is the Wal Mart of England, so to speak in terms of size and stature, because they chose to come here and chose that address over there, two of their major suppliers had to come too and so we got the benefit of that business. Had Tesco not come here, those other two companies wouldn't need to come here; there would be no attraction. You know they had to ask well where are you going and why are you going there and we need to be there too. I think Sketchers will do a little bit of that for us as well here in Moreno Valley, but manufacturing is an endangered species, so what do we get... we get distribution because geographically that's what we can support; that's what these companies are looking for; we have the open land; we have the larger inventory buildings that will draw these companies to us and those containers that are coming into the ports are going to double and triple in number over the next 10 to 15 years, so we're going to be a more of a logistics center than we may even want to be, but that's what we are and unless we want to get rid of the ports; unless we don't want these jobs, these are good jobs. You know when you get into the distribution and supply chain management, there are some jobs that are very, very high paid if you are good at what you do because these companies aren't manufacturing any more; they are creating marketing plans, distribution plans; supply chain management scenarios and they want the expertise of people who know how to do that and do it efficiently and they want to hire those kinds of people. It's not about whether they've got an automated place. DHL was automated, but I saw hundreds of people working over there until they moved, but these are jobs; these are futures for people. You know you come out of the

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military; if you were in supply chain management in the military you've got a very good opportunity in this region to have full career and work for the rest of your life and feed your family and support your family on the kinds of jobs that these projects can bring. We're going to get companies that we hope will bring their corporate headquarters with them. We're not going... some corporate headquarters; they want to be in Paris; they want to be in New York; they want to be in San Francisco because those big cities have a certain appeal; they have a certain lifestyle; they have a certain ambiance to them. We're not going to get some of those corporate headquarters. It's unrealistic for us to think that we can, but we can get a regional headquarters that needs to be near their distribution center. This company Sketchers; they're smart. They are scattered out in four or five warehouses; economies of scale; they need large acreage; they need large buildings so that they can consolidate their operations. There isn't a city that I talked to and I talk to the economic development people in all 26 cities now in Riverside County that wouldn't die and beg to have this kind of project in their City. Now that's an issue of... and we compete with those cities because we compete for those jobs and we compete for the tax revenue and we compete for the infrastructure development that they bring when they come. Riverside would love to have this project; trust me; they would love to have it. So would San Bernadino is losing it; they're trying to keep it, so we have to understand I guess when we look at this project what is it's value to us as a City. What does it really represent and you know we've set aside land in the south. I had to deal with this issue because I understand the vision of the people on the east side of Moreno Valley. I understand their vision. I'd love... I don't like riding horses that much, but I'd love to have horse property up in the hills nestled away and very fortunate for them and there is plenty of land over there that that lifestyle can be maintained whether this warehouse is built where we're considering putting it or not. Okay, there is plenty of land over there. The other thing I think is that we don't have enough really land set aside to put industry in; any kind of industry that will provide the number of jobs that we should provide and need to provide for the residents of this City. Some cities have 20 percent of their land mass set aside to accommodate jobs for their citizens. I think we have maybe 3 to 5 percent of our land mass set aside for industry. It may be a little higher than that, but not much higher than that, so if we want to provide for our City, so if we're going to have to look at regions that we can logically develop to provide some of those jobs. Somebody said well let's wait until we can get the jobs we want. We're going to wait a long time let me tell you. I'm telling you I'm in this business. If you are waiting for corporate headquarters, it ain't coming okay. If you are waiting for a lot of companies that would move into large office space I can tell about what the vacancy rate is for office space throughout Southern California right now. We have more office space than we can fill and people are begging to try to finds these kinds of companies. Do we want medical or bio-tech jobs...everybody wants those jobs. Oh those are high paying jobs and its clean industry. Well we have a program in the County where we go after those kinds of companies. Let me tell you, if you have a PhD and you are working in Irvine or you are working in San Diego or you're working in these coastal communities

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where you are being paid well; you're working for a clean company, you've got a lifestyle down there; you're not coming here and you're company; the CEO's aren't brining those companies here. That ain't going to happen, so we have to deal with what we can really, reasonably afford to go after and to get and we have a diverse population here in Moreno Valley. Let me tell you the statistics don't lie. We have 50 percent of our population that has not seen the inside of a College classroom okay. That means we have to provide jobs for 50 percent of our population that aren't going to be those high tech jobs; that aren't going to be those necessarily high paying jobs, we have to provide for citizens and some of these distribution centers will provide those kinds of jobs and when we talk about jobs, you know there are primary jobs. I have what I call a primary job because I make the most money between my wife and me and so I pay most of the bills. She has a job that I consider a secondary job because she makes less than I do but it is an important job to our family. If she doesn't have the opportunity to have that secondary job making less money, collectively I can't afford to live the way I live. A lot of these jobs that we look at and we frown on and we say that's just a twelve dollar an hour job or you know that's a ten dollar an hour job. There are a lot of families in this town that covet those jobs; need those jobs; their wives need those jobs; their children need those jobs; they are secondary jobs, but put together with what they do, they have a whole job; they have an income that they can live and survive in our society, so I don't look down and I came from Workforce Development and I don't look down on any job. A job is positive for anyone who needs that particular job, so this kind of project does bring some of those kinds of jobs. The attraction of a Fortune 500 company that will bring even their regional executives or regional headquarters is a very difficult thing to do. It's highly sought after and we already; whatever you think about Highland Fairview properties or Iddo Benzeevi; in the world of economic development, he already has a contract for a Fortune 500 company already signed before he even gets the permit. If you don't think that that's hard to do and a difficult thing to do, you are sadly mistaken... very difficult to do and we should be thanking Highland Fairview properties for at least having us on the short list and even get Sketchers executives to even to be talking about us to do a project like this. That's my opinion. Now I'm going to say this and let's not talk about Sketchers; let's just talk about the whole idea of getting people who are willing to invest this kind of money in our community. This is an idea and it represents a promise of some kind of future. We've heard the testimony here; they're a lot of people who see their future wrapped up in what we're able to do or not able to do in terms of providing jobs for our citizens and it represents that American dream; the possibility of it that a Fortune 500 company could even locate here. It represents an economic development win for Moreno Valley. It represents an opportunity to open a door for other major companies that will look at our City because Sketchers made a business decision to locate here. Those executives out there aren't stupid. They have to compete with Sketchers... what was it about Moreno Valley that Sketchers saw that made them decide to come here over Riverside and all of these other places that they go can go wherever they want... they have the money to go wherever they want. Why are they choosing us? So it makes

those other companies think about that and those are reasons why we should consider the value of just having them considering our town. A little story was told to me and I'll just share it with you. Sketchers said well we're in Paris, we're in New York; we're in these major cities. You know when you say those names you think of these cosmopolitan areas that are large and international and are vibrant. Well when you say Moreno Valley, you're going to have one of your regional corporate headquarters and you're major distribution center in Moreno Valley, it doesn't ring like Paris; it doesn't ring Paris; it doesn't ring like New York or San Francisco, so there was a move to change the name to Rancho Belago and I supported that because as a marketer I understand. If you understood what happened in Chino and Chino Hills, all you had to do was add the Hills onto Chino and all of a sudden you have a whole new idea and look at Chino Hills today. They are able to attract some of the largest and best retailers and companies around because of that. I supported that and I thought it was a good idea because it allows Moreno Valley to be more than what it is and it allows it to become even more than what its founding fathers envisioned it could be. It allows that possibility, so now let's deal with the tough issues. What do I think about putting it on the east end of town and what do I think about whether the trucks are going to be able to get in and out of there and the traffic; what do I think about the pollution; what do I think about the lifestyle that you know the east end would like to maintain and I understand them and I appreciate them and I know that they have to fight to try and keep a lifestyle that they have there. Well about the traffic... traffic is a funny thing. Until you actually experience it and realize what it's going to be you can only speculate. You can only think that that's what's going to happen. I trust our Planning Department. Our Traffic Division; we've got some experienced people in Transportation and Traffic in our City. Their job is to study that issue and make a determination. That's why they are paid; that's what they went to school for; that's what they do everyday. They tell me that based on the traffic studies; based on what's going on over there now that they recommend approval; that that traffic is going to be okay and I think that they did their job well and so I'm going with them. I'm saying hey, thank you very much and I'm going with them. And then the other thing that I want to say is you know anything that is built; if it becomes obsolete ten or fifteen years from now then do what other cities do, tear it down and build what you need to build you know to serve your community at that time; because that's what they do. It takes them years but they do it; tear down communities; entire projects to make room for what's got to come new, so I don't worry about it's going to be an albatross or a dinosaur if they ever lose Sketchers. I don't worry about that you know; I deal with today. Alright, the last thing I'm going to say and I really appreciate... I didn't think I was going to go this long, but remember I had a year to think about this. It represents an important crossroads for Moreno Valley. I love Moreno Valley. I've invested my life; my wife; my children and we've had a good time here in Moreno Valley and I'm going to work until I retire I'm going to be in Moreno Valley, so it's an important crossroads for Moreno Valley because you know I see our City and it's changing and it's growing and we have all kinds of folks here and our needs are different. You know if you have a job its easy for

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you to say lets wait until tomorrow to get a job for someone else. If you don't have a job, you need a job today; you need it yesterday, so to say that we could be naive enough and say well lets wait until we can get those medical bio-tech companies and wait till they can come, we'll be waiting a long time, meanwhile people will be starving; there will be soup kitchens; you know you don't plan that way. We're in the toughest economy that we've been in for 50 years. People are losing jobs left and right and I came from Workforce Development for the County. I can tell you that we are approaching almost 14 percent unemployment in our County. It used to hover around 4 or 5 and it's now close to 12 and they are predicting it could be as high as 14 or above by the time 2009 ends, so I understand when you come and say we need jobs. I've got neighbors...those houses are empty, not because of foreclosures because they don't have any work. They were in the construction trades. Some of them have gone back to Mexico because they can take what they earn here and live a lot better during tough economic times than they can here, but they would like to come back and we should be able to have jobs so that they can come back, because their children are invested in our community; in our schools; and their families are still here; the ones that have jobs, so we're impacted by it. I think it's a great project. I wish we could have more like it and I wish we could ensure... there's one caveat and then I will end and that is I had this vision too. Somebody took a Rancho Belago flyer and said what happened to this vision and Mr. Benzeevi was kind enough to show the new drawings and show the vision and I'm happy that we have someone in Moreno Valley that has a vision and what we think of it that has a vision for a future and the caveat is that vision in my mind did not include at that moment an industrial area right off of the 60 between Theodore and that wasn't part of the General Plan. But it's my attitude about the General Plan and you'll understand how I think about that. The General Plan is a general guide and economies change; situations change. Who would have predicted we would have been in this kind of economy today. Nobody predicted that and nobody knows where the bottom is really right now. We think we're going to hit bottom soon, but we don't know, so things change and I think that if we owe 10 years to do the plan it's sacred. It's not sacred. It's a plan. City General Plans change because cities change; people change; ideas change and if we're not ready to change then we are not going to survive. We've got to be able to adapt and we've got to be able to do the kinds of things that make sense for our community, so I think about the General Plan and I say okay, it wasn't quite what I envisioned; it wasn't quite part of that Rancho Belago vision that I had even thought about. I would have loved to have nothing but Business Parks and medical tech companies and bio-tech companies but that's not a reality. What is a reality is Sketchers has signed a contact to come here and provide about 2,000 jobs in that place at this time and so that's why I will change my mind. Thank you I appreciate it.

CHAIR DE JONG – Thank you

VICE CHAIR MERKT – Wow what a meeting. The last couple of meetings have been very exciting. I'd like to echo what Commissioner Marzoeki said...

COMMISSIONER MARZOEKI – Do they need to change the tape?

CHAIR DE JONG – It was 10:30 last time...

PLANNING OFFICIAL TERELL – Yeah apparently the tape is longer this time. No I did go back and check and they have about an hour of tape left.

CHAIR DE JONG – Okay, good thank you. Sorry to interrupt...

VICE CHAIR MERKT – That's actually a shame because I have about three hours worth of comments to make after all this information, but I have some good news I have been able to reduce it by five minutes because of what my fellow Commissioners have said. Just kidding... Anyway, there a lot of things to cover on this issue and it's exciting as Commissioner Marzoeki said to see this kind of a turnout for this and hopefully we'll get this kind of a turnout the next time we update the General Plan and I think that maybe this meeting will educate people on how much they have to be involved in these things or they are going to be surprised when they get changed later on because they weren't done the way they wanted them done. This project first came to my attention in a very general way. I heard about a 1.8 million square foot warehouse; perhaps manufacturing combination building being proposed. Actually my first impression was this is going to be in the industrially zoned area of Moreno Valley to the southeast of the March Air Field and didn't hear too much about it and then all of a sudden my wife heard some information on the radio that it was going to be Sketchers in this project, so that kind of came along and both ideas kind of had a positive ring with me because I didn't know Sketchers as a company, but I did know Sketchers as a shoe, so I assumed that you know they probably were a pretty good company. But as the project location became obvious, it raised some concerns because it's so obviously conflicted with what we had set out as a vision for the City through our General Plan and as the project was presented to us I was actually amazed by the almost schizophrenic nature of this project and the way it was being presented to us. I'll explain that... on the one hand we're told this is Sketchers. It's on the drawings we received. We were told how many jobs Sketchers will provide. We were told about the Sketchers warehouses that are going to be left behind over in Ontario. Literally Sketchers is the star of this particular project, yet as Commissioner Marzoeki said, we're told well this really isn't about Sketchers. In fact we were told Sketchers is just the tenant and in fact the reality of that is reflected by the fact that there was not a single Sketchers representative at the prior meeting and there isn't a Sketchers representative here. The reason that is important is because a lot of the things we're being asked to believe about this project aren't known to the Planning Commission as to be valid or not valid. To be honest I don't know how many jobs Sketchers has in their warehouses in Ontario and I don't know how many jobs they're going to have here. We hear all

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kinds of figures but they are interspersed from are they going to be in this building we are approving tonight or they on all three phases and from what I understand they are on all three phases with the number 2,500 and the estimate of 1,000 apparently is what is going to work in the warehouse. I don't know. I don't have anybody to ask and that's a major problem for me. A lot of the vote on this comes down to credibility on the part of two entities. One is Highland Fairview and the other is Sketchers. I've heard the name as I said Sketchers. I know they make shoes. Apparently they are a Fortune 500 company but recently we've had some huge shocks from Fortune 500 companies. I don't think anybody could have imagined that General Motors would be within weeks of failing without a Government bailout... Chrysler the same situation... Lehman Bros... 100 years in existence and they had to be bailed out. Citibank; WaMu; bankrupt and had to be bought out. I mean the economic crisis around it is obvious when the government announces it's going to help it, but when Mervyn's went out of business I didn't see a government bailout of Mervyn's, so frankly without Sketchers here I don't know how this economy has affected their sales. I don't know what their financial standing is. The bottom line is I don't know that the lease Sketchers signed is worth the paper it's written on if their economics don't exist, so they're not here to testify, so I don't know. There's a credibility issue here...

CHAIR DE JONG – He says they are here

VICE CHAIR MERKT - Well they haven't testified and I asked if they were here, but in any case I assume that maybe they are financially sound. I don't know whether for example whether I can buy a car today; whether I can get financing because the car companies have backed down on financing cars. People buying homes... let's face it, it's hard to re-finance a mortgage. It's hard to buy a new home unless you have wonderful credit. I don't know whether this building can be financed. I don't know, so these are some questions that I have. I also don't know whether this developer can finish a project. He's been out here a long time. We've identified that, but I'd like to see some results. Doesn't this quality it but it would make feel a lot better about approving a project if I'd seen some results or something in the past. It's just me; that's my feelings about credibility. Another question about Sketchers; like for instance we're talking about pollution and perhaps I might have the most experience in trucking of anyone on the Planning Commission. I owned a small trucking company and before that I was an owner/operator and the type of operation very much determines exactly how much pollution comes from a trucking operation. I'll give you an example: Fresh N Easy; the Tesco Warehouse that we're talking about; when they back their trucks up to the warehouse and they have refrigeration units and things like that, they have plug ins so that they don't run generators. The trucks aren't idled. They are kept in very good condition. The company controls the trucking operation, but most of the warehousing operations that I've seen are serviced by owner/operators who work for companies like JB Hunt and Schneider and a whole assortment of trucks and frankly their conditions are significantly less

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modern than a fleet owned by a company, but I can't ask this question because the people that are going to determine the operation haven't been available to my knowledge on this, so basically if this a owner/operator type of operation we have to ask ourselves this question. If a person comes up there what are they going to do on a hundred degree day when they back their truck up to a warehouse door? We have rules and regulations, but the bottom line is this owner/operator probably won't know that and what's he going to do, sit in a 110 degree truck while his truck is loaded. I don't know. What's he going to do if the truck takes let's say overnight to load. Where is he going to take his truck? Is he going to take his truck to Ontario or perhaps even to Colton or someplace like that or is he just going to find a local location where he park his truck and maybe idle it and stay cook. I don't know. It's an issue on how much pollution will be provided and we truly don't have any answers to that yet. A lot of this testimony so far has been about jobs. Frankly I would liked to have asked the questions directly of Sketchers because... I'm sorry the testimony is finished, but they weren't available. Believe me I asked and was told they weren't here, but beyond that...

APPLICANT BENZEEVI – Who said that?

VICE CHAIR MERKT – Mr. Terell

APPLICANT BENZEEVI – Nobody asked us. I told Mr. Terell they were here tonight

VICE CHAIR MERKT - Well anyway as I said, they were not offered for testimony and I was not and frankly at this point I think we've passed that.

APPLICANT BENZEEVI – They are here tonight because you requested. There have been sitting here for a few hours

VICE CHAIR MERKT – And I didn't hear you say they were here.

APPLICANT BENZEEVI – You didn't ask me.

VICE CHAIR MERKT - Okay fine, I'm sorry Mr. Benzeevi.

APPLICANT BENZEEVI – You bring up whoever you want and ask questions from

VICE CHAIR MERKT - You testified and I was never told they were available. I asked specifically if they were there and I was told they weren't. Okay, so I'm not going to ask about something that I was told they weren't here. In any case, we're past that point, you know... Sir, this is Commissioner Debate, okay and frankly I'm not going to hold a conversation with you during the Debate. But in any case if they were here, I would have loved to have them present something, but they didn't. Frankly when it comes before the City Council, perhaps they can

testify then and perhaps the decision will be different. As I said, I wish they had been part of the conversation before this point. You know I see this building okay and I notice the computer animation. In the computer animation even the freeways; the berms of the freeway are green. The fields around this are green, but the bottom line is we know that's not the case. I see trees there; by his own admission the developer has said these are images of the business five years from now and frankly I think that's very, very optimistic. I think these trees are the kind of trees you see in 15 to 20 years. I think this is going to be a big, big building; clearly visible from all around. It will dominate the landscape out there. We're told not to consider this as the Sketchers project, but the bottom line is if this was presented to us as a four speculation property that might or might not be built, we wouldn't probably approve it, because we have lots and lots and lots of empty warehouse property in the City. In fact by the City figures, we have an approved project of I believe 1,560,000 square foot warehouse. We have many other millions of square footage of property, so I don't think if there wasn't a tenant that we would want to increase our stock by 1.8 million square feet without a tenant, so they are combined. This is a warehouse that is proposed that doesn't fit the plans of the vision of the General Plan, but also it doesn't fit the vision of Rancho Belago; the sign up there. When this was being debated in the City Council, they talked of a land of lakes and green fields and upscale housing and affordable housing and moderate homes and businesses to service that. There was no comment about warehouses being included in this vision and while this is only one project, the bottom line is we have two other projects in the pipeline. That's a fact and how many others are behind that; only the people who own the land and want to build warehouses know, but my guess is that they're probably keeping quiet at this point in time because they don't want to broil the waters. We've talked about jobs and whether the jobs are provided here, I don't know. For example, whether Sketchers testifies or whether they don't at this meeting, I think we'll all agree that the economy is down. As I said, Mervyn's is gone. I look at the figures in the paper about company results and sales are down, down, down. I find it difficult to believe that Sketchers is going to abandon their warehouses in Ontario and then come up to Moreno Valley, increase their capacity at a time that it would be amazing if their sales were down and seek much greater capacity. I find it difficult to believe that Sketchers would pick this period of time to increase their labor costs by increasing the number of employees from Ontario to Moreno Valley. I cannot believe that. It strains credulity. Some of the other things I kind of find funny is that Riverside has a conspiracy against Moreno Valley and the Press Enterprise is part of it. It's our regional newspaper. We have a reporter that is sitting outside the door; Dan Lee that reports on our City. I hope he isn't part of the conspiracy if there is one I don't know about. The bottom line is that if we approve this project I am not at all certain it will be built. I am not at all certain Sketchers will move here, but what I am positive is that if we approve this, we will have changed the zoning and vision of eastern Moreno Valley. That's a fact. It's simply a fact and I'm not ready to recommend to the City Council that we change that vision because I find way too much of this unconvincing. I hope that Sketchers... Well let me approach

another subject... jobs. Whether this provides jobs or it doesn't is clearly up in the air. We've heard people testify the workers from Ontario will be offered the jobs and frankly I haven't heard a single word by anybody guaranteeing even one job to a person in Moreno Valley, but let take a look at jobs in general in the Moreno Valley area. We talked about the Tesco Fresh N Easy Warehouse. My neighbor next door has a son. He is a Chef over at the food preparation center at Tesco, but Tesco isn't located in Moreno Valley. He is working maybe 500 feet away from Moreno Valley. I have other friends that work in Lowe's; the distribution center just south of the Ramona Freeway. We didn't get that facility. Actually there are other warehouses where it would have been scheduled but they moved down there and Moreno Valley citizens got jobs there, so just because a facility is not located in Moreno Valley, doesn't guarantee citizens will get the jobs here. People from Perris could; people from Riverside could. There are all kinds of things like that that could occur, and just because a job is outside of Moreno Valley, doesn't mean Moreno Valley citizens are excluded from these jobs, so you know the issue of jobs is really sort of a wash on this especially if Sketchers chooses to build this warehouse or perhaps occupy one of the empty warehouses in the industrial area that exist or that are approved for that area. The only thing that we know for sure tonight is that if we change the zoning and this building is not built or for some reason Sketchers doesn't come and occupy this building, that the zones will be changed forever. It doesn't revert back to the Business Park designation if the project associated with the zone change goes on. It just doesn't. One is not connected with the other even though we are presented with the two at the same time and frankly this is the wrong place for it for so many reasons that its just overwhelming in my mind and for those reason I would not recommend this for approval to the City Council.

CHAIR DE JONG – It's been a long night. Thank you everybody for hanging tight. Well I'm going to say it's a very good design. My compliments to the designers. There's a lot of work that has gone into this project and presentation and the video here and everything else. I need to say that I too love Moreno Valley very much. I've lived here almost 20 years, but I am also one of those that feel that is absolutely the wrong place for this to be. The City has an industrial zone with the dedicated truck access off of the 215; it's Oleander. The City has always embraced a less dense plan for the east end originally and that's still highly supported from rural pastoral to two houses per acre and Business Park of the approved General Plan including support Commercial. This warehouse building is equivalent size of 900 two thousand square foot home blueprints... it's huge or 36 fifty thousand Business Park buildings and it's only the first one. As it's been mentioned before, we know that there are more coming. I think that's a stated fact. This is a huge change to the approved General Plan. Now everybody is concerned about jobs, however the quality of those jobs really does need to be a concern as well. It's been noted and I agree that Business Park jobs already approved under the General Plan would offer a much greater range and diversity for the potential workers with a higher pay scale. That is important. We know that Sketchers is consolidating five warehouses in Ontario in these

economic challenged times. I think it's a very fair bet to say that those workers will relocate to Moreno Valley; at least a large percentage. There is a large amount of approved commercial in this City that offers a great potential for jobs. We talk about jobs; the Meridian Business Park just across the way and yes it's been mentioned before that it's in Riverside... Cactus and the 215; that offers approximately 38,000 jobs at build out... 38,000 jobs. We know the Sycamore Canyon Manufacturing Warehouse Plan just adjacent to it is going to offer approximately 10,000 more. We have 14 approved but yet unbuilt industrial warehouse projects currently in Moreno Valley and that totals 8,187,677 square feet. That's a huge potential for thousands of temporary construction jobs and full time jobs. I agree with an expressed opinion I believe was in the paper that the City of Moreno Valley would do much better for its job market by raising the bar for the quality of jobs. I believe that's true. I believe that the approved General Plan consists of Business Park, R2A housing and supporting commercial. Business Park jobs offer skilled and semi-skilled light manufacturing as well as highly paid professional office jobs. Currently the General Plan is offering 14,245 jobs in that area right now. Now granted, they are not knocking on the door, but they'll come. I believe that the ongoing debate regarding public health and safety in respect to diesel pm is a major concern. That has to be a major concern. It should be a concern to you as well. The EIR states that this impact cannot be remedied. I'm not willing to trade the health of the citizens of Moreno Valley for tax benefits. I've heard the arguments that we want the land to remain as farmland or that a no vote is a vote for no growth. Both of those statements do not reflect the truth. That's not right. That's not farmland now. I mean that it is, but it's not zoned farmland, it's been changed already. I remember the area in question has already been changed, approved for the aforementioned Business Park, R2A housing and the supporting commercial needed to sustain the community. Change will happen. The Planning Commission's job is to recommend that growth occurs in a logical, manageable and foreseeable way benefiting the future vision of the City. I support a no vote to this project, voting instead to maintain the General Plan.

COMMISSIONER GELLER – I've got a couple of additional comments I'd like to make. First off to Commissioner Marzoeki, well I don't think it's going to effect her decision, the schools are absolutely, positively are not going to build in that area. I don't know where that comes from. They withdrew all those approvals. They are not going to build those schools in that area. I talked with the School Board members and it isn't even on their plan anymore, so this is just a red herring that has been floating around. That's why they aren't here. That's why they didn't write any letters. They are not building any schools there. You know I am embarrassed; we have never gone to a developer and asked for financial statements. It's really; it's absolutely embarrassing. I'm embarrassed to be on this Planning Commission. We have never asked anyone for financial statements before we'd approve a project. We've never grilled the Applicants. You know there are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen approved and unconstructed industrial buildings. The

reason they are not constructed is there is no one to go in them. You know basically we had a Commissioner that said the Applicant flat out lied. He didn't use those words, but that's what he said and that's disgusting to me. That isn't the kind... that's just wholly inappropriate. You know all these un-built buildings are un-built because there is no one there. I don't know why anyone would believe that any developer would invest 250 million dollars if he didn't think his lease was good. You know I don't whose here or whose there... my wife is watching this and she can't believe it. She says tomorrow everyone on the fricking City is going to be on the phone to Sketchers wanting to put the place there. I mean I have no idea. I don't know what vision anyone is looking for on anything but personal attacks against the developer is outrageous. You know and again there is this confusion between approved and built. There are no empty 1.5 million square foot buildings in this City and the reason we want the buildings in this City as opposed to across the street in the County, property taxes don't get paid to Moreno Valley if they are in the County. Employment taxes don't get paid; sales taxes. This place used to be a sales tax generator; they don't get paid to Moreno Valley. Utility taxes don't get paid to Moreno Valley. Nothing gets paid to Moreno Valley for all those businesses across the street. Of course we want guarantees of jobs. Who is going to guarantee anything? We've never asked a developer, oh well we wont approve your project unless you guarantee this is going to happen. I mean it's simply outrageous. I don't know what's gotten into everybody. You don't have to prove it. You don't have to prove anything, but the kind of attacks on the developer; his credibility and his integrity, I find it disgusting and I apologize. You know I can only say what I can say. The economy is down, so our answer to a bad economy is to kill a project that would be an economy builder. That really makes a lot of sense to me. You know the economy is doing terribly so we shouldn't build anything in this town because something might happen down the road. Anything might happen anywhere at any time... a bird in the hand is worth two in bush. Ah, we'd approve it in the industrial area. Well that's not what's in front of us. You know we can go round and round on that but the fact is you know anyone when they say we'll that apartment building would be great somewhere else. You know we can all say that the projects are what the projects are, but the problem with the buildings not being here is no taxes, all the major benefits or many of the major benefits don't come to the City and it is... Conspiracy... the Press-Enterprise flat out told some of the Councilmembers they didn't want any of this stuff being built in Moreno Valley. Call it a conspiracy or not and I know Dan Lee and if he wants to talk to me about it I'll be happy to, but he isn't going to deny it either. You know just look at the paper and read it. Read the editorial sections; read the slant; it's pretty clear. I don't what the conspiracy mean, I'm saying the publishers. Yeah it's a regional newspaper and they've done everything they can to beat up Moreno Valley. It's just the way it is and it hasn't changed in all the years. Anyhow I guess we need to move forward.

CHAIR DE JONG – I have a request to speak from Commissioner Riechers.

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COMMISSIONER RIECHERS – Yeah I just have two very quick comments for Commissioner Geller. One is that the General Plan as it was first defined to me is that the General Plan of the City is best defined as the constitution of the City, so to say that it is a working document open to change; certainly it's open to change but it's not a frivolous document. We are limited to three amendments per year... four amendments per year. It's meant to be a very stable document. It's mean to be a long term document.

CHAIR DE JONG – We have ten minutes of tape.

COMMISSIONER RIECHERS – Okay, it's meant to be a long term vision for the City, so it's not meant to be something which is tweaked everytime a new proposal comes in which, for expediency the Plan can be changed. My second point is... I've lost it...

COMMISSIONER GELLER - Do you want me to help you...?

COMMISSIONER RIECHERS – What was your last comment?

COMMISSIONER GELLER – I talked about when the economy is down...

COMMISSIONER RIECHERS – Not the Press-Enterprise

COMMISSIONER GELLER – Oh the taxes don't get paid here; confusion between approved and built; issue of person gets financing... you know getting financial statements from Applicants; schools and I think that's it.

COMMISSIONER RIECHERS – I've lost it; never mind

VICE CHAIR MERKT – Yes Commissioner Riechers I'm you'll have a chance to recover on this and the one additional comment I wanted to make.

CHAIR DE JONG – We have six minutes of tape left

VICE CHAIR MERKT – And I'm going to make it very short, we don't approve projects based solely on its going to provide money to the City. The project has to stand on its own. If it provides funding for the City that's a great benefit and I love it, but I'm not going to buy something just because it's going to give money to us. That is not a reason to approve a project and to say it is, is wrong. Thank you.

COMMISSIONER GELLER – We're going to have to take a break anyway before concluding...

COMMISSIONER DOZIER – I have a great deal of respect for my fellow Commissioners, but this is one of the reasons why Moreno Valley gets laughed

at from the outside world and the economic development world out there that competes with us and does everything they can do to keep us as a City going in a certain direction. This is one of the tragic reasons why this happens. I am a little disappointed; very disappointed in fact that there is not a greater vision for a larger goal that will move Moreno Valley out of what I call a bedroom community mentality. That's all I'm going to say.

CHAIR DE JONG - Are we ready for a motion?

COMMISSIONER GELLER – Are we going to have time or do you want to...?

CHAIR DE JONG – I think we have time. We'll wrap it up... Who wants to make it?

VICE CHAIR MERKT – Yeah, let me put my reading glasses on and I'll make it. I move that we provide a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet and...

CHAIR RIECHERS – No we take them separately

COMMISSIONER MARZOEKI – No...

COMMISSIONER GELLER – I'll second that

CHAIR DE JONG – Do we do that separately?

VICE CHAIR MERKT – Yeah I think we do that separately because of the way it's written

CHAIR DE JONG – John do you concur with that?

PLANNING OFFICIAL TERELL – You first need to make a policy decision before we can move on to any other action items. It's not a Resolution, that's just a decision whether you want to... It's really the change...

CHAIR DE JONG – Do we vote on that with a motion and a second?

PLANNING OFFICIAL TERELL – Yes but the motion would be change the general land use in that area or not. It's not approving the Resolution related to the project or the zoning or anything else and I would do that by a motion. Can I defer to legal to advise us or give us a little advice there or make some conversation right there?

CHAIR DE JONG – They are conferring. We are waiting for legal to finish conferring.

DEPUTY CITY ATTORNEY'S ERLY – Yes Chair, the Commission is not bound to the recommendations here. You could simply refer this to the City Council and you're not making the recommendation. In other words providing the policy recommendation is not a step that you have to take at all in this case. You can simply refer to the City Council without the recommendation.

CHAIR DE JONG – We may as well just continue

COMMISSIONER MARZOEKI - I'm not sure... I'm really not sure

CHAIR DE JONG – Go ahead and read it

VICE CHAIR MERKT – I think what I brought up is exactly what the Staff Report asked us to vote on. You know vote aye or no on this particular recommendation, so my motion stands and the second I assume stands.

CHAIR DE JONG – I'm just waiting for Bob to finalize that. Okay, we have five minutes... We had a second right?

COMMISSIONER GELLER – I suggest we take a break. We're not going to finish. If we run out of time, we're going have to take it anyway.

CHAIR DE JONG – I would agree, that's probably true

COMMISSIONER GELLER – We've been here a long time...

CHAR DE JONG – What's your finding?

PLANNING OFFICIAL TERELL – Well and maybe the City Attorney wants to say it directly, but basically as it seems you are inclined not to recommend the project to the City Council you would make a motion that says that... and the Deputy City Attorney... you are referring it to the City Council with a recommendation not to approve the project and with that it's my understanding you don't have to take any other actions.

CHAIR DE JONG – Any other action; that's it; alright

PLANNING OFFICIAL TERELL – Correct

CHAIR DE JONG – Well we can do that within five minutes

VICE CHAIR MERKT – Do you want me to try it again?

CHAIR DE JONG – Yes please

VICE CHAIR MERKT – I move that we provide a policy recommendation to City Council not to approve the requested changes in property zoning in a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet.

CHAIR DE JONG – Okay, do I have a second on that?

COMMISSIONER RIECHERS – I'll second that

CHAIR DE JONG – Any discussion? All those in favor?

Opposed – 2 (Commissioner Geller and Commissioner Dozier)

Motion carries 4 – 2

CHAIR DE JONG – That concludes the recommendation. Staff wrap up please.

PLANNING OFFICIAL TERELL – Yes this recommendation shall be forwarded to the City Council for final review and action.

CHAIR DE JONG – Okay, thank you. Let's take a quick break so they can change tape and we'll get to the comments and finalize the meeting.

(10 minute recess)

CHAIR DOZIER – And we're back.

800 OTHER BUSINESS

810 STAFF COMMENTS

PLANNING OFFICIAL TERELL – You have a meeting next week I believe. The Agenda packets were provided to you tonight.

COMMISSIONER GELLER – Do you think it will be less contentious? It's a joke...

PLANNING OFFICIAL TERELL – Maybe, maybe you never know, but there are four items on the Agenda... A continued item from December for a project down in the south end of town; an industrial project...

COMMISSIONER GELLER – Sorry to interrupt... I saved the stuff. Is there new stuff in there or should we have our old stuff?

PLANNING OFFICIAL TERELL – You should have your old stuff on that particular case

COMMISSIONER GELLER – I did save it, I just wanted to make sure

PLANNING OFFICIAL TERELL – Yes thank you. If you haven't let us know we can get that to you.

COMMISSIONER GELLER – On that one case, not the whole?

PLANNING OFFICIAL TERELL – Correct, the other cases are all new. There is a communications... a mono-eucalyptus off of Kalmia on the north side of town next to a water tank. There is a Buddhist Temple on Nason Street near Alessandro and then the last case is a comprehensive review and update to the City's landscape guidelines in advance of some new laws that are due next year increasing the water efficiency of our regulations, so that's the primary reason. So those are the four items you have for next week.

CHAIR DE JONG – Thank you. Item 900 Commissioner Comments

900 COMMISSIONER COMMENTS

VICE CHAIR MERKT – Over the past few weeks I was thinking about what I might say about a fellow Commissioner who has resigned from this Commission and I can't say enough fine things about Commissioner Bruce Springer. Basically he was a leader and a fine example on this Commission for many, many years. I believe he was on this Commission for 14 years.

COMMISSIONER MARZOEKI – 15 years

VICE CHAIR MERKT – 15... you know frankly I already miss him. He was a voice of reason. One of the most polite individuals I've ever met and did an outstanding job and I always admired him and I will miss him and I want to thank him for his service and tell him hopefully we'll all be able to stay in touch.

CHAIR DE JONG – Thank you. Are there any other Commissioner Comments down at this end?

COMMISSIONER RIECHERS – Well I also can't let this meeting end without making a comment about the empty chair to my left. Bruce was the only person up here who was here when I came so I'm dating myself, but lets just say many, many years I've spent up here with Bruce and early on we were pretty much polar opposites on the Commission but over the years we kind of drifted together on some if not many aspects and saw more and more eye to eye on an increasing number of issues; not that we didn't have our differences to the end,

but we certainly came to have a respect for each other and he will certainly be missed. He brought a perspective to this Commission which will certainly be missed, so I want to wish him well. I have spoken with him on the phone since he left and just want to say for the public record that I'm sorry he's gone and want to wish him well.

CHAIR DE JONG – Very good...

COMMISSIONER MARZOEKI – Well I say ditto to that as well, but unlike all of you, I live right down the street from Bruce, so I see Bruce all the time. So it is nice to actually as I'm walking the neighborhood to see him and to talk to him and he did do a wonderful job for this Commission. He spent those 15 years here and he always had something positive to say, even if he was against a project, he always said something positive. We butted heads on the landscape issues always, but he did teach me a lot and you know I'm still probably going call him if I have some issues or I want some clarification on something, so yeah I will miss him too.

CHAIR DE JONG – I'd like to say thank you to everybody coming out these last two meetings. The involvement in the City is certainly your responsibility and I can see that a lot of people take that very seriously and I appreciate that very much and I'd like to say Bruce if you are listening ca-nee-chi-wa

COMMISSIONER GELLER – I think we've had enough syrupy stuff on Springee, but I just miss the interplay with him and just to all the people watching, there are four openings on the Planning Commission and if you really like being up here and like taking the abuse and you get a big hundred dollars a meeting, but seriously I know I think the Application deadline is January 30th at 5 o'clock. You can download Applications off the City's web-site or you can get them from the City Clerk, but you know think a lot more than we do, then I urge you all to apply and see what happens, but four of the terms are up including Commissioner Springer's, so depending on who re-applies and not there is certainly at least one unfilled seat, but anyway there are four openings and the Council will ultimately interview who they perceive are the finalists and make a decision on a whole, so again if you really want to get involved in a way, I urge you to submit your Application.

COMMISSIONER DOZIER – I have to comment on Bruce. Bruce I found out that he was gone when I came to the next meeting because I didn't get the email.

COMMISSIONER GELLER – You thought he was watching TV?

COMMISSIONER DOZIER – I said Bruce why was I the only one that didn't get the email; I have to find out at the meeting? Wonderful person; great guy to do business with; we've done business with the County and his firm; his real estate firm and he's just a good guy and we're going to miss him here. If you think of 15

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years of development in Moreno Valley, he was a part of every one of those decisions that came to that Planning Commission except for the days he was absent and that wasn't very often, so the City owes him a debt of gratitude because we don't this for the pay. If I calculated what I made an hour for the 100 dollars tonight, it doesn't add up to much. I'm working for below minimum wage today, so we don't do it for the money; we do it because we feel we want to help our community and Bruce dedicated... think about this...14, 15 years of his life and his time to our City and so we should thank him for that and if you see him tell him we're going to miss him.

CHAIR DE JONG – I think we are thanking for it... Anybody else? How about move for an adjournment?

1000 ADJOURNMENT

COMMISSIONER GELLER – So moved

COMMISSIONER RIECHERS – And seconded

CHAIR DE JONG – Okay, all those in favor? Good night Moreno Valley

_____ _____

John C. Terell Date
Planning Official
Approved

_____ _____

Rick De Jong Date
Chair

Aerial Map

PA07-0088 through PA07-0090

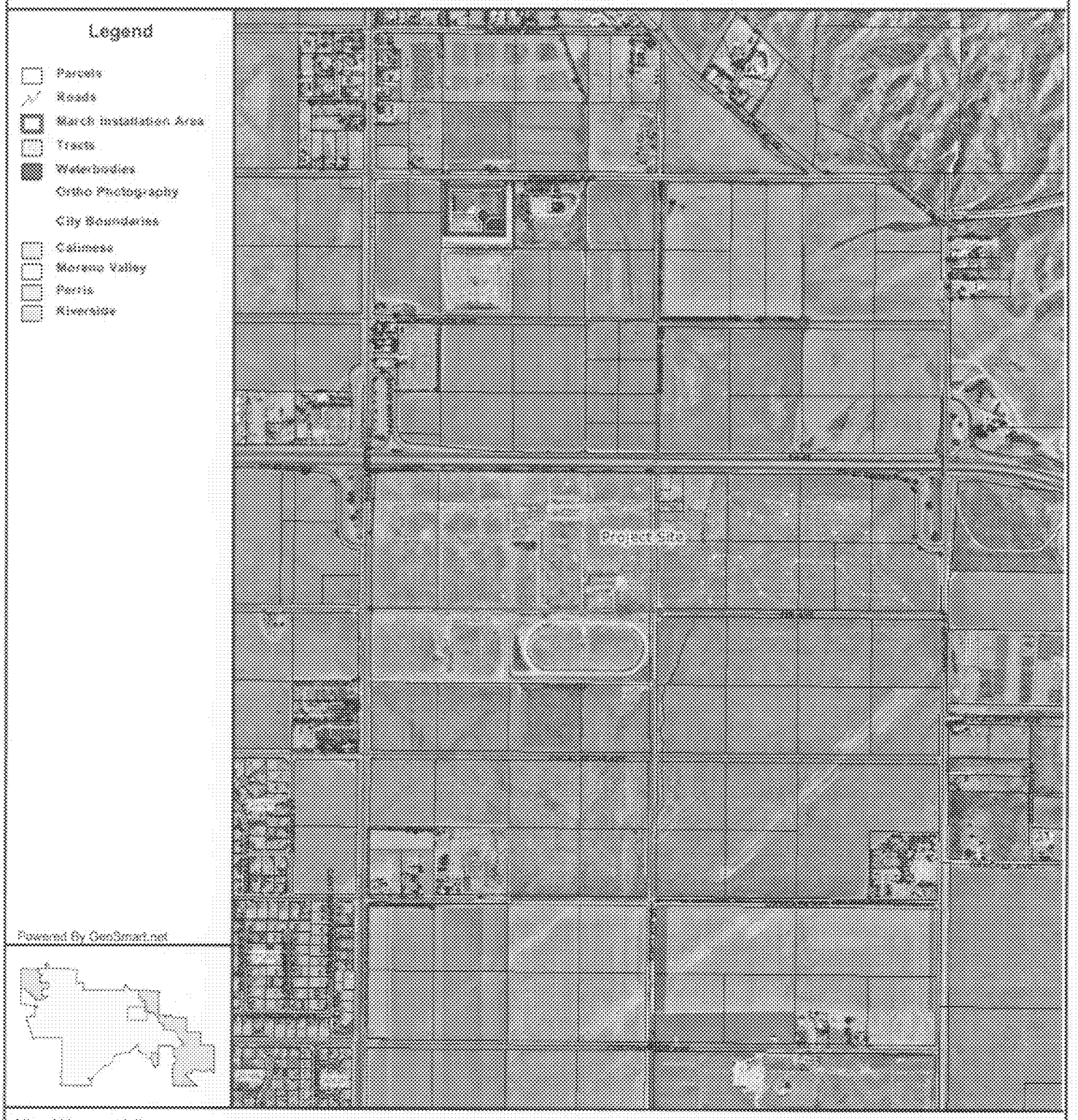

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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Printed: 11/21/2008 9:11:18 AM

MORENO VALLEY

Zoning Map

PA07-0088 through PA07-0090

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The best here and freely information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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Printed: 11/21/2008 9:20:10 AM

MORENO VALLEY

TENTATIVE PARCEL MAP NO. 35629

GROSS ACRES: 158.4
NET ACRES: 129.7

APN: 488-350-001, 488-350-002, 488-350-011, 488-350-012, 488-350-013, 488-350-014, 488-360-001, 488-360-002, 488-360-003, 488-360-004, 488-360-005, 488-360-006, 488-360-008, 488-360-009, 488-360-010, 488-360-011, 488-360-012, 488-360-013, 488-360-014

AUGUST 2008

LEGAL DESCRIPTION

PROPOSED SUBDIVISIONS OF PORTIONS OF SECTIONS 23, 24, 25 & 26 OF TRACT MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY

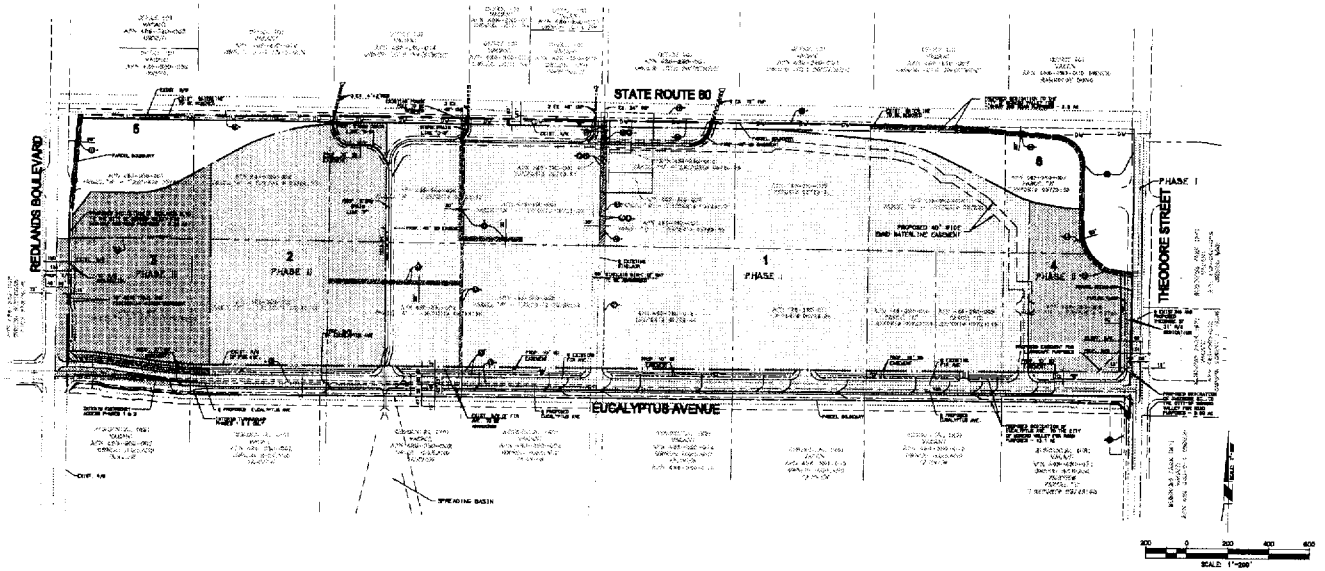

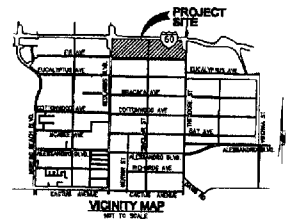

VICINITY MAP
NOT TO SCALE

PG 262

GENERAL INFORMATION

1. EXISTING LAND USE: VACANT/RESIDENTIAL
2. PROPOSED LAND USE: COMMUNITY COMMERCIAL (CC) AND LIGHT INDUSTRIAL (LI)
3. EXISTING ZONING: BUSINESS PARK, COMMUNITY COMMERCIAL
4. ADJACENT LAND USE: SP 88 AND 6
5. ALL PUBLIC STREET IMPROVEMENTS AND STORM DRAIN FACILITIES WILL BE IN CONFORMANCE AND CONSTRUCTED FOR CITY OF MORENO VALLEY AND RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT STANDARDS.
6. ALL UTILITIES SHALL BE UNDERGROUND, AND PROVIDED BY:

GAS:	SOUTHERN CALIFORNIA GAS COMPANY 25200 TRUMBLE ROAD, RIVERSIDE, CA 92246 (800)427-2200
ELECTRICAL:	MORENO VALLEY UTILITIES 14330 FREDERICK STREET, SUITE, MORENO VALLEY, CA 92553 (951)201 6700
TELEPHONE:	VERIZON P.O. BOX 11220, ST. PETERSBURG, FL 33733 (800)483 4900
SEWER/WATER:	EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBLE ROAD P.O. BOX 8300, PERRIS, CA 92572-8300 (951)928 3777
CABLE TV:	TIME WARNER CABLE 1729 COOK ST, PALM DESERT, CA 92211 (760)340 1313

7. UTILITY DESIGN WILL BE IN COMPLIANCE WITH WATER, SEWER, AND STORM DRAIN MASTER PLANS
8. THE SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS TENTATIVE PARCEL MAP
9. ALL SLOPES SHALL BE CONSTRUCTED AT A RATIO OF 2:1 UNLESS OTHERWISE INDICATED
10. SEE PRELIMINARY ROUP FOR WATER QUALITY BMP'S PROVIDED ON THIS PROJECT
11. PROJECT LIES IN FLOOD ZONE "X-PROJECT, DESIGNATED AS AREAS OF 500-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD
12. SECTION 66440 (D)(2) OF THE SUBDIVISION MAP ACT DOES NOT REQUIRE ANY REMAINDER PARCELS TO BE SHOWN ON THE MAP OF THE GROSS AREA EXCEEDS 2 ACRES. ALL REMAINDER PARCELS EXCEED 2 ACRES.
13. EXISTING EASEMENTS POINTED OUT IS WILL BE RELOCATED OR QUITCLAIMED
14. SEE SITE PLAN FOR SLOPES AND PRELIMINARY GRADING. RUNOFF TRIBUTARY TO THE SITE CONSISTS OF 11 ACRES OF NATIVE DESERT LAND. THE EXISTING FACILITIES UNDER SR-60 INCLUDE 1-TRIPLE 4'X3' BOX, 2-DOUBLE 48" CMPS, AND 1-DOUBLE 72" RCB. THE RUNOFF SHALL BE CONVEYED THROUGH TRANSITION STRUCTURES & ENERGIES INTO 2-8'X10' RCBS WITHIN THE SITE. THE RUNOFF SHALL PASS THROUGH AN E DISSIPATION STRUCTURE BEFORE BEING INTRODUCED TO A SPREADING BASIN ON THE SOUTH OF THE SITE. DISPERSED RUNOFF SHALL THEN BE CONSISTENT WITH THE EXISTING FLOW PATTERN.
15. ALL EXISTING IMPROVEMENTS WITHIN PROJECT LIMITS WILL BE REMOVED
16. SEE CONCEPTUAL GRADING PLAN FOR MAPPING
17. THERE ARE TREES ALONG THE CORRIDOR BOUNDARY WITH SR-60
18. THE SIGHT DISTANCES MEET OR EXCEED THE REQUIREMENT SHOWN ON THE CITY OF MORENO VALLEY STD 11 128
19. CORNER CUTBACKS SHALL BE PER CITY STANDARD 208
20. PROJECT ENTRANCES WITH DRIVEWAYS GREATER THAN 40' WILL BE DESIGNED AS CITY INTERSECTIONS. PROJECT ENTRANCES 40' WIDE OR LESS WILL BE DESIGNED PER CITY STANDARD NO. 110C.
21. ALL DRIVEWAY ENTRANCE CURB RETURNS WILL BE DESIGNED WITH A RADIUS OF 30' UNLESS OTHERWISE N
22. ALL "TRASH ENCLOSURES ARE TO BE DUAL BIN (TRASH/RECYCLE), PER CITY STD 627 AND MODIFIED TO A FULLY COVERED
23. WATER SERVICE FOR THIS PROJECT WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 12-INCH WATERLINE LOCATED SOUTH OF AND ADJACENT TO SR-60, WEST OF REDLANDS BOULEVA. SECOND SOURCE OF WATER WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 12-INCH WATERLINE LOCATED EITHER BRAMAND AVENUE, NORTH OF SR-60. THE NEW 12-INCH WATERLINE FRO FOLLOW BRAMAN STREET ALIGNMENT SOUTH TO A PROPOSED PRESSURE REDUCING VALVE STATION LOCATED NE THE INTERSECTION OF BRAMAN STREET AND SR-60. FROM THE PRV THE 12-INCH WATER LINE WILL EXISTING BRAMAN UNDER SR-60 AND ROUTE THROUGH PARCEL 1 OF THE PROJECT, TO A POINT OF CONNECTION WITH THE PROPOSED WATERLINE IN EUCALYPTUS STREET
24. SEWER FOR THIS SITE WILL BE SERVED BY THE INSTALLING A 18-INCH SEWER LINE IN REDLANDS BOULEVARD FROM AN EXISTING 18 INCH SEWER LINE LOCATED APPROXIMATELY 0.4 MILE SOUTHWEST TO THE INTERSECTION OF REDLANDS AND EUCALYPTUS AVENUE. THE SEWER LINE WILL CONTINUE EAST ALONG EUCALYPTUS, TO THE POINTS OF CONNECTION TO THE PROJECT SITE.
25. DEBRIS/TRAP AND DETENTION BASINS WITHIN PARCELS 3 THROUGH 6 WILL BE FENCED PER CITY OF MORENO VALLEY REQUIREMENTS
26. PARCELS A THRU F ARE PROPOSED FOR FUTURE PDA PURPOSES
27. EXISTING 12" WATERLINE ALONG SR-60 TO BE ABANDONED. PROPOSED 16" WATERLINE IN EUCALYPTUS TO REPLACE ABANDONED WATERLINE
28. PARCELS C, D & E WILL BE OFFERED TO CITY OF MORENO VALLEY FOR FUTURE CALTRANS RIGHT OF WAY.
29. A RECIPROCAL ACCESS EASEMENT WILL BE RECORDED WITH THE FINAL MAP FOR THE BRAVE WAY BETWEEN PARCELS 1 & 4 AND 1 & 2
30. THIS PROJECT SHALL UNDERGROUND ALL LINES LESS THAN 115,000 VOLTS UNLESS OTHERWISE APPROVED BY CITY ENGINEER
31. A 10' ACCESS ROAD WILL BE PROVIDED TO PARCELS 5 & 6

LAND USE SUMMARY

NUMBER OF PARCELS 4

2	LIGHT INDUSTRIAL (LI) PARCELS	104.8 AC	(PARCELS 1 & 2)
2	COMMUNITY COMMERCIAL (CC) PARCELS	24.4 AC	(PARCELS 3 & 4)
	GROSS ACREAGE:	129.3 AC	

PARCEL SUMMARY

	GROSS AREA (AC)	GROSS AREA (SF)	NET AREA** (AC)	NET AREA** (SF)
PARCEL 1	65.6	2,858,026	57.9	2,520,324
PARCEL 2	39.3	1,711,308	37.4	1,632,184
PARCEL 3	12.1	526,956	12.1	527,432
PARCEL 4	7.2	313,632	9.3	330,896
SUBTOTAL	124.2		116.8	
PARCEL A (PRA/PUBLIC ACCESS)	1.45		1.45	
PARCEL B (PRA/PUBLIC ACCESS)	0.60		0.60	
PARCEL C (PRA/PUBLIC ACCESS)	0.60		0.60	
PARCEL D (PRA/PUBLIC ACCESS)	0.60		0.60	
PARCEL E (PRA/PUBLIC ACCESS)	0.60		0.60	
PARCEL F (PRA/PUBLIC ACCESS)	0.45		0.45	
PARCEL G (BM - 60 DEDICATION)	2.8		2.8	
PARCEL H (BRAVE WAY DEDICATION)	2.8		2.8	
PARCEL I (ROW DEDICATION)	8.1		8.1	
SUBTOTAL	18.8		18.8	
EUCALYPTUS DEDICATION	12.10		12.10	
REDLANDS DEDICATION	6.20		6.20	
THEODORE DEDICATION	0.80		0.80	
SUBTOTAL	13.9		13.9	
TOTAL	158.4		148.9	

** NET AREA EQUALS GROSS AREA MINUS THE SLOPE AREA.

STREET LENGTHS

REDLANDS BOULEVARD	1,240 LF
EUCALYPTUS AVENUE	5,140 LF
THEODORE STREET	300 LF

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(1) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL A (APN 488-360-003)

(3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JULY 6, 1951 IN BOOK 1265, PAGE 250 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(4) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: APRIL 30, 1952 IN BOOK 1384, PAGE 376 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(5) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: FOR CONDUITS
RECORDED: AUGUST 19, 1964 IN BOOK 1621, PAGE 284 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(6) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: SEPTEMBER 14, 1964 IN BOOK 1630, PAGE 018 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(8) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: MAY 17, 1949 IN BOOK 1917, PAGE 159 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

CONT. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(9) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: UTILITIES
RECORDED: JULY 3, 1957 IN BOOK 2133, PAGE 288 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(10) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60, ADJOINING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED FROM SAID LAND BY THE DOCUMENT

RECORDED: FEBRUARY 1, 1961 AS FILE NO 8801 OF OFFICIAL RECORDS

SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(11) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: FEBRUARY 1, 1963 AS FILE NO. 11530 OF OFFICIAL RECORDS

(12) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED

ENTITLED: A ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
EXECUTED BY: OTIS T. BEASLEY, ET AL
RECORDED: OCTOBER 14, 1977 AS FILE NO 203437 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL B AND C (APN 488-360-003) & (APN'S 488-350-001, 488-350-002 & 488-360-004)

(13) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: AUGUST 29, 1983 AS FILE NO. 180202 OF OFFICIAL RECORDS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES
RECORDED: AUGUST 23, 1974 IN BOOK 1523, PAGE(S) 215, OF OFFICIAL RECORDS
AFFECTS: THE NORTH 25 FEET OF PARCEL 3

C. EASEMENT NOTES PER TITLE REPORT NO. 05723138

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 3, 1957 IN BOOK 2133, PAGE 338 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

E. EASEMENT NOTES PER TITLE REPORT NO. 05723181

(3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

(6) THE EFFECT OF A DECLARATION OF DEDICATION DATED OCTOBER 8, 1963, EXECUTED BY DEAN M. SANDERS AND MARIE A. SANDERS, PURPORT NOT TO IRREVOCABLY DEDICATE IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1963 AS INSTRUMENT NO 1963 117653 OF OFFICIAL RECORDS

(7) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED

ENTITLED: ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
BY AND BETWEEN: JERRIE M. KIBBY, ET AL
RECORDED: OCTOBER 14, 1977 AS INSTRUMENT NO 1977-203437 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

NON PLOTTABLE PARCEL EASEMENTS

(29) AN EASEMENT OVER SAID LAND FOR PIPELINES, DITCHES, PLANES AND RIGHTS INCIDENTAL (30) THERETO, AS SHOWN BY MAP BOOK 11, PAGE 10, RECORDS OF SAN BERNARDINO COUNTY. AS RESERVED

TO: THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY

THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

(28) (29) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
RECORDED: MARCH 4, 1988 IN BOOK 378, PAGE 586 OF OFFICIAL RECORDS

AND AS SET OUT IN MEMO OF AGREEMENT AND IN SUPPLEMENTAL AGREEMENT:

RECORDED: MARCH 4, 1988 IN BOOK 378, PAGES 587 AND 592 AND BY DEED RECORDED NOVEMBER 12, 1986 AS FILE NO 318632 BOTH OF OFFICIAL RECORDS

(8) AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN OR AS OFFERED FOR DEDICATION ON THE RECORDED MAP OF SAID TRACT

PURPOSES: PUBLIC STREETS AND ALLEYS

THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

LEGEND

GRADE BREAK	GB
HIGH POINT	HP
LOW POINT	LP
DOMESTIC WATER	DW
EDGE OF PAVEMENT	EP
EDGE OF TRAVELED WAY	EOTW
RIGHT OF WAY	R/W OR ROW
LANDSCAPE	LS OR LSCP
TITLE REPORT NUMBER	T.REPORT#
TENTATIVE PARCEL MAP BOUNDARY	
PROPOSED STREET ELEVATION	1780.00
PROPOSED PUBLIC RIGHT OF WAY	
EXISTING RIGHT OF WAY	
PROPOSED PARCEL LINE	1
PARCEL NUMBERS	
EXISTING CONTOURS	
EXISTING APN BOUNDARIES	
INDUSTRIAL	I
COMMUNITY COMMERCIAL	CC
OFFICE	O
OPEN AREA COMBINED WITH RESIDENTIAL DEVELOPMENTS	RS
EXISTING EASEMENTS	
PHASE I IMPROVEMENTS	
PHASE II IMPROVEMENTS	
PHASE III IMPROVEMENTS	

OWNERS

SINCLAIR PROPERTY PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

BAND PROPERTIES PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

BOTTOMOT PROPERTIES PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

MF EDUCATIONAL PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

DEVELOPER/APPLICANT

HIGHLAND FAIRVIEW
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
(951) 697 5300
CONTACT: WAYNE PETERSON

SOILS ENGINEERS

LETWINSKI AND ASSOCIATES, INC.
41715 ENTERPRISE CIRCLE N., #100
TEMECULA, CA. 92590-5681
(951) 296-9500

ENGINEER

RBF CONSULTING
14725 ALTON PARKWAY
IRVINE, CA. 92618-2027
(949) 472-3505

Project File Numbers:
PAR-0008 (Zone Change)
PAR-0009 (GPA)
PAR-0010 (TPM 35629)
PAR-0011 (Plot Plan)

TENTATIVE PARCEL MAP
35629

SHEET 1 OF 2

HIGHLAND FAIRVIEW
RANCHO BELLADO, CALIFORNIA
AUGUST 2008

RBF CONSULTING
14725 ALTON PARKWAY, IRVINE, CA 92618-2027 (949)472-3505

ATTACHMENT 15

MV00017629

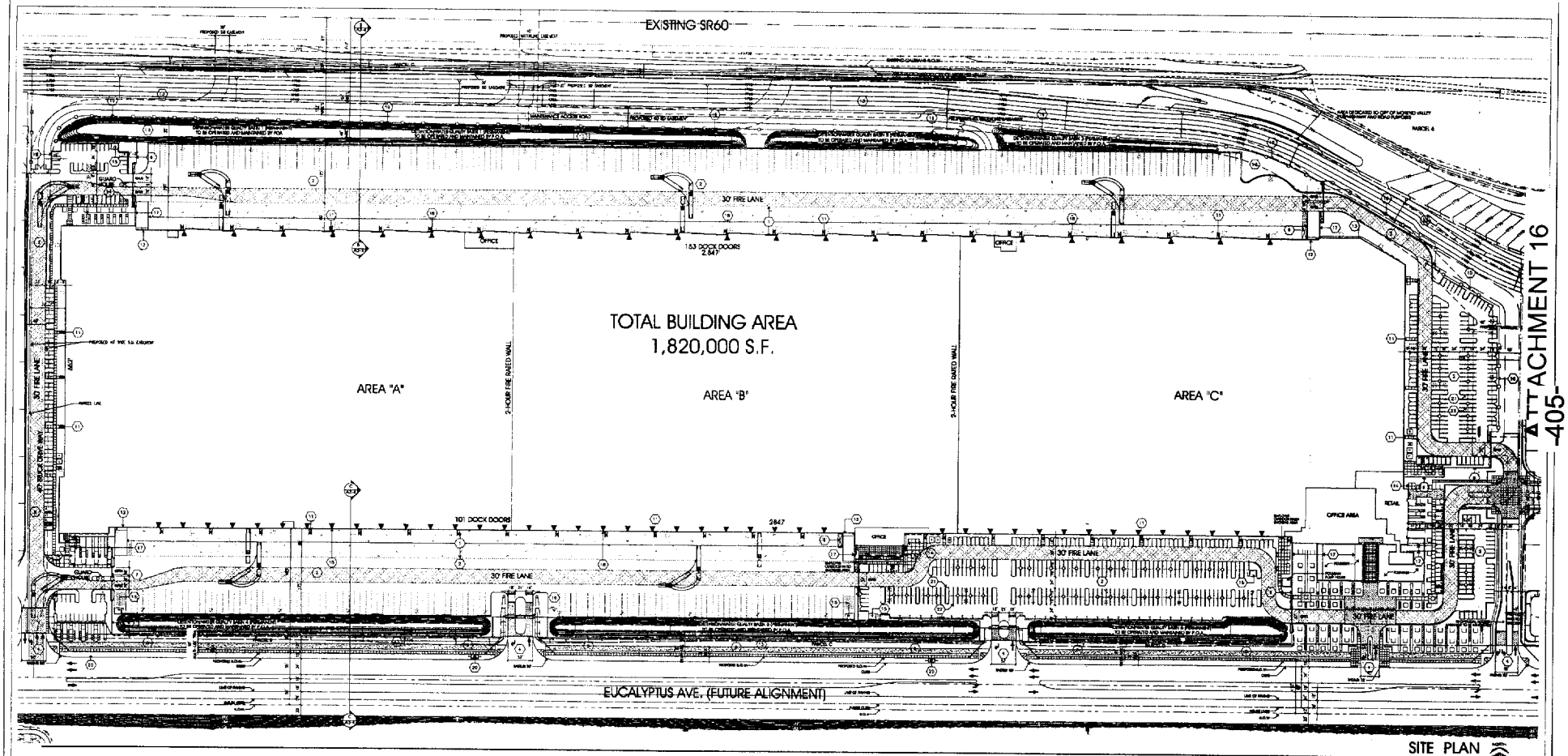

SITE PLAN

SCALE: 1" = 80'-0"

parking lot striping detail

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

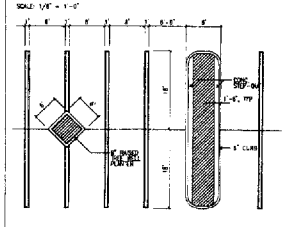

tabulation

	SUN DING
Site area (in sq.ft.)	3,715,974
Site area (in acres)	85.31
Warehouse area	1,777,200
Total Office Area	36,400
Future Retail Area	6,500
Receiving Office Area	20,000
Total building area	1,820,000
Coverage	48.9%
Landscape area (in square FEET)	871,183
Landscape area (in acres) (23.5%)	20.00
Parking area sq. (35.7%)	1,326,210
asphalt parking area sq. (32.8%)	1219.110
concrete parking area sq. (2.9%)	107.101
Parking required	
warehouse	
1st 20,000 @ 1/1,000 s.f.	21
2nd 200,000 @ 1/2,000 s.f.	100
remaining @ 1/4,000 s.f.	428
office & retail @ 1/250	211
total @ 1/250	761
Total parking provided	798
Parking provided	
In yard dock	456
Handicap	16
Car Pool Stalls (2.2%)	21
Electric vehicle Charging Stations (EVCS)	21
Total parking provided	1,312
Trailer parking	318
EVCS (only required 10% of trailer parking)	32
Total Dock Doors	254

site plan keynotes

1. 8" THICK MINIMUM REINFORCED CONCRETE TRUCK APRON. SLOPE 1/4" PER FOOT TO DRAIN. SEE DETAIL ON SHEET C-2. CONTRACTOR TO SCORE SURFACE WITH 1/4" DEEP JOINTS PROVIDE JOINT PATTERN TO MATCH DOWNTIE AT 10' O.C. AT ALL CONSTRUCTION JOINTS. HEAVY SCORE AT 10' O.C. AT ALL EXPANSION JOINTS. SEE DETAIL ON SHEET C-2. PROVIDE 1/2" EXPANSION JOINT AT ALL JOINTS TO BE REINFORCED. SEE "D" DRAWINGS FOR LOCATION.
2. ASPHALT CONCRETE (AC) PAVING. SEE DETAIL ON SHEET C-2 SECTION REQUIREMENTS. SEE "D" DRAWINGS FOR LOCATION.
3. CONCRETE WALKWAY.
4. CONCRETE APRONS TO BE CONSTRUCTED PER CITY STANDARD PROVIDE STAMPED CONCRETE 10' (JOINT SPACING TO BE 10' AT ALL SIDES OF THE PATTERN). PROVIDE VERTICAL & HORIZONTAL EXPANSION JOINTS AT A MAXIMUM OF 10' O.C. SEE DETAIL ON SHEET C-2.
5. 3'-0" TO 5'-0" THICK CONCRETE OVERHEAD LOADING PAD TOP AT ALL EXTERIOR DOOR DOORS TO UNDERGROUND AREA. FINISH TO BE VELVAN BROOM FINISH. PROVIDE BLACK 1/2" PUBLIC WAY OR DRIVE WAY AS REQ'D BY CITY.
6. CONCRETE 8'-0"HIGH SCREEN WALL. SEE "L" DWGS.
7. FIRE ALARM/SPRINKLER BELL ALL DOTS TO BE EQUIPPED WITH FIRE ALARM/SPRINKLER SYSTEM. SEE "L" DWGS.
8. CONCRETE RAMP.
9. DUPE TRASH COMPACTOR.
10. 8'H TUBULAR STEEL FENCE.
11. CONCRETE STAIRS.
12. 12' X 14' DRIVE-IN DOOR.
13. WAREHOUSE: REFER TO CONCEPTUAL LANDSCAPE PLAN. CONCRETE LOW STRIPS ARE DESIGNED TO DRAIN ALL SOIL AND ORNAMENTAL WEEDS.
14. BIKE RACK. SEE "L" DWGS.
15. TRASH ENCLOSURE-GUAL BIN. WITH SOLID ROOF STRUCTURE (PER CITY STD. 423) NO HOLLOW LANDSCAPE SCREENING ON 3 SIDES WHICH VISIBLE TO THE PUBLIC.
16. FIRE PUMP HOUSE.
17. UNDERGROUND CONNECTION FROM INT. ROOF DRAIN TO STORM DRAIN.
18. EXTERIOR DOWNSPOUT.
19. 8' HIGH VINYL COATED CHAIN-LINK. SEE L2-2 FOR DETAIL.
20. ABOVE GROUND UTILITY EQUIPMENT.
21. CONCRETE STEP-OUT AT ALL PLANTERS. SEE PARKING LOT STRIPING DETAIL.
22. DOUBLE STRIPE AT ALL PARKING STALLS. SEE PARKING LOT STRIPING DETAIL.

site legend

- CONC. PAVING
- STANDARD PARKING STALL 9' X 19'
- HANDICAP PARKING STALL 9' X 18'
- PARKING DOUBLE STRIPING FOR PARKING STALLS

linetype legend

- PROPERTY PUBLIC RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED EASEMENT
- EXISTING UTILITY EASEMENTS
- CONCRETE PAVEMENT
- ENHANCED PAVING
- DECORATIVE GRANITE TRAIL
- FENCE
- WALL
- SIDEWALK
- SITE LIGHTING
- EXTERIOR DOOR SWING
- PROPERTY OWNER ADDRESS LETTERS

vicinity map

N.T.S

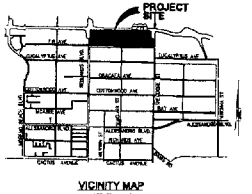

VICINITY MAP
NOT TO SCALE

project information

APPLICANT
HIGHLAND FAIRVIEW
14225 CORPORATE WAY
MORENO VALLEY, CA 92553
(951) 867-5300
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CONTACT: MARK CHANG

CIVIL ENGINEER
REP CONSULTING
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FAX: 949.472.8122
CONTACT: PAT KELLY

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22342 TRUMBLE ROAD
ROWLAND, CA 91000
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MORENO VALLEY, CALIFORNIA 92553

HIGHLAND PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

SAND PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

WATER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777

SEWER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777

CABLE - TV:
TIME WARNER CABLE
1720 COLE BLVD.
BUILDING 21, SUITE 200
PHONE: (949) 349-1312

ZONING
ZONING: C (LIGHT INDUSTRIAL)
GC (COMMUNITY COMMERCIAL)

ASSESSORS PARCEL NUMBER
[illegible]

LEGAL DESCRIPTION
PROPOSED SUBDIVISION OF PORTIONS OF BLOCKS 33, 34, 35 & 36 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

LEED CERTIFICATION

The project was registered with the U.S. Green Building Council for certification under the Leadership in Energy and Environmental Design (LEED) program. The following project elements are proposed:

1) Sustainable Alternative Transportation - Locating near to existing parking and restrooms, a bus stop exists, showers and changing rooms, preferential parking for low emitting and fuel efficient vehicles.
2) Water Efficiency - Water efficient landscaping, irrigation, and low water use building fixtures.
3) Indoor Air Quality Control - Strategies aimed at improving indoor air quality including exposure control.
4) Heat Island Effect - Roofing and hardscape materials and calculate parking lots which will reflect solar reflective index.
5) Water Efficiency - Use of water efficient landscaping, irrigation, and low water use building fixtures.
6) Energy Efficiency - Reduce energy use by optimizing performance of building systems such as HVAC and lighting control.
7) Renewable Energy (Green Power) - Incorporating solar energy to supplement the building grid power.
8) Construction Waste Management - Divert recyclable construction materials to recycle facility.
9) Recycled Building Materials - Incorporate recycled building materials, such as wood and material metals, into the building construction.
10) Regional Material Use - Utilize regionally sourced building materials such as concrete and aggregate to reduce transportation impacts.
11) Indoor Environmental Quality - Incorporating low emitting adhesives, sealants, paints and materials into the building construction to improve the well-being of workers and occupants.

A1-2

SITE PLAN

PROJECT FILE NUMBER:
PA07-0068 (Zone Change)
PA07-0069 (GPA)
PA07-0070 (TPM 35429)
PA07-0071 (Plot Plan)

SCALE: 1"=80'

HPA# 7084

HIGHLAND FAIRVIEW
RANCHO BELLADO, CALIFORNIA
DECEMBER 11, 2008

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

MV00017631

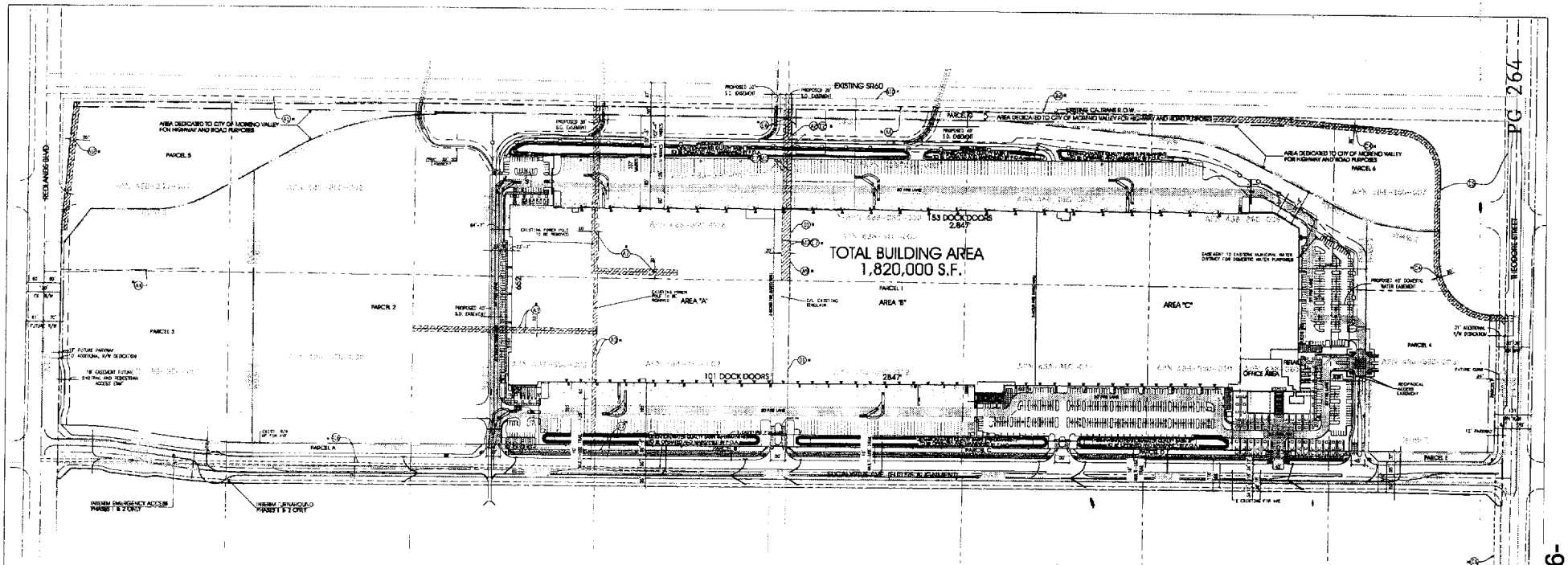

SITE PLAN

SCALE: 1" = 120'-0"

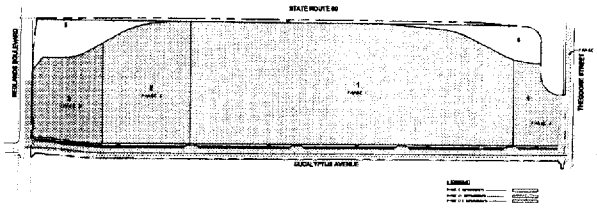

PHASING PLAN

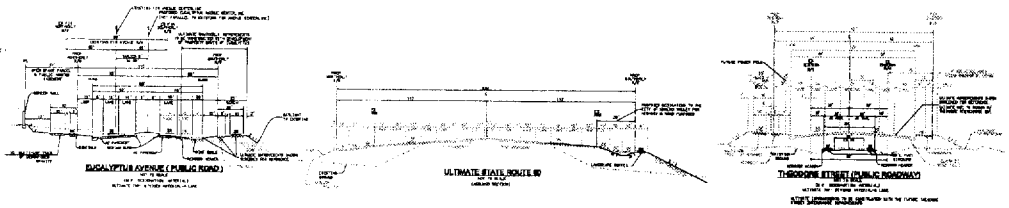

TYPICAL STREET SECTIONS

sheet index

ARCHITECTURAL
A1-1 COVER SHEET
A1-2 SITE PLAN
A2-1 FLOOR PLAN
A2-2 ROOF PLAN
A3-1 ELEVATIONS
A3-2 ELEVATIONS
A3-3 ELEVATIONS
A3-4 ELEVATIONS & SECTIONS

CIVIL
C2-1 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629
C2-2 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629

LANDSCAPE
L1-1 PRELIMINARY LANDSCAPE PLAN
L2-1 PRELIMINARY NORTH ELEVATION
L2-2 PRELIMINARY WEST & EAST ELEVATIONS
L2-3 PRELIMINARY SOUTH ELEVATIONS
L3-1 PRELIMINARY EUCALYPTUS STREET SECTIONS
L3-2 PRELIMINARY SECTIONS & DETAILS
L4-1 PRELIMINARY TREE IMAGES
L4-2 PRELIMINARY SHRUB IMAGES

easement legend

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

- (A2) GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION. PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A3) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY. PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A4) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY. PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A5) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT. PURPOSE: FOR CONDUITS
- (A6) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT. PURPOSE: PIPELINES
- (A7) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY. PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A8) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY. PURPOSE: UTILITIES
- (A11) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60 ADJOINING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY "THE DOCUMENT"
- (A12) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT. PURPOSE: PIPELINES
- (A13) ENTITLED: A ROAD MAINTENANCE AGREEMENT
- (A15) GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY. PURPOSE: UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

- (B2) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT. PURPOSE: PUBLIC UTILITIES

C. EASEMENT NOTES PER TITLE REPORT NO. 05723138

- (C4) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT. PURPOSE: PUBLIC UTILITIES
- (C5) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE ANY RIGHTS OF ACCESS OR ACCESS TO OR FROM THE FREEWAY ADJACENT TO SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY DEED TO THE STATE OF CALIFORNIA
- (C6) GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION. PURPOSE: ELECTRICAL SYSTEMS AND COMMUNICATION SYSTEMS

D. EASEMENT NOTES PER TITLE REPORT NO. 05723144

- (D1) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION. PURPOSE: PUBLIC UTILITIES

E. EASEMENT NOTES PER TITLE REPORT NO. 05723161

- (E2) GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION. PURPOSE: PUBLIC UTILITIES
- (E3) THE EFFECT OF A DECLARATION OF DEDICATION DATED OCTOBER 2, 1963, EXECUTED BY DEAN M. SANDERS AND WALDE M. SANDERS, PURPORTING TO HAVE DONE AND DEDICATE IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1963 AS INSTRUMENT NO. 1963-117802 OF OFFICIAL RECORDS.
- (E7) ENTITLED: ROAD MAINTENANCE AGREEMENT

NON PLOTTABLE EASEMENTS

- A1,B1,C1,D1,E1 TO: THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY
- A5,B4,C5,D4,E4 GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
- C2 PURPOSE: PUBLIC STREETS AND ALLEYS

*EXISTING EASEMENTS DENOTED AS * WILL BE REQUIRED TO BE RELOCATED OR QUIT CLAIMED

linetype legend

- PARCEL BOUNDARY
- PROPOSED PUBLIC RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED EASEMENT
- EXISTING UTILITY EASEMENTS
- EXISTING RIGHT OF WAY
- CONCRETE PAVEMENT
- ENHANCED PAVING
- DECOMPOSED GRANITE TRAIL
- FENCE
- WALL
- SIDEWALK
- PARKING LINE
- SITE LIGHTING
- EXTERIOR DRAIN SPOUT
- PROPERTY OWNER ASSOCIATION — P.O.A.
- FUTURE CURB

vicinity map

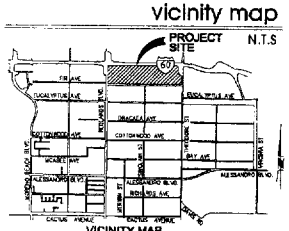

VICINITY MAP
NOT TO SCALE

project information

UTILITY PROVIDERS

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PERRIS, CA 92572-8300
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CONTACT: HEIN CHANG

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WESTCOAST PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

SAND PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
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MORENO VALLEY, CALIFORNIA 92553

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PH: 949.472.3505
FAX: 949.472.8122
CONTACT: PAT WILEY

ZONING

ZONING: U (LIGHT INDUSTRIAL)
CC (COMMUNITY COMMERCIAL)

ASSESSORS PARCEL NUMBER

488-310-001, 488-310-002, 488-310-003, 488-310-013, 488-310-014, 488-310-015, 488-310-016, 488-310-017, 488-310-018, 488-310-019, 488-310-020, 488-310-021, 488-310-022, 488-310-023, 488-310-024, 488-310-025, 488-310-026, 488-310-027, 488-310-028, 488-310-029, 488-310-030, 488-310-031, 488-310-032, 488-310-033, 488-310-034, 488-310-035, 488-310-036

LEGAL DESCRIPTION

PROPOSED SUBDIVISION OF PORTIONS OF BLOCKS 33, 34, 50 & 51 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO IMPROVEMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

A1-1 COVER SHEET/SITE PLAN

PROJECT FILE NUMBERS:
PA07-0068 (Zone Change)
PA07-0069 (GPA)
PA07-0090 (TPM 35629)
PA07-0091 (Plot Plan)

SCALE: 1"=120'

HPAF 7089

HIGHLAND FAIRVIEW

RANCHO BELLADO, CALIFORNIA — DECEMBER 17, 2008

HPA, INC.

18831 BARDEEN AVENUE, IRVINE, CA 92612 (949) 833-1770

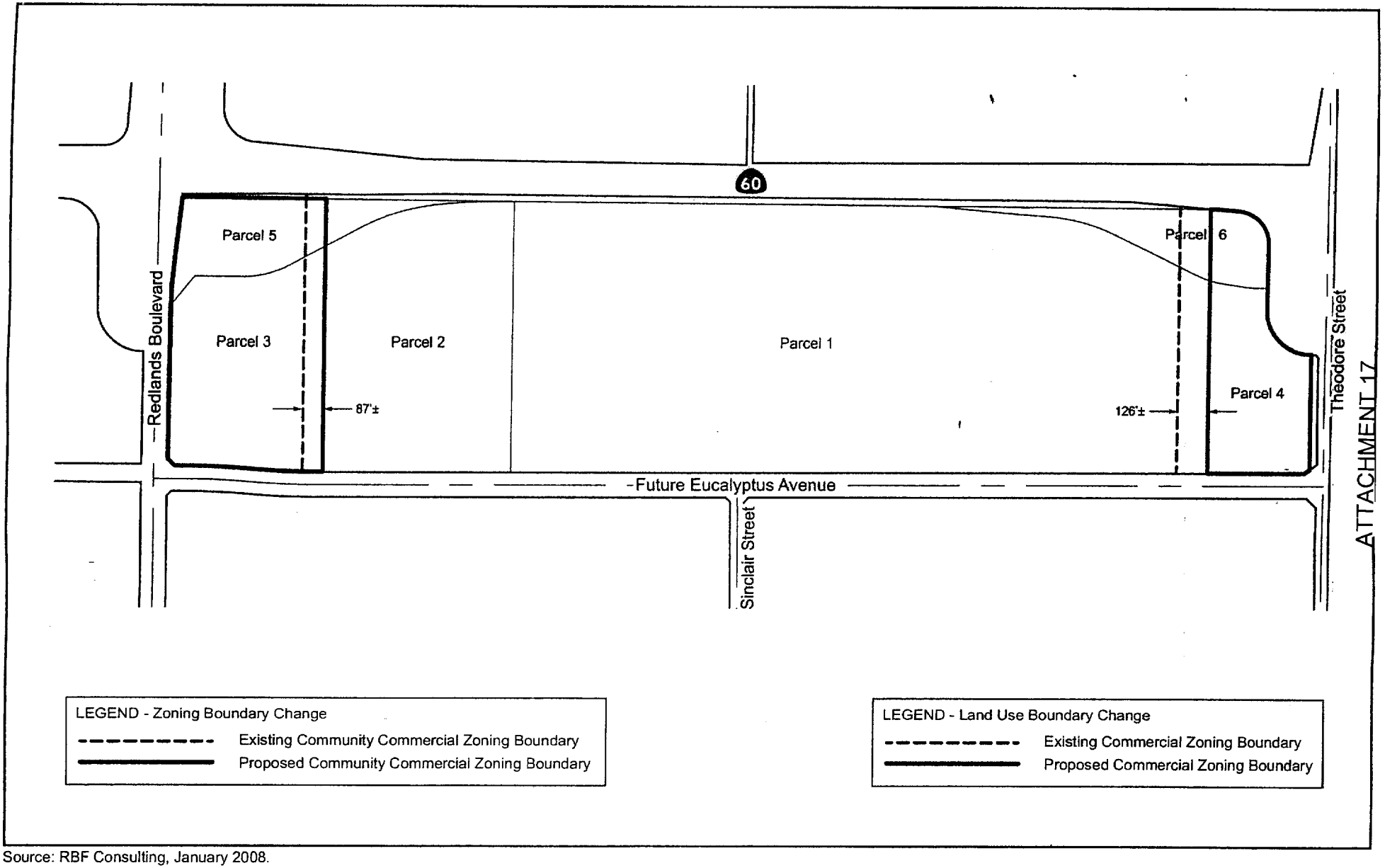

Source: RBF Consulting, January 2008.

NORTH

NOT TO SCALE

Michael Brandman Associates

26100015 • 02/2008 | 3-6_boundary_change.cdr

Exhibit 3-6
Zoning and Land Use Boundary Change

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

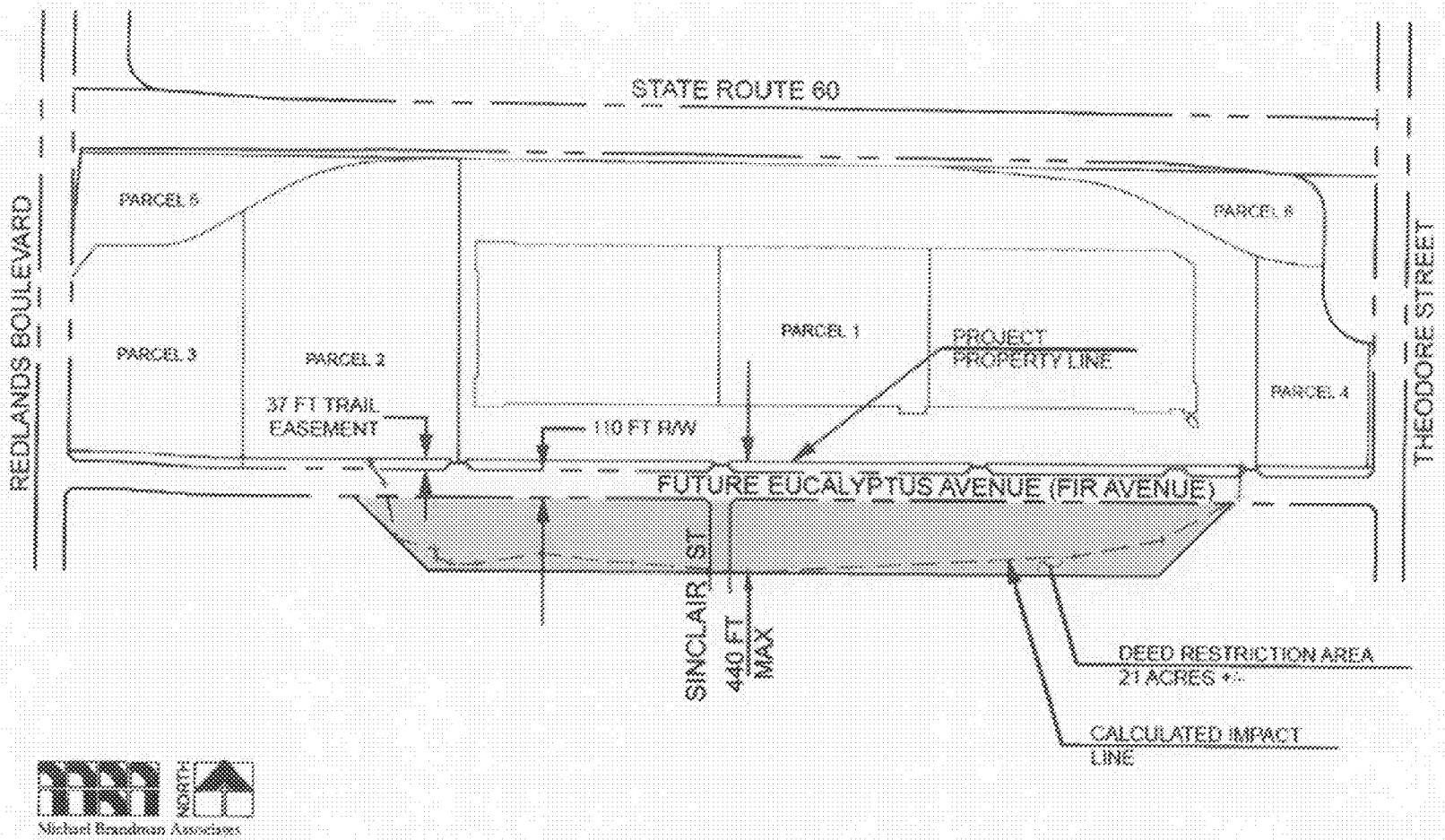

Exhibit 5
Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

MV00017633

PLANNING COMMISSION RESOLUTION NO. 2009-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL DENY A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE LAND (AND RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE), A GENERAL PLAN AMENDMENT (PA08-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street,

and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P07-157), a tentative parcel map (PA07-0090) and a plot plan (PA07-0091). The Planning Commission is not making recommendations on these three items because it is recommending that the City Council deny the General Plan Amendment and Change of Zone and, therefore, no recommendations on those subsidiary matters is required.

WHEREAS, on January 8, 2009, and January 15, 2009, the Planning Commission of the City of Moreno Valley held meetings to consider the application and to provide a recommendation to the City Council.

WHEREAS, on January 15, 2009, the Planning Commission passed a motion by a vote of 4 to 2 to refer the project to the City Council with a recommendation to deny the proposed change in policy to allow large warehouses on the project site because it would be contrary to the intent of the vision for this portion of the community as identified during the General Plan Update and subsequent zoning consistency study.

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

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

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

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meetings on January 8, 2009, and January 15, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The proposed Change of Zone is not consistent with the vision identified by the Planning Commission and City Council in 2006 during the review and adoption of the General Plan Update and subsequent zoning consistency study. This vision called for the development of business parks with buildings not exceeding 50,000 square feet in the eastern part of the City along Highway 60. The proposed project includes a 1,820,000 square foot warehouse industrial building as part of Phase 1 and an additional 600,000 square foot industrial building as part of Phase Both of these buildings far exceed the maximum of 50,000 square feet as permitted by the current zoning designation of Business Park.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent arterial roads leading from the project to Highway 60. The heavy truck traffic would impact the air quality, traffic flow and image of the area of lower intensity business park area with adjacent executive housing. The project traffic study indicates that approximately fifteen percent of the project's peak hour traffic would be heavy trucks, a much greater percentage than anticipated under the current zoning designation of Business Park. Heavy truck traffic produces more particulate emissions than light duty trucks and automobiles. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the vision for the area of lower intensity business park uses with executive housing.

3. The proposed warehouse industrial buildings are better suited to the industrial areas in the southern portion of the City. These areas are currently zoned for heavy and light industrial uses, including large warehouse and industrial buildings with heavy truck traffic. These areas are better separated from adjacent planned or existing residential areas. These areas also provide better access to the freeway system through upgraded roadways and freeway interchanges. The proposed mitigation measures for the proposed project do not provide the same level of access.

4. The benefits of the proposed project do not justify the proposed change in policy.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2009- 01, recommending that the City Council **DENY** a Change of Zone (PA07-0088) for an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage) from BP (Business Park) to LI (Light Industrial) and the General Plan Amendment (PA07-0089).

APPROVED this 22nd day of January, 2009.

ATTEST:

Rick De Jong
Chair, Planning Commission

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

MV00017636

Highland Fairview Corporate Park

Tentative Parcel Map 35629

(PA 07-0088, 07-0089, 07-0090, 07-0091)

City of Moreno Valley City Council

Supplemental Package
City Council Hearing - February 3, 2009

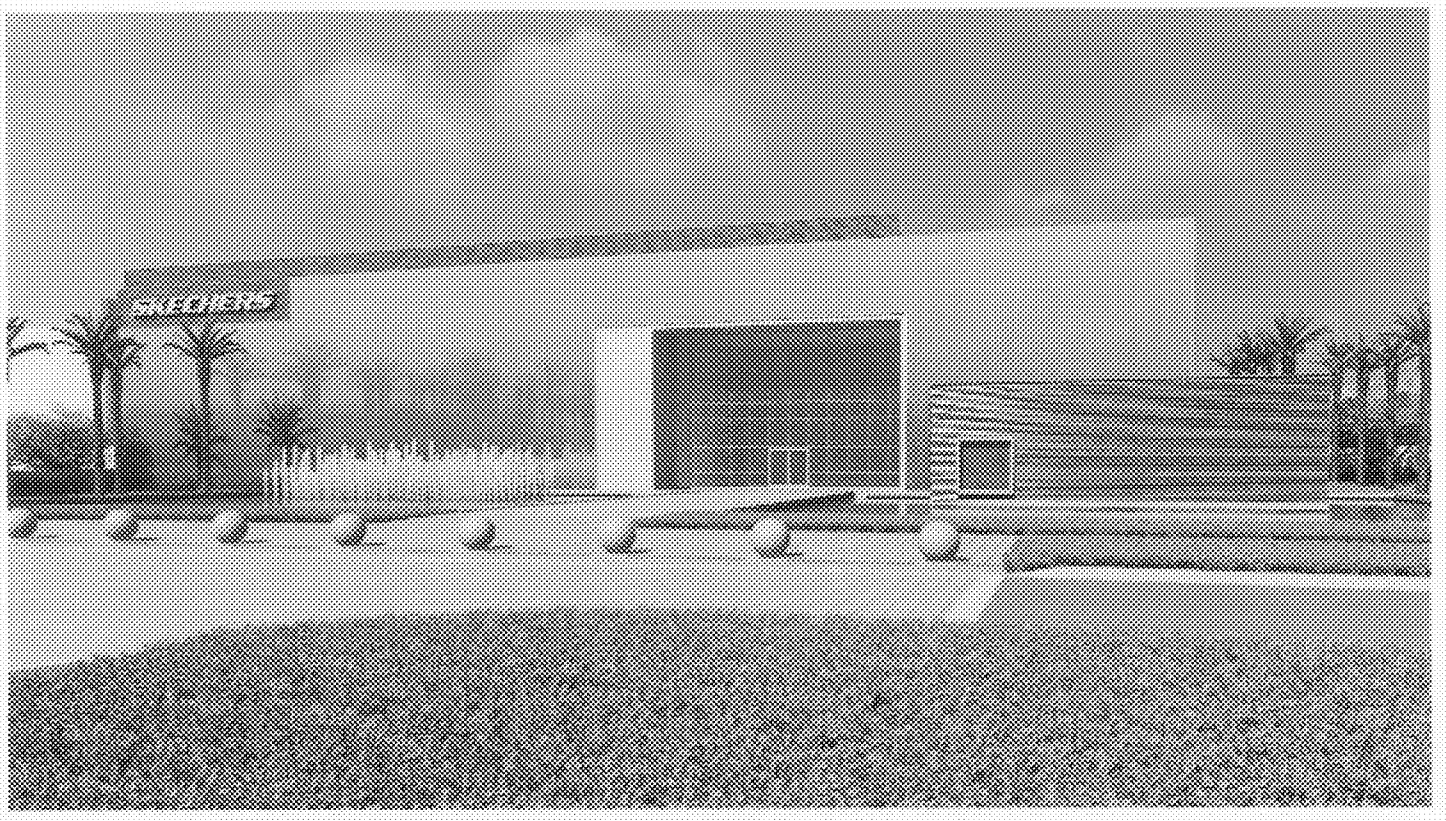

MV00017637

Highland Fairview

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

Council Members:

Enclosed for your use are several exhibits that illustrate many of the unique details of the Highland Fairview Corporate Park project. We have included a variety of renderings and visual simulations that provide a three-dimensional perspective of key project elements that cannot be accurately conveyed in the two-dimensional drawings that are part of the formal submittal package. We have also provided several colored exhibits that help to make the technical plans easier to read.

Please contact Highland Fairview if there are any questions.

Thank you.

Iddo Benzeevi
HIGHLAND FAIRVIEW

Main Office (SE Corner)
View Rendering

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be taken upon entering the project at the second driveway from the east. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

MV00017639

MV00017640

Main Office (SE Corner)
View Rendering (Eucalyptus Ave.)

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be from east bound Eucalyptus Avenue, near the project entry. The selective use of trees and landscaping allow for a view of the enhanced architecture. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

MV00017641

MV00017642

NE Building Corner
View Rendering

The following view depicts the Northeast Corner of the building adjacent to SR60. This corner of the building is architecturally enhanced and treated as a prominent feature due to its visibility from SR60.

MV00017643

MV00017644

Main Office (SE Corner)
View Rendering (Retail Entry)

This rendering depicts the Retail Entry at the east end of the building. The view is looking West at the retail entry. Vehicular access would be taken from the most easterly driveway off of Eucalyptus Avenue and would direct the driver to parking lot serving the retail site.

MV00017645

MV00017646

Employee Area
View Rendering (South Side)

This rendering depicts the Employee Area on the south side at the mid-point of the building. It will include a break room for employee use and includes an outdoor patio area.

MV00017647

MV00017648

Project Entry at Eucalyptus Avenue
View Rendering

This rendering depicts the view looking east along Eucalyptus Avenue when exiting the project entry (driveway 2nd from the east).

MV00017649

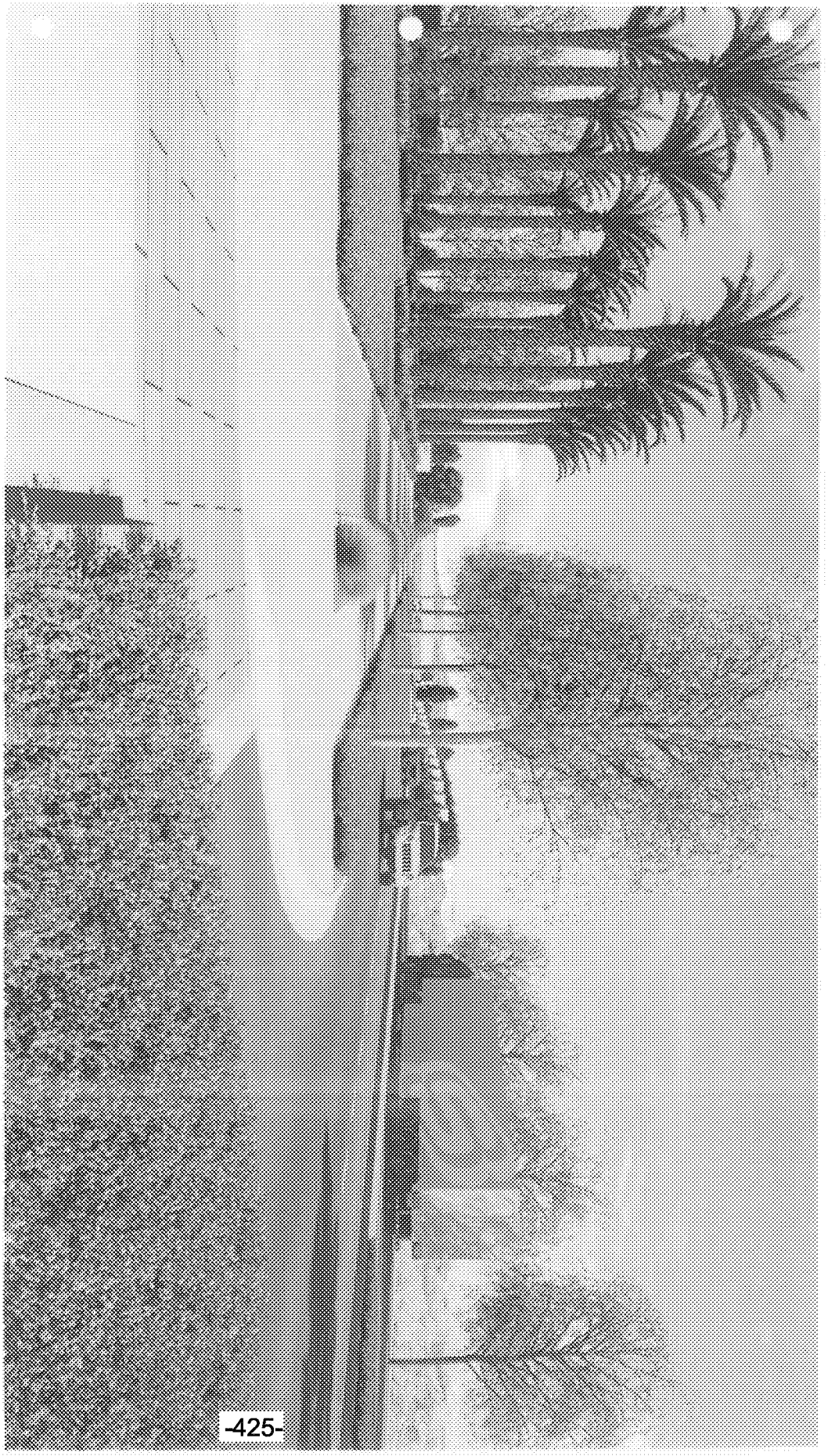

MV00017650

Eucalyptus Avenue Screen Wall
View Rendering

This view depicts the Screen Wall along Eucalyptus Avenue. The top of wall is tapered with a minimum height of 11 ft. and a maximum height of 15.5 ft.

MV00017651

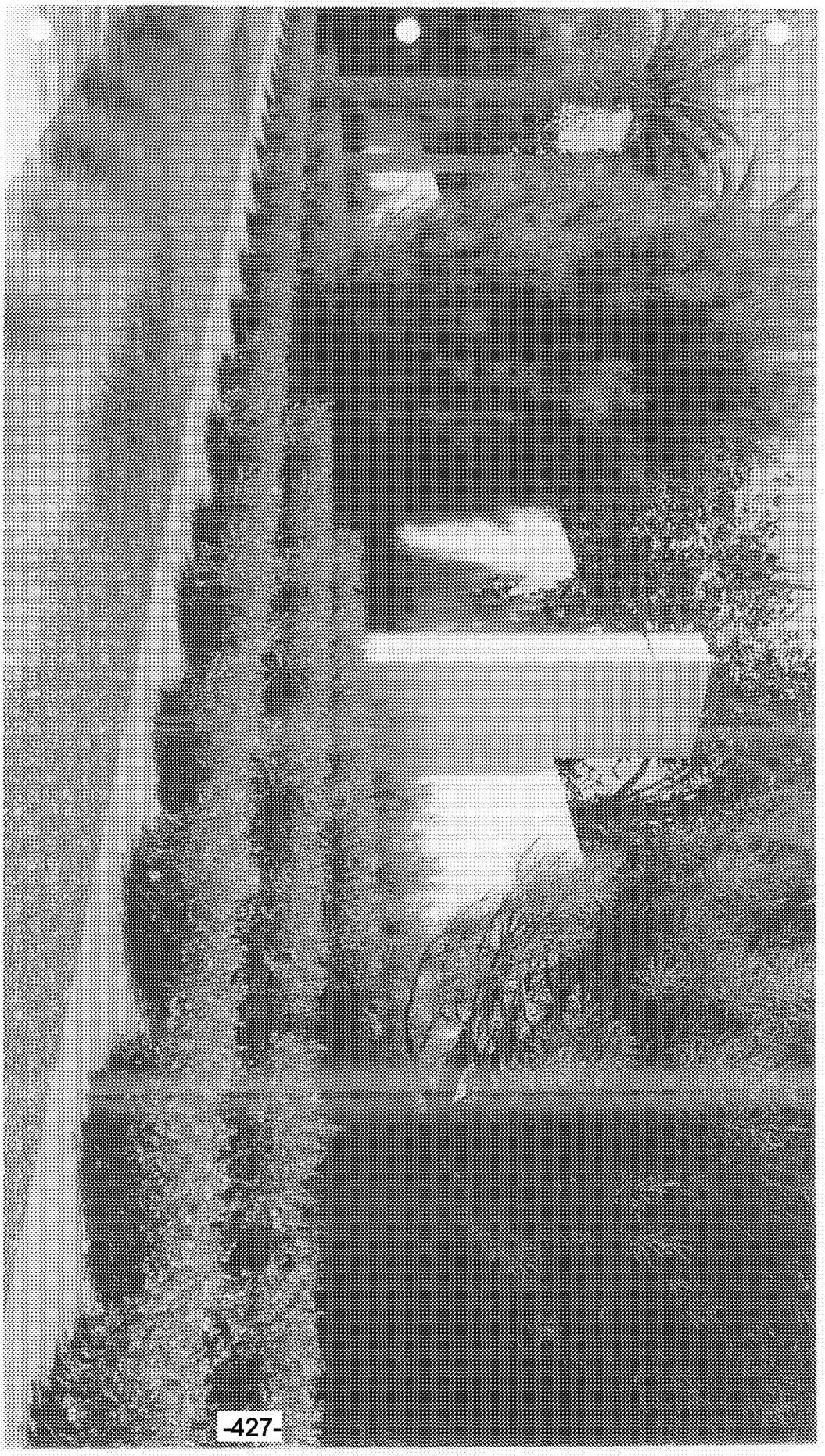

MV00017652

SR60 View Rendering

This rendering depicts the view as traveling east on SR60 between Redlands Blvd. and Theodore Street. Rendering shows the effective screening of the building and view opportunities at the palm trees.

MV00017653

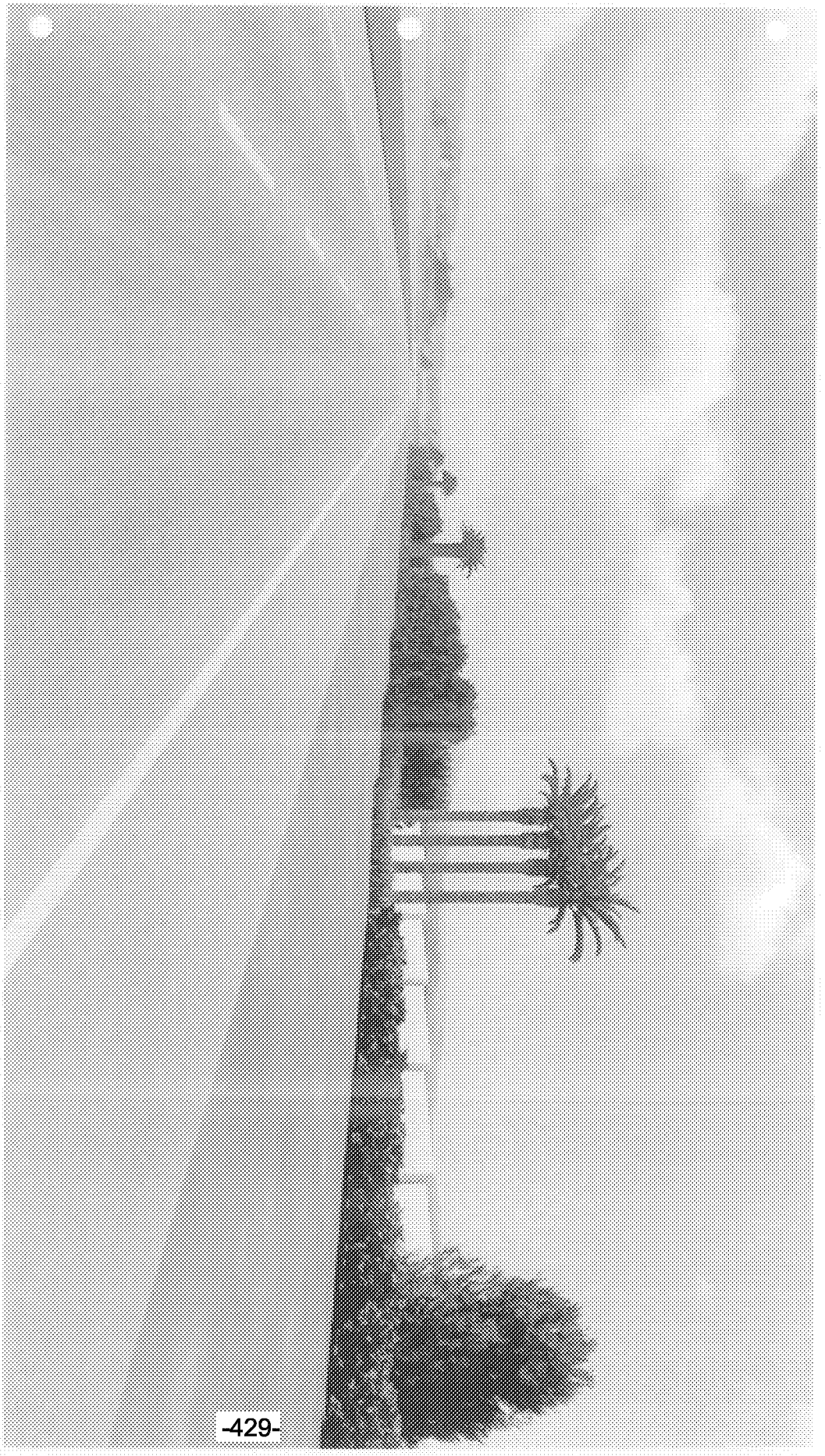

MV00017654

MV00017655

SR60 Slope
View Rendering (North Side)

This rendering depicts the slope between SR60 and the north side of the building and the loading docks. Note the landscaping and trees at the top of slope providing screening and viewing opportunities from SR60.

MV00017656

MV00017657

North Dock Elevation
View Rendering

This rendering depicts the North Dock Elevation and shows the architectural enhancements made to the north side using staggered wall panels and louvers to provide relief and interest to the building.

MV00017658

Artist renderings enclosed please refer to architectural and landscape drawings.

MV00017660

Preliminary Landscape Plan (Colored)

Plan depicts the areas of landscaping to be installed with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

MV00017661

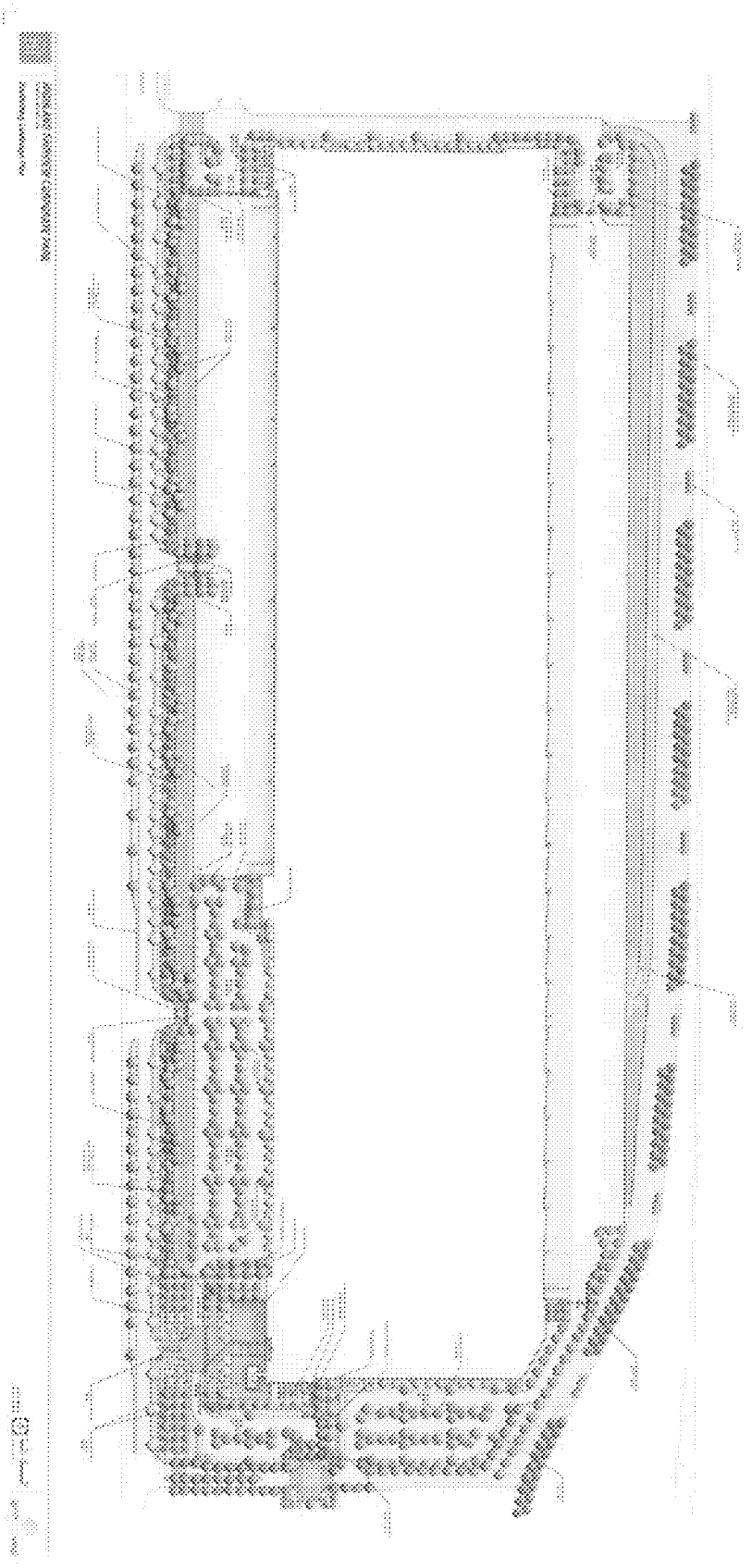

MV00017662

General Plan Land Use Overlay

This map depicts the Existing General Plan Land Use Overlay with the project site, showing the existing Business Park and Commercial corridor.

MV00017663

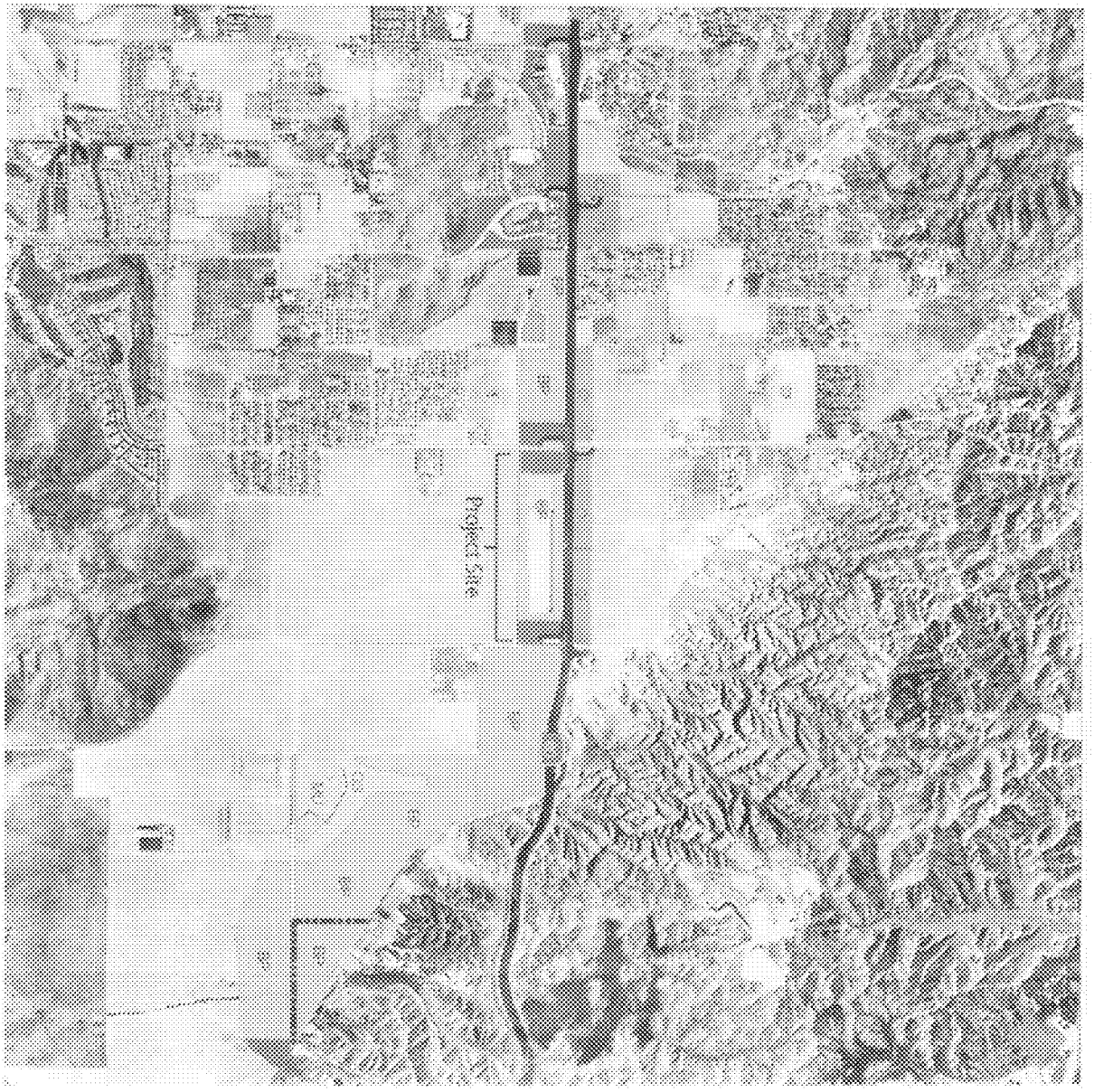

MV00017664

Circulation Plan – Aerial View

The two plans depict the Project Site and the proposed Circulation Corridor to and from SR60.

MV00017665

Intelligent Vehicle Circulation plan designed to minimize local traffic impact

MV00017666

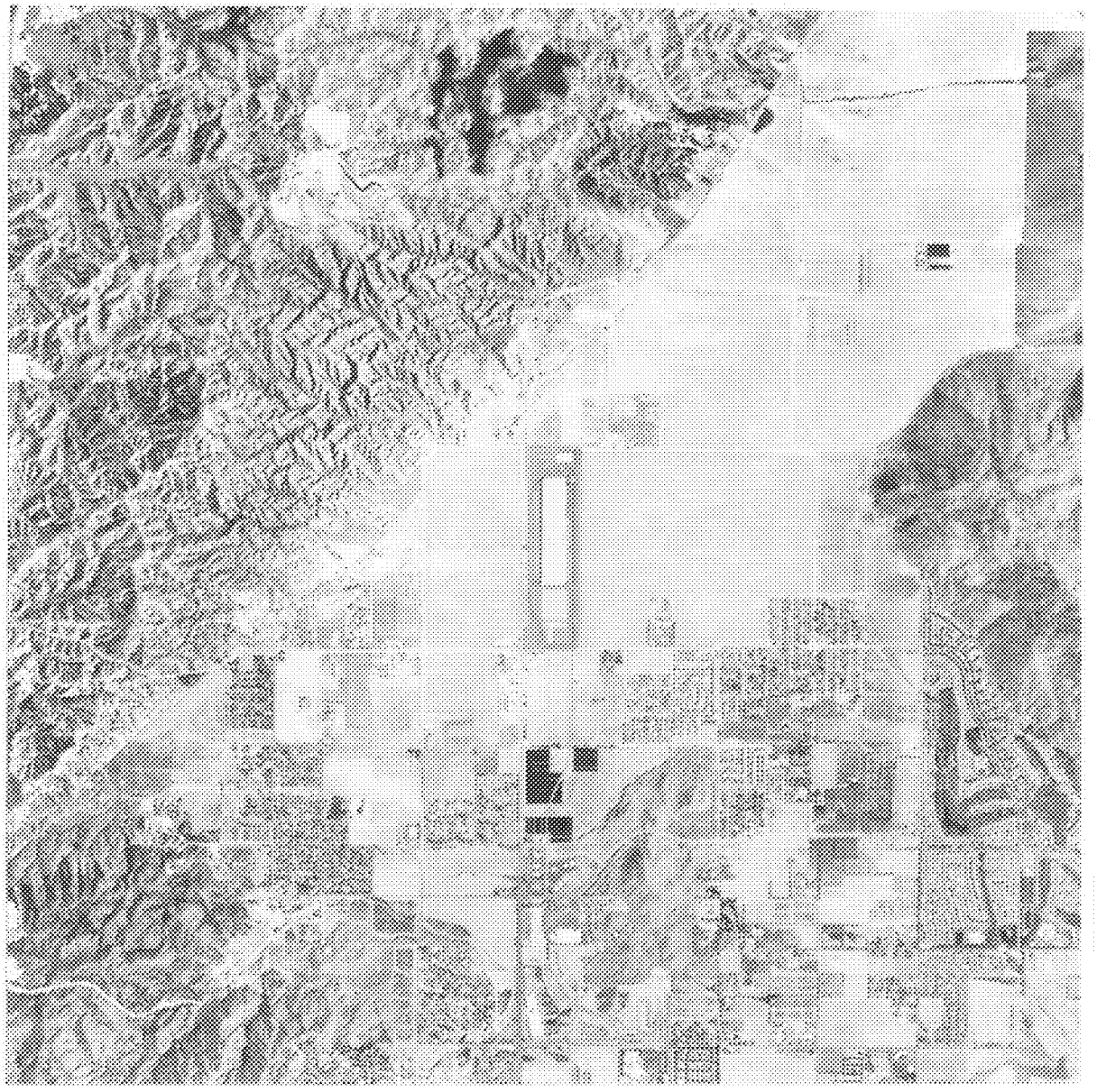

MV00017667

Landscaped Building Elevations (Colored)

Plan depicts the Building Elevations with proposed Landscaping for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

MV00017668

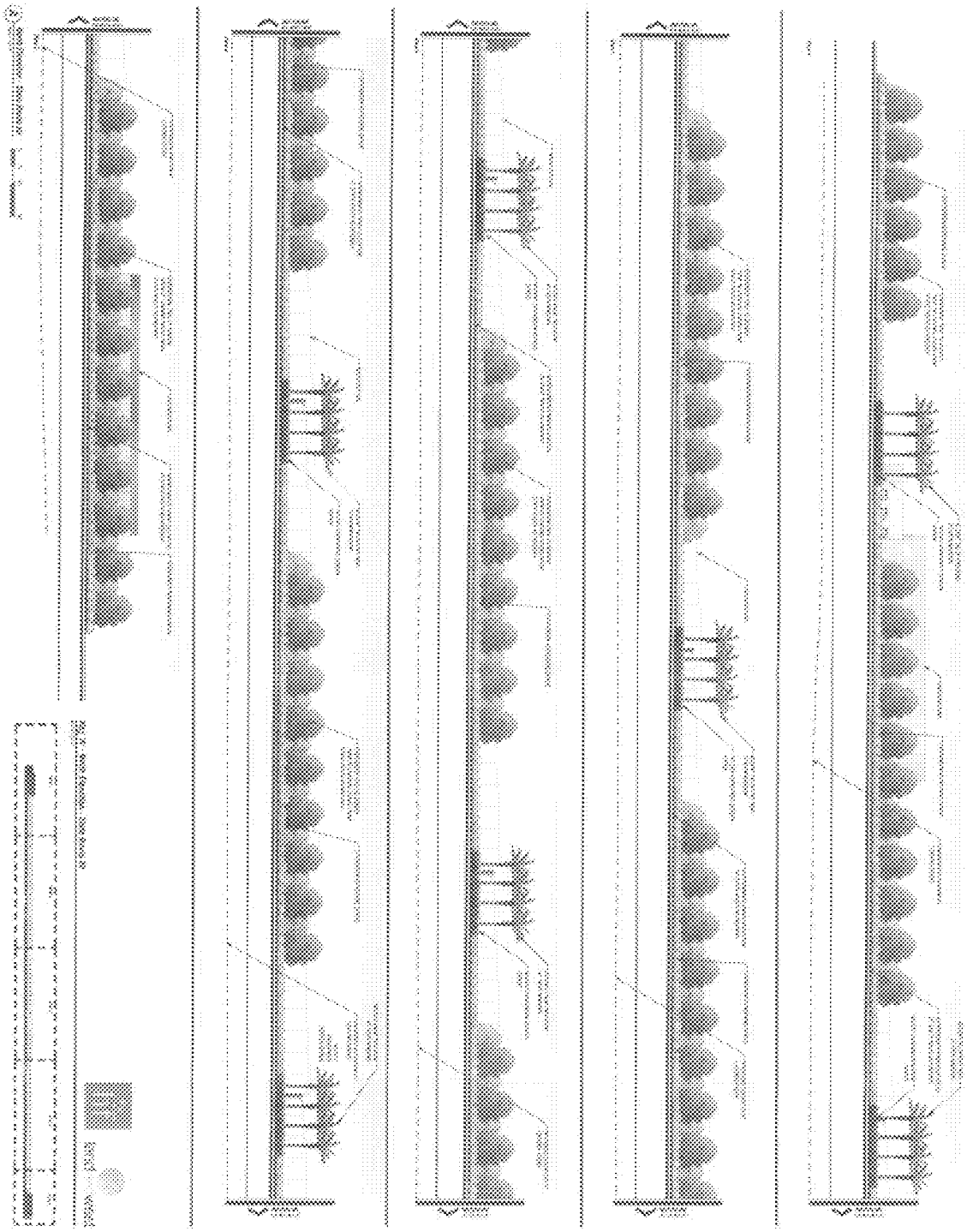

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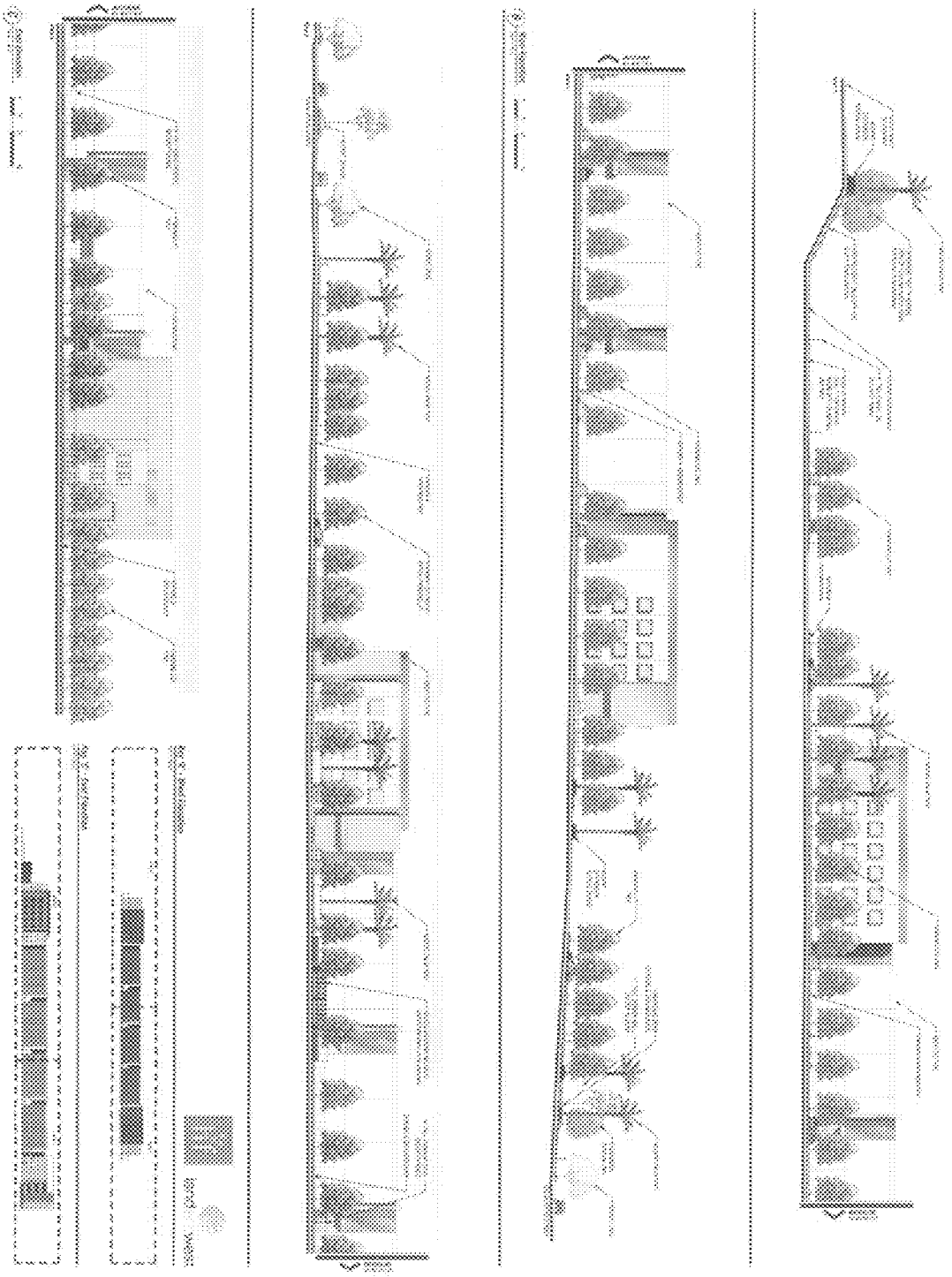

MV00017670

Site Sections (Colored)

Plan depicts site sections showing the developed conditions along Eucalyptus and SR60 with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

MV00017672

MV00017674

Architectural Building Elevations (Colored)

Plan depicts the Building Elevations for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

MV00017675

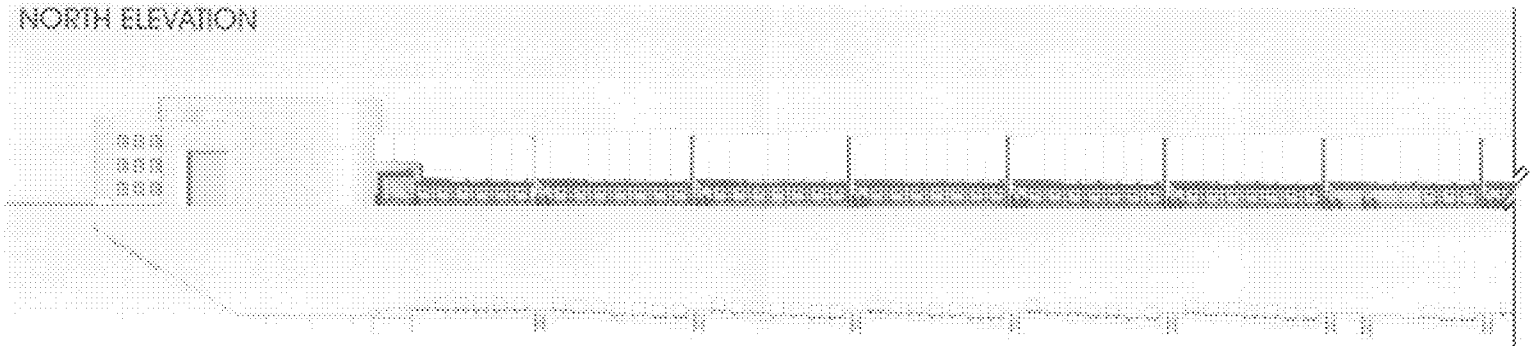

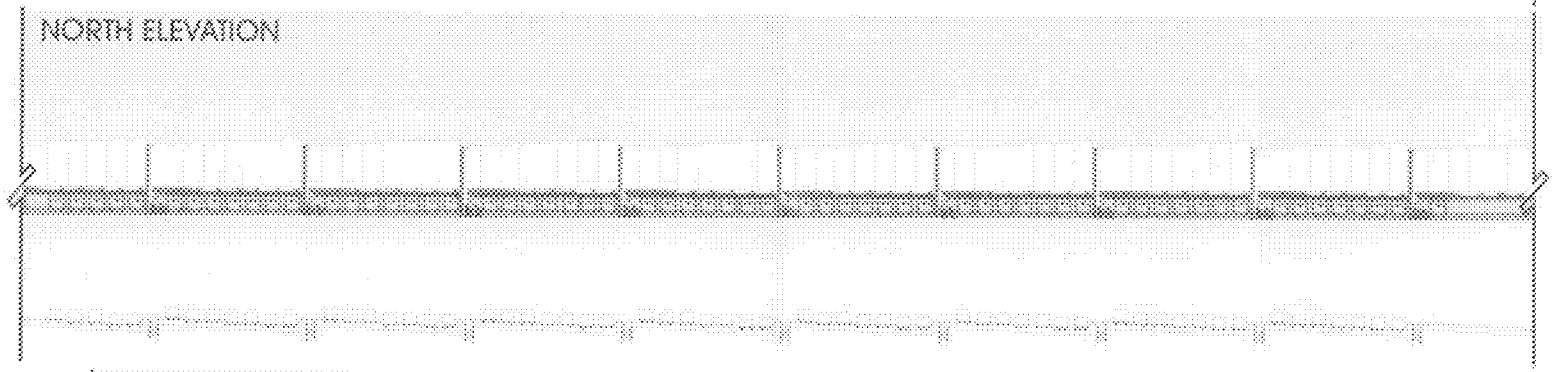

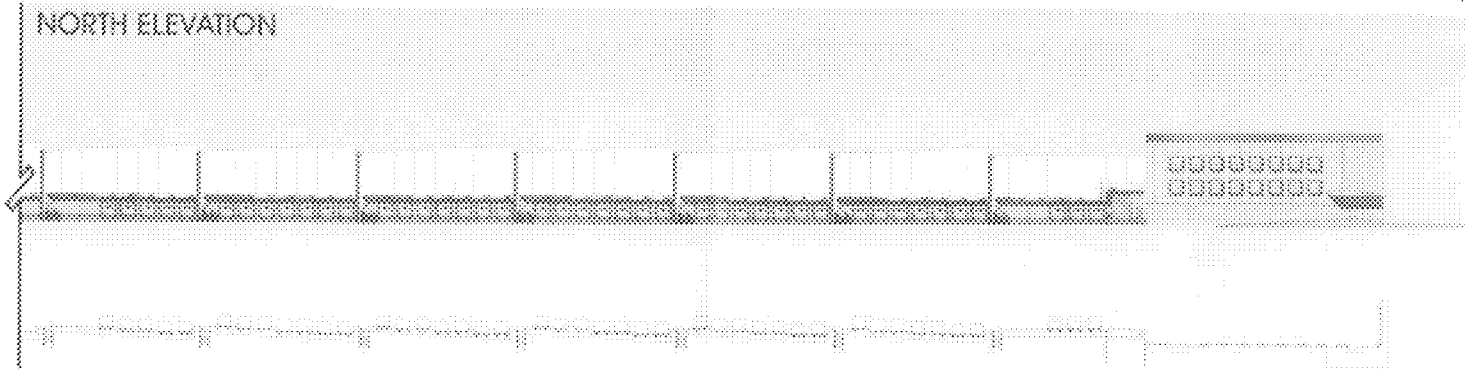

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00017676

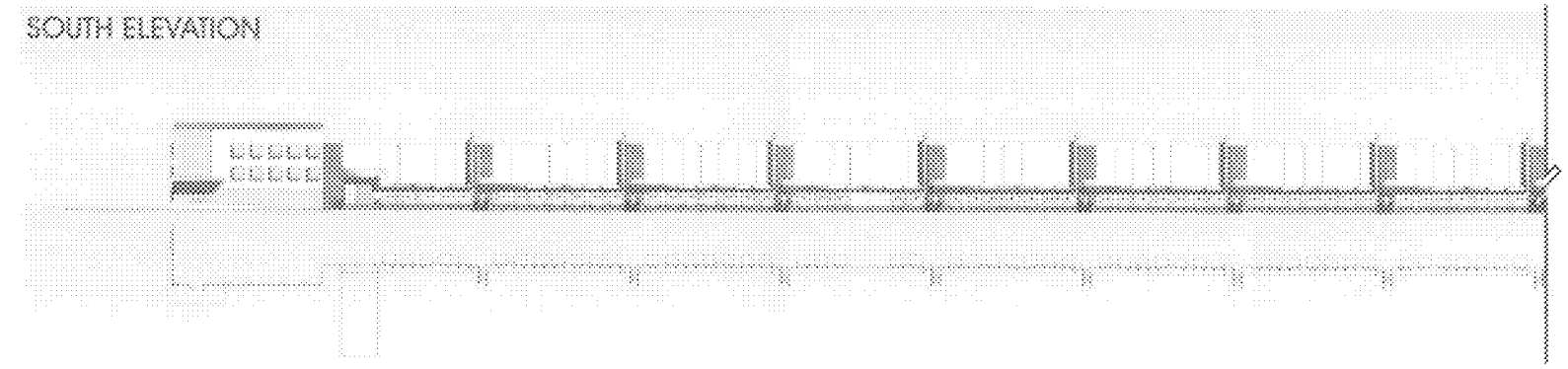

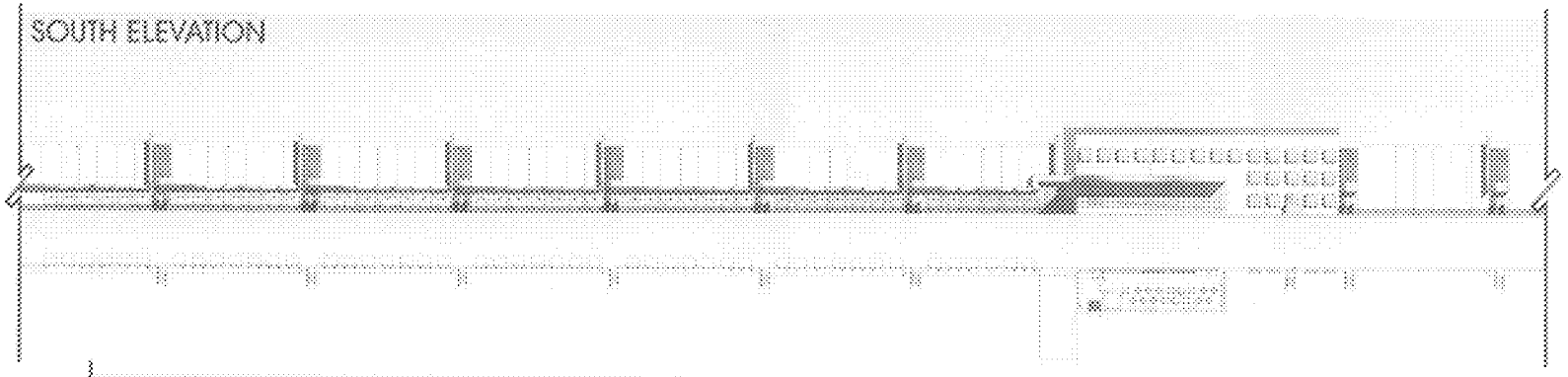

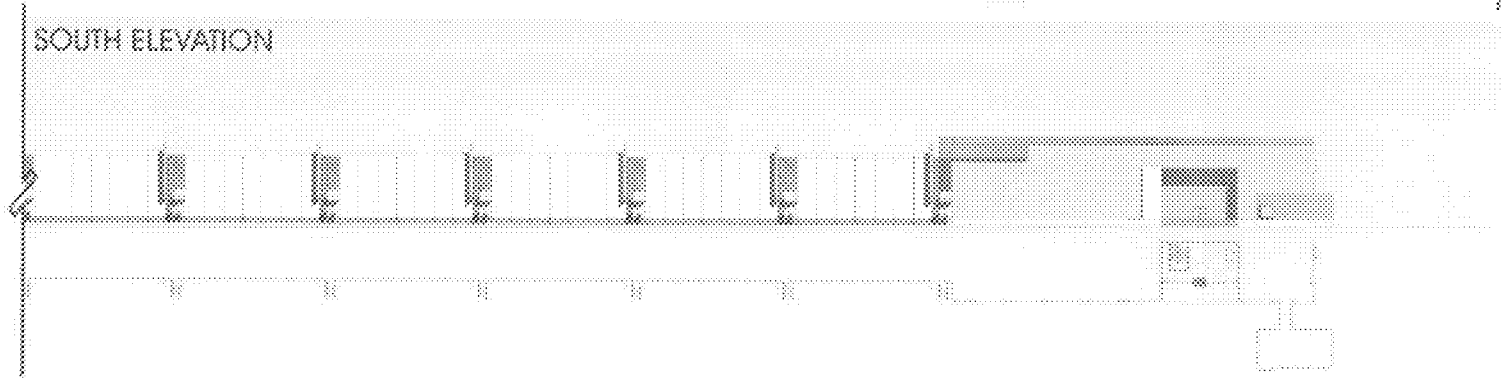

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00017677

HIGHLAND FAIRVIEW
PROMAZ MANAGEMENT CORPORATE PARK
EAST ELEVATION
EAST ELEVATION
WEST ELEVATION
WEST ELEVATION
HPA

Architectural Building Elevations (Colored)

(with Superimposed Landscaping)

Plan depicts the Building Elevations with trees superimposed for reference, for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

MV00017679

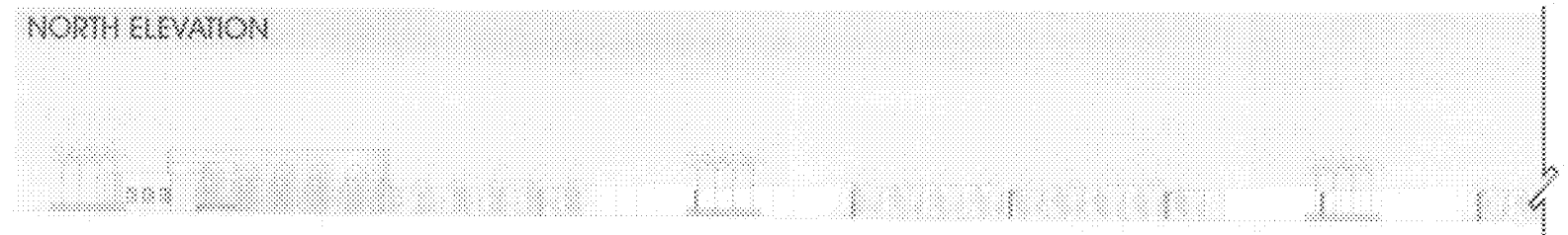

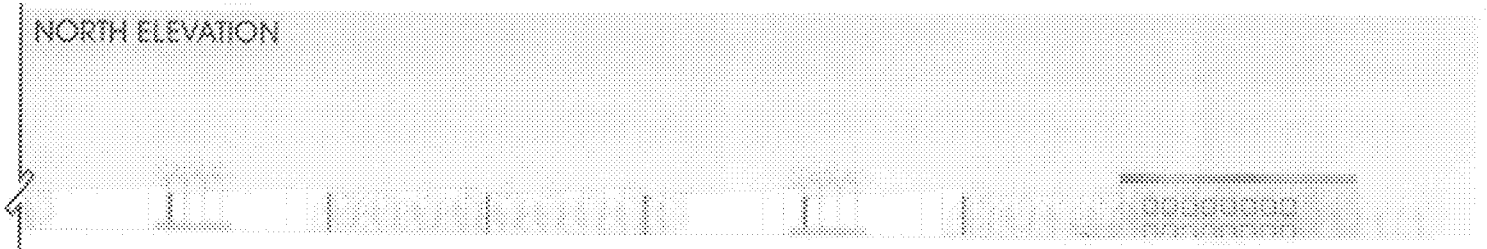

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

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MV00017680

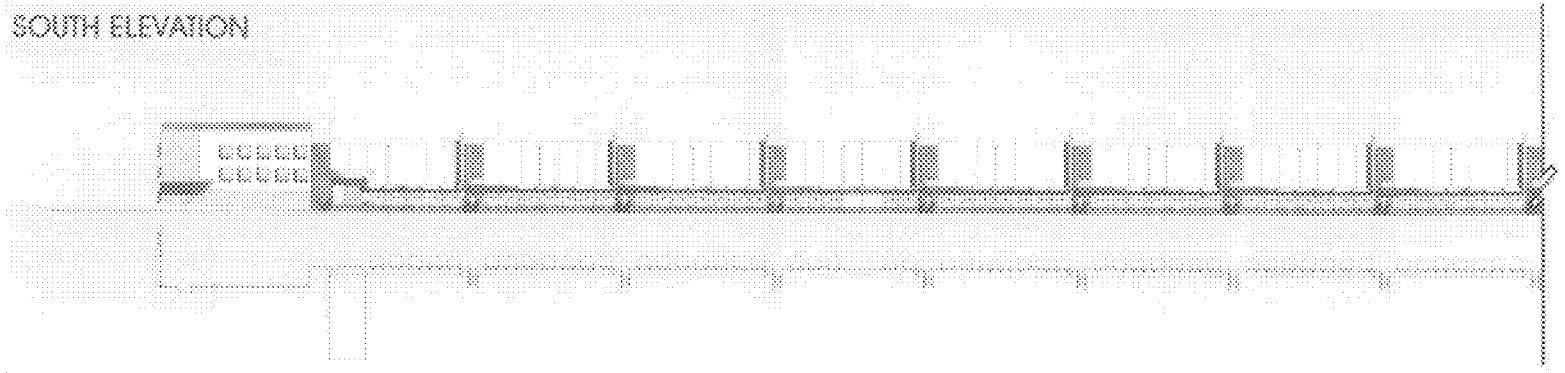

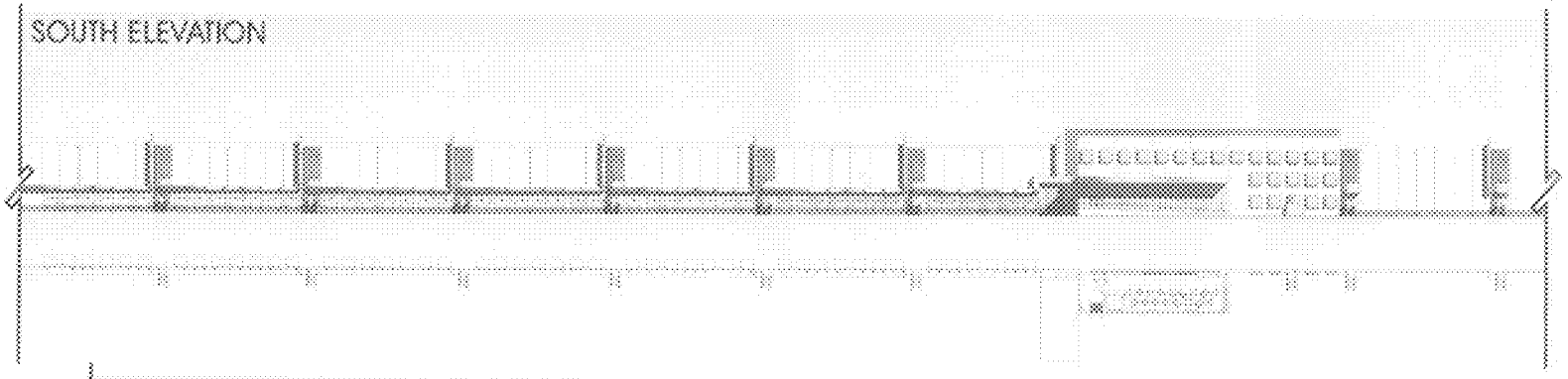

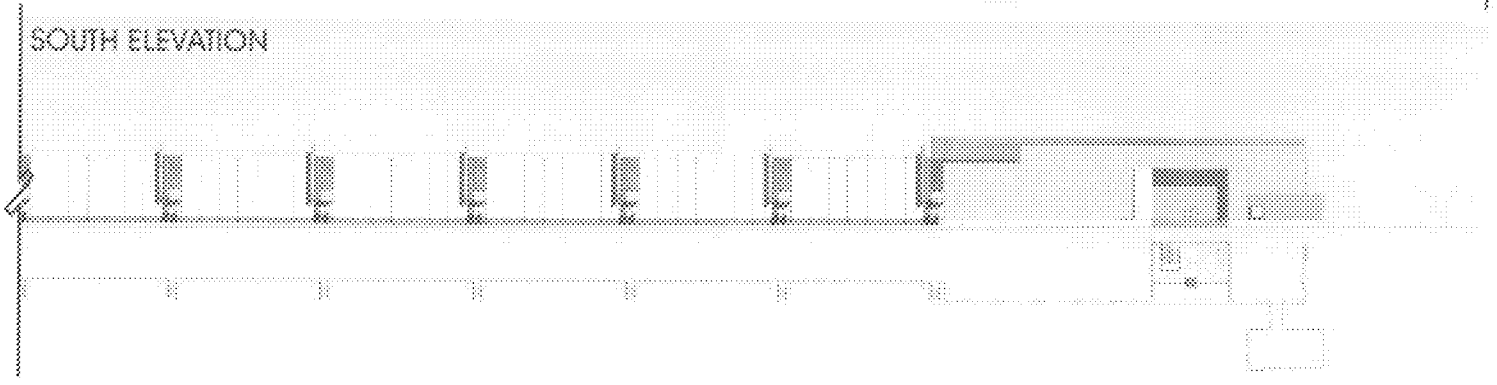

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00017681

SR60 Freeway Landscaping

The following views depict the existing landscape corridor along SR60 both east and west bound, between Day Street and Theodore Street. Included is an Ultimate Section for SR60 showing 30 ft. of additional right of way dedication to accommodate the future widening of SR60.

MV00017682

SR60 Freeway Landscaping
Photo Book - December 12, 2008

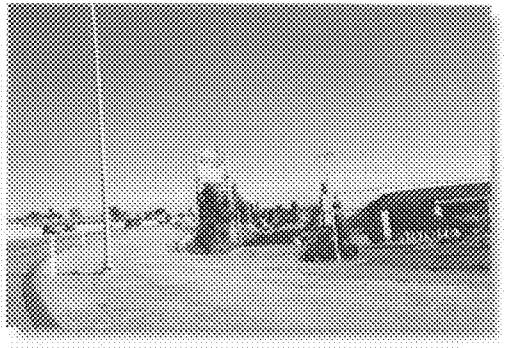

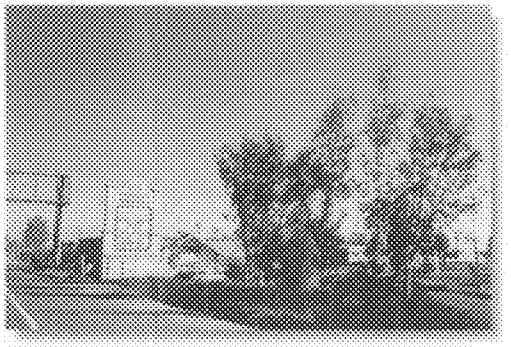

SR60 Eastbound from Day Street to Frederick Street

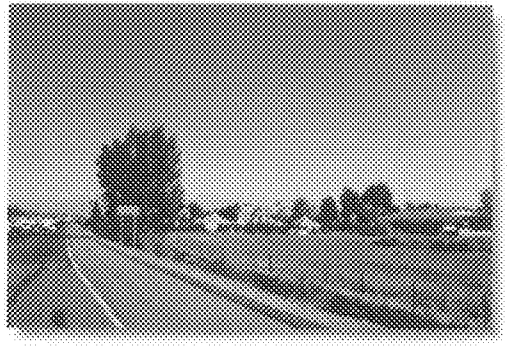

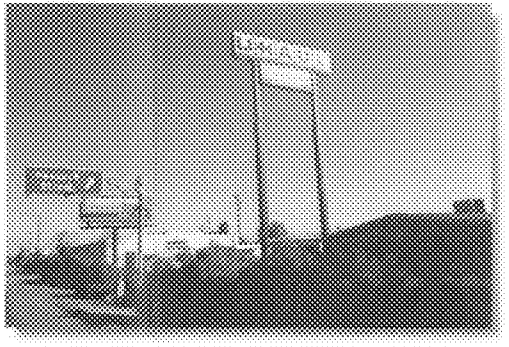

SR60 Eastbound from Frederick Street to Heacock Street

SR60 Freeway Landscaping
Photo Book · December 12, 2008

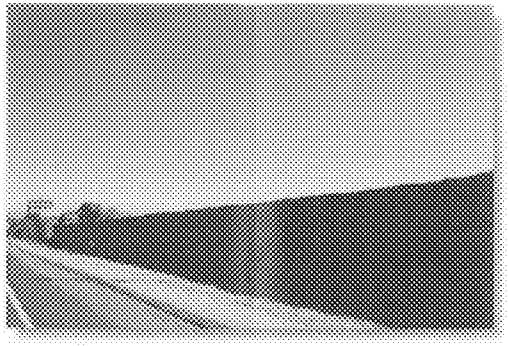

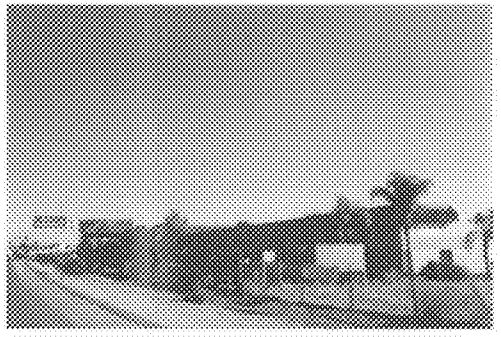

SR60 Eastbound from Hesperia Street to Perris Boulevard

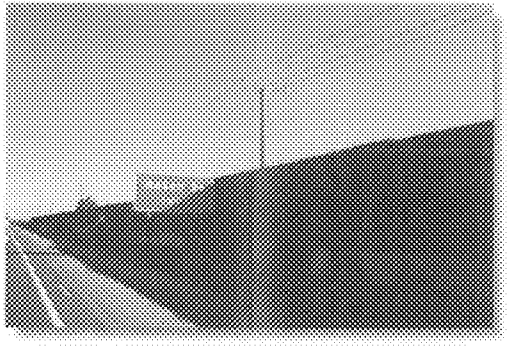

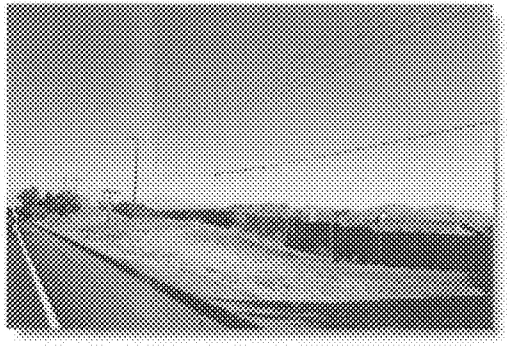

SR60 Eastbound from Perris Boulevard to Nason Street

SR60 Freeway Landscaping
Photo Book · December 12, 2008

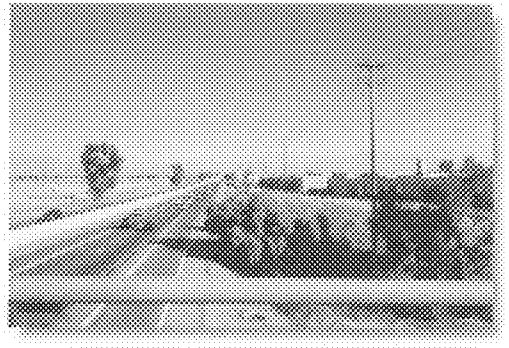

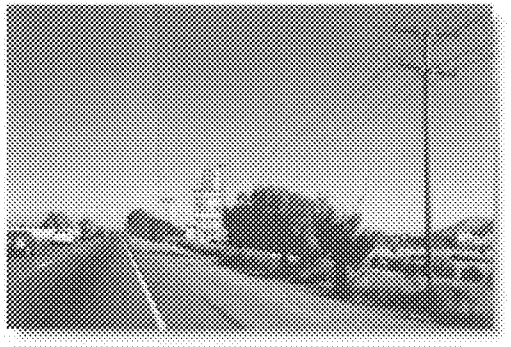

SR60 Eastbound from Nason Street Street to Moreno Beach Drive

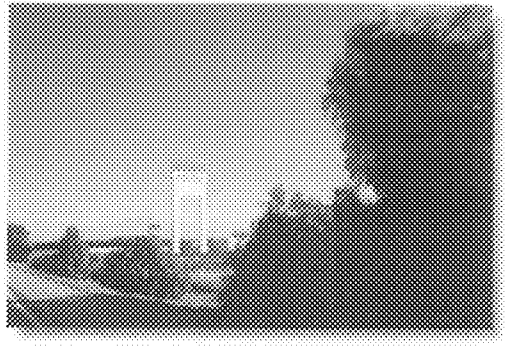
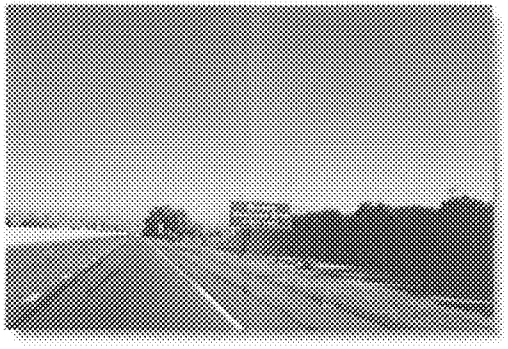

SR60 Eastbound from Moreno Beach Drive to Redlands Boulevard

MV00017685

SR60 Freeway Landscaping

Photo Book · December 12, 2008

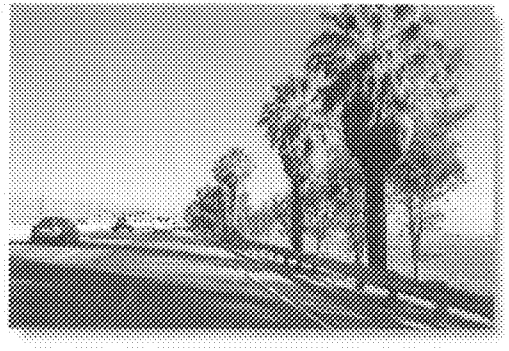

SR60 Eastbound from Redlands Boulevard to Theodore Street

MV00017686

SR60 Freeway Landscaping
Photo Book - December 12, 2008

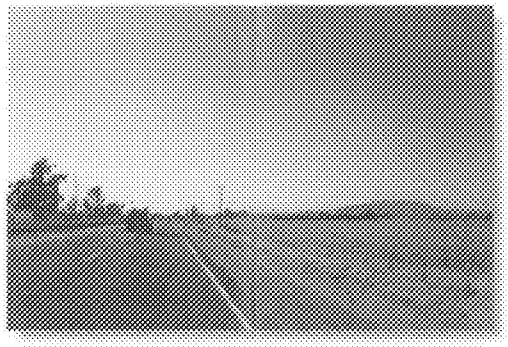
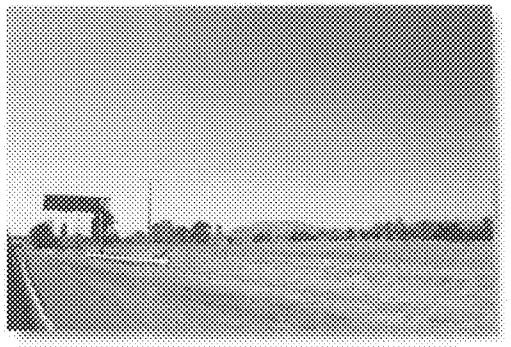

SR60 Westbound from Theodore Street to Redlands Boulevard

SR60 Westbound from Redlands Boulevard to Moreno Beach Drive

SR60 Freeway Landscaping
Photo Book - December 12, 2008

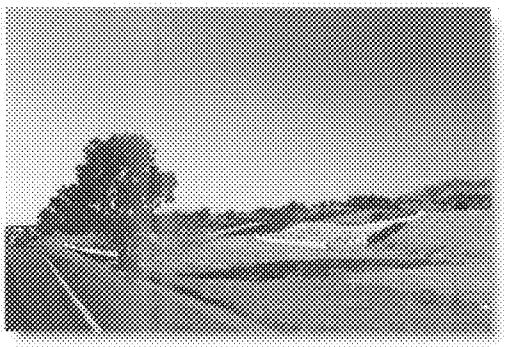

SR60 Westbound from Moreno Beach Drive to Nason Street

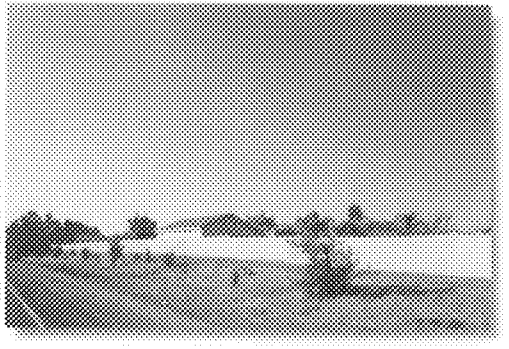

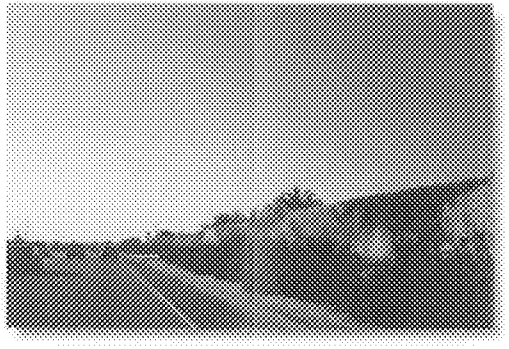

SR60 Westbound from Nason Street to Perris Boulevard

MV00017688

SR60 Freeway Landscaping
Photo Book - December 12, 2008

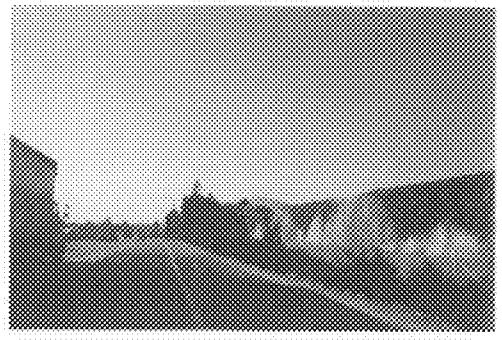

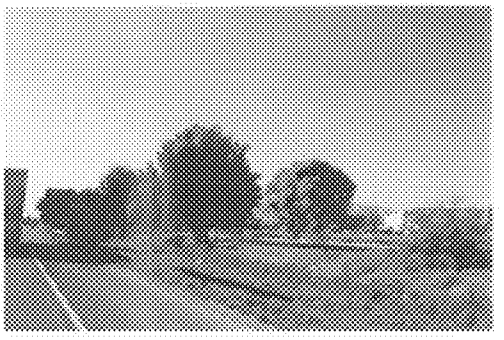

SR60 Westbound from Perris Boulevard to Heacock Street

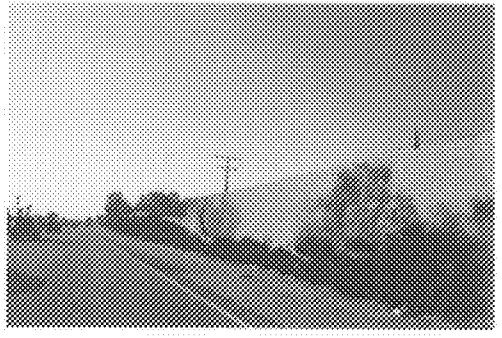

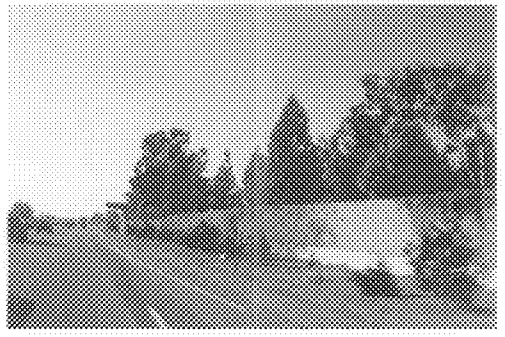

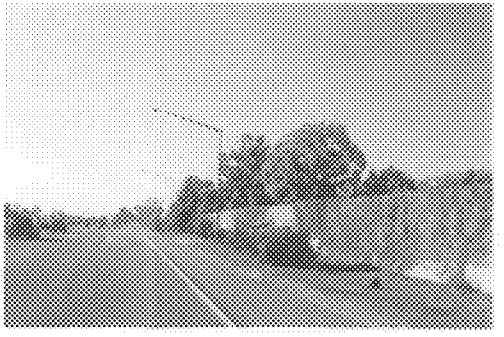

SR60 Westbound from Heacock Street to Frederick Street

SR60 Freeway Landscaping

Photo Book - December 12, 2008

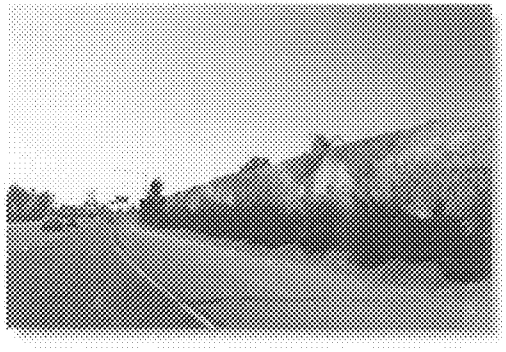

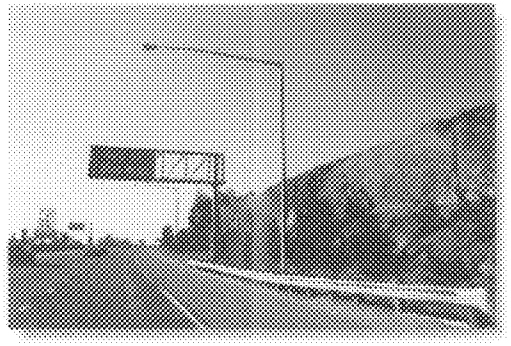

SR60 Westbound from Frederick Street to Day Street

MV00017690

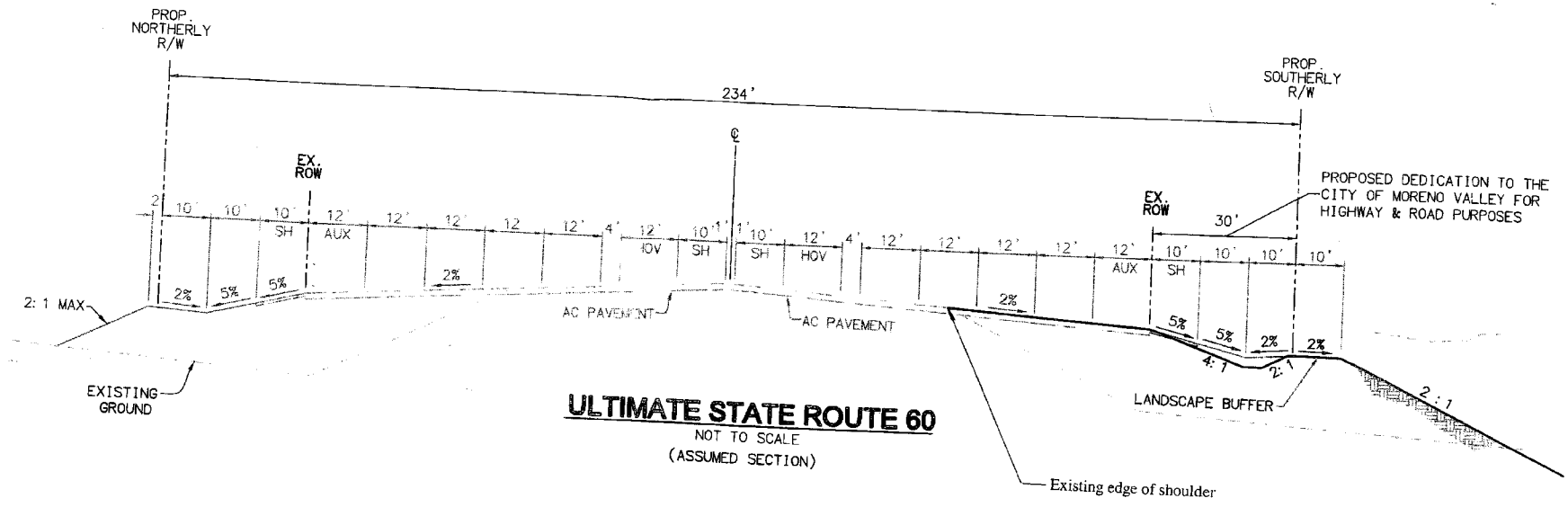

ULTIMATE STATE ROUTE 60

NOT TO SCALE

(ASSUMED SECTION)

MV00017691

Deed Restriction Exhibit

The Schematic Diagram depicts the Deed Restriction Area that will limit uses to mitigate for impacts to air quality along Eucalyptus Avenue.

MV00017692

REDLANDS BOULEVARD
STATE ROUTE 60
THEODORE STREET
SINCLAIR ST
440 FT MAX
FUTURE LOCAL TO 35 AVENUE (PRIVATE)
PARCEL 1
PARCEL 2
PARCEL 3
PARCEL 4
PARCEL 5
PARCEL 6
PARCEL 7
PARCEL 8
PARCEL 9
PARCEL 10
PARCEL 11
PARCEL 12
PARCEL 13
PARCEL 14
PARCEL 15
PARCEL 16
PARCEL 17
PARCEL 18
PARCEL 19
PARCEL 20
PARCEL

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

February 10, 2009

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor
Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member
Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
FEBRUARY 10, 2009

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION - Lacy K. Sykes, Jr., Crossroad Christian Church

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment

MV00017695

Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A CONSENT CALENDAR - CITY COUNCIL

A .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A .2 NOTICE OF COMPLETION AND ACCEPTANCE OF THE GRAHAM STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO HEMLOCK AVENUE PROJECT NO. 06-28068425 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained system.

A .3 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A .4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Office)

Recommendation:
Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of January 21 – February 3,

MV00017696

2009.

A .5 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE PROJECT NO. 05-12567524 (Report of: Public Works Department)

Recommendation:

1. Reject Mega Way Enterprises's low bid as non responsive;

2. Award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest responsible bidder and waive any and all minor irregularities in the bidder's proposal documents;

3. Authorize the City Manager to execute the Agreement with L.R. Johnson Construction;

4. Authorize the issuance of a Purchase Order to L. R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524); and

5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney.

A .6 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, extend the agreement

MV00017697

from August 31, 2009 to December 31, 2009, and increase the agreement amount by a "not to exceed" fee of $150,000.00;

2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper; and

3. Authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A .7 PA07-0139 – COMMERCIAL BUILDINGS - ACCEPT AGREEMENT AND CASH DEPOSIT FOR PUBLIC IMPROVEMENTS, EAST SIDE OF PERRIS BOULEVARD, SOUTH OF ALESSANDRO BOULEVARD, DEVELOPER - PERRIS ALESSANDRO LLC, LOS ANGELES, CA 90025 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement for Public Improvements and Cash Security for PA07-0139;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and

4. Authorize the City Engineer to execute any amendments to the agreement if the required public improvements are not completed within said timeframe.

A .8 FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS. (Report of the Economic Development Department)

Recommendation:

That the City Council adopt Resolution No. 2009-03 and the Board of

MV00017698

Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

Resolution No. 2009-03

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley of a First Amendment to Amended and Restated Affordable Housing Agreement by and Between the Agency and One Moreno Valley 240, L.P., A California Limited Partnership

A .9 DAY STREET SEWER IMPROVEMENTS – REQUEST TO EXTEND THE TIME FOR A FULL ROAD CLOSURE OF DAY STREET BETWEEN ALESSANDRO BOULEVARD AND BAY AVENUE FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS FROM FEBRUARY 24, 2009 – MARCH 16, 2009, CONTRACTOR: BONADIMAN-MCCAIN, INC., SAN BERNARDINO, CA 92408 (Report of: Public Works Development)

Recommendation:

1. Authorize an extension of time for a full road closure of Day Street between Alessandro Boulevard to Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009; and

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

A .10 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, extend the agreement from August 31, 2009 to December 31, 2009, and increase the

MV00017699

agreement amount by the "not to exceed" fee of $350,000.00;

2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A .11 AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH JAGDISH SHAH (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah; and

3. Authorize a Purchase Order to Jagdish Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties.

B CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B .2 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B .3 NAMING OF PARK ON FILAREE AVENUE BETWEEN SHEILA STREET AND PERRIS BOULEVARD (Report of: Parks and Community Services)

Recommendation:

MV00017700

Adopt the name as recommended and submitted at the neighborhood meeting for the new park located along the south side of Filaree Avenue between Sheila Street and Perris Boulevard as "Patriot Park."

C CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C .2 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C .3 FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS (Report of: Economic Development Department)

Recommendation:
That the City Council Adopt Resolution No. 2009-03 and the Board of Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

Resolution No. RDA 2009-01

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving a First Amendment to Amended and Restated Affordable Housing Agreement by and Between the Agency and One Moreno Valley 240, L.P., A California Limited Partnership

D CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D .2 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E PUBLIC HEARINGS

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

E .1 A PHASED TENTATIVE PARCEL MAP (PA07-0090 AND P08-057) TO SUBDIVIDE A 158 GROSS ACRE SITE (265.3 ACRES INCLUDING OFFSITE IMPROVEMENTS AND DRAINAGE) INTO FOUR BUILDABLE PARCELS AND TWO PARCELS DEDICATED FOR FUTURE FREEWAY IMPROVEMENT PURPOSES (THIRTEEN PARCELS TOTAL INCLUDING PUBLIC ACCESS AND DEDICATION), AND FIRST PHASE PLOT PLAN (PA07-0091) FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING ON APPROXIMATELY 83 ACRES (TOTAL OF 2,620,000 SQUARE FEET OF BUILDING FOR THE ALL PHASES OF DEVELOPMENT). THE PROJECT SITE CURRENTLY LIES WITHIN THE BP (BUSINESS PARK) AND CC (COMMUNITY COMMERCIAL) LAND USE DISTRICTS AND INCLUDES A REQUEST A CHANGE OF ZONE (PA07-0088) TO LI (LIGHT INDUSTRIAL) FOR ALL PROPOSED INDUSTRIAL USES AND A GENERAL PLAN AMENDMENT (PA07-0089) TO ELIMINATE A PLANNED MULTI-USE TRAIL OVER HIGHWAY 60, TO ADJUST AND EXTEND A PLANNED MULTI-USE TRAIL FROM THE SOUTH TO THE NORTH SIDE OF FUTURE EUCALYPTUS AVENUE FROM QUINCY STREET TO THEODORE STREET, TO RE-DESIGNATE FUTURE EUCALYPTUS AVENUE FROM REDLANDS BOULEVARD TO THEODORE STREET FROM AN ARTERIAL TO A DIVIDED ARTERIAL TO ALLOW THE ADDITION OF MEDIANS, AND TO ADJUST PARCEL LINES AND LAND USE FOR TWO PARCELS LOCATED IN THE CC LAND USE DISTRICT (NARROW WIDTH 126 FEET ON THE EASTERN PORTION OF THE SITE AND WIDEN 87 FEET ON THE WESTERN PORTION OF THE SITE). THE PROPOSED PROJECT IS LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. AN APPEAL HAS BEEN FILED BY THE PROJECT APPLICANT, HIGHLAND FAIRVIEW PROPERTIES, TO PROTECT

MV00017702

THEIR RIGHTS (Item Continued from February 3, 2009) (Report of: Community Development Department)

Recommendation:

1. The Planning Commission recommends that the City Council conduct a public hearing to: DENY PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

   If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

2. APPROVE Resolution No. 2009-08 to CERTIFY an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines.

   Resolution No. 2009-08

   A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-157), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the Highland Fairview Corporate Park Project, Generally Located Adjacent to and South Of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

3. INTRODUCE Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000

MV00017703

square feet, subject to the findings included in the attached resolution.

Ordinance No. 785

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the Official Zoning Atlas of Said City, to Include a Change of Zone (PA07-0088) From BP (Business Park) To LI (Light Industrial) for an Approximate 104.9 Acre Portion of the Site, Including a Change of Zone for a 87 Foot Area Between Parcels 2 and 3 from BP (Business Park) T0 CC (Community Commercial) and Change of Zone for 126 Feet of Land Between Parcels 1 and 4 from CC (Community Commercial) To LI (Light Industrial), All Encompassed Within an Approximately 158 Acre Site (Including Relevant Offsite Improvements and Drainage) Commercial Land Uses) on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

4. APPROVE Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions, and conditions of approval, attached as Exhibit A to two of the resolutions.

Resolution No. 2009-09

A Resolution of the City Council of the City of Moreno Valley, California, Approving A General Plan Amendment (PA07-0089) for the Elimination of a Portion of a General Plan Designated Multi-Use Trail, the Adjustment of a Planned Multi-Use Trail on Future Eucalyptus Avenue (Fir), the Upgrading from an Arterial to a Divided Arterial for Future Eucalyptus Avenue (Fir) and a Change in Land Use for a 87 Foot Area Between Parcel of Land Use for of 126 Feet of Land Between Parcels 1 and 4 From C (Commercial) To BP (Business Park), and a Plot Plan for an

MV00017704

Approximately 1,820,000 Square Foot Warehouse Industrial Building (Total of 2,620,000 Square Feet for All Phases of Development Consisting of Industrial and Commercial Land Uses) on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

5. Resolution No. 2009-10

A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of PA07-0090 (Tentative Parcel Map No. 35629) for Four Separate Buildable Parcels and Two Primary Parcels Dedicated for Freeway and Improvement Purposes (Thirteen Parcels Overall to Include Lettered Lots for Public Access and Dedication Purposes) and a Phased Subdivision of Land (P08-057) Consisting of a Proposed Industrial and Commercial Development (2,620,000 Square Feet) to Include Two Parcels for Industrial Warehouse Uses, Two Parcels for Commercial/Retail Uses and Two Parcels that will be Dedicated for Future Freeway Improvements on a 158 Acre Site (With Additional Off-Site Improvements and Drainage) Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

Resolution No. 2009-11

A Resolution of the City Council of the City of Moreno Valley, California Approving PA07-0091 (Plot Plan) for an Approximate 1,820,000 Square Foot Industrial Warehouse Building with Ancillary Commercial/Retail and Office Uses on an Approximately 83 Acre Parcel Generally Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

F ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPERATE ACTION

G REPORTS

G .1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Report by Mayor Stewart on March Joint Powers Commission (MJPA)

MV00017705

b. Report by Council Member Hastings on Western Riverside Council of Governments (WRCOG)

G .2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H LEGISLATIVE ACTIONS

H .1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H .2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H .3 ORDINANCES - URGENCY ORDINANCES - NONE

H .4 RESOLUTIONS-NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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

MV00017706

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases:

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

Number of Cases:

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a)

Property:	13956 Day Street
City Negotiator:	Chris A. Vogt
Under Negotiation:	Price and terms of payment
Owner:	Odufalu
Owners Negotiator:	N/A
APN	291-191-004

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Robert G. Gutierrez
Employee Organization: MVCEA

MV00017707

b) Agency Representative: Robert G. Gutierrez
Employee Organization: MVMA

c) Agency Representative: Robert G. Gutierrez
Employee Organization: Moreno Valley Confidential Management Employees

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

ADJOURNMENT

MV00017708

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: February 10, 2009

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF THE GRAHAM STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO HEMLOCK AVENUE
PROJECT NO. 06-28068425

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Accept the improvements into the City's maintained system.

BACKGROUND

On February 12, 2008, the City Council awarded the construction contract and authorized the issuance of a Purchase Order in the amount of $597,778 (the bid amount plus 15% contingency) to Trinity Construction for Graham Street Improvements.

On November 12, 2008, the City Council authorized the increase in the Purchase Order for Trinity Construction in the amount of $45,000 to cover the cost increase associated with Eastern Municipal Water District (EMWD) waterline work as described in Contract Change Orders No. 1, No. 2 and No. 3 as part of the Graham Street Improvements.

DISCUSSION

Trinity Construction has completed the improvements for Graham Street that included sidewalks, access ramps, curbs and gutters, driveways, new pavement, and ancillary work along Graham Street from Ironwood Avenue to Hemlock Avenue. The project also included the installation of a new 12" waterline for EMWD. EMWD has agreed to reimburse the City for all waterline costs per a reimbursement agreement authorized by the City Council on December 11, 2007. In addition, the Southern California Gas Company (Gas Company) has agreed to reimburse the City for improvement costs of $31,500 to construct a thicker asphalt pavement structural section to protect its existing gas line along Graham Street per a reimbursement agreement between the City and the Gas Company on October 29, 2007. Both EMWD and the Gas Company have deposited $299,171 with the City for their share of the improvements.

The original contract amount was for $519,807.00. Five change orders increased the contract amount by 19.62%. The Contractor completed the project on October 17, 2008, for a total construction cost of $621,770.25. The work was completed within the total authorized purchase order amount of $642,778.

ALTERNATIVES

1. Accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317, direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and accept the improvements into the City's maintained system. *This alternative will allow payment to the contractor and acceptance of the improvements into the City's maintained system.*

2. Do not accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not accept the improvements into the City's maintained system. *This alternative will result in*

delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.

FISCAL IMPACT

This project is included in the Fiscal Year 2008-2009 Capital Improvements Project Budget and is funded by a combination of SB-821 Sidewalk monies (Account No. 122.72226), CDBG Funding (Account No. 280.68425), and EMWD's and Gas Company's deposits (Account No. 414.80428).

TOTAL BUDGETED FUNDS:

Fiscal Year 2007/2008 (Account No. 122.72226)	$ 45,000.00
Fiscal Year 2005/2006 through 2008/2009 (Account No. 280.68425)	$836,725.00
Fiscal Year 2008/2009 (Account No. 414.80428)	$299,171.00
Total Project Budget	$1,180,896.00

FINAL DESIGN AND CONSTRUCTION RELATED COSTS:

Design	$152,000.00
Right of Way	$36,000.00
Construction	$621,770.00
Project Management*	$270,000.00
Total Project Costs	$1,079,770.00
Remaining Budget	$101,126.00

* Project Administration, which included inspection, survey, and geotechnical services, was provided by City and consultant staff.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.

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

SUMMARY

This project provides improvements to Graham Street with construction of new curbs, gutters, sidewalks, driveways, pavement and mailboxes from Hemlock Avenue to Ironwood Avenue. The City Council is requested to accept the work as complete for the Graham Street Improvements, direct the recordation of the Notice of Completion at the office of the County Recorder of Riverside County and accept the improvements into the City's maintained system.

ATTACHMENT

Attachment "A" – Project Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Concurred By:
Michelle Patterson
Acting Redevelopment Division Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/ Assistant City Engineer

Department Head Approval:
Barry Foster
Economic Development Director

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Quang - 06-28068425-Graham St. Imps. (CDBG)\CC Reports\NOC_Staff Rpt_2.10.09.doc

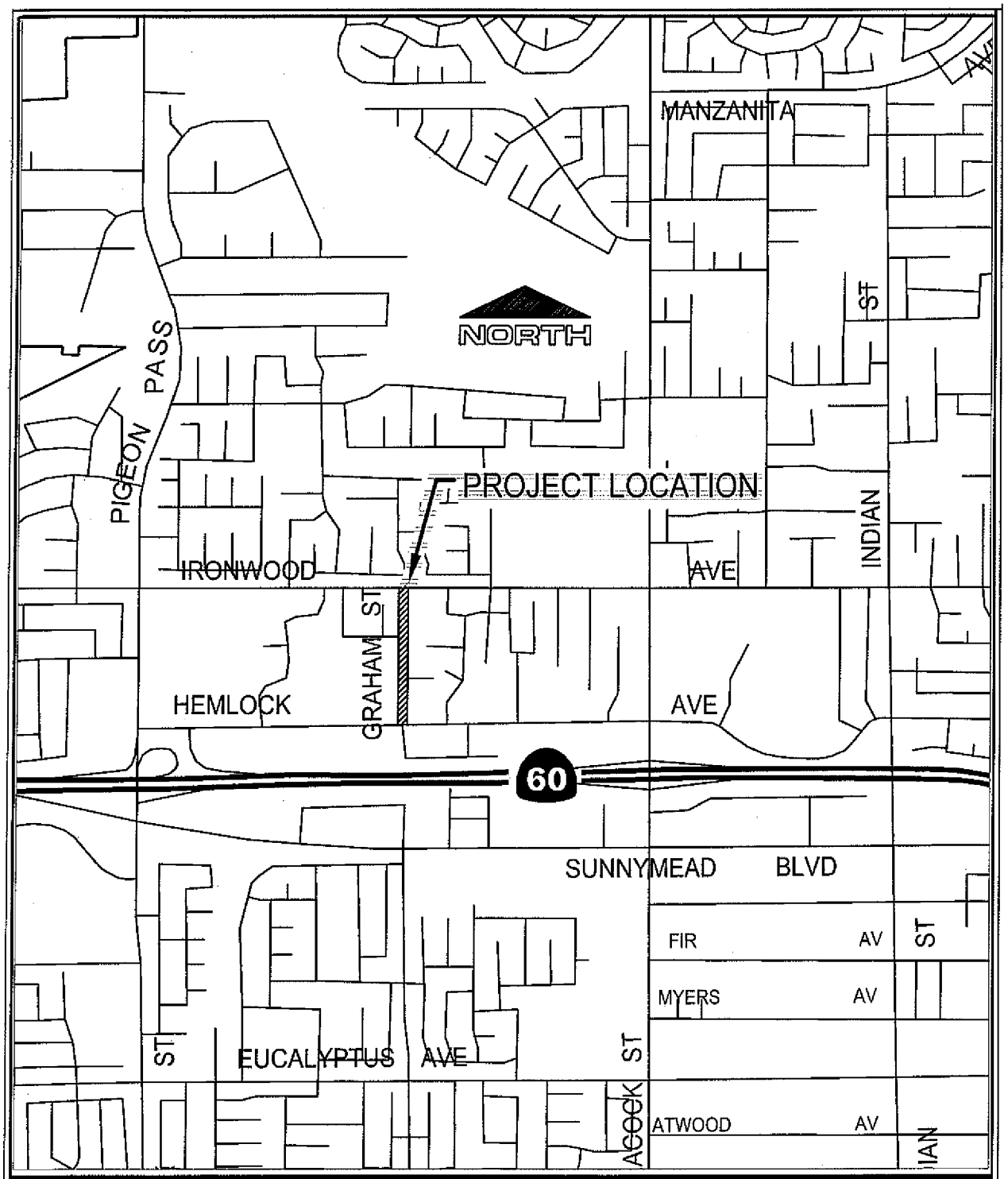

Public Works Department Capital Projects Division	LOCATION MAP
ATTACHMENT "A" Scale: None	GRAHAM ST IMPROVEMENTS (HEMLOCK AVE TO IRONWOOD AVE) PROJECT NO. 06-28068425

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 P.M.
JANUARY 27, 2009

REPORT OF ACTION FROM SPECIAL CLOSED SESSION HELD ON JANUARY 27, 2009 AT 6:00 P.M. BY CITY ATTORNEY

1 SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

a Case: *Community Asset Management/Country Squire Mobile Estates v. City of Moreno Valley*
Court: Riverside Superior Court
Case No: RIC 465600

City Attorney announced that the City Council determined not to appeal the decision of the court so long as final judgment is consistent with the oral ruling of the court. That judgment has not been signed by the court yet. It is anticipated that it would be.

CALL TO ORDER - The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Hastings

INVOCATION - Dennis J. Krueger, Shepherd of the Valley Lutheran Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
William H. Batey II	Council Member
Bonnie Flickinger	Mayor Pro Tem

MV00017715

Robin N. Hastings	Council Member
Jesse L. Molina	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Elam	Financial & Administrative Services Director
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
John Anderson	Police Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director
Becky Guillan	Library Services Division Manager
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder (Items A4 and A14).

A. CONSENT CALENDAR - CITY COUNCIL

A .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

A .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:
Approve as submitted.

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

MV00017716

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of January 7-20, 2009.

A .4 NOTICE OF COMPLETION AND ACCEPTANCE OF FIRE STATION NO. 58 PROJECT NO. 05-43472523 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Fire Station #58, which was constructed by Tovey/Shultz Construction Inc. (Tovey/Shultz), 18261 Collier Avenue, Unit A, Lake Elsinore, CA 92530;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the undisputed amount of retention to Tovey/Shultz thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained building system.

A .5 TRACT 34487 - APPROVE FINAL MAP SOUTHWEST CORNER OF BAY AVENUE AND FREDERICK STREET, DEVELOPER: BAY AVENUE APARTMENTS, LLC, 9820 INDIANA AVENUE, SUITE 17, RIVERSIDE, CA 92503 (Report of: Public Works)

Recommendation:

1. Approve Final Map 34487; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

MV00017717

A .6 NOTICE OF COMPLETION AND ACCEPTANCE OF INDIAN STREET AND CACTUS AVENUE INTERSECTION AND STORM DRAIN IMPROVEMENTS PROJECT NO. 03-12567123 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Indian Street and Cactus Avenue Intersection and Storm Drain Improvements, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to All American Asphalt thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A .7 FIRST AMENDMENT TO TRANSPORTATION UNIFORM MITIGATION FEE REIMBURSEMENT AGREEMENT FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Approve the First Amendment to Transportation Uniform Mitigation Fee Program Agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project;

2. Authorize the Public Works Director/City Engineer to execute the First Amendment to Transportation Uniform Mitigation Fee Program Agreement between WRCOG and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project; and

MV00017718

3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Transportation Uniform Mitigation Fee Program Agreement between WRCOG and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project.

A .8 TRACT MAP 31269-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING NOTTINGHAM AVENUE, SUFFOLK DOWNS WAY, SANTA ANITA AVENUE, LAUREL PARK WAY, LEXINGTON WAY, LOS ALAMITOS COURT, CANTERBURY DOWNS WAY, TRIPLE CROWN COURT, AND THE PORTION OF DRACAEA AVENUE, COTTONWOOD AVENUE, REDLANDS BOULEVARD, WILMOT STREET AND BAY MEADOWS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM AND AUTHORIZE AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) - DEVELOPER - RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION, IRVINE, CA. 92617 (Report of: Public Works Development)

Recommendation:

MV00017719

1. Adopt Resolution No. 2009-04 authorizing the acceptance of the portion of the public improvements for Tract Map 31269-1 as complete as indicated by the City Engineer and accepting Nottingham Avenue, Suffolk Downs Way, Santa Anita Avenue, Laurel Park Way, Lexington Way, Los Alamitos Court, Canterbury Downs Way, Triple Crown Court, and the portion of Dracaea Avenue, Cottonwood Avenue, Redlands Boulevard, Wilmot Street and Bay Meadows Avenue associated with the project into the City's maintained street system;

Resolution No. 2009-04

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31269-1, and Accepting Nottingham Avenue, Suffolk Downs Way, Santa Anita Avenue, Laurel Park Way, Lexington Way, Los Alamitos Court, Canterbury Downs Way, Triple Crown Court, and the Portion of Dracaea Avenue, Cottonwood Avenue, Redlands Boulevard, Wilmot Street and Bay Meadows Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the partial reduction to the Faithful Performance security, exonerate the portion of the Material and Labor security associated with the completed improvements in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance security in one year when all clearances are received;

3. Authorize the City Engineer to execute the reduction of the remaining Faithful Performance security upon completion and approval of the remaining work, release of the remaining Material and Labor security in 90 days if there are no stop notices or liens on file with the City Clerk, and the exoneration of the final 10% of the Faithful Performance security in one year when all clearances are received;

4. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract Map 31269-1; and

MV00017720

5. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

A .9 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR REALIGNMENT OF RECHE VISTA DRIVE FROM THE INTERSECTION OF PERRIS BOULEVARD / HEACOCK STREET TO 200 FEET NORTH OF THE NORTH CITY LIMITS PROJECT NO. 01-12566722 (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with KOA Corporation (KOA), 3190 C Shelby Street, Ontario, CA 91764 for Phase II work which includes preparation of Plans, Specifications and Estimates (PS&E), and Right-of-Way Engineering;

2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with KOA;

3. Authorize a Change Order to increase the Purchase Order with KOA for $240,900 ($219,000 proposal amount plus 10% contingency amount of $21,900) for Phase II (PS&E and Right-of-Way Engineering) when the First Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account No. 416.78626);

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with KOA, up to but not to exceed the Purchase Order contingency amount authorized, subject to the approval of the City Attorney; and

5. Appropriate $111,000 from the unencumbered Measure "A" fund balance to Reche Vista Realignment, Account No. 125.66722 to provide sufficient funding for Phase II.

A .10 UPDATED STATE AND FEDERAL LEGISLATIVE ADVOCACY PRIORITIES FOR 2009 (Report of: City Manager's Office)

MV00017721

Recommendation:

Review and adopt the proposed State and Federal Legislative Advocacy Priorities for 2009.

A .12 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) EXPENDITURE PLAN FOR FY 2008-09 (Report of: Financial & Administrative Services Department)

Recommendation:

1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2008-09;

2. Approve a reduction of $61,854 to the SLESF Grant Fund FY 2008-09 revenue budget (account 130.1300.4611) to reflect the FY 2008-09 allocation of $293,165;

3. Approve a reduction of $200,809 to the SLESF Grant Fund FY 2008-09 expenditure budget (account 130.62890.6251.252) to reflect the FY 2008-09 planned expenditure of $293,165; and

4. Approve an increase of $57,554 to the General Fund Special Enforcement Team (SET) expenditure budget (account 010.62710.6251.252) to reflect the additional funding needed as a result of the decreased SLESF allocation.

A .13 RESOLUTION IN SUPPORT OF RIVERSIDE COUNTY DETENTION CENTER (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2009-06 in support of the Riverside County Detention Center near the community of Whitewater.

Resolution No. 2009-06

Resolution in Support of the Riverside County Detention Center near the Community of Whitewater

A .14 APPROVAL OF CHECK REGISTER FOR DECEMBER, 2008 (Report of: Financial & Administrative Services Department)

Recommendation:

MV00017722

That the City Council adopt Resolution No. 2009-07, approving the Check Register for the month of December, 2008 in the amount of $20,623,479.51.

Resolution No. 2009-07

A Resolution of the City Council of the City Of Moreno Valley, California, Approving the Check Register for the Month of December 2008

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

B .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

C .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

D .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:

MV00017723

Approve as submitted.

Joint Consent Calendar Items A1- D2 approved by a 5-0 vote, except Item A11 which was pulled for separate discussion/action. m/Batey, s/Hastings.

ADJOURNMENT OF CITY COUNCIL MEETING TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

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

CALL TO ORDER at 6:44 p.m.

ROLL CALL

Chairperson Stewart opened the agenda item for public comments; there being none, public comments were closed.

1. MINUTES – SPECIAL MEETING OF FEBRUARY 12, 2008 (Report of: City Clerk's Department)

2. MINUTES – SPECIAL MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk's Department)

   Recommendation: Approve as submitted.

   Approved by a 5-0 vote. m/Flickinger, s/Batey.

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

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

CALL TO ORDER at 6:46 p.m.

MV00017724

ROLL CALL

President Stewart opened the agenda item for public comments; there being none, public comments were closed.

There are no reports or issues before the Corporation to be addressed.

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

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

CALL TO ORDER at 6:47 p.m.

ROLL CALL

PUBLIC COMMENTS **ON MATTERS UNDER THE JURISDICTION OF THE AUTHORITY**

Chairperson Stewart opened the agenda item for public comments; there being none, public comments were closed.

There are no reports or issues before the Authority to be addressed.

ADJOURNMENT

RECONVENE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 AFFORDABLE HOUSING AGREEMENT WITH HABITAT FOR HUMANITY RIVERSIDE AND PUBLIC HEARING TO CONSIDER THE TRANSFER OF TITLE OF TWO LOTS (CONTINUED FROM NOVEMBER 25, 2008) (Report of: Economic Development Department)

Recommendation that the City Council
Continue the item until February 24, 2009.

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Approved by a 5-0 vote. m/Flickinger, s/Batey.

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

A .11 RESOLUTION AND ORDINANCE RELATING TO AMENDMENT TO CALPERS CONTRACT (Report of: Human Resources Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Recommendation:

1. Adopt Resolution No. 2009-05 noticing its intention to approve an amendment to contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Moreno Valley regarding the change in benefits of the proposed contract;

Resolution No. 2009-05

A Resolution noticing its intention to approve an amendment to contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Moreno Valley regarding the change in benefits of the proposed contract

Approved by a 5-0 vote. m/Flickinger, s/Batey.

MV00017726

2. Introduce Ordinance No. 784 authorizing an amendment to the City's CalPERS contract with the California Public Employees' Retirement System to include Section 20903, Two Years of Additional Service Credit.

Ordinance No. 784

An Ordinance of the City Council of the City of Moreno Valley, California, Authorizing an Amendment to the Contract Between the City Council of the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System;

Approved by a 5-0 vote. m/Flickinger, s/Batey.

3. Approve Form PERS-CON-12, Certification of Governing Body's Action;

4. Approve Form PERS-CON-12A, Certification of Compliance with Government Code Section 7507;

5. Approve the Certification of Compliance with Government Code Section 20903;

6. Authorize the Mayor to execute the amendment to the contract authorizing two years additional service credit all miscellaneous employees who retire between March 28, 2009 and June 26, 2009; and

7. Direct the City Clerk, upon adoption of said Resolution, to forward to CalPERS a certified copy of: Resolution of Intention, Certification of Governing Body's Action and Certification of Compliance with Gov. Code. Sec. 7507 and 20903.

Approved Recommendations No. 3, 4, 5, 6 and 7 by a 5-0 vote. m/Flickinger, s/Batey.

MV00017727

G. REPORTS

MV00017728

G .1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
(Informational Oral Presentation - not for Council action)

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

a. Report on March Joint Powers Commission (MJPA) by Mayor Stewart

Mayor Stewart reported that the specs building suitable for a variety of uses including office space, light manufacturing and warehousing was approved at the last meeting; reported on relocations of other buildings at March.

b. Report on Riverside Transit Agency by Mayor Pro Tem Flickinger

Mayor Pro Tem Flickinger reported the following:
1. Each RTA bus route is examined whether it meets specific eight criteria, including the number of passengers per hour and the number of passengers per mile. Route No. 17, which runs from the Moreno Valley mall through the central part of the City to Super Wal-Mart on Moreno Beach Drive, has consistently failed to meet standard requirements. RTA staff recommended to completely discontinuing this route. RTA is seeking public input before reducing a service level. Public meeting is scheduled for Thursday, February 12 at 6 p.m. in the Moreno Valley Council Chamber.
2. Students of the Moreno Valley Community College may any time ride any RTA bus in Western Riverside County free of charge by presenting college ID cards.

c. Report on Riverside County Transportation Commission (RCTC) by Council Member Molina

Council Member Molina reported on the following:
1. Feasibility study for a tunnel going from Orange County to Corona
2. Widening of Freeway 60

MV00017729

G .2 ANNUAL REPORT OF BOARDS AND COMMISSIONS (Informational Oral Presentation) (Report of: City Clerk's Department)

Brief oral reports were given by the representatives of each board and commission: Patricia Korzek (Arts Commission), Kris Streich (Library Commission), Stuart Swan (Parks and Recreation Commission), Rick De Jong (Planning Commission), Jackie LeSan (Recreational Trails Board), Richard Harry (Senior Citizens' Board), Gerald Budlong (Environmental and Historical Preservation Board) and Art Higgs (Traffic Safety Commission).

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

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

City Manager announced the following:

1) The next neighborhood cleanup is scheduled for February 7 in Council District 3, April 18 in District 4, and June 6 in District 5
2) On February 11, City Hall will host a representative from U.S. Senator Barbara Boxer's district office to provide residents with an opportunity to resolve any federal issues they may be experiencing. No appointments are necessary
3) The City plans to host six foreclosure prevention workshops in the coming months - one large kick-off event scheduled for February 28, 2009, and smaller, more focused workshops in each Council District
4) Since 2008, GIS online maps have provided service to more than 2,000 visitors monthly. GIS online maps provide interactive maps and databases that allow the public direct access to a wide variety of maps and parcel-based information and to print maps. Maps are available at www.moval.org

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION – NONE

ORDINANCES - URGENCY ORDINANCES – NONE

MV00017730

RESOLUTIONS – NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

Mike Rios
1) Highland Fairview

Ken Gilbert
1) Skate parks; BMX track

Deanna Reeder
1) Requested that the Council address rumors/propaganda

John Esquivel
1) Public comments for the planned warehouse project on the east side of Moreno Valley and the right of the residents of the east side to speak

Daryl Terrell
1) Proposal to provide jobs for residents

Susan Gilchrist
1) Diversity of employment

Ray Carbajal
1) Suggested starting Council meetings at a later time to make easier for residents to participate

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1) Announced that Eucalyptus Street went out for bid to have it repaired
2) Reading contest is getting ready to start
3) Requested to agendize the discussion of a policy regarding professional leagues using Moreno Valley facilities

Mayor Pro Tem Flickinger
1) Seconded Council Member Batey's request to agendize policy discussion
2) Expressed gratitude and appreciation to board and commission members who volunteer their time

MV00017731

3) Attended two ribbon cutting ceremonies for new businesses this month: Play N Trade facility at the Stoneridge center and Subway shop at Albertson's shopping center on Ironwood and Pigeon Pass
4) TAG, the arts group of Moreno Valley, has its gallery open at the Moreno Valley Mall Wednesday through Saturday from 1-5 p.m.
5) Last week, she and Mayor Stewart attended the deployment ceremony for the United States army - the 123 soldiers who are deploying to Iraq and their families had an opportunity to enjoy a meal together and to observe the presentation of awards to the soldiers for their outstanding contributions
6) Met with the residents of Filaree and Perris area, City staff and the Police Department to finalize plans to build a neighborhood park on the property that once housed crime-infested businesses
7) Regarding foreclosure workshops - help to avoid foreclosure will be available
8) Commented on misinformation on Internet blogs

Council Member Hastings

1) Last week, together with Council Member Molina, attended New Council Members and Mayors Institute in Sacramento – the Institute provided very beneficial information and opportunity to network with other cities; the City of Grand Terrace is asking SANBAG for their support in financing improvements of the I-215 from Freeway 10 to Freeway 60, where residents experience very heavy traffic; asked the City Manager to provide a letter of support to the City of Grand Terrace; the letter will be submitted to SANBAG along with the request for funding; the project would be very beneficial to the residents of Moreno Valley and the residents of surrounding cities
2) Joined Mayor Pro Tem Flickinger in commending anyone serving on City Council advisory boards and commissions; it is an excellent way for anyone who wants to be involved and have input; urged residents to apply for current vacancies and be part of advisory body to the City Council
3) Regarding online blogs – concurred with Mayor Pro Tem Flickinger that they contain misinformation and it's too difficult to respond to them because of the volume; asked to call her about any issue

Council Member Molina

1) Responded to Mr. Ken Gilbert's comments regarding parks; is looking into having a park in District 1
2) Requested to change the Council meetings starting time to 7 p.m. to accommodate residents who are commuting

Council Member Hastings seconded Council Member Molina's request to discuss this issue during a study session.

MV00017732

Mayor Stewart

1) Commented on online blogs – misinformation and a waste of time to read them
2) Clarified rules about public comments; speakers wishing to speak on public hearing item should speak during the council meeting at which the hearing is held
3) Responded to a speaker's recommendations: all Council Members are available to participate and are participating in economic development meetings with potential customers to fast-track a project
4) Diversifying employment is a very good idea
5) Boy Scouts picked the Moreno Valley Conference and Recreation Center as a place to hold an award dinner
6) Attended Riverside Mayor's State of the City Address - over 900 people attended
7) Commented on starting time of the Council meetings
8) Public comments are governed by rules; the presiding officer has a lot of discretion as long as the rules and the Brown Act allow; clarified rules regarding citizens' right to speak

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:29 p.m. by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____

Richard A. Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

MV00017733

Chairperson, Board of Library Trustees

enl

MV00017734

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: February 10, 2009

TITLE: City Council Reports on Reimbursable Activities

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of January 21 – February 3, 2009.

Reports on Reimbursable Activities January 21 – February 3, 2009		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger		None
Robin N. Hastings	1/21/09	League of California Cities – 2009 New Mayors and Council Members Academy
Jesse L. Molina	1/21/09	League of California Cities – 2009 New Mayors and Council Members Academy
	1/31/09	491st Military Police Company U.S. Army Deployment Ceremony
Richard A. Stewart	1/21/09	Student of the Month Luncheon
	1/24/09	Major General Robert E. Duignan Retirement Dinner

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

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE
PROJECT NO. 05-12567524

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Reject Mega Way Enterprises's low bid as non-responsive.

2. Award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest responsible bidder and waive any and all minor irregularities in the bidder's proposal documents.

3. Authorize the City Manager to execute the Agreement with L.R. Johnson Construction in the form attached hereto.

4. Authorize the issuance of a Purchase Order to L. R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524).

5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney.

BACKGROUND

On July 11, 2006, the City Council adopted a Negative Declaration as environmental determination and authorized an amendment to the agreement with Omnis, Inc. to complete the design for the project. Design and right-of-way acquisitions have been completed. Department of Water Resources Permit has been obtained. The project was advertised for construction bids on October 28, 2008.

DISCUSSION

The project will construct a 10-foot wide Class I concrete bike path along the Department of Water Resources (DWR) easement from Indian Street to 200 feet south of Fay Avenue for a length of approximately 1,500 feet. Trail heads at Indian Street, Filaree Avenue and Fay Avenue will be landscaped.

Formal bidding procedures were followed in conformance with the Public Contract Code. The City Clerk opened bids at 2:00 p.m., December 18, 2008. Twenty-seven (27) bids were received as follows:

Bidder	Bid Amount
1. Rialto Construction dba L. R. Johnson Construction – Rialto	**$290,288**
2. Hillcrest Contracting – Corona	$314,178
3. Belaire-West Landscape Inc. – Buena Park	$318,094
4. Tyner Paving Company – Los Angeles	$325,956
5. Diversified Landscape Mgmt. Inc. – Riverside	$351,383
6. Sol Construction, Inc. – Riverside	$393,298
7. C S Legacy Construction, Inc. – Chino	$399,218
8. Landmark Site Contractors – Perris	$412,000
9. Beador Construction Co.- Corona	$445,300
10. HAR Construction, Inc. – Chula Vista	$463,638
11. Grand Pacific Contractors, Inc. – Corona	$478,283
12. Rio Jordan Construction, Inc. – Pico Rivera	$498,863
13. Laird Construction Co. Inc. – Rancho Cucamonga	$498,948
14. Olivas Valdez Inc. – Covina	$538,027
15. S. Parker Engineering, Inc. – Costa Mesa	$602,852
16. NPG Corporation – Perris	$2,853,411
Non-responsive bids:	
17. Mega Way Enterprises – Pomona	$287,565
18. H&H General Contractors Inc. – Highland	$346,656
19. D + L Wheeler Enterprises – Yucaipa	$354,245
20. Milcon Services, Inc. – Temecula	$363,025
21. Roquet Paving Inc. – Colton	$374,495
22. IAC Engineering Inc. – Upland	$404,049
23. General Consolidated Constructors, Inc. – Corona	$406,754
24. R. J. Bullard Construction, Inc. – Bonsall	$407,068
25. EBS Inc. dba Elite Bobcat Service – Corona	$433,728

26. A. B. Hashmi, Inc. – Oceanside $449,934
27. Sunrise Landscape Co. Inc. – Santa Fe Springs..... $528,323
Engineer's Estimate $536,837

All bids received were reviewed for completeness and conformance with bidding instructions. Of the twenty-seven (27) bids received, eleven (11) bids were found to be non-responsive primarily due to missing notarized acknowledgements for required signatures in the bid proposal documents. These eleven non-responsive bids are identified as Bidder No. 17 through 27 in the list above.

Mega Way Enterprises's Bid was considered non responsive as it contained multiple irregularities. Mega Way submitted a bid in the amount of $299,394.50 but after making corrections related to arithmetical errors, their bid total ended up being $287,565 approximately $11,830 lower than the submitted bid. Furthermore, their bid proposal reflected bid price revisions that were made inconsistent to the requirements of the City specifications. Mega Way also did not include notary acknowledgement for the president's signature, and failed to complete several required pages in the bid proposal as specifically required per the bid document instructions.

Staff has reviewed the bid submitted by L.R. Johnson Construction and finds L.R. Johnson Construction to be the lowest responsible bidder in possession of a valid license and bid bond. No outstanding issues were identified through a review of the references submitted by L.R. Johnson Construction.

ALTERNATIVES

1. Reject Mega Way Enterprises's low bid as non-responsive, award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest responsible bidder and waive any and all minor irregularities in the bidder's proposal documents, authorize the City Manager to execute the Agreement with L.R. Johnson Construction in the form attached hereto, authorize the issuance of a Purchase Order to L.R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524), and authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney. *This alternative complies with City policy and procedures and allows much needed improvements.*

2. Do not reject Mega Way Enterprises's low bid as non-responsive, do not award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest

responsible bidder and do not waive any and all minor irregularities in the bidder's proposal documents, do not authorize the City Manager to execute the Agreement with L.R. Johnson Construction in the form attached hereto; do not authorize the issuance of a Purchase Order to L.R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524); and do not authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney. *This alternative results in non-compliance with City policy and procedure and thus will delay completion of needed improvements.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2008-2009 Capital Improvements Project Budget and will be financed by Measure "A" funds (Fund 125). **There is no impact to the General Fund.**

BUDGETED FUNDS (CONSTRUCTION PHASE):
Aqueduct Bikeway Improvements (Account No. 125.67524) $1,118,761

CONSTRUCTION-RELATED COSTS:
Construction Cost ($290,288 Base Bid plus 20% contingency) $348,000
Construction Survey ..... $ 26,000
Construction Geotechnical ..... $ 10,000
Construction Management and Inspection $60,000
Construction Design Support $12,000
City Administration and Miscellaneous Costs $20,000
Total Estimated Construction-related Costs $476,000

ANTICIPATED PROJECT SCHEDULE:
Notice to Proceed ..... February 2009
Anticipated Completion of Construction ..... October 2009

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

This construction project involves installation of a concrete bike path from Indian Street to Fay Avenue along the DWR easement. The City Council is requested to award a contract to Rialto Construction Inc. dba L. R. Johnson Construction Inc. for construction of the Aqueduct Bikeway Improvements project and authorize the issuance of a purchase order for $348,346.18 to Rialto Construction Inc. dba L. R. Johnson Construction Inc.

ATTACHMENTS

Attachment "A" - Location Map
Attachment "B" - Agreement with Rialto Construction Inc. dba L. R. Johnson Construction Inc.

Prepared By:
Viren Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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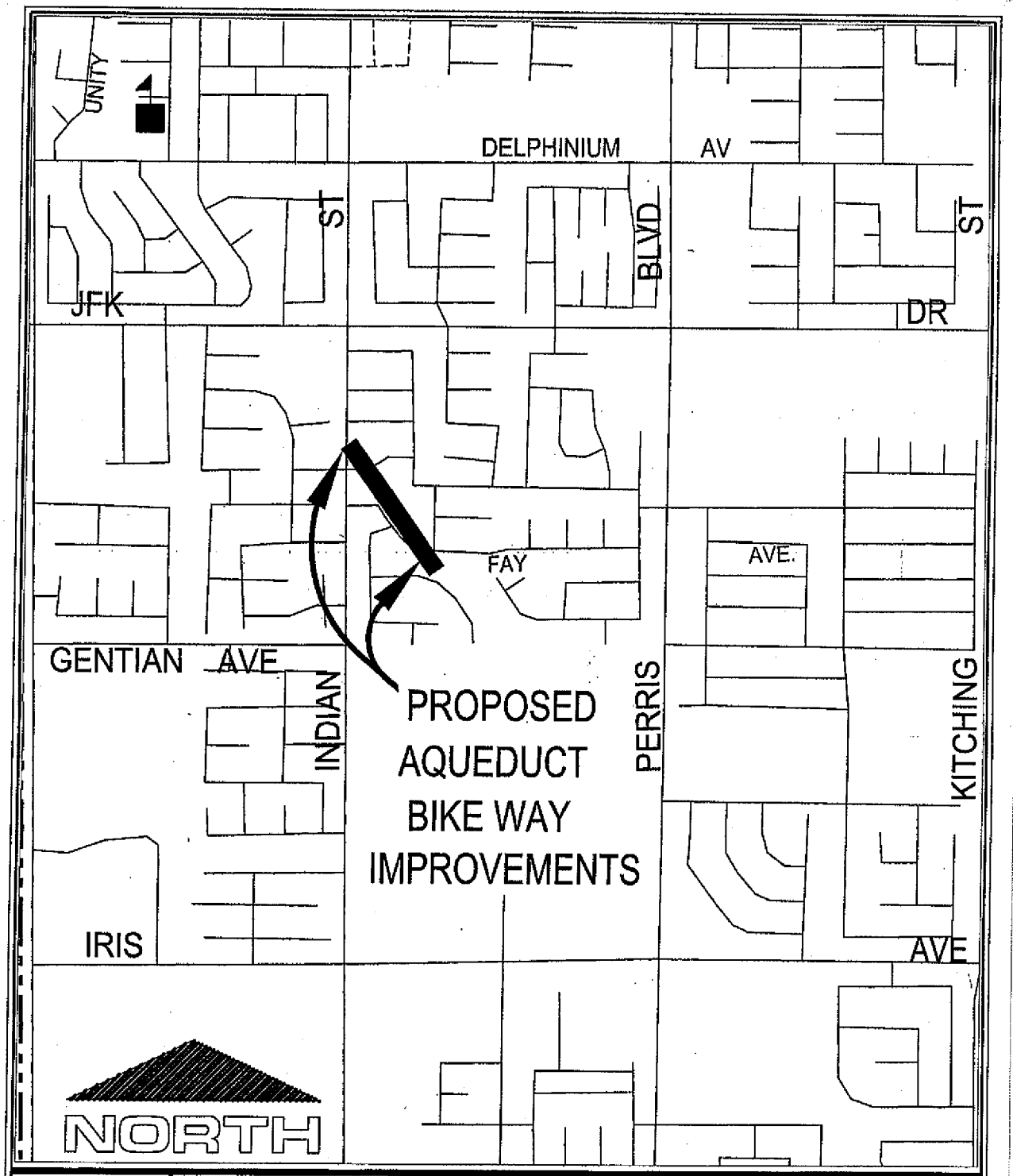

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public Works Department
Capital Projects Division

ATTACHMENT "A"

AQUEDUCT BIKE WAY
INDIAN STREET TO FAY AVENUE
PROJECT NUMBER 05- 12567524

Agreement No._____

AGREEMENT

PROJECT NO. 05-12567524

AQUEDUCT BIKEWAY IMPROVEMENTS
From Indian Street to Fay Avenue

THIS Contract Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Rialto Construction Inc. dba LR Johnson Construction Inc.** hereinafter called the "Contractor."

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

1. The complete Contract includes all of the Contract documents as if set forth in full herein, to wit, the Contract Agreement, any and all Contract Change Orders issued after the execution of the Contract Agreement, **Addenda Nos. 1 and 2, inclusive,** issued prior to the opening of the Bids, the Special Provisions (which includes the General Provisions and Technical Provisions), the Project Plans, the Standard Plans, the Standard Specification, reference Specifications, the Bidder's Proposal, the Notice Inviting Bids, the Non-Collusion Affidavit, the Faithful Performance Bond, the Labor and Materials Payment Bond and insurance, all of which are essential parts of this Contract and made a part of this Contract Agreement. In the event of any conflict in the provisions thereof, the terms of said Contract documents as set forth above shall control, each over the other, in the order provided.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Contract documents for this project, the Contract documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Bid Item(s) in the sum total amount of **$290,288.48,** subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Contract Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Contract documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to commence work pursuant to this Contract within fourteen (14) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion, within **ninety (90) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

Attachment "B"

5. The City and Contractor hereby agree that in case all construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of $750.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Contract Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), and the State of California, and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City and the State of California in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), and the State of California, its officers, employees, agents and servants, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and the State of California its officers, employees, agents and servants; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Contract Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Contract fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at

his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Contract Agreement in a form which is substantially similar to the Contract Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), and the State of California, its officers, agents, employees, and servants harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Contract Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, CSD, and the State of California its officers, agents, servants or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Contract Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Contract Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Contract.

16. The effective date of this Contract Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 05-12567524

CITY OF MORENO VALLEY,
Municipal Corporation

BY: _____
City Manager

DATE: _____

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

RIALTO CONSTRUCTION INC. DBA
L R JOHNSON CONSTRUCTION INC.

License No./
Classification: _____

Expiration Date: _____

Federal I.D. No.: _____

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Contract Agreement on behalf of the Contractor must be acknowledged before a notary public.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

BOND NO._____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 05-12567524

AQUEDUCT BIKEWAY IMPROVEMENTS
From Indian Street to Fay Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Rialto Construction Inc. dba L R Johnson Construction Inc.**, as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, effective on the date signed by the City Manager, and identified as **Project No. 05-12567524**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Agreement is required to furnish a bond guaranteeing the faithful performance of said Contract Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 05-12567524

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20____.

BIDDER	**SURETY**
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

BOND NO._____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 05-12567524

AQUEDUCT BIKEWAY IMPROVEMENTS
From Indian Street Fay Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **Rialto Construction Inc. dba L R Johnson Construction Inc.,** Principal, hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, effective on the date signed by the City Manager and identified as **Project No. 05-12567524**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 05-12567524

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this _____ day of _____ 20_____.

BIDDER	**SURETY**
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

W:\CapProj\CapProj\PROJECTS\Viren-05-12567524 Aqueduct Bikeway (Indian to Fay)\Construction\Contractor\Agreement\Agreement - LR Johnson.doc

MV00017752

CITY OF MORENO VALLEY
Public Works
Capital Projects

MEMORANDUM

To: Mayor and City Council

From: Chris A. Vogt, Public Works Director / City Engineer

Date: February 10, 2009

Subject: Second Amendment to Agreement for Professional Consultant Services with Vali Cooper and Associates, Inc. AG

Following please find the revised "Amended Scope of Work" for Second Amendment to Agreement for Professional Consultant Services with Vali Cooper and Associates, Inc. and letter from Vali Cooper dated February 5, 2009 notifying the City of rate adjustments.

Please remove the document labeled "Exhibit 'A-1' – Amended Scope of Work" and replace it with the following two (2) pages.

This is necessary due to Vali Cooper and Associates, Inc. recent hourly rate reductions.

Thank you.

W:\CapProj\CapProj\hirestaffconsultant\Vali Cooper\New Agreement - Contract Admin - Mar 2008\2nd Amendment\Memo to CC revised rates 2-10-09.doc

February 10, 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

Vali Cooper and Associates, Inc. (Vali Cooper) staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services. The City may assign a variety of projects and tasks to the assigned Vali Cooper staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

Hourly rates effective March 1, 2009 through December 31, 2009 follow.

In addition to the scope of work defined in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) Perform temporary contract administration services to complete budgeted City capital improvement projects.

3) The total "Not-to-Exceed" fee for the aforementioned services is $399,000.00 ($99,000.00 for original Agreement, $150,000.00 for First Amendment to Agreement, and $150,000.00 for Second Amendment to Agreement).

VALI COOPER & ASSOCIATES INC.
CONSTRUCTION MANAGEMENT CONSULTANTS

February 5, 2009

Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer Public Works Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, Ca 92552-0805

Dear Mr. Kumar:

As we have recently discussed, the Vali Cooper & Associates, Inc. contract for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, dated October 26, 2007, for the Contract Administration Specialist positions will be out of budget within the next month. We are requesting an amendment to this contract in order that we may continue our services with the City of Moreno Valley.

In light of the current economic environment, Vali Cooper & Associates would like to help the City of Moreno Valley through these tough and uncertain times by proposing a reduction in the hourly rates associated with these positions. We propose reducing the hourly rate for Ms. Sharon Duensing from $73.00/hr to $70.00/hr and the hourly rate for Ms. Linda Smoot from $85.00/hr to $77.50/hr commencing with the new amendment. We will honor these rates for these individuals for the entire calendar year of 2009 and will revisit them with the City of Moreno Valley for the year 2010.

As specified in our letter of September 5, 2008, Ms. Smoot will continue working on a part time basis of 3.5 to 4 days a week, as previously agreed upon with the City.

Please do not hesitate to contact me if you have any questions.

Sincerely,

VALI COOPER & ASSOCIATES, INC.

Douglas S. Franco

Douglas S. Franco, PE
Vice President / Area Manager

Exhibit "A-1" - Amended Scope of Work
Page 2 of 2

3900 MARKET STREET, SUITE 250 • RIVERSIDE, CA 92501 • (951) 788-6028 • FAX: (951) 788-8025

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, extend the agreement from August 31, 2009 to December 31, 2009, and increase the agreement amount by a "not to exceed" fee of $150,000.00.

2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto.

3. Authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On May 1, 2008, the City Manager approved the "Agreement for Professional Consultant Services" in the amount of $99,000.00 for temporary professional consultant services for the Capital Projects Division. On July 22, 2008, the City Council approved the "First Amendment to Agreement for Professional Consultant Services" in the amount of $150,000.00.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY08/09, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to amend the agreement with Vali Cooper to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified contract administrative staff and the need for resources to complete budgeted City capital improvement projects.

Vali Cooper staff will be responsible for the contract administration of capital projects. The work will include developing contracts and contract amendments, ensuring contract requirements are met, processing change orders, managing purchase requisitions, reviewing progress payments, processing payments, closely tracking individual project expenditure reports, assisting with construction bid openings, bid analysis, scheduling of meetings, contacting utilities, vendors and contractors, and writing staff reports.

Over the past twelve months Vali Cooper staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, the Heacock Street and Pigeon Pass/Frederick Street Improvements, Emergency Operations Center, Fire Station No. 58, the Pan Am Boulevard Improvement project, the Moreno Valley Community Park Soccer Field, Annual Slurry Seal program, and the I-215/Cactus interchange project.

Over the next twelve months Vali Cooper staff will continue to work on projects such as the Lasselle Street Improvements, Traffic Signal/Street Improvements at Redlands Boulevard and State Route 60, Iris Street Widening, Proposition 1B Citywide Street Resurfacing Improvements, Public Safety Building Tenant Improvements, Emergency Operations Center construction, Day Street Roadway Improvements, and other tasks as assigned to facilitate the timely design and construction of budgeted capital improvement projects.

ALTERNATIVES

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto, and authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, do not authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto, and do not authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Agreement for Professional Consultant Services" with Vali Cooper will be fully expended shortly. This Second Amendment to the agreement will increase the Purchase Order by $150,000.00 to extend the temporary professional staffing services. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary engineering staff. The agreement does provide the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the FY 08/09 Lasselle Street Widening project budget (account number 501.82725) to encumber the increase to the Vali Cooper purchase order. As costs are incurred in this purchase order, the expenditures will be transferred to the capital projects for which they were performed.

The associated costs for the "Second Amendment to Agreement for Professional Consultant Services" will be funded through Measure A Transportation Fund (Fund 125), Traffic Congestion Relief Fund (Fund 225), Proposition 1B Transportation Fund (Fund 226), School Walkway Infill Fund (Fund 122), DIF Arterial Streets (Fund 416), DIF Traffic Signal (Fund 417), 2005 Lease Revenue Bonds (Fund 501), and RDA Tax Allocation Bonds (Fund 897). There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00.

ATTACHMENT

Attachment "A" - Second Amendment to Agreement for Professional Consultant Services

Prepared By:
Prem Kumar, P.E.
Deputy Public Works Director /Asst. City Engineer

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **Vali Cooper and Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated **May 1, 2008**.

Whereas, the Consultant is providing consultant contract administration services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) of the Agreement dated May 1, 2008.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Second Amendment.

Whereas, the City has provided a description for the expansion of the scope of work to be performed, dated December 30, 2008 and a copy of said description is attached as Exhibit "A-1" hereto and incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from August 31, 2009 to December 31, 2009.

1.2 Exhibit "A" to the May 1, 2008 Agreement is hereby amended by adding to the Attachment "A"

"SCOPE of WORK" section described in Exhibit "A-1" to this Second Amendment, entitled "Amended Scope of Work".

1.3 Exhibit "D" to the May 1, 2008 Agreement is hereby further amended by adding to the "COST PROPOSAL" section thereof Exhibit "A-1" to this Second Amendment, entitled "Amended Scope of Work".

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $150,000.00, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in Exhibit "A-1" to this First Amendment.

1.5 The total "Not to Exceed" fee for this contract is $399,000.00 ($99,000.00 for the original Agreement plus $150,000.00 for the First Amendment to Agreement and $150,000.00 for the Second Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

Vali Cooper and Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

Attachments: Exhibit "A-1" – Amended Scope of Work

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Revised Mar. 2007

December 30, 2008

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

As stated in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, Ms. Sharon Duensing will work full-time as directed by the City Engineer at a rate of $73.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.), and Ms. Kimberly Jester will work part-time as directed by the City Engineer at a rate of $75.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). In addition, Ms. Linda Smoot will work part-time as directed by the City Engineer at a rate of $85.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.) The City may assign a variety of projects and tasks to Ms. Duensing, Ms. Jester, and Ms. Smoot. The time extension is equivalent to a period of approximately 2,000 working hours. The City Engineer has the right to review any proposed replacement and associated rate change.

In addition to the scope of work defined in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) Perform temporary contract administration services to complete budgeted City capital improvement projects.

3) The total "Not-to-Exceed" fee for the aforementioned services is $399,000.00 ($99,000.00 for original Agreement, $150,000.00 for First Amendment to Agreement, and $150,000.00 for Second Amendment to Agreement).

Exhibit "A-1" – Amended Scope of Work

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APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: PA07-0139 – COMMERCIAL BUILDINGS - ACCEPT AGREEMENT AND CASH DEPOSIT FOR PUBLIC IMPROVEMENTS

EAST SIDE OF PERRIS BOULEVARD, SOUTH OF ALESSANDRO BOULEVARD

Developer: Perris Alessandro LLC
10537 Santa Monica Boulevard
Suite 350
Los Angeles, CA 90025

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement for Public Improvements and Cash Security for PA07-0139.

2. Authorize the Mayor to execute the agreement in the form attached hereto.

3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation.

4. Authorize the City Engineer to execute any amendments to the agreement if the required public improvements are not completed within said timeframe.

BACKGROUND

The project was approved by the Planning Commission of the City of Moreno Valley on August 14, 2008. The site has been approved for two commercial buildings. The project is located on the East side of Perris Boulevard, South of Alessandro Boulevard. The Conditions of Approval for this project require that the developer provide surety for the required public improvements.

DISCUSSION

The developer of this project has completed and submitted an Agreement for Public Improvements. The developer agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the Agreement is executed. The City Engineer may execute any amendments to the agreement if the required public improvements are not completed within said timeframe. The public improvements include pavement, base, curb, gutter, sidewalk, street lights, parkway drains, driveway approaches, access ramps, and water and sewer facilities. In lieu of the Faithful Performance Bond of $271,000, and the Labor and Material Bond of $135,500, the developer provided a cash security of $406,500 to the City trust fund, under Land Development, to provide surety for the appropriate completion of the project.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda

ATTACHMENTS/EXHIBITS

A – Vicinity Map
B – Agreement for Public Improvements

Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Guy Pegan, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\2-10-09 PA07-0139 Orig Agmt & Cash Bond.doc

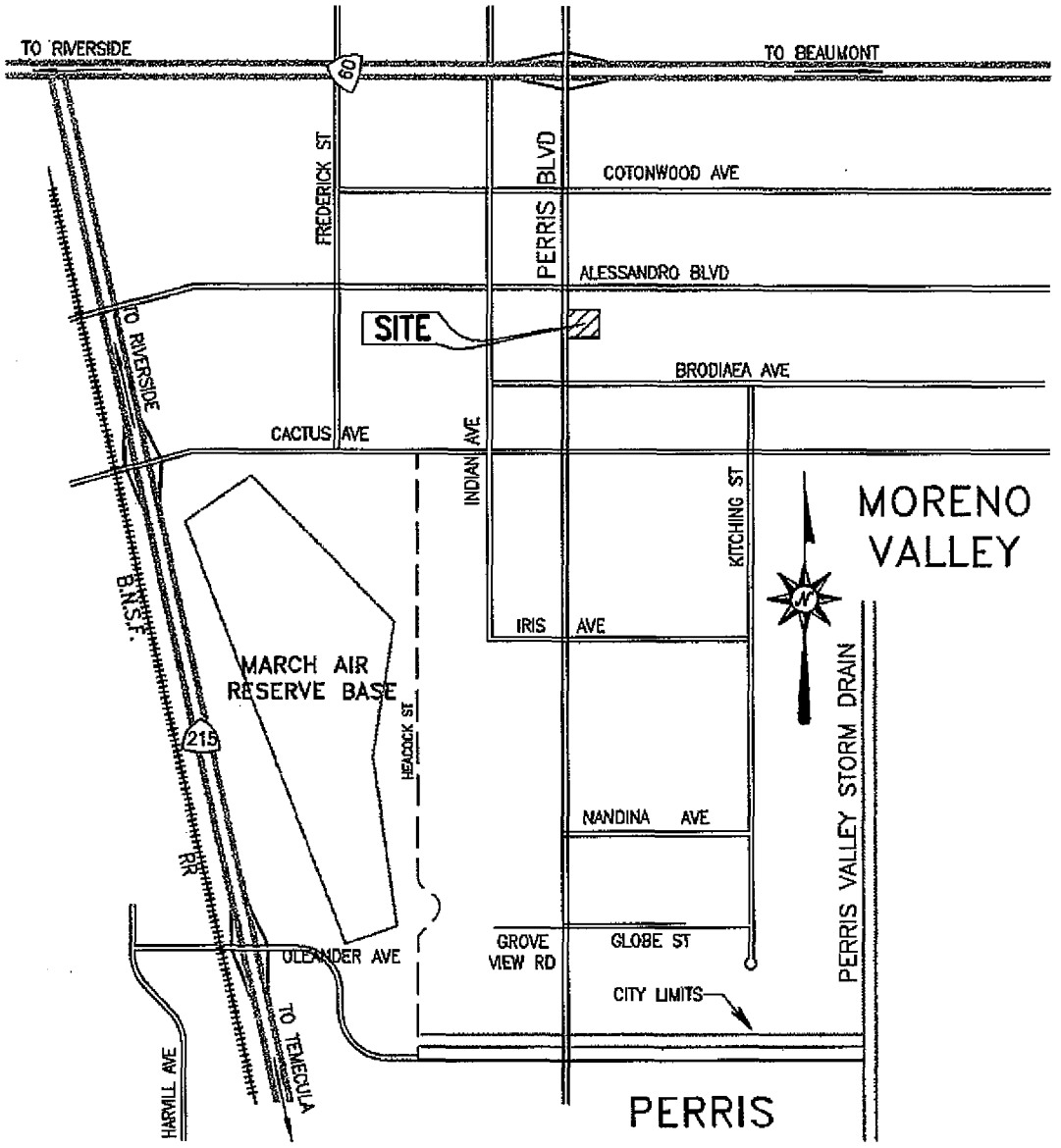

VICINITY MAP

NTS

POR. NW 17 T.3S. R.3W. SEC 17

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT A	**PA07-0139** **VICINITY MAP**

W:\LandDev\Liz\PIA\PA04-0159 Exhibit A.doc

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

AGREEMENT FOR PUBLIC IMPROVEMENTS
PROJECT NO. PA07-0139

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **PERRIS ALESSANDRO LLC,** herein after called Contractor, on the date the City signs this agreement.

WITNESSETH:

FIRST: Contractor, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as **PA07-0139** agrees, at Contractor's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Contractor further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Contractor shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Contractor shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Contractor waives the 120 day time limitation set forth in Section 66462.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of **TWO HUNDRED SEVENTY ONE THOUSAND AND NO/100** Dollars (*****$271,000.00*****).

SECOND: Contractor agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Contractor further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Contractor and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Contractor, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Contractor. Contractor agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Contractor, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

Exhibit B

FOURTH: The Contractor hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Contractor has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Contractor agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The contractor shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Contractor's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Contractor, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Contractor, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Contractor violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Contractor because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Contractor, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Contractor agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Contractor agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Contractor fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Contractor of the insufficiency of the security or the amount of the bonds or both.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Contractor, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Contractor further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Contractor:
Perris Alessandro LLC
10537 Santa Monica Boulevard #350
Los Angeles, CA 90025

IN WITNESS WHEREOF Contractor has affixed his name, address and seal.

Date approved by the City: _____

PERRIS ALESSANDRO LLC:
Developer

BY: _____
Signature
Morad Golchek
Print/Type Name
Manager
Title

BY: _____
Signature
JIMONE BEROOKHIM
Print/Type Name
MEMBER
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF CONTRACTOR MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - CONTRACTOR; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles

On 11/26/08 before me, JOEL WYNTON, Notary Public
personally appeared JIMONE BELOOKHIM
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

JOEL S.S. WYNTON
COMM. #1571701
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires Apr 22, 2009

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles

On 11/26/08 before me, JOEL WYNTON, Notary Public
personally appeared MORRIS GOLDSMITH
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Signature _____ (Seal)

JOEL S.S. WYNTON
COMM. #1571701
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires Apr 22, 2009

11/29/08 OK MW

R&R

EXHIBIT "A"
ENGINEER'S ESTIMATE (PUBLIC)

PROJECT NO: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED BY: Paul Peck

OFFSITE PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
			0	C.Y.	20.00	0
A.B. Class II - Street 1	1	Thickness (ft.)				
	15350	S.F.	1113	Ton	55.00	61,208
A.C. - Street 1	0.5	Thickness (ft.)				
	15350	S.F.	556	Ton	90.00	50,079
			0	C.Y.	20.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
Street Work - DIF						
			0	C.Y.	20.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
Street Work - TUMF						
			0	C.Y.	20.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
					SUBTOTAL:	111,288

OK/MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap	0	Ton	90.00	0
A.C. Overlay	0	Ton	90.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Sawcut	742	L.F.	1.50	1,113
Utility Trench	121	L.F.	17.00	2,057
Trench Repaving	643	S.F.	12.00	7,716
Redwood Header	0	L.F.	6.00	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	15.00	0
Adjust M.H. to Grade	1	EA.	800.00	800
Adjust Water Valve to Grade	0	EA.	400.00	0
Remove & Dispose Existing Pavement & Base	15350	SF	3.00	46,050
Sawcut and Remove Existing Median Curb	114	L.F.	12.00	1,368
Sawcut and Remove Existing Curb & Gutter	58	L.F.	12.00	696
Concrete				
P.C.C. Paving - 6"	0	S.F.	14.00	0
P.C.C. Paving - 8"	0	S.F.	16.00	0
Curb and Gutter - 6"	12	L.F.	22.00	264
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	25.00	0
Curb Only - 6"	48	L.F.	18.00	864
Curb Only - 8"	635	L.F.	20.00	12,700
Curb Only - 8" (DIF Street Name)	0	L.F.	20.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	20.00	0
Cross Gutter and Spandrel	292	S.F.	15.00	4,380
Sidewalk	1223	S.F.	7.00	8,561
Sidewalk (DIF Street Name)	0	S.F.	7.00	0
Sidewalk (TUMF Street Name)	0	S.F.	7.00	0
Driveway Approach - 6"	286	S.F.	14.00	4,004
Driveway Approach - 8"		S.F.	16.00	0
Wheelchair Ramp	0	EA.	1,200.00	0
Alley Approach - 8"	0	S.F.	16.00	0
1/2 Alley Apron	0	S.F.	16.00	0
Barricade	0	L.F.	100.00	0
Other				
Undergrounding of Utilities	0	L.F.	184.00	0
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Bus Bay	0	EA.	20,000.00	0
Monuments	0	EA.	100.00	0
			SUBTOTAL:	90,573

OK MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	753	S.F.	6.00	4,518
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	4,000.00	0
Street Lights (22000 lumen)	2	EA.	5,000.00	10,000
			SPECIAL DISTRICTS SUBTOTAL:	14,518.00
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
Electrical Utility Line Extension	0	L.F.	135.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0.00
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0.00
			WQB SUBTOTAL:	0.00
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	150000	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street Name)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	1	EA.	200.00	200
Signs and Posts	2	EA.	200.00	400
Signs and Posts (DIF Street Name)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	--	0
Traffic Control (DIF Street Name)	0	L.S.	--	0
Street Light PB-Adjust to Grade	0	EA.	800.00	0
			TRANSPORTATION SUBTOTAL:	600
Miscellaneous				
Erosion Control	0	AC	0.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Relocate Trees	0	EA.	2,500.00	0
			MISCELLANEOUS SUBTOTAL:	0

OK
MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
	0		---	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	5500.00	0
Manhole No. 3	0	EA.	6500.00	0
Manhole No. 4	0	EA.	7000.00	0
	0		---	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	E.A.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

OK MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6000.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	5000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Drains				
Terrace Drain	0	S.F	10.00	0
Down Drain	0	S.F	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		---	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
	0		---	0
			SUBTOTAL:	0

OK
MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-XXXX

DATE: November 20, 2008
PREPARED 0

OFFSITE WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900			30.00	0
6" PVC C-900	0		40.00	0
8" PVC C-900	73		50.00	3,650
10" PVC C-900	0		55.00	0
12" PVC C-900	0		60.00	0
16" PVC C-900	0		90.00	0
18" PVC C-900	0		135.00	0
20" PVC C-900	0		180.00	0
	0	L.F.	—	0
Valves - Water System				
4" Gate Valve	0	EA.	600.00	0
6" Gate Valve	0	EA.	800.00	0
8" Gate Valve	0	EA.	1,000.00	0
10" Gate Valve	0	EA.	1,200.00	0
12" Gate Valve	0	EA.	2,000.00	0
16" Gate Valve	0	EA.	5,000.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	800.00	0
10" Butterfly Valve	0	EA.	1,000.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,000.00	0
2" Air Vac Release	0	EA.	3,000.00	0
4" Blow Off	0	EA.	2,000.00	0
6" Blow Off	0	EA.	2,500.00	0
	0		—	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	2,800.00	0
6" Super Fire Hydrants	0	EA.	3,000.00	0
	0		—	0
Services Connections				
1" Service	0	EA.	500.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		—	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		—	0
Water Meters - Water System				
5/8" Meter	0		200.00	0
1" Meter	0		270.00	0
1 1/2" Meter	2		360.00	720
2" Meter	0		455.00	0
	0		—	0
Hot Tap Connections - Water System				
8" Hot Tap	1	EA.	2,800.00	2,800
4" Hot Tap	0	EA.	2,000.00	0
Water Service	0	EA.	330.00	0
	0		—	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
	0		—	0
			SUBTOTAL:	7,170

OR MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-XXXX

DATE: November 20, 2008
PREPARED 0

OFFSITE SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	48	L.F.	19.00	912
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		—	0
Cleans Outs - Sewer System				
Clean-outs	1	EA.	700.00	700
Clean Out Lateral	0	EA.	120.00	0
	0		—	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,000.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,000.00	0
Adjust Manhole to Grade	0	EA.	300.00	0
Tie Into Existing Manhole	0	EA.	1,500.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	1	EA.	600.00	600
Join Existing 12" Pipe	0	EA.	800.00	0
	0		—	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
Meter 5/8" W/O Service	0	EA.	200.00	0
			SUBTOTAL:	1,612

OR MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: PA07-XXXX

DATE: November 20, 2008
PREPARED 0

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$111,288
CONCRETE & OTHER STREET WORK	:	$90,573
SPECIAL DISTRICTS	:	$14,518
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$600
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$7,170
SEWER SYSTEM	:	$1,612
MISCELLANEOUS	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$225,761
+20% CONTINGENCY:		$45,152
GRAND TOTAL:		$270,913

BOND AMOUNT: **$271,000**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director

AGENDA DATE: February 10, 2009

TITLE: FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2009-03 and the Board of Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

BACKGROUND

On March 25, 2008, the City Council and the Board of Directors of the Redevelopment Agency (RDA) adopted resolution number 2008-33 and RDA resolution number 2008-05 authorizing the Amended and Restated Affordable Housing Agreement (AHA) between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley (RDA) for the Oakwood Apartments. This agreement was made to facilitate the construction and operation of the Oakwood Apartments, a proposed 241-unit complex located on the east side of Perris Boulevard just south of John F Kennedy Drive. The project consists of 2, 3 and 4 bedroom units, designated for very low-income households, at rents not exceeding an overall project average of 52% of area median income. The income categories are based on family size which would be appropriate for the number of bedrooms in the unit.

In July 2005, the City Council approved a zoning change and other development entitlements for this 19.55-acre site. The project successfully secured an allocation of tax-exempt mortgage revenue bonds that are competitively allocated by the California Debt Limit Allocation Committee (CDLAC). These bonds were authorized by California voters through the Housing and Emergency Shelter Trust Fund Act of 2002. In addition, late in 2005 the project received Tax Credits that were sold to an equity investor providing a portion of the permanent financing for the project. Through the approved AHA, the RDA will be providing $3 million in gap financing for the project. This payment was scheduled to be made after the project was completed and occupied.

DISCUSSION

After the AHA was approved and executed, the developer of the project (Simpson Housing Solutions, LLC) began construction. While construction was proceeding, the credit market began to tighten which slowed payments from the tax credit equity investors for the project. Because it is important to maintain the construction schedule, the developer has asked the RDA to accelerate its payment of funds authorized by the AHA. Under the terms of the First Amendment to the Amended and Restated Affordable Housing Agreement (Exhibit A –"Amendment"), RDA will pay the developer the originally agreed upon amount of $3 million in four equal payments of $750,000 increments as shown in the following table:

Amount of Payment	Due Date
$750,000	March 12, 2009
$750,000	April 13, 2009
$750,000	May 13, 2009
$750,000	90 days following full occupancy of the project

The Amendment contains specific requirements that the developer must meet before any RDA payments occur. These requirements help insure that the RDA loan remains secure. This type of payment plan is similar in structure to the process that the RDA used to fund the Cottonwood Place project.

The RDA's financial assistance will include a promissory note secured by a deed of trust recorded against the project. The terms of the note include an interest rate of three percent per annum with a thirty year amortization and a term of twenty seven years. The loan structure allows for the deferral of payments under certain conditions. The annual payments are due and payable on June 1st of each calendar year. In the event the net cash flow is insufficient to cover the payment, the shortfall amount will be deferred. At such time that the annual cash flow increases to an amount above the required payment, the loan will be re-amortized to include the previously deferred amount. This loan structure is quite common with projects utilizing this type of financing and has been used in Moreno Valley on a number of other RDA-assisted projects

Affordable Housing Goals
State law (Health and Safety Code Section 33413) requires that the RDA ensure that a portion of the housing developed and rehabilitated in the redevelopment area is available at an affordable housing cost to low and moderate income households. The Oakwood Apartments provide 241 units of affordable housing. The Oakwood Apartments will enable the City to be credited with 241 units toward Moreno Valley's affordable housing requirements. The 241 units will be applied toward the projected total goal of 274 affordable housing units shown in the City's adopted Implementation Plan for the period of July 1, 2005 through June 30, 2010.

ALTERNATIVES

1. The City Council and Board of Directors can approve the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

2. The City Council and Board of Directors can reject the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement. This action could result in the failure of the project if the developer is unable to find a suitable replacement source of cash flow for completion of the project.

FISCAL IMPACT

The funding approved on March 25, 2008 with the AHA will be accelerated to fulfill the RDA's financial obligation. This expenditure has been budgeted for and is being made from the RDA's Housing Set aside Funds and has no impact on the City's General Fund.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
The Oakwood Apartments promote community pride and foster an excellent image of Moreno Valley by developing and executing programs that result in quality development and enhanced neighborhood preservation efforts, including rehabilitation and neighborhood restoration.

SUMMARY

The Oakwood Apartments are a proposed 241-unit affordable housing project on Perris Boulevard just south of John F. Kennedy Drive within the Redevelopment Project Area. Tightening of the credit markets has impacted the cash flow necessary to maintain the construction schedule and finish the project. It is necessary to accelerate payment of

the RDA obligation. Staff proposes the amendment of the AHA to allow this accelerated payment. The Amendment contains the necessary conditions to safe guard the RDA's funding position.

NOTIFICATION

The developer has been notified of this meeting by phone. In accordance with California Redevelopment Law, the public has been notified through the publication of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A	The First Amendment to the Amended and Restated Affordable Housing Agreement
Attachment B	City Resolution No. 2009-03

Prepared By
John Strickler
Housing Program Coordinator

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

by and between the

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

and

ONE MORENO VALLEY 240, L.P., a California Limited Partnership

ATTACHMENT A

DOCSOC/1321110v5/022810-0006

FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

This **FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT** (the "First Amendment"), dated, for identification purposes only, as of January 27, 2009 (the "First Amendment Date"), is entered into by and between the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**, a public body, corporate and politic ("Agency") and **ONE MORENO VALLEY 240, L.P.**, a California Limited Partnership ("Owner"). All terms used herein which are not otherwise defined shall have the meaning set forth in the Original Agency Agreement.

RECITALS

A. Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

B. The Agency and Owner entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Owner to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA).

C. In addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy.

D. Owner has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Owner nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in this First Amendment. Owner agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of this First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced herein; (ii) the moneys disbursed under this First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. This First Amendment to Amended and Restated Affordable Housing Agreement (the "First Amendment") is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions herein contained, the parties hereto agree as follows:

1. Capitalized terms shall have the meanings established under the Original AHA. Agency is a California redevelopment agency acting under the California Community

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Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

2. Subsection (b) of Section 3.1 of the Original AHA is modified to read as follows:

"(b) **Evidence of Permanent Financing**. Owner shall have provided written proof acceptable to Agency that the Bond Loan will be converted to its permanent phase in the principal amount of not to exceed Eighteen Million Dollars ($18,000,000.00)."

3. Subsection (e) of Section 3.1 of the Original AHA is modified to read as follows:

"(e) **Owner Certification**. Agency shall have received satisfactory evidence that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of this Agreement, including Owner's written certification to such effect, (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in this Agreement, including without limitation, the Agency Note, and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages."

4. Subsection (g) of Section 3.1 of the Original AHA is modified to read as follows:

"(g) **Labor Standards; Compliance**. Owner shall have provided written proof acceptable to Agency that the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

5. Section 4.16.1 of the Original AHA is modified to read as follows:

"(a) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA) and the Owner has executed and delivered to Agency an "Owner Certificate A" (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Initial Disbursement" within ten (10) days after the later to occur of: (A) the twentieth (20th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA);

(b) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the fiftieth (50th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Second Disbursement" within ten (10) days after the later to occur of: (A) the fiftieth (50th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each

of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA);

(c) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (c) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the eightieth (80th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Third Disbursement" within ten (10) days after the later to occur of: (A) the eightieth (80th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (c) and (i) of Section 3.1 of the Original AHA); and

(d) Provided that the Conditions Precedent to Disbursement have first been met and Owner executes and delivers to Agency on or after the achievement of Stabilized Occupancy and the Owner executes and delivers to Agency an "Owner Certificate B" (in the form of Attachment No. 17 hereto) following the achievement of Stabilized Occupancy, the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Final Disbursement" within ten (10) days after the later to occur of: (A) the receipt by Agency of the Owner Certificate B following achievement of Stabilized Occupancy or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement.

6. Section 4.16.2 of the Original AHA is modified to read as follows: Excepting only to the extent otherwise expressly set forth in Section 2 of the First Amendment concerning the First Disbursement, the Second Disbursement and the Third Disbursement, to the extent Section 2 does not require satisfaction of subsections (h) and (i) of Section 3.1 of the Original AHA as a condition to payment of the First Disbursement, the Second Disbursement or the Third Disbursement, notwithstanding that each of those Conditions Precedent to Disbursement set forth as subsections (a), (b), (c), (d), (e), (f), (g), (j), (k) and (l) of Section 3.1 of the Original AHA must have been satisfied and Owner Certificate A(s) shall be required to have been received as provided in Section 2 of this First Amendment, the Agency shall have no obligation to disburse and shall not disburse any portion of the Agency Disbursement Amount unless and until all of the conditions Precedent to Disbursement are first satisfied. All of the Conditions Precedent to Disbursement as set forth in Section 3.1 of the Original AHA shall be applicable to the Final Disbursement.

7. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA as to each of the Original AHA and this First Amendment. Each such representation and warranty by Owner shall be deemed to be an ongoing representation and warranty.

8. This First Amendment is made for the purpose of setting forth rights and obligations of Owner and Agency, and no other person (except for the City) shall have any rights hereunder or by reason hereof. Except for the City, which shall be deemed to be a third party beneficiary of the Original AHA and this First Agreement (including without limitation the Attachments hereto), there shall be no third party beneficiaries of the Original AHA or this First Amendment.

9. Owner agrees to defend (by counsel satisfactory to Agency), indemnify and save harmless the Agency, the City and their officers, agents and employees from and against any claims,

damages, demands, actions, losses, liabilities, costs, expenses (including, without limitation, attorneys fees and court costs) arising from or relating to the Original AHA and this First Amendment.

10. The Original AHA, as modified hereby, shall remain in full force and effect.

11. This First Amendment shall be interpreted to effectuate the terms of the Original AHA as expressly modified hereby, in accordance with the laws of the State of California, and as if prepared and reviewed equally by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: *ROBERT W. TETRAULT*
Its: *SENIOR VICE PRESIDENT*

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

DOCSOC/1321110v5/022810-0006

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IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

ATTACHMENT NO. 16

OWNER CERTIFICATE A

_____, 2009 (the "Date of Owner Certificate A")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its choosing in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate A ("Owner Certificate A").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate A transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate A and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate A for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate A as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

ATTACHMENT NO. 17

OWNER CERTIFICATE B

_____, 2009 (the "Date of Owner Certificate B")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing .Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its change in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate B ("Owner Certificate B").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate B transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate B and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate B for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate B as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

RESOLUTION NO. 2009-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY CONSENTING TO THE APPROVAL BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY OF A FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE AGENCY AND ONE MORENO VALLEY 240, L.P., A CALIFORNIA LIMITED PARTNERSHIP

WHEREAS, California Health and Safety Code Sections 33334.2 and 33334.6 authorize and direct the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") to expend a certain percentage of all taxes which are allocated to the Agency pursuant to Section 33670 for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing cost to persons and families of low- and moderate-income, lower income, and very low income; and

WHEREAS, pursuant to applicable law the Agency has established a Low and Moderate Income Housing Fund (the "Housing Fund"); and

WHEREAS, the Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law"); and

WHEREAS, the Agency and One Moreno Valley 240, L.P., a California Limited Partnership (the "Developer" or the "Owner") entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Developer to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA); and

WHEREAS, the Developer acquired the Site and, under the Original AHA, is obligated to construct two hundred forty-one (241) apartment units at the Site, which rental units shall not be subject to any restriction on the basis of age (the "Project"); and

WHEREAS, the Developer is experienced in the development and operation of affordable multi-family housing, including in Riverside County and represents that it owns the Site; and

WHEREAS, the Developer and the Agency, following a duly-noticed public meeting at which the public had an opportunity to be heard, approved and entered into the Original AHA which provided for the Developer to develop two hundred forty-one (241) dwelling units and related improvements on the Site, and that the Developer shall, upon completion of such units, rent dwelling units to "Very Low Income Households"

and "Lower Income Households," all at "Affordable Rent" and to be rented at the "Prescribed Rent Levels" throughout the "Required Covenant Period" as those terms are defined within the Original AHA and in conformity with such additional and greater requirements as may be imposed in connection with the provision of funding for the Project. Such development was intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, and to increase, improve and preserve housing available at affordable rent to persons of very low income, pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, et seq., and 33413; and

WHEREAS, in addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy; and

WHEREAS, the Developer has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Developer nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in a draft First Amendment to Amended and Restated Affordable Housing Agreement in the form submitted herewith (the "First Amendment"). Developer agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of the First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced therein; (ii) the moneys disbursed under the First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. The First Amendment is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect; and

WHEREAS, pursuant to Health and Safety Code Section 33334.2(e), in carrying out its affordable housing activities, the Agency is authorized to provide subsidies to or for the benefit of very low income and lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market, and to provide financial assistance for the construction and rehabilitation of housing which will be made available at an affordable housing cost to such persons; and

WHEREAS, pursuant to Sections 33334.2 and 33413(b) of the Health and Safety Code, the Agency is to encourage the provision of dwelling units to be available at affordable housing cost to persons and families of low or moderate income for substantial periods of time; and

WHEREAS, the Project is located within the project area of the Moreno Valley Redevelopment Project (the "Project Area" and the "Redevelopment Project", respectively) and within the corporate limits of the City of Moreno Valley (the "City"). The acquisition, construction and operation of the Project pursuant to the Agreement would benefit the Project Area by providing affordable housing for persons who currently live and work within the Project Area; and

WHEREAS, the Agency has adopted an Implementation Plan pursuant to Health and Safety Code Section 33490, which sets forth the objective of providing housing to satisfy the needs and desires of various constituent elements of the community; and

WHEREAS, the AHA furthers the goals of the Agency set forth in the Implementation Plan as it will facilitate the creation of affordable housing which will serve the residents of the neighborhood and the City; and

WHEREAS, the Legislature declares in Health and Safety Code Section 36000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment, development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, following a duly-noticed public hearing on June 13, 2006, the Agency and the City Council of the City have found and determined that: (i) the Project is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution; (ii) the assistance to be provided with respect to the Project did not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution; and (iii) such determinations constituted final approval of a proposal which may result in housing assistance benefiting persons of low income within the meaning of Health and Safety Code Section 36005 (which findings and determinations are referred to collectively as the "Prior Determinations"); and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed AHA and believes that the AHA is in the best interests of the Agency and the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law requirements; and

WHEREAS, the financial participation by the Agency under the AHA is in consideration of the particular uses required by the AHA to be conducted by Developer on the Site as well as the Developer's undertakings concerning the development and operation of improvements for affordable rental housing; and

WHEREAS, the Developer has submitted to the Agency and the City Council of the City (the "City Council") copies of the First Amendment substantially in the form submitted herewith; and

WHEREAS, the Agency will expend up to Three Million Dollars ($3,000,000) under the AHA; and

WHEREAS, a joint public meeting of the Agency and City Council on the proposed First Amendment was duly noticed; and

WHEREAS, the proposed First Amendment, and a staff report have been available for public inspection prior to the joint public meeting; and

WHEREAS, all actions required by all applicable law with respect to the proposed First Amendment have been taken in an appropriate and timely manner; and

WHEREAS, the AHA would further the goals of the Implementation Plan by providing for the provision of improvements and the provision of new affordable housing as provided in the AHA; and

WHEREAS, the Agency and the City Council have duly considered all of the terms and conditions of the proposed First Amendment (and the AHA) and believes that the redevelopment of the Site pursuant to the AHA is in the best interests of the City of Moreno Valley and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

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

Section 1. The City Council hereby finds that the use of funds from the Agency's Low and Moderate Income Housing Fund pursuant to the AHA will be of benefit to the Project Area for the reasons set forth above.

Section 2. The City Council reconfirms and ratifies the Prior Determinations and finds and determines that the Prior Determinations constitute valid, binding and final determinations. The City Council further finds and determines that the Project (as described in the AHA) is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution, and that the assistance to be provided pursuant to the AHA does not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution. The City Council further determines that this resolution shall constitute a final approval of a proposal which may result in housing assistance benefiting persons of low income, within the meaning of Health and Safety Code Section 36005 and that, for the purposes of such enactment, the construction of improvements is sufficiently complete that improvements thereon constitute existing units.

Section 3. The City Council finds and determines that, based upon substantial evidence provided in the record before it, the level of support provided (by the Agency) under the AHA is reasonable and necessary.

Section 4. The City Council finds and determines that, based upon substantial evidence provided in the record before it, that an economically feasible alternative

method of financing or assisting the Development on substantially comparable terms and conditions, but without subordination (to the extent provided in the AHA), is not available, and the AHA provides for written commitments reasonably designed to protect the Agency's investment in the event of default, such as: (i) the right of the Agency to cure the default; and (ii) a right of the Agency to purchase the Site at any time after a default on the corresponding loan.

Section 5. The City Council hereby finds and determines that the AHA will further the implementation of the Redevelopment Plan and the Implementation Plan by providing for the construction of new, affordable housing subject to long-term covenants.

Section 6. The City Council hereby consents to the approval by the Agency of the First Amendment in substantially the form presented to the Agency, subject to such revisions as may be made by the Executive Director of the Agency or his designee. The Executive Director of the Agency is hereby authorized to execute the First Amendment (including without limitation all attachments thereto) on behalf of the Agency. A copy of the First Amendment when executed by the Agency shall be placed on file in the office of the City Clerk.

PASSED and **ADOPTED** this 10th day of February, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, do hereby certify that the foregoing Resolution No. ____ was duly and regularly adopted by vote of the City Council of the City of Moreno Valley at its regular meeting held on the 10th day of February, 2009, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

By: _____
Jane Halstead, City Clerk

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: DAY STREET SEWER IMPROVEMENTS – REQUEST TO EXTEND THE TIME FOR A FULL ROAD CLOSURE OF DAY STREET BETWEEN ALESSANDRO BOULEVARD AND BAY AVENUE FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS FROM FEBRUARY 24, 2009 – MARCH 16, 2009

CONTRACTOR: BONADIMAN-MCCAIN, INC.
280 SOUTH LENA ROAD
SAN BERNARDINO, CA 92408

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize an extension of time for a full road closure of Day Street between Alessandro Boulevard to Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009.

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On August 26, 2008 the City Council of the City of Moreno Valley, authorized a full road closure of Day Street between Alessandro Boulevard and Bay Avenue for the construction of sewer improvements from December 1, 2008 – January 24, 2009. Authorization was also given to the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. An additional 30 day extension from the City Engineer would have authorized a full road closure through February 24, 2009.

During the public notification process of the proposed road closure, representatives for the contractor, Bonadiman-McCain, Inc., were approached by residents and business owners in the area who expressed their concern about the timing for the road closure. In an effort to maintain good public relations during the Christmas holiday season, Bonadiman-McCain, Inc. requested to delay the start of construction and extend the full road closure by twenty (20) calendar days with a completion date of March 16, 2009.

DISCUSSION

Bonadiman-McCain, Inc. is requesting an extension of time for a full road closure of Day Street between Alessandro Boulevard and Bay Avenue to facilitate the construction of sewer improvements on Day Street. The request for extension of time for road closure is for twenty (20) calendar days and is due to resident and business owner concerns with the timing of the closure. Bonadiman-McCain will perform major improvement work including, but not limited to, removal of asphalt pavement for trench application 4-foot in width, removal of traffic signal detector loops, installation of 1,175 linear feet of 8-inch diameter vitrified clay pipe (VCP), including 4-inch VCP laterals and 4-foot manholes, backfill of trench and installation of asphalt street pavement and striping. All of the work will be reviewed by inspectors from the City of Moreno Valley and Box Springs Mutual Water Company. It is anticipated that the road will be open to traffic on March 16, 2009.

There are 13 parcels in the area of construction. The extension of time for the road closure will not affect the ingress or egress of any of the other structures although it could require some detour. City staff was advised by the contractor that all potentially affected property owners have been notified/contacted. The road closure/detour plan/traffic control plan has been approved by the City Traffic Engineer.

ALTERNATIVES

1. Authorize an extension of time for the full road closure of Day Street between Alessandro Boulevard and Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

2. Do not authorize an extension of time for the full road closure of Day Street between Alessandro Boulevard and Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009. Do not authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. *There would be no road closure. This alternative would result in an unsafe work environment.*

FISCAL IMPACT

The Developer will be responsible for all costs associated with this proposal.

CITY COUNCIL GOALS

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

NOTIFICATION

The approved traffic control/detour plan requires the contractor to give notification to the Post Office, Police, Fire Department, Ambulance Services, Riverside Transit Authority, Waste Management, and affected businesses and residents. The public will be notified by special roadside signage showing the dates of closure and detour signs.

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Detour Map
Exhibit "C" – Contractor's Letter of Request
Exhibit "D" - Contractor's Schedule of Work

Prepared By
Joanna Dorham
Construction Inspector Supervisor

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Eric Lewis
Transportation Division Manager/
City Traffic Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\2-10-09 Day Street Sewer Improvements - Road Closure Extension.doc

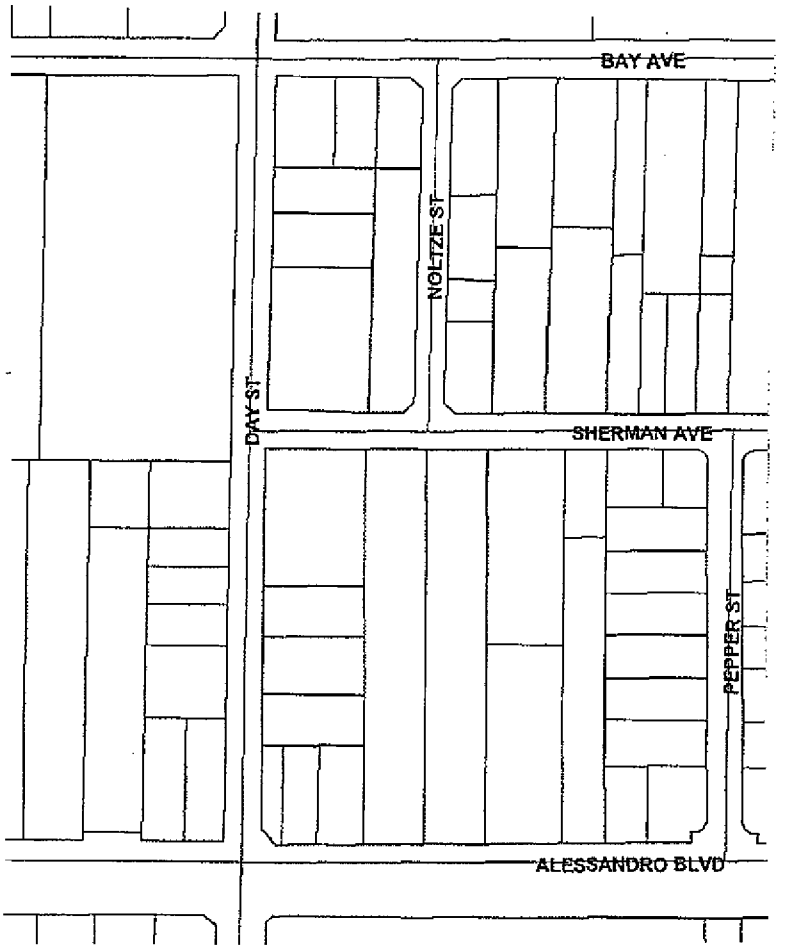

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**DAY STREET SEWER IMPROVEMENTS** **VICINITY MAP**

W:\LAND\FORMS\VICINITY MAP.doc (01/04)

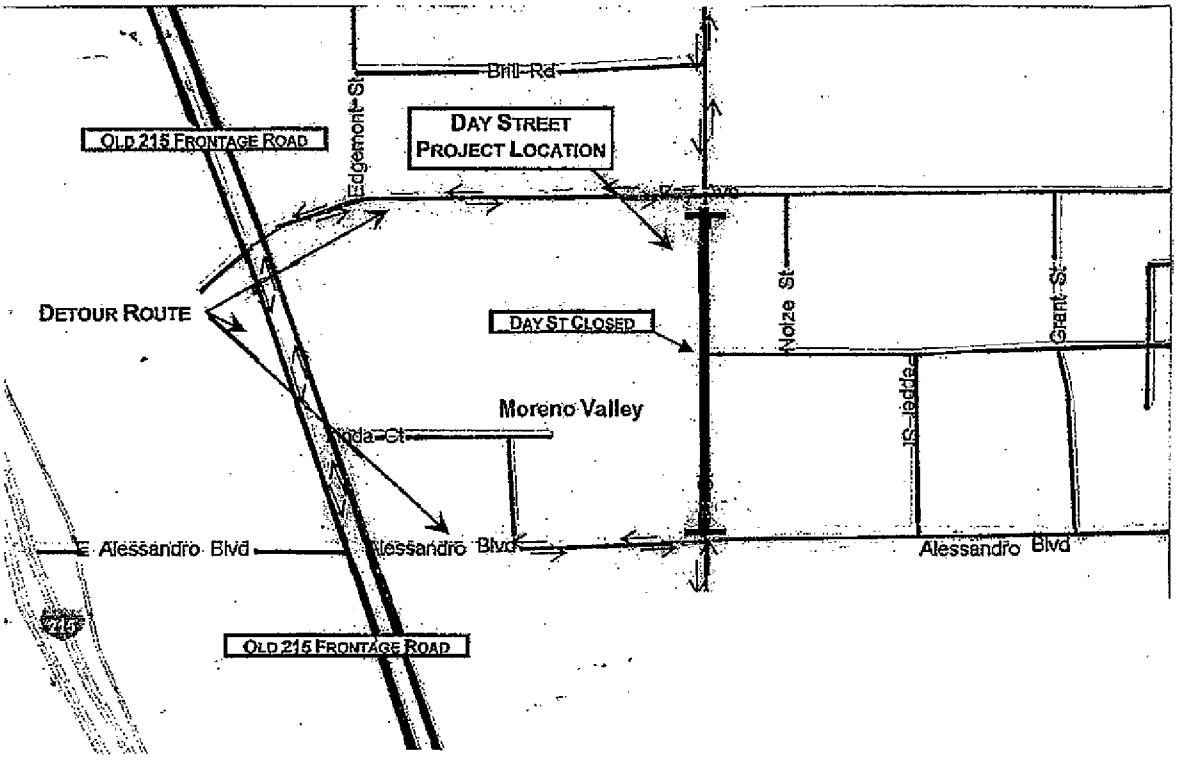

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT EXHIBIT "B"	DAY STREET SEWER IMPROVEMENTS DETOUR MAP

W:\LAND\FORMS\VICINITY MAP.doc (01/04)

LICENSE NO.74600
A, B & C 27
INCORPORATED 1942

TELEPHONE (909) 885-3435
TELECOPIER (909) 889-3706

BONADIMAN
McCain Inc.
Engineers Contractors

OFFICE ADDRESS
280 SOUTH LENA ROAD
SAN BERNARDINO, CA 92408

MAILING ADDRESS
POST OFFICE BOX 6444
SAN BERNARDINO, CA 92412

December 22, 2008

Michael Lloyd, P.E.
Transportation Engineering Division
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

REFERENCE: DAY STREET SEWERLINE REPLACEMENT PROJECT
EDGEMONT COMMUNITY SERVICES DISTRICT

SUBJECT: PROJECT START DELAY

Dear Michael:

While on site at the above referenced project location preparing to install the notification signs and assessing how many handouts would be required we were approached by several local residents and business owners in the area who expressed their concern about the timing for the road closure.

In an effort to maintain good public relations and avoid unnecessary disgruntled drivers we proposed delaying the start date of the project until after the holidays to the project owner, who agreed with this decision. Our tentative date to post the notification signs and deliver the handouts is now January 5th with a start date for construction of January 12th. I have attached a revised construction schedule for your use.

If you have any questions, or if you require any additional information, please do not hesitate to call our office.

Respectfully,
BONADIMAN-McCAIN, INC.

Penney Paulson
Office Manager/Contracts

cc: Joanna Dorham, Construction Inspector Supervisor
City of Moreno Valley, Public Works Department, Land Development

AMERICA PROGRESSES THROUGH CONSTRUCTION *Construct by Contract*

EXHIBIT "C"

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
1100		1	1	22SEP08	22SEP08
2000	USA Notice	0	0	06OCT08 *	
2020	Public Notices	0	0	05JAN09 *	
1000	Mob	1	1	12JAN09	12JAN09
1070	Start Project	0	0	12JAN09 *	
2010	Pothole Existing Utilities	3	3	12JAN09	14JAN09
1010	Grind AC	2	2	15JAN09	16JAN09
1020	Dig Lay and Backfill 8" VCP	20	20	19JAN09	13FEB09
1030	Make Tie-In at 10+26 and Abandon Sewer	5	5	16FEB09	20FEB09
1040	Intsall Laterals	7	7	23FEB09	03MAR09
1050	Base Pave Trench	4	4	04MAR09	09MAR09
1090	Install Traffic Loops	3	3	10MAR09	12MAR09
1060	Finish Paving	2	2	13MAR09	16MAR09
1080	End Project	0	0		16MAR09

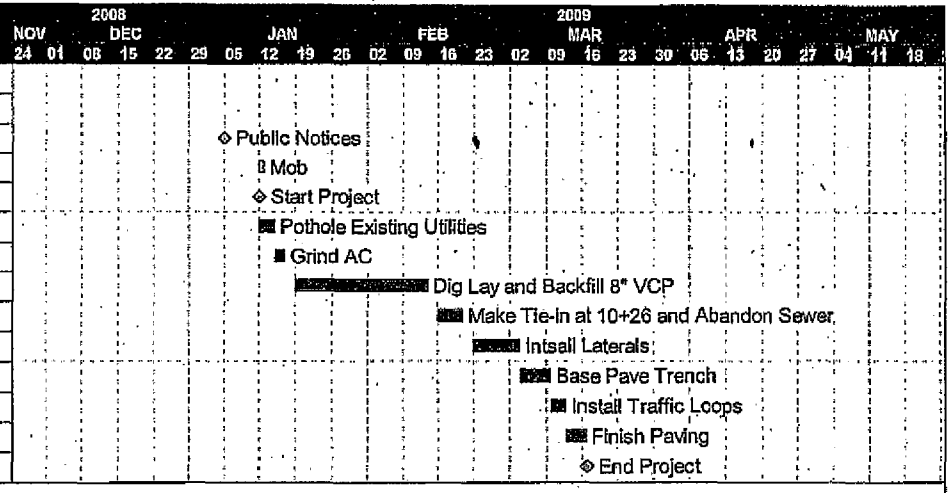

Start date	22SEP08
Finish date	16MAR09
Data date	22SEP08
Run date	22DEC08
Page number	1A

© Primavera Systems, Inc.

Bonadiman-McCain, Inc.
Day Street Sewer City MV
Preliminary

- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone point
- Finish milestone point

EXHIBIT "D"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, extend the agreement from August 31, 2009 to December 31, 2009, and increase the agreement amount by the "not to exceed" fee of $350,000.00.

2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000.00 for temporary professional consultant services for the Capital Projects Division. The current agreement expires August 31, 2009, the amendment will extend the agreement through December 31, 2009.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY08/09, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects

Division seeks to amend the agreement with SA to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified technical staff and the need for resources to complete budgeted City capital improvement projects.

SA staff will be responsible for the management and coordination of design and construction projects. The work will include contract administration (ensuring contract requirements are met, processing change orders, etc.), review plans and designs, fulfilling all bidding requirements, chairing pre-bid and construction meetings, retaining construction support services, processing permits and utility coordination, tracking contractors project progress, reviewing progress payments, processing payments, punch list items, contractor claims, warranty issues, Labor and DBE compliance and fulfilling Public Contract Codes as well as construction legal requirements.

Over the past twelve months SA staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, the Main Library, Emergency Operations Center, Fire Station No. 58, the Pan Am Boulevard Improvement project, five fire station exhaust system installations, bicycle lane project, the Street Improvement Program and several sidewalk installation projects.

Over the next twelve months SA staff will continue to work on projects such as the Main Library, School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, Iris Street Improvements, Bridge Maintenance project and several pavement rehabilitation projects.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, do not authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Agreement for Professional Consultant Services" with SA will be fully expended by January 31, 2009. This First Amendment to the agreement will increase the Purchase Order by $350,000.00 to extend the temporary professional staffing services. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary engineering staff. The agreement does provide the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the FY 08/09 Annual Pavement Resurfacing budget (account no. 226.79728) to encumber the increase to the SA purchase order. As costs are incurred in this Purchase Order, the expenditures will be transferred to the capital projects for which services were performed.

The associated costs for the "First Amendment to Agreement for Professional Consultant Services" will be funded through Measure A Transportation Fund (Fund 125), Traffic Congestion Relief Fund (Fund 225), Proposition 1B Transportation Fund (Fund 226), School Walkway Infill Fund (Fund 122), DIF Arterial Streets (Fund 416), DIF Traffic Signal (Fund 417), 2005 Lease Revenue Bonds (Fund 501), and RDA Tax Allocation Bonds (Fund 897). There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with SA is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends an increase in the Purchase Order to SA in the amount of $350,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Prem Kumar, P.E.
Deputy Public Works Director /Asst. City Engineer

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FIRST AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES

This First Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation, hereinafter referred to as "Consultant." This First Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated **July 29, 2008**.

Whereas, the Consultant is providing professional consultant services for **various projects of the Capital Projects Division**.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has provided a description for expansion of the scope of work to be performed dated December 10, 2008 and a copy of said description is attached as Exhibit "A" – Amended Scope of Work and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from **August 31, 2009 to December 31, 2009** by this Amendment.

1.2 Exhibit “A” to the July 29, 2008 Agreement is hereby amended by adding to the “Scope of Work” section described in Exhibit “A” to this First Amendment, entitled “Amended Scope of Work”.

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $350,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this First Amendment.

1.4 The total "Not to Exceed" fee for this contract is $700,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

Revised Mar. 2007

December 10, 2008

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

The following amends and replaces the Scope of Work for the Agreement dated July 29, 2008:

As stated in Exhibit "A" of the July 29, 2008, Agreement for Professional Consultant Services, SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) Perform temporary project management services to complete budgeted City capital improvement projects.

3) The total "Not-to-Exceed" fee for the aforementioned services is $700,000.00 ($350,000 for original Agreement and $350,000 for First Amendment to Agreement).

MV00017820

CITY OF MORENO VALLEY
Public Works
Capital Projects

MEMORANDUM

To: Mayor and City Council

From: Chris A. Vogt, Public Works Director / City Engineer

Date: February 10, 2009

Subject: Agreement for Professional Consultant Services with Jagdish Shah, R.A., M.S. (Civil)

Following please find the revised "Proposal for Temporary Staffing for Professional Consultant Services" for the Agreement for Professional Consultant Services with Jagdish Shah dated February 10, 2009 which incorporates a rate adjustment.

Please remove the document labeled "Exhibit B – Consultant's Proposal" and replace it with the following three (3) pages.

This is necessary due to Mr. Shah's recent hourly rate reductions.

Thank you.

W:\CapProj\CapProj\hirestaffconsultant\Jack Shah\Memo to CC revised rates 2-10-09.doc

JAGDISH (aka: JACK) SHAH, R.A., M.S.(Civil)
Consulting Architect/Engineer
22900 Estoril Drive, Unit 5
Diamond Bar, CA 91765-4490
Cell: 909-816-1424
jackshah@verizon.net

February 10, 2009

Prem Kumar, PE
Deputy Director
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, CA.

Dear Mr. Kumar:

Jack Shah, an independent architectural and engineering project management services consultant, is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Mr. Shah is currently perfoming the "Consultant Project Manager" services for the City for almost three years through S.A. Associates, and have successfully completed renovation of Alessandro Library and Fire Station 58 projects. In addition he has also completed design for the Exhaust Suystem for five fire stations and currently managing the design and/or construction of the Main Library, Emergency Operations Center (EOC), Public Safety Building (PSB) exisitng building renovation, and PSB new building staged design project. Upon approval of this independent contract with Jack Shah, Mr. Shah will cease performing through S.A. Associates and will become an independent consultant to the City.

Scope of Services and Fees:

Jack Shah will provide consulting project management services, with a licensed Architect, on a full-time (40 hours per week) basis at a rate of $120 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $265,000. A typical normal work schedule is 8:00 a.m. – 5:00 p.m., five days a week, for twelve (12) months. Authorized work beyond normal 40 hours workweek will also be billed at $120 per hour. Services performed by sub-consultants, outside agencies fees; and outside direct expenses are not included in the proposed fee. Services performed by sub-consultant will be billed at cost plus an additional management, coordination, and overhead fee of 15%. Outside agencies fees and outside direct expenses will be billed at cost.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

Jack Shah will provide licensed Architect to provide necessary project management services to ensure the successful completion of assigned capital improvement projects through various phases of design and/or construction. Typically, these projects involve buildings (such as fire station, police facility, emergency

Exhibit "B"

operations center, library, office building, animal shelter, etc.), master planning, street improvements, grade separation, bridge, and other similar improvements. This individual will be involved in the management and coordination of City retained consultants, as well as construction and contract administration (processing of contracts, purchase requisitions, invoices, contract change orders, etc.), preparation of grant applications, processing of requests for proposals, preparation of staff reports to the City Council, preparation of project specifications and estimates, review plans and designs, and other project related duties as assigned. It is currently envisioned that the consultant will be managing building projects in design and/or construction. The project manager may also be assigned to other building related projects.

Requirements: California Registered Architect with a valid California driver's license and vehicle to visit project sites and attend off-site meetings on an as-needed basis, and preferably a mobile phone. Must be proficient in the building specifications (CSI and Greenbook), familiar with the Public Contract Codes, and be experienced in managing public works design and construction projects. A non-registered individual may be considered if the individual has significant public works project management experience.

Jack Shah proposes to the City the services of Mr. Jack Shah as Consultant Project Manager. Mr. Shah has over 44 years of experience in Project and Program Management, Funding, Planning, and is highly motivated goal oriented team player with a reputation for completing projects efficiently, timely, within budget, and assuring that City funds are not wasted. Mr. Shah is a registered Professional Architect in the State of California and has worked as Project Manager and other similar capacities for Los Angeles MTA, Alameda Corridor East (ACE), Metrolink, Sound Transit (Seattle), etc. The complete resume of Mr. Shah is attached to this proposal.

Required Clauses: Jack Shah makes the following statements:

1) It is understood that the this proposal and City's RFP, in securing consultant project management services, will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley.

2) It is understood that the proposed Services to be provided, and fees therefore, will be in accordance with the City's RFP except otherwise specified in the Consultant's Proposal under the heading 'Additions or Exceptions to the City's Request for Proposal'.

3) During the course of this agreement, Jack Shah shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict with the proper discharge of the Consultant's duties under this Agreement. Jack Shah shall not have any authority or purport to have any authority, to enter into any Agreement or other arrangement whereby the City would incur any obligation, financial or otherwise, to the third party.

4) Jack Shah will document and provide the results of the work to the satisfaction of the City. Jack Shah understands this may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

5) Jack Shah will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

6) Jack Shah, affirms its commitment and pledges its full support to equal employment opportunity. Jack Shah will not discriminate against any employee or applicant because of race, color, religion, sex or national origin.

7) Jack Shah will adhere to all federal laws and regulations notwihstanding any state or local laws and regulations. In case of conflict between federal, state or local laws or regulations, the strictest shall be adhered to.

8) Jack Shah, shall allow all authorized federal, state, county and City officialsaccess to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

9) Jack Shah shallcomply with the Davis-Bacon Fair Labor Standards Act (40 USC276-a through a-7), and the implementation regulations issued thereto (29 CFR Section 1,5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions", Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

10) Jack Shah shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the implementation Rgulation (29 CFR 3) issued pursuant thereto, and any amendment thereof.

11) Jack Shah offers and agrees to the City all rights, title, and interest in and to all clauses of action it may have under Section 4 of the Clayton Act (15 USC Esc. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 167000) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public worksor the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgementby the parties.

Additions or Exceptions to the City's Request for Proposal:

We have carefully reviewed the City's RFP and sample agreement and are prepared to comply with them without exceptions upon selection.

Insurance:

Upon selection, Jack Shah will provide required necessary Insurance Certificate with the required insurance coverages and the endorsement provisions that as outlined in the City's RFP.

Disclosure of Lobbying Activities:

Jack Shah does not participate in lobbying activities for any Federal activities and therefore, the Standard Form LLL to disclose lobbying activites pursuant to 31 USC 1352 is not applicable. Certification for Contracts, Grants, Loans, and Cooperative Agreements is executed and duly attached herewith.

We thank you for this opportunity for the Temporary Staffing for Professional Consultant Services. We have a sincere desire to provide quality services to yourself and your staff and look forward to working with you. If you have any questions, please do not hesitate to contact me at 909-816-1424. This proposal is valid for 30 days.

Sincerely,

Jagdish (aka: Jack) Shah, R.A., M.S. (Civil)
Principal

Enclosures: Resume - Jack Shah
Required Forms

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH JAGDISH SHAH

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah in the form attached hereto.

3. Authorize a Purchase Order to Jagdish Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

Mr. Shah is currently providing Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract with SA Associates. Mr. Shah proposes to provide similar services through a sole proprietorship.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects, the Capital Projects Division requires continued support of the technical consulting staff currently on board. This action is necessary due to a shortage of qualified technical staff and the need for resources to complete budgeted City capital improvement projects.

Mr. Shah will be responsible for the management and coordination of design and construction projects. The work will include contract administration (ensuring contract requirements are met, processing change orders, etc.), plan and design review, fulfilling all bidding requirements, chairing pre-bid and construction meetings, retaining construction support services, processing permits and utility coordination, tracking contractors project progress, reviewing progress payments, processing payments, punch list items, contractor claims, warranty issues, labor and DBE compliance and fulfilling Public Contract Codes as well as construction legal requirements.

Over the past twelve months Mr. Shah, as an SA Associates' staff member, has provided professional services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, the Main Library, Emergency Operations Center, Fire Station #58, five fire station's exhaust system design, and Public Safety Building tenant improvements and expansion projects.

Over the next twelve months Mr. Shah will continue to work on projects such as the closeout of the Main Library design phase, Emergency Operations Center construction, Public Safety Building tenant improvements and preliminary expansion design, and other budgeted capital projects as assigned to him.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000, authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah in the form attached hereto, and authorize a Purchase Order to Jagdish Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000, do not authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah in the form attached hereto, and do not authorize a Purchase Order to Jack Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

Adequate funding is provided through the various budgeted capital improvement projects assigned to Mr. Shah. The agreement does provide the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the FY 08/09 Emergency Operations Center budget (account no. 501.82527) to encumber Mr. Shah's purchase order. As costs are incurred in this Purchase Order, the expenditures will be transferred to the capital projects for which services were performed.

The anticipated associated costs for the "Agreement for Professional Consultant Services" will be funded through General City Capital Projects, (Fund 412) and 2005 Lease Revenue Bonds (Fund 501):

Emergency Operation Center (Account No. 501.82527) $140,500
Public Safety Building (Account No. 501.82327) $98,000
Main Library (Account No. 412.76320) $26,500
Total $265,000

There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary project management services on a variety of projects, the "Agreement for Professional Consultant Services" with Mr. Shah is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends the issuance of a Purchase Order to Mr. Shah in the amount of $265,000 which will be funded by various budgeted capital improvement projects.

ATTACHMENT

Attachment "A" - Agreement for Professional Consultant Services

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Prepared By:
Prem Kumar, P.E.
Deputy Public Works Director /Asst. City Engineer

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Jagdish Shah, R. A., M. S., as sole proprietor, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

Attachment "A"

MV00017830

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

DESCRIPTION OF PROJECT

1. The project involves temporary project management services for the Capital Projects Division associated with applicable capital improvements. The work will include construction and contract administration and other project-related duties as assigned.

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $265,000 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on March 31, 2010 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth therein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the

City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform

their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

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

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

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

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

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits

hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

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

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written

Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

Jagdish Shah, R. A., M.S.

BY: _____

TITLE: Sole Proprietor
(Sole Proprietor)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
TO PROVIDE TEMPORARY STAFFING FOR
PROFESSIONAL CONSULTANT SERVICES
FOR THE CITY OF MORENO VALLEY

I. INVITATION

The City of Moreno Valley has an ongoing need for Project Managers and Contract Administration Specialists in the Capital Projects Division. You are hereby invited to submit a Proposal to the City of Moreno Valley for temporary project management and contract administration consultant services on a full-time basis for approximately twelve (12) months (2100 work hours) to the City of Moreno Valley. The City may extend the duration of these positions depending upon staffing needs. You may propose on one or both positions.

Four (4) copies of your Proposal may be submitted on an ongoing basis addressed to Public Works Department, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Margery Lazarus, Supervising Engineer. One copy of the proposal should be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine.

II. SCOPE OF WORK

Project Manager

The Project Manager for the Capital Projects Division shall provide necessary project management services to ensure the successful completion of assigned capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, sidewalk, municipal facility, and traffic signal improvements. This individual will be involved in the management and coordination of City-retained design consultants, construction management, contract administration (processing of contracts, purchase requisitions, invoices, change orders, etc.), preparation of grant applications, processing of Requests for Proposals, preparation of staff reports to the City Council, preparation of project specifications and estimates, review plans and designs, and other project related duties as assigned.

Requirements: A California Registered Civil Engineer with a valid California driver's license and vehicle to visit project sites and attend off-site meetings on an as-needed basis, and a mobile phone. The City may consider a non-registered individual if the individual has significant public works project management experience. This individual should be proficient in the Greenbook and Caltrans specifications, familiar with the Public Contract Codes, and be experienced in managing public works design and construction projects.

The City envisions that the work hours for each Project Manager and Contract Administration Specialist position will be Monday through Friday from 8:00 a.m. to 5:00 p.m. The City will provide the individual with work space, a telephone, computer, regular office supplies, and access to a fax and copy machine.

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff

on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

III. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall include the following:

A. The Consultant's Proposal shall be no more than 15 pages, excluding a cover letter of up to two pages, dividers, and certificates. The RFP will not be counted when included in the Proposal.

B. A statement that this RFP shall be incorporated in its entirety as a part of the Consultant's Proposal.

C. A statement that this RFP and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley.

D. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's RFP except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

E. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this RFP.

F. A statement of qualifications of the proposed individual(s) including name, qualifications, and experience; also required for reference checks is a listing of names, titles, addresses, and telephone numbers for proposed individual. If the Consultant's proposed staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

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G. A statement that during the term of this Agreement, the Consultant shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict with the proper discharge of the Consultant's duties under this Agreement. The Consultant shall not have any authority, or purport to have any authority, to enter into any Agreement or other arrangement whereby the City would incur any obligation, financial or otherwise, to any third party.

H. A statement that the Consultant will provide a fixed hourly rate, which will include all reimbursable expenses (mileage, per diem, phone calls, etc.). The total contract will be for a "Not-to-Exceed Fee" as submitted with and made a part of said Consultant's Proposal.

I. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

J. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

K. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

L. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state, or local laws or regulations the strictest shall be adhered to.

M. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

N. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

O. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

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

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Q. Complete Disclosure of Lobbying Activities (Form LLL – see attached).

IV. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

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

V. FEDERAL EMPLOYEE BENEFIT

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

VI. PAYMENT TO CONSULTANT

A. Payment will be based on hourly rate (which will include all reimbursable expenses i.e. mileage, per diem, phone calls, etc.) with a "Not-to-Exceed Fixed Fee." Provide a copy of the proposed staff's hourly rate schedule and a statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments.

B. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

C. The Consultant will submit an invoice (identify job title, hourly rate, and total costs incurred) to the City once a month for payments along with documentation evidencing hours worked to date. The payment is based on actual time expended in furnishing authorized professional services during the preceding calendar month and must include an hourly cost breakdown of the assigned project account numbers. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's determination of the amount due for any payment shall be final.

D. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

VII. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000

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will be considered equivalent to the above minimum limits

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Riverside County Transportation Commission and the Western Riverside Council of Governments, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Riverside County Transportation Commission, and the Western Riverside Council of Governments, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

VIII. INDEMNIFICATION

A. The Consultant agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), Riverside County Transportation Commission (RCTC), and Western Riverside Council of Governments (WRCOG), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the

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Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include

claims arising from the sole negligence or willful misconduct of the City, RDA, CSD, RCTC, and WRCOG, their officers, agents or employee

B. The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's CSD's, RCTC's, and WRCOG's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA, CSD, RCTC, and WRCOG, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Consultant, its officers, agents, or employees (PCC 20103.6).

IX. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving 48 hours written notice to the Consultant of such termination and specifying the effective date thereof. All finished documents and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

X. INDEPENDENT CONTRACTOR

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

XI. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, Consultant's Proposal, City's Request for Proposal, and Exhibits.

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

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XII. GENERAL CONDITIONS

A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation

during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

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

B. Not Applicable.

C. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

D. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for this Consultant engagement will be made to the Consultant who, in the opinion of the City, is best qualified.

E. The Consultant's Proposal shall be no more than 15 pages, excluding a cover letter of up to two pages, dividers, and certificates. The RFP will not be counted when included in the Proposal.

XIII. SELECTION CRITERIA

A. The selection will be based on qualification and experience of the proposed staff that will be assigned to this project. This individual may be invited to a selection interview.

B. Proposals failing to provide sufficient information to accurately assess the qualifications of the proposed individual and failing to comply with requirements and conditions of the RFP will not be given further consideration.

DISCLOSURE OF LOBBYING ACTIVITIES

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

1. Type of Federal Action: ☐ a. Contract b. Grant c. Cooperative agreement d. Loan e. Loan guarantee f. Loan insurance	**2. Status of Federal Action:** ☐ a. Bid/offer/application b. Initial award c. Post-award	**3. Report Type:** ☐ a. Initial filing b. Material change **For Material Change Only:** Year _____ Quarter_____ Date of last report _____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier_____, *if known* **Congressional District**, *if known:*	**5. If Reporting Entity in No. 4 is Subawardee. Enter Name and Address of Prime:** **Congressional District**, *if known:*
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*_____
8. Federal Action Number, *if known:*	**9. Award Amount**, *if known:* **$**
10. Name and Address of Lobbying Entity *(If individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(Last name, first name, MI):*
11. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:**_____ **Print Name:**_____ **Title:**_____ **Telephone No.:**_____ **Date:**_____
Federal Use Only:	Authorized for Local Reproduction Standard Form – LLL (Rev. 7-97)

Standard Form LLL Rev. 06-04-90

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

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

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

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

Certification for Contracts, Grants, Loans, and Cooperative Agreements
(Federal Fiscal Year _____ to _____)

I, , hereby certify on behalf
(Name and title of Grantee official)

of The City of Moreno Valley , that
(Name of Grantee)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, of cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, an cooperative agreements) which exceed $100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Executed this _____ of _____, 20__.

By:
(Signature of authorized official)

_____
(Title of authorized official)

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LIST OF SUBCONSULTANTS

PROJECT NAME: _____

PROJECT NO: _____

CONSULTANT NAME: _____

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

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

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

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

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES
TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) - REGIONAL
TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) – ZONAL
PROJECT NO. XX-XXXXXXXX

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

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

Sample

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. XX-XXXXXXXX

DESCRIPTION OF PROJECT

1. The project is described as professional consultant _____ services for:

Project Name

Project No. XX-XXXXXXXX

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

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

TERM OF AGREEMENT

5. This agreement will terminate on **Month Date, Year** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "E" attached hereto and incorporated by this reference.

Or

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7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design/construction schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respects to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

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12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) The Consultant agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), the Riverside County Transportation Commission (RCTC), and Western Riverside Council of Governments (WRCOG), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to

Sample

any person, including injury to the City's, RDA's, CSD's, RCTC's, and WRCOG's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts, recklessness or willful misconduct of the City, RDA, CSD, RCTC, and WRCOG, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such Public Liability and Property Damage Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

Sample

GENERAL LIABILITY

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

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum general liability limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA, CSD, RCTC, and WRCOG against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) A Certificate of Insurance or an appropriate insurance binder evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

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(h) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District and Western Riverside Council of Governments, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Riverside County Transportation Commission, and the Western Riverside Council of Governments, its officers, employees and agents, under any third party liability policy."

(i) Insurance companies providing insurance hereunder shall be rated (A minus, VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(j) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the

Sample

cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, in both hard copy and electronic format, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant

Sample

by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, in both hard copy and electronic format, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain for its files copies of any and all materials, including drawings, documents, and specifications produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(d) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

Sample

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third

Sample

parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28 The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

Sample

MV00017862

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. XX-XXXXXXXX

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

City of Moreno Valley

BY: _____
Department Head/Mayor/City Manager
(Select only one please)

DATE: _____

Consultant Company

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

ATTEST:

_____
City Clerk *(not needed if City Manager signs)*

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Enclosures: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment
Exhibit "E" – Consultant's Schedule

Sample

MV00017863

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

Sample

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $_____.

2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.

3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

5. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

EXHIBIT "D"

Sample

JAGDISH (aka: JACK) SHAH, R.A., M.S.(Civil)
Consulting Architect/Engineer
22900 Estoril Drive, Unit 5
Diamond Bar, CA 91765-4490
Cell: 909-816-1424
jackshah@verizon.net

December 11, 2008

Prem Kumar, PE
Deputy Director
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, CA.

Dear Mr. Kumar:

Jack Shah, an independent architectural and engineering project management services consultant, is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Mr. Shah is currently perfoming the "Consultant Project Manager" services for the City for almost three years through S.A. Associates, and have successfully completed renovation of Alessandro Library and Fire Station 58 projects. In addition he has also completed design for the Exhaust Suystem for five fire stations and currently managing the design and/or construction of the Main Library, Emergency Operations Center (EOC), Public Safety Building (PSB) exisitng building renovation, and PSB new building staged design project. Upon approval of this independent contract with Jack Shah, Mr. Shah will cease performing through S.A. Associates and will become an independent consultant to the City.

Scope of Services and Fees:

Jack Shah will provide consulting project management services, with a licensed Architect, on a full-time (40 hours per week) basis at a rate of $126 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $265,000. A typical normal work schedule is 8:00 a.m. – 5:00 p.m., five days a week, for twelve (12) months. Authorized work beyond normal 40 hours workweek will also be billed at $126 per hour. Services performed by sub-consultants, outside agencies fees; and outside direct expenses are not included in the proposed fee. Services performed by sub-consultant will be billed at cost plus an additional management, coordination, and overhead fee of 15%. Outside agencies fees and outside direct expenses will be billed at cost.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

Jack Shah will provide licensed Architect to provide necessary project management services to ensure the successful completion of assigned capital improvement projects through various phases of design and/or construction. Typically, these projects involve buildings (such as fire station, police facility, emergency

Exhibit "B"

operations center, library, office building, animal shelter, etc.), master planning, street improvements, grade separation, bridge, and other similar improvements. This individual will be involved in the management and coordination of City retained consultants, as well as construction and contract administration (processing of contracts, purchase requisitions, invoices, contract change orders, etc.), preparation of grant applications, processing of requests for proposals, preparation of staff reports to the City Council, preparation of project specifications and estimates, review plans and designs, and other project related duties as assigned. It is currently envisioned that the consultant will be managing building projects in design and/or construction. The project manager may also be assigned to other building related projects.

Requirements: California Registered Architect with a valid California driver's license and vehicle to visit project sites and attend off-site meetings on an as-needed basis, and preferably a mobile phone. Must be proficient in the building specifications (CSI and Greenbook), familiar with the Public Contract Codes, and be experienced in managing public works design and construction projects. A non-registered individual may be considered if the individual has significant public works project management experience.

Jack Shah proposes to the City the services of Mr. Jack Shah as Consultant Project Manager. Mr. Shah has over 44 years of experience in Project and Program Management, Funding, Planning, and is highly motivated goal oriented team player with a reputation for completing projects efficiently, timely, within budget, and assuring that City funds are not wasted. Mr. Shah is a registered Professional Architect in the State of California and has worked as Project Manager and other similar capacities for Los Angeles MTA, Alameda Corridor East (ACE), Metrolink, Sound Transit (Seattle), etc. The complete resume of Mr. Shah is attached to this proposal.

Required Clauses: Jack Shah makes the following statements:

1) It is understood that the this proposal and City's RFP, in securing consultant project management services, will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley.

2) It is understood that the proposed Services to be provided, and fees therefore, will be in accordance with the City's RFP except otherwise specified in the Consultant's Proposal under the heading 'Additions or Exceptions to the City's Request for Proposal'.

3) During the course of this agreement, Jack Shah shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict with the proper discharge of the Consultant's duties under this Agreement. Jack Shah shall not have any authority or purport to have any authority, to enter into any Agreement or other arrangement whereby the City would incur any obligation, financial or otherwise, to the third party.

4) Jack Shah will document and provide the results of the work to the satisfaction of the City. Jack Shah understands this may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

5) Jack Shah will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

6) Jack Shah, affirms its commitment and pledges its full support to equal employment opportunity. Jack Shah will not discriminate against any employee or applicant because of race, color, religion, sex or national origin.

7) Jack Shah will adhere to all federal laws and regulations notwihstanding any state or local laws and regulations. In case of conflict between federal, state or local laws or regulations, the strictest shall be adhered to.

8) Jack Shah, shall allow all authorized federal, state, county and City officialsaccess to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

9) Jack Shah shallcomply with the Davis-Bacon Fair Labor Standards Act (40 USC276-a through a-7), and the implementation regulations issued thereto (29 CFR Section 1,5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions", Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

10) Jack Shah shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the implementation Rgulation (29 CFR 3) issued pursuant thereto, and any amendment thereof.

11) Jack Shah offers and agrees to the City all rights, title, and interest in and to all clauses of action it may have under Section 4 of the Clayton Act (15 USC Esc. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 167000) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public worksor the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgementby the parties.

Additions or Exceptions to the City's Request for Proposal:

We have carefully reviewed the City's RFP and sample agreement and are prepared to comply with them without exceptions upon selection.

Insurance:

Upon selection, Jack Shah will provide required necessary Insurance Certificate with the required insurance coverages and the endorsement provisions that as outlined in the City's RFP.

Disclosure of Lobbying Activities:

Jack Shah does not participate in lobbying activities for any Federal activities and therefore, the Standard Form LLL to disclose lobbying activites pursuant to 31 USC 1352 is not applicable. Certification for Contracts, Grants, Loans, and Cooperative Agreements is executed and duly attached herewith.

We thank you for this opportunity for the Temporary Staffing for Professional Consultant Services. We have a sincere desire to provide quality services to yourself and your staff and look forward to working with you. If you have any questions, please do not hesitate to contact me at 909-816-1424. This proposal is valid for 30 days.

Sincerely,

Jagdish (aka: Jack) Shah, R.A., M.S. (Civil)
Principal

Enclosures: Resume - Jack Shah
Required Forms

JACK SHAH, R.A., M.S. (Civil)
22900 Estoril Drive, # - 5,
Diamond Bar, CA 91765-4490
909-816-1424
E-mail: jackshah@verizon.net

OBJECTIVE: Provide Consulting services for Program/Project management (design and Construction Administration) where I can use my vast experience and knowledge of Building and Transportation projects.

SUMMARY: Architect and Civil Engineer. Professional Registration in California and other states. Team and consensus builder. Leader in resolving design/construction issues and timely project completion. Experienced in government (Federal/State/County/City/Transit Agencies, etc.) and private organizations facilities design/construction mgmt. and funding. Also experienced in business development, planning, engineering design (including design/build contracts), partnering, negotiations (design and const. COs), Value Engineering (VE) and QA/QC. OSHA Occupational Safety and Health trained in Construction Safety & Health. Currently serving as Planning Commissioner, City of Diamond Bar, CA.

Business Development/ Office Operations: Won several design, program management, on-call engineering, and extension to existing contracts work. Managed and ran Korve Engineering Company's LA office and Exeltech Engineering, Los Angeles office operations.

Design and Construction contracts Administration: Managed large projects, overseeing work performed by consultant/CM and equipment procurement contracts. Developed budget and schedules. Supervised engineers, architects, and administrative staff. Assured compliance with CEQA/NEPA, ADA and CPUC requirements.

Hands on Project/Program Management (PM): Funding requirements compliance, Design contracts, QA/QC, and VE. Design/construction coordination with in-house team, utility companies, govt. agencies (Federal/ State/ County/ City/ transit agencies, etc.), contractors/ sub-contractors, railroads, Fire Life Safety Committee, etc. Assisted in real estate certification for need, eminent domain/ purchase/ leases/ licenses/ easements and construction agreements. Involved team/staff and consultants in meeting agency's goals and objectives. Handled design/build, design/bid/build contracts.

Trained/mentored students/staff in PM, QA/QC and VE. Received training for General Code of Operating and Roadway Worker rules.

AWARDS AND KEY ACCOMPLISHMENTS

Los Angeles County Metropolitan Transit Authority (LACMTA) awarded a special bonus for saving more than a million dollars in construction cost and reduction in the construction duration for the Wilshire Vermont Station, Metro Redline Project.

Managed building of six METROLINK stations and four platform extensions in the record time of six weeks after the North Ridge, earthquake. City of LA awarded "Outstanding Service to the community" award. San Clemente (beach) station is named as **"Shah Station"**.

Wrote Commuter Rail Stations Design Manual for Metrolink and Sounder (Seattle) and QA/QC Procedures Manual for MTA and ACE projects.

MV00017869

EXPERIENCE

NEW PROJECTS

City of Moreno Valley

Duties: Program/Project Management and Construction Administration.

- Alessandro Library Rehabilitation - $ 300,000 (approx.). Const. Admin.
- Emergency Operations Center (EOC)- $7.0 million, 8000 Sq. ft. Concept. Design and Construction administration.
- Fire Station #58 - $7.8 million. Construction Administration.
- Public Safety Building and Civic Center Master Planning - $120 million, 80,000+ sq.ft. facility to be build in several stages. Managing Master Planning, PS&E, and funding support.
- New Library Project - $33 million, 71,000+ sq.ft. facility to be designed and build in two phases. 1st phase budget: 26.2 million. Managing PS&E, and funding support. Possibly construction administration.
- Five Fire Stations Exhaust System addition.

San Fernando Valley Region schools, LAUSD Bond Program

Duties: Project Development from site selection to bid documents for construction

Four Schools – Granada Hills HS#4, Early Education School at Chase Elem., Montague Addition, and K-8 Span #1 school.
Overall coordination between various groups, including, CEQA, design/CM, scheduling, LADOT, community outreach, Dept. of Toxic Substance, State Architect, Office of Environment, Health and Safety, etc. for timely and within budget project completion.

Alameda Corridor East (ACE) Project

Duties: QA/QC and VE

Grade Separations (RR and street bridges) and street const. projects: East End Street, Reservoir Street, Brea Canyon Blvd., Nogales St. (LA Sub), Nogales St. (Alhambra Sub), Sunset Ave. Temple Ave Train Diversion Project and approximately 54 grade crossing improvements. Est. cost: $142 million.

Los Angeles MTA (Bus Transit)

Duties: Project Management and QA/QC

Wilshire Bus Rapid Transit (BRT) Project. Included Bus Maintenance Facility, bus stations, street and street crossings improvements, and Demonstration project. Est. cost: $75 + million.

METROLINK

MV00017870

Duties: Project Mgmt., design/CM coordination, consultant selection, negotiations and hire. Coordinated with agencies and funding the projects. Managed UPRR contract, Riverside line tracks, bridges, and stations; 47 stations design and construction management. Communication Contract and track contract. Est. cost: 130 million.

Los Angeles MTA (Rail Transit)

Los Angeles Red Line (Heavy Rail) and Green Line (LRT) projects

Duties:
Green Line:
Project Management for Stations design. Art-in-Transit coordination.
Red Line:
Project Management, design consultant selection/contract negotiations, construction contract support for the following contracts: Yard and shops facilities – Est. cost: 128 million; Tunnel from yard and shops facility to Union station – Est. cost: $32 million; Wilshire Vermont, Wilshire Normandie, Wilshire Western and Vermont Beverly stations – Est. cost: 138 million; Tunnel under Santa Monica Mountain (project alignment change - not build) - Est. cost: 67 million.

Miami Metro

Duties: Project management.
Dadeland North, Vizcaya, Coconut Grove, Allapattah, and Dr. MLK Jr. elevated stations design and construction support – Est. cost: 153 million

EXISTING FACILITIES IMPROVEMENTS PROJECTS

SEPTA – Philadelphia

Duties: Project Management, design, specifications writing and estimating, staff supervision and construction support for 2nd, 5th, 8th, 11th, 13th, and 15th street Market Frankford Line stations renovations – Est. cost: 15 million; Headquarter design; new LRT shop conceptual design and 250 bus facility conceptual design. Wrote Grant Applications.

NYCTA

Duties: Project management support for 168th St. Rail yard facilities renovation project.

OTHER PROJECTS

Mobil Oil, New Haven, CT. office renovation, New York City Post Office building, Ethan Allen Head Quarter building and interiors, offices, schools, colleges, cinemas, bank, court and other institutional facilities and residential facilities. Designed and prepared bid documents and handled construction support activities.

EDUCATION

Drexel University, Philadelphia, PA

MV00017871

M.S. (Civil) Transportation and Construction Management - 1976

University of Miami, Miami, Fl.
M.B.A. (many courses completed – incomplete degree work due to job transfer) - 1979

M.S. University, Baroda, India
B.S. Architecture - 1964

Dale Carnegie Institute, Houston, TX - Diploma in Effective Speaking and Human Relations - 1981
Value Engineering Certification Course - 2004

AMA (American Management Associate) Project Management seminars/classes – 1985-1998

CalTech, Pasadena, CA Vocal Communication and Effective Presentation Techniques - 1988

LICENSES/ REGISTRATIONS & PROFESSINAL MEMBERSHIPS

- State of California License No: C 15247 - 1984 (current)
- State of Texas License No: 8730 - 1982
- State of Pennsylvania License No: RA – 008209-X - 1979
- NCARB (National Council of Architectural Registration Board) Certificate No: 22560 - 1979

* ASCE Membership No: 193985 - 1980
* AREMA Membership No: 10072 – 2000
* ITE Membership No: 11194 – 1998
* AIA Membership No: 30168720 – 2000
* IIA Membership No: CA/76/2520 - 1964

EMPLOYERS

03/2006-Cont.	Independent Consultant
01/2001-03/2006	So. California Operations Manager, Korve Engineering, Los Angeles, CA
03/2000-01/2001	Director, Rail and Transit, Exeltech Engineers, Inc. Diamond Bar, CA
07/1998-03/2000	Railroad Engineer, Sound Transit (Commuter Rail), Seattle, Washington
09/1991-06/1998	Manager, Stations, SCRRA/ Metrolink, Los Angeles, CA
12/1989-08/1991	Facilities Engineering Manager LACTC/RCC, Los Angeles, CA
11/1983-12/1989	Project Manager/Engineer Southern California Rapid Transit District, Los Angeles, CA
07/1983-11/1983	Project Engineer

MV00017872

	SSV & K, New York City, NY
08/1978-07/1983	Area Manager Kaiser Engineers, Oakland, CA
03/1974-07/1978	Facilities Architect SEPTA, Philadelphia, PA
06/1973 - 02/1974	Civil Engineer C.F. Braun & Co., Murray Hill, NJ
06/1965 – 05/1973	Project Manager, Gujarat State Government, India

MV00017873

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$265,000.** The hourly rate for Jagdish Shah will be $126.00 per hour. The City Engineer has the authority to make necessary adjustments to the hourly rate or amend the contract duration as deemed necessary from time to time.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.
5. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

EXHIBIT "D"

MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A3

CSD AGENDA ITEM NO. B.2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: February 10, 2009

TITLE: Naming of Park on Filaree Avenue between Sheila Street and Perris Boulevard

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors for the Moreno Valley Community Services District, adopt the name as recommended and submitted at the neighborhood meeting for the new park located along the south side of Filaree Avenue between Sheila Street and Perris Boulevard as "Patriot Park."

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

The Sheila neighborhood park site is approximately one-half acre in size with planned amenities including play apparatus for ages 2-12, drinking fountain, decomposed granite walking path, benches, and water efficient landscaping. The property and construction of the park is funded by the Redevelopment Agency of Moreno Valley (RDA).

DISCUSSION

Planning continues in the development of a new park in the Sheila neighborhood. At a January 14, 2009 neighborhood meeting, revised plans were presented for the half acre park that incorporated feedback from a previous neighborhood resident meeting.

Interaction with and ideas from residents were helpful in refining the type of park to be developed. Construction of this park, which is funded through the Community Development Block Grant, will start this fall and be ready for use in spring 2010.

At the January neighborhood meeting, residents suggested the new neighborhood park be called "Patriot Park."

ALTERNATIVES

1. Proceed with the naming of "Patriot Park."
2. Select an alternative name for the facility.

FISCAL IMPACT

There would be no fiscal impact as part of this action.

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

NOTIFICATION

Posting of the agenda

ATTACHMENTS/EXHIBITS

Attachment A – Site Map

Prepared By: Michael McCarty

Department Head Approval: Michael McCarty

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

PATRIOT PARK SITE MAP

Legend

- Selected Features
- Parcels
- Roads
- March Installation Area
- Waterbodies
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

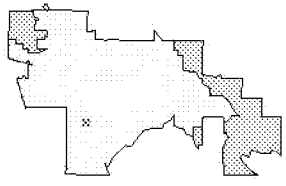

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY

MV00017880

MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A3

RDA AGENDA ITEM NO. C.2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director

AGENDA DATE: February 10, 2009

TITLE: FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2009-03 and the Board of Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

BACKGROUND

On March 25, 2008, the City Council and the Board of Directors of the Redevelopment Agency (RDA) adopted resolution number 2008-33 and RDA resolution number 2008-05 authorizing the Amended and Restated Affordable Housing Agreement (AHA) between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley (RDA) for the Oakwood Apartments. This agreement was made to facilitate the construction and operation of the Oakwood Apartments, a proposed 241-unit complex located on the east side of Perris Boulevard just south of John F Kennedy Drive. The project consists of 2, 3 and 4 bedroom units, designated for very low-income households, at rents not exceeding an overall project average of 52% of area median income. The income categories are based on family size which would be appropriate for the number of bedrooms in the unit.

In July 2005, the City Council approved a zoning change and other development entitlements for this 19.55-acre site. The project successfully secured an allocation of tax-exempt mortgage revenue bonds that are competitively allocated by the California Debt Limit Allocation Committee (CDLAC). These bonds were authorized by California voters through the Housing and Emergency Shelter Trust Fund Act of 2002. In addition, late in 2005 the project received Tax Credits that were sold to an equity investor providing a portion of the permanent financing for the project. Through the approved AHA, the RDA will be providing $3 million in gap financing for the project. This payment was scheduled to be made after the project was completed and occupied.

DISCUSSION

After the AHA was approved and executed, the developer of the project (Simpson Housing Solutions, LLC) began construction. While construction was proceeding, the credit market began to tighten which slowed payments from the tax credit equity investors for the project. Because it is important to maintain the construction schedule, the developer has asked the RDA to accelerate its payment of funds authorized by the AHA. Under the terms of the First Amendment to the Amended and Restated Affordable Housing Agreement (Exhibit A –"Amendment"), RDA will pay the developer the originally agreed upon amount of $3 million in four equal payments of $750,000 increments as shown in the following table:

Amount of Payment	Due Date
$750,000	March 12, 2009
$750,000	April 13, 2009
$750,000	May 13, 2009
$750,000	90 days following full occupancy of the project

The Amendment contains specific requirements that the developer must meet before any RDA payments occur. These requirements help insure that the RDA loan remains secure. This type of payment plan is similar in structure to the process that the RDA used to fund the Cottonwood Place project.

The RDA's financial assistance will include a promissory note secured by a deed of trust recorded against the project. The terms of the note include an interest rate of three percent per annum with a thirty year amortization and a term of twenty seven years. The loan structure allows for the deferral of payments under certain conditions. The annual payments are due and payable on June 1st of each calendar year. In the event the net cash flow is insufficient to cover the payment, the shortfall amount will be deferred. At such time that the annual cash flow increases to an amount above the required payment, the loan will be re-amortized to include the previously deferred amount. This loan structure is quite common with projects utilizing this type of financing and has been used in Moreno Valley on a number of other RDA-assisted projects

Affordable Housing Goals
State law (Health and Safety Code Section 33413) requires that the RDA ensure that a portion of the housing developed and rehabilitated in the redevelopment area is available at an affordable housing cost to low and moderate income households. The Oakwood Apartments provide 241 units of affordable housing. The Oakwood Apartments will enable the City to be credited with 241 units toward Moreno Valley's affordable housing requirements. The 241 units will be applied toward the projected total goal of 274 affordable housing units shown in the City's adopted Implementation Plan for the period of July 1, 2005 through June 30, 2010.

ALTERNATIVES

1. The City Council and Board of Directors can approve the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

2. The City Council and Board of Directors can reject the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement. This action could result in the failure of the project if the developer is unable to find a suitable replacement source of cash flow for completion of the project.

FISCAL IMPACT

The funding approved on March 25, 2008 with the AHA will be accelerated to fulfill the RDA's financial obligation. This expenditure has been budgeted for and is being made from the RDA's Housing Set aside Funds and has no impact on the City's General Fund.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
The Oakwood Apartments promote community pride and foster an excellent image of Moreno Valley by developing and executing programs that result in quality development and enhanced neighborhood preservation efforts, including rehabilitation and neighborhood restoration.

SUMMARY

The Oakwood Apartments are a proposed 241-unit affordable housing project on Perris Boulevard just south of John F. Kennedy Drive within the Redevelopment Project Area. Tightening of the credit markets has impacted the cash flow necessary to maintain the construction schedule and finish the project. It is necessary to accelerate payment of

the RDA obligation. Staff proposes the amendment of the AHA to allow this accelerated payment. The Amendment contains the necessary conditions to safe guard the RDA's funding position.

NOTIFICATION

The developer has been notified of this meeting by phone. In accordance with California Redevelopment Law, the public has been notified through the publication of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A	The First Amendment to the Amended and Restated Affordable Housing Agreement
Attachment B	RDA Resolution No. 2009-01

Prepared By
John Strickler
Housing Program Coordinator

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

by and between the

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

and

ONE MORENO VALLEY 240, L.P., a California Limited Partnership

ATTACHMENT A

DOCSOC/1321110v5/022810-0006

FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

This **FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT** (the "First Amendment"), dated, for identification purposes only, as of January 27, 2009 (the "First Amendment Date"), is entered into by and between the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**, a public body, corporate and politic ("Agency") and **ONE MORENO VALLEY 240, L.P.**, a California Limited Partnership ("Owner"). All terms used herein which are not otherwise defined shall have the meaning set forth in the Original Agency Agreement.

RECITALS

A. Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

B. The Agency and Owner entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Owner to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA).

C. In addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy.

D. Owner has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Owner nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in this First Amendment. Owner agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of this First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced herein; (ii) the moneys disbursed under this First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. This First Amendment to Amended and Restated Affordable Housing Agreement (the "First Amendment") is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions herein contained, the parties hereto agree as follows:

1. Capitalized terms shall have the meanings established under the Original AHA. Agency is a California redevelopment agency acting under the California Community

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Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

2. Subsection (b) of Section 3.1 of the Original AHA is modified to read as follows:

"(b) **Evidence of Permanent Financing**. Owner shall have provided written proof acceptable to Agency that the Bond Loan will be converted to its permanent phase in the principal amount of not to exceed Eighteen Million Dollars ($18,000,000.00)."

3. Subsection (e) of Section 3.1 of the Original AHA is modified to read as follows:

"(e) **Owner Certification**. Agency shall have received satisfactory evidence that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of this Agreement, including Owner's written certification to such effect, (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in this Agreement, including without limitation, the Agency Note, and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages."

4. Subsection (g) of Section 3.1 of the Original AHA is modified to read as follows:

"(g) **Labor Standards; Compliance**. Owner shall have provided written proof acceptable to Agency that the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

5. Section 4.16.1 of the Original AHA is modified to read as follows:

"(a) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA) and the Owner has executed and delivered to Agency an "Owner Certificate A" (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Initial Disbursement" within ten (10) days after the later to occur of: (A) the twentieth (20th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA);

(b) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the fiftieth (50th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Second Disbursement" within ten (10) days after the later to occur of: (A) the fiftieth (50th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each

of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA);

(c) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (c) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the eightieth (80th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Third Disbursement" within ten (10) days after the later to occur of: (A) the eightieth (80th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (c) and (i) of Section 3.1 of the Original AHA); and

(d) Provided that the Conditions Precedent to Disbursement have first been met and Owner executes and delivers to Agency on or after the achievement of Stabilized Occupancy and the Owner executes and delivers to Agency an "Owner Certificate B" (in the form of Attachment No. 17 hereto) following the achievement of Stabilized Occupancy, the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Final Disbursement" within ten (10) days after the later to occur of: (A) the receipt by Agency of the Owner Certificate B following achievement of Stabilized Occupancy or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement.

6. Section 4.16.2 of the Original AHA is modified to read as follows: Excepting only to the extent otherwise expressly set forth in Section 2 of the First Amendment concerning the First Disbursement, the Second Disbursement and the Third Disbursement, to the extent Section 2 does not require satisfaction of subsections (h) and (i) of Section 3.1 of the Original AHA as a condition to payment of the First Disbursement, the Second Disbursement or the Third Disbursement, notwithstanding that each of those Conditions Precedent to Disbursement set forth as subsections (a), (b), (c), (d), (e), (f), (g), (j), (k) and (l) of Section 3.1 of the Original AHA must have been satisfied and Owner Certificate A(s) shall be required to have been received as provided in Section 2 of this First Amendment, the Agency shall have no obligation to disburse and shall not disburse any portion of the Agency Disbursement Amount unless and until all of the conditions Precedent to Disbursement are first satisfied. All of the Conditions Precedent to Disbursement as set forth in Section 3.1 of the Original AHA shall be applicable to the Final Disbursement.

7. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA as to each of the Original AHA and this First Amendment. Each such representation and warranty by Owner shall be deemed to be an ongoing representation and warranty.

8. This First Amendment is made for the purpose of setting forth rights and obligations of Owner and Agency, and no other person (except for the City) shall have any rights hereunder or by reason hereof. Except for the City, which shall be deemed to be a third party beneficiary of the Original AHA and this First Agreement (including without limitation the Attachments hereto), there shall be no third party beneficiaries of the Original AHA or this First Amendment.

9. Owner agrees to defend (by counsel satisfactory to Agency), indemnify and save harmless the Agency, the City and their officers, agents and employees from and against any claims,

damages, demands, actions, losses, liabilities, costs, expenses (including, without limitation, attorneys fees and court costs) arising from or relating to the Original AHA and this First Amendment.

10. The Original AHA, as modified hereby, shall remain in full force and effect.

11. This First Amendment shall be interpreted to effectuate the terms of the Original AHA as expressly modified hereby, in accordance with the laws of the State of California, and as if prepared and reviewed equally by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: *ROBERT W. TETRAULT*
Its: *SENIOR VICE PRESIDENT*

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

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IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

ATTACHMENT NO. 16

OWNER CERTIFICATE A

_____, 2009 (the "Date of Owner Certificate A")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its choosing in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate A ("Owner Certificate A").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate A transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate A and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate A for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate A as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

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ATTACHMENT NO. 17

OWNER CERTIFICATE B

_____, 2009 (the "Date of Owner Certificate B")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing .Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its change in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate B ("Owner Certificate B").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate B transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate B and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate B for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate B as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

RESOLUTION NO. RDA 2009-01

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING A FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE AGENCY AND ONE MORENO VALLEY 240, L.P., A CALIFORNIA LIMITED PARTNERSHIP

WHEREAS, California Health and Safety Code Sections 33334.2 and 33334.6 authorize and direct the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") to expend a certain percentage of all taxes which are allocated to the Agency pursuant to Section 33670 for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing cost to persons and families of low- and moderate-income, lower income, and very low income; and

WHEREAS, pursuant to applicable law the Agency has established a Low and Moderate Income Housing Fund (the "Housing Fund"); and

WHEREAS, the Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law"); and

WHEREAS, the Agency and One Moreno Valley 240, L.P., a California Limited Partnership (the "Developer" or the "Owner") entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Developer to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA); and

WHEREAS, the Developer acquired the Site and, under the Original AHA, is obligated to construct two hundred forty-one (241) apartment units at the Site, which rental units shall not be subject to any restriction on the basis of age (the "Project"); and

WHEREAS, the Developer is experienced in the development and operation of affordable multi-family housing, including in Riverside County and represents that it owns the Site; and

WHEREAS, the Developer and the Agency, following a duly-noticed public meeting at which the public had an opportunity to be heard, approved and entered into the Original AHA which provided for the Developer to develop two hundred forty-one (241) dwelling units and related improvements on the Site, and that the Developer shall, upon completion of such units, rent dwelling units to "Very Low Income Households"

and "Lower Income Households," all at "Affordable Rent" and to be rented at the "Prescribed Rent Levels" throughout the "Required Covenant Period" as those terms are defined within the Original AHA and in conformity with such additional and greater requirements as may be imposed in connection with the provision of funding for the Project. Such development was intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, and to increase, improve and preserve housing available at affordable rent to persons of very low income, pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, et seq., and 33413; and

WHEREAS, in addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy; and

WHEREAS, the Developer has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Developer nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in a draft First Amendment to Amended and Restated Affordable Housing Agreement in the form submitted herewith (the "First Amendment"). Developer agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of the First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced therein; (ii) the moneys disbursed under the First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. The First Amendment is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect; and

WHEREAS, pursuant to Health and Safety Code Section 33334.2(e), in carrying out its affordable housing activities, the Agency is authorized to provide subsidies to or for the benefit of very low income and lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market, and to provide financial assistance for the construction and rehabilitation of housing which will be made available at an affordable housing cost to such persons; and

WHEREAS, pursuant to Sections 33334.2 and 33413(b) of the Health and Safety Code, the Agency is to encourage the provision of dwelling units to be available at affordable housing cost to persons and families of low or moderate income for substantial periods of time; and

WHEREAS, the Project is located within the project area of the Moreno Valley Redevelopment Project (the "Project Area" and the "Redevelopment Project", respectively) and within the corporate limits of the City of Moreno Valley (the "City"). The acquisition, construction and operation of the Project pursuant to the Agreement would benefit the Project Area by providing affordable housing for persons who currently live and work within the Project Area; and

WHEREAS, the Agency has adopted an Implementation Plan pursuant to Health and Safety Code Section 33490, which sets forth the objective of providing housing to satisfy the needs and desires of various constituent elements of the community; and

WHEREAS, the AHA furthers the goals of the Agency set forth in the Implementation Plan as it will facilitate the creation of affordable housing which will serve the residents of the neighborhood and the City; and

WHEREAS, the Legislature declares in Health and Safety Code Section 36000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment, development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, following a duly-noticed public hearing on June 13, 2006, the Agency and the City Council of the City have found and determined that: (i) the Project is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution; (ii) the assistance to be provided with respect to the Project did not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution; and (iii) such determinations constituted final approval of a proposal which may result in housing assistance benefiting persons of low income within the meaning of Health and Safety Code Section 36005 (which findings and determinations are referred to collectively as the "Prior Determinations"); and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed AHA and believes that the AHA is in the best interests of the Agency and the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law requirements; and

WHEREAS, the financial participation by the Agency under the AHA is in consideration of the particular uses required by the AHA to be conducted by Developer on the Site as well as the Developer's undertakings concerning the development and operation of improvements for affordable rental housing; and

WHEREAS, the Developer has submitted to the Agency and the City Council of the City (the "City Council") copies of the First Amendment substantially in the form submitted herewith; and

WHEREAS, the Agency will expend up to Three Million Dollars ($3,000,000) under the AHA; and

WHEREAS, a joint public meeting of the Agency and City Council on the proposed First Amendment was duly noticed; and

WHEREAS, the proposed First Amendment, and a staff report have been available for public inspection prior to the joint public meeting; and

WHEREAS, all actions required by all applicable law with respect to the proposed First Amendment have been taken in an appropriate and timely manner; and

WHEREAS, the AHA would further the goals of the Implementation Plan by providing for the provision of improvements and the provision of new affordable housing as provided in the AHA; and

WHEREAS, the Agency and the City Council have duly considered all of the terms and conditions of the proposed First Amendment (and the AHA) and believes that the redevelopment of the Site pursuant to the AHA is in the best interests of the City of Moreno Valley and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. The Agency hereby finds that the use of funds from the Agency's Low and Moderate Income Housing Fund pursuant to the AHA will be of benefit to the Project Area for the reasons set forth above.

Section 2. The Agency reconfirms and ratifies the Prior Determinations and finds and determines that the Prior Determinations constitute valid, binding and final determinations. The Agency further finds and determines that the Project (as described in the AHA) is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution, and that the assistance to be provided pursuant to the AHA does not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution. The Agency further determines that this resolution shall constitute a final approval of a proposal which may result in housing assistance benefiting persons of low income, within the meaning of Health and Safety Code Section 36005 and that, for the purposes of such enactment, the construction of improvements is sufficiently complete that improvements thereon constitute existing units.

Section 3. The Agency finds and determines that, based upon substantial evidence provided in the record before it, the level of support provided under the AHA is reasonable and necessary.

Section 4. The Agency finds and determines that, based upon substantial evidence provided in the record before it, that an economically feasible alternative method of financing or assisting the Development on substantially comparable terms and conditions, but without subordination (to the extent provided in the AHA), is not available, and the AHA provides for written commitments reasonably designed to protect the Agency's investment in the event of default, such as: (i) the right of the Agency to cure the default; and (ii) a right of the Agency to purchase the Site at any time after a default on the corresponding loan.

Section 5. The Agency hereby finds and determines that the AHA will further the implementation of the Redevelopment Plan and the Implementation Plan by providing for the construction of new, affordable housing subject to long-term covenants.

Section 6. The Agency hereby approves the First Amendment in substantially the form presented to the Agency, subject to such revisions as may be made by the Executive Director of the Agency or his designee. The Executive Director of the Agency is hereby authorized to execute the First Amendment (including without limitation all attachments thereto) on behalf of the Agency. A copy of the First Amendment when executed by the Agency shall be placed on file in the office of the Secretary of the Agency.

Section 7. The Executive Director of the Agency (or his designee) is hereby authorized, on behalf of the Agency, to make revisions to the AHA which do not materially or substantially increase the Agency's obligations under the AHA or materially or substantially change the uses or development permitted on the Site, to sign all documents, to make all approvals and take all actions necessary or appropriate to carry out and implement the AHA and to administer the Agency's obligations, responsibilities and duties to be performed under the AHA and related documents.

PASSED and **ADOPTED** this 10th day of February, 2009.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of Chairperson of the
Community Redevelopment Agency of the
City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Community
Redevelopment Agency of the
City of Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the
City of Moreno Valley

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MORENO VALLEY)

I, Jane Halstead, Secretary of the Redevelopment Agency of the City of Moreno Valley, do hereby certify that the foregoing Resolution No. ____ was duly and regularly adopted by vote of the Redevelopment Agency of the City of Moreno Valley at its regular meeting held on the 10th day of February, 2009, by the following vote:

AYES:	AGENCY MEMBERS:
NOES:	AGENCY MEMBERS:
ABSENT:	AGENCY MEMBERS:
ABSTAIN:	AGENCY MEMBERS:

By: _____
Jane Halstead, Agency Secretary

MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A2.

BLT AGENDA ITEM NO. D.2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: February 10, 2009 (continued from February 3, 2009)

TITLE: A phased tentative parcel map (PA07-0090 and P08-057) to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including public access and dedication), and first phase plot plan (PA07-0091) for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres (total of 2,620,000 square feet of building for the all phases of development). The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and includes a request a Change of Zone (PA07-0088) to LI (Light Industrial) for all proposed industrial uses and a General Plan Amendment (PA07-0089) to eliminate a planned multi-use trail over Highway 60, to adjust and extend a planned multi-use trail from the south to the north side of future Eucalyptus Avenue from Quincy Street to Theodore Street, to re-designate future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians, and to adjust parcel lines and land use for two parcels located in the CC land use district (narrow width 126 feet on the eastern portion of the site and widen 87 feet on the western portion of the site). The proposed project is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. An appeal has been filed by the project applicant, Highland Fairview Properties, to protect their rights.

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines.

2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the attached resolution.

3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions, and conditions of approval, attached as Exhibit A to two of the resolutions.

ADVISORY BOARD/COMMISSION RECOMMENDATIONS

On January 23, 2008, the Recreational Trails Board reviewed and concurred with the applicant's request to remove a planned trail segment on Sinclair Street between future Eucalyptus Avenue and Highway 60 that was subject to the feasibility of a freeway bridge over Highway 60. In addition, the Board recommended an extension of a planned trail from future Eucalyptus Avenue from Sinclair Street to Theodore Street.

On July 23, 2008, The Recreational Trail Board met to reconsider its original recommendation. At said meeting, the Board reaffirmed its earlier recommendation with the added provision to move the planned future Eucalyptus Avenue trail from the south to the north side of the street as requested by the applicant.

On January 8, 2009, the Planning Commission conducted a public hearing on the proposed project. Based on public testimony from over 60 speakers testifying for or against the project, the Planning Commission closed the public hearing portion and continued the meeting to January 15, 2009, for the applicant's rebuttal to public comments and Planning Commission deliberation. Although the public hearing portion was closed at the conclusion of the meeting on January 8, 2009, the Planning Commission agreed to accept written public comments up to the continued meeting.

On January 15, 2009, the Planning Commission conducted the continued meeting on the proposal. At said meeting, the applicant provided a rebuttal presentation to the public testimony received at the prior meeting. Subsequently, the Planning Commission deliberated on the project and at the conclusion of its deliberation voted 4-2 to refer the project to the City Council with a policy recommendation not to change the property zoning on a 104.9-acre portion of the project site from Business Park to Light Industrial to allow warehouse buildings greater than 50,000 square feet. Reasons given for the recommendation included perceived inconsistency with the existing General Plan vision adopted in 2006 for the area, which was clarified by the subsequent zoning consistency study, additional truck traffic generated by a large warehousing project, and the proposed project being better suited for the planned industrial area in the southern portion of the City.

BACKGROUND

The applicant, Highland Fairview Properties, has proposed Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of industrial and commercial building area in three phases on four parcels. The project site is in the BP (Business Park) and CC (Community Commercial) land use districts.

The project also includes a request for a change of zone from BP (Business Park) to LI (Light Industrial) on approximately 104.9 acres of the project site. The primary purpose of the change of zone is to allow warehouse buildings larger than the 50,000 square foot maximum permitted under the current BP zoning. The project also includes a General Plan amendment covering three elements: 1) modification of the Trails Map to eliminate the planned Sinclair Street trail from future Eucalyptus Avenue to Highway 60 and extend a planned trail on future Eucalyptus Avenue from Sinclair Street to Theodore Street and move the entire Eucalyptus Avenue trail to the north side of the street; 2) modification of the Circulation Plan to allow landscape medians on future Eucalyptus Avenue from Redlands Boulevard to Theodore Street by re-designating the segment from an Arterial to a Divided Arterial; and 3) minor modification of land use between industrial and commercial districts.

The Planning Commission held hearings on January 8, 2009, and January 15, 2009, and, after consideration of considerable written and oral information and testimony, referred the project to the City Council with a recommendation that the proposed policy change re-zone an approximately 104.9 acre portion of the project site not be approved. On January 22, 2009, the Planning Commission officially approved a resolution to formalize the recommendation.

Although the project was forwarded to the City Council by the Planning Commission referral, the applicant filed an appeal of the decision of the Planning Commission's action on January 16, 2009, to protect their rights and ensure review by the City Council. A copy of the appeal letter is included as an attachment to this report.

DISCUSSION

Policy Decision

The proposed Highland Fairview Corporate Park project includes a Change of Zone on 104.9 acres of the project site from Business Park (BP) to Light Industrial (LI). The Change of Zone represents a material change to the land use pattern along Highway 60 and the direction provided by the City Council during the zoning consistency study approved in 2006 shortly after the adoption of the General Plan Update. A policy decision relative to the proposed Change of Zone is required to allow for the approval of warehouse industrial buildings larger than 50,000 square feet on the project site. Allowable land uses under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category include all of the above uses with building sizes of 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

While the proposed project would be consistent with the current General Plan land use designation of Business Park/Industrial, a General Plan Amendment is required to eliminate the planned trail segment along Sinclair Street between future Eucalyptus Avenue and Highway 60. The planned trail bisects the proposed 1,820,000 square foot (Phase 1) warehouse industrial building.

Environmental Impact Report

Should the City Council want to consider approval of the applicant's appeal request and make a policy decision to approve the requested change of zone from Business Park (BP) to Light Industrial (LI), an Environmental Impact Report (EIR) would need to be considered and certified for the entire project. The EIR was prepared for the applicant by Michael Brandman and Associates, an approved City consultant, and thoroughly reviewed and accepted by City staff and a City-contracted peer consultant, the Chambers Group.

An EIR was required and completed for the proposed project pursuant to the California Environmental Quality Act (CEQA). Notice of completion and availability of EIR included a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. The City accepted comments well past the 45-day review period. The document was sent to numerous state and local agencies and interested parties on August 5, 2008, as well as the Environmental and Historical Preservation Board. All interested parties and responsible agencies had the chance to review responses to their comments in the draft Final EIR that was mailed to all parties providing letters on December 18, 2008, twenty one days prior to the first Planning Commission hearing on the project. The transmittal was well before the minimum 10 day notice required by CEQA but less than the 30 day notice that has been the City's historical practice. Both the Draft EIR and EIR in its final form were provided for the public's review at City Hall, the City public library and on the City's website.

The EIR concludes that the proposed project will have certain aesthetics, agricultural, air quality, noise and climate change/greenhouse gas impacts that cannot be reduced to a less than significant level, even with proposed mitigation. As identified in the EIR, impacts for the five items are considered to be significant and unavoidable. The EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts. All mitigation measures have been included as conditions of approval and within a Mitigation Monitoring Program attached to the draft project resolutions. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be successfully mitigated below significant thresholds.

Two key elements evaluated in the EIR are the applicant's proposed 24 hour grading operations and the buffer of existing and future sensitive receptors or land uses surrounding the project. In order to mitigate or lessen the ongoing grading operation of the proposed "around the clock" grading activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and other sensitive receptors. In order to provide greater compatibility between the

project if built and current and proposed land uses, the EIR proposed a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. The proposed buffer area, zoned R3 (Residential – up to 3 units per acre), is currently owned by the applicant. Development with such uses as residential homes, schools or other sensitive receptors would not be permitted within this designated buffer area subject to deed restrictions placed on all affected properties.

Since all potential environmental impacts of the project could not be mitigated to less than significant levels, a Statement of Overriding Considerations was prepared. The California Environmental Quality Act (CEQA) requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report for review and possible consideration.

ALTERNATIVES

1. Deny the policy decision for the Change of Zone or General Plan Amendment, thus denying the proposed project.

2. Deny the certification of the Environmental Impact Report, thus denying the proposed project.

3. Approve the policy decision for the Change of Zone and overall project proposal, including certification of an Environmental Impact Report with modifications to address City Council concerns.

4. Approve the policy decision for the Change of Zone and overall project proposal as submitted, including the certification of the Environmental Impact Report.

5. Refer the proposed project back to the Planning Commission for further review and analysis.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

A phased industrial and future commercial project is being proposed for property bounded by Redlands Boulevard, Theodore Street, Highway 60, and future Eucalyptus Avenue. The applicant, Highland Fairview Properties, is proposing a General Plan Amendment for items relating to a multi-use trail, minor adjustment of land uses, the addition of center medians, and a Change of Zone for a proposed 83 acre Phase 1 1,820,000 square feet industrial warehouse project and future 600,000 square foot building on approximately 22 acres under Phase 2.

The vision provided by the Planning Commission and City Council during the 2006 General Plan Update and subsequent zoning consistency included zoning which restricted warehouse and industrial buildings to 50,000 square foot or smaller for the Business Park areas in the eastern portion of the City. A policy decision by the City Council would be needed to allow larger industrial buildings in this area. A proposed Change of Zone from BP or Business Park to LI or Light Industrial would allow industrial buildings larger than 50,000 square feet at the project site. The Planning Commission decision at their January 15, 2009 meeting was to recommend denial of the request to change existing land use policy and the current zone to LI (Light Industrial) for the project site.

NOTIFICATION

Notice of the project was provided to potentially affected agencies, adjacent property owners and the general public. This included notice to all responsible agencies, property owners of record within 300 feet of the project, and all interested parties that had asked to be included on the mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper. Prior notification of the draft and final versions of the Environmental Impact Report was provided to all responsible agencies and interested parties.

ATTACHMENTS

1. Public Hearing Notice
2. Appeal letter from Highland Fairview dated January 16, 2009
3. Environmental Impact Report Resolution, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Change of Zone Ordinance, including Exhibit A
5. General Plan Resolution, including three (3) individual exhibits, Exhibits A through C
6. Tentative Parcel Map Resolution, with attached conditions of approval
7. Plot Plan Resolution, with attached conditions of approval
8. Environmental Impact Report (Previously provided in disk format under separate cover)
9. Letter from Caltrans and Response to Comments
10. Letter from Mr. Mike Rios and Response to Comments

11. Planning Commission Report excluding exhibits
12. Planning Commission Minutes of January 8, 2009 and January 15, 2009
13. Aerial Map
14. Zoning Map
15. Reduced Tentative Parcel Map
16. Reduced Site Plan
17. Zoning and Land Use Boundary Change Map in EIR
18. Land Use Buffer Map in EIR
19. Planning Commission Denial Recommendation Resolution No. 2009-01

Prepared By Mark Gross, AICP, Senior Planner

Kyle Kollar, Community Development Director

Concurred By John C. Terell, AICP, Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held at a special meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Tentative Parcel Map No. 35629) to include P08-057 (Phasing Plan), PA07-0091 (Plot Plan) and P07-157(EIR)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A tentative parcel map to subdivide a 158.4 gross acre portion of land (265.3 acres to include offsite improvements and drainage) into four (4) separate buildable parcels and two parcels dedicated for freeway improvement purposes (a total of 2,620,000 square feet of industrial and commercial development), with the first phase to include a plot plan for a 1,820,000 square foot distribution warehouse building on approximately 83 acres. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) for all proposed industrial uses/parcels and a General Plan Amendment for the elimination of a required multi-use trail connection, adjustment of a multi-use trail to the north side of future Eucalyptus Avenue, re-designation of future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians as well as the adjustment of parcel lines and land use for two parcels located in the CC land use district (a deduction of 126 feet in width on the eastern portion and enlargement of 87 feet in width on the western portion. An Environmental Impact Report (EIR) has been prepared. An appeal of a Planning Commission recommendation not to recommend approval of a change of zone for a portion of the project site has been filed by the applicant, Highland Fairview Properties.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157) including a Statement of Overriding Considerations and Mitigation Monitoring Program, has been prepared for this project (SCH#2007101132). The document was circulated in draft form to the public (including interested parties/responsible agencies) for review from August 5, 2008 to September 19, 2008. The Final EIR was distributed on December 19, 2008, and is included on the City's website at www.moval.org.

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday; 8 a.m. to 5 p.m. on Friday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

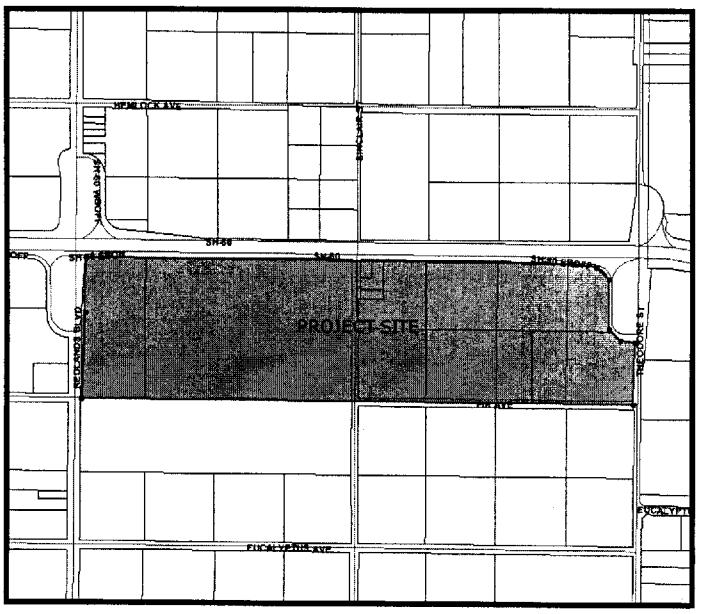

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: February 3, 2009 at 6:00 PM
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

January 16, 2009

Mayor Richard A. Stewart, Mayor and
Members of the Moreno Valley City Council
City of Moreno Valley
14177 Frederick Avenue
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park - PA07-0088 Zone Change, PA07-0089 General Plan Amendment, PA07-0090 TPM 35629 (including PA08-07 Phasing Plan), P07-157 Environmental Impact Report

Mr. Mayor and Members of the City Council:

On January 15, 2009, the Planning Commission voted to refer the above-referenced project applications being processed for the Highland Fairview Corporate Park project to the City Council with a recommendation that the Council deny the project. We have been advised by staff that these applications will be forwarded to the Council for review and final action.

However, because 1) sec. 9.02.040(E)(1)(c) of the Moreno Valley Municipal Code states that a decision by the Commission to recommend disapproval of a proposed General Plan Amendment is final unless appealed within 15 days of the Commission's action, 2) sec. 9.02.050 (C)(2)(a)(iii) contains similar appeal language relative to proposed zone change applications, 3) sec. 9.14.050 provides for the appeal of a Planning Commission action on a proposed tentative map and 4) sec. 9.02.240 states that any action by the Planning Commission may be appealed to the City Council (applicable to the certification of the EIR, the Plot Plan and the Phasing Plan), Highland Fairview hereby respectfully appeals the Commission's recommendation with respect to the certification of the EIR (P07-157), the approval of the general plan amendment (PA07-0089), the change of zone (PA07-0088), the tentative subdivision map (PA07-0090), the phasing plan (PA07-057), and the Plot Plan (PA07-0091).

This appeal is based on the Commission's error in not finding that the project will be consistent with existing goals, objectives, policies and programs of the General Plan, on its error in not finding that the project will be consistent with all applicable portions of the City's Municipal Code and its error in not finding the proposed project will not adversely affect the public, health, safety or general welfare.

ATTACHMENT 2

Enclosed, per the City's Fee Table, is a check in the amount of $750.00 for the appeal filing fee. If there is any additional material, or any added information required, please contact me directly.

Sincerely,

HIGHLAND FAIRVIEW

Iddo Benzeevi

RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P07-157), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE HIGHLAND FAIRVIEW CORPORATE PARK PROJECT, GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, on February 3, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the proposed project, which includes a tentative parcel map to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication) with a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres, and a total of approximately 2,620,000 square foot of building for all phases of development. The project also includes related offsite improvements and drainage. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) to allow the proposed industrial structures and a General Plan Amendment to move a planned multi-use trail from the south side to the north side of future Eucalyptus Avenue (Fir Avenue), eliminate a planned multi-use trail along the Sinclair Street alignment over Highway 60, and the adjustment of parcel lines and land use for two parcels located in the CC land use district, and to consider all environmental documentation;

WHEREAS, the project includes applications for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), phasing (P08-057) tentative parcel map (PA07-0090) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings and shall not be approved unless the Environmental Impact Report (P07-157) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on August 5, 2008, while the review period ended on September 19, 2008. A Final EIR, (including the Draft EIR dated August 4, 2008, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on January 8, 2009, the Planning Commission conducted a public hearing to consider the proposed project, or the Highland Fairview Corporate Park project

consisting of a tentative parcel map to subdivide a 158 gross acre portion of land into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.), and a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres and a total of approximately 2,620,000 square foot of building for all phases of development, and a related Change of Zone and General Plan Amendment, and to consider environmental documentation in its final form;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS on February 3, 2009, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

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

WHEREAS, the comment period for the draft Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project began on August 5, 2008, while said document was circulated for a 45 day period to the public and to responsible agencies for comments, concluding on September 19, 2008;

WHEREAS, on December 19, 2008, the City published a Notice of Availability in the local newspaper (Press Enterprise), posted the Notice of Availability at the Riverside County Clerk's office, and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, since August 5, 2008, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library;

WHEREAS, the final public comment period closed on September 19, 2008, and the City has prepared responses, which have been included in the Final EIR, to all comments received by that date and through the month of October;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the Highland Fairview Corporate Park Project, including, but not limited to land use, traffic and circulation, air quality, noise and aesthetics, light and glare. A statement of overriding considerations is provided for environmental impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas

emissions;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

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

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The Planning Commission hereby recommends that the City Council certify that the final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project on file with the Community and Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The Planning Commission recommends that the City Council hereby adopt the Findings and Statement of Overriding Considerations regarding the final EIR for the Highland Fairview Corporate park Project, attached hereto as Exhibit A; and

3. The Planning Commission recommends that the City Council hereby approve the Mitigation Monitoring Program for the final EIR for the proposed Highland Fairview Corporate Park project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects of the Approval of the Highland Fairview Corporate Park Project (State Clearinghouse No. 2007101132)

I. INTRODUCTION

The City Council of Moreno Valley (the "Council") in approving the Highland Fairview Corporate Park project (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Findings are based upon the entire record before the Council, as described in Section III below, including the Environmental Impact Report ("EIR") prepared for the Project by the City, acting as the lead agency under the California Environmental Quality Act ("CEQA").

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The Project consists of the development of a corporate park in three phases comprising a 1,820,000 square foot ("sf") logistics (i.e., warehouse and distribution) building, which will be leased to Skechers, and 80,000 sf of commercial facilities in Phase 1; a second 600,000 sf logistics building in Phase 2; and 120,000 sf of commercial facilities in Phase 3. The Project will affect three different areas which, together, will contain approximately 265 acres: the Project Site which will contain approximately 125 acres which will be developed and approximately 33 acres which will be dedicated or improved for various improvements and utility extensions; and approximately 23 acres, located south of the Project Site, which will be used for drainage purposes in connection with the development of the Project Site. The Project Site is bounded on the north by State Route 60 ("SR-60"), on the east by Theodore Street, on the south by future Eucalyptus Avenue (approximately on the current alignment of Fir Avenue) and on the west by Redlands Boulevard.

The eastern and western portions of the Project Site are currently designated for Commercial uses in the City's General Plan and are zoned for Community Commercial uses. The center of the Project Site is designated for Business Park/Light Industrial use in the General Plan and is zoned for Business Park uses. The development of the Project requires a General Plan amendment to increase the commercial area on the western portion of the Project Site, to reduce the commercial area on the eastern portion of the Project Site, to amend the City's Master Plan of Trails and to amend the Circulation Element of its General Plan to make future Eucalyptus Avenue a four lane divided arterial street with a median; a zone change to reflect the changes in the areas designated for Commercial and Business Park uses; a change in the zoning in the center of the

Project Site from Business Park to Light Industrial; a tentative parcel map to create four parcels on which development will occur, three parcels which will be used for SR-60 improvements and six parcels which will serve as common areas; the approval of the Plot Plan for the development planned for Parcel 1; the approval of alternate work hours during the construction period; and future discretionary approvals needed to complete the development of the Project.

B. PROJECT OBJECTIVES

The objectives for the Project are to:

1. Perform construction in an accelerated manner in order to meet Skechers' occupancy needs;

2. Provide additional employment opportunities;

3. Provide logistic facilities in a single building containing at least 1,800,000 sf to allow for the consolidation of several existing Skechers' logistics facilities into one;

4. Plan for, and entitle, the Project Site to allow for the possibility of adding another building containing up to 600,000 sf to account for future growth in the need for logistics facilities;

5. Provide logistics facilities on land with immediate access to State Route-60 to minimize the use of City streets;

6. Provide the City with new jobs and revenues from the construction and operation of the logistics facilities;

7. Construct the logistics facilities in a manner that maximizes the use of green technology; and

8. Develop the Project Site to ensure an adequate rate of return on the Project applicant's investment.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive environmental review of the Project to ensure that both the City's decision makers and the public are fully informed about potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in the Project through the use of mitigation measures which have been found to be feasible; and to disclose to the public the reasons why the City has approved the Project in the manner chosen in light of the significant

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environmental effects which have been identified in the EIR. In order to do this, the City, as the lead agency under CEQA, has done all of the following:

1. Prepared and distributed an Initial Study/Notice of Preparation, dated October 29, 2007, a copy of which was circulated the following day through the State Clearinghouse to various state agencies for their comments;

2. Sent the Initial Study/Notice of Preparation, which contained the notice of a scoping meeting to be held on November 26, 2007, to each of the governmental agencies, organizations and individuals shown on the distribution list for the Notice of Preparation/Initial Study, Appendix A to the Draft EIR, on October 29, 2007;

3. Held a public scoping meeting on November 26, 2007, to solicit comments from the public on what should be analyzed in the EIR;

4. Sent a Notice of Completion and a copy of the Draft EIR to the State Clearinghouse on August 4, 2008;

5. Filed a Notice of Availability with the Clerk of the Riverside County Board of Supervisors on August 4, 2008, informing the public that the Draft EIR was available for public review for a 45 day period beginning on August 6, 2008, and ending on September 19, 2008;

6. Mailed the Notice of Availability to all organizations and individuals who had previously requested the Notice on August 4, 2008;

7. Mailed the Notice of Availability to all residents and property owners within 300 feet of the Project Site on August 4, 2008;

8. Provided copies of the Draft EIR to 132 public agencies, organizations and individuals on August 4, 2008;

9. Placed copies of the Draft EIR on the City's website, at the City's Planning Department's public counter and at the public library located at 25480 Alessandro Boulevard on August 4, 2008;

10. Published the Notice of Availability on August 8, 2008, in the Press Enterprise, which is the newspaper of general circulation which has the largest circulation in the areas affected by the Project;

11. Prepared responses to comments on the Draft EIR received during and after the 45 day comment period on the Draft EIR, which have been included in the Final EIR;

MV00017922

12. Published a Notice on December 19, 2008, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the City's Planning Commission would hold a public hearing on January 8, 2009, to consider the Final EIR and the Project in order to provide recommendations to the Council;

13. Sent copies of the Final EIR on December 19, 2008, to all public agencies, organizations and individuals who had submitted comments;

14. Held a public hearing of the City's Planning Commission to consider the adequacy of the Final EIR on January ___, 2009, and, at the conclusion of the hearing, recommended that the Council certify that the Final EIR had been prepared in full compliance with CEQA;

15. Published a notice on January ___, 2009, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the Council would hold a public hearing on January ___, 2009, to consider certification of the Final EIR as having been prepared in compliance with CEQA and the approval of the Project;

16. Mailed notice of the Council's hearing to all residents and property owners within 300 feet of the Project Site on January ___, 2009;

17. Sent notice of the Council's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on January ___, 2009; and

18. Held a public hearing of the Council on January ___, 2009, and, after full consideration of all comments, written and oral, certified that the Final EIR had been completed in compliance with CEQA and approval of the Project.

All of the documents identified above and all of the documents which are required to be part of the record pursuant to Public Resources Code § 21167.6(e) are on file with the City's Community Development Department, Planning Division, located at 14177 Frederick Street, Moreno Valley, CA 92552-0805. Questions should be directed to Mark Gross, AICP, Senior Planner, in the Division.

A. INDEPENDENT JUDGMENT FINDING

Finding: The Final EIR for the Project reflects the City's and the Council's independent judgment and analysis.

Factual Basis for the Finding: The EIR was prepared by Michael Brandman Associates, an independent consulting firm, under the supervision and direction of Planning Division staff of

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the City's Community Development Department and was thoroughly reviewed by the Chambers Group, an expert consultant hired by the City to provide independent peer review and assure the exercise of thorough and independent review and judgment by the City. The Council, as the City's final decision making body for the Project, received and reviewed the Final EIR and the comments, both written and oral, provided by public agencies and members of the public prior to certifying that the Final EIR complied with CEQA. The participation of City Staff in selection and approval of Michael Brandman Associates as the EIR Consultant, the professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by the City Staff, the thorough and independent review of the Draft and Final EIRs, including comments and responses to comments, by both the City Staff and the Chambers Group and the review and careful consideration by the City Council of the Final EIR, comments and responses to comments all conclusively show that the Final EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency, and of the City Council as its governing body.

B. FINDING OF THE ABSENCE OF ANY NEED TO RECIRCULATE THE FINAL EIR

Finding: The Council finds that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Project EIR.

Factual Basis for the Finding: The Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed and that the Final EIR contains additions, clarifications and minor modifications to the Draft EIR. The Council has reviewed and considered the Final EIR and all of the information contained in it and has determined that the new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact nor a feasible

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mitigation measure or an alternative considerably different from others previously analyzed that the Project applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the Council indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

C. GENERAL TREATMENT OF MITIGATION MEASURES

It is the Council's intention to adopt all mitigation measures recommended by the Final EIR. If a measure has been omitted from the Conditions of Approval, from the Findings or from the Mitigation Monitoring Program (the "MMP"), a copy of which is attached as Exhibit A and which is hereby adopted, that mitigation measure shall be deemed to be adopted pursuant to this paragraph.

In addition, all Conditions of Approval and the MMP repeating or rewording mitigation measures recommended in the Final EIR are intended to be substantially similar to the mitigation measures as stated in the Final EIR and are found to be equally effective in avoiding or lessening the identified environmental impact.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

Based on the Initial Study, Appendix A.2 to the Draft EIR, and the responses to the Notice of Preparation, the EIR analyzed 16 potential areas where significant environmental impacts could result from the development of the Project. Five of those, aesthetics, agricultural resources, air quality, noise and global climate change and greenhouse gases, were found to have significant and unavoidable environmental impacts after the imposition of all feasible mitigation measures. The remaining 11 areas, biology, cultural resources, geology, hazards and hazardous materials, hydrology, land use and planning, mineral resources, population, housing and employment, public services, transportation and traffic and utilities and service systems were found to have either no significant and unavoidable environmental impacts or that the environmental impacts could be mitigated into a level of insignificance. The description of each environmental area, the potential impacts and the feasible mitigation measures are set forth in Sections 5 and 6 of the Draft EIR together with the changes and additions set forth in Section 4 of the Final EIR.

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A. IMPACTS IDENTIFIED IN THE EIR AS LESS THEN SIGNIFICANT REQUIRING NO MITIGATION

1. AESTHETICS

a. Potential Significant Impact: Damage to scenic resources (Impact 5.1-2)

Finding: The Project will not substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings visible from a State scenic highway.

Factual Basis for the Finding: As discussed in Sections 5.1 and 5.2 of the Draft EIR and as shown in the Aesthetics Assessment, Appendix M.1 to the Draft EIR, the Project Site is flat, having been used for farming in the past and contains no trees, rock outcroppings or historic buildings within any State scenic highway.

b. Potential Significant Impact: Degradation of the existing visual character or quality of the Project Site and its surroundings (Impact 5.1-3)

Finding: The Project will not substantially degrade the existing visual character or quality of the Project Site or its surroundings.

Factual Basis for the Finding: As discussed on pages 5.1-25-26 of the Draft EIR, the development of the Project will introduce urban development into an area of the City that has historically been used for ranching and agricultural purposes. However, the City's General Plan has identified the Project Site for business park and commercial development with the recognition that the visual attributes of the Project Site will change. That change is a continuation of planned development that is visually compatible with the proposed future urbanization of the area surrounding the Project Site.

2. AGRICULTURAL RESOURCES

a. Potential Significant Impact: Conflict with existing zoning for agricultural use or a Williamson Act contract (Impact 5.2-2)

Finding: The Project does not conflict with existing zoning for agricultural use or a Williamson Act contract.

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Factual Basis for the Finding: As discussed on page 5.2-5 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site is zoned as Business Park and Commercial and is not subject to a Williamson Act contract.

b. Potential Significant Impact: Conversion of other farmland to nonagricultural use (Impact 5.2-3)

Finding: The Project will cause changes in the existing environment which could result in the conversion of other farmland to nonagricultural use. However, such changes will not rise to a level of significance because the surrounding farmland is designated for development in the City's General Plan and is not suitable for farming in the long term in any event.

Factual Basis for the Finding: As discussed on page 5.2-6 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site and the area surrounding the Project Site are vacant and, in the past, have been used for dry land farming. However, the development of the Project would not, by itself, in any way limit the use of adjacent land for agricultural purposes. Moreover, the surrounding land is designated for urban use with the understanding that whatever limited agricultural use now exists will not continue to exist for much longer.

Moreover, as discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although land near the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing

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facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of production means that the land near the Project Site cannot be realistically considered as an agricultural resource.

3. AIR QUALITY

a. Potential Significant Impact: Conflict with, or obstruction of, implementation of the applicable air quality plan (Impact 5.3-1)

Finding: The Project will not conflict with, nor will it obstruct implementation of, the applicable air quality plan.

Factual Basis for the Finding: As discussed on pages 5.3-22-23 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the Project is consistent with the Air Quality Management Plan prepared by the South Coast Air Quality Management District because, as set forth in Response 20-2 on page 3-94 of the Final EIR, the number of trips generated under the existing General Plan land use designation, which forms the basis for the Air Quality Management Plan, contemplates vehicle trips substantially in excess of those which will result once the Project is fully developed.

b. Potential Significant Impact: Creation of objectionable odors (Impact 5.3-5)

Finding: The Project will not create objectionable odors affecting substantial numbers of people.

Factual Basis for the Finding: As discussed on page 5.3-54 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the project will not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds would be emitted during construction and operation of the project, which may be objectionable; however, emissions would disperse rapidly from the project site

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and therefore will not be at a level that would induce any significant negative response.

4. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse impact on habitat (Impact 5.4-2)

Finding: The Project will not have a substantial adverse affect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or the U.S.A. Fish and Wildlife Service.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site does not contain any riparian habitat nor does it contain any habitat for either sensitive plants or wildlife.

b. Potential Significant Impact: Substantial adverse effect on protected wetlands (Impact 5.4-3)

Finding: The Project will not have any effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis and the Delineation of Jurisdictional Waters and Wetlands, Tentative Parcel Map No. 35629 and Associated Offsite Areas, Appendices C.1 and C.2 to the Draft EIR, there are no wetlands or wetland vegetation on the Project Site.

c. Potential Significant Impact: Interference with migratory wildlife corridors (Impact 5.4-4)

Finding: The Project will not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery sites.

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Factual Basis for the Finding: As discussed on pages 5.4-31-32 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, no wildlife movement corridors occur on, or directly adjacent to, the Project Site nor will there be any impact on native wildlife nursery sites because no such sites were observed on, or directly adjacent to, the Project Site.

4. GEOLOGY AND SOILS

a. Potential Significant Impact: Exposure of people or structures to potential substantial adverse effects (Impact 5.6-1)

Finding: The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the Project Site or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; and (iv) landslides.

Factual Basis for the Finding: As discussed on pages 5.6-1-15 and Responses 15-1-5 on pages 3-137-138 of the Final EIR and in the geotechnical studies, Appendix F to the Draft EIR, the Project Site is not located in an area that is underlain by any active fault segments although there may be unnamed fault splays nearby. The Project Site is located in an area where there is a moderate potential for liquefaction. However, liquefaction occurs only when groundwater is present within 50 feet of the surface, something which exploratory wells have shown does not occur on the Project Site. The combination of required setbacks and adherence to the structural design requirements set forth in the California Building Code means that the chances of substantial adverse effects will be no greater on the Project Site than anywhere else in Southern California.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GEO-1, set forth on page 4-52 of the Final EIR, has been imposed as a condition of Project approval to ensure that any fault features found on the Project Site will be suitably dealt with.

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b. Potential Significant Impact: Substantial soil erosion or loss of top soil (Impact 5.6-2)

Finding: The Project will not result in substantial soil erosion or the loss of topsoil.

Factual Basis for the Finding: As discussed on page 5.6-15 of the Draft EIR, the Project Site has a gentle slope which does not have a high erosion potential. The fine sandy soil on the Site does have a potential for wind erosion but standard best management practices and air quality emission dust controls during grading will ensure that the soils are properly moistened during high wind conditions. Topsoil on the Site will be lost due to the construction of the Project. However, because the Project Site will ultimately be converted to urban uses and no longer available for agricultural production, the loss of the topsoil will not result in any significant impact.

c. Potential Significant Impact: Unstable geologic location (Impact 5.6-3)

Finding: The Project will not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and will not potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

Factual Basis for the Finding: As discussed on pages 5.6-1-10 and –15 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, and in subsection IV.4.a. above, no evidence of geologic instability underlaying the Project Site has been identified as a result of the geotechnical investigations carried out on the Site. Moreover, the development of the Project will be subject to the City's Grading Ordinance and the California Building Code, both of which are designed to deal with potential problems of geologic instability.

d. Potential Significant Impact: Location of the Project on expansive soil (Impact 5.6-4)

Finding: The Project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), nor will it create substantial risk to life or property.

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Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, limited laboratory tests of the soils at the Project Site at shallow depth show that they have a low expansion potential. Moreover, the Project will be required to comply with the City's Grading Ordinance and the California Building Code, both of which are designed to deal with the potential of expansive soils.

e. Potential Significant Impact: Wastewater disposal systems (Impact 5.6-5)

Finding: Wastewater disposal will have no effect on the soils on the Project Site.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR, the Project will be connected to wastewater service provided by the Eastern Municipal Water District and no septic tanks will be used.

f. Potential Significant Impact: Cumulative impacts on geology and soils

Finding: Cumulative impacts on geology and soils caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-12 of the Draft EIR, the physical development of other land will be subject to the same strict safeguards applicable to the development of the Project Site. Further, impacts to geology and soils are site specific so that a problem on one site does not contribute to problems on other sites.

5. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: Hazardous emissions within one-quarter mile of an existing or proposed school (Impact 5.7-2)

Finding: The Project will not emit hazardous emissions nor will it handle hazardous or acutely hazardous materials, substances or wastes within one-quarter mile of an existing or proposed school.

Factual Basis for the Finding: As discussed on page 5.7-9 of the Draft EIR and in the letter from Jeff Hoskinson dated April 21, 2008, Appendix L to the Draft EIR, the nearest school site, the Calvary Chapel Christian School, is located

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approximately 1.3 miles northwest of the Project Site. Two school sites which had previously been considered by the Moreno Valley Unified School District within one-quarter mile of the Project Site have been abandoned.

b. Potential Significant Impact: Safety hazard due to proximity to an airport (Impact 5.7-3)

Finding: The Project will not result in a safety hazard for people residing or working in the area due to the proximity of an airport or private airstrip.

Factual Basis for the Finding: As discussed on page 5.7-19 of the Draft EIR, the nearest airport or private airstrip is March Air Force Base which is located approximately 7.3 miles southwest of the Project Site. The Site is not within any airport land use plan area.

c. Potential Significant Impact: Impairment or interference with an adopted emergency response plan (Impact 5.7-4)

Finding: The Project's implementation will not impair or physically interfere with any adopted emergency response plan or any emergency evacuation plan.

Factual Basis for the Finding: As discussed on pages 5.7-9-10 of the Draft EIR, the Project Site is located on the City's urban fringe and does not interfere with access to any other area. Emergency access to the Project Site will be available from both Redlands Boulevard and Theodore Street along future Eucalyptus Avenue for all three Phases of the Project.

d. Potential Significant Impact: Exposure to wildland fires (Impact 5.7-5)

Finding: The development of the Project will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

Factual Basis for the Finding: As discussed on page 5.7-10 of the Draft EIR, the Project Site is located in an area which is currently undeveloped and actively dry farmed. No heavy natural vegetation exists in the area surrounding the Site, the surrounding areas cannot be characterized as wildlands nor is the Project Site located in an area identified as a high fire area by Riverside County. The

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closest high fire area is approximately eight-tenths of a mile west of the Site.

6. HYDROLOGY AND WATER QUALITY

a. Potential Significant Impact: Violation of water quality or waste discharge standards (Impact 5.8-1)

Finding: The Project will not violate any water quality standards nor any waste discharge standards nor will it otherwise degrade water quality.

Factual Basis for the Finding: As discussed on pages 5.8-11-15 of the Draft EIR, as modified on page 4-56-57 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the Project applicant will be required to prepare a Stormwater Pollution Prevention Plan ("SWPPP") that conforms to the State Water Resources Control Board's National Pollutant Discharge Elimination System permit prior to the issuance of grading or construction permits. The SWPPP will identify best management practices to prevent construction related pollutants from reaching stormwater and all products of erosion from moving off-site. Conformance with the mandatory requirements of the SWPPP will ensure that no substantial degradation of water quality associated with the short-term construction activities will occur.

Long-term operational stormwater quality concerns will be managed pursuant to a City approved Water Quality Management Plan for the Project Site. The Plan requires the construction of a stormwater conveyance system that will include a series of extended detention basins, which will also serve as infiltration basins, with catch basin inserts for the removal of trash. The result will be a significant reduction in pollutant loads in the stormwater runoff from the Project Site which might otherwise reach surface water bodies.

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b. Potential Significant Impact: Depletion of groundwater supplies or interference with groundwater recharge (Impact 5.8-2)

Finding: The Project will not substantially deplete groundwater supplies nor will it interfere substantially with groundwater recharge.

Factual Basis for the Finding: As discussed on page 5.8-15 of the Draft EIR, and in the geotechnical studies, Appendix F to the Draft EIR, development of the Project Site will increase the amount of impervious area on the Site. However, because groundwater is located more than 110 feet below the existing ground surface, existing recharge is currently minimal. Stormwater runoff from the Project Site will be released into existing downstream drainage areas which will continue to allow runoff from the Site to percolate into the soil.

c. Potential Significant Impact: Alteration of existing drainage patterns resulting in substantial erosion, siltation or flooding on- or off-site (Impact 5.8-3)

Finding: The Project will not substantially alter the existing drainage pattern in a manner which would result in substantial erosion, siltation or flooding on- or off-site.

Factual Basis for the Finding: As discussed on pages 5.8-16-18 of the Draft EIR, as modified on page 4-58 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the best management practices requirement of the SWPPP will ensure that runoff from the Project Site, including siltation, will be cleaned and delivered into existing off-site drainage channels in an amount which will not exceed predevelopment flows.

The Project Site is located in an area which is subject to a 500-year flood or a 100-year flood with an average flooding depth of less than one foot. The Project's detention basins will be utilized to reduce the 100-year peak storm flows to levels at or below existing peak discharges for the Project Site. Thus, the

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development of the Project will not add to the potential for flooding on- or off-site.

d. **Potential Significant Impact:** Creation or contribution of runoff waters exceeding the capacity of existing or planned drainage systems or resulting in substantial additional sources of polluted runoff (Impact 5.8-4)

Finding: The Project will not create, nor will it contribute to, runoff water which would exceed the capacity of existing or planned stormwater drainage systems nor will it provide substantial additional sources of polluted runoff.

Factual Basis for the Finding: As discussed on pages 5.8-17-18 of the Draft EIR, as modified on page 4-38 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, development of the Project Site will increase the impervious surface and would, in the absence of suitable improvements, result in increased stormwater runoff. However, because of the drainage improvements discussed in Section 5.8 of the Draft EIR, stormwater runoff from the Project Site will be less than, or equal to, the peak discharges under existing conditions. Further, the Project's treatment of stormwater runoff, discussed in subsection IV.7.a. above, will ensure the absence of pollutants leaving the Project Site.

e. **Potential Significant Impact:** The location of housing within a 100-year flood hazard area (Impact 5.8-5)

Finding: The Project will not place housing or other structures within a 100-year flood hazard area.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the Project will not contain any housing and the Project Site is not located within a 100-year flood hazard area.

f. **Potential Significant Impact:** Exposure of people or structures to significant risk of loss, injury or death involving flooding (Impact 5.8-6)

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Finding: The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or a dam.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the nearest dam is approximately five miles downstream of the Project Site so that there is no risk from dam failure. Further, there are no levees located anywhere in the vicinity of the Project Site.

g. Potential Significant Impact: Inundation by seiche, tsunami or mud flow (Impact 5.8-7)

Finding: The Project Site will not be subject to inundation by seiche, tsunami or mud flow.

Factual Basis for the Finding: As discussed on pages 5.8-18-19 of the Draft EIR, the Project Site is not located near the Pacific Ocean nor any large body of water. Therefore, neither tsunamis nor seiches, which are defined as standing waves in a partially enclosed body of water, present any hazard to the Project Site. Further, the Site and its surrounding vicinity is relatively flat and the nearest foothills are more than a mile away so that the potential for a mud flow affecting the Site is remote.

h. Potential Significant Impact: Cumulative impacts on hydrology and water quality

Finding: Cumulative impacts on hydrology and water quality caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-14 of the Draft EIR, the EIR prepared for the City's General Plan found that the development of the Project Site and surrounding areas has the potential to increase flooding, erosion, stormwater pollutants. These impacts will be avoided through the implementation of required Best management Practices on a project by project basis in accordance with the national Pollutant Discharge Elimination Stormwater Permit and Water Quality Management Plans. All flood control measures and infrastructure maintenance will be required to comply

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with either the Riverside County Flood Control and Water Conservation District's or the City's standard engineering practices. Additionally, all new development will be required to build master drainage plan facilities and/or pay fees which will be used to build them.

7. LAND USE AND PLANNING

a. Potential Significant Impact: Physical division of an established community (Impact 5.9-1)

Finding: The Project will not physically divide an established community.

Factual Basis for the Finding: As discussed on page 5.9-16 of the Draft EIR, there is no established community in the Project area at the present time. Further, the existing General Plan designates the Project Site for nonresidential development.

b. Potential Significant Impact: Cumulative impacts on land use and planning

Finding: Cumulative impacts on land use and planning caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-14-16 of the Draft EIR, the changes in land use for the Project Site will produce fewer jobs than currently projected based on the development contemplated by the existing General Plan designation and zoning but will still increase the City's job/housing ratio. Further, the impacts resulting from changes in land use are site specific so that a change of use on one site does not contribute to a change of use on other sites.

8. MINERAL RESOURCES

a. Potential Significant Impact: Loss of a known valuable mineral resource (Impact 5.10-1)

Finding: The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

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Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, there are no known mineral resources on the Project Site.

b. Potential Significant Impact: Loss of availability of a locally-important mineral resource recovery site (Impact 5.10-2)

Finding: The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on the City's General Plan or any other land use plan.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, the Project Site is not identified on any land use plan as containing any locally-important mineral resource recovery site.

c. Potential Significant Impact: Cumulative impacts on mineral resources

Finding: Cumulative impacts on mineral resources caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant

Factual Basis for the Finding: As discussed on pages 6-16-17 of the Draft EIR, there are no mineral resources located on the Project Site so the development of the Project will not have any impact on mineral resources. Further, impacts to mineral resources are site specific so that a problem on one site does not contribute to problems on other sites.

9. NOISE

a. Potential Significant Impact: Exposure of people to noise levels in excess of applicable standards or a substantial permanent noise increase in the vicinity of the Project (Impact 5.11-1)

Finding: The Project will not expose people to noise levels in excess of applicable standards. The Project will produce a permanent noise increase in the vicinity of the Project Site but will not result in any significant impact.

Factual Basis for the Finding: As discussed on pages 5.11-17-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the Project will result in a permanent noise increase in the vicinity of the Project Site because the Site is currently vacant. Traffic servicing the Project Site will

MV00017939

add to the existing noise along Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. However, there are no sensitive receptors along either of these street segments which would be adversely affected by the increased noise. Any residential development on land south of future Eucalyptus Avenue will require a sound study, which will review the physical layout of the development, and, if noise problems are found, will require the imposition of appropriate noise reduction measures to ensure that the noise impacting future residents will not exceed that allowed by the City's Municipal Code.

The buildings housing the Project's logistics and commercial uses will be serviced by loading docks and other accessory equipment which will operate outside of the buildings. If adjacent to residential and other sensitive land uses, these activities could result in adverse noise impacts. However, all of the Project related activities will be separated from surrounding areas by surface streets or SR-60. The traffic generated noise on these roadways will be much greater than noise generated on the Project Site and will, therefore, completely mask any such noise. Further, noise generated on the Project Site will be under 65 CNEL, the City's noise standard for residential areas, for all areas zoned for residential development.

b. Potential Significant Impact: Exposure of people to excessive ground borne vibration or noise (Impact 5.11-2)

Finding: The Project will not expose people to, nor will it generate, excessive ground borne vibration or noise.

Factual Basis for the Finding: As discussed on page 5.11-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the grading and construction associated with the development of the Project will not require pile drivers, blasting or other vibration causing equipment or events. Rubber tired vehicles, such as the trucks and cars which will be servicing the Project, generally do not cause significant vibration.

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c. **Potential Significant Impact:** Exposure of people to excessive noise levels from airports (Impact 5.11-4)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within an airport land use plan area or within two miles of a public or public use airport.

Factual Basis for the Finding: As discussed on page 5.11-26 of the Draft EIR, the Project Site is not located within an airport land use plan area nor is it located within two miles of a public or public use airport.

d. **Potential Significant Impact:** Excessive noise levels due to the proximity of a private airstrip (Impact 5.11-5)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within the vicinity of a private airstrip.

Factual Basis for the Finding: As discussed on pages 5.7-9 and 5.11-26 of the Draft EIR, the nearest airport is more than seven miles away from the Project Site and there are no known private airstrips in the vicinity. Therefore, the Project Site will not be subject to excessive noise levels from aircraft.

10. POPULATION, HOUSING AND EMPLOYMENT

a. **Potential Significant Impact:** The inducement of substantial population growth in the Project area (Impact 5.12-1)

Finding: The Project will not, directly or indirectly, induce substantial population growth in the Project area through the introduction of homes or businesses nor through the extension of roads or other infrastructure.

Factual Basis for the Finding: As discussed on page 5.12-3 of the Draft EIR, approximately 2,000 jobs will be generated by the development of the Project. It is expected that most of the workers will reside in the local area. There is a sufficient housing supply already in existence to accommodate those employees who will move into the City.

The construction of future Eucalyptus Avenue, as well as the extension of public services and utilities, will primarily serve the Project Site and will not lead,

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directly or indirectly, to any substantial population growth in the Project area. Adjacent properties may use future Eucalyptus Avenue, which will run between Redlands Boulevard and Theodore Street, but adjacent properties already have access to these two roadways.

b. Potential Significant Impact: Displacement of existing housing (Impact 5.12-2)

Finding: The Project will not displace existing housing nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on pages 5.12-3-4 of the Draft EIR, the Project Site does not have any housing on it.

c. Potential Significant Impact: Displacement of people (Impact 5.12-3)

Finding: The Project will not displace people nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on page 5.12-4 of the Draft EIR, the Project Site is currently vacant so that the development of the Project will not result in the displacement of anyone.

d. Potential Significant Impact: Cumulative impacts on population, housing and employment

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-23-24 of the Draft EIR, the development of the Project will help improve the City's jobs/housing imbalance by adding jobs but not housing. Development of other land will be pursuant to the City's existing General Plan, which contemplates a substantial increase in jobs and homes, and will not be affected by the development of the Project.

11. PUBLIC SERVICES

a. Potential Significant Impact: The provision of new or physically altered police facilities (Impact 5.13-1)

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Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Factual Basis for the Finding: As discussed on pages 5.13-1-2 of the Draft EIR and in the letter from Moreno Valley's Police Chief, in Appendix L to the Draft EIR, the development of the Project may require an incremental increase in the need for police services but no new facilities will have to be constructed to provide that service which will be in the form of personnel and equipment which will be paid for out of general City revenues.

b. Potential Significant Impact: Adverse physical impacts associated with the provision of new or physically altered school facilities (Impact 5.13-3)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

Factual Basis for the Finding: As discussed on page 5.13-4 of the Draft EIR, the Project will not contain any homes and therefore will not house any school-age children and will not, therefore, create the need for new or altered school facilities. Further, the payment of school fees authorized by Government Code § 65995 would constitute full mitigation even if any additional needs were created.

c. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of new or physically altered park facilities (Impact 5.13-4)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services.

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Factual Basis for the Finding: As discussed on pages 5.13-5-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the park needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no City recreational facilities near the Project Site that would be used by employees.

d. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of other new or physically altered other facilities (Impact 5.13-6)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of other new or physically altered other facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other services.

Factual Basis for the Finding: As discussed on page 5.13-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the other needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no other City facilities near the Project Site that would be used by employees.

e. Potential Significant Impact: Cumulative impacts on public services

Finding: Cumulative impacts caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-24-25 of the Draft EIR, the impacts on public services caused by the development of the Project will be less than significant. Development of other land will be pursuant to the City's existing General Plan, which incorporates the need for, and the provision of, public services and will not be affected by the development of the Project.

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12. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Exceeding a level of service set by a congestion management agency (Impact 5.14-2)

Finding: No roadway or highway subject to Riverside County's Congestion Management Plan will be significantly affected by Project traffic.

Factual Basis for the Finding: As discussed on pages 5.14-4 and -29-34 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in Traffic Study, Appendix J to the Draft EIR and in the Traffic Topical response, pages 3-145-163 of the Final EIR, the Project traffic will account for approximately 2% of the traffic at SR 60/I-215 which is less than the 3% level of significance threshold contained in the Riverside County Congestion Management Plan.

SR-60 is the only roadway or highway affected by the Project which is also subject to the Riverside County Congestion Management Plan. Two segments just east of the SR-60/I-215 intersection are currently, and will remain, at level of service F with or without Project traffic. However, while this exceeds the Riverside County Congestion Management Plan's level of service requirement of E, it is less than significant because the Project's contribution of approximately 2% is less than the 3% level of significance threshold.

b. Potential Significant Impact: Increase in hazards due to a design feature or an incompatible use (Impact 5.14-3)

Finding: The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or an incompatible use (e.g., farm equipment).

Factual Basis for the Finding: As discussed on pages 5.14-34-35 of the Draft EIR, the Project Site will be served by large trucks. All roadways and entryways associated with the Project Site have been designed in accordance with standards provided by the City. Moreover, a separate northbound left-turn lane at the Theodore Street/SR-60

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eastbound ramp will improve safety for truck operations over that currently existing.

The normal hazards associated with blind spots created when people in vehicles are in close proximity to large trucks and trailers will be substantially reduced because a single driveway will serve as a primary entrance for truck traffic serving the Project Site and potential blind spots will be addressed through the design feature of the individual driveways.

Finally, a Construction Management Plan will be implemented to address traffic during the grading and construction phases of the Project to ensure that construction traffic will not result in any hazards to the traveling public.

c. **Potential Significant Impact:** Inadequate emergency access (Impact 5.14-4)

Finding: The Project will not result in inadequate emergency access.

Factual Basis for the Finding: As discussed on page 5.14-35 of the Draft EIR, the Project does not create any barriers between roadways and any other land use. Emergency access to the Project Site will be available over future Eucalyptus Avenue from both Redlands Boulevard and Theodore Street for all three Phases of the Project even though access from Redlands Boulevard will not be available to the general public until Phase 3.

d. **Potential Significant Impact:** Conflict with adopted policies, plans or programs supporting alternative transportation (Impact 5.14-5)

Finding: The Project will not conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.).

Factual Basis for the Finding: As discussed on pages 5.14-35-39 of the Draft EIR, future Eucalyptus Avenue will be improved adjacent to the Project Site and will be suitable for a bus route should one be extended to the Site by the Riverside County Transit Agency. Further, a multi-use trail, suitable for pedestrians and bicyclists, will be

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constructed adjacent to the Project Site on the north side of future Eucalyptus Avenue.

13. UTILITIES AND SERVICE SYSTEMS

a. Potential Significant Impact: Exceeding wastewater treatment requirements (Impact 5.15-1)

Finding: The Project will not exceed wastewater treatment requirements set by the Regional Water Quality Control Board.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –9 of the Draft EIR, the Project's wastewater flows will be typical of those from commercial/retail facilities and, for the logistics facilities, would consist of domestic waste from employees. No effluents are expected that would exceed the treatment requirements set by the Regional Water Quality Control Board.

b. Potential Significant Impact: Construction of new water and wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-2)

Finding: The Project will not require, nor result in, the construction of new water and wastewater treatment facilities nor the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed on pages 5.15-2-5 and –9 of the Draft EIR, as modified on pages 4-65-68 of the Final EIR, no expansion of existing water and wastewater treatment facilities will be required to serve the Project Site.

c. Potential Significant Impact: Construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-3)

Finding: The Project will not require, nor will it result in, the construction of new stormwater drainage facilities nor will it require, nor result in, the expansion of existing facilities, the construction of which could cause significant environmental effects.

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Factual Basis for the Finding: As discussed in Section 5.8 and page 5.15-9 of the Draft EIR, as modified by pages 4-55-58 of the Final EIR, the Project's new stormwater drainage facilities will decrease stormwater runoff from the Project Site compared to that which currently exists and will also significantly reduce the pollutant load of stormwater runoff over that which currently exists.

d. Potential Significant Impact: Adequacy of water supplies available to serve the Project (Impact 5.15-4)

Finding: Sufficient water supplies are available to serve the Project from existing resources so that neither new nor expanded entitlements are required.

Factual Basis for the Finding: As discussed on pages 5.15-2-5, 9-11 and 14-15 of the Draft EIR, as modified on pages 4-67-68 of the Final EIR, and the March 5, 2008, Water Supply Assessment prepared for the Project by the water provider, the Eastern Municipal Water District (the "EMWD") as corrected by the June 4, 2008, letter from the EMWD, Appendix K.2 to the Draft EIR, the Project, at build out, will use just over 140 acre feet of potable water per year. The Water Supply Assessment, which was prepared pursuant to SB610, took into consideration the October, 2007, reduction in water from Northern California through the State Water Project which substantially reduced the amount of water available to Southern California. After taking that information into consideration, the EMWD determined that "it will be able to provide adequate water supply to meet the potable water demand for Tentative Parcel Map 35629, in addition to existing and future uses." (Page 33 of the Water Supply Assessment.)

Further, existing water infrastructure currently exists which, with the addition of a 12 inch pipeline to the Project Site from an existing water line located south of and adjacent to SR-60, west of Redlands Boulevard, will allow water to be brought to the Project Site.

Although no mitigation is required to reduce any significant impact, Mitigation Measure W-1, set forth on pages 5.15-14-15 of the Draft EIR, which requires the preparation of a planting and irrigation for the

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City's review and approval, has been imposed as a condition of Project approval to ensure further reduction of water used for landscaping.

e. **Potential Significant Impact:** Adequacy of wastewater treatment capacity (Impact 5.15-5)

Finding: Adequate wastewater treatment capacity exists to serve the Project in addition to existing commitments.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –11 of the Draft EIR, the Project will generate approximately 61,680 gallons of wastewater per day. The EMWD's Moreno Valley Regional Water Reclamation Facility has a capacity to treat 16,000,000 gallons of wastewater per day with the ability to expand to 41,000,000 gallons per day. The current utilization is approximately 11,200,000 gallons per day.

An existing sewer line will be extended along Redlands Boulevard and then easterly along future Eucalyptus Avenue to serve the Project Site.

f. **Potential Significant Impact:** Insufficient landfill capacity to accommodate the Project's solid waste disposal needs (Impact 5.15-6)

Finding: Adequate landfill capacity exists to accommodate the Project's solid waste disposal needs.

Factual Basis for the Finding: As discussed on pages 5.15-6-7 and –11-12 of the Draft EIR, the Project, at build out, will generate just under 129 tons of solid waste per day. The City currently has available to it three landfills. The three landfills have a total capacity to accept solid waste of just under 14,600 tons per day, a minimum of 3,820 tons per day of which is not currently being used. The total remaining capacity in the three landfills is approximately 134,200,000 tons with sufficient capacity for the next 10 to 15 years with the ability to expand for another 15 years after that.

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g. Potential Significant Impact: Compliance with federal, state and local statutes and regulations related to solid waste capacity (Impact 5.15-7)

Finding The Project will comply with federal, state and local statutes and regulations related to solid waste capacity.

Factual Basis for the Finding: As discussed on page 5.15-12 of the Draft EIR, the City has regulations which govern the disposal of solid waste. Skechers, the tenant for the building to be constructed on the Parcel 1, has instituted a significant recycling program at its current locations which will be continued upon relocation to the Project Site. Further, recycled material will be used to the greatest extent practicable in the construction of the Project.

h. Potential Significant Impact: Sufficiency of electrical service for the Project (Impact 5.15-8)

Finding: The Project will be provided with sufficient electrical service.

Factual Basis for the Finding: As discussed on pages 5.15-7-8, –12-14 and 5.16-11-13, as modified on pages 4-68-69 of the Final EIR, the Project will use approximately 3.7 megawatts of electricity which will be provided by the City of Moreno Valley Utilities. The substation which will serve the Project Site has a current capacity of 56 megawatts, expandable to 112 megawatts, with a current peak load of 15 megawatts.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GCC-1 through GCC-4, set forth on page 5.16-11 of the Draft EIR, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, set forth on page 5.15-13 of the Draft EIR, as modified on page 4.20 of the Final EIR, which requires LEED certification, have been imposed as conditions of Project approval to ensure greater reductions in energy used by the Project.

i. **Potential Significant Impact:** Cumulative impacts on utilities and service systems

Finding: Cumulative impacts on utilities and service systems caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-32-33 of the Draft EIR and in subsections I.V.A.14.a-h above, the Project's impacts on water and wastewater treatment requirements and capacity, stormwater drainage facilities, water supply availability, solid waste disposal capacity and availability of electricity at build out will be less than significant. The Projects impacts on each of these utilities and public services has already been factored in to long term needs and requirements so that its cumulative impacts will also be less than significant.

B. IMPACTS IDENTIFIED IN THE EIR AS POTENTIALLY SIGNIFICANT THAT HAVE BEEN MITIGATED TO LESS THAN SIGNIFICANT

1. AESTHETICS

a. **Potential Significant Impact:** Creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Impact 5.1-4)

Finding: The Project has the potential of creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. However, with the imposition of Mitigation Measure A-1, which requires limitations on night time lighting during construction, and compliance with existing City ordinances, standards and regulations, the impact will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.1-26-35 of the Draft EIR, the lighting associated with the operation of the Project will be required to comply with all of the City's lighting regulations and will therefore result in a less than significant impact. Nighttime lighting during the Project's construction has the potential to create temporary new sources of light and glare that will emanate from the Project Site. Requiring the use of directional lighting, shielding and other similar measures will ensure that the impact will be less than

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significant. Accordingly, Mitigation Measure A-1, set forth on page 5.1-35 of the Draft EIR, has been imposed as a condition of approval of the Project.

2. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse effect on federally and California protected and special-status plant and wildlife (Impact 5.4-1)

Finding: The Project Site contains moderately suitable habitat for the Stephens' kangaroo rat, the burrowing owl and for ground-, tree- and shrub-nesting birds, all of which could be adversely affected by the development of the Project. The imposition of Mitigation Measures BR-1 through BR-3, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-31 and –35-36 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site contains moderately suitable habitat for several federally and state protected plants and wildlife which would be affected directly, and through the loss of habitat, indirectly, as a result of the development of the Project. However, a pre-construction survey of the Project Site, avoidance of activities which would affect nesting sites and payment of the mitigation fee called for under the Stephens' Kangaroo Rat Habitat Conservation Plan will ensure that the impacts will be less than significant. Accordingly, Mitigation Measures BR-1, BR-2 and BR-3, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Conflict with local policies or ordinances protecting biological resources (Impact 5.4-5)

Finding: The Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan so that the development of the Project has the potential to adversely affect biological resources. The imposition of

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Mitigation Measures BR-2 through BR-4, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

c. **Potential Significant Impact:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan (Impact 5.4-6)

Finding: The Project Site lies within an area subject to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. The development of the Project could significantly affect the species and their habitats protected by the two Plans. However, the imposition of Mitigation Measures BR-2, which requires the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, and BR-4, which requires the payment of mitigation fees which will be used to protect the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-33-34 of the Draft EIR and the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located in an area subject to both Plans. However, both Plans identify the Project Site as an area where the payment of mitigation fees will fully mitigate any impact which might otherwise occur.

MV00017953

Accordingly, Mitigation Measures BR-2 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on biological resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant and adverse impacts to biological resources. However, the imposition of Mitigation Measures BR-1 through BR-4, which require the protection of birds which might be found on the Project Site, the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, and compliance by other projects with the requirements of the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As discussed on pages 6-10-11 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, substantial amounts of land in the vicinity of the Project contain habitat beneficial to various species. However, the land is also within the areas subject to the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan, both of which are designed to protect habitat and species. The imposition of Mitigation Measures BR-1 through BR-4, discussed in subsections IV.2.a-c above, on the Project and the compliance of other projects with the requirements of the two plans will ensure that the impacts on biological resources will be reduced to less than significant.

3. CULTURAL RESOURCES

a. **Potential Significant Impact:** Substantial change in the significance of an historical or archeological resource pursuant to CEQA Guideline § 15064.5 (Impact 5.5-1)

Finding: Although no known cultural resources are located on the Project Site, 14 cultural resources have been identified within one mile of the Site so that

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development of the Project could have a significant impact on cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-4, which require a City approved archeologist to oversee cultural resource mitigation monitoring while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological resources are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-1-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, the Project Site does not contain any prehistoric sites or isolated artifacts. However, a record search indicated that 14 cultural resources are located within one mile of the Site. The Project Site has been plowed for many years and it is possible that cultural resources might be found once grading begins. Requiring continuing archeological review and monitoring, in cooperation with the representative of a City designated Tribe, will reduce the impact to less than significant. Accordingly, Mitigation Measures CR-1, CR-2, CR-3 and CR-4, set forth on page 5.5-8 of the Draft EIR, as modified on pages 4-9-10 of the Final EIR, which will ensure adequate protection of any cultural resources which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Destruction of a unique paleontological resource or site or unique geologic feature (Impact 5.5-2)

Finding: There are no unique paleontological resource or unique geologic features on the Project Site. However, the impact of the development of the Project on paleontological resources is considered significant because there is a moderate possibility that paleontological resources exist because the geological feature underlying the Project Site has a high potential to contain such resources. However, the imposition of Mitigation Measure CR-5, which require a City approved paleontologist to oversee paleontological resource mitigation monitoring while earth moving activities are taking place on the Project Site and which sets forth the procedures to be followed if paleontological resources are encountered, will reduce the impact to less than significant.

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Factual Basis for the Finding: As discussed on pages 5.5-6-7 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, a literature search indicated that no paleontological resources have been identified on the Project Site. However, the Project Site is situated upon a geologic feature which is highly sensitive for fossil resources. Accordingly, Mitigation Measure CR-5, set forth on page 5.5-9 of the Draft EIR, as modified on page 4-10 of the Final EIR, which will ensure adequate protection of any paleontological resources which may be found during grading of the Project Site, has been imposed as a condition of approval of the Project.

c. **Potential Significant Impact:** Disturbance of human remains, including those interred outside of formal cemeteries (Impact 5.5-3)

Finding: The location of human remains within the Project Site would be a significant impact even though no human remains have been identified on the Site nor are any expected to be found. However, the imposition of Mitigation Measure CR-6, which requires compliance with the procedures set forth if human remains are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on page 5.5-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no human remains have been located in or near the Project Site and none are expected. However, the Site is located in an area which has been inhabited by several Native American Tribes in the past and the possibility that human remains may be found on the Site cannot be rejected. Accordingly, Mitigation Measure CR-6, set forth on pages 5.5-9-10, as modified on pages 4-11-12 of the Final EIR, which will ensure adequate protection of any human remains which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on cultural resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts to

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cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-6, which require a City approved archeologist to oversee cultural resource mitigation monitoring, and a City approved paleontologist to oversee paleontological resources, while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological or paleontological resources or human remains are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As set forth on pages 6-11-12 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no cultural resources have been found on or near the Project Site although cultural resources have been found within a mile of the Site and the Site itself lies within an area which has been historically used by several Native American Tribes. There therefore exists the possibility that cultural resources may be found on the Site once grading begins. However, Mitigation Measures CR-1 through CR-6, discussed in subsections IV.3.a-c above, which will ensure that the information associated with any cultural resources found on the Site will not be lost but will, instead, be available to be used in the context of cultural resources recovered from other, nearby sites, have been imposed as conditions of approval of the Project.

4. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (Impact 5.7-1)

Finding: Neither the construction nor the operation of the Project will create a significant hazard to the public or the environment through the routine transfer, use or disposal of hazardous materials. However, fire and smoke hazards and emissions from diesel powered trucks serving the Project can result in significant environmental and health hazards. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, AQ-5, which requires the review and approval by the City of a construction travel plan, AQ-8, which requires the use of electrically powered equipment during

MV00017957

construction, AQ-10 through AQ-13, which require off-site construction to be limited to day light hours, posting signs prohibiting diesel idling for more than three minutes and prohibiting the establishment of sensitive receptors near the Project Site, and GCC-11, which prohibits heavy trucks from coming on to the Project Site if properly certified, will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.7-7-9 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety.

Potential fire and smoke hazards associated with the Project, particularly given its size, could present a significant impact. However, the imposition of Mitigation Measures HH-1 through HH-4, set forth on page 5.7-11 of the Draft EIR, which will substantially minimize the chance of a major fire, have been imposed as conditions of approval of the Project.

As discussed on pages 5.3-49-53 and 5.7-8-9, emissions from diesel trucks serving the Project Site could have a substantial impact on the health of anyone living south of future Eucalyptus Avenue. Prohibiting idling of diesel trucks, providing electricity to trucks at the Project Site, requiring that only trucks in good operating condition be allowed to access the Project Site and requiring the applicant to record a land use restriction which will prohibit residential development south of future Eucalyptus Avenue will ensure that adverse health impacts will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, and GCC-11, set forth on pages 4-5-6 of the Final EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Cumulative hazard and hazardous materials impacts

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Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts resulting from hazards and hazardous materials. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, and AQ-13 which prohibits the establishment of sensitive receptors near the Project Site, on the Project and similar mitigation measures on other projects will reduce the impact to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6.12-13 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety. Similar regulation will also apply to the development of other projects. The imposition of Mitigation Measures HH-1 through HH-4 and AQ-13, discussed in subsection IV.4.a above, on the Project and the imposition of similar mitigation measures on other projects will reduce the impacts to less than significant.

5. LAND USE AND PLANNING

a. Potential Significant Impact: Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate environmental effects (Impact 5.9-2)

Finding: The Project would be technically inconsistent with the City's General Plan and Zoning Ordinance prior to approval of the proposed General Plan amendment and the change of zone. However, after the adoption of the General Plan amendment and the change of zone, the Project will be fully consistent with the goals and policies of the City's General Plan for this area of the City under the existing land use plan and will not conflict with any of the City's policies or regulations adopted to avoid or mitigate an environmental effect. The imposition of Mitigation Measure LU-1, which prohibits the establishment of sensitive receptors near the Project Site, will reduce the impacts to less than significant consistent with goals set by regional planning organizations.

Factual Basis for the Finding: As discussed on pages 5.9-16-27 of the Draft EIR and pages 4-58-59 of the Final EIR, with the adoption of

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the required General Plan Amendment and Zone Change, the Project is consistent with all of the City's applicable land use, General Plan and Zoning Goals and Policies, including those designed to avoid or mitigate environmental effects. The Project will be consistent with all of the regional and County plans except that it will be inconsistent with the air quality goals of the South Coast Air Quality Management District, the Southern California Association of Governments' Regional Transportation Plan and the Western Riverside County Council of Governments' Comprehensive Plan but neither the Air Quality Management District nor the Associations have any permitting jurisdiction over the Project. Imposing a buffer immediately south of future Eucalyptus Avenue, which will prohibit the location of residences and other sensitive receptors through the recordation of a deed restriction, will ensure that no sensitive receptors near the Project Site will be affected by adverse air quality impacts emanating from the construction and operation of the Project. Accordingly, Mitigation Measure LU-1, set forth on page 4-13 of the Final EIR, has been imposed as a condition of approval of the Project.

b. **Potential Significant Impact:** Conflict with an applicable habitat conservation plan or natural communities conservation plan (Impact 5.9-3)

Finding: The Project could conflict with any applicable habitat conservation plan or natural communities conservation plan. However, the imposition of Mitigation Measures BR-2 through BR-4 which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C-1 to the Draft EIR, the Project Site is located within an area which is subject to both the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project

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Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, as modified on page 4-8 of the Final EIR, have been imposed as conditions of approval of the Project.

6. NOISE

a. Potential Significant Impact: Temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project (Impact 5.11-3)

Finding: Construction work on the Project Site could result in substantial temporary increases in ambient noise levels for existing residences located along Redlands Boulevard. However, the imposition of Mitigation Measures N-1 through N-5, which require that no construction vehicles use Redlands Boulevard south of future Eucalyptus Avenue, that there be no night time construction within 1200 feet of sensitive receptors, that temporary sound barriers be constructed to ensure that day time construction noise not exceed City standards, that all equipment be kept in good working order and that materials be stockpiled at least 1200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed in Section 5.11 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, off-site construction along Redlands Boulevard,. Theodore Street, future Eucalyptus Avenue and the drainage facilities to the south of the Project Site will take place during daylight hours and, with the exception of noisy equipment which will be used for very limited periods of time, there will be no substantial exposure of residents to significant noise impacts. The grading and construction which will take place on the Project Site will take place around the clock for almost a year and would expose nearby residents to noise levels in excess of those allowed under the City's Municipal Code. However, prohibiting construction vehicles on Redlands Boulevard south of future Eucalyptus Avenue, prohibiting nighttime grading within 1,200 feet of

MV00017961

residences south of future Eucalyptus Avenue, the erection of temporary sound barriers, maintaining equipment in good working order and locating material stockpiles at least 1,200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street will ensure that none of the residences will be exposed to noise levels in excess of those allowed by the City's Municipal Code. Accordingly, Mitigation Measures N-1 through N-5, as set forth on pages 5.11-29-30 of the Draft EIR, as modified on pages 4-14-15 of the Final EIR, have been imposed as conditions of approval of the Project.

7. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Substantial increase on traffic load and street capacity (Impact 5.14-1)

Finding: As there is currently little traffic between Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60 any additional traffic by comparison could be considered significant and would cause the intersection of Redlands Boulevard and the SR-60 westbound ramps to exceed the City's level of service during the AM peak hour. However, with the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, the impacts will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.14-15-28 and –39-40 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in the Traffic Study, Appendix J to the Draft EIR, a large number of trucks serving the Project Site will use Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. The City's level of service is D. Without improvements, the intersection of Redlands Boulevard and the SR-60 westbound ramps would be at level of service E in the AM peak hour. Requiring the improvement of the intersection will reduce the impact to less than significant. Accordingly, Mitigation Measure TT-2, set forth on page 5.14-39 of the Draft EIR, as modified on page 4-16 of the Final EIR, has been imposed as a condition of approval of the Project. Although no mitigation is required to reduce any other significant

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impact, Mitigation Measures TT-1 and TT-3, set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, have also been imposed as conditions of approval of the Project to ensure that any improvements needed at the intersections of future Eucalyptus Avenue and Redland Boulevard and Theodore Street and at the intersection of Theodore Street and SR-60 will also be constructed.

b. Potential Significant Impact: Cumulative traffic impacts

Finding: Cumulative impacts of the Project, in conjunction with other development, could result in significant adverse impacts on traffic. However, the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, and TT(C)-1 through TT(C)-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, on the Project, together similar mitigation measures imposed on other projects, will reduce the impacts to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-25-32 of the Draft EIR and in the Traffic Study, Appendix J to the Draft EIR, traffic impacts of other projects have the potential to cause a number of intersections to exceed the City's level of service D requirement. Requiring the Project to provide improvements to the intersections of future Eucalyptus Avenue with Redland Boulevards and Theodore Street and at the intersections of SR-60 and Redlands Boulevard and Theodore Street will ensure that the project's impacts will be less than significant. Accordingly, Mitigation measures TT-1 through TT-3, as set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, and TT-1(C) through TT-3(C), set forth on pages 6-32 of the Draft EIR, have been imposed as condition of approval of the Project. The City's General Plan requires that new development mitigate their traffic impacts so that similar mitigation measures will be imposed on other projects.

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C. IMPACTS IDENTIFIED IN THE EIR AS BEING SIGNIFICANT AND UNAVOIDABLE EVEN AFTER THE IMPOSITION OF ALL FEASIBLE MITIGATION MEASURES

1. AESTHETICS

a. Significant Unavoidable Impact: Substantial adverse effect on a scenic vista (Impact 5.1-1)

Finding: The development of the Project will have a substantial adverse effect on a significant scenic vista and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As shown and discussed on pages 5.1-4-25 of the Draft EIR and Appendix M to the Draft EIR, the Project Site is currently vacant except for a single structure and thus is part of a scenic open space vista. In addition, the Project Site as it now exists is somewhat obscured by existing trees and vegetation but does not completely interfere with the views of mountains and foothills to the north, east and south. The development of the Project will block views of these scenic vistas from SR-60, Redlands Boulevard, future Eucalyptus Avenue and Theodore Street along the full length of each of these roadways adjacent to the Project Site. Further, the buildings to be constructed on the Project Site will be visible from higher elevations to the north, the east and the south and will alter the expansive view of the undeveloped property now evidenced from these areas.

These impacts are significant and unavoidable and there are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project.

b. Significant Unavoidable Impact: Cumulative aesthetic impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on scenic vistas and there are no feasible mitigation measures which will reduce the impact to less than significant.

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Factual Basis for the Finding: As discussed on pages 6-5-6 of the Draft EIR, the development of land in the vicinity of the Project Site will add to the loss of scenic vistas which will occur because of the development of the Project. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

2. AGRICULTURAL RESOURCES

a. Significant Unavoidable Impact: Conversion of farmland to non-agricultural use (Impact 5.2-1)

Finding: The development of the Project will have a significant and unavoidable impact on 24.1 acres of Prime Farmland, 98.8 acres of Farmland of Local Importance and 35.5 acres of Other Land which will be converted from agricultural uses into commercial and industrial uses. There are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of

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production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

b. Significant Unavoidable Impact: Cumulative loss of farmland

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on farming. There are no mitigation measures which will reduce the impact to less than significant other than prohibiting development on sites now used for agriculture.

Factual Basis for the Finding: As discussed on pages 5.2-5-7 and 6-6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could

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be grown if water were available would not cover the costs of production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

3. AIR QUALITY

a. Significant Unavoidable Impact: Violation of an air quality standard or substantial contribution to an existing or projected air quality violation (Impact 5.3-2)

Finding: The construction and operation of the Project will not violate any air quality standards for localized impacts with two exceptions: those promulgated by the South Coast Air Quality Management District for the emission of coarse and fine particulate matter ("PM_{10}" and "$PM_{2.5}$") during the construction of the Project. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, to less than significant. There are no mitigation measures which will reduce the emission of $PM_{2.5}$ to less than

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significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed on pages 5.3-22-40 of the Draft EIR, as modified on pages 4-40-44 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the grading of the Project Site and the operation of the Project will result in the emission of pollutants – nitrogen dioxide ("NO_2"), carbon monoxide ("CO"), PM_{10} and $PM_{2.5}$. The South Coast Air Quality Management District has established localized significance thresholds to determine whether the emission of any of the pollutants will have a significant adverse effect on those nearby, both residents and workers. None of the thresholds will be exceeded after the construction of the buildings on the Project Site has been completed and operations begun. The same thing is true for NO_2 and CO during the construction Phases of the Project. However, without mitigation, the thresholds will be exceeded for both PM_{10} and $PM_{2.5}$. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the emission of PM_{10} will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, as set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. However, there are no feasible mitigation measures which will reduce the emissions of $PM_{2.5}$ to less than significant which would feasibly attain most of the basic objectives of the Project.

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b. Significant Unavoidable Impact: Cumulatively significant net increase of any criteria pollutant for which the Project area is non-attainment under an applicable federal or state ambient air quality standard (Impact 5.3-3)

Finding: The Project Site is located in a non-attainment area for ozone, PM_{10} and $PM_{2.5}$. The grading of the Project Site and the construction of Phase 1 of the Project on the Site could result in emissions of volatile organic compounds ("VOC"), nitrogen oxides ("NO_x"), PM_{10} and $PM_{2.5}$ in excess of the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, will ensure that the daily amount of PM_{10} and $PM_{2.5}$ emitted during the grading and construction Phase 1 of the Project will reduce their impacts to less than significant and will reduce the daily amount of the emission of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 2 of the Project will result in the daily amount of emissions of VOC and NO_x in excess of the thresholds promulgated by the South Coast Air Quality Management District; the daily amount of emissions of PM_{10} and $PM_{2.5}$ will be less than those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 3 of the Project will result in the daily amount of emissions of VOC exceeding the threshold promulgated by the South Coast Air Quality Management District; the daily amount of emissions of NO_x, PM_{10} and $PM_{2.5}$ will not exceed those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC but not to less than significant.

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The daily amount of emissions of VOC, NO_x, PM_{10} and $PM_{2.5}$ associated with the operation of the Project during all Project Phases will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-21, which require off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label, will reduce the daily amount of emissions slightly but in no case will they cause the emissions to be less than significant.

In no case will the daily amount of the emission of CO exceed the threshold promulgated by the South Coast Air Quality Management District during either the grading of the Project Site or the construction of buildings on the Site. The daily amount of emissions of CO will exceed the threshold for CO promulgated by the South Coast Air Quality Management District during all of the three operational Phases of the Project. The imposition of Mitigation Measures AQ-11 through AQ-21 and GCC-5(a), GCC-5(e), GCC-9 and GCC-11, all as described above, will reduce the daily amount of emissions slightly but not to less than significant.

There are no further mitigation measures which will reduce the foregoing impacts to insignificant which would feasibly attain most of the basic objectives of the Project.

The daily amount of emissions of SO_x will be less than the thresholds promulgated by the South Coast Air Quality Management District throughout the grading of the Project Site, the construction of buildings on the Site and the operation of the Project.

Factual Basis for the Finding: As discussed on Section 5.3 of the Draft EIR, as modified on pages 4.40-4.46 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1

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to the Draft EIR, the development of the Project has the potential of emitting criteria pollutants, except for SO_x, in excess of the thresholds promulgated by the South Coast Air Quality Management District during the grading of the Project Site, construction of buildings on the Site and the operation of the Project. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the daily amount of emissions of PM_{10} and $PM_{2.5}$ during the grading and construction associated with Phase 1 of the Project will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. The same conditions will reduce the daily amount of emissions of NO_x during the grading and construction associated with Phase 2 of the Project to less than significant but will reduce the daily amount of emissions of VOC only slightly and not below the threshold promulgated by the South Coast Air Quality Management District. The daily amount of emissions of the other criteria pollutants will be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions of VOC associated with the grading and construction of Phase 3 of the Project will exceed the threshold promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, as described above, will reduce the daily amount of

MV00017971

emissions of VOC slightly but not to less than significant. The daily amount of emissions of the remaining criteria pollutants will all be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions for all three operational phases of the Project, with the exception of SO_x, will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR,all as described above, will reduce the daily amount of emissions of each of the other five criteria pollutants slightly but not to less than significant.

There are no further mitigation measures which will reduce the emissions of the criteria pollutants to less than significant which would feasibly attain most of the basic objectives of the Project. The emissions of VOC and NO_x are associated with the grading of the Project Site and the asphalt, building and architectural coatings for those buildings. The operational emissions are due almost entirely to mobile sources – cars and trucks – over which the City has no control because the Legislature has vested all authority to deal with the emissions from cars and trucks in the California Air Resources Board.

c. **Significant Unavoidable Impact:** Exposure of sensitive receptors to substantial pollutant concentrations (Impact 5.3-4)

Finding: The development of the Project has the potential to expose sensitive receptors to emissions of PM_{10} and $PM_{2.5}$ in excess of local significance thresholds promulgated by the South Coast Air Quality Management District and to the risk of cancer from the operation of the Project in excess of the significance threshold of 10 in 1,000,000. The imposition of Mitigation Measures AQ-1 through AQ-21, which require the control of fugitive dust, the acquisition of

MV00017972

Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label will reduce the impacts of PM_{10} and the risk of cancer to less than significant but the risk associated with the emissions of PM_{10} during the grading and construction associated with Phase 1 of the Project will remain significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed in Section 5.3 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, as amplified and clarified in the Supplemental Health Risk Assessment Report, Appendix D.1 to the Final EIR, and in subsection IV.C.3.a above, the grading, construction and operation associated with the Project has the potential to exceed localized significance thresholds and cancer risks for sensitive receptors near the Project Site. Controlling fugitive dust, acquiring Tier II level construction equipment, to the extent available,

MV00017973

properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, providing bicycle parking spaces and on-site showers, preferential parking for carpools and alternatively fueled vehicles, obtaining LEED, or if not available an approved program to achieve the same level of environmental benefit, certification for the Project, prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label and establishing a buffer area on land immediately south of future Eucalyptus Avenue through a deed restriction will ensure that the risks associated with $PM_{2.5}$ and cancer will be mitigated into insignificance. Accordingly, The imposition of Mitigation Measures AQ-1 through AQ-13, as set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, Mitigation measures AQ-1 through AQ-21, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.3-38-39 and –52 of the Draft EIR, as modified on pages 4-2-5 and –19-20 of the Final EIR, have been imposed as conditions of approval of the Project. However, as set forth in the factual basis for the finding in subsection IV.C.3.a above, there are no feasible mitigation measures which will reduce the emissions of PM_{10} associated with the grading and construction of Phase 1 of the Project to less than significant.

d. **Significant Unavoidable Impact:** Cumulative contribution to air quality impacts

MV00017974

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on VOC, NO_x, CO, PM_{10} and $PM_{2.5}$. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-8-10 of the Draft EIR, in the Air Quality and Health Risk Analysis Report, Appendix D.1 to the Draft EIR, Response 10-2, page 3-99 of the Final EIR and in subsections IV.C.3.a-c above, the air quality pollutants emitted during the operation of the Project, alone or in conjunction with those emitted by surrounding development, will be cumulatively significant. All feasible mitigation measures have been imposed as conditions of approval of the Project. The City will impose feasible mitigation measures on projects seeking approval within the future. However, the air quality problems that exist in the area of the Project are, in most cases, problems affecting the entirety of the South Coast air basin and, as such, are beyond the City's control.

4. NOISE

a. Significant Unavoidable Impact: Cumulative adverse noise impacts

Finding: The development of the Project, in conjunction with the development of related projects and that authorized by the Moreno Highlands Specific Plan will result in significant and unavoidable cumulative noise impacts on houses located near SR-60. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-17-23 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the increase in noise due to the operation of the Project will be small. However, when added to that which can be expected by the use of vehicles on SR-60 from both related projects and the development of the Moreno Highlands Specific Plan area, the result will be that at least one residence east of Theodore Street and several residences located west of Redlands Boulevard will experience a noise increase of more than 3 dB with a future noise level above 65 CNEL, the City's noise level for residential areas. There are no mitigation

MV00017975

measures which will reduce the impacts to less than significant.

5. GLOBAL CLIMATE CHANGE AND GREENHOUSE GASES

a. Significant Unavoidable Impact: Hindrance or delay of California's ability to meet the climate reduction targets contained in AB32 (Impact GCC-1)

Finding: The grading and construction associated with the Project will, after the application of all feasible mitigation measures, result in approximately 6,500 metric tons of carbon dioxide equivalent ("CO_{2e}"). The operation of the Project, after the imposition of all feasible mitigation measures, will produce approximately 81,800 metric tons of CO_{2e} per year. In the absence of any quantitative or qualitative threshold of significance for the emissions of CO_{2e}, it must be assumed that the amount of the emissions of CO_{2e}, both during the grading and construction associated with the Project and the operation of the Project will, individually and cumulatively, be a significant and unavoidable impact. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed in Section 5.16 and pages 6-40-41 of the Draft EIR and in the Climate Change Analysis, Appendix N to the Draft EIR, the grading and construction associated with the Project and the operation of the Project will generate substantial amounts of CO_{2e} emissions. There is, currently, neither a quantitative nor a qualitative threshold to be used to determine whether the amount of CO_{2e} emissions is significant. Various thresholds, ranging from no new contributions to over 40,000 metric tons per year, have been proposed. The staff of the South Coast Air Quality Management District has suggested a possible threshold of 10,000 tons of CO_{2e} per year for industrial projects but has not suggested a numerical threshold for non-industrial projects; the District has not yet acted on the proposal. However, the California Air Resources Board and the Office of Planning and Research are considering the adoption of a threshold of significance for CO_{2e} emissions but have not yet decided on that threshold. AB32 requires a reduction of approximately 30% in CO_{2e} emissions over business as usual by 2020 in order to reach the levels emitted in California in 1990. Irrespective of

MV00017976

when or what standards will be adopted by the California Air Resources Board all feasible measures have been implemented in this project in compliance with AB-32.

Incorporating water conservation requirements, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting construction equipment from idling for more than five minutes, controlling traffic around the Project Site, encouraging construction workers to carpool, prohibiting truck idling for more than three minutes per day per truck, providing electricity in the loading area for transportation refrigeration units, designing the Project to meet 2008 Title 24 energy efficiency requirements, using "cool roofs" and "cool paints," installing renewable energy generation on-site to meet the Project's Phase 1 office electricity needs, using ENERGY STAR-qualified energy efficient appliances, providing bicycle storage parking and showers for employees, installing Light Emitting Diodes in any traffic lights which are a part of the Project, providing pedestrian and bicycle connections to surrounding areas, establishing a Transportation Management Association to encourage and coordinate carpooling by occupants of the Project, providing preferential parking for carpools, vanpools and alternatively fueled vehicles, obtaining LEED certification or, if not available, a similar program to achieve the same level of environmental benefit, designing loading docks which will accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features, and prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label will ensure reduction in the amount of emissions of CO_{2e}. Accordingly, Mitigation Measures AQ-1, AQ-3, AQ-4, AQ-5, AQ-7, AQ-11, AQ-12 and GCC-1through10, set forth on pages 5.16-9-13 of the Draft EIR, as modified on pages 4-2-6 and –18-21 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, have been imposed as conditions of approval of the Project. However, there

MV00017977

are no additional feasible mitigation measures which would reduce the impact to less than significant.

b. **Significant Unavoidable Impact:** Impacts of climate change on the Project (Impact GCC-2)

Finding: Potential impacts of climate change include the exacerbation of air quality problems, reduction in the quality and supply of water from the Sierra snow pack, damage to the natural environment, reduction of in-state electricity production, and an increase in wildfires, all of which could adversely affect the Project. The imposition of Mitigation Measures W-1, which requires the preparation of a planting and irrigation plan for the City's review and approval, GCC-1 through GCC-4, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, which requires LEED credit in a number of areas, will reduce the Project's need for energy and water slightly but the impact of global climate change on the Project will continue to be significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.16-16-18 of the Draft EIR and the Climate Change Analysis, Appendix N to the Draft EIR, global climate change will affect the Project in various ways. Imposing the mitigation measures discussed in subsection IV.C.5 above will decrease the amounts of water and energy required by the Project after it is in operation but it, like all other projects in California, will be subject to the deleterious impacts of climate change.

V. PROJECT ALTERNATIVES

A. ALTERNATIVE SITES

Finding: There exists no reasonably feasible and available alternative site for the Project which would avoid or substantially lessen the significant impacts of the Project or to allow it to feasibly attain most of the Project's basic objectives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for

MV00017978

reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers's requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also unlikely to be reduced for any otherwise feasible site that would satisfy Skechers's needs.

B. NO PROJECT — NO DEVELOPMENT ALTERNATIVE

Finding: The No Project — No Development Alternative is environmentally superior to the Project but would not attain any of the objectives for the Project.

Factual Basis for the Finding: As discussed on pages 9-3-9 and -36 of the Draft EIR, leaving the Project Site in its current condition would result in no impacts to the environment with the exception that the existing General Plan's designation of the Project Site for development with commercial and industrial uses would not be satisfied. None of the Project's objectives would be met.

C. EXISTING GENERAL PLAN ALTERNATIVE

Finding: Developing the Project Site under the existing General Plan designation and zoning would allow for the development of 1,715,000 sf of business park and 410,000 sf of community commercial uses. The impacts on the environment of development pursuant to the existing General Plan designation and zoning would be roughly comparable to those which would result from the

MV00017979

development of the Project. However, it would not meet any of Skechers's needs nor would it allow Skechers to have the logistics facility available in the very near future at any other reasonably feasible and available site. In addition, due to market conditions, development under the existing General Plan designation and zoning would not currently be feasible and therefore would delay any benefits that development of the Project Site would bring to the City, such as jobs and revenues. Likewise, it would not provide the Project applicant with an adequate rate of return on its investment because there is no market available for development of the Project Site consistent with the existing General Plan designation and zoning.

Factual Basis for the Finding: As discussed on pages 9-9-19 and -36 of the Draft EIR and in the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, there is currently no market for the development of the Project Site consistent with the existing General Plan designation and zoning. The environmental impacts of development of the Project Site consistent with the existing General Plan designation and zoning are roughly comparable to those of the Project with the impacts on aesthetics, noise, public services and utilities being slightly less and those on air quality, geology and soils, hazards and hazardous materials and global climate change being slightly more. Developing the Project Site consistent with the existing General Plan designation and zoning would not allow the Project applicant to achieve its objectives. because it would not be able to provide logistics facilities to Skechers, resulting in delay or denial of providing the City with new jobs and revenues from the development of the Project Site and precluding an adequate rate of return on its investment because there is simply no existing market for development of the Project Site consistent with the General Plan designation and zoning.

D. REDUCED DENSITY ALTERNATIVE

Finding: Developing the Project Site with 1,000,000 sf of logistics use and 200,000 sf of community commercial uses would result in environmental impacts which would be slightly less than those which would result from the development of the Project. However, a reduced density alternative would not allow the Project to attain a number of its basic objectives and would not reduce any

MV00017980

significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-19-26 and -36 of the Draft EIR, the environmental impacts of the reduced project would be marginally less than, or equal to, those of the Project. In particular, impacts on Agricultural Resources, Biological Resources, Cultural Resources Hydrology and Water Quality, Mineral Resources, and Population, Housing and Employment would be the same for the Reduced Density Alternative as for the Project, except that employment opportunities would be reduced. Reductions in most other impacts would be marginal to modest. Only reductions in impacts on Air Quality would be likely to be substantial. However, no significant unavoidable impact of the Project would be reduced to or made capable of mitigation to a level of insignificance. Also, the reduced density alternative would prevent achieving some of the Project's basic objectives. In particular, Skechers would not be provided the size and expandability required by its business objectives. Current market conditions would render the Reduced Density Alternative not reasonably feasible and therefore preclude the Project applicant from obtaining an adequate rate of return on its investment.

E. NORMAL CONSTRUCTION SCHEDULE ALTERNATIVE

Finding: The normal construction alternative would have moderately fewer environmental impacts than the Project. However, it would not allow the Project to attain a number of its basic objectives and would not reduce any significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-27-33 and -36 of the Draft EIR, the normal construction schedule would have a moderately lesser environmental impact on aesthetics, air quality and noise during the construction phase but would otherwise be comparable to the impacts which would result from the development of the Project and make no difference in any impacts during the

MV00017981

operation of the Project. However, Skechers would be delayed in consolidating its operations in a single logistics facility and the City would also be delayed in obtaining the jobs and revenues which the construction and operation of the Project will generate. Therefore, development of the Project Site with a normal construction schedule would delay achievement of most of the basic objectives of the Project and would not be significantly environmentally superior to the Project.

F. ADEQUACY OF THE RANGE OF ALTERNATIVES

Finding: Alternatives consisting of development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found.. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also likely to not be

MV00017982

reduced for any site truly feasible for Skechers's objectives.

Because, there are no reasonably feasible and available alternative sites, development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives. The purpose of the Guidelines requirements of studying a reasonable range of alternatives would not be met by constructing additional alternatives that would not meet the basic objectives of the Project. Because Skechers needs are specific as to size, expandability, location and transport accessibility, and without alternative sites as an option, no other alternatives appear feasible which would not defeat at least one basic Project objective.

VI. LOGISTIC MODIFIED GENERAL PLAN CONCEPT

Section 8.3 of the Draft EIR discusses a modification of the Moreno Highlands Specific Plan which would substantially decrease the residential, commercial and business park/light industrial uses of the Specific Plan area and allow the development of substantial logistic facilities, a use not contemplated in the existing Specific Plan. No application for any modification of the Specific Plan has been submitted to the City and there is no guarantee that any application will be submitted. Any modification of the Specific Plan is independent of the development of the Project. Its only connection is that the Project applicant owns both the Project Site and the land which would be affected by a modification of the Specific Plan.

This information was provided solely because the project applicant, the owner of a substantial portion of the land subject to the Specific Plan, is considering the possibility of seeking an amendment of the Specific Plan so that, consistent with CEQA's purpose of providing full information to decision makers and the public, the discussion was included in the Draft EIR.

Specifically, any such amendment to the Specific Plan would require compliance with all of the City's approval process including, but not limited to, a development application, environmental review and new and separate Planning Commission and City Council public hearing. Nothing in the Draft or Final EIR nor in this set of Findings constitutes approval of, or any commitment to approve, any such future application.

MV00017983

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in Section IV. above, most of the Project's impacts on the environment will either be insignificant or, through the imposition of mitigation measures as conditions of approval of the Project, can be reduced to less than significant. However, as set forth in subsection VI.C. above, impacts to aesthetics, agricultural resources, air quality, noise and climate change and greenhouse gases will remain significant and unavoidable even after the imposition of all feasible mitigation measures. Further, as set forth in Section V. above, there are no feasible alternatives to the Project which would mitigate or avoid those environmental impacts. Nevertheless, as set forth below, the Council has determined that the benefits which will accrue from the development of the Project outweigh the significant and unavoidable impacts which the Project will produce.

A. AESTHETICS

Finding: Notwithstanding the significant unavoidable impacts to aesthetics discussed in subsection IV.C.1 above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to aesthetics. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on aesthetics which will result.

Factual Basis for the Finding: As set forth in the Project Objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

MV00017984

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

B. AGRICULTURAL RESOURCES

Finding: Notwithstanding the significant unavoidable impacts to agricultural resources discussed in subsection IV.C.2. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to agricultural resources. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on agricultural resources which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

MV00017985

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

C. AIR QUALITY

Finding: Notwithstanding the significant unavoidable impacts to air quality discussed in subsection IV.C.3. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to air quality. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on air quality which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

MV00017986

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

D. NOISE

Finding: Notwithstanding the significant unavoidable noise impacts discussed in subsection IV.C.4. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse noise impacts. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on noise which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

MV00017987

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

E. CLIMATE CHANGE AND GREENHOUSE GASES

Finding: Notwithstanding the significant unavoidable climate change and greenhouse gases impacts discussed in subsection IV.C.5. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse impact on global climate change. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on climate change and greenhouse gases which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

MV00017988

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

MV00017989

Mitigation Monitoring Program
Highland Fairview Corporate Park Project

State Clearinghouse No. 2007101132

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December 23, 2008

EXHIBIT B

INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The Planning Division would coordinate the project monitoring of the mitigation measures with each applicable department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures. (See Mitigation Monitoring and Reporting Summary Chart beginning on page 5.) The City of Moreno Valley Public Works Department (City) would coordinate monitoring of the implementation of all mitigation measures for the project. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the MMP for the Proposed Project include the following:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist City administration in its determination of the effectiveness of the adopted mitigation measures;
- To report periodically regarding project compliance with mitigation measures, performance standards and/or other conditions; and
- To make available to the public, upon request, the City record of compliance with project mitigation measures.

Overview of the Project

The project site and relevant off-site areas encompass a total of approximately 265.3 acres, development of the site includes approximately 2,420,000 square feet devoted to light industrial logistics uses, and 200,000 square feet of commercial uses. The proposed project includes a Tentative Parcel Map (TPM), a Change of Zone (CZ), a Plot Plan (PP), and a General Plan Amendment (GPA). The Parcel Map would create parcels for two logistics buildings, two commercial projects, and future SR-60 right-of-way. The parcel map would also establish the dedications for required improvements. The Change of Zone would change 6.7 acres of Community Commercial to Light Industrial. The Plot Plan would provide the site plan for the logistics building. The GPA widens the commercial area on the west, reduces the commercial area on the east, and

MV00017991

eliminates a segment of a proposed trail alignment that was contingent upon its feasibility and replaces it with a connection to a planned trail to the east.

Organization of the Mitigation Monitoring Program

The following describes the various sections of the MMP:

- **Introduction** - Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation monitoring program has been organized.
- **MMP** - Describes the City entities responsible for implementation of the mitigation monitoring plan, the plan scope, procedures for monitoring and reporting, public availability of documents, the process for making changes to the program, types of mitigation measures, and the manner in which monitoring will be coordinated to ensure implementation of mitigation measures.
- **Mitigation Monitoring and Reporting Summary** - Outlines the impacts and mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the plan.

DESCRIPTION OF PLAN

Mitigation Monitoring Procedures

This MMP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the monitoring and reporting summary table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. For instance, with any major construction project, the administration generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program.

Responsibilities of City include identification of typical mitigation measure-related issues such as noisy equipment, dust, safety problems, etc. Any problems are generally corrected through directions to the contractors, or through other appropriate, established mechanisms. Internal reporting procedures are already in place to document any problems and to address broader implementation issues.

Reporting Procedures

The City would be responsible for monitoring and implementing the mitigation measures included in this monitoring plan.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate City Department (as indicated on the Mitigation Monitoring and Reporting forms) or employs the office's existing reporting process for verification of compliance.
- Responsible entities verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.
- Responsible entities provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.

The reporting forms prepared by the City would document the implementation status of mitigation measures of the project. The progress reports describe the monitoring status of all project mitigation measures. Project reporting forms and periodic status reports will be available at the City.

The City would also be responsible for assisting their contractor with reporting responsibilities to ensure that they understand their charge and complete their reporting procedures accurately and on schedule.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the Mitigation Monitoring Program for Highland Fairview Corporate Park would be available for public review upon request at the City of Moreno Valley Department of Public Works offices during normal business hours.

Program Changes

If minor changes are required to the MMP, they would be made in accordance with CEQA and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or redesign to make any appropriate improvements. No change would be permitted unless the Mitigation Monitoring Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The Final Environmental Impact Report for the Highland Fairview Corporate Park Project is a "project specific" and "cumulative" evaluation as defined in the CEQA Guidelines.

The Final Environmental Impact Report recommends 63 project specific and cumulative mitigation measures to reduce impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, noise, transportation and traffic, utilities and service systems, and global climate change and greenhouse gases. Compliance with these mitigation measures will be accomplished through administrative controls over project planning and implementation, in this case, through incorporation of specific construction methods, and verification of construction in accordance with these special provisions. Monitoring would be accomplished as described previously under "Reporting Procedures" through verification and certification by personnel.

In general, implementation of the MMP will require the following actions:

- Appropriate mitigation measures would be included in construction documents.
- Departments with reporting responsibilities would review the Final Environmental Impact Report, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance would be addressed by the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

Mitigation Monitoring and Reporting Summary

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Aesthetics							
MM A-1. During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.	Construction Supervisor	City of Moreno Valley Planning Division	During Construction				
MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following: • Use of color; or • Texture variation; or • Roof line variation.	Applicant	City of Moreno Valley, Planning Division	Plot Plan Review/Approval				
Air Quality							
Construction **MM AQ-1.** Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include: • Application of water on disturbed soils a minimum of three times per day; • Covering haul vehicles; • Replanting disturbed areas as soon as practical; • Restricting vehicle speeds on unpaved roads to 15 mph; • Suspension of all grading activities during high wind	Applicant	City of Moreno Valley Public Works, Land Development Division, and the South Coast Air Quality Management District	Prior to Issuance of Grading Permit				

MV00017995

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
speeds in excess of 25 mph. • A Large Operation notification shall be submitted to the SCAQMD prior to construction. • Project applicant to designate a to designate a person(s) to monitor the dust control program and to order increased watering, as necessary. • Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours. • Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust. • Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.							
MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment). The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Prior to Construction During Onsite/Offsite Construction (Provide evidence that this has been certified at occupancy)				

MV00017996

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.	Construction Supervisor	City of Moreno Valley Planning Division, Public Works, Land Development Divison, and the South Coast Air Quality Management District	Onsite/Offsite Construction				
MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.	Construction Supervisor	City of Moreno Valley, Building and Safety Division	Onsite/Offsite Construction				
MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing	Applicant	City of Moreno Valley, Transportation Engineering Division	Prior to issuance of a grading permit				

MV00017997

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Traffic Management Plans for Work Zones.							
MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				
MM AQ-7A. *Construction Phases.* Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division,	Prior to issuance of grading permits. Construction				
MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division	Prior to issuance of Certificate of Occupancy				
MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				

MV00017998

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.	Applicant, Construction Supervision	City of Moreno Valley, :Public Works Land Development Division	Construction				
MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.	Construction Supervisor	City of Moreno Valley Public Works Land Development Division	Offsite Construction				
Operations **MM AQ-11.** All project entrances shall be posted with signs which state: a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to issuance of occupancy permits/Operation				
MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to Issuance of Certificate of Occupancy/ Operation				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.	Applicant	City of Moreno Valley, Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				
MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Plot Plan Approval/Prior to Occupancy Permits				
MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.	Applicant	City of Moreno Valley, Planning Division	Operation (Written Documentation shall be provided)				
MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.	Applicant	City of Moreno Valley, Planning Division, and Transportation Engineering Division	Plot Plan Review/ Approval				
MM AQ-18. Food services shall be provided onsite.	Applicant, Tenants	City of Moreno Valley, Planning Division	Onsite Construction, Operation				
MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.	Applicant, Tenant	City of Moreno Valley, Planning Division and Transportation Engineering Division	Written Evidence of Compliance Shall Be Provided at Occupancy/Operation				
MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				
MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.	City of Moreno Valley	City of Moreno Valley, Transportation Engineering Division	Prior to Certificate of Occupancy For Phase III.				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Biological Resources							
MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-2. Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of a Grading Permit				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM BR-3. A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities. If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG. If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-4. Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.	Applicant	City of Moreno Valley Planning Division	Prior to the Issuance of a Building Permit				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Cultural Resources							
MM CR-1. Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley, Planning Division	Prior to Issuance of a Grading Permit (Provide document for review prior to issuance of a Grading Permit)				
MM CR-2. Project-related archaeological monitoring shall include the following constraints: 1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative; 2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected; 3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative. 4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and 5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or	Applicant, Consulting Archaeologist, Construction Supervisor	City of Moreno Valley Planning Division	During Grading				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.							
MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley Planning Division	During Grading				
MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.	City of Moreno Valley, Construction Supervisor	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM CR-5. Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below: 1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place. 2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. 3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and, 4. Monitoring may be reduced if the potentially	Applicant, Construction Supervisor, Consulting Paleontologist	City of Moreno Valley Planning Division, and Land Development Division of the Public Works Department	Prior to Issuance of Grading Permits, During Grading				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.							
MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed. In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.	Applicant/, Construction Supervisor	City of Moreno Valley, Planning Division	During Grading				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Geology and Soils							
The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. **MM GEO-1.** During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.	Applicant, Consulting Geologist	City of Moreno Valley, Planning Division, Building and Safety Division, and Public Works Land Development Division	Onsite Construction During Grading				
Hazards and Hazardous Materials							
MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				

MV00018007

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
Land Use and Planning							
MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)	Applicant	City of Moreno Valley Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Noise							
Temporary Impacts Due to Construction Noise **MM N-1**. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Construction				
MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City. The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction. In the event any new residential units or other noise sensitive land uses are built and occupied in the	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and During Construction				

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP. With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.							

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Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses. In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences. With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and Construction				

MV00018011

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division, Building and Safety Division	During Construction				
MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division, and the Building and Safety Division	Pre-Construction and Construction				
Transportation and Traffic							
MM TT-1. Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3 Plot Plan Review, Prior to Issuance of Building Permits for Phase 3				

MV00018012

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitor
project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.							
MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3, Prior to Issuance of Occupancy Permits				
MM TT(C)-1. Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				

MV00018013

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project.		Division, Riverside County Transportation Department					
MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				
Utilities and Service Systems							
MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components: • The plans shall incorporate water conservation principles as detailed in the Moreno Valley	Applicant	City of Moreno Valley Planning Division	Plan Check Review/Prior to Issuance of Building Permit				

MV00018014

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Municipal Code § 9.17.030 Landscape and irrigation design standards. • Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. • Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant. • All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5"). • Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications. • All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. • Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended							

MV00018015

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
operating pressure of the irrigation system. • The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).							
Global Climate Change and Greenhouse Gases							
MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Prior to Certificate of Occupancy/Phase 1 Office Occupancy				
MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager: a) Onsite secure, weather-protected bicycle storage	Applicant	City of Moreno Valley Planning Division, Building and Safety Division, Public Works, Transportation Engineering Division	Prior to Certificate of Occupancy, Operation				

MV00018016

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers. b) Any traffic lights installed as part of this project shall use Light Emitting Diodes. c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan. d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information. e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.							
MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Prior to Certificate of Occupancy				

MV00018017

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.	Applicant, Construction Supervisor	City of Moreno Valley Public Works, Land Development Division	Prior to Issuance of Grading Permits During Construction				
MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.	Applicant	City of Moreno Valley Planning Division and Public Works and Development Division	Prior to Issuance of Grading Permit Prior to Certificate of Occupancy				

MV00018018

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Submit Prior to Building Permits				
MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of Building Permits/Prior to Construction (Provide Documentation)				
MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.	Applicant, Tenant	City of Moreno Valley, Planning Division	Operation				

MV00018019

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING ATLAS OF SAID CITY, TO INCLUDE A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE PORTION OF THE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE (INCLUDING RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE) COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Highland Fairview, has filed Application PA07-0088, requesting an amending of the City of Moreno Valley Municipal Code and Official Zoning Atlas as described in this ordinance.

1.2 The Planning Commission conducted a public hearing on January 8, 2009, and a continued meeting on January 15, 2009, with project forwarded to the City Council on said date.

1.3 Pursuant to the provisions of the law, public hearings were held before the City Council on February 3, 2009.

1.4 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.5 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The change of zone is consistent with the General Plan land use designation on the property of Business Park/Light Industrial. Although the General Plan designation of BP would allow the project as currently proposed, the current zoning designation of BP would not allow for the large industrial warehouse structure as proposed under Phase 1 of the plot plan. Therefore, the applicant has requested a change of zone from a business park land use designation (BP) to a light industrial designation (LI) to allow for large industrial warehouse buildings to occur. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur.

   Land uses allowed under the proposed LI zoning category allow for indoor wholesale, storage and distribution buildings uses, but also allow building sizes of 50,000 square feet or greater that facilitate general manufacturing or warehouse uses with frequent truck traffic. In order to provide greater compatibility between current and proposed land uses, the applicant has proposed a buffer zone within approximately 440 feet south of the project's southern property fence line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or hospitals would not occur within this buffer area based on deed restrictions placed on all properties within the zone. All other areas to the east (vacant BP or Business Park land), west (vacant CC or Community Commercial land) and north (Highway 60) would not contain sensitive receptors and so not include a land use buffer.

   The project and proposed change of zone as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included

to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations and is consistent with the purposes and intent of this title.

FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been

prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project

will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

SECTION 3 - AMENDMENT OF THE OFFICIAL ZONING ATLAS

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk), PA06-0099.

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

MV00018025

CHANGE OF ZONE

Application No. PA07-0088

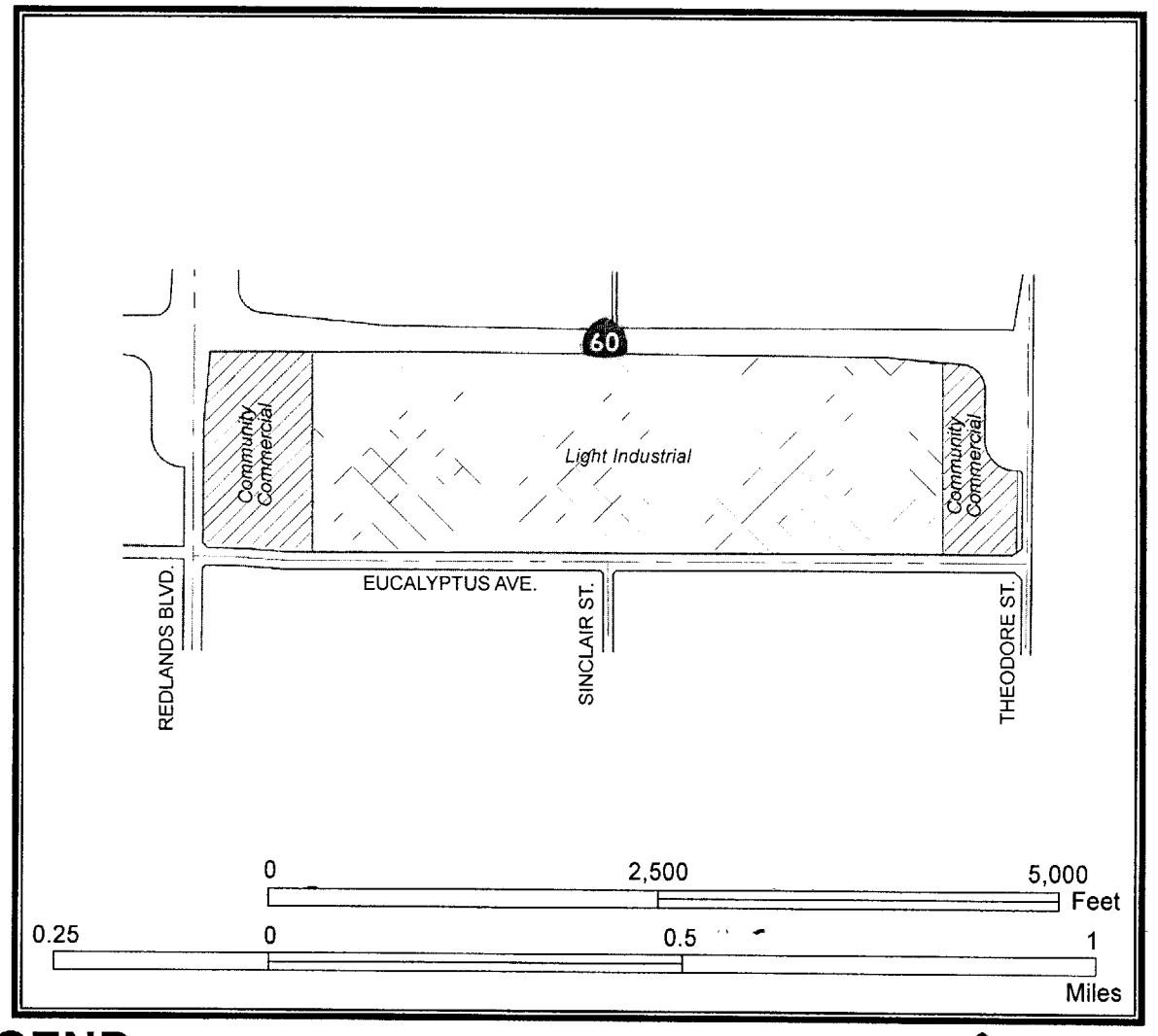

LEGEND

N

Light Industrial

Community Commercial

EXHIBIT A

RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (PA07-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street, and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, application PA07-0089 was separately filed to modify the existing General Plan as discussed in the title of this resolution

WHEREAS, there is hereby imposed on the proposed project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

WHEREAS, there is hereby imposed on the subject development project(s) certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application as described above and an Environmental Impact Report (EIR) with mitigation measures has been certified pursuant to the California Environmental Quality Act (CEQA),

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting and public hearing to consider a General Plan Amendment PA07-0089. At the conclusion of the meeting, the Planning Commission continued the item to January 15, 2009.

WHEREAS, on January 15, 2009, the Planning Commission forwarded the project to the City Council;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

Section 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FIND AND RESOLVE AS FOLLOWS WITH RESPECT TO PA07-0089:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: A proposed General Plan amendment includes four items to be modified for consistency purposes as proposed by the applicant. The first includes the elimination of a General Plan designated multi-use trail (Sinclair extension) through the center of the property. The Sinclair trail would have included an overpass subject to the feasibility of a freeway bridge. Connections with a multi-use trail are required by the General Plan on both Redlands Boulevard and Theodore Street, with a third possible connection on Quincy Street subject to the feasibility of a freeway bridge. On two separate occasions, the Moreno Valley Trails Committee recommended that the Sinclair connection be eliminated and the trail along Fir/Eucalyptus be extended from Redlands to Theodore.

The second portion of the amendment includes an amendment of the proposed General Plan trail along future Eucalyptus Avenue (Fir) from the south side of the street to the north side of the street. This proposed change by the applicant would not be inconsistent with the intent of the General Plan to include multi-use trails in designated areas throughout the City. The revised multi-use trail will link Quincy Street to Theodore Street on the north side of Fir Avenue/Future Eucalyptus Avenue.

A third portion of the amendment includes the modification to the General Plan circulation plan to change the designation from arterial to divided arterial and to add landscaped medians along future Eucalyptus Avenue (Fir) between Redlands Boulevard and Theodore Street. This modification will be an improvement to the General Plan Circulation element and provide greater traffic safety and improve aesthetics along this roadway system.

The fourth and final portion of the amendment includes the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

The project and proposed General Plan amendment as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said

conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

   The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

   The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been prepared for said project to deal with impacts related to aesthetics,

agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future

properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA08-0089, thereby establishing General Plan amendments as described in the Resolution, and the revised General Plan diagrams as attached to the Resolution as Exhibits A, B and C.

APPROVED AND ADOPTED this _____ day of _____ 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

MV00018033

GENERAL PLAN AMENDMENT
FIGURE 9-1
CIRCULATION PLAN

Application No. PA07-0089

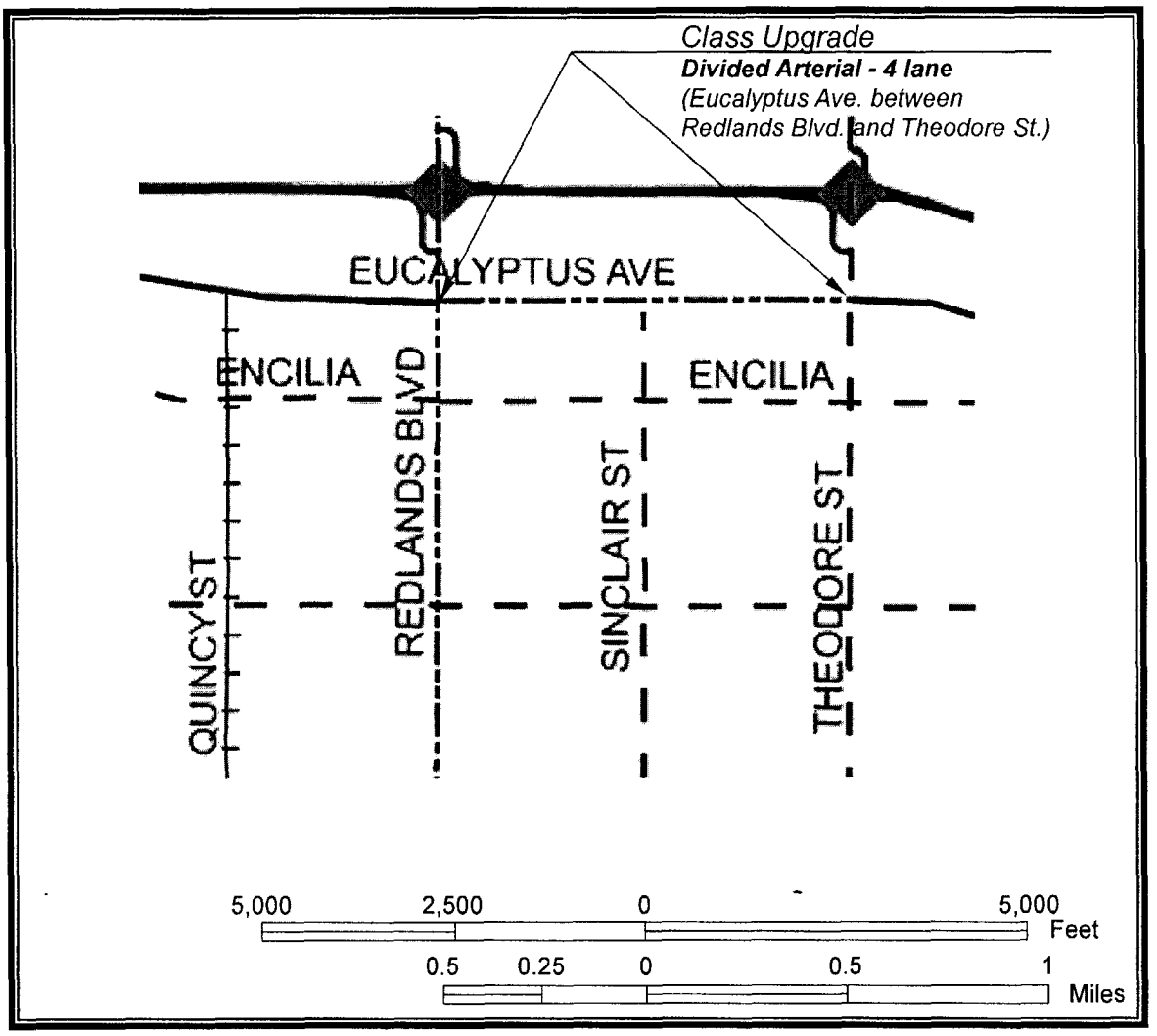

LEGEND

N

Street Classification

- Freeway
- Divided Major Arterial
- Divided Major Arterial - Reduced Cross Section
- Divided Arterial - 6 lane
- Divided Arterial - 4 lane
- Arterial
- Minor Arterial
- Minor Arterial - Pigeon Pass Cross Section
- Collector
- Freeway Overpass
- Freeway Interchange

EXHIBIT A

GENERAL PLAN AMENDMENT
FIGURE 4-3
MASTER PLAN OF TRAILS

Application No. PA07-0089

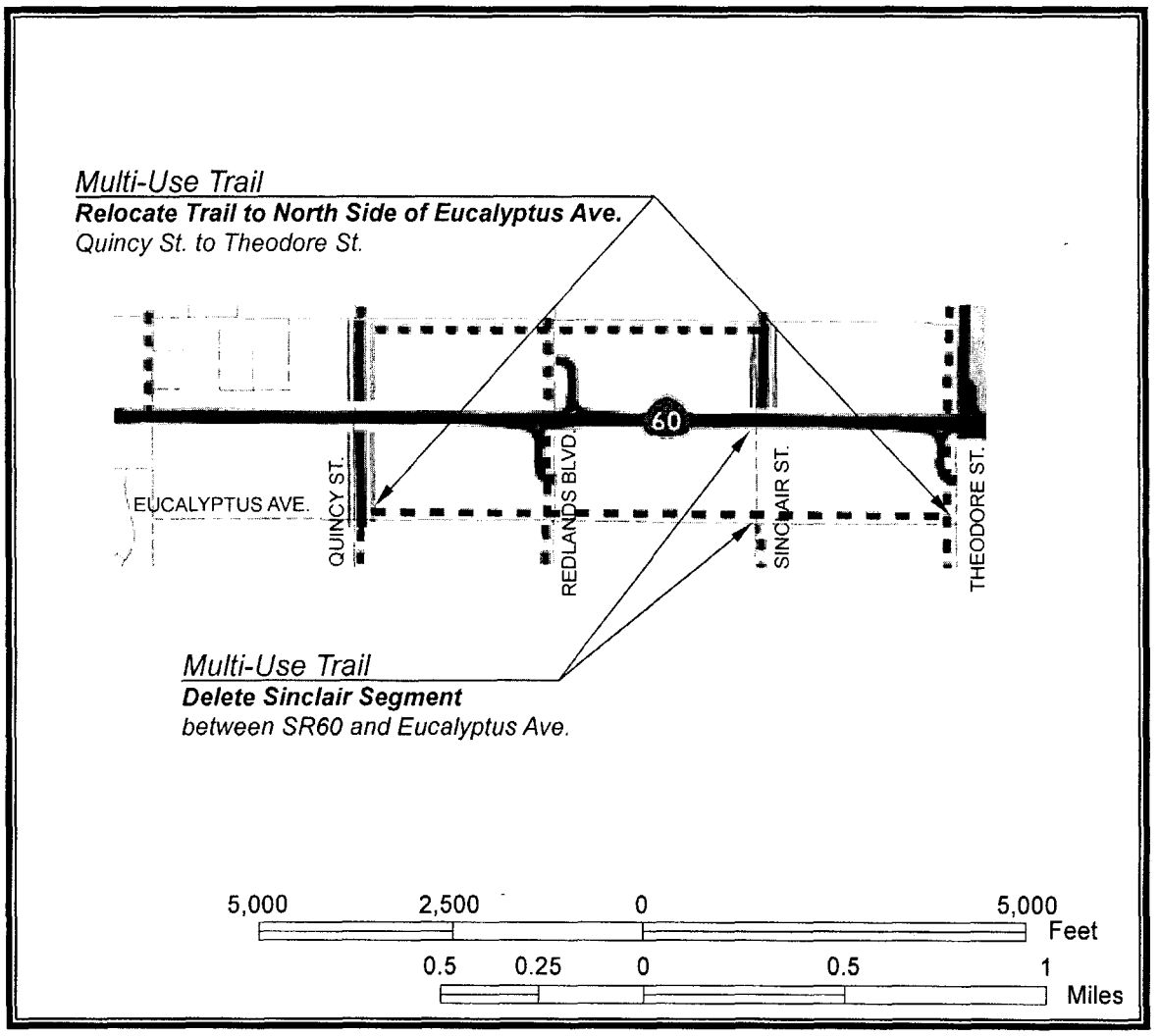

LEGEND

N

- Trail Staging - Existing
- Trail Staging - Proposed
- Streets
- Highways
- Improved Trail
- Multiuse Trail
- Proposed Trail
- Regional Trail
- State Trail
- Proposed Subject to Feasibility of Freeway Bridge or Underpass
- Badlands Landfill
- State and County Parks
- Moreno Valley
- Moreno Valley Sphere
- San Jacinto Wildlife Area
- Waterbodies

* Trail locations are approximate

EXHIBIT B

GENERAL PLAN AMENDMENT/LAND USE ELEMENT

Application No. PA07-0089

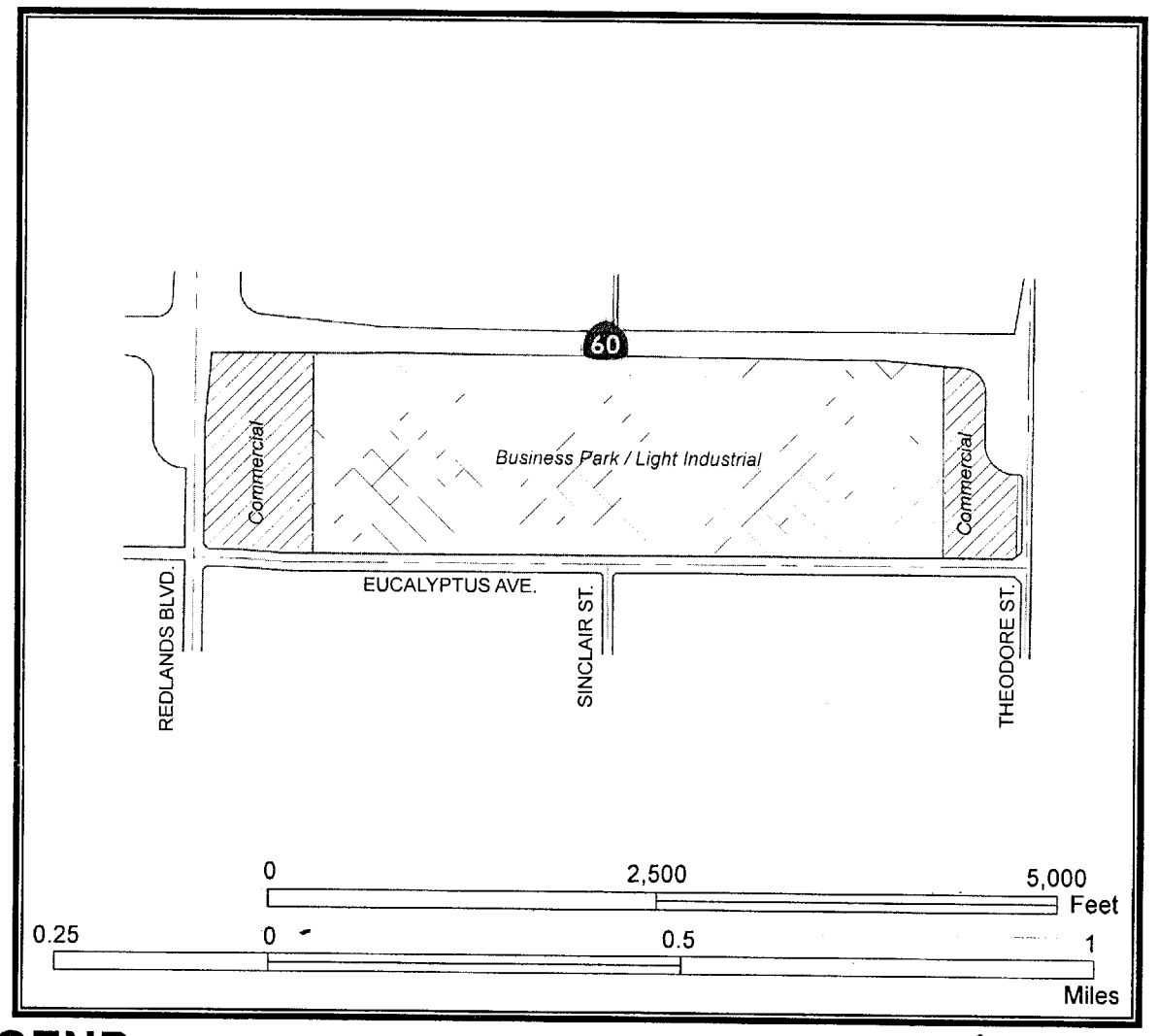

LEGEND

N

Business Park / Light Industrial

Commercial

EXHIBIT C

RESOLUTION NO. 2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) FOR FOUR SEPARATE BUILDABLE PARCELS AND TWO PRIMARY PARCELS DEDICATED FOR FREEWAY AND IMPROVEMENT PURPOSES (THIRTEEN PARCELS OVERALL TO INCLUDE LETTERED LOTS FOR PUBLIC ACCESS AND DEDICATION PURPOSES) AND A PHASED SUBDIVISION OF LAND (P08-057) CONSISTING OF A PROPOSED INDUSTRIAL AND COMMERCIAL DEVELOPMENT (2,620,000 SQUARE FEET) TO INCLUDE TWO PARCELS FOR INDUSTRIAL WAREHOUSE USES, TWO PARCELS FOR COMMERCIAL/RETAIL USES AND TWO PARCELS THAT WILL BE DEDICATED FOR FUTURE FREEWAY IMPROVEMENTS ON A 158 ACRE SITE (WITH ADDITIONAL OFF-SITE IMPROVEMENTS AND DRAINAGE) LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, the Highland Fairview., has filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3).. The project will include four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (and thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street;

The project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the

application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and recommended that the project be forwarded to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The applicant has proposed Tentative Parcel Map No. 35629 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map would be consistent with a proposed General Pan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future

Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 93 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

2. The site of the proposed land division is physically suitable for the type of development and proposed density of development.

   FACT: The proposed subdivision has been designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act. The proposed subdivision of vacant land complies with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, and noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said EIR will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public

health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction in 50 percent in particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer or minimize environmental impacts of the project from future sensitive receptors which could be constructed south of the site. Other mitigation throughout the EIR document reduces the remaining environmental impacts noted in the document to less than significant levels.

With the above mitigation measures imposed for items including noise, air quality, climate change/greenhouse gases, aesthetics and agricultural impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

4. The design of the proposed land division or type of improvements will not conflict with easements, acquired by

the public at large, for access through, or use of, property within the proposed land division.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements.

5. The design of the proposed land division or the type of improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

   FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, An Environmental Impact Report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   With mitigation measures imposed for noise, air quality, climate, aesthetics and agricultural and traffic impacts, impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations and not mitigated to less than significant levels. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The proposed map meets the intent of the General Plan if the proposed general plan amendment (PA08-0089) is approved. The map will provide for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The project does not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan. The project does not exceed a threshold, which would create potential significant impacts to fiscal resources. The project will supplement the City's fiscal resources by paying applicable impact fees for public facilities Additionally, future development within the four buildable parcels will pay Community Services District fees, property tax, sales tax, utility tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

7. The design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

   FACT: The size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The project conforms with any applicable provisions of the City's redevelopment plan.

   FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development impact fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the

applicant and will be determined at the time the fees become due and payable.

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0090, and the phasing implementation mechanism (P08-057) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

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

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-03, **APPROVING** PA07-0090 (Tentative Tract Map No. 35629) for a phased subdivision (P08-057) of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for warehouse industrial, retail, and freeway dedication purposes based on the affirmative recommendation of the Adoption

and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP No. 35629
Case No: PA07-0090 - To include P08-057 (Phasing Plan)
A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.

Approval Date:
Expiration Date:

The following conditions are attached for the following departments:

_x_ Planning (P), including School District (S), Post Office (PO), Building (B)
_x_ Fire Prevention Bureau (F)
_x_ Public Works, Land Development (LD)
_x_ Public Works, Special Districts (SD)
_x_ Public Works – Transportation (TE)
_x_ Parks & Community Services (PCS)
_x_ Police (PD)
_x_ Moreno Valley Utilities
___ Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

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

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

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

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

P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.

P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigtion plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)

P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)

P12. ((GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

P14. **(GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)**

P15. **A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **(GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**

P17. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)**

P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)

P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)

P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)

P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- **The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**

- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

CITY OF MORENO VALLEY
COMMENTS - MAP
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of building plan submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D). **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD55. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.

LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.

c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.

d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.

e. At proposed pavement transitions at edge of pavement.

f. As required by the City Public Works Inspector(s).

LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across

Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.

LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.

LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

LD67. (MA) Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

   i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

   ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

   iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

   iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

   v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

   vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

   vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.

LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.

LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.

LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD84. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD85. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD86. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD87. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD88. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.

LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

Phase 3 – Development Associated with Parcel 3 of PM 35629

In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.

LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0090 (TPM 35629)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0090**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Recordation of Final Map

SD-5 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map. (California Government Code) **This condition would no longer apply if the final map is recorded prior to the formation of the Public Safety Community Facilities District.**

SD-6 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-7 *Commercial* (R) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial

option selected to fund the continued maintenance. (California Government Code)

SD-8 (R) Prior to recordation of the final map, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Building Permit Issuance

SD-9 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley
Special Districts
14325 Frederick Street – Suite 9
P. O. Box 88005
Moreno Valley, CA 92552-0805

SD-14 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0090
Tentative Parcel Map for four parcels located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.

TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.

TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.

PRIOR TO GRADING PERMIT

TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE19. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**

- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE20. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0090 (Map)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

MVU Map Conditions of Approval Highland Fairview 12-18-08

MVU-1 (R) If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric service and utility-related telecommunication only "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

MVU-2A The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

The installation of any proposed temporary overhead electric distribution lines to be constructed to serve the subject project will be installed/executed pursuant to a temporary utility service agreement. The service agreement will address such things as the necessary electrical circuit protection, as well as the requirement to permanently relocate any temporary overhead to a permanent underground system in a timely manner (not greater than 36 months) consistent with the requirements of the service agreement and pursuant to applicable state law.

An electrical protection coordination study shall be performed and stamped by a registered professional electrical engineer in the State of California and submitted to the utility for review and approval prior to construction of the temporary overhead line consistent with the service agreement.

Once the protection settings are approved and test reports performed, a certified apparatus technician shall be submitted to the utility for review. Any protection studies shall be stamped by the applicant's registered professional electrical engineer.

A specific easement will be required for the entire overhead line extension constructed outside of the public right-of-way consistent with the service agreement.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

RESOLUTION NO. 2009-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA07-0091 (PLOT PLAN) FOR AN APPROXIMATE 1,820,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING WITH ANCILLARY COMMERCIAL/RETAIL AND OFFICE USES ON AN APPROXIMATELY 83 ACRE PARCEL GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street, and along future Eucalyptus Avenue (Fir Avenue);

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a tentative parcel map (PA07-0090). All of the discretionary applications are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to the City Council during the meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes an approximately 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposal conforms with the Business Park or BP General Plan designation, which allows for a variety of industrial related land uses from office and business park uses to heavier industrial land uses.

   Greater compatibility of the proposed land use with surrounding land uses in the general vicinity of the project will be achieved by project design, mitigation and conditions of approval. For example, dense landscape and proposed 11 foot screen walls used for screening purposes will allow for necessary compatibility of the intended industrial warehouse use with any surrounding commercial, business park or residential properties in the general vicinity that would be developed in the future.

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

   FACT:. The proposed project does not currently conform with zoning regulations of Business Park (BP), which would only allow for industrial buildings of 50,000 square feet or less from being developed. With a proposed 1,820,000 square foot warehouse industrial building, the applicant is requesting a change of zone to Light Industrial or LI. A 1,820,000 square foot warehouse building is

a permitted used within the LI land use designation. Various conditions of approval have also been included to address specific requirements, including but not limited to site improvements and aesthetic enhancements.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum 50 percent particulate matter control, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that

an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be built south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With the above mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity on the proposed development and project and reduce impacts to public health, safety and welfare.

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

FACT: Surrounding land uses include Highway 60 to the north, vacant commercial land uses to the west, vacant business park uses to the east and vacant R-3 (Residential 3) single-family residential properties to the south of the site. The location, design and operation of the proposed project will be compatible with existing and planned land uses in the general vicinity with proposed mitigation measures, conditions of approval and design of the plot plan and architecture of the buildings. For example, dense landscape and proposed 11 foot screen walls provided for screening purposes will allow for necessary compatibility of the use with any surrounding properties in the general vicinity that would be developed in the future.

With the mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, including an approximate 440 foot buffer from the property line of the proposed property preventing development to occur on any of the land planned and zoned for residential development immediately to the south of the subject site, any environmental impacts from the proposed project and use will be significantly reduced. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development

and project, reduce impacts to public health, safety and welfare, and provide greater compatibility of land uses between the proposed project and surrounding properties in the general vicinity.

5. The project conforms with any applicable provisions of the City's redevelopment plan.

FACT: The project site does not reside in a redevelopment area or within the plan.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0091 (Master Plot Plan) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-____, **APPROVING** PA07-0091 (Plot Plan) for a 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses based on the affirmative recommendation of the Adoption and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)
APN: 488-350-001 through 002 and 488-360-001 through 012.

APPROVAL DATE:
EXPIRATION DATE:

_x_ **Planning (P), including School District (S), Post Office (PO), Building (B)**
_x_ **Fire Prevention Bureau (F)**
_x_ **Public Works, Land Development (LD)**
_x_ **Public Works, Special Districts (SD)**
_x_ **Public Works – Transportation Engineering (TE)**
_x_ **Parks & Community Services (PCS)**
_x_ **Police (PD)**
_x_ **Moreno Valley Utilities**
___ **Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of

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

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

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

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

Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**

P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor**

Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**

P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**

P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)

P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

PRIOR TO BUILDING PERMITS

P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from

public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)

P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)

P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)

P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs

and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides

and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.

P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)

P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.

P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.

P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required.

P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.

P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)

P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)

P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)

P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.

P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of

alternative treatment measures may include, but not be limited to the following:

- **Use of color; or**
- **Texture variation; or**
- **Roof line variation.**

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- **Application of water on disturbed soils a minimum of three times per day;**
- **Covering haul vehicles;**
- **Replanting disturbed areas as soon as practical;**
- **Restricting vehicle speeds on unpaved roads to 15 mph;**
- **Suspension of all grading activities during high wind speeds in excess of 25 mph.**
- **A Large Operation notification shall be submitted to the SCAQMD prior to construction.**
- **Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.**
- **Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.**
- **Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.**
- **Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.**

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment

using Level III diesel particulate filters.

P39. MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.

P40. MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.

P41. MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.

P42. MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.

P43. MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle

trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.

P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.

P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.

P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:

a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and

b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.

P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

P51. MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.

P52. MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.

P53. MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.

P54. MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.

P55. MM AQ-18. Food services shall be provided onsite.

P56. MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.

P57. MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.

P58. MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.

P59. MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian

nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.

P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.

P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.

P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:

1. **All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;**
2. **Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;**
3. **If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.**
4. **Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and**
5. **If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.**

P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.

P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.
2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,
4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as

provided in PRC Section 5097.98.

P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.

P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.

P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.

P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.

P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.

P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-

care centers, and schools within this area. (MM AQ-13)

P75. MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.

P76. MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P81. MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.

P82. MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.

P83. MM TT(C)-1. (CO) Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P84. MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at

Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

P85. MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.

P86. MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:

- **The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.**
- **Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.**
- **Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.**
- **All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").**
- **Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.**
- **All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures.**

Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.

- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
- The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).

P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.

P88. MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."

P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.

P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.

P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:

a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.

c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.

d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.

e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.

P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.

P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination

for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

P95. MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.

P96. MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.

P97. MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required. (Advisory)

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process. (Advisory)

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project. (Advisory)

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. (Advisory)

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY
COMMENTS – PLOT PLAN
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F4. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5) (ADVISORY)

F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3) (ADVISORY)

F6. Prior to building construction, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F7. Prior to building construction, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty–four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050) (ADVISORY)

F8. All roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050) (ADVISORY)

F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050) (ADVISORY)

F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050) (ADVISORY)

F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F13. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to Certificate of occupancy. They shall be maintained accessible. The interim Fire Master Plan (invasion line) will provide temporary fire protection during construction.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100) (ADVISORY)

F14. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1) (ADVISORY)

F15. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1) (ADVISORY)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9) (ADVISORY)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be

accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070) (ADVISORY)

F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1) (ADVISORY)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5) (ADVISORY)

F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5) (ADVISORY)

F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F22. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I) (ADVISORY)

F23. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050) (ADVISORY)

F24. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards. (ADVISORY)

F25. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100. (ADVISORY)

F26. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14) (ADVISORY)

F27. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS). (ADVISORY)

F28. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H) (ADVISORY)

F29. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106) (ADVISORY)

F30. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106) (ADVISORY)

F31. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104) (ADVISORY)

F32. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7) (ADVISORY)

F33. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1) (ADVISORY)

F34. Prior to installation, Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105) (ADVISORY)

F35. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.

F36. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.
(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)

LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures.
(Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD50. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD51. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD52. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD53. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.

LD54. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD55. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.

LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0091 (PP for a Warehouse Building),
PA07-0089 (GPA), and PA07-0088 (Zone Change)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0091**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD-5 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-6 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts prior to the City's issuance of a building permit. (California Government Code) **This condition would no longer apply if the building permit is issued prior to the formation of the Public Safety Community Facilities District.**

SD-7 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved

Median Maintenance), and pay all associated costs with the ballot process; or

b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance.

SD-8 *Commercial* (BP) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD-9 (BP) Prior to release of building permit, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0091

Plot Plan for approximately 1.8 million square feet of warehousing uses located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.

TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.

TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.

PRIOR TO GRADING PERMIT

TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Each gated entrance shall be provided with the following, or as approved by the City Traffic Engineer:

a) A storage lane with a minimum of 75 feet queuing length for entering traffic.
b) Appropriate signing and striping.
c) The employee gated entrance along Eucalyptus Avenue shall remain open for a half hour prior to and a half hour after a shift change.

All of these features must be kept in working order.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE19. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE20. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**
- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

<u>PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM</u>

TE21. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0091 (Plot Plan)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080) (Advisory)

PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient. (Advisory)

PD5. All exterior doors in the rear and the front of the buildings need an address or suite number on them. (Advisory)

PD6. All rear exterior doors should have an overhead low sodium light or a light comparable to the same. (Advisory)

PD7. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees. (Advisory)

PD8. All landscape cover should not exceed over 3' from the ground in the parking lot.

PD9. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.

PD10. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.

PD11. Cash registers shall be placed near the front entrance of any retail portion of the establishment or as approved by the Police Chief.

PD12. Window coverings shall comply with the city ordinance.

PD13. No loitering signs shall be posted in plain view throughout the building, or as approved by the Police Chief.

ENVIRONMENTAL IMPACT REPORT (EIR)

Under Separate Cover

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING AND LOCAL ASSISTANCE (MS 722)
464 WEST 4th STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
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DEC - 1 2008
CITY OF MORENO VALLEY

November 25, 2008

Mr. Mark Gross, Senior Planner
City of Moreno Valley
Community Development Dept.
14177 Frederick Street.
P.O. Box 88005
Moreno Valley, CA 92552-0805

Dear Mr. Gross:

Highland Fairview Corporate Park Draft Environmental Impact Review, TPM 35629, SCH #2007101132. Riv-60 PM 20.4/22.227

We have completed our initial review of the Draft Environmental Impact Review (DEIR) for the Highland Fairview Corporate Park, located in the City of Moreno Valley. The project is located in the eastern area of the city, bounded by State Route 60 (SR-60) to the north, the future Eucalyptus Avenue on the south, Redlands Boulevard on the west, and Theodore Street on the east. The project site and relevant offsite areas studied in this DEIR encompass approximately 265.3 acres.

It is difficult for us to comprehend that the 35 million square feet of warehousing planned for this part of Moreno Valley will have a less than significant impact on SR-60. It appears from the low numbers during the peak period that most of the traffic generated will be during non-peak hours. We believe the truck traffic will not only impact the Redlands and Theodore interchanges with SR-60, as noted in the DEIR, but also the mainline. Specifically, we recommend the following:

- An ultimate right of way dedication to accommodate 4 through lanes, a High Occupancy Vehicle (HOV) lane, and an auxiliary lane in each direction through Moreno Valley.
- Auxiliary lanes in both directions between Redlands and Theodore and between Theodore and Gilman Springs.
- Traffic analysis of the impact at the SR-60/Interstate 215 (I-215) interchange, at the SR-60 between Gilman Springs and I-10, and at the I-10/SR-79 interchange.
- A mitigation agreement between the City and Caltrans to provide a method for implementing this mitigation.

We also have the following comments based on the submittals received with a date of August 7, 2008:

Traffic Operations:

The following four comments are in reference to Appendix J of the DEIR, which is the Traffic Study Report:

- We recommend the inclusion of Traffic Signal Warrants for SR-60 EB/Redlands and SR-60 WB/Redlands Boulevard ramp termini intersections in Appendix H.
- We recommend all freeway mainline analysis sheets be provided for review
- We recommend that a Peak Hour Factor (PHF) of 0.92 be applied to all studied scenarios.
- Appendix A of the Traffic Study, Delay Worksheets, Existing + Ambient + Project (Phase 3) at Redlands/Eucalyptus, page A-99: Verify if the WB lane geometries that were shown in this scenario should be under "mitigation" on page A-144. Otherwise, lane geometries under the "without improvements" scenario should be used for analysis.

The following comments refer directly to the DEIR:

- We recommend the verification of the traffic volumes on SR-60 on page 5.14-32 in Table 5.14-14. Currently it shows lower volumes for Phase 3 than it shows for Phase 2 of the project.
- It is stated on page 5.14-29 that Caltrans LOS criterion is Level of Service (LOS) "E." However, Caltrans LOS standard is the transition between LOS "C" and "D." Please see the Caltrans Guide for the Preparation of Traffic Impact Studies, December 2002. The guide is available online at: www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf
- Page 4.14-34 currently states that Facilities will be designed according to City of Moreno Valley standards. Facilities within State Right-of-Way (R/W) should be designed in accordance with Caltrans Manuals, Standards and Specifications. We recommend that a similar statement be included in the final DEIR.

Electrical Operations (Synchro Analysis)

- Many intersections contain unbalanced and/or unacceptable LOS. Each phase within an intersection should fall within the standard transition between LOS "C" and LOS "D." Currently, there are intersections with an overall LOS within acceptable range, but a single phase is LOS "E" or "F."
- We recommend that all cycle lengths be optimized in the future-year analysis scenarios in order to achieve acceptable LOS results.

- A 3.5 second yellow time is used throughout the analysis. The yellow time should be calculated based upon the speeds on the roadway.
- A 0.5 all-red time is used throughout the analysis. The all-red time should be calculated based on the width of the intersection for safety.

Hydraulics and Storm Water Quality

- Appendix H.1, Runoff Management Plan, page 1-7 states, "It is assumed that Caltrans will construct and maintain debris control devices within the northern right-of-way of State Highway 60." However, there are no such debris control devices planned along this segment of SR-60 in the Caltrans District 8 Project Management Database. The conveyances under the highway conduct off-site runoff. Most sediment is from the undeveloped area to the north, not from roadway runoff. We recommend that this issue be addressed.
- Draft EIR, page 5.8-15, Erosion and Siltation states "However, sediment conveyed through the culverts may be deposited on the project site..." Appendix H.1 Runoff Management Plan, page 1-14 states, "Once Caltrans constructs sediment control devices to allow proper functioning of the culvert, only "clear" flows will be passed through to the site. Once the Sinclair Detention Basin is constructed, upstream..." Before the Sinclair Detention Basin is constructed, large amounts of sediment may flow into the project's proposed storm drains; clear flows should not be assumed. We recommend that the incoming sediment be addressed in the scenario before the construction of the Sinclair Detention Basin.

Thank you for providing us this opportunity to review this proposal and for your consideration of these, previous, and future comments. If you have questions about this letter, please contact me at (909) 383-4557.

Sincerely,

DANIEL KOPULSKY
Office Chief, IGR/Community Planning

c: Brian Hixson, Highland Fairview
Bobby Kohltfarber, RBF Consulting
Richard Goh, Caltrans D8
George Hague

12/19/08

Letter CT. State Department of Transportation, District 8 (Received 12/1/08)

Response CT-1.

This comment (1st through 4th Bullets) does not appear to relate specifically to the proposed Project. CalTrans has mistakenly identified the Project currently being considered by the City. That Project consists of 2,400,000 square feet of logistics facilities and 200,000 sq.ft. of commercial facilities. The 35,000,000 square feet mentioned in the letter is apparently a reference to the Logistics Modified General Plan Concept discussed in Section 8.3 of the Draft EIR. As pointed out on page 8-2 of the Draft EIR, the discussion is included in the Draft EIR because Highland Fairview is the owner of both the Project Site and a substantial portion of nearby land which may be the subject of an application to change the applicable planning and zoning to allow development of logistic facilities. The information is provided only in the interest of full disclosure. It is not part of the Project currently being considered by the City. Moreover, no application for such a change has been filed with the City and there is no guarantee that one will be filed. Therefore, to the extent that the recommendations on page one of the letter refer to the Logistic Modified General Plan Concept, when, and if, such an application is submitted to the City, it will be subject to review under CEQA and appropriate mitigation measures will be identified and imposed.

As documented in the EIR Traffic Study (Appendix J), and discussed in Draft EIR Section 5.14 Transportation and Traffic, and the Traffic Topical Response in Section 3 of the Final EIR Response to Comments document, the traffic impacts of the Highland Fairview Corporate Park project encompassing a total of 2.62 million square feet of building area do not warrant or justify the improvements or actions listed in this comment. The Traffic Topical Response - SR-60, pages 3-268-286 of the Final EIR, determined that the Project will not cause substantial impacts, individually or cumulatively, on SR-60 and, therefore, the nexus, discussed in CEQA Guidelines Sec. 15126.4(a)(4), required to impose exactions, whether through the dedication of land or through the payment of in-lieu fees, is absent. Nevertheless, the HFCP project right of way dedication on the south side of SR 60 along the project frontage does in fact accommodate the ultimate lane configuration that CalTrans is requesting in this comment (1st Bullet). Also, please see the referenced Traffic Topical Response for discussion of mainline SR 60 impacts from Interstate 215 to east of Gilman Springs Road.

Response CT-2.

The following responses correspond to bullets under the 'Traffic Operations' comments referring to the Traffic Study Report in Appendix J of the Draft EIR:

- (5th Bullet) Peak hour traffic signal warrants for the intersections of Redlands Boulevard at the SR-60 eastbound and westbound ramps (traffic study intersections #4 and #5) can be found in Table 6-9 on page 60 of the traffic study, the location for all off-site signal warrants. Appendix H contains only the signal warrants for project driveways.

- (6th Bullet) The SR-60 freeway mainline analysis sheets are included in Chapter 6 of the traffic study (pages 6-1 through 6-5) and in the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" located in Section 3.3 of the Response to Comments on the Draft Environmental Impact Report.

- (7th Bullet) In peak hour delay calculation methodology, a peak hour factor (PHF) adjusts a given volume by addressing the fluctuation in demand within the peak hour. A PHF can be derived from a traffic count, or a standard factor can be utilized (.92 is the default factor in the HCM software). When deriving a PHF from a traffic count, the total hourly volume is divided by the highest of four 15 minute interval volumes multiplied by four, and the result is the PHF. An example of the derivation of a PHF from a traffic count is described in the following paragraph.

  Peak hour counts collected over a two-hour time period are summarized in 15-minute intervals, with the highest consecutive four intervals determining the actual peak hour. A peak hour factor (PHF) can be calculated utilizing those four volumes (i.e., volumes of 15,18,8,5 for each of the four 15-minute intervals resulting in a total hourly count of 46) by dividing the total volume (46), by the highest interval multiplied by four (18x4=72), for a PHF of .64. The PHF is lower when there is a higher disparity in the four interval volumes than when the volumes are similar.

  In the traffic study, peak hour factors were derived from existing traffic count data (see Appendix G of the traffic study) and are used in the short-range analyses. The derived factors are lower than the standard default factor of .92 and, as discussed above, utilization of these factors *is a more conservative approach* than using the standard default factor. For example, when a .64 PHF is then applied to a volume of 150, the result is a higher adjusted volume (234) than when using a PHF of .92 (adjusted volume of 163). Thus, the lower the PHF, the higher the adjusted volume used in the delay calculation. A peak hour factor of 1.00 is used in the General Plan analyses, standard practice when calculating intersection delay for long-range time periods.

- (8th Bullet) The westbound leg of the intersection is a feature of the project and will be constructed with a separate left turn lane, through lane and right turn lane. This configuration is assumed under each scenario that includes the project, as indicated on page A-99 for Exist + Ambient + Project (Phase 3), on page A-137 for Exist + Ambient + Related Project + Project (Phase 3), and page A-144 for Exist + Ambient + Related Project + Project (Phase 3) with Mitigation.

Response CT-3.

The following responses correspond to bullets under the 'Traffic Operations' comments referring directly to the Draft EIR:

- (9th Bullet) Traffic volumes given on page 5.14-32 in Table 5.14-14 are for the Existing + Ambient + Project (Phase 3) scenario, and the corresponding volumes for Phase 2 are given in Table 5.14-13. (It should be noted that Table 5.14-14 was updated as part of the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" and these volumes are given in the table below.) The update did not change any of the project impacts or findings in the traffic analysis or Draft EIR and does not affect the response given below).

Table 1
FREEWAY IMPACT ANALYSIS
- Existing + Ambient + Project

Component	SR-60 West of Redlands			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	150	236
Project Trucks[2] – AM	45	44	50	56
Project pce[3] - AM	209	258	250	348
Total Project Vehicles[1] – PM	234	162	327	231
Project Trucks[2] – PM	56	47	71	59
Project pce[3] - PM	346	256	469	349
Component	SR-60 West of Theodore (Between Redlands and Theodore Interchanges)			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	55	68
Project Trucks[2] – AM	45	44	14	16
Project pce[3] - AM	209	258	83	100
Total Project Vehicles[1]– PM	234	162	106	99
Project Trucks [2]– PM	56	47	19	20
Project pce[3] - PM	346	256	144	139

[1]The total number of project vehicles including both light vehicles and trucks.
[2]Project trucks only.
[3]The project's passenger car equivalent (pce) volume (see Topical Response to Comments for full discussion on pce).
*The volumes given for Phase 3 are the updated volumes presented in the Topical Response to Comments – Section 3.3 of the Final EIR Response to Comments.

During each phase of the project, project traffic volumes increase but have access to different travel routes since Eucalyptus Avenue will not be connected to Redlands Boulevard until Phase 3. In Phase 3 the SR-60 volumes west of Theodore Street are lower than in Phase 2, however the volumes west of Redlands Boulevard are higher. The increase west of Redlands is due to the increased land use intensity in Phase 3 of the project. West of Theodore Street, a reduction occurs due to the redistribution of project traffic volumes with the opening of Eucalyptus Street to Redlands Boulevard. In Phases 1 and 2, Eucalyptus Avenue is only constructed to Theodore Street and all freeway-oriented project traffic must use the Theodore Street interchange. In Phase 3, Eucalyptus Avenue is connected westward to Redlands Boulevard and some project traffic that used the Theodore Street interchange in Phases 1 and 2 will redistribute to the Redlands Boulevard interchange, thus reducing the project volumes on the freeway segment between the two interchanges.

- (10th Bullet) The traffic analysis utilized Riverside County Transportation Commission's (RCTC) adopted minimum level of service threshold of "E" for state highways from the Congestion Management Program (CMP) (see page 4-2 of the "2007 Congestion Management Program for Riverside County" which can be found at www.rctc.org/downloads/congestionmanagementprogram.pdf.

Page 5.14-29 (last paragraph) of the Draft EIR has been corrected to reflect this in the Final EIR (Response to Comments Section 4).

- (11th Bullet) The City of Moreno Valley concurs that facilities within the jurisdiction of CalTrans be designed in accordance with CalTrans Manuals, Standards and Specifications.

Response CT-4.

(12th through 15th Bullets) As recommended in Caltrans Comment CT-2, the delay calculations in the traffic analysis do assume optimal signal cycle lengths (and optimal splits), and standard defaults were used to calculate the yellow and red times. As stated in the comment, some individual signal cycles (at a particular leg of the intersection) operate at an unacceptable LOS while the overall LOS is acceptable. When the actual signal design is carried out, the timing inputs can be established in a manner that differs from the optimization derived here.

Response CT-5.

(16th and 17th Bullets) Section 1.5.5 of the Runoff Management Plan (ROMP) inappropriately assumes an obligation for CalTrans to provide sediment control devices upstream of their culverts that pass under SR60. The text within the ROMP has been corrected (see attached revisions - TO BE PROVIDED) to remove the implication that CalTrans has any greater responsibility other than routine maintenance of their existing facilities.

Removing the assumption that upstream sediment control devices will be constructed has no impact on the adequacy of the currently proposed drainage facilities for the project. The details supporting this statement can be found in Section 5.8 "Regional Facilities" of the Draft EIR. In short, the existing culverts under SR60 are under-sized (based on Q_{100} - the flow that can be expected during a 100 year storm) causing flows to be detained north of SR60. The proposed project drainage facilities have been sized to accept the maximum flows that can pass through the Caltrans culverts. Therefore, an assumption of "clear flow" (all debris removed) or "bulked flow" (water and debris) does not alter the sizing of the project drainage facilities from a hydraulic capacity perspective. It should be noted that the proposed drainage facilities on the project site have been sized to accommodate maintenance equipment to properly deal with debris laden flows. Upon completion of the master planned facilities north of SR60, including Sinclair Detention Basin, which have been planned for, and which will be constructed by, RCFC&WCD, the peak storm flows will be reduced to 65% of the design flows utilized for the proposed project.

Thus, the Project's drainage facilities have been sized, and will be able to handle, all water and debris which can reach the Project Site through the existing culverts, with or without upstream sediment control devices.

RECEIVED

DEC 18 2008

PLANNING
CITY OF MORENO VALLEY

Mark Gross
Senior Planner
City of Moreno Valley

17, December 2008

Dear Mr. Gross,

Re: Highland Fairview Corporate Park's failure to test for the presence of Coccidioides Immitis, and Coccidioides Posadasii fungi.

I strongly believe that the health of Moreno Valley residents must be protected. I have not seen where soil testing has been done on the project site for the fungi known to cause Coccidioidomycosis, better known as Valley Fever.

The fungi which cause this serious illness is known to exist in the Inland Empire, and can be stirred into the air by anything which disrupts the soil such as construction. Once airborne these spores can be carried by the wind for distances of over one hundred miles. It medically reported that only one Coccidioides fungi spore need to be inhaled to cause this illness, and that the severity of the illness increases with the number of spores inhaled.

Coccidioidomycosis is a condition that is often misdiagnosed as other illnesses and diseases such as cancer, tuberculosis, and the common flue or pneumonia. As results of such, most cases are not diagnosed and treated in a timely manner, causing the need for more invasive testing such as lung biopsies.

Those more susceptible to the disease are those who have a lowered immune system, diabetics, the elderly and women who are in their third trimester of pregnancy, and immediately following the birth of their child (at this time there is not enough information as to the effects on the unborn).

Person with whom have been infected have been known to receive initial diagnosis of lung cancer based on chest X-rays which tend to show the presence of nodules much like that of cancer. Receiving this kind of news alone can cause great emotional pain and hardship to the person and family of such an infected person.

The State of California reports an infection rate of at least 35,000 new cases per year, with that number growing with time, and at one point was at epidemic levels in the Bakersfield area.

The testing of the project site's soil needs to be performed by an agency that is independent of the developer, and the result of such report sent directly to you without the developer knowing of its contents first. Upon your review of the report it should be made available for public review by means of postings in accordance with current law, and should also be made available review on the city's web site.

The main responsibility of The Planning Commission and the City Council members is to "protect the health, safety and welfare" of the city's residents. Failure to conduct these tests shows they are not fulfilling their official duties.

If needed members of my staff can be made available to assist you with any questions you may have regarding this condition.

Please enter my comments into the public records on The Highland Fairview Corporate Park project and make sure each Planning Commissioner and City Council Member receive a copy of this request for soil testing as soon as possible. I would also appreciate you notifying me of all future documents and meetings related to this project. I also need the final copy of the EIR sent to me and I hope all Moreno Valley citizens will have the full 30 days to read this massive document which has always been our City's practice.

Sincerely,

Mike Rios
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December 23, 2008

Subject: **Response to December 17, 2008 Letter from Mike Rios Regarding Valley Fever Spore Testing**

The author of this letter expressed concern that the Highland Fairview Corporate Park project EIR did not propose to conduct soil testing to determine the presence of Coccidiodides Immitis, and Coccidioidis fungi (Valley Fever spores).

Michael Brandman Associates (MBA) air quality staff frequently addresses this issue in connection with projects in the San Joaquin Valley and other areas of California where Valley Fever spores have been identified as a concern. The key factor in determining whether Valley Fever is a potential concern for a particular project site is the existing conditions of the soil. Soils that have been disturbed by agricultural activity and plowing are not conducive to the life cycle of the Valley Fever spores. The spores are found in the top 20 centimeters of the soil (8 inches) which would typically be disturbed by plowing and irrigation. Alkali soils, still in the natural state with natural vegetation, have a much higher potential to be a source of the spores.

Soil Conditions on the Project Site are Not Conducive to Valley Fever. According to the Draft EIR Section 5.2 - Agricultural Resources, the predominant soils on the project site are San Emigdio series that are well-drained soils on alluvial fans and the Metz series, excessively drained soils on alluvial plains. The San Emigdio series soils are used for dryland grain, pasture, and irrigated citrus, walnut, alfalfa, apricot, and truck crops. Large portions of the site were used to grow grain and grapes during the early part of the century. The majority of the westerly section of the site starting at Redlands Boulevard at the west and Sinclair Street on the east has been used for boarding and raising horses since the 1940s. Approximately 20-acres immediately east of Sinclair Street contained a cluster of homes. The remainder of the site has been intermittently used for dry farming for a number of years. The type of soil and crops grown indicate that the soils would not be alkali and not conducive to the presence of Valley Fever spores. Since the project has been farmed and a part of the site previously developed, the probability of the soil harboring Valley Fever spores is very low.

The Incidence of Reported Valley Fever Cases is Very Low. It should be noted that cases of Valley Fever have been reported within western Riverside County and Moreno Valley within the past 2-3 years. According to the County of Riverside Department of Health[1], there have been a total of 48 cases reported in western Riverside County during the period January 2006 through September 2008. This represents 0.67% of the total 7,199 cases reported statewide during the same period[2]. A total of 7 cases were reported in Moreno Valley during this period, with only one of these reported within 2008. The reported Moreno Valley cases represent less than 0.01% of all reported cases statewide. The location of the

[1] Source: County of Riverside Department of Health-Epidemiology, Diagnosed Cases of Valley Fever in Western Riverside County, January 2006-September 2008 (12/22/08).

[2] Source: State Data Summaries of Communicable Diseases
[http://www.cdph.ca.gov/data/statistics/Documents/CM-SEP2008.pdf]
[http://www.cdph.ca.gov/data/statistics/Documents/CM-DEC2007.pdf]

reporting does not necessarily determine the origin or geographic source of fungus, however, as the Valley Fever spores can be transported by winds over significant distances.

Pre-Grading Testing for Valley Fever is Unreliable. Since the existence of the fungus in most soil areas is temporary to fleeting, extensive soil sampling and testing for the fungus to determine infectivity is not highly reliable[3]. Michael Brandman Associates is aware of no agency in California that requires pre-grading testing for the Valley Fever fungus.

Conclusions. Based on MBA's experience and analysis of the foregoing information, with significant weight given to the historic disturbances to the project site soils through previous agriculture activities, Valley Fever is not an issue at the Project site, and therefore, soil testing is not necessary. In any event, the mitigation measures that are typically applied in areas that have a high potential of Valley Fever spores are also uniformly applied throughout our region in compliance with South Coast Air Quality Management District fugitive dust regulations (Rule 403). As described in the Draft EIR Section 5.3 Air Quality, Mitigation Measure AQ-1 of the EIR already requires implementation of these measures. The rigorous application of these measures, which include watering, soil stabilization and soil trackout prevention, during construction will prevent fugitive dust and would reduce the possibility of Valley Fever occurring to insignificance even if the possibility of soils conditions harboring Valley Fever were not already very low.

[3] Conclusions of the Valley Fever Task Force Report on the Control of *Coccidioides immitis,* Kern County Department of Public Health. (August 1995); page 3.

PLANNING COMMISSION STAFF REPORT

Case:	PA07-0088 (Change of Zone) PA07-0089 (General Plan Amendment) PA07-0090 (Tentative Parcel Map No. 35629), to include PA08-057 (Phasing Plan) PA07-0091 (Plot Plan) P07-157 (Environmental Impact Report)
Date:	January 8, 2009
Applicant:	Highland Fairview Inc.
Representative:	Same as above
Location:	On the north side of Eucalyptus Ave., east of Redlands Blvd., west of Theodore Street and south of Highway 60
Proposal:	Tentative parcel map for a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of building area. The project site, now in the BP (Business Park) and CC (Community Commercial) land use districts, proposes a change of zone to LI (Light Industrial) for proposed industrial uses and a General Plan Amendment to eliminate a planned multi-use trail along the Sinclair Street alignment, the adjustment land use for 2 CC land use district

	parcels (126 foot width reduction on the east parcel and 87 foot width increase on the west parcel).
Redevelopment Area:	No
Recommendation:	**1. Provide a policy recommendation to the City Council regarding the requested change in property zoning from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and** **2. Based upon that policy recommendation, recommend approval or denial of the proposed project to City Council. An approval recommendation will be subject to the conditions of approval and mitigation measures imposed by and certification of an Environmental Impact Report (EIR)**

SUMMARY

The applicant, Highland Fairview Inc., is proposing a project with warehouse industrial and future commercial land uses on a block of property bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street, and the Moreno Valley Freeway (Highway 60). The project site encompasses 158 gross acres of land. The project applications include a tentative parcel map to subdivide into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a plot plan for a 1,820,000 square foot warehouse industrial building under Phase 1, with 2 additional phases for a total of 2,620,000 square feet of building at project buildout. The identified tenant for the first phase warehouse is Sketchers.

Before considering the proposal, a policy decision will need to be made regarding the proposed General Plan Amendment and Change of Zone. The proposed Change of Zone from BP (Business Park) to LI (Light Industrial) would allow warehouse/industrial buildings larger than 50,000 square feet at the project site. The current zoning arose from discussions during the update of General Plan and zoning consistency in 2006, which envisioned the preclusion of large warehouses in favor of smaller business park uses.

The proposed General Plan Amendment includes four items, two of which are related to modification of the Master Plan of Trails, including the elimination of the Sinclair Street alignment from new Eucalyptus to Highway 60 and extending and moving a planned trail from the south to the north side of future Eucalyptus from Quincy Street to Theodore Street, another to modify the Circulation Plan and allow landscaped medians on future Eucalyptus Avenue and finally a minor modification between industrial and commercial land uses.

PROJECT DESCRIPTION

Project

The proposed project creates four buildable parcels and approximately 2,620,000 square feet of building area, consisting of a 1,820,000 square foot logistics warehouse building on Parcel 1 (Phase 1), a 600,000 square foot building on Parcel 2 (Phase 2), 80,000 square feet of retail on Parcel 4 (Phase 2) and 120,000 square feet of retail on Parcel 3 (Phase 3). The project includes a plot plan for Phase 1. Future phases would require the submittal of additional plot plans. The project site includes an area of approximately 158 acres, located just south of Highway 60 between Redlands Boulevard and Theodore Street. Offsite infrastructure including street improvements, downstream drainage, overhead utilities and other improvements raise the total study area for the EIR to a total of 265.3 acres.

In order to recommend approval of the proposed project stated above by the Planning Commission and then to ultimately consider approval at the City Council level, a policy decision would need to be made regarding the proposed change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. The General Plan land use designation of Business Park/Industrial would allow the project as currently proposed, and does not need to be amended. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Two additional large warehouse industrial projects that have been submitted to the west of the subject project would require similar changes in zoning to proceed. Both are currently progressing through the City review process and therefore have been included in the environmental review document cumulative project analysis. The projects are the proposed Prologis warehouse industrial project consisting of approximately 2,268,000 square feet located on the south side of State Route 60 and east of Moreno Valley Auto Mall, along Eucalyptus Avenue, between Pettit Street and Quincy Street and the proposed Ridge Property Trust industrial warehousing project totaling approximately 944,000 square feet on the south side of Highway 60, between Quincy Street and Redlands Boulevard.

If the Planning Commission recommends approval of a policy decision to allow more intensive land uses on the east end of the City along Highway 60, the remaining components of the project may be evaluated and recommended to the City Council for approval. The applicant, Highland Fairview, is requesting the following discretionary permits for the proposed project:

1. General Plan Amendment (PA07-0089)

The General Plan land use designation on Parcel 1 is BP or Business Park/Industrial. This designation allows for a wide variety of industrial land uses such as office/technology, manufacturing uses, small industrial warehouse buildings (50,000 square feet or less) and large industrial warehouse buildings (greater than 50,000 square feet). A General Plan amendment is not necessary to change the underlying General Plan designation for Parcel 1, as the proposed large industrial warehouse use is permitted under the current General Plan designation of BP.

The General Plan amendment covers four proposed changes, with two modifying the Master Plan of Trails, one modifying the Land Use Map, and one modifying the Circulation Plan. The following summarizes each of the applicant's proposals:

A. Proposed Changes to the Master Plan of Trails

Two specific changes are being proposed to the Master Plan of Trails. The first includes the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Street) between Sinclair Street and Redlands Boulevard. As Sinclair is not anticipated to carry significant vehicular traffic, the feasibility of financing a future freeway bridge would be difficult to accomplish.

The second change in the General Plan Master Plan of Trails is the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus.

The Recreational Trails Board reviewed the proposed changes on two separate occasions. On January 23, 2008, the Board reviewed and concurred with the applicant's request to remove the trail extension over Highway 60. To mitigate the trail elimination, the Board recommended an extension of the planned trail from Sinclair to connect to a planned trail on Theodore Street. On July 23, 2008, The Recreational Trail Board brought the item back for reconsideration of the original recommendation in January. At that meeting, the Board recommended that the trail be removed from the General Plan over State Highway 60, with the trail shifted to the north side of the future Eucalyptus extending from Redlands Boulevard to Theodore Street. With this recommendation and concurrence from the applicant, the General Plan amendment was expanded to include the trail extension. Although the applicant will only be responsible for a portion of this trail from Redlands Boulevard to Theodore Street, the change of trail location to Quincy will provide consistency within the trail system to provide one continuous trail on the north side of Eucalyptus from Quincy Street to Theodore Street.

B. Proposed Changes to the Land Use Map

The project will require a General Plan for a proposed change in land use for the areas between proposed Parcels 2 and 3 and Parcels 1 and 4. The area between Parcels 1 and 4 would widen by 126 feet the CC (Community Commercial) land use district and narrow by 126 feet the BP land use district. The area between Parcels 2 and 3 would narrow the CC land use district by 87 feet and widen by 87 feet the BP land use district.

C. Proposed changes to the Circulation Plan

The applicant, Highland Fairview, is requesting the addition of landscaped medians along future Eucalyptus Avenue in front of their project which would require a change in the Circulation Plan to from an arterial to a divided arterial between Redlands Boulevard and Theodore Street. Both street classifications include four lanes. Landscaped medians would increase the street capacity by limiting potential turning movement conflicts and will improve the aesthetics along the streetscape.

2. Change of Zone (PA07-0088)

In addition to the adjustment of the commercial land use lines between the three parcels, the applicant is requesting that the existing zoning classification on Parcels 1 and 2 to change from Business Park (BP) to Light Industrial (LI). This includes the approximate 82 acre parcel that is proposed to house the Skechers warehouse industrial building.

Although the General Plan designation of BP/I would allow the project as currently proposed, the current zoning designation of BP would not allow for the large warehouse industrial uses proposed under the Phase 1 plot plan or Phase 2. Therefore, the applicant has requested a change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Land uses to the south across future Eucalyptus are residential. Buffering of the industrial land use from the residentially zoned properties to the south was a concern raised and reviewed in the project Environmental Impact Report. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. Although there is no current residential development immediately to the south of the project site, the area has been reviewed as a sensitive receptor for possible future residential development.

In order to provide greater compatibility between current and proposed land uses, the EIR proposes a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or similar sensitive receptors would not be permitted within this buffer area subject to deed restrictions placed on all properties within the buffer zone. Without a change to the affected residential properties, the remaining uses permitted on those properties will be very limited.

3. Tentative Parcel Map (PA07-0090) – To include PA08-0057 (Phasing Plan)

Tentative Parcel Map No. 35629 proposes to subdivide an approximate 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication). Pursuant to Municipal Code requirements, all buildable parcels have direct access to a right of way.

Proposed land uses vary for the four buildable parcels. The applicant proposes to include a phasing plan as an implementation mechanism to approve three individual phases of the project. The first phase of the project will include all on-site and off-site infrastructure associated with that development and a 1,820,000 square foot warehouse industrial building on Parcel 1, except for the planned multi-use trail. The Parks and Community Services conditions require the multi-use trail along Eucalyptus Street and Theodore Street to be completed when Eucalyptus Street connects to Redlands Boulevard and Theodore Street (Phase 3) or at the discretion of the Parks and Community Services Director and allows for a cash payment in lieu of construction of the improvements. The second phase of the proposed project includes all on-site and off-site infrastructure associated with that development of a 600,000 square foot expansion to the Phase 1 warehouse industrial building onto Parcel 2 and an 80,000 square foot retail/commercial use on Parcel 4. The third phase consists of all remaining on and off-site improvements associated with Parcel 3 and an approximate 120,000 square foot retail/commercial use and building. Parcels 5 and 6 will be designated primarily for State Highway 60 dedication purposes for future freeway interchange improvements.

The proposed design of the map conforms to all development standards of the Municipal Code All proposed lots either meet or exceed the minimum standards for the land use districts, including lot size, lot width and lot depth. In addition the proposed tract conforms to the provisions of State Law, including requirements within the Subdivision Map Act.

4. Plot Plan

A plot plan is required to look at specific building and site improvements that are proposed to be constructed. The plot plan covers the Phase 1 building, including detailed parking lot design and elevation drawings of the development.

The proposed tenant for Parcel 1 is Sketchers, which proposes to relocate from their smaller Inland Empire location to this site. Parcels 2 through 4 will be developed in the future, and conditioned to file discretionary plot plan reviews. The scale and location of the future phases would require Planning Commission review.

The proposed industrial warehouse use located on Parcel 1 will include a 1,820,000 square foot logistics use with approximately 10,000 square feet designated for retail uses. The plot plan includes requirements consistent with the Municipal Code for building elevations, parking, access, landscape, and other development components. Each will be discussed later in this report.

Site

The site is currently vacant, with limited weedy vegetation. Based on an inspection conducted on the site, there was no standing water or riparian vegetation evident.

Although various structures were included on the site as part of the Kerr Stock Farm or Kerr Ranch in operation from the 1920's to the late 1990's, including a single family home and other structures for the farm/ranch and the boarding or race horses, all have been cleared from the site. In 2007, a demolition permit was issued to remove all structures from the site.

The applicant and their consultant, Michael Brandman Associates, conducted a Historic Resources Assessment dated December 7, 2006 for review by City staff. The historic evaluation determined that none of the buildings or structures located on the site were eligible in terms of the California Environmental Quality Act (CEQA) guidelines or listed on the cultural resources list of the state. Therefore, no further investigations or mitigation measures were required prior to removing the buildings and structures located on the parcel. The Environmental and Cultural Advisory Committee concurred with conclusions of the report in 2007.

Surrounding Area

The project site is surrounded by State Highway 60, Office (O), and Residential 1 (R1) parcels and scattered development to the north, a vacant Community Commercial (CC) parcel and RA2 (Residential Agricultural-2) parcels with some scattered residential development to the west and southwest, vacant Business Park (BP) and Residential 5 (R5) to the east and southeast and vacant Residential 3 (R3) to the south.

Based on the applicant's project and proposed buffer area just south of Eucalyptus Avenue, residential land use totaling 21 acres and the potential to develop approximately 63 units would be precluded. If residential density was to be transferred to other areas of the City or adjacent property that the applicant owns to replace the housing units, both General Plan amendments and Change of Zones may be required.

Although the site is in close proximity to the Moreno Highlands Specific Plan (just south of the subject site), the project does not include or change land uses anywhere within the Specific Plan area. The Environmental Impact Report refers to a possible future project by the Highland Fairview (owners of property to the south of the site including a large portion of the Moreno Highlands Specific Plan). No applications have been filed with the City for any such project. If a project of this nature is proposed by the applicant in the future, it would be subject to a completely separate review process, including a separate environmental impact report. No land use changes beyond the current 158-acre site are included in the current applications.

Access/Parking

There will be a total of five (5) access points off of Fir/future Eucalyptus Avenue provided for Phase 1 and the proposed 1,820,000 square foot Skechers building. The easternmost driveway between Parcels 1 and 4 would be shared with a reciprocal access agreement required. All points of access have been reviewed in the traffic study and approved by the Transportation Division. Access points for future phases would be determined in conjunction with future applications for those sites.

Access from the Phase 1 project would be entirely from Theodore Street and the Theodore Street interchange. New Eucalyptus Avenue would not extend to Redlands Boulevard until Phase 3 of the project.

Truck loading is provided on both sides of the Phase 1 warehouse industrial building, adjacent to Highway 60 (north elevation) and future Eucalyptus Avenue (south elevation). All loading areas will include a decorative screen wall and/or dense landscape to screen all truck activity from public view. As the proposed site grading varies between approximately 20 and 30 feet below the freeway grade, the limited view from Highway 60 along with a low decorative wall and dense landscaping would screen loading activity away from the freeway.

According to the plot plan submitted for Phase 1, parking would include 715 total vehicular stalls, including accessible parking stalls. This exactly meets the 715 vehicular stalls required by City code for the 1,820,000 square foot warehouse industrial building, including parking necessary for the ancillary office and retail uses.

Truck parking is included on site, with 306 trailer parking stalls provided. This is well above the 254 dock doors that are proposed on the building. A minimum one to one ratio is recommended.

Bicycle parking is also provided at the required amount of five (5) percent of the required parking. Therefore, spaces for 36 bicycles have been proposed for the site and will be scattered among the designated office areas and the portion provided as commercial/retail.

Access and parking for all other parcels not included in Phase 1 will be reviewed and approved under future plot plan reviews.

Design/Landscaping

As indicated previously, the site will sit approximately 20 to 30 feet below the current elevation of Highway 60. Therefore, the mass of the building will be greatly diminished compared to a structure at grade with the freeway. A Site Line Distance analysis has been included in plan form on the plot plan and within the EIR for the project.

Site design of the proposed warehouse industrial building is consistent with that required within the Municipal Code. All proposed industrial buildings will include a pleasing visual treatment along public right of ways where streetscape plant materials and architectural treatments provide visual character. Loading bays and storage areas will be screened to minimize visual impacts. Dense landscape will be provided along future Eucalyptus Avenue for Phase 1 and along Highway 60 with tree rows that would screen out truck activity and break up the massing of the large building. The building will meet setback requirements established within the Municipal Code, with primarily landscape, multi-use trail and parking areas visible from the streetscape.

The architectural design of the proposed building includes a modern architecture with a "fish-scale" panel design with individual tilt-up panels that angle out and up to provide shadowing and visual interest. The building is proposed for a monochromatic color scheme broken up by the shadowing and metal louvers. Tree rows will be strategically placed along the freeway elevation (one row of palms and two rows of pines) to allow for view corridors to the upper half of the building. Primary elevations on the east and west ends of the building and along the southern elevations will include reflective glass, metal features (louvers, panels and screens), as well as decorative pop-out windows and recessed glass. Roof top equipment will be screened from public view by the building parapet walls.

A variety of screening mechanisms (i.e. decorative screen walls) will be placed around the loading and employee parking areas. Eleven (11) foot high solid decorative block perimeter walls with pilasters or design elements to break up the wall will be provided for screening of truck activity from all public right of ways for industrial related uses. In addition, dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall. Mature trees with a size minimum of 36 inch box will be included along the Highway 60 elevation to provide further break-up of the architecture.

Landscaping for Parcel 1 would exceed the amount of typically provided for industrial facilities. Typically, landscaping is provided on roughly 15 percent of an industrial site. In this case, landscape is being proposed on roughly 22 percent of the parcel. The differential is primarily due to the lowering of the site resulting in extensive slope areas. Landscaping for the site will be drought tolerant in nature with primarily low water using species. A landscape and irrigation plan will be required to be submitted prior to the approval of a grading permit and approved by the Planning Division prior to approval of a building permit. Landscaping will be required along all front yard areas and adjacent to designated parking lots, with additional screening provided adjacent to loading areas and enhanced landscaping at entryways to the site along the Eucalyptus frontage.

All proposed detention basins included on the plan shall be maintained by a property owners association. Landscape (trees, groundcover and shrubs) and irrigation shall be placed along the sides of all proposed detention basins. A minimum of a hydroseed mix and irrigation shall be included at the bottom of the basins. Design for all other parcels, not including Parcel 1, will be provided for review when future plot and elevations plans are provided. Any proposed wall or monument signs that may be shown on any plans will be reviewed and approved at a later date, as signs are not a part of this approval and under separate administrative permit.

The developer proposes to include overhead electrical service from the nearest source to the building for approximately one mile along Redlands Boulevard due to property obstructions. All other utility lines for the project will be established underground. Overhead lines along Redlands Boulevard would be placed underground in conjunction with future adjacent projects.

To date, building elevations plans have not been provided by the applicant for the northeast portion of the building adjacent to Highway 60 and Theodore Street. As this is the focal point of the building, a condition of approval has been added to provide this detailed elevation to the Planning Commission for review and approval.

REVIEW PROCESS

On August 14, 2007, the proposed project was submitted and deemed incomplete due to a number of missing submittal requirements. The project was deemed complete on May 8, 2008 after the submittal of additional documents, most notably building elevations. To assist in the timely processing of the project, it was first reviewed by the Project Review Staff Committee (PRSC) on September 12, 2007, while still in an incomplete status. During the above meeting, specific items were required to be submitted or revised prior to submitting for subsequent reviews. Most notably, staff comments included, but were not limited to the completion of various studies by the applicant, including water, traffic, noise, biological assessment, drainage and air quality, the completion of an Environmental Impact Report (EIR), the completion and approval of a Water Quality Management Plan (WQMP), drought tolerant landscape in all planter areas, the modification of vehicular parking, including diamond and finger planters, modification of loading design and driveways on some of the buildings, and the submittal of elevation plans to include four sided architecture for all buildings. At

the conclusion of said review, written comments were provided to the applicant in order to make the necessary corrections and submittals.

On two subsequent occasions, the project was reviewed by PRSC with the applicant present, including meetings on May 20, 2008 after the project was deemed complete and October 8, 2008. At those times, follow up and/or repeated comments were made regarding landscape, project design and architecture of the proposed industrial buildings.

To date, the applicant has submitted revised plans to address a majority of the PRSC's initial concerns. With the inclusion of specific conditions of approval, all of the concerns of the PRSC have been addressed.

After reviewing the draft conditions of approval, the applicant identified a number of concerns. In response to these concerns, staff made a number of revisions/refinements to conditions of approval where it appeared both reasonable on technical grounds and within the administrative discretion of staff to do so.

However, there is a particular condition of approval proposed by staff - requiring the developer to provide landscaping within the Caltrans right-of-way adjacent to the project - from which the applicant seeks relief. In this case though, staff does not have the authority to eliminate/modify the condition because if derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Thus, staff is seeking policy direction from the Planning Commission as to whether to retain/modify this condition of approval.

By way of background, in the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan; a few residential projects have been conditioned to install of participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan - some of this landscaping has thrived while some has suffered over the intervening years. Notably, the recent Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note is that the two adjacent warehouse industrial projects - Prologis and Ridge Realty - have been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects represent two miles of the City's freeway frontage.

ENVIRONMENTAL IMPACT REPORT

An Initial Study was completed after all discretionary applications were deemed complete. (Attachment No. 5). Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued October 29, 2007, and a public meeting to receive

input on the issues to be covered by the EIR was held at City Hall on November 26, 2007. Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Michael Brandman and Associates and submitted to the City and its peer consultant for review. After City review of the draft environmental documents and revisions to address City questions and concerns, per California Environmental Quality Act (CEQA) Guidelines, the Draft EIR was circulated for a 45-day public review period. Notice of completion and availability of the Draft EIR was documented with a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. To facilitate increased input, the City accepted comments well past the 45-day review period. The Draft EIR was sent to numerous State and local agencies and interested parties on August 5, 2008, as well as to the City's Environmental and Historical Preservation Board. Thirty-one comment letters were provided during the 45-day review period. An additional two letters were received subsequent to the review period and included in the EIR process. Responses to all of these comments are included in the Response to Comments. A comment letter was received from the State Department of Transportation on December 1, 2008, 73 days after the end of the 45-day review period. A letter from a local resident was received on December 18, 2008, 90 days after the end of the comment period. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on December 19, 2008, to allow for their review prior to Planning Commission hearing. This notice period exceeds the minimum notice period of 10 days as provided for in CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

In briefly summarizing the key points of the document, analysis presented in the Draft EIR indicates that the proposed project will have a number of potentially significant impacts, either individually or cumulatively on aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gas impacts, as described in detail in Draft EIR that cannot be reduced to a less than significant level even with proposed mitigation. As identified in the document, cumulative impacts for these noted impacts above are considered to be significant and unavoidable. The Draft EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts for Aesthetics and Air Quality. All other environmental effects evaluated in the Draft EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval under the Planning Division.

Although traffic and transportation would be considered a less than significant impact with mitigation measures imposed, the project will produce vehicular and truck related traffic materially different from the current BP zoning, and therefore a traffic impact analysis was prepared. The Transportation Engineering Division (TED) staff reviewed the revised traffic impact analysis dated July 14, 2008 for the proposed

warehouses/commercial project. Project build-out is assumed to be in the Year 2012 and is projected to produce 769 AM peak hour trips, 1,157 PM peak hour trips, and 15,339 daily trips. These trips are inclusive of both cars and trucks and do not include any adjustments to convert truck traffic to their equivalent in passenger cars (commonly abbreviated as PCE's or "passenger car equivalency factors"). The percentage of trucks during the peak AM periods is 19 percent and during the peak PM periods is 15 percent, and the total daily truck percentage for the project is 14 percent. The level of service analyses contained within the study accounted for the disproportionate traffic impacts of trucks directly, through truck percentages as opposed to the use of PCE factors. The study assumes that Eucalyptus Avenue will only connect to Theodore Street for Phases 1 and 2, while Eucalyptus Avenue would connect to Redlands Boulevard at the time of Phase 3. In this case, all project traffic for Phase 1 and 2 travels through the intersection of Theodore Street and Eucalyptus Avenue.

The EIR includes specific mitigation measures related to traffic and transportation related impacts. Due to limited existing pavement at the SR-60 ramps at Theodore Street and Eucalyptus Avenue not existing at this time, pavement widening would be required at the ramps and the Theodore Street/Eucalyptus Avenue intersection to accommodate turning trucks. Other mitigation measures addressed in the EIR include turn lanes provided along Theodore Street at State Route 60 and Eucalyptus Avenue and the construction of the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue and a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. In addition, various improvements are planned for the Redlands Boulevard interchange, in which the applicant would participate in fair share funding and specific interim improvements.

Another key environmental issue that the EIR analyzes is the applicant's request for 24 hour grading operations, which would include environmental air quality and noise impacts associated with the use. The applicant has requested the "around the clock" grading to meet the timeframe specified by Skechers to occupy the Phase 1 building. In order to mitigate or lessen these ongoing grading operation activities required to produce a building, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Although impacts to aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gases cannot be reduced to less than significant levels, the California Environmental Quality Act (CEQA) allows for statement of overriding considerations and findings to be considered. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report as Attachment 2 for review and consideration.

The Planning Commission will have the opportunity to take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be approved, the City Council will have the opportunity to review the final environmental document, receive public testimony and either certify or reject the Environmental Impact Report (EIR) and subsequent Mitigation Monitoring Program.

NOTIFICATION

All responsible agencies, interested parties and property owners of record within 300 feet of the project were provided a notice of the project public hearing. In addition, the copy of the Draft Environmental Impact Report was sent out to all responsible agencies, and interested parties that had asked to be included on a mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received approximately 33 responses to the notice of preparation of an Environmental Impact Report; which was sent to all potentially affected reviewing agencies. Comments on environmental issues included and discussed within the Draft EIR were provided specific environmental responses within the Final EIR.

All comment letters and required response to comments are included in the final Environmental Impact Report (See attached). Two additional comments were provided well after 45 day comment period. This includes comments from Caltrans and a local resident. Attachments 7 and 8 include the letters and responses to comments.

STAFF RECOMMENDATION

That the Planning Commission:

1. **PROVIDE** a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and

If a change in policy is recommended by the Planning Commission:

2. APPROVE Resolution Nos. 2009-01, 2009-02, 2009-03, and 2009-04 **RECOMMENDING** that the City Council **CERTIFY** the Environmental Impact Report (EIR), and **APPROVE** PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Plot Plan) and PA07-0091 (Tentative Parcel Map No. 35629) including phasing (P08-057) for the subdivision of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication) for a 2,620,000 square foot industrial/commercial development, including a plot plan for a 1,820,000 square foot warehouse industrial building (Phase 1), subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions and conditions of approval, attached as Exhibit A to the resolutions.

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No.2009-01 with Statement of Overriding Considerations and Mitigation Monitoring Program.
3. Planning Commission Resolution No.2009-02
4. Planning Commission Resolution No. 2009-03, including conditions of approval
5. Planning Commission Resolution No. 2009-04, including conditions of approval
6. Environmental Impact Report (Previously provided to the Planning Commission in disk format)
7. Caltrans Letter and Response to Comments
8. Letter from Mr. Mike Rios and Response to Comments
9. Aerial Map
10. Zoning Map
11. Reduced Map
12. Reduced Site Plan
13. Zoning and Land Use Boundary Change Map from EIR

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 8TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Jane Halstead, City Clerk
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Principal Land Development Engineer
Clement Jimenez, Senior Land Development Engineer
Carlos Rodriguez, Fire Safety Specialist, Fire Prevention
Rick Hartman, Deputy City Director for Development Services
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Jennifer Terry, Special Districts Management Analyst
George Hansen, Electric Utility Division Manger
Ralph Scharffenberg, Special Districts Landscape Development Coordinator
Marshall Eyerman, Special Districts Program Manager

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

CHAIR DE JONG – Item 400 is the approval of the Agenda

COMMISSIONER RIECHERS – So moved

COMMISSIONER GELLER – Second

CHAIR DE JONG – Okay, I a motion and a second. Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0, with one Absent (Commissioner Springer)

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are on display at the side of the room there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission and I have three Speaker Slips. I'll call you up... two names please. There is a three minute limit to your speaking... Gordon Tucker followed by Mike Rios. Would the second speaker please be ready to speak when the first speaker is done? Your name and address for the record please...

SPEAKER TUCKER – Good evening Commission, I would just like to make a simple comment that I'm not 100 percent behind this warehouse nor am I one hundred percent against the warehouse, but I am one hundred percent against the tactics in which we've gotten to this point. That's it.

CHAIR DE JONG – Thank you... Mike Rios followed by George Hague

SPEAKER RIOS – Good evening Commission, my name is Mike Rios. I'd like to start by saying that I want to thank everybody who showed up tonight whether you are for or against the project. It shows that you care about your community and that you want to do the right thing and hear what is going on. Basically this has been a hot issue during the campaign and remains to be as of today. Whether you are for or against the warehouse, this is one of the biggest decisions that Moreno Valley has had to face in decades and we need to very much pay attention to what the people have to say because the people should be the ones that decide what really happens in their City. Now I'm for jobs and I see

MV00018179

a lot of people with job shirts. Unfortunately this project is going to be fully automated and the public has to understand that.

CHAIR DE JONG – Excuse me Mr. Rios, this really is regarding the subject matter... This section is for items that are not on the Agenda

SPEAKER RIOS – Okay, well... yeah okay... What I just want to say is basically I want all the people to pay attention to what's going on and this City right now in a crisis. The whole State is in a crisis and a recession and these jobs that will be created will help our community but we need to really study what's going on with the EIR and everything that's happening and again the people should be the ones who decide what happens for their City. If the majority of the people want this project, I will back it. If the majority of the people don't want the project, I won't back it. It's up to the people to decide and I just want their voice to be heard. This is why I started my campaign to make sure that the people's voice is heard and their decisions are respected. I will address this issue on matters of the Agenda and I want to thank you very much for having this and hopefully the people on the other end have a chance to speak in the Rec Center. I hope that you make that available to them because not everybody was available to fit in this building. Okay thank you.

CHAIR DE JONG – Thank you... George Hague

SPEAKER HAGUE – I'll give you just a few minutes to look at this handout. I brought it because our Mayor today said we need to be looking for jobs like we always do and I think one of our benefits that we have here as a City is that we're not in the dark plumes that you see there in the upper right-hand corner map and that is a selling point to bring businesses to our City. The cancer risk from diesel has not really quite reached us; the highest point. It would be really nice if were like we were down in the lower right-hand corner where if you eliminate diesel pollution, a lot of Southern California would be wonderful, but right now that is a excellent selling point for us to get jobs, is to let people know that we're not in the very dark plumes of this. The other thing that I'd like to mention and to thank is two or three nights ago, a family member was robbed at gunpoint in one of our newer shopping centers in the parking lot. It happened about 8 o'clock at night and two of our City's finest, Deputy Kennedy and Deputy Leone responded and while the people did get away at the time of this armed robbery, it was not until 1:30 that very same morning that they brought forward a picture lineup for my family member and by 6:30 they had actually caught the person; at least according to the picture from lineup that my family member went to and so I would definitely like to thank Deputy Kennedy and Leone, both who did an excellent job in very quickly responding and to say I'm sure a representative sample of our Department. Thank you very much.

CHAIR DE JONG – Thank you. Our next Item on the Agenda is Item 700.

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700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

CHAIR DE JONG – Staff Report please

PLANNING OFFICIAL TERELL – Yeah, before we do that, just a couple of announcements. Many of you probably haven't been to a Planning Commission Meeting before so I wanted to go briefly process tonight. The first item is the Staff member assigned to this project will give a brief report about the project and then we'll open it for questions of the Planning Commission of Staff. After that the Applicant will give his presentation and then there is a period of time when the Commission can ask questions of the Applicant. After that we open the Public Hearing and the Chair will call people up to the dais over here to my right and the Speakers have three minutes to speak and I believe I'm not sure whether you announced this already, but at 10:30 the TV machine runs out of tape, so we will be taking a break at that time, but before that the Commission will have a discussion as to how long they will continue the meeting tonight; if that's an issue; if we're still here at 10:30 and make a decision on that and then we'll have a short break and either come back or do as the Planning Commission sees fit at that time. For those of you that are over at the Conference Center, there are Speaker Slips over there and if you fill those out and give those to I believe Michelle Dawson who is there in the room with you and after we are finished with the Speakers who have handed in slips in this room, we'll have a short break if necessary to bring over folks from the other building. If you've handed in a slip here and you are in the other building, we'll call your name but if you are not here, we'll place that at the end of the list of names and call you up at the appropriate time. So I don't know if the Commission had any questions, but I just wanted to kind of establish a few ground rules before we moved in.

CHAIR DE JONG – Fair enough... Actually we go to a Staff Report I think the Deputy City Attorney has a comment to make.

DEPUTY CITY ATTORNEY ERLY – Thank you Chair. The City Attorney's been advised that there is several legal allegations that have been made by members of the public with respect to tonight's Hearing. We just wanted to address a couple of those briefly before we got started. The first allegation involved the ability of four of the sitting Commissioners that they are actually still Commissioners. The allegation is that on January 1st, 2005 those four were

MV00018181

appointed to a four year term that was set to expire on January 1st, 2009. While that is true, subsequent to the January 1st, 2005 appointment on or about August 23rd, 2005. The City Council amended the Ordinance and changed the term to expire on March 31st, 2009, so those four Commissioners are still acting Commissioners until March 31st, 2009 and so everybody up there is able to make this decision tonight. The second allegation involves conflicts of interest, specifically it's been alleged that Commissioner Geller's role as the Treasurer of the Moreno Valley Taxpayer's Association should be a disqualifying event not allowing him to sit on this Hearing. Additionally, both Commissioner Geller and Commissioner Dozier involvement with the Rancho Belago Economic Development Committee has been raised as a possible conflict of interest as well. Our office has researched the issue. We have consulted with Steve Dorsey with Richard Watson and Garcon Gershon(?) the expert and conflicts in this area and have also spoken with the Fair Political Practices Commission today. All three Agencies and Attorneys reached the same conclusion and concur that with the evidence that we've been provided, that there is no direct economic benefit to the Commissioners in question and the Political Action Commissions and the Economic Development Committee; the money being spend there is constitutionally protected, both under State and Federal Constitution and without any evidence of any individual personal gain to the Commissioners, this office can't opine in any way that they should be disqualified from serving on this Hearing. Thank you.

CHAIR DE JONG – Thank you. I think we're ready for the Staff Report now.

SENIOR PLANNER GROSS – Good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross from the Planning Division here to provide a report on the project before you this evening. Before I get into the project or the report that I want to provide, I wanted to turn your attention... there a few items to read into the record and since these are legal documents, we wanted to make sure that they were correct. If you turn to page 122 of your Staff Report you'll see and this is pretty much an ongoing theme that you'll see as a change and once you get there I'll kind of give you an idea of what that is. Again that is page 122 of the Staff Report. If you go down to the fourth paragraph down, there is a reference of and this is the third sentence in that fourth paragraph of "93 feet"... that changes to "87 feet" is the correct number and again you'll see this recurring theme a couple to times as I'm providing. There was also one very minor change just below that under the fifth paragraph and this would be the fifth sentence of that paragraph where it states "not below significant levels"; we would say "not all below significant levels". We just wanted to add the word all. And again page 123; again there is two; second paragraph under Conformance with Zoning Regulations, where it states "93", which changes to "87". The same can be said on page 125 of the Staff Report, there is the recommendation there and some of the areas down below; this is the last paragraph of that page where again "93" is changed to "87" and the same would be for page number 131 and this is on the last paragraph; actually the fourth

MV00018182

sentence from the bottom... again "93" changes to "87". With that, let me go ahead and provide a Staff Report here on the Item.

The Applicant, Highland Fairview is proposing a project tonight that includes industrial warehouses, future commercial parcels and these are bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street and Highway 60. Again this is south of Highway 60. The project site includes 158 acres and includes a Tentative Parcel Map to subdivide four buildable parcels and two primary parcels dedicated to freeway improvement purposes. There is a total of 13 parcels, although a good majority of those parcels are for public access and the Plot Plan that is before you this evening includes a 1,820,000 square foot warehouse industrial building which it is identified as the occupant of Sketcher's under Phase One and with two additional phases for a total project area or square footage of 2,620,000 square feet. The Applicant is also requesting this evening a General Plan Amendment for four items, including the modification of a Master Plan of Trails, including elimination of the Sinclair Trail alignment from new Eucalyptus to Highway 60 and extension and adjustment of a planned trail from south to north side of the future Eucalyptus from Quincy Street to Theodore Street and also includes the modification of the Circulation Plan to allow landscaped medians on future Eucalyptus Avenue and a minor modification of lot lines between four parcels.

Now before considering the proposal and providing a recommendation to Council, the Planning Commission this evening is reviewing the project and there is what is considered a policy decision that would need to be made regarding the Applicant's request for a Change of Zone from Business Park, which is classified as BP to Light Industrial which is LI, which includes a material change to land use patterns along Highway 60. The proposed Change of Zone from again BP to LI would allow warehouse industrial buildings larger than 50,000 square feet on the project site. The current zoning of BP and the limitation that comes along with this zoning designation of less than 50,000 square foot buildings arose during the discussions back in 2006 with the Zoning Consistency Study that was part of the General Plan, which at that point there was discussion that it would envision the preclusion of large warehouses in favor of smaller Business Park uses on this particular site.

I do want direct your attention over to the far wall because we will go into a little bit of the Site Plan and a little bit of the architecture of what is being proposed this evening. From a Site Plan perspective there is going to be a proposal of roughly five access points off of Fir, future Eucalyptus Avenue provided again for Phase One. A Site Line Distance Analysis was conducted indicating that the site was between approximately 20 to 30 feet below the freeway grade and the mass of the building would be greatly diminished compared to structures at grade with the freeway. Now screening mechanisms will be placed around the loading and parking areas, including dense landscape and eleven foot high solid decorative block perimeter walls that would go around the site.

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Now from an elevation perspective, we have elevations again on the wall. You can see here towards the right hand side of the wall here and from that you will see that the architecture is primarily a modern architectural theme. There is quite a bit of; there is metal louvers, tilt-up panels, reflective glass, recessed glass and decorative pop-out windows and I did want to mention there is going to be some very mature tree rows that will be strategically placed along the freeway elevation to allow for view corridors to the upper half of the building and although a Condition to be reviewed by the Planning Commission at a later date; I think we did Condition at least a portion of that building; we do have a portion of that building shown here and it was related to one of the Conditions and that is something for the Planning Commission to consider. We can address that once we get that once we to that point in time.

I do want to go over the EIR part of it just briefly. Again there was an Environmental Impact Report completed for this project and it indicated that there were a number of potentially significant impacts. This was either individually or cumulatively that was aesthetics which was one of them, agriculture lands, air quality, noise, climate change, greenhouse gas impacts that could not be reduced to a less than significant level with proposed mitigation would occur with this project. Now one such mitigation measure that is proposed includes a buffer area prohibiting sensitive receptors just south of Fir and future Eucalyptus Avenue. As identified in the document itself; the EIR; accumulative impacts for these particular impacts that we talked about are considered to be significant and unavoidable although all other aspects of the Environmental Impact Report basically indicate that certain environmental aspects of the project can be mitigated to below significant threshold levels.

And it is important to note and I did want to make this, this is an important part of the EIR and of this report. There is a request for a 24-hour grading operations to occur. The Applicant has requested this to meet the timeframe specified by the Phase One tenant that is going proposed to go in. Now in order to lessen ongoing grading operation activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Now CEQA; the California Environmental Quality Act allows statement of overriding considerations and finding to be considered and requires the decision making body to balance the economic, social, technological and other benefits of the proposed project against it's unavoidable environmental risks and you'll have a chance as you're reviewing the document to review this.

Staff has received approximately 33 letters on the Draft EIR that was provided for the required 45 day review period and they were included into the Final EIR. There were a couple of additional letters both from Cal Trans and a local resident that were provided quite a bit of time after the 45 day comment period, which were not able to be included in the Final EIR document, but we did include them

MV00018184

as attachments to the Staff Report and they are available for the public record. As well, in addition to these two late responses, there were other numerous Draft EIR's and letters I should say and general public correspondence provided to the Planning Commission tonight as part of the public record and I did want to mention as well that the Applicant has provided a letter that you will see dated January 7th, that does go into addressing some concerns with the Conditions and other aspects of the project. I believe there are about three issues that are provided within that particular letter.

And I did want to mention that all responsible agencies, interested parties, property owners within 300 feet of the project were provided notice of this Hearing, in addition to posting on site and publishing in the newspaper. A copy of the Draft EIR was also located on the City's website; both the Draft and the Final, at City Hall and at the Public Library and sent to all responsible agencies, commenting agencies and organizations and interested parties that asked to be included on a mailing list. Staff did receive approximately 30 telephone calls. This was probably from the time that we had that everything went out for our Public Hearing Notice on the project and some of those calls just kind of briefly explain from the Public; they were asking to... again first of all to be provided on Public Notice lists; that was quite a bit of calls that I got originally and then there were some other general concerns of the project, just basically again looking at the environmental aspects of the project, primarily traffic and transportation was an issue that was brought up quite a bit and land use related items.

And that pretty much concludes my aspect; the Staff's aspect of the report. I do want to say that we have quite a bit of in-house Staff with us tonight from various departments along with representatives of the City's Peer Consultant Chambers Group and this would be on left, which is both Michael Hendricks and Andy Minor who are here. They actually had a chance to assist the City as a peer consultant in reviewing the EIR that was prepared and they are available of course to answer any questions that you may have. We also have representatives in the audience tonight from MBA; Michael Brahma Associates in the audience to answer questions on the EIR that has been prepared and we have representatives from the Applicant, Highland Fairview that are also here tonight to answer questions regarding their project requests this evening. Thank you.

CHAIR DE JONG – Thank you very much... a very complete report. Are there any Commissioner questions of Staff?

COMMISSIONER GELLER – Yeah I just want to verify what we're being asked to approve separate from the Zone Change, but in terms of actual buildings, the only thing we're if we approve tonight would be up to 2.6 million square feet as to the Plot Plan and if they want to build any more buildings they have to come back to the Planning Commission or is that not correct?

MV00018185

SENIOR PLANNER GROSS – Well the building that you're looking at this evening is really under Phase One and as you look over on the far wall you can see that's the 1,820,000 square foot building. Now there are other parcels associated with the project and if you combine all those together it's 2,620,000. Now when other parcels come in; when the Applicant comes in with other possible users, then what we would do is take a look at that and bring those back to the Planning Commission so you would have a chance to look at the architecture and some of those type of items.

COMMISSIONER GELLER – Okay, so again though... so we're only approving the 1.8 million square foot building?

SENIOR PLANNER GROSS – Yes

COMMISSIONER GELLER – So the next phase to bring it to 2.6 would have come back to the Planning Commission?

SENIOR PLANNER GROSS – Yes, but as far as the Environmental Impact Report goes of course, we had to look at everything, but yes this is the only proposal as far as a building before you this evening.

COMMISSIONER GELLER – Okay, thank you

CHAIR DE JONG – Other Commissioner questions...

VICE CHAIR MERKT – I was curious, are we going to have an opportunity to question you later on?

PLANNING OFFICIAL TERELL – You can ask questions at any time

VICE CHAIR MERKT – Okay fine, because I think I'll hold my questions until further into the Hearing. Thank you.

CHAIR DE JONG – Are there any questions down this way? Okay seeing none, I'm going to open Public Testimony and call the Applicant forward. Please state your name and address for the record.

APPLICANT BENZEEVI – Good evening Planning Commissioners. My name is Iddo Benzeevi, 14225 Corporate Way, Moreno Valley. First of all, I had an interesting thing that occurred to me. I went over to the other room; the other conference facility; there is obviously a lot of people that are interested which is good; community involvement which is always good and a few people approached me there and upon entering on discussion with me and they said we have reached a really low point in Moreno Valley; the economy the way it is; you know thousands of foreclosures; a few people there just recently lost their jobs and some were even worried about losing their job and some announcements

MV00018186

made in their firms and they really felt we have reached a low point. One even mentioned he brought a LA Times article that said that when they surveyed California and the nation, the one location that lost the highest value in property values; homes in Moreno Valley were 53.2 percent and we thought we really reached a low point in Moreno Valley, but I think we really reached a turning point. In this economy to be able to attract and to have the commitment of a major global company for the first time; a global brand commit to Moreno Valley and a major employer, I think it's significant, especially in today's economy. But the project itself are not here, as was mentioned as several Sketcher's is a tenant in the corporate park in this development, so really the issue here is the project itself. The project itself, we're actually very proud of it. It's the next generation of logistics buildings. Most people relate to logistics as maybe some warehouse with some boxes that are put into some trucks, but it's really a lot more than that as you will see and can see. The logistics industry is really a convergence of communications technology, material handling technologies, supply chain management and a lot of other IT and communications developments that have to go into operating a global business and this will be for the tenant the major North American operations center. We've never had that in Moreno Valley before. The building is also and will be probably the largest LEAD certified building in the United States. We have designed the building to achieve LEAD Certification so it will be one of the largest green developments, which I think we can be part of in Moreno Valley. The architecture is also unique. We have retained two architectural firms; one that specializes in actually the mechanics of this type of buildings and one that is world renowned architect that has received numerous awards as well as designed many corporate headquarters. His name is Jose Pelasios and he has designed such buildings as the Hewlett Packard Headquarters, the American Airlines Headquarters and many other global companies, so I think we have significance in terms of architecture for this type of building. There are several issues in terms of the design itself. One of the things that was mentioned and are always a concern as well as us were Moreno Valley companies so that health and wellness of our community is in our hearts; that we're healthy; we work here; our offices are here and we develop out here. Some of you know us from other developments in our City here that are also on a significant scale. We were able in terms of the use to reduce the traffic impacts from the City's General Plan uses by about 58 percent, so the traffic generated from this building is actually 58 percent less than if we have developed out the proposed General Plan uses. The issue in front of you today is also the 50,000 square foot building limitation. We think it's somewhat arbitrary. It's almost unique. We've never seen it anywhere else we have developed literally around the world. It's almost tantamount to saying if you are a company and you do well like us in Moreno Valley, should I go out to 51,000 square feet, I'd have to move out of town. I'd have to take my business and jobs and move somewhere else. If a company does well and starts even with 10,000 square feet and goes up to 50 and becomes 51,000, we'll have to tell them to leave to another town. The issue is not really building sizes, the issue is quality development and quality projects is really what it's about We also have to be responsive to the local

MV00018187

original economy. There are really no businesses any more and we've seen even during the boom years of the last five, six, seven years that the small buildings actually have not been able to fill up. Just across from City Hall here there is a small industrial project with smaller buildings. There has been vacancies there continuously throughout the boom area. There have been some developments of smaller scales along the freeway. There have also been buildings there that are brand new that in fact they are on the verge of bankruptcy and cannot attract any tenants. They are just not responsive to today's market and regional and global economy that we are part of. What I'd like to do if I may is approach the desk. We have prepared a presentation that actually help us understand the project better but in order to operate it I have to step up over to that computer area there if I may.

CHAIR DE JONG – Fair enough

SPEAKER BENZEEVI – Just to locate the project, this is the Moreno Valley Freeway Highway 60. This project area is bounded to the north by Highway 60, to the south by the future Eucalyptus Avenue. It's in now but Eucalyptus would be here. The western boundary would be Redlands Boulevard and the eastern boundary is Theodore. So again there has been some confusion in the community that I've heard people think the project is much larger. The project that's in front of tonight is actually within this area and we can see it's within the Business Park zoning in the General Plan today. There are a few things here that I would like to share with you. One is just some of the views of what the building looks like around it and we've taken different angles and different areas of the buildings and depicted them for computerized rendering that is accurate to the architecture. It's actually based on CAD. If we look at the building itself as you can see, this is the main building. This is where the office operations will be as well and also for the headquarters facility will be at the building. There is a building in here. It hard to see this angle, but these are very large reflective ponds. There is a fountain element in front of the building and there is another bigger reflective pond on this side and a bridge. This is actually the structure that sits almost floating within those big reflecting ponds. At this angle is hard to see but it's a stand alone structure that's connected to the building as an architectural feature as well. As we move along around the building, it's sort of like a campus. From a different angle there is also some more offices but a big retail facility that will also be there selling some of their products. As we move around the facility itself, I'll go around it this way. This is actually the view from the 60 freeway looking west; southwest coming in from the badlands heading west into town. Looking at this view is actually again further down the building looking west again; west and south of the building. And this is the rear of the building and as you can see, Highway 60 is up at this elevation. The building is down here, so from the freeway itself you only see the very top element of the building. There is also a very large setback from the freeway to where the building is which is way over here; several hundred feet. Moving along, there is another area which is the transportation hub and facilities. Most truck traffic is concealed behind gates, so

MV00018188

unless the truck comes out of the facility it won't be visible to the community. There is also an area; this is the wall treatment along the property. There is an area here that's been reserved for a future trail. The sidewalks of course; this is Eucalyptus over here and that's the wall treatment... highly landscaped, perhaps the most landscaped facility that we have in the region; definitely in our town here. This is just looking at the treatment from a different direction. It has different pop-out elements. It's actually sitting on a berm so the water itself is about eleven feet, but from a pedestrian level it's probably around 14 to 15 feet in terms of the height and it's heavily landscaped in that area. There is also another element. This is a broader view of the same treatment which you see by driving along Eucalyptus Street and part of the General Plan Amendment was us requesting to introduce a median on Eucalyptus Street which is currently not called for in the General Plan. This is again looking east now towards the badlands from Eucalyptus and Theodore will be right along this area, so this is in front of the facility itself. This is some of the horse trails. We also what we did which is interesting is we actually created a simulation; a drive simulation; where we're actually sitting in a car. It's done with GPS so it's accurate to which you will see sitting in a car and we took it from several directions so we can see what we will actually experience driving by the facility when it's built. This is heading east. This is the Redlands Bridge and we're going pass the site from the Redlands Bridge and the project will be down on the south side to right in the photo. That landscaped corridor is the landscape that we are proposing for the project. The landscaping has actually being approved by Staff to be installed on the project. Essentially the building is almost not visible at all. It is a beautiful building and it's done with unique features, so we purposely opened some areas so you can actually see the building. We felt it silly that instead of being proud of a building with level of architecture we're actually going to hide it altogether, so we have actually opened some areas so you can have a peak into the building itself. As we go to the corner, that's the Theodore exit. I know it goes by quickly. Is there a way to show it again or do we have to... Again this is headed east the bridge you see first is Redlands and the project is to the right; to the south. The views are also preserved. This is Mount San Jacinto, so the significant views in the community have been preserved. Actually they are more obscured by the landscaping than the building itself. The building is much lower as you can see with some of the openings there. And this of course is the Theodore exit that you will see. If anyone wants to see it again, we can run it again. No, okay. Eucalyptus; this is the south street and this will now be driving into Eucalyptus from Theodore and this will be the entry into Eucalyptus. There they will set up the gateway and the project of course will be north of Eucalyptus and it will be on your right; north side of the photo. Here we are driving by the facility. If you look to your right where there are entry points; there are gates, so most of the activity is actually shielded behind these walls and berms. This area of course is the commercial area within the plant. Those are just the depictions. There is no building to be approved on those at this point. There are just stand-ins. And this will be now Redlands Boulevard. This is my kind of driving. If you would like to see it again, I'll run it again. There has also been some issues and concerns

MV00018189

about what you would see as you come in from the north side of the freeway heading south on Redlands Boulevard and over the 60 Freeway, so we've simulated that as well. This is now headed south on Redlands coming over. This is Ironwood; now we're coming over the 60 Freeway and the project will be over on the left and this will be of course the Redlands Bridge from the high point that we'll see here. The point here is that the significant views of the community; the ridgelines; the mountains are all going to be visible and preserved by the design of the project. As you can see we dropped it down so it's below eye level at the freeway. Of course this gate area is Eucalyptus and you will turn left to go into the project. This is headed now from the badlands into Moreno Valley headed west. This will be the Theodore Bridge you cross under and of course the project is over on the left. And the bridge out there will be the Redlands Bridge; Redlands crossing. I want to point out one more thing as we're driving east that in the future this area that is setback is for future Cal Trans and highway expansion and there is also an issue in front of you and that became the issue of what to do with this area today. We are taking the position that the landscaping that we are installing around the project that we will maintain is much upgraded that what Cal Trans freeway landscaping is and by installing that landscaping it will actually obscure and take away from the landscape design that is actually installed by the project itself and of course later on will have to be torn up as the freeway gets expanded and widened, so we think it's also a waste of money to try and install landscaping that you'll tear up. But again the permanent landscaping on the project as you saw, that is landscaping that we're installing and we would be maintaining as well, which is a good point if you drive around Moreno Valley and look at the way companies maintains their landscaping, makes you wonder if it's maintained at all at some points. So, there is one other thing that was raised as an issue and the EIR and the community and I wanted to address it and that is you know what do you see from Ironwood looking south. This is Mount Russell, Lake Perris will be just behind this knoll here and Highway 60 is here and this is the projects landscaping, so from Ironwood Boulevard, this is the view that you will see. It is calibrated, obviously with GPS and so it's accurate to exactly to what you will see at that point and of course the ridgelines are preserved and views of the east end and character of the east end will be preserved in that way. There is one more thing that I'd like to share with you and that is traffic. People are very concerned about traffic. What will traffic look like on the freeway and for most people including myself, reading traffic reports is quite different than how you would experience it on a human level, so what we did is we took the actual Traffic Study that was done for the EIR by the City and converted it to a digital format where you can actually animate the traffic. What we've done; all the traffic that will be depicted is traffic at project build-out, which means everything is built out; every building is occupied and the project is fully operational including all the ambient which mean everything else that gets in the City along with it and so you'll houses are painted sort of white or gray. This the traffic that's on the freeway irrespective of whether or not this project comes along and the tracks of the cars or the traffic... the traffic that we're placing on the freeway or the additional traffic that is project generated are sort of in

MV00018190

red/orange colors, so when you see a orange car or a red truck that's traffic that's generated by the traffic. This is now sitting on the Redlands Bridge looking east at traffic that's moving west; so all the white traffic; this is traffic not today; that's the projected future load of traffic and when you see a orange car or a red truck again that's project generated traffic. In other words if the project never existed, the red cars would not be there as part of the traffic. Now this is also done at peak time, which means this is at the worst case... This for example would be am morning time at peak rush hour, so clearly if you are in Moreno Valley after ten or eleven o'clock those hours of the day, there is hardly anybody on the freeway. This is depicted at the peak worst condition. We can actually see the traffic now headed west and this standing on the Theodore Bridge looking west into town and again same thing. This is probably the pm at the 5 o'clock in the summer rush hour time; loads of traffic and again the red cars are project related. I think watching traffic can be boring, but I think you get the point. The amount of traffic that the project loads onto the freeway is really very low and ... There is also a depiction here of looking at Redlands Boulevard. This is Redlands Boulevard and the project is on the right. Actually because along Redlands; this is the future; just a stand-in building; that doesn't exist; it's not up for consideration. The building we're talking is past it, but this is again at peak hours. This is the load on Redlands Boulevard again; red cars are project related and the white cars are traffic that will be at build out here in any event. I won't bore you with watching traffic, it's like watching paint dry, but we'll... There are a few other issues that were raised within the project that we'd like to share with you. One is air quality and in terms of air quality everybody knows that you know when you have trucks or any equipment at all, if we put a moped on the freeway it adds to pollution and that's a serious business and we need to do everything we can to mitigate those kind of issues down to a minimum and obviously within the law to the extent possible. This is essentially a graph that depicts the profile as you know; a seventy year lifetime span and the propensity for either lung disease or lung cancer as a result of being exposed to a diesel source and clearly as you are further and further away from the sources it goes below what the SCQMD designates as the threshold. As you can see as you get to within after about 100 to 140 meters, which is about 440 feet, it crosses the line where it meets the threshold and anywhere further and further away it starts to diminish to the ambient level. This is where the project lies. We have mitigated. We have created setbacks and buffers that will actually get all the air around the project and the surrounding... no sensitive receptors will actually be affected the significant setback. There is no current homes that are in immediately adjacent to the property; to the north it's the freeway; to the west is the Business Park zoning; north also has Office zoning and of course to the right or east is also Business Park zoning surrounding the property. There was also an issue raised in the community and some people spoke to it about where is the most logical place to put it and some of them said maybe on the west side of town is more appropriate and we looked at it and we studied it as well and we realized that if you take a two mile radius of impact the project might have; if you placed it out here in the east end you can see most of the area is either the badlands or open

MV00018191

space of part of the Mount Russell area and of course this is our property here. Most of this is already zoned Business Park and there is some area in here which is residential, so about this area is what could potentially be affected as residential areas. Compared to for example the area that's right here by City Hall, take a two mile radius and you pretty much encompass almost everything out to Perris Boulevard. This is where we are right now and if you do a two mile circle here you'll be all the way clear of the entire major population of Moreno Valley would be within that sphere. If you go down south of where we have the industrial area by March, you can see it takes in a big part of the Moreno Valley Ranch and a lot of the area of this district, so if you compare the amount of housing area that can potentially be affected, even though two miles is way beyond any buffer the reality would have been that we are probably better off having it out here than having it out here where most of the population is here, where most of the housing is, where most of the schools are and everything else. This is just looking at the project more closely. This is where the project area is and this is General Plan zoning for Business Park, Office and Commercial. The project is well within the Business Park and Commercial zoned area in the City. It is surrounded by Business Park; a major Business Park that is currently part of the General Plan on the east end. This is the boundary; this is the State Fish and Game property down here; the badlands over here and this is Moreno Beach Drive, Redlands and of course we are familiar with the Target and Wal Mart Center, the Auto Mall and of course the Business Park zoning that goes here, so we're within the band of the Business Park and Commercial zoned area of the City. Looking at the project, this is the area that is impacted. There is currently vacant land and most of it is ours and over to east and west is all Business Park or Commercial. I think we talked about some of this... just to compare the traffic relationships; the Moreno Valley Mall is a project that generates 60,000 trips a day, so when you experience it; if you go to the mall you are experiencing basically traffic levels that are at 60,000 trips a day. If you are over at the Stoneridge Wal Mart Center, that traffic gets 36,000 trips a day levels, so that's how you experience 36,000 trips if you go to the Wal Mart, Stoneridge Target Center that's 36,000 trips a day. This project at completion would be 15,000 trips a day, so as you can see it's actually almost less than half of what the Target Wal Mart Center is in terms of what the traffic values are and how you would experience traffic there. There are a lot of other economic benefits that are also important. The job creation, but I think maybe that's better said in a different form, but the bottom line is there will be 2,500 jobs that will be created at project build-out. In addition to that they'll be construction jobs and you'll have the multiplier effect of people who service those facilities you know and so forth and of course the revenues to the City; the tax base that will be generated to the City is about 1.4 million dollars a year that will go to the benefit of the City itself and we have essentially the impact to the economy; the Moreno Valley economy as a result of the project is 156-157 million dollars annually. So that shows a significant, positive economic impact to the community as a whole and I will conclude with that. If I have any questions, obviously I will be here to answer them. There is a lot of data. The EIR on this project is about four feet tall...

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VICE CHAIR MERKT – Could you possibly go back to the tax...

APPLICANT BENZEEVI – Tax...sure

CHAIR DE JONG – Do you want to make a comment?

VICE CHAIR MERKT – I just wanted to take a look at it. He went through it rather quickly and I wanted to see where the different aspects were coming in.

CHAIR DE JONG – Thank you.

COMMISSIONER GELLER – When you are doing the car sequences through the park, there were these low bridges. What are those for?

APPLICANT BENZEEVI – Low bridges?

COMMISSIONER GELLER – Yeah, you know they went all the way across the road and they had a bar underneath them...

APPLICANT BENZEEVI – Oh yeah, let me show it, because some may not have... On the Redlands side, we came up with a concept that we are driving all the traffic onto the 60 freeway on Theodore. This is where our major artery is. This is where traffic is designed to go, but Eucalyptus goes all the way out to Redlands Boulevard, so what we are proposing to do; although it's not in front of you today, is to actually to have a bar that will be lowered that will restrict truck traffic; higher vehicles from crossing, therefore eliminating the ability of trucks to enter Redlands Boulevard and only go out to Theodore. And we can see through that through the animation...is when we go down Redlands again you'll see on the left side.

PLANNING OFFICIAL TERELL – Just to point out as Mr. Benzeevi said, that is a concept. It's not part of the project at this point in time, so Staff has not done any particular review of that. I think it's a concept that might be considered for the future.

APPLICANT BENZEEVI – I wanted to interrupt you before it goes away, you see the bar here, that will be sort of the mechanism where emergency vehicles can get in and out and you can get through, but truck traffic on daily basis cannot get into Redlands Boulevard or get into the project from Redlands Boulevard therefore focusing all that activity onto Theodore, which where we think it's appropriate and away from any neighborhoods or the community itself.

CHAIR DE JONG – So you're saying that bar would raise or lower to allow a fire truck in; is that it?

MV00018193

APPLICANT BENZEEVI – There is a mechanism to do that, but only the Fire Department or Emergency or Police to do that; the general public doesn't have the ability to lower or raise it.

PLANNING OFFICIAL TERELL – And again, it really hasn't been... It's in your Staff Report but just so the audience has... This is proposed as a three phase project. The first phase is before you tonight. As part of the first and second phase, there would be no connection to Redlands Boulevard. All of the traffic in Phase One and Two will be directed towards Theodore except for emergency vehicles, which will have an area which they can get through. I mean, you've seen that pretty often again on say apartment projects where they have an emergency access only. That would be the Condition should this project be approved for Phase One and Two. Phase Three is when Redlands would be the connection to Redlands would be completed, so any discussion of I guess restricting truck traffic or even car traffic is relevant to the build-out condition, but not to Phase One or Two.

APPLICANT BENZEEVI – The Phase One Site Plan and what will be approved now actually has Eucalyptus starting at Theodore going towards Redlands, but actually a cul-de-sac before it reaches Redlands. There is no connection from Eucalyptus into Redlands until project build-out at which point by then as we bring in the phases, would like to propose that mechanism to restrict the traffic should the City consider having access and Eucalyptus and Redlands in general, that would be one way that we can restrict and direct the heavy traffic away from Redlands Boulevard.

CHAIR DE JONG – Okay, any Commissioner questions of the Applicant?

COMMISSIONER MARZOEKI – You talked about this building being LEAD certified. What level are you looking for?

APPLICANT BENZEEVI – We are currently in the process; we're going to reach at least the first level. We added more solar now and so I see you're familiar with LEAD, you have to (inaudible) your other points; we're trying to reach the maximum. We are trying on achieving LEAD's and then how far up the ladder we're going to go will depend on our features. We've actually had some meetings today relating to adding additional solar capacity. This building also has very extensive solar system, so all of the power will be generated through solar means and panels, but there will be through the building process.

COMMISSIONER MARZOEKI – At least a silver rating?

APPLICANT BENZEEVI – We're hoping to get as high as possible. We don't know exactly how we're going to end up...

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COMMISSIONER MARZOEKI – And then during your animation you talked a little bit about the landscaping. Was that shown at full growth?

APPLICANT BENZEEVI – That's shown at some of maturity. We are starting with somewhat mature trees, but you know I would say five to seven years into maturity.

COMMISSIONER MARZOEKI – Five to seven years, okay...

CHAIR DE JONG – Anything else?

COMMISSIONER MARZOEKI – That's all I have right now

COMMISSIONER RIECHERS - I note in the materials that we have; well I guess it was in the EIR; that to get your water for this project you... I don't know exactly how to phrase it, but you made an agreement with EMWD to reduce your water requirements for Aquabella. That's correct?

APPLICANT BENZEEVI – Well not the water. We haven't reduced the water requirements for Aquabella. What has happened is Aquabella got allocated way more water than we actually need because we implemented water conservation in our design and drought resistant planting; where the allocation we got was in the old days; basically based on the old standards where we got way more water than we actually are consuming in Aquabella. We felt that rather than to hold in a way that capacity that we will never use, we'll turn it back to the District and the District has devaluated the water sources; recognized that there is sufficient water coming out of Aquabella that could service several other projects including this one.

COMMISSIONER RIECHERS – Okay, so that change is going to have no impact on any of your design or landscaping in the Aquabella project?

APPLICANT BENZEEVI – Not at all, not at all

COMMISSIONER RIECHERS – Okay, that's all I have right now

CHAIR DE JONG – Thank you

VICE CHAIR MERKT – When we say the visuals from the freeway, it raised a question. I don't recall exactly the height of this building; you know what the maximum is and the average height of the building. Could you refresh my memory?

APPLICANT BENZEEVI – It's about 45. Some areas go taller. The building sits between 20 and 30 feet below. You are probably seeing between I would say on average 20 feet of the building, but don't forget that you are seeing 20 feet, but

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20 feet probably about 300 to 400 feet away from you, so you are seeing a 20 foot element that's probably 350 feet at least away from your line of sight.

VICE CHAIR MERKT – Also, off the top of your head do you know how this compares to other warehouses in Moreno Valley in terms of size? Is this by far the largest? Is this...

APPLICANT BENZEEVI – It's probably I would tend to think that it is the largest, although I know there is a 1.7 million square foot building and I know there is several 1 million square foot buildings, but it's probably inching everybody else. It's probably the largest and I hesitate to say it because I don't know what everybody's plan out there, but it probably is the largest.

VICE CHAIR MERKT – Well maybe I'll just ask John if he could add to that...

PLANNING OFFICIAL TERELL – Yeah in Moreno Valley the largest, other than the mall, which the mall is about 1.3 million...

VICE CHAIR MERKT – No I'm talking about warehouses

PLANNING OFFICIAL TERELL – The Ross warehouse on Perris Boulevard as you are entering the City and my recollection is that's about 1 ½ million square feet.

VICE CHAIR MERKT – Yeah that's what I was thinking it was. Okay, fine, thank you very much

CHAIR DE JONG – Are there any other Commissioner questions of the Applicant?

COMMISSIONER DOZIER – What's the capital investment to do this at full build-out? How much will it cost to build this whole thing?

APPLICANT BENZEEVI – As far as we know it; things cost today; because if I had to estimate a year and a half ago, they went up like 50 percent, but it's probably between 250 and 300 million dollars depending on ultimate build-out and exactly what goes on there. I would safely say it's about 250 million dollars... that would be a reasonable number.

COMMISSIONER DOZIER – Thank you

VICE CHAIR MERKT – Yes, we obviously see that you are here tonight, but are there representatives here of Sketchers as well tonight?

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APPLICANT BENZEEVI – No representatives of Sketchers, although the project is being called and everybody first heard it as the Sketchers building, but Sketchers is the tenant.

VICE CHAIR MERKT – No I understand that, but sometimes there are questions we might be interested in asking them and I was curious if there was someone who could answer those

APPLICANT BENZEEVI – No, I'm sure in the audience there might be some folks there, but there is no one here that came to represent them

VICE CHAIR MERKT – Okay, fine, thank you

COMMISSIONER RIECHERS – I believe you said the project would generate 15,000 vehicle trips a day

APPLICANT BENZEEVI – At entire build-out

COMMISSIONER RIECHERS – At build-out... How many of those will be truck trips?

APPLICANT BENZEEVI – I think it's about 30 percent.... Fifteen percent of it is truck traffic

COMMISSIONER RIECHERS – Okay, thank you

CHAIR DE JONG – Any other questions of the Applicant? Okay I see none; we have some Speaker Slips of course, so you'll get a chance to rebut at the end.

APPLICANT BENZEEVI – Okay, thank you

CHAIR DE JONG – Okay, before I call speakers up for tonight's Public Hearing, let me read a few points pertinent to tonight's meeting. Let me remind you please that speakers are limited to three minutes max. Our time clock is working tonight, so please observe the time clock up here. We encourage everyone who wishes to speak to come up and voice their opinion once you fill out the appropriate Speaker Slip of course. Please do not repeat information that has already been voiced. If you have nothing new to add, just say that I support or that I don't support the project or words to that effect of course. I am going to call speakers up in two's. The second person called should make their way to be positioned near the speaker or behind the speaker and be ready to go when the speaker is completed. Please be courteous to all speakers and I'm sure we're not going to have a problem tonight, but I'd like to repeat that. Please be courteous to all speakers. No call outs, cat calls or loud comments will be tolerated from the audience and all speakers are asked to please address the Commission as a whole body. Do not direct comments to individual

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Commissioners and please do not address comments to the audience. Okay, thank you, so that being said, please give your address; your name and your address... Gwendolyn Cross followed by Dolorise Anderson-Reid...

SPEAKER CROSS – Good evening. I'm Gwendolyn Cross. I live in 4th District at 14570 Agave Street and I'm here to say that I do support this Sketchers project. I do think it will be good for the City of Moreno Valley. It will bring jobs into our City and also our schools will benefit from it. Also I know that there was concern from a lot of people of the traffic and the trucks coming into the City. I just want to remind everybody that we do have trucks that come in to bring our fuel and also our food and all of the other things that we have to have in this City. That's all I have to say. I just think it's a good project. Thank you

CHAIR DE JONG – Thank you... Dolores Anderson-Reed followed by Mike Rios

SPEAKER ANDERSON – REED – My name is Dolores Anderson-Reed. I live at 10111 Lake Summit Drive, Moreno Valley and based on what you said I have to say ditto to Gwen, but also I'd like to add one thing. I'd like to know if we are going to negotiate a certain amount of the residents hired when it comes in and rents the facility because we are guaranteed that the citizens will be benefited in this community. Thank you

CHAIR DE JONG – Thank you... Mike Rios followed by Debra Craig...

SPEAKER REOS – Mike Rios, 29034 Cansa Maria Court. I just want to give out the facts. I've spoken with Mr. Iddo Benzeevi several times regarding this project. It's a Class One "A" project that I will say. It's a beautiful building. Will it cause traffic – very minimal. Will it cause smog – probably not too much? Will it cause environmental impacts – not significant enough, but let's look at the big picture. Once this is built it's a Pandora's Box. You are going to start having more and more and more of them. We're going to end up with 30 of them out there and then we have traffic; then we will have smog; then we will have environmental impacts. Now I've spoken to Mr. Benzeevi myself with these concerns. He has a "A" Class building, which is really nice and I told him what is going to prevent other builders from coming in and building "D" class buildings after yours is done. We're going to have a really nice building and then lower class buildings around. What can we do? Well there is really nothing we can do, but I asked Iddo will you help me fight to make sure that all the buildings out there are going to look as nice as yours. He gave me his word that he will and I just want to make sure that these are "A" Class buildings. I know this project is going to go through. It doesn't matter. This City is controlled by him, so it doesn't matter what it is, it's going to go through no matter what I say; no matter what anybody says and I told him that too; I told him himself, so it's not like I'm making something up. If you don't agree with him, you end up like Charles White and Frank West; plain and simple; that's the bottom line and what's amazing to me is I think Moreno Valley is doing very well because I see a lot of new

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residents and I've been walking the streets all over Moreno Valley, so we must be selling a lot of houses. I mean seriously, you need to make this decision; if we're going to make this project happen, which it's going to, we need to make sure all the buildings look as good as this one. Whether you are for or against it, we need to do the best thing to make this project the best and everyone after that follow in that footsteps. That's all I'm asking because it's going to happen, plain and simple. Thank you.

CHAIR DE JONG – Thank you...Debra Craig followed by Charles White

SPEAKER CRAIG – Good evening. My name is Debra Craig. I live at 10792 Cloud Haven Drive and I have lived in Moreno Valley for 18 years. For the record I live in Sunnymead Ranch and not near the area affected by this zoning change, but I have an interest in this project because as teacher who works for the Moreno Valley Unified School District, I understand that a huge step in improving student learning is improving the family life that students come from and that means having parents in a good income in the City they live, so they no longer have to commute. This is why I wanted to know more about this development. After researching both sides, this is what I have concluded. The people against this zoning change are correct in saying it might not be a perfect development. Yes the project might cause more traffic and air pollution and it might not employ the number of people that they say. Will it put us all at risk for valley fever? Well even the Riverside County Health Officer has been quoted as saying valley fever is very uncommon in Riverside County. We all agree that nobody likes air pollution, traffic and getting sick, but if warehouses are so destructive to a community why in 2006 did our affluent neighbor to the north; the City of Redlands allow Payless Shoes to build a 400,000 square foot shoe distribution warehouse and Laps Plus to build a 784,000 square foot distribution center right next door. Did these developments result like many here fear a change in air quality and traffic that diminished the citizen's quality of life? I haven't heard that this is the case. We all know our Country is in tough economic times, however do the citizen's of Moreno Valley realize how lucky we are to have a developer who is willing to invest millions of dollars in our community right now, that will immediately bring new construction jobs to the area and boost our own economy. Yes, he is doing it to make money, but he is a businessman and Moreno Valley will make money in the process as well. More money for our City means more parks, more Police, more services and a better quality of life and if you don't believe me just drive to Temecula or Irvine. This Sketchers development isn't just about creating some warehouse jobs; Highland Fairview President Iddo Benzeevi is also bringing to Moreno Valley a new vision that our City can be successful. He spent extra time and money making sure this development was environmentally friendly as well as beautiful. What more can we all ask for. I ask this, yet that I am amazed that they are people in our community who would still rather have us continue on a path of fear meaning we will continue on a path of declining home values and more businesses closing. We must all remember that this isn't the same Moreno Valley from 40 years ago

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or when the Master Plan was developed. Times have changed and it's time our City changes too. The job of the Planning Commission is to decide what's in the best interest for the majority of our citizens, not just a few. In closing, our City needs to attract companies that can offer high paying jobs. Our City needs to find families to fill the hundreds of vacant homes. Our City needs to thrive. This project I see will accomplish all of these things. This is why this Zoning Change should be approved. It's time to bring Moreno Valley's transportation from being a dysfunctional bedroom community into a prosperous 21st century City that we are all proud to call home. Thank you very much.

CHAIR DE JONG – Charles White followed by Ricardo Olalde

SPEAKER WHITE – Good evening Planning Commissioners and Staff. It's nice to see you again. My name is Charles White and my residence is 11833 Indian Street in the City of Moreno Valley. My purpose this evening is not that of confrontation but that of understanding. I would like to understand how and why a subject of such importance as changing our General Plan and thereby changing the direction of how this community will be affected for the next 30 to 50 years is not allowing the citizens of Moreno Valley the same amount of time for review and comments that has past policy of the City Council. Our current General Plan took members of this community 10 years to develop and was recently approved by this Commission and the City Council. Why is this Sketchers project being rushed to judgment? Would greed be the answer? It appears that Highland Fairview developer Iddo Benzeevi was premature in guaranteeing General Plan and Zone Changes before any such approval was made by this Commission and certainly before the approval of the City Council. Why would he think he has such approval so far in advance of submitting an Application for approval? It also appears that Highland Fairview properties developer Iddo Benzeevi is looking for the City to bail him out of an expensive situation to the detriment of the health, safety and welfare of the people of the City of Moreno Valley. As I indicated earlier, I do not understand how or why the normal process is being circumvented. In past years it has been the policy of the City to provide the community a 30 day review and comment period on all EIR's. As you know the law provides a minimum of 10 days for public review, however the community has the right to expect and should receive the same review and comment period time that has been provided in the past 12 or more years. All other developers have had to honor standing Council policy whether they be pistols or cannons. It is nice to be business friendly but how about the citizen friendly end of it. I do not recall the City's review policy being agendized for open discussion and then being voted on by the City Council to reduce the public's time in this matter, however it appears that the time has been reduced. Apparently there is a magnanimous gesture by someone to give the citizens a break and has allowed a 20 day review of this project. Can you believe the extended time goes right through the Christmas and New Year's holidays; talk about outfoxing the public? I'll be through in just a minute Chairman. Changes of such enormity are such that they will dismantle the envisioned controlled

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growth of our City as approved by the citizens. Warehouses or distribution centers are allowed by the current General Plan in the southern portion of our City close to the 215 Freeway; why not build there.

CHAIR DE JONG – Can you wrap it up please?

SPEAKER WHITE – I respectfully ask this Commission of the people recommend to the City Council denial of any General Plan or Zone Change as regards to this project and to also recommend to the City Council that the developer look elsewhere to the south for his development project. Thank you very much for the opportunity to speak on this issue.

CHAIR DE JONG – Thank you... Ricardo Olalde following Daryl Terell

SPEAKER OLALDE – Mr. Chairman and members of this Commission. Thank you for allowing me to speak. My name is Rick Olalde. I live in the City of Perris and I wish I had a warehouse like that in my City. I am here to speak on behalf of Riverside County Workforce Development Board of which I Chair. I applaud the developer in bringing this type of a product to your City. Site locators work long and hard to find a prime location for their facilities and apparently they thought your City was one of those. In that vein, this project has already created jobs in coming to this point in professional job; high paying jobs and that's we need in this County is those types of jobs, along with the many construction jobs. On this project you will have continuing operations out there that will bring a tax increment that will repeat itself throughout the City through those several million dollars that the City will realize that will only benefit the City and its residents. These types of facilities are not your father's warehouse. Those jobs are high tech jobs and in a time when we have an unemployment rate hovering around 10 percent in our County and nearing that in our nation. To have somebody put their private dollars to work in your City should be a privilege. Aside from everything else that I've heard from others on the positive side, I thank you very much.

CHAIR DE JONG – Thank you... Daryl Terrell followed by Deana Reeder

SPEAKER TERELL – Hi my name is Daryl Terrell and I live at 13689 Moreno Way here in Moreno Valley. Moreno Valley has the potential of being a world class city. One of the key foundations in building a world class city is having high paying, high quality jobs closer to home. Another component is to attract a world class company and in a global economy you shouldn't have to leave your own city to find a high quality, high paying world class job. Tonight before the Planning Commission we have an opportunity to lay down the key foundations in becoming a world class city by bringing a global company; the new Sketchers North American Operational Headquarters into our community. Bringing this global company into our community is important to our community and to our local economy. To bring this point closer to home, according to the latest

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unemployment figures for Moreno Valley, 10,200 of our fellow residents are out of work. Having Sketchers in our community will put "Joe Six-Pack" back to work and mom or dad off the freeway and closer to home. What do I mean? It means 2,500 jobs from entry level to skilled jobs, supervisory position and upper management and it means 1,000 local construction jobs but most importantly it means bringing 1,507,000 dollars in economic benefit to our City to maintain or enhance our quality of life through our City services like public safety, after school programs and infrastructure improvements. In closing this project is not about one individual or one developer or about our past election. It's about that 10,200 of our fellow residents who lost their jobs; lost hope; had their American dream foreclosed; it's about Mary the commuter who is frustrated because she can't find a job closer to home and my final comments; we will have people that will come here and they will say they the developers are taking over the City; they got all this power and things, but it was their special interests that have already taken over this City. What do I mean? The General Plan has approximately proposed over one hundred million dollars worth of improvements. They have approximately one fourth of this City zoned for low density, minimum half acre lots to large lots for this special interest. They only represent only approximately maybe less than one percent and they receive most of the benefits. How can we be against a project that is going to put our people back to work that is going benefit the whole mass instead of a few, so I hope go for it on this. Thank you.

CHAIR DE JONG – Thank you... Deane Reeder followed by Carl Rowe...

SPEAKER REEDER – I've been living in this City for over 20 years and this is one of your promises; the City's promises of another rose garden and generally when this City promises a rose garden what we get is thorns and barbed wire. I remember how much the mall is supposed to make us. It isn't even close. INCO our utility was supposed to make us a bunch of money; well that's not going to happen because that is so far in the deficit because nobody here thought through the plan, so we are now paying Southern California Edison about three million dollars a year in what is supposed to be our profits because nobody thought through the process. Now as far as it being a solid developer, Mr. Benzeevi by his own words has been a developer his entire adult life; that would be 30 years and in 30 years Mr. Benzeevi has not developed one single, solitary thing, so what his solid score is zero. He has done nothing in the way of development and the entire time he has been a developer he has had a contractor's license for a year and a half and it is currently suspended. Now that's my idea of a solid character. Now he does shell out a lot of money that he didn't make from developing, so I'm not sure where he gets it or how he makes it, but he does not make his money as a developer, but he does make a lot money doing something. He also bought this property for by the way 2.4 million dollars for almost 500 acres. Well those 500 acres are all going to end up being warehouses. This one is going to look pretty, I'll give you that. It's going to look gorgeous. It's the only one that is going to look gorgeous. The whole point is for him to get his foot in

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the door and then it will start looking like everybody has been telling it. This is one of those things where you've gotten promised stuff and there is a reason that Sketchers will not comment on how many jobs there is going to be. This is a state of the art, fully automated facility. Everyone that works there other than the bookkeeper, manager and the assistant manager; they're going to be minimum wage. Sketchers people; they actually get them from temporary agencies. They don't even get benefits. They don't even know how long they are going to be there. That is what this will bring. Thank you.

CHAIR DE JONG – Carl Rowe followed by Margie Breitkruez...

SPEAKER ROWE – Good evening Commissioner, Planning Agents and the general public. My name is Carl Rowe. I live at 23633 Marguerite Circle. I've been a resident of Moreno Valley since 1992. I've seen a couple busts, one boom; we're in the middle of a pretty significant bust right now. The Los Angeles Times quotes that Riverside County and the Inland Empire lead the nation in unemployment. As the previous speaker indicated, we have a great number of foreclosures and our property values have diminished significantly in this most recent bust, therefore I can't think of a project whose timing is better than this one in terms of it's impact on the overall economy of the City; on the number of jobs that it will create; both permanent and temporary in the construction industry, which has more than a 30 percent unemployment rate right now. I think we can truly say that this is an earth-shaking project and I urge your support.

CHAIR DE JONG – Margie Breitkruez followed by Victoria Baca...

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. The citizens of Moreno Valley worked diligently with the City for years to develop a General Plan that addressed our future needs. During this lengthy process, areas of the City were set aside for business, industrial including warehouses, housing, residential, etc. Now a change in zoning is being requested. This project and its overwhelming negative impact is being shoved down our throats even by some of our own elected and appointed City officials. This site isn't being selected because it's the optimum place for the warehouse; it's being selected because it's owned by Highland Fairview. Case in point as far as it shoved down our throats. On September 11th, Press Enterprise article regarding former Mayor Batey stated in the City address, he said, these challenges have sometimes made our journey towards excellence but we've made it through and we'll make it through now. There are reasons to be optimistic... 22 million square feet of office and logistics buildings. That sounds like a pre-endorsement to me. An article in the November 5th, 2008 Press Enterprise is another example. The Moreno Valley Taxpayer's Association, whose leader is Planning Commissioner Michael Geller, spent more than 350 thousand this year primarily on a barrage of campaign mailers touting Molina and Hastings.

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CHAIR DE JONG – Excuse me... Do not address particular Planning Commissioners.

SPEAKER BREITKRUEZ – I'm reading what was in the newspapers... No?

CHAIR DE JONG – Please don't...

SPEAKER BREITKRUEZ – Okay, it's in the September 5th, Press Enterprise. Our nation and State is currently in a financial crisis, but there are long term trade-offs of 35 million square feet of warehouses. Are they worth the quality of life and health toll to our community and children? Do those here tonight realize the health hazards of working in warehouses; no air conditioning except in the offices; diesel pollution? Most warehouse jobs provide no long term employment let alone offer benefits. Sketchers wants to consolidate its three Ontario, California warehouses into one modernized automated facility. To say that this project will bring Moreno Valley residents 2,500 jobs is insulting to our intelligence. Sketchers have 2,157 employees nationwide. How could they bring 2,500 jobs to Moreno Valley? What about all their employees from their Ontario operation. There are no guarantees that the rest of the project area will be occupied anytime soon, so job projections there can't be counted either. If this project is approved, their existing employees will have to commute to Moreno Valley, incurring more traffic. Just as likely overall jobs will be lost not added if this Zone Change is approved. I've got more, but I'll do it next time.

CHAIR DE JONG – Thank you... Victoria Baca followed by Art Alcaraz...

SPEAKER BACA – Good evening Commissioners, ladies and gentlemen in the audience and those of you at the Rec Center. Thank you for coming out to support the project. I understand that there are about 500 supporters outside and I hope that this meeting accommodates them and gives them the opportunity to address the Planning Commission tonight. I'm an elected member. I'm a member of the Moreno Valley Unified School District Board of Education and our children's future is always my first priority and that's why I'm here. If this project indeed was detrimental to health of our families and our children, I would not be here before you tonight supporting the project. The students of Moreno Valley; when they graduate, where can they go to get jobs? If they don't go away to college and they decide to stay here in Moreno Valley, where can they get jobs? Yes it's true that this City has brought better restaurants to the City, however how many people can those restaurants give jobs to... very few. In fact, it's limited to those who understand the restaurant business. The children of Moreno Valley; the students deserve to have companies such as Sketchers come to Moreno Valley and it should not be detrimental to businesses that want to come to Moreno Valley. For example, you have the businesses in Towngate; the Ralph's Market; Circuit City; Mervyn's; Gottschalk's, Lane Bryant and the Mall; other businesses that have left Moreno Valley, yet you have a company such as Sketcher's that wants to come to Moreno Valley and it just confuses and it upsets

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me that we have people that are opposed to bringing a company such as Sketchers to Moreno Valley. Our students; they ask for Work Permits from the School District, so we issue Work Permits but there are no jobs. That's an insult to our families in Moreno Valley. We have families that commute to LA County, Orange County, some to San Bernadino County and San Diego County for jobs. These families can have jobs here in this City and they should, so that they can spend more time with their families and I'm appalled that we don't have the vision to embrace this company to come to Moreno Valley and be part of the community. We have to start doing things differently. We are not business friendly. We have the land. We have someone; a tenant that wants to come in; we have empty warehouses; we have empty buildings. When I moved in here, we had Home Base on Hemlock. That building has been empty since and no one has taken the time to occupy it, so I hope that you support the project and that you vote to bring Sketchers to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you...Art Alcaraz followed by Paul Rosso...

SPEAKER ALCARAZ –. Thank you for the opportunity Planning Commissioner members. I don't live in Moreno Valley but I'm active in Moreno Valley and I've been active with Chamber and am out and about quite a bit in the community and during the last two years; if there was an issue that was frequently brought up in meetings wherever I was, it was the need to attract businesses that would create jobs for the residents of Moreno Valley and/or bring persons to work in Moreno Valley who would have a positive impact on the local economy. The support to the community that a Sketcher's Operations Center could provide does both. It brings numerous jobs at various levels, brings positive impact as these people begin Moreno Valley at all levels from retail purchases, to home purchases and everything in between. The boom to the local economy I envision will be significant. The project is a viable project to support. It does take into account the need to preserve local air quality; takes into account water preservation measures; it does create green efficient processes in it's development; it's strongly weighing the impact of traffic flow as you saw earlier; it's cognizant of it's truck fleet and it's need to impose standards that preserve air quality and they've also integrated solar efficient processes in their development plans. As a Human Resources Director in the local area for 28 years, I can tell you that given the current economy, the numbers of candidates for even the lowest paying employment opportunities is reaching proportions that I haven't seen for quite a while. The potential to bring jobs to Moreno Valley which can provide competitive opportunities for local residents is an awesome opportunity. The potential to bring jobs requiring some technical savvy and information technology is important. The potential to provide employment for those skilled in logistics and distribution processes is valuable and the potential and opportunity to partner with local learning institutions to help develop skills of the workforce positively impacts our local economy. The benefits derived from this project and the positive impact to the City seems to be benefits that the Planning Commission should not pass up at this time. As a citizen interested in the future

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of this great City, I encourage the Commission to do what it can to support the project. Thank you very much.

CHAIR DE JONG – Thank you...Paul Rosso followed by Stan Stosel

SPEAKER ROSSO – Good evening honorable Commission members and ladies and gentlemen in attendance. My name is Paul Rosso and I'm a resident in Moreno Valley and reside at 23426 Woodlander Way. I am also involved in our City and local politics; State and National. Currently I'm a board member with the community health systems. We just opened the Innovative Health Care Center hear in our City and I also serve as President of one of the two Democratic clubs here in Moreno Valley. I'm here this evening because after reviewing the presentation which we have all seen this evening with the innovative environmental design of the structure, including the tax revenue that it would generate to our City and the thousands of jobs, I support this project and I urge you to support it. With that said; during this past election, I want to talk a little bit about this. You know that our candidates were out there proposing that you know they were going to make changes to the City. They want to fight crime in our City, but the problem is that when you ask them what is your plan to fight crime, they had no plan; no plan at all and we know how do we fight crime that's in the City. Well fight crime by hiring more Police Officers; more Fireman and I believe that with the tax revenue generated by bringing Sketchers into our City, we can do just that. We can fight crime and provide jobs to the community. Thank you.

CHAIR DE JONG – Thank you.... Stan Stosel followed by Norma Cortez...

SPEAKER STOSELL – Good evening, my name is Stan Stosel and I'm an Assistant Business Manager with IBW Local No. 47; that's Electrical Workers No. 47. I live in Riverside at 782 South University Drive. Our Local alone represents more than 125 families in this community. Our sister, IBW Local's represents several hundred more. I am also a 20 year member of the Sierra Club, although I'm not speaking for them tonight, I mentioned that just to show my long term commitment to the environment. Demagoguery is easy. Solutions are difficult. Balancing community interests is the role and an appropriate role of government. Schools, quality of life, jobs, the environment, all are bona fide concerns of the government and then the government needs to figure out how to finance these issues. There has been some talk about jobs. What the magic number is, I don't know; 500; 600; 1000; any number is better than zero and that number is increasing and when people talk about the Sketchers jobs, there are going to be ancillary services that result from that hub, so there will be jobs around the area. It will be a magnet for future jobs. On November 4th last year, most of the country recognized the need for change. Tonight you have the opportunity to embrace change yourselves. Instead of exporting jobs overseas, let's change; create jobs here in America. Instead of other cities getting tax revenues; your tax revenues; let's change; let's bring that revenue to Moreno Valley. Instead of

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starving our schools, let's change; let's help fund our schools. Instead of commuting hours to work; let's change; let's commute minutes to work. Instead of polluting the environment with greenhouse gases creating electricity; let's change; let's use clean green solar power. This one project alone will be enough to power 3,000 homes. Think of the pollution that we're saving there. On behalf of IBW 47 and the working people in the community, I ask you to support this project. Thank you very much.

CHAIR DE JONG – Norma Cortez following by Elena Santa Cruz...

SPEAKER CORTEZ – Good evening, it's Norma Cortez. I'm Normal Cortez, a 15 year resident in Moreno Valley and wow and now I voted the way I did. This is not only about Highland Fairview; this is not only about Sketchers, this is about our community and this is about jobs. And Iddo just set the bar pretty high for new developers coming in and I applaud him for that. Yes, I agree foreclosures are the result of some bad choices, but foreclosures are also the result of people losing their homes due to losing their jobs or there are no jobs. That's a fact that we don't talk about and by the way I'm actually a senior partner in staffing agency a temp to hire; which temps get a foot in the door with some of these companies such as Ross, which has over 3,000 employees. They are fully automated, but they need 3,000 people help them run all their different machines and all their different warehouses. So it's quite simple; Moreno Valley needs jobs. What do we want – jobs and when do we want them – now. Thank you, that's all I have to say.

CHAIR DE JONG – Can we take a moment to remind everybody to please address us and not the audience. Elena Santa Cruz followed by Hector Reza...

SPEAKER SANTA CRUZ – Good evening, my name is Elena Santa Cruz. I live at 23192 Sonnet Drive, Moreno Valley, California. I want to read you some very important numbers tonight. The current unemployment rate in our country is 6.7 percent. The unemployment rate in California is 8.4 percent, yet the unemployment rate in Riverside County is 9.8 percent and here in Moreno Valley, our unemployment rate is 11.4. That means whenever you come in contact with any ten working age Moreno Valley residents at least one of them is unemployed. Moreno Valley's unemployment rate is large amount greater than the country is as a whole and it's about a third higher than the State's rate and we have almost twice the amount of people out of work as compared in the rest of the country. Corona's unemployment rate is 7.3 and Rancho Cucamonga's is only 5.9. That's because those cities are not afraid of locating businesses in their backyards; businesses that put their residents to work, even during one of the worst recessions ever. Moreno Valley needs to follow their example and not be swayed by the unjustified claims of a few people that may have a personal grudge against someone who wants to build business in Moreno Valley. Iddo Benzeevi; he seems to be more of a visionary and a leader that we would all be wise is listen to. Moreno Valley needs jobs and with your approval of the

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Sketcher's, followed by its approval by our City Council we can bring those jobs here to Moreno Valley. There's over a thousand construction workers; many of whom have not worked this entire year who will immediately be put work on this building; this incredible building that will be the most environmentally green building in the entire country. I urge you to get behind Sketchers and get behind job creation and vote yes tonight. Thank you very much.

CHAIR DE JONG – Hector Reza followed by Louise Palomarez

SPEAKER REZA – Good evening, my name is Hector Reza and I live 11521 Davis Street here in Moreno Valley. First off I'd like to say that I appreciate the Planning Commission's valuable time and I simply ask that you vote for the Sketchers project. As you have heard, I am in favor of the project. We must face the facts. Moreno Valley needs the money that Sketchers will bring. That's clear to see and those who oppose or way otherwise are not in touch the facts or reality. The fact is that Moreno Valley is in bad financial shape. If we don't do something about it now, things will only get worse. In the past two years, the City of Moreno Valley's revenue has decreased approximately 15 million dollars and that's due to all of the businesses moving out of town. Yes, the City Commission has enacted some deficit reduction plans; however that has not been enough for the City to avoid major cuts in services and massive layoffs, possibly in areas we need most. The City may have to raise sales tax or even the utility tax again or even both. This year Moreno Valley could face another deficit. The only way to avoid layoffs, cuts in City services and tax increases, is for the City to extend an open hand to job creating businesses like Sketchers and others that want to invest their money here in Moreno Valley. Not only will Sketchers help put Moreno Valley residents to work; the taxes and fees that Sketchers will pay to the City will help balance the budget. I hope you will approve Sketchers. Moreno Valley residents need tax relief. I say let Sketchers carry some of that burden. Thank you.

CHAIR DE JONG – Louise Palomarez followed by Librada Murillo

SPEAKER MURILLO – (Speaker speaks in Spanish)

SPEAKER PALOMAREZ – You need a translator and I can do that for you if you wish unless you have your own translator.

COMMISSIONER RIECHERS – That's fine with me.

CHAIR DE JONG – That's fine, okay, go ahead

PLANNING OFFICIAL TERELL – Yeah, that's fine

SPEAKER PALOMAREZ TRANSLATING FOR LIBRADA MURILLO – My name is Librada Murillo and I live at 12379 Kitching Street, Moreno Valley,

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California, 92557. As a resident of Moreno Valley and the President of the Moreno Valley Parents Association, I'm here to ask you to vote for Sketchers tonight. Year after year politicians campaign for office telling us that the best way to reduce traffic on our freeways is bring jobs to our City. They tell us the more jobs we have here; the less cars will be on the freeways going to and from Los Angeles and Orange Counties. We all know this makes sense and we cast our votes for these politicians, but something happens after they get sworn in; the jobs never show up. Finally, after all these years of empty promises a company wants to come to Moreno Valley and bring jobs. We should all be welcoming Sketchers will open arms, but instead we come here tonight to find various people, some from our community, others that have never been here before telling us we can't have these jobs because Sketchers will create too much traffic. That's just bull. The jobs Sketchers creates, will take cars off of our freeways. The activists say Sketchers will put too many trucks on the road. They say it will create an additional 40,000 but that number is unsubstantiated. That phony number comes from Frank West's last failed campaign that even the voters of his District didn't buy into. The number of additional vehicle trips is actually closer to 3,000, which is the same as the traffic created by Wal Mart, but the activists here tonight didn't come to the Planning Commission to complain about that traffic or about the minimum wage jobs Wal Mart brought to our town. The opponents to Sketchers don't care about these facts and they don't care about the jobs they are trying to chase away. They do not speak for the majority of Moreno Valley. They speak for their narrow selfish interests. Don't be fooled by their tricks and their lies. Moreno Valley needs jobs and it needs Sketchers. I am here tonight to ask you to approve this project.

CHAIR DE JONG – I'm going to read one more and that's Librada Murillo and then we're going to take a break.

COMMISSIONER MARZOEKI – That was here

SPEAKER PALOMAREZ – That was her.

CHAIR DE JONG – Oh I'm sorry, excuse me...

SPEAKER PALOMAREZ - My name is Louisa Palomarez. I'm a resident here for 20 years. My address is 24766 Thornbury Circle, Moreno Valley. I've been here 20 years in this community and this is a blessing in disguise. We need to get on board here. We need this for our City. I'm an activist here in the community and an advocate for kids in the schools. Now this is going to be good for our students when they get out of school and they graduate because a lot of them aren't ready to go into the Colleges; a lot of they aren't ready to go into the trade schools and we don't have any jobs. A lot of them have to take a year and work, but where are the jobs; there's no jobs. A lot of them; I've seen a lot of the students go into the Colleges; RTC and they drop out because they're not ready for that. A lot of them are still immature. This is something to say to them okay,

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let me go get a job; let me work and then I will think what I want to do from there. We need these jobs here. I have 20 children; I mean I have 6 children and 20 grandchildren and most of them live in this community and go to school here and we need these jobs, so I hope; I support... there's a lot of things that were already said that I want to say so I don't to say them, but I hope you support this project and we go forward with it because this is a blessing and it's a God send, so thank you so much.

CHAIR DE JONG – Thank you for your comments so far. We're going take a short break; about a 10 minute break. Let's reconvene at 9:15.

(TEN MINUTE RECESS)

CHAIR DE JONG – And we have reconvened our meeting. We are in the middle of Public Hearing. Let me please remind you before I continue. I've been asked to remind the audience to please turn off your cell phones and please keep talking amongst yourselves to an absolute minimum as it's hard for other to hear. Thank you. Our next two Speakers would be Robert Palomarez followed by Mary Anne Gonzalez.

SPEAKER PALOMAREZ – Good evening Planning Commission. My name is Robert Palomarez. I live at 24766 Thornbury Circle, Moreno Valley and I'm here to support the Sketchers and I've been over at the Elder Center and I've seen all the support that people want that help with this project and it's overwhelming and I wonder why people would not want it. I mean right now, you know it's getting pretty thin. There are a lot of people losing jobs and a lot of businesses going under and as for me I'd rather collect a pay check than an unemployment check and I know you people have a lot of wisdom. I've looked a couple of your Planning Meetings and you're pretty thorough about things and I know you won't let this one get by you because it's hard times and we need it and I hope you make the right decision. Thank you.

CHAIR DE JONG – Maryanne Gonzalez followed by Jack Shierner...

SPEAKER GONZALES – Good evening Commission. Yes it's Mary Anna Maria Gonzalez and I do live in Riverside and may be asked why I'm here in Moreno Valley; well because to me I think that anything good that happens in Moreno Valley has a direct impact on us in Riverside and they've cited the statistics over and over again how dismal the picture is as far as unemployment and it's getting worse by the day. Macy's is now going to close eleven more stores in the nine states. Every single day between the automotive industry and every corporation that you can think of are finding new ways of out sourcing our jobs to other countries and so to me I find it commendable that these individuals want to bring business to this City. Instead of me having to worry that I'm buying Nike and

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having to worry that some child in exploitive labor conditions or some women chained to that machine is having to produce that tennis shoe, there is going to be a body that will be able to oversee that the conditions in that worksite maintain good, healthy, humane conditions for these individuals and if there is a tax base that is ensured that's reinvested into this community. I know I heard a couple of speakers say that it's a shoe in and that these people are going to get this business because... I don't think so. I'm assuming that you have that responsibility to determine whether or not that business comes into this area and that you are going to make sure that they have dotted all the "I's" and crossed all the "T's" and it sounds like they have bent over backwards to make sure that they answer all the issues and concerns that are being raised and I can only wonder if all of those individuals who against this project are employed or retired, because I can't think that if you lost your job in the last few months, you would not welcome gladly the opportunity to work at job in such a nice environment. I worry every single day that people are going to be coming more and more apt to go to crime because of the fact that they don't have enough to eat and I get sick and tired of seeing every single day more and more men on the side of freeway asking for dollars and now women and young kids. Why... Because there's nothing else for them to hold on to. This is an opportunity and I commend you for addressing this you and I commend this company for doing such good homework and I can only hope that my City of Riverside also doesn't get blinded by stupidity and greed on their own because of the fact that they have a job and they are in a cushy environment and make sure that when someone has offered the opportunity to give someone else a helping hand by way of a job that we ensure that opportunity to someone else. I have listened to some of the rumblings in the back that it's a front for another organization that's coming in. I don't even know. I listened to one individual make a presentation as far as almost totally calling this person a crook. Well give me a break. Prove it. Thank you very much.

CHAIR DE JONG – Jack Shierner ... Are you Jack Shierner?

SPEAKER CARRILLO – My name is Norma Carrillo. You called me earlier. Can I present now?

CHAIR DE JONG – Yes go ahead

SPEAKER CARRILLO– Okay, good evening my name is Norma Carrillo. I grew up in Moreno Valley. I respect the Planning Commissioner's valuable time. As a resident of Moreno Valley and credentialed teacher, I am here to ask you to vote for Sketchers tonight. President Elect Obama gave a speech yesterday stressing the need for Congress to pass an 800 billion dollar economic stimulus package, even as the nation faces a 1.2 trillion deficit. He said doing nothing was not an option and if Congress failed to act, that the consequences could be horrible. With the recession lingering for years and unemployment going up into the double digits and in Moreno Valley we've already hit double digit unemployment. Over 11 percent of the workers living here cannot find work and why; because

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this City has done nothing year after year to attract job creating businesses. Now we have Sketchers that wants to come here with 1,000 construction jobs. There are people badly in need and over 2,000 jobs that Sketchers will create here at its North American Headquarters. I ask everyone in Moreno Valley to welcome Sketchers with open arms; to thank them for seeing more potential in our City than our City leaders have for two decades and I ask you to approve Sketchers tonight because doing nothing is not an option and a no vote will have dire consequences on the future of our City. Thank you.

CHAIR DE JONG – Okay I called Jack Shierner. Is Jack Shierner available? Okay I'll set Jack's aside... Raul Wilson followed by James Dudley.

SPEAKER WILSON – Good evening members of the Planning Commission. My name is Raul Wilson and make no mistake, I support the Sketchers project. Now what's happening tonight appears to be a fight for Sketchers and against it by what is really on is more important. This is a fight between the rich and the poor. This is a fight between the haves and have nots. This is a fight about whether Moreno Valley should remain a house divided or if we should come together and do something beneficial for all the people. We are divided City based on social class and income. These are a few rich people; there are a few rich people in Moreno Valley; probably less than 100 families that always get their way in what happens in Moreno Valley while the rest of us struggle for the bread crumbs we get in order to survive and provide for our families. If these 100 rich families that have organized the fight against Sketchers and the jobs that it will bring here, that doesn't make sense to me. Sketchers will be a distribution center of shoes. What's the big deal? They should be concerned if the company we are talking about bombs or even cigarettes, but it doesn't; Sketchers makes shoes and we all wear them. Why are they fighting Sketchers? It's not like we all marched on City Hall and fought against the 100 million of our tax dollars that have gone to pay for the horse trails and those 100 families that have the Equestrian down there. We never complained about the cost we had to pick up for their horses even though the money they got would pay many times over for us to have a real Library. We never asked them to pay a special tax on each horse they own. They pay for the damage the manure causes to our water supply when it gets into the ground water. Now there's a real risk to the health of our children that should be examined. So why are these rich people living high in the hills fighting against Sketchers? Simple... because they don't care about the poor. They always look down their noses at us. They don't care that our families don't have jobs, just as long as their families have their houses away from us where they can toast champagne on New Year's Day while we in our houses are not high by gunfire from those that think that shooting bullets into the air is an appropriate celebration. We live in different worlds and the people fighting Sketchers don't care about us and they use their scare tactics and act like they care about our children, but they don't fool us. We know that they don't care about us. They never have and they never will. Can we really hold that against them... not really? It's just who they are; they are snobs, but tonight I am representing the

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working class people in Moreno Valley. We've had enough of the rich always getting their way. We want Sketchers. We want jobs and we want them now and I would like to say in closing, what will history record of this Planning Commission? Would it say that you heard the pleas of the poor and you acted on their behalf and remember justice delayed is justice denied?

CHAIR DE JONG – James Dudley followed by Oscar Valdepina

SPEAKER DUDLEY – Hello my name is James Dudley and I live on the east end of Moreno Valley, 15857 Oliver Street. I'm here in support of this project. Earlier when I had taken the first look in the newspapers and you know they talked about a warehouse and what have you, the first thing that comes to mind is awe geez, another warehouse and we have some that are vacant right now and so forth and so on, but you know I'm the type of individual that I just don't take things for face value and take what I read in the newspaper as accurate and concise and so I made the attempt to address my concerns and I found out about this project and I'm very impressed with what they are going to build and aesthetically it will look very nice out there in that area. They answered a lot of the questions when it comes down to the environmental issues. I think if you stop and think about this for a minute a lot of people you know you always us about the mere fact that they are outsourcing work; not only outsourcing out of the State of California, but the other States; not only are they outsourcing work to other countries, but you know what manufacturing plants have closed down throughout the whole United States and you know when the elections were going on and they talked about Iowa and the many manufacturing jobs that they lost there, that was pretty disappointing and to stop and think today and we look at an opportunity here, we're going to have an opportunity to bring in a major business, this might be and somebody used this term, priming the pump to get other businesses to come into the City of Moreno Valley as well. You know this City stands on people, pride and progress. I think I remember that since I moved here in 1987. I ultimately watched a lot of people vacate and leave this City and go down to Temecula or they thought it was brighter on the other side out in Rancho Cucamonga but I stayed here in this City because I do believe in the people, pride an the progress that we can make. Thank you.

CHAIR DE JONG – Oscar Valdepina following Francisco Sanchez

SPEAKER VALDEPINA – Good evening Commissioners; Oscar Val Pena, Executive Director, Moreno Valley Chamber, 22500 Town Circle, 2090 Moreno Valley and resident 98292 Tamarpais Place, Moreno Valley. Moreno Valley was the sixth fastest City growing in the nation just not too long ago; about two years ago. Moreno Valley had many goals and aspirations as we grew. Moreno Valley had a lot of success stories and has a lot off success stories. We had a lot of businesses that were number one in their chains; in the industry; in the country. When stores opened up in Moreno Valley people were either hesitant to either support or see what they can do. When stores opened up in Moreno Valley, not

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only did it bring jobs, but they hit national sales and goals that no other company did in the country. Now is the time when we are falling behind in the economy; what's happening in our community, we see the businesses closing; we see what's happening in our local community. We see people leaving out to go find those jobs. This is the time when we need to support this. We need to make sure that this zoning plan is changed. We need to make sure that this project comes to life. We need to make sure that not only the jobs that are going to be at this site that they will bring, but we need to think about the jobs outside of there. We need to think about Joe the plumber; Mary the maid and Tom the taxpayer. We need to think about the parents that will stay closer to their kids for the schools. We need to think about that it's a known fact that if you're not working in the community you live in, you will buy your gas, you will eat your lunch and you will shop where you work and we cannot grow and we cannot provide those services that everybody calls the Chamber for; why don't we get this; why can't we have that. This is why; because we don't have a project like this that will help us go to the next level. We need it. It's more than the jobs here; yes it will provide the jobs there, but it's going to provide a great community; it's going to provide a resource; it's going to provide a future. Like I said, I am resident and I have twin boys and I love this City. This City has been great. We have been through its ups and downs. We have wonderful people here and we have people out in this business industry that need to survive and this is going to help them and they give back, so please think about more than just the project; what the positive impact this is going to do to our community; to our businesses. They are going to benefit; Sketchers is going to benefit; the City of Moreno Valley is going to benefit. This is a young City but we can be a rich City, more than money, but a value to others as well. When people go and they see where the Sketchers project is; where their corporation is... When you're in New York, you're going to see Moreno Valley on the map. When you're in Paris and they'e talking in their Corporate Headquarters, let's fly to Moreno Valley. Let's go talk about and see what's happening there; let's go eat out; let's go have our meetings; let's support the community that support us. We need to support them, so please this zoning change needs to happen. This project is beneficial for everyone, not just their employees, but to the whole community. Thank you.

CHAIR DE JONG – Thank you... Francisco Sanchez followed by Donni Borchard...

SPEAKER SANCHEZ – Okay, Buenos noches; Good evening Commission, my name is Francisco Sanchez, 25387 Renoir Avenue and I am a proud resident of Moreno Valley. We hear it all over the news; internationally; nationally and I hear it everyday locally at my worksite that we are in economical crisis and we need jobs. I work for an agency that helps people with job training and placement; that is when there is money for training and when there are jobs to place them in. It's heartbreaking to see so many people coming into our office with a dream of finding a job so that they can feed their family, but there are not enough jobs. I encourage them and tell the job seekers that it will get better and that jobs are

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coming our way, but all they do is respond that's great but my children need to eat something besides promises of a job. These are Moreno Valley families; the working class and we need jobs. I'm here tonight to emphasize the need of jobs here in our wonderful City of Moreno Valley. Less jobs mean more crime. It's a no-brainer. A couple of months ago my home was burglarized. My family and I were victims of a crime. It's not the value of the stolen property that matters it's the violation of our privacy; it's my children's lost innocence. I constantly have to reassure my children that the bad people will not come again because now we have invested in a guard dog; we have system and we have a glock pistol. Last I checked our City model that was not where crime soars. Wouldn't it be nice if we could have local jobs to reduce the number of residents that commute? It would be nice to have parents work locally so we could spend more quality time with our children; attend school functions and be actively in their education. Parental involvement in the educational system has been proven to reduce juvenile delinquency; that's another reason that we need local jobs. Let's take our City back and make it a prosperous City that it was meant to be with jobs and quality of life for every resident; even the working class. Let's make Moreno Valley our home; the place where dreams soar. Let's support this project. Thank you.

CHAIR DE JONG – Thank you... Donni Borchard followed by Melody Lardner...

SPEAKER BORCHARD – Good evening, my name is Donni Borchard. I live at 13780 Roderick Drive in Moreno Valley. I live on the far end east side of Moreno Valley not too far from where the warehouses are to be built. I have several concerns about this project, but my most concern is the fact that the trucks are going to be coming through my neighborhood. I know that you say that they are not going too, but we see it going on every single day now as it is. The City has failed to put up speed limit signs in my neighborhood. You have failed to put in road blocks. You have failed to put in speed bumps. All I am going to see is more and more and traffic and trash and the environmental impact on this project in my neighborhood will be detrimental. The 24 hour proposal to build is going to have a direct impact on my quietness at night and it's just not working. I think that there are other places where that this project could be put and maybe they need to be explored. I do believe this City needs jobs, but not where you are going to put this. It's just not the right place for it. Thank you.

CHAIR DE JONG – Thank you... Melody Lardner followed by Meli Van Natta

SPEAKER LARDNER – My name is Melody Lardner. I live at 28201 War Admiral Street in Moreno Valley. My biggest concern with this project is the truck traffic and the lack of improvements to Highway 60. Cal Trans is always way behind the eightball as we know. This project in the EIR said it will generate 15,339 trips; that are not all trucks but its cars and trucks just from this project alone and of those trucks, 330 of those trucks would be going eastbound through the badlands, which we also know is badly in need of improvements. My concern is the on-ramps and off-ramps at Theodore and Redlands. I heard that

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they proposed maybe something stopping the trucks getting through on Eucalyptus from Redlands, but that's not a for sure thing and I worry that the trucks will get off, see that barrier and then they'll go wondering through the neighborhoods trying to figure out how to get to Sketchers. Maybe the developer should have to help Cal Trans with these improvements. We know the State is in trouble and I worry when that will come because even Nason and Moreno Beach aren't going to be improved until at least 2011; it could be a lot further into the future. The EIR explained away the traffic saying that Cal Trans monitors the situation and deals with it but we know with the State budget crisis that might be a long ways off. I'm also concerned that they didn't analyze trucks perhaps using San Timateo Canyon. I've seen trucks do it when there are problems with traffic on Highway 60. Some of the things they mentioned; putting solar on the roof of the building. It was only enough to generate for righting the offices. I'd like to see them go full blown solar and run the whole operation and contribute some electricity back to the grid. The utility companies are under pressure to go more green. Let's have them go completely green and contribute some power back to the grid. The job statistics I keep hearing thrown around. I read the EIR and the response to comments said this project would create 1,986 jobs, but 1,000 people currently work in Ontario. In this economy I don't think they'll quit and just not commute. I think they'll commute over here. Under the current General Plan the EIR said they'll be 4,250 jobs created. The landscaping; they said they were going to put some openings along the freeway. I'm not sure why I'd rather see more landscaping to help mitigate the pollution. I'd like see watering the landscaping used recycled water. I don't know whether they are going to do that, that wasn't clear to me and I'm concerned the ponds will create evaporation of water and create impacts to the downstream Mystic Lake. Thank you.

CHAIR DE JONG – Thank you... Meli Van Natta followed by Steven Crews...

SPEAKER VAN NATTA – Commissioners, my name is Meli Van Natta, Rancho Belago Realty. I live at 12099 Franklin Street here in Moreno Valley and I speak in support of this project and I'm not going to go back through all of the statistics and all of the reasons why we all know that jobs are great to have in town. I just want to talk to you about what I know about and that is in the real estate business, which has been my career for 30 years and I've sold property here in Moreno Valley for about the last 20 years. When people first started coming and when first started bringing clients out and selling them property in Moreno Valley it was basically because it was the cheapest place to live and it usually wasn't the first choice. They wanted to live somewhere else and ended up in Moreno Valley because they could afford it Now I'm finding more and more people moving to Moreno Valley because they have friends and relatives here because they like the lifestyle, because they find it an attractive place to live, but more often than not, the people who are buying homes are working outside of the City and one of the things that I hear over and over again is well I know that we are going to have to commute for now, but Moreno Valley is growing and we're hoping that sooner or later they'll be jobs that we can work at here in Moreno

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Valley so that we don't have to commute and that becomes the biggest lifestyle improvement that we can do for our residents and that is to provide jobs for them locally to where they don't have to commute. The other thing that I wanted to mention was there has been a lot of scare talk about all the pollution and we're going to end up looking like Mira Loma and all the problems that they have with air quality there and so forth and I just want to debunk that a little bit. I lived in Mira Loma for about five years back in the 80's. The air quality was poor then even before warehouses were moved in and it was because of the topography of the area there. We have a different topography. We have nice breezes come through in the afternoons and so forth and we're not going to turn into another Mira Loma and I'm not too concerned about whether or not this is opening a Pandora's Box and this is going to bring more warehouses and distribution centers. If it does I say bring them on. I'm not concerned about what they are going to look like because I know that we have a hard working Planning Commission that's going to make sure that any other projects that are approved for the area will be attractive projects that will benefit the community and what benefits the east side of Moreno Valley will benefit all of Moreno Valley, so I urge you to go ahead and approve this project. Thank you.

CHAIR DE JONG – Thank you... Steven Crews followed by Joanne Stephen...

SPEAKER CREWS – My name is Steven Crews. I live at 14828 Stephenson Street in District 3. I'm directly affected by this proposal. I live in what would have been known as the land of lakes and ranches and will not be any longer. I respect that an individual sat at this dais as a councilman who once said that we really don't care whether or not what is developed, all we care about is good development and however just merely because a development is beautiful does not mean that's appropriate for the citizens of that area. May I make analogy? A goose honks like a duck, smells like a duck and defecates like a duck and a duck is a duck, is a duck. It is about the trucks stupid. It is about their smell. It is about their pollution and it is about their noise and for those of us who live in eastern Moreno Valley, this is of great concern to us. There was a lady who was here. Here letter will be read to you recently, but I remind you that this project has flunked the EIR and let me quote to you the American Lung Association already has given the Riverside area an F grade in its state of the air report. An Association official wrote that the County cannot afford more pollution and meet Federal air quality standards. The issue of how much business these new warehouses would bring to the community is clearly overshadowed by the health costs which would arise from this heavy source of pollution; the Association's Paula Gonzales wrote in a letter included in the report. There are other concerns of mine I'll read from something that I sent to the City Council... time is running out. The traffic congestion should be apparently obvious to anyone especially the dangerous interplay between autos and trucks. Access and egress on Theodore and Redlands where crumbling freeway ramps are not expected to be modernized and even Moreno Beach which has its own traffic concerns as motorists gravitate to that route for relief will be difficult. Furthermore Moreno

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Beach and Iris will become corridors for truck traffic seeking relief. I'm running out of time, but I just wanted to say to you here is a map of the current General Plan with residences, parks, development for business. This was to have been Mission Viejo East. There is the new development. Here is Easter Market with nothing but land devoted for warehousing all around it. The people in that area of the City will have nothing but warehouses and they were expecting to have open space and a very grand plan for the development of their community where they live.

CHAIR DE JONG – Joanne Stephan followed by Jack Shierner...

SPEAKER STEPHAN – Hello Commissioners and Staff, my name is Joanne Stephan and I have lived here for 25 years. I moved here when we were an unincorporated area and we became a City and then we were a bedroom community. There were no jobs here, so people had to commute back and forth to work and I'm hoping that we become a regional global hub. When I came here tonight I was given a t-shirt. I was given this flyer which I don't know who or what these people belong to, but I actually didn't know whether I'd be for or against the project. I am for it. I've seen a lot of changes in the City since I've been here. I still see a lot of changes. I just went down Cactus the other day to Wisteria. I saw warehouses there that were built empty and I couldn't imagine why anybody would build something without having a tenant there. I did ask Mr. Benzeevi; the tenant that he does have has signed on for 15 years. I think that as a business man like they say he is in business and I think him getting to go on for 15 years, I commend him for that because I've seen too many building that are vacant here in the City. I've listened to a lot of the proponents on this. I've recorded four that are against and one that is iffy and the rest seem to be all for the project. We've got over 500 people seated in the next room that are for the project, so I think it's a no-brainer, I really do and I know I have children and grandchildren in the community. I have a son right now that is going into an apprenticeship program and has to go all the way to Anaheim for it because there isn't any out here. I own homes in Orange County. I was almost going to move back to Orange County because there is really nothing out here. When I moved out here I did have a lot of big aspirations. I live at 23311 Western Ridge Ranch. I live on a half acre. I have a beautiful home but I'm willing to go back to a home that I own in Anaheim and I hope that you guys will have the foresight that Anaheim did years ago in the 50's when they almost lost one of their biggest investments to Santa Ana, so I hope you guys up there think about this because it's a beautiful building. I think it will really attract other people to come here and give jobs for our children, because like some of the people have said, some of our kids... I have five boys; some have gone on to College and some haven't and I'm hoping that maybe that the one that didn't will be afforded an opportunity to maybe to get training or maybe even get an apprenticeship program or something you know. That's up to Sketchers, but I think the zoning should be approved for this project. Thank you.

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CHAIR DE JONG – Thank you... Jack Shierner followed by Debra Coggins-Ortiz...

SPEAKER SHIERNER – Hello, my name is Jack Shierner. I live at 11780 Steeplechase Drive. I have been a citizen in this community now in my 19th year... a business owner in this town for over 7 years; former Executive Chairman of Boy Scouts in the Moreno Valley area and current President of the Moreno Valley Hispanic Chamber of Commerce. Honorable Planning Commissioner members I'd like to thank you for spending in giving the voice to the people. Our job as Chamber Presidents, both me and Oscar and our Past Presidents who have spent many hours in looking over this proposal celebrate the wisdom of what we're about ready to vote on. It's not very often that you have this level of willing investment into this community and we celebrate the idea of further growth along these lines will truly benefit Moreno Valley and turn it into the gem that many City Council's past have promised. Several Presidents, along with me who have spent many hours reviewing this program; these plans that are up for vote tonight and in our interest; in businesses interest, we wholly endorse them. Thank you for your time.

CHAIR DE JONG – Debra Coggins-Ortiz followed by Lucy Starr...

SPEAKER COGGINS-ORTIZ – Good evening my name is Debra Coggins-Ortiz; 29060 Juniper Avenue. I live actually walking distance from the proposed project. My family and I have lived in Moreno Valley since 1984. We moved out to the east end to enjoy the scenic rural community. We are not rich. I grew up poor, okay. I resent the fact that we were not notified of this project and that I had to find out by a flyer on my mailbox the night before last. My front property span is 300 feet. I did not get notified and I would have appreciated the time to review the project more thoroughly, however the information that I did obtain was easily obtainable online through research through the Press-Enterprise, stories on Sketchers that have been done here and from the California Air Resource Board and also from your General Plan; our General Plan that was approved and you are trying to now change. According to the California Air Resources Board, quote, fine particulate matter in diesel exhaust can bypass the body's natural defenses penetrating deep into the lungs where it may cause or exacerbate respiratory and cardiovascular illnesses and even premature death. California has identified diesel pm as a toxic air contaminant and estimates 70 percent of the cancer is from the air we breathe is attributable to diesel pm fuel. The ARB estimates that diesel pollution from trucks alone was responsible for 4,500 premature deaths in California in 2005. When combined with estimates for hospitalizations, asthmas attacks, missed work and school days from exposure to particulate matter and smog, the total economic cost to Californians in 2005 is estimated at 40 million dollars, one reason Sketchers should not be at that location. I am not opposed to jobs. Yes we need jobs. My husband has a contractor's license. Yes he travels out of town to work but that is not the right location for it. It should not be around residential homes. According to the

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General Plan, scenic resources.... You have shown this area right here. Okay the view from the 60 freeway; the scenic resources have value. You are taking away that value by putting that there and I have so much more to say but my time is up. I would appreciate if there is way that people can contact me, so we can organize to fight this because we will fight this. Thank you.

CHAIR DE JONG – Lucy Starr followed by George Hague...

SPEAKER STARR – Hi, good evening, this is Lucy Starr and I live on Shasta; 12321 Shasta Place in Moreno Valley on the north side. I like the proposal. I think it's really good. We need jobs and we need them now. We have kids and they are traveling far to get to work and it is too much for them, so please I ask the Planning Commission to please say yes to this Sketchers company. Thank you.

CHAIR DE JONG – George Hague followed by Gordon Tucker

SPEAKER HAGUE – George Hague, 26711 Ironwood Avenue here in Moreno Valley speaking on behalf of the Sierra Club and the Community Alliance for Riverside's Economy and Environment. I've actually been an AFLCL member longer than I have been a Sierra Club Member. This meeting should be continued to a second meeting so both the public and yourselves can do justice to the 2,000 plus pages; 1,200 of those have come since December 19th. The developer has shown us his pretty pictures; however he has to give an overriding consideration for aesthetics. That means he is making the City uglier and you have do an overriding consideration on that fact. You must vote overriding considerations on air quality. That means it is going to produce bad air for us; all of the warehouse workers and this is what the supporters need to realize. All of the warehouses will be subjected to significant health problems for the thousands of daily truck trips; one every 40 seconds in every 24 hours. The massive area where the workers labor is not air conditioned or filtered, thus they must continually breathe in the toxic diesel pollutions we just heard about which will eventually affect most with health problems. They will have more than 100 open bays pulling that stuff into the workers. There are two other projects that are adjacent to this one which will add 3 million more square feet of warehousing and logistics centers. If you approve this project you are in reality are probably approving all three for a total of 5 million. The Sierra Club and CAREE do not believe the cumulative growth inducing impacts have been thoroughly analyzed with the environmental impacts to our community. The logistics modified General Plan proposed by the developer; this concept is something that must be incorporated into this document that is now before you. Just saying the developer has not submitted paperwork for this does not justify not having this foreseeable project information prior to your vote. Noise; another one that has to be overridden is substantially increased and you are telling hundreds if not thousands of residents to grin and bear it so you can improve this unhealthy project. State Route 60 through Moreno Valley has few trucks compared to

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Interstate 10. This project in its growth inducing impacts will change our commuter freeway into one that makes those who close to it suffer significant noise and pollution impacts from this all noisy polluting diesel trucks. This raises a question as to where the environmental justice analysis is in this document. It is totally lacking and needs to be before you prior to a vote. Traffic; another issue that has not been resolved prior to your vote. The developer does not factor in and in fact he totally kept if off of his pictures that there are 6,000 homes already approved on the Moreno Highlands project and 20,000 jobs. The final EIR states that there are two lanes that allow you to continue west from 60 to the 215. In reality State Route 60 has one lane; the one to the far left that allows you to continue west while the other lane forces drivers to exist Central Avenue. Until the traffic analysis deals with this issue, you cannot vote to certify the EIR because it's inadequate. You must realize that while 2,200 diesel truck trips may not sound overwhelming, they represent 1 every 40 seconds for 24 hours every day. If the two adjacent ones are approved then you are looking at 1 every 10 to 15 seconds; every truck; every 10 to 15 seconds. Anyway I hope you read the other materials I gave you prior to your vote. They will add to your understanding of the people who are impacted by these projects. Thank you very much.

CHAIR DE JONG – Thank you...Gordon Tucker followed by Joe Zmudosky

SPEAKER TUCKER – Good evening and thank you for letting me speak again. I've heard a lot about green this evening and how this project is going green and I'd like to draw your attention to this picture. This is called green. In the EIR this was supposed to be taken care of in accordance with California laws, the Federal laws local laws, however as found also in the EIR, this substance you see on the ground was merely plowed under the soil; not a good way to start a relationship with the community. Another thing Mr. Benzeevi talks about it's not the size of the building, it's the quality. Well someone mentioned our new President not too long ago; well I'd like to quote him too; if you put lipstick on a pig, it's still a pig. Further more we heard a lot about children this evening. I want to stop and think about children; not just our children, but how about the children around the world; the ones that Sketchers employs for less than 50 cents a day in third world countries. Do we really want them here? Secondly, I want to say something that is really important to think about. This City when it was first built had a General Plan that said that warehouses are not very good for our community. They occupy large spaces of land and they employ very little people. Now we've got one we want to build here that is equal to basically little more than 30 fifty square foot businesses. I wonder how many 30 fifty square foot businesses could employ over Sketchers. Sketchers have 2,114 employees nationwide. You are telling me closing five warehouses in Ontario who are one given time have 120 employees is somehow going to increase their employment needs to 2,150. Someone is pulling over the wool over everybody's eyes around here and this City needs to wake up. Thank you.

CHAIR DE JONG – Joe Zmudosky followed Suzanne Potter

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SPEAKER ZMUDOSKY – Good evening, my name is Joe Zmudosky, 28131 Bethany Circle, Moreno Valley. As you asked not to repeat everything that has been said tonight, the project at Highland Fairview as presented here tonight is one of a kind and I've been behind the project since the last several months and I think the Commission here should look at it on the basis of what it is going to bring to this City. We talk about jobs; we talk about pollution and we talk about all these other things that these trucks are going to bring in. If you listen to some of these proponents, just one iota to think about; 40,000 trucks; if you put them end to end, it is 862 miles end to end. There is no way you could pass that many trucks through here in a day; a week; a year. Iddo has come up with a pretty sizable project here that needs you as Commissioners to look at and understand the value that is going to bring to this City and the value is (a) jobs, tax base and money to the General Fund and a couple of million dollars that it is going to put into the school budget because we're not going to get anything from Sacramento or Washington and the scope of the project is massive. It's going to bring other corporate businesses to the City and I think you should look at it, talk amongst yourselves and give it the thumbs up because this is as our City motto goes, you know where dreams soar and you guys have an opportunity to put Moreno Valley a little bit higher up on the map than we've been in the past and I appreciate your time. Thank you.

CHAIR DE JONG – Suzanne Potter followed by James Hutchinson

SPEAKER POTTER – Good evening members of the Planning Commission. My name is Suzanne Potter-Smodowski. I live at 28131 Bethany Circle in Moreno Valley. As citizens I believe it is our responsibility to look at the big picture rather than our own personal concerns. Now I realize the big picture is different depending on your perception. I believe we can either look at things as the glass half full as somebody who is saying that this would be another Mira Loma or a Pandora's Box or you can look at it as the glass half full by saying this is priming the pump, this is start of world class City, this is another Irvine. The choice is really ours and how you view it, but the reality in the big picture is that we have warehouses around here and if we look to every side of us we have warehouse and distribution centers but they are not in Moreno Valley, so we can either be in the driver's seat and be the ones to mitigate and control the impact; the negative impact that such a project might consider and then on the other hand reap the financial benefits or we can just feel the impact and reap no benefits if it's not here in Moreno Valley. As an educator I support the change in the General Plan for two reasons. First it brings a favorable and measurable financial impact to our school system. Second it means this project in it's vision means more time for families to spend with their children and to be involved in their education and you've heard that this a very important factor in a child's education. Now that might be time is immeasurable but it's not just immeasurable, that's priceless. Thank you.

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CHAIR DE JONG – James Hutchinson followed by Steve Clute. Is Steve Clute ready to go after this? Are you Steve Clute... is James Hutchinson here?

SPEAKER CLUTE – Thank you Mr. Chairman, members and for all your time and consideration tonight. I'm at 600 Central, Riverside. I'm Business Director for Electrical Workers IBW and NECO, National Electrical Contractors. Bob Frost is our Business Manager and I have a history in Moreno Valley. I was married in Sunnymead in 1977. My mother in law lives here. I used to fly in the Navy; I'd come into March Air Force Base when we couldn't find the ship and later I had the privilege to serve the area in the Assembly and I remember I think it was right about the time; the year of incorporation; yeah '84, so '83, '84, '85 was right at that time when of course the housing was really taking off and good and rightfully so and you could see back then the beginnings of the imbalance of housing to jobs and I think to have a project like this that we certainly strongly support means a lot to try help even that kind of balance and I know you and City leader have been dealing with that for years and have done some good things to address that, but here is I think an outstanding project to help address that. I commute on the 60 or go through it at least several times a week. I've stayed somewhat current with the area and I appreciate the potential also in renewable energy, which we think is huge, and particularly could be with this project and could possibly have positive benefits for rate payers in this area. We think it's the right project at the right time. I appreciate all your consideration tonight. Thank you very much.

CHAIR DE JONG – Thank you... Patricia Gonzalez followed by Derek Stephens

SPEAKER MERRILL FOR PATRICIA CONZALEZ – Hi, I was asked to read Patricia Gonzalez's letter because she had to leave. Is that okay?

CHAIR DE JONG – That's fine

SPEAKER MERRILL – My name is Laura Merrill and I live in Moreno Valley at 28115 Gerald Lane. Patricia Gonzalez's letter reads as follows: Dear Commissioners; the American Lung Association is very concerned about adding a major air pollution source from thousands of heavy duty trucks to a community that may already be burdened by multiple sources of pollution and subsequently suffer from multiple health problems. Additionally it is important to note that pollution from East Moreno Valley can easily spread to other parts of the polluted County of Riverside. The connection between pollution and negative health effects impacts from heavy duty diesel trucks has been documented in numerous research studies. Recent studies from USC Medical Schools indicate that pollution from trucks and cars have stunted lung development in children in nearby Mira Loma, never to be regained and can even be reasonable for actually causing asthma and aggravating asthma. According to the American Lung Association's State of the Air Report, Riverside received an F grade for having a very high number of days with unhealthy air pollution both for smog and soot.

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According to the same report in Riverside County, currently over 160,000 people suffer from asthma; almost 25,000 from emphysema and over 60,000 from chronic bronchitis. Additionally, approximately 458,324 residents suffer from heart disease. Riverside County cannot afford more air pollution in terms of meeting health based Federal air quality standards for both ozone and particle pollution especially since the standards are now more stringent than before. There are remedies that the new warehouses can adopt... buffer zones and cleaner trucks, either retrofitted with particular pollution filters or new trucks. The issue of how much businesses these new warehouses would bring to the community is clearly overshadowed by the health costs which would rise from this heavy source of pollution and Ms. Gonzalez is writing on behalf of the American Lung Association of California. Thank you.

CHAIR DE JONG – Derek Stephens followed by Dr. Regina Brockmueller

SPEAKER STEPHENS – Good evening, my name is Derek Stephens. I live at 11370 Moreno Beach Drive and I'd like to say that I support this project and as a future college graduate I'd like to see Moreno Valley for once bring some real jobs into the City. For years and years I've seen the same old Wal Mart, Target, Stater Bros., Mac Donald's jobs in here every single year and for once I think we have the opportunity to bring some credible jobs into the City and I think it is something that Moreno Valley really should do and it will provide such benefit to our City and I only hope that we support this project. Thank you.

CHAIR DE JONG – Dr Regina Brockmueller followed by Duncan Bush

SPEAKER BROCKMUELLER – Good evening wonderful Planning Commission and all of our audience; citizen's of Moreno Valley. I've been a resident here for 23 plus years and I really am in favor of this distribution center being brought forth to do a lot of various things that it can create for our City. We need to have a change; we need to see change and we need to give our citizen's hope. Moreno Valley can no longer afford to have status quo. We have a township of over 180,000 plus population. We are no longer a bedroom community. We need to welcome change, create jobs for our citizen's and their children and not just minimum wage jobs. As an educator this project represents dollars to our school. I think that someone has mentioned 1.2 million and it also creates time. So many parents I see commuting to jobs outside our own townships; Orange County, Los Angeles; San Bernadino; Riverside and we're not even able to support our own business communities here. We have watched a massive amount of businesses close up unnecessarily because the parents are commuting. With that being said as an educator, I'm expected to teach these children so much and give them assignments and homework and I do this diligently and watch the parents come home late at night after a long commute that was not necessary if we're allowed to create more jobs that are higher paid and well established jobs. I've watched this City go through five transitions of watching our home values plummet. We've watched our values go down, some

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of our investments go down and I think that if we take this job and this distribution center and put it forth that we will see that it is the start of something new; the start of change and a creation of hope for our members in society. Thank you.

CHAIR DE JONG – Duncan Bush followed by Patricia Korzec

SPEAKER BUSH – Thank you for the opportunity. My name is Duncan Bush. I live at 29307 Highland Boulevard. It's within a two mile radius of the outline that the presenter showed us earlier. I live between the badlands and the dump, so if anybody knows where that is. I'm not rich. I still work. I'm well beyond the age of retirement. I do live out in that area. I do like it out there. I've been an appraiser. I've topped sugar beets. I'm a licensed general contractor; real estate agent; a lot of different jobs in order to be able to keep a job. I've been in the community well over 20 years. I remember quite a few years ago there was a new warehouse built I think five or eight hundred thousand square feet. It was touted to bring jobs here; manufacturing jobs for intra-manufacturing jobs down near Perris Boulevard; I it think it was BHF or something like that I can't remember the name... PDF; anyway it never opened. They built the warehouse and it never opened up. There are no guarantees that we are going to have jobs if this opens up. To me the big question is not jobs; it is this project in the right location? We just went through about 8 to 10 years of a General Plan and Zoning Change out in the east end. Throughout the entire community the east end particularly got an awful lot of attention. Highland Fairview was part of that. They were definitely against warehousing out there. Part of the biggest problem with warehousing at that end; if you follow the step which is the State Transportation Improvement Program, there are no provisions to widen the 60 Freeway through Moreno Valley. On the 215 down where we have several million square feet of warehousing that's just recently been built in Moreno Valley they are planning on widening the 215. They have wider overpasses and better transportation facilities to put warehousing down in that direction. That's where the City chose to put it; that's where they should put it. The other issues are the bridges. I go over Theodore every day; that's my commute to and from work; down the 60 freeway. If you go over Theodore bridge and you take a look at the bridge, it's just torn up dramatically because you get several hundred or thousand trucks comes through there every single day over that bridge to that dump. Half the railing on that bridge is gone. The on and off ramps not only on that intersection but also on Redlands Boulevard are trashed and they are going to put all this trucking on Theodore. I would like you to vote against this project. I think it's a beautiful project. It's an appraisal. It's a misplaced improvement. It's not the highest and best use for the location. Thank you.

CHAIR DE JONG – Thank you... Patricia Korzec followed by James Hutchinson

SPEAKER KORZEC – Hello I'm Patricia Korzec. I live at 27439 Laurel Court in Moreno Valley. I live and work in the City. I truly believe this is a visionary project for a City that needs some vision in very bad times. It's so well designed;

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the architecture is exquisite. I believe it will be one of the finest buildings in the City. The fact that it will be a LEAD certified building shows the proper use of environmental materials. I think that it's a time when the City needs to look at this and we need to reap the benefits of the potential 1.4 million in tax revenues and 157 million in annual other types of revenues affiliated with this. It's important for us to have this project here and not have it move down the freeway to another City which we would reap none of these tax benefits and the traffic would still come through and go up the freeway, so I really ask you to vote in favor of this and I really think it's an important project for us in a very troubling time. Thank you.

CHAIR DE JONG – Thank you... James Hutchinson... Is James Hutchinson here? Okay, Diana Kurr and I am only calling one name because we are almost at 10:30, which is the end of our tape.

SPEAKER KURR – Thank you for hearing me. My name is Diana Kurr and I'm a resident of Moreno Valley at 14885 San Jacinto Drive. I live within the radius that we are speaking about within this plant. I just basically have the major objection that has just been spoken by another person so I'll say it briefly. I think that the precedent for changing this plan and moving to this location is a silly thing to do when we already have a plan that you've spent a long time developing. When I first moved here I was very pleased and felt secure that the plan was a place where I wanted to be and now I feel a little bit concerned that this might go out from underneath me and not be the one that I had hoped it would be. I think there is a tremendous amount of naiveté tonight that this one project is just going to change everything that needs to be changed in the world; the jobs will be wonderful; everything is going to be just wonderful as a result of this one plant. Coming down to a very personal level and I know a lot of other people spoke about the big picture but I sat there as I watched the presentation and I thought to myself on a personal level I don't even exit at Nason anymore. It's just totally impossible. Occasionally I go down Moreno Beach, but generally I go down Redlands and if you take Redlands away from me I don't know how I plan to get home because that's going to be really congested. I've looked at that beautiful lush landscaping and that I remember just recently I was given a notice from the water company that my tiered things were go into effect because I needed to be very conservative with my water and that the prices and everything were going up and that we were in an water crisis and I looked at that forest around that beautiful building and I think oh my gosh, that looks like a really poor use of water. You're talking about dropping property values. I personally think that my property value will be of less value if I have to tell people oh yes there is a warehouse right down the street, but the big precedent; the problem for me is the precedent that once anything is modified you leave the door open so that every other person that comes in here, the precedent has been set and that whole entire area I fear will be turned into warehouses. The one warehouse sounds pretty sound pretty innocuous but I think when that whole area turns into

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warehouses we would have a serious problem in that end of town and I ask you to seriously consider your decision tonight against the warehouse. Thank you.

CHAIR DE JONG – Thank you... As I noted at the beginning of the meeting we need to take a break at this point to at least to change the tape and then we are going to discuss what we are going to do further, so are we going to do that after; how does that work?

PLANNING OFFICIAL TERELL – I suggest that you might want to have a discussion now before you break. You've got a few minutes to do that.

CHAIR DE JONG – We have 15 Speaker Slips left.

COMMISSIONER GELLER - I'd like to finish tonight. I don't want to have to drag everyone back and I don't it's fair to even the residents. They're here; they're waiting; let them speak and let's get it done.

CHAIR DE JONG – Do we have more Speaker Slips?

PLANNING OFFICIAL TERELL – My understanding is there are more Speaker Slips from people in the other building than you have in front of you.

CHAIR DE JONG – Let's bring them on. What's the rest think?

VICE CHAIR MERKT – There is a lot more to cover and I think that we're all going to get exhausted and we're going to drag these people out till after midnight... well after midnight if we keep going and I think that we should stick with what we thought about last time which is simply we go to 11 o'clock and adjourn this and then come back; continue it because it's just you know... it would give people more time to look at it because that's been a common complaint that they haven't enough time to review it and it will give them more time to review and it will give us a change to review even further and review the material that's been given to us by several people. I just see many, many benefits by calling it at a reasonable hour and not keeping people out in the middle of the night over this. There is no need to rush this. It doesn't deserve that.

CHAIR DE JONG – Can you give us an estimation of how many other slips there are?

PLANNING OFFICIAL TERELL – My understanding is I think I gave you about 20 and there is another 20 beyond that.

CHAIR DE JONG – So that's another two hours minimum?

PLANNING OFFICIAL TERELL – Potentially yes...

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VICE CHAIR MERKT – Too late

COMMISSIONER MARZOEKI – Way too late

COMMISSIONER DOZIER – Well I would like to get as much done as we can tonight. I got a nap before I came here. I'm good to go. I'd like to really get... It's hard to get people out. I'm happy to see them out and I'm happy they've taken the time to come and express themselves and I think they've already waited 3 ½ hours to speak, so I would like to just continue with this as long as we feel we can go.

PLANNING OFFICIAL TERELL – Just for clarification, I've got a clarification... There were originally more people in the other building but other than the ones that you have, the other people left, so what you have before you; I think it's about 20 is it.

CHAIR DE JONG – So there are no additional Speaker Slips...

PLANNING OFFICIAL TERELL – That's correct

CHAIR DE JONG – Okay so let's... Does that change your opinion?

COMMISSIONER RIECHERS – Yes

COMMISSIONER MARZOEKI – Twenty more is how many?

CHAIR DE JONG – We have 15 here...

VICE CHAIR MERKT - But that doesn't include our questions or comments or nothing else or Commissioner Debate. We can go forever...

COMMISSIONER MARZOEKI – But we can get this portion done

PLANNING OFFICIAL TERELL – Yeah you have two issues. Obviously one is completing the Public Testimony and the other is whether or not you want to have any discussion tonight; that would be a separate decision.

CHAIR DE JONG – Well we can reach another discussion point after we finish the Public Testimony...

COMMISSIONER GELLER – Yeah let's at least finish the Public Testimony and get through that.

CHAIR DE JONG – We'll at least finish that

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COMMISSIONER GELLER – So at least the people don't have to come back unless they really want to.

CHAIR DE JONG – Let's go to break then and allow the tape to be changed and we will continue public discussion when we come back from the break change... 10 minutes, is that appropriate... Thank you, 10 minutes.

(10 MINUTE RECESS)

CHAIR DE JONG – And we're back to our Public Hearing. We are continuing our Public Testimony. I'd like to hear from Rachel Lopez now followed by Terri Hall. Ms Hall if you could would for a minute please; hold on... Let's have a quick discussion amongst ourselves before so we can determine what we're going to at the end of the Speaker Slips here.

VICE CHAIR MERKT – Yes just briefly, we've covered some of possibilities of for what we're going to do with this meeting. As it now looks we'll probably have another hour's worth of public testimony and we felt that as Commissioners that we wanted to review some of the material that had been given to us tonight; perhaps review some of the original material and some of us have early morning operations that we need to do. In addition the public shouldn't have to stay here until 12 or 1 or 2 o'clock, so we thought we'd continue the Public Comments and at the conclusion of the Public Comments we would continue this Hearing to another meeting and then we would hear the rebuttal and subsequent information that meted from these meetings.

CHAIR DE JONG – I think that wraps it up. Does everybody concur?

COMMISSIONER DOZIER – I just wanted to clarify that we would; we've got 15...

COMMISSIONER MARZOEKI – 15 Speaker Slips...

COMMISSIONER DOZIER – 15 Speaker Slips and we're going to get through those and we're going close Public Testimony and that'll be pretty late and the next thing that comes after that is rebuttal by the Applicant and then after that Commissioner Debate. Those are the things that we're going to do during the continuation that we have agreed that would be after we Public Testimony there will not be another opportunity for the Public to give a Speaker Slip.

COMMISSIONER GELLER – Right, but they can submit comments in writing for our next meeting and we'll certainly read them...

CHAIR DE JONG – Right, absolutely...

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COMMISSIONER DOZIER – If you're still away and you had to leave early for whatever and you still want to have your comments read by us before we deliberate, they can be submitted in writing to the City and we will get them and we will read them before we have to enter into Commissioner Debate on the issue.

COMMISSIONER MARZOEKI – And when would that meeting be? I'm just questioning when that would be...

PLANNING OFFICIAL TERELL – Well we've reserved a couple of dates... We do have this room reserved for next Thursday the 15th and that may fit into what you're talking about because it doesn't appear you are asking for any Staff work to be done between now and your next meeting. The other date that we do have reserved is the 29th, but that was in anticipation that you might want some data generated and that doesn't appear to be the case at least from what I've heard. We haven't got that far yet.

COMMISSIONER GELLER – I would like to do it on the 15th

COMMISSIONER MARZOEKI – Yeah the 15th is fine with me

CHAIR DE JONG – I would agree with that. I concur

COMMISSIONER RIECHERS – Yup

VICE CHAIR MERKT – If we're taking a straw poll, yes the 15th sounds fine for me as well

CHAIR DE JONG – Okay, so that's it. Tonight if you want to get your Speaker Slips in tonight; tonight is the last opportunity. Thank you... Rachel Lopez followed by Terri Hall

SPEAKER LOPEZ – Thank and good evening. My name is Rachel Lopez and I do not live in Moreno Valley. I work with the Center for Community Action Environmental Justice in Riverside, but I am a resident of Mira Loma and Mira Loma has been mentioned quite a few times. It is known as the warehouse capitol of the Inland Empire. We're number one in worst fine particulate pollution in the south coast basin according to a recent study in June of 2008 indicating we have the highest levels of particulate pollution; air pollution; pm 10 and also fine particulate pollution. Fine particulate pollution is the worst kind that gets down into the lungs and really causes cancer. It has even been known to cause or create DNA issues. We have children in our community; our children in Mira Loma have the weakest lung capacity of all children in the south coast basin. Inland air pollution not only can steal people's health but as the recent study indicates it also brings a huge financial burden to everybody. The smog the

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shroud Southern California costs the region an estimated 21.6 billion dollars a year in health care expenses, sick days and deaths according to the authors of the study by California State Fullerton's Institute for Economic and Environmental Studies. The total includes 6.3 billion in estimated costs in Riverside and San Bernadino Counties. We pay for loss of life and sickness and for the kids who don't get to school or we pay for the clean up of pollution. There is a price either way. The researchers calculated that that the highest costs were in the Inland area; an average of 1,500 to 1,600 per person particularly in Riverside County because of high levels of fine particulate pollution. Past research has linked such pollution to heart attacks, asthma episodes and increased hospitalizations and death. Using statistical studies that link increased air pollution and increased illness, the estimated health effects that included nearly 900 early deaths in the Inland counties; 785 non-fatal heart attacks and 97,530 missed work days. Many studies have shown that death rates increase along with air pollution. Scientists call those premature deaths. Now I've heard all evening about and I've seen the pictures of this beautiful warehouse. It is beautiful, the landscaping is great, but remember this landscaping is not going to be up right away. The warehouses we have in Mira Loma, we have over 100 of them; over 100 warehouses in our community. Even if they were this beautiful, they would be still causing the air pollution that they are causing now. I want to; the last little piece that I want to do is I want to urge the decision makers here tonight to sit back and take a long hard look at what you are asking these residents of Moreno Valley and the health risk that you are putting them in; the type of health risks that you are asking them to endure. This developer is going to come in, do his development and will not be here to feel any of these impacts. Thank you.

CHAIR DE JONG – Thank you...Terri Hall followed by Susan Siegle

SPEAKER HALL – Good evening. I'm Terri Hall. I live at 29177 Stephens Avenue. I've been a resident of Moreno Valley for 31 years. Prior to that I was born and raised in Pedley which is right next to Mira Loma and I'm very glad to be a speaker right after this woman because I am testimony to the air pollution problems that developed from Mira Loma. Pedley was a wonderful community to be raised in. Air quality was not a problem, but once all the warehouses started to be developed in Mira Loma, my mother in particular developed asthma so bad, we moved her from Pedley finally after living there for 50 plus years to Moreno Valley where the air quality was better. Her asthma disappeared. Her breathing was much better. Now you are bringing the same environment that we escaped from Pedley out here to our community. I love the east end of Moreno Valley; the beautiful vistas that we have out there. I don't want the warehouses and I think the people that think this is going to bring jobs to us; it's not. The people who already work for Sketchers in Ontario; they are the ones that are coming to come and take these jobs. I think it's going to be such a disappointment to them and I really feel bad for them because I realize the necessity for jobs, but this Sketchers is such a bad project and it's not going to be what it is proposed to be. Thank you.

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CHAIR DE JONG – Thank you... Susan Siegle followed by Thomas Thornsley

SPEAKER SIEGLE – Good evening. My name is Susan Siegle. I live at 28910 Bay Avenue. I'm within a half mile of the project. I have lived there for 27 years. Terrl is my sister and so of course I've seen the difference in my mother from moving from the pollution up to where we live now. The building is beautiful, but I see a lot of things that need to be watered and I too have been notified by the water district that I need to probably need to pay a higher rate. I do have an acre. I have a huge garden that I do every year, so I know that water is going to be scarce and I planned on removing some of my grass so that I could still water my garden, but my main concern is the pollution. Are 120 jobs worth the life and the health of the people that live in Moreno Valley? How many people that commute are going to get a job there? How many people from Moreno Valley are going to get a job there? If there are so many jobs, why isn't Sketchers here to tell us how many jobs it's going to create? Now I understand it is going to create construction jobs, but then those jobs are going to be gone and we're left with a beautiful warehouse that's still a warehouse and that beautiful one is going to make another one over here and then we're going to have another one over here and it's all going to move into our beautiful east side and yes we have horses. That's why we moved... I don't have a horse but there are horses all around me. I'm not rich. I did not drink champagne New Year's Eve and I find that the gentleman needs work; we all need work, but I just thought that he wasn't very eloquent in describing the people that live out there. We're just normal, everyday, hardworking people; some of us are out of work; some of us have lost our homes, but I don't think this is the answer. What we're bringing is a beautiful building that's going to pollute. I can walk out at 4 in the morning, which is when I get up to get my paper and I actually can see the stars. Is that still going to be the way when we have 1,400 trucks coming in every single day? I'm just really concerned with the health issues and the chance that this is just going to spread and that this whole beautiful area is just going to become on big giant warehouse. Thank you very much.

CHAIR DE JONG – Thank you... Thomas Thornsley followed by I believe its Kenneth Engi...

SPEAKER THORNSLEY – Good evening Commissioners; Thomas Thornsley, 29177 Stevens Street in Moreno Valley. We're within a view's distance of looking up to the project site. I've been involved with City Planning for 18 years. It's been my career. I've done environmental documents, specific plans and been in Mike's position before in other cities, so to see what's coming you before now is nothing new, but after spending 10 years updating your General Plan and only two and half years ago finally finishing it, you are now coming forward and wanting to change this. The City arranged where they wanted land uses to be and I think you need to keep them that way; keep the types of businesses where they need to be. This project obviously needs to go somewhere. From what I've

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read and I spend days reading through the EIR, this needs to be off of a rail spur, so that the volumes of stuff that comes in from the port of Long Beach and LA can come out by train to the site as opposed to all the trucks that will bring it to it, so for location it's not right; for the jobs per square foot is definitely is not right because a warehouse is one of the lowest job generators per square foot of all of the businesses you can have. Your number of about 2,400 jobs; a lot of that is going to be part of the commercial components, so you'll have to look at that. I have no idea what Sketchers will ultimately have when they have their state of the art facility. It probably won't be the same level as it is now. For LEAD certification, the building proposed; they haven't established a standard. They don't tell you that they want to be silver, gold or platinum. If they are silver, which is the bottom, they'll just barely be above the building code standards. If they want to go to gold or platinum, that may be something to talk about. The generation power on there; the responses to my comments; it says right in there that they will not provide any more solar panels on there that what would facilitate the office portion of the building and that anything beyond that was too costly, so they've said it right there, they are not going to go very far on that part of it. There was mention here about the school district. The school abandoned this site for a high school just catty-corner from this site within the last year because of this kind of a project that's in the works in the City and that the City officials are considering. The district doesn't want to have their students which are the sensitive receptors next to this kind of facility. My biggest fear is that the entire area out there which comprises of over 800 acres is going to convert all the way into warehouses as opposed to the residential, which we knew we were getting into when we bought our house. As a Planner I went there and found that out. If you're going to change it out there and you're going to get around to it, we all need to work at coming up with a whole new vision for that whole area so that it's not just one piece at a time until we diminish our way of life. Thank you very much.

CHAIR DE JONG – Thank you... Kenneth Engi followed by David Serrano

SPEAKER ENGI – Good evening, my name is Kenneth Engel and I live at 10680 Harry Keith Drive. I represent a small community of 13 homeowners and we are not incorporated by the City of Moreno Valley, however we do drive through it and hope to be incorporated one day and I'm sure we will be, but I would like to bring up as a point to you all is I represent the future of Moreno Valley. My wife and I moved here three years ago. We bought land here. We built our home here. We are solar. We are off the grid completely. We have family members who moved to Moreno Valley. We have our dearest friends who moved to Moreno Valley; bought property; built homes. Out in the east end we are in 92555, which is now called Rancho Belago. As I recall a year ago we were renamed because we were being touted as the new Beverley Hills. Well I've never seen a warehouse and I've never seen a warehouse of this magnitude anywhere near Beverley Hills, so what direction are you driving this City? We already have an area in the southwest that is designated as being warehouse.

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It's close to the airport; there is railroad nearby; easy access off the freeway and the freeway will take anyone where they want to be. I drive on that 60 freeway everyday. My wife and I both work for the County of Riverside. We are in Social Services. We are not wealthy people. We have worked hard to get where we are and we like where we are. We like the rural community. We loved the equestrian trail. Do I have horses; no; I can't afford them, but my neighbors that do, more power to them. Do they want to be riding through an area of warehouses; no. We have an entire area that is to the east of our property and I don't know how many acres it is; it's been sold and re-sold and re-sold so many times just in the last four years that's it's in incredible. The County of Riverside has recently purchased all of that land. All of that land is now a preserve for the Kangaroo Rats and the Burrowing Owls that everyone was so concerned about some 10 years ago for the east end of the valley and now there is no concern for these animals that are natural to the area and have no other place to go to. We have different groups of individuals; private parties who have gathered together to buy up land in the badlands to preserve that. We have the area around Mystic Lake, which no one will be able to see from the 60 freeway any more because there is going to be a huge warehouse there, with lots of pretty landscape that only the workers who work there will see and how many of those workers will there be and is Sketchers going to be around in five years? How many banks have gone under recently, but we're counting on a nation or a worldwide corporation to provide a handful of jobs, destroy east end valley...

CHAIR DE JONG – Time is up sir

SPEAKER ENGI – Well thank you very much

CHAIR DE JONG – David Serrano followed by William Arsenault

SPEAKER SERRANO – I'm David Serrano and I've lived in Moreno Valley for 34 years; my current address for 30 years. My wife and I are both retired and currently we both drive both the 60 and the canyon route to babysit our grandchildren. We drive that in the morning and then in the afternoon and they are both very dangerous roads because of the number of trucks that are on there and this project is going to add even more trucks to that. It's going to make it more dangerous. My daughter drives that 60 freeway to go to work in Riverside and you know she can't... I don't want her to be driving under those conditions. It would be easier for her to drive from Beaumont than for her to drive on the 10 than to drive the 60. I also wanted to point out that the presentation that was made earlier showed very clearly two lane roads around that property and the 60 is two lanes each way with slow trucks and faster trucks trying to pass those trucks, so that congestion is just going to increase. In the presentation they also conceded that there are many, many small warehouses empty in the Inland Empire. We're just bringing businesses that are in one place; there's no jobs being created, they are just coming from one place to another. They're playing musical chairs. His solution is to build an even bigger warehouse and there is no

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guarantee that that warehouse in a couple of years is going to be sitting empty. He also pointed out that there were three and I don't know where that analysis came from but there are three alternative sites. It's clear that the other two sites on the 215 corridor are better situated. They would not create the congestion. The only reason that site has been chosen is because they own the property. There was no analysis made as to where to situate it, they bought the property and then they decided to built it there and he's not going to build one building, he's going to build two or more, so I think you need to really look at the quality of life in Moreno Valley. I don't apologize for being retired. I don't apologize for having lived here and wanting to keep it the way it is.

CHAIR DE JONG – Thank you... William Arsenault followed by Vivian Galvan

SPEAKER ARSENAULT – Hi my name is William Arsenault. I live at 12020 Fennimore Drive in Moreno Valley; the east side of Moreno Valley. One of the penalties of being one of the last Speakers is that everybody has pretty much covered everything you've got to say, so I'll try to keep it short, but the big issue for me and my family is that we were pretty active in the east side. We've been there for 20 years. People remember maybe the Fun Zone that was going to be built out in Moreno Beach; that was an inappropriate development and fortunately it wasn't done. We can look at Pharaoh's Lost Kingdom and what it's done to Redlands and that area and now we've got another one. We've worked hard to get the General Plan to fit everybody's needs. There was talk about commercial. There was talk about warehousing way back when and we had a lot of input from the east side to find something that everybody could adapt to and everybody could accept and it was agreed that Business Parks would be acceptable. Now the ink is barely dry and here we are talking about... we're not talking about changing a little piece of it; we're not talking about taking one little Business Park out and putting a little biddy warehouse in; we're taking about changing the entire scope of the east side of town. You put in a 1.8 million square foot warehouse; the template is set; it's done, so we can't sit here and say we'll we're only making a five percent or 10 percent change to the General Plan, we all have to be realists and say we're changing the entire scope of that side of the City, so we've got to be very, very careful about this decision. There is a lot of talk about jobs. This isn't about Sketchers in Moreno Valley. I think Sketchers being in Moreno Valley is a great thing. I don't know that anybody is going to fly from Paris to Moreno Valley to visit, but it would be nice to have Sketchers in town, but Sketchers needs to be where the City has already agreed to have commercial distribution facilities and that's over by March Air Force Base in that whole area. That area was designated for it. We've got a great tenant. This City ought to work with the developer; they do it every day to try and find ways to get landowners to sell so you can get a large enough parcel and do whatever it is you've got to do and in the end this is non-scientific, but that the video of the 60 freeway had to have been shot simulation at 2 in the morning. There is just no way... I don't forget red cars; forget red trucks... It has nothing to do with more trucks less... there is no way that that traffic... I came home tonight

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at about 4:30 dead stopped at Pigeon Pass to Heacock. There is no way it's nice, easy, on-ramp/off-ramp. Thank very much. Please do not approve this project.

CHAIR DE JONG – Thank you... Vivian Galvan followed by Kia J. Kerr.

SPEAKER GALVAN – Hi my name is Vivian Galvan and I am Moreno Valley resident. I have been living here now for about 4 years. I wan enticed to come out here by the promise of Rancho Belago. It was supposed to be the beautiful part of Moreno Valley. I came out from the Rancho Cucamonga area. I am a Registered Nurse. I have a Masters in Nursing and in Public Health. I am very, very, extremely concerned about what the pollution will do to our children, the elderly in the community and what the long term implications will be. I think that we're looking at this currently. I know that we are in a financial deficit and I know that we need money and that we need jobs and I know that everybody looks and needs a quick fix, but the money; the revenues that we're going to be acquiring will not, and I repeat will not outlast the long term health benefits and we're talking about bronchitis; somebody talked about moms who have lung problems. Yes it does affect the elderly more. It affects children because under seven years of age, their lungs aren't developed. There are brand new families out there. Everyday I run the trails out there. I take my dogs out for a walk out there just as Maureen, I was out there and I encourage the members here to go out there and drive in the early morning and at nights it's true. I have family that come from the Rancho area to my home so that we can have picnics and do camping out in the backyards. You know we can see the stars. You can really, really see the stars... why; because the pollution is not as great as it is in the inner part of the valley, so we have to think; we have to realize is this really something that really is going to benefit us as community. I know that we need the jobs, but really consider the fact that this may not be the best solution for us and it's not in the proper place. When I bought my home in this area I was promised Rancho Belago; a beautiful community. I have evidence here; a brochure that was given to me about how I going to be able to ride my horse. I was going to be able to run on the trails.

CHAIR DE JONG – Please limit the outbursts from the audience...

SPEAKER GALVAN - I was going to be able to walk at any time of the day or night without problems and now we come before... this is not the Rancho; beautiful, educational and I'm talking beautiful area. It's really; it's sad to me that a lot of other communities don't know how beautiful because that's what I can really tell you, it's a beautiful area. Please do not destroy it. There are kangaroo rats out there. I have seen them. There are rabbits out there. Yesterday we saw coyotes. There is a whole array of different animals and species that still live in that area and I urge you to please save our area. There is an array of different areas where you can put this and this not the right location. Please save my Rancho Belago or Moreno Valley or whatever you want to call it, but

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think of our brochure and think of why we bought there. I didn't just buy my house there. I did my homework and this is what was promised. There was no light industrial zoning. There were no big diesel trucks coming by. I ride my bike to work; I mean... Thank you.

CHAIR DE JONG – Thank you... Kia J. Kerr followed by Jerry Schatz

SPEAKER KERR – Good evening Honorable Chairman and fellow Commissioners. My name is Kia J. Kerr. I live at 13161 Mozart Way, which yes is out on the east end. I work for a nearby jurisdiction and I understand the process for this type of a project and of this; you know a little bit. Generally projects of this size and money once they have made it to this stage are pretty much; they have a high percentage of approval, but I feel as in voting that if you don't voice your opinion, you have no reason to gripe about it later, so I do have some concerns that could possibly be muted if certain conditions were put on this project and future projects going out there. Some of those concerns are of course the traffic, which you guys have heard about. Who is going to be paying for the roads and the repairs of the roads? I don't know if you guys have been out on Redlands Boulevard lately. Basically half the street looks like it's been pummeled covered and that's just going to get worse with heavier trucks, so is the City going to be paying for that; the developer. Is the City able to pay for that if that's the case? Parking and travel of the trucks in residential neighborhoods... it looks like everything is going to come off of Theodore but the only problem is some of those truckers they don't get that message. They'll get off at Redlands thinking that's the shortest route in and see that there is no access or if that bar is there and they still can't get access, they are going to go through those neighborhoods to either turnaround to go back out or they are mandated to sleep a certain amount of time everyday; they might end up in those neighborhoods. Does the City have the ability to pay for the expenses for the extra Police, parking enforcement and the Fire Department that is going to have to go out there? Is the City able to cover all these expenses? You guys have already heard about the actual jobs. I had one gentleman that come in to pull an electrical permit; he said he worked in the Sketchers warehouse over in Ontario and they had 30 people; that was it and like he said, they're planning on shutting down three warehouses down there and those people are going to move over here. They are going to take their experienced people and move them over if they are willing to drive, so there is more traffic coming from other places on that freeway. I'd like to see if there are guarantees of occupancy. I've heard that there is a 15 year lease; that's great. What if something happens? Are we going to see that empty warehouse for years and years to come? Are the funds secured to even build it? We have projects, plan checks done, permits ready and the banks won't fund it. Do they have the funds to actually build this project and the renderings are great, I love them; beautiful. Is there any guarantee that those will be done and how far into the future? Those trees probably look like they are 20 or 30 years old and I don't think they are going to be planting that type of tree right there.

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CHAIR DE JONG – Time is up

SPEAKER KERR – Thank you very much and have a good evening.

CHAIR DE JONG – Thank you... Jerry Schatz followed by James Bryant

SPEAKER SCHATZ – Hi my name is Jerry Schatz and I live 28689 Manzanita Avenue. I too live on the east end of town. I can't give much more information that what the past ten or fifteen people have already told you. Traffic will be a problem. Pollution will be a problem. Those trucks coming down the 60 freeway to the 215 interchange is just going to make a traffic nightmare for Moreno Valley. People that want it now for the jobs, there is no job guarantee like people said. How many of the jobs are actually going to be Moreno Valley residents? Are we not just going to get Sketchers out here with people commuting from Pomona, Ontario up to Moreno Valley causing us more problems and having no jobs for Moreno Valley? That's all I wanted to say... just that all these people have already said it, but I would ask that you vote no for this project. The east end of town has been a designated rural area. It's been kept way. We need to keep it that way. There are plenty of places for this type of development over by March Air Force Base. Thank you.

CHAIR DE JONG – Thank you... James Bryant followed by June Louedy

SPEAKER BRYANT – Okay my name is Jim Bryant. I also live in the east end. We're finally getting up here after on the west end talking all night long. I live 29124 Alessandro; that's south of this project. I've been there for 40 years. I'm not like these new kids been here for 10 and 15 years. I've seen the east end as being a dumping place for everything through the years. Most people don't know about it, but they wanted to put an acid pit out there. That was voted out. That was by the same guy that by made Stringfellow. He learned his mistakes that Stringfellow. They wanted to put a prison out there on the end of Alessandro. They wanted to put a tire burning plant out there on the end of Alessandro and an airport that was going to be right in the corridor where Rionerkak (?) comes through and there is supposed to be crippled aircraft; maybe without radios or whatever and well that one also got all shot down. The reason I'm here again; like they said about traffic congestion. That was a really cute picture that he showed, but then like then he said it was probably about 2 o'clock in the morning. It's always jammed up. You go down any day and talk to Mr. West about it. I said have you every gone to Riverside at 8 o'clock in the morning... ah no... well try it. You get stopped at Day Street and you're stuck. I was going to Court and it took me two hours to get into Riverside. The roads that are there aren't made for heavy traffic. Like the gentleman was saying they're all busting up. Rancho Belago was supposedly in the master plan as acreage and lakes and all kinds of nifty stuff out there like the lady showed you. That's kind of gone down in the deal. About six months ago I was in a deal where they are putting R6 housing in

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that area. R6 six is high. My wife got run over by a truck. She is now permanently disabled. That's why a few more trucks out there would be hitting cars. There is no way we should have that out there. Like I said, it's going ruin the whole rural area out there. Like I said, I've been out there in that particular area for about 35 years and it's been nice. We don't get all the amenities they have in town, but the people like it and we want to be left alone and keep your warehouse out of there and put it back in down by March Air Force Base. Like the other gentleman said, they got railroad spurs; they got the airport; they can get their stuff in, instead of trucking everything up the roads. Thank you.

CHAIR DE JONG – Okay, June Lowedy followed by Don Krasniak

SPEAKER LOWDEY – Good evening. My name is June Lowdey. I live at 25890 Jumano Drive, Moreno Valley at the Moreno Valley Ranch. Now I am from London and London is a big city and in London they have a lot of Fortune 500 there and this is going to be a Fortune 500 that is coming to Moreno Valley and that's terrific because this is exactly what we need. We need those great Fortune 500 companies to come here in Moreno Valley because it will make it a big city where we will have lots of lovely visitors; just like we have in London. We have lots of great visitors from all over the world and lots of jobs. Maybe it might not be as much as what people are hoping for from the Sketchers Company but at least it's a start. Thank you.

CHAIR DE JONG – Thank you... Don Krasniak followed by... I can't read that, please go ahead...

SPEAKER KRASNIAK – Good evening. My name is Don Krasniak. I'm a resident in Moreno Valley for 24 years and I've lived for 15 years on the east side at 11663 Via Colina and I'm within about a mile of the proposed development. It seems we've been front loaded with supporters of the development project by Highland Fairview and finally some of the residents from the area are speaking. Now I'd like to speak from the position of living just across the freeway from the proposed warehouses. I believe I speak for many residents in asking the Council to consider voting against the change in zoning and allow an appropriate period of time to review and assess the environmental impact of this proposed plan with consideration of the future beyond this project. I am an educator in Moreno Valley and I teach science. We haven't had any real scientific person come up and speak and I can't really say that I'm a expert in any area, but I do have several degrees in biology and a Master's and I think I can reason through some of the concerns that people have already stated and I'm a realist when I consider the impacts of large scale projects like this and the developer briefly stated there are air quality concerns that cannot be mitigated and tried to prove the low level of impact with the graph showing this during his presentation. But a project of this size involving diesel truck traffic with what I call no limits on what numbers will result in 10 to 20 years must be studied further before proceeding. Unforeseen impact nearly always involves impact to human health. Now I'm not

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a tree hugger; as I said I'm a realist and about the future and the current benefits of the employment and the tax revenues for the City, they cannot outweigh the potential benefits I want say... they cannot outweigh the health of our future five warehouses down the road. When I bought my home in east Moreno Valley 16 years ago I did so with the intention and desire to retire there and I have only 12 years left to pay on my house. Now I'm worried that my beautiful home will be devalued because of a nearby warehouse district. Contrary to some people's understanding east side Moreno Valley home values will take a hit with warehouses. I bought my home there because of the rural plan and I'd like to see it stay that way knowing that the houses are supposed to be on half acre lots and so on, but the pinch of economic times should not bring poor decisions and we need to reason through those decisions, even though the warehouse is going to be a "A" Class warehouse. As stated before, much worse can come down the road and I just want to mention one more thing. It's very easy mathematically to figure out what truck traffic does at 15 percent of the proposed increase of 15,000 vehicles per day, that yields 32 miles of semi's bumper to bumper with no spaces inbetween, so if you space that out; 32 miles worth of trucks in a 12 hour period, that's two trucks every minute if that's all they worked was 12 hours. If it's 24 hours, it's one every 40 seconds, but that's too much diesel and too much of a health impact. Thank you.

CHAIR DE JONG – Thank you... Laura Covanrubio followed by James Hutchinson. Did I get that name close? Here she is... is James Hutchinson available?

SPEAKER COVANRUBIO – My name is Laura Covanrubio. I've lived in Moreno Valley since 1990 and at first I'd like to read a card that my dad had written. For many years Moreno Valley has been known for anti-business and in these difficult economic times Moreno Valley needs to consider opportunities for it's residents over the objections of a few. He has worked in the warehouse in Ontario at Vietta for about 14 years almost and I've worked there for about five summers, so I know that air quality is not nearly bad as you would say it is. I had about asked about how many big rigs go in and out daily and he said that at maximum capacity it's usually... for maximum capacity it would be about maybe 120; normally less. In fact a big day is usually about 100, so that would not actually create as much traffic as they had said it would be for a comparable sized building. As that said, I believe what we need to do is just make it more open to any business. Frankly I can't think of a more pressing issue at this point. The fact that we are being targeted for a warehouse is both a good thing and a bad thing. While I had heard about Business Parks being in this area, we haven't really been that open to them either. I haven't heard of anything more than kicking out DHL because of noise pollution but at the same time the keep saying if you want more noisy vehicles to go somewhere they want you to go down to March Air Force Base but every time there is more objections. Every where you go there is going to be objections, but in the end we just need to make it more

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open to having more businesses; maybe not in this place, but somewhere. Thank you.

CHAIR DE JONG – Thank you... Murdoch Wilson...

PLANNING OFFICIAL TERELL – He left

CHAIR DE JONG – Okay, so James Hutchinson I've called a couple of times and he's not here either. That's the end of our Speaker Slips. Is there anybody else that wants to speak?

SPEAKER NAROG – I submitted Speaker Slips and other people did too in the other room and you didn't call my name.

CHAIR DE JONG – I don't have it up here; John... Okay, come on up, say your name... state your name please... just get in line

PLANNING OFFICIAL TERELL – Fill out a Speaker Slip after you leave

COMMISSIONER GELLER – When you're done

CHAIR DE JONG – When you are done...

SPEAKER NAROG – Okay I think this is conducive... I mean in the other room we couldn't find Speaker Slips; we couldn't find the person for the Speaker Slips and I don't want my time to start yet and people left without having Speaker Slips and I think you guys should postpone the Public Speaking thing so the people that were not given the opportunity have the opportunity to speak. I think it's outrageous that it wasn't available for us and that we were going to be missed and that people were missed. On to the concern at hand... I'm very upset that there a gross discrimination against visions of different lifestyle.

COMMISSIONER GELLER – What is your name?

SPEAKER NAROG – My name is Marsha Narog. I live at 11475 Kerry Lane in the east end or Morningside or whatever you want to call it. I will not call it Rancho Belago because it's a grand takeover of everything we hold dear out there, but the majority of the people in our zip code; the 92555 zip code; that's 12,000 out of 15,000 voters voted for candidates that were against the warehouses because we don't want our lifestyle changed. We worked long and hard for the General Plan to have a Business Park there. We wanted to have an overpass where people could walk or ride their bikes to work to the Business Parks. We had a vision. We have a dream too. Our dream did not include warehouses. Our dream did not include extra semi-trucks. Our dream did not include a lot of what Iddo Benzeevi's dream is. One of the things I see missing here is that the Sketchers representatives aren't here. I think because there is so

MV00018241

much confusion on how many jobs it would create that a Sketchers representative should be at one of the meetings before any vote is taken. I think it would be credible for them to show up so that people will not be saying this, that or the other thing in making numbers up. People that are wanting these jobs, do not necessarily live or appreciate the values that we appreciate in the 92555 zip code area and I think condemning us to a lifestyle that we don't want is irresponsible and the Planning Commission is supposed to be full of people that do planning. I have been a resident of Moreno Valley since 1977. When we incorporated I was hoping that Planning would be paramount and that people would follow the plans. This is one more indication of plans not being followed. It is not appropriate for the plan to be so grossly changed. I walked the neighborhoods putting out flyers for people to come to this meeting tonight. Not one person; not one person supported the warehouses that I talked to. Twelve thousand people voted for people for no warehouses in this area. I want to emphasize that. We do not want that kind of lifestyle in our area. On a more personal note, I am super chemically sensitive. I moved to the northeast end because the air was cleaner. I have lived in five other sections of Moreno Valley. I had problems with pollution in every single one of them. I work in Riverside. I have an air filter in my office. I have air filters that I travel with and I have air filters in my home. I was on Moreno Beach one day when they were developing the condominiums there and a truck sitting next to me was gross polluting so bad that I was going into anaphylactic shock. I sped up to get a way from him and I got a ticket for speeding. If one truck causes that much problem for me and Iddo Benzeevi also said that it's a two mile radius around his place that causes health problems, I'm within that two mile radius and I will not be able to breathe, so I beseech each and every one of you to consider our personal values and desires and vote no for this Sketchers; put the jobs somewhere else for this kind of construction.

CHAIR DE JONG – Thank you... Please state your name and address...

SPEAKER MCKEE – Good evening. Susan McKee, 11577 Knoll Vista and a 29 year resident of Moreno Valley. Thank you to all of you for allowing us to speak tonight. I know it's been a long evening and everybody wants to go home, so I'll be brief. I do want to applaud the developers for taking a lot of opportunity to consider the changes and the requests that were made. My objection is only in terms of the location, not the looks or the warehouse itself. I think we have an opportunity with the Business Park perspective; we have a School of Medicine going into UC Riverside. We have the Allied Health Program at RCC along with Kaiser now going into the Hospital and one of the things that the Planning Commission should be looking at or considering are those businesses that look to professionals in building and educating a high quality workforce. And with that, I just thank you for your consideration. Thank you.

CHAIR DE JONG – Thank you...

MV00018242

SPEAKER BAYER – Hi my name is Beverly Bayer. I live at 11719 Via Colina, zip code 92555. I am also in the neighborhood of some of these other people that have spoken recently. I am for this and I am for it because of jobs. We need jobs. The latest unemployment in our region is almost 10 percent; it's 9 ½ percent. Two years ago; this is November numbers; that's before the December January and February job loses that we are going to see. Most of those are in retail. Two years ago in November of 2006 the unemployment in our area was at 5 percent. Now it's almost 10 percent and it's going to go higher than 10, so we need to consider that jobs are important. I am real estate appraiser. I have watched home values in our area skyrocket through the last few years and dropped starting the summer of 2006. We have lost probably on average 60 percent of our values from the summer of 2006 in our homes. We are going to continue to see home values drop because we still have a boat load of foreclosures coming our way. The last recession that was in the 90's was caused by job losses. This recession is caused by irresponsible mortgage and lending. It's being followed by job losses. I think that is going to snowball into more people losing their jobs and more people losing their homes. We do not need that in our community. We do not need more people to lose their homes. It will drop values faster if we have houses that don't have families moving into them. The Inland Empire has been very lucky. In the recession of the 1990's we gained jobs while Orange County and Los Angeles County lost jobs. We have not seen this kind of disaster in our region; in the Inland Empire forever. I mean it really goes back a long, long time. This is really serious and the only way we are going to pull us these tough times that are ahead of us are with jobs. If people have jobs they can afford houses. If people have jobs they can buy stuff. If people have jobs they can pay their taxes. We have to do whatever we can to preserve and provide jobs for our population and that is the bottom line. It is all about trying to preserve our community and it's going to only happen if people have jobs. Thank you very much.

CHAIR DE JONG – Thank you and it appears to be our last Speaker.

SPEAKER HOPPER – Good evening. My name is Joseph Hopper. I live at 27400 Walther Way, so I'm almost across the freeway from this development myself. I'm a proud member of IBW Local 440 the Electrical Union and I want to say that I helped build these warehouses that you are all complaining about and the jobs coming out; yeah they're going to be construction jobs for us and you're right, they're going to be short term, but what do need in this area? We need to bring developers into this area to help improve our quality of life. No one has spoken about quality of life here. All you spoke about is we don't want this warehouse. Well let's talk about the west side. Everybody says move it out by March Air Force Base. What happened to DHL? The same people who have come here talking about the negatives of what is going to happen are the same ones that complained about DHL Warehouse out there. They wanted the jobs; they got it; then they complained and they said well the airplanes keep us up, so that now DHL is leaving, so based on those negative feelings about DHL and

MV00018243

let's build out in the west end; now you don't want building on the east end either. I live in east end. I live in the nice rural atmosphere too. Change has to come. Change is good. Development is good as long as development is for the right reasons and I think this is the right reason. I think this is a positive move for this City. We do need this development. It will bring jobs. To paraphrase from Field of Dreams, "if you build it, they will come". Thank you.

CHAIR DE JONG – Thank you... Are there any other potential speakers in the audience because this will be the last opportunity? Okay I see none... going once... I'm going to close Public Testimony. Thank you. Alright, true to our word...

COMMISSIONER GELLER – Do we need to make a motion to continue the meeting?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER GELLER – Mr. Chairman I'd like to make a motion that we continue this meeting until next Thursday which is ...

COMMISSIONER MARZOEKI – The 15th...

PLANNING OFFICIAL TERELL – The 15th ...

CHAIR DE JONG – Before we do that, we have a comment...

VICE CHAIR MERKT – Well just a request... John, some of the people have asked and I also would appreciate if we have a meeting next Thursday that there could be a representative from Sketchers here to ask certain questions, because I have a number that probably cannot be answered without a representative from Sketchers.

PLANNING OFFICIAL TERELL – Okay, we're not in direct contact with them but certainly the question has gone to the Applicant and they are aware of it and hopefully they can take care of that.

VICE CHAIR MERKT – We're seeing Sketchers and its being referred to constantly so it's not like it's in a vacuum. I'd like to be able to ask them some questions.

PLANNING OFFICIAL TERELL – Understood

CHAIR DE JONG – It would be appropriate, thank you... continue...

COMMISSIONER GELLER – Okay, anyway I'd like to make a motion that we continue this meeting to Thursday, January 15th, 2009 at 7 o'clock.

MV00018244

CHAIR DE JONG – Thank you

COMMISSIONER MARZOEKI – I'll second that...

CHAIR DE JONG – Hold on...

COMMISSIONER RIECHERS – I think we're continuing the Public Hearing and I think (inaudible)

COMMISSIONER GELLER – I guess... we're continuing this Public Hearing Item. Thank you for the correction. It is late for all of us, so yes let me change the motion that we continue the Public Hearing until that same date and time.

CHAIR DE JONG – Very good

COMMISSIONER MARZOEKI – And I'll second it

CHAIR DE JONG – I have a second... Is there any discussion?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Springer)

CHAIR DE JONG – Alright we'll reconvene this Public hearing on January 15th at 7:00 pm. Is there a wrap up that we need?

PLANNING OFFICIAL TERELL – No the only thing I think left on your Agenda is to adjourn the meeting.

1000 ADJOURNMENT

COMMISSIONER GELLER – Motion to adjourn

CHAIR DE JONG – Do I have a second?

VICE CHAIR MERKT – Second

CHAIR DE JONG – Okay, all those in favor? Good night

SIGNATURE PAGE FOLLOWS:

MV00018245

John C. Terell Planning Official Approved	Date

Rick De Jong Chair	Date

MV00018246

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 15TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Land Development – Principal Engineer
Clement Jimenez, Land Development – Senior Engineer
Randy Metz, Fire Prevention – Fire Marshall
Rick Hartman, Deputy Assistant City Manager
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Gerald McAllister, Senior Electrical Engineer
Jennifer Terry, Special Districts Management Analyst
Marshall Eyerman, Special Districts Program Manager
Jane Halstead, City Clerk
Andy Minor, Consultant
Michael Hendricks, Consultant

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

MV00018247

CHAIR DE JONG – Item 400 is the approval of the Agenda
.

COMMISSIONER GELLER – Move approval

CHAIR DE JONG – Is there a second?

COMMISSIONER RIECHERS – Second

CHAIR DE JONG – Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are posted on the table by the entrance door there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission. I do have Speaker Slips tonight. I'll call you up in groups of two. The second person be ready to speak whey the first one is done. You have three minutes to speak. Please don't take any more. Let me please remind you this for items not on the Agenda. If you are speaking on the Sketchers project; the warehouse project, you will be cut-off. Okay, the first Speaker is Jamil Dada followed by Carol Avila.

SPEAKER DADA – Good evening; thank you. My name is Jamil Dada and I'm here representing the Moreno Valley Chamber of Commerce. I am a member of the Governor's Workforce Investment Board in Sacramento and I am also the incoming Chair of the National Association of Workforce Boards in Washington DC. My office is at 12460 Heacock in Moreno Valley and my other location is at 16110 Perris Boulevard. This evening I want to just highlight a couple facts about Moreno Valley. There are four cities in Riverside County that are half the size of Moreno Valley that have DMV offices, yet the DMV refuses to open an office in Moreno Valley. Moreno Valley has the highest percentage of youth of any city in this two county area, yet several other cities have gotten State Library funding and not Moreno Valley. Three years ago I attended the Yucaipa State of the City Address and the then Mayor mentioned in his State of the City Address how they needed to manage the growth properly because they did not want to

MV00018248

become another Moreno Valley. Economist John Hughsing just this past summer in July of 2008, as he was delivering his contractual business plan to the Lake Elsinore City Council showed them how to avoid becoming another Moreno Valley. I think you get the picture. We don't get any respect in this region. Instead we are mostly known for the high utility turn-offs, the highest foreclosure of starter homes and cheap dirt. We're getting tired of being treated like that and we're not going to take it anymore. So I'm asking you to please take into consideration the land use planning that you do that would provide jobs and I know people complain about low paying jobs, but you've got to take baby steps first. Any kind of jobs are better than no jobs at all, so if you care about Moreno Valley, please take care of the job issue. Thank you.

CHAIR DE JONG – Thank you... Carol Avila followed by Norma Carillo. Is Carol Avila here? Okay then Norma Carillo? Alright Robert Palomarez? Louise Palomarez? Okay, we're running through this list pretty quickly. Joanne Stephens followed by Lori Nichol.

SPEAKER STEPHENS – I just wanted to reiterate the fact that we do need jobs in the City and that anything that would... you know I'm not a factual person but I believe Mr. Dada is and I believe that he has more facts than anybody else and due to that every toher rhetoric that is going around should actually... you know I mean whatever is best for the City of Moreno Valley and not the masses. That's all I have to say.

CHAIR DE JONG – Thank you... Lori Nichol followed by Victoria Baca

SPEAKER NICHOL – I'm part of the old guard. The old guard meaning that I sat through the very first General Plan with all the input with the original Council. I am really concerned that the direction that the City is taking is going to desperate acts, grasping at things with the promise of new jobs that can't be guaranteed in today's economic climate, but I think in view of our Presidential election that we had and that our new President-Elect's theme is change. We have to be really careful of the type of change that we inflict on this community and what brought many of us to this community particularly in the east end. Having the designed the first bike-way map through the City, I was very sensitive to the east end and their need for the people that use horses and what all their dreams and everything were and a lot of those people were here long before the I came in '84 and we still owe it to maintain a healthy, wonderful community instead of just grabbing at whatever plan change that comes through and I remember a long time ago when the City first started that there was a lot of land grabs with taking like R1 designated areas and seeking General Plan changes so that that property owner could turn around and sell it for a highly inflated price. One such example; when the developer bought the property at about 400 thousand dollars; got his zoning changed to scenic highway 1; was able to turn around and within three months, sell it for 1.3 million dollars. That was the early days in Moreno Valley. I'm hoping we're not seeing us going in that direction again. We really

MV00018249

need to maintain quality in our development and give serious consideration to any changes in this economic climate and be sure that everybody has their money to really this structure and to provide jobs they promise. Thank you.

CHAIR DE JONG – Thank you... The next Speaker on items not on the Agenda is Victoria Baca followed by Mary Palomarez...

SPEAKER BACA – Good evening and thank you Commissioners for the opportunity to speak to you again tonight. My name is Victoria Baca. I'm a member of the School Board and I'm also an activist in the community and the reason that I'm here again tonight is to talk about a City-wide issue. We have all the industry and all of the commercial on the west side of town. We have Costco; we have the mall; we have the theaters; we even have City Hall and we also have the sewage treatment plant. We have the congestion on our side of town. Now let's even it out. Let's move some of the industry to the east end.

CHAIR DE JONG – Remember, this is for items not on the Agenda

SPEAKER BACA – Okay it's not on the Agenda. I'm talking about being fair to the City. Okay we hear let's keep the east end pristine. It's only for horses or people with horses; you know we don't want them or those people on our side of town; child labor... they had someone holding up a paper out there. I mean that's not a city issue; that's a national issue. I'm against NAFTA, but I bet everyone here is wearing something or has bought something that has been made in another country, so it's time that we move in the right direction. Our City motto is people, pride and progress. We've got the people. Let's give them the pride and progress and let's even out the inequities. Okay we can't just use the same thing that been happening over and over; its nimbi; not in my backyard. The people on the east end; they say well some have even resigned themselves to say well it's a good project but not on my side of town. Keep it on that side. Well we could also say, then don't come to our theaters; don't come to the mall; don't use our freeway; don't come to City Hall; you're congesting; you're polluting; we can say that too.

CHAIR DE JONG – Ms. Baca, I believe you are referring to the project...

SPEAKER BACA – Okay, let me just finish by saying that this map that was put out. It doesn't reflect the speakers. I know that one of those dots is not any members of my family or any of the speakers that I know. They are not on here, so this is not a fair representation of who is a supporter and who is opposing the project, so let's be fair and let's move in the right direction. Thank you very much.

CHAIR DE JONG – Mary Palomarez followed by Vincent Ortiz. Vincent Ortiz appears to be here... followed by Dr. Monte Perez. Again these are items not on the Agenda.

MV00018250

SPEAKER ORTIZ – Vincent Ortiz, 29060 Juniper Avenue. Yes we need jobs to support our families and our loved ones when we get out of College, but how is a warehouse going to support us. It's not. Tell me how an almost fully automated warehouse...

CHAIR DE JONG – Excuse me... that is an item on the Agenda. I believe you are referring directly to the Sketchers warehouse. Am I not making that clear? Are you going to continue on the item on the Agenda sir?

SPEAKER ORTIZ – Yes

CHAIR DE JONG – Well I'll have to call the next speaker sir...

SPEAKER ORTIZ – Me and my friends have dreams and careers that we would like to occupy when we become adults and I know none of ...

CHAIR DE JONG – Okay, I think we're ready for the next speaker. Okay, speakers you were told you'd be cut off if you are going to speak about the warehouse. This is not the time to speak about the warehouse. Thank you... Dr. Monte Perez.

SPEAKER PEREZ – Thank you very much. Good evening ladies and gentlemen and members of the audience. My name is Dr. Monte Perez. I am a resident of Moreno Valley and currently the President of Moreno Valley Campus. Tonight I want to speak as a resident. I'm not speaking for the Riverside Community College District or the Moreno Valley Campus; I'm speaking as a citizen of this great community. Education is very important and our College is committed to that and we want every single young person and returning adults to be re-trained to get the best possible training education available. Education doesn't start necessarily from any one particular occupation. It can start from the lowest levels of occupation. They key is for people to be motivated and interested in fulfilling their lives. Our College is committed to whatever decision this Planning Council or City Council make with regard to any future development. We are committed to assist this community to realize its goals and to make sure that people have jobs; to make sure that people can serve in this community and pay taxes, so I wanted to make that available to you to know that that is our core mission as a College. We're here to serve whatever is decided by the community, but beyond that I want to say that youth in this community and this young man who just spoke was speaking from the heart about his future and there are many youth in this community that deserve a bright future. Our College is committed to make sure that that happens as I'm sure you are committed to that and whatever avenues can be made available to young people to work and get an education should be made available. The bottom line is that we have 10,000 students now. This is and will be a sustainable community and we're planning to have 13 to 16,000 students over the next five years and that's going to happen because this community will have jobs; this community will have the

MV00018251

ability to send their children to our College, UCR, Loma Linda or wherever else they want to go. Thank you very much.

CHAIR DE JONG – Thank you... Debra Coggins-Ortiz followed by Raul Wilson. This is for items not on the Agenda.

SPEAKER COGGINS-ORTIZ – Good evening, Debra Coggins-Ortiz, 29060 Juniper Avenue in Moreno Valley, 92555. I'm here to request that the Planning Commission and the City Council consider some kind of campaigns to bring real jobs to the community. I'm talking about manufacturing jobs that Americans; maybe entrepreneurs can start businesses where we as a City can help them to start the businesses so that we can have real American jobs for our youth and for our City's future. I would like to... my son actually wrote this for himself; he's not a public speaker; he's never done this before; but I would like to read his last bit that he on here if I may...

CHAIR DE JONG – Remember the rules...

SPEAKER COGGINS-ORTIZ – What are the rules?

CHAIR DE JONG – They rules are it cannot pertain to the Sketchers warehouse

SPEAKER COGGINS-ORTIZ – No, this... he wrote; let's see... I would like a good job that I can have that I can help support my family when I grow up. My friends and I have dreams and careers that we would like to occupy when we become adults and I know none of our dreams is to work at lower paying jobs. We want careers. If we want jobs, why can't we have manufacturing jobs in America? I do not want to work for China. That's what he wrote. Thank you.

CHAIR DE JONG – Thank you... Raul Wilson followed by Steve Clute

SPEAKER WILSON – My name is Raul Wilson. I live at 23595 Court and I'm not on this paper either, so don't use it for any type of guide. We're not supposed to talk about Sketchers right?

CHAIR DE JONG – Absolutely correct

SPEAKER WILSON – But I want to talk about empty stomachs. I want to talk about people who are hungry; hungry to eat; hungry to have education. Those are the things the City is supposed to be thinking about. We have a lot of people out there who are hungry. I've been a student advocate for almost 50 years. I do things for young people; get them into Colleges; get them into good employment, but you know that young man who stood here last time and said I'd rather have a job than an unemployment check and you know that a lot of poor paying jobs are at the casinos and the people work there because you know what hunger is world-wide; not just Moreno Valley; its everywhere and we have

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to start looking out for our young people. Believe me they need the help or we're going to continue to fill up the prisons State-wide. A city becomes a prison of dejection when it doesn't provide for its citizens that it has. Gracias

CHAIR DE JONG – Thank you... Steve Clute followed by Steven Bennett

SPEAKER CLUTE – Good evening Mr. Chairman and members. Steve Clute, Riverside, 600 Central; business development with the Electrical Workers IBW and National Electrical Contractors NECA and I'd just like to share that our training center in San Bernadino three or four a nights a week trains apprenticeship electricians and they do that for four years and then in their fifth year they are journeyman and many of these members; some 800 are in Riverside County and no doubt many in the Greater Moreno Valley area and certainly others around the Inland Empire; men and women, although we are always recruiting more women; I think probably that they are the best trained electricians there are and many also or some come out of the military and they mean a lot to their communities and they mean a lot to business in quality workmanship and their skills are top notch and they'd love to work more in Moreno Valley. We appreciate everything you are doing to bring more business to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you... Steven Bennett followed by Mike Rios

SPEAKER BENNETT – Hello, my name is Steven Bennett. I live at 25800 Margarita Street and I just wanted to you about providing more jobs in the community. I have been a resident here just shy of ten years. In that short period of time I've seen some changes being made. I just think we should all welcome the opportunity to have more jobs for people who live in the City to work; some local jobs. I'm sure it's like 90 percent of the residents have to leave the City to go to work and we need to have more jobs in the City beyond retail. Retail doesn't pay enough to have a decent living. Organized labor has a history with Moreno Valley for some time and they have access to the technologies we need for energy saving projects and we need to bring some more projects in where they can participate and you know they have a great apprenticeship program so you can get the quality work, energy saving technologies and the City comes out ahead, so you know I urge the City to think about these things when they decide how they are going to use different land projects and I urge everyone to approve the project. Thank you very much.

CHAIR DE JONG – Very creative... creative at the end there. Mike Rios followed by Joe Zmudosky

SPEAKER RIOS – Good evening Commissioners, I'd like to talk about a couple of myths about the east end. When I moved out here in Moreno Valley in 2003 I wasn't rich and I bought my first house on the north side and as time went by and me and my family bought here it was economically okay for us to do so and then

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we bought our second house on the east end in 2006 and I will tell you no one in my tract owns a horse. I mean I don't own a horse, but I wish I did when gas prices were expensive, but I will say that our City needs jobs; it really does. For that matter our whole country needs jobs at this time. We're all hurting at this time. Families are hurting because it would be mom and dad working and now all of a sudden one of them has lost their job and they are trying to figure out how to pay the mortgage; how to make that car payment; how to pay their children's health insurance. A lot of families are forced now to make drastic cut backs in their livelihood. A lot of families used to go out and eat on weekends; you know to the restaurants around here. Now they are cutting that out because they just can't afford it. My thing here is yes, I'm for jobs. We do need jobs, but we need jobs that can pay the mortgage. We need jobs that can pay our card note. We need jobs that we can put money in our 401-k for our retirement. We need jobs that will help support us instead of having more foreclosures as time goes by and we are leading in Riverside County in foreclosures and we need to change that and yes we do need jobs, but we do need jobs that can make those payments so we don't lose our homes and I just want you guys when; because you guys are going to talk about a lot of projects in the future and keep that in mind when you are making your decisions on what jobs we are bringing in. It's very important that we get Moreno Valley back on track and we could be the leading City in Riverside in California and all United States if we get the right jobs in our City, when our children when they go out to College and they come back; they could come back to us and work in our City. That's what I'd love. I'd love my children; I don't want them going somewhere else in LA or in Orange County to get a job. I want them to work in Moreno Valley so I could have them near me and that's I'd like to say. Thank you.

CHAIR DE JONG – Thank you... Joe Zmudosky followed by Deana Reeder

SPEAKER ZMUDOSKY – Good evening, Joe Zmudosky, 28131 Bethany Circle here in Moreno Valley. A couple notes about the jobs. In the LA Times today, 160,000 businesses closed in 2008 and they are predicting 200,000 more businesses to fail this year. A job is a job whether it's 10 dollars an hour or 20 dollars an hour; it's a job and you guys sit up there listening to everything that's going on and you know somebody said a long time ago in a movie that logic clearly dictates that the needs of the many outweigh the needs of the few and with the jobs; how many it brings, nobody really knows; 1000, 2000 or 3000 but it's a step. In this City; you guys up there tonight; you need to look at opening the door so that we can move forward and bring jobs and prosperity back to Moreno Valley. I thank you for you time and wish you well.

CHAIR DE JONG – Thank you... Deana Reeder followed by Vicki Watson

SPEAKER REEDER – Hello, my name is Deana Reeder and he said a job is a job. Well I'm here to you that a lie is a lie. When things are advertised, they should be what they're advertised. For example I was here in the building, in the

MV00018254

City Clerk's Office and asked what time those doors were going to open last Thursday. The Clerk called the Deputy that opens the door and while I was standing there listening to her the Deputy told her 6:45 and absolutely not before and we all know that is not what happened. Now you know maybe that was an accident, but these accidents keep happening and they keep happening to the benefit of some groups and the detriment of others and that makes what happened inequitable. Now let's get to some other lies. We're not going to talk about the 1.8 million, but let me talk about the other 33 million square feet of proposed warehouses from this developer; not that part... see the whole total package is 35 million square feet; that is the total package. That is the anticipated amount. That's where the 2,500 jobs come from; if you do all 35 million square feet. If you don't that's not how many jobs that are going to be there. There is only going to be 50 if you only do this project. That's it. So you guys can lie all you want; people back there can believe BS, just like Madiff got his 15 billion because believed in though someone for almost 10 years said ah this ain't making sense. On 9-11, the day before hand, the guy called the FBI and said this is going to happen and they're like ah... and they did nothing. So you guys can do nothing; you don't have to believe me and that's okay. When it comes about, that's when it will be proved and I can live with that. Thank you.

CHAIR DE JONG – Thank you... Vicki Watson followed by Lorena Santa Cruz

SPEAKER WATSON – Vicki Watson, 11109 Night Shadow Drive, Moreno Valley. I'd like to ask some questions before the Commission as they consider our future and some of the issues that face. No one has been untouched by our economy. Its hit us as individuals; as businesses; as city States to the Federal Government. As the Commission is reviewing proposed changes, is the current economic environment being considered such as what if the company suffers financial hardship and they need to close their doors and leave? Currently our supply is exceeding demand and the balance of supply and demand is fundamental. We've experienced severe rainfall shortages and we may face mandatory water rationing. We have been forced to ration before and Sunnymead Ranch almost became a dry lake. When we are considering these proposals are we considering the impact of projects that are large water consuming proposals and what this would mean to projects currently under developed or proposed for the future. Also in reviewing large projects are we considering AB32 and the City's potential exposure to litigation by the State for not complying with these mandates? There are the green valley initiatives and are we considering projects that have us working with the green valley initiatives? Are we a partner or are we an outcast? There is also law regarding withholding gas taxes if we don't have proper traffic circulation. Have these issues been considered? When considering projects we have to consider the local impacts. Traffic is like water. What are the benefits and the risks to our City? We have to be reviewing the benefit versus the consequence. We need to weight the two against each other and ensure that the benefit is to the City over the long term. Each of the items above has direct bearing on property values and the City

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revenue stream and we must be developing areas that protect our property values and attract people to our community. We have vacant residential properties. We need to put development around them that encourages people to come to our City and want to reside here. We should not be putting things in place that prevent the City from people wanting to come to our City and how is existing land use measured against proposed projects? Do they compete with each other or do they support each other. We can all exist together. We can have residential properties and we can have business, but we've got to do it through good planning.

CHAIR DE JONG – Thank you... Lorena Santa Cruz followed by Elena Santa Cruz

SPEAKER LORETTA SANTA CRUZ – My name is Lorena Santa Cruz and I'm in the 5th grade. I hope that by the time I graduate from High School and College there will be a job waiting for me here in Moreno Valley. I love this City. I've grown up here and I hope that this City will grow with me and be able to support my own family some day. Thank you.

CHAIR DE JONG – Thank you... Elena Santa Cruz followed by George Hague

SPEAKER ELENA SANTA CRUZ – Members of the Planning Commission. I'm very concerned that there is a very strong undercurrent of racism running through your proceedings and possibly those of every City Commission and even City Council meetings. Last week I overheard comments by those in the audience that were very racist against many Hispanic residents of Moreno Valley that had interest in the item on your Agenda. They used unfriendly language in reference to the ethnicity and very rudely said that Moreno Valley doesn't need to attract any more of those people. As one of those people, let me make it very clear to you, I am an American citizen and I am very proud of that fact. I love this Country and I love this City and I think that anyone who hates America does not know anything about this great nation. Because of my skin tone and the fact that I am fluent in both English and Spanish, I am looked down upon as a second class citizen by my neighbors who have fairer skin. This type of prejudice has to stop in our City. We cannot let the bigots of this City continue to deny a voice to American citizens and residents of Moreno Valley because of their last name. Perhaps it is Baca; perhaps it is Rodriguez; Santa Cruz, Pacheco or even Molina. The woman who addressed you in Spanish last week also spoke to the City Council on Tuesday. The City did not provide her with an interpreter at either meeting. Someone had to translate for her to the officials and Councilwoman Flickinger said the City could not afford an interpreter and that Mr. Wilson would be cheaper. That is ridiculous and that is racist. If Moreno Valley can afford to pay a City Manager who takes every Friday off, over half a million dollars they can afford a part-time interpreter. Roughly half of Moreno Valley's population is Hispanic. Many still have difficulty with English because it is not their first language. This City needs to include them in public process. Anything less is

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taxpayer, subsidized, racism. Thank you... oh I spoke last week on Sketchers and I am not on this map.

CHAIR DE JONG – George Hague followed by Librada Murillo

SPEAKER HAGUE – What you are looking at... George Hague, 26711 Ironwood Avenue, here in Moreno Valley speaking as a Sierra Club person and in fact I gave you a newspaper and to Staff also. It should be in front of you from the Sierra Club. One of the main areas that we do try to protect is the San Jacinto Wildlife area, part of which is in the City of Moreno Valley. You're looking not a painting but an actual photograph of the San Jacinto Wildlife area and it's an area that is very wonderful. In fact the newspaper on page 8; there is a walk this Sunday out there starting at 9 o'clock and lasts for two or three hours. You are more than welcome to join in. The San Jacinto Wildlife area is mitigation for many other projects. There is a project north of this called Moreno Highlands. That project already is in our General Plan; was already approved in the early 1990's. It already has that on the east end; 21,000 jobs approved, so the east end does have jobs approved and it was part of the General Plan for these 21,000 jobs and hopefully you realize this and there will be a wide variety of jobs in the Moreno Highlands project, especially if they continue with the plan as it is. If the plan does change, then we may not have the variety of jobs that was envisioned in our General Plan and hopefully that will not happen, but what is needed in our City besides just saying we want jobs now, is saying we want healthy jobs now. Ideally they would be jobs where people would not have to suffer from various pollutions that are around and that's what a lot of people are asking for; for this City is to have an image that we provide healthy jobs for individuals and hopefully you will proceed and try to find those types of jobs. But again, going back to the San Jacinto Wildlife area, just for your history about it; it was actually mitigation for the State water project; when they brought the water down from the delta, they destroyed habitat along the way. They started with 4,200 acres out there and with those 4,200 acres, different parties; Sierra Club; Audubon Society; different hunting groups because hunting is allowed out there, all worked together and that 4,200 acres now is more than 19,000 acres. It's in two different parcels. There are 10,000 in one and 10,000 in another. I invite you to come out there this Sunday or anytime it's open to the public. Thank you very much.

CHAIR DE JONG – Thank you... Librado Murillo followed by Margie Breitkruez. Remember these are items no on the Agenda

SPEAKER MURRILLO – (Speaker speaks in Spanish)

INTERPRETER FOR SPEAKER MURILLO – Good evening ladies and gentleman of the Planning Commission. My name is Librado Murillo and my address is 12379 Kitching Street in Moreno Valley. I was here and I am the President of the Moreno Valley Parents Association. I was here at the meeting

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that took place last week where the Sketchers project was discussed. Today I am here before you to speak on issues or things that are not on today's Agenda. First of all I want to say that where my house is located and where I live it's not on this map (and she showed this map). Please do not use this map to make an informed decision. I depend on the wisdom of the City Council who has appointed you to this position on this Commission under certain criteria. For that reason I hope that you will see that this document does not reflect actual data or facts and I ask you who made this map and what is it based upon? Secondly, please understand that I and several of my friends, neighbors and parishioners felt intimidated and discriminated by persons that are here today opposing the Sketchers project. Although we do not speak very good English we do understand dirty looks and profanities made towards us and in our face. Finally, I want you to know that the majority of persons that were here in front of you last week are in favor of the project. I know that you could not hear the applause from the people who were at the Rec Center applauding the project, but that is all you could hear. The opponents are very few. I do not know who they are, however I know that they are here today and in my opinion they are a bunch of racist people. Thank you very much.

CHAIR DE JONG – Margie Breitkruez followed by Gordie Tucker

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. Multi-use trails are the gem of our community. In our City they are for the benefit of walkers, joggers, riders and equestrians. Communities that don't have equestrian properties have the same type of pathways for residents to enjoy. There is little pleasure or physical comfort or benefit on walking on concrete or asphalt. Multi-use trails are available for use by everyone. The City of Moreno Valley has opened its arms to multi-use trails through the adoption of the Master Plan for trails. As residents we're blessed with an excellent and growing multi-use trail system. Our trails take us through the beautiful paseos of Hidden Springs, do or will connect us to Regional and State Parks and provide vistas of the City that are just breathtaking, provide inter-city connections. They are also importantly another mode of transportation rather than vehicular. Multi-use trail users enjoy all trails. In other communities the multi-use trails meander through a variety of settings. In Palm Springs the multi-use trail system takes you around a beautiful member's only golf course. To reach the Palm Canyon trail system you pass directly alongside condominiums. In Pedley and Mira Loma you ride through the beautiful riverbed. In San Dimas you traverse by a small airport. In Walnut Creek the trail is just as it sounds; a watershed area behind homes. In Daneda you pass residential, business, corporate areas and cross a bridge that spans a major freeway. All of these are beautiful; all the more enjoyable for variety. Multi-use trail users enjoy any type of trail especially when it provides continuous connections and diversity. In Moreno Valley we are a relatively young City. All of our multi-use trail connections have not been finished. Each time when development is on a downward spiral it delays the completion of the system, however trail connections will eventually be reached. Our Master Plan of

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Trails is there to do that and is our vision for the future of our City. As a Trails Board Member, I am pleased to report the positive response we have had from our multi-use trails and offer our quarterly hike events. These hikes are open to all children and adults in the community and from outside the community. They are just amazed when they see things in Moreno Valley on the trails that they haven't seen before. I agree with the Moreno Valley Chamber Newsletter that stated that Moreno Valley trails are the hidden gem of our community. Thank you.

CHAIR DE JONG – Thank you... Gordie Tucker followed by Thomas Thornsley

SPEAKER TUCKER – Good evening, my name is Lil' Gordie Tucker from Moreno Valley. I'd just like to make some statements here towards these union brothers and sisters that are here tonight. It goes a long way in showing strong lack of union brotherhood among unions in America. It wasn't that long ago these same warehouses in Ontario and around California undertook actions against unions by forcing them out. The union was the International Longshoreman's and Warehousemen's Union. They chased them out of their facilities in an effort to seek lower wager and no benefits. As an ex-ILWU representative at time, based out of Los Angeles Harbor, I didn't see or hear of any of these unions standing up for their brothers then and I see nothing has changed. These jobs that warehouses will bring to the City of Moreno Valley will not be offered to union members at union wages and union benefits. The ILWU has members of all trades; electricians, crane operators, stevedore operators, truck drivers, maintenance workers, pipe fitters, boiler makers, welders, carpenters, heavy equipment operators and yes warehouse workers. They and their families wish the same as everybody else; to earn a decent wage and get benefits. Think about that tonight and how you as union brother and sisters would feel if the ILWU supported projects which are now off limits to you and your fellow members. After all the members of the ILWU can fill each and every aspect of your unions trades and in the event that you for some reason need to walk off those jobs in order to keep your wages and benefits at the level that you need to support you and your families. Thank you.

CHAIR DE JONG – Thank you...Thomas Thornsley followed by Alex Ortiz

SPEAKER THORNSLEY – Hi Thomas Thornsley, 29177 Steven Street in Moreno Valley. I'm not here to talk about jobs. I'd like to talk about some unfinished road improvements knowing that we've got another project that's going to be right at two major intersections at Redlands and Theodore; I've been concerned for three years with the unfinished access points near the Wal Mart Center. We have a four lane roadway that comes from the Auto Malls along the south side of the Wal Mart Center and dead ends at a block wall. From all my years in Planning in the past you wouldn't have put a four lane highway or a roadway if you hadn't intended it to go through and connect somewhere else. It doesn't make much sense to dead end there. You also have a four lane roadway

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that comes from the Target Center at Nason and terminates right up against Moreno Beach and does not go through either. Now the only way to go from the east side off of Moreno Beach to the Target Center is drive through the Wal Mart Center which from all my years in planning and studying with Transportation circulation, that's very poor circulation planning. I know Cal Trans is very slow to deal with to get improvements made and that improvement I think should have been done at least by the time the Target Center opened and then I think everybody who gets off at Nason will totally agree that that intersection is so far from being adequate that it's at Level of Service "F" most of the time that I've ever been there. During the Christmas holidays it was insane. It was so much easier for me to go from Cottonwood and meander through there in order to even try get up to that Center. I hope with any future projects that are along the freeway long before the projects are open for business we don't let them develop and have that same kind of infrastructure or lack of infrastructure that's critically needed. I would like to hear an addressing of when those improvements will be would, whether it would be tonight, which I don't think we have the time for it, but I do tune into you guys, so if it's talked about another night, I'd like it to be talked publicly. I know if I would go in and ask John or he would probably discuss it with me, but I think it's something the community needs to have addressed at this time because it's been a long time for the Wal Mart Center to be in and operating and not have the through access that should be there and at this point if there were ever any problems on the freeways, typically you would have an alternative frontage type access from one area to another and it does not exist right now and I hope in the near future that those are taken care of. Thank you.

CHAIR DE JONG – Okay I have four more Speaker Slips. I want to tell you now, if you wish to speak, fill out a slip and turn it in now. We're going to hear these four more; if we get no more in the next minute or so that will be it. Thank you... Alex Ortiz followed by Jim Koch

SPEAKER ORTIZ – Hello good evening. My name is Alex Ortiz, 29060 Juniper Avenue, Moreno Valley, California. I would like to suggest the forming of a volunteer group that will work to bring real manufacturing jobs to our community; not the ones that pollute our cities and our communities or destroy our environment. Maybe those that need jobs could get together and start a business and entrepreneurships. This is the American dream isn't it? For those Hispanics that come here tonight to use the racial card, maybe they need to get together with the Hispanics; they can tell them; guide them and tell them what to do and how to do it so that their families can benefit in the future. And one more thing I want to let you know that I don't need an interpreter, so therefore I won't become a City program or the government and remember one more thing; Government is not the solution to our problems, Government is the problem.

CHAIR DE JONG – Jim Koch followed by Michael Greco... Excuse me; we're taking no more Speaker Slips at this time.

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SPEAKER KOCH – Members of the Commission, my name is Jim Koch. I live at 28283 Keaton Drive, on the east end of Moreno Valley. I want to build on what Mr. Dada presented here earlier; the first speaker here regarding the image of Moreno Valley. Yes jobs are very important, but I think we need to look at the big picture. We have an opportunity here to provide a business education nurturing place here in the plan that provides locations and an opportunity for businesses to work together with the Colleges and UCR to provide a place for the graduates in conjunction with the businesses to provide good jobs and high end jobs like tech complexes and so forth. I was involved in the business education nurturing program at Cal Poly. It has been very successful in attracting the businesses that would help Moreno Valley enhance the image of Moreno Valley and yet you do also have places now that have the whole gamut of the other types of jobs in addition to these jobs that would provide the image and the jobs here for Moreno Valley and that means the business parks set aside in a plan to provide this opportunity. Thank you.

CHAIR DE JONG – Michael Greco followed by Ken Gilbert

SPEAKER GRECO – Good evening; Michael Greco. I've been a resident of Moreno Valley for almost five years. I live down in the Rancho Belago district. I was under the impression before I came here when I saw the baby killing and child labor signs that there was going to be a big debate tonight about development, but since it's off that I've been listening to the comments by everybody and it seems like the common theme is jobs and what really has been resonating with me as I've been listened to everybody is your jobs right, because all of you up there are paid by us and I think that from what I've seen in the time that I've been here and a lot of it's legacy that pre-dates probably you know a lot of you, but when you talk about things how the roads don't make sense, it's almost like somebody wasn't doing their job right with planning or when you see large chains come in and build stores and then they go out of business and then it just sits there. When you see millions of dollars commissioned to do things you know whatever; horse trails or different things, but you don't see millions of dollars commissioned to do things for children. I mean I know my own children when we've done sports; local sports; we had to fight to get a lighted area for our teams to practice, so what I really hope that you go away with tonight when you are making decisions on some of the developments that are to come, that you really think about not just the name; like if it's a Circuit City or you know... it's easy sign up a Jack-in-the-Box and give us another fast food. It's easy to you know to put down roads that don't really have a purpose that just cause more congestion. I think that one of the things that you need to consider that all of you that have jobs in this City, you don't have to drive in and out of the City; right you're not faced with that kind of pressures that the people live here are and I really hope that when you make your decisions going forward that you hold accountable whatever developers; whatever companies that come in and solicit your you know acceptance... you know there's economic viability and then there's you know environmental impacts, but I think what you really ought to

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consider is who is going to do things for the City for the long term and when we talk about jobs, we need to talk about your jobs and then the things that the people that are here like myself that have come here that are educated; that understand business; that know to read and that really are going to motivate and get a ground swell to make things that are better for everybody, mainly for our children and that's one of things that I hope we go away with is, that everybody is looking for jobs, that you've got jobs that don't require you to drive in and out of the City and I really you want to consider some of things going forward from people that want to come to this City than want to spend money on things like parks; things for our children; okay. Thank you.

CHAIR DE JONG – Thank you... Ken Gilbert followed by Susan Siegle

SPEAKER GILBERT – My name is Ken Gilbert and I live 23507 Woodlander Way in Moreno Valley. I've been living in this City for 20 years. Ever since I came to the City or since I had kids I kept them busy. Yeah we're all talking about jobs but I think the more important thing is the future for our kids, because kids are our future. Whether you have a job or not; I know people that have jobs that don't have jobs... even if you get a job a lot of people don't even spend time with their kids, they would rather buy a twelve pack of beer. There are millions of kids out there that are spending time on the streets not knowing what to do. Their parents have jobs; they just don't spend the time with them. Okay I spend every dime I have on my kids; keeping them busy; keeping out of trouble; trying to keep gangs away from our neighborhoods and what not; trying to get involved. There are a lot more people in Moreno Valley than this hundred people here and I'm talking to everybody watching TV right now that's going the City needs to do something; they need to do something... you need to do something Moreno Valley... watching TV and going this guy ought to do something; this guy ought to do something. I've coached kids that are black, Mexican, white, Asian; every nationality and it doesn't matter and I'm sitting here being labeled a racist and what not. Get off your butt; do something for your kids; that's an investment in our City; our State and our Country and I'm tired of people going oh well need jobs... yeah we need jobs. You need to take care of your kids first. It doesn't matter. You need to take care of your kids' man.

CHAIR DE JONG – Thank you... Manual Topete...

SPEAKER SIEGLE – Good evening, I've come here in good faith twice. I'm really sad that some of the speakers are a little demeaning last week because I'm against something. I was labeled a snob and grouped together like we're just one big group because we aren't pro and be that as it may that's neither here or there. What I really resent and think is just terrible is that someone would stand up here and label one whole group of people that they have never met; never spoken with; do not know personally as racist. To me racism is the ugliest word in the English language or any language and I think when you label a group of people racist for their beliefs just because they are not the same as yours, you

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then become a racist because you're grouping people together by whether it's their color; their beliefs or what they want to fight for. I don't think anyone has a right to group any people, whether they are blonde, black, Hispanic, white or whatever as a racist and I feel sorry for them that they are narrow minded enough to do that and I apologize for using this, but twice I've been called something I am not and I just really think it's sad. Thank you.

CHAIR DE JONG – Thank you...Manual Topete

SPEAKER TOPETE – Good evening. I kind of came here last minute you know; I didn't think I was going to come up here to speak, so I kind of snuck in one of those Speaker lists, but the reason I'm here is because I was raised in Moreno Valley since '82. I've been here all my life. I'm 38 years old now. I've been here 36 years. I've been in the same corner for now 36 years; where I work now; where I own business is where I rode my bike. In the last week I think I've finally go the straw thrown on my back. Is 20 years of owning a business here in Moreno Valley an expiration date, because they're really making it very hard for me to stay in business? Just like the sign behind you that states this is the City of Moreno Valley; I need signs in front of my business that say who I am. They're telling me I need to take down my signs; take down my neon; why? That's what attracts people to my business. True we need jobs. You know how I guarantee my job, I made my manager; my boss; my best friend myself. I've only had one job besides my business. A week after graduation from High School I opened my shop and it's been there for 20 years; well September it will be 20 years if Code Enforcement allows it. They are making it very hard. I'm losing money in closing in coming over here trying to get things done, only to get I'll call you back; I'll call you back and I don't get calls back. I've got two folders already of messages already of messages where nobody is calling me back. What do I have to do? I am being harassed by Code Enforcement. They are trying to make me do something that's illegal. They are threatening me. I need some help. No Councilmember is helping me. I've got people that are not even on the City Council coming to my rescue. I've got Mike Rios who is doing more for me than anybody that is getting paid to do their jobs. People that are doing this because they've known my business. Some of you are familiar with my business and you know I apologize if I'm getting a little loud but this is coming from my heart. I don't have anything written. I want to be left alone to run my business; that way I can secure at least 10 to 15 jobs on my corner. It's just a little corner; it's not a lot, but 20 years of not collecting unemployment checks; of keeping the same employees. I've got employees that have been with me for 15 years. What does that say for my business? I want to run my business the way I feel I should run it. It's been good to me. I've had a good life here. I've raised four kids. I want my kids to do the same thing I'm doing right now. I don't want them to go to school and then leave Moreno Valley. I want them to start a business here; make some money here and stay in the City that they grew up in. That's all I'm asking for. I wish somebody would come to my rescue. This week I'm going to go and find out how many other people I feel are victims of what Code

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Enforcement is doing. I just want to make my money and not ask anything from you guys. I don't even call the Police when I need them. I do not get my Police services. I've been burglarized over 30 times; armed robbery twice and nobody has been arrested. I need some help. Thank you.

CHAIR DE JONG – Thank you. Okay, that's the last of the Speaker Slips. I understand that a gentleman came up to one of the Officers and said that I had called his name earlier and now he's here. Can that gentleman come forward or woman; I'm sorry. We've already cut off Speaker Slips at this point. What is your name?

SPEAKER PALOMARES – Louise Palomares, I've lived here in the City for 20 years. Okay I'm not on this map and I support this project and I'm not on this map.

CHAIR DE JONG – Remember this is not items not on the Agenda.

SPEAKER PALOMARES – Okay, well there is a lot of people I heard at the last meeting that were speaking about the east end and they don't speak for everybody in the east end because I have rentals in the east end and when my tenants heard that a project might be coming to Moreno Valley they were ecstatic. We need these jobs here. We really need them and that's as much as I've got to say because everybody has already said quite a lot already. Thank you so much.

700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

(CONTINUED FROM PLANNING COMMISSION OF JANUARY 8TH, 2009)

CHAIR DE JONG – Thank you. Alright at this point we've reached a point where our Applicant is going to present a rebuttal to the Speakers both tonight and last week, but I understand that he has a powerpoint presentation and City Staff needs to set that up, so prior to the presentation we're going to take a 10 minute break at this point. Thank you.

(10 minute recess)

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CHAIR DE JONG – Hi we're back. As promised we're going to open the portion of the meeting where the applicant has a chance to rebut what he has heard this evening and the previous evening. It is now the Applicant's turn... Mr. Benzeevi.

APPLICANT BENZEEVI – Thank you. Good evening again. Is the sound on?

CHAIR DE JONG – I'm not sure...

APPLICANT BENZEEVI – Tell me if it's fine... I know between the accent and the acoustics, it doesn't quite work well. This is fine?

CHAIR DE JONG – I can hear you

COMMISSIONER MARZOEKI – I can hear you

APPLICANT BENZEEVI – Okay great... In any event thank you for giving us an opportunity to come back and I'm not sure if it's a rebuttal but I would like to respond to all the issues that were raised. We were amazed and actually pleased to see a lot of the community has come out and had a lot of things to say; some were legitimate concerns and I think are issues that should be addressed; others I would say that you know to some you know the truth is just a more elaborate form of fiction. I'm not sure exactly where things came from but you know I want to address those things that I think are far beyond what the realm of the project is. I thought I would address my remarks to the project itself, but a lot of things were said and I'm really not going to respond or rebut to all of those other issues. I think all of your time is valuable and I think it's probably proper for a different forum, not the Planning Commission. Just to get up to speed and sort of reiterate where we were last time, I'll just briefly and quickly go over what the parameters of the project is. We're talking about a project that is located between Redlands Boulevard and Theodore Street, bounded on the north by Highway 60 and the south by future Eucalyptus. It incorporates essentially four parcels; two commercial parcels; two investor parcels that are sort of center to the project. The two outer pieces are actually commercially zoned, all of which are within the Business Park zoning designation; Commercial designation within the current General Plan. There is no General Plan Amendment required for that; that's a point I will elaborate on and describe. Very quickly, to understand what we're talking about in terms of the building; this is the main building facility and it incorporates the logistics operation as well as an office and management operations. I've recently spoken with some of the Sketcher's representatives and asking them generally what the make-up of the operation will be and I was told that the head of the global logistics operation will actually have an office right here in this building as well as four Senior Vice Presidents in their divisions, as well as all of the IT both hardware and software compliance; you know customs; purchasing, management, marketing, finance and a lot of other functions. Approximately 100 to 150 executive type positions will be hired on the first Phase of the operation. They are expanding and

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planning to stay here for a long time and expand within our community, so that was generally what the numbers were. Again what the project looks like to remind everybody, I showed last time sort of... I'm going to show what the project looks like. This is again heading east. We are now going to cross the Redlands Boulevard Bridge and the project will be on the right as you are watching the video. It is highly landscaped. We'll also talk about that space between the pavement, the freeway and the actual landscape that belongs to the project. That is one of the issues that were raised and we will look at that as well, but generally speaking this is what we'll be seeing as we drive on our freeway; the Moreno Valley freeway; Highway 60 heading east. It's heavily landscaped with some areas which will remain open to expose the building. We think it's a tremendous building; sort of an iconic building and we think the community as well as the general public should have the opportunity to have a glimpse of the architecture, which is unique. Eucalyptus, which is the southern boundary; again this is turning from Theodore into Eucalyptus heading west towards Redlands Boulevard and this is sort of the entry. We will also talk about the median you see here. This median here is part of our General Plan Amendment. Currently Eucalyptus does not have a median and we are requesting the General Plan to allow us to install a median on Eucalyptus, which we will also be maintaining. Again, the project is on your right; again heavily landscaped with drought resistant type of planting. Anywhere there where there are posts or gates are essentially concealed from the public view and it's really a nice boulevard that you can get... If you didn't know there was that type of an operation behind it; it could be anything; it could be a hotel; it could be a high-end residential community; it could be anything at all really. The enhanced landscaping along the boulevard coupled with the median, obviously just creates a whole different experience. We're hoping that the City will continue with the median throughout Eucalyptus; again we're just proposing it for this segment that we have which is between Redlands and Theodore. Anyway this is heading to Redlands Boulevard now. Here we are going by the commercial area that will be on the right. It's zoned Commercial in the General Plan. It is still zoned Commercial and proposed to be Commercial in our plan here. Okay, in terms of traffic and traffic was an issue that was raised and exactly how heavy the traffic will be, we've had the simulation again and some folks said, well gee there is so many trucks; there is so much traffic and so on and I just want to remind you that how we looked at traffic or how we look at traffic as individuals and how we experience it on a human scale is entirely different. Some folks said, well gee there will be a truck every 42 seconds and things of that nature and we actually have a simulation of the traffic and we can actually... again this is looking in; if anybody has a stop watch or wants to count every red truck again; is every red car or truck is actual traffic that we are contributing to the ambient level of traffic at build-out, which means what you are seeing here is a simulation of traffic as it will be when it will be built-out and the red trucks and red cars are actually project related traffic. As you will see and you can count the interval between trucks and it may be 48 or 49 seconds; 50 seconds; you know it's intermittent, but on average it's about a minute, but this is how you know a car or a truck every 40

MV00018266

some seconds looks like. It is not the kind of congestions that we all think about when we hear these kinds of numbers. It's easy to get scared by thousands of anything, but how we experience it is entirely different and when you compare it to the fact that we are running so many over a 24 hour period; well the freeway capacity is several thousand cars; 70 to 80 to 90 depending on many thousand cars an hour going through the freeway at normal times so you can actually clock those trucks and you can see they might be those red trucks; it might be every 40 something seconds, so it's not accurate what people were trying to say that there are trucks on the freeway, but the reality is that it does not generate congestion; not at the level we're talking about. On average around the here, we represent about; according to the Traffic Study and the EIR analysis, about two percent of the traffic as we are going down west to the 60 Freeway, so traffic is really not a concern and everybody is welcome to clock it if you want to, but it exactly depicts the Traffic Study that was done for the project. Again it's not different when we head the other way. The same thing can be done. This is now traffic coming towards us. This is standing on Redlands Boulevard and looking east and the traffic coming west. Again the red cars and trucks are project related traffic... very low level compared to the freeway and this is at build-out. I mean it's almost kind of boring to watch traffic, it's just not that exciting, but it's also is not terrible, it's actually very well moving and fairly freely moving and this is taken at peek hours. This is the worst case during the traffic cycle of a day. We've tried to summarize all the issues raised and consolidated it into a presentation so we can go through some of the issues and one issue that was raised is the commitment to the City. Some people said; when our former Councilman said that somehow the City is betting us out one way or the other... A lot of nonsense in the sense; we haven't taken a dime from the City. We actually have no debt. All the properties were purchased for cash. It's in the tens of millions of dollars for that particular project alone; not the rest of our holdings here. For somebody in Moreno Valley that has a mortgage on their home; they are actually more in debt than we are. We have no debt and we own everything as they say on the street; free and clear, so we're certainly are not looking for (inaudible) thinking, actually we'll be helping the City with millions of dollars of improvements and in this particular project, approximately 45 million dollars between street improvements and other things. In terms of how much time did the public have to review this process? We heard people say it was rushed through. Actually the process started in August of 2007. We've been through the notice of preparation. It was published in October of 2007. There was a Public Hearing; EIR scoping meeting and a NOP (Notice of Preparation) and a Hearing that was conducted out in August of 2008 where the public brought in their input. A Draft EIR was prepared and circulated for 45 days. That 45 day circulation period terminated September 19th of 2008 and since that time we've continuously to receive, even though it was the deadline, we've accepted all requests and all input and data that was sent to us, reviewed it and responded to it. The City did that as well as part of the EIR process which culminated in the drafting and the publishing of the Final EIR, which was really adding on the comments to the Draft. The Draft was really the complete document and the Final EIR is that draft document; the complete

MV00018267

EIR plus the comments that were received after that period. We answered to all of them. There is also part of the process that has been occurring here that I think was somewhat; every meeting we come in and you are handed another stack of 300, 100, 200, 300, 1000 pages and ask how could you possibly make a decision before you read these extra 1,000 pages. Well in today's day and age of the internet, anybody can push print and regurgitate thousands of pages on any subject at all. We have to have a process in place and we have to make sure that whatever is presented is actually the relevant information or new information otherwise it will never end and we'll keep on hearing the same thing or we get handed another 300 pages of the same information again and ask that you couldn't possibly make a decision because you have so much new information now. Well we've looked at all this new information; the City has looked at it as well and there wasn't any new information in all those stacks of papers. It's the same thing repeating itself, so we're hoping that if you review the EIR which is almost a four foot high document. It's very detailed and almost has an answer to any issue that exists. In general context with what you have here... Sorry...Okay, this is essentially an overlay of the General Plan designation on top of where the project is. If you notice where it says project area is where the project site is. It is within the Business Park zoning. As you remember there were two commercial areas at Theodore and Redlands. Those remain commercial areas and it's within the General Plan Business Park designation. Well in any event, I want to clarify one important thing. We've heard a lot about the General Plan; we're amending the General Plan; we're changing the General Plan in the east end; we worked so hard on it for 10 years. I've been around and I understand how long it took to put this General Plan together, but the reality is we're not talking about changing the General Plan. The only General Plan Amendment that's in front of you actually relates to the realignment of trails and the placing of a median in future Eucalyptus. This is the only General Plan Amendment that is front of you. It isn't to change what the east end was like. It isn't to change the uses out there. The simple General Plan Amendment that's in front of you is to amend the General Plan as it relates to trails and the trail issue is simply this: There was a trail designated to go from Theodore to Sinclair, which is not there today and I hope we have that exhibit. I don't know if it's easy to see with the lights on? Are the lights on, on purpose are can see the slide this way? So the General Plan Amendment; what are we asking the Commission to evaluate and to amend? The only General Plan Amendment in front of you is to look at the multi-use trails that were crossing Highway 60. There was a bridge designated; simply a horse bridge; a bridge to cross Freeway 60; not for cars or anything else, simply for this trail and it's totally invisible; it's 20 million dollars, plus if you come south of the 60 Freeway the segment of Sinclair between the 60 Freeway and Eucalyptus has been abandoned by the City; not by us; it's been abandoned by the City. There is no connection from Sinclair to cross over the 60 Freeway and get to the north side, so that bridge or if you remember the bridge to nowhere; that's kind of the same thing; it's a bridge to nowhere, it wasn't going anywhere; there wasn't a street to receive it on the other end. So what we've done instead is to take the trail segment from Theodore and instead of going up

MV00018268

to Sinclair and going over the freeway, we're taking it from Theodore all the way out; actually extending it to Redlands Boulevard; so actually lengthening this trail and so we're asking the amendment is to actually extend the trail. But there is a bigger issue with the trail. We call it multi-purpose trail, but in reality we're asked to put this trail in next to a sidewalk; next to a bike trail and so what is the purpose of... if it's truly multi-purpose let's just have one trail that's for pedestrians, horses and bicyclists and not have a multi-purpose trail; a sidewalk and then have a bike trail. The reality of the fact is that it's really a horse trail and I understand why because no one will let his three year old kid on a tricycle be on that trail, followed by a ten year old kid on a two thousand pound horse galloping behind it, only to be followed by a senior citizen with a walker. It's just an impossible situation and bounded by the fences. You can even escape the place, so we questioned the whole issue of what it actually means, but that's a separate discussion. The General Plan Amendment simply is not to amend the allowable uses or anything else; it's simply to amend the realignment of the trail from Redlands to Theodore instead of from Redlands up across the freeway; over the 60 Freeway. By the way a bridge like this we estimate will cost about 20 million dollars and we thought that if 20 million dollars are spent in the City, there are better uses today than a bridge; in fact we can fix some of our roads with those 20 million dollars before we built those kinds of bridges. The second thing is the median. That is the second General Plan Amendment which is to amend the Circulation Plan of Eucalyptus Boulevard to accommodate a median and maybe we can take a look at Eucalyptus Street. Yeah you can see this is the median we're talking about. This is Eucalyptus. Eucalyptus as it exists today in the General Plan does not have a median, so we're proposing this median on Eucalyptus Street, so that's one of the issues with the General Plan Amendment and the second issue of the General Plan Amendment is the realignment of the trail that used to start at Redlands, come approximately half way to Sinclair and go over the freeway. It doesn't exist today and the bridge doesn't exist today, but that's how it was laid out. We're talking about taking the trail; potentially the alignment out to Redlands as a straight line. Okay we also think that... again you can see the alignment here and you'll take it all the way to Theodore Boulevard. This will be the entry to the Sketchers building. There was a lot of discussion about air quality and the buffer... Maybe I can just describe it... Well the project is here; there is... Well I'll just describe it... Generally speaking the air quality analysis indicates that the air quality surrounding the project preserved. The distance in which we get down to below the threshold of acceptable; the ambient air quality is about 440 feet and as you can see from the project site itself there is no one anywhere the vicinity; any residential units; any other units and in fact it is surrounded on three sides entirely by Commercial, Industrial and Business Park developments. Hopefully we'll have the slide that's more accurate and we can show that. There is another issue which we need to understand. A lot of things have been discussed about air quality and the context in which it's played out. The risk of being impacted by being close to a diesel source takes explanation a little bit. According to the way it is evaluated, it looks at incidents in the population per million, so the ambient level of air quality out in our environment

MV00018269

and the threshold is about 10 incidents per million people. The project itself with the 400 foot buffer gets us to that level, which means the air quality in the general area is preserved and air quality in general is an original issue; it isn't project specific or a building specific. You put the building anywhere and the ambient quality is affected by everything that is surrounding us. This was just a comparison of the risk rate, so for example if in Moreno Valley the risk of having any respiratory disease is one per a hundred thousand and murder is about six, so you know you are actually six times more likely to lose your life here because of homicide or murder than ever from inhaling any diesel fuel. Theft is about 3,200, so you a 3,200 or three thousand times chance more of actually being robbed today in your house while you are here at the Planning Commission Hearing because of the likelihood of propensity. But anyways, traffic again just very quickly; the traffic is diverted into the 60 Freeway. It goes along Eucalyptus and up Theodore and Redlands Boulevard. We are actually proposing in the first phase that Eucalyptus is actually a cul-de-sac and I think it's shown on the plan as a cul-de-sac such that the only way to enter in and out of the project is through Theodore. Later on we have that mechanism that we'll discuss with the City to limit truck access into Redlands Boulevard. As far as the project is concerned it's designed to work from Theodore. We're not looking really for access to Redlands Boulevard but none the less it goes north of Theodore and doesn't down to any of our communities. Just in terms of comparison, the General Plan uses that are allocated right now will produce about 36,000 trips a day. Our proposal actually is at 15, which is a 58 percent reduction from the proposed plan. The actual numbers of cars... if by comparison to look at the comparison of the weight; Moreno Valley Mall is at about 60,000 trips a day. That's what 60,000 trips a day looks like. The Stoneridge Wal Mart Center off of Moreno Beach Drive is at about 36,000 trips a day. The entire Highland Fairview Corporate Park; this entire project including Sketchers is at 15 and the Sketcher building itself is at 3,300, so by comparison we are about a tenth of what the Stoneridge Wal Mart Center at Moreno Beach Drive is in terms of traffic. The actual operational characteristics of Sketchers itself though is about 50 inbound trucks and 50 outgoing trucks; 50 usually coming in from the ports, which is at night time and not during daylight hours and the 50 outbound trucks go out after peak hours, which means they leave the capacity wide open on the freeway. That's their particular operational characteristics is about 100 trucks a day. The reason this says 3,000 is because this is not about Sketchers and their operational characteristics; is this... if you call it the typical or the typical such operation based on City guidelines and standards; it is not the actual operation, but the actual operation is about 100 movements a day for Sketchers. Okay I'd just like to summarize one point about jobs. There has been a lot of discussion about jobs and all this discussion if we just zone it a certain way they will come. Well as we all know you can't just zone something and they will come, otherwise why stop at a 50,000 square foot building or any building. We can zone it a bio-tech center; capitol of the world and bio-tech center of the world. We can zone it Manhattan be the financial capitol of the world; it doesn't quite work that way. We have to be responsive to our local original, even global economy to have real

MV00018270

jobs and because we have those designations that don't respond to the market; is we've been empty all this time. We are the second largest City in Riverside County and do not have any major employers here and it's not by happenstance. It's the type of decision we've been making all along that brought us here. There is no science to it. Other cities have been able to during the boom years attract a lot of businesses and that's because we cannot be arbitrary in terms of building size. It's like saying if you are a Moreno Valley company and you grow to be 50,000 square feet and you need 51,000 square feet we say take your business and your jobs and take it somewhere else because we are only limited to 50,000. In terms of the jobs generated in the park, there are already many jobs generating here. We are a Moreno Valley company. Our payroll is equivalent average median pay in Moreno Valley to about 60 people. That's part of what we do; that already jobs in Moreno Valley. There are about 1,000 construction jobs. The entire Business Park as it builds out is projected and this is according to analysis based on types of uses is about 2,500. People asked about Sketchers. They range today between 800 to 1,000 jobs with about 150 or 10 to 20 percent executive level type people there. So that's essentially the project. I'll just conclude with taking your around the project once again so we can see what... so in summary the General Plan Amendment; it is not to change the entire east end of Moreno Valley. It is simply the amendment that you're looking at is to amend the trail alignment and extend it. It is also to place a median on Eucalyptus Street. That is the entirety of the General Plan Amendment. The second part is the design of the building. This is a green building. We're trying to achieve the highest LEAD Certification possible. The solar system on this building already will be the largest in the region; several million dollars by far. The design of the project in terms of the freeway; we are proposing to put in our own landscaping and maintain our own landscaping and not do Cal Trans landscaping. Cal Trans landscaping and I wonder if we have those slides... If you look at comparison between what Cal Trans and actually the City standard and what we are proposing, you can compare to see... this is if we can go through slides... This is our 60 freeway. No, this is not the 60 freeway. This is estate areas in the rural east end... I guess this is not the day for slides or for computers... In any event as you know, obviously all of you drive the freeways and you know exactly what Cal Trans landscaping is. It is very sparse; it's very minimal; there's not a lot with it and if you compare it to the landscaping that we're proposing it's much, much more extensive than the Cal Trans landscaping, plus we control and maintain that landscaping. Unlike Cal Trans you'd have to ask permission from them to enter Cal Tran's property and then again it would have to be torn up when the freeway makes any improvements at all at some point. Okay I guess I'll open it up for questions because I guess the technology is going haywire here this evening.

CHAIR DE JONG – Okay, thank you. Commissioner questions of the Applicant?

MV00018271

VICE CHAIR MERKT – Yes, good evening, thank you for being here. For my own personal interest I understand you have been a developer for some period of time. Would you mind telling us how long you've been a developer.

APPLICANT BENZEEVI – I've been a businessman and a developer; sort of a generic term; doing real estate. I've been in real estate probably 27 years.

VICE CHAIR MERKT – Good, that's a lot of experience. Can you tell us a brief history of any of the projects you have completed in Moreno Valley or that Highland Fairview...?

COMMISSIONER GELLER – Mr. Chairman, this is absolutely improper. We have never grilled a developer like this. This is out of the scope of our responsibility. We are reviewing a project...

CHAIR DE JONG – I think that it's... Let's let him finish. I think it's relevant.

VICE CHAIR MERKT – You know, I'm just asking a question. If you object to it, please tell me, but I think it's a fair question.

APPLICANT BENZEEVI – It's fine. You can ask me those kinds of questions. I've never been asked that in a Planning Commission Hearing of forum but that's fine. I've invested a lot of Moreno Valley. We have spent a couple of 100 to 150 million dollars in Moreno Valley in cash buying property. We've owned a lot of property. We have started Aquabella as you know. We have done all the grading already in Aquabella. We have dug up all the lakes; about 20 million dollars of grading has been completed in Aquabella. Those Specific Plans have been completed for that. The plan check is in process for the club house. We currently shutdown for the winter and are waiting to see what the economy will do and as you know home prices in Moreno Valley has down by more than half; thousands of foreclosures and it becomes a question of whether or not you should start new housing when the market is in this state but we're certainly anxious to do it. We've bought all the remaining properties that you see here and again they are owned by us. They are owned for; as they say there is no financing involved there. We have done all of our plans. These plans have been checked by the City, so what you see here is exactly what is intended to be built and we're interested in pulling the building permits.

VICE CHAIR MERKT – Well I'm aware of what projects have in work and I understand you've been in this area since around 1990 or perhaps before that I just wanted to know if you had completed any projects in that period of time. I know you have started some. I know...

COMMISSIONER GELLER – You know Mr. Chairman this is absurd... What does this have to do with anything? It is not right. It is unfair.

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APPLICANT BENZEEVI – Okay, let me just say that we're trying very, very hard for years to get to a point where we can pull the permits so we can get to the business of building. You know we are trying very hard. We've spent a lot of time with City Staff; literally years going through plans; spending millions of dollars in plans; asking this Commission to move on with approval so we can actually get started with building the project.

VICE CHAIR MERKT – Okay...

CHAIR DE JONG – Do you have another question?

VICE CHAIR MERKT – No I'll leave it at that..

CHAIR DE JONG – Are there any other questions of the Applicant? Well I have one. I am curious Mr. Benzeevi, why you didn't mention the zone change as part of what we are voting on tonight?

APPLICANT BENZEEVI – I was again; there are a lot of technical issues here. I was referring to the General Plan Amendment. The General Plan Amendment relates to the issues that I talked about. There are other things that you are approving here. There is a Parcel Map, there is also the Zone Change to allow buildings larger than the 50,000 foot limitation, but that is not a General Plan Amendment.

CHAIR DE JONG – No it's not. Are there any other questions of the Applicant? Okay, thank you. I see none. Thank you for your time. I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – I'd like to start.

CHAIR DE JONG – Go ahead

COMMISSIONER GELLER – First off, what we are here to do tonight; we're approving a 2.6 million square foot project. We've heard all of these things about 35 million feet and I don't know millions of numbers have come out. I think the only thing in front of us tonight is 2.6 million square feet. I think the number one issue that I think that came up was pollution. First of all nobody bothered to bring up that I think the new trucks that are being produced today are far cleaner. They are not the kinds of trucks that are belching all these fumes. Also what hasn't been brought up is the State of California Air Resources Board passed the strictest retrofitting rules I believe anywhere in the nation that's going to require the entire diesel fleet that travels in the State of California to upgrade and basically to remove most of this particulate matter and yes it's going to take a number of years, but everything is going to take a number of years, but the fact is that no one bothered to mention it. It was just like well... but the State has taken action. Air quality is a regional issue; it's a statewide issue; it's not a block by

MV00018273

block issue. As a matter of fact we had people up here that said that yeah Mira Loma air it's so bad that it's moved to other cities. Well the point is air quality is not within a 300 foot range. If there is bad air, there is bad air, if there isn't; there isn't and I think first of all the reality is the number of trucks is going to be relatively, virtually none. You know we have lots of warehouses in this City and there are warehouses around us. There is the Mattress Factory; I mean there are warehouses all over the place and you know what, maybe I'm unique and again but no one here complained, I have never seen a Serta Mattress truck on our streets. I have never seen any of these warehouses; any body with trucks going in and out of them except for the UPS truck. I have a client near the Big 5 warehouse and I have been by there all the time during daylight hours. I see hundreds of cars in the parking lot. I have never seen a truck go or enter or leave that distribution center and no one here in all of Moreno Valley; no one has complained about one warehouse that's here and all of the trucks that are coming and going, because it doesn't happen. The trucks come and go in the middle of the night when no one is on the roads. That's the way it is. If the traffic of trucks in the City was such a big problem everybody would be complaining about it. I challenge anyone to find actual trucks delivering goods to one of these so called warehouses. What you see on the road during the day are trucks that have to go during the day. The trucks that bring us fuel; the trucks that bring groceries to the grocery stores; some of them have to be during the day; the construction trucks; concrete trucks and I mean those are who is out during the day and yeah there is some long haul truckers that might through up the 60 or somewhere else in Moreno Valley on their to somewhere else, but the core distribution centers do not have trucks going in and out during the day. It is not cost effective; they don't do it and that's why no one and of all the people that have testified in front of us and the three or four dozen letters and I have read every single letter that anyone gave us and anyone emailed and there is nothing in there to complain about any warehouse in this City and the so-called all the traffic and all of the fumes and all of this. We've approved several 1.5 or at least one 1.5 million square foot warehouse and I don't think anybody came to the public hearing. It hasn't been built, but if air quality was such a concern, there should have been hundreds of people there complaining about the air quality. No one came. I think it was just the Applicant or maybe a couple of people but we've approved lots of warehouses; none have been built because none of them have tenants, but the fact is the air quality is just a red herring really for the people that don't want this warehouse in the so called east end, although it's already been zoned for warehouses. Actually the number of trucks is relatively small. You know what no one... belching diesel fumes and my apologies to the School District; those darn school buses are worse than any truck I've ever been near. I drive behind those buses and you do start coughing and they are belching black smoke. The fact is the schools have no money to upgrade their fleet. I don't even know if they are called to upgrade their fleet over a period of time, but no one has complained about the school buses. All the people that complained about all these trucks, they still go to the market and they really like having a supermarket full of food. How do you think that it gets here? It doesn't

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get here on a horse and buggy. They like going to Target or any of these other stores; how do think they get goods. They come on a truck; a diesel truck; that's the only practical means of fuel that there is and the State recognizes the problem and they are trying to make it better and they have made it better. You know there is also a new diesel fuel formulation that also was blissfully ignored by everybody again to try to create cleaner diesel vehicles. It isn't a situation that's been ignored. The jobs are an interesting thing. I have had heard all these people saying these don't create jobs; these warehouses are all fake. Well in Inland Empire Magazine the top 100 private companies in the Inland Empire. The largest one listed is the Moreno Valley Mall, but they are not a real employer because they are full of different stores that employ people. The largest single employer in the City of Moreno Valley is the Walgreen's Distribution Center listing 2,240 workers. Now where are these five workers that run the whole warehouse? I have been in their warehouse. It is as automated as anything I've ever seen in my life. They've got... they've built that large... the reason that it stands so high is that they have a vertical crane or a vertical robotic system that needed height to move around. They got these little automated trolleys running over the building; 2,240 workers. Where is thing that nobody thing about nobody works there. You know my Uncle Fred has seen this warehouse and they only have five people. That's just utter nonsense. The Big 5 Warehouse; I don't have any reason to believe that it's not state of the art. It was just built a couple of years ago. They're parking lot is full of cars every single day. Drive by it; drive by any of these warehouses; drive by Walgreen's and see how many cars are in the parking lot and tell me they don't hire anybody. I mean it's just simply absurd. The other thing is let's assume we don't build this project; okay, we're not going to get those jobs ever. Some people said, well you know they're going to build the warehouse and they're going to bring all their employees from these other warehouses. Maybe that's true and maybe it's not. Some will come; some won't. I know lots of companies and you know I heard antidotes from a lot of the owners of businesses that have moved to Moreno Valley; some of their employees come and some don't and over time people quite; people retire; people move away; companies expand. If we don't get the jobs here now we're never going to get them. Whether it generates 100 new jobs or 10 new jobs, so what; sooner or later the Moreno Valley people are going to have all the advantages of getting those jobs. Number two is there are all the support services. You know they have warehouses in Ontario or wherever and you know when their plumbing breaks they're not going to call a plumber in Ontario; they are going to call one in Moreno Valley or someone in the general area and you've got all the services that these companies need to keep everything going. The practical side is that it is going to create a lot of ancillary jobs and again oh, they're not the jobs we want. Let me tell you... there was an article in the paper; In and Out Burger and I think it was in Banning; I might be wrong, but they had three or four hundred applicants for an eight dollar an hour burger flipping jobs, so don't tell me that people don't want ten dollar an hour jobs. I have a client who makes ten dollars an hour at a manufacturing company somewhere out here locally, they're going to close; they can't afford to stay in business and they're

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going to move to Covina and it's not going to be practical for ten dollars an hour for him to go to Covina, but to say; for anyone to sit here and say well ten dollar an hour jobs are just no good, if that's even the case and I don't know how much they pay. You know that's just outrageous to say that. Ten dollar an hour jobs are fine for a lot of people. I know there are a lot of people here that are retired that have nice government pensions and that's fine, you don't need a ten dollar an hour job and there also that that's a heck of a lot of money and you know maybe both of them in family have to work, but they can make a living and not having to drive to Covina for ten dollar an hour jobs a heck of a lot better and clearly in this center there is going to be a lot more than ten dollar an hour jobs. The schools... people say what's the impact? The fact is they're going to pay all of this money to the School District with zero impact on the schools. They're not going to generate one new student and there was some talk about the School District wasn't going to build schools. Well that's old news; it's done. The School District has pulled out. Whatever happens, they're not building there, but this project will create zero students for the School District and yet they'll pay all the school fees that everybody else pays. Now if they build 8,000 homes what's the impact to the School District? There were some issues of infrastructure. Let's talk about crime and fire. Well who is going to pay for it? You know what; do you really think there is much crime in these warehouse distribution centers? Do you think there are a lot of family squabbles that the Police have to come to and break up? Do you think there are a lot of burglaries? They have high security; they have full time guards; all places are gated; fully monitored with high end security; they don't have burglaries for the most part and robberies; they don't have anything. The Police don't come out to these centers except on very, very, rare occasions. The parking lots are secure; their cars aren't broken into and they have roving guards and they have cameras; they can afford it with the economies of scale. The Fire Department; they are all sprinklered; they have state of the art fire prevention; fire suppression systems. How many articles of paper have you read about you know; a modern state of the art industrial building having a big fire? Oh yeah, you get some of these old ones and some that have illegal materials on them, but mostly we read about house fires; that's what the City goes and responds to; either they are house fires or medical emergencies and again, even these buildings they have medical personnel; I mean they have everything. There's very, very low impact for the public. Number two is what people don't realize and for every house that's built, the taxes that homeowner pays; sad but true in this City due to the Prop 13 restrictions; the fact is the City loses ground with every house that is built. Rarely do the houses pay enough property taxes to cover the support of those extra Police created by the population; the extra Fire Department. I mean you can go to the City budget and look it up. The fact is that every house that is built; everybody's quality of life in some way comes down slightly because they can't afford to provide Police and enough Fire for all these people; whereas the fact is the businesses that get added add very little overhead to the City's operation. People say, oh if we do this it will open this Pandora's Box. I don't know of what. The zoning is the zoning. It was already zoned for Industrial type buildings. Somebody said, wow

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50,000 square foot buildings are fine. Well nobody wants 50,000 foot buildings. You know we can pretend; you know we can pretend about everything, but the fact is if all you had to do was zone and get people to build you know every city in the world would have all these high tech businesses and industries. It's just not there. You know if we compare the environmental impact of this project to homes, how much pollution does like 8,000 homes create. How much water does 8,000 homes use really... electrical; traffic, how many cars are there and really what is the health hazard? People just ignore like cars; well you know close the garage door with your car running and see how long you live. I mean in reality, cars are dangerous too. It's not just like diesel vehicles too that create pollution. People keep saying this General Plan took 10 years. Yeah it's true. On a calendar it took 10 years. It's not like every week we met for 10 years to resolve these issues. There is a whole array of reasons it took 10 years. One of the problems of taking 10 years is by the time it was done it was obsolete to a degree and also the General Plan is a dynamic document. It's not cast in stone; changes are made all the time. It just is what it is. You do the best you can, but it did take 10 years and like I say part of the result of that is the world we live in today is not the world that was in 10 years ago when we started it. I was there for the whole process. You know it is not the same world today. We can pretend that it is and put our head in the sand, but it's not. And again, mostly what's being requested is a Change of Zone. As discussed, the General Plan Update is trivial and yet you know oh don't change the General Plan. I know there one of the... and I took careful notes. I know one of the Speakers last week said, oh Mr. Benzeevi is just going to build and leave this town. I'll tell you something, nobody in this City has invested more in their personal residence than Mr. Benzeevi; nobody. He has made this his home and is spending millions of dollars on personal residence in this town and he is going to see this building from his house. We've have housing cycles in this City. I've moved here in 1983. Nothing was selling because interest rates for houses were at 15 percent. We made that crazy decision to do it because we knew they'd go down. We've had this huge flip flop of housing prices; skyrocketing, crashing, skyrocketing, crashing, foreclosures galore; you know one day we are the fastest growing City in the nation and the next day we are the foreclosure capital. Why does that happen? What is different here and the difference here; one of the big ones is we have no jobs in this City really. The jobs to housing ratio are way out of whack. The towns with little fluctuation in their housing prices have lots of jobs nearby of all different kinds and if we don't break that cycle and increase the jobs to housing ratio, in eight or ten more years we going to have another crash of housing prices. It's inevitable and it is not going to change. You look at Northern California cities or even Los Angeles; a lot of these cities where they had a much smaller decline in prices and a much lower foreclosure rate are that they've got jobs in their community. We basically have none to speak of and the only way we're going to break that cycle is to do that. People talk about all these trucks wandering around residential neighborhoods. Of all the warehouses put in this City, this one is the only one right next to the freeway. I mean I don't know how much closer you could get short of getting put in their own offering. All the other

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warehouses... some of them are miles from the warehouses and yet still again nobody complained about all the trucks on our City streets and yet we have warehouses all throughout the City. The fact is that it is isn't a problem and yeah it is possible; some trucker is going to illegally you know leave their deviated path; you know it happens. Yeah and some trucker illegally parks on the side of the road to take a nap. I know it happens, but the fact is it isn't going to be because or in spite of this project. One way or the other, the same things are still going to happen. You know I wish it was sort of in our power to you know end all air pollution and end this problem and end that problem but it's not. The impact of this proposed project is so trivial in the scheme of things in terms of air pollution and air quality and these other traffic issues; yeah I know people laughed at the graphics... oh that's not the way traffic is. You know I know, I've lived here for a lot of years and I've seen the traffic get worse, but again traffic modeling is traffic modeling; that's how it's done for better or for worse; it's not necessarily looking at the freeway in the real world, but the fact is the numbers of trips. Wal Mart generates far more trips than this project ever will. Is that good or bad and I thought that traffic would be much worse getting off at the Wal Mart and it's actually better than I had thought. You know I don't know what the right job is. I don't know. For the moment I have a job you know. It might change someday but for the moment I have a job, but you know one of the speakers talked about rich and poor and I think some of the residents really didn't understand that. You know what's rich and what's poor? The median income in this town is about 50 or 60 thousand dollars. I think that someone that makes 120, you know I think that's pretty rich by this City's standards. You know all the people on the east end aren't rolling in money and believe me I'm one of them. I couldn't that house... well maybe I could afford it today but four years ago I could have never afforded it and I've lived there in the same years for 25 or 26 years, but we have all types of people here and we need all types of jobs. There is nothing wrong with a warehouse job. I don't know what it is and the only people that are going to say that there is something wrong with it is someone that has a job. People that are unemployed aren't going to thumb their noise at either a warehouse job or flipping burgers at In and Out. I mean it's just... I don't know where that comes from, but again it comes from having a secure pension and a government pension plan; having a nice government job or whatever. I mean most of the people that spoke that didn't want it; that didn't like this project, most of them seemed to have pretty decent jobs or secure incomes. I don't think there are many people whose house is being foreclosed and they still said we don't need any jobs here. I don't think there many of those and if there were, they didn't say anything during their testimony. Water was an issue... look we don't run the water district. Eastern Municipal Water District; they are a government agency; they have their own Board of Directors. They said they will provide water to this project. It's their responsibility; that's it, I don't know. If they say they'll supply the water, they'll supply the water. We can sit and second guess well maybe there won't be enough; the fact is they said they will supply the water. That's all we can go on. Every single project that is built in this City they have to get a letter from the District that says we provide them water. They got their

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letter and that's the end of it. Property values... I don't know how much more property values can go down. I don't know how this project can make property values much worse than they've been in this City. I mean it's just not even possible. The fact is I have heard that mantra. When we had an apartments going up; well property values will plummet. You know what, they didn't plummet they actually went up. Having jobs and having you know a full service City that can provide jobs, entertainment and all the other things, that is what is going to keep housing values up. The fact is this project whether this project is built or not built; I can guarantee your house values are not going to up if this project is not built. If you think that then I don't know. No credible information was ever provided that that would be the case and my own experience; being here a long time; knowing lots of construction projects, it just doesn't happen. Yeah, if there were 20 houses right next to it, yeah there might be a problem for those 20 houses, but that's not the case here. You know people said we should provide healthy jobs. I don't know what that is. You know we have all these government agencies that are responsible for keeping people healthy and safe in their jobs. If these warehouse jobs were so dangerous why doesn't Cal OCEA shut down every warehouse in the State of California? Well the fact is apparently it's not as dangerous as some people like to say. I mean apparently it must work out okay because otherwise every warehouse would be shut down because they are dangerous. The fact is idling is illegal... diesel trucks they have to park and shut off and again the model of the modern logistics plants; again you go look at any of them; the trucks come in once a day, they back up, they turn off and they're done. They open the little loading dock doors and everyone does their thing, then the next day when they are ready to leave, they close the loading dock doors, they start their truck and they leave. People that are at neighbors running their trucks for 20 minutes in a residential neighborhood, they ought to call Code Enforcement. I think it's illegal and it's dead wrong. If my neighbor were idling his stupid truck for 20 or 30 minutes in my backyard, I'd be complaining, but that has nothing to do with this project and that isn't really an issue that is going to be there; that's the reality... they park, they unload and they leave. You know all we can do as Planning Commissioners; we can do kind of the best we can. There is no magic solution. There is nothing we could do; there is nothing the City Council could do and I don't think there is anything that anybody can do per say that's going to magically create these great jobs; if so every City in the nation would do it. My wife travels a lot for work out of the City and out of the State and she is in Oregon and she's been in the Mid-west in these little tiny towns where a lot of these factories have been built; these factory jobs that everybody wants. They ain't coming. I can guarantee you that they are not coming to California. They are in the Mid-west where wages are lower and you know they are where they are. They are in rural areas where they have a wide work force. There is virtually no manufacturing in California left of any size. The last car plant that was in Van Nuys I think closed about 20 or 30 years ago. It's just wishful thinking and again there is nothing we can do that would get General Motors... I don't know if we want General Motors, but you know there is nothing we can do. You can even look at aviation. I mean Long Beach is a hare's breath from closing;

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the now Boeing Plant, formerly Douglas. It's a hare's breath from closing and the only reason that it's still open is the government extended one of their contracts. It's sad and I'd love to see high paying manufacturing jobs here. Again we do the best we can. All we can hope is that if this project is approved you know that something good will come of it and maybe some manufacturers will come here; small manufacturers, but I had a lot of clients and most of the manufacturing; they have left this State. I mean there is just too must nonsense going on here; too many people against everything and you know what I think if the proposal was to build a manufacturing plant, the same people would come up with the same environmental issues and the same this issue and the same that issue and they'd find a reason to kill that project too. You know I live on the east end and you know I say I've been there all this time and there is no doubt in my mind that anyone that came up here and said it's a great project but it would be better if it was moved. Again, not in my backyard has been a mantra that I have heard with apartments; I heard with every project practically that we have approved that somebody doesn't want it because it's close to them and it's not in their perception of what they think. I have a simple test that I use and I've used it on this project and I've used it on every project... if I were in the same relationship as the effected homeowners would I vote for it. If I wouldn't vote for it for me, I wouldn't vote for it for anybody else and I am going to tell you the opportunity to get a Fortune 500 Headquarters is absolutely unbelievable. The reason the Press-Enterprise hasn't run a positive article is they don't want Moreno Valley to succeed. They want us to flunk. They want to knock us to the ground. They have published letter after letter of anti-Moreno Valley and all the anti-people they published their letters and I know that's not the only letters they got. They haven't published I don't think one pro-letter in a long time. The Editor of the Press-Enterprise is clearly against Sketchers or anything else that might bring Moreno Valley out of its current situation. Maybe it makes Riverside feel great; maybe they are hoping it will go to Riverside, but the fact is enough is enough. You know the headlines in the Press-Enterprise today is... you know people have said well what guarantee is this going to happen or that going to happen? Look, every project we approve; half of them get built and half of them don't and it's the way it is. Lots and lots of projects get approved and then don't get built for lots of reasons. The biggest reason these projects don't get built is the builders don't have any money. There is no financing now. It is unbelievable and anyone who knows anything about economics, it is unbelievable for a developer to have paid for all of their land in cash and have no encumbrances. You have no idea; there is nobody that is in that position that I'm aware of. All of the big industrial developers are maybe on the teetering of bankruptcy because of their huge leveraged debt. Debt is... you know a lot of these companies are going under; housing companies; retailers; their going under because of a huge amount of debt. It's absolutely incredible that any developer has paid cash for everything and again if you can find another company with that kind of you know, I'd sure love to hear about them because I'm not aware of any. It just doesn't exist in the real world companies of that and they talk about finishing projects or not finishing projects. The bottom line is our how one looks at it; Highland

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Fairview has invested millions and millions and millions of dollars. If they don't finish it; we approve and they never build it, well they never build it. I mean we don't have any control over that, but the fact that they have no debt and they have a tenant, makes it pretty likely. This idea of we are bailing them out of something, I have no clue where that comes from. You know most cities would pay money to have this kind of project in their town, and it isn't just another warehouse... if you compare this building to any other building in the City and tell me that's not the best looking thing you've ever seen... I mean there is nothing that even comes close and I thought we had raised the bar on industrial development. I mean I think most of the stuff built is pretty nice, but nothing in this City and I don't think anything in the City of Riverside or any of the other surrounding cities architecturally is going to come close to this building regardless of its size. You know the headline in the Press-Enterprise today really says it all; grim gets grimmer on economy. Who the heck would turn down a project like this...? I have no clue. That's all I have for this portion. I have some issues with the Conditions but we can wait on that. Let's the other Commissioners speak on this project and then I'd like to come back and talk about some of the Conditions.

CHAIR DE JONG – Okay

COMMISSIONER RIECHERS – Yes I have a number of points I would like to make. I don't have a particularly well organized order in which I'd like to make them. Some of them are comments related to points which were made last week; some points which were made this week; some points made by Commissioner Geller who spoke just before me. I will try to keep them reasonably well organized, but there will be a bit of rambling here I fear. I guess I'll start with a point just made by the Applicant who stated that there will approximately 50 trucks coming and going per day. A quick back of the envelope calculation here is that 50 trucks going into 1.8 million square feet... if you park the whole trailer inside that one 1.8 million square feet, it would take 40 days to fill that sucker up if you never took anything back out, so that doesn't quite seem to add up me. It seems to me that this warehouse is going to require a lot more traffic than that. I may be wrong; I may not understand warehousing at all, but it seems to me that there has to be a lot more turnover in that warehouse than that and it doesn't seem to me that 50 trucks a day is enough traffic for warehouse of that size. A point was made that 50,000 square feet is a ridiculous size for a limit on building size and that that's not what the market wants so that is not what we should require. I made the point scores, if not hundreds of times over my tenure here on the Planning Commission that it is not our job to create areas or change areas to meet the current demand of the City. We are a Planning Commission. It is our job to plan the City and design the City for the best future for the CIty, not to meet the needs and desires of the Applicants as they see fit at the current time. If we don't plan for the future, we will not be able to meet and design a future which we desire. It is our job to put together a plan and wait for conditions to come around to meet that plan. When I joined this Commission some 12

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years ago, many, many people told us that we were completely pie in the sky to put all of that land there in the southwest part of the City for an industrial area; that we were ridiculous; we were never going to get industrial development here in Moreno Valley; it was never going to come out here; it was far too much land; much closer to the ports in LA and Long Beach and we would never get industrial development here in Moreno Valley and several of us on the Commission said we need it; we have to wait for it and over the past several years we've had significant development down in our current industrial area; the former Oleander Specific Plan. I believe when we most recently reviewed and revised the Specific Plan we came up with a good plan for the 60 corridor, with offices on the north, Business Park on the south. Certainly nothing is knocking on our door to fill those spaces today, especially in our market right now, but I think it's a very good plan. I think is something that will greatly benefit the City in the years down the road, but I think we have to bite the bullet and wait for what we want and not to succumb to the temptation to accept something which is expedient at this point and frankly from standpoints would be beneficial to the City from a tax and revenue standpoint, at least short term, but to wait for what we really want and which would be far more beneficial to the City in the long term. It was stated that the traffic count is going to be far lower with this development than it would be under the existing General Plan. I couldn't agree more. That is simply because there would many, many, many more jobs under the existing General Plan than there will be under the proposed plan. If we put Business Park in there in 50,000 square foot buildings as opposed to an almost 2 million square foot building on half a mile frontage we're going to have a lot more jobs than we're going to have in that warehouse and in the long term I have no doubt that those are going to be and pardon me if I'm snobbish, but those are going to be more upscale jobs than what we're going to have in that warehouse notwithstanding the fact that we're going to have some technical jobs in the warehouse and I would remind everyone that this is the logistics center for this company; this is logistics headquarters for this company. This is not the corporate headquarters for this company in North America. We're not going to have the CEO; North American... I don't know what the title would be for the head honcho in North American, but I don't believe he is going to be moving to Moreno Valley. The distribution head for North America will be operating out of North America, but Sketchers will not be operating out of Moreno Valley; their distribution function will be but the corporate headquarters for Moreno Valley I doubt will be moving to and operating out of Moreno Valley. And furthermore I have no doubt that everyone; nearly everyone who is currently employed by Sketchers in their various buildings as they now exist will be offered jobs in the new facility here should it be built and I have very little doubt that anyone will turn down any one of those jobs in our current economy. There are not that far away and with the current economy I don't think any of them are going to see the commute from the current location to Moreno Valley as something they can turn down. They're not going to give up the change for any kind of job because of that commute. That's not going to leave a whole lot of jobs open for people of our community. Let's see... air quality has been kicked around a lot from both sides. Yeah the State is trying to

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do a lot to try to clean up diesel trucks, but if you read the detailed analysis of that, it's going to take at least 10 or 15 or 20 years to get all the trucks; all the dirty trucks off the roads. Nobody is going to be able to force the guys with the older trucks to scrap them or buy new trucks and nobody has got the money to buy them out or buy them new trucks. We have cleaned up the diesel fuel; we've taken the sulfur out of it, but that's largely so they can put cleaner engines in the newer trucks; that doesn't have a lot to do with the emissions that come out the older trucks and if air quality were not bad around concentrations of warehouses, why is Mira Loma moving way, way, way up the list very fast as a center of very toxic pollution and of concentrations of various medical problems including lung diseases and cancers and premature deaths. Mr. Geller spoke of the housing crash. The housing crash is certainly nothing unique to Moreno Valley or specific to policies of Moreno Valley. It's to say the least a national phenomenon. The previous time around we got clobbered particularly hard because of the Base realignment. We do perhaps get hit a little bit harder because of our lack of jobs, but the fact of the matter is Moreno Valley has always been in a boom bust cycle. Any place where you are going to periodically be the fastest growing City in the nation or in the State, when things slow down or turn down, you are going to get hit hard, if not hardest when things turn around, so that's a simple matter of fact. The faster things go up, the faster they go down, but by the same token the faster and the farther they go down, the faster and the farther they come back up, so our cycles just swing a little more widely than they do most other places. I remember very shortly after we moved into our house and I mean very shortly; within about 2 months, we were 40 percent upside down. It took a few years; we stayed down there, but within 10 years we were about double where we started, so the fact of the matter is Moreno Valley is a place where market values on single family houses swing wildly. I have not yet stated that I, like Mr. Geller very much commend the Applicant on his architecture for this facility. I find it outstanding and I'll come back to that in just a moment. I do want to say that I don't believe that I've stated it yet, and if I have I apologize, this project is pure and simply not what I personally and I don't; well I won't speak for anyone else; it's not what I personally envisioned for the 60 corridor while we were doing the Specific Plan. It's not even close. While we were doing the Specific Plan this would not have even been under consideration. I would not have voted for this Specific Plan if there was any way that anything like this could have come in there. I heard on the news either last night or it must have been earlier this evening that the water Gods were declaring and this is a direct quote, a prediction that this year releases from the delta were predicted to be 15 percent of normal. Now I'm believing that might have been a mis-statement and it might have been a 15 percent reduction from normal, which seems more reasonable, but it if is indeed 15 percent of normal our water supply is going to be in crisis mode and given that this project had to give up water from... this Applicant had to give up water from another of his projects, I have to have to severe concerns about the degree of rationing which will be implied and what that means to the land... the potential for what that means to the landscaping which is required of this project, which is very extensive. I don't know how much of that we can really

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consider tonight, but it is a concern of mine and I guess my last point would be that in fact this City wholeheartedly welcomes projects exactly like this and exactly of this size and we would and I would; I won't speak for my fellow Commissioners again, but I would love to see this project presented to us, but I need to see it presented to us down in our already industrial zoned area before I can support it. We have an industrial zone. We have facilities there already designed to handle it; to handle the traffic ready for this kind of development and the 215 corridor is ready to handle it and the 60 corridor frankly is not. The overpasses which have to be used to get to and from this project are not designed to handle the traffic which will be required to get to this project. Down in our industrial area, this would be the star project of that industrial area and I would wholeheartedly support this project without even blinking; without even thinking were it proposed for down there, but where it is proposed, I can't even think about supporting it. I cannot make the findings required for the statement of overriding considerations and I cannot support the project for where and how it is proposed.

CHAIR DE JONG – Thank you Commissioner Riechers

COMMISSIONER MARZOEKI – I'm not as eloquent a speaker as my other Commissioners here, so I did write some notes. First I'd like to thank everybody for coming out; everybody in the community here that was for or against the project. I really do appreciate all of your time; all our your comments that you have provided us and it did help me in rendering my decision tonight and I think you all deserve a round of applause, so if you would give yourself a round of applause for coming out and sharing in this with us. I just wish that when we did the General Plan Amendment, that we had as many people come out and let us know what their vision was for the City was at that time. Bringing jobs to Moreno Valley has always been an important endeavor for this Commission for many years and this project in front of us tonight promises to do just that. The positives of the project are a large well designed warehouse facility that will be built to LEAD standards. It is state of the art. It is beautiful and has plush landscaping you know to make the building and the surrounding area visibly pleasing and detracts from the massiveness of the project because it is a large project. But before I go any farther with my comments, just bear with me for a moment while I reflect. In April of 2006 you know the Planning Commission finished the review of the General Plan Update at that time. Several members of the community did come out and once again I said not as many as that are here tonight, but they spoke about what they liked about the Draft General Plan Amendment and what they did not like about it. We listened to their concerns and these were from community members from all over the City and with their comments we were able to put together a shared vision of what we the community members; not the City Staff wanted our City to look like in the future and one of the primary changes to the original General Plan included changes to the land uses to provide a more balanced community and at that time I felt that is what we did. But to coming back to today, I feel we need to consider that same mindset and

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be smart about our growth here in Moreno Valley. This is an amazing project... yes it is and it would be wonderful to have a company like Sketchers in our community, but just based on something the Applicant said in the previous meeting, this project is not about Sketchers; it really isn't, they are only a tenant of this facility, so it's not about Sketchers, so we have to look at the building itself and what it is in the area. Though a great project, I have several concerns about the traffic impacts to the City. Where is the infrastructure to support this? As Commissioner Riechers said, you know Cal Trans has no immediate plans to actually improve the 60 freeway or Redlands Boulevard or Theodore interchanges and with the development of a 1.8 million square foot warehouse facility generating over 15 thousand and that's the number that I got and I see you changed that number to 3,000 for this facility; vehicle trips a day with our already crowded freeways, it's not going to be able to handle that extra congestion. I don't know if you are like me, but somebody said that we all have jobs here in Moreno Valley. I work in Ontario every day and I drive that 60 freeway every day and the traffic just gets worse, so the Planning Commission is my second job and this is something that I am pleased to do for this City that has done a lot for me. I've been here in this City for 23 years, so this is not just something that I take lightly, it really isn't. Okay it was quite interesting; the video simulations that you provided from Redlands Boulevard to Theodore but I would have much seen the impacts to the interchange from the 60/215 to the project and then vice versa. You know that would've really I'm sure grabbed a lot of peoples attention with that. I work for an engineering firm and I've worked for an engineering firm for over 20 years and this has provided me with enough insight on projects like this that I thoroughly understand the type of facilities these are and how much traffic it can generate. There is also a visual impact. While watching the video simulation again, the building and how it would look from the freeway; I counted 15 seconds to drive by it at normal speeds. Now that's a big building, now I don't know how long that is but to me it seemed like a mile. It just seemed to me like a very long building. I'm also concerned about the air quality issues because I read in the documentation that was provided that the School District was looking to develop a school in close proximity to this project and this worries me and I know Michael Bremen and Associates who actually who put together the EIR, that was one of their concerns as well. I know on another project that was here in the City that was in the industrial area, I had some similar concerns and was assured by the experts that it was not a problem for our children. I voted yes on the project, only to find out that I was not provided all the information at that time and as parents and grandparents in Moreno Valley our children's health and safety need to be a priority. I am not against development and I'm certainly not against Sketchers. The site is zoned Business Park and the Planning Commission did that for a reason and one of them is to have less intensity in the east end of the City. Looking back at my notes for the General Plan Update which I did last night, the east end was to remain rural on the north side of the 60 freeway; and executive style living on the south and this project does not fit that model. So furthermore, though I know that some of my fellow Commissioners will disagree with me, to rezone this site could possibly set

MV00018285

precedence and I personally don't believe we need an additional industrial area in the City when the southwest portion is already zoned that way. So in closing, though this is an incredible project and I do agree with Commissioner Riechers that if it was in the industrial area, I would have no problem saying yes to it. In good conscience I cannot say yes to this project.

CHAIR DE JONG – Thank you

COMMISSIONER DOZIER – You know it's been almost a year since we've had to think about this project. We've seen newspaper articles. We've heard testimony from... I've had a year to talk to my Historical Society members who are some of the oldest families in this town about what it means to them and what the project would mean to them and so I've gotten a lot more feedback than just the public testimony that we've heard over the last couple of Thursdays and I'm just going to share some of those thoughts with you so you'll kind of get to how I'm thinking about the project. I'm in economic development. It's my job every day for the County of Riverside to find companies that might want to invest here in Riverside County. We run a business attraction program for the County and we on a daily basis talk to companies about what they look for and why they would chose a location to bring their company and so I have a different perspective on how difficult it is to do that. These are multi-million dollar decisions being made by companies to decide where they are going to put their businesses. I'll just share a couple of thoughts with you that manufacturing... if we think that we're going to fill the south section of our City with a lot of manufacturing... manufacturing for you environmentalists out there is an endangered species. We're not going to get that car manufacturer here. They don't come here. They go out to Georgia and they go to Alabama and that's where all of the plants have been going. It used to be that a small town could count on one major manufacturer coming into town and employ half the population. That is not going to happen in our Country much any more. It's happening in those sections of the Country that I just mentioned. There is a new animal for us. Our manufacturing has gone off-shore and our companies are American companies that are doing business here in the United States have found labor pools that will allow them to produce a different kind of sneaker or a different kind of a pair of pants that can be marketed here. What we're getting is we're getting ships coming into our ports; delivering those manufactured goods. We have two of the largest ports in the world to receive these goods from Asia and points west and what that does for us here in Southern California is it makes us an opportunity to warehouse and somehow distribute those goods throughout the United States for all our citizens to consume. So in the past in the 1950's and 60's when steel companies or auto manufacturers or airplane manufacturers could come into a town and make that economy; we don't have that. We don't have that opportunity here any more; it's very rare. The companies that we are getting to manufacture here are a lot smaller and in their industries we're probably going to get a company called Primary Steel that might go off of the I-215 and they are going to provide 200 jobs. It's very rare to get a steel

MV00018286

manufacturer anywhere these days as they are an endangered species, so we get distribution and we happen to be near the 60, the I-215 freeways and because of those corridors, we are the next... there is a progression. They bring it into the ports; they fill up all the warehouses and we're it because we've got the amount of land where we can build larger distribution projects, so whether we like it or not, the fact that we geographically are prime for distribution; we're getting it. Look along the I-215. We had some people from the State come down. They do economic development for the State and they asked us to give them a tour of just our area here and their comments were God; geez; the size of these buildings. They were just shocked at the size of the buildings. Well that's the market; that's the market. These companies don't need 50,000 square foot warehouses. Tesco would not be here... I don't know if you know who Tesco is but they've got a warehouse on the other side of the I-215. They supply all of the Fresh N Easy's in the area. I think they are in and I want to 800,000 square feet. I don't remember what the exact size of that building, but they wouldn't come to Moreno Valley if we only had 50,000 square foot buildings. That's why they are on the other side of the freeway. They are paying taxes over there and as an aside for this so you understand how this works; Tesco is a British company who invested here in our Inland Empire which was a first for them and they brought two other companies with them... a company called Wild Rocket that does meat packaging for them and they brought another called Two Sisters which does some other kind of packaging of goods for them and they are now over there too. So that's an example that I'm going to touch on a little bit later that because Tesco who is the Wal Mart of England, so to speak in terms of size and stature, because they chose to come here and chose that address over there, two of their major suppliers had to come too and so we got the benefit of that business. Had Tesco not come here, those other two companies wouldn't need to come here; there would be no attraction. You know they had to ask well where are you going and why are you going there and we need to be there too. I think Sketchers will do a little bit of that for us as well here in Moreno Valley, but manufacturing is an endangered species, so what do we get... we get distribution because geographically that's what we can support; that's what these companies are looking for; we have the open land; we have the larger inventory buildings that will draw these companies to us and those containers that are coming into the ports are going to double and triple in number over the next 10 to 15 years, so we're going to be a more of a logistics center than we may even want to be, but that's what we are and unless we want to get rid of the ports; unless we don't want these jobs, these are good jobs. You know when you get into the distribution and supply chain management, there are some jobs that are very, very high paid if you are good at what you do because these companies aren't manufacturing any more; they are creating marketing plans, distribution plans; supply chain management scenarios and they want the expertise of people who know how to do that and do it efficiently and they want to hire those kinds of people. It's not about whether they've got an automated place. DHL was automated, but I saw hundreds of people working over there until they moved, but these are jobs; these are futures for people. You know you come out of the

MV00018287

military; if you were in supply chain management in the military you've got a very good opportunity in this region to have full career and work for the rest of your life and feed your family and support your family on the kinds of jobs that these projects can bring. We're going to get companies that we hope will bring their corporate headquarters with them. We're not going... some corporate headquarters; they want to be in Paris; they want to be in New York; they want to be in San Francisco because those big cities have a certain appeal; they have a certain lifestyle; they have a certain ambiance to them. We're not going to get some of those corporate headquarters. It's unrealistic for us to think that we can, but we can get a regional headquarters that needs to be near their distribution center. This company Sketchers; they're smart. They are scattered out in four or five warehouses; economies of scale; they need large acreage; they need large buildings so that they can consolidate their operations. There isn't a city that I talked to and I talk to the economic development people in all 26 cities now in Riverside County that wouldn't die and beg to have this kind of project in their City. Now that's an issue of... and we compete with those cities because we compete for those jobs and we compete for the tax revenue and we compete for the infrastructure development that they bring when they come. Riverside would love to have this project; trust me; they would love to have it. So would San Bernadino is losing it; they're trying to keep it, so we have to understand I guess when we look at this project what is it's value to us as a City. What does it really represent and you know we've set aside land in the south. I had to deal with this issue because I understand the vision of the people on the east side of Moreno Valley. I understand their vision. I'd love... I don't like riding horses that much, but I'd love to have horse property up in the hills nestled away and very fortunate for them and there is plenty of land over there that that lifestyle can be maintained whether this warehouse is built where we're considering putting it or not. Okay, there is plenty of land over there. The other thing I think is that we don't have enough really land set aside to put industry in; any kind of industry that will provide the number of jobs that we should provide and need to provide for the residents of this City. Some cities have 20 percent of their land mass set aside to accommodate jobs for their citizens. I think we have maybe 3 to 5 percent of our land mass set aside for industry. It may be a little higher than that, but not much higher than that, so if we want to provide for our City, so if we're going to have to look at regions that we can logically develop to provide some of those jobs. Somebody said well let's wait until we can get the jobs we want. We're going to wait a long time let me tell you. I'm telling you I'm in this business. If you are waiting for corporate headquarters, it ain't coming okay. If you are waiting for a lot of companies that would move into large office space I can tell about what the vacancy rate is for office space throughout Southern California right now. We have more office space than we can fill and people are begging to try to finds these kinds of companies. Do we want medical or bio-tech jobs...everybody wants those jobs. Oh those are high paying jobs and its clean industry. Well we have a program in the County where we go after those kinds of companies. Let me tell you, if you have a PhD and you are working in Irvine or you are working in San Diego or you're working in these coastal communities

MV00018288

where you are being paid well; you're working for a clean company, you've got a lifestyle down there; you're not coming here and you're company; the CEO's aren't brining those companies here. That ain't going to happen, so we have to deal with what we can really, reasonably afford to go after and to get and we have a diverse population here in Moreno Valley. Let me tell you the statistics don't lie. We have 50 percent of our population that has not seen the inside of a College classroom okay. That means we have to provide jobs for 50 percent of our population that aren't going to be those high tech jobs; that aren't going to be those necessarily high paying jobs, we have to provide for citizens and some of these distribution centers will provide those kinds of jobs and when we talk about jobs, you know there are primary jobs. I have what I call a primary job because I make the most money between my wife and me and so I pay most of the bills. She has a job that I consider a secondary job because she makes less than I do but it is an important job to our family. If she doesn't have the opportunity to have that secondary job making less money, collectively I can't afford to live the way I live. A lot of these jobs that we look at and we frown on and we say that's just a twelve dollar an hour job or you know that's a ten dollar an hour job. There are a lot of families in this town that covet those jobs; need those jobs; their wives need those jobs; their children need those jobs; they are secondary jobs, but put together with what they do, they have a whole job; they have an income that they can live and survive in our society, so I don't look down and I came from Workforce Development and I don't look down on any job. A job is positive for anyone who needs that particular job, so this kind of project does bring some of those kinds of jobs. The attraction of a Fortune 500 company that will bring even their regional executives or regional headquarters is a very difficult thing to do. It's highly sought after and we already; whatever you think about Highland Fairview properties or Iddo Benzeevi; in the world of economic development, he already has a contract for a Fortune 500 company already signed before he even gets the permit. If you don't think that that's hard to do and a difficult thing to do, you are sadly mistaken... very difficult to do and we should be thanking Highland Fairview properties for at least having us on the short list and even get Sketchers executives to even to be talking about us to do a project like this. That's my opinion. Now I'm going to say this and let's not talk about Sketchers; let's just talk about the whole idea of getting people who are willing to invest this kind of money in our community. This is an idea and it represents a promise of some kind of future. We've heard the testimony here; they're a lot of people who see their future wrapped up in what we're able to do or not able to do in terms of providing jobs for our citizens and it represents that American dream; the possibility of it that a Fortune 500 company could even locate here. It represents an economic development win for Moreno Valley. It represents an opportunity to open a door for other major companies that will look at our City because Sketchers made a business decision to locate here. Those executives out there aren't stupid. They have to compete with Sketchers... what was it about Moreno Valley that Sketchers saw that made them decide to come here over Riverside and all of these other places that they go can go wherever they want... they have the money to go wherever they want. Why are they choosing us? So it makes

MV00018289

those other companies think about that and those are reasons why we should consider the value of just having them considering our town. A little story was told to me and I'll just share it with you. Sketchers said well we're in Paris, we're in New York; we're in these major cities. You know when you say those names you think of these cosmopolitan areas that are large and international and are vibrant. Well when you say Moreno Valley, you're going to have one of your regional corporate headquarters and you're major distribution center in Moreno Valley, it doesn't ring like Paris; it doesn't ring Paris; it doesn't ring like New York or San Francisco, so there was a move to change the name to Rancho Belago and I supported that because as a marketer I understand. If you understood what happened in Chino and Chino Hills, all you had to do was add the Hills onto Chino and all of a sudden you have a whole new idea and look at Chino Hills today. They are able to attract some of the largest and best retailers and companies around because of that. I supported that and I thought it was a good idea because it allows Moreno Valley to be more than what it is and it allows it to become even more than what its founding fathers envisioned it could be. It allows that possibility, so now let's deal with the tough issues. What do I think about putting it on the east end of town and what do I think about whether the trucks are going to be able to get in and out of there and the traffic; what do I think about the pollution; what do I think about the lifestyle that you know the east end would like to maintain and I understand them and I appreciate them and I know that they have to fight to try and keep a lifestyle that they have there. Well about the traffic... traffic is a funny thing. Until you actually experience it and realize what it's going to be you can only speculate. You can only think that that's what's going to happen. I trust our Planning Department. Our Traffic Division; we've got some experienced people in Transportation and Traffic in our City. Their job is to study that issue and make a determination. That's why they are paid; that's what they went to school for; that's what they do everyday. They tell me that based on the traffic studies; based on what's going on over there now that they recommend approval; that that traffic is going to be okay and I think that they did their job well and so I'm going with them. I'm saying hey, thank you very much and I'm going with them. And then the other thing that I want to say is you know anything that is built; if it becomes obsolete ten or fifteen years from now then do what other cities do, tear it down and build what you need to build you know to serve your community at that time; because that's what they do. It takes them years but they do it; tear down communities; entire projects to make room for what's got to come new, so I don't worry about it's going to be an albatross or a dinosaur if they ever lose Sketchers. I don't worry about that you know; I deal with today. Alright, the last thing I'm going to say and I really appreciate... I didn't think I was going to go this long, but remember I had a year to think about this. It represents an important crossroads for Moreno Valley. I love Moreno Valley. I've invested my life; my wife; my children and we've had a good time here in Moreno Valley and I'm going to work until I retire I'm going to be in Moreno Valley, so it's an important crossroads for Moreno Valley because you know I see our City and it's changing and it's growing and we have all kinds of folks here and our needs are different. You know if you have a job its easy for

MV00018290

you to say lets wait until tomorrow to get a job for someone else. If you don't have a job, you need a job today; you need it yesterday, so to say that we could be naive enough and say well lets wait until we can get those medical bio-tech companies and wait till they can come, we'll be waiting a long time, meanwhile people will be starving; there will be soup kitchens; you know you don't plan that way. We're in the toughest economy that we've been in for 50 years. People are losing jobs left and right and I came from Workforce Development for the County. I can tell you that we are approaching almost 14 percent unemployment in our County. It used to hover around 4 or 5 and it's now close to 12 and they are predicting it could be as high as 14 or above by the time 2009 ends, so I understand when you come and say we need jobs. I've got neighbors...those houses are empty, not because of foreclosures because they don't have any work. They were in the construction trades. Some of them have gone back to Mexico because they can take what they earn here and live a lot better during tough economic times than they can here, but they would like to come back and we should be able to have jobs so that they can come back, because their children are invested in our community; in our schools; and their families are still here; the ones that have jobs, so we're impacted by it. I think it's a great project. I wish we could have more like it and I wish we could ensure... there's one caveat and then I will end and that is I had this vision too. Somebody took a Rancho Belago flyer and said what happened to this vision and Mr. Benzeevi was kind enough to show the new drawings and show the vision and I'm happy that we have someone in Moreno Valley that has a vision and what we think of it that has a vision for a future and the caveat is that vision in my mind did not include at that moment an industrial area right off of the 60 between Theodore and that wasn't part of the General Plan. But it's my attitude about the General Plan and you'll understand how I think about that. The General Plan is a general guide and economies change; situations change. Who would have predicted we would have been in this kind of economy today. Nobody predicted that and nobody knows where the bottom is really right now. We think we're going to hit bottom soon, but we don't know, so things change and I think that if we owe 10 years to do the plan it's sacred. It's not sacred. It's a plan. City General Plans change because cities change; people change; ideas change and if we're not ready to change then we are not going to survive. We've got to be able to adapt and we've got to be able to do the kinds of things that make sense for our community, so I think about the General Plan and I say okay, it wasn't quite what I envisioned; it wasn't quite part of that Rancho Belago vision that I had even thought about. I would have loved to have nothing but Business Parks and medical tech companies and bio-tech companies but that's not a reality. What is a reality is Sketchers has signed a contact to come here and provide about 2,000 jobs in that place at this time and so that's why I will change my mind. Thank you I appreciate it.

CHAIR DE JONG – Thank you

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VICE CHAIR MERKT – Wow what a meeting. The last couple of meetings have been very exciting. I'd like to echo what Commissioner Marzoeki said...

COMMISSIONER MARZOEKI – Do they need to change the tape?

CHAIR DE JONG – It was 10:30 last time...

PLANNING OFFICIAL TERELL – Yeah apparently the tape is longer this time. No I did go back and check and they have about an hour of tape left.

CHAIR DE JONG – Okay, good thank you. Sorry to interrupt...

VICE CHAIR MERKT – That's actually a shame because I have about three hours worth of comments to make after all this information, but I have some good news I have been able to reduce it by five minutes because of what my fellow Commissioners have said. Just kidding... Anyway, there a lot of things to cover on this issue and it's exciting as Commissioner Marzoeki said to see this kind of a turnout for this and hopefully we'll get this kind of a turnout the next time we update the General Plan and I think that maybe this meeting will educate people on how much they have to be involved in these things or they are going to be surprised when they get changed later on because they weren't done the way they wanted them done. This project first came to my attention in a very general way. I heard about a 1.8 million square foot warehouse; perhaps manufacturing combination building being proposed. Actually my first impression was this is going to be in the industrially zoned area of Moreno Valley to the southeast of the March Air Field and didn't hear too much about it and then all of a sudden my wife heard some information on the radio that it was going to be Sketchers in this project, so that kind of came along and both ideas kind of had a positive ring with me because I didn't know Sketchers as a company, but I did know Sketchers as a shoe, so I assumed that you know they probably were a pretty good company. But as the project location became obvious, it raised some concerns because it's so obviously conflicted with what we had set out as a vision for the City through our General Plan and as the project was presented to us I was actually amazed by the almost schizophrenic nature of this project and the way it was being presented to us. I'll explain that... on the one hand we're told this is Sketchers. It's on the drawings we received. We were told how many jobs Sketchers will provide. We were told about the Sketchers warehouses that are going to be left behind over in Ontario. Literally Sketchers is the star of this particular project, yet as Commissioner Marzoeki said, we're told well this really isn't about Sketchers. In fact we were told Sketchers is just the tenant and in fact the reality of that is reflected by the fact that there was not a single Sketchers representative at the prior meeting and there isn't a Sketchers representative here. The reason that is important is because a lot of the things we're being asked to believe about this project aren't known to the Planning Commission as to be valid or not valid. To be honest I don't know how many jobs Sketchers has in their warehouses in Ontario and I don't know how many jobs they're going to have here. We hear all

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kinds of figures but they are interspersed from are they going to be in this building we are approving tonight or they on all three phases and from what I understand they are on all three phases with the number 2,500 and the estimate of 1,000 apparently is what is going to work in the warehouse. I don't know. I don't have anybody to ask and that's a major problem for me. A lot of the vote on this comes down to credibility on the part of two entities. One is Highland Fairview and the other is Sketchers. I've heard the name as I said Sketchers. I know they make shoes. Apparently they are a Fortune 500 company but recently we've had some huge shocks from Fortune 500 companies. I don't think anybody could have imagined that General Motors would be within weeks of failing without a Government bailout... Chrysler the same situation... Lehman Bros... 100 years in existence and they had to be bailed out. Citibank; WaMu; bankrupt and had to be bought out. I mean the economic crisis around it is obvious when the government announces it's going to help it, but when Mervyn's went out of business I didn't see a government bailout of Mervyn's, so frankly without Sketchers here I don't know how this economy has affected their sales. I don't know what their financial standing is. The bottom line is I don't know that the lease Sketchers signed is worth the paper it's written on if their economics don't exist, so they're not here to testify, so I don't know. There's a credibility issue here...

CHAIR DE JONG – He says they are here

VICE CHAIR MERKT - Well they haven't testified and I asked if they were here, but in any case I assume that maybe they are financially sound. I don't know whether for example whether I can buy a car today; whether I can get financing because the car companies have backed down on financing cars. People buying homes... let's face it, it's hard to re-finance a mortgage. It's hard to buy a new home unless you have wonderful credit. I don't know whether this building can be financed. I don't know, so these are some questions that I have. I also don't know whether this developer can finish a project. He's been out here a long time. We've identified that, but I'd like to see some results. Doesn't this quality it but it would make feel a lot better about approving a project if I'd seen some results or something in the past. It's just me; that's my feelings about credibility. Another question about Sketchers; like for instance we're talking about pollution and perhaps I might have the most experience in trucking of anyone on the Planning Commission. I owned a small trucking company and before that I was an owner/operator and the type of operation very much determines exactly how much pollution comes from a trucking operation. I'll give you an example: Fresh N Easy; the Tesco Warehouse that we're talking about; when they back their trucks up to the warehouse and they have refrigeration units and things like that, they have plug ins so that they don't run generators. The trucks aren't idled. They are kept in very good condition. The company controls the trucking operation, but most of the warehousing operations that I've seen are serviced by owner/operators who work for companies like JB Hunt and Schneider and a whole assortment of trucks and frankly their conditions are significantly less

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modern than a fleet owned by a company, but I can't ask this question because the people that are going to determine the operation haven't been available to my knowledge on this, so basically if this a owner/operator type of operation we have to ask ourselves this question. If a person comes up there what are they going to do on a hundred degree day when they back their truck up to a warehouse door? We have rules and regulations, but the bottom line is this owner/operator probably won't know that and what's he going to do, sit in a 110 degree truck while his truck is loaded. I don't know. What's he going to do if the truck takes let's say overnight to load. Where is he going to take his truck? Is he going to take his truck to Ontario or perhaps even to Colton or someplace like that or is he just going to find a local location where he park his truck and maybe idle it and stay cook. I don't know. It's an issue on how much pollution will be provided and we truly don't have any answers to that yet. A lot of this testimony so far has been about jobs. Frankly I would liked to have asked the questions directly of Sketchers because... I'm sorry the testimony is finished, but they weren't available. Believe me I asked and was told they weren't here, but beyond that...

APPLICANT BENZEEVI – Who said that?

VICE CHAIR MERKT – Mr. Terell

APPLICANT BENZEEVI – Nobody asked us. I told Mr. Terell they were here tonight

VICE CHAIR MERKT - Well anyway as I said, they were not offered for testimony and I was not and frankly at this point I think we've passed that.

APPLICANT BENZEEVI – They are here tonight because you requested. There have been sitting here for a few hours

VICE CHAIR MERKT – And I didn't hear you say they were here.

APPLICANT BENZEEVI – You didn't ask me.

VICE CHAIR MERKT - Okay fine, I'm sorry Mr. Benzeevi.

APPLICANT BENZEEVI – You bring up whoever you want and ask questions from

VICE CHAIR MERKT - You testified and I was never told they were available. I asked specifically if they were there and I was told they weren't. Okay, so I'm not going to ask about something that I was told they weren't here. In any case, we're past that point, you know... Sir, this is Commissioner Debate, okay and frankly I'm not going to hold a conversation with you during the Debate. But in any case if they were here, I would have loved to have them present something, but they didn't. Frankly when it comes before the City Council, perhaps they can

MV00018294

testify then and perhaps the decision will be different. As I said, I wish they had been part of the conversation before this point. You know I see this building okay and I notice the computer animation. In the computer animation even the freeways; the berms of the freeway are green. The fields around this are green, but the bottom line is we know that's not the case. I see trees there; by his own admission the developer has said these are images of the business five years from now and frankly I think that's very, very optimistic. I think these trees are the kind of trees you see in 15 to 20 years. I think this is going to be a big, big building; clearly visible from all around. It will dominate the landscape out there. We're told not to consider this as the Sketchers project, but the bottom line is if this was presented to us as a four speculation property that might or might not be built, we wouldn't probably approve it, because we have lots and lots and lots of empty warehouse property in the City. In fact by the City figures, we have an approved project of I believe 1,560,000 square foot warehouse. We have many other millions of square footage of property, so I don't think if there wasn't a tenant that we would want to increase our stock by 1.8 million square feet without a tenant, so they are combined. This is a warehouse that is proposed that doesn't fit the plans of the vision of the General Plan, but also it doesn't fit the vision of Rancho Belago; the sign up there. When this was being debated in the City Council, they talked of a land of lakes and green fields and upscale housing and affordable housing and moderate homes and businesses to service that. There was no comment about warehouses being included in this vision and while this is only one project, the bottom line is we have two other projects in the pipeline. That's a fact and how many others are behind that; only the people who own the land and want to build warehouses know, but my guess is that they're probably keeping quiet at this point in time because they don't want to broil the waters. We've talked about jobs and whether the jobs are provided here, I don't know. For example, whether Sketchers testifies or whether they don't at this meeting, I think we'll all agree that the economy is down. As I said, Mervyn's is gone. I look at the figures in the paper about company results and sales are down, down, down. I find it difficult to believe that Sketchers is going to abandon their warehouses in Ontario and then come up to Moreno Valley, increase their capacity at a time that it would be amazing if their sales were down and seek much greater capacity. I find it difficult to believe that Sketchers would pick this period of time to increase their labor costs by increasing the number of employees from Ontario to Moreno Valley. I cannot believe that. It strains credulity. Some of the other things I kind of find funny is that Riverside has a conspiracy against Moreno Valley and the Press Enterprise is part of it. It's our regional newspaper. We have a reporter that is sitting outside the door; Dan Lee that reports on our City. I hope he isn't part of the conspiracy if there is one I don't know about. The bottom line is that if we approve this project I am not at all certain it will be built. I am not at all certain Sketchers will move here, but what I am positive is that if we approve this, we will have changed the zoning and vision of eastern Moreno Valley. That's a fact. It's simply a fact and I'm not ready to recommend to the City Council that we change that vision because I find way too much of this unconvincing. I hope that Sketchers... Well let me approach

MV00018295

another subject... jobs. Whether this provides jobs or it doesn't is clearly up in the air. We've heard people testify the workers from Ontario will be offered the jobs and frankly I haven't heard a single word by anybody guaranteeing even one job to a person in Moreno Valley, but let take a look at jobs in general in the Moreno Valley area. We talked about the Tesco Fresh N Easy Warehouse. My neighbor next door has a son. He is a Chef over at the food preparation center at Tesco, but Tesco isn't located in Moreno Valley. He is working maybe 500 feet away from Moreno Valley. I have other friends that work in Lowe's; the distribution center just south of the Ramona Freeway. We didn't get that facility. Actually there are other warehouses where it would have been scheduled but they moved down there and Moreno Valley citizens got jobs there, so just because a facility is not located in Moreno Valley, doesn't guarantee citizens will get the jobs here. People from Perris could; people from Riverside could. There are all kinds of things like that that could occur, and just because a job is outside of Moreno Valley, doesn't mean Moreno Valley citizens are excluded from these jobs, so you know the issue of jobs is really sort of a wash on this especially if Sketchers chooses to build this warehouse or perhaps occupy one of the empty warehouses in the industrial area that exist or that are approved for that area. The only thing that we know for sure tonight is that if we change the zoning and this building is not built or for some reason Sketchers doesn't come and occupy this building, that the zones will be changed forever. It doesn't revert back to the Business Park designation if the project associated with the zone change goes on. It just doesn't. One is not connected with the other even though we are presented with the two at the same time and frankly this is the wrong place for it for so many reasons that its just overwhelming in my mind and for those reason I would not recommend this for approval to the City Council.

CHAIR DE JONG – It's been a long night. Thank you everybody for hanging tight. Well I'm going to say it's a very good design. My compliments to the designers. There's a lot of work that has gone into this project and presentation and the video here and everything else. I need to say that I too love Moreno Valley very much. I've lived here almost 20 years, but I am also one of those that feel that is absolutely the wrong place for this to be. The City has an industrial zone with the dedicated truck access off of the 215; it's Oleander. The City has always embraced a less dense plan for the east end originally and that's still highly supported from rural pastoral to two houses per acre and Business Park of the approved General Plan including support Commercial. This warehouse building is equivalent size of 900 two thousand square foot home blueprints... it's huge or 36 fifty thousand Business Park buildings and it's only the first one. As it's been mentioned before, we know that there are more coming. I think that's a stated fact. This is a huge change to the approved General Plan. Now everybody is concerned about jobs, however the quality of those jobs really does need to be a concern as well. It's been noted and I agree that Business Park jobs already approved under the General Plan would offer a much greater range and diversity for the potential workers with a higher pay scale. That is important. We know that Sketchers is consolidating five warehouses in Ontario in these

MV00018296

economic challenged times. I think it's a very fair bet to say that those workers will relocate to Moreno Valley; at least a large percentage. There is a large amount of approved commercial in this City that offers a great potential for jobs. We talk about jobs; the Meridian Business Park just across the way and yes it's been mentioned before that it's in Riverside... Cactus and the 215; that offers approximately 38,000 jobs at build out... 38,000 jobs. We know the Sycamore Canyon Manufacturing Warehouse Plan just adjacent to it is going to offer approximately 10,000 more. We have 14 approved but yet unbuilt industrial warehouse projects currently in Moreno Valley and that totals 8,187,677 square feet. That's a huge potential for thousands of temporary construction jobs and full time jobs. I agree with an expressed opinion I believe was in the paper that the City of Moreno Valley would do much better for its job market by raising the bar for the quality of jobs. I believe that's true. I believe that the approved General Plan consists of Business Park, R2A housing and supporting commercial. Business Park jobs offer skilled and semi-skilled light manufacturing as well as highly paid professional office jobs. Currently the General Plan is offering 14,245 jobs in that area right now. Now granted, they are not knocking on the door, but they'll come. I believe that the ongoing debate regarding public health and safety in respect to diesel pm is a major concern. That has to be a major concern. It should be a concern to you as well. The EIR states that this impact cannot be remedied. I'm not willing to trade the health of the citizens of Moreno Valley for tax benefits. I've heard the arguments that we want the land to remain as farmland or that a no vote is a vote for no growth. Both of those statements do not reflect the truth. That's not right. That's not farmland now. I mean that it is, but it's not zoned farmland, it's been changed already. I remember the area in question has already been changed, approved for the aforementioned Business Park, R2A housing and the supporting commercial needed to sustain the community. Change will happen. The Planning Commission's job is to recommend that growth occurs in a logical, manageable and foreseeable way benefiting the future vision of the City. I support a no vote to this project, voting instead to maintain the General Plan.

COMMISSIONER GELLER – I've got a couple of additional comments I'd like to make. First off to Commissioner Marzoeki, well I don't think it's going to effect her decision, the schools are absolutely, positively are not going to build in that area. I don't know where that comes from. They withdrew all those approvals. They are not going to build those schools in that area. I talked with the School Board members and it isn't even on their plan anymore, so this is just a red herring that has been floating around. That's why they aren't here. That's why they didn't write any letters. They are not building any schools there. You know I am embarrassed; we have never gone to a developer and asked for financial statements. It's really; it's absolutely embarrassing. I'm embarrassed to be on this Planning Commission. We have never asked anyone for financial statements before we'd approve a project. We've never grilled the Applicants. You know there are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen approved and unconstructed industrial buildings. The

MV00018297

reason they are not constructed is there is no one to go in them. You know basically we had a Commissioner that said the Applicant flat out lied. He didn't use those words, but that's what he said and that's disgusting to me. That isn't the kind... that's just wholly inappropriate. You know all these un-built buildings are un-built because there is no one there. I don't know why anyone would believe that any developer would invest 250 million dollars if he didn't think his lease was good. You know I don't whose here or whose there... my wife is watching this and she can't believe it. She says tomorrow everyone on the fricking City is going to be on the phone to Sketchers wanting to put the place there. I mean I have no idea. I don't know what vision anyone is looking for on anything but personal attacks against the developer is outrageous. You know and again there is this confusion between approved and built. There are no empty 1.5 million square foot buildings in this City and the reason we want the buildings in this City as opposed to across the street in the County, property taxes don't get paid to Moreno Valley if they are in the County. Employment taxes don't get paid; sales taxes. This place used to be a sales tax generator; they don't get paid to Moreno Valley. Utility taxes don't get paid to Moreno Valley. Nothing gets paid to Moreno Valley for all those businesses across the street. Of course we want guarantees of jobs. Who is going to guarantee anything? We've never asked a developer, oh well we wont approve your project unless you guarantee this is going to happen. I mean it's simply outrageous. I don't know what's gotten into everybody. You don't have to prove it. You don't have to prove anything, but the kind of attacks on the developer; his credibility and his integrity, I find it disgusting and I apologize. You know I can only say what I can say. The economy is down, so our answer to a bad economy is to kill a project that would be an economy builder. That really makes a lot of sense to me. You know the economy is doing terribly so we shouldn't build anything in this town because something might happen down the road. Anything might happen anywhere at any time... a bird in the hand is worth two in bush. Ah, we'd approve it in the industrial area. Well that's not what's in front of us. You know we can go round and round on that but the fact is you know anyone when they say we'll that apartment building would be great somewhere else. You know we can all say that the projects are what the projects are, but the problem with the buildings not being here is no taxes, all the major benefits or many of the major benefits don't come to the City and it is... Conspiracy... the Press-Enterprise flat out told some of the Councilmembers they didn't want any of this stuff being built in Moreno Valley. Call it a conspiracy or not and I know Dan Lee and if he wants to talk to me about it I'll be happy to, but he isn't going to deny it either. You know just look at the paper and read it. Read the editorial sections; read the slant; it's pretty clear. I don't what the conspiracy mean, I'm saying the publishers. Yeah it's a regional newspaper and they've done everything they can to beat up Moreno Valley. It's just the way it is and it hasn't changed in all the years. Anyhow I guess we need to move forward.

CHAIR DE JONG – I have a request to speak from Commissioner Riechers.

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COMMISSIONER RIECHERS – Yeah I just have two very quick comments for Commissioner Geller. One is that the General Plan as it was first defined to me is that the General Plan of the City is best defined as the constitution of the City, so to say that it is a working document open to change; certainly it's open to change but it's not a frivolous document. We are limited to three amendments per year... four amendments per year. It's meant to be a very stable document. It's mean to be a long term document.

CHAIR DE JONG – We have ten minutes of tape.

COMMISSIONER RIECHERS – Okay, it's meant to be a long term vision for the City, so it's not meant to be something which is tweaked everytime a new proposal comes in which, for expediency the Plan can be changed. My second point is... I've lost it...

COMMISSIONER GELLER - Do you want me to help you...?

COMMISSIONER RIECHERS – What was your last comment?

COMMISSIONER GELLER – I talked about when the economy is down...

COMMISSIONER RIECHERS – Not the Press-Enterprise

COMMISSIONER GELLER – Oh the taxes don't get paid here; confusion between approved and built; issue of person gets financing... you know getting financial statements from Applicants; schools and I think that's it.

COMMISSIONER RIECHERS – I've lost it; never mind

VICE CHAIR MERKT – Yes Commissioner Riechers I'm you'll have a chance to recover on this and the one additional comment I wanted to make.

CHAIR DE JONG – We have six minutes of tape left

VICE CHAIR MERKT – And I'm going to make it very short, we don't approve projects based solely on its going to provide money to the City. The project has to stand on its own. If it provides funding for the City that's a great benefit and I love it, but I'm not going to buy something just because it's going to give money to us. That is not a reason to approve a project and to say it is, is wrong. Thank you.

COMMISSIONER GELLER – We're going to have to take a break anyway before concluding...

COMMISSIONER DOZIER – I have a great deal of respect for my fellow Commissioners, but this is one of the reasons why Moreno Valley gets laughed

at from the outside world and the economic development world out there that competes with us and does everything they can do to keep us as a City going in a certain direction. This is one of the tragic reasons why this happens. I am a little disappointed; very disappointed in fact that there is not a greater vision for a larger goal that will move Moreno Valley out of what I call a bedroom community mentality. That's all I'm going to say.

CHAIR DE JONG - Are we ready for a motion?

COMMISSIONER GELLER – Are we going to have time or do you want to...?

CHAIR DE JONG – I think we have time. We'll wrap it up... Who wants to make it?

VICE CHAIR MERKT – Yeah, let me put my reading glasses on and I'll make it. I move that we provide a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet and...

CHAIR RIECHERS – No we take them separately

COMMISSIONER MARZOEKI – No...

COMMISSIONER GELLER – I'll second that

CHAIR DE JONG – Do we do that separately?

VICE CHAIR MERKT – Yeah I think we do that separately because of the way it's written

CHAIR DE JONG – John do you concur with that?

PLANNING OFFICIAL TERELL – You first need to make a policy decision before we can move on to any other action items. It's not a Resolution, that's just a decision whether you want to... It's really the change...

CHAIR DE JONG – Do we vote on that with a motion and a second?

PLANNING OFFICIAL TERELL – Yes but the motion would be change the general land use in that area or not. It's not approving the Resolution related to the project or the zoning or anything else and I would do that by a motion. Can I defer to legal to advise us or give us a little advice there or make some conversation right there?

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CHAIR DE JONG – They are conferring. We are waiting for legal to finish conferring.

DEPUTY CITY ATTORNEY'S ERLY – Yes Chair, the Commission is not bound to the recommendations here. You could simply refer this to the City Council and you're not making the recommendation. In other words providing the policy recommendation is not a step that you have to take at all in this case. You can simply refer to the City Council without the recommendation.

CHAIR DE JONG – We may as well just continue

COMMISSIONER MARZOEKI - I'm not sure... I'm really not sure

CHAIR DE JONG – Go ahead and read it

VICE CHAIR MERKT – I think what I brought up is exactly what the Staff Report asked us to vote on. You know vote aye or no on this particular recommendation, so my motion stands and the second I assume stands.

CHAIR DE JONG – I'm just waiting for Bob to finalize that. Okay, we have five minutes... We had a second right?

COMMISSIONER GELLER – I suggest we take a break. We're not going to finish. If we run out of time, we're going have to take it anyway.

CHAIR DE JONG – I would agree, that's probably true

COMMISSIONER GELLER – We've been here a long time...

CHAR DE JONG – What's your finding?

PLANNING OFFICIAL TERELL – Well and maybe the City Attorney wants to say it directly, but basically as it seems you are inclined not to recommend the project to the City Council you would make a motion that says that... and the Deputy City Attorney... you are referring it to the City Council with a recommendation not to approve the project and with that it's my understanding you don't have to take any other actions.

CHAIR DE JONG – Any other action; that's it; alright

PLANNING OFFICIAL TERELL – Correct

CHAIR DE JONG – Well we can do that within five minutes

VICE CHAIR MERKT – Do you want me to try it again?

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CHAIR DE JONG – Yes please

VICE CHAIR MERKT – I move that we provide a policy recommendation to City Council not to approve the requested changes in property zoning in a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet.

CHAIR DE JONG – Okay, do I have a second on that?

COMMISSIONER RIECHERS – I'll second that

CHAIR DE JONG – Any discussion? All those in favor?

Opposed – 2 (Commissioner Geller and Commissioner Dozier)

Motion carries 4 – 2

CHAIR DE JONG – That concludes the recommendation. Staff wrap up please.

PLANNING OFFICIAL TERELL – Yes this recommendation shall be forwarded to the City Council for final review and action.

CHAIR DE JONG – Okay, thank you. Let's take a quick break so they can change tape and we'll get to the comments and finalize the meeting.

(10 minute recess)

CHAIR DOZIER – And we're back.

800 OTHER BUSINESS

810 STAFF COMMENTS

PLANNING OFFICIAL TERELL – You have a meeting next week I believe. The Agenda packets were provided to you tonight.

COMMISSIONER GELLER – Do you think it will be less contentious? It's a joke...

PLANNING OFFICIAL TERELL – Maybe, maybe you never know, but there are four items on the Agenda... A continued item from December for a project down in the south end of town; an industrial project...

COMMISSIONER GELLER – Sorry to interrupt... I saved the stuff. Is there new stuff in there or should we have our old stuff?

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PLANNING OFFICIAL TERELL – You should have your old stuff on that particular case

COMMISSIONER GELLER – I did save it, I just wanted to make sure

PLANNING OFFICIAL TERELL – Yes thank you. If you haven't let us know we can get that to you.

COMMISSIONER GELLER – On that one case, not the whole?

PLANNING OFFICIAL TERELL – Correct, the other cases are all new. There is a communications... a mono-eucalyptus off of Kalmia on the north side of town next to a water tank. There is a Buddhist Temple on Nason Street near Alessandro and then the last case is a comprehensive review and update to the City's landscape guidelines in advance of some new laws that are due next year increasing the water efficiency of our regulations, so that's the primary reason. So those are the four items you have for next week.

CHAIR DE JONG – Thank you. Item 900 Commissioner Comments

900 COMMISSIONER COMMENTS

VICE CHAIR MERKT – Over the past few weeks I was thinking about what I might say about a fellow Commissioner who has resigned from this Commission and I can't say enough fine things about Commissioner Bruce Springer. Basically he was a leader and a fine example on this Commission for many, many years. I believe he was on this Commission for 14 years.

COMMISSIONER MARZOEKI – 15 years

VICE CHAIR MERKT – 15... you know frankly I already miss him. He was a voice of reason. One of the most polite individuals I've ever met and did an outstanding job and I always admired him and I will miss him and I want to thank him for his service and tell him hopefully we'll all be able to stay in touch.

CHAIR DE JONG – Thank you. Are there any other Commissioner Comments down at this end?

COMMISSIONER RIECHERS – Well I also can't let this meeting end without making a comment about the empty chair to my left. Bruce was the only person up here who was here when I came so I'm dating myself, but lets just say many, many years I've spent up here with Bruce and early on we were pretty much polar opposites on the Commission but over the years we kind of drifted together on some if not many aspects and saw more and more eye to eye on an increasing number of issues; not that we didn't have our differences to the end,

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but we certainly came to have a respect for each other and he will certainly be missed. He brought a perspective to this Commission which will certainly be missed, so I want to wish him well. I have spoken with him on the phone since he left and just want to say for the public record that I'm sorry he's gone and want to wish him well.

CHAIR DE JONG – Very good...

COMMISSIONER MARZOEKI – Well I say ditto to that as well, but unlike all of you, I live right down the street from Bruce, so I see Bruce all the time. So it is nice to actually as I'm walking the neighborhood to see him and to talk to him and he did do a wonderful job for this Commission. He spent those 15 years here and he always had something positive to say, even if he was against a project, he always said something positive. We butted heads on the landscape issues always, but he did teach me a lot and you know I'm still probably going call him if I have some issues or I want some clarification on something, so yeah I will miss him too.

CHAIR DE JONG – I'd like to say thank you to everybody coming out these last two meetings. The involvement in the City is certainly your responsibility and I can see that a lot of people take that very seriously and I appreciate that very much and I'd like to say Bruce if you are listening ca-nee-chi-wa

COMMISSIONER GELLER – I think we've had enough syrupy stuff on Springee, but I just miss the interplay with him and just to all the people watching, there are four openings on the Planning Commission and if you really like being up here and like taking the abuse and you get a big hundred dollars a meeting, but seriously I know I think the Application deadline is January 30th at 5 o'clock. You can download Applications off the City's web-site or you can get them from the City Clerk, but you know think a lot more than we do, then I urge you all to apply and see what happens, but four of the terms are up including Commissioner Springer's, so depending on who re-applies and not there is certainly at least one unfilled seat, but anyway there are four openings and the Council will ultimately interview who they perceive are the finalists and make a decision on a whole, so again if you really want to get involved in a way, I urge you to submit your Application.

COMMISSIONER DOZIER – I have to comment on Bruce. Bruce I found out that he was gone when I came to the next meeting because I didn't get the email.

COMMISSIONER GELLER – You thought he was watching TV?

COMMISSIONER DOZIER – I said Bruce why was I the only one that didn't get the email; I have to find out at the meeting? Wonderful person; great guy to do business with; we've done business with the County and his firm; his real estate firm and he's just a good guy and we're going to miss him here. If you think of 15

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years of development in Moreno Valley, he was a part of every one of those decisions that came to that Planning Commission except for the days he was absent and that wasn't very often, so the City owes him a debt of gratitude because we don't this for the pay. If I calculated what I made an hour for the 100 dollars tonight, it doesn't add up to much. I'm working for below minimum wage today, so we don't do it for the money; we do it because we feel we want to help our community and Bruce dedicated... think about this...14, 15 years of his life and his time to our City and so we should thank him for that and if you see him tell him we're going to miss him.

CHAIR DE JONG – I think we are thanking for it... Anybody else? How about move for an adjournment?

1000 ADJOURNMENT

COMMISSIONER GELLER – So moved

COMMISSIONER RIECHERS – And seconded

CHAIR DE JONG – Okay, all those in favor? Good night Moreno Valley

_____ _____

John C. Terell Date
Planning Official
Approved

_____ _____

Rick De Jong Date
Chair

MV00018305

Aerial Map

PA07-0088 through PA07-0090

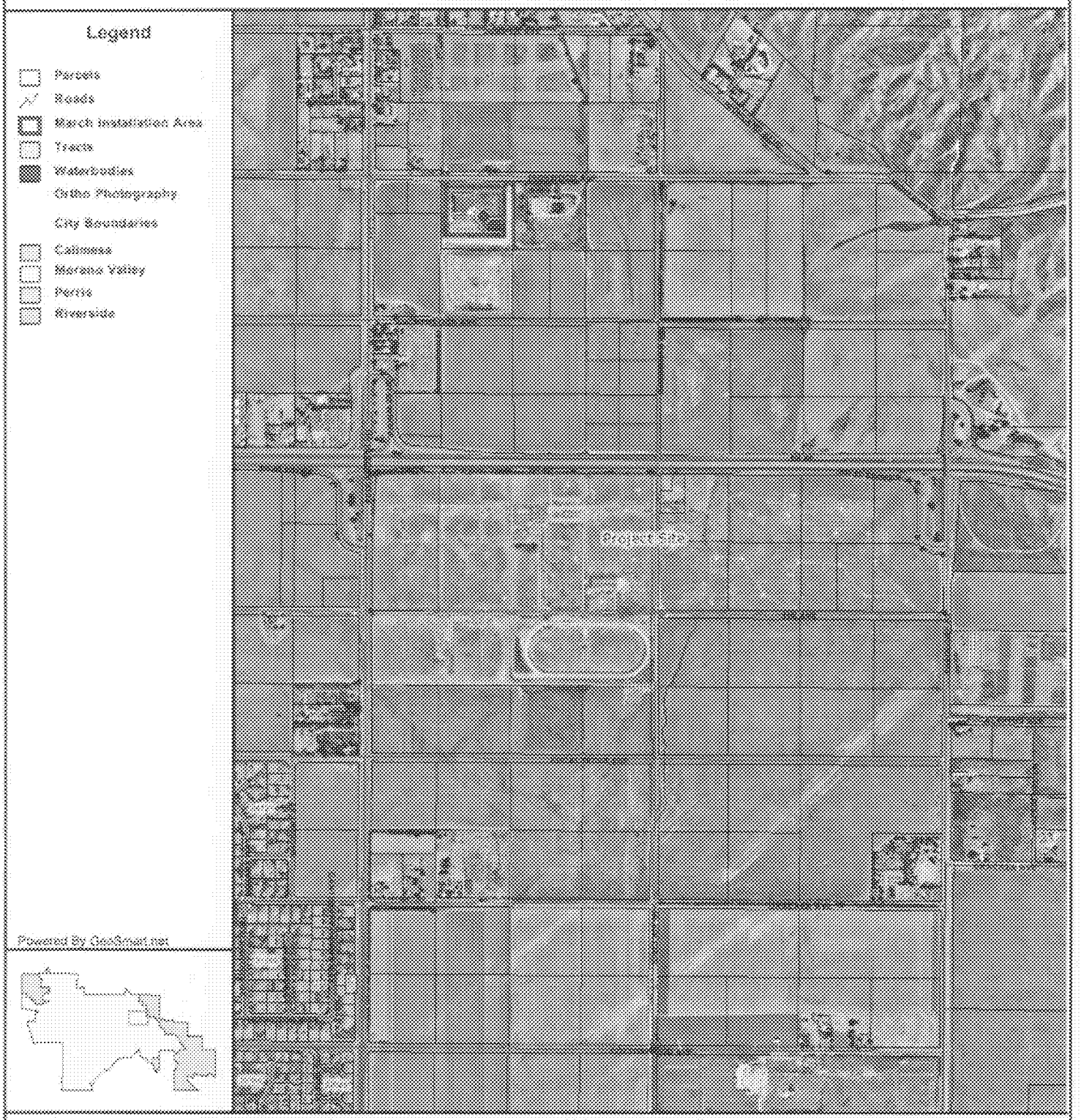

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be used upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY

ATTACHMENT 13

Zoning Map

PA07-0088 through PA07-0090

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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MORENO VALLEY

TENTATIVE PARCEL MAP NO. 35629

GROSS ACRES: 158.4
NET ACRES: 128.7

APN: 488-350-001, 488-350-002, 488-350-011, 488-350-012, 488-350-013, 488-350-014, 488-360-001, 488-360-002, 488-360-003, 488-360-004, 488-360-005, 488-360-006, 488-360-008, 488-360-009, 488-360-010, 488-360-011, 488-360-012, 488-360-013, 488-360-014

AUGUST 2008

LEGAL DESCRIPTION

PROPOSED SUBDIVISION OF PORTIONS OF SECTIONS 33, 34, 35 & 36 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

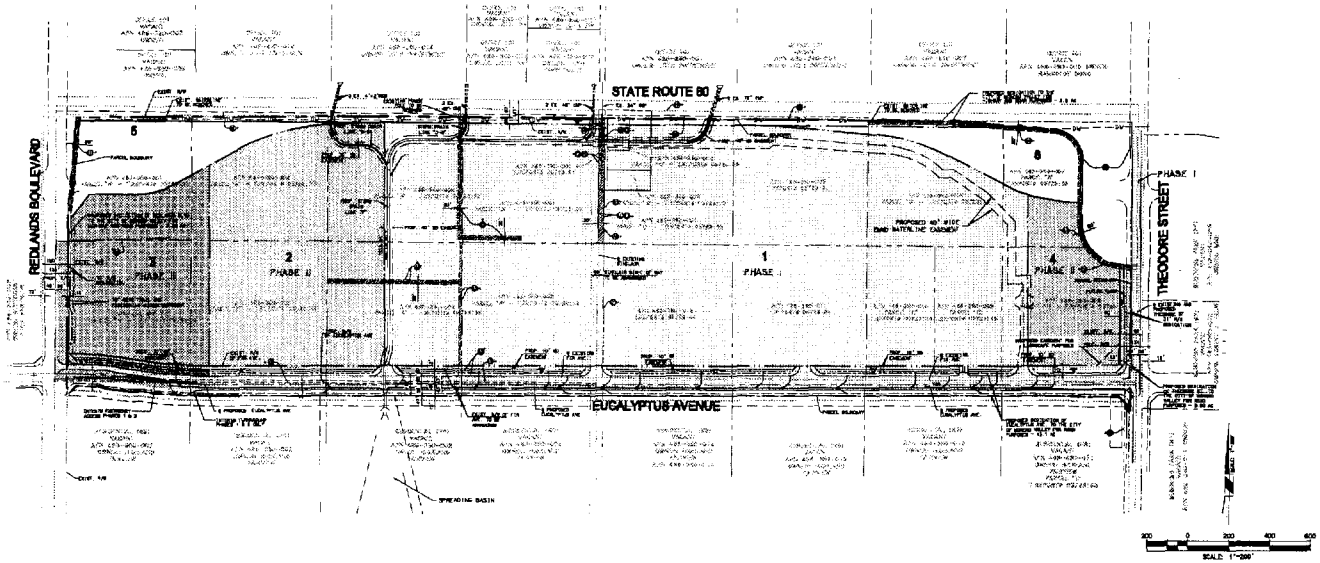

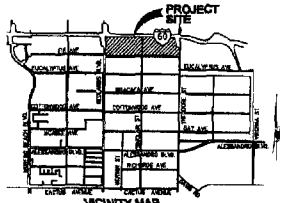

VICINITY MAP
NOT TO SCALE

PG 262

ATTACHMENT 15

GENERAL INFORMATION

1. EXISTING LAND USE: VACANT/RESIDENTIAL
2. PROPOSED LAND USE: COMMUNITY COMMERCIAL (CC) AND LIGHT INDUSTRIAL (LI)
3. EXISTING ZONING: BUSINESS PARK, COMMUNITY COMMERCIAL
4. ADJACENT LAND USE: SP, RA AND R
5. ALL PUBLIC STREET IMPROVEMENTS AND STORM DRAIN FACILITIES WILL BE IN CONFORMANCE AND CONSTRUCTED PER CITY OF MORENO VALLEY AND RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT STANDARDS.
6. ALL UTILITIES SHALL BE UNDERGROUND, AND PROVIDED BY:

GAS	SOUTHERN CALIFORNIA GAS COMPANY 26200 TRABUCO ROAD, RANCHO, CA 92584 (800)427 2200
ELECTRICAL	MORENO VALLEY UTILITIES 14075 FRENSHIP STREET, SUITE, MORENO VALLEY, CA 92553 (909)413 6700
TELEPHONE	VERIZON P.O. BOX 11338, ST. PETERSBURG, FL 33733 (800)483 4000
SEWER/WATER	EASTERN MUNICIPAL WATER DISTRICT 2270 TRABUCO ROAD P.O. BOX 8300, PERRIS, CA 92572-8300 (951)928 3777
CABLE TV	TIME WARNER CABLE 1725 COOK ST., PALM DESERT, CA 92211 (760)340 7310

7. UTILITY DESIGN WILL BE IN COMPLIANCE WITH WATER, SEWER, AND STORM DRAIN MASTER PLANS
8. THE SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS TENTATIVE PARCEL MAP
9. ALL SLOPES SHALL BE CONSTRUCTED AT A RATIO OF 2:1 UNLESS OTHERWISE INDICATED
10. SEE PRELIMINARY MAP FOR WATER QUALITY BMP'S PROPOSED ON THIS PROJECT.
11. PROJECT SITE IS IN FLOOD ZONE X-SHADED, DESCRIBED AS: "AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD."
12. BOUNDARY ADJUSTMENT (BA) OF THE SUBDIVISION MAP ACT DOES NOT RESULT IN ANY REMAINDER PARCELS TO BE SHOWN ON THE MAP OF THE GROSS AREA EXCEEDS 5 ACRES. ALL REMAINDER PARCELS EXCEED 5 ACRES.
13. EXISTING EASEMENTS NOTED AS A WILL BE REQUIRED TO BE RELOCATED OR QUITCLAIMED
14. SEE SITE PLAN FOR SLOPES AND PRELIMINARY GRADING. BUDGET "EXCAVATION" TO THE SITE CONSISTS OF 11 ACRES OF NATIVE DESERT LAND. THE EXISTING FACILITIES WHICH INCLUDE 1-TRIPLE 4'X10' BOXES, 2-DOUBLE 48" PIPES, AND 1-DOUBLE 72" PIPE. THE RUNOFF SHALL BE CONVEYED THROUGH TRANSITION STRUCTURES & EMBEDED INTO 2-8'X10' PIPES WITHIN THE SITE. THE RUNOFF SHALL PASS THROUGH AN ENERGY DISSIPATION STRUCTURE BEFORE BEING INTRODUCED TO A SPREADING BASIN IN THE SOUTH OF THE SITE. DISTURBED RUNOFF SHALL THEN BE CONSISTENT WITH THE EXISTING FLOW PATTERN.
15. ALL EXISTING IMPROVEMENTS WITHIN PROJECT LIMITS WILL BE REMOVED
16. SEE CONCEPTUAL WINDOW PLAN FOR MASTING
17. THERE ARE TWELVE ALONG THE COMMON BOUNDARY WITH SB-60.
18. THE EIGHT DISTANCES MEET OR EXCEED THE REQUIREMENT SHOWN ON THE CITY OF MORENO VALLEY STD 12 (B)
19. CORNER CUTBACKS SHALL BE PER CITY STANDARD 308
20. PROJECT ENTRANCES WITH DRIVEWAYS GREATER THAN 40' WILL BE DESIGNED AS CITY INTERSECTIONS.
21. PROJECT ENTRANCES NOT WIDE OR LESS WILL BE DESIGNED PER CITY STANDARD NO. 110C.
22. ALL DRIVEWAY ENTRANCE CURB RETURNS WILL BE DESIGNED WITH A RADIUS OF 40' UNLESS OTHERWISE N
23. ALL TRASH ENCLOSURES ARE TO BE DUAL BIN (TRASH/RECYCLE), PER CITY STD 827 AND MODIFIED TO AN FULLY ENCLOSED
24. WATER SERVICE FOR THIS PROJECT WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 18-INCH WATERLINE LOCATED SOUTH OF AND ADJACENT TO SR-60. WEST OF REDLANDS BOULEVA. SECOND SOURCE OF WATER WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 12-INCH WATERLINE LOCATED SOUTH OF AND ADJACENT TO SR-60. THE NEW 12-INCH WATERLINE WIL FOLLOW SINCLAIR STREET ALIGNMENT SOUTH TO A PROPOSED PRESSURE REDUCING VALVE STATION LOCATED THE INTERSECTION OF SINCLAIR STREET AND SR-60. FROM THE PRV THE 12-INCH WATER LINE WILL CONTINUE SOUTH UNDER SR-60 AND ROUTE THROUGH PARCEL 1 OF THE PROJECT, TO A POINT OF CONNECTION WITH THE PROPOSED WATERLINE IN EUCALYPTUS STREET
25. SEWER FOR THIS SITE WILL BE SERVED BY THE INSTALLING A 18-INCH SEWER LINE IN REDLANDS BOULEVARD FROM AN EXISTING 18-INCH SEWER LINE LOCATED APPROXIMATELY 0.4 MILE SOUTHWEST TO THE INTERSECTIO OF REDLANDS AND EUCALYPTUS AVENUE. THE SEWER LINE WILL CONTINUE EAST ALONG EUCALYPTUS, TO THE POINTS OF CONNECTION TO THE PROJECT SITE.
26. DEBILITING AND RETENTION BASINS WITHIN PARCELS 1 THROUGH 4 WILL BE FENCED PER CITY OF MORENO VALLEY REQUIREMENTS
26. PARCELS A THRU F ARE PROPOSED FOR FUTURE PDA PURPOSES
27. EXISTING 12" WATERLINE ALONG SR-60 TO BE ABANDONED. PROPOSED 16" WATERLINE IN EUCALYPTUS TO REPLACE ABANDONED WATERLINE.
28. PARCELS C, D & E WILL BE EXTENDED TO CITY OF MORENO VALLEY FOR FUTURE CALTRANS RIGHT OF WAY.
29. A RECIPROCAL ACCESS EASEMENT WILL BE RECORDED WITH THE FINAL MAP FOR THE DRIVE WAY BETWEEN PARCELS 1 & 4 AND 1 & 2
30. THIS PROJECT SHALL UNDERGROUND ALL LINES LESS THAN 115,000 VOLTS UNLESS OTHERWISE APPROVED BY CITY ENGINEER
31. A 10' ACCESS ROAD WILL BE PROVIDED TO PARCELS 5 & 8

LAND USE SUMMARY

NUMBER OF PARCELS		
2	LIGHT INDUSTRIAL (LI) PARCELS	104.8 AC (PARCELS 1 & 2)
2	COMMUNITY COMMERCIAL (CC) PARCELS	30.4 AC (PARCELS 3 & 4)
	GROSS ACREAGE	135.3 AC

PARCEL SUMMARY

	GROSS AREA (AC)	GROSS AREA (SF)	NET AREA** (AC)	NET AREA** (SF)
PARCEL 1	51.8	2,256,056	47.5	2,069,184
PARCEL 2	53.3	2,321,388	51.6	2,247,696
PARCEL 3	17.8	774,968	3.3	143,748
PARCEL 4	12.6	548,856	5.3	230,868
SUBTOTAL	135.3		107.8	
PARCEL A (PDA/PUBLIC ACCESS)	1.46		1.46	
PARCEL B (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL C (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL D (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL E (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL F (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL G (SR-60 DEDICATION)	3.3		3.3	
PARCEL H (NEW DEDICATION)	6.5		6.5	
PARCEL I (NEW DEDICATION)	6.1		6.1	
SUBTOTAL	19.9		19.9	
EUCALYPTUS DEDICATION	12.10		12.10	
REDLANDS DEDICATION	0.80		0.80	
THEODORE DEDICATION	0.80		0.80	
SUBTOTAL	13.9		13.9	
TOTAL	158.4		148.6	

** NET AREA EXHALE WHES AREA MINUS THE SLOPE AREA.

STREET LENGTHS

REDLANDS BOULEVARD	1,240	LF
EUCALYPTUS AVENUE	5,140	LF
THEODORE STREET	300	LF

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(1) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL A (APN 488-350-003)

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JULY 6, 1951 IN BOOK 1280, PAGE 250 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: APRIL 30, 1962 IN BOOK 1384, PAGE 316 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(4) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES
RECORDED: AUGUST 19, 1994 IN BOOK 1621, PAGE 284 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(5) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: SEPTEMBER 14, 1994 IN BOOK 1630, PAGE 018 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL C (APN'S 488-350-001, 488-360-002 & 488-360-004)

(6) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: MAY 17, 1949 IN BOOK 1977, PAGE 108 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

CONT. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(8) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: UTILITIES
RECORDED: JULY 3, 1957 IN BOOK 2113, PAGE 284 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(9) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60, ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN REMOVED FROM SAID LAND BY THE DOCUMENT

RECORDED: FEBRUARY 1, 1961 AS FILE NO 10881 OF OFFICIAL RECORDS

SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(10) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: FEBRUARY 1, 1983 AS FILE NO. 11530 OF OFFICIAL RECORDS
AFFECTS: EASTERLY 23.00 FEET OF PARCEL E

(11) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED

ENTITLED: A ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
EXECUTED BY: OTIS K. BEASLEY, ET AL
RECORDED: OCTOBER 14, 1977 AS FILE NO 203437 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SAID MATTER AFFECTS PARCEL B AND C (APN 488-360-003) & (APN'S 488-350-001, 488-360-002 & 488-360-004)

(12) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: AUGUST 29, 1983 AS FILE NO. 190230 OF OFFICIAL RECORDS

SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES
RECORDED: AUGUST 23, 1994 IN BOOK 1622, PAGE(S) 315, OF OFFICIAL RECORDS
AFFECTS: THE NORTH 25 FEET OF PARCEL J

C. EASEMENT NOTES PER TITLE REPORT NO. 05723138

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: SEPTEMBER 16, 1992 AS INSTRUMENT NO. 67869 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

(3) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE ANY RIGHTS OF ACCESS OR CURBS TO OR FROM THE FREEWAY ADJACENT TO SAID LAND, SAID RIGHTS HAVING BEEN RELINQUISHED BY DEED TO THE STATE OF CALIFORNIA.
RECORDED: DECEMBER 27, 1962 AS INSTRUMENT NO. 119102 OF OFFICIAL RECORDS

SAID MATTER IS SAID TO AFFECT PARCELS A, B AND C (APN's 488-360-001, 488-360-002 & 488-360-004)

(4) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
PURPOSE: ELECTRICAL SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: JUNE 19, 1971 AS INSTRUMENT NO. 83632, OF OFFICIAL RECORDS
AFFECTS: EASTERLY 23.00 FEET OF PARCEL E

D. EASEMENT NOTES PER TITLE REPORT NO. 05723144

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 3, 1957 IN BOOK 2113, PAGE 538 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

E. EASEMENT NOTES PER TITLE REPORT NO. 05723181

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

(6) THE EFFECT OF A DECLARATION OF DEDICATION DATED OCTOBER 9, 1963, EXECUTED BY DEAN M. SANDERS AND NANCY A. SANDERS, CURRENT NOT TO IMMEDIATELY DEDICATE "IN PERPETUITY" FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1963 AS INSTRUMENT NO 1963 117852 OF OFFICIAL RECORDS

(7) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED

ENTITLED: ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
BY AND BETWEEN: JEANNE R. BIBBS, ET AL
RECORDED: OCTOBER 14, 1977 AS INSTRUMENT NO 1977-203437 OF OFFICIAL RECORDS

REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

NON PLOTTABLE PARCEL EASEMENTS

(3)(A) AN EASEMENT OVER SAID LAND FOR PIPELINES, DITCHES, FLUMES AND RIGHTS INCIDENTAL THERETO, AS SHOWN BY MAP BOOK 11, PAGE 10, RECORDS OF SAN BERNARDINO COUNTY, AS FOLLOWS:

TO: THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY

THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

(3)(B) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
RECORDED: MARCH 4, 1988 IN BOOK 1702, PAGE 586 OF OFFICIAL RECORDS

AND AS SET OUT IN MEMO OF AGREEMENT AND IN SUPPLEMENTAL AGREEMENT:
RECORDED: MARCH 4, 1988 IN BOOK 1702, PAGES 587 AND 592 AND BY DEED RECORDED NOVEMBER 12, 1988 AS FILE NO 11 1188 OF OFFICIAL RECORDS

(3) AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN OR AS OFFERED FOR DEDICATION ON THE RECORDED MAP OF SAID TRACT:

PURPOSES: PUBLIC STREETS AND ALLEYS

THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

LEGEND

GRADE BREAK	GB
HIGH POINT	HP
LOW POINT	LP
GEOTECH WATER	GW
EDGE OF PAVEMENT	EP
EDGE OF TRAVELED WAY	EOTW
RIGHT OF WAY	R/W OR ROW
LANDSCAPE	LS OR LSCP
TITLE REPORT NUMBER	T.REPORT#
TENTATIVE PARCEL MAP BOUNDARY	
PROPOSED STREET ELEVATION	1790.00
PROPOSED PARCEL LINE	
PROPOSED PUBLIC RIGHT OF WAY	
EXISTING RIGHT OF WAY	
PARCEL NUMBERS	1
EXISTING CONTOURS	
EXISTING APN BOUNDARIES	
INDUSTRIAL	I
COMMUNITY COMMERCIAL	CC
OFFICE	O
OPEN AREA DEDICATED WITH RESIDENTIAL DEVELOPMENT	RS
EXISTING EASEMENTS	
PHASE I IMPROVEMENTS	
PHASE II IMPROVEMENTS	
PHASE III IMPROVEMENTS	

OWNERS

BAND PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

BERTRAMS PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

DEVELOPER/APPLICANT

HIGHLAND FAIRVIEW
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
(951) 697 3300
CONTACT: WAYNE PETERSON

SOILS ENGINEERS

LETTERLEY AND ASSOCIATES, INC
41715 ENTERPRISE CIRCLE N., #103
TEMECULA, CA. 92590-5661
(951) 699-5508

ENGINEER

RBF CONSULTING
14725 ALTON PKWY.
IRVINE, CA. 92618-2027
(949) 472-3505

Project File Numbers:
PA07-0058 (Zone Change)
PA07-0059 (GPA)
PA07-0060 (TPM 35629)
PA07-0061 (Plot Plan)

TENTATIVE PARCEL MAP
35629

SHEET 1 OF 2

HIGHLAND FAIRVIEW
RANCHO BELARDO, CALIFORNIA
AUGUST 2008

RBF CONSULTING
14725 ALTON PARKWAY, IRVINE, CA 92618-2027 (949)472-3505

MV00018308

ATTACHMENT 16

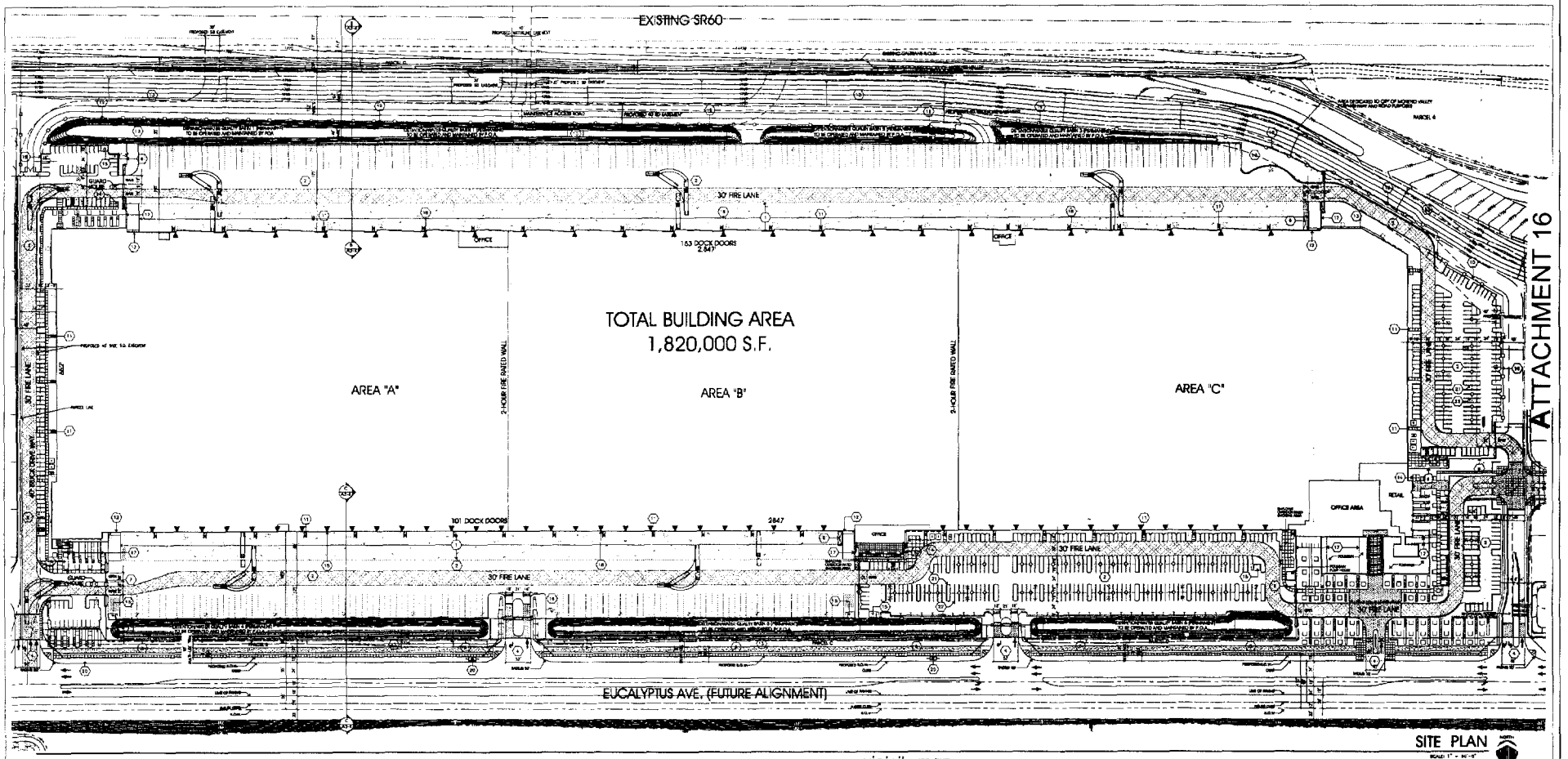

SITE PLAN

SCALE: 1" = 80'-0"

parking lot striping detail

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

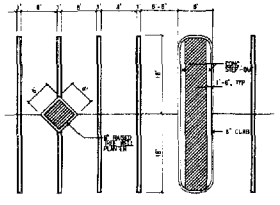

tabulation

	SQ.FT. (GSF)
Site area (gross)	5,174,016
Site area (net)	75,77
Maintenance yard	1,757,259
Total Place Office area	31,147
Retail & Retail Area	1,533
Mezzanine Office Area	20,040
Total building area	1,820,000
Coverage	36.0%
Landscape (in sqfeet) (10%)	321,000
Landscape (in acreage) (10.0%)	200,000
Parking area sqft (35.7%)	1,025,515
equivalent parking area sqft (32.0%)	920,115
equivalent parking acreage (5.10%)	20,7 (21)
Parking required	
Accessory	
Inc. Area of L.W.S.P.2	7,7
Incl. Site @ L.W.S.P.2	4,5
Warehouse @ 0.005 sq.ft.	4,00
Office & Mezzanine @ 1/250	217
Retail @ 1/225	6,8
Total parking required	7,95
Parking provided	
In parking details	4,00
Handicap	10
Car Pool Stalls (1.0%)	51
Shell (potentially Handicap Stalls (0.5%))	25
Total parking provided	4,11
Trailer parking	200
Shell (sqft.) (sqft.) (sqft.) (sqft.)	30
Total Dock Doors	254

site plan keynotes

1. 6" THICK MINIMUM REINFORCED CONCRETE TRUCK APRON, 50' X 8' IN LIEU OF 60' X 8' CONSTRUCTION JOINTS OR EXPANSION JOINTS A MAXIMUM OF 15' OC. TRANSITION BY 12' LONG CONCRETE DECKING. ALL CONCRETE TO HAVE 1/2" CHAMFER EDGES. ALL JOINTS TO BE CLEANED AND FILLED W/ APPROVED SEALANT.
2. ASPHALT CONCRETE (AC) PAVING. SEE SOILS REPORT FOR SECTION REQUIREMENTS. SEE 'C' DRAWINGS FOR LOCATION.
3. CONCRETE WALKWAY.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD PROVIDED. CONCRETE SHALL BE 6" THICK, 3000 PSI, EXPANSION JOINTS AT A MAXIMUM OF 15' O.C. SPACING.
5. 5'-0" X 5'-0" EXIT TIRE CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS. ALL LANDINGS TO BE SLOPED TO BE SLOPED BROOM FINISH PROVIDED. ALL PUBLIC WALK SHALL BE 3% MAX AND NO LESS THAN 2% PROVIDED.
6. CONCRETE 16'-0" HIGH SCREEN WALL. SEE 'L' DWGS.
7. STEEL LICENSE/TRAILER GATE. ALL GATES TO BE EQUIPPED WITH KNOX BOX ENTRY SYSTEM. SEE 'L' DWGS.
8. CONCRETE RAMP.
9. DUAL TRASH COMPACTOR.
10. 8'H TUBULAR STEEL FENCE.
11. CONCRETE STAIRS.
12. 12' X 14' DRIVE-IN DOOR.
13. LANDSCAPE. REFER TO CONCEPTUAL LANDSCAPE PLAN. CONCRETE WOW STRIPS ARE REQUIRED BETWEEN ALL SOIL AND GROUNDCOVER AREAS.
14. BIKE RACK. SEE 'L' SHEETS.
15. TRASH ENCLOSURE-GUN BIN WITH SOLID ROOF STRUCTURE (PER CITY STD. 6271) NO HOUSE LANDSCAPE SCREENING ON 3 SIDES WHERE VISIBLE TO THE PUBLIC.
16. FIRE PUMP HOUSE.
17. UNDERGROUND CONNECTION FROM INT. ROOF DRAIN TO STORM DRAIN.
18. EXTERIOR DEMENSIONS.
19. 6' HIGH VINYL COATED CHAIN-LINK. SEE L2-2 FOR DETAIL.
20. ABOVE GROUND UTILITY EQUIPMENT.
21. CONCRETE STEPS-OUT AT ALL PLANTERS. SEE PARKING LOT STRIPING DETAIL.
22. DOUBLE STRIPE AT ALL PARKING STALLS. SEE PARKING LOT STRIPING DETAIL.

site legend

- CONC. PAVING
- PARKING STALL
- HANDICAP PARKING STALL
- TRAILER DOUBLE STRIPING FOR PARKING STALLS

linetype legend

- PROPOSED PUBLIC RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED EASEMENT
- EXISTING UTILITY EASEMENTS
- CONCRETE PAVEMENT
- ENHANCED PAVING
- DECORATIVE GRANITE TRAIL
- FENCE
- WALL
- SIDEWALK
- SITE LIGHTING
- EXTERIOR DOOR SWING
- PROPERTY OWNER HOMEOWNER

vicinity map

N.T.S

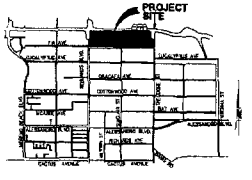

VICINITY MAP

NOT TO SCALE

project information

APPLICANT
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14225 CORPORATE WAY
MORENO VALLEY, CA 92553
(951) 867-5300
CONTACT: BERNIE PETERSON

ARCHITECT
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IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: MIKE CHANG

CIVIL ENGINEER
RBF CONSULTING
14725 ALTON PARKWAY
IRVINE, CA 92618
TEL: (949) 472-3505
CONTACT: PAT WILEY

UTILITY PROVIDERS
TELEPHONE:
VERIZON
P.O. BOX 11338
ST. PETERSBURG, FL 33733
PHONE: (800) 483-4650
CABLE TV:
MORENO VALLEY UNIFIED
SCHOOL DISTRICT
14095 JOHN F. KENNEDY DRIVE
PHONE: (909) 571-8000
GAS:
SOUTHERN CALIFORNIA GAS COMPANY
12392 TRUMBLE ROAD
MORENO, CA 92555
PHONE: (800) 427 - 2200

OWNERS
ETHELUTE PROPERTY PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
SECTIONAL PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
MAC PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
HF EDUCATIONAL PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

WATER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777
SEWER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777
CABLE TV:
TIME WARNER CABLE
14177 FRUITLAND
RIVERSIDE, CA 92521
PHONE: (909) 392-1312

ZONING
ZONING: L (LIGHT INDUSTRIAL)
CC (COMMUNITY COMMERCIAL)

ASSESSORS PARCEL NUMBER
[illegible]

LEGAL DESCRIPTION
PROPOSED SUBDIVISION OF PORTION OF SECTIONS 33, 34, 35 & 36 OF NAR THE LOS BANOS TELEPHONE STATE CALIFORNIA, AS SHOWN ON MAP OF SAID SECTIONS 33, 34, 35 & 36 OF THE OFFICE OF THE EQUALITY RECORDER OF SAN BERNARDINO COUNTY.

LEED CERTIFICATION

The project has registered with the U.S. Green Building Council for consideration under the Leadership in Energy and Environmental Design (LEED) program. The following project elements are proposed:

1) Sustainable Alternative Transportation - Including low emitting/fuel efficient vehicle parking, carpool parking, bicycle storage/racks, showers and changing rooms, preferential parking for low emitting and fuel efficient vehicles.
2) Innovative Site Design - Project is designed to meet stormwater requirements by 25%.
3) Heat Island Effect - Roofing materials will be Energy Star compliant.
4) Water Efficiency - Use of water efficient landscaping, irrigation, and low water use building fixtures.
5) Energy Efficiency - Reduce energy use by exceeding requirements of building energy code, HVAC and lighting controls.
6) Renewable Energy (Green Power) - Incorporating solar energy or equivalent into building and grounds.
7) Construction Waste Management - Divert recyclable construction materials from landfills.
8) Recycled Building Materials - Incorporate recycled building materials, such as steel and concrete, into the building construction.
9) Regional Material Use - Utilize regionally sourced materials such as concrete and aggregate to reduce transportation impacts.
10) Indoor Environmental Quality - Incorporating low emitting adhesives, sealants, paints and materials into the building construction to improve the well-being of building and occupants.

A1-2

PROJECT FILE NUMBER:
PA07-0088 (Zone Change)
PA07-0089 (GPA)
PA07-0090 (TPM 35626)
PA07-0091 (Plot Plan)

SITE PLAN

SCALE: 1" =80'

HPA# 7084

HIGHLAND FAIRVIEW

RAMONA BOLARD, CALIFORNIA — DECEMBER 11, 2008

HPA, INC.

18011 BARDEN AVENUE, IRVINE, CA 92612 (949) 863-1770

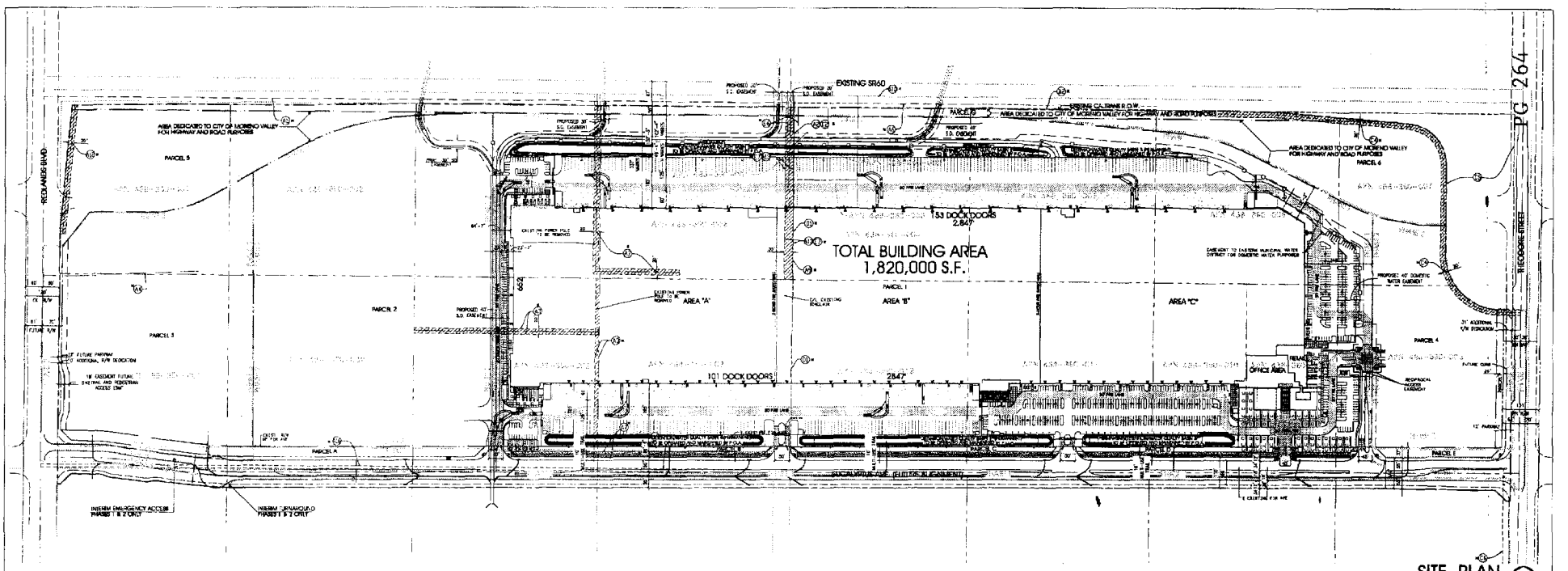

SITE PLAN

SCALE: 1" = 100'-0"

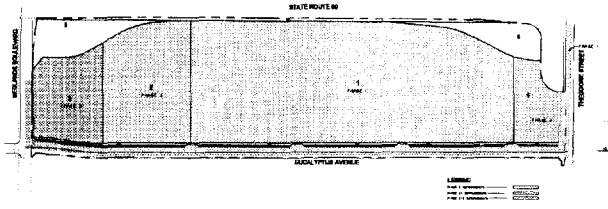

PHASING PLAN

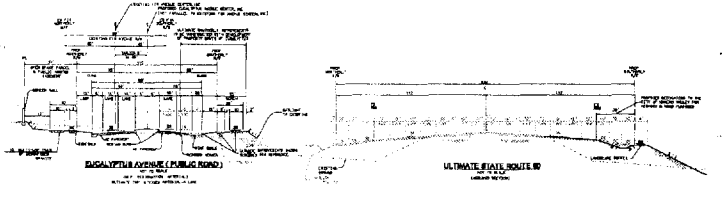

TYPICAL STREET SECTIONS

sheet index

ARCHITECTURAL

A1-1 COVER SHEET
A1-2 SITE PLAN
A2-1 FLOOR PLAN
A2-2 ROOF PLAN
A3-1 ELEVATIONS
A3-2 ELEVATIONS
A3-3 ELEVATIONS
A3-4 ELEVATIONS & SECTIONS

CIVIL

C2-1 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629
C2-2 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629

LANDSCAPE

L1-1 PRELIMINARY LANDSCAPE PLAN
L2-1 PRELIMINARY NORTH ELEVATION
L2-2 PRELIMINARY WEST & EAST ELEVATIONS
L2-3 PRELIMINARY SOUTH ELEVATIONS
L3-1 PRELIMINARY EUCALYPTUS STREET SECTIONS
L3-2 PRELIMINARY SECTIONS & DETAILS
L4-1 PRELIMINARY TREE IMAGES
L4-2 PRELIMINARY SHRUB IMAGES

easement legend

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(A2) GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES

(A3) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES

(A4) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES

(A5) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: FOR CONDUITS

(A6) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES

(A7) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES

(A8) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: UTILITIES

(A11) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60 ADJACENT SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT

(A13) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES

(A15) ENTITLED: A ROAD MAINTENANCE AGREEMENT

(A19) GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

(B2) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES

D. EASEMENT NOTES PER TITLE REPORT NO. 05723138

(D4) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES

(D5) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE ANY RIGHTS OF ACCESS TO OR FROM THE FREEWAY ADJACENT TO SAID LAND, SAID RIGHTS HAVING BEEN RELINQUISHED BY DEED TO THE STATE OF CALIFORNIA

(D8) GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
PURPOSE: ELECTRICAL SYSTEMS AND COMMUNICATION SYSTEMS

D. EASEMENT NOTES PER TITLE REPORT NO. 05723144

(D1) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION
PURPOSE: PUBLIC UTILITIES

E. EASEMENT NOTES PER TITLE REPORT NO. 05723161

(E2) GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: PUBLIC UTILITIES

(E3) THE EFFECT OF A DEDICATION OF DEDICATION DATED OCTOBER 9, 1986, EXECUTED BY DUANE W. SANDERS AND WILLIE M. SANDERS, HUSBAND TO HUSBAND, DEDICATED IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1986 AS INSTRUMENT NO. 1986-317808 OF OFFICIAL RECORDS.

(E7) ENTITLED: ROAD MAINTENANCE AGREEMENT

NON PLOTTABLE EASEMENTS

A1,B1,C1,D1 TO: THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY
A5,B4,C2,D4 GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
C2 PURPOSE: PUBLIC STREETS AND ALLEYS

*EXISTING EASEMENTS DENOTED AS * WILL BE REQUIRED TO BE RELOCATED OR QUIT CLAIMED

linetype legend

PARCEL BOUNDARY
PROPOSED PUBLIC RIGHT OF WAY
PROPOSED LOT LINE
PROPOSED EASEMENT
EXISTING UTILITY EASEMENTS
EXISTING RIGHT OF WAY
CONCRETE PAVEMENT
ENHANCED PAVING
DECOMPOSED GRANITE TRAIL
FENCE
WALL
SIDEWALK
PARKING LINE
SITE LIGHTING
EXTERIOR DOWN SPOUT
PROPERTY OWNER ASSOCIATION P.O.A.
FUTURE CURB

vicinity map

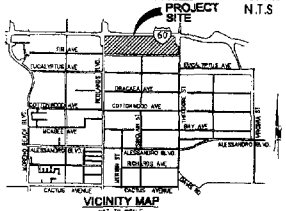

VICINITY MAP
NOT TO SCALE

project information

UTILITY PROVIDERS

TELEPHONE:
VERIZON
P.O. BOX 1100
ST. PETERSBURG, FL 33733
PHONE: (800) 483-4000

ELECTRIC:
MORENO VALLEY UTILITIES
HALES FREDERICK SR
MORENO VALLEY, CA 92553
PHONE: (800) 811-8700

GAS:
SOUTHERN CALIFORNIA GAS COMPANY
25200 TRUMBLE ROAD
HIGHLAND, CA 92346
PHONE: (800) 427 - 2200

WATER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777

SEWER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777

CABLE - TV:
THE BRIGHTEN CABLE
1750 COOK ST.
PALM DESERT, CA 92211
PHONE: (760) 342-1312

APPLICANT

HIGHLAND FAIRVIEW
14225 CORPORATE WAY
MORENO VALLEY, CA 92553
(951) 867-5300
CONTACT: WAYNE PEDERSON

ARCHITECT

HPA, INC.
18831 BARDEEN AVE., STE. 100
IRVINE, CA. 92612
TEL: (949) 833-1770
CONTACT: HENRY CHANG

OWNERS

SCHULZE PROPERTY PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

WESTCREST PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

SAND PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

CIVIL ENGINEER

RBF CONSULTING
14725 ALTON PARKWAY
IRVINE, CA 92618
PH: 949.472.3505
FAX: 949.472.8172
CONTACT: PAT VALLY

ZONING

ZONING: U (LIGHT INDUSTRIAL)
GP: (COMMUNITY COMMERCIAL)

ASSESSORS PARCEL NUMBER

486-310-001, 486-270-001, 486-310-010, 486-310-011, 486-310-013, 486-310-014, 486-360-001, 486-360-005, 486-360-006, 486-360-007, 486-360-008, 486-360-009, 486-360-010, 486-360-011, 486-360-012, 486-360-013, 486-360-014, 486-360-015, 486-360-016, 486-360-017, 486-360-018, 486-360-019, 486-360-020, 486-360-021, 486-360-022, 486-360-023, 486-360-024

LEGAL DESCRIPTION

PROPOSED SUBDIVISION OF PORTIONS OF BLOCKS 33, 34, 35 & 36 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 31, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

A1-1 COVER SHEET/SITE PLAN

PROJECT FILE NUMBERS:
PA07-0068 (Zone Change)
PA07-0069 (GPA)
PA07-0090 (TPM 35629)
PA07-0081 (Plot Plan)

120 0 120 240 360
SCALE: 1"=120'

HPA# 7069

HIGHLAND FAIRVIEW

RANCHO BELLADO, CALIFORNIA — DECEMBER 17, 2008

hf

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612 (949) 833-1770

MV00018310

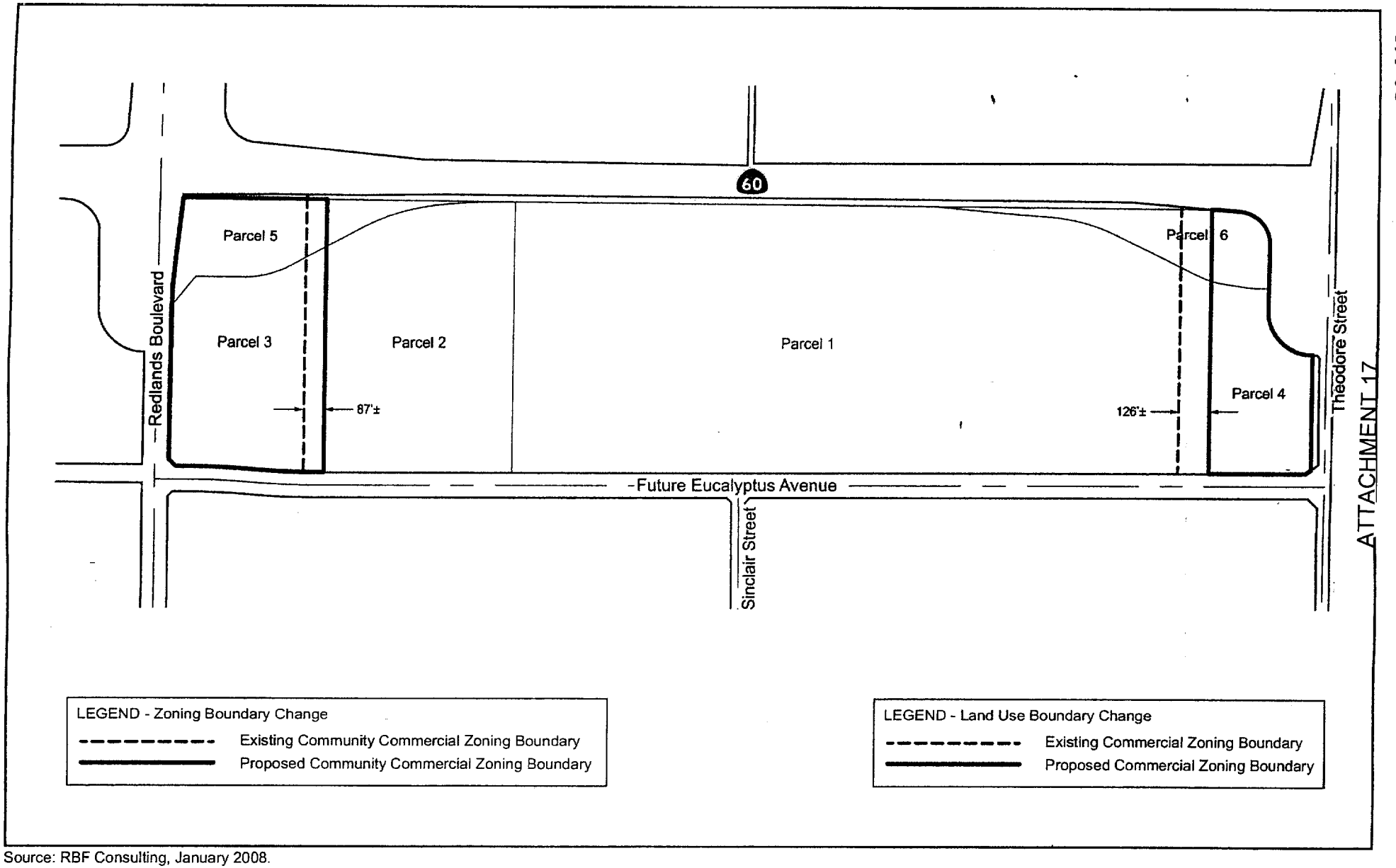

Source: RBF Consulting, January 2008.

NORTH

NOT TO SCALE

Michael Brandman Associates

26100015 • 02/2008 | 3-6_boundary_change.cdr

Exhibit 3-6
Zoning and Land Use Boundary Change

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

ATTACHMENT 17

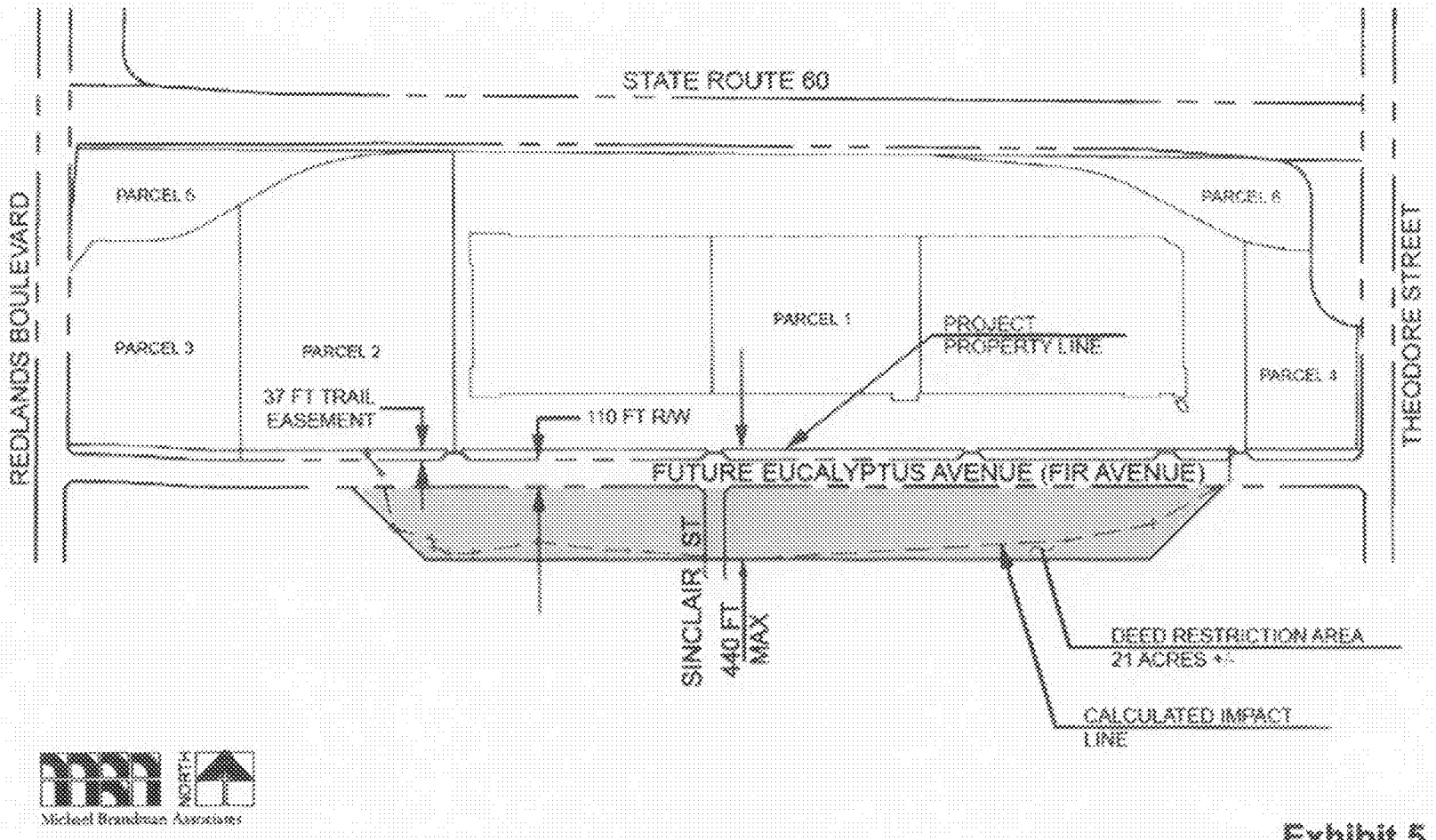

Exhibit 5

Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

ATTACHMENT 18

MV00018312

PLANNING COMMISSION RESOLUTION NO. 2009-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL DENY A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE LAND (AND RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE), A GENERAL PLAN AMENDMENT (PA08-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street,

and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P07-157), a tentative parcel map (PA07-0090) and a plot plan (PA07-0091). The Planning Commission is not making recommendations on these three items because it is recommending that the City Council deny the General Plan Amendment and Change of Zone and, therefore, no recommendations on those subsidiary matters is required.

WHEREAS, on January 8, 2009, and January 15, 2009, the Planning Commission of the City of Moreno Valley held meetings to consider the application and to provide a recommendation to the City Council.

WHEREAS, on January 15, 2009, the Planning Commission passed a motion by a vote of 4 to 2 to refer the project to the City Council with a recommendation to deny the proposed change in policy to allow large warehouses on the project site because it would be contrary to the intent of the vision for this portion of the community as identified during the General Plan Update and subsequent zoning consistency study.

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

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

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

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meetings on January 8, 2009, and January 15, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The proposed Change of Zone is not consistent with the vision identified by the Planning Commission and City Council in 2006 during the review and adoption of the General Plan Update and subsequent zoning consistency study. This vision called for the development of business parks with buildings not exceeding 50,000 square feet in the eastern part of the City along Highway 60. The proposed project includes a 1,820,000 square foot warehouse industrial building as part of Phase 1 and an additional 600,000 square foot industrial building as part of Phase Both of these buildings far exceed the maximum of 50,000 square feet as permitted by the current zoning designation of Business Park.

MV00018314

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent arterial roads leading from the project to Highway 60. The heavy truck traffic would impact the air quality, traffic flow and image of the area of lower intensity business park area with adjacent executive housing. The project traffic study indicates that approximately fifteen percent of the project's peak hour traffic would be heavy trucks, a much greater percentage than anticipated under the current zoning designation of Business Park. Heavy truck traffic produces more particulate emissions than light duty trucks and automobiles. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the vision for the area of lower intensity business park uses with executive housing.

3. The proposed warehouse industrial buildings are better suited to the industrial areas in the southern portion of the City. These areas are currently zoned for heavy and light industrial uses, including large warehouse and industrial buildings with heavy truck traffic. These areas are better separated from adjacent planned or existing residential areas. These areas also provide better access to the freeway system through upgraded roadways and freeway interchanges. The proposed mitigation measures for the proposed project do not provide the same level of access.

4. The benefits of the proposed project do not justify the proposed change in policy.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2009- 01, recommending that the City Council **DENY** a Change of Zone (PA07-0088) for an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage) from BP (Business Park) to LI (Light Industrial) and the General Plan Amendment (PA07-0089).

APPROVED this 22nd day of January, 2009.

ATTEST:

Rick De Jong
Chair, Planning Commission

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

MV00018315

Highland Fairview Corporate Park

Tentative Parcel Map 35629

(PA 07-0088, 07-0089, 07-0090, 07-0091)

City of Moreno Valley City Council

Supplemental Package
City Council Hearing - February 3, 2009

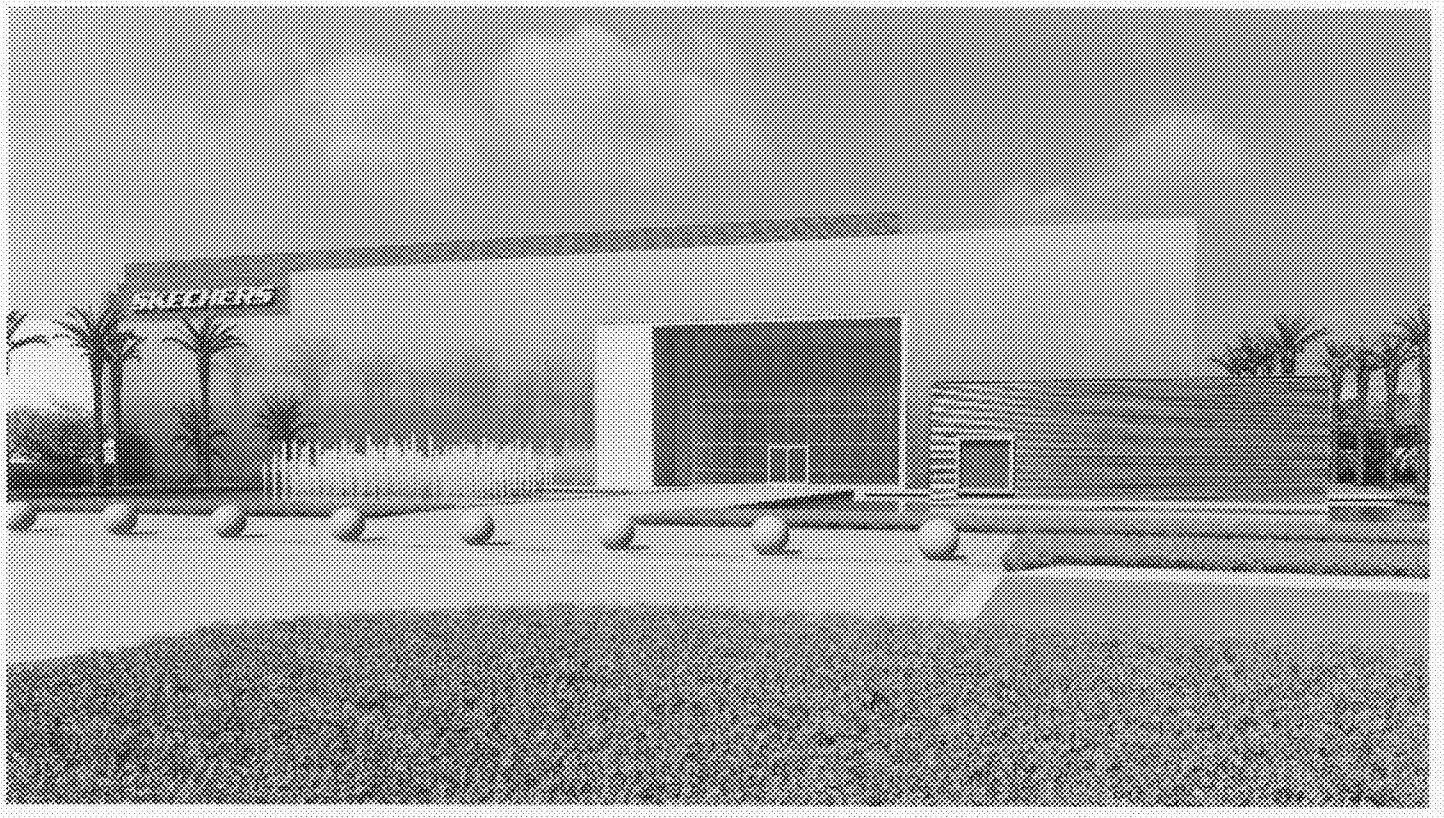

Highland Fairview

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

Council Members:

Enclosed for your use are several exhibits that illustrate many of the unique details of the Highland Fairview Corporate Park project. We have included a variety of renderings and visual simulations that provide a three-dimensional perspective of key project elements that cannot be accurately conveyed in the two-dimensional drawings that are part of the formal submittal package. We have also provided several colored exhibits that help to make the technical plans easier to read.

Please contact Highland Fairview if there are any questions.

Thank you.

Iddo Benzeevi
HIGHLAND FAIRVIEW

Main Office (SE Corner)
View Rendering

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be taken upon entering the project at the second driveway from the east. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

MV00018319

Main Office (SE Corner)
View Rendering (Eucalyptus Ave.)

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be from east bound Eucalyptus Avenue, near the project entry. The selective use of trees and landscaping allow for a view of the enhanced architecture. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

MV00018321

NE Building Corner
View Rendering

The following view depicts the Northeast Corner of the building adjacent to SR60. This corner of the building is architecturally enhanced and treated as a prominent feature due to its visibility from SR60.

MV00018323

Main Office (SE Corner)
View Rendering (Retail Entry)

This rendering depicts the Retail Entry at the east end of the building. The view is looking West at the retail entry. Vehicular access would be taken from the most easterly driveway off of Eucalyptus Avenue and would direct the driver to parking lot serving the retail site.

MV00018325

Employee Area
View Rendering (South Side)

This rendering depicts the Employee Area on the south side at the mid-point of the building. It will include a break room for employee use and includes an outdoor patio area.

MV00018327

Project Entry at Eucalyptus Avenue
View Rendering

This rendering depicts the view looking east along Eucalyptus Avenue when exiting the project entry (driveway 2nd from the east).

MV00018329

Eucalyptus Avenue Screen Wall
View Rendering

This view depicts the Screen Wall along Eucalyptus Avenue. The top of wall is tapered with a minimum height of 11 ft. and a maximum height of 15.5 ft.

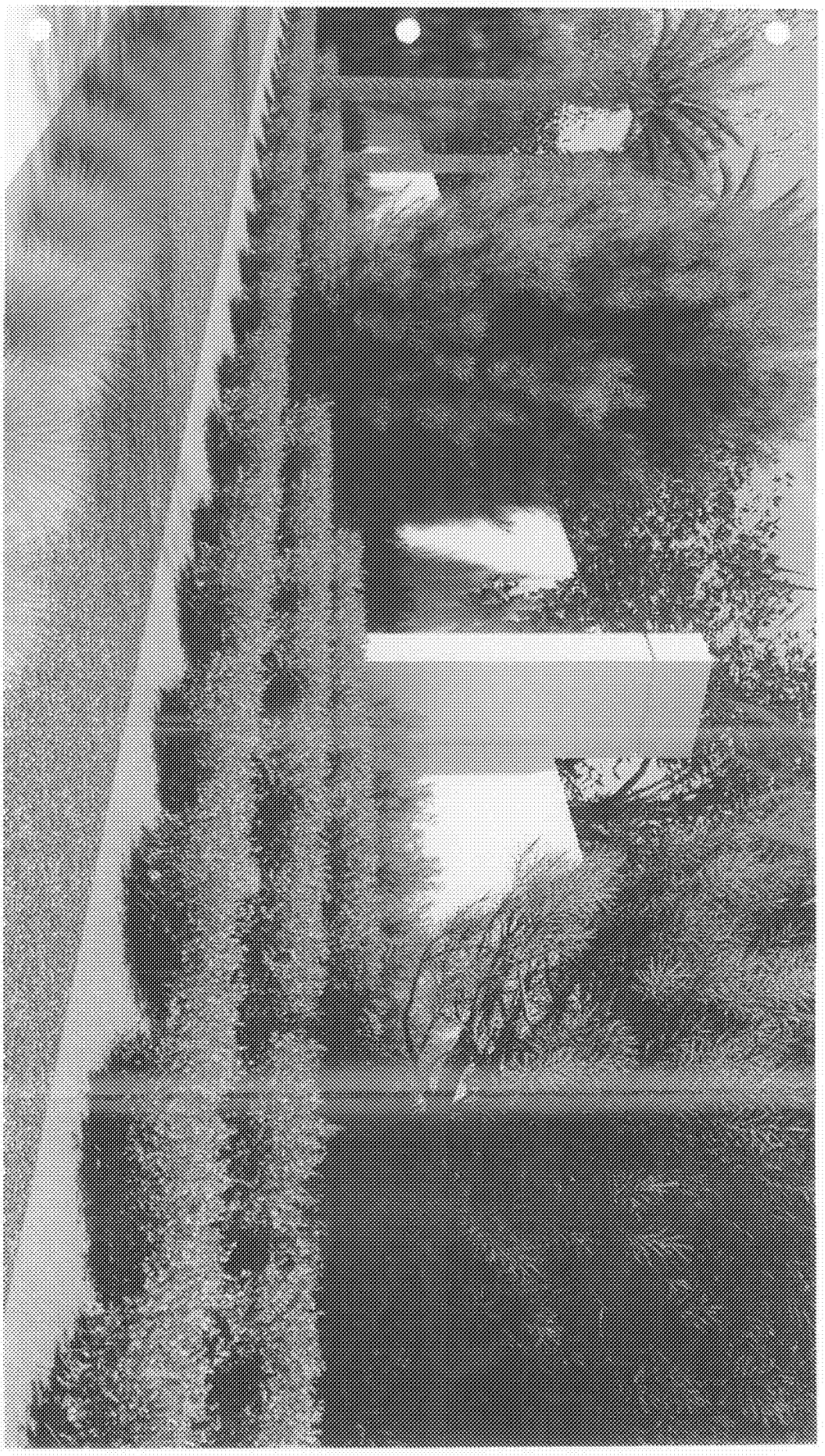

MV00018331

SR60 View Rendering

This rendering depicts the view as traveling east on SR60 between Redlands Blvd. and Theodore Street. Rendering shows the effective screening of the building and view opportunities at the palm trees.

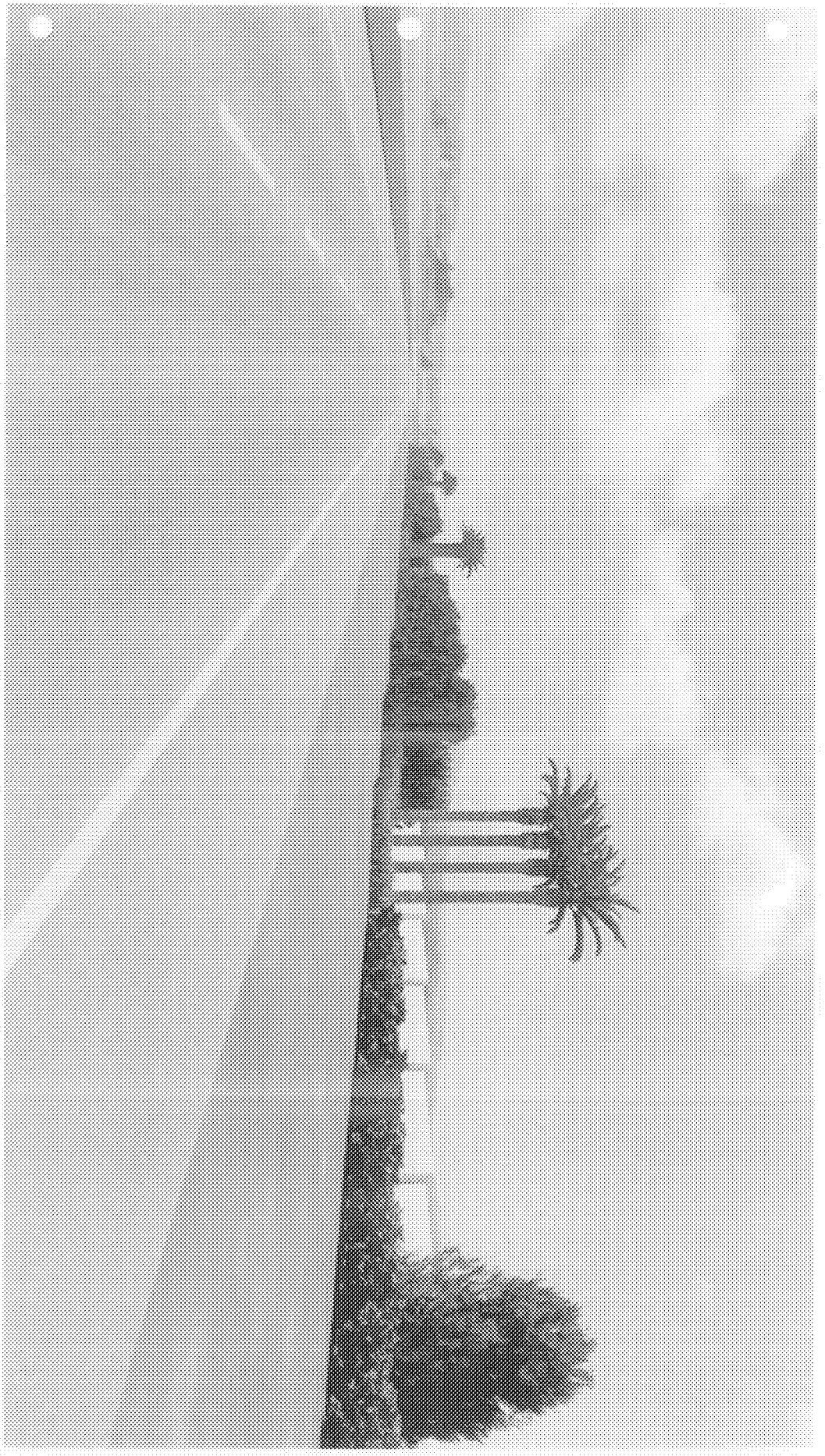

MV00018333

MV00018334

SR60 Slope
View Rendering (North Side)

This rendering depicts the slope between SR60 and the north side of the building and the loading docks. Note the landscaping and trees at the top of slope providing screening and viewing opportunities from SR60.

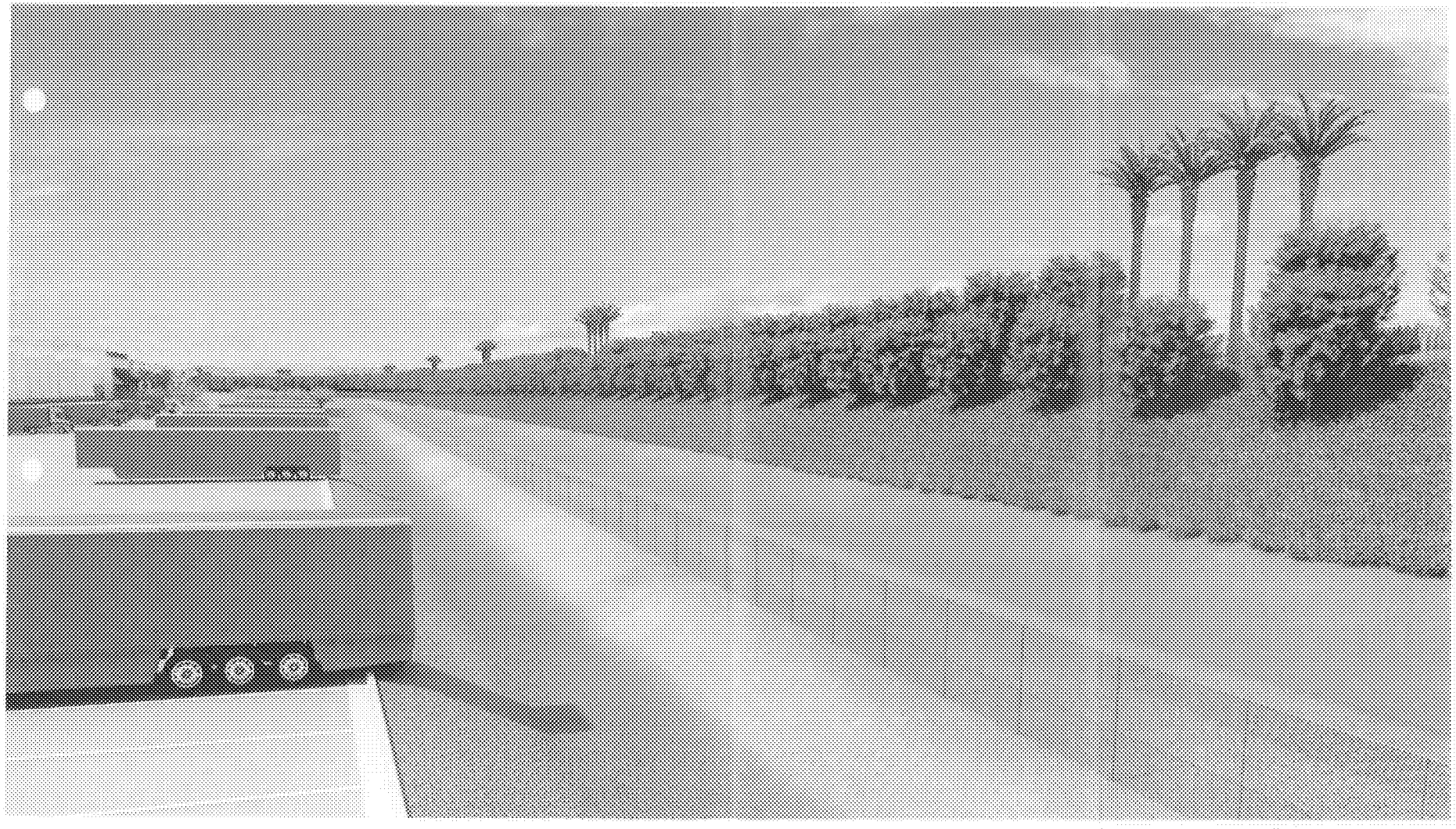

Northwest View – SR 60 Slope and Basins

Tenaglia Parcel Map 0860v - BA 07-0746, 07-0265, 07-0620, 07-0267

North Dock Elevation
View Rendering

This rendering depicts the North Dock Elevation and shows the architectural enhancements made to the north side using staggered wall panels and louvers to provide relief and interest to the building.

Kroft Dover Elevation

Artist renderings enclosed please refer to architectural and landscape drawings.

Preliminary Landscape Plan (Colored)

Plan depicts the areas of landscaping to be installed with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

General Plan Land Use Overlay

This map depicts the Existing General Plan Land Use Overlay with the project site, showing the existing Business Park and Commercial corridor.

Project Site

Circulation Plan – Aerial View

The two plans depict the Project Site and the proposed Circulation Corridor to and from SR60.

Intelligent vehicle circulation plan designed to minimize local traffic impact

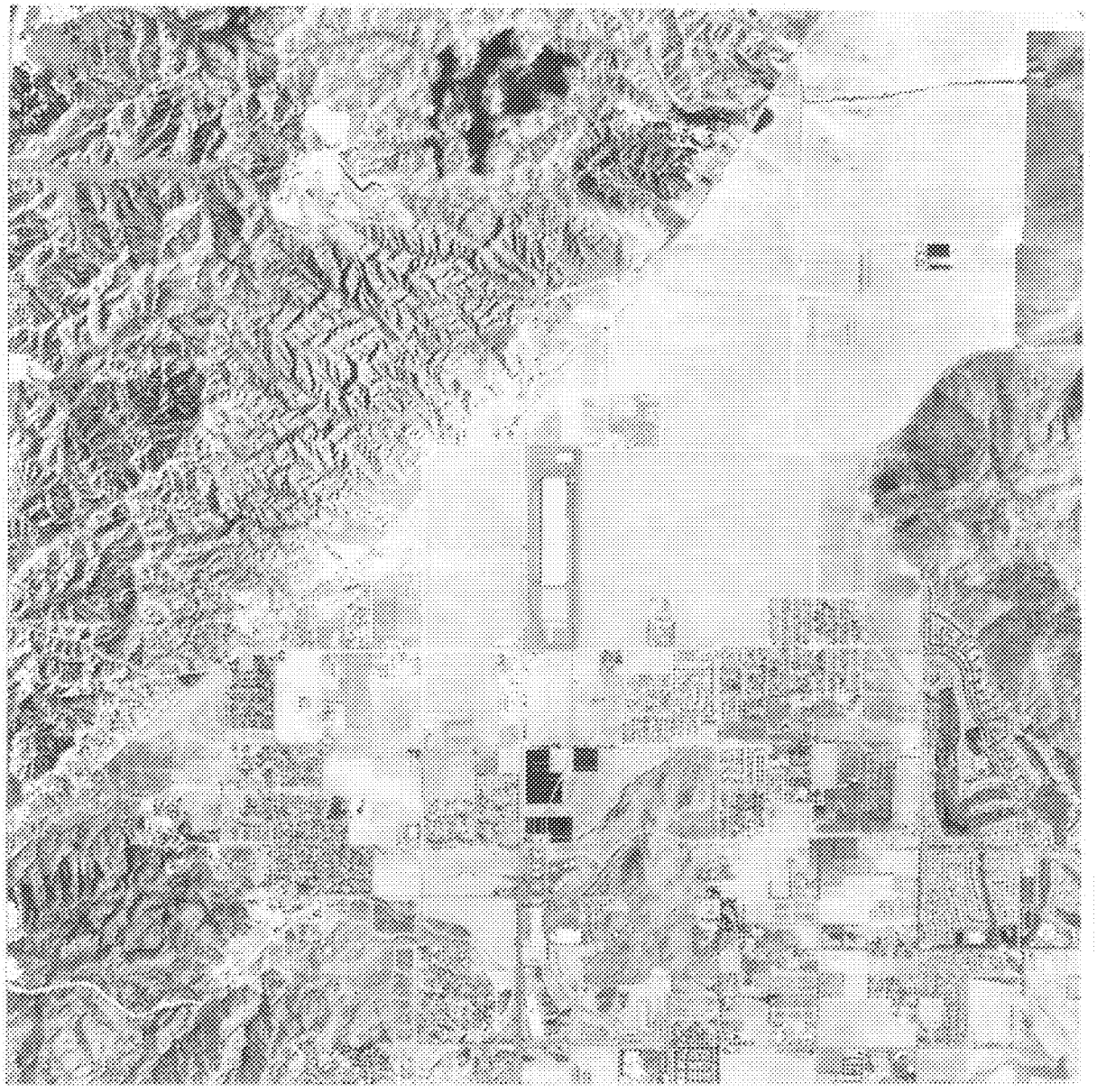

Landscaped Building Elevations (Colored)

Plan depicts the Building Elevations with proposed Landscaping for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

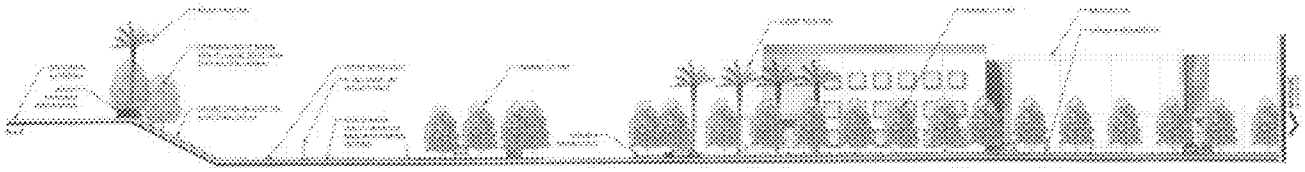

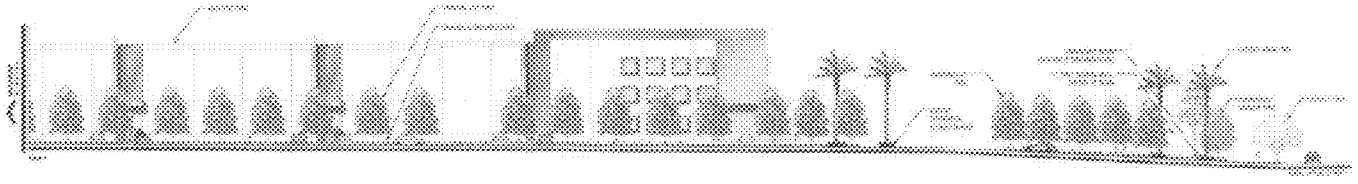

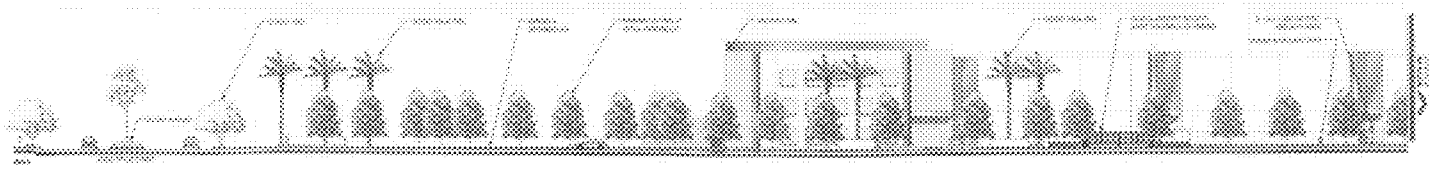

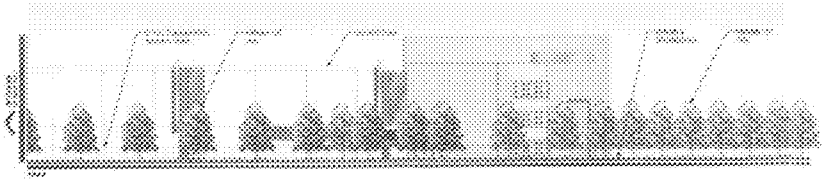

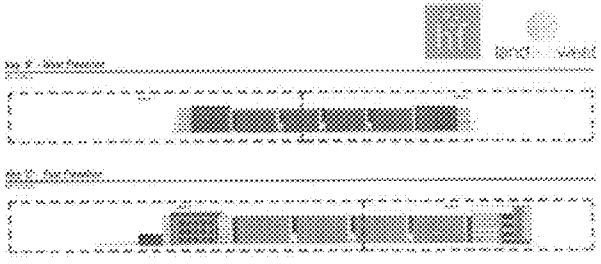

MV00018349

Site Sections (Colored)

Plan depicts site sections showing the developed conditions along Eucalyptus and SR60 with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

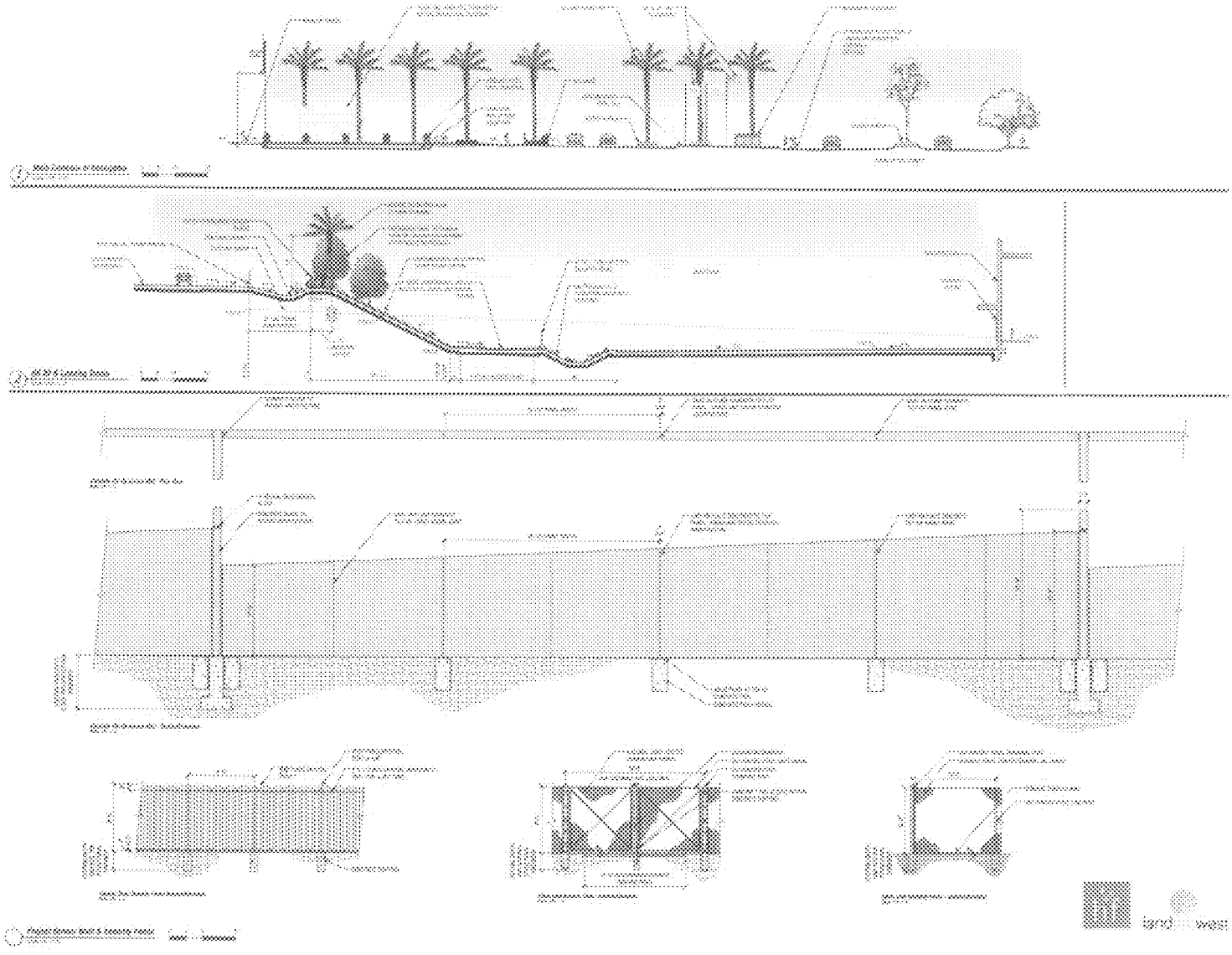
land west

Architectural Building Elevations (Colored)

Plan depicts the Building Elevations for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

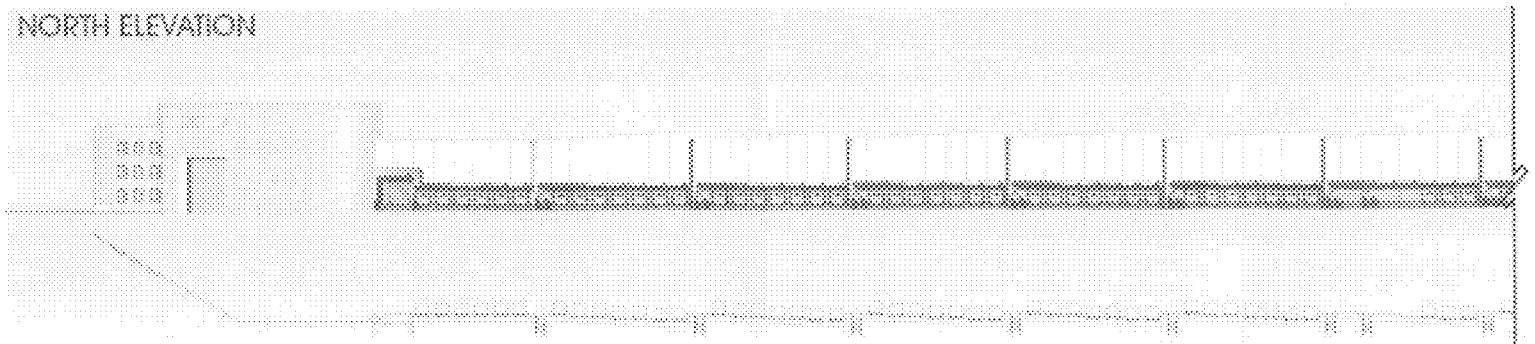

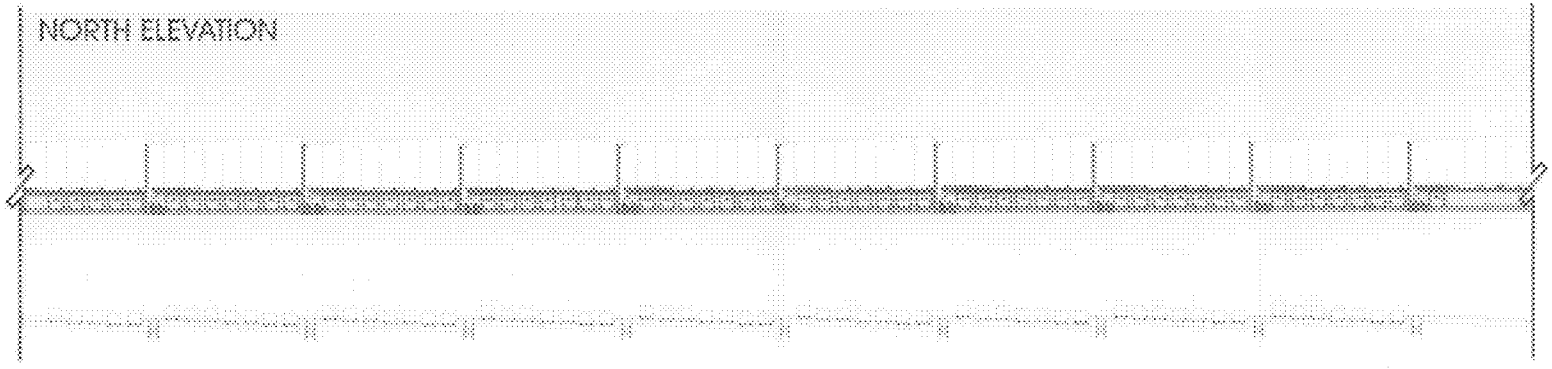

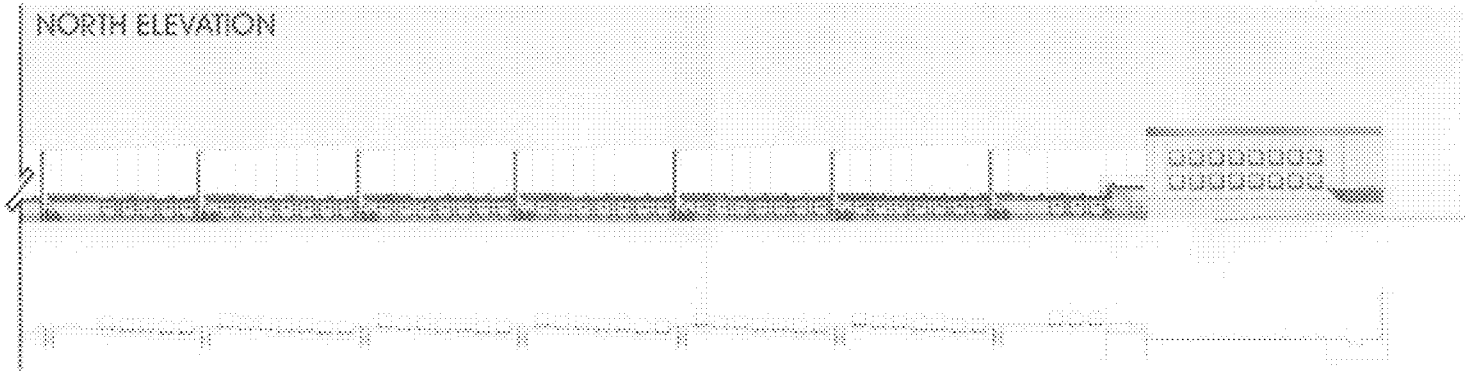

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV000018355

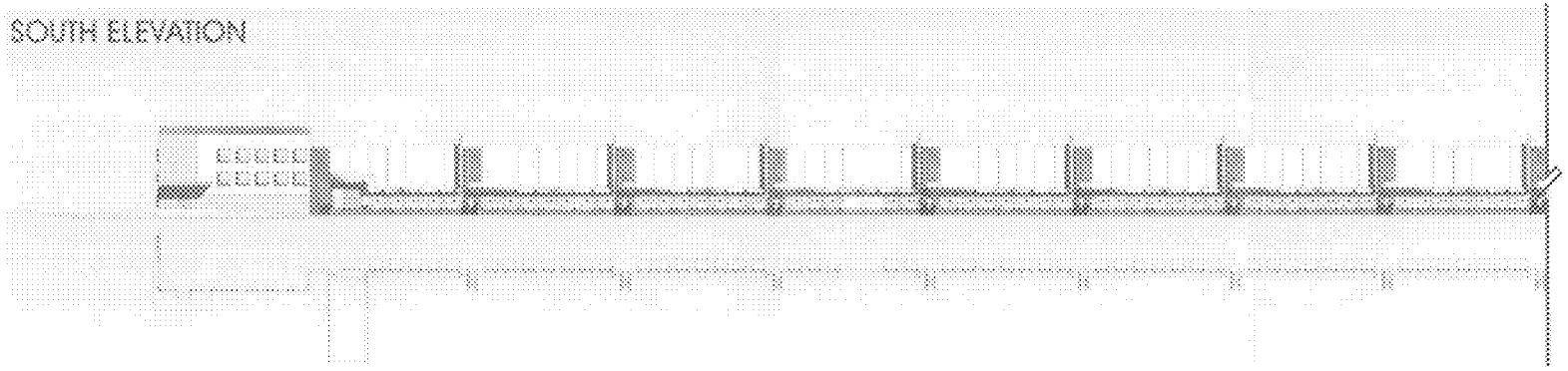

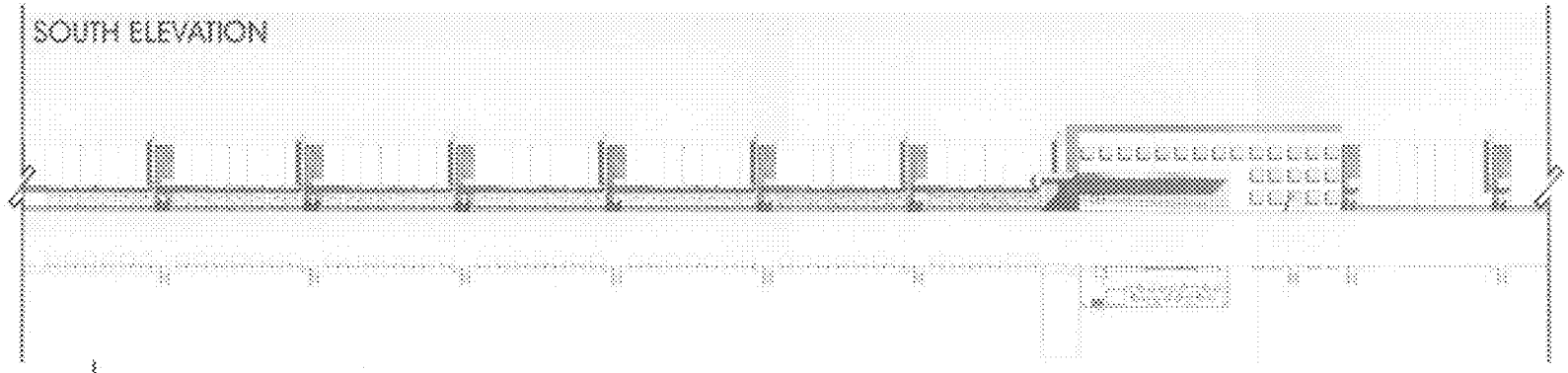

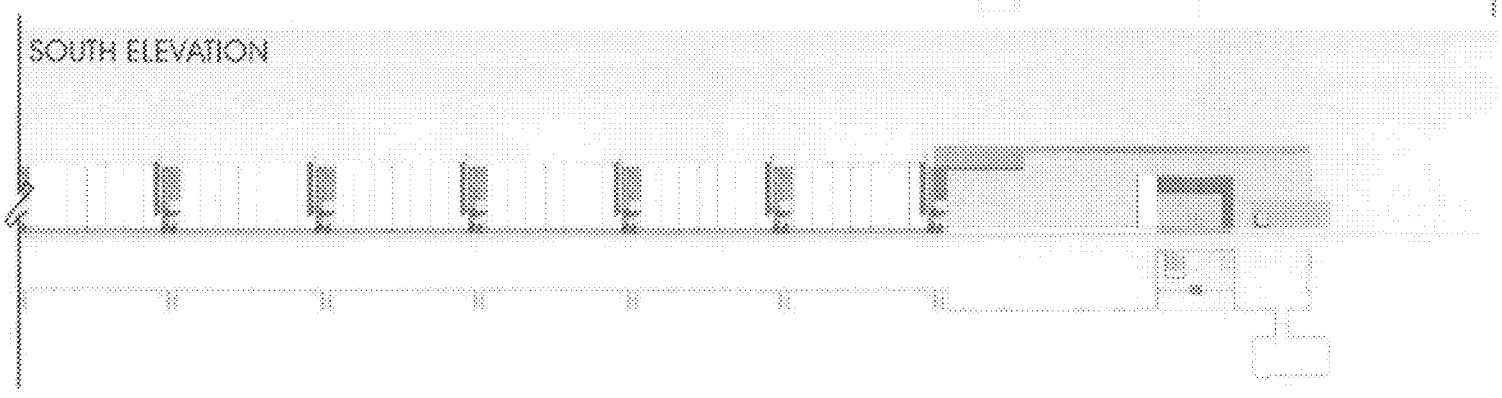

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV000018356

WEST ELEVATION

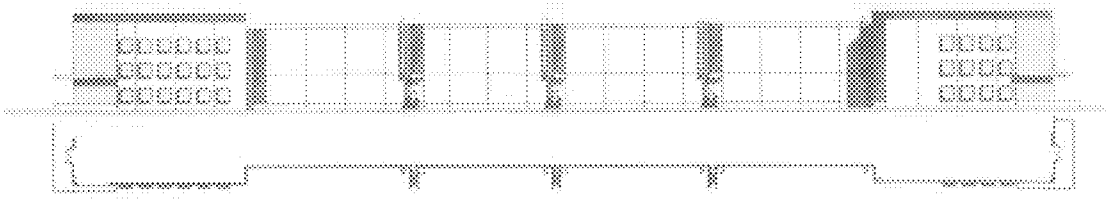

WEST ELEVATION

EAST ELEVATION

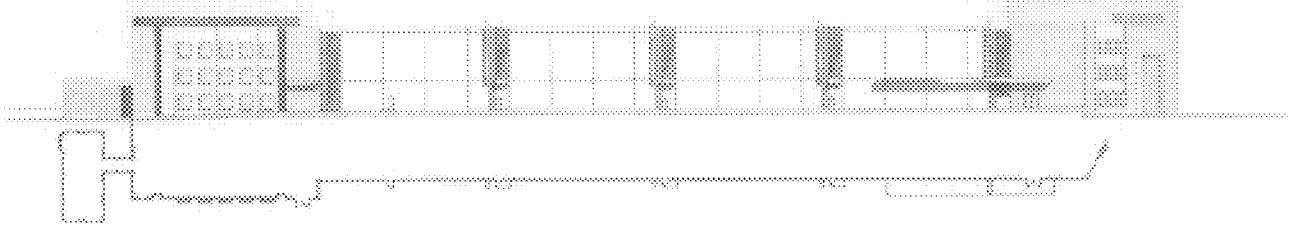

EAST ELEVATION

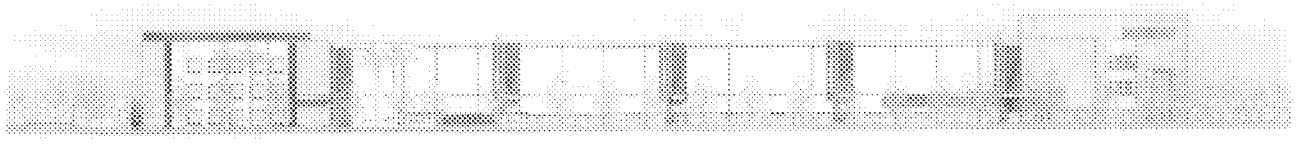

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00018357

Architectural Building Elevations (Colored)

(with Superimposed Landscaping)

Plan depicts the Building Elevations with trees superimposed for reference, for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

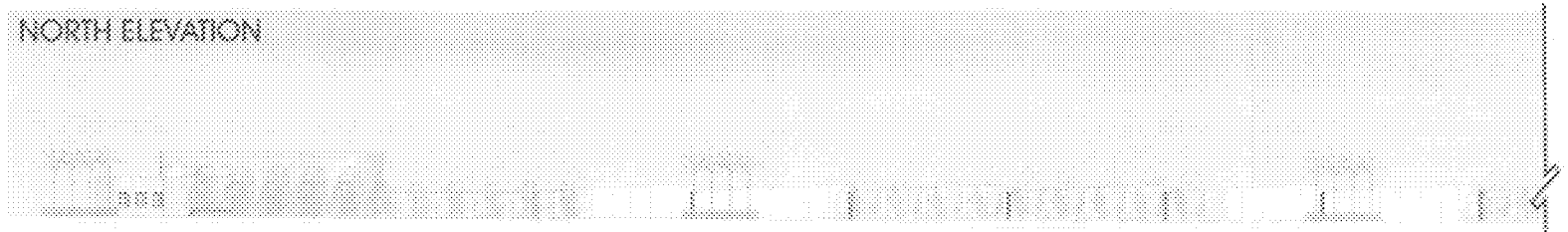

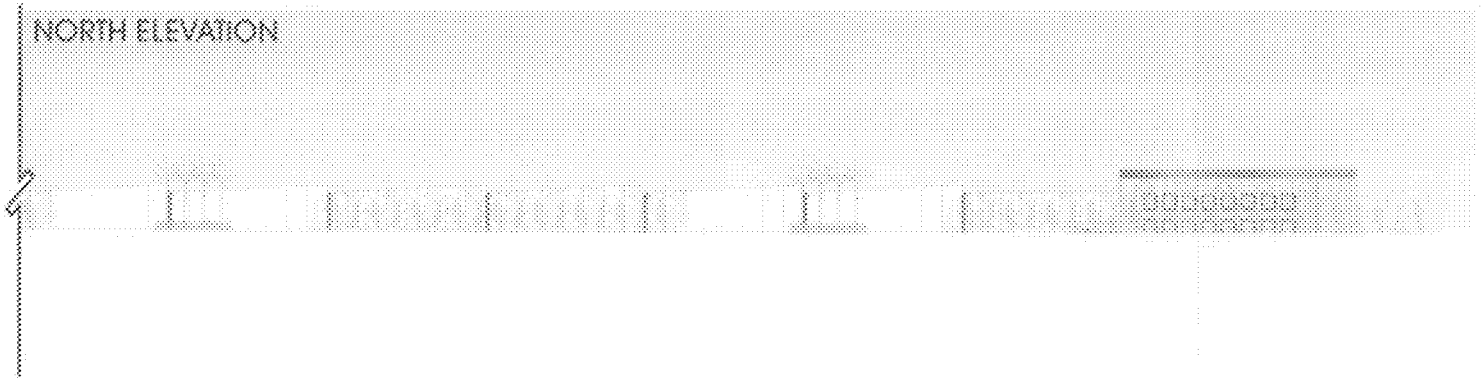

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV00018359

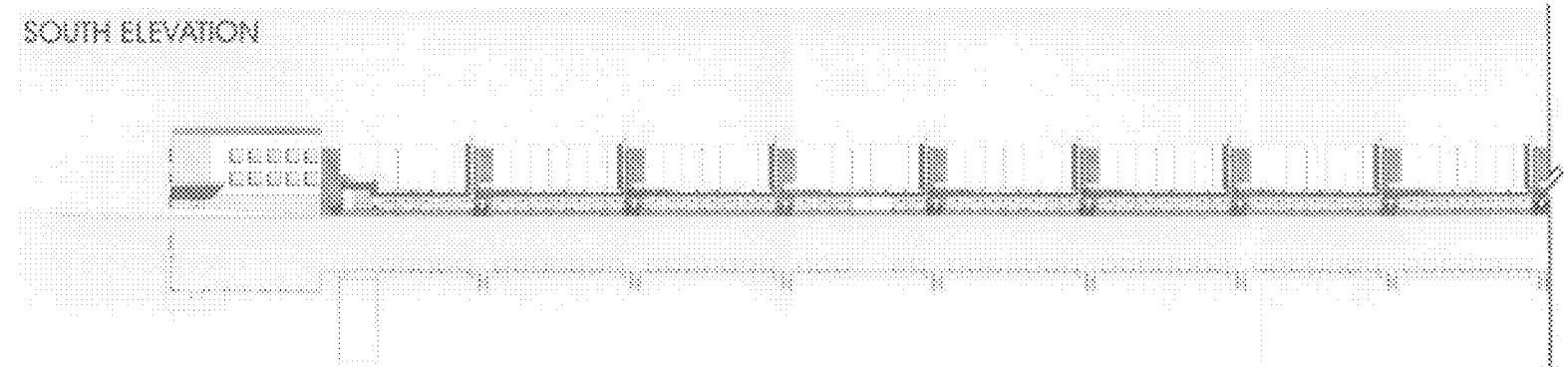

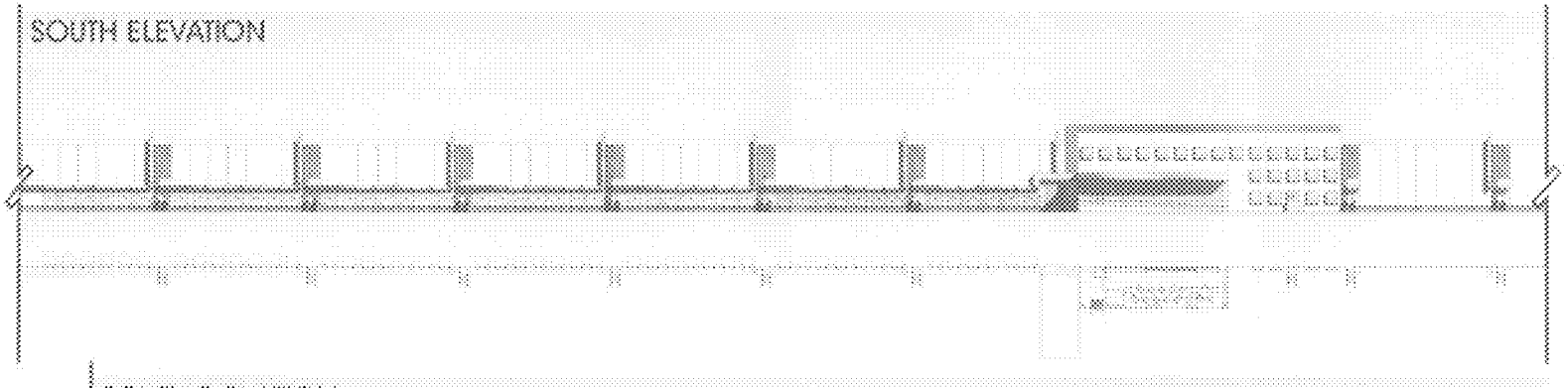

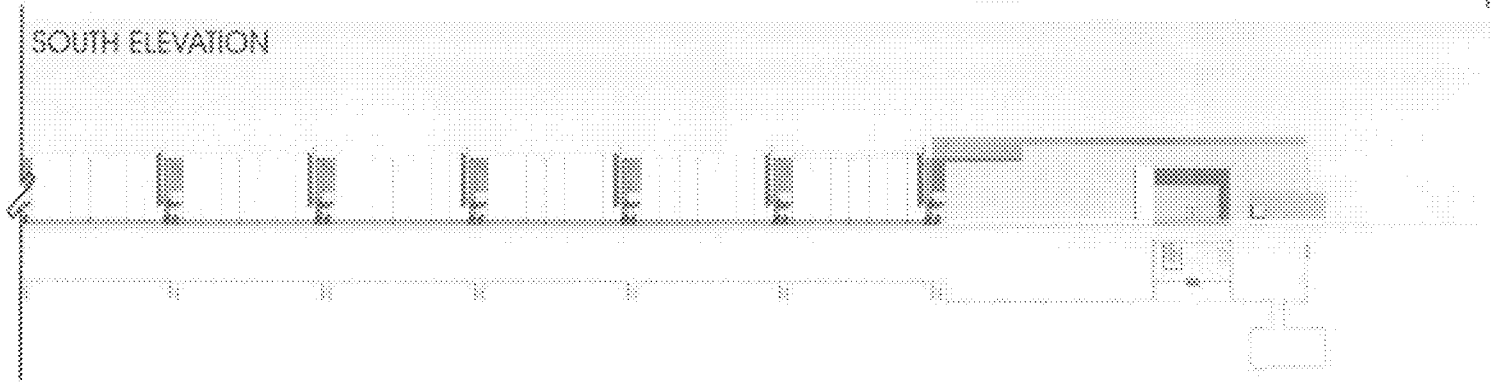

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

MV000018360

SR60 Freeway Landscaping

The following views depict the existing landscape corridor along SR60 both east and west bound, between Day Street and Theodore Street. Included is an Ultimate Section for SR60 showing 30 ft. of additional right of way dedication to accommodate the future widening of SR60.

SR60 Freeway Landscaping

Photo Book · December 12, 2008

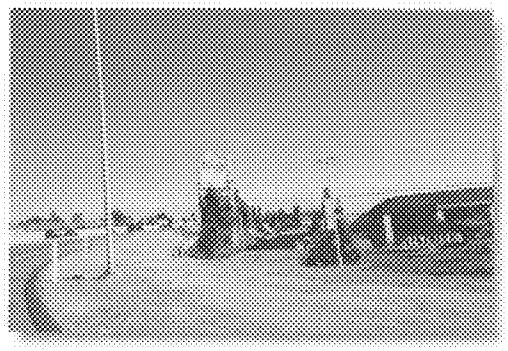

SR60 Eastbound from Day Street to Frederick Street

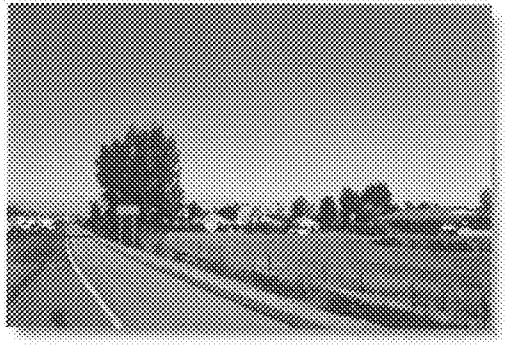

SR60 Eastbound from Frederick Street to Heacock Street

MV000018362

SR60 Freeway Landscaping

Photo Book · December 12, 2008

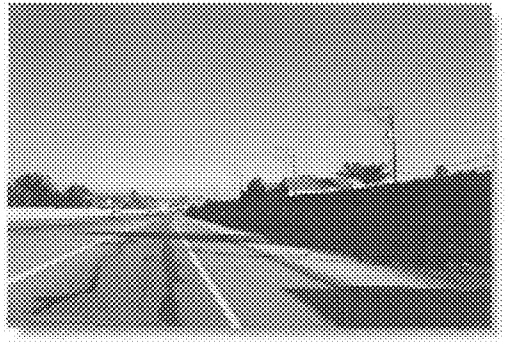

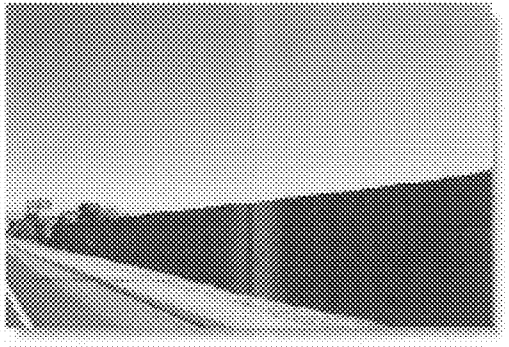

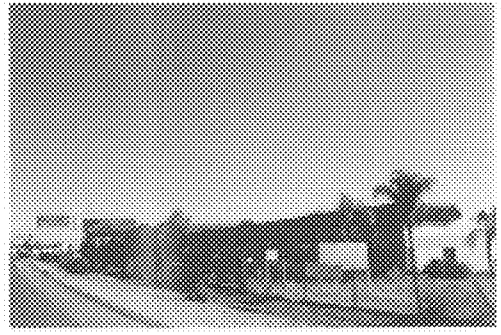

SR60 Eastbound from Hewitt Street to Perris Boulevard

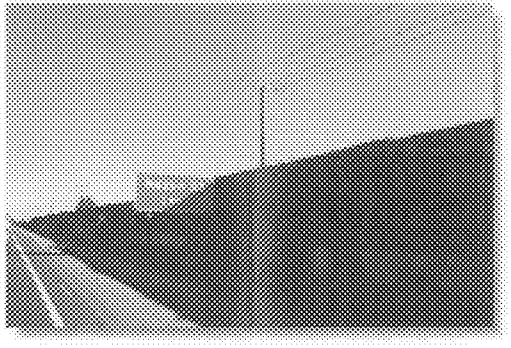

SR60 Eastbound from Perris Boulevard to Nason Street

MV000018363

SR60 Freeway Landscaping

Photo Book - December 12, 2008

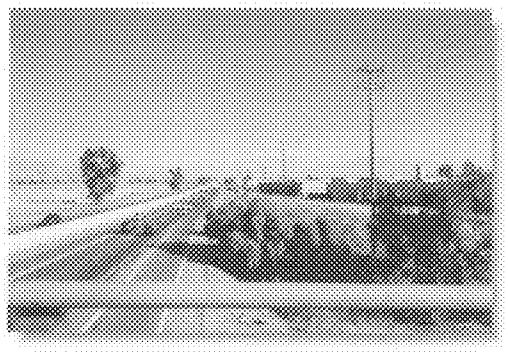

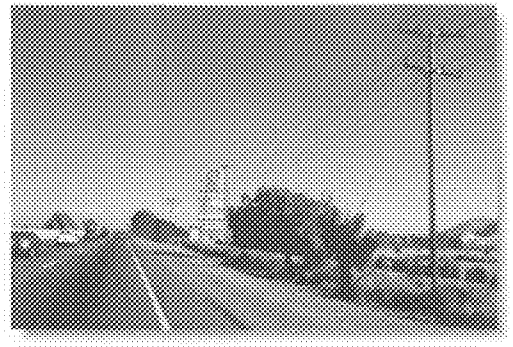

SR60 Eastbound from Nason Street Street to Moreno Beach Drive

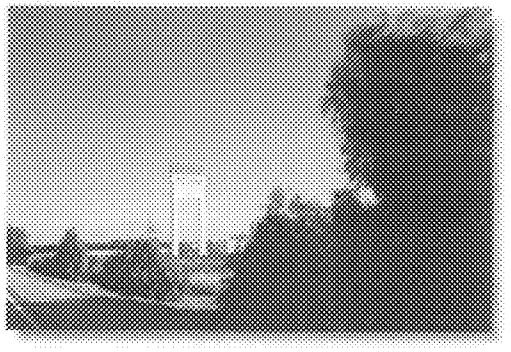

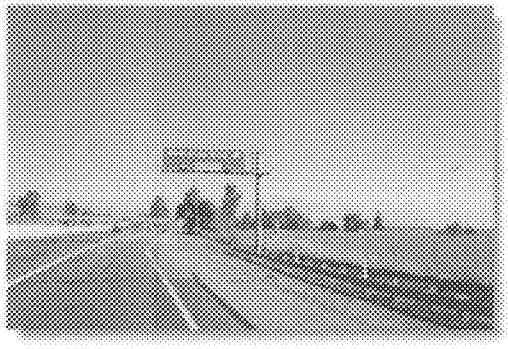

SR60 Eastbound from Moreno Beach Drive to Redlands Boulevard

MV000018364

SR60 Freeway Landscaping
Photo Book - December 12, 2008

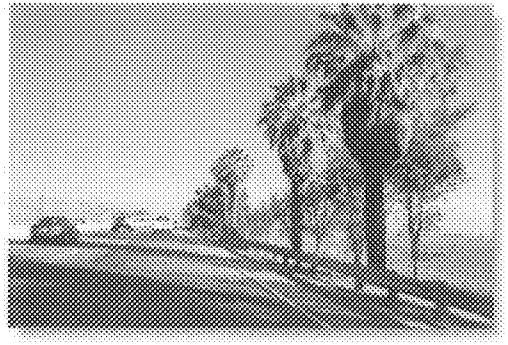

SR60 Eastbound from Redlands Boulevard to Theodore Street

MV000018365

SR60 Freeway Landscaping

Photo Book · December 12, 2008

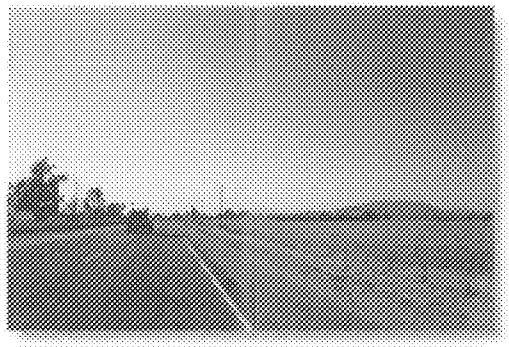

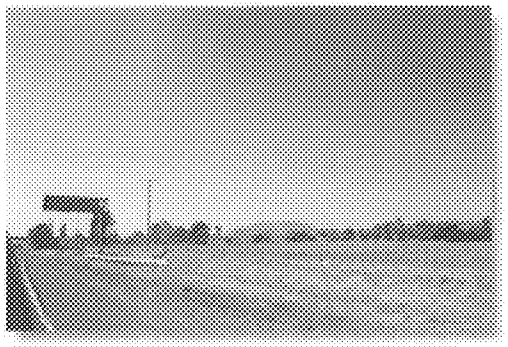

SR60 Westbound from Theodore Street to Redlands Boulevard

SR60 Westbound from Redlands Boulevard to Moreno Beach Drive

MV000018366

SR60 Freeway Landscaping
Photo Book - December 12, 2008

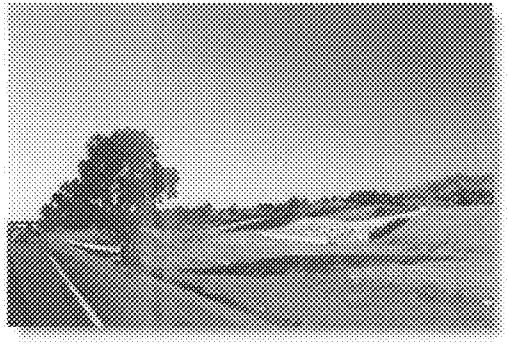

SR60 Westbound from Moreno Beach Drive to Nason Street

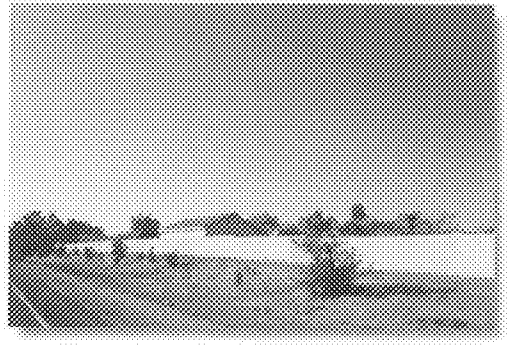

SR60 Westbound from Nason Street to Perris Boulevard

MV00018367

SR60 Freeway Landscaping

Photo Book · December 12, 2008

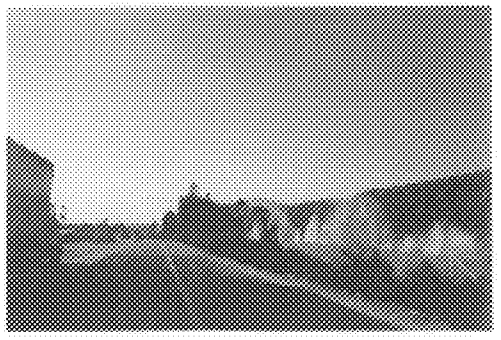

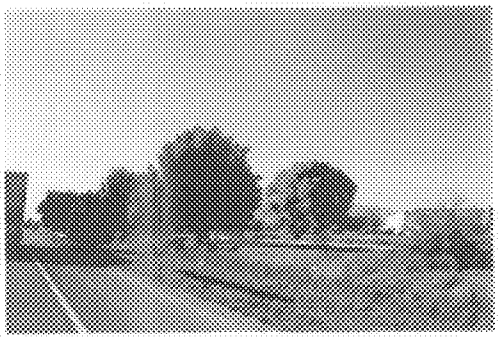

SR60 Westbound from Perris Boulevard to Heacock Street

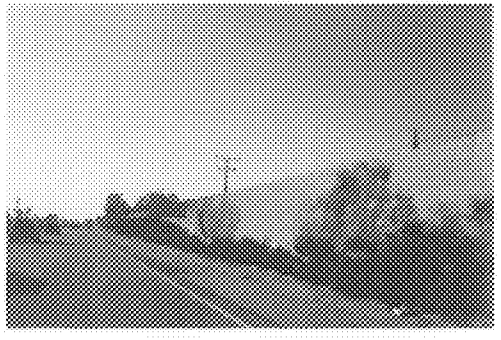

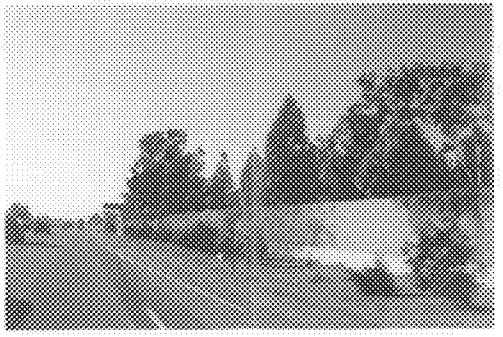

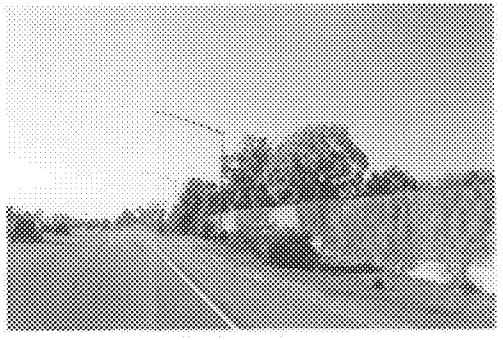

SR60 Westbound from Heacock Street to Frederick Street

MV000018368

SR60 Freeway Landscaping

Photo Book · December 12, 2008

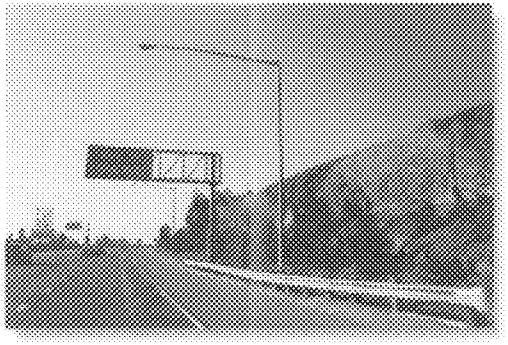

SR60 Westbound from Frederick Street to Day Street

MV000018369

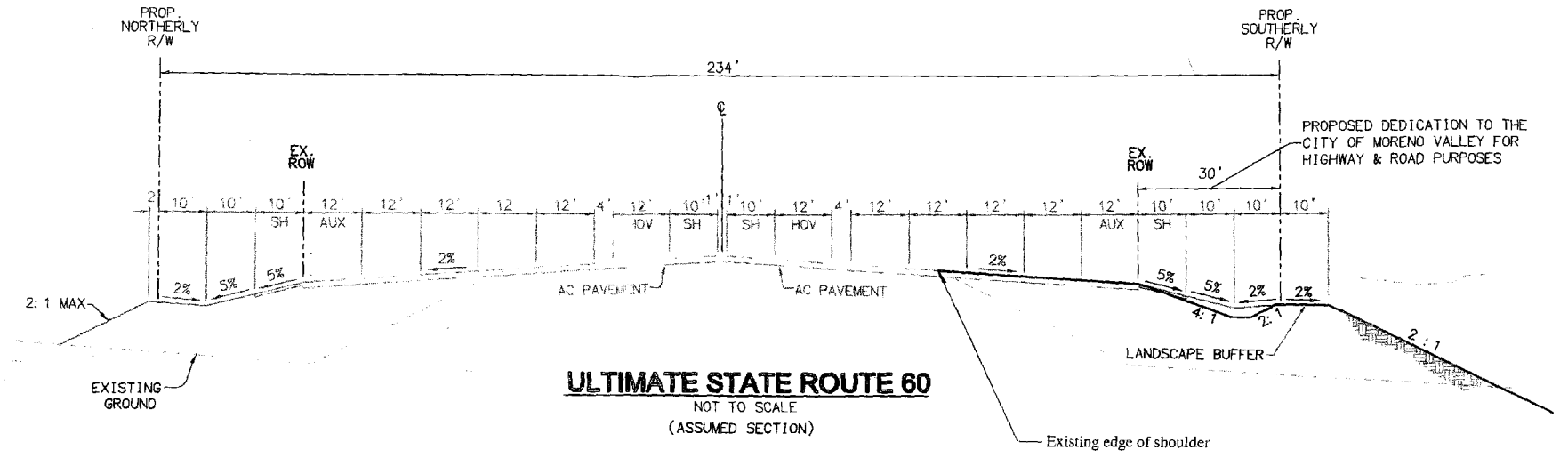

ULTIMATE STATE ROUTE 60

NOT TO SCALE

(ASSUMED SECTION)

MV00018370

Deed Restriction Exhibit

The Schematic Diagram depicts the Deed Restriction Area that will limit uses to mitigate for impacts to air quality along Eucalyptus Avenue.

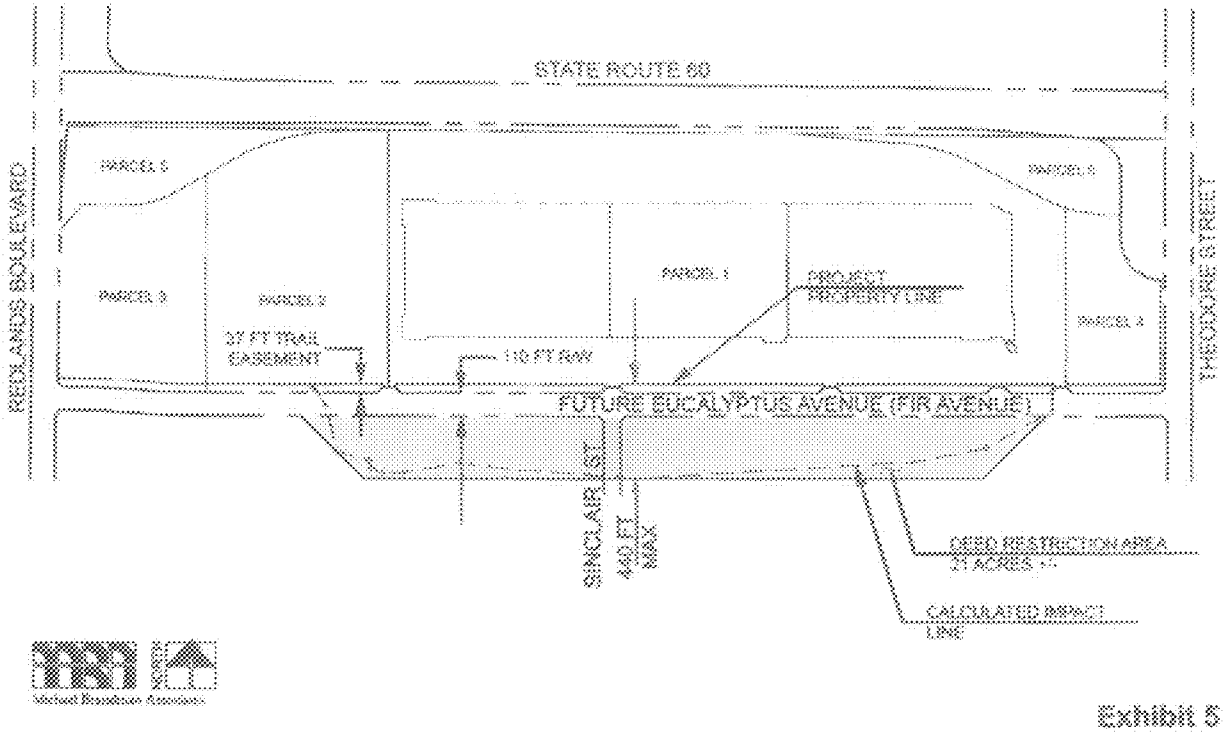

Exhibit 5

Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) **Report by Mayor Stewart on March Joint Powers Commission (MJPA)**

b) **Report by Council Member Hastings on Western Riverside Council of Governments (WRCOG)**

CITY COUNCIL AGENDA ITEM NO. G1.

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

CITY COUNCIL AGENDA ITEM NO. G2.

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

February 10, 2009

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member

Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
FEBRUARY 10, 2009

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION - Lacy K. Sykes, Jr., Crossroad Christian Church

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment

MV00018376

Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A CONSENT CALENDAR - CITY COUNCIL

A .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A .2 NOTICE OF COMPLETION AND ACCEPTANCE OF THE GRAHAM STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO HEMLOCK AVENUE PROJECT NO. 06-28068425 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained system.

A .3 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A .4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Office)

Recommendation:
Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of January 21 – February 3,

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2009.

A .5 AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE PROJECT NO. 05-12567524 (Report of: Public Works Department)

Recommendation:

1. Reject Mega Way Enterprises's low bid as non responsive;

2. Award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest responsible bidder and waive any and all minor irregularities in the bidder's proposal documents;

3. Authorize the City Manager to execute the Agreement with L.R. Johnson Construction;

4. Authorize the issuance of a Purchase Order to L. R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524); and

5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney.

A .6 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, extend the agreement

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from August 31, 2009 to December 31, 2009, and increase the agreement amount by a "not to exceed" fee of $150,000.00;

2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper; and

3. Authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A .7 PA07-0139 – COMMERCIAL BUILDINGS - ACCEPT AGREEMENT AND CASH DEPOSIT FOR PUBLIC IMPROVEMENTS, EAST SIDE OF PERRIS BOULEVARD, SOUTH OF ALESSANDRO BOULEVARD, DEVELOPER - PERRIS ALESSANDRO LLC, LOS ANGELES, CA 90025 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement for Public Improvements and Cash Security for PA07-0139;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and

4. Authorize the City Engineer to execute any amendments to the agreement if the required public improvements are not completed within said timeframe.

A .8 FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS. (Report of the Economic Development Department)

Recommendation:

That the City Council adopt Resolution No. 2009-03 and the Board of

MV00018379

Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

Resolution No. 2009-03

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley of a First Amendment to Amended and Restated Affordable Housing Agreement by and Between the Agency and One Moreno Valley 240, L.P., A California Limited Partnership

A .9 DAY STREET SEWER IMPROVEMENTS – REQUEST TO EXTEND THE TIME FOR A FULL ROAD CLOSURE OF DAY STREET BETWEEN ALESSANDRO BOULEVARD AND BAY AVENUE FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS FROM FEBRUARY 24, 2009 – MARCH 16, 2009, CONTRACTOR: BONADIMAN-MCCAIN, INC., SAN BERNARDINO, CA 92408 (Report of: Public Works Development)

Recommendation:

1. Authorize an extension of time for a full road closure of Day Street between Alessandro Boulevard to Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009; and

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

A .10 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, extend the agreement from August 31, 2009 to December 31, 2009, and increase the

agreement amount by the "not to exceed" fee of $350,000.00;

2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A .11 AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH JAGDISH SHAH (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah; and

3. Authorize a Purchase Order to Jagdish Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties.

B CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B .2 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B .3 NAMING OF PARK ON FILAREE AVENUE BETWEEN SHEILA STREET AND PERRIS BOULEVARD (Report of: Parks and Community Services)

Recommendation:

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Adopt the name as recommended and submitted at the neighborhood meeting for the new park located along the south side of Filaree Avenue between Sheila Street and Perris Boulevard as "Patriot Park."

C CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C .2 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C .3 FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS (Report of: Economic Development Department)

Recommendation:
That the City Council Adopt Resolution No. 2009-03 and the Board of Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

Resolution No. RDA 2009-01

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving a First Amendment to Amended and Restated Affordable Housing Agreement by and Between the Agency and One Moreno Valley 240, L.P., A California Limited Partnership

D CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D .1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

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D .2 MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E PUBLIC HEARINGS

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

E .1 A PHASED TENTATIVE PARCEL MAP (PA07-0090 AND P08-057) TO SUBDIVIDE A 158 GROSS ACRE SITE (265.3 ACRES INCLUDING OFFSITE IMPROVEMENTS AND DRAINAGE) INTO FOUR BUILDABLE PARCELS AND TWO PARCELS DEDICATED FOR FUTURE FREEWAY IMPROVEMENT PURPOSES (THIRTEEN PARCELS TOTAL INCLUDING PUBLIC ACCESS AND DEDICATION), AND FIRST PHASE PLOT PLAN (PA07-0091) FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING ON APPROXIMATELY 83 ACRES (TOTAL OF 2,620,000 SQUARE FEET OF BUILDING FOR THE ALL PHASES OF DEVELOPMENT). THE PROJECT SITE CURRENTLY LIES WITHIN THE BP (BUSINESS PARK) AND CC (COMMUNITY COMMERCIAL) LAND USE DISTRICTS AND INCLUDES A REQUEST A CHANGE OF ZONE (PA07-0088) TO LI (LIGHT INDUSTRIAL) FOR ALL PROPOSED INDUSTRIAL USES AND A GENERAL PLAN AMENDMENT (PA07-0089) TO ELIMINATE A PLANNED MULTI-USE TRAIL OVER HIGHWAY 60, TO ADJUST AND EXTEND A PLANNED MULTI-USE TRAIL FROM THE SOUTH TO THE NORTH SIDE OF FUTURE EUCALYPTUS AVENUE FROM QUINCY STREET TO THEODORE STREET, TO RE-DESIGNATE FUTURE EUCALYPTUS AVENUE FROM REDLANDS BOULEVARD TO THEODORE STREET FROM AN ARTERIAL TO A DIVIDED ARTERIAL TO ALLOW THE ADDITION OF MEDIANS, AND TO ADJUST PARCEL LINES AND LAND USE FOR TWO PARCELS LOCATED IN THE CC LAND USE DISTRICT (NARROW WIDTH 126 FEET ON THE EASTERN PORTION OF THE SITE AND WIDEN 87 FEET ON THE WESTERN PORTION OF THE SITE). THE PROPOSED PROJECT IS LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. AN APPEAL HAS BEEN FILED BY THE PROJECT APPLICANT, HIGHLAND FAIRVIEW PROPERTIES, TO PROTECT

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THEIR RIGHTS (Item Continued from February 3, 2009) (Report of: Community Development Department)

Recommendation:

1. The Planning Commission recommends that the City Council conduct a public hearing to: DENY PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

   If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

2. APPROVE Resolution No. 2009-08 to CERTIFY an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines.

   Resolution No. 2009-08

   A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P07-157), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the Highland Fairview Corporate Park Project, Generally Located Adjacent to and South Of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

3. INTRODUCE Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000

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square feet, subject to the findings included in the attached resolution.

Ordinance No. 785

An Ordinance of the City Council of the City of Moreno Valley, California, Amending the Official Zoning Atlas of Said City, to Include a Change of Zone (PA07-0088) From BP (Business Park) To LI (Light Industrial) for an Approximate 104.9 Acre Portion of the Site, Including a Change of Zone for a 87 Foot Area Between Parcels 2 and 3 from BP (Business Park) T0 CC (Community Commercial) and Change of Zone for 126 Feet of Land Between Parcels 1 and 4 from CC (Community Commercial) To LI (Light Industrial), All Encompassed Within an Approximately 158 Acre Site (Including Relevant Offsite Improvements and Drainage) Commercial Land Uses) on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

4. APPROVE Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions, and conditions of approval, attached as Exhibit A to two of the resolutions.

Resolution No. 2009-09

A Resolution of the City Council of the City of Moreno Valley, California, Approving A General Plan Amendment (PA07-0089) for the Elimination of a Portion of a General Plan Designated Multi-Use Trail, the Adjustment of a Planned Multi-Use Trail on Future Eucalyptus Avenue (Fir), the Upgrading from an Arterial to a Divided Arterial for Future Eucalyptus Avenue (Fir) and a Change in Land Use for a 87 Foot Area Between Parcel of Land Use for of 126 Feet of Land Between Parcels 1 and 4 From C (Commercial) To BP (Business Park), and a Plot Plan for an

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Approximately 1,820,000 Square Foot Warehouse Industrial Building (Total of 2,620,000 Square Feet for All Phases of Development Consisting of Industrial and Commercial Land Uses) on the Property Located South of and Adjacent to Highway 60 Between Redlands Boulevard and Theodore Street Along Future Eucalyptus (Fir Avenue)

5. Resolution No. 2009-10

A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of PA07-0090 (Tentative Parcel Map No. 35629) for Four Separate Buildable Parcels and Two Primary Parcels Dedicated for Freeway and Improvement Purposes (Thirteen Parcels Overall to Include Lettered Lots for Public Access and Dedication Purposes) and a Phased Subdivision of Land (P08-057) Consisting of a Proposed Industrial and Commercial Development (2,620,000 Square Feet) to Include Two Parcels for Industrial Warehouse Uses, Two Parcels for Commercial/Retail Uses and Two Parcels that will be Dedicated for Future Freeway Improvements on a 158 Acre Site (With Additional Off-Site Improvements and Drainage) Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

Resolution No. 2009-11

A Resolution of the City Council of the City of Moreno Valley, California Approving PA07-0091 (Plot Plan) for an Approximate 1,820,000 Square Foot Industrial Warehouse Building with Ancillary Commercial/Retail and Office Uses on an Approximately 83 Acre Parcel Generally Located Adjacent to and South of Highway 60 Along Future Eucalyptus Avenue (Fir Avenue) Between Redlands Boulevard and Theodore Street

F ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPERATE ACTION

G REPORTS

G .1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
(Informational Oral Presentation - not for Council action)

a. Report by Mayor Stewart on March Joint Powers Commission (MJPA)

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b. Report by Council Member Hastings on Western Riverside Council of Governments (WRCOG)

G .2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H LEGISLATIVE ACTIONS

H .1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H .2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H .3 ORDINANCES - URGENCY ORDINANCES - NONE

H .4 RESOLUTIONS-NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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

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CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases:

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

Number of Cases:

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a) Property: 13956 Day Street
City Negotiator: Chris A. Vogt
Under Negotiation: Price and terms of payment
Owner: Odufalu
Owners Negotiator: N/A
APN 291-191-004

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Robert G. Gutierrez
Employee Organization: MVCEA

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b) Agency Representative: Robert G. Gutierrez
Employee Organization: MVMA

c) Agency Representative: Robert G. Gutierrez
Employee Organization: Moreno Valley Confidential Management Employees

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

ADJOURNMENT

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: February 10, 2009

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF THE GRAHAM STREET IMPROVEMENTS FROM IRONWOOD AVENUE TO HEMLOCK AVENUE
PROJECT NO. 06-28068425

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Accept the improvements into the City's maintained system.

BACKGROUND

On February 12, 2008, the City Council awarded the construction contract and authorized the issuance of a Purchase Order in the amount of $597,778 (the bid amount plus 15% contingency) to Trinity Construction for Graham Street Improvements.

On November 12, 2008, the City Council authorized the increase in the Purchase Order for Trinity Construction in the amount of $45,000 to cover the cost increase associated with Eastern Municipal Water District (EMWD) waterline work as described in Contract Change Orders No. 1, No. 2 and No. 3 as part of the Graham Street Improvements.

DISCUSSION

Trinity Construction has completed the improvements for Graham Street that included sidewalks, access ramps, curbs and gutters, driveways, new pavement, and ancillary work along Graham Street from Ironwood Avenue to Hemlock Avenue. The project also included the installation of a new 12" waterline for EMWD. EMWD has agreed to reimburse the City for all waterline costs per a reimbursement agreement authorized by the City Council on December 11, 2007. In addition, the Southern California Gas Company (Gas Company) has agreed to reimburse the City for improvement costs of $31,500 to construct a thicker asphalt pavement structural section to protect its existing gas line along Graham Street per a reimbursement agreement between the City and the Gas Company on October 29, 2007. Both EMWD and the Gas Company have deposited $299,171 with the City for their share of the improvements.

The original contract amount was for $519,807.00. Five change orders increased the contract amount by 19.62%. The Contractor completed the project on October 17, 2008, for a total construction cost of $621,770.25. The work was completed within the total authorized purchase order amount of $642,778.

ALTERNATIVES

1. Accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317, direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and accept the improvements into the City's maintained system. *This alternative will allow payment to the contractor and acceptance of the improvements into the City's maintained system.*

2. Do not accept the work as complete for the Graham Street Improvements from Ironwood Avenue to Hemlock Avenue constructed by Trinity Construction, P.O Box 246, Blue Jay, CA 92317, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Trinity Construction thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not accept the improvements into the City's maintained system. *This alternative will result in*

delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.

FISCAL IMPACT

This project is included in the Fiscal Year 2008-2009 Capital Improvements Project Budget and is funded by a combination of SB-821 Sidewalk monies (Account No. 122.72226), CDBG Funding (Account No. 280.68425), and EMWD's and Gas Company's deposits (Account No. 414.80428).

TOTAL BUDGETED FUNDS:

Fiscal Year 2007/2008 (Account No. 122.72226)	$ 45,000.00
Fiscal Year 2005/2006 through 2008/2009 (Account No. 280.68425)	$836,725.00
Fiscal Year 2008/2009 (Account No. 414.80428)	$299,171.00
Total Project Budget	$1,180,896.00

FINAL DESIGN AND CONSTRUCTION RELATED COSTS:

Design	$152,000.00
Right of Way	$36,000.00
Construction	$621,770.00
Project Management*	$270,000.00
Total Project Costs	$1,079,770.00
Remaining Budget	$101,126.00

* Project Administration, which included inspection, survey, and geotechnical services, was provided by City and consultant staff.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.

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

SUMMARY

This project provides improvements to Graham Street with construction of new curbs, gutters, sidewalks, driveways, pavement and mailboxes from Hemlock Avenue to Ironwood Avenue. The City Council is requested to accept the work as complete for the Graham Street Improvements, direct the recordation of the Notice of Completion at the office of the County Recorder of Riverside County and accept the improvements into the City's maintained system.

ATTACHMENT

Attachment "A" – Project Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Concurred By:
Michelle Patterson
Acting Redevelopment Division Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/ Assistant City Engineer

Department Head Approval:
Barry Foster
Economic Development Director

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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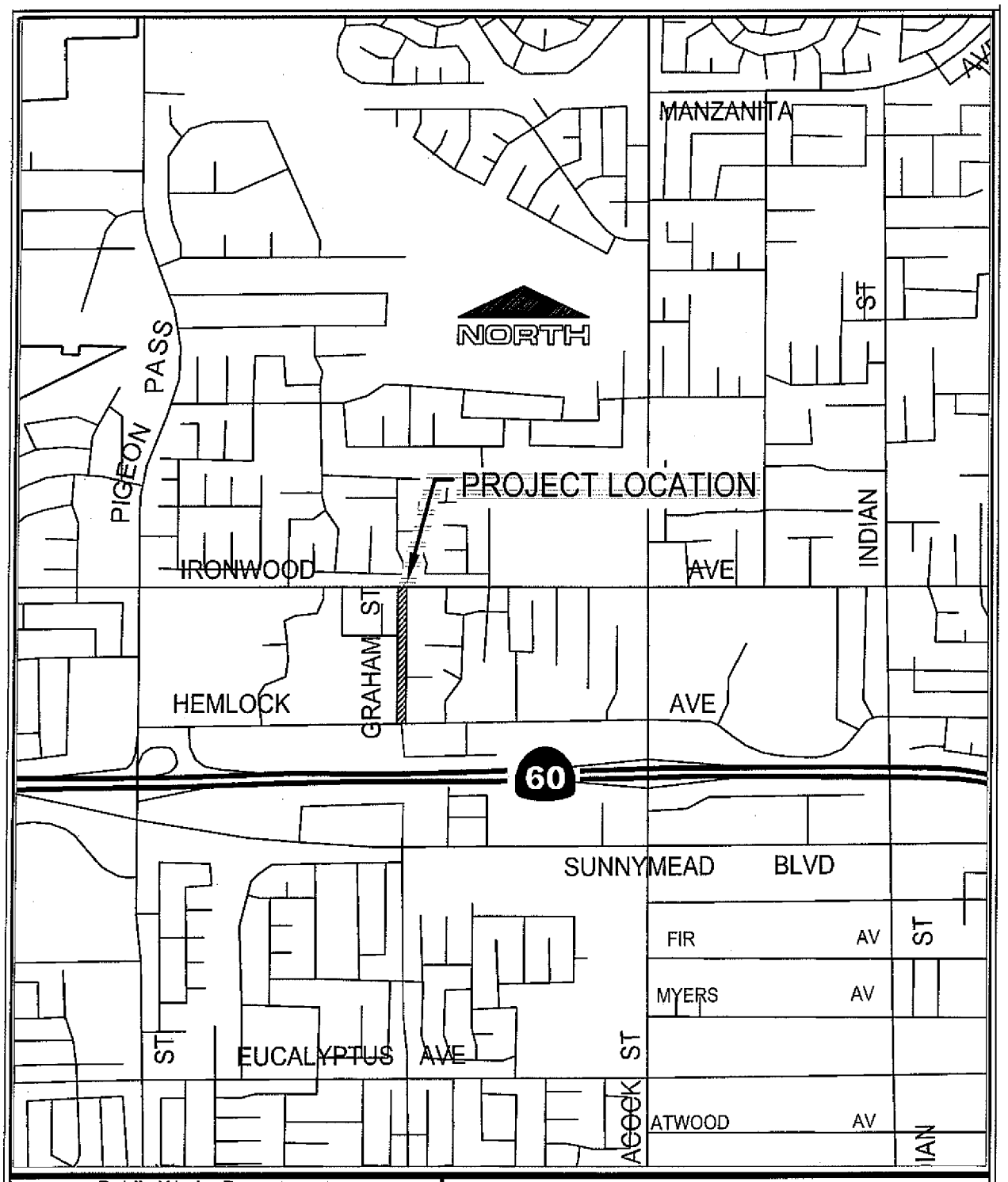

Public Works Department Capital Projects Division	LOCATION MAP
ATTACHMENT "A" Scale: None	GRAHAM ST IMPROVEMENTS (HEMLOCK AVE TO IRONWOOD AVE) PROJECT NO. 06-28068425

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MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 P.M.
JANUARY 27, 2009

REPORT OF ACTION FROM SPECIAL CLOSED SESSION HELD ON JANUARY 27, 2009 AT 6:00 P.M. BY CITY ATTORNEY

1 SECTION 54956.9(a) - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

a Case: *Community Asset Management/Country Squire Mobile Estates v. City of Moreno Valley*
Court: Riverside Superior Court
Case No: RIC 465600

City Attorney announced that the City Council determined not to appeal the decision of the court so long as final judgment is consistent with the oral ruling of the court. That judgment has not been signed by the court yet. It is anticipated that it would be.

CALL TO ORDER - The Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Hastings

INVOCATION - Dennis J. Krueger, Shepherd of the Valley Lutheran Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
William H. Batey II	Council Member
Bonnie Flickinger	Mayor Pro Tem
Robin N. Hastings	Council Member
Jesse L. Molina	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Elam	Financial & Administrative Services Director
Robert Herrick	City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
John Anderson	Police Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director
Becky Guillan	Library Services Division Manager
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder (Items A4 and A14).

A. CONSENT CALENDAR - CITY COUNCIL

A .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

A .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:
Approve as submitted.

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

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of January 7-20, 2009.

A .4 NOTICE OF COMPLETION AND ACCEPTANCE OF FIRE STATION NO. 58 PROJECT NO. 05-43472523 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Fire Station #58, which was constructed by Tovey/Shultz Construction Inc. (Tovey/Shultz), 18261 Collier Avenue, Unit A, Lake Elsinore, CA 92530;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the undisputed amount of retention to Tovey/Shultz thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained building system.

A .5 TRACT 34487 - APPROVE FINAL MAP SOUTHWEST CORNER OF BAY AVENUE AND FREDERICK STREET, DEVELOPER: BAY AVENUE APARTMENTS, LLC, 9820 INDIANA AVENUE, SUITE 17, RIVERSIDE, CA 92503 (Report of: Public Works)

Recommendation:

1. Approve Final Map 34487; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A .6 NOTICE OF COMPLETION AND ACCEPTANCE OF INDIAN STREET AND CACTUS AVENUE INTERSECTION AND STORM DRAIN IMPROVEMENTS PROJECT NO. 03-12567123 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for Indian Street and Cactus Avenue Intersection and Storm Drain Improvements, constructed by All American Asphalt, P.O. Box 2229, Corona, CA 92878;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to All American Asphalt thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A .7 FIRST AMENDMENT TO TRANSPORTATION UNIFORM MITIGATION FEE REIMBURSEMENT AGREEMENT FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Approve the First Amendment to Transportation Uniform Mitigation Fee Program Agreement between the Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project;

2. Authorize the Public Works Director/City Engineer to execute the First Amendment to Transportation Uniform Mitigation Fee Program Agreement between WRCOG and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project; and

3. Authorize the Public Works Director/City Engineer to execute any subsequent amendments to the Transportation Uniform Mitigation Fee Program Agreement between WRCOG and the City of Moreno Valley for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard project.

A .8 TRACT MAP 31269-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING NOTTINGHAM AVENUE, SUFFOLK DOWNS WAY, SANTA ANITA AVENUE, LAUREL PARK WAY, LEXINGTON WAY, LOS ALAMITOS COURT, CANTERBURY DOWNS WAY, TRIPLE CROWN COURT, AND THE PORTION OF DRACAEA AVENUE, COTTONWOOD AVENUE, REDLANDS BOULEVARD, WILMOT STREET AND BAY MEADOWS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM AND AUTHORIZE AMENDMENT TO AGREEMENT FOR PUBLIC IMPROVEMENTS (TIME EXTENSION) - DEVELOPER - RICHMOND AMERICAN HOMES OF MARYLAND, INC., A MARYLAND CORPORATION, IRVINE, CA. 92617 (Report of: Public Works Development)

Recommendation:

1. Adopt Resolution No. 2009-04 authorizing the acceptance of the portion of the public improvements for Tract Map 31269-1 as complete as indicated by the City Engineer and accepting Nottingham Avenue, Suffolk Downs Way, Santa Anita Avenue, Laurel Park Way, Lexington Way, Los Alamitos Court, Canterbury Downs Way, Triple Crown Court, and the portion of Dracaea Avenue, Cottonwood Avenue, Redlands Boulevard, Wilmot Street and Bay Meadows Avenue associated with the project into the City's maintained street system;

Resolution No. 2009-04

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31269-1, and Accepting Nottingham Avenue, Suffolk Downs Way, Santa Anita Avenue, Laurel Park Way, Lexington Way, Los Alamitos Court, Canterbury Downs Way, Triple Crown Court, and the Portion of Dracaea Avenue, Cottonwood Avenue, Redlands Boulevard, Wilmot Street and Bay Meadows Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the partial reduction to the Faithful Performance security, exonerate the portion of the Material and Labor security associated with the completed improvements in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance security in one year when all clearances are received;

3. Authorize the City Engineer to execute the reduction of the remaining Faithful Performance security upon completion and approval of the remaining work, release of the remaining Material and Labor security in 90 days if there are no stop notices or liens on file with the City Clerk, and the exoneration of the final 10% of the Faithful Performance security in one year when all clearances are received;

4. Authorize the Mayor to execute the Amendment to Agreement for Public Improvements for Tract Map 31269-1; and

5. Instruct the City Clerk to forward the completed Amendment to Agreement for Public Improvements to the County Recorder's Office for recordation.

A .9 FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR REALIGNMENT OF RECHE VISTA DRIVE FROM THE INTERSECTION OF PERRIS BOULEVARD / HEACOCK STREET TO 200 FEET NORTH OF THE NORTH CITY LIMITS PROJECT NO. 01-12566722 (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with KOA Corporation (KOA), 3190 C Shelby Street, Ontario, CA 91764 for Phase II work which includes preparation of Plans, Specifications and Estimates (PS&E), and Right-of-Way Engineering;

2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with KOA;

3. Authorize a Change Order to increase the Purchase Order with KOA for $240,900 ($219,000 proposal amount plus 10% contingency amount of $21,900) for Phase II (PS&E and Right-of-Way Engineering) when the First Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account No. 416.78626);

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with KOA, up to but not to exceed the Purchase Order contingency amount authorized, subject to the approval of the City Attorney; and

5. Appropriate $111,000 from the unencumbered Measure "A" fund balance to Reche Vista Realignment, Account No. 125.66722 to provide sufficient funding for Phase II.

A .10 UPDATED STATE AND FEDERAL LEGISLATIVE ADVOCACY PRIORITIES FOR 2009 (Report of: City Manager's Office)

Recommendation:

Review and adopt the proposed State and Federal Legislative Advocacy Priorities for 2009.

A .12 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) EXPENDITURE PLAN FOR FY 2008-09 (Report of: Financial & Administrative Services Department)

Recommendation:

1. Approve the Supplemental Law Enforcement Services Fund (SLESF) Expenditure Plan for FY 2008-09;

2. Approve a reduction of $61,854 to the SLESF Grant Fund FY 2008-09 revenue budget (account 130.1300.4611) to reflect the FY 2008-09 allocation of $293,165;

3. Approve a reduction of $200,809 to the SLESF Grant Fund FY 2008-09 expenditure budget (account 130.62890.6251.252) to reflect the FY 2008-09 planned expenditure of $293,165; and

4. Approve an increase of $57,554 to the General Fund Special Enforcement Team (SET) expenditure budget (account 010.62710.6251.252) to reflect the additional funding needed as a result of the decreased SLESF allocation.

A .13 RESOLUTION IN SUPPORT OF RIVERSIDE COUNTY DETENTION CENTER (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2009-06 in support of the Riverside County Detention Center near the community of Whitewater.

Resolution No. 2009-06

Resolution in Support of the Riverside County Detention Center near the Community of Whitewater

A .14 APPROVAL OF CHECK REGISTER FOR DECEMBER, 2008 (Report of: Financial & Administrative Services Department)

Recommendation:

That the City Council adopt Resolution No. 2009-07, approving the Check Register for the month of December, 2008 in the amount of $20,623,479.51.

Resolution No. 2009-07

A Resolution of the City Council of the City Of Moreno Valley, California, Approving the Check Register for the Month of December 2008

B. CONSENT CALENDAR - COMMUNITY SERVICES DISTRICT

B .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

B .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

C .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D .1 ORDINANCES - FIRST READING BY TITLE ONLY
Waived reading of all Ordinance Introductions and read by title only.

D .2 MINUTES - REGULAR MEETING OF JANUARY 13, 2009

Recommendation:
Approve as submitted.

Joint Consent Calendar Items A1- D2 approved by a 5-0 vote, except Item A11 which was pulled for separate discussion/action. m/Batey, s/Hastings.

ADJOURNMENT OF CITY COUNCIL MEETING TO ANNUAL/REGULAR MEETING OF THE MORENO VALLEY INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

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

CALL TO ORDER at 6:44 p.m.

ROLL CALL

Chairperson Stewart opened the agenda item for public comments; there being none, public comments were closed.

1. MINUTES – SPECIAL MEETING OF FEBRUARY 12, 2008 (Report of: City Clerk's Department)

2. MINUTES – SPECIAL MEETING OF NOVEMBER 25, 2008 (Report of: City Clerk's Department)

   Recommendation: Approve as submitted.

   Approved by a 5-0 vote. m/Flickinger, s/Batey.

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

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

CALL TO ORDER at 6:46 p.m.

ROLL CALL

President Stewart opened the agenda item for public comments; there being none, public comments were closed.

There are no reports or issues before the Corporation to be addressed.

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

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

CALL TO ORDER at 6:47 p.m.

ROLL CALL

PUBLIC COMMENTS **ON MATTERS UNDER THE JURISDICTION OF THE AUTHORITY**

Chairperson Stewart opened the agenda item for public comments; there being none, public comments were closed.

There are no reports or issues before the Authority to be addressed.

ADJOURNMENT

RECONVENE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 AFFORDABLE HOUSING AGREEMENT WITH HABITAT FOR HUMANITY RIVERSIDE AND PUBLIC HEARING TO CONSIDER THE TRANSFER OF TITLE OF TWO LOTS (CONTINUED FROM NOVEMBER 25, 2008) (Report of: Economic Development Department)

Recommendation that the City Council
Continue the item until February 24, 2009.

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Approved by a 5-0 vote. m/Flickinger, s/Batey.

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

A .11 RESOLUTION AND ORDINANCE RELATING TO AMENDMENT TO CALPERS CONTRACT (Report of: Human Resources Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Recommendation:

1. Adopt Resolution No. 2009-05 noticing its intention to approve an amendment to contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Moreno Valley regarding the change in benefits of the proposed contract;

Resolution No. 2009-05

A Resolution noticing its intention to approve an amendment to contract between the Board of Administration of the California Public Employee's Retirement System (CalPERS) and the City of Moreno Valley regarding the change in benefits of the proposed contract

Approved by a 5-0 vote. m/Flickinger, s/Batey.

2. Introduce Ordinance No. 784 authorizing an amendment to the City's CalPERS contract with the California Public Employees' Retirement System to include Section 20903, Two Years of Additional Service Credit.

Ordinance No. 784

An Ordinance of the City Council of the City of Moreno Valley, California, Authorizing an Amendment to the Contract Between the City Council of the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System;

Approved by a 5-0 vote. m/Flickinger, s/Batey.

3. Approve Form PERS-CON-12, Certification of Governing Body's Action;

4. Approve Form PERS-CON-12A, Certification of Compliance with Government Code Section 7507;

5. Approve the Certification of Compliance with Government Code Section 20903;

6. Authorize the Mayor to execute the amendment to the contract authorizing two years additional service credit all miscellaneous employees who retire between March 28, 2009 and June 26, 2009; and

7. Direct the City Clerk, upon adoption of said Resolution, to forward to CalPERS a certified copy of: Resolution of Intention, Certification of Governing Body's Action and Certification of Compliance with Gov. Code. Sec. 7507 and 20903.

Approved Recommendations No. 3, 4, 5, 6 and 7 by a 5-0 vote. m/Flickinger, s/Batey.

G. REPORTS

G .1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
(Informational Oral Presentation - not for Council action)

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

a. Report on March Joint Powers Commission (MJPA) by Mayor Stewart

Mayor Stewart reported that the specs building suitable for a variety of uses including office space, light manufacturing and warehousing was approved at the last meeting; reported on relocations of other buildings at March.

b. Report on Riverside Transit Agency by Mayor Pro Tem Flickinger

Mayor Pro Tem Flickinger reported the following:
1. Each RTA bus route is examined whether it meets specific eight criteria, including the number of passengers per hour and the number of passengers per mile. Route No. 17, which runs from the Moreno Valley mall through the central part of the City to Super Wal-Mart on Moreno Beach Drive, has consistently failed to meet standard requirements. RTA staff recommended to completely discontinuing this route. RTA is seeking public input before reducing a service level. Public meeting is scheduled for Thursday, February 12 at 6 p.m. in the Moreno Valley Council Chamber.
2. Students of the Moreno Valley Community College may any time ride any RTA bus in Western Riverside County free of charge by presenting college ID cards.

c. Report on Riverside County Transportation Commission (RCTC) by Council Member Molina

Council Member Molina reported on the following:
1. Feasibility study for a tunnel going from Orange County to Corona
2. Widening of Freeway 60

G .2 ANNUAL REPORT OF BOARDS AND COMMISSIONS (Informational Oral Presentation) (Report of: City Clerk's Department)

Brief oral reports were given by the representatives of each board and commission: Patricia Korzek (Arts Commission), Kris Streich (Library Commission), Stuart Swan (Parks and Recreation Commission), Rick De Jong (Planning Commission), Jackie LeSan (Recreational Trails Board), Richard Harry (Senior Citizens' Board), Gerald Budlong (Environmental and Historical Preservation Board) and Art Higgs (Traffic Safety Commission).

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

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

City Manager announced the following:

1) The next neighborhood cleanup is scheduled for February 7 in Council District 3, April 18 in District 4, and June 6 in District 5
2) On February 11, City Hall will host a representative from U.S. Senator Barbara Boxer's district office to provide residents with an opportunity to resolve any federal issues they may be experiencing. No appointments are necessary
3) The City plans to host six foreclosure prevention workshops in the coming months - one large kick-off event scheduled for February 28, 2009, and smaller, more focused workshops in each Council District
4) Since 2008, GIS online maps have provided service to more than 2,000 visitors monthly. GIS online maps provide interactive maps and databases that allow the public direct access to a wide variety of maps and parcel-based information and to print maps. Maps are available at www.moval.org

H. LEGISLATIVE ACTIONS

ORDINANCES - 1ST READING AND INTRODUCTION – NONE

ORDINANCES - 2ND READING AND ADOPTION – NONE

ORDINANCES - URGENCY ORDINANCES – NONE

RESOLUTIONS – NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL ARE AS FOLLOWS:

Mike Rios
1) Highland Fairview

Ken Gilbert
1) Skate parks; BMX track

Deanna Reeder
1) Requested that the Council address rumors/propaganda

John Esquivel
1) Public comments for the planned warehouse project on the east side of Moreno Valley and the right of the residents of the east side to speak

Daryl Terrell
1) Proposal to provide jobs for residents

Susan Gilchrist
1) Diversity of employment

Ray Carbajal
1) Suggested starting Council meetings at a later time to make easier for residents to participate

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1) Announced that Eucalyptus Street went out for bid to have it repaired
2) Reading contest is getting ready to start
3) Requested to agendize the discussion of a policy regarding professional leagues using Moreno Valley facilities

Mayor Pro Tem Flickinger
1) Seconded Council Member Batey's request to agendize policy discussion
2) Expressed gratitude and appreciation to board and commission members who volunteer their time
3) Attended two ribbon cutting ceremonies for new businesses this month: Play N Trade facility at the Stoneridge center and Subway shop at Albertson's shopping center on Ironwood and Pigeon Pass

4) TAG, the arts group of Moreno Valley, has its gallery open at the Moreno Valley Mall Wednesday through Saturday from 1-5 p.m.
5) Last week, she and Mayor Stewart attended the deployment ceremony for the United States army - the 123 soldiers who are deploying to Iraq and their families had an opportunity to enjoy a meal together and to observe the presentation of awards to the soldiers for their outstanding contributions
6) Met with the residents of Filaree and Perris area, City staff and the Police Department to finalize plans to build a neighborhood park on the property that once housed crime-infested businesses
7) Regarding foreclosure workshops - help to avoid foreclosure will be available
8) Commented on misinformation on Internet blogs

Council Member Hastings

1) Last week, together with Council Member Molina, attended New Council Members and Mayors Institute in Sacramento – the Institute provided very beneficial information and opportunity to network with other cities; the City of Grand Terrace is asking SANBAG for their support in financing improvements of the I-215 from Freeway 10 to Freeway 60, where residents experience very heavy traffic; asked the City Manager to provide a letter of support to the City of Grand Terrace; the letter will be submitted to SANBAG along with the request for funding; the project would be very beneficial to the residents of Moreno Valley and the residents of surrounding cities
2) Joined Mayor Pro Tem Flickinger in commending anyone serving on City Council advisory boards and commissions; it is an excellent way for anyone who wants to be involved and have input; urged residents to apply for current vacancies and be part of advisory body to the City Council
3) Regarding online blogs – concurred with Mayor Pro Tem Flickinger that they contain misinformation and it's too difficult to respond to them because of the volume; asked to call her about any issue

Council Member Molina

1) Responded to Mr. Ken Gilbert's comments regarding parks; is looking into having a park in District 1
2) Requested to change the Council meetings starting time to 7 p.m. to accommodate residents who are commuting

Council Member Hastings seconded Council Member Molina's request to discuss this issue during a study session.

Mayor Stewart

1) Commented on online blogs – misinformation and a waste of time to read them
2) Clarified rules about public comments; speakers wishing to speak on public hearing item should speak during the council meeting at which the hearing is held

3) Responded to a speaker's recommendations: all Council Members are available to participate and are participating in economic development meetings with potential customers to fast-track a project
4) Diversifying employment is a very good idea
5) Boy Scouts picked the Moreno Valley Conference and Recreation Center as a place to hold an award dinner
6) Attended Riverside Mayor's State of the City Address - over 900 people attended
7) Commented on starting time of the Council meetings
8) Public comments are governed by rules; the presiding officer has a lot of discretion as long as the rules and the Brown Act allow; clarified rules regarding citizens' right to speak

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:29 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard A. Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: February 10, 2009

TITLE: City Council Reports on Reimbursable Activities

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of January 21 – February 3, 2009.

Reports on Reimbursable Activities January 21 – February 3, 2009		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger		None
Robin N. Hastings	1/21/09	League of California Cities – 2009 New Mayors and Council Members Academy
Jesse L. Molina	1/21/09	League of California Cities – 2009 New Mayors and Council Members Academy
	1/31/09	491st Military Police Company U.S. Army Deployment Ceremony
Richard A. Stewart	1/21/09	Student of the Month Luncheon
	1/24/09	Major General Robert E. Duignan Retirement Dinner

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

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: AUTHORIZATION TO AWARD CONSTRUCTION CONTRACT FOR AQUEDUCT BIKEWAY IMPROVEMENTS FROM INDIAN STREET TO FAY AVENUE
PROJECT NO. 05-12567524

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Reject Mega Way Enterprises's low bid as non-responsive.

2. Award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest responsible bidder and waive any and all minor irregularities in the bidder's proposal documents.

3. Authorize the City Manager to execute the Agreement with L.R. Johnson Construction in the form attached hereto.

4. Authorize the issuance of a Purchase Order to L. R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524).

5. Authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney.

BACKGROUND

On July 11, 2006, the City Council adopted a Negative Declaration as environmental determination and authorized an amendment to the agreement with Omnis, Inc. to complete the design for the project. Design and right-of-way acquisitions have been completed. Department of Water Resources Permit has been obtained. The project was advertised for construction bids on October 28, 2008.

DISCUSSION

The project will construct a 10-foot wide Class I concrete bike path along the Department of Water Resources (DWR) easement from Indian Street to 200 feet south of Fay Avenue for a length of approximately 1,500 feet. Trail heads at Indian Street, Filaree Avenue and Fay Avenue will be landscaped.

Formal bidding procedures were followed in conformance with the Public Contract Code. The City Clerk opened bids at 2:00 p.m., December 18, 2008. Twenty-seven (27) bids were received as follows:

Bidder	Bid Amount
1. Rialto Construction dba L. R. Johnson Construction – Rialto	**$290,288**
2. Hillcrest Contracting – Corona	$314,178
3. Belaire-West Landscape Inc. – Buena Park	$318,094
4. Tyner Paving Company – Los Angeles	$325,956
5. Diversified Landscape Mgmt. Inc. – Riverside	$351,383
6. Sol Construction, Inc. – Riverside	$393,298
7. C S Legacy Construction, Inc. – Chino	$399,218
8. Landmark Site Contractors – Perris	$412,000
9. Beador Construction Co.- Corona	$445,300
10. HAR Construction, Inc. – Chula Vista	$463,638
11. Grand Pacific Contractors, Inc. – Corona	$478,283
12. Rio Jordan Construction, Inc. – Pico Rivera	$498,863
13. Laird Construction Co. Inc. – Rancho Cucamonga	$498,948
14. Olivas Valdez Inc. – Covina	$538,027
15. S. Parker Engineering, Inc. – Costa Mesa	$602,852
16. NPG Corporation – Perris	$2,853,411
Non-responsive bids:	
17. Mega Way Enterprises – Pomona	$287,565
18. H&H General Contractors Inc. – Highland	$346,656
19. D + L Wheeler Enterprises – Yucaipa	$354,245
20. Milcon Services, Inc. – Temecula	$363,025
21. Roquet Paving Inc. – Colton	$374,495
22. IAC Engineering Inc. – Upland	$404,049
23. General Consolidated Constructors, Inc. – Corona	$406,754
24. R. J. Bullard Construction, Inc. – Bonsall	$407,068
25. EBS Inc. dba Elite Bobcat Service – Corona	$433,728

26. A. B. Hashmi, Inc. – Oceanside $449,934
27. Sunrise Landscape Co. Inc. – Santa Fe Springs..... $528,323
Engineer's Estimate $536,837

All bids received were reviewed for completeness and conformance with bidding instructions. Of the twenty-seven (27) bids received, eleven (11) bids were found to be non-responsive primarily due to missing notarized acknowledgements for required signatures in the bid proposal documents. These eleven non-responsive bids are identified as Bidder No. 17 through 27 in the list above.

Mega Way Enterprises's Bid was considered non responsive as it contained multiple irregularities. Mega Way submitted a bid in the amount of $299,394.50 but after making corrections related to arithmetical errors, their bid total ended up being $287,565 approximately $11,830 lower than the submitted bid. Furthermore, their bid proposal reflected bid price revisions that were made inconsistent to the requirements of the City specifications. Mega Way also did not include notary acknowledgement for the president's signature, and failed to complete several required pages in the bid proposal as specifically required per the bid document instructions.

Staff has reviewed the bid submitted by L.R. Johnson Construction and finds L.R. Johnson Construction to be the lowest responsible bidder in possession of a valid license and bid bond. No outstanding issues were identified through a review of the references submitted by L.R. Johnson Construction.

ALTERNATIVES

1. Reject Mega Way Enterprises's low bid as non-responsive, award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest responsible bidder and waive any and all minor irregularities in the bidder's proposal documents, authorize the City Manager to execute the Agreement with L.R. Johnson Construction in the form attached hereto, authorize the issuance of a Purchase Order to L.R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524), and authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney. *This alternative complies with City policy and procedures and allows much needed improvements.*

2. Do not reject Mega Way Enterprises's low bid as non-responsive, do not award the construction contract for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue to Rialto Construction Inc. dba L.R. Johnson Construction Inc. (L.R. Johnson Construction), 340 N. Riverside Avenue, Rialto, CA 92376, the lowest

responsible bidder and do not waive any and all minor irregularities in the bidder's proposal documents, do not authorize the City Manager to execute the Agreement with L.R. Johnson Construction in the form attached hereto; do not authorize the issuance of a Purchase Order to L.R. Johnson Construction in the amount of $348,346.18 ($290,288.48 for the Base Bid plus 20% contingency) for Aqueduct Bikeway Improvements from Indian Street to Fay Avenue (Account No. 125.67524); and do not authorize the Public Works Director/City Engineer to execute any subsequent related minor change orders to the contract with L.R. Johnson Construction up to, but not exceeding, the contingency amount of $58,057.70, subject to the approval of the City Attorney. *This alternative results in non-compliance with City policy and procedure and thus will delay completion of needed improvements.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2008-2009 Capital Improvements Project Budget and will be financed by Measure "A" funds (Fund 125). **There is no impact to the General Fund.**

BUDGETED FUNDS (CONSTRUCTION PHASE):
Aqueduct Bikeway Improvements (Account No. 125.67524) $1,118,761

CONSTRUCTION-RELATED COSTS:
Construction Cost ($290,288 Base Bid plus 20% contingency) $348,000
Construction Survey ..... $ 26,000
Construction Geotechnical ..... $ 10,000
Construction Management and Inspection $60,000
Construction Design Support $12,000
City Administration and Miscellaneous Costs $20,000
Total Estimated Construction-related Costs $476,000

ANTICIPATED PROJECT SCHEDULE:
Notice to Proceed ..... February 2009
Anticipated Completion of Construction ..... October 2009

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

This construction project involves installation of a concrete bike path from Indian Street to Fay Avenue along the DWR easement. The City Council is requested to award a contract to Rialto Construction Inc. dba L. R. Johnson Construction Inc. for construction of the Aqueduct Bikeway Improvements project and authorize the issuance of a purchase order for $348,346.18 to Rialto Construction Inc. dba L. R. Johnson Construction Inc.

ATTACHMENTS

Attachment "A" - Location Map
Attachment "B" - Agreement with Rialto Construction Inc. dba L. R. Johnson Construction Inc.

Prepared By:
Viren Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Viren-05-12567524 Aqueduct Bikeway (Indian to Fay)\CC Report\021009 Construction Award - LR Johnson.doc

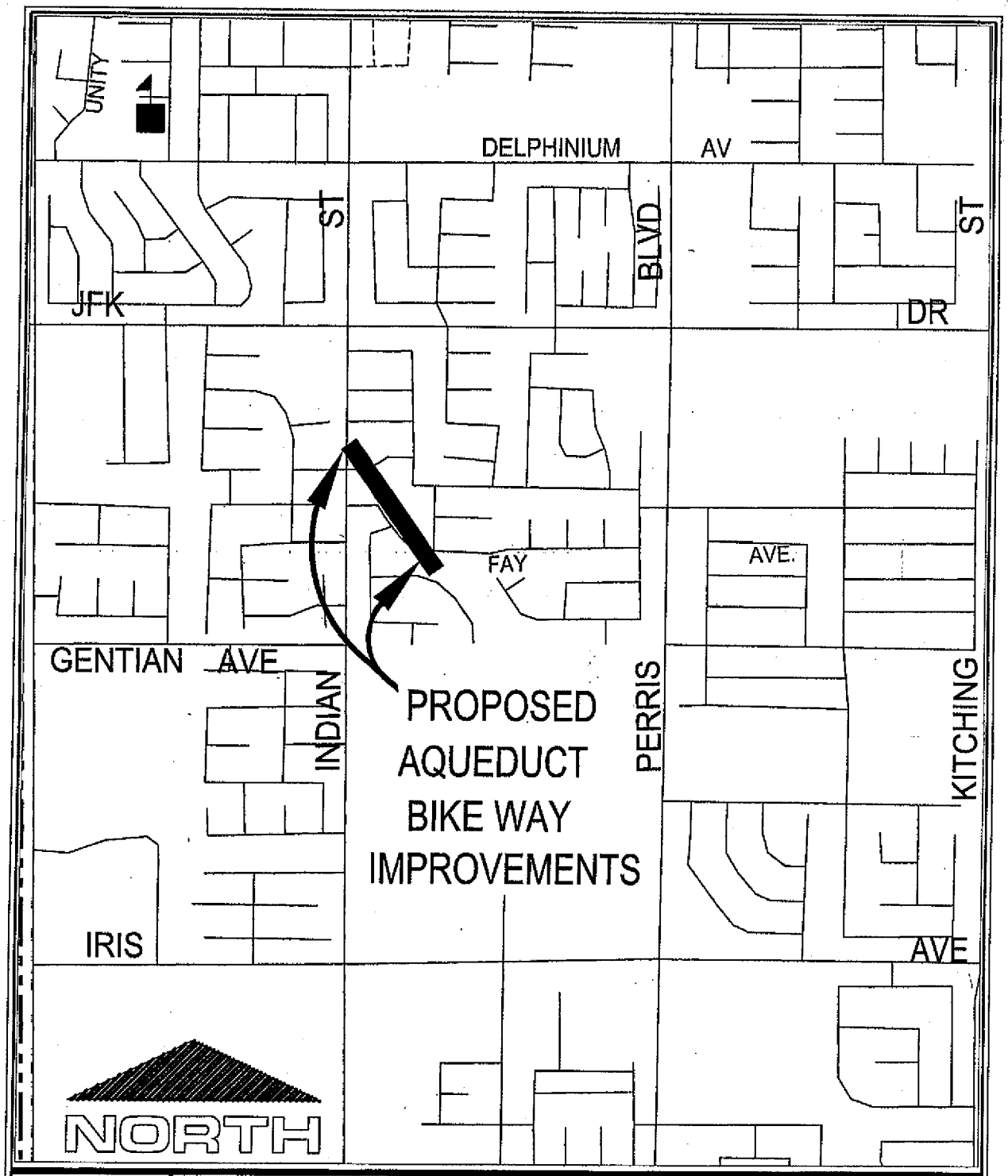

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public Works Department
Capital Projects Division

ATTACHMENT "A"

AQUEDUCT BIKE WAY
INDIAN STREET TO FAY AVENUE
PROJECT NUMBER 05- 12567524

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MV00018426

Agreement No._____

AGREEMENT

PROJECT NO. 05-12567524

AQUEDUCT BIKEWAY IMPROVEMENTS
From Indian Street to Fay Avenue

THIS Contract Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **Rialto Construction Inc. dba LR Johnson Construction Inc.** hereinafter called the "Contractor."

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

1. The complete Contract includes all of the Contract documents as if set forth in full herein, to wit, the Contract Agreement, any and all Contract Change Orders issued after the execution of the Contract Agreement, **Addenda Nos. 1 and 2, inclusive,** issued prior to the opening of the Bids, the Special Provisions (which includes the General Provisions and Technical Provisions), the Project Plans, the Standard Plans, the Standard Specification, reference Specifications, the Bidder's Proposal, the Notice Inviting Bids, the Non-Collusion Affidavit, the Faithful Performance Bond, the Labor and Materials Payment Bond and insurance, all of which are essential parts of this Contract and made a part of this Contract Agreement. In the event of any conflict in the provisions thereof, the terms of said Contract documents as set forth above shall control, each over the other, in the order provided.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Contract documents for this project, the Contract documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Bid Item(s) in the sum total amount of **$290,288.48,** subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Contract Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Contract documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to commence work pursuant to this Contract within fourteen (14) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion, within **ninety (90) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

Attachment "B"

5. The City and Contractor hereby agree that in case all construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of $750.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Contract Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), and the State of California, and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City and the State of California in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), and the State of California, its officers, employees, agents and servants, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and the State of California its officers, employees, agents and servants; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Contract Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Contract fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at

his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Contract Agreement in a form which is substantially similar to the Contract Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), and the State of California, its officers, agents, employees, and servants harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Contract Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, CSD, and the State of California its officers, agents, servants or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Contract Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Contract Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Contract.

16. The effective date of this Contract Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 05-12567524

CITY OF MORENO VALLEY,
Municipal Corporation

BY: _____
City Manager

DATE: _____

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

RIALTO CONSTRUCTION INC. DBA
L R JOHNSON CONSTRUCTION INC.

License No./
Classification: _____

Expiration Date: _____

Federal I.D. No.: _____

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Contract Agreement on behalf of the Contractor must be acknowledged before a notary public.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

BOND NO._____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 05-12567524

AQUEDUCT BIKEWAY IMPROVEMENTS
From Indian Street to Fay Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **Rialto Construction Inc. dba L R Johnson Construction Inc.**, as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, effective on the date signed by the City Manager, and identified as **Project No. 05-12567524**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Agreement is required to furnish a bond guaranteeing the faithful performance of said Contract Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 05-12567524

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20____.

BIDDER	**SURETY**
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

BOND NO._____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 05-12567524

AQUEDUCT BIKEWAY IMPROVEMENTS
From Indian Street Fay Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **Rialto Construction Inc. dba L R Johnson Construction Inc.,** Principal, hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, effective on the date signed by the City Manager and identified as **Project No. 05-12567524**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgment is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 05-12567524

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this _____ day of _____ 20_____.

BIDDER	**SURETY**
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

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CITY OF MORENO VALLEY
Public Works
Capital Projects

MEMORANDUM

To: Mayor and City Council

From: Chris A. Vogt, Public Works Director / City Engineer

Date: February 10, 2009

Subject: Second Amendment to Agreement for Professional Consultant Services with Vali Cooper and Associates, Inc. AG

Following please find the revised "Amended Scope of Work" for Second Amendment to Agreement for Professional Consultant Services with Vali Cooper and Associates, Inc. and letter from Vali Cooper dated February 5, 2009 notifying the City of rate adjustments.

Please remove the document labeled "Exhibit 'A-1' – Amended Scope of Work" and replace it with the following two (2) pages.

This is necessary due to Vali Cooper and Associates, Inc. recent hourly rate reductions.

Thank you.

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February 10, 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

Vali Cooper and Associates, Inc. (Vali Cooper) staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services. The City may assign a variety of projects and tasks to the assigned Vali Cooper staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

Hourly rates effective March 1, 2009 through December 31, 2009 follow.

In addition to the scope of work defined in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) Perform temporary contract administration services to complete budgeted City capital improvement projects.

3) The total "Not-to-Exceed" fee for the aforementioned services is $399,000.00 ($99,000.00 for original Agreement, $150,000.00 for First Amendment to Agreement, and $150,000.00 for Second Amendment to Agreement).

Exhibit "A-1" – Amended Scope of Work
Page 1 of 2

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VALI COOPER & ASSOCIATES INC.
CONSTRUCTION MANAGEMENT CONSULTANTS

February 5, 2009

Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer Public Works Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, Ca 92552-0805

Dear Mr. Kumar:

As we have recently discussed, the Vali Cooper & Associates, Inc. contract for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, dated October 26, 2007, for the Contract Administration Specialist positions will be out of budget within the next month. We are requesting an amendment to this contract in order that we may continue our services with the City of Moreno Valley.

In light of the current economic environment, Vali Cooper & Associates would like to help the City of Moreno Valley through these tough and uncertain times by proposing a reduction in the hourly rates associated with these positions. We propose reducing the hourly rate for Ms. Sharon Duensing from $73.00/hr to $70.00/hr and the hourly rate for Ms. Linda Smoot from $85.00/hr to $77.50/hr commencing with the new amendment. We will honor these rates for these individuals for the entire calendar year of 2009 and will revisit them with the City of Moreno Valley for the year 2010.

As specified in our letter of September 5, 2008, Ms. Smoot will continue working on a part time basis of 3.5 to 4 days a week, as previously agreed upon with the City.

Please do not hesitate to contact me if you have any questions.

Sincerely,

VALI COOPER & ASSOCIATES, INC.

Douglas S. Franco

Douglas S. Franco, PE
Vice President / Area Manager

Exhibit "A-1" - Amended Scope of Work
Page 2 of 2

3900 MARKET STREET, SUITE 250 • RIVERSIDE, CA 92501 • (951) 788-6028 • FAX: (951) 788-6025

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MV00018440

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, extend the agreement from August 31, 2009 to December 31, 2009, and increase the agreement amount by a "not to exceed" fee of $150,000.00.

2. Authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto.

3. Authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On May 1, 2008, the City Manager approved the "Agreement for Professional Consultant Services" in the amount of $99,000.00 for temporary professional consultant services for the Capital Projects Division. On July 22, 2008, the City Council approved the "First Amendment to Agreement for Professional Consultant Services" in the amount of $150,000.00.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY08/09, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to amend the agreement with Vali Cooper to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified contract administrative staff and the need for resources to complete budgeted City capital improvement projects.

Vali Cooper staff will be responsible for the contract administration of capital projects. The work will include developing contracts and contract amendments, ensuring contract requirements are met, processing change orders, managing purchase requisitions, reviewing progress payments, processing payments, closely tracking individual project expenditure reports, assisting with construction bid openings, bid analysis, scheduling of meetings, contacting utilities, vendors and contractors, and writing staff reports.

Over the past twelve months Vali Cooper staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, the Heacock Street and Pigeon Pass/Frederick Street Improvements, Emergency Operations Center, Fire Station No. 58, the Pan Am Boulevard Improvement project, the Moreno Valley Community Park Soccer Field, Annual Slurry Seal program, and the I-215/Cactus interchange project.

Over the next twelve months Vali Cooper staff will continue to work on projects such as the Lasselle Street Improvements, Traffic Signal/Street Improvements at Redlands Boulevard and State Route 60, Iris Street Widening, Proposition 1B Citywide Street Resurfacing Improvements, Public Safety Building Tenant Improvements, Emergency Operations Center construction, Day Street Roadway Improvements, and other tasks as assigned to facilitate the timely design and construction of budgeted capital improvement projects.

ALTERNATIVES

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto, and authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services, do not authorize the City Manager to execute said "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto, and do not authorize an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00 when "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Agreement for Professional Consultant Services" with Vali Cooper will be fully expended shortly. This Second Amendment to the agreement will increase the Purchase Order by $150,000.00 to extend the temporary professional staffing services. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary engineering staff. The agreement does provide the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the FY 08/09 Lasselle Street Widening project budget (account number 501.82725) to encumber the increase to the Vali Cooper purchase order. As costs are incurred in this purchase order, the expenditures will be transferred to the capital projects for which they were performed.

The associated costs for the "Second Amendment to Agreement for Professional Consultant Services" will be funded through Measure A Transportation Fund (Fund 125), Traffic Congestion Relief Fund (Fund 225), Proposition 1B Transportation Fund (Fund 226), School Walkway Infill Fund (Fund 122), DIF Arterial Streets (Fund 416), DIF Traffic Signal (Fund 417), 2005 Lease Revenue Bonds (Fund 501), and RDA Tax Allocation Bonds (Fund 897). There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "Second Amendment to Agreement for Professional Consultant Services" with Vali Cooper is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends an increase in the Purchase Order to Vali Cooper in the amount of $150,000.00.

ATTACHMENT

Attachment "A" - Second Amendment to Agreement for Professional Consultant Services

Prepared By:
Prem Kumar, P.E.
Deputy Public Works Director /Asst. City Engineer

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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MV00018446

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **Vali Cooper and Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated **May 1, 2008**.

Whereas, the Consultant is providing consultant contract administration services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) of the Agreement dated May 1, 2008.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Second Amendment.

Whereas, the City has provided a description for the expansion of the scope of work to be performed, dated December 30, 2008 and a copy of said description is attached as Exhibit "A-1" hereto and incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from August 31, 2009 to December 31, 2009.

1.2 Exhibit "A" to the May 1, 2008 Agreement is hereby amended by adding to the Attachment "A"

"SCOPE of WORK" section described in Exhibit "A-1" to this Second Amendment, entitled "Amended Scope of Work".

1.3 Exhibit "D" to the May 1, 2008 Agreement is hereby further amended by adding to the "COST PROPOSAL" section thereof Exhibit "A-1" to this Second Amendment, entitled "Amended Scope of Work".

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $150,000.00, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in Exhibit "A-1" to this First Amendment.

1.5 The total "Not to Exceed" fee for this contract is $399,000.00 ($99,000.00 for the original Agreement plus $150,000.00 for the First Amendment to Agreement and $150,000.00 for the Second Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

Vali Cooper and Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A-1" – Amended Scope of Work

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Revised Mar. 2007

December 30, 2008

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

As stated in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, Ms. Sharon Duensing will work full-time as directed by the City Engineer at a rate of $73.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.), and Ms. Kimberly Jester will work part-time as directed by the City Engineer at a rate of $75.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). In addition, Ms. Linda Smoot will work part-time as directed by the City Engineer at a rate of $85.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.) The City may assign a variety of projects and tasks to Ms. Duensing, Ms. Jester, and Ms. Smoot. The time extension is equivalent to a period of approximately 2,000 working hours. The City Engineer has the right to review any proposed replacement and associated rate change.

In addition to the scope of work defined in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) Perform temporary contract administration services to complete budgeted City capital improvement projects.

3) The total "Not-to-Exceed" fee for the aforementioned services is $399,000.00 ($99,000.00 for original Agreement, $150,000.00 for First Amendment to Agreement, and $150,000.00 for Second Amendment to Agreement).

Exhibit "A-1" – Amended Scope of Work

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APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	RDH
CITY MANAGER	RM

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: PA07-0139 – COMMERCIAL BUILDINGS - ACCEPT AGREEMENT AND CASH DEPOSIT FOR PUBLIC IMPROVEMENTS

EAST SIDE OF PERRIS BOULEVARD, SOUTH OF ALESSANDRO BOULEVARD

Developer: Perris Alessandro LLC
10537 Santa Monica Boulevard
Suite 350
Los Angeles, CA 90025

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement for Public Improvements and Cash Security for PA07-0139.

2. Authorize the Mayor to execute the agreement in the form attached hereto.

3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation.

4. Authorize the City Engineer to execute any amendments to the agreement if the required public improvements are not completed within said timeframe.

BACKGROUND

The project was approved by the Planning Commission of the City of Moreno Valley on August 14, 2008. The site has been approved for two commercial buildings. The project is located on the East side of Perris Boulevard, South of Alessandro Boulevard. The Conditions of Approval for this project require that the developer provide surety for the required public improvements.

DISCUSSION

The developer of this project has completed and submitted an Agreement for Public Improvements. The developer agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the Agreement is executed. The City Engineer may execute any amendments to the agreement if the required public improvements are not completed within said timeframe. The public improvements include pavement, base, curb, gutter, sidewalk, street lights, parkway drains, driveway approaches, access ramps, and water and sewer facilities. In lieu of the Faithful Performance Bond of $271,000, and the Labor and Material Bond of $135,500, the developer provided a cash security of $406,500 to the City trust fund, under Land Development, to provide surety for the appropriate completion of the project.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda

ATTACHMENTS/EXHIBITS

A – Vicinity Map
B – Agreement for Public Improvements

Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Guy Pegan, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\2-10-09 PA07-0139 Orig Agmt & Cash Bond.doc

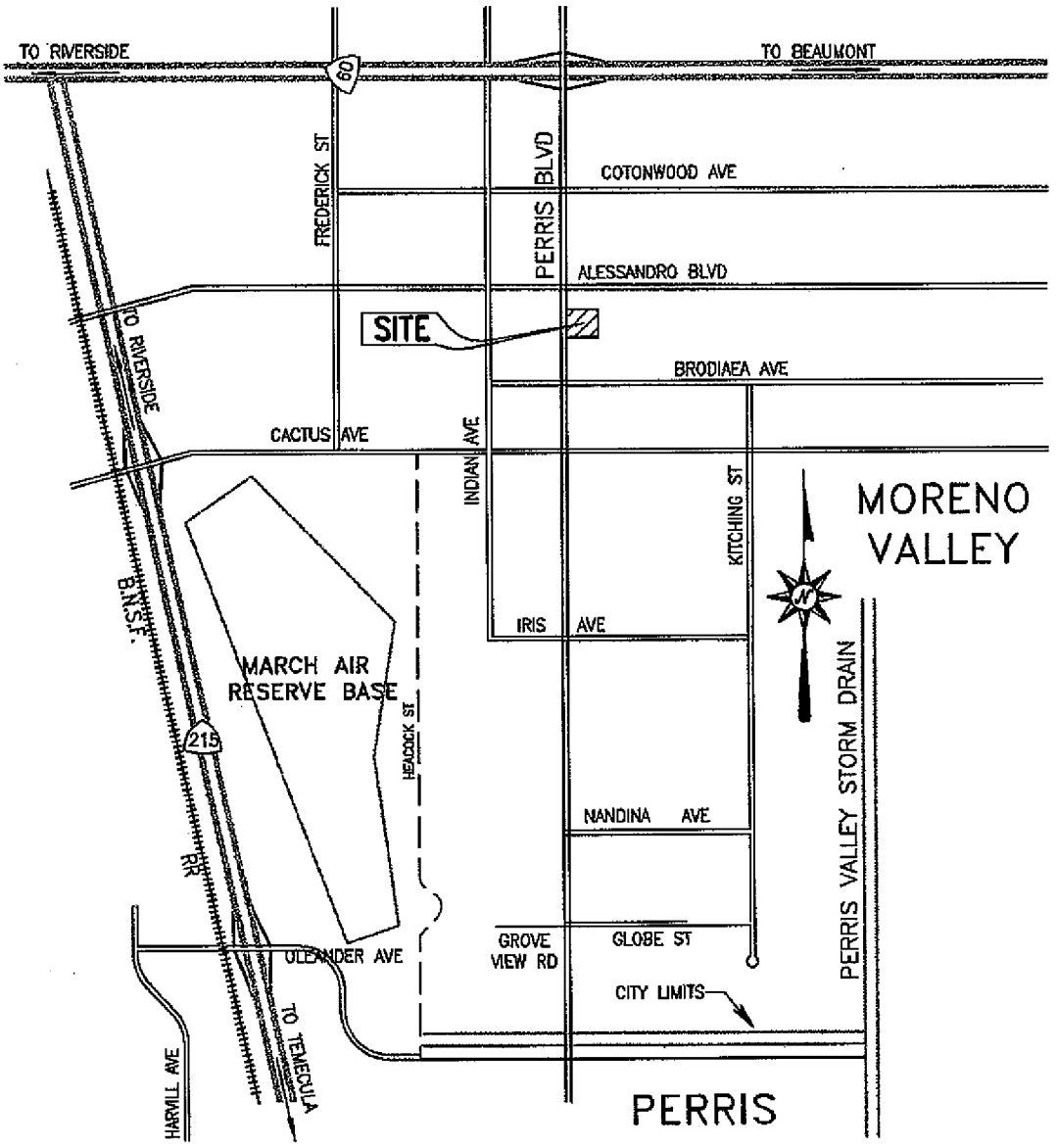

VICINITY MAP

NTS

POR. NW 17 T.3S. R.3W. SEC 17

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT A	**PA07-0139** **VICINITY MAP**

W:\LandDev\Liz\PIA\PA04-0159 Exhibit A.doc

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MV00018456

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR PUBLIC IMPROVEMENTS
PROJECT NO. PA07-0139

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **PERRIS ALESSANDRO LLC,** herein after called Contractor, on the date the City signs this agreement.

WITNESSETH:

FIRST: Contractor, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as **PA07-0139** agrees, at Contractor's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Contractor further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Contractor shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Contractor shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Contractor waives the 120 day time limitation set forth in Section 66462.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of **TWO HUNDRED SEVENTY ONE THOUSAND AND NO/100** Dollars (*****$271,000.00*****).

SECOND: Contractor agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Contractor further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Contractor and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Contractor, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Contractor. Contractor agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Contractor, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

Exhibit B

FOURTH: The Contractor hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Contractor has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Contractor agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The contractor shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Contractor's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Contractor, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Contractor, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Contractor violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Contractor because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Contractor, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Contractor agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Contractor agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Contractor fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Contractor of the insufficiency of the security or the amount of the bonds or both.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Contractor, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Contractor further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Contractor:
Perris Alessandro LLC
10537 Santa Monica Boulevard #350
Los Angeles, CA 90025

IN WITNESS WHEREOF Contractor has affixed his name, address and seal.

Date approved by the City: _____

PERRIS ALESSANDRO LLC:
Developer

BY: _____
Signature
Morad Golchek
Print/Type Name
Manager
Title

BY: _____
Signature
JIMONE BEROOKHIM
Print/Type Name
MEMBER
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF CONTRACTOR MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - CONTRACTOR; GREEN - SURETY; BLUE - PROJECT FILE

W:\LandDev\MANAGEMENT ASSISTANT\Agreement Bond Packets\PA07-0139 - Agreement.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles

On 11/26/08 before me, JOEL WYNTON, Notary Public
personally appeared JIMONE BALDOKHIM
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

JOEL S.S. WYNTON
COMM. #1571701
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires April 2, 2009

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles

On 11/26/08 before me, Joel Wynton, Notary Public
personally appeared Moreno Gonzalez
Who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

JOEL S.S. WYNTON
COMM. #1571701
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires Apr 22, 2009

11/29/08 OK MW

R&R

EXHIBIT "A"
ENGINEER'S ESTIMATE (PUBLIC)

PROJECT NO: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED BY: Paul Peck

OFFSITE PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
			0	C.Y.	20.00	0
A.B. Class II - Street 1	1	Thickness (ft.)				
	15350	S.F.	1113	Ton	55.00	61,208
A.C. - Street 1	0.5	Thickness (ft.)				
	15350	S.F.	556	Ton	90.00	50,079
			0	C.Y.	20.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
Street Work - DIF						
			0	C.Y.	20.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
Street Work - TUMF						
			0	C.Y.	20.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
			0	C.Y.	20.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
					SUBTOTAL:	111,288

OK/MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap	0	Ton	90.00	0
A.C. Overlay	0	Ton	90.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Sawcut	742	L.F.	1.50	1,113
Utility Trench	121	L.F.	17.00	2,057
Trench Repaving	643	S.F.	12.00	7,716
Redwood Header	0	L.F.	6.00	0
A.C. Berm - 6"	0	L.F.	10.00	0
A.C. Berm - 8"	0	L.F.	15.00	0
Adjust M.H. to Grade	1	EA.	800.00	800
Adjust Water Valve to Grade	0	EA.	400.00	0
Remove & Dispose Existing Pavement & Base	15350	SF	3.00	46,050
Sawcut and Remove Existing Median Curb	114	L.F.	12.00	1,368
Sawcut and Remove Existing Curb & Gutter	58	L.F.	12.00	696
Concrete				
P.C.C. Paving - 6"	0	S.F.	14.00	0
P.C.C. Paving - 8"	0	S.F.	16.00	0
Curb and Gutter - 6"	12	L.F.	22.00	264
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	25.00	0
Curb Only - 6"	48	L.F.	18.00	864
Curb Only - 8"	635	L.F.	20.00	12,700
Curb Only - 8" (DIF Street Name)	0	L.F.	20.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	20.00	0
Cross Gutter and Spandrel	292	S.F.	15.00	4,380
Sidewalk	1223	S.F.	7.00	8,561
Sidewalk (DIF Street Name)	0	S.F.	7.00	0
Sidewalk (TUMF Street Name)	0	S.F.	7.00	0
Driveway Approach - 6"	286	S.F.	14.00	4,004
Driveway Approach - 8"		S.F.	16.00	0
Wheelchair Ramp	0	EA.	1,200.00	0
Alley Approach - 8"	0	S.F.	16.00	0
1/2 Alley Apron	0	S.F.	16.00	0
Barricade	0	L.F.	100.00	0
Other				
Undergrounding of Utilities	0	L.F.	184.00	0
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Bus Bay	0	EA.	20,000.00	0
Monuments	0	EA.	100.00	0
			SUBTOTAL:	90,573

OK MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	753	S.F.	6.00	4,518
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	4,000.00	0
Street Lights (22000 lumen)	2	EA.	5,000.00	10,000
			SPECIAL DISTRICTS SUBTOTAL:	14,518.00
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
Electrical Utility Line Extension	0	L.F.	135.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0.00
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0.00
			WQB SUBTOTAL:	0.00
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	150000	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street Name)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	1	EA.	200.00	200
Signs and Posts	2	EA.	200.00	400
Signs and Posts (DIF Street Name)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	--	0
Traffic Control (DIF Street Name)	0	L.S.	--	0
Street Light PB-Adjust to Grade	0	EA.	800.00	0
			TRANSPORTATION SUBTOTAL:	600
Miscellaneous				
Erosion Control	0	AC	0.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Relocate Trees	0	EA.	2,500.00	0
			MISCELLANEOUS SUBTOTAL:	0

OK
MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
	0		---	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	5500.00	0
Manhole No. 3	0	EA.	6500.00	0
Manhole No. 4	0	EA.	7000.00	0
	0		---	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	E.A.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

OK MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-0139 & 07-0140

DATE: November 20, 2008
PREPARED 0

OFFSITE STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6000.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	5000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Drains				
Terrace Drain	0	S.F	10.00	0
Down Drain	0	S.F	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		---	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
	0		---	0
			SUBTOTAL:	0

OK
MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-XXXX

DATE: November 20, 2008
PREPARED 0

OFFSITE WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900			30.00	0
6" PVC C-900	0		40.00	0
8" PVC C-900	73		50.00	3,650
10" PVC C-900	0		55.00	0
12" PVC C-900	0		60.00	0
16" PVC C-900	0		90.00	0
18" PVC C-900	0		135.00	0
20" PVC C-900	0		180.00	0
	0	L.F.	—	0
Valves - Water System				
4" Gate Valve	0	EA.	600.00	0
6" Gate Valve	0	EA.	800.00	0
8" Gate Valve	0	EA.	1,000.00	0
10" Gate Valve	0	EA.	1,200.00	0
12" Gate Valve	0	EA.	2,000.00	0
16" Gate Valve	0	EA.	5,000.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	800.00	0
10" Butterfly Valve	0	EA.	1,000.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,000.00	0
2" Air Vac Release	0	EA.	3,000.00	0
4" Blow Off	0	EA.	2,000.00	0
6" Blow Off	0	EA.	2,500.00	0
	0		—	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	2,800.00	0
6" Super Fire Hydrants	0	EA.	3,000.00	0
	0		—	0
Services Connections				
1" Service	0	EA.	500.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		---	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		—	0
Water Meters - Water System				
5/8" Meter	0		200.00	0
1" Meter	0		270.00	0
1 1/2" Meter	2		360.00	720
2" Meter	0		455.00	0
	0		---	0
Hot Tap Connections - Water System				
8" Hot Tap	1	EA.	2,800.00	2,800
4" Hot Tap	0	EA.	2,000.00	0
Water Service	0	EA.	330.00	0
	0		—	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
	0		—	0
			SUBTOTAL:	7,170

Item No. A .7

MV00018467

OR MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: PA07-XXXX

DATE: November 20, 2008
PREPARED 0

OFFSITE SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	48	L.F.	19.00	912
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		—	0
Cleans Outs - Sewer System				
Clean-outs	1	EA.	700.00	700
Clean Out Lateral	0	EA.	120.00	0
	0		—	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,000.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,000.00	0
Adjust Manhole to Grade	0	EA.	300.00	0
Tie Into Existing Manhole	0	EA.	1,500.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	1	EA.	600.00	600
Join Existing 12" Pipe	0	EA.	800.00	0
	0		—	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
Meter 5/8" W/O Service	0	EA.	200.00	0
			SUBTOTAL:	1,612

OR MW

EXHIBIT "A"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: PA07-XXXX

DATE: November 20, 2008
PREPARED 0

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$111,288
CONCRETE & OTHER STREET WORK	:	$90,573
SPECIAL DISTRICTS	:	$14,518
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$600
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$7,170
SEWER SYSTEM	:	$1,612
MISCELLANEOUS	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$225,761
+20% CONTINGENCY:		$45,152
GRAND TOTAL:		$270,913

BOND AMOUNT: **$271,000**

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MV00018470

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director

AGENDA DATE: February 10, 2009

TITLE: FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2009-03 and the Board of Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

BACKGROUND

On March 25, 2008, the City Council and the Board of Directors of the Redevelopment Agency (RDA) adopted resolution number 2008-33 and RDA resolution number 2008-05 authorizing the Amended and Restated Affordable Housing Agreement (AHA) between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley (RDA) for the Oakwood Apartments. This agreement was made to facilitate the construction and operation of the Oakwood Apartments, a proposed 241-unit complex located on the east side of Perris Boulevard just south of John F Kennedy Drive. The project consists of 2, 3 and 4 bedroom units, designated for very low-income households, at rents not exceeding an overall project average of 52% of area median income. The income categories are based on family size which would be appropriate for the number of bedrooms in the unit.

In July 2005, the City Council approved a zoning change and other development entitlements for this 19.55-acre site. The project successfully secured an allocation of tax-exempt mortgage revenue bonds that are competitively allocated by the California Debt Limit Allocation Committee (CDLAC). These bonds were authorized by California voters through the Housing and Emergency Shelter Trust Fund Act of 2002. In addition, late in 2005 the project received Tax Credits that were sold to an equity investor providing a portion of the permanent financing for the project. Through the approved AHA, the RDA will be providing $3 million in gap financing for the project. This payment was scheduled to be made after the project was completed and occupied.

DISCUSSION

After the AHA was approved and executed, the developer of the project (Simpson Housing Solutions, LLC) began construction. While construction was proceeding, the credit market began to tighten which slowed payments from the tax credit equity investors for the project. Because it is important to maintain the construction schedule, the developer has asked the RDA to accelerate its payment of funds authorized by the AHA. Under the terms of the First Amendment to the Amended and Restated Affordable Housing Agreement (Exhibit A –"Amendment"), RDA will pay the developer the originally agreed upon amount of $3 million in four equal payments of $750,000 increments as shown in the following table:

Amount of Payment	Due Date
$750,000	March 12, 2009
$750,000	April 13, 2009
$750,000	May 13, 2009
$750,000	90 days following full occupancy of the project

The Amendment contains specific requirements that the developer must meet before any RDA payments occur. These requirements help insure that the RDA loan remains secure. This type of payment plan is similar in structure to the process that the RDA used to fund the Cottonwood Place project.

The RDA's financial assistance will include a promissory note secured by a deed of trust recorded against the project. The terms of the note include an interest rate of three percent per annum with a thirty year amortization and a term of twenty seven years. The loan structure allows for the deferral of payments under certain conditions. The annual payments are due and payable on June 1st of each calendar year. In the event the net cash flow is insufficient to cover the payment, the shortfall amount will be deferred. At such time that the annual cash flow increases to an amount above the required payment, the loan will be re-amortized to include the previously deferred amount. This loan structure is quite common with projects utilizing this type of financing and has been used in Moreno Valley on a number of other RDA-assisted projects

Affordable Housing Goals
State law (Health and Safety Code Section 33413) requires that the RDA ensure that a portion of the housing developed and rehabilitated in the redevelopment area is available at an affordable housing cost to low and moderate income households. The Oakwood Apartments provide 241 units of affordable housing. The Oakwood Apartments will enable the City to be credited with 241 units toward Moreno Valley's affordable housing requirements. The 241 units will be applied toward the projected total goal of 274 affordable housing units shown in the City's adopted Implementation Plan for the period of July 1, 2005 through June 30, 2010.

ALTERNATIVES

1. The City Council and Board of Directors can approve the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

2. The City Council and Board of Directors can reject the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement. This action could result in the failure of the project if the developer is unable to find a suitable replacement source of cash flow for completion of the project.

FISCAL IMPACT

The funding approved on March 25, 2008 with the AHA will be accelerated to fulfill the RDA's financial obligation. This expenditure has been budgeted for and is being made from the RDA's Housing Set aside Funds and has no impact on the City's General Fund.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
The Oakwood Apartments promote community pride and foster an excellent image of Moreno Valley by developing and executing programs that result in quality development and enhanced neighborhood preservation efforts, including rehabilitation and neighborhood restoration.

SUMMARY

The Oakwood Apartments are a proposed 241-unit affordable housing project on Perris Boulevard just south of John F. Kennedy Drive within the Redevelopment Project Area. Tightening of the credit markets has impacted the cash flow necessary to maintain the construction schedule and finish the project. It is necessary to accelerate payment of

the RDA obligation. Staff proposes the amendment of the AHA to allow this accelerated payment. The Amendment contains the necessary conditions to safe guard the RDA's funding position.

NOTIFICATION

The developer has been notified of this meeting by phone. In accordance with California Redevelopment Law, the public has been notified through the publication of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A	The First Amendment to the Amended and Restated Affordable Housing Agreement
Attachment B	City Resolution No. 2009-03

Prepared By
John Strickler
Housing Program Coordinator

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\NeighborPres\Housing\Oakwood Apartments\Staff Report Amendment to Assignment 01-27-09.doc

FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

by and between the

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

and

ONE MORENO VALLEY 240, L.P., a California Limited Partnership

ATTACHMENT A

DOCSOC/1321110v5/022810-0006

FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

This **FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT** (the "First Amendment"), dated, for identification purposes only, as of January 27, 2009 (the "First Amendment Date"), is entered into by and between the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**, a public body, corporate and politic ("Agency") and **ONE MORENO VALLEY 240, L.P.**, a California Limited Partnership ("Owner"). All terms used herein which are not otherwise defined shall have the meaning set forth in the Original Agency Agreement.

RECITALS

A. Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

B. The Agency and Owner entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Owner to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA).

C. In addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy.

D. Owner has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Owner nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in this First Amendment. Owner agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of this First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced herein; (ii) the moneys disbursed under this First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. This First Amendment to Amended and Restated Affordable Housing Agreement (the "First Amendment") is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions herein contained, the parties hereto agree as follows:

1. Capitalized terms shall have the meanings established under the Original AHA. Agency is a California redevelopment agency acting under the California Community

Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

2. Subsection (b) of Section 3.1 of the Original AHA is modified to read as follows:

"(b) **Evidence of Permanent Financing**. Owner shall have provided written proof acceptable to Agency that the Bond Loan will be converted to its permanent phase in the principal amount of not to exceed Eighteen Million Dollars ($18,000,000.00)."

3. Subsection (e) of Section 3.1 of the Original AHA is modified to read as follows:

"(e) **Owner Certification**. Agency shall have received satisfactory evidence that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of this Agreement, including Owner's written certification to such effect, (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in this Agreement, including without limitation, the Agency Note, and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages."

4. Subsection (g) of Section 3.1 of the Original AHA is modified to read as follows:

"(g) **Labor Standards; Compliance**. Owner shall have provided written proof acceptable to Agency that the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

5. Section 4.16.1 of the Original AHA is modified to read as follows:

"(a) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA) and the Owner has executed and delivered to Agency an "Owner Certificate A" (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Initial Disbursement" within ten (10) days after the later to occur of: (A) the twentieth (20th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA);

(b) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the fiftieth (50th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Second Disbursement" within ten (10) days after the later to occur of: (A) the fiftieth (50th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each

of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA);

(c) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (c) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the eightieth (80th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Third Disbursement" within ten (10) days after the later to occur of: (A) the eightieth (80th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (c) and (i) of Section 3.1 of the Original AHA); and

(d) Provided that the Conditions Precedent to Disbursement have first been met and Owner executes and delivers to Agency on or after the achievement of Stabilized Occupancy and the Owner executes and delivers to Agency an "Owner Certificate B" (in the form of Attachment No. 17 hereto) following the achievement of Stabilized Occupancy, the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Final Disbursement" within ten (10) days after the later to occur of: (A) the receipt by Agency of the Owner Certificate B following achievement of Stabilized Occupancy or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement.

6. Section 4.16.2 of the Original AHA is modified to read as follows: Excepting only to the extent otherwise expressly set forth in Section 2 of the First Amendment concerning the First Disbursement, the Second Disbursement and the Third Disbursement, to the extent Section 2 does not require satisfaction of subsections (h) and (i) of Section 3.1 of the Original AHA as a condition to payment of the First Disbursement, the Second Disbursement or the Third Disbursement, notwithstanding that each of those Conditions Precedent to Disbursement set forth as subsections (a), (b), (c), (d), (e), (f), (g), (j), (k) and (l) of Section 3.1 of the Original AHA must have been satisfied and Owner Certificate A(s) shall be required to have been received as provided in Section 2 of this First Amendment, the Agency shall have no obligation to disburse and shall not disburse any portion of the Agency Disbursement Amount unless and until all of the conditions Precedent to Disbursement are first satisfied. All of the Conditions Precedent to Disbursement as set forth in Section 3.1 of the Original AHA shall be applicable to the Final Disbursement.

7. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA as to each of the Original AHA and this First Amendment. Each such representation and warranty by Owner shall be deemed to be an ongoing representation and warranty.

8. This First Amendment is made for the purpose of setting forth rights and obligations of Owner and Agency, and no other person (except for the City) shall have any rights hereunder or by reason hereof. Except for the City, which shall be deemed to be a third party beneficiary of the Original AHA and this First Agreement (including without limitation the Attachments hereto), there shall be no third party beneficiaries of the Original AHA or this First Amendment.

9. Owner agrees to defend (by counsel satisfactory to Agency), indemnify and save harmless the Agency, the City and their officers, agents and employees from and against any claims,

damages, demands, actions, losses, liabilities, costs, expenses (including, without limitation, attorneys fees and court costs) arising from or relating to the Original AHA and this First Amendment.

10. The Original AHA, as modified hereby, shall remain in full force and effect.

11. This First Amendment shall be interpreted to effectuate the terms of the Original AHA as expressly modified hereby, in accordance with the laws of the State of California, and as if prepared and reviewed equally by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: ROBERT W. TETRAULT
Its: SENIOR VICE PRESIDENT

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

DOCSOC/1321110v5/022810-0006

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

DOCSOC/1321110v5/022810-0006

ATTACHMENT NO. 16

OWNER CERTIFICATE A

_____, 2009 (the "Date of Owner Certificate A")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its choosing in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate A ("Owner Certificate A").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate A transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate A and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate A for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate A as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

ATTACHMENT NO. 17

OWNER CERTIFICATE B

_____, 2009 (the "Date of Owner Certificate B")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing .Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its change in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate B ("Owner Certificate B").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate B transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate B and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate B for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate B as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

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MV00018486

RESOLUTION NO. 2009-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY CONSENTING TO THE APPROVAL BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY OF A FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE AGENCY AND ONE MORENO VALLEY 240, L.P., A CALIFORNIA LIMITED PARTNERSHIP

WHEREAS, California Health and Safety Code Sections 33334.2 and 33334.6 authorize and direct the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") to expend a certain percentage of all taxes which are allocated to the Agency pursuant to Section 33670 for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing cost to persons and families of low- and moderate-income, lower income, and very low income; and

WHEREAS, pursuant to applicable law the Agency has established a Low and Moderate Income Housing Fund (the "Housing Fund"); and

WHEREAS, the Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law"); and

WHEREAS, the Agency and One Moreno Valley 240, L.P., a California Limited Partnership (the "Developer" or the "Owner") entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Developer to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA); and

WHEREAS, the Developer acquired the Site and, under the Original AHA, is obligated to construct two hundred forty-one (241) apartment units at the Site, which rental units shall not be subject to any restriction on the basis of age (the "Project"); and

WHEREAS, the Developer is experienced in the development and operation of affordable multi-family housing, including in Riverside County and represents that it owns the Site; and

WHEREAS, the Developer and the Agency, following a duly-noticed public meeting at which the public had an opportunity to be heard, approved and entered into the Original AHA which provided for the Developer to develop two hundred forty-one (241) dwelling units and related improvements on the Site, and that the Developer shall, upon completion of such units, rent dwelling units to "Very Low Income Households"

and "Lower Income Households," all at "Affordable Rent" and to be rented at the "Prescribed Rent Levels" throughout the "Required Covenant Period" as those terms are defined within the Original AHA and in conformity with such additional and greater requirements as may be imposed in connection with the provision of funding for the Project. Such development was intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, and to increase, improve and preserve housing available at affordable rent to persons of very low income, pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, et seq., and 33413; and

WHEREAS, in addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy; and

WHEREAS, the Developer has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Developer nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in a draft First Amendment to Amended and Restated Affordable Housing Agreement in the form submitted herewith (the "First Amendment"). Developer agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of the First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced therein; (ii) the moneys disbursed under the First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. The First Amendment is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect; and

WHEREAS, pursuant to Health and Safety Code Section 33334.2(e), in carrying out its affordable housing activities, the Agency is authorized to provide subsidies to or for the benefit of very low income and lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market, and to provide financial assistance for the construction and rehabilitation of housing which will be made available at an affordable housing cost to such persons; and

WHEREAS, pursuant to Sections 33334.2 and 33413(b) of the Health and Safety Code, the Agency is to encourage the provision of dwelling units to be available at affordable housing cost to persons and families of low or moderate income for substantial periods of time; and

WHEREAS, the Project is located within the project area of the Moreno Valley Redevelopment Project (the "Project Area" and the "Redevelopment Project", respectively) and within the corporate limits of the City of Moreno Valley (the "City"). The acquisition, construction and operation of the Project pursuant to the Agreement would benefit the Project Area by providing affordable housing for persons who currently live and work within the Project Area; and

WHEREAS, the Agency has adopted an Implementation Plan pursuant to Health and Safety Code Section 33490, which sets forth the objective of providing housing to satisfy the needs and desires of various constituent elements of the community; and

WHEREAS, the AHA furthers the goals of the Agency set forth in the Implementation Plan as it will facilitate the creation of affordable housing which will serve the residents of the neighborhood and the City; and

WHEREAS, the Legislature declares in Health and Safety Code Section 36000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment, development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, following a duly-noticed public hearing on June 13, 2006, the Agency and the City Council of the City have found and determined that: (i) the Project is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution; (ii) the assistance to be provided with respect to the Project did not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution; and (iii) such determinations constituted final approval of a proposal which may result in housing assistance benefiting persons of low income within the meaning of Health and Safety Code Section 36005 (which findings and determinations are referred to collectively as the "Prior Determinations"); and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed AHA and believes that the AHA is in the best interests of the Agency and the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law requirements; and

WHEREAS, the financial participation by the Agency under the AHA is in consideration of the particular uses required by the AHA to be conducted by Developer on the Site as well as the Developer's undertakings concerning the development and operation of improvements for affordable rental housing; and

WHEREAS, the Developer has submitted to the Agency and the City Council of the City (the "City Council") copies of the First Amendment substantially in the form submitted herewith; and

WHEREAS, the Agency will expend up to Three Million Dollars ($3,000,000) under the AHA; and

WHEREAS, a joint public meeting of the Agency and City Council on the proposed First Amendment was duly noticed; and

WHEREAS, the proposed First Amendment, and a staff report have been available for public inspection prior to the joint public meeting; and

WHEREAS, all actions required by all applicable law with respect to the proposed First Amendment have been taken in an appropriate and timely manner; and

WHEREAS, the AHA would further the goals of the Implementation Plan by providing for the provision of improvements and the provision of new affordable housing as provided in the AHA; and

WHEREAS, the Agency and the City Council have duly considered all of the terms and conditions of the proposed First Amendment (and the AHA) and believes that the redevelopment of the Site pursuant to the AHA is in the best interests of the City of Moreno Valley and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

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

Section 1. The City Council hereby finds that the use of funds from the Agency's Low and Moderate Income Housing Fund pursuant to the AHA will be of benefit to the Project Area for the reasons set forth above.

Section 2. The City Council reconfirms and ratifies the Prior Determinations and finds and determines that the Prior Determinations constitute valid, binding and final determinations. The City Council further finds and determines that the Project (as described in the AHA) is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution, and that the assistance to be provided pursuant to the AHA does not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution. The City Council further determines that this resolution shall constitute a final approval of a proposal which may result in housing assistance benefiting persons of low income, within the meaning of Health and Safety Code Section 36005 and that, for the purposes of such enactment, the construction of improvements is sufficiently complete that improvements thereon constitute existing units.

Section 3. The City Council finds and determines that, based upon substantial evidence provided in the record before it, the level of support provided (by the Agency) under the AHA is reasonable and necessary.

Section 4. The City Council finds and determines that, based upon substantial evidence provided in the record before it, that an economically feasible alternative

method of financing or assisting the Development on substantially comparable terms and conditions, but without subordination (to the extent provided in the AHA), is not available, and the AHA provides for written commitments reasonably designed to protect the Agency's investment in the event of default, such as: (i) the right of the Agency to cure the default; and (ii) a right of the Agency to purchase the Site at any time after a default on the corresponding loan.

Section 5. The City Council hereby finds and determines that the AHA will further the implementation of the Redevelopment Plan and the Implementation Plan by providing for the construction of new, affordable housing subject to long-term covenants.

Section 6. The City Council hereby consents to the approval by the Agency of the First Amendment in substantially the form presented to the Agency, subject to such revisions as may be made by the Executive Director of the Agency or his designee. The Executive Director of the Agency is hereby authorized to execute the First Amendment (including without limitation all attachments thereto) on behalf of the Agency. A copy of the First Amendment when executed by the Agency shall be placed on file in the office of the City Clerk.

PASSED and **ADOPTED** this 10th day of February, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MORENO VALLEY)

I, Jane Halstead, City Clerk of the City of Moreno Valley, do hereby certify that the foregoing Resolution No. ____ was duly and regularly adopted by vote of the City Council of the City of Moreno Valley at its regular meeting held on the 10th day of February, 2009, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

By: _____
Jane Halstead, City Clerk

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: DAY STREET SEWER IMPROVEMENTS – REQUEST TO EXTEND THE TIME FOR A FULL ROAD CLOSURE OF DAY STREET BETWEEN ALESSANDRO BOULEVARD AND BAY AVENUE FOR THE CONSTRUCTION OF SEWER IMPROVEMENTS FROM FEBRUARY 24, 2009 – MARCH 16, 2009

CONTRACTOR: BONADIMAN-MCCAIN, INC.
280 SOUTH LENA ROAD
SAN BERNARDINO, CA 92408

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize an extension of time for a full road closure of Day Street between Alessandro Boulevard to Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009.

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On August 26, 2008 the City Council of the City of Moreno Valley, authorized a full road closure of Day Street between Alessandro Boulevard and Bay Avenue for the construction of sewer improvements from December 1, 2008 – January 24, 2009. Authorization was also given to the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. An additional 30 day extension from the City Engineer would have authorized a full road closure through February 24, 2009.

During the public notification process of the proposed road closure, representatives for the contractor, Bonadiman-McCain, Inc., were approached by residents and business owners in the area who expressed their concern about the timing for the road closure. In an effort to maintain good public relations during the Christmas holiday season, Bonadiman-McCain, Inc. requested to delay the start of construction and extend the full road closure by twenty (20) calendar days with a completion date of March 16, 2009.

DISCUSSION

Bonadiman-McCain, Inc. is requesting an extension of time for a full road closure of Day Street between Alessandro Boulevard and Bay Avenue to facilitate the construction of sewer improvements on Day Street. The request for extension of time for road closure is for twenty (20) calendar days and is due to resident and business owner concerns with the timing of the closure. Bonadiman-McCain will perform major improvement work including, but not limited to, removal of asphalt pavement for trench application 4-foot in width, removal of traffic signal detector loops, installation of 1,175 linear feet of 8-inch diameter vitrified clay pipe (VCP), including 4-inch VCP laterals and 4-foot manholes, backfill of trench and installation of asphalt street pavement and striping. All of the work will be reviewed by inspectors from the City of Moreno Valley and Box Springs Mutual Water Company. It is anticipated that the road will be open to traffic on March 16, 2009.

There are 13 parcels in the area of construction. The extension of time for the road closure will not affect the ingress or egress of any of the other structures although it could require some detour. City staff was advised by the contractor that all potentially affected property owners have been notified/contacted. The road closure/detour plan/traffic control plan has been approved by the City Traffic Engineer.

ALTERNATIVES

1. Authorize an extension of time for the full road closure of Day Street between Alessandro Boulevard and Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

2. Do not authorize an extension of time for the full road closure of Day Street between Alessandro Boulevard and Bay Avenue for the construction of sewer improvements from February 24, 2009 – March 16, 2009. Do not authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. *There would be no road closure. This alternative would result in an unsafe work environment.*

FISCAL IMPACT

The Developer will be responsible for all costs associated with this proposal.

CITY COUNCIL GOALS

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

NOTIFICATION

The approved traffic control/detour plan requires the contractor to give notification to the Post Office, Police, Fire Department, Ambulance Services, Riverside Transit Authority, Waste Management, and affected businesses and residents. The public will be notified by special roadside signage showing the dates of closure and detour signs.

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Detour Map
Exhibit "C" – Contractor's Letter of Request
Exhibit "D" - Contractor's Schedule of Work

Prepared By
Joanna Dorham
Construction Inspector Supervisor

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Eric Lewis
Transportation Division Manager/
City Traffic Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\2-10-09 Day Street Sewer Improvements - Road Closure Extension.doc

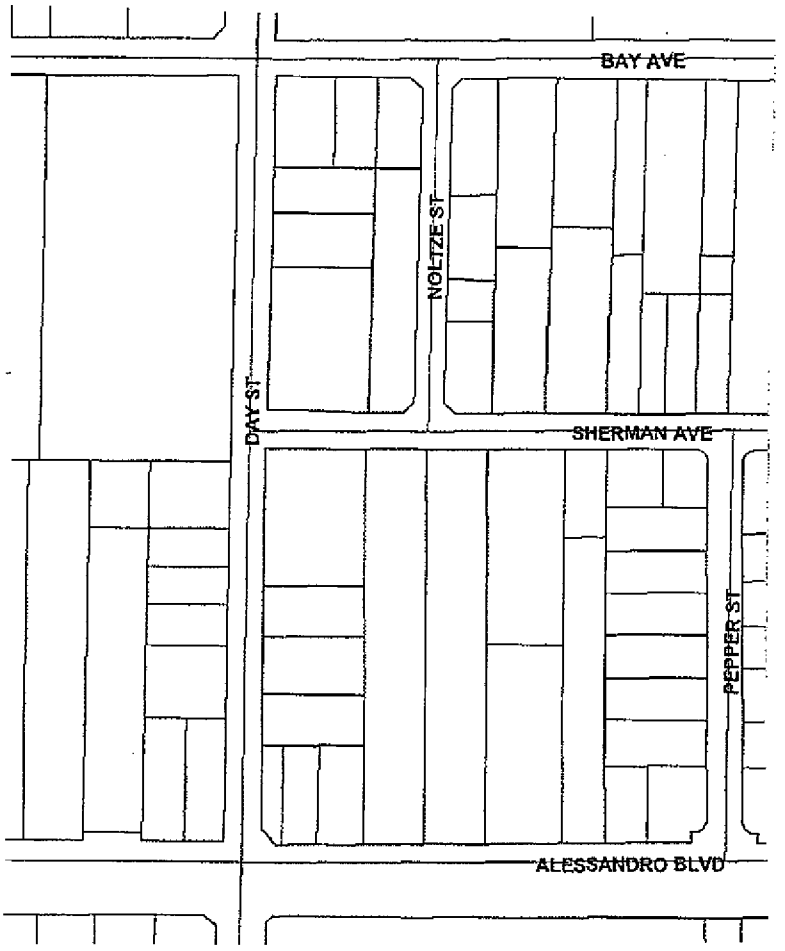

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**DAY STREET SEWER IMPROVEMENTS** **VICINITY MAP**

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MV00018498

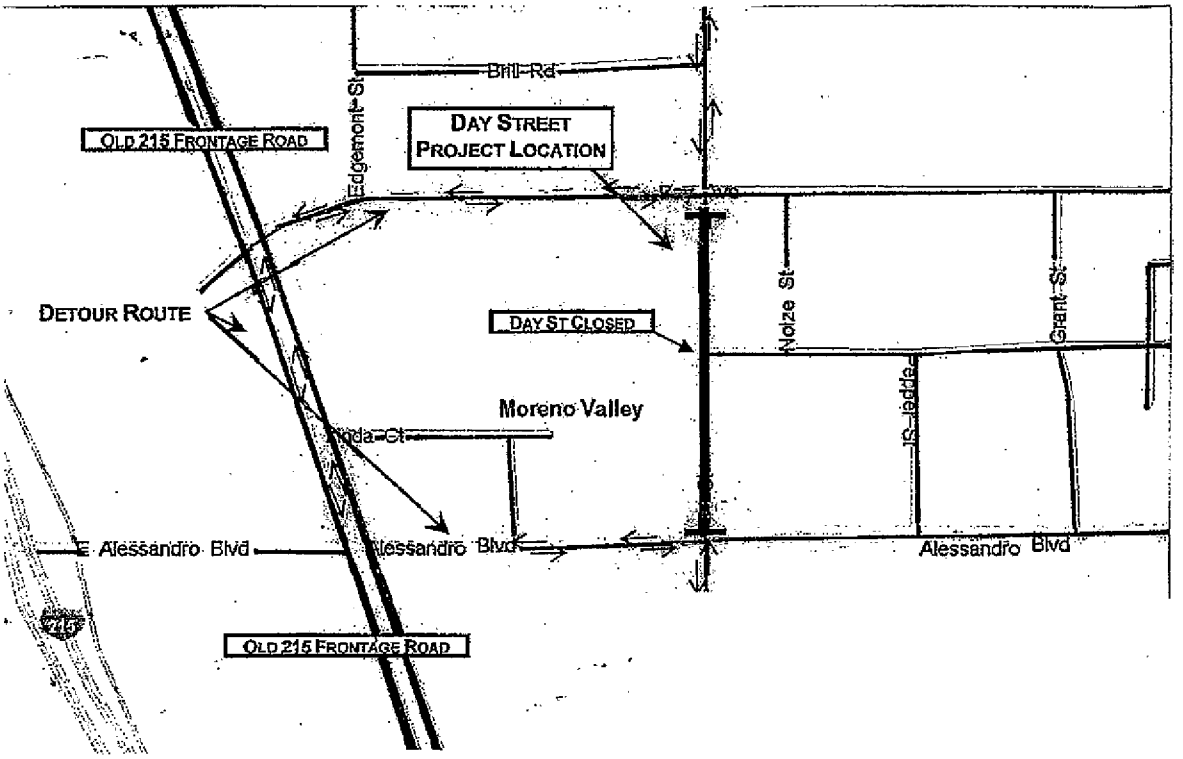

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT EXHIBIT "B"	DAY STREET SEWER IMPROVEMENTS DETOUR MAP

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MV00018500

LICENSE NO.74600
A, B & C 27
INCORPORATED 1942

TELEPHONE (909) 885-3435
TELECOPIER (909) 889-3706

BONADIMAN
McCain Inc.
Engineers Contractors

OFFICE ADDRESS
280 SOUTH LENA ROAD
SAN BERNARDINO, CA 92408

MAILING ADDRESS
POST OFFICE BOX 6444
SAN BERNARDINO, CA 92412

December 22, 2008

Michael Lloyd, P.E.
Transportation Engineering Division
City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

REFERENCE: DAY STREET SEWERLINE REPLACEMENT PROJECT
EDGEMONT COMMUNITY SERVICES DISTRICT

SUBJECT: PROJECT START DELAY

Dear Michael:

While on site at the above referenced project location preparing to install the notification signs and assessing how many handouts would be required we were approached by several local residents and business owners in the area who expressed their concern about the timing for the road closure.

In an effort to maintain good public relations and avoid unnecessary disgruntled drivers we proposed delaying the start date of the project until after the holidays to the project owner, who agreed with this decision. Our tentative date to post the notification signs and deliver the handouts is now January 5th with a start date for construction of January 12th. I have attached a revised construction schedule for your use.

If you have any questions, or if you require any additional information, please do not hesitate to call our office.

Respectfully,
BONADIMAN-McCAIN, INC.

Penney Paulson
Office Manager/Contracts

cc: Joanna Dorham, Construction Inspector Supervisor
City of Moreno Valley, Public Works Department, Land Development

AMERICA PROGRESSES THROUGH CONSTRUCTION *Construct by Contract*

EXHIBIT "C"

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MV00018502

Act ID	Description	Orig Dur	Rem Dur	Early Start	Early Finish
1100		1	1	22SEP08	22SEP08
2000	USA Notice	0	0	06OCT08 *	
2020	Public Notices	0	0	05JAN09 *	
1000	Mob	1	1	12JAN09	12JAN09
1070	Start Project	0	0	12JAN09 *	
2010	Pothole Existing Utilities	3	3	12JAN09	14JAN09
1010	Grind AC	2	2	15JAN09	16JAN09
1020	Dig Lay and Backfill 8" VCP	20	20	19JAN09	13FEB09
1030	Make Tie-In at 10+26 and Abandon Sewer	5	5	16FEB09	20FEB09
1040	Intsall Laterals	7	7	23FEB09	03MAR09
1050	Base Pave Trench	4	4	04MAR09	09MAR09
1090	Install Traffic Loops	3	3	10MAR09	12MAR09
1060	Finish Paving	2	2	13MAR09	16MAR09
1080	End Project	0	0		16MAR09

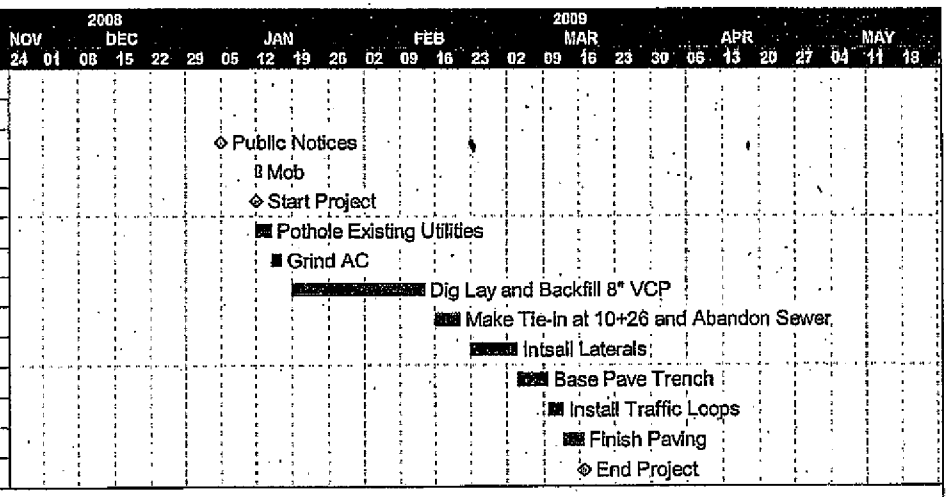

Start date	22SEP08
Finish date	16MAR09
Data date	22SEP08
Run date	22DEC08
Page number	1A

© Primavera Systems, Inc.

Bonadiman-McCain, Inc.
Day Street Sewer City MV
Preliminary

Early bar
Progress bar
Critical bar
Summary bar
Start milestone point
Finish milestone point

EXHIBIT "D"

MV00018503

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MV00018504

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: FIRST AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, extend the agreement from August 31, 2009 to December 31, 2009, and increase the agreement amount by the "not to exceed" fee of $350,000.00.

2. Authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000.00 for temporary professional consultant services for the Capital Projects Division. The current agreement expires August 31, 2009, the amendment will extend the agreement through December 31, 2009.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY08/09, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects

Division seeks to amend the agreement with SA to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified technical staff and the need for resources to complete budgeted City capital improvement projects.

SA staff will be responsible for the management and coordination of design and construction projects. The work will include contract administration (ensuring contract requirements are met, processing change orders, etc.), review plans and designs, fulfilling all bidding requirements, chairing pre-bid and construction meetings, retaining construction support services, processing permits and utility coordination, tracking contractors project progress, reviewing progress payments, processing payments, punch list items, contractor claims, warranty issues, Labor and DBE compliance and fulfilling Public Contract Codes as well as construction legal requirements.

Over the past twelve months SA staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, the Main Library, Emergency Operations Center, Fire Station No. 58, the Pan Am Boulevard Improvement project, five fire station exhaust system installations, bicycle lane project, the Street Improvement Program and several sidewalk installation projects.

Over the next twelve months SA staff will continue to work on projects such as the Main Library, School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, Iris Street Improvements, Bridge Maintenance project and several pavement rehabilitation projects.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services, do not authorize the City Manager to execute said "First Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $350,000.00 when "First Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Agreement for Professional Consultant Services" with SA will be fully expended by January 31, 2009. This First Amendment to the agreement will increase the Purchase Order by $350,000.00 to extend the temporary professional staffing services. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary engineering staff. The agreement does provide the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the FY 08/09 Annual Pavement Resurfacing budget (account no. 226.79728) to encumber the increase to the SA purchase order. As costs are incurred in this Purchase Order, the expenditures will be transferred to the capital projects for which services were performed.

The associated costs for the "First Amendment to Agreement for Professional Consultant Services" will be funded through Measure A Transportation Fund (Fund 125), Traffic Congestion Relief Fund (Fund 225), Proposition 1B Transportation Fund (Fund 226), School Walkway Infill Fund (Fund 122), DIF Arterial Streets (Fund 416), DIF Traffic Signal (Fund 417), 2005 Lease Revenue Bonds (Fund 501), and RDA Tax Allocation Bonds (Fund 897). There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with SA is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends an increase in the Purchase Order to SA in the amount of $350,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Prem Kumar, P.E.
Deputy Public Works Director /Asst. City Engineer

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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MV00018510

FIRST AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES

This First Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation, hereinafter referred to as "Consultant." This First Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated **July 29, 2008**.

Whereas, the Consultant is providing professional consultant services for **various projects of the Capital Projects Division**.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has provided a description for expansion of the scope of work to be performed dated December 10, 2008 and a copy of said description is attached as Exhibit "A" – Amended Scope of Work and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from **August 31, 2009 to December 31, 2009** by this Amendment.

1.2 Exhibit "A" to the July 29, 2008 Agreement is hereby amended by adding to the "Scope of Work" section described in Exhibit "A" to this First Amendment, entitled "Amended Scope of Work".

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $350,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this First Amendment.

1.4 The total "Not to Exceed" fee for this contract is $700,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

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Revised Mar. 2007

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MV00018514

December 10, 2008

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

The following amends and replaces the Scope of Work for the Agreement dated July 29, 2008:

As stated in Exhibit "A" of the July 29, 2008, Agreement for Professional Consultant Services, SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) Perform temporary project management services to complete budgeted City capital improvement projects.

3) The total "Not-to-Exceed" fee for the aforementioned services is $700,000.00 ($350,000 for original Agreement and $350,000 for First Amendment to Agreement).

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MV00018516

CITY OF MORENO VALLEY
Public Works
Capital Projects

MEMORANDUM

To: Mayor and City Council

From: Chris A. Vogt, Public Works Director / City Engineer

Date: February 10, 2009

Subject: Agreement for Professional Consultant Services with Jagdish Shah, R.A., M.S. (Civil) - A.11

Following please find the revised "Proposal for Temporary Staffing for Professional Consultant Services" for the Agreement for Professional Consultant Services with Jagdish Shah dated February 10, 2009 which incorporates a rate adjustment.

Please remove the document labeled "Exhibit B – Consultant's Proposal" and replace it with the following three (3) pages.

This is necessary due to Mr. Shah's recent hourly rate reductions.

Thank you.

W:\CapProj\CapProj\hirestaffconsultant\Jack Shah\Memo to CC revised rates 2-10-09.doc

JAGDISH (aka: JACK) SHAH, R.A., M.S.(Civil)
Consulting Architect/Engineer
22900 Estoril Drive, Unit 5
Diamond Bar, CA 91765-4490
Cell: 909-816-1424
jackshah@verizon.net

February 10, 2009

Prem Kumar, PE
Deputy Director
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, CA.

Dear Mr. Kumar:

Jack Shah, an independent architectural and engineering project management services consultant, is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Mr. Shah is currently perfoming the "Consultant Project Manager" services for the City for almost three years through S.A. Associates, and have successfully completed renovation of Alessandro Library and Fire Station 58 projects. In addition he has also completed design for the Exhaust Suystem for five fire stations and currently managing the design and/or construction of the Main Library, Emergency Operations Center (EOC), Public Safety Building (PSB) exisitng building renovation, and PSB new building staged design project. Upon approval of this independent contract with Jack Shah, Mr. Shah will cease performing through S.A. Associates and will become an independent consultant to the City.

Scope of Services and Fees:

Jack Shah will provide consulting project management services, with a licensed Architect, on a full-time (40 hours per week) basis at a rate of $120 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $265,000. A typical normal work schedule is 8:00 a.m. – 5:00 p.m., five days a week, for twelve (12) months. Authorized work beyond normal 40 hours workweek will also be billed at $120 per hour. Services performed by sub-consultants, outside agencies fees; and outside direct expenses are not included in the proposed fee. Services performed by sub-consultant will be billed at cost plus an additional management, coordination, and overhead fee of 15%. Outside agencies fees and outside direct expenses will be billed at cost.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

Jack Shah will provide licensed Architect to provide necessary project management services to ensure the successful completion of assigned capital improvement projects through various phases of design and/or construction. Typically, these projects involve buildings (such as fire station, police facility, emergency

operations center, library, office building, animal shelter, etc.), master planning, street improvements, grade separation, bridge, and other similar improvements. This individual will be involved in the management and coordination of City retained consultants, as well as construction and contract administration (processing of contracts, purchase requisitions, invoices, contract change orders, etc.), preparation of grant applications, processing of requests for proposals, preparation of staff reports to the City Council, preparation of project specifications and estimates, review plans and designs, and other project related duties as assigned. It is currently envisioned that the consultant will be managing building projects in design and/or construction. The project manager may also be assigned to other building related projects.

Requirements: California Registered Architect with a valid California driver's license and vehicle to visit project sites and attend off-site meetings on an as-needed basis, and preferably a mobile phone. Must be proficient in the building specifications (CSI and Greenbook), familiar with the Public Contract Codes, and be experienced in managing public works design and construction projects. A non-registered individual may be considered if the individual has significant public works project management experience.

Jack Shah proposes to the City the services of Mr. Jack Shah as Consultant Project Manager. Mr. Shah has over 44 years of experience in Project and Program Management, Funding, Planning, and is highly motivated goal oriented team player with a reputation for completing projects efficiently, timely, within budget, and assuring that City funds are not wasted. Mr. Shah is a registered Professional Architect in the State of California and has worked as Project Manager and other similar capacities for Los Angeles MTA, Alameda Corridor East (ACE), Metrolink, Sound Transit (Seattle), etc. The complete resume of Mr. Shah is attached to this proposal.

Required Clauses: Jack Shah makes the following statements:

1) It is understood that the this proposal and City's RFP, in securing consultant project management services, will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley.

2) It is understood that the proposed Services to be provided, and fees therefore, will be in accordance with the City's RFP except otherwise specified in the Consultant's Proposal under the heading 'Additions or Exceptions to the City's Request for Proposal'.

3) During the course of this agreement, Jack Shah shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict with the proper discharge of the Consultant's duties under this Agreement. Jack Shah shall not have any authority or purport to have any authority, to enter into any Agreement or other arrangement whereby the City would incur any obligation, financial or otherwise, to the third party.

4) Jack Shah will document and provide the results of the work to the satisfaction of the City. Jack Shah understands this may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

5) Jack Shah will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

6) Jack Shah, affirms its commitment and pledges its full support to equal employment opportunity. Jack Shah will not discriminate against any employee or applicant because of race, color, religion, sex or national origin.

7) Jack Shah will adhere to all federal laws and regulations notwihstanding any state or local laws and regulations. In case of conflict between federal, state or local laws or regulations, the strictest shall be adhered to.

8) Jack Shah, shall allow all authorized federal, state, county and City officialsaccess to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

9) Jack Shah shallcomply with the Davis-Bacon Fair Labor Standards Act (40 USC276-a through a-7), and the implementation regulations issued thereto (29 CFR Section 1,5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions", Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

10) Jack Shah shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the implementation Rgulation (29 CFR 3) issued pursuant thereto, and any amendment thereof.

11) Jack Shah offers and agrees to the City all rights, title, and interest in and to all clauses of action it may have under Section 4 of the Clayton Act (15 USC Esc. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 167000) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public worksor the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgementby the parties.

Additions or Exceptions to the City's Request for Proposal:

We have carefully reviewed the City's RFP and sample agreement and are prepared to comply with them without exceptions upon selection.

Insurance:

Upon selection, Jack Shah will provide required necessary Insurance Certificate with the required insurance coverages and the endorsement provisions that as outlined in the City's RFP.

Disclosure of Lobbying Activities:

Jack Shah does not participate in lobbying activities for any Federal activities and therefore, the Standard Form LLL to disclose lobbying activites pursuant to 31 USC 1352 is not applicable. Certification for Contracts, Grants, Loans, and Cooperative Agreements is executed and duly attached herewith.

We thank you for this opportunity for the Temporary Staffing for Professional Consultant Services. We have a sincere desire to provide quality services to yourself and your staff and look forward to working with you. If you have any questions, please do not hesitate to contact me at 909-816-1424. This proposal is valid for 30 days.

Sincerely,

Jagdish (aka: Jack) Shah, R.A., M.S. (Civil)
Principal

Enclosures: Resume - Jack Shah
Required Forms

MV00018520

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: February 10, 2009

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH JAGDISH SHAH

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah in the form attached hereto.

3. Authorize a Purchase Order to Jagdish Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

Mr. Shah is currently providing Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract with SA Associates. Mr. Shah proposes to provide similar services through a sole proprietorship.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects, the Capital Projects Division requires continued support of the technical consulting staff currently on board. This action is necessary due to a shortage of qualified technical staff and the need for resources to complete budgeted City capital improvement projects.

Mr. Shah will be responsible for the management and coordination of design and construction projects. The work will include contract administration (ensuring contract requirements are met, processing change orders, etc.), plan and design review, fulfilling all bidding requirements, chairing pre-bid and construction meetings, retaining construction support services, processing permits and utility coordination, tracking contractors project progress, reviewing progress payments, processing payments, punch list items, contractor claims, warranty issues, labor and DBE compliance and fulfilling Public Contract Codes as well as construction legal requirements.

Over the past twelve months Mr. Shah, as an SA Associates' staff member, has provided professional services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, the Main Library, Emergency Operations Center, Fire Station #58, five fire station's exhaust system design, and Public Safety Building tenant improvements and expansion projects.

Over the next twelve months Mr. Shah will continue to work on projects such as the closeout of the Main Library design phase, Emergency Operations Center construction, Public Safety Building tenant improvements and preliminary expansion design, and other budgeted capital projects as assigned to him.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000, authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah in the form attached hereto, and authorize a Purchase Order to Jagdish Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Services" with Jagdish Shah, R.A., M.S. (Civil), 22900 Estoril Drive, Unit 5, Diamond Bar, CA 91765-4490 to provide Professional Consultant Services, for the "not to exceed" fee of $265,000, do not authorize the City Manager to execute said "Agreement for Professional Consultant Services" with Jagdish Shah in the form attached hereto, and do not authorize a Purchase Order to Jack Shah in the amount of $265,000 when the "Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

Adequate funding is provided through the various budgeted capital improvement projects assigned to Mr. Shah. The agreement does provide the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the FY 08/09 Emergency Operations Center budget (account no. 501.82527) to encumber Mr. Shah's purchase order. As costs are incurred in this Purchase Order, the expenditures will be transferred to the capital projects for which services were performed.

The anticipated associated costs for the "Agreement for Professional Consultant Services" will be funded through General City Capital Projects, (Fund 412) and 2005 Lease Revenue Bonds (Fund 501):

Emergency Operation Center (Account No. 501.82527) $140,500
Public Safety Building (Account No. 501.82327) $98,000
Main Library (Account No. 412.76320) $26,500
Total $265,000

There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary project management services on a variety of projects, the "Agreement for Professional Consultant Services" with Mr. Shah is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends the issuance of a Purchase Order to Mr. Shah in the amount of $265,000 which will be funded by various budgeted capital improvement projects.

ATTACHMENT

Attachment "A" - Agreement for Professional Consultant Services

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Prepared By:
Prem Kumar, P.E.
Deputy Public Works Director /Asst. City Engineer

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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MV00018526

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Jagdish Shah, R. A., M. S., as sole proprietor, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

Attachment "A"

DESCRIPTION OF PROJECT

1. The project involves temporary project management services for the Capital Projects Division associated with applicable capital improvements. The work will include construction and contract administration and other project-related duties as assigned.

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $265,000 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on March 31, 2010 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth therein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the

City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform

their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

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

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

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

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

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits

hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

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

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written

Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

Jagdish Shah, R. A., M.S.

BY: _____

TITLE: Sole Proprietor
(Sole Proprietor)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
TO PROVIDE TEMPORARY STAFFING FOR
PROFESSIONAL CONSULTANT SERVICES
FOR THE CITY OF MORENO VALLEY

I. INVITATION

The City of Moreno Valley has an ongoing need for Project Managers and Contract Administration Specialists in the Capital Projects Division. You are hereby invited to submit a Proposal to the City of Moreno Valley for temporary project management and contract administration consultant services on a full-time basis for approximately twelve (12) months (2100 work hours) to the City of Moreno Valley. The City may extend the duration of these positions depending upon staffing needs. You may propose on one or both positions.

Four (4) copies of your Proposal may be submitted on an ongoing basis addressed to Public Works Department, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Margery Lazarus, Supervising Engineer. One copy of the proposal should be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine.

II. SCOPE OF WORK

Project Manager

The Project Manager for the Capital Projects Division shall provide necessary project management services to ensure the successful completion of assigned capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, sidewalk, municipal facility, and traffic signal improvements. This individual will be involved in the management and coordination of City-retained design consultants, construction management, contract administration (processing of contracts, purchase requisitions, invoices, change orders, etc.), preparation of grant applications, processing of Requests for Proposals, preparation of staff reports to the City Council, preparation of project specifications and estimates, review plans and designs, and other project related duties as assigned.

Requirements: A California Registered Civil Engineer with a valid California driver's license and vehicle to visit project sites and attend off-site meetings on an as-needed basis, and a mobile phone. The City may consider a non-registered individual if the individual has significant public works project management experience. This individual should be proficient in the Greenbook and Caltrans specifications, familiar with the Public Contract Codes, and be experienced in managing public works design and construction projects.

The City envisions that the work hours for each Project Manager and Contract Administration Specialist position will be Monday through Friday from 8:00 a.m. to 5:00 p.m. The City will provide the individual with work space, a telephone, computer, regular office supplies, and access to a fax and copy machine.

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff

Exhibit "A"

on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

III. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall include the following:

A. The Consultant's Proposal shall be no more than 15 pages, excluding a cover letter of up to two pages, dividers, and certificates. The RFP will not be counted when included in the Proposal.

B. A statement that this RFP shall be incorporated in its entirety as a part of the Consultant's Proposal.

C. A statement that this RFP and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley.

D. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's RFP except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

E. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this RFP.

F. A statement of qualifications of the proposed individual(s) including name, qualifications, and experience; also required for reference checks is a listing of names, titles, addresses, and telephone numbers for proposed individual. If the Consultant's proposed staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

G. A statement that during the term of this Agreement, the Consultant shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict with the proper discharge of the Consultant's duties under this Agreement. The Consultant shall not have any authority, or purport to have any authority, to enter into any Agreement or other arrangement whereby the City would incur any obligation, financial or otherwise, to any third party.

H. A statement that the Consultant will provide a fixed hourly rate, which will include all reimbursable expenses (mileage, per diem, phone calls, etc.). The total contract will be for a "Not-to-Exceed Fee" as submitted with and made a part of said Consultant's Proposal.

I. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

J. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

K. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

L. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state, or local laws or regulations the strictest shall be adhered to.

M. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

N. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

O. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

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

Q. Complete Disclosure of Lobbying Activities (Form LLL – see attached).

IV. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

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

V. FEDERAL EMPLOYEE BENEFIT

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

VI. PAYMENT TO CONSULTANT

A. Payment will be based on hourly rate (which will include all reimbursable expenses i.e. mileage, per diem, phone calls, etc.) with a "Not-to-Exceed Fixed Fee." Provide a copy of the proposed staff's hourly rate schedule and a statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments.

B. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

C. The Consultant will submit an invoice (identify job title, hourly rate, and total costs incurred) to the City once a month for payments along with documentation evidencing hours worked to date. The payment is based on actual time expended in furnishing authorized professional services during the preceding calendar month and must include an hourly cost breakdown of the assigned project account numbers. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's determination of the amount due for any payment shall be final.

D. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

VII. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000

will be considered equivalent to the above minimum limits

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Riverside County Transportation Commission and the Western Riverside Council of Governments, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Riverside County Transportation Commission, and the Western Riverside Council of Governments, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

VIII. INDEMNIFICATION

A. The Consultant agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), Riverside County Transportation Commission (RCTC), and Western Riverside Council of Governments (WRCOG), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the

Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include

claims arising from the sole negligence or willful misconduct of the City, RDA, CSD, RCTC, and WRCOG, their officers, agents or employee

B. The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's CSD's, RCTC's, and WRCOG's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA, CSD, RCTC, and WRCOG, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Consultant, its officers, agents, or employees (PCC 20103.6).

IX. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving 48 hours written notice to the Consultant of such termination and specifying the effective date thereof. All finished documents and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

X. INDEPENDENT CONTRACTOR

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

XI. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, Consultant's Proposal, City's Request for Proposal, and Exhibits.

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

XII. GENERAL CONDITIONS

A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation

during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

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

B. Not Applicable.

C. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

D. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for this Consultant engagement will be made to the Consultant who, in the opinion of the City, is best qualified.

E. The Consultant's Proposal shall be no more than 15 pages, excluding a cover letter of up to two pages, dividers, and certificates. The RFP will not be counted when included in the Proposal.

XIII. SELECTION CRITERIA

A. The selection will be based on qualification and experience of the proposed staff that will be assigned to this project. This individual may be invited to a selection interview.

B. Proposals failing to provide sufficient information to accurately assess the qualifications of the proposed individual and failing to comply with requirements and conditions of the RFP will not be given further consideration.

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DISCLOSURE OF LOBBYING ACTIVITIES

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

1. Type of Federal Action: ☐ a. Contract b. Grant c. Cooperative agreement d. Loan e. Loan guarantee f. Loan insurance	**2. Status of Federal Action:** ☐ a. Bid/offer/application b. Initial award c. Post-award	**3. Report Type:** ☐ a. Initial filing b. Material change **For Material Change Only:** Year _____ Quarter_____ Date of last report _____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier_____, *if known* **Congressional District**, *if known:*	**5. If Reporting Entity in No. 4 is Subawardee. Enter Name and Address of Prime:** **Congressional District**, *if known:*
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*_____
8. Federal Action Number, *if known:*	**9. Award Amount**, *if known:* **$**
10. Name and Address of Lobbying Entity *(If individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(Last name, first name, MI):*
11. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:**_____ **Print Name:**_____ **Title:**_____ **Telephone No.:**_____ **Date:**_____
Federal Use Only:	Authorized for Local Reproduction Standard Form – LLL (Rev. 7-97)

Standard Form LLL Rev. 06-04-90

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

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

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

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

Certification for Contracts, Grants, Loans, and Cooperative Agreements
(Federal Fiscal Year _____ to _____)

I, , hereby certify on behalf
(Name and title of Grantee official)

of The City of Moreno Valley , that
(Name of Grantee)

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, of cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, an cooperative agreements) which exceed $100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Executed this _____ of _____, 20__.

By:
(Signature of authorized official)

_____
(Title of authorized official)

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LIST OF SUBCONSULTANTS

PROJECT NAME: _____

PROJECT NO: _____

CONSULTANT NAME: _____

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

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

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

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

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES
TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) - REGIONAL
TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) – ZONAL
PROJECT NO. XX-XXXXXXXX

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

RECITALS

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

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

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

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

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

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

Sample

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. XX-XXXXXXXX

DESCRIPTION OF PROJECT

1. The project is described as professional consultant _____ services for:

Project Name

Project No. XX-XXXXXXXX

SCOPE OF SERVICES

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

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

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

TERM OF AGREEMENT

5. This agreement will terminate on **Month Date, Year** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "E" attached hereto and incorporated by this reference.

Or

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7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design/construction schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respects to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

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

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

Sample

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) The Consultant agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), the Moreno Valley Community Services District (CSD), the Riverside County Transportation Commission (RCTC), and Western Riverside Council of Governments (WRCOG), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to

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any person, including injury to the City's, RDA's, CSD's, RCTC's, and WRCOG's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts, recklessness or willful misconduct of the City, RDA, CSD, RCTC, and WRCOG, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such Public Liability and Property Damage Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

Sample

GENERAL LIABILITY

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

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

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum general liability limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA, CSD, RCTC, and WRCOG against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) A Certificate of Insurance or an appropriate insurance binder evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

Sample

(h) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

"Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District and Western Riverside Council of Governments, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, the Riverside County Transportation Commission, and the Western Riverside Council of Governments, its officers, employees and agents, under any third party liability policy."

(i) Insurance companies providing insurance hereunder shall be rated (A minus, VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(j) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the

Sample

cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, in both hard copy and electronic format, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant

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by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, in both hard copy and electronic format, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain for its files copies of any and all materials, including drawings, documents, and specifications produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(d) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

Sample

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

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

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third

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parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28 The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

Sample

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. XX-XXXXXXXX

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

City of Moreno Valley

BY: _____
Department Head/Mayor/City Manager
(Select only one please)

DATE: _____

Consultant Company

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

ATTEST:

_____
City Clerk *(not needed if City Manager signs)*

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Enclosures: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment
Exhibit "E" – Consultant's Schedule

Sample

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

Sample

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $_____.

2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.

3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

5. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

EXHIBIT "D"

Sample

JAGDISH (aka: JACK) SHAH, R.A., M.S.(Civil)
Consulting Architect/Engineer
22900 Estoril Drive, Unit 5
Diamond Bar, CA 91765-4490
Cell: 909-816-1424
jackshah@verizon.net

December 11, 2008

Prem Kumar, PE
Deputy Director
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, CA.

Dear Mr. Kumar:

Jack Shah, an independent architectural and engineering project management services consultant, is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Mr. Shah is currently perfoming the "Consultant Project Manager" services for the City for almost three years through S.A. Associates, and have successfully completed renovation of Alessandro Library and Fire Station 58 projects. In addition he has also completed design for the Exhaust Suystem for five fire stations and currently managing the design and/or construction of the Main Library, Emergency Operations Center (EOC), Public Safety Building (PSB) exisitng building renovation, and PSB new building staged design project. Upon approval of this independent contract with Jack Shah, Mr. Shah will cease performing through S.A. Associates and will become an independent consultant to the City.

Scope of Services and Fees:

Jack Shah will provide consulting project management services, with a licensed Architect, on a full-time (40 hours per week) basis at a rate of $126 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $265,000. A typical normal work schedule is 8:00 a.m. – 5:00 p.m., five days a week, for twelve (12) months. Authorized work beyond normal 40 hours workweek will also be billed at $126 per hour. Services performed by sub-consultants, outside agencies fees; and outside direct expenses are not included in the proposed fee. Services performed by sub-consultant will be billed at cost plus an additional management, coordination, and overhead fee of 15%. Outside agencies fees and outside direct expenses will be billed at cost.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

Jack Shah will provide licensed Architect to provide necessary project management services to ensure the successful completion of assigned capital improvement projects through various phases of design and/or construction. Typically, these projects involve buildings (such as fire station, police facility, emergency

Exhibit "B"

operations center, library, office building, animal shelter, etc.), master planning, street improvements, grade separation, bridge, and other similar improvements. This individual will be involved in the management and coordination of City retained consultants, as well as construction and contract administration (processing of contracts, purchase requisitions, invoices, contract change orders, etc.), preparation of grant applications, processing of requests for proposals, preparation of staff reports to the City Council, preparation of project specifications and estimates, review plans and designs, and other project related duties as assigned. It is currently envisioned that the consultant will be managing building projects in design and/or construction. The project manager may also be assigned to other building related projects.

Requirements: California Registered Architect with a valid California driver's license and vehicle to visit project sites and attend off-site meetings on an as-needed basis, and preferably a mobile phone. Must be proficient in the building specifications (CSI and Greenbook), familiar with the Public Contract Codes, and be experienced in managing public works design and construction projects. A non-registered individual may be considered if the individual has significant public works project management experience.

Jack Shah proposes to the City the services of Mr. Jack Shah as Consultant Project Manager. Mr. Shah has over 44 years of experience in Project and Program Management, Funding, Planning, and is highly motivated goal oriented team player with a reputation for completing projects efficiently, timely, within budget, and assuring that City funds are not wasted. Mr. Shah is a registered Professional Architect in the State of California and has worked as Project Manager and other similar capacities for Los Angeles MTA, Alameda Corridor East (ACE), Metrolink, Sound Transit (Seattle), etc. The complete resume of Mr. Shah is attached to this proposal.

Required Clauses: Jack Shah makes the following statements:

1) It is understood that the this proposal and City's RFP, in securing consultant project management services, will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley.

2) It is understood that the proposed Services to be provided, and fees therefore, will be in accordance with the City's RFP except otherwise specified in the Consultant's Proposal under the heading 'Additions or Exceptions to the City's Request for Proposal'.

3) During the course of this agreement, Jack Shah shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict with the proper discharge of the Consultant's duties under this Agreement. Jack Shah shall not have any authority or purport to have any authority, to enter into any Agreement or other arrangement whereby the City would incur any obligation, financial or otherwise, to the third party.

4) Jack Shah will document and provide the results of the work to the satisfaction of the City. Jack Shah understands this may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

5) Jack Shah will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

6) Jack Shah, affirms its commitment and pledges its full support to equal employment opportunity. Jack Shah will not discriminate against any employee or applicant because of race, color, religion, sex or national origin.

7) Jack Shah will adhere to all federal laws and regulations notwihstanding any state or local laws and regulations. In case of conflict between federal, state or local laws or regulations, the strictest shall be adhered to.

8) Jack Shah, shall allow all authorized federal, state, county and City officialsaccess to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

9) Jack Shah shallcomply with the Davis-Bacon Fair Labor Standards Act (40 USC276-a through a-7), and the implementation regulations issued thereto (29 CFR Section 1,5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions", Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

10) Jack Shah shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the implementation Rgulation (29 CFR 3) issued pursuant thereto, and any amendment thereof.

11) Jack Shah offers and agrees to the City all rights, title, and interest in and to all clauses of action it may have under Section 4 of the Clayton Act (15 USC Esc. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 167000) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public worksor the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgementby the parties.

Additions or Exceptions to the City's Request for Proposal:

We have carefully reviewed the City's RFP and sample agreement and are prepared to comply with them without exceptions upon selection.

Insurance:

Upon selection, Jack Shah will provide required necessary Insurance Certificate with the required insurance coverages and the endorsement provisions that as outlined in the City's RFP.

Disclosure of Lobbying Activities:

Jack Shah does not participate in lobbying activities for any Federal activities and therefore, the Standard Form LLL to disclose lobbying activites pursuant to 31 USC 1352 is not applicable. Certification for Contracts, Grants, Loans, and Cooperative Agreements is executed and duly attached herewith.

We thank you for this opportunity for the Temporary Staffing for Professional Consultant Services. We have a sincere desire to provide quality services to yourself and your staff and look forward to working with you. If you have any questions, please do not hesitate to contact me at 909-816-1424. This proposal is valid for 30 days.

Sincerely,

Jagdish (aka: Jack) Shah, R.A., M.S. (Civil)
Principal

Enclosures: Resume - Jack Shah
Required Forms

JACK SHAH, R.A., M.S. (Civil)
22900 Estoril Drive, # - 5,
Diamond Bar, CA 91765-4490
909-816-1424
E-mail: jackshah@verizon.net

OBJECTIVE: Provide Consulting services for Program/Project management (design and Construction Administration) where I can use my vast experience and knowledge of Building and Transportation projects.

SUMMARY: Architect and Civil Engineer. Professional Registration in California and other states. Team and consensus builder. Leader in resolving design/construction issues and timely project completion. Experienced in government (Federal/State/County/City/Transit Agencies, etc.) and private organizations facilities design/construction mgmt. and funding. Also experienced in business development, planning, engineering design (including design/build contracts), partnering, negotiations (design and const. COs), Value Engineering (VE) and QA/QC. OSHA Occupational Safety and Health trained in Construction Safety & Health. Currently serving as Planning Commissioner, City of Diamond Bar, CA.

Business Development/ Office Operations: Won several design, program management, on-call engineering, and extension to existing contracts work. Managed and ran Korve Engineering Company's LA office and Exeltech Engineering, Los Angeles office operations.

Design and Construction contracts Administration: Managed large projects, overseeing work performed by consultant/CM and equipment procurement contracts. Developed budget and schedules. Supervised engineers, architects, and administrative staff. Assured compliance with CEQA/NEPA, ADA and CPUC requirements.

Hands on Project/Program Management (PM): Funding requirements compliance, Design contracts, QA/QC, and VE. Design/construction coordination with in-house team, utility companies, govt. agencies (Federal/ State/ County/ City/ transit agencies, etc.), contractors/ sub-contractors, railroads, Fire Life Safety Committee, etc. Assisted in real estate certification for need, eminent domain/ purchase/ leases/ licenses/ easements and construction agreements. Involved team/staff and consultants in meeting agency's goals and objectives. Handled design/build, design/bid/build contracts.

Trained/mentored students/staff in PM, QA/QC and VE. Received training for General Code of Operating and Roadway Worker rules.

AWARDS AND KEY ACCOMPLISHMENTS

Los Angeles County Metropolitan Transit Authority (LACMTA) awarded a special bonus for saving more than a million dollars in construction cost and reduction in the construction duration for the Wilshire Vermont Station, Metro Redline Project.

Managed building of six METROLINK stations and four platform extensions in the record time of six weeks after the North Ridge, earthquake. City of LA awarded "Outstanding Service to the community" award. San Clemente (beach) station is named as **"Shah Station"**.

Wrote Commuter Rail Stations Design Manual for Metrolink and Sounder (Seattle) and QA/QC Procedures Manual for MTA and ACE projects.

EXPERIENCE

NEW PROJECTS

City of Moreno Valley

Duties: Program/Project Management and Construction Administration.

- Alessandro Library Rehabilitation - $ 300,000 (approx.). Const. Admin.
- Emergency Operations Center (EOC)- $7.0 million, 8000 Sq. ft. Concept. Design and Construction administration.
- Fire Station #58 - $7.8 million. Construction Administration.
- Public Safety Building and Civic Center Master Planning - $120 million, 80,000+ sq.ft. facility to be build in several stages. Managing Master Planning, PS&E, and funding support.
- New Library Project - $33 million, 71,000+ sq.ft. facility to be designed and build in two phases. 1st phase budget: 26.2 million. Managing PS&E, and funding support. Possibly construction administration.
- Five Fire Stations Exhaust System addition.

San Fernando Valley Region schools, LAUSD Bond Program

Duties: Project Development from site selection to bid documents for construction

Four Schools – Granada Hills HS#4, Early Education School at Chase Elem., Montague Addition, and K-8 Span #1 school.
Overall coordination between various groups, including, CEQA, design/CM, scheduling, LADOT, community outreach, Dept. of Toxic Substance, State Architect, Office of Environment, Health and Safety, etc. for timely and within budget project completion.

Alameda Corridor East (ACE) Project

Duties: QA/QC and VE

Grade Separations (RR and street bridges) and street const. projects: East End Street, Reservoir Street, Brea Canyon Blvd., Nogales St. (LA Sub), Nogales St. (Alhambra Sub), Sunset Ave. Temple Ave Train Diversion Project and approximately 54 grade crossing improvements. Est. cost: $142 million.

Los Angeles MTA (Bus Transit)

Duties: Project Management and QA/QC

Wilshire Bus Rapid Transit (BRT) Project. Included Bus Maintenance Facility, bus stations, street and street crossings improvements, and Demonstration project. Est. cost: $75 + million.

METROLINK

Duties: Project Mgmt., design/CM coordination, consultant selection, negotiations and hire. Coordinated with agencies and funding the projects. Managed UPRR contract, Riverside line tracks, bridges, and stations; 47 stations design and construction management. Communication Contract and track contract. Est. cost: 130 million.

Los Angeles MTA (Rail Transit)

Los Angeles Red Line (Heavy Rail) and Green Line (LRT) projects

Duties:
Green Line:
Project Management for Stations design. Art-in-Transit coordination.
Red Line:
Project Management, design consultant selection/contract negotiations, construction contract support for the following contracts: Yard and shops facilities – Est. cost: 128 million; Tunnel from yard and shops facility to Union station – Est. cost: $32 million; Wilshire Vermont, Wilshire Normandie, Wilshire Western and Vermont Beverly stations – Est. cost: 138 million; Tunnel under Santa Monica Mountain (project alignment change - not build) - Est. cost: 67 million.

Miami Metro

Duties: Project management.
Dadeland North, Vizcaya, Coconut Grove, Allapattah, and Dr. MLK Jr. elevated stations design and construction support – Est. cost: 153 million

EXISTING FACILITIES IMPROVEMENTS PROJECTS

SEPTA – Philadelphia

Duties: Project Management, design, specifications writing and estimating, staff supervision and construction support for 2nd, 5th, 8th, 11th, 13th, and 15th street Market Frankford Line stations renovations – Est. cost: 15 million; Headquarter design; new LRT shop conceptual design and 250 bus facility conceptual design. Wrote Grant Applications.

NYCTA

Duties: Project management support for 168th St. Rail yard facilities renovation project.

OTHER PROJECTS

Mobil Oil, New Haven, CT. office renovation, New York City Post Office building, Ethan Allen Head Quarter building and interiors, offices, schools, colleges, cinemas, bank, court and other institutional facilities and residential facilities. Designed and prepared bid documents and handled construction support activities.

EDUCATION

Drexel University, Philadelphia, PA

M.S. (Civil) Transportation and Construction Management - 1976

University of Miami, Miami, Fl.
M.B.A. (many courses completed – incomplete degree work due to job transfer) - 1979

M.S. University, Baroda, India
B.S. Architecture - 1964

Dale Carnegie Institute, Houston, TX - Diploma in Effective Speaking and Human Relations - 1981
Value Engineering Certification Course - 2004

AMA (American Management Associate) Project Management seminars/classes – 1985-1998

CalTech, Pasadena, CA Vocal Communication and Effective Presentation Techniques - 1988

LICENSES/ REGISTRATIONS & PROFESSINAL MEMBERSHIPS

- State of California License No: C 15247 - 1984 (current)
- State of Texas License No: 8730 - 1982
- State of Pennsylvania License No: RA – 008209-X - 1979
- NCARB (National Council of Architectural Registration Board) Certificate No: 22560 - 1979

* ASCE Membership No: 193985 - 1980
* AREMA Membership No: 10072 – 2000
* ITE Membership No: 11194 – 1998
* AIA Membership No: 30168720 – 2000
* IIA Membership No: CA/76/2520 - 1964

EMPLOYERS

03/2006-Cont.	Independent Consultant
01/2001-03/2006	So. California Operations Manager, Korve Engineering, Los Angeles, CA
03/2000-01/2001	Director, Rail and Transit, Exeltech Engineers, Inc. Diamond Bar, CA
07/1998-03/2000	Railroad Engineer, Sound Transit (Commuter Rail), Seattle, Washington
09/1991-06/1998	Manager, Stations, SCRRA/ Metrolink, Los Angeles, CA
12/1989-08/1991	Facilities Engineering Manager LACTC/RCC, Los Angeles, CA
11/1983-12/1989	Project Manager/Engineer Southern California Rapid Transit District, Los Angeles, CA
07/1983-11/1983	Project Engineer

	SSV & K, New York City, NY
08/1978-07/1983	Area Manager Kaiser Engineers, Oakland, CA
03/1974-07/1978	Facilities Architect SEPTA, Philadelphia, PA
06/1973 - 02/1974	Civil Engineer C.F. Braun & Co., Murray Hill, NJ
06/1965 – 05/1973	Project Manager, Gujarat State Government, India

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

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

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$265,000.** The hourly rate for Jagdish Shah will be $126.00 per hour. The City Engineer has the authority to make necessary adjustments to the hourly rate or amend the contract duration as deemed necessary from time to time.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.
5. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

EXHIBIT "D"

MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A3

CSD AGENDA ITEM NO. B.2

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MV00018574

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: February 10, 2009

TITLE: Naming of Park on Filaree Avenue between Sheila Street and Perris Boulevard

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors for the Moreno Valley Community Services District, adopt the name as recommended and submitted at the neighborhood meeting for the new park located along the south side of Filaree Avenue between Sheila Street and Perris Boulevard as "Patriot Park."

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

The Sheila neighborhood park site is approximately one-half acre in size with planned amenities including play apparatus for ages 2-12, drinking fountain, decomposed granite walking path, benches, and water efficient landscaping. The property and construction of the park is funded by the Redevelopment Agency of Moreno Valley (RDA).

DISCUSSION

Planning continues in the development of a new park in the Sheila neighborhood. At a January 14, 2009 neighborhood meeting, revised plans were presented for the half acre park that incorporated feedback from a previous neighborhood resident meeting.

Interaction with and ideas from residents were helpful in refining the type of park to be developed. Construction of this park, which is funded through the Community Development Block Grant, will start this fall and be ready for use in spring 2010.

At the January neighborhood meeting, residents suggested the new neighborhood park be called "Patriot Park."

ALTERNATIVES

1. Proceed with the naming of "Patriot Park."
2. Select an alternative name for the facility.

FISCAL IMPACT

There would be no fiscal impact as part of this action.

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

NOTIFICATION

Posting of the agenda

ATTACHMENTS/EXHIBITS

Attachment A – Site Map

Prepared By: Michael McCarty

Department Head Approval: Michael McCarty

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00018578

PATRIOT PARK SITE MAP

ty of Moreno Valley
177 Frederick Street
oreno Valley, CA 92553

CLAIMER: The information shown on this map was compiled from the Riverside unty GIS and the City of Moreno Valley GIS. The land base and facility information on this o is for display purposes only and should not be relied upon without independent verification o its accuracy. Riverside County and City of Moreno Valley will not be held responsible any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY

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MV00018580

MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A3

RDA AGENDA ITEM NO. C.2

Item No. C .2

MV00018581

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MV00018582

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director

AGENDA DATE: February 10, 2009

TITLE: FIRST AMENDMENT TO THE AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BETWEEN ONE MORENO VALLEY 240, LP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE OAKWOOD APARTMENTS.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2009-03 and the Board of Directors of the Community Redevelopment Agency adopt Resolution No. RDA 2009-01 approving the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

BACKGROUND

On March 25, 2008, the City Council and the Board of Directors of the Redevelopment Agency (RDA) adopted resolution number 2008-33 and RDA resolution number 2008-05 authorizing the Amended and Restated Affordable Housing Agreement (AHA) between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley (RDA) for the Oakwood Apartments. This agreement was made to facilitate the construction and operation of the Oakwood Apartments, a proposed 241-unit complex located on the east side of Perris Boulevard just south of John F Kennedy Drive. The project consists of 2, 3 and 4 bedroom units, designated for very low-income households, at rents not exceeding an overall project average of 52% of area median income. The income categories are based on family size which would be appropriate for the number of bedrooms in the unit.

In July 2005, the City Council approved a zoning change and other development entitlements for this 19.55-acre site. The project successfully secured an allocation of tax-exempt mortgage revenue bonds that are competitively allocated by the California Debt Limit Allocation Committee (CDLAC). These bonds were authorized by California voters through the Housing and Emergency Shelter Trust Fund Act of 2002. In addition, late in 2005 the project received Tax Credits that were sold to an equity investor providing a portion of the permanent financing for the project. Through the approved AHA, the RDA will be providing $3 million in gap financing for the project. This payment was scheduled to be made after the project was completed and occupied.

DISCUSSION

After the AHA was approved and executed, the developer of the project (Simpson Housing Solutions, LLC) began construction. While construction was proceeding, the credit market began to tighten which slowed payments from the tax credit equity investors for the project. Because it is important to maintain the construction schedule, the developer has asked the RDA to accelerate its payment of funds authorized by the AHA. Under the terms of the First Amendment to the Amended and Restated Affordable Housing Agreement (Exhibit A –"Amendment"), RDA will pay the developer the originally agreed upon amount of $3 million in four equal payments of $750,000 increments as shown in the following table:

Amount of Payment	Due Date
$750,000	March 12, 2009
$750,000	April 13, 2009
$750,000	May 13, 2009
$750,000	90 days following full occupancy of the project

The Amendment contains specific requirements that the developer must meet before any RDA payments occur. These requirements help insure that the RDA loan remains secure. This type of payment plan is similar in structure to the process that the RDA used to fund the Cottonwood Place project.

The RDA's financial assistance will include a promissory note secured by a deed of trust recorded against the project. The terms of the note include an interest rate of three percent per annum with a thirty year amortization and a term of twenty seven years. The loan structure allows for the deferral of payments under certain conditions. The annual payments are due and payable on June 1st of each calendar year. In the event the net cash flow is insufficient to cover the payment, the shortfall amount will be deferred. At such time that the annual cash flow increases to an amount above the required payment, the loan will be re-amortized to include the previously deferred amount. This loan structure is quite common with projects utilizing this type of financing and has been used in Moreno Valley on a number of other RDA-assisted projects

Affordable Housing Goals
State law (Health and Safety Code Section 33413) requires that the RDA ensure that a portion of the housing developed and rehabilitated in the redevelopment area is available at an affordable housing cost to low and moderate income households. The Oakwood Apartments provide 241 units of affordable housing. The Oakwood Apartments will enable the City to be credited with 241 units toward Moreno Valley's affordable housing requirements. The 241 units will be applied toward the projected total goal of 274 affordable housing units shown in the City's adopted Implementation Plan for the period of July 1, 2005 through June 30, 2010.

ALTERNATIVES

1. The City Council and Board of Directors can approve the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement between One Moreno Valley 240, LP and the Community Redevelopment Agency of the City of Moreno Valley for the Oakwood Apartments.

2. The City Council and Board of Directors can reject the resolutions authorizing the First Amendment to the Amended and Restated Affordable Housing Agreement. This action could result in the failure of the project if the developer is unable to find a suitable replacement source of cash flow for completion of the project.

FISCAL IMPACT

The funding approved on March 25, 2008 with the AHA will be accelerated to fulfill the RDA's financial obligation. This expenditure has been budgeted for and is being made from the RDA's Housing Set aside Funds and has no impact on the City's General Fund.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
The Oakwood Apartments promote community pride and foster an excellent image of Moreno Valley by developing and executing programs that result in quality development and enhanced neighborhood preservation efforts, including rehabilitation and neighborhood restoration.

SUMMARY

The Oakwood Apartments are a proposed 241-unit affordable housing project on Perris Boulevard just south of John F. Kennedy Drive within the Redevelopment Project Area. Tightening of the credit markets has impacted the cash flow necessary to maintain the construction schedule and finish the project. It is necessary to accelerate payment of

the RDA obligation. Staff proposes the amendment of the AHA to allow this accelerated payment. The Amendment contains the necessary conditions to safe guard the RDA's funding position.

NOTIFICATION

The developer has been notified of this meeting by phone. In accordance with California Redevelopment Law, the public has been notified through the publication of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A	The First Amendment to the Amended and Restated Affordable Housing Agreement
Attachment B	RDA Resolution No. 2009-01

Prepared By
John Strickler
Housing Program Coordinator

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

by and between the

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

and

ONE MORENO VALLEY 240, L.P., a California Limited Partnership

ATTACHMENT A

DOCSOC/1321110v5/022810-0006

FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT

This **FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT** (the "First Amendment"), dated, for identification purposes only, as of January 27, 2009 (the "First Amendment Date"), is entered into by and between the **COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY**, a public body, corporate and politic ("Agency") and **ONE MORENO VALLEY 240, L.P.**, a California Limited Partnership ("Owner"). All terms used herein which are not otherwise defined shall have the meaning set forth in the Original Agency Agreement.

RECITALS

A. Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

B. The Agency and Owner entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Owner to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA).

C. In addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy.

D. Owner has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Owner nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in this First Amendment. Owner agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of this First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced herein; (ii) the moneys disbursed under this First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. This First Amendment to Amended and Restated Affordable Housing Agreement (the "First Amendment") is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, and conditions herein contained, the parties hereto agree as follows:

1. Capitalized terms shall have the meanings established under the Original AHA. Agency is a California redevelopment agency acting under the California Community

Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law").

2. Subsection (b) of Section 3.1 of the Original AHA is modified to read as follows:

"(b) **Evidence of Permanent Financing**. Owner shall have provided written proof acceptable to Agency that the Bond Loan will be converted to its permanent phase in the principal amount of not to exceed Eighteen Million Dollars ($18,000,000.00)."

3. Subsection (e) of Section 3.1 of the Original AHA is modified to read as follows:

"(e) **Owner Certification**. Agency shall have received satisfactory evidence that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of this Agreement, including Owner's written certification to such effect, (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in this Agreement, including without limitation, the Agency Note, and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages."

4. Subsection (g) of Section 3.1 of the Original AHA is modified to read as follows:

"(g) **Labor Standards; Compliance**. Owner shall have provided written proof acceptable to Agency that the Owner has complied with all applicable laws in connection with the construction of the Improvements, including without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

5. Section 4.16.1 of the Original AHA is modified to read as follows:

"(a) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA) and the Owner has executed and delivered to Agency an "Owner Certificate A" (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Initial Disbursement" within ten (10) days after the later to occur of: (A) the twentieth (20th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (h) and (i) of Section 3.1 of the Original AHA);

(b) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the fiftieth (50th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Second Disbursement" within ten (10) days after the later to occur of: (A) the fiftieth (50th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each

of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (b) subsections (h) and (i) of Section 3.1 of the Original AHA);

(c) Provided that the Conditions Precedent to Disbursement have first been met (excepting for purposes of this paragraph (c) subsections (h) and (i) of Section 3.1 of the Original AHA) and Owner executes and delivers to Agency on or after the eightieth (80th) day following the First Amendment Date an Owner Certificate A (in the form of Attachment No. 16 hereto), the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Third Disbursement" within ten (10) days after the later to occur of: (A) the eightieth (80th) day following the First Amendment Date or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement (excepting for purposes of this paragraph (a) subsections (c) and (i) of Section 3.1 of the Original AHA); and

(d) Provided that the Conditions Precedent to Disbursement have first been met and Owner executes and delivers to Agency on or after the achievement of Stabilized Occupancy and the Owner executes and delivers to Agency an "Owner Certificate B" (in the form of Attachment No. 17 hereto) following the achievement of Stabilized Occupancy, the Agency will disburse to the Owner the sum of Seven Hundred Fifty Thousand Dollars ($750,000) as the "Final Disbursement" within ten (10) days after the later to occur of: (A) the receipt by Agency of the Owner Certificate B following achievement of Stabilized Occupancy or (B) the date by which Owner shall have fully satisfied, as determined in good faith by the Executive Director, each of the Conditions Precedent to Disbursement.

6. Section 4.16.2 of the Original AHA is modified to read as follows: Excepting only to the extent otherwise expressly set forth in Section 2 of the First Amendment concerning the First Disbursement, the Second Disbursement and the Third Disbursement, to the extent Section 2 does not require satisfaction of subsections (h) and (i) of Section 3.1 of the Original AHA as a condition to payment of the First Disbursement, the Second Disbursement or the Third Disbursement, notwithstanding that each of those Conditions Precedent to Disbursement set forth as subsections (a), (b), (c), (d), (e), (f), (g), (j), (k) and (l) of Section 3.1 of the Original AHA must have been satisfied and Owner Certificate A(s) shall be required to have been received as provided in Section 2 of this First Amendment, the Agency shall have no obligation to disburse and shall not disburse any portion of the Agency Disbursement Amount unless and until all of the conditions Precedent to Disbursement are first satisfied. All of the Conditions Precedent to Disbursement as set forth in Section 3.1 of the Original AHA shall be applicable to the Final Disbursement.

7. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA as to each of the Original AHA and this First Amendment. Each such representation and warranty by Owner shall be deemed to be an ongoing representation and warranty.

8. This First Amendment is made for the purpose of setting forth rights and obligations of Owner and Agency, and no other person (except for the City) shall have any rights hereunder or by reason hereof. Except for the City, which shall be deemed to be a third party beneficiary of the Original AHA and this First Agreement (including without limitation the Attachments hereto), there shall be no third party beneficiaries of the Original AHA or this First Amendment.

9. Owner agrees to defend (by counsel satisfactory to Agency), indemnify and save harmless the Agency, the City and their officers, agents and employees from and against any claims,

damages, demands, actions, losses, liabilities, costs, expenses (including, without limitation, attorneys fees and court costs) arising from or relating to the Original AHA and this First Amendment.

10. The Original AHA, as modified hereby, shall remain in full force and effect.

11. This First Amendment shall be interpreted to effectuate the terms of the Original AHA as expressly modified hereby, in accordance with the laws of the State of California, and as if prepared and reviewed equally by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: *ROBERT W. TETRAULT*
Its: *SENIOR VICE PRESIDENT*

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

DOCSOC/1321110v5/022810-0006

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed as of January 27, 2009.

OWNER:

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

AGENCY:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, a public body, corporate and politic

By: _____
Robert G. Gutierrez, Executive Director

ATTEST:

_____
Jane Halstead, Secretary

DOCSOC/1321110v5/022810-0006

ATTACHMENT NO. 16

OWNER CERTIFICATE A

_____, 2009 (the "Date of Owner Certificate A")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its choosing in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate A ("Owner Certificate A").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate A transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate A and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate A for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate A as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

ATTACHMENT NO. 17

OWNER CERTIFICATE B

_____, 2009 (the "Date of Owner Certificate B")

Community Redevelopment Agency of the City of Moreno Valley
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552-0800
Attention: Executive Director

Re: Amended and Restated Affordable Housing Agreement by and between the Community Redevelopment Agency (the "Agency") and One Moreno Valley 240, L.P., a California limited partnership (the "Owner"), dated as of March 5, 2008 (the "Original AHA") as amended by a First Amendment to Amended and Restated Affordable Housing .Agreement by and between the Agency and the Owner dated as of January 27, 2009 (the "First Amendment" and together with the Original AHA, the "AHA")

Ladies and Gentlemen:

The undersigned as Owner under the AHA does hereby state, declare, certify, represent and warrant to the Agency, its officers, agents and employees as follows:

1. Owner has reviewed, executed and is familiar with the terms of the AHA. All capitalized terms herein shall have the meanings established therefor in the AHA.

2. The AHA is in full force and effect and shall remain in full force and effect.

3. Owner has been advised by legal counsel of its change in connection with the AHA (including without limitation all attachments thereto) and this Certificate and executes this Certificate with knowledge that the Agency will disburse moneys to the Owner in reliance upon this Owner Certificate B ("Owner Certificate B").

4. Owner reaffirms each and every representation and warranty as provided by Owner under the Original AHA and the First Amendment.

5. Owner has not, prior to the Owner Certificate B transferred the Agreement, the Site, or any rights of Owner therein.

6. Owner certifies that: (i) the financing assumptions for the Improvements as set forth in the Owner Application for Financial Assistance have not changed, excepting for the need for the Agency to disburse the Agency Disbursement Amount as provided in Section 4.16.1 of the Agreement; (ii) the Owner and the HCD have consented to the allocation of Residual Receipts as provided in the Agreement, including without limitation, the Agency Note; and (iii) the Owner has complied with all applicable laws in connection with the construction of the Improvements, including

without limitation provisions pertaining to the requirement, if applicable, for the payment of prevailing wages.

7. Owner represents and warrants that each of the Conditions Precedent to Disbursement (excepting subsections (h) and (i) of Section 3.1 of the Original AHA) has been satisfied.

8. Owner is not aware of and has received no notice from any governmental agency that there are Hazardous Materials on the Site.

9. Owner has complied with all applicable laws in connection with the design and construction of the Improvements.

10. Owner acknowledges that Agency will rely upon this Owner Certificate B and will disburse moneys in reliance thereon.

11. There are no defaults under the AHA.

12. Owner has received no stop notice or notice of any lien, claim or liability concerning the Site.

13. Owner executes this Owner Certificate B for the benefit and protection of the Agency and to induce reliance thereon by the Agency with full knowledge that the Agency is relying on this Owner Certificate A in connection with the disbursement of moneys to the Owner.

IN WITNESS WHEREOF, the undersigned, as Owner, has executed this Owner Certificate B as of the date first written above.

OWNER

ONE MORENO VALLEY 240, L.P.,
a California Limited Partnership

By: Housing Alternatives, Inc., a California non profit public benefit corporation (Its: Managing General Partner)

By: _____
Elva Grant
Its: President

By: Affordable Multi-Family, LLC, a Colorado limited liability company (its Administrative General Partner)

By: _____
Name: _____
Its: _____

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MV00018598

RESOLUTION NO. RDA 2009-01

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY APPROVING A FIRST AMENDMENT TO AMENDED AND RESTATED AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE AGENCY AND ONE MORENO VALLEY 240, L.P., A CALIFORNIA LIMITED PARTNERSHIP

WHEREAS, California Health and Safety Code Sections 33334.2 and 33334.6 authorize and direct the Community Redevelopment Agency of the City of Moreno Valley (the "Agency") to expend a certain percentage of all taxes which are allocated to the Agency pursuant to Section 33670 for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing available at affordable housing cost to persons and families of low- and moderate-income, lower income, and very low income; and

WHEREAS, pursuant to applicable law the Agency has established a Low and Moderate Income Housing Fund (the "Housing Fund"); and

WHEREAS, the Agency is a California redevelopment agency acting under the California Community Redevelopment Law, Part 1 of Division 24 of the Health and Safety Code (the "Redevelopment Law"); and

WHEREAS, the Agency and One Moreno Valley 240, L.P., a California Limited Partnership (the "Developer" or the "Owner") entered into an Amended and Restated Affordable Housing Agreement dated as of March 5, 2008 (the "Original AHA"), which provided for Developer to acquire and redevelop, for affordable rental housing purposes, certain real property described therein as the "Site" (capitalized terms not defined herein shall have the meanings set forth therefor in the Original AHA); and

WHEREAS, the Developer acquired the Site and, under the Original AHA, is obligated to construct two hundred forty-one (241) apartment units at the Site, which rental units shall not be subject to any restriction on the basis of age (the "Project"); and

WHEREAS, the Developer is experienced in the development and operation of affordable multi-family housing, including in Riverside County and represents that it owns the Site; and

WHEREAS, the Developer and the Agency, following a duly-noticed public meeting at which the public had an opportunity to be heard, approved and entered into the Original AHA which provided for the Developer to develop two hundred forty-one (241) dwelling units and related improvements on the Site, and that the Developer shall, upon completion of such units, rent dwelling units to "Very Low Income Households"

and "Lower Income Households," all at "Affordable Rent" and to be rented at the "Prescribed Rent Levels" throughout the "Required Covenant Period" as those terms are defined within the Original AHA and in conformity with such additional and greater requirements as may be imposed in connection with the provision of funding for the Project. Such development was intended to implement the Agency's goals and objectives under the Redevelopment Law to provide decent, safe and sanitary housing for persons of very low income, and to increase, improve and preserve housing available at affordable rent to persons of very low income, pursuant to the Redevelopment Plan and Health and Safety Code Sections 33334.2, et seq., and 33413; and

WHEREAS, in addition, the Original AHA provided for the Agency to disburse the sum of Three Million Dollars ($3,000,000)(the "Agency Disbursement Amount") upon the achievement of Stabilized Occupancy; and

WHEREAS, the Developer has reviewed the cash requirements in connection with the development of the Improvements and has determined that while there is sufficient funding committed to the Improvements to assure completion, Developer nevertheless requires that disbursement of the Agency Disbursement Amount be made at the respective times and in those respective amounts as set forth in a draft First Amendment to Amended and Restated Affordable Housing Agreement in the form submitted herewith (the "First Amendment"). Developer agrees and acknowledges that any and all such disbursements: (i) are subject to the prior satisfaction of requirements set forth in the corresponding subsection of Section 2 of the First Amendment and all applicable Conditions Precedent to Disbursement of Agency Disbursement Amount as set forth or referenced therein; (ii) the moneys disbursed under the First Amendment are the Agency Disbursement Amount (and are not in addition thereto); and (iii) no moneys will be disbursed by the City with respect to the Improvements or in connection with the activities conducted on the Site and no moneys other than the Agency Disbursement Amount will be made by the Agency with respect to the Improvements or in connection with the activities conducted on the Site. The First Amendment is, together with the Original AHA, referred to herein as the "AHA." Except as expressly amended hereunder the Original AHA shall remain in full force and effect; and

WHEREAS, pursuant to Health and Safety Code Section 33334.2(e), in carrying out its affordable housing activities, the Agency is authorized to provide subsidies to or for the benefit of very low income and lower income households, or persons and families of low or moderate income, to the extent those households cannot obtain housing at affordable costs on the open market, and to provide financial assistance for the construction and rehabilitation of housing which will be made available at an affordable housing cost to such persons; and

WHEREAS, pursuant to Sections 33334.2 and 33413(b) of the Health and Safety Code, the Agency is to encourage the provision of dwelling units to be available at affordable housing cost to persons and families of low or moderate income for substantial periods of time; and

WHEREAS, the Project is located within the project area of the Moreno Valley Redevelopment Project (the "Project Area" and the "Redevelopment Project", respectively) and within the corporate limits of the City of Moreno Valley (the "City"). The acquisition, construction and operation of the Project pursuant to the Agreement would benefit the Project Area by providing affordable housing for persons who currently live and work within the Project Area; and

WHEREAS, the Agency has adopted an Implementation Plan pursuant to Health and Safety Code Section 33490, which sets forth the objective of providing housing to satisfy the needs and desires of various constituent elements of the community; and

WHEREAS, the AHA furthers the goals of the Agency set forth in the Implementation Plan as it will facilitate the creation of affordable housing which will serve the residents of the neighborhood and the City; and

WHEREAS, the Legislature declares in Health and Safety Code Section 36000, et seq., that new forms of cooperation with the private sector, such as leased housing, disposition of real property acquired through redevelopment, development approvals, and other forms of housing assistance may involve close participation with the private sector in meeting housing needs, without amounting to development, construction or acquisition of low rent housing projects as contemplated under Article XXXIV of the State Constitution; and

WHEREAS, following a duly-noticed public hearing on June 13, 2006, the Agency and the City Council of the City have found and determined that: (i) the Project is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution; (ii) the assistance to be provided with respect to the Project did not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution; and (iii) such determinations constituted final approval of a proposal which may result in housing assistance benefiting persons of low income within the meaning of Health and Safety Code Section 36005 (which findings and determinations are referred to collectively as the "Prior Determinations"); and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed AHA and believes that the AHA is in the best interests of the Agency and the City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law requirements; and

WHEREAS, the financial participation by the Agency under the AHA is in consideration of the particular uses required by the AHA to be conducted by Developer on the Site as well as the Developer's undertakings concerning the development and operation of improvements for affordable rental housing; and

WHEREAS, the Developer has submitted to the Agency and the City Council of the City (the "City Council") copies of the First Amendment substantially in the form submitted herewith; and

WHEREAS, the Agency will expend up to Three Million Dollars ($3,000,000) under the AHA; and

WHEREAS, a joint public meeting of the Agency and City Council on the proposed First Amendment was duly noticed; and

WHEREAS, the proposed First Amendment, and a staff report have been available for public inspection prior to the joint public meeting; and

WHEREAS, all actions required by all applicable law with respect to the proposed First Amendment have been taken in an appropriate and timely manner; and

WHEREAS, the AHA would further the goals of the Implementation Plan by providing for the provision of improvements and the provision of new affordable housing as provided in the AHA; and

WHEREAS, the Agency and the City Council have duly considered all of the terms and conditions of the proposed First Amendment (and the AHA) and believes that the redevelopment of the Site pursuant to the AHA is in the best interests of the City of Moreno Valley and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. The Agency hereby finds that the use of funds from the Agency's Low and Moderate Income Housing Fund pursuant to the AHA will be of benefit to the Project Area for the reasons set forth above.

Section 2. The Agency reconfirms and ratifies the Prior Determinations and finds and determines that the Prior Determinations constitute valid, binding and final determinations. The Agency further finds and determines that the Project (as described in the AHA) is not a "low rent housing project" within the meaning of Article XXXIV of the State Constitution, and that the assistance to be provided pursuant to the AHA does not constitute development, construction or acquisition of a low-rent housing project within the meaning of Article XXXIV of the State Constitution. The Agency further determines that this resolution shall constitute a final approval of a proposal which may result in housing assistance benefiting persons of low income, within the meaning of Health and Safety Code Section 36005 and that, for the purposes of such enactment, the construction of improvements is sufficiently complete that improvements thereon constitute existing units.

Section 3. The Agency finds and determines that, based upon substantial evidence provided in the record before it, the level of support provided under the AHA is reasonable and necessary.

Section 4. The Agency finds and determines that, based upon substantial evidence provided in the record before it, that an economically feasible alternative method of financing or assisting the Development on substantially comparable terms and conditions, but without subordination (to the extent provided in the AHA), is not available, and the AHA provides for written commitments reasonably designed to protect the Agency's investment in the event of default, such as: (i) the right of the Agency to cure the default; and (ii) a right of the Agency to purchase the Site at any time after a default on the corresponding loan.

Section 5. The Agency hereby finds and determines that the AHA will further the implementation of the Redevelopment Plan and the Implementation Plan by providing for the construction of new, affordable housing subject to long-term covenants.

Section 6. The Agency hereby approves the First Amendment in substantially the form presented to the Agency, subject to such revisions as may be made by the Executive Director of the Agency or his designee. The Executive Director of the Agency is hereby authorized to execute the First Amendment (including without limitation all attachments thereto) on behalf of the Agency. A copy of the First Amendment when executed by the Agency shall be placed on file in the office of the Secretary of the Agency.

Section 7. The Executive Director of the Agency (or his designee) is hereby authorized, on behalf of the Agency, to make revisions to the AHA which do not materially or substantially increase the Agency's obligations under the AHA or materially or substantially change the uses or development permitted on the Site, to sign all documents, to make all approvals and take all actions necessary or appropriate to carry out and implement the AHA and to administer the Agency's obligations, responsibilities and duties to be performed under the AHA and related documents.

PASSED and **ADOPTED** this 10th day of February, 2009.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of Chairperson of the
Community Redevelopment Agency of the
City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Community
Redevelopment Agency of the
City of Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the
City of Moreno Valley

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)
CITY OF MORENO VALLEY)

I, Jane Halstead, Secretary of the Redevelopment Agency of the City of Moreno Valley, do hereby certify that the foregoing Resolution No. ____ was duly and regularly adopted by vote of the Redevelopment Agency of the City of Moreno Valley at its regular meeting held on the 10th day of February, 2009, by the following vote:

AYES:	AGENCY MEMBERS:
NOES:	AGENCY MEMBERS:
ABSENT:	AGENCY MEMBERS:
ABSTAIN:	AGENCY MEMBERS:

By: _____
Jane Halstead, Agency Secretary

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MV00018606

MINUTES - REGULAR MEETING OF JANUARY 27, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A2.

BLT AGENDA ITEM NO. D.2

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MV00018608

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: February 10, 2009 (continued from February 3, 2009)

TITLE: A phased tentative parcel map (PA07-0090 and P08-057) to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including public access and dedication), and first phase plot plan (PA07-0091) for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres (total of 2,620,000 square feet of building for the all phases of development). The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and includes a request a Change of Zone (PA07-0088) to LI (Light Industrial) for all proposed industrial uses and a General Plan Amendment (PA07-0089) to eliminate a planned multi-use trail over Highway 60, to adjust and extend a planned multi-use trail from the south to the north side of future Eucalyptus Avenue from Quincy Street to Theodore Street, to re-designate future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians, and to adjust parcel lines and land use for two parcels located in the CC land use district (narrow width 126 feet on the eastern portion of the site and widen 87 feet on the western portion of the site). The proposed project is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. An appeal has been filed by the project applicant, Highland Fairview Properties, to protect their rights.

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing to:

1. **DENY** PA07-0088 (Change of Zone) and a policy decision to change the zoning map on a 104.9 acre portion of a 158 acre project site from Business Park (BP), requiring a maximum of 50,000 square foot industrial/business park buildings, to Light Industrial (LI), allowing for industrial warehouse buildings greater than 50,000 square feet, thus denying the applicant's appeal and the project request as a whole. (If the Planning Commission's recommendation to deny the policy decision and change of zone is upheld, a resolution would be provided under separate cover at the meeting.)

If the applicant's appeal is upheld and a policy decision to change the zone from BP (Business Park) to LI (Light Industrial) can be justified by the City Council, the following alternative recommendation may be considered:

1. **APPROVE** Resolution No. 2009-08 to **CERTIFY** an Environmental Impact Report (P07-157), including approval of Statement of Overriding Considerations and a required Mitigation Monitoring Program for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), Tentative Parcel Map (PA08-0090 and P08-057) and a Plot Plan (PA07-0091), pursuant to the California Environmental Quality Act (CEQA) Guidelines.

2. **INTRODUCE** Ordinance No. 785 for a Change of Zone (PA07-0088), to change the zone on approximately 104.9 acres of a 158 acre site from BP (Business Park) to LI (Light Industrial) to allow for industrial warehouse buildings greater than 50,000 square feet, subject to the findings included in the attached resolution.

3. **APPROVE** Resolution Nos. 2009-09, 2009-10, and 2009-11 for a General Plan Amendment (PA07-0089) to modify the Master Plan of Trails and Circulation Map of the General Plan, a plot plan (PA07-0090) and Tentative Parcel Map No. 35629 including phasing (PA07-0091 and P08-057) for the subdivision of a 158 acre site into four buildable parcels and additional parcels for public access and dedication purposes and a 2,620,000 square foot industrial/commercial development, including a 1,800,000 square foot industrial warehouse building (Phase 1), two parcels for future freeway improvements and numerous lettered lots for maintenance and easement purposes, subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions, and conditions of approval, attached as Exhibit A to two of the resolutions.

ADVISORY BOARD/COMMISSION RECOMMENDATIONS

On January 23, 2008, the Recreational Trails Board reviewed and concurred with the applicant's request to remove a planned trail segment on Sinclair Street between future Eucalyptus Avenue and Highway 60 that was subject to the feasibility of a freeway bridge over Highway 60. In addition, the Board recommended an extension of a planned trail from future Eucalyptus Avenue from Sinclair Street to Theodore Street.

On July 23, 2008, The Recreational Trail Board met to reconsider its original recommendation. At said meeting, the Board reaffirmed its earlier recommendation with the added provision to move the planned future Eucalyptus Avenue trail from the south to the north side of the street as requested by the applicant.

On January 8, 2009, the Planning Commission conducted a public hearing on the proposed project. Based on public testimony from over 60 speakers testifying for or against the project, the Planning Commission closed the public hearing portion and continued the meeting to January 15, 2009, for the applicant's rebuttal to public comments and Planning Commission deliberation. Although the public hearing portion was closed at the conclusion of the meeting on January 8, 2009, the Planning Commission agreed to accept written public comments up to the continued meeting.

On January 15, 2009, the Planning Commission conducted the continued meeting on the proposal. At said meeting, the applicant provided a rebuttal presentation to the public testimony received at the prior meeting. Subsequently, the Planning Commission deliberated on the project and at the conclusion of its deliberation voted 4-2 to refer the project to the City Council with a policy recommendation not to change the property zoning on a 104.9-acre portion of the project site from Business Park to Light Industrial to allow warehouse buildings greater than 50,000 square feet. Reasons given for the recommendation included perceived inconsistency with the existing General Plan vision adopted in 2006 for the area, which was clarified by the subsequent zoning consistency study, additional truck traffic generated by a large warehousing project, and the proposed project being better suited for the planned industrial area in the southern portion of the City.

BACKGROUND

The applicant, Highland Fairview Properties, has proposed Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes (thirteen parcels total including common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of industrial and commercial building area in three phases on four parcels. The project site is in the BP (Business Park) and CC (Community Commercial) land use districts.

The project also includes a request for a change of zone from BP (Business Park) to LI (Light Industrial) on approximately 104.9 acres of the project site. The primary purpose of the change of zone is to allow warehouse buildings larger than the 50,000 square foot maximum permitted under the current BP zoning. The project also includes a General Plan amendment covering three elements: 1) modification of the Trails Map to eliminate the planned Sinclair Street trail from future Eucalyptus Avenue to Highway 60 and extend a planned trail on future Eucalyptus Avenue from Sinclair Street to Theodore Street and move the entire Eucalyptus Avenue trail to the north side of the street; 2) modification of the Circulation Plan to allow landscape medians on future Eucalyptus Avenue from Redlands Boulevard to Theodore Street by re-designating the segment from an Arterial to a Divided Arterial; and 3) minor modification of land use between industrial and commercial districts.

The Planning Commission held hearings on January 8, 2009, and January 15, 2009, and, after consideration of considerable written and oral information and testimony, referred the project to the City Council with a recommendation that the proposed policy change re-zone an approximately 104.9 acre portion of the project site not be approved. On January 22, 2009, the Planning Commission officially approved a resolution to formalize the recommendation.

Although the project was forwarded to the City Council by the Planning Commission referral, the applicant filed an appeal of the decision of the Planning Commission's action on January 16, 2009, to protect their rights and ensure review by the City Council. A copy of the appeal letter is included as an attachment to this report.

DISCUSSION

Policy Decision

The proposed Highland Fairview Corporate Park project includes a Change of Zone on 104.9 acres of the project site from Business Park (BP) to Light Industrial (LI). The Change of Zone represents a material change to the land use pattern along Highway 60 and the direction provided by the City Council during the zoning consistency study approved in 2006 shortly after the adoption of the General Plan Update. A policy decision relative to the proposed Change of Zone is required to allow for the approval of warehouse industrial buildings larger than 50,000 square feet on the project site. Allowable land uses under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category include all of the above uses with building sizes of 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

While the proposed project would be consistent with the current General Plan land use designation of Business Park/Industrial, a General Plan Amendment is required to eliminate the planned trail segment along Sinclair Street between future Eucalyptus Avenue and Highway 60. The planned trail bisects the proposed 1,820,000 square foot (Phase 1) warehouse industrial building.

Environmental Impact Report

Should the City Council want to consider approval of the applicant's appeal request and make a policy decision to approve the requested change of zone from Business Park (BP) to Light Industrial (LI), an Environmental Impact Report (EIR) would need to be considered and certified for the entire project. The EIR was prepared for the applicant by Michael Brandman and Associates, an approved City consultant, and thoroughly reviewed and accepted by City staff and a City-contracted peer consultant, the Chambers Group.

An EIR was required and completed for the proposed project pursuant to the California Environmental Quality Act (CEQA). Notice of completion and availability of EIR included a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. The City accepted comments well past the 45-day review period. The document was sent to numerous state and local agencies and interested parties on August 5, 2008, as well as the Environmental and Historical Preservation Board. All interested parties and responsible agencies had the chance to review responses to their comments in the draft Final EIR that was mailed to all parties providing letters on December 18, 2008, twenty one days prior to the first Planning Commission hearing on the project. The transmittal was well before the minimum 10 day notice required by CEQA but less than the 30 day notice that has been the City's historical practice. Both the Draft EIR and EIR in its final form were provided for the public's review at City Hall, the City public library and on the City's website.

The EIR concludes that the proposed project will have certain aesthetics, agricultural, air quality, noise and climate change/greenhouse gas impacts that cannot be reduced to a less than significant level, even with proposed mitigation. As identified in the EIR, impacts for the five items are considered to be significant and unavoidable. The EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts. All mitigation measures have been included as conditions of approval and within a Mitigation Monitoring Program attached to the draft project resolutions. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be successfully mitigated below significant thresholds.

Two key elements evaluated in the EIR are the applicant's proposed 24 hour grading operations and the buffer of existing and future sensitive receptors or land uses surrounding the project. In order to mitigate or lessen the ongoing grading operation of the proposed "around the clock" grading activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and other sensitive receptors. In order to provide greater compatibility between the

project if built and current and proposed land uses, the EIR proposed a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. The proposed buffer area, zoned R3 (Residential – up to 3 units per acre), is currently owned by the applicant. Development with such uses as residential homes, schools or other sensitive receptors would not be permitted within this designated buffer area subject to deed restrictions placed on all affected properties.

Since all potential environmental impacts of the project could not be mitigated to less than significant levels, a Statement of Overriding Considerations was prepared. The California Environmental Quality Act (CEQA) requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report for review and possible consideration.

ALTERNATIVES

1. Deny the policy decision for the Change of Zone or General Plan Amendment, thus denying the proposed project.

2. Deny the certification of the Environmental Impact Report, thus denying the proposed project.

3. Approve the policy decision for the Change of Zone and overall project proposal, including certification of an Environmental Impact Report with modifications to address City Council concerns.

4. Approve the policy decision for the Change of Zone and overall project proposal as submitted, including the certification of the Environmental Impact Report.

5. Refer the proposed project back to the Planning Commission for further review and analysis.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

A phased industrial and future commercial project is being proposed for property bounded by Redlands Boulevard, Theodore Street, Highway 60, and future Eucalyptus Avenue. The applicant, Highland Fairview Properties, is proposing a General Plan Amendment for items relating to a multi-use trail, minor adjustment of land uses, the addition of center medians, and a Change of Zone for a proposed 83 acre Phase 1 1,820,000 square feet industrial warehouse project and future 600,000 square foot building on approximately 22 acres under Phase 2.

The vision provided by the Planning Commission and City Council during the 2006 General Plan Update and subsequent zoning consistency included zoning which restricted warehouse and industrial buildings to 50,000 square foot or smaller for the Business Park areas in the eastern portion of the City. A policy decision by the City Council would be needed to allow larger industrial buildings in this area. A proposed Change of Zone from BP or Business Park to LI or Light Industrial would allow industrial buildings larger than 50,000 square feet at the project site. The Planning Commission decision at their January 15, 2009 meeting was to recommend denial of the request to change existing land use policy and the current zone to LI (Light Industrial) for the project site.

NOTIFICATION

Notice of the project was provided to potentially affected agencies, adjacent property owners and the general public. This included notice to all responsible agencies, property owners of record within 300 feet of the project, and all interested parties that had asked to be included on the mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper. Prior notification of the draft and final versions of the Environmental Impact Report was provided to all responsible agencies and interested parties.

ATTACHMENTS

1. Public Hearing Notice
2. Appeal letter from Highland Fairview dated January 16, 2009
3. Environmental Impact Report Resolution, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Change of Zone Ordinance, including Exhibit A
5. General Plan Resolution, including three (3) individual exhibits, Exhibits A through C
6. Tentative Parcel Map Resolution, with attached conditions of approval
7. Plot Plan Resolution, with attached conditions of approval
8. Environmental Impact Report (Previously provided in disk format under separate cover)
9. Letter from Caltrans and Response to Comments
10. Letter from Mr. Mike Rios and Response to Comments

11. Planning Commission Report excluding exhibits
12. Planning Commission Minutes of January 8, 2009 and January 15, 2009
13. Aerial Map
14. Zoning Map
15. Reduced Tentative Parcel Map
16. Reduced Site Plan
17. Zoning and Land Use Boundary Change Map in EIR
18. Land Use Buffer Map in EIR
19. Planning Commission Denial Recommendation Resolution No. 2009-01

Prepared By Mark Gross, AICP, Senior Planner

Kyle Kollar, Community Development Director

Concurred By John C. Terell, AICP, Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held at a special meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Tentative Parcel Map No. 35629) to include P08-057 (Phasing Plan), PA07-0091 (Plot Plan) and P07-157(EIR)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A tentative parcel map to subdivide a 158.4 gross acre portion of land (265.3 acres to include offsite improvements and drainage) into four (4) separate buildable parcels and two parcels dedicated for freeway improvement purposes (a total of 2,620,000 square feet of industrial and commercial development), with the first phase to include a plot plan for a 1,820,000 square foot distribution warehouse building on approximately 83 acres. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) for all proposed industrial uses/parcels and a General Plan Amendment for the elimination of a required multi-use trail connection, adjustment of a multi-use trail to the north side of future Eucalyptus Avenue, re-designation of future Eucalyptus Avenue from Redlands Boulevard to Theodore Street from an Arterial to a Divided Arterial to allow the addition of medians as well as the adjustment of parcel lines and land use for two parcels located in the CC land use district (a deduction of 126 feet in width on the eastern portion and enlargement of 87 feet in width on the western portion. An Environmental Impact Report (EIR) has been prepared. An appeal of a Planning Commission recommendation not to recommend approval of a change of zone for a portion of the project site has been filed by the applicant, Highland Fairview Properties.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157) including a Statement of Overriding Considerations and Mitigation Monitoring Program, has been prepared for this project (SCH#2007101132). The document was circulated in draft form to the public (including interested parties/responsible agencies) for review from August 5, 2008 to September 19, 2008. The Final EIR was distributed on December 19, 2008, and is included on the City's website at www.moval.org.

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday; 8 a.m. to 5 p.m. on Friday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

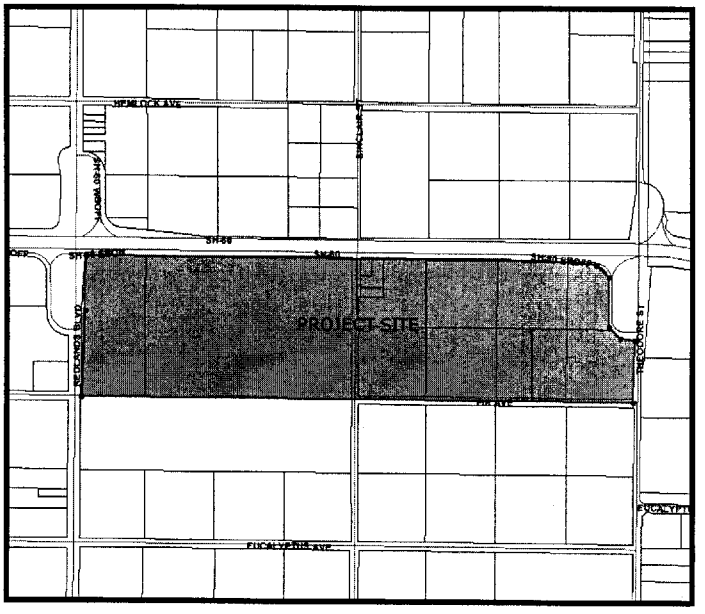

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: February 3, 2009 at 6:00 PM
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

January 16, 2009

Mayor Richard A. Stewart, Mayor and
Members of the Moreno Valley City Council
City of Moreno Valley
14177 Frederick Avenue
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park - PA07-0088 Zone Change, PA07-0089 General Plan Amendment, PA07-0090 TPM 35629 (including PA08-07 Phasing Plan), P07-157 Environmental Impact Report

Mr. Mayor and Members of the City Council:

On January 15, 2009, the Planning Commission voted to refer the above-referenced project applications being processed for the Highland Fairview Corporate Park project to the City Council with a recommendation that the Council deny the project. We have been advised by staff that these applications will be forwarded to the Council for review and final action.

However, because 1) sec. 9.02.040(E)(1)(c) of the Moreno Valley Municipal Code states that a decision by the Commission to recommend disapproval of a proposed General Plan Amendment is final unless appealed within 15 days of the Commission's action, 2) sec. 9.02.050 (C)(2)(a)(iii) contains similar appeal language relative to proposed zone change applications, 3) sec. 9.14.050 provides for the appeal of a Planning Commission action on a proposed tentative map and 4) sec. 9.02.240 states that any action by the Planning Commission may be appealed to the City Council (applicable to the certification of the EIR, the Plot Plan and the Phasing Plan), Highland Fairview hereby respectfully appeals the Commission's recommendation with respect to the certification of the EIR (P07-157), the approval of the general plan amendment (PA07-0089), the change of zone (PA07-0088), the tentative subdivision map (PA07-0090), the phasing plan (PA07-057), and the Plot Plan (PA07-0091).

This appeal is based on the Commission's error in not finding that the project will be consistent with existing goals, objectives, policies and programs of the General Plan, on its error in not finding that the project will be consistent with all applicable portions of the City's Municipal Code and its error in not finding the proposed project will not adversely affect the public, health, safety or general welfare.

Enclosed, per the City's Fee Table, is a check in the amount of $750.00 for the appeal filing fee. If there is any additional material, or any added information required, please contact me directly.

Sincerely,

HIGHLAND FAIRVIEW

Iddo Benzeevi

RESOLUTION NO. 2009-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P07-157), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE HIGHLAND FAIRVIEW CORPORATE PARK PROJECT, GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, on February 3, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the proposed project, which includes a tentative parcel map to subdivide a 158 gross acre site (265.3 acres including offsite improvements and drainage) into four buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication) with a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres, and a total of approximately 2,620,000 square foot of building for all phases of development. The project also includes related offsite improvements and drainage. The project site currently lies within the BP (Business Park) and CC (Community Commercial) land use districts and will require a change of zone to LI (Light Industrial) to allow the proposed industrial structures and a General Plan Amendment to move a planned multi-use trail from the south side to the north side of future Eucalyptus Avenue (Fir Avenue), eliminate a planned multi-use trail along the Sinclair Street alignment over Highway 60, and the adjustment of parcel lines and land use for two parcels located in the CC land use district, and to consider all environmental documentation;

WHEREAS, the project includes applications for a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089), phasing (P08-057) tentative parcel map (PA07-0090) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings and shall not be approved unless the Environmental Impact Report (P07-157) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on August 5, 2008, while the review period ended on September 19, 2008. A Final EIR, (including the Draft EIR dated August 4, 2008, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on January 8, 2009, the Planning Commission conducted a public hearing to consider the proposed project, or the Highland Fairview Corporate Park project

consisting of a tentative parcel map to subdivide a 158 gross acre portion of land into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.), and a first phase plot plan for an approximately 1,820,000 square foot warehouse industrial building on approximately 83 acres and a total of approximately 2,620,000 square foot of building for all phases of development, and a related Change of Zone and General Plan Amendment, and to consider environmental documentation in its final form;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS on February 3, 2009, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

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

WHEREAS, the comment period for the draft Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project began on August 5, 2008, while said document was circulated for a 45 day period to the public and to responsible agencies for comments, concluding on September 19, 2008;

WHEREAS, on December 19, 2008, the City published a Notice of Availability in the local newspaper (Press Enterprise), posted the Notice of Availability at the Riverside County Clerk's office, and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties;

WHEREAS, since August 5, 2008, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library;

WHEREAS, the final public comment period closed on September 19, 2008, and the City has prepared responses, which have been included in the Final EIR, to all comments received by that date and through the month of October;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the Highland Fairview Corporate Park Project, including, but not limited to land use, traffic and circulation, air quality, noise and aesthetics, light and glare. A statement of overriding considerations is provided for environmental impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas

emissions;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

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

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The Planning Commission hereby recommends that the City Council certify that the final Environmental Impact Report (EIR) for the Highland Fairview Corporate Park Project on file with the Community and Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The Planning Commission recommends that the City Council hereby adopt the Findings and Statement of Overriding Considerations regarding the final EIR for the Highland Fairview Corporate park Project, attached hereto as Exhibit A; and

3. The Planning Commission recommends that the City Council hereby approve the Mitigation Monitoring Program for the final EIR for the proposed Highland Fairview Corporate Park project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects of the Approval of the Highland Fairview Corporate Park Project (State Clearinghouse No. 2007101132)

I. INTRODUCTION

The City Council of Moreno Valley (the "Council") in approving the Highland Fairview Corporate Park project (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Findings are based upon the entire record before the Council, as described in Section III below, including the Environmental Impact Report ("EIR") prepared for the Project by the City, acting as the lead agency under the California Environmental Quality Act ("CEQA").

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

The Project consists of the development of a corporate park in three phases comprising a 1,820,000 square foot ("sf") logistics (i.e., warehouse and distribution) building, which will be leased to Skechers, and 80,000 sf of commercial facilities in Phase 1; a second 600,000 sf logistics building in Phase 2; and 120,000 sf of commercial facilities in Phase 3. The Project will affect three different areas which, together, will contain approximately 265 acres: the Project Site which will contain approximately 125 acres which will be developed and approximately 33 acres which will be dedicated or improved for various improvements and utility extensions; and approximately 23 acres, located south of the Project Site, which will be used for drainage purposes in connection with the development of the Project Site. The Project Site is bounded on the north by State Route 60 ("SR-60"), on the east by Theodore Street, on the south by future Eucalyptus Avenue (approximately on the current alignment of Fir Avenue) and on the west by Redlands Boulevard.

The eastern and western portions of the Project Site are currently designated for Commercial uses in the City's General Plan and are zoned for Community Commercial uses. The center of the Project Site is designated for Business Park/Light Industrial use in the General Plan and is zoned for Business Park uses. The development of the Project requires a General Plan amendment to increase the commercial area on the western portion of the Project Site, to reduce the commercial area on the eastern portion of the Project Site, to amend the City's Master Plan of Trails and to amend the Circulation Element of its General Plan to make future Eucalyptus Avenue a four lane divided arterial street with a median; a zone change to reflect the changes in the areas designated for Commercial and Business Park uses; a change in the zoning in the center of the

Project Site from Business Park to Light Industrial; a tentative parcel map to create four parcels on which development will occur, three parcels which will be used for SR-60 improvements and six parcels which will serve as common areas; the approval of the Plot Plan for the development planned for Parcel 1; the approval of alternate work hours during the construction period; and future discretionary approvals needed to complete the development of the Project.

B. PROJECT OBJECTIVES

The objectives for the Project are to:

1. Perform construction in an accelerated manner in order to meet Skechers' occupancy needs;

2. Provide additional employment opportunities;

3. Provide logistic facilities in a single building containing at least 1,800,000 sf to allow for the consolidation of several existing Skechers' logistics facilities into one;

4. Plan for, and entitle, the Project Site to allow for the possibility of adding another building containing up to 600,000 sf to account for future growth in the need for logistics facilities;

5. Provide logistics facilities on land with immediate access to State Route-60 to minimize the use of City streets;

6. Provide the City with new jobs and revenues from the construction and operation of the logistics facilities;

7. Construct the logistics facilities in a manner that maximizes the use of green technology; and

8. Develop the Project Site to ensure an adequate rate of return on the Project applicant's investment.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive environmental review of the Project to ensure that both the City's decision makers and the public are fully informed about potential significant environmental effects of the Project; to identify ways that environmental damage can be avoided or significantly reduced; to prevent significant, avoidable damage to the environment by requiring changes in the Project through the use of mitigation measures which have been found to be feasible; and to disclose to the public the reasons why the City has approved the Project in the manner chosen in light of the significant

environmental effects which have been identified in the EIR. In order to do this, the City, as the lead agency under CEQA, has done all of the following:

1. Prepared and distributed an Initial Study/Notice of Preparation, dated October 29, 2007, a copy of which was circulated the following day through the State Clearinghouse to various state agencies for their comments;

2. Sent the Initial Study/Notice of Preparation, which contained the notice of a scoping meeting to be held on November 26, 2007, to each of the governmental agencies, organizations and individuals shown on the distribution list for the Notice of Preparation/Initial Study, Appendix A to the Draft EIR, on October 29, 2007;

3. Held a public scoping meeting on November 26, 2007, to solicit comments from the public on what should be analyzed in the EIR;

4. Sent a Notice of Completion and a copy of the Draft EIR to the State Clearinghouse on August 4, 2008;

5. Filed a Notice of Availability with the Clerk of the Riverside County Board of Supervisors on August 4, 2008, informing the public that the Draft EIR was available for public review for a 45 day period beginning on August 6, 2008, and ending on September 19, 2008;

6. Mailed the Notice of Availability to all organizations and individuals who had previously requested the Notice on August 4, 2008;

7. Mailed the Notice of Availability to all residents and property owners within 300 feet of the Project Site on August 4, 2008;

8. Provided copies of the Draft EIR to 132 public agencies, organizations and individuals on August 4, 2008;

9. Placed copies of the Draft EIR on the City's website, at the City's Planning Department's public counter and at the public library located at 25480 Alessandro Boulevard on August 4, 2008;

10. Published the Notice of Availability on August 8, 2008, in the Press Enterprise, which is the newspaper of general circulation which has the largest circulation in the areas affected by the Project;

11. Prepared responses to comments on the Draft EIR received during and after the 45 day comment period on the Draft EIR, which have been included in the Final EIR;

12. Published a Notice on December 19, 2008, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the City's Planning Commission would hold a public hearing on January 8, 2009, to consider the Final EIR and the Project in order to provide recommendations to the Council;

13. Sent copies of the Final EIR on December 19, 2008, to all public agencies, organizations and individuals who had submitted comments;

14. Held a public hearing of the City's Planning Commission to consider the adequacy of the Final EIR on January ___, 2009, and, at the conclusion of the hearing, recommended that the Council certify that the Final EIR had been prepared in full compliance with CEQA;

15. Published a notice on January ___, 2009, in the Press Enterprise, a newspaper of general circulation which has the largest circulation in the areas affected by the Project, that the Council would hold a public hearing on January ___, 2009, to consider certification of the Final EIR as having been prepared in compliance with CEQA and the approval of the Project;

16. Mailed notice of the Council's hearing to all residents and property owners within 300 feet of the Project Site on January ___, 2009;

17. Sent notice of the Council's hearing to all organizations and individuals who had previously requested notification of anything having to do with the Project on January ___, 2009; and

18. Held a public hearing of the Council on January ___, 2009, and, after full consideration of all comments, written and oral, certified that the Final EIR had been completed in compliance with CEQA and approval of the Project.

All of the documents identified above and all of the documents which are required to be part of the record pursuant to Public Resources Code § 21167.6(e) are on file with the City's Community Development Department, Planning Division, located at 14177 Frederick Street, Moreno Valley, CA 92552-0805. Questions should be directed to Mark Gross, AICP, Senior Planner, in the Division.

A. INDEPENDENT JUDGMENT FINDING

Finding: The Final EIR for the Project reflects the City's and the Council's independent judgment and analysis.

Factual Basis for the Finding: The EIR was prepared by Michael Brandman Associates, an independent consulting firm, under the supervision and direction of Planning Division staff of

the City's Community Development Department and was thoroughly reviewed by the Chambers Group, an expert consultant hired by the City to provide independent peer review and assure the exercise of thorough and independent review and judgment by the City. The Council, as the City's final decision making body for the Project, received and reviewed the Final EIR and the comments, both written and oral, provided by public agencies and members of the public prior to certifying that the Final EIR complied with CEQA. The participation of City Staff in selection and approval of Michael Brandman Associates as the EIR Consultant, the professional qualifications and reputation of the EIR Consultant, the supervision and direction of the EIR Consultant by the City Staff, the thorough and independent review of the Draft and Final EIRs, including comments and responses to comments, by both the City Staff and the Chambers Group and the review and careful consideration by the City Council of the Final EIR, comments and responses to comments all conclusively show that the Final EIR is the product of and reflects the independent judgment and analysis of the City as the Lead Agency, and of the City Council as its governing body.

B. FINDING OF THE ABSENCE OF ANY NEED TO RECIRCULATE THE FINAL EIR

Finding: The Council finds that the Final EIR does not add significant new information to the Draft EIR that would require recirculation of the Project EIR.

Factual Basis for the Finding: The Council recognizes that the Final EIR incorporates information obtained and produced after the Draft EIR was completed and that the Final EIR contains additions, clarifications and minor modifications to the Draft EIR. The Council has reviewed and considered the Final EIR and all of the information contained in it and has determined that the new information added to the Final EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact nor a feasible

mitigation measure or an alternative considerably different from others previously analyzed that the Project applicant declined to adopt and that would clearly lessen the significant environmental impacts of the Project. No information provided to the Council indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR.

C. GENERAL TREATMENT OF MITIGATION MEASURES

It is the Council's intention to adopt all mitigation measures recommended by the Final EIR. If a measure has been omitted from the Conditions of Approval, from the Findings or from the Mitigation Monitoring Program (the "MMP"), a copy of which is attached as Exhibit A and which is hereby adopted, that mitigation measure shall be deemed to be adopted pursuant to this paragraph.

In addition, all Conditions of Approval and the MMP repeating or rewording mitigation measures recommended in the Final EIR are intended to be substantially similar to the mitigation measures as stated in the Final EIR and are found to be equally effective in avoiding or lessening the identified environmental impact.

IV. ENVIRONMENTAL IMPACTS AND FINDINGS

Based on the Initial Study, Appendix A.2 to the Draft EIR, and the responses to the Notice of Preparation, the EIR analyzed 16 potential areas where significant environmental impacts could result from the development of the Project. Five of those, aesthetics, agricultural resources, air quality, noise and global climate change and greenhouse gases, were found to have significant and unavoidable environmental impacts after the imposition of all feasible mitigation measures. The remaining 11 areas, biology, cultural resources, geology, hazards and hazardous materials, hydrology, land use and planning, mineral resources, population, housing and employment, public services, transportation and traffic and utilities and service systems were found to have either no significant and unavoidable environmental impacts or that the environmental impacts could be mitigated into a level of insignificance. The description of each environmental area, the potential impacts and the feasible mitigation measures are set forth in Sections 5 and 6 of the Draft EIR together with the changes and additions set forth in Section 4 of the Final EIR.

A. IMPACTS IDENTIFIED IN THE EIR AS LESS THEN SIGNIFICANT REQUIRING NO MITIGATION

1. AESTHETICS

a. Potential Significant Impact: Damage to scenic resources (Impact 5.1-2)

Finding: The Project will not substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings visible from a State scenic highway.

Factual Basis for the Finding: As discussed in Sections 5.1 and 5.2 of the Draft EIR and as shown in the Aesthetics Assessment, Appendix M.1 to the Draft EIR, the Project Site is flat, having been used for farming in the past and contains no trees, rock outcroppings or historic buildings within any State scenic highway.

b. Potential Significant Impact: Degradation of the existing visual character or quality of the Project Site and its surroundings (Impact 5.1-3)

Finding: The Project will not substantially degrade the existing visual character or quality of the Project Site or its surroundings.

Factual Basis for the Finding: As discussed on pages 5.1-25-26 of the Draft EIR, the development of the Project will introduce urban development into an area of the City that has historically been used for ranching and agricultural purposes. However, the City's General Plan has identified the Project Site for business park and commercial development with the recognition that the visual attributes of the Project Site will change. That change is a continuation of planned development that is visually compatible with the proposed future urbanization of the area surrounding the Project Site.

2. AGRICULTURAL RESOURCES

a. Potential Significant Impact: Conflict with existing zoning for agricultural use or a Williamson Act contract (Impact 5.2-2)

Finding: The Project does not conflict with existing zoning for agricultural use or a Williamson Act contract.

Factual Basis for the Finding: As discussed on page 5.2-5 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site is zoned as Business Park and Commercial and is not subject to a Williamson Act contract.

b. Potential Significant Impact: Conversion of other farmland to nonagricultural use (Impact 5.2-3)

Finding: The Project will cause changes in the existing environment which could result in the conversion of other farmland to nonagricultural use. However, such changes will not rise to a level of significance because the surrounding farmland is designated for development in the City's General Plan and is not suitable for farming in the long term in any event.

Factual Basis for the Finding: As discussed on page 5.2-6 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the Project Site and the area surrounding the Project Site are vacant and, in the past, have been used for dry land farming. However, the development of the Project would not, by itself, in any way limit the use of adjacent land for agricultural purposes. Moreover, the surrounding land is designated for urban use with the understanding that whatever limited agricultural use now exists will not continue to exist for much longer.

Moreover, as discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although land near the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing

facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of production means that the land near the Project Site cannot be realistically considered as an agricultural resource.

3. AIR QUALITY

a. Potential Significant Impact: Conflict with, or obstruction of, implementation of the applicable air quality plan (Impact 5.3-1)

Finding: The Project will not conflict with, nor will it obstruct implementation of, the applicable air quality plan.

Factual Basis for the Finding: As discussed on pages 5.3-22-23 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the Project is consistent with the Air Quality Management Plan prepared by the South Coast Air Quality Management District because, as set forth in Response 20-2 on page 3-94 of the Final EIR, the number of trips generated under the existing General Plan land use designation, which forms the basis for the Air Quality Management Plan, contemplates vehicle trips substantially in excess of those which will result once the Project is fully developed.

b. Potential Significant Impact: Creation of objectionable odors (Impact 5.3-5)

Finding: The Project will not create objectionable odors affecting substantial numbers of people.

Factual Basis for the Finding: As discussed on page 5.3-54 of the Draft EIR and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the project will not contain land uses typically associated with emitting objectionable odors. Diesel exhaust and volatile organic compounds would be emitted during construction and operation of the project, which may be objectionable; however, emissions would disperse rapidly from the project site

and therefore will not be at a level that would induce any significant negative response.

4. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse impact on habitat (Impact 5.4-2)

Finding: The Project will not have a substantial adverse affect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or the U.S.A. Fish and Wildlife Service.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site does not contain any riparian habitat nor does it contain any habitat for either sensitive plants or wildlife.

b. Potential Significant Impact: Substantial adverse effect on protected wetlands (Impact 5.4-3)

Finding: The Project will not have any effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Factual Basis for the Finding: As discussed on page 5.4-31 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis and the Delineation of Jurisdictional Waters and Wetlands, Tentative Parcel Map No. 35629 and Associated Offsite Areas, Appendices C.1 and C.2 to the Draft EIR, there are no wetlands or wetland vegetation on the Project Site.

c. Potential Significant Impact: Interference with migratory wildlife corridors (Impact 5.4-4)

Finding: The Project will not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors nor impede the use of native wildlife nursery sites.

Factual Basis for the Finding: As discussed on pages 5.4-31-32 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, no wildlife movement corridors occur on, or directly adjacent to, the Project Site nor will there be any impact on native wildlife nursery sites because no such sites were observed on, or directly adjacent to, the Project Site.

4. GEOLOGY AND SOILS

a. Potential Significant Impact: Exposure of people or structures to potential substantial adverse effects (Impact 5.6-1)

Finding: The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the Project Site or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; and (iv) landslides.

Factual Basis for the Finding: As discussed on pages 5.6-1-15 and Responses 15-1-5 on pages 3-137-138 of the Final EIR and in the geotechnical studies, Appendix F to the Draft EIR, the Project Site is not located in an area that is underlain by any active fault segments although there may be unnamed fault splays nearby. The Project Site is located in an area where there is a moderate potential for liquefaction. However, liquefaction occurs only when groundwater is present within 50 feet of the surface, something which exploratory wells have shown does not occur on the Project Site. The combination of required setbacks and adherence to the structural design requirements set forth in the California Building Code means that the chances of substantial adverse effects will be no greater on the Project Site than anywhere else in Southern California.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GEO-1, set forth on page 4-52 of the Final EIR, has been imposed as a condition of Project approval to ensure that any fault features found on the Project Site will be suitably dealt with.

b. Potential Significant Impact: Substantial soil erosion or loss of top soil (Impact 5.6-2)

Finding: The Project will not result in substantial soil erosion or the loss of topsoil.

Factual Basis for the Finding: As discussed on page 5.6-15 of the Draft EIR, the Project Site has a gentle slope which does not have a high erosion potential. The fine sandy soil on the Site does have a potential for wind erosion but standard best management practices and air quality emission dust controls during grading will ensure that the soils are properly moistened during high wind conditions. Topsoil on the Site will be lost due to the construction of the Project. However, because the Project Site will ultimately be converted to urban uses and no longer available for agricultural production, the loss of the topsoil will not result in any significant impact.

c. Potential Significant Impact: Unstable geologic location (Impact 5.6-3)

Finding: The Project will not be located on a geologic unit or soil that is unstable or that would become unstable as a result of the Project and will not potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse.

Factual Basis for the Finding: As discussed on pages 5.6-1-10 and –15 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, and in subsection IV.4.a. above, no evidence of geologic instability underlaying the Project Site has been identified as a result of the geotechnical investigations carried out on the Site. Moreover, the development of the Project will be subject to the City's Grading Ordinance and the California Building Code, both of which are designed to deal with potential problems of geologic instability.

d. Potential Significant Impact: Location of the Project on expansive soil (Impact 5.6-4)

Finding: The Project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), nor will it create substantial risk to life or property.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR and in the geotechnical studies, Appendix F to the Draft EIR, limited laboratory tests of the soils at the Project Site at shallow depth show that they have a low expansion potential. Moreover, the Project will be required to comply with the City's Grading Ordinance and the California Building Code, both of which are designed to deal with the potential of expansive soils.

e. **Potential Significant Impact:** Wastewater disposal systems (Impact 5.6-5)

Finding: Wastewater disposal will have no effect on the soils on the Project Site.

Factual Basis for the Finding: As discussed on page 5.6-16 of the Draft EIR, the Project will be connected to wastewater service provided by the Eastern Municipal Water District and no septic tanks will be used.

f. **Potential Significant Impact:** Cumulative impacts on geology and soils

Finding: Cumulative impacts on geology and soils caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-12 of the Draft EIR, the physical development of other land will be subject to the same strict safeguards applicable to the development of the Project Site. Further, impacts to geology and soils are site specific so that a problem on one site does not contribute to problems on other sites.

5. HAZARDS AND HAZARDOUS MATERIALS

a. **Potential Significant Impact:** Hazardous emissions within one-quarter mile of an existing or proposed school (Impact 5.7-2)

Finding: The Project will not emit hazardous emissions nor will it handle hazardous or acutely hazardous materials, substances or wastes within one-quarter mile of an existing or proposed school.

Factual Basis for the Finding: As discussed on page 5.7-9 of the Draft EIR and in the letter from Jeff Hoskinson dated April 21, 2008, Appendix L to the Draft EIR, the nearest school site, the Calvary Chapel Christian School, is located

approximately 1.3 miles northwest of the Project Site. Two school sites which had previously been considered by the Moreno Valley Unified School District within one-quarter mile of the Project Site have been abandoned.

b. Potential Significant Impact: Safety hazard due to proximity to an airport (Impact 5.7-3)

Finding: The Project will not result in a safety hazard for people residing or working in the area due to the proximity of an airport or private airstrip.

Factual Basis for the Finding: As discussed on page 5.7-19 of the Draft EIR, the nearest airport or private airstrip is March Air Force Base which is located approximately 7.3 miles southwest of the Project Site. The Site is not within any airport land use plan area.

c. Potential Significant Impact: Impairment or interference with an adopted emergency response plan (Impact 5.7-4)

Finding: The Project's implementation will not impair or physically interfere with any adopted emergency response plan or any emergency evacuation plan.

Factual Basis for the Finding: As discussed on pages 5.7-9-10 of the Draft EIR, the Project Site is located on the City's urban fringe and does not interfere with access to any other area. Emergency access to the Project Site will be available from both Redlands Boulevard and Theodore Street along future Eucalyptus Avenue for all three Phases of the Project.

d. Potential Significant Impact: Exposure to wildland fires (Impact 5.7-5)

Finding: The development of the Project will not expose people or structures to significant risk of loss, injury or death involving wildland fires.

Factual Basis for the Finding: As discussed on page 5.7-10 of the Draft EIR, the Project Site is located in an area which is currently undeveloped and actively dry farmed. No heavy natural vegetation exists in the area surrounding the Site, the surrounding areas cannot be characterized as wildlands nor is the Project Site located in an area identified as a high fire area by Riverside County. The

closest high fire area is approximately eight-tenths of a mile west of the Site.

6. HYDROLOGY AND WATER QUALITY

a. Potential Significant Impact: Violation of water quality or waste discharge standards (Impact 5.8-1)

Finding: The Project will not violate any water quality standards nor any waste discharge standards nor will it otherwise degrade water quality.

Factual Basis for the Finding: As discussed on pages 5.8-11-15 of the Draft EIR, as modified on page 4-56-57 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the Project applicant will be required to prepare a Stormwater Pollution Prevention Plan ("SWPPP") that conforms to the State Water Resources Control Board's National Pollutant Discharge Elimination System permit prior to the issuance of grading or construction permits. The SWPPP will identify best management practices to prevent construction related pollutants from reaching stormwater and all products of erosion from moving off-site. Conformance with the mandatory requirements of the SWPPP will ensure that no substantial degradation of water quality associated with the short-term construction activities will occur.

Long-term operational stormwater quality concerns will be managed pursuant to a City approved Water Quality Management Plan for the Project Site. The Plan requires the construction of a stormwater conveyance system that will include a series of extended detention basins, which will also serve as infiltration basins, with catch basin inserts for the removal of trash. The result will be a significant reduction in pollutant loads in the stormwater runoff from the Project Site which might otherwise reach surface water bodies.

b. Potential Significant Impact: Depletion of groundwater supplies or interference with groundwater recharge (Impact 5.8-2)

Finding: The Project will not substantially deplete groundwater supplies nor will it interfere substantially with groundwater recharge.

Factual Basis for the Finding: As discussed on page 5.8-15 of the Draft EIR, and in the geotechnical studies, Appendix F to the Draft EIR, development of the Project Site will increase the amount of impervious area on the Site. However, because groundwater is located more than 110 feet below the existing ground surface, existing recharge is currently minimal. Stormwater runoff from the Project Site will be released into existing downstream drainage areas which will continue to allow runoff from the Site to percolate into the soil.

c. Potential Significant Impact: Alteration of existing drainage patterns resulting in substantial erosion, siltation or flooding on- or off-site (Impact 5.8-3)

Finding: The Project will not substantially alter the existing drainage pattern in a manner which would result in substantial erosion, siltation or flooding on- or off-site.

Factual Basis for the Finding: As discussed on pages 5.8-16-18 of the Draft EIR, as modified on page 4-58 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, the best management practices requirement of the SWPPP will ensure that runoff from the Project Site, including siltation, will be cleaned and delivered into existing off-site drainage channels in an amount which will not exceed predevelopment flows.

The Project Site is located in an area which is subject to a 500-year flood or a 100-year flood with an average flooding depth of less than one foot. The Project's detention basins will be utilized to reduce the 100-year peak storm flows to levels at or below existing peak discharges for the Project Site. Thus, the

development of the Project will not add to the potential for flooding on- or off-site.

d. **Potential Significant Impact:** Creation or contribution of runoff waters exceeding the capacity of existing or planned drainage systems or resulting in substantial additional sources of polluted runoff (Impact 5.8-4)

Finding: The Project will not create, nor will it contribute to, runoff water which would exceed the capacity of existing or planned stormwater drainage systems nor will it provide substantial additional sources of polluted runoff.

Factual Basis for the Finding: As discussed on pages 5.8-17-18 of the Draft EIR, as modified on page 4-38 of the Final EIR, and in the Logistics Building Runoff Management Plan and the Project Specific Preliminary Water Quality Management Plan, Appendices H.1 and H.2 to the Draft EIR, development of the Project Site will increase the impervious surface and would, in the absence of suitable improvements, result in increased stormwater runoff. However, because of the drainage improvements discussed in Section 5.8 of the Draft EIR, stormwater runoff from the Project Site will be less than, or equal to, the peak discharges under existing conditions. Further, the Project's treatment of stormwater runoff, discussed in subsection IV.7.a. above, will ensure the absence of pollutants leaving the Project Site.

e. **Potential Significant Impact:** The location of housing within a 100-year flood hazard area (Impact 5.8-5)

Finding: The Project will not place housing or other structures within a 100-year flood hazard area.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the Project will not contain any housing and the Project Site is not located within a 100-year flood hazard area.

f. **Potential Significant Impact:** Exposure of people or structures to significant risk of loss, injury or death involving flooding (Impact 5.8-6)

Finding: The Project will not expose people or structures to a significant risk of loss, injury or death involving flooding as a result of the failure of a levee or a dam.

Factual Basis for the Finding: As discussed on page 5.8-18 of the Draft EIR, the nearest dam is approximately five miles downstream of the Project Site so that there is no risk from dam failure. Further, there are no levees located anywhere in the vicinity of the Project Site.

g. Potential Significant Impact: Inundation by seiche, tsunami or mud flow (Impact 5.8-7)

Finding: The Project Site will not be subject to inundation by seiche, tsunami or mud flow.

Factual Basis for the Finding: As discussed on pages 5.8-18-19 of the Draft EIR, the Project Site is not located near the Pacific Ocean nor any large body of water. Therefore, neither tsunamis nor seiches, which are defined as standing waves in a partially enclosed body of water, present any hazard to the Project Site. Further, the Site and its surrounding vicinity is relatively flat and the nearest foothills are more than a mile away so that the potential for a mud flow affecting the Site is remote.

h. Potential Significant Impact: Cumulative impacts on hydrology and water quality

Finding: Cumulative impacts on hydrology and water quality caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on page 6-14 of the Draft EIR, the EIR prepared for the City's General Plan found that the development of the Project Site and surrounding areas has the potential to increase flooding, erosion, stormwater pollutants. These impacts will be avoided through the implementation of required Best management Practices on a project by project basis in accordance with the national Pollutant Discharge Elimination Stormwater Permit and Water Quality Management Plans. All flood control measures and infrastructure maintenance will be required to comply

with either the Riverside County Flood Control and Water Conservation District's or the City's standard engineering practices. Additionally, all new development will be required to build master drainage plan facilities and/or pay fees which will be used to build them.

7. LAND USE AND PLANNING

a. Potential Significant Impact: Physical division of an established community (Impact 5.9-1)

Finding: The Project will not physically divide an established community.

Factual Basis for the Finding: As discussed on page 5.9-16 of the Draft EIR, there is no established community in the Project area at the present time. Further, the existing General Plan designates the Project Site for nonresidential development.

b. Potential Significant Impact: Cumulative impacts on land use and planning

Finding: Cumulative impacts on land use and planning caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-14-16 of the Draft EIR, the changes in land use for the Project Site will produce fewer jobs than currently projected based on the development contemplated by the existing General Plan designation and zoning but will still increase the City's job/housing ratio. Further, the impacts resulting from changes in land use are site specific so that a change of use on one site does not contribute to a change of use on other sites.

8. MINERAL RESOURCES

a. Potential Significant Impact: Loss of a known valuable mineral resource (Impact 5.10-1)

Finding: The Project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, there are no known mineral resources on the Project Site.

b. Potential Significant Impact: Loss of availability of a locally-important mineral resource recovery site (Impact 5.10-2)

Finding: The Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on the City's General Plan or any other land use plan.

Factual Basis for the Finding: As discussed on page 5.10-3 of the Draft EIR, the Project Site is not identified on any land use plan as containing any locally-important mineral resource recovery site.

c. Potential Significant Impact: Cumulative impacts on mineral resources

Finding: Cumulative impacts on mineral resources caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant

Factual Basis for the Finding: As discussed on pages 6-16-17 of the Draft EIR, there are no mineral resources located on the Project Site so the development of the Project will not have any impact on mineral resources. Further, impacts to mineral resources are site specific so that a problem on one site does not contribute to problems on other sites.

9. NOISE

a. Potential Significant Impact: Exposure of people to noise levels in excess of applicable standards or a substantial permanent noise increase in the vicinity of the Project (Impact 5.11-1)

Finding: The Project will not expose people to noise levels in excess of applicable standards. The Project will produce a permanent noise increase in the vicinity of the Project Site but will not result in any significant impact.

Factual Basis for the Finding: As discussed on pages 5.11-17-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the Project will result in a permanent noise increase in the vicinity of the Project Site because the Site is currently vacant. Traffic servicing the Project Site will

add to the existing noise along Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. However, there are no sensitive receptors along either of these street segments which would be adversely affected by the increased noise. Any residential development on land south of future Eucalyptus Avenue will require a sound study, which will review the physical layout of the development, and, if noise problems are found, will require the imposition of appropriate noise reduction measures to ensure that the noise impacting future residents will not exceed that allowed by the City's Municipal Code.

The buildings housing the Project's logistics and commercial uses will be serviced by loading docks and other accessory equipment which will operate outside of the buildings. If adjacent to residential and other sensitive land uses, these activities could result in adverse noise impacts. However, all of the Project related activities will be separated from surrounding areas by surface streets or SR-60. The traffic generated noise on these roadways will be much greater than noise generated on the Project Site and will, therefore, completely mask any such noise. Further, noise generated on the Project Site will be under 65 CNEL, the City's noise standard for residential areas, for all areas zoned for residential development.

b. Potential Significant Impact: Exposure of people to excessive ground borne vibration or noise (Impact 5.11-2)

Finding: The Project will not expose people to, nor will it generate, excessive ground borne vibration or noise.

Factual Basis for the Finding: As discussed on page 5.11-24 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the grading and construction associated with the development of the Project will not require pile drivers, blasting or other vibration causing equipment or events. Rubber tired vehicles, such as the trucks and cars which will be servicing the Project, generally do not cause significant vibration.

c. **Potential Significant Impact:** Exposure of people to excessive noise levels from airports (Impact 5.11-4)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within an airport land use plan area or within two miles of a public or public use airport.

Factual Basis for the Finding: As discussed on page 5.11-26 of the Draft EIR, the Project Site is not located within an airport land use plan area nor is it located within two miles of a public or public use airport.

d. **Potential Significant Impact:** Excessive noise levels due to the proximity of a private airstrip (Impact 5.11-5)

Finding: People working on the Project Site will not be subjected to excessive noise levels as a result of the Site being located within the vicinity of a private airstrip.

Factual Basis for the Finding: As discussed on pages 5.7-9 and 5.11-26 of the Draft EIR, the nearest airport is more than seven miles away from the Project Site and there are no known private airstrips in the vicinity. Therefore, the Project Site will not be subject to excessive noise levels from aircraft.

10. POPULATION, HOUSING AND EMPLOYMENT

a. **Potential Significant Impact:** The inducement of substantial population growth in the Project area (Impact 5.12-1)

Finding: The Project will not, directly or indirectly, induce substantial population growth in the Project area through the introduction of homes or businesses nor through the extension of roads or other infrastructure.

Factual Basis for the Finding: As discussed on page 5.12-3 of the Draft EIR, approximately 2,000 jobs will be generated by the development of the Project. It is expected that most of the workers will reside in the local area. There is a sufficient housing supply already in existence to accommodate those employees who will move into the City.

The construction of future Eucalyptus Avenue, as well as the extension of public services and utilities, will primarily serve the Project Site and will not lead,

directly or indirectly, to any substantial population growth in the Project area. Adjacent properties may use future Eucalyptus Avenue, which will run between Redlands Boulevard and Theodore Street, but adjacent properties already have access to these two roadways.

b. Potential Significant Impact: Displacement of existing housing (Impact 5.12-2)

Finding: The Project will not displace existing housing nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on pages 5.12-3-4 of the Draft EIR, the Project Site does not have any housing on it.

c. Potential Significant Impact: Displacement of people (Impact 5.12-3)

Finding: The Project will not displace people nor will it necessitate the construction of replacement housing elsewhere.

Factual Basis for the Finding: As discussed on page 5.12-4 of the Draft EIR, the Project Site is currently vacant so that the development of the Project will not result in the displacement of anyone.

d. Potential Significant Impact: Cumulative impacts on population, housing and employment

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-23-24 of the Draft EIR, the development of the Project will help improve the City's jobs/housing imbalance by adding jobs but not housing. Development of other land will be pursuant to the City's existing General Plan, which contemplates a substantial increase in jobs and homes, and will not be affected by the development of the Project.

11. PUBLIC SERVICES

a. Potential Significant Impact: The provision of new or physically altered police facilities (Impact 5.13-1)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered police facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

Factual Basis for the Finding: As discussed on pages 5.13-1-2 of the Draft EIR and in the letter from Moreno Valley's Police Chief, in Appendix L to the Draft EIR, the development of the Project may require an incremental increase in the need for police services but no new facilities will have to be constructed to provide that service which will be in the form of personnel and equipment which will be paid for out of general City revenues.

b. Potential Significant Impact: Adverse physical impacts associated with the provision of new or physically altered school facilities (Impact 5.13-3)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

Factual Basis for the Finding: As discussed on page 5.13-4 of the Draft EIR, the Project will not contain any homes and therefore will not house any school-age children and will not, therefore, create the need for new or altered school facilities. Further, the payment of school fees authorized by Government Code § 65995 would constitute full mitigation even if any additional needs were created.

c. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of new or physically altered park facilities (Impact 5.13-4)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for park services.

Factual Basis for the Finding: As discussed on pages 5.13-5-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the park needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no City recreational facilities near the Project Site that would be used by employees.

d. Potential Significant Impact: Substantial adverse physical impacts associated with the provision of other new or physically altered other facilities (Impact 5.13-6)

Finding: The Project will not result in substantial adverse physical impacts associated with the provision of other new or physically altered other facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other services.

Factual Basis for the Finding: As discussed on page 5.13-6 of the Draft EIR, the Project is not expected to generate more than a few new residents in the City. The satisfaction of the other needs of those new citizens has already been accounted for as part of the City's projected population and residential growth in the existing General Plan. There are currently no other City facilities near the Project Site that would be used by employees.

e. Potential Significant Impact: Cumulative impacts on public services

Finding: Cumulative impacts caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-24-25 of the Draft EIR, the impacts on public services caused by the development of the Project will be less than significant. Development of other land will be pursuant to the City's existing General Plan, which incorporates the need for, and the provision of, public services and will not be affected by the development of the Project.

12. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Exceeding a level of service set by a congestion management agency (Impact 5.14-2)

Finding: No roadway or highway subject to Riverside County's Congestion Management Plan will be significantly affected by Project traffic.

Factual Basis for the Finding: As discussed on pages 5.14-4 and -29-34 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in Traffic Study, Appendix J to the Draft EIR and in the Traffic Topical response, pages 3-145-163 of the Final EIR, the Project traffic will account for approximately 2% of the traffic at SR 60/I-215 which is less than the 3% level of significance threshold contained in the Riverside County Congestion Management Plan.

SR-60 is the only roadway or highway affected by the Project which is also subject to the Riverside County Congestion Management Plan. Two segments just east of the SR-60/I-215 intersection are currently, and will remain, at level of service F with or without Project traffic. However, while this exceeds the Riverside County Congestion Management Plan's level of service requirement of E, it is less than significant because the Project's contribution of approximately 2% is less than the 3% level of significance threshold.

b. Potential Significant Impact: Increase in hazards due to a design feature or an incompatible use (Impact 5.14-3)

Finding: The Project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or an incompatible use (e.g., farm equipment).

Factual Basis for the Finding: As discussed on pages 5.14-34-35 of the Draft EIR, the Project Site will be served by large trucks. All roadways and entryways associated with the Project Site have been designed in accordance with standards provided by the City. Moreover, a separate northbound left-turn lane at the Theodore Street/SR-60

eastbound ramp will improve safety for truck operations over that currently existing.

The normal hazards associated with blind spots created when people in vehicles are in close proximity to large trucks and trailers will be substantially reduced because a single driveway will serve as a primary entrance for truck traffic serving the Project Site and potential blind spots will be addressed through the design feature of the individual driveways.

Finally, a Construction Management Plan will be implemented to address traffic during the grading and construction phases of the Project to ensure that construction traffic will not result in any hazards to the traveling public.

c. **Potential Significant Impact:** Inadequate emergency access (Impact 5.14-4)

Finding: The Project will not result in inadequate emergency access.

Factual Basis for the Finding: As discussed on page 5.14-35 of the Draft EIR, the Project does not create any barriers between roadways and any other land use. Emergency access to the Project Site will be available over future Eucalyptus Avenue from both Redlands Boulevard and Theodore Street for all three Phases of the Project even though access from Redlands Boulevard will not be available to the general public until Phase 3.

d. **Potential Significant Impact:** Conflict with adopted policies, plans or programs supporting alternative transportation (Impact 5.14-5)

Finding: The Project will not conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.).

Factual Basis for the Finding: As discussed on pages 5.14-35-39 of the Draft EIR, future Eucalyptus Avenue will be improved adjacent to the Project Site and will be suitable for a bus route should one be extended to the Site by the Riverside County Transit Agency. Further, a multi-use trail, suitable for pedestrians and bicyclists, will be

constructed adjacent to the Project Site on the north side of future Eucalyptus Avenue.

13. UTILITIES AND SERVICE SYSTEMS

a. Potential Significant Impact: Exceeding wastewater treatment requirements (Impact 5.15-1)

Finding: The Project will not exceed wastewater treatment requirements set by the Regional Water Quality Control Board.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –9 of the Draft EIR, the Project's wastewater flows will be typical of those from commercial/retail facilities and, for the logistics facilities, would consist of domestic waste from employees. No effluents are expected that would exceed the treatment requirements set by the Regional Water Quality Control Board.

b. Potential Significant Impact: Construction of new water and wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-2)

Finding: The Project will not require, nor result in, the construction of new water and wastewater treatment facilities nor the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed on pages 5.15-2-5 and –9 of the Draft EIR, as modified on pages 4-65-68 of the Final EIR, no expansion of existing water and wastewater treatment facilities will be required to serve the Project Site.

c. Potential Significant Impact: Construction of new stormwater drainage facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects (Impact 5.15-3)

Finding: The Project will not require, nor will it result in, the construction of new stormwater drainage facilities nor will it require, nor result in, the expansion of existing facilities, the construction of which could cause significant environmental effects.

Factual Basis for the Finding: As discussed in Section 5.8 and page 5.15-9 of the Draft EIR, as modified by pages 4-55-58 of the Final EIR, the Project's new stormwater drainage facilities will decrease stormwater runoff from the Project Site compared to that which currently exists and will also significantly reduce the pollutant load of stormwater runoff over that which currently exists.

d. Potential Significant Impact: Adequacy of water supplies available to serve the Project (Impact 5.15-4)

Finding: Sufficient water supplies are available to serve the Project from existing resources so that neither new nor expanded entitlements are required.

Factual Basis for the Finding: As discussed on pages 5.15-2-5, 9-11 and 14-15 of the Draft EIR, as modified on pages 4-67-68 of the Final EIR, and the March 5, 2008, Water Supply Assessment prepared for the Project by the water provider, the Eastern Municipal Water District (the "EMWD") as corrected by the June 4, 2008, letter from the EMWD, Appendix K.2 to the Draft EIR, the Project, at build out, will use just over 140 acre feet of potable water per year. The Water Supply Assessment, which was prepared pursuant to SB610, took into consideration the October, 2007, reduction in water from Northern California through the State Water Project which substantially reduced the amount of water available to Southern California. After taking that information into consideration, the EMWD determined that "it will be able to provide adequate water supply to meet the potable water demand for Tentative Parcel Map 35629, in addition to existing and future uses." (Page 33 of the Water Supply Assessment.)

Further, existing water infrastructure currently exists which, with the addition of a 12 inch pipeline to the Project Site from an existing water line located south of and adjacent to SR-60, west of Redlands Boulevard, will allow water to be brought to the Project Site.

Although no mitigation is required to reduce any significant impact, Mitigation Measure W-1, set forth on pages 5.15-14-15 of the Draft EIR, which requires the preparation of a planting and irrigation for the

City's review and approval, has been imposed as a condition of Project approval to ensure further reduction of water used for landscaping.

e. **Potential Significant Impact:** Adequacy of wastewater treatment capacity (Impact 5.15-5)

Finding: Adequate wastewater treatment capacity exists to serve the Project in addition to existing commitments.

Factual Basis for the Finding: As discussed on pages 5.15-1 and –11 of the Draft EIR, the Project will generate approximately 61,680 gallons of wastewater per day. The EMWD's Moreno Valley Regional Water Reclamation Facility has a capacity to treat 16,000,000 gallons of wastewater per day with the ability to expand to 41,000,000 gallons per day. The current utilization is approximately 11,200,000 gallons per day.

An existing sewer line will be extended along Redlands Boulevard and then easterly along future Eucalyptus Avenue to serve the Project Site.

f. **Potential Significant Impact:** Insufficient landfill capacity to accommodate the Project's solid waste disposal needs (Impact 5.15-6)

Finding: Adequate landfill capacity exists to accommodate the Project's solid waste disposal needs.

Factual Basis for the Finding: As discussed on pages 5.15-6-7 and –11-12 of the Draft EIR, the Project, at build out, will generate just under 129 tons of solid waste per day. The City currently has available to it three landfills. The three landfills have a total capacity to accept solid waste of just under 14,600 tons per day, a minimum of 3,820 tons per day of which is not currently being used. The total remaining capacity in the three landfills is approximately 134,200,000 tons with sufficient capacity for the next 10 to 15 years with the ability to expand for another 15 years after that.

g. **Potential Significant Impact:** Compliance with federal, state and local statutes and regulations related to solid waste capacity (Impact 5.15-7)

Finding The Project will comply with federal, state and local statutes and regulations related to solid waste capacity.

Factual Basis for the Finding: As discussed on page 5.15-12 of the Draft EIR, the City has regulations which govern the disposal of solid waste. Skechers, the tenant for the building to be constructed on the Parcel 1, has instituted a significant recycling program at its current locations which will be continued upon relocation to the Project Site. Further, recycled material will be used to the greatest extent practicable in the construction of the Project.

h. **Potential Significant Impact:** Sufficiency of electrical service for the Project (Impact 5.15-8)

Finding: The Project will be provided with sufficient electrical service.

Factual Basis for the Finding: As discussed on pages 5.15-7-8, –12-14 and 5.16-11-13, as modified on pages 4-68-69 of the Final EIR, the Project will use approximately 3.7 megawatts of electricity which will be provided by the City of Moreno Valley Utilities. The substation which will serve the Project Site has a current capacity of 56 megawatts, expandable to 112 megawatts, with a current peak load of 15 megawatts.

Although no mitigation is required to reduce any significant impact, Mitigation Measure GCC-1 through GCC-4, set forth on page 5.16-11 of the Draft EIR, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, set forth on page 5.15-13 of the Draft EIR, as modified on page 4.20 of the Final EIR, which requires LEED certification, have been imposed as conditions of Project approval to ensure greater reductions in energy used by the Project.

i. **Potential Significant Impact:** Cumulative impacts on utilities and service systems

Finding: Cumulative impacts on utilities and service systems caused by the Project, in conjunction with other development, will not be cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-32-33 of the Draft EIR and in subsections I.V.A.14.a-h above, the Project's impacts on water and wastewater treatment requirements and capacity, stormwater drainage facilities, water supply availability, solid waste disposal capacity and availability of electricity at build out will be less than significant. The Projects impacts on each of these utilities and public services has already been factored in to long term needs and requirements so that its cumulative impacts will also be less than significant.

B. IMPACTS IDENTIFIED IN THE EIR AS POTENTIALLY SIGNIFICANT THAT HAVE BEEN MITIGATED TO LESS THAN SIGNIFICANT

1. AESTHETICS

a. **Potential Significant Impact:** Creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Impact 5.1-4)

Finding: The Project has the potential of creating a new source of substantial light or glare which would adversely affect day or nighttime views in the area. However, with the imposition of Mitigation Measure A-1, which requires limitations on night time lighting during construction, and compliance with existing City ordinances, standards and regulations, the impact will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.1-26-35 of the Draft EIR, the lighting associated with the operation of the Project will be required to comply with all of the City's lighting regulations and will therefore result in a less than significant impact. Nighttime lighting during the Project's construction has the potential to create temporary new sources of light and glare that will emanate from the Project Site. Requiring the use of directional lighting, shielding and other similar measures will ensure that the impact will be less than

significant. Accordingly, Mitigation Measure A-1, set forth on page 5.1-35 of the Draft EIR, has been imposed as a condition of approval of the Project.

2. BIOLOGICAL RESOURCES

a. Potential Significant Impact: Substantial adverse effect on federally and California protected and special-status plant and wildlife (Impact 5.4-1)

Finding: The Project Site contains moderately suitable habitat for the Stephens' kangaroo rat, the burrowing owl and for ground-, tree- and shrub-nesting birds, all of which could be adversely affected by the development of the Project. The imposition of Mitigation Measures BR-1 through BR-3, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-31 and –35-36 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site contains moderately suitable habitat for several federally and state protected plants and wildlife which would be affected directly, and through the loss of habitat, indirectly, as a result of the development of the Project. However, a pre-construction survey of the Project Site, avoidance of activities which would affect nesting sites and payment of the mitigation fee called for under the Stephens' Kangaroo Rat Habitat Conservation Plan will ensure that the impacts will be less than significant. Accordingly, Mitigation Measures BR-1, BR-2 and BR-3, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Conflict with local policies or ordinances protecting biological resources (Impact 5.4-5)

Finding: The Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan so that the development of the Project has the potential to adversely affect biological resources. The imposition of

Mitigation Measures BR-2 through BR-4, which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located within an area which is subject both to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

c. **Potential Significant Impact:** Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan (Impact 5.4-6)

Finding: The Project Site lies within an area subject to the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. The development of the Project could significantly affect the species and their habitats protected by the two Plans. However, the imposition of Mitigation Measures BR-2, which requires the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat, and BR-4, which requires the payment of mitigation fees which will be used to protect the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-1-33-34 of the Draft EIR and the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, the Project Site is located in an area subject to both Plans. However, both Plans identify the Project Site as an area where the payment of mitigation fees will fully mitigate any impact which might otherwise occur.

Accordingly, Mitigation Measures BR-2 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on biological resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant and adverse impacts to biological resources. However, the imposition of Mitigation Measures BR-1 through BR-4, which require the protection of birds which might be found on the Project Site, the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, and compliance by other projects with the requirements of the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As discussed on pages 6-10-11 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C.1 to the Draft EIR, substantial amounts of land in the vicinity of the Project contain habitat beneficial to various species. However, the land is also within the areas subject to the Multiple Species Habitat Conservation Plan and The Stephens' Kangaroo Rat Conservation Plan, both of which are designed to protect habitat and species. The imposition of Mitigation Measures BR-1 through BR-4, discussed in subsections IV.2.a-c above, on the Project and the compliance of other projects with the requirements of the two plans will ensure that the impacts on biological resources will be reduced to less than significant.

3. CULTURAL RESOURCES

a. **Potential Significant Impact:** Substantial change in the significance of an historical or archeological resource pursuant to CEQA Guideline § 15064.5 (Impact 5.5-1)

Finding: Although no known cultural resources are located on the Project Site, 14 cultural resources have been identified within one mile of the Site so that

development of the Project could have a significant impact on cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-4, which require a City approved archeologist to oversee cultural resource mitigation monitoring while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological resources are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-1-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, the Project Site does not contain any prehistoric sites or isolated artifacts. However, a record search indicated that 14 cultural resources are located within one mile of the Site. The Project Site has been plowed for many years and it is possible that cultural resources might be found once grading begins. Requiring continuing archeological review and monitoring, in cooperation with the representative of a City designated Tribe, will reduce the impact to less than significant. Accordingly, Mitigation Measures CR-1, CR-2, CR-3 and CR-4, set forth on page 5.5-8 of the Draft EIR, as modified on pages 4-9-10 of the Final EIR, which will ensure adequate protection of any cultural resources which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Destruction of a unique paleontological resource or site or unique geologic feature (Impact 5.5-2)

Finding: There are no unique paleontological resource or unique geologic features on the Project Site. However, the impact of the development of the Project on paleontological resources is considered significant because there is a moderate possibility that paleontological resources exist because the geological feature underlying the Project Site has a high potential to contain such resources. However, the imposition of Mitigation Measure CR-5, which require a City approved paleontologist to oversee paleontological resource mitigation monitoring while earth moving activities are taking place on the Project Site and which sets forth the procedures to be followed if paleontological resources are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.5-6-7 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, a literature search indicated that no paleontological resources have been identified on the Project Site. However, the Project Site is situated upon a geologic feature which is highly sensitive for fossil resources. Accordingly, Mitigation Measure CR-5, set forth on page 5.5-9 of the Draft EIR, as modified on page 4-10 of the Final EIR, which will ensure adequate protection of any paleontological resources which may be found during grading of the Project Site, has been imposed as a condition of approval of the Project.

c. **Potential Significant Impact:** Disturbance of human remains, including those interred outside of formal cemeteries (Impact 5.5-3)

Finding: The location of human remains within the Project Site would be a significant impact even though no human remains have been identified on the Site nor are any expected to be found. However, the imposition of Mitigation Measure CR-6, which requires compliance with the procedures set forth if human remains are encountered, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on page 5.5-7 of the Draft EIR and the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no human remains have been located in or near the Project Site and none are expected. However, the Site is located in an area which has been inhabited by several Native American Tribes in the past and the possibility that human remains may be found on the Site cannot be rejected. Accordingly, Mitigation Measure CR-6, set forth on pages 5.5-9-10, as modified on pages 4-11-12 of the Final EIR, which will ensure adequate protection of any human remains which may be found during grading of the Project Site, have been imposed as conditions of approval of the Project.

d. **Potential Significant Impact:** Cumulative impacts on cultural resources

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts to

cultural resources. However, the imposition of Mitigation Measures CR-1 through CR-6, which require a City approved archeologist to oversee cultural resource mitigation monitoring, and a City approved paleontologist to oversee paleontological resources, while earth moving activities are taking place on the Project Site and which set forth the procedures to be followed if archeological or paleontological resources or human remains are encountered, including consultation with the appropriate culturally affiliated native American Tribe, will reduce the impacts to less than cumulatively considerable and thus to less than significant.

Factual Basis for the Finding: As set forth on pages 6-11-12 of the Draft EIR and in the Phase 1 Cultural Resources Survey Report, Appendix E to the Draft EIR, no cultural resources have been found on or near the Project Site although cultural resources have been found within a mile of the Site and the Site itself lies within an area which has been historically used by several Native American Tribes. There therefore exists the possibility that cultural resources may be found on the Site once grading begins. However, Mitigation Measures CR-1 through CR-6, discussed in subsections IV.3.a-c above, which will ensure that the information associated with any cultural resources found on the Site will not be lost but will, instead, be available to be used in the context of cultural resources recovered from other, nearby sites, have been imposed as conditions of approval of the Project.

4. HAZARDS AND HAZARDOUS MATERIALS

a. Potential Significant Impact: The creation of a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials (Impact 5.7-1)

Finding: Neither the construction nor the operation of the Project will create a significant hazard to the public or the environment through the routine transfer, use or disposal of hazardous materials. However, fire and smoke hazards and emissions from diesel powered trucks serving the Project can result in significant environmental and health hazards. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, AQ-5, which requires the review and approval by the City of a construction travel plan, AQ-8, which requires the use of electrically powered equipment during

construction, AQ-10 through AQ-13, which require off-site construction to be limited to day light hours, posting signs prohibiting diesel idling for more than three minutes and prohibiting the establishment of sensitive receptors near the Project Site, and GCC-11, which prohibits heavy trucks from coming on to the Project Site if properly certified, will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.7-7-9 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety.

Potential fire and smoke hazards associated with the Project, particularly given its size, could present a significant impact. However, the imposition of Mitigation Measures HH-1 through HH-4, set forth on page 5.7-11 of the Draft EIR, which will substantially minimize the chance of a major fire, have been imposed as conditions of approval of the Project.

As discussed on pages 5.3-49-53 and 5.7-8-9, emissions from diesel trucks serving the Project Site could have a substantial impact on the health of anyone living south of future Eucalyptus Avenue. Prohibiting idling of diesel trucks, providing electricity to trucks at the Project Site, requiring that only trucks in good operating condition be allowed to access the Project Site and requiring the applicant to record a land use restriction which will prohibit residential development south of future Eucalyptus Avenue will ensure that adverse health impacts will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, and GCC-11, set forth on pages 4-5-6 of the Final EIR, have been imposed as conditions of approval of the Project.

b. Potential Significant Impact: Cumulative hazard and hazardous materials impacts

Finding: Cumulative impacts caused by the development of the Project, in conjunction with other development, could result in significant adverse impacts resulting from hazards and hazardous materials. However, the imposition of Mitigation Measures HH-1 through HH-4, which require compliance with fire safety design and construction standards, and AQ-13 which prohibits the establishment of sensitive receptors near the Project Site, on the Project and similar mitigation measures on other projects will reduce the impact to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6.12-13 of the Draft EIR, the potentially hazardous materials that will be used in the construction and operation of the Project are all subject to substantial regulation in order to ensure that their use will not adversely affect the public health or safety. Similar regulation will also apply to the development of other projects. The imposition of Mitigation Measures HH-1 through HH-4 and AQ-13, discussed in subsection IV.4.a above, on the Project and the imposition of similar mitigation measures on other projects will reduce the impacts to less than significant.

5. LAND USE AND PLANNING

a. Potential Significant Impact: Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the Project adopted to avoid or mitigate environmental effects (Impact 5.9-2)

Finding: The Project would be technically inconsistent with the City's General Plan and Zoning Ordinance prior to approval of the proposed General Plan amendment and the change of zone. However, after the adoption of the General Plan amendment and the change of zone, the Project will be fully consistent with the goals and policies of the City's General Plan for this area of the City under the existing land use plan and will not conflict with any of the City's policies or regulations adopted to avoid or mitigate an environmental effect. The imposition of Mitigation Measure LU-1, which prohibits the establishment of sensitive receptors near the Project Site, will reduce the impacts to less than significant consistent with goals set by regional planning organizations.

Factual Basis for the Finding: As discussed on pages 5.9-16-27 of the Draft EIR and pages 4-58-59 of the Final EIR, with the adoption of

the required General Plan Amendment and Zone Change, the Project is consistent with all of the City's applicable land use, General Plan and Zoning Goals and Policies, including those designed to avoid or mitigate environmental effects. The Project will be consistent with all of the regional and County plans except that it will be inconsistent with the air quality goals of the South Coast Air Quality Management District, the Southern California Association of Governments' Regional Transportation Plan and the Western Riverside County Council of Governments' Comprehensive Plan but neither the Air Quality Management District nor the Associations have any permitting jurisdiction over the Project. Imposing a buffer immediately south of future Eucalyptus Avenue, which will prohibit the location of residences and other sensitive receptors through the recordation of a deed restriction, will ensure that no sensitive receptors near the Project Site will be affected by adverse air quality impacts emanating from the construction and operation of the Project. Accordingly, Mitigation Measure LU-1, set forth on page 4-13 of the Final EIR, has been imposed as a condition of approval of the Project.

b. Potential Significant Impact: Conflict with an applicable habitat conservation plan or natural communities conservation plan (Impact 5.9-3)

Finding: The Project could conflict with any applicable habitat conservation plan or natural communities conservation plan. However, the imposition of Mitigation Measures BR-2 through BR-4 which require the protection of birds which might be found on the Project Site and the payment of mitigation fees which will be used to protect the Stephens' Kangaroo Rat and the species protected under the Multiple Species Habitat Conservation Plan, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 5.4-32-33 of the Draft EIR and in the Habitat Assessment and MSHCP Consistency Analysis, Appendix C-1 to the Draft EIR, the Project Site is located within an area which is subject to both the Multiple Species Habitat Conservation Plan and the Stephens' Kangaroo Rat Habitat Conservation Plan. However, with respect to both Plans, the Project

Site is located in an area which calls for the payment of mitigation fees which have been determined to be full mitigation for the impacts which may occur. Accordingly, Mitigation Measures BR-2, BR-3 and BR-4, set forth on pages 5.4-34-35 of the Draft EIR, as modified on page 4-8 of the Final EIR, have been imposed as conditions of approval of the Project.

6. NOISE

a. Potential Significant Impact: Temporary or periodic increases in ambient noise levels in the Project vicinity above levels existing without the Project (Impact 5.11-3)

Finding: Construction work on the Project Site could result in substantial temporary increases in ambient noise levels for existing residences located along Redlands Boulevard. However, the imposition of Mitigation Measures N-1 through N-5, which require that no construction vehicles use Redlands Boulevard south of future Eucalyptus Avenue, that there be no night time construction within 1200 feet of sensitive receptors, that temporary sound barriers be constructed to ensure that day time construction noise not exceed City standards, that all equipment be kept in good working order and that materials be stockpiled at least 1200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street, will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed in Section 5.11 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, off-site construction along Redlands Boulevard,. Theodore Street, future Eucalyptus Avenue and the drainage facilities to the south of the Project Site will take place during daylight hours and, with the exception of noisy equipment which will be used for very limited periods of time, there will be no substantial exposure of residents to significant noise impacts. The grading and construction which will take place on the Project Site will take place around the clock for almost a year and would expose nearby residents to noise levels in excess of those allowed under the City's Municipal Code. However, prohibiting construction vehicles on Redlands Boulevard south of future Eucalyptus Avenue, prohibiting nighttime grading within 1,200 feet of

residences south of future Eucalyptus Avenue, the erection of temporary sound barriers, maintaining equipment in good working order and locating material stockpiles at least 1,200 feet from residences south of future Eucalyptus Avenue along Redlands Boulevard and Theodore Street will ensure that none of the residences will be exposed to noise levels in excess of those allowed by the City's Municipal Code. Accordingly, Mitigation Measures N-1 through N-5, as set forth on pages 5.11-29-30 of the Draft EIR, as modified on pages 4-14-15 of the Final EIR, have been imposed as conditions of approval of the Project.

7. TRANSPORTATION AND TRAFFIC

a. Potential Significant Impact: Substantial increase on traffic load and street capacity (Impact 5.14-1)

Finding: As there is currently little traffic between Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60 any additional traffic by comparison could be considered significant and would cause the intersection of Redlands Boulevard and the SR-60 westbound ramps to exceed the City's level of service during the AM peak hour. However, with the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, the impacts will be less than significant.

Factual Basis for the Finding: As discussed on pages 5.14-15-28 and –39-40 of the Draft EIR, as modified on pages 4-64-65 of the Final EIR, and in the Traffic Study, Appendix J to the Draft EIR, a large number of trucks serving the Project Site will use Redlands Boulevard and Theodore Street between future Eucalyptus Avenue and SR-60. The City's level of service is D. Without improvements, the intersection of Redlands Boulevard and the SR-60 westbound ramps would be at level of service E in the AM peak hour. Requiring the improvement of the intersection will reduce the impact to less than significant. Accordingly, Mitigation Measure TT-2, set forth on page 5.14-39 of the Draft EIR, as modified on page 4-16 of the Final EIR, has been imposed as a condition of approval of the Project. Although no mitigation is required to reduce any other significant

impact, Mitigation Measures TT-1 and TT-3, set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, have also been imposed as conditions of approval of the Project to ensure that any improvements needed at the intersections of future Eucalyptus Avenue and Redland Boulevard and Theodore Street and at the intersection of Theodore Street and SR-60 will also be constructed.

b. Potential Significant Impact: Cumulative traffic impacts

Finding: Cumulative impacts of the Project, in conjunction with other development, could result in significant adverse impacts on traffic. However, the imposition of Mitigation Measures TT-1 through TT-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, and TT(C)-1 through TT(C)-3, which require the constructions of improvements on Redlands Boulevard, Theodore Street and at their intersections with SR-60 or the payment of fees for the construction of the improvements, on the Project, together similar mitigation measures imposed on other projects, will reduce the impacts to less than cumulatively considerable and thus will be less than significant.

Factual Basis for the Finding: As discussed on pages 6-25-32 of the Draft EIR and in the Traffic Study, Appendix J to the Draft EIR, traffic impacts of other projects have the potential to cause a number of intersections to exceed the City's level of service D requirement. Requiring the Project to provide improvements to the intersections of future Eucalyptus Avenue with Redland Boulevards and Theodore Street and at the intersections of SR-60 and Redlands Boulevard and Theodore Street will ensure that the project's impacts will be less than significant. Accordingly, Mitigation measures TT-1 through TT-3, as set forth on pages 5.14-39-40 of the Draft EIR, as modified on page 4-16 of the Final EIR, and TT-1(C) through TT-3(C), set forth on pages 6-32 of the Draft EIR, have been imposed as condition of approval of the Project. The City's General Plan requires that new development mitigate their traffic impacts so that similar mitigation measures will be imposed on other projects.

C. IMPACTS IDENTIFIED IN THE EIR AS BEING SIGNIFICANT AND UNAVOIDABLE EVEN AFTER THE IMPOSITION OF ALL FEASIBLE MITIGATION MEASURES

1. AESTHETICS

a. Significant Unavoidable Impact: Substantial adverse effect on a scenic vista (Impact 5.1-1)

Finding: The development of the Project will have a substantial adverse effect on a significant scenic vista and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As shown and discussed on pages 5.1-4-25 of the Draft EIR and Appendix M to the Draft EIR, the Project Site is currently vacant except for a single structure and thus is part of a scenic open space vista. In addition, the Project Site as it now exists is somewhat obscured by existing trees and vegetation but does not completely interfere with the views of mountains and foothills to the north, east and south. The development of the Project will block views of these scenic vistas from SR-60, Redlands Boulevard, future Eucalyptus Avenue and Theodore Street along the full length of each of these roadways adjacent to the Project Site. Further, the buildings to be constructed on the Project Site will be visible from higher elevations to the north, the east and the south and will alter the expansive view of the undeveloped property now evidenced from these areas.

These impacts are significant and unavoidable and there are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project.

b. Significant Unavoidable Impact: Cumulative aesthetic impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on scenic vistas and there are no feasible mitigation measures which will reduce the impact to less than significant.

Factual Basis for the Finding: As discussed on pages 6-5-6 of the Draft EIR, the development of land in the vicinity of the Project Site will add to the loss of scenic vistas which will occur because of the development of the Project. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

2. AGRICULTURAL RESOURCES

a. Significant Unavoidable Impact: Conversion of farmland to non-agricultural use (Impact 5.2-1)

Finding: The development of the Project will have a significant and unavoidable impact on 24.1 acres of Prime Farmland, 98.8 acres of Farmland of Local Importance and 35.5 acres of Other Land which will be converted from agricultural uses into commercial and industrial uses. There are no feasible mitigation measures which will reduce the impact to less than significant which would feasibly attain most of the basic objectives of the Project. Given the similarity of impacts of other likely uses for the Project Site, only prohibiting any development would mitigate the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.2-1 and -6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could be grown if water were available would not cover the costs of

production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

b. Significant Unavoidable Impact: Cumulative loss of farmland

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on farming. There are no mitigation measures which will reduce the impact to less than significant other than prohibiting development on sites now used for agriculture.

Factual Basis for the Finding: As discussed on pages 5.2-5-7 and 6-6-7 of the Draft EIR and in the Agricultural Resources Report and Land Evaluation and Site Assessment and the Agricultural Impact Evaluation, Appendices B.1 and B.2 to the Draft EIR, the City's General Plan recognizes that farming has become less economically viable because of the high cost of water, the cost of land and property taxes, conflicts with surrounding urban uses and the lack of agri-business support in the area. Although the Project Site does contain land which has been identified by the California Department of Conservation as suitable for farming, the absence of an agricultural "infrastructure" – crop managers, labor, farm implements and processing facilities – in the vicinity, the cost of bringing suitable water to the Project Site, the cost of the water itself and the fact that the sale of the products which could

be grown if water were available would not cover the costs of production means that the Project Site cannot be realistically considered as an agricultural resource.

There are no feasible mitigation measures which could reduce the loss of the farmland. There is a finite amount of land that is suitable for agricultural use. The purchase of fee title or of agricultural conservation easements over other parcels used for agriculture would not avoid, reduce or compensate for the impact of converting the Project Site from agricultural to commercial and industrial uses because it would not offset the loss of agricultural land caused by the development of the Project, i.e., there would still be a net reduction in the total amount of land suitable for agricultural use. Further, no City policy requires the acquisition of replacement agricultural land, either in fee or through the use of a conservation easement, and no program to oversee such acquisitions exist.

3. AIR QUALITY

a. Significant Unavoidable Impact: Violation of an air quality standard or substantial contribution to an existing or projected air quality violation (Impact 5.3-2)

Finding: The construction and operation of the Project will not violate any air quality standards for localized impacts with two exceptions: those promulgated by the South Coast Air Quality Management District for the emission of coarse and fine particulate matter ("PM_{10}" and "$PM_{2.5}$") during the construction of the Project. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, to less than significant. There are no mitigation measures which will reduce the emission of $PM_{2.5}$ to less than

significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed on pages 5.3-22-40 of the Draft EIR, as modified on pages 4-40-44 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, the grading of the Project Site and the operation of the Project will result in the emission of pollutants – nitrogen dioxide ("NO_2"), carbon monoxide ("CO"), PM_{10} and $PM_{2.5}$. The South Coast Air Quality Management District has established localized significance thresholds to determine whether the emission of any of the pollutants will have a significant adverse effect on those nearby, both residents and workers. None of the thresholds will be exceeded after the construction of the buildings on the Project Site has been completed and operations begun. The same thing is true for NO_2 and CO during the construction Phases of the Project. However, without mitigation, the thresholds will be exceeded for both PM_{10} and $PM_{2.5}$. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the emission of PM_{10} will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, as set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. However, there are no feasible mitigation measures which will reduce the emissions of $PM_{2.5}$ to less than significant which would feasibly attain most of the basic objectives of the Project.

b. Significant Unavoidable Impact: Cumulatively significant net increase of any criteria pollutant for which the Project area is non-attainment under an applicable federal or state ambient air quality standard (Impact 5.3-3)

Finding: The Project Site is located in a non-attainment area for ozone, PM_{10} and $PM_{2.5}$. The grading of the Project Site and the construction of Phase 1 of the Project on the Site could result in emissions of volatile organic compounds ("VOC"), nitrogen oxides ("NO_x"), PM_{10} and $PM_{2.5}$ in excess of the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, which require the control of fugitive dust, the acquisition of Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will reduce the impact of the emission of PM_{10}, will ensure that the daily amount of PM_{10} and $PM_{2.5}$ emitted during the grading and construction Phase 1 of the Project will reduce their impacts to less than significant and will reduce the daily amount of the emission of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 2 of the Project will result in the daily amount of emissions of VOC and NO_x in excess of the thresholds promulgated by the South Coast Air Quality Management District; the daily amount of emissions of PM_{10} and $PM_{2.5}$ will be less than those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC and NO_x but not to less than significant.

The grading and construction associated with Phase 3 of the Project will result in the daily amount of emissions of VOC exceeding the threshold promulgated by the South Coast Air Quality Management District; the daily amount of emissions of NO_x, PM_{10} and $PM_{2.5}$ will not exceed those thresholds. The imposition of Mitigation Measures AQ-1 through AQ-10, described above, will reduce the daily amount of emissions of VOC but not to less than significant.

The daily amount of emissions of VOC, NO_x, PM_{10} and $PM_{2.5}$ associated with the operation of the Project during all Project Phases will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-21, which require off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label, will reduce the daily amount of emissions slightly but in no case will they cause the emissions to be less than significant.

In no case will the daily amount of the emission of CO exceed the threshold promulgated by the South Coast Air Quality Management District during either the grading of the Project Site or the construction of buildings on the Site. The daily amount of emissions of CO will exceed the threshold for CO promulgated by the South Coast Air Quality Management District during all of the three operational Phases of the Project. The imposition of Mitigation Measures AQ-11 through AQ-21 and GCC-5(a), GCC-5(e), GCC-9 and GCC-11, all as described above, will reduce the daily amount of emissions slightly but not to less than significant.

There are no further mitigation measures which will reduce the foregoing impacts to insignificant which would feasibly attain most of the basic objectives of the Project.

The daily amount of emissions of SO_x will be less than the thresholds promulgated by the South Coast Air Quality Management District throughout the grading of the Project Site, the construction of buildings on the Site and the operation of the Project.

Factual Basis for the Finding: As discussed on Section 5.3 of the Draft EIR, as modified on pages 4.40-4.46 of the Final EIR, and in the Air Quality and Health Risk Report, Appendix D.1

to the Draft EIR, the development of the Project has the potential of emitting criteria pollutants, except for SO_x, in excess of the thresholds promulgated by the South Coast Air Quality Management District during the grading of the Project Site, construction of buildings on the Site and the operation of the Project. Requiring the control of fugitive dust, acquiring Tier II level construction equipment, to the extent available, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site and limiting off-site construction improvements to an eight hour day during daylight hours will ensure that the daily amount of emissions of PM_{10} and $PM_{2.5}$ during the grading and construction associated with Phase 1 of the Project will be mitigated into insignificance. Accordingly, Mitigation Measures AQ-1 through AQ-10, set forth on pages 5.3-38-39 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, have been imposed as conditions of approval of the Project. The same conditions will reduce the daily amount of emissions of NO_x during the grading and construction associated with Phase 2 of the Project to less than significant but will reduce the daily amount of emissions of VOC only slightly and not below the threshold promulgated by the South Coast Air Quality Management District. The daily amount of emissions of the other criteria pollutants will be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions of VOC associated with the grading and construction of Phase 3 of the Project will exceed the threshold promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-1 through AQ-10, as described above, will reduce the daily amount of

emissions of VOC slightly but not to less than significant. The daily amount of emissions of the remaining criteria pollutants will all be below the thresholds promulgated by the South Coast Air Quality Management District.

The daily amount of emissions for all three operational phases of the Project, with the exception of SO_x, will exceed the thresholds promulgated by the South Coast Air Quality Management District. The imposition of Mitigation Measures AQ-11 through AQ-13, as set forth on page 5.3-52 of the Draft EIR, as modified on pages 4-5-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR,all as described above, will reduce the daily amount of emissions of each of the other five criteria pollutants slightly but not to less than significant.

There are no further mitigation measures which will reduce the emissions of the criteria pollutants to less than significant which would feasibly attain most of the basic objectives of the Project. The emissions of VOC and NO_x are associated with the grading of the Project Site and the asphalt, building and architectural coatings for those buildings. The operational emissions are due almost entirely to mobile sources – cars and trucks – over which the City has no control because the Legislature has vested all authority to deal with the emissions from cars and trucks in the California Air Resources Board.

c. **Significant Unavoidable Impact:** Exposure of sensitive receptors to substantial pollutant concentrations (Impact 5.3-4)

Finding: The development of the Project has the potential to expose sensitive receptors to emissions of PM_{10} and $PM_{2.5}$ in excess of local significance thresholds promulgated by the South Coast Air Quality Management District and to the risk of cancer from the operation of the Project in excess of the significance threshold of 10 in 1,000,000. The imposition of Mitigation Measures AQ-1 through AQ-21, which require the control of fugitive dust, the acquisition of

Tier II level construction equipment, to the extent available, the proper maintenance of construction equipment, the turning off of construction equipment when not in use and prohibiting idling for more than five minutes, the control of traffic around the Project Site, the use of low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, the encouragement of construction workers to carpool, the provision of on-site electrical hook-ups during construction, the reduction of the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, off-site construction be limited to day light hours, signs be posted stating that diesel trucks not idle for more than three minutes, the provision of electricity and electrical hooks-ups for transportation refrigeration, the prohibition against trucks not using electrically powered refrigeration units the prohibition of the establishment of sensitive receptors near the Project Site, the encouragement of the use of "clean" trucks and vehicles, the design of the Project Site to diminish queuing of trucks, the provision of food service on-site, the provision of incentives for employees to carpool and the maximization of electrical electrically powered equipment for landscape maintenance, and GCC-5(a), which requires the provision of facilities designed to encourage the use of bicycles, GCC-5(e), which requires preferential parking for carpools, vanpools and alternatively fueled vehicles, GCC-9, which requires LEED credit in a number of areas, and GCC-11, which prohibits access of heavy trucks to the Project Site for heavy trucks which do not have an Engine Certification label will reduce the impacts of PM_{10} and the risk of cancer to less than significant but the risk associated with the emissions of PM_{10} during the grading and construction associated with Phase 1 of the Project will remain significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant which would feasibly attain most of the basic objectives of the Project.

Factual Basis for the Finding: As discussed in Section 5.3 of the Draft EIR, as modified on pages 4-2-5 of the Final EIR, in the Air Quality and Health Risk Report, Appendix D.1 to the Draft EIR, as amplified and clarified in the Supplemental Health Risk Assessment Report, Appendix D.1 to the Final EIR, and in subsection IV.C.3.a above, the grading, construction and operation associated with the Project has the potential to exceed localized significance thresholds and cancer risks for sensitive receptors near the Project Site. Controlling fugitive dust, acquiring Tier II level construction equipment, to the extent available,

properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting idling for more than five minutes, controlling traffic around the Project Site, using low volatile organic compound paints applied using either high-volume low-pressure spray equipment or by hand, encouraging construction workers to carpool, providing on-site electrical hook-ups during construction, reducing the amount of dust which will be tracked off-site, limiting off-site construction improvements to an eight hour day during daylight hours, providing bicycle parking spaces and on-site showers, preferential parking for carpools and alternatively fueled vehicles, obtaining LEED, or if not available an approved program to achieve the same level of environmental benefit, certification for the Project, prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label and establishing a buffer area on land immediately south of future Eucalyptus Avenue through a deed restriction will ensure that the risks associated with $PM_{2.5}$ and cancer will be mitigated into insignificance. Accordingly, The imposition of Mitigation Measures AQ-1 through AQ-13, as set forth on pages 5.3-38-39 and -52 of the Draft EIR, as modified on pages 4-2-6 of the Final EIR, AQ-14 through AQ-21, set forth on pages 4-6-6 of the Final EIR, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.16-11-13, as modified on pages 4-19-20 of the Final EIR, Mitigation measures AQ-1 through AQ-21, GCC-5(a), GCC-5(e) and GCC-9, set forth on pages 5.3-38-39 and –52 of the Draft EIR, as modified on pages 4-2-5 and –19-20 of the Final EIR, have been imposed as conditions of approval of the Project. However, as set forth in the factual basis for the finding in subsection IV.C.3.a above, there are no feasible mitigation measures which will reduce the emissions of PM_{10} associated with the grading and construction of Phase 1 of the Project to less than significant.

d. **Significant Unavoidable Impact:** Cumulative contribution to air quality impacts

Finding: The development of the Project, in conjunction with related projects and that authorized by the Moreno Highlands Specific Plan, will result in significant and unavoidable cumulative impacts on VOC, NO_x, CO, PM_{10} and $PM_{2.5}$. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-8-10 of the Draft EIR, in the Air Quality and Health Risk Analysis Report, Appendix D.1 to the Draft EIR, Response 10-2, page 3-99 of the Final EIR and in subsections IV.C.3.a-c above, the air quality pollutants emitted during the operation of the Project, alone or in conjunction with those emitted by surrounding development, will be cumulatively significant. All feasible mitigation measures have been imposed as conditions of approval of the Project. The City will impose feasible mitigation measures on projects seeking approval within the future. However, the air quality problems that exist in the area of the Project are, in most cases, problems affecting the entirety of the South Coast air basin and, as such, are beyond the City's control.

4. NOISE

a. Significant Unavoidable Impact: Cumulative adverse noise impacts

Finding: The development of the Project, in conjunction with the development of related projects and that authorized by the Moreno Highlands Specific Plan will result in significant and unavoidable cumulative noise impacts on houses located near SR-60. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 6-17-23 of the Draft EIR and in the Noise Assessment, Appendix I to the Draft EIR, the increase in noise due to the operation of the Project will be small. However, when added to that which can be expected by the use of vehicles on SR-60 from both related projects and the development of the Moreno Highlands Specific Plan area, the result will be that at least one residence east of Theodore Street and several residences located west of Redlands Boulevard will experience a noise increase of more than 3 dB with a future noise level above 65 CNEL, the City's noise level for residential areas. There are no mitigation

measures which will reduce the impacts to less than significant.

5. GLOBAL CLIMATE CHANGE AND GREENHOUSE GASES

a. Significant Unavoidable Impact: Hindrance or delay of California's ability to meet the climate reduction targets contained in AB32 (Impact GCC-1)

Finding: The grading and construction associated with the Project will, after the application of all feasible mitigation measures, result in approximately 6,500 metric tons of carbon dioxide equivalent ("CO_{2e}"). The operation of the Project, after the imposition of all feasible mitigation measures, will produce approximately 81,800 metric tons of CO_{2e} per year. In the absence of any quantitative or qualitative threshold of significance for the emissions of CO_{2e}, it must be assumed that the amount of the emissions of CO_{2e}, both during the grading and construction associated with the Project and the operation of the Project will, individually and cumulatively, be a significant and unavoidable impact. There are no feasible mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed in Section 5.16 and pages 6-40-41 of the Draft EIR and in the Climate Change Analysis, Appendix N to the Draft EIR, the grading and construction associated with the Project and the operation of the Project will generate substantial amounts of CO_{2e} emissions. There is, currently, neither a quantitative nor a qualitative threshold to be used to determine whether the amount of CO_{2e} emissions is significant. Various thresholds, ranging from no new contributions to over 40,000 metric tons per year, have been proposed. The staff of the South Coast Air Quality Management District has suggested a possible threshold of 10,000 tons of CO_{2e} per year for industrial projects but has not suggested a numerical threshold for non-industrial projects; the District has not yet acted on the proposal. However, the California Air Resources Board and the Office of Planning and Research are considering the adoption of a threshold of significance for CO_{2e} emissions but have not yet decided on that threshold. AB32 requires a reduction of approximately 30% in CO_{2e} emissions over business as usual by 2020 in order to reach the levels emitted in California in 1990. Irrespective of

when or what standards will be adopted by the California Air Resources Board all feasible measures have been implemented in this project in compliance with AB-32.

Incorporating water conservation requirements, properly maintaining construction equipment, turning off construction equipment when not in use and prohibiting construction equipment from idling for more than five minutes, controlling traffic around the Project Site, encouraging construction workers to carpool, prohibiting truck idling for more than three minutes per day per truck, providing electricity in the loading area for transportation refrigeration units, designing the Project to meet 2008 Title 24 energy efficiency requirements, using "cool roofs" and "cool paints," installing renewable energy generation on-site to meet the Project's Phase 1 office electricity needs, using ENERGY STAR-qualified energy efficient appliances, providing bicycle storage parking and showers for employees, installing Light Emitting Diodes in any traffic lights which are a part of the Project, providing pedestrian and bicycle connections to surrounding areas, establishing a Transportation Management Association to encourage and coordinate carpooling by occupants of the Project, providing preferential parking for carpools, vanpools and alternatively fueled vehicles, obtaining LEED certification or, if not available, a similar program to achieve the same level of environmental benefit, designing loading docks which will accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features, and prohibiting access to trucks over 10,000 pounds which do not have an Engine Certification Label will ensure reduction in the amount of emissions of CO_{2e}. Accordingly, Mitigation Measures AQ-1, AQ-3, AQ-4, AQ-5, AQ-7, AQ-11, AQ-12 and GCC-1through10, set forth on pages 5.16-9-13 of the Draft EIR, as modified on pages 4-2-6 and –18-21 of the Final EIR, and GCC-11, set forth on page 4-21 of the Final EIR, have been imposed as conditions of approval of the Project. However, there

are no additional feasible mitigation measures which would reduce the impact to less than significant.

b. **Significant Unavoidable Impact:** Impacts of climate change on the Project (Impact GCC-2)

Finding: Potential impacts of climate change include the exacerbation of air quality problems, reduction in the quality and supply of water from the Sierra snow pack, damage to the natural environment, reduction of in-state electricity production, and an increase in wildfires, all of which could adversely affect the Project. The imposition of Mitigation Measures W-1, which requires the preparation of a planting and irrigation plan for the City's review and approval, GCC-1 through GCC-4, which require increased energy efficiency, the use of "cool" roofs and paints, the production of energy on-site through the use of alternate, renewable energy sources and the use of energy efficient appliances and systems, and GCC-9, which requires LEED credit in a number of areas, will reduce the Project's need for energy and water slightly but the impact of global climate change on the Project will continue to be significant and unavoidable. There are no mitigation measures which will reduce the impacts to less than significant.

Factual Basis for the Finding: As discussed on pages 5.16-16-18 of the Draft EIR and the Climate Change Analysis, Appendix N to the Draft EIR, global climate change will affect the Project in various ways. Imposing the mitigation measures discussed in subsection IV.C.5 above will decrease the amounts of water and energy required by the Project after it is in operation but it, like all other projects in California, will be subject to the deleterious impacts of climate change.

V. PROJECT ALTERNATIVES

A. ALTERNATIVE SITES

Finding: There exists no reasonably feasible and available alternative site for the Project which would avoid or substantially lessen the significant impacts of the Project or to allow it to feasibly attain most of the Project's basic objectives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for

reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers's requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also unlikely to be reduced for any otherwise feasible site that would satisfy Skechers's needs.

B. NO PROJECT — NO DEVELOPMENT ALTERNATIVE

Finding: The No Project — No Development Alternative is environmentally superior to the Project but would not attain any of the objectives for the Project.

Factual Basis for the Finding: As discussed on pages 9-3-9 and -36 of the Draft EIR, leaving the Project Site in its current condition would result in no impacts to the environment with the exception that the existing General Plan's designation of the Project Site for development with commercial and industrial uses would not be satisfied. None of the Project's objectives would be met.

C. EXISTING GENERAL PLAN ALTERNATIVE

Finding: Developing the Project Site under the existing General Plan designation and zoning would allow for the development of 1,715,000 sf of business park and 410,000 sf of community commercial uses. The impacts on the environment of development pursuant to the existing General Plan designation and zoning would be roughly comparable to those which would result from the

development of the Project. However, it would not meet any of Skechers's needs nor would it allow Skechers to have the logistics facility available in the very near future at any other reasonably feasible and available site. In addition, due to market conditions, development under the existing General Plan designation and zoning would not currently be feasible and therefore would delay any benefits that development of the Project Site would bring to the City, such as jobs and revenues. Likewise, it would not provide the Project applicant with an adequate rate of return on its investment because there is no market available for development of the Project Site consistent with the existing General Plan designation and zoning.

Factual Basis for the Finding: As discussed on pages 9-9-19 and -36 of the Draft EIR and in the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, there is currently no market for the development of the Project Site consistent with the existing General Plan designation and zoning. The environmental impacts of development of the Project Site consistent with the existing General Plan designation and zoning are roughly comparable to those of the Project with the impacts on aesthetics, noise, public services and utilities being slightly less and those on air quality, geology and soils, hazards and hazardous materials and global climate change being slightly more. Developing the Project Site consistent with the existing General Plan designation and zoning would not allow the Project applicant to achieve its objectives. because it would not be able to provide logistics facilities to Skechers, resulting in delay or denial of providing the City with new jobs and revenues from the development of the Project Site and precluding an adequate rate of return on its investment because there is simply no existing market for development of the Project Site consistent with the General Plan designation and zoning.

D. REDUCED DENSITY ALTERNATIVE

Finding: Developing the Project Site with 1,000,000 sf of logistics use and 200,000 sf of community commercial uses would result in environmental impacts which would be slightly less than those which would result from the development of the Project. However, a reduced density alternative would not allow the Project to attain a number of its basic objectives and would not reduce any

significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-19-26 and -36 of the Draft EIR, the environmental impacts of the reduced project would be marginally less than, or equal to, those of the Project. In particular, impacts on Agricultural Resources, Biological Resources, Cultural Resources Hydrology and Water Quality, Mineral Resources, and Population, Housing and Employment would be the same for the Reduced Density Alternative as for the Project, except that employment opportunities would be reduced. Reductions in most other impacts would be marginal to modest. Only reductions in impacts on Air Quality would be likely to be substantial. However, no significant unavoidable impact of the Project would be reduced to or made capable of mitigation to a level of insignificance. Also, the reduced density alternative would prevent achieving some of the Project's basic objectives. In particular, Skechers would not be provided the size and expandability required by its business objectives. Current market conditions would render the Reduced Density Alternative not reasonably feasible and therefore preclude the Project applicant from obtaining an adequate rate of return on its investment.

E. NORMAL CONSTRUCTION SCHEDULE ALTERNATIVE

Finding: The normal construction alternative would have moderately fewer environmental impacts than the Project. However, it would not allow the Project to attain a number of its basic objectives and would not reduce any significant unavoidable environmental impact of the Project to a level of insignificance or to a level capable of mitigation to a level of insignificance and is therefore not significantly environmentally superior to the Project.

Factual Basis for the Finding: As discussed on pages 9-27-33 and -36 of the Draft EIR, the normal construction schedule would have a moderately lesser environmental impact on aesthetics, air quality and noise during the construction phase but would otherwise be comparable to the impacts which would result from the development of the Project and make no difference in any impacts during the

operation of the Project. However, Skechers would be delayed in consolidating its operations in a single logistics facility and the City would also be delayed in obtaining the jobs and revenues which the construction and operation of the Project will generate. Therefore, development of the Project Site with a normal construction schedule would delay achievement of most of the basic objectives of the Project and would not be significantly environmentally superior to the Project.

F. ADEQUACY OF THE RANGE OF ALTERNATIVES

Finding: Alternatives consisting of development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives.

Factual Basis for the Finding: As discussed on pages 9-2-3 and -33-34 of the Draft EIR and in the letters from Darla Longo dated January 18, 2008, and October 7, 2008, Appendices O to the Draft and Final EIRs, an extensive search for reasonably feasible and available alternative sites was conducted. While eight potential sites were considered, six of the eight were found to be infeasible for failure to meet, at the initial threshold, one or more of Skechers requirements for its business and logistics models, including, but not limited to, the ability to host a 1,800,000 sf facility together with the possibility of expansion later on a site immediately adjacent to a major freeway and within the geographic service area needed. One other potential site, in San Bernardino, met the threshold and was studied for feasibility, but it was concluded after study that the site could not be built in an efficient configuration for Skechers's operations. Therefore, no reasonably feasible and available alternative site in the Inland Empire could be found.. Moreover, even if an alternative site could be found, the significant and unavoidable impacts, individually and cumulatively, on, at least, air quality and global climate change would not be reduced. Significant and unavoidable noise impacts, individually and cumulatively, are also likely to not be

reduced for any site truly feasible for Skechers's objectives.

Because, there are no reasonably feasible and available alternative sites, development consistent with the existing General Plan designation and zoning, reduced density and a normal construction schedule represent a reasonable range of alternatives. The purpose of the Guidelines requirements of studying a reasonable range of alternatives would not be met by constructing additional alternatives that would not meet the basic objectives of the Project. Because Skechers needs are specific as to size, expandability, location and transport accessibility, and without alternative sites as an option, no other alternatives appear feasible which would not defeat at least one basic Project objective.

VI. LOGISTIC MODIFIED GENERAL PLAN CONCEPT

Section 8.3 of the Draft EIR discusses a modification of the Moreno Highlands Specific Plan which would substantially decrease the residential, commercial and business park/light industrial uses of the Specific Plan area and allow the development of substantial logistic facilities, a use not contemplated in the existing Specific Plan. No application for any modification of the Specific Plan has been submitted to the City and there is no guarantee that any application will be submitted. Any modification of the Specific Plan is independent of the development of the Project. Its only connection is that the Project applicant owns both the Project Site and the land which would be affected by a modification of the Specific Plan.

This information was provided solely because the project applicant, the owner of a substantial portion of the land subject to the Specific Plan, is considering the possibility of seeking an amendment of the Specific Plan so that, consistent with CEQA's purpose of providing full information to decision makers and the public, the discussion was included in the Draft EIR.

Specifically, any such amendment to the Specific Plan would require compliance with all of the City's approval process including, but not limited to, a development application, environmental review and new and separate Planning Commission and City Council public hearing. Nothing in the Draft or Final EIR nor in this set of Findings constitutes approval of, or any commitment to approve, any such future application.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in Section IV. above, most of the Project's impacts on the environment will either be insignificant or, through the imposition of mitigation measures as conditions of approval of the Project, can be reduced to less than significant. However, as set forth in subsection VI.C. above, impacts to aesthetics, agricultural resources, air quality, noise and climate change and greenhouse gases will remain significant and unavoidable even after the imposition of all feasible mitigation measures. Further, as set forth in Section V. above, there are no feasible alternatives to the Project which would mitigate or avoid those environmental impacts. Nevertheless, as set forth below, the Council has determined that the benefits which will accrue from the development of the Project outweigh the significant and unavoidable impacts which the Project will produce.

A. AESTHETICS

Finding: Notwithstanding the significant unavoidable impacts to aesthetics discussed in subsection IV.C.1 above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to aesthetics. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on aesthetics which will result.

Factual Basis for the Finding: As set forth in the Project Objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

B. AGRICULTURAL RESOURCES

Finding: Notwithstanding the significant unavoidable impacts to agricultural resources discussed in subsection IV.C.2. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to agricultural resources. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on agricultural resources which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

C. AIR QUALITY

Finding: Notwithstanding the significant unavoidable impacts to air quality discussed in subsection IV.C.3. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse environmental impacts to air quality. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on air quality which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help

adjust the unfavorable jobs/housing balance which currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

D. NOISE

Finding: Notwithstanding the significant unavoidable noise impacts discussed in subsection IV.C.4. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse noise impacts. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on noise which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

E. CLIMATE CHANGE AND GREENHOUSE GASES

Finding: Notwithstanding the significant unavoidable climate change and greenhouse gases impacts discussed in subsection IV.C.5. above, the development of otherwise unusable land, the creation of jobs by the Project, the multiplier effect which will create secondary jobs to support the Project and those who work in it, the demonstration that the City is eager to attract new business opportunities and the fact that the Project will be LEED certified or, if LEED certification is not available, a similar program to achieve the same level of environmental benefit, will also demonstrate the City's commitment to green technology constitutes benefits which outweigh the unavoidable adverse impact on global climate change. Each of the benefits, individually, constitutes a sufficient basis for approving the Project notwithstanding the significant and unavoidable impact on climate change and greenhouse gases which will result.

Factual Basis for the Finding: As set forth in the Project objectives on pages 3-2 and 5.12-2 of the Draft EIR the letter from Darla Longo dated February 12, 2008, Appendix O to the Final EIR, the Fiscal Impact Study dated October 23, 2008, and the Economic Impact Study dated October 24, 2008, the approval of the Project will allow the conversion of vacant, marginally productive agricultural land, into a job and revenues producing facility. It will allow Skechers to consolidate its operations from five existing buildings in Ontario into one building in the City which will, in the short run, generate approximately 600 construction jobs and over 1,050 new jobs in the City in Phase 1 operation of the project and, in the long run, the development of the Project will generate approximately 2,000 new jobs in the City associated with the Project, all of which will help adjust the unfavorable jobs/housing balance which

currently exists. Further, the construction of Phase 1 of the Project will generate approximately 250 secondary jobs in the City while the operation of the Project will, generate approximately 530 secondary jobs in the City and over additional 1,000 secondary jobs in the County providing goods and services to the Project and to those who work on the Project Site. Once in operation, the Project will generate over $900,000 annually in net revenues to the City.

Mitigation Monitoring Program
Highland Fairview Corporate Park Project

State Clearinghouse No. 2007101132

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December 23, 2008

Item No. E .1

E)-304-Γ B

INTRODUCTION

CEQA Requirements

The California Environmental Quality Act (CEQA) requires that when a public agency completes an environmental document that includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a Mitigation Monitoring Program (MMP) for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The appropriate reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The Planning Division would coordinate the project monitoring of the mitigation measures with each applicable department or division, while various City departments/divisions would be responsible for monitoring and verifying compliance of specific mitigation measures. (See Mitigation Monitoring and Reporting Summary Chart beginning on page 5.) The City of Moreno Valley Public Works Department (City) would coordinate monitoring of the implementation of all mitigation measures for the project. Monitoring will include: 1) verification that each mitigation measure has been implemented; 2) recordation of the actions taken to implement each mitigation measure; and 3) retention of records in the project file.

Program Objectives

The objectives of the MMP for the Proposed Project include the following:

- To provide assurance and documentation that mitigation measures are implemented as planned;
- To collect analytical data to assist City administration in its determination of the effectiveness of the adopted mitigation measures;
- To report periodically regarding project compliance with mitigation measures, performance standards and/or other conditions; and
- To make available to the public, upon request, the City record of compliance with project mitigation measures.

Overview of the Project

The project site and relevant off-site areas encompass a total of approximately 265.3 acres, development of the site includes approximately 2,420,000 square feet devoted to light industrial logistics uses, and 200,000 square feet of commercial uses. The proposed project includes a Tentative Parcel Map (TPM), a Change of Zone (CZ), a Plot Plan (PP), and a General Plan Amendment (GPA). The Parcel Map would create parcels for two logistics buildings, two commercial projects, and future SR-60 right-of-way. The parcel map would also establish the dedications for required improvements. The Change of Zone would change 6.7 acres of Community Commercial to Light Industrial. The Plot Plan would provide the site plan for the logistics building. The GPA widens the commercial area on the west, reduces the commercial area on the east, and

eliminates a segment of a proposed trail alignment that was contingent upon its feasibility and replaces it with a connection to a planned trail to the east.

Organization of the Mitigation Monitoring Program

The following describes the various sections of the MMP:

- **Introduction** - Provides an overview of CEQA's monitoring and reporting requirements, program objectives, the project for which the program has been prepared, and the manner in which the mitigation monitoring program has been organized.
- **MMP** - Describes the City entities responsible for implementation of the mitigation monitoring plan, the plan scope, procedures for monitoring and reporting, public availability of documents, the process for making changes to the program, types of mitigation measures, and the manner in which monitoring will be coordinated to ensure implementation of mitigation measures.
- **Mitigation Monitoring and Reporting Summary** - Outlines the impacts and mitigation measures, responsible entities, and the timing for monitoring and reporting for each mitigation measure included in the plan.

DESCRIPTION OF PLAN

Mitigation Monitoring Procedures

This MMP delegates responsibilities for monitoring the project, and allows responsible City entities flexibility and discretion in determining how best to monitor implementation. Monitoring procedures will vary according to the type of mitigation measure. The timing for monitoring and reporting is described in the monitoring and reporting summary table included as part of this program. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

In order to enhance the effectiveness of the monitoring program, the City will utilize existing systems where appropriate. For instance, with any major construction project, the administration generally has at least one inspector assigned to monitor project construction. These inspectors are familiar with a broad range of regulatory issues and will provide first line oversight for much of the monitoring program.

Responsibilities of City include identification of typical mitigation measure-related issues such as noisy equipment, dust, safety problems, etc. Any problems are generally corrected through directions to the contractors, or through other appropriate, established mechanisms. Internal reporting procedures are already in place to document any problems and to address broader implementation issues.

Reporting Procedures

The City would be responsible for monitoring and implementing the mitigation measures included in this monitoring plan.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The City distributes reporting forms to the appropriate City Department (as indicated on the Mitigation Monitoring and Reporting forms) or employs the office's existing reporting process for verification of compliance.
- Responsible entities verify compliance by signing the monitoring and reporting form and/or documenting compliance using their own internal procedures when monitoring is triggered.
- Responsible entities provide the City with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented.

The reporting forms prepared by the City would document the implementation status of mitigation measures of the project. The progress reports describe the monitoring status of all project mitigation measures. Project reporting forms and periodic status reports will be available at the City.

The City would also be responsible for assisting their contractor with reporting responsibilities to ensure that they understand their charge and complete their reporting procedures accurately and on schedule.

Public Availability

All monitoring reporting forms, summaries, data sheets, and correction instructions related to the Mitigation Monitoring Program for Highland Fairview Corporate Park would be available for public review upon request at the City of Moreno Valley Department of Public Works offices during normal business hours.

Program Changes

If minor changes are required to the MMP, they would be made in accordance with CEQA and would be permitted after further review by the City. Such changes could include reassignment of monitoring and reporting responsibilities and/or redesign to make any appropriate improvements. No change would be permitted unless the Mitigation Monitoring Program continues to satisfy the requirements of Public Resources Code Section 21081.6.

Types of Mitigation Measures Being Monitored

The Final Environmental Impact Report for the Highland Fairview Corporate Park Project is a "project specific" and "cumulative" evaluation as defined in the CEQA Guidelines.

The Final Environmental Impact Report recommends 63 project specific and cumulative mitigation measures to reduce impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, noise, transportation and traffic, utilities and service systems, and global climate change and greenhouse gases. Compliance with these mitigation measures will be accomplished through administrative controls over project planning and implementation, in this case, through incorporation of specific construction methods, and verification of construction in accordance with these special provisions. Monitoring would be accomplished as described previously under "Reporting Procedures" through verification and certification by personnel.

In general, implementation of the MMP will require the following actions:

- Appropriate mitigation measures would be included in construction documents.
- Departments with reporting responsibilities would review the Final Environmental Impact Report, which provides general background information on the reasons for including specified mitigation measures.
- Problems or exceptions to compliance would be addressed by the City as appropriate.
- Periodic meetings may be held during project implementation to report on compliance with mitigation measures.

Mitigation Monitoring and Reporting Summary

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Aesthetics							
MM A-1. During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.	Construction Supervisor	City of Moreno Valley Planning Division	During Construction				
MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following: • Use of color; or • Texture variation; or • Roof line variation.	Applicant	City of Moreno Valley, Planning Division	Plot Plan Review/Approval				
Air Quality							
Construction **MM AQ-1.** Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include: • Application of water on disturbed soils a minimum of three times per day; • Covering haul vehicles; • Replanting disturbed areas as soon as practical; • Restricting vehicle speeds on unpaved roads to 15 mph; • Suspension of all grading activities during high wind	Applicant	City of Moreno Valley Public Works, Land Development Division, and the South Coast Air Quality Management District	Prior to Issuance of Grading Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
speeds in excess of 25 mph. • A Large Operation notification shall be submitted to the SCAQMD prior to construction. • Project applicant to designate a to designate a person(s) to monitor the dust control program and to order increased watering, as necessary. • Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours. • Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust. • Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.							
MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment). The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Prior to Construction During Onsite/Offsite Construction (Provide evidence that this has been certified at occupancy)				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.	Construction Supervisor	City of Moreno Valley Planning Division, Public Works, Land Development Divison, and the South Coast Air Quality Management District	Onsite/Offsite Construction				
MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.	Construction Supervisor	City of Moreno Valley, Building and Safety Division	Onsite/Offsite Construction				
MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing	Applicant	City of Moreno Valley, Transportation Engineering Division	Prior to issuance of a grading permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Traffic Management Plans for Work Zones.							
MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				
MM AQ-7A. *Construction Phases.* Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division,	Prior to issuance of grading permits. Construction				
MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.	Applicant	City of Moreno Valley, Planning Division	Prior to issuance of Certificate of Occupancy				
MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.	Applicant, Construction Supervisor	City of Moreno Valley, Building and Safety Division	Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.	Applicant, Construction Supervision	City of Moreno Valley, :Public Works Land Development Division	Construction				
MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.	Construction Supervisor	City of Moreno Valley Public Works Land Development Division	Offsite Construction				
Operations **MM AQ-11.** All project entrances shall be posted with signs which state: a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to issuance of occupancy permits/Operation				
MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Prior to Issuance of Certificate of Occupancy/ Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.	Applicant	City of Moreno Valley, Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				
MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.	Applicant, Tenants	City of Moreno Valley, Planning Division and Building and Safety Division	Plot Plan Approval/Prior to Occupancy Permits				
MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.	Applicant	City of Moreno Valley, Planning Division	Operation (Written Documentation shall be provided)				
MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.	Applicant	City of Moreno Valley, Planning Division, and Transportation Engineering Division	Plot Plan Review/ Approval				
MM AQ-18. Food services shall be provided onsite.	Applicant, Tenants	City of Moreno Valley, Planning Division	Onsite Construction, Operation				
MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.	Applicant, Tenant	City of Moreno Valley, Planning Division and Transportation Engineering Division	Written Evidence of Compliance Shall Be Provided at Occupancy/Operation				
MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.	Applicant, Tenants	City of Moreno Valley, Planning Division	Operation				
MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.	City of Moreno Valley	City of Moreno Valley, Transportation Engineering Division	Prior to Certificate of Occupancy For Phase III.				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Biological Resources							
MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-2. Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of a Grading Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM BR-3. A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities. If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG. If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.	Applicant, Consulting Biologist	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM BR-4. Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.	Applicant	City of Moreno Valley Planning Division	Prior to the Issuance of a Building Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Cultural Resources							
MM CR-1. Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley, Planning Division	Prior to Issuance of a Grading Permit (Provide document for review prior to issuance of a Grading Permit)				
MM CR-2. Project-related archaeological monitoring shall include the following constraints: 1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative; 2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected; 3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative. 4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and 5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or	Applicant, Consulting Archaeologist, Construction Supervisor	City of Moreno Valley Planning Division	During Grading				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.							
MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.	Applicant, Construction Supervisor, Consulting Archaeologist	City of Moreno Valley Planning Division	During Grading				
MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.	City of Moreno Valley, Construction Supervisor	City of Moreno Valley Planning Division	Prior to Issuance of Grading Permits				
MM CR-5. Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below: 1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place. 2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. 3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and, 4. Monitoring may be reduced if the potentially	Applicant, Construction Supervisor, Consulting Paleontologist	City of Moreno Valley Planning Division, and Land Development Division of the Public Works Department	Prior to Issuance of Grading Permits, During Grading				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.							
MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed. In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.	Applicant/, Construction Supervisor	City of Moreno Valley, Planning Division	During Grading				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Geology and Soils							
The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. **MM GEO-1.** During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.	Applicant, Consulting Geologist	City of Moreno Valley, Planning Division, Building and Safety Division, and Public Works Land Development Division	Onsite Construction During Grading				
Hazards and Hazardous Materials							
MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.	Applicant, Tenant	City of Moreno Valley Fire Department, Building and Safety Division	Plan Check Review/Approval				
Land Use and Planning							
MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)	Applicant	City of Moreno Valley Planning Division	Submittal of Deed Restriction Documents Prior to Issuance of Building Permits Execution of Deed Restrictions Prior to Issuance of Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
Noise							
Temporary Impacts Due to Construction Noise **MM N-1**. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division	Construction				
MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City. The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction. In the event any new residential units or other noise sensitive land uses are built and occupied in the	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and During Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP. With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.							

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses. In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences. With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division and Public Works Land Development Division	Prior to Issuance of a Grading Permit, Pre-Construction and Construction				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.	Applicant, Construction Supervisor	City of Moreno Valley, Planning Division, Building and Safety Division	During Construction				
MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.	Applicant, Construction Supervisor	City of Moreno Valley, Public Works, Land Development Division, and the Building and Safety Division	Pre-Construction and Construction				
Transportation and Traffic							
MM TT-1. Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3 Plot Plan Review, Prior to Issuance of Building Permits for Phase 3				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring Date	Monitoring Monitor
project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.							
MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.	Applicant	City of Moreno Valley, Public Works, Transportation Engineering Division	Phase 3, Prior to Issuance of Occupancy Permits				
MM TT(C)-1. Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Prior to Issuance of Certificate of Occupancy for Phase I				
MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project.		Division, Riverside County Transportation Department					
MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.	Applicant, City of Moreno Valley	City of Moreno Valley, Public Works, Transportation Engineering Division, Riverside County Transportation Department	Phase 3 Plot Plan Review (or As Determined By MM TT-2)				
Utilities and Service Systems							
MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components: • The plans shall incorporate water conservation principles as detailed in the Moreno Valley	Applicant	City of Moreno Valley Planning Division	Plan Check Review/Prior to Issuance of Building Permit				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
Municipal Code § 9.17.030 Landscape and irrigation design standards. • Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately. • Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant. • All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5"). • Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications. • All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible. • Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended							

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
operating pressure of the irrigation system. • The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).							
Global Climate Change and Greenhouse Gases							
MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Prior to Certificate of Occupancy/Phase 1 Office Occupancy				
MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.	Applicant	City of Moreno Valley, Planning Division, Building and Safety Division	Plan Check Review/Prior to Issuance of Building Permits				
MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager: a) Onsite secure, weather-protected bicycle storage	Applicant	City of Moreno Valley Planning Division, Building and Safety Division, Public Works, Transportation Engineering Division	Prior to Certificate of Occupancy, Operation				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers. b) Any traffic lights installed as part of this project shall use Light Emitting Diodes. c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan. d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information. e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.							
MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Prior to Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.	Applicant, Construction Supervisor	City of Moreno Valley Public Works, Land Development Division	Prior to Issuance of Grading Permits During Construction				
MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.	Applicant	City of Moreno Valley Planning Division and Public Works and Development Division	Prior to Issuance of Grading Permit Prior to Certificate of Occupancy				

Mitigation Measure	Responsible Party	Verification of Compliance	Timing	Start Date	Finish Date	Monitoring	
						Date	Monitor
MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.	Applicant	City of Moreno Valley Planning Division and Building and Safety Division	Submit Prior to Building Permits				
MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.	Applicant	City of Moreno Valley Planning Division	Prior to Issuance of Building Permits/Prior to Construction (Provide Documentation)				
MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.	Applicant, Tenant	City of Moreno Valley, Planning Division	Operation				

ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING THE OFFICIAL ZONING ATLAS OF SAID CITY, TO INCLUDE A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE PORTION OF THE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE (INCLUDING RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE) COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Highland Fairview, has filed Application PA07-0088, requesting an amending of the City of Moreno Valley Municipal Code and Official Zoning Atlas as described in this ordinance.

1.2 The Planning Commission conducted a public hearing on January 8, 2009, and a continued meeting on January 15, 2009, with project forwarded to the City Council on said date.

1.3 Pursuant to the provisions of the law, public hearings were held before the City Council on February 3, 2009.

1.4 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.5 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The change of zone is consistent with the General Plan land use designation on the property of Business Park/Light Industrial. Although the General Plan designation of BP would allow the project as currently proposed, the current zoning designation of BP would not allow for the large industrial warehouse structure as proposed under Phase 1 of the plot plan. Therefore, the applicant has requested a change of zone from a business park land use designation (BP) to a light industrial designation (LI) to allow for large industrial warehouse buildings to occur. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur.

   Land uses allowed under the proposed LI zoning category allow for indoor wholesale, storage and distribution buildings uses, but also allow building sizes of 50,000 square feet or greater that facilitate general manufacturing or warehouse uses with frequent truck traffic. In order to provide greater compatibility between current and proposed land uses, the applicant has proposed a buffer zone within approximately 440 feet south of the project's southern property fence line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or hospitals would not occur within this buffer area based on deed restrictions placed on all properties within the zone. All other areas to the east (vacant BP or Business Park land), west (vacant CC or Community Commercial land) and north (Highway 60) would not contain sensitive receptors and so not include a land use buffer.

   The project and proposed change of zone as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included

to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations and is consistent with the purposes and intent of this title.

FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been

prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project

will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

SECTION 3 - AMENDMENT OF THE OFFICIAL ZONING ATLAS

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk), PA06-0099.

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

CHANGE OF ZONE

Application No. PA07-0088

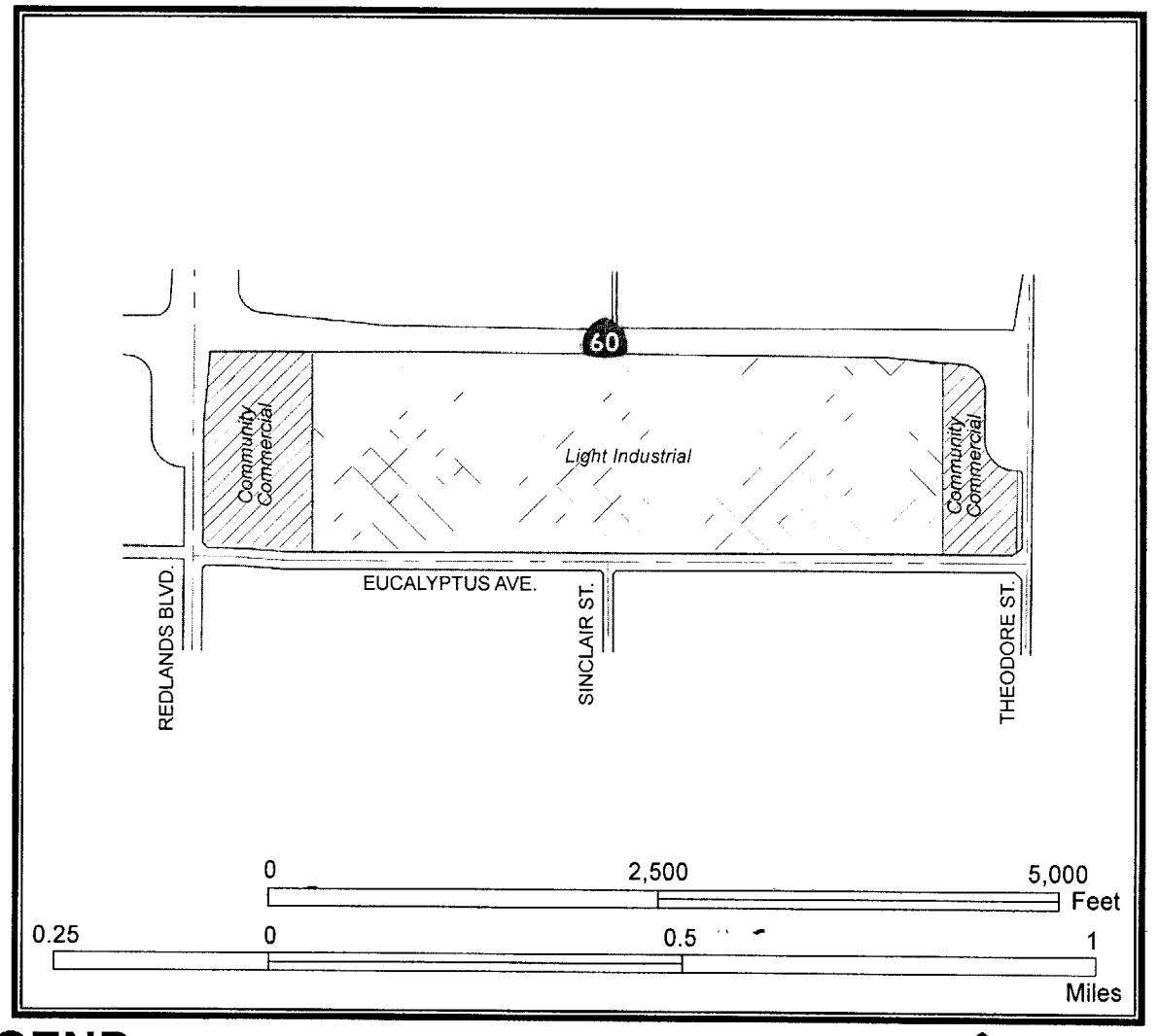

LEGEND

N

Light Industrial

Community Commercial

EXHIBIT A

RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT (PA07-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street, and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, application PA07-0089 was separately filed to modify the existing General Plan as discussed in the title of this resolution

WHEREAS, there is hereby imposed on the proposed project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

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

WHEREAS, there is hereby imposed on the subject development project(s) certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, an environmental assessment, including an Environmental Initial Study, has been prepared to address the environmental impacts associated with application as described above and an Environmental Impact Report (EIR) with mitigation measures has been certified pursuant to the California Environmental Quality Act (CEQA),

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting and public hearing to consider a General Plan Amendment PA07-0089. At the conclusion of the meeting, the Planning Commission continued the item to January 15, 2009.

WHEREAS, on January 15, 2009, the Planning Commission forwarded the project to the City Council;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

Section 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY FIND AND RESOLVE AS FOLLOWS WITH RESPECT TO PA07-0089:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: A proposed General Plan amendment includes four items to be modified for consistency purposes as proposed by the applicant. The first includes the elimination of a General Plan designated multi-use trail (Sinclair extension) through the center of the property. The Sinclair trail would have included an overpass subject to the feasibility of a freeway bridge. Connections with a multi-use trail are required by the General Plan on both Redlands Boulevard and Theodore Street, with a third possible connection on Quincy Street subject to the feasibility of a freeway bridge. On two separate occasions, the Moreno Valley Trails Committee recommended that the Sinclair connection be eliminated and the trail along Fir/Eucalyptus be extended from Redlands to Theodore.

The second portion of the amendment includes an amendment of the proposed General Plan trail along future Eucalyptus Avenue (Fir) from the south side of the street to the north side of the street. This proposed change by the applicant would not be inconsistent with the intent of the General Plan to include multi-use trails in designated areas throughout the City. The revised multi-use trail will link Quincy Street to Theodore Street on the north side of Fir Avenue/Future Eucalyptus Avenue.

A third portion of the amendment includes the modification to the General Plan circulation plan to change the designation from arterial to divided arterial and to add landscaped medians along future Eucalyptus Avenue (Fir) between Redlands Boulevard and Theodore Street. This modification will be an improvement to the General Plan Circulation element and provide greater traffic safety and improve aesthetics along this roadway system.

The fourth and final portion of the amendment includes the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

The project and proposed General Plan amendment as a whole will include conditions and mitigation measures for the lessening of proposed environmental impacts including noise, air quality, traffic/transportation and climate change (however, not all below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said

conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: The proposed project, consisting of industrial and commercial land uses requires a change of zone from BP (Business Park) to LI (Light Industrial) on an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), which is being proposed to allow for larger industrial buildings.

   The second portion of the change of zoning designations includes a change of zone between proposed Parcels 2 and 3 (an enlargement of 87 feet in width in the CC land use district and subtractions of 87 feet of width included within the BP or Business Park zone) In addition, a change of zone will occur in Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district and an increase of 126 feet in width of LI or Light Industrial land use). The change of small land use areas between the four parcels will allow additional commercial development to occur on Parcel 3 and additional industrial development to occur on Parcel 4.

   The project including proposed changes of zone, will include conditions, and mitigation measures for the lessening of proposed environmental impacts including aesthetics, agriculture, noise, air quality, climate change (however, not below significant levels) based on the analysis and recommendations contained in the Final Environmental Impact Report (EIR) and corresponding Statement of Overriding Considerations. Said conditions of approval and mitigation measures have been included to address specific requirements and assist in providing compatibility of land uses, including, but not limited to site improvements and aesthetic enhancements.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone. Findings and a Statement of Overriding Considerations have been prepared for said project to deal with impacts related to aesthetics,

agriculture, air quality, noise and climate change/greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document is accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential and business park properties to the south, east and west.

Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction of 50 percent of particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be constructed south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With mitigation measures imposed for items including noise, air quality, climate/Greenhouse gases, aesthetics and agricultural, the environmental impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future

properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA08-0089, thereby establishing General Plan amendments as described in the Resolution, and the revised General Plan diagrams as attached to the Resolution as Exhibits A, B and C.

APPROVED AND ADOPTED this _____ day of _____ 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

GENERAL PLAN AMENDMENT
FIGURE 9-1
CIRCULATION PLAN

Application No. PA07-0089

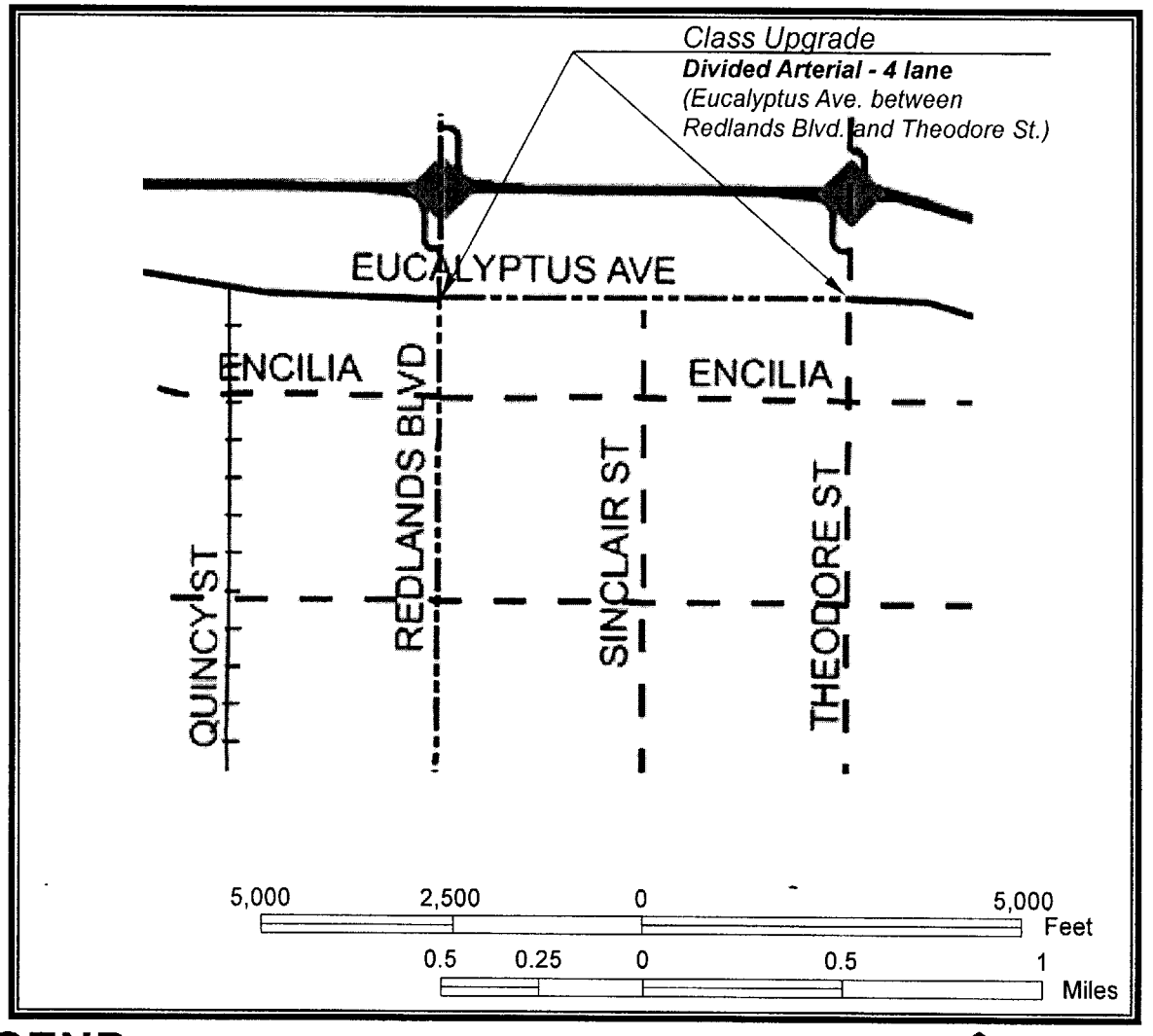

LEGEND

N

Street Classification

- Freeway
- Divided Major Arterial
- Divided Major Arterial - Reduced Cross Section
- Divided Arterial - 6 lane
- Divided Arterial - 4 lane
- Arterial
- Minor Arterial
- Minor Arterial - Pigeon Pass Cross Section
- Collector
- Freeway Overpass
- Freeway Interchange

EXHIBIT A

GENERAL PLAN AMENDMENT
FIGURE 4-3
MASTER PLAN OF TRAILS

Application No. PA07-0089

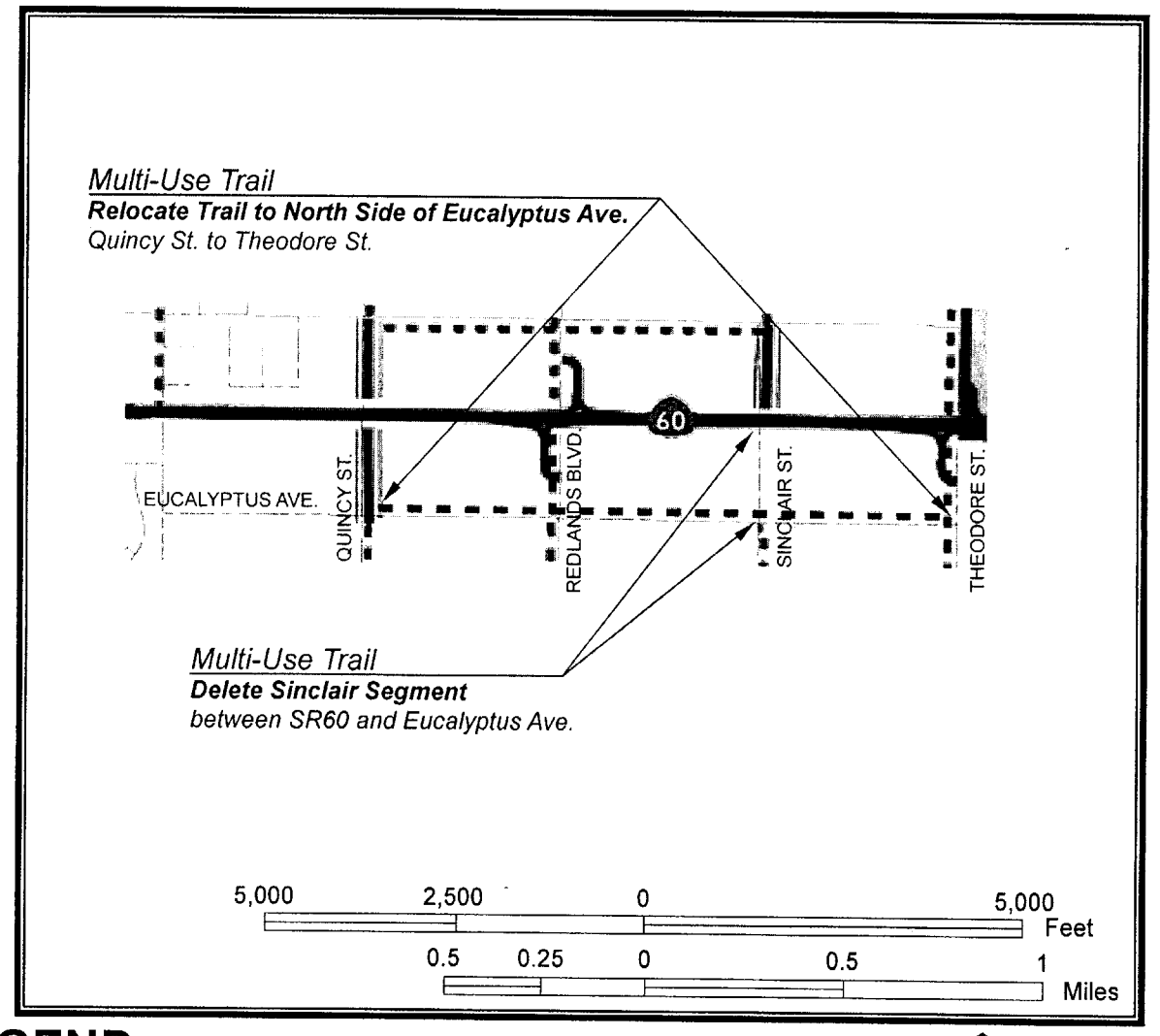

LEGEND

N

- Trail Staging - Existing
- Trail Staging - Proposed
- Streets
- Highways
- Improved Trail
- Multiuse Trail
- Proposed Trail
- Regional Trail
- State Trail
- Proposed Subject to Feasibility of Freeway Bridge or Underpass
- Badlands Landfill
- State and County Parks
- Moreno Valley
- Moreno Valley Sphere
- San Jacinto Wildlife Area
- Waterbodies

* Trail locations are approximate

EXHIBIT B

GENERAL PLAN AMENDMENT/LAND USE ELEMENT

Application No. PA07-0089

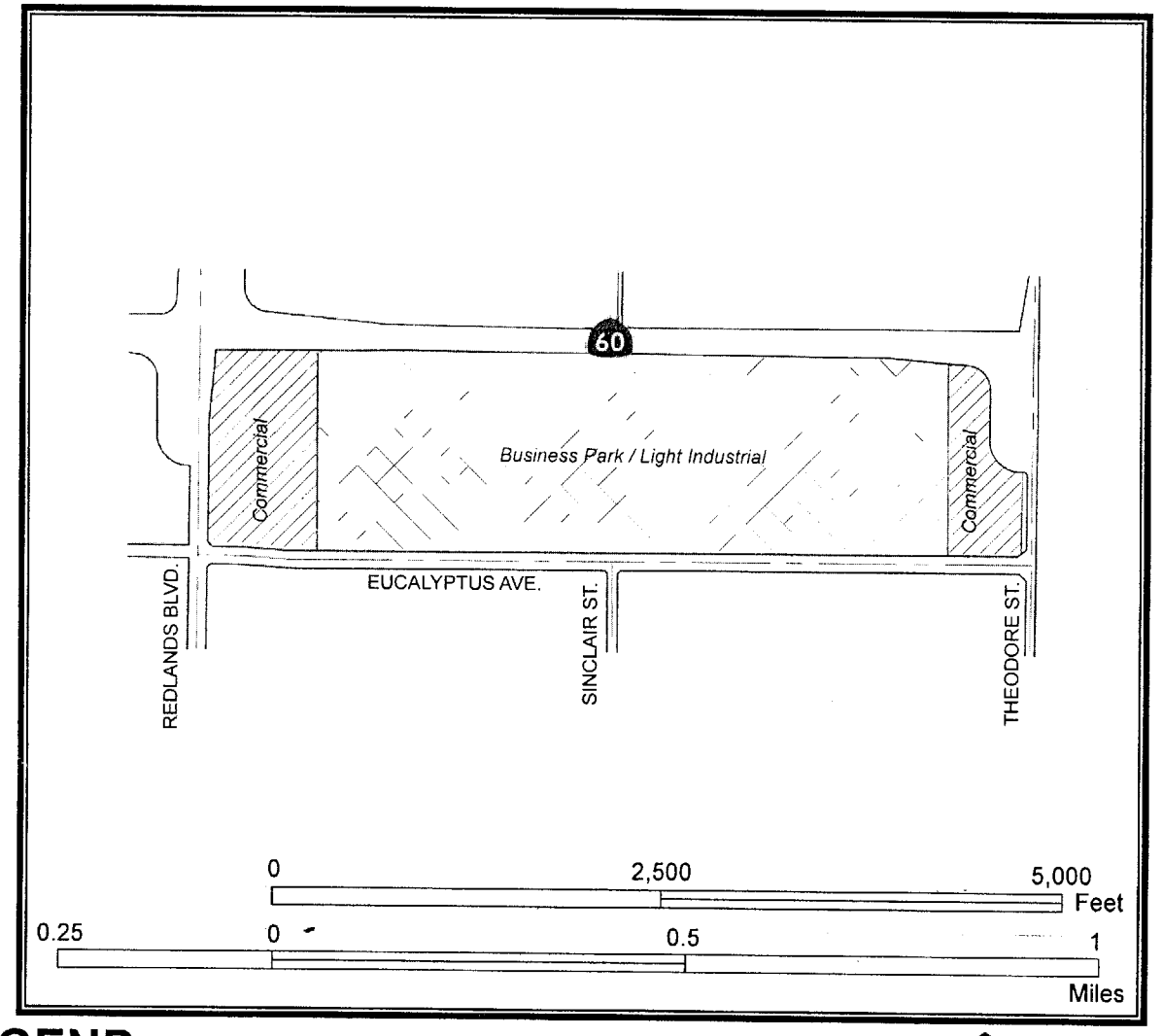

LEGEND

N

Business Park / Light Industrial

Commercial

EXHIBIT C

RESOLUTION NO. 2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) FOR FOUR SEPARATE BUILDABLE PARCELS AND TWO PRIMARY PARCELS DEDICATED FOR FREEWAY AND IMPROVEMENT PURPOSES (THIRTEEN PARCELS OVERALL TO INCLUDE LETTERED LOTS FOR PUBLIC ACCESS AND DEDICATION PURPOSES) AND A PHASED SUBDIVISION OF LAND (P08-057) CONSISTING OF A PROPOSED INDUSTRIAL AND COMMERCIAL DEVELOPMENT (2,620,000 SQUARE FEET) TO INCLUDE TWO PARCELS FOR INDUSTRIAL WAREHOUSE USES, TWO PARCELS FOR COMMERCIAL/RETAIL USES AND TWO PARCELS THAT WILL BE DEDICATED FOR FUTURE FREEWAY IMPROVEMENTS ON A 158 ACRE SITE (WITH ADDITIONAL OFF-SITE IMPROVEMENTS AND DRAINAGE) LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, the Highland Fairview., has filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3).. The project will include four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (and thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street;

The project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a plot plan (PA07-0091). All are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the

application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and recommended that the project be forwarded to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The applicant has proposed Tentative Parcel Map No. 35629 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map would be consistent with a proposed General Pan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future

Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3 (an enlargement of 93 feet in width in the CC land use district and decrease of the BP or Business Park land use designation) and Parcels 1 and 4 (a reduction of 126 feet in width of the CC land use district to BP or Business Park). The change in land use designation for these small portions of land will not cause an inconsistency of land use.

2. The site of the proposed land division is physically suitable for the type of development and proposed density of development.

   FACT: The proposed subdivision has been designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act. The proposed subdivision of vacant land complies with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, and noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said EIR will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public

health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum reduction in 50 percent in particulate matter, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer or minimize environmental impacts of the project from future sensitive receptors which could be constructed south of the site. Other mitigation throughout the EIR document reduces the remaining environmental impacts noted in the document to less than significant levels.

With the above mitigation measures imposed for items including noise, air quality, climate change/greenhouse gases, aesthetics and agricultural impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

4. The design of the proposed land division or type of improvements will not conflict with easements, acquired by

the public at large, for access through, or use of, property within the proposed land division.

FACT: There are no conflicts with easements on the subject site. The City Engineer has appropriately placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements.

5. The design of the proposed land division or the type of improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, An Environmental Impact Report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

With mitigation measures imposed for noise, air quality, climate, aesthetics and agricultural and traffic impacts, impacts from the proposed project and use will be significantly reduced but still considered as significant and unavoidable, thereby requiring a statement of overriding considerations and not mitigated to less than significant levels. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development and project and reduce impacts to public health, safety and welfare.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The proposed map meets the intent of the General Plan if the proposed general plan amendment (PA08-0089) is approved. The map will provide for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The project does not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan. The project does not exceed a threshold, which would create potential significant impacts to fiscal resources. The project will supplement the City's fiscal resources by paying applicable impact fees for public facilities Additionally, future development within the four buildable parcels will pay Community Services District fees, property tax, sales tax, utility tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

7. The design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

   FACT: The size, configuration and orientation of the lots in this land division allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The project conforms with any applicable provisions of the City's redevelopment plan.

   FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development impact fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the

applicant and will be determined at the time the fees become due and payable.

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0090, and the phasing implementation mechanism (P08-057) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

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

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-03, **APPROVING** PA07-0090 (Tentative Tract Map No. 35629) for a phased subdivision (P08-057) of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for warehouse industrial, retail, and freeway dedication purposes based on the affirmative recommendation of the Adoption

and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP No. 35629
Case No: PA07-0090 - To include P08-057 (Phasing Plan)
A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.

Approval Date:
Expiration Date:

The following conditions are attached for the following departments:

_x_ Planning (P), including School District (S), Post Office (PO), Building (B)
_x_ Fire Prevention Bureau (F)
_x_ Public Works, Land Development (LD)
_x_ Public Works, Special Districts (SD)
_x_ Public Works – Transportation (TE)
_x_ Parks & Community Services (PCS)
_x_ Police (PD)
_x_ Moreno Valley Utilities
___ Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

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

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

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

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

P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.

P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigtion plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)

P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)

P12. ((GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

P14. **(GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)**

P15. **A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **(GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**

P17. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)**

P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)

P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)

P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)

P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

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

- **The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**

- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

markg/PA07-0088 through PA07-0091/MapCoa's

CITY OF MORENO VALLEY
COMMENTS - MAP
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of building plan submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D). **The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.**

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

MV00018758

(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD55. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.

LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

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road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.

c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.

d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.

e. At proposed pavement transitions at edge of pavement.

f. As required by the City Public Works Inspector(s).

LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across

Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.

LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.

LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

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parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

LD67. (MA) Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

   i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

   ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

   iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

   iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

   v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

   vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

   vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.

LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.

LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.

LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD84. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD85. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD86. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD87. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD88. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.

LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

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within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

Phase 3 – Development Associated with Parcel 3 of PM 35629

In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.

LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0090 (TPM 35629)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0090**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Recordation of Final Map

SD-5 (R) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map. (California Government Code) **This condition would no longer apply if the final map is recorded prior to the formation of the Public Safety Community Facilities District.**

SD-6 (R) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial option selected to fund the continued maintenance.

SD-7 *Commercial* (R) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts of intent to record final map prior to City Council action authorizing recordation of the map and the financial

option selected to fund the continued maintenance. (California Government Code)

SD-8 (R) Prior to recordation of the final map, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

Prior to Building Permit Issuance

SD-9 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit, in a form acceptable to Special Districts, the current list of all Assessor's Parcel Numbers assigned to the recorded map. Please forward to:

City of Moreno Valley
Special Districts
14325 Frederick Street – Suite 9
P. O. Box 88005
Moreno Valley, CA 92552-0805

SD-14 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0090

Tentative Parcel Map for four parcels located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.

TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.

TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.

PRIOR TO GRADING PERMIT

TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE19. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**

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- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE20. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0090 (Map)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

MVU Map Conditions of Approval Highland Fairview 12-18-08

MVU-1 (R) If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric service and utility-related telecommunication only "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

MVU-2A The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

The installation of any proposed temporary overhead electric distribution lines to be constructed to serve the subject project will be installed/executed pursuant to a temporary utility service agreement. The service agreement will address such things as the necessary electrical circuit protection, as well as the requirement to permanently relocate any temporary overhead to a permanent underground system in a timely manner (not greater than 36 months) consistent with the requirements of the service agreement and pursuant to applicable state law.

An electrical protection coordination study shall be performed and stamped by a registered professional electrical engineer in the State of California and submitted to the utility for review and approval prior to construction of the temporary overhead line consistent with the service agreement.

Once the protection settings are approved and test reports performed, a certified apparatus technician shall be submitted to the utility for review. Any protection studies shall be stamped by the applicant's registered professional electrical engineer.

A specific easement will be required for the entire overhead line extension constructed outside of the public right-of-way consistent with the service agreement.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

MV00018792

RESOLUTION NO. 2009-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA07-0091 (PLOT PLAN) FOR AN APPROXIMATE 1,820,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING WITH ANCILLARY COMMERCIAL/RETAIL AND OFFICE USES ON AN APPROXIMATELY 83 ACRE PARCEL GENERALLY LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street, and along future Eucalyptus Avenue (Fir Avenue);

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) under P07-157, a Change of Zone (PA07-0088), General Plan Amendment (PA07-0089) and a tentative parcel map (PA07-0090). All of the discretionary applications are related but will be included in separate resolutions with individual findings;

WHEREAS, on January 8, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider and provide a recommendation on the application. At the conclusion of said meeting and public hearing, the item was continued to January 15, 2009;

WHEREAS, on January 15, 2009, the Planning Commission conducted a continued public meeting and forwarded the project to the City Council for consideration;

WHEREAS, on February 3, 2009, the City Council held a meeting to consider the application;

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

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

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

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

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

B. Based upon substantial evidence presented to the City Council during the meeting on February 3, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes an approximately 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposal conforms with the Business Park or BP General Plan designation, which allows for a variety of industrial related land uses from office and business park uses to heavier industrial land uses.

   Greater compatibility of the proposed land use with surrounding land uses in the general vicinity of the project will be achieved by project design, mitigation and conditions of approval. For example, dense landscape and proposed 11 foot screen walls used for screening purposes will allow for necessary compatibility of the intended industrial warehouse use with any surrounding commercial, business park or residential properties in the general vicinity that would be developed in the future.

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

   FACT:. The proposed project does not currently conform with zoning regulations of Business Park (BP), which would only allow for industrial buildings of 50,000 square feet or less from being developed. With a proposed 1,820,000 square foot warehouse industrial building, the applicant is requesting a change of zone to Light Industrial or LI. A 1,820,000 square foot warehouse building is

a permitted used within the LI land use designation. Various conditions of approval have also been included to address specific requirements, including but not limited to site improvements and aesthetic enhancements.

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

   FACT: An Environmental Impact report (EIR) has been prepared for the overall project, including the proposed Change of Zone and General Plan amendment. Findings and a Statement of Overriding Considerations has been prepared for said project to deal with impacts related to aesthetics, agriculture, air quality, noise as well as climate change and greenhouse gas emissions. Said EIR is required to be certified and approved as a part of the proposed project. Said document will also be accompanied by a Mitigation Monitoring Program, which will ensure the completion of required mitigation measures for the project. The project site is surrounded by Highway 60 to the north, and primarily vacant residential property to the south east and west.

   Specific mitigation measures have been provided to lessen the impacts (but not all below significant levels) for public health, safety and the welfare of surrounding properties and improvements in the vicinity of the project. This includes, but is not limited to the limitation of project lighting and glare, and enhanced architectural and landscaping treatment to soften views and reduce visual character as well as light and glare to less than significant levels for aesthetics. Air quality mitigation measures include a fugitive dust control plan with application of best management practices to control fugitive dust during construction, emission control equipment with a minimum of Tier II diesel particulate filter emission controls resulting in a minimum 50 percent particulate matter control, proper maintenance of construction equipment, a traffic control plan to minimize operational truck traffic and dust during construction, as well as low VOC paints, and other best management practices. Noise mitigation measures include the restriction of construction vehicles on Redlands Boulevard, south of future Eucalyptus Avenue, the restriction of nighttime grading within 1,200 feet of residences south of future Eucalyptus Avenue, specific sound barriers in place to limit daytime construction noise, equipment maintenance to include silencers, mufflers and acoustic covers, and the restriction of material stockpiles within 1,200 feet of all residences south of Highway 60. It is also important to note that

an approximate 440 foot land use buffer is included as a land use mitigation measure to buffer the proposed project from future sensitive receptors which could be built south of the site. Other mitigation measures throughout the EIR reduce the remaining environmental impacts noted in the EIR to less than significant levels.

With the above mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, any environmental impacts from the proposed project and use will be significantly reduced but are still considered as significant and unavoidable, thereby requiring a statement of overriding considerations. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity on the proposed development and project and reduce impacts to public health, safety and welfare.

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

FACT: Surrounding land uses include Highway 60 to the north, vacant commercial land uses to the west, vacant business park uses to the east and vacant R-3 (Residential 3) single-family residential properties to the south of the site. The location, design and operation of the proposed project will be compatible with existing and planned land uses in the general vicinity with proposed mitigation measures, conditions of approval and design of the plot plan and architecture of the buildings. For example, dense landscape and proposed 11 foot screen walls provided for screening purposes will allow for necessary compatibility of the use with any surrounding properties in the general vicinity that would be developed in the future.

With the mitigation measures imposed for noise, air quality, climate change and greenhouse gas emissions, aesthetics and agricultural and traffic impacts, including an approximate 440 foot buffer from the property line of the proposed property preventing development to occur on any of the land planned and zoned for residential development immediately to the south of the subject site, any environmental impacts from the proposed project and use will be significantly reduced. Said mitigation measures included with the project will lessen environmental impacts on any existing or future properties within the general vicinity of the proposed development

and project, reduce impacts to public health, safety and welfare, and provide greater compatibility of land uses between the proposed project and surrounding properties in the general vicinity.

5. The project conforms with any applicable provisions of the City's redevelopment plan.

FACT: The project site does not reside in a redevelopment area or within the plan.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

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

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

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA07-0091 (Master Plot Plan) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

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

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

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

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2009-____, **APPROVING** PA07-0091 (Plot Plan) for a 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses based on the affirmative recommendation of the Adoption and Certification of the Environmental Impact Report Mitigation Monitoring Program and Statement of Overriding Considerations, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)
APN: 488-350-001 through 002 and 488-360-001 through 012.

APPROVAL DATE:
EXPIRATION DATE:

_x_ **Planning (P), including School District (S), Post Office (PO), Building (B)**
_x_ **Fire Prevention Bureau (F)**
_x_ **Public Works, Land Development (LD)**
_x_ **Public Works, Special Districts (SD)**
_x_ **Public Works – Transportation Engineering (TE)**
_x_ **Parks & Community Services (PCS)**
_x_ **Police (PD)**
_x_ **Moreno Valley Utilities**
___ **Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of

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

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

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

GP - General Plan
Ord - Ordinance
Res - Resolution
MC - Municipal Code
DG - Design Guidelines
UFC - Uniform Fire Code
SBM - Subdivision Ma
CEQA - California Environmental Quality Act
Ldscp - Landscape Development Guidelines and Specs
UBC - Uniform Building Code

Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**

P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor**

Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**

P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**

P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)

P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

PRIOR TO BUILDING PERMITS

P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from

public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)

P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)

P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)

P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs

and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's Landscape Development Guidelines. Landscaping is required for the sides

and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.

P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)

P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.

P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.

P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required.

P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.

P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)

P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)

P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)

P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.

P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of

alternative treatment measures may include, but not be limited to the following:

- Use of color; or
- Texture variation; or
- Roof line variation.

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- Application of water on disturbed soils a minimum of three times per day;
- Covering haul vehicles;
- Replanting disturbed areas as soon as practical;
- Restricting vehicle speeds on unpaved roads to 15 mph;
- Suspension of all grading activities during high wind speeds in excess of 25 mph.
- A Large Operation notification shall be submitted to the SCAQMD prior to construction.
- Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.
- Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.
- Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.
- Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting grading and construction contractors that propose the use of equipment

using Level III diesel particulate filters.

P39. MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.

P40. MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.

P41. MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.

P42. MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.

P43. MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch services onsite during construction to minimize the need for offsite vehicle

trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.

P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.

P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.

P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:

a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and

b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.

P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

P51. MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.

P52. MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.

P53. MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.

P54. MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.

P55. MM AQ-18. Food services shall be provided onsite.

P56. MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.

P57. MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.

P58. MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.

P59. MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian

nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.

P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required for Impact 5.4-5 and 5.4-6.

P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.

P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:

1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;
2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;
3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.
4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and
5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.

P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.

P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities monitored by the Project Archaeologist.

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.
2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,
4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as

provided in PRC Section 5097.98.

P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.

P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.

P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.

P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.

P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.

P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-

care centers, and schools within this area. (MM AQ-13)

P75. MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.

P76. MM N-2. No Nighttime Grading within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. No grading activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 6 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P81. MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.

P82. MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.

P83. MM TT(C)-1. (CO) Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P84. MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at

Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

P85. MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.

P86. MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:

- The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.
- Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.
- Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.
- All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").
- Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.
- All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures.

Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.

- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
- The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).

P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.

P88. MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."

P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.

P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.

P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:

a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.

c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.

d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.

e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.

P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.

P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination

for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

P95. MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.

P96. MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.

P97. MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required. (Advisory)

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process. (Advisory)

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project. (Advisory)

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. (Advisory)

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY
COMMENTS – PLOT PLAN
Case No: PA07-0088 through PA07-0091 and P07-157
APN: 488-350-001 through 002 and 488-360-001 through 012
DATE: 12/19/08

FIRE PREVENTION BUREAU

1. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F4. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5) (ADVISORY)

F5. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3) (ADVISORY)

F6. Prior to building construction, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F7. Prior to building construction, fire lanes and fire apparatus access roads shall have an unobstructed width of not less the twenty–four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050) (ADVISORY)

F8. All roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050) (ADVISORY)

F9. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A) (ADVISORY)

F10. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050) (ADVISORY)

F11. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050) (ADVISORY)

F12. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F13. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to Certificate of occupancy. They shall be maintained accessible. The interim Fire Master Plan (invasion line) will provide temporary fire protection during construction.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100) (ADVISORY)

F14. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1) (ADVISORY)

F15. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1) (ADVISORY)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9) (ADVISORY)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be

MV00018824

accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070) (ADVISORY)

F18. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1) (ADVISORY)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5) (ADVISORY)

F20. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5) (ADVISORY)

F21. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F22. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I) (ADVISORY)

F23. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050) (ADVISORY)

F24. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards. (ADVISORY)

F25. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install

equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100. (ADVISORY)

F26. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14) (ADVISORY)

F27. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS). (ADVISORY)

F28. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H) (ADVISORY)

F29. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106) (ADVISORY)

F30. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106) (ADVISORY)

F31. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104) (ADVISORY)

F32. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7) (ADVISORY)

F33. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1) (ADVISORY)

F34. Prior to installation, Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105) (ADVISORY)

F35. Prior to Certificate of Occupancy all locations where medians are constructed and prohibit vehicular ingress/egress into or away from the site, provisions must be made to construct a median-crossover at all locations determined by the Fire Marshal and the City Engineer. Prior to the construction, design plans will be submitted for review and approval by the City Engineer and all applicable inspections conducted by Land Development Division.

F36. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

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

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

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site. (Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

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erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)

LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD50. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD51. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD52. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD53. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.

LD54. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD55. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.

LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA07-0091 (PP for a Warehouse Building),
PA07-0089 (GPA), and PA07-0088 (Zone Change)
APNs: 488-350-001, 488-350-002, and 488-360-001 through 488-360-012
12.12.08 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA07-0091**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD-2 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-3 The Developer, or the Developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-4 Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the Developer, or Developer's

successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD-5 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100) **Once the Transportation Uniform Mitigation Fee (TUMF) is paid, the requirement to annex into the Special District would no longer be applicable.**

SD-6 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the Developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts prior to the City's issuance of a building permit. (California Government Code) **This condition would no longer apply if the building permit is issued prior to the formation of the Public Safety Community Facilities District.**

SD-7 (BP) This project is conditioned to provide a funding source for the capital improvements and/or maintenance for the **Eucalyptus Ave.** median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District **Zone M** (Commercial, Industrial and Multifamily Improved

Median Maintenance), and pay all associated costs with the ballot process; or

b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance.

SD-8 *Commercial* (BP) Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the Developer must notify Special Districts prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD-9 (BP) Prior to release of building permit, the Developer, or the Developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the Developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

**For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD-10 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-11 (CO) Prior to issuance of a Certificate of Occupancy or building final, the Developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD-12 (CO) All median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed pursuant to the project phasing plan dated December 10, 2008.

SD-13 (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the Developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The Developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

CITY OF MORENO VALLEY

CONDITIONS OF APPROVAL
PA07-0091

Plot Plan for approximately 1.8 million square feet of warehousing uses located on the north side of future Eucalyptus Avenue, east of Redlands Boulevard.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

Transportation Engineering Division – Conditions of Approval

Based on the information contained in our standard review process we recommend the following conditions of approval be placed on this project:

GENERAL CONDITIONS

TE1. Install Citywide Communication System (Traffic Signal Interconnect) per City Standards along Eucalyptus Avenue and Theodore Street.

TE2. A Class I Bikeway is planned for the east side of Redlands Boulevard that shall require additional right-of-way and/or easements.

TE3. The project applicant shall submit supplemental traffic studies at the time of entitlement of Phase 2 (Parcels 2 and 3) and again at Phase 3 (Parcel 4). The supplemental traffic studies shall address improvements necessary for the two phases that could include but not be limited to traffic signals, additional turn lanes, traffic signal synchronization/timing, interchange improvements, fair share contributions, median construction, and traffic control at project driveways. Conditions of approval for Phase 2 and Phase 3 plot plans shall be based upon the findings of the supplemental traffic studies, and conditioned improvements shall be required prior to issuance of a certificate of occupancy for the respective phases.

PRIOR TO GRADING PERMIT

TE4. (GP) Prior to issuance of a grading permit for Phase 1, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Theodore Street.

PRIOR TO IMPROVEMENT PLAN APPROVAL OR CONSTRUCTION PERMIT

TE5. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards (Advisory).

TE6. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider (Advisory).

TE7. Prior to final approval of the street improvement plans, the developer shall submit to the City a contract between the developer and a street sweeping company for sweeping the streets during the warranty period, for the day shown on the posted street sweeping signage. The contract shall include a contact person and phone number for said contact person (Advisory).

TE8. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required (Advisory).

TE9. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements (Advisory).

TE10. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE11. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans for Phase 1, the project applicant shall design the intersection of Theodore Street and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One through lane, pavement widening to accommodate turning trucks
Southbound: One shared left turn/through lane
Eastbound: N/A
Westbound: One shared left turn/right turn lane

TE14. Prior to final approval of the street improvement plans for Phase 3, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue for its ultimate cross-section to include the following:

Northbound: Two left turn lanes, two through lanes, one right turn lane
Southbound: Two left turn lanes, two through lanes, one right turn lane
Eastbound: Two left turn lanes, two through lanes, one right turn lane
Westbound: Two left turn lanes, two through lanes, one right turn lane

NOTE: All curb return radii shall be 50 feet.

TE15. Prior to final approval of the street improvement plans, the project applicant shall design bus bays per City Standard Plan No. 121 at the following locations:

- **Northbound Redlands Boulevard, north of Eucalyptus Avenue (Phase 3)**
- **Eastbound Eucalyptus Avenue, east of Redlands Boulevard (Phase 3)**
- **Westbound Eucalyptus Avenue, west of Theodore Street (Phase 2)**
- **Westbound Eucalyptus Avenue, west of project driveway aligned with Sinclair Street (Phase 2)**

PRIOR TO CERTIFICATE OF OCCUPANCY OR BUILDING FINAL

TE16. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans (Advisory).

TE17. (CO) Each gated entrance shall be provided with the following, or as approved by the City Traffic Engineer:

a) A storage lane with a minimum of 75 feet queuing length for entering traffic.
b) Appropriate signing and striping.
c) The employee gated entrance along Eucalyptus Avenue shall remain open for a half hour prior to and a half hour after a shift change.

All of these features must be kept in working order.

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TE18. (CO) Prior to issuance of a certificate of occupancy for Phase 1, the project applicant shall construct the intersection/roadway improvements identified in TE11, TE12, and TE13 per the approved plans.

TE19. (CO) Prior to issuance of a certificate of occupancy for Phase 3, the project applicant shall construct the east leg of the Redlands Boulevard/Eucalyptus Avenue intersection per TE14. Necessary improvements to the other legs of the intersection shall be identified in the supplemental traffic study per TE3.

TE20. (CO) Prior to the issuance of a certificate of occupancy for the project, driveway access at the following locations will be installed as follows:

- **The easternmost driveway: full access.**
- **The second driveway from the east: right-in, right-out access by means of a raised median.**
- **The third driveway from the east (employee parking lot): full access.**
- **The second driveway from the west: right-in, right-out by means of a raised median.**
- **The westernmost driveway: full access.**
- **Additional driveways for Phases 2 and 3 shall be reviewed at the time of their entitlement, and conditions of approval shall be prepared as necessary regarding access.**

NOTE: All truck driveways shall have curb return radii of 50 feet.

PRIOR TO ACCEPTANCE OF STREETS INTO THE CITY-MAINTAINED ROAD SYSTEM

TE21. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans (Advisory).

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 Plot Plan** this project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

POLICE DEPARTMENT
CONDITIONS OF APPROVAL
PA07-0091 (Plot Plan)
APN: 488-350-001 through 002 and 488-360-001 through 012.

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (DC 9.08.080) (Advisory)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (DC 9.08.080) (Advisory)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact information Form for the project shall be completed at the permit counter of the Community and Economic Development Department - Building Division for routing to the Police Department. (DC 9.08.080) (Advisory)

PD4. Addresses needs to be in plain view visible from the street and visible at night. It needs to have a backlight, so the address will reflect at night or a lighted address will be sufficient. (Advisory)

PD5. All exterior doors in the rear and the front of the buildings need an address or suite number on them. (Advisory)

PD6. All rear exterior doors should have an overhead low sodium light or a light comparable to the same. (Advisory)

PD7. The exterior of the building should have high-pressure sodium lights and or Metal halide lights installed and strategically placed throughout the exterior of the building. The parking lots should have adequate lighting to insure a safe environment for customers and or employees. (Advisory)

PD8. All landscape cover should not exceed over 3' from the ground in the parking lot.

PD9. Bushes that are near the exterior of the building should not exceed 4' and should not be planted directly in front of the buildings or walkways.

PD10. Trees, which exceed 20', should have a 7' visibility from the ground to the bottom half of the tree. This is so that patrons or employees can view the whole parking lot while parking their vehicles in the parking lot.

PD11. Cash registers shall be placed near the front entrance of any retail portion of the establishment or as approved by the Police Chief.

PD12. Window coverings shall comply with the city ordinance.

PD13. No loitering signs shall be posted in plain view throughout the building, or as approved by the Police Chief.

MV00018854

ENVIRONMENTAL IMPACT REPORT (EIR)

Under Separate Cover

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING AND LOCAL ASSISTANCE (MS 722)
464 WEST 4th STREET, 6th FLOOR
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-5936
TTY (909) 383-6300

Flex your power!
Be energy efficient!

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DEC - 1 2008
CITY OF MORENO VALLEY

November 25, 2008

Mr. Mark Gross, Senior Planner
City of Moreno Valley
Community Development Dept.
14177 Frederick Street.
P.O. Box 88005
Moreno Valley, CA 92552-0805

Dear Mr. Gross:

Highland Fairview Corporate Park Draft Environmental Impact Review, TPM 35629, SCH #2007101132. Riv-60 PM 20.4/22.227

We have completed our initial review of the Draft Environmental Impact Review (DEIR) for the Highland Fairview Corporate Park, located in the City of Moreno Valley. The project is located in the eastern area of the city, bounded by State Route 60 (SR-60) to the north, the future Eucalyptus Avenue on the south, Redlands Boulevard on the west, and Theodore Street on the east. The project site and relevant offsite areas studied in this DEIR encompass approximately 265.3 acres.

It is difficult for us to comprehend that the 35 million square feet of warehousing planned for this part of Moreno Valley will have a less than significant impact on SR-60. It appears from the low numbers during the peak period that most of the traffic generated will be during non-peak hours. We believe the truck traffic will not only impact the Redlands and Theodore interchanges with SR-60, as noted in the DEIR, but also the mainline. Specifically, we recommend the following:

- An ultimate right of way dedication to accommodate 4 through lanes, a High Occupancy Vehicle (HOV) lane, and an auxiliary lane in each direction through Moreno Valley.
- Auxiliary lanes in both directions between Redlands and Theodore and between Theodore and Gilman Springs.
- Traffic analysis of the impact at the SR-60/Interstate 215 (I-215) interchange, at the SR-60 between Gilman Springs and I-10, and at the I-10/SR-79 interchange.
- A mitigation agreement between the City and Caltrans to provide a method for implementing this mitigation.

We also have the following comments based on the submittals received with a date of August 7, 2008:

Traffic Operations:

The following four comments are in reference to Appendix J of the DEIR, which is the Traffic Study Report:

- We recommend the inclusion of Traffic Signal Warrants for SR-60 EB/Redlands and SR-60 WB/Redlands Boulevard ramp termini intersections in Appendix H.
- We recommend all freeway mainline analysis sheets be provided for review
- We recommend that a Peak Hour Factor (PHF) of 0.92 be applied to all studied scenarios.
- Appendix A of the Traffic Study, Delay Worksheets, Existing + Ambient + Project (Phase 3) at Redlands/Eucalyptus, page A-99: Verify if the WB lane geometries that were shown in this scenario should be under "mitigation" on page A-144. Otherwise, lane geometries under the "without improvements" scenario should be used for analysis.

The following comments refer directly to the DEIR:

- We recommend the verification of the traffic volumes on SR-60 on page 5.14-32 in Table 5.14-14. Currently it shows lower volumes for Phase 3 than it shows for Phase 2 of the project.
- It is stated on page 5.14-29 that Caltrans LOS criterion is Level of Service (LOS) "E." However, Caltrans LOS standard is the transition between LOS "C" and "D." Please see the Caltrans Guide for the Preparation of Traffic Impact Studies, December 2002. The guide is available online at: www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf
- Page 4.14-34 currently states that Facilities will be designed according to City of Moreno Valley standards. Facilities within State Right-of-Way (R/W) should be designed in accordance with Caltrans Manuals, Standards and Specifications. We recommend that a similar statement be included in the final DEIR.

Electrical Operations (Synchro Analysis)

- Many intersections contain unbalanced and/or unacceptable LOS. Each phase within an intersection should fall within the standard transition between LOS "C" and LOS "D." Currently, there are intersections with an overall LOS within acceptable range, but a single phase is LOS "E" or "F."
- We recommend that all cycle lengths be optimized in the future-year analysis scenarios in order to achieve acceptable LOS results.

- A 3.5 second yellow time is used throughout the analysis. The yellow time should be calculated based upon the speeds on the roadway.
- A 0.5 all-red time is used throughout the analysis. The all-red time should be calculated based on the width of the intersection for safety.

Hydraulics and Storm Water Quality

- Appendix H.1, Runoff Management Plan, page 1-7 states, "It is assumed that Caltrans will construct and maintain debris control devices within the northern right-of-way of State Highway 60." However, there are no such debris control devices planned along this segment of SR-60 in the Caltrans District 8 Project Management Database. The conveyances under the highway conduct off-site runoff. Most sediment is from the undeveloped area to the north, not from roadway runoff. We recommend that this issue be addressed.
- Draft EIR, page 5.8-15, Erosion and Siltation states "However, sediment conveyed through the culverts may be deposited on the project site..." Appendix H.1 Runoff Management Plan, page 1-14 states, "Once Caltrans constructs sediment control devices to allow proper functioning of the culvert, only "clear" flows will be passed through to the site. Once the Sinclair Detention Basin is constructed, upstream..." Before the Sinclair Detention Basin is constructed, large amounts of sediment may flow into the project's proposed storm drains; clear flows should not be assumed. We recommend that the incoming sediment be addressed in the scenario before the construction of the Sinclair Detention Basin.

Thank you for providing us this opportunity to review this proposal and for your consideration of these, previous, and future comments. If you have questions about this letter, please contact me at (909) 383-4557.

Sincerely,

DANIEL KOPULSKY
Office Chief, IGR/Community Planning

c: Brian Hixson, Highland Fairview
Bobby Kohltfarber, RBF Consulting
Richard Goh, Caltrans D8
George Hague

Letter CT. State Department of Transportation, District 8 (Received 12/1/08)

Response CT-1.

This comment (1st through 4th Bullets) does not appear to relate specifically to the proposed Project. CalTrans has mistakenly identified the Project currently being considered by the City. That Project consists of 2,400,000 square feet of logistics facilities and 200,000 sq.ft. of commercial facilities. The 35,000,000 square feet mentioned in the letter is apparently a reference to the Logistics Modified General Plan Concept discussed in Section 8.3 of the Draft EIR. As pointed out on page 8-2 of the Draft EIR, the discussion is included in the Draft EIR because Highland Fairview is the owner of both the Project Site and a substantial portion of nearby land which may be the subject of an application to change the applicable planning and zoning to allow development of logistic facilities. The information is provided only in the interest of full disclosure. It is not part of the Project currently being considered by the City. Moreover, no application for such a change has been filed with the City and there is no guarantee that one will be filed. Therefore, to the extent that the recommendations on page one of the letter refer to the Logistic Modified General Plan Concept, when, and if, such an application is submitted to the City, it will be subject to review under CEQA and appropriate mitigation measures will be identified and imposed.

As documented in the EIR Traffic Study (Appendix J), and discussed in Draft EIR Section 5.14 Transportation and Traffic, and the Traffic Topical Response in Section 3 of the Final EIR Response to Comments document, the traffic impacts of the Highland Fairview Corporate Park project encompassing a total of 2.62 million square feet of building area do not warrant or justify the improvements or actions listed in this comment. The Traffic Topical Response - SR-60, pages 3-268-286 of the Final EIR, determined that the Project will not cause substantial impacts, individually or cumulatively, on SR-60 and, therefore, the nexus, discussed in CEQA Guidelines Sec. 15126.4(a)(4), required to impose exactions, whether through the dedication of land or through the payment of in-lieu fees, is absent. Nevertheless, the HFCP project right of way dedication on the south side of SR 60 along the project frontage does in fact accommodate the ultimate lane configuration that CalTrans is requesting in this comment (1st Bullet). Also, please see the referenced Traffic Topical Response for discussion of mainline SR 60 impacts from Interstate 215 to east of Gilman Springs Road.

Response CT-2.

The following responses correspond to bullets under the 'Traffic Operations' comments referring to the Traffic Study Report in Appendix J of the Draft EIR:

- (5th Bullet) Peak hour traffic signal warrants for the intersections of Redlands Boulevard at the SR-60 eastbound and westbound ramps (traffic study intersections #4 and #5) can be found in Table 6-9 on page 60 of the traffic study, the location for all off-site signal warrants. Appendix H contains only the signal warrants for project driveways.

- (6th Bullet) The SR-60 freeway mainline analysis sheets are included in Chapter 6 of the traffic study (pages 6-1 through 6-5) and in the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" located in Section 3.3 of the Response to Comments on the Draft Environmental Impact Report.

- (7th Bullet) In peak hour delay calculation methodology, a peak hour factor (PHF) adjusts a given volume by addressing the fluctuation in demand within the peak hour. A PHF can be derived from a traffic count, or a standard factor can be utilized (.92 is the default factor in the HCM software). When deriving a PHF from a traffic count, the total hourly volume is divided by the highest of four 15 minute interval volumes multiplied by four, and the result is the PHF. An example of the derivation of a PHF from a traffic count is described in the following paragraph.

  Peak hour counts collected over a two-hour time period are summarized in 15-minute intervals, with the highest consecutive four intervals determining the actual peak hour. A peak hour factor (PHF) can be calculated utilizing those four volumes (i.e., volumes of 15,18,8,5 for each of the four 15-minute intervals resulting in a total hourly count of 46) by dividing the total volume (46), by the highest interval multiplied by four (18x4=72), for a PHF of .64. The PHF is lower when there is a higher disparity in the four interval volumes than when the volumes are similar.

  In the traffic study, peak hour factors were derived from existing traffic count data (see Appendix G of the traffic study) and are used in the short-range analyses. The derived factors are lower than the standard default factor of .92 and, as discussed above, utilization of these factors *is a more conservative approach* than using the standard default factor. For example, when a .64 PHF is then applied to a volume of 150, the result is a higher adjusted volume (234) than when using a PHF of .92 (adjusted volume of 163). Thus, the lower the PHF, the higher the adjusted volume used in the delay calculation. A peak hour factor of 1.00 is used in the General Plan analyses, standard practice when calculating intersection delay for long-range time periods.

- (8th Bullet) The westbound leg of the intersection is a feature of the project and will be constructed with a separate left turn lane, through lane and right turn lane. This configuration is assumed under each scenario that includes the project, as indicated on page A-99 for Exist + Ambient + Project (Phase 3), on page A-137 for Exist + Ambient + Related Project + Project (Phase 3), and page A-144 for Exist + Ambient + Related Project + Project (Phase 3) with Mitigation.

Response CT-3.

The following responses correspond to bullets under the 'Traffic Operations' comments referring directly to the Draft EIR:

- (9th Bullet) Traffic volumes given on page 5.14-32 in Table 5.14-14 are for the Existing + Ambient + Project (Phase 3) scenario, and the corresponding volumes for Phase 2 are given in Table 5.14-13. (It should be noted that Table 5.14-14 was updated as part of the "Highland Fairview Corporate Park Traffic Study, Topical Response-to-Comments Addressing Highway Volumes and Project Impacts on SR-60" and these volumes are given in the table below.) The update did not change any of the project impacts or findings in the traffic analysis or Draft EIR and does not affect the response given below).

Table 1
FREEWAY IMPACT ANALYSIS
- Existing + Ambient + Project

Component	SR-60 West of Redlands			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	150	236
Project Trucks[2] – AM	45	44	50	56
Project pce[3] - AM	209	258	250	348
Total Project Vehicles[1] – PM	234	162	327	231
Project Trucks[2] – PM	56	47	71	59
Project pce[3] - PM	346	256	469	349
Component	SR-60 West of Theodore (Between Redlands and Theodore Interchanges)			
	Phase 2		Phase 3*	
	Westbound	Eastbound	Westbound	Eastbound
Total Project Vehicles[1] – AM	119	170	55	68
Project Trucks[2] – AM	45	44	14	16
Project pce[3] - AM	209	258	83	100
Total Project Vehicles[1]– PM	234	162	106	99
Project Trucks [2]– PM	56	47	19	20
Project pce[3] - PM	346	256	144	139

[1]The total number of project vehicles including both light vehicles and trucks.
[2]Project trucks only.
[3]The project's passenger car equivalent (pce) volume (see Topical Response to Comments for full discussion on pce).
*The volumes given for Phase 3 are the updated volumes presented in the Topical Response to Comments – Section 3.3 of the Final EIR Response to Comments.

During each phase of the project, project traffic volumes increase but have access to different travel routes since Eucalyptus Avenue will not be connected to Redlands Boulevard until Phase 3. In Phase 3 the SR-60 volumes west of Theodore Street are lower than in Phase 2, however the volumes west of Redlands Boulevard are higher. The increase west of Redlands is due to the increased land use intensity in Phase 3 of the project. West of Theodore Street, a reduction occurs due to the redistribution of project traffic volumes with the opening of Eucalyptus Street to Redlands Boulevard. In Phases 1 and 2, Eucalyptus Avenue is only constructed to Theodore Street and all freeway-oriented project traffic must use the Theodore Street interchange. In Phase 3, Eucalyptus Avenue is connected westward to Redlands Boulevard and some project traffic that used the Theodore Street interchange in Phases 1 and 2 will redistribute to the Redlands Boulevard interchange, thus reducing the project volumes on the freeway segment between the two interchanges.

- (10th Bullet) The traffic analysis utilized Riverside County Transportation Commission's (RCTC) adopted minimum level of service threshold of "E" for state highways from the Congestion Management Program (CMP) (see page 4-2 of the "2007 Congestion Management Program for Riverside County" which can be found at www.rctc.org/downloads/congestionmanagementprogram.pdf.

Page 5.14-29 (last paragraph) of the Draft EIR has been corrected to reflect this in the Final EIR (Response to Comments Section 4).

- (11th Bullet) The City of Moreno Valley concurs that facilities within the jurisdiction of CalTrans be designed in accordance with CalTrans Manuals, Standards and Specifications.

Response CT-4.

(12th through 15th Bullets) As recommended in Caltrans Comment CT-2, the delay calculations in the traffic analysis do assume optimal signal cycle lengths (and optimal splits), and standard defaults were used to calculate the yellow and red times. As stated in the comment, some individual signal cycles (at a particular leg of the intersection) operate at an unacceptable LOS while the overall LOS is acceptable. When the actual signal design is carried out, the timing inputs can be established in a manner that differs from the optimization derived here.

Response CT-5.

(16th and 17th Bullets) Section 1.5.5 of the Runoff Management Plan (ROMP) inappropriately assumes an obligation for CalTrans to provide sediment control devices upstream of their culverts that pass under SR60. The text within the ROMP has been corrected (see attached revisions - TO BE PROVIDED) to remove the implication that CalTrans has any greater responsibility other than routine maintenance of their existing facilities.

Removing the assumption that upstream sediment control devices will be constructed has no impact on the adequacy of the currently proposed drainage facilities for the project. The details supporting this statement can be found in Section 5.8 "Regional Facilities" of the Draft EIR. In short, the existing culverts under SR60 are under-sized (based on Q_{100} - the flow that can be expected during a 100 year storm) causing flows to be detained north of SR60. The proposed project drainage facilities have been sized to accept the maximum flows that can pass through the Caltrans culverts. Therefore, an assumption of "clear flow" (all debris removed) or "bulked flow" (water and debris) does not alter the sizing of the project drainage facilities from a hydraulic capacity perspective. It should be noted that the proposed drainage facilities on the project site have been sized to accommodate maintenance equipment to properly deal with debris laden flows. Upon completion of the master planned facilities north of SR60, including Sinclair Detention Basin, which have been planned for, and which will be constructed by, RCFC&WCD, the peak storm flows will be reduced to 65% of the design flows utilized for the proposed project.

Thus, the Project's drainage facilities have been sized, and will be able to handle, all water and debris which can reach the Project Site through the existing culverts, with or without upstream sediment control devices.

RECEIVED

DEC 18 2008

PLANNING
CITY OF MORENO VALLEY

Mark Gross
Senior Planner
City of Moreno Valley

17, December 2008

Dear Mr. Gross,

Re: Highland Fairview Corporate Park's failure to test for the presence of Coccidioides Immitis, and Coccidioides Posadasii fungi.

I strongly believe that the health of Moreno Valley residents must be protected. I have not seen where soil testing has been done on the project site for the fungi known to cause Coccidioidomycosis, better known as Valley Fever.

The fungi which cause this serious illness is known to exist in the Inland Empire, and can be stirred into the air by anything which disrupts the soil such as construction. Once airborne these spores can be carried by the wind for distances of over one hundred miles. It medically reported that only one Coccidioides fungi spore need to be inhaled to cause this illness, and that the severity of the illness increases with the number of spores inhaled.

Coccidioidomycosis is a condition that is often misdiagnosed as other illnesses and diseases such as cancer, tuberculosis, and the common flue or pneumonia. As results of such, most cases are not diagnosed and treated in a timely manner, causing the need for more invasive testing such as lung biopsies.

Those more susceptible to the disease are those who have a lowered immune system, diabetics, the elderly and women who are in their third trimester of pregnancy, and immediately following the birth of their child (at this time there is not enough information as to the effects on the unborn).

Person with whom have been infected have been known to receive initial diagnosis of lung cancer based on chest X-rays which tend to show the presence of nodules much like that of cancer. Receiving this kind of news alone can cause great emotional pain and hardship to the person and family of such an infected person.

The State of California reports an infection rate of at least 35,000 new cases per year, with that number growing with time, and at one point was at epidemic levels in the Bakersfield area.

The testing of the project site's soil needs to be performed by an agency that is independent of the developer, and the result of such report sent directly to you without the developer knowing of its contents first. Upon your review of the report it should be made available for public review by means of postings in accordance with current law, and should also be made available review on the city's web site.

The main responsibility of The Planning Commission and the City Council members is to "protect the health, safety and welfare" of the city's residents. Failure to conduct these tests shows they are not fulfilling their official duties.

If needed members of my staff can be made available to assist you with any questions you may have regarding this condition.

Please enter my comments into the public records on The Highland Fairview Corporate Park project and make sure each Planning Commissioner and City Council Member receive a copy of this request for soil testing as soon as possible. I would also appreciate you notifying me of all future documents and meetings related to this project. I also need the final copy of the EIR sent to me and I hope all Moreno Valley citizens will have the full 30 days to read this massive document which has always been our City's practice.

Sincerely,

Mike Rios
29034 Cantabrria Ct.
Moreno Valley, CA. 92555
(951) 581-3132

Michael Brandman Associates

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

December 23, 2008

Subject: **Response to December 17, 2008 Letter from Mike Rios Regarding Valley Fever Spore Testing**

The author of this letter expressed concern that the Highland Fairview Corporate Park project EIR did not propose to conduct soil testing to determine the presence of Coccidiodides Immitis, and Coccidioidis fungi (Valley Fever spores).

Michael Brandman Associates (MBA) air quality staff frequently addresses this issue in connection with projects in the San Joaquin Valley and other areas of California where Valley Fever spores have been identified as a concern. The key factor in determining whether Valley Fever is a potential concern for a particular project site is the existing conditions of the soil. Soils that have been disturbed by agricultural activity and plowing are not conducive to the life cycle of the Valley Fever spores. The spores are found in the top 20 centimeters of the soil (8 inches) which would typically be disturbed by plowing and irrigation. Alkali soils, still in the natural state with natural vegetation, have a much higher potential to be a source of the spores.

Soil Conditions on the Project Site are Not Conducive to Valley Fever. According to the Draft EIR Section 5.2 - Agricultural Resources, the predominant soils on the project site are San Emigdio series that are well-drained soils on alluvial fans and the Metz series, excessively drained soils on alluvial plains. The San Emigdio series soils are used for dryland grain, pasture, and irrigated citrus, walnut, alfalfa, apricot, and truck crops. Large portions of the site were used to grow grain and grapes during the early part of the century. The majority of the westerly section of the site starting at Redlands Boulevard at the west and Sinclair Street on the east has been used for boarding and raising horses since the 1940s. Approximately 20-acres immediately east of Sinclair Street contained a cluster of homes. The remainder of the site has been intermittently used for dry farming for a number of years. The type of soil and crops grown indicate that the soils would not be alkali and not conducive to the presence of Valley Fever spores. Since the project has been farmed and a part of the site previously developed, the probability of the soil harboring Valley Fever spores is very low.

The Incidence of Reported Valley Fever Cases is Very Low. It should be noted that cases of Valley Fever have been reported within western Riverside County and Moreno Valley within the past 2-3 years. According to the County of Riverside Department of Health[1], there have been a total of 48 cases reported in western Riverside County during the period January 2006 through September 2008. This represents 0.67% of the total 7,199 cases reported statewide during the same period[2]. A total of 7 cases were reported in Moreno Valley during this period, with only one of these reported within 2008. The reported Moreno Valley cases represent less than 0.01% of all reported cases statewide. The location of the

[1] Source: County of Riverside Department of Health-Epidemiology, Diagnosed Cases of Valley Fever in Western Riverside County, January 2006-September 2008 (12/22/08).

[2] Source: State Data Summaries of Communicable Diseases
[http://www.cdph.ca.gov/data/statistics/Documents/CM-SEP2008.pdf]
[http://www.cdph.ca.gov/data/statistics/Documents/CM-DEC2007.pdf]

reporting does not necessarily determine the origin or geographic source of fungus, however, as the Valley Fever spores can be transported by winds over significant distances.

Pre-Grading Testing for Valley Fever is Unreliable. Since the existence of the fungus in most soil areas is temporary to fleeting, extensive soil sampling and testing for the fungus to determine infectivity is not highly reliable[3]. Michael Brandman Associates is aware of no agency in California that requires pre-grading testing for the Valley Fever fungus.

Conclusions. Based on MBA's experience and analysis of the foregoing information, with significant weight given to the historic disturbances to the project site soils through previous agriculture activities, Valley Fever is not an issue at the Project site, and therefore, soil testing is not necessary. In any event, the mitigation measures that are typically applied in areas that have a high potential of Valley Fever spores are also uniformly applied throughout our region in compliance with South Coast Air Quality Management District fugitive dust regulations (Rule 403). As described in the Draft EIR Section 5.3 Air Quality, Mitigation Measure AQ-1 of the EIR already requires implementation of these measures. The rigorous application of these measures, which include watering, soil stabilization and soil trackout prevention, during construction will prevent fugitive dust and would reduce the possibility of Valley Fever occurring to insignificance even if the possibility of soils conditions harboring Valley Fever were not already very low.

[3] Conclusions of the Valley Fever Task Force Report on the Control of *Coccidioides immitis*, Kern County Department of Public Health. (August 1995); page 3.

PLANNING COMMISSION STAFF REPORT

Case:	PA07-0088 (Change of Zone) PA07-0089 (General Plan Amendment) PA07-0090 (Tentative Parcel Map No. 35629), to include PA08-057 (Phasing Plan) PA07-0091 (Plot Plan) P07-157 (Environmental Impact Report)
Date:	January 8, 2009
Applicant:	Highland Fairview Inc.
Representative:	Same as above
Location:	On the north side of Eucalyptus Ave., east of Redlands Blvd., west of Theodore Street and south of Highway 60
Proposal:	Tentative parcel map for a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The total project includes 2,620,000 square feet of building area. The project site, now in the BP (Business Park) and CC (Community Commercial) land use districts, proposes a change of zone to LI (Light Industrial) for proposed industrial uses and a General Plan Amendment to eliminate a planned multi-use trail along the Sinclair Street alignment, the adjustment land use for 2 CC land use

	parcels (126 foot width reduction on the east parcel and 87 foot width increase on the west parcel).
Redevelopment Area:	No
Recommendation:	**1. Provide a policy recommendation to the City Council regarding the requested change in property zoning from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and** **2. Based upon that policy recommendation, recommend approval or denial of the proposed project to City Council. An approval recommendation will be subject to the conditions of approval and mitigation measures imposed by and certification of an Environmental Impact Report (EIR)**

SUMMARY

The applicant, Highland Fairview Inc., is proposing a project with warehouse industrial and future commercial land uses on a block of property bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street, and the Moreno Valley Freeway (Highway 60). The project site encompasses 158 gross acres of land. The project applications include a tentative parcel map to subdivide into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include common public access and dedication), and a plot plan for a 1,820,000 square foot warehouse industrial building under Phase 1, with 2 additional phases for a total of 2,620,000 square feet of building at project buildout. The identified tenant for the first phase warehouse is Sketchers.

Before considering the proposal, a policy decision will need to be made regarding the proposed General Plan Amendment and Change of Zone. The proposed Change of Zone from BP (Business Park) to LI (Light Industrial) would allow warehouse/industrial buildings larger than 50,000 square feet at the project site. The current zoning arose from discussions during the update of General Plan and zoning consistency in 2006, which envisioned the preclusion of large warehouses in favor of smaller business park uses.

The proposed General Plan Amendment includes four items, two of which are related to modification of the Master Plan of Trails, including the elimination of the Sinclair Street alignment from new Eucalyptus to Highway 60 and extending and moving a planned trail from the south to the north side of future Eucalyptus from Quincy Street to Theodore Street, another to modify the Circulation Plan and allow landscaped medians on future Eucalyptus Avenue and finally a minor modification between industrial and commercial land uses.

PROJECT DESCRIPTION

Project

The proposed project creates four buildable parcels and approximately 2,620,000 square feet of building area, consisting of a 1,820,000 square foot logistics warehouse building on Parcel 1 (Phase 1), a 600,000 square foot building on Parcel 2 (Phase 2), 80,000 square feet of retail on Parcel 4 (Phase 2) and 120,000 square feet of retail on Parcel 3 (Phase 3). The project includes a plot plan for Phase 1. Future phases would require the submittal of additional plot plans. The project site includes an area of approximately 158 acres, located just south of Highway 60 between Redlands Boulevard and Theodore Street. Offsite infrastructure including street improvements, downstream drainage, overhead utilities and other improvements raise the total study area for the EIR to a total of 265.3 acres.

In order to recommend approval of the proposed project stated above by the Planning Commission and then to ultimately consider approval at the City Council level, a policy decision would need to be made regarding the proposed change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. The General Plan land use designation of Business Park/Industrial would allow the project as currently proposed, and does not need to be amended. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Two additional large warehouse industrial projects that have been submitted to the west of the subject project would require similar changes in zoning to proceed. Both are currently progressing through the City review process and therefore have been included in the environmental review document cumulative project analysis. The projects are the proposed Prologis warehouse industrial project consisting of approximately 2,268,000 square feet located on the south side of State Route 60 and east of Moreno Valley Auto Mall, along Eucalyptus Avenue, between Pettit Street and Quincy Street and the proposed Ridge Property Trust industrial warehousing project totaling approximately 944,000 square feet on the south side of Highway 60, between Quincy Street and Redlands Boulevard.

If the Planning Commission recommends approval of a policy decision to allow more intensive land uses on the east end of the City along Highway 60, the remaining components of the project may be evaluated and recommended to the City Council for approval. The applicant, Highland Fairview, is requesting the following discretionary permits for the proposed project:

1. General Plan Amendment (PA07-0089)

The General Plan land use designation on Parcel 1 is BP or Business Park/Industrial. This designation allows for a wide variety of industrial land uses such as office/technology, manufacturing uses, small industrial warehouse buildings (50,000 square feet or less) and large industrial warehouse buildings (greater than 50,000 square feet). A General Plan amendment is not necessary to change the underlying General Plan designation for Parcel 1, as the proposed large industrial warehouse use is permitted under the current General Plan designation of BP.

The General Plan amendment covers four proposed changes, with two modifying the Master Plan of Trails, one modifying the Land Use Map, and one modifying the Circulation Plan. The following summarizes each of the applicant's proposals:

A. Proposed Changes to the Master Plan of Trails

Two specific changes are being proposed to the Master Plan of Trails. The first includes the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Street) between Sinclair Street and Redlands Boulevard. As Sinclair is not anticipated to carry significant vehicular traffic, the feasibility of financing a future freeway bridge would be difficult to accomplish.

The second change in the General Plan Master Plan of Trails is the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus.

The Recreational Trails Board reviewed the proposed changes on two separate occasions. On January 23, 2008, the Board reviewed and concurred with the applicant's request to remove the trail extension over Highway 60. To mitigate the trail elimination, the Board recommended an extension of the planned trail from Sinclair to connect to a planned trail on Theodore Street. On July 23, 2008, The Recreational Trail Board brought the item back for reconsideration of the original recommendation in January. At that meeting, the Board recommended that the trail be removed from the General Plan over State Highway 60, with the trail shifted to the north side of the future Eucalyptus extending from Redlands Boulevard to Theodore Street. With this recommendation and concurrence from the applicant, the General Plan amendment was expanded to include the trail extension. Although the applicant will only be responsible for a portion of this trail from Redlands Boulevard to Theodore Street, the change of trail location to Quincy will provide consistency within the trail system to provide one continuous trail on the north side of Eucalyptus from Quincy Street to Theodore Street.

B. Proposed Changes to the Land Use Map

The project will require a General Plan for a proposed change in land use for the areas between proposed Parcels 2 and 3 and Parcels 1 and 4. The area between Parcels 1 and 4 would widen by 126 feet the CC (Community Commercial) land use district and narrow by 126 feet the BP land use district. The area between Parcels 2 and 3 would narrow the CC land use district by 87 feet and widen by 87 feet the BP land use district.

C. Proposed changes to the Circulation Plan

The applicant, Highland Fairview, is requesting the addition of landscaped medians along future Eucalyptus Avenue in front of their project which would require a change in the Circulation Plan to from an arterial to a divided arterial between Redlands Boulevard and Theodore Street. Both street classifications include four lanes. Landscaped medians would increase the street capacity by limiting potential turning movement conflicts and will improve the aesthetics along the streetscape.

2. Change of Zone (PA07-0088)

In addition to the adjustment of the commercial land use lines between the three parcels, the applicant is requesting that the existing zoning classification on Parcels 1 and 2 to change from Business Park (BP) to Light Industrial (LI). This includes the approximate 82 acre parcel that is proposed to house the Skechers warehouse industrial building.

Although the General Plan designation of BP/I would allow the project as currently proposed, the current zoning designation of BP would not allow for the large warehouse industrial uses proposed under the Phase 1 plot plan or Phase 2. Therefore, the applicant has requested a change of zone from Business Park (BP) to Light Industrial (LI) to allow for larger warehouse industrial buildings. A change of zone from BP to LI would allow a 1,820,000 square foot building as well as an industrial warehouse operation with some ancillary retail sales of product to occur. The applicant's request for a change of zone from BP to LI includes a material change to the land use pattern along Highway 60 from the direction provided by the City Council from the last zoning consistency study performed in 2006 after the General Plan Update. Land uses allowed under the BP zoning district include office and technology uses, indoor custom and light manufacturing uses with a building size of 50,000 square feet or less containing light truck traffic and on-site wholesaling of goods produced, as well as indoor wholesale, storage and distribution buildings of 50,000 square feet or less. Land uses allowed under the LI zoning category allow for all of the above uses along with warehouse industrial building sizes 50,000 square feet or greater and general manufacturing uses with frequent truck traffic as well as outdoor equipment or storage.

Land uses to the south across future Eucalyptus are residential. Buffering of the industrial land use from the residentially zoned properties to the south was a concern raised and reviewed in the project Environmental Impact Report. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. Although there is no current residential development immediately to the south of the project site, the area has been reviewed as a sensitive receptor for possible future residential development.

In order to provide greater compatibility between current and proposed land uses, the EIR proposes a buffer zone of approximately 440 feet from the project's southern property line along future Eucalyptus Avenue. Development with such uses as residential homes, schools or similar sensitive receptors would not be permitted within this buffer area subject to deed restrictions placed on all properties within the buffer zone. Without a change to the affected residential properties, the remaining uses permitted on those properties will be very limited.

3. Tentative Parcel Map (PA07-0090) – To include PA08-0057 (Phasing Plan)

Tentative Parcel Map No. 35629 proposes to subdivide an approximate 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication). Pursuant to Municipal Code requirements, all buildable parcels have direct access to a right of way.

Proposed land uses vary for the four buildable parcels. The applicant proposes to include a phasing plan as an implementation mechanism to approve three individual phases of the project. The first phase of the project will include all on-site and off-site infrastructure associated with that development and a 1,820,000 square foot warehouse industrial building on Parcel 1, except for the planned multi-use trail. The Parks and Community Services conditions require the multi-use trail along Eucalyptus Street and Theodore Street to be completed when Eucalyptus Street connects to Redlands Boulevard and Theodore Street (Phase 3) or at the discretion of the Parks and Community Services Director and allows for a cash payment in lieu of construction of the improvements. The second phase of the proposed project includes all on-site and off-site infrastructure associated with that development of a 600,000 square foot expansion to the Phase 1 warehouse industrial building onto Parcel 2 and an 80,000 square foot retail/commercial use on Parcel 4. The third phase consists of all remaining on and off-site improvements associated with Parcel 3 and an approximate 120,000 square foot retail/commercial use and building. Parcels 5 and 6 will be designated primarily for State Highway 60 dedication purposes for future freeway interchange improvements.

The proposed design of the map conforms to all development standards of the Municipal Code All proposed lots either meet or exceed the minimum standards for the land use districts, including lot size, lot width and lot depth. In addition the proposed tract conforms to the provisions of State Law, including requirements within the Subdivision Map Act.

4. Plot Plan

A plot plan is required to look at specific building and site improvements that are proposed to be constructed. The plot plan covers the Phase 1 building, including detailed parking lot design and elevation drawings of the development.

The proposed tenant for Parcel 1 is Sketchers, which proposes to relocate from their smaller Inland Empire location to this site. Parcels 2 through 4 will be developed in the future, and conditioned to file discretionary plot plan reviews. The scale and location of the future phases would require Planning Commission review.

The proposed industrial warehouse use located on Parcel 1 will include a 1,820,000 square foot logistics use with approximately 10,000 square feet designated for retail uses. The plot plan includes requirements consistent with the Municipal Code for building elevations, parking, access, landscape, and other development components. Each will be discussed later in this report.

Site

The site is currently vacant, with limited weedy vegetation. Based on an inspection conducted on the site, there was no standing water or riparian vegetation evident.

Although various structures were included on the site as part of the Kerr Stock Farm or Kerr Ranch in operation from the 1920's to the late 1990's, including a single family home and other structures for the farm/ranch and the boarding or race horses, all have been cleared from the site. In 2007, a demolition permit was issued to remove all structures from the site.

The applicant and their consultant, Michael Brandman Associates, conducted a Historic Resources Assessment dated December 7, 2006 for review by City staff. The historic evaluation determined that none of the buildings or structures located on the site were eligible in terms of the California Environmental Quality Act (CEQA) guidelines or listed on the cultural resources list of the state. Therefore, no further investigations or mitigation measures were required prior to removing the buildings and structures located on the parcel. The Environmental and Cultural Advisory Committee concurred with conclusions of the report in 2007.

Surrounding Area

The project site is surrounded by State Highway 60, Office (O), and Residential 1 (R1) parcels and scattered development to the north, a vacant Community Commercial (CC) parcel and RA2 (Residential Agricultural-2) parcels with some scattered residential development to the west and southwest, vacant Business Park (BP) and Residential 5 (R5) to the east and southeast and vacant Residential 3 (R3) to the south.

Based on the applicant's project and proposed buffer area just south of Eucalyptus Avenue, residential land use totaling 21 acres and the potential to develop approximately 63 units would be precluded. If residential density was to be transferred to other areas of the City or adjacent property that the applicant owns to replace the housing units, both General Plan amendments and Change of Zones may be required.

Although the site is in close proximity to the Moreno Highlands Specific Plan (just south of the subject site), the project does not include or change land uses anywhere within the Specific Plan area. The Environmental Impact Report refers to a possible future project by the Highland Fairview (owners of property to the south of the site including a large portion of the Moreno Highlands Specific Plan). No applications have been filed with the City for any such project. If a project of this nature is proposed by the applicant in the future, it would be subject to a completely separate review process, including a separate environmental impact report. No land use changes beyond the current 158-acre site are included in the current applications.

Access/Parking

There will be a total of five (5) access points off of Fir/future Eucalyptus Avenue provided for Phase 1 and the proposed 1,820,000 square foot Skechers building. The easternmost driveway between Parcels 1 and 4 would be shared with a reciprocal access agreement required. All points of access have been reviewed in the traffic study and approved by the Transportation Division. Access points for future phases would be determined in conjunction with future applications for those sites.

Access from the Phase 1 project would be entirely from Theodore Street and the Theodore Street interchange. New Eucalyptus Avenue would not extend to Redlands Boulevard until Phase 3 of the project.

Truck loading is provided on both sides of the Phase 1 warehouse industrial building, adjacent to Highway 60 (north elevation) and future Eucalyptus Avenue (south elevation). All loading areas will include a decorative screen wall and/or dense landscape to screen all truck activity from public view. As the proposed site grading varies between approximately 20 and 30 feet below the freeway grade, the limited view from Highway 60 along with a low decorative wall and dense landscaping would screen loading activity away from the freeway.

According to the plot plan submitted for Phase 1, parking would include 715 total vehicular stalls, including accessible parking stalls. This exactly meets the 715 vehicular stalls required by City code for the 1,820,000 square foot warehouse industrial building, including parking necessary for the ancillary office and retail uses.

Truck parking is included on site, with 306 trailer parking stalls provided. This is well above the 254 dock doors that are proposed on the building. A minimum one to one ratio is recommended.

Bicycle parking is also provided at the required amount of five (5) percent of the required parking. Therefore, spaces for 36 bicycles have been proposed for the site and will be scattered among the designated office areas and the portion provided as commercial/retail.

Access and parking for all other parcels not included in Phase 1 will be reviewed and approved under future plot plan reviews.

Design/Landscaping

As indicated previously, the site will sit approximately 20 to 30 feet below the current elevation of Highway 60. Therefore, the mass of the building will be greatly diminished compared to a structure at grade with the freeway. A Site Line Distance analysis has been included in plan form on the plot plan and within the EIR for the project.

Site design of the proposed warehouse industrial building is consistent with that required within the Municipal Code. All proposed industrial buildings will include a pleasing visual treatment along public right of ways where streetscape plant materials and architectural treatments provide visual character. Loading bays and storage areas will be screened to minimize visual impacts. Dense landscape will be provided along future Eucalyptus Avenue for Phase 1 and along Highway 60 with tree rows that would screen out truck activity and break up the massing of the large building. The building will meet setback requirements established within the Municipal Code, with primarily landscape, multi-use trail and parking areas visible from the streetscape.

The architectural design of the proposed building includes a modern architecture with a "fish-scale" panel design with individual tilt-up panels that angle out and up to provide shadowing and visual interest. The building is proposed for a monochromatic color scheme broken up by the shadowing and metal louvers. Tree rows will be strategically placed along the freeway elevation (one row of palms and two rows of pines) to allow for view corridors to the upper half of the building. Primary elevations on the east and west ends of the building and along the southern elevations will include reflective glass, metal features (louvers, panels and screens), as well as decorative pop-out windows and recessed glass. Roof top equipment will be screened from public view by the building parapet walls.

A variety of screening mechanisms (i.e. decorative screen walls) will be placed around the loading and employee parking areas. Eleven (11) foot high solid decorative block perimeter walls with pilasters or design elements to break up the wall will be provided for screening of truck activity from all public right of ways for industrial related uses. In addition, dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall. Mature trees with a size minimum of 36 inch box will be included along the Highway 60 elevation to provide further break-up of the architecture.

Landscaping for Parcel 1 would exceed the amount of typically provided for industrial facilities. Typically, landscaping is provided on roughly 15 percent of an industrial site. In this case, landscape is being proposed on roughly 22 percent of the parcel. The differential is primarily due to the lowering of the site resulting in extensive slope areas. Landscaping for the site will be drought tolerant in nature with primarily low water using species. A landscape and irrigation plan will be required to be submitted prior to the approval of a grading permit and approved by the Planning Division prior to approval of a building permit. Landscaping will be required along all front yard areas and adjacent to designated parking lots, with additional screening provided adjacent to loading areas and enhanced landscaping at entryways to the site along the Eucalyptus frontage.

All proposed detention basins included on the plan shall be maintained by a property owners association. Landscape (trees, groundcover and shrubs) and irrigation shall be placed along the sides of all proposed detention basins. A minimum of a hydroseed mix and irrigation shall be included at the bottom of the basins. Design for all other parcels, not including Parcel 1, will be provided for review when future plot and elevations plans are provided. Any proposed wall or monument signs that may be shown on any plans will be reviewed and approved at a later date, as signs are not a part of this approval and under separate administrative permit.

The developer proposes to include overhead electrical service from the nearest source to the building for approximately one mile along Redlands Boulevard due to property obstructions. All other utility lines for the project will be established underground. Overhead lines along Redlands Boulevard would be placed underground in conjunction with future adjacent projects.

To date, building elevations plans have not been provided by the applicant for the northeast portion of the building adjacent to Highway 60 and Theodore Street. As this is the focal point of the building, a condition of approval has been added to provide this detailed elevation to the Planning Commission for review and approval.

REVIEW PROCESS

On August 14, 2007, the proposed project was submitted and deemed incomplete due to a number of missing submittal requirements. The project was deemed complete on May 8, 2008 after the submittal of additional documents, most notably building elevations. To assist in the timely processing of the project, it was first reviewed by the Project Review Staff Committee (PRSC) on September 12, 2007, while still in an incomplete status. During the above meeting, specific items were required to be submitted or revised prior to submitting for subsequent reviews. Most notably, staff comments included, but were not limited to the completion of various studies by the applicant, including water, traffic, noise, biological assessment, drainage and air quality, the completion of an Environmental Impact Report (EIR), the completion and approval of a Water Quality Management Plan (WQMP), drought tolerant landscape in all planter areas, the modification of vehicular parking, including diamond and finger planters, modification of loading design and driveways on some of the buildings, and the submittal of elevation plans to include four sided architecture for all buildings. At

the conclusion of said review, written comments were provided to the applicant in order to make the necessary corrections and submittals.

On two subsequent occasions, the project was reviewed by PRSC with the applicant present, including meetings on May 20, 2008 after the project was deemed complete and October 8, 2008. At those times, follow up and/or repeated comments were made regarding landscape, project design and architecture of the proposed industrial buildings.

To date, the applicant has submitted revised plans to address a majority of the PRSC's initial concerns. With the inclusion of specific conditions of approval, all of the concerns of the PRSC have been addressed.

After reviewing the draft conditions of approval, the applicant identified a number of concerns. In response to these concerns, staff made a number of revisions/refinements to conditions of approval where it appeared both reasonable on technical grounds and within the administrative discretion of staff to do so.

However, there is a particular condition of approval proposed by staff - requiring the developer to provide landscaping within the Caltrans right-of-way adjacent to the project - from which the applicant seeks relief. In this case though, staff does not have the authority to eliminate/modify the condition because if derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Thus, staff is seeking policy direction from the Planning Commission as to whether to retain/modify this condition of approval.

By way of background, in the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan; a few residential projects have been conditioned to install of participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan - some of this landscaping has thrived while some has suffered over the intervening years. Notably, the recent Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note is that the two adjacent warehouse industrial projects - Prologis and Ridge Realty - have been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects represent two miles of the City's freeway frontage.

ENVIRONMENTAL IMPACT REPORT

An Initial Study was completed after all discretionary applications were deemed complete. (Attachment No. 5). Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued October 29, 2007, and a public meeting to receive

input on the issues to be covered by the EIR was held at City Hall on November 26, 2007. Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Michael Brandman and Associates and submitted to the City and its peer consultant for review. After City review of the draft environmental documents and revisions to address City questions and concerns, per California Environmental Quality Act (CEQA) Guidelines, the Draft EIR was circulated for a 45-day public review period. Notice of completion and availability of the Draft EIR was documented with a starting date of August 6, 2008, with the 45-day review period ending on September 19, 2008. To facilitate increased input, the City accepted comments well past the 45-day review period. The Draft EIR was sent to numerous State and local agencies and interested parties on August 5, 2008, as well as to the City's Environmental and Historical Preservation Board. Thirty-one comment letters were provided during the 45-day review period. An additional two letters were received subsequent to the review period and included in the EIR process. Responses to all of these comments are included in the Response to Comments. A comment letter was received from the State Department of Transportation on December 1, 2008, 73 days after the end of the 45-day review period. A letter from a local resident was received on December 18, 2008, 90 days after the end of the comment period. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report. The Response to Comments and related documents were mailed to all interested parties and responsible agencies on December 19, 2008, to allow for their review prior to Planning Commission hearing. This notice period exceeds the minimum notice period of 10 days as provided for in CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

In briefly summarizing the key points of the document, analysis presented in the Draft EIR indicates that the proposed project will have a number of potentially significant impacts, either individually or cumulatively on aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gas impacts, as described in detail in Draft EIR that cannot be reduced to a less than significant level even with proposed mitigation. As identified in the document, cumulative impacts for these noted impacts above are considered to be significant and unavoidable. The Draft EIR also presents mitigation measures, which, to the extent feasible, will reduce project-specific and cumulative impacts for Aesthetics and Air Quality. All other environmental effects evaluated in the Draft EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval under the Planning Division.

Although traffic and transportation would be considered a less than significant impact with mitigation measures imposed, the project will produce vehicular and truck related traffic materially different from the current BP zoning, and therefore a traffic impact analysis was prepared. The Transportation Engineering Division (TED) staff reviewed the revised traffic impact analysis dated July 14, 2008 for the proposed

warehouses/commercial project. Project build-out is assumed to be in the Year 2012 and is projected to produce 769 AM peak hour trips, 1,157 PM peak hour trips, and 15,339 daily trips. These trips are inclusive of both cars and trucks and do not include any adjustments to convert truck traffic to their equivalent in passenger cars (commonly abbreviated as PCE's or "passenger car equivalency factors"). The percentage of trucks during the peak AM periods is 19 percent and during the peak PM periods is 15 percent, and the total daily truck percentage for the project is 14 percent. The level of service analyses contained within the study accounted for the disproportionate traffic impacts of trucks directly, through truck percentages as opposed to the use of PCE factors. The study assumes that Eucalyptus Avenue will only connect to Theodore Street for Phases 1 and 2, while Eucalyptus Avenue would connect to Redlands Boulevard at the time of Phase 3. In this case, all project traffic for Phase 1 and 2 travels through the intersection of Theodore Street and Eucalyptus Avenue.

The EIR includes specific mitigation measures related to traffic and transportation related impacts. Due to limited existing pavement at the SR-60 ramps at Theodore Street and Eucalyptus Avenue not existing at this time, pavement widening would be required at the ramps and the Theodore Street/Eucalyptus Avenue intersection to accommodate turning trucks. Other mitigation measures addressed in the EIR include turn lanes provided along Theodore Street at State Route 60 and Eucalyptus Avenue and the construction of the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue and a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. In addition, various improvements are planned for the Redlands Boulevard interchange, in which the applicant would participate in fair share funding and specific interim improvements.

Another key environmental issue that the EIR analyzes is the applicant's request for 24 hour grading operations, which would include environmental air quality and noise impacts associated with the use. The applicant has requested the "around the clock" grading to meet the timeframe specified by Skechers to occupy the Phase 1 building. In order to mitigate or lessen these ongoing grading operation activities required to produce a building, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Although impacts to aesthetics, agricultural lands, air quality, noise and climate change/greenhouse gases cannot be reduced to less than significant levels, the California Environmental Quality Act (CEQA) allows for statement of overriding considerations and findings to be considered. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable". The Statement of Overriding Consideration and corresponding findings are attached to the report as Attachment 2 for review and consideration.

The Planning Commission will have the opportunity to take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be approved, the City Council will have the opportunity to review the final environmental document, receive public testimony and either certify or reject the Environmental Impact Report (EIR) and subsequent Mitigation Monitoring Program.

NOTIFICATION

All responsible agencies, interested parties and property owners of record within 300 feet of the project were provided a notice of the project public hearing. In addition, the copy of the Draft Environmental Impact Report was sent out to all responsible agencies, and interested parties that had asked to be included on a mailing list. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received approximately 33 responses to the notice of preparation of an Environmental Impact Report; which was sent to all potentially affected reviewing agencies. Comments on environmental issues included and discussed within the Draft EIR were provided specific environmental responses within the Final EIR.

All comment letters and required response to comments are included in the final Environmental Impact Report (See attached). Two additional comments were provided well after 45 day comment period. This includes comments from Caltrans and a local resident. Attachments 7 and 8 include the letters and responses to comments.

STAFF RECOMMENDATION

That the Planning Commission:

1. **PROVIDE** a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from BP (Business Park) to LI (Light Industrial) to allow industrial warehouse buildings greater than 50,000 square feet; and

If a change in policy is recommended by the Planning Commission:

2. APPROVE Resolution Nos. 2009-01, 2009-02, 2009-03, and 2009-04 **RECOMMENDING** that the City Council **CERTIFY** the Environmental Impact Report (EIR), and **APPROVE** PA07-0088 (Change of Zone), PA07-0089 (General Plan Amendment), PA07-0090 (Plot Plan) and PA07-0091 (Tentative Parcel Map No. 35629) including phasing (P08-057) for the subdivision of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include public access and dedication) for a 2,620,000 square foot industrial/commercial development, including a plot plan for a 1,820,000 square foot warehouse industrial building (Phase 1), subject to all mitigation measures within the EIR, as well as findings included in the attached resolutions and conditions of approval, attached as Exhibit A to the resolutions.

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No.2009-01 with Statement of Overriding Considerations and Mitigation Monitoring Program.
3. Planning Commission Resolution No.2009-02
4. Planning Commission Resolution No. 2009-03, including conditions of approval
5. Planning Commission Resolution No. 2009-04, including conditions of approval
6. Environmental Impact Report (Previously provided to the Planning Commission in disk format)
7. Caltrans Letter and Response to Comments
8. Letter from Mr. Mike Rios and Response to Comments
9. Aerial Map
10. Zoning Map
11. Reduced Map
12. Reduced Site Plan
13. Zoning and Land Use Boundary Change Map from EIR

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 8TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Jane Halstead, City Clerk
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Principal Land Development Engineer
Clement Jimenez, Senior Land Development Engineer
Carlos Rodriguez, Fire Safety Specialist, Fire Prevention
Rick Hartman, Deputy City Director for Development Services
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Jennifer Terry, Special Districts Management Analyst
George Hansen, Electric Utility Division Manger
Ralph Scharffenberg, Special Districts Landscape Development Coordinator
Marshall Eyerman, Special Districts Program Manager

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

CHAIR DE JONG – Item 400 is the approval of the Agenda

COMMISSIONER RIECHERS – So moved

COMMISSIONER GELLER – Second

CHAIR DE JONG – Okay, I a motion and a second. Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0, with one Absent (Commissioner Springer)

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are on display at the side of the room there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission and I have three Speaker Slips. I'll call you up... two names please. There is a three minute limit to your speaking... Gordon Tucker followed by Mike Rios. Would the second speaker please be ready to speak when the first speaker is done? Your name and address for the record please...

SPEAKER TUCKER – Good evening Commission, I would just like to make a simple comment that I'm not 100 percent behind this warehouse nor am I one hundred percent against the warehouse, but I am one hundred percent against the tactics in which we've gotten to this point. That's it.

CHAIR DE JONG – Thank you... Mike Rios followed by George Hague

SPEAKER RIOS – Good evening Commission, my name is Mike Rios. I'd like to start by saying that I want to thank everybody who showed up tonight whether you are for or against the project. It shows that you care about your community and that you want to do the right thing and hear what is going on. Basically this has been a hot issue during the campaign and remains to be as of today. Whether you are for or against the warehouse, this is one of the biggest decisions that Moreno Valley has had to face in decades and we need to very much pay attention to what the people have to say because the people should be the ones that decide what really happens in their City. Now I'm for jobs and I see

a lot of people with job shirts. Unfortunately this project is going to be fully automated and the public has to understand that.

CHAIR DE JONG – Excuse me Mr. Rios, this really is regarding the subject matter... This section is for items that are not on the Agenda

SPEAKER RIOS – Okay, well... yeah okay... What I just want to say is basically I want all the people to pay attention to what's going on and this City right now in a crisis. The whole State is in a crisis and a recession and these jobs that will be created will help our community but we need to really study what's going on with the EIR and everything that's happening and again the people should be the ones who decide what happens for their City. If the majority of the people want this project, I will back it. If the majority of the people don't want the project, I won't back it. It's up to the people to decide and I just want their voice to be heard. This is why I started my campaign to make sure that the people's voice is heard and their decisions are respected. I will address this issue on matters of the Agenda and I want to thank you very much for having this and hopefully the people on the other end have a chance to speak in the Rec Center. I hope that you make that available to them because not everybody was available to fit in this building. Okay thank you.

CHAIR DE JONG – Thank you... George Hague

SPEAKER HAGUE – I'll give you just a few minutes to look at this handout. I brought it because our Mayor today said we need to be looking for jobs like we always do and I think one of our benefits that we have here as a City is that we're not in the dark plumes that you see there in the upper right-hand corner map and that is a selling point to bring businesses to our City. The cancer risk from diesel has not really quite reached us; the highest point. It would be really nice if were like we were down in the lower right-hand corner where if you eliminate diesel pollution, a lot of Southern California would be wonderful, but right now that is a excellent selling point for us to get jobs, is to let people know that we're not in the very dark plumes of this. The other thing that I'd like to mention and to thank is two or three nights ago, a family member was robbed at gunpoint in one of our newer shopping centers in the parking lot. It happened about 8 o'clock at night and two of our City's finest, Deputy Kennedy and Deputy Leone responded and while the people did get away at the time of this armed robbery, it was not until 1:30 that very same morning that they brought forward a picture lineup for my family member and by 6:30 they had actually caught the person; at least according to the picture from lineup that my family member went to and so I would definitely like to thank Deputy Kennedy and Leone, both who did an excellent job in very quickly responding and to say I'm sure a representative sample of our Department. Thank you very much.

CHAIR DE JONG – Thank you. Our next Item on the Agenda is Item 700.

700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

CHAIR DE JONG – Staff Report please

PLANNING OFFICIAL TERELL – Yeah, before we do that, just a couple of announcements. Many of you probably haven't been to a Planning Commission Meeting before so I wanted to go briefly process tonight. The first item is the Staff member assigned to this project will give a brief report about the project and then we'll open it for questions of the Planning Commission of Staff. After that the Applicant will give his presentation and then there is a period of time when the Commission can ask questions of the Applicant. After that we open the Public Hearing and the Chair will call people up to the dais over here to my right and the Speakers have three minutes to speak and I believe I'm not sure whether you announced this already, but at 10:30 the TV machine runs out of tape, so we will be taking a break at that time, but before that the Commission will have a discussion as to how long they will continue the meeting tonight; if that's an issue; if we're still here at 10:30 and make a decision on that and then we'll have a short break and either come back or do as the Planning Commission sees fit at that time. For those of you that are over at the Conference Center, there are Speaker Slips over there and if you fill those out and give those to I believe Michelle Dawson who is there in the room with you and after we are finished with the Speakers who have handed in slips in this room, we'll have a short break if necessary to bring over folks from the other building. If you've handed in a slip here and you are in the other building, we'll call your name but if you are not here, we'll place that at the end of the list of names and call you up at the appropriate time. So I don't know if the Commission had any questions, but I just wanted to kind of establish a few ground rules before we moved in.

CHAIR DE JONG – Fair enough... Actually we go to a Staff Report I think the Deputy City Attorney has a comment to make.

DEPUTY CITY ATTORNEY ERLY – Thank you Chair. The City Attorney's been advised that there is several legal allegations that have been made by members of the public with respect to tonight's Hearing. We just wanted to address a couple of those briefly before we got started. The first allegation involved the ability of four of the sitting Commissioners that they are actually still Commissioners. The allegation is that on January 1st, 2005 those four were

appointed to a four year term that was set to expire on January 1st, 2009. While that is true, subsequent to the January 1st, 2005 appointment on or about August 23rd, 2005. The City Council amended the Ordinance and changed the term to expire on March 31st, 2009, so those four Commissioners are still acting Commissioners until March 31st, 2009 and so everybody up there is able to make this decision tonight. The second allegation involves conflicts of interest, specifically it's been alleged that Commissioner Geller's role as the Treasurer of the Moreno Valley Taxpayer's Association should be a disqualifying event not allowing him to sit on this Hearing. Additionally, both Commissioner Geller and Commissioner Dozier involvement with the Rancho Belago Economic Development Committee has been raised as a possible conflict of interest as well. Our office has researched the issue. We have consulted with Steve Dorsey with Richard Watson and Garcon Gershon(?) the expert and conflicts in this area and have also spoken with the Fair Political Practices Commission today. All three Agencies and Attorneys reached the same conclusion and concur that with the evidence that we've been provided, that there is no direct economic benefit to the Commissioners in question and the Political Action Commissions and the Economic Development Committee; the money being spend there is constitutionally protected, both under State and Federal Constitution and without any evidence of any individual personal gain to the Commissioners, this office can't opine in any way that they should be disqualified from serving on this Hearing. Thank you.

CHAIR DE JONG – Thank you. I think we're ready for the Staff Report now.

SENIOR PLANNER GROSS – Good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross from the Planning Division here to provide a report on the project before you this evening. Before I get into the project or the report that I want to provide, I wanted to turn your attention... there a few items to read into the record and since these are legal documents, we wanted to make sure that they were correct. If you turn to page 122 of your Staff Report you'll see and this is pretty much an ongoing theme that you'll see as a change and once you get there I'll kind of give you an idea of what that is. Again that is page 122 of the Staff Report. If you go down to the fourth paragraph down, there is a reference of and this is the third sentence in that fourth paragraph of "93 feet"... that changes to "87 feet" is the correct number and again you'll see this recurring theme a couple to times as I'm providing. There was also one very minor change just below that under the fifth paragraph and this would be the fifth sentence of that paragraph where it states "not below significant levels"; we would say "not all below significant levels". We just wanted to add the word all. And again page 123; again there is two; second paragraph under Conformance with Zoning Regulations, where it states "93", which changes to "87". The same can be said on page 125 of the Staff Report, there is the recommendation there and some of the areas down below; this is the last paragraph of that page where again "93" is changed to "87" and the same would be for page number 131 and this is on the last paragraph; actually the fourth

sentence from the bottom... again "93" changes to "87". With that, let me go ahead and provide a Staff Report here on the Item.

The Applicant, Highland Fairview is proposing a project tonight that includes industrial warehouses, future commercial parcels and these are bounded by Redlands Boulevard, future Eucalyptus Avenue, Theodore Street and Highway 60. Again this is south of Highway 60. The project site includes 158 acres and includes a Tentative Parcel Map to subdivide four buildable parcels and two primary parcels dedicated to freeway improvement purposes. There is a total of 13 parcels, although a good majority of those parcels are for public access and the Plot Plan that is before you this evening includes a 1,820,000 square foot warehouse industrial building which it is identified as the occupant of Sketcher's under Phase One and with two additional phases for a total project area or square footage of 2,620,000 square feet. The Applicant is also requesting this evening a General Plan Amendment for four items, including the modification of a Master Plan of Trails, including elimination of the Sinclair Trail alignment from new Eucalyptus to Highway 60 and extension and adjustment of a planned trail from south to north side of the future Eucalyptus from Quincy Street to Theodore Street and also includes the modification of the Circulation Plan to allow landscaped medians on future Eucalyptus Avenue and a minor modification of lot lines between four parcels.

Now before considering the proposal and providing a recommendation to Council, the Planning Commission this evening is reviewing the project and there is what is considered a policy decision that would need to be made regarding the Applicant's request for a Change of Zone from Business Park, which is classified as BP to Light Industrial which is LI, which includes a material change to land use patterns along Highway 60. The proposed Change of Zone from again BP to LI would allow warehouse industrial buildings larger than 50,000 square feet on the project site. The current zoning of BP and the limitation that comes along with this zoning designation of less than 50,000 square foot buildings arose during the discussions back in 2006 with the Zoning Consistency Study that was part of the General Plan, which at that point there was discussion that it would envision the preclusion of large warehouses in favor of smaller Business Park uses on this particular site.

I do want direct your attention over to the far wall because we will go into a little bit of the Site Plan and a little bit of the architecture of what is being proposed this evening. From a Site Plan perspective there is going to be a proposal of roughly five access points off of Fir, future Eucalyptus Avenue provided again for Phase One. A Site Line Distance Analysis was conducted indicating that the site was between approximately 20 to 30 feet below the freeway grade and the mass of the building would be greatly diminished compared to structures at grade with the freeway. Now screening mechanisms will be placed around the loading and parking areas, including dense landscape and eleven foot high solid decorative block perimeter walls that would go around the site.

Now from an elevation perspective, we have elevations again on the wall. You can see here towards the right hand side of the wall here and from that you will see that the architecture is primarily a modern architectural theme. There is quite a bit of; there is metal louvers, tilt-up panels, reflective glass, recessed glass and decorative pop-out windows and I did want to mention there is going to be some very mature tree rows that will be strategically placed along the freeway elevation to allow for view corridors to the upper half of the building and although a Condition to be reviewed by the Planning Commission at a later date; I think we did Condition at least a portion of that building; we do have a portion of that building shown here and it was related to one of the Conditions and that is something for the Planning Commission to consider. We can address that once we get that once we to that point in time.

I do want to go over the EIR part of it just briefly. Again there was an Environmental Impact Report completed for this project and it indicated that there were a number of potentially significant impacts. This was either individually or cumulatively that was aesthetics which was one of them, agriculture lands, air quality, noise, climate change, greenhouse gas impacts that could not be reduced to a less than significant level with proposed mitigation would occur with this project. Now one such mitigation measure that is proposed includes a buffer area prohibiting sensitive receptors just south of Fir and future Eucalyptus Avenue. As identified in the document itself; the EIR; accumulative impacts for these particular impacts that we talked about are considered to be significant and unavoidable although all other aspects of the Environmental Impact Report basically indicate that certain environmental aspects of the project can be mitigated to below significant threshold levels.

And it is important to note and I did want to make this, this is an important part of the EIR and of this report. There is a request for a 24-hour grading operations to occur. The Applicant has requested this to meet the timeframe specified by the Phase One tenant that is going proposed to go in. Now in order to lessen ongoing grading operation activities, a mitigation measure has been included to prohibit nighttime grading activities within 1,200 feet of existing residences and sensitive receptors.

Now CEQA; the California Environmental Quality Act allows statement of overriding considerations and finding to be considered and requires the decision making body to balance the economic, social, technological and other benefits of the proposed project against it's unavoidable environmental risks and you'll have a chance as you're reviewing the document to review this.

Staff has received approximately 33 letters on the Draft EIR that was provided for the required 45 day review period and they were included into the Final EIR. There were a couple of additional letters both from Cal Trans and a local resident that were provided quite a bit of time after the 45 day comment period, which were not able to be included in the Final EIR document, but we did include them

as attachments to the Staff Report and they are available for the public record. As well, in addition to these two late responses, there were other numerous Draft EIR's and letters I should say and general public correspondence provided to the Planning Commission tonight as part of the public record and I did want to mention as well that the Applicant has provided a letter that you will see dated January 7th, that does go into addressing some concerns with the Conditions and other aspects of the project. I believe there are about three issues that are provided within that particular letter.

And I did want to mention that all responsible agencies, interested parties, property owners within 300 feet of the project were provided notice of this Hearing, in addition to posting on site and publishing in the newspaper. A copy of the Draft EIR was also located on the City's website; both the Draft and the Final, at City Hall and at the Public Library and sent to all responsible agencies, commenting agencies and organizations and interested parties that asked to be included on a mailing list. Staff did receive approximately 30 telephone calls. This was probably from the time that we had that everything went out for our Public Hearing Notice on the project and some of those calls just kind of briefly explain from the Public; they were asking to... again first of all to be provided on Public Notice lists; that was quite a bit of calls that I got originally and then there were some other general concerns of the project, just basically again looking at the environmental aspects of the project, primarily traffic and transportation was an issue that was brought up quite a bit and land use related items.

And that pretty much concludes my aspect; the Staff's aspect of the report. I do want to say that we have quite a bit of in-house Staff with us tonight from various departments along with representatives of the City's Peer Consultant Chambers Group and this would be on left, which is both Michael Hendricks and Andy Minor who are here. They actually had a chance to assist the City as a peer consultant in reviewing the EIR that was prepared and they are available of course to answer any questions that you may have. We also have representatives in the audience tonight from MBA; Michael Brahma Associates in the audience to answer questions on the EIR that has been prepared and we have representatives from the Applicant, Highland Fairview that are also here tonight to answer questions regarding their project requests this evening. Thank you.

CHAIR DE JONG – Thank you very much... a very complete report. Are there any Commissioner questions of Staff?

COMMISSIONER GELLER – Yeah I just want to verify what we're being asked to approve separate from the Zone Change, but in terms of actual buildings, the only thing we're if we approve tonight would be up to 2.6 million square feet as to the Plot Plan and if they want to build any more buildings they have to come back to the Planning Commission or is that not correct?

SENIOR PLANNER GROSS – Well the building that you're looking at this evening is really under Phase One and as you look over on the far wall you can see that's the 1,820,000 square foot building. Now there are other parcels associated with the project and if you combine all those together it's 2,620,000. Now when other parcels come in; when the Applicant comes in with other possible users, then what we would do is take a look at that and bring those back to the Planning Commission so you would have a chance to look at the architecture and some of those type of items.

COMMISSIONER GELLER – Okay, so again though... so we're only approving the 1.8 million square foot building?

SENIOR PLANNER GROSS – Yes

COMMISSIONER GELLER – So the next phase to bring it to 2.6 would have come back to the Planning Commission?

SENIOR PLANNER GROSS – Yes, but as far as the Environmental Impact Report goes of course, we had to look at everything, but yes this is the only proposal as far as a building before you this evening.

COMMISSIONER GELLER – Okay, thank you

CHAIR DE JONG – Other Commissioner questions...

VICE CHAIR MERKT – I was curious, are we going to have an opportunity to question you later on?

PLANNING OFFICIAL TERELL – You can ask questions at any time

VICE CHAIR MERKT – Okay fine, because I think I'll hold my questions until further into the Hearing. Thank you.

CHAIR DE JONG – Are there any questions down this way? Okay seeing none, I'm going to open Public Testimony and call the Applicant forward. Please state your name and address for the record.

APPLICANT BENZEEVI – Good evening Planning Commissioners. My name is Iddo Benzeevi, 14225 Corporate Way, Moreno Valley. First of all, I had an interesting thing that occurred to me. I went over to the other room; the other conference facility; there is obviously a lot of people that are interested which is good; community involvement which is always good and a few people approached me there and upon entering on discussion with me and they said we have reached a really low point in Moreno Valley; the economy the way it is; you know thousands of foreclosures; a few people there just recently lost their jobs and some were even worried about losing their job and some announcements

made in their firms and they really felt we have reached a low point. One even mentioned he brought a LA Times article that said that when they surveyed California and the nation, the one location that lost the highest value in property values; homes in Moreno Valley were 53.2 percent and we thought we really reached a low point in Moreno Valley, but I think we really reached a turning point. In this economy to be able to attract and to have the commitment of a major global company for the first time; a global brand commit to Moreno Valley and a major employer, I think it's significant, especially in today's economy. But the project itself are not here, as was mentioned as several Sketcher's is a tenant in the corporate park in this development, so really the issue here is the project itself. The project itself, we're actually very proud of it. It's the next generation of logistics buildings. Most people relate to logistics as maybe some warehouse with some boxes that are put into some trucks, but it's really a lot more than that as you will see and can see. The logistics industry is really a convergence of communications technology, material handling technologies, supply chain management and a lot of other IT and communications developments that have to go into operating a global business and this will be for the tenant the major North American operations center. We've never had that in Moreno Valley before. The building is also and will be probably the largest LEAD certified building in the United States. We have designed the building to achieve LEAD Certification so it will be one of the largest green developments, which I think we can be part of in Moreno Valley. The architecture is also unique. We have retained two architectural firms; one that specializes in actually the mechanics of this type of buildings and one that is world renowned architect that has received numerous awards as well as designed many corporate headquarters. His name is Jose Pelasios and he has designed such buildings as the Hewlett Packard Headquarters, the American Airlines Headquarters and many other global companies, so I think we have significance in terms of architecture for this type of building. There are several issues in terms of the design itself. One of the things that was mentioned and are always a concern as well as us were Moreno Valley companies so that health and wellness of our community is in our hearts; that we're healthy; we work here; our offices are here and we develop out here. Some of you know us from other developments in our City here that are also on a significant scale. We were able in terms of the use to reduce the traffic impacts from the City's General Plan uses by about 58 percent, so the traffic generated from this building is actually 58 percent less than if we have developed out the proposed General Plan uses. The issue in front of you today is also the 50,000 square foot building limitation. We think it's somewhat arbitrary. It's almost unique. We've never seen it anywhere else we have developed literally around the world. It's almost tantamount to saying if you are a company and you do well like us in Moreno Valley, should I go out to 51,000 square feet, I'd have to move out of town. I'd have to take my business and jobs and move somewhere else. If a company does well and starts even with 10,000 square feet and goes up to 50 and becomes 51,000, we'll have to tell them to leave to another town. The issue is not really building sizes, the issue is quality development and quality projects is really what it's about We also have to be responsive to the local

original economy. There are really no businesses any more and we've seen even during the boom years of the last five, six, seven years that the small buildings actually have not been able to fill up. Just across from City Hall here there is a small industrial project with smaller buildings. There has been vacancies there continuously throughout the boom area. There have been some developments of smaller scales along the freeway. There have also been buildings there that are brand new that in fact they are on the verge of bankruptcy and cannot attract any tenants. They are just not responsive to today's market and regional and global economy that we are part of. What I'd like to do if I may is approach the desk. We have prepared a presentation that actually help us understand the project better but in order to operate it I have to step up over to that computer area there if I may.

CHAIR DE JONG – Fair enough

SPEAKER BENZEEVI – Just to locate the project, this is the Moreno Valley Freeway Highway 60. This project area is bounded to the north by Highway 60, to the south by the future Eucalyptus Avenue. It's in now but Eucalyptus would be here. The western boundary would be Redlands Boulevard and the eastern boundary is Theodore. So again there has been some confusion in the community that I've heard people think the project is much larger. The project that's in front of tonight is actually within this area and we can see it's within the Business Park zoning in the General Plan today. There are a few things here that I would like to share with you. One is just some of the views of what the building looks like around it and we've taken different angles and different areas of the buildings and depicted them for computerized rendering that is accurate to the architecture. It's actually based on CAD. If we look at the building itself as you can see, this is the main building. This is where the office operations will be as well and also for the headquarters facility will be at the building. There is a building in here. It hard to see this angle, but these are very large reflective ponds. There is a fountain element in front of the building and there is another bigger reflective pond on this side and a bridge. This is actually the structure that sits almost floating within those big reflecting ponds. At this angle is hard to see but it's a stand alone structure that's connected to the building as an architectural feature as well. As we move along around the building, it's sort of like a campus. From a different angle there is also some more offices but a big retail facility that will also be there selling some of their products. As we move around the facility itself, I'll go around it this way. This is actually the view from the 60 freeway looking west; southwest coming in from the badlands heading west into town. Looking at this view is actually again further down the building looking west again; west and south of the building. And this is the rear of the building and as you can see, Highway 60 is up at this elevation. The building is down here, so from the freeway itself you only see the very top element of the building. There is also a very large setback from the freeway to where the building is which is way over here; several hundred feet. Moving along, there is another area which is the transportation hub and facilities. Most truck traffic is concealed behind gates, so

unless the truck comes out of the facility it won't be visible to the community. There is also an area; this is the wall treatment along the property. There is an area here that's been reserved for a future trail. The sidewalks of course; this is Eucalyptus over here and that's the wall treatment... highly landscaped, perhaps the most landscaped facility that we have in the region; definitely in our town here. This is just looking at the treatment from a different direction. It has different pop-out elements. It's actually sitting on a berm so the water itself is about eleven feet, but from a pedestrian level it's probably around 14 to 15 feet in terms of the height and it's heavily landscaped in that area. There is also another element. This is a broader view of the same treatment which you see by driving along Eucalyptus Street and part of the General Plan Amendment was us requesting to introduce a median on Eucalyptus Street which is currently not called for in the General Plan. This is again looking east now towards the badlands from Eucalyptus and Theodore will be right along this area, so this is in front of the facility itself. This is some of the horse trails. We also what we did which is interesting is we actually created a simulation; a drive simulation; where we're actually sitting in a car. It's done with GPS so it's accurate to which you will see sitting in a car and we took it from several directions so we can see what we will actually experience driving by the facility when it's built. This is heading east. This is the Redlands Bridge and we're going pass the site from the Redlands Bridge and the project will be down on the south side to right in the photo. That landscaped corridor is the landscape that we are proposing for the project. The landscaping has actually being approved by Staff to be installed on the project. Essentially the building is almost not visible at all. It is a beautiful building and it's done with unique features, so we purposely opened some areas so you can actually see the building. We felt it silly that instead of being proud of a building with level of architecture we're actually going to hide it altogether, so we have actually opened some areas so you can have a peak into the building itself. As we go to the corner, that's the Theodore exit. I know it goes by quickly. Is there a way to show it again or do we have to... Again this is headed east the bridge you see first is Redlands and the project is to the right; to the south. The views are also preserved. This is Mount San Jacinto, so the significant views in the community have been preserved. Actually they are more obscured by the landscaping than the building itself. The building is much lower as you can see with some of the openings there. And this of course is the Theodore exit that you will see. If anyone wants to see it again, we can run it again. No, okay. Eucalyptus; this is the south street and this will now be driving into Eucalyptus from Theodore and this will be the entry into Eucalyptus. There they will set up the gateway and the project of course will be north of Eucalyptus and it will be on your right; north side of the photo. Here we are driving by the facility. If you look to your right where there are entry points; there are gates, so most of the activity is actually shielded behind these walls and berms. This area of course is the commercial area within the plant. Those are just the depictions. There is no building to be approved on those at this point. There are just stand-ins. And this will be now Redlands Boulevard. This is my kind of driving. If you would like to see it again, I'll run it again. There has also been some issues and concerns

about what you would see as you come in from the north side of the freeway heading south on Redlands Boulevard and over the 60 Freeway, so we've simulated that as well. This is now headed south on Redlands coming over. This is Ironwood; now we're coming over the 60 Freeway and the project will be over on the left and this will be of course the Redlands Bridge from the high point that we'll see here. The point here is that the significant views of the community; the ridgelines; the mountains are all going to be visible and preserved by the design of the project. As you can see we dropped it down so it's below eye level at the freeway. Of course this gate area is Eucalyptus and you will turn left to go into the project. This is headed now from the badlands into Moreno Valley headed west. This will be the Theodore Bridge you cross under and of course the project is over on the left. And the bridge out there will be the Redlands Bridge; Redlands crossing. I want to point out one more thing as we're driving east that in the future this area that is setback is for future Cal Trans and highway expansion and there is also an issue in front of you and that became the issue of what to do with this area today. We are taking the position that the landscaping that we are installing around the project that we will maintain is much upgraded that what Cal Trans freeway landscaping is and by installing that landscaping it will actually obscure and take away from the landscape design that is actually installed by the project itself and of course later on will have to be torn up as the freeway gets expanded and widened, so we think it's also a waste of money to try and install landscaping that you'll tear up. But again the permanent landscaping on the project as you saw, that is landscaping that we're installing and we would be maintaining as well, which is a good point if you drive around Moreno Valley and look at the way companies maintains their landscaping, makes you wonder if it's maintained at all at some points. So, there is one other thing that was raised as an issue and the EIR and the community and I wanted to address it and that is you know what do you see from Ironwood looking south. This is Mount Russell, Lake Perris will be just behind this knoll here and Highway 60 is here and this is the projects landscaping, so from Ironwood Boulevard, this is the view that you will see. It is calibrated, obviously with GPS and so it's accurate to exactly to what you will see at that point and of course the ridgelines are preserved and views of the east end and character of the east end will be preserved in that way. There is one more thing that I'd like to share with you and that is traffic. People are very concerned about traffic. What will traffic look like on the freeway and for most people including myself, reading traffic reports is quite different than how you would experience it on a human level, so what we did is we took the actual Traffic Study that was done for the EIR by the City and converted it to a digital format where you can actually animate the traffic. What we've done; all the traffic that will be depicted is traffic at project build-out, which means everything is built out; every building is occupied and the project is fully operational including all the ambient which mean everything else that gets in the City along with it and so you'll houses are painted sort of white or gray. This the traffic that's on the freeway irrespective of whether or not this project comes along and the tracks of the cars or the traffic... the traffic that we're placing on the freeway or the additional traffic that is project generated are sort of in

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red/orange colors, so when you see a orange car or a red truck that's traffic that's generated by the traffic. This is now sitting on the Redlands Bridge looking east at traffic that's moving west; so all the white traffic; this is traffic not today; that's the projected future load of traffic and when you see a orange car or a red truck again that's project generated traffic. In other words if the project never existed, the red cars would not be there as part of the traffic. Now this is also done at peak time, which means this is at the worst case... This for example would be am morning time at peak rush hour, so clearly if you are in Moreno Valley after ten or eleven o'clock those hours of the day, there is hardly anybody on the freeway. This is depicted at the peak worst condition. We can actually see the traffic now headed west and this standing on the Theodore Bridge looking west into town and again same thing. This is probably the pm at the 5 o'clock in the summer rush hour time; loads of traffic and again the red cars are project related. I think watching traffic can be boring, but I think you get the point. The amount of traffic that the project loads onto the freeway is really very low and ... There is also a depiction here of looking at Redlands Boulevard. This is Redlands Boulevard and the project is on the right. Actually because along Redlands; this is the future; just a stand-in building; that doesn't exist; it's not up for consideration. The building we're talking is past it, but this is again at peak hours. This is the load on Redlands Boulevard again; red cars are project related and the white cars are traffic that will be at build out here in any event. I won't bore you with watching traffic, it's like watching paint dry, but we'll... There are a few other issues that were raised within the project that we'd like to share with you. One is air quality and in terms of air quality everybody knows that you know when you have trucks or any equipment at all, if we put a moped on the freeway it adds to pollution and that's a serious business and we need to do everything we can to mitigate those kind of issues down to a minimum and obviously within the law to the extent possible. This is essentially a graph that depicts the profile as you know; a seventy year lifetime span and the propensity for either lung disease or lung cancer as a result of being exposed to a diesel source and clearly as you are further and further away from the sources it goes below what the SCQMD designates as the threshold. As you can see as you get to within after about 100 to 140 meters, which is about 440 feet, it crosses the line where it meets the threshold and anywhere further and further away it starts to diminish to the ambient level. This is where the project lies. We have mitigated. We have created setbacks and buffers that will actually get all the air around the project and the surrounding... no sensitive receptors will actually be affected the significant setback. There is no current homes that are in immediately adjacent to the property; to the north it's the freeway; to the west is the Business Park zoning; north also has Office zoning and of course to the right or east is also Business Park zoning surrounding the property. There was also an issue raised in the community and some people spoke to it about where is the most logical place to put it and some of them said maybe on the west side of town is more appropriate and we looked at it and we studied it as well and we realized that if you take a two mile radius of impact the project might have; if you placed it out here in the east end you can see most of the area is either the badlands or open

space of part of the Mount Russell area and of course this is our property here. Most of this is already zoned Business Park and there is some area in here which is residential, so about this area is what could potentially be affected as residential areas. Compared to for example the area that's right here by City Hall, take a two mile radius and you pretty much encompass almost everything out to Perris Boulevard. This is where we are right now and if you do a two mile circle here you'll be all the way clear of the entire major population of Moreno Valley would be within that sphere. If you go down south of where we have the industrial area by March, you can see it takes in a big part of the Moreno Valley Ranch and a lot of the area of this district, so if you compare the amount of housing area that can potentially be affected, even though two miles is way beyond any buffer the reality would have been that we are probably better off having it out here than having it out here where most of the population is here, where most of the housing is, where most of the schools are and everything else. This is just looking at the project more closely. This is where the project area is and this is General Plan zoning for Business Park, Office and Commercial. The project is well within the Business Park and Commercial zoned area in the City. It is surrounded by Business Park; a major Business Park that is currently part of the General Plan on the east end. This is the boundary; this is the State Fish and Game property down here; the badlands over here and this is Moreno Beach Drive, Redlands and of course we are familiar with the Target and Wal Mart Center, the Auto Mall and of course the Business Park zoning that goes here, so we're within the band of the Business Park and Commercial zoned area of the City. Looking at the project, this is the area that is impacted. There is currently vacant land and most of it is ours and over to east and west is all Business Park or Commercial. I think we talked about some of this... just to compare the traffic relationships; the Moreno Valley Mall is a project that generates 60,000 trips a day, so when you experience it; if you go to the mall you are experiencing basically traffic levels that are at 60,000 trips a day. If you are over at the Stoneridge Wal Mart Center, that traffic gets 36,000 trips a day levels, so that's how you experience 36,000 trips if you go to the Wal Mart, Stoneridge Target Center that's 36,000 trips a day. This project at completion would be 15,000 trips a day, so as you can see it's actually almost less than half of what the Target Wal Mart Center is in terms of what the traffic values are and how you would experience traffic there. There are a lot of other economic benefits that are also important. The job creation, but I think maybe that's better said in a different form, but the bottom line is there will be 2,500 jobs that will be created at project build-out. In addition to that they'll be construction jobs and you'll have the multiplier effect of people who service those facilities you know and so forth and of course the revenues to the City; the tax base that will be generated to the City is about 1.4 million dollars a year that will go to the benefit of the City itself and we have essentially the impact to the economy; the Moreno Valley economy as a result of the project is 156-157 million dollars annually. So that shows a significant, positive economic impact to the community as a whole and I will conclude with that. If I have any questions, obviously I will be here to answer them. There is a lot of data. The EIR on this project is about four feet tall...

VICE CHAIR MERKT – Could you possibly go back to the tax...

APPLICANT BENZEEVI – Tax...sure

CHAIR DE JONG – Do you want to make a comment?

VICE CHAIR MERKT – I just wanted to take a look at it. He went through it rather quickly and I wanted to see where the different aspects were coming in.

CHAIR DE JONG – Thank you.

COMMISSIONER GELLER – When you are doing the car sequences through the park, there were these low bridges. What are those for?

APPLICANT BENZEEVI – Low bridges?

COMMISSIONER GELLER – Yeah, you know they went all the way across the road and they had a bar underneath them...

APPLICANT BENZEEVI – Oh yeah, let me show it, because some may not have... On the Redlands side, we came up with a concept that we are driving all the traffic onto the 60 freeway on Theodore. This is where our major artery is. This is where traffic is designed to go, but Eucalyptus goes all the way out to Redlands Boulevard, so what we are proposing to do; although it's not in front of you today, is to actually to have a bar that will be lowered that will restrict truck traffic; higher vehicles from crossing, therefore eliminating the ability of trucks to enter Redlands Boulevard and only go out to Theodore. And we can see through that through the animation...is when we go down Redlands again you'll see on the left side.

PLANNING OFFICIAL TERELL – Just to point out as Mr. Benzeevi said, that is a concept. It's not part of the project at this point in time, so Staff has not done any particular review of that. I think it's a concept that might be considered for the future.

APPLICANT BENZEEVI – I wanted to interrupt you before it goes away, you see the bar here, that will be sort of the mechanism where emergency vehicles can get in and out and you can get through, but truck traffic on daily basis cannot get into Redlands Boulevard or get into the project from Redlands Boulevard therefore focusing all that activity onto Theodore, which where we think it's appropriate and away from any neighborhoods or the community itself.

CHAIR DE JONG – So you're saying that bar would raise or lower to allow a fire truck in; is that it?

APPLICANT BENZEEVI – There is a mechanism to do that, but only the Fire Department or Emergency or Police to do that; the general public doesn't have the ability to lower or raise it.

PLANNING OFFICIAL TERELL – And again, it really hasn't been... It's in your Staff Report but just so the audience has... This is proposed as a three phase project. The first phase is before you tonight. As part of the first and second phase, there would be no connection to Redlands Boulevard. All of the traffic in Phase One and Two will be directed towards Theodore except for emergency vehicles, which will have an area which they can get through. I mean, you've seen that pretty often again on say apartment projects where they have an emergency access only. That would be the Condition should this project be approved for Phase One and Two. Phase Three is when Redlands would be the connection to Redlands would be completed, so any discussion of I guess restricting truck traffic or even car traffic is relevant to the build-out condition, but not to Phase One or Two.

APPLICANT BENZEEVI – The Phase One Site Plan and what will be approved now actually has Eucalyptus starting at Theodore going towards Redlands, but actually a cul-de-sac before it reaches Redlands. There is no connection from Eucalyptus into Redlands until project build-out at which point by then as we bring in the phases, would like to propose that mechanism to restrict the traffic should the City consider having access and Eucalyptus and Redlands in general, that would be one way that we can restrict and direct the heavy traffic away from Redlands Boulevard.

CHAIR DE JONG – Okay, any Commissioner questions of the Applicant?

COMMISSIONER MARZOEKI – You talked about this building being LEAD certified. What level are you looking for?

APPLICANT BENZEEVI – We are currently in the process; we're going to reach at least the first level. We added more solar now and so I see you're familiar with LEAD, you have to (inaudible) your other points; we're trying to reach the maximum. We are trying on achieving LEAD's and then how far up the ladder we're going to go will depend on our features. We've actually had some meetings today relating to adding additional solar capacity. This building also has very extensive solar system, so all of the power will be generated through solar means and panels, but there will be through the building process.

COMMISSIONER MARZOEKI – At least a silver rating?

APPLICANT BENZEEVI – We're hoping to get as high as possible. We don't know exactly how we're going to end up...

COMMISSIONER MARZOEKI – And then during your animation you talked a little bit about the landscaping. Was that shown at full growth?

APPLICANT BENZEEVI – That's shown at some of maturity. We are starting with somewhat mature trees, but you know I would say five to seven years into maturity.

COMMISSIONER MARZOEKI – Five to seven years, okay...

CHAIR DE JONG – Anything else?

COMMISSIONER MARZOEKI – That's all I have right now

COMMISSIONER RIECHERS - I note in the materials that we have; well I guess it was in the EIR; that to get your water for this project you... I don't know exactly how to phrase it, but you made an agreement with EMWD to reduce your water requirements for Aquabella. That's correct?

APPLICANT BENZEEVI – Well not the water. We haven't reduced the water requirements for Aquabella. What has happened is Aquabella got allocated way more water than we actually need because we implemented water conservation in our design and drought resistant planting; where the allocation we got was in the old days; basically based on the old standards where we got way more water than we actually are consuming in Aquabella. We felt that rather than to hold in a way that capacity that we will never use, we'll turn it back to the District and the District has devaluated the water sources; recognized that there is sufficient water coming out of Aquabella that could service several other projects including this one.

COMMISSIONER RIECHERS – Okay, so that change is going to have no impact on any of your design or landscaping in the Aquabella project?

APPLICANT BENZEEVI – Not at all, not at all

COMMISSIONER RIECHERS – Okay, that's all I have right now

CHAIR DE JONG – Thank you

VICE CHAIR MERKT – When we say the visuals from the freeway, it raised a question. I don't recall exactly the height of this building; you know what the maximum is and the average height of the building. Could you refresh my memory?

APPLICANT BENZEEVI – It's about 45. Some areas go taller. The building sits between 20 and 30 feet below. You are probably seeing between I would say on average 20 feet of the building, but don't forget that you are seeing 20 feet, but

20 feet probably about 300 to 400 feet away from you, so you are seeing a 20 foot element that's probably 350 feet at least away from your line of sight.

VICE CHAIR MERKT – Also, off the top of your head do you know how this compares to other warehouses in Moreno Valley in terms of size? Is this by far the largest? Is this...

APPLICANT BENZEEVI – It's probably I would tend to think that it is the largest, although I know there is a 1.7 million square foot building and I know there is several 1 million square foot buildings, but it's probably inching everybody else. It's probably the largest and I hesitate to say it because I don't know what everybody's plan out there, but it probably is the largest.

VICE CHAIR MERKT – Well maybe I'll just ask John if he could add to that...

PLANNING OFFICIAL TERELL – Yeah in Moreno Valley the largest, other than the mall, which the mall is about 1.3 million...

VICE CHAIR MERKT – No I'm talking about warehouses

PLANNING OFFICIAL TERELL – The Ross warehouse on Perris Boulevard as you are entering the City and my recollection is that's about 1 ½ million square feet.

VICE CHAIR MERKT – Yeah that's what I was thinking it was. Okay, fine, thank you very much

CHAIR DE JONG – Are there any other Commissioner questions of the Applicant?

COMMISSIONER DOZIER – What's the capital investment to do this at full build-out? How much will it cost to build this whole thing?

APPLICANT BENZEEVI – As far as we know it; things cost today; because if I had to estimate a year and a half ago, they went up like 50 percent, but it's probably between 250 and 300 million dollars depending on ultimate build-out and exactly what goes on there. I would safely say it's about 250 million dollars... that would be a reasonable number.

COMMISSIONER DOZIER – Thank you

VICE CHAIR MERKT – Yes, we obviously see that you are here tonight, but are there representatives here of Sketchers as well tonight?

APPLICANT BENZEEVI – No representatives of Sketchers, although the project is being called and everybody first heard it as the Sketchers building, but Sketchers is the tenant.

VICE CHAIR MERKT – No I understand that, but sometimes there are questions we might be interested in asking them and I was curious if there was someone who could answer those

APPLICANT BENZEEVI – No, I'm sure in the audience there might be some folks there, but there is no one here that came to represent them

VICE CHAIR MERKT – Okay, fine, thank you

COMMISSIONER RIECHERS – I believe you said the project would generate 15,000 vehicle trips a day

APPLICANT BENZEEVI – At entire build-out

COMMISSIONER RIECHERS – At build-out... How many of those will be truck trips?

APPLICANT BENZEEVI – I think it's about 30 percent.... Fifteen percent of it is truck traffic

COMMISSIONER RIECHERS – Okay, thank you

CHAIR DE JONG – Any other questions of the Applicant? Okay I see none; we have some Speaker Slips of course, so you'll get a chance to rebut at the end.

APPLICANT BENZEEVI – Okay, thank you

CHAIR DE JONG – Okay, before I call speakers up for tonight's Public Hearing, let me read a few points pertinent to tonight's meeting. Let me remind you please that speakers are limited to three minutes max. Our time clock is working tonight, so please observe the time clock up here. We encourage everyone who wishes to speak to come up and voice their opinion once you fill out the appropriate Speaker Slip of course. Please do not repeat information that has already been voiced. If you have nothing new to add, just say that I support or that I don't support the project or words to that effect of course. I am going to call speakers up in two's. The second person called should make their way to be positioned near the speaker or behind the speaker and be ready to go when the speaker is completed. Please be courteous to all speakers and I'm sure we're not going to have a problem tonight, but I'd like to repeat that. Please be courteous to all speakers. No call outs, cat calls or loud comments will be tolerated from the audience and all speakers are asked to please address the Commission as a whole body. Do not direct comments to individual

Commissioners and please do not address comments to the audience. Okay, thank you, so that being said, please give your address; your name and your address... Gwendolyn Cross followed by Dolorise Anderson-Reid...

SPEAKER CROSS – Good evening. I'm Gwendolyn Cross. I live in 4th District at 14570 Agave Street and I'm here to say that I do support this Sketchers project. I do think it will be good for the City of Moreno Valley. It will bring jobs into our City and also our schools will benefit from it. Also I know that there was concern from a lot of people of the traffic and the trucks coming into the City. I just want to remind everybody that we do have trucks that come in to bring our fuel and also our food and all of the other things that we have to have in this City. That's all I have to say. I just think it's a good project. Thank you

CHAIR DE JONG – Thank you... Dolores Anderson-Reed followed by Mike Rios

SPEAKER ANDERSON – REED – My name is Dolores Anderson-Reed. I live at 10111 Lake Summit Drive, Moreno Valley and based on what you said I have to say ditto to Gwen, but also I'd like to add one thing. I'd like to know if we are going to negotiate a certain amount of the residents hired when it comes in and rents the facility because we are guaranteed that the citizens will be benefited in this community. Thank you

CHAIR DE JONG – Thank you... Mike Rios followed by Debra Craig...

SPEAKER REOS – Mike Rios, 29034 Cansa Maria Court. I just want to give out the facts. I've spoken with Mr. Iddo Benzeevi several times regarding this project. It's a Class One "A" project that I will say. It's a beautiful building. Will it cause traffic – very minimal. Will it cause smog – probably not too much? Will it cause environmental impacts – not significant enough, but let's look at the big picture. Once this is built it's a Pandora's Box. You are going to start having more and more and more of them. We're going to end up with 30 of them out there and then we have traffic; then we will have smog; then we will have environmental impacts. Now I've spoken to Mr. Benzeevi myself with these concerns. He has a "A" Class building, which is really nice and I told him what is going to prevent other builders from coming in and building "D" class buildings after yours is done. We're going to have a really nice building and then lower class buildings around. What can we do? Well there is really nothing we can do, but I asked Iddo will you help me fight to make sure that all the buildings out there are going to look as nice as yours. He gave me his word that he will and I just want to make sure that these are "A" Class buildings. I know this project is going to go through. It doesn't matter. This City is controlled by him, so it doesn't matter what it is, it's going to go through no matter what I say; no matter what anybody says and I told him that too; I told him himself, so it's not like I'm making something up. If you don't agree with him, you end up like Charles White and Frank West; plain and simple; that's the bottom line and what's amazing to me is I think Moreno Valley is doing very well because I see a lot of new

residents and I've been walking the streets all over Moreno Valley, so we must be selling a lot of houses. I mean seriously, you need to make this decision; if we're going to make this project happen, which it's going to, we need to make sure all the buildings look as good as this one. Whether you are for or against it, we need to do the best thing to make this project the best and everyone after that follow in that footsteps. That's all I'm asking because it's going to happen, plain and simple. Thank you.

CHAIR DE JONG – Thank you...Debra Craig followed by Charles White

SPEAKER CRAIG – Good evening. My name is Debra Craig. I live at 10792 Cloud Haven Drive and I have lived in Moreno Valley for 18 years. For the record I live in Sunnymead Ranch and not near the area affected by this zoning change, but I have an interest in this project because as teacher who works for the Moreno Valley Unified School District, I understand that a huge step in improving student learning is improving the family life that students come from and that means having parents in a good income in the City they live, so they no longer have to commute. This is why I wanted to know more about this development. After researching both sides, this is what I have concluded. The people against this zoning change are correct in saying it might not be a perfect development. Yes the project might cause more traffic and air pollution and it might not employ the number of people that they say. Will it put us all at risk for valley fever? Well even the Riverside County Health Officer has been quoted as saying valley fever is very uncommon in Riverside County. We all agree that nobody likes air pollution, traffic and getting sick, but if warehouses are so destructive to a community why in 2006 did our affluent neighbor to the north; the City of Redlands allow Payless Shoes to build a 400,000 square foot shoe distribution warehouse and Laps Plus to build a 784,000 square foot distribution center right next door. Did these developments result like many here fear a change in air quality and traffic that diminished the citizen's quality of life? I haven't heard that this is the case. We all know our Country is in tough economic times, however do the citizen's of Moreno Valley realize how lucky we are to have a developer who is willing to invest millions of dollars in our community right now, that will immediately bring new construction jobs to the area and boost our own economy. Yes, he is doing it to make money, but he is a businessman and Moreno Valley will make money in the process as well. More money for our City means more parks, more Police, more services and a better quality of life and if you don't believe me just drive to Temecula or Irvine. This Sketchers development isn't just about creating some warehouse jobs; Highland Fairview President Iddo Benzeevi is also bringing to Moreno Valley a new vision that our City can be successful. He spent extra time and money making sure this development was environmentally friendly as well as beautiful. What more can we all ask for. I ask this, yet that I am amazed that they are people in our community who would still rather have us continue on a path of fear meaning we will continue on a path of declining home values and more businesses closing. We must all remember that this isn't the same Moreno Valley from 40 years ago

or when the Master Plan was developed. Times have changed and it's time our City changes too. The job of the Planning Commission is to decide what's in the best interest for the majority of our citizens, not just a few. In closing, our City needs to attract companies that can offer high paying jobs. Our City needs to find families to fill the hundreds of vacant homes. Our City needs to thrive. This project I see will accomplish all of these things. This is why this Zoning Change should be approved. It's time to bring Moreno Valley's transportation from being a dysfunctional bedroom community into a prosperous 21st century City that we are all proud to call home. Thank you very much.

CHAIR DE JONG – Charles White followed by Ricardo Olalde

SPEAKER WHITE – Good evening Planning Commissioners and Staff. It's nice to see you again. My name is Charles White and my residence is 11833 Indian Street in the City of Moreno Valley. My purpose this evening is not that of confrontation but that of understanding. I would like to understand how and why a subject of such importance as changing our General Plan and thereby changing the direction of how this community will be affected for the next 30 to 50 years is not allowing the citizens of Moreno Valley the same amount of time for review and comments that has past policy of the City Council. Our current General Plan took members of this community 10 years to develop and was recently approved by this Commission and the City Council. Why is this Sketchers project being rushed to judgment? Would greed be the answer? It appears that Highland Fairview developer Iddo Benzeevi was premature in guaranteeing General Plan and Zone Changes before any such approval was made by this Commission and certainly before the approval of the City Council. Why would he think he has such approval so far in advance of submitting an Application for approval? It also appears that Highland Fairview properties developer Iddo Benzeevi is looking for the City to bail him out of an expensive situation to the detriment of the health, safety and welfare of the people of the City of Moreno Valley. As I indicated earlier, I do not understand how or why the normal process is being circumvented. In past years it has been the policy of the City to provide the community a 30 day review and comment period on all EIR's. As you know the law provides a minimum of 10 days for public review, however the community has the right to expect and should receive the same review and comment period time that has been provided in the past 12 or more years. All other developers have had to honor standing Council policy whether they be pistols or cannons. It is nice to be business friendly but how about the citizen friendly end of it. I do not recall the City's review policy being agendized for open discussion and then being voted on by the City Council to reduce the public's time in this matter, however it appears that the time has been reduced. Apparently there is a magnanimous gesture by someone to give the citizens a break and has allowed a 20 day review of this project. Can you believe the extended time goes right through the Christmas and New Year's holidays; talk about outfoxing the public? I'll be through in just a minute Chairman. Changes of such enormity are such that they will dismantle the envisioned controlled

growth of our City as approved by the citizens. Warehouses or distribution centers are allowed by the current General Plan in the southern portion of our City close to the 215 Freeway; why not build there.

CHAIR DE JONG – Can you wrap it up please?

SPEAKER WHITE – I respectfully ask this Commission of the people recommend to the City Council denial of any General Plan or Zone Change as regards to this project and to also recommend to the City Council that the developer look elsewhere to the south for his development project. Thank you very much for the opportunity to speak on this issue.

CHAIR DE JONG – Thank you... Ricardo Olalde following Daryl Terell

SPEAKER OLALDE – Mr. Chairman and members of this Commission. Thank you for allowing me to speak. My name is Rick Olalde. I live in the City of Perris and I wish I had a warehouse like that in my City. I am here to speak on behalf of Riverside County Workforce Development Board of which I Chair. I applaud the developer in bringing this type of a product to your City. Site locators work long and hard to find a prime location for their facilities and apparently they thought your City was one of those. In that vein, this project has already created jobs in coming to this point in professional job; high paying jobs and that's we need in this County is those types of jobs, along with the many construction jobs. On this project you will have continuing operations out there that will bring a tax increment that will repeat itself throughout the City through those several million dollars that the City will realize that will only benefit the City and its residents. These types of facilities are not your father's warehouse. Those jobs are high tech jobs and in a time when we have an unemployment rate hovering around 10 percent in our County and nearing that in our nation. To have somebody put their private dollars to work in your City should be a privilege. Aside from everything else that I've heard from others on the positive side, I thank you very much.

CHAIR DE JONG – Thank you... Daryl Terrell followed by Deana Reeder

SPEAKER TERELL – Hi my name is Daryl Terrell and I live at 13689 Moreno Way here in Moreno Valley. Moreno Valley has the potential of being a world class city. One of the key foundations in building a world class city is having high paying, high quality jobs closer to home. Another component is to attract a world class company and in a global economy you shouldn't have to leave your own city to find a high quality, high paying world class job. Tonight before the Planning Commission we have an opportunity to lay down the key foundations in becoming a world class city by bringing a global company; the new Sketchers North American Operational Headquarters into our community. Bringing this global company into our community is important to our community and to our local economy. To bring this point closer to home, according to the latest

unemployment figures for Moreno Valley, 10,200 of our fellow residents are out of work. Having Sketchers in our community will put "Joe Six-Pack" back to work and mom or dad off the freeway and closer to home. What do I mean? It means 2,500 jobs from entry level to skilled jobs, supervisory position and upper management and it means 1,000 local construction jobs but most importantly it means bringing 1,507,000 dollars in economic benefit to our City to maintain or enhance our quality of life through our City services like public safety, after school programs and infrastructure improvements. In closing this project is not about one individual or one developer or about our past election. It's about that 10,200 of our fellow residents who lost their jobs; lost hope; had their American dream foreclosed; it's about Mary the commuter who is frustrated because she can't find a job closer to home and my final comments; we will have people that will come here and they will say they the developers are taking over the City; they got all this power and things, but it was their special interests that have already taken over this City. What do I mean? The General Plan has approximately proposed over one hundred million dollars worth of improvements. They have approximately one fourth of this City zoned for low density, minimum half acre lots to large lots for this special interest. They only represent only approximately maybe less than one percent and they receive most of the benefits. How can we be against a project that is going to put our people back to work that is going benefit the whole mass instead of a few, so I hope go for it on this. Thank you.

CHAIR DE JONG – Thank you... Deane Reeder followed by Carl Rowe...

SPEAKER REEDER – I've been living in this City for over 20 years and this is one of your promises; the City's promises of another rose garden and generally when this City promises a rose garden what we get is thorns and barbed wire. I remember how much the mall is supposed to make us. It isn't even close. INCO our utility was supposed to make us a bunch of money; well that's not going to happen because that is so far in the deficit because nobody here thought through the plan, so we are now paying Southern California Edison about three million dollars a year in what is supposed to be our profits because nobody thought through the process. Now as far as it being a solid developer, Mr. Benzeevi by his own words has been a developer his entire adult life; that would be 30 years and in 30 years Mr. Benzeevi has not developed one single, solitary thing, so what his solid score is zero. He has done nothing in the way of development and the entire time he has been a developer he has had a contractor's license for a year and a half and it is currently suspended. Now that's my idea of a solid character. Now he does shell out a lot of money that he didn't make from developing, so I'm not sure where he gets it or how he makes it, but he does not make his money as a developer, but he does make a lot money doing something. He also bought this property for by the way 2.4 million dollars for almost 500 acres. Well those 500 acres are all going to end up being warehouses. This one is going to look pretty, I'll give you that. It's going to look gorgeous. It's the only one that is going to look gorgeous. The whole point is for him to get his foot in

the door and then it will start looking like everybody has been telling it. This is one of those things where you've gotten promised stuff and there is a reason that Sketchers will not comment on how many jobs there is going to be. This is a state of the art, fully automated facility. Everyone that works there other than the bookkeeper, manager and the assistant manager; they're going to be minimum wage. Sketchers people; they actually get them from temporary agencies. They don't even get benefits. They don't even know how long they are going to be there. That is what this will bring. Thank you.

CHAIR DE JONG – Carl Rowe followed by Margie Breitkruez...

SPEAKER ROWE – Good evening Commissioner, Planning Agents and the general public. My name is Carl Rowe. I live at 23633 Marguerite Circle. I've been a resident of Moreno Valley since 1992. I've seen a couple busts, one boom; we're in the middle of a pretty significant bust right now. The Los Angeles Times quotes that Riverside County and the Inland Empire lead the nation in unemployment. As the previous speaker indicated, we have a great number of foreclosures and our property values have diminished significantly in this most recent bust, therefore I can't think of a project whose timing is better than this one in terms of it's impact on the overall economy of the City; on the number of jobs that it will create; both permanent and temporary in the construction industry, which has more than a 30 percent unemployment rate right now. I think we can truly say that this is an earth-shaking project and I urge your support.

CHAIR DE JONG – Margie Breitkruez followed by Victoria Baca...

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. The citizens of Moreno Valley worked diligently with the City for years to develop a General Plan that addressed our future needs. During this lengthy process, areas of the City were set aside for business, industrial including warehouses, housing, residential, etc. Now a change in zoning is being requested. This project and its overwhelming negative impact is being shoved down our throats even by some of our own elected and appointed City officials. This site isn't being selected because it's the optimum place for the warehouse; it's being selected because it's owned by Highland Fairview. Case in point as far as it shoved down our throats. On September 11th, Press Enterprise article regarding former Mayor Batey stated in the City address, he said, these challenges have sometimes made our journey towards excellence but we've made it through and we'll make it through now. There are reasons to be optimistic... 22 million square feet of office and logistics buildings. That sounds like a pre-endorsement to me. An article in the November 5th, 2008 Press Enterprise is another example. The Moreno Valley Taxpayer's Association, whose leader is Planning Commissioner Michael Geller, spent more than 350 thousand this year primarily on a barrage of campaign mailers touting Molina and Hastings.

CHAIR DE JONG – Excuse me... Do not address particular Planning Commissioners.

SPEAKER BREITKRUEZ – I'm reading what was in the newspapers... No?

CHAIR DE JONG – Please don't...

SPEAKER BREITKRUEZ – Okay, it's in the September 5th, Press Enterprise. Our nation and State is currently in a financial crisis, but there are long term trade-offs of 35 million square feet of warehouses. Are they worth the quality of life and health toll to our community and children? Do those here tonight realize the health hazards of working in warehouses; no air conditioning except in the offices; diesel pollution? Most warehouse jobs provide no long term employment let alone offer benefits. Sketchers wants to consolidate its three Ontario, California warehouses into one modernized automated facility. To say that this project will bring Moreno Valley residents 2,500 jobs is insulting to our intelligence. Sketchers have 2,157 employees nationwide. How could they bring 2,500 jobs to Moreno Valley? What about all their employees from their Ontario operation. There are no guarantees that the rest of the project area will be occupied anytime soon, so job projections there can't be counted either. If this project is approved, their existing employees will have to commute to Moreno Valley, incurring more traffic. Just as likely overall jobs will be lost not added if this Zone Change is approved. I've got more, but I'll do it next time.

CHAIR DE JONG – Thank you... Victoria Baca followed by Art Alcaraz...

SPEAKER BACA – Good evening Commissioners, ladies and gentlemen in the audience and those of you at the Rec Center. Thank you for coming out to support the project. I understand that there are about 500 supporters outside and I hope that this meeting accommodates them and gives them the opportunity to address the Planning Commission tonight. I'm an elected member. I'm a member of the Moreno Valley Unified School District Board of Education and our children's future is always my first priority and that's why I'm here. If this project indeed was detrimental to health of our families and our children, I would not be here before you tonight supporting the project. The students of Moreno Valley; when they graduate, where can they go to get jobs? If they don't go away to college and they decide to stay here in Moreno Valley, where can they get jobs? Yes it's true that this City has brought better restaurants to the City, however how many people can those restaurants give jobs to... very few. In fact, it's limited to those who understand the restaurant business. The children of Moreno Valley; the students deserve to have companies such as Sketchers come to Moreno Valley and it should not be detrimental to businesses that want to come to Moreno Valley. For example, you have the businesses in Towngate; the Ralph's Market; Circuit City; Mervyn's; Gottschalk's, Lane Bryant and the Mall; other businesses that have left Moreno Valley, yet you have a company such as Sketcher's that wants to come to Moreno Valley and it just confuses and it upsets

me that we have people that are opposed to bringing a company such as Sketchers to Moreno Valley. Our students; they ask for Work Permits from the School District, so we issue Work Permits but there are no jobs. That's an insult to our families in Moreno Valley. We have families that commute to LA County, Orange County, some to San Bernadino County and San Diego County for jobs. These families can have jobs here in this City and they should, so that they can spend more time with their families and I'm appalled that we don't have the vision to embrace this company to come to Moreno Valley and be part of the community. We have to start doing things differently. We are not business friendly. We have the land. We have someone; a tenant that wants to come in; we have empty warehouses; we have empty buildings. When I moved in here, we had Home Base on Hemlock. That building has been empty since and no one has taken the time to occupy it, so I hope that you support the project and that you vote to bring Sketchers to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you...Art Alcaraz followed by Paul Rosso...

SPEAKER ALCARAZ –. Thank you for the opportunity Planning Commissioner members. I don't live in Moreno Valley but I'm active in Moreno Valley and I've been active with Chamber and am out and about quite a bit in the community and during the last two years; if there was an issue that was frequently brought up in meetings wherever I was, it was the need to attract businesses that would create jobs for the residents of Moreno Valley and/or bring persons to work in Moreno Valley who would have a positive impact on the local economy. The support to the community that a Sketcher's Operations Center could provide does both. It brings numerous jobs at various levels, brings positive impact as these people begin Moreno Valley at all levels from retail purchases, to home purchases and everything in between. The boom to the local economy I envision will be significant. The project is a viable project to support. It does take into account the need to preserve local air quality; takes into account water preservation measures; it does create green efficient processes in it's development; it's strongly weighing the impact of traffic flow as you saw earlier; it's cognizant of it's truck fleet and it's need to impose standards that preserve air quality and they've also integrated solar efficient processes in their development plans. As a Human Resources Director in the local area for 28 years, I can tell you that given the current economy, the numbers of candidates for even the lowest paying employment opportunities is reaching proportions that I haven't seen for quite a while. The potential to bring jobs to Moreno Valley which can provide competitive opportunities for local residents is an awesome opportunity. The potential to bring jobs requiring some technical savvy and information technology is important. The potential to provide employment for those skilled in logistics and distribution processes is valuable and the potential and opportunity to partner with local learning institutions to help develop skills of the workforce positively impacts our local economy. The benefits derived from this project and the positive impact to the City seems to be benefits that the Planning Commission should not pass up at this time. As a citizen interested in the future

of this great City, I encourage the Commission to do what it can to support the project. Thank you very much.

CHAIR DE JONG – Thank you...Paul Rosso followed by Stan Stosel

SPEAKER ROSSO – Good evening honorable Commission members and ladies and gentlemen in attendance. My name is Paul Rosso and I'm a resident in Moreno Valley and reside at 23426 Woodlander Way. I am also involved in our City and local politics; State and National. Currently I'm a board member with the community health systems. We just opened the Innovative Health Care Center hear in our City and I also serve as President of one of the two Democratic clubs here in Moreno Valley. I'm here this evening because after reviewing the presentation which we have all seen this evening with the innovative environmental design of the structure, including the tax revenue that it would generate to our City and the thousands of jobs, I support this project and I urge you to support it. With that said; during this past election, I want to talk a little bit about this. You know that our candidates were out there proposing that you know they were going to make changes to the City. They want to fight crime in our City, but the problem is that when you ask them what is your plan to fight crime, they had no plan; no plan at all and we know how do we fight crime that's in the City. Well fight crime by hiring more Police Officers; more Fireman and I believe that with the tax revenue generated by bringing Sketchers into our City, we can do just that. We can fight crime and provide jobs to the community. Thank you.

CHAIR DE JONG – Thank you.... Stan Stosel followed by Norma Cortez...

SPEAKER STOSELL – Good evening, my name is Stan Stosel and I'm an Assistant Business Manager with IBW Local No. 47; that's Electrical Workers No. 47. I live in Riverside at 782 South University Drive. Our Local alone represents more than 125 families in this community. Our sister, IBW Local's represents several hundred more. I am also a 20 year member of the Sierra Club, although I'm not speaking for them tonight, I mentioned that just to show my long term commitment to the environment. Demagoguery is easy. Solutions are difficult. Balancing community interests is the role and an appropriate role of government. Schools, quality of life, jobs, the environment, all are bona fide concerns of the government and then the government needs to figure out how to finance these issues. There has been some talk about jobs. What the magic number is, I don't know; 500; 600; 1000; any number is better than zero and that number is increasing and when people talk about the Sketchers jobs, there are going to be ancillary services that result from that hub, so there will be jobs around the area. It will be a magnet for future jobs. On November 4th last year, most of the country recognized the need for change. Tonight you have the opportunity to embrace change yourselves. Instead of exporting jobs overseas, let's change; create jobs here in America. Instead of other cities getting tax revenues; your tax revenues; let's change; let's bring that revenue to Moreno Valley. Instead of

starving our schools, let's change; let's help fund our schools. Instead of commuting hours to work; let's change; let's commute minutes to work. Instead of polluting the environment with greenhouse gases creating electricity; let's change; let's use clean green solar power. This one project alone will be enough to power 3,000 homes. Think of the pollution that we're saving there. On behalf of IBW 47 and the working people in the community, I ask you to support this project. Thank you very much.

CHAIR DE JONG – Norma Cortez following by Elena Santa Cruz...

SPEAKER CORTEZ – Good evening, it's Norma Cortez. I'm Normal Cortez, a 15 year resident in Moreno Valley and wow and now I voted the way I did. This is not only about Highland Fairview; this is not only about Sketchers, this is about our community and this is about jobs. And Iddo just set the bar pretty high for new developers coming in and I applaud him for that. Yes, I agree foreclosures are the result of some bad choices, but foreclosures are also the result of people losing their homes due to losing their jobs or there are no jobs. That's a fact that we don't talk about and by the way I'm actually a senior partner in staffing agency a temp to hire; which temps get a foot in the door with some of these companies such as Ross, which has over 3,000 employees. They are fully automated, but they need 3,000 people help them run all their different machines and all their different warehouses. So it's quite simple; Moreno Valley needs jobs. What do we want – jobs and when do we want them – now. Thank you, that's all I have to say.

CHAIR DE JONG – Can we take a moment to remind everybody to please address us and not the audience. Elena Santa Cruz followed by Hector Reza...

SPEAKER SANTA CRUZ – Good evening, my name is Elena Santa Cruz. I live at 23192 Sonnet Drive, Moreno Valley, California. I want to read you some very important numbers tonight. The current unemployment rate in our country is 6.7 percent. The unemployment rate in California is 8.4 percent, yet the unemployment rate in Riverside County is 9.8 percent and here in Moreno Valley, our unemployment rate is 11.4. That means whenever you come in contact with any ten working age Moreno Valley residents at least one of them is unemployed. Moreno Valley's unemployment rate is large amount greater than the country is as a whole and it's about a third higher than the State's rate and we have almost twice the amount of people out of work as compared in the rest of the country. Corona's unemployment rate is 7.3 and Rancho Cucamonga's is only 5.9. That's because those cities are not afraid of locating businesses in their backyards; businesses that put their residents to work, even during one of the worst recessions ever. Moreno Valley needs to follow their example and not be swayed by the unjustified claims of a few people that may have a personal grudge against someone who wants to build business in Moreno Valley. Iddo Benzeevi; he seems to be more of a visionary and a leader that we would all be wise is listen to. Moreno Valley needs jobs and with your approval of the

Sketcher's, followed by its approval by our City Council we can bring those jobs here to Moreno Valley. There's over a thousand construction workers; many of whom have not worked this entire year who will immediately be put work on this building; this incredible building that will be the most environmentally green building in the entire country. I urge you to get behind Sketchers and get behind job creation and vote yes tonight. Thank you very much.

CHAIR DE JONG – Hector Reza followed by Louise Palomarez

SPEAKER REZA – Good evening, my name is Hector Reza and I live 11521 Davis Street here in Moreno Valley. First off I'd like to say that I appreciate the Planning Commission's valuable time and I simply ask that you vote for the Sketchers project. As you have heard, I am in favor of the project. We must face the facts. Moreno Valley needs the money that Sketchers will bring. That's clear to see and those who oppose or way otherwise are not in touch the facts or reality. The fact is that Moreno Valley is in bad financial shape. If we don't do something about it now, things will only get worse. In the past two years, the City of Moreno Valley's revenue has decreased approximately 15 million dollars and that's due to all of the businesses moving out of town. Yes, the City Commission has enacted some deficit reduction plans; however that has not been enough for the City to avoid major cuts in services and massive layoffs, possibly in areas we need most. The City may have to raise sales tax or even the utility tax again or even both. This year Moreno Valley could face another deficit. The only way to avoid layoffs, cuts in City services and tax increases, is for the City to extend an open hand to job creating businesses like Sketchers and others that want to invest their money here in Moreno Valley. Not only will Sketchers help put Moreno Valley residents to work; the taxes and fees that Sketchers will pay to the City will help balance the budget. I hope you will approve Sketchers. Moreno Valley residents need tax relief. I say let Sketchers carry some of that burden. Thank you.

CHAIR DE JONG – Louise Palomarez followed by Librada Murillo

SPEAKER MURILLO – (Speaker speaks in Spanish)

SPEAKER PALOMAREZ – You need a translator and I can do that for you if you wish unless you have your own translator.

COMMISSIONER RIECHERS – That's fine with me.

CHAIR DE JONG – That's fine, okay, go ahead

PLANNING OFFICIAL TERELL – Yeah, that's fine

SPEAKER PALOMAREZ TRANSLATING FOR LIBRADA MURILLO – My name is Librada Murillo and I live at 12379 Kitching Street, Moreno Valley,

California, 92557. As a resident of Moreno Valley and the President of the Moreno Valley Parents Association, I'm here to ask you to vote for Sketchers tonight. Year after year politicians campaign for office telling us that the best way to reduce traffic on our freeways is bring jobs to our City. They tell us the more jobs we have here; the less cars will be on the freeways going to and from Los Angeles and Orange Counties. We all know this makes sense and we cast our votes for these politicians, but something happens after they get sworn in; the jobs never show up. Finally, after all these years of empty promises a company wants to come to Moreno Valley and bring jobs. We should all be welcoming Sketchers will open arms, but instead we come here tonight to find various people, some from our community, others that have never been here before telling us we can't have these jobs because Sketchers will create too much traffic. That's just bull. The jobs Sketchers creates, will take cars off of our freeways. The activists say Sketchers will put too many trucks on the road. They say it will create an additional 40,000 but that number is unsubstantiated. That phony number comes from Frank West's last failed campaign that even the voters of his District didn't buy into. The number of additional vehicle trips is actually closer to 3,000, which is the same as the traffic created by Wal Mart, but the activists here tonight didn't come to the Planning Commission to complain about that traffic or about the minimum wage jobs Wal Mart brought to our town. The opponents to Sketchers don't care about these facts and they don't care about the jobs they are trying to chase away. They do not speak for the majority of Moreno Valley. They speak for their narrow selfish interests. Don't be fooled by their tricks and their lies. Moreno Valley needs jobs and it needs Sketchers. I am here tonight to ask you to approve this project.

CHAIR DE JONG – I'm going to read one more and that's Librada Murillo and then we're going to take a break.

COMMISSIONER MARZOEKI – That was here

SPEAKER PALOMAREZ – That was her.

CHAIR DE JONG – Oh I'm sorry, excuse me...

SPEAKER PALOMAREZ - My name is Louisa Palomarez. I'm a resident here for 20 years. My address is 24766 Thornbury Circle, Moreno Valley. I've been here 20 years in this community and this is a blessing in disguise. We need to get on board here. We need this for our City. I'm an activist here in the community and an advocate for kids in the schools. Now this is going to be good for our students when they get out of school and they graduate because a lot of them aren't ready to go into the Colleges; a lot of they aren't ready to go into the trade schools and we don't have any jobs. A lot of them have to take a year and work, but where are the jobs; there's no jobs. A lot of them; I've seen a lot of the students go into the Colleges; RTC and they drop out because they're not ready for that. A lot of them are still immature. This is something to say to them okay,

let me go get a job; let me work and then I will think what I want to do from there. We need these jobs here. I have 20 children; I mean I have 6 children and 20 grandchildren and most of them live in this community and go to school here and we need these jobs, so I hope; I support... there's a lot of things that were already said that I want to say so I don't to say them, but I hope you support this project and we go forward with it because this is a blessing and it's a God send, so thank you so much.

CHAIR DE JONG – Thank you for your comments so far. We're going take a short break; about a 10 minute break. Let's reconvene at 9:15.

(TEN MINUTE RECESS)

CHAIR DE JONG – And we have reconvened our meeting. We are in the middle of Public Hearing. Let me please remind you before I continue. I've been asked to remind the audience to please turn off your cell phones and please keep talking amongst yourselves to an absolute minimum as it's hard for other to hear. Thank you. Our next two Speakers would be Robert Palomarez followed by Mary Anne Gonzalez.

SPEAKER PALOMAREZ – Good evening Planning Commission. My name is Robert Palomarez. I live at 24766 Thornbury Circle, Moreno Valley and I'm here to support the Sketchers and I've been over at the Elder Center and I've seen all the support that people want that help with this project and it's overwhelming and I wonder why people would not want it. I mean right now, you know it's getting pretty thin. There are a lot of people losing jobs and a lot of businesses going under and as for me I'd rather collect a pay check than an unemployment check and I know you people have a lot of wisdom. I've looked a couple of your Planning Meetings and you're pretty thorough about things and I know you won't let this one get by you because it's hard times and we need it and I hope you make the right decision. Thank you.

CHAIR DE JONG – Maryanne Gonzalez followed by Jack Shierner...

SPEAKER GONZALES – Good evening Commission. Yes it's Mary Anna Maria Gonzalez and I do live in Riverside and may be asked why I'm here in Moreno Valley; well because to me I think that anything good that happens in Moreno Valley has a direct impact on us in Riverside and they've cited the statistics over and over again how dismal the picture is as far as unemployment and it's getting worse by the day. Macy's is now going to close eleven more stores in the nine states. Every single day between the automotive industry and every corporation that you can think of are finding new ways of out sourcing our jobs to other countries and so to me I find it commendable that these individuals want to bring business to this City. Instead of me having to worry that I'm buying Nike and

having to worry that some child in exploitive labor conditions or some women chained to that machine is having to produce that tennis shoe, there is going to be a body that will be able to oversee that the conditions in that worksite maintain good, healthy, humane conditions for these individuals and if there is a tax base that is ensured that's reinvested into this community. I know I heard a couple of speakers say that it's a shoe in and that these people are going to get this business because... I don't think so. I'm assuming that you have that responsibility to determine whether or not that business comes into this area and that you are going to make sure that they have dotted all the "I's" and crossed all the "T's" and it sounds like they have bent over backwards to make sure that they answer all the issues and concerns that are being raised and I can only wonder if all of those individuals who against this project are employed or retired, because I can't think that if you lost your job in the last few months, you would not welcome gladly the opportunity to work at job in such a nice environment. I worry every single day that people are going to be coming more and more apt to go to crime because of the fact that they don't have enough to eat and I get sick and tired of seeing every single day more and more men on the side of freeway asking for dollars and now women and young kids. Why... Because there's nothing else for them to hold on to. This is an opportunity and I commend you for addressing this you and I commend this company for doing such good homework and I can only hope that my City of Riverside also doesn't get blinded by stupidity and greed on their own because of the fact that they have a job and they are in a cushy environment and make sure that when someone has offered the opportunity to give someone else a helping hand by way of a job that we ensure that opportunity to someone else. I have listened to some of the rumblings in the back that it's a front for another organization that's coming in. I don't even know. I listened to one individual make a presentation as far as almost totally calling this person a crook. Well give me a break. Prove it. Thank you very much.

CHAIR DE JONG – Jack Shierner ... Are you Jack Shierner?

SPEAKER CARRILLO – My name is Norma Carrillo. You called me earlier. Can I present now?

CHAIR DE JONG – Yes go ahead

SPEAKER CARRILLO– Okay, good evening my name is Norma Carrillo. I grew up in Moreno Valley. I respect the Planning Commissioner's valuable time. As a resident of Moreno Valley and credentialed teacher, I am here to ask you to vote for Sketchers tonight. President Elect Obama gave a speech yesterday stressing the need for Congress to pass an 800 billion dollar economic stimulus package, even as the nation faces a 1.2 trillion deficit. He said doing nothing was not an option and if Congress failed to act, that the consequences could be horrible. With the recession lingering for years and unemployment going up into the double digits and in Moreno Valley we've already hit double digit unemployment. Over 11 percent of the workers living here cannot find work and why; because

this City has done nothing year after year to attract job creating businesses. Now we have Sketchers that wants to come here with 1,000 construction jobs. There are people badly in need and over 2,000 jobs that Sketchers will create here at its North American Headquarters. I ask everyone in Moreno Valley to welcome Sketchers with open arms; to thank them for seeing more potential in our City than our City leaders have for two decades and I ask you to approve Sketchers tonight because doing nothing is not an option and a no vote will have dire consequences on the future of our City. Thank you.

CHAIR DE JONG – Okay I called Jack Shierner. Is Jack Shierner available? Okay I'll set Jack's aside... Raul Wilson followed by James Dudley.

SPEAKER WILSON – Good evening members of the Planning Commission. My name is Raul Wilson and make no mistake, I support the Sketchers project. Now what's happening tonight appears to be a fight for Sketchers and against it by what is really on is more important. This is a fight between the rich and the poor. This is a fight between the haves and have nots. This is a fight about whether Moreno Valley should remain a house divided or if we should come together and do something beneficial for all the people. We are divided City based on social class and income. These are a few rich people; there are a few rich people in Moreno Valley; probably less than 100 families that always get their way in what happens in Moreno Valley while the rest of us struggle for the bread crumbs we get in order to survive and provide for our families. If these 100 rich families that have organized the fight against Sketchers and the jobs that it will bring here, that doesn't make sense to me. Sketchers will be a distribution center of shoes. What's the big deal? They should be concerned if the company we are talking about bombs or even cigarettes, but it doesn't; Sketchers makes shoes and we all wear them. Why are they fighting Sketchers? It's not like we all marched on City Hall and fought against the 100 million of our tax dollars that have gone to pay for the horse trails and those 100 families that have the Equestrian down there. We never complained about the cost we had to pick up for their horses even though the money they got would pay many times over for us to have a real Library. We never asked them to pay a special tax on each horse they own. They pay for the damage the manure causes to our water supply when it gets into the ground water. Now there's a real risk to the health of our children that should be examined. So why are these rich people living high in the hills fighting against Sketchers? Simple... because they don't care about the poor. They always look down their noses at us. They don't care that our families don't have jobs, just as long as their families have their houses away from us where they can toast champagne on New Year's Day while we in our houses are not high by gunfire from those that think that shooting bullets into the air is an appropriate celebration. We live in different worlds and the people fighting Sketchers don't care about us and they use their scare tactics and act like they care about our children, but they don't fool us. We know that they don't care about us. They never have and they never will. Can we really hold that against them... not really? It's just who they are; they are snobs, but tonight I am representing the

working class people in Moreno Valley. We've had enough of the rich always getting their way. We want Sketchers. We want jobs and we want them now and I would like to say in closing, what will history record of this Planning Commission? Would it say that you heard the pleas of the poor and you acted on their behalf and remember justice delayed is justice denied?

CHAIR DE JONG – James Dudley followed by Oscar Valdepina

SPEAKER DUDLEY – Hello my name is James Dudley and I live on the east end of Moreno Valley, 15857 Oliver Street. I'm here in support of this project. Earlier when I had taken the first look in the newspapers and you know they talked about a warehouse and what have you, the first thing that comes to mind is awe geez, another warehouse and we have some that are vacant right now and so forth and so on, but you know I'm the type of individual that I just don't take things for face value and take what I read in the newspaper as accurate and concise and so I made the attempt to address my concerns and I found out about this project and I'm very impressed with what they are going to build and aesthetically it will look very nice out there in that area. They answered a lot of the questions when it comes down to the environmental issues. I think if you stop and think about this for a minute a lot of people you know you always us about the mere fact that they are outsourcing work; not only outsourcing out of the State of California, but the other States; not only are they outsourcing work to other countries, but you know what manufacturing plants have closed down throughout the whole United States and you know when the elections were going on and they talked about Iowa and the many manufacturing jobs that they lost there, that was pretty disappointing and to stop and think today and we look at an opportunity here, we're going to have an opportunity to bring in a major business, this might be and somebody used this term, priming the pump to get other businesses to come into the City of Moreno Valley as well. You know this City stands on people, pride and progress. I think I remember that since I moved here in 1987. I ultimately watched a lot of people vacate and leave this City and go down to Temecula or they thought it was brighter on the other side out in Rancho Cucamonga but I stayed here in this City because I do believe in the people, pride an the progress that we can make. Thank you.

CHAIR DE JONG – Oscar Valdepina following Francisco Sanchez

SPEAKER VALDEPINA – Good evening Commissioners; Oscar Val Pena, Executive Director, Moreno Valley Chamber, 22500 Town Circle, 2090 Moreno Valley and resident 98292 Tamarpais Place, Moreno Valley. Moreno Valley was the sixth fastest City growing in the nation just not too long ago; about two years ago. Moreno Valley had many goals and aspirations as we grew. Moreno Valley had a lot of success stories and has a lot off success stories. We had a lot of businesses that were number one in their chains; in the industry; in the country. When stores opened up in Moreno Valley people were either hesitant to either support or see what they can do. When stores opened up in Moreno Valley, not

only did it bring jobs, but they hit national sales and goals that no other company did in the country. Now is the time when we are falling behind in the economy; what's happening in our community, we see the businesses closing; we see what's happening in our local community. We see people leaving out to go find those jobs. This is the time when we need to support this. We need to make sure that this zoning plan is changed. We need to make sure that this project comes to life. We need to make sure that not only the jobs that are going to be at this site that they will bring, but we need to think about the jobs outside of there. We need to think about Joe the plumber; Mary the maid and Tom the taxpayer. We need to think about the parents that will stay closer to their kids for the schools. We need to think about that it's a known fact that if you're not working in the community you live in, you will buy your gas, you will eat your lunch and you will shop where you work and we cannot grow and we cannot provide those services that everybody calls the Chamber for; why don't we get this; why can't we have that. This is why; because we don't have a project like this that will help us go to the next level. We need it. It's more than the jobs here; yes it will provide the jobs there, but it's going to provide a great community; it's going to provide a resource; it's going to provide a future. Like I said, I am resident and I have twin boys and I love this City. This City has been great. We have been through its ups and downs. We have wonderful people here and we have people out in this business industry that need to survive and this is going to help them and they give back, so please think about more than just the project; what the positive impact this is going to do to our community; to our businesses. They are going to benefit; Sketchers is going to benefit; the City of Moreno Valley is going to benefit. This is a young City but we can be a rich City, more than money, but a value to others as well. When people go and they see where the Sketchers project is; where their corporation is... When you're in New York, you're going to see Moreno Valley on the map. When you're in Paris and they'e talking in their Corporate Headquarters, let's fly to Moreno Valley. Let's go talk about and see what's happening there; let's go eat out; let's go have our meetings; let's support the community that support us. We need to support them, so please this zoning change needs to happen. This project is beneficial for everyone, not just their employees, but to the whole community. Thank you.

CHAIR DE JONG – Thank you... Francisco Sanchez followed by Donni Borchard...

SPEAKER SANCHEZ – Okay, Buenos noches; Good evening Commission, my name is Francisco Sanchez, 25387 Renoir Avenue and I am a proud resident of Moreno Valley. We hear it all over the news; internationally; nationally and I hear it everyday locally at my worksite that we are in economical crisis and we need jobs. I work for an agency that helps people with job training and placement; that is when there is money for training and when there are jobs to place them in. It's heartbreaking to see so many people coming into our office with a dream of finding a job so that they can feed their family, but there are not enough jobs. I encourage them and tell the job seekers that it will get better and that jobs are

coming our way, but all they do is respond that's great but my children need to eat something besides promises of a job. These are Moreno Valley families; the working class and we need jobs. I'm here tonight to emphasize the need of jobs here in our wonderful City of Moreno Valley. Less jobs mean more crime. It's a no-brainer. A couple of months ago my home was burglarized. My family and I were victims of a crime. It's not the value of the stolen property that matters it's the violation of our privacy; it's my children's lost innocence. I constantly have to reassure my children that the bad people will not come again because now we have invested in a guard dog; we have system and we have a glock pistol. Last I checked our City model that was not where crime soars. Wouldn't it be nice if we could have local jobs to reduce the number of residents that commute? It would be nice to have parents work locally so we could spend more quality time with our children; attend school functions and be actively in their education. Parental involvement in the educational system has been proven to reduce juvenile delinquency; that's another reason that we need local jobs. Let's take our City back and make it a prosperous City that it was meant to be with jobs and quality of life for every resident; even the working class. Let's make Moreno Valley our home; the place where dreams soar. Let's support this project. Thank you.

CHAIR DE JONG – Thank you... Donni Borchard followed by Melody Lardner...

SPEAKER BORCHARD – Good evening, my name is Donni Borchard. I live at 13780 Roderick Drive in Moreno Valley. I live on the far end east side of Moreno Valley not too far from where the warehouses are to be built. I have several concerns about this project, but my most concern is the fact that the trucks are going to be coming through my neighborhood. I know that you say that they are not going too, but we see it going on every single day now as it is. The City has failed to put up speed limit signs in my neighborhood. You have failed to put in road blocks. You have failed to put in speed bumps. All I am going to see is more and more and traffic and trash and the environmental impact on this project in my neighborhood will be detrimental. The 24 hour proposal to build is going to have a direct impact on my quietness at night and it's just not working. I think that there are other places where that this project could be put and maybe they need to be explored. I do believe this City needs jobs, but not where you are going to put this. It's just not the right place for it. Thank you.

CHAIR DE JONG – Thank you... Melody Lardner followed by Meli Van Natta

SPEAKER LARDNER – My name is Melody Lardner. I live at 28201 War Admiral Street in Moreno Valley. My biggest concern with this project is the truck traffic and the lack of improvements to Highway 60. Cal Trans is always way behind the eightball as we know. This project in the EIR said it will generate 15,339 trips; that are not all trucks but its cars and trucks just from this project alone and of those trucks, 330 of those trucks would be going eastbound through the badlands, which we also know is badly in need of improvements. My concern is the on-ramps and off-ramps at Theodore and Redlands. I heard that

they proposed maybe something stopping the trucks getting through on Eucalyptus from Redlands, but that's not a for sure thing and I worry that the trucks will get off, see that barrier and then they'll go wondering through the neighborhoods trying to figure out how to get to Sketchers. Maybe the developer should have to help Cal Trans with these improvements. We know the State is in trouble and I worry when that will come because even Nason and Moreno Beach aren't going to be improved until at least 2011; it could be a lot further into the future. The EIR explained away the traffic saying that Cal Trans monitors the situation and deals with it but we know with the State budget crisis that might be a long ways off. I'm also concerned that they didn't analyze trucks perhaps using San Timateo Canyon. I've seen trucks do it when there are problems with traffic on Highway 60. Some of the things they mentioned; putting solar on the roof of the building. It was only enough to generate for righting the offices. I'd like to see them go full blown solar and run the whole operation and contribute some electricity back to the grid. The utility companies are under pressure to go more green. Let's have them go completely green and contribute some power back to the grid. The job statistics I keep hearing thrown around. I read the EIR and the response to comments said this project would create 1,986 jobs, but 1,000 people currently work in Ontario. In this economy I don't think they'll quit and just not commute. I think they'll commute over here. Under the current General Plan the EIR said they'll be 4,250 jobs created. The landscaping; they said they were going to put some openings along the freeway. I'm not sure why I'd rather see more landscaping to help mitigate the pollution. I'd like see watering the landscaping used recycled water. I don't know whether they are going to do that, that wasn't clear to me and I'm concerned the ponds will create evaporation of water and create impacts to the downstream Mystic Lake. Thank you.

CHAIR DE JONG – Thank you... Meli Van Natta followed by Steven Crews...

SPEAKER VAN NATTA – Commissioners, my name is Meli Van Natta, Rancho Belago Realty. I live at 12099 Franklin Street here in Moreno Valley and I speak in support of this project and I'm not going to go back through all of the statistics and all of the reasons why we all know that jobs are great to have in town. I just want to talk to you about what I know about and that is in the real estate business, which has been my career for 30 years and I've sold property here in Moreno Valley for about the last 20 years. When people first started coming and when first started bringing clients out and selling them property in Moreno Valley it was basically because it was the cheapest place to live and it usually wasn't the first choice. They wanted to live somewhere else and ended up in Moreno Valley because they could afford it Now I'm finding more and more people moving to Moreno Valley because they have friends and relatives here because they like the lifestyle, because they find it an attractive place to live, but more often than not, the people who are buying homes are working outside of the City and one of the things that I hear over and over again is well I know that we are going to have to commute for now, but Moreno Valley is growing and we're hoping that sooner or later they'll be jobs that we can work at here in Moreno

Valley so that we don't have to commute and that becomes the biggest lifestyle improvement that we can do for our residents and that is to provide jobs for them locally to where they don't have to commute. The other thing that I wanted to mention was there has been a lot of scare talk about all the pollution and we're going to end up looking like Mira Loma and all the problems that they have with air quality there and so forth and I just want to debunk that a little bit. I lived in Mira Loma for about five years back in the 80's. The air quality was poor then even before warehouses were moved in and it was because of the topography of the area there. We have a different topography. We have nice breezes come through in the afternoons and so forth and we're not going to turn into another Mira Loma and I'm not too concerned about whether or not this is opening a Pandora's Box and this is going to bring more warehouses and distribution centers. If it does I say bring them on. I'm not concerned about what they are going to look like because I know that we have a hard working Planning Commission that's going to make sure that any other projects that are approved for the area will be attractive projects that will benefit the community and what benefits the east side of Moreno Valley will benefit all of Moreno Valley, so I urge you to go ahead and approve this project. Thank you.

CHAIR DE JONG – Thank you... Steven Crews followed by Joanne Stephen...

SPEAKER CREWS – My name is Steven Crews. I live at 14828 Stephenson Street in District 3. I'm directly affected by this proposal. I live in what would have been known as the land of lakes and ranches and will not be any longer. I respect that an individual sat at this dais as a councilman who once said that we really don't care whether or not what is developed, all we care about is good development and however just merely because a development is beautiful does not mean that's appropriate for the citizens of that area. May I make analogy? A goose honks like a duck, smells like a duck and defecates like a duck and a duck is a duck, is a duck. It is about the trucks stupid. It is about their smell. It is about their pollution and it is about their noise and for those of us who live in eastern Moreno Valley, this is of great concern to us. There was a lady who was here. Here letter will be read to you recently, but I remind you that this project has flunked the EIR and let me quote to you the American Lung Association already has given the Riverside area an F grade in its state of the air report. An Association official wrote that the County cannot afford more pollution and meet Federal air quality standards. The issue of how much business these new warehouses would bring to the community is clearly overshadowed by the health costs which would arise from this heavy source of pollution; the Association's Paula Gonzales wrote in a letter included in the report. There are other concerns of mine I'll read from something that I sent to the City Council... time is running out. The traffic congestion should be apparently obvious to anyone especially the dangerous interplay between autos and trucks. Access and egress on Theodore and Redlands where crumbling freeway ramps are not expected to be modernized and even Moreno Beach which has its own traffic concerns as motorists gravitate to that route for relief will be difficult. Furthermore Moreno

Beach and Iris will become corridors for truck traffic seeking relief. I'm running out of time, but I just wanted to say to you here is a map of the current General Plan with residences, parks, development for business. This was to have been Mission Viejo East. There is the new development. Here is Easter Market with nothing but land devoted for warehousing all around it. The people in that area of the City will have nothing but warehouses and they were expecting to have open space and a very grand plan for the development of their community where they live.

CHAIR DE JONG – Joanne Stephan followed by Jack Shierner...

SPEAKER STEPHAN – Hello Commissioners and Staff, my name is Joanne Stephan and I have lived here for 25 years. I moved here when we were an unincorporated area and we became a City and then we were a bedroom community. There were no jobs here, so people had to commute back and forth to work and I'm hoping that we become a regional global hub. When I came here tonight I was given a t-shirt. I was given this flyer which I don't know who or what these people belong to, but I actually didn't know whether I'd be for or against the project. I am for it. I've seen a lot of changes in the City since I've been here. I still see a lot of changes. I just went down Cactus the other day to Wisteria. I saw warehouses there that were built empty and I couldn't imagine why anybody would build something without having a tenant there. I did ask Mr. Benzeevi; the tenant that he does have has signed on for 15 years. I think that as a business man like they say he is in business and I think him getting to go on for 15 years, I commend him for that because I've seen too many building that are vacant here in the City. I've listened to a lot of the proponents on this. I've recorded four that are against and one that is iffy and the rest seem to be all for the project. We've got over 500 people seated in the next room that are for the project, so I think it's a no-brainer, I really do and I know I have children and grandchildren in the community. I have a son right now that is going into an apprenticeship program and has to go all the way to Anaheim for it because there isn't any out here. I own homes in Orange County. I was almost going to move back to Orange County because there is really nothing out here. When I moved out here I did have a lot of big aspirations. I live at 23311 Western Ridge Ranch. I live on a half acre. I have a beautiful home but I'm willing to go back to a home that I own in Anaheim and I hope that you guys will have the foresight that Anaheim did years ago in the 50's when they almost lost one of their biggest investments to Santa Ana, so I hope you guys up there think about this because it's a beautiful building. I think it will really attract other people to come here and give jobs for our children, because like some of the people have said, some of our kids... I have five boys; some have gone on to College and some haven't and I'm hoping that maybe that the one that didn't will be afforded an opportunity to maybe to get training or maybe even get an apprenticeship program or something you know. That's up to Sketchers, but I think the zoning should be approved for this project. Thank you.

CHAIR DE JONG – Thank you... Jack Shierner followed by Debra Coggins-Ortiz...

SPEAKER SHIERNER – Hello, my name is Jack Shierner. I live at 11780 Steeplechase Drive. I have been a citizen in this community now in my 19th year... a business owner in this town for over 7 years; former Executive Chairman of Boy Scouts in the Moreno Valley area and current President of the Moreno Valley Hispanic Chamber of Commerce. Honorable Planning Commissioner members I'd like to thank you for spending in giving the voice to the people. Our job as Chamber Presidents, both me and Oscar and our Past Presidents who have spent many hours in looking over this proposal celebrate the wisdom of what we're about ready to vote on. It's not very often that you have this level of willing investment into this community and we celebrate the idea of further growth along these lines will truly benefit Moreno Valley and turn it into the gem that many City Council's past have promised. Several Presidents, along with me who have spent many hours reviewing this program; these plans that are up for vote tonight and in our interest; in businesses interest, we wholly endorse them. Thank you for your time.

CHAIR DE JONG – Debra Coggins-Ortiz followed by Lucy Starr...

SPEAKER COGGINS-ORTIZ – Good evening my name is Debra Coggins-Ortiz; 29060 Juniper Avenue. I live actually walking distance from the proposed project. My family and I have lived in Moreno Valley since 1984. We moved out to the east end to enjoy the scenic rural community. We are not rich. I grew up poor, okay. I resent the fact that we were not notified of this project and that I had to find out by a flyer on my mailbox the night before last. My front property span is 300 feet. I did not get notified and I would have appreciated the time to review the project more thoroughly, however the information that I did obtain was easily obtainable online through research through the Press-Enterprise, stories on Sketchers that have been done here and from the California Air Resource Board and also from your General Plan; our General Plan that was approved and you are trying to now change. According to the California Air Resources Board, quote, fine particulate matter in diesel exhaust can bypass the body's natural defenses penetrating deep into the lungs where it may cause or exacerbate respiratory and cardiovascular illnesses and even premature death. California has identified diesel pm as a toxic air contaminant and estimates 70 percent of the cancer is from the air we breathe is attributable to diesel pm fuel. The ARB estimates that diesel pollution from trucks alone was responsible for 4,500 premature deaths in California in 2005. When combined with estimates for hospitalizations, asthmas attacks, missed work and school days from exposure to particulate matter and smog, the total economic cost to Californians in 2005 is estimated at 40 million dollars, one reason Sketchers should not be at that location. I am not opposed to jobs. Yes we need jobs. My husband has a contractor's license. Yes he travels out of town to work but that is not the right location for it. It should not be around residential homes. According to the

General Plan, scenic resources.... You have shown this area right here. Okay the view from the 60 freeway; the scenic resources have value. You are taking away that value by putting that there and I have so much more to say but my time is up. I would appreciate if there is way that people can contact me, so we can organize to fight this because we will fight this. Thank you.

CHAIR DE JONG – Lucy Starr followed by George Hague...

SPEAKER STARR – Hi, good evening, this is Lucy Starr and I live on Shasta; 12321 Shasta Place in Moreno Valley on the north side. I like the proposal. I think it's really good. We need jobs and we need them now. We have kids and they are traveling far to get to work and it is too much for them, so please I ask the Planning Commission to please say yes to this Sketchers company. Thank you.

CHAIR DE JONG – George Hague followed by Gordon Tucker

SPEAKER HAGUE – George Hague, 26711 Ironwood Avenue here in Moreno Valley speaking on behalf of the Sierra Club and the Community Alliance for Riverside's Economy and Environment. I've actually been an AFLCL member longer than I have been a Sierra Club Member. This meeting should be continued to a second meeting so both the public and yourselves can do justice to the 2,000 plus pages; 1,200 of those have come since December 19th. The developer has shown us his pretty pictures; however he has to give an overriding consideration for aesthetics. That means he is making the City uglier and you have do an overriding consideration on that fact. You must vote overriding considerations on air quality. That means it is going to produce bad air for us; all of the warehouse workers and this is what the supporters need to realize. All of the warehouses will be subjected to significant health problems for the thousands of daily truck trips; one every 40 seconds in every 24 hours. The massive area where the workers labor is not air conditioned or filtered, thus they must continually breathe in the toxic diesel pollutions we just heard about which will eventually affect most with health problems. They will have more than 100 open bays pulling that stuff into the workers. There are two other projects that are adjacent to this one which will add 3 million more square feet of warehousing and logistics centers. If you approve this project you are in reality are probably approving all three for a total of 5 million. The Sierra Club and CAREE do not believe the cumulative growth inducing impacts have been thoroughly analyzed with the environmental impacts to our community. The logistics modified General Plan proposed by the developer; this concept is something that must be incorporated into this document that is now before you. Just saying the developer has not submitted paperwork for this does not justify not having this foreseeable project information prior to your vote. Noise; another one that has to be overridden is substantially increased and you are telling hundreds if not thousands of residents to grin and bear it so you can improve this unhealthy project. State Route 60 through Moreno Valley has few trucks compared to

Interstate 10. This project in its growth inducing impacts will change our commuter freeway into one that makes those who close to it suffer significant noise and pollution impacts from this all noisy polluting diesel trucks. This raises a question as to where the environmental justice analysis is in this document. It is totally lacking and needs to be before you prior to a vote. Traffic; another issue that has not been resolved prior to your vote. The developer does not factor in and in fact he totally kept if off of his pictures that there are 6,000 homes already approved on the Moreno Highlands project and 20,000 jobs. The final EIR states that there are two lanes that allow you to continue west from 60 to the 215. In reality State Route 60 has one lane; the one to the far left that allows you to continue west while the other lane forces drivers to exist Central Avenue. Until the traffic analysis deals with this issue, you cannot vote to certify the EIR because it's inadequate. You must realize that while 2,200 diesel truck trips may not sound overwhelming, they represent 1 every 40 seconds for 24 hours every day. If the two adjacent ones are approved then you are looking at 1 every 10 to 15 seconds; every truck; every 10 to 15 seconds. Anyway I hope you read the other materials I gave you prior to your vote. They will add to your understanding of the people who are impacted by these projects. Thank you very much.

CHAIR DE JONG – Thank you...Gordon Tucker followed by Joe Zmudosky

SPEAKER TUCKER – Good evening and thank you for letting me speak again. I've heard a lot about green this evening and how this project is going green and I'd like to draw your attention to this picture. This is called green. In the EIR this was supposed to be taken care of in accordance with California laws, the Federal laws local laws, however as found also in the EIR, this substance you see on the ground was merely plowed under the soil; not a good way to start a relationship with the community. Another thing Mr. Benzeevi talks about it's not the size of the building, it's the quality. Well someone mentioned our new President not too long ago; well I'd like to quote him too; if you put lipstick on a pig, it's still a pig. Further more we heard a lot about children this evening. I want to stop and think about children; not just our children, but how about the children around the world; the ones that Sketchers employs for less than 50 cents a day in third world countries. Do we really want them here? Secondly, I want to say something that is really important to think about. This City when it was first built had a General Plan that said that warehouses are not very good for our community. They occupy large spaces of land and they employ very little people. Now we've got one we want to build here that is equal to basically little more than 30 fifty square foot businesses. I wonder how many 30 fifty square foot businesses could employ over Sketchers. Sketchers have 2,114 employees nationwide. You are telling me closing five warehouses in Ontario who are one given time have 120 employees is somehow going to increase their employment needs to 2,150. Someone is pulling over the wool over everybody's eyes around here and this City needs to wake up. Thank you.

CHAIR DE JONG – Joe Zmudosky followed Suzanne Potter

SPEAKER ZMUDOSKY – Good evening, my name is Joe Zmudosky, 28131 Bethany Circle, Moreno Valley. As you asked not to repeat everything that has been said tonight, the project at Highland Fairview as presented here tonight is one of a kind and I've been behind the project since the last several months and I think the Commission here should look at it on the basis of what it is going to bring to this City. We talk about jobs; we talk about pollution and we talk about all these other things that these trucks are going to bring in. If you listen to some of these proponents, just one iota to think about; 40,000 trucks; if you put them end to end, it is 862 miles end to end. There is no way you could pass that many trucks through here in a day; a week; a year. Iddo has come up with a pretty sizable project here that needs you as Commissioners to look at and understand the value that is going to bring to this City and the value is (a) jobs, tax base and money to the General Fund and a couple of million dollars that it is going to put into the school budget because we're not going to get anything from Sacramento or Washington and the scope of the project is massive. It's going to bring other corporate businesses to the City and I think you should look at it, talk amongst yourselves and give it the thumbs up because this is as our City motto goes, you know where dreams soar and you guys have an opportunity to put Moreno Valley a little bit higher up on the map than we've been in the past and I appreciate your time. Thank you.

CHAIR DE JONG – Suzanne Potter followed by James Hutchinson

SPEAKER POTTER – Good evening members of the Planning Commission. My name is Suzanne Potter-Smodowski. I live at 28131 Bethany Circle in Moreno Valley. As citizens I believe it is our responsibility to look at the big picture rather than our own personal concerns. Now I realize the big picture is different depending on your perception. I believe we can either look at things as the glass half full as somebody who is saying that this would be another Mira Loma or a Pandora's Box or you can look at it as the glass half full by saying this is priming the pump, this is start of world class City, this is another Irvine. The choice is really ours and how you view it, but the reality in the big picture is that we have warehouses around here and if we look to every side of us we have warehouse and distribution centers but they are not in Moreno Valley, so we can either be in the driver's seat and be the ones to mitigate and control the impact; the negative impact that such a project might consider and then on the other hand reap the financial benefits or we can just feel the impact and reap no benefits if it's not here in Moreno Valley. As an educator I support the change in the General Plan for two reasons. First it brings a favorable and measurable financial impact to our school system. Second it means this project in it's vision means more time for families to spend with their children and to be involved in their education and you've heard that this a very important factor in a child's education. Now that might be time is immeasurable but it's not just immeasurable, that's priceless. Thank you.

CHAIR DE JONG – James Hutchinson followed by Steve Clute. Is Steve Clute ready to go after this? Are you Steve Clute... is James Hutchinson here?

SPEAKER CLUTE – Thank you Mr. Chairman, members and for all your time and consideration tonight. I'm at 600 Central, Riverside. I'm Business Director for Electrical Workers IBW and NECO, National Electrical Contractors. Bob Frost is our Business Manager and I have a history in Moreno Valley. I was married in Sunnymead in 1977. My mother in law lives here. I used to fly in the Navy; I'd come into March Air Force Base when we couldn't find the ship and later I had the privilege to serve the area in the Assembly and I remember I think it was right about the time; the year of incorporation; yeah '84, so '83, '84, '85 was right at that time when of course the housing was really taking off and good and rightfully so and you could see back then the beginnings of the imbalance of housing to jobs and I think to have a project like this that we certainly strongly support means a lot to try help even that kind of balance and I know you and City leader have been dealing with that for years and have done some good things to address that, but here is I think an outstanding project to help address that. I commute on the 60 or go through it at least several times a week. I've stayed somewhat current with the area and I appreciate the potential also in renewable energy, which we think is huge, and particularly could be with this project and could possibly have positive benefits for rate payers in this area. We think it's the right project at the right time. I appreciate all your consideration tonight. Thank you very much.

CHAIR DE JONG – Thank you... Patricia Gonzalez followed by Derek Stephens

SPEAKER MERRILL FOR PATRICIA CONZALEZ – Hi, I was asked to read Patricia Gonzalez's letter because she had to leave. Is that okay?

CHAIR DE JONG – That's fine

SPEAKER MERRILL – My name is Laura Merrill and I live in Moreno Valley at 28115 Gerald Lane. Patricia Gonzalez's letter reads as follows: Dear Commissioners; the American Lung Association is very concerned about adding a major air pollution source from thousands of heavy duty trucks to a community that may already be burdened by multiple sources of pollution and subsequently suffer from multiple health problems. Additionally it is important to note that pollution from East Moreno Valley can easily spread to other parts of the polluted County of Riverside. The connection between pollution and negative health effects impacts from heavy duty diesel trucks has been documented in numerous research studies. Recent studies from USC Medical Schools indicate that pollution from trucks and cars have stunted lung development in children in nearby Mira Loma, never to be regained and can even be reasonable for actually causing asthma and aggravating asthma. According to the American Lung Association's State of the Air Report, Riverside received an F grade for having a very high number of days with unhealthy air pollution both for smog and soot.

According to the same report in Riverside County, currently over 160,000 people suffer from asthma; almost 25,000 from emphysema and over 60,000 from chronic bronchitis. Additionally, approximately 458,324 residents suffer from heart disease. Riverside County cannot afford more air pollution in terms of meeting health based Federal air quality standards for both ozone and particle pollution especially since the standards are now more stringent than before. There are remedies that the new warehouses can adopt... buffer zones and cleaner trucks, either retrofitted with particular pollution filters or new trucks. The issue of how much businesses these new warehouses would bring to the community is clearly overshadowed by the health costs which would rise from this heavy source of pollution and Ms. Gonzalez is writing on behalf of the American Lung Association of California. Thank you.

CHAIR DE JONG – Derek Stephens followed by Dr. Regina Brockmueller

SPEAKER STEPHENS – Good evening, my name is Derek Stephens. I live at 11370 Moreno Beach Drive and I'd like to say that I support this project and as a future college graduate I'd like to see Moreno Valley for once bring some real jobs into the City. For years and years I've seen the same old Wal Mart, Target, Stater Bros., Mac Donald's jobs in here every single year and for once I think we have the opportunity to bring some credible jobs into the City and I think it is something that Moreno Valley really should do and it will provide such benefit to our City and I only hope that we support this project. Thank you.

CHAIR DE JONG – Dr Regina Brockmueller followed by Duncan Bush

SPEAKER BROCKMUELLER – Good evening wonderful Planning Commission and all of our audience; citizen's of Moreno Valley. I've been a resident here for 23 plus years and I really am in favor of this distribution center being brought forth to do a lot of various things that it can create for our City. We need to have a change; we need to see change and we need to give our citizen's hope. Moreno Valley can no longer afford to have status quo. We have a township of over 180,000 plus population. We are no longer a bedroom community. We need to welcome change, create jobs for our citizen's and their children and not just minimum wage jobs. As an educator this project represents dollars to our school. I think that someone has mentioned 1.2 million and it also creates time. So many parents I see commuting to jobs outside our own townships; Orange County, Los Angeles; San Bernadino; Riverside and we're not even able to support our own business communities here. We have watched a massive amount of businesses close up unnecessarily because the parents are commuting. With that being said as an educator, I'm expected to teach these children so much and give them assignments and homework and I do this diligently and watch the parents come home late at night after a long commute that was not necessary if we're allowed to create more jobs that are higher paid and well established jobs. I've watched this City go through five transitions of watching our home values plummet. We've watched our values go down, some

of our investments go down and I think that if we take this job and this distribution center and put it forth that we will see that it is the start of something new; the start of change and a creation of hope for our members in society. Thank you.

CHAIR DE JONG – Duncan Bush followed by Patricia Korzec

SPEAKER BUSH – Thank you for the opportunity. My name is Duncan Bush. I live at 29307 Highland Boulevard. It's within a two mile radius of the outline that the presenter showed us earlier. I live between the badlands and the dump, so if anybody knows where that is. I'm not rich. I still work. I'm well beyond the age of retirement. I do live out in that area. I do like it out there. I've been an appraiser. I've topped sugar beets. I'm a licensed general contractor; real estate agent; a lot of different jobs in order to be able to keep a job. I've been in the community well over 20 years. I remember quite a few years ago there was a new warehouse built I think five or eight hundred thousand square feet. It was touted to bring jobs here; manufacturing jobs for intra-manufacturing jobs down near Perris Boulevard; I it think it was BHF or something like that I can't remember the name... PDF; anyway it never opened. They built the warehouse and it never opened up. There are no guarantees that we are going to have jobs if this opens up. To me the big question is not jobs; it is this project in the right location? We just went through about 8 to 10 years of a General Plan and Zoning Change out in the east end. Throughout the entire community the east end particularly got an awful lot of attention. Highland Fairview was part of that. They were definitely against warehousing out there. Part of the biggest problem with warehousing at that end; if you follow the step which is the State Transportation Improvement Program, there are no provisions to widen the 60 Freeway through Moreno Valley. On the 215 down where we have several million square feet of warehousing that's just recently been built in Moreno Valley they are planning on widening the 215. They have wider overpasses and better transportation facilities to put warehousing down in that direction. That's where the City chose to put it; that's where they should put it. The other issues are the bridges. I go over Theodore every day; that's my commute to and from work; down the 60 freeway. If you go over Theodore bridge and you take a look at the bridge, it's just torn up dramatically because you get several hundred or thousand trucks comes through there every single day over that bridge to that dump. Half the railing on that bridge is gone. The on and off ramps not only on that intersection but also on Redlands Boulevard are trashed and they are going to put all this trucking on Theodore. I would like you to vote against this project. I think it's a beautiful project. It's an appraisal. It's a misplaced improvement. It's not the highest and best use for the location. Thank you.

CHAIR DE JONG – Thank you... Patricia Korzec followed by James Hutchinson

SPEAKER KORZEC – Hello I'm Patricia Korzec. I live at 27439 Laurel Court in Moreno Valley. I live and work in the City. I truly believe this is a visionary project for a City that needs some vision in very bad times. It's so well designed;

the architecture is exquisite. I believe it will be one of the finest buildings in the City. The fact that it will be a LEAD certified building shows the proper use of environmental materials. I think that it's a time when the City needs to look at this and we need to reap the benefits of the potential 1.4 million in tax revenues and 157 million in annual other types of revenues affiliated with this. It's important for us to have this project here and not have it move down the freeway to another City which we would reap none of these tax benefits and the traffic would still come through and go up the freeway, so I really ask you to vote in favor of this and I really think it's an important project for us in a very troubling time. Thank you.

CHAIR DE JONG – Thank you... James Hutchinson... Is James Hutchinson here? Okay, Diana Kurr and I am only calling one name because we are almost at 10:30, which is the end of our tape.

SPEAKER KURR – Thank you for hearing me. My name is Diana Kurr and I'm a resident of Moreno Valley at 14885 San Jacinto Drive. I live within the radius that we are speaking about within this plant. I just basically have the major objection that has just been spoken by another person so I'll say it briefly. I think that the precedent for changing this plan and moving to this location is a silly thing to do when we already have a plan that you've spent a long time developing. When I first moved here I was very pleased and felt secure that the plan was a place where I wanted to be and now I feel a little bit concerned that this might go out from underneath me and not be the one that I had hoped it would be. I think there is a tremendous amount of naiveté tonight that this one project is just going to change everything that needs to be changed in the world; the jobs will be wonderful; everything is going to be just wonderful as a result of this one plant. Coming down to a very personal level and I know a lot of other people spoke about the big picture but I sat there as I watched the presentation and I thought to myself on a personal level I don't even exit at Nason anymore. It's just totally impossible. Occasionally I go down Moreno Beach, but generally I go down Redlands and if you take Redlands away from me I don't know how I plan to get home because that's going to be really congested. I've looked at that beautiful lush landscaping and that I remember just recently I was given a notice from the water company that my tiered things were go into effect because I needed to be very conservative with my water and that the prices and everything were going up and that we were in an water crisis and I looked at that forest around that beautiful building and I think oh my gosh, that looks like a really poor use of water. You're talking about dropping property values. I personally think that my property value will be of less value if I have to tell people oh yes there is a warehouse right down the street, but the big precedent; the problem for me is the precedent that once anything is modified you leave the door open so that every other person that comes in here, the precedent has been set and that whole entire area I fear will be turned into warehouses. The one warehouse sounds pretty sound pretty innocuous but I think when that whole area turns into

warehouses we would have a serious problem in that end of town and I ask you to seriously consider your decision tonight against the warehouse. Thank you.

CHAIR DE JONG – Thank you... As I noted at the beginning of the meeting we need to take a break at this point to at least to change the tape and then we are going to discuss what we are going to do further, so are we going to do that after; how does that work?

PLANNING OFFICIAL TERELL – I suggest that you might want to have a discussion now before you break. You've got a few minutes to do that.

CHAIR DE JONG – We have 15 Speaker Slips left.

COMMISSIONER GELLER - I'd like to finish tonight. I don't want to have to drag everyone back and I don't it's fair to even the residents. They're here; they're waiting; let them speak and let's get it done.

CHAIR DE JONG – Do we have more Speaker Slips?

PLANNING OFFICIAL TERELL – My understanding is there are more Speaker Slips from people in the other building than you have in front of you.

CHAIR DE JONG – Let's bring them on. What's the rest think?

VICE CHAIR MERKT – There is a lot more to cover and I think that we're all going to get exhausted and we're going to drag these people out till after midnight... well after midnight if we keep going and I think that we should stick with what we thought about last time which is simply we go to 11 o'clock and adjourn this and then come back; continue it because it's just you know... it would give people more time to look at it because that's been a common complaint that they haven't enough time to review it and it will give them more time to review and it will give us a change to review even further and review the material that's been given to us by several people. I just see many, many benefits by calling it at a reasonable hour and not keeping people out in the middle of the night over this. There is no need to rush this. It doesn't deserve that.

CHAIR DE JONG – Can you give us an estimation of how many other slips there are?

PLANNING OFFICIAL TERELL – My understanding is I think I gave you about 20 and there is another 20 beyond that.

CHAIR DE JONG – So that's another two hours minimum?

PLANNING OFFICIAL TERELL – Potentially yes...

VICE CHAIR MERKT – Too late

COMMISSIONER MARZOEKI – Way too late

COMMISSIONER DOZIER – Well I would like to get as much done as we can tonight. I got a nap before I came here. I'm good to go. I'd like to really get... It's hard to get people out. I'm happy to see them out and I'm happy they've taken the time to come and express themselves and I think they've already waited 3 ½ hours to speak, so I would like to just continue with this as long as we feel we can go.

PLANNING OFFICIAL TERELL – Just for clarification, I've got a clarification... There were originally more people in the other building but other than the ones that you have, the other people left, so what you have before you; I think it's about 20 is it.

CHAIR DE JONG – So there are no additional Speaker Slips...

PLANNING OFFICIAL TERELL – That's correct

CHAIR DE JONG – Okay so let's... Does that change your opinion?

COMMISSIONER RIECHERS – Yes

COMMISSIONER MARZOEKI – Twenty more is how many?

CHAIR DE JONG – We have 15 here...

VICE CHAIR MERKT - But that doesn't include our questions or comments or nothing else or Commissioner Debate. We can go forever...

COMMISSIONER MARZOEKI – But we can get this portion done

PLANNING OFFICIAL TERELL – Yeah you have two issues. Obviously one is completing the Public Testimony and the other is whether or not you want to have any discussion tonight; that would be a separate decision.

CHAIR DE JONG – Well we can reach another discussion point after we finish the Public Testimony...

COMMISSIONER GELLER – Yeah let's at least finish the Public Testimony and get through that.

CHAIR DE JONG – We'll at least finish that

COMMISSIONER GELLER – So at least the people don't have to come back unless they really want to.

CHAIR DE JONG – Let's go to break then and allow the tape to be changed and we will continue public discussion when we come back from the break change... 10 minutes, is that appropriate... Thank you, 10 minutes.

(10 MINUTE RECESS)

CHAIR DE JONG – And we're back to our Public Hearing. We are continuing our Public Testimony. I'd like to hear from Rachel Lopez now followed by Terri Hall. Ms Hall if you could would for a minute please; hold on... Let's have a quick discussion amongst ourselves before so we can determine what we're going to at the end of the Speaker Slips here.

VICE CHAIR MERKT – Yes just briefly, we've covered some of possibilities of for what we're going to do with this meeting. As it now looks we'll probably have another hour's worth of public testimony and we felt that as Commissioners that we wanted to review some of the material that had been given to us tonight; perhaps review some of the original material and some of us have early morning operations that we need to do. In addition the public shouldn't have to stay here until 12 or 1 or 2 o'clock, so we thought we'd continue the Public Comments and at the conclusion of the Public Comments we would continue this Hearing to another meeting and then we would hear the rebuttal and subsequent information that meted from these meetings.

CHAIR DE JONG – I think that wraps it up. Does everybody concur?

COMMISSIONER DOZIER – I just wanted to clarify that we would; we've got 15...

COMMISSIONER MARZOEKI – 15 Speaker Slips...

COMMISSIONER DOZIER – 15 Speaker Slips and we're going to get through those and we're going close Public Testimony and that'll be pretty late and the next thing that comes after that is rebuttal by the Applicant and then after that Commissioner Debate. Those are the things that we're going to do during the continuation that we have agreed that would be after we Public Testimony there will not be another opportunity for the Public to give a Speaker Slip.

COMMISSIONER GELLER – Right, but they can submit comments in writing for our next meeting and we'll certainly read them...

CHAIR DE JONG – Right, absolutely...

COMMISSIONER DOZIER – If you're still away and you had to leave early for whatever and you still want to have your comments read by us before we deliberate, they can be submitted in writing to the City and we will get them and we will read them before we have to enter into Commissioner Debate on the issue.

COMMISSIONER MARZOEKI – And when would that meeting be? I'm just questioning when that would be...

PLANNING OFFICIAL TERELL – Well we've reserved a couple of dates... We do have this room reserved for next Thursday the 15th and that may fit into what you're talking about because it doesn't appear you are asking for any Staff work to be done between now and your next meeting. The other date that we do have reserved is the 29th, but that was in anticipation that you might want some data generated and that doesn't appear to be the case at least from what I've heard. We haven't got that far yet.

COMMISSIONER GELLER – I would like to do it on the 15th

COMMISSIONER MARZOEKI – Yeah the 15th is fine with me

CHAIR DE JONG – I would agree with that. I concur

COMMISSIONER RIECHERS – Yup

VICE CHAIR MERKT – If we're taking a straw poll, yes the 15th sounds fine for me as well

CHAIR DE JONG – Okay, so that's it. Tonight if you want to get your Speaker Slips in tonight; tonight is the last opportunity. Thank you... Rachel Lopez followed by Terri Hall

SPEAKER LOPEZ – Thank and good evening. My name is Rachel Lopez and I do not live in Moreno Valley. I work with the Center for Community Action Environmental Justice in Riverside, but I am a resident of Mira Loma and Mira Loma has been mentioned quite a few times. It is known as the warehouse capitol of the Inland Empire. We're number one in worst fine particulate pollution in the south coast basin according to a recent study in June of 2008 indicating we have the highest levels of particulate pollution; air pollution; pm 10 and also fine particulate pollution. Fine particulate pollution is the worst kind that gets down into the lungs and really causes cancer. It has even been known to cause or create DNA issues. We have children in our community; our children in Mira Loma have the weakest lung capacity of all children in the south coast basin. Inland air pollution not only can steal people's health but as the recent study indicates it also brings a huge financial burden to everybody. The smog the

shroud Southern California costs the region an estimated 21.6 billion dollars a year in health care expenses, sick days and deaths according to the authors of the study by California State Fullerton's Institute for Economic and Environmental Studies. The total includes 6.3 billion in estimated costs in Riverside and San Bernadino Counties. We pay for loss of life and sickness and for the kids who don't get to school or we pay for the clean up of pollution. There is a price either way. The researchers calculated that that the highest costs were in the Inland area; an average of 1,500 to 1,600 per person particularly in Riverside County because of high levels of fine particulate pollution. Past research has linked such pollution to heart attacks, asthma episodes and increased hospitalizations and death. Using statistical studies that link increased air pollution and increased illness, the estimated health effects that included nearly 900 early deaths in the Inland counties; 785 non-fatal heart attacks and 97,530 missed work days. Many studies have shown that death rates increase along with air pollution. Scientists call those premature deaths. Now I've heard all evening about and I've seen the pictures of this beautiful warehouse. It is beautiful, the landscaping is great, but remember this landscaping is not going to be up right away. The warehouses we have in Mira Loma, we have over 100 of them; over 100 warehouses in our community. Even if they were this beautiful, they would be still causing the air pollution that they are causing now. I want to; the last little piece that I want to do is I want to urge the decision makers here tonight to sit back and take a long hard look at what you are asking these residents of Moreno Valley and the health risk that you are putting them in; the type of health risks that you are asking them to endure. This developer is going to come in, do his development and will not be here to feel any of these impacts. Thank you.

CHAIR DE JONG – Thank you...Terri Hall followed by Susan Siegle

SPEAKER HALL – Good evening. I'm Terri Hall. I live at 29177 Stephens Avenue. I've been a resident of Moreno Valley for 31 years. Prior to that I was born and raised in Pedley which is right next to Mira Loma and I'm very glad to be a speaker right after this woman because I am testimony to the air pollution problems that developed from Mira Loma. Pedley was a wonderful community to be raised in. Air quality was not a problem, but once all the warehouses started to be developed in Mira Loma, my mother in particular developed asthma so bad, we moved her from Pedley finally after living there for 50 plus years to Moreno Valley where the air quality was better. Her asthma disappeared. Her breathing was much better. Now you are bringing the same environment that we escaped from Pedley out here to our community. I love the east end of Moreno Valley; the beautiful vistas that we have out there. I don't want the warehouses and I think the people that think this is going to bring jobs to us; it's not. The people who already work for Sketchers in Ontario; they are the ones that are coming to come and take these jobs. I think it's going to be such a disappointment to them and I really feel bad for them because I realize the necessity for jobs, but this Sketchers is such a bad project and it's not going to be what it is proposed to be. Thank you.

CHAIR DE JONG – Thank you... Susan Siegle followed by Thomas Thornsley

SPEAKER SIEGLE – Good evening. My name is Susan Siegle. I live at 28910 Bay Avenue. I'm within a half mile of the project. I have lived there for 27 years. Terrl is my sister and so of course I've seen the difference in my mother from moving from the pollution up to where we live now. The building is beautiful, but I see a lot of things that need to be watered and I too have been notified by the water district that I need to probably need to pay a higher rate. I do have an acre. I have a huge garden that I do every year, so I know that water is going to be scarce and I planned on removing some of my grass so that I could still water my garden, but my main concern is the pollution. Are 120 jobs worth the life and the health of the people that live in Moreno Valley? How many people that commute are going to get a job there? How many people from Moreno Valley are going to get a job there? If there are so many jobs, why isn't Sketchers here to tell us how many jobs it's going to create? Now I understand it is going to create construction jobs, but then those jobs are going to be gone and we're left with a beautiful warehouse that's still a warehouse and that beautiful one is going to make another one over here and then we're going to have another one over here and it's all going to move into our beautiful east side and yes we have horses. That's why we moved... I don't have a horse but there are horses all around me. I'm not rich. I did not drink champagne New Year's Eve and I find that the gentleman needs work; we all need work, but I just thought that he wasn't very eloquent in describing the people that live out there. We're just normal, everyday, hardworking people; some of us are out of work; some of us have lost our homes, but I don't think this is the answer. What we're bringing is a beautiful building that's going to pollute. I can walk out at 4 in the morning, which is when I get up to get my paper and I actually can see the stars. Is that still going to be the way when we have 1,400 trucks coming in every single day? I'm just really concerned with the health issues and the chance that this is just going to spread and that this whole beautiful area is just going to become on big giant warehouse. Thank you very much.

CHAIR DE JONG – Thank you... Thomas Thornsley followed by I believe its Kenneth Engi...

SPEAKER THORNSLEY – Good evening Commissioners; Thomas Thornsley, 29177 Stevens Street in Moreno Valley. We're within a view's distance of looking up to the project site. I've been involved with City Planning for 18 years. It's been my career. I've done environmental documents, specific plans and been in Mike's position before in other cities, so to see what's coming you before now is nothing new, but after spending 10 years updating your General Plan and only two and half years ago finally finishing it, you are now coming forward and wanting to change this. The City arranged where they wanted land uses to be and I think you need to keep them that way; keep the types of businesses where they need to be. This project obviously needs to go somewhere. From what I've

read and I spend days reading through the EIR, this needs to be off of a rail spur, so that the volumes of stuff that comes in from the port of Long Beach and LA can come out by train to the site as opposed to all the trucks that will bring it to it, so for location it's not right; for the jobs per square foot is definitely is not right because a warehouse is one of the lowest job generators per square foot of all of the businesses you can have. Your number of about 2,400 jobs; a lot of that is going to be part of the commercial components, so you'll have to look at that. I have no idea what Sketchers will ultimately have when they have their state of the art facility. It probably won't be the same level as it is now. For LEAD certification, the building proposed; they haven't established a standard. They don't tell you that they want to be silver, gold or platinum. If they are silver, which is the bottom, they'll just barely be above the building code standards. If they want to go to gold or platinum, that may be something to talk about. The generation power on there; the responses to my comments; it says right in there that they will not provide any more solar panels on there that what would facilitate the office portion of the building and that anything beyond that was too costly, so they've said it right there, they are not going to go very far on that part of it. There was mention here about the school district. The school abandoned this site for a high school just catty-corner from this site within the last year because of this kind of a project that's in the works in the City and that the City officials are considering. The district doesn't want to have their students which are the sensitive receptors next to this kind of facility. My biggest fear is that the entire area out there which comprises of over 800 acres is going to convert all the way into warehouses as opposed to the residential, which we knew we were getting into when we bought our house. As a Planner I went there and found that out. If you're going to change it out there and you're going to get around to it, we all need to work at coming up with a whole new vision for that whole area so that it's not just one piece at a time until we diminish our way of life. Thank you very much.

CHAIR DE JONG – Thank you... Kenneth Engi followed by David Serrano

SPEAKER ENGI – Good evening, my name is Kenneth Engel and I live at 10680 Harry Keith Drive. I represent a small community of 13 homeowners and we are not incorporated by the City of Moreno Valley, however we do drive through it and hope to be incorporated one day and I'm sure we will be, but I would like to bring up as a point to you all is I represent the future of Moreno Valley. My wife and I moved here three years ago. We bought land here. We built our home here. We are solar. We are off the grid completely. We have family members who moved to Moreno Valley. We have our dearest friends who moved to Moreno Valley; bought property; built homes. Out in the east end we are in 92555, which is now called Rancho Belago. As I recall a year ago we were renamed because we were being touted as the new Beverley Hills. Well I've never seen a warehouse and I've never seen a warehouse of this magnitude anywhere near Beverley Hills, so what direction are you driving this City? We already have an area in the southwest that is designated as being warehouse.

It's close to the airport; there is railroad nearby; easy access off the freeway and the freeway will take anyone where they want to be. I drive on that 60 freeway everyday. My wife and I both work for the County of Riverside. We are in Social Services. We are not wealthy people. We have worked hard to get where we are and we like where we are. We like the rural community. We loved the equestrian trail. Do I have horses; no; I can't afford them, but my neighbors that do, more power to them. Do they want to be riding through an area of warehouses; no. We have an entire area that is to the east of our property and I don't know how many acres it is; it's been sold and re-sold and re-sold so many times just in the last four years that's it's in incredible. The County of Riverside has recently purchased all of that land. All of that land is now a preserve for the Kangaroo Rats and the Burrowing Owls that everyone was so concerned about some 10 years ago for the east end of the valley and now there is no concern for these animals that are natural to the area and have no other place to go to. We have different groups of individuals; private parties who have gathered together to buy up land in the badlands to preserve that. We have the area around Mystic Lake, which no one will be able to see from the 60 freeway any more because there is going to be a huge warehouse there, with lots of pretty landscape that only the workers who work there will see and how many of those workers will there be and is Sketchers going to be around in five years? How many banks have gone under recently, but we're counting on a nation or a worldwide corporation to provide a handful of jobs, destroy east end valley...

CHAIR DE JONG – Time is up sir

SPEAKER ENGI – Well thank you very much

CHAIR DE JONG – David Serrano followed by William Arsenault

SPEAKER SERRANO – I'm David Serrano and I've lived in Moreno Valley for 34 years; my current address for 30 years. My wife and I are both retired and currently we both drive both the 60 and the canyon route to babysit our grandchildren. We drive that in the morning and then in the afternoon and they are both very dangerous roads because of the number of trucks that are on there and this project is going to add even more trucks to that. It's going to make it more dangerous. My daughter drives that 60 freeway to go to work in Riverside and you know she can't... I don't want her to be driving under those conditions. It would be easier for her to drive from Beaumont than for her to drive on the 10 than to drive the 60. I also wanted to point out that the presentation that was made earlier showed very clearly two lane roads around that property and the 60 is two lanes each way with slow trucks and faster trucks trying to pass those trucks, so that congestion is just going to increase. In the presentation they also conceded that there are many, many small warehouses empty in the Inland Empire. We're just bringing businesses that are in one place; there's no jobs being created, they are just coming from one place to another. They're playing musical chairs. His solution is to build an even bigger warehouse and there is no

guarantee that that warehouse in a couple of years is going to be sitting empty. He also pointed out that there were three and I don't know where that analysis came from but there are three alternative sites. It's clear that the other two sites on the 215 corridor are better situated. They would not create the congestion. The only reason that site has been chosen is because they own the property. There was no analysis made as to where to situate it, they bought the property and then they decided to built it there and he's not going to build one building, he's going to build two or more, so I think you need to really look at the quality of life in Moreno Valley. I don't apologize for being retired. I don't apologize for having lived here and wanting to keep it the way it is.

CHAIR DE JONG – Thank you... William Arsenault followed by Vivian Galvan

SPEAKER ARSENAULT – Hi my name is William Arsenault. I live at 12020 Fennimore Drive in Moreno Valley; the east side of Moreno Valley. One of the penalties of being one of the last Speakers is that everybody has pretty much covered everything you've got to say, so I'll try to keep it short, but the big issue for me and my family is that we were pretty active in the east side. We've been there for 20 years. People remember maybe the Fun Zone that was going to be built out in Moreno Beach; that was an inappropriate development and fortunately it wasn't done. We can look at Pharaoh's Lost Kingdom and what it's done to Redlands and that area and now we've got another one. We've worked hard to get the General Plan to fit everybody's needs. There was talk about commercial. There was talk about warehousing way back when and we had a lot of input from the east side to find something that everybody could adapt to and everybody could accept and it was agreed that Business Parks would be acceptable. Now the ink is barely dry and here we are talking about... we're not talking about changing a little piece of it; we're not talking about taking one little Business Park out and putting a little biddy warehouse in; we're taking about changing the entire scope of the east side of town. You put in a 1.8 million square foot warehouse; the template is set; it's done, so we can't sit here and say we'll we're only making a five percent or 10 percent change to the General Plan, we all have to be realists and say we're changing the entire scope of that side of the City, so we've got to be very, very careful about this decision. There is a lot of talk about jobs. This isn't about Sketchers in Moreno Valley. I think Sketchers being in Moreno Valley is a great thing. I don't know that anybody is going to fly from Paris to Moreno Valley to visit, but it would be nice to have Sketchers in town, but Sketchers needs to be where the City has already agreed to have commercial distribution facilities and that's over by March Air Force Base in that whole area. That area was designated for it. We've got a great tenant. This City ought to work with the developer; they do it every day to try and find ways to get landowners to sell so you can get a large enough parcel and do whatever it is you've got to do and in the end this is non-scientific, but that the video of the 60 freeway had to have been shot simulation at 2 in the morning. There is just no way... I don't forget red cars; forget red trucks... It has nothing to do with more trucks less... there is no way that that traffic... I came home tonight

at about 4:30 dead stopped at Pigeon Pass to Heacock. There is no way it's nice, easy, on-ramp/off-ramp. Thank very much. Please do not approve this project.

CHAIR DE JONG – Thank you... Vivian Galvan followed by Kia J. Kerr.

SPEAKER GALVAN – Hi my name is Vivian Galvan and I am Moreno Valley resident. I have been living here now for about 4 years. I wan enticed to come out here by the promise of Rancho Belago. It was supposed to be the beautiful part of Moreno Valley. I came out from the Rancho Cucamonga area. I am a Registered Nurse. I have a Masters in Nursing and in Public Health. I am very, very, extremely concerned about what the pollution will do to our children, the elderly in the community and what the long term implications will be. I think that we're looking at this currently. I know that we are in a financial deficit and I know that we need money and that we need jobs and I know that everybody looks and needs a quick fix, but the money; the revenues that we're going to be acquiring will not, and I repeat will not outlast the long term health benefits and we're talking about bronchitis; somebody talked about moms who have lung problems. Yes it does affect the elderly more. It affects children because under seven years of age, their lungs aren't developed. There are brand new families out there. Everyday I run the trails out there. I take my dogs out for a walk out there just as Maureen, I was out there and I encourage the members here to go out there and drive in the early morning and at nights it's true. I have family that come from the Rancho area to my home so that we can have picnics and do camping out in the backyards. You know we can see the stars. You can really, really see the stars... why; because the pollution is not as great as it is in the inner part of the valley, so we have to think; we have to realize is this really something that really is going to benefit us as community. I know that we need the jobs, but really consider the fact that this may not be the best solution for us and it's not in the proper place. When I bought my home in this area I was promised Rancho Belago; a beautiful community. I have evidence here; a brochure that was given to me about how I going to be able to ride my horse. I was going to be able to run on the trails.

CHAIR DE JONG – Please limit the outbursts from the audience...

SPEAKER GALVAN - I was going to be able to walk at any time of the day or night without problems and now we come before... this is not the Rancho; beautiful, educational and I'm talking beautiful area. It's really; it's sad to me that a lot of other communities don't know how beautiful because that's what I can really tell you, it's a beautiful area. Please do not destroy it. There are kangaroo rats out there. I have seen them. There are rabbits out there. Yesterday we saw coyotes. There is a whole array of different animals and species that still live in that area and I urge you to please save our area. There is an array of different areas where you can put this and this not the right location. Please save my Rancho Belago or Moreno Valley or whatever you want to call it, but

think of our brochure and think of why we bought there. I didn't just buy my house there. I did my homework and this is what was promised. There was no light industrial zoning. There were no big diesel trucks coming by. I ride my bike to work; I mean... Thank you.

CHAIR DE JONG – Thank you... Kia J. Kerr followed by Jerry Schatz

SPEAKER KERR – Good evening Honorable Chairman and fellow Commissioners. My name is Kia J. Kerr. I live at 13161 Mozart Way, which yes is out on the east end. I work for a nearby jurisdiction and I understand the process for this type of a project and of this; you know a little bit. Generally projects of this size and money once they have made it to this stage are pretty much; they have a high percentage of approval, but I feel as in voting that if you don't voice your opinion, you have no reason to gripe about it later, so I do have some concerns that could possibly be muted if certain conditions were put on this project and future projects going out there. Some of those concerns are of course the traffic, which you guys have heard about. Who is going to be paying for the roads and the repairs of the roads? I don't know if you guys have been out on Redlands Boulevard lately. Basically half the street looks like it's been pummeled covered and that's just going to get worse with heavier trucks, so is the City going to be paying for that; the developer. Is the City able to pay for that if that's the case? Parking and travel of the trucks in residential neighborhoods... it looks like everything is going to come off of Theodore but the only problem is some of those truckers they don't get that message. They'll get off at Redlands thinking that's the shortest route in and see that there is no access or if that bar is there and they still can't get access, they are going to go through those neighborhoods to either turnaround to go back out or they are mandated to sleep a certain amount of time everyday; they might end up in those neighborhoods. Does the City have the ability to pay for the expenses for the extra Police, parking enforcement and the Fire Department that is going to have to go out there? Is the City able to cover all these expenses? You guys have already heard about the actual jobs. I had one gentleman that come in to pull an electrical permit; he said he worked in the Sketchers warehouse over in Ontario and they had 30 people; that was it and like he said, they're planning on shutting down three warehouses down there and those people are going to move over here. They are going to take their experienced people and move them over if they are willing to drive, so there is more traffic coming from other places on that freeway. I'd like to see if there are guarantees of occupancy. I've heard that there is a 15 year lease; that's great. What if something happens? Are we going to see that empty warehouse for years and years to come? Are the funds secured to even build it? We have projects, plan checks done, permits ready and the banks won't fund it. Do they have the funds to actually build this project and the renderings are great, I love them; beautiful. Is there any guarantee that those will be done and how far into the future? Those trees probably look like they are 20 or 30 years old and I don't think they are going to be planting that type of tree right there.

CHAIR DE JONG – Time is up

SPEAKER KERR – Thank you very much and have a good evening.

CHAIR DE JONG – Thank you... Jerry Schatz followed by James Bryant

SPEAKER SCHATZ – Hi my name is Jerry Schatz and I live 28689 Manzanita Avenue. I too live on the east end of town. I can't give much more information that what the past ten or fifteen people have already told you. Traffic will be a problem. Pollution will be a problem. Those trucks coming down the 60 freeway to the 215 interchange is just going to make a traffic nightmare for Moreno Valley. People that want it now for the jobs, there is no job guarantee like people said. How many of the jobs are actually going to be Moreno Valley residents? Are we not just going to get Sketchers out here with people commuting from Pomona, Ontario up to Moreno Valley causing us more problems and having no jobs for Moreno Valley? That's all I wanted to say... just that all these people have already said it, but I would ask that you vote no for this project. The east end of town has been a designated rural area. It's been kept way. We need to keep it that way. There are plenty of places for this type of development over by March Air Force Base. Thank you.

CHAIR DE JONG – Thank you... James Bryant followed by June Louedy

SPEAKER BRYANT – Okay my name is Jim Bryant. I also live in the east end. We're finally getting up here after on the west end talking all night long. I live 29124 Alessandro; that's south of this project. I've been there for 40 years. I'm not like these new kids been here for 10 and 15 years. I've seen the east end as being a dumping place for everything through the years. Most people don't know about it, but they wanted to put an acid pit out there. That was voted out. That was by the same guy that by made Stringfellow. He learned his mistakes that Stringfellow. They wanted to put a prison out there on the end of Alessandro. They wanted to put a tire burning plant out there on the end of Alessandro and an airport that was going to be right in the corridor where Rionerkak (?) comes through and there is supposed to be crippled aircraft; maybe without radios or whatever and well that one also got all shot down. The reason I'm here again; like they said about traffic congestion. That was a really cute picture that he showed, but then like then he said it was probably about 2 o'clock in the morning. It's always jammed up. You go down any day and talk to Mr. West about it. I said have you every gone to Riverside at 8 o'clock in the morning... ah no... well try it. You get stopped at Day Street and you're stuck. I was going to Court and it took me two hours to get into Riverside. The roads that are there aren't made for heavy traffic. Like the gentleman was saying they're all busting up. Rancho Belago was supposedly in the master plan as acreage and lakes and all kinds of nifty stuff out there like the lady showed you. That's kind of gone down in the deal. About six months ago I was in a deal where they are putting R6 housing in

that area. R6 six is high. My wife got run over by a truck. She is now permanently disabled. That's why a few more trucks out there would be hitting cars. There is no way we should have that out there. Like I said, it's going ruin the whole rural area out there. Like I said, I've been out there in that particular area for about 35 years and it's been nice. We don't get all the amenities they have in town, but the people like it and we want to be left alone and keep your warehouse out of there and put it back in down by March Air Force Base. Like the other gentleman said, they got railroad spurs; they got the airport; they can get their stuff in, instead of trucking everything up the roads. Thank you.

CHAIR DE JONG – Okay, June Lowedy followed by Don Krasniak

SPEAKER LOWDEY – Good evening. My name is June Lowdey. I live at 25890 Jumano Drive, Moreno Valley at the Moreno Valley Ranch. Now I am from London and London is a big city and in London they have a lot of Fortune 500 there and this is going to be a Fortune 500 that is coming to Moreno Valley and that's terrific because this is exactly what we need. We need those great Fortune 500 companies to come here in Moreno Valley because it will make it a big city where we will have lots of lovely visitors; just like we have in London. We have lots of great visitors from all over the world and lots of jobs. Maybe it might not be as much as what people are hoping for from the Sketchers Company but at least it's a start. Thank you.

CHAIR DE JONG – Thank you... Don Krasniak followed by... I can't read that, please go ahead...

SPEAKER KRASNIAK – Good evening. My name is Don Krasniak. I'm a resident in Moreno Valley for 24 years and I've lived for 15 years on the east side at 11663 Via Colina and I'm within about a mile of the proposed development. It seems we've been front loaded with supporters of the development project by Highland Fairview and finally some of the residents from the area are speaking. Now I'd like to speak from the position of living just across the freeway from the proposed warehouses. I believe I speak for many residents in asking the Council to consider voting against the change in zoning and allow an appropriate period of time to review and assess the environmental impact of this proposed plan with consideration of the future beyond this project. I am an educator in Moreno Valley and I teach science. We haven't had any real scientific person come up and speak and I can't really say that I'm a expert in any area, but I do have several degrees in biology and a Master's and I think I can reason through some of the concerns that people have already stated and I'm a realist when I consider the impacts of large scale projects like this and the developer briefly stated there are air quality concerns that cannot be mitigated and tried to prove the low level of impact with the graph showing this during his presentation. But a project of this size involving diesel truck traffic with what I call no limits on what numbers will result in 10 to 20 years must be studied further before proceeding. Unforeseen impact nearly always involves impact to human health. Now I'm not

a tree hugger; as I said I'm a realist and about the future and the current benefits of the employment and the tax revenues for the City, they cannot outweigh the potential benefits I want say... they cannot outweigh the health of our future five warehouses down the road. When I bought my home in east Moreno Valley 16 years ago I did so with the intention and desire to retire there and I have only 12 years left to pay on my house. Now I'm worried that my beautiful home will be devalued because of a nearby warehouse district. Contrary to some people's understanding east side Moreno Valley home values will take a hit with warehouses. I bought my home there because of the rural plan and I'd like to see it stay that way knowing that the houses are supposed to be on half acre lots and so on, but the pinch of economic times should not bring poor decisions and we need to reason through those decisions, even though the warehouse is going to be a "A" Class warehouse. As stated before, much worse can come down the road and I just want to mention one more thing. It's very easy mathematically to figure out what truck traffic does at 15 percent of the proposed increase of 15,000 vehicles per day, that yields 32 miles of semi's bumper to bumper with no spaces inbetween, so if you space that out; 32 miles worth of trucks in a 12 hour period, that's two trucks every minute if that's all they worked was 12 hours. If it's 24 hours, it's one every 40 seconds, but that's too much diesel and too much of a health impact. Thank you.

CHAIR DE JONG – Thank you... Laura Covanrubio followed by James Hutchinson. Did I get that name close? Here she is... is James Hutchinson available?

SPEAKER COVANRUBIO – My name is Laura Covanrubio. I've lived in Moreno Valley since 1990 and at first I'd like to read a card that my dad had written. For many years Moreno Valley has been known for anti-business and in these difficult economic times Moreno Valley needs to consider opportunities for it's residents over the objections of a few. He has worked in the warehouse in Ontario at Vietta for about 14 years almost and I've worked there for about five summers, so I know that air quality is not nearly bad as you would say it is. I had about asked about how many big rigs go in and out daily and he said that at maximum capacity it's usually... for maximum capacity it would be about maybe 120; normally less. In fact a big day is usually about 100, so that would not actually create as much traffic as they had said it would be for a comparable sized building. As that said, I believe what we need to do is just make it more open to any business. Frankly I can't think of a more pressing issue at this point. The fact that we are being targeted for a warehouse is both a good thing and a bad thing. While I had heard about Business Parks being in this area, we haven't really been that open to them either. I haven't heard of anything more than kicking out DHL because of noise pollution but at the same time the keep saying if you want more noisy vehicles to go somewhere they want you to go down to March Air Force Base but every time there is more objections. Every where you go there is going to be objections, but in the end we just need to make it more

open to having more businesses; maybe not in this place, but somewhere. Thank you.

CHAIR DE JONG – Thank you... Murdoch Wilson...

PLANNING OFFICIAL TERELL – He left

CHAIR DE JONG – Okay, so James Hutchinson I've called a couple of times and he's not here either. That's the end of our Speaker Slips. Is there anybody else that wants to speak?

SPEAKER NAROG – I submitted Speaker Slips and other people did too in the other room and you didn't call my name.

CHAIR DE JONG – I don't have it up here; John... Okay, come on up, say your name... state your name please... just get in line

PLANNING OFFICIAL TERELL – Fill out a Speaker Slip after you leave

COMMISSIONER GELLER – When you're done

CHAIR DE JONG – When you are done...

SPEAKER NAROG – Okay I think this is conducive... I mean in the other room we couldn't find Speaker Slips; we couldn't find the person for the Speaker Slips and I don't want my time to start yet and people left without having Speaker Slips and I think you guys should postpone the Public Speaking thing so the people that were not given the opportunity have the opportunity to speak. I think it's outrageous that it wasn't available for us and that we were going to be missed and that people were missed. On to the concern at hand... I'm very upset that there a gross discrimination against visions of different lifestyle.

COMMISSIONER GELLER – What is your name?

SPEAKER NAROG – My name is Marsha Narog. I live at 11475 Kerry Lane in the east end or Morningside or whatever you want to call it. I will not call it Rancho Belago because it's a grand takeover of everything we hold dear out there, but the majority of the people in our zip code; the 92555 zip code; that's 12,000 out of 15,000 voters voted for candidates that were against the warehouses because we don't want our lifestyle changed. We worked long and hard for the General Plan to have a Business Park there. We wanted to have an overpass where people could walk or ride their bikes to work to the Business Parks. We had a vision. We have a dream too. Our dream did not include warehouses. Our dream did not include extra semi-trucks. Our dream did not include a lot of what Iddo Benzeevi's dream is. One of the things I see missing here is that the Sketchers representatives aren't here. I think because there is so

much confusion on how many jobs it would create that a Sketchers representative should be at one of the meetings before any vote is taken. I think it would be credible for them to show up so that people will not be saying this, that or the other thing in making numbers up. People that are wanting these jobs, do not necessarily live or appreciate the values that we appreciate in the 92555 zip code area and I think condemning us to a lifestyle that we don't want is irresponsible and the Planning Commission is supposed to be full of people that do planning. I have been a resident of Moreno Valley since 1977. When we incorporated I was hoping that Planning would be paramount and that people would follow the plans. This is one more indication of plans not being followed. It is not appropriate for the plan to be so grossly changed. I walked the neighborhoods putting out flyers for people to come to this meeting tonight. Not one person; not one person supported the warehouses that I talked to. Twelve thousand people voted for people for no warehouses in this area. I want to emphasize that. We do not want that kind of lifestyle in our area. On a more personal note, I am super chemically sensitive. I moved to the northeast end because the air was cleaner. I have lived in five other sections of Moreno Valley. I had problems with pollution in every single one of them. I work in Riverside. I have an air filter in my office. I have air filters that I travel with and I have air filters in my home. I was on Moreno Beach one day when they were developing the condominiums there and a truck sitting next to me was gross polluting so bad that I was going into anaphylactic shock. I sped up to get a way from him and I got a ticket for speeding. If one truck causes that much problem for me and Iddo Benzeevi also said that it's a two mile radius around his place that causes health problems, I'm within that two mile radius and I will not be able to breathe, so I beseech each and every one of you to consider our personal values and desires and vote no for this Sketchers; put the jobs somewhere else for this kind of construction.

CHAIR DE JONG – Thank you... Please state your name and address...

SPEAKER MCKEE – Good evening. Susan McKee, 11577 Knoll Vista and a 29 year resident of Moreno Valley. Thank you to all of you for allowing us to speak tonight. I know it's been a long evening and everybody wants to go home, so I'll be brief. I do want to applaud the developers for taking a lot of opportunity to consider the changes and the requests that were made. My objection is only in terms of the location, not the looks or the warehouse itself. I think we have an opportunity with the Business Park perspective; we have a School of Medicine going into UC Riverside. We have the Allied Health Program at RCC along with Kaiser now going into the Hospital and one of the things that the Planning Commission should be looking at or considering are those businesses that look to professionals in building and educating a high quality workforce. And with that, I just thank you for your consideration. Thank you.

CHAIR DE JONG – Thank you...

SPEAKER BAYER – Hi my name is Beverly Bayer. I live at 11719 Via Colina, zip code 92555. I am also in the neighborhood of some of these other people that have spoken recently. I am for this and I am for it because of jobs. We need jobs. The latest unemployment in our region is almost 10 percent; it's 9 ½ percent. Two years ago; this is November numbers; that's before the December January and February job loses that we are going to see. Most of those are in retail. Two years ago in November of 2006 the unemployment in our area was at 5 percent. Now it's almost 10 percent and it's going to go higher than 10, so we need to consider that jobs are important. I am real estate appraiser. I have watched home values in our area skyrocket through the last few years and dropped starting the summer of 2006. We have lost probably on average 60 percent of our values from the summer of 2006 in our homes. We are going to continue to see home values drop because we still have a boat load of foreclosures coming our way. The last recession that was in the 90's was caused by job losses. This recession is caused by irresponsible mortgage and lending. It's being followed by job losses. I think that is going to snowball into more people losing their jobs and more people losing their homes. We do not need that in our community. We do not need more people to lose their homes. It will drop values faster if we have houses that don't have families moving into them. The Inland Empire has been very lucky. In the recession of the 1990's we gained jobs while Orange County and Los Angeles County lost jobs. We have not seen this kind of disaster in our region; in the Inland Empire forever. I mean it really goes back a long, long time. This is really serious and the only way we are going to pull us these tough times that are ahead of us are with jobs. If people have jobs they can afford houses. If people have jobs they can buy stuff. If people have jobs they can pay their taxes. We have to do whatever we can to preserve and provide jobs for our population and that is the bottom line. It is all about trying to preserve our community and it's going to only happen if people have jobs. Thank you very much.

CHAIR DE JONG – Thank you and it appears to be our last Speaker.

SPEAKER HOPPER – Good evening. My name is Joseph Hopper. I live at 27400 Walther Way, so I'm almost across the freeway from this development myself. I'm a proud member of IBW Local 440 the Electrical Union and I want to say that I helped build these warehouses that you are all complaining about and the jobs coming out; yeah they're going to be construction jobs for us and you're right, they're going to be short term, but what do need in this area? We need to bring developers into this area to help improve our quality of life. No one has spoken about quality of life here. All you spoke about is we don't want this warehouse. Well let's talk about the west side. Everybody says move it out by March Air Force Base. What happened to DHL? The same people who have come here talking about the negatives of what is going to happen are the same ones that complained about DHL Warehouse out there. They wanted the jobs; they got it; then they complained and they said well the airplanes keep us up, so that now DHL is leaving, so based on those negative feelings about DHL and

let's build out in the west end; now you don't want building on the east end either. I live in east end. I live in the nice rural atmosphere too. Change has to come. Change is good. Development is good as long as development is for the right reasons and I think this is the right reason. I think this is a positive move for this City. We do need this development. It will bring jobs. To paraphrase from Field of Dreams, "if you build it, they will come". Thank you.

CHAIR DE JONG – Thank you... Are there any other potential speakers in the audience because this will be the last opportunity? Okay I see none... going once... I'm going to close Public Testimony. Thank you. Alright, true to our word...

COMMISSIONER GELLER – Do we need to make a motion to continue the meeting?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER GELLER – Mr. Chairman I'd like to make a motion that we continue this meeting until next Thursday which is ...

COMMISSIONER MARZOEKI – The 15th...

PLANNING OFFICIAL TERELL – The 15th ...

CHAIR DE JONG – Before we do that, we have a comment...

VICE CHAIR MERKT – Well just a request... John, some of the people have asked and I also would appreciate if we have a meeting next Thursday that there could be a representative from Sketchers here to ask certain questions, because I have a number that probably cannot be answered without a representative from Sketchers.

PLANNING OFFICIAL TERELL – Okay, we're not in direct contact with them but certainly the question has gone to the Applicant and they are aware of it and hopefully they can take care of that.

VICE CHAIR MERKT – We're seeing Sketchers and its being referred to constantly so it's not like it's in a vacuum. I'd like to be able to ask them some questions.

PLANNING OFFICIAL TERELL – Understood

CHAIR DE JONG – It would be appropriate, thank you... continue...

COMMISSIONER GELLER – Okay, anyway I'd like to make a motion that we continue this meeting to Thursday, January 15th, 2009 at 7 o'clock.

CHAIR DE JONG – Thank you

COMMISSIONER MARZOEKI – I'll second that...

CHAIR DE JONG – Hold on...

COMMISSIONER RIECHERS – I think we're continuing the Public Hearing and I think (inaudible)

COMMISSIONER GELLER – I guess... we're continuing this Public Hearing Item. Thank you for the correction. It is late for all of us, so yes let me change the motion that we continue the Public Hearing until that same date and time.

CHAIR DE JONG – Very good

COMMISSIONER MARZOEKI – And I'll second it

CHAIR DE JONG – I have a second... Is there any discussion?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Springer)

CHAIR DE JONG – Alright we'll reconvene this Public hearing on January 15th at 7:00 pm. Is there a wrap up that we need?

PLANNING OFFICIAL TERELL – No the only thing I think left on your Agenda is to adjourn the meeting.

1000 ADJOURNMENT

COMMISSIONER GELLER – Motion to adjourn

CHAIR DE JONG – Do I have a second?

VICE CHAIR MERKT – Second

CHAIR DE JONG – Okay, all those in favor? Good night

SIGNATURE PAGE FOLLOWS:

John C. Terell Planning Official Approved	Date
Rick De Jong Chair	Date

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
JANUARY 15TH, 2009

100 CALL TO ORDER

Chair De Jong convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

200 ROLL CALL

Commissioners Present:
Chair De Jong
Vice Chair Merkt
Commissioner Dozier
Commissioner Geller
Commissioner Marzoeki
Commissioner Riechers

Staff Present:
John Terell, Planning Official
Mark Gross, Senior Planner
Michael Lloyd, Senior Transportation Engineer
Mark Sambito, Land Development – Principal Engineer
Clement Jimenez, Land Development – Senior Engineer
Randy Metz, Fire Prevention – Fire Marshall
Rick Hartman, Deputy Assistant City Manager
Kyle Kollar, Community Development Director
Bob Herrick, City Attorney
Paul Early, Deputy City Attorney
Gerald McAllister, Senior Electrical Engineer
Jennifer Terry, Special Districts Management Analyst
Marshall Eyerman, Special Districts Program Manager
Jane Halstead, City Clerk
Andy Minor, Consultant
Michael Hendricks, Consultant

300 PLEDGE OF ALLEGIANCE

400 APPROVAL OF AGENDA

CHAIR DE JONG – Item 400 is the approval of the Agenda
.

COMMISSIONER GELLER – Move approval

CHAIR DE JONG – Is there a second?

COMMISSIONER RIECHERS – Second

CHAIR DE JONG – Is there any discussion? All those in favor

Opposed – 0

Motion carries 6 – 0

500 PUBLIC HEARING ITEMS

CHAIR DE JONG – Item 500 is to advise the public of the procedures to be followed in this meeting and those are posted on the table by the entrance door there.

600 PUBLIC COMMENTS

CHAIR DE JONG – Item 600 is an opportunity for comments from any member of the public to speak on any matter which is not on the Agenda, but which is within the subject matter of the Commission. I do have Speaker Slips tonight. I'll call you up in groups of two. The second person be ready to speak whey the first one is done. You have three minutes to speak. Please don't take any more. Let me please remind you this for items not on the Agenda. If you are speaking on the Sketchers project; the warehouse project, you will be cut-off. Okay, the first Speaker is Jamil Dada followed by Carol Avila.

SPEAKER DADA – Good evening; thank you. My name is Jamil Dada and I'm here representing the Moreno Valley Chamber of Commerce. I am a member of the Governor's Workforce Investment Board in Sacramento and I am also the incoming Chair of the National Association of Workforce Boards in Washington DC. My office is at 12460 Heacock in Moreno Valley and my other location is at 16110 Perris Boulevard. This evening I want to just highlight a couple facts about Moreno Valley. There are four cities in Riverside County that are half the size of Moreno Valley that have DMV offices, yet the DMV refuses to open an office in Moreno Valley. Moreno Valley has the highest percentage of youth of any city in this two county area, yet several other cities have gotten State Library funding and not Moreno Valley. Three years ago I attended the Yucaipa State of the City Address and the then Mayor mentioned in his State of the City Address how they needed to manage the growth properly because they did not want to

become another Moreno Valley. Economist John Hughsing just this past summer in July of 2008, as he was delivering his contractual business plan to the Lake Elsinore City Council showed them how to avoid becoming another Moreno Valley. I think you get the picture. We don't get any respect in this region. Instead we are mostly known for the high utility turn-offs, the highest foreclosure of starter homes and cheap dirt. We're getting tired of being treated like that and we're not going to take it anymore. So I'm asking you to please take into consideration the land use planning that you do that would provide jobs and I know people complain about low paying jobs, but you've got to take baby steps first. Any kind of jobs are better than no jobs at all, so if you care about Moreno Valley, please take care of the job issue. Thank you.

CHAIR DE JONG – Thank you... Carol Avila followed by Norma Carillo. Is Carol Avila here? Okay then Norma Carillo? Alright Robert Palomarez? Louise Palomarez? Okay, we're running through this list pretty quickly. Joanne Stephens followed by Lori Nichol.

SPEAKER STEPHENS – I just wanted to reiterate the fact that we do need jobs in the City and that anything that would... you know I'm not a factual person but I believe Mr. Dada is and I believe that he has more facts than anybody else and due to that every toher rhetoric that is going around should actually... you know I mean whatever is best for the City of Moreno Valley and not the masses. That's all I have to say.

CHAIR DE JONG – Thank you... Lori Nichol followed by Victoria Baca

SPEAKER NICHOL – I'm part of the old guard. The old guard meaning that I sat through the very first General Plan with all the input with the original Council. I am really concerned that the direction that the City is taking is going to desperate acts, grasping at things with the promise of new jobs that can't be guaranteed in today's economic climate, but I think in view of our Presidential election that we had and that our new President-Elect's theme is change. We have to be really careful of the type of change that we inflict on this community and what brought many of us to this community particularly in the east end. Having the designed the first bike-way map through the City, I was very sensitive to the east end and their need for the people that use horses and what all their dreams and everything were and a lot of those people were here long before the I came in '84 and we still owe it to maintain a healthy, wonderful community instead of just grabbing at whatever plan change that comes through and I remember a long time ago when the City first started that there was a lot of land grabs with taking like R1 designated areas and seeking General Plan changes so that that property owner could turn around and sell it for a highly inflated price. One such example; when the developer bought the property at about 400 thousand dollars; got his zoning changed to scenic highway 1; was able to turn around and within three months, sell it for 1.3 million dollars. That was the early days in Moreno Valley. I'm hoping we're not seeing us going in that direction again. We really

need to maintain quality in our development and give serious consideration to any changes in this economic climate and be sure that everybody has their money to really this structure and to provide jobs they promise. Thank you.

CHAIR DE JONG – Thank you... The next Speaker on items not on the Agenda is Victoria Baca followed by Mary Palomarez...

SPEAKER BACA – Good evening and thank you Commissioners for the opportunity to speak to you again tonight. My name is Victoria Baca. I'm a member of the School Board and I'm also an activist in the community and the reason that I'm here again tonight is to talk about a City-wide issue. We have all the industry and all of the commercial on the west side of town. We have Costco; we have the mall; we have the theaters; we even have City Hall and we also have the sewage treatment plant. We have the congestion on our side of town. Now let's even it out. Let's move some of the industry to the east end.

CHAIR DE JONG – Remember, this is for items not on the Agenda

SPEAKER BACA – Okay it's not on the Agenda. I'm talking about being fair to the City. Okay we hear let's keep the east end pristine. It's only for horses or people with horses; you know we don't want them or those people on our side of town; child labor... they had someone holding up a paper out there. I mean that's not a city issue; that's a national issue. I'm against NAFTA, but I bet everyone here is wearing something or has bought something that has been made in another country, so it's time that we move in the right direction. Our City motto is people, pride and progress. We've got the people. Let's give them the pride and progress and let's even out the inequities. Okay we can't just use the same thing that been happening over and over; its nimbi; not in my backyard. The people on the east end; they say well some have even resigned themselves to say well it's a good project but not on my side of town. Keep it on that side. Well we could also say, then don't come to our theaters; don't come to the mall; don't use our freeway; don't come to City Hall; you're congesting; you're polluting; we can say that too.

CHAIR DE JONG – Ms. Baca, I believe you are referring to the project...

SPEAKER BACA – Okay, let me just finish by saying that this map that was put out. It doesn't reflect the speakers. I know that one of those dots is not any members of my family or any of the speakers that I know. They are not on here, so this is not a fair representation of who is a supporter and who is opposing the project, so let's be fair and let's move in the right direction. Thank you very much.

CHAIR DE JONG – Mary Palomarez followed by Vincent Ortiz. Vincent Ortiz appears to be here... followed by Dr. Monte Perez. Again these are items not on the Agenda.

SPEAKER ORTIZ – Vincent Ortiz, 29060 Juniper Avenue. Yes we need jobs to support our families and our loved ones when we get out of College, but how is a warehouse going to support us. It's not. Tell me how an almost fully automated warehouse...

CHAIR DE JONG – Excuse me... that is an item on the Agenda. I believe you are referring directly to the Sketchers warehouse. Am I not making that clear? Are you going to continue on the item on the Agenda sir?

SPEAKER ORTIZ – Yes

CHAIR DE JONG – Well I'll have to call the next speaker sir...

SPEAKER ORTIZ – Me and my friends have dreams and careers that we would like to occupy when we become adults and I know none of ...

CHAIR DE JONG – Okay, I think we're ready for the next speaker. Okay, speakers you were told you'd be cut off if you are going to speak about the warehouse. This is not the time to speak about the warehouse. Thank you... Dr. Monte Perez.

SPEAKER PEREZ – Thank you very much. Good evening ladies and gentlemen and members of the audience. My name is Dr. Monte Perez. I am a resident of Moreno Valley and currently the President of Moreno Valley Campus. Tonight I want to speak as a resident. I'm not speaking for the Riverside Community College District or the Moreno Valley Campus; I'm speaking as a citizen of this great community. Education is very important and our College is committed to that and we want every single young person and returning adults to be re-trained to get the best possible training education available. Education doesn't start necessarily from any one particular occupation. It can start from the lowest levels of occupation. They key is for people to be motivated and interested in fulfilling their lives. Our College is committed to whatever decision this Planning Council or City Council make with regard to any future development. We are committed to assist this community to realize its goals and to make sure that people have jobs; to make sure that people can serve in this community and pay taxes, so I wanted to make that available to you to know that that is our core mission as a College. We're here to serve whatever is decided by the community, but beyond that I want to say that youth in this community and this young man who just spoke was speaking from the heart about his future and there are many youth in this community that deserve a bright future. Our College is committed to make sure that that happens as I'm sure you are committed to that and whatever avenues can be made available to young people to work and get an education should be made available. The bottom line is that we have 10,000 students now. This is and will be a sustainable community and we're planning to have 13 to 16,000 students over the next five years and that's going to happen because this community will have jobs; this community will have the

ability to send their children to our College, UCR, Loma Linda or wherever else they want to go. Thank you very much.

CHAIR DE JONG – Thank you... Debra Coggins-Ortiz followed by Raul Wilson. This is for items not on the Agenda.

SPEAKER COGGINS-ORTIZ – Good evening, Debra Coggins-Ortiz, 29060 Juniper Avenue in Moreno Valley, 92555. I'm here to request that the Planning Commission and the City Council consider some kind of campaigns to bring real jobs to the community. I'm talking about manufacturing jobs that Americans; maybe entrepreneurs can start businesses where we as a City can help them to start the businesses so that we can have real American jobs for our youth and for our City's future. I would like to... my son actually wrote this for himself; he's not a public speaker; he's never done this before; but I would like to read his last bit that he on here if I may...

CHAIR DE JONG – Remember the rules...

SPEAKER COGGINS-ORTIZ – What are the rules?

CHAIR DE JONG – They rules are it cannot pertain to the Sketchers warehouse

SPEAKER COGGINS-ORTIZ – No, this... he wrote; let's see... I would like a good job that I can have that I can help support my family when I grow up. My friends and I have dreams and careers that we would like to occupy when we become adults and I know none of our dreams is to work at lower paying jobs. We want careers. If we want jobs, why can't we have manufacturing jobs in America? I do not want to work for China. That's what he wrote. Thank you.

CHAIR DE JONG – Thank you... Raul Wilson followed by Steve Clute

SPEAKER WILSON – My name is Raul Wilson. I live at 23595 Court and I'm not on this paper either, so don't use it for any type of guide. We're not supposed to talk about Sketchers right?

CHAIR DE JONG – Absolutely correct

SPEAKER WILSON – But I want to talk about empty stomachs. I want to talk about people who are hungry; hungry to eat; hungry to have education. Those are the things the City is supposed to be thinking about. We have a lot of people out there who are hungry. I've been a student advocate for almost 50 years. I do things for young people; get them into Colleges; get them into good employment, but you know that young man who stood here last time and said I'd rather have a job than an unemployment check and you know that a lot of poor paying jobs are at the casinos and the people work there because you know what hunger is world-wide; not just Moreno Valley; its everywhere and we have

to start looking out for our young people. Believe me they need the help or we're going to continue to fill up the prisons State-wide. A city becomes a prison of dejection when it doesn't provide for its citizens that it has. Gracias

CHAIR DE JONG – Thank you... Steve Clute followed by Steven Bennett

SPEAKER CLUTE – Good evening Mr. Chairman and members. Steve Clute, Riverside, 600 Central; business development with the Electrical Workers IBW and National Electrical Contractors NECA and I'd just like to share that our training center in San Bernadino three or four a nights a week trains apprenticeship electricians and they do that for four years and then in their fifth year they are journeyman and many of these members; some 800 are in Riverside County and no doubt many in the Greater Moreno Valley area and certainly others around the Inland Empire; men and women, although we are always recruiting more women; I think probably that they are the best trained electricians there are and many also or some come out of the military and they mean a lot to their communities and they mean a lot to business in quality workmanship and their skills are top notch and they'd love to work more in Moreno Valley. We appreciate everything you are doing to bring more business to Moreno Valley. Thank you very much.

CHAIR DE JONG – Thank you... Steven Bennett followed by Mike Rios

SPEAKER BENNETT – Hello, my name is Steven Bennett. I live at 25800 Margarita Street and I just wanted to you about providing more jobs in the community. I have been a resident here just shy of ten years. In that short period of time I've seen some changes being made. I just think we should all welcome the opportunity to have more jobs for people who live in the City to work; some local jobs. I'm sure it's like 90 percent of the residents have to leave the City to go to work and we need to have more jobs in the City beyond retail. Retail doesn't pay enough to have a decent living. Organized labor has a history with Moreno Valley for some time and they have access to the technologies we need for energy saving projects and we need to bring some more projects in where they can participate and you know they have a great apprenticeship program so you can get the quality work, energy saving technologies and the City comes out ahead, so you know I urge the City to think about these things when they decide how they are going to use different land projects and I urge everyone to approve the project. Thank you very much.

CHAIR DE JONG – Very creative... creative at the end there. Mike Rios followed by Joe Zmudosky

SPEAKER RIOS – Good evening Commissioners, I'd like to talk about a couple of myths about the east end. When I moved out here in Moreno Valley in 2003 I wasn't rich and I bought my first house on the north side and as time went by and me and my family bought here it was economically okay for us to do so and then

we bought our second house on the east end in 2006 and I will tell you no one in my tract owns a horse. I mean I don't own a horse, but I wish I did when gas prices were expensive, but I will say that our City needs jobs; it really does. For that matter our whole country needs jobs at this time. We're all hurting at this time. Families are hurting because it would be mom and dad working and now all of a sudden one of them has lost their job and they are trying to figure out how to pay the mortgage; how to make that car payment; how to pay their children's health insurance. A lot of families are forced now to make drastic cut backs in their livelihood. A lot of families used to go out and eat on weekends; you know to the restaurants around here. Now they are cutting that out because they just can't afford it. My thing here is yes, I'm for jobs. We do need jobs, but we need jobs that can pay the mortgage. We need jobs that can pay our card note. We need jobs that we can put money in our 401-k for our retirement. We need jobs that will help support us instead of having more foreclosures as time goes by and we are leading in Riverside County in foreclosures and we need to change that and yes we do need jobs, but we do need jobs that can make those payments so we don't lose our homes and I just want you guys when; because you guys are going to talk about a lot of projects in the future and keep that in mind when you are making your decisions on what jobs we are bringing in. It's very important that we get Moreno Valley back on track and we could be the leading City in Riverside in California and all United States if we get the right jobs in our City, when our children when they go out to College and they come back; they could come back to us and work in our City. That's what I'd love. I'd love my children; I don't want them going somewhere else in LA or in Orange County to get a job. I want them to work in Moreno Valley so I could have them near me and that's I'd like to say. Thank you.

CHAIR DE JONG – Thank you... Joe Zmudosky followed by Deana Reeder

SPEAKER ZMUDOSKY – Good evening, Joe Zmudosky, 28131 Bethany Circle here in Moreno Valley. A couple notes about the jobs. In the LA Times today, 160,000 businesses closed in 2008 and they are predicting 200,000 more businesses to fail this year. A job is a job whether it's 10 dollars an hour or 20 dollars an hour; it's a job and you guys sit up there listening to everything that's going on and you know somebody said a long time ago in a movie that logic clearly dictates that the needs of the many outweigh the needs of the few and with the jobs; how many it brings, nobody really knows; 1000, 2000 or 3000 but it's a step. In this City; you guys up there tonight; you need to look at opening the door so that we can move forward and bring jobs and prosperity back to Moreno Valley. I thank you for you time and wish you well.

CHAIR DE JONG – Thank you... Deana Reeder followed by Vicki Watson

SPEAKER REEDER – Hello, my name is Deana Reeder and he said a job is a job. Well I'm here to you that a lie is a lie. When things are advertised, they should be what they're advertised. For example I was here in the building, in the

City Clerk's Office and asked what time those doors were going to open last Thursday. The Clerk called the Deputy that opens the door and while I was standing there listening to her the Deputy told her 6:45 and absolutely not before and we all know that is not what happened. Now you know maybe that was an accident, but these accidents keep happening and they keep happening to the benefit of some groups and the detriment of others and that makes what happened inequitable. Now let's get to some other lies. We're not going to talk about the 1.8 million, but let me talk about the other 33 million square feet of proposed warehouses from this developer; not that part... see the whole total package is 35 million square feet; that is the total package. That is the anticipated amount. That's where the 2,500 jobs come from; if you do all 35 million square feet. If you don't that's not how many jobs that are going to be there. There is only going to be 50 if you only do this project. That's it. So you guys can lie all you want; people back there can believe BS, just like Madiff got his 15 billion because believed in though someone for almost 10 years said ah this ain't making sense. On 9-11, the day before hand, the guy called the FBI and said this is going to happen and they're like ah... and they did nothing. So you guys can do nothing; you don't have to believe me and that's okay. When it comes about, that's when it will be proved and I can live with that. Thank you.

CHAIR DE JONG – Thank you... Vicki Watson followed by Lorena Santa Cruz

SPEAKER WATSON – Vicki Watson, 11109 Night Shadow Drive, Moreno Valley. I'd like to ask some questions before the Commission as they consider our future and some of the issues that face. No one has been untouched by our economy. Its hit us as individuals; as businesses; as city States to the Federal Government. As the Commission is reviewing proposed changes, is the current economic environment being considered such as what if the company suffers financial hardship and they need to close their doors and leave? Currently our supply is exceeding demand and the balance of supply and demand is fundamental. We've experienced severe rainfall shortages and we may face mandatory water rationing. We have been forced to ration before and Sunnymead Ranch almost became a dry lake. When we are considering these proposals are we considering the impact of projects that are large water consuming proposals and what this would mean to projects currently under developed or proposed for the future. Also in reviewing large projects are we considering AB32 and the City's potential exposure to litigation by the State for not complying with these mandates? There are the green valley initiatives and are we considering projects that have us working with the green valley initiatives? Are we a partner or are we an outcast? There is also law regarding withholding gas taxes if we don't have proper traffic circulation. Have these issues been considered? When considering projects we have to consider the local impacts. Traffic is like water. What are the benefits and the risks to our City? We have to be reviewing the benefit versus the consequence. We need to weight the two against each other and ensure that the benefit is to the City over the long term. Each of the items above has direct bearing on property values and the City

revenue stream and we must be developing areas that protect our property values and attract people to our community. We have vacant residential properties. We need to put development around them that encourages people to come to our City and want to reside here. We should not be putting things in place that prevent the City from people wanting to come to our City and how is existing land use measured against proposed projects? Do they compete with each other or do they support each other. We can all exist together. We can have residential properties and we can have business, but we've got to do it through good planning.

CHAIR DE JONG – Thank you... Lorena Santa Cruz followed by Elena Santa Cruz

SPEAKER LORETTA SANTA CRUZ – My name is Lorena Santa Cruz and I'm in the 5th grade. I hope that by the time I graduate from High School and College there will be a job waiting for me here in Moreno Valley. I love this City. I've grown up here and I hope that this City will grow with me and be able to support my own family some day. Thank you.

CHAIR DE JONG – Thank you... Elena Santa Cruz followed by George Hague

SPEAKER ELENA SANTA CRUZ – Members of the Planning Commission. I'm very concerned that there is a very strong undercurrent of racism running through your proceedings and possibly those of every City Commission and even City Council meetings. Last week I overheard comments by those in the audience that were very racist against many Hispanic residents of Moreno Valley that had interest in the item on your Agenda. They used unfriendly language in reference to the ethnicity and very rudely said that Moreno Valley doesn't need to attract any more of those people. As one of those people, let me make it very clear to you, I am an American citizen and I am very proud of that fact. I love this Country and I love this City and I think that anyone who hates America does not know anything about this great nation. Because of my skin tone and the fact that I am fluent in both English and Spanish, I am looked down upon as a second class citizen by my neighbors who have fairer skin. This type of prejudice has to stop in our City. We cannot let the bigots of this City continue to deny a voice to American citizens and residents of Moreno Valley because of their last name. Perhaps it is Baca; perhaps it is Rodriguez; Santa Cruz, Pacheco or even Molina. The woman who addressed you in Spanish last week also spoke to the City Council on Tuesday. The City did not provide her with an interpreter at either meeting. Someone had to translate for her to the officials and Councilwoman Flickinger said the City could not afford an interpreter and that Mr. Wilson would be cheaper. That is ridiculous and that is racist. If Moreno Valley can afford to pay a City Manager who takes every Friday off, over half a million dollars they can afford a part-time interpreter. Roughly half of Moreno Valley's population is Hispanic. Many still have difficulty with English because it is not their first language. This City needs to include them in public process. Anything less is

taxpayer, subsidized, racism. Thank you... oh I spoke last week on Sketchers and I am not on this map.

CHAIR DE JONG – George Hague followed by Librada Murillo

SPEAKER HAGUE – What you are looking at... George Hague, 26711 Ironwood Avenue, here in Moreno Valley speaking as a Sierra Club person and in fact I gave you a newspaper and to Staff also. It should be in front of you from the Sierra Club. One of the main areas that we do try to protect is the San Jacinto Wildlife area, part of which is in the City of Moreno Valley. You're looking not a painting but an actual photograph of the San Jacinto Wildlife area and it's an area that is very wonderful. In fact the newspaper on page 8; there is a walk this Sunday out there starting at 9 o'clock and lasts for two or three hours. You are more than welcome to join in. The San Jacinto Wildlife area is mitigation for many other projects. There is a project north of this called Moreno Highlands. That project already is in our General Plan; was already approved in the early 1990's. It already has that on the east end; 21,000 jobs approved, so the east end does have jobs approved and it was part of the General Plan for these 21,000 jobs and hopefully you realize this and there will be a wide variety of jobs in the Moreno Highlands project, especially if they continue with the plan as it is. If the plan does change, then we may not have the variety of jobs that was envisioned in our General Plan and hopefully that will not happen, but what is needed in our City besides just saying we want jobs now, is saying we want healthy jobs now. Ideally they would be jobs where people would not have to suffer from various pollutions that are around and that's what a lot of people are asking for; for this City is to have an image that we provide healthy jobs for individuals and hopefully you will proceed and try to find those types of jobs. But again, going back to the San Jacinto Wildlife area, just for your history about it; it was actually mitigation for the State water project; when they brought the water down from the delta, they destroyed habitat along the way. They started with 4,200 acres out there and with those 4,200 acres, different parties; Sierra Club; Audubon Society; different hunting groups because hunting is allowed out there, all worked together and that 4,200 acres now is more than 19,000 acres. It's in two different parcels. There are 10,000 in one and 10,000 in another. I invite you to come out there this Sunday or anytime it's open to the public. Thank you very much.

CHAIR DE JONG – Thank you... Librado Murillo followed by Margie Breitkruez. Remember these are items no on the Agenda

SPEAKER MURRILLO – (Speaker speaks in Spanish)

INTERPRETER FOR SPEAKER MURILLO – Good evening ladies and gentleman of the Planning Commission. My name is Librado Murillo and my address is 12379 Kitching Street in Moreno Valley. I was here and I am the President of the Moreno Valley Parents Association. I was here at the meeting

that took place last week where the Sketchers project was discussed. Today I am here before you to speak on issues or things that are not on today's Agenda. First of all I want to say that where my house is located and where I live it's not on this map (and she showed this map). Please do not use this map to make an informed decision. I depend on the wisdom of the City Council who has appointed you to this position on this Commission under certain criteria. For that reason I hope that you will see that this document does not reflect actual data or facts and I ask you who made this map and what is it based upon? Secondly, please understand that I and several of my friends, neighbors and parishioners felt intimidated and discriminated by persons that are here today opposing the Sketchers project. Although we do not speak very good English we do understand dirty looks and profanities made towards us and in our face. Finally, I want you to know that the majority of persons that were here in front of you last week are in favor of the project. I know that you could not hear the applause from the people who were at the Rec Center applauding the project, but that is all you could hear. The opponents are very few. I do not know who they are, however I know that they are here today and in my opinion they are a bunch of racist people. Thank you very much.

CHAIR DE JONG – Margie Breitkruez followed by Gordie Tucker

SPEAKER BREITKRUEZ – Margie Breitkruez, Moreno Valley, California. Multi-use trails are the gem of our community. In our City they are for the benefit of walkers, joggers, riders and equestrians. Communities that don't have equestrian properties have the same type of pathways for residents to enjoy. There is little pleasure or physical comfort or benefit on walking on concrete or asphalt. Multi-use trails are available for use by everyone. The City of Moreno Valley has opened its arms to multi-use trails through the adoption of the Master Plan for trails. As residents we're blessed with an excellent and growing multi-use trail system. Our trails take us through the beautiful paseos of Hidden Springs, do or will connect us to Regional and State Parks and provide vistas of the City that are just breathtaking, provide inter-city connections. They are also importantly another mode of transportation rather than vehicular. Multi-use trail users enjoy all trails. In other communities the multi-use trails meander through a variety of settings. In Palm Springs the multi-use trail system takes you around a beautiful member's only golf course. To reach the Palm Canyon trail system you pass directly alongside condominiums. In Pedley and Mira Loma you ride through the beautiful riverbed. In San Dimas you traverse by a small airport. In Walnut Creek the trail is just as it sounds; a watershed area behind homes. In Daneda you pass residential, business, corporate areas and cross a bridge that spans a major freeway. All of these are beautiful; all the more enjoyable for variety. Multi-use trail users enjoy any type of trail especially when it provides continuous connections and diversity. In Moreno Valley we are a relatively young City. All of our multi-use trail connections have not been finished. Each time when development is on a downward spiral it delays the completion of the system, however trail connections will eventually be reached. Our Master Plan of

Trails is there to do that and is our vision for the future of our City. As a Trails Board Member, I am pleased to report the positive response we have had from our multi-use trails and offer our quarterly hike events. These hikes are open to all children and adults in the community and from outside the community. They are just amazed when they see things in Moreno Valley on the trails that they haven't seen before. I agree with the Moreno Valley Chamber Newsletter that stated that Moreno Valley trails are the hidden gem of our community. Thank you.

CHAIR DE JONG – Thank you... Gordie Tucker followed by Thomas Thornsley

SPEAKER TUCKER – Good evening, my name is Lil' Gordie Tucker from Moreno Valley. I'd just like to make some statements here towards these union brothers and sisters that are here tonight. It goes a long way in showing strong lack of union brotherhood among unions in America. It wasn't that long ago these same warehouses in Ontario and around California undertook actions against unions by forcing them out. The union was the International Longshoreman's and Warehousemen's Union. They chased them out of their facilities in an effort to seek lower wager and no benefits. As an ex-ILWU representative at time, based out of Los Angeles Harbor, I didn't see or hear of any of these unions standing up for their brothers then and I see nothing has changed. These jobs that warehouses will bring to the City of Moreno Valley will not be offered to union members at union wages and union benefits. The ILWU has members of all trades; electricians, crane operators, stevedore operators, truck drivers, maintenance workers, pipe fitters, boiler makers, welders, carpenters, heavy equipment operators and yes warehouse workers. They and their families wish the same as everybody else; to earn a decent wage and get benefits. Think about that tonight and how you as union brother and sisters would feel if the ILWU supported projects which are now off limits to you and your fellow members. After all the members of the ILWU can fill each and every aspect of your unions trades and in the event that you for some reason need to walk off those jobs in order to keep your wages and benefits at the level that you need to support you and your families. Thank you.

CHAIR DE JONG – Thank you...Thomas Thornsley followed by Alex Ortiz

SPEAKER THORNSLEY – Hi Thomas Thornsley, 29177 Steven Street in Moreno Valley. I'm not here to talk about jobs. I'd like to talk about some unfinished road improvements knowing that we've got another project that's going to be right at two major intersections at Redlands and Theodore; I've been concerned for three years with the unfinished access points near the Wal Mart Center. We have a four lane roadway that comes from the Auto Malls along the south side of the Wal Mart Center and dead ends at a block wall. From all my years in Planning in the past you wouldn't have put a four lane highway or a roadway if you hadn't intended it to go through and connect somewhere else. It doesn't make much sense to dead end there. You also have a four lane roadway

that comes from the Target Center at Nason and terminates right up against Moreno Beach and does not go through either. Now the only way to go from the east side off of Moreno Beach to the Target Center is drive through the Wal Mart Center which from all my years in planning and studying with Transportation circulation, that's very poor circulation planning. I know Cal Trans is very slow to deal with to get improvements made and that improvement I think should have been done at least by the time the Target Center opened and then I think everybody who gets off at Nason will totally agree that that intersection is so far from being adequate that it's at Level of Service "F" most of the time that I've ever been there. During the Christmas holidays it was insane. It was so much easier for me to go from Cottonwood and meander through there in order to even try get up to that Center. I hope with any future projects that are along the freeway long before the projects are open for business we don't let them develop and have that same kind of infrastructure or lack of infrastructure that's critically needed. I would like to hear an addressing of when those improvements will be would, whether it would be tonight, which I don't think we have the time for it, but I do tune into you guys, so if it's talked about another night, I'd like it to be talked publicly. I know if I would go in and ask John or he would probably discuss it with me, but I think it's something the community needs to have addressed at this time because it's been a long time for the Wal Mart Center to be in and operating and not have the through access that should be there and at this point if there were ever any problems on the freeways, typically you would have an alternative frontage type access from one area to another and it does not exist right now and I hope in the near future that those are taken care of. Thank you.

CHAIR DE JONG – Okay I have four more Speaker Slips. I want to tell you now, if you wish to speak, fill out a slip and turn it in now. We're going to hear these four more; if we get no more in the next minute or so that will be it. Thank you... Alex Ortiz followed by Jim Koch

SPEAKER ORTIZ – Hello good evening. My name is Alex Ortiz, 29060 Juniper Avenue, Moreno Valley, California. I would like to suggest the forming of a volunteer group that will work to bring real manufacturing jobs to our community; not the ones that pollute our cities and our communities or destroy our environment. Maybe those that need jobs could get together and start a business and entrepreneurships. This is the American dream isn't it? For those Hispanics that come here tonight to use the racial card, maybe they need to get together with the Hispanics; they can tell them; guide them and tell them what to do and how to do it so that their families can benefit in the future. And one more thing I want to let you know that I don't need an interpreter, so therefore I won't become a City program or the government and remember one more thing; Government is not the solution to our problems, Government is the problem.

CHAIR DE JONG – Jim Koch followed by Michael Greco... Excuse me; we're taking no more Speaker Slips at this time.

SPEAKER KOCH – Members of the Commission, my name is Jim Koch. I live at 28283 Keaton Drive, on the east end of Moreno Valley. I want to build on what Mr. Dada presented here earlier; the first speaker here regarding the image of Moreno Valley. Yes jobs are very important, but I think we need to look at the big picture. We have an opportunity here to provide a business education nurturing place here in the plan that provides locations and an opportunity for businesses to work together with the Colleges and UCR to provide a place for the graduates in conjunction with the businesses to provide good jobs and high end jobs like tech complexes and so forth. I was involved in the business education nurturing program at Cal Poly. It has been very successful in attracting the businesses that would help Moreno Valley enhance the image of Moreno Valley and yet you do also have places now that have the whole gamut of the other types of jobs in addition to these jobs that would provide the image and the jobs here for Moreno Valley and that means the business parks set aside in a plan to provide this opportunity. Thank you.

CHAIR DE JONG – Michael Greco followed by Ken Gilbert

SPEAKER GRECO – Good evening; Michael Greco. I've been a resident of Moreno Valley for almost five years. I live down in the Rancho Belago district. I was under the impression before I came here when I saw the baby killing and child labor signs that there was going to be a big debate tonight about development, but since it's off that I've been listening to the comments by everybody and it seems like the common theme is jobs and what really has been resonating with me as I've been listened to everybody is your jobs right, because all of you up there are paid by us and I think that from what I've seen in the time that I've been here and a lot of it's legacy that pre-dates probably you know a lot of you, but when you talk about things how the roads don't make sense, it's almost like somebody wasn't doing their job right with planning or when you see large chains come in and build stores and then they go out of business and then it just sits there. When you see millions of dollars commissioned to do things you know whatever; horse trails or different things, but you don't see millions of dollars commissioned to do things for children. I mean I know my own children when we've done sports; local sports; we had to fight to get a lighted area for our teams to practice, so what I really hope that you go away with tonight when you are making decisions on some of the developments that are to come, that you really think about not just the name; like if it's a Circuit City or you know... it's easy sign up a Jack-in-the-Box and give us another fast food. It's easy to you know to put down roads that don't really have a purpose that just cause more congestion. I think that one of the things that you need to consider that all of you that have jobs in this City, you don't have to drive in and out of the City; right you're not faced with that kind of pressures that the people live here are and I really hope that when you make your decisions going forward that you hold accountable whatever developers; whatever companies that come in and solicit your you know acceptance... you know there's economic viability and then there's you know environmental impacts, but I think what you really ought to

consider is who is going to do things for the City for the long term and when we talk about jobs, we need to talk about your jobs and then the things that the people that are here like myself that have come here that are educated; that understand business; that know to read and that really are going to motivate and get a ground swell to make things that are better for everybody, mainly for our children and that's one of things that I hope we go away with is, that everybody is looking for jobs, that you've got jobs that don't require you to drive in and out of the City and I really you want to consider some of things going forward from people that want to come to this City than want to spend money on things like parks; things for our children; okay. Thank you.

CHAIR DE JONG – Thank you... Ken Gilbert followed by Susan Siegle

SPEAKER GILBERT – My name is Ken Gilbert and I live 23507 Woodlander Way in Moreno Valley. I've been living in this City for 20 years. Ever since I came to the City or since I had kids I kept them busy. Yeah we're all talking about jobs but I think the more important thing is the future for our kids, because kids are our future. Whether you have a job or not; I know people that have jobs that don't have jobs... even if you get a job a lot of people don't even spend time with their kids, they would rather buy a twelve pack of beer. There are millions of kids out there that are spending time on the streets not knowing what to do. Their parents have jobs; they just don't spend the time with them. Okay I spend every dime I have on my kids; keeping them busy; keeping out of trouble; trying to keep gangs away from our neighborhoods and what not; trying to get involved. There are a lot more people in Moreno Valley than this hundred people here and I'm talking to everybody watching TV right now that's going the City needs to do something; they need to do something... you need to do something Moreno Valley... watching TV and going this guy ought to do something; this guy ought to do something. I've coached kids that are black, Mexican, white, Asian; every nationality and it doesn't matter and I'm sitting here being labeled a racist and what not. Get off your butt; do something for your kids; that's an investment in our City; our State and our Country and I'm tired of people going oh well need jobs... yeah we need jobs. You need to take care of your kids first. It doesn't matter. You need to take care of your kids' man.

CHAIR DE JONG – Thank you... Manual Topete...

SPEAKER SIEGLE – Good evening, I've come here in good faith twice. I'm really sad that some of the speakers are a little demeaning last week because I'm against something. I was labeled a snob and grouped together like we're just one big group because we aren't pro and be that as it may that's neither here or there. What I really resent and think is just terrible is that someone would stand up here and label one whole group of people that they have never met; never spoken with; do not know personally as racist. To me racism is the ugliest word in the English language or any language and I think when you label a group of people racist for their beliefs just because they are not the same as yours, you

then become a racist because you're grouping people together by whether it's their color; their beliefs or what they want to fight for. I don't think anyone has a right to group any people, whether they are blonde, black, Hispanic, white or whatever as a racist and I feel sorry for them that they are narrow minded enough to do that and I apologize for using this, but twice I've been called something I am not and I just really think it's sad. Thank you.

CHAIR DE JONG – Thank you...Manual Topete

SPEAKER TOPETE – Good evening. I kind of came here last minute you know; I didn't think I was going to come up here to speak, so I kind of snuck in one of those Speaker lists, but the reason I'm here is because I was raised in Moreno Valley since '82. I've been here all my life. I'm 38 years old now. I've been here 36 years. I've been in the same corner for now 36 years; where I work now; where I own business is where I rode my bike. In the last week I think I've finally go the straw thrown on my back. Is 20 years of owning a business here in Moreno Valley an expiration date, because they're really making it very hard for me to stay in business? Just like the sign behind you that states this is the City of Moreno Valley; I need signs in front of my business that say who I am. They're telling me I need to take down my signs; take down my neon; why? That's what attracts people to my business. True we need jobs. You know how I guarantee my job, I made my manager; my boss; my best friend myself. I've only had one job besides my business. A week after graduation from High School I opened my shop and it's been there for 20 years; well September it will be 20 years if Code Enforcement allows it. They are making it very hard. I'm losing money in closing in coming over here trying to get things done, only to get I'll call you back; I'll call you back and I don't get calls back. I've got two folders already of messages already of messages where nobody is calling me back. What do I have to do? I am being harassed by Code Enforcement. They are trying to make me do something that's illegal. They are threatening me. I need some help. No Councilmember is helping me. I've got people that are not even on the City Council coming to my rescue. I've got Mike Rios who is doing more for me than anybody that is getting paid to do their jobs. People that are doing this because they've known my business. Some of you are familiar with my business and you know I apologize if I'm getting a little loud but this is coming from my heart. I don't have anything written. I want to be left alone to run my business; that way I can secure at least 10 to 15 jobs on my corner. It's just a little corner; it's not a lot, but 20 years of not collecting unemployment checks; of keeping the same employees. I've got employees that have been with me for 15 years. What does that say for my business? I want to run my business the way I feel I should run it. It's been good to me. I've had a good life here. I've raised four kids. I want my kids to do the same thing I'm doing right now. I don't want them to go to school and then leave Moreno Valley. I want them to start a business here; make some money here and stay in the City that they grew up in. That's all I'm asking for. I wish somebody would come to my rescue. This week I'm going to go and find out how many other people I feel are victims of what Code

Enforcement is doing. I just want to make my money and not ask anything from you guys. I don't even call the Police when I need them. I do not get my Police services. I've been burglarized over 30 times; armed robbery twice and nobody has been arrested. I need some help. Thank you.

CHAIR DE JONG – Thank you. Okay, that's the last of the Speaker Slips. I understand that a gentleman came up to one of the Officers and said that I had called his name earlier and now he's here. Can that gentleman come forward or woman; I'm sorry. We've already cut off Speaker Slips at this point. What is your name?

SPEAKER PALOMARES – Louise Palomares, I've lived here in the City for 20 years. Okay I'm not on this map and I support this project and I'm not on this map.

CHAIR DE JONG – Remember this is not items not on the Agenda.

SPEAKER PALOMARES – Okay, well there is a lot of people I heard at the last meeting that were speaking about the east end and they don't speak for everybody in the east end because I have rentals in the east end and when my tenants heard that a project might be coming to Moreno Valley they were ecstatic. We need these jobs here. We really need them and that's as much as I've got to say because everybody has already said quite a lot already. Thank you so much.

700 PUBLIC HEARING ITEMS

710

PA07-0088	**Change of Zone**
PA07-0089	**General Plan Amendment**
PA07-0090	**Tentative Tract Map No. 35629**
P08-057	**Phasing Map**
PA07-0091	**Plot Plan**
P07-157	**Environmental Impact Report**

(CONTINUED FROM PLANNING COMMISSION OF JANUARY 8TH, 2009)

CHAIR DE JONG – Thank you. Alright at this point we've reached a point where our Applicant is going to present a rebuttal to the Speakers both tonight and last week, but I understand that he has a powerpoint presentation and City Staff needs to set that up, so prior to the presentation we're going to take a 10 minute break at this point. Thank you.

(10 minute recess)

CHAIR DE JONG – Hi we're back. As promised we're going to open the portion of the meeting where the applicant has a chance to rebut what he has heard this evening and the previous evening. It is now the Applicant's turn... Mr. Benzeevi.

APPLICANT BENZEEVI – Thank you. Good evening again. Is the sound on?

CHAIR DE JONG – I'm not sure...

APPLICANT BENZEEVI – Tell me if it's fine... I know between the accent and the acoustics, it doesn't quite work well. This is fine?

CHAIR DE JONG – I can hear you

COMMISSIONER MARZOEKI – I can hear you

APPLICANT BENZEEVI – Okay great... In any event thank you for giving us an opportunity to come back and I'm not sure if it's a rebuttal but I would like to respond to all the issues that were raised. We were amazed and actually pleased to see a lot of the community has come out and had a lot of things to say; some were legitimate concerns and I think are issues that should be addressed; others I would say that you know to some you know the truth is just a more elaborate form of fiction. I'm not sure exactly where things came from but you know I want to address those things that I think are far beyond what the realm of the project is. I thought I would address my remarks to the project itself, but a lot of things were said and I'm really not going to respond or rebut to all of those other issues. I think all of your time is valuable and I think it's probably proper for a different forum, not the Planning Commission. Just to get up to speed and sort of reiterate where we were last time, I'll just briefly and quickly go over what the parameters of the project is. We're talking about a project that is located between Redlands Boulevard and Theodore Street, bounded on the north by Highway 60 and the south by future Eucalyptus. It incorporates essentially four parcels; two commercial parcels; two investor parcels that are sort of center to the project. The two outer pieces are actually commercially zoned, all of which are within the Business Park zoning designation; Commercial designation within the current General Plan. There is no General Plan Amendment required for that; that's a point I will elaborate on and describe. Very quickly, to understand what we're talking about in terms of the building; this is the main building facility and it incorporates the logistics operation as well as an office and management operations. I've recently spoken with some of the Sketcher's representatives and asking them generally what the make-up of the operation will be and I was told that the head of the global logistics operation will actually have an office right here in this building as well as four Senior Vice Presidents in their divisions, as well as all of the IT both hardware and software compliance; you know customs; purchasing, management, marketing, finance and a lot of other functions. Approximately 100 to 150 executive type positions will be hired on the first Phase of the operation. They are expanding and

planning to stay here for a long time and expand within our community, so that was generally what the numbers were. Again what the project looks like to remind everybody, I showed last time sort of... I'm going to show what the project looks like. This is again heading east. We are now going to cross the Redlands Boulevard Bridge and the project will be on the right as you are watching the video. It is highly landscaped. We'll also talk about that space between the pavement, the freeway and the actual landscape that belongs to the project. That is one of the issues that were raised and we will look at that as well, but generally speaking this is what we'll be seeing as we drive on our freeway; the Moreno Valley freeway; Highway 60 heading east. It's heavily landscaped with some areas which will remain open to expose the building. We think it's a tremendous building; sort of an iconic building and we think the community as well as the general public should have the opportunity to have a glimpse of the architecture, which is unique. Eucalyptus, which is the southern boundary; again this is turning from Theodore into Eucalyptus heading west towards Redlands Boulevard and this is sort of the entry. We will also talk about the median you see here. This median here is part of our General Plan Amendment. Currently Eucalyptus does not have a median and we are requesting the General Plan to allow us to install a median on Eucalyptus, which we will also be maintaining. Again, the project is on your right; again heavily landscaped with drought resistant type of planting. Anywhere there where there are posts or gates are essentially concealed from the public view and it's really a nice boulevard that you can get... If you didn't know there was that type of an operation behind it; it could be anything; it could be a hotel; it could be a high-end residential community; it could be anything at all really. The enhanced landscaping along the boulevard coupled with the median, obviously just creates a whole different experience. We're hoping that the City will continue with the median throughout Eucalyptus; again we're just proposing it for this segment that we have which is between Redlands and Theodore. Anyway this is heading to Redlands Boulevard now. Here we are going by the commercial area that will be on the right. It's zoned Commercial in the General Plan. It is still zoned Commercial and proposed to be Commercial in our plan here. Okay, in terms of traffic and traffic was an issue that was raised and exactly how heavy the traffic will be, we've had the simulation again and some folks said, well gee there is so many trucks; there is so much traffic and so on and I just want to remind you that how we looked at traffic or how we look at traffic as individuals and how we experience it on a human scale is entirely different. Some folks said, well gee there will be a truck every 42 seconds and things of that nature and we actually have a simulation of the traffic and we can actually... again this is looking in; if anybody has a stop watch or wants to count every red truck again; is every red car or truck is actual traffic that we are contributing to the ambient level of traffic at build-out, which means what you are seeing here is a simulation of traffic as it will be when it will be built-out and the red trucks and red cars are actually project related traffic. As you will see and you can count the interval between trucks and it may be 48 or 49 seconds; 50 seconds; you know it's intermittent, but on average it's about a minute, but this is how you know a car or a truck every 40

some seconds looks like. It is not the kind of congestions that we all think about when we hear these kinds of numbers. It's easy to get scared by thousands of anything, but how we experience it is entirely different and when you compare it to the fact that we are running so many over a 24 hour period; well the freeway capacity is several thousand cars; 70 to 80 to 90 depending on many thousand cars an hour going through the freeway at normal times so you can actually clock those trucks and you can see they might be those red trucks; it might be every 40 something seconds, so it's not accurate what people were trying to say that there are trucks on the freeway, but the reality is that it does not generate congestion; not at the level we're talking about. On average around the here, we represent about; according to the Traffic Study and the EIR analysis, about two percent of the traffic as we are going down west to the 60 Freeway, so traffic is really not a concern and everybody is welcome to clock it if you want to, but it exactly depicts the Traffic Study that was done for the project. Again it's not different when we head the other way. The same thing can be done. This is now traffic coming towards us. This is standing on Redlands Boulevard and looking east and the traffic coming west. Again the red cars and trucks are project related traffic... very low level compared to the freeway and this is at build-out. I mean it's almost kind of boring to watch traffic, it's just not that exciting, but it's also is not terrible, it's actually very well moving and fairly freely moving and this is taken at peek hours. This is the worst case during the traffic cycle of a day. We've tried to summarize all the issues raised and consolidated it into a presentation so we can go through some of the issues and one issue that was raised is the commitment to the City. Some people said; when our former Councilman said that somehow the City is betting us out one way or the other... A lot of nonsense in the sense; we haven't taken a dime from the City. We actually have no debt. All the properties were purchased for cash. It's in the tens of millions of dollars for that particular project alone; not the rest of our holdings here. For somebody in Moreno Valley that has a mortgage on their home; they are actually more in debt than we are. We have no debt and we own everything as they say on the street; free and clear, so we're certainly are not looking for (inaudible) thinking, actually we'll be helping the City with millions of dollars of improvements and in this particular project, approximately 45 million dollars between street improvements and other things. In terms of how much time did the public have to review this process? We heard people say it was rushed through. Actually the process started in August of 2007. We've been through the notice of preparation. It was published in October of 2007. There was a Public Hearing; EIR scoping meeting and a NOP (Notice of Preparation) and a Hearing that was conducted out in August of 2008 where the public brought in their input. A Draft EIR was prepared and circulated for 45 days. That 45 day circulation period terminated September 19th of 2008 and since that time we've continuously to receive, even though it was the deadline, we've accepted all requests and all input and data that was sent to us, reviewed it and responded to it. The City did that as well as part of the EIR process which culminated in the drafting and the publishing of the Final EIR, which was really adding on the comments to the Draft. The Draft was really the complete document and the Final EIR is that draft document; the complete

EIR plus the comments that were received after that period. We answered to all of them. There is also part of the process that has been occurring here that I think was somewhat; every meeting we come in and you are handed another stack of 300, 100, 200, 300, 1000 pages and ask how could you possibly make a decision before you read these extra 1,000 pages. Well in today's day and age of the internet, anybody can push print and regurgitate thousands of pages on any subject at all. We have to have a process in place and we have to make sure that whatever is presented is actually the relevant information or new information otherwise it will never end and we'll keep on hearing the same thing or we get handed another 300 pages of the same information again and ask that you couldn't possibly make a decision because you have so much new information now. Well we've looked at all this new information; the City has looked at it as well and there wasn't any new information in all those stacks of papers. It's the same thing repeating itself, so we're hoping that if you review the EIR which is almost a four foot high document. It's very detailed and almost has an answer to any issue that exists. In general context with what you have here... Sorry...Okay, this is essentially an overlay of the General Plan designation on top of where the project is. If you notice where it says project area is where the project site is. It is within the Business Park zoning. As you remember there were two commercial areas at Theodore and Redlands. Those remain commercial areas and it's within the General Plan Business Park designation. Well in any event, I want to clarify one important thing. We've heard a lot about the General Plan; we're amending the General Plan; we're changing the General Plan in the east end; we worked so hard on it for 10 years. I've been around and I understand how long it took to put this General Plan together, but the reality is we're not talking about changing the General Plan. The only General Plan Amendment that's in front of you actually relates to the realignment of trails and the placing of a median in future Eucalyptus. This is the only General Plan Amendment that is front of you. It isn't to change what the east end was like. It isn't to change the uses out there. The simple General Plan Amendment that's in front of you is to amend the General Plan as it relates to trails and the trail issue is simply this: There was a trail designated to go from Theodore to Sinclair, which is not there today and I hope we have that exhibit. I don't know if it's easy to see with the lights on? Are the lights on, on purpose are can see the slide this way? So the General Plan Amendment; what are we asking the Commission to evaluate and to amend? The only General Plan Amendment in front of you is to look at the multi-use trails that were crossing Highway 60. There was a bridge designated; simply a horse bridge; a bridge to cross Freeway 60; not for cars or anything else, simply for this trail and it's totally invisible; it's 20 million dollars, plus if you come south of the 60 Freeway the segment of Sinclair between the 60 Freeway and Eucalyptus has been abandoned by the City; not by us; it's been abandoned by the City. There is no connection from Sinclair to cross over the 60 Freeway and get to the north side, so that bridge or if you remember the bridge to nowhere; that's kind of the same thing; it's a bridge to nowhere, it wasn't going anywhere; there wasn't a street to receive it on the other end. So what we've done instead is to take the trail segment from Theodore and instead of going up

to Sinclair and going over the freeway, we're taking it from Theodore all the way out; actually extending it to Redlands Boulevard; so actually lengthening this trail and so we're asking the amendment is to actually extend the trail. But there is a bigger issue with the trail. We call it multi-purpose trail, but in reality we're asked to put this trail in next to a sidewalk; next to a bike trail and so what is the purpose of... if it's truly multi-purpose let's just have one trail that's for pedestrians, horses and bicyclists and not have a multi-purpose trail; a sidewalk and then have a bike trail. The reality of the fact is that it's really a horse trail and I understand why because no one will let his three year old kid on a tricycle be on that trail, followed by a ten year old kid on a two thousand pound horse galloping behind it, only to be followed by a senior citizen with a walker. It's just an impossible situation and bounded by the fences. You can even escape the place, so we questioned the whole issue of what it actually means, but that's a separate discussion. The General Plan Amendment simply is not to amend the allowable uses or anything else; it's simply to amend the realignment of the trail from Redlands to Theodore instead of from Redlands up across the freeway; over the 60 Freeway. By the way a bridge like this we estimate will cost about 20 million dollars and we thought that if 20 million dollars are spent in the City, there are better uses today than a bridge; in fact we can fix some of our roads with those 20 million dollars before we built those kinds of bridges. The second thing is the median. That is the second General Plan Amendment which is to amend the Circulation Plan of Eucalyptus Boulevard to accommodate a median and maybe we can take a look at Eucalyptus Street. Yeah you can see this is the median we're talking about. This is Eucalyptus. Eucalyptus as it exists today in the General Plan does not have a median, so we're proposing this median on Eucalyptus Street, so that's one of the issues with the General Plan Amendment and the second issue of the General Plan Amendment is the realignment of the trail that used to start at Redlands, come approximately half way to Sinclair and go over the freeway. It doesn't exist today and the bridge doesn't exist today, but that's how it was laid out. We're talking about taking the trail; potentially the alignment out to Redlands as a straight line. Okay we also think that... again you can see the alignment here and you'll take it all the way to Theodore Boulevard. This will be the entry to the Sketchers building. There was a lot of discussion about air quality and the buffer... Maybe I can just describe it... Well the project is here; there is... Well I'll just describe it... Generally speaking the air quality analysis indicates that the air quality surrounding the project preserved. The distance in which we get down to below the threshold of acceptable; the ambient air quality is about 440 feet and as you can see from the project site itself there is no one anywhere the vicinity; any residential units; any other units and in fact it is surrounded on three sides entirely by Commercial, Industrial and Business Park developments. Hopefully we'll have the slide that's more accurate and we can show that. There is another issue which we need to understand. A lot of things have been discussed about air quality and the context in which it's played out. The risk of being impacted by being close to a diesel source takes explanation a little bit. According to the way it is evaluated, it looks at incidents in the population per million, so the ambient level of air quality out in our environment

and the threshold is about 10 incidents per million people. The project itself with the 400 foot buffer gets us to that level, which means the air quality in the general area is preserved and air quality in general is an original issue; it isn't project specific or a building specific. You put the building anywhere and the ambient quality is affected by everything that is surrounding us. This was just a comparison of the risk rate, so for example if in Moreno Valley the risk of having any respiratory disease is one per a hundred thousand and murder is about six, so you know you are actually six times more likely to lose your life here because of homicide or murder than ever from inhaling any diesel fuel. Theft is about 3,200, so you a 3,200 or three thousand times chance more of actually being robbed today in your house while you are here at the Planning Commission Hearing because of the likelihood of propensity. But anyways, traffic again just very quickly; the traffic is diverted into the 60 Freeway. It goes along Eucalyptus and up Theodore and Redlands Boulevard. We are actually proposing in the first phase that Eucalyptus is actually a cul-de-sac and I think it's shown on the plan as a cul-de-sac such that the only way to enter in and out of the project is through Theodore. Later on we have that mechanism that we'll discuss with the City to limit truck access into Redlands Boulevard. As far as the project is concerned it's designed to work from Theodore. We're not looking really for access to Redlands Boulevard but none the less it goes north of Theodore and doesn't down to any of our communities. Just in terms of comparison, the General Plan uses that are allocated right now will produce about 36,000 trips a day. Our proposal actually is at 15, which is a 58 percent reduction from the proposed plan. The actual numbers of cars... if by comparison to look at the comparison of the weight; Moreno Valley Mall is at about 60,000 trips a day. That's what 60,000 trips a day looks like. The Stoneridge Wal Mart Center off of Moreno Beach Drive is at about 36,000 trips a day. The entire Highland Fairview Corporate Park; this entire project including Sketchers is at 15 and the Sketcher building itself is at 3,300, so by comparison we are about a tenth of what the Stoneridge Wal Mart Center at Moreno Beach Drive is in terms of traffic. The actual operational characteristics of Sketchers itself though is about 50 inbound trucks and 50 outgoing trucks; 50 usually coming in from the ports, which is at night time and not during daylight hours and the 50 outbound trucks go out after peak hours, which means they leave the capacity wide open on the freeway. That's their particular operational characteristics is about 100 trucks a day. The reason this says 3,000 is because this is not about Sketchers and their operational characteristics; is this... if you call it the typical or the typical such operation based on City guidelines and standards; it is not the actual operation, but the actual operation is about 100 movements a day for Sketchers. Okay I'd just like to summarize one point about jobs. There has been a lot of discussion about jobs and all this discussion if we just zone it a certain way they will come. Well as we all know you can't just zone something and they will come, otherwise why stop at a 50,000 square foot building or any building. We can zone it a bio-tech center; capitol of the world and bio-tech center of the world. We can zone it Manhattan be the financial capitol of the world; it doesn't quite work that way. We have to be responsive to our local original, even global economy to have real

jobs and because we have those designations that don't respond to the market; is we've been empty all this time. We are the second largest City in Riverside County and do not have any major employers here and it's not by happenstance. It's the type of decision we've been making all along that brought us here. There is no science to it. Other cities have been able to during the boom years attract a lot of businesses and that's because we cannot be arbitrary in terms of building size. It's like saying if you are a Moreno Valley company and you grow to be 50,000 square feet and you need 51,000 square feet we say take your business and your jobs and take it somewhere else because we are only limited to 50,000. In terms of the jobs generated in the park, there are already many jobs generating here. We are a Moreno Valley company. Our payroll is equivalent average median pay in Moreno Valley to about 60 people. That's part of what we do; that already jobs in Moreno Valley. There are about 1,000 construction jobs. The entire Business Park as it builds out is projected and this is according to analysis based on types of uses is about 2,500. People asked about Sketchers. They range today between 800 to 1,000 jobs with about 150 or 10 to 20 percent executive level type people there. So that's essentially the project. I'll just conclude with taking your around the project once again so we can see what... so in summary the General Plan Amendment; it is not to change the entire east end of Moreno Valley. It is simply the amendment that you're looking at is to amend the trail alignment and extend it. It is also to place a median on Eucalyptus Street. That is the entirety of the General Plan Amendment. The second part is the design of the building. This is a green building. We're trying to achieve the highest LEAD Certification possible. The solar system on this building already will be the largest in the region; several million dollars by far. The design of the project in terms of the freeway; we are proposing to put in our own landscaping and maintain our own landscaping and not do Cal Trans landscaping. Cal Trans landscaping and I wonder if we have those slides... If you look at comparison between what Cal Trans and actually the City standard and what we are proposing, you can compare to see... this is if we can go through slides... This is our 60 freeway. No, this is not the 60 freeway. This is estate areas in the rural east end... I guess this is not the day for slides or for computers... In any event as you know, obviously all of you drive the freeways and you know exactly what Cal Trans landscaping is. It is very sparse; it's very minimal; there's not a lot with it and if you compare it to the landscaping that we're proposing it's much, much more extensive than the Cal Trans landscaping, plus we control and maintain that landscaping. Unlike Cal Trans you'd have to ask permission from them to enter Cal Tran's property and then again it would have to be torn up when the freeway makes any improvements at all at some point. Okay I guess I'll open it up for questions because I guess the technology is going haywire here this evening.

CHAIR DE JONG – Okay, thank you. Commissioner questions of the Applicant?

VICE CHAIR MERKT – Yes, good evening, thank you for being here. For my own personal interest I understand you have been a developer for some period of time. Would you mind telling us how long you've been a developer.

APPLICANT BENZEEVI – I've been a businessman and a developer; sort of a generic term; doing real estate. I've been in real estate probably 27 years.

VICE CHAIR MERKT – Good, that's a lot of experience. Can you tell us a brief history of any of the projects you have completed in Moreno Valley or that Highland Fairview...?

COMMISSIONER GELLER – Mr. Chairman, this is absolutely improper. We have never grilled a developer like this. This is out of the scope of our responsibility. We are reviewing a project...

CHAIR DE JONG – I think that it's... Let's let him finish. I think it's relevant.

VICE CHAIR MERKT – You know, I'm just asking a question. If you object to it, please tell me, but I think it's a fair question.

APPLICANT BENZEEVI – It's fine. You can ask me those kinds of questions. I've never been asked that in a Planning Commission Hearing of forum but that's fine. I've invested a lot of Moreno Valley. We have spent a couple of 100 to 150 million dollars in Moreno Valley in cash buying property. We've owned a lot of property. We have started Aquabella as you know. We have done all the grading already in Aquabella. We have dug up all the lakes; about 20 million dollars of grading has been completed in Aquabella. Those Specific Plans have been completed for that. The plan check is in process for the club house. We currently shutdown for the winter and are waiting to see what the economy will do and as you know home prices in Moreno Valley has down by more than half; thousands of foreclosures and it becomes a question of whether or not you should start new housing when the market is in this state but we're certainly anxious to do it. We've bought all the remaining properties that you see here and again they are owned by us. They are owned for; as they say there is no financing involved there. We have done all of our plans. These plans have been checked by the City, so what you see here is exactly what is intended to be built and we're interested in pulling the building permits.

VICE CHAIR MERKT – Well I'm aware of what projects have in work and I understand you've been in this area since around 1990 or perhaps before that I just wanted to know if you had completed any projects in that period of time. I know you have started some. I know...

COMMISSIONER GELLER – You know Mr. Chairman this is absurd... What does this have to do with anything? It is not right. It is unfair.

APPLICANT BENZEEVI – Okay, let me just say that we're trying very, very hard for years to get to a point where we can pull the permits so we can get to the business of building. You know we are trying very hard. We've spent a lot of time with City Staff; literally years going through plans; spending millions of dollars in plans; asking this Commission to move on with approval so we can actually get started with building the project.

VICE CHAIR MERKT – Okay...

CHAIR DE JONG – Do you have another question?

VICE CHAIR MERKT – No I'll leave it at that..

CHAIR DE JONG – Are there any other questions of the Applicant? Well I have one. I am curious Mr. Benzeevi, why you didn't mention the zone change as part of what we are voting on tonight?

APPLICANT BENZEEVI – I was again; there are a lot of technical issues here. I was referring to the General Plan Amendment. The General Plan Amendment relates to the issues that I talked about. There are other things that you are approving here. There is a Parcel Map, there is also the Zone Change to allow buildings larger than the 50,000 foot limitation, but that is not a General Plan Amendment.

CHAIR DE JONG – No it's not. Are there any other questions of the Applicant? Okay, thank you. I see none. Thank you for your time. I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – I'd like to start.

CHAIR DE JONG – Go ahead

COMMISSIONER GELLER – First off, what we are here to do tonight; we're approving a 2.6 million square foot project. We've heard all of these things about 35 million feet and I don't know millions of numbers have come out. I think the only thing in front of us tonight is 2.6 million square feet. I think the number one issue that I think that came up was pollution. First of all nobody bothered to bring up that I think the new trucks that are being produced today are far cleaner. They are not the kinds of trucks that are belching all these fumes. Also what hasn't been brought up is the State of California Air Resources Board passed the strictest retrofitting rules I believe anywhere in the nation that's going to require the entire diesel fleet that travels in the State of California to upgrade and basically to remove most of this particulate matter and yes it's going to take a number of years, but everything is going to take a number of years, but the fact is that no one bothered to mention it. It was just like well... but the State has taken action. Air quality is a regional issue; it's a statewide issue; it's not a block by

block issue. As a matter of fact we had people up here that said that yeah Mira Loma air it's so bad that it's moved to other cities. Well the point is air quality is not within a 300 foot range. If there is bad air, there is bad air, if there isn't; there isn't and I think first of all the reality is the number of trucks is going to be relatively, virtually none. You know we have lots of warehouses in this City and there are warehouses around us. There is the Mattress Factory; I mean there are warehouses all over the place and you know what, maybe I'm unique and again but no one here complained, I have never seen a Serta Mattress truck on our streets. I have never seen any of these warehouses; any body with trucks going in and out of them except for the UPS truck. I have a client near the Big 5 warehouse and I have been by there all the time during daylight hours. I see hundreds of cars in the parking lot. I have never seen a truck go or enter or leave that distribution center and no one here in all of Moreno Valley; no one has complained about one warehouse that's here and all of the trucks that are coming and going, because it doesn't happen. The trucks come and go in the middle of the night when no one is on the roads. That's the way it is. If the traffic of trucks in the City was such a big problem everybody would be complaining about it. I challenge anyone to find actual trucks delivering goods to one of these so called warehouses. What you see on the road during the day are trucks that have to go during the day. The trucks that bring us fuel; the trucks that bring groceries to the grocery stores; some of them have to be during the day; the construction trucks; concrete trucks and I mean those are who is out during the day and yeah there is some long haul truckers that might through up the 60 or somewhere else in Moreno Valley on their to somewhere else, but the core distribution centers do not have trucks going in and out during the day. It is not cost effective; they don't do it and that's why no one and of all the people that have testified in front of us and the three or four dozen letters and I have read every single letter that anyone gave us and anyone emailed and there is nothing in there to complain about any warehouse in this City and the so-called all the traffic and all of the fumes and all of this. We've approved several 1.5 or at least one 1.5 million square foot warehouse and I don't think anybody came to the public hearing. It hasn't been built, but if air quality was such a concern, there should have been hundreds of people there complaining about the air quality. No one came. I think it was just the Applicant or maybe a couple of people but we've approved lots of warehouses; none have been built because none of them have tenants, but the fact is the air quality is just a red herring really for the people that don't want this warehouse in the so called east end, although it's already been zoned for warehouses. Actually the number of trucks is relatively small. You know what no one... belching diesel fumes and my apologies to the School District; those darn school buses are worse than any truck I've ever been near. I drive behind those buses and you do start coughing and they are belching black smoke. The fact is the schools have no money to upgrade their fleet. I don't even know if they are called to upgrade their fleet over a period of time, but no one has complained about the school buses. All the people that complained about all these trucks, they still go to the market and they really like having a supermarket full of food. How do you think that it gets here? It doesn't

get here on a horse and buggy. They like going to Target or any of these other stores; how do think they get goods. They come on a truck; a diesel truck; that's the only practical means of fuel that there is and the State recognizes the problem and they are trying to make it better and they have made it better. You know there is also a new diesel fuel formulation that also was blissfully ignored by everybody again to try to create cleaner diesel vehicles. It isn't a situation that's been ignored. The jobs are an interesting thing. I have had heard all these people saying these don't create jobs; these warehouses are all fake. Well in Inland Empire Magazine the top 100 private companies in the Inland Empire. The largest one listed is the Moreno Valley Mall, but they are not a real employer because they are full of different stores that employ people. The largest single employer in the City of Moreno Valley is the Walgreen's Distribution Center listing 2,240 workers. Now where are these five workers that run the whole warehouse? I have been in their warehouse. It is as automated as anything I've ever seen in my life. They've got... they've built that large... the reason that it stands so high is that they have a vertical crane or a vertical robotic system that needed height to move around. They got these little automated trolleys running over the building; 2,240 workers. Where is thing that nobody thing about nobody works there. You know my Uncle Fred has seen this warehouse and they only have five people. That's just utter nonsense. The Big 5 Warehouse; I don't have any reason to believe that it's not state of the art. It was just built a couple of years ago. They're parking lot is full of cars every single day. Drive by it; drive by any of these warehouses; drive by Walgreen's and see how many cars are in the parking lot and tell me they don't hire anybody. I mean it's just simply absurd. The other thing is let's assume we don't build this project; okay, we're not going to get those jobs ever. Some people said, well you know they're going to build the warehouse and they're going to bring all their employees from these other warehouses. Maybe that's true and maybe it's not. Some will come; some won't. I know lots of companies and you know I heard antidotes from a lot of the owners of businesses that have moved to Moreno Valley; some of their employees come and some don't and over time people quite; people retire; people move away; companies expand. If we don't get the jobs here now we're never going to get them. Whether it generates 100 new jobs or 10 new jobs, so what; sooner or later the Moreno Valley people are going to have all the advantages of getting those jobs. Number two is there are all the support services. You know they have warehouses in Ontario or wherever and you know when their plumbing breaks they're not going to call a plumber in Ontario; they are going to call one in Moreno Valley or someone in the general area and you've got all the services that these companies need to keep everything going. The practical side is that it is going to create a lot of ancillary jobs and again oh, they're not the jobs we want. Let me tell you... there was an article in the paper; In and Out Burger and I think it was in Banning; I might be wrong, but they had three or four hundred applicants for an eight dollar an hour burger flipping jobs, so don't tell me that people don't want ten dollar an hour jobs. I have a client who makes ten dollars an hour at a manufacturing company somewhere out here locally, they're going to close; they can't afford to stay in business and they're

going to move to Covina and it's not going to be practical for ten dollars an hour for him to go to Covina, but to say; for anyone to sit here and say well ten dollar an hour jobs are just no good, if that's even the case and I don't know how much they pay. You know that's just outrageous to say that. Ten dollar an hour jobs are fine for a lot of people. I know there are a lot of people here that are retired that have nice government pensions and that's fine, you don't need a ten dollar an hour job and there also that that's a heck of a lot of money and you know maybe both of them in family have to work, but they can make a living and not having to drive to Covina for ten dollar an hour jobs a heck of a lot better and clearly in this center there is going to be a lot more than ten dollar an hour jobs. The schools... people say what's the impact? The fact is they're going to pay all of this money to the School District with zero impact on the schools. They're not going to generate one new student and there was some talk about the School District wasn't going to build schools. Well that's old news; it's done. The School District has pulled out. Whatever happens, they're not building there, but this project will create zero students for the School District and yet they'll pay all the school fees that everybody else pays. Now if they build 8,000 homes what's the impact to the School District? There were some issues of infrastructure. Let's talk about crime and fire. Well who is going to pay for it? You know what; do you really think there is much crime in these warehouse distribution centers? Do you think there are a lot of family squabbles that the Police have to come to and break up? Do you think there are a lot of burglaries? They have high security; they have full time guards; all places are gated; fully monitored with high end security; they don't have burglaries for the most part and robberies; they don't have anything. The Police don't come out to these centers except on very, very, rare occasions. The parking lots are secure; their cars aren't broken into and they have roving guards and they have cameras; they can afford it with the economies of scale. The Fire Department; they are all sprinklered; they have state of the art fire prevention; fire suppression systems. How many articles of paper have you read about you know; a modern state of the art industrial building having a big fire? Oh yeah, you get some of these old ones and some that have illegal materials on them, but mostly we read about house fires; that's what the City goes and responds to; either they are house fires or medical emergencies and again, even these buildings they have medical personnel; I mean they have everything. There's very, very low impact for the public. Number two is what people don't realize and for every house that's built, the taxes that homeowner pays; sad but true in this City due to the Prop 13 restrictions; the fact is the City loses ground with every house that is built. Rarely do the houses pay enough property taxes to cover the support of those extra Police created by the population; the extra Fire Department. I mean you can go to the City budget and look it up. The fact is that every house that is built; everybody's quality of life in some way comes down slightly because they can't afford to provide Police and enough Fire for all these people; whereas the fact is the businesses that get added add very little overhead to the City's operation. People say, oh if we do this it will open this Pandora's Box. I don't know of what. The zoning is the zoning. It was already zoned for Industrial type buildings. Somebody said, wow

50,000 square foot buildings are fine. Well nobody wants 50,000 foot buildings. You know we can pretend; you know we can pretend about everything, but the fact is if all you had to do was zone and get people to build you know every city in the world would have all these high tech businesses and industries. It's just not there. You know if we compare the environmental impact of this project to homes, how much pollution does like 8,000 homes create. How much water does 8,000 homes use really... electrical; traffic, how many cars are there and really what is the health hazard? People just ignore like cars; well you know close the garage door with your car running and see how long you live. I mean in reality, cars are dangerous too. It's not just like diesel vehicles too that create pollution. People keep saying this General Plan took 10 years. Yeah it's true. On a calendar it took 10 years. It's not like every week we met for 10 years to resolve these issues. There is a whole array of reasons it took 10 years. One of the problems of taking 10 years is by the time it was done it was obsolete to a degree and also the General Plan is a dynamic document. It's not cast in stone; changes are made all the time. It just is what it is. You do the best you can, but it did take 10 years and like I say part of the result of that is the world we live in today is not the world that was in 10 years ago when we started it. I was there for the whole process. You know it is not the same world today. We can pretend that it is and put our head in the sand, but it's not. And again, mostly what's being requested is a Change of Zone. As discussed, the General Plan Update is trivial and yet you know oh don't change the General Plan. I know there one of the... and I took careful notes. I know one of the Speakers last week said, oh Mr. Benzeevi is just going to build and leave this town. I'll tell you something, nobody in this City has invested more in their personal residence than Mr. Benzeevi; nobody. He has made this his home and is spending millions of dollars on personal residence in this town and he is going to see this building from his house. We've have housing cycles in this City. I've moved here in 1983. Nothing was selling because interest rates for houses were at 15 percent. We made that crazy decision to do it because we knew they'd go down. We've had this huge flip flop of housing prices; skyrocketing, crashing, skyrocketing, crashing, foreclosures galore; you know one day we are the fastest growing City in the nation and the next day we are the foreclosure capital. Why does that happen? What is different here and the difference here; one of the big ones is we have no jobs in this City really. The jobs to housing ratio are way out of whack. The towns with little fluctuation in their housing prices have lots of jobs nearby of all different kinds and if we don't break that cycle and increase the jobs to housing ratio, in eight or ten more years we going to have another crash of housing prices. It's inevitable and it is not going to change. You look at Northern California cities or even Los Angeles; a lot of these cities where they had a much smaller decline in prices and a much lower foreclosure rate are that they've got jobs in their community. We basically have none to speak of and the only way we're going to break that cycle is to do that. People talk about all these trucks wandering around residential neighborhoods. Of all the warehouses put in this City, this one is the only one right next to the freeway. I mean I don't know how much closer you could get short of getting put in their own offering. All the other

warehouses... some of them are miles from the warehouses and yet still again nobody complained about all the trucks on our City streets and yet we have warehouses all throughout the City. The fact is that it is isn't a problem and yeah it is possible; some trucker is going to illegally you know leave their deviated path; you know it happens. Yeah and some trucker illegally parks on the side of the road to take a nap. I know it happens, but the fact is it isn't going to be because or in spite of this project. One way or the other, the same things are still going to happen. You know I wish it was sort of in our power to you know end all air pollution and end this problem and end that problem but it's not. The impact of this proposed project is so trivial in the scheme of things in terms of air pollution and air quality and these other traffic issues; yeah I know people laughed at the graphics... oh that's not the way traffic is. You know I know, I've lived here for a lot of years and I've seen the traffic get worse, but again traffic modeling is traffic modeling; that's how it's done for better or for worse; it's not necessarily looking at the freeway in the real world, but the fact is the numbers of trips. Wal Mart generates far more trips than this project ever will. Is that good or bad and I thought that traffic would be much worse getting off at the Wal Mart and it's actually better than I had thought. You know I don't know what the right job is. I don't know. For the moment I have a job you know. It might change someday but for the moment I have a job, but you know one of the speakers talked about rich and poor and I think some of the residents really didn't understand that. You know what's rich and what's poor? The median income in this town is about 50 or 60 thousand dollars. I think that someone that makes 120, you know I think that's pretty rich by this City's standards. You know all the people on the east end aren't rolling in money and believe me I'm one of them. I couldn't that house... well maybe I could afford it today but four years ago I could have never afforded it and I've lived there in the same years for 25 or 26 years, but we have all types of people here and we need all types of jobs. There is nothing wrong with a warehouse job. I don't know what it is and the only people that are going to say that there is something wrong with it is someone that has a job. People that are unemployed aren't going to thumb their noise at either a warehouse job or flipping burgers at In and Out. I mean it's just... I don't know where that comes from, but again it comes from having a secure pension and a government pension plan; having a nice government job or whatever. I mean most of the people that spoke that didn't want it; that didn't like this project, most of them seemed to have pretty decent jobs or secure incomes. I don't think there are many people whose house is being foreclosed and they still said we don't need any jobs here. I don't think there many of those and if there were, they didn't say anything during their testimony. Water was an issue... look we don't run the water district. Eastern Municipal Water District; they are a government agency; they have their own Board of Directors. They said they will provide water to this project. It's their responsibility; that's it, I don't know. If they say they'll supply the water, they'll supply the water. We can sit and second guess well maybe there won't be enough; the fact is they said they will supply the water. That's all we can go on. Every single project that is built in this City they have to get a letter from the District that says we provide them water. They got their

letter and that's the end of it. Property values... I don't know how much more property values can go down. I don't know how this project can make property values much worse than they've been in this City. I mean it's just not even possible. The fact is I have heard that mantra. When we had an apartments going up; well property values will plummet. You know what, they didn't plummet they actually went up. Having jobs and having you know a full service City that can provide jobs, entertainment and all the other things, that is what is going to keep housing values up. The fact is this project whether this project is built or not built; I can guarantee your house values are not going to up if this project is not built. If you think that then I don't know. No credible information was ever provided that that would be the case and my own experience; being here a long time; knowing lots of construction projects, it just doesn't happen. Yeah, if there were 20 houses right next to it, yeah there might be a problem for those 20 houses, but that's not the case here. You know people said we should provide healthy jobs. I don't know what that is. You know we have all these government agencies that are responsible for keeping people healthy and safe in their jobs. If these warehouse jobs were so dangerous why doesn't Cal OCEA shut down every warehouse in the State of California? Well the fact is apparently it's not as dangerous as some people like to say. I mean apparently it must work out okay because otherwise every warehouse would be shut down because they are dangerous. The fact is idling is illegal... diesel trucks they have to park and shut off and again the model of the modern logistics plants; again you go look at any of them; the trucks come in once a day, they back up, they turn off and they're done. They open the little loading dock doors and everyone does their thing, then the next day when they are ready to leave, they close the loading dock doors, they start their truck and they leave. People that are at neighbors running their trucks for 20 minutes in a residential neighborhood, they ought to call Code Enforcement. I think it's illegal and it's dead wrong. If my neighbor were idling his stupid truck for 20 or 30 minutes in my backyard, I'd be complaining, but that has nothing to do with this project and that isn't really an issue that is going to be there; that's the reality... they park, they unload and they leave. You know all we can do as Planning Commissioners; we can do kind of the best we can. There is no magic solution. There is nothing we could do; there is nothing the City Council could do and I don't think there is anything that anybody can do per say that's going to magically create these great jobs; if so every City in the nation would do it. My wife travels a lot for work out of the City and out of the State and she is in Oregon and she's been in the Mid-west in these little tiny towns where a lot of these factories have been built; these factory jobs that everybody wants. They ain't coming. I can guarantee you that they are not coming to California. They are in the Mid-west where wages are lower and you know they are where they are. They are in rural areas where they have a wide work force. There is virtually no manufacturing in California left of any size. The last car plant that was in Van Nuys I think closed about 20 or 30 years ago. It's just wishful thinking and again there is nothing we can do that would get General Motors... I don't know if we want General Motors, but you know there is nothing we can do. You can even look at aviation. I mean Long Beach is a hare's breath from closing;

the now Boeing Plant, formerly Douglas. It's a hare's breath from closing and the only reason that it's still open is the government extended one of their contracts. It's sad and I'd love to see high paying manufacturing jobs here. Again we do the best we can. All we can hope is that if this project is approved you know that something good will come of it and maybe some manufacturers will come here; small manufacturers, but I had a lot of clients and most of the manufacturing; they have left this State. I mean there is just too must nonsense going on here; too many people against everything and you know what I think if the proposal was to build a manufacturing plant, the same people would come up with the same environmental issues and the same this issue and the same that issue and they'd find a reason to kill that project too. You know I live on the east end and you know I say I've been there all this time and there is no doubt in my mind that anyone that came up here and said it's a great project but it would be better if it was moved. Again, not in my backyard has been a mantra that I have heard with apartments; I heard with every project practically that we have approved that somebody doesn't want it because it's close to them and it's not in their perception of what they think. I have a simple test that I use and I've used it on this project and I've used it on every project... if I were in the same relationship as the effected homeowners would I vote for it. If I wouldn't vote for it for me, I wouldn't vote for it for anybody else and I am going to tell you the opportunity to get a Fortune 500 Headquarters is absolutely unbelievable. The reason the Press-Enterprise hasn't run a positive article is they don't want Moreno Valley to succeed. They want us to flunk. They want to knock us to the ground. They have published letter after letter of anti-Moreno Valley and all the anti-people they published their letters and I know that's not the only letters they got. They haven't published I don't think one pro-letter in a long time. The Editor of the Press-Enterprise is clearly against Sketchers or anything else that might bring Moreno Valley out of its current situation. Maybe it makes Riverside feel great; maybe they are hoping it will go to Riverside, but the fact is enough is enough. You know the headlines in the Press-Enterprise today is... you know people have said well what guarantee is this going to happen or that going to happen? Look, every project we approve; half of them get built and half of them don't and it's the way it is. Lots and lots of projects get approved and then don't get built for lots of reasons. The biggest reason these projects don't get built is the builders don't have any money. There is no financing now. It is unbelievable and anyone who knows anything about economics, it is unbelievable for a developer to have paid for all of their land in cash and have no encumbrances. You have no idea; there is nobody that is in that position that I'm aware of. All of the big industrial developers are maybe on the teetering of bankruptcy because of their huge leveraged debt. Debt is... you know a lot of these companies are going under; housing companies; retailers; their going under because of a huge amount of debt. It's absolutely incredible that any developer has paid cash for everything and again if you can find another company with that kind of you know, I'd sure love to hear about them because I'm not aware of any. It just doesn't exist in the real world companies of that and they talk about finishing projects or not finishing projects. The bottom line is our how one looks at it; Highland

Fairview has invested millions and millions and millions of dollars. If they don't finish it; we approve and they never build it, well they never build it. I mean we don't have any control over that, but the fact that they have no debt and they have a tenant, makes it pretty likely. This idea of we are bailing them out of something, I have no clue where that comes from. You know most cities would pay money to have this kind of project in their town, and it isn't just another warehouse... if you compare this building to any other building in the City and tell me that's not the best looking thing you've ever seen... I mean there is nothing that even comes close and I thought we had raised the bar on industrial development. I mean I think most of the stuff built is pretty nice, but nothing in this City and I don't think anything in the City of Riverside or any of the other surrounding cities architecturally is going to come close to this building regardless of its size. You know the headline in the Press-Enterprise today really says it all; grim gets grimmer on economy. Who the heck would turn down a project like this...? I have no clue. That's all I have for this portion. I have some issues with the Conditions but we can wait on that. Let's the other Commissioners speak on this project and then I'd like to come back and talk about some of the Conditions.

CHAIR DE JONG – Okay

COMMISSIONER RIECHERS – Yes I have a number of points I would like to make. I don't have a particularly well organized order in which I'd like to make them. Some of them are comments related to points which were made last week; some points which were made this week; some points made by Commissioner Geller who spoke just before me. I will try to keep them reasonably well organized, but there will be a bit of rambling here I fear. I guess I'll start with a point just made by the Applicant who stated that there will approximately 50 trucks coming and going per day. A quick back of the envelope calculation here is that 50 trucks going into 1.8 million square feet... if you park the whole trailer inside that one 1.8 million square feet, it would take 40 days to fill that sucker up if you never took anything back out, so that doesn't quite seem to add up me. It seems to me that this warehouse is going to require a lot more traffic than that. I may be wrong; I may not understand warehousing at all, but it seems to me that there has to be a lot more turnover in that warehouse than that and it doesn't seem to me that 50 trucks a day is enough traffic for warehouse of that size. A point was made that 50,000 square feet is a ridiculous size for a limit on building size and that that's not what the market wants so that is not what we should require. I made the point scores, if not hundreds of times over my tenure here on the Planning Commission that it is not our job to create areas or change areas to meet the current demand of the City. We are a Planning Commission. It is our job to plan the City and design the City for the best future for the CIty, not to meet the needs and desires of the Applicants as they see fit at the current time. If we don't plan for the future, we will not be able to meet and design a future which we desire. It is our job to put together a plan and wait for conditions to come around to meet that plan. When I joined this Commission some 12

years ago, many, many people told us that we were completely pie in the sky to put all of that land there in the southwest part of the City for an industrial area; that we were ridiculous; we were never going to get industrial development here in Moreno Valley; it was never going to come out here; it was far too much land; much closer to the ports in LA and Long Beach and we would never get industrial development here in Moreno Valley and several of us on the Commission said we need it; we have to wait for it and over the past several years we've had significant development down in our current industrial area; the former Oleander Specific Plan. I believe when we most recently reviewed and revised the Specific Plan we came up with a good plan for the 60 corridor, with offices on the north, Business Park on the south. Certainly nothing is knocking on our door to fill those spaces today, especially in our market right now, but I think it's a very good plan. I think is something that will greatly benefit the City in the years down the road, but I think we have to bite the bullet and wait for what we want and not to succumb to the temptation to accept something which is expedient at this point and frankly from standpoints would be beneficial to the City from a tax and revenue standpoint, at least short term, but to wait for what we really want and which would be far more beneficial to the City in the long term. It was stated that the traffic count is going to be far lower with this development than it would be under the existing General Plan. I couldn't agree more. That is simply because there would many, many, many more jobs under the existing General Plan than there will be under the proposed plan. If we put Business Park in there in 50,000 square foot buildings as opposed to an almost 2 million square foot building on half a mile frontage we're going to have a lot more jobs than we're going to have in that warehouse and in the long term I have no doubt that those are going to be and pardon me if I'm snobbish, but those are going to be more upscale jobs than what we're going to have in that warehouse notwithstanding the fact that we're going to have some technical jobs in the warehouse and I would remind everyone that this is the logistics center for this company; this is logistics headquarters for this company. This is not the corporate headquarters for this company in North America. We're not going to have the CEO; North American... I don't know what the title would be for the head honcho in North American, but I don't believe he is going to be moving to Moreno Valley. The distribution head for North America will be operating out of North America, but Sketchers will not be operating out of Moreno Valley; their distribution function will be but the corporate headquarters for Moreno Valley I doubt will be moving to and operating out of Moreno Valley. And furthermore I have no doubt that everyone; nearly everyone who is currently employed by Sketchers in their various buildings as they now exist will be offered jobs in the new facility here should it be built and I have very little doubt that anyone will turn down any one of those jobs in our current economy. There are not that far away and with the current economy I don't think any of them are going to see the commute from the current location to Moreno Valley as something they can turn down. They're not going to give up the change for any kind of job because of that commute. That's not going to leave a whole lot of jobs open for people of our community. Let's see... air quality has been kicked around a lot from both sides. Yeah the State is trying to

do a lot to try to clean up diesel trucks, but if you read the detailed analysis of that, it's going to take at least 10 or 15 or 20 years to get all the trucks; all the dirty trucks off the roads. Nobody is going to be able to force the guys with the older trucks to scrap them or buy new trucks and nobody has got the money to buy them out or buy them new trucks. We have cleaned up the diesel fuel; we've taken the sulfur out of it, but that's largely so they can put cleaner engines in the newer trucks; that doesn't have a lot to do with the emissions that come out the older trucks and if air quality were not bad around concentrations of warehouses, why is Mira Loma moving way, way, way up the list very fast as a center of very toxic pollution and of concentrations of various medical problems including lung diseases and cancers and premature deaths. Mr. Geller spoke of the housing crash. The housing crash is certainly nothing unique to Moreno Valley or specific to policies of Moreno Valley. It's to say the least a national phenomenon. The previous time around we got clobbered particularly hard because of the Base realignment. We do perhaps get hit a little bit harder because of our lack of jobs, but the fact of the matter is Moreno Valley has always been in a boom bust cycle. Any place where you are going to periodically be the fastest growing City in the nation or in the State, when things slow down or turn down, you are going to get hit hard, if not hardest when things turn around, so that's a simple matter of fact. The faster things go up, the faster they go down, but by the same token the faster and the farther they go down, the faster and the farther they come back up, so our cycles just swing a little more widely than they do most other places. I remember very shortly after we moved into our house and I mean very shortly; within about 2 months, we were 40 percent upside down. It took a few years; we stayed down there, but within 10 years we were about double where we started, so the fact of the matter is Moreno Valley is a place where market values on single family houses swing wildly. I have not yet stated that I, like Mr. Geller very much commend the Applicant on his architecture for this facility. I find it outstanding and I'll come back to that in just a moment. I do want to say that I don't believe that I've stated it yet, and if I have I apologize, this project is pure and simply not what I personally and I don't; well I won't speak for anyone else; it's not what I personally envisioned for the 60 corridor while we were doing the Specific Plan. It's not even close. While we were doing the Specific Plan this would not have even been under consideration. I would not have voted for this Specific Plan if there was any way that anything like this could have come in there. I heard on the news either last night or it must have been earlier this evening that the water Gods were declaring and this is a direct quote, a prediction that this year releases from the delta were predicted to be 15 percent of normal. Now I'm believing that might have been a mis-statement and it might have been a 15 percent reduction from normal, which seems more reasonable, but it if is indeed 15 percent of normal our water supply is going to be in crisis mode and given that this project had to give up water from... this Applicant had to give up water from another of his projects, I have to have to severe concerns about the degree of rationing which will be implied and what that means to the land... the potential for what that means to the landscaping which is required of this project, which is very extensive. I don't know how much of that we can really

consider tonight, but it is a concern of mine and I guess my last point would be that in fact this City wholeheartedly welcomes projects exactly like this and exactly of this size and we would and I would; I won't speak for my fellow Commissioners again, but I would love to see this project presented to us, but I need to see it presented to us down in our already industrial zoned area before I can support it. We have an industrial zone. We have facilities there already designed to handle it; to handle the traffic ready for this kind of development and the 215 corridor is ready to handle it and the 60 corridor frankly is not. The overpasses which have to be used to get to and from this project are not designed to handle the traffic which will be required to get to this project. Down in our industrial area, this would be the star project of that industrial area and I would wholeheartedly support this project without even blinking; without even thinking were it proposed for down there, but where it is proposed, I can't even think about supporting it. I cannot make the findings required for the statement of overriding considerations and I cannot support the project for where and how it is proposed.

CHAIR DE JONG – Thank you Commissioner Riechers

COMMISSIONER MARZOEKI – I'm not as eloquent a speaker as my other Commissioners here, so I did write some notes. First I'd like to thank everybody for coming out; everybody in the community here that was for or against the project. I really do appreciate all of your time; all our your comments that you have provided us and it did help me in rendering my decision tonight and I think you all deserve a round of applause, so if you would give yourself a round of applause for coming out and sharing in this with us. I just wish that when we did the General Plan Amendment, that we had as many people come out and let us know what their vision was for the City was at that time. Bringing jobs to Moreno Valley has always been an important endeavor for this Commission for many years and this project in front of us tonight promises to do just that. The positives of the project are a large well designed warehouse facility that will be built to LEAD standards. It is state of the art. It is beautiful and has plush landscaping you know to make the building and the surrounding area visibly pleasing and detracts from the massiveness of the project because it is a large project. But before I go any farther with my comments, just bear with me for a moment while I reflect. In April of 2006 you know the Planning Commission finished the review of the General Plan Update at that time. Several members of the community did come out and once again I said not as many as that are here tonight, but they spoke about what they liked about the Draft General Plan Amendment and what they did not like about it. We listened to their concerns and these were from community members from all over the City and with their comments we were able to put together a shared vision of what we the community members; not the City Staff wanted our City to look like in the future and one of the primary changes to the original General Plan included changes to the land uses to provide a more balanced community and at that time I felt that is what we did. But to coming back to today, I feel we need to consider that same mindset and

be smart about our growth here in Moreno Valley. This is an amazing project... yes it is and it would be wonderful to have a company like Sketchers in our community, but just based on something the Applicant said in the previous meeting, this project is not about Sketchers; it really isn't, they are only a tenant of this facility, so it's not about Sketchers, so we have to look at the building itself and what it is in the area. Though a great project, I have several concerns about the traffic impacts to the City. Where is the infrastructure to support this? As Commissioner Riechers said, you know Cal Trans has no immediate plans to actually improve the 60 freeway or Redlands Boulevard or Theodore interchanges and with the development of a 1.8 million square foot warehouse facility generating over 15 thousand and that's the number that I got and I see you changed that number to 3,000 for this facility; vehicle trips a day with our already crowded freeways, it's not going to be able to handle that extra congestion. I don't know if you are like me, but somebody said that we all have jobs here in Moreno Valley. I work in Ontario every day and I drive that 60 freeway every day and the traffic just gets worse, so the Planning Commission is my second job and this is something that I am pleased to do for this City that has done a lot for me. I've been here in this City for 23 years, so this is not just something that I take lightly, it really isn't. Okay it was quite interesting; the video simulations that you provided from Redlands Boulevard to Theodore but I would have much seen the impacts to the interchange from the 60/215 to the project and then vice versa. You know that would've really I'm sure grabbed a lot of peoples attention with that. I work for an engineering firm and I've worked for an engineering firm for over 20 years and this has provided me with enough insight on projects like this that I thoroughly understand the type of facilities these are and how much traffic it can generate. There is also a visual impact. While watching the video simulation again, the building and how it would look from the freeway; I counted 15 seconds to drive by it at normal speeds. Now that's a big building, now I don't know how long that is but to me it seemed like a mile. It just seemed to me like a very long building. I'm also concerned about the air quality issues because I read in the documentation that was provided that the School District was looking to develop a school in close proximity to this project and this worries me and I know Michael Bremen and Associates who actually who put together the EIR, that was one of their concerns as well. I know on another project that was here in the City that was in the industrial area, I had some similar concerns and was assured by the experts that it was not a problem for our children. I voted yes on the project, only to find out that I was not provided all the information at that time and as parents and grandparents in Moreno Valley our children's health and safety need to be a priority. I am not against development and I'm certainly not against Sketchers. The site is zoned Business Park and the Planning Commission did that for a reason and one of them is to have less intensity in the east end of the City. Looking back at my notes for the General Plan Update which I did last night, the east end was to remain rural on the north side of the 60 freeway; and executive style living on the south and this project does not fit that model. So furthermore, though I know that some of my fellow Commissioners will disagree with me, to rezone this site could possibly set

precedence and I personally don't believe we need an additional industrial area in the City when the southwest portion is already zoned that way. So in closing, though this is an incredible project and I do agree with Commissioner Riechers that if it was in the industrial area, I would have no problem saying yes to it. In good conscience I cannot say yes to this project.

CHAIR DE JONG – Thank you

COMMISSIONER DOZIER – You know it's been almost a year since we've had to think about this project. We've seen newspaper articles. We've heard testimony from... I've had a year to talk to my Historical Society members who are some of the oldest families in this town about what it means to them and what the project would mean to them and so I've gotten a lot more feedback than just the public testimony that we've heard over the last couple of Thursdays and I'm just going to share some of those thoughts with you so you'll kind of get to how I'm thinking about the project. I'm in economic development. It's my job every day for the County of Riverside to find companies that might want to invest here in Riverside County. We run a business attraction program for the County and we on a daily basis talk to companies about what they look for and why they would chose a location to bring their company and so I have a different perspective on how difficult it is to do that. These are multi-million dollar decisions being made by companies to decide where they are going to put their businesses. I'll just share a couple of thoughts with you that manufacturing... if we think that we're going to fill the south section of our City with a lot of manufacturing... manufacturing for you environmentalists out there is an endangered species. We're not going to get that car manufacturer here. They don't come here. They go out to Georgia and they go to Alabama and that's where all of the plants have been going. It used to be that a small town could count on one major manufacturer coming into town and employ half the population. That is not going to happen in our Country much any more. It's happening in those sections of the Country that I just mentioned. There is a new animal for us. Our manufacturing has gone off-shore and our companies are American companies that are doing business here in the United States have found labor pools that will allow them to produce a different kind of sneaker or a different kind of a pair of pants that can be marketed here. What we're getting is we're getting ships coming into our ports; delivering those manufactured goods. We have two of the largest ports in the world to receive these goods from Asia and points west and what that does for us here in Southern California is it makes us an opportunity to warehouse and somehow distribute those goods throughout the United States for all our citizens to consume. So in the past in the 1950's and 60's when steel companies or auto manufacturers or airplane manufacturers could come into a town and make that economy; we don't have that. We don't have that opportunity here any more; it's very rare. The companies that we are getting to manufacture here are a lot smaller and in their industries we're probably going to get a company called Primary Steel that might go off of the I-215 and they are going to provide 200 jobs. It's very rare to get a steel

manufacturer anywhere these days as they are an endangered species, so we get distribution and we happen to be near the 60, the I-215 freeways and because of those corridors, we are the next... there is a progression. They bring it into the ports; they fill up all the warehouses and we're it because we've got the amount of land where we can build larger distribution projects, so whether we like it or not, the fact that we geographically are prime for distribution; we're getting it. Look along the I-215. We had some people from the State come down. They do economic development for the State and they asked us to give them a tour of just our area here and their comments were God; geez; the size of these buildings. They were just shocked at the size of the buildings. Well that's the market; that's the market. These companies don't need 50,000 square foot warehouses. Tesco would not be here... I don't know if you know who Tesco is but they've got a warehouse on the other side of the I-215. They supply all of the Fresh N Easy's in the area. I think they are in and I want to 800,000 square feet. I don't remember what the exact size of that building, but they wouldn't come to Moreno Valley if we only had 50,000 square foot buildings. That's why they are on the other side of the freeway. They are paying taxes over there and as an aside for this so you understand how this works; Tesco is a British company who invested here in our Inland Empire which was a first for them and they brought two other companies with them... a company called Wild Rocket that does meat packaging for them and they brought another called Two Sisters which does some other kind of packaging of goods for them and they are now over there too. So that's an example that I'm going to touch on a little bit later that because Tesco who is the Wal Mart of England, so to speak in terms of size and stature, because they chose to come here and chose that address over there, two of their major suppliers had to come too and so we got the benefit of that business. Had Tesco not come here, those other two companies wouldn't need to come here; there would be no attraction. You know they had to ask well where are you going and why are you going there and we need to be there too. I think Sketchers will do a little bit of that for us as well here in Moreno Valley, but manufacturing is an endangered species, so what do we get... we get distribution because geographically that's what we can support; that's what these companies are looking for; we have the open land; we have the larger inventory buildings that will draw these companies to us and those containers that are coming into the ports are going to double and triple in number over the next 10 to 15 years, so we're going to be a more of a logistics center than we may even want to be, but that's what we are and unless we want to get rid of the ports; unless we don't want these jobs, these are good jobs. You know when you get into the distribution and supply chain management, there are some jobs that are very, very high paid if you are good at what you do because these companies aren't manufacturing any more; they are creating marketing plans, distribution plans; supply chain management scenarios and they want the expertise of people who know how to do that and do it efficiently and they want to hire those kinds of people. It's not about whether they've got an automated place. DHL was automated, but I saw hundreds of people working over there until they moved, but these are jobs; these are futures for people. You know you come out of the

military; if you were in supply chain management in the military you've got a very good opportunity in this region to have full career and work for the rest of your life and feed your family and support your family on the kinds of jobs that these projects can bring. We're going to get companies that we hope will bring their corporate headquarters with them. We're not going... some corporate headquarters; they want to be in Paris; they want to be in New York; they want to be in San Francisco because those big cities have a certain appeal; they have a certain lifestyle; they have a certain ambiance to them. We're not going to get some of those corporate headquarters. It's unrealistic for us to think that we can, but we can get a regional headquarters that needs to be near their distribution center. This company Sketchers; they're smart. They are scattered out in four or five warehouses; economies of scale; they need large acreage; they need large buildings so that they can consolidate their operations. There isn't a city that I talked to and I talk to the economic development people in all 26 cities now in Riverside County that wouldn't die and beg to have this kind of project in their City. Now that's an issue of... and we compete with those cities because we compete for those jobs and we compete for the tax revenue and we compete for the infrastructure development that they bring when they come. Riverside would love to have this project; trust me; they would love to have it. So would San Bernadino is losing it; they're trying to keep it, so we have to understand I guess when we look at this project what is it's value to us as a City. What does it really represent and you know we've set aside land in the south. I had to deal with this issue because I understand the vision of the people on the east side of Moreno Valley. I understand their vision. I'd love... I don't like riding horses that much, but I'd love to have horse property up in the hills nestled away and very fortunate for them and there is plenty of land over there that that lifestyle can be maintained whether this warehouse is built where we're considering putting it or not. Okay, there is plenty of land over there. The other thing I think is that we don't have enough really land set aside to put industry in; any kind of industry that will provide the number of jobs that we should provide and need to provide for the residents of this City. Some cities have 20 percent of their land mass set aside to accommodate jobs for their citizens. I think we have maybe 3 to 5 percent of our land mass set aside for industry. It may be a little higher than that, but not much higher than that, so if we want to provide for our City, so if we're going to have to look at regions that we can logically develop to provide some of those jobs. Somebody said well let's wait until we can get the jobs we want. We're going to wait a long time let me tell you. I'm telling you I'm in this business. If you are waiting for corporate headquarters, it ain't coming okay. If you are waiting for a lot of companies that would move into large office space I can tell about what the vacancy rate is for office space throughout Southern California right now. We have more office space than we can fill and people are begging to try to finds these kinds of companies. Do we want medical or bio-tech jobs...everybody wants those jobs. Oh those are high paying jobs and its clean industry. Well we have a program in the County where we go after those kinds of companies. Let me tell you, if you have a PhD and you are working in Irvine or you are working in San Diego or you're working in these coastal communities

where you are being paid well; you're working for a clean company, you've got a lifestyle down there; you're not coming here and you're company; the CEO's aren't brining those companies here. That ain't going to happen, so we have to deal with what we can really, reasonably afford to go after and to get and we have a diverse population here in Moreno Valley. Let me tell you the statistics don't lie. We have 50 percent of our population that has not seen the inside of a College classroom okay. That means we have to provide jobs for 50 percent of our population that aren't going to be those high tech jobs; that aren't going to be those necessarily high paying jobs, we have to provide for citizens and some of these distribution centers will provide those kinds of jobs and when we talk about jobs, you know there are primary jobs. I have what I call a primary job because I make the most money between my wife and me and so I pay most of the bills. She has a job that I consider a secondary job because she makes less than I do but it is an important job to our family. If she doesn't have the opportunity to have that secondary job making less money, collectively I can't afford to live the way I live. A lot of these jobs that we look at and we frown on and we say that's just a twelve dollar an hour job or you know that's a ten dollar an hour job. There are a lot of families in this town that covet those jobs; need those jobs; their wives need those jobs; their children need those jobs; they are secondary jobs, but put together with what they do, they have a whole job; they have an income that they can live and survive in our society, so I don't look down and I came from Workforce Development and I don't look down on any job. A job is positive for anyone who needs that particular job, so this kind of project does bring some of those kinds of jobs. The attraction of a Fortune 500 company that will bring even their regional executives or regional headquarters is a very difficult thing to do. It's highly sought after and we already; whatever you think about Highland Fairview properties or Iddo Benzeevi; in the world of economic development, he already has a contract for a Fortune 500 company already signed before he even gets the permit. If you don't think that that's hard to do and a difficult thing to do, you are sadly mistaken... very difficult to do and we should be thanking Highland Fairview properties for at least having us on the short list and even get Sketchers executives to even to be talking about us to do a project like this. That's my opinion. Now I'm going to say this and let's not talk about Sketchers; let's just talk about the whole idea of getting people who are willing to invest this kind of money in our community. This is an idea and it represents a promise of some kind of future. We've heard the testimony here; they're a lot of people who see their future wrapped up in what we're able to do or not able to do in terms of providing jobs for our citizens and it represents that American dream; the possibility of it that a Fortune 500 company could even locate here. It represents an economic development win for Moreno Valley. It represents an opportunity to open a door for other major companies that will look at our City because Sketchers made a business decision to locate here. Those executives out there aren't stupid. They have to compete with Sketchers... what was it about Moreno Valley that Sketchers saw that made them decide to come here over Riverside and all of these other places that they go can go wherever they want... they have the money to go wherever they want. Why are they choosing us? So it makes

those other companies think about that and those are reasons why we should consider the value of just having them considering our town. A little story was told to me and I'll just share it with you. Sketchers said well we're in Paris, we're in New York; we're in these major cities. You know when you say those names you think of these cosmopolitan areas that are large and international and are vibrant. Well when you say Moreno Valley, you're going to have one of your regional corporate headquarters and you're major distribution center in Moreno Valley, it doesn't ring like Paris; it doesn't ring Paris; it doesn't ring like New York or San Francisco, so there was a move to change the name to Rancho Belago and I supported that because as a marketer I understand. If you understood what happened in Chino and Chino Hills, all you had to do was add the Hills onto Chino and all of a sudden you have a whole new idea and look at Chino Hills today. They are able to attract some of the largest and best retailers and companies around because of that. I supported that and I thought it was a good idea because it allows Moreno Valley to be more than what it is and it allows it to become even more than what its founding fathers envisioned it could be. It allows that possibility, so now let's deal with the tough issues. What do I think about putting it on the east end of town and what do I think about whether the trucks are going to be able to get in and out of there and the traffic; what do I think about the pollution; what do I think about the lifestyle that you know the east end would like to maintain and I understand them and I appreciate them and I know that they have to fight to try and keep a lifestyle that they have there. Well about the traffic... traffic is a funny thing. Until you actually experience it and realize what it's going to be you can only speculate. You can only think that that's what's going to happen. I trust our Planning Department. Our Traffic Division; we've got some experienced people in Transportation and Traffic in our City. Their job is to study that issue and make a determination. That's why they are paid; that's what they went to school for; that's what they do everyday. They tell me that based on the traffic studies; based on what's going on over there now that they recommend approval; that that traffic is going to be okay and I think that they did their job well and so I'm going with them. I'm saying hey, thank you very much and I'm going with them. And then the other thing that I want to say is you know anything that is built; if it becomes obsolete ten or fifteen years from now then do what other cities do, tear it down and build what you need to build you know to serve your community at that time; because that's what they do. It takes them years but they do it; tear down communities; entire projects to make room for what's got to come new, so I don't worry about it's going to be an albatross or a dinosaur if they ever lose Sketchers. I don't worry about that you know; I deal with today. Alright, the last thing I'm going to say and I really appreciate... I didn't think I was going to go this long, but remember I had a year to think about this. It represents an important crossroads for Moreno Valley. I love Moreno Valley. I've invested my life; my wife; my children and we've had a good time here in Moreno Valley and I'm going to work until I retire I'm going to be in Moreno Valley, so it's an important crossroads for Moreno Valley because you know I see our City and it's changing and it's growing and we have all kinds of folks here and our needs are different. You know if you have a job its easy for

you to say lets wait until tomorrow to get a job for someone else. If you don't have a job, you need a job today; you need it yesterday, so to say that we could be naive enough and say well lets wait until we can get those medical bio-tech companies and wait till they can come, we'll be waiting a long time, meanwhile people will be starving; there will be soup kitchens; you know you don't plan that way. We're in the toughest economy that we've been in for 50 years. People are losing jobs left and right and I came from Workforce Development for the County. I can tell you that we are approaching almost 14 percent unemployment in our County. It used to hover around 4 or 5 and it's now close to 12 and they are predicting it could be as high as 14 or above by the time 2009 ends, so I understand when you come and say we need jobs. I've got neighbors...those houses are empty, not because of foreclosures because they don't have any work. They were in the construction trades. Some of them have gone back to Mexico because they can take what they earn here and live a lot better during tough economic times than they can here, but they would like to come back and we should be able to have jobs so that they can come back, because their children are invested in our community; in our schools; and their families are still here; the ones that have jobs, so we're impacted by it. I think it's a great project. I wish we could have more like it and I wish we could ensure... there's one caveat and then I will end and that is I had this vision too. Somebody took a Rancho Belago flyer and said what happened to this vision and Mr. Benzeevi was kind enough to show the new drawings and show the vision and I'm happy that we have someone in Moreno Valley that has a vision and what we think of it that has a vision for a future and the caveat is that vision in my mind did not include at that moment an industrial area right off of the 60 between Theodore and that wasn't part of the General Plan. But it's my attitude about the General Plan and you'll understand how I think about that. The General Plan is a general guide and economies change; situations change. Who would have predicted we would have been in this kind of economy today. Nobody predicted that and nobody knows where the bottom is really right now. We think we're going to hit bottom soon, but we don't know, so things change and I think that if we owe 10 years to do the plan it's sacred. It's not sacred. It's a plan. City General Plans change because cities change; people change; ideas change and if we're not ready to change then we are not going to survive. We've got to be able to adapt and we've got to be able to do the kinds of things that make sense for our community, so I think about the General Plan and I say okay, it wasn't quite what I envisioned; it wasn't quite part of that Rancho Belago vision that I had even thought about. I would have loved to have nothing but Business Parks and medical tech companies and bio-tech companies but that's not a reality. What is a reality is Sketchers has signed a contact to come here and provide about 2,000 jobs in that place at this time and so that's why I will change my mind. Thank you I appreciate it.

CHAIR DE JONG – Thank you

VICE CHAIR MERKT – Wow what a meeting. The last couple of meetings have been very exciting. I'd like to echo what Commissioner Marzoeki said...

COMMISSIONER MARZOEKI – Do they need to change the tape?

CHAIR DE JONG – It was 10:30 last time...

PLANNING OFFICIAL TERELL – Yeah apparently the tape is longer this time. No I did go back and check and they have about an hour of tape left.

CHAIR DE JONG – Okay, good thank you. Sorry to interrupt...

VICE CHAIR MERKT – That's actually a shame because I have about three hours worth of comments to make after all this information, but I have some good news I have been able to reduce it by five minutes because of what my fellow Commissioners have said. Just kidding... Anyway, there a lot of things to cover on this issue and it's exciting as Commissioner Marzoeki said to see this kind of a turnout for this and hopefully we'll get this kind of a turnout the next time we update the General Plan and I think that maybe this meeting will educate people on how much they have to be involved in these things or they are going to be surprised when they get changed later on because they weren't done the way they wanted them done. This project first came to my attention in a very general way. I heard about a 1.8 million square foot warehouse; perhaps manufacturing combination building being proposed. Actually my first impression was this is going to be in the industrially zoned area of Moreno Valley to the southeast of the March Air Field and didn't hear too much about it and then all of a sudden my wife heard some information on the radio that it was going to be Sketchers in this project, so that kind of came along and both ideas kind of had a positive ring with me because I didn't know Sketchers as a company, but I did know Sketchers as a shoe, so I assumed that you know they probably were a pretty good company. But as the project location became obvious, it raised some concerns because it's so obviously conflicted with what we had set out as a vision for the City through our General Plan and as the project was presented to us I was actually amazed by the almost schizophrenic nature of this project and the way it was being presented to us. I'll explain that... on the one hand we're told this is Sketchers. It's on the drawings we received. We were told how many jobs Sketchers will provide. We were told about the Sketchers warehouses that are going to be left behind over in Ontario. Literally Sketchers is the star of this particular project, yet as Commissioner Marzoeki said, we're told well this really isn't about Sketchers. In fact we were told Sketchers is just the tenant and in fact the reality of that is reflected by the fact that there was not a single Sketchers representative at the prior meeting and there isn't a Sketchers representative here. The reason that is important is because a lot of the things we're being asked to believe about this project aren't known to the Planning Commission as to be valid or not valid. To be honest I don't know how many jobs Sketchers has in their warehouses in Ontario and I don't know how many jobs they're going to have here. We hear all

kinds of figures but they are interspersed from are they going to be in this building we are approving tonight or they on all three phases and from what I understand they are on all three phases with the number 2,500 and the estimate of 1,000 apparently is what is going to work in the warehouse. I don't know. I don't have anybody to ask and that's a major problem for me. A lot of the vote on this comes down to credibility on the part of two entities. One is Highland Fairview and the other is Sketchers. I've heard the name as I said Sketchers. I know they make shoes. Apparently they are a Fortune 500 company but recently we've had some huge shocks from Fortune 500 companies. I don't think anybody could have imagined that General Motors would be within weeks of failing without a Government bailout... Chrysler the same situation... Lehman Bros... 100 years in existence and they had to be bailed out. Citibank; WaMu; bankrupt and had to be bought out. I mean the economic crisis around it is obvious when the government announces it's going to help it, but when Mervyn's went out of business I didn't see a government bailout of Mervyn's, so frankly without Sketchers here I don't know how this economy has affected their sales. I don't know what their financial standing is. The bottom line is I don't know that the lease Sketchers signed is worth the paper it's written on if their economics don't exist, so they're not here to testify, so I don't know. There's a credibility issue here...

CHAIR DE JONG – He says they are here

VICE CHAIR MERKT - Well they haven't testified and I asked if they were here, but in any case I assume that maybe they are financially sound. I don't know whether for example whether I can buy a car today; whether I can get financing because the car companies have backed down on financing cars. People buying homes... let's face it, it's hard to re-finance a mortgage. It's hard to buy a new home unless you have wonderful credit. I don't know whether this building can be financed. I don't know, so these are some questions that I have. I also don't know whether this developer can finish a project. He's been out here a long time. We've identified that, but I'd like to see some results. Doesn't this quality it but it would make feel a lot better about approving a project if I'd seen some results or something in the past. It's just me; that's my feelings about credibility. Another question about Sketchers; like for instance we're talking about pollution and perhaps I might have the most experience in trucking of anyone on the Planning Commission. I owned a small trucking company and before that I was an owner/operator and the type of operation very much determines exactly how much pollution comes from a trucking operation. I'll give you an example: Fresh N Easy; the Tesco Warehouse that we're talking about; when they back their trucks up to the warehouse and they have refrigeration units and things like that, they have plug ins so that they don't run generators. The trucks aren't idled. They are kept in very good condition. The company controls the trucking operation, but most of the warehousing operations that I've seen are serviced by owner/operators who work for companies like JB Hunt and Schneider and a whole assortment of trucks and frankly their conditions are significantly less

modern than a fleet owned by a company, but I can't ask this question because the people that are going to determine the operation haven't been available to my knowledge on this, so basically if this a owner/operator type of operation we have to ask ourselves this question. If a person comes up there what are they going to do on a hundred degree day when they back their truck up to a warehouse door? We have rules and regulations, but the bottom line is this owner/operator probably won't know that and what's he going to do, sit in a 110 degree truck while his truck is loaded. I don't know. What's he going to do if the truck takes let's say overnight to load. Where is he going to take his truck? Is he going to take his truck to Ontario or perhaps even to Colton or someplace like that or is he just going to find a local location where he park his truck and maybe idle it and stay cook. I don't know. It's an issue on how much pollution will be provided and we truly don't have any answers to that yet. A lot of this testimony so far has been about jobs. Frankly I would liked to have asked the questions directly of Sketchers because... I'm sorry the testimony is finished, but they weren't available. Believe me I asked and was told they weren't here, but beyond that...

APPLICANT BENZEEVI – Who said that?

VICE CHAIR MERKT – Mr. Terell

APPLICANT BENZEEVI – Nobody asked us. I told Mr. Terell they were here tonight

VICE CHAIR MERKT - Well anyway as I said, they were not offered for testimony and I was not and frankly at this point I think we've passed that.

APPLICANT BENZEEVI – They are here tonight because you requested. There have been sitting here for a few hours

VICE CHAIR MERKT – And I didn't hear you say they were here.

APPLICANT BENZEEVI – You didn't ask me.

VICE CHAIR MERKT - Okay fine, I'm sorry Mr. Benzeevi.

APPLICANT BENZEEVI – You bring up whoever you want and ask questions from

VICE CHAIR MERKT - You testified and I was never told they were available. I asked specifically if they were there and I was told they weren't. Okay, so I'm not going to ask about something that I was told they weren't here. In any case, we're past that point, you know... Sir, this is Commissioner Debate, okay and frankly I'm not going to hold a conversation with you during the Debate. But in any case if they were here, I would have loved to have them present something, but they didn't. Frankly when it comes before the City Council, perhaps they can

testify then and perhaps the decision will be different. As I said, I wish they had been part of the conversation before this point. You know I see this building okay and I notice the computer animation. In the computer animation even the freeways; the berms of the freeway are green. The fields around this are green, but the bottom line is we know that's not the case. I see trees there; by his own admission the developer has said these are images of the business five years from now and frankly I think that's very, very optimistic. I think these trees are the kind of trees you see in 15 to 20 years. I think this is going to be a big, big building; clearly visible from all around. It will dominate the landscape out there. We're told not to consider this as the Sketchers project, but the bottom line is if this was presented to us as a four speculation property that might or might not be built, we wouldn't probably approve it, because we have lots and lots and lots of empty warehouse property in the City. In fact by the City figures, we have an approved project of I believe 1,560,000 square foot warehouse. We have many other millions of square footage of property, so I don't think if there wasn't a tenant that we would want to increase our stock by 1.8 million square feet without a tenant, so they are combined. This is a warehouse that is proposed that doesn't fit the plans of the vision of the General Plan, but also it doesn't fit the vision of Rancho Belago; the sign up there. When this was being debated in the City Council, they talked of a land of lakes and green fields and upscale housing and affordable housing and moderate homes and businesses to service that. There was no comment about warehouses being included in this vision and while this is only one project, the bottom line is we have two other projects in the pipeline. That's a fact and how many others are behind that; only the people who own the land and want to build warehouses know, but my guess is that they're probably keeping quiet at this point in time because they don't want to broil the waters. We've talked about jobs and whether the jobs are provided here, I don't know. For example, whether Sketchers testifies or whether they don't at this meeting, I think we'll all agree that the economy is down. As I said, Mervyn's is gone. I look at the figures in the paper about company results and sales are down, down, down. I find it difficult to believe that Sketchers is going to abandon their warehouses in Ontario and then come up to Moreno Valley, increase their capacity at a time that it would be amazing if their sales were down and seek much greater capacity. I find it difficult to believe that Sketchers would pick this period of time to increase their labor costs by increasing the number of employees from Ontario to Moreno Valley. I cannot believe that. It strains credulity. Some of the other things I kind of find funny is that Riverside has a conspiracy against Moreno Valley and the Press Enterprise is part of it. It's our regional newspaper. We have a reporter that is sitting outside the door; Dan Lee that reports on our City. I hope he isn't part of the conspiracy if there is one I don't know about. The bottom line is that if we approve this project I am not at all certain it will be built. I am not at all certain Sketchers will move here, but what I am positive is that if we approve this, we will have changed the zoning and vision of eastern Moreno Valley. That's a fact. It's simply a fact and I'm not ready to recommend to the City Council that we change that vision because I find way too much of this unconvincing. I hope that Sketchers... Well let me approach

another subject... jobs. Whether this provides jobs or it doesn't is clearly up in the air. We've heard people testify the workers from Ontario will be offered the jobs and frankly I haven't heard a single word by anybody guaranteeing even one job to a person in Moreno Valley, but let take a look at jobs in general in the Moreno Valley area. We talked about the Tesco Fresh N Easy Warehouse. My neighbor next door has a son. He is a Chef over at the food preparation center at Tesco, but Tesco isn't located in Moreno Valley. He is working maybe 500 feet away from Moreno Valley. I have other friends that work in Lowe's; the distribution center just south of the Ramona Freeway. We didn't get that facility. Actually there are other warehouses where it would have been scheduled but they moved down there and Moreno Valley citizens got jobs there, so just because a facility is not located in Moreno Valley, doesn't guarantee citizens will get the jobs here. People from Perris could; people from Riverside could. There are all kinds of things like that that could occur, and just because a job is outside of Moreno Valley, doesn't mean Moreno Valley citizens are excluded from these jobs, so you know the issue of jobs is really sort of a wash on this especially if Sketchers chooses to build this warehouse or perhaps occupy one of the empty warehouses in the industrial area that exist or that are approved for that area. The only thing that we know for sure tonight is that if we change the zoning and this building is not built or for some reason Sketchers doesn't come and occupy this building, that the zones will be changed forever. It doesn't revert back to the Business Park designation if the project associated with the zone change goes on. It just doesn't. One is not connected with the other even though we are presented with the two at the same time and frankly this is the wrong place for it for so many reasons that its just overwhelming in my mind and for those reason I would not recommend this for approval to the City Council.

CHAIR DE JONG – It's been a long night. Thank you everybody for hanging tight. Well I'm going to say it's a very good design. My compliments to the designers. There's a lot of work that has gone into this project and presentation and the video here and everything else. I need to say that I too love Moreno Valley very much. I've lived here almost 20 years, but I am also one of those that feel that is absolutely the wrong place for this to be. The City has an industrial zone with the dedicated truck access off of the 215; it's Oleander. The City has always embraced a less dense plan for the east end originally and that's still highly supported from rural pastoral to two houses per acre and Business Park of the approved General Plan including support Commercial. This warehouse building is equivalent size of 900 two thousand square foot home blueprints... it's huge or 36 fifty thousand Business Park buildings and it's only the first one. As it's been mentioned before, we know that there are more coming. I think that's a stated fact. This is a huge change to the approved General Plan. Now everybody is concerned about jobs, however the quality of those jobs really does need to be a concern as well. It's been noted and I agree that Business Park jobs already approved under the General Plan would offer a much greater range and diversity for the potential workers with a higher pay scale. That is important. We know that Sketchers is consolidating five warehouses in Ontario in these

economic challenged times. I think it's a very fair bet to say that those workers will relocate to Moreno Valley; at least a large percentage. There is a large amount of approved commercial in this City that offers a great potential for jobs. We talk about jobs; the Meridian Business Park just across the way and yes it's been mentioned before that it's in Riverside... Cactus and the 215; that offers approximately 38,000 jobs at build out... 38,000 jobs. We know the Sycamore Canyon Manufacturing Warehouse Plan just adjacent to it is going to offer approximately 10,000 more. We have 14 approved but yet unbuilt industrial warehouse projects currently in Moreno Valley and that totals 8,187,677 square feet. That's a huge potential for thousands of temporary construction jobs and full time jobs. I agree with an expressed opinion I believe was in the paper that the City of Moreno Valley would do much better for its job market by raising the bar for the quality of jobs. I believe that's true. I believe that the approved General Plan consists of Business Park, R2A housing and supporting commercial. Business Park jobs offer skilled and semi-skilled light manufacturing as well as highly paid professional office jobs. Currently the General Plan is offering 14,245 jobs in that area right now. Now granted, they are not knocking on the door, but they'll come. I believe that the ongoing debate regarding public health and safety in respect to diesel pm is a major concern. That has to be a major concern. It should be a concern to you as well. The EIR states that this impact cannot be remedied. I'm not willing to trade the health of the citizens of Moreno Valley for tax benefits. I've heard the arguments that we want the land to remain as farmland or that a no vote is a vote for no growth. Both of those statements do not reflect the truth. That's not right. That's not farmland now. I mean that it is, but it's not zoned farmland, it's been changed already. I remember the area in question has already been changed, approved for the aforementioned Business Park, R2A housing and the supporting commercial needed to sustain the community. Change will happen. The Planning Commission's job is to recommend that growth occurs in a logical, manageable and foreseeable way benefiting the future vision of the City. I support a no vote to this project, voting instead to maintain the General Plan.

COMMISSIONER GELLER – I've got a couple of additional comments I'd like to make. First off to Commissioner Marzoeki, well I don't think it's going to effect her decision, the schools are absolutely, positively are not going to build in that area. I don't know where that comes from. They withdrew all those approvals. They are not going to build those schools in that area. I talked with the School Board members and it isn't even on their plan anymore, so this is just a red herring that has been floating around. That's why they aren't here. That's why they didn't write any letters. They are not building any schools there. You know I am embarrassed; we have never gone to a developer and asked for financial statements. It's really; it's absolutely embarrassing. I'm embarrassed to be on this Planning Commission. We have never asked anyone for financial statements before we'd approve a project. We've never grilled the Applicants. You know there are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen approved and unconstructed industrial buildings. The

reason they are not constructed is there is no one to go in them. You know basically we had a Commissioner that said the Applicant flat out lied. He didn't use those words, but that's what he said and that's disgusting to me. That isn't the kind... that's just wholly inappropriate. You know all these un-built buildings are un-built because there is no one there. I don't know why anyone would believe that any developer would invest 250 million dollars if he didn't think his lease was good. You know I don't whose here or whose there... my wife is watching this and she can't believe it. She says tomorrow everyone on the fricking City is going to be on the phone to Sketchers wanting to put the place there. I mean I have no idea. I don't know what vision anyone is looking for on anything but personal attacks against the developer is outrageous. You know and again there is this confusion between approved and built. There are no empty 1.5 million square foot buildings in this City and the reason we want the buildings in this City as opposed to across the street in the County, property taxes don't get paid to Moreno Valley if they are in the County. Employment taxes don't get paid; sales taxes. This place used to be a sales tax generator; they don't get paid to Moreno Valley. Utility taxes don't get paid to Moreno Valley. Nothing gets paid to Moreno Valley for all those businesses across the street. Of course we want guarantees of jobs. Who is going to guarantee anything? We've never asked a developer, oh well we wont approve your project unless you guarantee this is going to happen. I mean it's simply outrageous. I don't know what's gotten into everybody. You don't have to prove it. You don't have to prove anything, but the kind of attacks on the developer; his credibility and his integrity, I find it disgusting and I apologize. You know I can only say what I can say. The economy is down, so our answer to a bad economy is to kill a project that would be an economy builder. That really makes a lot of sense to me. You know the economy is doing terribly so we shouldn't build anything in this town because something might happen down the road. Anything might happen anywhere at any time... a bird in the hand is worth two in bush. Ah, we'd approve it in the industrial area. Well that's not what's in front of us. You know we can go round and round on that but the fact is you know anyone when they say we'll that apartment building would be great somewhere else. You know we can all say that the projects are what the projects are, but the problem with the buildings not being here is no taxes, all the major benefits or many of the major benefits don't come to the City and it is... Conspiracy... the Press-Enterprise flat out told some of the Councilmembers they didn't want any of this stuff being built in Moreno Valley. Call it a conspiracy or not and I know Dan Lee and if he wants to talk to me about it I'll be happy to, but he isn't going to deny it either. You know just look at the paper and read it. Read the editorial sections; read the slant; it's pretty clear. I don't what the conspiracy mean, I'm saying the publishers. Yeah it's a regional newspaper and they've done everything they can to beat up Moreno Valley. It's just the way it is and it hasn't changed in all the years. Anyhow I guess we need to move forward.

CHAIR DE JONG – I have a request to speak from Commissioner Riechers.

COMMISSIONER RIECHERS – Yeah I just have two very quick comments for Commissioner Geller. One is that the General Plan as it was first defined to me is that the General Plan of the City is best defined as the constitution of the City, so to say that it is a working document open to change; certainly it's open to change but it's not a frivolous document. We are limited to three amendments per year... four amendments per year. It's meant to be a very stable document. It's mean to be a long term document.

CHAIR DE JONG – We have ten minutes of tape.

COMMISSIONER RIECHERS – Okay, it's meant to be a long term vision for the City, so it's not meant to be something which is tweaked everytime a new proposal comes in which, for expediency the Plan can be changed. My second point is... I've lost it...

COMMISSIONER GELLER - Do you want me to help you...?

COMMISSIONER RIECHERS – What was your last comment?

COMMISSIONER GELLER – I talked about when the economy is down...

COMMISSIONER RIECHERS – Not the Press-Enterprise

COMMISSIONER GELLER – Oh the taxes don't get paid here; confusion between approved and built; issue of person gets financing... you know getting financial statements from Applicants; schools and I think that's it.

COMMISSIONER RIECHERS – I've lost it; never mind

VICE CHAIR MERKT – Yes Commissioner Riechers I'm you'll have a chance to recover on this and the one additional comment I wanted to make.

CHAIR DE JONG – We have six minutes of tape left

VICE CHAIR MERKT – And I'm going to make it very short, we don't approve projects based solely on its going to provide money to the City. The project has to stand on its own. If it provides funding for the City that's a great benefit and I love it, but I'm not going to buy something just because it's going to give money to us. That is not a reason to approve a project and to say it is, is wrong. Thank you.

COMMISSIONER GELLER – We're going to have to take a break anyway before concluding...

COMMISSIONER DOZIER – I have a great deal of respect for my fellow Commissioners, but this is one of the reasons why Moreno Valley gets laughed

at from the outside world and the economic development world out there that competes with us and does everything they can do to keep us as a City going in a certain direction. This is one of the tragic reasons why this happens. I am a little disappointed; very disappointed in fact that there is not a greater vision for a larger goal that will move Moreno Valley out of what I call a bedroom community mentality. That's all I'm going to say.

CHAIR DE JONG - Are we ready for a motion?

COMMISSIONER GELLER – Are we going to have time or do you want to...?

CHAIR DE JONG – I think we have time. We'll wrap it up... Who wants to make it?

VICE CHAIR MERKT – Yeah, let me put my reading glasses on and I'll make it. I move that we provide a policy recommendation to the City Council regarding the requested change in property zoning on a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet and...

CHAIR RIECHERS – No we take them separately

COMMISSIONER MARZOEKI – No...

COMMISSIONER GELLER – I'll second that

CHAIR DE JONG – Do we do that separately?

VICE CHAIR MERKT – Yeah I think we do that separately because of the way it's written

CHAIR DE JONG – John do you concur with that?

PLANNING OFFICIAL TERELL – You first need to make a policy decision before we can move on to any other action items. It's not a Resolution, that's just a decision whether you want to... It's really the change...

CHAIR DE JONG – Do we vote on that with a motion and a second?

PLANNING OFFICIAL TERELL – Yes but the motion would be change the general land use in that area or not. It's not approving the Resolution related to the project or the zoning or anything else and I would do that by a motion. Can I defer to legal to advise us or give us a little advice there or make some conversation right there?

CHAIR DE JONG – They are conferring. We are waiting for legal to finish conferring.

DEPUTY CITY ATTORNEY'S ERLY – Yes Chair, the Commission is not bound to the recommendations here. You could simply refer this to the City Council and you're not making the recommendation. In other words providing the policy recommendation is not a step that you have to take at all in this case. You can simply refer to the City Council without the recommendation.

CHAIR DE JONG – We may as well just continue

COMMISSIONER MARZOEKI - I'm not sure... I'm really not sure

CHAIR DE JONG – Go ahead and read it

VICE CHAIR MERKT – I think what I brought up is exactly what the Staff Report asked us to vote on. You know vote aye or no on this particular recommendation, so my motion stands and the second I assume stands.

CHAIR DE JONG – I'm just waiting for Bob to finalize that. Okay, we have five minutes... We had a second right?

COMMISSIONER GELLER – I suggest we take a break. We're not going to finish. If we run out of time, we're going have to take it anyway.

CHAIR DE JONG – I would agree, that's probably true

COMMISSIONER GELLER – We've been here a long time...

CHAR DE JONG – What's your finding?

PLANNING OFFICIAL TERELL – Well and maybe the City Attorney wants to say it directly, but basically as it seems you are inclined not to recommend the project to the City Council you would make a motion that says that... and the Deputy City Attorney... you are referring it to the City Council with a recommendation not to approve the project and with that it's my understanding you don't have to take any other actions.

CHAIR DE JONG – Any other action; that's it; alright

PLANNING OFFICIAL TERELL – Correct

CHAIR DE JONG – Well we can do that within five minutes

VICE CHAIR MERKT – Do you want me to try it again?

CHAIR DE JONG – Yes please

VICE CHAIR MERKT – I move that we provide a policy recommendation to City Council not to approve the requested changes in property zoning in a 104.9 acre portion of the project from Business Park to Light Industrial to allow industrial warehouse buildings greater than 50,000 square feet.

CHAIR DE JONG – Okay, do I have a second on that?

COMMISSIONER RIECHERS – I'll second that

CHAIR DE JONG – Any discussion? All those in favor?

Opposed – 2 (Commissioner Geller and Commissioner Dozier)

Motion carries 4 – 2

CHAIR DE JONG – That concludes the recommendation. Staff wrap up please.

PLANNING OFFICIAL TERELL – Yes this recommendation shall be forwarded to the City Council for final review and action.

CHAIR DE JONG – Okay, thank you. Let's take a quick break so they can change tape and we'll get to the comments and finalize the meeting.

(10 minute recess)

CHAIR DOZIER – And we're back.

800 OTHER BUSINESS

810 STAFF COMMENTS

PLANNING OFFICIAL TERELL – You have a meeting next week I believe. The Agenda packets were provided to you tonight.

COMMISSIONER GELLER – Do you think it will be less contentious? It's a joke...

PLANNING OFFICIAL TERELL – Maybe, maybe you never know, but there are four items on the Agenda... A continued item from December for a project down in the south end of town; an industrial project...

COMMISSIONER GELLER – Sorry to interrupt... I saved the stuff. Is there new stuff in there or should we have our old stuff?

PLANNING OFFICIAL TERELL – You should have your old stuff on that particular case

COMMISSIONER GELLER – I did save it, I just wanted to make sure

PLANNING OFFICIAL TERELL – Yes thank you. If you haven't let us know we can get that to you.

COMMISSIONER GELLER – On that one case, not the whole?

PLANNING OFFICIAL TERELL – Correct, the other cases are all new. There is a communications... a mono-eucalyptus off of Kalmia on the north side of town next to a water tank. There is a Buddhist Temple on Nason Street near Alessandro and then the last case is a comprehensive review and update to the City's landscape guidelines in advance of some new laws that are due next year increasing the water efficiency of our regulations, so that's the primary reason. So those are the four items you have for next week.

CHAIR DE JONG – Thank you. Item 900 Commissioner Comments

900 COMMISSIONER COMMENTS

VICE CHAIR MERKT – Over the past few weeks I was thinking about what I might say about a fellow Commissioner who has resigned from this Commission and I can't say enough fine things about Commissioner Bruce Springer. Basically he was a leader and a fine example on this Commission for many, many years. I believe he was on this Commission for 14 years.

COMMISSIONER MARZOEKI – 15 years

VICE CHAIR MERKT – 15... you know frankly I already miss him. He was a voice of reason. One of the most polite individuals I've ever met and did an outstanding job and I always admired him and I will miss him and I want to thank him for his service and tell him hopefully we'll all be able to stay in touch.

CHAIR DE JONG – Thank you. Are there any other Commissioner Comments down at this end?

COMMISSIONER RIECHERS – Well I also can't let this meeting end without making a comment about the empty chair to my left. Bruce was the only person up here who was here when I came so I'm dating myself, but lets just say many, many years I've spent up here with Bruce and early on we were pretty much polar opposites on the Commission but over the years we kind of drifted together on some if not many aspects and saw more and more eye to eye on an increasing number of issues; not that we didn't have our differences to the end,

but we certainly came to have a respect for each other and he will certainly be missed. He brought a perspective to this Commission which will certainly be missed, so I want to wish him well. I have spoken with him on the phone since he left and just want to say for the public record that I'm sorry he's gone and want to wish him well.

CHAIR DE JONG – Very good...

COMMISSIONER MARZOEKI – Well I say ditto to that as well, but unlike all of you, I live right down the street from Bruce, so I see Bruce all the time. So it is nice to actually as I'm walking the neighborhood to see him and to talk to him and he did do a wonderful job for this Commission. He spent those 15 years here and he always had something positive to say, even if he was against a project, he always said something positive. We butted heads on the landscape issues always, but he did teach me a lot and you know I'm still probably going call him if I have some issues or I want some clarification on something, so yeah I will miss him too.

CHAIR DE JONG – I'd like to say thank you to everybody coming out these last two meetings. The involvement in the City is certainly your responsibility and I can see that a lot of people take that very seriously and I appreciate that very much and I'd like to say Bruce if you are listening ca-nee-chi-wa

COMMISSIONER GELLER – I think we've had enough syrupy stuff on Springee, but I just miss the interplay with him and just to all the people watching, there are four openings on the Planning Commission and if you really like being up here and like taking the abuse and you get a big hundred dollars a meeting, but seriously I know I think the Application deadline is January 30th at 5 o'clock. You can download Applications off the City's web-site or you can get them from the City Clerk, but you know think a lot more than we do, then I urge you all to apply and see what happens, but four of the terms are up including Commissioner Springer's, so depending on who re-applies and not there is certainly at least one unfilled seat, but anyway there are four openings and the Council will ultimately interview who they perceive are the finalists and make a decision on a whole, so again if you really want to get involved in a way, I urge you to submit your Application.

COMMISSIONER DOZIER – I have to comment on Bruce. Bruce I found out that he was gone when I came to the next meeting because I didn't get the email.

COMMISSIONER GELLER – You thought he was watching TV?

COMMISSIONER DOZIER – I said Bruce why was I the only one that didn't get the email; I have to find out at the meeting? Wonderful person; great guy to do business with; we've done business with the County and his firm; his real estate firm and he's just a good guy and we're going to miss him here. If you think of 15

years of development in Moreno Valley, he was a part of every one of those decisions that came to that Planning Commission except for the days he was absent and that wasn't very often, so the City owes him a debt of gratitude because we don't this for the pay. If I calculated what I made an hour for the 100 dollars tonight, it doesn't add up to much. I'm working for below minimum wage today, so we don't do it for the money; we do it because we feel we want to help our community and Bruce dedicated... think about this...14, 15 years of his life and his time to our City and so we should thank him for that and if you see him tell him we're going to miss him.

CHAIR DE JONG – I think we are thanking for it... Anybody else? How about move for an adjournment?

1000 ADJOURNMENT

COMMISSIONER GELLER – So moved

COMMISSIONER RIECHERS – And seconded

CHAIR DE JONG – Okay, all those in favor? Good night Moreno Valley

_____ _____

John C. Terell Date
Planning Official
Approved

_____ _____

Rick De Jong Date
Chair

Aerial Map

PA07-0088 through PA07-0090

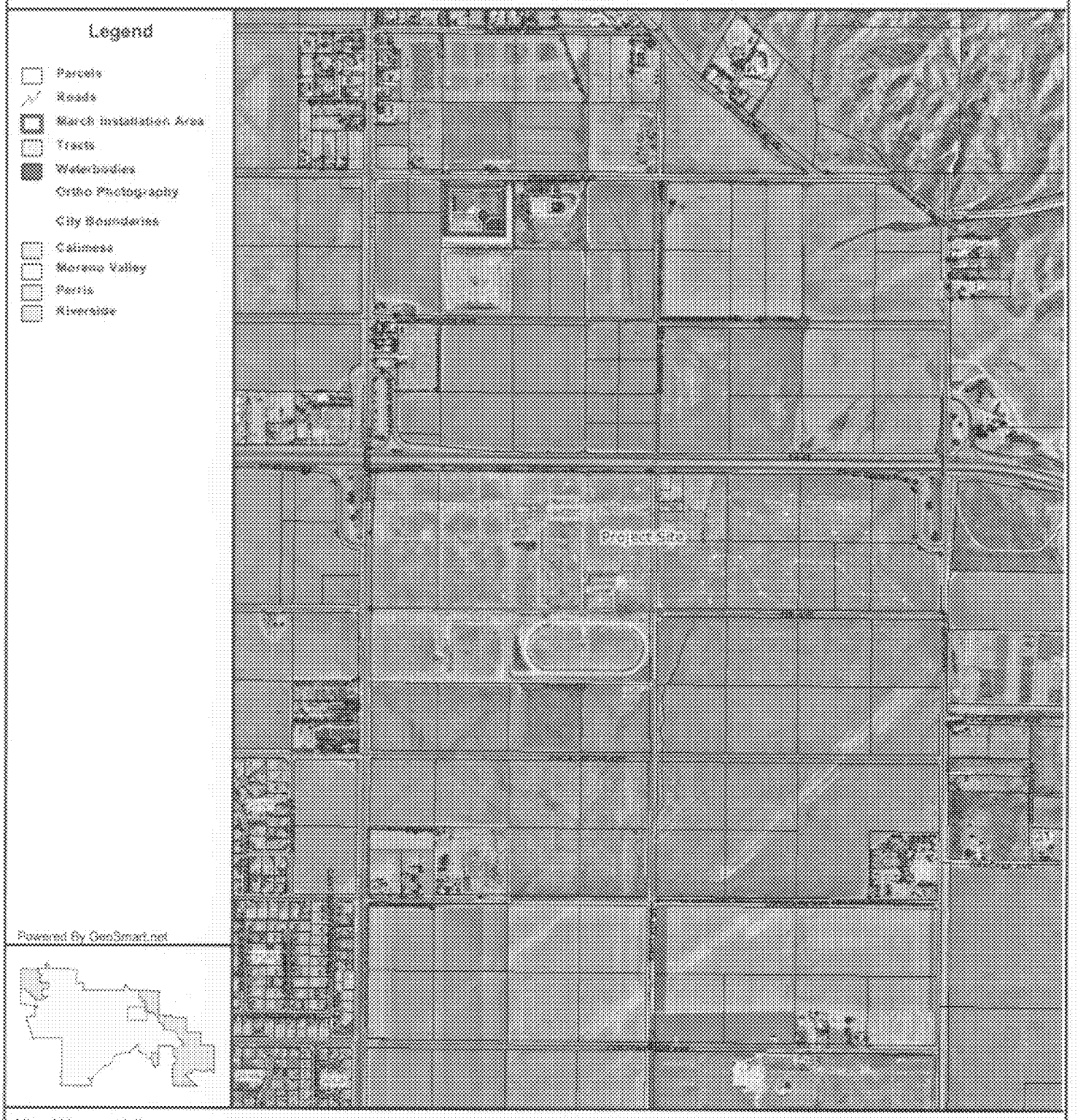

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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MORENO VALLEY

Zoning Map

PA07-0088 through PA07-0090

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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MORENO VALLEY

TENTATIVE PARCEL MAP NO. 35629

GROSS ACRES: 158.4
NET ACRES: 128.7

APN: 488-350-001, 488-350-002, 488-350-011, 488-350-012, 488-350-013, 488-350-014, 488-360-001, 488-360-002, 488-360-003, 488-360-004, 488-360-005, 488-360-006, 488-360-008, 488-360-009, 488-360-010, 488-360-011, 488-360-012, 488-360-013, 488-360-014

AUGUST 2008

LEGAL DESCRIPTION

PROPOSED SUBDIVISIONS OF PORTIONS OF SECTIONS 23, 24, 25 & 26 OF TIT MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 30 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY

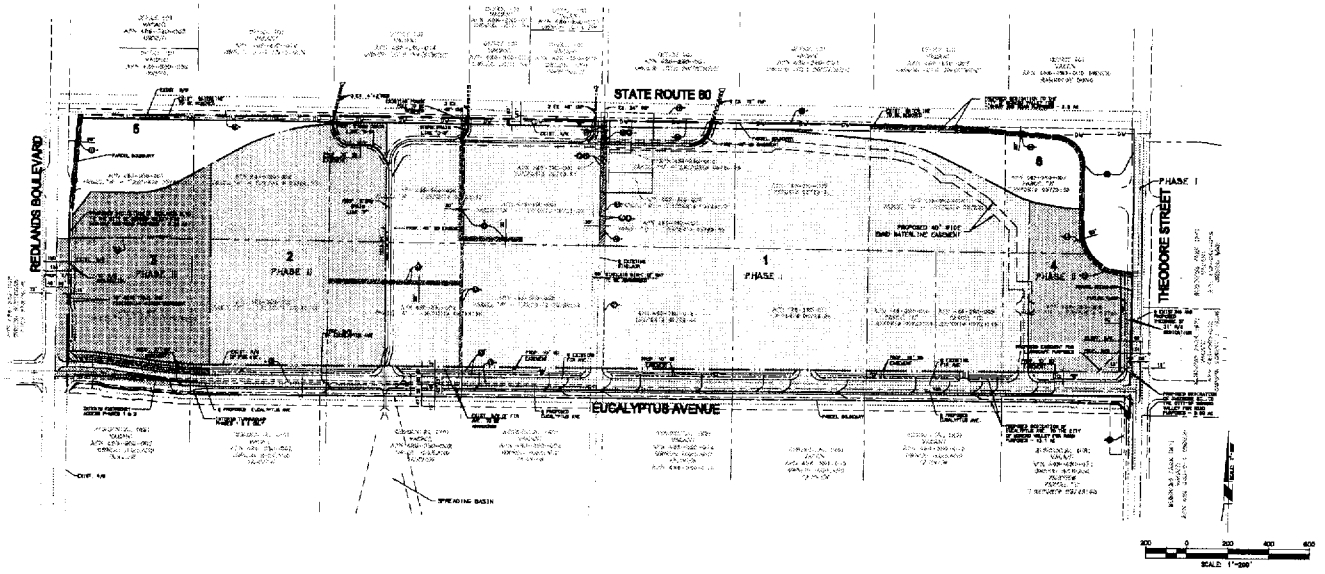

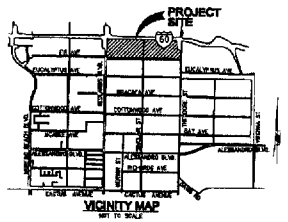

VICINITY MAP
NOT TO SCALE

GENERAL INFORMATION

1. EXISTING LAND USE: VACANT/RESIDENTIAL
2. PROPOSED LAND USE: COMMUNITY COMMERCIAL (CC) AND LIGHT INDUSTRIAL (LI)
3. EXISTING ZONING: BUSINESS PARK, COMMUNITY COMMERCIAL
4. ADJACENT LAND USE: SP 88 AND 6
5. ALL PUBLIC STREET IMPROVEMENTS AND STORM DRAIN FACILITIES WILL BE IN CONFORMANCE AND CONSTRUCTED FOR CITY OF MORENO VALLEY AND RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT STANDARDS.
6. ALL UTILITIES SHALL BE UNDERGROUND, AND PROVIDED BY:

GAS	SOUTHERN CALIFORNIA GAS COMPANY 26300 TRUMBLE ROAD, PERRIS, CA 92546 (800)427-2200
ELECTRICAL	MORENO VALLEY UTILITIES 14330 FREDERICK STREET, SUITE, MORENO VALLEY, CA 92553 (951)201 6700
TELEPHONE	VERIZON P.O. BOX 11220, ST. PETERSBURG, FL 33733 (800)483 4900
SEWER/WATER	EASTERN MUNICIPAL WATER DISTRICT 2270 TRUMBLE ROAD P.O. BOX 8300, PERRIS, CA 92572-8300 (951)928 3777
CABLE TV	TIME WARNER CABLE 1729 COOK ST, PALM DESERT, CA 92211 (760)340 1313

7. UTILITY DESIGN WILL BE IN COMPLIANCE WITH WATER, SEWER, AND STORM DRAIN MASTER PLANS
8. THE SUBDIVIDER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS TENTATIVE PARCEL MAP
9. ALL SLOPES SHALL BE CONSTRUCTED AT A RATIO OF 2:1 UNLESS OTHERWISE INDICATED
10. SEE PRELIMINARY ROUP FOR WATER QUALITY BMP'S PROPOSED ON THIS PROJECT
11. PROJECT LIES IN FLOOD ZONE "A" (FLOOD), DESIGNATED AS AREAS OF 100-YEAR FLOOD, AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD
12. SECTION 66440 (D)(2) OF THE SUBDIVISION MAP ACT DOES NOT REQUIRE ANY REMAINDER PARCELS TO BE SHOWN ON THE MAP IF THE REMAINDER AREA EXCEEDS 8 ACRES. ALL REMAINDER PARCELS EXCEED 8 ACRES.
13. EXISTING EASEMENTS POINTED OUT IN TITLE WILL BE RETAINED TO BE RELOCATED OR QUITCLAIMED
14. SEE SITE PLAN FOR SLOPES AND PRELIMINARY GRADING. BASIN TRIBUTARY TO THE SITE CONSISTS OF 11 ACRES OF NATIVE DESERT LAND. THE EXISTING FACILITIES UNDER SR-60 INCLUDE 1-TRIPLE 4'X3' BOX, 2-DOUBLE 48" CMPS, AND 1-DOUBLE 72" RCB. THE RUNOFF SHALL BE CONVEYED THROUGH TRANSITION STRUCTURES & EMBEDDED INTO 2-8'X10' RCBS WITHIN THE SITE. THE RUNOFF SHALL PASS THROUGH AN E DISSIPATION STRUCTURE BEFORE BEING INTRODUCED TO A SPREADING BASIN IN THE SOUTH OF THE SITE. DISPERSED RUNOFF SHALL THEN BE CONSISTENT WITH THE EXISTING FLOW PATTERN.
15. ALL EXISTING IMPROVEMENTS WITHIN PROJECT LIMITS WILL BE REMOVED
16. SEE CONCEPTUAL GRADING PLAN FOR MAPPING
17. THERE ARE TREES ALONG THE CORNER BOUNDARY WITH SR-60
18. THE SIGHT DISTANCES MEET OR EXCEED THE REQUIREMENT SHOWN ON THE CITY OF MORENO VALLEY STD 11 128
19. CORNER CUTBACKS SHALL BE PER CITY STANDARD 208
20. PROJECT ENTRANCES WITH DRIVEWAYS GREATER THAN 40' WILL BE DESIGNED AS CITY INTERSECTIONS. PROJECT ENTRANCES 40' WIDE OR LESS WILL BE DESIGNED PER CITY STANDARD NO. 112C.
21. ALL DRIVEWAY ENTRANCE CURB RETURNS WILL BE DESIGNED WITH A RADIUS OF 30' UNLESS OTHERWISE N
22. ALL "TRASH ENCLOSURES ARE TO BE DUAL BIN (TRASH/RECYCLE), PER CITY STD 627 AND MODIFIED TO A FULLY COVERED
23. WATER SERVICE FOR THIS PROJECT WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 12-INCH WATERLINE LOCATED SOUTH OF AND ADJACENT TO SR-60, EAST OF REDLANDS BOULEVA. SECOND SOURCE OF WATER WILL BE PROVIDED BY INSTALLING A 12-INCH WATERLINE FROM THE EXISTING 12-INCH WATERLINE LOCATED EITHER BRAMBLE AVENUE, NORTH OF SR-60 THE NEW 12-INCH WATERLINE FRO FOLLOW THE PLANNED STREET ALIGNMENT SOUTH TO A PROPOSED PRESSURE REDUCING VALVE STATION LOCATED NE THE INTERSECTION OF SIMULAR STREET AND SR-60. FROM THE PRV THE 12-INCH WATER LINE WILL CONTINUE SOUTH UNDER SR-60 AND ROUTE THROUGH PARCEL 1 OF THE PROJECT, TO A POINT OF CONNECTION WITH THE PROPOSED WATERLINE IN EUCALYPTUS STREET
24. SEWER FOR THIS SITE WILL BE SERVED BY THE INSTALLING A 18-INCH SEWER LINE IN REDLANDS BOULEVARD FROM AN EXISTING 18 INCH SEWER LINE LOCATED APPROXIMATELY 0.4 MILE SOUTHWEST TO THE INTERSECTION OF REDLANDS AND EUCALYPTUS AVENUE. THE SEWER LINE WILL CONTINUE EAST ALONG EUCALYPTUS, TO THE POINTS OF CONNECTION TO THE PROJECT SITE.
25. DESILTING AND DETENTION BASINS WITHIN PARCELS 3 THROUGH 6 WILL BE FENCED PER CITY OF MORENO VALLEY REQUIREMENTS
26. PARCELS A THRU F ARE PROPOSED FOR FUTURE PDA PURPOSES
27. EXISTING 12" WATERLINE ALONG SR-60 TO BE ABANDONED. PROPOSED 16" WATERLINE IN EUCALYPTUS TO REPLACE ABANDONED WATERLINE
28. PARCELS G, H & I WILL BE OFFERED TO CITY OF MORENO VALLEY FOR FUTURE CALTRANS RIGHT OF WAY.
29. A RECIPROCAL ACCESS EASEMENT WILL BE RECORDED WITH THE FINAL MAP FOR THE BRAVE WAY RETREAT PARCELS 1 & 4 AND 1 & 2
30. THIS PROJECT SHALL UNDERGROUND ALL LINES LESS THAN 115,000 VOLTS UNLESS OTHERWISE APPROVED BY CITY ENGINEER
31. A 10' ACCESS ROAD WILL BE PROVIDED TO PARCELS 5 & 6

LAND USE SUMMARY

NUMBER OF PARCELS 4

2	LIGHT INDUSTRIAL (LI) PARCELS	104.8 AC	(PARCELS 1 & 2)
2	COMMUNITY COMMERCIAL (CC) PARCELS	23.4 AC	(PARCELS 3 & 4)
	GROSS ACREAGE:	128.3 AC	

PARCEL SUMMARY

	GROSS AREA (AC)	GROSS AREA (SF)	NET AREA** (AC)	NET AREA** (SF)
PARCEL 1	65.6	2,858,026	57.9	2,520,324
PARCEL 2	33.3	671,380	27.4	632,184
PARCEL 3	12.1	524,892	12.2	531,432
PARCEL 4	7.2	313,632	9.3	330,696
SUBTOTAL	118.2		106.8	
PARCEL A (PDA/PUBLIC ACCESS)	1.45		1.45	
PARCEL B (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL C (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL D (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL E (PDA/PUBLIC ACCESS)	0.60		0.60	
PARCEL F (PDA/PUBLIC ACCESS)	0.45		0.45	
PARCEL G (SR-60 DEDICATION)	2.6		2.6	
PARCEL H (SR-60 DEDICATION)	2.6		2.6	
PARCEL I (SR-60 DEDICATION)	2.6		2.6	
PARCEL J (ROW DEDICATION)	0.1		0.1	
SUBTOTAL	10.6		10.6	
EUCALYPTUS DEDICATION	12.10		12.10	
REDLANDS DEDICATION	0.20		0.20	
THEODORE DEDICATION	0.80		0.80	
SUBTOTAL	13.0		13.0	
TOTAL	158.4		148.9	

** NET AREA EQUALS GROSS AREA MINUS THE SLOPE AREA.

STREET LENGTHS

REDLANDS BOULEVARD	1,240	LF
EUCALYPTUS AVENUE	5,140	LF
THEODORE STREET	300	LF

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.
SAID MATTER AFFECTS PARCEL A (APN 488-360-003)

(5) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: JULY 8, 1961 IN BOOK 4265, PAGE 250 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.
SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(6) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: APRIL 30, 1962 IN BOOK 4384, PAGE 376 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS
SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(8) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: FOR CONDUITS
RECORDED: AUGUST 19, 1964 IN BOOK 1621, PAGE 284 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS
SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

(9) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: SEPTEMBER 14, 1964 IN BOOK 1630, PAGE 018 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS
SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(10) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
RECORDED: MAY 17, 1965 IN BOOK 5917, PAGE 158 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS
SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

CONT. EASEMENT NOTES PER TITLE REPORT NO. 05723135

(13) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY
PURPOSE: UTILITIES
RECORDED: JULY 3, 1967 IN BOOK 2113, PAGE 288 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.
SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(14) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60, ADJOINING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT
RECORDED: FEBRUARY 1, 1961 AS FILE NO 8801 OF OFFICIAL RECORDS
SAID MATTER AFFECTS PARCEL C (APN'S 488-360-001, 488-360-002 & 488-360-004)

(15) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PIPELINES
RECORDED: FEBRUARY 1, 1993 AS FILE NO. 115530 OF OFFICIAL RECORDS

(16) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED
ENTITLED: A ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
EXECUTED BY: OTIS T. BEASLEY, ET AL
RECORDED: OCTOBER 14, 1977 AS FILE NO 203437 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.
SAID MATTER AFFECTS PARCEL B AND C (APN'S 488-360-003) & (APN'S 488-350-001, 488-360-002 & 488-360-004)

(18) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: AUGUST 29, 1983 AS FILE NO. 180202 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN
SAID MATTER AFFECTS PARCEL A (APN'S 488-350-001 & 488-350-002)

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES
RECORDED: AUGUST 23, 1974 IN BOOK 1523, PAGE(S) 215, OF OFFICIAL RECORDS
AFFECTS: THE NORTH 25 FEET OF PARCEL 3

C. EASEMENT NOTES PER TITLE REPORT NO. 05723138

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC UTILITIES
RECORDED: SEPTEMBER 16, 1982 AS INSTRUMENT NO. 176869 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

(3) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE ANY RIGHTS OF INGRESS OR EGRESS TO OR FROM THE FREEWAY ADJACENT TO SAID LAND, SAID RIGHTS HAVING BEEN RELINQUISHED BY DEED TO STATE OF CALIFORNIA
RECORDED: DECEMBER 27, 1982 AS INSTRUMENT NO 178102 OF OFFICIAL RECORDS
SAID MATTER IS SAID TO AFFECT PARCELS A, B AND C (APN'S 488-360-001,488-360-0 & 488-360-006)

(5) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION
PURPOSE: ELECTRICAL SYSTEMS AND COMMUNICATION SYSTEMS
RECORDED: JUNE 18, 1971 AS INSTRUMENT NO. 83832, OF OFFICIAL RECORDS
AFFECTS: EASTERLY 20.00 FEET OF PARCEL C

D. EASEMENT NOTES PER TITLE REPORT NO. 05723144

(2) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JULY 3, 1967 IN BOOK 2113, PAGE 288 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

E. EASEMENT NOTES PER TITLE REPORT NO. 05723181

(3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT
GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION
PURPOSE: PUBLIC UTILITIES
RECORDED: JANUARY 12, 1940 IN BOOK 448, PAGE 7 OF OFFICIAL RECORDS
AFFECTS: SAID LAND MORE PARTICULARLY DESCRIBED THEREIN
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS

(6) THE EFFECT OF A DECLARATION OF DEDICATION DATED OCTOBER 8, 1963, EXECUTED BY DEAN M. SANDERS AND MARIE A. SANDERS, PURPORT NOT TO IRREVOCABLY DEDICATE IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1963 AS INSTRUMENT NO 1963 17252 OF OFFICIAL RECORDS

(7) A DOCUMENT SUBJECT TO ALL THE TERMS, PROVISIONS AND CONDITIONS THEREIN CONTAINED
ENTITLED: ROAD MAINTENANCE AGREEMENT
DATED: JULY 8, 1977
BY AND BETWEEN: JANICE M. KIBBY, ET AL
RECORDED: OCTOBER 14, 1977 AS INSTRUMENT NO 1977-203437 OF OFFICIAL RECORDS
REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

NON PLOTTABLE PARCEL EASEMENTS

(29) AN EASEMENT OVER SAID LAND FOR PIPELINES, DITCHES, PLANES AND RIGHTS INCIDENTAL (30) THERETO, AS SHOWN BY MAP BOOK 11, PAGE 10, RECORDS OF SAN BERNARDINO COUNTY. AS RESERVED
TO: THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY
THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

(32) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH (33) IN A DOCUMENT
GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
RECORDED: MARCH 4, 1988 IN BOOK 1705, PAGE 586 OF OFFICIAL RECORDS
AND AS SET OUT IN MEMO OF AGREEMENT AND IN SUPPLEMENTAL AGREEMENT:
RECORDED: MARCH 4, 1988 IN BOOK 1705, PAGES 587 AND 592 AND BY DEED RECORDED NOVEMBER 12, 1988 AS FILE NO 518632 BOTH OF OFFICIAL RECORDS

(5) AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SHOWN OR AS OFFERED FOR DEDICATION ON THE RECORDED MAP OF SAID TRACT
PURPOSES: PUBLIC STREETS AND ALLEYS
THE EXACT LOCATION AND/OR EXTENT OF SAID EASEMENT IS NOT DISCLOSED IN THE PUBLIC RECORDS.

LEGEND

GRADE BREAK	GB
HIGH POINT	HP
LOW POINT	LP
DOMESTIC WATER	DW
EDGE OF PAVEMENT	EP
EDGE OF TRAVELED WAY	EOTW
RIGHT OF WAY	R/W OR ROW
LANDSCAPE	LS OR LSCP
TITLE REPORT NUMBER	T.REPORT#
TENTATIVE PARCEL MAP BOUNDARY	
PROPOSED STREET ELEVATION	1780.00
PROPOSED PUBLIC RIGHT OF WAY	
EXISTING RIGHT OF WAY	
PROPOSED PARCEL LINE	
PARCEL NUMBERS	1
EXISTING CONTOURS	
EXISTING APN BOUNDARIES	
INDUSTRIAL	I
COMMUNITY COMMERCIAL	CC
OFFICE	O
OPEN AREA COMBINED WITH RESIDENTIAL DEVELOPMENTS	RS
EXISTING EASEMENTS	
PHASE I IMPROVEMENTS	
PHASE II IMPROVEMENTS	
PHASE III IMPROVEMENTS	

OWNERS

SINCLAIR PROPERTY PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

SAND PROPERTIES PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

BEYCOMAT PROPERTIES PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

DEVELOPER/APPLICANT

HIGHLAND FAIRVIEW
14325 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553
(951) 697 5300
CONTACT: WAYNE PETERSON

SOILS ENGINEERS

LETWIN AND ASSOCIATES, INC.
41715 ENTERPRISE CIRCLE N., #100
TEMECULA, CA. 92590-5681
(951) 296-9505

ENGINEER

RBF CONSULTING
14725 ALTON PARKWAY
IRVINE, CA. 92618-2027
(949) 472-3505

Project File Numbers:
PAR-0008 (Zone Change)
PAR-0009 (GPA)
PAR-0010 (TPM 35629)
PAR-0011 (Plot Plan)

TENTATIVE PARCEL MAP
35629

SHEET 1 OF 2

HIGHLAND FAIRVIEW
RANCHO BELLADO, CALIFORNIA
AUGUST 2008

RBF CONSULTING
14725 ALTON PARKWAY, IRVINE, CA 92618-2027 (949)472-3505

PG 262

ATTACHMENT 15
-622-

Item No. E.1

MV00019012

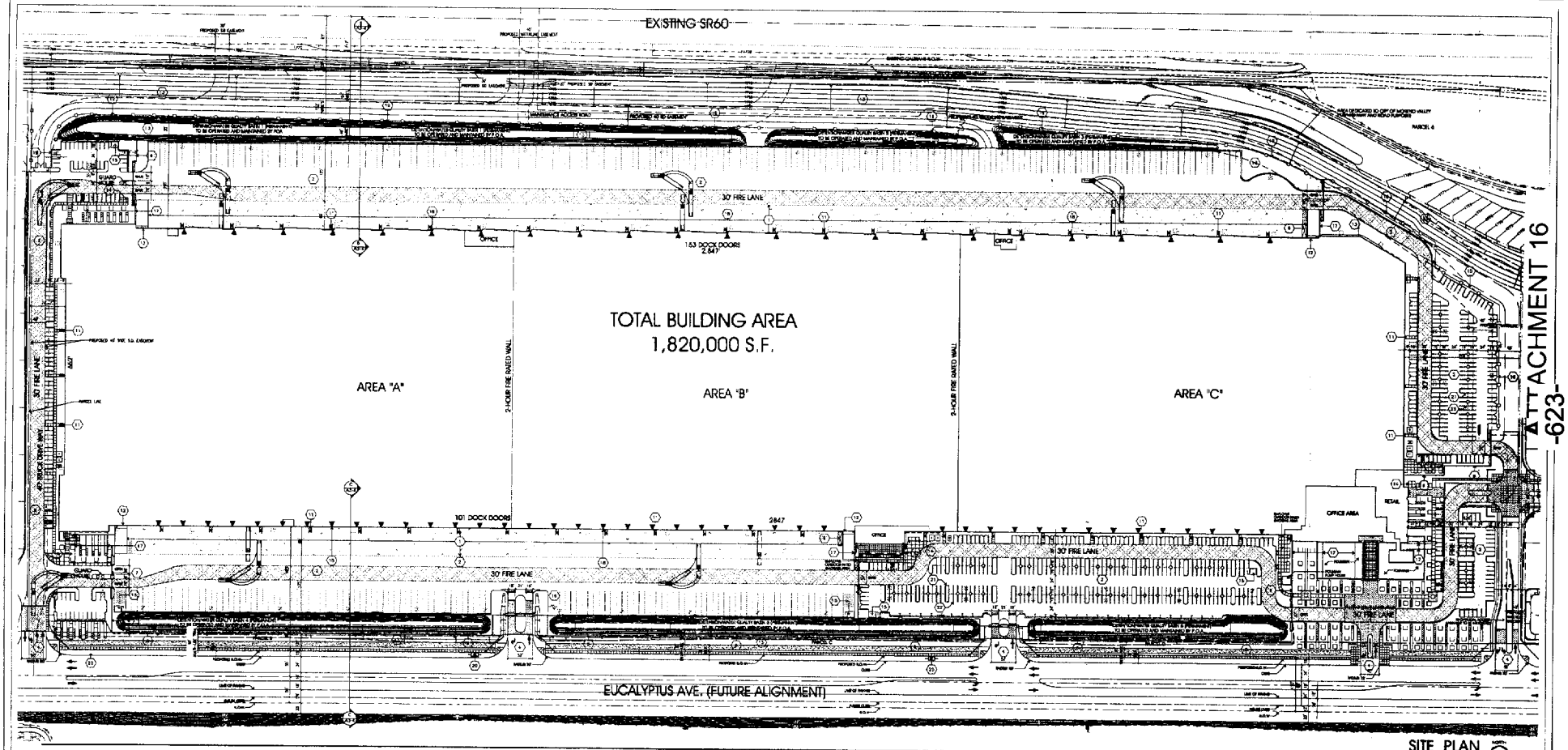

SITE PLAN

SCALE: 1" = 80'-0"

parking lot striping detail

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

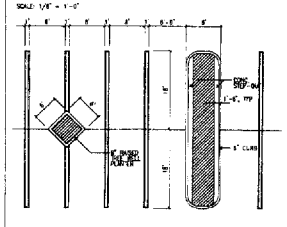

tabulation

	SUN DING
Site area (in sq.ft.)	3,715,974
Site area (in acres)	85.31
Warehouse area	1,777,200
Total Office Area	31,411
Future Retail Area	5,000
Receiving Office Area	20,000
Total building area	1,820,000
Coverage	48.9%
Landscape area (in square FEET)	871,183
Landscape area (in acres) (23.3%)	20.00
Parking area sq. (42.7%)	1,586,000
asphalt parking area sq. (32.8%)	1,219,000
concrete parking area sq. (9.15%)	340,000
Parking required	1,820,000
Parking provided	1,820,000
Standard stalls @ 9'x19'-0"	1,820,000
Handicap stalls @ 9'x19'-0"	1,820,000
Office & mezz. @ 1/250	1,820,000
Retail @ 1/250	1,820,000
Total parking required	1,820,000
Parking provided	1,820,000
Handicap stalls	1,820,000
Dock doors (1/2 x)	1,820,000
Dock doors (1/2 x)	1,820,000
Dock doors (1/2 x)

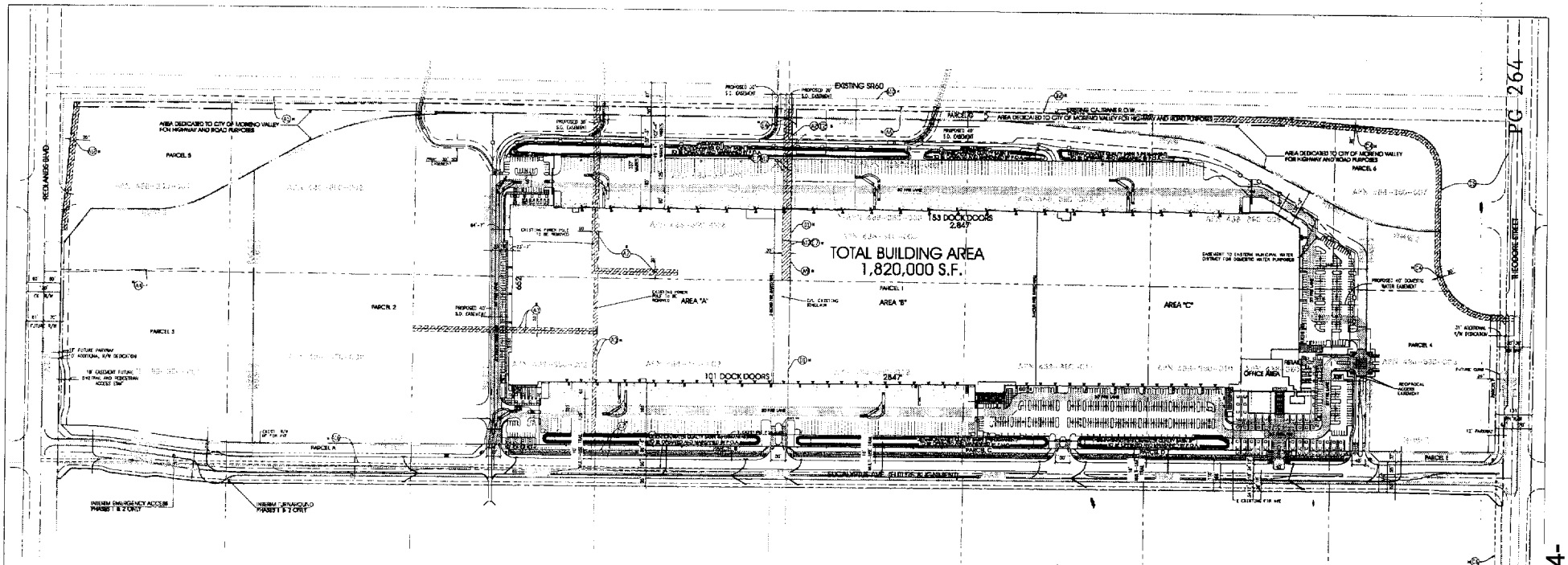

SITE PLAN

SCALE: 1" = 120'-0"

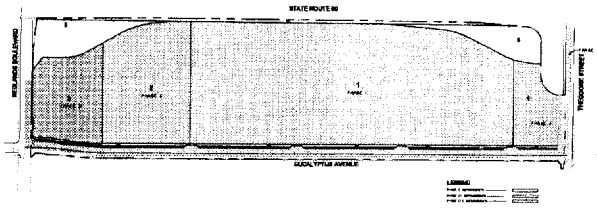

PHASING PLAN

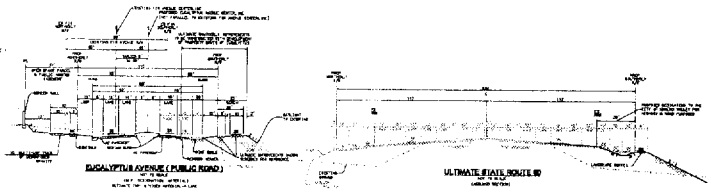

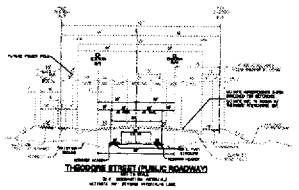

TYPICAL STREET SECTIONS

sheet index

ARCHITECTURAL
A1-1 COVER SHEET
A1-2 SITE PLAN
A2-1 FLOOR PLAN
A2-2 ROOF PLAN
A3-1 ELEVATIONS
A3-2 ELEVATIONS
A3-3 ELEVATIONS
A3-4 ELEVATIONS & SECTIONS

CIVIL
C2-1 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629
C2-2 PRELIMINARY GRADING PLAN FOR PARCEL 1 OF TPM 35629

LANDSCAPE
L1-1 PRELIMINARY LANDSCAPE PLAN
L2-1 PRELIMINARY NORTH ELEVATION
L2-2 PRELIMINARY WEST & EAST ELEVATIONS
L2-3 PRELIMINARY SOUTH ELEVATIONS
L3-1 PRELIMINARY EUCALYPTUS STREET SECTIONS
L3-2 PRELIMINARY SECTIONS & DETAILS
L4-1 PRELIMINARY TREE IMAGES
L4-2 PRELIMINARY SHRUB IMAGES

easement legend

A. EASEMENT NOTES PER TITLE REPORT NO. 05723135

- (A2) GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION; PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A3) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY; PURPOSE: POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A4) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY; PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A5) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT; PURPOSE: FOR CONDUITS
- (A6) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT; PURPOSE: PIPELINES
- (A7) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY; PURPOSE: FOR EITHER OR BOTH POLE LINES, CONDUITS OR UNDERGROUND FACILITIES
- (A8) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY; PURPOSE: UTILITIES
- (A11) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY KNOWN AS STATE HIGHWAY 60 ADJOINING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY "THE DOCUMENT"
- (A12) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT; PURPOSE: PIPELINES
- (A13) ENTITLED: A ROAD MAINTENANCE AGREEMENT
- (A15) GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY; PURPOSE: UNDERGROUND ELECTRICAL SUPPLY SYSTEMS AND COMMUNICATION SYSTEMS

B. EASEMENT NOTES PER TITLE REPORT NO. 05723136

- (B3) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT; PURPOSE: PUBLIC UTILITIES

C. EASEMENT NOTES PER TITLE REPORT NO. 05723138

- (C4) GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT, A MUNICIPAL WATER DISTRICT; PURPOSE: PUBLIC UTILITIES
- (C5) THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE ANY RIGHTS OF ACCESS OR ACCESS TO OR FROM THE FREEWAY ADJACENT TO SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY DEED TO THE STATE OF CALIFORNIA
- (C6) GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION; PURPOSE: ELECTRICAL SYSTEMS AND COMMUNICATION SYSTEMS

D. EASEMENT NOTES PER TITLE REPORT NO. 05723144

- (D1) GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY, A CORPORATION; PURPOSE: PUBLIC UTILITIES

E. EASEMENT NOTES PER TITLE REPORT NO. 05723161

- (E2) GRANTED TO: NEVADA-CALIFORNIA ELECTRIC CORPORATION; PURPOSE: PUBLIC UTILITIES
- (E3) THE EFFECT OF A DECLARATION OF DEDICATION DATED OCTOBER 2, 1963, EXECUTED BY DEAN M. SANDERS AND WALDE M. SANDERS, PURPORTING TO HYPOTHECATE DEDICATE IN PERPETUITY FOR PUBLIC ROAD PURPOSES, PUBLIC UTILITY AND PUBLIC SERVICES, THE PROPERTY DESCRIBED HEREIN RECORDED NOVEMBER 6, 1963 AS INSTRUMENT NO. 1963-117802 OF OFFICIAL RECORDS.
- (E7) ENTITLED: ROAD MAINTENANCE AGREEMENT

NON PLOTTABLE EASEMENTS

- A1,B1,C1,D1,E1 TO: THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY
- A5,B4,C3,D4,E4 GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
- C2 PURPOSE: PUBLIC STREETS AND ALLEYS

*EXISTING EASEMENTS DENOTED AS * WILL BE REQUIRED TO BE RELOCATED OR QUIT CLAIMED

linetype legend

- PARCEL BOUNDARY
- PROPOSED PUBLIC RIGHT OF WAY
- PROPERED LOT LINE
- PROPOSED EASEMENT
- EXISTING UTILITY EASEMENTS
- EXISTING RIGHT OF WAY
- CONCRETE PAVEMENT
- ENHANCED PAVING
- DECOMPOSED GRANITE TRAIL
- FENCE
- WALL
- SIDEWALK
- PARKING LINE
- SITE LIGHTING
- EXTERIOR DRAIN SPOUT
- PROPERTY OWNER ASSOCIATION (P.O.A.)
- FUTURE CURB

vicinity map

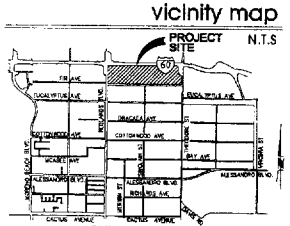

VICINITY MAP
NOT TO SCALE

project information

UTILITY PROVIDERS

TELEPHONE:
VERIZON
P.O. BOX 1328
ST. PETERSBURG, FL 33733
PHONE: (800) 483-4000

ELECTRIC:
MORENO VALLEY UTILITIES
14205 FREDERICK ST.
MORENO VALLEY, CA 92553
PHONE: (909) 811-8700

GAS:
SOUTHERN CALIFORNIA GAS COMPANY
25200 TRUMBLE ROAD
PERRIS, CA 92570
PHONE: (800) 427 - 2200

WATER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777

SEWER:
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
P.O. BOX 8300
PERRIS, CA 92572-8300
PHONE: (951) 928 - 3777

CABLE TV:
TIME WARNER CABLE
1720 COOK ST.
PALM DESERT, CA 92211
PHONE: (760) 346-1312

APPLICANT

HIGHLAND FAIRVIEW
14225 CORPORATE WAY
MORENO VALLEY, CA 92553
(951) 867-5300
CONTACT: WAYNE PETERSON

ARCHITECT

HPA, INC.
18831 BARDEEN AVE., STE 100
IRVINE, CA 92612
TEL: (949) 833-1770
CONTACT: HEEM CHANG

OWNERS

SINCLAIR PROPERTY PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

WESTCOAST PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

SAND PROPERTIES PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

HF EDUCATIONAL PARTNERS
14225 CORPORATE WAY
MORENO VALLEY, CALIFORNIA 92553

CIVIL ENGINEER

RBF CONSULTING
14725 ALTON PARKWAY
IRVINE, CA 92618
PH: 949.472.3505
FAX: 949.472.8122
CONTACT: PAT WILEY

ZONING

ZONING: U (LIGHT INDUSTRIAL)
CC (COMMUNITY COMMERCIAL)

ASSESSORS PARCEL NUMBER

488-310-001, 488-310-002, 488-310-003, 488-310-013, 488-310-014, 488-310-015, 488-310-016, 488-310-017, 488-310-018, 488-310-019, 488-310-020, 488-310-021, 488-310-022, 488-310-023, 488-310-024, 488-310-025, 488-310-026, 488-310-027, 488-310-028, 488-310-029, 488-310-030, 488-310-031, 488-310-032, 488-310-033, 488-310-034, 488-310-035, 488-310-036, 488-310-037, 488-310-038, 488-310-039, 488-310-040, 488-310-041, 488-310-042, 488-310-043, 488-310-044, 488-310-045, 488-310-046, 488-310-047, 488-310-048, 488-310-049, 488-310-050, 488-310-051, 488-310-052, 488-310-053, 488-310-054

LEGAL DESCRIPTION

PROPOSED SUBDIVISION OF PORTIONS OF BLOCKS 33, 34, 50 & 51 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN BOOK 11, PAGE 10 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY.

A1-1 COVER SHEET/SITE PLAN

PROJECT FILE NUMBERS:
PA07-0068 (Zone Change)
PA07-0069 (GPA)
PA07-0070 (TPM 35629)
PA07-0071 (Plot Plan)

SCALE: 1"=120'

HPAF 708

HIGHLAND FAIRVIEW

RANCHO BELLADO, CALIFORNIA — DECEMBER 17, 2008

HPA, INC.

18831 BARDEEN AVENUE, IRVINE, CA 92612 (949) 833-1770

MV00019015

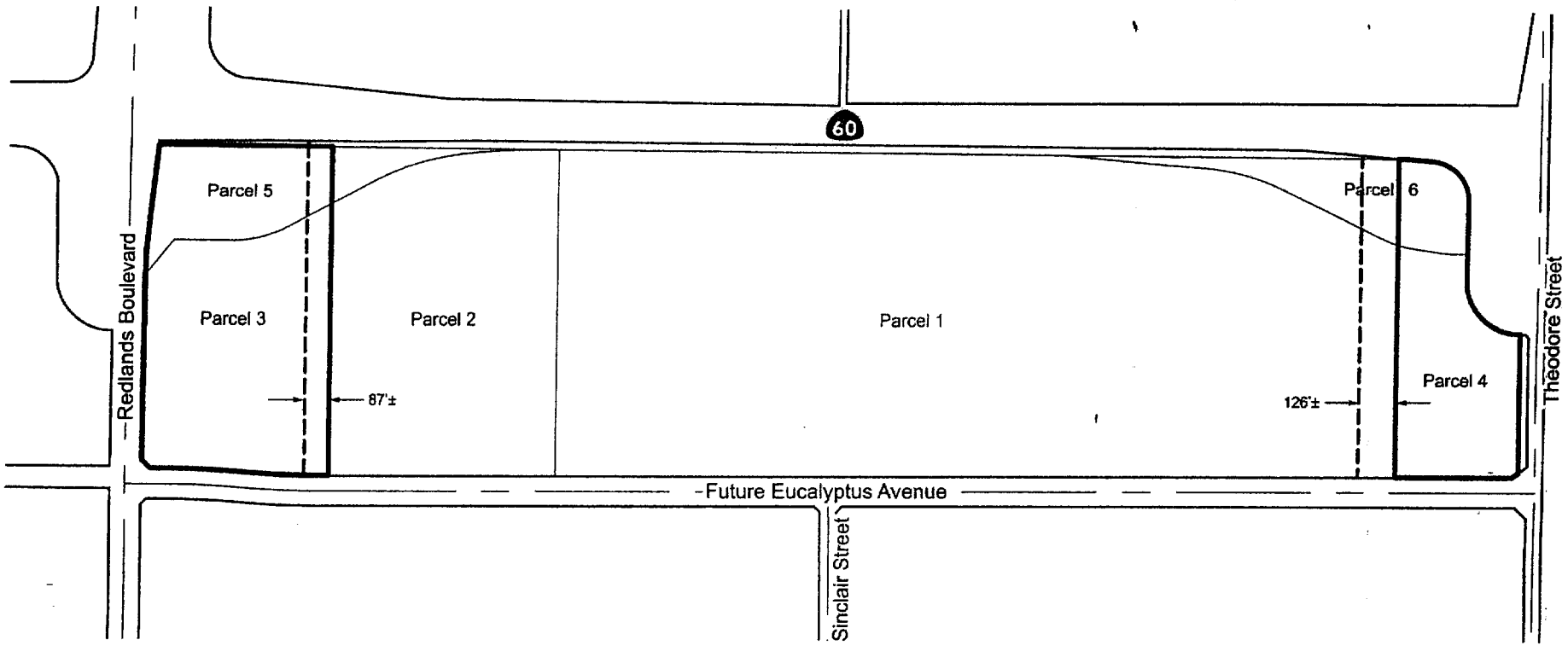

LEGEND - Zoning Boundary Change

- Existing Community Commercial Zoning Boundary
- Proposed Community Commercial Zoning Boundary

LEGEND - Land Use Boundary Change

- Existing Commercial Zoning Boundary
- Proposed Commercial Zoning Boundary

Source: RBF Consulting, January 2008.

NORTH

NOT TO SCALE

Michael Brandman Associates

26100015 • 02/2008 | 3-6_boundary_change.cdr

Exhibit 3-6
Zoning and Land Use Boundary Change

HIGHLAND FAIRVIEW CORPORATE PARK
ENVIRONMENTAL IMPACT REPORT

Schematic Diagram of the Supplemental Cancer Risk Analysis Impact Area

Exhibit 5

PLANNING COMMISSION RESOLUTION NO. 2009-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL DENY A CHANGE OF ZONE (PA07-0088) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 104.9 ACRE SITE, INCLUDING A CHANGE OF ZONE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) T0 CC (COMMUNITY COMMERCIAL) AND CHANGE OF ZONE FOR 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM CC (COMMUNITY COMMERCIAL) TO LI (LIGHT INDUSTRIAL), ALL ENCOMPASSED WITHIN AN APPROXIMATELY 158 ACRE SITE LAND (AND RELEVANT OFFSITE IMPROVEMENTS AND DRAINAGE), A GENERAL PLAN AMENDMENT (PA08-0089) FOR THE ELIMINATION OF A PORTION OF A GENERAL PLAN DESIGNATED MULTI-USE TRAIL, THE ADJUSTMENT OF A PLANNED MULTI-USE TRAIL ON FUTURE EUCALYPTUS AVENUE (FIR), THE UPGRADING FROM AN ARTERIAL TO A DIVIDED ARTERIAL FOR FUTURE EUCALYPTUS AVENUE (FIR) AND A CHANGE IN LAND USE FOR A 87 FOOT AREA BETWEEN PARCELS 2 AND 3 FROM BP (BUSINESS PARK) TO C (COMMERCIAL) AND A CHANGE OF LAND USE FOR OF 126 FEET OF LAND BETWEEN PARCELS 1 AND 4 FROM C (COMMERCIAL) TO BP (BUSINESS PARK), AND A PLOT PLAN FOR AN APPROXIMATELY 1,820,000 SQUARE FOOT WAREHOUSE INDUSTRIAL BUILDING (TOTAL OF 2,620,000 SQUARE FEET FOR ALL PHASES OF DEVELOPMENT CONSISTING OF INDUSTRIAL AND COMMERCIAL LAND USES) ON THE PROPERTY LOCATED SOUTH OF AND ADJACENT TO HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET ALONG FUTURE EUCALYPTUS (FIR AVENUE)

WHEREAS, the applicant, Highland Fairview, has filed an application for the approval of a change of zone (PA07-0088) from BP (Business Park) to LI (Light Industrial) on an approximately 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage), a modification of zoning for a small portion of land between proposed Parcels 2 and 3 (an enlargement of 87 feet in width from LI to CC land use district) and Parcels 1 and 4 (a reduction of 126 feet in width from the CC land use district to the LI land use district), and a General Plan Amendment (PA07-0089) to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the site, modify a General Plan designated multi-use trail from the south side of future Eucalyptus Avenue to the north side of the street with an extension from Quincy Street to Theodore Street, a change in the circulation plan designation from an arterial to a divided arterial for future Eucalyptus Avenue between Redlands Boulevard and Theodore Street,

and a change in land use map for the areas between proposed Parcels 2 and 3 and proposed Parcels 1 and 4, for a proposed project site located adjacent to and south of Highway 60 and north of future Eucalyptus Avenue (Fir Avenue), between Redlands Boulevard and Theodore Street.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P07-157), a tentative parcel map (PA07-0090) and a plot plan (PA07-0091). The Planning Commission is not making recommendations on these three items because it is recommending that the City Council deny the General Plan Amendment and Change of Zone and, therefore, no recommendations on those subsidiary matters is required.

WHEREAS, on January 8, 2009, and January 15, 2009, the Planning Commission of the City of Moreno Valley held meetings to consider the application and to provide a recommendation to the City Council.

WHEREAS, on January 15, 2009, the Planning Commission passed a motion by a vote of 4 to 2 to refer the project to the City Council with a recommendation to deny the proposed change in policy to allow large warehouses on the project site because it would be contrary to the intent of the vision for this portion of the community as identified during the General Plan Update and subsequent zoning consistency study.

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

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

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

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meetings on January 8, 2009, and January 15, 2009, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The proposed Change of Zone is not consistent with the vision identified by the Planning Commission and City Council in 2006 during the review and adoption of the General Plan Update and subsequent zoning consistency study. This vision called for the development of business parks with buildings not exceeding 50,000 square feet in the eastern part of the City along Highway 60. The proposed project includes a 1,820,000 square foot warehouse industrial building as part of Phase 1 and an additional 600,000 square foot industrial building as part of Phase Both of these buildings far exceed the maximum of 50,000 square feet as permitted by the current zoning designation of Business Park.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent arterial roads leading from the project to Highway 60. The heavy truck traffic would impact the air quality, traffic flow and image of the area of lower intensity business park area with adjacent executive housing. The project traffic study indicates that approximately fifteen percent of the project's peak hour traffic would be heavy trucks, a much greater percentage than anticipated under the current zoning designation of Business Park. Heavy truck traffic produces more particulate emissions than light duty trucks and automobiles. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the vision for the area of lower intensity business park uses with executive housing.

3. The proposed warehouse industrial buildings are better suited to the industrial areas in the southern portion of the City. These areas are currently zoned for heavy and light industrial uses, including large warehouse and industrial buildings with heavy truck traffic. These areas are better separated from adjacent planned or existing residential areas. These areas also provide better access to the freeway system through upgraded roadways and freeway interchanges. The proposed mitigation measures for the proposed project do not provide the same level of access.

4. The benefits of the proposed project do not justify the proposed change in policy.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2009- 01, recommending that the City Council **DENY** a Change of Zone (PA07-0088) for an approximate 104.9 acre portion of a 158 acre site (265.3 acres including offsite improvements and drainage) from BP (Business Park) to LI (Light Industrial) and the General Plan Amendment (PA07-0089).

APPROVED this 22nd day of January, 2009.

ATTEST:

Rick De Jong
Chair, Planning Commission

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

City Attorney

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MV00019020

Highland Fairview Corporate Park

Tentative Parcel Map 35629

(PA 07-0088, 07-0089, 07-0090, 07-0091)

City of Moreno Valley City Council

Supplemental Package
City Council Hearing - February 3, 2009

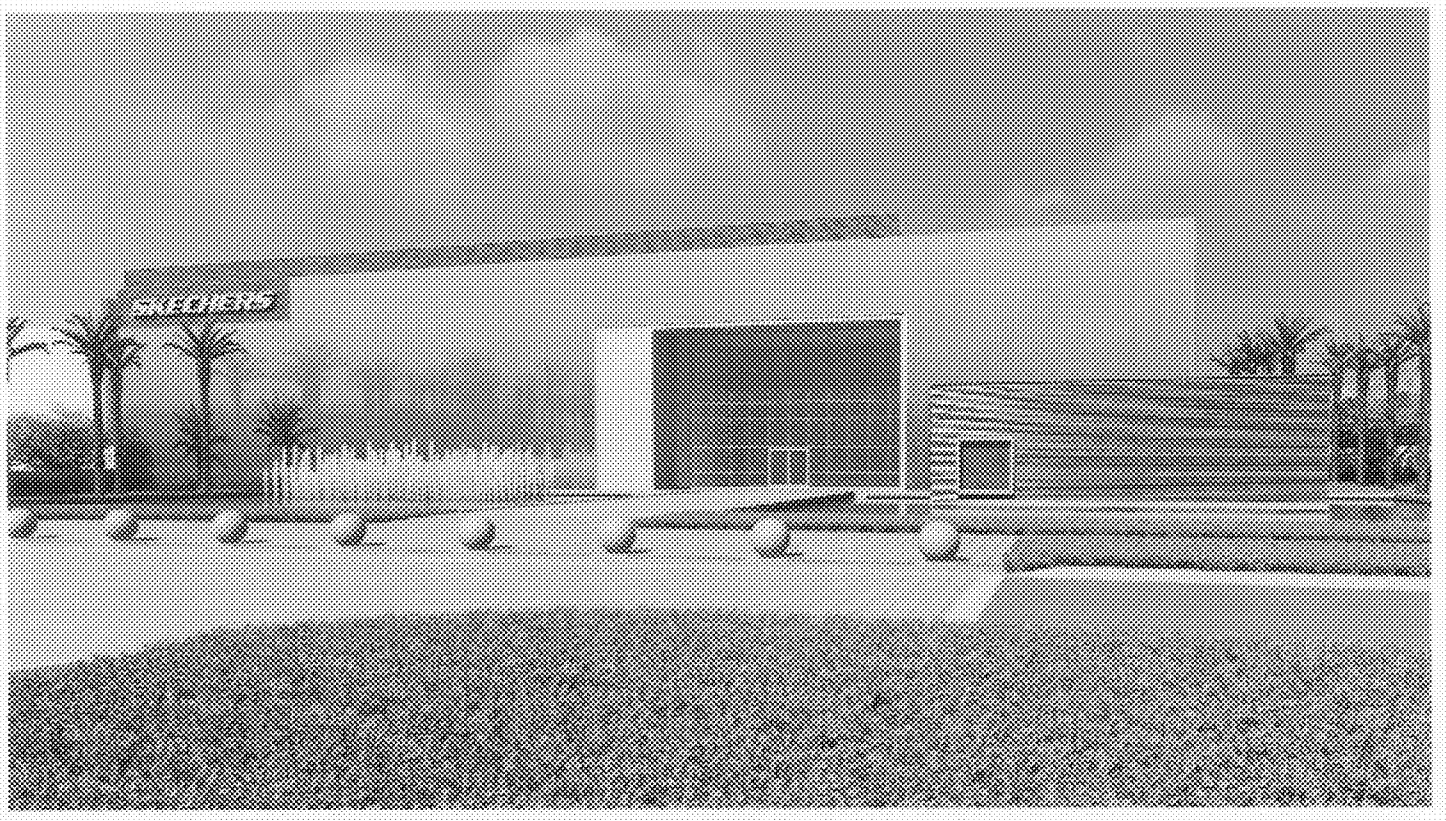

Highland Fairview

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

Council Members:

Enclosed for your use are several exhibits that illustrate many of the unique details of the Highland Fairview Corporate Park project. We have included a variety of renderings and visual simulations that provide a three-dimensional perspective of key project elements that cannot be accurately conveyed in the two-dimensional drawings that are part of the formal submittal package. We have also provided several colored exhibits that help to make the technical plans easier to read.

Please contact Highland Fairview if there are any questions.

Thank you.

Iddo Benzeevi
HIGHLAND FAIRVIEW

Main Office (SE Corner)
View Rendering

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be taken upon entering the project at the second driveway from the east. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

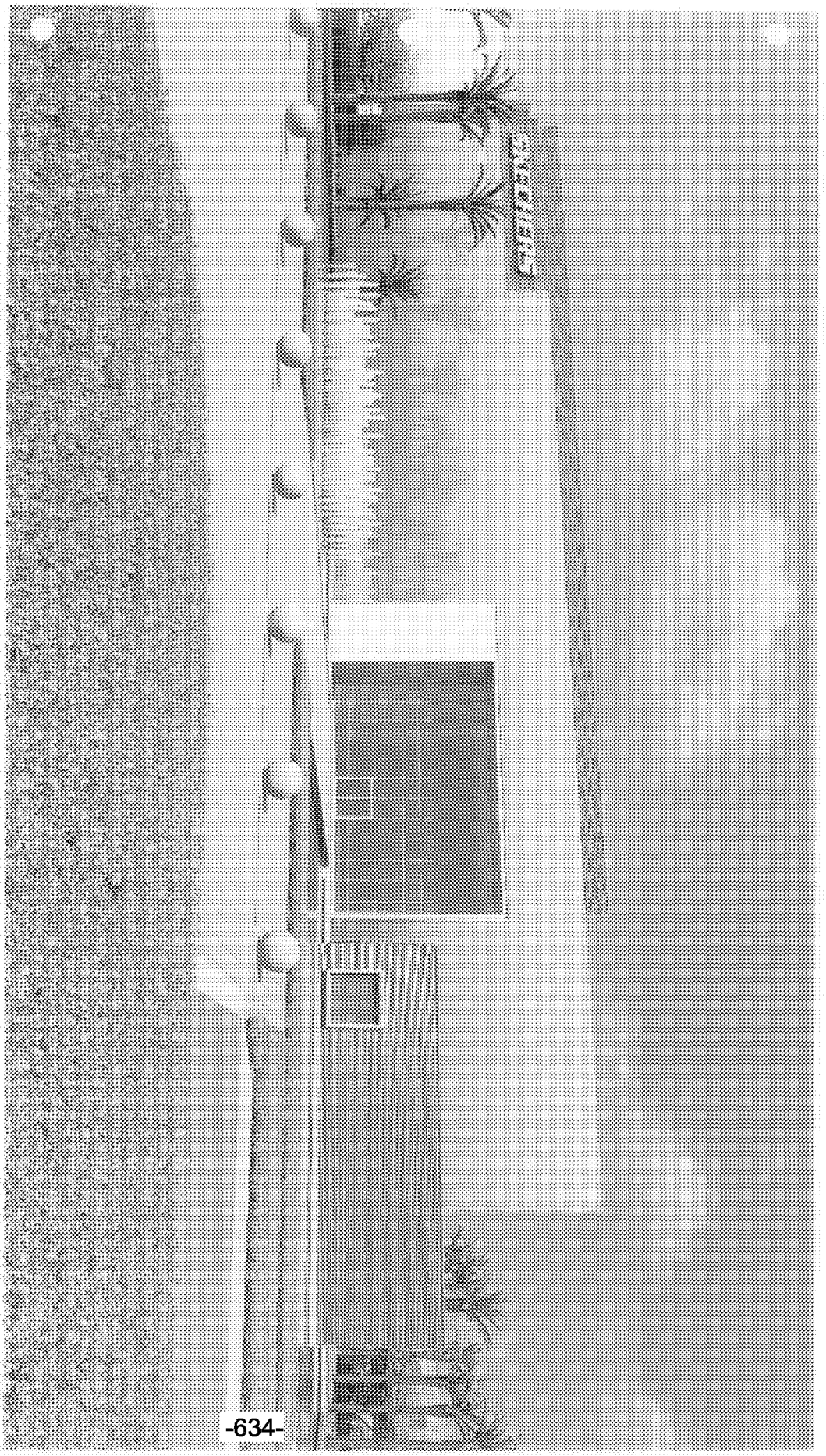

Item No. E .1

Main Office (SE Corner)
View Rendering (Eucalyptus Ave.)

This rendering depicts the Main Office proposed at the southeast corner of the building. This view would be from east bound Eucalyptus Avenue, near the project entry. The selective use of trees and landscaping allow for a view of the enhanced architecture. Architectural enhancements were incorporated into this portion of the building to create a corporate look to the building.

Item No. E .1

NE Building Corner
View Rendering

The following view depicts the Northeast Corner of the building adjacent to SR60. This corner of the building is architecturally enhanced and treated as a prominent feature due to its visibility from SR60.

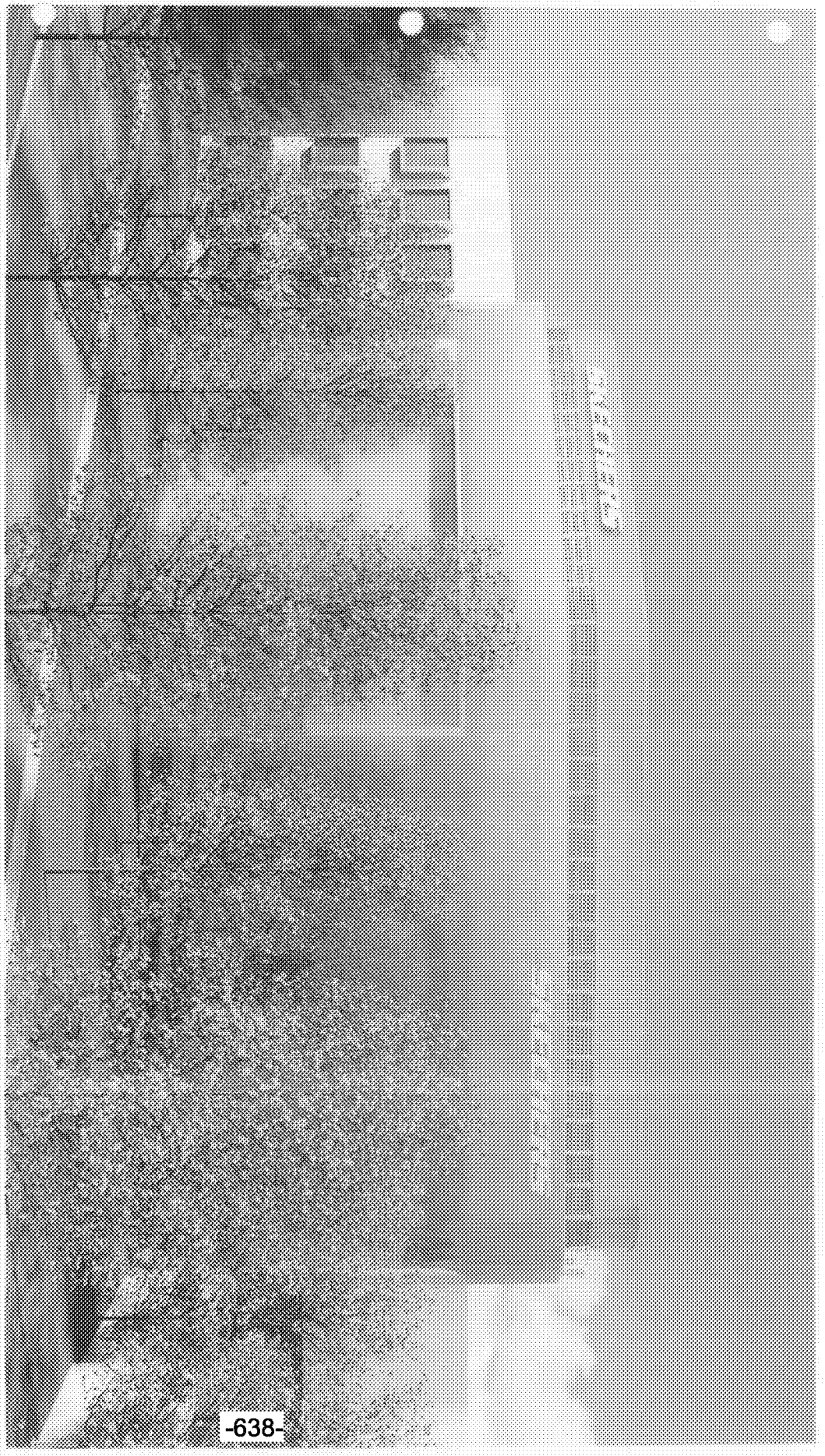

Item No. E .1

MV00019028

Main Office (SE Corner)
View Rendering (Retail Entry)

This rendering depicts the Retail Entry at the east end of the building. The view is looking West at the retail entry. Vehicular access would be taken from the most easterly driveway off of Eucalyptus Avenue and would direct the driver to parking lot serving the retail site.

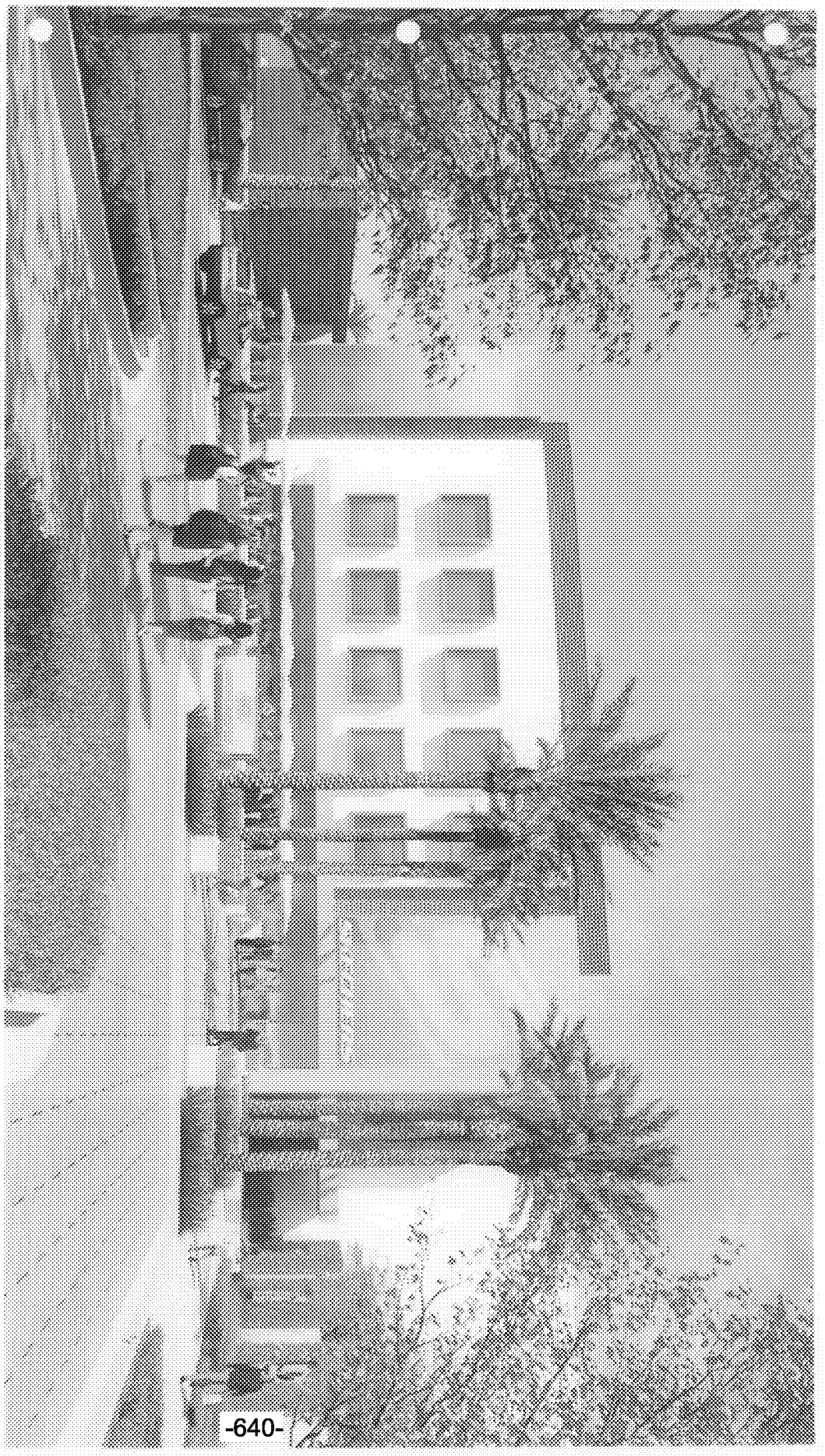

Item No. E .1

MV00019030

Employee Area
View Rendering (South Side)

This rendering depicts the Employee Area on the south side at the mid-point of the building. It will include a break room for employee use and includes an outdoor patio area.

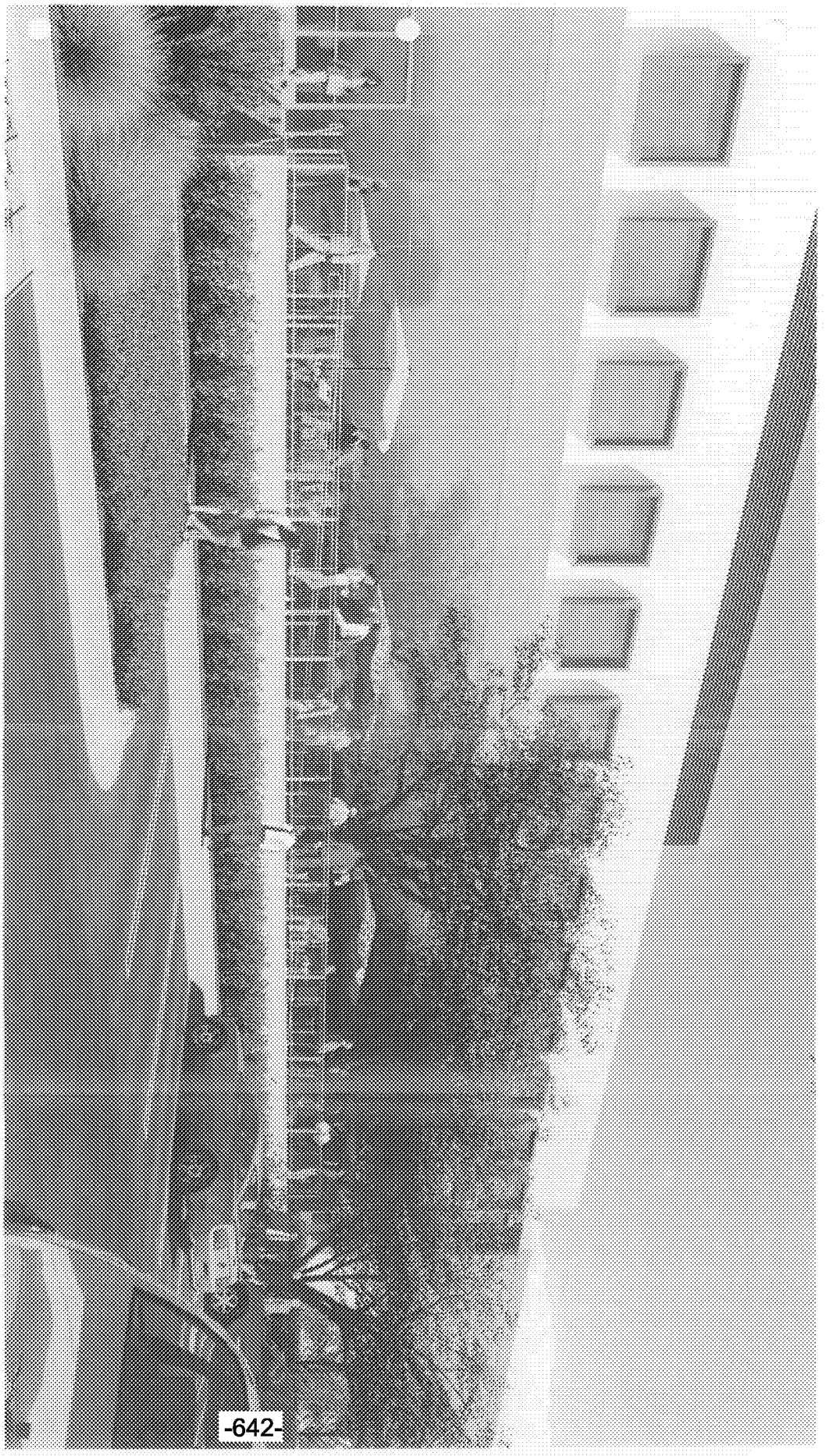

Item No. E .1

MV00019032

Project Entry at Eucalyptus Avenue
View Rendering

This rendering depicts the view looking east along Eucalyptus Avenue when exiting the project entry (driveway 2nd from the east).

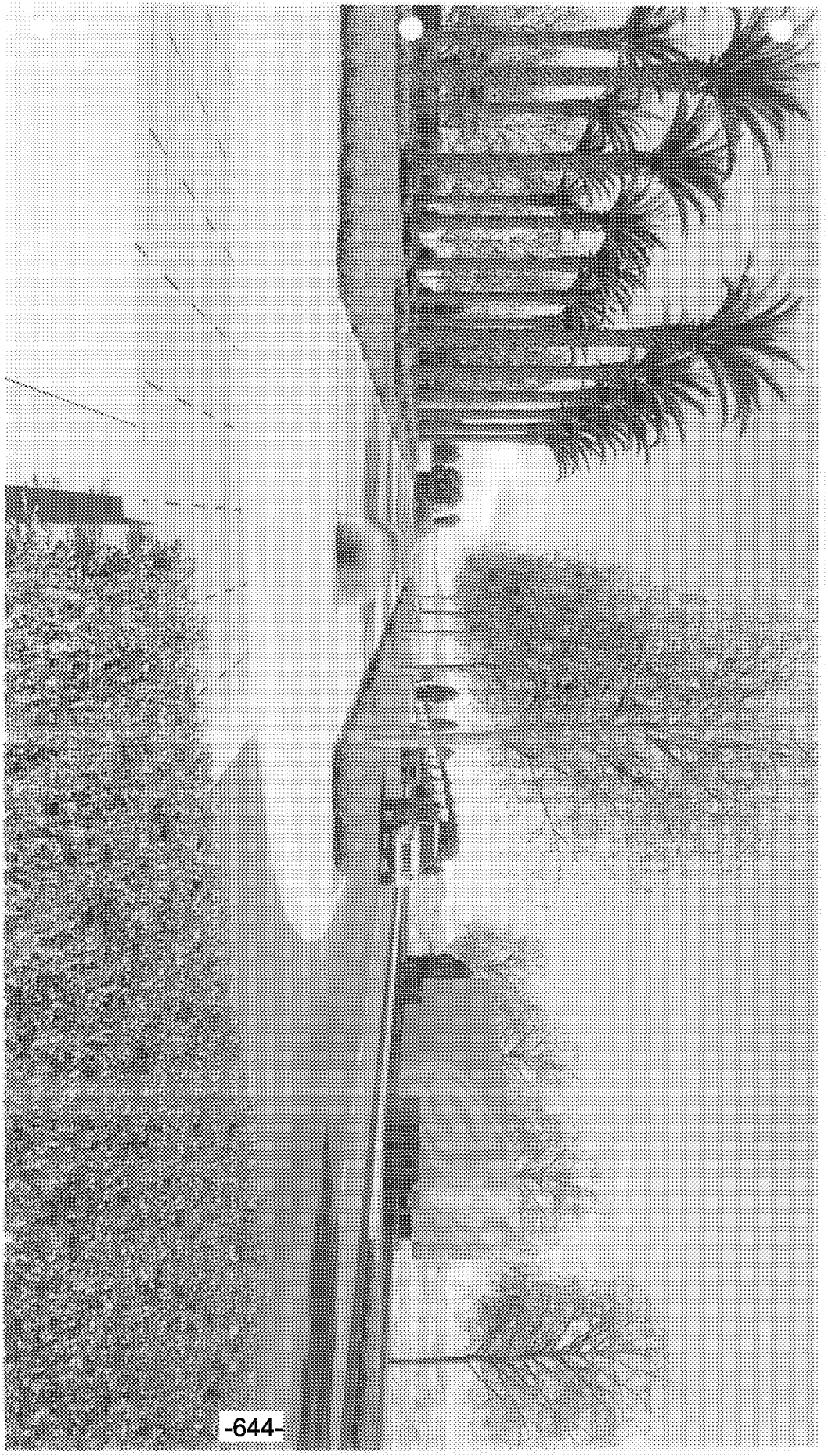

Item No. E .1

MV00019034

Eucalyptus Avenue Screen Wall
View Rendering

This view depicts the Screen Wall along Eucalyptus Avenue. The top of wall is tapered with a minimum height of 11 ft. and a maximum height of 15.5 ft.

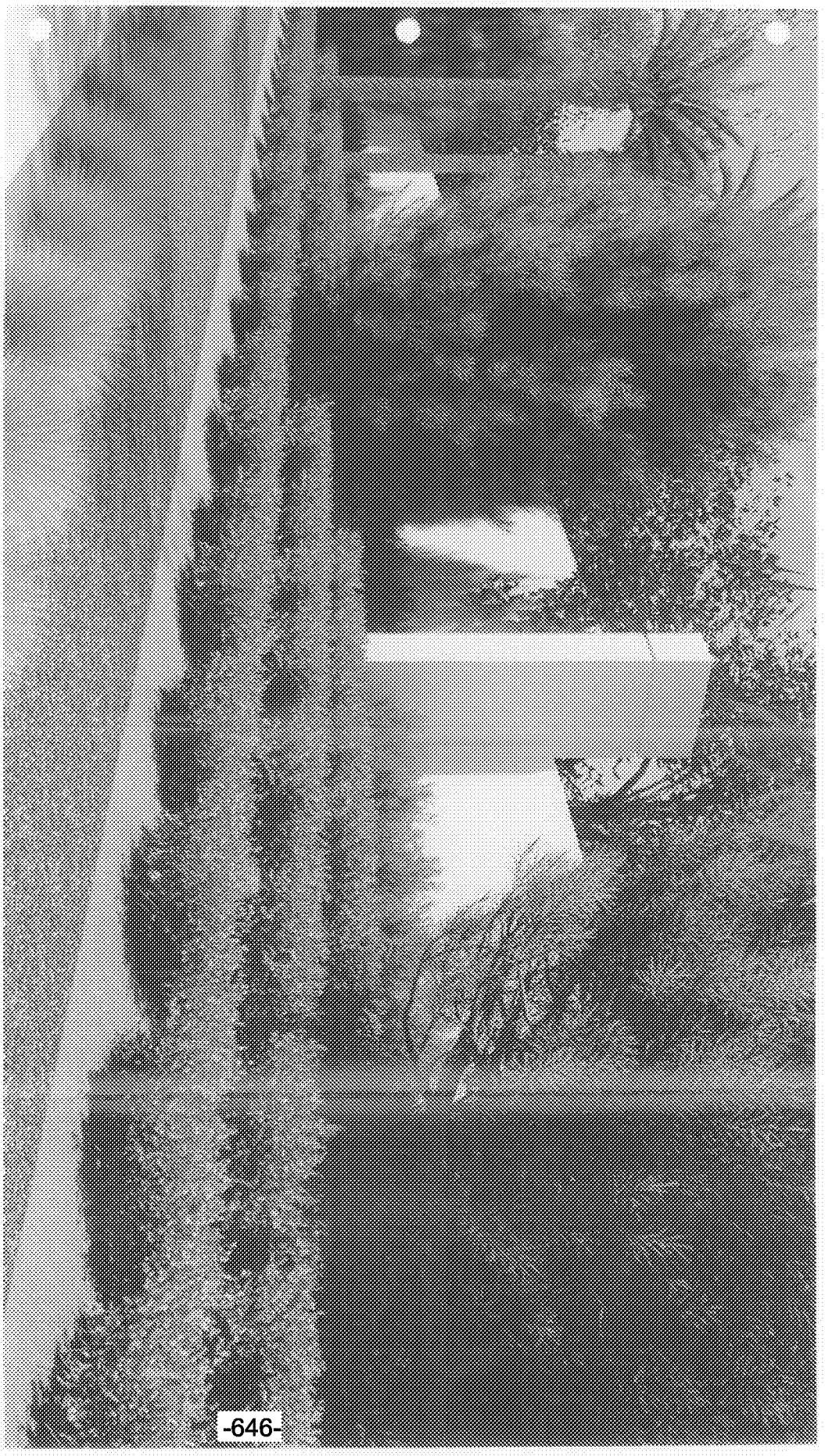

Item No. E .1

MV00019036

SR60 View Rendering

This rendering depicts the view as traveling east on SR60 between Redlands Blvd. and Theodore Street. Rendering shows the effective screening of the building and view opportunities at the palm trees.

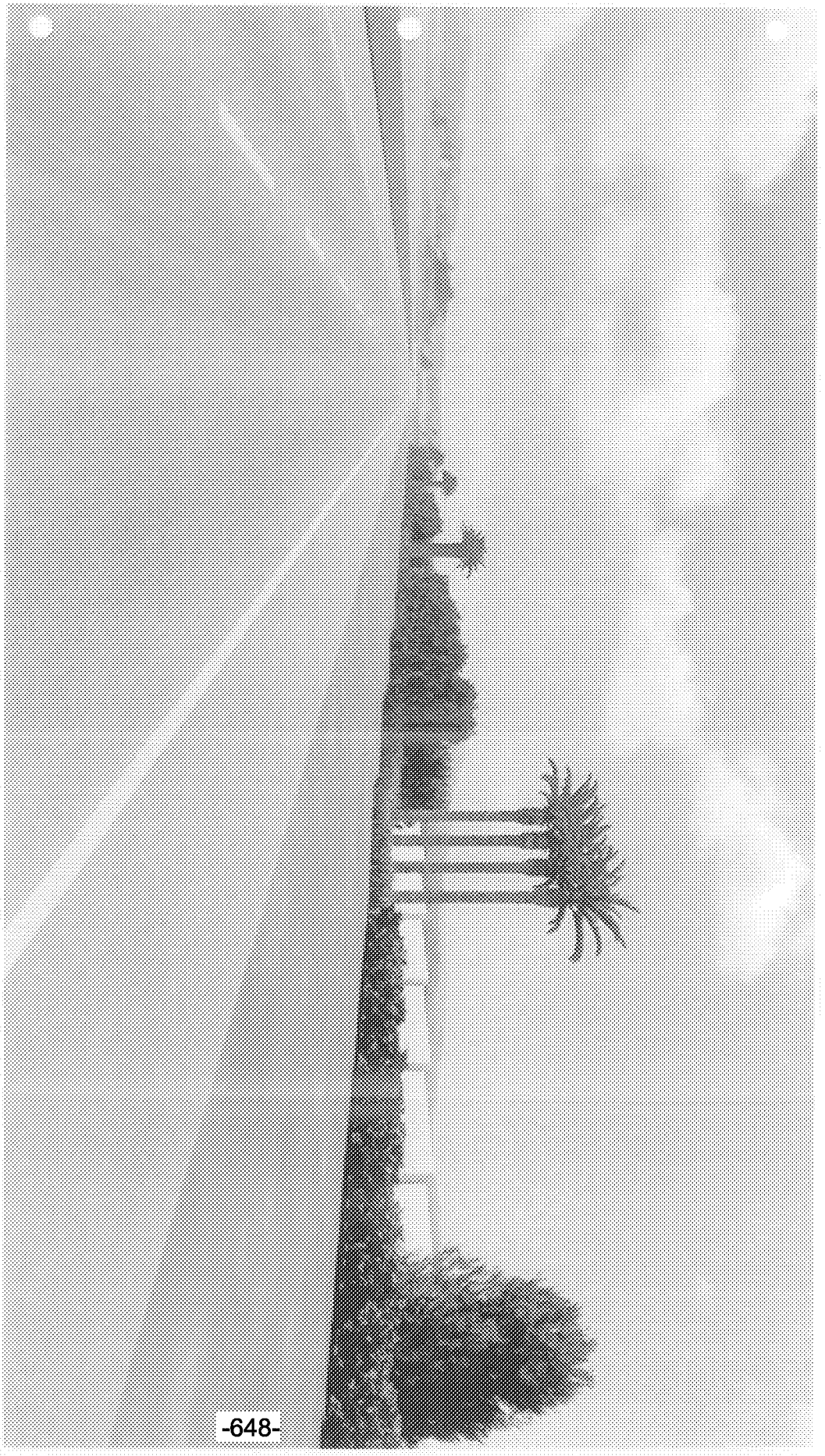

Item No. E .1

MV00019038

Item No. E .1

MV00019039

SR60 Slope
View Rendering (North Side)

This rendering depicts the slope between SR60 and the north side of the building and the loading docks. Note the landscaping and trees at the top of slope providing screening and viewing opportunities from SR60.

Item No. E .1

North Dock Elevation
View Rendering

This rendering depicts the North Dock Elevation and shows the architectural enhancements made to the north side using staggered wall panels and louvers to provide relief and interest to the building.

Artist renderings enclosed please refer to architectural and landscape drawings.

Preliminary Landscape Plan (Colored)

Plan depicts the areas of landscaping to be installed with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

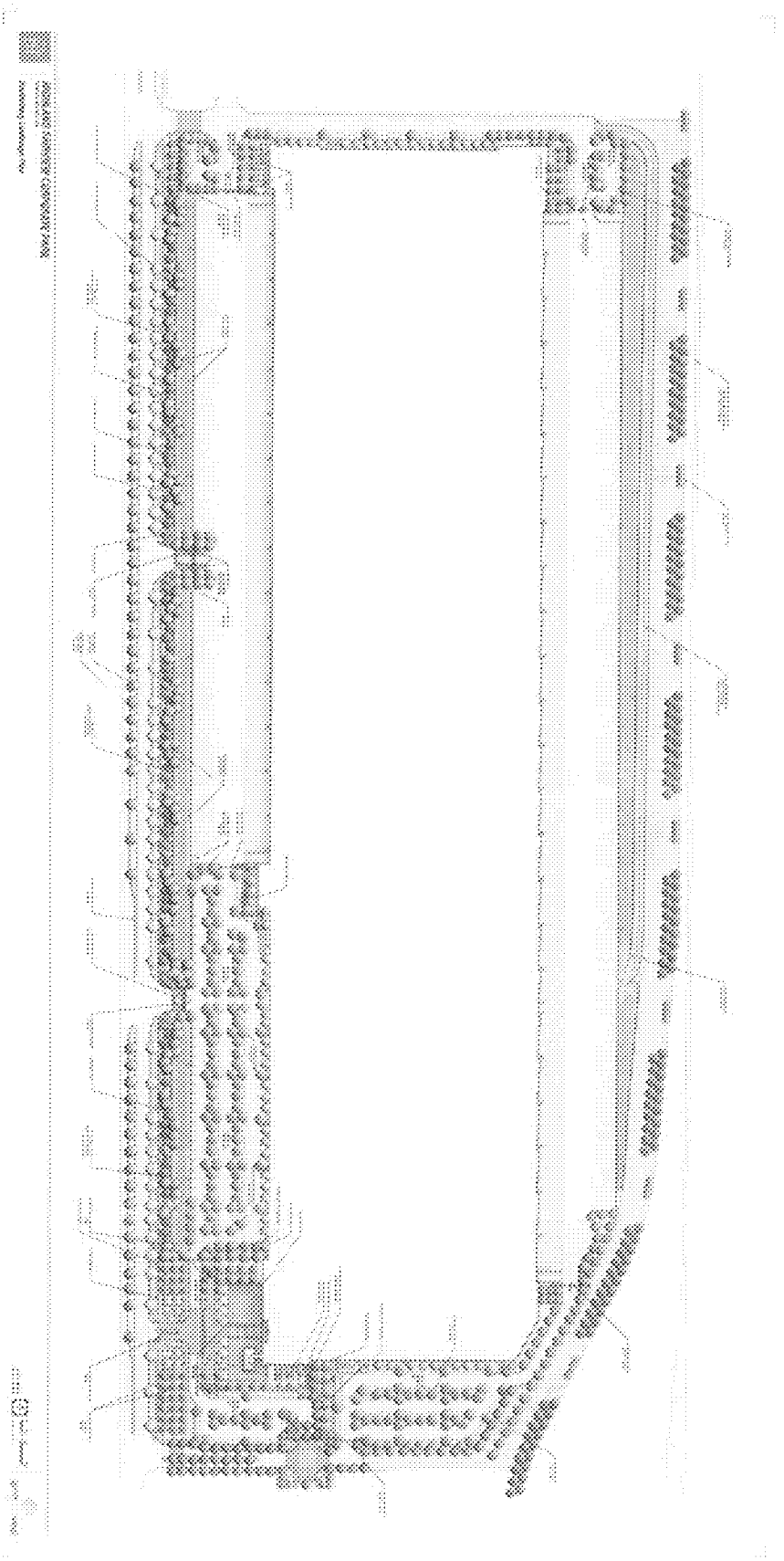

General Plan Land Use Overlay

This map depicts the Existing General Plan Land Use Overlay with the project site, showing the existing Business Park and Commercial corridor.

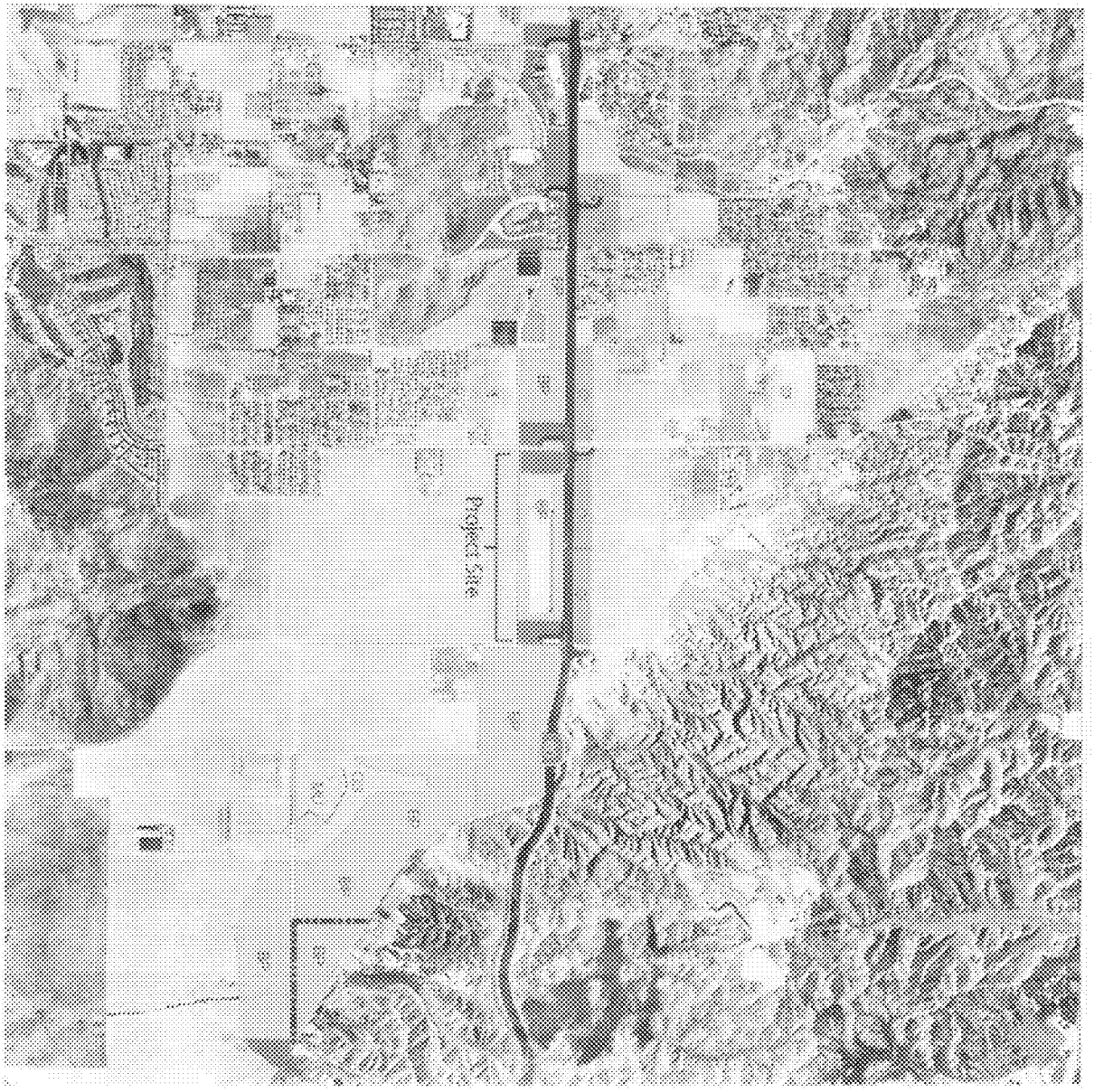
Project Site

Circulation Plan – Aerial View

The two plans depict the Project Site and the proposed Circulation Corridor to and from SR60.

Redlands Blvd
Burlingame Ave
Theodore St
Intelligent vehicle circulation plan designed
to minimize local traffic impact

Item No. E .1

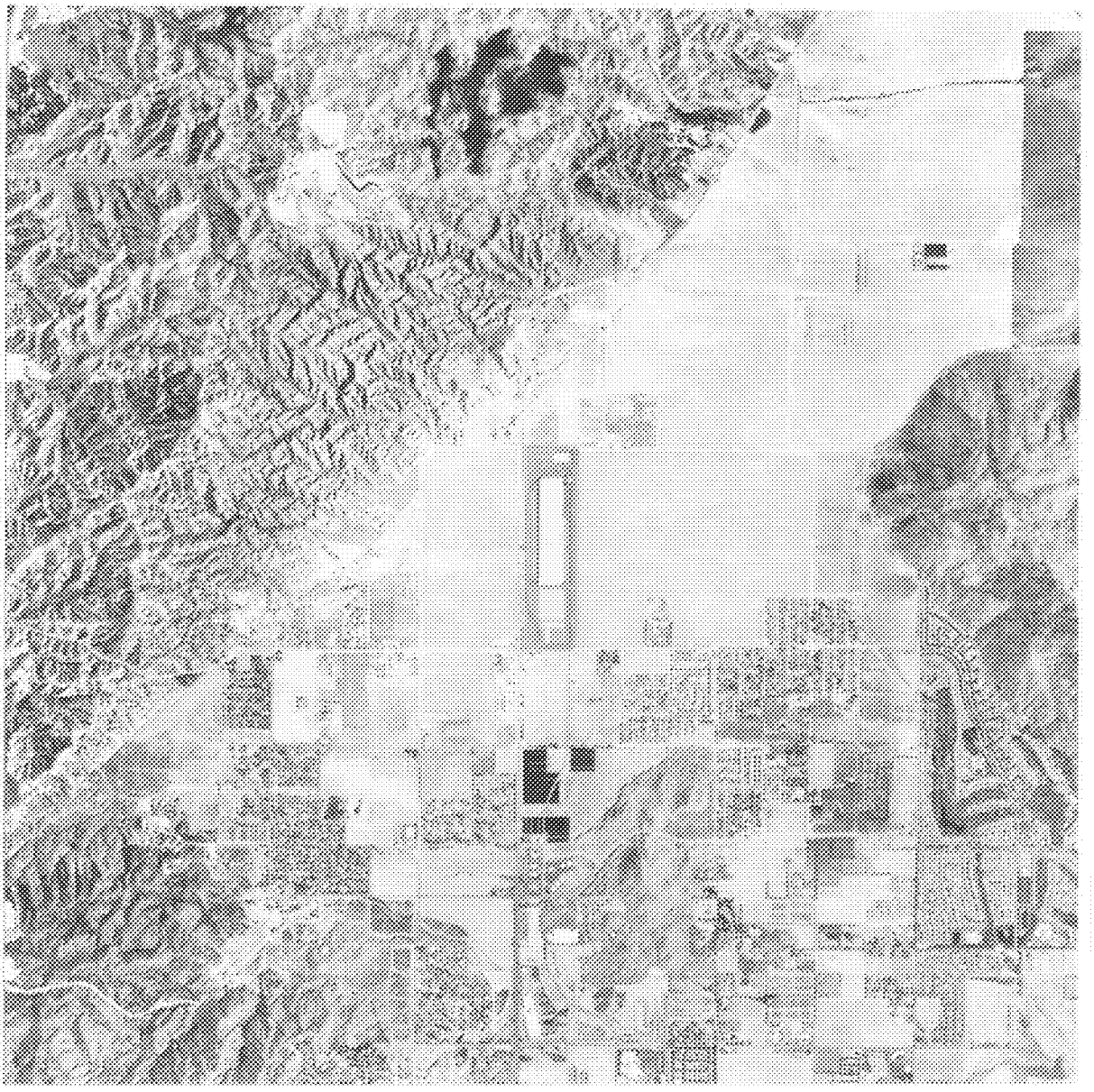

Landscaped Building Elevations (Colored)

Plan depicts the Building Elevations with proposed Landscaping for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

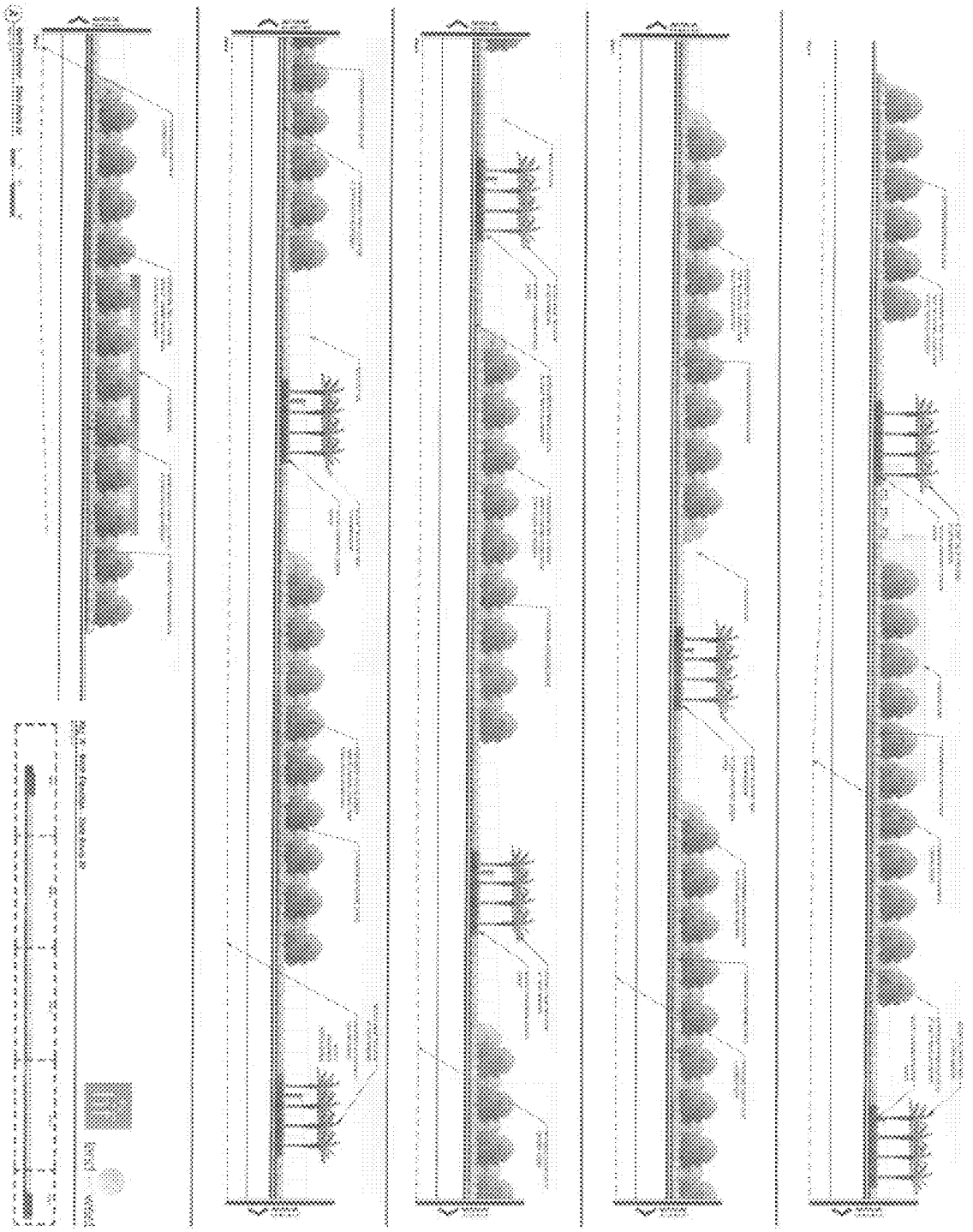

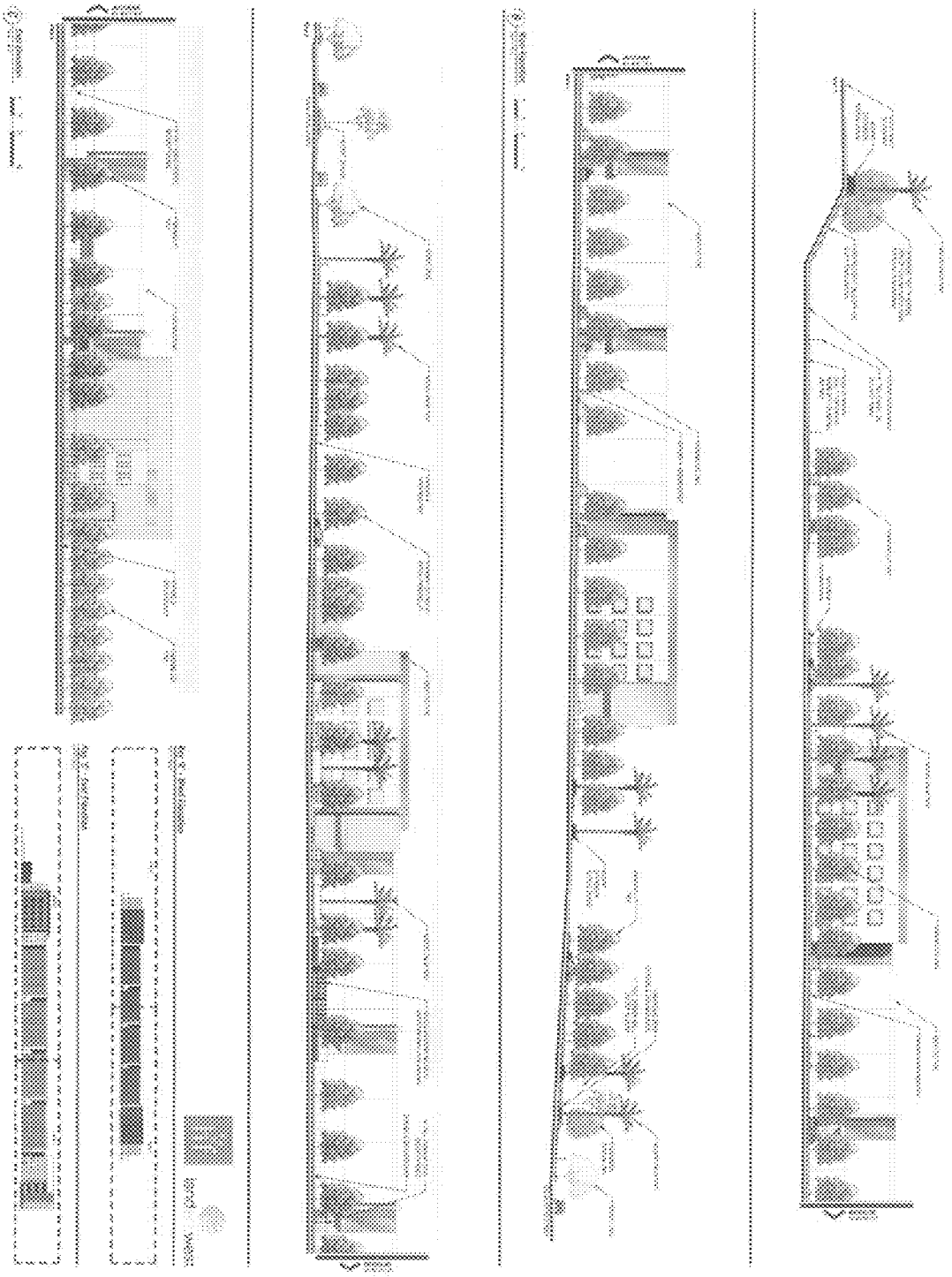

Site Sections (Colored)

Plan depicts site sections showing the developed conditions along Eucalyptus and SR60 with Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

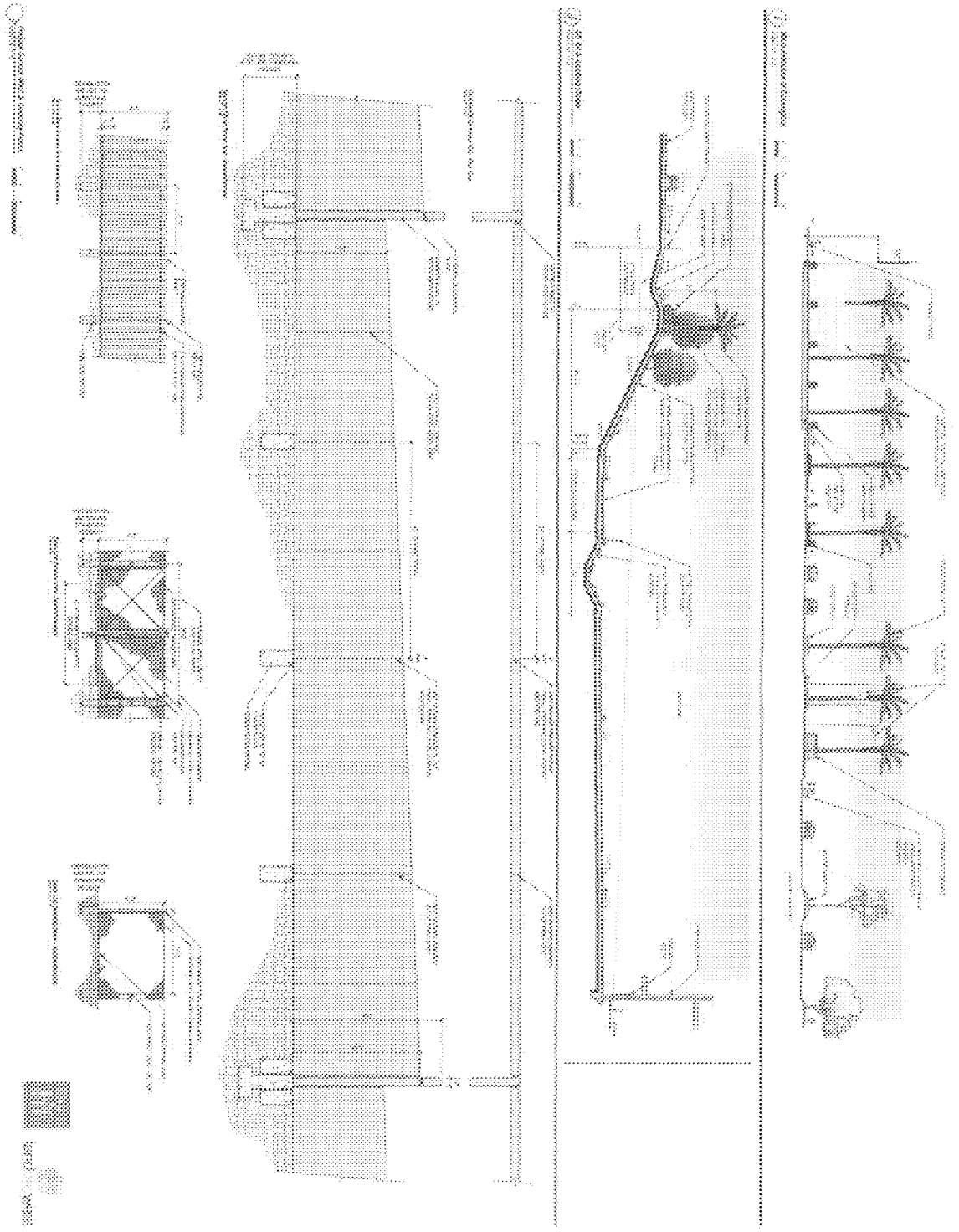

Architectural Building Elevations (Colored)

Plan depicts the Building Elevations for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

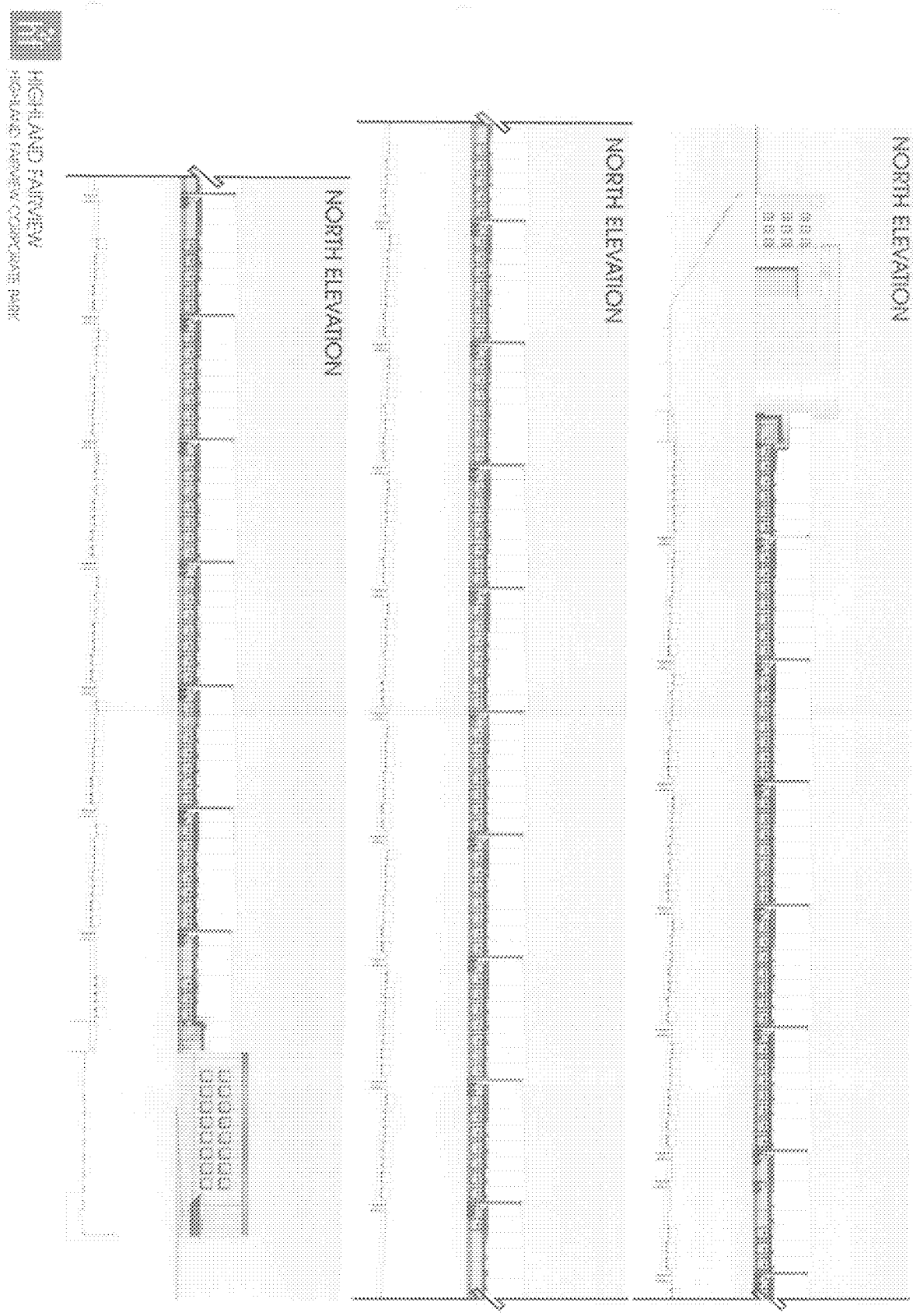
NORTH ELEVATION
NORTH ELEVATION
NORTH ELEVATION
HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

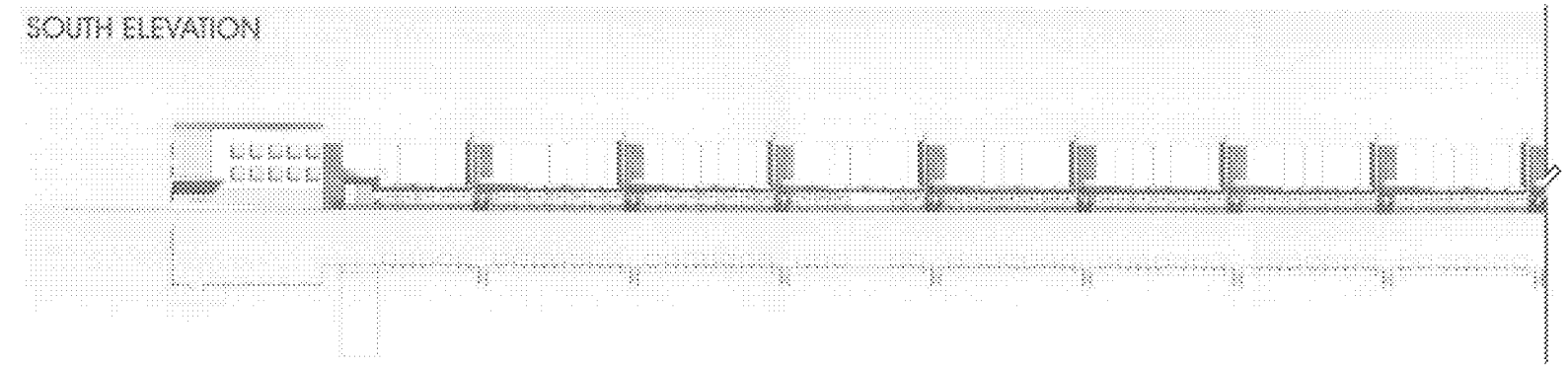

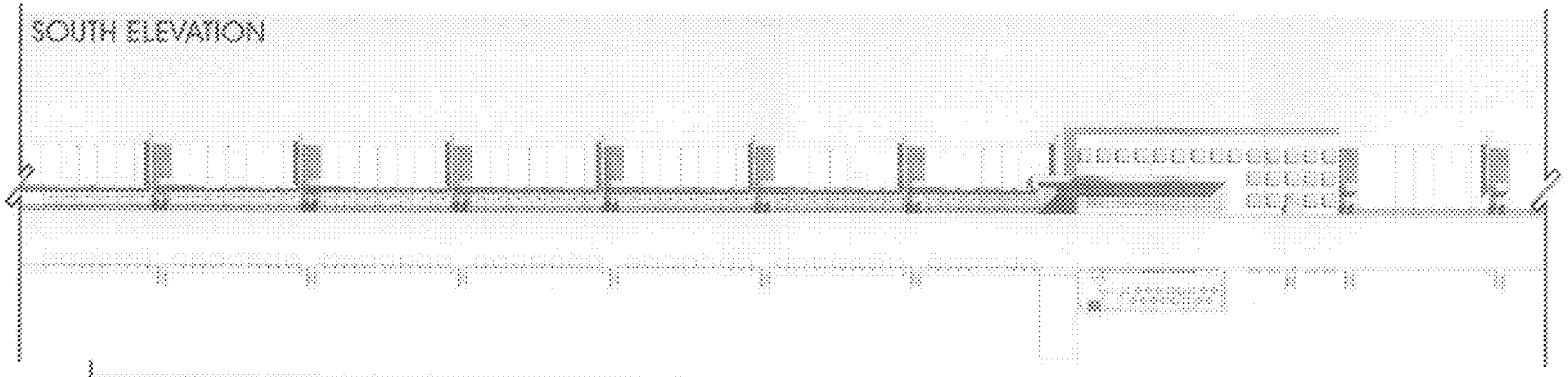

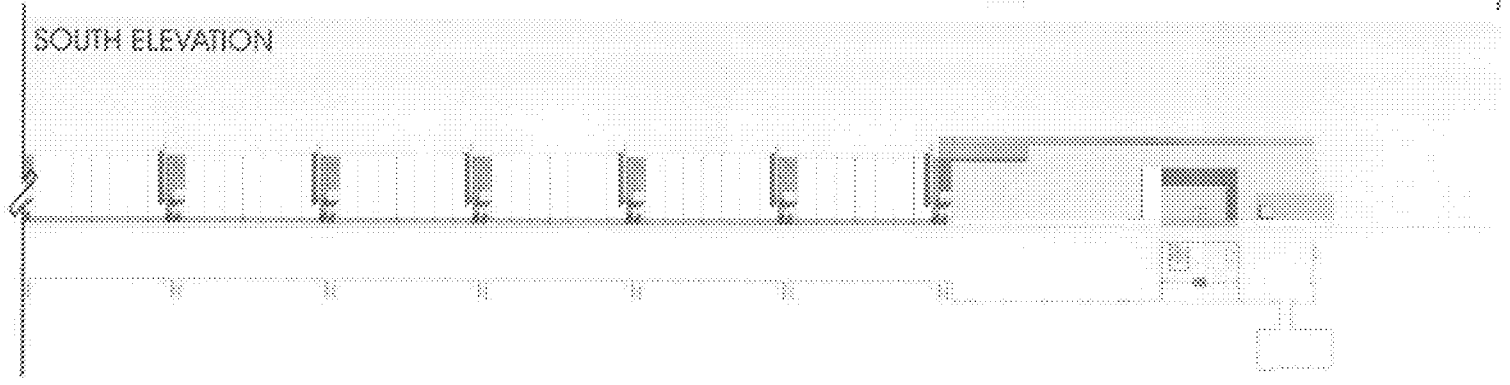

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HFA

HIGHLAND FAIRVIEW
PROMAGE MANAGEMENT CORPORATE PARK
EAST ELEVATION
EAST ELEVATION
WEST ELEVATION
WEST ELEVATION

Architectural Building Elevations (Colored)

(with Superimposed Landscaping)

Plan depicts the Building Elevations with trees superimposed for reference, for Parcel 1 (Phase 1 – Skechers) of the Highland Fairview Corporate Park, TPM 35629, project.

NORTH ELEVATION
NORTH ELEVATION
NORTH ELEVATION
HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE IMPS

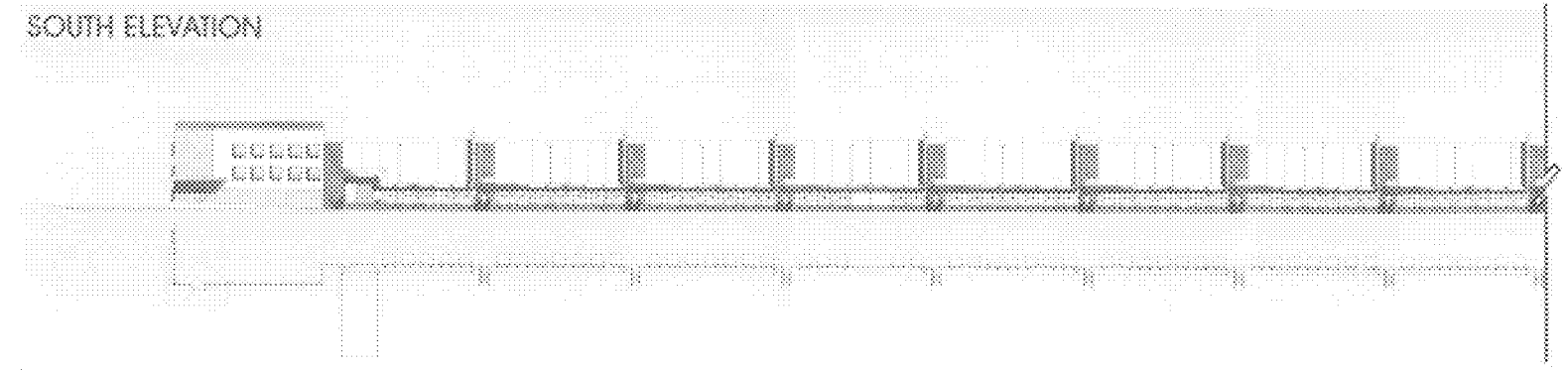

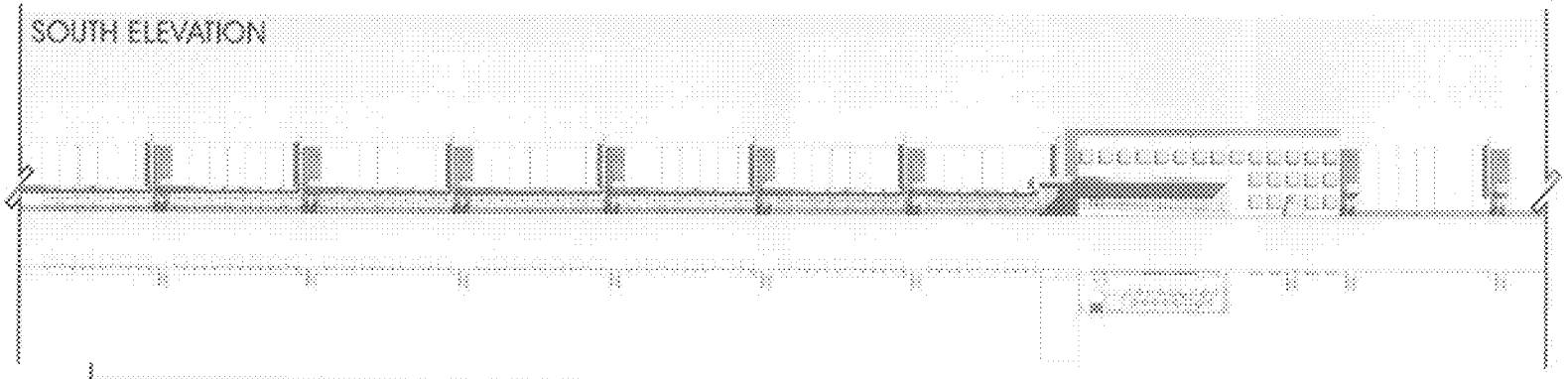

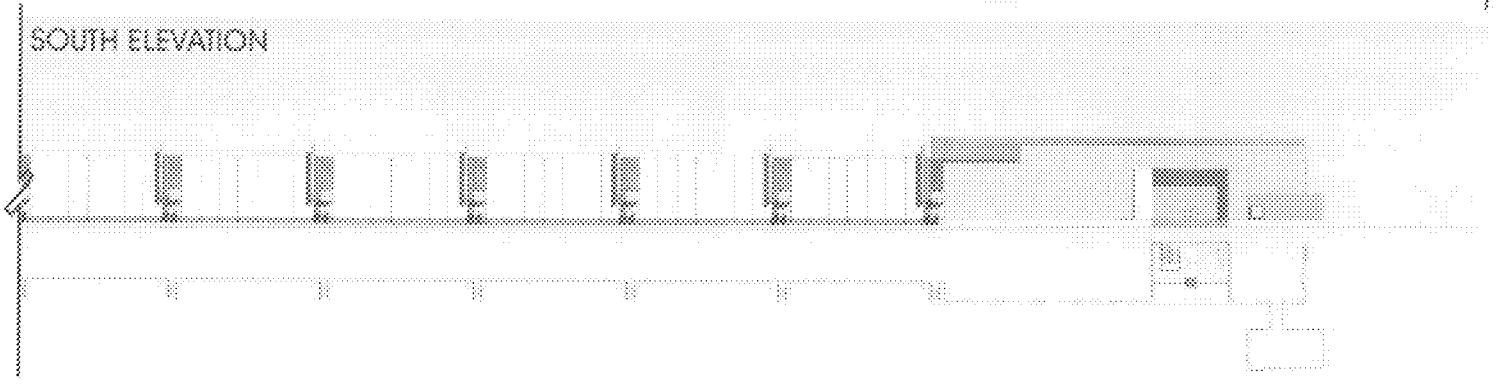

HIGHLAND FAIRVIEW
HIGHLAND FAIRVIEW CORPORATE PARK

HPA

SR60 Freeway Landscaping

The following views depict the existing landscape corridor along SR60 both east and west bound, between Day Street and Theodore Street. Included is an Ultimate Section for SR60 showing 30 ft. of additional right of way dedication to accommodate the future widening of SR60.

SR60 Freeway Landscaping
Photo Book - December 12, 2008

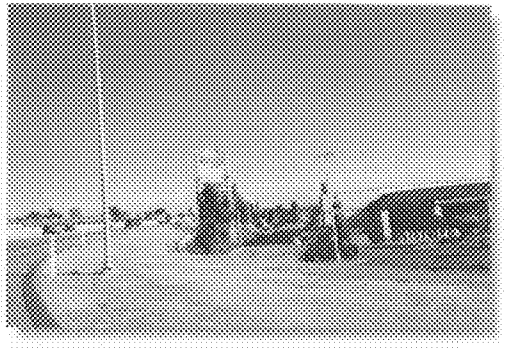

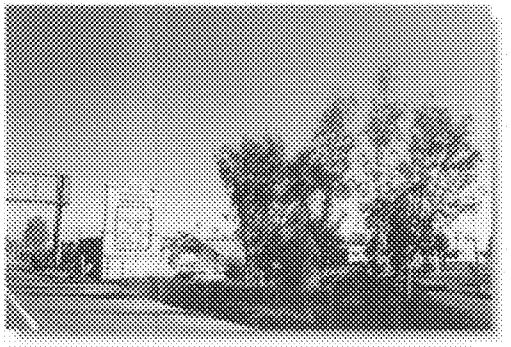

SR60 Eastbound from Day Street to Frederick Street

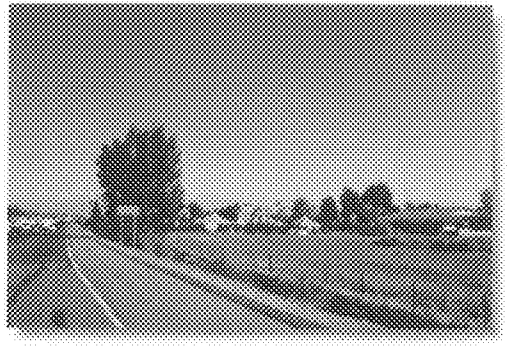

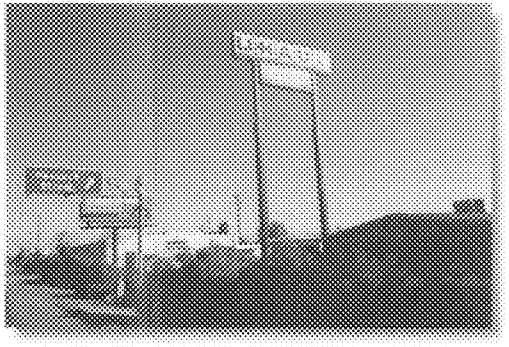

SR60 Eastbound from Frederick Street to Heacock Street

SR60 Freeway Landscaping
Photo Book · December 12, 2008

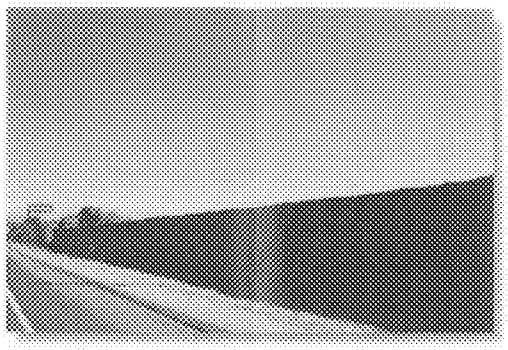

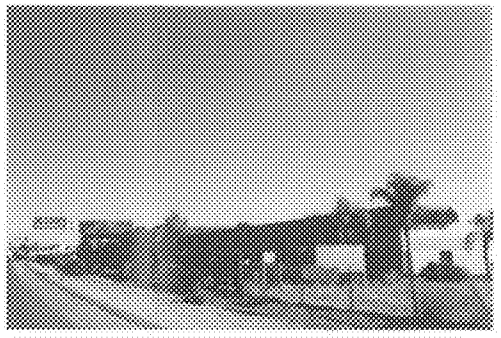

SR60 Eastbound from Hesperia Street to Perris Boulevard

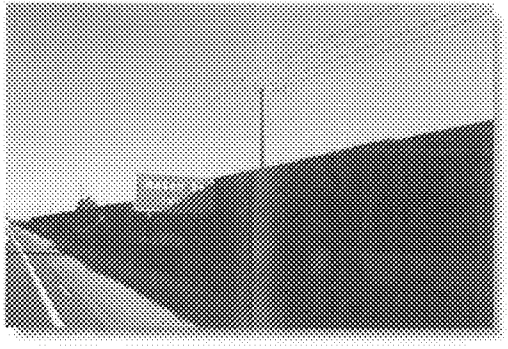

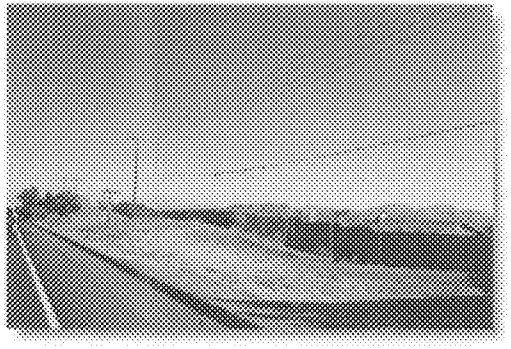

SR60 Eastbound from Perris Boulevard to Nason Street

SR60 Freeway Landscaping
Photo Book · December 12, 2008

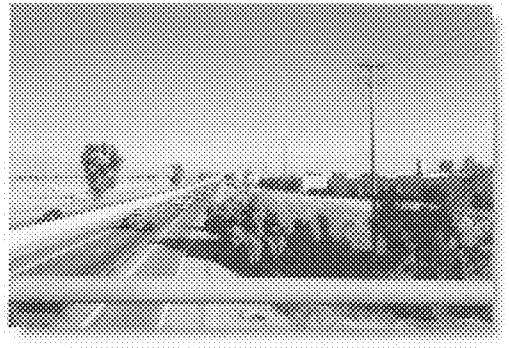

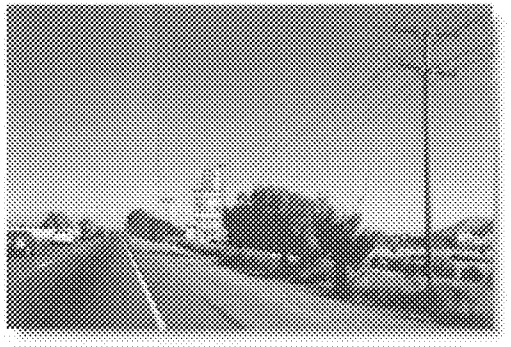

SR60 Eastbound from Nason Street Street to Moreno Beach Drive

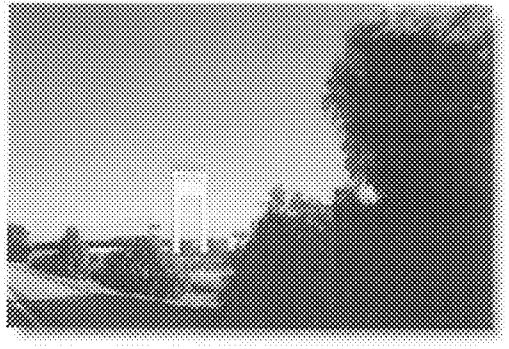
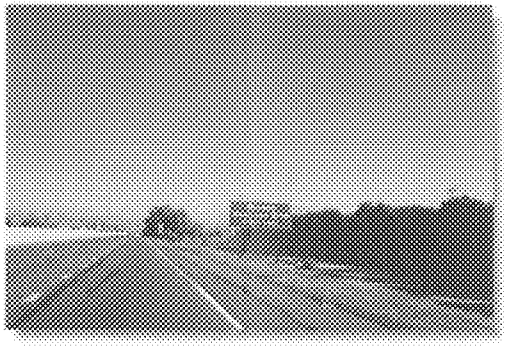
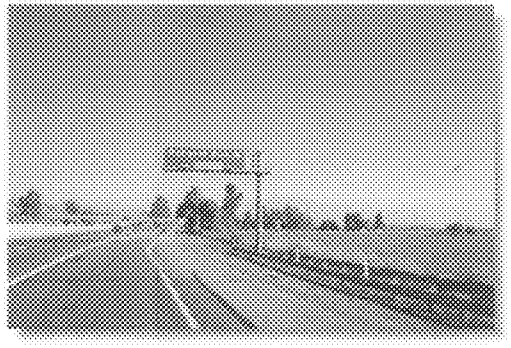

SR60 Eastbound from Moreno Beach Drive to Redlands Boulevard

SR60 Freeway Landscaping

Photo Book · December 12, 2008

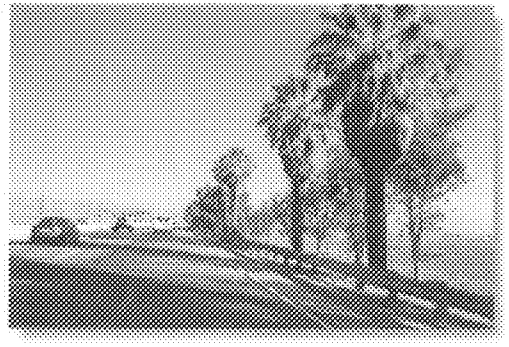

SR60 Eastbound from Redlands Boulevard to Theodore Street

SR60 Freeway Landscaping
Photo Book - December 12, 2008

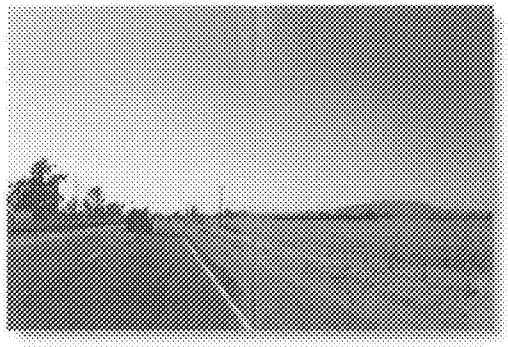
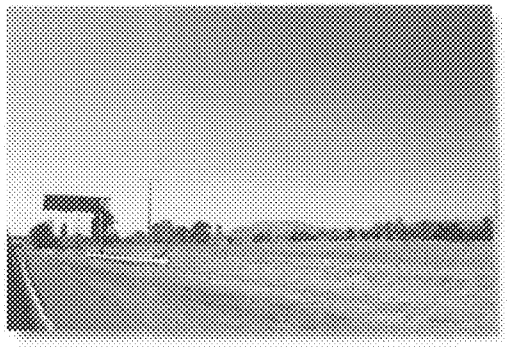

SR60 Westbound from Theodore Street to Redlands Boulevard

SR60 Westbound from Redlands Boulevard to Moreno Beach Drive

SR60 Freeway Landscaping
Photo Book - December 12, 2008

SR60 Westbound from Moreno Beach Drive to Nason Street

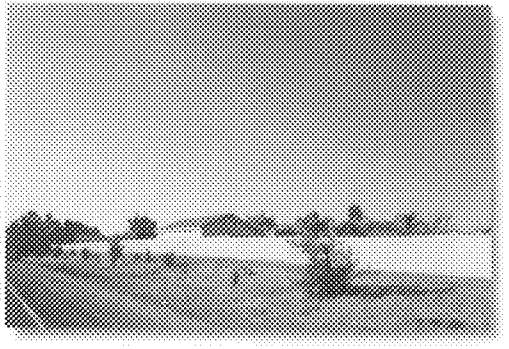

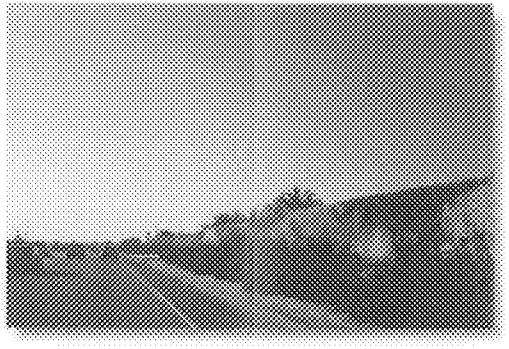

SR60 Westbound from Nason Street to Perris Boulevard

SR60 Freeway Landscaping
Photo Book - December 12, 2008

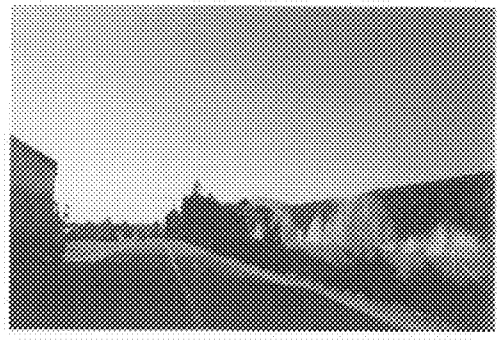

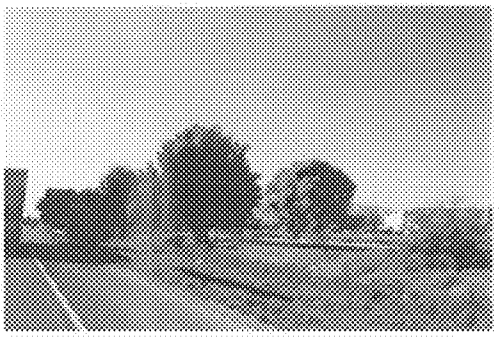

SR60 Westbound from Perris Boulevard to Heacock Street

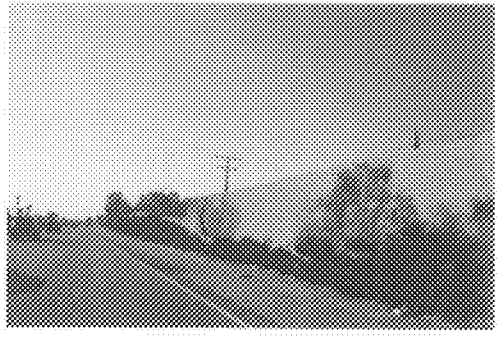

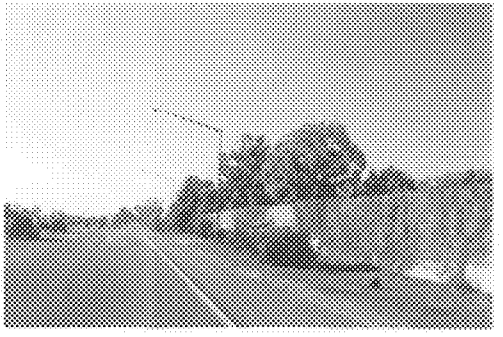

SR60 Westbound from Heacock Street to Frederick Street

SR60 Freeway Landscaping

Photo Book - December 12, 2008

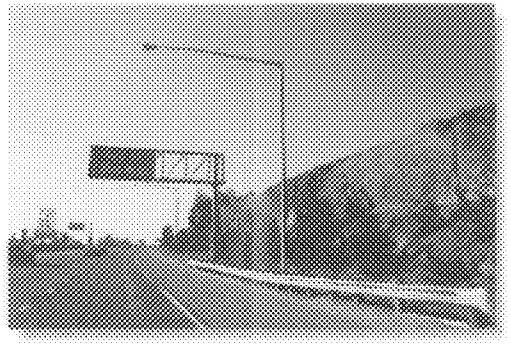

SR60 Westbound from Frederick Street to Day Street

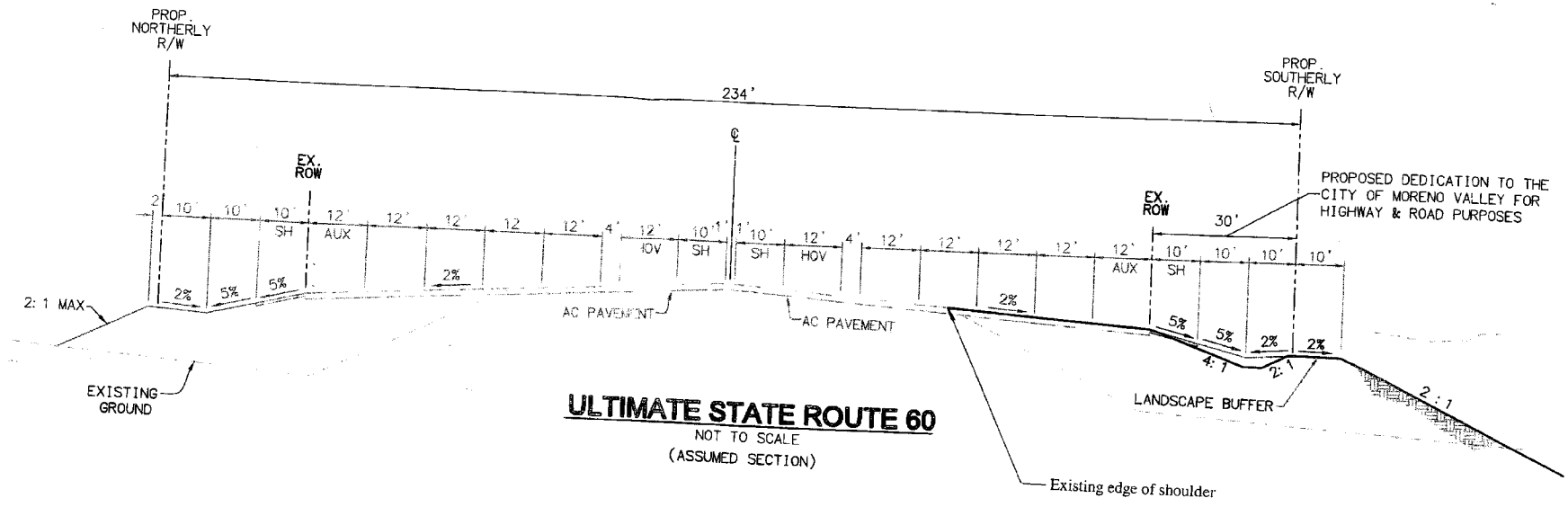

ULTIMATE STATE ROUTE 60

NOT TO SCALE

(ASSUMED SECTION)

Deed Restriction Exhibit

The Schematic Diagram depicts the Deed Restriction Area that will limit uses to mitigate for impacts to air quality along Eucalyptus Avenue.

REDLANDS BOULEVARD
THEODORE STREET
STATE ROUTE 60
SINCLAIR ST
440 FT
MAX
FUTURE LOCAL TO SAVIERE AVENUE
PARCEL 1
PARCEL 2
PARCEL 3
PARCEL 4
PARCEL 5
PARCEL 6
PARCEL 7
PARCEL 8
PARCEL 9
PARCEL 10
PARCEL 11
PARCEL 12
PARCEL 13
PARCEL 14
PARCEL 15
PARCEL 16
PARCEL 17
PARCEL 18
PARCEL 19
PARCEL 20
PARCEL

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MV00019078

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) Report by Mayor Stewart on March Joint Powers Commission (MJPA)

b) Report by Council Member Hastings on Western Riverside Council of Governments (WRCOG)

CITY COUNCIL AGENDA ITEM NO. G1.

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MV00019080

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

CITY COUNCIL AGENDA ITEM NO. G2.

Item No. G .2

MV00019081

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MV00019082

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

September 22, 2009

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member
Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 22, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Community Health Charities of California - Corporate Excellence Award Recognizing the 2008 Employee Giving Campaign

2. Proclamation Recognizing Constitution Week - September 17 - 23, 2009

3. Recognition of Moreno Valley's Promise – Youth Leaders Making Change (YLMC)

MV00032220

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
SEPTEMBER 22, 2009

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION - Bishop Randy Triplett, Victory Temple of Deliverance Ministries

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00032221

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 TRACT 32834 OFFSITE SUPPLEMENTAL FOR STONERIDGE TOWN CENTER PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-86 authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system; and

   Resolution No. 2009-86

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements for Tract 32834 Off Site Supplemental for the Stoneridge Town Center Project as Complete and Accepting the Portion of Nason Street, Dracaea Avenue, and Fir Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.3 TRACT 32836 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES

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HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-87 authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue into the City's maintained street system; and

   Resolution No. 2009-87

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the "Backbone" Public Improvements for Tract 32836 as Complete and Accepting the Portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.4 LEASE AGREEMENT WITH AMERICAN MEDICAL RESPONSE FOR FIRE STATION USE (Report of : Fire Department)

Recommendation:
Approve the lease agreement with American Medical Response for use of Fire Station 91, College Park.

A.5 TRACT MAP 31269 STORM DRAIN – REDUCE FAITHFUL PERFORMANCE BOND OF THE STORM DRAIN IMPROVEMENTS AS COMPLETE AND ADOPT THE RESOLUTION ACCEPTING QUINCY CHANNEL IMPROVEMENTS INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system;

2. Accept the Quincy Channel improvements as complete and into the City's maintained street system;

3. Adopt Resolution No. 2009-88 authorizing the acceptance of Quincy

MV00032223

Channel improvements into the city's maintained street system; and

Resolution No. 2009-88

A Resolution of the City Council of the City pf Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31269 - Storm Drain and Accepting the Portion of Quincy Channel Improvements Associated with the Project into the City's Maintained Street System

4. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services;

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper; and

3. Authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.7 TRACT MAP 31424 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-89 authorizing the acceptance of the

MV00032224

public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system; and

Resolution No. 2009-89

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract Map 31424 and Accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and Portions of Eucalyptus Avenue and Dracaea Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.8 P08-146 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: INDIAN AVENUE LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-90 authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system; and

Resolution No. 2009-90

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within P08-146 and Accepting the Portion of San Michele Road Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one

MV00032225

year when all clearances are received.

A.9 RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT JOINT COMMUNITY FACILITIES AGREEMENT PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7 (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2009-91; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7.

Resolution No. 2009-91

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form of the Joint Community Facilities Agreement By and Among the City Of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC, Pertaining To Community Facilities District No. 7

A.10 APPROVAL OF CHECK REGISTER FOR JULY, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:
Adopt Resolution No. 2009-92, approving the Check Register for the month of July, 2009 in the amount of $24,334,280.12.

Resolution No. 2009-92

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of July, 2009

A.11 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE - PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:
Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

A.12 PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM (Report of: Economic Development Department)

Recommendation:
Adopt Resolution 2009-93 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program.

Resolution No. 2009-93

A Resolution of the City Council of the City of Moreno Valley, California Approving Participation in the Riverside County Mortgage Credit Certificate (MCC) Program

A.13 CERTIFICATES OF ACCEPTANCE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) DEVELOPMENT PARTNER AFFORDABLE HOUSING AGREEMENTS (Report of: Economic Development Department)

Recommendation:

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the Neighborhood Stabilization Program;

   Resolution No. 2009-94

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City Manager to Accept and Consent to Deeds or Grants for Residential Properties Acquired Through the Neighborhood Stabilization Program

2. Authorize the City Clerk to record the Certificates of Acceptance and other related NSP Documents;

3. Authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents; and

4. Authorize Financial & Administrative Services Director to fund payment for properties acquired through the NSP Program.

A.14 RESOLUTION AMENDING RESOLUTION NO. 2007-43 BY TEMPORARILY REDUCING RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES (Report of: Economic Development Department)

MV00032227

Recommendation:

Adopt Resolution 2009-95, amending Resolution No. 2007-43, by temporarily reducing residential single-family and residential affordable single-family development impact fees by fifty percent, with the opportunity to consider a possible one year renewal.

Resolution No. 2009-95

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution No. 2007-43 Regarding the Fee Structures for Residential Single-Family and Residential Affordable Single-Family Development Impact Fees

A.15 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.16 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.17 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of September 2-15, 2009

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

MV00032228

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

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

E.1 A PUBLIC HEARING REGARDING PA09-0018 (GENERAL PLAN

MV00032229

AMENDMENT) AND PA08-0099 (MUNICIPAL CODE AMENDMENT), A PROPOSAL TO ADD A NEW ZONING DESIGNATION TO THE GENERAL PLAN CREATING THE RESIDENTIAL 30 (R30) ZONING DISTRICT AND AMEND A RANGE OF ZONING REGULATIONS CONTAINED IN TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MULTIPLE FAMILY DEVELOPMENT STANDARDS (Report of: Community Development Department)

Recommendation: That the City Council:

1. Find that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines;

2. APPROVE Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution and attached to the Resolution as Exhibit A; and

   Resolution No. 2009-96

   A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan for the addition of the Residential 30 (R30) Zoning District (PA09-0018)

3. Introduce Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

   Ordinance No. 797

   An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code regarding the addition of the new Zoning District Residential 30 (R30), separating single-family development standards from Multiple-Family Development Standards, defining Minimum Density Standards and deletion of repetitive Development Guidelines

E.2 A PUBLIC HEARING REGARDING PA09-0009 (GENERAL PLAN AMENDMENT) AND PA09-0007 (CHANGE OF ZONE), A PROPOSAL TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O). THE CHANGE OF ZONE WILL CHANGE THE ZONING FROM BUSINESS PARK (BP) TO RESIDENTIAL 15 (R15). THE PARCEL HAS AN EXISTING SINGLE FAMILY RESIDENCE AND A

MV00032230

MULTIPLE FAMILY DUPLEX (Report of: Community Development Department)

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A; and

Resolution No. 2009-97

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan Land Use Element (PA09-0009) to change the Land Use Designation from Business Park (BP) to Residential/Office (R/O) for the approximately 1.62 acres located within Assessor's Parcel Number 263-160-027, located at 21652 Cottonwood

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A.

Ordinance No. 798

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA09-0007 (Change of Zone) to change the Land Use District for approximately 1.62 acres located at 21652 Cottonwood (Assessor Parcel Number 263-160-027) from the Business Park (BP) Land Use District to the Residential 15 (R15)

E.3 A PUBLIC HEARING REGARDING THE DESIGNATION OF A CITY-WIDE RECOVERY ZONE (Report of: Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 799 relating to the designation of a city-wide Recovery Zone for the City of Moreno Valley.

Ordinance No. 799

MV00032231

An Ordinance of the City Council of the City of Moreno Valley, California, Designating a City-Wide Recovery Zone

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

G. REPORTS

G.1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Receive and file this report.

2. Introduce Ordinance No. 800, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

Ordinance No. 800

An Ordinance of the City Council of the City Of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

G.2 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Report by Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)

b) Report by Council Member William H. Batey II on Riverside County Habitat Conservation Agency (RCHCA)

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

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.1 .1 INTRODUCTION OF ORDINANCE NO. 796 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE

MV00032232

PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP) (Report of: Public Works Department)

Recommendation: That the City Council:

Introduce Ordinance No. 796, amending Title 8 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP).

Ordinance No. 796

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP)

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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

MV00032233

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 3

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

Number of Cases: 2

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

ADJOURNMENT

MV00032234

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT 32834 OFFSITE SUPPLEMENTAL FOR STONERIDGE TOWN CENTER PROJECT – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Beazer Homes Holding Corp.
1800 Imperial Highway, Suite 200
Brea, CA 92821

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-86 authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32834 was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, wheelchair ramps, and two traffic signals. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $1,006,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center

Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009\9-22-09 Tract 32834 Offsite Supplemental - 90% Bond Reduction.doc

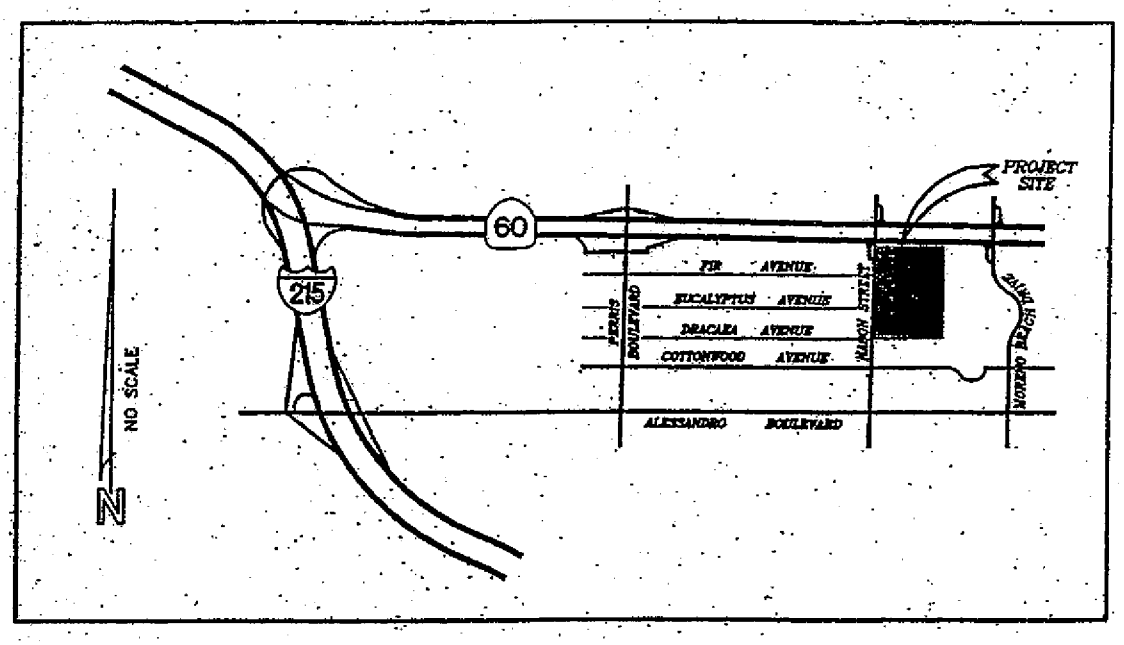

EXHIBIT A

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT**	**TRACT 32834** **Offsite Supplemental** **VICINITY MAP**

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RESOLUTION NO. 2009-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS FOR TRACT 32834 OFF SITE SUPPLEMENTAL FOR THE STONERIDGE TOWN CENTER PROJECT AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Beazer Homes Holding Corp. on the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract 32834 Offsite Supplemental for Stoneridge Town Center Project and accept the portion Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract 32834 Offsite Supplemental for Stoneridge Town Center Project are complete, and the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT B

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

MV00032241

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT 32836 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Beazer Homes Holding Corp.
1800 Imperial Highway, Suite 200
Brea, CA 92821

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-87 authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract 32836 was conditionally approved requiring construction of certain "backbone" public improvements on Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, traffic signal, storm drain, sewer, and water. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $13,305,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue

associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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EXHIBIT A

VICINITY MAP

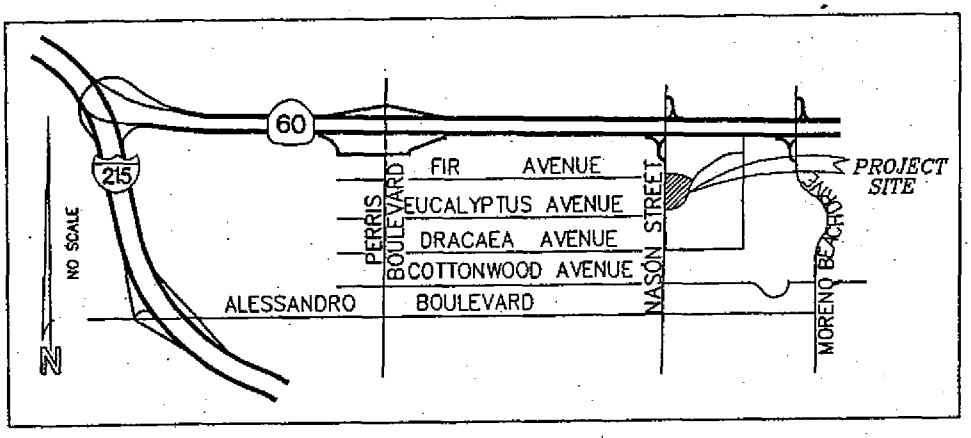

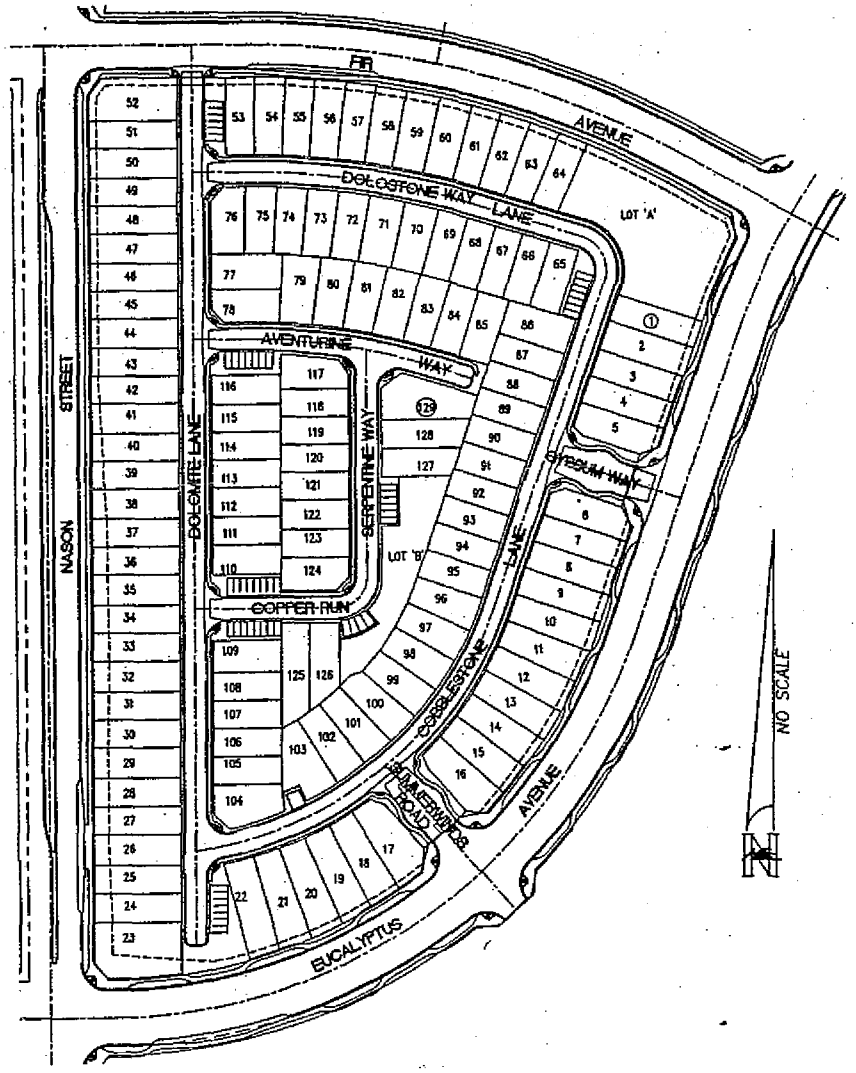

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TRACT MAP 32836** **VICINITY MAP**

W:\LAND\FORMS\VICINITY MAP.doc (01/04)

RESOLUTION NO. 2009-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS FOR TRACT 32836 AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the "backbone" public improvements constructed by Beazer Homes Holding Corp. on the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract 32836 and accept the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the "backbone" public improvements within Tract 32836 are complete, and the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT B

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

MV00032248

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: September 22, 2009

TITLE: Lease Agreement with American Medical Response for Fire Station Use

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the attached lease agreement (Attachment A) with American Medical Response for use of Fire Station 91, College Park.

BACKGROUND

American Medical Response (AMR) is the emergency medical service (EMS) provider under contract with the County of Riverside EMS Agency to provide Advanced Life Support (ALS) ambulance services throughout the County, including incorporated cities. AMR has provided ALS ambulance services to the City of Moreno Valley since the late 1990's when they acquired Goodhew Ambulance Services.

DISCUSSION

On November 23, 2004, the City entered into a lease agreement with AMR for use of Fire Station 48 (Sunnymead Ranch) and Fire Station 91 (College Park). This agreement has been continuing on a day-to-day basis since the expiration of the lease on June 30, 2007.

The lease agreement is for the use of Fire Station 91 as AMR terminated their lease agreement for Fire Station 48 effective August 31, 2009. The lease of Fire Station 91 by AMR will allow them to meet the County contract standard that requires AMR to respond to at least 90% of the calls for service in less than 10 minutes in the City. This lease also allows for Fire Department personnel and AMR employees to jointly train on

EMS delivery as well as become familiar with each other's standard operating procedures (SOP).

ALTERNATIVES

1. Authorize the Mayor to execute the lease agreement with American Medical Response for use of Fire Station 91, College Park Station. *This alternative will allow AMR to continue to operate their ambulances from this location.*

2. Do not authorize the Mayor to execute the lease agreement with American Medical Response for use of Fire Station 91, College Park Station. *This alternative would require the City to terminate the existing least with AMR.*

FISCAL IMPACT

AMR will pay the City of Moreno Valley rent as set forth by the County of Riverside Fire Department. Currently this is $500.00 per month.

CITY COUNCIL GOALS

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

ATTACHMENTS/EXHIBITS

ATTACHMENT A – Lease Agreement

Prepared By:
Cynthia Owens
Management Assistant

Department Head Approval:
Steve Curley
Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AMERICAN MEDICAL RESPONSE
FIRE STATION LEASE

The CITY OF MORENO VALLEY, herein called City, leases to AMERICAN MEDICAL RESPONSE – INLAND EMPIRE (AMR), a California corporation, herein called Lessee, the property described below upon the following terms and conditions:

1. Recitals.

City owns land and improvements throughout the City and is desirous of leasing a portion of facilities listed in Exhibit "A" to Lessee in order that it may provide direct responsive ambulance services.

Lessee has an interest, desire and willingness to provide such services.

2. Description. The premises leased herby consist of land and a portion of the building thereon shown on Exhibit "A".

3. Use.

(a) The premises are leased to Lessee for the purpose of providing facilities to accommodate an advanced life support ambulance and paramedic personnel and office and communication equipment in connection therewith.

(b) Lessee shall have the right to use the leases premises jointly with the City Fire Department and the volunteer fire company.

4. Term.

(a) The term of this lease shall become effective on the date signed by the City and remain in effect until June 30, 2012, subject to the provisions contained in Paragraphs 16, 17, and 18 herein. Any holding over by Lessee, after the expiration of this lease shall be on a day-to-day basis strictly and continuing tenancy rights shall not accrue to Lessee.

(b) Lessee shall have the right of first refusal as to renewal of this lease at the expiration of said term on whatever terms and conditions City may then offer, provided that Lessee is not otherwise in default under the lease and has a valid permit to operate an ambulance service in the City.

(c) Exhibit "A" may be amended by agreement of both parties to update lease amounts of facilities occupied.

5. Utilities.

ATTACHMENT A

City shall provide for all utilities including gas, water, electricity, and rubbish collection services except Lessee shall provide for its own disposal of medical waste at Lessee's expense. Lessee shall provide and pay for the own telephone services. In consideration for such services provided by the City, Lessee shall pay to City that amount as described in Exhibit "A".

6. Repairs.

Lessee, at its expense, shall be responsible for the repair or replacement of the exterior and/or interior of the building, related equipment and property due to damage caused by acts or omissions of Lessee's personnel. All repair or replacement shall be completed in a manner acceptable to the City. In the event Lessee fails, or refuses to perform such repairs, or any portion thereof, City reserves the right to perform same and Lessee shall pay City forthwith for any costs incurred in connection therewith upon an accounting and billing therefore. If Lessee uses commercial vendors to perform the repairs and maintenance work required in this agreement, vendors shall maintain and provide proof of coverage for the insurance requirements (workers' compensation, commercial general liability, vehicle liability, etc.) in Article 18 except for Professional Liability. In lieu of Article 18.d., vendors shall maintain Equipment Floater coverage (Property Physical Damage) for the full replacement value of any and all equipment brought on the leased premises.

7. Security of Leased Premises.

Lessee shall be jointly responsible for the security and safekeeping of the leased premises and all equipment, supplies and other personal property situated therein on a 24-hour basis, except at such times that Lessee is responding to an emergency.

8. Improvements by Lessee.

(a) Any alteration, improvements or installation of fixtures to be undertaken by Lessee, shall have the prior written consent of the City's Fire Chief after the Lessee has submitted proposed plans for such alterations, improvements or fixtures to the City's Fire Chief in writing.

(b) All alterations, improvements and fixtures installed by Lessee, or caused to be made or installed by Lessee, shall become the property of City, with the exception of trade fixtures as such term is used in Section 1019 of the California Civil Code. At, or prior to, the expiration of this lease, Lessee may remove such trade fixtures; provided, however, that such removal does not cause injury or damage to the leased premises, or in the event it does, Lessee shall restore the premises to their original shape and

condition as nearly as practicable at Lessee's sole expense.. In the event such trade fixtures are not removed, City may, at its election, either (1) remove and store such fixtures and restore the premises for the account of Lessee, and in such event, Lessee shall, within thirty (30) days after billing and accounting therefore reimburse City for the costs so incurred, or (2) take and hold such fixtures as its sole property.

9. City's Reserved Rights.

(a) Lessee has inspected the leased premises and Lessee accepts such premises in their present condition. Lessee also takes the premises subject to any and all existing easements or other encumbrances, and City shall have the right to enter upon the leased premises and to install, lay, construct, maintain, repair and operate such sanitary sewers, drains, storm water sewers, pipelines, manholes, connections, water, oil and gas pipelines, and telephone, telegraph and computer service lines and such other appliances and appurtenances necessary or convenient to premises or any part thereof. City also reserves the right to grant franchises, easements, rights of way and permits in, over, and upon, along side, or across any, and all portions of said leased premises as City may elect to do; provided however, that no right of the City provided for in this paragraph shall be so executed as to interfere unreasonably with Lessee's use hereunder. Any right, as set forth, in this paragraph shall not be exercised unless a prior written notice of thirty (30) days is given to Lessee; provided, however, in the event such right must be exercised, by reason of emergency, then City shall give such notice in writing as soon as is reasonable under the circumstances.

(b) City, through its duly authorized agent(s), shall have the full and unrestricted right to enter the leased premises for the purpose of inspection or maintenance, and for the purpose of doing any and all things which it is obligated and has a right to do under this lease.

10. Additional Obligations/Rights of Lessee.

(a) Lessee shall not display, brandish or discharge any firearms within or upon the leased premises.

(b) Lessee shall not cut any trees within or upon the leased premises or remove any trees therefrom unless approval is first obtained in writing from City's Fire Chief.

(c) Except as may be required in the performance of its maintenance obligations as provided in Paragraph 7 herein, Lessee shall not cut or

otherwise remove any brush or other vegetation from or within the leased premises unless approval is first obtained in writing from City's Fire Chief.

(d) Lessee shall not interfere in any manner whatsoever with City's Fire Department operations or the volunteer fire company, relative to its activities within the leased premises.

(e) Lessee's employees shall adhere to all City Fire Department policies and procedures relating to the day-to-day operation of the fire station.

(f) Lessee's employees shall adhere to local rules and regulations affecting specific station routines as directed by the Fire Department.

(g) Television will not be on during normal business hours (0800 to 1700). Exceptions will include lunch hours and necessary use for training.

(h) Visitors will be allowed only in common areas of the fire station and shall not interfere with daily business.

(i) Lessee's employees will wear the AMR work uniform during normal business hours and will be properly attired when interacting with the general public at the station.

(j) Lessee will ensure their employees are familiar with the Fire Department code of conduct and will adhere to them while on station property.

(k) Conflict resolution will start with the local, on-duty Battalion Chief and AMR Field Supervisor.

11. Signs.

Lessee shall not erect, maintain or display any signs or other forms of advertising upon the leased premises without first obtaining the written approval of City's Fire Chief.

12. Compliance with Law.

Lessee, at its sole cost and expense, shall comply with the requirements of all local, state, and federal statutes, regulations, rules, ordinances and orders now in force, or which may be hereafter in force, pertaining to the leased premises. The judgment, decree or order of any court of competent jurisdiction, or the admission of Lessee in any action or proceeding against Lessee, whether Lessee be a party thereto or not, that Lessee has violated any such statutes, regulations, rules, ordinances, or orders, in the use of the leased premises, shall be conclusive of that fact a between City and Lessee.

ATTACHMENT A

13. Discrimination or Segregation.

(a) Lessee shall not discriminate in its recruitment, hiring, promotion, demotion or termination practices on the bases of race, religious creed, color, national origin, ancestry, sex, gender, age, physical handicap, medical condition or marital status with respect to the use of the leased premises hereunder, and Lessee shall comply with the provision of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1965 (P.L. 88-352), and all amendments thereto, Executive Order No. 12266 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issued to said Acts and Orders with respect to its use of the leased premises.

(b) Lessee shall not discriminate against or cause the segregation of any person or group of person on account of race, religious creed, color, national origin, ancestry, sex, gender, age, physical handicap, medical condition or marital status, in the occupancy, use tenure or enjoyment of the leased premises nor shall Lessee, or any person claiming under or through it, establish or permit any such practice or practices or discrimination or segregation with reference to the selection, location, number, use or occupancy of any person within the leased premises.

(c) Lessee assures that it will undertake an affirmative action program as required by 49 CFR, Part 21, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 49 CFR, Part 21, with respect to its use of the leased premises. Lessee further assures that no person shall be excluded on these grounds from participating in or receiving services or benefits of any program or activity covered herein with respect to its use of the leased premises. Lessee further assures that it will require that its subcontractors and independent contractors provide assurance to Lessee that they similarly will undertake affirmative action programs and that they will require assurances form subcontractors and independent contractors, as required by 49 CFR, Part 21, to the same effect with respect to its use of the leased premises.

14. Free from Liens.

Lessee shall pay, when due, all sums of money that may become due for any labor, services, material supplies, or equipment, alleged to have been furnished or to be furnished to Lessee, in, upon, or about the leased premises, and which may be secured by a mechanic's, materialmen's or other lien against the leased premises or City' interest therein, and will cause each such lien to be fully discharged and released at the time the performance of

any obligation secured by such lien matures or becomes due; provided, however, that if Lessee desires to contest any such lien, it may do so, but not withstanding any such contest, if such lien shall be reduced to final judgment, and such judgment or such process as may be issued for the enforcement thereof is not promptly stayed, or if so stayed, and said stay thereafter expires, then and in such event, Lessee shall forthwith pay and discharge said judgment forthwith.

15. Termination by City.

City shall have the right to terminate this lease:

(a) In the event a petition is filed for voluntary or involuntary bankruptcy, for the adjudication of Lessee as a debtor and is not dismissed within thirty (30) days.

(b) In the event that Lessee makes a general assignment, or Lessee's interest hereunder is assigned involuntarily or by operation of law, for the benefit of creditors.

(c) In the event of the abandonment of, or the discontinuance of, the use of the leased premises by Lessee.

(d) In the event Lessee fails to perform, keep or observe any of its duties or obligations hereunder provided, however, that Lessee shall have fifteen (15) days in which to correct its breach or default after written notice thereof has been served on it by City Fire Chief or his/her designee.

(e) In the event Lessee's permit to operate an ambulance service as required under City Ordinance is not renewed, or is suspended, revoked or otherwise terminated.

(f) By giving sixty (60) days written notice thereof to Lessee.

16. Termination by Lessee.

Lessee shall have the right to terminate this lease:

(a) In the event the City fails to perform, keep or observe any of its duties or obligations hereunder; provided, however, that City shall have fifteen (15) days in which to correct its breach or default, after written notice thereof has been served on it by Lessee; provided, further, however, that in the event such breach or default is not corrected, Lessee may elect to terminate this lease in its entirety or as to any portion of the premises

affected thereby, and such election shall be given by an additional fifteen (15) days written notice to City Fire Chief.

(b) By giving sixty (60) days written notice thereof to City.

17. Insurance.

Without limiting or diminishing the Lessee's obligation to indemnify or hold the City harmless, Lessee shall procure and maintain or cause to be maintained, at its sole cost and expense, the following insurance coverage's during the term of this Agreement:

(a) Worker's Compensation: Lessee shall maintain statutory Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than $1,000,000 per person per accident. The policy shall be endorsed to waive subrogation in favor of the City of Moreno Valley, and If applicable, to provide a Borrowed Servant/Alternate Employer Endorsement.

(b) Commercial General Liability: Commercial General Liability insurance coverage, including but not limited to, premises liability, contractual liability, products and completed operations liability, personal and advertising injury, cross liability coverage and employment practices liability, covering claims which may arise from or out of Lessee's performance of its obligations hereunder. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives as Additional Insured. Policy's limit of liability shall not be less than $2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit.

(c) Vehicle Liability: Lessee shall maintain liability insurance for all owned, non-owned or hired vehicles so used in an amount not less than $1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representative as Additional Insured.

(d) Property (Physical Damage): All-Risk real and personal property insurance coverage for the full replacement cost value of all alterations, improvements, trade fixtures, furniture and equipment, systems and other Lessee property as it may appear on the premises. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives as Additional Insured and provide a Waiver of subrogation in favor for the City of Moreno Valley.

(e) General Insurance Provisions – All lines:

1. Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A M BEST rating of not less than A-VII (A 7).

2. The Lessee's insurance carrier(s) must declare its insurance deductibles or self-insured retentions.

3. Lessee shall cause Lessee's insurance carrier(s) to furnish the City of Moreno Valley with a properly executed original Certificate(s) of Insurance and certified original copies of Endorsements effecting coverage as required herein. Further, said Certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that thirty (30) days written notice shall be given to the City of Moreno Valley prior to material modification, cancellation, expiration or reduction in coverage of such insurance. In the event of a material modification, cancellation, expiration, or reduction in coverage, this Agreement shall terminate forthwith, unless the City of Moreno Valley receives, prior to such effective date, another properly executed original Certificate of Insurance and original copies of endorsements, including all Insurance and original copies of endorsements, including all endorsements and attachments thereto evidencing coverage's set forth herein and the insurance required herein is in full force and effect. Lessee shall not commence operations until the City has been furnished original Certificate(s) of Insurance and certified original copies of endorsements and if requested, certified original policies of insurance including all endorsements and any and all other attachments as required in this Section. An individual authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the Certificate of Insurance.

ATTACHMENT A

4. It is understood and agreed to by the parties hereto and the insurance company(s), that the Certificate(s) of Insurance and policies shall so covenant and shall be construed as primary insurance, and the City's insurance and/or deductibles and/or self-insured retention's or self-insured programs shall not be construed as contributory.

5. The City's Reserved Rights--Insurance. If, during the term of this Agreement or any extension thereof, there is a material change in the scope of services; or there is a material change in the equipment to be used in the performance of the scope of work which will add to additional exposures (such as the use of aircraft, watercraft, cranes, etc); or, the term of this Agreement including any extensions thereof exceeds five (5) years the City reserves the right to adjust the types of insurance required under this Agreement and the monetary limits of liability for the insurance coverage's currently required herein if, in the City's Risk Manager's reasonable judgment, the amount or type of insurance carried by the Lessee has become inadequate.

6. Lessee shall pass down the insurance obligations contained herein to all tiers of subcontractors working under this Agreement.

7. The insurance requirement contained in this Agreement may be met with a program(s) of self-insurance acceptable to the City.

8. Lessee agrees to notify the City of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of this Agreement.

18. Hold Harmless.

(a) Lessee represents that it has inspected the leased premises, that it accepts the condition thereof and that it fully assumes any and all risks incidental to the use thereof. City shall not be liable to Lessee, its officers, agents, employees, subcontractors or independent contractors, for any personal injury or property damage suffered by them which may result from hidden, latent or other dangerous conditions within the leased premises; provided, however, that such dangerous conditions are not caused by the negligence of the City, its officers, agents or employees.

(b) Lessee shall indemnify and hold harmless the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives from any liability whatsoever, based or asserted upon any services of Lessee, its officers,

employees, subcontractors, agents or representatives arising out of or in any way relating to this Agreement, including by not limited to property damage, bodily injury, or death or any other element of any kind arising from the performance of Lessee, its officers, agents, employees, subcontractors, agents or representatives from this Agreement. Lessee shall defend, at its sole expense, all costs and fees including, but not limited to, attorney fees, cost of investigation, defense and settlements or awards the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives in any claim or action based upon such alleged acts or omissions.

(c) With respect to any action or claim subject to indemnification herein by Lessee, Lessee shall, at their sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle, or compromise any such action or claim without the prior consent of City; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes Lessee's indemnification to the City as set forth herein.

(d) Lessee's obligation hereunder shall be satisfied when Lessee has provided to City the appropriate form of dismissal relieving City from any liability for the action or claim involved.

(e) The specified insurance limits required in this Agreement shall in no way limit or circumscribe Lessee's obligation to indemnify and hold harmless the City herein from third party claims.

(f) In the event there is conflict between this clause and California Civil Code Section 2782, this clause shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the Lessee from indemnifying the City to the fullest.

19. Permits, Licenses and Taxes.

Lessee shall secure, at its own expense, all necessary permits and licenses as it may be required to obtain, and Lessee shall pay for fees and taxes levied or required by any authorized public entity. Lessee recognizes and understands that this lease may create a possessory interest subject to property taxation and that Lessee may be subject to payment of property taxes levied on such interest.

20. Toxic Materials.

ATTACHMENT A

During the term of this lease, and any extensions thereof, Lessee shall not violate any federal, state or local law or ordinance or regulations, relating to industrial hygiene or to the environmental condition on, under, or about the leased premises including, but not limited to, soil and groundwater conditions. Further, Lessee, its successors, assigns and sublessees, shall not use, generate, manufacture, produce, store or dispose of, on, under, or about the leased premises, or transport to or from the leased premises, any flammable explosives, asbestos, radioactive materials, hazardous materials, hazardous wasters, toxic substances or related injurious materials, whether injury is by themselves or in combination with, other materials (collectively "hazardous materials"). For the purpose of this lease, hazardous materials shall include, but not be limited to, substances defined as "hazardous substances", "hazardous materials", or "toxic substances" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq.; The Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.; and those substances defined as "hazardous wastes" in section 25117 of the California Health and Safety Code or as "hazardous substances" in Section 25316 of the California Health and Safety Code; an din the regulations promulgated pursuant to said laws.

21. Assignment.

Lessee cannot assign, sublet, mortgage, hypothecate or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of City being first obtained.

22. Binding on Successors.

Lessee, its heirs, assigns and successors in interest shall be bound by all terms and conditions contained in this lease, and all of the parties thereto shall be jointly and severally liable hereunder.

23. Employees and Agents of Lessee.

It is understood that all person hired or engaged by Lessee shall be considered to be employees or agents of Lessee and not of City.

24. Surrender in Good Condition.

Lessee shall not permit waste or damage to the leased premises, and upon the expiration, or earlier termination, of this lease, Lessee shall return the premises to City in as good a shape and condition as they now are, reasonable wear and tear and damage by the elements accepted.

ATTACHMENT A

25. Waiver of Performance.

No waiver by City at any time of any of the terms and conditions of this lease shall be deemed or construed as a waiver at any time thereafter of the same or of any other terms or conditions contained herein or of the strict and timely performance of such terms and conditions.

26. Severability.

The invalidity of any provision in this lease as determined by a court of competent jurisdiction shall in no way affect the validity of any other provision herein.

27. Venue.

Any action at law or in equity brought by either of the parties hereto, for the purpose of enforcing a right or rights provided for by this lease, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other City.

28. Attorney's Fees.

In the event of any litigation, or arbitration, between Lessee and City to enforce any of the provisions of this lease, or any right of either party hereto, the unsuccessful party to such litigation or arbitration, agrees to pay to the successful party, all costs and expenses, including reasonable attorney's fees incurred therein, by the successful party, all of which shall be included in, and as a part of, the judgment or award rendered in such litigation or arbitration.

29. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties as set forth below:

CITY	LESSEE
City of Moreno Valley	American Medical Response
Fire Department Headquarters	879 Marlborough Ave.
22850 Call San Juan de Los Lagos	Riverside, CA 92507
Moreno Valley, CA 92552-0805	

or to such other addresses as from time to time shall be designated by the respective parties

30. No Third Party Rights.

ATTACHMENT A

This lease does not create any rights in any party not a signatory to this lease.

31. City's Representative.

City hereby appoints the City Fire Chief as its authorized representative to administer this lease.

ATTACHMENT A

32. Entire Lease.

This lease is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of terms and conditions thereof and supersedes any and all prior and contemporaneous leases, agreements and understandings, oral or written consent of the parties hereto.

Dated:_____

CITY OF MORENO VALLEY

By:_____
Mayor

CITY ATTORNEY
Approved as to Form

_____ _____
By: Date

ATTEST:

Alice Reed
City Clerk

By:_____

(SEAL)

AMERICAN MEDICAL RESPONSE – INLAND EMPIRE
A CALIFORNIA CORPORATION

By:_____

Title:_____

(Corporate Seal)

ATTACHMENT A

EXHIBIT "A"

FIRE STATION FACILITY LEASE

Facility	Lease Amount Monthly
Fire Station 91 – College Park	$500.00*
Monthly Payment in Advance	$500.00
Annual Payment	$6,000.00

*Amount subject to change based on study being conducted by Riverside County Fire Department.

ATTACHMENT A

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT MAP 31269 STORM DRAIN – REDUCE FAITHFUL PERFORMANCE BOND OF THE STORM DRAIN IMPROVEMENTS AS COMPLETE AND ADOPT THE RESOLUTION ACCEPTING QUINCY CHANNEL IMPROVEMENTS INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Pinnacle Moreno Valley 72, LLC
15 Enterprise, Suite 250
Aliso Viejo, CA 92656

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system.

2. Accept the Quincy Channel improvements as complete and into the City's maintained street system.

3. Adopt Resolution No. 2009-88 authorizing the acceptance of Quincy Channel improvements into the city's maintained street system.

4. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31269 was conditionally approved requiring construction of Quincy Channel and storm drain improvements. The improvements included slope protection, access road, headwall, wingwalls, catch basins, laterals, and main storm drain lines to be maintained by the City of Moreno Valley and Riverside County Flood Control and Water Conservation District (RCFC & WCD). Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development and RCFC & WCD performed inspections and punch lists were generated. The required corrective actions have been completed. The Quincy Channel improvements are now eligible for acceptance into the City's maintained street system. The other storm drain improvements are eligible for acceptance but not into the City's maintained street system because other public improvements remain incomplete.

Pinnacle Moreno Valley 72, LLC has requested a reduction to the Faithful Performance security for all the storm drain public improvements. The developer understands that in-tract public improvements must be completed in order for the City to accept the other storm drain improvements into the City's maintained street system. The public improvements not completed include: asphalt paving, curb, gutter, sidewalk, signing and striping work. The street improvements were bonded separately.

DISCUSSION

The completed storm drain improvements have received a final inspection and were constructed in accordance with the approved plans and the standards of the City of Moreno Valley and RCFC & WCD. It is appropriate to consider storm drain improvements as complete and to provide a 90% reduction to the Faithful Performance Bond of $550,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system. Accept the Quincy Channel improvements as complete and into the City's maintained street system. Adopt the proposed

resolution authorizing the acceptance of Quincy Channel improvements into the city's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required Quincy Channel and storm drain improvements have been completed according to City of Moreno Valley and RCFC & WCD Standards and therefore should be accepted.*

2. Do not accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system. Do not accept the Quincy Channel improvements as complete and into the City's maintained street system. Do not adopt the proposed resolution authorizing the acceptance of Quincy Channel improvements into the city's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required Quincy Channel and storm drain improvements have been completed according to City of Moreno Valley and RCFC & WCD Standards and therefore should be accepted.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" – Resolution

Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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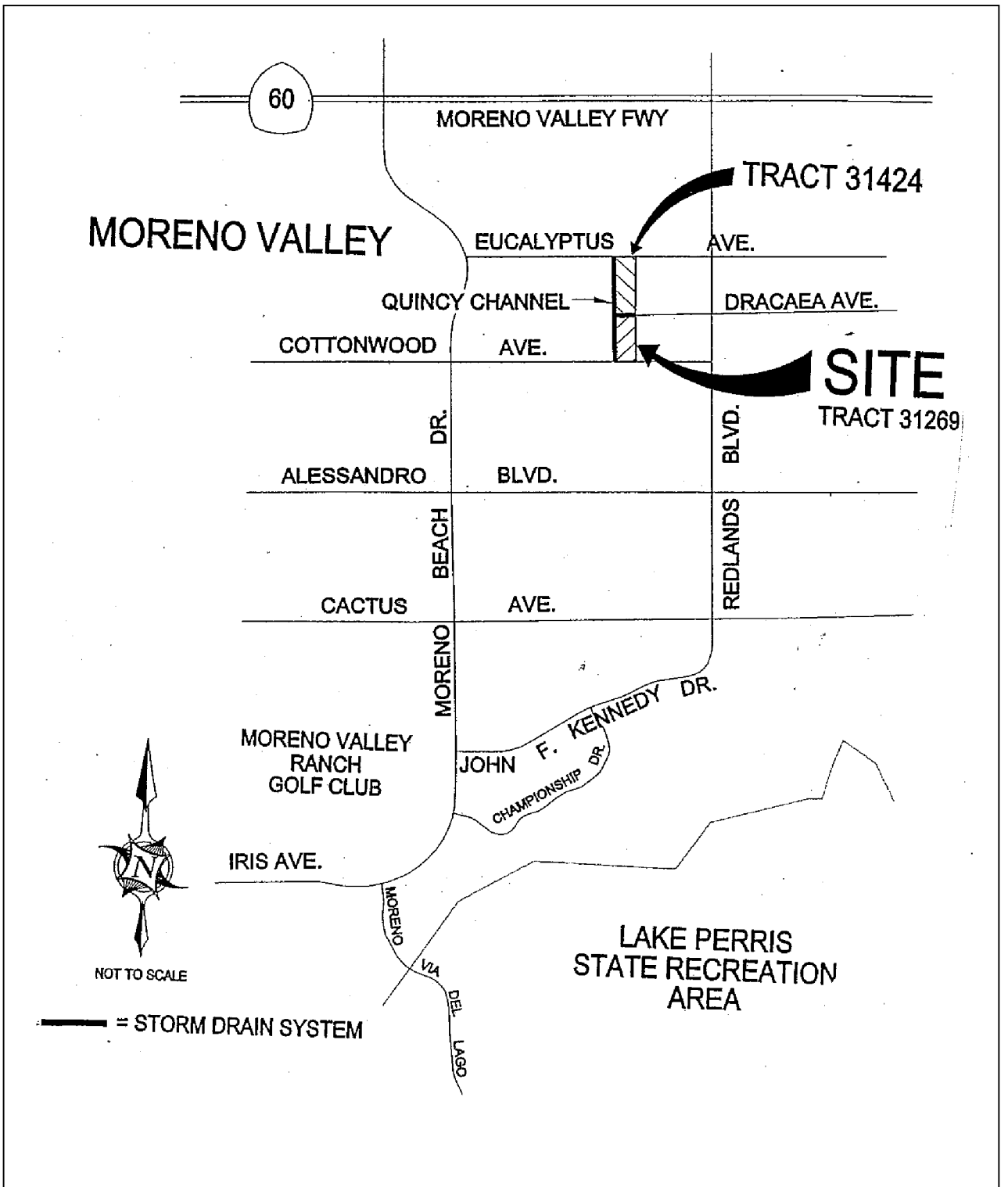

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TRACT 31269** **STORM DRAIN** **LOCATION MAP**

RESOLUTION NO. 2009-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31269 - STORM DRAIN AND ACCEPTING THE PORTION OF QUINCY CHANNEL IMPROVEMENTS ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Pinnacle Moreno Valley 72, LLC on the portion of Quincy Channel associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31269 – Storm Drain and accept the portion of Quincy Channel associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements for the Quincy Channel within Tract Map 31269 – Storm Drain, are complete and accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

MV00032271

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

MV00032272

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services.

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto.

3. Authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On May 1, 2008, the City Manager approved the "Agreement for Professional Consultant Services" in the amount of $99,000 for temporary professional consultant services for the Capital Projects Division. On July 22, 2008, the City Council approved the "First Amendment to Agreement for Professional Consultant Services" in the amount of $150,000. On February 10, 2009, the City Council approved the "Second Amendment to Agreement for Professional Consultant Services" for $150,000.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY09/10, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to amend the agreement with Vali Cooper to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified contract administrative staff and the need for resources to complete budgeted City capital improvement projects.

Vali Cooper staff will be responsible for the contract administration of capital projects. The work will include developing contracts and contract amendments, ensuring contract requirements are met, processing change orders, managing purchase requisitions, reviewing progress payments, processing payments, closely tracking individual project expenditure reports, assisting with construction bid openings, bid analysis, scheduling of meetings, contacting utilities, vendors and contractors, and writing staff reports.

Over the past twelve months Vali Cooper staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, Lasselle Street Improvements, Traffic Signal/Street Improvements at Redlands Boulevard and State Route 60, Sheila Street Sidewalk Improvements, Graham Street Bridge, Iris Street Widening, Proposition 1B Citywide Street Resurfacing Improvements Phase I, Public Safety Building Tenant Improvements, Emergency Operations Center construction, Day Street Roadway Improvements.

Over the next fourteen months Vali Cooper staff will continue to work on projects such as the Lasselle Street Improvements, Heacock Street Bridge Rehabilitation project, Patriot Park, Cactus East Bound 3rd Lane Improvements, Heacock Street Improvements, Auto Mall Street Upgrades, Proposition 1B Citywide Street Resurfacing Improvements Phase II, Reche Vista Realignment, Water Conservation Demonstration Garden, and Perris Boulevard Widening Project, and other tasks as assigned to facilitate the timely design and construction of budgeted capital improvement projects.

ALTERNATIVES

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services; authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto; and authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services; do not authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto; and do not authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper will be fully expended in October 2009. This Third Amendment increases the purchase order by $275,000 to extend the temporary professional staffing services to December 31, 2010. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Lasselle Street Improvements project budget (Account No. 501.82725) to encumber the purchase order. As costs are incurred in this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The associated costs for the "Agreement for Professional Consultant Services" will be funded through Measure A Transportation Fund (Fund 125), CDBG Fund (Fund 282), Proposition 1B (Fund 226), and DIF Arterial Streets (Fund 416):

Lasselle Street Widening (Account No. 501.82725)	$45,000
Traffic Signal & Street Imp. at Redlands / SR 60 (Account No. 125.66625)	$22,000
Citywide Street Resurfacing Phase II (Account No. 226.79728)	$30,000
Heacock Street Bridge (Account No. 125.66825)	$15,000
Patriot Park (Account No. 282.68628)	$17,500
Perris Blvd. Widening (Account No. 416.78526)	$20,500
Ironwood Avenue Improvements from Perris to Nason (415.72727)	$10,500
Reche Vista Alignment (Account No. 416.78626)	$7,000
Heacock from San Michele to Cactus (Account No. 416.78825)	$27,500
Cactus EB 3rd Lane Improvements (Account No. 416.83328)	$32,000
Auto Mall Street Upgrades (Account No. 897.91725)	$30,000
Day Street Widening (Account No. 897.91724)	$18,000
Total	**$275,000**

There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends an increase in the purchase order to Vali Cooper in the amount of $275,000.

ATTACHMENT

Attachment "A" - Third Amendment to Agreement for Professional Consultant Services

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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THIRDAMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES

This Third Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **Vali Cooper and Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Third Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated **May 1, 2008**.

Whereas, the Consultant is providing consultant contract administration services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) of the Agreement dated May 1, 2008.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Third Amendment.

Whereas, the City has provided a description for the expansion of the scope of work to be performed, dated June 25, 2009 and a copy of said description is attached as Exhibit "A-1" hereto and incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2009 to December 31, 2010.

1.2 Exhibit "A" to the May 1, 2008 Agreement is hereby amended by adding to the

Attachment "A"

"SCOPE of WORK" section described in Exhibit "A-1" to this Third Amendment, entitled "Amended Scope of Work".

1.3 Exhibit "D" to the May 1, 2008 Agreement is hereby further amended by adding to the "COST PROPOSAL" section thereof Exhibit "A-1" to this Third Amendment, entitled "Amended Scope of Work".

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $275,000, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in Exhibit "A-1" to this Third Amendment.

1.5 The total "Not to Exceed" fee for this contract is $674,000 ($99,000 for the original Agreement plus $150,000 for the First Amendment to Agreement, $150,000 for the Second Amendment to Agreement, and $275,000 for the Third Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

Vali Cooper and Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A-1" – Amended Scope of Work

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Revised Mar. 2007

June 25, 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

Vali Cooper and Associates, Inc. (Vali Cooper) staff will work as directed by the City Engineer on various projects of the Capital Projects Division. The City may assign a variety of projects and tasks to the assigned Vali Cooper staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

Hourly rates effective for the duration of the Agreement follow.

In addition to the scope of work defined in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1. Work on a variety of tasks and projects as assigned by the City Engineer.

2. Perform temporary contract administration services to complete budgeted City capital improvement projects.

Cost Proposal

1. The total "Not-to-Exceed" fee for the aforementioned services is $674,000 ($99,000 for original Agreement, $150,000 for First Amendment to Agreement, $150,000 for Second Amendment to Agreement, and $275,000 for the Third Amendment to Agreement).

Vali Cooper & Associates, Inc.

CONSTRUCTION MANAGEMENT CONSULTANTS

June 30, 2009

Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer Public Works Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, Ca 92552-0805

Dear Mr. Kumar:

The Vali Copper & Associates, Inc. contract for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, dated October 26, 2007, for the Contract Administration Specialist positions will be out of budget soon. We are requesting an amendment to this contract in order that we may continue our services with the City of Moreno Valley.

Per our letter, dated February 5, 2009, Vali Cooper & Associates will honor the reduced rates for Sharon Duensing and Linda Smoot through the end of the calendar year 2009 for this new amendment. The reduced rate for Sharon Duensing is $70.00/hr and the reduced rate for Linda Smoot is $77.50/hr. We will revisit the rates with the City of Moreno Valley for the year 2010.

As specified in our letter of September 5, 2008, Ms. Smoot will continue working on a part time basis of 3.5 to 4 days a week, as previously agreed upon with the City.

Please do not hesitate to contact me if you have any questions.

Sincerely,

VALI COOPER & ASSOCIATES, INC.

Douglas S. Franco

Douglas S. Franco, PE
Vice President / Area Manager

Exhibit "A-1" - Amended Scope of Work
Page 2 of 2

1955 Chicago Avenue, Suite 210 Riverside, CA 92507 (951) 788-6028 (951) 788-8025

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT MAP 31424 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Pinnacle Moreno Valley 72, LLC
15 Enterprise, Suite 250
Aliso Viejo, CA 92656

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-89 authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31424 was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $1,586,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Clement Jimenez
Senior Engineer, P.E.

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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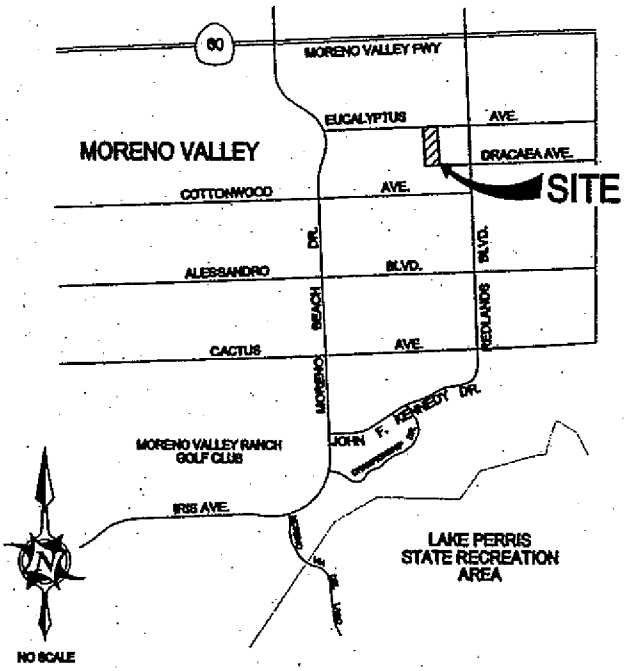

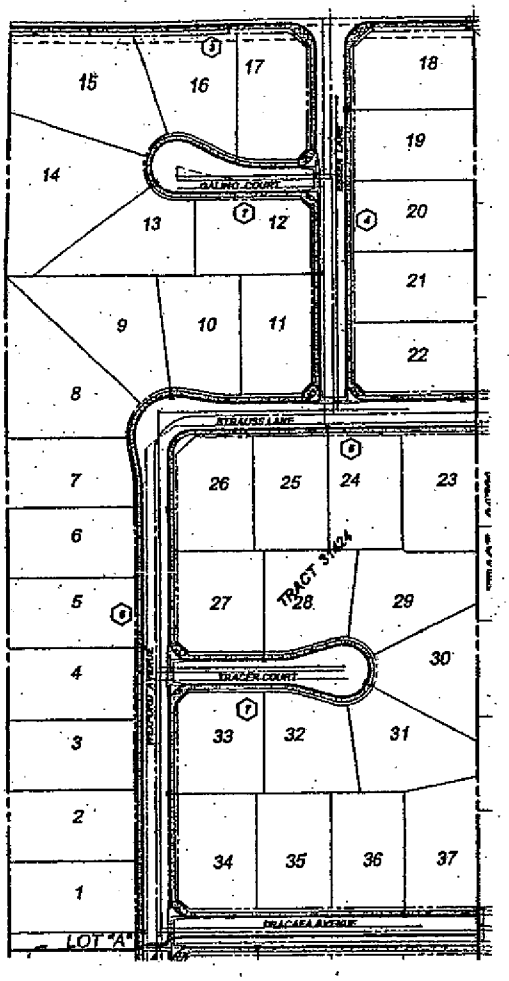

EXHIBIT A

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT**	**TRACT 31424** **VICINITY MAP**

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RESOLUTION NO. 2009-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31424 AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Pinnacle Moreno Valley 72, LLC on Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31424 and accept Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue Associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 31424 are complete, and Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

MV00032289

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: P08-146 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Indian Avenue LLC
100 Bayview Circle, Suite 310
Newport Beach, CA 92660

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-90 authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

P08-146 was conditionally approved requiring construction of certain public improvements. The public improvements included but were not limited to asphalt concrete, curb, gutter, sidewalk, driveway approaches, signage, street lights, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $263,000 issued by U.S. Bank. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if

there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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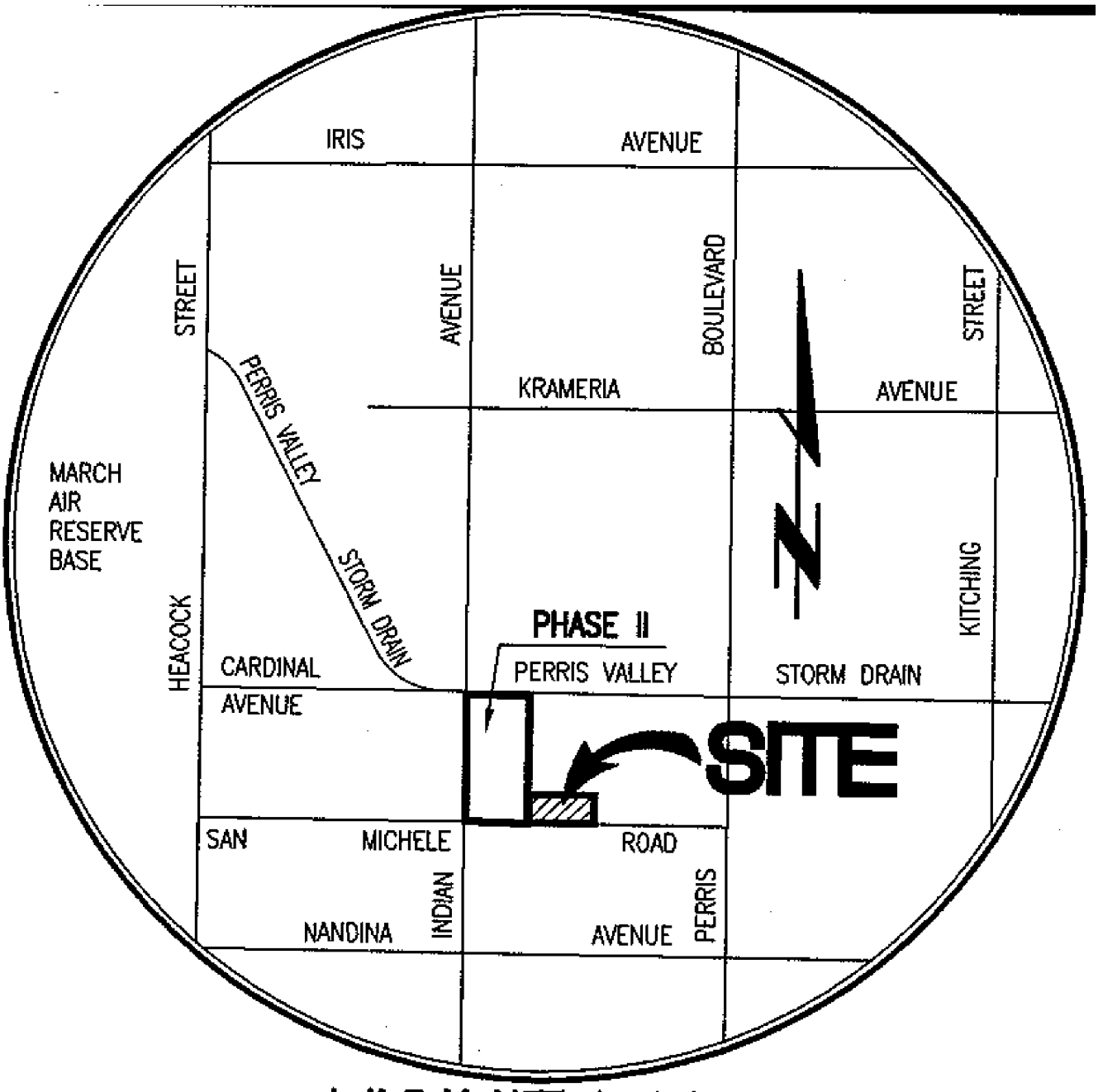

VICINITY MAP

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT A	**P08-146** **VICINITY MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\P08-146 Exhibit A.doc

RESOLUTION NO. 2009-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN P08-146 AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Indian Avenue LLC (Alere Property Group LLC) on the portion of San Michele Road associated with the project was constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within P08-146, and accept the portion of San Michele Road associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within P08-146 are complete, and the portion of San Michele Road associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

ATTEST: _____ Mayor

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "B"

MV00032295

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

MV00032296

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT JOINT COMMUNITY FACILITIES AGREEMENT PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7

RECOMMENDED ACTION

Staff recommends that the City Council approve and adopt Resolution No. 2009-91; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On June 24, 2008, the City Council authorized the formation of Community Facilities District No. 7 ("CFD No. 7" or "District") in order to finance the construction of certain public facilities to be constructed by, or on behalf of FR/CAL Moreno Valley, LLC, First Industrial, LP, or FR/CAL Indian Avenue, LLC (collectively, "Property Owners") with the purchase price to be paid from bond proceeds. Once bonds have been sold a special tax shall be levied and collected on parcels within the District in order to make the annual debt service payments.

CFD No. 7 consists of three improvement areas ("IA"). Each IA will have separate public facilities; however, the scope of the public facilities from one IA to the others will

be similar. Each IA requires public facilities in order to facilitate future development within the vicinity. Public facilities within the District include, but are not limited to: flood control facilities, street improvements, and utility infrastructure.

DISCUSSION

This Joint Community Facilities Agreement ("JCFA") is an agreement between the City, Riverside County Flood Control and Water Conservation District ("Flood Control District"), and the Property Owners for the purpose of financing certain public facilities. The public facilities are to be owned, operated, and maintained by the Flood Control District, or the City, upon the completion of the construction by the Property Owners and the acceptance by the Flood Control District or the City, as applicable. The provisions of the JCFA are intended to apply only to the flood control facilities, unless expressly stated otherwise. The construction and acceptance of the City maintained public facilities shall be governed by the Acquisition/Financing Agreement, which was approved by the City Council on April 8, 2008.

ALTERNATIVES

1. **Approve and adopt** the attached Resolution to approve the form of the JCFA pertaining to CFD No. 7. *Approval of the JCFA will provide for acquisition of the identified public facilities through future sales of CFD No. 7 bonds.*

2. **Do not approve** the attached Resolution to approve the form of the JCFA pertaining to CFD No. 7. *This alternative may delay the completion and acceptance of the public facilities.*

FISCAL IMPACT

Acquisition of the public facilities shall be paid for through future bond issuances. The proposed funding for IA No. 1 is approximately $10 million and for IA No. 2 and No. 3 is $8.25 million combined. Reimbursement of the bonded indebtedness shall be secured through an annual special tax levied on properties within the appropriate IA.

Future CFD No. 7 bond issuances shall not constitute a general obligation of the City. Neither the City nor CFD No. 7 has a legal obligation to construct or finance the public facilities.

CITY COUNCIL GOALS

Public Facilities and Capital Projects
Bond proceeds shall be used to acquire necessary public facilities.

Revenue Diversification and Preservation
The debt service on the bonds will be paid through an annual special tax levied on the properties within the District.

SUMMARY

The JCFA is an agreement by and among the City of Moreno Valley and the Flood Control District, and the Property Owners pertaining to CFD No. 7. The Property Owners and the legislative body of the Flood Control District have approved the form of the proposed JCFA. The agreement is now being presented to City Council for approval.

NOTIFICATION

N/A

ATTACHMENTS

Attachment 1: Site Map

Attachment 2: A Resolution approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7

Attachment 3: Joint Community Facilities Agreement by an among the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\CFD No. 7\JCFA\CFD No. 7 JCFA staff report.doc

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

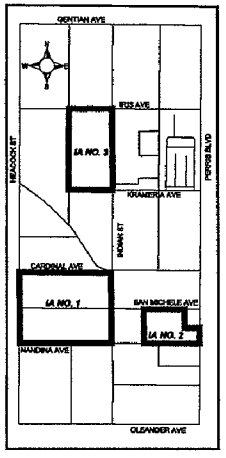

Vicinity Map

ATTACHMENT 1

MAP REF NO.	ASSESSOR'S PARCEL NO.
1	316-170-001
2	316-170-002
3	316-170-004
4	316-170-006
5	316-170-007
6	316-170-010
7	316-170-013
8	316-170-014
9	316-160-002
10	316-160-003
11	316-160-005
12	316-160-006
13	316-160-008
14	316-160-009
15	316-160-010

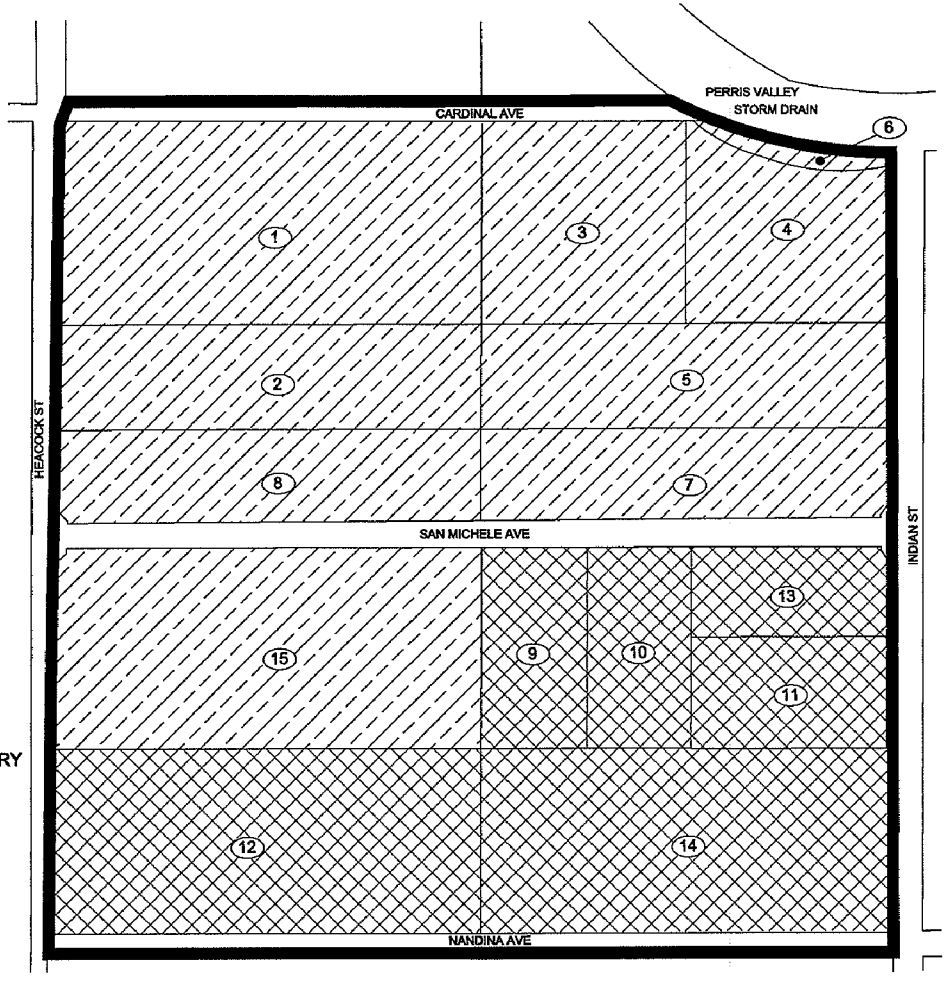

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____ 2008.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2008, BY ITS RESOLUTION NO. _____.

_____
CITY CLERK
CITY OF MORENO VALLEY

RIVERSIDE COUNTY RECORDER'S CERTIFICATE

FILED THIS _____ DAY OF _____, 2008, AT THE HOUR OF _____ O'CLOCK ___ .M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

FEE: _____

INSTRUMENT NO.: _____

LARRY WARD, ASSESSOR-COUNTY CLERK-RECORDER

_____
BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

LEGEND FOR SHEET 1

IMPROVEMENT AREA NO. 1 (IA NO. 1) BOUNDARY

(1) MAP REFERENCE NUMBER

ZONE 1

ZONE 2

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

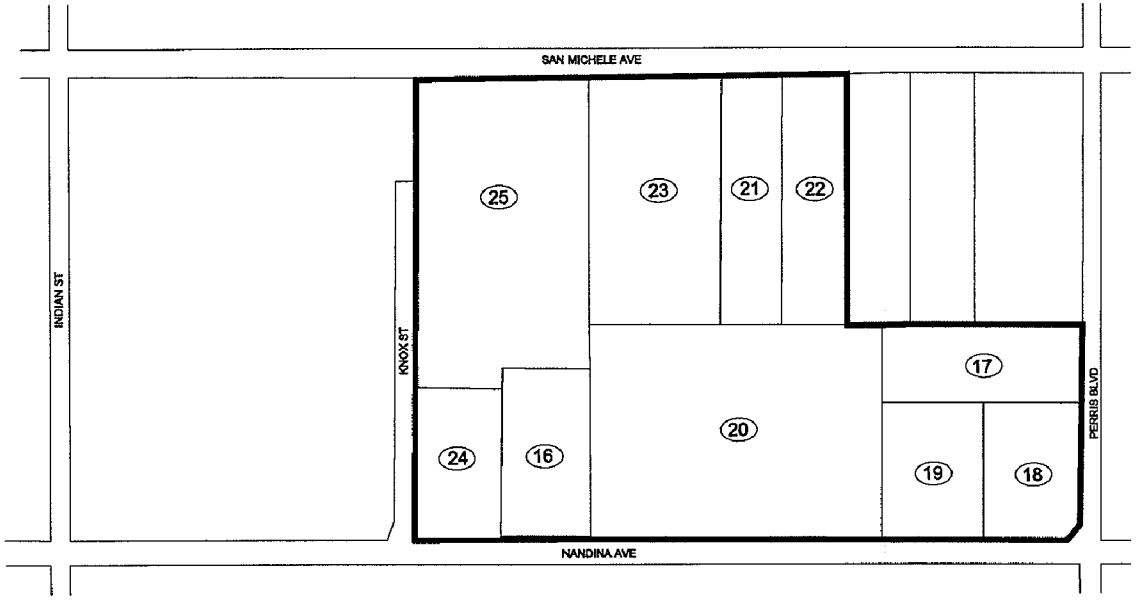

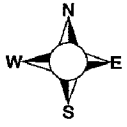

MAP REF NO.	ASSESSOR'S PARCEL NO.
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17	316-200-009
18	316-200-010
19	316-200-011
20	316-200-012
21	316-200-013
22	316-200-014
23	316-200-018
24	316-200-028
25	316-200-029

LEGEND FOR SHEET 2

IMPROVEMENT AREA NO. 2 (IA NO. 2) BOUNDARY

(1) MAP REFERENCE NUMBER

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3681
Phone (951) 587-3500 Fax (951) 587-3510

MV00032301

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

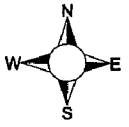

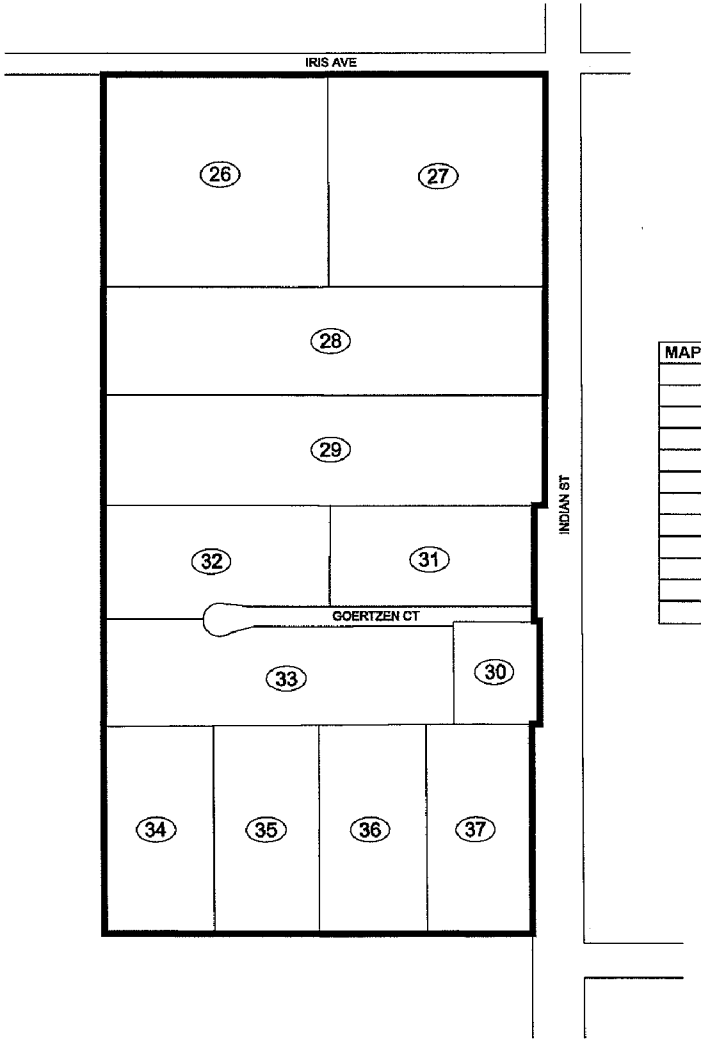

MAP REF NO.	ASSESSOR'S PARCEL NO.
26	316-020-002
27	316-020-003
28	316-020-004
29	316-020-005
30	316-020-012
31	316-020-013
32	316-020-014
33	316-020-015
34	316-020-016
35	316-020-017
36	316-020-018
37	316-020-019

LEGEND FOR SHEET 3

IMPROVEMENT AREA NO. 3 (IA NO. 3) BOUNDARY

(1) MAP REFERENCE NUMBER

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

MV00032302

RESOLUTION NO. 2009 -91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE FORM OF THE JOINT COMMUNITY FACILITIES AGREEMENT BY AND AMONG THE CITY OF MORENO VALLEY AND THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FR/CAL MORENO VALLEY, LLC, FIRST INDUSTRIAL, LP, AND FR/CAL INDIAN AVENUE, LLC, PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7

WHEREAS, the City Council of the City of Moreno Valley, California (the "City Council"), previously initiated proceedings to create and did create a Community Facilities District pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act") for the purpose of providing for the financing of the acquisition or construction of certain public facilities. This Community Facilities District shall hereinafter be referred to as Community Facilities District No. 7 of the City of Moreno Valley (the "District"); and,

WHEREAS, included among the public facilities proposed to be acquired are certain flood control facilities which will be owned, operated and maintained by the Riverside County Flood Control and Water Conservation District (the "Flood Control District"); and,

WHEREAS, the Act provides that the District may finance the acquisition of facilities to be owned or operated by an entity other than the City of Moreno Valley (the "City") only pursuant to a Joint Community Facilities Agreement adopted pursuant to Government Code Section 53316.2; and

WHEREAS, Government Code Section 53316.2 provides that the City Council and the legislative body of the Flood Control District may enter into a joint community facilities agreement at any time prior to the adoption by the City Council of the resolution of formation creating the District or a resolution authorizing the issuance of bonds for the District pursuant to the Act if each legislative body declares that such joint community facilities agreement would be beneficial to the residents of each respective agency; and

WHEREAS, the resolution of formation creating the District has been adopted, however, no resolution authorizing the issuance of bonds for the District has been adopted; and

ATTACHMENT 2

WHEREAS, the legislative body of the Flood Control District has considered the approval of and has approved the form of the proposed joint community facilities agreement by and among the City, the Flood Control District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC, (the "Joint Community Facilities Agreement") and thereby declared that such Joint Community Facilities Agreement would be beneficial to the residents of the Flood Control District; and

WHEREAS, the form of the Joint Community Facilities Agreement has been presented to this City Council for its consideration.

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

SECTION 1. RECITALS. The above recitals are all true and correct.

SECTION 2. DECLARATION. The City Council hereby declares that the Joint Community Facilities Agreement would be beneficial to the residents of the City.

SECTION 3. APPROVAL OF JOINT COMMUNITY FACILITIES AGREEMENT. The form of the Joint Community Facilities Agreement as presented to this City Council and on file with the City Clerk is hereby approved. The Mayor or such other official of the City as may be designated by the Mayor (an "Authorized Officer") is hereby authorized and directed to execute and deliver the Joint Community Facilities Agreement subject to such additions or changes therein as such Authorized Officer shall deem to be in the best interests of the City and the District following consultation with and review by the City Attorney and Best Best & Krieger LLP, the District's bond counsel.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

JOINT COMMUNITY FACILITIES AGREEMENT
(Flood Control Improvements)

by and among

CITY OF MORENO VALLEY,

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,

FR/CAL MORENO VALLEY, LLC,
a Delaware limited liability company,

FIRST INDUSTRIAL, LP,
a Delaware limited partnership

and

FR/CAL INDIAN AVENUE, LLC,
a Delaware limited liability company

Dated as of _____, 2009

Relating to:
Community Facilities District No. 7
of
The City of Moreno Valley

ATTACHMENT 3

ARTICLE I
DEFINITIONS

Section 1.1. Definitions 3

ARTICLE II
CONDITIONS PRECEDENT

Section 2.1. Formation Proceedings 9
Section 2.2. County's Approval of this Joint Community Facilities Agreement 9

ARTICLE III
ACQUISITION OF CONTROL FACILITIES

Section 3.1. Acquisition of Flood Control Facilities 10
Section 3.2. Payment of Purchase Price 10
Section 3.3. Dedication of Property and Easements to the Riverside County Flood Control and Water Conservation District 11
Section 3.4. Modifications to Estimated Costs 12
Section 3.5. Limitation on the Aggregate Amount paid for Flood Control Facilities 13
Section 3.6. Application of Realized Savings 13

ARTICLE IV
CONSTRUCTION OF FLOOD CONTROL FACILITIES

Section 4.1. Preparation and Approval of Plans and Specifications 14
Section 4.2. Duty of Property Owner to Construct 14
Section 4.3. Bid and Construction Requirements 15
Section 4.4. Notice of Intent to Commence Construction 17
Section 4.5 Insurance Requirements 17
Section 4.6 Ownership of Facilities 19

ARTICLE V
REPRESENTATIONS, WARRANTIES AND COVENANTS; INDEMNIFICATION

Section 5.1. Representations, Warranties and Covenants of the Property Owner 21
Section 5.2. Representations, Warranties and Covenants of the City 22
Section 5.3. Representations, Warranties and Covenants of the Riverside County Flood Control and Water Conservation District 23
Section 5.4. Indemnification 23

ARTICLE VI
MISCELLANEOUS

Section 6.1. Property Owner as Independent Contractor 25

MV00032307

Section 6.2. Other Agreements 25
Section 6.3. Binding on Successors and Assigns 25
Section 6.4. Amendments 26
Section 6.5. Waivers 26
Section 6.6. No Third Party Beneficiaries 26
Section 6.7. Notices 26
Section 6.8. Jurisdiction and Venue 27
Section 6.9. Attorneys' Fees 28
Section 6.10. Governing Law 28
Section 6.11. Usage of Words 28
Section 6.12. Counterparts 28
Section 6.13 Interpretation 28

EXHIBIT A MAP OF THE PROPERTY A-1
EXHIBIT B FACILITIES DIAGRAM B-1
EXHIBIT C DESCRIPTION OF FACILITIES AND ESTIMATED COSTS C-1
EXHIBIT D FUNDING AGREEMENT D-1
EXHIBIT E PAYMENT AND PERFORMANCE BONDS E-1
EXHIBIT F PAYMENT REQUEST F-1

JOINT COMMUNITY FACILITIES AGREEMENT

THIS JOINT COMMUNITY FACILITIES AGREEMENT (this "Joint Community Facilities Agreement") is made and entered into as of _____, 200__, by and among City of Moreno Valley, a municipal corporation organized and existing under the laws of the State of California (hereinafter "City"), Riverside County Flood Control and Water Conservation District, a public agency organized and existing pursuant to Chapter 48 of the Appendix to the California Water Code (hereinafter the "Flood Control District"), and FR/CAL Moreno Valley, LLC, a Delaware limited liability company ("FR/CAL MV"), First Industrial, LP, a Delaware limited partnership ("FILP") and FR/CAL Indian Avenue, LLC, a Delaware limited liability company ("FR/CAL IA"). FR/CAL MV, FILP and FR/CAL IA may be referred to individually as a "Property Owner" or collectively as the "Property Owners".

RECITALS:

A. The City Council of the City (the "City Council") formed a community facilities district identified as "Community Facilities District No. 7 of the City of Moreno Valley," (the "Community Facilities District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act") (commencing with Section 53311 of the California Government Code (the "Code")).

B. The boundaries of the Community Facilities District include all of the territory shown on the map entitled "Map of Proposed Boundaries of Community Facilities District No. 7, City of Moreno Valley, County of Riverside, State of California" recorded in the Office of the County Recorder of the County of Riverside on May 16, 2008 in Book 73 of Maps of Assessment and Community Facilities Districts at pages 6-8 thereof (the "Boundary Map"). A copy of the Boundary Map is attached as Exhibit A hereto.

The Property Owners are the owners of certain real property located in the City and the Community Facilities District. Each parcel owned by the Property Owners may be referred to individually as a "Parcel" or collectively as the "Parcels."

In forming the Community Facilities District, three improvement areas were designated therein as Improvement Area No. 1, Improvement Area No. 2 and Improvement Area No. 3 (each an "Improvement Area" and collectively, the " Improvement Areas"). Improvement Area No. 1 includes two (2) zones designated as Zone 1 and Zone 2. Each of the Improvement Areas and the zones within Improvement Area No. 1 are depicted on the Boundary Map. The Parcels owned by FR/CAL MV, known as Parcel Map 35150, are all of the parcels included in Zone 1 of Improvement Area No. 1. Certain additional parcels of property not owned by the Property Owners are included in Zone 2 of Improvement Area No. 1. The Parcels owned by FILP, known as Parcel Map 35672, are all of the parcels included in Improvements Area No. 2. The Parcels owned by FR/CAL IA, known as Tentative Parcel Map 35859, are all of the parcels included in Improvement Area No. 3.

It is the intention of the parties hereto that each Improvement Area shall be authorized to finance certain of the Flood Control Facilities (described in Exhibit C).

C. The Community Facilities District has been formed to finance the construction of certain public facilities to be constructed by, or on behalf of a Property Owner with the purchase price therefore to be paid from the proceeds of bonds to be sold and issued by the Community Facilities District for each of the Improvement Areas and the proceeds of special taxes levied and collected within each Improvement Area The Flood Control Facilities are to be owned, operated and maintained by the Flood Control District, or the City, upon the completion of the construction thereof by the Property Owners and the acceptance thereof by the Flood Control District or the City, as applicable. The Flood Control Facilities are described in Exhibit C and their estimated costs are stated in Exhibit C attached hereto and incorporated herein by this reference.

D. Section 53313.5 of the Code provides that a community facilities district may only finance the purchase of facilities whose construction has been completed, as determined by the legislative body of the community facilities district, before the resolution of formation to establish the community facilities district is adopted pursuant to Section 53325.1 of the Code, except that a community facilities district may finance the purchase of facilities completed after the adoption of a resolution of formation (regardless if such construction is commenced prior to or after the adoption of the resolution of formation) if the facility is constructed as if it had been constructed under the direction and supervision, or under the authority of, the local agency, in this case, the Flood Control District.

E. Section 53314.9 of the Code provides that at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds or work in-kind from any source, including, but not limited to, private persons or entities, and may provide, by resolution, for the use of those funds or that work in-kind for any authorized purpose, under all of the following conditions: (a) the proposal to repay the funds or the value or cost of the work in-kind, whichever is less, is included in both the resolution of intention to establish the community facilities district adopted pursuant to Section 53321 of the Code and in the resolution to establish the community facilities district pursuant to Section 53325.1 of the Code, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any work in-kind accepted pursuant to Section 53314.9 of the Code shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority, of the local agency.

F. Upon approval of this Joint Community Facilities Agreement by the City, the Flood Control District and the Property Owners, the City Council, acting pursuant to the Act and on behalf of the Community Facilities District, will use its best efforts to sell and issue special tax bonds for the Improvement Areas the proceeds of which will be used in part to pay each Property Owner the purchase price of the Flood Control Facilities constructed or caused to be constructed by such Property Owner, provided all of the conditions of Sections 53313.5 and 53314.9 of the Code are satisfied and provided

further that the purchase price shall only be paid from the proceeds of special tax bonds, if any are sold and issued by the proposed Community Facilities District for the Improvement Areas therein.

G. The Act provides that the proposed Community Facilities District may finance the Flood Control Facilities, to be owned operated and maintained by the Flood Control District or the City, as applicable, only pursuant to a joint community facilities agreement adopted pursuant to Sections 53316.2, 53316.4 and 53316.6 of the Code.

H. The City, the Flood Control District and the Property Owners desire to enter into this Joint Community Facilities Agreement, as required by the aforementioned sections of the Code and prior to the adoption of the resolution of issuance of bonds of the Community Facilities District. The provisions of this Agreement are intended to apply only to the Flood Control Facilities, unless expressly stated otherwise. Notwithstanding the forgoing, payment for the City Flood Control Facilities shall be governed by the provisions of the Funding Agreement.

I. The City and the Flood Control District have determined that this Joint Community Facilities Agreement will be beneficial to the respective residents of the Flood Control District and the City.

NOW, THEREFORE, for and in consideration of the mutual premises and covenants contained herein, the parties hereto agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1 Definitions. Unless the context otherwise requires, the terms defined in this Article I shall have the meaning herein specified:

"Acceptable Title" means title to land, or an easement therein, delivered free and clear of all liens, taxes, assessments, leases, easements and encumbrances, whether any such item is recorded or unrecorded, except those non-monetary items which are reasonably determined by the Flood Control District not to interfere with the intended use of such land or easement and therefore are not required to be cleared from title.

"Acceptance Date" means, with respect to Flood Control District Facilities, the date that such Flood Control District Facilities are accepted by the Flood Control District into its maintained system.

"Act" means the Mello-Roos Community Facilities Act of 1982, constituting Sections 53311 *et seq.* of the California Government Code, as amended.

"Actual Cost" means, with respect to a Flood Control District Facility, to the extent authorized by law, an amount equal to the sum of (a) the Property Owner's actual, reasonable cost of constructing such Flood Control District Facility, including labor, material and equipment costs, (b) the Property Owner's actual reasonable cost of

designing and preparing the Plans and Specifications for such Flood Control District Facility, including engineering services provided in connection with designing and preparing such Plans and Specifications, (c) the Property Owner's actual, reasonable cost of environmental evaluations and any mitigation measures required by any governmental agency with jurisdiction with regard to such Flood Control District Facility, or portions thereof, (d) the amount of any fees actually paid by the Property Owner to governmental agencies in order to obtain permits, licenses or other necessary governmental approvals and reviews for such Flood Control District Facility including but not limited to plan check and inspection fees by the Flood Control District and the County, (e) the Property Owner's actual reasonable cost for professional services directly related to the construction of such Flood Control District Facility, including engineering, inspection, construction staking, materials testing and similar professional services, (f) the Property Owner's actual, reasonable cost for construction management, bid administration and contract administration services which shall not exceed 5% of construction costs, (g) the Property Owner's actual reasonable cost of payment, performance or maintenance bonds and insurance for such Flood Control District Facility, (h) the actual, reasonable cost of easements or other real property or interest therein acquired from a party other than the Property Owner, which real property or interest therein is either necessary for the construction of such Flood Control District Facility (e.g., temporary construction easements) or is required to be conveyed with such Flood Control District Facility in order to convey Acceptable Title thereto to the Flood Control District, all as specified in a Payment Request that is to be reviewed and approved by the Contract Administrator; provided, however, that (x) no item of cost relating to a Flood Control District Facility shall be included in more than one category of cost specified in clauses (a) through (h) of this definition, and (y) each item of cost shall include only amounts actually paid by the Property Owner to third parties and shall not include overhead or other internal expenses of the Property Owner, except that, if Property Owner employees perform construction management, bid administration or contract administration services with respect to a Flood Control District Facility, the actual reasonable cost of the salaries and benefits paid by the Property Owner to such employees for performing such services may be included as an item of cost relating to such Flood Control District Facility for the category of cost specified in clause (f) of this definition and subject to the 5% limitation specified in clause (f). The term "Property Owner" as used in this definition shall have the meaning ascribed to it in Section 3.1., hereof.

"**Administrator**" means the City of Moreno Valley, Special Districts Division manager (or any successor to the responsibilities thereof if such office is no longer in existence), or his/her designee.

"Board of Supervisors" means the Board of Supervisors of the Riverside County Flood Control and Water Conservation District.

"Bonds" means the bonds that the Community Facilities District may attempt to sell and issue for each Improvement Area in one or more series, a portion of the proceeds of which will be used to acquire, among other authorized facilities, the Flood Control Facilities allocated to such Improvement Area.

"Business Day" means a day which is not a Saturday or Sunday or a day of the year on which the Flood Control District or the City are not required or authorized to be open.

"CEQA" means the California Environmental Quality Act (CEQA), constituting Sections 21000 *et seq.* of the California Public Resources Code, as amended.

"City" means the City of Moreno Valley, an incorporated municipality, or its successors.

"City Flood Control Facilities" means those Flood Control Facilities to be owned, operated and maintained by the City.

"Code" means the California Government Code.

"Community Facilities District" means "Community Facilities District No. 7 of the City of Moreno Valley," a community facilities district organized and existing under the Act and all Improvement Areas therein.

"Construction Manager" means an individual or professional consulting company retained by a Property Owner to provide construction management services for and on behalf of such Property Owner in accordance with the terms and construction of this Joint Community Facilities Agreement.

"Construction Site" means the site on which the Flood Control Facilities are to be constructed, including off site staging areas and material storage areas.

"**Cooperative Agreement(s)**" means an agreement or agreements by and among the Flood Control District, the City and the applicable Property Owner, or its successor or assigns, further defining the parties' respective rights and responsibilities pertaining to the design, construction, inspection and acceptance of one or more of the Flood Control Facilities.

"County" means the County of Riverside, a political subdivision of the State, and its successors.

"FILP" means First Industrial, LP, a Delaware limited partnership, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 2 of the Community Facilities District, including but not limited to the Improvement Area No. 2 Flood Control Facilities.

"**Flood Control District**" means the Riverside County Flood Control and Water Conservation District, a public agency organized and existing pursuant to Chapter 48 of the Appendix to the California Water Code.

"Flood Control District Facilities" means those Flood Control Facilities that are to be owned, operated and maintained by the Flood Control District.

"Flood Control Facility" or "Flood Control Facilities" means one or more of those certain Flood Control Facilities, which are identified and described in Exhibit C attached hereto and that are to be owned, operated and maintained by the Flood Control District or the City subject to the terms and conditions of the applicable Cooperative Agreement..

"Flood Engineer" means, the General Manager-Chief Engineer of the Flood Control District (or any successor to the responsibilities thereof if such office is no longer in existence), or his/her designee.

"FR/CAL MV" means FR/CAL Moreno Valley, LLC, a Delaware limited liability company, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 1 of the Community Facilities District, including but not limited to the Improvement Area No. 1 Flood Control Facilities.

"FR/CAL IA" means FR/CAL Indian Avenue, LLC, a Delaware limited liability company, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 3 of the Community Facilities District, including but not limited to the Improvement Area No. 3 Flood Control Facilities.

"Funding Agreement" means "Acquisition/Financing Agreement" entered into by and among the City and the Property Owners, as originally executed or as the same may be amended from time to time in accordance with its terms; a final version of which is attached hereto and marked as Exhibit D.

"General Prevailing Wage Rates" means those rates as determined by the Director of the Department of Industrial Relations of the State.

"Hazardous Material" means any hazardous or toxic substance, material or waste which is or becomes regulated by any local governmental authority, the State or the United States Government, including, without limitation, any material or substance which is (a) designated as a "hazardous substance" pursuant to Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (33 U.S.C. § 1321), (b) defined as a "hazardous waste" pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (42 U.S.C. § 6903), (c) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*, (d) petroleum, or (e) asbestos.

"Improvement Area" or **"Improvement Areas"** means, either individually or collectively, Improvement Areas 1, 2 and/or 3, as the context would indicate, that are to be designated within the Community Facilities District.

"Improvement Area No. 1 Flood Control Facilities" means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FR/CAL MV.

"Improvement Area No. 2 Flood Control Facilities" means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FILP.

"Improvement Area No. 3 Flood Control Facilities" means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FR/CAL IA.

"Joint Community Facilities Agreement" means this Joint Community Facilities Agreement, dated as of _____, by and among the City, the Flood Control District and the Property Owners, as originally executed or as the same may be amended from time to time in accordance with its terms.

"Legislative Body" means the City Council of the City acting *ex officio* as the legislative body of the Community Facilities District.

"MVU" means the City of Moreno Valley Electric Utility.

"Parcel" or **"Parcels"** means, individually or collectively, the real property identified in Exhibit A hereto.

"**Payment Request**" means the document to be provided by the Property Owner to the Administrator and the Flood Engineer to substantiate the Purchase Price of a Flood Control District Facility, which shall be substantially in the form of Exhibit F attached hereto.

"Plans and Specifications" mean the plans and specifications for the Flood Control Facilities prepared or to be prepared at the direction of the Property Owner pursuant to Section 4.1 hereof.

"Property" means the real property located within the Community Facilities District.

"Property Owner" means, individually, FR/CAL MV, FR/CAL IA, or FILP.

"Property Owner Representative" means the person or persons designated as such in a certificate signed by each Property Owner and delivered to the City, the Community Facilities District and the Flood Control District, which certificate shall contain an original or specimen signature of each person so designated.

"Purchase Price" means the Actual Cost or a lesser amount requested by the Property Owner.

"Rate and Method" means the adopted rate and method of apportionment of special taxes authorized to be levied within each Improvement Area of the Community Facilities District.

"Risk Manager" means the Risk Manager of the County.

"Resolution of Formation" means Resolution No. 2008-82 of the City Council of the City, adopted June 24, 2008, forming and establishing the Community Facilities District.

"State" means the State of California.

ARTICLE II

CONDITIONS PRECEDENT

Section 2.1 **Formation Proceedings.** All necessary actions have been taken by the City to establish the Community Facilities District and to designate the Improvement Areas therein for the purpose of financing the acquisition or construction of certain public facilities, including the Flood Control Facilities, to authorize the levy of special taxes within each Improvement Area of the Community Facilities District pursuant to the Rate and Method for each Improvement Area, the incurrence of bonded indebtedness and to authorize the sale and issuance of the Bonds for each Improvement Area.

It is the intent of the Legislative Body to use its best efforts to cause to be sold and issued, pursuant to the terms of the Act and the applicable provisions of the Funding Agreement, Bonds for each Improvement Area in one or more series and a portion of the proceeds of which are intended to provide funds that will allow the Community Facilities District to finance the acquisition of the Flood Control Facilities. Should the Legislative Body not be able to sell and issue the Bonds, the City, the Flood Control District and the Property Owners will not be bound by the terms of this Joint Community Facilities Agreement and it shall be considered null and void by the parties to it. The City will notify all parties to this Joint Community Facilities District within fifteen (15) calendar days of the occurrence of this event.

The Property Owners acknowledge that the decision of the Legislative Body to authorize the sale and issuance of the Bonds for each Improvement Area is an exercise of the legislative discretion of the Legislative Body and that the City may not enter into a contract or obligate the Legislative Body to exercise its legislative discretion in a particular manner. This Joint Community Facilities Agreement does not, therefore, in any way create a contractual, legal or equitable obligation of or commitment by the Legislative Body to authorize the sale and issuance of the Bonds for any Improvement Area.

The Legislative Body will have sole responsibility and authorization to cause the special tax to be levied and to sell and issue the Bonds, consistent with the provisions of the Act and the applicable provisions of the Funding Agreement.

Section 2.2 **Flood Control District's Approval of this Joint Community Facilities Agreement.** The Flood Control District's approval of this Joint Community Facilities Agreement is conditioned upon the Legislative Body authorizing the sale and issuance of the Bonds for each Improvement Area consistent with the City's policies and procedures regarding land secured financings (the "Policies") and that no waivers of the provisions of the Policies will be extended to the Property Owners or any one of them either with regard to the sale and issuance of the Bonds and that said sale and issuance of the Bonds is further conditioned as specified in the applicable provisions of the Funding Agreement.

ARTICLE III

ACQUISITION OF FLOOD CONTROL FACILITIES

Section 3.1 **Responsibility for the Design, Engineering, Acquisition, and Construction of the Flood Control District Facilities.** The Property Owner shall have the sole responsibility for the design, engineering, acquisition and construction of the Flood Control District Facilities. Consequently, when the term "Property Owner" is used in Article I for the definition of "Actual Costs", Article III, Article IV and Exhibit C of this Joint Community Facilities Agreement, it is understood that the term is referring to only the Property Owner, and its successors and assigns, unless the context would indicate otherwise. If the terms of Article III and IV of this Joint Community Facilities Agreement are in conflict with the terms of the Funding Agreement, this Joint Community Facilities Agreement will control.

Section 3.2 **Acquisition of Flood Control District Facilities.** Each Property Owner hereby agrees to transfer to the Flood Control District each of the Flood Control District Facilities, and the Community Facilities District hereby agrees to pay the Purchase Price thereof, subject to the terms and conditions hereof and the applicable Cooperative Agreement for each facility. Acceptable Title to any parcels on which any Flood Control District Facility is constructed and for which title is not presently held by the Flood Control District as well as the Flood Control District Facility financed pursuant hereto shall be transferred to the Flood Control District as of the Acceptance Date; provided, however, that notwithstanding such transfer, , the Property Owner constructing such Flood Control District Facilities shall be solely responsible for the operation and maintenance of such Flood Control District Facilities until the Acceptance Date thereof.

The Purchase Price of the Flood Control District Facilities is to be paid solely from Bond proceeds, and the Community Facilities District shall not be obligated to pay the Purchase Price of the Flood Control District Facilities except from said Bond proceeds. Neither the City, the Community Facilities District, nor the Flood Control District make any warranty, either expressed or implied, that the amount of Bond proceeds available for the payment of the Purchase Price of any Flood Control District Facility will be sufficient for such purpose.

Notwithstanding any other provision of this Joint Community Facilities Agreement, the fact that there may not be sufficient Bond proceeds available to pay the Purchase Price for one or more of the Flood Control District Facilities in an Improvement Area will not relieve the applicable Property Owner from its obligations consistent with the conditions of approval for the subdivision and development of the parcels within the applicable Improvement Area to construct the Flood Control District Facilities.

Failure of a Property Owner to comply with the terms of Articles III and IV of this Joint Community Facilities Agreement and the applicable Cooperative Agreement, will result in the Flood Control District Facilities that such Property Owner is responsible to construct not being accepted into the Flood Control District's maintained system and

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such Property Owner shall not receive reimbursement from the Community Facilities District for any costs it incurs in the design, engineering, acquisition, and construction of said Flood Control District Facilities.

Section 3.3 Determination of the Purchase Price and Processing of Payment Requests. The determination of the Purchase Price and its payment shall be made consistent with the applicable provisions of this Section 3.3.

In order for the Administrator and the Flood Engineer to be able to determine the Purchase Price for a completed Flood Control District Facility, the applicable Property Owner shall deliver to both the Administrator and the Flood Engineer:

(a) A Payment Request for said Flood Control District Facility, together with all attachments and exhibits to be included therewith;

(b) A copy of the documents conveying or which previously conveyed to the Flood Control District Acceptable Title to the real property on, in or over which such Flood Control District Facilities are located, as described in the applicable "Cooperative Agreement" and Section 3.3 thereof;

(c) A copy of the Notice of Completion for said Flood Control Facility that will be filed in accordance with Section 3093 of the California Civil Code, if applicable. Final lien releases addressed to the City, the Community Facilities District, and the Flood Control District must be received by the Administrator and the Flood Engineer prior to the Administrator executing the Payment Request determining the Purchase Price and authorizing payment thereof.

(d) The applicable Property Owner's civil engineer of record or construction civil engineer of record duly registered in the State shall provide to the Flood Control District redlined "as-built" plans and profile sheets for the Flood Control Facility. After the Flood Control District's approval of the redlined "as-built" drawings, such engineer shall schedule with the Flood Control District a time to transfer the redlines onto the Flood Control District's original mylars at the Flood Control District's office, after which, said engineer shall review, stamp and sign the original mylars "As-Built."

Once the Administrator has been provided with a complete Payment Request and all other documents as required by her/him to determine the Purchase Price, the Flood Engineer will substantiate the Payment Request and provide comments and recommendations to the Administrator in the form of a written notice to the Community Facilities District as provided above.

Notwithstanding anything to the contrary contained herein, no payment of the Purchase Price of any Flood Control District Facility shall be made unless the Flood Control District has by written notice to the Community Facilities District stated that the

Flood Control District is willing to accept such Flood Control District Facility as constructed into its maintained system as of the Acceptance Date. Said notice will not be provided to the City until the following documents, as appropriate, have been provided or caused to be provided to the Flood Control District by the Property Owner which has constructed or caused the construction of such Flood Control District Facility:

(a) Documents by which such Property Owner conveys to the Flood Control District an easement, including ingress and egress, in a form approved by the Flood Control District, for the rights of way shown in concept cross-hatched red on Exhibit B, and policies of title insurance, in an amount not less than fifty percent (50%) of the estimated fee value, as determined by the Flood Control District, for each parcel so conveyed have been provided to the Flood Control District.

Section 3.4 Dedication of Property and Easements to Flood Control District. Acceptable Title to all property not presently held by the Flood Control District on, in or over which the Flood Control District Facilities will be located shall be deeded over to Flood Control District by way of grant deed, quitclaim, or dedication of such property, or easement thereon, if such title or easement is approved by Flood Control District as being a sufficient interest therein to permit Flood Control District to properly own, operate and maintain such Flood Control District Facility located therein, thereon or thereover, and to permit each Property Owner to perform its obligations as set forth in this Joint Community Facilities Agreement.

A Property Owner shall furnish to the Flood Control District a title report for such property not previously dedicated or otherwise conveyed to the Flood Control District for review and approval at least thirty (30) calendar days prior to such Property Owner giving the notice required by Section 4.4 hereof. The Flood Control District shall approve the title report unless it reveals a matter that, in the sole judgment of the Flood Control District, could materially affect the Flood Control District's use and enjoyment of any part of the property or easement covered by the title report. In the event the Flood Control District does not approve such title report, the Flood Control District shall notify the Administrator in writing and the Flood Control District shall not be obligated to accept title to said Flood Control District Facility, and the Community Facilities District shall not be obligated to pay any portion of the Purchase Price for said Flood Control Facility until the Property Owner has cured such objections to title to the satisfaction of the Flood Control District.

Consistent with the preceding paragraph, each Property Owner shall obtain and provide to the Flood Control District duly executed irrevocable offer(s) of dedication to the public for flood control and drainage purposes, including ingress and egress, for rights of way deemed necessary by the Flood Control District for the construction, inspection, operation and maintenance of the Flood Control District Facilities to be constructed by such Property Owner as shown in concept, cross-hatched in either blue or red, on Exhibit B, which is attached hereto and by this reference incorporated herein. The irrevocable offer(s) of dedication shall be in a form approved by the Flood Control

District and shall be executed by all legal and equitable owners of the property described in the offer(s).

Section 3.5 **Modifications to Flood Control District Facilities or Estimated Cost Thereof.** The Administrator, Flood Control District, and the applicable Property Owner may make modifications in the description of the Flood Control District Facilities , whenever the Administrator, the Flood Engineer and Property Owner deem such modifications to be appropriate; provided, however, that any such Flood Control Facility, as so modified, must be fully functioning and capable of being used for its intended purpose and must be consistent with the description of the Flood Control Facilities in the Resolution of Formation. Any such modification shall be approved and implemented by the Administrator, on behalf of the Community Facilities District, the Flood Engineer, on behalf of the Flood Control District, and such Property Owner by executing a supplement to Exhibit C containing a description of the modified Flood Control Facility and, if applicable, the estimated cost. Upon the execution of any such supplement to Exhibit C, the description of the Flood Control Facility and, if applicable, the Estimated Cost in Exhibit C shall be deemed to have been modified in accordance therewith. Any modification made pursuant to this Section shall not be deemed to be an amendment of this Joint Community Facilities Agreement for purposes of Section 6.4 hereof. No Flood Control Facility may be deleted from or added to Exhibit C pursuant to this Section 3.5. The deletion or addition of a Flood Control Facility from Exhibit C constitutes an amendment to this Joint Community Facilities Agreement and may only be made pursuant to Section 6.4 hereof.

Section 3.6 **Application of Realized Savings.** If the Purchase Price determined by the Administrator and the Flood Engineer for a Flood Control District Facility to be financed from the proceeds of Bonds issued for an Improvement Area is less than the estimated cost of said Flood Control Facility, then the difference is to be identified as "savings" that are available and can be applied to increase the Purchase Price of another Flood Control Facility or other improvements the acquisition or construction of which is authorized to be funded with proceeds of the Bonds issued for such Improvement Area. The determination as to whether an adjustment to the estimated cost pursuant to this Section is to be made by the Administrator, the Flood Engineer and the applicable Property Owner and an appropriate supplement to Exhibit C is to be prepared by the initiating party and approved by the Administrator, on behalf of the Community Facilities District, the Flood Engineer on behalf of the Flood Control District and the applicable Property Owner.

ARTICLE IV

CONSTRUCTION OF THE FLOOD CONTROL FACILITIES

Section 4.1 **Preparation and Approval of Plans and Specifications.** To the extent that the responsible Property Owner has not already done so, it shall cause Plans and Specifications to be prepared for the Flood Control Facilities. The applicable Property Owner shall obtain the written approval of the Plans and Specifications from the Flood Engineer on behalf of the Flood Control District and from the Administrator on behalf of the City as to the City Flood Control Facilities. Approval of the Plans and Specifications will require that the Property Owner enter into a Cooperative Agreement regarding the Flood Control Facilities that Property Owner is responsible to construct improvements to develop their parcel of land. Each Property Owner shall provide a copy of all such Plans and Specifications to the Administrator and the Flood Engineer. Once the Plans and Specifications have been approved, no changes are to be made thereto without prior written consent of the Flood Control District.

The Property Owners acknowledge that the MVU has existing electric distribution infrastructure installed throughout the area adjacent to the Parcels and there could be a potential conflict between the location of such infrastructure and the proposed location of the Flood Control Facilities. The Property Owners are responsible for insuring that the design of the Flood Control Facilities does not conflict with such infrastructure and the Property Owners shall be solely responsible for the cost of the redesign and relocation of any Flood Control Facility necessitated by a conflict with such infrastructure.

Section 4.2 **Duty of Property Owner to Construct.** Each Property Owner shall construct or cause to be constructed the Flood Control Facilities which such Property Owner is responsible to construct in accordance with the applicable Plans and Specifications approved by the City and the Flood Control District, as applicable. Each Property Owner shall perform all of its obligations hereunder and its obligations per the Cooperative Agreement and shall conduct all operations with respect to the construction of the Flood Control Facilities which such Property Owner is responsible to construct in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken. Notwithstanding the foregoing, nothing set forth in this Joint Community Facilities Agreement shall be construed (i) to require any Property Owner to perform any work requiring a contractor's license, nor shall any Property Owner be deemed to be performing construction services pursuant to this Joint Community Facilities Agreement or (ii) require any Property Owner to cause any Plans and Specifications to be prepared for the Flood Control Facilities at a specific time or in a manner other than as required by the approved conditions for such entitlements granted by the City to permit the development of such Property Owner's Parcels.

Section 4.3 <u>Bid and Construction Requirements</u>.

(a) In order to insure that the Flood Control Facilities to be acquired with the proceeds of the Bonds are constructed as if they had been constructed under the direction and supervision, or under the authority of, the Flood Control District, so that they may be acquired pursuant to Section 53313.5 of the Code, each Property Owner or its Construction Manager shall comply with all of the requirements set forth in the Public Contract Code regarding the notice of bidding and award of contract for a public works project by a public agency, in this instance the Flood Control District.

Prior to soliciting any bids for the construction of any Flood Control Facility, the applicable Property Owner or the applicable construction manager shall submit a bid packet for review of technical specifications and compliance with the Public Contract Code, including the invitation and specifications for submitting a bid and the general and specific conditions regarding the construction of such Flood Control Facility. A copy of the bid packet, once approved, is to be provided to the Administrator. The contract for construction of any Flood Control Facilities is to be awarded to the responsible bidder submitting the lowest responsive bid after notice inviting sealed bids. The sealed bids are to be publicly solicited consistent with applicable provisions of the Public Contract Code dealing with the bidding of public works projects constructed by the Flood Control District. Public notice is to be given consistent with the Public Contract Code as to the date, time and place where bids will be opened. The Administrator and the Flood Engineer are to be provided with copies of all bids received and with a declaration stating that the solicitation of bids, the bid opening and award of bid was conducted in a manner consistent with the applicable provisions of the Public Contracts Code.

If a Property Owner intends to utilize the services of a Construction Manager in the bidding and construction of a Flood Control Facility, the Property Owner must, prior to soliciting bids for the construction of such Flood Control Facility, send a written notice to the Flood Control District and the City notifying such addressees of the name of the Construction Manager and the name, title, address, telephone number and e-mail address of the primary contact of the Construction Manager for such services.

(b) Each Property Owner shall require, and the Plans and Specifications, bid and contract documents shall require, all contractors, subcontractors, vendors, equipment operators and owner operators, in each such case to the extent such individuals or entities are engaged to perform work on a Flood Control Facility, as required by the California Labor Code, to pay not less than General Prevailing Wage Rates to all workers employed in the execution of the contract, to post a copy of the General Prevailing Wage Rates at the Construction Site in a conspicuous place available to all employees and applicants for employment, and to otherwise comply with applicable provisions of the California Labor Code, the California Government Code and the California Public Contracts Code relating to General Prevailing Wage Rates as required by the Plans and Specifications approved by the City and the Flood Control District. The Flood Control District has copies of tables setting forth the General Prevailing Wage Rates on file in the principal office of the Flood Control District, and are made available to each Property Owner upon request.

(c) Each Property Owner or its Construction Manager shall require each principal contractor to provide proof of insurance coverage to the Flood Engineer satisfying the requirements of Section 4.5, hereof throughout the term of the construction of such Flood Control Facilities. Rather than requiring its principal contractors to provide such insurance, the Property Owner may elect to provide the same for the benefit of its principal contractors.

(d) Each principal contractor engaged to perform work on Flood Control Facilities shall be required to furnish (i) labor and material payment bonds, and (ii) contract performance bonds, each in an amount equal to 100% of the contract price naming the applicable Property Owner, the City, the Community Facilities District and the Flood Control District as obligees and issued by a California admitted surety having a current A.M. Best A:VIII (A:8) rating or with an admitted surety insurer which complies with the provisions of Section 995.660 of the California Code of Civil Procedure. The Risk Manager of the County of Riverside, in his/her sole discretion, may accept a California admitted surety having a lower A.M. Best rating. All such bonds shall be in a form as shown in Exhibit E. The bonds tendered pursuant to this sub-section are to be accepted and held by the City.

(e) Each Property Owner or its Construction Manager shall comply, and shall cause each contractor, subcontractor, vendor, equipment operator and owner operator, in each such case to the extent such individual or entity is engaged to perform work on the Flood Control Facilities, to comply, with such other requirements relating to the construction of the Flood Control Facilities as the Flood Control District may impose by written notification delivered to such Property Owner, to the extent legally required as a result of changes in applicable federal, State or County laws, rules or procedures.

(f) Each Property Owner or its Construction Manager shall require, and the Plans and Specifications, and bid and contract documents shall require, all contractors, subcontractors, vendors, equipment operators and owner operators, in each such case to the extent such individuals or entities are engaged to perform work on the Flood Control Facilities, to submit certified weekly payroll records or other proof of payment of General Prevailing Wage Rates to the Property Owner or its Construction Manager for inspection by the Flood Control District, and to furnish certified payroll records or such other proof of payment of General Prevailing Wage Rates to the Flood Control District promptly upon request.

(g) All change orders shall be reviewed and, if appropriate, approved by the City and the Flood Engineer for the purpose of ensuring that they comply with Flood Control District standards, such review and approval shall not be unreasonably withheld. Notwithstanding the foregoing, in order for a change order to be accepted as an eligible element of the Purchase Price of the Flood Control Facilities, the provisions of Sections 3.5 and 3.6 hereof shall first be satisfied.

(h) Each Property Owner shall provide proof to the Administrator and the Flood Engineer, at such intervals and in such form as the Flood Engineer may require,

that the foregoing requirements have been satisfied as to all of the Flood Control Facilities to be constructed by such Property Owner.

(i) Each Property Owner has deposited with the County $4,000 to cover the anticipated costs, deemed necessary and reasonable, associated with the review and approval of the Plans and Specifications for the respective Improvement Area, the review and approval of right of way and conveyance documents for the respective Improvement Area and with the processing and administration of this Joint Community Facilities Agreement. Each Property Owner, within thirty (30) days after receipt of an additional billing for such costs, will forward the billed amount to the Flood Control District. It is agreed that all costs incurred by the Flood Control District associated with inspecting a Flood Control Facility will be the responsibility of the Property Owner as described in details in the applicable Cooperative Agreement.

Section 4.4 **Notice of Intent to Commence Construction.** The Property Owner is to provide to the Administrator and the Flood Engineer a copy of each "Notice to Commence Construction" as prepared by the Property Owner consistent with the terms of the applicable "Cooperative Agreement" and a copy of each "Notice to Proceed" as issued by the Flood Control District pursuant to the terms of the "Cooperative Agreement"

Section 4.5 **Insurance Requirements.** Without limiting or diminishing a Property Owner's obligation to indemnify or hold the Flood Control District, Community Facilities District and the City harmless pursuant to Section 5.4 hereof, each Property Owner shall procure and maintain or cause to be maintained, at its sole cost and expense the following insurance coverages, or alternate coverages acceptable to the Risk Manager, during the term of this Joint Community Facilities Agreement and expires for any Improvement Area at the time the Flood Control District or the City, as applicable, accepts the constructed Flood Control Facilities for that Improvement Area into its maintained system:

(a) *Commercial General Liability:* Commercial General Liability insurance coverage, including but not limited to, premises liability, contractual liability, products and completed operations, explosion, collapse, use of cranes, and other heavy equipment and underground hazards, personal and advertising injury covering claims which may arise from or out of such Property Owner's performance of its obligations hereunder. Policy shall name by endorsement the Flood Control District, the Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as Additional Insureds. Policy's limit of liability shall not be less than $2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Joint Community Facilities Agreement or be no less than two (2) times the occurrence limit.

(b) *Vehicle Liability:* Such Property Owner shall maintain liability insurance for all owned, non-owned or hired vehicles in an amount not less than

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$1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Joint Community Facilities Agreement or be no less than two (2) times the occurrence limit. Policy shall name by endorsement the Flood Control District, Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as Additional Insureds.

(c) *Worker's Compensation Insurance:* Such Property Owner shall maintain Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than $1,000,000 per person per accident. Policy shall be endorsed to waive subrogation in favor of the Flood Control District, the Community Facilities District, the City; and if applicable, to provide a Borrowed Servant/Alternate Employer Endorsement.

General Insurance Provisions - all lines:

(i) Any insurance carrier providing insurance coverage hereunder shall be licensed to do business in the State of California and have an A.M. Best rating of not less than an A:VIII (A:8) unless such requirements are waived, in writing, by the Flood Control District's Risk Manager.

(ii) Each Property Owner's insurance carrier(s) must declare its insurance deductibles or self-insured retentions. If such deductibles or self-insured retentions exceed $500,000 per occurrence such deductibles and/or retentions shall have the prior written consent of the Risk Manager before the commencement of operations under this Joint Community Facilities Agreement. Upon notification of deductibles or self-insured retentions which are deemed unacceptable to the Flood Control District, at the election of the Risk Manager, such Property Owner's carriers shall either: (A) reduce or eliminate such deductibles or self-insured retentions as respects this Agreement with the Flood Control District, or (B) procure a bond which guarantees payment of losses and related investigations, claims administration, defense costs and expenses.

(iii) Each Property Owner shall cause its insurance carrier(s) to furnish the Flood Control District with (A) a properly executed original certificate(s) of insurance and certified original copies of endorsements effecting coverage as required herein; or (B) evidence of coverage acceptable to the Risk Manager that may include original certified copies of policies including all endorsements and all attachments thereto, showing such insurance is in full force and effect.

(iv) Further, said certificate(s) and endorsements to policies of insurance shall contain the covenant of the insurance carrier(s) that it shall provide no less than thirty (60) days written notice be given to the Flood Control District prior to any material modification or cancellation of such insurance. In the event of a material modification or cancellation or coverage, this Joint Community Facilities Agreement shall terminate forthwith as to the Property Owner providing such policies of insurance,

unless the Flood Control District receives, prior to such effective date, another properly executed original certificate of insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto evidencing coverages and the insurance required herein is in full force and effect. Individual(s) authorized by the insurance carrier to do so, on its behalf shall sign the original endorsements for each policy and the certificate of insurance.

(v) ***No Property Owner shall commence construction of Flood Control Facilities until the Flood Control District has been furnished either original certificate(s) of insurance and certified original copies of endorsements, policies of insurance including all endorsements and any and all other attachments as required in this Section, or other evidence of coverage acceptable to the Risk Manager.***

(vi) It is understood and agreed by the parties hereto and each Property Owner's insurance company(s) that the certificate(s) of insurance and policies shall so covenant and shall be construed as primary insurance, the City, and the Flood Control District's insurance and/or deductibles and/or self-insured retentions or self-insured programs shall not be construed as contributory.

(vii) Each Property Owner, its Construction Manager, if any, and its contractors may pass down the insurance obligations contained herein to all tiers of subcontractors working under this Joint Community Facilities Agreement in order to meet the requirements herein. In addition, each Property Owner or its Construction Manager will require all such subcontractors to name on their insurance policies by endorsement the Flood Control District, Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as "Additional Insureds." Copies of such certificates and endorsements shall be provided to the Flood Control District and the City. The minimum limits of liability required of all tiers of subcontractors are $1,000,000 Combined Single Limit for Commercial General Liability and $1,000,000 Combined Single Limit for Vehicle Liability Insurance.

Section 4.6 <u>Ownership of Flood Control District Facilities</u>.

(a) Notwithstanding the fact that some or all of the Flood Control District Facilities may be constructed in dedicated street rights of way or on property which is owned by or has been or will be dedicated to the Flood Control District, Flood Control District Facilities constructed by a Property Owner shall be and remain the property of such Property Owner until Acceptable Title to parcels not owned by the Flood Control District is conveyed to the Flood Control District, as appropriate, as provided herein. Ownership of said parcels by such Property Owner or other third parties shall likewise not be affected by any agreement that such Property Owner may have entered into or may enter into with the Flood Control District pursuant to the provisions of the Subdivision Map Act, Section 66410 *et seq.* of the Code, and the provisions of this Section shall control.

(b) As of the Acceptance Date by the Flood Control District for a Flood Control District Facility, the City is to own, maintain and operate the appurtenant City Flood Control Facilities that have been identified on the approved drainage plans, pursuant to the applicable Cooperative Agreement, as drainage facilities within those street rights-of-way in which said Flood Control Facilities are located. The City, by execution of this Joint Community Facilities Agreement, grants to the applicable Property Owner the right to construct the Flood Control Facilities and to the Flood Control District the right to inspect, operate and maintain the Flood Control District Facilities located within those City rights-of-way in which such Flood Control District Facilities are located.

ARTICLE V

REPRESENTATIONS, WARRANTIES AND COVENANTS; INDEMNIFICATION

Section 5.1 **Representations, Warranties and Covenants of the Property Owners.** Each Property Owner makes the following representations, warranties and covenants for the benefit of the Flood Control District, the City and the Community Facilities District as of the date hereof:

(a) Organization. Such Property Owner represents and warrants that such Property Owner is a limited liability company (or, in the case of FILP, a limited partnership) duly organized and validly existing under the laws of the State of Delaware, is in good standing under the laws of such state, and has the power and authority to own its properties and assets and to carry on its business as now being conducted and as now contemplated.

(b) Authority. Such Property Owner represents and warrants that such Property Owner has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all action necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of such Property Owner.

(c) Binding Obligation. Such Property Owner represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of such Property Owner and is enforceable against such Property Owner in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

(d) Completion of Flood Control Facilities. Such Property Owner covenants that it will use its reasonable and diligent efforts to do all things that may be lawfully required of it in order to cause the Flood Control Facilities which such Property Owner is responsible to construct to be completed in accordance with this Joint Community Facilities Agreement.

(e) Compliance with Laws. Such Property Owner covenants that, while any Flood Control Facilities are owned by such Property Owner or required pursuant to this Joint Community Facilities Agreement to be maintained by such Property Owner, it will not commit, suffer or permit any of its agents, employees or contractors to commit any act to be done in, upon or to such Flood Control Facilities in violation in any material respect of any law, ordinance, rule, regulation or order of any governmental authority or any covenant, condition or restriction now or hereafter affecting such Flood Control Facilities.

MV00032329

(f) Payment Requests. Such Property Owner represents and warrants that (i) it will not request payment from the Community Facilities District under this Joint Community Facilities Agreement for the acquisition of any improvements that are not part of a Flood Control District Facility, and (ii) it will diligently follow all procedures set forth in this Joint Community Facilities Agreement.

(g) Financial Records. Until the final Acceptance Date of all Flood Control Facilities, such Property Owner covenants to maintain proper books of record and account for the Flood Control Facilities and all costs related thereto. Such Property Owner covenants that such accounting books will be maintained in accordance with generally accepted accounting principles, and will be available for inspection by the Community Facilities District, the Flood Control District and the City, and their respective agents, at any reasonable time during regular business hours on two Business Days' prior written notice, subject to mutually acceptable arrangements regarding the confidentiality of proprietary data.

(h) Hazardous Materials. Such Property Owner represents and warrants that neither such Property Owner, nor any subcontractor, agent or employee thereof will use, generate, manufacture, procure, store, release, discharge or dispose of any Hazardous Material on, under or about the Construction Site or the Flood Control Facilities which such Property Owner is responsible to construct or transport any Hazardous Material to or from the Construction Site or such Flood Control Facilities in violation of any federal, state or local law, ordinance, regulation, rule, decision or policy statement regulating Hazardous Material.

(i) Permits. Such Property Owner covenants that it will pursue in a commercially reasonable manner all governmental or other permits or licenses required to proceed with the construction of the Flood Control Facilities which such Property Owner is responsible to construct and that it will pay all fees relating thereto. Such Property Owner represents and warrants that to the best of such Property Owner's knowledge, as of the date hereof, there is no material legal impediment to such Property Owner's proceeding with and completing the construction of such Flood Control Facilities or to the development of the Construction Site as contemplated by such Property Owner, except for government or other permits to be obtained.

(j) Environmental Matters. Such Property Owner represents and warrants that it has complied with, or has caused compliance with, CEQA as required for the construction of the Flood Control Facilities which such Property Owner is responsible to construct and their conveyance to the Flood Control District.

Section 5.2 Representations, Warranties and Covenants of the City. The City makes the following representations, warranties and covenants for the benefit of the Flood Control District and the Property Owners:

(a) Authority. The City represents and warrants that the City has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all actions necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of the City.

(b) Binding Obligation. The City represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of the City and is enforceable against the City in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

(c) Payment Requests for the Flood Control District Facilities. The City represents and warrants that the City will follow all procedures set forth in this Joint Community Facilities Agreement.

(d) Financial Records. Until the final Acceptance Date, the City covenants to maintain, or cause to be maintained, proper books of record and account for the Special Taxes and the Bonds. The City covenants that such accounting books will be maintained in accordance with generally accepted accounting principles applicable to governmental entities, and will be available for inspection by the Property Owners and their agents at any reasonable time during regular business hours on two Business Days prior written notice.

Section 5.3 Representations, Warranties and Covenants of Flood Control District. Flood Control District makes the following representations, warranties and covenants for the benefit of the City and the Property Owners:

(a) Authority. Flood Control District represents and warrants that Flood Control District has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all actions necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of Flood Control District.

(b) Binding Obligation. Flood Control District represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of Flood Control District and is enforceable against Flood Control District in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

Section 5.4 Indemnification. Each Property Owner, with regard to its respective responsibilities and obligations under this Joint Community Facilities Agreement, agrees to protect, indemnify, defend and hold the City, the Community Facilities District, the Flood Control District, and their respective directors, officers,

Board of Supervisors, City Council, Legislative Body, elected officials, employees, representatives and agents, and each of them (each, an "Indemnified Party" and, collectively, the Indemnified Parties), harmless from and against any and all claims, liabilities, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorney's fees, and court costs which the Indemnified Parties or any Indemnified Party, or any combination thereof, may suffer or which may be sought against or recovered or obtained from the Indemnified Parties or any Indemnified Party, or any combination thereof, as a result of or by reason of or arising out of or in consequence of (a) the acquisition, construction, installation or financing of the Flood Control Facilities, (b) an assertion, pursuant to Article I, section 19 of the California Constitution, the Fifth or Fourteenth Amendments of the United States Constitution, or any other law or ordinance which seek to impose any other liability or damage whatsoever, for the design, construction, or failure of the Flood Control Facilities or from the diversion of the waters from their natural drainage patterns, (c) the untruth or inaccuracy of any representation or warranty made by such Property Owner in this Joint Community Facilities Agreement or in any certifications delivered by such Property Owner hereunder, or (d) any act or omission of such Property Owner or any of its subcontractors, or their respective officers, employees or agents, in connection with the Flood Control Facilities. If such Property Owner fails to do so, the Indemnified Parties shall have the right, but not the obligation, to defend the same and charge all of the direct and actual costs of such defense, including reasonable attorneys' fees or court costs, to and recover the same from such Property Owner.

No indemnification is required to be paid by any Property Owner as to an Indemnified Party for any claims, losses, liabilities, expenses, suits, actions, decrees, judgments, awards, reasonable attorney's fees, and court costs (a) arising directly from the willful misconduct or sole or active negligence of that Indemnified Parties or (b) arising from the use or operation of a Flood Control Facility after the Acceptance Date of the Flood Control Facility, unless such claims, losses, liabilities, expenses, suits, actions, decrees, judgments, awards, reasonable attorney's fees, and court costs results from the defective or improper design, construction or installation of such Flood Control Facility by such Property Owner or its contractors, subcontractors, or respective officers, employees or agents.

The provisions of this Section shall survive the termination of this Joint Community Facilities Agreement.

ARTICLE VI

MISCELLANEOUS

Section 6.1 **Property Owners as Independent Contractors.** In performing under this Joint Community Facilities Agreement, it is mutually understood that each Property Owner is acting as an independent contractor, and not as an agent of the City, the Community Facilities District or the Flood Control District. Neither the City nor the Flood Control District shall have any responsibility for payment to any contractor, subcontractor or supplier of such Property Owner. The Community Facilities District shall not have any responsibility for payment to any contractor, subcontractor or supplier of such Property Owner unless such entity or individual is specifically listed as a payee on a Payment Request submitted by such Property Owner pursuant to the Joint Community Facilities Agreement in which case the Community Facilities District shall only be responsible for making such payment only if such Payment Request is approved pursuant to the provisions of this Joint Community Facilities Agreement and solely from available proceeds of the Bonds.

Section 6.2 **Other Agreements.** Nothing contained herein shall be construed as affecting the Flood Control District or any Property Owner's respective duty to perform its respective obligations under other agreements, land use regulations or subdivision requirements relating to the development of the property within the applicable Improvement Area, which obligations are and shall remain independent of such Property Owner's rights and obligations, and the Flood Control District's rights and obligations, under this Joint Community Facilities Agreement; provided, however, that such Property Owner shall use its reasonable and diligent efforts to perform each and every covenant to be performed by it under any lien or encumbrance, instrument, declaration, covenant, condition, restriction, license, order, or other agreement, the nonperformance of which could reasonably be expected to materially and adversely affect the acquisition, construction and installation of the Flood Control District Facilities.

The payment for the City Flood Control Facilities shall be governed by the Funding Agreement.

Section 6.3 **Binding on Successors and Assigns.** Neither this Joint Community Facilities Agreement nor the duties and obligations of any Property Owner hereunder may be assigned to any person or legal entity other than an affiliate of such Property Owner without the written consent of the City, the Community Facilities District and the Flood Control District, which consent shall not be unreasonably withheld or delayed. Neither this Joint Community Facilities Agreement nor the duties and obligations of the City, the Flood Control District or the Community Facilities District hereunder may be assigned to any person or legal entity, without the written consent of the Property Owners, which consent shall not be unreasonably withheld or delayed. The agreements and covenants included herein shall be binding on and inure to the benefit of any partners, permitted assigns, and successors-in-interest of the parties hereto.

Section 6.4 **Amendments.** This Joint Community Facilities Agreement can only be amended by an instrument in writing executed and delivered by the City, the Community Facilities District, the Flood Control District and the Property Owners.

Section 6.5 **Waivers.** No waiver of, or consent with respect to, any provision of this Joint Community Facilities Agreement by a party hereto shall in any event be effective unless the same shall be in writing and signed by such party, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which it was given.

Section 6.6 **No Third Party Beneficiaries.** No person or entity shall be deemed to be a third party beneficiary hereof, and nothing in this Joint Community Facilities Agreement (either express or implied) is intended to confer upon any person or entity, other than the City, the Community Facilities District, the Flood Control District and the Property Owners (and their respective successors and assigns), any rights, remedies, obligations or liabilities under or by reason of this Joint Community Facilities Agreement.

Section 6.7 **Notices.** Any written notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication to be given hereunder shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other party in writing from time to time, namely

Flood Control District:	Riverside County Flood Control and Water Conservation District Attn: Administrative Services 1995 Market Street Riverside, California 92501 Telephone: (951) 955-1200 Fax: (951) 788-9965
City and Community Facilities District:	City of Moreno Valley Public Works Department, Special Districts Division 14325 Frederick Street, Suite 9 Moreno Valley, California 92553 Attention: Special Districts Division Manager Telephone: (951) 413-3489 Fax: (951) 413-3498

With a copy to:	City of Moreno Valley 14177 Frederick Street Moreno Valley, California 92553 Attention: City Attorney Telephone: (951) 413-3036 Fax: (951) 413-3034
Property Owners:	c/o First Industrial Realty Trust, Inc. 114 Pacifica Court, Suite 220 Irvine, California 92618 Attention: Phil Bowman Telephone: (949) 486-1970 Fax: (949) 486-1971
With a copy to:	Barack Ferrazzano Kirschbaum Perlman & Nagelberg LLP 333 West Wacker Drive, Suite 2700 Chicago, Illinois 60606 Attention: Brett A. Feinberg Telephone: (312) 629-5168 Fax: (312) 984-3150

Each such notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication hereunder shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery, (b) if given by electronic communication, whether by telex, telegram or telecopier, upon the sender's receipt of a document confirming satisfactory transmission, (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is deposited with the United States mail, (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier, or (e) if given by any other means, upon delivery at the address specified in this Section.

Section 6.8 Jurisdiction and Venue. Each of the City, the Community Facilities District, the Flood Control District and the Property Owners (a) agrees that any suit action or other legal proceeding arising out of or relating to this Joint Community Facilities Agreement shall be brought in state or local court in the County of Riverside or in the Courts of the United States of America in the district in which said County is located, (b) consents to the jurisdiction of each such court in any suit, action or proceeding, and (c) waives any objection that it may have to the laying of venue or any suit, action or proceeding in any of such courts and any claim that any such suit, action or proceeding has been brought in an inconvenient forum. Each of the City, the Community Facilities District, the Flood Control District and the Property Owners agrees that a final and non-appealable judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

Section 6.9 **Attorneys' Fees.** If any action is instituted to interpret or enforce any of the provisions of this Joint Community Facilities Agreement, the party prevailing in such action shall be entitled to recover from the other party thereto reasonable attorneys' fees and costs of such suit (including both prejudgment and postjudgment fees and costs) as determined by the court as part of the judgment.

Section 6.10 **Governing Law.** This Joint Community Facilities Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State.

Section 6.11 **Usage of Words.** As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine.

Section 6.12 **Counterparts.** This Joint Community Facilities Agreement may be executed in counterparts, each of which shall be deemed an original.

Section 6.13 **Interpretation.** The parties to this Joint Community Facilities Agreement and their counsel have reviewed and revised this Joint Community Facilities Agreement, and the normal rule of construction to the effect that any ambiguities in an agreement are to be resolved against the drafting parties shall not be employed in the interpretation of this Joint Community Facilities Agreement.

[Balance of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed this Joint Community Facilities Agreement as of the day and year first hereinabove written.

CITY OF MORENO VALLEY

By: _____
Richard A. Stewart, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

(Seal)

APPROVED AS TO FORM:

By: _____
Warren Diven, Best Best & Krieger LLP

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: _____
Marion Ashley, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

RECOMMEND FOR APPROVAL:

By: _____
Warren D. Williams
General Manager-Chief Engineer
Riverside County Flood Control and Water Conservation District

ATTEST:
KEISHA HARPER-IHEM,
Clerk of the Board of Supervisors

By: _____
, Deputy Clerk

(Seal)

APPROVED AS TO FORM:
PAMELA J. WALLS, County Counsel

By: _____
, Deputy County Counsel

FR/CAL MORENO VALLEY, LLC,
a Delaware limited liability company

By: FirstCal Industrial, LLC
a Delaware limited liability company,
its sole member

By: FR First Cal, LLC,
a Delaware limited liability company,
its managing member

By: First Industrial Investment, Inc., a
Maryland corporation
its sole member

By: _____

Its: _____

(ATTACH NOTARY)

FIRST INDUSTRIAL, LP,
a Delaware limited partnership

By: First Industrial Realty Trust, Inc., a Maryland corporation, its sole general partner

By: _____

Its: _____

(ATTACH NOTARY)

FR/CAL INDIAN AVENUE, LLC,
a Delaware limited liability company

By: FirstCal Industrial, LLC
a Delaware limited liability company,
its sole member

By: FR First Cal, LLC,
a Delaware limited liability company,
its managing member

By: First Industrial Investment, Inc.,
a Maryland corporation
its sole member

By: _____

Its: _____

(ATTACH NOTARY)

EXHIBIT A

MAP OF THE PROPERTY

PM 35150: APN's 316-180-002 .....Sheet 1
316-180-003
316-180-005
316-180-006
316-180-008
316-180-009

TPM 35859: APN's 316-200-003.....Sheet 2
316-200-009
316-200-010
316-200-011
316-200-012
316-200-013
316-200-014
316-200-018
316-200-028
316-200-029

PM 35672: APN's 316-020-002.....Sheet 3
316-020-003
316-020-004
316-020-005
316-020-012
316-020-013
316-020-014
316-020-015
316-020-016
316-020-017
316-020-018
316-020-019

2008-0265595
Original

73/6

SHEET 1 OF 3

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

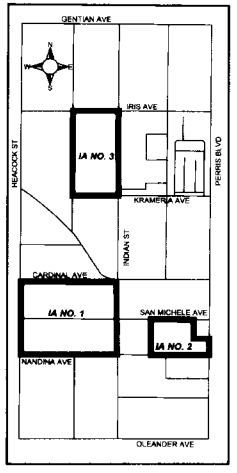

Vicinity Map

MAP REF NO.	ASSESSOR'S PARCEL NO.
1	316-170-001
2	316-170-002
3	316-170-004
4	316-170-006
5	316-170-007
6	316-170-010
7	316-170-013
8	316-170-014
9	316-180-002
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11	316-180-005
12	316-180-006
13	316-180-008
14	316-180-009
15	316-180-010

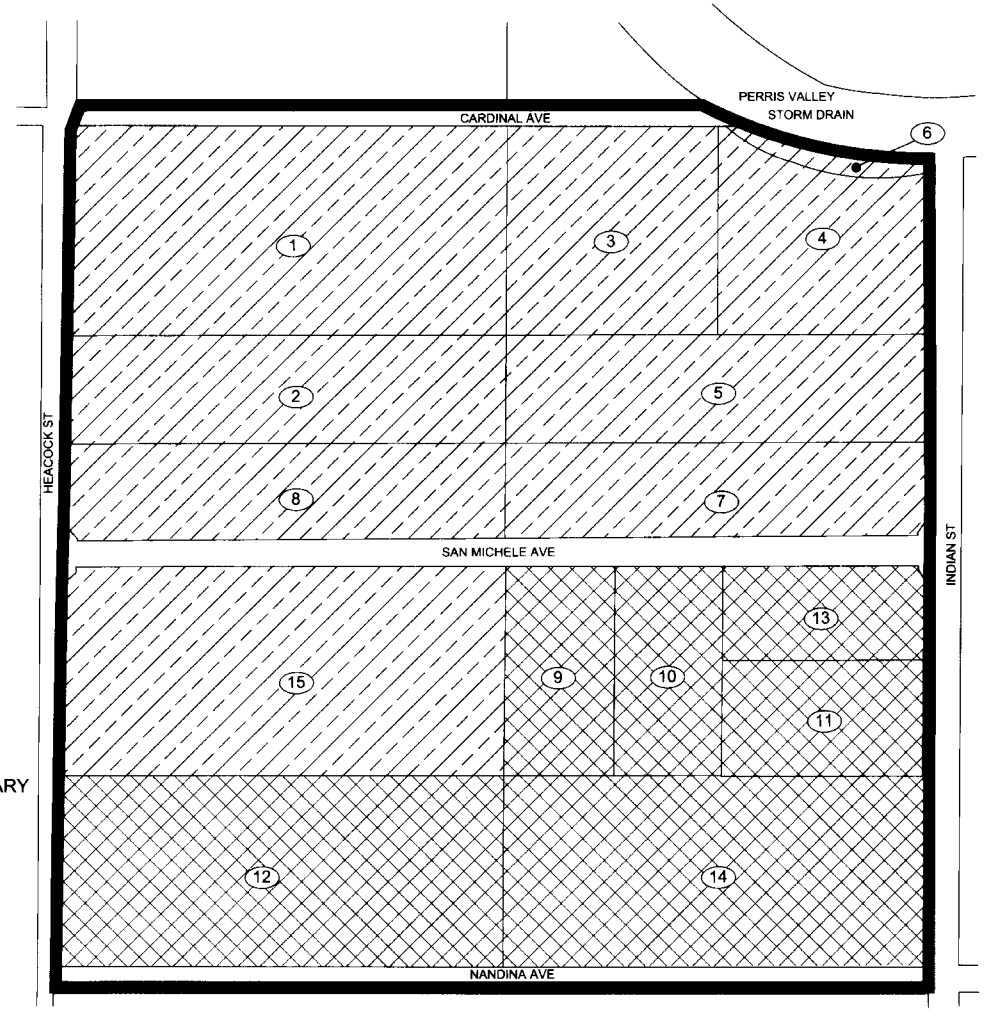

LEGEND FOR SHEET 1

IMPROVEMENT AREA NO. 1 (IA NO. 1) BOUNDARY

(1) MAP REFERENCE NUMBER

ZONE 1

ZONE 2

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 14 DAY OF May 2008.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE 13 DAY OF May, 2008, BY ITS RESOLUTION NO. 2008-50.

Jane Halstead
CITY CLERK
CITY OF MORENO VALLEY

RIVERSIDE COUNTY RECORDER'S CERTIFICATE

FILED THIS 16TH DAY OF MAY, 2008, AT THE HOUR OF 8 O'CLOCK A. M. IN BOOK 73 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) 6-8, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

FEE: $13.00

INSTRUMENT NO.: 2008-0265595

LARRY WARD, ASSESSOR-COUNTY CLERK-RECORDER

M. Garcia
BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

MV00032341

2008-0265595
Original

73/7

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

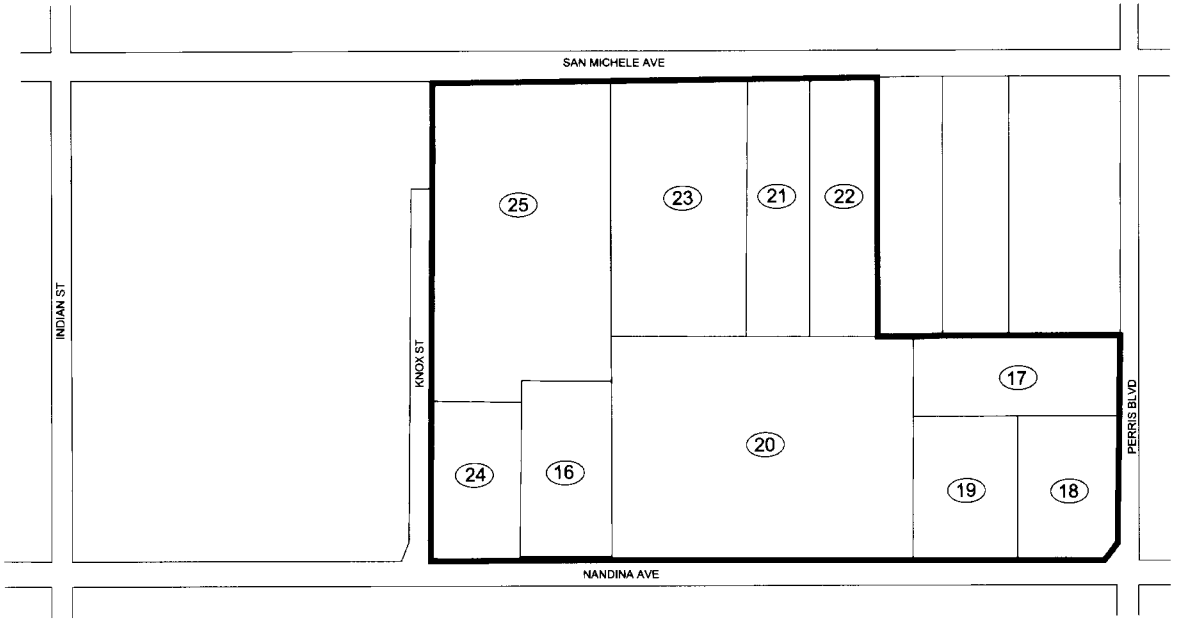

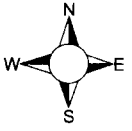

MAP REF NO.	ASSESSOR'S PARCEL NO.
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19	316-200-011
20	316-200-012
21	316-200-013
22	316-200-014
23	316-200-018
24	316-200-028
25	316-200-029

LEGEND FOR SHEET 2

IMPROVEMENT AREA NO. 2 (IA NO. 2) BOUNDARY

(1) MAP REFERENCE NUMBER

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

MV00032342

2008-0265595
Original
73/8

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

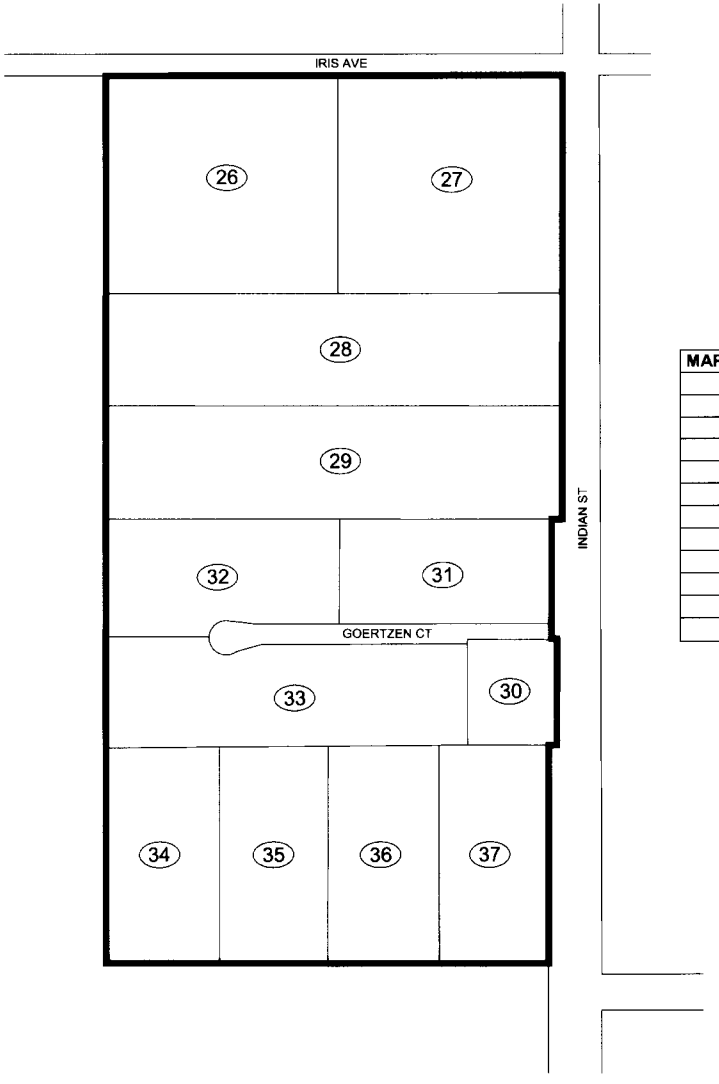

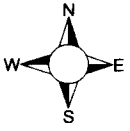

LEGEND FOR SHEET 3

IMPROVEMENT AREA NO. 3 (IA NO. 3) BOUNDARY

(1) MAP REFERENCE NUMBER

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28	316-020-004
29	316-020-005
30	316-020-012
31	316-020-013
32	316-020-014
33	316-020-015
34	316-020-016
35	316-020-017
36	316-020-018
37	316-020-019

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

MV00032343

EXHIBIT B

Flood Control Facilities Diagram

[Provided by Engineer per Flood Control District Specifications]

EXHIBIT B

Facilities Diagrams

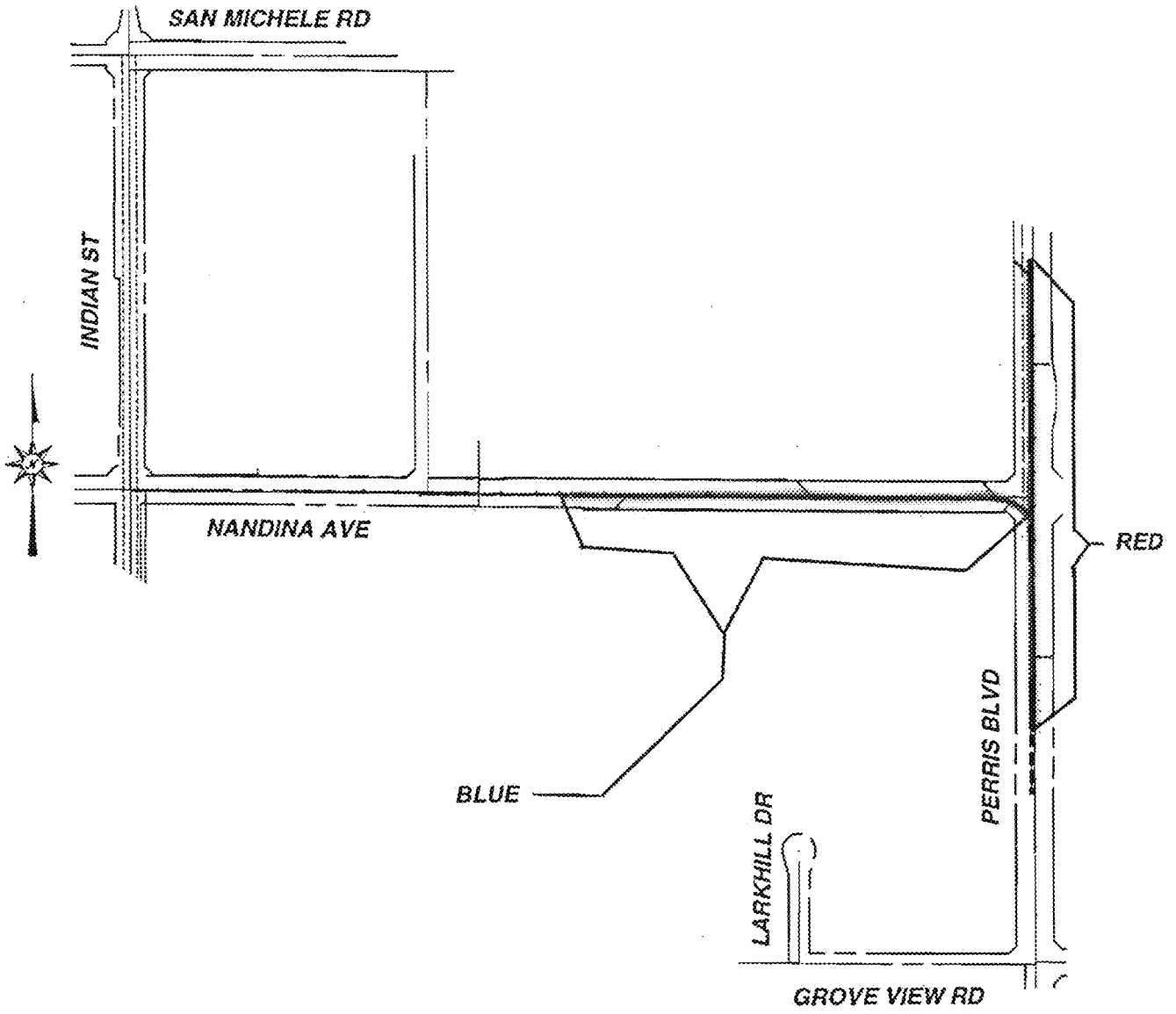

EXHIBIT B

Facilities Diagrams

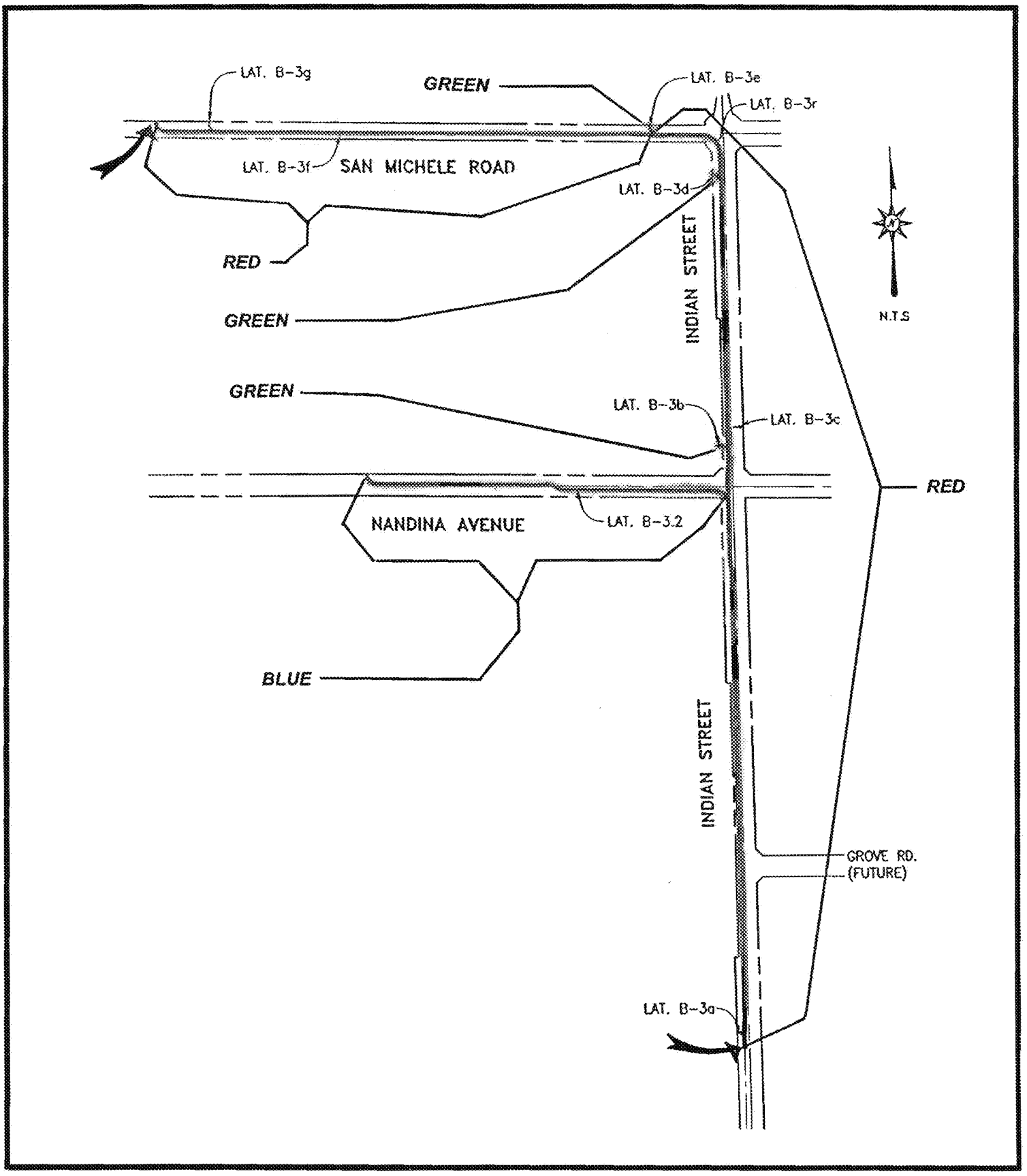

EXHIBIT B

Facilities Diagrams

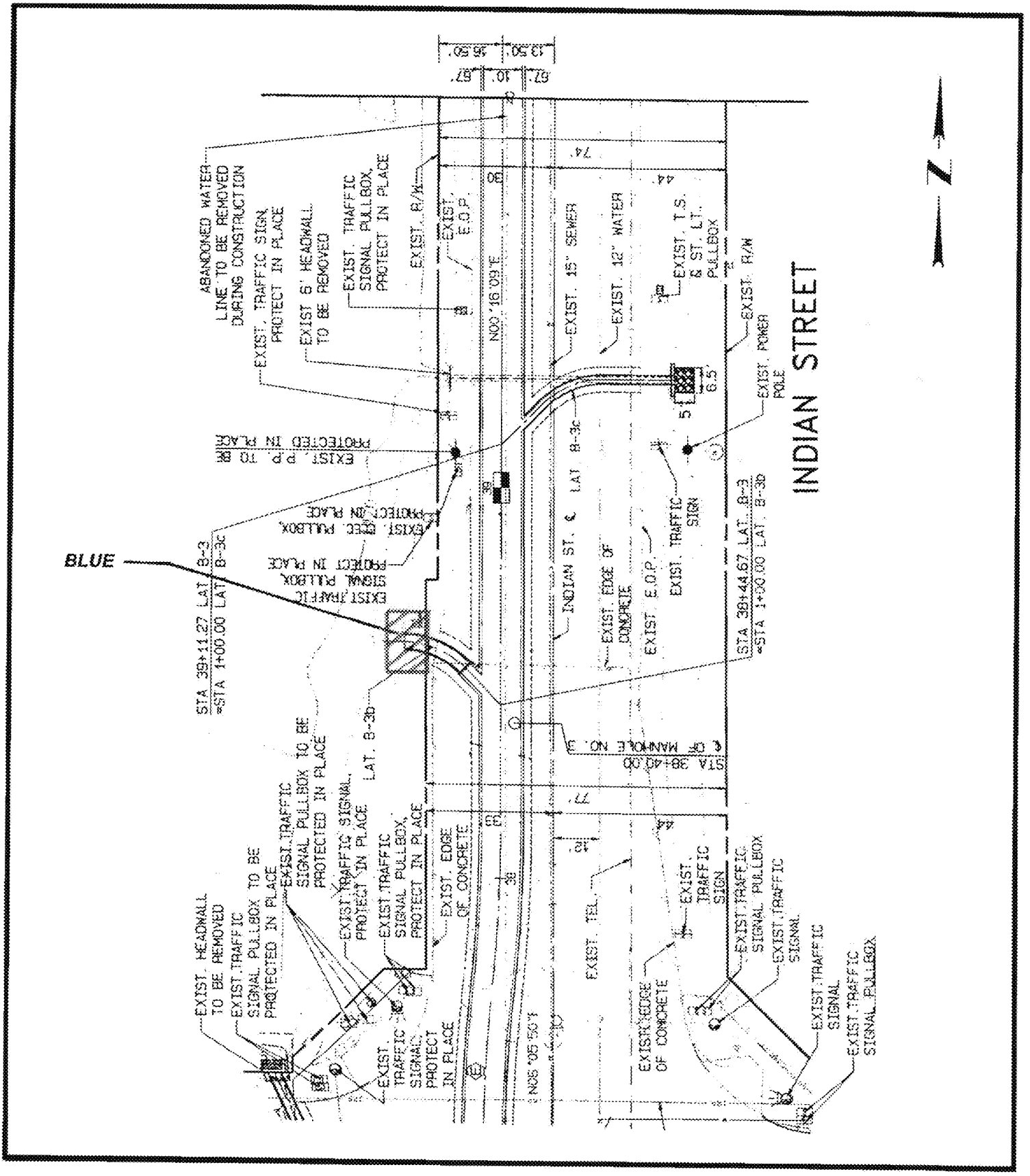

EXHIBIT B

Facilities Diagrams

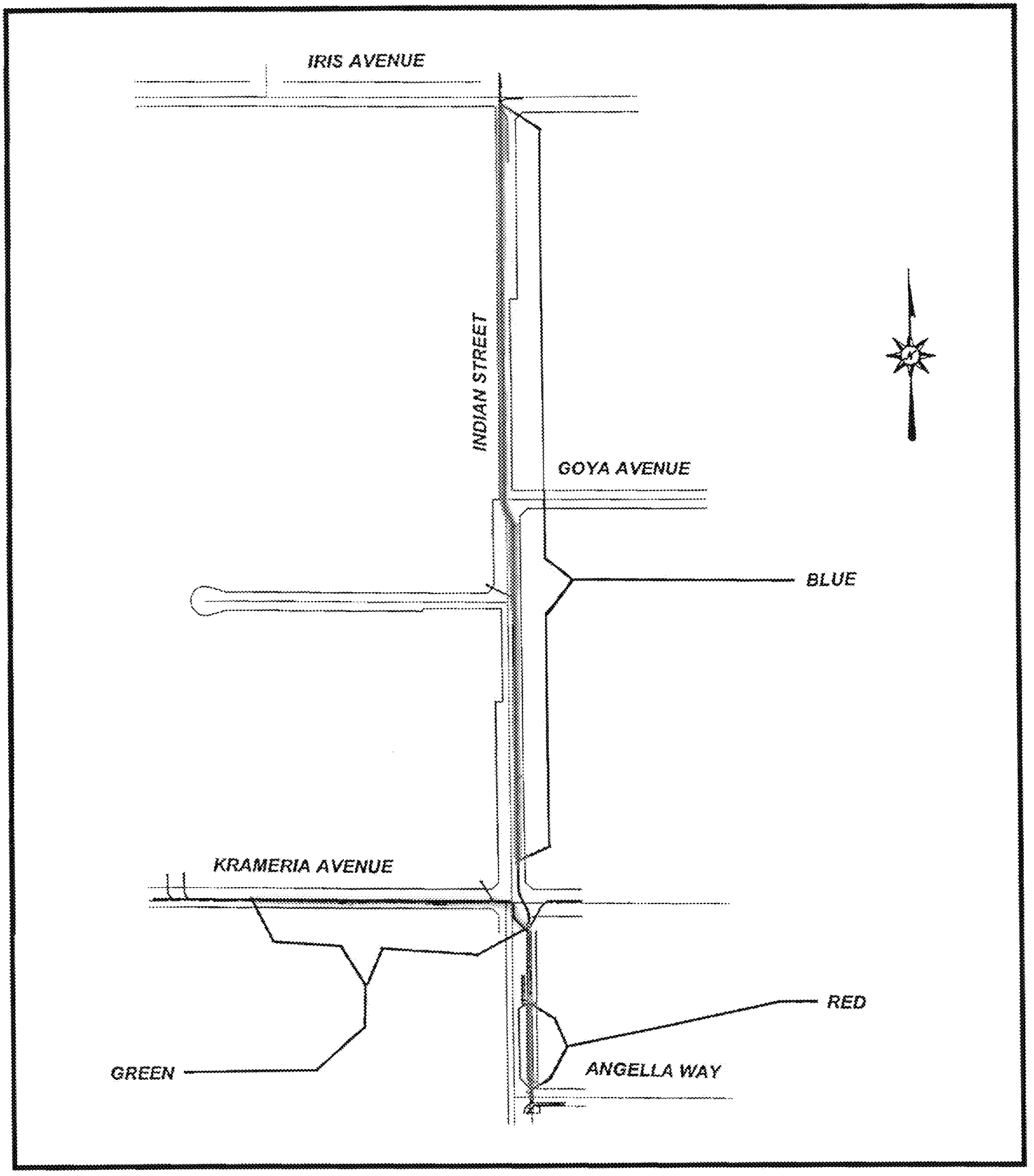

EXHIBIT B

Facilities Diagrams

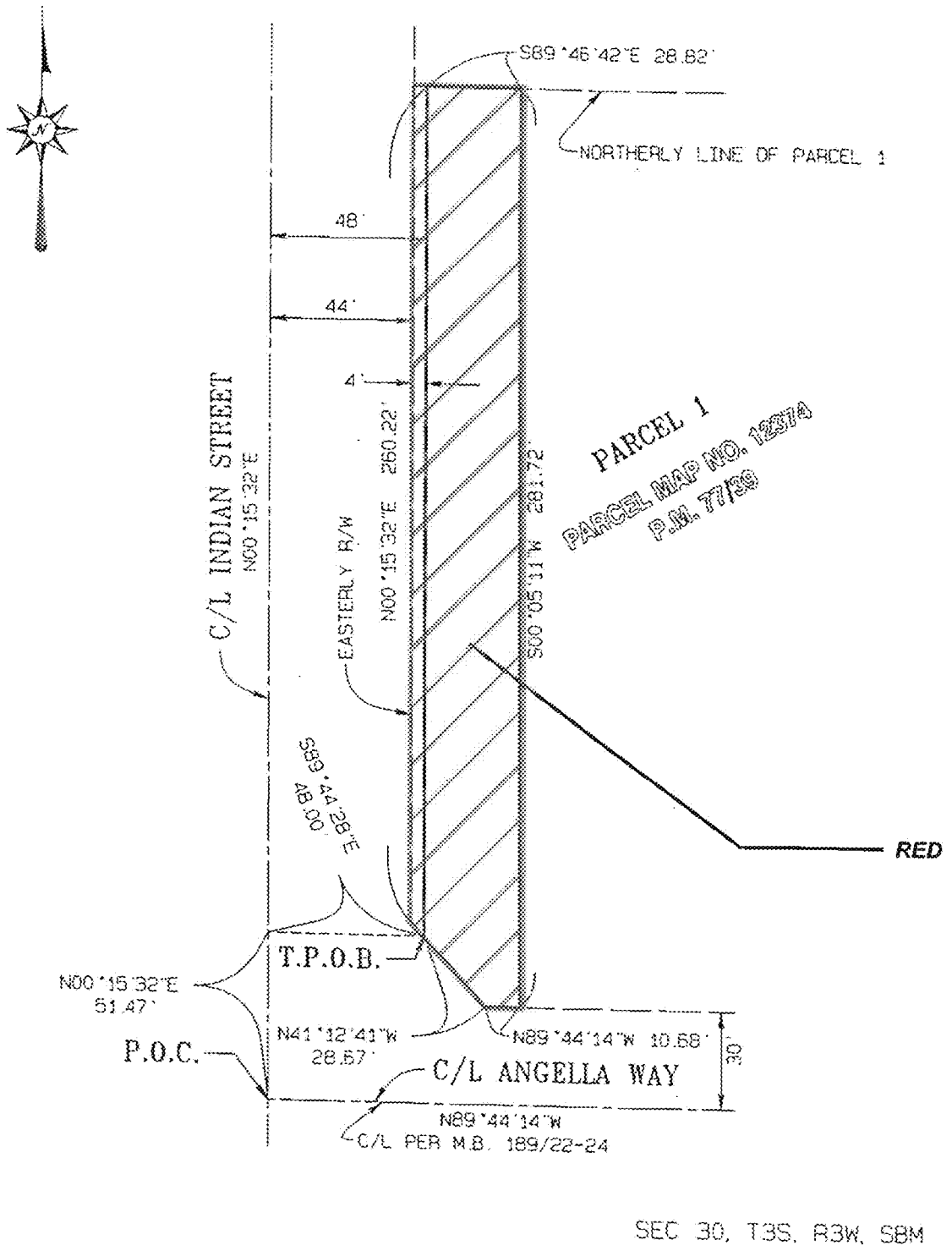

EXHIBIT B

Facilities Diagrams

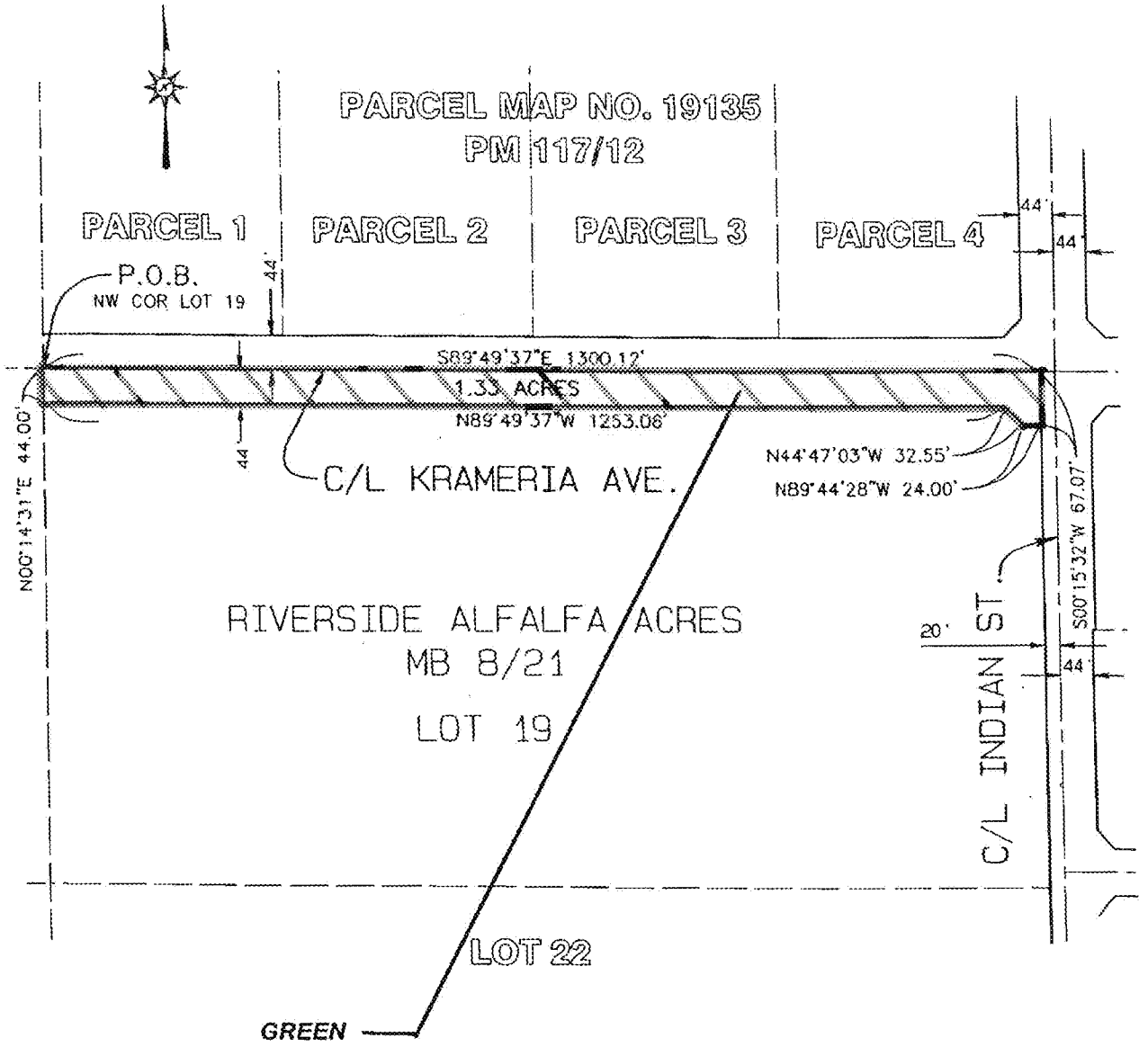

EXHIBIT C

Description of Flood Control Facilities

Proposed Flood Control Facilities to be authorized
For the Community Facilities District

Improvement Area No 1. Flood Control Facilities

RCFC&WCD Maintained Facilities

Perris Valley MDP Lateral B-3, Stage 2 (Project No. 4-0-00526), a 1 cell RCB (varying in height from 6 feet to 4 feet and varying in base width from 12 feet to 8 feet), 54" RCP, and 48" RCP, located in the Indian Street right-of-way from the existing Lateral B-3 (Project No. 4-0-00256) northerly approximately 3,268 feet to the intersection of Indian Street and San Michele Road, then westerly in the San Michele Road right-of-way approximately 2,123 feet. The facility consists of approximately 3,560 linear feet of RCB and 1,830 linear feet of RCP, including, but not limited to, manholes, junction structures, and transition structures.

Perris Valley MDP Lateral B-3.2 (Project No. 4-0-00533), a 42" RCP, located in the Nandina Avenue right-of-way from the connection to Lateral B-3, Stage 2 (Project No. 4-0-00526) westerly approximately 1,340 feet, including, but not limited to, manholes, and junction structures.

Lateral B-3b, a 42" RCP, approximately 18 feet in length connecting to Lateral B-3 at Station 38+44.67.

Lateral B-3d, a 42" RCP, approximately 30 feet in length connecting to Lateral B-3 at Station 48+34.67.

Lateral B-3e, a 48" RCP, approximately 21 feet in length connecting to Lateral B-3 at Station 52+14.22.

Estimated cost for RCFC & ECD Maintained Facilities: $3,600,000.00

City of Moreno Valley Maintained Facilities

Lateral B-3a, a 42" RCP, approximately 12 feet in length connecting to Lateral B-3 at Station 17+08.14.

Lateral B-3c, a 24" RCP, approximately 44 feet in length connecting to Lateral B-3 at Station 39+11.27.

Lateral B-3f, a 36" RCP, approximately 4 feet in length connecting to Lateral B-3 at Station 63+50.68.

Lateral B-3r, a 24" RCP, approximately 40 feet in length connecting to Lateral B-3 at Station 49+87.30.

Lateral B-3z, a 24" RCP, approximately 9 feet in length connecting to Lateral B-3 at Station 23+62.50.

Lateral B-3.2a, a 30" RCP, approximately 55 feet in length connecting to Lateral B-3.2 at Station 10+37.01.

Estimated cost for City of Moreno Valley Maintained Facilities: $680,000.00

Improvement Area No. 2 Flood Control Facilities

RCFC&WCD Maintained Facilities

Perris Valley MDP Lateral B-1 (Project No. 4-0-00486, Drawing No. 4-954), an 84" RCP, 78" RCP, and 72" RCP, located in Perris Boulevard right-of-way from the existing Lateral B-1 (Project No. 4-0-486, Drawing No. 4-838) northerly for approximately 1,345 feet. Lateral B-1 includes, but is not limited to, manholes, junction structures, laterals, and transition structures.

Perris Valley MDP Lateral B-1.2 (Project No. 4-0-00483, Drawing No. 4-954), a 78" RCP, 66" RCP, 60" RCP, 48" RCP and 42" RCP, located in the Nandina Avenue right-of-way from the connection to Lateral B-1, (Project No. 4-0-00486) westerly approximately 1,340 feet, including, but not limited to, manholes, and junction structures.

Estimated cost of RCFC & WCD Maintained Facilities: $1,500,000.00

City of Moreno Valley Maintained Facilities

Lateral B-1A, an 18" RCP, approximately 24 feet in length connecting to Lateral B-1 at Station 32+39.77.

Lateral B-1B, an 18" RCP, approximately 14 feet in length connecting to Lateral B-1 at Station 40+97.76.

Lateral B-1C, a 36" RCP, approximately 48 feet in length connecting to Lateral B-1 at Station 43+55.00.

Lateral B-1.2A, a 36" RCP, approximately 51 feet in length connecting to Lateral B-1.2 at Station 11+11.10.

Lateral B-1.2B, a 36" RCP, approximately 49 feet in length connecting to Lateral B-1.2 at Station 20+00.00.

Lateral B-1.2C, a 24" RCP, approximately 37 feet in length connecting to Lateral B-1.2 at Station 22+00.00.

Lateral B-1.2D, a 24" RCP, approximately 26 feet in length connecting to Lateral B-1.2 at Station 10+75.48.

Estimated cost of City of Moreno Valley Maintained Facilities: $100,000.00

Improvement Area No. 3 Flood Control Facilities

RCFC&WCD Maintained Facilities

Sunnymead MDP Line D (Project No. 4-0-00630, Drawing No. 4-991), Approximately 40 feet in length of 4'H x 8'W RCB and approximately 250 feet in length of 7'H x 10'W rectangular channel, located easterly of the Indian Street right-of-way. The downstream end of Line D connects to the existing Line D Box (Project No. 4-0-630, Drawing No. 4-514) and the upstream end of Line D Connects to the existing Line D rectangular channel (Project No. 4-0-630, Drawing No. 4-848). Line D is approximately 290 feet in length.

Sunnymead MDP Line D-1, a 60" RCP, 48" RCP and 42" RCP, located in the Indian Street right-of-way. The downstream end of Line D-1 connects to an existing portion of Line D-1 (Project No. 4-0-0631, Drawing No. 4-587) and extends northerly in

Indian Street for approximately 2,310 feet where it ties into an existing portion of Line D-1 (Project No. 4-0-0631, Drawing No. 4-508). Line D-1 includes, but is not limited to, manholes, junction structures, laterals, and transition structures. Line D-1 is approximately 2307 feet in length.

Lateral DA, a 42" RCP located in the Krameria Street right-of-way. The downstream end of Lateral DA connects to the existing Line D Rectangular Channel (Project No. 4-0-0630, Drawing No. 4-848) westerly for approximately 1950 feet. Lateral DA includes, but is not limited to, manholes, junction structures, laterals, and transition structures.

Estimated cost of RCFC & WCD Maintained Facilities: $1,600,000.00

City of Moreno Valley Maintained Facilities

Lateral DA, a 36" RCP located in the Krameria Street right-of-way. The downstream end of Lateral DA connects to the proposed Lateral DA 42" RCP (Project No. 4-0-0632, Drawing No. 4-991) westerly for approximately 353 feet. Lateral DA includes, but is not limited to, manholes, junction structures, inlets, laterals, and transition structures.

Lateral D-1A, a 36" RCP, approximately 11 feet in length connecting to Line D-1 at Station 40+66.30.

Lateral D-1B, a 24" RCP, approximately 75 feet in length connecting to Line D-1 at Station 46+67.98.

Lateral D-1C, a 42" RCP, approximately 16 feet in length connecting to Line D-1 at Station 48+92.48.

Lateral DA1, a 30" RCP, approximately 39 feet in length connecting to Lateral DA at Station 11+67.70.

Lateral DA2, a 30" RCP, approximately 38 feet in length connecting to Lateral DA at Station 21+80.83.

Lateral DA3, a 30" RCP, approximately 38 feet in length connecting to Lateral DA at Station 22+35.75.

Estimated Cost of City of Moreno Valley Maintained Facilities: $200,000.00

EXHIBIT D

FUNDING AGREEMENT

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

RECD JUL 28 2008

July 25, 2008

First Industrial Realty Trust
John Grace, Development Manager
114 Pacifica, Suite 220
Irvine, CA 92618

Subject: Executed Acquisition/Financing Agreement for Community Facilities District No. 7

Dear Mr. Grace,

Enclosed is a signed original of the Acquisition/Financing Agreement for Community Facilities District No. 7. This agreement is for acquisition and construction of certain public improvements associated with your project within Community Facilities District No. 7.

If you have any questions, please contact Marshall Eyerman, Special Districts Program Manager at (951) 413-3482.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer

Jennifer A. Terry
Management Analyst

Enclosure

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
File

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MV00032356

ACQUISITION/FINANCING AGREEMENT

THIS ACQUISITION/FINANCING AGREEMENT ("Agreement") is made and entered into by and among the CITY OF MORENO VALLEY, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of California, ("City") acting for and on behalf of itself and COMMUNITY FACILITIES DISTRICT NO. 7, and FR/CAL MORENO VALLEY, LLC ("FR/CAL MV"), a Delaware limited liability company, FIRST INDUSTRIAL, L.P. ("FILP"), a Delaware limited liability partnership FR/CAL INDIAN AVENUE, LLC ("FR/CAL IA"), a Delaware limited liability company and shall become effective on the date on which the Agreement has been mutually executed and delivered by the Parties (as defined in the following sentence). FR/CAL MV, FILP and FR/CAL IA may be referred to individually as an "Owner" or collectively as the "Owners" and Owners acknowledge that they are related entities. The City and the Owners may be referred to individually as a "Party" or collectively as the "Parties."

WHEREAS, the Owners own the following real property (collectively, the "Owners' Properties") located within the City:

A. FR/CAL MV owns that parcel identified as Assessor's Parcel Nos. 316-180-002, 316-180-003, 316-180-005, 316-180-006, 316-180-008 and 316-180-009 (the "FR/CAL MV Property);

B. FILP owns those parcels identified as Assessor's Parcel Nos. 316-200-003, 316-200-009 through -014, 316-200-018, 316-200-028 and 316-200-029 (the "FILP Property);

C. ; FR/CAL IA owns those parcels identified as Assessor's Parcel Nos. 316-020-002, 316-020-003; 316-020-004, 316-020-005 and 316-020-012 through -019 (the "FR/CAL IA Property); and

WHEREAS, the Owners have requested that the City consider the formation of a community facilities district and the designation of three improvement areas therein (each, an "Improvement Area" and designated individually as "Improvement Area No. 1," "Improvement Area No. 2," and "Improvement Area No. 3") under the terms and conditions of the "Mello-Roos Community Facilities Act of 1982," as amended (Government Code Section 53311 and following) (the "Act") to include the Owners' Properties and certain additional adjacent property not owned by Owners and identified as Assessor Parcel Nos. 316-170-001, 316-170-002, 316-170-004, 316-170-006, 316-170-007, 316-170-010, 316-170-013, 316-170-014 and 316-180-010 (the "Adjacent Property") for the purpose of financing the acquisition and construction of certain public improvements, together with appurtenances and appurtenant work within the jurisdictional limits of said City, said community facilities district known and designated as COMMUNITY FACILITIES DISTRICT NO. 7 (the "Community Facilities District"); and,

WHEREAS, the Owners have further requested that the FR/CAL MV Property and the Adjacent Property be included in Improvement Area No. 1, the FILP Property be included in Improvement Area No. 2 and the FR/CAL IA Property be included in Improvement Area No. 3; and

WHEREAS, the boundaries of the proposed Community Facilities District and the proposed Improvement Areas are set forth in Exhibit A attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to such request of the Owners, City intends to initiate proceedings to consider the formation of the Community Facilities District and the designation of Improvement Areas therein, the authorization to levy special taxes within each Improvement Area and the authorization to issue bonds for each Improvement Area of the Community Facilities District to be secured by such special taxes; and

WHEREAS, Owners, in order to proceed in a timely way with the development of Owners' respective property (each, a "Development"), desires to construct or cause the construction of (a) certain public improvements that are, following the completion of the construction thereof in accordance with the applicable improvement agreements, to be acquired by the City and thereafter owned, operated and maintained by the City (the "Street Improvements"), (b) certain public improvements that are, following the completion of the construction thereof in accordance with the JCFA (defined below), to be acquired by the Riverside County Flood Control and Water Conservation District (the "Flood Control District") and thereafter owned, operated and maintained by the Flood Control District (the "Flood Control Facilities"), and (c) the undergrounding of certain utilities (the "Utility Improvements" and, together with the Street Improvements and the Flood Control Facilities, the "Improvements") to be owned, operated and maintained by Southern California Edison ("SCE")1; and

WHEREAS, Exhibit B-1 sets forth a description of the Improvements and the Improvement Area to which the financing of such Improvement is allocated and Exhibit B-2 sets forth the estimated cost (the "Budgeted Cost") for the acquisition of each Improvement; and,

WHEREAS, each Owner desires to construct the Improvements for the Improvement Area within which such Owner's property is located, to wit:

A. FR/CAL MV desires to construct those Improvements identified in Exhibit B1 as the Improvement Area No. 1 Improvements;

B. FILP desires to construction those Improvements identified in Exhibit B1 as the Improvement Area No. 2 Improvements;

C. FR/CAL IA desires to construct those Improvements identified in Exhibit B1 as the Improvement Area No. 3 Improvements; and

WHEREAS, the acquisition of such Improvements is proposed to be financed, in whole or in part, through the Community Facilities District; and,

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1 The Owners acknowledge that while the Utility Improvements are to be owned by SCE, the Owners' Properties will be served by the City of Moreno Valley Electric Utility.

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WHEREAS, pursuant to the Act, the City and the Owners have entered or will, prior to the formation of the Community Facilities District, enter into a joint community facilities agreement with the Flood Control District and the Owners regarding the construction and acquisition of the Flood Control Facilities (the "JCFA"); and,

WHEREAS, the Parties agree that the Flood Control Facilities will be constructed by the Owners, subsequently acquired by the Flood Control District upon completion thereon for ownership and maintenance and the purchase price for such Improvements paid from the proceeds of bonds issued for the Community Facilities District pursuant to the provisions of the JCFA and the applicable provisions of this Agreement; and,

WHEREAS, it is the intent of the Parties that, upon the formation of the Community Facilities District and the subsequent sale of bonds for an Improvement Area the proceeds of which bonds are authorized to be utilized to acquire a particular Improvement or Improvements, the Owner which has constructed such Improvement or Improvements or caused such Improvement or Improvements to be constructed shall be entitled pursuant to the provisions of this Agreement to be paid for those Street Improvements and Utility Improvements, if any, at the prices as determined by the City pursuant to this Agreement and such Owner shall further be entitled pursuant to the provisions of the JCFA to be paid for those Flood Control Facilities which such Owner has constructed to caused to be constructed at the prices as determined pursuant to the JCFA; and,

WHEREAS, if the Community Facilities District is formed and bonds for the Improvement Areas are issued, the City will be willing to finance the acquisition of the Improvements, subject to the requirements of the Act, the City of Moreno Valley Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts adopted by the City Council by Resolution No. 2000-35 (the "Goals and Policies"), the JCFA, this Agreement, and the provisions of the Internal Revenue Code and the regulations adopted pursuant thereto applicable to the issuance of tax exempt bonds and the Owner desires that the acquisition of such Improvements be financed accordingly.

NOW, THEREFORE, IT IS MUTUALLY AGREED between the respective parties as follows:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Plans and Specifications of Improvements. All plans, specifications and bid documents for the Street Improvements and the Utility Improvements (the "Plans and Specifications") to be constructed by an Owner shall be prepared by such Owner at such Owner's initial expense, subject to approval by the City pursuant to the approval process established by the City for such Plans and Specifications or by SCE, as applicable. The costs of acquisition of such Improvements shall include costs incurred by such Owner for the preparation of and approval by the City of the Plans and Specifications and soil, drainage and such other reports as may be required by the City as a precondition to the City's approval of the construction of the Street Improvements (collectively, the "Reports") and all related documentation as set forth in Section 7 below. Upon the approval of any Plans and Specifications and/or Reports, such Plans and Specifications and/or Reports shall become the property of the City.

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The Owner shall be required to submit review fees for such Plans and Specifications and Reports as required pursuant to the then effective resolution of the City establishing the fees for the review of such Plans and Specifications and Reports.

An Owner shall not award a contract for construction, commence construction or order or otherwise cause commencement of construction of a Street Improvement until the Plans and Specifications for such Improvement have been approved by the City.

SECTION 3. <u>Construction of Street Improvements and Utility Improvements.</u> Each Owner covenants and agrees that each Street Improvement to be acquired from such Owner pursuant to this Agreement shall be constructed:

(a) in substantial compliance with the approved Plans and Specifications for such Improvement;

(b) in a good, workmanlike and commercially reasonable manner with the standard of diligence and care normally employed by qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken;

(c) in strict compliance with all applicable governmental and quasi-governmental rules, regulations, laws, building codes and all applicable requirements of such Owner's insurers and lenders; and

(d) in compliance with the requirements of Section 53313.5 of the California Government Code, if applicable, which statute requires that any Street Improvement to be acquired by the City which is completed after adoption of the resolution of formation of the Community Facilities District must be constructed as if such Improvement had been constructed under the direction and supervision, or under the authority, of the City.

In order to insure that the Street Improvements will be constructed as if they had been constructed under the direction and supervision, or under the authority of, the City, so that they may be acquired by City pursuant to Section 53313.5 of the California Government Code, each Owner shall comply with all of the following requirements with respect to the construction of the Street Improvements:

(i) Each Owner shall obtain bids for the construction of the Street Improvements in conformance with the standard procedures and requirements of City with respect to its public works projects (excluding any exceptions to competitive bidding requirements), or in a manner which is approved in writing by the City prior to the solicitation of bids.

(ii) Each contract or contracts for the construction of the Street Improvements shall be awarded to the responsible bidder(s) submitting the lowest responsive bid(s) for the construction of such Street Improvements. Nothing in this Section 3 shall

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prohibit an Owner from including more than one Street Improvement in a single solicitation for bids. In the case where an Owner does include more than one Street Improvement in a single solicitation for bids, such Owner shall award the bid for the construction of such Improvements to the bidder submitting the lowest aggregate responsible bid for the construction of such Improvements. Before awarding a contract for construction of any portion of the Street Improvements, each Owner shall deliver all bids to the City Engineer of the City, or his designee (the "City Engineer") and shall not award the contract until City Engineer has determined and notified such Owner in writing that such bids are in compliance with the Plans and Specifications.

(iii) Each Owner shall require, and the specifications and bid and contract documents shall require all such contractors to pay prevailing wages and to otherwise comply with applicable provisions of the California Labor Code and the California Public Contract Code relating to public works projects of community services districts and as required by the procedures and standards of City with respect to the construction of its public works projects.

(iv) In addition to each Owner's obligation to comply with all other provisions of this Section 3, each such Owner shall also comply with the requirements of the attached, referenced and incorporated Exhibit C.

The failure of an Owner to comply with the provisions of this Section 3 in the construction of any Street Improvement shall be grounds for declaring such Street Improvement ineligible to be acquired pursuant to the provisions hereof.

The City hereby acknowledges and agrees that, at an Owner's election, the solicitation of bids may be managed and performed by such Owner's general contractor.

An Owner shall be required to construct Utility Improvements pursuant to the requirements of SCE.

The description of the Street Improvements and Utility Improvements in Exhibit B is preliminary and general in nature. The final nature and location of such Improvements will be determined upon the preparation of final Plans and Specifications. The description of such Improvements and their Budgeted Cost may be modified or Improvements substituted as long as the modified or substituted Improvements provide a service substantially similar to the Improvements currently described in Exhibit B. Any such modification or substitution shall be set forth in a supplement to Exhibit B approved by the City Engineer.

SECTION 4. <u>Inspection of the Street Improvements and Utility Improvements; Eligibility for Payment of Purchase Price.</u> The construction of the Street Improvements as set forth in Exhibit B shall be subject at all reasonable times to inspection by authorized representatives of the City. The Owner constructing or causing the construction of any Street Improvement or Street Improvements shall be required to submit inspection fees to the City as required pursuant to the then effective fee resolution of the City for the inspection of each such Street Improvement. Once an entire individual

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Street Improvement is completed in accordance with the approved Plans and Specifications (including any change orders reasonably approved by the City), then such Improvement shall, upon satisfaction of the conditions precedent set forth herein, be eligible for payment of the Purchase Price (as defined in Section 7 below) for such Improvement.

Prior to payment of the Purchase Price for any Street Improvement, the Owner constructing or causing the construction of such Street Improvement shall provide to City Engineer, the documentation set forth in Section 7(b) below and obtain approval of as-built drawings in accordance with the process described below in this Section 4. The engineer of record for the Street Improvement ("Engineer of Record") shall notify the City Engineer of completion of construction of such Improvement. Within 20 working days of such filing, the field inspector of the City ("Field Inspector") or his or her designee shall issue and transmit to the Engineer of Record (i) a letter requesting as-built drawings and final soils reports (when applicable) ("Final Soils Reports") and (ii) a punch list of work necessary to be completed or corrections to work necessary to be completed before such Improvement will be eligible for payment of the Purchase Price. Within 20 working days of receipt of the Field Inspector's letter, the Engineer of Record shall prepare redline as-built drawings and submit them to the Field Inspector and such Owner shall complete the punch list items. Within 10 working days of the Engineer of Record's submittal of the red lined as-built drawings, the Field Inspector shall review the redline as-built drawings and provide comments. The Engineer of Record shall revise the redline as-built drawings per the Field Inspector's comments and resubmit within 10 working days. The Field Inspector shall make his final review within 5 working days of the Engineer of Record's resubmittal and notify the Engineer of Record to prepare mylar as-built drawings and a digital (autocad and .pdf) copy of all Plans and Specifications and Reports and submit such documents in such formats to the City Engineer or his designee and notify such Owner of any punch list items which then remain to be completed. A Street Improvement shall be accepted upon completion of the punch list items and submittal to and approval by City of as-built drawings. City and such Owner shall make best efforts to perform within the time periods described above. The inability of City or such Owner to perform within each time period, notwithstanding its best efforts, shall not constitute a breach of this Agreement.

The construction of the Utility Improvements shall be subject to such inspection as SCE shall require. Upon receipt by the City Engineer of a letter from SCE stating that the construction of a Utility Improvement has been completed to the satisfaction of SCE and that SCE has accepted ownership of such Utility Improvement, the Owner constructing or causing the construction of such Utility Improvement may submit a written request pursuant to Section 7(b) for the payment of the Purchase Price for such Utility Improvement.

SECTION 5. <u>Warranty of Street Improvements.</u> Prior to acceptance by the City of any Street Improvement, the Owner constructing or causing the construction of such Street Improvement shall be responsible for maintaining such Improvement at such Owner's expense. Such Owner shall be obligated to the City and the Community Facilities District for a period of twelve (12) months after the acceptance by the City of any Street Improvement to repair or replace any defects or failures resulting from the work of such Owner, its contractors or agents. Upon the expiration of such twelve (12) month period, such Owner shall assign to the City and the Community Facilities District its rights in and to any warranties, guarantees or other evidence of contingent obligations of third persons with respect to such Improvement. As a precondition to the acceptance by the City of a

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Street Improvement, such Owner shall post a maintenance bond in a form reasonably approved by the City, cause such a maintenance bond to be posted, or assign such Owner's rights under such a maintenance bond naming the City and the Community Facilities District as beneficiaries in an amount equal to ten percent (10%) of the Budgeted Cost of such Improvement in order to secure such Owner's obligations pursuant to this Section during the twelve (12) month maintenance period.

SECTION 6. Notice of Completion and Lien Releases. Upon completion (as such term is defined in California Civil Code Section 3086) of the construction of a Street Improvement, the Owner constructing or causing the construction of such Improvement shall notify the City Engineer in writing of such completion and shall prepare and execute a Notice of Completion for such Improvement in the form prescribed by Section 3093 of the California Civil Code and shall record such notice in the Official Records of the County of Riverside. Such Owner shall cause its contractors to provide unconditional lien releases for such Improvement in accordance with Section 3262 of the Civil Code.

SECTION 7. Payment of Purchase Price; Processing Payment Requests.

(a) Amount of Purchase Price of an Improvement and Processing of Payment Requests. The Purchase Price for a Street Improvement or a Utility Improvement to be constructed by an Owner and acquired by the City or SCE, as applicable, shall be determined as provided for in this Section 7. The amount of the Purchase Price for a Flood Control Facility shall be determined pursuant to the JCFA.

The processing of a payment request for the payment of the Purchase Price for a Street Improvement or a Utility Improvement shall be undertaken as provided for in this Section 7. The processing of a payment request for the payment of the Purchase Price for a Flood Control Facility shall be determined pursuant to the JCFA.

(b) Determining the Amount of the Purchase Price for a Street Improvement or a Utility Improvement. The Purchase Price for a Street Improvement or a Utility Improvement shall (i) equal the lesser of the cost or the value thereof, (ii) include the lesser of the cost or value of eligible appurtenant public facilities, (iii) include the costs of the title insurance policy, if any, described in Section 10(a), and (iv) include all other costs of construction and incidental costs eligible under the Act and the Goals and Policies as a part of the cost of such Improvements, including the following:

(1) Usual and customary design, planning and engineering costs including civil engineering, soils engineering, landscape architecture, survey and construction staking, utility engineering and coordination, construction administration and supervision, plan check and inspection fees. Planning to be included in the Purchase Price of an Improvement shall be limited to those planning costs which are directly related to the planning for such Improvement. Costs incurred by an Owner related to the formation of the Community Facilities District ("Owner's CFD Formation Costs") shall not be included in the Purchase Price of any Improvement.

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(2) Costs of acquisition of rights-of-way and/or easements necessary for any Improvement which are not otherwise required to be dedicated to the City including the following:

(A). Costs of any appraisal undertaken by an appraiser retained by the City for the purpose of valuing such property interests;

(B) Costs of title insurance for such property interests;

(C). Costs of preparing acquisition plats;

(D). The appraised value or actual cost of right-of-way or easements, whichever is less; and

(E). Legal fees and costs related to eminent domain proceedings approved by the City Attorney and the City Engineer.

(3) Costs of environmental review, permitting, mitigation directly related to the Improvement, and that portion of the cost of the preparation of environmental documents, including without limitation, a Negative Declaration or an Environmental Impact Report directly related to the Improvement.

(4) An amount not to exceed to 11.0% of the hard construction cost and the hard cost contingency (including insurance and general conditions) but excluding all other incidental costs, including but not limited to, the costs set forth in subparagraphs (1), (2) and (3) of the Improvement, representing the developer/project management fee, construction management fee and general conditions fee. Such fees are described in Exhibit E attached hereto and incorporated herein by this reference (the "Fee Letter").

(5) Costs of construction, provided in no event shall the cost or value of the construction of the Improvement be deemed to exceed the construction contract prices set forth in the contracts and change orders approved by City.

The value of an Improvement shall be equal to the cost of construction of such Improvement determined pursuant to this subsection (b), less such portion of such cost of construction which the City Engineer has, in his or her reasonable professional opinion, determined would not have been incurred had such Improvement been constructed pursuant to a public works contract awarded by the City. Each Owner agrees to cooperate with the City Engineer in the determination of the value of an Improvement constructed or caused to be constructed by such Owner and in conjunction therewith shall, at the request of the City Engineer, provide the City Engineer with copies of contracts for construction of improvements to such Owner's Properties which are adjacent to or nearby such Improvement. As a non-inclusive example, if an Owner pays overtime to complete the construction of Street Improvements to provide access to a parcel by a date certain as required by such Owner's lease obligations to a tenant occupying such parcel, the cost of such overtime will be deducted from the overall cost of construction of such Improvement to determine the value of such Improvement.

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Notwithstanding the foregoing, the aggregate Purchase Price of the Utility Improvements to be financed from the proceeds of a series of Bonds issued for an Improvement Area may not exceed an amount equal to five percent (5%) of the proceeds of such series of Bonds used to acquire Street Improvements and Flood Control Facilities or such lesser amount as may be necessary to insure that such expenditure does not, in the opinion of bond counsel retained by the City, adversely affect the exclusion from gross income of interest on such series of Bonds for federal income tax purposes.

(c) Processing a Request for Payment of the Purchase Price for a Street Improvement or a Utility Improvement.

(1) Requisition for Payment of Purchase Price. The Owner who constructed or caused the construction of a Street Improvement or a Utility Improvement may submit only one (1) written request to person or entity acting as the construction auditor for and on behalf of the City (the "Construction Auditor"), for the payment of the Purchase Price for such Improvement in the form attached hereto as Exhibit D, which is incorporated herein by this reference, upon the submission to the Construction Auditor of (A) a copy of each construction contract for such Improvement, a copy of the bid notice for such contract and a copy of each bid received, (B) each change order applicable to such Improvement, (C) each invoice submitted pursuant to each such contract pertaining to such Improvement, (D) evidence of payment of each such invoice such as copies of cancelled checks or other evidence of payment satisfactory to the Construction Auditor, (E) as-built drawings or other equivalent plans and specifications for any such Street Improvement in a form reasonably acceptable to the City, (F) evidence that such Owner has posted a maintenance bond for any such Street Improvement as required by Section 5 hereinabove, (G) evidence of the satisfaction of the requirements of Section 10 hereinbelow directly related to any such Street Improvement and (H) written unconditional lien releases from all contractors, subcontractors and materialmen satisfactory to the City Attorney for such Improvement. In the event that such Owner has awarded a single contract for the construction of more than one Street Improvement or Utility Improvement, such Owner must provide a copy of such contract, the bid notice and the bids received only with first written request for payment of the Purchase Price for an Improvement constructed pursuant to such contract. For all subsequent requests for payment of the Purchase Price for an Improvement constructed pursuant to such contract, such Owner may refer to the original request for payment for which the construction contract, bid notice and bids were submitted in lieu of submitting additional copies of such documents.

(2) Review of Payment Request. The Construction Auditor shall review each payment request within thirty (30) working days after receipt thereof (the "Initial Review Period") and notify the City Engineer and the Special Districts Division Manager and such Owner of the results of such review. Upon the completion of such review, the Construction Auditor shall either recommend approval of the payment request as submitted or, if the Construction Auditor finds that any such payment request is incomplete, improper or otherwise not suitable for approval, the Construction Auditor shall inform such Owner, the City Engineer and the Special Districts Division Manager of the reasons for such finding. Such Owner shall have the right to respond to this finding by submitting further documentation to the

MV00032365

Construction Auditor to supplement a payment request and/or to resubmit the payment request within thirty (30) days after receipt of the denial. The Construction Auditor shall review any supplemental documentation submitted in support of a payment request and inform such Owner, the City Engineer and the Special Districts Division Manager of its recommendation for the approval or denial of the payment request as so supplemented in accordance with this Section within ten (10) working days after receipt of the supplemental documentation.

If an Owner elects to resubmit a payment request in place of an original payment request that the Construction Auditor has found to be incomplete, improper or otherwise not suitable for approval in lieu of submitting supplemental information pertaining to the original payment request, the resubmitted payment request shall be subject to the same review procedures applicable to an original payment request.

Costs incurred under a contract for the construction of a Street Improvement entered into pursuant to the requirements of this Agreement and pursuant to change orders approved by the City shall be deemed to be reasonable.

The City Engineer shall review the recommendation of the Construction Auditor for the payment of any payment request and shall approve or deny such payment request within fifteen (15) business days of the date of the receipt thereof. The City Engineer shall notify the Owner and the Special Districts Division Manager in writing of his or her decision and, if the City Engineer denies such payment request, the reasons for such denial. Such Owner shall have the right to respond to the denial by submitting further documentation to the City Engineer to supplement such payment request within thirty (30) days after receipt of the denial. The City Engineer shall review such further documentation and shall approve the payment request or affirm his or her denial thereof within ten (15) business day of the date of receipt of such further documentation. The City Engineer shall notify the Owner and the Special Districts Division Manager in writing of his or her decision which shall be final and conclusive.

After (A) the formation of the Community Facilities District, the designation of the Improvement Areas therein and the approval of the authorization to levy special taxes within such Improvement Areas and to issue bonds of the Community Facilities District for each Improvement Area secured by such special taxes, (B) the issuance of Bonds (defined in Section 20 below) for one or more of the Improvement Areas pursuant to Section 20 the proceeds of which are intended to be used to acquire a particular Street Improvement or a Utility Improvement for which a payment request has been received, (C) recommendation by the Construction Auditor of the approval of the payment request and (D) approval of such payment request by the City Engineer, the Special Districts Division Manager shall promptly notify the Director of Finance of the approval of the payment request and request that such payment be made to the appropriate payee. The Director of Finance shall process any such request of the Special Districts Division Manager pursuant to the applicable procedures of the Finance Department and shall make or authorize such payment pursuant to such procedures and subsection (3) below.

MV00032366

(3) Payment.

(A) Priority of Payment of Cost of Purchase Price for Street Improvements or Utility Improvements. The City and the Owners acknowledge and agree that the cost of acquisition of all Improvements may exceed the aggregate amount of the Bond proceeds which will be available for the payment of that portion of the Purchase Price, as applicable, for all of such Improvements eligible to be paid from the proceeds of the Bonds. As a result, the proceeds of any series of Bonds to be eligible to used to pay the Purchase Price for Flood Control Facilities shall be deposited in a separate account to be designated the Flood Control Facilities Account as a first priority. In the event that funds deposited in the Flood Control Facilities Account for any Improvement Area are not sufficient to fully fund the Purchase Price of the Flood Control Facilities for such Improvement Area, the Owner who caused the construction of such Flood Control Facilities may submit a request to the City to have funds set aside for the Purchase Price of Street Improvements for that Improvement Area be transferred to the Flood Control Facilities Account to make up such deficit. In the event that any funds are transferred pursuant to the preceding sentence, the Owner responsible for the construction of the subject Street Improvements shall not be relieved of such Owner's obligation to construct such Street Improvements at such Owner's expense. The City and the Owners agree that the payment of the Purchase Price for Street Improvements or Utility Improvements from the proceeds of the Bonds issued for each Improvement Area shall be prioritized as follows:

Improvement Area No. 1:

Priority 1: Payment to the City and FR/CA MV for reimbursement of the proportionate share of costs incurred by the City and FR/CAL MV in connection with the formation of the Community Facilities District allocated to Improvement Area No. 1.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 1 Street Improvements (as further described in Exhibit B-1).

Improvement Area No. 2:

Priority 1: Payment to the City and FILP for reimbursement of the proportionate share of costs incurred by the City and FILP in connection with the formation of the Community Facilities District allocated to Improvement Area No. 2.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 2 Street Improvements (as further described in Exhibit B-1).

Improvement Area No. 3:

MV00032367

Priority 1: Payment to the City and FR/CAL IA for reimbursement of the proportionate share of costs incurred by the City and FR/CAL IA in connection with the formation of the Community Facilities District allocated to Improvement Area No. 3.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 3 Street Improvements (as further described in Exhibit B-1) in the order set forth in Exhibit B-1.

Priority 3: Payment to Owner of the Purchase Price for the Improvement Area No. 3 Utility Improvements (as identified in Exhibit B-1).

The Purchase Price for any lower priority Street Improvement or Utility Improvement allocated to an Improvement Area shall not be paid unless the Purchase Price for all higher priority Street Improvements and Utility Improvements allocated to such Improvement Area has been paid or the City Engineer has reasonably determined that sufficient proceeds of the Bonds issued for such Improvement Area are available to fully fund the cost of construction or the Purchase Price of such higher priority Improvements, e.g., such funds have been deposited in a separate account or sub-account and the use of such funds has been restricted to funding the cost of construction or the Purchase Price of such higher priority Improvements, based upon the estimates of the cost of construction or the approved Purchase Prices, as applicable, for such higher priority Improvements on Exhibit B. Notwithstanding the foregoing, the payment of the Purchase Price for any Utility Improvement shall be made only after the payment has been made of the Purchase Price for all Street Improvements and Flood Control Facilities to be financed from the proceeds of the same series of Bonds.

(B) Timing of the Payment of the Purchase Price for an Improvement. Subject to the limitations contained in subsection (b) and (1), (2) and (3) of this subsection (c), the Purchase Price for each Improvement shall be paid to the Owner constructing or causing the construction of such Improvement within thirty (30) days after the date of the City Engineer's approval of the payment request for any such Improvement; provided, however, the Purchase Price for any Improvement shall not be paid earlier than thirty-five (35) days after the recording of a Notice of Completion for such Improvement.

(C) Source of Payment. The Purchase Price for an Improvement shall be payable to the Owner solely from those proceeds ("Eligible Improvement Proceeds") of the sale of a series of the Bonds issued for an Improvement Area as provided in Section 17 hereof authorized and designated for the payment for such Improvement, after the proportionate costs of formation of the Community Facilities District allocated to the applicable Improvement Area and all costs of issuance of such Bonds have been paid and deposits of

MV00032368

accrued and capitalized interest to the redemption fund and the initial deposit to the reserve fund have been made.

(D) Withholding of Payment. In addition to the foregoing, the City shall have the right to withhold payment of the Purchase Price of any Improvement if (a) the Owner constructing or causing the construction of such Improvement is delinquent in the payment of any assessment installments or special taxes levied by the City, the Community Facilities District or any other community facilities district established by the City on properties then owned by such Owner within the Community Facilities District, or (b) the City Engineer reasonably determines that such Owner is not then in substantial compliance with all applicable conditions and obligations imposed upon such Owner hereunder or upon such Owner's Development pursuant to the land use entitlements approved by the City for such Development, including but not limited to, payment of all applicable fees, dedication of all applicable rights-of-way or other property and construction of all applicable public improvements. The City Engineer shall provide written notice to such Owner of the decision to withhold any such payment and shall specify the reason for such decision. If the payment is withheld as a result of the delinquency in the payment of assessment installments or special taxes, the notice shall identify the delinquent parcels and the amount of such delinquency. If the payment is withheld as a result of substantial non-compliance with a condition or obligation, the notice shall specify such condition or obligation and what action will be necessary by such Owner to substantially comply with such condition or obligation. Upon receipt by the City Engineer of evidence reasonably satisfactory to the City Engineer of the payment of the delinquent special taxes or assessments or upon the determination by the City Engineer that such Owner has substantially complied with the subject condition or obligation, the City shall forthwith make any payment which has been withheld pursuant to the provisions of this paragraph.

SECTION 8. Construction Manager. An Owner may employ the services of a consultant to provide construction management services for and on behalf of such Owner provided that such services are provided in accordance with the terms and construction of this Agreement. Such services shall include, but not be limited to the solicitation, award and administration of contracts for the construction of each Improvement. In the event an Owner procures the services of a Construction Manager, for the purposes of Section 3, Section 4, Section 6, Section 7, Section 9(a), Section 10(b), Section 10, Section 13, Section 16, Exhibit C and Exhibit D of this, the term "Owner" shall also mean and include the term "Construction Manager."

SECTION 9. Accounting.

(a) Owners' Records. The authorized representatives of City shall have the right, upon two (2) working days prior written notice to an Owner and during normal business hours, to review all books

MV00032369

and records of such Owner pertaining to costs and expenses incurred by such Owner in construction of any Improvements.

(b) Community Facilities District Records. City shall provide each Owner with an accounting of the funds and accounts of the applicable Improvement Area of the Community Facilities District as of December 31 and June 30 of each calendar year by January 31 and July 31, respectively, which shall describe the current balances, activity in each fund and account for the preceding six-month period and investment earnings on all funds and accounts, collectively and individually. Costs incurred by the City in providing such accounting shall be considered an administrative expense of the Community Facilities District to be funded or reimbursed through the annual levy of special taxes.

SECTION 10. Ownership and Transfer of Improvements. The conveyance of the Improvements by an Owner to City shall be in accordance with the following procedures:

(a) Improvements Constructed on Land not Owned by the City. As a condition to the payment of the Purchase Price for any Improvement, the Owner constructing or causing the construction of such Improvement shall cause an irrevocable offer of dedication to be made to the City or an outright grant of a fee interest or easement interest as appropriate, in the sole discretion of the City of the appropriate right, title and interest in and to the portion of the applicable property related to the applicable Improvement, including any temporary construction or access easements. Such Owner shall cause the execution and delivery to the City of the documents required to complete the transfer of Acceptable Title to such portion of the applicable property. For purposes of this Agreement, the term "Acceptable Title" shall mean title to the portion of the property to be conveyed free and clear of all taxes, liens, encumbrances, assessments, easements, leases, whether any such item is recorded or unrecorded, except those non-monetary encumbrances and easements which are reasonably determined by the City not to interfere with the intended use of the portion of the property. As a further condition to the payment of the Purchase Price for any Improvement, such Owner at its sole cost and expense, subject to reimbursement pursuant to Section 7, shall cause to be issued a policy of title insurance for such portion of the property in an amount not to exceed the Purchase Price and in the form normally required by the City in connection with the dedication of land for subdivision improvements and containing such title endorsements as may be reasonably requested by the City.

(b) Improvements Constructed on Land Owned by the City. If an Owner is authorized to construct an Improvement on land owned in fee by the City or on land over which the City owns an easement which would permit the construction, operation and maintenance of such Improvement such Owner shall obtain the necessary encroachment permits or other authorization required by the City to enter such land for purposes of constructing such Improvement.

SECTION 11. Improvement Bonds. Except as provided in the paragraph below, an Owner shall be required to post bonds or other security acceptable to the City to guarantee completion of the Improvements to be constructed by such Owner in accordance with City's standard requirements for such bonds or securities.

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Performance and labor and material bonds in the amounts set forth in Exhibit C for specific Improvements shall not be required or may be released if (1) such Improvements constitute a portion of the improvements required to be constructed as a condition of approval of the subdivision and/or development within the applicable Improvement Area, (2) Bond proceeds equal to 150% of the estimated cost to construct or acquire such Improvements are available and set aside for such purpose, and (3) the Improvements are to be constructed or acquired entirely with the proceeds of the Bonds. Provided that conditions (1) and (2) are satisfied, if an Improvement is to be constructed or acquired only in part with the proceeds of the Bonds, performance and labor and material bonds shall not be required for that portion of the Improvements to be so constructed or acquired except with respect to the portion that will not be acquired or constructed with Bond proceeds. In the event that the Bond proceeds that are available and may be set aside to fund the cost to construct or acquire an Improvement are less than 150% of the estimated cost thereof, the Owner constructing or causing the construction of such Improvement shall be required to provide a performance and labor and material bond or other security satisfactory to the City Engineer and the City Attorney in the amount of such deficiency. City will cooperate with such Owner in the termination or exoneration of any performance and labor and material bonds assuring completion of Improvements for which Bonds have been sold. The City Engineer shall be the sole judge of determining release of such bonds.

SECTION 12. Flood Control Facilities. Except as otherwise provided for herein, the terms and conditions related to the construction and acquisition of the Flood Control Improvements, including but not limited to, the design, bidding, contract award, construction, inspection, acceptance, acquisition, warranty, indemnification and liability shall be governed by the JCFA.

SECTION 13. Reimbursement for Utility Improvements. If any portion of the cost of any Utility Improvement is required to be refunded by SCE pursuant to the California Public Utilities Code or rules of the Public Utilities Commission, such refund shall be made to the Community Facilities District and such refund shall be utilized, first, to finance the acquisition of any other Improvements authorized to be financed from the proceeds of the Bonds issued for the Improvement Area , which proceeds were utilized to pay the Purchase Price for such Utility Improvement, and, second, to the extent that the acquisition of all such other Improvements has been completed, to reduce the special tax levied within the applicable Improvement Area, or to call Bonds.

SECTION 14. Indemnification by the Owners. Each Owner shall defend, indemnify and hold harmless the City, the Community Facilities District, the Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley (collectively, the "Indemnified Agencies") and their respective officers, directors, employees and agents, from and against any and all claims, losses, liabilities, damages, including court costs and reasonable attorneys, fees by reason of, or resulting from, or arising out of out of the obligations or operations undertaken by such Owner hereunder and out of such Owner's performance of its duties and responsibilities with hereunder, including but not limited to, the design, engineering, solicitation of bids and the award of contracts for the construction of any Improvement and construction of the Improvements constructed or to be constructed by such Owner; provided that any claims which relate to any such Improvement shall be limited to those arising out of personal injury or property damage caused by actions or omissions by such Owner or such Owner's employees, agents, independent contractors or representatives which occurred during the period prior to the transfer of

MV00032371

title to such Improvement, whether or not a claim is filed prior to the date of acceptance of such Improvement. Each Owner will conduct any such defense at its sole cost and expense, and the City shall approve selection of Owner's legal counsel, which approval shall not be unreasonably withheld. In the event that Owner's insurer has undertaken the defense of any insured claim, then legal counsel selected and/or approved by such insurer shall be deemed acceptable to and approved by the City.

This indemnity shall apply to all claims and liability regardless of whether any insurance policies may be applicable pursuant to any other agreement that an Owner may have with the City. Such policy limits do not act as a limitation upon the amount of indemnification to be provided by Owner hereunder; provided, however, that in the event that Owner's insurer promptly undertakes and diligently pursues the defense and/or resolution of such claims which would result in any indemnity or hold harmless obligations of the Owner pursuant to the foregoing, then so long as such insurer is diligently pursuing such defense and/or resolution, Owner's obligations under this Section 14 shall be tolled.

Nothing in this Section 14 shall limit in any manner the rights of the Indemnified Agencies or any one or more of the them against any of the architects, engineers, contractors or other consultants employed by such Owner which has performed work in connection with construction or financing of any Improvement.

Except as set forth in this Section 14, no provision of this Agreement shall in any way limit the extent of the responsibility of any Owner for payment of damages resulting from the operations of such Owner, its agents, employees or contractors.

SECTION 15. Obligation of City. Except as otherwise provided for herein, neither the City nor the Community Facilities District has a legal or financial obligation to construct or to finance construction of the Improvements. All costs incurred for actual construction of an Improvement, including all incidentals thereto, shall be borne by the Owner constructing or causing the construction of such Improvement. The obligations of the City are limited to the acquisition of the Improvements pursuant to the provisions of this Agreement.

SECTION 16. Failure to Construct Street Improvements. If, at any time following commencement of the construction of any Street Improvements by an Owner, the City determines that such construction is not progressing within a reasonable time in accordance with the conditions of approval of such Owner's Development imposed by the City in granting the land use entitlements applicable to such Development (collectively, the "Conditions of Approval") or such Owner fails to demonstrate a continuing ability to complete the construction of such Street Improvement in accordance with the Conditions of Approval, the City may give written notice of such failure of performance to such Owner. Such Owner shall have sixty (60) days from the date of receipt of such notice to either (i) cure such failure of performance by demonstrating to the satisfaction of the City during such cure period reasonable progress in the construction of the Street Improvement and a continuing ability to complete the construction of such Improvement in accordance with the Conditions of Approval or (ii) reasonably demonstrate that such failure of performance is due to circumstances or conditions beyond such Owner's reasonable control ("Force Majeure") including, without limitation, the City's actions, omissions or inaction which result in a delay of performance by such Owner, labor disputes, Acts of God, war, riots, insurrections, civil commotions,

MV00032372

moratoriums, inability to obtain labor or materials or reasonable substitutes for either, fire, unusual delay in transportation, and adverse weather conditions. Should such Owner fail to reasonably demonstrate such reasonable progress or such continuing ability to complete the construction of such Improvement or Force Majeure, the obligation of the City to pay the Purchase Price for the acquisition of such Improvement pursuant to this agreement may be terminated by the City by providing ten (10) days written notice to such Owner. Upon termination, the City may in its sole discretion then proceed to advertise and bid the balance of the construction of such Improvement, and there will be no further obligation on the part of the City for payment of the Purchase Price for such Improvement due to such Owner pursuant to this Agreement. The City may utilize the Bond proceeds to pay for the construction of such Improvement. If, following the completion of the construction of such Improvement pursuant to a contract awarded by the City, there are surplus Bond proceeds that are eligible and authorized to be used to finance the acquisition of such Improvement, such Owner shall be entitled to payment to the extent of such funds of an amount equal to the costs, as determined by the City Engineer, incurred by such Owner prior to such termination for the construction of such Improvement.

In the event that the City chooses not to advertise and bid the balance of the construction of any such Improvement following such a termination, any monies remaining in the improvement fund for the Community Facilities District and set aside for the acquisition of such Improvement shall be transferred to the special tax fund established pursuant to the Fiscal Agent Agreement for the Bonds and used, at the discretion of the City, to pay debt service on or to call outstanding Bonds.

SECTION 17. Agreement Contingent. This Agreement is contingent upon the initiation of proceedings to consider the formation of the Community Facilities District, the subsequent formation of the Community Facilities District and the designation of Improvement Areas therein and the authorization by the qualified electors of each Improvement Area of the Community Facilities District to levy special taxes within such Improvement Area and incur bonded indebtedness for such Improvement Area and the successful sale of Bonds for each Improvement Area and it shall be null and void as to any Improvement Area if the Bonds for such Improvement Area are not sold within a three (3) year period following the date of completion of the construction of the Improvements allocated to such Improvement Area, or any mutually agreed extension.

The City may, at its option, suspend the performance of its obligations under this Agreement if, during the 30-day statute of limitations period following the formation of the Community Facilities District, any legal challenge is filed relating to the validity or enforceability of this Agreement, the Community Facilities District proceedings or the issuance of the Bonds. The obligations of the City hereunder shall be reinstated upon the entry of a final judgment in any such proceedings upholding the validity and enforceability of the Agreement, the Community Facilities District proceedings or the issuance of the Bonds. In the event that a final judgment is entered invalidating or declaring unenforceable this Agreement, the Community Facilities District proceedings or the issuance of the Bonds, the City may, at its option, terminate this Agreement provided, however, that in such instance, the City shall use reasonable efforts to assist Owner in re-initiating the Community Facility District formation proceeding in a manner that is legal. If the City elects to terminate this Agreement pursuant to the preceding sentence, the obligations of the parties hereunder shall be terminated except for the City's obligation to assist the Owners as set forth in the immediately preceding sentence. The termination of an Owner's obligations hereunder shall not,

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however, relieve such Owner of any obligations with respect to the construction of the Improvements which such Owner has under any other agreement with the City, the Flood Control District or SCE or any condition of approval of any land use entitlement for such Owner's Development.

SECTION 18. Notice of Special Tax. Each Owner, or the successor or assigns of such Owner, shall provide written notice to all potential purchasers or lessees, if the special taxes are to be passed through to such lessees, of lots or portions thereof in the form prescribed by California Government Code Section 53341.5 advising the potential owner or lessee, as applicable, of the fact of the proposed or confirmed Community Facilities District, with such document being executed by the potential purchaser or lessee, as applicable. Such notice shall be provided to the potential purchaser or lessee, as applicable, before the potential purchaser becomes contractually committed to purchase the lot or the lessee enters into the lease of the lot so that the potential purchaser or lessee, as applicable, may knowingly consider the impact of the special tax in the decision to purchase or lease the lot. A copy of all such notices executed by actual purchasers or lessees shall be sent to the City Engineer.

SECTION 19. Relationship to Public Works. This Agreement is for the acquisition of the Improvements by City, the Flood Control District or SCE and the sale of the Bonds for the payment of construction and acquisition costs for the Improvements and such other amounts as are herein provided, and is not intended to be a public works contract.

In performing its obligations under this Agreement, each Owner is an independent contractor and not the agent of City. City shall have no responsibility for payment to any contractor or supplier of such Owner. Notwithstanding the foregoing, an Owner may be subject to certain public contract requirements as provided in Section 3 of this Agreement.

SECTION 20. Sale of Bonds. The City shall initiate proceedings to issue and sell bonds secured by the levy of special taxes within each Improvement Area of the Community Facilities District (the "Bonds") to be issued pursuant to the Act only upon (i) the formation of the Community Facilities District and the designation of the Improvement Areas therein, (ii) the authorization by the qualified electors within each of the Improvement Areas to levy special taxes within such Improvement Areas and to issue the Bonds for each Improvement Area, and (iii) the receipt of a written request from the Owner(s) of the property within an Improvement Area that the City initiate proceedings to issue and sell such Bonds. It is anticipated that a separate series of Bonds may be sold for each Improvement Area at different times to finance the cost of the Improvements allocated to such Improvement Area or, alternatively, a single series of Bonds may be sold for combined Improvement Areas. The Bonds for an Improvement Area shall be sized so that as of the date of issuance of the Bonds the aggregate appraised value of all taxable properties within the Improvement Area for which the Bonds are being issued shall comply with the value-to-lien standards set forth in the Goals and Policies, as such Goals and Policies may have been amended as of the date of value of the appraisal of the taxable properties within the applicable Improvement Area. The appraised value of taxable property for purposes of this paragraph shall be determined by an independent appraisal undertaken for the City utilizing appraisal assumptions approved by the City.

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The proceeds of the Bonds issued for any Improvement Area shall be used in the following priority to (i) fund a reserve fund for the payment of principal and interest with respect to such Bonds; (ii) fund capitalized interest on such Bonds for a period not to exceed eighteen (18) months; (iii) pay for costs of issuance of such Bonds including, without limitation, underwriter's discount, bond counsel fees and expenses, disclosure counsel fees and expenses, financial advisor fees and expenses, printing, and paying agent fees and expenses; (iv) pay for the proportionate share of the costs of forming the Community Facilities District allocated to such Improvement Area, including reimbursement of advances of funds to the City by an Owner and such Owner's legal, engineering and financial consulting expenses incurred relating to the formation of the Community Facilities District and issuance of the Bonds; and (v) pay the proportionate share of the costs allocated to such Improvement Area of the acquisition of the Improvements pursuant to the provisions of this Agreement or the JCFA, as applicable.

Subject to the satisfaction of the conditions precedent, including without limitation, the receipt of a written request from an Owner, as delineated in the first paragraph of this Section 20, the timing of the issuance and sale of the Bonds for an Improvement Area, the terms and conditions upon which such Bonds shall be issued and sold, the method of sale of such Bonds and the pricing thereof shall be determined solely by the City and shall conform to the Goals and Policies and this Agreement. The sale of the Bonds for an Improvement Area shall be subject to receipt by the City of a competitively bid or negotiated bond purchase agreement which is acceptable to the City. The sale of the Bonds for an Improvement Area shall also be conditional upon the preparation of an official statement that is, in the sole judgment of the City, "deemed final" as such term is used in Rule 15c2-12 of the Securities and Exchange Commission (the "Rule").

In addition to the foregoing, the principal amount of the Bonds to be issued for an Improvement Area shall be determined taking into consideration (a) the Bond authorization for such Improvement Area, (b) the budgeted construction cost for the Improvements to be financed, and (c) assuring that the maximum projected annual special tax revenues securing the Bonds equals at least (i) 110% of the projected annual gross debt service on all of the outstanding Bonds plus (ii) Administrative Expenses (as such term is defined in the rate and method of apportionment of special taxes authorized to be levied within the Improvement Area).

Owner, on behalf of itself, any affiliates of Owner and any successor or assign of Owner, agrees (a) to provide all information regarding the development of its property within the applicable Improvement Area of the Community Facilities District, including the financing plan for such development, which are necessary to ensure that the official statement for such Bonds complies with the requirements of the Rule and all other applicable federal and state securities laws; (b) to enter into a continuing disclosure agreement to provide such continuing disclosure pertaining to the applicable Improvement Area, the development thereof and such Owner as necessary to ensure ongoing compliance with the continuing disclosure requirements of the Rule and (c) to cause its counsel to provide an opinion of such counsel in a form satisfactory to the underwriter of such series of the Bonds and underwriter's counsel or disclosure counsel, as applicable. Owner acknowledges and understands that that the City may require the same commitments from other owners of property located within one or more of the Improvement Areas and the willingness and ability of any such owner to timely fulfill such commitments may affect the timing of the issuance of Bonds for the applicable Improvement Area or Improvement Areas.

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SECTION 21. Annexation to Community Facilities Agreement. City and Owners acknowledge that the Community Facilities District is intended to be structured so that when and if it is established, properties located outside the original boundaries of the Community Facilities District that will, upon the development thereof, contribute runoff to the Flood Control Facilities or will be protected from flooding by the Flood Control Facilities may be annexed to the Community Facilities District and an Improvement Area within the Community Facilities District (the "Tributary Parcels"). The Tributary Parcels and the Improvement Areas into which such parcels may be annexed are shown on Exhibit F attached hereto and incorporated herein by this reference. Reference is made to Section 3.6 of the JCFA for a more detailed description of the annexation process, which Section 3.6 is hereby incorporated herein by this reference.

SECTION 22. Conflict with Other Agreements. Except as specifically provided herein, nothing contained herein shall be construed as releasing an Owner from any Condition of Approval applicable to such Owner's Development or requirement imposed by any other agreement with City. In the event of a conflicting provision, such other agreement shall prevail unless such conflicting provision is specifically waived or modified in writing by City and an Owner.

SECTION 23. General Standard of Reasonableness. Any provision of this Agreement which requires the consent, approval, discretion or acceptance of any party hereto or any of their respective employees, officers or agents shall be deemed to require that such consent, approval or acceptance not be unreasonably withheld or delayed, unless such provision expressly incorporates a different standard.

SECTION 24. Entire Agreement; Amendment. This Agreement and the agreements expressly referred to herein contains all of the agreements of the parties hereto with respect to the matters contained herein and no prior or contemporaneous agreement or understandings, oral or written, pertaining to any such matters shall be effective for any purpose. No provision of this Agreement may be modified, waiver, amended or added to except by a writing signed by the party against which the enforcement of such modification, waiver, amendment or addition is or may be sought.

SECTION 25. Notices. Any notice, payment or instrument required or permitted by this Agreement to be given or delivered to another party shall be deemed to have been received when personally delivered or seventy-two (72) hours following deposit of the same in any United States Post Office in California, registered or certified, postage prepaid, addressed as follows:

If to the City: City of Moreno Valley
Public Works Department, Special Districts Division
14325 Frederick Street, Suite 9
Moreno Valley, CA 92552-0805
Attention: Special Districts Division Manager

MV00032376

With a copy to: City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: City Attorney

Best Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
Attention: Warren Diven

If to the Owners: c/o First Industrial Realty Trust, Inc.
114 Pacifica Court, Suite 220
Irvine, CA 92618
Attention: Phil Bowman

With a copy to: Barack Ferrazzano Kirschbaum Perlman & Nagelberg LLP
333 West Wacker Drive, Suite 2700
Chicago, IL 60606
Attention: Brett A. Feinberg

Each party may change its address for delivery of notice by delivering written notice of such change of address to the other parties.

SECTION 25. Severability. If any provision of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

SECTION 26. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. An Owner may not assign its rights or obligations hereunder except upon written notice to City within ten (10) days of the date of such assignment indicating the name and address of the assignee. A decision by the City on acceptance of an assignment shall be made within ten (10) business days from the date of receipt by the City of Owner's written notice of assignment; provided, however, if the City shall provide written notice to the Owner within such initial response period that (a) the City Council will not be meeting in regular session during such initial response period or (b) the City Council will be meeting in regular session during such initial response period but there is not sufficient time to agendize the acceptance of the assignment for such City Council meeting, such response period shall automatically be extended to the tenth business day following the date of the first regularly scheduled City Council meeting following the expiration of the initial response period for which the acceptance of the assignment may be timely agendized. An Owner shall not be released from its duties or obligations hereunder without written notice from the City accepting the assignment of the Owner's obligations hereunder. Upon such notice and acceptance by the City of assignment of the duties and obligations of such Owner arising under or from this Agreement, such Owner shall be released by City from all future duties or obligations rising under or from this Agreement. Notwithstanding the preceding sentence, an Owner may assign its rights and obligations hereunder as security to lenders for the purpose of

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obtaining loans to finance development within the Community Facilities District, but no such assignment shall release such Owner from its obligations hereunder to City.

SECTION 27. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California. Additionally, this Agreement and the construction of the Improvements shall be subject to all City ordinances and regulations relating to the requirement of improvement agreements, land division, improvement security or other applicable development requirements.

SECTION 28. No Obligation to Form Community Facilities District. Owner acknowledges that the decision of the City Council of the City to form the Community Facilities District is a legislative action and the City may not enter into an agreement to obligate the City Council to exercise its legislative discretion in a particular manner or for a particular result. This Agreement does not, therefore, in any way create a contractual, legal or equitable obligation of or commitment by the City to approve the formation of the Community Facilities District.

SECTION 29. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by any other party, or the failure by a party to exercise its rights under the default of any other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by any other party with the terms of this Agreement thereafter.

SECTION 30. Singular and Plural; Gender. As used herein, the singular of any work includes the plural, and terms in the masculine gender shall include the feminine.

SECTION 31. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

SECTION 32. Construction of Agreement. This Agreement has been reviewed by legal counsel for both the City and the Owners and shall be deemed for all purposes to have been jointly drafted by the City and the Owners. No presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement. The language in all parts of this Agreement, in all cases, shall be construed as a whole and in accordance with its fair meaning and not strictly for or against any party and consistent with the provisions hereof, in order to achieve the objectives of the parties hereunder. The captions of the sections and subsections of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction.

SECTION 33. Time of the Essence. The parties to this Agreement understand that time is of the essence in the completion of all matters contemplated by this Agreement because of, among other things, the necessity for completion of the Improvements in connection with construction of the Developments. The parties agree to use due diligence to fulfill their obligations contemplated by this Agreement at the earliest possible time. Without limiting the generality of the foregoing or compliance with specific time provisions set forth in this Agreement, any party to this Agreement requested or required to act, consent, or approve plans, work, documents, or other matters shall not unreasonably withhold or delay any such act, consent, or approval contemplated in this Agreement.

MV00032378

Notwithstanding the foregoing, performance by any party to this Agreement of its obligations hereunder shall be excused during any period of delay caused at any time by reasons of Acts of God, enactment of conflicting laws or regulations, moratoriums, riots, strikes, or damage to work in process by reason of fire, floods, earthquake, or other such casualties. If any party of this Agreement seeks excuse from timely performance, it shall provide written notice of such delay to every other party to this Agreement within thirty (30) calendar days of the commencement of such delay. Any delay or default beyond the control of the noticing party shall extend the time for performance for a period equal to the period of the enforced delay, or longer as may be mutually agreed upon.

MV00032379

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

CITY OF MORENO VALLEY

By: _____
City Manager

Date of Execution: 7-14-08

APPROVED AS TO FORM:

CITY ATTORNEY

By: _____

Date: 7/10/08

OWNERS:

FR/CAL MORENO VALLEY, LLC, a Delaware limited liability company

By: FirstCal Industrial, LLC, a Delaware limited liability company, its sole member

By: FR FirstCal, LLC, a Delaware limited liability company, its managing member

By: First Industrial Investment, Inc., a Maryland corporation, its sole member

By: _____
Name: Phil Bowman
Its: Senior Vice President

Date of execution: 6/27/08

FIRST INDUSTRIAL, L.P., a Delaware limited partnership

By First Industrial Realty Trust, Inc., a Maryland corporation and its sole general partner

By: _____
Name: Phil Bowman
Its: Senior Vice President

CITY ATTORNEY
Approved as to Form

By: _____ Date

MV00032381

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Orange

On 6/27/08 (Date) before me, Rita C. Webber, Notary Public, (Here Insert Name and Title of the Officer)

personally appeared Phil Bowman (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

RITA C. WEBBER
Commission # 1661187
Notary Public - California
Orange County
My Comm. Expires Apr 25, 2010

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rita C. Webber
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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FR/CAL INDIAN AVENUE, LLC, a Delaware limited liability company

By: FirstCal Industrial, LLC, a Delaware limited liability company, its sole member

By: FR FirstCal, LLC, a Delaware limited liability company, its managing member

By: First Industrial Investment, Inc., a Maryland corporation, its sole member

By: _____
Name: Phil Bowman
Its: Senior Vice President

Date of execution: 6/27/08

CITY ATTORNEY
Approved as to Form

By: _____ Date

MV00032383

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Orange }

On 6-27-08 (Date) before me, Rita C Webber, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Phil Bowman (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/her/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rita C. Webber
Signature of Notary Public

RITA C. WEBBER
Commission # 1661187
Notary Public - California
Orange County
My Comm. Expires Apr 25, 2010

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

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EXHIBIT "A"

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT AND IMPROVEMENT AREAS

Exhibit A – Proposed Boundaries of Community Facilities District and Improvement Areas

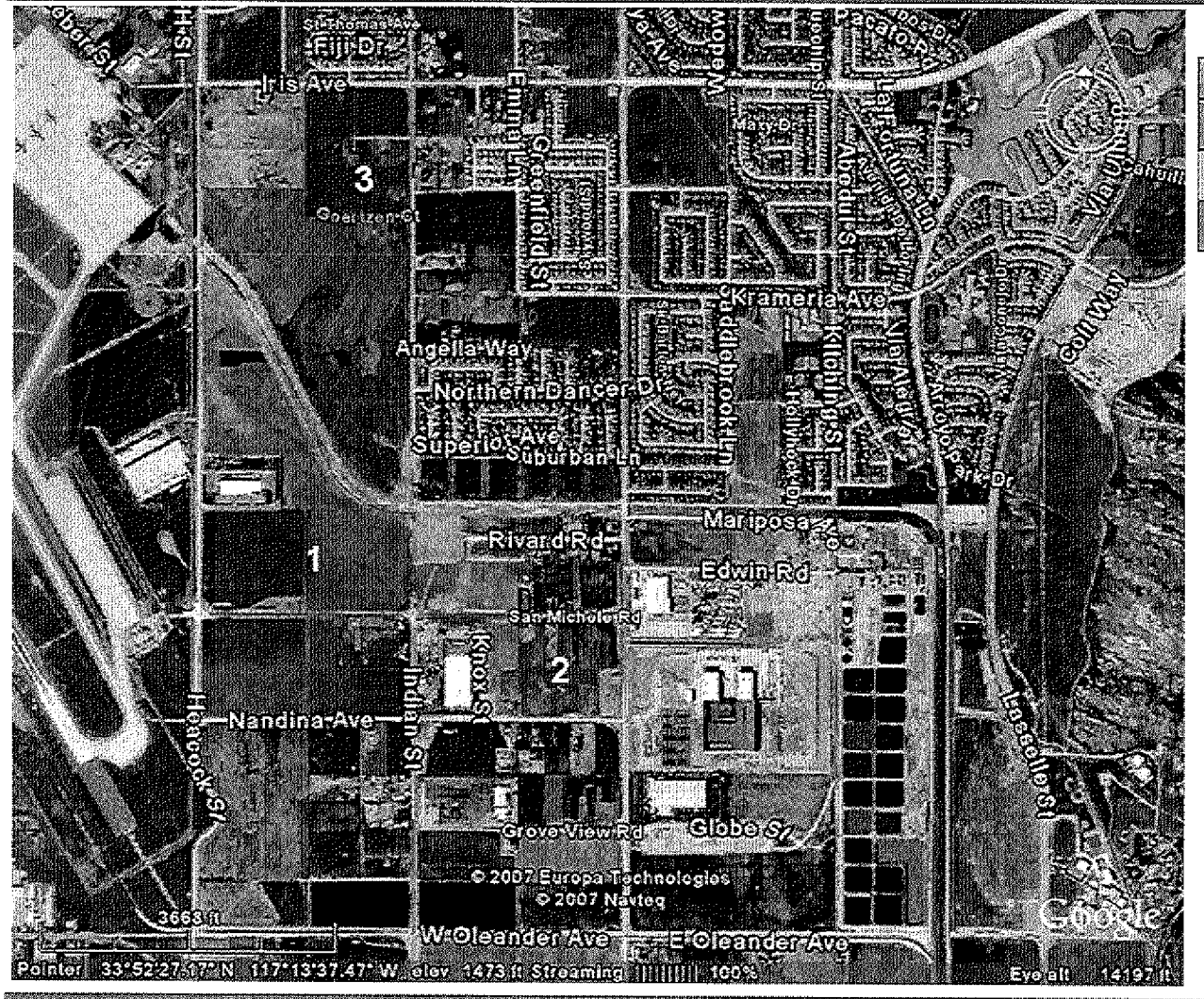

Legend	
1	Improvement Area 1
2	Improvement Area 2
3	Improvement Area 3

1

EXHIBIT "B-1"

DESCRIPTION OF IMPROVEMENTS

Improvement Area No. 1 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 1 (the "Improvement Area No. 1 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 1 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 1 Flood Control Facilities: the Master Plan storm drain facilities identified as Perris Valley Lateral B-3.2, including all appurtenant box culverts and laterals.

Improvement Area No. 1 Street Improvements:

- Nandina Avenue will be improved from Heacock Street to Indian Street – North Side. – The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Indian Street/Nandina Avenue), striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

- Heacock Street will be improved from Nandina Street to Komar Property Line (PL) – The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (as the intersection of Heacock Street and San Michele Avenue), local depressions and catch basins.

- Traffic signal installation at the intersection of Indian Street and San Michele Avenue.

Improvement Area No. 2 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 2 (the "Improvement Area No. 2 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 2 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 2 Flood Control Facilities: the Master Plan storm drain facilities identified as Perris Valley Laterals B-1 and B-1.2, including all appurtenant box culverts and laterals.

Improvement Area No. 2 Street Improvements:

- Nandina Avenue to First Industrial Property Line - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

Improvement Area No. 3 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 3 ("Improvement Area No. 3 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 3 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 3 Flood Control Facilities: the Master Plan storm drain facilities identified as Sunnymead Line D-1, including all appurtenant box culverts and laterals.

Improvement Area No. 3 Street Improvements:

- Indian Street from Iris Avenue to Krameria Avenue - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Indian Street and Iris Avenue and Indian Street and Krameria Avenue) striping, signage, median landscaping, ADA ramps, drive aprons, local depressions and catch basins.

- Iris Avenue from Street "A" to Indian Street - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Iris and Future Street) striping, signage, median landscaping, ADA ramps, drive aprons, local depressions and catch basins.

- Street "A" from Iris Avenue to Krameria Avenue - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins .

- Krameria Avenue from Indian Street to Street "A" - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

Improvement Area No. 3 Utility Improvements:

- Undergrounding of overhead utilities adjacent to or in the Street Improvements for Indian Street described above.

Upon the approval by the City of final Plans and Specifications for any Street Improvement or the approval by the Flood Control District of final plans and specifications for any Flood Control Improvements, the City Engineer may attach an addendum to this Exhibit B which shall be initialed by an authorized representative of the Owner responsible for constructing or causing the construction of such Street Improvements or Flood Control Improvements, as the case may be, identifying the applicable plans and specifications and the location thereof and such plans and specifications shall thereafter govern the description of the applicable Street Improvements or Flood Control Improvements.

EXHIBIT "B-2"

CFD NO. 7 INFRASTRUCTURE BUDGET

Exhibit B-2

CFD No. 7 Infrastructure Budget
City of Moreno Valley

IMPROVEMENT AREA NO. 1

Storm Drain (Perris Valley Lateral B-3a through B-3g and B-3 2)		$5,500,000	$7,177,610
Gas Line Relocation to Accommodate Storm Drain		$125,000	$163,128
Nandina Avenue (Heacock to Indian Street-North Side)			
HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$48,230	
	Sidewalk	$58,658	
	Excavation and Clearing	$120,443	
	Asphalt Concrete over AC Base	$218,988	
	Traffic Control	$13,012	
	Street Lights	$56,000	
	Signalization		
	Indian/Nandina	$200,000	
	Signing and Striping	$3,650	
	ADA Ramps	$2,000	
	Drive Aprons	$10,500	
	Storm Drain Inlet	$2,000	
	SUBTOTAL		$733,480
	Hard Cost Contingency (10%)		$73,348
	TOTAL HARD COSTS		$806,828
SOFT COSTS			
	Civil Engineering (3%)	$22,004	
	Construction Staking (1%)	$7,335	
	Developer Fee/Project Management Fee (4%)	$32,273	
	Construction Management Fee (4%)	$32,273	
	General Conditions (3%)	$24,205	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$22,004	
	Soils/Materials Testing (1%)	$7,335	
	SUBTOTAL		$147,429
	Soft Cost Contingency (2%)		$2,949
	TOTAL SOFT COSTS		$150,378
Nandina Avenue subtotal			**$957,206**

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Heacock Street (Nandina North to Komar PL)

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$11,840	
	Sidewalk	$14,400	
	Excavation and Clearing	$29,568	
	Asphalt Concrete over AC Base	$53,760	
	Traffic Control	$2,962	
	Street Lights	$7,000	
	Signalization		
	Heacock/San Michele	$200,000	
	Signing and Striping	$896	
	ADA Ramps	$1,000	
	Drive Aprons	$4,000	
	Storm Drain Inlet	$0	
	SUBTOTAL		$325,426
	Hard Cost Contingency (10%)		$32,543
	TOTAL HARD COSTS		$357,968
SOFT COSTS			
	Civil Engineering (3%)	$9,763	
	Construction Staking (1%)	$3,254	
	Developer Fee/Project Management Fee (4%)	$14,319	
	Construction Management Fee (4%)	$14,319	
	General Conditions (3%)	$10,739	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$9,763	
	Soils/Materials Testing (1%)	$3,254	
	SUBTOTAL		$65,411
	Soft Cost Contingency (2%)		$1,308
	TOTAL SOFT COSTS		$66,719
Heacock Street subtotal			**$424,687**
Traffic Signal	Indian Street/San Michele	$200,000	$261,004
TOTAL IMPROVEMENT AREA 1 COSTS			**$8,983,634**

IMPROVEMENT AREA NO. 2

Storm Drain (Perris Valley Laterals B-1 and B-2)		$1,694,394	$2,211,218
Nandina Avenue (Knox Street to Perris Boulevard-North Side)			
HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$29,431	
	Sidewalk	$35,685	
	Excavation and Clearing	$73,273	
	Asphalt Concrete over AC Base	$133,224	
	Traffic Control	$7,831	
	Street Lights	$38,500	
	Signing and Striping	$2,220	
	ADA Ramps	$1,000	
	Drive Aprons	$5,000	
	Storm Drain Inlet	$0	
	SUBTOTAL		$326,164
	Hard Cost Contingency (10%)		$32,616
	TOTAL HARD COSTS		$358,781
SOFT COSTS			
	Civil Engineering (3%)	$9,785	
	Construction Staking (1%)	$3,262	
	Developer Fee/Project Management Fee (4%)	$14,351	
	Construction Management Fee (4%)	$14,351	
	General Conditions (3%)	$10,763	
	Landscape Architect	$5,000	
	Plancheck and Permits (3%)	$9,785	
	Soils/Materials Testing (1%)	$3,262	
	SUBTOTAL		$70,559
	Soft Cost Contingency (2%)		$1,411
	TOTAL SOFT COSTS		$71,970
Nandina Avenue subtotal			$430,751
TOTAL IMPROVEMENT AREA 2 COSTS			$2,641,969

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IMPROVEMENT AREA NO. 3

Storm Drain (Sunnymead Line D-1)		$1,287,000	$1,679,561
Indian Street (Iris Avenue to Krameria)			
HARD COSTS	**ITEM**		
	Roadway		
	Curb and Gutter	$47,286	
	Sidewalk	$57,510	
	Excavation and Clearing	$109,652	
	Asphalt Concrete over AC Base	$199,368	
	Traffic Control	$10,428	
	Street Lights	$59,500	
	Signalization		
	Indian/Iris	$100,000	
	Indian/Krameria	$200,000	
	Signing and Striping	$3,323	
	ADA Ramps	$1,000	
	Drive Aprons	$5,000	
	Storm Drain Inlet	$0	
	Overhead Utility Undergrounding		$206,480
	SUBTOTAL		$999,548
	Hard Cost Contingency (10%)		$99,955
	TOTAL HARD COSTS		$1,099,502
SOFT COSTS			
	Civil Engineering (3%)	$29,986	
	Construction Staking (1%)	$9,995	
	Developer Fee/Project Management Fee (4%)	$43,980	
	Construction Management Fee (4%)	$43,980	
	General Conditions (3%)	$32,985	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$29,986	
	Soils/Materials Testing (1%)	$9,995	
	SUBTOTAL		$200,909
	Soft Cost Contingency (2%)		$4,018
	TOTAL SOFT COSTS		$204,927
Indian Street subtotal			**$1,304,430**

Iris Avenue (Street "A" to Indian Street)

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$23,588	
	Sidewalk	$28,688	
	Excavation and Clearing	$92,565	
	Asphalt Concrete over AC Base	$168,300	
	Traffic Control	$10,011	
	Street Lights	$31,500	
	Signalization	$0	
	Iris/Future Street	$200,000	
	Signing and Striping	$2,805	
	ADA Ramps	$2,000	
	Drive Aprons	$5,000	
	Storm Drain Inlet	$0	
		$0	
	SUBTOTAL		$564,456
	Hard Cost Contingency (10%)		$56,446
	TOTAL HARD COSTS		$620,902
SOFT COSTS			
	Civil Engineering (3%)	$16,934	
	Construction Staking (1%)	$5,645	
	Developer Fee/Project Management Fee (4%)	$24,836	
	Construction Management Fee (4%)	$24,836	
	General Conditions (3%)	$18,627	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$16,934	
	Soils/Materials Testing (1%)	$5,645	
	SUBTOTAL		$113,456
	Soft Cost Contingency (2%)		$2,269
	TOTAL SOFT COSTS		$115,725
Iris Avenue subtotal			**$736,627**

Street "A" (Iris to Kramerla)

	ITEM		
HARD COSTS			
	Roadway		
	Curb and Gutter	$47,286	
	Sidewalk	$57,510	
	Excavation and Clearing	$168,696	
	Asphalt Concrete over AC Base	$308,720	
	Traffic Control	$16,083	
	Street Lights	$56,000	
	Signing and Striping	$5,112	
	ADA Ramps	$2,000	
	Drive Aprons	$10,500	
	Storm Drain Inlet	$2,000	
	SUBTOTAL		$671,907
	Hard Cost Contingency (10%)		$67,191
	TOTAL HARD COSTS		$739,098
SOFT COSTS			
	Civil Engineering (3%)	$20,157	
	Construction Staking (1%)	$6,719	
	Developer Fee/Project Management Fee (4%)	$29,564	
	Construction Management Fee (4%)	$29,564	
	General Conditions (3%)	$22,173	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$20,157	
	Soils/Materials Testing (1%)	$6,719	
	SUBTOTAL		$135,053
	Soft Cost Contingency (2%)		$2,701
	TOTAL SOFT COSTS		$137,754
Street "A" subtotal			**$876,852**

Krameria Avenue (Indian to Street "A")

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$23,688	
	Sidewalk	$28,688	
	Excavation and Clearing	$92,565	
	Asphalt Concrete over AC Base	$168,300	
	Traffic Control	$6,433	
	Street Lights	$21,000	
	Signing and Striping	$3,188	
	Median	$0	
	ADA Ramps	$0	
	Drive Aprons	$0	
	Storm Drain Inlet	$0	
	SUBTOTAL		$345,761
	Hard Cost Contingency (10%)		$34,576
	TOTAL HARD COSTS		$380,337
SOFT COSTS			
	Civil Engineering (3%)	$10,373	
	Construction Staking (1%)	$3,458	
	Developer Fee/Project Management Fee (4%)	$15,213	
	Construction Management Fee (4%)	$15,213	
	General Conditions (3%)	$11,410	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$10,373	
	Soils/Materials Testing (1%)	$3,458	
	SUBTOTAL		$69,498
	Soft Cost Contingency (2%)		$1,390
	TOTAL SOFT COSTS		$70,888
Krameria Avenue subtotal			$451,225
TOTAL IMPROVEMENT AREA 3 COSTS			$5,048,694

EXHIBIT "C"

DESIGN, BID AND CONTRACT REQUIREMENTS FOR THE STREET IMPROVEMENTS

The following requirements are intended to supplement the provisions of the Agreement pertaining to the construction of the Street Improvements, including but not limited to Section 3. thereof. In the event that any provision of the requirements contained in this Exhibit "C" conflicts with or is inconsistent with the provisions of Agreement, the provisions of the Agreement shall control.

Design Phase

A. Only design costs directly related to the Street Improvements to be acquired are eligible for inclusion in the Purchase Price for such Improvements.

Bidding Phase

A. Bidding Documents. Two complete sets of bidding documents, including improvement plans, general provisions, and bid proposal forms shall be submitted to City for review and approval within 10 working days of submittal. Solicitation of bids shall not take place until the bidding documents are approved in writing by the City. This procedure shall be followed for each contract for which bids are proposed to be solicited. Unless otherwise noted, the bidding documents shall conform to the following minimum requirements:

1. Unless impractical due to the nature of the Street Improvement, the bid proposal shall be unit priced rather than lump sum. A.C. pavement, base and sub-base shall be bid on a square foot per inch thickness basis.

2. The bidding documents shall require the bidder/contractor to provide the following bonds:

   a. Bid Bond - 10% of the amount of the bid.

   b. Material and Labor Bond - 50% of the contract amount.

   c. Performance Bond - 100% of the contract amount.

3. The bidding documents shall require the successful bidder to provide evidence of comprehensive public liability insurance in the amount of at least $1,000,000 prior to the award of the contract.

4. The bidding documents shall provide for monthly progress payments to the contractor.

5. The bidding documents must clearly state the time, date, and place where bids are to be submitted and opened.

6. The bidding documents shall clearly state the amount of time to complete the work. The time allowed must be reasonable for the amount of work. Accelerated construction time allowances must be supplementally bid, and are not eligible for public finance unless previously approved by the City.

7. The bidding documents shall conform to the requirements of Section 3. of the Agreement.

B. The applicable Owner shall keep a log of all persons obtaining bidding documents, and their mailing address.

C. Addenda shall be mailed by first class mail to all bidding document holders and the City Engineer. If an addendum is required within five working days of the noticed bid opening date, the bid opening date shall be extended.

D. Submitted bids shall be in sealed envelopes.

E. Bids shall not be accepted after the stated time for submission.

F. Bid opening shall be conducted by the applicable Owner at such Owner's place of business, City Hall or such other site mutually acceptable to such Owner and City Engineer.

G. All bid openings shall be scheduled to take place during normal working hours of the Public Works Department. Sealed bids shall be opened and read aloud immediately following the submission time. A City representative shall be invited to attend the bid opening.

H. Conditioned bids, unless the bid proposal lists them for all to bid on, shall not be accepted.

I. The bid proposals shall conform to all state and local laws governing the listing of subcontractors and suppliers.

J. The arithmetic of the two lowest bid proposals received shall immediately be checked for errors.

K. A tabulation of all bids received shall be provided to the City Engineer within five working days of the bid opening.

L. A preconstruction meeting shall be held with the contractor prior to beginning the work. City Public Works representatives shall be invited to attend the meeting.

M. The Notice to Proceed shall be issued within a reasonable period of time following the contract execution.

Construction Phase

A. The City shall be provided a copy of the construction schedule.

B. The applicable Owner shall require the contractor to conduct weekly construction status meetings to which City representatives shall be invited.

C. All change orders shall be reviewed and approved by the City Public Works inspector on a monthly basis and submitted with the applicable payment requests.

D. Any additional costs incurred for the benefit of the applicable Owner, such as accelerating the construction schedule, shall not be eligible for public financing unless previously approved by the City.

E. Any additional construction costs incurred due solely to delays caused by the applicable Owner shall not be eligible for public financing.

F. All contracts and construction related records shall be available to the City as and when required for the final determination of eligible costs for the public financing. This shall include trip tickets and other confirmations of material delivered to the Improvement.

General

The above rules shall be applied to all Street Improvements proposed to be acquired through the Community Facilities District. Any deviation from the rules must be approved by the City Engineer.

"City Engineer" means the City Engineer or his designee.

EXHIBIT "D"

PAYMENT REQUEST NO. _____

The undersigned (an "Owner") hereby requests payment in the total amount of $_____ for the Purchase Price of the Improvement(s) (as defined in the Acquisition/Financing Agreement (the "Agreement") by and among the City of Moreno Valley (the "City") and the Owners and described in Exhibit B to that Agreement), all as more fully described in Attachment 1 hereto. In connection with this Payment Request, the undersigned hereby certifies, represents and warrants to the City as follows:

1. He(she) is a duly authorized officer of the Owner, qualified to execute and submit this Payment Request on behalf of the Owner and is knowledgeable as to the matters set forth herein.

2. The Purchase Price for the Improvement(s) has been calculated in conformance with the terms of the Agreement. All costs for which payment is requested hereby are eligible costs (as permitted in the Agreement) and have not been inflated in any respect. The payment which is hereby requested has not been the subject of any prior payment request paid by the City.

3. Supporting documentation (such as third party invoices, change orders and checks) is attached with respect to each cost for which payment is requested.

4. The Improvement(s) for which payment is requested were constructed substantially in accordance with the requirements of the Agreement.

5. The Owner is in compliance with the terms and provisions of the Agreement.

6. No mechanics liens or other encumbrances have attached, or to the best knowledge of the Owner, after due inquiry, will attach to the Improvements.

7. Payment of the Purchase Price shall be made to the Owner and/or other parties pursuant to the instructions set forth in Attachment 2 hereto.

I hereby declare under penalty of perjury that the above representations and warranties are true and correct.

[INSERT NAME OF THE APPLICABLE OWNER]

By: _____
Name: _____
Title: _____

Payment Request Approved for Submission to
[Fiscal Agent or Trustee]

CITY OF MORENO VALLEY

By: _____
Name: _____
Title: _____

ATTACHMENT 1

SUMMARY OF CITY IMPROVEMENTS INCLUDED IN PAYMENT REQUEST NO. _____

Complete the table below for each Improvement to which this Payment Request applies and attach all required supporting documentation:

Description of Improvement	Budgeted Cost for Improvement	Purchase Price for Improvement

MV00032403

EXHIBIT E –

THE FEE LETTER

FIRST INDUSTRIAL REALTY TRUST

First Industrial Realty Trust, Inc.
114 Pacifica, Suite 220
Irvine, CA 92618
T: (949) 486-1970
F: (949) 486-1971
www.firstindustrial.com

February 11, 2008

Sue Anne Maxinoski
Special Districts Coordinator
City of Moreno Valley
14325 Frederick Street, Ste. 9
Moreno Valley, CA, 92552-0805

Ms. Maxinoski:

As a followup to my first letter dated October 17, 2007, I am writing to provide you with a summary of the developer and project management fees which are required to complete the offsite improvements associated with Community Facilities District (CFD) #7 currently under formation in Moreno Valley. This letter is intended to clarify our request to have certain fees reimbursed as project costs under Section 7(b)(4) of the DRAFT Acquisition and Financing Agreement

The pertinent fees are as follows:

1. Developer Fee/Project Management Fee-This fee is defined as 4% of the hard construction cost and hard cost contingency (including insurance and general conditions) and is reimbursed to First Industrial (FR) for the management of the project. These management services include the solicitation, retention, and administration of professional services (i.e. civil engineering, construction management services), oversight of the design process, interface and coordination with all relative public agencies to facilitate plan check review, permitting, CFD formation process, and the public bid process.

2. Construction Management Fee- This fee, is defined as 4% of the hard construction cost and hard cost contingency (including insurance and general conditions) and will be performed by an individual or professional consulting company to provide in-field construction management services. These services would include, but would not be limited to, assisting FR in the public bid process, overall field administration, coordination of work schedules with the General Contractor and subcontractors, review of change orders, processing of construction payments, interfacing with public agencies during inspections, finalizing punch list items, managing the physical completion of the work through final acceptance by each respective public agency.

3. General Conditions-This fee, defined as 3% of the hard cost of construction and hard cost contingency, will be to address ancillary professional or construction services not performed by any of the specific contractors or subcontractors as defined in the scope of work of their contracts. These services may include, but are not limited to immediate on-site supervision, dust control, job site cleanup (e.g. street sweeping), overlapping traffic control coordination, and project site security.

With the above explanations in mind, we would respectfully request that these fees (totaling 11%) be included in the overall amount to be reimbursed to First Industrial under the Acquisition and Finance Agreement and JCFA.

Please call me at 949-933-2121 if I can be of additional assistance or if you have further questions.

Sincerely,

John A. Grace
Development Manager
First Industrial Realty Trust

SDPUB\WDIVEN\353709.10

EXHIBIT F –

TRIBUTARY PARCELS

MV00032406

TRIBUTARY AREAS
TO DRAINAGE FACILITIES

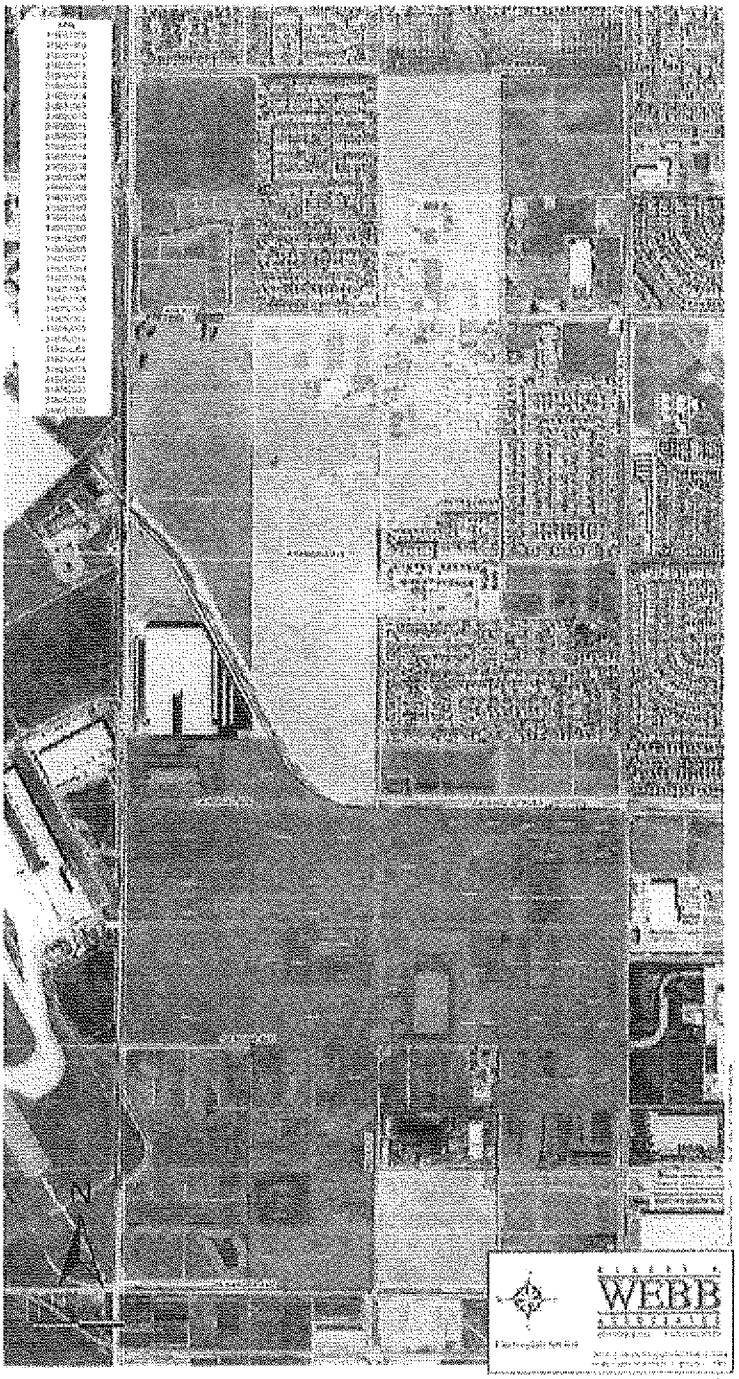

SDPUB\WDIVEN\353709.10

MV00032407

BOND NO. _____

EXHIBIT E

PREMIUM $ _____

(SAMPLE)

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. DXX-XXXXX

PROJECT NAME
PROJECT DESCRIPTION/LIMITS
(Tract No., Parcel No., Address)

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the Developer's Name, known as "Developer," has awarded to ....., as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, dated _____, 20__, and identified as Tract DXX-XXXXX, Parcel No., Address is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Agreement is required to furnish a bond guaranteeing the faithful performance of said Contract Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the Developer's Name, in the penal sum of dollars, ($_____), lawful money of the United States, to be paid to the said Developer or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Developer's Name, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the Developer and judgment is recovered, the Surety shall pay all costs incurred by the Developer in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS) **E1**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on

this _____ day of _____ 20_____.

CONTRACTOR	SURETY
Name:_____	Name:_____
Address: _____	Address: _____
_____	_____
Telephone No.:_____	Telephone No.: _____
By: _____	By: _____ Attorney-in-Fact

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

BOND NO. _____

(Sample)

PREMIUM $ _____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. DXX-XXXXX

PROJECT NAME
PROJECT DESCRIPTION/LIMITS

(Tract No., Parcel No., Address)

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the Developer's Name, known as "Developer", has awarded to _____, as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, dated _____, 20__, and identified as **t Tract No.** DXX-XXXXX, Parcel No., Address is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the Developer's Name, in the penal sum of dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the Developer or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the Developer in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(Signature Page Follows)

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands and seals on

this _____ day of_____ 20____.

CONTRACTOR	SURETY
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
By: _____	By: _____ Attorney-in-Fact

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate Surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

EXHIBIT F

FORM OF PAYMENT REQUEST

PAYMENT REQUEST NO. _____

The undersigned (the "Owner") hereby requests payment in the total amount of $_____ for the Purchase Price of the Improvement(s) (as defined in the Acquisition/Financing Agreement (the "Agreement") by and among the City of Moreno Valley (the "City") and the Owner and described in Exhibit B to that Agreement), all as more fully described in Attachment 1 hereto. In connection with this Payment Request, the undersigned hereby certifies, represents and warrants to the City as follows:

1. He (she) is a duly authorized officer of Owner, qualified to execute and submit this Payment Request on behalf of Owner and is knowledgeable as to the matters set forth herein.

2. The Purchase Price for the Improvement(s) has been calculated in conformance with the terms of the Agreement. All costs for which payment is requested hereby are eligible costs (as permitted in the Agreement) and have not been inflated in any respect. The payment which is hereby requested has not been the subject of any prior payment request paid by the City.

3. Supporting documentation (such as third party invoices, change orders and checks) is attached with respect to each cost for which payment is requested.

4. The Improvement(s) for which payment is requested were constructed substantially in accordance with the requirements of the Agreement.

5. Owner is in compliance with the terms and provisions of the Agreement.

6. No mechanics liens or other encumbrances have attached, or to the best knowledge of the Owner, after due inquiry, will attach to the Improvements.

7. Payment of the Purchase Price shall be made to the Owner and/or other parties pursuant to the instructions set forth in Attachment 2 hereto.

I hereby declare under penalty of perjury that the above representations and warranties are true and correct.

OWNER

By: _____
Name: _____
Title: _____

APPROVAL BY THE FLOOD ENGINEER

The Flood Engineer confirms that the Flood Control Facility described in Attachment A has been constructed in accordance with the Plans and Specifications therefor. The Actual Cost of each Flood Control Facility as described in Attachment A has been reviewed, verified and approved by the Flood Engineer. The Purchase Price for said Flood Control Facility is established at $_____. Payment of the Purchase Price for the Flood Control Facility is hereby approved.

Date: _____

FLOOD ENGINEER

By: _____

Payment Request Approved for Submission
to [Fiscal Agent or Trustee]

CITY OF MORENO VALLEY

By: _____
Name: _____
Title: _____

ATTACHMENT 1
PAYMENT REQUEST - ACTUAL COSTS

Property Owner is to complete Columns 1 through 7

CFD/Improvement Area/Tract Number: _____

Facility Description: _____

1	2	3	4	5	6	7	8	9	10	11
Bid Item No.	**Bid Item Description**	**Unit of Measure**	**Unit Price**	**Original Contract Quantity**	**Quantity Invoiced**	**Amount Invoiced**	**Quantity Calculated By Flood District**	**Amount Calculated By Flood District**	**Difference**	**Actual Cost**
1			0.00	0	0	0.00	0	0.00	0.00	
2			0.00	0	0	0.00	0	0.00	0.00	
3			0.00	0	0	0.00	0	0.00	0.00	
4			0.00	0	0	0.00	0	0.00	0.00	
5			0.00	0	0	0.00	0	0.00	0.00	
6			0.00	0	0	0.00	0	0.00	0.00	
7			0.00	0	0	0.00	0	0.00	0.00	
8			0.00	0	0	0.00	0	0.00	0.00	
9			0.00	0	0	0.00	0	0.00	0.00	
10			0.00	0	0	0.00	0	0.00	0.00	
11			0.00	0	0	0.00	0	0.00	0.00	
12			0.00	0	0	0.00	0	0.00	0.00	
13			0.00	0	0	0.00	0	0.00	0.00	
14			0.00	0	0	0.00	0	0.00	0.00	
15			0.00	0	0	0.00	0	0.00	0.00	
16			0.00	0	0	0.00	0	0.00	0.00	
17			0.00	0	0	0.00	0	0.00	0.00	
18			0.00	0	0	0.00	0	0.00	0.00	
19			0.00	0	0	0.00	0	0.00	0.00	
20			0.00	0	0	0.00	0	0.00	0.00	
				Total:		0.00		0.00	0.00	
				Amount Requested:		_____		_____	_____	

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rett
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Financial & Administrative Services Director

AGENDA DATE: September 22, 2009

TITLE: APPROVAL OF CHECK REGISTER FOR JULY, 2009

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2009-92, approving the Check Register for the month of July, 2009 in the amount of $24,334,280.12.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of $25,000 or greater, followed by a listing in alphabetical order of all checks less than $25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2009-10 budget. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2009- 92
Check Register for Month of July, 2009

Prepared By:
Domilena R. Gonzales
Principal Accountant

Department Head Approval:
Steve Elam
Financial & Administrative Services Director

Concurred By:
Cynthia Fortune
Acting Financial Operations Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2009-92

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORENO VALLEY, CALIFORNIA,
APPROVING THE CHECK REGISTER
FOR THE MONTH OF JULY, 2009

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period July 1, 2009 through July 31, 2009, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period July 1, 2009 through July 31, 2009, in the total amount of $24,334,280.12 is approved.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00032417

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

MV00032418

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS IN THE AMOUNT OF $25,000 OR GREATER					
ACCELA					
	7/9/2009	196043	43,172.10		
				PERMITS PLUS MAINT 07/01/09 - 06/30/10	43,172.10
	7/23/2009	196393	47,878.75		
				MAINT FEES FOR VARIOUS APPLICATIONS	47,878.75
	Vendor Total		**91,050.85**		
FYTD for ACCELA			**91,050.85**		
AEI-CASC ENGINEERING					
	7/30/2009	196526	57,936.84		
				BOX SPRINGS RD IMPRVMNT PROJ	57,936.84
	Vendor Total		**57,936.84**		
FYTD for AEI-CASC ENGINEERING			**58,972.84**		
ALBERT A. WEBB ASSOCIATES					
	7/2/2009	195942	46,245.92		
				EDGEMONT WATER MP UPDATE SVCS	36,220.45
				EDGEMONT WATER MP UPDATE SVCS	10,025.47
	Vendor Total		**46,245.92**		
FYTD for ALBERT A. WEBB ASSOCIATES			**72,616.90**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEMUS LANDSCAPE, INC.					
	7/9/2009	196058	39,908.03		
				MAY'09 LNDSCP MAINT>CITY HALL	992.56
				MAY'09 LNDSCP MNT>VET MEM	250.00
				MAY'09 LNDSCP MNT>ANNX #1	300.00
				JUN'09 LNDSCP MNT>AQDCT A	850.50
				JUN'09 LNDSCP MNT>AQDCT B	735.00
				JUN'09 LNDSCP MNT>N AQDCT	525.00
				JUN'09 LNDSCP MNT>SR CTR	262.50
				JUN'09 LNDSCP MNT>EDSN/OLD	1,785.00
				JUN'09 LNDSCP MNT>PAN AM SECT	600.00
				JUN'09 LNDSCP MNT>E-4	15,496.00
				JUN'09 LNDSCP MNT>E-4A	364.00
				JUN'09 LNDSCP MNT>E-1	7,249.49
				JUN'09 LNDSCP MNT>E-1A	608.81
				JUN'09 LNDSCP MNT>ANML SHLTR	520.00
				JUN'09 LNDSCP MNT>CRC	1,900.00
				JUN'09 LNDSCP MNT>FIRE STNS	2,300.00
				JUN'09 LNDSCP MNT>LIBRARY	520.00
				JUN'09 LNDSCP MNT>PSB	1,047.58
				JUN'09 LNDSCP MNT>STARS	300.00
				JUN'09 LNDSCP MNT>BAY-JFK	1,900.00
				IRRIGATION RPRS>E-4	132.69
				IRRIGATION RPRS>E-4	55.90
				IRRIGATION RPRS>E-4	648.00
				IRRIGATION RPRS>E-4	85.00
				JUN'09 LNDSCP MNT>UTILITY	480.00
	Vendor Total		**39,908.03**		
FYTD for BEMUS LANDSCAPE, INC.			**42,890.59**		
BOYLE ENGINEERING CORPORATION					
	7/23/2009	196409	50,219.70		
				PERRIS BLVD WIDENING PROJ SVCS	27,766.20
				PERRIS BLVD WIDENING PROJ SVCS	22,453.50
	Vendor Total		**50,219.70**		
FYTD for BOYLE ENGINEERING CORPORATION			**53,002.80**		
CALPERS					
	7/30/2009	196537	111,845.12		
				ARC PMT LESS RET MED PAYOUTS	135,916.67
				ARC PMT LESS RET MED PAYOUTS	-24,071.55
	Vendor Total		**111,845.12**		
FYTD for CALPERS			**111,845.12**		
COLLIE COURT DEVELOPMENT, LLC					
	7/9/2009	196073	111,200.00		
				RELEASE OF DEPOSIT	111,200.00
	Vendor Total		**111,200.00**		
FYTD for COLLIE COURT DEVELOPMENT, LLC			**111,200.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
7/2/2009	195961	33,752.40		
			RECLAIMED WATER	338.24
			WATER UTILITY	110.82
			WATER UTILITY	1,110.87
			WATER UTILITY	441.96
			WATER UTILITY	12,099.03
			WATER UTILITY	3,424.09
			WATER UTILITY	484.92
			WATER UTILITY	8,150.05
			WATER UTILITY	3,283.77
			WATER UTILITY	3,348.90
			WATER UTILITY	38.27
			WATER UTILITY	291.77
			WATER UTILITY	133.57
			WATER UTILITY	428.87
			WATER UTILITY	67.27
7/9/2009	196088	29,472.33		
			WATER UTILITY	1,381.82
			WATER UTILITY	38.40
			WATER UTILITY	7,003.03
			WATER UTILITY	10,797.28
			WATER UTILITY	6,634.82
			WATER UTILITY	1,414.53
			WATER UTILITY	659.35
			WATER UTILITY	518.33
			WATER UTILITY	242.13
			WATER UTILITY	143.41
			WATER UTILITY	53.93
			WATER UTILITY	384.43
			WATER UTILITY	140.63
			WATER UTILITY	60.24
7/16/2009	196285	58,507.68		
			WATER UTILITY	1,106.41
			WATER UTILITY	351.65
			WATER UTILITY	1,567.00
			WATER UTILITY	759.90
			WATER UTILITY	105.47
			WATER UTILITY	19,983.81
			WATER UTILITY	3,782.75
			WATER UTILITY	1,298.32
			WATER UTILITY	5,424.93
			WATER UTILITY	3,154.07
			WATER UTILITY	4,391.66
			WATER UTILITY	6,163.42
			WATER UTILITY	1,898.50
			WATER UTILITY	53.49
			WATER UTILITY	982.92
			WATER UTILITY	1,937.70
			WATER UTILITY	599.39
			WATER UTILITY	213.10
			WATER UTILITY	262.37
			WATER UTILITY	127.22
			WATER UTILITY	1,753.49

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WATER UTILITY	941.41
			WATER UTILITY	189.71
			WATER UTILITY	377.19
			WATER UTILITY	400.74
			WATER UTILITY	344.25
			WATER UTILITY	336.81
7/30/2009	196553	38,771.90		
			WATER UTILITY	16.07
			WATER UTILITY	134.84
			WATER UTILITY	1,196.97
			WATER UTILITY	497.71
			WATER UTILITY	14,369.28
			WATER UTILITY	1,456.44
			WATER UTILITY	661.74
			WATER UTILITY	10,959.74
			WATER UTILITY	3,643.55
			WATER UTILITY	4,777.26
			WATER UTILITY	61.83
			WATER UTILITY	348.10
			WATER UTILITY	136.80
			WATER UTILITY	443.79
			WATER UTILITY	67.78
Vendor Total		**160,504.31**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		**167,110.94**		

EMPLOYMENT DEVELOPMENT DEPARTMENT

7/3/2009	2444	43,113.55		
			DEP STATE INC TAX W/H 07/03/09	43,113.55
7/17/2009	2453	41,960.41		
			DEP STATE INC TAX W/H 07/17/09	41,960.41
7/31/2009	2463	30,294.69		
			DEP STATE INC TAX W/H 07/31/09	30,294.69
Vendor Total		**115,368.65**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT		**115,368.65**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ENCO UTILITY SERVICES MORENO VALLEY LLC				
7/2/2009	195963	76,401.48		
			MAY'09 FEES>1ST INDSTRL CMRCL	48.79
			MAY'09 FEES>O'REILLY AUTOMOTIV	4,472.44
			MAY'09 PROF SRVCS>ALERE PROP	1,196.78
			CIRC#5 PHASE1 SUBST (RITE AID)	6,031.75
			PERRIS BLVD 12K FEEDER WORK	60.99
			ENG/DESIGN STUDY FOR CIP PROJS	2,220.73
			CIRC#5 PHASE II INSTALL. WORK	9,566.33
			GLOBE 12KV INTERCONN >LASSELLE	8,648.86
			LASSELLE ST 12KV CIRCUIT WORK	8,174.79
			GLOBE TO INDIAN 12KV CIRC WORK	3,704.41
			GLOBE TO INDIAN 12KV CIRC WORK	852.80
			NEWHOPE ST LIGHTS (ADJ TO PSB)	31,422.81
7/16/2009	196287	102,990.13		
			DISTRIBUTION CHARGES	90,825.19
			SPECIAL CHARGES	5,206.10
			BAD DEBT	-2,343.35
			SPCL CHRGS>4/6/09	552.19
			JUL'09 CABNT LSE-LASSELLE	6.47
			JUL'09 CABNT LSE-LASSELLE	1,243.53
			JUL'09 CABNT LSE-GRAHAM	29.67
			JUL'09 CABNT LSE-GRAHAM	1,220.33
			JUL'09 CABNT LSE-KITCHING	35.52
			JUL'09 CABNT LSE-KITCHING	1,214.48
			JUL'09 CABNT LSE-COTTONWOOD	98.05
			JUL'09 CABNT LSE-COTTONWOOD	1,151.95
			JUL'09 CABNT LSE-FREDERICK	47.14
			JUL'09 CABNT LSE-FREDERICK	1,202.86
			JUL'09 CABNT LSE-INDIAN AVE	130.78
			JUL'09 CABNT LSE-INDIAN AVE	1,119.22
			JUL'09 CABNT LSE-IRIS AVE	146.80
			JUL'09 CABNT LSE-IRIS AVE	1,103.20
7/23/2009	196427	25,948.19		
			PERRIS BLVD 12K FEEDER WORK	1,468.96
			ENG/DESIGN FOR CITY (CIP) PROJ	2,010.67
			TEMP CONSTR POWER FAC FOR EOC	1,641.31
			CIRC#5 PHASE 2 CABLE/EQUP INST	5,845.81
			GLOBE 12KV CHANNEL CRSSNG WORK	1,033.80
			LASSELLE ST 12KV CIRC TIE WORK	4,719.52
			GLOBE TO INDIAN 12KV CIRC TIE	299.33
			GLOBE TO INDIAN 12KV CIRC TIE	859.75
			GROVE VIEW RD ST. LIGHT INSTAL	4,457.40
			WASTE MGMT TRANSFER STAT. WORK	523.82
			O'REILLY AUTO DISTR CTR WORK	212.76
			O'REILLY AUTO DISTR CTR WORK	2,543.06
			METER CHGS-THE WATER SHOP	332.00
7/30/2009	196556	113,779.23		
			DIST/SPCL CHRGS:4/6/09-5/8/09	109,138.98
			DIST/SPCL CHRGS:4/6/09-5/8/09	6,977.00
			DIST/SPCL CHRGS:4/6/09-5/8/09	-2,634.50
			DIST/SPCL CHRGS:4/6/09-5/8/09	297.75

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
	Vendor Total	319,119.03		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		319,119.03		
ENVIRONMENTAL CONSTRUCTION, INC.				
7/2/2009	195964	460,459.47		
			SUNNYMEAD BLVD REVIT PROJ SVCS	460,459.47
	Vendor Total	460,459.47		
FYTD for ENVIRONMENTAL CONSTRUCTION, INC.		460,459.47		
EXCEL LANDSCAPE, INC				
7/2/2009	195967	64,278.32		
			MAY'09 LNDSCP MAINT>E-3	24,988.00
			JUN'09 LNDSCP MAINT>E-3	24,988.00
			MAY'09 LNDSCP MAINT>E-3A	1,491.00
			JUN'09 LNDSCP MAINT>E-3A	1,491.00
			JUN'09 LNDSCP MAINT>E-7	2,640.41
			JUN'09 LNDSCP MAINT>E-8	1,057.15
			JUN'09 LNDSCP MAINT>E-8	429.96
			JUN'09 LNDSCP MAINT>E-15	1,059.76
			JUN'09 LNDSCP MAINT>E-14	3,426.80
			JUN'09 LNDSCP MAINT>WQF/09	1,514.00
			JUN'09 LNDSCP MAINT>WQF/09	645.00
			JUN'09 LNDSCP MAINT>WQF/09	465.00
			MISC LNDSCP MAINT>E-8	82.24
	Vendor Total	64,278.32		
FYTD for EXCEL LANDSCAPE, INC		64,723.52		
FULBRIGHT & JAWORSKI, L.L.P.				
7/2/2009	195975	49,844.52		
			MAY'09 LGL SRVCS>UTILITIES	49,844.52
7/30/2009	196563	30,180.24		
			LEGAL SERVICES /UTILITY-JUN'09	30,180.24
	Vendor Total	80,024.76		
FYTD for FULBRIGHT & JAWORSKI, L.L.P.		80,024.76		
HAITBRINK ASPHALT PAVING, INC.				
7/16/2009	196297	53,555.02		
			EUCALYPTUS/KITCHING ST IMPRV.	52,937.91
			EUCALYPTUS/KITCHING ST IMPRV.	617.11
	Vendor Total	53,555.02		
FYTD for HAITBRINK ASPHALT PAVING, INC.		53,555.02		
HARDY & HARPER, INC.				
7/30/2009	196571	348,604.80		
			ANNL PAVEMNT RESURF. PRGM SVCS	348,604.80
	Vendor Total	348,604.80		
FYTD for HARDY & HARPER, INC.		348,604.80		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HARRIS & ASSOCIATES, INC.					
	7/9/2009	196119	30,135.30		
				SUNNYMD BLVD EMWD PIPELINE SVC	438.02
				SUNNYMEAD BLVD REVIT PROJ SVCS	177.78
				SUNNYMEAD BLVD REVIT PROJ SVCS	654.70
				SUNNYMEAD BLVD REVIT PROJ SVCS	28,864.80
	Vendor Total		**30,135.30**		
FYTD for HARRIS & ASSOCIATES, INC.			**31,197.80**		
HEERY INTERNATIONAL, INC.					
	7/30/2009	196573	63,004.00		
				NEW MAIN LIBRARY PROJ. SVCS	63,004.00
	Vendor Total		**63,004.00**		
FYTD for HEERY INTERNATIONAL, INC.			**63,004.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INLAND EMPIRE PROPERTY SERVICE, INC				
7/16/2009	196306	34,112.00		
			NUISANCE ABATEMENT	256.00
			NUISANCE ABATEMENT	975.00
			NUISANCE ABATEMENT	250.00
			NUISANCE ABATEMENT	2,500.00
			NUISANCE ABATEMENT	252.00
			WEED ABATEMENT CONTRACT SVCS	270.00
			WEED ABATEMENT CONTRACT SVCS	517.18
			WEED ABATEMENT CONTRACT SVCS	219.04
			WEED ABATEMENT CONTRACT SVCS	260.92
			WEED ABATEMENT CONTRACT SVCS	158.00
			WEED ABATEMENT CONTRACT SVCS	351.22
			WEED ABATEMENT CONTRACT SVCS	156.00
			WEED ABATEMENT CONTRACT SVCS	249.00
			WEED ABATEMENT CONTRACT SVCS	193.82
			WEED ABATEMENT CONTRACT SVCS	237.22
			WEED ABATEMENT CONTRACT SVCS	137.50
			WEED ABATEMENT CONTRACT SVCS	127.00
			WEED ABATEMENT CONTRACT SVCS	530.00
			WEED ABATEMENT CONTRACT SVCS	159.82
			WEED ABATEMENT CONTRACT SVCS	341.72
			WEED ABATEMENT CONTRACT SVCS	153.00
			WEED ABATEMENT CONTRACT SVCS	152.00
			WEED ABATEMENT CONTRACT SVCS	472.60
			WEED ABATEMENT CONTRACT SVCS	161.30
			WEED ABATEMENT CONTRACT SVCS	270.00
			WEED ABATEMENT CONTRACT SVCS	272.00
			WEED ABATEMENT CONTRACT SVCS	214.00
			WEED ABATEMENT CONTRACT SVCS	94.00
			WEED ABATEMENT CONTRACT SVCS	94.00
			WEED ABATEMENT CONTRACT SVCS	291.16
			WEED ABATEMENT CONTRACT SVCS	439.00
			WEED ABATEMENT CONTRACT SVCS	654.00
			WEED ABATEMENT CONTRACT SVCS	199.54
			WEED ABATEMENT CONTRACT SVCS	199.54
			WEED ABATEMENT CONTRACT SVCS	282.00
			WEED ABATEMENT CONTRACT SVCS	125.00
			WEED ABATEMENT CONTRACT SVCS	335.94
			WEED ABATEMENT CONTRACT SVCS	109.64
			WEED ABATEMENT CONTRACT SVCS	109.64
			WEED ABATEMENT CONTRACT SVCS	148.08
			WEED ABATEMENT CONTRACT SVCS	437.00
			WEED ABATEMENT CONTRACT SVCS	328.02
			WEED ABATEMENT CONTRACT SVCS	328.02
			WEED ABATEMENT CONTRACT SVCS	192.96
			WEED ABATEMENT CONTRACT SVCS	62.00
			WEED ABATEMENT CONTRACT SVCS	443.40
			WEED ABATEMENT CONTRACT SVCS	1,008.98
			WEED ABATEMENT CONTRACT SVCS	62.00
			WEED ABATEMENT CONTRACT SVCS	625.25
			WEED ABATEMENT CONTRACT SVCS	625.73
			WEED ABATEMENT CONTRACT SVCS	457.23
			WEED ABATEMENT CONTRACT SVCS	480.67
			WEED ABATEMENT CONTRACT SVCS	1,568.22

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WEED ABATEMENT CONTRACT SVCS	215.90
			WEED ABATEMENT CONTRACT SVCS	410.00
			WEED ABATEMENT CONTRACT SVCS	178.74
			WEED ABATEMENT CONTRACT SVCS	543.57
			WEED ABTMNT>263210047	271.17
			WEED ABTMNT>263190019	5,200.00
			WEED ABTMNT>488220014	631.47
			WEED ABTMNT>263210031	571.24
			WEED ABTMNT>263190017	170.75
			WEED ABTMNT>488220005	655.00
			WEED ABTMNT>478174021	94.00
			WEED ABTMNT>478174020	94.00
			WEED ABTMNT>488220001	810.00
			WEED ABTMNT>478120015	120.00
			WEED ABTMNT>478120016	120.00
			WEED ABTMNT>478120023	120.00
			WEED ABTMNT>478120024	120.00
			WEED ABTMNT>478110006	316.46
			WEED ABTMNT>478110007	200.78
			WEED ABTMNT>486310005	876.13
			WEED ABTMNT>478120005	224.84
			WEED ABTMNT>263200011	296.67
			WEED ABTMNT>485032001	490.20
			WEED ABTMNT>479170033	414.80
			WEED ABTMNT>486290029	695.66
			WEED ABTMNT>488200021	204.72
			WEED ABTMNT>478166031	180.54
			WEED ABTMNT>478060008	254.00
			WEED ABTMNT>484030022	94.00
	Vendor Total	**34,112.00**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC		**37,499.14**		

INTERNAL REVENUE SERVICE

7/3/2009	2443	159,390.91		
			DEP FED TAX W/H 07/03/09	159,390.91
7/17/2009	2452	155,165.65		
			DEP FED TAX W/H 07/17/09	155,165.65
7/31/2009	2462	116,647.36		
			DEP FED TAX W/H 07/31/09	116,647.36
	Vendor Total	**431,203.92**		
FYTD for INTERNAL REVENUE SERVICE		**433,203.92**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KOA CORPORATION					
	7/9/2009	196135	36,627.50		
				RECHE VISTA DR REALIGNMNT PROJ	24,627.50
				RECHE VISTA DR REALIGNMNT PROJ	12,000.00
	7/30/2009	196581	32,058.72		
				RECHE VISTA DR REALIGNMNT PROJ	4,737.51
				RECHE VISTA DR REALIGNMNT PROJ	6,993.71
				RECHE VISTA DR REALIGNMNT PROJ	20,327.50
	Vendor Total		**68,686.22**		
FYTD for KOA CORPORATION			**73,813.32**		
LIM & NASCIMENTO ENGINEERING CORP.					
	7/30/2009	196582	37,094.46		
				PERRIS BLVD WIDENING-RAMONA XP	37,094.46
	Vendor Total		**37,094.46**		
FYTD for LIM & NASCIMENTO ENGINEERING CORP.			**42,760.46**		
MCDONOUGH, HOLLAND & ALLEN					
	7/16/2009	196313	25,548.99		
				CNTY LITIG.>JUN'08	823.76
				CNTY LITIG.>JUL'08	6,839.04
				CNTY LITIG.>AUG'08	3,799.53
				CNTY LITIG.>SEPT'08	3,750.79
				CNTY LITIG.>JAN'09	1,135.87
				CNTY LITIG.>FEB'09	251.16
				CNTY LITIG.>MAR'09	921.64
				CNTY LITIG.>MAY'09	33.00
				MVUSD LITIG.>MAY'09	7,202.12
				GENERAL BUS.>MAY'09	53.04
				MVUSD LITIG.>MAY'09	739.04
	Vendor Total		**25,548.99**		
FYTD for MCDONOUGH, HOLLAND & ALLEN			**28,727.75**		
MORENO VALLEY CHEVROLET					
	7/23/2009	196461	36,898.00		
				REIMB. OF SPCL TAXES	36,898.00
	Vendor Total		**36,898.00**		
FYTD for MORENO VALLEY CHEVROLET			**36,898.00**		
MORENO VALLEY PONTIAC/GMC/BUICK					
	7/23/2009	196464	30,309.00		
				REIMB. OF SPCL TAXES	30,309.00
	Vendor Total		**30,309.00**		
FYTD for MORENO VALLEY PONTIAC/GMC/BUICK			**30,309.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY UTILITY					
	7/23/2009	196465	81,411.38		
				ELECTRICITY CHARGES	117.32
				ELECTRICITY CHARGES	1,746.30
				ELECTRICITY CHARGES	165.90
				ELECTRICITY CHARGES	1,602.67
				ELECTRICITY CHARGES	21,086.49
				ELECTRICITY CHARGES	17,865.91
				ELECTRICITY CHARGES	5,574.66
				ELECTRICITY CHARGES	11,699.07
				ELECTRICITY CHARGES	1,667.38
				ELECTRICITY CHARGES	3,260.61
				ELECTRICITY CHARGES	10,262.85
				ELECTRICITY CHARGES	5,523.43
				ELECTRICITY CHARGES	209.06
				ELECTRICITY CHARGES	133.35
				ELECTRICITY CHARGES	84.48
				ELECTRICITY CHARGES	63.36
				ELECTRICITY CHARGES	63.83
				ELECTRICITY CHARGES	155.19
				ELECTRICITY CHARGES	129.52
	Vendor Total		**81,411.38**		
FYTD for MORENO VALLEY UTILITY			**81,411.38**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MUNITEMPS					
	7/16/2009	196327	26,600.19		
				TEMP SRVCS>4/12 HENDERSON	1,793.60
				TEMP SRVCS>4/26 HENDERSON	1,793.60
				TEMP SRVCS>5/10 HENDERSON	1,793.60
				TEMP SRVCS>5/24 HENDERSON	1,793.60
				TEMP SRVCS>6/7 HENDERSON	1,810.42
				TEMP SRVCS>6/21 HENDERSON	1,793.60
				TEMP SRVCS>3/29 O'MALLEY	387.27
				TEMP SRVCS>3/29 SIMS	357.19
				TEMP SRVCS>4/12-O'MALLEY	351.34
				TEMP SRVCS>4/12-SIMS	326.13
				TEMP SRVCS>4/12-HUDSON	310.60
				TEMP SRVCS>4/12-BELL	330.01
				TEMP SRVCS>4/26-O'MALLEY	1,081.97
				TEMP SRVCS>4/26-SIMS	462.02
				TEMP SRVCS>4/26-HUDSON	621.20
				TEMP SRVCS>4/26-BELL	660.02
				TEMP SRVCS>5/10-O'MALLEY	1,185.78
				TEMP SRVCS>5/10-SIMS	826.97
				TEMP SRVCS>5/10-HUDSON	559.09
				TEMP SRVCS>5/10-BELL	660.02
				TEMP SRVCS>5/24-O'MALLEY	1,189.77
				TEMP SRVCS>5/24-SIMS	364.95
				TEMP SRVCS>5/24-HUDSON	718.26
				TEMP SRVCS>5/24-BELL	702.73
				TEMP SRVCS>6/7-BELL	636.73
				TEMP SRVCS>6/7-HUDSON	784.26
				TEMP SRVCS>6/7-O'MALLEY	1,054.02
				TEMP SRVCS>6/7-SIMS	757.09
				TEMP SRVCS>6/21-O'MALLEY	830.44
				TEMP SRVCS>6/21-HUDSON	275.66
				TEMP SRVCS>6/21-BELL	388.25
	Vendor Total		**26,600.19**		
FYTD for MUNITEMPS			**37,015.23**		
NATIONWIDE RETIREMENT SOLUTIONS					
	7/17/2009	2449	25,212.16		
				DEF COMP 457 & 401(A) 071/7/09	25,212.16
	7/3/2009	2440	25,432.66		
				DEF COMP 457 & 401(A) 07/03/09	25,432.66
	Vendor Total		**50,644.82**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**55,944.21**		
NORRIS-REPKE, INC.					
	7/9/2009	196175	39,324.00		
				PROF STAFFING SVCS-VARIOUS PRJ	16,820.00
				PROF STAFFING SVCS-VARIOUS PRJ	22,504.00
	Vendor Total		**39,324.00**		
FYTD for NORRIS-REPKE, INC.			**39,829.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PARSONS TRANSPORTATION GROUP, INC.					
	7/9/2009	196177	147,550.47		
				SR-60/NASON ST OVRCRSSNG PROJ	147,550.47
	Vendor Total		**147,550.47**		
FYTD for PARSONS TRANSPORTATION GROUP, INC.			**147,550.47**		
PB AMERICAS, INC.					
	7/30/2009	196601	88,835.51		
				SR-60/NASON ST INTERCHG IMPRV	37,792.84
				SR-60/NASON ST INTERCHG PROJ	51,042.67
	Vendor Total		**88,835.51**		
FYTD for PB AMERICAS, INC.			**88,835.51**		
PERMA					
	7/30/2009	196602	84,262.99		
				PROP. PRGRM INS. PREM.	84,262.99
	Vendor Total		**84,262.99**		
FYTD for PERMA			**84,262.99**		
PERS HEALTH INSURANCE					
	7/8/2009	90706	209,164.98		
				EMPL HEALTH INS 07/08/09	209,164.98
	Vendor Total		**209,164.98**		
FYTD for PERS HEALTH INSURANCE			**209,164.98**		
PERS RETIREMENT					
	7/24/2009	2456	234,284.08		
				PERS RETIREMENT 07/24/09	234,284.08
	7/10/2009	2446	254,022.72		
				PERS RETIREMENT 07/10/09	254,022.72
	Vendor Total		**488,306.80**		
FYTD for PERS RETIREMENT			**488,306.80**		
PERVO PAINT CO.					
	7/16/2009	196337	29,724.96		
				MISC. PAINT AND SUPPLIES	6,934.51
				MISC. PAINT AND SUPPLIES	22,790.45
	Vendor Total		**29,724.96**		
FYTD for PERVO PAINT CO.			**29,724.96**		
PITRE & TEUNISSE, INC.					
	7/30/2009	196607	400,000.00		
				SETTLEMENT RE: TOVEY SCHULTZ	400,000.00
	Vendor Total		**400,000.00**		
FYTD for PITRE & TEUNISSE, INC.			**400,000.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PRICE FAMILY CHARITABLE TRUST				
7/23/2009	196479	79,991.00		
			SALES TAX REIMB.	79,991.00
Vendor Total		**79,991.00**		
FYTD for PRICE FAMILY CHARITABLE TRUST		**79,991.00**		
PROACTIVE ENGINEERING CONSULTANTS, INC.				
7/16/2009	196340	35,227.50		
			KITCHING ST IMPRV PROJ SVCS	35,227.50
7/30/2009	196611	65,427.25		
			CACTUS AVE WIDENING PROJ-STG 1	25,223.25
			CACTUS AVE WIDENING PROJ-STG 2	40,204.00
Vendor Total		**100,654.75**		
FYTD for PROACTIVE ENGINEERING CONSULTANTS, INC.		**100,654.75**		
RIALTO CONSTRUCTION, INC.				
7/30/2009	196616	77,707.03		
			AQUEDCT BIKEWAY-INDIAN TO FAY	77,707.03
Vendor Total		**77,707.03**		
FYTD for RIALTO CONSTRUCTION, INC.		**77,707.03**		
RIVERSIDE COUNTY SHERIFF				
7/9/2009	196197	84,189.49		
			MAR-MAY'09 JAIL ACCESS FEES	84,189.49
7/30/2009	196625	32,201.51		
			JUN'09 JAIL ACCESS FEE	32,201.51
7/15/2009	90704	2,612,473.33		
			CONTRACT LAW ENF BILL #11	2,612,473.33
7/23/2009	90714	3,119,659.39		
			CONTRACT LAW ENF BILL #12	3,119,659.39
Vendor Total		**5,848,523.72**		
FYTD for RIVERSIDE COUNTY SHERIFF		**5,852,406.50**		
RIVERSIDE COUNTY SHERIFF'S DEPT.				
7/16/2009	196349	315,460.00		
			ANNL RMS/CLETS>FY0809	315,460.00
Vendor Total		**315,460.00**		
FYTD for RIVERSIDE COUNTY SHERIFF'S DEPT.		**315,460.00**		
RIVERSIDE TRANSIT AGENCY				
7/23/2009	196492	28,075.00		
			U-PASS PROGRAM WITH RCC	28,075.00
Vendor Total		**28,075.00**		
FYTD for RIVERSIDE TRANSIT AGENCY		**28,075.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RLZ ENGINEERING					
	7/16/2009	196351	26,856.50		
				PROF STAFFING SVCS-VARIOUS PRJ	26,856.50
	Vendor Total		**26,856.50**		
FYTD for RLZ ENGINEERING			**26,856.50**		
ROESLING NAKAMURA TERADA ARCHITECTS, INC					
	7/30/2009	196627	35,899.81		
				PUB SAFETY BLDG CONVERSION PRJ	35,899.81
	Vendor Total		**35,899.81**		
FYTD for ROESLING NAKAMURA TERADA ARCHITECTS, INC			**35,899.81**		
SEMPRA ENERGY SOLUTIONS					
	7/23/2009	196494	701,135.35		
				JUN'09 POWER PURCHASE	701,135.35
	Vendor Total		**701,135.35**		
FYTD for SEMPRA ENERGY SOLUTIONS			**701,135.35**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	7/16/2009	196360	140,151.00		
				ELECTRICITY CHARGES	41.94
				ELECTRICITY CHARGES	365.58
				ELECTRICITY CHARGES	39.04
				ELECTRICITY CHARGES	983.32
				ELECTRICITY CHARGES	1,721.62
				ELECTRICITY CHARGES	1,399.17
				ELECTRICITY CHARGES	492.42
				ELECTRICITY CHARGES	848.69
				ELECTRICITY CHARGES	1,366.82
				ELECTRICITY CHARGES	1,732.18
				ELECTRICITY CHARGES	94,804.30
				ELECTRICITY CHARGES	35,584.03
				ELECTRICITY CHARGES	356.46
				ELECTRICITY CHARGES	136.20
				ELECTRICITY CHARGES	18.56
				ELECTRICITY CHARGES	21.67
				ELECTRICITY CHARGES	60.40
				ELECTRICITY CHARGES	74.41
				ELECTRICITY CHARGES	104.19
	7/23/2009	196501	39,222.25		
				ELECTRICITY CHARGES	163.54
				ELECTRICITY CHARGES	4,986.45
				ELECTRICITY CHARGES	127.66
				ELECTRICITY CHARGES	3,778.78
				ELECTRICITY CHARGES	19.03
				ELECTRICITY CHARGES	5,116.01
				ELECTRICITY CHARGES	1,137.61
				ELECTRICITY CHARGES	3,911.11
				ELECTRICITY CHARGES	2,233.70
				ELECTRICITY CHARGES	1,999.44
				ELECTRICITY CHARGES	218.97
				ELECTRICITY CHARGES	3,605.33
				ELECTRICITY CHARGES	678.17
				ELECTRICITY CHARGES	2,304.40
				ELECTRICITY CHARGES	20.48
				ELECTRICITY CHARGES	401.08
				ELECTRICITY CHARGES	3,896.44
				ELECTRICITY CHARGES	1,550.55
				ELECTRICITY CHARGES	282.23
				ELECTRICITY CHARGES	390.29
				ELECTRICITY CHARGES	416.45
				ELECTRICITY CHARGES	254.28
				ELECTRICITY CHARGES	145.55
				ELECTRICITY CHARGES	22.73
				ELECTRICITY CHARGES	1,561.97
	7/30/2009	196633	36,064.72		
				WDAT CHARGES: FREDERICK 06/09	2,386.62
				WDAT CHARGES: IRIS 06/09	2,625.22
				NON-PTO WHEELING CHRGS	1,672.91
				WDAT CHARGES: SUBSTATN 06/09	14,038.67
				WDAT CHARGES: NANDINA 06/09	2,647.31
				WDAT CHARGES: GLOBE 06/09	8,966.34

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WDAT CHARGES: GRAHAM 06/09	3,727.65
7/30/2009	196634	2,010,115.06		
			REPLCMNT OF EXISTING FAC-EB 60	1,005,057.53
			REPLCMNT OF EXISTING FAC-EB 60	1,005,057.53
	Vendor Total	**2,225,553.03**		
FYTD for SOUTHERN CALIFORNIA EDISON		**2,257,119.57**		
STANDARD INSURANCE CO				
7/16/2009	196363	30,179.53		
			LIFE & DISABILITY INSURANCE	12,582.80
			LIFE & DISABILITY INSURANCE	19,617.04
			LIFE & DISABILITY INSURANCE	-2,020.31
	Vendor Total	**30,179.53**		
FYTD for STANDARD INSURANCE CO		**31,768.98**		
SUKUT CONSTRUCTION, INC.				
7/2/2009	196026	376,715.24		
			PIGEON PASS RD ST IMPRV PROJ	308,323.52
			PIGEON PASS RD ST IMPRV PROJ	68,391.72
7/9/2009	90709	34,726.45		
			RETENTION PYMT- PROJ06-41570324	34,726.45
	Vendor Total	**411,441.69**		
FYTD for SUKUT CONSTRUCTION, INC.		**419,040.77**		
T.Y. LIN INTERNATIONAL				
7/30/2009	196644	27,036.93		
			GRAHAM ST OVERCRSSNG/SR-60 PRJ	5,000.00
			GRAHAM ST OVERCRSSNG/SR-60 PRJ	22,036.93
	Vendor Total	**27,036.93**		
FYTD for T.Y. LIN INTERNATIONAL		**27,036.93**		
TCM GROUP				
7/2/2009	196027	81,775.07		
			SR-60/NASON ST INTERCHNG PROJ.	81,775.07
7/16/2009	196370	63,835.63		
			SR-60/NASON ST INTERCHG IMPRV.	47,229.88
			SR-60/NASON ST INTERCHG IMPRV.	16,605.75
	Vendor Total	**145,610.70**		
FYTD for TCM GROUP		**145,610.70**		
TYNER PAVING COMPANY				
7/30/2009	196646	145,262.61		
			IRIS AVE IMPRVMNTS PROJ.	113,304.73
			IRIS AVE IMPRVMNTS PROJ.	31,957.88
	Vendor Total	**145,262.61**		
FYTD for TYNER PAVING COMPANY		**145,262.61**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
U.S. BANK/CALCARDS					
	7/9/2009	90710	125,786.95		
				CALCARD PYMT CYCLE END 07/07/09	125,786.95
	7/30/2009	90715	141,712.11		
				CALCARD PYMT CYCLE END 07/30/09	141,712.11
	Vendor Total		**267,499.06**		
FYTD for U.S. BANK/CALCARDS			**267,499.06**		
UNION BANK OF CALIFORNIA					
	7/9/2009	90707	51,162.16		
				RETENTION PYMT - PROJ04-89280221	51,162.16
	Vendor Total		**51,162.16**		
FYTD for UNION BANK OF CALIFORNIA			**52,218.16**		
UNION BANK OF CALIFORNIA NA					
	7/1/2009	90702	1,000,000.00		
				FNMA 4% MAT 07/01/14	1,000,000.00
	7/9/2009	90703	1,000,000.00		
				FHLB STPUP 2.5% MAT 07/09/14	1,000,000.00
	7/16/2009	90713	1,001,916.67		
				FFCB 3% MAT 12/23/13	1,001,916.67
	7/23/2009	90711	1,000,000.00		
				FHLMC 2.4% MAT 07/23/13	1,000,000.00
	7/28/2009	90712	1,000,000.00		
				FNMA 3% MAT 07/28/14	1,000,000.00
	7/2/2009	90705	999,531.25		
				FHLMC 3.4% MAT 07/02/14	999,531.25
	Vendor Total		**6,001,447.92**		
FYTD for UNION BANK OF CALIFORNIA NA			**6,001,447.92**		
VA CONSULTING, INC.					
	7/30/2009	196651	35,580.95		
				HEACOCK ST BRIDGE REPLCMNT PRJ	4,232.45
				AUTO MALL STREET UPGRADES PROJ	3,030.00
				AUTO MALL STREET UPGRADES PROJ	28,318.50
	Vendor Total		**35,580.95**		
FYTD for VA CONSULTING, INC.			**43,445.13**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VULCAN MATERIALS CO, INC.					
	7/16/2009	196384	26,454.07		
				ASPHALTIC CONCRETE & EMULSION	8,481.43
				ASPHALTIC CONCRETE & EMULSION	6,790.11
				ASPHALTIC CONCRETE & EMULSION	463.06
				ASPHALTIC CONCRETE & EMULSION	10,127.87
				ASPHALTIC CONCRETE & EMULSION	162.91
				ASPHALTIC CONCRETE & EMULSION	100.26
				ASPHALTIC CONCRETE & EMULSION	131.59
				ASPHALTIC CONCRETE & EMULSION	196.84
	Vendor Total		**26,454.07**		
FYTD for VULCAN MATERIALS CO, INC.			**36,098.98**		
WELLS FARGO CORPORATE TRUST					
	7/28/2009	90716	1,148,808.45		
				2007 TABS DEBT SVC PYMT	1,148,808.45
	Vendor Total		**1,148,808.45**		
FYTD for WELLS FARGO CORPORATE TRUST			**1,150,185.68**		
WHEELER PAVING, INC.					
	7/16/2009	196388	361,012.50		
				LASSELLE ST WIDENING PROJ SVCS	36,488.92
				LASSELLE ST WIDENING PROJ SVCS	324,523.58
	Vendor Total		**361,012.50**		
FYTD for WHEELER PAVING, INC.			**361,012.50**		
WINZLER & KELLY CONSULTING ENGINEERS					
	7/16/2009	196389	221,456.23		
				IRONWOOD AVE WIDENING PROJ.	51,428.79
				IRONWOOD AVE WIDENING PROJ.	103,147.76
				IRONWOOD AVE WIDENING PROJ.	51,148.73
				IRONWOOD AVE WIDENING PROJ.	15,730.95
	Vendor Total		**221,456.23**		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS			**221,456.23**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	7/16/2009	196390	201,812.00		
				TUMF FEES COLL. 6/1-6/30/09	201,812.00
	7/30/2009	196663	25,413.00		
				FY09/10 WRCOG MEMBERSHIP DUES	25,413.00
	Vendor Total		**227,225.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**230,675.00**		
	Subtotal		**23,053,172.80**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS LESS THAN $25,000					
NIELSEN LLC, CLARITAS					
	7/2/2009	195939	2,935.00		
				SITEREPORTS.COM LICENSE FEE	2,935.00
	Vendor Total		**2,935.00**		
FYTD for NIELSEN LLC, CLARITAS			**2,935.00**		
4IMPRINT					
	7/2/2009	195940	4,807.00		
				TAGLESS T-SHIRTS	2,760.00
				TAGLESS T-SHIRTS	240.00
				SCREEN CHARGE	360.00
				COLOR RUN CHARGE	437.50
				SCREEN CHARGE	40.00
				COLOR RUN CHARGE	700.00
				DISCOUNT	-106.26
				SHIPPING	375.76
				SALES TAX	262.52
				SALES TAX - ACCRUAL	-262.52
	Vendor Total		**4,807.00**		
FYTD for 4IMPRINT			**4,807.00**		
ACOSTA, ERNESTO/VERONICA					
	7/9/2009	196044	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for ACOSTA, ERNESTO/VERONICA			**20.00**		
ADAMS, MARK L.					
	7/9/2009	196045	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for ADAMS, MARK L.			**318.73**		
ADLERHORST INTERNATIONAL INC.					
	7/16/2009	196257	600.00		
				BASIC HANDLERS COURSE	300.00
				BASIC HANDLERS COURSE	300.00
	Vendor Total		**600.00**		
FYTD for ADLERHORST INTERNATIONAL INC.			**600.00**		
ADMINSURE					
	7/16/2009	196258	2,600.00		
				JUL'09 WKRS COMP CLMS ADMIN.	2,600.00
	Vendor Total		**2,600.00**		
FYTD for ADMINSURE			**2,600.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
7/9/2009	196046	275.36		
			COOLER REPAIR AT ANML SHLTR	275.36
7/16/2009	196259	1,395.00		
			REPAIR PUPPY COOLER AT THE AS	1,395.00
Vendor Total		**1,670.36**		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		**1,670.36**		
ADVANCED ELECTRIC				
7/23/2009	196394	970.00		
			INSTALL BREAKER & WIRE @ CRC	490.00
			CARD READER REPAIR-PSB GATE#2	404.00
			CARD READER REPAIR-PSB GATE#2	76.00
Vendor Total		**970.00**		
FYTD for ADVANCED ELECTRIC		**970.00**		
AEI-CASC ENGINEERING				
7/2/2009	195941	1,036.00		
			MAY'09 PLAN CK SRVCS	1,036.00
Vendor Total		**1,036.00**		
FYTD for AEI-CASC ENGINEERING		**58,972.84**		
ALBERT A. WEBB ASSOCIATES				
7/23/2009	196395	11,476.69		
			EDGEMONT WATER MSTR PLAN SVCS	11,476.69
7/30/2009	196527	14,894.29		
			EDGEMONT WATER MSTR PLAN SVCS	14,894.29
Vendor Total		**26,370.98**		
FYTD for ALBERT A. WEBB ASSOCIATES		**72,616.90**		
ALLIANZ LIFE INSURANCE CO				
7/9/2009	196047	75.00		
			NON-EXEMPT ANNUITY	75.00
Vendor Total		**75.00**		
FYTD for ALLIANZ LIFE INSURANCE CO		**75.00**		
ALTERNATIVES TO DOMESTIC VIOLENCE				
7/30/2009	196528	1,713.95		
			CDBG EXP. REIMB.	1,713.95
Vendor Total		**1,713.95**		
FYTD for ALTERNATIVES TO DOMESTIC VIOLENCE		**1,713.95**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AMEC EARTH & ENVIRONMENTAL, INC.				
7/23/2009	196396	1,405.00		
			AQUEDUCT BIKEWAY IMPRV PROJ	1,405.00
Vendor Total		**1,405.00**		
FYTD for AMEC EARTH & ENVIRONMENTAL, INC.		**1,405.00**		
AMERICAN FORENSIC NURSES				
7/16/2009	196260	727.50		
			BLOOD DRAWS & ANALYSES	26.00
			CHP BLOOD DRAWS	109.00
			MV BLOOD DRAWS	592.50
7/23/2009	196397	569.50		
			MV BLOOD DRAWS	479.50
			CHP BLOOD DRAWS	90.00
7/30/2009	196529	180.00		
			BLOOD DRAWS & ANALYSES	180.00
Vendor Total		**1,477.00**		
FYTD for AMERICAN FORENSIC NURSES		**1,477.00**		
AMERICAN PAYROLL ASSOCIATION				
7/9/2009	196048	195.00		
			MBR:SANDRA CONTRERAS	195.00
Vendor Total		**195.00**		
FYTD for AMERICAN PAYROLL ASSOCIATION		**195.00**		
AMERICAN ROTARY BROOM CO.				
7/9/2009	196049	1,209.76		
			STREET SWEEPER KITS	223.58
			STREET SWEEPER KITS	986.18
Vendor Total		**1,209.76**		
FYTD for AMERICAN ROTARY BROOM CO.		**1,209.76**		
AMERIMARK DIRECT				
7/2/2009	195943	100.89		
			STICKERS	100.89
			STICKERS	7.74
			STICKERS	-7.74
Vendor Total		**100.89**		
FYTD for AMERIMARK DIRECT		**100.89**		
AMTECH ELEVATOR SERVICES				
7/9/2009	196050	118.37		
			JUN'09 ELEV. MAINT>CITY HALL	118.37
Vendor Total		**118.37**		
FYTD for AMTECH ELEVATOR SERVICES		**118.37**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ANDREWS, DANETA & RICHARD				
7/16/2009	196261	52.00		
			ANML LICENSE FEE RFND	52.00
Vendor Total		**52.00**		
FYTD for ANDREWS, DANETA & RICHARD		**52.00**		
ANIMAL EMERGENCY CLINIC, INC.				
7/30/2009	196530	707.00		
			EMERG. VET SERVICES	412.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	70.00
Vendor Total		**707.00**		
FYTD for ANIMAL EMERGENCY CLINIC, INC.		**707.00**		
ANIMAL HEALTH AND SANITARY SUPPLY				
7/9/2009	196051	2,518.39		
			CLEANING SUPPLIES FOR AS	2,518.39
7/30/2009	196531	1,119.65		
			ANIMAL SVCS CLEANING SUPPLIES	1,119.65
Vendor Total		**3,638.04**		
FYTD for ANIMAL HEALTH AND SANITARY SUPPLY		**3,638.04**		
ANIMAL PEST MANAGEMENT SERVICES, INC.				
7/23/2009	196398	1,790.00		
			JUN'09 PEST CTRL-PARKS	665.00
			JUN'09 PEST CTRL-AQUEDUCTS ETC	255.00
			JUN'09 PEST CTRL-MARCH FLD	330.00
			JUN'09 PEST CTRL-MRCH PAL BLDG	100.00
			JUN'09 PEST CTRL-CFD #1	160.00
			JUN'09 PEST CTRL-CTTNWD GOLF	180.00
			JUN'09 PEST CTRL-STARS BLDG	100.00
Vendor Total		**1,790.00**		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.		**1,790.00**		
APPELHOF, KRISTINA				
7/2/2009	195944	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		**75.00**		
FYTD for APPELHOF, KRISTINA		**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
APWA-AMERICAN PUBLIC WORKS ASSOCIATION					
	7/2/2009	195945	2,288.32		
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
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				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
	Vendor Total		**2,288.32**		
FYTD for APWA-AMERICAN PUBLIC WORKS ASSOCIATION			**2,288.32**		
ARCHIVE MANAGEMENT SERVICE					
	7/16/2009	196262	1,596.36		
				OFF-SITE STORAGE	1,596.36
	Vendor Total		**1,596.36**		
FYTD for ARCHIVE MANAGEMENT SERVICE			**1,596.36**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ARROWHEAD WATER					
	7/9/2009	196052	140.77		
				WTR PURIF>6/8/09 FS#91	25.00
				WTR PURIF>6/8/09 FS#65	25.00
				WTR PURIF>6/8/09 FS#58	15.77
				WTR PURIF>6/8/09 FS#48	25.00
				WTR PURIF>6/8/09 FS#2	25.00
				WTR PURIF>6/8/09 FS#6	25.00
	7/16/2009	196263	175.00		
				WATER PURIFICATION UNIT	50.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
	7/23/2009	196399	340.78		
				WATER PURIF 6/9-7/8-CITY HALL	125.01
				WATER PURIF 6/9-7/8-CITY YARD	25.00
				WATER PURIF 6/9-7/8-TRANS TRLR	25.00
				WTR PURIF>7/8-LIBRARY	25.00
				WTR PURIF>7/8-FS #6	25.00
				WTR PURIF>7/8-FS #48	25.00
				WTR PURIF>7/8-FS #2	25.00
				WTR PURIF>7/8-FS #58	15.77
				WTR PURIF>7/8-FS #91	25.00
				WTR PURIF>7/8-FS #65	25.00
	Vendor Total		**656.55**		
FYTD for ARROWHEAD WATER			**656.55**		
ARZATE, AURORA					
	7/2/2009	195946	80.00		
				RFND-PICNIC SHLTR FEE	80.00
	Vendor Total		**80.00**		
FYTD for ARZATE, AURORA			**80.00**		
ASHTON, CLARKE / ANDLAND PROPERTIES					
	7/16/2009	196264	358.64		
				REFUND DEPOSIT BALANCE	358.64
	Vendor Total		**358.64**		
FYTD for ASHTON, CLARKE / ANDLAND PROPERTIES			**358.64**		
ASW ENGINEERING MANAGEMENT CONSULTANTS					
	7/9/2009	196053	4,469.34		
				PRELIM. ENRGY ASSMNT>4/14/09	4,469.34
	Vendor Total		**4,469.34**		
FYTD for ASW ENGINEERING MANAGEMENT CONSULTANTS			**4,469.34**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AT&T MOBILITY					
	7/16/2009	196265	91.38		
				MCC CELL SRVC>6/6/09	91.38
	7/30/2009	196532	92.20		
				MCC CELLULAR SVC 6/7/09-7/6/09	92.20
	Vendor Total		**183.58**		
FYTD for AT&T MOBILITY			**183.58**		
AT&T/MCI					
	7/16/2009	196266	183.68		
				PHONE SERVICES	183.68
	Vendor Total		**183.68**		
FYTD for AT&T/MCI			**183.68**		
AV GRAPHICS, INC.					
	7/23/2009	196400	2,185.61		
				ADMIN CITATION BOOKS	2,126.06
				ARTWORK CHARGE	40.00
				ADDITIONAL SALES TAX	19.55
	Vendor Total		**2,185.61**		
FYTD for AV GRAPHICS, INC.			**2,185.61**		
B & T WORKS, INC.					
	7/30/2009	196533	18,450.00		
				COMM PARK WATER IMPRVMNTS PROJ	18,450.00
	Vendor Total		**18,450.00**		
FYTD for B & T WORKS, INC.			**18,450.00**		
BACHER, GRACE					
	7/9/2009	196054	303.60		
				JULY'09 RETIREE MED BENEFIT	303.60
	Vendor Total		**303.60**		
FYTD for BACHER, GRACE			**303.60**		
BANKS, CHARLES W., JR.					
	7/16/2009	196267	403.00		
				RFND-W/D OF APP 50%	217.50
				RFND-W/D OF APP 50%	58.00
				RFND-W/D OF APP 50%	82.00
				RFND-W/D OF APP 50%	45.50
	Vendor Total		**403.00**		
FYTD for BANKS, CHARLES W., JR.			**403.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BANNING VETERINARY HOSPITAL					
	7/23/2009	196401	54.00		
				VET FEES FOR K-9 "LEX"	54.00
	Vendor Total		**54.00**		
FYTD for BANNING VETERINARY HOSPITAL			**54.00**		
BARNES, DARLENE					
	7/9/2009	196055	110.82		
				JUNE'09 RETIREE MED BENEFIT	110.82
	Vendor Total		**110.82**		
FYTD for BARNES, DARLENE			**110.82**		
BARRAGAN, MIGUEL					
	7/23/2009	196402	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for BARRAGAN, MIGUEL			**20.00**		
BASIC BACKFLOW					
	7/23/2009	196403	30.00		
				BACKFLOW TESTING>6/25	30.00
	Vendor Total		**30.00**		
FYTD for BASIC BACKFLOW			**30.00**		
BATES LEATHERS					
	7/30/2009	196534	5,611.50		
				POLICE JACKETS FOR MOTOR UNITS	5,611.50
	Vendor Total		**5,611.50**		
FYTD for BATES LEATHERS			**5,611.50**		
BEAN, JAMES & CATALINA					
	7/23/2009	196404	2,622.00		
				TRUST FUND REFUND	2,622.00
	Vendor Total		**2,622.00**		
FYTD for BEAN, JAMES & CATALINA			**2,622.00**		
BEAZER HOMES					
	7/2/2009	195947	30.00		
				RFND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for BEAZER HOMES			**30.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEEGLE JEANETTE					
	7/23/2009	196405	95.00		
				RFND-RABIES/SPAY/NEUTER FEES	20.00
				RFND-RABIES/SPAY/NEUTER FEES	75.00
	Vendor Total		**95.00**		
FYTD for BEEGLE JEANETTE			**95.00**		
BELL, ORROCK & WATASE, INC					
	7/16/2009	196268	4,355.31		
				LEGAL DEFENSE SERVICES	404.95
				LEGAL DEFENSE SERVICES	792.05
				LEGAL DEFENSE SERVICES	3,158.31
	Vendor Total		**4,355.31**		
FYTD for BELL, ORROCK & WATASE, INC			**4,355.31**		
BELUSO, STEPHEN					
	7/9/2009	196056	150.00		
				MV UTILITY REFUND	150.00
	Vendor Total		**150.00**		
FYTD for BELUSO, STEPHEN			**150.00**		
BEMUS LANDSCAPE, INC.					
	7/16/2009	196269	2,982.56		
				LANDSCAPE MAINTENANCE	480.00
				LANDSCAPE MAINTENANCE	480.00
				LANDSCAPE MAINTENANCE	480.00
				LANDSCAPE MAINT @ CITY HALL	992.56
				LANDSCAPE MAINT @ VETERANS	250.00
				LANDSCAPE MAINT @ ANNEX #1	300.00
	Vendor Total		**2,982.56**		
FYTD for BEMUS LANDSCAPE, INC.			**42,890.59**		
BENESYST, INC.					
	7/2/2009	195948	255.05		
				JULY'09 FLEX ADMIN SRVCS	255.05
	7/23/2009	196406	255.05		
				AUG'09-FSA & DEP CARE	255.05
	Vendor Total		**510.10**		
FYTD for BENESYST, INC.			**510.10**		
BERG & ASSOCIATES, INC.					
	7/23/2009	196407	13,729.39		
				PIGEON PASS RD IMPRV PROJ SVCS	12,710.92
				PIGEON PASS RD IMPRV PROJ SVCS	1,018.47
	Vendor Total		**13,729.39**		
FYTD for BERG & ASSOCIATES, INC.			**13,729.39**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BIO-TOX LABORATORIES					
	7/16/2009	196270	3,013.45		
				TOXICOLOGY TESTS	51.76
				TOXICOLOGY TESTS	1,698.29
				TOXICOLOGY TESTS	1,263.40
	7/30/2009	196535	2,048.66		
				TOXICOLOGY TESTING	1,418.66
				TOXICOLOGY TESTING	630.00
	Vendor Total		**5,062.11**		
FYTD for BIO-TOX LABORATORIES			**5,062.11**		
BLAIR, CHERYL					
	7/2/2009	195949	486.00		
				BELLY DNCNG CLASS-18 PARTICIPANTS	486.00
	Vendor Total		**486.00**		
FYTD for BLAIR, CHERYL			**486.00**		
BLUE SHIELD OF CALIFORNIA					
	7/23/2009	196408	1,053.87		
				HLTH INS>J01001762-9	812.21
				HLTH INS>J03201829-9	241.66
	Vendor Total		**1,053.87**		
FYTD for BLUE SHIELD OF CALIFORNIA			**1,053.87**		
BOYLE ENGINEERING CORPORATION					
	7/2/2009	195950	1,803.21		
				TR 33684 PLN CK SRVCS>6/5/09	642.75
				TR 33436 PLN CK SRVCS>6/5/09	1,160.46
	7/16/2009	196271	979.89		
				PLAN CK SRVCS>PM33637	979.89
	Vendor Total		**2,783.10**		
FYTD for BOYLE ENGINEERING CORPORATION			**53,002.80**		
BREWER, ERIC					
	7/9/2009	196059	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for BREWER, ERIC			**200.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BULLER, LINDA					
	7/23/2009	196410	0.00		
				RFND CPR FEES	30.00
				RFND CPR FEES	-30.00
	7/23/2009	196524	30.00		
				RFND CPR FEES	30.00
	Vendor Total		**30.00**		
FYTD for BULLER, LINDA			**30.00**		
BURKE, WILLIAMS & SORENSEN, LLP.					
	7/2/2009	195951	360.00		
				MAY'09 LGL FEES-RE:JENNY INVESTMENT GRP	360.00
	Vendor Total		**360.00**		
FYTD for BURKE, WILLIAMS & SORENSEN, LLP.			**360.00**		
BUSINESS FACILITIES					
	7/9/2009	196060	4,920.00		
				JUN'09 ADVERTISING	4,920.00
	Vendor Total		**4,920.00**		
FYTD for BUSINESS FACILITIES			**4,920.00**		
C.R. GANN DEMOLITION, INC.					
	7/9/2009	196061	8,954.00		
				DEMO. SRVCS>11692 HEACOCK	3,300.00
				DEMO. SRVCS>11692 HEACOCK	5,654.00
	Vendor Total		**8,954.00**		
FYTD for C.R. GANN DEMOLITION, INC.			**8,954.00**		
CAIN, GREGORY					
	7/9/2009	196062	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for CAIN, GREGORY			**318.73**		
CAIRNS, SUSAN					
	7/9/2009	196063	337.43		
				NOTARY COMM RENEWAL EXPENSES	337.43
	Vendor Total		**337.43**		
FYTD for CAIRNS, SUSAN			**337.43**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CALAVERAS STANDARD MATERIALS					
	7/16/2009	196272	1,217.73		
				PORTLAND CEMENT FOR PROM PROJ.	407.45
				PORTLAND CEMENT FOR PROM PROJ.	810.28
	7/23/2009	196411	822.69		
				PORTLAND CEMENT FOR PROM PROJS	443.59
				PORTLAND CEMENT FOR PROM PROJS	379.10
	7/30/2009	196536	1,232.15		
				PORTLAND CEMENT FOR PROM PROJS	766.03
				PORTLAND CEMENT FOR PROM PROJS	466.12
	Vendor Total		**3,272.57**		
FYTD for CALAVERAS STANDARD MATERIALS			**3,272.57**		
CALIFORNIA AGRI-CONTROL, INC.					
	7/2/2009	195952	1,532.67		
				JUN'09 LNDSCP RDNT CNTRL	268.58
				JUN'09 LNDSCP RDNT CNTRL	161.14
				JUN'09 LNDSCP RDNT CNTRL	35.81
				JUN'09 LNDSCP RDNT CNTRL	35.80
				JUN'09 LNDSCP RDNT CNTRL	537.16
				JUN'09 LNDSCP RDNT CNTRL	134.29
				JUN'09 LNDSCP RDNT CNTRL	134.29
				JUN'09 LNDSCP RDNT CNTRL	10.74
				JUN'09 LNDSCP RDNT CNTRL	42.97
				JUN'09 LNDSCP RDNT CNTRL	10.74
				JUN'09 LNDSCP RDNT CNTRL	161.15
	Vendor Total		**1,532.67**		
FYTD for CALIFORNIA AGRI-CONTROL, INC.			**1,532.67**		
CALIFORNIA BUILDING STANDARDS COMMISSION					
	7/9/2009	196064	515.70		
				FEES COLLECTED>JUN'09	515.70
	Vendor Total		**515.70**		
FYTD for CALIFORNIA BUILDING STANDARDS COMMISSION			**515.70**		
CALIFORNIA MUNICIPAL UTILITIES ASSOC.					
	7/16/2009	196273	2,919.00		
				09/10 ELEC UT MBRSHP DUES	2,919.00
	Vendor Total		**2,919.00**		
FYTD for CALIFORNIA MUNICIPAL UTILITIES ASSOC.			**2,919.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CANON BUSINESS SOLUTIONS, INC.					
	7/30/2009	196538	7,527.35		
				APR-JUN'09 COPIER SRVCS	6,047.60
				APR-JUN'09 COPIER SRVCS	874.10
				APR-JUN'09 COPIER SRVCS	605.65
	Vendor Total		**7,527.35**		
FYTD for CANON BUSINESS SOLUTIONS, INC.			**7,527.35**		
CANON FINANCIAL SERVICES, INC.					
	7/23/2009	196412	7,590.68		
				COPIER LEASE>JUN'09	6,172.47
				COPIER LEASE>JUN'09	1,258.42
				COPIER LEASE>JUN'09	159.79
	Vendor Total		**7,590.68**		
FYTD for CANON FINANCIAL SERVICES, INC.			**7,590.68**		
CASKAN, PATRICIA					
	7/30/2009	196539	0.00		
				FULL & FINAL SETTLEMENT-3/1/09	470.00
				FULL & FINAL SETTLEMENT-3/1/09	-470.00
	Vendor Total		**0.00**		
FYTD for CASKAN, PATRICIA			**0.00**		
CASKEY, DEBRA C.					
	7/9/2009	196065	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for CASKEY, DEBRA C.			**318.73**		
CATALINE, CHERYL					
	7/30/2009	196540	750.00		
				RENTAL DEPOSIT REFUND-REC CTR	750.00
	Vendor Total		**750.00**		
FYTD for CATALINE, CHERYL			**750.00**		
CAVENAUGH & ASSOCIATES					
	7/9/2009	196066	998.00		
				D.U.I. SEMINAR 7/13-7/17/09	499.00
				D.U.I. SEMINAR 7/13-7/17/09	499.00
	Vendor Total		**998.00**		
FYTD for CAVENAUGH & ASSOCIATES			**998.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHAMBERS GROUP, INC.					
	7/2/2009	195953	673.50		
				FEB'09 PROF SRVCS>PROLOGIS EIR	673.50
	Vendor Total		**673.50**		
FYTD for CHAMBERS GROUP, INC.			**673.50**		
CHANCY, CHIZURU					
	7/16/2009	196274	187.20		
				HAWAIIAN DANCE CONTRACT CLASS	140.40
				HAWAIIAN DANCE CONTRACT CLASS	46.80
	Vendor Total		**187.20**		
FYTD for CHANCY, CHIZURU			**187.20**		
CHAPMAN, STEVE					
	7/9/2009	196067	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for CHAPMAN, STEVE			**318.73**		
CHAPPELL, ISAAC					
	7/9/2009	196068	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for CHAPPELL, ISAAC			**318.73**		
CHERRY VALLEY FEED					
	7/23/2009	196413	258.77		
				MISC. FOOD FOR K-9 "MAX"	101.13
				MISC. FOOD FOR K-9 "LEX"	63.06
				MISC. FOOD FOR K-9 "BLUE"	94.58
	Vendor Total		**258.77**		
FYTD for CHERRY VALLEY FEED			**258.77**		
CHICHOV, VITALI					
	7/23/2009	196414	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CHICHOV, VITALI			**75.00**		
CHOICE POINT BUSINESS AND GOVERNMENT					
	7/16/2009	196275	500.00		
				AUTO TRACT SERVICES	500.00
	Vendor Total		**500.00**		
FYTD for CHOICE POINT BUSINESS AND GOVERNMENT			**500.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHRISTIAN, OWEN					
	7/9/2009	196069	240.44		
				JULY'09 RETIREE MED BENEFIT	240.44
	Vendor Total		**240.44**		
FYTD for CHRISTIAN, OWEN			**240.44**		
CITY OF MORENO VALLEY VEBA TRUST					
	7/9/2009	196070	4,337.50		
				EXEMPT VEBA	4,337.50
	Vendor Total		**4,337.50**		
FYTD for CITY OF MORENO VALLEY VEBA TRUST			**4,337.50**		
CITY OF NORCO					
	7/2/2009	195954	225.00		
				ATND:HASTINGS/BATEY	45.00
				ATND:HASTINGS/BATEY	45.00
				ATND:ADAMS/DAWSON/HARTMANN	135.00
	Vendor Total		**225.00**		
FYTD for CITY OF NORCO			**225.00**		
CITY OF RIVERSIDE					
	7/23/2009	196415	519.45		
				TRAFFIC SIGNAL COSTS	519.45
	Vendor Total		**519.45**		
FYTD for CITY OF RIVERSIDE			**519.45**		
CLARK, ANNIE A.					
	7/9/2009	196071	118.00		
				PER DIEM-MMASC CONF.	118.00
	Vendor Total		**118.00**		
FYTD for CLARK, ANNIE A.			**118.00**		
CME CHURCH					
	7/30/2009	196541	200.00		
				RENTAL DEPOSIT REFUND-REC CTR	200.00
	Vendor Total		**200.00**		
FYTD for CME CHURCH			**200.00**		
CODY, LEE					
	7/9/2009	196072	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CODY, LEE			**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COLE, ELAINE					
	7/30/2009	196542	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for COLE, ELAINE			**75.00**		
COLONIAL SUPPLEMENTAL INSURANCE					
	7/9/2009	196074	7,526.74		
				SUPPLEMENTAL INSURANCE	7,526.74
	Vendor Total		**7,526.74**		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE			**7,526.74**		
COLOR TECH					
	7/30/2009	196543	259.91		
				#10 WINDOW ENVELOPES FOR SDA	259.91
	Vendor Total		**259.91**		
FYTD for COLOR TECH			**259.91**		
COMMUNITY HEALTH CHARITIES					
	7/9/2009	196075	385.00		
				CHC CONTRIBUTIONS	385.00
	7/23/2009	196416	340.00		
				CHC CONTRIBUTIONS	340.00
	Vendor Total		**725.00**		
FYTD for COMMUNITY HEALTH CHARITIES			**725.00**		
COMPETITIVE STRIDE					
	7/30/2009	196544	527.98		
				SUPPLIES-1ST ANNL IDOL CONTEST	127.98
				MISC. TROPHIES-7/4/09	400.00
	Vendor Total		**527.98**		
FYTD for COMPETITIVE STRIDE			**527.98**		
COOPER, CARLY					
	7/23/2009	196417	587.72		
				CITATION REFUND	587.72
	Vendor Total		**587.72**		
FYTD for COOPER, CARLY			**587.72**		
CORRALES, MARIA					
	7/9/2009	196076	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for CORRALES, MARIA			**20.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COSTCO					
	7/9/2009	196077	234.47		
				MISC. SUPPLIES>PARKS	63.33
				MISC. SUPPLIES>PARKS	17.24
				MISC. SUPPLIES>PARKS	153.90
	Vendor Total		**234.47**		
FYTD for COSTCO			**234.47**		
COUNSELING TEAM, THE					
	7/16/2009	196276	1,250.00		
				EMPLOYEE COUNSELING SERVICES	1,250.00
	Vendor Total		**1,250.00**		
FYTD for COUNSELING TEAM, THE			**1,250.00**		
COUNTRY SQUIRE ESTATES					
	7/16/2009	196277	29.17		
				RFND UT USER TAXES-EXMPT RESID	29.17
	Vendor Total		**29.17**		
FYTD for COUNTRY SQUIRE ESTATES			**29.17**		
COUNTY OF RIVERSIDE AUDITOR					
	7/2/2009	195955	12,122.00		
				PRKNG CNTRL FEES CLLCTD	9,190.00
				DSBLD PRKNG VIOL FEES CLLCTD	2,932.00
	Vendor Total		**12,122.00**		
FYTD for COUNTY OF RIVERSIDE AUDITOR			**12,122.00**		
COUNTY OF RIVERSIDE, AUDITOR- CONTROLLER					
	7/23/2009	196418	11,005.28		
				LAFCO FY10 FEES	11,005.28
	Vendor Total		**11,005.28**		
FYTD for COUNTY OF RIVERSIDE, AUDITOR-CONTROLLER			**11,005.28**		
CREATIVE PROMOTIONAL IDEAS					
	7/2/2009	195956	4,368.90		
				MARKET BAGS	3,741.00
				SHIPPING	627.90
	Vendor Total		**4,368.90**		
FYTD for CREATIVE PROMOTIONAL IDEAS			**4,368.90**		
CRITICAL SOLUTIONS					
	7/2/2009	195957	3,500.00		
				PUB SAFETY BLDG CONVERSION PRJ	3,500.00
	Vendor Total		**3,500.00**		
FYTD for CRITICAL SOLUTIONS			**3,500.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CTAI PACIFIC GREENSCAPE					
	7/9/2009	196078	7,291.61		
				JUN'09 LNDSCP MNT>DSG1-W	7,274.85
				IRRIGATION RPRS>TR30967	16.76
	Vendor Total		**7,291.61**		
FYTD for CTAI PACIFIC GREENSCAPE			**7,291.61**		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH					
	7/30/2009	196545	4,907.26		
				VECTOR ABATEMENT SVCS	4,907.26
	Vendor Total		**4,907.26**		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH			**4,907.26**		
D & D SERVICES DBA D & D DISPOSAL, INC.					
	7/30/2009	196546	895.00		
				JUN'09 DISPOSAL SRVCS	745.00
				XTRA PICK-UP ON 6/13/09	150.00
	Vendor Total		**895.00**		
FYTD for D & D SERVICES DBA D & D DISPOSAL, INC.			**895.00**		
D H TAD LOWREY & GAYLE A LOWREY					
	7/2/2009	195958	2,813.25		
				BOND HOLDER PMT	1,681.12
				BOND HOLDER PMT	1,132.13
	Vendor Total		**2,813.25**		
FYTD for D H TAD LOWREY & GAYLE A LOWREY			**2,813.25**		
DALE, KATHLEEN					
	7/9/2009	196079	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for DALE, KATHLEEN			**318.73**		
DATA TICKET, INC.					
	7/2/2009	195959	14,490.67		
				APR'09 PRKNG TCKT PRCSSNG	14,490.67
	7/30/2009	196547	315.00		
				APR'09 MAINT/SUPPORT	105.00
				MAY'09 MAINT/SUPPORT	105.00
				JUN'09 MAINT/SUPPORT	105.00
	Vendor Total		**14,805.67**		
FYTD for DATA TICKET, INC.			**14,805.67**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DATAQUICK CORPORATE HEADQUARTERS					
	7/30/2009	196548	430.50		
				ON-LINE SOFTWARE SUBSCRIPTION	12.00
				JUN'09 ONLINE SRVCS	300.00
				JUN'09 ONLINE SRVCS	118.50
	Vendor Total		**430.50**		
FYTD for DATAQUICK CORPORATE HEADQUARTERS			**430.50**		
DAVID EVANS & ASSOCIATES, INC.					
	7/9/2009	196080	496.90		
				SUNNYMEAD BLVD REVIT PROJ SVCS	496.90
	Vendor Total		**496.90**		
FYTD for DAVID EVANS & ASSOCIATES, INC.			**496.90**		
DEBINAIRE COMPANY					
	7/16/2009	196278	119.63		
				BOILER INSPECTION	21.44
				BOILER INSPECTION	98.19
	Vendor Total		**119.63**		
FYTD for DEBINAIRE COMPANY			**119.63**		
DELAMAR ENTERPRISES					
	7/23/2009	196419	17.11		
				RFND-BUS. LIC. OVRPMT	17.11
	Vendor Total		**17.11**		
FYTD for DELAMAR ENTERPRISES			**17.11**		
DELTA DENTAL					
	7/16/2009	196279	11,503.10		
				EMPLOYEE DENTAL INSURANCE	11,503.10
	Vendor Total		**11,503.10**		
FYTD for DELTA DENTAL			**11,503.10**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DELTACARE USA					
	7/9/2009	196081	0.00		
				EMPLOYEE DENTAL INSURANCE	6,788.65
				EMPLOYEE DENTAL INSURANCE	206.50
				EMPLOYEE DENTAL INSURANCE	11,393.70
				EMPLOYEE DENTAL INSURANCE	109.40
				EMPLOYEE DENTAL INSURANCE	-6,788.65
				EMPLOYEE DENTAL INSURANCE	-206.50
				EMPLOYEE DENTAL INSURANCE	-11,393.70
				EMPLOYEE DENTAL INSURANCE	-109.40
	7/16/2009	196280	6,995.15		
				EMPLOYEE DENTAL INSURANCE	6,788.65
				EMPLOYEE DENTAL INSURANCE	206.50
	Vendor Total		**6,995.15**		
FYTD for DELTACARE USA			**6,995.15**		
DEPARTMENT ISSUE, INC.					
	7/23/2009	196420	838.65		
				MISC. UNIFORM PURCHASES	838.65
	Vendor Total		**838.65**		
FYTD for DEPARTMENT ISSUE, INC.			**838.65**		
DEPARTMENT OF CONSERVATION					
	7/9/2009	196082	751.78		
				SMI FEES FOR QTR>6/30/09	791.35
				SMI FEES FOR QTR>6/30/09	-39.57
	Vendor Total		**751.78**		
FYTD for DEPARTMENT OF CONSERVATION			**751.78**		
DESIGN WORKS					
	7/9/2009	196083	172.91		
				AWARD SHIRTS FOR PARKS	172.91
	7/30/2009	196549	1,587.37		
				T-SHIRTS FOR SUMMER BASKETBALL	1,587.37
	Vendor Total		**1,760.28**		
FYTD for DESIGN WORKS			**1,760.28**		
DIAZ, ANDREW					
	7/9/2009	196084	50.00		
				CITATION REFUND	50.00
	Vendor Total		**50.00**		
FYTD for DIAZ, ANDREW			**50.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DIEDERICHS & ELCONIN					
	7/30/2009	196550	8,625.00		
				JAN-JUN'09 LGL SRVCS	7,550.00
				JAN-JUN'09 LGL SRVCS	1,075.00
	Vendor Total		**8,625.00**		
FYTD for DIEDERICHS & ELCONIN			**8,625.00**		
DIZON, ELSIE					
	7/23/2009	196421	251.94		
				CITATION REFUND	251.94
	Vendor Total		**251.94**		
FYTD for DIZON, ELSIE			**251.94**		
DMC DESIGN GROUP, INC					
	7/16/2009	196281	22,518.44		
				ALESSANDRO IMPRV-WCL>FREDERICK	22,518.44
	Vendor Total		**22,518.44**		
FYTD for DMC DESIGN GROUP, INC			**22,518.44**		
DONAHUE APPRAISAL ASSOCIATES					
	7/16/2009	196282	4,900.00		
				APPRAISAL SERVICES	4,900.00
	Vendor Total		**4,900.00**		
FYTD for DONAHUE APPRAISAL ASSOCIATES			**4,900.00**		
DORHAM, JOANNA N.					
	7/16/2009	196283	149.49		
				JUN'09 PREMIUM REIMB.	149.49
	Vendor Total		**149.49**		
FYTD for DORHAM, JOANNA N.			**149.49**		
DORY, ALLEEN F.					
	7/9/2009	196085	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for DORY, ALLEEN F.			**318.73**		
DOWNEY, MITCH					
	7/30/2009	196551	147.00		
				PER DIEM-THREAT MGMT CONF.	147.00
	Vendor Total		**147.00**		
FYTD for DOWNEY, MITCH			**147.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DUDLEY, KISAH					
	7/23/2009	196422	115.00		
				REFUND-RAB & S/N DEPOSIT	20.00
				REFUND-RAB & S/N DEPOSIT	75.00
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**115.00**		
FYTD for DUDLEY, KISAH			**115.00**		
DURAN, BLANCA					
	7/9/2009	196086	84.00		
				FOLKLORIC DNC-4 PARTICIPANTS	84.00
	Vendor Total		**84.00**		
FYTD for DURAN, BLANCA			**84.00**		
E.R. BLOCK PLUMBING & HEATING, INC.					
	7/2/2009	195960	1,791.26		
				BACKFLOW TESTING>AREA D	350.00
				RPLC BACKFLOW @TR 20579	702.82
				RPLC BACKFLOW IN E-2	738.44
	7/9/2009	196087	528.03		
				WTR HEATER RPR>FS #91	528.03
	7/23/2009	196423	375.09		
				PLUMBING REPAIRS-PSB BKNG AREA	340.09
				BACKFLOW TESTING E-12	35.00
	7/30/2009	196552	1,035.56		
				REINSTALL BACKFLOW-ZONE M	755.56
				BACKFLOW TESTING E-16	65.80
				BACKFLOW TESTING	35.00
				BACKFLOW TESTING	35.00
				BACKFLOW TESTING	4.20
				BACKFLOW TESTING	105.00
				BACKFLOW TESTING	35.00
	Vendor Total		**3,729.94**		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.			**3,729.94**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
7/23/2009	196424	6,606.63		
			WATER UTILITY-SUBSTN. LANDSC.	104.03
			WATER UTILITY	135.95
			WATER UTILITY	722.54
			WATER UTILITY	300.40
			WATER UTILITY	2,058.83
			WATER UTILITY	534.16
			WATER UTILITY	1,544.90
			WATER UTILITY	295.11
			WATER UTILITY	281.08
			WATER UTILITY	75.36
			WATER UTILITY	554.27
	Vendor Total	**6,606.63**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		**167,110.94**		
EDFUND				
7/9/2009	196089	310.58		
			GARNISHMENT	107.15
			GARNISHMENT	203.43
7/23/2009	196425	299.94		
			GARNISHMENT	96.44
			GARNISHMENT	203.50
	Vendor Total	**610.52**		
FYTD for EDFUND		**610.52**		
EDGELANE MOBILE PARK				
7/2/2009	195962	8.36		
			RFND UT USER TAXES-EXMPT RESID	8.36
	Vendor Total	**8.36**		
FYTD for EDGELANE MOBILE PARK		**8.36**		
EGGERSTEN, ANNE				
7/9/2009	196090	303.60		
			JULY'09 RETIREE MED BENEFIT	303.60
7/16/2009	196286	401.42		
			SEP'08 RETIREE MED BNFT	401.42
	Vendor Total	**705.02**		
FYTD for EGGERSTEN, ANNE		**705.02**		
ELESCO-CORPORATE				
7/30/2009	196554	4,115.21		
			BATTERIES RPLCMNT	4,084.50
			BATTERIES RPLCMNT	30.71
	Vendor Total	**4,115.21**		
FYTD for ELESCO-CORPORATE		**4,115.21**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ELITE ELECTRIC					
	7/23/2009	196426	40.63		
				RFND-BUS. LIC. OVRPMT	40.63
	Vendor Total		**40.63**		
FYTD for ELITE ELECTRIC			**40.63**		
ELROD FENCE COMPANY					
	7/30/2009	196555	5,579.00		
				PSB PARKING LOT EXPANSION PROJ	5,579.00
	Vendor Total		**5,579.00**		
FYTD for ELROD FENCE COMPANY			**5,579.00**		
EMERY MATERIALS, INC.					
	7/9/2009	196091	126.00		
				CONCRETE DISPOSAL	126.00
	Vendor Total		**126.00**		
FYTD for EMERY MATERIALS, INC.			**126.00**		
EMPIRE SPORTS					
	7/9/2009	196092	2,312.30		
				SHIRTS FOR KIDS CAMP	2,312.30
	Vendor Total		**2,312.30**		
FYTD for EMPIRE SPORTS			**2,312.30**		
ENVIRONMENTAL & REGULATORY SPECIALST,INC					
	7/9/2009	196093	870.00		
				MAY'09 PROF SRVCS>HABITAT MITI	580.00
				MAY'09 PROF SRVCS>MITIG. MNTRN	290.00
	7/23/2009	196428	4,560.00		
				JUN09 POORMANS RES HABITAT SVC	4,560.00
	Vendor Total		**5,430.00**		
FYTD for ENVIRONMENTAL & REGULATORY SPECIALST,INC			**5,430.00**		
ENVIRONMENTAL KLEAN-UP					
	7/30/2009	196557	605.00		
				NUISANCE ABATEMENT	605.00
	Vendor Total		**605.00**		
FYTD for ENVIRONMENTAL KLEAN-UP			**605.00**		
EPLER, PETER					
	7/2/2009	195965	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for EPLER, PETER			**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ERDODI, MICHAEL					
	7/9/2009	196094	10.00		
				RFND-ANML LICENSE FEE	10.00
	Vendor Total		**10.00**		
FYTD for ERDODI, MICHAEL			**10.00**		
ESTRADA, MARITZA					
	7/16/2009	196288	300.00		
				RFND RNT DEP>6/27/09	300.00
	Vendor Total		**300.00**		
FYTD for ESTRADA, MARITZA			**300.00**		
EVANS ENGRAVING & AWARDS					
	7/2/2009	195966	243.60		
				RET PLQ FOR P. BECKNER	30.45
				RET PLQ FOR H. LINDO	30.45
				RET PLQ FOR E. HOUSER	30.45
				RET PLQ FOR C. RAPP	30.45
				RET PLQ FOR T. STREICH	30.45
				RET PLQ FOR B. LANGENDORF	30.45
				RET PLQ FOR R. NELSON	30.45
				RET PLQ FOR L. MORGAN	30.45
	7/9/2009	196095	91.35		
				PLQ FOR S. SHELDON	30.45
				PLQ FOR S. MAXINOSKI	30.45
				PLQ FOR ROSALYN CARTER	30.45
	7/16/2009	196289	152.25		
				PLAQUE "F" FOR 5 CDD STAFF	152.25
	7/23/2009	196429	143.56		
				PLAQUE "F" FOR ART HIGGS	30.45
				2"x9" DARK WOODGRAIN	10.88
				MAGNETIC NAME PLATE	10.88
				PLAQUES FOR RETIRING STAFF	91.35
	7/30/2009	196558	60.90		
				PLQ FOR CHARLES KOBL	30.45
				PLQ FOR JOSIE LAFATA	30.45
	Vendor Total		**691.66**		
FYTD for EVANS ENGRAVING & AWARDS			**691.66**		
EWING IRRIGATION PRODUCTS, INC.					
	7/9/2009	196096	3,061.86		
				BFEDSS-8442 STNLESS STEEL CAGE	2,756.81
				BFEDSS-8442 STNLESS STEEL CAGE	305.05
	Vendor Total		**3,061.86**		
FYTD for EWING IRRIGATION PRODUCTS, INC.			**3,061.86**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EXCEL LANDSCAPE, INC					
	7/9/2009	196097	85.00		
				LNDSCPNG SRVCS>E-15	85.00
	7/23/2009	196430	10.20		
				IRRIGATION REPAIRS IN E-8	10.20
	7/30/2009	196559	350.00		
				PLANTS FOR ZONE E-3	350.00
	Vendor Total		**445.20**		
FYTD for EXCEL LANDSCAPE, INC			**64,723.52**		
FAIR HOUSING COUNCIL OF RIV CO, INC.					
	7/2/2009	195968	3,405.30		
				CDBG REIMB>FAIR HOUSING	3,405.30
	Vendor Total		**3,405.30**		
FYTD for FAIR HOUSING COUNCIL OF RIV CO, INC.			**3,405.30**		
FALCON FUELS					
	7/9/2009	196098	11,991.61		
				FUEL PURCHASE	3,303.39
				FUEL PURCHASE	5,603.19
				FUEL PURCHASE	3,085.03
	7/23/2009	196431	4,899.31		
				PURCHASE OF FUEL	4,899.31
	Vendor Total		**16,890.92**		
FYTD for FALCON FUELS			**16,890.92**		
FAST SIGNS					
	7/30/2009	196560	1,460.52		
				MAGNETS FOR 7/4/09 PARADE	1,460.52
	Vendor Total		**1,460.52**		
FYTD for FAST SIGNS			**1,460.52**		
FAVARO, GINA					
	7/2/2009	195969	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	7/30/2009	196561	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**95.00**		
FYTD for FAVARO, GINA			**95.00**		
FEDERAL EXPRESS					
	7/9/2009	196099	7.56		
				EXPRESS SHIPPING	7.56
	Vendor Total		**7.56**		
FYTD for FEDERAL EXPRESS			**7.56**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FEENSTRA, JOHN					
	7/9/2009	196100	361.25		
				JULY'09 RETIREE MED BENEFIT	361.25
	Vendor Total		**361.25**		
FYTD for FEENSTRA, JOHN			**361.25**		
FERGUSON, SANDY					
	7/2/2009	195970	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for FERGUSON, SANDY			**20.00**		
FILARSKY & WATT, LLP					
	7/16/2009	196290	4,446.00		
				MISCELLANEOUS LEGAL FEES	478.00
				JUN'09 PROF. SRVCS	3,968.00
	Vendor Total		**4,446.00**		
FYTD for FILARSKY & WATT, LLP			**4,446.00**		
FIRST AMERICAN CORE LOGIC, INC.					
	7/2/2009	195971	170.00		
				MAY'09 PROP INFO SRVCS	170.00
	7/30/2009	196562	170.00		
				JUN'09 ONLINE SRVCS	170.00
	Vendor Total		**340.00**		
FYTD for FIRST AMERICAN CORE LOGIC, INC.			**340.00**		
FIRST CHOICE SERVICES					
	7/2/2009	195972	58.76		
				COFFEE SRVCS>SPCL DIST	58.76
	7/9/2009	196101	670.36		
				COFFEE SRVCS>BRKRM	180.53
				COFFEE SRVCS>CTY MGR AREA	116.10
				COFFEE SRVCS>PW AREA	222.64
				COFFEE SRVCS>CNCL CHMBRS	128.32
				COFFEE SRVCS>CNCL ALCV	22.77
	7/16/2009	196291	211.29		
				COFFEE/CONDIMENTS SERVICES	121.52
				COFFEE SRVC>CITY YARD	33.01
				COFFEE SRVCS>CTY YARD	56.76
	Vendor Total		**940.41**		
FYTD for FIRST CHOICE SERVICES			**940.41**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FISHER, IRENE					
	7/23/2009	196432	1,293.00		
				CITATION REFUND	1,293.00
	Vendor Total		**1,293.00**		
FYTD for FISHER, IRENE			**1,293.00**		
FITNESS 19 CA 155 11C					
	7/23/2009	196433	295.00		
				GYM MEMBERSHIP DEDUCTIONS	295.00
	Vendor Total		**295.00**		
FYTD for FITNESS 19 CA 155 11C			**295.00**		
FRANCE PUBLICATIONS, INC					
	7/2/2009	195973	1,895.95		
				JUN'09 ADVRTSNG	1,895.95
	Vendor Total		**1,895.95**		
FYTD for FRANCE PUBLICATIONS, INC			**1,895.95**		
FRANCHISE TAX BOARD					
	7/9/2009	196102	50.00		
				GARNISHMENT	50.00
	7/9/2009	196103	43.59		
				GARNISHMENT	43.59
	7/23/2009	196434	33.22		
				GARNISHMENT	33.22
	7/23/2009	196435	50.00		
				GARNISHMENT	50.00
	Vendor Total		**176.81**		
FYTD for FRANCHISE TAX BOARD			**176.81**		
FRIENDS OF THE SENIOR CENTER					
	7/2/2009	195974	10,000.00		
				FEB-MAR'09 SR VAN ASSISTANCE	10,000.00
	Vendor Total		**10,000.00**		
FYTD for FRIENDS OF THE SENIOR CENTER			**10,000.00**		
FULLER, NORMA DENISE					
	7/9/2009	196104	1,599.65		
				CNSLTNG SRVCS>6/23/09	1,599.65
	Vendor Total		**1,599.65**		
FYTD for FULLER, NORMA DENISE			**1,599.65**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GALLEGOS, JUAN					
	7/9/2009	196105	200.00		
				DEP RFND-6/27 @TWNGTE	200.00
	Vendor Total		**200.00**		
FYTD for GALLEGOS, JUAN			**200.00**		
GALLS INC., INLAND UNIFORM					
	7/16/2009	196292	117.02		
				UNIFORM>K WILSON	117.02
	Vendor Total		**117.02**		
FYTD for GALLS INC., INLAND UNIFORM			**117.02**		
GASTON, RICHARD					
	7/9/2009	196106	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for GASTON, RICHARD			**318.73**		
GENERAL SECURITY SERVICES, INC.					
	7/9/2009	196107	3,083.34		
				SEC SRVCS>6/13/09	1,418.95
				SEC SRVCS>6/20/09	1,418.95
				SEC SRVCS>6/13-SR CTR	245.44
	7/16/2009	196293	2,224.30		
				SECURITY SERVICES	1,541.67
				SECURITY SERVICES	276.12
				SEC SRVCS>6/13-CRC	92.04
				SEC SRVCS>6/20-SR CTR	222.43
				SEC SRVCS>6/20-TWNGTE	92.04
	7/23/2009	196436	122.72		
				SEC SRVCS>6/27-TWNGTE	122.72
	7/30/2009	196564	613.60		
				SEC SVCS: 6/27/09-SENIOR CTR	245.44
				SECURITY SVCS- 6/27/09 REC CTR	368.16
	Vendor Total		**6,043.96**		
FYTD for GENERAL SECURITY SERVICES, INC.			**6,043.96**		
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP					
	7/30/2009	196565	24,038.30		
				LEGAL SVCS RE: COMM PARK	1,082.31
				MAY'09 LGL SRVCS	22,955.99
	Vendor Total		**24,038.30**		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP			**24,038.30**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GIBSON, TRAVIS					
	7/30/2009	196566	100.00		
				REFUND-ADULT SOFTBLL TOURNAMNT	100.00
	Vendor Total		**100.00**		
FYTD for GIBSON, TRAVIS			**100.00**		
GILES, GREG					
	7/2/2009	195976	850.00		
				AUDITING SVCS FOR ASES GRANT	850.00
	7/16/2009	196294	850.00		
				AUDITING SVCS FOR ASES GRANT	850.00
	7/30/2009	196567	807.50		
				AUDITING SVCS FOR ASES GRANT	807.50
	Vendor Total		**2,507.50**		
FYTD for GILES, GREG			**2,507.50**		
GLOVER, LORNA					
	7/23/2009	196437	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GLOVER, LORNA			**20.00**		
GOD'S HELPING HAND					
	7/30/2009	196568	1,249.88		
				CDBG EXP. REIMB.	416.68
				CDBG EXP. REIMB.	416.68
				CDBG EXP. REIMB.	416.52
	Vendor Total		**1,249.88**		
FYTD for GOD'S HELPING HAND			**1,249.88**		
GONZALEZ, DANIELA & RAUDEL					
	7/23/2009	196438	2,500.00		
				TRUST FUND REFUND	2,500.00
	Vendor Total		**2,500.00**		
FYTD for GONZALEZ, DANIELA & RAUDEL			**2,500.00**		
GOZDECKI, DAN					
	7/2/2009	195977	540.00		
				KUNG FU-10 PARTICIPANTS	270.00
				KUNG FU-10 PARTICIPANTS	270.00
	Vendor Total		**540.00**		
FYTD for GOZDECKI, DAN			**540.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GRAPHIC SOLUTIONS LTD.					
	7/9/2009	196108	1,132.50		
				SUNNYMEAD BLVD SIGN PROJ SVCS	1,132.50
	7/23/2009	196439	1,373.75		
				SUNNYMD BLVD REVIT SIGN PROJ.	1,373.75
	Vendor Total		**2,506.25**		
FYTD for GRAPHIC SOLUTIONS LTD.			**2,506.25**		
GREAT PYRENEES RESCUE					
	7/23/2009	196440	75.00		
				RFND-SPAY/NEUTER DEP	75.00
	Vendor Total		**75.00**		
FYTD for GREAT PYRENEES RESCUE			**75.00**		
GRIFFIN, MARLENE C					
	7/9/2009	196109	303.60		
				JULY'09 RETIREE MED BENEFIT	303.60
	Vendor Total		**303.60**		
FYTD for GRIFFIN, MARLENE C			**303.60**		
GRUBB & ELLIS MANAGEMENT SVCS					
	7/16/2009	196295	36.60		
				BUS. L.IC. OVRPMT RFND	36.60
	Vendor Total		**36.60**		
FYTD for GRUBB & ELLIS MANAGEMENT SVCS			**36.60**		
GUERRERO, GABRIEL					
	7/30/2009	196569	75.00		
				SECURITY DEPOSIT REFUND	75.00
	Vendor Total		**75.00**		
FYTD for GUERRERO, GABRIEL			**75.00**		
GUIDA SURVEYING, INC.					
	7/30/2009	196570	5,175.70		
				IRIS AVE IMPRVMNTS PROJ.	5,175.70
	Vendor Total		**5,175.70**		
FYTD for GUIDA SURVEYING, INC.			**5,175.70**		
GUILLIS, LINDA B.					
	7/9/2009	196110	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for GUILLIS, LINDA B.			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GUMMERSON, CHRISTY					
	7/9/2009	196111	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GUMMERSON, CHRISTY			**20.00**		
GUMPERT, BRIAN					
	7/16/2009	196296	387.55		
				JUN'09 PREMIUM REIMB.	387.55
	Vendor Total		**387.55**		
FYTD for GUMPERT, BRIAN			**387.55**		
GUTIERREZ, ROBERT					
	7/9/2009	196112	217.99		
				PROFESSIONAL DEVELOPMENT	217.99
	7/23/2009	196441	299.99		
				PROFESSIONAL DEVELOPMENT	299.99
	Vendor Total		**517.98**		
FYTD for GUTIERREZ, ROBERT			**517.98**		
GUZMAN'S CART SERVICE					
	7/9/2009	196113	4,049.00		
				JUN'09 CART RTRVL SRVCS	4,049.00
	Vendor Total		**4,049.00**		
FYTD for GUZMAN'S CART SERVICE			**4,049.00**		
HALLENBECK, AARON					
	7/9/2009	196114	320.00		
				PER DIEM-D.U.I. TRNG CLASS	320.00
	Vendor Total		**320.00**		
FYTD for HALLENBECK, AARON			**320.00**		
HAMLIN, WILLIAM R.					
	7/9/2009	196115	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HAMLIN, WILLIAM R.			**318.73**		
HANES, MARTIN D.					
	7/9/2009	196116	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HANES, MARTIN D.			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HARDING, JOHN S.					
	7/9/2009	196117	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HARDING, JOHN S.			**318.73**		
HARRIS & ASSOCIATES, INC.					
	7/9/2009	196118	1,062.50		
				MAY'09 AUDIT SRVCS-CFD#5	1,062.50
	Vendor Total		**1,062.50**		
FYTD for HARRIS & ASSOCIATES, INC.			**31,197.80**		
HARRIS, EDWARD					
	7/23/2009	196442	581.00		
				CITATION REFUND	581.00
	Vendor Total		**581.00**		
FYTD for HARRIS, EDWARD			**581.00**		
HARTH, DAN & DIANNA					
	7/23/2009	196443	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for HARTH, DAN & DIANNA			**20.00**		
HATFIELD, CHARLES					
	7/9/2009	196120	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HATFIELD, CHARLES			**318.73**		
HDL SOFTWARE LLC					
	7/23/2009	196444	13,000.00		
				INSTALL BUS. LIC WEB	13,000.00
	Vendor Total		**13,000.00**		
FYTD for HDL SOFTWARE LLC			**13,000.00**		
HDL/HINDERLITER DE LLAMAS & ASSOCIATES					
	7/30/2009	196572	3,318.51		
				SALES TX CONSLTNG & AUDIT SVCS	70.00
				SALES TX CONSLTNG & AUDIT SVCS	1,696.76
				SALES TX CONSLTNG & AUDIT SVCS	721.75
				SALES TX CONSLTNG & AUDIT SVCS	405.00
				SALES TX CONSLTNG & AUDIT SVCS	425.00
	Vendor Total		**3,318.51**		
FYTD for HDL/HINDERLITER DE LLAMAS & ASSOCIATES			**3,318.51**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HEFFLEY, ROSS W.					
	7/9/2009	196121	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HEFFLEY, ROSS W.			**318.73**		
HEISS, KAREN					
	7/9/2009	196122	60.00		
				RFND-ANML SRVC FEES	30.00
				RFND-ANML SRVC FEES	10.00
				RFND-ANML SRVC FEES	10.00
				RFND-ANML SRVC FEES	10.00
	Vendor Total		**60.00**		
FYTD for HEISS, KAREN			**60.00**		
HENKENIUS, LINDSEY					
	7/16/2009	196298	1,170.00		
				KIDSTAR PERFORMING ARTS	1,014.00
				KIDSTAR PERFORMING ARTS	156.00
	Vendor Total		**1,170.00**		
FYTD for HENKENIUS, LINDSEY			**1,170.00**		
HERNANDEZ, JOSE T.					
	7/16/2009	196299	50.00		
				CITATION REFUND	50.00
	Vendor Total		**50.00**		
FYTD for HERNANDEZ, JOSE T.			**50.00**		
HERRERA, MARIO					
	7/9/2009	196123	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for HERRERA, MARIO			**200.00**		
HERRICK, ROBERT D.					
	7/9/2009	196124	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HERRICK, ROBERT D.			**318.73**		
HESLIN, MICHAEL K.					
	7/2/2009	195978	447.70		
				TRAVEL EXP.-ESRI INT'L UC	95.70
				TRAVEL EXP.-ESRI INT'L UC	352.00
	Vendor Total		**447.70**		
FYTD for HESLIN, MICHAEL K.			**447.70**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HIGGS, DEBRA					
	7/16/2009	196300	36.00		
				OIL PAINTING CONTRACT CLASS	36.00
	Vendor Total		**36.00**		
FYTD for HIGGS, DEBRA			**36.00**		
HOLT, DARLENE					
	7/30/2009	196574	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for HOLT, DARLENE			**20.00**		
HOUSER, EDITH E.					
	7/9/2009	196125	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HOUSER, EDITH E.			**318.73**		
HURST, JOYCE					
	7/16/2009	196301	77.00		
				RFND-DOG TRNG REGIST.	77.00
	Vendor Total		**77.00**		
FYTD for HURST, JOYCE			**77.00**		
ICMA RETIREMENT CORP 457					
	7/2/2009	2442	12,168.82		
				DEF COMP 457 07/02/09	12,168.82
	7/15/2009	2451	11,964.95		
				DEF COMP 457/07/15/09	11,964.95
	7/31/2009	2461	250.00		
				DEF COMP 457 07/31/09	250.00
	Vendor Total		**24,383.77**		
FYTD for ICMA RETIREMENT CORP 457			**24,383.77**		
IL SORRENTO MOBILE HOME PARK					
	7/2/2009	195979	0.00		
				RFND UT USER TAXES-EXMPT RESID	105.50
				RFND UT USER TAXES-EXMPT RESID	-105.50
	Vendor Total		**0.00**		
FYTD for IL SORRENTO MOBILE HOME PARK			**0.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IL SORRENTO MOBILE PARK				
7/16/2009	196302	105.50		
			RFND UT USER TAXES-EXMPT RESID	105.50
Vendor Total		**105.50**		
FYTD for IL SORRENTO MOBILE PARK		**105.50**		
ING USA ANNUITY & LIFE INSURANCE CO.				
7/9/2009	196126	475.00		
			NON-EXEMPT ANNUITY	475.00
Vendor Total		**475.00**		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.		**475.00**		
INLAND CONTRACTORS, INC./DBA:ENVIRO-TEST				
7/30/2009	196575	1,802.06		
			NUISANCE ABATEMENT SVCS	1,226.94
			NSNC ABTMNT-11692 HEACOCK	575.12
Vendor Total		**1,802.06**		
FYTD for INLAND CONTRACTORS, INC./DBA:ENVIRO-TEST		**1,802.06**		
INLAND EMPIRE PROPERTY SERVICE, INC				
7/9/2009	196127	1,779.00		
			VEGIT. RMVL>EQSTRN CTR	900.00
			WEED ABTMNT SRVCS	879.00
7/30/2009	196576	1,608.14		
			WEED ABATEMENT/APN#291-191-001	126.00
			WEED ABATEMENT/APN#291-191-002	108.50
			WEED ABATEMENT/APN#291-191-003	182.91
			WEED ABATEMENT/APN#291-191-005	108.50
			WEED ABATEMENT/APN#291-191-006	94.00
			WEED ABATEMENT/APN#291-191-007	168.41
			WEED ABATEMENT/APN#291-191-008	243.91
			WEED ABATEMENT/APN#291-191-011	182.91
			WEED ABATEMENT/APN#291-191-012	124.00
			WEED ABATEMENT/APN#297-220-010	94.00
			WEED ABATEMENT/APN#297-220-001	94.00
			HALT PRGRM SRVCS	81.00
Vendor Total		**3,387.14**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC		**37,499.14**		
INLAND EMPIRE SMALL BUSINESS DEV.CENTER				
7/30/2009	196577	10,000.00		
			APR-JUN'09 CNSLNG SRVCS	10,000.00
Vendor Total		**10,000.00**		
FYTD for INLAND EMPIRE SMALL BUSINESS DEV.CENTER		**10,000.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INLAND PETROLEUM EQUIPMENT & REPAIR, INC				
7/23/2009	196445	250.01		
			RPR DIESEL FUEL>FS #6	250.01
Vendor Total		**250.01**		
FYTD for INLAND PETROLEUM EQUIPMENT & REPAIR, INC		**250.01**		
INTERNAL REVENUE SERVICE				
7/1/2009	2445	2,000.00		
			2ND QTR MEDICARE TAX DEPOSIT	2,000.00
Vendor Total		**2,000.00**		
FYTD for INTERNAL REVENUE SERVICE		**433,203.92**		
IRON MOUNTAIN OFF-SITE DATA PROTECTION				
7/2/2009	195980	1,113.68		
			JUN'09 OFFSITE STORAGE	1,113.68
7/23/2009	196446	1,115.50		
			OFFSITE DATA TAPE STORAGE	1,115.50
Vendor Total		**2,229.18**		
FYTD for IRON MOUNTAIN OFF-SITE DATA PROTECTION		**2,229.18**		
IRVING ENTERTAINMENT ENTERPRISES				
7/9/2009	196128	100.00		
			MBL STG DEPOSIT RFND	100.00
Vendor Total		**100.00**		
FYTD for IRVING ENTERTAINMENT ENTERPRISES		**100.00**		
ISS SWEEPING, INC.				
7/23/2009	196447	2,503.50		
			JUN'09 STREET SWEEPING SVCS	1,783.50
			JUN'09 STREET SWPNG-AUTO MALL	720.00
Vendor Total		**2,503.50**		
FYTD for ISS SWEEPING, INC.		**2,503.50**		
J.D.H. CONTRACTING				
7/23/2009	196448	4,470.84		
			CRC MENS/WOMENS SHOWER REPAIRS	3,242.00
			MISC. WORK FOR PD @MALL	1,228.84
7/30/2009	196578	475.00		
			REPAIR COUNTERS-CRC	475.00
Vendor Total		**4,945.84**		
FYTD for J.D.H. CONTRACTING		**4,945.84**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JACKSON, JERAMY					
	7/23/2009	196449	533.50		
				TUITION REIMBURSEMENT	533.50
	Vendor Total		**533.50**		
FYTD for JACKSON, JERAMY			**533.50**		
JARRETT, STEPHEN M.					
	7/2/2009	195981	261.43		
				TRAVEL EXP.-ESRI INT'L UC	101.43
				TRAVEL EXP.-ESRI INT'L UC	160.00
	Vendor Total		**261.43**		
FYTD for JARRETT, STEPHEN M.			**261.43**		
JDEDGE SOFTWARE, LLC					
	7/16/2009	196307	1,147.50		
				CNSLTNG SRVCS>6/22-6/30	1,147.50
	Vendor Total		**1,147.50**		
FYTD for JDEDGE SOFTWARE, LLC			**1,147.50**		
JOBS AVAILABLE, INC.					
	7/9/2009	196129	245.00		
				EMPLYMNT ADVERTISING	245.00
	Vendor Total		**245.00**		
FYTD for JOBS AVAILABLE, INC.			**245.00**		
JOHNSON, MICHELLE					
	7/16/2009	196308	40.00		
				RABIES DEP REFUND	20.00
				RABIES DEP REFUND	20.00
	Vendor Total		**40.00**		
FYTD for JOHNSON, MICHELLE			**40.00**		
JOHNSON, YOLANDA					
	7/23/2009	196450	300.00		
				CELEBRITY JUDGE	300.00
	Vendor Total		**300.00**		
FYTD for JOHNSON, YOLANDA			**300.00**		
JONES, SUSAN					
	7/9/2009	196130	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for JONES, SUSAN			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JTB SUPPLY CO., INC.					
	7/16/2009	196309	337.26		
				FLUSH HAND HOLE CVRS	337.26
	7/23/2009	196451	886.57		
				MODULE 12-50 BATTERY BACK-UP	679.69
				TRAFFIC SIGNAL PARTS/SUPPLIES	206.88
	Vendor Total		**1,223.83**		
FYTD for JTB SUPPLY CO., INC.			**1,223.83**		
K. HOVNANIAN HOMES					
	7/2/2009	195982	30.00		
				RFND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for K. HOVNANIAN HOMES			**30.00**		
KANE, BALLMER & BERKMAN					
	7/30/2009	196579	343.19		
				JUN'09 LGL SRVCS-HSG	343.19
	Vendor Total		**343.19**		
FYTD for KANE, BALLMER & BERKMAN			**343.19**		
KASHEFIPOUR, HOSSEIN					
	7/9/2009	196131	337.70		
				MILEAGE REIMBURSEMENT	64.90
				MILEAGE REIMBURSEMENT	85.80
				MILEAGE REIMBURSEMENT	47.30
				MILEAGE REIMBURSEMENT	51.15
				MILEAGE REIMBURSEMENT	88.55
	Vendor Total		**337.70**		
FYTD for KASHEFIPOUR, HOSSEIN			**337.70**		
KAYACHITH, METKEO					
	7/9/2009	196132	57.00		
				PROCESSING FEE RFND	57.00
	Vendor Total		**57.00**		
FYTD for KAYACHITH, METKEO			**57.00**		
KDM MERIDIAN, INC.					
	7/9/2009	196133	5,565.00		
				SUNNYMEAD BLVD REVIT PROJ SVCS	5,565.00
	Vendor Total		**5,565.00**		
FYTD for KDM MERIDIAN, INC.			**5,565.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KELL, JANELLE					
	7/7/2009	196038	500.00		
				IDOL CONTEST WINNER/18-34 CAT.	500.00
	Vendor Total		**500.00**		
FYTD for KELL, JANELLE			**500.00**		
KHAN, SHAFIQUL					
	7/23/2009	196452	296.00		
				CITATION REFUND	296.00
	Vendor Total		**296.00**		
FYTD for KHAN, SHAFIQUL			**296.00**		
KING, PATRICIA A.					
	7/9/2009	196134	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for KING, PATRICIA A.			**318.73**		
KLAMATH BAY					
	7/30/2009	196580	3,890.15		
				PROMO. ITEMS -PD COMM SVCS DEP	2,222.10
				PROMO. ITEMS -PD COMM SVCS DEP	1,250.00
				PROMO. ITEMS -PD TRAFFC DEPT	418.05
	Vendor Total		**3,890.15**		
FYTD for KLAMATH BAY			**3,890.15**		
KOA CORPORATION					
	7/23/2009	196453	5,127.10		
				PERRIS BLVD WIDENING AT SR-60	5,127.10
	Vendor Total		**5,127.10**		
FYTD for KOA CORPORATION			**73,813.32**		
KOLB, CHARLES E.					
	7/9/2009	196136	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for KOLB, CHARLES E.			**318.73**		
KOSER, MATTHEW					
	7/9/2009	196137	320.00		
				PER DIEM-D.U.I. TRNG CLASS	320.00
	Vendor Total		**320.00**		
FYTD for KOSER, MATTHEW			**320.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KYLE, GARY M.					
	7/9/2009	196138	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for KYLE, GARY M.			**318.73**		
LAFATA, JOSEPHINE					
	7/9/2009	196139	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for LAFATA, JOSEPHINE			**318.73**		
LANDLOGIC, LLC					
	7/9/2009	196140	3,278.00		
				SFTWR LIC. FEE>5/30/10	3,278.00
	Vendor Total		**3,278.00**		
FYTD for LANDLOGIC, LLC			**3,278.00**		
LAWN TECH EQUIPMENT					
	7/9/2009	196141	1,359.16		
				HANDTOOLS	1,359.16
	Vendor Total		**1,359.16**		
FYTD for LAWN TECH EQUIPMENT			**1,359.16**		
LAWYERS TITLE INC					
	7/23/2009	196454	900.00		
				PRELIM RPT 488-090-011 AUTO ML	450.00
				TITLE/LITIG. GUARANTEE-ODUFALU	450.00
	Vendor Total		**900.00**		
FYTD for LAWYERS TITLE INC			**900.00**		
LEWIS, CAROLYN S.					
	7/9/2009	196142	315.49		
				JULY'09 RETIREE MED BENEFIT	315.49
	Vendor Total		**315.49**		
FYTD for LEWIS, CAROLYN S.			**315.49**		
LIM & NASCIMENTO ENGINEERING CORP.					
	7/30/2009	196583	5,666.00		
				IRONWOOD AVE-HEACOCK TO PERRIS	5,666.00
	Vendor Total		**5,666.00**		
FYTD for LIM & NASCIMENTO ENGINEERING CORP.			**42,760.46**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LLANOS, ADRIANA					
	7/2/2009	195983	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for LLANOS, ADRIANA			**75.00**		
LOGAN, CHARLES					
	7/9/2009	196143	248.11		
				JULY'09 RETIREE MED BENEFIT	248.11
	Vendor Total		**248.11**		
FYTD for LOGAN, CHARLES			**248.11**		
LOR GEOTECHNICAL GROUP, INC.					
	7/9/2009	196144	7,430.00		
				SUNNYMEAD BLVD REVIT PROJ SVCS	5,142.00
				SUNNYMEAD BLVD REVIT PROJ SVCS	2,288.00
	7/30/2009	196584	680.00		
				SHEILA ST SIDEWALK & PARK PROJ	680.00
	Vendor Total		**8,110.00**		
FYTD for LOR GEOTECHNICAL GROUP, INC.			**8,110.00**		
LOZANO, CLARA					
	7/16/2009	196310	60.00		
				ANML LICENSE FEE RFND	60.00
	Vendor Total		**60.00**		
FYTD for LOZANO, CLARA			**60.00**		
LUERA, DAVID					
	7/9/2009	196145	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for LUERA, DAVID			**50.00**		
LUMLEY, ROBERT C.					
	7/9/2009	196146	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for LUMLEY, ROBERT C.			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LUTHERAN SOCIAL SERVICES OF SO. CALI F.				
7/2/2009	195984	2,499.00		
			CDBG EXPENSE REIMB.	2,499.00
7/30/2009	196585	2,503.00		
			CDBG FUNDED SVCS FY08-09	2,503.00
	Vendor Total	**5,002.00**		
FYTD for LUTHERAN SOCIAL SERVICES OF SO. CALI F.		**5,002.00**		
MARCH JOINT POWERS AUTHORITY				
7/2/2009	195985	5.29		
			APR'09 GAS CHRGS>BLDG 823	4.32
			APR'09 GAS CHRGS>BLDG 938	0.97
7/9/2009	196147	2.51		
			MAY'09 GAS CHRGS>BLDG 823	2.51
7/23/2009	196455	0.56		
			MAY'09 GAS CHGS-BLDG 938	0.56
	Vendor Total	**8.36**		
FYTD for MARCH JOINT POWERS AUTHORITY		**8.36**		
MARTIAL ARTS INTERNATIONAL, USKO				
7/16/2009	196311	56.00		
			KICKBOXING-1 PARTICIPANT	56.00
	Vendor Total	**56.00**		
FYTD for MARTIAL ARTS INTERNATIONAL, USKO		**56.00**		
MARTIN, CINDY				
7/7/2009	196039	500.00		
			IDOL CONTEST WINNER/35-UP CAT.	500.00
	Vendor Total	**500.00**		
FYTD for MARTIN, CINDY		**500.00**		
MARTIN, MICHAEL				
7/9/2009	196148	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total	**75.00**		
FYTD for MARTIN, MICHAEL		**75.00**		
MARTIN, PAUL				
7/23/2009	196456	330.05		
			CITATION REFUND	330.05
	Vendor Total	**330.05**		
FYTD for MARTIN, PAUL		**330.05**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MARVEL, ELISA O.					
	7/9/2009	196149	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MARVEL, ELISA O.			**75.00**		
MATHIS, NOLAN					
	7/9/2009	196150	288.60		
				MAY'09 RETIREE MED BENEFIT	288.60
	Vendor Total		**288.60**		
FYTD for MATHIS, NOLAN			**288.60**		
MATTEI, MIA					
	7/7/2009	196040	500.00		
				IDOL CONTEST WINNER/14-17 CAT.	500.00
	Vendor Total		**500.00**		
FYTD for MATTEI, MIA			**500.00**		
MAXINOSKI, SUE A.					
	7/9/2009	196151	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MAXINOSKI, SUE A.			**318.73**		
MCALLISTER, GERALD					
	7/16/2009	196312	52.36		
				IMPL. ENERGY EFFIC. PROJ CLASS	52.36
	Vendor Total		**52.36**		
FYTD for MCALLISTER, GERALD			**52.36**		
MCCARTHY & BERLIN, LLP					
	7/23/2009	196457	4,767.10		
				LEGAL SERVICES-MAR'09	4,767.10
	7/30/2009	196586	1,074.00		
				LEGAL SERVICES /UTILITY-JUN'09	1,074.00
	Vendor Total		**5,841.10**		
FYTD for MCCARTHY & BERLIN, LLP			**5,841.10**		
MCCARTY, MICHAEL					
	7/9/2009	196152	400.00		
				PER ADMIN. PLCY 5.19	400.00
	Vendor Total		**400.00**		
FYTD for MCCARTY, MICHAEL			**400.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MCCOWN, TAUNYA					
	7/23/2009	196458	88.00		
				REFUND-VARIOUS A/C FEES	22.00
				REFUND-VARIOUS A/C FEES	15.00
				REFUND-VARIOUS A/C FEES	15.00
				REFUND-VARIOUS A/C FEES	36.00
	Vendor Total		**88.00**		
FYTD for MCCOWN, TAUNYA			**88.00**		
MCDONALD PARTNERS, INC.					
	7/2/2009	195986	1,625.00		
				MAY'09 CNSLTNG SRVCS>UTILITIES	1,625.00
	Vendor Total		**1,625.00**		
FYTD for MCDONALD PARTNERS, INC.			**1,625.00**		
MCDONOUGH, HOLLAND & ALLEN					
	7/2/2009	195987	3,178.76		
				APR'09 LGL SRVCS>MVUSD	3,178.76
	Vendor Total		**3,178.76**		
FYTD for MCDONOUGH, HOLLAND & ALLEN			**28,727.75**		
MCI					
	7/16/2009	196314	1,320.52		
				JUL'09 VERIZON INTERNET SVC.	1,320.52
	7/23/2009	196459	1,328.73		
				VERIZON INTERNET CONNECTION	1,328.73
	Vendor Total		**2,649.25**		
FYTD for MCI			**2,649.25**		
MCI WORLDCOM					
	7/23/2009	196460	1,081.48		
				JUL'09 DATA SRVCS	1,081.48
	Vendor Total		**1,081.48**		
FYTD for MCI WORLDCOM			**1,081.48**		
MEDEIROS, STEPHANY					
	7/9/2009	196153	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MEDEIROS, STEPHANY			**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MELAD & ASSOCIATES					
	7/9/2009	196154	1,452.39		
				PLAN CHECK SRVCS	1,452.39
	7/30/2009	196587	900.00		
				JUN'09 PLAN CK SRVCS	900.00
	Vendor Total		**2,352.39**		
FYTD for MELAD & ASSOCIATES			**2,352.39**		
MELINE, RENE					
	7/9/2009	196155	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MELINE, RENE			**75.00**		
MENDONCA, MELEISA					
	7/2/2009	195988	170.00		
				RFND-CAMP REGIST.	170.00
	Vendor Total		**170.00**		
FYTD for MENDONCA, MELEISA			**170.00**		
MENGISTU, YESHIALEM					
	7/2/2009	195989	83.05		
				MILEAGE REIMBURSEMENT	83.05
	Vendor Total		**83.05**		
FYTD for MENGISTU, YESHIALEM			**83.05**		
MERITAGE HOMES OF CA, INC.					
	7/16/2009	196315	1,099.38		
				RFND BUS. LIC. OVRPMT	1,099.38
	Vendor Total		**1,099.38**		
FYTD for MERITAGE HOMES OF CA, INC.			**1,099.38**		
MESSIN, LOUIS					
	7/9/2009	196156	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MESSIN, LOUIS			**318.73**		
METZ, RANDALL					
	7/30/2009	196588	15.00		
				SO CAL FPO MO. MEETING & MEAL	15.00
	Vendor Total		**15.00**		
FYTD for METZ, RANDALL			**15.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MILES, ROBERT					
	7/9/2009	196157	240.44		
				JULY'09 RETIREE MED BENEFIT	240.44
	Vendor Total		**240.44**		
FYTD for MILES, ROBERT			**240.44**		
MILLER, CINDY A.					
	7/9/2009	196158	254.72		
				CANDY FOR PARADE	127.36
				CANDY FOR PARADE	127.36
	Vendor Total		**254.72**		
FYTD for MILLER, CINDY A.			**254.72**		
MILLER, ELAINE					
	7/16/2009	196316	75.00		
				SPAY/NEUTER DEPOSIT REFUND	75.00
	Vendor Total		**75.00**		
FYTD for MILLER, ELAINE			**75.00**		
MINARD, MARK E.					
	7/9/2009	196159	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MINARD, MARK E.			**318.73**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MISSION LINEN SUPPLY, INC.				
7/16/2009	196320	1,821.79		
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	18.52
			UNIFORM SUPPLY/LAUNDERING SVCS	57.09
			UNIFORM SUPPLY/LAUNDERING SVCS	57.29
			UNIFORM SUPPLY/LAUNDERING SVCS	57.90
			UNIFORM SUPPLY/LAUNDERING SVCS	57.09
			UNIFORM SUPPLY/LAUNDERING SVCS	57.09
			UNIFORM SUPPLY/LAUNDERING SVCS	13.68
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	15.09
			UNIFORM SUPPLY/LAUNDERING SVCS	14.09
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	25.98
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	9.19
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	13.48
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	17.98
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	4.08
			UNIFORM SUPPLY/LAUNDERING SVCS	46.07
			UNIFORM SUPPLY/LAUNDERING SVCS	49.25
			UNIFORM SUPPLY/LAUNDERING SVCS	47.07
			UNIFORM SUPPLY/LAUNDERING SVCS	49.25
			UNIFORM SUPPLY/LAUNDERING SVCS	13.00
			UNIFORM SUPPLY/LAUNDERING SVCS	33.07
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	82.54
			UNIFORM SUPPLY/LAUNDERING SVCS	82.34
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	1.84
			UNIFORM SUPPLY/LAUNDERING SVCS	38.38
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
	Vendor Total	**1,821.79**		
FYTD for MISSION LINEN SUPPLY, INC.		**1,821.79**		
MOELLER, DONNA M.				
7/2/2009	195990	115.82		
			NGHBRHD CLEAN-UP EXPENSES	115.82
	Vendor Total	**115.82**		
FYTD for MOELLER, DONNA M.		**115.82**		
MOLLICA, MIKE				
7/9/2009	196160	401.42		
			JULY'09 RETIREE MED BENEFIT	401.42
	Vendor Total	**401.42**		
FYTD for MOLLICA, MIKE		**401.42**		
MOORE, AIRAM				
7/7/2009	196041	500.00		
			IDOL CONTEST WINNER/5-9 CAT.	500.00
	Vendor Total	**500.00**		
FYTD for MOORE, AIRAM		**500.00**		
MORA, PATRICIA A.				
7/9/2009	196161	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total	**318.73**		
FYTD for MORA, PATRICIA A.		**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORALES, OSCAR					
	7/16/2009	196321	178.00		
				REFUND CofO PERMIT	178.00
	Vendor Total		**178.00**		
FYTD for MORALES, OSCAR			**178.00**		
MORENO VALLEY BOWL					
	7/9/2009	196162	560.00		
				BOWLING-5 PARTICIPANTS	200.00
				BOWLING-9 PARTICIPANTS	360.00
	Vendor Total		**560.00**		
FYTD for MORENO VALLEY BOWL			**560.00**		
MORENO VALLEY CHAMBER OF COMMERCE					
	7/16/2009	196322	210.00		
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
	Vendor Total		**210.00**		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE			**210.00**		
MORENO VALLEY CITY EMPLOYEES ASSOC.					
	7/31/2009	2460	1,615.00		
				MVCEA DUES 07/31/09	1,615.00
	7/17/2009	2450	1,615.00		
				MVCEA DUES 07/17/09	1,615.00
	7/3/2009	2441	1,699.00		
				MVCEA DUES 07/03/09	1,699.00
	Vendor Total		**4,929.00**		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.			**4,929.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY GATEWAY, LLC				
7/30/2009	196589	21,093.43		
			AUG'09 RENT-FAC ANNX	2,458.97
			AUG'09 RENT-TECH SRVC ANNX	5,475.90
			AUG'09 RENT-SPCL DIST	13,158.56
	Vendor Total	**21,093.43**		
FYTD for MORENO VALLEY GATEWAY, LLC		**21,093.43**		
MORENO VALLEY HISPANIC CHAMBER OF COMMER				
7/23/2009	196463	270.00		
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
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			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
	Vendor Total	**270.00**		
FYTD for MORENO VALLEY HISPANIC CHAMBER OF COMMER		**270.00**		
MORENO VALLEY TOW & RADIATOR				
7/9/2009	196163	450.00		
			TOWED SWEEPER FOR REPAIR	450.00
7/16/2009	196323	520.00		
			TOWING SRVC FOR P.D.	372.50
			TOWING SRVCS FOR P.D.	147.50
	Vendor Total	**970.00**		
FYTD for MORENO VALLEY TOW & RADIATOR		**970.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY UNIFIED SCHOOL DISTRICT					
	7/9/2009	196164	100.00		
				MOBILE STAGE RENTAL DEPOSIT RFND	100.00
	Vendor Total		**100.00**		
FYTD for MORENO VALLEY UNIFIED SCHOOL DISTRICT			**100.00**		
MORENO, MARIO					
	7/9/2009	196165	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for MORENO, MARIO			**200.00**		
MORGAN, LISA A.					
	7/9/2009	196166	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MORGAN, LISA A.			**318.73**		
MORRIS, MARI					
	7/9/2009	196167	95.00		
				DEP RFND-RABIES/SPAY/NEUTER	20.00
				DEP RFND-RABIES/SPAY/NEUTER	75.00
	Vendor Total		**95.00**		
FYTD for MORRIS, MARI			**95.00**		
MOSCROP, JEANETTE					
	7/30/2009	196590	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MOSCROP, JEANETTE			**75.00**		
MOTEL 7/ HEMANSHU PATEL					
	7/16/2009	196324	50.00		
				REFUND-PARKING CIT. ERROR	50.00
	Vendor Total		**50.00**		
FYTD for MOTEL 7/ HEMANSHU PATEL			**50.00**		
MR. CLEAN, INC.					
	7/16/2009	196325	428.00		
				PRESSURE WASH>6/21	303.00
				PRESSURE WASH>6/21	125.00
	7/30/2009	196591	477.41		
				GYM FLOOR MAINT.	477.41
	Vendor Total		**905.41**		
FYTD for MR. CLEAN, INC.			**905.41**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MUNITEMPS					
	7/9/2009	196168	10,415.04		
				TEMP SRVC>4/12 MUNOZ	966.97
				TEMP SRVC>4/12 MEDINA	953.53
				TEMP SRVC>4/26-MUNOZ	913.25
				TEMP SRVC>4/26-MEDINA	731.94
				TEMP SRVC>5/10-MUNOZ	946.82
				TEMP SRVC>5/10-MEDINA	812.52
				TEMP SRVC>5/24-MUNOZ	886.39
				TEMP SRVC>5/24-MEDINA	825.95
				TEMP SRVC>6/7-MEDINA	893.10
				TEMP SRVC>6/7-MUNOZ	805.81
				TEMP SRVC>6/21-MUNOZ	183.14
				TEMP SRVC>6/21-MEDINA	792.37
				TEMP SRVC>6/21-MUNOZ	703.25
	Vendor Total		**10,415.04**		
FYTD for MUNITEMPS			**37,015.23**		
NAIOP-NATIONAL ASSOC OF INDUSTRIAL & OFF					
	7/9/2009	196169	3,256.00		
				ADVERTISING IN DEV. MAG	3,256.00
	Vendor Total		**3,256.00**		
FYTD for NAIOP-NATIONAL ASSOC OF INDUSTRIAL & OFF			**3,256.00**		
NATIONAL NOTARY ASSOCIATION					
	7/16/2009	196328	52.00		
				1YR MBRSHP>N BURDINE	52.00
	Vendor Total		**52.00**		
FYTD for NATIONAL NOTARY ASSOCIATION			**52.00**		
NATIONWIDE RETIREMENT SOLUTIONS					
	7/2/2009	2439	2,116.36		
				PST DEF COMP FOR FICA 07/02/09	2,116.36
	7/29/2009	2458	782.74		
				PST DEF COMP FOR FICA 07/29/09	782.74
	7/31/2009	2459	1,293.48		
				DEF COMP 457 & 407(A) 07/31/09	1,293.48
	7/17/2009	2448	1,106.81		
				PST DEF COMP FOR FICA 07/17/09	1,106.81
	Vendor Total		**5,299.39**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**55,944.21**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NAVARRETE, ROBERT					
	7/9/2009	196170	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for NAVARRETE, ROBERT			**200.00**		
NAVARRO, HERIBERTO					
	7/2/2009	195991	300.00		
				RFND-ANML SRVC CITATION	300.00
	Vendor Total		**300.00**		
FYTD for NAVARRO, HERIBERTO			**300.00**		
NELSON, ROBERT					
	7/9/2009	196171	303.60		
				JULY'09 RETIREE MED BENEFIT	303.60
	Vendor Total		**303.60**		
FYTD for NELSON, ROBERT			**303.60**		
NELSON, RUTH L.					
	7/9/2009	196172	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for NELSON, RUTH L.			**318.73**		
NEUSTAEDTER, CRAIG S					
	7/9/2009	196173	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for NEUSTAEDTER, CRAIG S			**318.73**		
NEW HORIZON MOBILE HOME PARK					
	7/2/2009	195992	6.61		
				RFND UT USER TAXES-EXMPT RESID	6.61
	Vendor Total		**6.61**		
FYTD for NEW HORIZON MOBILE HOME PARK			**6.61**		
NEW WEST SIGNAL					
	7/16/2009	196329	7,600.00		
				TRAFFIC SIGNAL	7,600.00
	Vendor Total		**7,600.00**		
FYTD for NEW WEST SIGNAL			**7,600.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NEWPORT GRADING, INC.					
	7/30/2009	196592	5,752.00		
				RPLCD DMG GUARDRAIL	5,752.00
	Vendor Total		**5,752.00**		
FYTD for NEWPORT GRADING, INC.			**5,752.00**		
NFPA/NATIONAL FIRE PROTECTION ASSO					
	7/30/2009	196593	150.00		
				MBR-RANDALL METZ	150.00
	Vendor Total		**150.00**		
FYTD for NFPA/NATIONAL FIRE PROTECTION ASSO			**150.00**		
NGUYEN, QUANG					
	7/16/2009	196330	134.75		
				MILEAGE REIMBURSEMENT	134.75
	Vendor Total		**134.75**		
FYTD for NGUYEN, QUANG			**134.75**		
NIEBURGER, JUDITH A.					
	7/9/2009	196174	401.42		
				JULY'09 RETIREE MED BENEFIT	401.42
	Vendor Total		**401.42**		
FYTD for NIEBURGER, JUDITH A.			**401.42**		
NINYO & MOORE GEOTECHNICAL					
	7/16/2009	196331	3,133.75		
				PSB PARKING LOT EXPANSION PROJ	1,885.00
				PSB PARKING LOT EXPANSION PROJ	168.75
				PSB PARKING LOT EXPANSION PROJ	1,080.00
	Vendor Total		**3,133.75**		
FYTD for NINYO & MOORE GEOTECHNICAL			**3,133.75**		
NOLLAR, JANICE					
	7/2/2009	195993	261.42		
				TRAVEL EXP.-ESRI INT'L UC	101.42
				TRAVEL EXP.-ESRI INT'L UC	160.00
	Vendor Total		**261.42**		
FYTD for NOLLAR, JANICE			**261.42**		
NORRIS-REPKE, INC.					
	7/23/2009	196466	505.00		
				IRIS AVE STREET IMPRV PROJ.	505.00
	Vendor Total		**505.00**		
FYTD for NORRIS-REPKE, INC.			**39,829.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OCB REPROGRAPHICS					
	7/16/2009	196332	2,215.47		
				REPROGRAPHICS-PAVEMNT RESURF.	966.14
				REPROGRAPHICS-PAVEMNT RESURF.	170.41
				REPROGRAPHICS-IRIS AVE PROJ.	160.57
				REPROGRAPHICS-INDIAN BASIN PRJ	42.58
				REPROGRAPHICS-SR-60/NASON PROJ	177.48
				REPROGRAPHICS SRVC	152.20
				REPROGRAPHICS SRVC	384.11
				REPROGRAPHICS SRVC	45.01
				REPROGRAPHICS SRVC	45.02
				REPROGRAPHICS SRVC	71.95
	7/23/2009	196467	751.79		
				REPROGRAPHICS-SUNNYMD BL IRRIG	472.57
				REPROGRPHCS-PERRIS BL WIDENING	279.22
	Vendor Total		**2,967.26**		
FYTD for OCB REPROGRAPHICS			**2,967.26**		
OMNIS, INC.					
	7/23/2009	196468	830.00		
				TR. SIG @ SR-60 & REDLANDS BL.	830.00
	Vendor Total		**830.00**		
FYTD for OMNIS, INC.			**830.00**		
OPERATION SAFEHOUSE, INC.					
	7/2/2009	195994	719.62		
				CDBG EXPENSE REIMB.	719.62
	7/30/2009	196594	689.32		
				CDBG EXP. REIMB.	689.32
	Vendor Total		**1,408.94**		
FYTD for OPERATION SAFEHOUSE, INC.			**1,408.94**		
ORACLE USA, INC.					
	7/9/2009	196176	22,199.26		
				SOFTWARE UPDATE/SPPRT	21,234.87
				SOFTWARE UPDATE/SPPRT	964.39
	Vendor Total		**22,199.26**		
FYTD for ORACLE USA, INC.			**22,199.26**		
OROSCO, DAVID & ROSARIO, AMANDA					
	7/16/2009	196333	95.00		
				ANIMAL SVCS. REFUND	20.00
				ANIMAL SVCS. REFUND	75.00
	Vendor Total		**95.00**		
FYTD for OROSCO, DAVID & ROSARIO, AMANDA			**95.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OVERLAND PACIFIC & CUTLER, INC.					
	7/16/2009	196334	487.50		
				ALESSANDRO/DAY ST RELOC. SVCS.	487.50
	7/23/2009	196469	5,670.00		
				RIGHT OF WAY SVCS-VARIOUS PROJ	5,670.00
	7/30/2009	196595	22,367.00		
				SR-60/NASON INTERCHG PROJ SVCS	2,292.25
				SR-60/NASON INTERCHG PROJ SVCS	3,108.25
				SR-60/NASON INTERCHG PROJ SVCS	16,966.50
	7/30/2009	196596	7,350.00		
				RIGHT OF WAY SVCS-VARIOUS PROJ	7,350.00
	Vendor Total		**35,874.50**		
FYTD for OVERLAND PACIFIC & CUTLER, INC.			**35,874.50**		
P&D CONSULTANTS, INC.					
	7/30/2009	196597	6,500.00		
				UNITY COURT PROJ DESIGN SVCS	6,500.00
	Vendor Total		**6,500.00**		
FYTD for P&D CONSULTANTS, INC.			**6,500.00**		
PACIFIC GREEN HORTICULTURAL SVC					
	7/2/2009	195995	1,090.00		
				PESTICIDE TRTMNT>DSG-2	145.00
				PESTICIDE TRTMNT>E-3	945.00
	7/16/2009	196335	1,635.65		
				JUN'09 LNDSCP MAINT	217.01
				JUN'09 LNDSCP MAINT	80.57
				JUN'09 LNDSCP MAINT	471.08
				JUN'09 LNDSCP MAINT	866.99
	Vendor Total		**2,725.65**		
FYTD for PACIFIC GREEN HORTICULTURAL SVC			**2,725.65**		
PACIFIC SAFETY COUNCIL					
	7/23/2009	196470	8.70		
				TRAINING VIDEO: TRAFFIC CONTRL	8.70
	7/30/2009	196598	2,895.00		
				10 HR CONSTRUCTN SAFETY PROGRM	2,773.26
				CONST. SFTY TRNG-6/8/09	121.74
	Vendor Total		**2,903.70**		
FYTD for PACIFIC SAFETY COUNCIL			**2,903.70**		
PAEZ, JUAN & MARIA					
	7/2/2009	195996	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for PAEZ, JUAN & MARIA			**20.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PAINTING BY ZEB BODE					
	7/23/2009	196471	550.00		
				PAINTING FOR PD	550.00
	7/30/2009	196599	1,250.00		
				MV MALL PD OFFICE PAINTING SVC	1,250.00
	Vendor Total		**1,800.00**		
FYTD for PAINTING BY ZEB BODE			**1,800.00**		
PALMER, AMARANDA					
	7/30/2009	196600	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for PALMER, AMARANDA			**75.00**		
PARRA-TOVAR, BRENDA					
	7/23/2009	196472	100.00		
				CITATION REFUND	100.00
	Vendor Total		**100.00**		
FYTD for PARRA-TOVAR, BRENDA			**100.00**		
PARTS PLUS OF MORENO VALLEY, INC.					
	7/9/2009	196178	1,000.01		
				MISC. VEHICLE PARTS	354.43
				MISC. VEHICLE PARTS	12.03
				MISC. VEHICLE PARTS	12.03
				MISC. VEHICLE PARTS	14.05
				MISC. VEHICLE PARTS	531.68
				MISC. VEHICLE PARTS	222.11
				MISC. VEHICLE PARTS	10.48
				MISC. VEHICLE PARTS	5.24
				CRDT FOR INV M240188	-162.04
	7/23/2009	196473	156.16		
				AUTOMOTIVE REPAIR PARTS	14.05
				AUTOMOTIVE REPAIR PARTS	142.11
	Vendor Total		**1,156.17**		
FYTD for PARTS PLUS OF MORENO VALLEY, INC.			**1,156.17**		
PATTERSON, ALFREY					
	7/9/2009	196179	315.49		
				JUL'09 RET MED BNFT	315.49
	Vendor Total		**315.49**		
FYTD for PATTERSON, ALFREY			**315.49**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PBS & J					
	7/2/2009	195997	1,675.00		
				MAY'09 PM 33152-1 RVW	630.00
				SHEILA ST PARK PROJ. SVCS	1,045.00
	7/16/2009	196336	490.00		
				MV PRELIM WQMPR>5/31	490.00
	Vendor Total		**2,165.00**		
FYTD for PBS & J			**2,165.00**		
PEARSON, MATTHEW					
	7/23/2009	196474	997.50		
				AUDIO SVCS FOR JULY 4TH EVENT	997.50
	Vendor Total		**997.50**		
FYTD for PEARSON, MATTHEW			**997.50**		
PEDLEY SQUARE VETERINARY CLINIC					
	7/2/2009	195998	11,131.00		
				VET & EMERG. SRVCS	4,947.00
				VET & EMERG. SRVCS	6,184.00
	Vendor Total		**11,131.00**		
FYTD for PEDLEY SQUARE VETERINARY CLINIC			**11,131.00**		
PEREZ, WILLIAM					
	7/9/2009	196180	300.00		
				RNTL DEP REFUND	300.00
	Vendor Total		**300.00**		
FYTD for PEREZ, WILLIAM			**300.00**		
PERRY, NORMA					
	7/9/2009	196181	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for PERRY, NORMA			**318.73**		
PERS LONG TERM CARE PROGRAM					
	7/9/2009	196182	648.76		
				LONG TERM CARE INS 07/09/09	648.76
	7/23/2009	196475	551.37		
				LONG TERM CARE INS 07/23/09	551.37
	Vendor Total		**1,200.13**		
FYTD for PERS LONG TERM CARE PROGRAM			**1,200.13**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PETTY CASH - FINANCE					
	7/30/2009	196606	1,447.98		
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	8.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	9.38
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	21.74
				PETTY CASH FUND REPLENISHMENT	29.19
				PETTY CASH FUND REPLENISHMENT	29.19
				PETTY CASH FUND REPLENISHMENT	12.10
				PETTY CASH FUND REPLENISHMENT	5.90
				PETTY CASH FUND REPLENISHMENT	7.00
				PETTY CASH FUND REPLENISHMENT	6.00
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	6.40
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	3.75
				PETTY CASH FUND REPLENISHMENT	54.75
				PETTY CASH FUND REPLENISHMENT	28.05
				PETTY CASH FUND REPLENISHMENT	8.58
				PETTY CASH FUND REPLENISHMENT	-0.10
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	2.00
				PETTY CASH FUND REPLENISHMENT	5.70
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	11.83
				PETTY CASH FUND REPLENISHMENT	40.98
				PETTY CASH FUND REPLENISHMENT	11.00
				PETTY CASH FUND REPLENISHMENT	31.71
				PETTY CASH FUND REPLENISHMENT	30.00
				PETTY CASH FUND REPLENISHMENT	12.50
				PETTY CASH FUND REPLENISHMENT	3.50
				PETTY CASH FUND REPLENISHMENT	15.50
				PETTY CASH FUND REPLENISHMENT	45.00
				PETTY CASH FUND REPLENISHMENT	18.00
				PETTY CASH FUND REPLENISHMENT	15.00
				PETTY CASH FUND REPLENISHMENT	87.45
				PETTY CASH FUND REPLENISHMENT	5.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	14.13
				PETTY CASH FUND REPLENISHMENT	56.10
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	23.63
				PETTY CASH FUND REPLENISHMENT	9.98
				PETTY CASH FUND REPLENISHMENT	71.50
				PETTY CASH FUND REPLENISHMENT	4.00
				PETTY CASH FUND REPLENISHMENT	12.00

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			PETTY CASH FUND REPLENISHMENT	12.95
			PETTY CASH FUND REPLENISHMENT	8.68
			PETTY CASH FUND REPLENISHMENT	3.80
			PETTY CASH FUND REPLENISHMENT	21.14
			PETTY CASH FUND REPLENISHMENT	15.01
			PETTY CASH FUND REPLENISHMENT	51.70
			PETTY CASH FUND REPLENISHMENT	66.55
			PETTY CASH FUND REPLENISHMENT	5.00
			PETTY CASH FUND REPLENISHMENT	52.80
			PETTY CASH FUND REPLENISHMENT	70.95
			PETTY CASH FUND REPLENISHMENT	2.00
			PETTY CASH FUND REPLENISHMENT	23.10
			PETTY CASH FUND REPLENISHMENT	1.50
			PETTY CASH FUND REPLENISHMENT	84.36
	Vendor Total	**1,447.98**		
FYTD for PETTY CASH - FINANCE		**1,447.98**		
PIONTKOWSKI, BRAD				
7/23/2009	196476	75.00		
			REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total	**75.00**		
FYTD for PIONTKOWSKI, BRAD		**75.00**		
PLATA, DON				
7/9/2009	196183	200.00		
			PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total	**200.00**		
FYTD for PLATA, DON		**200.00**		
PLAZA HAND CAR WASH				
7/30/2009	196608	518.50		
			CITY VEHICLE CAR WASHES	196.00
			CITY VEHICLE CAR WASHES	322.50
	Vendor Total	**518.50**		
FYTD for PLAZA HAND CAR WASH		**518.50**		
PLUMMER, TED				
7/2/2009	195999	468.00		
			DEP-7/4/09 SOUND SYST.	200.00
			FNL PMT-7/4/09 SOUND SYST.	425.00
			FTB W/H-VEHICLE REGIST.	-157.00
	Vendor Total	**468.00**		
FYTD for PLUMMER, TED		**468.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
POIEMA LANDSCAPE, INC.					
	7/16/2009	196338	2,110.00		
				JUN'09 LNDSCP MAINT>E-12	2,110.00
	7/23/2009	196477	758.00		
				JUN'09 LANDSC MAINT-SUNNYMD BL	758.00
	Vendor Total		**2,868.00**		
FYTD for POIEMA LANDSCAPE, INC.			**2,868.00**		
POTTERS HOUSE CHRISTIAN CHURCH					
	7/30/2009	196609	117.42		
				REFUND-BUS LIC FEES DUP PAYMNT	57.00
				REFUND-BUS LIC FEES DUP PAYMNT	57.00
				REFUND-BUS LIC FEES DUP PAYMNT	3.42
	Vendor Total		**117.42**		
FYTD for POTTERS HOUSE CHRISTIAN CHURCH			**117.42**		
POUK & STEINLE, INC.					
	7/23/2009	196478	3,392.82		
				LASSELLE ST/BAY AVE TS & IMPRV	3,392.82
	Vendor Total		**3,392.82**		
FYTD for POUK & STEINLE, INC.			**3,392.82**		
PRECIADO, MARIA					
	7/30/2009	196610	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for PRECIADO, MARIA			**20.00**		
PRESS ENTERPRISE					
	7/16/2009	196339	259.00		
				EMPLYMNT ADVERTISING	259.00
	Vendor Total		**259.00**		
FYTD for PRESS ENTERPRISE			**259.00**		
PRICE, GEORGE E.					
	7/9/2009	196184	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for PRICE, GEORGE E.			**318.73**		
PRITCHARD, ROBERT					
	7/23/2009	196480	100.00		
				MV IDOL CONTEST	100.00
	Vendor Total		**100.00**		
FYTD for PRITCHARD, ROBERT			**100.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PRORIDER, INC.					
	7/23/2009	196481	783.00		
				BIKE HELMETS	783.00
				BIKE HELMETS	68.51
				BIKE HELMETS	-68.51
	Vendor Total		**783.00**		
FYTD for PRORIDER, INC.			**783.00**		
PSOMAS					
	7/16/2009	196341	16,830.00		
				LASSELLE ST WIDENING-JFK>ALESS	14,295.00
				LASSELLE ST WIDENING-JFK>ALESS	2,535.00
	7/23/2009	196482	1,840.00		
				KITCHING/EUCALYPTUS IMPRV PROJ	1,840.00
	Vendor Total		**18,670.00**		
FYTD for PSOMAS			**18,670.00**		
PULLIAM, TRENT D.					
	7/9/2009	196185	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for PULLIAM, TRENT D.			**318.73**		
QUALITY PLAYING CARDS, INC.					
	7/16/2009	196342	1,360.00		
				SHIPPING	145.00
				RECYCLED PLAYING CARDS	1,215.00
				RECYCLED PLAYING CARDS	106.32
				RECYCLED PLAYING CARDS	-106.32
	Vendor Total		**1,360.00**		
FYTD for QUALITY PLAYING CARDS, INC.			**1,360.00**		
R & S OVERHEAD DOORS, INC.					
	7/9/2009	196186	1,038.00		
				RMV/INSTALL DOOR AT FS #58	396.00
				INSTLLD DETECTOR @PSB	642.00
	7/23/2009	196483	685.00		
				BOTTOM TUBE REPAIR-PSB GATE 3	685.00
	Vendor Total		**1,723.00**		
FYTD for R & S OVERHEAD DOORS, INC.			**1,723.00**		
RABAGO, MALIA					
	7/9/2009	196187	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for RABAGO, MALIA			**50.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RADAR SHOP, THE					
	7/30/2009	196612	382.46		
				RECERTIFIED PRO-LASER 3	130.00
				RECERTIFIED PRO-LASER 3	252.46
	Vendor Total		**382.46**		
FYTD for RADAR SHOP, THE			**382.46**		
RALLY MANAGEMENT SERVICES, LLC					
	7/9/2009	196188	1,716.64		
				TEMP SRVC>6/14 ANML SRVCS	958.72
				TEMP SRVC>6/21 ANML SRVCS	757.92
	7/16/2009	196343	114.90		
				TEMP SRVCS>6/21/09-STARS	114.90
	7/23/2009	196484	261.28		
				TEMP SVCS >6/28/09-STARS PRGM	261.28
	7/30/2009	196613	1,279.60		
				TEMP SRVCS-STARS	30.64
				TEMP SRVCS-ANML SRVCS	932.80
				TEMP SRVCS-ANML SRVCS	13.77
				TEMP SRVCS-ANML SRVCS	302.39
	Vendor Total		**3,372.42**		
FYTD for RALLY MANAGEMENT SERVICES, LLC			**3,372.42**		
RAMIREZ, RAFAEL & GIOBANY					
	7/23/2009	196485	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RAMIREZ, RAFAEL & GIOBANY			**20.00**		
RANGEL, JUAN					
	7/30/2009	196614	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RANGEL, JUAN			**20.00**		
RANGEL, PATRICIA					
	7/9/2009	196189	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for RANGEL, PATRICIA			**50.00**		
REDBOX AUTOMATED RETAIL, LLC					
	7/2/2009	196000	259.00		
				RFND-BUS. LIC. OVRPMT	259.00
	Vendor Total		**259.00**		
FYTD for REDBOX AUTOMATED RETAIL, LLC			**259.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
REDFLEX TRAFFIC SYSTEMS, INC.					
	7/2/2009	196001	12,420.00		
				MAY'09 RED LGHT PHOTO ENF PGM	12,420.00
	7/23/2009	196486	12,420.00		
				JUN'09 RED LIGHT PHOTO ENF PGM	12,420.00
	Vendor Total		**24,840.00**		
FYTD for REDFLEX TRAFFIC SYSTEMS, INC.			**24,840.00**		
REFLEX CORP.					
	7/2/2009	196002	119.50		
				NET STOCK BOX BALANCE	119.50
	Vendor Total		**119.50**		
FYTD for REFLEX CORP.			**119.50**		
REVENUE EXPERTS, INC.					
	7/2/2009	196003	4,540.63		
				APR'09 CITATION PRCSNG>ANML SR	2,539.85
				MAY'09 CITATION PRCSNG>ANML SR	2,000.78
	7/9/2009	196190	6,639.05		
				MAR'09 CIT PRCSSNG-POLICE	2,724.95
				MAR'09 CIT PRCSSNG-POLICE	1,102.92
				APR'09 CIT PRCSSNG-POLICE	2,811.18
	7/16/2009	196344	5,789.15		
				MAY'09 CIT PRCSS>POLICE	5,585.90
				MAY'09 CIT PRCSSNG>POLICE	203.25
	7/23/2009	196487	2,435.03		
				APR'09 CITATION PROC-B&S DEPT	1,734.28
				APR'09 CITATION PROC-B&S DEPT	484.46
				MAY'09 CITATION PROC-B&S DEPT	216.29
	7/30/2009	196615	6,205.57		
				ADMIN CITATION PROCESSING	1,067.14
				ADMIN CITATION PROCESSING	1,664.72
				CITATION PROCESSING	2,486.00
				JUN'09 CIT PRCSNG-ANML SRVCS	456.86
				JUN'09 CIT PRCSNG-BLDG/SFTY	530.85
	Vendor Total		**25,609.43**		
FYTD for REVENUE EXPERTS, INC.			**25,609.43**		
REYES, JOSEPH J.					
	7/2/2009	196004	729.88		
				RFND-ADMIN CITATION/ANML SRVCS	503.88
				RFND-ADMIN CITATION/ANML SRVCS	226.00
	Vendor Total		**729.88**		
FYTD for REYES, JOSEPH J.			**729.88**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RINKS, TODD & CAROL					
	7/9/2009	196191	95.00		
				DEP RFND-RABIES/SPAY/NEUTER	20.00
				DEP RFND-RABIES/SPAY/NEUTER	75.00
	Vendor Total		**95.00**		
FYTD for RINKS, TODD & CAROL			**95.00**		
RISICA, NICOLE					
	7/16/2009	196345	75.00		
				SPAY/NEUTER DEPOSIT REFUND	75.00
	Vendor Total		**75.00**		
FYTD for RISICA, NICOLE			**75.00**		
RIV CO FLOOD CONTROL & WATER CONSERVATN					
	7/2/2009	196005	4,000.00		
				SR-60/NASON ST INTERCHNG PROJ.	4,000.00
	7/9/2009	196192	3,294.40		
				KITCHING ST IMPRV PRJ PLAN CK	159.89
				KITCHING ST IMPRV PRJ PLAN CK	3,134.51
	7/23/2009	196488	640.09		
				MAY'09 KITCHING ST PLAN CK FEE	640.09
	7/30/2009	196617	209.20		
				JUN'09 KITCHING ST PLAN CK FEE	209.20
	Vendor Total		**8,143.69**		
FYTD for RIV CO FLOOD CONTROL & WATER CONSERVATN			**8,143.69**		
RIVERSIDE AREA RAPE CRISIS CENTER					
	7/30/2009	196618	1,398.31		
				CDBG EXP. REIMB.	673.51
				CDBG EXP. REIMB.	724.80
	Vendor Total		**1,398.31**		
FYTD for RIVERSIDE AREA RAPE CRISIS CENTER			**1,398.31**		
RIVERSIDE COUNTY CLERK					
	7/30/2009	196619	2,057.00		
				FEES-CACTUS AVE IMPRVMNT PROJ	1,028.50
				FEES-CACTUS AVE IMPRVMNT PROJ	1,028.50
	Vendor Total		**2,057.00**		
FYTD for RIVERSIDE COUNTY CLERK			**2,057.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY CLERK/RECORDER					
	7/9/2009	196193	52.15		
				MAY'09 RECORDATION RQSTS	52.15
	7/23/2009	196489	13.00		
				LIEN RLS>CASE #FW09-0189	13.00
	7/23/2009	196490	52.15		
				JUN'09 RECORDATION REQUESTS	52.15
	7/30/2009	196620	13.00		
				PROCESS LIEN RELEASE/FW09-0408	13.00
	7/30/2009	196621	13.00		
				PROCESS LIEN RELEASE/FW09-0569	13.00
	7/30/2009	196622	13.00		
				PROCESS LIEN RELEASE/FW09-0668	13.00
	7/30/2009	196623	13.00		
				PROCESS LIEN RELEASE/FW09-0769	13.00
	Vendor Total		**169.30**		
FYTD for RIVERSIDE COUNTY CLERK/RECORDER			**169.30**		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH					
	7/2/2009	196006	50.00		
				MAY'09 RABIES EXAM	50.00
	7/30/2009	196624	50.00		
				6/18/09 RABIES TESTING	50.00
	Vendor Total		**100.00**		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH			**100.00**		
RIVERSIDE COUNTY ECONOMIC DEV'T. AGENCY					
	7/9/2009	196194	500.00		
				BUS. FACILITIES MAG ADVERTISIN	500.00
	Vendor Total		**500.00**		
FYTD for RIVERSIDE COUNTY ECONOMIC DEV'T. AGENCY			**500.00**		
RIVERSIDE COUNTY HABITAT CONSERVATION					
	7/9/2009	196195	103.75		
				K-RAT FEE>JUN'09	103.75
	Vendor Total		**103.75**		
FYTD for RIVERSIDE COUNTY HABITAT CONSERVATION			**103.75**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
7/2/2009	196007	379.98		
			JUN'09 RADIO LEASE/MAINT.	274.44
			JUN'09 VPN CONNECTION	105.54
7/9/2009	196196	1,785.84		
			MAY'09 RADIO SRVC FOR POLICE	1,785.84
7/16/2009	196346	1,785.84		
			JUN'09 RADIO MAINT>POLICE	1,785.84
	Vendor Total	**3,951.66**		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		**3,951.66**		
RIVERSIDE COUNTY SHERIFF				
7/16/2009	196347	3,882.78		
			MAY'09 BOOKING FEES	3,882.78
	Vendor Total	**3,882.78**		
FYTD for RIVERSIDE COUNTY SHERIFF		**5,852,406.50**		
RIVERSIDE COUNTY SHERIFF BEN CLARK				
7/2/2009	196008	438.00		
			SEP22-25/BICYCLE PATROL COURSE	219.00
			SEP22-25/BICYCLE PATROL COURSE	219.00
7/9/2009	196198	642.00		
			REGISTR-BICYCLE PATROL COURSE	219.00
			JAN25-FEB5, 2010-T.C. RECONSTR	423.00
	Vendor Total	**1,080.00**		
FYTD for RIVERSIDE COUNTY SHERIFF BEN CLARK		**1,080.00**		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
7/9/2009	196199	423.81		
			GARNISHMENT	423.81
7/23/2009	196491	216.55		
			GARNISHMENT	216.55
	Vendor Total	**640.36**		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		**640.36**		
RIVERSIDE COUNTY SHERIFF MV				
7/16/2009	196348	6,541.72		
			EXTRA DUTY>5/19- 5/31/09	5,478.12
			CK PT DISPATCH>6/5 & 6/13	1,063.60
	Vendor Total	**6,541.72**		
FYTD for RIVERSIDE COUNTY SHERIFF MV		**6,541.72**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY TREASURER - REFUNDS				
7/16/2009	196350	30.00		
			FALSE ALARM REFUND-DUP. PYMT	30.00
Vendor Total		**30.00**		
FYTD for RIVERSIDE COUNTY TREASURER - REFUNDS		**30.00**		
RIVERSIDE FIRE EQUIPMENT				
7/9/2009	196200	35.00		
			FIRE EXTING. MAINT-POLICE	35.00
Vendor Total		**35.00**		
FYTD for RIVERSIDE FIRE EQUIPMENT		**35.00**		
ROBERT'S FINE ARTS & FRAMING				
7/9/2009	196201	80.00		
			FRAMING OF PHOTOS	80.00
Vendor Total		**80.00**		
FYTD for ROBERT'S FINE ARTS & FRAMING		**80.00**		
RODGERS, CHARLENE				
7/30/2009	196626	57.00		
			REFUND-JUNIOR SPUDBALL REGIS	57.00
Vendor Total		**57.00**		
FYTD for RODGERS, CHARLENE		**57.00**		
RODRIGUEZ, AUTUMN EARLE				
7/16/2009	196352	100.00		
			7/4/09 JUDGING SRVC>MV IDOL	100.00
Vendor Total		**100.00**		
FYTD for RODRIGUEZ, AUTUMN EARLE		**100.00**		
ROGERS, EUGENE				
7/9/2009	196202	318.73		
			JUL'09 RET MED BNFT	318.73
Vendor Total		**318.73**		
FYTD for ROGERS, EUGENE		**318.73**		
ROGERS, KIANNA				
7/16/2009	196353	150.70		
			MILEAGE REIMBURSEMENT	107.25
			MILEAGE REIMBURSEMENT	43.45
Vendor Total		**150.70**		
FYTD for ROGERS, KIANNA		**150.70**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ROSS, DAVID T.					
	7/9/2009	196203	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for ROSS, DAVID T.			**318.73**		
ROSSON, LOUIS A.					
	7/9/2009	196204	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for ROSSON, LOUIS A.			**318.73**		
RUIZ, MIGUEL					
	7/16/2009	196354	1,705.22		
				REFUND PERMIT FEE-80%	1,334.14
				REFUND PERMIT FEE-80%	167.80
				REFUND PERMIT FEE-80%	94.40
				REFUND PERMIT FEE-80%	108.88
	Vendor Total		**1,705.22**		
FYTD for RUIZ, MIGUEL			**1,705.22**		
RUSSO, JOHN					
	7/9/2009	196205	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for RUSSO, JOHN			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RYMAX ELECTRIC, INC.					
	7/2/2009	196009	1,539.90		
				APR'09 NIGHT SURVEY>E-1	125.00
				APR'09 NIGHT SURVEY>E-1	125.00
				APR'09 NIGHT SURVEY>E-1	125.00
				APR'09 NIGHT SURVEY>E-1	125.00
				MAY'09 NIGHT SURVEY>E-1	125.00
				MAY'09 NIGHT SURVEY>E-2	125.00
				MAY'09 NIGHT SURVEY>E-3	125.00
				MAY'09 NIGHT SURVEY>E-7	125.00
				APR'09 NIGHT SURVEY>ZN M	125.00
				MAY'09 NIGHT SURVEY>ZN M	125.00
				APR'09 LIGHTING MAINT>E-1	289.90
	7/16/2009	196355	2,205.52		
				PALM FLOOD LIGHT REPAIRS IN E7	294.58
				PALM FLOOD LIGHT REPAIRS IN E1	1,285.94
				JUN'09 LIGHTING MAINT-ZONE E-1	125.00
				JUN'09 LIGHTING MAINT-ZONE E-2	125.00
				JUN'09 LIGHTING MAINT-ZONE E-3	125.00
				JUN'09 LIGHTING MAINT-ZONE E-7	125.00
				JUN'09 LIGHTING MAINT-ZONE M	125.00
	7/30/2009	196628	309.74		
				JUNE REPAIRS FOR ZONE E1	79.90
				JUNE REPAIRS FOR ZONE E7	229.84
	Vendor Total		**4,055.16**		
FYTD for RYMAX ELECTRIC, INC.			**4,055.16**		
SA ASSOCIATES					
	7/9/2009	196206	12,900.00		
				PROF STAFFING SVCS-VARIOUS PRJ	12,900.00
	Vendor Total		**12,900.00**		
FYTD for SA ASSOCIATES			**12,900.00**		
SABINE & MORRISON					
	7/2/2009	196010	375.00		
				PROF. LGL SRVCS	375.00
	Vendor Total		**375.00**		
FYTD for SABINE & MORRISON			**375.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SABRE LIGHTING AND SIGNS					
	7/2/2009	196011	2,083.29		
				SIGNS>UTILITIES	419.00
				SIGNS>UTILITIES	30.00
				SIGNS>UTILITIES	800.00
				SIGNS>UTILITIES	325.00
				SIGNS>UTILITIES	250.00
					150.00
					109.29
	Vendor Total		**2,083.29**		
FYTD for SABRE LIGHTING AND SIGNS			**2,083.29**		
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP					
	7/23/2009	196493	128.70		
				FIRE EXTINGUISHER SVC/PARTS	68.70
				FIRE EXTINGUISHER SVC.	60.00
	Vendor Total		**128.70**		
FYTD for SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP			**128.70**		
SAN BERNARDINO CO. SHERIFF DEPT					
	7/9/2009	196207	550.00		
				POLYGRAPH SRVCS	550.00
	Vendor Total		**550.00**		
FYTD for SAN BERNARDINO CO. SHERIFF DEPT			**550.00**		
SAN BERNARDINO COUNTY SUPERINTENDENT					
	7/30/2009	196629	420.00		
				AFTERSCHOOL UNIV. 6/25-6/27/09	420.00
	Vendor Total		**420.00**		
FYTD for SAN BERNARDINO COUNTY SUPERINTENDENT			**420.00**		
SAT/HUMAN RESOURCES					
	7/2/2009	196012	665.86		
				WRKMNS COMP LGL SRVCS>6/17/09	665.86
	Vendor Total		**665.86**		
FYTD for SAT/HUMAN RESOURCES			**665.86**		
SC SIGNS					
	7/2/2009	196013	2,100.00		
				PUBLIC HEARING SIGNS	945.00
				PUBLIC HEARING SIGNS	1,155.00
	Vendor Total		**2,100.00**		
FYTD for SC SIGNS			**2,100.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SCAG/SOUTHERN CALIF ASSO OF GOVTS					
	7/2/2009	196014	15,222.00		
				FY09/10 MBRSHP DUES	15,222.00
	Vendor Total		**15,222.00**		
FYTD for SCAG/SOUTHERN CALIF ASSO OF GOVTS			**15,222.00**		
SECURITY LOCK & KEY					
	7/2/2009	196015	141.81		
				COMBO CHANGE/TRIP CHARGE	52.50
				DUPLICATE KEYS>PD	11.31
				NUSNC ABTMNT>14218 TOBY CT	78.00
	Vendor Total		**141.81**		
FYTD for SECURITY LOCK & KEY			**141.81**		
SENA, ANDRE					
	7/23/2009	196495	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SENA, ANDRE			**20.00**		
SEVER, CARRIE					
	7/23/2009	196496	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SEVER, CARRIE			**20.00**		
SEYLAZ, THOMAS					
	7/9/2009	196208	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for SEYLAZ, THOMAS			**75.00**		
SHAH, JAGDISH					
	7/9/2009	196209	22,200.00		
				PROF STAFFING SVCS-VARIOUS PRJ	22,200.00
	Vendor Total		**22,200.00**		
FYTD for SHAH, JAGDISH			**22,200.00**		
SHARRETT, SHARON K.					
	7/9/2009	196210	179.16		
				JUL'09 RET MED BNFT	179.16
	Vendor Total		**179.16**		
FYTD for SHARRETT, SHARON K.			**179.16**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SHELDON, STUART H.					
	7/9/2009	196211	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for SHELDON, STUART H.			**318.73**		
SHELL OIL CO.					
	7/16/2009	196356	359.33		
				FUEL PURCHASE	20.00
				FUEL PURCHASES	339.33
	7/23/2009	196497	279.59		
				FUEL PURCHASE	14.54
				FUEL PURCHASE	23.62
				FUEL PURCHASES	241.43
	Vendor Total		**638.92**		
FYTD for SHELL OIL CO.			**638.92**		
SIMPSON, LOUIS					
	7/23/2009	196498	50.00		
				REFUND-TRAP RENTAL DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for SIMPSON, LOUIS			**50.00**		
SINGER & COFFIN, APC					
	7/16/2009	196357	1,850.25		
				LEGAL SVCS-SR60/NASON INTERCHG	1,572.95
				LEGAL SVCS-SR60/NASON INTERCHG	277.30
	7/30/2009	196630	6,725.00		
				LEGAL SVCS RE: SR60/NASON ST.	6,725.00
	Vendor Total		**8,575.25**		
FYTD for SINGER & COFFIN, APC			**8,575.25**		
SINGLETON-DECUIR, JANISHEIA					
	7/16/2009	196358	54.45		
				MILEAGE REIMBURSEMENT	54.45
	Vendor Total		**54.45**		
FYTD for SINGLETON-DECUIR, JANISHEIA			**54.45**		
SKILES, VICTORA					
	7/9/2009	196212	124.80		
				RFND PICNIC SHLTR DEP	124.80
	Vendor Total		**124.80**		
FYTD for SKILES, VICTORA			**124.80**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SKONBERG, HEATHER ALLISON					
	7/2/2009	196016	1,800.00		
				CNSLTNG SRVCS>6/17/09	1,800.00
	Vendor Total		**1,800.00**		
FYTD for SKONBERG, HEATHER ALLISON			**1,800.00**		
SKY TRAILS MOBILE VILLAGE					
	7/2/2009	196017	18.63		
				RFND UT USER TAXES-EXMPT RESID	18.63
	Vendor Total		**18.63**		
FYTD for SKY TRAILS MOBILE VILLAGE			**18.63**		
SKYTERRA, LP					
	7/9/2009	196213	37.38		
				EMERG. OP. PHONES	37.38
	Vendor Total		**37.38**		
FYTD for SKYTERRA, LP			**37.38**		
SLAGERMAN, SUSAN A.					
	7/9/2009	196214	318.73		
				JUN'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for SLAGERMAN, SUSAN A.			**318.73**		
SLONIKER, VANESSA					
	7/30/2009	196631	147.00		
				PER DIEM-THREAT MGMT CONF.	147.00
	Vendor Total		**147.00**		
FYTD for SLONIKER, VANESSA			**147.00**		
SMITH, RITA					
	7/2/2009	196018	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for SMITH, RITA			**50.00**		
SO. CALIF SCHOOL OF MUSIC					
	7/9/2009	196215	918.00		
				PIANO-16 PARTICIPANTS	432.00
				PIANO-8 PARTICIPANTS	216.00
				PIANO-10 PARTICIPANTS	270.00
	Vendor Total		**918.00**		
FYTD for SO. CALIF SCHOOL OF MUSIC			**918.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOLAR INTEGRATED TECHNOLOGIES, INC.					
	7/30/2009	196632	7,891.87		
				ROOF RPRS-FS #48	7,891.87
	Vendor Total		**7,891.87**		
FYTD for SOLAR INTEGRATED TECHNOLOGIES, INC.			**7,891.87**		
SOLARES, ARNULFO					
	7/2/2009	196019	1,528.00		
				RFND-ADMIN CITATION/ANML SRVCS	1,528.00
	Vendor Total		**1,528.00**		
FYTD for SOLARES, ARNULFO			**1,528.00**		
SOSA, JORGE					
	7/9/2009	196216	375.00		
				KOBUDO-3 PARTICIPANTS	63.00
				NINPO-1 PARTICIPANT	24.00
				KARATEDO-8 PARTICIPANTS	288.00
	Vendor Total		**375.00**		
FYTD for SOSA, JORGE			**375.00**		
SOUTH COAST AIR QUALITY MGMT DISTRICT					
	7/9/2009	196217	195.69		
				EMISSIONS FEES>LAST FY	109.00
				ANNUAL OPERATING FEES	86.69
	7/23/2009	196499	402.21		
				FLAT FEE FOR EMISS.-CITY HALL	109.00
				ANNUAL OPERATING FEE	293.21
	Vendor Total		**597.90**		
FYTD for SOUTH COAST AIR QUALITY MGMT DISTRICT			**597.90**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	7/2/2009	196020	3,436.36		
				ELECTRICITY CHARGES	40.96
				ELECTRICITY CHARGES	1,156.84
				ELECTRICITY CHARGES	438.69
				ELECTRICITY CHARGES	319.99
				ELECTRICITY CHARGES	744.04
				ELECTRICITY CHARGES	295.03
				ELECTRICITY CHARGES	251.25
				ELECTRICITY CHARGES	80.02
				ELECTRICITY CHARGES	70.94
				ELECTRICITY CHARGES	38.60
	7/2/2009	196021	3,811.46		
				IFA CHARGES>6/1/09	274.78
				IFA CHARGES-SUBSTATION	3,536.68
	7/9/2009	196218	4,043.40		
				ELECTRICITY CHARGES	60.64
				ELECTRICITY CHARGES	99.49
				ELECTRICITY CHARGES	18.56
				ELECTRICITY CHARGES	1,231.96
				ELECTRICITY CHARGES	166.15
				ELECTRICITY CHARGES	867.28
				ELECTRICITY CHARGES	371.40
				ELECTRICITY CHARGES	20.01
				ELECTRICITY CHARGES	886.03
				ELECTRICITY CHARGES	127.78
				ELECTRICITY CHARGES	138.25
				ELECTRICITY CHARGES	55.85
	7/16/2009	196359	15,640.18		
				IFA CHRGS-SUBSTATION	14,146.73
				IFA CHRGS	1,099.13
				ELECTRICITY CHARGES	394.32
	7/30/2009	196635	4,635.14		
				ELECTRICITY CHARGES	39.04
				ELECTRICITY CHARGES	1,483.56
				ELECTRICITY CHARGES	473.62
				ELECTRICITY CHARGES	196.33
				ELECTRICITY CHARGES	445.93
				ELECTRICITY CHARGES	1,324.05
				ELECTRICITY CHARGES	268.98
				ELECTRICITY CHARGES	246.72
				ELECTRICITY CHARGES	83.10
				ELECTRICITY CHARGES	73.81
	Vendor Total		**31,566.54**		

FYTD for SOUTHERN CALIFORNIA EDISON	**2,257,119.57**

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA GAS CO.					
	7/16/2009	196361	3,509.52		
				GAS CHARGES	795.62
				GAS CHARGES	1,543.54
				GAS CHARGES	9.53
				GAS CHARGES	23.05
				GAS CHARGES	409.95
				GAS CHARGES	64.26
				GAS CHARGES	14.03
				GAS CHARGES	184.39
				GAS CHARGES	67.11
				GAS CHARGES	100.90
				GAS CHARGES	48.15
				GAS CHARGES	92.97
				GAS CHARGES	51.05
				GAS CHARGES	86.92
				GAS CHARGES	18.05
	Vendor Total		**3,509.52**		
FYTD for SOUTHERN CALIFORNIA GAS CO.			**3,509.52**		
SOUTHWEST HEALTHCARE SYSTEM					
	7/30/2009	196636	900.00		
				FORENSIC RAPE EXAM-5/3/09	900.00
	Vendor Total		**900.00**		
FYTD for SOUTHWEST HEALTHCARE SYSTEM			**900.00**		
SPARKLETTS					
	7/2/2009	196022	11.90		
				WTR SRVC>5/21/09 SNNYMD ELEM	0.88
				WTR SRVC>5/21/09 SNNYMD ELEM	11.02
	Vendor Total		**11.90**		
FYTD for SPARKLETTS			**11.90**		
SPECK, GARY B.					
	7/9/2009	196219	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for SPECK, GARY B.			**318.73**		
SPENCER, MARTHA					
	7/9/2009	196220	240.44		
				JUL'09 RET MED BNFT	240.44
	Vendor Total		**240.44**		
FYTD for SPENCER, MARTHA			**240.44**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SPORTS INNOVATORS					
	7/2/2009	196023	2,270.00		
				SPORTS OFFICIALS SVCS 6/1>6/28	1,077.50
				SPORTS OFFICIALS SVCS 6/1>6/28	832.50
				FIELD PREP. SVCS 6/1>6/28/09	360.00
	7/30/2009	196637	75.00		
				6/29 SOFTBALL OFFICIALS SVCS	75.00
	Vendor Total		**2,345.00**		
FYTD for SPORTS INNOVATORS			**2,345.00**		
SPRINT/NEXTEL					
	7/16/2009	196362	82.76		
				GTF PH CHRGS>6/16/09	82.76
	Vendor Total		**82.76**		
FYTD for SPRINT/NEXTEL			**82.76**		
STANDARD INSURANCE CO					
	7/9/2009	196221	1,589.45		
				SUPPLEMENTAL INSURANCE	1,589.45
	Vendor Total		**1,589.45**		
FYTD for STANDARD INSURANCE CO			**31,768.98**		
STANLEY CONVERGENT SECURITY SOLUTNS, INC					
	7/23/2009	196502	161.12		
				SECURITY SYSTEMS AT PARKS	161.12
	7/30/2009	196638	1,348.00		
				RPLCD PWR SUPPLY-CRC	1,348.00
	Vendor Total		**1,509.12**		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC			**1,509.12**		
STATE BOARD OF EQUALIZATION					
	7/29/2009	200906	11,014.00		
				SALES & USE TAX	11,014.00
	Vendor Total		**11,014.00**		
FYTD for STATE BOARD OF EQUALIZATION			**11,014.00**		
STATE CONTROLLER'S OFFICE					
	7/9/2009	196222	2,500.00		
				ANNUAL STREET RPRT FY07/08	2,500.00
	Vendor Total		**2,500.00**		
FYTD for STATE CONTROLLER'S OFFICE			**2,500.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STATE DISBURSEMENT UNIT					
	7/23/2009	2447	2,294.98		
				CHILD SUPPORT W/H 07/23/09	2,294.98
	7/9/2009	2438	2,174.96		
				CHILD SUPPORT W/H 07/09/09	2,174.96
	Vendor Total		**4,469.94**		
FYTD for STATE DISBURSEMENT UNIT			**4,469.94**		
STATE OF CALIF/DEPT OF INDUSTRIAL					
	7/30/2009	196639	105.00		
				INSPECT ELEVATOR AT CITY HALL	105.00
	Vendor Total		**105.00**		
FYTD for STATE OF CALIF/DEPT OF INDUSTRIAL			**105.00**		
STATE OF CALIFORNIA DEPT. OF CONSUMER AF					
	7/9/2009	196223	125.00		
				MBR: LORENZ R GONZALES	125.00
	Vendor Total		**125.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF CONSUMER AF			**125.00**		
STATE OF CALIFORNIA DEPT. OF JUSTICE					
	7/9/2009	196224	576.00		
				MAY'09 FINGERPRINTING>B/L	224.00
				MAY'09 FINGERPRINTING>HR	192.00
				MAY'09 FINGERPRINTING>EMRG OP	160.00
	7/30/2009	196640	7,480.00		
				FINGERPRINTING SVCS-MAY'09	3,109.00
				FINGERPRINTNG SVCS-MAR'09/ADDL	192.00
				FINGERPRINTNG SVCS-JUNE'09	2,884.00
				MAY'09 BLD ALCHL ANLYS	1,295.00
	Vendor Total		**8,056.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE			**8,056.00**		
STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV					
	7/9/2009	196225	332.83		
				MVU RFND>17395 KENTUCKY DERBY	44.06
				MVU RFND>27715 E TRAILRIDGE WY	288.77
	Vendor Total		**332.83**		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV			**332.83**		
STEER N STEIN OF MORENO VALLEY					
	7/23/2009	196503	120.00		
				RFND>FALSE ALARM OVRPMT	120.00
	Vendor Total		**120.00**		
FYTD for STEER N STEIN OF MORENO VALLEY			**120.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEIN, BRAD					
	7/16/2009	196364	132.55		
				MILEAGE REIMBURSEMENT	87.45
				MILEAGE REIMBURSEMENT	45.10
	Vendor Total		**132.55**		
FYTD for STEIN, BRAD			**132.55**		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN					
	7/16/2009	196365	3,638.72		
				JUN'09 DICTATION/TRANSCR. SVC	3,638.72
	Vendor Total		**3,638.72**		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN			**3,638.72**		
STERICYCLE (BFI)					
	7/30/2009	196641	442.43		
				MEDICAL WASTE HAULING-JULY'09	442.43
	Vendor Total		**442.43**		
FYTD for STERICYCLE (BFI)			**442.43**		
STEVENS, JASON					
	7/30/2009	196643	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for STEVENS, JASON			**20.00**		
STEVE'S LANDSCAPING & WEED ABATEMENT					
	7/16/2009	196366	2,887.00		
				NSNCE ABTMNT: 12082 CHAMPLAIN	239.00
				NSNCE ABTMNT: 13725 SYLMAR ST.	104.00
				NSNC ABTMT: 16070 RNCHODELLAGO	258.00
				NSNCE ABTMNT: 13536 ROCK CREST	1,040.00
				NSNCE ABTMT: 14230 VINCENTE DR	236.00
				NSNCE ABTMT: 14458 RIO BRAVO	181.00
				NSNCE ABTMT: 25660 LILY CT.	236.00
				NSNCE ABTMT:11565 STEEPLECHASE	593.00
	7/23/2009	196504	859.00		
				NSNCE ABTMNT-11247 LASSELLE ST	238.00
				NSNCE ABTMNT-13920 WALNUT CT.	237.00
				NSNCE ABTMNT-15595 GRANADA DR.	384.00
	7/30/2009	196642	1,372.00		
				NSNC ABTMNT-25328 JUANITA	450.00
				NSNC ABTMNT-16716 WAR CLOUD	237.00
				NSNC ABTMNT-15761 PATRICIA ST	298.00
				NSNC ABTMNT-15783 PATRICIA ST	387.00
	Vendor Total		**5,118.00**		
FYTD for STEVE'S LANDSCAPING & WEED ABATEMENT			**5,118.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEWART TITLE OF CALIFORNIA					
	7/16/2009	196367	450.00		
				TITLE RPT/APN 296-060-005	450.00
	Vendor Total		**450.00**		
FYTD for STEWART TITLE OF CALIFORNIA			**450.00**		
STEWART, CLIFFORD					
	7/9/2009	196226	248.11		
				JUL'09 RET MED BNFT	248.11
	Vendor Total		**248.11**		
FYTD for STEWART, CLIFFORD			**248.11**		
STOP THE VIOLENCE FOUNDATION					
	7/2/2009	196024	244.85		
				DEP RFND-6/17 @C&RC	244.85
	Vendor Total		**244.85**		
FYTD for STOP THE VIOLENCE FOUNDATION			**244.85**		
STRADLING, YOCCA, CARLSON & RAUTH					
	7/16/2009	196368	9,263.09		
				MAY'09 LGL SVC>FAMILY SVC ASSC	201.00
				MAY'09 LGL SVCS>OAKWOOD HSG	325.00
				MAY'09 LGL SVCS>PERRIS ISLE	1,300.00
				MAY'09 LGL SVCS>RANCHO DORADO	6,481.04
				PROF SRVCS>SPCL TAX	57.00
				MAY'09 LGL SRVC>RNCH DORADO	899.05
	Vendor Total		**9,263.09**		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH			**9,263.09**		
STRICKLER II, JOHN W.					
	7/9/2009	196227	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for STRICKLER II, JOHN W.			**318.73**		
STUCKEY, HARRIETTE					
	7/2/2009	196025	184.80		
				LINE DNCNG-2 PARTICIPANTS	33.60
				LINE DNCNG-8 PARTICIPANTS	151.20
	Vendor Total		**184.80**		
FYTD for STUCKEY, HARRIETTE			**184.80**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SUKUT CONSTRUCTION, INC.					
	7/9/2009	90708	7,599.08		
				RETENTION PYMT- PROJ06-41570324	7,599.08
	Vendor Total		**7,599.08**		
FYTD for SUKUT CONSTRUCTION, INC.			**419,040.77**		
SUNNYMEAD ACE HARDWARE					
	7/9/2009	196228	152.69		
				MISC. HARDWARE-FIRE	27.99
				MISC. HARDWARE-FIRE	17.74
				MISC. HARDWARE-FIRE	7.78
				MISC. HARDWARE-POLICE	15.21
				MISC. HARDWARE-POLICE	48.67
				MISC. HARDWARE-POLICE	9.23
				MISC. HARDWARE-POLICE	26.07
	7/16/2009	196369	44.91		
				MISC. HARDWARE SUPPLIES-PD	13.00
				MISC. HARDWARE SUPPLIES-PD	15.95
				MISC. HARDWARE SUPPLIES-PD	15.96
	Vendor Total		**197.60**		
FYTD for SUNNYMEAD ACE HARDWARE			**197.60**		
SYMPRO, INC.					
	7/23/2009	196505	5,985.00		
				FIRM LICENSE	5,985.00
	Vendor Total		**5,985.00**		
FYTD for SYMPRO, INC.			**5,985.00**		
TAHER, ROBERT					
	7/9/2009	196229	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for TAHER, ROBERT			**75.00**		
TEK TIME SYSTEMS, LLC					
	7/23/2009	196506	225.78		
				TIME CLOCK REPAIR	225.78
	Vendor Total		**225.78**		
FYTD for TEK TIME SYSTEMS, LLC			**225.78**		
THE CORNERSTONE GROUP					
	7/23/2009	196507	10.47		
				RFND-BUS. LIC. OVRPMT	10.47
	Vendor Total		**10.47**		
FYTD for THE CORNERSTONE GROUP			**10.47**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
THE ROTARY CLUB OF MORENO VALLEY				
7/9/2009	196230	482.00		
			DEP RFND-6/19 @CRC	482.00
Vendor Total		**482.00**		
FYTD for THE ROTARY CLUB OF MORENO VALLEY		**482.00**		
THERMAL-COOL INC.				
7/9/2009	196231	358.80		
			PUPPY COOLER REPAIR/RECHARGE	358.80
7/23/2009	196508	2,052.61		
			HVAC REPAIRS-CITY HALL	1,687.44
			A/C UNIT#2 REPAIRS-CITY HALL	127.50
			EMERG REPAIR>SR CTR	105.00
			RECALIB. THERM.	132.67
Vendor Total		**2,411.41**		
FYTD for THERMAL-COOL INC.		**2,411.41**		
TORRES, AMY				
7/9/2009	196232	750.00		
			DEP RFND>6/27 @CRC	750.00
Vendor Total		**750.00**		
FYTD for TORRES, AMY		**750.00**		
TRI-CITY LINEN SUPPLY, INC.				
7/2/2009	196028	25.00		
			LINEN RENTAL FOR CONF/RECR CTR	25.00
7/9/2009	196233	25.00		
			LINEN RENTAL FOR CONF/RECR CTR	25.00
7/30/2009	196645	71.85		
			LINEN RENTAL-7/18/09	71.85
Vendor Total		**121.85**		
FYTD for TRI-CITY LINEN SUPPLY, INC.		**121.85**		
TROPICAL PLAZA NURSERY, INC.				
7/9/2009	196234	15,782.99		
			JUN'09 LANDSC. MAINT./E-2	13,422.58
			JUN'09 LANDSC. MAINT./E-16	2,195.49
			JUN'09 IRRIGATION REPAIRS/E-2	164.92
Vendor Total		**15,782.99**		
FYTD for TROPICAL PLAZA NURSERY, INC.		**15,782.99**		
TUNTLAND, JAMES				
7/9/2009	196235	248.11		
			JUL'09 RET MED BNFT	248.11
Vendor Total		**248.11**		
FYTD for TUNTLAND, JAMES		**248.11**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TWIN GRAPHICS					
	7/9/2009	196236	2,472.98		
				VEH. GRAPHICS FOR PATROL UNITS	371.41
				VEH. GRAPHICS FOR PATROL UNITS	865.08
				VEH. GRAPHICS FOR PATROL UNITS	1,236.49
	7/16/2009	196371	824.33		
				VEH. GRAPHICS FOR PATROL UNITS	824.33
	Vendor Total		**3,297.31**		
FYTD for TWIN GRAPHICS			**3,297.31**		
U.S. HEALTHWORKS MEDICAL GROUP					
	7/9/2009	196237	183.00		
				DOT/DMV EXAM FOR D. SRENA	37.00
				BASIC PHYSICAL EXAM - H. BOWIE	33.00
				PRE-EMPLYMNT & DOT/DMV EXAMS	113.00
	7/30/2009	196647	96.00		
				PRE-PLACEMENT D/S & PHYSICALS	59.00
				DOT/DMV EXAM CASE#130-042189	37.00
	Vendor Total		**279.00**		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP			**279.00**		
U.S. POSTAL SERVICE					
	7/30/2009	196648	8,000.00		
				RECREATION GUIDE MAILING	4,000.00
				RECREATION GUIDE MAILING	4,000.00
	Vendor Total		**8,000.00**		
FYTD for U.S. POSTAL SERVICE			**8,000.00**		
UBALDO SERRANO					
	7/23/2009	196509	115.86		
				RFND-BUS. LIC. OVRPMT	115.86
	Vendor Total		**115.86**		
FYTD for UBALDO SERRANO			**115.86**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNDERGROUND SERVICE ALERT				
7/9/2009	196238	744.00		
			MAY'09 DIGALERT TICKETS	186.00
			MAY'09 DIGALERT TICKETS	186.00
			MAY'09 DIGALERT TICKETS	186.00
			MAY'09 DIGALERT TICKETS	186.00
7/16/2009	196372	678.00		
			JUNE'09 DIGALERT TICKETS	105.49
			JUNE'09 DIGALERT TICKETS	64.01
			JUNE'09 DIGALERT TICKETS	105.51
			JUNE'09 DIGALERT TICKETS	63.99
			JUNE'09 DIGALERT TICKETS	105.51
			JUNE'09 DIGALERT TICKETS	63.99
			JUNE'09 DIGALERT TICKETS	105.49
			JUNE'09 DIGALERT TICKETS	64.01
Vendor Total		**1,422.00**		
FYTD for UNDERGROUND SERVICE ALERT		**1,422.00**		
UNION BANK OF CALIFORNIA				
7/2/2009	196029	424.00		
			MAY'09 INVSTMNT SAFEKEEP SVCS	424.00
7/23/2009	196510	632.00		
			JUN'09 INVSTMNT SAFEKEEP SVCS	632.00
Vendor Total		**1,056.00**		
FYTD for UNION BANK OF CALIFORNIA		**52,218.16**		
UNITED POWER GENERATION, INC.				
7/16/2009	196373	775.05		
			EMERG GENERATOR REPAIR-FS #48	775.05
Vendor Total		**775.05**		
FYTD for UNITED POWER GENERATION, INC.		**775.05**		
UNITED SITE SERVICES OF CA, INC.				
7/9/2009	196239	204.94		
			FENCE RENTAL @ SHELTER >6/17	107.39
			PORTABLE TOILET SVC-CITY YARD	97.55
7/16/2009	196374	77.33		
			PORTABLE TOILET-GOLF COURSE	27.50
			PORTABLE TOILET-GOLF COURSE	49.83
7/30/2009	196649	107.39		
			FENCE RENTAL-ANIMAL SHELTER	107.39
Vendor Total		**389.66**		
FYTD for UNITED SITE SERVICES OF CA, INC.		**389.66**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED WAY OF INLAND VALLEYS					
	7/9/2009	196240	978.61		
				U W CONTRIBUTIONS	978.61
	7/23/2009	196511	913.61		
				U W CONTRIBUTIONS	913.61
	Vendor Total		**1,892.22**		
FYTD for UNITED WAY OF INLAND VALLEYS			**1,892.22**		
URBAN CROSSROADS, INC.					
	7/30/2009	196650	1,785.00		
				TRAFFIC MODEL UPDATE ENG. SVCS	1,785.00
	Vendor Total		**1,785.00**		
FYTD for URBAN CROSSROADS, INC.			**1,785.00**		
URIGUIZU, CESAR					
	7/23/2009	196512	800.00		
				CITATION REFUND	400.00
				CITATION REFUND	400.00
	Vendor Total		**800.00**		
FYTD for URIGUIZU, CESAR			**800.00**		
UTAH PACIFIC CONSTRUCTION					
	7/2/2009	196030	1,500.00		
				RELEASE OF DEPOSIT	1,500.00
	Vendor Total		**1,500.00**		
FYTD for UTAH PACIFIC CONSTRUCTION			**1,500.00**		
VA CONSULTING, INC.					
	7/23/2009	196513	7,864.18		
				AUTO MALL IMPRV PROJ SVCS.	7,864.18
	Vendor Total		**7,864.18**		
FYTD for VA CONSULTING, INC.			**43,445.13**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VACATE PEST ELIMINATION COMPANY				
7/9/2009	196241	420.00		
			PEST CONTROL SVCS-CITY YARD	115.00
			PEST CONTROL SVCS-CONF/REC CTR	305.00
7/16/2009	196375	1,130.00		
			JUN'09 PEST CTRL-28020 BAY AVE	45.00
			JUN'09 PEST CTRL-CITY HALL	75.00
			JUN'09 PEST CTRL-FS #2	45.00
			JUN'09 PEST CTRL-FS #6	45.00
			JUN'09 PEST CTRL-FS #48	45.00
			JUN'09 PEST CTRL-FS #65	45.00
			JUN'09 PEST CTRL-FS #91	45.00
			JUN'09 PEST CTRL-FS #58	45.00
			JUN'09 PEST CTRL-PRO SHOP	22.50
			JUN'09 PEST CTRL-MVTV ANNEX	22.50
			JUN'09 PEST CTRL-TOWN GATE C/C	45.00
			JUN'09 PEST CTRL-LIBRARY	55.00
			JUN'09 PEST CTRL-SENIOR CTR	55.00
			JUN'09 PEST CTRL-ANIMAL SHELTR	115.00
			JUN'09 PEST CTRL-ANNEX BLDG #1	55.00
			JUN'09 PEST CTRL-MARCH HOBBY	45.00
			JUN'09 PEST CTRL-MARCH FLD PRK	45.00
			JUN'09 PEST CTRL-CITY YARD	30.00
			JUN'09 PEST CTRL-CITY YARD	85.00
			JUN'09 PEST CTRL-TRANS TRAILER	45.00
			JUN'09 PEST CTRL-ASES @ MARCH	45.00
			JUN'09 PEST CTRL-P.S.B.	75.00
Vendor Total		**1,550.00**		
FYTD for VACATE PEST ELIMINATION COMPANY		**1,550.00**		
VAL VERDE UNIFIED SCHOOL DISTRICT				
7/2/2009	196031	290.00		
			RFND PBLC FUNDS-MARCH MDL SCH	290.00
7/16/2009	196376	390.07		
			RAINBOW RIDGE POWER LINE	390.07
7/23/2009	196525	1,300.00		
			4TH OF JULY XL T-SHIRTS	1,300.00
			4TH OF JULY XL T-SHIRTS	113.75
			4TH OF JULY XL T-SHIRTS	-113.75
Vendor Total		**1,980.07**		
FYTD for VAL VERDE UNIFIED SCHOOL DISTRICT		**1,980.07**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VALI COOPER & ASSOCIATES, INC.				
7/16/2009	196377	19,763.75		
			PROF STAFFING SVCS-VARIOUS PRJ	19,763.75
7/30/2009	196652	20,397.50		
			PROF STAFFING SVCS-VARIOUS PRJ	20,397.50
	Vendor Total	**40,161.25**		
FYTD for VALI COOPER & ASSOCIATES, INC.		**40,161.25**		
VALLEJO, OFELIA				
7/16/2009	196378	253.30		
			REFUND-CHILDS PLACE PGRM	253.30
	Vendor Total	**253.30**		
FYTD for VALLEJO, OFELIA		**253.30**		
VANDER HAWK CONSULTING, LLC				
7/30/2009	196653	5,625.00		
			ANNL PAVEMENT MGMT PRGM SVCS.	1,600.00
			ANNL PAVEMENT MGMT UPDATE SVCS	4,025.00
	Vendor Total	**5,625.00**		
FYTD for VANDER HAWK CONSULTING, LLC		**5,625.00**		
VAS ASSOCIATES, INC.				
7/9/2009	196242	21,875.00		
			PROF STAFFING SVCS-VARIOUS PRJ	21,875.00
	Vendor Total	**21,875.00**		
FYTD for VAS ASSOCIATES, INC.		**21,875.00**		
VAUGHAN, CODY M.				
7/2/2009	196032	1,404.00		
			RFND-ADMIN CITATION/ANML SRVCS	1,404.00
	Vendor Total	**1,404.00**		
FYTD for VAUGHAN, CODY M.		**1,404.00**		
VEHICLE REGISTRATION COLLECTIONS				
7/9/2009	196243	157.00		
			W/H ORDER>T. PLUMMER	157.00
	Vendor Total	**157.00**		
FYTD for VEHICLE REGISTRATION COLLECTIONS		**157.00**		
VERIZON				
7/23/2009	196515	1,620.59		
			BACKBONE CHRGS	1,620.59
	Vendor Total	**1,620.59**		
FYTD for VERIZON		**1,620.59**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VERIZON CALIFORNIA					
	7/2/2009	196033	70.03		
				PH CHRGS-SR CTR	70.03
	7/16/2009	196380	8,652.58		
				TELEPHONE CHARGES	159.51
				TELEPHONE CHARGES	201.85
				TELEPHONE CHARGES	160.94
				TELEPHONE CHARGES	522.21
				TELEPHONE CHARGES	219.27
				TELEPHONE CHARGES	211.65
				TELEPHONE CHARGES	217.12
				TELEPHONE CHARGES	185.29
				TELEPHONE CHARGES	68.41
				TELEPHONE CHARGES	218.31
				TELEPHONE CHARGES	143.88
				TELEPHONE CHARGES	335.83
				TELEPHONE CHARGES	114.58
				TELEPHONE CHARGES	431.92
				TELEPHONE CHARGES	326.45
				TELEPHONE CHARGES	123.84
				TELEPHONE CHARGES	70.06
				TELEPHONE CHARGES	287.51
				TELEPHONE CHARGES	21.30
				TELEPHONE CHARGES	136.89
				TELEPHONE CHARGES	279.40
				TELEPHONE CHARGES	11.23
				TELEPHONE CHARGES	11.23
				TELEPHONE CHARGES	45.34
				TELEPHONE CHARGES	27.64
				TELEPHONE CHARGES	52.31
				TELEPHONE CHARGES	22.67
				TELEPHONE CHARGES	22.67
				TELEPHONE CHARGES	22.67
				TELEPHONE CHARGES	150.41
				TELEPHONE CHARGES	79.13
				TELEPHONE CHARGES	41.02
				TELEPHONE CHARGES	64.22
				TELEPHONE CHARGES	145.45
				TELEPHONE CHARGES	56.46
				TELEPHONE CHARGES	22.07
				TELEPHONE CHARGES	78.62
				TELEPHONE CHARGES	3,358.10
				TELEPHONE CHARGES	5.12
	7/23/2009	196516	292.90		
				PH CHRGS>CITY YARD	75.42
				PH CHRGS>CRC	70.03
				PH CHRGS>CITY HALL	75.42
				PH CHRGS>GOLF CRS	72.03
	7/30/2009	196654	410.73		
				PHONE EXP-PD MALL/CLOSING BILL	270.37
				PH CHRGS-SR CNTR	70.18
				PH CHRGS-ANML SHLTR	70.18

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
	Vendor Total	9,426.24		
FYTD for VERIZON CALIFORNIA		9,426.24		
VICTOR MEDICAL CO				
7/30/2009	196655	2,525.56		
			ANIMAL MEDICAL SUPPLIES	1,432.62
			ANIMAL MEDICAL SUPPLIES	1,092.94
	Vendor Total	2,525.56		
FYTD for VICTOR MEDICAL CO		2,525.56		
VIGIL, ERNEST				
7/9/2009	196244	318.73		
			JUL'09 RET MED BNFT	318.73
	Vendor Total	318.73		
FYTD for VIGIL, ERNEST		318.73		
VILLAGE NURSERIES WHOLESALE, LLC				
7/9/2009	196245	384.16		
			PLANTS/TREES FOR PARKS DIV.	384.16
	Vendor Total	384.16		
FYTD for VILLAGE NURSERIES WHOLESALE, LLC		384.16		
VILLANUEVA, MICHAEL				
7/16/2009	196381	75.00		
			SPAY/NEUTER DEPOSIT REFUND	75.00
	Vendor Total	75.00		
FYTD for VILLANUEVA, MICHAEL		75.00		
VIP HOME CARE, LLC				
7/16/2009	196382	30.00		
			REFUND FALSE ALARM PYMT.	30.00
	Vendor Total	30.00		
FYTD for VIP HOME CARE, LLC		30.00		
VISION SERVICE PLAN				
7/9/2009	196246	4,424.37		
			EMPLOYEE VISION INSURANCE	4,424.37
	Vendor Total	4,424.37		
FYTD for VISION SERVICE PLAN		4,424.37		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VISTA PAINT CORPORATION					
	7/9/2009	196247	823.78		
				GRAFFITI RMVL PAINT & SUPPLIES	324.58
				GRAFFITI RMVL PAINT & SUPPLIES	499.20
	Vendor Total		**823.78**		
FYTD for VISTA PAINT CORPORATION			**823.78**		
VOYAGER FLEET SYSTEM, INC.					
	7/16/2009	196383	1,347.73		
				CNG FUEL	1,347.73
	Vendor Total		**1,347.73**		
FYTD for VOYAGER FLEET SYSTEM, INC.			**1,347.73**		
VULCAN MATERIALS CO, INC.					
	7/30/2009	196656	9,644.91		
				ASPHALTIC CONCRETE & EMULSION	196.19
				ASPHALTIC CONCRETE & EMULSION	195.54
				ASPHALTIC CONCRETE & EMULSION	9,253.18
	Vendor Total		**9,644.91**		
FYTD for VULCAN MATERIALS CO, INC.			**36,098.98**		
WAGGONER JR., GLENN C.					
	7/9/2009	196248	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WAGGONER JR., GLENN C.			**318.73**		
WAGNER, GARY D.					
	7/9/2009	196249	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WAGNER, GARY D.			**318.73**		
WAGONER, ROBERT					
	7/9/2009	196250	332.00		
				JUL'09 RET MED BNFT	166.00
				JUN'09 RET MED BNFT	166.00
	Vendor Total		**332.00**		
FYTD for WAGONER, ROBERT			**332.00**		
WAGY, CARYLON					
	7/16/2009	196385	318.73		
				JUN'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WAGY, CARYLON			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WASTE MANAGEMENT OF THE INLAND EMPIRE				
7/9/2009	196251	70.04		
			ROLL-OFF BIN RENTAL-JUN'09	70.04
7/23/2009	196517	485.92		
			TRASH SRVC>13942 DAY	361.83
			TRASH SRVC>22105 SHERMAN	124.09
7/30/2009	196657	50.65		
			STORAGE BOX RENTAL/REMOVAL	50.65
	Vendor Total	**606.61**		
FYTD for WASTE MANAGEMENT OF THE INLAND EMPIRE		**606.61**		
WEISS, TERESA ROSE				
7/7/2009	196042	500.00		
			IDOL CONTEST WINNER/10-13 CAT.	500.00
	Vendor Total	**500.00**		
FYTD for WEISS, TERESA ROSE		**500.00**		
WELLS FARGO BANK				
7/30/2009	196658	2,000.00		
			'05 LRB ANNUAL TRUSTEE FEE	2,000.00
	Vendor Total	**2,000.00**		
FYTD for WELLS FARGO BANK		**2,000.00**		
WELLS FARGO CORPORATE TRUST				
7/1/2009	90701	1,377.23		
			INT VAR RATE BOND 07/01/09	1,377.23
	Vendor Total	**1,377.23**		
FYTD for WELLS FARGO CORPORATE TRUST		**1,150,185.68**		
WEST GROUP				
7/16/2009	196386	819.30		
			LEGAL PUBLICATIONS	635.18
			JUNE'09 ON-LINE SERVICE	184.12
	Vendor Total	**819.30**		
FYTD for WEST GROUP		**819.30**		
WESTERN EMULSIONS, INC.				
7/16/2009	196387	6,058.95		
			SS-1H OIL FOR RECYCLING PROJ.	5,931.45
			SS-1H OIL FOR RECYCLING PROJ.	127.50
7/30/2009	196659	9,636.04		
			SS1H OIL FOR RECYCLING PROJS.	9,636.04
	Vendor Total	**15,694.99**		
FYTD for WESTERN EMULSIONS, INC.		**15,694.99**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WESTERN MUNICIPAL WATER DISTRICT					
	7/30/2009	196660	1,659.81		
				WATER UTILITY	1,613.22
				WATER UTILITY	46.59
	Vendor Total		**1,659.81**		
FYTD for WESTERN MUNICIPAL WATER DISTRICT			**1,659.81**		
WESTERN PACIFIC HOUSING					
	7/2/2009	196034	3,675.00		
				RFND-BUS. LIC. OVRPMT	3,675.00
	Vendor Total		**3,675.00**		
FYTD for WESTERN PACIFIC HOUSING			**3,675.00**		
WHEELER, GERALD					
	7/9/2009	196252	100.80		
				YTH GOLF CLINIC-4 PARTICIPANTS	100.80
	Vendor Total		**100.80**		
FYTD for WHEELER, GERALD			**100.80**		
WHITE, STEPHEN					
	7/2/2009	196035	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for WHITE, STEPHEN			**20.00**		
WIELIN, RONALD A.					
	7/9/2009	196253	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WIELIN, RONALD A.			**318.73**		
WILLDAN AND ASSOCIATES					
	7/2/2009	196036	3,720.85		
				BLDG & SAFETY PLAN CHECK SVCS	3,720.85
	7/30/2009	196661	9,805.01		
				BLDG OFFICIAL SVCS-G. KYLE	2,376.00
				PLAN CHECK SVCS-B&S DEPT	7,429.01
	Vendor Total		**13,525.86**		
FYTD for WILLDAN AND ASSOCIATES			**13,525.86**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WILLDAN FINANCIAL SERVICES					
	7/2/2009	196037	1,250.00		
				FINAL ARBITRAGE CALCULATION	1,250.00
	7/23/2009	196518	845.00		
				PROF SRVCS>CFD #7	845.00
	7/30/2009	196662	1,000.00		
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
	Vendor Total		**3,095.00**		
FYTD for WILLDAN FINANCIAL SERVICES			**3,095.00**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	7/23/2009	196519	3,450.00		
				ELECT CNSLT 08/09 COST	3,450.00
	Vendor Total		**3,450.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**230,675.00**		
WRCRCA					
	7/9/2009	196254	1,722.00		
				RESIDENTIAL MSHCP FEES	1,722.00
	Vendor Total		**1,722.00**		
FYTD for WRCRCA			**1,722.00**		
WURM'S JANITORIAL SERVICES, INC.					
	7/23/2009	196520	240.00		
				6/20 & 6/27 CLEANING>TWNGTE	240.00
	7/30/2009	196664	3,026.85		
				JUN'09 SPCL CLNG-CRC	1,775.00
				JUN'09 SPCL CLNG-CRC	535.00
				JUN'09 JANITRL SVCS-MARCH FLD	716.85
	Vendor Total		**3,266.85**		
FYTD for WURM'S JANITORIAL SERVICES, INC.			**3,266.85**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX					
	7/9/2009	196255	1,128.14		
				MAY'09 COPIER LSE/EXC COPIES	377.53
				MAY'09 COPIER LSE/EXC COPIES	750.61
	7/16/2009	196391	757.13		
				JUN'09 COPIER LEASE-BASE CHG	397.79
				JUN'09 COPIER LEASE-BASE CHG	359.34
	7/30/2009	196665	1,527.98		
				JUN'09 COPIER LEASE/COPIES	1,130.05
				JUN'09 COPIER LEASE/COPIES	397.93
	Vendor Total		**3,413.25**		
FYTD for XEROX			**3,413.25**		
XEROX CAPITAL SERVICES, LLC					
	7/30/2009	196666	2,971.23		
				JUN'09 COPIER LEASE/COPIES	2,971.23
	Vendor Total		**2,971.23**		
FYTD for XEROX CAPITAL SERVICES, LLC			**2,971.23**		
YANEZ, ALDO					
	7/16/2009	196392	50.00		
				RFND-MISC. ANML FEES	30.00
				RFND-MISC. ANML FEES	10.00
				RFND-MISC. ANML FEES	10.00
	Vendor Total		**50.00**		
FYTD for YANEZ, ALDO			**50.00**		
ZAPPARDO, ANTHONY					
	7/23/2009	196521	100.00		
				FILMING OF MV IDOL CONTEST 7/4	100.00
	Vendor Total		**100.00**		
FYTD for ZAPPARDO, ANTHONY			**100.00**		
ZAVALA, LUZ					
	7/23/2009	196522	100.00		
				CITATION REFUND	100.00
	Vendor Total		**100.00**		
FYTD for ZAVALA, LUZ			**100.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ZUMAR INDUSTRIES, INC.					
	7/9/2009	196256	2,392.50		
				SIGN & HARDWARE PRODUCTS	2,392.50
	7/23/2009	196523	12,408.10		
				SIGNS & HARDWARE PURCHASE	9,526.50
				MISC. SIGNS	2,881.60
	Vendor Total		**14,800.60**		
FYTD for ZUMAR INDUSTRIES, INC.			**14,800.60**		
	Subtotal		**1,281,107.32**		
	GRAND TOTAL		**24,334,280.12**		

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Director of Public Works/City Engineer

AGENDA DATE: September 22, 2009

TITLE: ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE PROJECT NO. 08-41678827

RECOMMENDED ACTION

Staff recommends that the City Council:

Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

BACKGROUND

On January 24, 2008 the City Manager approved the Agreement for Design Professional Consultant Services for Phase I (35% design) with Associate Engineers, Inc., in the amount of $68,147. This portion of the work has been completed, and included planning and engineering services, as well as an Environmental Assessment Initial Study in compliance with CEQA and City requirements for the street improvements on Heacock Street from Hemlock Avenue to Ironwood Avenue.

On February 11, 2009 the City Manager approved the First Amendment to Agreement for Design Professional Consultant Services to allow the parent company, PB Americas, Inc. to assume all of the liabilities, obligations, and commitments of its subsidiary company, Associated Engineers, Inc.

On August 25, 2009 the City Council approved the Second Amendment to Agreement for Professional Consultant Services with PB Americas, Inc. for Phase II and Phase III of the project, which consists of completing the final (100%) design to include Plans, Specifications, and Estimate (PS&E) for street improvements, right-of-way acquisition, coordination with utility companies, and design support services during construction, for a contract amount of $83,420.

DISCUSSION

The street improvements on Heacock Street between Hemlock Avenue and Ironwood Avenue consist of the widening of a section, approximately 500 feet long, on the west side of Heacock Street, from 390 feet north of Hemlock Avenue to 530 feet south of Ironwood Avenue. The improvements shall provide a four lane arterial roadway with curb, gutter and sidewalk, and will join the existing roadway and sidewalks at both ends of this section.

Section 15070 (Title 14 – California Code of Regulations) of the California Environmental Quality Act (CEQA) states that a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) may be prepared for a project when the Initial Study indicates that no significant effect on the environment will result from project implementation or when mitigation measures as described in the Initial Study are incorporated in the project implementation. Based on the findings in the Initial Study prepared for the project, City Planning staff has determined that preparation of a Mitigated Negative Declaration is recommended in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level in compliance with CEQA and the City's rules to implement CEQA. The Negative Declaration and Initial Study/Environmental Checklist form are attached (Attachment "B").

ALTERNATIVES

1. Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. *This alternative will allow design to proceed for the street improvements on this portion of Heacock Street.*

2. Do not adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. *This alternative will delay the completion of the street improvements on this portion of Heacock Street.*

FISCAL IMPACT

There is no fiscal impact to the adoption of the MND, but it is essential in order to proceed with the design and construction of the project.

The design of this project is included in the Fiscal Year 2009/2010 budget and is being funded with Development Impact Fee (DIF) Arterial Street Capital Projects (Fund 416) monies. There is no impact to the General Fund.

FISCAL YEAR 2009/2010 BUDGET
Heacock St. from Hemlock Ave. to Ironwood Ave. (Account 416.78827)..... $344,000

ANTICIPATED SCHEDULE:
Completion of Design..... March 2010
Start Construction.....September 2010
Complete Construction.....December 2010

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

The Initial Study prepared by the Planning Division for this project identifies mitigation measures to be incorporated into the project specifications. These mitigation measures will reduce all potential environmental impacts to an acceptable level in compliance with CEQA, permitting the City to Adopt a MND for the project.

NOTIFICATION

A notice was published on August 27, 2009 in the Press Enterprise describing the project and advising the public of the preparation of a MND, notice of time and place where the environmental documents could be inspected, and notice that the City Council would consider approval of a MND for the project (or appropriate modifications or alternatives to the project) on the date of this meeting. As of the writing of this report,

no comments have been received. The public has the opportunity to submit comments either prior to or at this evening's City Council meeting.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Negative Declaration with Initial Study

Prepared By:
Henry Ngo
Associate Engineer

Concurred By:
Prem Kumar, P.E.
Assistant City Engineer/Deputy Public Works Director

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
John Terell
Planning Division Manager/Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 08-41678827 - Heacock from Hemlock to Ironwood\CC Reports\9-22-09 Heacock MND Staff Report.doc

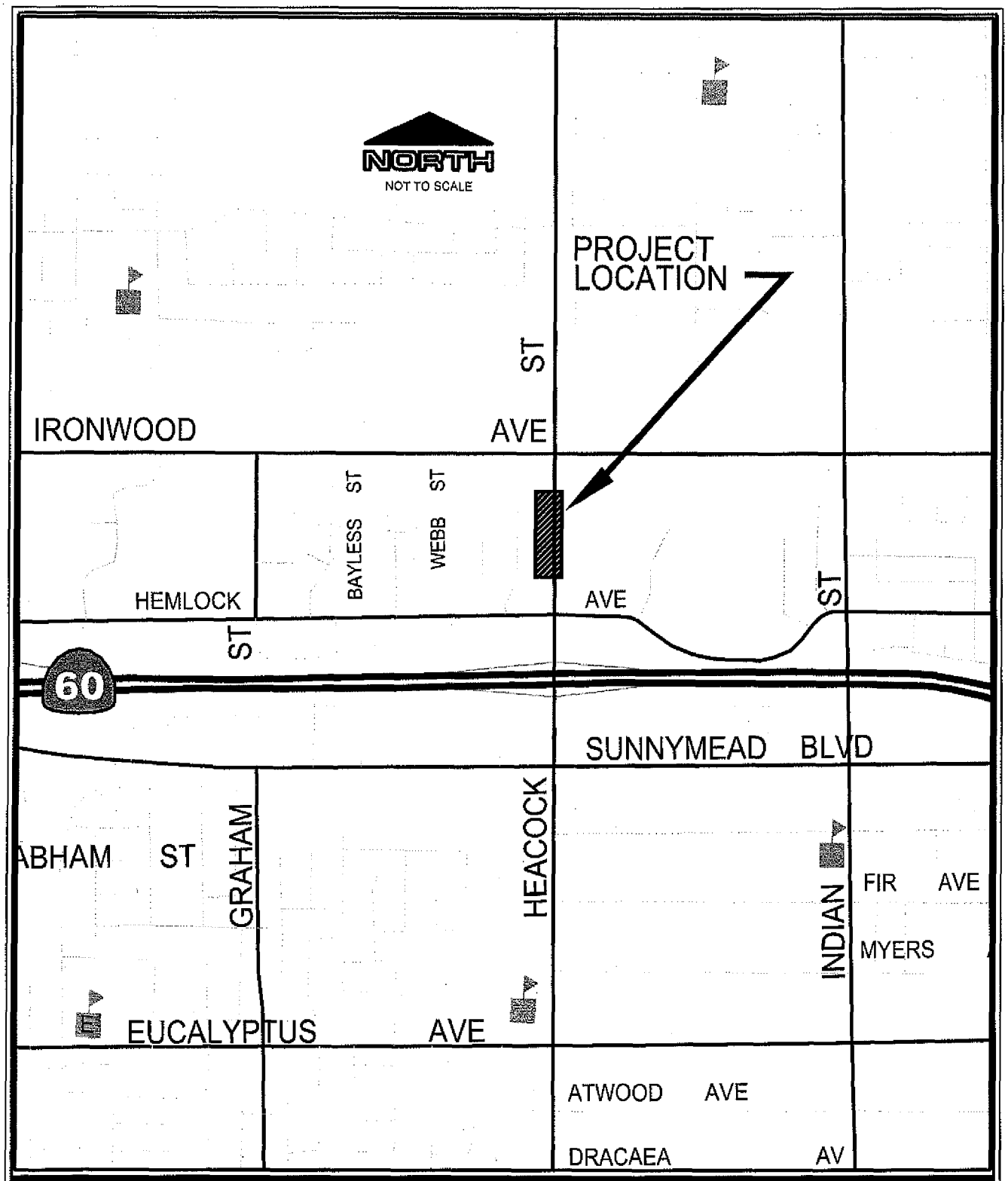

LOCATION MAP

Public Works Department
Capital Projects Division

ATTACHMENT A

HEACOCK STREET STREET IMPROVEMENTS
Hemlock Ave. to Ironwood Ave.
Project No. 08-41678827

NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBER:
Heacock Street Improvements Between Hemlock Avenue and Ironwood Avenue

PROJECT APPLICANT:
City of Moreno Valley

TELEPHONE NUMBER:
(951) 413-3229

PROJECT LOCATION:
Heacock Street between Hemlock Avenue and Ironwood Avenue in Moreno Valley, Riverside County, California

PROJECT DESCRIPTION:
The Heacock Street improvement alignment encompasses approximately 500 feet of the west side of Heacock Street between Ironwood Avenue and Hemlock Avenue. The proposed project implements a design to potentially expand the roadway with new sidewalk on the west side to full width along this 500 foot segment of Heacock. There are two alternatives. Alternative 1 would include full street improvements for a four-lane arterial highway, consisting of a 100 foot right-of-way and 76 foot curb separation. Alternative 2 includes reduced width improvements for a four-lane arterial highway having an 88.5 foot right-of-way and a 70 foot wide curb separation. Both alternatives involve acquisition of right-of-way.

FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

[ ] The proposed project will not have a significant effect on the environment.

[x] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) at the City of Moreno Valley, Community Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY:
Chris Ormsby, AICP, Senior Planner

DATE:
August 10, 2009

NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: _____ BY: _____

Attachment "B"

INITIAL STUDY

FOR THE

HEACOCK STREET IMPROVEMENTS PROJECT

Prepared for:

City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

Under contract to:

Associated Engineers, Inc.
3311 East Shelby Street
Ontario, California 91764

Prepared by:

Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, California 92405
(909) 882-3612

August 2008

Table of Contents

Project Description / Background 1

Environmental Factors Potentially Affected 3

Determination 4

Environmental Checklist
1. Aesthetics 6
2. Agricultural Resources 6
3. Air Quality 7
4. Biological Resources 8
5. Cultural Resources 9
6. Geology and Soils 10
7. Hazards and Hazardous Materials 12
8. Hydrology and Water Quality 14
9. Land Use and Planning 16
10. Mineral Resources 17
11. Noise 17
12. Population and Housing 19
13. Public Services 19
14. Recreation 20
15. Transportation / Traffic 20
16. Utilities and Service Systems 22
17. Mandatory Findings of Significance 24

Summary of Mitigation Measures 26

References 27

TABLES

Table 1 Summary Comparison of Alternatives 2

FIGURES

Figure 1 Regional Location
Figure 2 Site Location
Figure 3 Aerial Photograph Showing Heacock Street Improvement Site Location
Figure 4 Heacock Street Improvement Alternative 1
Figure 5 Heacock Street Improvement Alternative 2
Figure 6 Heacock Street Improvement Alternatives 1 & 2, Driveway Profiles & Sections

APPENDICES

Appendix 1 – Air Quality Analysis
Appendix 2 – Historical/Archaeological Resources Survey Report
Appendix 3 – Noise Impact Analysis

MV00032543

INITIAL STUDY / ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY

PROJECT DESCRIPTION / BACKGROUND

1. Project Title: HEACOCK STREET IMPROVEMENTS

2. Lead Agency Name: City of Moreno Valley
   Address: 14177 Frederick Street
   Moreno Valley, CA 92553

3. Contact Person: John Terell
   Phone Number: (951) 413-3206

4. Project Location:

The Heacock Street Improvements Project (Project) alignment is located approximately one-half mile north of the Heacock Street/SR-60 Interchange in the northwestern portion of the City of Moreno Valley. The portion of Heacock Street that will be constructed as part of this project consists of the western half of the segment between Hemlock Avenue and Ironwood Avenue, north of the 60 Freeway. The proposed projected is located in Section 1 of Township 3 South, Range 4 West San Bernardino Meridian on the USGS – Sunnymead Quadrangle, 7.5 Minute Series Topographic Map (see Figures 1 and 2).

5. Project Sponsor: City of Moreno Valley
   Address: 14177 Frederick Street
   Moreno Valley, CA 92553

6. General Plan
   Designation: Commercial/Office, roadways are allowed within any designated land use or zone

7. Zoning: Retail Commercial (RC) / Community Commercial (CC) /
   Office Commercial (OC) / Neighborhood Commercial (NC)

8. Description of the Project:

The Heacock Street improvement alignment encompasses approximately 500 feet of the west side of Heacock Street between Ironwood Avenue and Hemlock Avenue. Refer to the aerial photo in Figure 3. Within this short segment Heacock Street has not been expanded to its full width, as it has to the north and south of this segment. The proposed project is to implement a design that will expand the roadway to full width along this 500 foot segment of Heacock. The complicating factor within this segment is the close proximity of existing residences along the west side of Heacock. The engineering firm of Associated Engineers, Inc. has developed two alternatives for improving this segment of the Heacock Street alignment, both of which require acquisition of private property to support the new road right-of-way.

Table 1 is a summary comparison of the two alternatives recommended to the City by Associated Engineers, with a recommendation that the Alternative 2 improvements should be implemented based on a reduction in the amount of land the need to be taken to support the roadway improvement. This information is contained in the "DESIGN REPORT Alternatives for Street Widening HEACOCK STREET (Hemlock Avenue to Ironwood Avenue)" (June 2008). The two alternatives were summarized in the DESIGN REPORT in the following manner:

Alternative 1 would include full width improvements for a four-lane arterial highway having a 76 feet curb separation, 100 foot Right-of-Way, and a 14 foot wide center two-way left turn lane. This alternative requires

MV00032544

acquisition of an easement across the east 20 feet of the adjacent properties. Impacts to properties at two locations would be very significant resulting in driveway limitations and structural modification. It is likely that at least one of the owner's would require a full take of the property.

Alternative 2 would include reduced width improvements for a four-lane arterial highway having a 70 feet curb separation, 88.50 feet Right-of-Way, and a 10 feet wide center two-way left turn lane. This Alternative requires acquisition of an easement across the east 8.50 feet of the adjacent properties. Although impacts to the adjacent properties are significant, they would not be nearly as severe as those proposed in Alternative 1 and would not result in driveway limitations or structural modification. This proposed Alternative would serve adequately as a four-lane arterial highway.

Figures 4 and 5 provide the alternative engineered drawings for the proposed project. Figure 6 shows the alternative driveway profiles and sections. The proposed Heacock Street roadway improvements will be required to conform with the City of Moreno Valley road construction and public works standards. Utility infrastructure that exists within the roadway alignment will be either relocated or protected in place. In addition, existing water conveyance pipelines will be reinstalled within the alignment at a depth that will be protective of the utility line.

Table 1
SUMMARY COMPARISON OF ALTERNATIVES

Comparison Item	Alternative 1	Alternative 2
Number of private properties impacted	5	5
Existing ½ width R/W dimension	30'	30'
Ultimate ½ width R/W dimension	50'	38.5'
Required R/W acquisition width	20'	8.5'
Required R/W acquisition area	9,960 SF	4,233 SF
Future R/W may be required	No	Yes
Ultimate curb separation	76'	70'
Center two-way left-turn lane dimension	14'	10'
Sewer service reconstruction required	Yes	No
Water service reconstruction required	Yes	No
Special driveway design considerations required	Yes	Yes
Building modification required	Yes	No
Noise mitigation required	Yes	Yes
Significant areas of concern	Yes	No

Construction Scenario

Construction will consist of several phases that may occur sequentially or concurrently, depending upon the availability of materials. Construction is envisioned as beginning in late-2008 and is estimated to require approximately two to three months for completion.

For the roadway the identified construction phases include:

- Removal of existing pavement, curb and gutter, and sidewalk. Equipment will include a saw, loader, load truck, and water truck.
- Grading of the road alignment, i.e., preparation of the ground surface for the final paving, including installation of utility infrastructure, drainage system and sidewalks, curbs and gutters. Equipment includes a backhoe, roller, concrete truck, concrete pumper truck, and water truck.
- Paving will be carried out by pavers, rollers (compactors), water truck.
- Lane striping and signage installation.

During construction, detours and other traffic management methods would be employed to maintain the flow of traffic. Through a traffic management plan access to properties along Heacock Street will be assured for any traffic requiring access to property along the Project alignment. This plan will be coordinated with the various emergency providers (fire, police, and ambulance services) for the project area.

MV00032545

Discussion with the project engineers indicates that the maximum number of employees required to construct this project on any day is estimated to be 25 persons. The maximum number of trucks deliveries on any day will be 20 truck deliveries, which includes export/import of fill material or dirt, delivery of concrete, delivery of asphalt, and delivery of support materials.

9. Surrounding Land Uses and Setting:

The land uses in the vicinity of Heacock Street are a mix of residential, office and commercial uses. Utility infrastructure (electricity, water, sewer and natural gas) exists within the roadway alignment and will be managed to minimize any outages that may result from construction activities.

Topography is relatively flat with the overall slope to the south. Any storm runoff from the roadway will remain within existing roadway area and will be collected in the same manner as currently occurs. Soils in the project area consist of Greenfield, Tujunga and Hanford soil series. No faults are known to occur in the project area. Bale Creek lies to the east of the project area (outside the project area of potential effect). No natural drainage channels will be affected by the proposed project.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

The City must submit a Notice of Intent (NOI) to the State Water Resources Control Board for a construction NPDES (National Pollution Discharge Elimination System) permit. This permit is granted automatically by submittal of an NOI to the State Board, but is enforced through a Storm Water Pollution Prevention Plan (SWPPP) that identifies construction best management practices for the site. The Regional Board enforces the best management practice requirements described in the NPDES permit and SWPPP by ensuring construction activities adequately implement the project SWPPP. Implementation of the SWPPP is carried out by the construction contractor, with the Regional Board providing enforcement oversight.

The project is located within the Western Riverside County (WRC) Multiple Species Habitat Conservation Plan (MSHCP) area; however, the project area is either paved or developed with residential uses and implementing the proposed project has no potential to impact sensitive habitat. In addition, the Heacock Street Improvement Project alignment is not located within an MSHCP criteria area. The proposed project is considered to be consistent with the policies set forth in the MSHCP and the City has found the proposed project consistent with the MSHCP.

Other than these permits or demonstrations, no other permits have been identified for the development of this site.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below(■) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

MV00032546

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	■
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Chris Dempsey — 8/10/09

Signature — Date

Chris Dempsey

Printed Name — For

MV00032547

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:

   (a) Earlier Analysis Used. Identify and state where they are available for review.

   (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

MV00032548

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. **AESTHETICS:** Would the project:				
a) Have a substantial adverse effect on a scenic vista?			■	
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			■	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			■	
a-c. The Heacock Street roadway alignment is relatively flat and is surrounded by existing urban development that already disrupts any important scenic views that may occur along this segment of the roadway. The viewshed in all directions is dominated by man-made facilities, ranging from residential structures to larger buildings and roadways. The project is the expansion and improvement of an existing roadway. All facilities associated with the proposed project will be constructed at ground level. The proposed roadway will incorporate landscaping that will enhance the appearance of this segment of Heacock Street relative to the existing visual setting. No state designated scenic highways occur in the vicinity of the proposed project. Based on the lack of important scenic views, the height of the proposed facilities and the enhanced landscaping and visual setting, the proposed project will not result in a significant impact to the existing viewshed. No mitigation is required.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			■	
d. New street lighting (three new street lights) will be installed along this portion of the roadway, on the west side of the street. Street lighting already exists within this segment of Heacock Street and such lighting is common throughout the area, including Heacock Street to the north and south of this segment, and on the east side of the roadway. No significant impact is forecast to occur due to the installation of street lighting along this segment on the west side of Heacock Street.				
2. **AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				■
a-c. The proposed project consists of the expansion and improvement of an existing roadway within an already developed, urbanized area. The segment of Heacock Street to be improved by the proposed project is surrounded by residential and commercial land uses. No land zoned or designated for agricultural use occurs within the project area; therefore, no impact to agricultural resources is anticipated to result from implementation of the proposed project.				

MV00032549

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			■	
a. The proposed project is the construction of roadway improvements, including sidewalks and curb/gutters, to Heacock Street with the goal of upgrading the roadway to be consistent with the City's General Plan Circulation Element. As a result, the proposed project is an infrastructure improvement that will enhance the flow of local traffic on Heacock. Since this infrastructure improvement is being developed consistent with the City's General Plan, it has no potential to conflict with or obstruct implementation of the applicable air quality plans, the 2007 AQMP and SCAG's 2003 Regional Comprehensive Plan and Guide.				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.		■		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		■		
b&c. The proposed project is the construction of roadway improvements to Heacock Street as outlined in the Project Description. To assess the construction-related emissions from the proposed project an air emissions analysis utilizing the most recent version of URBEMIS (2007) was employed. A copy of the emissions study by JE Compliance Services, Inc. is provided as Appendix 1. The data indicate that emissions are not considered to be regionally significant with implementation of mitigation and that the construction activities would exceed Localized Significance Thresholds (LSTs) without mitigation. The following mitigation measures must be implemented to control project-related construction emissions to a less than significant level. Since this roadway improvement will improve the flow of traffic along Heacock Street, any change in future operational emissions is forecast to be beneficial, not adverse. ***3-1 During all grading and ground disturbing activities exposed surfaces shall be watered three times per day.*** The final air pollutant(s) of concern are Greenhouse Gas Emissions (GHG). The CO2 emissions from the proposed project are shown on Table 3 of Appendix 1. Emissions of GHG during construction are estimated to range from slightly less than one ton per day to 434.7 tons per day, with no change in CO2 emissions during operations. The high value of 434.7 tons per day is based on the volume of concrete that will be consumed. Concrete manufacture is a highly energy intensive process and this causes the high value during fine grading/paving. Total estimated CO2 emissions for installing the proposed project are 1,321 tons (per year). This annual value comprises 0.000002%, respectively, of the annual statewide burden of 541,000,000 tons per year. Thus, the proposed project's one time contribution to global emissions is miniscule. Given the objective of providing for pedestrian circulation and better flow of traffic on the roadway, the proposed project's contribution to GHG is considered to be a less than significant impact.				
d) Expose sensitive receptors to substantial pollutant concentrations?		■		
d. Based on implementing mitigation measure 3.1, no sensitive receptors will experience substantial pollutant concentrations.				

MV00032550

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?			■	
e. During construction, the proposed project includes operations that will have diesel and asphalt odors associated with equipment and materials. None of these odors are permanent, nor are they normally considered so offensive as to cause sensitive receptors to complain. Diesel fuel odors from construction equipment and new asphalt paving fall into this category. Both based on the short-term of the emissions and the characteristics of these emissions, no significant odor impacts are forecast to result from implementing the proposed project.				
4. **BIOLOGICAL RESOURCES**. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of ?Fish and Game or U.S. Fish and Wildlife Service?				■
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Wildlife Service?				■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				■
a-c. The Heacock Street improvement project alignment primarily consists of four paved lanes and existing roadway shoulders. This area is totally disturbed and does not include any native or natural biological resources. The properties located adjacent to the alignment consist of existing residential and commercial uses with man-made landscapes. No natural stream courses, riparian habitat, wetlands, or natural sensitive communities occur within the project area. The project will not result in impacts to sensitive or special status species or their habitat.				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				■
d. The proposed roadway improvement project is not located within an area that supports wildlife disbursal or migration. No native vegetation or habitat occurs at or in the vicinity of the proposed project location.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				■
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

e&f. The proposed project site consists of paved roadway and man-made landscaped area. No natural or native biological resources occur within the project area. No potential exists for the proposed project to conflict with local policies or ordinances protection biological resources.

All projects in western Riverside County are subject to the MSHCP. The City requires compliance with all applicable regulations prior to project development and compliance with the MSHCP is required, including paying any fees that will contribute to buying land for habitat conservation under the County Plan. The site is not within a core area of the MSHCP or part of a constrained linkage. The project site does not provide habitat considered important under the MSHCP. Therefore, the project is consistent with the policies of the MSHCP, and project related impacts to the MSHCP are not considered significant.

5. **CULTURAL RESOURCES**. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			■	
b) Cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5?		■		

a&b. A Historical/Archaeological Resources Survey Report was prepared by CRM TECH to evaluate potential historical and archaeological resources within the proposed project area. This document is provided as Appendix 2 to this document. The study resulted in the identification of two post-WWII era residences within the project area, located at 12151 and 12183 Heacock Street; however, neither of the residences meet the definition of a "historical resource," as provided in CEQA. No archaeological sites or any other potential "historical resources" were encountered during the study. Further, the Historical/Archaeological Resources Survey Report concluded that no further cultural resources investigation is recommended.

As in most cases, the CRM TECH report did address the potential discovery of subsurface or buried cultural resources and recommended mitigation to address such resources. Therefore, the following mitigation measure will be implemented to reduce potential impacts due to exposure of buried cultural materials that could not be identified by the combined records search and surface survey of the project alignment.

5-1 If buried cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist retained by the City shall investigate the find, and make recommendations on its disposition. Any resources exposed during grading shall be managed by assessing the value of objects, determining whether the material deserves curation, and preparing and implementing a curation plan to protect such resources. The qualified professional shall compile a report of findings and make it available to peers for review and use of the information.

With implementation of this measure, potential impacts to accidentally exposed buried cultural resources can be reduced to a less than significant level.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		■		

MV00032552

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

c. The City's General Plan indicates that the proposed project area is located in an area of high paleontological sensitivity. However, the proposed project area is already developed with the existing Heacock Street roadway alignment and urban uses. In addition, paleontological artifacts, if they exist within the proposed alignment, are likely to be below the area anticipated to be disturbed by grading. Because of the already developed nature of the project area, the potential for paleontological resources to occur in the project area is low and no site-specific paleontological study was conducted. However, the following mitigation measure will be implemented to reduce potential impacts to paleontological resources.

5-2 If paleontological resources are discovered during project construction, all work in the area of the find shall cease, and a qualified paleontologist shall be retained by the City to investigate the find, and to make recommendations on its disposition.

With implementation of this measure, potential impacts to paleontological resources can be reduced to a less than significant level.

d) Disturb any human remains, including those interred outside of formal cemeteries?		■		

d. No known human remains are interred at the site. The following mitigation measure will be required to mitigate potentially significant impacts.

5-3 If any human remains are encountered during initial grading activities, all ground disturbing activities in the vicinity of the discovery will be terminated immediately and the County Coroner's office MUST be contacted within 24 hours to arrange for management of such remains.

Implementation of this measure can reduce the potential impacts to a less than significant level.

6. **GEOLOGY AND SOILS.** Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

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

i) The site is not located within a State of California Fault-Hazard Zone for active faulting and no active fault traces or faults have been found on the project site. Ground rupture normally occurs along pre-existing faults. As there are no active faults on the project site, the ground rupture potential is projected to be low to non-existent.

(ii) Strong seismic ground shaking?			■	

ii) The site is located in a seismically active area typical of southern California and is likely to experience severe ground shaking due to earthquakes on nearby faults. The nearest known special study zone and active fault is the San Jacinto fault located east of the site. According to the City's General Plan, the proposed project is not located within an Alquist-Priolo Special Studies Zone (Figure 6-3 of the 2006 General Plan). Because this project is the expansion of an existing roadway to its ultimate width and no structures or human occupants are involved, the potential impact from strong seismic ground shaking is considered a less than significant impact.

MV00032553

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii) Seismic-related ground failure, including liquefaction?			■	

iii) According to the City's General Plan, liquefaction is not considered to be a local hazard since groundwater levels in Moreno Valley are far below the ground surface. As there are no residences or structures associated with the proposed project, this issue does not pose a significant hazard.

The project alignment is located within an area of potential ground subsidence. However, because no residences or structures are included in this project and because the roadway already has an engineered and stable foundation, no potential for significant adverse impact to the roadway is forecast.

For a roadway and associated road improvements, curb, gutter, etc., standard grading and compaction requirements for the roadway will be sufficient to protect against significant subsidence and liquefaction. These are design requirements mandated by the current design requirements for City roadways, so no actual mitigation is required.

(iv) Landslides?				■

iv) According to the City's General Plan, the project site is not subject to any known landslide or mudslide hazards of significance.

(b) Result in substantial soil erosion or the loss of topsoil?		■		

b. Due to grading associated with construction activities, there will be temporary construction impacts that might cause dust or erosion. Please refer to the detailed discussion and mitigation measures addressing water and wind-related soils erosion (fugitive dust) in the Air Quality and Hydrology sections of this document. Mitigation measures required in those sections of the document will control potential water erosion and fugitive dust generation from project implementation. No further mitigation is required under this item.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			■	

c. Refer to discussion under issue 6.a.iii) above. Standard grading and compaction requirements for the roadway will be sufficient to protect against significant subsidence and liquefaction. These are design requirements mandated by the current design requirements for City roadways, so no actual mitigation is required.

(d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				■

d. The soils that occur within the project alignment are not considered to be expansive soils and the installation of the road base would eliminate any potential for such soils to adversely impact the roadway. Therefore, impacts of expansive soils would be less than significant.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■

e. No septic systems would be used to serve this project. Therefore, no adverse impacts due to the use of any septic tanks or alternative waste water disposal systems can result from project implementation.

MV00032554

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. **HAZARDS AND HAZARDOUS MATERIALS.** Would the project?				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				■
a. The proposed roadway improvement project is not associated with the need for routine transport, use or disposal of hazardous materials. This project is not forecast to cause any significant environmental impacts related to activities related to routine delivery, management or disposal of hazardous materials. By improving roadway capacity within the project area, this project can enhance traffic safety and thereby reduce any hazards to the public for existing transport of hazardous materials or wastes. Short-term handling of petroleum products during construction is addressed in the following comment. No mitigation is required.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?		■		
b. During construction there is a potential for accidental release of petroleum products in sufficient quantity to pose a significant hazard to people and the environment. Because the construction equipment can contain enough petroleum products to damage the environment or expose people to hazardous emissions, the City requires compliance with Best Management Practices to manage clean-up of potential spills of hazardous materials during construction. However, to ensure that the SWPPP contains sufficient measures to address accidental spills, the following mitigation measure will be implemented. ***7-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility.*** Though the risk of accidents would not be eliminated, the effects of such an accidental release of hazardous material would be controlled to a less than significant level by implementing this measure in conjunction with standard City policies.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?			■	
c. The proposed project alignment is located within one-quarter mile of several educational and child care facilities. However, the project itself does not include the emission or routine handling of hazards materials, substances or wastes over the long-term. Short-term management of petroleum products, as described above, will control the effects of an accidental release of hazardous materials.				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?			■	
d. The proposed project alignment is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Thus, no known potential exists to expose residents, motorists or the public in general to any significant hazards.				

MV00032555

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				■
e&f. The project is not located in the vicinity of a public or private airstrip and no potential hazards can occur from this type of operation.				
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?		■		
g. The expansion and improvement of the Heacock Street roadway would not interfere with any long-term emergency response or evacuation plan. The road improvement project would ease traffic congestion on local roads which would facilitate the movement of emergency vehicles traveling through these areas. Since the project is within a five-minute response time for fire protection and emergency response, the potential impact on emergency response and access is forecast to be less than significant. The project will be built to conform to all City police, fire and public works standards. The road improvements would also facilitate emergency access to the properties north of the proposed project. However, as described in Section 15 of this document, construction activities can interfere with emergency access to properties along the project alignment, and mitigation to ensure emergency access during construction has been identified for implementation. With implementation of these measures, the short-term interference with emergency response can be controlled to a less than significant impact level.				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				■
h. The project site is not located in a wildland fire hazard area and implementation of the proposed project would not exposure residents or motorists to a significant risk of loss, injury or death associated with wildland fires.				

MV00032556

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?		■		

a. The proposed project alignment already contains impervious surfaces and activities that typically generate urban non-point source pollution under present conditions. The proposed project will result in the installation of a paved roadway that will be larger in area than the existing roadway. The project alignment will continue to generate urban non-point pollutants (particles, trash, oil, etc.), but at an increased rate due to the increased impervious surface that will be used by vehicles. After implementation, this project will discharge its surface runoff into the existing regional drainage system. Varying amounts of urban pollutants, such particles and petroleum products (motor oil, antifreeze, etc.), could be introduced into downstream waters from the proposed roadway. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already required by the City.

The City has adopted best management practices (BMPs) designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. BMPs will be required during construction through the compilation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and after development, a separate set of BMPs must be implemented through a Water Quality Management Plan (WQMP). Although BMPs are mandatory for the project to comply with established pollutant discharge requirements, the following mitigation measure is designed to establish a performance standard to provide a performance standard that the degree of water quality control is adequate to ensure the project does not contribute significantly to downstream water quality degradation.

8-1 The City will select best management practices that achieve reduction in non-point source pollutants to the maximum extent practical, during construction (Storm Water Pollution Prevention Plan, SWPPP) and following development (Water Quality Management Plan, WQMP). To control urban runoff after the project is constructed the reduction in pollutants shall also meet the Santa Ana Regional Water Quality Control Board's municipal stormwater control requirements as implemented through the City and County.

Compliance will be ensured through fulfilling the requirements of the SWPPP and WQMP, which can be monitored by both the City and the Santa Ana Regional Water Quality Control Board.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			■	

b. No potential exists to directly intercept the groundwater table from grading activities and no wells are proposed to be installed as part of the proposed project. The proposed project does not require the use of domestic water, and, therefore, is not forecast to result in any direct significant effects on groundwater. Also, the project alignment, i.e., the area in which the new paved lanes will be installed, does not presently serve as an essential or primary location for percolation of surface water to the groundwater table. Therefore, no potential exists to significant impact groundwater resources, either directly or indirectly. No mitigation is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				■

MV00032557

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Please refer to the substantiation under 8.a. The proposed project would not result in significant adverse changes in the local drainage pattern, i.e., the drainage pattern would remain the same. All onsite flows will be captured within the proposed curb and gutter system and delivered to the existing drainage system. The existing flows also follow the existing Heacock Street roadway alignment and ultimately enter the Santa Ana River. The SWPPP and WQMP will both be implemented by the City to ensure that both short- and long-term storm runoff discharges are not unacceptably degraded by sediment or other pollutants.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?				■
d. Please refer to the substantiation under 8.c. The proposed project will not increase the rate or amount of surface runoff in a manner that could result in flooding on or offsite. The project area consists of an area already developed with the existing Heacock Street roadway and urban uses, all of which consist of impervious surfaces, asphalt, and concrete. Expansion and improvement of the Heacock Street roadway may result in a minor increase in impervious surfaces. The total volume of flow being delivered to the local and regional drainage systems is not projected to increase substantially. The capacity of the drainage system is adequate to accept the projected flows. The proposed project would not result in significant adverse changes in the local drainage pattern, i.e., the drainage pattern would remain the same; therefore, no mitigation is required.				
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				■
e. The SWPPP and WQMP documents that must be prepared specifically for this project must define which best management practices (BMPs) will be applied to this project and their implementation will ensure that significant erosion and sedimentation, nor other significant water quality degrading impacts will occur from implementing the proposed project. As stated above, the proposed project will result in a minor increase in storm water flows. The existing storm drain system has more than sufficient capacity to receive these flows without any downstream flooding.				
f) Otherwise substantially degrade water quality?			■	
f. No other activities associated with this project have a potential to otherwise degrade surface water or groundwater quality or the beneficial uses of such water. No additional mitigation is required.				
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				■
g&h. According to the City's General Plan, Figure 6-4, the proposed project area is not located within a flood hazard area. In addition, the proposed project is the expansion of Heacock Street with support infrastructure, and does not include the construction of habitable structures. As a result, no structures will be constructed that could impede or redirect flood flows. No mitigation is required.				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Refer to the discussion under 8.g-h. Based on a review of the General Plan, the proposed project alignment is not located within a 100-year flood hazard zone. Thus, the installation of the proposed roadway facilities will not result in an exposure of new facilities to significant flood hazards.				
j) Inundation by seiche, tsunami, or mudflow?				■
j. The project site is not located near any water body which could expose it to seiche, tsunami or mudflow. No mitigation is required.				
9. **LAND USE AND PLANNING**. Would the project:				
a) Physically divide an established community?				■
a. The proposed roadway expansion and improvement project is located within a portion of the City developed with commercial and residential use. The proposed project is intended to ease traffic congestion and provide enhanced access and connection through the community. The proposed project has no potential to cause a physical division in the existing community.				
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				■
b. The roadway improvements proposed by the project would not conflict with the general plan designation or zoning. The improvement is part of the implementation of the General Plan Circulation Element and will help ease congestion resulting from General Plan buildout. The General Plan Circulation Element designates Heacock Street as an arterial with a 100-ft. right-of way, and a curb-to-curb width of 76 feet. The proposed project would construct Heacock Street to these specifications, or an alternative acceptable to the City. This project is fully consistent with the General Plan and has no potential to conflict with any designations or zoning.				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				■
c. The proposed project would be required to abide with the applicable environmental plans and policies of other agencies with regulatory authority over environmental resources. These agencies include the Air Quality Management District and the State Water Resources Control Board. The project must also prepare and submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP). All projects in western Riverside County are subject to the MSHCP. The City requires compliance with all applicable regulations prior to project development and will require the applicant to comply with the MSHCP including paying any fees that will contribute to buying land for habitat conservation under the County Plan. Refer to discussions on specific issues for additional information regarding compliance with regulatory agency regulations and standards for biological resources, air quality, water quality and others. The site is not within a core area of the MSHCP or part of a constrained linkage. The project site does not provide habitat considered important under the MSHCP. Therefore, the impact of the project on the MSHCP is not considered significant. The site is not within the jurisdiction of the Airport Land Use Commission as it is not within the airport influence area of any airport.				

MV00032559

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. **MINERAL RESOURCES.** Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				■
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				■

a&b. The site is not located on any known significant mineral resource and is not known to have been mined in the past.

11. **NOISE.** Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			■	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				■
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			■	
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		■		

a-d. The proposed roadway improvement project will generate noise during construction activities at the site. Generally, construction equipment can generate noise levels of about 70 to 90 dBA at a distance of 50 feet from the equipment. Construction noise is considered a short-term impact on ambient noise levels. Noise generated by equipment can reach high episodic levels, but these episodes are of relatively short duration.

In order to control construction noise levels to a level consistent with the City Noise Element and Noise Ordinance, the following mitigation measures shall be implemented during project-related construction activities.

11-1 ***During construction, vehicle staging areas and stockpiling shall be located as far as is practicable from existing noise sensitive uses. The sensitive noise uses consist of residential uses located adjacent to the Heacock Street alignment.***

11-2 ***Project construction activities shall be limited to the period of 7:00 a.m. to 7:00 p.m., Monday through Saturday, within one-half mile of any occupied structure designed for human occupancy. Construction during other periods, or on Sundays or holidays, would be limited to emergencies and activities determined to be in the interest of the general public. If nocturnal construction is planned or required to minimize traffic interference, and if any occupied structures are present within one-half mile, a requested exemption to the above time limits shall be submitted to the City Engineer. The City Engineer shall confirm that such operations are not detrimental to health, safety and welfare of the noise receptors*** **prior to authorizing construction outside the time permitted by ordinance.**

MV00032560

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

11-3 The City shall respond to any noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceeds an CNEL of 65 dBA exterior or an CNEL of 45 dBA interior at the receptor, the construction contractor will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc. to reduce noise levels to the greatest extent feasible). Any monitoring would be carried out by a qualified acoustical firm under contract to the construction contractor and responsible to the City.

11-4 The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.

As construction noise impacts are of relatively short and temporary duration, incorporation of these mitigation measures would reduce construction noise impacts to a less than significant level. None of the construction activities for Heacock are forecast to generate substantial vibration or low intensity sound. These measures must be included in the contract specifications for this project to ensure implementation by the construction contractor.

The proposed project is the expansion and improvement of an existing roadway located within an area already developed with a mix of residential and commercial uses. The proposed project is intended to enhance pedestrian circulation and alleviate traffic congestion within the immediate area.

Existing noise levels throughout the project area derive almost exclusively from vehicular sources on the Heacock Street. According to the City's General Plan, the exterior residential noise standard is 65 decibel (dB) Community Noise Equivalent Level (CNEL) and the interior residential noise standard is 45 dB CNEL. The Noise Impact Analysis prepared for the proposed project, dated June 2008, is provided as Appendix 3 to this document. It indicates that the existing average CNEL at 50 feet from centerline is currently over 65 dBA. According to the noise measurements taken along the proposed Heacock Street Improvement Project alignment, the average of the CNELs taken at 50 feet from the roadway centerline is 71.4 dB. Thus, the existing residences are exposed to a noise level that exceeds the City's existing residential exterior noise standard.

Implementation of the proposed project would result in the situating of some of the existing residences closer to the nearest Heacock Street travel lane. In addition, existing residences along Heacock Street would experience additional noise due to projected increased traffic volumes for which the roadway improvements are intended to accommodate. The Noise Impact Analysis forecast a maximum noise level increase of 0.1 dB CNEL due to the proposed roadway improvements. In addition, the noise level increase due to the proposed roadway improvements combined with projected year 2030 area build-out conditions is forecast to be 1.1 dB CNEL. This forecast increase in noise levels, even with a background noise level that currently exceeds the City's residential exterior noise standard, is not considered to be a significant impact because it falls well below the level at which a noise increase is distinguishable, which is 3 dB.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				■

e&f. The project site is not within an airport land use plan area nor near a public airstrip.

MV00032561

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. **POPULATION AND HOUSING.** Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				■
a. The proposed road improvement project does not provide any new housing. The site is within the current developed area in the City and surrounding community. It will modify the existing Heacock Street roadway to its ultimate design and is considered to be planned infrastructure consistent with the circulation element of the General Plan. No extension of utilities and services will be required as part of the project. Existing utilities may be relocated as part of the project to accommodate the roadway. The needs of existing and projected population as anticipated by the General Plan and General Plan FEIR will be partially met by the road improvement project. As it serves existing and planned needs, the proposed project has no possibility of inducing substantial growth within the City or project area in general.				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			■	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			■	
b&c. The proposed project alignment consists of an existing roadway that will be improved and expanded to its ultimate planned width. No structures exist within the 100-foot right-of-way. However, if Alternative 1 is implemented, one residential property may require structure modifications in order to install the new road segment. The project Design Report indicates that a garage may need to be reconstructed as part of the acquisition of a 20 foot wide strip of right of way. The owner has indicated that the required acquisition may constitute a full take of the property. Under Alternative 2 property must be acquired from each residence, but none of the residences are forecast to be eliminated. Thus, depending upon which alternative the City selects, this project may require acquisition of a single residence or no residence, i.e., Alternative 1 and Alternative 2. Although the loss of a single residence and acquisition of the required right-of-way will impact the community, this circumstance is not concluded to be a significant adverse impact on the City's housing resources. The City is required to appraise the property proposed for acquisition under either alternative, and provide adequate compensation for the property takes, again regardless of which alternative is selected. Since no significant City-wide adverse impact from property acquisition is forecast to result from implementing this project, no mitigation is required.				
13. **PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			■	
a. The City of Moreno Valley Fire Service contracts with the Riverside County Fire Department to provide fire services to the City. The project is a roadway improvement to ease congestion for existing traffic in the area and does not contain structures or other development that would increase demand for fire protection services. During construction, mitigation measures required in the Transportation/Traffic section (Section 15) will ensure emergency access to all parcels of land adjacent to the Heacock Street alignment during construction. Thus, the project is not forecast to cause any significant adverse effects to fire protection resources or demand for such resources. No mitigation is required.				
b) Police protection?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b. The Moreno Valley Police Department and Riverside County Sheriff's Department provide law enforcement services to the project area. The proposed project incorporates standard roadway improvement designs that optimize public safety. The roadway design will be examined by the City to ensure compliance with City circulation policies. Measures included to mitigate traffic impacts would also improve safety and may decrease demand for police services in response to local traffic accidents. During construction mitigation measures required in the Transportation/Traffic section (Section 15) will ensure emergency access to all parcels of land adjacent to the Heacock Street alignment during construction. Thus, the project is not forecast to cause any significant adverse effects to law enforcement resources or demand for such resources. No mitigation is required.				
c) Schools?				■
c. The proposed project is a road improvement project and would create no demand for school capacity. No school facilities would be displaced by the development and there are no schools known to be planned within the vicinity of the project site. No mitigation is required.				
d) Parks?				■
d. The proposed project is a roadway improvement project. The proposed project would not place any demand on existing local or regional park and recreation facilities. It would also not displace any existing or known proposed recreational facilities. No mitigation is required.				
e) Other public facilities?				■
e. No other public services have been identified that may be adversely impacted by the proposed project.				
14. **RECREATION.**				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				■
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				■
a&b. The proposed project is a roadway improvement project that would ease existing traffic congestion. No demand for recreation or parks would result from the implementation of the proposed project. In addition, no adverse impact to any existing recreation opportunities are forecast to occur if the proposed project is implemented. No mitigation is required.				
15. **TRANSPORTATION / TRAFFIC.** Would the project:				
a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			■	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a&b. The 2006 City General Plan identified the ultimate roadway design for all major roadways. Heacock Street is designated as an Arterial (Figure 9-1, 2006 City General Plan) and the proposed project implements the buildout design for this roadway. Completion of this roadway to full buildout capacity will enhance the flow of both existing and future traffic. The roadway itself will not cause any significant increase in traffic volume, but it will provide capacity for buildout of the General Plan with the land uses allocated on Figure 2-2 (City General Plan). Thus, the net effect on the circulation system will be a benefit, with no adverse increases in traffic from project implementation.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				■
c. No air traffic exists in the vicinity of the project alignment. Thus, no potential exists for the project to adversely impact air traffic. No mitigation is required.				
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?		■		
d. Temporary circulation impacts resulting from construction activities will occur. During construction activities, the traffic flow will be maintained to the highest level possible with the use of standard traffic control devices. Typical traffic control measures include warning signs, warning lights, and flagpersons. The following mitigation measures ensure circulation will be maintained along the project portion of Heacock Street during construction. ***15-1 The construction contractor will time the construction activities to minimize obstruction of through traffic lanes adjacent to the site during peak hour traffic.*** ***15-2 The construction contractor will provide adequate traffic management resources, as determined by the City, to ensure adequate access to all occupied properties on a daily basis, including emergency access. A construction traffic management plan shall be prepared and approved by the City prior to initiation of construction within the project alignment. The plan can include the following components: protective devices, flag persons or police assistance for traffic control, to maintain safe traffic flow on local streets affected by construction at all times.***				
15-3 All temporary roadway construction effects shall be repaired and returned to operation in a condition comparable to that which existed prior to initiating construction. The City shall verify the acceptability of all temporary roadway repairs. Implementation of traffic control measures will provide guidance and navigational tools throughout the project area in order to maintain traffic flow and levels of safety during construction. These measures must be included in the contract specifications for this project to ensure implementation by the construction contractor.				

MV00032564

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?		■		

e. Permanent emergency access to the uses along the alignment will be maintained, so the proposed project will not cause any adverse impact to such access. During construction emergency access could be compromised, so the following mitigation measure will be implemented.

15-4 The construction contractor shall maintain emergency access to all land uses adjacent to Heacock Street. The method of ensuring emergency access will be defined in the traffic management plan and approved by the City. If an emergency evacuation relies upon Heacock Street, the contractor shall provide adequate resources to facilitate such an evacuation.

Implementation of this emergency access measure will provide guidance and navigational tools throughout the project area in order to maintain traffic flow and levels of safety during construction.

f) Result in inadequate parking capacity?			■	

f. The existing roadway does not provide a parking lane and the proposed project is not forecast to include parking due to the high volume of traffic. Parking and staging for construction of this segment of Heacock is available on open property available on the east side of the roadway. Thus, this project has not potential to cause inadequate parking capacity, as none presently exists. No mitigation is required.

g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				■

g. Based on its size and type of operations, this project does not involve any alternative transportation facilities. This decision does not conflict with any City policies regarding alternative transportation. No mitigation is required.

16. **UTILITIES AND SERVICE SYSTEMS.** Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			■	

a. The proposed roadway improvement project would not require wastewater services. However, the project alignment will generate urban non-point pollutants (particles, trash, oil, etc.). After implementation, this project will discharge its surface runoff into the existing regional drainage system. Varying amounts of urban pollutants, such particles and petroleum products (motor oil, antifreeze, etc.), could be introduced into downstream waters from the proposed roadway. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already required by the City.

As referenced within the Hydrology section, the City has adopted best management practices (BMPs) designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. BMPs will be required during construction through the implementation of the SWPPP. Compliance will be ensured through fulfilling the requirements of the SWPPP, which can be monitored by both the City and the Santa Ana Regional Water Quality Control Board.

b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	

MV00032565

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b. This project may result in the relocation of water distribution facilities, which is considered a less than significant impact to the water distribution system. No other adverse impacts to the water distribution system are forecast to result from project implementation.				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	
c. The proposed development must install minor drainage improvements, curb and gutter along the roadway alignment, but no change in the overall drainage pattern will result from implementing the proposed project. Please refer to a detailed discussion of this issue in the Hydrology Section. The proposed project would comply with all Riverside County Conservation and Flood Control District regulations including provision for no net increase in incremental discharge volumes from the site and for water quality requirements. The project would also have to meet the City requirements. The project is not anticipated to significantly increase the volume of flows downstream (from a few hundred square feet of additional pavement) of the project and no significant project specific or cumulative significant adverse impact is forecast for the storm water drainage system if the project is implemented as proposed.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			■	
d. The proposed project is located within the boundaries of Eastern Municipal Water District (EMWD or District). The proposed project would require water for dust control and compaction during grading and during general construction activities. This water would most likely be delivered in water trucks and/or could be obtained with a temporary connection to EMWD's water distribution system. These temporary water needs would be coordinated with EMWD. Based on the small volume of water required (note that recycled water can be used), the project's demands on the existing water supply system is not forecast to require substantial water supply during construction and no demand is forecast over the long-term. ***16-1 If available to the construction contractor at this location, the project will use recycled water in place of potable water for dust-control and grading, as allowed under unrestricted use requirements of Title 22, California Administrative Code, Division 4, Chapter 3.*** The forecast water consumption is not considered to be a significant impact, however, implementation of the measures described above can reduce potential water supply and demand impacts to a non-significant level.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				■
e. No demand for wastewater services would result from project implementation. Therefore, no adverse impacts to the wastewater infrastructure or to any septic tanks can result from project implementation.				
f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		■		
g) Comply with federal, state, and local statues and regulations related to solid waste?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

f&g. The proposed project will generate short term demand for solid waste service system capacity during construction. This project includes a small volume of organic debris based on the limited plant cover within the project alignment. The vegetation removed will be either chipped and diverted to the green waste composting process in Riverside County, or if the volume of the vegetation is very low, it may be collected and delivered to a regional landfill. Other construction related debris will be diverted to recycle material markets or, for non-recyclable material, the demolition debris will be delivered to an inert material landfill (Class III). Small, unquantifiable volumes of trash and other debris from the site will be removed during grading and delivered to the waste disposal system. Although County and City source reduction requirements may reduce the overall volume for waste disposal, the following mitigation measure will be implemented to ensure maximum diversion of solid waste. Solid waste capacity in area landfills has been expanded to provide adequate disposal capacity for cumulative demand. Combined with the City's mandatory source reduction and recycling program, the proposed project is not forecast to cause a significant adverse impact to the waste disposal system.

16-2 To the maximum extent feasible, all vegetation debris and all structural demolition debris from implementing this project shall be diverted to recycle markets (green waste for composting and structure materials for reuse). A plan for recycling this waste will be prepared and implemented by the construction and demolition contractor(s).

Implementation of the measures described above can reduce impacts from waste generation from construction of the proposed project to a less than significant level.

17. **MANDATORY FINDINGS OF SIGNIFICANCE.**				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened plant or animal, or eliminate important examples of the major periods of California history or prehistory?		■		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?		■		

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		■		

The segment of Heacock Street that will be improved encompasses less than one acre. The evaluation in the preceding Initial Study indicates that several topical issues will experience potential impacts that require mitigation to reduce these potential impacts to a less than significant level. Thus, there are no identified unavoidable significant adverse environmental impacts forecast to result from implementing this proposed project. Mitigation measures have been identified to reduce impacts to air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, traffic and solid waste issues to a less than significant level.

a. *Less Than Significant With Mitigation Incorporation* The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Contingency mitigation is identified to reduce potential cultural resource impacts to a less than significant level. No historical or archaeological resources were identified on the project site, but mitigation is required to prevent potentially significant impacts to subsurface resources that may be exposed by grading activities at the site during construction.

b. *Less Than Significant With Mitigation Incorporation* The project does have impacts that are individually limited, but cumulatively considerable. The incremental effects of the project for certain issues would be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, but mitigation is available to reduce these potentially significant cumulative effects to a less than significant level. Mitigation is identified for air quality, hydrology and water quality, traffic and solid waste. With implementation of these measures, the potential for cumulatively significant impacts is reduced to a less than significant level.

c. *Less Than Significant Impact* With mitigation for air quality, geology and soils, hazards and hazardous waste, hydrology and water quality and noise issues, the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

With mitigation the Heacock Street improvements are not forecast to cause any significant adverse environmental impacts to any of the environmental resource issues addressed in this Initial Study. The City of Moreno Valley proposes to issue a Negative Declaration with mitigation as the appropriate environmental determination for this project to comply with the California Environmental Quality Act. A Notice of Intent to Adopt a Mitigated Negative Declaration will be distributed in conjunction with this Initial Study and after reviewing any comments received on the Initial Study, the City will respond to comments and, if justified on the whole of the record, the City will consider adopting a Mitigated Negative Declaration at a future meeting for this project. The date of such meeting has not yet been determined, but any parties that submit comments will be notified of the meeting date.

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SUMMARY OF MITIGATION MEASURES

5-1 If buried cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist retained by the City shall investigate the find, and make recommendations on its disposition. Any resources exposed during grading shall be managed by assessing the value of objects, determining whether the material deserves curation, and preparing and implementing a curation plan to protect such resources. The qualified professsional shall compile a report of findings and make it available to peers for review and use of the information.

5-2 If paleontological resources are discovered during project construction, all work in the area of the find shall cease, and a qualified paleontologist shall be retained by the City to investigate the find, and to make recommendations on its disposition.

5-3 If any human remains are encountered during initial grading activities, all ground disturbing activities in the vicinity of the discovery will be terminated immediately and the County Coroner's office MUST be contacted within 24 hours to arrange for management of such remains.

7-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility.

8-1 The City will select best management practices that achieve reduction in non-point source pollutants to the maximum extent practical, during construction (Storm Water Pollution Prevention Plan, SWPPP) and following development (Water Quality Management Plan, WQMP). To control urban runoff after the project is constructed the reduction in pollutants shall also meet the Santa Ana Regional Water Quality Control Board's municipal stormwater control requirements as implemented through the City and County.

11-1 During construction, vehicle staging areas and stockpiling shall be located as far as is practicable from existing noise sensitive uses. The sensitive noise uses consist of residential uses located adjacent to the Heacock Street alignment.

11-2 Project construction activities shall be limited to the period of 7:00 a.m. to 7:00 p.m., Monday through Saturday, within one-half mile of any occupied structure designed for human occupancy. Construction during other periods, or on Sundays or holidays, would be limited to emergencies and activities determined to be in the interest of the general public. If nocturnal construction is planned or required to minimize traffic interference, and if any occupied structures are present within one-half mile, a requested exemption to the above time limits shall be submitted to the City Engineer. The City Engineer shall confirm that such operations are not detrimental to health, safety and welfare of the noise receptors prior to authorizing construction outside the time permitted by ordinance.

11-3 The City shall respond to any noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceeds an CNEL of 65 dBA exterior or an CNEL of 45 dBA interior at the receptor, the construction contractor will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc. to reduce noise levels to the greatest extent feasible). Any monitoring would be carried out by a qualified acoustical firm under contract to the construction contractor and responsible to the City.

11-4 The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.

15-1 The construction contractor will time the construction activities to minimize obstruction of through traffic lanes adjacent to the site during peak hour traffic.

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15-2 The construction contractor will provide adequate traffic management resources, as determined by the City, to ensure adequate access to all occupied properties on a daily basis, including emergency access. A construction traffic management plan shall be prepared and approved by the City prior to initiation of construction within the project alignment. The plan can include the following components: protective devices, flag persons or police assistance for traffic control, to maintain safe traffic flow on local streets affected by construction at all times.

15-3 All temporary roadway construction effects shall be repaired and returned to operation in a condition comparable to that which existed prior to initiating construction. The City shall verify the acceptability of all temporary roadway repairs.

16-1 If available to the construction contractor at this location, the project will use recycled water in place of potable water for irrigation water for landscaping, and for dust-control and grading, as allowed under unrestricted use requirements of Title 22, California Administrative Code, Division 4, Chapter 3. Otherwise, any landscaping for the Heacock Street alignment shall consist of drought-resistant native and non-native (not invasive) plants.

16-2 To the maximum extent feasible, all vegetation debris and all structural demolition debris from implementing this project shall be diverted to recycle markets (green waste for composting and structure materials for reuse). A plan for recycling this waste will be prepared and implemented by the construction and demolition contractor(s).

REFERENCES

Associated Engineers, Inc., "Design Report, Alternatives for Street Widening, Heacock Street (Hemlock Avenue to Ironwood Avenue)," June 9, 2008

CRM TECH, "Historical/Archaeological Resources Survey Report, Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California," June 3, 2008

Giroux & Associates, "Noise Impact Analysis, Heacock Street Improvements, Moreno Valley, California," June 6, 2008

JE Compliance Services, Inc., "Air Quality Analysis for Heacock Street Projects in Moreno Valley, California," June 26, 2008

City of Moreno Valley, General Plan, July 11, 2006

City of Moreno Valley, Program Environmental Impact Report for Moreno Valley General Plan, July 2006

South Coast Air Quality Management District, 2007 Air Quality Data (www.aqmd.gov)

South Coast Air Quality Management District, CEQA Air Quality Handbook, Diamond Bar, California

Southern California Association of Governments (SCAG), "Regional Comprehensive Plan and Guide," 2003

MV00032570

FIGURES

FIGURE 1
Regional Location

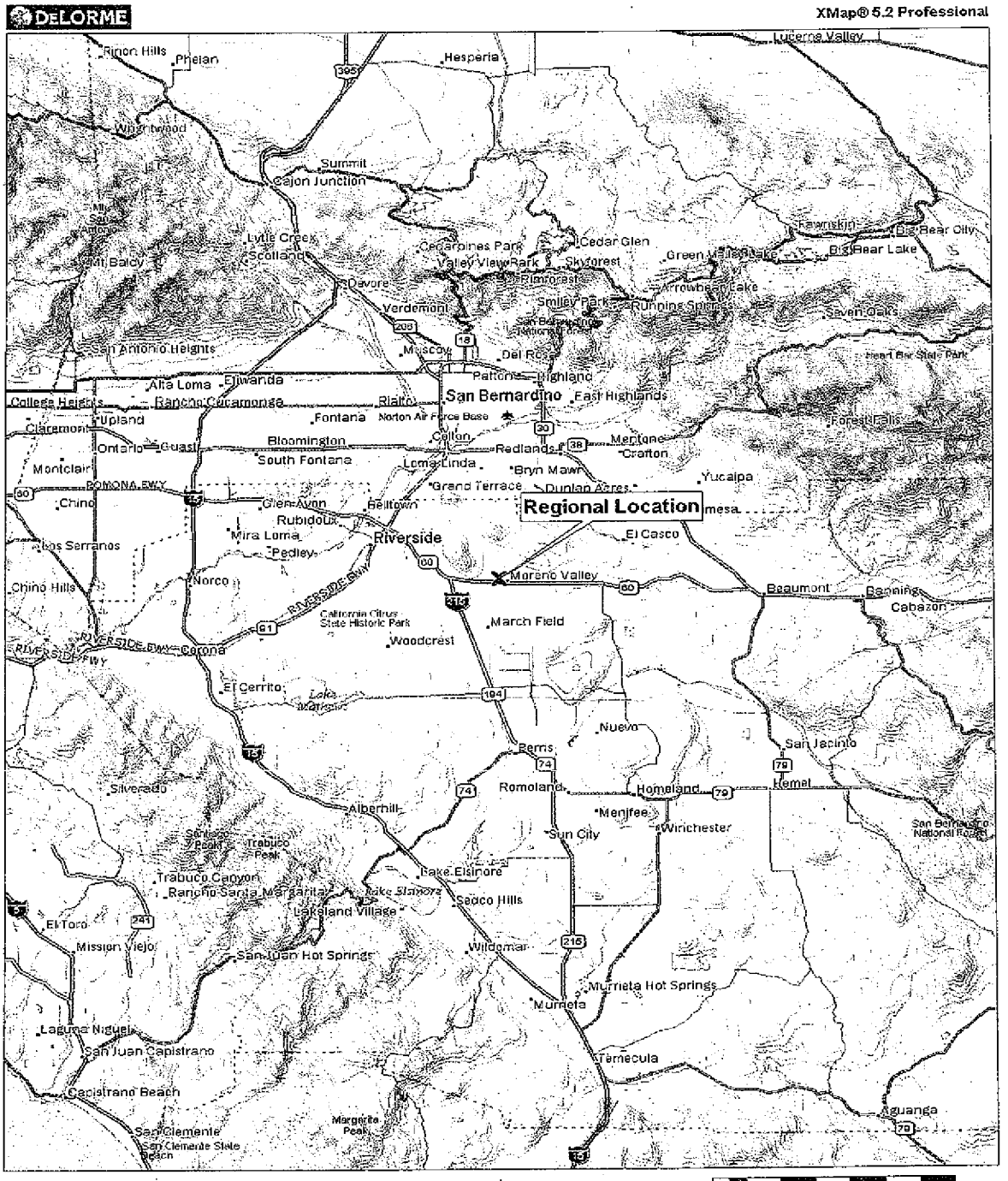

Tom Dodson & Associates
Environmental Consultants

FIGURE 2
Site Location

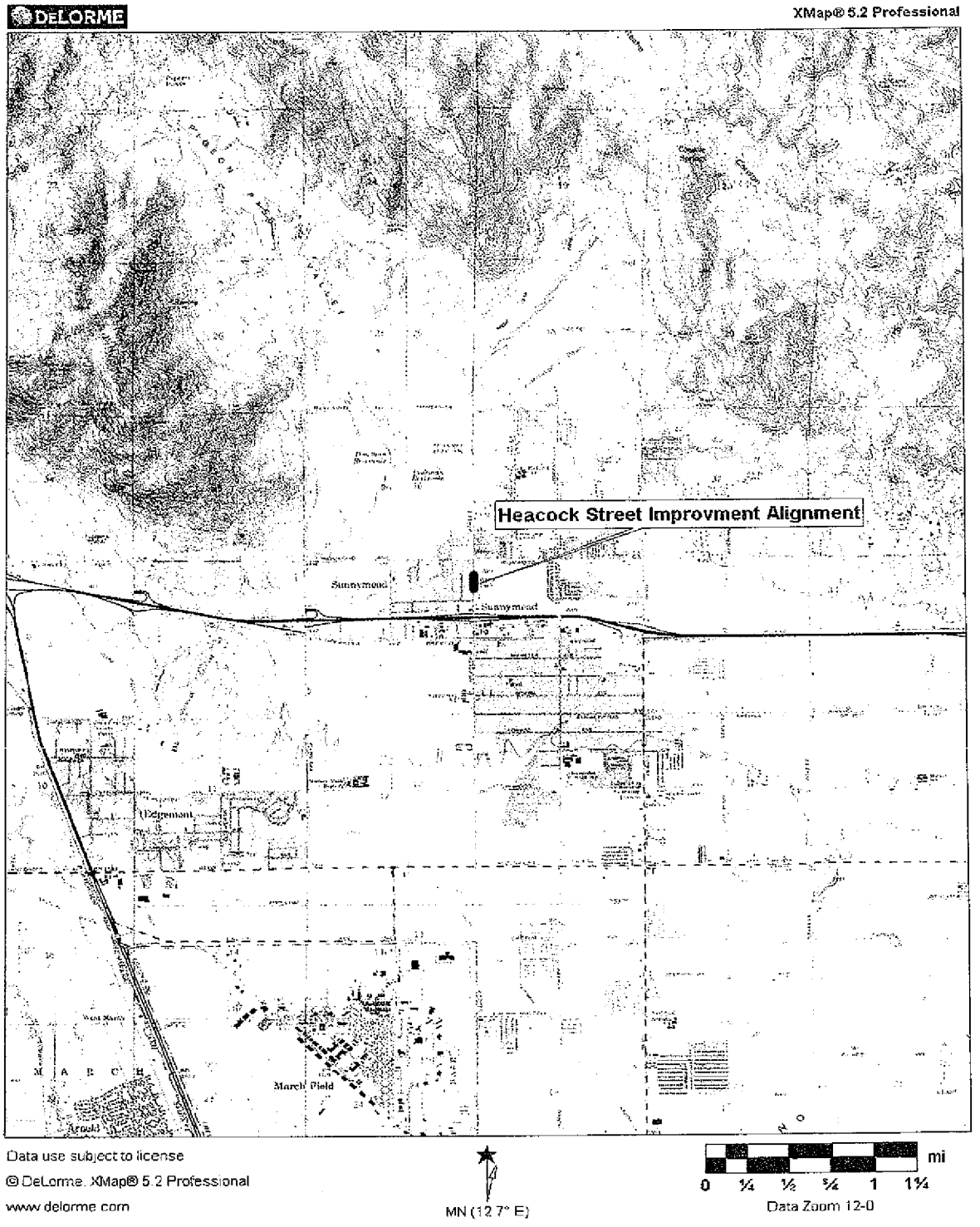

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Environmental Consultants

FIGURE 3
Aerial Photo Showing Heacock Street Improvement Site Location

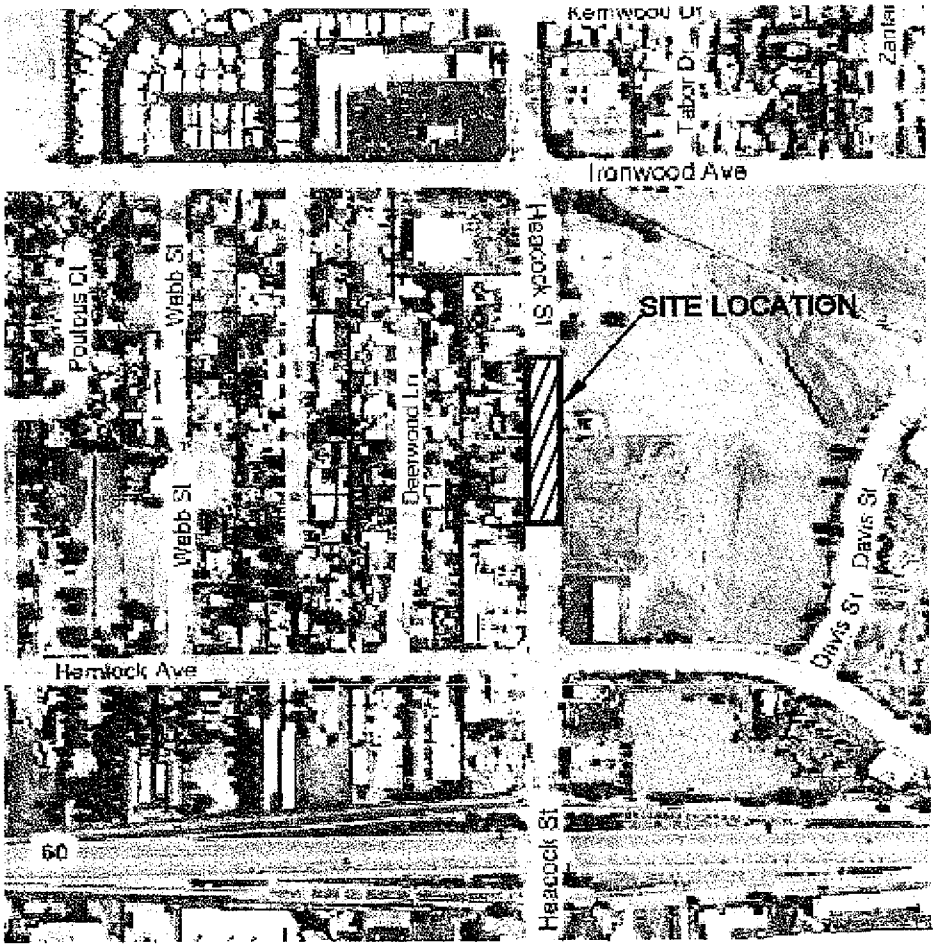

File: L:\2007\07093\Dwg\exhibit\ExhibitB.dwg Jul 08, 2008 – 4:26pm Kinzle

EXHIBIT "A"

Source: Associated Engineers, Inc.

Tom Dodson & Associates
Environmental Consultants

FIGURE 4
Heacock Street Improvement Alternative 1

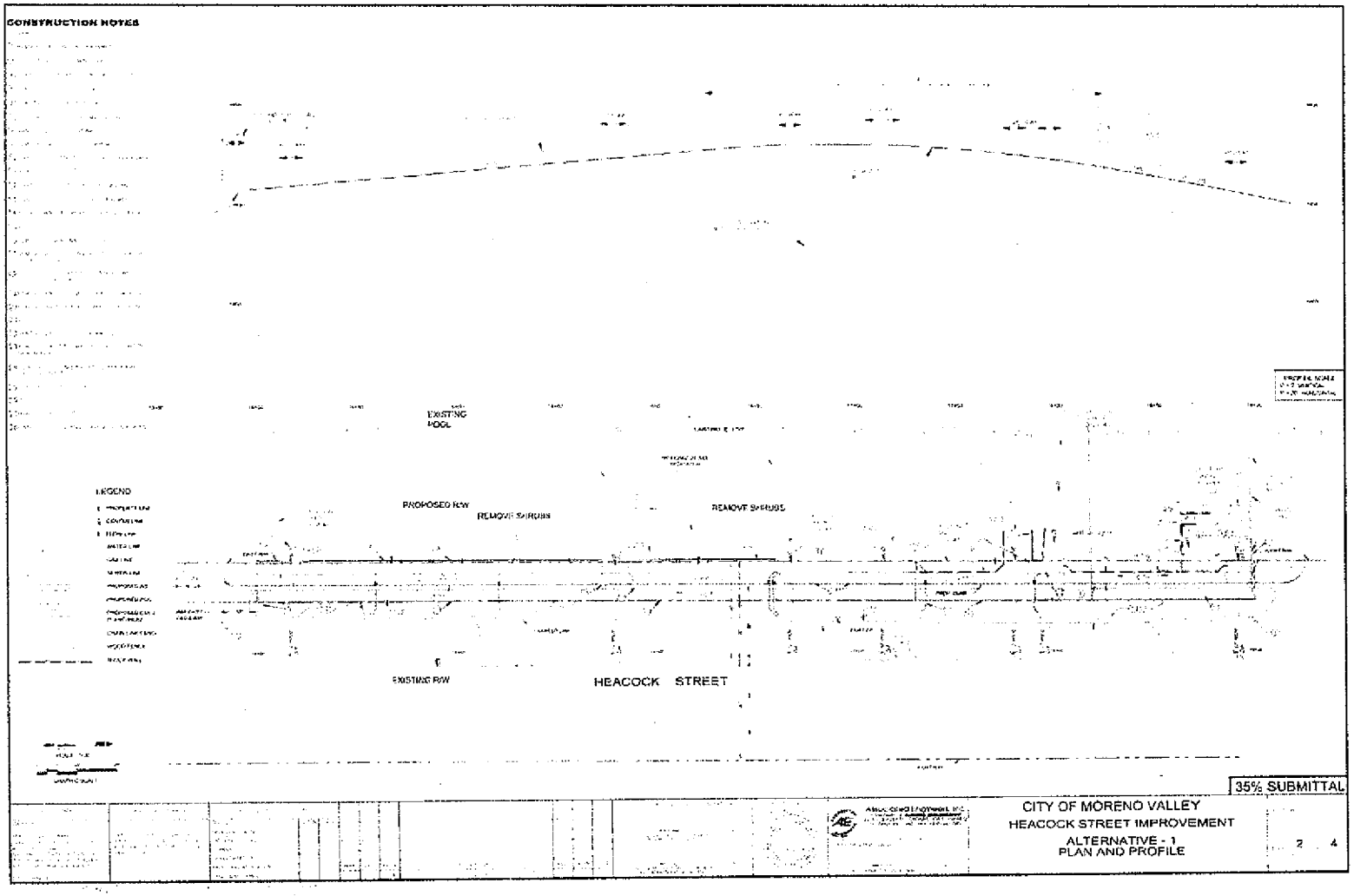

Tom Dodson & Associates
Environmental Consultants

FIGURE 5
Heacock Street Improvements Alternative 2

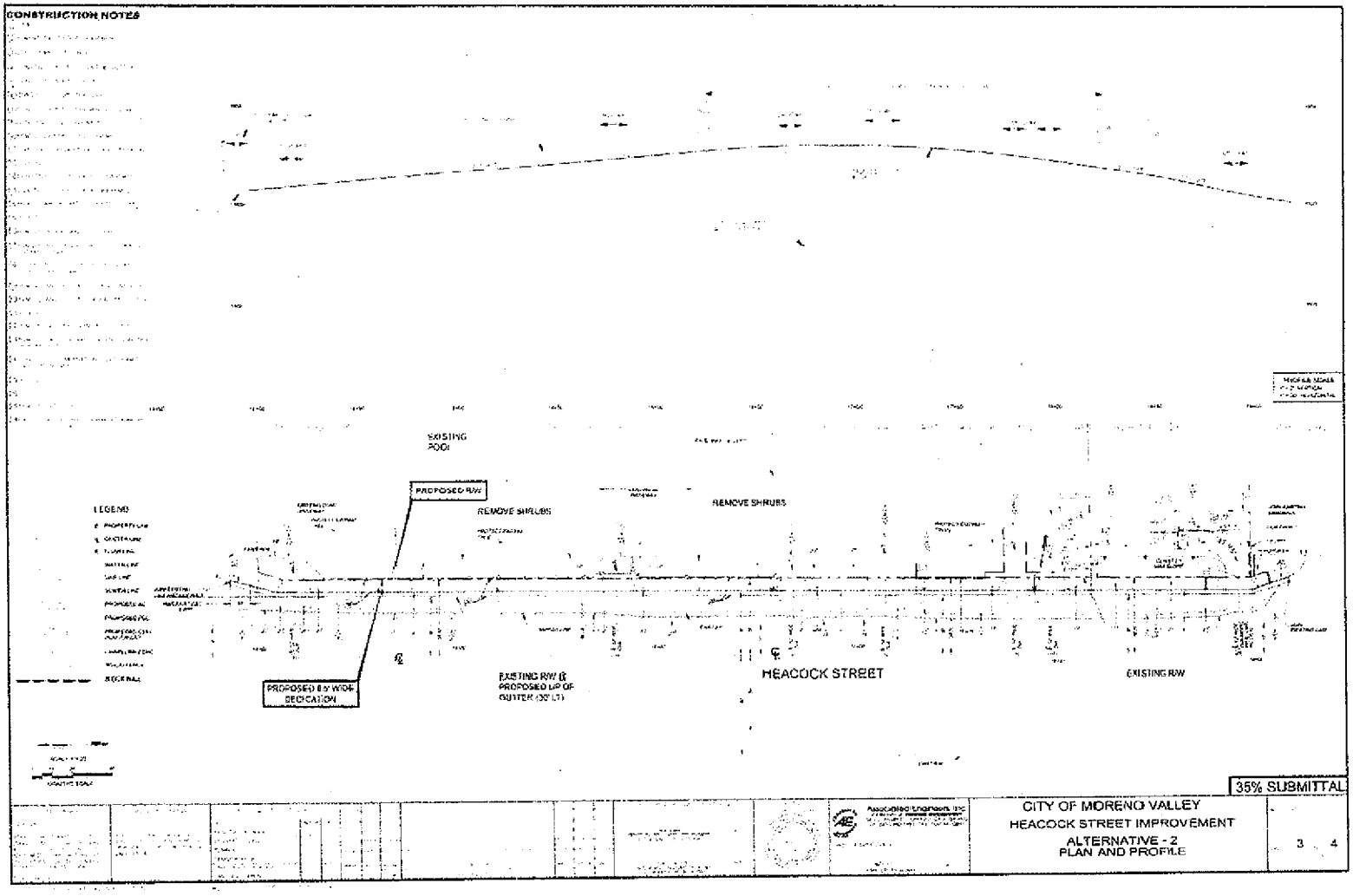

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Environmental Consultants

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FIGURE 6
Heacock Street Improvements Alternatives 1 & 2, Driveway Profiles and Sections

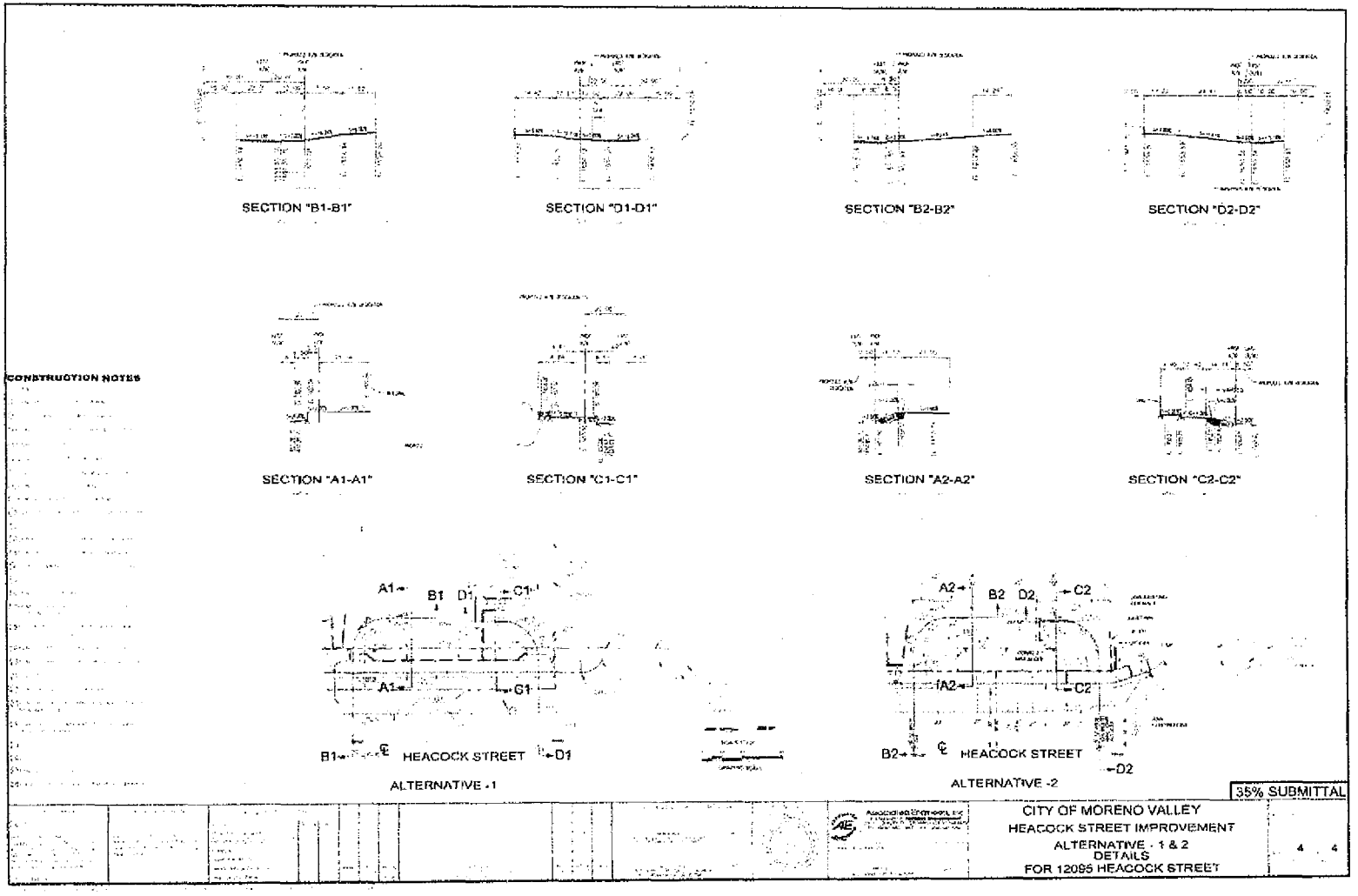

APPENDIX 1

Air Quality
Auditing
CEQA Air Analysis
Fire & Building Code
Health & Safety
Industrial Hygiene
Permitting
Project Management
Risk Assessment
Strategic Planning
Water Quality

Web-based Solutions
Quality ISO 9000
Environment ISO 14000
EHS Hosted Applications
QMS Hosted Applications
RIOS Hosted Applications

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VIA EMAIL: tda@tdaenv.com

Mr. Tom Dodson
Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405

26 June 2008

Re: Air Quality Analysis for Heacock Street Project in Moreno Valley, California.

Dear Tom:

JE Compliance Services, Inc. (JECSI) was retained by Tom Dodson & Associates to prepare a limited air quality analysis to focus on construction emission calculations for the Heacock Street expansion project in Moreno Valley, California. The analysis does not include the emissions associated with existing or expected operations within the project area. Additionally, the analysis does not include an evaluation of whether the proposed project is in federal conformity nor does it include a federal conformity test in compliance with 40 CFR part 93. JECSI has not evaluated whether the proposed project is included in a regional emission analysis or included in any urban airshed model.

Analysis Methodology

URBEMIS 2007 (version 9.2) was used to estimate emissions during the construction project. Both SCAQMD and California Air Resources Board (CARB) use and suggest the use of the URBEMIS 2007 model for developing emission estimates for construction projects. The following activities were evaluated: removal of existing roadway, mass grading, fine grading and utility installation, paving and lane striping. The project schedule is provided in **Table 1.**

The equipment schedule for each phase was based on default URBEMIS 2007 equipment. URBEMIS 2007 uses OFFROAD2007 model for off-road vehicle emission factors and EMFAC 2007 for on-road vehicle emission factors. Due to a desired quantity of worker trips and delivery trips per day that could not be set in URBEMIS 2007, emissions from worker trips and delivery vehicles were calculated using emission factors provided by SCAQMD.

Emissions from roadway removal and grading activities were estimated using an emission factor of 10 pounds per acre-day. Approximately 600 cubic yards of soil is expected to be exported during grading activities. It is estimated that the daily acreage to be disturbed during mass and fine site grading activities will not exceed 0.25 acres. Additionally, a mitigation measure of three times daily watering was applied to the grading phases.

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Emissions of carbon dioxide from the manufacturing of concrete manufacturing (indirect emission source) were calculated outside of URBEMIS. The emissions were calculated using estimated quantities of concrete and USEPA and GHG Protocol emissions factors. URBEMIS outputs and supplemental calculations are provided in **Attachments.**

Emissions Evaluation

SCAQMD publishes screening levels to determine if a project is regionally significant.[1] Additionally, SCAQMD provides guidance on determining localized significance thresholds (LSTs) for a project.[2] SCAQMD provides mass rate LSTs look up tables that are a function of the project location, project size, and sensitive receptor distance. A site size of one acre and a receptor distance of 25 meters were used to determine the LST for the project.

Unmitigated criteria pollutant emissions from the construction phase of the project are provided in **Table 2**. The emissions of criteria pollutants from the construction phase do not exceed the regional thresholds. The LST for particulate matter was exceeded during the mass grading and fine grading phases. No other criteria pollutants exceeded their respective LSTs.

Mitigated criteria pollutant emissions from the construction phase of the project are provided in **Table 3**. The emissions of criteria pollutants from the construction phase do not exceed the regional thresholds or LSTs.

Please call me or Daren with any comments or questions.

Sincerely,

Peter G. Stein
Vice President

Daren E. Jorgensen
President

[1] CEQA Air Quality Handbook, SCAQMD, April 1993, Section 6.4 Significance thresholds updated October 2006.
[2] Final Localized Significance Threshold Methodology, SCAQMD, June 2003.

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Table 1 - Project Schedule

Activity	Duration (days)*
Remove roadway	3
Mass grading	4
Fine grading	3
Paving	2
Lane striping	1

*presented as working days

Table 2 - Overall Maximum Unmitigated Daily Construction Emissions (lbs/day)

Activity	VOC	NOx	CO	SOx	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2
Removal of roadway	2.87	19.53	14.57	0.01	2.51	0.92	3.43	0.52	0.81	1.33	2,995.12
Mass grading	3.89	27.4	19.92	0.02	2.54	1.54	4.08	0.53	1.39	1.93	3,978.93
Fine grading/utilities	5.22	38.9	23.99	0.02	2.68	1.94	4.62	0.68	1.76	2.44	86,9443.34
Paving	5.4	27.3	23.06	0.02	0	1.86	1.86	0	1.66	1.66	3,515.44
Lane striping	1.56	6.08	12.87	0.02	0.00	0.28	0.28	0.00	0.21	0.21	1,778.74
Max. Daily Emissions	5.40	38.90	23.99	0.02	2.68	1.94	4.62	0.68	1.76	2.44	869,443.34
Regional significance threshold	**75**	**100**	**550**	**150**	**150**	**150**	**150**	**55**	**55**	**55**	-
Localized significance threshold (see note 2)	-	**235**	**523**	-	**4**	**4**	**4**	**3**	**3**	**3**	-

Note 1: Localized significance threshold based on project area size of one acre and sensitive receptor distance of 25 meters from project boundary.

Table 3 - Overall Maximum Mitigated Daily Construction Emissions (lbs/day)

Activity	VOC	NOx	CO	SOx	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2
Removal of roadway	2.87	19.53	14.57	0.01	1.31	0.92	2.23	0.3	0.81	1.11	2,995.12
Mass grading	3.89	27.4	19.92	0.02	1.34	1.54	2.88	0.28	1.39	1.68	3,978.93
Fine grading/utilities	4.92	38.9	23.99	0.02	1.48	1.94	3.42	0.43	1.76	2.19	869,443.34
Paving	5.4	27.3	23.06	0.02	0	1.86	1.86	0	1.66	1.66	3,515.44
Lane striping	1.56	6.08	12.87	0.02	0.00	0.28	0.28	0.00	0.21	0.21	1,778.74
Max. Daily Emissions	5.40	38.90	23.99	0.02	1.48	1.94	3.42	0.43	1.76	2.19	869,443.34
Regional significance threshold	**75**	**100**	**550**	**150**	**150**	**150**	**150**	**55**	**55**	**55**	-
Localized significance threshold (see note 2)	-	**235**	**523**	-	**4**	**4**	**4**	**3**	**3**	**3**	-

Note 1: Localized significance threshold based on project area size of one acre and sensitive receptor distance of 25 meters from project boundary.

Attachments

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Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name: S:\clients.wdx\tdod\207423\Heacock street improvement updated.urb924

Project Name: Heacock Street

Project Location: Riverside County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (lbs/day unmitigated)	4.07	31.16	13.33	0.01	2.53	1.69	4.09	0.53	1.55	1.98	3,039.24
2010 TOTALS (lbs/day mitigated)	4.07	31.16	13.33	0.01	1.32	1.69	2.88	0.28	1.55	1.73	3,039.24

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

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Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	2.52	0.83	3.34	0.53	0.76	1.29	2,023.83
Mass Grading 12/01/2010-12/03/2010	1.99	18.67	7.35	0.00	2.52	0.83	3.34	0.53	0.76	1.29	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	2.53	1.28	3.81	0.53	1.18	1.71	2,371.88
Mass Grading 12/06/2010-12/09/2010	2.69	22.01	11.09	0.01	2.53	1.28	3.81	0.53	1.18	1.71	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	2.51	1.58	4.09	0.53	1.45	1.98	3,039.24
Fine Grading 12/13/2010-12/15/2010	3.66	31.16	13.33	0.00	2.51	1.58	4.09	0.53	1.45	1.98	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	**4.07**	24.00	12.46	0.01	0.02	**1.69**	1.71	0.01	**1.55**	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Phase Assumptions

Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

2 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 83.33

Off-Road Equipment:

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1 Concrete/Industrial Saws (10 hp) operating at a 0.73 load factor for 8 hours per day

1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 150

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 12/20/2010 - 12/20/2010 - Paving

Acres to be Paved: 0.25

Off-Road Equipment:

2 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day

2 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Construction Mitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Summer Pounds Per Day, Mitigated

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

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Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading 12/01/2010-12/03/2010	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading 12/06/2010-12/09/2010	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading 12/13/2010-12/15/2010	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

MV00032587

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	**4.07**	24.00	12.46	0.01	0.02	**1.69**	1.71	0.01	**1.55**	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

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Urbemis 2007 Version 9.2.4

Combined Winter Emissions Reports (Pounds/Day)

File Name: S:\clients.wdx\tdod\207423\Heacock street improvement updated.urb924

Project Name: Heacock Street

Project Location: Riverside County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (lbs/day unmitigated)	4.07	31.16	13.33	0.01	2.53	1.69	4.09	0.53	1.55	1.98	3,039.24
2010 TOTALS (lbs/day mitigated)	4.07	31.16	13.33	0.01	1.32	1.69	2.88	0.28	1.55	1.73	3,039.24

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

MV00032589

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Phase Assumptions

Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

2 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 83.33

Off-Road Equipment:

MV00032590

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1 Concrete/Industrial Saws (10 hp) operating at a 0.73 load factor for 8 hours per day

1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 150

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 12/20/2010 - 12/20/2010 - Paving

Acres to be Paved: 0.25

Off-Road Equipment:

2 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day

2 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Construction Mitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Winter Pounds Per Day, Mitigated

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

MV00032591

6/26/2008 4:11:34 PM

Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading 12/01/2010-12/03/2010	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading 12/06/2010-12/09/2010	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading 12/13/2010-12/15/2010	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

MV00032592

6/26/2008 4:11:34 PM

Time Slice 12/20/2010-12/20/2010 Active Days: 1	**4.07**	24.00	12.46	0.01	0.02	**1.69**	1.71	0.01	**1.55**	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

MV00032593

Maximum Daily Unmitigated Construction Emissions (2010)

Activity	Source	VOC	NOx	CO	SO2	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2	Comments
Removal of roadway	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Removal of roadway	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Removal of roadway	On-road equipment	0.18	2.52	0.9	0	0.01	0.1	0.11	0	0.09	0.09	353	URBEMIS
Removal of roadway	Off-road equipment	1.78	16.09	5.41	0	0	0.73	0.73	0	0.67	0.67	1,546.24	URBEMIS
Mass grading	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Mass grading	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Mass grading	On-road equipment	0.65	9.05	3.23	0.01	0.04	0.35	0.39	0.01	0.32	0.34	1,272	URBEMIS
Mass grading	Off-road equipment	2.33	17.43	8.43	0	0	1.1	1.1	0	1.02	1.02	1,611.73	URBEMIS
Fine grading/utilities	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Fine grading/utilities	Off-road equipment	3.62	31.07	11.76	0	0	1.57	1.57	0	1.45	1.45	2,852.65	URBEMIS
Fine grading/utilities	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Fine grading/utilities	Deliveries	0.39	3.09	2.77	0	0	0.11	0.11	0	0.1	0.1	410	SCAQMD factors
Fine grading/utilities	Concrete deliveries	0.3	3.82	1.2	0.01	0.18	0.17	0.35	0.16	0.16	0.32	421.12	SCAQMD factors
Fine grading/utilities	Cement manufacturing											864,664.06	EPA
Paving	Off-gas	0.65											URBEMIS
Paving	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Paving	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683	SCAQMD factors
Paving	Off-road equipment	3.19	21.22	10.19	0	0	1.58	1.58	0	1.45	1.45	1,736.70	URBEMIS
Lane striping	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Lane striping	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683.06	SCAQMD factors

Maximum Daily Mitigated Construction Emissions (2010)

Activity	Source	VOC	NOx	CO	SO2	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2	Comments
Removal of roadway	Fugitive dust					1.30		1.30	0.3		0.3		URBEMIS
Removal of roadway	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Removal of roadway	On-road equipment	0.18	2.52	0.9	0	0.01	0.1	0.11	0	0.09	0.09	353	URBEMIS
Removal of roadway	Off-road equipment	1.78	16.09	5.41	0	0	0.73	0.73	0	0.67	0.67	1,546.24	URBEMIS
Mass grading	Fugitive dust					1.30		1.30	0.27		0.27		URBEMIS
Mass grading	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Mass grading	On-road equipment	0.65	9.05	3.23	0.01	0.04	0.35	0.39	0.01	0.32	0.34	1,272	URBEMIS
Mass grading	Off-road equipment	2.33	17.43	8.43	0	0	1.1	1.1	0	1.02	1.02	1,611.73	URBEMIS
Fine grading/utilities	Fugitive dust					1.30		1.30	0.27		0.27		URBEMIS
Fine grading/utilities	Off-road equipment	3.62	31.07	11.76	0	0	1.57	1.57	0	1.45	1.45	2,852.65	URBEMIS
Fine grading/utilities	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Fine grading/utilities	Deliveries	0.39	3.09	2.77	0	0	0.11	0.11	0	0.1	0.1	410	SCAQMD factors
Fine grading/utilities	Concrete deliveries	0	3.82	1.2	0.01	0.18	0.17	0.35	0.16	0.16	0.32	421.12	SCAQMD factors
Fine grading/utilities	Cement manufacturing											864,664.06	EPA
Paving	Off-gas	0.65											URBEMIS
Paving	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Paving	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683	SCAQMD factors
Paving	Off-road equipment	3.19	21.22	10.19	0	0	1.58	1.58	0	1.45	1.45	1,736.70	URBEMIS
Lane striping	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Lane striping	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683.06	SCAQMD factors

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Emissions from Worker Trips/Deliveries

Y = (N)(D)(EF)

where,
Y = Daily emissions of criteria pollutant, lbs/day
N = Number of trips per day
D = Distance per trip, miles
EF = Emission factor for criteria pollutant, lb/mile

Emissions from On-Road Vehicles During Mobilization Phase

				Emission factors (lbs/mile)								Emissions (lbs/day)							
Year	Activity	Total daily round trips	Miles during trip	VOC	CO	NOx	SOx	PM10	PM2.5	CO2	CH4	VOC	CO	NOx	SOx	PM10	PM2.5	CO2	CH4
2010	Worker	25	40	0.000913988	0.008262757	0.000918141	1.07747E-05	3.69788E-05	5.47813E-05	1.09568234	8.14608E-05	0.91	8.26	0.92	0.01	0.09	0.05	1095.68	0.08
2010	Delivery (materials in addition to concrete)	15	10	0.002569576	0.018437645	0.020624604	2.70099E-05	0.000751213	0.00054233	2.73222198	0.000125765	0.39	2.77	3.09	0	0.11	0.1	409.83	0.02
2010	Delivery (material deliveries only)	25	10	0.002569576	0.018437645	0.020624604	2.70099E-05	0.000751213	0.00054233	2.73222198	0.000125765	0.65	4.61	5.16	0.01	0.19	0.16	683.05	0.03

DRAFT - FOR DISCUSSION PURPOSES ONLY

MV00032595

APPENDIX 2

HISTORICAL/ARCHAEOLOGICAL RESOURCES SURVEY REPORT

HEACOCK STREET ROAD-WIDENING PROJECT

City of Moreno Valley
Riverside County, California

For Submittal to:

City of Moreno Valley
Public Works Department
14177 Frederick Street
Moreno Valley, CA 92553

Prepared for:

Tom Dodson
Tom Dodson and Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405

Prepared by:

CRM TECH
1016 East Cooley Drive, Suite A/B
Colton, CA 92324

Michael Hogan, Principal Investigator
Bai "Tom" Tang, Principal Investigator

June 3, 2008
CRM TECH Contract No. 2228

NATIONAL ARCHAEOLOGICAL DATABASE INFORMATION

Author(s): Josh Smallwood, Historical Archaeologist/Report Writer
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Date: June 3, 2008

Title: Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California

For Submittal to: City of Moreno Valley
Public Works Department
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USGS Quadrangle: Sunnymead, Calif., 7.5' quadrangle; Section 1, T3S R4W, San Bernardino Base Meridian

Project Size: Approximately 0.25 mile

Keywords: Moreno Valley area, Riverside County; historical/archaeological resources survey; Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034; post-WWII-era single-family residences; no "historical resources" under CEQA

MANAGEMENT SUMMARY

In April and May, 2008, at the request of Tom Dodson and Associates, CRM TECH performed a cultural resources study for the proposed widening of an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue in the Sunnymead area of the City of Moreno Valley, Riverside County, California. The project area encompasses the existing road right-of-way as well as a total of 13 parcels, Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034, which are situated along the west side of Heacock Street and will be affected by the road-widening project. The study is part of the environmental review process for the proposed project, located in the northeast quarter of Section 1, T3S R4W, San Bernardino Base Meridian. The City of Moreno Valley Public Works Department, as Lead Agency for the project, required the study in compliance with the California Environmental Quality Act (CEQA).

The purpose of the study is to provide the City of Moreno Valley Public Works Department with the necessary information and analysis to determine whether the proposed project would cause substantial adverse changes to any historical/archaeological resources that may exist in or adjacent to the project area, as mandated by CEQA. In order to identify and evaluate such resources, CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, consulted with Native American representatives, and carried out an intensive-level field survey.

As a result of the study, two post-WWII-era single-family residences were recorded within the project area at 12151 and 12183 Heacock Street, but neither of them meets the definition of a "historical resource," as provided in CEQA. No archaeological sites or any other potential "historical resources" were encountered during the course of the study. Based on the research results summarized above, this study concludes that no "historical resources" are known to exist within or adjacent to the project area.

Therefore, CRM TECH recommends to the City of Moreno Valley Public Works Department a finding of *No Impact* regarding cultural resources. No further cultural resources investigation is recommended for the project unless construction plans undergo such changes as to include areas that have not been surveyed. However, if buried cultural materials are encountered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

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TABLE OF CONTENTS

MANAGEMENT SUMMARY i
INTRODUCTION 1
SETTING 3
Current Natural Setting 3
Cultural Setting 4
Prehistoric Context 4
Ethnohistoric Context 4
Historic Context 5
RESEARCH METHODS 6
Records Search 6
Native American Participation 6
Historical Research 6
Field Survey 7
RESULTS AND FINDINGS 7
Previous Cultural Resources Studies 7
Native American Input 7
Historical Overview 9
Potential Historical Resources in the Project Area 11
12151 Heacock Street 11
12183 Heacock Street 12
DISCUSSION 13
Definition 13
Evaluation 13
CONCLUSION AND RECOMMENDATIONS 14
REFERENCES 15
APPENDIX 1: Personnel Qualifications 17
APPENDIX 2: Correspondence with Native American Representatives 22
APPENDIX 3: California Historical Resources Information System Record Forms 30

LIST OF FIGURES

Figure 1. Project vicinity 1
Figure 2. Project area 2
Figure 3. Overview of the current natural setting of the project area 3
Figure 4. Previous cultural resources studies 8
Figure 5. The project area and vicinity in 1853-1882 10
Figure 6. The project area and vicinity in 1897-1898 10
Figure 7. The project area and vicinity in 1939 10
Figure 8. The project area and vicinity in 1951-1953 10
Figure 9. Historic-period buildings in the project area 12

LIST OF TABLES

Table 1. Previously Recorded Cultural Resources in the Vicinity 9
Table 2. Buildings Located in the Project Area 11

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INTRODUCTION

In April and May, 2008, at the request of Tom Dodson and Associates, CRM TECH performed a cultural resources study for the proposed widening of an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue in the Sunnymead area of the City of Moreno Valley, Riverside County, California (Fig. 1). The project area encompasses the existing road right-of-way as well as a total of 13 parcels, Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034, which are situated along the west side of Heacock Street and will be affected by the road-widening project. The study is part of the environmental review process for the proposed project, located in the northeast quarter of Section 1, T3S R4W, San Bernardino Base Meridian (Fig. 2). The City of Moreno Valley Public Works Department, as Lead Agency for the project, required the study in compliance with the California Environmental Quality Act (CEQA; PRC §21000, et seq.).

CRM TECH performed the present study to provide the City of Moreno Valley Public Works Department with the necessary information and analysis to determine whether the proposed project would cause substantial adverse changes to any historical/archaeological resources that may exist in or around the project area, as mandated by CEQA. In order to identify and evaluate such resources, CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, consulted with Native American representatives, and carried out an intensive-level field survey. The following report is a complete account of the methods, results, and final conclusion of the study.

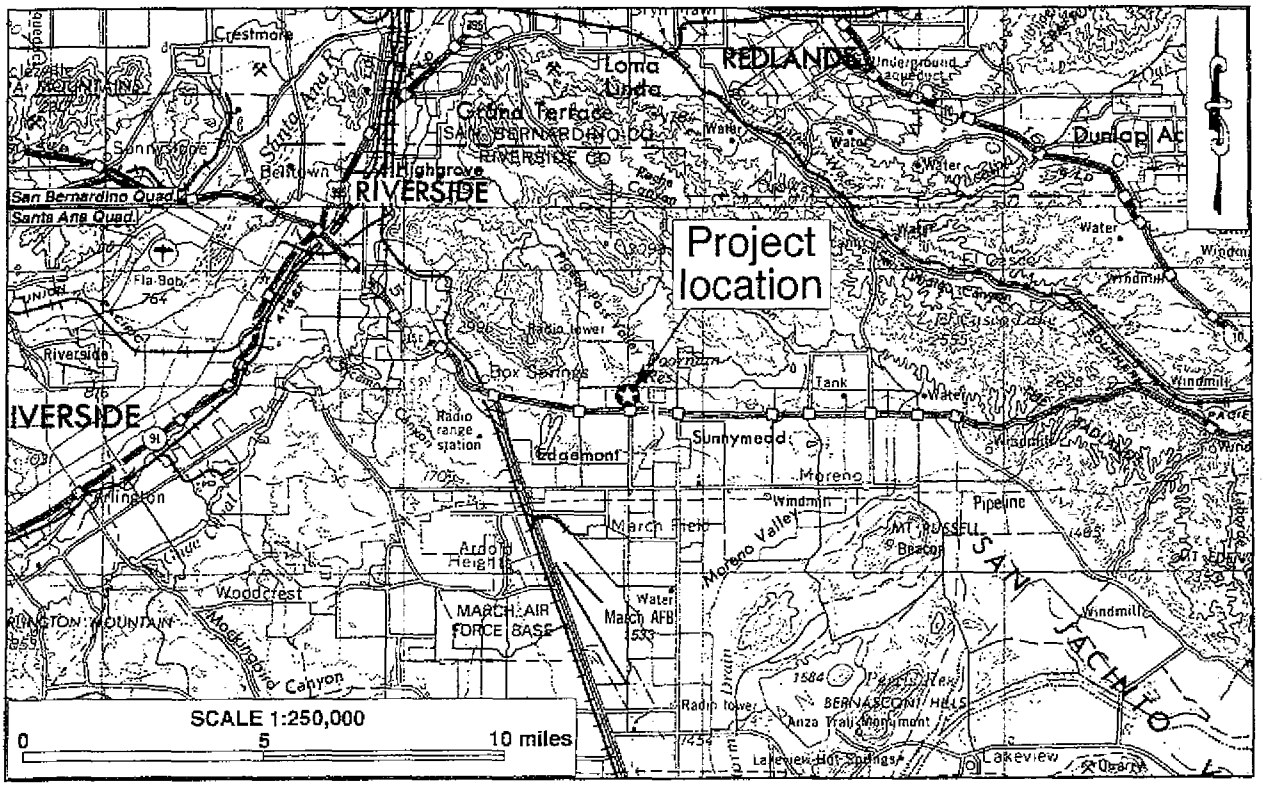

Figure 1. Project vicinity. (Based on USGS San Bernardino and Santa Ana, Calif., 1:250,000 quadrangles [USGS 1969; 1979])

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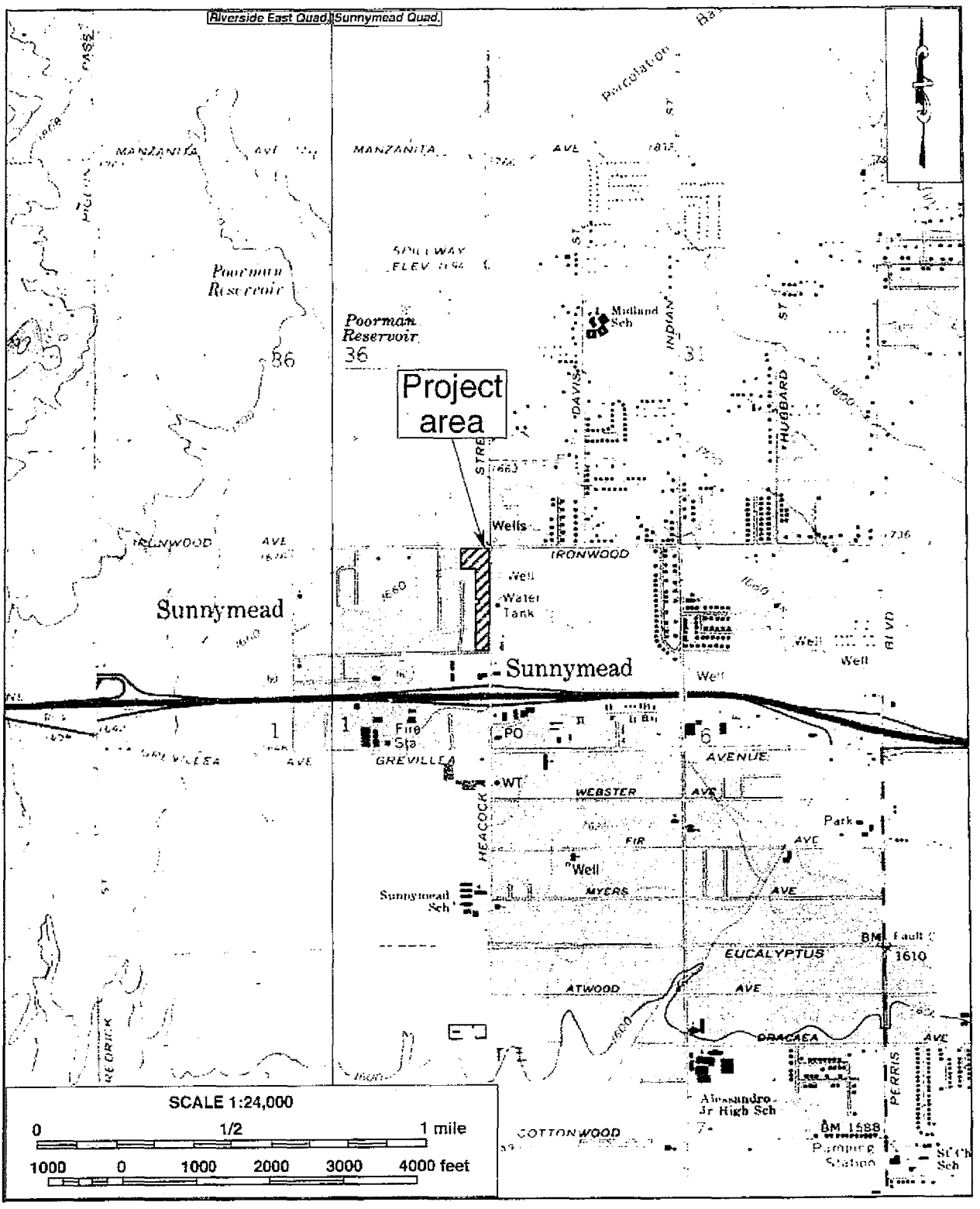

Figure 2. Project area. (Based on USGS Riverside East and Sunnymead, Calif., 1:24,000 quadrangles [USGS 1980a; 1980b])

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SETTING

CURRENT NATURAL SETTING

The project area is situated near the southeast end of the Pigeon Pass Valley, a narrow valley extending southeast from the Box Springs Mountains. The surrounding region often experiences some extreme temperatures, reaching over 100 degrees in summer and dipping to near freezing in winter. As discussed above, the project area encompasses 13 residential and commercial parcels along an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue. Heacock Street is a modern, four-lane roadway with signal lights at Ironwood Avenue and Hemlock Avenue. The project area lies in an urban setting and, except for a patch of vacant land immediate to the east, it is surrounded by residential and commercial development (Fig. 3). State Route 60 traverses approximately 0.10-mile to the south of the project location.

The elevation of the property ranges between about 1,650 and 1,660 feet above mean sea level, with a subtle rise toward the north from Hemlock Avenue and a gentle drop in elevation approaching Ironwood Avenue. Both sides of Heacock Street are lined by concrete sidewalks, except for an approximately 450-foot-long segment along the west side that is unimproved. Currently, pedestrian traffic along this unimproved stretch requires walking along an uneven dirt surface next to oncoming traffic. Vegetation along this segment consists mostly of weeds, and it is shaded by the overhanging branches of several mature, domestic trees.

Figure 3. Overview of the current natural setting of the project area. (Photo taken on April 28, 2008; view to the north along Heacock Street from near the intersection of Hemlock Avenue)

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CULTURAL SETTING

Prehistoric Context

It is widely acknowledged that human occupation in what is now the State of California began 8,000-12,000 years ago. In attempting to describe and understand the cultural processes that occurred in the ensuing years, archaeologists have developed a number of chronological frameworks that endeavor to correlate the technological and cultural changes that are observable in archaeological records to distinct time periods. Unfortunately, none of these chronological frameworks has been widely accepted, and none has been developed specifically for the so-called Inland Empire, the nearest ones being for the Colorado Desert and Peninsular Ranges area (Warren 1984) and for the Mojave Desert (Warren and Crabtree 1986).

The development of an overall chronological framework for the region is hindered by the lack of distinct stratigraphic layers of cultural sequences that could be dated by absolute dating methods to provide concrete dates. Since results from archaeological investigations in this region have yet to be synthesized into an overall chronological framework, most archaeologists tend to follow a chronology adapted from a scheme developed by William J. Wallace in 1955 and modified by others (Wallace 1955; 1978; Warren 1968; Chartkoff and Chartkoff 1984; Moratto 1984). Although the beginning and ending dates of the different horizons or periods may vary, the general framework of prehistory in this region under this chronology consists of the following four periods:

- Early Hunting Stage (ca. 10,000 BC-6,000 BC), which was characterized by human reliance on big game animals, as evidenced by large, archaic-style projectile points and the relative lack of plant-processing artifacts;
- Millingstone Horizon (ca. 6,000 BC-AD 1,000), when plant foods and small game animals came to the forefront of subsistence strategy, and from which a large number of millingstones, especially well-made, deep-basin metates, were left;
- Late Prehistoric Period (ca. AD 1,000-1,500), during which a more complex social organization, a more diversified subsistence base—as evidenced by smaller projectile points, expedient millingstones and, later, pottery—and regional cultures and tribal territories began to develop;
- Protohistoric Period (ca. AD 1,500-1,700s), which ushered in long-distance contact with Europeans, and thereby led to the Historic Period.

Ethnohistoric Context

The subject property of this study lies in an area where the traditional territories of three Native American groups overlap: the Serrano of the San Bernardino Mountains, the Luiseño of the Perris-Elsinore region, and the Gabrielino of the San Gabriel Valley. Kroeber (1925:Plate 57) suggests that the Native Americans of the Riverside area were probably Luiseño, Reid (1968:8-9) states that they were Serrano, and Strong (1929:7-9, 275) claims that they were Gabrielino. In any case, there also occurred a late influx of Cahuilla during the 19th century (Bean 1978).

Whatever the linguistic affiliation, Native Americans in the Moreno Valley area exhibited similar social organization and resource procurement strategies. Villages were based on

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clan or lineage groups. Their home/base sites are marked by midden deposits, often with bedrock mortar/metate features. During their seasonal rounds to exploit natural resources, small groups often ranged some distances in search of specific plants and animals. Their gathering strategies often left behind signs of special use sites, such as boulder slicks, at the locations of the resources.

Historic Context

In comparison to other nearby communities such as Riverside and San Jacinto, the City of Moreno Valley is a "late-boomer" both in early development in the 19th century and in urban growth in the 20th. By the mid-19th century, the area that constitutes present-day Moreno Valley remained essentially uninhabited, despite its location on a grassy plain surrounded by several large Mexican land grants. In 1853-1855, when the U.S. government initiated the first official land survey in southern California, the only man-made features observed in the area were a few roads crisscrossing the desert floor, including a wagon road from San Bernardino to Temecula, a second one leading to San Jacinto, and several unidentified roads or trails.

The Moreno Valley area remained unclaimed public land until 1870, when a large tract of 13,471 acres was purchased from the U.S. government in one single transaction (BLM n.d.). It was on this vast acquisition that the 11,560-acre Alessandro Tract and the town of Alessandro, where the March Air Reserve Base lies today, were laid out and offered to settlers in 1887 (Gunther 1984:11), during a land boom that swept through southern California in the 1880s. After this initial development scheme failed, the developers of Redlands in San Bernardino County, fresh from their acclaimed success in creating the Bear Valley reservoir and the thriving Redlands colony, took over the Alessandro Tract with the intention of irrigating the land with an elaborate water system (*ibid.*).

Water from the Bear Valley reservoir reached the Moreno Valley area in 1891, ushering in a few years of prosperity in the early 1890s. Two more communities came into being in the vicinity during this brief boom: New Haven, soon to be renamed Moreno, and Midland, also known as Armada (Gunther 1984:323, 333). However, the boom soon turned to bust during the drought of the late 1890s, when Bear Valley water was no longer delivered to the Moreno Valley area. As a result, the budding towns in the area became largely abandoned, and many of the buildings were taken up and moved to Riverside (*ibid.*:13, 334).

During the early 20th century, the Moreno Valley area began to recover slowly. In 1912, a 1,100-acre portion of the original Alessandro Tract was re-subdivided as the Sunnymead Orchard Tract (County Surveyor 1912), thus bestowing on the community formerly known as Midland or Armada the new name of Sunnymead. A series of development projects began in 1923 to the west of Sunnymead, which ultimately resulted in the establishment of the community of Edgemont (Gunther 1984:171-172).

Despite these development efforts, Moreno Valley's economic prospect was severely hampered by the lack of reliable water supply until 1973, after the completion of the California Aqueduct and its southern terminus, Lake Perris (Gunther 1984:334). Since then, the promise of affordable housing brought an influx of commuters to the Moreno Valley area, setting off a period of rapid growth and urbanization. By 1984, when residents in the

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communities of Moreno, Sunnymead, and Edgemont voted to incorporate as the City of Moreno Valley, the new city had already become the second most populous in Riverside County (*ibid.*), thanks mainly to its attraction as a "bedroom community."

RESEARCH METHODS

RECORDS SEARCH

On March 27, 2008, CRM TECH archaeologist Nina Gallardo (see App. 1 for qualifications) conducted the historical/archaeological resources records search at the Eastern Information Center (EIC), University of California, Riverside. The EIC is the State of California's official cultural resource records repository for the County of Riverside, and a part of the California Historical Resources Information System established and maintained under the auspices of the California Office of Historic Preservation.

During the records search, Gallardo examined maps and records on file at the EIC for previously identified cultural resources in or near the project area, and existing cultural resources reports pertaining to the vicinity. Previously identified cultural resources include properties designated as California Historical Landmarks, Points of Historical Interest, or Riverside County Landmarks, as well as those listed in the National Register of Historic Places, the California Register of Historical Resources, or the California Historical Resources Information System.

NATIVE AMERICAN PARTICIPATION

On March 27, 2008, CRM TECH submitted a written request to the State of California's Native American Heritage Commission for a records search in the commission's sacred lands file. Following the Native American Heritage Commission's recommendations, CRM TECH contacted a total of 14 Native American representatives in the region in writing on April 3 to solicit local Native American input regarding any potential cultural resources concerns over the proposed project. The correspondences between CRM TECH and the Native American representatives are attached to this report in Appendix 2.

HISTORICAL RESEARCH

Historical research for this study was carried out in two phases. The preliminary background research was conducted by CRM TECH historian Terri Jacquemain (see App. 1 for qualifications) on the basis of published history in local history and property information from the Riverside County Assessor's Office, available online. The property information was used to formulate a preliminary assessment of the age of the buildings that would be encountered during the field inspection.

After the identification of historic-period buildings in the project area, Jacquemain and historical archaeologist Josh Smallwood (see App. 1 for qualifications) pursued more focused and in-depth research on the history of the buildings and the parcels on which they are located. Sources consulted during this phase of the research included historic maps of the Moreno Valley area and the archival records of the U.S. Bureau of Land Management (BLM) and the County of Riverside, primarily real property tax assessment

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and building safety records. Among maps consulted for this study were the U.S. General Land Office's (GLO) land survey plat map dated 1855-1883 and the U.S. Geological Survey's (USGS) topographic maps dated 1901, 1942-1943, and 1953. These maps are collected at the Science Library of the University of California, Riverside, and the California Desert District of the BLM, located in Moreno Valley.

FIELD SURVEY

On April 28, 2008, Josh Smallwood carried out the intensive-level field survey for this study, including an inspection of all existing buildings in the project area. Prior to the on-foot survey, Smallwood drove the streets immediately adjacent to the project area and in the surrounding neighborhood to examine the age, condition, and design of buildings in the immediate vicinity. During the on-foot survey, Smallwood walked along the west side of Heacock Street and made an assessment of the age of each building within the project area based on the overall appearance. Smallwood then compared the estimated construction date with the information gathered during the preliminary historical research, and completed field recording procedures on those buildings that appeared to be more than 45 years old.

In order to facilitate the proper recordation and evaluation of the buildings, Smallwood made detailed notations and preliminary photo-documentation of their structural and architectural characteristics and current conditions. Smallwood's observations and photo-recordation during the field inspection formed the basis of the building descriptions and historical integrity evaluation presented below.

RESULTS AND FINDINGS

PREVIOUS CULTURAL RESOURCES STUDIES

According to records on file at the Eastern Information Center, the project area had not been previously surveyed for cultural resources prior to this study and no historical/archaeological resources had been recorded within the project boundaries (Fig. 4). Outside the project boundaries but within a one-mile radius, EIC records show a total of six previous cultural resources studies covering various small tracts of land and linear features representing less than 10% of the land within the one-mile radius (Fig. 4).

None of these previous intensive-level surveys encountered any historical/archaeological sites, although six historical buildings were recorded during the 1980s as part of a countywide reconnaissance sponsored by the Riverside County Historical Commission (Table 1). These buildings were all vernacular wood-framed residences constructed during the early 20th century. None of these buildings was located within or adjacent to the project boundaries, and therefore none of them requires any further consideration during this study.

NATIVE AMERICAN INPUT

In response to CRM TECH's inquiry, the Native American Heritage Commission reports that the sacred lands record search identified no Native American cultural resources in the

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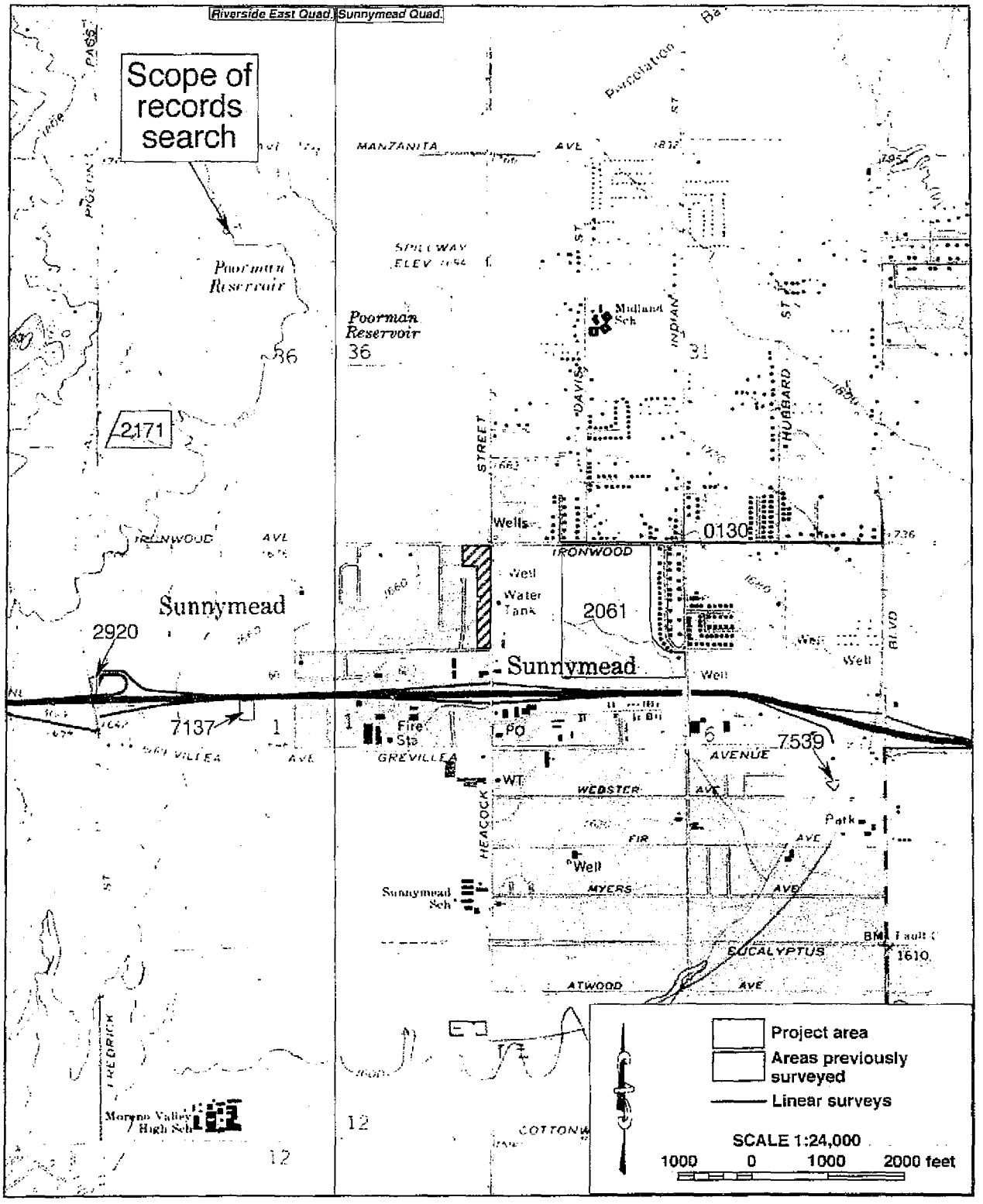

Figure 4. Previous cultural resources studies in the vicinity of the project area, listed by EIC file number. Locations of historical/archaeological sites are not shown as a protective measure.

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Table 1. Previously Recorded Cultural Resources within the Scope of the Records Search		
Site No.	Recorded by/Date	Description
33-007284	Warner 1983	24638 Fir Avenue, vernacular wood-frame residence, ca. 1915
33-007285	Warner 1983	23741 Hemlock Avenue, vernacular wood-frame residence, ca. 1910
33-007286	Warner 1983	11808 Indian Street, vernacular wood-frame residence, ca. 1907
33-007287	Warner 1983	11811 Indian Street, vernacular wood-frame residence, ca. 1920
33-007288	Warner 1983	11919 Indian Street, vernacular wood-frame residence, ca. 1922
33-007289	Warner 1983	12680 Indian Street, vernacular wood-frame residence, ca. 1915

vicinity of the project area. However, noting that "the absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect'," the commission recommends that local Native American representatives be consulted for additional information, and provided a list of potential contacts in the region (see App. 2).

Upon receiving the commission's response, CRM TECH initiated correspondence with all 10 individuals on the referral list and the organizations they represent. In addition, John Gomez, Jr., Cultural Resources Coordinator for the Ramona Band of Cahuilla Indians, Maurice Chacon, Cultural Resources Coordinator for the Cahuilla Band of Indians, Darren Hill, Cultural Resources Coordinator for the Soboba Band of Luiseño Indians, and Anna Hoover, Cultural Analyst for the Temecula (Pechanga) Band of Luiseño Indians, were also contacted. As of this date, written responses have been received from Mr. Hill and Ms. Hoover (see App. 2).

In letters dated April 14 and 22, 2008, respectively, Mr. Hill and Ms. Hoover both identify the project area as a part of their tribes' ancestral lands. Both, therefore, request copies of archaeological documentations pertaining to the project and further consultation with the project proponents and the Lead Agency (see App. 2).

HISTORICAL OVERVIEW

Based on historic sources consulted for this study, the project area evidently was undeveloped throughout the 19th century but experienced some settlement during the early 20th century, followed by new waves of development activities in the mid- and late-20th century (Figs. 5-8). During the 1850s-1880s, the only man-made feature observed in the vicinity was a segment of a wagon road traversing across the barren landscape (GLO 1855). The project area itself apparently remained unsettled at that time (Fig. 5). According to BLM records, the project area was included in a nearly 2,000-acre cash-sale by the U.S. government to Ira S. Waring in May of 1870 (BLM n.d.).

By the late 1890s, the forerunner of Heacock Street had been constructed along its present course, but no buildings or other signs of settlement were found within the project boundaries at that time (Fig. 6). A few scattered farmhouses were evident in the vicinity, and a grid of streets had formed around the community of Armada, nearly two miles to the southeast of the project location (Fig. 6). By the 1930s, numerous buildings existed along the west side of Heacock Street in the town of Sunnymead, including several within the project area (Fig. 7). Heacock Street had become the main intersection along U.S. Highway 60 (USGS 1943), signed in 1931, and known today as Sunnymead Boulevard (California Highways n.d.).

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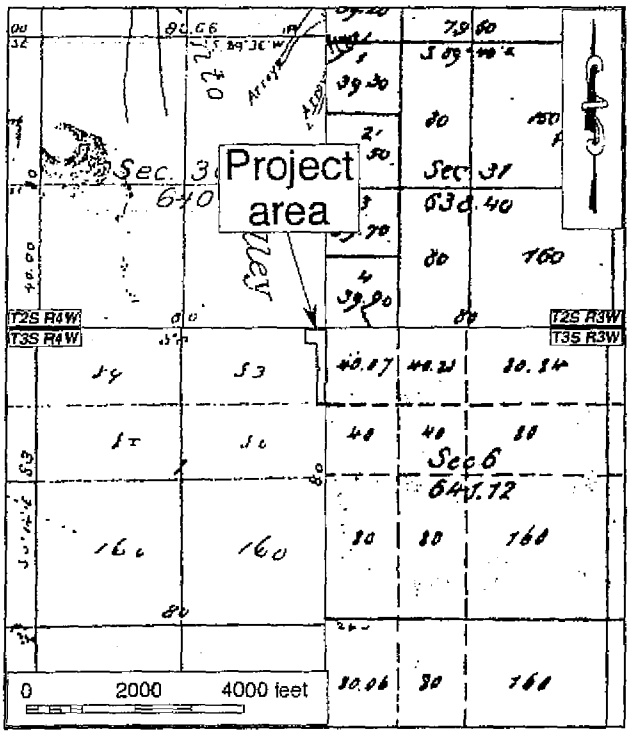

Figure 5. The project area and vicinity in 1853-1882. (Source: GLO 1855; 1876; 1877; 1883)

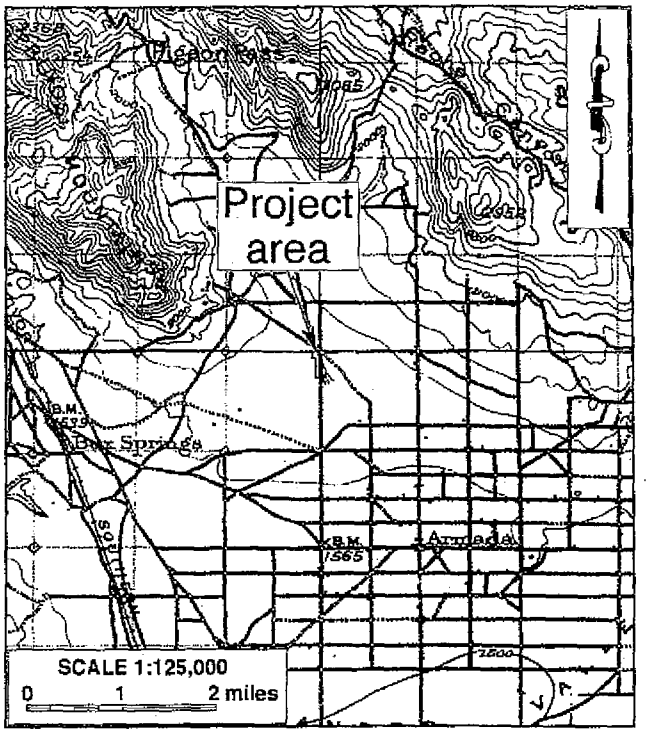

Figure 6. The project area and vicinity in 1897-1898. (Source: USGS 1901)

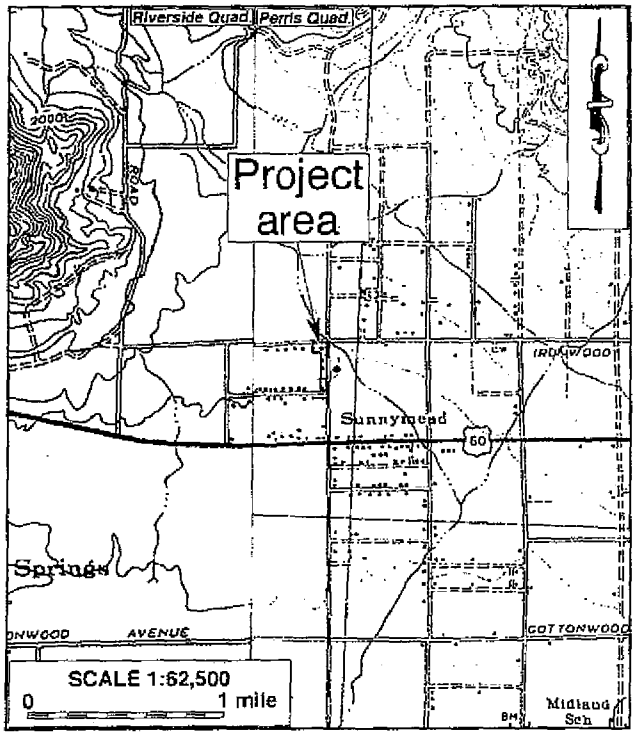

Figure 7. The project area and vicinity in 1939. (Source: USGS 1942; 1943)

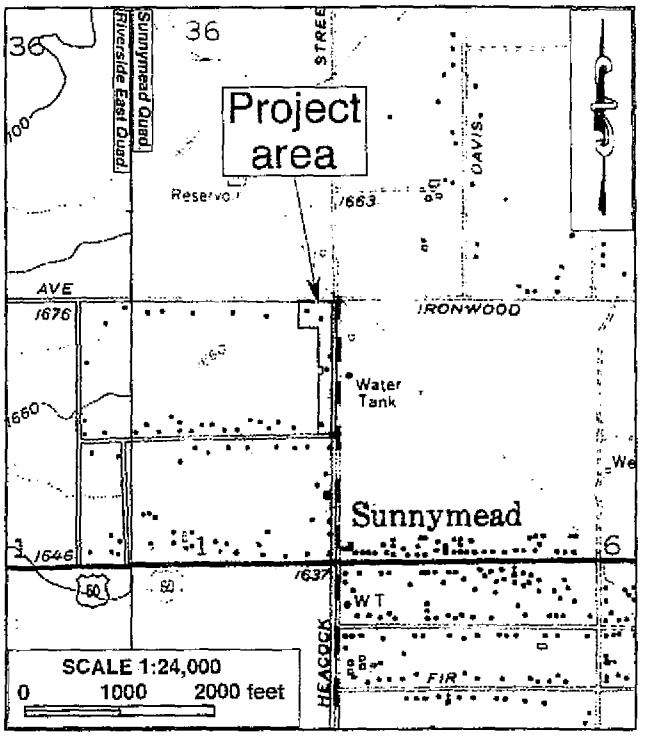

Figure 8. The project area and vicinity in 1951-1953. (Source: USGS 1953a; 1953b)

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These buildings evidently remained at their locations within the project area through at least the early 1950s, with no additional development noted (Fig. 8). The surrounding area, meanwhile, experienced significant growth during the post-WWII era, especially along Sunnymead Boulevard closer to the town center. Field observations and archival records suggest that a new wave of development occurred within the project boundaries by the late 1950s-1960s, and again in later years, as discussed below.

POTENTIAL HISTORICAL RESOURCES IN THE PROJECT AREA

During the intensive-level field survey, no evidence of any prehistoric—i.e., Native American—cultural resources was found within the project area. However, as mentioned above, a number of buildings are present within the project area on various parcels along the west side of Heacock Street. Two of these buildings, single-family residences at 12151 and 12183 Heacock Street, are evidently more than 45 years of age, dating to the late 1950s (see App. 3 for DPR forms). Building permits reveal that the residences at 12095-120097 and 12107-12109 Heacock Street were constructed in 1964-1965, barely missing the 45-year age threshold for consideration as a potential historical resource during this study. The other buildings in the project area are all modern residential and commercial properties that sprung up over the past three decades (Table 2).

Table 2. Buildings Located in the Project Area

Address	Assessor's Parcel No.	Construction date
12183 Heacock Street	292-182-014	1959
12151 Heacock Street	292-182-015	1956
12199 Heacock Street	292-182-016; 292-182-017; 292-182-018	Post-1980 (estimated)
12235 Heacock Street	292-182-019	Post-1980 (estimated)
12123 Heacock Street	292-193-024	1980
12107-12109 Heacock Street	292-193-025	1964-1965
12095-12097 Heacock Street	292-193-026	1965
12085 Heacock Street	292-193-027	1977
12075 Heacock Street	292-193-028	1977
12065 Heacock Street	292-193-029	1978
23975 Ironwood Avenue	292-193-034	Post-1980 (estimated)

12151 Heacock Street

This one-story wood-frame residence of vernacular design, square in plan, rests on a concrete foundation and is painted tan with off-white trim (Fig. 9). Its medium-pitched hip roof is sheathed with brown composition shingles and features wide, open eaves with exposed rafters. The primary façade, facing east, features a glazed wood door flanked by sidelights, and two aluminum-framed sliding windows. Among the front windows and door are three rectangular stucco patches of various sizes, presumably where other windows were once located.

The south side of the house has a patio sheltered beneath a shed roof supported by decorative metal posts. The north side of the house, facing the driveway, features a side entrance with a short concrete stoop and hand-rails, sheltered beneath an eave extension

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Figure 9. Historic-period buildings in the project area. *Left*: residence at 12151 Heacock Street; *right*: residence at 12183 Heacock Street. (Photos taken on April 28, 2008)

supported by wood posts. Fenestration on this side also consists of aluminum-framed sliding windows. To the north of the residence is a detached two-car garage covered by a hip roof clad with composition shingles. The exterior walls on both the house and the garage are coated with stucco. The front yard is enclosed by a tall wood fence and a wrought-iron gate with concrete block abutments.

Archival property records indicate that George and Elsie Soper became property owners of the northern 270 feet of Lot 38, which included this parcel, in 1952, and built this home about four years later (County of Riverside 1949-1953; 1954-1957). They added a pool and a patio cover to the house in 1975 (County of Riverside 1975).

12183 Heacock Street

This one-story, Ranch-style wood-frame residence, irregular in plan, rests on a concrete foundation and is painted white with green trim (Fig. 9). Its medium-pitched cross-gabled roof is sheathed with gray composition shingles and features wide, open eaves with exposed rafters. The asymmetrical primary façade, facing east, features a corner entryway sheltered beneath a wide roof overhang supported by square wood posts with corner braces. Next to the door is a large wood-framed picture window with diamond lattice grilles and faux shutters. Windows on the rest of the building are wood-framed double-hungs. The exterior walls are clad with a variety of materials, including brick veneer, vertical boards, and stucco. The front yard is enclosed by a tall chain-link fence with a gate. A paved driveway leads to the rear of the building where a detached garage of similar construction is located.

According to archival records, George and Elsie Soper deeded this parcel, the southern quarter-acre of their one-acre property, to Anton A. and Madelyn G. Juarez around 1959, the same year records indicate this house was constructed (County of Riverside 1959-1963; n.d.). By 1966, W. and Connie Boyden had acquired the property, and in that year securing a permit for a metal patio cover (County of Riverside 1966). They installed a pool two years later (County of Riverside 1968).

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DISCUSSION

Based on the research results discussed above, the following sections present CRM TECH's conclusion on whether the historic-period buildings at 12151 and 12183 Heacock Street meet the official definition of "historical resources," as provided in the California Public Resources Code, in particular CEQA.

DEFINITION

According to PRC §5020.1(j), "'historical resource' includes, but is not limited to, any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." More specifically, CEQA guidelines state that the term "historical resources" applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the Lead Agency (Title 14 CCR §15064.5(a)(1)-(3)).

Regarding the proper criteria of historical significance, CEQA guidelines mandate that "a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" (Title 14 CCR §15064.5(a)(3)). A resource may be listed in the California Register if it meets any of the following criteria:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
(2) Is associated with the lives of persons important in our past.
(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
(4) Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1(c))

A local register of historical resources, as defined by PRC §5020.1(k), "means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." For properties within the City of Moreno Valley, the City's Cultural Preservation Ordinance provides two types of historical significance designation for individual buildings: landmark and structure of merit, as detailed in Title 7 of the Moreno Valley Municipal Code (§7.05.010; §7.05.130).

EVALUATION

The residences located at 12151 and 12183 Heacock Street were evidently constructed in the late 1950s, during the post-WWII development boom that swept across the nation. Throughout the course of the present study, no persons or events of recognized significance in national, state, or local history were identified in association with either of these buildings, nor is there any evidence that either of them represents the work of a prominent architect, designer, or builder. Neither of them qualify as an "important example" of its type, period, region, or method of construction, or expresses any ideals or

MV00032613

design concepts more fully than the many other surviving buildings of similar nature and vintage in the Moreno Valley area.

Based on these considerations, the present study concludes that the two historic-period buildings recorded in the project area at 12151 and 12183 Heacock Street do not appear eligible for listing in the California Register of Historical Resources. Since these two buildings are not currently included in the City of Moreno Valley's local register of historical resources (Diaz 2008), they do not meet CEQA's definition of "historical resources," as outlined above.

CONCLUSION AND RECOMMENDATIONS

CEQA establishes that "a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment" (PRC §21084.1). "Substantial adverse change," according to PRC §5020.1(q), "means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired."

As stated above, two post-WWII-era single-family residences were recorded within the project area as a result of this study, but neither of them qualifies as a "historical resource," as defined by CEQA. No other potential "historical resources" were identified during the course of this study. Based on the results of the present study, CRM TECH presents the following recommendations to the City of Moreno Valley Public Works Department regarding the proposed project:

- No historical resources exist within or adjacent to the project area, and thus the project as currently proposed will not cause a substantial adverse change to any known historical resources.
- No further cultural resources investigation is necessary for the proposed project unless construction plans undergo such changes as to include areas not covered by the present study.
- If buried cultural materials are discovered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

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REFERENCES

Bean, Lowell John
1978 Cahuilla. In *Handbook of North American Indians*, Vol. 8: *California*, edited by Robert F. Heizer; pp. 575-587. Smithsonian Institution, Washington, D.C.

BLM (Bureau of Land Management, U.S. Department of the Interior)
n.d. Online database of U.S. land patents. Http://www.glorecords.blm.gov.

California Highways
n.d. California Highways Routes 57 through 64. Http://www.cahighways.org.

Chartkoff, Joseph L., and Kerry Kona Chartkoff
1984 *The Archaeology of California*. Stanford University Press, Stanford, California.

County of Riverside
1946-1963 Real property tax assessment records, Book 11, Map 19. Microfiches on file, Riverside County Assessor's Office, Riverside.
1963-1975 Building permit records, 12107-12183 Heacock Street. On file, Riverside County Building and Safety Department, Riverside.
n.d. Property information database tax. Http://pic.asrclkrec.com/.

County Surveyor, Riverside
1912 Plat map of the Sunnymead Orchard Tract; Map Book 9, Page 17. Microfiche on file, Riverside County Surveyor's Office, Riverside.

Diaz, Gabriel (Associate Planner, City of Moreno Valley)
2008 Personal communication via telephone on June 2.

GLO (General Land Office, U.S. Department of the Interior)
1855 Plat Map: Township No. III South Range No. IV West, San Bernardino Meridian; surveyed in 1853-1855.
1876 Plat Map: Township No. 2 South Range No. 3 West, San Bernardino Meridian; surveyed in 1853-1876.
1877 Plat Map: Township No. 2 South Range No. 4 West, San Bernardino Meridian; surveyed in 1853-1877.
1883 Plat Map: Township No. III South Range No. III West, San Bernardino Meridian; surveyed in 1855-1882.

Gunther, Jane Davies
1984 *Riverside County, California, Place Names: Their Origins and Their Stories*. J. D. Gunther, Riverside.

Kroeber, Alfred L.
1925 *Handbook of the Indians of California*. Bureau of American Ethnology Bulletin 78. Government Printing Office, Washington, D.C.

Moratto, Michael J. (ed.)
1984 *California Archaeology*. Academic Press, Orlando, Florida.

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Reid, Hugo
1968 The Indians of Los Angeles County: Hugo Reid's Letters of 1852; edited by Robert F. Heizer. Southwest Museum Papers 21.

Strong, William Duncan
1929 *Aboriginal Society in Southern California.* University of California Publications in American Archaeology and Ethnology 26. Reprinted by Malki Museum Press, Banning, California, 1972.

USGS (United States Geological Survey, U.S. Department of the Interior)
1901 Map: Elsinore, Calif. (30', 1:125,000); surveyed in 1897-1898.
1942 Map: Riverside, Calif. (15', 1:62,500); aerial photographs taken in 1939.
1943 Map: Perris, Calif. (15', 1:62,500); aerial photographs taken in 1939.
1953a Map: Riverside East, Calif. (7.5', 1:24,000); aerial photographs taken 1951, field-checked in 1953.
1953b Map: Sunnymead, Calif. (7.5', 1:24,000); aerial photographs taken in 1951, field-checked in 1953.
1969 Map: San Bernardino, Calif. (1:250,000); 1958 edition revised.
1979 Map: Santa Ana, Calif. (1:250,000); 1959 edition revised.
1980a Map: Riverside East, Calif. (7.5', 1:24,000); 1967 edition photorevised in 1978.
1980b Map: Sunnymead, Calif. (7.5', 1:24,000); 1967 edition photoinspected in 1973; photorevised in 1980

Wallace, William J.
1955 A Suggested Chronology for Southern California Coastal Archaeology. *Southwestern Journal of Archaeology* 11(3):214-230.
1978 Post-Pleistocene Archeology, 9,000 to 2,000 BC. In *Handbook of North American Indians*; Vol. 8, *California*, edited by Robert F. Heizer; pp. 25-36. Smithsonian Institution, Washington, D.C.

Warren, Claude N.
1968 Cultural Traditions and Ecological Adaptations on the Southern California Coast. In *Archaic Prehistory in Western United States*, edited by Cynthia Irwin-Williams; pp. 1-14. Eastern New Mexico University Contributions in Anthropology 1(3). Portales, New Mexico.
1984 The Desert Region. In *California Archaeology*, edited by Michael J. Moratto; pp. 339-430. Academic Press, Orlando, Florida.

Warren, Claude N., and Robert H. Crabtree
1986 Prehistory of the Southwestern Area. In *Handbook of North American Indians*, Vol. 11: *Great Basin*, edited by Warren L. D'Azevedo; pp. 183-193. Smithsonian Institution, Washington, D.C.

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APPENDIX 1:
PERSONNEL QUALIFICATIONS

PRINCIPAL INVESTIGATOR/HISTORIAN/ARCHITECTURAL HISTORIAN
Bai "Tom" Tang, M.A.

Education

1988-1993	Graduate Program in Public History/Historic Preservation, UC Riverside.
1987	M.A., American History, Yale University, New Haven, Connecticut.
1982	B.A., History, Northwestern University, Xi'an, China.
2000	"Introduction to Section 106 Review," presented by the Advisory Council on Historic Preservation and the University of Nevada, Reno.
1994	"Assessing the Significance of Historic Archaeological Sites," presented by the Historic Preservation Program, University of Nevada, Reno.

Professional Experience

2002-	Principal Investigator, CRM TECH, Riverside/Colton, California.
1993-2002	Project Historian/Architectural Historian, CRM TECH, Riverside, California.
1993-1997	Project Historian, Greenwood and Associates, Pacific Palisades, California.
1991-1993	Project Historian, Archaeological Research Unit, UC Riverside.
1990	Intern Researcher, California State Office of Historic Preservation, Sacramento.
1990-1992	Teaching Assistant, History of Modern World, UC Riverside.
1988-1993	Research Assistant, American Social History, UC Riverside.
1985-1988	Research Assistant, Modern Chinese History, Yale University.
1985-1986	Teaching Assistant, Modern Chinese History, Yale University.
1982-1985	Lecturer, History, Xi'an Foreign Languages Institute, Xi'an, China.

Honors and Awards

1988-1990	University of California Graduate Fellowship, UC Riverside.
1985-1987	Yale University Fellowship, Yale University Graduate School.
1980, 1981	President's Honor List, Northwestern University, Xi'an, China.

Cultural Resources Management Reports

Preliminary Analyses and Recommendations Regarding California's Cultural Resources Inventory System (With Special Reference to Condition 14 of NPS 1990 Program Review Report). California State Office of Historic Preservation working paper, Sacramento, September 1990.

Numerous cultural resources management reports with the Archaeological Research Unit, Greenwood and Associates, and CRM TECH, since October 1991.

Membership

California Preservation Foundation.

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PRINCIPAL INVESTIGATOR/ARCHAEOLOGIST
Michael Hogan, Ph.D., RPA*

Education

1991	Ph.D., Anthropology, University of California, Riverside.
1981	B.S., Anthropology, University of California, Riverside; with honors.
1980-1981	Education Abroad Program, Lima, Peru.
2002	Section 106—National Historic Preservation Act: Federal Law at the Local Level. UCLA Extension Course #888.
2002	"Recognizing Historic Artifacts," workshop presented by Richard Norwood, Historical Archaeologist.
2002	"Wending Your Way through the Regulatory Maze," symposium presented by the Association of Environmental Professionals.
1992	"Southern California Ceramics Workshop," presented by Jerry Schaefer.
1992	"Historic Artifact Workshop," presented by Anne Duffield-Stoll.

Professional Experience

2002-	Principal Investigator, CRM TECH, Riverside/Colton, California.
1999-2002	Project Archaeologist/Field Director, CRM TECH, Riverside.
1996-1998	Project Director and Ethnographer, Statistical Research, Inc., Redlands.
1992-1998	Assistant Research Anthropologist, University of California, Riverside
1992-1995	Project Director, Archaeological Research Unit, U. C. Riverside.
1993-1994	Adjunct Professor, Riverside Community College, Mt. San Jacinto College, U.C. Riverside, Chapman University, and San Bernardino Valley College.
1991-1992	Crew Chief, Archaeological Research Unit, U. C. Riverside.
1984-1998	Archaeological Technician, Field Director, and Project Director for various southern California cultural resources management firms.

Research Interests

Cultural Resource Management, Southern Californian Archaeology, Settlement and Exchange Patterns, Specialization and Stratification, Culture Change, Native American Culture, Cultural Diversity.

Cultural Resources Management Reports

Author and co-author of, contributor to, and principal investigator for numerous cultural resources management study reports since 1986.

Memberships

* Register of Professional Archaeologists.
Society for American Archaeology.
Society for California Archaeology.
Pacific Coast Archaeological Society.
Coachella Valley Archaeological Society.

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HISTORICAL ARCHAEOLOGIST/REPORT WRITER
Josh Smallwood, B.A.

Education

2007	Graduate Program in Historic Preservation, Savannah College of Art and Design, Savannah, Georgia (M.A. expected in Summer, 2008).
1998	B.A., Anthropology, Humboldt State University, Arcata, California.
1997	Archaeological Field School, Fort Ross State Historic Park, Fort Ross, California.
	Archaeological Field School, Coastal Test and Mitigation Projects, Arcata, California.
1996	Archaeological Field School, Mad River Watershed Surveys, Blue Lake, California.
1994	A.A., Anthropology, Palomar College, San Marcos, California.
1993	Archaeological Field School, San Pasqual Battlefield, San Pasqual, California.
	Archaeological Field School, Las Flores Asisténcia, Camp Pendleton, CA.
1992	Archaeological Field School, Palomar College Campus Late Prehistoric Sites, San Marcos, California.
2002	"Historical Archaeology Workshop," presented by Richard Norwood, Base Archaeologist, Edwards Air Force Base.
2001	"OSHA Safety Training for Construction Monitors," presented by OSHA and City of San Diego.
2000	"HABS/HAER Recording Methods for Historic Structures," presented by Robert Case, Historic Archaeologist, Mooney & Associates, San Diego.
1998	"Unexploded Ordinance Training," presented by EOD officers, Fort Irwin National Training Center, Barstow.
1997	"Obsidian Sourcing through Characterization," presented by Thomas Origer, Sonoma State University.
1994-	Extensive study of lithic resource procurement strategies, reduction technology, tool manufacture, and reproduction.

Professional Experience

2002- Project Archaeologist/Report Writer, CRM TECH, Riverside/Colton, California.

- Writer/co-author of cultural resource reports for Section 106 and CEQA compliance.
- Field director in archaeological fieldwork, historic-period building surveys and recordation, historic-period artifact and lithic analysis.
- Historical research using published literature, historic maps, oral interviews, archival records of public agencies, internet sources, and consultation with local historical societies.

1997-2002 Archaeologist for several cultural resource management/environmental consultants, Department of Defense subcontractors, and Humboldt State University.

Cultural Resources Management Reports

Co-author of and contributor to numerous cultural resources studies since 1997.

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PROJECT HISTORIAN
Terri Jacquemain, M.A.

Education

2004	M.A., Public History and Historic Resource Management, University of California, Riverside.
2002	B.S., Anthropology, University of California, Riverside.

Professional Experience

2003- Historian/Report Writer, CRM TECH, Riverside/Colton, California.
- Writer/co-author of cultural resources reports for CEQA and NHPA Section 106 compliance;
- Historic context development, historical/archival research, oral historical interviews, consultation with local historical societies;
- Historic building surveys and recordation, research in architectural history.

2002-2003	Teaching Assistant, Religious Studies Department, University of California, Riverside.
1997-1999	Reporter, *Inland Valley Daily Bulletin*, Ontario, California.
1991-1997	Reporter, *The Press-Enterprise*, Riverside, California.

Memberships

California Council for the Promotion of History.
Friends of Public History, University of California, Riverside.

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PROJECT ARCHAEOLOGIST/NATIVE AMERICAN LIAISON
Laura Hensley Shaker, B.S.

Education

1998	B.S., Anthropology (with emphasis in Archaeology), University of California, Riverside.
1997	Archaeological Field School, University of California, Riverside.
2002	"Historic Archaeology Workshop," presented by Richard Norwood, Base Archaeologist, Edwards Air Force Base; presented at CRM TECH, Riverside, California.
1999	"Unexploded Ordinance Training," presented by EOD officers; Fort Irwin Army Training Facility, Barstow, California.

Professional Experience

1999-	Project Archaeologist, Native American Liaison, CRM TECH, Riverside/ Colton, California.
1999	Archaeological survey and excavation at Vandenburg Airforce Base; Applied Earthworks, Lompoc, California.
1999	Archaeological survey at Fort Irwin Army Training Facility, Barstow; A.S.M. Affiliates, Encinitas, California.
1998-1999	Paleontological fieldwork and laboratory procedures, Eastside Reservoir Project; San Bernardino County Museum, Redlands, California.
1998	Archaeological survey at the Anza-Borrego State Park; Archaeological Research Unit, University of California, Riverside.
1997-1998	Archaeological survey and excavation at the Twentynine Palms Marine Corps Air and Ground Combat Center; Archaeological Research Unit, University of California, Riverside.

PROJECT ARCHAEOLOGIST
Nina Gallardo, B.A.

Education

2004 B.A., Anthropology/Law and Society, University of California, Riverside.

Professional Experience

2004- Project Archaeologist, CRM TECH, Riverside/Colton, California.
- Surveys, excavations, mapping, and records searches.

Honors and Awards

2000-2002 Dean's Honors List, University of California, Riverside.

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APPENDIX 2

CORRESPONDENCE WITH NATIVE AMERICAN REPRESENTATIVES*

* A total of 14 local Native American representatives were contacted. A sample letter is included in this report.

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CRM TECH

FAX COVER SHEET

1016 E. Cooley Drive
Suite B
Colton, CA 92324
909·824·6400·Tel
909·824·6405·Fax

To:
Native American Heritage Commission

Fax:
(916) 657-5390

From:
Nina Gallardo

Date:
March 27, 2008

Number of pages (including this cover sheet):
2

HARDCOPY:

_____ will follow by mail

√ will not follow unless requested

RE: Sacred Land records search

This is to request a Sacred Lands records search

Name of project:
Heacock Street Widening from Ironwood to Hemlock
CRM TECH #2228

Project size:
.25 mile linear + several buildings

Location:
In the City of Moreno Valley
Riverside County

USGS 7.5' quad sheet data:
Riverside East & Sunnymead, Calif.
Sections: 1 & 6, T3S R3W/4W, SBBM

Please call if you need more information or have any questions. Results may be faxed to the number above. I appreciate your assistance in this matter.

Map included

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: da_nahc@pacbell.net

April 2, 2008

Nina Gallardo
CRM TECH
1016 E. Cooley Drive, Suite B
Colton, CA 92324

Fax #: 909-824-6405
Number of Pages: 3

Re: Proposed Heacock Street Widening Project, Riverside County.

Dear Ms. Gallardo:

The Native American Heritage Commission was able to perform a record search of its Sacred Lands File (SLF) for the affected project area. The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect (APE).'

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the nearest tribes that may have knowledge of cultural resources in the project area. A List of Native American contacts are attached to assist you. The Commission makes no recommendation of a single individual or group over another. It is advisable to contact the person listed; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area (APE).

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Attachment: Native American Contact List

Native American Contacts
Riverside County
March 28, 2008

Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

Alvino Siva
2034 W. Westward Cahuilla
Banning , CA 92220
(951) 849-3450

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477 Luiseno
Temecula , CA 92593
(951) 308-9295 Ext 8106
(951) 676-2768
(951) 506-9491 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 609 Cahuilla
Hemet , CA 92546
srtribaloffice@aol.com
(951) 658-5311
(951) 658-6733 Fax

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Resources-Project
49750 Seminole Drive Cahuilla
Cabazon , CA 92230 Serrano
(951) 755-5206

(951) 922-8146 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

San Manuel Band of Mission Indians
Ann Brierty, Environmantal Department
101 Pure Water Lane Serrano
Highland , CA 92346
abrierty@sanmanuel-nsn.gov
(909) 863-5899 EXT-4321

(909) 862-5152 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed, Heacock Street Widening Project; located in the City of Moreno Valley; Riverside County, California for which a Sacred Lands File search and Native American Contacts list were requested.

Native American Contacts
Riverside County
March 28, 2008

Serrano Nation of Indians
Goldie Walker
6588 Valaria Drive Serrano
Highland , CA 92346
(909) 862-9883

Soboba Band of Luiseno Indians
Harold Arres, Cultural Resources Manager
P.O. Box 487 Luiseno
San Jacinto , CA 92581
harres@soboba-nsn.gov
(951) 654-2765
FAX: (951) 654-4198

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed, Heacock Street Widening Project; located in the City of Moreno Valley; Riverside County, California for which a Sacred Lands File search and Native American Contacts list were requested.

April 3, 2008

Darren Hill, Cultural Resources Manager
Soboba Band of Luiseño Indians
P. O. Box 487
San Jacinto, CA 92381

RE: Heacock Street Widening from Ironwood to Hemlock
Assessor's Parcel Nos. 292-182-014 to 292-182-019, 292-193-024 to 292-193-029, and 292-193-034, in the City of Moreno Valley, Riverside County
CRM TECH Contract #2228

Dear Mr. Hill:

As part of a cultural resources study for the project referenced above, I am writing to request your input on potential Native American cultural resources in or near the project area. Please respond at your earliest convenience if you have any specific knowledge of sacred/religious sites or other sites of Native American traditional cultural value within or near the project area. The lead agency for this project is the City of Moreno Valley for CEQA-compliance purposes.

The proposed project involves road widening along the west side of Heacock Street from Ironwood Avenue to Hemlock Avenue, in the City of Moreno Valley, Riverside County. The accompanying map, based on the USGS Sunnymead, Calif., 7.5' quadrangle, depicts the location of the project area in the northeast quarter of Section 1, T3S R4W, SBBM.

Any information, concerns or recommendations regarding cultural resources in the vicinity of the project area may be forwarded to CRM TECH by telephone, e-mail, facsimile or standard mail. Thank you for the time and effort in addressing this important matter.

Respectfully,

Laura Hensley Shaker
CRM TECH

Encl.: Project location map

Mission:

Educate and communicate the rich heritage of Soboba peoples; Lead and assist individuals, organizations and communities in understanding the needs and concerns of Native American monitoring of traditional sites; Advocate Native American participation in state agencies and boards; Advocate legislation and enforcement of laws affecting Native American peoples and protecting historical and archaeological resources.

April 14, 2008

Attn: Laura Hensley Shaker
CRM TECH
1016 E. Cooley Dr., Suite A/B
Colton, Ca 92324

Re: Contract # 2228

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that the project area falls within the bounds of our Tribal Traditional Use Area.

Soboba Band of Luiseño Indians is requesting the following:

1. Further consultation with Native American Tribes.

2. **Copies of archeological and/or cultural resource documentation.**

If you have any questions or concerns please do not hesitate to contact me at the following number 951-487-8268.

[SPECIAL NOTE (for projects other than cell towers): *If* this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in **formal, government-to-government** consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.]

Sincerely,

Darren Hill
Soboba Cultural Resource Department
Phone 951-487-8268
Cell 951-663-5279
dhill@soboba-nsn.gov

RECEIVED APR 22 2008

PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office. Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

Monitor Supervisor:
Aurelia Marruffo

April 22, 2008

VIA E-Mail and USPS

RE: Request for Information for the Heacock Street Widening Project, City of Moreno Valley CRM Tech #2228(CRM Tech)

Dear Ms. Shaker;

The Tribe appreciates your request for information regarding the above referenced project. After reviewing the provided maps and internal documents, we have determined that the project area is not within reservation lands although it is within our ancestral territory. At this time, we are not interested in commenting on this project.

However, the Tribe requests the following:

1) Copies of all applicable archaeological reports and site records; and

2) In the event that subsurface cultural resources are identified, the Tribe requests consultation with the project proponent and Lead Agency regarding the treatment and disposition of all artifacts.

As a sovereign governmental entity, the Tribe is entitled to appropriate and adequate government-to-government consultation regarding the proposed project. We would like you and your client to know that the Tribe does not consider initial inquiry letters from project consultants to constitute appropriate government-to-government consultation, but rather tools to obtain further information about the project area. Therefore, the Tribe reserves its rights to participate in the formal environmental review process, including government-to-government consultation with the Lead Agency, and requests to be included in all correspondence regarding this project.

Please note that we are interested in participating in surveys within Luiseño ancestral territory. Prior to conducting any surveys, please contact the Cultural Department to schedule specifics. If you have any additional questions or comments, please contact me at ahoover@pechanga-nsn.gov or 951-308-9295.

Sincerely,

Anna M. Hoover
Cultural Analyst

RECEIVED MAY 13 2008

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APPENDIX 3

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM RECORD FORMS

MV00032630

State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 6Z
Other Listings
Review Code Reviewer Date

 *Resource Name or # (Assigned by recorder) CRM TECH 2228-1

P1. Other Identifier: 12151 Heacock Street

*P2. Location: ___ Not for Publication √ Unrestricted *a. County Riverside
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Sunnymead, Calif. Date 1967, photorevised 1980
T3S; R4W; NE 1/4 of NE 1/4 of Sec 1 ; S.B.B.M.
Elevation: Approximately 1,650 feet above mean sea level

c. Address 12151 Heacock Street City Moreno Valley Zip 92557

d. UTM: (Give more than one for large and/or linear resources) Zone 11; 477,530 mE/ 3,755,820 mN
UTM Derivation: √ USGS Quad ___ GPS

e. Other Locational Data: (e.g., parcel #, directions to resource, etc., as appropriate) The building is located within Assessor's Parcel No. 292-182-015, near the northwest corner of Hemlock Avenue and Heacock Street.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) This one-story wood-frame residence of vernacular design, square in plan, rests on a concrete foundation and is painted tan with off-white trim. Its medium-pitched hip roof is sheathed with brown composition shingles and features wide, open eaves with exposed rafters. The primary
(Continued on page 3)

*P3b. Resource Attributes: (List attributes and codes) HP2—single family property

*P4. Resources Present: √ Building ___ Structure ___ Object ___ Site ___ District ___ Element of District
Other (isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)

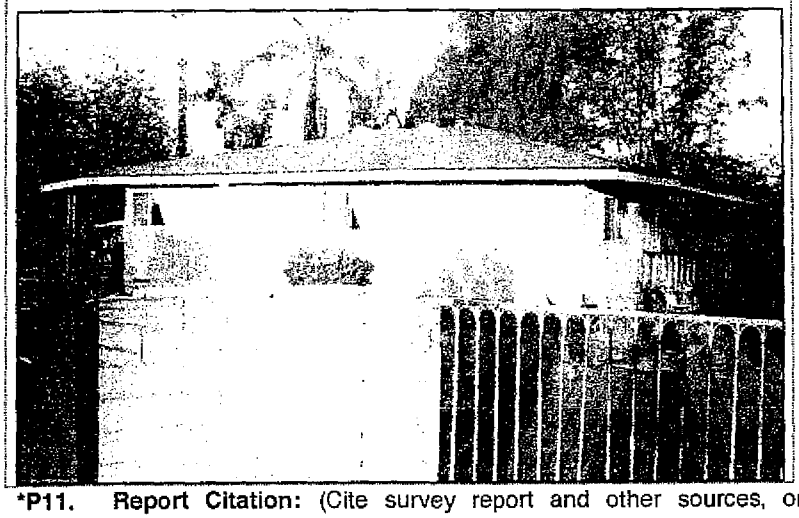

P5b. Description of Photo: (view, date, accession #) Photo taken on April 28, 2008; view to the southwest

*P6. Date Constructed/Age of Sources:
√ Historic ___ Prehistoric ___ Both
Ca. 1956 (see Items B6 and B12 for details)

*P7. Owner and Address:
Unknown

*P8. Recorded by: (Name, affiliation, and address)
Josh Smallwood
CRM TECH
1016 E. Cooley Drive, Suite A/B
Colton, CA 92324

*P9. Date Recorded: April 28, 2008

*P10. Survey Type: Intensive-level survey for CEQA compliance

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Josh Smallwood, Terri Jacquemain, and Laura Hensley Shaker (2008): Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California. On file, Eastern Information Center, University of California, Riverside.

*Attachments: ___ None ___ Location Map √ Continuation Sheet √ Building, Structure, and Object Record
___ Archaeological Record ___ District Record ___ Linear Resource Record ___ Milling Station Record
___ Rock Art Record ___ Artifact Record ___ Photograph Record ___ Other (List):

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State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary #
HRI #

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code 6Z
*Resource Name or # (Assigned by recorder) CRM TECH 2228-1

B1. Historic Name: None
B2. Common Name: None
B3. Original Use: Residential
B4. Present Use: Residential
*B5. Architectural Style: Vernacular
*B6. Construction History: (Construction date, alterations, and date of alterations) Archival property records indicate that George and Elsie Soper became property owners of the northern 270 feet of Lot 38, which included this parcel, in 1952, and built this home about four years later. They added a pool and a patio cover to the house in 1975.
*B7. Moved? √ No ___ Yes ___ Unknown Date: ___ Original Location: ___
*B8. Related Features: A detached garage is situated to the north of the residence.
B9a. Architect: Unknown
b. Builder: Unknown
*B10. Significance: Theme Post-WWII residential development
Area Moreno Valley
Period of Significance 1945-1960
Property Type Single-family residence
Applicable Criteria N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) There is no evidence that the building at this address is associated with any persons or events of recognized historic significance; represents the work of a prominent architect, designer, or builder; or qualifies as "an important example" of its type, period, region, or method of construction. Therefore, it does not appear eligible for listing in the National Register of Historic Places or the California Register of Historical Resources.
B11. Additional Resource Attributes: (List attributes and codes) HP4. Ancillary building
*B12. References: Riverside County Assessor's real property tax assessment records; Riverside County building safety records.
B13. Remarks: The proposed road-widening project has no potential to adversely affect this building
*B14. Evaluator: Bai "Tom" Tang and Josh Smallwood
*Date of Evaluation: May 2008

(Sketch Map with north arrow required.)

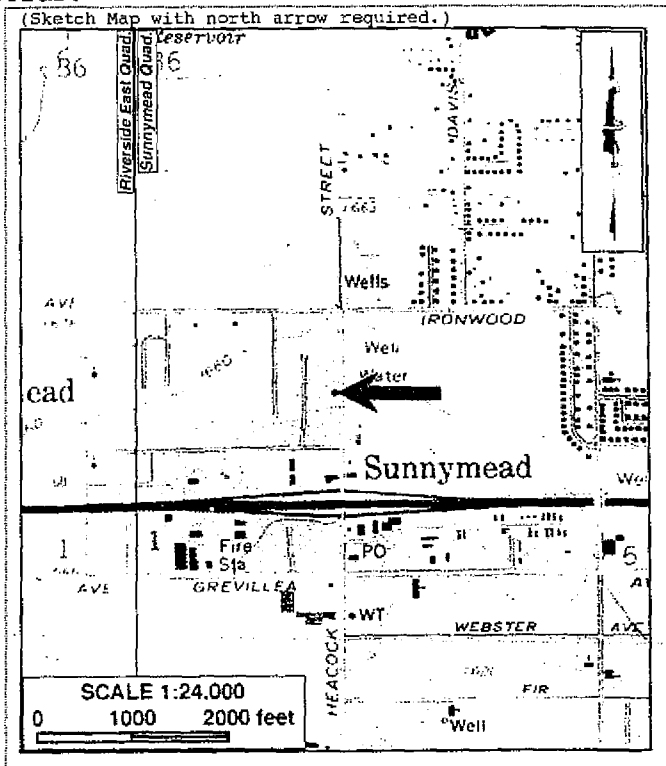

(This space reserved for official comments.)

*Required information

*P3a. **Description** (continued): façade, facing east, features a glazed wood door flanked by sidelights, and two aluminum-framed sliding windows. Among the front windows and door are three rectangular patches of various sizes, presumably where other windows were once located. The south side of the house has a patio sheltered beneath a shed roof supported by decorative metal posts. The north side of the house, facing the driveway, features a side entrance with a short concrete stoop and wood hand-rails, sheltered beneath an eave extension supported by wood posts. Fenestration on this side also consists of aluminum-framed sliding windows. To the north of the residence is a detached two-car garage covered by a hip roof clad with composition shingles. The exterior walls on both the house and the garage are coated with stucco. The front yard is enclosed by a tall wood fence and a wrought-iron gate with concrete block abutments.

State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # ____
HRI # ____
Trinomial ____
NRHP Status Code 6Z
Other Listings ____
Review Code ____ Reviewer ____ Date ____

*Resource Name or # (Assigned by recorder) CRM TECH 2228-2

P1. Other Identifier: 12183 Heacock Street

*P2. Location: ___ Not for Publication √ Unrestricted *a. County Riverside
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Sunnymead, Calif. Date 1967, photorevised 1980
T3S; R4W; NE 1/4 of NE 1/4 of Sec 1 ; S.B.B.M.
Elevation: Approximately 1,650 feet above mean sea level

c. Address 12183 Heacock Street City Moreno Valley Zip 92557

d. UTM: (Give more than one for large and/or linear resources) Zone 11; 477,530 mE/ 3,755,780 mN
UTM Derivation: √ USGS Quad ___ GPS

e. Other Locational Data: (e.g., parcel #, directions to resource, etc., as appropriate) The building is located within Assessor's Parcel No. 292-182-014, near the northwest corner of Hemlock Avenue and Heacock Street.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) This one-story, Ranch-style wood-frame residence, irregular in plan, rests on a concrete foundation and is painted white with green trim. Its medium-pitched cross-gabled roof is sheathed with gray composition shingles and features wide, open eaves with exposed rafters. The asymmetrical primary façade, facing east, features a corner entryway *(Continued on page 3)*

*P3b. Resource Attributes: (List attributes and codes) HP2—single family property

*P4. Resources Present: √ Building ___ Structure ___ Object ___ Site ___ District ___ Element of District ___ Other (isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)

P5b. Description of Photo: (view, date, accession #) Photo taken on April 28, 2008; view to the west

*P6. Date Constructed/Age of Sources:
√ Historic ___ Prehistoric ___ Both
Ca. 1959 (see Items B6 and B12 for details)

*P7. Owner and Address:
Unknown

*P8. Recorded by: (Name, affiliation, and address)
Josh Smallwood
CRM TECH
1016 E. Cooley Drive, Suite A/B
Colton, CA 92324

*P9. Date Recorded: April 28, 2008

*P10. Survey Type: Intensive-level survey for CEQA compliance

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Josh Smallwood, Terri Jacquemain, and Laura Hensley Shaker (2008): Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California. On file, Eastern Information Center, University of California, Riverside.

*Attachments: ___ None ___ Location Map √ Continuation Sheet √ Building, Structure, and Object Record
___ Archaeological Record ___ District Record ___ Linear Resource Record ___ Milling Station Record
___ Rock Art Record ___ Artifact Record ___ Photograph Record ___ Other (List): ____

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State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary # _____
HRI # _____

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code 6Z
*Resource Name or # (Assigned by recorder) CRM TECH 2228-2

B1. Historic Name: None
B2. Common Name: None
B3. Original Use: Residential
B4. Present Use: Residential
*B5. Architectural Style: Ranch
*B6. Construction History: (Construction date, alterations, and date of alterations) According to archival property records, George and Elsie Soper deeded this parcel, the southern quarter-acre of their one-acre property, to Anton A. and Madelyn G. Juares
(Continued on page 3)
*B7. Moved? √ No ___ Yes ___ Unknown Date: _____ Original Location: _____
*B8. Related Features: A detached garage is situated to the west of the residence.
B9a. Architect: Unknown
b. Builder: Unknown
*B10. Significance: Theme Post-WWII residential development
Area Moreno Valley
Period of Significance 1945-1960
Property Type Single-family residence
Applicable Criteria N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) There is no evidence that the building at this address is associated with any persons or events of recognized historic significance; represents the work of a prominent architect, designer, or builder; or qualifies as "an important example" of its type, period, region, or method of construction. Therefore, it does not appear eligible for listing in the National Register of Historic Places or the California Register of Historical Resources.
B11. Additional Resource Attributes: (List attributes and codes) HP4. Ancillary building
*B12. References: Riverside County Assessor's real property tax assessment records; Riverside County building safety records.
B13. Remarks: The proposed road-widening project has no potential to adversely affect this building
*B14. Evaluator: Bai "Tom" Tang and Josh Smallwood
*Date of Evaluation: May 2008

(Sketch Map with north arrow required.)

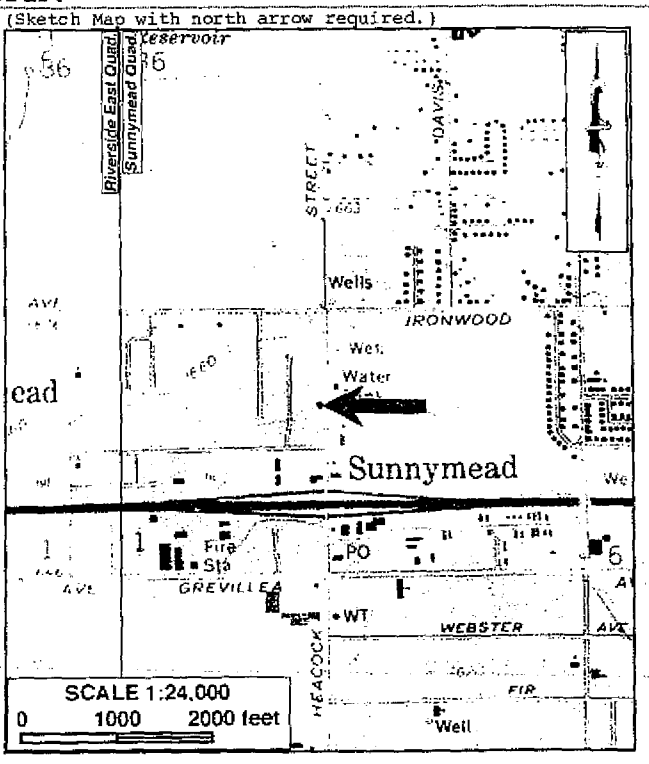

(This space reserved for official comments.)

*Required information

*P3a. **Description** (continued): sheltered beneath a wide roof overhang supported by square wood posts with corner braces. Next to the door is a large wood-framed picture window with diamond lattice grilles and faux shutters. Windows on the rest of the building are wood-frame double-hungs. The exterior walls are clad with a variety of materials, including brick veneer, vertical boards, and stucco. The front yard is enclosed by a tall chain-link fence with a gate. A paved driveway leads to the rear of the building where a detached garage of similar construction is located.

*B6. **Construction History** (continued): around 1959, the same year property records indicate this house was constructed. By 1966 W. and Connie Boyden had acquired the property, and in that year securing a permit for a metal patio cover. They installed a pool two years later.

APPENDIX 3

NOISE IMPACT ANALYSIS

HEACOCK STREET IMPROVMENTS

MORENO VALLEY, CALIFORNIA

Prepared for:

Tom Dodson & Associates
Attn: Tom Dodson
2150 N. Arrowhead Avenue
San Bernardino, California 92405

Date:

June 6, 2008

Project No.: P08-031

NOISE SETTING

BACKGROUND

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is generally defined as unwanted sound. Sound is characterized by various parameters that describe the physical properties of sound waves. These properties include the rate of oscillation (frequency), the distance between successive troughs or crests, the speed of propagation, and the pressure level or energy content of a given sound wave. In particular, the sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level.

The unit of sound pressure ratioed to the faintest sound detectable to a person with normal hearing is called a decibel (dB). Sound or noise can vary in intensity by over one million times within the range of human hearing. A logarithmic loudness scale similar to the Richter Scale for earthquake magnitude is therefore used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all sound frequencies within the entire spectrum. Noise levels at maximum human sensitivity from around 500 to 2,000 cycles per second are factored more heavily into sound descriptions in a process called "A-weighting," written as "dBA."

Leq is a time-averaged sound level; a single-number value that expresses the time-varying sound level for the specified period as though it were a constant sound level with the same total sound energy as the time-varying level. Its unit is the decibel (dB). The most common averaging period for Leq is hourly.

Because community receptors are more sensitive to unwanted noise intrusion during more sensitive evening and nighttime hours, state law requires that, for planning purposes, an artificial dBA increment be added to quiet time noise levels. The 24-hour noise descriptor with a specified evening and nocturnal penalty is called the Community Noise Equivalent Level (CNEL). CNEL's are a weighted average of hourly Leq's.

Municipalities typically provide noise guidelines for both exterior recreational space (yards, patios, etc.) and interior space. The City of Moreno Valley General Plan Implementation Policy 6.3.1.a, requires consideration of noise mitigation for usable outdoor space at sensitive uses where the projected exterior noise level would exceed 65 dB CNEL.

An interior CNEL of 45 dBA is mandated by the State of California Noise Insulation Standards (CCR, Title 24, Part 6, Section T25-28) for multiple family dwellings, hotel and motel rooms. In 1988, the State Building Standards Commission expanded that standard to include all habitable rooms in residential use, including single-family dwelling units.

Noise reduction in older residences is 15-20 dB with closed single paned windows. Typical noise attenuation with closed, double-paned windows in modern frame and stucco construction is about 25-30 dB. Noise attenuation with partially open windows is 10-15 dB CNEL. An exterior noise level exceeding 65 dBA CNEL normally requires the ability to close dual-paned windows

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in order to meet the 45 dB CNEL interior standard. For single family residential units, it is typically the backyard space for which the exterior noise standard applies.

Noise from temporary construction activities is exempt from noise ordinances as long as the construction activities occur within regulated hours. Grading may take place between 7 a.m. and 8 p.m. Minor construction may take place between 6 a.m. and 8 p.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays.

BASELINE NOISE LEVELS

Noise measurements were made in order to document existing baseline levels in the area. These help to serve as a basis for projecting future noise exposure from the project upon the surrounding community. Noise measurements were conducted on Tuesday to Wednesday, May 13th, 2008 and May 14, 2008 for 24-hours at three locations. The results are shown in Table 1 and locations are shown in Figure 1. Because existing residential uses on the west side of Heacock Street are close to the centerline, the measurements were made within the more open and accessible east side.

All noise measurement locations are along Heacock Street within the proposed improvement segment. Measurements were made for 24 hours along edge of the roadway with the sound meters placed in trees and on fences. Meter 1 was located at 180 feet from the Heacock Street centerline. Meters 2 and 3 were placed approximately 50 feet from the centerline. The data from Meter 1 was adjusted for a 50-foot set-back from Heacock Street assuming acoustically "soft" propagation conditions. All locations agreed with each other within 2 dB CNEL. The average of the CNELs at 50 feet from the roadway centerline is 71.4 dB. This is considered the baseline noise measurement at 50 feet from the centerline for this study.

The results of the measurements are representative of the existing front yard noise exposure for homes along Heacock Street. They are also almost equal to the building facade noise level of homes with only minimal, i.e., 1-2 dB downward adjustment due to increased setback distance. The measured existing noise levels along Heacock Street are already excessive in terms of the City of Moreno Valley residential standards of 65 dB CNEL within the front yards areas.

However, usable recreational space for each affected home is behind each structure and is noise shielded by increased distance from the roadway and by the residential structure itself. For these homes it is the interior noise level that requires evaluation.

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Figure 1

Noise Meter Location

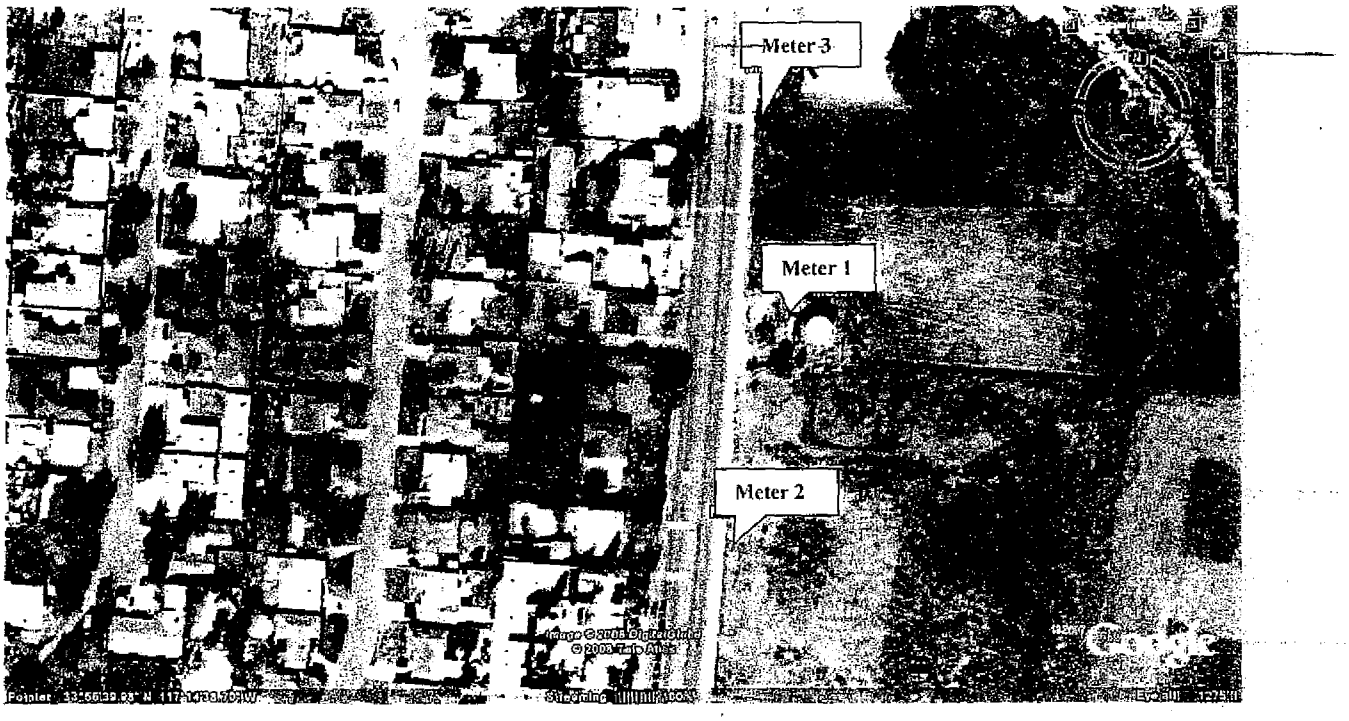

Meter Location

Meter 1 E side of roadway, across from 12123 Heacock.

Meter 2 E side of roadway, across from 12183 Heacock.

Meter 3 E side of roadway across from 12085 Heacock

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Table 1
Heacock Street
Existing On-Site Hourly Leq's and CNEL

Time Interval	Meter 1	Meter 2	Meter 3
15:00-16:00	63.1	66.3	69.3
16:00-17:00	63.1	67.2	70.1
17:00-18:00	63.3	67.1	70.5
18:00-19:00	62.3	66.5	69.5
19:00-20:00	62.7	66.7	69.2
20:00-21:00	61.4	66.1	68.3
21:00-22:00	60.2	65.9	68.0
22:00-23:00	59.8	65.0	67.1
23:00-24:00	57.3	62.9	64.9
0:00-1:00	55.1	60.8	62.5
1:00-2:00	53.3	59.5	60.4
2:00-3:00	54.9	61.0	61.2
3:00-4:00	54.8	59.6	61.5
4:00-5:00	58.9	62.3	64.7
5:00:6:00	61.2	65.4	67.4
6:00-7:00	62.0	66.7	69.4
7:00-8:00	62.3	66.6	69.7
8:00-9:00	62.7	66.7	69.4
9:00-10:00	61.5	65.4	68.5
10:00-11:00	61.7	65.3	68.5
11:00-12:00	60.9	65.3	68.3
12:00-13:00	60.7	66.2	68.3
13:00-14:00	61.5	65.8	68.3
14:00-15:00	60.5	66.0	68.3

Shaded entries represent night time values (10:00 p.m. to 7:00 a.m.)

Resultant CNEL at 50 feet from centerline

Measurement Parameter	Meter 1	Meter 2	Meter 3
24-Hour CNEL	**70.5***	**70.7**	**72.9**

* adjusted from 180 feet to 50 feet from the Heacock Street centerline.

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NOISE IMPACT ANALYSIS

GENERAL

The major source of noise for the impacted residences in the project envelope is traffic from Heacock Street. This project would widen the west side of Heacock Street and as a result some homes would be situated closer to the nearest travel lane than previously. Additionally, although not project related, the sensitive uses within the Heacock Street widening envelope would experience additional noise due to area growth, which will put greater quantities of traffic on Heacock Street in the coming years.

Figure 2 shows each home which could be adversely impacted by the roadway widening project. All residences front the street and take their access through driveways along the roadway. Setbacks for home facades from the Heacock Street centerline range from approximately 60 feet to 80 feet. Existing noise levels near front yards of homes fronting Heacock Street already exceed the Moreno Valley General Plan guidelines for noise-sensitive outdoor recreational uses. However, as previously noted, recreational space yards are in the rear of homes and are shielded by increased distance from the roadway and by the residential structure itself. For these homes it is the interior noise level that requires evaluation.

Per the City of Moreno Valley General Plan, the interior residential noise standard is 45 dB CNEL. Structural attenuation with partly open single-paned windows is around -10 dB. With tightly closed single-paned windows, noise is decreased by almost 20 dB between the outside and inside. With tightly closed dual-paned windows, noise attenuation can approach 30 dB. With the existing measured façade noise levels of 69 - 71 dB CNEL at 50 feet from roadway centerline, front living or bedrooms of homes closest to Heacock Street would require closed dual-paned window closure to achieve the City's interior noise standard.

Existing exterior noise levels for those homes affected by the project are as follows:

Impacted Homes Current Noise Exposure

Address	Façade Setback	Current Exterior Noise Exposure at Façade (dB CNEL)
12095	75 ft	69.6
12107	70 ft	69.9
12123	60 ft	70.6
12151	80 ft	69.4
12183	75 ft	69.6

Existing lane width on the west side of Heacock Street in the project vicinity ranges from 10-11 feet. As part of this project, these traffic lanes will be widened to a minimum of 12 feet. In addition sidewalks would be installed and curb and gutter improvements would be made. However, only the widened traffic lanes will cause a potential noise impact for the adjacent residences as cars will travel slightly closer to the homes than previously.

FIGURE 2

HEACOCK STREET ADJACENT RESIDENCES

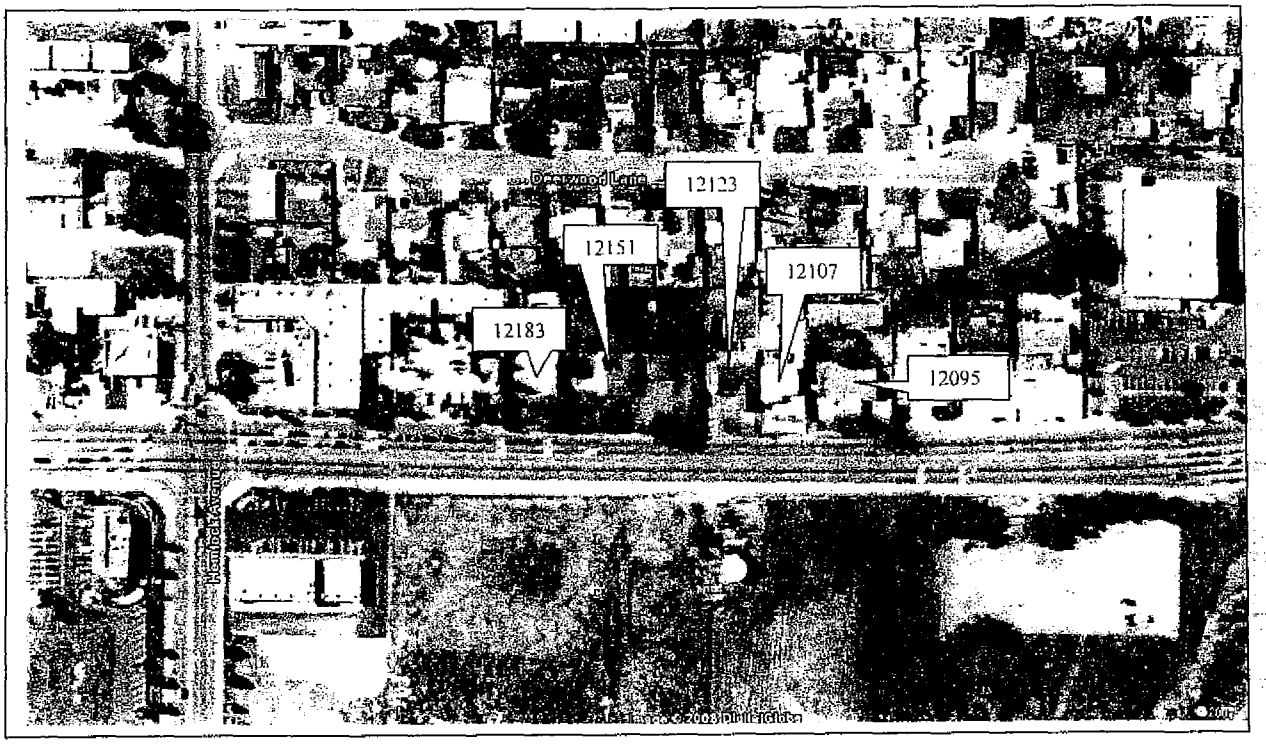

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IMPACT SIGNIFICANCE CRITERIA

Project noise impacts are considered significant if:

1. They create violations of noise standards, or

2. They substantially worsen an already excessive noise environment, or

3. They substantially increase an existing quiet environment even if noise standards are not violated by the proposed action.

The term "substantial increase" is not defined by any responsible agency. The limits of perceptibility by ambient grade instrumentation (sound meters) or by humans in a laboratory environment is around 1.5 dB. Under ambient conditions, people generally do not perceive that noise has clearly changed until there is a 3.0 dB difference. A threshold of 3.0 dB is typically used to define "substantial increase." Traffic noise due to the project would be significant if it would increase outdoor noise levels by 3.0 dB or more.

Upon completion, homes closer to the widened roadway will be exposed to a slightly higher level of traffic noise than previously. This project will not cause an increase in the area wide acoustical environment because no change in traffic volume is anticipated to occur solely due to the roadway widening. However, cumulative area growth will cause an incremental increase in roadway usage and therefore roadway traffic noise, as may the location of traffic lanes closer to existing homes.

Traffic noise levels already exceed City residential standards. The emphasis of this study therefore is to determine the noise area residents will experience as a result of project implementation. This is accomplished by a comparison of noise exposures with and without the project, currently and in the future.

METHODOLOGY

Current traffic volumes along Heacock Street between Ironwood and the SR-60 were obtained from the City of Moreno Valley Traffic Circulation chapter of the General Plan EIR (July 2006). The most recent traffic count on Heacock Street between Ironwood and the SR-60 was 30,800 vehicles per day. Build-out traffic volumes along this segment vary depending on the implementation alternative. Under General Plan Alternative 2 the ADT (Average Daily Traffic) is 37,932 vehicles. The ADT with Alternative 3 is 38,232 vehicles. For this study, a future build-out (year 2030) traffic projection of 38,000 was used.

Since traffic speed can affect noise levels, Giroux and Associates performed a basic calibration by comparing modeled traffic noise with on-site noise measurements. Although the posted speed limit is 35 mph, it was observed that most cars traveled at a speed closer to 40 mph. By

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modeling the existing traffic volume with the standard vehicular traffic mix, the predicted noise exposure compares to measured noise exposure as follows:

Heacock Street Traffic Noise
(at 50 feet from centerline)

Measured Noise	Existing ADT	Existing modeled noise @ 40 mph	Future ADT	Future modeled noise @ 40 mph
70.5-72.9 dB CNEL	30,800	71.5 dB CNEL	38,000	72.4 dB CNEL

Calculated noise levels are consistent with the average of the three measured noise readings (71.4 dB CNEL). Therefore, 72.4 dB CNEL is considered representative of the future noise level at 50 feet from the centerline utilizing build-out traffic projections provided in the General Plan.

The widened roadway is expected to be approximately 100 feet wide at project completion, or 50 feet from centerline to edge of right-of-way. Since the roadway is not being realigned, the centerline will remain intact. Although the total number of travel lanes will remain the same, western travel lanes will be widened to a minimum width of 12 feet. Current lane width on the western half of the roadway is 10-11 feet. Because of the widened traffic lanes, sensitive uses adjacent to the roadway will see a nominal increase in traffic noise associated with a slight widening of the southbound travel lanes.

The mean noise generation distance will remain at the centerline. The new outer traffic lanes will be 16-20 feet in width depending on the implementation Alternative. Vehicular travel is assumed to take place within the standard 12 foot lane width. The extra lane width beyond the 12 feet required for travel (8 feet for Alternative 1 and 4 feet for Alternative 2) is assumed to be utilized for parking or bike lanes. Therefore, the vehicular travel footprint is assumed to be identical for both Alternatives.

Utilizing an equivalent lane distance methodology recommended by Caltrans based on FHWA-RD-108, the net effect of widened lanes was calculated for both current and future time frames. The reference point utilized was the distance from the roadway centerline to each impacted home facade.

To calculate the change in the noise environment due to shifts in centerline and the addition of traffic lanes, the following methodology is used:

Equivalent Distance (ED)= $\sqrt{D_1 D_2}$
D_1=distance of the center of the near lanes and
D_2=distance to center of the far lanes
Noise Increase= 10*log((ED Existing Roadway Geometry)/(ED New Roadway Geometry))

The following noise increases will result solely due to changes in roadway geometry:

Noise Increase from Roadway Widening and Realignment

Address	Distance to C/L	Old Equivalent Lane Distances in feet (D_1/ D_2)	New Equivalent Lane Distance in feet (D_1/ D_2)	Equivalent Change in dB
12095	75 ft.	87/65	87/63	0.07 dB
12107	70 ft.	82/60	82/58	0.07 dB
12123	60 ft.	72/50	72/48	0.09 dB
12151	80 ft.	92/70	92/68	0.06 dB
12183	75 ft.	87/65	87/63	0.07 dB

The maximum impact from land widening is less than +0.1 dB CNEL. The following summarizes the project impacts:

Project versus No Project Comparison
At Residential Facade

At Property Line (75 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12095 Heacock Street	69.6 dB	70.6 dB	70.7 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (70 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12107 Heacock Street	69.9 dB	70.9 dB	71.0 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (60 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12123 Heacock Street	70.6 dB	71.6 dB	71.7 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (80 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12151 Heacock Street	69.4 dB	70.4 dB	70.5 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (75 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12183 Heacock Street	69.6 dB	70.6 dB	70.7 dB	1.0 dB	1.1 dB

A composite summary is provided below:

Future Noise Impact at Each Residential Façade

Address	**2030 Without Project Noise Level (dB CNEL)**	**2030 With Project Noise Level (dB CNEL)**
12095	70.6 dB	70.7 dB
12107	70.9 dB	71.0 dB
12123	71.6 dB	71.7 dB
12151	70.4 dB	70.5 dB
12183	70.6 dB	70.7 dB

As a result of project implementation, at area build-out, property lines of homes along Heacock Street would experience 71 -72 dB CNEL of traffic noise. The "project only impact" from the relocation of travel lanes is a maximum of +0.1 dB CNEL at any residential facade.

The cumulative impact (difference between future "with project" and existing) is expected to be +1.1 dB CNEL. Again this is less than the 3.0 dB CNEL significance threshold. Cumulative, as well as "project only" impacts, will be less than significant. In the absence of any individually or cumulatively significant traffic noise impacts, no impact mitigation is required.

NOISE CONTOURS

An alternate way of evaluating noise impacts is to examine at noise contours. Figure 3 indicates the distance (in feet) from the road centerline to the 60, 65 and 70 dB CNEL noise contour. These contour distances represent the setback that would be required to achieve the indicated noise level through distance setback alone.

Contours for Build-out Traffic Noise

Distance to 60 dB CNEL	Distance to 65 dB CNEL	Distance to 70 dB CNEL
330 feet	150 feet	70 feet

CONSTRUCTION NOISE IMPACT MITIGATION

Construction activities from project development may impact surrounding residential uses. Such impacts are mitigated by required compliance with grading/construction permits. These considerations include:

- The hours of grading operations shall be limited to be between the hours of 7 a.m. and 8 p.m., Monday to Saturday. Construction may take place between the hours of 6 a.m. and 8 a.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays.
- Staging areas shall be located away from existing residences.
- All construction equipment shall use properly operating mufflers.
- Impulsive noise, such as jack-hammering, should be scheduled to affect the fewest number of noise-sensitive homes.

Implementation of these mitigation measures would reduce potential construction noise impacts to a level that is less than significant.

MV00032649

FIGURE 3

HEACOCK STREET NOISE CONTOURS (2030)

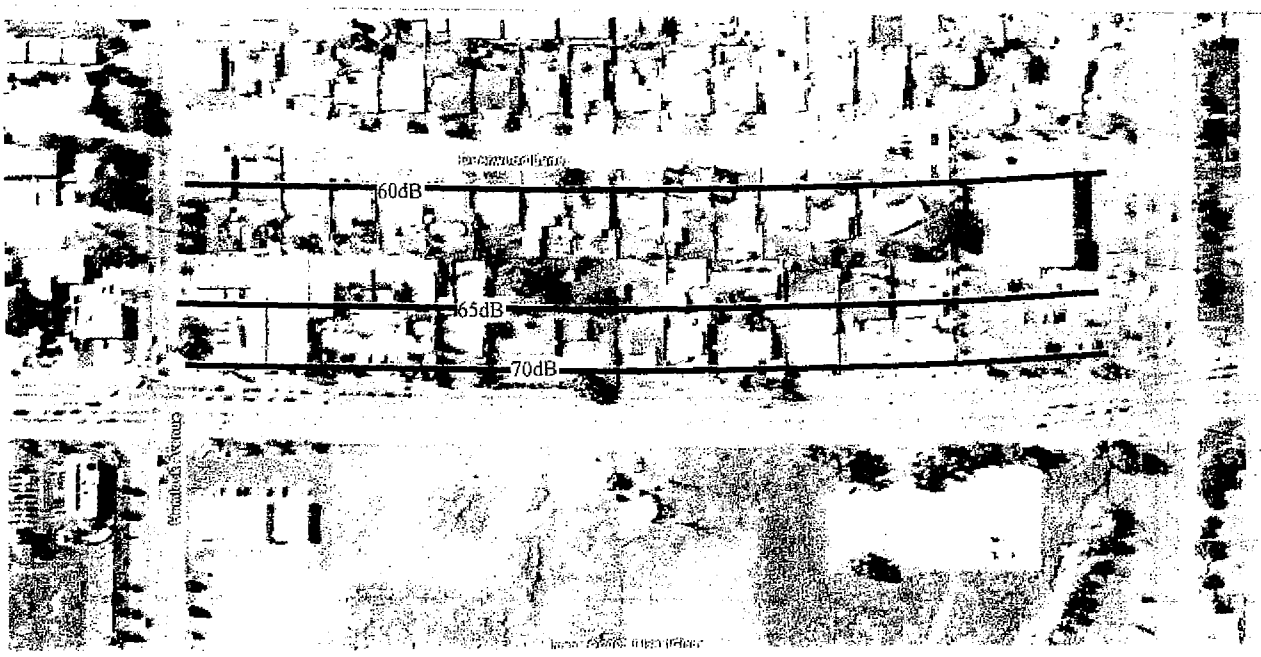

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MV00032650

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM

RECOMMENDED ACTION

Staff recommends that the City Council of the City of Moreno Valley adopt Resolution 2009-93 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program.

BACKGROUND

The City of Moreno Valley is a current participant in the Mortgage Credit Certificate ("MCC Program"), which assists families with the purchase of their first home. The City of Moreno Valley has successfully participated in the MCC Program for several years, recently realizing the highest level of participation in the Program county-wide. In the most recent funding cycle, twenty-one Moreno Valley families became first-time buyers through the MCC Program. The County of Riverside ("County") is applying for new credits and has extended an invitation to the City of Moreno Valley to continue its participation in the MCC Program. As a participating city, lenders are able to make loans available to MCC eligible low-to-moderate income, first-time homebuyers purchasing a home in Moreno Valley.

The MCC Program entitles qualified homebuyers ("borrowers") to reduce the amount of their federal income tax liability by an amount equal to a fifteen percent (15%) of the interest paid during the year on a home mortgage loan. Since the taxes paid by the borrower(s) are reduced, their annual take-home pay is effectively increased. The tax credit allows the homebuyer to qualify for a larger mortgage loan by increasing the effective income of buyer.

Many types of ownership housing is eligible for the MCC Program including foreclosures, new and resale single-family, manufactured, town homes and condominiums. The only exclusion from this program is the purchase of a property which contains more than one unit. The MCC program may be partnered with the City of Moreno Valley's Homebuyer Assistance Program. However, homebuyers can qualify for the MCC Program on their own through their lender without the City's down payment assistance. Adoption of the attached resolution (See Attachment A) is necessary for the City to continue participation in the County's MCC Program.

Due to the level of demand and the success of this program in assisting first-time homebuyers, particularly in the City of Moreno Valley, the County must apply to the California Debt Limit Allocation Committee ("CDLAC ") for new Mortgage Credit Certificate bond allocation. Please see the County of Riverside's attached Notice of Intent to Issue Mortgage Credit Certificates to Eligible Home Buyers for further details (See Attachment B).

DISCUSSION

Pursuant to the Tax Reform Act of 1986 that established the Mortgage Credit Certificate Program and Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq., the Riverside County Board of Supervisors has authorized the County Economic Development Agency ("EDA") to apply to the California Debt Limit Allocation Committee for an allocation of Mortgage Credit Certificates on or about October 16, 2009.

To be included in the next funding cycle, the County must provide a resolution from the City that grants the County authority to operate the MCC Program within Moreno Valley. The adoption of the attached resolution (See Attachment A) will allow mortgage lenders to continue to offer the MCC Program to Moreno Valley homebuyers.

ALTERNATIVES

1. Adopt Resolution 2009-93 providing for the City of Moreno Valley to remain a participant in the Riverside County Mortgage Credit Certificate Program. This will allow income-qualified first-time homebuyers to have an additional resource when purchasing a home in the City.
2. Decline the adoption of Resolution 2009-93 approving the City of Moreno Valley as a participant in the Riverside County Mortgage Credit Certificate Program. If Resolution 2009-92 is not adopted, mortgage lenders will be prohibited from utilizing the MCC Program for homes located in Moreno Valley.

FISCAL IMPACT

There is no impact to the City's General Fund or the Community Redevelopment Agency budgets. Potential homebuyers qualify through a lender to receive the MCC directly from the County.

Fund	Business Unit No/Name	Estimated Amount
---	---	$0

CITY COUNCIL GOALS

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs, which will result in additional affordable homeownership opportunities.

NOTIFICATION

The public has been notified through the publication of the agenda. Staff has notified the Riverside County EDA via e-mail communication.

ATTACHMENTS/EXHIBITS

Attachment A - Resolution No. 2009-93
Attachment B - Notice of Intent to Issue Mortgage Credit Certificates

Prepared By
Diana D. Vasquez
Housing Program Specialist

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2009-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM.

WHEREAS, the Tax Reform Act of 1986 established the Mortgage Credit Certificate Program ("MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single family housing; and

WHEREAS, pursuant to Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq., local issuers are authorized to issue Mortgage Credit Certificates ("Certificates") and administer MCC Program; and

WHEREAS, the Riverside County Board of Supervisors adopted Resolution No 87-564 on December 22, 1987 establishing a Mortgage Credit Certificate Program; and

WHEREAS, the Riverside County Board of Supervisors has authorized the Riverside County Economic Development Agency ("EDA") to administer the MCC Program pursuant to the applicable federal, state and local policies and procedures, and to enter into those agreements necessary for administration of the MCC Program; and

WHEREAS, the County of Riverside ("County") will be applying to the California Debt Limit Allocation Committee ("CDLAC") for a mortgage credit certificate allocation on October 16, 2009 or thereabouts; and

WHEREAS, the City of Moreno Valley ("City") wishes to participate in the MCC Program administered by the EDA in connection with mortgage loans that will be made available for the acquisition of new and existing single-family housing in Riverside County; and

WHEREAS, the adoption of this resolution is necessary to include the City of Moreno Valley as a participating unit of general government under County's MCC program; and

WHEREAS, the City agrees to cooperate with the County to undertake the MCC program within City jurisdiction to assist persons or households of limited income to purchase new and existing single family residences located in the city; and

WHEREAS, the City by adopting this Resolution, hereby gives notice of its election to participate in the Riverside County MCC Program.

Attachment A

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

The City of Moreno Valley agrees

1. to participate in the MCC Program administered by the EDA in connection with mortgage loans it will make available for the acquisition of new and existing single-family housing in Riverside County;

2. to assist the County of Riverside to market the MCC Program within the City's jurisdictional boundary by publishing a general public notice in the local newspaper at least twice a year.

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

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

MV00032656

NOTICE OF INTENT TO ISSUE MORTGAGE CREDIT CERTIFICATES TO ELIGIBLE HOME BUYERS

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Riverside adopted a Mortgage Credit Certificate Program (the "MCC Program") on December 22, 1987. Under the MCC Program, the County has applied to the California Debt Limit Allocation Committee for a new allocation of Mortgage Credit Certificates. Upon receipt of the new allocation, the County intends to issue, in conjunction with the mortgage lenders in the County, mortgage credit certificates to certain eligible home buyers. The mortgage credit certificates will entitle eligible homebuyers to claim a tax credit equal to fifteen percent (15%) of the interest paid on a home mortgage annually.

To be eligible for a mortgage credit certificate, the following requirements must be met:

1) The home being purchased must be the principal residence of the applicant for the mortgage credit certificate.
2) Except with respect to homes located in certain targeted areas, the applicant may not have had any present ownership interest in a principal residence at any time during the three-year period prior to the date on which the mortgage for the new home being purchased is executed.
3) The purchase price of the applicant's home, other than a targeted area home, may not exceed 90% of the applicable average area purchase price determined by the County. Currently, the maximum permitted purchase price of a new home and existing home may not exceed $339,146.
4) The income of the applicants' household, other than with respect to targeted areas, may not exceed 115% of the applicable median household income for the area. Currently, the maximum permitted household income is $80,960 for households with more than three people and $70,400 for households with less than three people. Forty percent (40%) of the non-target area allocation will be reserved for households whose incomes do not exceed 80% of the median income.
5) The mortgage obtained by the applicant to acquire the home must be new mortgage and not an existing mortgage.
6) No portion of the applicant's home may be financed with a mortgage received through a qualified mortgage bond program.

The County has applied for an allocation to issue mortgage credit certificates in the approximate amount of $13,721,101. Twenty percent (20%) of the total amount will be reserved for one year for applicants acquiring homes in certain targeted areas within the County. With respect to homes acquired in a targeted area, currently the household income of the applicant with a household of three or more people may not exceed $98,560. If the household has less than three people, the income may not exceed $84,480. The purchase price of a home may not exceed $414,512.

All lenders interested in participating in the MCC Program are hereby invited to send a letter indicating their interest to the County. Persons interested in receiving mortgage credit certificates should contact their lender regarding their potential eligibility. The lender and the applicant will be required to provide the County with necessary documentation to establish an applicant's eligibility. Once the County has determined that an applicant is eligible, it will issue a mortgage credit certificate to the applicant in the form required by law. Mortgage Credit Certificates will not be transferable.

Further information regarding the MCC Program may be obtained by writing or calling Lorena Oseguera, Development Specialist, at the Riverside County Economic Development Agency, 1325 Spruce Street, Suite 400, Riverside, CA 92507. In accordance with applicable state and federal laws, the County intends to commence issuing mortgage credit certificates 90 days after the publication of this notice.

Attachment B

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: CERTIFICATES OF ACCEPTANCE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) DEVELOPMENT PARTNER AFFORDABLE HOUSING AGREEMENTS

RECOMMENDED ACTIONS

Staff recommends that the City Council:

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the Neighborhood Stabilization Program (Attachment A).

2. Authorize the City Clerk to record the Certificates of Acceptance and other related NSP Documents.

3. Authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents.

4. Authorize Financial & Administrative Services Director to fund payment for properties acquired through the NSP Program.

BACKGROUND

On November 25, 2008, the City Council approved a Substantial Amendment to the City's 2008-2009 CDBG Action Plan ("Action Plan") as a result of being awarded $11,390,116 from the U.S. Housing and Urban Development Department's (HUD) Neighborhood Stabilization Program (NSP) to address the housing foreclosure crisis.

The City's NSP establishes three programs to address the foreclosure crisis including:

- The Acquisition, Rehabilitation and Resale (ARR-SFR) Program for single family homes;
- The Acquisition, Rehabilitation and Rental (ARR-MFR) Program for multi-unit rental housing; and,
- The Down Payment Loan Assistance Program for owner-occupied first-time homebuyer housing.

On July 14, 2009, the City Council selected five Development Partners for SFR-ARR including Mayans Development, Mercy Housing, ANR Industries, VCD Corporation, and Sheffield Homes and two for MFR-ARR including Mary Erickson Community Housing-MECH and Riverside Housing Community Development- RHDC) to assist with the administration, implementation and ongoing operation of the program.

DISCUSSION

As part of the NSP Program, the City will acquire foreclosed and vacant single and multi-family properties directly from financial institutions with a standing inventory of foreclosed properties, as well as through the National Community Stabilization Trust (NCST).

Whenever possible, the City will endeavor to have properties acquired directly by the NSP Development Partners, subject to the terms of each relevant NSP Development Partner Agreement. In these instances, NSP grant moneys will be utilized to fund the property acquisitions but the City will never accept title to the properties. In other NSP property acquisitions, including those involving the NCST, the City must briefly accept title to the property before transferring title the Development Partner- through a double escrow process.

The NCST is an unprecedented collaboration of the nation's five leading housing and community development non-profit organizations – the Enterprise Community Partners, Housing Partnership Network, Local Initiatives Support Corporation (LISC), Neighbor Works America, and the National Urban League. Presently the NCST has eight of the largest lenders and mortgage companies in the United States participating in its program including Fannie Mae, Freddie Mac, Wells Fargo, JP Morgan-Chase, Citigroup, Bank of America, Saxon Mortgage and GMAC- Residential Capital.

The purpose of the NCST is to serve as a single point of contact between the leading lenders in the country, which own foreclosed properties and local government agencies that have received NSP funds and are striving to acquire vacant foreclosed properties. The NCST has a standardized process for acquiring properties from lenders.

Once the City acquires a property from a lender, the City concurrently transfers ownership of the property to one of its approved Development Partners for the acquisition, rehabilitation and resale of the single-family property to an eligible homebuyer. Multi-family Development Partners will retain long-term ownership of the

properties they acquire through the NSP program to provide affordable housing options to families earning incomes up to 50% of the area median income .

As part of the NCST's standardized acquisition process, the City and the Development Partners will have a concurrent or double escrow for acquisition closings. The City will take title of the property from the Trust, but upon close of escrow the City will immediately transfer title to the cooperative Development Partner. As a requirement of the NCST program, the City must execute and record a Certificate of Acceptance (Exhibit A to Attachment A) certifying its interest in the real property before a transfer of title from NCST to the City can occur.

Pursuant to Resolution 94-5, adopted January 24, 1994, the City Engineer had been granted the authority to execute Certificates of Acceptance. However, the City Engineer's authority is limited to street, highway, or public service easement acquisitions. In the effort to streamline, along with maintaining the efficiency and integrity of the NSP escrow process, it is deemed necessary to grant the authority to execute Certificates of Acceptance for NSP property acquisitions to the City Manager. Thus, staff recommends the adoption of Resolution 2009-93.

Additionally, NSP Development Partners are required to enter into a Development Partner Agreement with the City for property acquisitions. On July 14, 2009, the City Manager was granted the authority to prepare and execute the Development Partner Agreements. However, given the nature and complexity of multi-family property acquisitions, the affordability covenants recorded against the properties, and the long-term ownership of the properties by the Development Partners, it has been determined that an NSP Development Partner Affordable Housing Agreement will be required for the acquisition of <u>each</u> multi-family property. The NSP Development Partner Affordable Housing Agreement will be similar in form to the Affordable Housing Agreements used by the City's RDA for multi-family affordable housing projects. Since the Development Partners will be frequently acquiring properties and escrows will be expected to close rapidly, it will be necessary for the NSP Development Partner Affordable Housing Agreements to be approved by the City Manager as time will not permit each agreement to be brought forward for approval by the City Council.

In order to expedite the quick timeframes needed to acquire the foreclosed properties and meet the timeframes of the National Community Stabilization Trust, and to close escrows in a timely manner, the City Council will need to grant authority to the City Manager to approve the NSP Development Partner Affordable Housing Agreements.

ALTERNATIVES

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the NSP Program, and authorize the City Clerk to record the Certificates of Acceptance and other NSP related documents; authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to

form by Special Counsel), and execute other related NSP documents; and, authorize the Financial & Administrative Services Director to fund payments for properties. *Staff recommends these actions because they will facilitate the acquisition process through the Neighborhood Community Stabilization Trust and streamline the NSP acquisition process.*

2. Decline to adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the NSP Program, and decline to authorize the City Clerk to record the Certificates of Acceptance and other NSP related documents; decline to authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents; and, decline to authorize the Financial & Administrative Services Director to fund payments for properties. *Staff does not recommend these actions because they prevent the City's utilization of the Neighborhood Community Stabilization Trust's assistance and will delay the acquisition process and jeopardize the success of the NSP Program.*

FISCAL IMPACT

The ARR-SFR and ARR-MFR programs will be funded entirely from the Neighborhood Stabilization Program federal grant.

Fund	Business Unit No/Name	Estimated Amount
00197	19710	$11,390,116

There is no impact to the City's General Fund.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
The Neighborhood Stabilization Program will promote community pride and foster an excellent image for Moreno Valley.

NOTIFICATION

Publication of agenda.

ATTACHMENTS/EXHIBITS

ATTACHMENT A City Resolution 2009-94

Prepared By:
Shanikqua Freeman
Acting Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

Concurred by:
Michele Patterson
Acting Redevelopment Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2009-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ACCEPT AND CONSENT TO DEEDS OR GRANTS FOR RESIDENTIAL PROPERTIES ACQUIRED THROUGH THE NEIGHBORHOOD STABILIZATION PROGRAM.

WHEREAS, Section 27281 of the Government Code provides that deeds or grants conveying an interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed upon the deed or grant; and

WHEREAS, Section 27281 of the Government Code also provides that a political corporation or governmental agency may, by general resolution, authorize an officer or agent of the grantee to accept and consent to such deeds or grants; and

WHEREAS, the City desires and believes that it is in the best interests of convenience and efficiency for the City to designate the City Manager of the City of Moreno Valley as the officer authorized to accept on behalf of the City deeds and grants for residential properties acquired through the Neighborhood Stabilization Program.

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

Section 1. The City Manager of the City of Moreno Valley is authorized to accept and consent to deeds and grants conveying residential properties acquired through the Neighborhood Stabilization Program to the City of Moreno Valley.

Section 2. Whenever the City Manager consents to a deed or grant conveying a residential property acquired through the Neighborhood Stabilization Program to the City of Moreno Valley, the City Manager shall execute a certificate of acceptance and consent in substantially the following form:

> This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to the City of Moreno Valley, a political corporation, in the form attached as Exhibit A hereto, is hereby accepted by the undersigned City Manager on behalf of the City of Moreno Valley pursuant to authority conferred by Resolution No. ____ of the City Council of the City of Moreno Valley adopted on _____, 2009, and the grantee consents to recordation thereof by the City Clerk.

ATTACHMENT A

MV00032663

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00032664

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, JANE HALSTEAD, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that City Resolution No. 2009-___ was duly and regularly adopted by vote of the City Council of the City of Moreno Valley at a regular meeting held on the ___ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

MV00032665

"Exhibit A"

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant dated_____from _____ to the City of Moreno Valley, a political corporation, in the form attached hereto, is hereby accepted by the undersigned City Manager on behalf of the City of Moreno Valley pursuant to authority conferred by Resolution 2009 -____ approval of the City Council of the City of Moreno Valley on _____, 2009, and the grantee consents to recordation thereof by the City Clerk.

_____ Date: _____

Robert G. Gutierrez
City Manager

MV00032666

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: RESOLUTION AMENDING RESOLUTION NO. 2007-43 BY TEMPORARILY REDUCING RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution 2009-95, amending Resolution No. 2007-43, by temporarily reducing residential single-family and residential affordable single-family development impact fees by fifty percent, with the opportunity to consider a possible one year renewal.

BACKGROUND

According to most economic experts, the ongoing economic recession, which began in late 2007, is likely not ready for a recovery in the near future. Most predictions call for a recovery of the Inland Region economy to happen in late 2010 at the earliest, but more likely not until 2011 or maybe until early 2012.

Over the years, the regional economy in Riverside and San Bernardino counties has been heavily dependent upon construction activity, especially the new residential development industry. In FY 2004/05, at the peak of the housing boom, more than 52,000 single-family residential permits were issued in Riverside and San Bernardino counties. The latest reports estimate that less than 5,000 single-family residential permits will be issued in 2009, along with only slightly more than 5,500 next year in 2010.

A report written in May 2009 by Dr. John E. Husing, Ph.D. that helped quantify the economic impact of residential construction decline in the Inland Region identified the single-family residential permit valuation decline for Riverside County from 2005 to 2008

at $5.02 billion, which equates to an 80.4% decrease. The loss of those dollars entering the secondary economy (through goods and services) is on a one to one ratio, thus the net loss for Riverside County because of the downturn in the new residential development industry for that time-period is estimated at more than $10 billion. These losses in the local economy also translate to increased unemployment and higher home foreclosure rates in the Inland Region.

Moreno Valley has not escaped the new housing construction decline. Building permit issuance for single-family construction for the City of Moreno Valley has dropped 91% during the 2005-2008 time-period. Multi-family permit activity has been similarly reduced at a decline of 90%. There also has been a 20% decline in the commercial and industrial sectors during that same period. However, the rate of decline in commercial and industrial development has occurred significantly this year, as there is a 96.6% decrease in permit valuation (January-May 2009) when comparing activity this year to the same period in 2005.

The decline of the new housing development market has had a major impact on unemployment rates in both Inland Region counties. It is estimated that over 25,000 construction jobs have been lost in the past two years in the Inland Region. The State Employment Development Department recently calculated Moreno Valley's unemployment rate at 16.1% in June 2009 and Riverside County as a whole had an unemployment rate estimated at 13.7% in June 2009. The growing unemployment problem, fueled by the significant decline in construction jobs has also likely triggered more foreclosures in Riverside and San Bernardino counties.

Presently, Moreno Valley has approximately 4,000 foreclosed residential properties, along with many others in default and potentially facing foreclosure. More troubling is that many Payment Option-Adjustable Rate Mortgages (ARM's) that were popular at the height housing boom have or will soon reset in the new few years. Nationwide, an estimated one million ARM's are expected to reset to higher interest rates in the next four years. Even more alarming is that ¾'s or an estimated 750,000 ARM's nationwide will reset in either 2010 or 2011. Unfortunately, many will be in the Inland Region because about half of the new homes built in California between 2002 and 2007 were constructed in the Riverside or San Bernardino County area. Payment-Option ARM's were commonly used for many new Inland Region home buyers, as well as people who refinanced their homes in the period between 2004 and 2007. ARM resets with unaffordable mortgage payments will significantly impact the amount of foreclosures in the Inland Region, including Moreno Valley.

Housing values have decreased significantly across the Inland Region. The housing market in Moreno Valley currently reflects decreased home values with the average re-sale prices in June at $141,423, which is down from $206,979 just a year before in June 2008. The number of real estate listings in Moreno Valley has dropped from a high of 1,384 in April 2009 to 898 in May 2009, hopefully illustrating an improving re-sale housing market. However, please note that many major banks are holding back large numbers of repossessed houses from the real estate market in the Inland Region so as to not flood the market and further depress home values. Key in the resale market will

be interest rates for mortgages and the numbers of foreclosures and bank-owned properties on the market.

The identification of the key issues affecting the decline of local economy and what measures can be taken to stimulate the economy have been pursued by several organizations including Western Riverside Council of Governments (WRCOG) Red Team and the Building Industry Association. Out of these many discussions has come the consideration of the idea to temporarily reduce the Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fees (DIF), along with other possible actions including what was the major focus for the Red Team- a concerted effort to stem further waves of foreclosures in the region.

A Development Impact Fee (DIF) is a fee charged by a local government to a development project for the purpose of charging for all or a portion of the cost of public facilities or infrastructure related to the impacts brought on by the development project. TUMF is very similar to DIF, but it is collected by WRCOG to fund future regional transportation improvements. Both DIF and TUMF use Nexus studies to establish appropriate fee structures.

DISCUSSION

Several Riverside County local governments have recently adopted policies aimed at stimulating the local economy by encouraging growth of the residential building industry and creating jobs by pursuing the temporary reduction of DIF. Temporary DIF reductions will clearly result in a decrease in fees collected. However, the loss in fees is anticipated to be offset by increased development activity, the creation of construction jobs and hopefully a recovery in the local economy. To date the following agencies have adopted a temporary reduction in DIF.

Jurisdiction	Original Single-Family Residential DIF (per house)	Revised DIF (per house)	Percent Reduced	Savings Per Unit	Terms of Reduction
City of Beaumont	$16,341.80	**$11,112.43**	30%	**$5,229.37**	Full reduction is in place for 16 months. Fees revert to 2009 levels over a three- year phase in period ending in 2012.
City of Corona	$19,474	**$11,684.40**	40%	**$7,789.60**	Full reduction is in place for two years with an optional third year.
City of Menifee	$5,185	**$2,599.30**	50%	**$2,585.70**	Reduction ends on June 30, 2010 OR after 500 permits are issued.
City of Perris	$12,668	**$6,334.00**	50%	**$6,334.00**	Reduction is in place for 1 year. Thereafter, there will only be a 25% reduction for 6 additional months.
County of Riverside (unincorporated areas)	$4,057	**$2,028.50**	50%	**$2,028.50**	One-year reduction.
City of Moreno Valley	$13,744				

Source: BIA - Riverside Chapter and City websites

- **City of Beaumont**

On February 17, 2009, the City of Beaumont adopted Resolution 2009-09, also known as the Beaumont Economic Stimulus Package. The Economic Stimulus Program included the adoption of a temporary reduction of DIF. The temporary DIF reduction initially reduces fees by 30%. The DIF reduction schedule is graduated and fees will increase incrementally between FY09/10, FY10/11, FY11/12 and FY12/13. The fees will increase to 14.3%, 12.5% and 11.1%, respectively, and are scheduled to reset to the original rate at the beginning of FY12/13 (July 1, 2012). The Beaumont DIF program also grants a developer the option to defer DIF payment building inspection stage of the development.

In addition to the temporary reduction of DIF, the City of Beaumont through the stimulus package has implemented a 50% fee reduction in building permit fees, grading permit, plan check and inspection fees for onsite improvements (i.e. patio covers, pools, etc.)

- **City of Corona**

On May 6, 2009, the City of Corona adopted an ordinance to temporarily reduce DIF by 40% for a period of two years, expiring on June 30, 2011. The ordinance also extends a previously adopted DIF deferral policy whereby payment of certain fees is deferred until a Certificate of Occupancy is issued. This extension will expire concurrent to the DIF reduction.

- **City of Menifee**

On May 20, 2009, the newly incorporated City of Menifee approved the Menifee Development Stimulus Plan. As part of a multi-faceted plan, the City of Menifee will temporarily reduce DIF by 50% for one-year, ending June 30, 2010 or upon the issuance of 500 permits- whichever comes first. One other fee related reduction approved by the City of Menifee is the temporary reduction in hourly rates by 20% for City development services related to new residential. Please note that as a new municipality that Menifee had merely adopted the County's DIF rate structure and nexus study and that the City has no established debt obligations for public improvements.

- **City of Perris**

On June 30, 2009, the City of Perris approved the adoption of a resolution to reduce the City's DIF for residential development by 50% for FY 09/10, and 25% for the first six months of FY 10/11.

- **County of Riverside**

On July 14, 2009, the County of Riverside adopted a resolution to temporarily reduce DIF by 50% for a one-year period ending June 30, 2010. Additionally, Riverside County adopted a resolution to urge WRCOG to temporarily reduce TUMF to assist in residential development.

Moreno Valley DIF

In 2000, the City of Moreno Valley adopted a Development Impact Fee (DIF) program to equitably distribute the costs of future infrastructure and public facilities needed in the

community because of new residential and commercial development in Moreno Valley. In other words, the DIF program has new development pay for its fair share of the costs for new streets, parkland and public facilities. This is a fiscally prudent concept that is used by many other Inland Region cities including Corona, Fontana, Perris, Ontario, Rancho Cucamonga, Redlands, and Temecula. Under the DIF, different types of uses (single-family residential, multi-family residential, industrial, commercial, retail, and office) pay varying DIF rates based on the impacts associated with the various types of development.

Revenue from DIF in Moreno Valley has decreased significantly since FY 2006/07 because of the housing development slowdown and recessed economy. In FY 2005/06, Moreno Valley received its most total DIF revenue at nearly $21 million and of that amount $8.48 million came from Residential DIF projects. In FY 2008/09, DIF revenue is projected to be only $1.23 million, with $ 159,409 coming from Residential DIF projects. During the residential housing boom from FY 2002/03 through FY 2006/07, Moreno Valley collected a total of $73,979,923 in DIF and $35,582,198 or 48% came from single-family residential projects.

In the past, DIF revenue has been a major source of revenue for new capital projects in Moreno Valley. In November 2005, the City issued a $48 million bond issue to fund a variety of infrastructure projects. DIF, the Moreno Valley Electric Utility and RDA fund debt service for these lease revenue bonds.

The recent decrease in DIF revenue has impacted debt service coverage resulting in using DIF reserves to maintain debt service. Reducing DIF for single-family residential would have an effect on debt service obligations depending on the duration and magnitude of a DIF reduction.

Current stimulation programs underway in the City of Moreno Valley
There are several efforts currently underway in the City of Moreno Valley to stimulate the economy including the following:

Deferral of DIF and TUMF Payment
The City of Moreno Valley has adopted a resolution deferring the collection of DIF and TUMF for residential development projects until the Certificate of Occupancy.

Moreno Valley Employment Resource Center
The Moreno Valley Employment Resource Center (ERC) opened in mid-August to serve the City's population that is either unemployed or underemployed.

NSP
The City of Moreno Valley has received an $11,390,116 allocation to implement an 18-month Neighborhood Stabilization Program (NSP) aimed at assisting low to moderate income households, while targeting the City's areas most affected by foreclosures. Under the adopted plan, the City has approved Development Partners that will purchase bank-owned properties in Moreno Valley, rehabilitate those properties and put them on the market for first-time homebuyers.

NSP 2
A cooperative application with the City of Hemet for additional NSP funds (NSP 2) has been submitted to HUD to continue efforts to mitigate home foreclosures and encourage home ownership initiated by NSP. The joint application requested a fund allocation of $10 million.

Foreclosure Prevention Education
In response to the continuing home foreclosure problem, Moreno Valley will continue foreclosure prevention workshops and offer residents valuable information and the opportunity to meet one-on-one with representatives from mortgage lenders, credit counseling agencies and social service providers. The first round of workshops in spring 2009 assisted approximately 600 residents.

Proposal of a Temporary DIF Reduction
Presently, the DIF rate for residential single-family is $13,744 per unit. The consideration of a DIF reduction for residential single-family would have many impacts including short term revenue loss for the City, but also possesses the possibility of helping jump start the new housing construction industry. It is extremely difficult to quantify the revenue loss, as well as the effectiveness that a DIF reduction will put forth towards actually stimulating more new residential development in Moreno Valley. The continued numbers of foreclosures and bank-owned properties hitting the residential market in the coming years will still likely cause a competitive disadvantage for new homes in the real estate market. Another problem for home builders in the near future will be financing for projects in this current credit environment. Overall, the effectiveness of reducing DIF to stimulate significant recovery of the new housing development industry is uncertain. However, any growth in new residential development would be positive for the local economy.

ALTERNATIVES

1. Adopt Resolution 2009-95 approving the reduction of Residential Single-Family and Residential Affordable Single-Family Development Impact Fees for the period of one year. **Staff recommends this alternative.**

2. Reject Resolution 2009-95, thereby not reducing Residential Single-Family and Residential Affordable Single-Family Development Impact Fees. **Staff does not recommend this alternative.**

FISCAL IMPACT

Calculating the fiscal impact of a reduction of fees directly correlates with the percentage of that reduction, but also depends on the activity and number of projects happening. It is not possible to accurately project the revenue loss for the temporary DIF reduction. However, a reduction of collected DIF is expected to be offset by increased development activity and, hopefully sales tax and property tax revenue increases.

SUMMARY

The current economic crisis is spurring local agencies to identify ways of mitigating the impacts of the slowdown in development particularly as it relates to revenue, the unemployment rate and the home foreclosure rate. Currently five other jurisdictions in Riverside County have adopted temporary DIF reductions to make new residential development projects more cost-effective. The City of Moreno Valley is already underway with several programs aimed at helping to mitigate the impacts of the current economic crisis, but does not currently have a temporary DIF reduction program. Moving forward with a temporary DIF reduction for single-family residential in Moreno Valley is envisioned as a way to help stimulate the local economy.

ATTACHMENT

Attachment 1 – Development Impact Fee Schedule
Attachment 2 – Resolution No. 2009-95

Prepared By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

City of Moreno Valley Development Impact Fees

	Residential						Commercial			Office	
	Single Family		Affordable-Single Family		Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
	Current Fee	Proposed Fee	Current	Proposed Fee	Current	Current	Current	Current	Current	Current	Current
Unit	DU	DU	DU	DU	DU	DU	KSF	KSF	KSF	KSF	KSF
Transportation Uniform Mitigation Fees (TUMF)	$ 10,046	$ 10,046	$ -	$ -	$ 7,054	$ -	$ 9,990	$ 9,990	$ 1,840	$ 2,190	$ 5,710
Arterial Streets	$ 4,531	$ 2,265	$ 1,275	$ 638	$ 3,171	$ 892	$ 4,482	$ 2,231	$ 1,281	$ 1,275	$ 1,921
Traffic Signals	$ 567	$ 283	$ 421	$ 211	$ 397	$ 294	$ 678	$ 443	$ 194	$ 253	$ 290
Interchange Improvements	$ 524	$ 262	$ -	$ -	$ 367	$ -	$ 684	$ -	$ 195	$ -	$ 293
Fire Facilities	$ 650	$ 325	$ 252	$ 126	$ 261	$ 101	$ 80	$ 36	$ 58	$ 38	$ 67
Police Facilities	$ 464	$ 232	$ 126	$ 63	$ 368	$ 101	$ 232	$ 64	$ 42	$ 51	$ 114
Park Improvements	$ 3,109	$ 1,554	$ 1,598	$ 799	$ 2,723	$ 1,193	$ -	$ -	$ -	$ -	$ -
Recreation Centers	$ 193	$ 97	$ 1,198	$ 599	$ 169	$ 1,049	$ -	$ -	$ -	$ -	$ -
Libraries and Materials	$ 813	$ 406	$ 668	$ 334	$ 712	$ 499	$ -	$ -	$ -	$ -	$ -
Park Land (Quimby In-Lieu Fees)	$ 1,865	$ 933	$ 573	$ 287	$ 1,634	$ 428	$ -	$ -	$ -	$ -	$ -
Animal Shelter	$ 152	$ 76	$ -	$ -	$ 133	$ -	$ -	$ -	$ -	$ -	$ -
Maintenance Equipment	$ 50	$ 25	$ -	$ -	$ 20	$ -	$ 4	$ -	$ 3	$ -	$ 4
City Hall	$ 529	$ 265	$ 292	$ 146	$ 212	$ 118	$ 74	$ 42	$ 52	$ 45	$ 62
Corporate Yard	$ 298	$ 149	$ 283	$ 142	$ 119	$ 113	$ 53	$ 41	$ 37	$ 43	$ 43
Total	$ 23,790	$ 16,918	$ 6,686	$ 3,343	$ 17,340	$ 4,788	$ 16,277	$ 12,847	$ 3,702	$ 3,895	$ 8,504

NOTES:

1. Beginning in 2003, all impact fees will be adjusted annually.

2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.

3. TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).

4. Fees for Single and Multi-Family Residential have been increased in Jan 2007 by the 20 City Average Building Cost Index which was 3.8% (Does not include Affordable Housing segments)

5. Fees for General Commercial and Non-Class A Office have been increased to the mid-point between the existing fee and 50% of the nexus.

UNITS LEGEND
DU = Dwelling Unit for residential development types
KSF = 1,000 gross square feet of building area for commercial, industrial and office development types

Attachment 1

IMPLEMENTATION NOTES:

With respect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

With respect to commercial and industrial and non-class A office development impact fees, there will be a continuation of existing fees with the intent of charging one-half of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, through a two-year phase-in beginning on January 16, 2007.

With respect to Class A office development impact fees, these shall be frozen at the pre-January 12, 2006 fees, or $1,705 per 1,000 square feet.

With respect to Residential Single Family and Residential Multi-Family development impact fees, the fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, and shall take effect on January 12, 2006.

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be frozen at the pre-January 12, 2006 fees until such time that the City Council deems it appropriate to amend the Impact Fee Resolution.

Hence:

	Residential						Commercial			Office	
Impact Fee Type	Single Family		Affordable-Single Family		Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
Fee Basis	Dwelling Unit		Dwelling Unit		Dwelling Unit	Dwelling Unit	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft
Current Fee (2)	$6,686.00		$6,686.00		$4,788.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Calculated Fee per Nexus Study (2	$13,241.00		$13,625.00		$9,909.00	$10,178.00	$17,503.00	$13,174.00	$5,156.00	$7,762.00	$7,762.00
Recommended Fee	100% of Nexus Fee		Freeze @ 100% of Pre 1/12/06 Fee		100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee	50% of Nexus Fee	50% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee
Fees at 1/12/06 (2)	$13,241.00		$6,686.00		$9,909.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Fees at 1/16/07 (2)	$13,241+ 1 yr. CPI		$6,686.00		$9,909 + 1 yr CPI	$4,788.00	$6,287.00	$2,857.00	$1,863.00	$1,705.00	$2,793.00
Fees at 1/16/08 (2)	13,241 + 2 yr. CPI		$6,686.00		$9,909+ 2 yr CPI	$4,788.00	$8,752.00	$2,857.00	$2,578.00	$1,705.00	$3,881.00
Fees at 1/16/09 (2)	13,241 + 3 yr. CPI		$6,686.00		$9,909+ 3 yr CPI	$4,788.00	$8752+1 yr. CPI	$6,587.00	$2578+1 yr. CPI	$1,705.00	$3881+1 yr. CPI

Note: 1) Fees are rounded to the nearest whole dollar. Fees will vary from what is shown for 1/16/07 and 1/16/08 based on annual July 1st adjustments for inflation, which are not included in the above examples.

2) Fees shown in example do not include TUMF

MV00032675

RESOLUTION NO. 2009-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 2007-43 REGARDING THE FEE STRUCTURES FOR RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES

WHEREAS, Chapters 3.38, 3.40, and 3.42 of the City of Moreno Valley Municipal Code authorize the establishment of residential and commercial and industrial development impact fees (the DIF program); and

WHEREAS, the City Council previously adopted Resolution No. 2007-43, setting amounts of residential development impact fees for arterial streets, traffic signals, interchange improvements, police facilities, fire facilities, park improvements, community/recreation centers, library facilities and materials, city hall facilities, corporate yard facilities, maintenance equipment, and animal shelters; and commercial and industrial development impact fees for arterial streets, traffic signals, interchange improvements, police facilities, fire facilities, city hall facilities, corporate yard facilities, and maintenance equipment; and

WHEREAS, the downturn in the economy has slowed the development of new single-family residential properties; and

WHEREAS, the downturn in the economy and the decline of new housing development has had a major impact on City revenues the unemployment rates in Moreno Valley; and

WHEREAS, several Riverside County local governments have recently adopted policies aimed at stimulating the local economy by encouraging growth of the residential building industry and creating job by pursuing the temporary reduction of DIF, thereby in the best interest of the City.

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

1. Section 1 of Resolution No. 2007-43 is hereby amended as follows:

"Section 1: A temporary reduction in Residential Single-Family and Residential Affordable Single-Family Development Impact Fees shall be made to the Residential and Commercial and Industrial Development Impact Fee Table reflecting a fifty percent reduction in Residential Single Family and Residential Affordable Single-Family Development Impact Fees for the period of one year; with the opportunity to consider a possible one year renewal."

Section 3. of Resolution No. 2007-43 is hereby amended as follows:

"Section 3: With respect to Residential Single-Family and Residential Affordable Single-Family development impact fees (not including Residential Multi-Family and Residential Affordable Multi-Family), the fees described in Section 1 shall be charged at 50% of the fees calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on April 24, 2007 and shall take effect on September 23, 2009. The fees described in Section 1 for Residential Affordable Single-Family and Residential Affordable Multi-Family shall be reduced for the period of one year, with the opportunity to consider a possible one year renewal.

BE IT FURTHER RESOLVED that this Resolution shall take effect on September 23, 2009.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

APPROVED AS TO FORM:

_____
City Attorney

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 8, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of Certificates by Moreno Valley Friends of the Library to Super Readers of the 2009 Summer Reading Program

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
September 8, 2009

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Pro Tem Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Batey

INVOCATION - Pastor Paul M. Cunningham, Calvary Baptist Church

ROLL CALL

Council:

William H. Batey II	Council Member
Bonnie Flickinger	Mayor Pro Tem
Jesse L. Molina	Council Member
Robin N. Hastings	Council Member

Absent:

Richard A. Stewart	Mayor

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Elam	Financial and Administrative Services Director
Robert Hansen	Interim City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Steve Curley	Fire Chief
Joel Ontiveros	Lieutenant
Chris Vogt	Public Works Director/City Engineer

MV00032679

Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director
Becky Guillan	Library Services Division Manager
Steve Kupsak	Parks Maintenance Division Manager

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Pro Tem Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A3 and A5)

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 AUTHORIZATION TO ESTABLISH A PURCHASE AGREEMENT WITH DATA TICKET INCORPORATED FOR FY 2009/2010 (Report of: Community Development Department)

Recommendation:

1. Award the annual purchase agreement to Data Ticket Incorporated in the amount not to exceed $190,500 and authorize the Mayor to execute the agreement; and

2. Authorize the Code and Neighborhood Services Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of $190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

A.4 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional

MV00032680

Consultant Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide Professional Consultant Services;

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with VAS; and

3. Authorize an increase in the purchase order to VAS in the amount of $250,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.5 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR INDIAN DETENTION BASIN, DRAINAGE IMPROVEMENTS, AND IRONWOOD STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with Lim and Nascimento Engineering Corporation, 618 North Diamond Bar Boulevard, Diamond Bar, California 91765;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with Lim and Nascimento Engineering Corporation;

3. Authorize a Change Order to increase the Purchase Order with Lim and Nascimento Engineering Corporation for $61,560.40 ($55,964.00 proposal amount plus 10% contingency amount of $5,596.40) for additional design, right-of-way and environmental services when the Fourth Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account No. 897.91726); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with Lim and Nascimento Engineering Corporation, up to but not exceeding, the 10% contingency amount of $5,596.40, subject to the approval of the City Attorney.

A.6 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM C3) (Report of: Economic Development Department)

MV00032681

Recommendation:
Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for the Rancho Dorado Apartments

A.7 ORDINANCE NO. 793, APPROVING P08-060 (SPECIFIC PLAN AMENDMENT) TO REALIGN KRAMERIA AVENUE BETWEEN IRIS AVENUE AND HEACOCK STREET AND DOWNGRADE KRAMERIA AVENUE FROM A MINOR ARTERIAL TO AN INDUSTRIAL COLLECTOR IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) AS DESCRIBED IN THE RESOLUTION, AND THE REVISED SPECIFIC PLAN MAPS ATTACHED TO THE RESOLUTION AS EXHIBITS A, B, C AND D (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

ADOPT Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance.

Ordinance No. 793

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-060 (Specific Plan Amendment) to realign Krameria Avenue between Iris Avenue and Heacock Street and downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector in the Moreno Valley Industrial Specific Plan (SP 208) as described in the Resolution, and the revised Specific Plan Maps attached to the Resolution as Exhibits A, B, C and D

A.8 ORDINANCE NO. 794, AMENDING SECTION 12.36.010 OF CHAPTER 12.36 OF TITLE 12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, REVISING THE DESIGNATION OF TRUCK ROUTES (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 794, amending Section 12.36.010 of Chapter 12.36 of Title 12 of the Municipal Code to remove Ironwood Avenue from Moreno Beach Drive to Theodore Street, as well as, Moreno Beach Drive from Ironwood Avenue to the SR-60 westbound on/off ramp as designated "Truck Routes." (Roll call required)

Ordinance No. 794

MV00032682

Ordinance No. 794, of the City Council of the City of Moreno Valley, California, Amending Section 12.36.010 of Chapter 12.36 of Title 12 of the City of Moreno Valley Municipal Code, Revising the Designation of Truck Routes

A.9 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN'S 488-090-031 AND 488-090-051 FOR THE SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the partial acquisition of APN's 488-090-031 and 488-090-051 and authorize the City Manager to execute said Agreement;

2. Authorize a purchase order in the total amount of $374,600 ($359,600 for the purchase price and $15,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 125.89720); and

3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of $374,600 ($359,600 for the purchase price and $15,000 for escrow fees) for the partial acquisition of APN's 488-090-031 and 488-090-051.

A.10 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE ACQUISITION OF A PORTION OF APN 488-100-002 FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the acquisition of a portion of APN 488-100-002 and authorize the City Manager to execute said Agreement;

2. Authorize a Purchase Order in the amount of $874,550 ($849,550 for the purchase price plus $25,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 415.70024); and

3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of $874,550 ($849,550 for the purchase price plus $25,000 for escrow fees) for a portion of APN 488-100-002.

A.11 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of:

MV00032683

City Clerk's Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of August 19 – September 1.

A.12 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM B3) (Report of: Public Works Department)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM A12) (Report of: Public Works Department)

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

MV00032684

Recommendation:
Approve as submitted.

C.3 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM A6) (Report of: Economic Development Department)

Recommendation:
Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for Rancho Dorado Apartments

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Mayor Pro Tem Flickinger announced that Consent Calendar Item A3, recommendation #2 was changed to read as follows:

Authorize the Purchasing and Facilities Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of $190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

Joint Consent Calendar Items A1- D2 approved. Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings, approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

E. PUBLIC HEARINGS

E.1 A PUBLIC HEARING ON A ZONE CHANGE (PA05-0069) FROM THE RESIDENTIAL 1 (SINGLE FAMILY - UP TO 1 UNIT PER ACRE) LAND USE DISTRICT TO THE RESIDENTIAL 2 (SINGLE FAMILY - UP TO 2 UNITS PER ACRE) DISTRICT, WHICH IS CONSISTENT WITH THE

EXISTING RESIDENTIAL 2 GENERAL PLAN LAND USE DESIGNATION; AND A TENTATIVE TRACT MAP NO. 32388 (PA05-0071) TO SUBDIVIDE APPROXIMATELY 9.5 ACRES LOCATED ON THE SOUTH SIDE OF MOUNTAIN RANCH ROAD AT NORTHSHORE DRIVE INTO 14 SINGLE FAMILY LOTS (Report of: Community Development Department)

Mayor Pro Tem Flickinger opened the agenda item for the Public Hearing for public comments, which were received from Vicki Patterson (oppose), Deanna Reeder (oppose) and Pete Bleckert (support).

Recommendation: That the City Council:

1. CONDUCT a public hearing for review of a proposed Zone Change from R1 to R2 and Tentative Tract Map No. 32388 to subdivide approximately 9.5 acres into 14 single family residential lots;

2. APPROVE Resolution No. 2009-84 ADOPTING a Mitigated Negative Declaration for the Zone Change and Tentative Tract Map No. 32388, in that, as designed and conditioned, this project will not result in significant environmental impacts;

Resolution No. 2009-84

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for a Zone Change (PA05-0069), and Tentative Tract Map No. 32388 (PA05-0071) to change the land use for 9.5 net acres located within Assessor's Parcel Number 474-250-003 from Residential 1 to Residential 2 in order to develop a 14 lot single family residential subdivision

Motion to Approve by m/Council Member Jesse L. Molina, s/Mayor Pro Tem Bonnie Flickinger
Failed by a vote of 2-2-1, Council Member William H. Batey II and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.

Motion to Continue item to November 10, 2009, approve by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Failed by a vote of 2-2-1, Mayor Pro Tem Bonnie Flickinger and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.

3. INTRODUCE Ordinance No. 795 thereby APPROVING a Zone Change from Residential 1 (R1) to Residential 2 (R2) for the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain

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Ranch Road at Northshore Drive (PA05-0069), based on the findings in the City Council Ordinance (Attachment No. 3); and

Ordinance No. 795

An Ordinance of the City Council of the City of Moreno Valley, California, Approving application PA05-0069 for an Amendment to the official Zoning Atlas from Residential 1 to Residential 2 for the approximately 9.5 net acres of Assessor's Parcel Number 474-250-003 in order to develop a 14 lot single family subdivision

Not Introduced

4. APPROVE Resolution No. 2009-85 thereby APPROVING Tentative Tract Map No. 32388 (PA05-0071) to subdivide the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain Ranch Road at Northshore Drive into 14 single family residential lots.

Resolution No. 2009-85

A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Tract Map No. 32388 (PA05-0071) to develop a 14 lot single family residential subdivision on 9.5 net acres located on the south side of Mountain Ranch Road at Northshore Drive, within Assessor's Parcel Number 474-250-003

Not Adopted

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Bonnie Flickinger reported Southern California Association of Governments (SCAG) serves member cities and listens to them. Some of the benefits provided are: SCAG waived 10 percent of dues this year, recognized cities' challenges and also provides free professional planning staff for use. SCAG also implemented a pilot scholarship plans for local students. Application information is available at SCAG. SCAG is tasked with designing methodology for implementation of SB 375 green house gases. Mayor Pro Tem Flickinger also reported that she had been appointed to SCAG Regional Goods Movement Task Force and its

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Regional Data GIS Task Force. In addition, SCAG provided the City Profile to Mayor Pro Tem Flickinger and encouraged comments from Council and staff.

b) Report by Council Member Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)

Council Member Hastings reported WRCOG will be meeting with the Energy Committee in Washington, D.C. She met with Congressman Calvert, and he was supportive. Council Member Hastings further reported that she would be flying to Washington, D.C. September 28, and would be meeting with Congress people and the Energy Committee to get the funds necessary to bring back to western Riverside County. WRCOG will be making a presentation to Council in October.

G.2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Assistant City Manager, Betsy Adams informed the City Council that a letter of support to Western Riverside Council of Governments Energy Efficiency and Water Conservation program would be expedited if it was Council's direction.

Council's direction was to forward the letter of support.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION – NONE

H.3 ORDINANCES - URGENCY ORDINANCES – NONE

H.4 RESOLUTIONS – NONE

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

Catherine Huggins
1. Code violations in her neighborhood

Daryl Terrell

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1. Keeping local revenue local

Deanna Reeder
1. Development impact fees
2. Ironwood truck route

Pete Bleckhert
1. Safety issue on Alessandro and Lasselle
2. State of the City Address

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Jesse Molina

1. Item E1. Public Hearing property zone change; large lots will be a thing of the past
2. Traffic lights on Alessandro and Lasselle concerns asked for direction from constituent
3. Chamber of Commerce - with more businesses the Chamber will have more money, issues with stalement in the city
4. Work together as a City and move forward

Robin N. Hastings

1. Congratulations to the Moreno Valley Super Readers, reading is the key to education
2. Enjoyed participating in the Employee Appreciation Luncheon, received lots of positive feedback and very positive interactions
3. Thanked residents she met with regarding Ironwood Avenue and appreciated their input; residents conveyed to Council Member Hastings that they were very appreciative to have input in the process

William H. Batey II

1. Congratulations to the Super Readers and commended Library Director for putting together a super program

Bonnie Flickinger

1. Four students at four Moreno Valley schools may enter the Air Aware contest by September 21, sponsored by RTA, first prize of $250 gift certificate for the Moreno Valley Mall, detailed information can be found at www.riversidetransit.com
2. Parks and Recreation Commission has an opening for a teen member,

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applications on www.moval.org
3. City is focused on providing citizens assistance and providing more foreclosure workshops, Sept 12, 2009 at 10:00 a.m., in Council District 5, Calvary Chapel Church, very helpful for the residents, four more workshops in other Council districts
4. Employee Resource Center is open at Towngate Center, many resources available
5. Parks is cutting back on the number of hours the water feature at Bethune Park is open due to the water shortage, determined to find a way to restore the hours
6. Mayor Stewart delivered the State of the City message last week. The video will be on the website starting next week
7. Agendize for next Study Session to discuss the Agenda for the rest of the year.

CLOSED SESSION – Cancelled

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

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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:05 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Mayor, Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
AND THE BOARD OF LIBRARY TRUSTEES

SPECIAL MEETING – 6:00 P.M.
SEPTEMBER 1, 2009

CALL TO ORDER - A Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley, and the Board of Library Trustee was called to order at 6:01 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
William H. Batey II	Council Member
Robin N. Hastings	Council Member
Jesse L. Molina	Council Member

Staff:

Jane Halstead	City Clerk
Steve Elam	Financial & Administrative Services Director
Robert Hansen	Interim City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Chris Vogt	Public Works Director/City Engineer
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director

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PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder, Marcia Amino and Pete Bleckert.

G. REPORTS

G.1 MEMORANDUM OF UNDERSTANDING BETWEEN ABSOLUTE STORAGE LLC, RRM PROPERTIES LTD AND THE CITY OF MORENO VALLEY, CA. (Report of: Economic Development Department)

Recommendation: that the City Council & RDA Board

1. Approve a Memorandum of Understanding between Absolute Storage LLC, RRM Properties LTD and the City of Moreno Valley; and

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Bonnie Flickinger
Approved by a vote of 5-0.

2. Appropriate $225,000 from available RDA tax increment fund balance to Account 892.80129.7200 for the funding of the Gas Line Relocation Project.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Bonnie Flickinger
Approved by a vote of 5-0.

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ADJOURNMENT

There being no further business to conduct, the meeting was adjourned to Closed Session at 6:21 p.m. by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____

Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: September 22, 2009

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of September 2-15, 2009.

Reports on Reimbursable Activities September 2-15, 2009		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger	9/11/09	Moreno Valley Chamber of Commerce – Legislative Action Committee
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart		None

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING PA09-0018 (GENERAL PLAN AMENDMENT) AND PA08-0099 (MUNICIPAL CODE AMENDMENT), A PROPOSAL TO ADD A NEW ZONING DESIGNATION TO THE GENERAL PLAN CREATING THE RESIDENTIAL 30 (R30) ZONING DISTRICT AND AMEND A RANGE OF ZONING REGULATIONS CONTAINED IN TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MULTIPLE FAMILY DEVELOPMENT STANDARDS

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing regarding PA09-0018 and PA08-0099, and

1. **Find** that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines; and

2. **APPROVE** Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution and attached to the Resolution as Exhibit A;

3. **Introduce** Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code. (Attachment 2)

ADVISORY COMMITTEE RECOMMENDATION

On August 13, 2009, by a vote of 6-0-1, the Planning Commission adopted Resolution No. 2009-24, recommending that the City Council determine that the proposed amendment is exempt from the California Environmental Quality Act and approve the proposed amendment of the Municipal Code. No public testimony was received at the hearing.

SUMMARY

PA09-0018 and PA08-0099 are a proposal to modify the City's General Plan and amend various provisions contained in Title 9 of the City of Moreno Valley Municipal Code regarding multiple family development standards, including the introduction of the Residential 30 (R30) Zoning District.

BACKGROUND

General Plan Amendment (PA09-0018)

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at 30 units per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

Redevelopment Agency staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations, in various areas in the community, including areas with a significant number of underutilized parcels. The proposal was presented at a series of public meetings in October of 2007 and included an overview of the housing element, the Regional Housing Needs Allocation (RHNA) allocation for Moreno Valley, the challenges in providing affordable housing opportunities, and possibilities for increasing housing densities in several areas of the community. The proposal was then presented to Planning Commission and the City Council. While the meetings only identified potential locations for Residential 30 (R30), the actual choosing of locations and rezoning of areas would be completed under a separate process.

Staff is taking the opportunity to update other residential standards along with the addition of the new zoning designation, Residential 30 (R30) to the General Plan and Municipal Code.

Background – Municipal Code Amendment (PA08-0099)

Standards for the proposed Residential 30 (R30) Zoning District are based on a combination of the City's Residential 20 (R20) and examples of higher density development standards from various cities. The purpose of the standards is to provide guidelines on developing Residential 30 (R30) projects that achieve the goals and objectives of the City of Moreno Valley's General Plan.

As with the General Plan Amendment, the Municipal Code will include the definition of Residential 30 (R30). Also included in the proposed Municipal Code update is residential site development standards for the Residential 30 (R30) zoning district that define minimum lot size, lot coverage, setbacks and height maximums. The proposed changes to the municipal code also include dividing single-family from multiple-family guidelines into separate sections for simplification and greater clarity.

Brief discussions of individual issues are provided below.

The proposed additions to the General Plan and Municipal Code are shown below as bold underlined text. Strikethroughs indicate text recommended for deletion.

DISCUSSION

Issue 1. Adding Residential 30 (R30) Zoning District to the General Plan

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups".

Staff recommends amending Section 9.2.2 under "Policies" (page 9-4) of the General Plan as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types in an urban setting. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

The rest of the policies of Objective 2.2 will be renumbered as follows:

2.2.1~~1~~2 Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.

2.2.1~~2~~3 Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.

2.2.1~~3~~4 Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.

2.2.1~~4~~5 Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

2.2.1~~5~~6 Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

2.2.1~~6~~7 Affordable housing developments should be compatible in visual design with surrounding development.

2.2.1~~7~~8 Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

At the August 13th Planning Commission meeting, the definition of R30 included "*The primary purpose of areas designated Residential 30 is to provide a range of high density multi-family housing types, with particular emphasis on the needs of low and moderate income families"*. During commissioner debate it was noted that including the wording "needs of low and moderate income families" " might lead to a misunderstanding that the R30 zoning district was only for affordable housing. The commissioners agreed to approval of Issue 1 with revised wording.

MUNICIPAL CODE ANALYSIS

Issue 2. Residential Districts within the City of Moreno Valley

Section 9.01.090 of the Municipal Code lists the residential districts in the City of Moreno Valley in order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city.

Staff recommends amending Section 9.01.090(A) under "Residential Districts" as follows:

Adding: **k. Residential 30 (R30) district;**

Re-lettering: ~~k.~~to l. Residential single-family 10 (RS10) district.

Issue 3. Definition of Residential 30 (R30)

Section 9.03.020 of the Municipal Code describes the general product type and density provisions for the specified residential development districts.

Staff recommends amending Section 9.03.020 under "Residential Districts" as follows:

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU's per net acre in accordance with the provisions outlined herein.

As noted under "Issue 1", the definition of R30 was revised during commissioner debate deleting the wording "needs of low and moderate income families" as it might lead to a misunderstanding that the R30 zoning district was only for affordable housing. Staff also noted that the wording "needs of low and moderate income families" was currently in the definition of Residential 20 District (R20) in the Municipal Code. Further commissioner debate suggested that the R20 definition should be revised as well.

Section 9.03.020 under "Residential Districts" will be amended as follows:

K. Residential 20 District (R20). The primary purpose of the R20 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city, ~~with particular emphasis on the needs of low and moderate income families~~. This district is intended as an area for development of multifamily residential dwelling units, as well as mobilehome parks, at a maximum allowable density of twenty (20) DU's per net acre in accordance with the provisions outlined herein.

The commissioners 6-0-1 agreed to approval of Issue 3 with revised wording.

Issue 4. Multiple-Family Residential Design Guidelines

Design guidelines for multiple-family development are found in Section 9.16.140 (Design Guidelines - Applications for Site Design and Architecture) of the Municipal Code. The Residential Site Development Standards are found separately in Section

9.03.040 of the Municipal Code. For simplification and greater clarity, staff recommends amending of the Municipal Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040 of the Municipal Code.

Issue 5. Residential Site Development Standards

The Residential Site Development Standards, Section 9.03.040 of the Municipal Code, addresses standards that shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. With the creation of the Residential 30 (R30) District and integrating the Multiple-Family Residential Design Guidelines from Section 9.16.140, this section of the Municipal Code requires various edits.

The first edits to Section 9.03.040 recommended by staff are to add Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential and multiple-family residential.

Section 9.03.040 (E) will be edited into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

Section 9.03.040 (E):

E. Special **Single-Family** Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

~~9~~ **3**. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

~~10~~ **4.** Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

d. Fire sprinklers.

~~11~~ **5.** Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

~~12~~ **6.** For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special **Multiple-Family** Residential Development Standards.

1. In the R10, R15, R20 **and R30** districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 **or R30** district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 **and R30** districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 **and R30** districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such

uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

An addition to Section 9.03.040 (F) will allow for greater flexibility in designing Residential 30 (R30) developments when project sites are three acres or greater. Staff recommends the following:

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval.

Section 9.03.040 (F) will be edited to move Table 9.16.140A from Section 9.16.40, add the R30 Designation and standards for Minimum Density as followed:

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density	~~Threshold Density~~
R10	**8 units/acre**	10 units/acre	~~8 units/acre~~
R15	**12 units/acre**	15 units/acre	~~12 units/acre~~
R20	**16 units/acre**	20 units/acre	~~16 units/acre~~
R30	**24 units/acre**	**30 units/acre**	

The Minimum Density standards for all multiple-family zones will ensure that the City of Moreno Valley's land use codes implement its housing targets and allow the City to meet affordable housing goals without needing to change substantial additional areas to multiple-family. Minimum Density replaces "Threshold Density", a concept deleted from the General Plan. Staff recommends noting directly under Table 9.03.040-8 the following:

- *** 80% of allowable density must be achieved by all multiple-family residential developments.**

Staff recommends amending Section 9.03.040(F) Multiple-Family Residential Design Guidelines by integrating the general multiple-family guidelines from Section 9.16.40 (Applications for Site Design and Architecture) with some revisions and renumbering into a new subsection 9.03.040 (G) as followed:

G. General Multiple-Family Guidelines.

1. ~~Tuck-under parking and/or~~ Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors. [reason for change: deletion of repetitive wording to better clarify guideline]

2. Parking areas should be staggered and landscaped to add visual interest, ~~individuality, rhythm~~ and opportunities for accent treatments. [reason for change: deletion of repetitive wording to better clarify guideline]

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve. [no change]

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. [no change]

5. Open parking areas should be clustered and treated as landscaped plazas and courts. [no change]

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site. [no change]

7. No more than four units for a two-story structure should be served by one entry. [no change]

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~ [reason for deletion: potential safety concerns]

8. Each multiple-family unit ~~should~~ **shall** have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep. [reason for change: clarifying that it is a requirement to provide private space]

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required. [renumbered]

10. Individual units should have a porch or porch-like space at the front door. [renumbered]

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~ [reason for detention: storage of these types of vehicles onsite is not mandatory]

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered~~. [reason for deletion: covered in Section 9.11.040 (Off-street parking requirements) of the Municipal Code]

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve. [renumbered]

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors **and** enhanced landscaping ~~or enhanced paving~~. [reason for deletion: enhanced pavement not required for a trash enclosure]

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles. [renumbered]

14. There ~~should~~ **shall** be at least one **double-bin** trash enclosure for every ~~twenty-four (24)~~ **forty-eight (48)** residential units. [new recycling requirements]

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines. [renumbered]

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative. [renumbered]

17. Freestanding structures, like gazebos or pergolas, should be located to define activity ~~nodes~~ **areas** at pathway intersections or in secluded landscape areas. [reason for change: grammar]

18. Drive aisles ~~with no adjacent parking~~ shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic. [reason for change: deletion of repetitive wording to better clarify guideline]

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas. [Renumbered]

20. ~~Senior housing needs~~ Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access **(senior housing projects);**

g. Parking close to units;

h. Elevators **(senior housing projects)**

[Reason for change: special design considerations for all types of multiple family developments, not only senior housing. The two exceptions are f and h, which remain design considerations for senior housing only.]

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~ . [reason for deletion: repetitive guideline]

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [reason for addition: new design guideline]

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape. [Renumbered]

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~ [reason for deletion: unnecessary guideline]

23. ~~When appropriate~~, Multi-family projects shall be designed for the needs of ~~families with small children, the disabled and the elderly~~ **the intended residents**. For example, children's needs would require open space, tot lots, handrails, and

enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators. [Renumbered and requested revisions by the Planning Commission]

24. Architectural features should be used to increase privacy from nearby units and common or public spaces. [Renumbered]

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable ~~shall be discouraged~~ are not permitted. [Renumbered and requested revisions by the Planning Commission]]

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each **visitor** entrance of a multiple-family development. [reason for change: clarifying requirement]

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [Renumbered]

During commissioner debate at the August 13th Planning Commission meeting, two additional revisions to the "General Multiple-Family Guidelines" section were suggested and are as followed:

- Number 23 was revised to delete the *"When appropriate" and "families with small children, the disabled and the elderly"*. The guideline will now read "**Multi-family projects shall be designed for the needs of the intended residents**".

- Number 25 was revised to change "shall be discouraged" to "**The long, straight roofline of a single gable are not permitted".**

The commissioners agreed to approval of Issue 5 with revised wording for the two General Multiple-Family Guidelines noted above.

ALTERNATIVES

1. Approve the proposal as submitted.

2. Approve the proposal with modifications to address City Council concerns.

3. Refer the proposal back to the Planning Commission with direction.

4. Deny the proposal.

RECOMMENDATION

1. **Find** that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines; and

2. **APPROVE** Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution;

3. **Introduce** Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

NOTIFICATION

A public hearing notice for the proposal was published in the *Press Enterprise* newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Resolution for Approving Amendment to General Plan
3. Ordinance to Amend Title 9 of the Municipal Code
4. Planning Commission Staff Report (excluding exhibits)
5. Place Holder for Draft Planning Commission minutes, dated July 26, 2007.

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Kyle Kollar
Community Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

NOTICE
OF
CITY COUNCIL
PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE GENERAL PLAN AMENDMENT (PA09-0018) AND MUNICIPAL CODE AMENDMENT (PA08-0099) FOR THE ADDITION OF THE NEW ZONING DISTRICT RESIDENTIAL 30 (R30) TO THE GENERAL PLAN AND MUNICIPAL CODE, AS WELL AS MULTIPLE-FAMILY DEVELOPMENT STANDARDS TO THE MUNICIPAL CODE.

The proposed General Plan Amendment (PA09-0018) would add the new zoning district of Residential 30 (R30) to the Moreno Valley General Plan as well as the City's Municipal Code. Additional changes to the Moreno Valley Municipal Code (PA08-0099) include multiple-family development standards for the Residential 30 (R30) zoning district, separating single-family development standards from multiple-family development, defining Minimum Density standards and deletion of repetitive development guidelines.

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. Any person concerned about the proposal may submit written comments to the Planning Division prior to the hearing date listed below. Any person may appear and be heard in support or opposition to the project or the environmental determination at the time of the hearing. Any person interested in the proposed project may contact Claudia Manrique, Associate Planner at (951) 413-3206 or at the Community Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

Tuesday, September 22, 2009
6:30 P.M. or thereafter
City Council Chambers
14177 Frederick Street
Moreno Valley, CA 92552-0805

ATTACHMENT 1

RESOLUTION NO. 2009-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN FOR THE ADDITION OF THE RESIDENTIAL 30 (R30) ZONING DISTRICT (PA09-0018).

SECTION 1. FINDINGS:

WHEREAS, the City of Moreno Valley, has filed an application for approval of PA09-0018, requesting an amendment to the General Plan. The requested amendment is to add the Residential 30 (R30) Zoning District to the General Plan.

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, this project would be exempt from the requirements of the California Environmental Quality Act (CEQA) as provided for in Section 15061 as defined by Section 15378 of the CEQA Guidelines.

WHEREAS, on August 13, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA09-0018). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA09-0018 to the City Council, and;

WHEREAS, on September 22, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA09-0018:

ATTACHMENT 2

MV00032716

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment to the General Plan will introduce the Residential 30 (R30) Zoning District.

   California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

   Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups". The addition of the Residential 30 (R30) Zoning District to the General Plan will expand on the range of housing opportunities in the City of Moreno Valley.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment will comply with all the health and safety provisions of the General Plan and Municipal Code and will expand the number of safe, affordable housing opportunities for low income families within the City of Moreno Valley.

MV00032717

3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City's redevelopment plan.

FACT: This General Plan Amendment is effective on a city-wide basis, including Redevelopment Project Areas. The addition of Residential 30 (R30) to the General Plan conforms to applicable provisions of the city's redevelopment plan.

The Redevelopment Agency is working on expanding the number of low and moderate income housing opportunities with the City of Moreno Valley. This change to the Section 9.2.2 (Community Development Element Objectives and Policies) of the General Plan will enhance those efforts.

SECTION 2. GENERAL PLAN AMENDED:

Section 9.2.2 under "Policies" (page 9-4) of the General Plan shall be amended as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types in an urban setting. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

2.2.12 Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.

2.2.13 Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.

2.2.14 Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.

2.2.15 Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

MV00032718

2.2.16 Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

2.2.17 Affordable housing developments should be compatible in visual design with surrounding development.

2.2.18 Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA09-0018, thereby amending the General Plan as described in the Resolution.

APPROVED AND ADOPTED this 22nd day of September 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00032719

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

ORDINANCE NO. 797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING THE ADDITION OF THE NEW ZONING DISTRICT RESIDENTIAL 30 (R30), SEPARATING SINGLE-FAMILY DEVELOPMENT STANDARDS FROM MULTIPLE-FAMILY DEVELOPMENT STANDARDS, DEFINING MINIMUM DENSITY STANDARDS AND DELETION OF REPETITIVE DEVELOPMENT GUIDELINES.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. FINDINGS:

Based on substantial evidence presented to this City Council during its public hearing on September 22, 2009, including written and oral staff reports and the record from the public hearing, this City Council hereby finds as follows:

A. Conformance with General Plan – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

FACT: The project consists of amendments to several sections of the City of Moreno Valley Municipal Code. The proposed Municipal Code Amendments are to be approved after the General Plan Amendment introducing the Residential 30 (R30) Zoning District is approved. With approval of the General Plan Amendment (PA09-0018), all of the proposed changes will be consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan.

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

ATTACHMENT 3

MV00032721

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups". The addition of the Residential 30 (R30) Zoning District to the General Plan will expand on the range of housing opportunities in the City of Moreno Valley.

B. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed amendment to the General Plan does not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment will comply with all the health and safety provisions of the General Plan and Municipal Code and will expand the number of safe, affordable housing opportunities for low income families within the City of Moreno Valley.

C. Conformance with Intent of Zoning Regulations – The proposed amendments is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT: The amendments to the Municipal Code provides for an internally consistent set of regulations that are compatible with the purpose and intent of Title 9. The proposed changes eliminate conflicts or clarify the meaning of some sections of Title 9. As such, it furthers the specific purpose and intent of Title 9 to "implement the goals, objectives, policies and programs of the Moreno Valley General Plan and manage future growth and change in accordance with that plan."

SECTION 2 MUNICIPAL CODE AMENDED:

2.1 Section 9.01.090(A) of Chapter 9.01 (under "Residential Districts") of the City of Moreno Valley Municipal Code is hereby amended to include as follows:

" k. Residential 30 (R30) district;

l. Residential single-family 10 (RS10) district. "

2.2 Section 9.03.020 under "Residential Districts" of Chapter 9.03 of the City of Moreno Valley Municipal Code by revising Residential 20 (R20) and adding Residential 30 (R30) is hereby amended to read as follows:

MV00032722

"K. Residential 20 District (R20). The primary purpose of the R20 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units, as well as mobilehome parks, at a maximum allowable density of twenty (20) DU's per net acre in accordance with the provisions outlined herein.

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in an urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU's per net acre in accordance with the provisions outlined herein."

2.3 Section 9.16.40 of Chapter 9.16 shall be removed from the City of Moreno Valley Municipal Code.

2.4 Section 9.03.040 of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential (Table 9.03.040-6, attached as Exhibit A) and multiple-family residential (Table 9.03.040-7. attached as Exhibit B).

2.4.2 Section 9.03.040 (E) of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

"Section 9.03.040 (E):

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

MV00032723

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

d. Fire sprinklers.

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

MV00032724

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval. "

2.4.3 Section 9.03.040 (F) of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding Table 9.03.040-8 as followed:

"Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* 80% of allowable density must be achieved by all multiple-family residential developments. "

2.4.4 Section 9.03.040 of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding the new subsection 9.03.040 (G) as followed:

"G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors

MV00032725

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.

10. Individual units should have a porch or porch-like space at the front door.

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.

14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

MV00032726

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access (senior housing projects);

g. Parking close to units;

h. Elevators (senior housing projects)

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

MV00032727

23. Multi-family projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

SECTION 3 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 5 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

SIGNATURE PAGE FOLLOWS

MV00032728

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00032729

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

MV00032730

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DU's* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet Cul-de-sac/Knuckle lot frontage	150 35	100 35	100 35	90 35	70 35	45 35
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback Front-facing garages Buildings other than front-facing garages	25 Not applicable	25 Not applicable	25 Not applicable	25 Not applicable	20 Not applicable	20 10 10
6. Minimum side yard setback, in feet*** a. Interior side yard b. Street side yard	See Note 3 20	See Note 3 20	See Note 3 20	See Note 3 20	See Note 4 20	See Note 6 10
7. Minimum rear yard setback, in feet***	20	35	30	40	40	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DU's and accessory structures)	20	15	15	10	10	10
12. Floor area ratio a. One-story home b. Multi-story home	.25 .50	.30 .60	.30 .60	.40 .70	.40 .70	.50 .75

* The term "DU's" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions

EXHIBIT A

Table 9.03.040-7

Residential Site Development Standards

Multiple-Family Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DU's*/net acre)	10	15	20	**30**
2. Minimum lot size (sq. ft. net area)	1 acre	1 acre	1 acre	**1 acre**
3. Minimum lot width, in feet	200	200	200	**200**
4. Minimum lot depth, in feet	175	175	175	**175**
5. Minimum front yard setback, in feet	20	25	30	**30**
6. Minimum side yard setback, in feet Interior side yard Street side yard	 10 20	 10 20	 10 20	 **10 feet plus 2 feet for every 5 feet in height over 30 feet** **20**
7. Minimum rear yard setback, in ft.	15	20	25	**10 feet plus 2 for every 5 feet in height over 30 feet**
8. Maximum lot coverage	40%	45%	50%	**50%**
9. Maximum building and structure height, in feet	50 feet	50 feet	50 feet	**50 feet**
10. Minimum dwelling size (sq. ft.)	See Note 5			
11. Minimum distance between buildings, in feet (including main DU's and accessory structures)	20	20	20	20
15. Floor area ratio	.75	.75	.75	1.0

* The term "DU's" means dwelling units.

EXHIBIT B

PLANNING COMMISSION
STAFF REPORT

Case(s):	PA08-0099 (Municipal Code Amendment) PA09-0018 (General Plan Amendment)
Date:	August 13, 2009
Applicant:	City of Moreno Valley
Representative:	Planning Division
Location:	City-wide
Proposal:	To amend the City's General Plan and municipal code regulations regarding multiple family development standards.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

This is a proposal to add a new zoning designation to the General Plan creating the Residential 30 (R30) zoning district and amend a range of zoning regulations contained in Title 9 of the City of Moreno Valley Municipal Code regarding multiple family development standards.

ATTACHMENT 4

PROJECT DESCRIPTION

The proposed amendments would modify the City's General Plan and various provisions of the Municipal Code regarding multiple family development standards, including the introduction of the Residential 30 (R30) Zoning District. If adopted, it would create or change the regulations concerning multiple family development standards. Proposed deletions are shown as stricken text and additions are bold underlined.

Background – General Plan Amendment (PA09-0018)

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Department is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

Redevelopment Department staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations, in various areas in the community, including areas with a significant number of underutilized parcels. The proposal was presented at a series of public meetings in October of 2007 and included an overview of the housing element, the Regional Housing Needs Allocation (RHNA) allocation for Moreno Valley, the challenges in providing affordable housing opportunities, and possibilities for increasing housing densities in several areas of the community. The proposal was then presented to Planning Commission and the City Council. While the meetings only identified potential locations for Residential 30 (R30), the actual choosing of locations and rezoning of areas would be completed under a separate process.

Staff is taking the opportunity to update other residential standards along with the addition of the new zoning designation, Residential 30 (R30) to the General Plan and Municipal Code.

Background – Municipal Code Amendment (PA08-0099)

Standards for the proposed Residential 30 (R30) Zoning District are based on a combination of the City's Residential 20 (R20) and examples of higher density development standards from various cities. The purpose of the standards is to provide guidelines on developing Residential 30 (R30) projects that achieve the goals and objectives of the City of Moreno Valley's General Plan.

As with the General Plan Amendment, the Municipal Code will include the definition of Residential 30 (R30). Also included in the proposed municipal code update is residential site development standards for the Residential 30 (R30) zoning district that define minimum lot size, lot coverage, setbacks and height maximums. The proposed changes to the municipal code also include dividing single-family from multiple-family guidelines into separate sections for simplification and greater clarity.

GENERAL PLAN ANALYSIS

Issue 1. Adding Residential 30 (R30) Zoning District to the General Plan

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups".

Staff recommends amending Section 9.2.2 under "Policies" (page 9-4) of the General Plan as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types, with particular emphasis on the needs of low and moderate income families. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

The rest of the policies of Objective 2.2 will be renumbered as follows:

2.2.1~~1~~**2** Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.

2.2.1~~2~~**3** Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.

2.2.1~~3~~**4** Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.

2.2.1~~4~~**5** Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

2.2.1~~5~~**6** Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

2.2.1~~6~~**7** Affordable housing developments should be compatible in visual design with surrounding development.

2.2.1~~7~~**8** Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

MUNICIPAL CODE ANALYSIS

Issue 2. Residential Districts within the City of Moreno Valley

Section 9.01.090 of the Municipal Code lists the residential districts in the City of Moreno Valley in order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city.

Staff recommends amending Section 9.01.090(A) under "Residential Districts" as follows:

Adding: **k. Residential 30 (R30) district;**

Re-lettering: ~~k.~~to l. Residential single-family 10 (RS10) district.

Issue 3. Definition of Residential 30 (R30)

Section 9.03.020 of the Municipal Code describes the general product type and density provisions for the specified residential development districts.

Staff recommends amending Section 9.03.020 under "Residential Districts" as follows:

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in an urban setting than is typically found within other areas of the city, with particular emphasis on the needs of low and moderate income families. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU's per net acre in accordance with the provisions outlined herein.

Issue 4. Multiple-Family Residential Design Guidelines

Design guidelines for multiple-family development are found in Section 9.16.140 (Design Guidelines - Applications for Site Design and Architecture) of the Municipal Code. The Residential Site Development Standards are found separately in Section 9.03.040 of the Municipal Code. For simplification and greater clarity, staff recommends amending of the Municipal Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040 of the Municipal Code.

Issue 5. Residential Site Development Standards

The Residential Site Development Standards, Section 9.03.040 of the Municipal Code, addresses standards that shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. With the creation of the

Residential 30 (R30) District and integrating the Multiple-Family Residential Design Guidelines from Section 9.16.140, this section of the Municipal Code requires various edits.

The first edits to Section 9.03.040 recommended by staff are to add Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential and multiple-family residential (Attachment A and B).

Section 9.03.040 (E) will be edited into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

Section 9.03.040 (E):

E. Special **Single-Family** Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

~~9~~ **3**. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

~~10~~ **4.** Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

d. Fire sprinklers.

~~11~~ **5.** Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

~~12~~ **6.** For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special **Multiple-Family** Residential Development Standards.

1. In the R10, R15, R20 **and R30** districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 **or R30** district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 **and R30** districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 **and R30** districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

An addition to Section 9.03.040 (F) will allow for greater flexibility in designing Residential 30 (R30) developments when project sites are three acres or greater. Staff recommends the following:

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval.

Section 9.03.040 (F) will be edited to move Table 9.16.140A from Section 9.16.40, add the R30 Designation and standards for Minimum Density as followed:

Table 9.03.040-8

Designation	**Minimum Density***	Maximum Density	~~Threshold Density~~
R10	**8 units/acre**	10 units/acre	~~8 units/acre~~
R15	**12 units/acre**	15 units/acre	~~12 units/acre~~
R20	**16 units/acre**	20 units/acre	~~16 units/acre~~
R30	**24 units/acre**	**30 units/acre**	

The Minimum Density standards for all multiple-family zones will ensure that the City of Moreno Valley's land use codes implement its housing targets and allow the City to meet affordable housing goals without needing to change substantial additional areas to multiple-family. Minimum Density replaces "Threshold Density", a concept deleted from the General Plan. Staff recommends noting directly under Table 9.03.040-8 the following:

- *** 80% of allowable density must be achieved by all multiple-family residential developments.**

Staff recommends amending Section 9.03.040(F) Multiple-Family Residential Design Guidelines by integrating the general multiple-family guidelines from Section 9.16.40 (Applications for Site Design and Architecture) with some revisions and renumbering into a new subsection 9.03.040 (G) as followed:

G. General Multiple-Family Guidelines.

1. ~~Tuck-under parking and/or~~ Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors. [reason for change: deletion of repetitive wording to better clarify guideline]

2. Parking areas should be staggered and landscaped to add visual interest, ~~individuality, rhythm~~ and opportunities for accent treatments. [reason for change: deletion of repetitive wording to better clarify guideline]

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve. [no change]

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. [no change]

5. Open parking areas should be clustered and treated as landscaped plazas and courts. [no change]

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site. [no change]

7. No more than four units for a two-story structure should be served by one entry. [no change]

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~ [reason for deletion: potential safety concerns]

8. Each multiple-family unit ~~should~~ **shall** have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep. [reason for change: clarifying that it is a requirement to provide private space]

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required. [renumbered]

10. Individual units should have a porch or porch-like space at the front door. [renumbered]

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~ [reason for detention: storage of these types of vehicles onsite is not mandatory]

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered~~. [reason for deletion: covered in Section 9.11.040 (Off-street parking requirements) of the Municipal Code]

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve. [renumbered]

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors **and** enhanced landscaping ~~or enhanced paving~~. [reason for deletion: enhanced pavement not required for a trash enclosure]

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles. [renumbered]

14. There ~~should~~ **shall** be at least one **double-bin** trash enclosure for every ~~twenty-four (24)~~ **forty-eight (48)** residential units. [new recycling requirements]

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines. [renumbered]

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative. [renumbered]

17. Freestanding structures, like gazebos or pergolas, should be located to define activity ~~nodes~~ **areas** at pathway intersections or in secluded landscape areas. [reason for change: grammar]

18. Drive aisles ~~with no adjacent parking~~ shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic. [reason for change: deletion of repetitive wording to better clarify guideline]

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas. [Renumbered]

20. ~~Senior housing needs~~ Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access **(senior housing projects);**

g. Parking close to units;

h. Elevators **(senior housing projects)**

[Reason for change: special design considerations for all types of multiple family developments, not only senior housing. The two exceptions are f and h, which remain design considerations for senior housing only.]

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~. [reason for deletion: repetitive guideline]

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [reason for addition: new design guideline]

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape. [Renumbered]

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~ [reason for deletion: unnecessary guideline]

23. When appropriate, multifamily projects shall be designed for the needs of families with small children, the disabled and the elderly. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators. [Renumbered]

24. Architectural features should be used to increase privacy from nearby units and common or public spaces. [Renumbered]

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable shall be discouraged. [Renumbered]

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each **visitor** entrance of a multiple-family development. [reason for change: clarifying requirement]

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [Renumbered]

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A 1/8 page public notice was published in the local newspaper.

STAFF RECOMMENDATION

1. **RECOGNIZE** that PA08-0099(Municipal Code Amendment) and PA09-0018 (General Plan Amendment) qualify as exemptions in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

2. **APPROVE** Planning Commission Resolution No. 2009-24, recommending that the City Council approve PA08-0099 and PA09-0018.

Prepared by:	Approved by:
Claudia Manrique	John C. Terell, AICP

Associate Planner | Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2009-24
3. Attachment A: Single-family Residential Development Standards Table
4. Attachment B: Multiple-family Residential Development Standards Table

PA09-0018 General Plan Amendment
PA08-0099 Municipal Code Amendment

CHAIR MARZOEKI – May I have the Staff Report please

ASSOCIATE PLANNER MANRIQUE – The proposed amendments would modify the City's General Plan and various provisions of the Municipal Code regarding multi-family development standards, including the introduction of Residential 30. California State Law requires that cities provide an inventory of land suitable for residential development. Jurisdictions with populations greater than 100,000 must have sites allowing at least 30 units per acre. The City of Moreno Valley's current population is approximately 186,301, thus requiring the City to provide high density housing opportunities at the R30. Redevelopment Staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations in various areas in the community including areas with a significant number of under-utilized parcels.

The proposal was presented at a series of public meetings in late 2007 and the proposal was then presented to Planning Commission and City Council in early 2008. Staff has taken the opportunity to update other residential standards along with adding the R30 to the General Plan and Municipal Code. The first step is adding R30 to the General Plan. It would go under Section 9.2.2 under "Policies" and page 9-4 of the General Plan and read as follows, "The primary purpose of areas designated Residential 30 is to provide a range of high density multi-family housing types with particular emphasis on the needs of low and moderate income families. Developments within Residential 30 areas shall also provide amenities such as common open space and recreational facilities. The maximum density shall be 30 units per acre". The only other change to the General Plan is renumbering the rest of the policies of objective 2.2.

Next we are moving on to the Municipal Code. First is adding Residential 30 to Section 9.1.090a, under the Section entitled "Residential Districts". Next is to add a revision to Section 9.3.020 under "Residential Districts" adding the definition of R30. The next step is to simplify and greater clarify some of the Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040.

The next Section is with the creation of Residential 30 and integrating the multi-family residential design guidelines from Section 9.16.140. We're going to have some editing's to Section 9.03.03. The first is a recommendation to take Table 9.3.40-6 and then divide it into two separate Tables; one each for single-family residential standards and multiple-family standards. As part of the single-family we are adding for Section 9.3-40e some of the changes for the special single-

ATTACHMENT 5

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family residential development standards are just renumbering and the deletion of any statement that's related to only multi-family.

Then in the second section under 9.3.40f, we have created the multi-family special sections. Again the edits are renumbering and deletion of anything related to single-family as well as adding three new standards. One is 8 in the R30 District, landscaped trees; one tree per 20 linear feet of building for the portions of the building visible from the parking lot or right-of-way and one tree per 20 linear feet of perimeter planted areas. The second one is in number 9 in the R30 District for the development of 3 acres or greater up to 60 percent of the units maybe in buildings with three or four stores, 50 foot maximum height subject to the Planning Commission's approval.

And lastly, is introducing Table 9.03.040-8 which introduces the minimum density standards for all multi-family zones. The goal is to ensure that the City of Moreno Valley's Land Use Codes implement it's housing target and allow the City to meet affordable housing goals without needing to change substantial additional areas to multi-family. The minimum density replaces the threshold density which is the concept deleted from the General Plan. Underneath the Table we will have a statement saying 80 percent of allowable density must be achieved by all multi-family residential developments. After this Table, we have the multi-family residential design guidelines. Most of the revisions are due to renumbering. There is one new guideline, Number 21 "buildings shall provide a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

The project is exempt under CEQA according to Section 15061 as defined by Section 15378 of CEQA Guidelines. Before I go on, on the coral paper, there is one change to the Staff Report and it also affects various pages of the Resolution. The Government Section No. that was referred to was wrong and it should be Section 65583.2c3BIVe. Staff recommends they recognize that the Municipal Code and General Plan Amendment qualify as exemptions under CEQA and approve Planning Resolution No. 2009-24 recommending that the City Council approve PA08-0099 and PA09-0018. Thank you.

CHAIR MARZOEKI – Thank you. Do we have any questions of Staff?

VICE CHAIR RIECHERS – First of all I have a problem with the fact that when we define the R30; we define it as a zone specifically for low to moderate income use. I think we're setting ourselves up for people who will... challenge us is a good word everytime we use this zone and I think unnecessarily. I don't think that we should define it as specifically for low to moderate income. I don't think there's any need to do that. We're just offering a different density. There's no reason that it need be a lower quality or need be suitable for low to moderate income purposes. There's no reason an R30 or even higher than that couldn't be

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a perfectly high product, so I think we should take that portion of the definition out of the standard.

PLANNING OFFICIAL TERELL – Yes I think that specific language and I appreciate the input was modeling the current language for the R20 Zone, so we were just kind of modeling it. We didn't really change that section. I there is certainly is benefit in talking about the higher density providing maybe a more urban lifestyle or something like that; you know may be people of any income category. I'd argue to have some reference to low and moderate income because it is such a hot button issue with the State, but again I think we could probably maybe craft some language that talked about it's really a more urban lifestyle is really what the R30 creates, which lots of people like an urban lifestyle and it can be very high end as you said or very expensive or you know certainly affordable depending on who the developer is.

VICE CHAIR RIECHERS – Right

CHAIR MARZOEKI – Yes I think it's the words; "particular emphasis" is I think that's where issue is right there, so if we can soften that somewhat that would probably be good. Is there anything else?

VICE CHAIR RIECHERS – Yes the other question I have is in the table of design standards; as I read it the one with minimum setbacks... the minimum side and rear setbacks; as I read it, if you are less than 30 feet in height, your minimum setback is going to be 10 feet.

PLANNING OFFICIAL TERELL – Yes that's correct and again that was to allow... again it's a more urban; it is a more urban setback to have 10 feet as opposed to say R20 where it's 25 and we looked at a number of other codes where they have higher density and they kind of do this to allow it to spread out a little bit more at the bottom so it doesn't have to go so high. That was concept is that it is a more urban setting and the lesser setback reflects that. Again if it was adjacent to say single family residential, they're still the same; I believe it is a 50 foot setback for a two story...

VICE CHAIR RIECHERS – Okay so we do have something to protect the single family residents elsewhere in the Code?

PLANNING OFFICIAL TERELL – Right we haven't changed that concept of having the 50 foot setback for multi-family two story or above multi-family adjacent to a single-family district.

VICE CHAIR RIECHERS – Okay very good. That was my only concern. Thank you.

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COMMISSIONER DE JONG – I see a few references to the architectural design which is good. On page 9, number 24, but it's fairly vague and I was wondering if we could get something in there that speaks directly about four-sided architecture even though I know that all this is going to be subject to review by the Planning Commission, however this will give a developer heads up ahead of time.

PLANNING OFFICIAL TERELL – We could put it here... Actually we still have design guidelines and the over-arching guidelines talk about things that apply to everything and the four-sided architecture is something that applies to every building, so we didn't replicate that here, we'll still rely on what is set in the overall design guidelines.

COMMISSIONER DE JONG – So they both apply?

PLANNING OFFICIAL TERELL – Correct... This is just what's specific to multi-family.

COMMISSIONER DE JONG – Alright, well that being said, on number 25 on page 10, I would like to see the last word in that changed from discouraged to not allowed, so the sentence would read; "the long straight roof line of a single gable shall not be allowed", if the Commission...

PLANNING OFFICIAL TERELL – I guess to use it as softer are not permitted?

COMMISSIONER DE JONG – Okay, but I think discouraged is too soft a word for that.

PLANNING OFFICIAL TERELL – And again that doesn't preclude... if there was just a fabulous building that happened to have that roof line and as long as the Planning Commission acknowledged that and why they were making an exception, you still could approve...

COMMISSIONER DE JONG – We could always approve it...

PLANNING OFFICIAL TERELL – Yes, but the idea is people coming in the door will know that that is not the type of ...

COMMISSIONER DE JONG – That's not the norm...

PLANNING OFFICIAL TERELL – That's not the norm, yes...

COMMISSIONER DE JONG – Right, thank you

CHAIR MARZOEKI – Is there anything else?

COMMISSIONER DOZIER – These are just general questions. We are including a 30 multi-family unit standard here and you mentioned that we are doing it now because we are of a population where have to address the issue. Were we not already there at 100 hundred thousand? We are at a 186 and we've been at over 100 hundred thousand for some time. What prompted this?

PLANNING OFFICIAL TERELL – We didn't change, the law did and it changed two or three years ago. It didn't change you know, yesterday, but since the last certified Housing Element, the law has changed to require larger cities and urban counties to have the R30 or greater, so we are coming into compliance because we desire to have a certified Housing Element.

COMMISSIONER DOZIER – I see. The other question that I have is Item 23 on page 9; it says, "When appropriate, multi-family projects shall be designed for the needs of families with small children, the disabled and the elderly". Are we being very specific for these categories? If I owned a piece of property that was zoned R30 and I wanted to build a Beverly Hilton, I wouldn't be discouraged from doing that nor would I have to consider that it's a Beverly Hilton to pass it or to agree that it should be built. Why do we put language in there that would suggest that I would be approving something that is against the guidelines?

PLANNING OFFICIAL TERELL – Yes, again this is an existing guideline that's been there for quite some time and it could probably be more artfully drafted, but I think the intent of this is that if you are building a project and you say this is a family project, then we are going to expect that you are going to design that project with the needs of the population that you are trying to serve taken care of, so if you have a family project, we're going to expect that it's going to have a playground or some amenities. If you are going to have a senior housing project we're going to expect that you have amenities that serve the population that you are purporting to serve, so I think that was the intent of it. Again, it probably could be written better, but we didn't monkey too much with the language; we tried to just leave it...

COMMISSIONER DOZIER – How much do the developers or the owners; if they are reading these guidelines ahead of time, how much does it limit their thinking to what they could possibly build when the guidelines kind of lead them in a particular direction.

PLANNING OFFICIAL TERELL – I think most developers will ask a question if they have a concern about language in the Code and that just kind of brings forth discussion of what really we are intending them to provide. I don't know too many developers of this kind of product, which is you know a very large and expensive product that they typically limit themselves to what they think can build and rent or if they are building say affordable housing or senior housing, they are really focused on the needs of their customer.

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COMMISSIONER DOZIER – If I were the general public, let's say I was living in a certain section of town and we've had this happen and the minute you say R20 or you say R15 or you say R30, they immediately will focus in on the definition of low income or the terms that we use within the language and there is more push-back in certain neighborhoods because they think an R30 project is just going to be crime and drugs and all of that and we've seen that happen, when in fact it could be a Beverly Hilton or it could be an upscale; we seen that happen in parts of our City where they fought it but the projects ended up being beautiful and they were by far not for low income and I don't think you could even afford to be in some of them today, so does it help us to have that language as a definition when we really aren't saying that they have to do that. We're suggesting that it should it be within the language but we're saying that they don't really have to do that and I'm sensitive too and I understand that we're trying to come into compliance with State mandates to provide certain levels of housing and certain income levels of housing and I understand how we're trying to get there.

One of my frustrations early on was that some of these projects were multi-family and they qualified under the definition, but they really weren't affordable housing to meet that definition, so I guess I was trying to figure out at what point are we trying to force something that we need by putting certain language in there but are we hurting ourselves on the other side by doing so. I kind of agree with Commissioner Riechers when he questioned why we should define it this way within the guidelines. I think if we approve a 30 unit multiple dwelling we should take it on face value. It's a 30 unit multiple dwelling unit and make a decision based on does it meet the normal standards and guidelines. Those are just comments and questions that I kind of wanted to get straight in my own head why we do it.

PLANNING OFFICIAL TERELL – Sure

CHAIR MARZOEKI – Is that it?

COMMISSIONER DOZIER – Yes, that's it

CHAIR MARZOEKI – Okay, because I think those two words in front of it "when appropriate" you know kind of gives you a little leeway there, you know if there is another way we can say that, that would help you know.

PLANNING OFFICIAL TERELL – On that particular one... I guess there are a couple of ones that first of all was Commissioner Riechers and I've kind of just been noodling something around in my mind to see if it would meet that objective. Basically the primary purpose of areas designed Residential 30 is to provide a range of high density multi-family housing types in an urban setting, with allowance and I'm trying to think of a better word with allowance for housing for low and moderate income families or something along those lines. I think...

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CHAIR MARZOEKI – Yes instead of the word...

PLANNING OFFICIAL TERELL - ...with particular emphasis... It's really not particular emphasis

CHAIR MARZOEKI – Yes particular emphasis is the one that says you know we really want you to do this

PLANNING OFFICIAL TERELL – Right and I think or we might even just say in an urban setting, including housing for low and moderate income families and that would say obviously low and moderate housing is permitted, but the focus is really to have a more urban lifestyle, so that's for you to kind of consider, but I was just noodling so I thought I'd take it out of the water and see if it was done. The other one I think I would agree, we could probably do something like multi-family projects shall be designed for the needs of the intended residents and then say for example children's needs would require and not focus on these categories because obviously there is housing... if you advertise something as for executives or for college students or there is all kinds of lifestyles where we would really intend; if you are going to serve a certain population that the product actually reflect that. It's not just a moniker; a marketing term and that would certainly still meet the intent of this section.

COMMISSIONER DE JONG – I agree

COMMISSIONER DOZIER – That would be good

CHAIR MARZOEKI – And then item 25 too where we were going to possibly change those words there for the long straight roof line shall not be permitted...

PLANNING OFFICIAL TERELL – Right and there I just said... of a single gable are not permitted

CHAIR MARZOEKI – Are not permitted... okay

PLANNING OFFICIAL TERELL – Yes

CHAIR MARZOEKI – Okay

COMMISSIONER SALAS – Yes I have one question. Is this zoning; is this kind of density pretty common in the surrounding communities like Riverside? Are we fitting into the same kind of mode that they are?

PLANNING OFFICIAL TERELL – Well I think as Riverside County becomes more developed; it's more common, Riverside has districts that are in excess of 30 units per acre and have for quite some time. Perris; my understanding is they recently made similar changes to have an R30 zone and other communities are

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looking at it. I just harken back; I grew up in Pasadena and we lived in a product that was on 45 units per acre and it was built in the 70's, so this level of zoning in Pasadena when I was younger is not all that different from what Riverside is today, so it's kind of a maturing of a community. You tend to have and especially as we have more local employment, you tend to have people that either can't afford, but most likely people that want a different lifestyle; they want a more urban lifestyle because they are young and single or young and married or old and crotchety or I don't know, but they want a lifestyle where things are more convenient or you have the density that supports uses and intensity of use that is more convenient and it just provides and is a whole different lifestyle that people and I don't want to say they demand it, but there is a demand for it once you have a local employment base where you have all kinds of folks in your community and not just as we were maybe 20 years ago; young families looking for affordable housing. I think that's the main change, but again Corona and Riverside definitely have zones that have this density or higher.

COMMISSIONER SALAS – And to reach that going with a three and four story building, I just have some concerns about three and four story buildings; apartment complexes; call them low income. I mean it is what it is and most of the time it's not good...

PLANNING OFFICIAL TERELL – And we did put a provision in there; a design provision that it's not going to be all three stories or all four stories, it's going to have some variation which should soften the impact of it and make it more interesting, so were cognizant that this is kind of a leap forward, but there is a number of three story apartment buildings that have been built in the community over the last several years and so going to four stories is I guess not a huge leap of faith and actually the height limit is the same, it's just fitting more stories within the same height limit that we already have.

COMMISSIONER SALAS – Thank you

CHAIR MARZOEKI – Any other questions of Staff? I don't see any so I will open up the Public Testimony portion and see if anybody wants to speak. Deanna do you want to speak on this one since you are the only one in the audience, I thought I'd ask. No, okay, so we have nobody that wants to speak, so we'll close the Public Testimony portion of this and we will open up to Commissioner Comments.

COMMISSIONER DE JONG – Well seeing how first of all this is required by law, I think it's first of all a good thing that we are getting on our band wagon here and I'd like to see these regulations in place. I mean it's not that the City is just jumping and providing this, we are thinking this through and these are very thoughtful changes and I appreciate Staff's effort on this and I like what I see. I like the few changes that we made and I think that this product just stirs the pot of our residential housing mix in the City and that can't be a bad thing; that's a

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good thing. We know that we have a mix of single-family now up to 30 and I think that's a good thing and I'll definitely vote for it. Thank you.

COMMISSIONER SALAS – Yes, my only concern is I just hope that somehow we can deviate from making this R30 Zone sound like an instant project or an instant low income residential area or however you want to say it, but I just have some concerns with some surrounding neighbors who find out that there is going to be a R30 project built in their neighborhood and all a sudden it raises a whole bunch of concerns because pretty much saying that this is a low income thing, so if we can soften that in any way, I agree with all of you; that we need to try to get away from that; you know from the low income thing. I hope there is a way of doing that.

CHAIR MARZOEKI – Thank you

COMMISSIONER DE JONG – I don't think we are necessarily saying that; that it's necessarily low income just because it's R30 and I think that's what we are trying to address as a Commission here; just because the density is higher there is no way it necessarily means that it's low income. I mean that's up to the developer when he comes in and does that, but the designs that we've seen in the last few years come here are quite nice developments and they are being maintained very well, so just because the density is high, I think in no way means that it's low income and that goes back to Commissioner Riechers statement. Commissioner Riechers realizes that as well and we need to just make sure that those words are not associated with this endeavor, but just because we we're doing and just because it's 30 doesn't mean it's low income.

COMMISSIONER SALAS – I just want to make sure of that.

CHAIR MARZOEKI – Thank you

COMMISSIONER DOZIER – I think we're on the right track and we do have to balance our housing needs and I think John defined very well that an R30 could be for a younger lifestyle and different kind lifestyle that's more urban and that does not necessarily mean... There is some urban areas that are R30 where you pay quite a bit of money to have any one of those apartments or condominiums just to be in that region or area and so it could certainly mean that and also even if it is considered affordable housing or low income housing; if someone comes with a project like that, we don't want to automatically assume that that's what it is until we see it and understand what the quality is and I kind of like to think that even people who are going to qualify for affordable housing would like to live in something nice as well, so I don't want to send a message out that hey if you're going to live in an R30 Zone in our City you're going to be labeled on a socio-economic scale just because you are in those regions and areas and I think that's a mistake for us to send that signal out, so having addressed just that I

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think we should just do whatever we need to do and just approve this and move on.

CHAIR MARZOEKI – Thank you

VICE CHAIR RIECHERS – Well want to agree with what my fellow Commissioners have already said. I think with some changes in the definition of the zone and along those lines since that definition was taken from the R20 definition, I think we should recommend to Council that they also change the R20 definition in a similar manner, but I think we definitely want to add this to the mix of options for developers in this City and I look forward to our deciding were this option is going to be offered and finding a place in the City where this zone will be applied, so with that I will just say that I too will be supporting this General Plan Amendment and Zone Change... Well actually not a Zone Change but the General Plan Amendment.

CHAIR MARZOEKI – Thank you

COMMISSIONER BAKER – I think we've got a need in this City for this type of thing and I like the idea that John had is it's an upscale type kind of development and get away from this affordable and low income because I know a lot of people that would go for this in a compact area and as we develop out, it's going to be a great deal for a lot of different facets of people that live in this town, so I'm for it 100 percent.

CHAIR MARZOEKI – Thank you and I also am for it. Yes we've needed something like this for a while and yes we are not Marina Del Ray. You know they've got some R50; some really nice R50's there, but who says that Moreno Valley can't have something similar; you know close to maybe the Riverside Community College campus; you know where the students are or you know actually Commissioner Dozier even said something; condos, which a lot of people don't even think of condo's, where we are actually buildings condo's for people to buy, so I think it's a good mix and you know it's something that we've needed for awhile, so with that I am open for a motion.

PLANNING OFFICIAL TERELL – Yes before we do that, I guess just to wrap up there three...

CHAIR MARZOEKI – There were three...

PLANNING OFFICIAL TERELL – Yes, actually four, but...

CHAIR MARZOEKI – Well actually four; that's right yes

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PLANNING OFFICIAL TERELL – One is changing the purpose to say and I think... to provide a range of high density multi-family types in an urban setting, including housing for low and moderate income families.

CHAIR MARZOEKI – Is that okay George?

PLANNING OFFICIAL TERELL – Or do we want to soften it further?

CHAIR MARZOEKI – Do we want to soften it a little bit more?

COMMISSIONER DE JONG – Do we need to reference it?

CHAIR MARZOEKI – Yes do we need to reference it?

COMMISSIONER BAKER – Do we need to reference it to be in compliance with the State requirements?

PLANNING OFFICIAL TERELL – I don't think it's required.

CHAIR MARZOEKI – So maybe then we don't

PLANNING OFFICIAL TERELL - I mean obviously if we just said multi-family housing in an urban setting and just put a period there. The Housing Element will talk a lot about it, so I'm not concerned that it says we don't allow affordable housing. I think someone or people could read it and they think under the old language it that all you can have is affordable housing. Other people might read it and say oh you're not allowing affordable housing, so I think it could be read both ways. It's up to you. I don't really have a strong feeling about it.

COMMISSIONER DE JONG – Like the design guidelines, both apply, so it would read the housing guidelines as well as this, right?

PLANNING OFFICIAL TERELL – Yes the Housing Element will also apply to the City.

COMMISSIONER DE JONG – So that's important to remember

COMMISSIONER DOZIER – And for the State requirements multi-family dwelling units is the term they use to satisfy affordable housing.

COMMISSIONER DE JONG – I bet you that's all we need

PLANNING OFFICIAL TERELL – Yes there is a presumption in the Housing Element; R30; there is a presumption that it is "affordable" under whatever kind of glasses they wear up there; they see it that way, so I mean I think if you want

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VICE CHAIR RIECHERS – Given that assumption I would just put the period in and just strike the rest.

CHAIR MARZOEKI – Yes just strike the rest of the sentence

PLANNING OFFICIAL TERELL – And then we would do the same; we'd make a similar change to the R20 where it wouldn't be in an urban setting there, we'd probably say in suburban setting or something along those lines period.

CHAIR MARZOEKI – Yes

COMMISSIONER DE JONG – That is two changes

CHAIR MARZOEKI – That's two

PLANNING OFFICIAL TERELL – So those two and then... right it would be in the General Plan as well as the text of the Code Amendment, so we'll just model those the same and then the other change related to Number 23 on page 9, where my suggestion is multi-family project shall be designed for the needs of the intended residents and then just start again with the for example... And then on Number 25, the last sentence would say the long straight roof lines of a single gable are not permitted.

CHAIR MARZOEKI – Yes those are the four.

PLANNING OFFICIAL TERELL – Great

CHAIR MARZOEKI - Okay, so now I'm ready for a motion. Commissioner De Jong would you like to make a motion?

COMMISSIONER DE JONG – I'll make another one. I'll be glad to. I move that the Planning Commission:

1. **RECOGNIZE** that PA08-0099 Municipal Code Amendment and PA09-0018 General Plan Amendment qualify as exemptions in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378; and,
2. **APPROVE** Planning Commission Resolution No. 2009-24 as amended **RECOMMENDING** that the City Council **APPROVE** PA08-0099 and PA09-0018.

VICE CHAIR RIECERS – I'll second.

CHAIR MARZOEKI – We have a motion and a second. Is there any discussion? All those in favor?

Opposed – 0

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Motion carries 6 – 0, with one absent (Commissioner Geller)

CHAIR MARZOEKI – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes this action shall be forwarded to the City Council for final review and action and again it is tentatively going to be the second meeting in September.

CHAIR MARZOEKI – Thank you. Moving on to Item 800, Other Business

MV00032756

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING PA09-0009 (GENERAL PLAN AMENDMENT) AND PA09-0007 (CHANGE OF ZONE), A PROPOSAL TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O). THE CHANGE OF ZONE WILL CHANGE THE ZONING FROM BUSINESS PARK (BP) TO RESIDENTIAL 15 (R15). THE PARCEL HAS AN EXISTING SINGLE FAMILY RESIDENCE AND A MULTIPLE FAMILY DUPLEX

RECOMMENDED ACTION

Staff recommends that the City Council:

1. ADOPT a Negative Declaration for applications PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

ADVISORY COMMITTEE ACTION

The Planning Commission, at its August 13, 2009 meeting approved Planning Commission Resolution No. 2009-23, recommending by a 6-0-1 vote that the City Council recognize that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation); and approve PA07-0119 (Change of Zone) and PA07-0120 (General Plan Amendment).

BACKGROUND

The project is comprised of two applications, PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone), which are being processed concurrently.

There is no development application associated with the proposed land use change as the parcel located at 21652 Cottonwood Avenue (Assessor's Parcel Numbers 263-160-027) has an existing single-family residence and a multiple family duplex. The request for the General Plan Amendment and Change of Zone was made by the current owner of the parcel, who would like the zoning district to match the existing land use of their properties to facilitate financing and insurance for their properties.

Land Use Change

The existing General Plan designation for the project site is Business Park (BP). The applicant proposes a change from the Business Park (BP) designation to Residential/Office (R/O) under the General Plan.

The proposed Residential/Office (R/O) use is compatible with the established land use of the project site. The parcel has an existing single-family residence and a multiple family duplex. The proposed change from Business Park (BP) to Residential 15 (R15) will allow the legal nonconforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

Site

The project site is located on the north side of Cottonwood Avenue, east of Old I-215 Frontage Road and west of Edgemont Street. The site is currently comprised of one single-family residence and two multiple-family units. There is also a separate garage and large row of covered carports on the site.

Land uses surrounding the parcel include Business Park (BP) to the east, south and west. Directly north of the project site are two Residential 15 (R15) parcel. To the northeast is a group of Residential 10 (R10) parcels. The proposed General Plan Amendment and Change of Zone would match these parcels directly to the north and northwest of project site. At the northwest corner of Edgemont Street and Cottonwood Avenue is a Neighborhood Commercial (NC) parcel, which was recently rezoned from Business Park (BP) (PA08-0025 and PA08-0026, approved by Planning Commission on December 4, 2008 and City Council on April 14, 2009).

ALTERNATIVES

1. The City Council could deny one the projects. If denial of a project is chosen, it is recommended that the item be continued in order to complete the necessary resolution and findings for a denial.

2. The City Council could approve the project.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

The General Plan Amendment action proposed by this project is the third amendment to the General Plan Land Use Element for calendar year 2009.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on September 10, 2009, posted on the affected property, and mailed to all surrounding property owners of record within 300 feet of the affected property.

STAFF RECOMMENDATION

General Plan Amendment (PA09-0009) and Change of Zone (PA09-0007) and subsequent to the public hearing:

1. **RECOGNIZE** that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

ATTACHMENTS

1. Public Hearing Notice
2. Proposed Resolution for General Plan Amendment
3. Proposed Ordinance for Zone Change
4. Planning Commission Staff Report dated August 13, 2009 (excluding exhibits)
5. Place Holder for Planning Commission Minutes for August 13, 2009
6. Land Use
7. Aerial Photograph

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Kyle Kollar
Community Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

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

CASE(S): PA09-0009 (General Plan Amendment)
PA09-0007 (Change of Zone)

APPLICANT: A.A. and Associates (Al Aguirre)

REPRESENTATIVE: A.A. and Associates (Al Aguirre)

LOCATION: 21652 Cottonwood Avenue

PROPOSAL: The proposed General Plan Amendment will change the land use from Business Park (BP) to Residential/Office (R/O) and Village Office/Residential (VOR). The Change of Zone will change the zoning from Business Park (BP) to Residential 15 (R15). The parcel has an existing single family residence and a multiple family duplex.

ENVIRONMENTAL DETERMINATION: This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

COUNCIL DISTRICT: 5

STAFF RECOMMENDATION: Approval

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

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

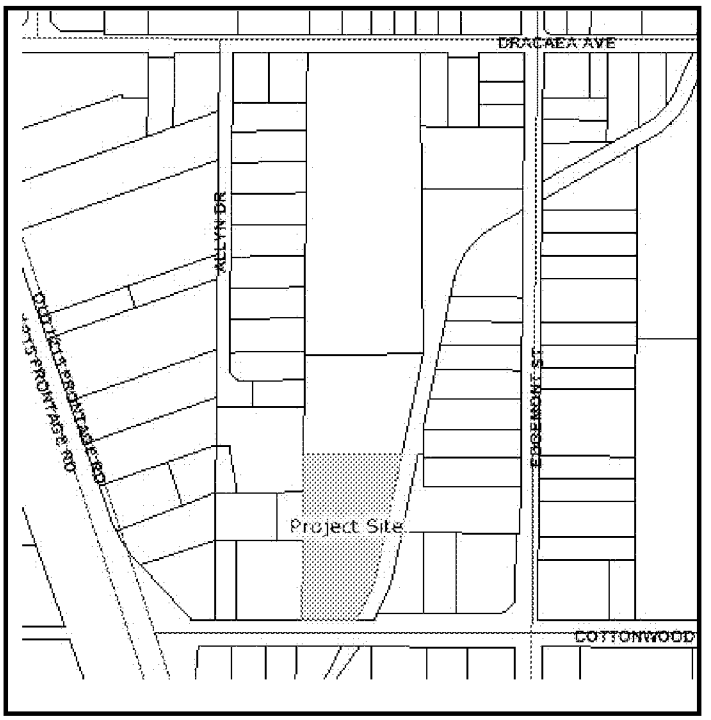

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: September 22, 2009, at 6:30 PM

CONTACT PLANNER: Claudia Manrique

ATTACHMENT 1

PHONE: (951) 413-3225

ATTACHMENT 1

RESOLUTION NO. 2009-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT (PA09-0009) TO CHANGE THE LAND USE DESIGNATION FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O) FOR THE APPROXIMATELY 1.62 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBER 263-160-027, LOCATED AT 21652 COTTONWOOD.

WHEREAS, the applicant, Mr. John Dandurand, has filed an application for approval of PA09-0009, requesting an amendment to the General Plan Land Use. The requested amendment to the Land Use Element changes about 1.62 acres of Business Park (BP) land use to Residential/Office (R/O) land use as described in the title of this resolution and the attached Exhibit A. This General Plan Amendment is being processed concurrently with a Zone Change (PA09-0007).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, this project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation)

WHEREAS, on August 13, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA09-0009). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA09-0009 to the City Council, and;

WHEREAS, on September 22, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

ATTACHMENT 2

MV00032763

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA09-0009:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park (BP). This project proposes to change the General Plan from Business Park (BP) to Residential/Office (R/O). The change in zoning will be from Business Park (BP) to Residential 15 (R15). The proposed zoning supports the current use of the properties, which is a combination of single-family residential (one house) and multiple-family (two unit duplex).

   The Transportation Engineering Division did not require a traffic study for the General Plan Amendment as the proposed residential designation is less intense than the current Business Park (BP) designation.

   Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

MV00032764

3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City's redevelopment plan.

FACT: This project is located within the boundaries of the City of Moreno Valley Redevelopment Project Area and is in conformance with applicable provisions of the redevelopment plan.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA09-0009, thereby establishing General Plan Land Use as described in the Resolution, and the revised General Plan map attached to the Resolution as Exhibit A .

APPROVED AND ADOPTED this 22nd day of September 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00032765

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

MV00032766

GENERAL PLAN AMENDMENT

Application No. PA09-0009
RESOLUTION NO. 2009-XX

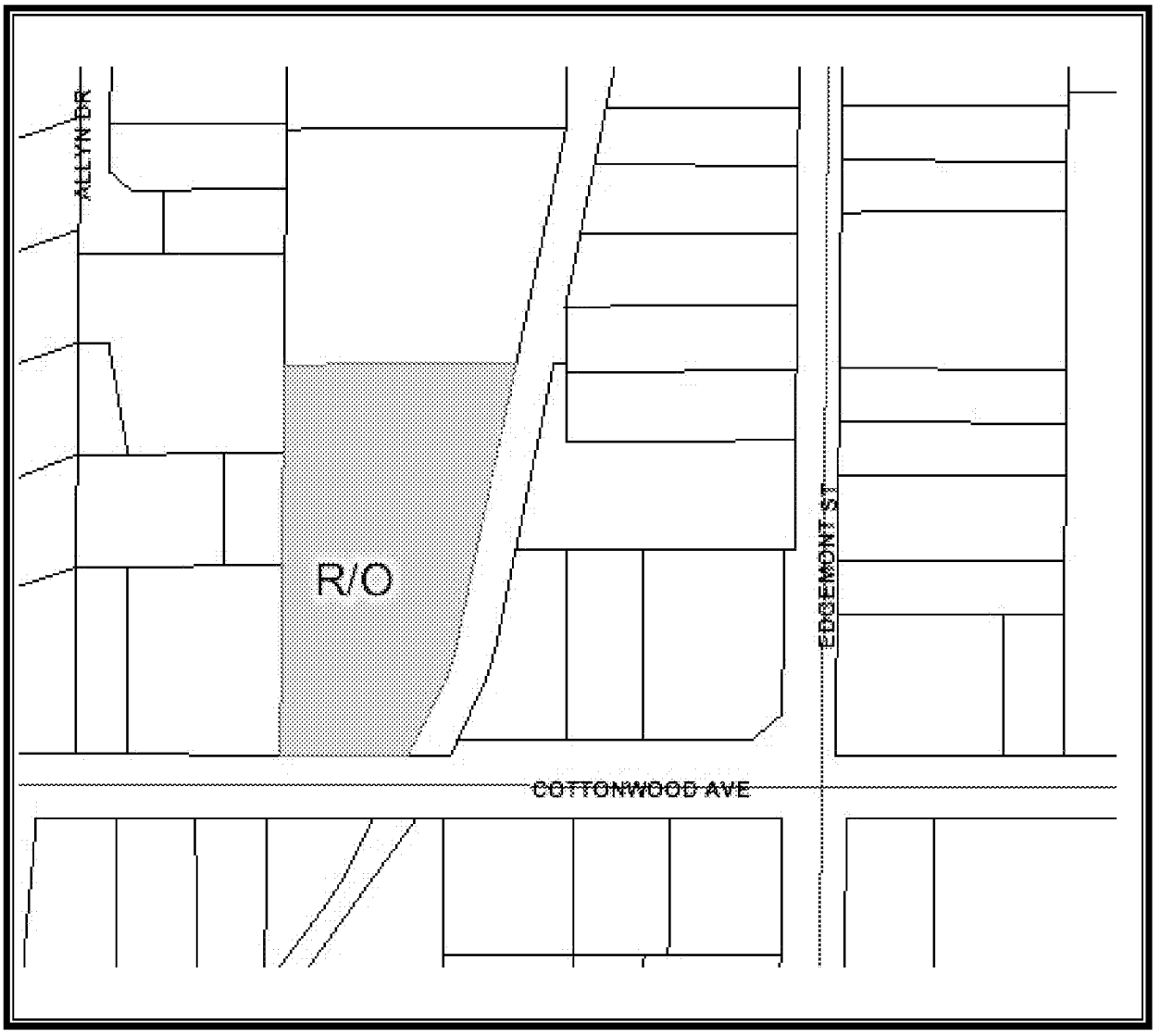

ADOPTED

EFFECTIVE_____

N

LEGEND

R/O

R/O

EXHIBIT A

ORDINANCE NO. 798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA09-0007 (CHANGE OF ZONE) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 1.62 ACRES LOCATED AT 21652 COTTONWOOD (ASSESSOR PARCEL NUMBER 263-160-027) FROM THE BUSINESS PARK (BP) LAND USE DISTRICT TO THE RESIDENTIAL 15 (R15).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Page 81 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA09-0007).

1.4. This project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

SECTION 2: FINDINGS

2.1 With respect to the proposed change to page 81 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on September 22, 2009, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park (BP). This project proposes to change the General Plan from Business Park (BP) to Residential/Office (R/O). The change in zoning will be from Business Park (BP) to Residential 15 (R15).

ATTACHMENT 3

The proposed zoning supports the current use of the properties, which is a combination of single-family residential (one house) and multiple-family (two unit duplex).
The Transportation Engineering Division did not require a traffic study for the General Plan Amendment as the proposed residential designation is less intense than the current Business Park (BP) designation.

Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

   FACT: The project site is not within a specific plan area.

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

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 15 (R15) is consistent with the purposes and intent of Title 9.

SECTION 3: ZONE CHANGE

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 15 (R15) for the approximately 1.62 acres located at 21652 Cottonwood and subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 22nd day of September 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]**

CHANGE OF ZONE

Application No. PA09-0009

ADOPTED BY ORDINANCE NO. XX

ADOPTED

EFFECTIVE_____

N

LEGEND

R15 **R15**

EXHIBIT A

PLANNING COMMISSION
STAFF REPORT

Case(s):	PA09-0009 – General Plan Amendment PA09-0007 – Change of Zone
Date:	August 13, 2009
Applicant:	John Dandurand
Representative:	A.A. and Associates (Al Aguirre)
Location:	21652 Cottonwood Avenue
Proposal:	General Plan Amendment changing the land use from Business Park (BP) to Residential/Office (R/O). Change of Zone will change the zoning from Business Park (BP) to Residential 15 (R15). The parcel has an existing single family residence and a multiple family duplex.
Council District:	5
Recommendation:	Approval

SUMMARY

The proposed General Plan Amendment will change the land use designation of one parcel located at 21652 Cottonwood Avenue (Assessor's Parcel Number 263-160-027) from Business Park (BP) to Residential/Office (R/O). The Change of Zone will change the zoning of the parcel from Business Park (BP) to Residential 15 (R15).

ATTACHMENT 4

Project

The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park. This project proposes to change the General Plan designation from Business Park (BP) to Residential/Office (R/O) and the Zoning designation to Residential 15 (R15).

There is no development application associated with the proposed land use change as the parcel has an existing single-family residence and a multiple family duplex. The request for the General Plan Amendment and Change of Zone was made by the current owner of the property, who could like the zoning district to match the existing land use of their property to allow for improvements to the existing structures.

Land Use Change

The existing General Plan designation for the project site is Business Park (BP). The applicant proposes a change from the Business Park (BP) designation to Residential/Office (R/O) under the General Plan.

The proposed Residential/Office (R/O) use is compatible with the established land use of the project site. The parcel has an existing single-family residence and a multiple family duplex. The proposed change from Business Park (BP) to Residential 15 (R15) will allow the legal nonconforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

Site

The project site is located on the north side of Cottonwood Avenue, east of Old I-215 Frontage Road and west of Edgemont Street. The site is currently comprised of one single-family residence and two multiple-family units. There is also a separate garage and large row of covered carports on the site.

Land uses surrounding the parcel include Business Park (BP) to the east, south and west. Directly north of the project site are two Residential 15 (R15) parcel. To the

northeast is a group of Residential 10 (R10) parcels. At the northwest corner of Edgemont Street and Cottonwood Avenue is a Neighborhood Commercial (NC) parcel,

which was recently rezoned from Business Park (BP) (PA08-0025 and PA08-0026, approved by Planning Commission on December 4, 2008 and City Council on April 14, 2009).

Access

Access to the project site is via two driveways along Cottonwood Avenue.

Design

Development under the proposed General Plan Amendment and Zone Change would conform to all development standards of the Residential 15 (R15) zone as required within the Moreno Valley Municipal Code and Design Guidelines. Future development would be reviewed under separate application(s).

Review Process

The General Plan Amendment and Zone Change applications were submitted in March 2009. No revisions or additional information was requested by staff. Transportation Engineering staff did not require a traffic study as part of the review of the General Plan Amendment application as the proposed residential designation is less intense than the current Business Park (BP) designation.

Environmental

This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

Notification

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no inquiries in response to the noticing for this project.

Staff Recommendation

Staff recommends that the Planning Commission take the following action:

APPROVE Resolution No. 2009-23, and thereby:

1. **RECOMMEND** that the City Council recognize that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);

2. **RECOMMEND** that the City Council approve PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone).

Prepared by:

Claudia Manrique
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2009-23
5. Aerial Photograph of Project Site
6. Land Use Map

720

PA09-0007 Change of Zone
PA09-0009 General Plan Amendment

CHAIR MARZOEKI – May I have the Staff Report please

ASSOCIATE PLANNER MANRIQUE – Good evening I'm Claudia Manrique, the Case Planner. The project location is 21652 Cottonwood Avenue. The project site current land use designation is Business Park. The proposal is to change the General Plan designation from Business Park to Residential/Office and the zoning to Residential 15. There is no development Application associated with this proposed land use change. The proposed Residential/Office uses compatible with the established land use of the project site. The parcel has an existing single-family residence and a multi-family duplex. The proposed change from Business Park to Residential 15 will allow the legal non-conforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses. This item is exempt under CEQA Guidelines, Section 15305, Minor Alterations in Land Use and Staff recommends approval of Resolution 2009-23 recommending that the City Council recognize that PA09-0009 and PA09-0007 qualify as exemptions under CEQA and approve the General Plan Amendment and Change of Zone.

CHAIR MARZOEKI – Thank you. Do we have questions of Staff?

COMMISSIONER DE JONG – This is a relatively older property and I was wondering why this change wasn't brought before the Planning Commission during the General Plan Update a couple of years ago.

PLANNING OFFICIAL TERELL – Mainly because Code Enforcement hadn't discovered the illegal structure at that time. It's on the edge and boundary between two classifications and the basic classification; we actually changed a lot of the property to the north to residential with the General Plan Update and then we maintained most of this in the Business Park designation because that's what it had been for a long, long time and I would say the division line is; I don't want to say it's arbitrary, but it was based on looking at the size of this parcel. Ideally this parcel is relatively large so it could redevelop. The owners decided they don't want to do that, they want to improve the property as it is, so that's the main reason it wasn't contemplated that there wasn't an issue with this property at this time and there was no comments from this property owner as we went through that process.

COMMISSIONER DE JONG – Will Code Enforcement pursue any necessary changes?

ATTACHMENT 5

MV00032778

PLANNING OFFICIAL TERELL – My understanding is that really all they need to do to comply is to get a building permit and go through an analysis; an inspection of the property in order to legalize the additional structure, but they couldn't go through that process because Planning couldn't signoff on it as an accessory structure to a non-conforming use.

COMMISSIONER DE JONG – I see. Obviously any changes that concur because of the inspection would have to take place.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER DE JONG – Okay, thank you.

CHAIR MARZOEKI – Are there any other questions of Staff?

COMMISSIONER DOZIER – That inspection would be for any of the structures on the property?

PLANNING OFFICIAL TERELL – It would only be for the structures that do not currently have permits, so the main structure; the residential structures were permitted many years ago so they would not need to go to through an inspection unless there were additional changes.

CHAIR MARZOEKI – Anyone else?

COMMISSIONER SALAS – So you're saying that the property to the north has been changed to Industrial or...

PLANNING OFFICIAL TERELL – The property immediately north of this property is zoned Residential. That's really the only reason we would recommend it is that there is contiguous residential property.

COMMISSIONER SALAS – Thank you

CHAIR MARZOEKI – I see no one else, so we open up the Public Testimony Portion of this item and call the Applicant forward. Please state your name and address for the record.

APPLICANT AGUIRRE – My name is Al Aguirre with A.A. Associates. The address is 2222 Kansas Avenue, Suite D in Riverside, California.

CHAIR MARZOEKI – Is there anything you want to say?

APPLICANT AGUIRRE– No, I all I want to say is yes we do need the granting of this approval basically in order to move forward.

CHAIR MARZOEKI – Are there any questions of the Applicant?

COMMISSIONER DE JONG – Are you a resident on the property?

APPLICANT AGUIRRE – No I'm not, I'm the representative.

COMMISSIONER DE JONG – I thought you were

CHAIR MARZOEKI – Is there anyone else? No, well okay, we have one Speaker Slip. Okay, you can come up after that. Okay we will call forward Deanna Reeder.

SPEAKER REEDER – Hello, I'm Deanna Reeder. I marked against on there but you can change that to for and the reason is that this is one of the few instances where if you change the zone or change the plan, this is actually what is was meant for, so in this case I actually agree that you should do that, however, you still need to address the point of the times you're changing zones and you're changing the General Plan when you shouldn't be. So that was the only reason that I was against and like I said, I got here late and I didn't read all the facts and I didn't hear them, but now that I did, then I want to show that I am for it. Thank you.

CHAIR MARZOEKI – Thank you. We can call the Applicant back forward again if there is anything else you would like to say.

APPLICANT AGUIRRE – No

CHAIR MARZOEKI – Okay, with that we will close the Public Testimony Portion of this item open it up to Commissioner Comments. Who would like to go first?

COMMISSIONER DE JONG – This makes a lot of sense, because we are changing or bringing a non-conforming property up to conformance and as Ms. Reeder mentioned that's what this was actually designed for and I totally agree. Thank you for your comments earlier. I appreciate it. So I am for this. There's not too much to say about this. I think that it's an appropriate action.

CHAIR MARZOEKI – Thank you.

COMMISSIONER BAKER – Yes I went down and looked at this property and what's been done there between the house and the garage; the structures have been done really well. I mean they did a good job putting this together, so I see no reason why we shouldn't approve this.

CHAIR MARZOEKI – Is there anyone else?

COMMISSIONER DOZIER – Yes I agree with my two Commissioners that have spoken just before this. We should just move it along.

CHAIR MARZOEKI – Okay, well would somebody like to make a motion?

COMMISSIONER DE JONG – I move that the Planning Commission **APPROVE** Resolution No. 2009-23 and thereby:

1. **RECOMMEND** that the City Council **RECOGNIZE** that PA09-0009 General Plan Amendment and PA 09-0007 Change of Zone qualify as exemptions in accordance with CEQA Guidelines, Section 15305, Minor Alterations in Land Use Limitations; and,
2. **RECOMMEND** that the Council **APPROVE** PA09-0009 General Plan Amendment and PA09-0007 Change of Zone

COMMISSIONER SALAS – I second

CHAIR MARZOEKI – We have a motion and a second. Is there any discussion? All in favor?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Geller)

CHAIR MARZOEKI – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes this action shall be forwarded to the City Council final review and action and we've tentatively scheduled that for the second meeting in September before the City Council.

CHAIR MARZOEKI – Thank you. Moving on to Item 730.

MV00032781

Attachment 6: Land Use

PA09-0009 & PA09-0007

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY

ATTACHMENT 6

MV00032782

Attachment 7: Aerial Photograph

PA09-0009 & PA09-0007

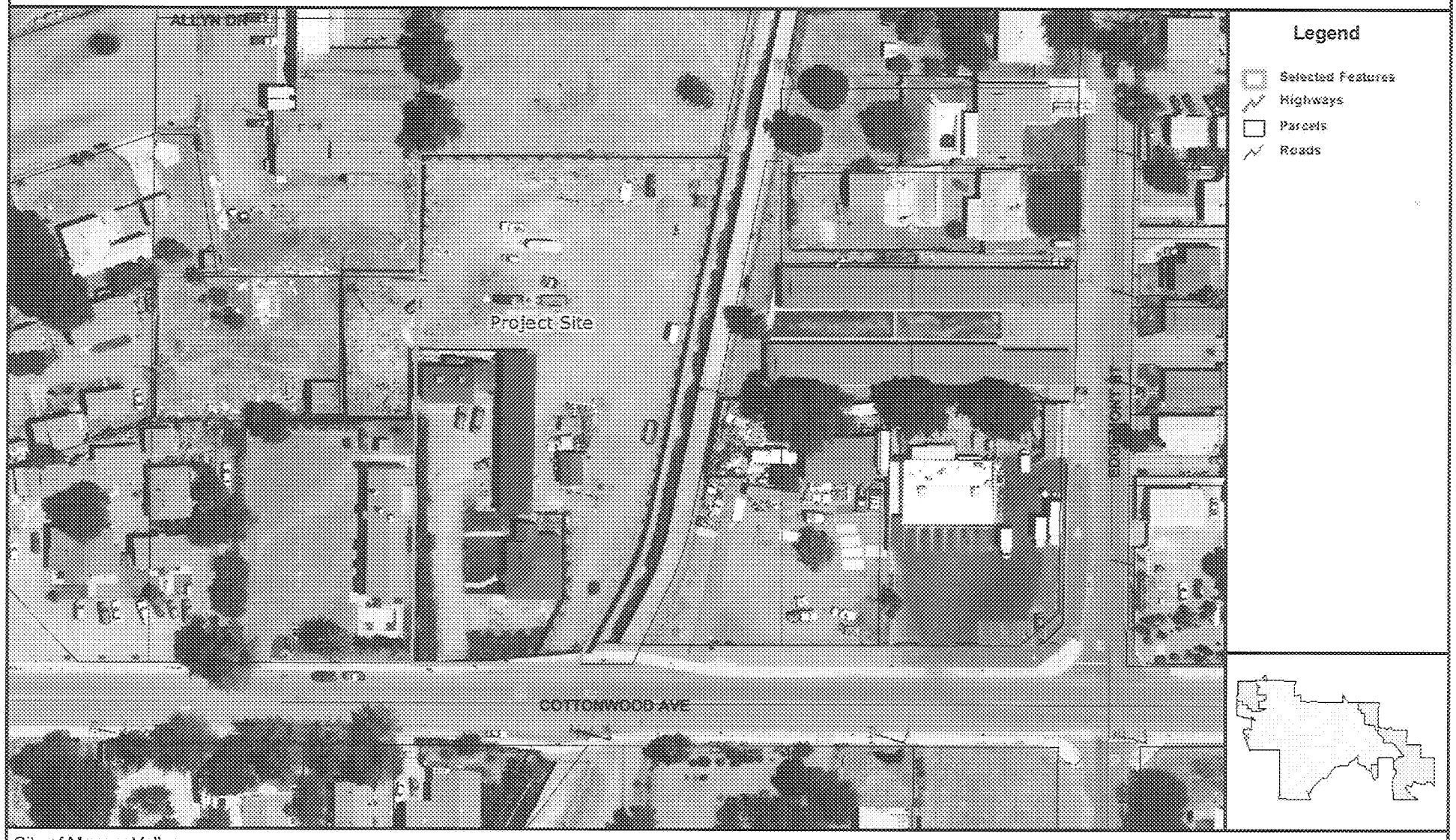

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

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MORENO VALLEY

ATTACHMENT 7

MV00032783

APPROVALS	
BUDGET OFFICER	aaf
CITY ATTORNEY	RUD
CITY MANAGER	RG

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING THE DESIGNATION OF A CITY-WIDE RECOVERY ZONE

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 799 relating to the designation of a city-wide Recovery Zone for the City of Moreno Valley.

BACKGROUND

The American Recovery and Reinvestment Act of 2009 (ARRA) has created a new category of bond called Recovery Zone Bonds. There are two types of Recovery Zone Bonds that would provide economic incentives for the City or private issuer as summarized below:

Recovery Zone Economic Development Bonds

- Taxable Build America Bonds (BABs) that allow state and local governments to obtain lower borrowing costs through direct Federal subsidy (45% of interest).
- May be used to finance a broad range of qualified economic development projects.
- Moreno Valley allocation is $7,360,000.
- Bonds must be issued by end of 2010.
- Doubtful use for Moreno Valley due to inability to pay debt service.

Recovery Zone Facility Bonds

- Tax-exempt private activity bond.
- May be used by any business in designated Recovery Zone to finance a broad range of capital projects.
- Moreno Valley allocation is $11,041,000.

- Bonds must be issued by end of 2010.
- City may issue conduit debt on behalf of developer or let developer obtain financing on their own.
- California Infrastructure and Economic Development Bank (I-Bank) is actively involved in ARRA debt issuance.

The proceeds of the above-described bonds are required to be invested in designated "Recovery Zones", which may be a portion of a city or an entire city. In order to be designated as a "Recovery Zone" one or more of the following conditions must be met.

- Significant poverty, unemployment, home foreclosure rates or general distress;
- Designation by the issuer as an empowerment zone or renewal community; or
- Designation by the issuer as economically distressed by reason of the closure or of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990.

The ARRA allocated a total of $25 billion nationwide for the two new types of Recovery Zone Bonds- $10 billion for Recovery Zone Economic Development Bonds and $15 billion for Recovery Zone Facility Bonds. Bonds must be issued on or before December 31, 2010. Recovery Zone Economic Development Bonds are issued on a taxable basis with a 45% interest rebate from the U.S. Department of Treasury. These bonds can be used for any project that promotes economic development within the Recovery Zone, including, but not limited to capital improvements, training, education or working capital. Recovery Zone Facility Bonds are similar to private activity bonds issued in a conduit financing. The use of these bonds is more defined and limited to capital improvements within the Recovery Zone, but excludes certain improvements.

The use of new Recovery Zone Bonds provides another revenue bond financing opportunity for local governments; along with private sector developers and businesses. Recovery Zone Bonds broaden the City's ability to issue taxable bonds due to the Federal interest subsidy, provided there is debt service capacity even at subsidized levels. Recovery Zone Bonds also may provide lower cost borrowing for private sector development aimed at stimulating economic recovery in the community. However, please note that Recovery Zone Bonds are not grants and they still require a suitable revenue stream that ensures proper debt service coverage.

DISCUSSION

As part of a $25 billion nationwide allocation, the U.S. Department of Treasury established bond volume caps at the local level for counties and large cities- including Moreno Valley. The bond caps for the City of Moreno Valley include $7,360,000 in Recovery Zone Economic Development Bonds and $11,041,000 in Recovery Zone Facility Bonds. In order for the City of Moreno Valley to take advantage of these new financing opportunities to promote job creation and economic recovery through Recovery Zone Bonds, the ARRA requires Moreno Valley to designate any area, or

even the entire City, as a Recovery Zone based on meeting one or more of the afore mentioned standards. Moreno Valley clearly meets two of the established criteria:

- **Significant unemployment rate**. Moreno Valley's unemployment rate has been well above Riverside County's (14.7% in July 2009 up from 9.3% in July 2008), State (12.1% in July 2009 up from 7.4% in July 2008) and National (9.4% in July 2009 up from 5.8% in July 2008), the unemployment rate in Moreno Valley reached 17% in July 2009 up from 10.8% in July 2008.
- **Significant foreclosure rate.** Foreclosures continue to be a challenge in Moreno Valley. The following table highlights the rate of notices of default (NOD) and foreclosures in Moreno Valley as compared to all of Riverside County and the State of California for the past three years.

Year		Moreno Valley	Riverside County	State of California
2007	NOD	9.3%	5.4%	3.0%
	Foreclosures	3.6%	2.2%	1.0%
2008	NOD	14.1%	8.7%	4.7%
	Foreclosures	9.9%	5.7%	2.9%
2009	NOD	12.8%	9.0%	5.1%
	Foreclosures	7.7%	4.9%	2.5%

Source: MDA DataQuick August 2009

The attached Ordinance would designate the entire geographic area of the City of Moreno Valley as a Recovery Zone and provide the following information to establish the necessary findings for the Recovery Zone:

- Funding appropriations;
- Eligibility;
- Criteria for activity or project investment;
- Compliance;
- Severability;
- Sunset date.

At this time City staff does not anticipate having sufficient revenue to pursue any bond financing associated with the Recovery Zone Economic Development Bonds. These bonds are to be used for public infrastructure improvements, construction of public facilities or job training/educational facilities. Given the economy and the City's fiscal condition it is not anticipated that the City would have the proper revenue stream to undertake a bond issuance of this type.

It should be noted that tax-exempt financing through the Recovery Zone Facility Bonds would be available to all developers in the City, provided the City's allocation of $11,041,000 is not exceeded. A program to assist developers in obtaining this financing has been developed by the California Infrastructure and Economic Development Bank (I-Bank). Developers interested in this type of private financing would be encouraged to work with I-Bank to secure their desired financing for Recovery Zone Facility Bonds. Please note that City staff recommends that the City not participate in issuance of

conduit debt through the Recovery Zone Facility Bond program, but rather use existing programs, through I-Bank or other similar types of available financing programs.

ALTERNATIVES

1. Introduce the proposed ordinance that would designate the City of Moreno Valley as a Recovery Zone.
2. Do not approve the proposed introduction and the subsequent adoption of the ordinance that would designate the City of Moreno Valley as a Recovery Zone.

FISCAL IMPACT

Creating the proposed Recovery Zone will broaden the City's ability to issue taxable Economic Development Bonds at a subsidized rate, as well as private developers' ability to obtain tax-exempt financing through Facility Bonds to lower their cost of borrowing. Increased development or business expansion improves the overall local economy by creating jobs and increasing taxable sales. Please note that any specific participation in a bond issuance shall still be subject to full consideration and approval by the City Council.

CITY COUNCIL GOALS

Upon approval of this staff report, the following City Council Goals would be furthered:

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

REVENUE DIVERSIFICATION AND PRESERVATION: Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

Staff recommends that the City Council introduce and subsequently adopt this ordinance designating the City of Moreno Valley as a Recovery Zone in order to take advantage of new category of bonds called Recovery Zone Bonds.

ATTACHMENTS/EXHIBITS

Attachment A – Ordinance No. 799

Prepared By:
Barry Foster
Economic Development Director

Concurred By:
Steve Elam
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ORDINANCE NO. 799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DESIGNATING A CITY-WIDE RECOVERY ZONE.

Whereas, the American Recovery and Reinvestment Act of 2009 (the "Act") authorizes the issuance of recovery zone economic development bonds; and

Whereas, pursuant to the Act, in order to issue recovery zone bonds the City Council must first designate a Recovery Zone area; and

Whereas, pursuant to the Act, the of designation of a Recovery Zone requires the City Council must make findings of fact that the City of Moreno Valley can be defined as a Recovery Zone because of significant poverty, unemployment, rate of foreclosures or general distress.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. RECOVERY ZONE DESIGNATION

Findings of fact for designating the City of Moreno Valley as a Recovery Zone.

(a) Section 1401 of Title I of Division B of the American Recovery and Reinvestment Act of 2009 (the "Act") added Sections 1400-1 through 1400U-3 to the Internal Revenue Code as amended (the "Code"), authorizing state and local governments to issue Recovery Zone Bonds through December 31, 2010 which provide tax incentives to state and local governments by lowering borrowing costs as a means to promote job creation and economic recovery to targeted areas particularly affected by employment declines.

(b) The Treasury Department established a national bond volume limitation ("volume cap") of $10 billion for Recovery Zone Economic Development Bonds and $15 billion for Recovery Zone Facility Bonds (collectively referred to as "Recovery Zone Bonds"), which is allocated among the states in the proportion that each State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all of the states ("Recovery Zone Bond Allocation").

(c) Recovery Zone Economic Development Bonds are taxable tax-credit governmental bonds that may be used to finance certain "qualified economic development purposes", defined as promoting development or other economic activity in a designated Recovery Zone, including (1) capital expenditures paid or incurred with respect to property located in the recovery zone, (2) expenditures for public infrastructure and

construction of public facilities, and (3) expenditures for job training and educational programs. Recovery Zone Facility Bonds are private activity bonds that may be used to finance certain property located within a designated Recovery Zone.

(d) Each state that has received a Recovery Zone Bond Allocation is required, without discretion, to reallocate such allocation among the counties and large municipalities (minimum of 100,000 population) in such state in the proportion that each county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for all the counties and municipalities in such state.

(e) City of Moreno Valley has been allocated $7,360,000 in Recovery Zone Economic Development Bonds and $11,041,000 in Recovery Zone Facility Bonds, which must be issued on or before December 31, 2010.

(f) Section 1400U-1(b) of the Code requires each governmental issuer of Recovery Zone Bonds to designate eligible recovery zones within its geographical jurisdiction using the following criteria: (1) significant poverty, unemployment, rate of home foreclosures, or general distress; (2) economic distress by reason of the closure of realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect.

(g) According to the California Department of Employment, the unemployment rate in the City of Moreno Valley was 17% in July 2009, significantly up from 10.8% in July 2008. Moreno Valley's unemployment rate was higher than both the Riverside County and State of California rates.

(h) The volume of foreclosures in Moreno Valley is significant. According to Data Quick in July 2009 there were 13,295 foreclosed or bank owned properties in Moreno Valley in 2009.

(i) The high unemployment rate and home foreclosures in the City of Moreno Valley has impacted citizens and businesses city-wide and has resulted in the general distress of the City of Moreno Valley. Accordingly, it is in the best interests of Moreno Valley that the entire geographic area of the City be designated a "Recovery Zone" for purposed of issuing Recovery Zone Bonds to promote job creation and economic recovery.

SECTION 2. DESIGNATION OF RECOVERY ZONE

The entire geographic area of the City of Moreno Valley is hereby designated as a "Recovery Zone" for the purpose of issuing Recovery Zone Bonds.

SECTION 3. FUNDING APPROPRIATION

The appropriation or application of Recovery Zone Bond proceeds will be at the discretion of the City Council (the "Council") based on project qualifications.

SECTION 4. RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS – ELIBIBLE ACTIVITIES/PROJECTS

Eligible activities/projects that qualify for issuance of Recovery Zone Economic Development Bonds include activities/projects within the Recovery Zone that promote economic development, as measured by the criteria set forth in Section 6 herein, and may include:

(1) Capital expenditures paid or incurred with respect to property located in the Recovery Zone, including working capital expenditures to promote development or other economic activity;

2) Expenditures for public infrastructure and construction of public facilities; and

3) Expenditures for job training and educational programs.

SECTION 5. RECOVERY ZONE FACILITY BONDS – ELIGIBLE ACTIVITIES/PROJECTS

Eligible activities/projects that qualify for issuance of Recovery Zone Facility Bonds include any private activity bonds issued on behalf of qualified borrowers for projects located within the designated Recovery Zone, including qualifying capital improvements and infrastructure projects. However, qualifying projects do not include any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling.

SECTION 6. CRITERIA FOR ACTIVITY/PROJECT INVESTMENT

Eligible projects/activities for funding from Recovery Zone Bond proceeds shall be selected by the City Council in its sole discretion based upon, but not limited to, the following criteria:

(a) Type of industry;

(b) Number of current and/or projected employees;

(c) Average wage of employees;

(d) Capital investment;

(e) Financial stability;

(f) New product development;

(g) Growth of sales; tax, property tax, or other City revenues;

(h) Results of an economic impact study;

(i) Commitment to local procurement and local hiring;

(j) National/state recognition;

(k) Regional impact; or

(l) Any such other activity or factor proposed by the applicant that can be demonstrated in a satisfactory fashion to the City Council to promote economic development within the City.

SECTION 7. COMPLIANCE

All activities/projects financed through the issuance of Recovery Zone Bonds shall comply with all applicable existing Federal, State, and Local laws, rules and regulations.

SECTION 8. EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 9. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 10. SUNSET DATE/EFFECTIVE DATE:

This ordinance shall automatically sunset on December 31, 2010, unless otherwise reaffirmed or otherwise amended by the City Council prior to that date.

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

MV00032792

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

MV00032794

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive and file this report; and

2. Introduce Ordinance No. 800, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

ADVISORY BOARD/COMMISSION RECOMMENDATION

This item was presented to the Traffic Safety Commission (TSC) at their regular monthly meeting on Wednesday, June 3, 2009. The TSC approved the recommended prima facie speed limits. The TSC certification reports and Engineering and Traffic Surveys are on file with Transportation Engineering Division.

BACKGROUND

Section 40802 of the California Vehicle Code (CVC) requires an Engineering and Traffic Survey, as defined in CVC Section 627, be performed when enforcing the speed limit by radar or other electronic devices. In compliance with this requirement, Transportation Engineering Division staff prepares and updates Engineering and Traffic Surveys as specified in the CVC and per the guidelines of the California Manual on Uniform Traffic

Control Devices (CAMUTCD). Based upon the results of these Engineering and Traffic Surveys, staff recommends the City Council to approve and declare the proposed speed limits listed in the ordinance as reasonable and safe prima facie speed limits that facilitate the orderly movement of traffic within the city.

DISCUSSION

The recommended speed limit, a main component of an Engineering and Traffic Survey, is based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists, and by measuring prevailing speeds, a speed limit is determined that is reasonable and effective. For a speed limit to be effective, at least eight-five percent of the drivers must voluntarily comply with the law. Setting speed limits at appropriate levels will create a uniform flow of traffic, discourage violation of the law, and help maintain safe streets and highways. Speed limits are often set below prevailing speeds when other factors otherwise not readily apparent to the driver, exist on the roadway. Factors that need to be considered include, but are not limited to, collision history for the roadway segment, design speed, sight distance constraints, pedestrian / bicycle safety, and direct residential access. Staff has recommended these prima facie speed limits accordingly.

The Moreno Valley Police Department submits the following additional information for consideration:

Engineering and Traffic Surveys are critical for the radar enforcement of posted speed limits within the City of Moreno Valley. Additionally, the Riverside County Superior Court magistrate diligently verifies that there are current Engineering and Traffic Surveys on file.

FISCAL IMPACT

The cost of signing and striping modifications required for the subject speed zones is included in the annual budget of the Transportation Engineering Division for Signing & Striping Maintenance (Account No. 121.55430).

CITY COUNCIL GOALS

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

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

SUMMARY

As required by Section 40802 of the California Vehicle Code, Engineering and Traffic Surveys were performed for certain streets to support enforcement of speed limits by radar or other electronic devices. Based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists and the measured prevailing speed, staff recommends that the proposed speed limits (as listed on the ordinance) be approved by City Council and declared as prima facie speed limits.

NOTIFICATION

Publication of Agenda

ATTACHMENTS

Attachment A - Proposed Ordinance
Attachment B - Summary of Certified Speed Zones
Attachment C - Map entitled "Citywide Speed Limit"

Prepared By:
Vincent L. Tran, P.E.
Associate Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Concurred By:
John Anderson
Police Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ORDINANCE NO. 800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. AMENDMENT TO THE MUNICIPAL CODE:

Section 12.20.020 of the City of Moreno Valley Municipal Code is hereby amended by declaring the prima facie speed limit (in miles per hour) for the following streets to provide as follows:

Name of Street	**Segment Affected**	**Declared Prima Facie Speed Limit (MILES PER HOUR)**
Brodiaea Avenue	Frederick Street to Heacock Street	35
Cactus Avenue	Old 215 Highway to Frederick Street	50
Cactus Avenue	Frederick Street to Heacock Street	50
Cactus Avenue	Heacock Street to Perris Boulevard	45
Cactus Avenue	Perris Boulevard to Lasselle Street	40
Cactus Avenue	Lasselle Street to Nason Street	50
Climbing Rose Drive	Barclay Drive to Pigeon Pass Road	25
Davis Street	Ironwood Avenue to Manzanita Avenue	30
Day Street	Alessandro Boulevard to Cottonwood Avenue	25
Delphinium Avenue	Heacock Street to Rio Bravo Road	30
Delphinium Avenue	Kitching Street to Lasselle Street	25
Dracaea Avenue	Gershwin Way to Redlands Boulevard	35
Frederick Street	Cactus Avenue to Eucalyptus Avenue	40
Frederick Street	Eucalyptus Avenue to Sunnymead Boulevard	40

Hemlock Avenue	Indian Street to Kitching Street	30
Indian Street	Ironwood Avenue to Manzanita Avenue	40
Kalmia Avenue	Perris Boulevard to Slawson Avenue	25
Nandina Avenue	Heacock Street to Perris Boulevard	45
Nason Street	Cactus Avenue to Alessandro Boulevard	45
Pigeon Pass Road	Ironwood Avenue to Old Lake Drive	50
Pigeon Pass Road	Old Lake Drive to North City Limits	50
Towngate Boulevard	Eucalyptus Avenue to Frederick Street	40

SECTION 2. BASIS OF DETERMINATION:

There is on file with the City Traffic Engineer a traffic investigative report indicating that the speed limits set forth above are reasonable and safe and most appropriate to facilitate the orderly movement of traffic.

SECTION 3. IMPLEMENTATION:

The City Traffic Engineer shall post appropriate signs giving notice of the prima facie speed limit changed as determined by this Ordinance.

SECTION 4. EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6. EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____day of _____2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

Summary of Certified Speed Zones

August 2009

	Street	Limits	Posted Speed Limit	Recommended Speed	85th %tile Speed	Avg Speed	Pace	Collisions (2 Years)	Length	Volume (1000's)	Coll Rate (per million vehicle miles)	Coll Rate Status	Remarks
1	Brodiaea Ave	Frederick St to Heacock St	New	35	37	35	30-39	0	1.00	1.7	0.00	Below	
2	Cactus Ave	Old 215 Hwy to Frederick St	50	50	52	49	45-54	13	1.00	43.5	0.41	Below	
3	Cactus Ave	Frederick St to Heacock St	50	50	52	49	45-54	15	1.00	35.4	0.58	Below	
4	Cactus Ave	Heacock St to Perris Blvd	45	45	47	45	40-49	1	1.00	21.0	0.07	Below	
5	Cactus Ave	Perris Blvd to Lasselle St	40	40	42	39	35-44	1	1.00	15.7	0.09	Below	
6	Cactus Ave	Lasselle St to Nason St	50	50	52	50	45-54	3	1.00	13.3	0.31	Below	
7	Climbing Rose Dr	Barclay Dr to Pigeon Pass Rd	30	25	27	25	22-31	0	0.75	2.2	0.00	Below	
8	Davis St	Ironwood Ave to Manzanita Ave	30	30	32	30	25-34	5	1.00	3.4	2.01	Below	
9	Day St	Alessandro Blvd to Cottonwood Ave	25	25	27	25	22-31	1	0.50	8.6	0.32	Below	
10	Delphinium Ave	Heacock St to Rio Bravo Rd	35	30	32	30	25-34	7	1.50	3.3	1.94	Below	
11	Delphinium Ave	Kitching St to Lasselle St	New	25	27	25	22-31	1	0.50	1.8	1.50	Below	
12	Dracaea Ave	Gershwin Wy to Redlands Blvd	35	35	36	33	28-37	0	0.33	0.5	0.00	Below	
13	Frederick St	Cactus Ave to Eucalyptus Ave	40	40	42	39	35-44	11	1.50	19.6	0.51	Below	
14	Frederick St	Eucaluptus Ave to Sunnymead Blvd	40	40	42	39	35-44	10	0.56	28.4	0.86	Below	
15	Hemlock Ave	Indian St to Kitching St	30	30	31	29	24-33	2	1.00	5.5	0.50	Below	
16	Indian St	Ironwood Ave to Manzanita Ave	40	40	39	36	32-41	0	1.00	13.1	0.00	Below	
17	Kalmia Ave	Perris Blvd to Slawson Ave	35	25	27	25	22-31	0	0.75	1.8	0.00	Below	Street with existing speed humps
18	Nandina Ave	Heacock St to Perris Blvd	45	45	47	44	39-48	0	1.00	2.9	0.00	Below	
19	Nason St	Cactus Ave to Alessandro Blvd	45	45	46	44	39-48	9	0.50	10.6	2.33	Below	
20	Pigeon Pass Rd	Ironwood Ave to Old Lake Dr	50	50	52	49	45-54	20	1.50	20.6	0.89	Below	
21	Pigeon Pass Rd	Old Lake Dr to North City Limit	50	50	52	50	46-55	1	1.00	6.6	0.21	Below	
22	Towngate Blvd	Eucalyptus Ave to Frederick St	40	40	42	39	34-43	3	0.67	8.1	0.76	Below	

* Shading indicates a change in the existing speed limit or a new speed zone.

* Collision Rate Status is based on the Caltrans 2005 Collision Data on California State Highway.

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City of Moreno Valley

CITYWIDE SPEED LIMIT

Public Works Department
Transportation Engineering Division

NORTH
NO SCALE

This Map is updated as of August 2009. Speed zones are subject to yearly changes due to recertification.

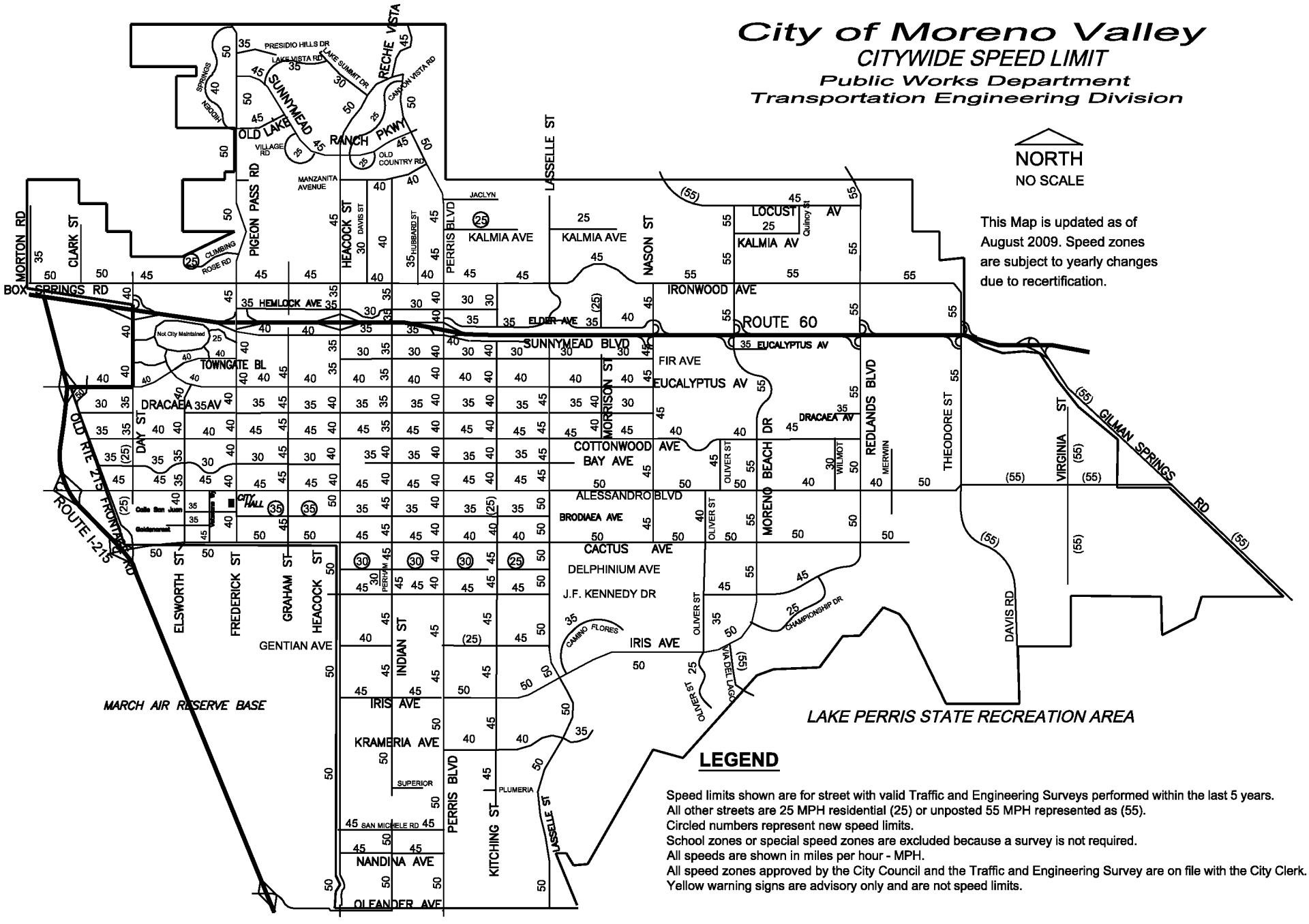

LEGEND

Speed limits shown are for street with valid Traffic and Engineering Surveys performed within the last 5 years.
All other streets are 25 MPH residential (25) or unposted 55 MPH represented as (55).
Circled numbers represent new speed limits.
School zones or special speed zones are excluded because a survey is not required.
All speeds are shown in miles per hour - MPH.
All speed zones approved by the City Council and the Traffic and Engineering Survey are on file with the City Clerk.
Yellow warning signs are advisory only and are not speed limits.

The information on this map is provided as a courtesy and deemed reliable based on Traffic & Engineering Surveys on file. The City makes no guarantee or warranty regarding the accuracy of this map.

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CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
September 22, 2009

a) Report by Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)

b) Report by Council Member William H. Batey II on Riverside County Habitat Conservation Agency (RCHCA)

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Christ A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: INTRODUCTION OF ORDINANCE NO. 796 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

RECOMMENDED ACTION

Staff recommends that the City Council approve the introduction of Ordinance No. 796, amending Title 8 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The City's Floodplain Ordinance was recently reviewed by the State Department of Water Resources (DWR) to determine whether the City's current ordinance meets the minimum requirements of the NFIP. City participation in the NFIP makes flood insurance available to City residents and businesses as well as makes the City eligible for federal financial assistance in the event of a Presidential declared emergency due to flooding. DWR has noted that the current ordinance does not meet the minimum requirements of the NFIP and that corrections are necessary. DWR has provided the City with a copy of the California Model Floodplain Management Ordinance (CMFMO) to assist the City in updating its ordinance.

DISCUSSION

City staff is recommending an update to the existing Floodplain Management Ordinance in order to remain in compliance with the NFIP. The changes include adding/deleting/revising various subsections throughout section 8.12 of the municipal code using the CMFMO.

Although the proposed ordinance does not specifically address the NFIP Community Rating System (CRS), it is noteworthy to discuss in the context of this report. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities exceeding the NFIP requirements. City of Moreno Valley residents and businesses receive a 10 (ten) percent discount on flood insurance premium rates directly as a result of the City meeting the goals of the CRS. The City's compliance with the NFIP is mandatory for participation in the CRS.

Key proposed changes to the existing municipal code include the following:

- Revising the statement of purpose
- Addition and revision of floodplain definitions
- Expanding the duties and responsibilities of the Floodplain Administrator
- Revising the subsection titled "Standards of Construction"
- Deleting the subsection titled "Establishment of Development Permit"

ALTERNATIVES

1. Approve the proposed introduction of Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.12, regarding Flood Damage Prevention and Implementation of the National Flood Insurance Program. This alternative is recommended by staff. *Approval would continue to make residents and businesses eligible to purchase flood insurance at a discounted rate. The City would also continue to be eligible to receive federal financial assistance in the event of a Presidential declared emergency due to flooding.*

2. Do not approve the proposed introduction of Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.12, regarding Flood Damage Prevention and Implementation of the National Flood Insurance Program; maintain the current ordinance without revision. This alternative is not recommended by staff. *The City would no longer be eligible to participate in the NFIP and CRS. Eligibility for disaster funds due to flooding would be compromised as well as the loss of discounted premiums for flood insurance policies for our residents and business owners.*

FISCAL IMPACT

There are no fiscal impacts associated with the proposed action.

CITY COUNCIL GOALS

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

NOTIFICATION

Publication of the agenda

ATTACHMENTS

1. Proposed Ordinance

Prepared By:
Hoang Nguyen
Associate Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Kent Wegelin
Storm Water Program Manager

Concurred By:
Mark W. Sambito
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ORDINANCE NO. 796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. REPEAL OF PRIOR ENACTMENT:

1.1 Chapter 8.12 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.12, as set forth in Section 2 of this Ordinance.

SECTION 2. REENACTMENT OF CHAPTER 8.12:

2.1 Chapter 8.12 of Title of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to read as follows:

Chapter 8.12

FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

Sections:

8.12.010 Statutory authorization.
8.12.020 Findings of fact.
8.12.030 Statement of purpose.
8.12.040 Methods of reducing flood losses.
8.12.050 Definitions.
8.12.060 Lands to which this chapter applies.
8.12.070 Basis for establishing the areas of special flood hazard.
8.12.080 Compliance.
8.12.090 Abrogation and greater restrictions.
8.12.100 Interpretation.
8.12.110 Warning and disclaimer of liability.
8.12.120 Severability.
8.12.130 Designation of the floodplain administrator.
8.12.140 Duties and responsibilities of floodplain administrator.
8.12.150 Development permit.
8.12.160 Appeals.

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8.12.170 Standards of construction.
8.12.180 Standards for utilities.
8.12.190 Standards for subdivisions and other proposed development.
8.12.200 Standards for manufactured home.
8.12.210 Standards for recreational vehicles.
8.12.220 Floodways.
8.12.230 Nature of variances.
8.12.235 Conditions for variances.
8.12.240 Appeal board.

8.12.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the City of Moreno Valley does hereby adopt the following floodplain management regulations.

8.12.020 Findings of fact.

A. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, additional public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to flood losses.

8.12.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the City to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

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D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

8.12.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

8.12.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A zone" – see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than two (2) cars; or

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2. A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and $1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard." See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

"Building." See "Structure."

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

MV00032812

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1987.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flooding."

"Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power

MV00032813

which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the Regulatory Floodway where encroachment may be permitted.

"Fraud and victimization" as related to Sections 8.12.230 through 8.12.240 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship," as related to Section 8.12.230, means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is

MV00032814

more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

a. The flood openings standard in Subsection 8.12.170(C)(3).

b. The anchoring standards in Subsection 8.12.170(A).

c. The construction materials and methods standards in Subsection 8.12.170(B).

MV00032815

d. The standards for utilities in Section 8.12.180.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City substantial damage/improvement procedures. See Subsection 8.12.140 (B)(1).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction," for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-Hundred-Year Flood" or "100-Year Flood". See "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

MV00032816

"Public safety and nuisance," as related to Section 8.12.230, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

"Recreational vehicle" means a vehicle which is

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "floodway".

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area". See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

MV00032817

manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

MV00032818

8.12.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

8.12.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Moreno Valley dated August 28, 2008, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated August 28, 2008, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at public works department, land development division.

8.12.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements set forth in this chapter or the continued maintenance of property in violation of the requirements set forth in this chapter (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

8.12.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8.12.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

MV00032819

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

8.12.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

8.12.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

8.12.130 Designation of the Floodplain Administrator.

The City Engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions.

8.12.140 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied; including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained,

3. The site is reasonably safe from flooding;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated

MV00032820

development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

C. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.12.070, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 8.12.170 through 8.12.220. Note: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base(100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

a. Notify the County of Riverside, Riverside County Flood Control and Water Conservation District (RCFC&WCD), adjacent communities and the California Department of Water Resources (DWR) prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

MV00032821

a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Subsection 8.12.170(C)(1) and 8.12.200 (lowest floor elevations);

2. Certification required by Subsection 8.12.170(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by Subsection 8.12.170(C)(3) (wet floodproofing standard);

4. Certification of elevation required by Subsection 8.12.190(A)(3) (subdivision standards);

5. Certification required by Subsection 8.12.220(B) (floodway encroachments);

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a

MV00032822

mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8.12.160.

G. Remedial Action.

Take action to remedy violations of this chapter as specified in Section 8.12.080.

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure the City's General Plan is consistent with floodplain management objectives herein.

8.12.150 Development Permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 8.12.070 or Subsection 8.12.140(C);

6. Proposed elevation in relation to mean sea level, of lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 8.12.170(C)(2) and detailed in FEMA Technical Bulletin TB 3-93.

MV00032823

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Subsection 8.12.170(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 8.12.170(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 8.12.150.

8.12.160 Appeals.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

8.12.170 Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

MV00032824

All new construction or substantial improvements of residential structures, shall have the lowest floor, including basement:

a. In AE, AH, A1-30 Zones, elevated at least one foot above the base flood elevation.

b. In an AO Zone, elevated at least one foot above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.

c. In A Zone, without BFE's specified on the FIRM (unnumbered A Zone), elevated at least one foot above the base flood elevation; as determined in Subsection 8.12.140(C).

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by a city official to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Subsection 8.12.170 (C)(1) or:

a. Be floodproofed, together with attended utility and sanitary facilities, below the elevation recommended under Subsection 8.12.170 (C)(1), so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered civil engineer or architect that the standards of Subsections 8.12.170(C)(2)(a) and (b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. For non-engineered openings:

1. Have a minimum of two (2) openings on different sides having a total net area of not less than one(1) square inch for every square foot of enclosed area subject to flooding;

MV00032825

2. The bottom of all openings shall be no higher than one (1) foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

5. Be certified by a registered civil engineer or architect.

6. Manufactured homes. See Section 8.12.200.

7. Garages and low cost accessory structures.

4. Attached garages:

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Subsection 8.12.170 (C)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Subsection 8.12.170(B).

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

5. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 8.12.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the accessory structure must be limited to parking or limited storage;

b. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

c. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

MV00032826

e. The accessory structure must comply with floodplain encroachment provisions in Section 8.12.220; and

f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 8.12.170(C)(3).

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.12.170.

8.12.180 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

8.12.190 Standards for subdivisions and other proposed development.

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the Base Flood Elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

a. Lowest floor elevation.

b. Pad elevation.

c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

MV00032827

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

8.12.200 Standards for manufactured home.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home or subdivision; (2) in new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE, on the community's Flood Insurance Rate Map that are not subject to the provisions of Subsection 8.12.200(A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is in accordance with the state of California recommendation of at least one foot above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

8.12.210 Standards for recreational vehicles.

A. All recreational vehicles placed in Zones A1-30, AH and AE on the Flood Insurance Rate Map will either:

MV00032828

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 8.12.150 and the elevation and anchoring requirements for manufactured homes in Sections 8.12.170 through 8.12.220.

8.12.220 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

B. Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Subsections 8.12.220(A) and 8.12.220(B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.

8.12.230 Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by granting a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The

MV00032829

characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

8.12.235 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 8.12.130 through 8.12.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only that elevation which the City believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a city official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

MV00032830

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County of Riverside Recorder and shall be recorded in a manner so that it appears in the chain of the title of affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

8.12.240 Appeal board.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

MV00032831

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 8.12.240(A) through 8.12.240(D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Subsection 8.12.235(A) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

SECTION 3 EFFECT OF ENACTMENT:

3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4 NOTICE OF ADOPTION:

4.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 5 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

MV00032832

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

MV00032834

Chapter 8.12 FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM *(NFIP)*

8.12.010 Statutory authorization.

The Legislature of the *S*state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government*s the* ~~units~~ authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the *C*~~c~~ity *C*~~c~~ouncil *of the City of Moreno Valley* adopts the following floodplain management regulations. (Ord. 465 § 2.1 (part), 1995)

8.12.020 Findings of fact.

A. The flood hazard areas of *the C*~~c~~ity are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, additional public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to ~~the~~ flood loss*es*. (Ord. 465 § 2.1 (part), 1995)

8.12.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by ~~provisions designed to~~ *legally enforceable regulations applied uniformly throughout the City to all publicly and privately owned land within flood prone, mudlslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to*:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 465 § 2.1 (part), 1995)

8.12.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 465 § 2.1 (part), 1995)

8.12.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A zone" – see "Special flood hazard area".

"Accessory structure"means a structure that is either:

1. *Solely for the parking of no more than two (2) cars; or*
2. *A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and $1,500 in value.*

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

~~"Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.~~

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the *F*floodplain *A*administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard." See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V130 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

"Building." See "Structure."

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by ~~a community~~ *the City*.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and*/or mudslides (i.e., mudflows); and*

2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

~~"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.~~

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency *(FEMA)* or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flooding."

"Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. *For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.*

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

~~"Floodway encroachment lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.~~

"Floodway fringe" is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

"Fraud and victimization" as related to Sections 8.12.230 through 8.12.250 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased

risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship," as related to Section 8.12.230, means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement~~. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see "Basement") is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements.)~~ (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

a. The flood openings standard in section 8.12.170 (C)(3).

b. The anchoring standards in section 8.12.170 (A).

c. The construction materials and methods standards in section 8.12.170 (B).

d. The standards for utilities in section 8.12.180.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City substantial damage/improvement procedures. See section 8.12.150 (B) (1).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, *North American Vertical Datum (NAVD) of 1988*, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction," for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-Hundred-Year Flood" or "100-Year Flood". See "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

~~"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.~~

"Public safety and nuisance," as related to Section 8.12.230, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

"Recreational vehicle" means a vehicle which is

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. *Also referred to as "floodway".*

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet *f*~~F~~low *a*~~A~~rea". See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area *in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an FHBM or FIRM* ~~having special flood hazard, and shown on a FIRM~~ as Zone A, AO, A1-A30, AE, A99 or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days from the date of the permit. The ~~"~~actual start~~"~~ means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations

or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other ~~proposed new development~~ *improvement* of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, *North American Vertical Datum (NAVD) of 1988,* ~~(~~or other datum, ~~where specified)~~ of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse

includes specifically designated areas in which substantial flood damage may occur. (Ord. 465 § 2.1 (part), 1995)

8.12.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the *C*city. (Ord. 465 § 2.1 (part), 1995)

8.12.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) of the latest date and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), of the latest date, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the *C*city by the *F*floodplain *A*administrator. The study, FIRMs and FBFMs are on file at public works department, land development division. (Ord. 465 § 2.1 (part), 1995)

8.12.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 465 § 2.1 (part), 1995)

8.12.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 465 § 2.1 (part), 1995)

8.12.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 465 § 2.1 (part), 1995)

8.12.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 465 § 2.1 (part), 1995)

~~**8.12.130 Establishment of development permit.**~~

~~A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:~~

~~A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or~~

~~B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 8.12.170 (C)(3); and~~

~~C. All appropriate certifications listed in Section 8.12.150(D); and~~

~~D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 465 § 2.1 (part), 1995)~~

8.12.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

8.12.~~140~~*130* Designation of the *F*~~f~~loodplain *A*~~a~~dministrator.

The *C*~~c~~ity *E*~~e~~ngineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 465 § 2.1 (part), 1995)

8.12.~~150~~*140* Duties *and responsibilities* of *the F*~~f~~loodplain *A*~~a~~dministrator.

The duties and responsibilities of the *F*~~f~~loodplain *A*~~a~~dministrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied;

2. All other required state and federal permits have been obtained, *including determination of substantial improvement and substantial damage of existing structures*;

3. The site is reasonably safe from flooding; ~~and~~

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. ~~For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.~~ *This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City; and*

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

C~~B~~. Review, ~~and~~ Use *and Development* of ~~Any~~ Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.12.070, the *F*~~f~~loodplain *A*~~a~~dministrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 8.12.170 through 8.12.2~~1~~0*20*. ~~Any such information shall be submitted to the city council for adoption.~~ *Note: A base flood elevation may be obtaining using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base(100-year) Flood Elevations" dated July 1995.*

D~~C~~. Notification of Other Agencies. ~~In alteration or relocation of a watercourse:~~

1. Alteration or relocation of a watercourse:

a~~1~~. Notify the *C*~~c~~ounty of Riverside, Riverside County *F*~~f~~lood *C*~~c~~ontrol and *W*~~w~~ater *C*~~c~~onservation *D*~~d~~istrict *(RCFC&WCD)*, adjacent communities and the California Department of Water Resources *(DWR)* prior to alteration or relocation;

b~~2~~. Submit evidence of such notification to the ~~Federal Insurance Administration,~~ Federal Emergency Management Agency; and

c~~3~~. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E~~D~~. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 8.12.170(C)(1) *and 8.12.200* (*lowest* floor elevations);

2. Certification required by Section 8.12.170(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by Section 8.12.170(C)(3) (wet floodproofing standard);

4. Certification of elevation required by Section 8.12.190(B) (subdivision standards);

5. Certification required by Section 8.12.220 (floodway encroachments)~~.~~*;*

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F~~E~~. Map Determinations.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, ~~for example,~~ where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections ~~8.12.230 through 8.12.250~~ *8.12.160*.

~~F~~G. Remedial Action.

Take action to remedy violations of this chapter as specified in Section 8.12.080. (Ord. 465 § 2.1 (part), 1995)

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure the City's General Plan is consistent with floodplain management objectives herein.

8.12.150 Development Permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 8.12.070 or 8.12.140 (C);

6. Proposed elevation in relation to mean sea level, of lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 8.12.170 and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 8.12.170(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 8.12.170(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 8.12.150.

8.12.160 Appeals.

The *C*~~c~~ity *C*~~c~~ouncil shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the *F*~~f~~loodplain *A*~~a~~dministrator in the enforcement or administration of this chapter. (Ord. 465 § 2.1 (part), 1995)

8.12.170 Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

~~1.~~ All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~2. All manufactured homes shall meet the anchoring standards of Section 8.12.200.~~

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed*:*

1. With *flood resistant* materials, and utility equipment resistant to flood damage *for areas below the base flood elevation*;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and ~~if~~

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. ~~(See Section 8.12.050 definitions for "new construction," "substantial damage" and "substantial improvement.")~~

1. Residential construction.~~,~~

All N~~n~~ew construction or substantial improvement*s of residential structures*~~,~~ shall have the lowest floor, including basement:

a. ~~In an AO zone, in accordance with the state of California recommendation, the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified;~~ *In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.*

b. ~~In an A zone, in accordance with the state of California recommendation, the lowest floor be elevated at least one foot above the base flood elevation, as determined by the community;~~ *In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.*

c. ~~In all other zones, in accordance with the state of California recommendation, the lowest floor be elevated at least one foot above the base flood elevation.~~ *In A Zone, without BFE's specified on the FIRM (unnumbered A Zone), elevated to or above the base floodelevatopn; as determined in Section 8.12.140(C).*

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered *civil* ~~professional~~ engineer or *licensed land* surveyor, *and verified by the City Building Inspector to be properly elevated.* Such certification ~~or~~ *and* verification shall be provided to the *F*floodplain *A*administrator.

2. Nonresidential construction. *All new construction or substantial improvements of nonresidential structures* shall either be elevated to conform with ~~subsection~~ *Section 8.12.170 (*C*)*(1) ~~of this section~~ or ~~together with attendant utility and sanitary facilities~~:

a. Be floodproofed*, together with attended utility and sanitary facilities,* below the elevation recommended under ~~subsection~~ *Section 8.12.170 (*C*)*(1)*,* ~~of this~~

~~section~~ so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered *civil* ~~professional~~ engineer or architect that the standards of ~~this subdivision~~ *Section 8.12.170(C)(2)(a)* are satisfied. Such certification shall be provided to the *F*floodplain *A*~~a~~dministrator.

3. *Flood openings.* All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

~~a. Be certified by a registered professional engineer or architect; or~~

~~b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or~~

~~c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.~~

a. For non-engineered openings:

1. Have a minimum of two (2) openings on different sides having a total net area of not less than one(1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

4. Manufactured homes. *See Section 8.12.200.* ~~shall also meet the standards in Section 8.12.200.~~ (Ord. 465 § 2.1 (part), 1995)

8.12.180 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 465 § 2.1 (part), 1995)

8.12.190 Standards for subdivisions *and other proposed development*.

~~A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.~~

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the Base Flood Elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

a. Lowest floor elevation.

b. Pad elevation.

c. Lowest adjacent grade.

B. All subdivision ~~plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.~~ *proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systemslocated and constructed to minimize flood damage.*

C. All subdivision proposals ~~shall be consistent with the need to minimize flood damage~~ *and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.*

D. All subdivision*s* ~~proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage~~ *and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.*

~~E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.~~ (Ord. 465 § 2.1 (part), 1995)

8.12.200 Standards for manufactured home.

A. All manufactured homes that are placed or substantially improved, ~~within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map, on sites located~~ *on sites located: (1) outside of a manufactured home or subdivision; (2) in new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall*:

1. ~~Outside of a manufactured home park or subdivision;~~ *Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*

~~2. In a new manufactured home park or subdivision;~~

~~3. In an expansion to an existing manufactured home park or subdivision; or~~

~~4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated in accordance with the state of California recommendation, at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.~~

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE, on the communi-ty's Flood Insurance Rate Map that are not subject to the provisions of ~~subsection A of this section~~ *Section 8.12.200(A)* will be ~~elevated so that either the~~ *securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the*:

1. Lowest floor of the manufactured home is ~~in accordance with the state of California recommendation of at least one foot~~ *at or* above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade ~~and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement~~. (Ord. 465 § 2.1 (part), 1995)

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

8.12.210 Standards for recreational vehicles.

A. All recreational vehicles placed ~~on sites within~~ *in* Zones A1-30, AH and AE on the community's Flood Insurance Rate Map will either:

~~A~~*1.* Be on the site for fewer than one hundred eighty (180) consecutive days; *or*

~~B~~*2.* Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

~~C~~*3.* Meet the permit requirements of Sections ~~8.12.130 through 8.12.160~~ ~~8.12.150~~ and the elevation and anchoring requirements for manufactured homes in Section 8.12.200(A). (Ord. 465 § 2.1 (part), 1995)

8.12.220 Floodways.

~~Located within areas of special flood hazard established in Section 8.12.070 are areas designated as floodways.~~ Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. ~~Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge;~~ Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

B. ~~If subsection A of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.~~ *Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.* (Ord. 465 § 2.1 (part), 1995)

C. If Sections 8.12.220(A) and 8.12.220(B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.

8.12.230 Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by granting a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be

unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the cCity to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 465 § 2.1 (part), 1995)

8.12.235 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, another proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 8.12.130 through 8.12.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only that elevation which the City believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office if the City of Moreno Valley Recorder and shall be recorded in a manner so that it appears in the chain of the title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

8.12.240 Appeal board.

A. In passing upon requests for variances, the ~~C~~city ~~C~~council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. ~~Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that~~ *Variances shall only be issued upon a*:

1. ~~The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and~~ *Showing of good and sufficient cause;*

2. ~~Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.~~ *Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and*

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. ~~The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.~~ *Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 8.12.240(A) through 8.12.240(D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance. (Ord. 465 § 2.1 (part), 1995)*

D. Upon consideration of the factors of Section 8.12.235 and the purposes of this ordinance, the City may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

~~**8.12.250 Conditions for variances.**~~

~~A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the provisions of Sections 8.12.130 through 8.12.210 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.~~

~~B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.~~

~~D. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.~~

~~E. Variances shall only be issued upon a:~~

~~1. Showing of good and sufficient cause;~~

~~2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 8.12.050) to the applicant; and~~

~~3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 8.12.050), cause fraud or victimization (as defined in Section 8.12.050), of the public, or conflict with existing local laws or ordinances.~~

~~F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections A through E of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.~~

~~G. Upon consideration of the factors of this section and the purposes of this chapter, the city may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 465 § 2.1 (part), 1995)~~

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

September 22, 2009

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office at 951.413.3001 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Bonnie Flickinger, Mayor Pro Tem
Jesse L. Molina, Council Member
Robin N. Hastings, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 22, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Community Health Charities of California - Corporate Excellence Award Recognizing the 2008 Employee Giving Campaign

2. Proclamation Recognizing Constitution Week - September 17 - 23, 2009

3. Recognition of Moreno Valley's Promise – Youth Leaders Making Change (YLMC)

MV00032864

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
SEPTEMBER 22, 2009

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION - Bishop Randy Triplett, Victory Temple of Deliverance Ministries

ROLL CALL

INTRODUCTIONS

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

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

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separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 TRACT 32834 OFFSITE SUPPLEMENTAL FOR STONERIDGE TOWN CENTER PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-86 authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system; and

   Resolution No. 2009-86

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements for Tract 32834 Off Site Supplemental for the Stoneridge Town Center Project as Complete and Accepting the Portion of Nason Street, Dracaea Avenue, and Fir Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.3 TRACT 32836 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES

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HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-87 authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue into the City's maintained street system; and

   Resolution No. 2009-87

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the "Backbone" Public Improvements for Tract 32836 as Complete and Accepting the Portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.4 LEASE AGREEMENT WITH AMERICAN MEDICAL RESPONSE FOR FIRE STATION USE (Report of : Fire Department)

Recommendation:
Approve the lease agreement with American Medical Response for use of Fire Station 91, College Park.

A.5 TRACT MAP 31269 STORM DRAIN – REDUCE FAITHFUL PERFORMANCE BOND OF THE STORM DRAIN IMPROVEMENTS AS COMPLETE AND ADOPT THE RESOLUTION ACCEPTING QUINCY CHANNEL IMPROVEMENTS INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system;

2. Accept the Quincy Channel improvements as complete and into the City's maintained street system;

3. Adopt Resolution No. 2009-88 authorizing the acceptance of Quincy

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Channel improvements into the city's maintained street system; and

Resolution No. 2009-88

A Resolution of the City Council of the City pf Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31269 - Storm Drain and Accepting the Portion of Quincy Channel Improvements Associated with the Project into the City's Maintained Street System

4. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services;

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper; and

3. Authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.7 TRACT MAP 31424 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-89 authorizing the acceptance of the

public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system; and

Resolution No. 2009-89

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract Map 31424 and Accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and Portions of Eucalyptus Avenue and Dracaea Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.8 P08-146 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: INDIAN AVENUE LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-90 authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system; and

Resolution No. 2009-90

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within P08-146 and Accepting the Portion of San Michele Road Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one

year when all clearances are received.

A.9 RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT JOINT COMMUNITY FACILITIES AGREEMENT PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7 (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2009-91; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7.

Resolution No. 2009-91

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form of the Joint Community Facilities Agreement By and Among the City Of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC, Pertaining To Community Facilities District No. 7

A.10 APPROVAL OF CHECK REGISTER FOR JULY, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:
Adopt Resolution No. 2009-92, approving the Check Register for the month of July, 2009 in the amount of $24,334,280.12.

Resolution No. 2009-92

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of July, 2009

A.11 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE - PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:
Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

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A.12 PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM (Report of: Economic Development Department)

Recommendation:
Adopt Resolution 2009-93 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program.

Resolution No. 2009-93

A Resolution of the City Council of the City of Moreno Valley, California Approving Participation in the Riverside County Mortgage Credit Certificate (MCC) Program

A.13 CERTIFICATES OF ACCEPTANCE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) DEVELOPMENT PARTNER AFFORDABLE HOUSING AGREEMENTS (Report of: Economic Development Department)

Recommendation:

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the Neighborhood Stabilization Program;

   Resolution No. 2009-94

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City Manager to Accept and Consent to Deeds or Grants for Residential Properties Acquired Through the Neighborhood Stabilization Program

2. Authorize the City Clerk to record the Certificates of Acceptance and other related NSP Documents;

3. Authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents; and

4. Authorize Financial & Administrative Services Director to fund payment for properties acquired through the NSP Program.

A.14 RESOLUTION AMENDING RESOLUTION NO. 2007-43 BY TEMPORARILY REDUCING RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES (Report of: Economic Development Department)

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Recommendation:

Adopt Resolution 2009-95, amending Resolution No. 2007-43, by temporarily reducing residential single-family and residential affordable single-family development impact fees by fifty percent, with the opportunity to consider a possible one year renewal.

Resolution No. 2009-95

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution No. 2007-43 Regarding the Fee Structures for Residential Single-Family and Residential Affordable Single-Family Development Impact Fees

A.15 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.16 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.17 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of September 2-15, 2009

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

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Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

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

E.1 A PUBLIC HEARING REGARDING PA09-0018 (GENERAL PLAN

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AMENDMENT) AND PA08-0099 (MUNICIPAL CODE AMENDMENT), A PROPOSAL TO ADD A NEW ZONING DESIGNATION TO THE GENERAL PLAN CREATING THE RESIDENTIAL 30 (R30) ZONING DISTRICT AND AMEND A RANGE OF ZONING REGULATIONS CONTAINED IN TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MULTIPLE FAMILY DEVELOPMENT STANDARDS (Report of: Community Development Department)

Recommendation: That the City Council:

1. Find that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines;

2. APPROVE Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution and attached to the Resolution as Exhibit A; and

   Resolution No. 2009-96

   A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan for the addition of the Residential 30 (R30) Zoning District (PA09-0018)

3. Introduce Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

   Ordinance No. 797

   An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code regarding the addition of the new Zoning District Residential 30 (R30), separating single-family development standards from Multiple-Family Development Standards, defining Minimum Density Standards and deletion of repetitive Development Guidelines

E.2 A PUBLIC HEARING REGARDING PA09-0009 (GENERAL PLAN AMENDMENT) AND PA09-0007 (CHANGE OF ZONE), A PROPOSAL TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O). THE CHANGE OF ZONE WILL CHANGE THE ZONING FROM BUSINESS PARK (BP) TO RESIDENTIAL 15 (R15). THE PARCEL HAS AN EXISTING SINGLE FAMILY RESIDENCE AND A

MV00032874

MULTIPLE FAMILY DUPLEX (Report of: Community Development Department)

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A; and

   Resolution No. 2009-97

   A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan Land Use Element (PA09-0009) to change the Land Use Designation from Business Park (BP) to Residential/Office (R/O) for the approximately 1.62 acres located within Assessor's Parcel Number 263-160-027, located at 21652 Cottonwood

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A.

   Ordinance No. 798

   An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA09-0007 (Change of Zone) to change the Land Use District for approximately 1.62 acres located at 21652 Cottonwood (Assessor Parcel Number 263-160-027) from the Business Park (BP) Land Use District to the Residential 15 (R15)

E.3 A PUBLIC HEARING REGARDING THE DESIGNATION OF A CITY-WIDE RECOVERY ZONE (Report of: Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 799 relating to the designation of a city-wide Recovery Zone for the City of Moreno Valley.

Ordinance No. 799

MV00032875

An Ordinance of the City Council of the City of Moreno Valley, California, Designating a City-Wide Recovery Zone

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

G. REPORTS

G.1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Receive and file this report.

2. Introduce Ordinance No. 800, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

Ordinance No. 800

An Ordinance of the City Council of the City Of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

G.2 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Report by Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)

b) Report by Council Member William H. Batey II on Riverside County Habitat Conservation Agency (RCHCA)

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

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.1 .1 INTRODUCTION OF ORDINANCE NO. 796 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE

MV00032876

PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP) (Report of: Public Works Department)

Recommendation: That the City Council:

Introduce Ordinance No. 796, amending Title 8 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP).

Ordinance No. 796

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP)

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

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

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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

MV00032877

CLOSED SESSION

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

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

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

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 3

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

Number of Cases: 2

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

ADJOURNMENT

MV00032878

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT 32834 OFFSITE SUPPLEMENTAL FOR STONERIDGE TOWN CENTER PROJECT – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Beazer Homes Holding Corp.
1800 Imperial Highway, Suite 200
Brea, CA 92821

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-86 authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32834 was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, wheelchair ramps, and two traffic signals. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $1,006,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center

Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009\9-22-09 Tract 32834 Offsite Supplemental - 90% Bond Reduction.doc

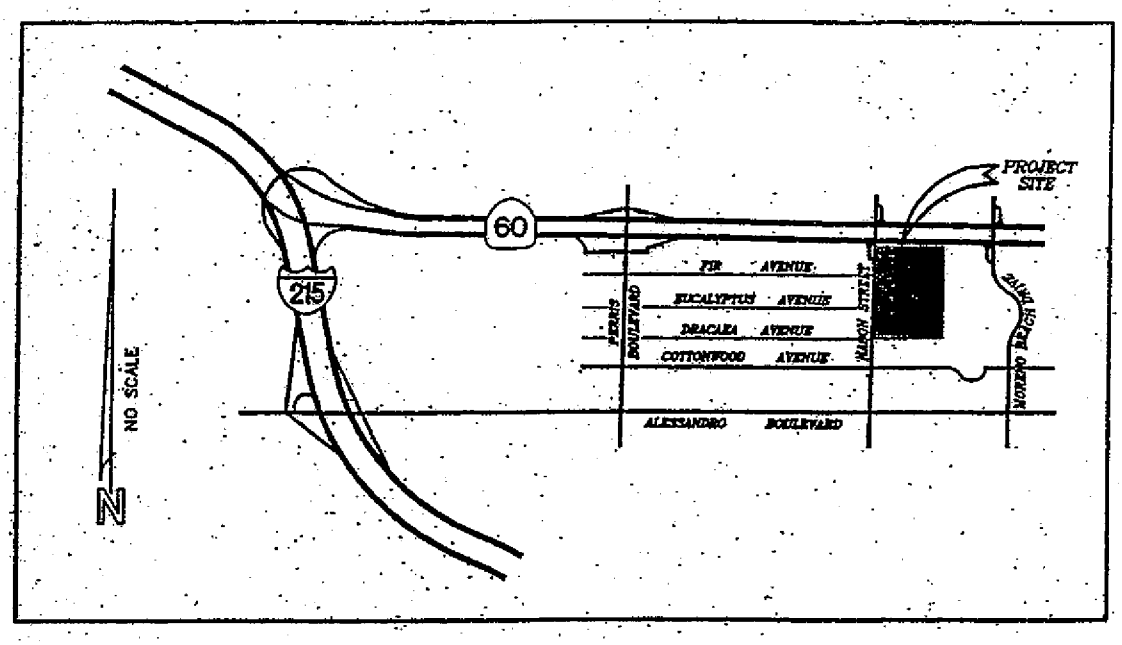

EXHIBIT A

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT**	**TRACT 32834** **Offsite Supplemental** **VICINITY MAP**

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MV00032884

RESOLUTION NO. 2009-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS FOR TRACT 32834 OFF SITE SUPPLEMENTAL FOR THE STONERIDGE TOWN CENTER PROJECT AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Beazer Homes Holding Corp. on the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract 32834 Offsite Supplemental for Stoneridge Town Center Project and accept the portion Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract 32834 Offsite Supplemental for Stoneridge Town Center Project are complete, and the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT B

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT 32836 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Beazer Homes Holding Corp.
1800 Imperial Highway, Suite 200
Brea, CA 92821

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-87 authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract 32836 was conditionally approved requiring construction of certain "backbone" public improvements on Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, traffic signal, storm drain, sewer, and water. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $13,305,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue

associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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EXHIBIT A

VICINITY MAP

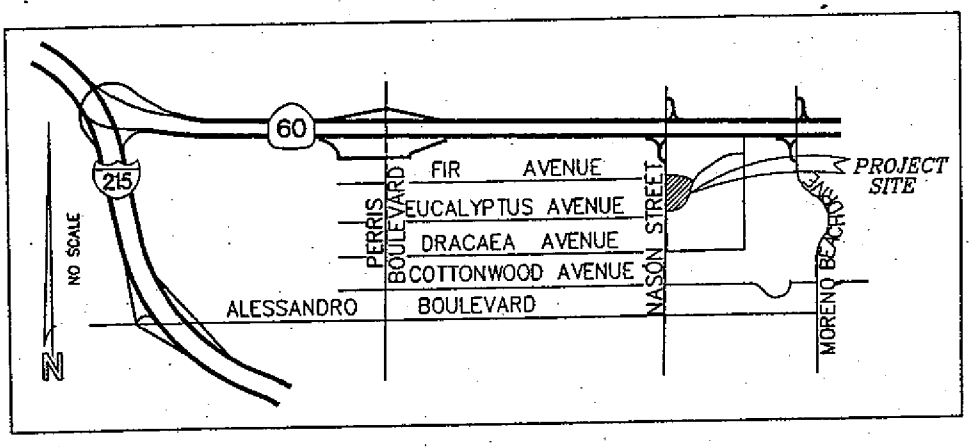

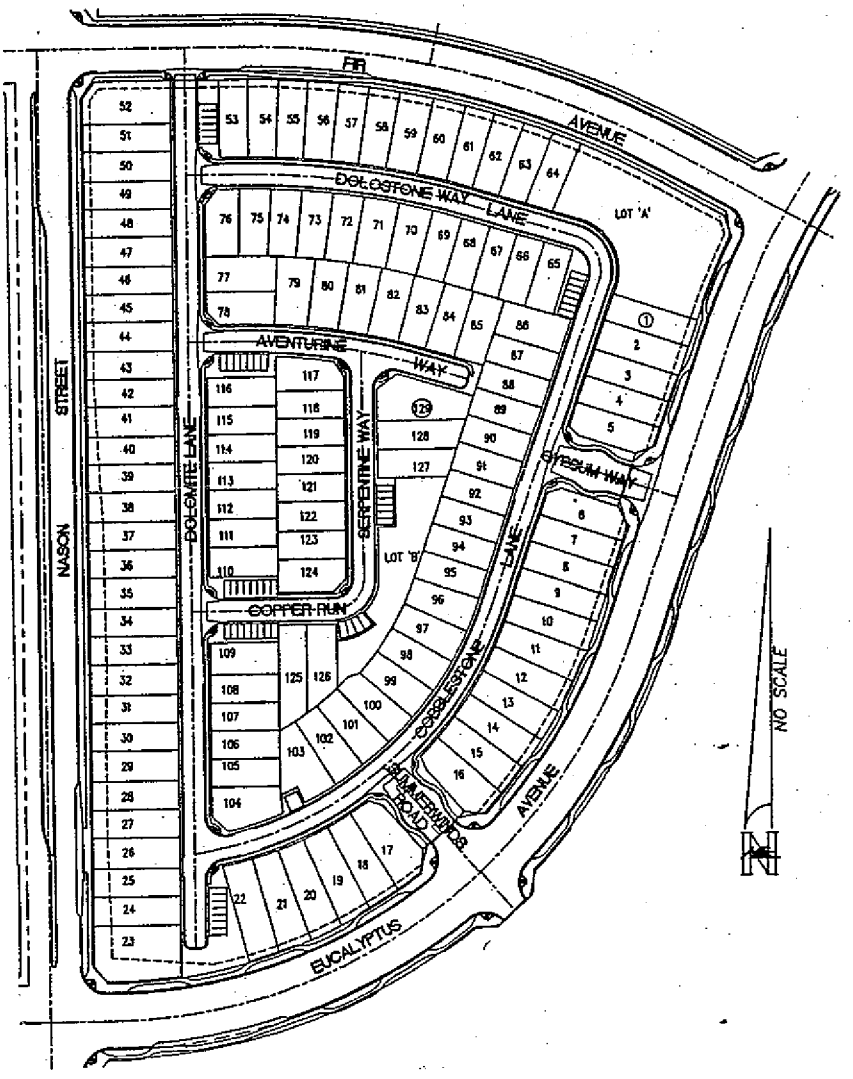

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TRACT MAP 32836** **VICINITY MAP**

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MV00032892

RESOLUTION NO. 2009-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS FOR TRACT 32836 AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the "backbone" public improvements constructed by Beazer Homes Holding Corp. on the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract 32836 and accept the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the "backbone" public improvements within Tract 32836 are complete, and the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT B

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: September 22, 2009

TITLE: Lease Agreement with American Medical Response for Fire Station Use

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the attached lease agreement (Attachment A) with American Medical Response for use of Fire Station 91, College Park.

BACKGROUND

American Medical Response (AMR) is the emergency medical service (EMS) provider under contract with the County of Riverside EMS Agency to provide Advanced Life Support (ALS) ambulance services throughout the County, including incorporated cities. AMR has provided ALS ambulance services to the City of Moreno Valley since the late 1990's when they acquired Goodhew Ambulance Services.

DISCUSSION

On November 23, 2004, the City entered into a lease agreement with AMR for use of Fire Station 48 (Sunnymead Ranch) and Fire Station 91 (College Park). This agreement has been continuing on a day-to-day basis since the expiration of the lease on June 30, 2007.

The lease agreement is for the use of Fire Station 91 as AMR terminated their lease agreement for Fire Station 48 effective August 31, 2009. The lease of Fire Station 91 by AMR will allow them to meet the County contract standard that requires AMR to respond to at least 90% of the calls for service in less than 10 minutes in the City. This lease also allows for Fire Department personnel and AMR employees to jointly train on

EMS delivery as well as become familiar with each other's standard operating procedures (SOP).

ALTERNATIVES

1. Authorize the Mayor to execute the lease agreement with American Medical Response for use of Fire Station 91, College Park Station. *This alternative will allow AMR to continue to operate their ambulances from this location.*

2. Do not authorize the Mayor to execute the lease agreement with American Medical Response for use of Fire Station 91, College Park Station. *This alternative would require the City to terminate the existing least with AMR.*

FISCAL IMPACT

AMR will pay the City of Moreno Valley rent as set forth by the County of Riverside Fire Department. Currently this is $500.00 per month.

CITY COUNCIL GOALS

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

ATTACHMENTS/EXHIBITS

ATTACHMENT A – Lease Agreement

Prepared By:
Cynthia Owens
Management Assistant

Department Head Approval:
Steve Curley
Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

MV00032896

AMERICAN MEDICAL RESPONSE
FIRE STATION LEASE

The CITY OF MORENO VALLEY, herein called City, leases to AMERICAN MEDICAL RESPONSE – INLAND EMPIRE (AMR), a California corporation, herein called Lessee, the property described below upon the following terms and conditions:

1. Recitals.

   City owns land and improvements throughout the City and is desirous of leasing a portion of facilities listed in Exhibit "A" to Lessee in order that it may provide direct responsive ambulance services.

   Lessee has an interest, desire and willingness to provide such services.

2. Description. The premises leased herby consist of land and a portion of the building thereon shown on Exhibit "A".

3. Use.

   (a) The premises are leased to Lessee for the purpose of providing facilities to accommodate an advanced life support ambulance and paramedic personnel and office and communication equipment in connection therewith.

   (b) Lessee shall have the right to use the leases premises jointly with the City Fire Department and the volunteer fire company.

4. Term.

   (a) The term of this lease shall become effective on the date signed by the City and remain in effect until June 30, 2012, subject to the provisions contained in Paragraphs 16, 17, and 18 herein. Any holding over by Lessee, after the expiration of this lease shall be on a day-to-day basis strictly and continuing tenancy rights shall not accrue to Lessee.

   (b) Lessee shall have the right of first refusal as to renewal of this lease at the expiration of said term on whatever terms and conditions City may then offer, provided that Lessee is not otherwise in default under the lease and has a valid permit to operate an ambulance service in the City.

   (c) Exhibit "A" may be amended by agreement of both parties to update lease amounts of facilities occupied.

5. Utilities.

ATTACHMENT A

City shall provide for all utilities including gas, water, electricity, and rubbish collection services except Lessee shall provide for its own disposal of medical waste at Lessee's expense. Lessee shall provide and pay for the own telephone services. In consideration for such services provided by the City, Lessee shall pay to City that amount as described in Exhibit "A".

6. Repairs.

Lessee, at its expense, shall be responsible for the repair or replacement of the exterior and/or interior of the building, related equipment and property due to damage caused by acts or omissions of Lessee's personnel. All repair or replacement shall be completed in a manner acceptable to the City. In the event Lessee fails, or refuses to perform such repairs, or any portion thereof, City reserves the right to perform same and Lessee shall pay City forthwith for any costs incurred in connection therewith upon an accounting and billing therefore. If Lessee uses commercial vendors to perform the repairs and maintenance work required in this agreement, vendors shall maintain and provide proof of coverage for the insurance requirements (workers' compensation, commercial general liability, vehicle liability, etc.) in Article 18 except for Professional Liability. In lieu of Article 18.d., vendors shall maintain Equipment Floater coverage (Property Physical Damage) for the full replacement value of any and all equipment brought on the leased premises.

7. Security of Leased Premises.

Lessee shall be jointly responsible for the security and safekeeping of the leased premises and all equipment, supplies and other personal property situated therein on a 24-hour basis, except at such times that Lessee is responding to an emergency.

8. Improvements by Lessee.

(a) Any alteration, improvements or installation of fixtures to be undertaken by Lessee, shall have the prior written consent of the City's Fire Chief after the Lessee has submitted proposed plans for such alterations, improvements or fixtures to the City's Fire Chief in writing.

(b) All alterations, improvements and fixtures installed by Lessee, or caused to be made or installed by Lessee, shall become the property of City, with the exception of trade fixtures as such term is used in Section 1019 of the California Civil Code. At, or prior to, the expiration of this lease, Lessee may remove such trade fixtures; provided, however, that such removal does not cause injury or damage to the leased premises, or in the event it does, Lessee shall restore the premises to their original shape and

condition as nearly as practicable at Lessee's sole expense.. In the event such trade fixtures are not removed, City may, at its election, either (1) remove and store such fixtures and restore the premises for the account of Lessee, and in such event, Lessee shall, within thirty (30) days after billing and accounting therefore reimburse City for the costs so incurred, or (2) take and hold such fixtures as its sole property.

9. City's Reserved Rights.

(a) Lessee has inspected the leased premises and Lessee accepts such premises in their present condition. Lessee also takes the premises subject to any and all existing easements or other encumbrances, and City shall have the right to enter upon the leased premises and to install, lay, construct, maintain, repair and operate such sanitary sewers, drains, storm water sewers, pipelines, manholes, connections, water, oil and gas pipelines, and telephone, telegraph and computer service lines and such other appliances and appurtenances necessary or convenient to premises or any part thereof. City also reserves the right to grant franchises, easements, rights of way and permits in, over, and upon, along side, or across any, and all portions of said leased premises as City may elect to do; provided however, that no right of the City provided for in this paragraph shall be so executed as to interfere unreasonably with Lessee's use hereunder. Any right, as set forth, in this paragraph shall not be exercised unless a prior written notice of thirty (30) days is given to Lessee; provided, however, in the event such right must be exercised, by reason of emergency, then City shall give such notice in writing as soon as is reasonable under the circumstances.

(b) City, through its duly authorized agent(s), shall have the full and unrestricted right to enter the leased premises for the purpose of inspection or maintenance, and for the purpose of doing any and all things which it is obligated and has a right to do under this lease.

10. Additional Obligations/Rights of Lessee.

(a) Lessee shall not display, brandish or discharge any firearms within or upon the leased premises.

(b) Lessee shall not cut any trees within or upon the leased premises or remove any trees therefrom unless approval is first obtained in writing from City's Fire Chief.

(c) Except as may be required in the performance of its maintenance obligations as provided in Paragraph 7 herein, Lessee shall not cut or

otherwise remove any brush or other vegetation from or within the leased premises unless approval is first obtained in writing from City's Fire Chief.

(d) Lessee shall not interfere in any manner whatsoever with City's Fire Department operations or the volunteer fire company, relative to its activities within the leased premises.

(e) Lessee's employees shall adhere to all City Fire Department policies and procedures relating to the day-to-day operation of the fire station.

(f) Lessee's employees shall adhere to local rules and regulations affecting specific station routines as directed by the Fire Department.

(g) Television will not be on during normal business hours (0800 to 1700). Exceptions will include lunch hours and necessary use for training.

(h) Visitors will be allowed only in common areas of the fire station and shall not interfere with daily business.

(i) Lessee's employees will wear the AMR work uniform during normal business hours and will be properly attired when interacting with the general public at the station.

(j) Lessee will ensure their employees are familiar with the Fire Department code of conduct and will adhere to them while on station property.

(k) Conflict resolution will start with the local, on-duty Battalion Chief and AMR Field Supervisor.

11. Signs.

Lessee shall not erect, maintain or display any signs or other forms of advertising upon the leased premises without first obtaining the written approval of City's Fire Chief.

12. Compliance with Law.

Lessee, at its sole cost and expense, shall comply with the requirements of all local, state, and federal statutes, regulations, rules, ordinances and orders now in force, or which may be hereafter in force, pertaining to the leased premises. The judgment, decree or order of any court of competent jurisdiction, or the admission of Lessee in any action or proceeding against Lessee, whether Lessee be a party thereto or not, that Lessee has violated any such statutes, regulations, rules, ordinances, or orders, in the use of the leased premises, shall be conclusive of that fact a between City and Lessee.

ATTACHMENT A

13. Discrimination or Segregation.

(a) Lessee shall not discriminate in its recruitment, hiring, promotion, demotion or termination practices on the bases of race, religious creed, color, national origin, ancestry, sex, gender, age, physical handicap, medical condition or marital status with respect to the use of the leased premises hereunder, and Lessee shall comply with the provision of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1965 (P.L. 88-352), and all amendments thereto, Executive Order No. 12266 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issued to said Acts and Orders with respect to its use of the leased premises.

(b) Lessee shall not discriminate against or cause the segregation of any person or group of person on account of race, religious creed, color, national origin, ancestry, sex, gender, age, physical handicap, medical condition or marital status, in the occupancy, use tenure or enjoyment of the leased premises nor shall Lessee, or any person claiming under or through it, establish or permit any such practice or practices or discrimination or segregation with reference to the selection, location, number, use or occupancy of any person within the leased premises.

(c) Lessee assures that it will undertake an affirmative action program as required by 49 CFR, Part 21, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 49 CFR, Part 21, with respect to its use of the leased premises. Lessee further assures that no person shall be excluded on these grounds from participating in or receiving services or benefits of any program or activity covered herein with respect to its use of the leased premises. Lessee further assures that it will require that its subcontractors and independent contractors provide assurance to Lessee that they similarly will undertake affirmative action programs and that they will require assurances form subcontractors and independent contractors, as required by 49 CFR, Part 21, to the same effect with respect to its use of the leased premises.

14. Free from Liens.

Lessee shall pay, when due, all sums of money that may become due for any labor, services, material supplies, or equipment, alleged to have been furnished or to be furnished to Lessee, in, upon, or about the leased premises, and which may be secured by a mechanic's, materialmen's or other lien against the leased premises or City' interest therein, and will cause each such lien to be fully discharged and released at the time the performance of

any obligation secured by such lien matures or becomes due; provided, however, that if Lessee desires to contest any such lien, it may do so, but not withstanding any such contest, if such lien shall be reduced to final judgment, and such judgment or such process as may be issued for the enforcement thereof is not promptly stayed, or if so stayed, and said stay thereafter expires, then and in such event, Lessee shall forthwith pay and discharge said judgment forthwith.

15. Termination by City.

City shall have the right to terminate this lease:

(a) In the event a petition is filed for voluntary or involuntary bankruptcy, for the adjudication of Lessee as a debtor and is not dismissed within thirty (30) days.

(b) In the event that Lessee makes a general assignment, or Lessee's interest hereunder is assigned involuntarily or by operation of law, for the benefit of creditors.

(c) In the event of the abandonment of, or the discontinuance of, the use of the leased premises by Lessee.

(d) In the event Lessee fails to perform, keep or observe any of its duties or obligations hereunder provided, however, that Lessee shall have fifteen (15) days in which to correct its breach or default after written notice thereof has been served on it by City Fire Chief or his/her designee.

(e) In the event Lessee's permit to operate an ambulance service as required under City Ordinance is not renewed, or is suspended, revoked or otherwise terminated.

(f) By giving sixty (60) days written notice thereof to Lessee.

16. Termination by Lessee.

Lessee shall have the right to terminate this lease:

(a) In the event the City fails to perform, keep or observe any of its duties or obligations hereunder; provided, however, that City shall have fifteen (15) days in which to correct its breach or default, after written notice thereof has been served on it by Lessee; provided, further, however, that in the event such breach or default is not corrected, Lessee may elect to terminate this lease in its entirety or as to any portion of the premises

affected thereby, and such election shall be given by an additional fifteen (15) days written notice to City Fire Chief.

(b) By giving sixty (60) days written notice thereof to City.

17. Insurance.

Without limiting or diminishing the Lessee's obligation to indemnify or hold the City harmless, Lessee shall procure and maintain or cause to be maintained, at its sole cost and expense, the following insurance coverage's during the term of this Agreement:

(a) Worker's Compensation: Lessee shall maintain statutory Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than $1,000,000 per person per accident. The policy shall be endorsed to waive subrogation in favor of the City of Moreno Valley, and If applicable, to provide a Borrowed Servant/Alternate Employer Endorsement.

(b) Commercial General Liability: Commercial General Liability insurance coverage, including but not limited to, premises liability, contractual liability, products and completed operations liability, personal and advertising injury, cross liability coverage and employment practices liability, covering claims which may arise from or out of Lessee's performance of its obligations hereunder. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives as Additional Insured. Policy's limit of liability shall not be less than $2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit.

(c) Vehicle Liability: Lessee shall maintain liability insurance for all owned, non-owned or hired vehicles so used in an amount not less than $1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this agreement or be no less than two (2) times the occurrence limit. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representative as Additional Insured.

ATTACHMENT A

(d) Property (Physical Damage): All-Risk real and personal property insurance coverage for the full replacement cost value of all alterations, improvements, trade fixtures, furniture and equipment, systems and other Lessee property as it may appear on the premises. Policy shall name the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives as Additional Insured and provide a Waiver of subrogation in favor for the City of Moreno Valley.

(e) General Insurance Provisions – All lines:

1. Any insurance carrier providing insurance coverage hereunder shall be admitted to the State of California and have an A M BEST rating of not less than A-VII (A 7).

2. The Lessee's insurance carrier(s) must declare its insurance deductibles or self-insured retentions.

3. Lessee shall cause Lessee's insurance carrier(s) to furnish the City of Moreno Valley with a properly executed original Certificate(s) of Insurance and certified original copies of Endorsements effecting coverage as required herein. Further, said Certificate(s) and policies of insurance shall contain the covenant of the insurance carrier(s) that thirty (30) days written notice shall be given to the City of Moreno Valley prior to material modification, cancellation, expiration or reduction in coverage of such insurance. In the event of a material modification, cancellation, expiration, or reduction in coverage, this Agreement shall terminate forthwith, unless the City of Moreno Valley receives, prior to such effective date, another properly executed original Certificate of Insurance and original copies of endorsements, including all Insurance and original copies of endorsements, including all endorsements and attachments thereto evidencing coverage's set forth herein and the insurance required herein is in full force and effect. Lessee shall not commence operations until the City has been furnished original Certificate(s) of Insurance and certified original copies of endorsements and if requested, certified original policies of insurance including all endorsements and any and all other attachments as required in this Section. An individual authorized by the insurance carrier to do so on its behalf shall sign the original endorsements for each policy and the Certificate of Insurance.

ATTACHMENT A

4. It is understood and agreed to by the parties hereto and the insurance company(s), that the Certificate(s) of Insurance and policies shall so covenant and shall be construed as primary insurance, and the City's insurance and/or deductibles and/or self-insured retention's or self-insured programs shall not be construed as contributory.

5. The City's Reserved Rights--Insurance. If, during the term of this Agreement or any extension thereof, there is a material change in the scope of services; or there is a material change in the equipment to be used in the performance of the scope of work which will add to additional exposures (such as the use of aircraft, watercraft, cranes, etc); or, the term of this Agreement including any extensions thereof exceeds five (5) years the City reserves the right to adjust the types of insurance required under this Agreement and the monetary limits of liability for the insurance coverage's currently required herein if, in the City's Risk Manager's reasonable judgment, the amount or type of insurance carried by the Lessee has become inadequate.

6. Lessee shall pass down the insurance obligations contained herein to all tiers of subcontractors working under this Agreement.

7. The insurance requirement contained in this Agreement may be met with a program(s) of self-insurance acceptable to the City.

8. Lessee agrees to notify the City of any claim by a third party or any incident or event that may give rise to a claim arising from the performance of this Agreement.

18. Hold Harmless.

(a) Lessee represents that it has inspected the leased premises, that it accepts the condition thereof and that it fully assumes any and all risks incidental to the use thereof. City shall not be liable to Lessee, its officers, agents, employees, subcontractors or independent contractors, for any personal injury or property damage suffered by them which may result from hidden, latent or other dangerous conditions within the leased premises; provided, however, that such dangerous conditions are not caused by the negligence of the City, its officers, agents or employees.

(b) Lessee shall indemnify and hold harmless the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives from any liability whatsoever, based or asserted upon any services of Lessee, its officers,

employees, subcontractors, agents or representatives arising out of or in any way relating to this Agreement, including by not limited to property damage, bodily injury, or death or any other element of any kind arising from the performance of Lessee, its officers, agents, employees, subcontractors, agents or representatives from this Agreement. Lessee shall defend, at its sole expense, all costs and fees including, but not limited to, attorney fees, cost of investigation, defense and settlements or awards the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, other Special Districts, and its Departments, their respective directors, officers, City Council Members, employees, elected or appointed officials, agents or representatives in any claim or action based upon such alleged acts or omissions.

(c) With respect to any action or claim subject to indemnification herein by Lessee, Lessee shall, at their sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle, or compromise any such action or claim without the prior consent of City; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes Lessee's indemnification to the City as set forth herein.

(d) Lessee's obligation hereunder shall be satisfied when Lessee has provided to City the appropriate form of dismissal relieving City from any liability for the action or claim involved.

(e) The specified insurance limits required in this Agreement shall in no way limit or circumscribe Lessee's obligation to indemnify and hold harmless the City herein from third party claims.

(f) In the event there is conflict between this clause and California Civil Code Section 2782, this clause shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the Lessee from indemnifying the City to the fullest.

19. Permits, Licenses and Taxes.

Lessee shall secure, at its own expense, all necessary permits and licenses as it may be required to obtain, and Lessee shall pay for fees and taxes levied or required by any authorized public entity. Lessee recognizes and understands that this lease may create a possessory interest subject to property taxation and that Lessee may be subject to payment of property taxes levied on such interest.

20. Toxic Materials.

ATTACHMENT A

During the term of this lease, and any extensions thereof, Lessee shall not violate any federal, state or local law or ordinance or regulations, relating to industrial hygiene or to the environmental condition on, under, or about the leased premises including, but not limited to, soil and groundwater conditions. Further, Lessee, its successors, assigns and sublessees, shall not use, generate, manufacture, produce, store or dispose of, on, under, or about the leased premises, or transport to or from the leased premises, any flammable explosives, asbestos, radioactive materials, hazardous materials, hazardous wasters, toxic substances or related injurious materials, whether injury is by themselves or in combination with, other materials (collectively "hazardous materials"). For the purpose of this lease, hazardous materials shall include, but not be limited to, substances defined as "hazardous substances", "hazardous materials", or "toxic substances" in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq.; The Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.; and those substances defined as "hazardous wastes" in section 25117 of the California Health and Safety Code or as "hazardous substances" in Section 25316 of the California Health and Safety Code; an din the regulations promulgated pursuant to said laws.

21. Assignment.

Lessee cannot assign, sublet, mortgage, hypothecate or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of City being first obtained.

22. Binding on Successors.

Lessee, its heirs, assigns and successors in interest shall be bound by all terms and conditions contained in this lease, and all of the parties thereto shall be jointly and severally liable hereunder.

23. Employees and Agents of Lessee.

It is understood that all person hired or engaged by Lessee shall be considered to be employees or agents of Lessee and not of City.

24. Surrender in Good Condition.

Lessee shall not permit waste or damage to the leased premises, and upon the expiration, or earlier termination, of this lease, Lessee shall return the premises to City in as good a shape and condition as they now are, reasonable wear and tear and damage by the elements accepted.

ATTACHMENT A

25. Waiver of Performance.

No waiver by City at any time of any of the terms and conditions of this lease shall be deemed or construed as a waiver at any time thereafter of the same or of any other terms or conditions contained herein or of the strict and timely performance of such terms and conditions.

26. Severability.

The invalidity of any provision in this lease as determined by a court of competent jurisdiction shall in no way affect the validity of any other provision herein.

27. Venue.

Any action at law or in equity brought by either of the parties hereto, for the purpose of enforcing a right or rights provided for by this lease, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereby waive all provisions of law providing for a change of venue in such proceedings to any other City.

28. Attorney's Fees.

In the event of any litigation, or arbitration, between Lessee and City to enforce any of the provisions of this lease, or any right of either party hereto, the unsuccessful party to such litigation or arbitration, agrees to pay to the successful party, all costs and expenses, including reasonable attorney's fees incurred therein, by the successful party, all of which shall be included in, and as a part of, the judgment or award rendered in such litigation or arbitration.

29. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties as set forth below:

CITY	LESSEE
City of Moreno Valley	American Medical Response
Fire Department Headquarters	879 Marlborough Ave.
22850 Call San Juan de Los Lagos	Riverside, CA 92507
Moreno Valley, CA 92552-0805	

or to such other addresses as from time to time shall be designated by the respective parties

30. No Third Party Rights.

ATTACHMENT A

This lease does not create any rights in any party not a signatory to this lease.

31. City's Representative.

City hereby appoints the City Fire Chief as its authorized representative to administer this lease.

ATTACHMENT A

32. Entire Lease.

This lease is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of terms and conditions thereof and supersedes any and all prior and contemporaneous leases, agreements and understandings, oral or written consent of the parties hereto.

Dated:_____

CITY OF MORENO VALLEY

By:_____
Mayor

CITY ATTORNEY
Approved as to Form

_____ _____
By: Date

ATTEST:

Alice Reed
City Clerk

By:_____

(SEAL)

AMERICAN MEDICAL RESPONSE – INLAND EMPIRE
A CALIFORNIA CORPORATION

By:_____

Title:_____

(Corporate Seal)

ATTACHMENT A

EXHIBIT "A"

FIRE STATION FACILITY LEASE

Facility	Lease Amount Monthly
Fire Station 91 – College Park	$500.00*
Monthly Payment in Advance	$500.00
Annual Payment	$6,000.00

*Amount subject to change based on study being conducted by Riverside County Fire Department.

ATTACHMENT A

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MV00032912

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT MAP 31269 STORM DRAIN – REDUCE FAITHFUL PERFORMANCE BOND OF THE STORM DRAIN IMPROVEMENTS AS COMPLETE AND ADOPT THE RESOLUTION ACCEPTING QUINCY CHANNEL IMPROVEMENTS INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Pinnacle Moreno Valley 72, LLC
15 Enterprise, Suite 250
Aliso Viejo, CA 92656

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system.

2. Accept the Quincy Channel improvements as complete and into the City's maintained street system.

3. Adopt Resolution No. 2009-88 authorizing the acceptance of Quincy Channel improvements into the city's maintained street system.

4. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31269 was conditionally approved requiring construction of Quincy Channel and storm drain improvements. The improvements included slope protection, access road, headwall, wingwalls, catch basins, laterals, and main storm drain lines to be maintained by the City of Moreno Valley and Riverside County Flood Control and Water Conservation District (RCFC & WCD). Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development and RCFC & WCD performed inspections and punch lists were generated. The required corrective actions have been completed. The Quincy Channel improvements are now eligible for acceptance into the City's maintained street system. The other storm drain improvements are eligible for acceptance but not into the City's maintained street system because other public improvements remain incomplete.

Pinnacle Moreno Valley 72, LLC has requested a reduction to the Faithful Performance security for all the storm drain public improvements. The developer understands that in-tract public improvements must be completed in order for the City to accept the other storm drain improvements into the City's maintained street system. The public improvements not completed include: asphalt paving, curb, gutter, sidewalk, signing and striping work. The street improvements were bonded separately.

DISCUSSION

The completed storm drain improvements have received a final inspection and were constructed in accordance with the approved plans and the standards of the City of Moreno Valley and RCFC & WCD. It is appropriate to consider storm drain improvements as complete and to provide a 90% reduction to the Faithful Performance Bond of $550,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system. Accept the Quincy Channel improvements as complete and into the City's maintained street system. Adopt the proposed

resolution authorizing the acceptance of Quincy Channel improvements into the city's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required Quincy Channel and storm drain improvements have been completed according to City of Moreno Valley and RCFC & WCD Standards and therefore should be accepted.*

2. Do not accept the storm drain improvements within Tract Map 31269 as complete but not into the City's maintained street system. Do not accept the Quincy Channel improvements as complete and into the City's maintained street system. Do not adopt the proposed resolution authorizing the acceptance of Quincy Channel improvements into the city's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required Quincy Channel and storm drain improvements have been completed according to City of Moreno Valley and RCFC & WCD Standards and therefore should be accepted.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" – Resolution

Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009\TR31269 Storm Drain - 90% Bond Reduction.doc

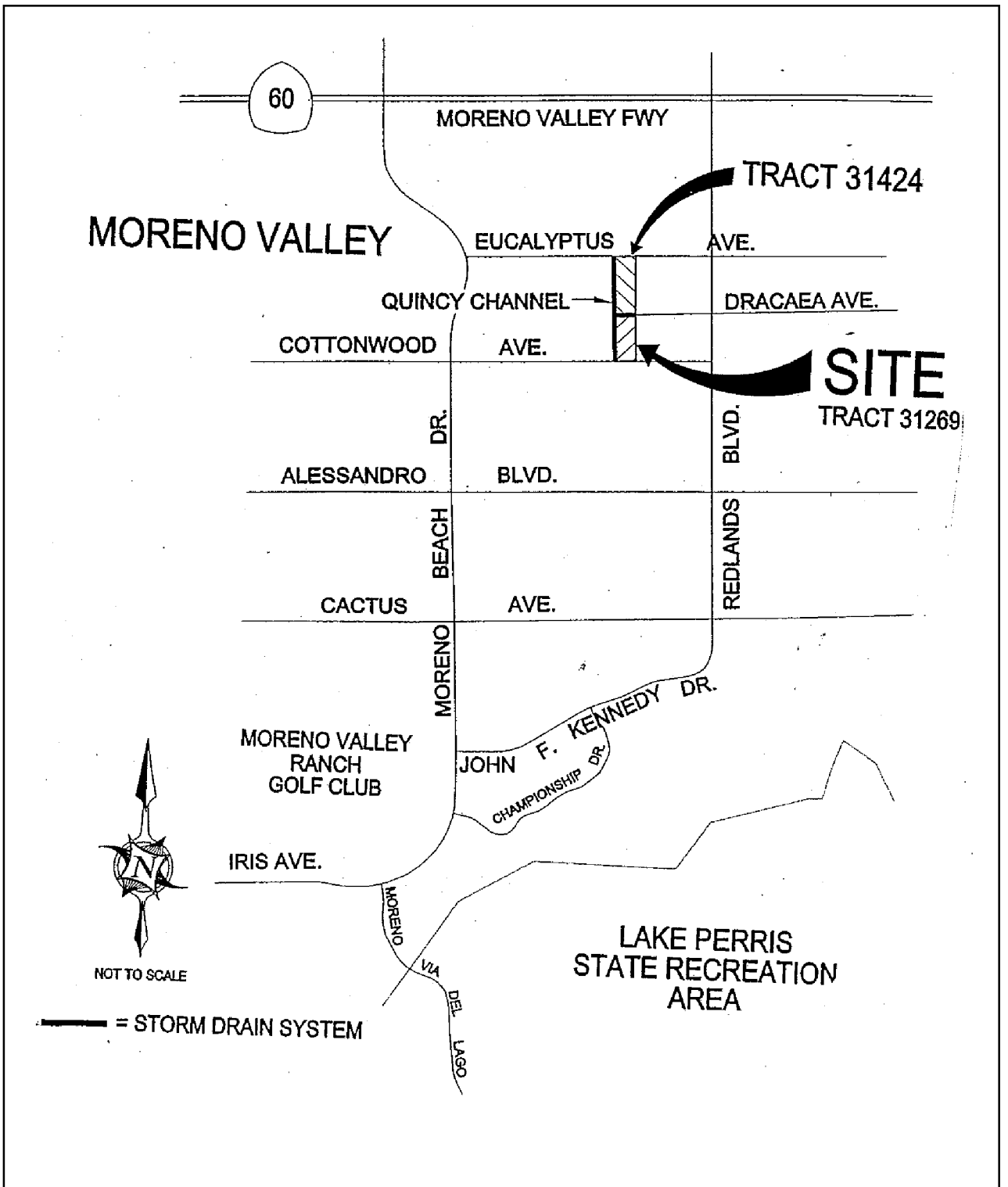

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TRACT 31269** **STORM DRAIN** **LOCATION MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009\9-22-09 TR 31269 Storm Drain - Exhibit A.doc

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MV00032918

RESOLUTION NO. 2009-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31269 - STORM DRAIN AND ACCEPTING THE PORTION OF QUINCY CHANNEL IMPROVEMENTS ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Pinnacle Moreno Valley 72, LLC on the portion of Quincy Channel associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31269 – Storm Drain and accept the portion of Quincy Channel associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements for the Quincy Channel within Tract Map 31269 – Storm Drain, are complete and accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services.

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto.

3. Authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On May 1, 2008, the City Manager approved the "Agreement for Professional Consultant Services" in the amount of $99,000 for temporary professional consultant services for the Capital Projects Division. On July 22, 2008, the City Council approved the "First Amendment to Agreement for Professional Consultant Services" in the amount of $150,000. On February 10, 2009, the City Council approved the "Second Amendment to Agreement for Professional Consultant Services" for $150,000.

DISCUSSION

Due to the continued heavy workload in managing capital improvement projects for FY09/10, the Capital Projects Division requires additional resources at this time. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to amend the agreement with Vali Cooper to continue the temporary professional staffing services. This action is necessary due to a shortage of qualified contract administrative staff and the need for resources to complete budgeted City capital improvement projects.

Vali Cooper staff will be responsible for the contract administration of capital projects. The work will include developing contracts and contract amendments, ensuring contract requirements are met, processing change orders, managing purchase requisitions, reviewing progress payments, processing payments, closely tracking individual project expenditure reports, assisting with construction bid openings, bid analysis, scheduling of meetings, contacting utilities, vendors and contractors, and writing staff reports.

Over the past twelve months Vali Cooper staff has provided professional staffing services to assist City staff with key projects that are integral to the community of Moreno Valley. These projects include, but are not limited to, Lasselle Street Improvements, Traffic Signal/Street Improvements at Redlands Boulevard and State Route 60, Sheila Street Sidewalk Improvements, Graham Street Bridge, Iris Street Widening, Proposition 1B Citywide Street Resurfacing Improvements Phase I, Public Safety Building Tenant Improvements, Emergency Operations Center construction, Day Street Roadway Improvements.

Over the next fourteen months Vali Cooper staff will continue to work on projects such as the Lasselle Street Improvements, Heacock Street Bridge Rehabilitation project, Patriot Park, Cactus East Bound 3rd Lane Improvements, Heacock Street Improvements, Auto Mall Street Upgrades, Proposition 1B Citywide Street Resurfacing Improvements Phase II, Reche Vista Realignment, Water Conservation Demonstration Garden, and Perris Boulevard Widening Project, and other tasks as assigned to facilitate the timely design and construction of budgeted capital improvement projects.

ALTERNATIVES

1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services; authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto; and authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services; do not authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper, in the form attached hereto; and do not authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper will be fully expended in October 2009. This Third Amendment increases the purchase order by $275,000 to extend the temporary professional staffing services to December 31, 2010. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Lasselle Street Improvements project budget (Account No. 501.82725) to encumber the purchase order. As costs are incurred in this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The associated costs for the "Agreement for Professional Consultant Services" will be funded through Measure A Transportation Fund (Fund 125), CDBG Fund (Fund 282), Proposition 1B (Fund 226), and DIF Arterial Streets (Fund 416):

Lasselle Street Widening (Account No. 501.82725)	$45,000
Traffic Signal & Street Imp. at Redlands / SR 60 (Account No. 125.66625)	$22,000
Citywide Street Resurfacing Phase II (Account No. 226.79728)	$30,000
Heacock Street Bridge (Account No. 125.66825)	$15,000
Patriot Park (Account No. 282.68628)	$17,500
Perris Blvd. Widening (Account No. 416.78526)	$20,500
Ironwood Avenue Improvements from Perris to Nason (415.72727)	$10,500
Reche Vista Alignment (Account No. 416.78626)	$7,000
Heacock from San Michele to Cactus (Account No. 416.78825)	$27,500
Cactus EB 3rd Lane Improvements (Account No. 416.83328)	$32,000
Auto Mall Street Upgrades (Account No. 897.91725)	$30,000
Day Street Widening (Account No. 897.91724)	$18,000
Total	**$275,000**

There is no impact on the General Fund.

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

Due to the need for additional temporary professional consultant services on a variety of projects, the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper is necessary to extend the temporary professional staffing services to the Capital Projects Division. Staff recommends an increase in the purchase order to Vali Cooper in the amount of $275,000.

ATTACHMENT

Attachment "A" - Third Amendment to Agreement for Professional Consultant Services

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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MV00032926

THIRDAMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES

This Third Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **Vali Cooper and Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Third Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated **May 1, 2008**.

Whereas, the Consultant is providing consultant contract administration services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) of the Agreement dated May 1, 2008.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Third Amendment.

Whereas, the City has provided a description for the expansion of the scope of work to be performed, dated June 25, 2009 and a copy of said description is attached as Exhibit "A-1" hereto and incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2009 to December 31, 2010.

1.2 Exhibit "A" to the May 1, 2008 Agreement is hereby amended by adding to the

Attachment "A"

"SCOPE of WORK" section described in Exhibit "A-1" to this Third Amendment, entitled "Amended Scope of Work".

1.3 Exhibit "D" to the May 1, 2008 Agreement is hereby further amended by adding to the "COST PROPOSAL" section thereof Exhibit "A-1" to this Third Amendment, entitled "Amended Scope of Work".

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $275,000, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in Exhibit "A-1" to this Third Amendment.

1.5 The total "Not to Exceed" fee for this contract is $674,000 ($99,000 for the original Agreement plus $150,000 for the First Amendment to Agreement, $150,000 for the Second Amendment to Agreement, and $275,000 for the Third Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

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

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

Vali Cooper and Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A-1" – Amended Scope of Work

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Revised Mar. 2007

June 25, 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

Vali Cooper and Associates, Inc. (Vali Cooper) staff will work as directed by the City Engineer on various projects of the Capital Projects Division. The City may assign a variety of projects and tasks to the assigned Vali Cooper staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

Hourly rates effective for the duration of the Agreement follow.

In addition to the scope of work defined in Exhibit "A" of the May 1, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1. Work on a variety of tasks and projects as assigned by the City Engineer.

2. Perform temporary contract administration services to complete budgeted City capital improvement projects.

Cost Proposal

1. The total "Not-to-Exceed" fee for the aforementioned services is $674,000 ($99,000 for original Agreement, $150,000 for First Amendment to Agreement, $150,000 for Second Amendment to Agreement, and $275,000 for the Third Amendment to Agreement).

Vali Cooper & Associates, Inc.
CONSTRUCTION MANAGEMENT CONSULTANTS

June 30, 2009

Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer Public Works Department
City of Moreno Valley
14177 Frederick Street
Moreno Valley, Ca 92552-0805

Dear Mr. Kumar:

The Vali Copper & Associates, Inc. contract for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley, dated October 26, 2007, for the Contract Administration Specialist positions will be out of budget soon. We are requesting an amendment to this contract in order that we may continue our services with the City of Moreno Valley.

Per our letter, dated February 5, 2009, Vali Cooper & Associates will honor the reduced rates for Sharon Duensing and Linda Smoot through the end of the calendar year 2009 for this new amendment. The reduced rate for Sharon Duensing is $70.00/hr and the reduced rate for Linda Smoot is $77.50/hr. We will revisit the rates with the City of Moreno Valley for the year 2010.

As specified in our letter of September 5, 2008, Ms. Smoot will continue working on a part time basis of 3.5 to 4 days a week, as previously agreed upon with the City.

Please do not hesitate to contact me if you have any questions.

Sincerely,

VALI COOPER & ASSOCIATES, INC.

Douglas S. Franco

Douglas S. Franco, PE
Vice President / Area Manager

Exhibit "A-1" - Amended Scope of Work
Page 2 of 2

1955 Chicago Avenue, Suite 210 Riverside, CA 92507 (951) 788-6028 (951) 788-8025

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MV00032932

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: TRACT MAP 31424 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Pinnacle Moreno Valley 72, LLC
15 Enterprise, Suite 250
Aliso Viejo, CA 92656

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-89 authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31424 was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $1,586,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Clement Jimenez
Senior Engineer, P.E.

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009\9-22-09 Tr 31424 - 90% Bond Reduction.doc

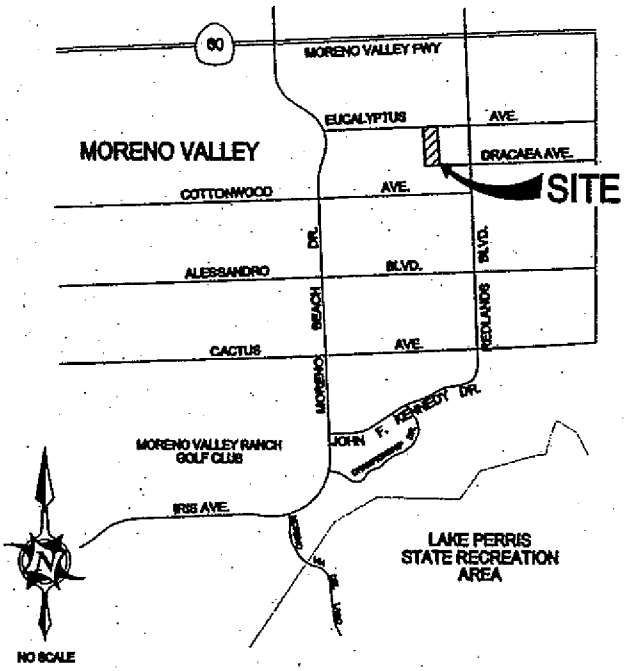

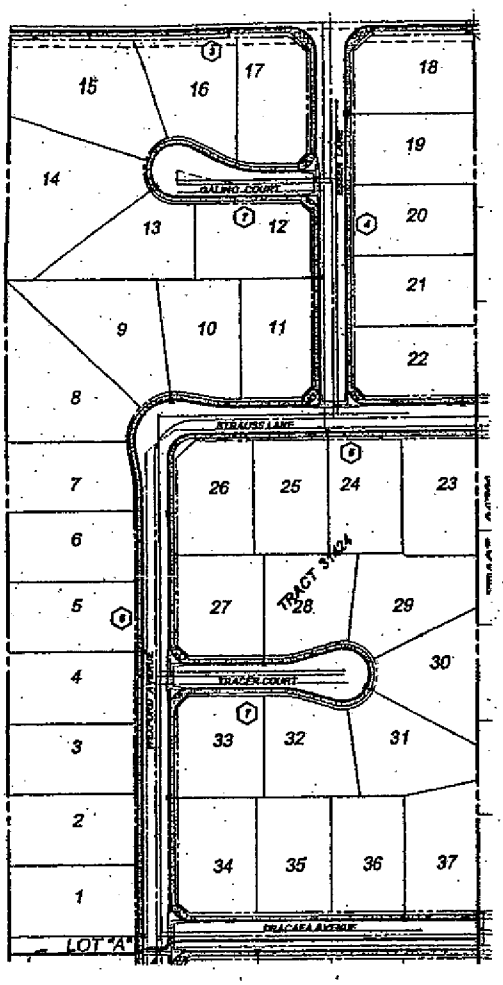

EXHIBIT A

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT	TRACT 31424 VICINITY MAP

W:\LAND\FORMS\VICINITY MAP.doc (01/04)

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MV00032938

RESOLUTION NO. 2009-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31424 AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Pinnacle Moreno Valley 72, LLC on Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31424 and accept Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue Associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 31424 are complete, and Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: P08-146 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

Developer – Indian Avenue LLC
100 Bayview Circle, Suite 310
Newport Beach, CA 92660

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2009-90 authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

P08-146 was conditionally approved requiring construction of certain public improvements. The public improvements included but were not limited to asphalt concrete, curb, gutter, sidewalk, driveway approaches, signage, street lights, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $263,000 issued by U.S. Bank. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if

there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Liz Plazola
Senior Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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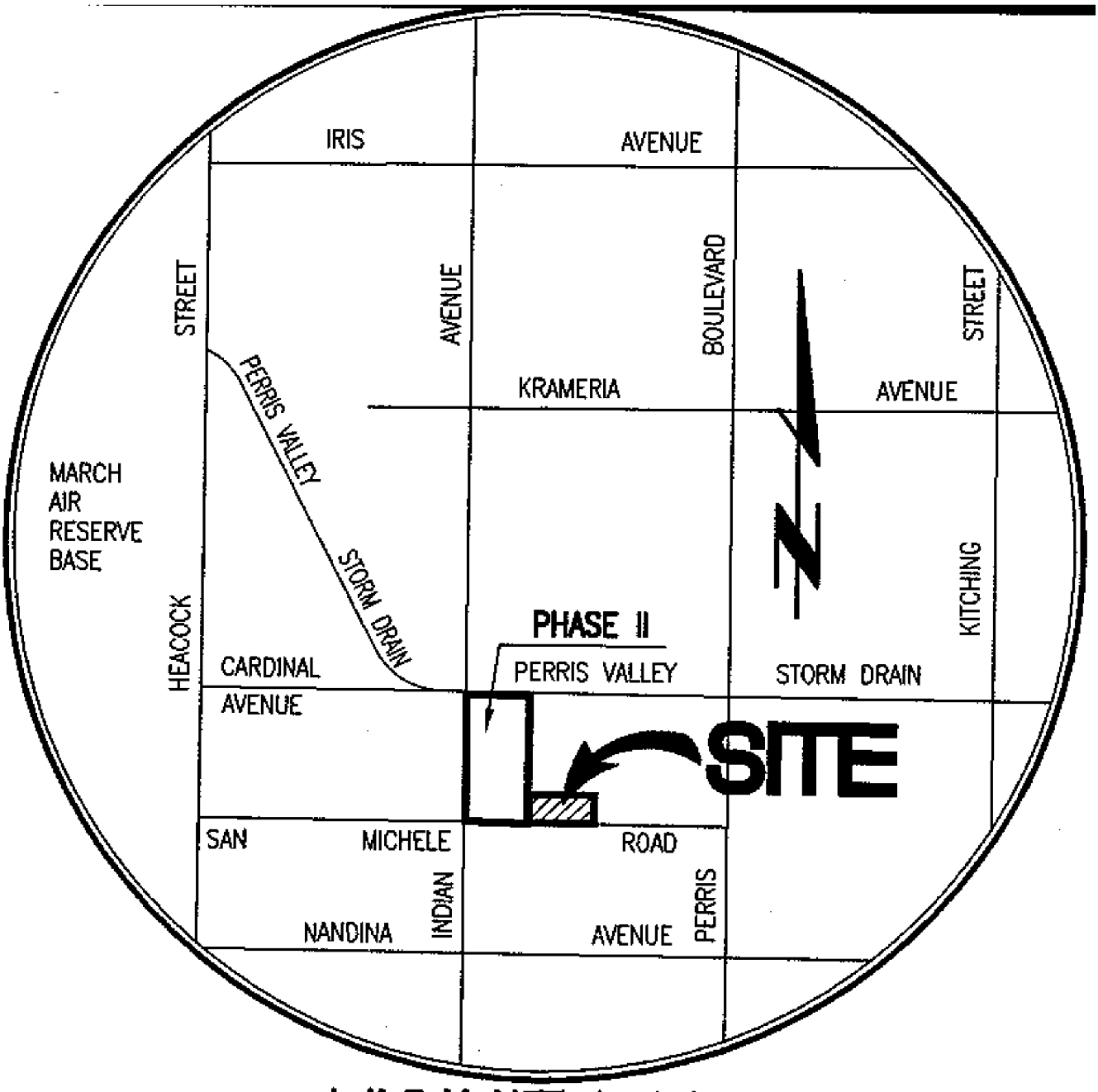

VICINITY MAP

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT A	**P08-146** **VICINITY MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2009 StfRpts\P08-146 Exhibit A.doc

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MV00032946

RESOLUTION NO. 2009-90

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN P08-146 AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Indian Avenue LLC (Alere Property Group LLC) on the portion of San Michele Road associated with the project was constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within P08-146, and accept the portion of San Michele Road associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within P08-146 are complete, and the portion of San Michele Road associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 22nd day of September, 2009.

ATTEST: _____ Mayor

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT JOINT COMMUNITY FACILITIES AGREEMENT PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7

RECOMMENDED ACTION

Staff recommends that the City Council approve and adopt Resolution No. 2009-91; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On June 24, 2008, the City Council authorized the formation of Community Facilities District No. 7 ("CFD No. 7" or "District") in order to finance the construction of certain public facilities to be constructed by, or on behalf of FR/CAL Moreno Valley, LLC, First Industrial, LP, or FR/CAL Indian Avenue, LLC (collectively, "Property Owners") with the purchase price to be paid from bond proceeds. Once bonds have been sold a special tax shall be levied and collected on parcels within the District in order to make the annual debt service payments.

CFD No. 7 consists of three improvement areas ("IA"). Each IA will have separate public facilities; however, the scope of the public facilities from one IA to the others will

be similar. Each IA requires public facilities in order to facilitate future development within the vicinity. Public facilities within the District include, but are not limited to: flood control facilities, street improvements, and utility infrastructure.

DISCUSSION

This Joint Community Facilities Agreement ("JCFA") is an agreement between the City, Riverside County Flood Control and Water Conservation District ("Flood Control District"), and the Property Owners for the purpose of financing certain public facilities. The public facilities are to be owned, operated, and maintained by the Flood Control District, or the City, upon the completion of the construction by the Property Owners and the acceptance by the Flood Control District or the City, as applicable. The provisions of the JCFA are intended to apply only to the flood control facilities, unless expressly stated otherwise. The construction and acceptance of the City maintained public facilities shall be governed by the Acquisition/Financing Agreement, which was approved by the City Council on April 8, 2008.

ALTERNATIVES

1. **Approve and adopt** the attached Resolution to approve the form of the JCFA pertaining to CFD No. 7. *Approval of the JCFA will provide for acquisition of the identified public facilities through future sales of CFD No. 7 bonds.*

2. **Do not approve** the attached Resolution to approve the form of the JCFA pertaining to CFD No. 7. *This alternative may delay the completion and acceptance of the public facilities.*

FISCAL IMPACT

Acquisition of the public facilities shall be paid for through future bond issuances. The proposed funding for IA No. 1 is approximately $10 million and for IA No. 2 and No. 3 is $8.25 million combined. Reimbursement of the bonded indebtedness shall be secured through an annual special tax levied on properties within the appropriate IA.

Future CFD No. 7 bond issuances shall not constitute a general obligation of the City. Neither the City nor CFD No. 7 has a legal obligation to construct or finance the public facilities.

CITY COUNCIL GOALS

Public Facilities and Capital Projects
Bond proceeds shall be used to acquire necessary public facilities.

Revenue Diversification and Preservation
The debt service on the bonds will be paid through an annual special tax levied on the properties within the District.

SUMMARY

The JCFA is an agreement by and among the City of Moreno Valley and the Flood Control District, and the Property Owners pertaining to CFD No. 7. The Property Owners and the legislative body of the Flood Control District have approved the form of the proposed JCFA. The agreement is now being presented to City Council for approval.

NOTIFICATION

N/A

ATTACHMENTS

Attachment 1: Site Map

Attachment 2: A Resolution approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7

Attachment 3: Joint Community Facilities Agreement by an among the City of Moreno Valley, Riverside County Flood Control and Water Conservation District, and FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Sue Anne Maxinoski,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\CFD No. 7\JCFA\CFD No. 7 JCFA staff report.doc

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MV00032952

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

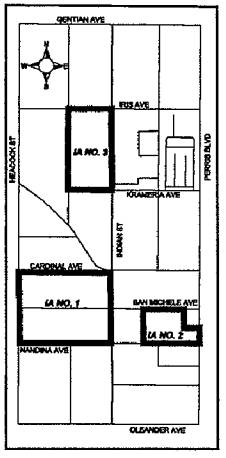

Vicinity Map

MAP REF NO.	ASSESSOR'S PARCEL NO.
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3	316-170-004
4	316-170-006
5	316-170-007
6	316-170-010
7	316-170-013
8	316-170-014
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15	316-180-010

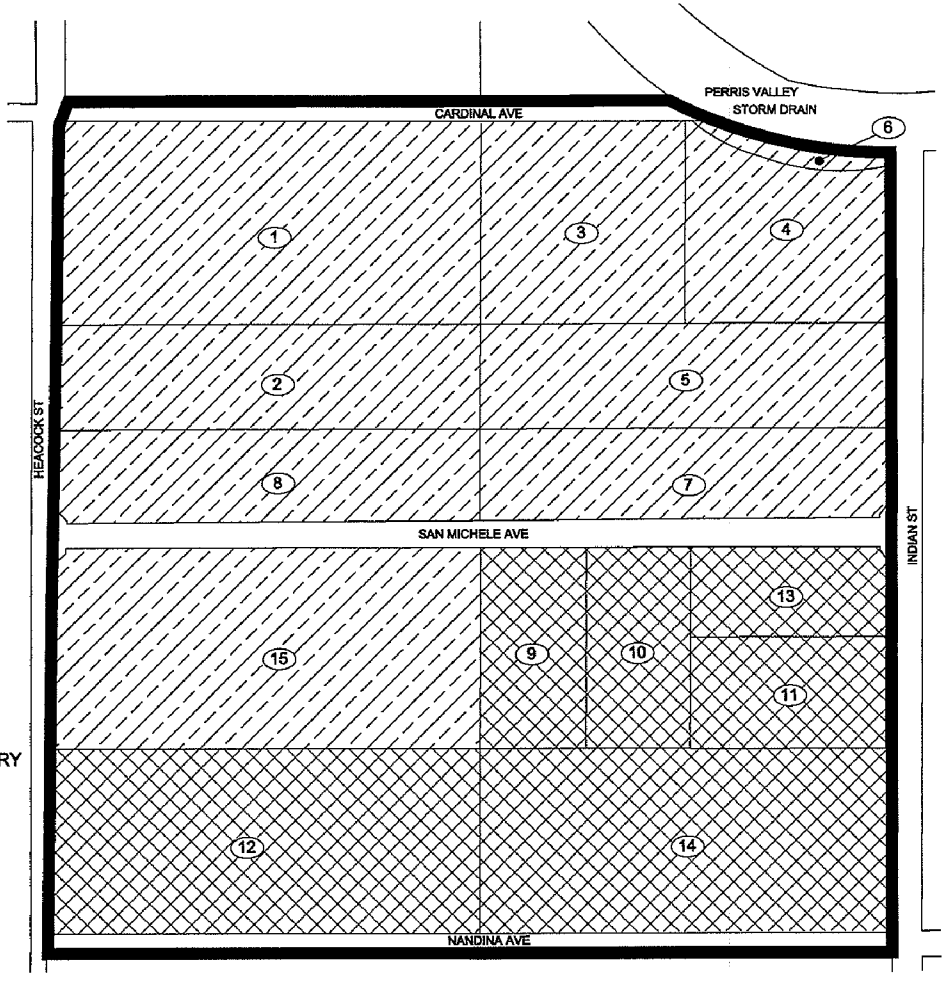

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS _____ DAY OF _____ 2008.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2008, BY ITS RESOLUTION NO. _____.

_____
CITY CLERK
CITY OF MORENO VALLEY

RIVERSIDE COUNTY RECORDER'S CERTIFICATE

FILED THIS _____ DAY OF _____, 2008, AT THE HOUR OF _____ O'CLOCK ___ .M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) _____, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

FEE: _____

INSTRUMENT NO.: _____

LARRY WARD, ASSESSOR-COUNTY CLERK-RECORDER

_____
BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

LEGEND FOR SHEET 1

- IMPROVEMENT AREA NO. 1 (IA NO. 1) BOUNDARY
- (1) MAP REFERENCE NUMBER
- ZONE 1
- ZONE 2

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

SHEET 2 OF 3

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

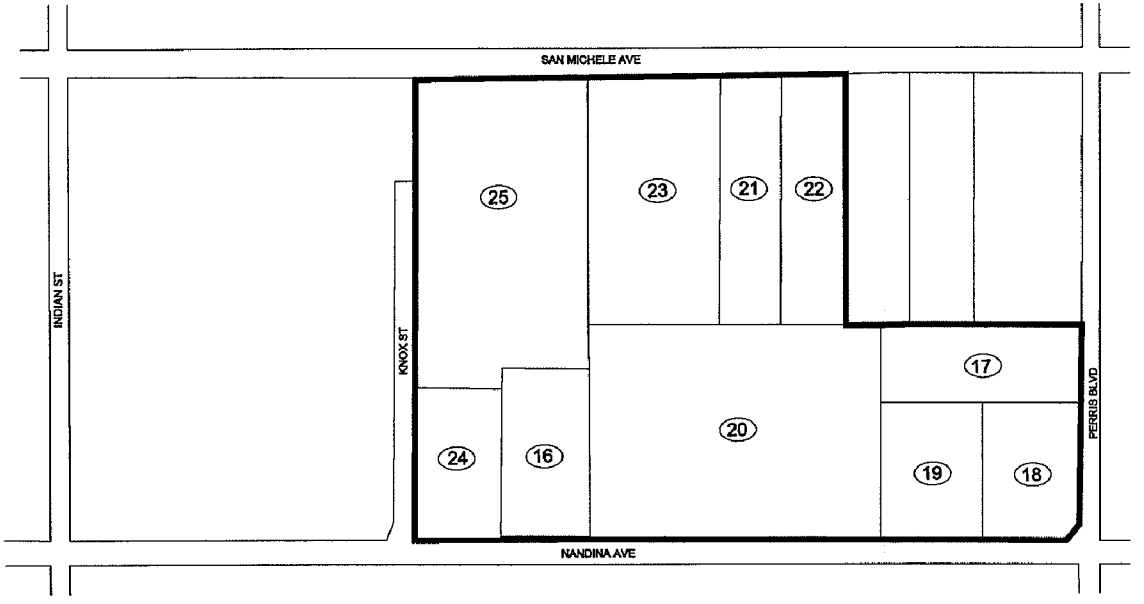

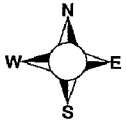

MAP REF NO.	ASSESSOR'S PARCEL NO.
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19	316-200-011
20	316-200-012
21	316-200-013
22	316-200-014
23	316-200-018
24	316-200-028
25	316-200-029

LEGEND FOR SHEET 2

IMPROVEMENT AREA NO. 2 (IA NO. 2) BOUNDARY

(1) MAP REFERENCE NUMBER

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

MV00032954

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

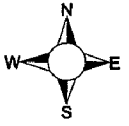

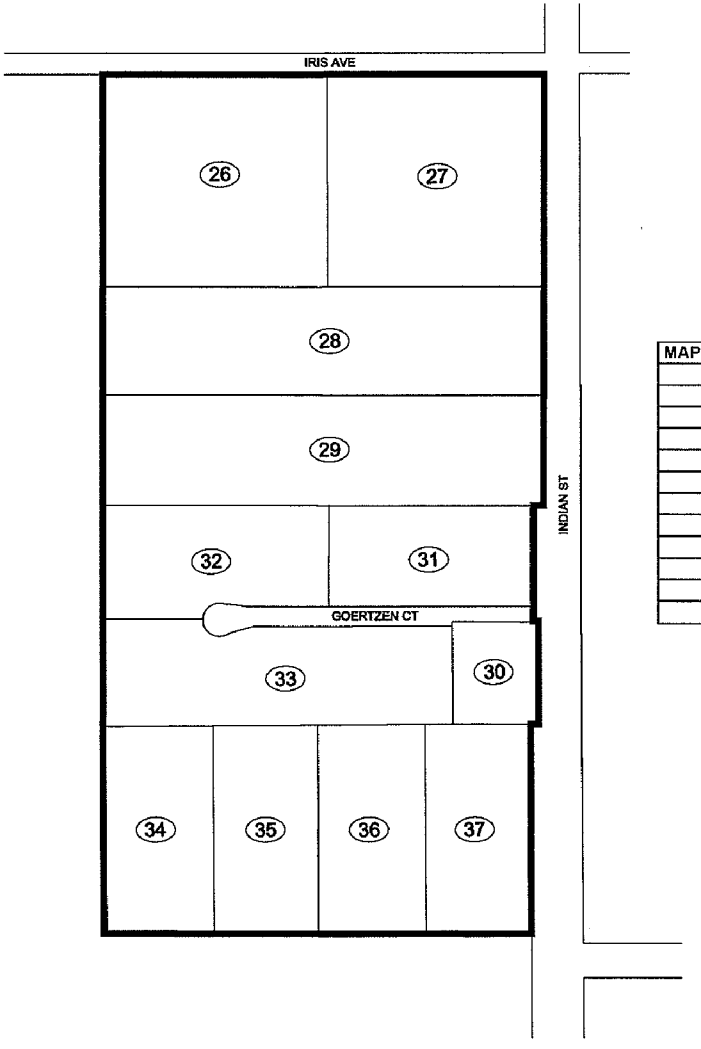

MAP REF NO.	ASSESSOR'S PARCEL NO.
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27	316-020-003
28	316-020-004
29	316-020-005
30	316-020-012
31	316-020-013
32	316-020-014
33	316-020-015
34	316-020-016
35	316-020-017
36	316-020-018
37	316-020-019

LEGEND FOR SHEET 3

IMPROVEMENT AREA NO. 3 (IA NO. 3) BOUNDARY

(1) MAP REFERENCE NUMBER

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

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MV00032956

RESOLUTION NO. 2009 -91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE FORM OF THE JOINT COMMUNITY FACILITIES AGREEMENT BY AND AMONG THE CITY OF MORENO VALLEY AND THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, FR/CAL MORENO VALLEY, LLC, FIRST INDUSTRIAL, LP, AND FR/CAL INDIAN AVENUE, LLC, PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7

WHEREAS, the City Council of the City of Moreno Valley, California (the "City Council"), previously initiated proceedings to create and did create a Community Facilities District pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act") for the purpose of providing for the financing of the acquisition or construction of certain public facilities. This Community Facilities District shall hereinafter be referred to as Community Facilities District No. 7 of the City of Moreno Valley (the "District"); and,

WHEREAS, included among the public facilities proposed to be acquired are certain flood control facilities which will be owned, operated and maintained by the Riverside County Flood Control and Water Conservation District (the "Flood Control District"); and,

WHEREAS, the Act provides that the District may finance the acquisition of facilities to be owned or operated by an entity other than the City of Moreno Valley (the "City") only pursuant to a Joint Community Facilities Agreement adopted pursuant to Government Code Section 53316.2; and

WHEREAS, Government Code Section 53316.2 provides that the City Council and the legislative body of the Flood Control District may enter into a joint community facilities agreement at any time prior to the adoption by the City Council of the resolution of formation creating the District or a resolution authorizing the issuance of bonds for the District pursuant to the Act if each legislative body declares that such joint community facilities agreement would be beneficial to the residents of each respective agency; and

WHEREAS, the resolution of formation creating the District has been adopted, however, no resolution authorizing the issuance of bonds for the District has been adopted; and

WHEREAS, the legislative body of the Flood Control District has considered the approval of and has approved the form of the proposed joint community facilities agreement by and among the City, the Flood Control District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC, (the "Joint Community Facilities Agreement") and thereby declared that such Joint Community Facilities Agreement would be beneficial to the residents of the Flood Control District; and

WHEREAS, the form of the Joint Community Facilities Agreement has been presented to this City Council for its consideration.

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

SECTION 1. RECITALS. The above recitals are all true and correct.

SECTION 2. DECLARATION. The City Council hereby declares that the Joint Community Facilities Agreement would be beneficial to the residents of the City.

SECTION 3. APPROVAL OF JOINT COMMUNITY FACILITIES AGREEMENT. The form of the Joint Community Facilities Agreement as presented to this City Council and on file with the City Clerk is hereby approved. The Mayor or such other official of the City as may be designated by the Mayor (an "Authorized Officer") is hereby authorized and directed to execute and deliver the Joint Community Facilities Agreement subject to such additions or changes therein as such Authorized Officer shall deem to be in the best interests of the City and the District following consultation with and review by the City Attorney and Best Best & Krieger LLP, the District's bond counsel.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

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MV00032960

JOINT COMMUNITY FACILITIES AGREEMENT
(Flood Control Improvements)

by and among

CITY OF MORENO VALLEY,

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,

FR/CAL MORENO VALLEY, LLC,
a Delaware limited liability company,

FIRST INDUSTRIAL, LP,
a Delaware limited partnership

and

FR/CAL INDIAN AVENUE, LLC,
a Delaware limited liability company

Dated as of _____, 2009

Relating to:
Community Facilities District No. 7
of
The City of Moreno Valley

ATTACHMENT 3

ARTICLE I
DEFINITIONS

Section 1.1. Definitions 3

ARTICLE II
CONDITIONS PRECEDENT

Section 2.1. Formation Proceedings 9
Section 2.2. County's Approval of this Joint Community Facilities Agreement 9

ARTICLE III
ACQUISITION OF CONTROL FACILITIES

Section 3.1. Acquisition of Flood Control Facilities 10
Section 3.2. Payment of Purchase Price 10
Section 3.3. Dedication of Property and Easements to the Riverside County Flood Control and Water Conservation District 11
Section 3.4. Modifications to Estimated Costs 12
Section 3.5. Limitation on the Aggregate Amount paid for Flood Control Facilities 13
Section 3.6. Application of Realized Savings 13

ARTICLE IV
CONSTRUCTION OF FLOOD CONTROL FACILITIES

Section 4.1. Preparation and Approval of Plans and Specifications 14
Section 4.2. Duty of Property Owner to Construct 14
Section 4.3. Bid and Construction Requirements 15
Section 4.4. Notice of Intent to Commence Construction 17
Section 4.5 Insurance Requirements 17
Section 4.6 Ownership of Facilities 19

ARTICLE V
REPRESENTATIONS, WARRANTIES AND COVENANTS; INDEMNIFICATION

Section 5.1. Representations, Warranties and Covenants of the Property Owner 21
Section 5.2. Representations, Warranties and Covenants of the City 22

Section 5.3. Representations, Warranties and Covenants of the Riverside County Flood Control and Water Conservation District 23
Section 5.4. Indemnification 23

ARTICLE VI
MISCELLANEOUS

Section 6.1. Property Owner as Independent Contractor 25

Section 6.2. Other Agreements 25
Section 6.3. Binding on Successors and Assigns 25
Section 6.4. Amendments 26
Section 6.5. Waivers 26
Section 6.6. No Third Party Beneficiaries 26
Section 6.7. Notices 26
Section 6.8. Jurisdiction and Venue 27
Section 6.9. Attorneys' Fees 28
Section 6.10. Governing Law 28
Section 6.11. Usage of Words 28
Section 6.12. Counterparts 28
Section 6.13 Interpretation 28

EXHIBIT A MAP OF THE PROPERTY A-1
EXHIBIT B FACILITIES DIAGRAM B-1
EXHIBIT C DESCRIPTION OF FACILITIES AND ESTIMATED COSTS C-1
EXHIBIT D FUNDING AGREEMENT D-1
EXHIBIT E PAYMENT AND PERFORMANCE BONDS E-1
EXHIBIT F PAYMENT REQUEST F-1

JOINT COMMUNITY FACILITIES AGREEMENT

THIS JOINT COMMUNITY FACILITIES AGREEMENT (this "Joint Community Facilities Agreement") is made and entered into as of _____, 200__, by and among City of Moreno Valley, a municipal corporation organized and existing under the laws of the State of California (hereinafter "City"), Riverside County Flood Control and Water Conservation District, a public agency organized and existing pursuant to Chapter 48 of the Appendix to the California Water Code (hereinafter the "Flood Control District"), and FR/CAL Moreno Valley, LLC, a Delaware limited liability company ("FR/CAL MV"), First Industrial, LP, a Delaware limited partnership ("FILP") and FR/CAL Indian Avenue, LLC, a Delaware limited liability company ("FR/CAL IA"). FR/CAL MV, FILP and FR/CAL IA may be referred to individually as a "Property Owner" or collectively as the "Property Owners".

RECITALS:

A. The City Council of the City (the "City Council") formed a community facilities district identified as "Community Facilities District No. 7 of the City of Moreno Valley," (the "Community Facilities District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act") (commencing with Section 53311 of the California Government Code (the "Code")).

B. The boundaries of the Community Facilities District include all of the territory shown on the map entitled "Map of Proposed Boundaries of Community Facilities District No. 7, City of Moreno Valley, County of Riverside, State of California" recorded in the Office of the County Recorder of the County of Riverside on May 16, 2008 in Book 73 of Maps of Assessment and Community Facilities Districts at pages 6-8 thereof (the "Boundary Map"). A copy of the Boundary Map is attached as Exhibit A hereto.

The Property Owners are the owners of certain real property located in the City and the Community Facilities District. Each parcel owned by the Property Owners may be referred to individually as a "Parcel" or collectively as the "Parcels."

In forming the Community Facilities District, three improvement areas were designated therein as Improvement Area No. 1, Improvement Area No. 2 and Improvement Area No. 3 (each an "Improvement Area" and collectively, the " Improvement Areas"). Improvement Area No. 1 includes two (2) zones designated as Zone 1 and Zone 2. Each of the Improvement Areas and the zones within Improvement Area No. 1 are depicted on the Boundary Map. The Parcels owned by FR/CAL MV, known as Parcel Map 35150, are all of the parcels included in Zone 1 of Improvement Area No. 1. Certain additional parcels of property not owned by the Property Owners are included in Zone 2 of Improvement Area No. 1. The Parcels owned by FILP, known as Parcel Map 35672, are all of the parcels included in Improvements Area No. 2. The Parcels owned by FR/CAL IA, known as Tentative Parcel Map 35859, are all of the parcels included in Improvement Area No. 3.

It is the intention of the parties hereto that each Improvement Area shall be authorized to finance certain of the Flood Control Facilities (described in Exhibit C).

C. The Community Facilities District has been formed to finance the construction of certain public facilities to be constructed by, or on behalf of a Property Owner with the purchase price therefore to be paid from the proceeds of bonds to be sold and issued by the Community Facilities District for each of the Improvement Areas and the proceeds of special taxes levied and collected within each Improvement Area The Flood Control Facilities are to be owned, operated and maintained by the Flood Control District, or the City, upon the completion of the construction thereof by the Property Owners and the acceptance thereof by the Flood Control District or the City, as applicable. The Flood Control Facilities are described in Exhibit C and their estimated costs are stated in Exhibit C attached hereto and incorporated herein by this reference.

D. Section 53313.5 of the Code provides that a community facilities district may only finance the purchase of facilities whose construction has been completed, as determined by the legislative body of the community facilities district, before the resolution of formation to establish the community facilities district is adopted pursuant to Section 53325.1 of the Code, except that a community facilities district may finance the purchase of facilities completed after the adoption of a resolution of formation (regardless if such construction is commenced prior to or after the adoption of the resolution of formation) if the facility is constructed as if it had been constructed under the direction and supervision, or under the authority of, the local agency, in this case, the Flood Control District.

E. Section 53314.9 of the Code provides that at any time either before or after the formation of a community facilities district, the legislative body may accept advances of funds or work in-kind from any source, including, but not limited to, private persons or entities, and may provide, by resolution, for the use of those funds or that work in-kind for any authorized purpose, under all of the following conditions: (a) the proposal to repay the funds or the value or cost of the work in-kind, whichever is less, is included in both the resolution of intention to establish the community facilities district adopted pursuant to Section 53321 of the Code and in the resolution to establish the community facilities district pursuant to Section 53325.1 of the Code, (b) any proposed special tax is approved by the qualified electors of the community facilities district pursuant to the Act, and (c) any work in-kind accepted pursuant to Section 53314.9 of the Code shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority, of the local agency.

F. Upon approval of this Joint Community Facilities Agreement by the City, the Flood Control District and the Property Owners, the City Council, acting pursuant to the Act and on behalf of the Community Facilities District, will use its best efforts to sell and issue special tax bonds for the Improvement Areas the proceeds of which will be used in part to pay each Property Owner the purchase price of the Flood Control Facilities constructed or caused to be constructed by such Property Owner, provided all of the conditions of Sections 53313.5 and 53314.9 of the Code are satisfied and provided

further that the purchase price shall only be paid from the proceeds of special tax bonds, if any are sold and issued by the proposed Community Facilities District for the Improvement Areas therein.

G. The Act provides that the proposed Community Facilities District may finance the Flood Control Facilities, to be owned operated and maintained by the Flood Control District or the City, as applicable, only pursuant to a joint community facilities agreement adopted pursuant to Sections 53316.2, 53316.4 and 53316.6 of the Code.

H. The City, the Flood Control District and the Property Owners desire to enter into this Joint Community Facilities Agreement, as required by the aforementioned sections of the Code and prior to the adoption of the resolution of issuance of bonds of the Community Facilities District. The provisions of this Agreement are intended to apply only to the Flood Control Facilities, unless expressly stated otherwise. Notwithstanding the forgoing, payment for the City Flood Control Facilities shall be governed by the provisions of the Funding Agreement.

I. The City and the Flood Control District have determined that this Joint Community Facilities Agreement will be beneficial to the respective residents of the Flood Control District and the City.

NOW, THEREFORE, for and in consideration of the mutual premises and covenants contained herein, the parties hereto agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1 Definitions. Unless the context otherwise requires, the terms defined in this Article I shall have the meaning herein specified:

"Acceptable Title" means title to land, or an easement therein, delivered free and clear of all liens, taxes, assessments, leases, easements and encumbrances, whether any such item is recorded or unrecorded, except those non-monetary items which are reasonably determined by the Flood Control District not to interfere with the intended use of such land or easement and therefore are not required to be cleared from title.

"Acceptance Date" means, with respect to Flood Control District Facilities, the date that such Flood Control District Facilities are accepted by the Flood Control District into its maintained system.

"Act" means the Mello-Roos Community Facilities Act of 1982, constituting Sections 53311 *et seq.* of the California Government Code, as amended.

"Actual Cost" means, with respect to a Flood Control District Facility, to the extent authorized by law, an amount equal to the sum of (a) the Property Owner's actual, reasonable cost of constructing such Flood Control District Facility, including labor, material and equipment costs, (b) the Property Owner's actual reasonable cost of

designing and preparing the Plans and Specifications for such Flood Control District Facility, including engineering services provided in connection with designing and preparing such Plans and Specifications, (c) the Property Owner's actual, reasonable cost of environmental evaluations and any mitigation measures required by any governmental agency with jurisdiction with regard to such Flood Control District Facility, or portions thereof, (d) the amount of any fees actually paid by the Property Owner to governmental agencies in order to obtain permits, licenses or other necessary governmental approvals and reviews for such Flood Control District Facility including but not limited to plan check and inspection fees by the Flood Control District and the County, (e) the Property Owner's actual reasonable cost for professional services directly related to the construction of such Flood Control District Facility, including engineering, inspection, construction staking, materials testing and similar professional services, (f) the Property Owner's actual, reasonable cost for construction management, bid administration and contract administration services which shall not exceed 5% of construction costs, (g) the Property Owner's actual reasonable cost of payment, performance or maintenance bonds and insurance for such Flood Control District Facility, (h) the actual, reasonable cost of easements or other real property or interest therein acquired from a party other than the Property Owner, which real property or interest therein is either necessary for the construction of such Flood Control District Facility (e.g., temporary construction easements) or is required to be conveyed with such Flood Control District Facility in order to convey Acceptable Title thereto to the Flood Control District, all as specified in a Payment Request that is to be reviewed and approved by the Contract Administrator; provided, however, that (x) no item of cost relating to a Flood Control District Facility shall be included in more than one category of cost specified in clauses (a) through (h) of this definition, and (y) each item of cost shall include only amounts actually paid by the Property Owner to third parties and shall not include overhead or other internal expenses of the Property Owner, except that, if Property Owner employees perform construction management, bid administration or contract administration services with respect to a Flood Control District Facility, the actual reasonable cost of the salaries and benefits paid by the Property Owner to such employees for performing such services may be included as an item of cost relating to such Flood Control District Facility for the category of cost specified in clause (f) of this definition and subject to the 5% limitation specified in clause (f). The term "Property Owner" as used in this definition shall have the meaning ascribed to it in Section 3.1., hereof.

"**Administrator**" means the City of Moreno Valley, Special Districts Division manager (or any successor to the responsibilities thereof if such office is no longer in existence), or his/her designee.

"Board of Supervisors" means the Board of Supervisors of the Riverside County Flood Control and Water Conservation District.

"Bonds" means the bonds that the Community Facilities District may attempt to sell and issue for each Improvement Area in one or more series, a portion of the proceeds of which will be used to acquire, among other authorized facilities, the Flood Control Facilities allocated to such Improvement Area.

"Business Day" means a day which is not a Saturday or Sunday or a day of the year on which the Flood Control District or the City are not required or authorized to be open.

"CEQA" means the California Environmental Quality Act (CEQA), constituting Sections 21000 *et seq.* of the California Public Resources Code, as amended.

"City" means the City of Moreno Valley, an incorporated municipality, or its successors.

"City Flood Control Facilities" means those Flood Control Facilities to be owned, operated and maintained by the City.

"Code" means the California Government Code.

"Community Facilities District" means "Community Facilities District No. 7 of the City of Moreno Valley," a community facilities district organized and existing under the Act and all Improvement Areas therein.

"Construction Manager" means an individual or professional consulting company retained by a Property Owner to provide construction management services for and on behalf of such Property Owner in accordance with the terms and construction of this Joint Community Facilities Agreement.

"Construction Site" means the site on which the Flood Control Facilities are to be constructed, including off site staging areas and material storage areas.

"**Cooperative Agreement(s)**" means an agreement or agreements by and among the Flood Control District, the City and the applicable Property Owner, or its successor or assigns, further defining the parties' respective rights and responsibilities pertaining to the design, construction, inspection and acceptance of one or more of the Flood Control Facilities.

"County" means the County of Riverside, a political subdivision of the State, and its successors.

"FILP" means First Industrial, LP, a Delaware limited partnership, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 2 of the Community Facilities District, including but not limited to the Improvement Area No. 2 Flood Control Facilities.

"**Flood Control District**" means the Riverside County Flood Control and Water Conservation District, a public agency organized and existing pursuant to Chapter 48 of the Appendix to the California Water Code.

"Flood Control District Facilities" means those Flood Control Facilities that are to be owned, operated and maintained by the Flood Control District.

"Flood Control Facility" or "Flood Control Facilities" means one or more of those certain Flood Control Facilities, which are identified and described in Exhibit C attached hereto and that are to be owned, operated and maintained by the Flood Control District or the City subject to the terms and conditions of the applicable Cooperative Agreement..

"Flood Engineer" means, the General Manager-Chief Engineer of the Flood Control District (or any successor to the responsibilities thereof if such office is no longer in existence), or his/her designee.

"FR/CAL MV" means FR/CAL Moreno Valley, LLC, a Delaware limited liability company, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 1 of the Community Facilities District, including but not limited to the Improvement Area No. 1 Flood Control Facilities.

"FR/CAL IA" means FR/CAL Indian Avenue, LLC, a Delaware limited liability company, and its successors and assigns, acting as the developer of infrastructure within Improvement Area No. 3 of the Community Facilities District, including but not limited to the Improvement Area No. 3 Flood Control Facilities.

"Funding Agreement" means "Acquisition/Financing Agreement" entered into by and among the City and the Property Owners, as originally executed or as the same may be amended from time to time in accordance with its terms; a final version of which is attached hereto and marked as Exhibit D.

"General Prevailing Wage Rates" means those rates as determined by the Director of the Department of Industrial Relations of the State.

"Hazardous Material" means any hazardous or toxic substance, material or waste which is or becomes regulated by any local governmental authority, the State or the United States Government, including, without limitation, any material or substance which is (a) designated as a "hazardous substance" pursuant to Section 311 of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* (33 U.S.C. § 1321), (b) defined as a "hazardous waste" pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (42 U.S.C. § 6903), (c) defined as a "hazardous substance" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.*, (d) petroleum, or (e) asbestos.

"Improvement Area" or **"Improvement Areas"** means, either individually or collectively, Improvement Areas 1, 2 and/or 3, as the context would indicate, that are to be designated within the Community Facilities District.

"Improvement Area No. 1 Flood Control Facilities" means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FR/CAL MV.

"Improvement Area No. 2 Flood Control Facilities" means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FILP.

"Improvement Area No. 3 Flood Control Facilities" means the Flood Control Facilities so identified in Exhibit C hereto the construction of which are the responsibility of FR/CAL IA.

"Joint Community Facilities Agreement" means this Joint Community Facilities Agreement, dated as of _____, by and among the City, the Flood Control District and the Property Owners, as originally executed or as the same may be amended from time to time in accordance with its terms.

"Legislative Body" means the City Council of the City acting *ex officio* as the legislative body of the Community Facilities District.

"MVU" means the City of Moreno Valley Electric Utility.

"Parcel" or **"Parcels"** means, individually or collectively, the real property identified in Exhibit A hereto.

"**Payment Request**" means the document to be provided by the Property Owner to the Administrator and the Flood Engineer to substantiate the Purchase Price of a Flood Control District Facility, which shall be substantially in the form of Exhibit F attached hereto.

"Plans and Specifications" mean the plans and specifications for the Flood Control Facilities prepared or to be prepared at the direction of the Property Owner pursuant to Section 4.1 hereof.

"Property" means the real property located within the Community Facilities District.

"Property Owner" means, individually, FR/CAL MV, FR/CAL IA, or FILP.

"Property Owner Representative" means the person or persons designated as such in a certificate signed by each Property Owner and delivered to the City, the Community Facilities District and the Flood Control District, which certificate shall contain an original or specimen signature of each person so designated.

"Purchase Price" means the Actual Cost or a lesser amount requested by the Property Owner.

"Rate and Method" means the adopted rate and method of apportionment of special taxes authorized to be levied within each Improvement Area of the Community Facilities District.

"Risk Manager" means the Risk Manager of the County.

"Resolution of Formation" means Resolution No. 2008-82 of the City Council of the City, adopted June 24, 2008, forming and establishing the Community Facilities District.

"State" means the State of California.

ARTICLE II

CONDITIONS PRECEDENT

Section 2.1 **Formation Proceedings.** All necessary actions have been taken by the City to establish the Community Facilities District and to designate the Improvement Areas therein for the purpose of financing the acquisition or construction of certain public facilities, including the Flood Control Facilities, to authorize the levy of special taxes within each Improvement Area of the Community Facilities District pursuant to the Rate and Method for each Improvement Area, the incurrence of bonded indebtedness and to authorize the sale and issuance of the Bonds for each Improvement Area.

It is the intent of the Legislative Body to use its best efforts to cause to be sold and issued, pursuant to the terms of the Act and the applicable provisions of the Funding Agreement, Bonds for each Improvement Area in one or more series and a portion of the proceeds of which are intended to provide funds that will allow the Community Facilities District to finance the acquisition of the Flood Control Facilities. Should the Legislative Body not be able to sell and issue the Bonds, the City, the Flood Control District and the Property Owners will not be bound by the terms of this Joint Community Facilities Agreement and it shall be considered null and void by the parties to it. The City will notify all parties to this Joint Community Facilities District within fifteen (15) calendar days of the occurrence of this event.

The Property Owners acknowledge that the decision of the Legislative Body to authorize the sale and issuance of the Bonds for each Improvement Area is an exercise of the legislative discretion of the Legislative Body and that the City may not enter into a contract or obligate the Legislative Body to exercise its legislative discretion in a particular manner. This Joint Community Facilities Agreement does not, therefore, in any way create a contractual, legal or equitable obligation of or commitment by the Legislative Body to authorize the sale and issuance of the Bonds for any Improvement Area.

The Legislative Body will have sole responsibility and authorization to cause the special tax to be levied and to sell and issue the Bonds, consistent with the provisions of the Act and the applicable provisions of the Funding Agreement.

Section 2.2 **Flood Control District's Approval of this Joint Community Facilities Agreement.** The Flood Control District's approval of this Joint Community Facilities Agreement is conditioned upon the Legislative Body authorizing the sale and issuance of the Bonds for each Improvement Area consistent with the City's policies and procedures regarding land secured financings (the "Policies") and that no waivers of the provisions of the Policies will be extended to the Property Owners or any one of them either with regard to the sale and issuance of the Bonds and that said sale and issuance of the Bonds is further conditioned as specified in the applicable provisions of the Funding Agreement.

ARTICLE III

ACQUISITION OF FLOOD CONTROL FACILITIES

Section 3.1 **Responsibility for the Design, Engineering, Acquisition, and Construction of the Flood Control District Facilities.** The Property Owner shall have the sole responsibility for the design, engineering, acquisition and construction of the Flood Control District Facilities. Consequently, when the term "Property Owner" is used in Article I for the definition of "Actual Costs", Article III, Article IV and Exhibit C of this Joint Community Facilities Agreement, it is understood that the term is referring to only the Property Owner, and its successors and assigns, unless the context would indicate otherwise. If the terms of Article III and IV of this Joint Community Facilities Agreement are in conflict with the terms of the Funding Agreement, this Joint Community Facilities Agreement will control.

Section 3.2 **Acquisition of Flood Control District Facilities.** Each Property Owner hereby agrees to transfer to the Flood Control District each of the Flood Control District Facilities, and the Community Facilities District hereby agrees to pay the Purchase Price thereof, subject to the terms and conditions hereof and the applicable Cooperative Agreement for each facility. Acceptable Title to any parcels on which any Flood Control District Facility is constructed and for which title is not presently held by the Flood Control District as well as the Flood Control District Facility financed pursuant hereto shall be transferred to the Flood Control District as of the Acceptance Date; provided, however, that notwithstanding such transfer, , the Property Owner constructing such Flood Control District Facilities shall be solely responsible for the operation and maintenance of such Flood Control District Facilities until the Acceptance Date thereof.

The Purchase Price of the Flood Control District Facilities is to be paid solely from Bond proceeds, and the Community Facilities District shall not be obligated to pay the Purchase Price of the Flood Control District Facilities except from said Bond proceeds. Neither the City, the Community Facilities District, nor the Flood Control District make any warranty, either expressed or implied, that the amount of Bond proceeds available for the payment of the Purchase Price of any Flood Control District Facility will be sufficient for such purpose.

Notwithstanding any other provision of this Joint Community Facilities Agreement, the fact that there may not be sufficient Bond proceeds available to pay the Purchase Price for one or more of the Flood Control District Facilities in an Improvement Area will not relieve the applicable Property Owner from its obligations consistent with the conditions of approval for the subdivision and development of the parcels within the applicable Improvement Area to construct the Flood Control District Facilities.

Failure of a Property Owner to comply with the terms of Articles III and IV of this Joint Community Facilities Agreement and the applicable Cooperative Agreement, will result in the Flood Control District Facilities that such Property Owner is responsible to construct not being accepted into the Flood Control District's maintained system and

such Property Owner shall not receive reimbursement from the Community Facilities District for any costs it incurs in the design, engineering, acquisition, and construction of said Flood Control District Facilities.

Section 3.3 Determination of the Purchase Price and Processing of Payment Requests. The determination of the Purchase Price and its payment shall be made consistent with the applicable provisions of this Section 3.3.

In order for the Administrator and the Flood Engineer to be able to determine the Purchase Price for a completed Flood Control District Facility, the applicable Property Owner shall deliver to both the Administrator and the Flood Engineer:

(a) A Payment Request for said Flood Control District Facility, together with all attachments and exhibits to be included therewith;

(b) A copy of the documents conveying or which previously conveyed to the Flood Control District Acceptable Title to the real property on, in or over which such Flood Control District Facilities are located, as described in the applicable "Cooperative Agreement" and Section 3.3 thereof;

(c) A copy of the Notice of Completion for said Flood Control Facility that will be filed in accordance with Section 3093 of the California Civil Code, if applicable. Final lien releases addressed to the City, the Community Facilities District, and the Flood Control District must be received by the Administrator and the Flood Engineer prior to the Administrator executing the Payment Request determining the Purchase Price and authorizing payment thereof.

(d) The applicable Property Owner's civil engineer of record or construction civil engineer of record duly registered in the State shall provide to the Flood Control District redlined "as-built" plans and profile sheets for the Flood Control Facility. After the Flood Control District's approval of the redlined "as-built" drawings, such engineer shall schedule with the Flood Control District a time to transfer the redlines onto the Flood Control District's original mylars at the Flood Control District's office, after which, said engineer shall review, stamp and sign the original mylars "As-Built."

Once the Administrator has been provided with a complete Payment Request and all other documents as required by her/him to determine the Purchase Price, the Flood Engineer will substantiate the Payment Request and provide comments and recommendations to the Administrator in the form of a written notice to the Community Facilities District as provided above.

Notwithstanding anything to the contrary contained herein, no payment of the Purchase Price of any Flood Control District Facility shall be made unless the Flood Control District has by written notice to the Community Facilities District stated that the

Flood Control District is willing to accept such Flood Control District Facility as constructed into its maintained system as of the Acceptance Date. Said notice will not be provided to the City until the following documents, as appropriate, have been provided or caused to be provided to the Flood Control District by the Property Owner which has constructed or caused the construction of such Flood Control District Facility:

(a) Documents by which such Property Owner conveys to the Flood Control District an easement, including ingress and egress, in a form approved by the Flood Control District, for the rights of way shown in concept cross-hatched red on Exhibit B, and policies of title insurance, in an amount not less than fifty percent (50%) of the estimated fee value, as determined by the Flood Control District, for each parcel so conveyed have been provided to the Flood Control District.

Section 3.4 Dedication of Property and Easements to Flood Control District. Acceptable Title to all property not presently held by the Flood Control District on, in or over which the Flood Control District Facilities will be located shall be deeded over to Flood Control District by way of grant deed, quitclaim, or dedication of such property, or easement thereon, if such title or easement is approved by Flood Control District as being a sufficient interest therein to permit Flood Control District to properly own, operate and maintain such Flood Control District Facility located therein, thereon or thereover, and to permit each Property Owner to perform its obligations as set forth in this Joint Community Facilities Agreement.

A Property Owner shall furnish to the Flood Control District a title report for such property not previously dedicated or otherwise conveyed to the Flood Control District for review and approval at least thirty (30) calendar days prior to such Property Owner giving the notice required by Section 4.4 hereof. The Flood Control District shall approve the title report unless it reveals a matter that, in the sole judgment of the Flood Control District, could materially affect the Flood Control District's use and enjoyment of any part of the property or easement covered by the title report. In the event the Flood Control District does not approve such title report, the Flood Control District shall notify the Administrator in writing and the Flood Control District shall not be obligated to accept title to said Flood Control District Facility, and the Community Facilities District shall not be obligated to pay any portion of the Purchase Price for said Flood Control Facility until the Property Owner has cured such objections to title to the satisfaction of the Flood Control District.

Consistent with the preceding paragraph, each Property Owner shall obtain and provide to the Flood Control District duly executed irrevocable offer(s) of dedication to the public for flood control and drainage purposes, including ingress and egress, for rights of way deemed necessary by the Flood Control District for the construction, inspection, operation and maintenance of the Flood Control District Facilities to be constructed by such Property Owner as shown in concept, cross-hatched in either blue or red, on Exhibit B, which is attached hereto and by this reference incorporated herein. The irrevocable offer(s) of dedication shall be in a form approved by the Flood Control

District and shall be executed by all legal and equitable owners of the property described in the offer(s).

Section 3.5 **Modifications to Flood Control District Facilities or Estimated Cost Thereof.** The Administrator, Flood Control District, and the applicable Property Owner may make modifications in the description of the Flood Control District Facilities , whenever the Administrator, the Flood Engineer and Property Owner deem such modifications to be appropriate; provided, however, that any such Flood Control Facility, as so modified, must be fully functioning and capable of being used for its intended purpose and must be consistent with the description of the Flood Control Facilities in the Resolution of Formation. Any such modification shall be approved and implemented by the Administrator, on behalf of the Community Facilities District, the Flood Engineer, on behalf of the Flood Control District, and such Property Owner by executing a supplement to Exhibit C containing a description of the modified Flood Control Facility and, if applicable, the estimated cost. Upon the execution of any such supplement to Exhibit C, the description of the Flood Control Facility and, if applicable, the Estimated Cost in Exhibit C shall be deemed to have been modified in accordance therewith. Any modification made pursuant to this Section shall not be deemed to be an amendment of this Joint Community Facilities Agreement for purposes of Section 6.4 hereof. No Flood Control Facility may be deleted from or added to Exhibit C pursuant to this Section 3.5. The deletion or addition of a Flood Control Facility from Exhibit C constitutes an amendment to this Joint Community Facilities Agreement and may only be made pursuant to Section 6.4 hereof.

Section 3.6 **Application of Realized Savings.** If the Purchase Price determined by the Administrator and the Flood Engineer for a Flood Control District Facility to be financed from the proceeds of Bonds issued for an Improvement Area is less than the estimated cost of said Flood Control Facility, then the difference is to be identified as "savings" that are available and can be applied to increase the Purchase Price of another Flood Control Facility or other improvements the acquisition or construction of which is authorized to be funded with proceeds of the Bonds issued for such Improvement Area. The determination as to whether an adjustment to the estimated cost pursuant to this Section is to be made by the Administrator, the Flood Engineer and the applicable Property Owner and an appropriate supplement to Exhibit C is to be prepared by the initiating party and approved by the Administrator, on behalf of the Community Facilities District, the Flood Engineer on behalf of the Flood Control District and the applicable Property Owner.

ARTICLE IV

CONSTRUCTION OF THE FLOOD CONTROL FACILITIES

Section 4.1 **Preparation and Approval of Plans and Specifications.** To the extent that the responsible Property Owner has not already done so, it shall cause Plans and Specifications to be prepared for the Flood Control Facilities. The applicable Property Owner shall obtain the written approval of the Plans and Specifications from the Flood Engineer on behalf of the Flood Control District and from the Administrator on behalf of the City as to the City Flood Control Facilities. Approval of the Plans and Specifications will require that the Property Owner enter into a Cooperative Agreement regarding the Flood Control Facilities that Property Owner is responsible to construct improvements to develop their parcel of land. Each Property Owner shall provide a copy of all such Plans and Specifications to the Administrator and the Flood Engineer. Once the Plans and Specifications have been approved, no changes are to be made thereto without prior written consent of the Flood Control District.

The Property Owners acknowledge that the MVU has existing electric distribution infrastructure installed throughout the area adjacent to the Parcels and there could be a potential conflict between the location of such infrastructure and the proposed location of the Flood Control Facilities. The Property Owners are responsible for insuring that the design of the Flood Control Facilities does not conflict with such infrastructure and the Property Owners shall be solely responsible for the cost of the redesign and relocation of any Flood Control Facility necessitated by a conflict with such infrastructure.

Section 4.2 **Duty of Property Owner to Construct.** Each Property Owner shall construct or cause to be constructed the Flood Control Facilities which such Property Owner is responsible to construct in accordance with the applicable Plans and Specifications approved by the City and the Flood Control District, as applicable. Each Property Owner shall perform all of its obligations hereunder and its obligations per the Cooperative Agreement and shall conduct all operations with respect to the construction of the Flood Control Facilities which such Property Owner is responsible to construct in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken. Notwithstanding the foregoing, nothing set forth in this Joint Community Facilities Agreement shall be construed (i) to require any Property Owner to perform any work requiring a contractor's license, nor shall any Property Owner be deemed to be performing construction services pursuant to this Joint Community Facilities Agreement or (ii) require any Property Owner to cause any Plans and Specifications to be prepared for the Flood Control Facilities at a specific time or in a manner other than as required by the approved conditions for such entitlements granted by the City to permit the development of such Property Owner's Parcels.

Section 4.3 <u>Bid and Construction Requirements</u>.

(a) In order to insure that the Flood Control Facilities to be acquired with the proceeds of the Bonds are constructed as if they had been constructed under the direction and supervision, or under the authority of, the Flood Control District, so that they may be acquired pursuant to Section 53313.5 of the Code, each Property Owner or its Construction Manager shall comply with all of the requirements set forth in the Public Contract Code regarding the notice of bidding and award of contract for a public works project by a public agency, in this instance the Flood Control District.

Prior to soliciting any bids for the construction of any Flood Control Facility, the applicable Property Owner or the applicable construction manager shall submit a bid packet for review of technical specifications and compliance with the Public Contract Code, including the invitation and specifications for submitting a bid and the general and specific conditions regarding the construction of such Flood Control Facility. A copy of the bid packet, once approved, is to be provided to the Administrator. The contract for construction of any Flood Control Facilities is to be awarded to the responsible bidder submitting the lowest responsive bid after notice inviting sealed bids. The sealed bids are to be publicly solicited consistent with applicable provisions of the Public Contract Code dealing with the bidding of public works projects constructed by the Flood Control District. Public notice is to be given consistent with the Public Contract Code as to the date, time and place where bids will be opened. The Administrator and the Flood Engineer are to be provided with copies of all bids received and with a declaration stating that the solicitation of bids, the bid opening and award of bid was conducted in a manner consistent with the applicable provisions of the Public Contracts Code.

If a Property Owner intends to utilize the services of a Construction Manager in the bidding and construction of a Flood Control Facility, the Property Owner must, prior to soliciting bids for the construction of such Flood Control Facility, send a written notice to the Flood Control District and the City notifying such addressees of the name of the Construction Manager and the name, title, address, telephone number and e-mail address of the primary contact of the Construction Manager for such services.

(b) Each Property Owner shall require, and the Plans and Specifications, bid and contract documents shall require, all contractors, subcontractors, vendors, equipment operators and owner operators, in each such case to the extent such individuals or entities are engaged to perform work on a Flood Control Facility, as required by the California Labor Code, to pay not less than General Prevailing Wage Rates to all workers employed in the execution of the contract, to post a copy of the General Prevailing Wage Rates at the Construction Site in a conspicuous place available to all employees and applicants for employment, and to otherwise comply with applicable provisions of the California Labor Code, the California Government Code and the California Public Contracts Code relating to General Prevailing Wage Rates as required by the Plans and Specifications approved by the City and the Flood Control District. The Flood Control District has copies of tables setting forth the General Prevailing Wage Rates on file in the principal office of the Flood Control District, and are made available to each Property Owner upon request.

(c) Each Property Owner or its Construction Manager shall require each principal contractor to provide proof of insurance coverage to the Flood Engineer satisfying the requirements of Section 4.5, hereof throughout the term of the construction of such Flood Control Facilities. Rather than requiring its principal contractors to provide such insurance, the Property Owner may elect to provide the same for the benefit of its principal contractors.

(d) Each principal contractor engaged to perform work on Flood Control Facilities shall be required to furnish (i) labor and material payment bonds, and (ii) contract performance bonds, each in an amount equal to 100% of the contract price naming the applicable Property Owner, the City, the Community Facilities District and the Flood Control District as obligees and issued by a California admitted surety having a current A.M. Best A:VIII (A:8) rating or with an admitted surety insurer which complies with the provisions of Section 995.660 of the California Code of Civil Procedure. The Risk Manager of the County of Riverside, in his/her sole discretion, may accept a California admitted surety having a lower A.M. Best rating. All such bonds shall be in a form as shown in Exhibit E. The bonds tendered pursuant to this sub-section are to be accepted and held by the City.

(e) Each Property Owner or its Construction Manager shall comply, and shall cause each contractor, subcontractor, vendor, equipment operator and owner operator, in each such case to the extent such individual or entity is engaged to perform work on the Flood Control Facilities, to comply, with such other requirements relating to the construction of the Flood Control Facilities as the Flood Control District may impose by written notification delivered to such Property Owner, to the extent legally required as a result of changes in applicable federal, State or County laws, rules or procedures.

(f) Each Property Owner or its Construction Manager shall require, and the Plans and Specifications, and bid and contract documents shall require, all contractors, subcontractors, vendors, equipment operators and owner operators, in each such case to the extent such individuals or entities are engaged to perform work on the Flood Control Facilities, to submit certified weekly payroll records or other proof of payment of General Prevailing Wage Rates to the Property Owner or its Construction Manager for inspection by the Flood Control District, and to furnish certified payroll records or such other proof of payment of General Prevailing Wage Rates to the Flood Control District promptly upon request.

(g) All change orders shall be reviewed and, if appropriate, approved by the City and the Flood Engineer for the purpose of ensuring that they comply with Flood Control District standards, such review and approval shall not be unreasonably withheld. Notwithstanding the foregoing, in order for a change order to be accepted as an eligible element of the Purchase Price of the Flood Control Facilities, the provisions of Sections 3.5 and 3.6 hereof shall first be satisfied.

(h) Each Property Owner shall provide proof to the Administrator and the Flood Engineer, at such intervals and in such form as the Flood Engineer may require,

that the foregoing requirements have been satisfied as to all of the Flood Control Facilities to be constructed by such Property Owner.

(i) Each Property Owner has deposited with the County $4,000 to cover the anticipated costs, deemed necessary and reasonable, associated with the review and approval of the Plans and Specifications for the respective Improvement Area, the review and approval of right of way and conveyance documents for the respective Improvement Area and with the processing and administration of this Joint Community Facilities Agreement. Each Property Owner, within thirty (30) days after receipt of an additional billing for such costs, will forward the billed amount to the Flood Control District. It is agreed that all costs incurred by the Flood Control District associated with inspecting a Flood Control Facility will be the responsibility of the Property Owner as described in details in the applicable Cooperative Agreement.

Section 4.4 **Notice of Intent to Commence Construction.** The Property Owner is to provide to the Administrator and the Flood Engineer a copy of each "Notice to Commence Construction" as prepared by the Property Owner consistent with the terms of the applicable "Cooperative Agreement" and a copy of each "Notice to Proceed" as issued by the Flood Control District pursuant to the terms of the "Cooperative Agreement"

Section 4.5 **Insurance Requirements.** Without limiting or diminishing a Property Owner's obligation to indemnify or hold the Flood Control District, Community Facilities District and the City harmless pursuant to Section 5.4 hereof, each Property Owner shall procure and maintain or cause to be maintained, at its sole cost and expense the following insurance coverages, or alternate coverages acceptable to the Risk Manager, during the term of this Joint Community Facilities Agreement and expires for any Improvement Area at the time the Flood Control District or the City, as applicable, accepts the constructed Flood Control Facilities for that Improvement Area into its maintained system:

(a) *Commercial General Liability:* Commercial General Liability insurance coverage, including but not limited to, premises liability, contractual liability, products and completed operations, explosion, collapse, use of cranes, and other heavy equipment and underground hazards, personal and advertising injury covering claims which may arise from or out of such Property Owner's performance of its obligations hereunder. Policy shall name by endorsement the Flood Control District, the Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as Additional Insureds. Policy's limit of liability shall not be less than $2,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Joint Community Facilities Agreement or be no less than two (2) times the occurrence limit.

(b) *Vehicle Liability:* Such Property Owner shall maintain liability insurance for all owned, non-owned or hired vehicles in an amount not less than

$1,000,000 per occurrence combined single limit. If such insurance contains a general aggregate limit, it shall apply separately to this Joint Community Facilities Agreement or be no less than two (2) times the occurrence limit. Policy shall name by endorsement the Flood Control District, Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as Additional Insureds.

(c) *Worker's Compensation Insurance:* Such Property Owner shall maintain Workers' Compensation Insurance (Coverage A) as prescribed by the laws of the State of California. Policy shall include Employers' Liability (Coverage B) including Occupational Disease with limits not less than $1,000,000 per person per accident. Policy shall be endorsed to waive subrogation in favor of the Flood Control District, the Community Facilities District, the City; and if applicable, to provide a Borrowed Servant/Alternate Employer Endorsement.

General Insurance Provisions - all lines:

(i) Any insurance carrier providing insurance coverage hereunder shall be licensed to do business in the State of California and have an A.M. Best rating of not less than an A:VIII (A:8) unless such requirements are waived, in writing, by the Flood Control District's Risk Manager.

(ii) Each Property Owner's insurance carrier(s) must declare its insurance deductibles or self-insured retentions. If such deductibles or self-insured retentions exceed $500,000 per occurrence such deductibles and/or retentions shall have the prior written consent of the Risk Manager before the commencement of operations under this Joint Community Facilities Agreement. Upon notification of deductibles or self-insured retentions which are deemed unacceptable to the Flood Control District, at the election of the Risk Manager, such Property Owner's carriers shall either: (A) reduce or eliminate such deductibles or self-insured retentions as respects this Agreement with the Flood Control District, or (B) procure a bond which guarantees payment of losses and related investigations, claims administration, defense costs and expenses.

(iii) Each Property Owner shall cause its insurance carrier(s) to furnish the Flood Control District with (A) a properly executed original certificate(s) of insurance and certified original copies of endorsements effecting coverage as required herein; or (B) evidence of coverage acceptable to the Risk Manager that may include original certified copies of policies including all endorsements and all attachments thereto, showing such insurance is in full force and effect.

(iv) Further, said certificate(s) and endorsements to policies of insurance shall contain the covenant of the insurance carrier(s) that it shall provide no less than thirty (60) days written notice be given to the Flood Control District prior to any material modification or cancellation of such insurance. In the event of a material modification or cancellation or coverage, this Joint Community Facilities Agreement shall terminate forthwith as to the Property Owner providing such policies of insurance,

unless the Flood Control District receives, prior to such effective date, another properly executed original certificate of insurance and original copies of endorsements or certified original policies, including all endorsements and attachments thereto evidencing coverages and the insurance required herein is in full force and effect. Individual(s) authorized by the insurance carrier to do so, on its behalf shall sign the original endorsements for each policy and the certificate of insurance.

(v) ***No Property Owner shall commence construction of Flood Control Facilities until the Flood Control District has been furnished either original certificate(s) of insurance and certified original copies of endorsements, policies of insurance including all endorsements and any and all other attachments as required in this Section, or other evidence of coverage acceptable to the Risk Manager.***

(vi) It is understood and agreed by the parties hereto and each Property Owner's insurance company(s) that the certificate(s) of insurance and policies shall so covenant and shall be construed as primary insurance, the City, and the Flood Control District's insurance and/or deductibles and/or self-insured retentions or self-insured programs shall not be construed as contributory.

(vii) Each Property Owner, its Construction Manager, if any, and its contractors may pass down the insurance obligations contained herein to all tiers of subcontractors working under this Joint Community Facilities Agreement in order to meet the requirements herein. In addition, each Property Owner or its Construction Manager will require all such subcontractors to name on their insurance policies by endorsement the Flood Control District, Community Facilities District, the City, their respective directors, officers, Board of Supervisors, City Council, Legislative Body, elected officials, employees, agents or representatives as "Additional Insureds." Copies of such certificates and endorsements shall be provided to the Flood Control District and the City. The minimum limits of liability required of all tiers of subcontractors are $1,000,000 Combined Single Limit for Commercial General Liability and $1,000,000 Combined Single Limit for Vehicle Liability Insurance.

Section 4.6 <u>Ownership of Flood Control District Facilities</u>.

(a) Notwithstanding the fact that some or all of the Flood Control District Facilities may be constructed in dedicated street rights of way or on property which is owned by or has been or will be dedicated to the Flood Control District, Flood Control District Facilities constructed by a Property Owner shall be and remain the property of such Property Owner until Acceptable Title to parcels not owned by the Flood Control District is conveyed to the Flood Control District, as appropriate, as provided herein. Ownership of said parcels by such Property Owner or other third parties shall likewise not be affected by any agreement that such Property Owner may have entered into or may enter into with the Flood Control District pursuant to the provisions of the Subdivision Map Act, Section 66410 *et seq.* of the Code, and the provisions of this Section shall control.

(b) As of the Acceptance Date by the Flood Control District for a Flood Control District Facility, the City is to own, maintain and operate the appurtenant City Flood Control Facilities that have been identified on the approved drainage plans, pursuant to the applicable Cooperative Agreement, as drainage facilities within those street rights-of-way in which said Flood Control Facilities are located. The City, by execution of this Joint Community Facilities Agreement, grants to the applicable Property Owner the right to construct the Flood Control Facilities and to the Flood Control District the right to inspect, operate and maintain the Flood Control District Facilities located within those City rights-of-way in which such Flood Control District Facilities are located.

ARTICLE V

REPRESENTATIONS, WARRANTIES AND COVENANTS; INDEMNIFICATION

Section 5.1 **Representations, Warranties and Covenants of the Property Owners.** Each Property Owner makes the following representations, warranties and covenants for the benefit of the Flood Control District, the City and the Community Facilities District as of the date hereof:

(a) Organization. Such Property Owner represents and warrants that such Property Owner is a limited liability company (or, in the case of FILP, a limited partnership) duly organized and validly existing under the laws of the State of Delaware, is in good standing under the laws of such state, and has the power and authority to own its properties and assets and to carry on its business as now being conducted and as now contemplated.

(b) Authority. Such Property Owner represents and warrants that such Property Owner has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all action necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of such Property Owner.

(c) Binding Obligation. Such Property Owner represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of such Property Owner and is enforceable against such Property Owner in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

(d) Completion of Flood Control Facilities. Such Property Owner covenants that it will use its reasonable and diligent efforts to do all things that may be lawfully required of it in order to cause the Flood Control Facilities which such Property Owner is responsible to construct to be completed in accordance with this Joint Community Facilities Agreement.

(e) Compliance with Laws. Such Property Owner covenants that, while any Flood Control Facilities are owned by such Property Owner or required pursuant to this Joint Community Facilities Agreement to be maintained by such Property Owner, it will not commit, suffer or permit any of its agents, employees or contractors to commit any act to be done in, upon or to such Flood Control Facilities in violation in any material respect of any law, ordinance, rule, regulation or order of any governmental authority or any covenant, condition or restriction now or hereafter affecting such Flood Control Facilities.

(f) Payment Requests. Such Property Owner represents and warrants that (i) it will not request payment from the Community Facilities District under this Joint Community Facilities Agreement for the acquisition of any improvements that are not part of a Flood Control District Facility, and (ii) it will diligently follow all procedures set forth in this Joint Community Facilities Agreement.

(g) Financial Records. Until the final Acceptance Date of all Flood Control Facilities, such Property Owner covenants to maintain proper books of record and account for the Flood Control Facilities and all costs related thereto. Such Property Owner covenants that such accounting books will be maintained in accordance with generally accepted accounting principles, and will be available for inspection by the Community Facilities District, the Flood Control District and the City, and their respective agents, at any reasonable time during regular business hours on two Business Days' prior written notice, subject to mutually acceptable arrangements regarding the confidentiality of proprietary data.

(h) Hazardous Materials. Such Property Owner represents and warrants that neither such Property Owner, nor any subcontractor, agent or employee thereof will use, generate, manufacture, procure, store, release, discharge or dispose of any Hazardous Material on, under or about the Construction Site or the Flood Control Facilities which such Property Owner is responsible to construct or transport any Hazardous Material to or from the Construction Site or such Flood Control Facilities in violation of any federal, state or local law, ordinance, regulation, rule, decision or policy statement regulating Hazardous Material.

(i) Permits. Such Property Owner covenants that it will pursue in a commercially reasonable manner all governmental or other permits or licenses required to proceed with the construction of the Flood Control Facilities which such Property Owner is responsible to construct and that it will pay all fees relating thereto. Such Property Owner represents and warrants that to the best of such Property Owner's knowledge, as of the date hereof, there is no material legal impediment to such Property Owner's proceeding with and completing the construction of such Flood Control Facilities or to the development of the Construction Site as contemplated by such Property Owner, except for government or other permits to be obtained.

(j) Environmental Matters. Such Property Owner represents and warrants that it has complied with, or has caused compliance with, CEQA as required for the construction of the Flood Control Facilities which such Property Owner is responsible to construct and their conveyance to the Flood Control District.

Section 5.2 Representations, Warranties and Covenants of the City. The City makes the following representations, warranties and covenants for the benefit of the Flood Control District and the Property Owners:

(a) Authority. The City represents and warrants that the City has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all actions necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of the City.

(b) Binding Obligation. The City represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of the City and is enforceable against the City in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

(c) Payment Requests for the Flood Control District Facilities. The City represents and warrants that the City will follow all procedures set forth in this Joint Community Facilities Agreement.

(d) Financial Records. Until the final Acceptance Date, the City covenants to maintain, or cause to be maintained, proper books of record and account for the Special Taxes and the Bonds. The City covenants that such accounting books will be maintained in accordance with generally accepted accounting principles applicable to governmental entities, and will be available for inspection by the Property Owners and their agents at any reasonable time during regular business hours on two Business Days prior written notice.

Section 5.3 Representations, Warranties and Covenants of Flood Control District. Flood Control District makes the following representations, warranties and covenants for the benefit of the City and the Property Owners:

(a) Authority. Flood Control District represents and warrants that Flood Control District has the power and authority to enter into this Joint Community Facilities Agreement, and has taken all actions necessary to cause this Joint Community Facilities Agreement to be executed and delivered, and this Joint Community Facilities Agreement has been duly and validly executed and delivered on behalf of Flood Control District.

(b) Binding Obligation. Flood Control District represents and warrants that this Joint Community Facilities Agreement is a valid and binding obligation of Flood Control District and is enforceable against Flood Control District in accordance with its terms, subject to bankruptcy, insolvency, reorganization or other similar laws affecting the enforcement of creditors' rights in general and by general equity principles.

Section 5.4 Indemnification. Each Property Owner, with regard to its respective responsibilities and obligations under this Joint Community Facilities Agreement, agrees to protect, indemnify, defend and hold the City, the Community Facilities District, the Flood Control District, and their respective directors, officers,

Board of Supervisors, City Council, Legislative Body, elected officials, employees, representatives and agents, and each of them (each, an "Indemnified Party" and, collectively, the Indemnified Parties), harmless from and against any and all claims, liabilities, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorney's fees, and court costs which the Indemnified Parties or any Indemnified Party, or any combination thereof, may suffer or which may be sought against or recovered or obtained from the Indemnified Parties or any Indemnified Party, or any combination thereof, as a result of or by reason of or arising out of or in consequence of (a) the acquisition, construction, installation or financing of the Flood Control Facilities, (b) an assertion, pursuant to Article I, section 19 of the California Constitution, the Fifth or Fourteenth Amendments of the United States Constitution, or any other law or ordinance which seek to impose any other liability or damage whatsoever, for the design, construction, or failure of the Flood Control Facilities or from the diversion of the waters from their natural drainage patterns, (c) the untruth or inaccuracy of any representation or warranty made by such Property Owner in this Joint Community Facilities Agreement or in any certifications delivered by such Property Owner hereunder, or (d) any act or omission of such Property Owner or any of its subcontractors, or their respective officers, employees or agents, in connection with the Flood Control Facilities. If such Property Owner fails to do so, the Indemnified Parties shall have the right, but not the obligation, to defend the same and charge all of the direct and actual costs of such defense, including reasonable attorneys' fees or court costs, to and recover the same from such Property Owner.

No indemnification is required to be paid by any Property Owner as to an Indemnified Party for any claims, losses, liabilities, expenses, suits, actions, decrees, judgments, awards, reasonable attorney's fees, and court costs (a) arising directly from the willful misconduct or sole or active negligence of that Indemnified Parties or (b) arising from the use or operation of a Flood Control Facility after the Acceptance Date of the Flood Control Facility, unless such claims, losses, liabilities, expenses, suits, actions, decrees, judgments, awards, reasonable attorney's fees, and court costs results from the defective or improper design, construction or installation of such Flood Control Facility by such Property Owner or its contractors, subcontractors, or respective officers, employees or agents.

The provisions of this Section shall survive the termination of this Joint Community Facilities Agreement.

ARTICLE VI

MISCELLANEOUS

Section 6.1 **Property Owners as Independent Contractors.** In performing under this Joint Community Facilities Agreement, it is mutually understood that each Property Owner is acting as an independent contractor, and not as an agent of the City, the Community Facilities District or the Flood Control District. Neither the City nor the Flood Control District shall have any responsibility for payment to any contractor, subcontractor or supplier of such Property Owner. The Community Facilities District shall not have any responsibility for payment to any contractor, subcontractor or supplier of such Property Owner unless such entity or individual is specifically listed as a payee on a Payment Request submitted by such Property Owner pursuant to the Joint Community Facilities Agreement in which case the Community Facilities District shall only be responsible for making such payment only if such Payment Request is approved pursuant to the provisions of this Joint Community Facilities Agreement and solely from available proceeds of the Bonds.

Section 6.2 **Other Agreements.** Nothing contained herein shall be construed as affecting the Flood Control District or any Property Owner's respective duty to perform its respective obligations under other agreements, land use regulations or subdivision requirements relating to the development of the property within the applicable Improvement Area, which obligations are and shall remain independent of such Property Owner's rights and obligations, and the Flood Control District's rights and obligations, under this Joint Community Facilities Agreement; provided, however, that such Property Owner shall use its reasonable and diligent efforts to perform each and every covenant to be performed by it under any lien or encumbrance, instrument, declaration, covenant, condition, restriction, license, order, or other agreement, the nonperformance of which could reasonably be expected to materially and adversely affect the acquisition, construction and installation of the Flood Control District Facilities.

The payment for the City Flood Control Facilities shall be governed by the Funding Agreement.

Section 6.3 **Binding on Successors and Assigns.** Neither this Joint Community Facilities Agreement nor the duties and obligations of any Property Owner hereunder may be assigned to any person or legal entity other than an affiliate of such Property Owner without the written consent of the City, the Community Facilities District and the Flood Control District, which consent shall not be unreasonably withheld or delayed. Neither this Joint Community Facilities Agreement nor the duties and obligations of the City, the Flood Control District or the Community Facilities District hereunder may be assigned to any person or legal entity, without the written consent of the Property Owners, which consent shall not be unreasonably withheld or delayed. The agreements and covenants included herein shall be binding on and inure to the benefit of any partners, permitted assigns, and successors-in-interest of the parties hereto.

Section 6.4 **Amendments.** This Joint Community Facilities Agreement can only be amended by an instrument in writing executed and delivered by the City, the Community Facilities District, the Flood Control District and the Property Owners.

Section 6.5 **Waivers.** No waiver of, or consent with respect to, any provision of this Joint Community Facilities Agreement by a party hereto shall in any event be effective unless the same shall be in writing and signed by such party, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which it was given.

Section 6.6 **No Third Party Beneficiaries.** No person or entity shall be deemed to be a third party beneficiary hereof, and nothing in this Joint Community Facilities Agreement (either express or implied) is intended to confer upon any person or entity, other than the City, the Community Facilities District, the Flood Control District and the Property Owners (and their respective successors and assigns), any rights, remedies, obligations or liabilities under or by reason of this Joint Community Facilities Agreement.

Section 6.7 **Notices.** Any written notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication to be given hereunder shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other party in writing from time to time, namely

Flood Control District:	Riverside County Flood Control and Water Conservation District Attn: Administrative Services 1995 Market Street Riverside, California 92501 Telephone: (951) 955-1200 Fax: (951) 788-9965
City and Community Facilities District:	City of Moreno Valley Public Works Department, Special Districts Division 14325 Frederick Street, Suite 9 Moreno Valley, California 92553 Attention: Special Districts Division Manager Telephone: (951) 413-3489 Fax: (951) 413-3498

With a copy to:	City of Moreno Valley 14177 Frederick Street Moreno Valley, California 92553 Attention: City Attorney Telephone: (951) 413-3036 Fax: (951) 413-3034
Property Owners:	c/o First Industrial Realty Trust, Inc. 114 Pacifica Court, Suite 220 Irvine, California 92618 Attention: Phil Bowman Telephone: (949) 486-1970 Fax: (949) 486-1971
With a copy to:	Barack Ferrazzano Kirschbaum Perlman & Nagelberg LLP 333 West Wacker Drive, Suite 2700 Chicago, Illinois 60606 Attention: Brett A. Feinberg Telephone: (312) 629-5168 Fax: (312) 984-3150

Each such notice, statement, demand, consent, approval, authorization, offer, designation, request or other communication hereunder shall be deemed delivered to the party to whom it is addressed (a) if personally served or delivered, upon delivery, (b) if given by electronic communication, whether by telex, telegram or telecopier, upon the sender's receipt of a document confirming satisfactory transmission, (c) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, 72 hours after such notice is deposited with the United States mail, (d) if given by overnight courier, with courier charges prepaid, 24 hours after delivery to said overnight courier, or (e) if given by any other means, upon delivery at the address specified in this Section.

Section 6.8 Jurisdiction and Venue. Each of the City, the Community Facilities District, the Flood Control District and the Property Owners (a) agrees that any suit action or other legal proceeding arising out of or relating to this Joint Community Facilities Agreement shall be brought in state or local court in the County of Riverside or in the Courts of the United States of America in the district in which said County is located, (b) consents to the jurisdiction of each such court in any suit, action or proceeding, and (c) waives any objection that it may have to the laying of venue or any suit, action or proceeding in any of such courts and any claim that any such suit, action or proceeding has been brought in an inconvenient forum. Each of the City, the Community Facilities District, the Flood Control District and the Property Owners agrees that a final and non-appealable judgment in any such action or proceeding shall be conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law.

Section 6.9 **Attorneys' Fees.** If any action is instituted to interpret or enforce any of the provisions of this Joint Community Facilities Agreement, the party prevailing in such action shall be entitled to recover from the other party thereto reasonable attorneys' fees and costs of such suit (including both prejudgment and postjudgment fees and costs) as determined by the court as part of the judgment.

Section 6.10 **Governing Law.** This Joint Community Facilities Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State.

Section 6.11 **Usage of Words.** As used herein, the singular of any word includes the plural, and terms in the masculine gender shall include the feminine.

Section 6.12 **Counterparts.** This Joint Community Facilities Agreement may be executed in counterparts, each of which shall be deemed an original.

Section 6.13 **Interpretation.** The parties to this Joint Community Facilities Agreement and their counsel have reviewed and revised this Joint Community Facilities Agreement, and the normal rule of construction to the effect that any ambiguities in an agreement are to be resolved against the drafting parties shall not be employed in the interpretation of this Joint Community Facilities Agreement.

[Balance of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have executed this Joint Community Facilities Agreement as of the day and year first hereinabove written.

CITY OF MORENO VALLEY

By: _____
Richard A. Stewart, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

(Seal)

APPROVED AS TO FORM:

By: _____
Warren Diven, Best Best & Krieger LLP

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By: _____
Marion Ashley, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

RECOMMEND FOR APPROVAL:

By: _____
Warren D. Williams
General Manager-Chief Engineer
Riverside County Flood Control and Water Conservation District

ATTEST:
KEISHA HARPER-IHEM,
Clerk of the Board of Supervisors

By: _____
, Deputy Clerk

(Seal)

APPROVED AS TO FORM:
PAMELA J. WALLS, County Counsel

By: _____
, Deputy County Counsel

FR/CAL MORENO VALLEY, LLC,
a Delaware limited liability company

By: FirstCal Industrial, LLC
a Delaware limited liability company,
its sole member

By: FR First Cal, LLC,
a Delaware limited liability company,
its managing member

By: First Industrial Investment, Inc., a
Maryland corporation
its sole member

By: _____

Its: _____

(ATTACH NOTARY)

FIRST INDUSTRIAL, LP,
a Delaware limited partnership

By: First Industrial Realty Trust, Inc., a Maryland corporation, its sole general partner

By: _____

Its: _____

(ATTACH NOTARY)

FR/CAL INDIAN AVENUE, LLC,
a Delaware limited liability company

By: FirstCal Industrial, LLC
a Delaware limited liability company,
its sole member

By: FR First Cal, LLC,
a Delaware limited liability company,
its managing member

By: First Industrial Investment, Inc.,
a Maryland corporation
its sole member

By: _____

Its: _____

(ATTACH NOTARY)

EXHIBIT A

MAP OF THE PROPERTY

PM 35150: APN's 316-180-002 .....Sheet 1
316-180-003
316-180-005
316-180-006
316-180-008
316-180-009

TPM 35859: APN's 316-200-003.....Sheet 2
316-200-009
316-200-010
316-200-011
316-200-012
316-200-013
316-200-014
316-200-018
316-200-028
316-200-029

PM 35672: APN's 316-020-002.....Sheet 3
316-020-003
316-020-004
316-020-005
316-020-012
316-020-013
316-020-014
316-020-015
316-020-016
316-020-017
316-020-018
316-020-019

2008-0265595
Original

73/6

SHEET 1 OF 3

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

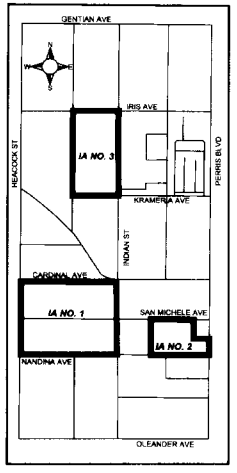

Vicinity Map

MAP REF NO.	ASSESSOR'S PARCEL NO.
1	316-170-001
2	316-170-002
3	316-170-004
4	316-170-006
5	316-170-007
6	316-170-010
7	316-170-013
8	316-170-014
9	316-180-002
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11	316-180-005
12	316-180-006
13	316-180-008
14	316-180-009
15	316-180-010

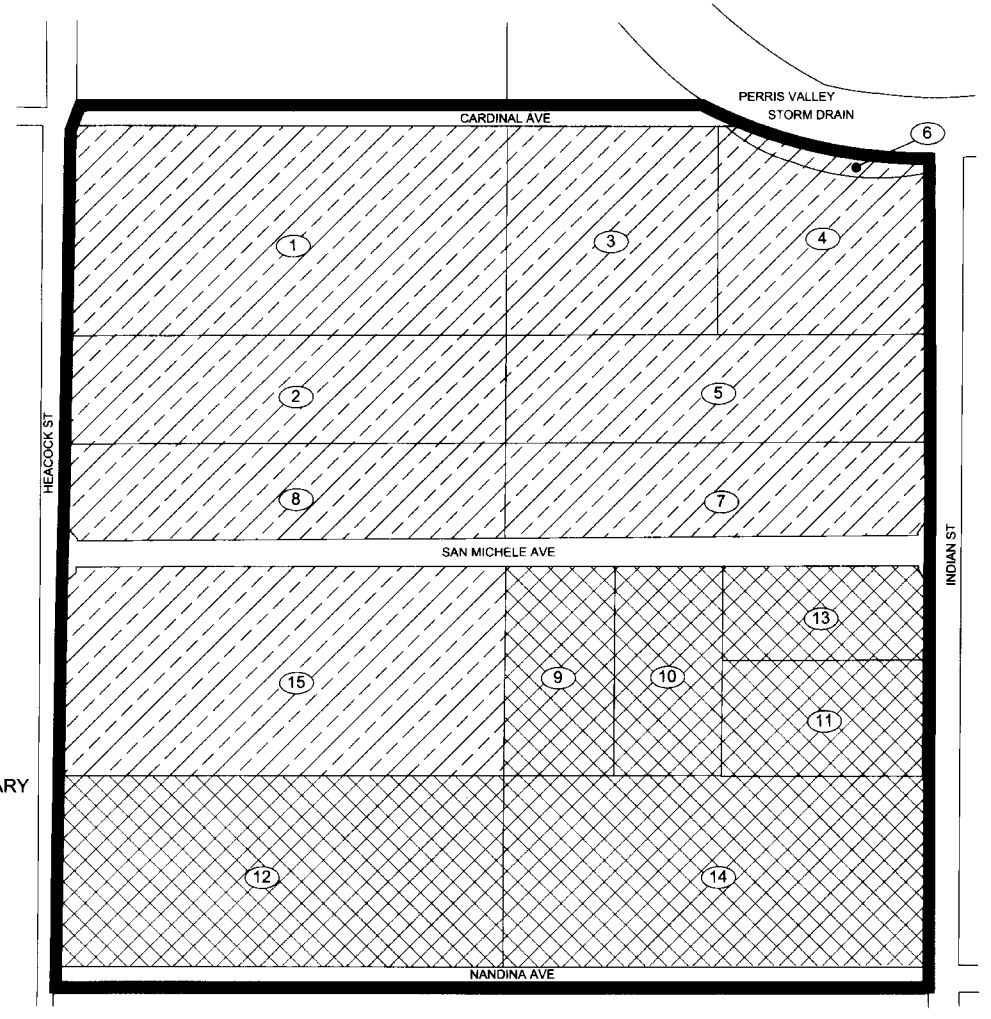

LEGEND FOR SHEET 1

IMPROVEMENT AREA NO. 1 (IA NO. 1) BOUNDARY

(1) MAP REFERENCE NUMBER

ZONE 1

ZONE 2

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 14 DAY OF May 2008.

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7, CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY AT A REGULAR MEETING THEREOF, HELD ON THE 13 DAY OF May, 2008, BY ITS RESOLUTION NO. 2008-50.

Jane Halstead
CITY CLERK
CITY OF MORENO VALLEY

RIVERSIDE COUNTY RECORDER'S CERTIFICATE

FILED THIS 16TH DAY OF MAY, 2008, AT THE HOUR OF 8 O'CLOCK A. M. IN BOOK 73 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE(S) 6-8, IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

FEE: $13.00

INSTRUMENT NO.: 2008-0265595

LARRY WARD, ASSESSOR-COUNTY CLERK-RECORDER

M. Garcia
BY DEPUTY
COUNTY RECORDER
COUNTY OF RIVERSIDE

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE RIVERSIDE COUNTY ASSESSOR'S MAPS SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

MV00032996

2008-0265595
Original

73/7

SHEET 2 OF 3

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

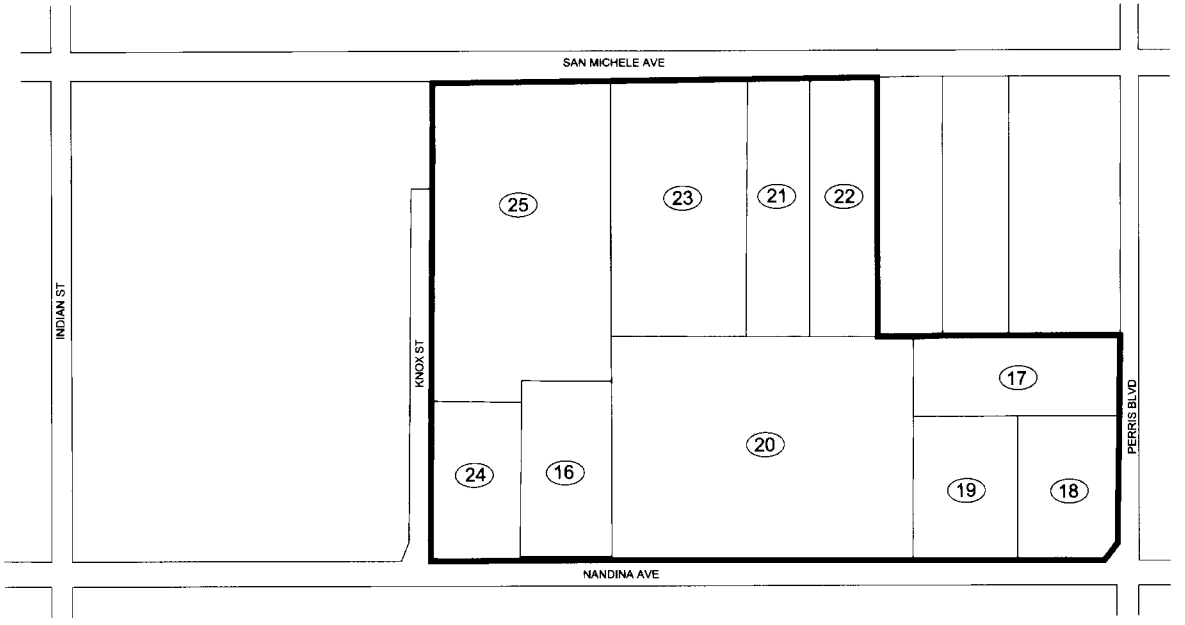

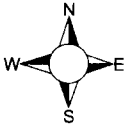

MAP REF NO.	ASSESSOR'S PARCEL NO.
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19	316-200-011
20	316-200-012
21	316-200-013
22	316-200-014
23	316-200-018
24	316-200-028
25	316-200-029

LEGEND FOR SHEET 2

IMPROVEMENT AREA NO. 2 (IA NO. 2) BOUNDARY

(1) MAP REFERENCE NUMBER

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

2008-0265595
Original

73/8

SHEET 3 OF 3

MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 7

CITY OF MORENO VALLEY
COUNTY OF RIVERSIDE
STATE OF CALIFORNIA

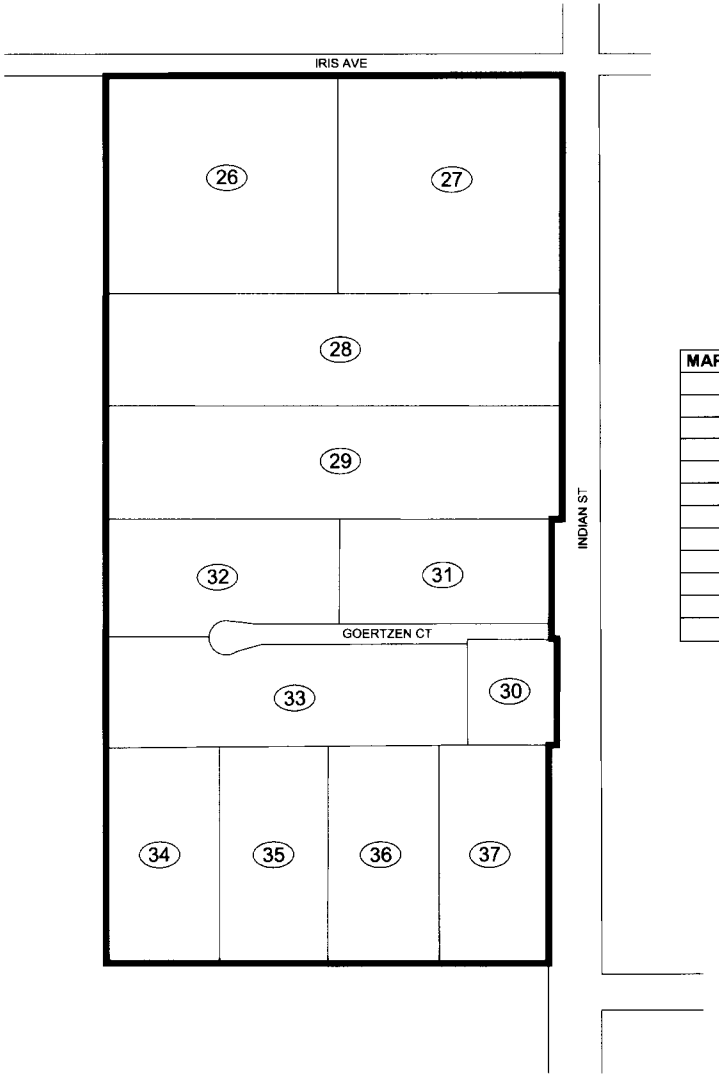

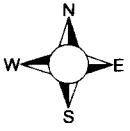

MAP REF NO.	ASSESSOR'S PARCEL NO.
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28	316-020-004
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31	316-020-013
32	316-020-014
33	316-020-015
34	316-020-016
35	316-020-017
36	316-020-018
37	316-020-019

LEGEND FOR SHEET 3

IMPROVEMENT AREA NO. 3 (IA NO. 3) BOUNDARY

(1) MAP REFERENCE NUMBER

MuniFinancial
27368 Via Industria
Suite 110
Temecula, California 92590-3661
Phone (951) 587-3500 Fax (951) 587-3510

EXHIBIT B

Flood Control Facilities Diagram

[Provided by Engineer per Flood Control District Specifications]

EXHIBIT B

Facilities Diagrams

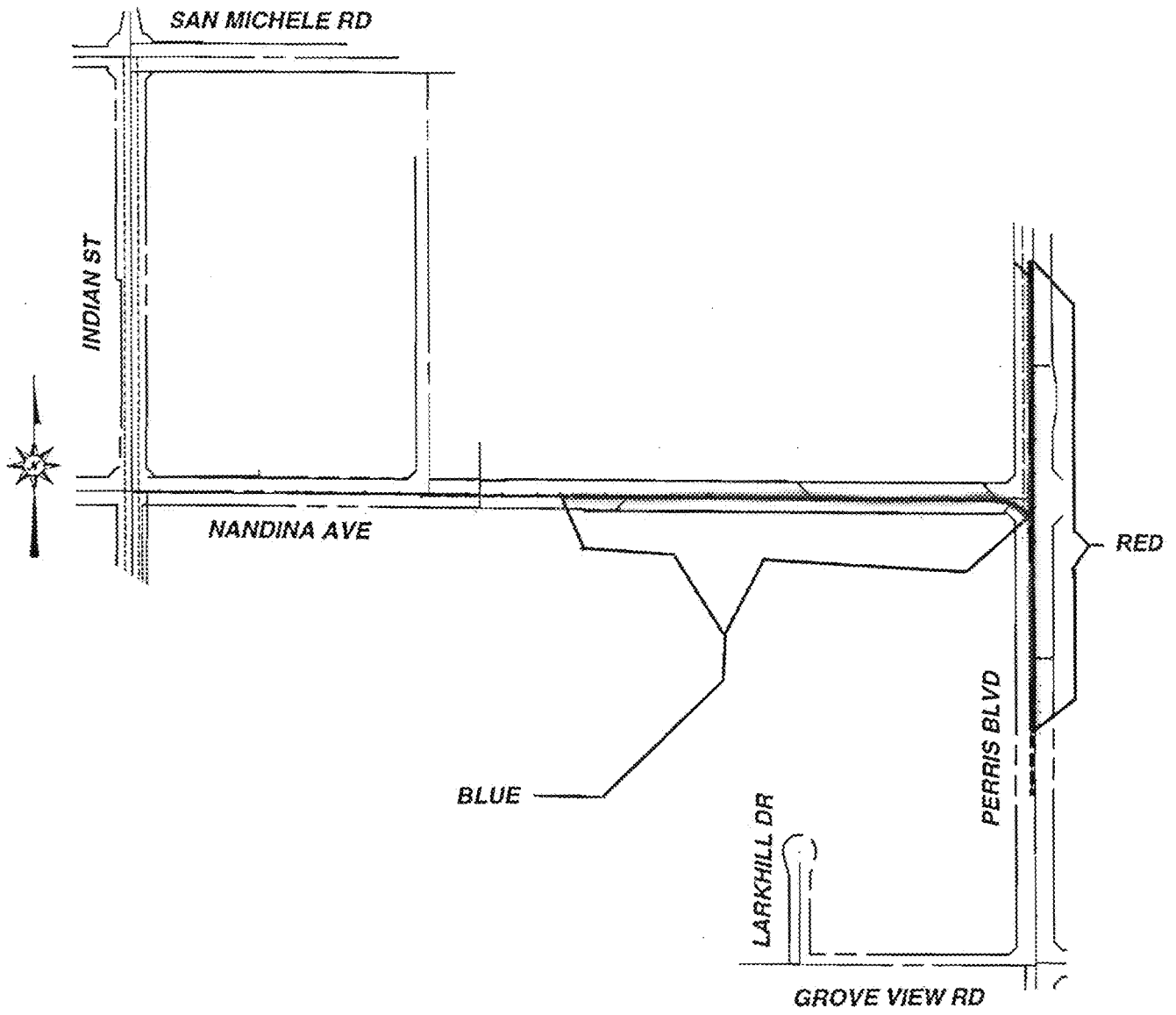

EXHIBIT B

Facilities Diagrams

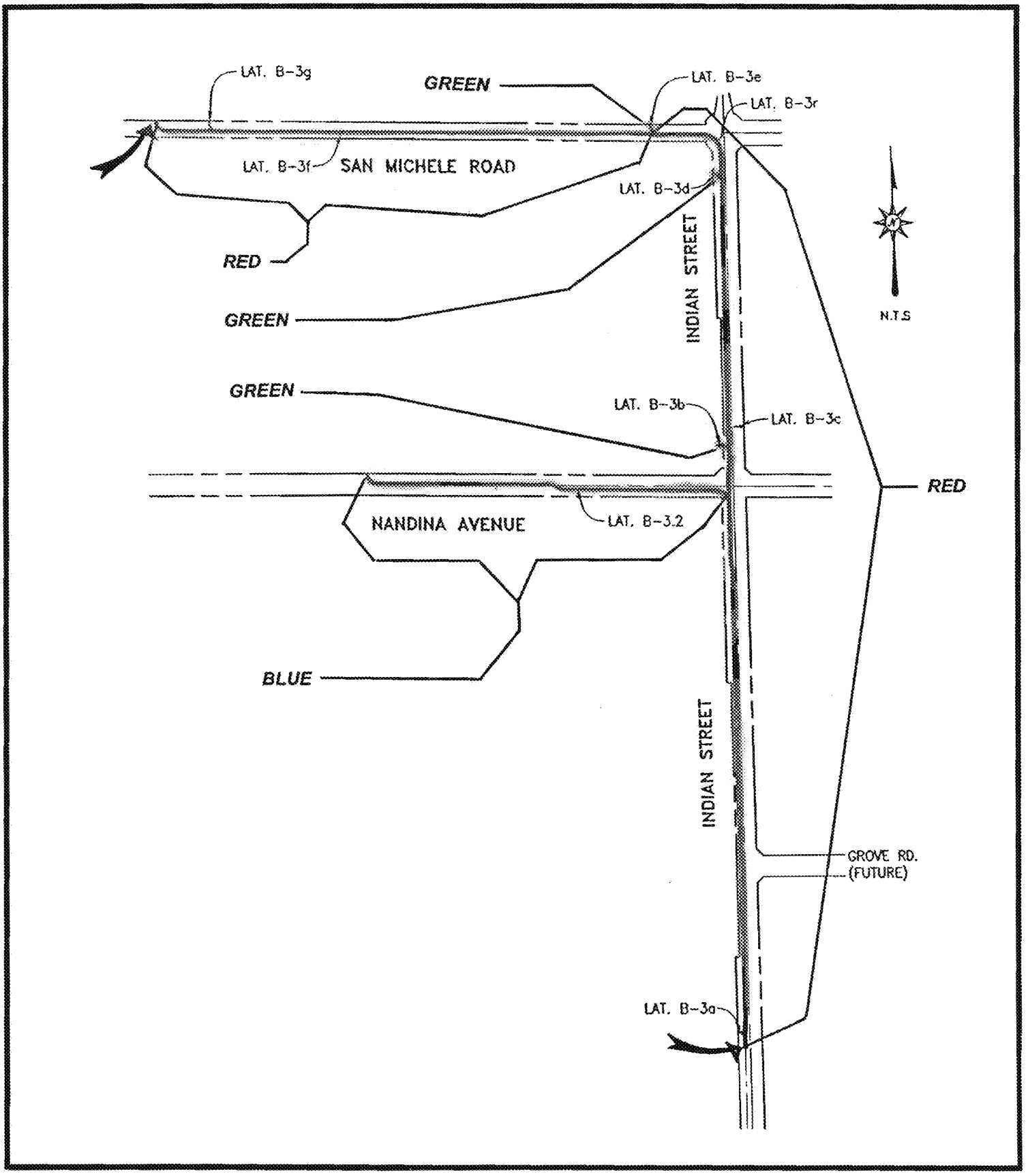

EXHIBIT B

Facilities Diagrams

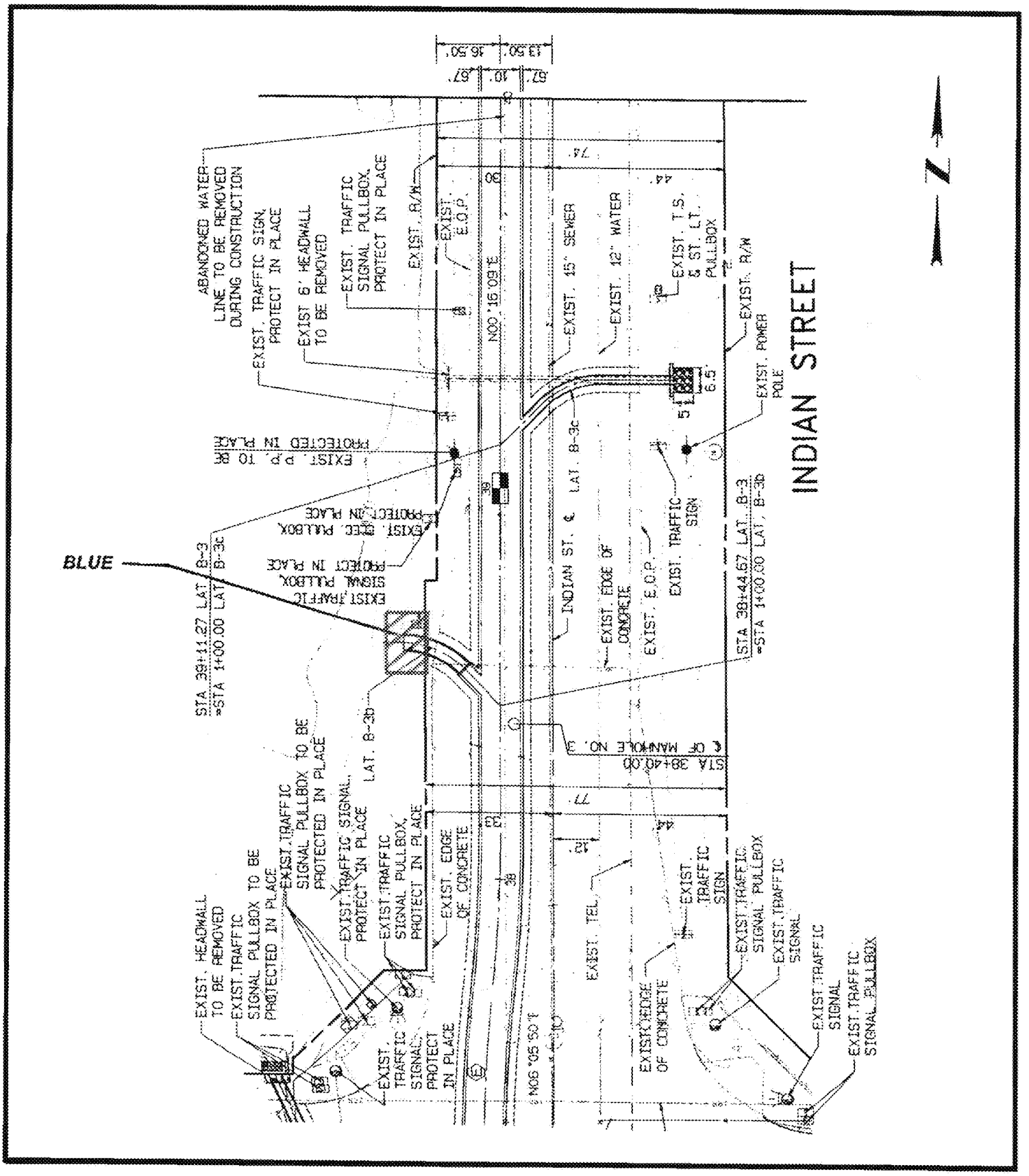

EXHIBIT B

Facilities Diagrams

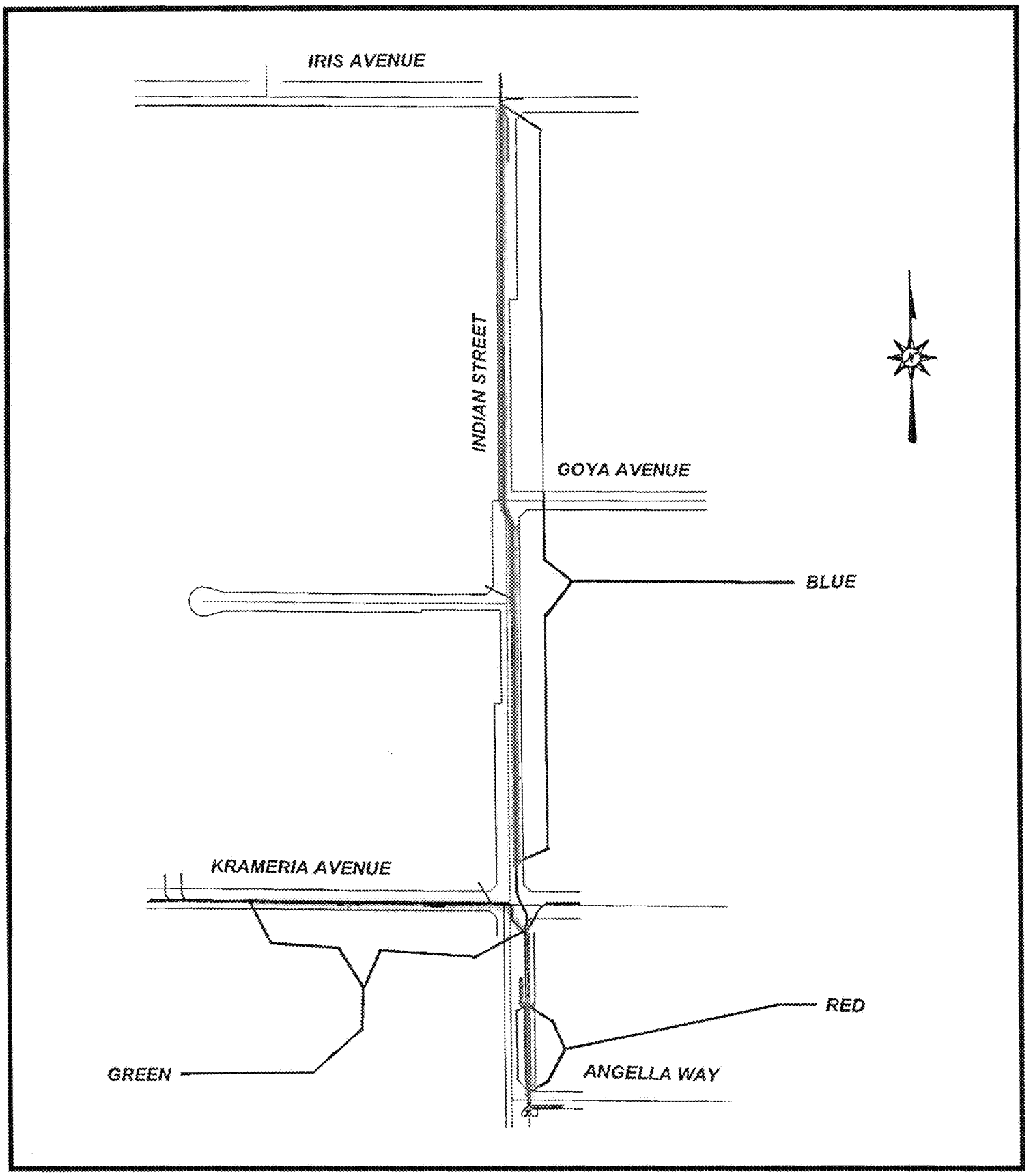

EXHIBIT B

Facilities Diagrams

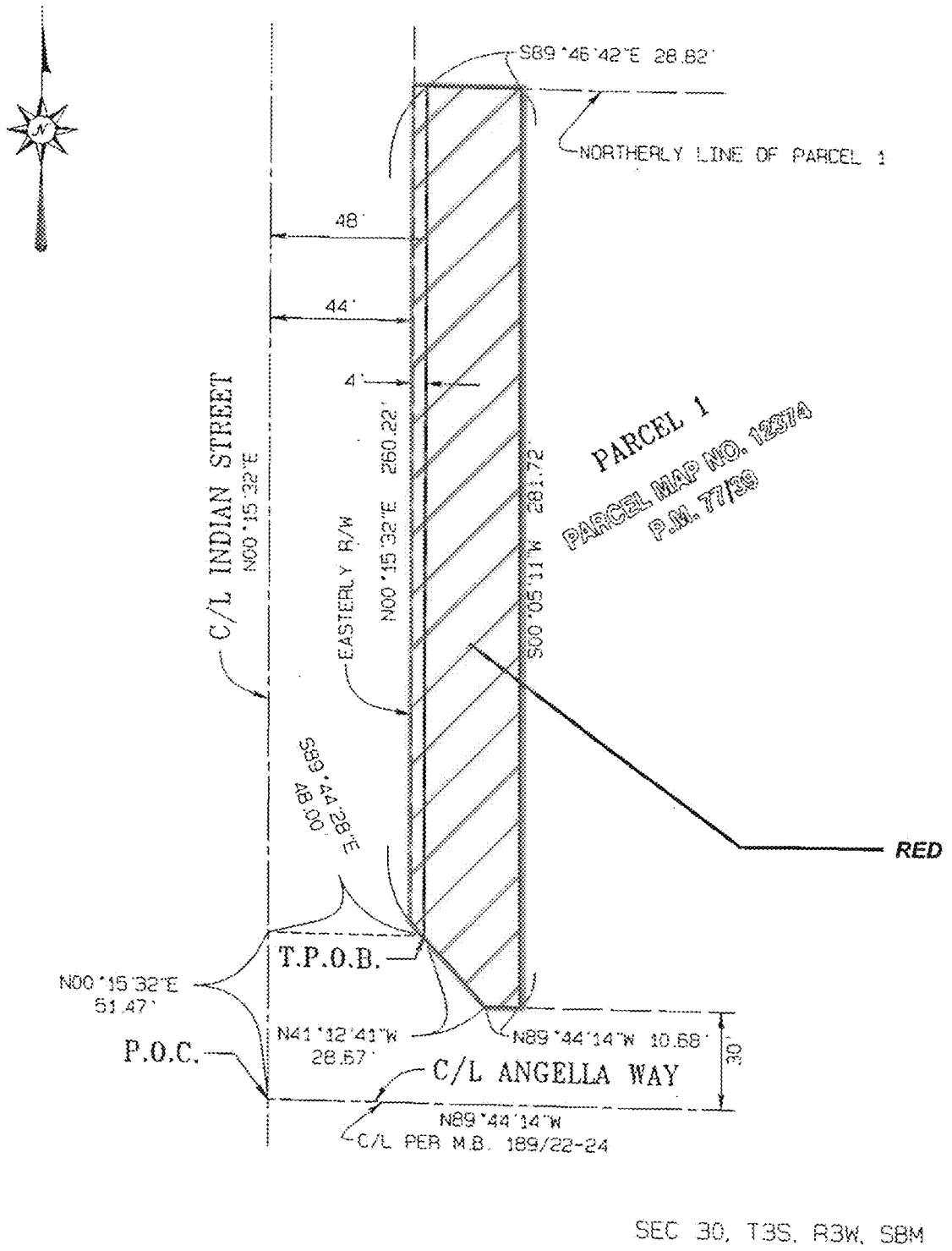

EXHIBIT B

Facilities Diagrams

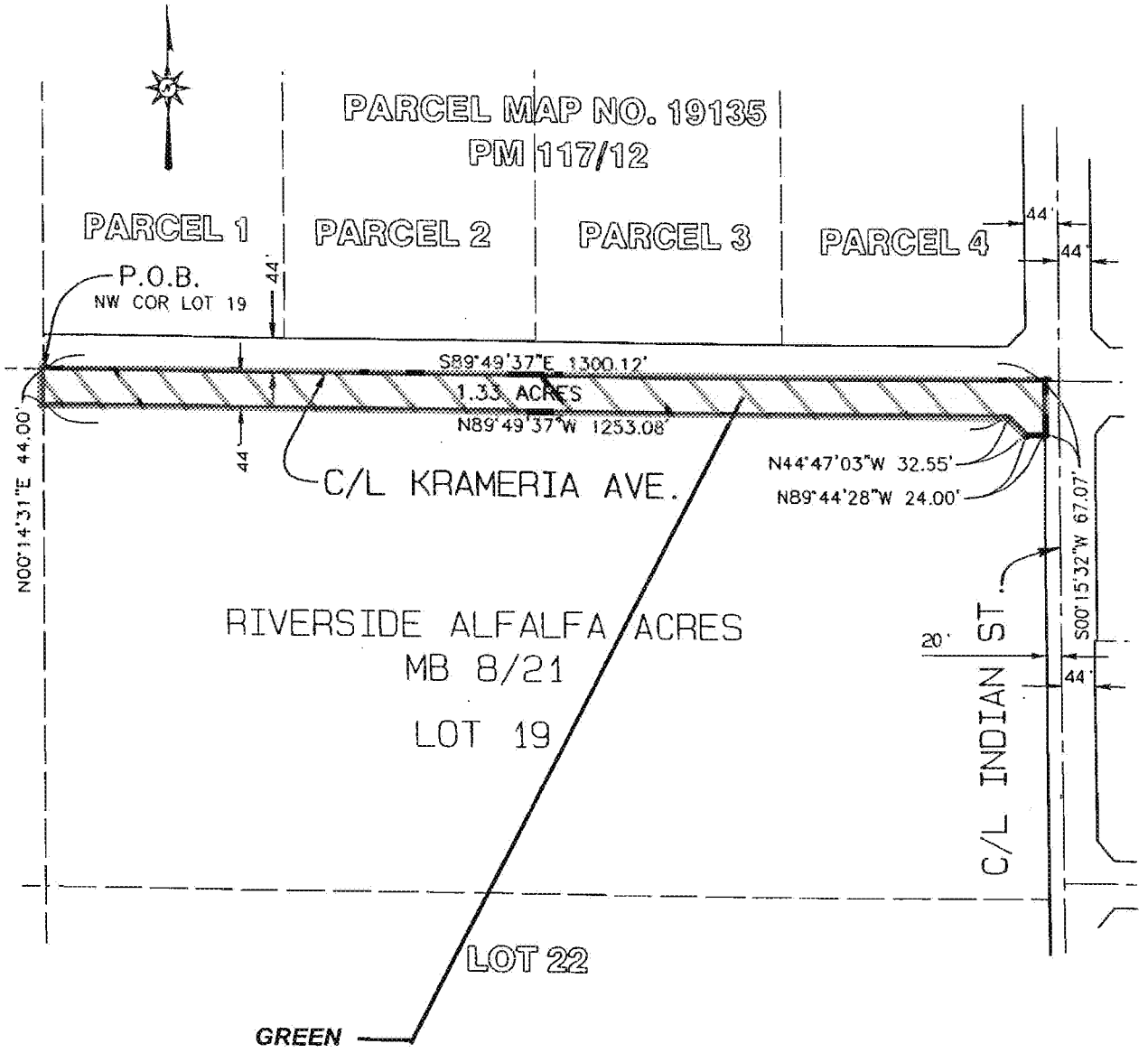

EXHIBIT C

Description of Flood Control Facilities

Proposed Flood Control Facilities to be authorized
For the Community Facilities District

Improvement Area No 1. Flood Control Facilities

RCFC&WCD Maintained Facilities

Perris Valley MDP Lateral B-3, Stage 2 (Project No. 4-0-00526), a 1 cell RCB (varying in height from 6 feet to 4 feet and varying in base width from 12 feet to 8 feet), 54" RCP, and 48" RCP, located in the Indian Street right-of-way from the existing Lateral B-3 (Project No. 4-0-00256) northerly approximately 3,268 feet to the intersection of Indian Street and San Michele Road, then westerly in the San Michele Road right-of-way approximately 2,123 feet. The facility consists of approximately 3,560 linear feet of RCB and 1,830 linear feet of RCP, including, but not limited to, manholes, junction structures, and transition structures.

Perris Valley MDP Lateral B-3.2 (Project No. 4-0-00533), a 42" RCP, located in the Nandina Avenue right-of-way from the connection to Lateral B-3, Stage 2 (Project No. 4-0-00526) westerly approximately 1,340 feet, including, but not limited to, manholes, and junction structures.

Lateral B-3b, a 42" RCP, approximately 18 feet in length connecting to Lateral B-3 at Station 38+44.67.

Lateral B-3d, a 42" RCP, approximately 30 feet in length connecting to Lateral B-3 at Station 48+34.67.

Lateral B-3e, a 48" RCP, approximately 21 feet in length connecting to Lateral B-3 at Station 52+14.22.

Estimated cost for RCFC & ECD Maintained Facilities: $3,600,000.00

City of Moreno Valley Maintained Facilities

Lateral B-3a, a 42" RCP, approximately 12 feet in length connecting to Lateral B-3 at Station 17+08.14.

Lateral B-3c, a 24" RCP, approximately 44 feet in length connecting to Lateral B-3 at Station 39+11.27.

Lateral B-3f, a 36" RCP, approximately 4 feet in length connecting to Lateral B-3 at Station 63+50.68.

Lateral B-3r, a 24" RCP, approximately 40 feet in length connecting to Lateral B-3 at Station 49+87.30.

Lateral B-3z, a 24" RCP, approximately 9 feet in length connecting to Lateral B-3 at Station 23+62.50.

Lateral B-3.2a, a 30" RCP, approximately 55 feet in length connecting to Lateral B-3.2 at Station 10+37.01.

Estimated cost for City of Moreno Valley Maintained Facilities: $680,000.00

Improvement Area No. 2 Flood Control Facilities

RCFC&WCD Maintained Facilities

Perris Valley MDP Lateral B-1 (Project No. 4-0-00486, Drawing No. 4-954), an 84" RCP, 78" RCP, and 72" RCP, located in Perris Boulevard right-of-way from the existing Lateral B-1 (Project No. 4-0-486, Drawing No. 4-838) northerly for approximately 1,345 feet. Lateral B-1 includes, but is not limited to, manholes, junction structures, laterals, and transition structures.

Perris Valley MDP Lateral B-1.2 (Project No. 4-0-00483, Drawing No. 4-954), a 78" RCP, 66" RCP, 60" RCP, 48" RCP and 42" RCP, located in the Nandina Avenue right-of-way from the connection to Lateral B-1, (Project No. 4-0-00486) westerly approximately 1,340 feet, including, but not limited to, manholes, and junction structures.

Estimated cost of RCFC & WCD Maintained Facilities: $1,500,000.00

City of Moreno Valley Maintained Facilities

Lateral B-1A, an 18" RCP, approximately 24 feet in length connecting to Lateral B-1 at Station 32+39.77.

Lateral B-1B, an 18" RCP, approximately 14 feet in length connecting to Lateral B-1 at Station 40+97.76.

Lateral B-1C, a 36" RCP, approximately 48 feet in length connecting to Lateral B-1 at Station 43+55.00.

Lateral B-1.2A, a 36" RCP, approximately 51 feet in length connecting to Lateral B-1.2 at Station 11+11.10.

Lateral B-1.2B, a 36" RCP, approximately 49 feet in length connecting to Lateral B-1.2 at Station 20+00.00.

Lateral B-1.2C, a 24" RCP, approximately 37 feet in length connecting to Lateral B-1.2 at Station 22+00.00.

Lateral B-1.2D, a 24" RCP, approximately 26 feet in length connecting to Lateral B-1.2 at Station 10+75.48.

Estimated cost of City of Moreno Valley Maintained Facilities: $100,000.00

Improvement Area No. 3 Flood Control Facilities

RCFC&WCD Maintained Facilities

Sunnymead MDP Line D (Project No. 4-0-00630, Drawing No. 4-991), Approximately 40 feet in length of 4'H x 8'W RCB and approximately 250 feet in length of 7'H x 10'W rectangular channel, located easterly of the Indian Street right-of-way. The downstream end of Line D connects to the existing Line D Box (Project No. 4-0-630, Drawing No. 4-514) and the upstream end of Line D Connects to the existing Line D rectangular channel (Project No. 4-0-630, Drawing No. 4-848). Line D is approximately 290 feet in length.

Sunnymead MDP Line D-1, a 60" RCP, 48" RCP and 42" RCP, located in the Indian Street right-of-way. The downstream end of Line D-1 connects to an existing portion of Line D-1 (Project No. 4-0-0631, Drawing No. 4-587) and extends northerly in

Indian Street for approximately 2,310 feet where it ties into an existing portion of Line D-1 (Project No. 4-0-0631, Drawing No. 4-508). Line D-1 includes, but is not limited to, manholes, junction structures, laterals, and transition structures. Line D-1 is approximately 2307 feet in length.

Lateral DA, a 42" RCP located in the Krameria Street right-of-way. The downstream end of Lateral DA connects to the existing Line D Rectangular Channel (Project No. 4-0-0630, Drawing No. 4-848) westerly for approximately 1950 feet. Lateral DA includes, but is not limited to, manholes, junction structures, laterals, and transition structures.

Estimated cost of RCFC & WCD Maintained Facilities: $1,600,000.00

City of Moreno Valley Maintained Facilities

Lateral DA, a 36" RCP located in the Krameria Street right-of-way. The downstream end of Lateral DA connects to the proposed Lateral DA 42" RCP (Project No. 4-0-0632, Drawing No. 4-991) westerly for approximately 353 feet. Lateral DA includes, but is not limited to, manholes, junction structures, inlets, laterals, and transition structures.

Lateral D-1A, a 36" RCP, approximately 11 feet in length connecting to Line D-1 at Station 40+66.30.

Lateral D-1B, a 24" RCP, approximately 75 feet in length connecting to Line D-1 at Station 46+67.98.

Lateral D-1C, a 42" RCP, approximately 16 feet in length connecting to Line D-1 at Station 48+92.48.

Lateral DA1, a 30" RCP, approximately 39 feet in length connecting to Lateral DA at Station 11+67.70.

Lateral DA2, a 30" RCP, approximately 38 feet in length connecting to Lateral DA at Station 21+80.83.

Lateral DA3, a 30" RCP, approximately 38 feet in length connecting to Lateral DA at Station 22+35.75.

Estimated Cost of City of Moreno Valley Maintained Facilities: $200,000.00

EXHIBIT D

FUNDING AGREEMENT

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

RECD JUL 28 2008

July 25, 2008

First Industrial Realty Trust
John Grace, Development Manager
114 Pacifica, Suite 220
Irvine, CA 92618

Subject: Executed Acquisition/Financing Agreement for Community Facilities District No. 7

Dear Mr. Grace,

Enclosed is a signed original of the Acquisition/Financing Agreement for Community Facilities District No. 7. This agreement is for acquisition and construction of certain public improvements associated with your project within Community Facilities District No. 7.

If you have any questions, please contact Marshall Eyerman, Special Districts Program Manager at (951) 413-3482.

Sincerely,

Chris A. Vogt, P.E.
Public Works Director/City Engineer

Jennifer A. Terry
Management Analyst

Enclosure

c: Sue Maxinoski, Special Districts Division Manager
Marshall Eyerman, Special Districts Program Manager
File

W:\SpecialDist\jennifert\CFD No.7\AFA\Cvltr for Executed AFA.doc

ACQUISITION/FINANCING AGREEMENT

THIS ACQUISITION/FINANCING AGREEMENT ("Agreement") is made and entered into by and among the CITY OF MORENO VALLEY, a municipal corporation duly organized and validly existing under the Constitution and laws of the State of California, ("City") acting for and on behalf of itself and COMMUNITY FACILITIES DISTRICT NO. 7, and FR/CAL MORENO VALLEY, LLC ("FR/CAL MV"), a Delaware limited liability company, FIRST INDUSTRIAL, L.P. ("FILP"), a Delaware limited liability partnership FR/CAL INDIAN AVENUE, LLC ("FR/CAL IA"), a Delaware limited liability company and shall become effective on the date on which the Agreement has been mutually executed and delivered by the Parties (as defined in the following sentence). FR/CAL MV, FILP and FR/CAL IA may be referred to individually as an "Owner" or collectively as the "Owners" and Owners acknowledge that they are related entities. The City and the Owners may be referred to individually as a "Party" or collectively as the "Parties."

WHEREAS, the Owners own the following real property (collectively, the "Owners' Properties") located within the City:

A. FR/CAL MV owns that parcel identified as Assessor's Parcel Nos. 316-180-002, 316-180-003, 316-180-005, 316-180-006, 316-180-008 and 316-180-009 (the "FR/CAL MV Property);

B. FILP owns those parcels identified as Assessor's Parcel Nos. 316-200-003, 316-200-009 through -014, 316-200-018, 316-200-028 and 316-200-029 (the "FILP Property);

C. ; FR/CAL IA owns those parcels identified as Assessor's Parcel Nos. 316-020-002, 316-020-003; 316-020-004, 316-020-005 and 316-020-012 through -019 (the "FR/CAL IA Property); and

WHEREAS, the Owners have requested that the City consider the formation of a community facilities district and the designation of three improvement areas therein (each, an "Improvement Area" and designated individually as "Improvement Area No. 1," "Improvement Area No. 2," and "Improvement Area No. 3") under the terms and conditions of the "Mello-Roos Community Facilities Act of 1982," as amended (Government Code Section 53311 and following) (the "Act") to include the Owners' Properties and certain additional adjacent property not owned by Owners and identified as Assessor Parcel Nos. 316-170-001, 316-170-002, 316-170-004, 316-170-006, 316-170-007, 316-170-010, 316-170-013, 316-170-014 and 316-180-010 (the "Adjacent Property") for the purpose of financing the acquisition and construction of certain public improvements, together with appurtenances and appurtenant work within the jurisdictional limits of said City, said community facilities district known and designated as COMMUNITY FACILITIES DISTRICT NO. 7 (the "Community Facilities District"); and,

WHEREAS, the Owners have further requested that the FR/CAL MV Property and the Adjacent Property be included in Improvement Area No. 1, the FILP Property be included in Improvement Area No. 2 and the FR/CAL IA Property be included in Improvement Area No. 3; and

WHEREAS, the boundaries of the proposed Community Facilities District and the proposed Improvement Areas are set forth in Exhibit A attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to such request of the Owners, City intends to initiate proceedings to consider the formation of the Community Facilities District and the designation of Improvement Areas therein, the authorization to levy special taxes within each Improvement Area and the authorization to issue bonds for each Improvement Area of the Community Facilities District to be secured by such special taxes; and

WHEREAS, Owners, in order to proceed in a timely way with the development of Owners' respective property (each, a "Development"), desires to construct or cause the construction of (a) certain public improvements that are, following the completion of the construction thereof in accordance with the applicable improvement agreements, to be acquired by the City and thereafter owned, operated and maintained by the City (the "Street Improvements"), (b) certain public improvements that are, following the completion of the construction thereof in accordance with the JCFA (defined below), to be acquired by the Riverside County Flood Control and Water Conservation District (the "Flood Control District") and thereafter owned, operated and maintained by the Flood Control District (the "Flood Control Facilities"), and (c) the undergrounding of certain utilities (the "Utility Improvements" and, together with the Street Improvements and the Flood Control Facilities, the "Improvements") to be owned, operated and maintained by Southern California Edison ("SCE")1; and

WHEREAS, Exhibit B-1 sets forth a description of the Improvements and the Improvement Area to which the financing of such Improvement is allocated and Exhibit B-2 sets forth the estimated cost (the "Budgeted Cost") for the acquisition of each Improvement; and,

WHEREAS, each Owner desires to construct the Improvements for the Improvement Area within which such Owner's property is located, to wit:

A. FR/CAL MV desires to construct those Improvements identified in Exhibit B1 as the Improvement Area No. 1 Improvements;

B. FILP desires to construction those Improvements identified in Exhibit B1 as the Improvement Area No. 2 Improvements;

C. FR/CAL IA desires to construct those Improvements identified in Exhibit B1 as the Improvement Area No. 3 Improvements; and

WHEREAS, the acquisition of such Improvements is proposed to be financed, in whole or in part, through the Community Facilities District; and,

---

1 The Owners acknowledge that while the Utility Improvements are to be owned by SCE, the Owners' Properties will be served by the City of Moreno Valley Electric Utility.

WHEREAS, pursuant to the Act, the City and the Owners have entered or will, prior to the formation of the Community Facilities District, enter into a joint community facilities agreement with the Flood Control District and the Owners regarding the construction and acquisition of the Flood Control Facilities (the "JCFA"); and,

WHEREAS, the Parties agree that the Flood Control Facilities will be constructed by the Owners, subsequently acquired by the Flood Control District upon completion thereon for ownership and maintenance and the purchase price for such Improvements paid from the proceeds of bonds issued for the Community Facilities District pursuant to the provisions of the JCFA and the applicable provisions of this Agreement; and,

WHEREAS, it is the intent of the Parties that, upon the formation of the Community Facilities District and the subsequent sale of bonds for an Improvement Area the proceeds of which bonds are authorized to be utilized to acquire a particular Improvement or Improvements, the Owner which has constructed such Improvement or Improvements or caused such Improvement or Improvements to be constructed shall be entitled pursuant to the provisions of this Agreement to be paid for those Street Improvements and Utility Improvements, if any, at the prices as determined by the City pursuant to this Agreement and such Owner shall further be entitled pursuant to the provisions of the JCFA to be paid for those Flood Control Facilities which such Owner has constructed to caused to be constructed at the prices as determined pursuant to the JCFA; and,

WHEREAS, if the Community Facilities District is formed and bonds for the Improvement Areas are issued, the City will be willing to finance the acquisition of the Improvements, subject to the requirements of the Act, the City of Moreno Valley Statement of Goals and Policies Regarding the Establishment of Community Facilities Districts adopted by the City Council by Resolution No. 2000-35 (the "Goals and Policies"), the JCFA, this Agreement, and the provisions of the Internal Revenue Code and the regulations adopted pursuant thereto applicable to the issuance of tax exempt bonds and the Owner desires that the acquisition of such Improvements be financed accordingly.

NOW, THEREFORE, IT IS MUTUALLY AGREED between the respective parties as follows:

SECTION 1. Recitals. The above recitals are all true and correct.

SECTION 2. Plans and Specifications of Improvements. All plans, specifications and bid documents for the Street Improvements and the Utility Improvements (the "Plans and Specifications") to be constructed by an Owner shall be prepared by such Owner at such Owner's initial expense, subject to approval by the City pursuant to the approval process established by the City for such Plans and Specifications or by SCE, as applicable. The costs of acquisition of such Improvements shall include costs incurred by such Owner for the preparation of and approval by the City of the Plans and Specifications and soil, drainage and such other reports as may be required by the City as a precondition to the City's approval of the construction of the Street Improvements (collectively, the "Reports") and all related documentation as set forth in Section 7 below. Upon the approval of any Plans and Specifications and/or Reports, such Plans and Specifications and/or Reports shall become the property of the City.

The Owner shall be required to submit review fees for such Plans and Specifications and Reports as required pursuant to the then effective resolution of the City establishing the fees for the review of such Plans and Specifications and Reports.

An Owner shall not award a contract for construction, commence construction or order or otherwise cause commencement of construction of a Street Improvement until the Plans and Specifications for such Improvement have been approved by the City.

SECTION 3. <u>Construction of Street Improvements and Utility Improvements.</u> Each Owner covenants and agrees that each Street Improvement to be acquired from such Owner pursuant to this Agreement shall be constructed:

(a) in substantial compliance with the approved Plans and Specifications for such Improvement;

(b) in a good, workmanlike and commercially reasonable manner with the standard of diligence and care normally employed by qualified persons utilizing commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken;

(c) in strict compliance with all applicable governmental and quasi-governmental rules, regulations, laws, building codes and all applicable requirements of such Owner's insurers and lenders; and

(d) in compliance with the requirements of Section 53313.5 of the California Government Code, if applicable, which statute requires that any Street Improvement to be acquired by the City which is completed after adoption of the resolution of formation of the Community Facilities District must be constructed as if such Improvement had been constructed under the direction and supervision, or under the authority, of the City.

In order to insure that the Street Improvements will be constructed as if they had been constructed under the direction and supervision, or under the authority of, the City, so that they may be acquired by City pursuant to Section 53313.5 of the California Government Code, each Owner shall comply with all of the following requirements with respect to the construction of the Street Improvements:

(i) Each Owner shall obtain bids for the construction of the Street Improvements in conformance with the standard procedures and requirements of City with respect to its public works projects (excluding any exceptions to competitive bidding requirements), or in a manner which is approved in writing by the City prior to the solicitation of bids.

(ii) Each contract or contracts for the construction of the Street Improvements shall be awarded to the responsible bidder(s) submitting the lowest responsive bid(s) for the construction of such Street Improvements. Nothing in this Section 3 shall

prohibit an Owner from including more than one Street Improvement in a single solicitation for bids. In the case where an Owner does include more than one Street Improvement in a single solicitation for bids, such Owner shall award the bid for the construction of such Improvements to the bidder submitting the lowest aggregate responsible bid for the construction of such Improvements. Before awarding a contract for construction of any portion of the Street Improvements, each Owner shall deliver all bids to the City Engineer of the City, or his designee (the "City Engineer") and shall not award the contract until City Engineer has determined and notified such Owner in writing that such bids are in compliance with the Plans and Specifications.

(iii) Each Owner shall require, and the specifications and bid and contract documents shall require all such contractors to pay prevailing wages and to otherwise comply with applicable provisions of the California Labor Code and the California Public Contract Code relating to public works projects of community services districts and as required by the procedures and standards of City with respect to the construction of its public works projects.

(iv) In addition to each Owner's obligation to comply with all other provisions of this Section 3, each such Owner shall also comply with the requirements of the attached, referenced and incorporated Exhibit C.

The failure of an Owner to comply with the provisions of this Section 3 in the construction of any Street Improvement shall be grounds for declaring such Street Improvement ineligible to be acquired pursuant to the provisions hereof.

The City hereby acknowledges and agrees that, at an Owner's election, the solicitation of bids may be managed and performed by such Owner's general contractor.

An Owner shall be required to construct Utility Improvements pursuant to the requirements of SCE.

The description of the Street Improvements and Utility Improvements in Exhibit B is preliminary and general in nature. The final nature and location of such Improvements will be determined upon the preparation of final Plans and Specifications. The description of such Improvements and their Budgeted Cost may be modified or Improvements substituted as long as the modified or substituted Improvements provide a service substantially similar to the Improvements currently described in Exhibit B. Any such modification or substitution shall be set forth in a supplement to Exhibit B approved by the City Engineer.

SECTION 4. <u>Inspection of the Street Improvements and Utility Improvements; Eligibility for Payment of Purchase Price.</u> The construction of the Street Improvements as set forth in Exhibit B shall be subject at all reasonable times to inspection by authorized representatives of the City. The Owner constructing or causing the construction of any Street Improvement or Street Improvements shall be required to submit inspection fees to the City as required pursuant to the then effective fee resolution of the City for the inspection of each such Street Improvement. Once an entire individual

Street Improvement is completed in accordance with the approved Plans and Specifications (including any change orders reasonably approved by the City), then such Improvement shall, upon satisfaction of the conditions precedent set forth herein, be eligible for payment of the Purchase Price (as defined in Section 7 below) for such Improvement.

Prior to payment of the Purchase Price for any Street Improvement, the Owner constructing or causing the construction of such Street Improvement shall provide to City Engineer, the documentation set forth in Section 7(b) below and obtain approval of as-built drawings in accordance with the process described below in this Section 4. The engineer of record for the Street Improvement ("Engineer of Record") shall notify the City Engineer of completion of construction of such Improvement. Within 20 working days of such filing, the field inspector of the City ("Field Inspector") or his or her designee shall issue and transmit to the Engineer of Record (i) a letter requesting as-built drawings and final soils reports (when applicable) ("Final Soils Reports") and (ii) a punch list of work necessary to be completed or corrections to work necessary to be completed before such Improvement will be eligible for payment of the Purchase Price. Within 20 working days of receipt of the Field Inspector's letter, the Engineer of Record shall prepare redline as-built drawings and submit them to the Field Inspector and such Owner shall complete the punch list items. Within 10 working days of the Engineer of Record's submittal of the red lined as-built drawings, the Field Inspector shall review the redline as-built drawings and provide comments. The Engineer of Record shall revise the redline as-built drawings per the Field Inspector's comments and resubmit within 10 working days. The Field Inspector shall make his final review within 5 working days of the Engineer of Record's resubmittal and notify the Engineer of Record to prepare mylar as-built drawings and a digital (autocad and .pdf) copy of all Plans and Specifications and Reports and submit such documents in such formats to the City Engineer or his designee and notify such Owner of any punch list items which then remain to be completed. A Street Improvement shall be accepted upon completion of the punch list items and submittal to and approval by City of as-built drawings. City and such Owner shall make best efforts to perform within the time periods described above. The inability of City or such Owner to perform within each time period, notwithstanding its best efforts, shall not constitute a breach of this Agreement.

The construction of the Utility Improvements shall be subject to such inspection as SCE shall require. Upon receipt by the City Engineer of a letter from SCE stating that the construction of a Utility Improvement has been completed to the satisfaction of SCE and that SCE has accepted ownership of such Utility Improvement, the Owner constructing or causing the construction of such Utility Improvement may submit a written request pursuant to Section 7(b) for the payment of the Purchase Price for such Utility Improvement.

SECTION 5. <u>Warranty of Street Improvements.</u> Prior to acceptance by the City of any Street Improvement, the Owner constructing or causing the construction of such Street Improvement shall be responsible for maintaining such Improvement at such Owner's expense. Such Owner shall be obligated to the City and the Community Facilities District for a period of twelve (12) months after the acceptance by the City of any Street Improvement to repair or replace any defects or failures resulting from the work of such Owner, its contractors or agents. Upon the expiration of such twelve (12) month period, such Owner shall assign to the City and the Community Facilities District its rights in and to any warranties, guarantees or other evidence of contingent obligations of third persons with respect to such Improvement. As a precondition to the acceptance by the City of a

Street Improvement, such Owner shall post a maintenance bond in a form reasonably approved by the City, cause such a maintenance bond to be posted, or assign such Owner's rights under such a maintenance bond naming the City and the Community Facilities District as beneficiaries in an amount equal to ten percent (10%) of the Budgeted Cost of such Improvement in order to secure such Owner's obligations pursuant to this Section during the twelve (12) month maintenance period.

SECTION 6. Notice of Completion and Lien Releases. Upon completion (as such term is defined in California Civil Code Section 3086) of the construction of a Street Improvement, the Owner constructing or causing the construction of such Improvement shall notify the City Engineer in writing of such completion and shall prepare and execute a Notice of Completion for such Improvement in the form prescribed by Section 3093 of the California Civil Code and shall record such notice in the Official Records of the County of Riverside. Such Owner shall cause its contractors to provide unconditional lien releases for such Improvement in accordance with Section 3262 of the Civil Code.

SECTION 7. Payment of Purchase Price; Processing Payment Requests.

(a) Amount of Purchase Price of an Improvement and Processing of Payment Requests. The Purchase Price for a Street Improvement or a Utility Improvement to be constructed by an Owner and acquired by the City or SCE, as applicable, shall be determined as provided for in this Section 7. The amount of the Purchase Price for a Flood Control Facility shall be determined pursuant to the JCFA.

The processing of a payment request for the payment of the Purchase Price for a Street Improvement or a Utility Improvement shall be undertaken as provided for in this Section 7. The processing of a payment request for the payment of the Purchase Price for a Flood Control Facility shall be determined pursuant to the JCFA.

(b) Determining the Amount of the Purchase Price for a Street Improvement or a Utility Improvement. The Purchase Price for a Street Improvement or a Utility Improvement shall (i) equal the lesser of the cost or the value thereof, (ii) include the lesser of the cost or value of eligible appurtenant public facilities, (iii) include the costs of the title insurance policy, if any, described in Section 10(a), and (iv) include all other costs of construction and incidental costs eligible under the Act and the Goals and Policies as a part of the cost of such Improvements, including the following:

(1) Usual and customary design, planning and engineering costs including civil engineering, soils engineering, landscape architecture, survey and construction staking, utility engineering and coordination, construction administration and supervision, plan check and inspection fees. Planning to be included in the Purchase Price of an Improvement shall be limited to those planning costs which are directly related to the planning for such Improvement. Costs incurred by an Owner related to the formation of the Community Facilities District ("Owner's CFD Formation Costs") shall not be included in the Purchase Price of any Improvement.

(2) Costs of acquisition of rights-of-way and/or easements necessary for any Improvement which are not otherwise required to be dedicated to the City including the following:

(A). Costs of any appraisal undertaken by an appraiser retained by the City for the purpose of valuing such property interests;

(B) Costs of title insurance for such property interests;

(C). Costs of preparing acquisition plats;

(D). The appraised value or actual cost of right-of-way or easements, whichever is less; and

(E). Legal fees and costs related to eminent domain proceedings approved by the City Attorney and the City Engineer.

(3) Costs of environmental review, permitting, mitigation directly related to the Improvement, and that portion of the cost of the preparation of environmental documents, including without limitation, a Negative Declaration or an Environmental Impact Report directly related to the Improvement.

(4) An amount not to exceed to 11.0% of the hard construction cost and the hard cost contingency (including insurance and general conditions) but excluding all other incidental costs, including but not limited to, the costs set forth in subparagraphs (1), (2) and (3) of the Improvement, representing the developer/project management fee, construction management fee and general conditions fee. Such fees are described in Exhibit E attached hereto and incorporated herein by this reference (the "Fee Letter").

(5) Costs of construction, provided in no event shall the cost or value of the construction of the Improvement be deemed to exceed the construction contract prices set forth in the contracts and change orders approved by City.

The value of an Improvement shall be equal to the cost of construction of such Improvement determined pursuant to this subsection (b), less such portion of such cost of construction which the City Engineer has, in his or her reasonable professional opinion, determined would not have been incurred had such Improvement been constructed pursuant to a public works contract awarded by the City. Each Owner agrees to cooperate with the City Engineer in the determination of the value of an Improvement constructed or caused to be constructed by such Owner and in conjunction therewith shall, at the request of the City Engineer, provide the City Engineer with copies of contracts for construction of improvements to such Owner's Properties which are adjacent to or nearby such Improvement. As a non-inclusive example, if an Owner pays overtime to complete the construction of Street Improvements to provide access to a parcel by a date certain as required by such Owner's lease obligations to a tenant occupying such parcel, the cost of such overtime will be deducted from the overall cost of construction of such Improvement to determine the value of such Improvement.

Notwithstanding the foregoing, the aggregate Purchase Price of the Utility Improvements to be financed from the proceeds of a series of Bonds issued for an Improvement Area may not exceed an amount equal to five percent (5%) of the proceeds of such series of Bonds used to acquire Street Improvements and Flood Control Facilities or such lesser amount as may be necessary to insure that such expenditure does not, in the opinion of bond counsel retained by the City, adversely affect the exclusion from gross income of interest on such series of Bonds for federal income tax purposes.

(c) Processing a Request for Payment of the Purchase Price for a Street Improvement or a Utility Improvement.

(1) Requisition for Payment of Purchase Price. The Owner who constructed or caused the construction of a Street Improvement or a Utility Improvement may submit only one (1) written request to person or entity acting as the construction auditor for and on behalf of the City (the "Construction Auditor"), for the payment of the Purchase Price for such Improvement in the form attached hereto as Exhibit D, which is incorporated herein by this reference, upon the submission to the Construction Auditor of (A) a copy of each construction contract for such Improvement, a copy of the bid notice for such contract and a copy of each bid received, (B) each change order applicable to such Improvement, (C) each invoice submitted pursuant to each such contract pertaining to such Improvement, (D) evidence of payment of each such invoice such as copies of cancelled checks or other evidence of payment satisfactory to the Construction Auditor, (E) as-built drawings or other equivalent plans and specifications for any such Street Improvement in a form reasonably acceptable to the City, (F) evidence that such Owner has posted a maintenance bond for any such Street Improvement as required by Section 5 hereinabove, (G) evidence of the satisfaction of the requirements of Section 10 hereinbelow directly related to any such Street Improvement and (H) written unconditional lien releases from all contractors, subcontractors and materialmen satisfactory to the City Attorney for such Improvement. In the event that such Owner has awarded a single contract for the construction of more than one Street Improvement or Utility Improvement, such Owner must provide a copy of such contract, the bid notice and the bids received only with first written request for payment of the Purchase Price for an Improvement constructed pursuant to such contract. For all subsequent requests for payment of the Purchase Price for an Improvement constructed pursuant to such contract, such Owner may refer to the original request for payment for which the construction contract, bid notice and bids were submitted in lieu of submitting additional copies of such documents.

(2) Review of Payment Request. The Construction Auditor shall review each payment request within thirty (30) working days after receipt thereof (the "Initial Review Period") and notify the City Engineer and the Special Districts Division Manager and such Owner of the results of such review. Upon the completion of such review, the Construction Auditor shall either recommend approval of the payment request as submitted or, if the Construction Auditor finds that any such payment request is incomplete, improper or otherwise not suitable for approval, the Construction Auditor shall inform such Owner, the City Engineer and the Special Districts Division Manager of the reasons for such finding. Such Owner shall have the right to respond to this finding by submitting further documentation to the

Construction Auditor to supplement a payment request and/or to resubmit the payment request within thirty (30) days after receipt of the denial. The Construction Auditor shall review any supplemental documentation submitted in support of a payment request and inform such Owner, the City Engineer and the Special Districts Division Manager of its recommendation for the approval or denial of the payment request as so supplemented in accordance with this Section within ten (10) working days after receipt of the supplemental documentation.

If an Owner elects to resubmit a payment request in place of an original payment request that the Construction Auditor has found to be incomplete, improper or otherwise not suitable for approval in lieu of submitting supplemental information pertaining to the original payment request, the resubmitted payment request shall be subject to the same review procedures applicable to an original payment request.

Costs incurred under a contract for the construction of a Street Improvement entered into pursuant to the requirements of this Agreement and pursuant to change orders approved by the City shall be deemed to be reasonable.

The City Engineer shall review the recommendation of the Construction Auditor for the payment of any payment request and shall approve or deny such payment request within fifteen (15) business days of the date of the receipt thereof. The City Engineer shall notify the Owner and the Special Districts Division Manager in writing of his or her decision and, if the City Engineer denies such payment request, the reasons for such denial. Such Owner shall have the right to respond to the denial by submitting further documentation to the City Engineer to supplement such payment request within thirty (30) days after receipt of the denial. The City Engineer shall review such further documentation and shall approve the payment request or affirm his or her denial thereof within ten (15) business day of the date of receipt of such further documentation. The City Engineer shall notify the Owner and the Special Districts Division Manager in writing of his or her decision which shall be final and conclusive.

After (A) the formation of the Community Facilities District, the designation of the Improvement Areas therein and the approval of the authorization to levy special taxes within such Improvement Areas and to issue bonds of the Community Facilities District for each Improvement Area secured by such special taxes, (B) the issuance of Bonds (defined in Section 20 below) for one or more of the Improvement Areas pursuant to Section 20 the proceeds of which are intended to be used to acquire a particular Street Improvement or a Utility Improvement for which a payment request has been received, (C) recommendation by the Construction Auditor of the approval of the payment request and (D) approval of such payment request by the City Engineer, the Special Districts Division Manager shall promptly notify the Director of Finance of the approval of the payment request and request that such payment be made to the appropriate payee. The Director of Finance shall process any such request of the Special Districts Division Manager pursuant to the applicable procedures of the Finance Department and shall make or authorize such payment pursuant to such procedures and subsection (3) below.

(3) Payment.

(A) Priority of Payment of Cost of Purchase Price for Street Improvements or Utility Improvements. The City and the Owners acknowledge and agree that the cost of acquisition of all Improvements may exceed the aggregate amount of the Bond proceeds which will be available for the payment of that portion of the Purchase Price, as applicable, for all of such Improvements eligible to be paid from the proceeds of the Bonds. As a result, the proceeds of any series of Bonds to be eligible to used to pay the Purchase Price for Flood Control Facilities shall be deposited in a separate account to be designated the Flood Control Facilities Account as a first priority. In the event that funds deposited in the Flood Control Facilities Account for any Improvement Area are not sufficient to fully fund the Purchase Price of the Flood Control Facilities for such Improvement Area, the Owner who caused the construction of such Flood Control Facilities may submit a request to the City to have funds set aside for the Purchase Price of Street Improvements for that Improvement Area be transferred to the Flood Control Facilities Account to make up such deficit. In the event that any funds are transferred pursuant to the preceding sentence, the Owner responsible for the construction of the subject Street Improvements shall not be relieved of such Owner's obligation to construct such Street Improvements at such Owner's expense. The City and the Owners agree that the payment of the Purchase Price for Street Improvements or Utility Improvements from the proceeds of the Bonds issued for each Improvement Area shall be prioritized as follows:

Improvement Area No. 1:

Priority 1: Payment to the City and FR/CA MV for reimbursement of the proportionate share of costs incurred by the City and FR/CAL MV in connection with the formation of the Community Facilities District allocated to Improvement Area No. 1.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 1 Street Improvements (as further described in Exhibit B-1).

Improvement Area No. 2:

Priority 1: Payment to the City and FILP for reimbursement of the proportionate share of costs incurred by the City and FILP in connection with the formation of the Community Facilities District allocated to Improvement Area No. 2.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 2 Street Improvements (as further described in Exhibit B-1).

Improvement Area No. 3:

Priority 1: Payment to the City and FR/CAL IA for reimbursement of the proportionate share of costs incurred by the City and FR/CAL IA in connection with the formation of the Community Facilities District allocated to Improvement Area No. 3.

Priority 2: Payment to Owner of the Purchase Price for the Improvement Area No. 3 Street Improvements (as further described in Exhibit B-1) in the order set forth in Exhibit B-1.

Priority 3: Payment to Owner of the Purchase Price for the Improvement Area No. 3 Utility Improvements (as identified in Exhibit B-1).

The Purchase Price for any lower priority Street Improvement or Utility Improvement allocated to an Improvement Area shall not be paid unless the Purchase Price for all higher priority Street Improvements and Utility Improvements allocated to such Improvement Area has been paid or the City Engineer has reasonably determined that sufficient proceeds of the Bonds issued for such Improvement Area are available to fully fund the cost of construction or the Purchase Price of such higher priority Improvements, e.g., such funds have been deposited in a separate account or sub-account and the use of such funds has been restricted to funding the cost of construction or the Purchase Price of such higher priority Improvements, based upon the estimates of the cost of construction or the approved Purchase Prices, as applicable, for such higher priority Improvements on Exhibit B. Notwithstanding the foregoing, the payment of the Purchase Price for any Utility Improvement shall be made only after the payment has been made of the Purchase Price for all Street Improvements and Flood Control Facilities to be financed from the proceeds of the same series of Bonds.

(B) Timing of the Payment of the Purchase Price for an Improvement. Subject to the limitations contained in subsection (b) and (1), (2) and (3) of this subsection (c), the Purchase Price for each Improvement shall be paid to the Owner constructing or causing the construction of such Improvement within thirty (30) days after the date of the City Engineer's approval of the payment request for any such Improvement; provided, however, the Purchase Price for any Improvement shall not be paid earlier than thirty-five (35) days after the recording of a Notice of Completion for such Improvement.

(C) Source of Payment. The Purchase Price for an Improvement shall be payable to the Owner solely from those proceeds ("Eligible Improvement Proceeds") of the sale of a series of the Bonds issued for an Improvement Area as provided in Section 17 hereof authorized and designated for the payment for such Improvement, after the proportionate costs of formation of the Community Facilities District allocated to the applicable Improvement Area and all costs of issuance of such Bonds have been paid and deposits of

accrued and capitalized interest to the redemption fund and the initial deposit to the reserve fund have been made.

(D) Withholding of Payment. In addition to the foregoing, the City shall have the right to withhold payment of the Purchase Price of any Improvement if (a) the Owner constructing or causing the construction of such Improvement is delinquent in the payment of any assessment installments or special taxes levied by the City, the Community Facilities District or any other community facilities district established by the City on properties then owned by such Owner within the Community Facilities District, or (b) the City Engineer reasonably determines that such Owner is not then in substantial compliance with all applicable conditions and obligations imposed upon such Owner hereunder or upon such Owner's Development pursuant to the land use entitlements approved by the City for such Development, including but not limited to, payment of all applicable fees, dedication of all applicable rights-of-way or other property and construction of all applicable public improvements. The City Engineer shall provide written notice to such Owner of the decision to withhold any such payment and shall specify the reason for such decision. If the payment is withheld as a result of the delinquency in the payment of assessment installments or special taxes, the notice shall identify the delinquent parcels and the amount of such delinquency. If the payment is withheld as a result of substantial non-compliance with a condition or obligation, the notice shall specify such condition or obligation and what action will be necessary by such Owner to substantially comply with such condition or obligation. Upon receipt by the City Engineer of evidence reasonably satisfactory to the City Engineer of the payment of the delinquent special taxes or assessments or upon the determination by the City Engineer that such Owner has substantially complied with the subject condition or obligation, the City shall forthwith make any payment which has been withheld pursuant to the provisions of this paragraph.

SECTION 8. Construction Manager. An Owner may employ the services of a consultant to provide construction management services for and on behalf of such Owner provided that such services are provided in accordance with the terms and construction of this Agreement. Such services shall include, but not be limited to the solicitation, award and administration of contracts for the construction of each Improvement. In the event an Owner procures the services of a Construction Manager, for the purposes of Section 3, Section 4, Section 6, Section 7, Section 9(a), Section 10(b), Section 10, Section 13, Section 16, Exhibit C and Exhibit D of this, the term "Owner" shall also mean and include the term "Construction Manager."

SECTION 9. Accounting.

(a) Owners' Records. The authorized representatives of City shall have the right, upon two (2) working days prior written notice to an Owner and during normal business hours, to review all books

and records of such Owner pertaining to costs and expenses incurred by such Owner in construction of any Improvements.

(b) Community Facilities District Records. City shall provide each Owner with an accounting of the funds and accounts of the applicable Improvement Area of the Community Facilities District as of December 31 and June 30 of each calendar year by January 31 and July 31, respectively, which shall describe the current balances, activity in each fund and account for the preceding six-month period and investment earnings on all funds and accounts, collectively and individually. Costs incurred by the City in providing such accounting shall be considered an administrative expense of the Community Facilities District to be funded or reimbursed through the annual levy of special taxes.

SECTION 10. Ownership and Transfer of Improvements. The conveyance of the Improvements by an Owner to City shall be in accordance with the following procedures:

(a) Improvements Constructed on Land not Owned by the City. As a condition to the payment of the Purchase Price for any Improvement, the Owner constructing or causing the construction of such Improvement shall cause an irrevocable offer of dedication to be made to the City or an outright grant of a fee interest or easement interest as appropriate, in the sole discretion of the City of the appropriate right, title and interest in and to the portion of the applicable property related to the applicable Improvement, including any temporary construction or access easements. Such Owner shall cause the execution and delivery to the City of the documents required to complete the transfer of Acceptable Title to such portion of the applicable property. For purposes of this Agreement, the term "Acceptable Title" shall mean title to the portion of the property to be conveyed free and clear of all taxes, liens, encumbrances, assessments, easements, leases, whether any such item is recorded or unrecorded, except those non-monetary encumbrances and easements which are reasonably determined by the City not to interfere with the intended use of the portion of the property. As a further condition to the payment of the Purchase Price for any Improvement, such Owner at its sole cost and expense, subject to reimbursement pursuant to Section 7, shall cause to be issued a policy of title insurance for such portion of the property in an amount not to exceed the Purchase Price and in the form normally required by the City in connection with the dedication of land for subdivision improvements and containing such title endorsements as may be reasonably requested by the City.

(b) Improvements Constructed on Land Owned by the City. If an Owner is authorized to construct an Improvement on land owned in fee by the City or on land over which the City owns an easement which would permit the construction, operation and maintenance of such Improvement such Owner shall obtain the necessary encroachment permits or other authorization required by the City to enter such land for purposes of constructing such Improvement.

SECTION 11. Improvement Bonds. Except as provided in the paragraph below, an Owner shall be required to post bonds or other security acceptable to the City to guarantee completion of the Improvements to be constructed by such Owner in accordance with City's standard requirements for such bonds or securities.

Performance and labor and material bonds in the amounts set forth in Exhibit C for specific Improvements shall not be required or may be released if (1) such Improvements constitute a portion of the improvements required to be constructed as a condition of approval of the subdivision and/or development within the applicable Improvement Area, (2) Bond proceeds equal to 150% of the estimated cost to construct or acquire such Improvements are available and set aside for such purpose, and (3) the Improvements are to be constructed or acquired entirely with the proceeds of the Bonds. Provided that conditions (1) and (2) are satisfied, if an Improvement is to be constructed or acquired only in part with the proceeds of the Bonds, performance and labor and material bonds shall not be required for that portion of the Improvements to be so constructed or acquired except with respect to the portion that will not be acquired or constructed with Bond proceeds. In the event that the Bond proceeds that are available and may be set aside to fund the cost to construct or acquire an Improvement are less than 150% of the estimated cost thereof, the Owner constructing or causing the construction of such Improvement shall be required to provide a performance and labor and material bond or other security satisfactory to the City Engineer and the City Attorney in the amount of such deficiency. City will cooperate with such Owner in the termination or exoneration of any performance and labor and material bonds assuring completion of Improvements for which Bonds have been sold. The City Engineer shall be the sole judge of determining release of such bonds.

SECTION 12. Flood Control Facilities. Except as otherwise provided for herein, the terms and conditions related to the construction and acquisition of the Flood Control Improvements, including but not limited to, the design, bidding, contract award, construction, inspection, acceptance, acquisition, warranty, indemnification and liability shall be governed by the JCFA.

SECTION 13. Reimbursement for Utility Improvements. If any portion of the cost of any Utility Improvement is required to be refunded by SCE pursuant to the California Public Utilities Code or rules of the Public Utilities Commission, such refund shall be made to the Community Facilities District and such refund shall be utilized, first, to finance the acquisition of any other Improvements authorized to be financed from the proceeds of the Bonds issued for the Improvement Area , which proceeds were utilized to pay the Purchase Price for such Utility Improvement, and, second, to the extent that the acquisition of all such other Improvements has been completed, to reduce the special tax levied within the applicable Improvement Area, or to call Bonds.

SECTION 14. Indemnification by the Owners. Each Owner shall defend, indemnify and hold harmless the City, the Community Facilities District, the Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley (collectively, the "Indemnified Agencies") and their respective officers, directors, employees and agents, from and against any and all claims, losses, liabilities, damages, including court costs and reasonable attorneys, fees by reason of, or resulting from, or arising out of out of the obligations or operations undertaken by such Owner hereunder and out of such Owner's performance of its duties and responsibilities with hereunder, including but not limited to, the design, engineering, solicitation of bids and the award of contracts for the construction of any Improvement and construction of the Improvements constructed or to be constructed by such Owner; provided that any claims which relate to any such Improvement shall be limited to those arising out of personal injury or property damage caused by actions or omissions by such Owner or such Owner's employees, agents, independent contractors or representatives which occurred during the period prior to the transfer of

title to such Improvement, whether or not a claim is filed prior to the date of acceptance of such Improvement. Each Owner will conduct any such defense at its sole cost and expense, and the City shall approve selection of Owner's legal counsel, which approval shall not be unreasonably withheld. In the event that Owner's insurer has undertaken the defense of any insured claim, then legal counsel selected and/or approved by such insurer shall be deemed acceptable to and approved by the City.

This indemnity shall apply to all claims and liability regardless of whether any insurance policies may be applicable pursuant to any other agreement that an Owner may have with the City. Such policy limits do not act as a limitation upon the amount of indemnification to be provided by Owner hereunder; provided, however, that in the event that Owner's insurer promptly undertakes and diligently pursues the defense and/or resolution of such claims which would result in any indemnity or hold harmless obligations of the Owner pursuant to the foregoing, then so long as such insurer is diligently pursuing such defense and/or resolution, Owner's obligations under this Section 14 shall be tolled.

Nothing in this Section 14 shall limit in any manner the rights of the Indemnified Agencies or any one or more of the them against any of the architects, engineers, contractors or other consultants employed by such Owner which has performed work in connection with construction or financing of any Improvement.

Except as set forth in this Section 14, no provision of this Agreement shall in any way limit the extent of the responsibility of any Owner for payment of damages resulting from the operations of such Owner, its agents, employees or contractors.

SECTION 15. Obligation of City. Except as otherwise provided for herein, neither the City nor the Community Facilities District has a legal or financial obligation to construct or to finance construction of the Improvements. All costs incurred for actual construction of an Improvement, including all incidentals thereto, shall be borne by the Owner constructing or causing the construction of such Improvement. The obligations of the City are limited to the acquisition of the Improvements pursuant to the provisions of this Agreement.

SECTION 16. Failure to Construct Street Improvements. If, at any time following commencement of the construction of any Street Improvements by an Owner, the City determines that such construction is not progressing within a reasonable time in accordance with the conditions of approval of such Owner's Development imposed by the City in granting the land use entitlements applicable to such Development (collectively, the "Conditions of Approval") or such Owner fails to demonstrate a continuing ability to complete the construction of such Street Improvement in accordance with the Conditions of Approval, the City may give written notice of such failure of performance to such Owner. Such Owner shall have sixty (60) days from the date of receipt of such notice to either (i) cure such failure of performance by demonstrating to the satisfaction of the City during such cure period reasonable progress in the construction of the Street Improvement and a continuing ability to complete the construction of such Improvement in accordance with the Conditions of Approval or (ii) reasonably demonstrate that such failure of performance is due to circumstances or conditions beyond such Owner's reasonable control ("Force Majeure") including, without limitation, the City's actions, omissions or inaction which result in a delay of performance by such Owner, labor disputes, Acts of God, war, riots, insurrections, civil commotions,

moratoriums, inability to obtain labor or materials or reasonable substitutes for either, fire, unusual delay in transportation, and adverse weather conditions. Should such Owner fail to reasonably demonstrate such reasonable progress or such continuing ability to complete the construction of such Improvement or Force Majeure, the obligation of the City to pay the Purchase Price for the acquisition of such Improvement pursuant to this agreement may be terminated by the City by providing ten (10) days written notice to such Owner. Upon termination, the City may in its sole discretion then proceed to advertise and bid the balance of the construction of such Improvement, and there will be no further obligation on the part of the City for payment of the Purchase Price for such Improvement due to such Owner pursuant to this Agreement. The City may utilize the Bond proceeds to pay for the construction of such Improvement. If, following the completion of the construction of such Improvement pursuant to a contract awarded by the City, there are surplus Bond proceeds that are eligible and authorized to be used to finance the acquisition of such Improvement, such Owner shall be entitled to payment to the extent of such funds of an amount equal to the costs, as determined by the City Engineer, incurred by such Owner prior to such termination for the construction of such Improvement.

In the event that the City chooses not to advertise and bid the balance of the construction of any such Improvement following such a termination, any monies remaining in the improvement fund for the Community Facilities District and set aside for the acquisition of such Improvement shall be transferred to the special tax fund established pursuant to the Fiscal Agent Agreement for the Bonds and used, at the discretion of the City, to pay debt service on or to call outstanding Bonds.

SECTION 17. Agreement Contingent. This Agreement is contingent upon the initiation of proceedings to consider the formation of the Community Facilities District, the subsequent formation of the Community Facilities District and the designation of Improvement Areas therein and the authorization by the qualified electors of each Improvement Area of the Community Facilities District to levy special taxes within such Improvement Area and incur bonded indebtedness for such Improvement Area and the successful sale of Bonds for each Improvement Area and it shall be null and void as to any Improvement Area if the Bonds for such Improvement Area are not sold within a three (3) year period following the date of completion of the construction of the Improvements allocated to such Improvement Area, or any mutually agreed extension.

The City may, at its option, suspend the performance of its obligations under this Agreement if, during the 30-day statute of limitations period following the formation of the Community Facilities District, any legal challenge is filed relating to the validity or enforceability of this Agreement, the Community Facilities District proceedings or the issuance of the Bonds. The obligations of the City hereunder shall be reinstated upon the entry of a final judgment in any such proceedings upholding the validity and enforceability of the Agreement, the Community Facilities District proceedings or the issuance of the Bonds. In the event that a final judgment is entered invalidating or declaring unenforceable this Agreement, the Community Facilities District proceedings or the issuance of the Bonds, the City may, at its option, terminate this Agreement provided, however, that in such instance, the City shall use reasonable efforts to assist Owner in re-initiating the Community Facility District formation proceeding in a manner that is legal. If the City elects to terminate this Agreement pursuant to the preceding sentence, the obligations of the parties hereunder shall be terminated except for the City's obligation to assist the Owners as set forth in the immediately preceding sentence. The termination of an Owner's obligations hereunder shall not,

however, relieve such Owner of any obligations with respect to the construction of the Improvements which such Owner has under any other agreement with the City, the Flood Control District or SCE or any condition of approval of any land use entitlement for such Owner's Development.

SECTION 18. Notice of Special Tax. Each Owner, or the successor or assigns of such Owner, shall provide written notice to all potential purchasers or lessees, if the special taxes are to be passed through to such lessees, of lots or portions thereof in the form prescribed by California Government Code Section 53341.5 advising the potential owner or lessee, as applicable, of the fact of the proposed or confirmed Community Facilities District, with such document being executed by the potential purchaser or lessee, as applicable. Such notice shall be provided to the potential purchaser or lessee, as applicable, before the potential purchaser becomes contractually committed to purchase the lot or the lessee enters into the lease of the lot so that the potential purchaser or lessee, as applicable, may knowingly consider the impact of the special tax in the decision to purchase or lease the lot. A copy of all such notices executed by actual purchasers or lessees shall be sent to the City Engineer.

SECTION 19. Relationship to Public Works. This Agreement is for the acquisition of the Improvements by City, the Flood Control District or SCE and the sale of the Bonds for the payment of construction and acquisition costs for the Improvements and such other amounts as are herein provided, and is not intended to be a public works contract.

In performing its obligations under this Agreement, each Owner is an independent contractor and not the agent of City. City shall have no responsibility for payment to any contractor or supplier of such Owner. Notwithstanding the foregoing, an Owner may be subject to certain public contract requirements as provided in Section 3 of this Agreement.

SECTION 20. Sale of Bonds. The City shall initiate proceedings to issue and sell bonds secured by the levy of special taxes within each Improvement Area of the Community Facilities District (the "Bonds") to be issued pursuant to the Act only upon (i) the formation of the Community Facilities District and the designation of the Improvement Areas therein, (ii) the authorization by the qualified electors within each of the Improvement Areas to levy special taxes within such Improvement Areas and to issue the Bonds for each Improvement Area, and (iii) the receipt of a written request from the Owner(s) of the property within an Improvement Area that the City initiate proceedings to issue and sell such Bonds. It is anticipated that a separate series of Bonds may be sold for each Improvement Area at different times to finance the cost of the Improvements allocated to such Improvement Area or, alternatively, a single series of Bonds may be sold for combined Improvement Areas. The Bonds for an Improvement Area shall be sized so that as of the date of issuance of the Bonds the aggregate appraised value of all taxable properties within the Improvement Area for which the Bonds are being issued shall comply with the value-to-lien standards set forth in the Goals and Policies, as such Goals and Policies may have been amended as of the date of value of the appraisal of the taxable properties within the applicable Improvement Area. The appraised value of taxable property for purposes of this paragraph shall be determined by an independent appraisal undertaken for the City utilizing appraisal assumptions approved by the City.

The proceeds of the Bonds issued for any Improvement Area shall be used in the following priority to (i) fund a reserve fund for the payment of principal and interest with respect to such Bonds; (ii) fund capitalized interest on such Bonds for a period not to exceed eighteen (18) months; (iii) pay for costs of issuance of such Bonds including, without limitation, underwriter's discount, bond counsel fees and expenses, disclosure counsel fees and expenses, financial advisor fees and expenses, printing, and paying agent fees and expenses; (iv) pay for the proportionate share of the costs of forming the Community Facilities District allocated to such Improvement Area, including reimbursement of advances of funds to the City by an Owner and such Owner's legal, engineering and financial consulting expenses incurred relating to the formation of the Community Facilities District and issuance of the Bonds; and (v) pay the proportionate share of the costs allocated to such Improvement Area of the acquisition of the Improvements pursuant to the provisions of this Agreement or the JCFA, as applicable.

Subject to the satisfaction of the conditions precedent, including without limitation, the receipt of a written request from an Owner, as delineated in the first paragraph of this Section 20, the timing of the issuance and sale of the Bonds for an Improvement Area, the terms and conditions upon which such Bonds shall be issued and sold, the method of sale of such Bonds and the pricing thereof shall be determined solely by the City and shall conform to the Goals and Policies and this Agreement. The sale of the Bonds for an Improvement Area shall be subject to receipt by the City of a competitively bid or negotiated bond purchase agreement which is acceptable to the City. The sale of the Bonds for an Improvement Area shall also be conditional upon the preparation of an official statement that is, in the sole judgment of the City, "deemed final" as such term is used in Rule 15c2-12 of the Securities and Exchange Commission (the "Rule").

In addition to the foregoing, the principal amount of the Bonds to be issued for an Improvement Area shall be determined taking into consideration (a) the Bond authorization for such Improvement Area, (b) the budgeted construction cost for the Improvements to be financed, and (c) assuring that the maximum projected annual special tax revenues securing the Bonds equals at least (i) 110% of the projected annual gross debt service on all of the outstanding Bonds plus (ii) Administrative Expenses (as such term is defined in the rate and method of apportionment of special taxes authorized to be levied within the Improvement Area).

Owner, on behalf of itself, any affiliates of Owner and any successor or assign of Owner, agrees (a) to provide all information regarding the development of its property within the applicable Improvement Area of the Community Facilities District, including the financing plan for such development, which are necessary to ensure that the official statement for such Bonds complies with the requirements of the Rule and all other applicable federal and state securities laws; (b) to enter into a continuing disclosure agreement to provide such continuing disclosure pertaining to the applicable Improvement Area, the development thereof and such Owner as necessary to ensure ongoing compliance with the continuing disclosure requirements of the Rule and (c) to cause its counsel to provide an opinion of such counsel in a form satisfactory to the underwriter of such series of the Bonds and underwriter's counsel or disclosure counsel, as applicable. Owner acknowledges and understands that that the City may require the same commitments from other owners of property located within one or more of the Improvement Areas and the willingness and ability of any such owner to timely fulfill such commitments may affect the timing of the issuance of Bonds for the applicable Improvement Area or Improvement Areas.

SECTION 21. Annexation to Community Facilities Agreement. City and Owners acknowledge that the Community Facilities District is intended to be structured so that when and if it is established, properties located outside the original boundaries of the Community Facilities District that will, upon the development thereof, contribute runoff to the Flood Control Facilities or will be protected from flooding by the Flood Control Facilities may be annexed to the Community Facilities District and an Improvement Area within the Community Facilities District (the "Tributary Parcels"). The Tributary Parcels and the Improvement Areas into which such parcels may be annexed are shown on Exhibit F attached hereto and incorporated herein by this reference. Reference is made to Section 3.6 of the JCFA for a more detailed description of the annexation process, which Section 3.6 is hereby incorporated herein by this reference.

SECTION 22. Conflict with Other Agreements. Except as specifically provided herein, nothing contained herein shall be construed as releasing an Owner from any Condition of Approval applicable to such Owner's Development or requirement imposed by any other agreement with City. In the event of a conflicting provision, such other agreement shall prevail unless such conflicting provision is specifically waived or modified in writing by City and an Owner.

SECTION 23. General Standard of Reasonableness. Any provision of this Agreement which requires the consent, approval, discretion or acceptance of any party hereto or any of their respective employees, officers or agents shall be deemed to require that such consent, approval or acceptance not be unreasonably withheld or delayed, unless such provision expressly incorporates a different standard.

SECTION 24. Entire Agreement; Amendment. This Agreement and the agreements expressly referred to herein contains all of the agreements of the parties hereto with respect to the matters contained herein and no prior or contemporaneous agreement or understandings, oral or written, pertaining to any such matters shall be effective for any purpose. No provision of this Agreement may be modified, waiver, amended or added to except by a writing signed by the party against which the enforcement of such modification, waiver, amendment or addition is or may be sought.

SECTION 25. Notices. Any notice, payment or instrument required or permitted by this Agreement to be given or delivered to another party shall be deemed to have been received when personally delivered or seventy-two (72) hours following deposit of the same in any United States Post Office in California, registered or certified, postage prepaid, addressed as follows:

If to the City: City of Moreno Valley
Public Works Department, Special Districts Division
14325 Frederick Street, Suite 9
Moreno Valley, CA 92552-0805
Attention: Special Districts Division Manager

With a copy to: City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: City Attorney

Best Best & Krieger LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
Attention: Warren Diven

If to the Owners: c/o First Industrial Realty Trust, Inc.
114 Pacifica Court, Suite 220
Irvine, CA 92618
Attention: Phil Bowman

With a copy to: Barack Ferrazzano Kirschbaum Perlman & Nagelberg LLP
333 West Wacker Drive, Suite 2700
Chicago, IL 60606
Attention: Brett A. Feinberg

Each party may change its address for delivery of notice by delivering written notice of such change of address to the other parties.

SECTION 25. Severability. If any provision of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

SECTION 26. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. An Owner may not assign its rights or obligations hereunder except upon written notice to City within ten (10) days of the date of such assignment indicating the name and address of the assignee. A decision by the City on acceptance of an assignment shall be made within ten (10) business days from the date of receipt by the City of Owner's written notice of assignment; provided, however, if the City shall provide written notice to the Owner within such initial response period that (a) the City Council will not be meeting in regular session during such initial response period or (b) the City Council will be meeting in regular session during such initial response period but there is not sufficient time to agendize the acceptance of the assignment for such City Council meeting, such response period shall automatically be extended to the tenth business day following the date of the first regularly scheduled City Council meeting following the expiration of the initial response period for which the acceptance of the assignment may be timely agendized. An Owner shall not be released from its duties or obligations hereunder without written notice from the City accepting the assignment of the Owner's obligations hereunder. Upon such notice and acceptance by the City of assignment of the duties and obligations of such Owner arising under or from this Agreement, such Owner shall be released by City from all future duties or obligations rising under or from this Agreement. Notwithstanding the preceding sentence, an Owner may assign its rights and obligations hereunder as security to lenders for the purpose of

obtaining loans to finance development within the Community Facilities District, but no such assignment shall release such Owner from its obligations hereunder to City.

SECTION 27. Governing Law. This Agreement and any dispute arising hereunder shall be governed by and interpreted in accordance with the laws of the State of California. Additionally, this Agreement and the construction of the Improvements shall be subject to all City ordinances and regulations relating to the requirement of improvement agreements, land division, improvement security or other applicable development requirements.

SECTION 28. No Obligation to Form Community Facilities District. Owner acknowledges that the decision of the City Council of the City to form the Community Facilities District is a legislative action and the City may not enter into an agreement to obligate the City Council to exercise its legislative discretion in a particular manner or for a particular result. This Agreement does not, therefore, in any way create a contractual, legal or equitable obligation of or commitment by the City to approve the formation of the Community Facilities District.

SECTION 29. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by any other party, or the failure by a party to exercise its rights under the default of any other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by any other party with the terms of this Agreement thereafter.

SECTION 30. Singular and Plural; Gender. As used herein, the singular of any work includes the plural, and terms in the masculine gender shall include the feminine.

SECTION 31. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

SECTION 32. Construction of Agreement. This Agreement has been reviewed by legal counsel for both the City and the Owners and shall be deemed for all purposes to have been jointly drafted by the City and the Owners. No presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement. The language in all parts of this Agreement, in all cases, shall be construed as a whole and in accordance with its fair meaning and not strictly for or against any party and consistent with the provisions hereof, in order to achieve the objectives of the parties hereunder. The captions of the sections and subsections of this Agreement are for convenience only and shall not be considered or referred to in resolving questions of construction.

SECTION 33. Time of the Essence. The parties to this Agreement understand that time is of the essence in the completion of all matters contemplated by this Agreement because of, among other things, the necessity for completion of the Improvements in connection with construction of the Developments. The parties agree to use due diligence to fulfill their obligations contemplated by this Agreement at the earliest possible time. Without limiting the generality of the foregoing or compliance with specific time provisions set forth in this Agreement, any party to this Agreement requested or required to act, consent, or approve plans, work, documents, or other matters shall not unreasonably withhold or delay any such act, consent, or approval contemplated in this Agreement.

Notwithstanding the foregoing, performance by any party to this Agreement of its obligations hereunder shall be excused during any period of delay caused at any time by reasons of Acts of God, enactment of conflicting laws or regulations, moratoriums, riots, strikes, or damage to work in process by reason of fire, floods, earthquake, or other such casualties. If any party of this Agreement seeks excuse from timely performance, it shall provide written notice of such delay to every other party to this Agreement within thirty (30) calendar days of the commencement of such delay. Any delay or default beyond the control of the noticing party shall extend the time for performance for a period equal to the period of the enforced delay, or longer as may be mutually agreed upon.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

CITY OF MORENO VALLEY

By: _____
City Manager

Date of Execution: 7-14-08

APPROVED AS TO FORM:

CITY ATTORNEY

By: _____

Date: 7/10/08

OWNERS:

FR/CAL MORENO VALLEY, LLC, a Delaware limited liability company

By: FirstCal Industrial, LLC, a Delaware limited liability company, its sole member

By: FR FirstCal, LLC, a Delaware limited liability company, its managing member

By: First Industrial Investment, Inc., a Maryland corporation, its sole member

By: _____
Name: Phil Bowman
Its: Senior Vice President

Date of execution: 6/27/08

FIRST INDUSTRIAL, L.P., a Delaware limited partnership

By First Industrial Realty Trust, Inc., a Maryland corporation and its sole general partner

By: _____
Name: Phil Bowman
Its: Senior Vice President

CITY ATTORNEY
Approved as to Form

By: _____ Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Orange

On 6/27/08 (Date) before me, Rita C. Webber, Notary Public, (Here Insert Name and Title of the Officer)

personally appeared Phil Bowman (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

RITA C. WEBBER
Commission # 1661187
Notary Public - California
Orange County
My Comm. Expires Apr 25, 2010

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rita C. Webber (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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FR/CAL INDIAN AVENUE, LLC, a Delaware limited liability company

By: FirstCal Industrial, LLC, a Delaware limited liability company, its sole member

By: FR FirstCal, LLC, a Delaware limited liability company, its managing member

By: First Industrial Investment, Inc., a Maryland corporation, its sole member

By: _____
Name: Phil Bowman
Its: Senior Vice President

Date of execution: 6/27/08

CITY ATTORNEY
Approved as to Form

By: _____ Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Orange

On 6-27-08 (Date) before me, Rita C Webber, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Phil Bowman (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/her/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Rita C. Webber (Signature of Notary Public)

RITA C. WEBBER
Commission # 1661187
Notary Public - California
Orange County
My Comm. Expires Apr 25, 2010

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
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EXHIBIT "A"

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT AND IMPROVEMENT AREAS

Exhibit A – Proposed Boundaries of Community Facilities District and Improvement Areas

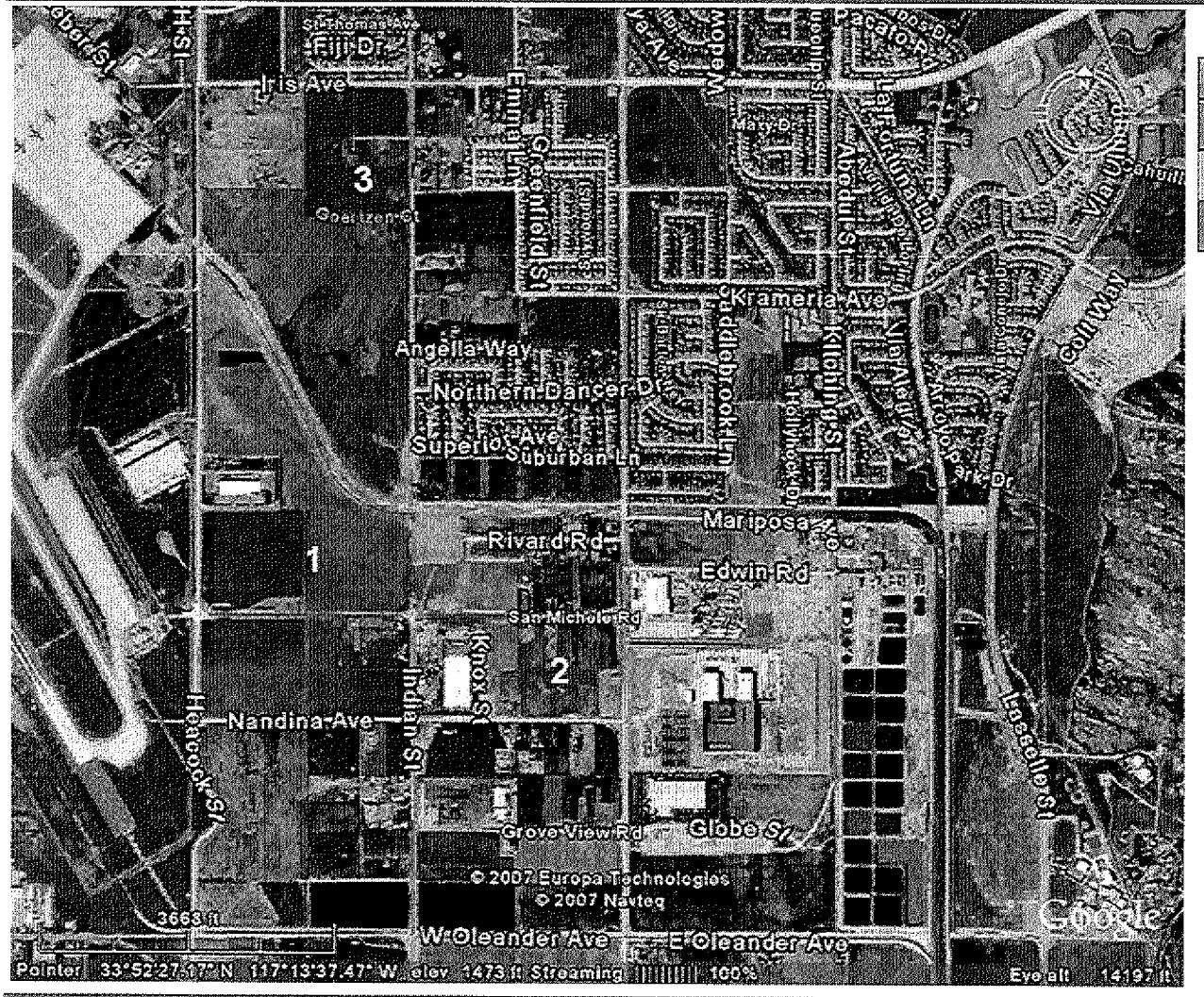

Legend	
1	Improvement Area 1
2	Improvement Area 2
3	Improvement Area 3

1

EXHIBIT "B-1"

DESCRIPTION OF IMPROVEMENTS

Improvement Area No. 1 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 1 (the "Improvement Area No. 1 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 1 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 1 Flood Control Facilities: the Master Plan storm drain facilities identified as Perris Valley Lateral B-3.2, including all appurtenant box culverts and laterals.

Improvement Area No. 1 Street Improvements:

- Nandina Avenue will be improved from Heacock Street to Indian Street – North Side. – The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Indian Street/Nandina Avenue), striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

- Heacock Street will be improved from Nandina Street to Komar Property Line (PL) – The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (as the intersection of Heacock Street and San Michele Avenue), local depressions and catch basins.

- Traffic signal installation at the intersection of Indian Street and San Michele Avenue.

Improvement Area No. 2 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 2 (the "Improvement Area No. 2 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 2 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 2 Flood Control Facilities: the Master Plan storm drain facilities identified as Perris Valley Laterals B-1 and B-1.2, including all appurtenant box culverts and laterals.

Improvement Area No. 2 Street Improvements:

- Nandina Avenue to First Industrial Property Line - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

Improvement Area No. 3 Improvements:

Improvements to be financed from the proceeds of Bonds issued for Improvement Area No. 3 ("Improvement Area No. 3 Improvements") include the following subject to modification based upon the City's final conditions of approval of the Improvement Area No. 3 Street Improvements or the final approval of the Plans and Specifications therefore or the Flood Control District's final conditions of approval of the Flood Control Facilities or the final approval of the plans and specifications therefor:

Improvement Area No. 3 Flood Control Facilities: the Master Plan storm drain facilities identified as Sunnymead Line D-1, including all appurtenant box culverts and laterals.

Improvement Area No. 3 Street Improvements:

- Indian Street from Iris Avenue to Krameria Avenue - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Indian Street and Iris Avenue and Indian Street and Krameria Avenue) striping, signage, median landscaping, ADA ramps, drive aprons, local depressions and catch basins.

- Iris Avenue from Street "A" to Indian Street - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, traffic signals and appurtenances (at the intersections of Iris and Future Street) striping, signage, median landscaping, ADA ramps, drive aprons, local depressions and catch basins.

- Street "A" from Iris Avenue to Krameria Avenue - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins .

- Krameria Avenue from Indian Street to Street "A" - The components of this Street Improvement will include but not be limited to curb and gutter, sidewalk, structural section and paving of roadways, street lighting, striping, signage, ADA ramps, drive aprons, local depressions and catch basins.

Improvement Area No. 3 Utility Improvements:

- Undergrounding of overhead utilities adjacent to or in the Street Improvements for Indian Street described above.

Upon the approval by the City of final Plans and Specifications for any Street Improvement or the approval by the Flood Control District of final plans and specifications for any Flood Control Improvements, the City Engineer may attach an addendum to this Exhibit B which shall be initialed by an authorized representative of the Owner responsible for constructing or causing the construction of such Street Improvements or Flood Control Improvements, as the case may be, identifying the applicable plans and specifications and the location thereof and such plans and specifications shall thereafter govern the description of the applicable Street Improvements or Flood Control Improvements.

EXHIBIT "B-2"

CFD NO. 7 INFRASTRUCTURE BUDGET

Exhibit B-2

CFD No. 7 Infrastructure Budget
City of Moreno Valley

IMPROVEMENT AREA NO. 1

Storm Drain (Perris Valley Lateral B-3a through B-3g and B-3 2)		$5,500,000	$7,177,610
Gas Line Relocation to Accommodate Storm Drain		$125,000	$163,128
Nandina Avenue (Heacock to Indian Street-North Side)			
HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$48,230	
	Sidewalk	$58,658	
	Excavation and Clearing	$120,443	
	Asphalt Concrete over AC Base	$218,988	
	Traffic Control	$13,012	
	Street Lights	$56,000	
	Signalization		
	Indian/Nandina	$200,000	
	Signing and Striping	$3,650	
	ADA Ramps	$2,000	
	Drive Aprons	$10,500	
	Storm Drain Inlet	$2,000	
	SUBTOTAL		$733,480
	Hard Cost Contingency (10%)		$73,348
	TOTAL HARD COSTS		$806,828
SOFT COSTS			
	Civil Engineering (3%)	$22,004	
	Construction Staking (1%)	$7,335	
	Developer Fee/Project Management Fee (4%)	$32,273	
	Construction Management Fee (4%)	$32,273	
	General Conditions (3%)	$24,205	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$22,004	
	Soils/Materials Testing (1%)	$7,335	
	SUBTOTAL		$147,429
	Soft Cost Contingency (2%)		$2,949
	TOTAL SOFT COSTS		$150,378
Nandina Avenue subtotal			**$957,206**

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Heacock Street (Nandina North to Komar PL)

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$11,840	
	Sidewalk	$14,400	
	Excavation and Clearing	$29,568	
	Asphalt Concrete over AC Base	$53,760	
	Traffic Control	$2,962	
	Street Lights	$7,000	
	Signalization		
	Heacock/San Michele	$200,000	
	Signing and Striping	$896	
	ADA Ramps	$1,000	
	Drive Aprons	$4,000	
	Storm Drain Inlet	$0	
	SUBTOTAL		$325,426
	Hard Cost Contingency (10%)		$32,543
	TOTAL HARD COSTS		$357,968
SOFT COSTS			
	Civil Engineering (3%)	$9,763	
	Construction Staking (1%)	$3,254	
	Developer Fee/Project Management Fee (4%)	$14,319	
	Construction Management Fee (4%)	$14,319	
	General Conditions (3%)	$10,739	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$9,763	
	Soils/Materials Testing (1%)	$3,254	
	SUBTOTAL		$65,411
	Soft Cost Contingency (2%)		$1,308
	TOTAL SOFT COSTS		$66,719
Heacock Street subtotal			**$424,687**
Traffic Signal	Indian Street/San Michele	$200,000	$261,004
TOTAL IMPROVEMENT AREA 1 COSTS			**$8,983,634**

IMPROVEMENT AREA NO. 2

Storm Drain (Perris Valley Laterals B-1 and B-2)		$1,694,394	$2,211,218
Nandina Avenue (Knox Street to Perris Boulevard-North Side)			
HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$29,431	
	Sidewalk	$35,685	
	Excavation and Clearing	$73,273	
	Asphalt Concrete over AC Base	$133,224	
	Traffic Control	$7,831	
	Street Lights	$38,500	
	Signing and Striping	$2,220	
	ADA Ramps	$1,000	
	Drive Aprons	$5,000	
	Storm Drain Inlet	$0	
	SUBTOTAL		$326,164
	Hard Cost Contingency (10%)		$32,616
	TOTAL HARD COSTS		$358,781
SOFT COSTS			
	Civil Engineering (3%)	$9,785	
	Construction Staking (1%)	$3,262	
	Developer Fee/Project Management Fee (4%)	$14,351	
	Construction Management Fee (4%)	$14,351	
	General Conditions (3%)	$10,763	
	Landscape Architect	$5,000	
	Plancheck and Permits (3%)	$9,785	
	Soils/Materials Testing (1%)	$3,262	
	SUBTOTAL		$70,559
	Soft Cost Contingency (2%)		$1,411
	TOTAL SOFT COSTS		$71,970
Nandina Avenue subtotal			$430,751
TOTAL IMPROVEMENT AREA 2 COSTS			$2,641,969

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Storm Drain (Sunnymead Line D-1)		$1,287,000	$1,679,561
Indian Street (Iris Avenue to Krameria)			
HARD COSTS	**ITEM**		
	Roadway		
	Curb and Gutter	$47,286	
	Sidewalk	$57,510	
	Excavation and Clearing	$109,652	
	Asphalt Concrete over AC Base	$199,368	
	Traffic Control	$10,428	
	Street Lights	$59,500	
	Signalization		
	Indian/Iris	$100,000	
	Indian/Krameria	$200,000	
	Signing and Striping	$3,323	
	ADA Ramps	$1,000	
	Drive Aprons	$5,000	
	Storm Drain Inlet	$0	
	Overhead Utility Undergrounding		$206,480
	SUBTOTAL		$999,548
	Hard Cost Contingency (10%)		$99,955
	TOTAL HARD COSTS		$1,099,502
SOFT COSTS			
	Civil Engineering (3%)	$29,986	
	Construction Staking (1%)	$9,995	
	Developer Fee/Project Management Fee (4%)	$43,980	
	Construction Management Fee (4%)	$43,980	
	General Conditions (3%)	$32,985	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$29,986	
	Soils/Materials Testing (1%)	$9,995	
	SUBTOTAL		$200,909
	Soft Cost Contingency (2%)		$4,018
	TOTAL SOFT COSTS		$204,927
Indian Street subtotal			**$1,304,430**

Iris Avenue (Street "A" to Indian Street)

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$23,588	
	Sidewalk	$28,688	
	Excavation and Clearing	$92,565	
	Asphalt Concrete over AC Base	$168,300	
	Traffic Control	$10,011	
	Street Lights	$31,500	
	Signalization	$0	
	Iris/Future Street	$200,000	
	Signing and Striping	$2,805	
	ADA Ramps	$2,000	
	Drive Aprons	$5,000	
	Storm Drain Inlet	$0	
		$0	
	SUBTOTAL		$564,456
	Hard Cost Contingency (10%)		$56,446
	TOTAL HARD COSTS		$620,902
SOFT COSTS			
	Civil Engineering (3%)	$16,934	
	Construction Staking (1%)	$5,645	
	Developer Fee/Project Management Fee (4%)	$24,836	
	Construction Management Fee (4%)	$24,836	
	General Conditions (3%)	$18,627	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$16,934	
	Soils/Materials Testing (1%)	$5,645	
	SUBTOTAL		$113,456
	Soft Cost Contingency (2%)		$2,269
	TOTAL SOFT COSTS		$115,725
Iris Avenue subtotal			$736,627

Street "A" (Iris to Kramerla)

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$47,286	
	Sidewalk	$57,510	
	Excavation and Clearing	$168,696	
	Asphalt Concrete over AC Base	$308,720	
	Traffic Control	$16,083	
	Street Lights	$56,000	
	Signing and Striping	$5,112	
	ADA Ramps	$2,000	
	Drive Aprons	$10,500	
	Storm Drain Inlet	$2,000	
	SUBTOTAL		$671,907
	Hard Cost Contingency (10%)		$67,191
	TOTAL HARD COSTS		$739,098
SOFT COSTS			
	Civil Engineering (3%)	$20,157	
	Construction Staking (1%)	$6,719	
	Developer Fee/Project Management Fee (4%)	$29,564	
	Construction Management Fee (4%)	$29,564	
	General Conditions (3%)	$22,173	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$20,157	
	Soils/Materials Testing (1%)	$6,719	
	SUBTOTAL		$135,053
	Soft Cost Contingency (2%)		$2,701
	TOTAL SOFT COSTS		$137,754
Street "A" subtotal			**$876,852**

Krameria Avenue (Indian to Street "A")

HARD COSTS	ITEM		
	Roadway		
	Curb and Gutter	$23,688	
	Sidewalk	$28,688	
	Excavation and Clearing	$92,565	
	Asphalt Concrete over AC Base	$168,300	
	Traffic Control	$6,433	
	Street Lights	$21,000	
	Signing and Striping	$3,188	
	Median	$0	
	ADA Ramps	$0	
	Drive Aprons	$0	
	Storm Drain Inlet	$0	
	SUBTOTAL		$345,761
	Hard Cost Contingency (10%)		$34,576
	TOTAL HARD COSTS		$380,337
SOFT COSTS			
	Civil Engineering (3%)	$10,373	
	Construction Staking (1%)	$3,458	
	Developer Fee/Project Management Fee (4%)	$15,213	
	Construction Management Fee (4%)	$15,213	
	General Conditions (3%)	$11,410	
	Landscape Architect	$0	
	Plancheck and Permits (3%)	$10,373	
	Soils/Materials Testing (1%)	$3,458	
	SUBTOTAL		$69,498
	Soft Cost Contingency (2%)		$1,390
	TOTAL SOFT COSTS		$70,888
Krameria Avenue subtotal			$451,225
TOTAL IMPROVEMENT AREA 3 COSTS			$5,048,694

EXHIBIT "C"

DESIGN, BID AND CONTRACT REQUIREMENTS FOR THE STREET IMPROVEMENTS

The following requirements are intended to supplement the provisions of the Agreement pertaining to the construction of the Street Improvements, including but not limited to Section 3. thereof. In the event that any provision of the requirements contained in this Exhibit "C" conflicts with or is inconsistent with the provisions of Agreement, the provisions of the Agreement shall control.

Design Phase

A. Only design costs directly related to the Street Improvements to be acquired are eligible for inclusion in the Purchase Price for such Improvements.

Bidding Phase

A. Bidding Documents. Two complete sets of bidding documents, including improvement plans, general provisions, and bid proposal forms shall be submitted to City for review and approval within 10 working days of submittal. Solicitation of bids shall not take place until the bidding documents are approved in writing by the City. This procedure shall be followed for each contract for which bids are proposed to be solicited. Unless otherwise noted, the bidding documents shall conform to the following minimum requirements:

1. Unless impractical due to the nature of the Street Improvement, the bid proposal shall be unit priced rather than lump sum. A.C. pavement, base and sub-base shall be bid on a square foot per inch thickness basis.

2. The bidding documents shall require the bidder/contractor to provide the following bonds:

   a. Bid Bond - 10% of the amount of the bid.

   b. Material and Labor Bond - 50% of the contract amount.

   c. Performance Bond - 100% of the contract amount.

3. The bidding documents shall require the successful bidder to provide evidence of comprehensive public liability insurance in the amount of at least $1,000,000 prior to the award of the contract.

4. The bidding documents shall provide for monthly progress payments to the contractor.

5. The bidding documents must clearly state the time, date, and place where bids are to be submitted and opened.

6. The bidding documents shall clearly state the amount of time to complete the work. The time allowed must be reasonable for the amount of work. Accelerated construction time allowances must be supplementally bid, and are not eligible for public finance unless previously approved by the City.

7. The bidding documents shall conform to the requirements of Section 3. of the Agreement.

B. The applicable Owner shall keep a log of all persons obtaining bidding documents, and their mailing address.

C. Addenda shall be mailed by first class mail to all bidding document holders and the City Engineer. If an addendum is required within five working days of the noticed bid opening date, the bid opening date shall be extended.

D. Submitted bids shall be in sealed envelopes.

E. Bids shall not be accepted after the stated time for submission.

F. Bid opening shall be conducted by the applicable Owner at such Owner's place of business, City Hall or such other site mutually acceptable to such Owner and City Engineer.

G. All bid openings shall be scheduled to take place during normal working hours of the Public Works Department. Sealed bids shall be opened and read aloud immediately following the submission time. A City representative shall be invited to attend the bid opening.

H. Conditioned bids, unless the bid proposal lists them for all to bid on, shall not be accepted.

I. The bid proposals shall conform to all state and local laws governing the listing of subcontractors and suppliers.

J. The arithmetic of the two lowest bid proposals received shall immediately be checked for errors.

K. A tabulation of all bids received shall be provided to the City Engineer within five working days of the bid opening.

L. A preconstruction meeting shall be held with the contractor prior to beginning the work. City Public Works representatives shall be invited to attend the meeting.

M. The Notice to Proceed shall be issued within a reasonable period of time following the contract execution.

Construction Phase

A. The City shall be provided a copy of the construction schedule.

B. The applicable Owner shall require the contractor to conduct weekly construction status meetings to which City representatives shall be invited.

C. All change orders shall be reviewed and approved by the City Public Works inspector on a monthly basis and submitted with the applicable payment requests.

D. Any additional costs incurred for the benefit of the applicable Owner, such as accelerating the construction schedule, shall not be eligible for public financing unless previously approved by the City.

E. Any additional construction costs incurred due solely to delays caused by the applicable Owner shall not be eligible for public financing.

F. All contracts and construction related records shall be available to the City as and when required for the final determination of eligible costs for the public financing. This shall include trip tickets and other confirmations of material delivered to the Improvement.

General

The above rules shall be applied to all Street Improvements proposed to be acquired through the Community Facilities District. Any deviation from the rules must be approved by the City Engineer.

"City Engineer" means the City Engineer or his designee.

EXHIBIT "D"

PAYMENT REQUEST NO. _____

The undersigned (an "Owner") hereby requests payment in the total amount of $_____ for the Purchase Price of the Improvement(s) (as defined in the Acquisition/Financing Agreement (the "Agreement") by and among the City of Moreno Valley (the "City") and the Owners and described in Exhibit B to that Agreement), all as more fully described in Attachment 1 hereto. In connection with this Payment Request, the undersigned hereby certifies, represents and warrants to the City as follows:

1. He(she) is a duly authorized officer of the Owner, qualified to execute and submit this Payment Request on behalf of the Owner and is knowledgeable as to the matters set forth herein.

2. The Purchase Price for the Improvement(s) has been calculated in conformance with the terms of the Agreement. All costs for which payment is requested hereby are eligible costs (as permitted in the Agreement) and have not been inflated in any respect. The payment which is hereby requested has not been the subject of any prior payment request paid by the City.

3. Supporting documentation (such as third party invoices, change orders and checks) is attached with respect to each cost for which payment is requested.

4. The Improvement(s) for which payment is requested were constructed substantially in accordance with the requirements of the Agreement.

5. The Owner is in compliance with the terms and provisions of the Agreement.

6. No mechanics liens or other encumbrances have attached, or to the best knowledge of the Owner, after due inquiry, will attach to the Improvements.

7. Payment of the Purchase Price shall be made to the Owner and/or other parties pursuant to the instructions set forth in Attachment 2 hereto.

I hereby declare under penalty of perjury that the above representations and warranties are true and correct.

[INSERT NAME OF THE APPLICABLE OWNER]

By: _____
Name: _____
Title: _____

Payment Request Approved for Submission to
[Fiscal Agent or Trustee]

CITY OF MORENO VALLEY

By: _____
Name: _____
Title: _____

ATTACHMENT 1

SUMMARY OF CITY IMPROVEMENTS INCLUDED IN PAYMENT REQUEST NO. _____

Complete the table below for each Improvement to which this Payment Request applies and attach all required supporting documentation:

Description of Improvement	Budgeted Cost for Improvement	Purchase Price for Improvement

EXHIBIT E –

THE FEE LETTER

FIRST INDUSTRIAL REALTY TRUST

First Industrial Realty Trust, Inc.
114 Pacifica, Suite 220
Irvine, CA 92618
T: (949) 486-1970
F: (949) 486-1971
www.firstindustrial.com

February 11, 2008

Sue Anne Maxinoski
Special Districts Coordinator
City of Moreno Valley
14325 Frederick Street, Ste. 9
Moreno Valley, CA, 92552-0805

Ms. Maxinoski:

As a followup to my first letter dated October 17, 2007, I am writing to provide you with a summary of the developer and project management fees which are required to complete the offsite improvements associated with Community Facilities District (CFD) #7 currently under formation in Moreno Valley. This letter is intended to clarify our request to have certain fees reimbursed as project costs under Section 7(b)(4) of the DRAFT Acquisition and Financing Agreement

The pertinent fees are as follows:

1. Developer Fee/Project Management Fee-This fee is defined as 4% of the hard construction cost and hard cost contingency (including insurance and general conditions) and is reimbursed to First Industrial (FR) for the management of the project. These management services include the solicitation, retention, and administration of professional services (i.e. civil engineering, construction management services), oversight of the design process, interface and coordination with all relative public agencies to facilitate plan check review, permitting, CFD formation process, and the public bid process.

2. Construction Management Fee- This fee, is defined as 4% of the hard construction cost and hard cost contingency (including insurance and general conditions) and will be performed by an individual or professional consulting company to provide in-field construction management services. These services would include, but would not be limited to, assisting FR in the public bid process, overall field administration, coordination of work schedules with the General Contractor and subcontractors, review of change orders, processing of construction payments, interfacing with public agencies during inspections, finalizing punch list items, managing the physical completion of the work through final acceptance by each respective public agency.

3. General Conditions-This fee, defined as 3% of the hard cost of construction and hard cost contingency, will be to address ancillary professional or construction services not performed by any of the specific contractors or subcontractors as defined in the scope of work of their contracts. These services may include, but are not limited to immediate on-site supervision, dust control, job site cleanup (e.g. street sweeping), overlapping traffic control coordination, and project site security.

With the above explanations in mind, we would respectfully request that these fees (totaling 11%) be included in the overall amount to be reimbursed to First Industrial under the Acquisition and Finance Agreement and JCFA.

Please call me at 949-933-2121 if I can be of additional assistance or if you have further questions.

Sincerely,

John A. Grace
Development Manager
First Industrial Realty Trust

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EXHIBIT F –

TRIBUTARY PARCELS

TRIBUTARY AREAS
TO DRAINAGE FACILITIES

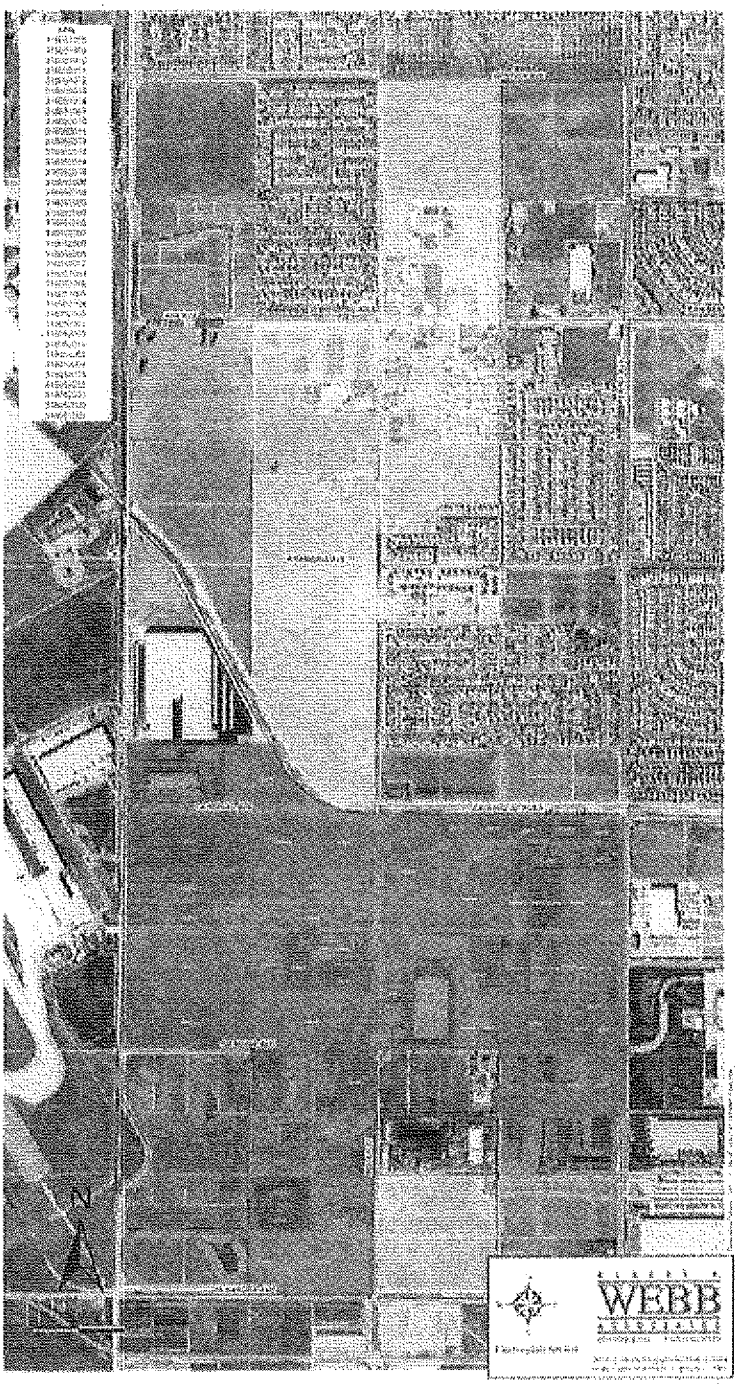

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BOND NO. _____

EXHIBIT E

PREMIUM $ _____

(SAMPLE)

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. DXX-XXXXX

PROJECT NAME
PROJECT DESCRIPTION/LIMITS
(Tract No., Parcel No., Address)

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the Developer's Name, known as "Developer," has awarded to ....., as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, dated _____, 20__, and identified as Tract DXX-XXXXX, Parcel No., Address is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Contract Agreement is required to furnish a bond guaranteeing the faithful performance of said Contract Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the Developer's Name, in the penal sum of dollars, ($_____), lawful money of the United States, to be paid to the said Developer or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Contract Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Developer's Name, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the Developer and judgment is recovered, the Surety shall pay all costs incurred by the Developer in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Contract Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS) **E1**

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on

this _____ day of _____ 20_____.

CONTRACTOR	SURETY
Name:_____	Name:_____
Address: _____	Address: _____
_____	_____
Telephone No.:_____	Telephone No.: _____
By: _____	By: _____ Attorney-in-Fact

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

BOND NO. _____

(Sample)

PREMIUM $ _____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. DXX-XXXXX

PROJECT NAME
PROJECT DESCRIPTION/LIMITS

(Tract No., Parcel No., Address)

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the Developer's Name, known as "Developer", has awarded to _____, as Principal hereinafter designated as "Contractor" and have entered into a Contract Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Contract Agreement, dated _____, 20__, and identified as **t Tract No.** DXX-XXXXX, Parcel No., Address is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the Developer's Name, in the penal sum of dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the Developer or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the Developer in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(Signature Page Follows)

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands and seals on

this _____ day of_____ 20____.

CONTRACTOR	SURETY
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
By: _____	By: _____ Attorney-in-Fact

NOTE: This bond must be executed by both parties. Corporate seal may be affixed hereto. All signatures must be acknowledged before a notary public (attach acknowledgments). The attorney-in-fact for the corporate Surety must be registered, as such, in at least one county in the State of California. (Attach one original Power of Attorney sheet for each bond).

EXHIBIT F

FORM OF PAYMENT REQUEST

PAYMENT REQUEST NO. _____

The undersigned (the "Owner") hereby requests payment in the total amount of $_____ for the Purchase Price of the Improvement(s) (as defined in the Acquisition/Financing Agreement (the "Agreement") by and among the City of Moreno Valley (the "City") and the Owner and described in Exhibit B to that Agreement), all as more fully described in Attachment 1 hereto. In connection with this Payment Request, the undersigned hereby certifies, represents and warrants to the City as follows:

1. He (she) is a duly authorized officer of Owner, qualified to execute and submit this Payment Request on behalf of Owner and is knowledgeable as to the matters set forth herein.

2. The Purchase Price for the Improvement(s) has been calculated in conformance with the terms of the Agreement. All costs for which payment is requested hereby are eligible costs (as permitted in the Agreement) and have not been inflated in any respect. The payment which is hereby requested has not been the subject of any prior payment request paid by the City.

3. Supporting documentation (such as third party invoices, change orders and checks) is attached with respect to each cost for which payment is requested.

4. The Improvement(s) for which payment is requested were constructed substantially in accordance with the requirements of the Agreement.

5. Owner is in compliance with the terms and provisions of the Agreement.

6. No mechanics liens or other encumbrances have attached, or to the best knowledge of the Owner, after due inquiry, will attach to the Improvements.

7. Payment of the Purchase Price shall be made to the Owner and/or other parties pursuant to the instructions set forth in Attachment 2 hereto.

I hereby declare under penalty of perjury that the above representations and warranties are true and correct.

OWNER

By: _____
Name: _____
Title: _____

APPROVAL BY THE FLOOD ENGINEER

The Flood Engineer confirms that the Flood Control Facility described in Attachment A has been constructed in accordance with the Plans and Specifications therefor. The Actual Cost of each Flood Control Facility as described in Attachment A has been reviewed, verified and approved by the Flood Engineer. The Purchase Price for said Flood Control Facility is established at $_____. Payment of the Purchase Price for the Flood Control Facility is hereby approved.

Date: _____

FLOOD ENGINEER

By: _____

Payment Request Approved for Submission
to [Fiscal Agent or Trustee]

CITY OF MORENO VALLEY

By: _____
Name: _____
Title: _____

ATTACHMENT 1
PAYMENT REQUEST - ACTUAL COSTS

Property Owner is to complete Columns 1 through 7

CFD/Improvement Area/Tract Number: _____

Facility Description: _____

1	2	3	4	5	6	7	8	9	10	11
Bid Item No.	**Bid Item Description**	**Unit of Measure**	**Unit Price**	**Original Contract Quantity**	**Quantity Invoiced**	**Amount Invoiced**	**Quantity Calculated By Flood District**	**Amount Calculated By Flood District**	**Difference**	**Actual Cost**
1			0.00	0	0	0.00	0	0.00	0.00	
2			0.00	0	0	0.00	0	0.00	0.00	
3			0.00	0	0	0.00	0	0.00	0.00	
4			0.00	0	0	0.00	0	0.00	0.00	
5			0.00	0	0	0.00	0	0.00	0.00	
6			0.00	0	0	0.00	0	0.00	0.00	
7			0.00	0	0	0.00	0	0.00	0.00	
8			0.00	0	0	0.00	0	0.00	0.00	
9			0.00	0	0	0.00	0	0.00	0.00	
10			0.00	0	0	0.00	0	0.00	0.00	
11			0.00	0	0	0.00	0	0.00	0.00	
12			0.00	0	0	0.00	0	0.00	0.00	
13			0.00	0	0	0.00	0	0.00	0.00	
14			0.00	0	0	0.00	0	0.00	0.00	
15			0.00	0	0	0.00	0	0.00	0.00	
16			0.00	0	0	0.00	0	0.00	0.00	
17			0.00	0	0	0.00	0	0.00	0.00	
18			0.00	0	0	0.00	0	0.00	0.00	
19			0.00	0	0	0.00	0	0.00	0.00	
20			0.00	0	0	0.00	0	0.00	0.00	
				Total:		0.00		0.00	0.00	
				Amount Requested:		_____		_____	_____	

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MV00033070

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	Rett
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Financial & Administrative Services Director

AGENDA DATE: September 22, 2009

TITLE: APPROVAL OF CHECK REGISTER FOR JULY, 2009

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2009-92, approving the Check Register for the month of July, 2009 in the amount of $24,334,280.12.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of $25,000 or greater, followed by a listing in alphabetical order of all checks less than $25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2009-10 budget. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2009- 92
Check Register for Month of July, 2009

Prepared By:
Domilena R. Gonzales
Principal Accountant

Department Head Approval:
Steve Elam
Financial & Administrative Services Director

Concurred By:
Cynthia Fortune
Acting Financial Operations Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2009-92

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORENO VALLEY, CALIFORNIA,
APPROVING THE CHECK REGISTER
FOR THE MONTH OF JULY, 2009

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period July 1, 2009 through July 31, 2009, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period July 1, 2009 through July 31, 2009, in the total amount of $24,334,280.12 is approved.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS IN THE AMOUNT OF $25,000 OR GREATER					
ACCELA					
	7/9/2009	196043	43,172.10		
				PERMITS PLUS MAINT 07/01/09 - 06/30/10	43,172.10
	7/23/2009	196393	47,878.75		
				MAINT FEES FOR VARIOUS APPLICATIONS	47,878.75
	Vendor Total		**91,050.85**		
FYTD for ACCELA			**91,050.85**		
AEI-CASC ENGINEERING					
	7/30/2009	196526	57,936.84		
				BOX SPRINGS RD IMPRVMNT PROJ	57,936.84
	Vendor Total		**57,936.84**		
FYTD for AEI-CASC ENGINEERING			**58,972.84**		
ALBERT A. WEBB ASSOCIATES					
	7/2/2009	195942	46,245.92		
				EDGEMONT WATER MP UPDATE SVCS	36,220.45
				EDGEMONT WATER MP UPDATE SVCS	10,025.47
	Vendor Total		**46,245.92**		
FYTD for ALBERT A. WEBB ASSOCIATES			**72,616.90**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEMUS LANDSCAPE, INC.					
	7/9/2009	196058	39,908.03		
				MAY'09 LNDSCP MAINT>CITY HALL	992.56
				MAY'09 LNDSCP MNT>VET MEM	250.00
				MAY'09 LNDSCP MNT>ANNX #1	300.00
				JUN'09 LNDSCP MNT>AQDCT A	850.50
				JUN'09 LNDSCP MNT>AQDCT B	735.00
				JUN'09 LNDSCP MNT>N AQDCT	525.00
				JUN'09 LNDSCP MNT>SR CTR	262.50
				JUN'09 LNDSCP MNT>EDSN/OLD	1,785.00
				JUN'09 LNDSCP MNT>PAN AM SECT	600.00
				JUN'09 LNDSCP MNT>E-4	15,496.00
				JUN'09 LNDSCP MNT>E-4A	364.00
				JUN'09 LNDSCP MNT>E-1	7,249.49
				JUN'09 LNDSCP MNT>E-1A	608.81
				JUN'09 LNDSCP MNT>ANML SHLTR	520.00
				JUN'09 LNDSCP MNT>CRC	1,900.00
				JUN'09 LNDSCP MNT>FIRE STNS	2,300.00
				JUN'09 LNDSCP MNT>LIBRARY	520.00
				JUN'09 LNDSCP MNT>PSB	1,047.58
				JUN'09 LNDSCP MNT>STARS	300.00
				JUN'09 LNDSCP MNT>BAY-JFK	1,900.00
				IRRIGATION RPRS>E-4	132.69
				IRRIGATION RPRS>E-4	55.90
				IRRIGATION RPRS>E-4	648.00
				IRRIGATION RPRS>E-4	85.00
				JUN'09 LNDSCP MNT>UTILITY	480.00
	Vendor Total		**39,908.03**		
FYTD for BEMUS LANDSCAPE, INC.			**42,890.59**		
BOYLE ENGINEERING CORPORATION					
	7/23/2009	196409	50,219.70		
				PERRIS BLVD WIDENING PROJ SVCS	27,766.20
				PERRIS BLVD WIDENING PROJ SVCS	22,453.50
	Vendor Total		**50,219.70**		
FYTD for BOYLE ENGINEERING CORPORATION			**53,002.80**		
CALPERS					
	7/30/2009	196537	111,845.12		
				ARC PMT LESS RET MED PAYOUTS	135,916.67
				ARC PMT LESS RET MED PAYOUTS	-24,071.55
	Vendor Total		**111,845.12**		
FYTD for CALPERS			**111,845.12**		
COLLIE COURT DEVELOPMENT, LLC					
	7/9/2009	196073	111,200.00		
				RELEASE OF DEPOSIT	111,200.00
	Vendor Total		**111,200.00**		
FYTD for COLLIE COURT DEVELOPMENT, LLC			**111,200.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT					
	7/2/2009	195961	33,752.40		
				RECLAIMED WATER	338.24
				WATER UTILITY	110.82
				WATER UTILITY	1,110.87
				WATER UTILITY	441.96
				WATER UTILITY	12,099.03
				WATER UTILITY	3,424.09
				WATER UTILITY	484.92
				WATER UTILITY	8,150.05
				WATER UTILITY	3,283.77
				WATER UTILITY	3,348.90
				WATER UTILITY	38.27
				WATER UTILITY	291.77
				WATER UTILITY	133.57
				WATER UTILITY	428.87
				WATER UTILITY	67.27
	7/9/2009	196088	29,472.33		
				WATER UTILITY	1,381.82
				WATER UTILITY	38.40
				WATER UTILITY	7,003.03
				WATER UTILITY	10,797.28
				WATER UTILITY	6,634.82
				WATER UTILITY	1,414.53
				WATER UTILITY	659.35
				WATER UTILITY	518.33
				WATER UTILITY	242.13
				WATER UTILITY	143.41
				WATER UTILITY	53.93
				WATER UTILITY	384.43
				WATER UTILITY	140.63
				WATER UTILITY	60.24
	7/16/2009	196285	58,507.68		
				WATER UTILITY	1,106.41
				WATER UTILITY	351.65
				WATER UTILITY	1,567.00
				WATER UTILITY	759.90
				WATER UTILITY	105.47
				WATER UTILITY	19,983.81
				WATER UTILITY	3,782.75
				WATER UTILITY	1,298.32
				WATER UTILITY	5,424.93
				WATER UTILITY	3,154.07
				WATER UTILITY	4,391.66
				WATER UTILITY	6,163.42
				WATER UTILITY	1,898.50
				WATER UTILITY	53.49
				WATER UTILITY	982.92
				WATER UTILITY	1,937.70
				WATER UTILITY	599.39
				WATER UTILITY	213.10
				WATER UTILITY	262.37
				WATER UTILITY	127.22
				WATER UTILITY	1,753.49

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WATER UTILITY	941.41
			WATER UTILITY	189.71
			WATER UTILITY	377.19
			WATER UTILITY	400.74
			WATER UTILITY	344.25
			WATER UTILITY	336.81
7/30/2009	196553	38,771.90		
			WATER UTILITY	16.07
			WATER UTILITY	134.84
			WATER UTILITY	1,196.97
			WATER UTILITY	497.71
			WATER UTILITY	14,369.28
			WATER UTILITY	1,456.44
			WATER UTILITY	661.74
			WATER UTILITY	10,959.74
			WATER UTILITY	3,643.55
			WATER UTILITY	4,777.26
			WATER UTILITY	61.83
			WATER UTILITY	348.10
			WATER UTILITY	136.80
			WATER UTILITY	443.79
			WATER UTILITY	67.78
Vendor Total		**160,504.31**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		**167,110.94**		

EMPLOYMENT DEVELOPMENT DEPARTMENT

7/3/2009	2444	43,113.55		
			DEP STATE INC TAX W/H 07/03/09	43,113.55
7/17/2009	2453	41,960.41		
			DEP STATE INC TAX W/H 07/17/09	41,960.41
7/31/2009	2463	30,294.69		
			DEP STATE INC TAX W/H 07/31/09	30,294.69
Vendor Total		**115,368.65**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT		**115,368.65**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ENCO UTILITY SERVICES MORENO VALLEY LLC				
7/2/2009	195963	76,401.48		
			MAY'09 FEES>1ST INDSTRL CMRCL	48.79
			MAY'09 FEES>O'REILLY AUTOMOTIV	4,472.44
			MAY'09 PROF SRVCS>ALERE PROP	1,196.78
			CIRC#5 PHASE1 SUBST (RITE AID)	6,031.75
			PERRIS BLVD 12K FEEDER WORK	60.99
			ENG/DESIGN STUDY FOR CIP PROJS	2,220.73
			CIRC#5 PHASE II INSTALL. WORK	9,566.33
			GLOBE 12KV INTERCONN >LASSELLE	8,648.86
			LASSELLE ST 12KV CIRCUIT WORK	8,174.79
			GLOBE TO INDIAN 12KV CIRC WORK	3,704.41
			GLOBE TO INDIAN 12KV CIRC WORK	852.80
			NEWHOPE ST LIGHTS (ADJ TO PSB)	31,422.81
7/16/2009	196287	102,990.13		
			DISTRIBUTION CHARGES	90,825.19
			SPECIAL CHARGES	5,206.10
			BAD DEBT	-2,343.35
			SPCL CHRGS>4/6/09	552.19
			JUL'09 CABNT LSE-LASSELLE	6.47
			JUL'09 CABNT LSE-LASSELLE	1,243.53
			JUL'09 CABNT LSE-GRAHAM	29.67
			JUL'09 CABNT LSE-GRAHAM	1,220.33
			JUL'09 CABNT LSE-KITCHING	35.52
			JUL'09 CABNT LSE-KITCHING	1,214.48
			JUL'09 CABNT LSE-COTTONWOOD	98.05
			JUL'09 CABNT LSE-COTTONWOOD	1,151.95
			JUL'09 CABNT LSE-FREDERICK	47.14
			JUL'09 CABNT LSE-FREDERICK	1,202.86
			JUL'09 CABNT LSE-INDIAN AVE	130.78
			JUL'09 CABNT LSE-INDIAN AVE	1,119.22
			JUL'09 CABNT LSE-IRIS AVE	146.80
			JUL'09 CABNT LSE-IRIS AVE	1,103.20
7/23/2009	196427	25,948.19		
			PERRIS BLVD 12K FEEDER WORK	1,468.96
			ENG/DESIGN FOR CITY (CIP) PROJ	2,010.67
			TEMP CONSTR POWER FAC FOR EOC	1,641.31
			CIRC#5 PHASE 2 CABLE/EQUP INST	5,845.81
			GLOBE 12KV CHANNEL CRSSNG WORK	1,033.80
			LASSELLE ST 12KV CIRC TIE WORK	4,719.52
			GLOBE TO INDIAN 12KV CIRC TIE	299.33
			GLOBE TO INDIAN 12KV CIRC TIE	859.75
			GROVE VIEW RD ST. LIGHT INSTAL	4,457.40
			WASTE MGMT TRANSFER STAT. WORK	523.82
			O'REILLY AUTO DISTR CTR WORK	212.76
			O'REILLY AUTO DISTR CTR WORK	2,543.06
			METER CHGS-THE WATER SHOP	332.00
7/30/2009	196556	113,779.23		
			DIST/SPCL CHRGS:4/6/09-5/8/09	109,138.98
			DIST/SPCL CHRGS:4/6/09-5/8/09	6,977.00
			DIST/SPCL CHRGS:4/6/09-5/8/09	-2,634.50
			DIST/SPCL CHRGS:4/6/09-5/8/09	297.75

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
	Vendor Total	319,119.03		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		319,119.03		
ENVIRONMENTAL CONSTRUCTION, INC.				
7/2/2009	195964	460,459.47		
			SUNNYMEAD BLVD REVIT PROJ SVCS	460,459.47
	Vendor Total	460,459.47		
FYTD for ENVIRONMENTAL CONSTRUCTION, INC.		460,459.47		
EXCEL LANDSCAPE, INC				
7/2/2009	195967	64,278.32		
			MAY'09 LNDSCP MAINT>E-3	24,988.00
			JUN'09 LNDSCP MAINT>E-3	24,988.00
			MAY'09 LNDSCP MAINT>E-3A	1,491.00
			JUN'09 LNDSCP MAINT>E-3A	1,491.00
			JUN'09 LNDSCP MAINT>E-7	2,640.41
			JUN'09 LNDSCP MAINT>E-8	1,057.15
			JUN'09 LNDSCP MAINT>E-8	429.96
			JUN'09 LNDSCP MAINT>E-15	1,059.76
			JUN'09 LNDSCP MAINT>E-14	3,426.80
			JUN'09 LNDSCP MAINT>WQF/09	1,514.00
			JUN'09 LNDSCP MAINT>WQF/09	645.00
			JUN'09 LNDSCP MAINT>WQF/09	465.00
			MISC LNDSCP MAINT>E-8	82.24
	Vendor Total	64,278.32		
FYTD for EXCEL LANDSCAPE, INC		64,723.52		
FULBRIGHT & JAWORSKI, L.L.P.				
7/2/2009	195975	49,844.52		
			MAY'09 LGL SRVCS>UTILITIES	49,844.52
7/30/2009	196563	30,180.24		
			LEGAL SERVICES /UTILITY-JUN'09	30,180.24
	Vendor Total	80,024.76		
FYTD for FULBRIGHT & JAWORSKI, L.L.P.		80,024.76		
HAITBRINK ASPHALT PAVING, INC.				
7/16/2009	196297	53,555.02		
			EUCALYPTUS/KITCHING ST IMPRV.	52,937.91
			EUCALYPTUS/KITCHING ST IMPRV.	617.11
	Vendor Total	53,555.02		
FYTD for HAITBRINK ASPHALT PAVING, INC.		53,555.02		
HARDY & HARPER, INC.				
7/30/2009	196571	348,604.80		
			ANNL PAVEMNT RESURF. PRGM SVCS	348,604.80
	Vendor Total	348,604.80		
FYTD for HARDY & HARPER, INC.		348,604.80		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HARRIS & ASSOCIATES, INC.					
	7/9/2009	196119	30,135.30		
				SUNNYMD BLVD EMWD PIPELINE SVC	438.02
				SUNNYMEAD BLVD REVIT PROJ SVCS	177.78
				SUNNYMEAD BLVD REVIT PROJ SVCS	654.70
				SUNNYMEAD BLVD REVIT PROJ SVCS	28,864.80
	Vendor Total		**30,135.30**		
FYTD for HARRIS & ASSOCIATES, INC.			**31,197.80**		
HEERY INTERNATIONAL, INC.					
	7/30/2009	196573	63,004.00		
				NEW MAIN LIBRARY PROJ. SVCS	63,004.00
	Vendor Total		**63,004.00**		
FYTD for HEERY INTERNATIONAL, INC.			**63,004.00**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INLAND EMPIRE PROPERTY SERVICE, INC				
7/16/2009	196306	34,112.00		
			NUISANCE ABATEMENT	256.00
			NUISANCE ABATEMENT	975.00
			NUISANCE ABATEMENT	250.00
			NUISANCE ABATEMENT	2,500.00
			NUISANCE ABATEMENT	252.00
			WEED ABATEMENT CONTRACT SVCS	270.00
			WEED ABATEMENT CONTRACT SVCS	517.18
			WEED ABATEMENT CONTRACT SVCS	219.04
			WEED ABATEMENT CONTRACT SVCS	260.92
			WEED ABATEMENT CONTRACT SVCS	158.00
			WEED ABATEMENT CONTRACT SVCS	351.22
			WEED ABATEMENT CONTRACT SVCS	156.00
			WEED ABATEMENT CONTRACT SVCS	249.00
			WEED ABATEMENT CONTRACT SVCS	193.82
			WEED ABATEMENT CONTRACT SVCS	237.22
			WEED ABATEMENT CONTRACT SVCS	137.50
			WEED ABATEMENT CONTRACT SVCS	127.00
			WEED ABATEMENT CONTRACT SVCS	530.00
			WEED ABATEMENT CONTRACT SVCS	159.82
			WEED ABATEMENT CONTRACT SVCS	341.72
			WEED ABATEMENT CONTRACT SVCS	153.00
			WEED ABATEMENT CONTRACT SVCS	152.00
			WEED ABATEMENT CONTRACT SVCS	472.60
			WEED ABATEMENT CONTRACT SVCS	161.30
			WEED ABATEMENT CONTRACT SVCS	270.00
			WEED ABATEMENT CONTRACT SVCS	272.00
			WEED ABATEMENT CONTRACT SVCS	214.00
			WEED ABATEMENT CONTRACT SVCS	94.00
			WEED ABATEMENT CONTRACT SVCS	94.00
			WEED ABATEMENT CONTRACT SVCS	291.16
			WEED ABATEMENT CONTRACT SVCS	439.00
			WEED ABATEMENT CONTRACT SVCS	654.00
			WEED ABATEMENT CONTRACT SVCS	199.54
			WEED ABATEMENT CONTRACT SVCS	199.54
			WEED ABATEMENT CONTRACT SVCS	282.00
			WEED ABATEMENT CONTRACT SVCS	125.00
			WEED ABATEMENT CONTRACT SVCS	335.94
			WEED ABATEMENT CONTRACT SVCS	109.64
			WEED ABATEMENT CONTRACT SVCS	109.64
			WEED ABATEMENT CONTRACT SVCS	148.08
			WEED ABATEMENT CONTRACT SVCS	437.00
			WEED ABATEMENT CONTRACT SVCS	328.02
			WEED ABATEMENT CONTRACT SVCS	328.02
			WEED ABATEMENT CONTRACT SVCS	192.96
			WEED ABATEMENT CONTRACT SVCS	62.00
			WEED ABATEMENT CONTRACT SVCS	443.40
			WEED ABATEMENT CONTRACT SVCS	1,008.98
			WEED ABATEMENT CONTRACT SVCS	62.00
			WEED ABATEMENT CONTRACT SVCS	625.25
			WEED ABATEMENT CONTRACT SVCS	625.73
			WEED ABATEMENT CONTRACT SVCS	457.23
			WEED ABATEMENT CONTRACT SVCS	480.67
			WEED ABATEMENT CONTRACT SVCS	1,568.22

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WEED ABATEMENT CONTRACT SVCS	215.90
			WEED ABATEMENT CONTRACT SVCS	410.00
			WEED ABATEMENT CONTRACT SVCS	178.74
			WEED ABATEMENT CONTRACT SVCS	543.57
			WEED ABTMNT>263210047	271.17
			WEED ABTMNT>263190019	5,200.00
			WEED ABTMNT>488220014	631.47
			WEED ABTMNT>263210031	571.24
			WEED ABTMNT>263190017	170.75
			WEED ABTMNT>488220005	655.00
			WEED ABTMNT>478174021	94.00
			WEED ABTMNT>478174020	94.00
			WEED ABTMNT>488220001	810.00
			WEED ABTMNT>478120015	120.00
			WEED ABTMNT>478120016	120.00
			WEED ABTMNT>478120023	120.00
			WEED ABTMNT>478120024	120.00
			WEED ABTMNT>478110006	316.46
			WEED ABTMNT>478110007	200.78
			WEED ABTMNT>486310005	876.13
			WEED ABTMNT>478120005	224.84
			WEED ABTMNT>263200011	296.67
			WEED ABTMNT>485032001	490.20
			WEED ABTMNT>479170033	414.80
			WEED ABTMNT>486290029	695.66
			WEED ABTMNT>488200021	204.72
			WEED ABTMNT>478166031	180.54
			WEED ABTMNT>478060008	254.00
			WEED ABTMNT>484030022	94.00
Vendor Total		**34,112.00**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC		**37,499.14**		

INTERNAL REVENUE SERVICE

7/3/2009	2443	159,390.91		
			DEP FED TAX W/H 07/03/09	159,390.91
7/17/2009	2452	155,165.65		
			DEP FED TAX W/H 07/17/09	155,165.65
7/31/2009	2462	116,647.36		
			DEP FED TAX W/H 07/31/09	116,647.36
Vendor Total		**431,203.92**		
FYTD for INTERNAL REVENUE SERVICE		**433,203.92**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KOA CORPORATION					
	7/9/2009	196135	36,627.50		
				RECHE VISTA DR REALIGNMNT PROJ	24,627.50
				RECHE VISTA DR REALIGNMNT PROJ	12,000.00
	7/30/2009	196581	32,058.72		
				RECHE VISTA DR REALIGNMNT PROJ	4,737.51
				RECHE VISTA DR REALIGNMNT PROJ	6,993.71
				RECHE VISTA DR REALIGNMNT PROJ	20,327.50
	Vendor Total		**68,686.22**		
FYTD for KOA CORPORATION			**73,813.32**		
LIM & NASCIMENTO ENGINEERING CORP.					
	7/30/2009	196582	37,094.46		
				PERRIS BLVD WIDENING-RAMONA XP	37,094.46
	Vendor Total		**37,094.46**		
FYTD for LIM & NASCIMENTO ENGINEERING CORP.			**42,760.46**		
MCDONOUGH, HOLLAND & ALLEN					
	7/16/2009	196313	25,548.99		
				CNTY LITIG.>JUN'08	823.76
				CNTY LITIG.>JUL'08	6,839.04
				CNTY LITIG.>AUG'08	3,799.53
				CNTY LITIG.>SEPT'08	3,750.79
				CNTY LITIG.>JAN'09	1,135.87
				CNTY LITIG.>FEB'09	251.16
				CNTY LITIG.>MAR'09	921.64
				CNTY LITIG.>MAY'09	33.00
				MVUSD LITIG.>MAY'09	7,202.12
				GENERAL BUS.>MAY'09	53.04
				MVUSD LITIG.>MAY'09	739.04
	Vendor Total		**25,548.99**		
FYTD for MCDONOUGH, HOLLAND & ALLEN			**28,727.75**		
MORENO VALLEY CHEVROLET					
	7/23/2009	196461	36,898.00		
				REIMB. OF SPCL TAXES	36,898.00
	Vendor Total		**36,898.00**		
FYTD for MORENO VALLEY CHEVROLET			**36,898.00**		
MORENO VALLEY PONTIAC/GMC/BUICK					
	7/23/2009	196464	30,309.00		
				REIMB. OF SPCL TAXES	30,309.00
	Vendor Total		**30,309.00**		
FYTD for MORENO VALLEY PONTIAC/GMC/BUICK			**30,309.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY UTILITY					
	7/23/2009	196465	81,411.38		
				ELECTRICITY CHARGES	117.32
				ELECTRICITY CHARGES	1,746.30
				ELECTRICITY CHARGES	165.90
				ELECTRICITY CHARGES	1,602.67
				ELECTRICITY CHARGES	21,086.49
				ELECTRICITY CHARGES	17,865.91
				ELECTRICITY CHARGES	5,574.66
				ELECTRICITY CHARGES	11,699.07
				ELECTRICITY CHARGES	1,667.38
				ELECTRICITY CHARGES	3,260.61
				ELECTRICITY CHARGES	10,262.85
				ELECTRICITY CHARGES	5,523.43
				ELECTRICITY CHARGES	209.06
				ELECTRICITY CHARGES	133.35
				ELECTRICITY CHARGES	84.48
				ELECTRICITY CHARGES	63.36
				ELECTRICITY CHARGES	63.83
				ELECTRICITY CHARGES	155.19
				ELECTRICITY CHARGES	129.52
	Vendor Total		**81,411.38**		
FYTD for MORENO VALLEY UTILITY			**81,411.38**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MUNITEMPS					
	7/16/2009	196327	26,600.19		
				TEMP SRVCS>4/12 HENDERSON	1,793.60
				TEMP SRVCS>4/26 HENDERSON	1,793.60
				TEMP SRVCS>5/10 HENDERSON	1,793.60
				TEMP SRVCS>5/24 HENDERSON	1,793.60
				TEMP SRVCS>6/7 HENDERSON	1,810.42
				TEMP SRVCS>6/21 HENDERSON	1,793.60
				TEMP SRVCS>3/29 O'MALLEY	387.27
				TEMP SRVCS>3/29 SIMS	357.19
				TEMP SRVCS>4/12-O'MALLEY	351.34
				TEMP SRVCS>4/12-SIMS	326.13
				TEMP SRVCS>4/12-HUDSON	310.60
				TEMP SRVCS>4/12-BELL	330.01
				TEMP SRVCS>4/26-O'MALLEY	1,081.97
				TEMP SRVCS>4/26-SIMS	462.02
				TEMP SRVCS>4/26-HUDSON	621.20
				TEMP SRVCS>4/26-BELL	660.02
				TEMP SRVCS>5/10-O'MALLEY	1,185.78
				TEMP SRVCS>5/10-SIMS	826.97
				TEMP SRVCS>5/10-HUDSON	559.09
				TEMP SRVCS>5/10-BELL	660.02
				TEMP SRVCS>5/24-O'MALLEY	1,189.77
				TEMP SRVCS>5/24-SIMS	364.95
				TEMP SRVCS>5/24-HUDSON	718.26
				TEMP SRVCS>5/24-BELL	702.73
				TEMP SRVCS>6/7-BELL	636.73
				TEMP SRVCS>6/7-HUDSON	784.26
				TEMP SRVCS>6/7-O'MALLEY	1,054.02
				TEMP SRVCS>6/7-SIMS	757.09
				TEMP SRVCS>6/21-O'MALLEY	830.44
				TEMP SRVCS>6/21-HUDSON	275.66
				TEMP SRVCS>6/21-BELL	388.25
	Vendor Total		**26,600.19**		
FYTD for MUNITEMPS			**37,015.23**		
NATIONWIDE RETIREMENT SOLUTIONS					
	7/17/2009	2449	25,212.16		
				DEF COMP 457 & 401(A) 071/7/09	25,212.16
	7/3/2009	2440	25,432.66		
				DEF COMP 457 & 401(A) 07/03/09	25,432.66
	Vendor Total		**50,644.82**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**55,944.21**		
NORRIS-REPKE, INC.					
	7/9/2009	196175	39,324.00		
				PROF STAFFING SVCS-VARIOUS PRJ	16,820.00
				PROF STAFFING SVCS-VARIOUS PRJ	22,504.00
	Vendor Total		**39,324.00**		
FYTD for NORRIS-REPKE, INC.			**39,829.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PARSONS TRANSPORTATION GROUP, INC.					
	7/9/2009	196177	147,550.47		
				SR-60/NASON ST OVRCRSSNG PROJ	147,550.47
	Vendor Total		**147,550.47**		
FYTD for PARSONS TRANSPORTATION GROUP, INC.			**147,550.47**		
PB AMERICAS, INC.					
	7/30/2009	196601	88,835.51		
				SR-60/NASON ST INTERCHG IMPRV	37,792.84
				SR-60/NASON ST INTERCHG PROJ	51,042.67
	Vendor Total		**88,835.51**		
FYTD for PB AMERICAS, INC.			**88,835.51**		
PERMA					
	7/30/2009	196602	84,262.99		
				PROP. PRGRM INS. PREM.	84,262.99
	Vendor Total		**84,262.99**		
FYTD for PERMA			**84,262.99**		
PERS HEALTH INSURANCE					
	7/8/2009	90706	209,164.98		
				EMPL HEALTH INS 07/08/09	209,164.98
	Vendor Total		**209,164.98**		
FYTD for PERS HEALTH INSURANCE			**209,164.98**		
PERS RETIREMENT					
	7/24/2009	2456	234,284.08		
				PERS RETIREMENT 07/24/09	234,284.08
	7/10/2009	2446	254,022.72		
				PERS RETIREMENT 07/10/09	254,022.72
	Vendor Total		**488,306.80**		
FYTD for PERS RETIREMENT			**488,306.80**		
PERVO PAINT CO.					
	7/16/2009	196337	29,724.96		
				MISC. PAINT AND SUPPLIES	6,934.51
				MISC. PAINT AND SUPPLIES	22,790.45
	Vendor Total		**29,724.96**		
FYTD for PERVO PAINT CO.			**29,724.96**		
PITRE & TEUNISSE, INC.					
	7/30/2009	196607	400,000.00		
				SETTLEMENT RE: TOVEY SCHULTZ	400,000.00
	Vendor Total		**400,000.00**		
FYTD for PITRE & TEUNISSE, INC.			**400,000.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PRICE FAMILY CHARITABLE TRUST				
7/23/2009	196479	79,991.00		
			SALES TAX REIMB.	79,991.00
Vendor Total		**79,991.00**		
FYTD for PRICE FAMILY CHARITABLE TRUST		**79,991.00**		
PROACTIVE ENGINEERING CONSULTANTS, INC.				
7/16/2009	196340	35,227.50		
			KITCHING ST IMPRV PROJ SVCS	35,227.50
7/30/2009	196611	65,427.25		
			CACTUS AVE WIDENING PROJ-STG 1	25,223.25
			CACTUS AVE WIDENING PROJ-STG 2	40,204.00
Vendor Total		**100,654.75**		
FYTD for PROACTIVE ENGINEERING CONSULTANTS, INC.		**100,654.75**		
RIALTO CONSTRUCTION, INC.				
7/30/2009	196616	77,707.03		
			AQUEDCT BIKEWAY-INDIAN TO FAY	77,707.03
Vendor Total		**77,707.03**		
FYTD for RIALTO CONSTRUCTION, INC.		**77,707.03**		
RIVERSIDE COUNTY SHERIFF				
7/9/2009	196197	84,189.49		
			MAR-MAY'09 JAIL ACCESS FEES	84,189.49
7/30/2009	196625	32,201.51		
			JUN'09 JAIL ACCESS FEE	32,201.51
7/15/2009	90704	2,612,473.33		
			CONTRACT LAW ENF BILL #11	2,612,473.33
7/23/2009	90714	3,119,659.39		
			CONTRACT LAW ENF BILL #12	3,119,659.39
Vendor Total		**5,848,523.72**		
FYTD for RIVERSIDE COUNTY SHERIFF		**5,852,406.50**		
RIVERSIDE COUNTY SHERIFF'S DEPT.				
7/16/2009	196349	315,460.00		
			ANNL RMS/CLETS>FY0809	315,460.00
Vendor Total		**315,460.00**		
FYTD for RIVERSIDE COUNTY SHERIFF'S DEPT.		**315,460.00**		
RIVERSIDE TRANSIT AGENCY				
7/23/2009	196492	28,075.00		
			U-PASS PROGRAM WITH RCC	28,075.00
Vendor Total		**28,075.00**		
FYTD for RIVERSIDE TRANSIT AGENCY		**28,075.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RLZ ENGINEERING					
	7/16/2009	196351	26,856.50		
				PROF STAFFING SVCS-VARIOUS PRJ	26,856.50
	Vendor Total		**26,856.50**		
FYTD for RLZ ENGINEERING			**26,856.50**		
ROESLING NAKAMURA TERADA ARCHITECTS, INC					
	7/30/2009	196627	35,899.81		
				PUB SAFETY BLDG CONVERSION PRJ	35,899.81
	Vendor Total		**35,899.81**		
FYTD for ROESLING NAKAMURA TERADA ARCHITECTS, INC			**35,899.81**		
SEMPRA ENERGY SOLUTIONS					
	7/23/2009	196494	701,135.35		
				JUN'09 POWER PURCHASE	701,135.35
	Vendor Total		**701,135.35**		
FYTD for SEMPRA ENERGY SOLUTIONS			**701,135.35**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	7/16/2009	196360	140,151.00		
				ELECTRICITY CHARGES	41.94
				ELECTRICITY CHARGES	365.58
				ELECTRICITY CHARGES	39.04
				ELECTRICITY CHARGES	983.32
				ELECTRICITY CHARGES	1,721.62
				ELECTRICITY CHARGES	1,399.17
				ELECTRICITY CHARGES	492.42
				ELECTRICITY CHARGES	848.69
				ELECTRICITY CHARGES	1,366.82
				ELECTRICITY CHARGES	1,732.18
				ELECTRICITY CHARGES	94,804.30
				ELECTRICITY CHARGES	35,584.03
				ELECTRICITY CHARGES	356.46
				ELECTRICITY CHARGES	136.20
				ELECTRICITY CHARGES	18.56
				ELECTRICITY CHARGES	21.67
				ELECTRICITY CHARGES	60.40
				ELECTRICITY CHARGES	74.41
				ELECTRICITY CHARGES	104.19
	7/23/2009	196501	39,222.25		
				ELECTRICITY CHARGES	163.54
				ELECTRICITY CHARGES	4,986.45
				ELECTRICITY CHARGES	127.66
				ELECTRICITY CHARGES	3,778.78
				ELECTRICITY CHARGES	19.03
				ELECTRICITY CHARGES	5,116.01
				ELECTRICITY CHARGES	1,137.61
				ELECTRICITY CHARGES	3,911.11
				ELECTRICITY CHARGES	2,233.70
				ELECTRICITY CHARGES	1,999.44
				ELECTRICITY CHARGES	218.97
				ELECTRICITY CHARGES	3,605.33
				ELECTRICITY CHARGES	678.17
				ELECTRICITY CHARGES	2,304.40
				ELECTRICITY CHARGES	20.48
				ELECTRICITY CHARGES	401.08
				ELECTRICITY CHARGES	3,896.44
				ELECTRICITY CHARGES	1,550.55
				ELECTRICITY CHARGES	282.23
				ELECTRICITY CHARGES	390.29
				ELECTRICITY CHARGES	416.45
				ELECTRICITY CHARGES	254.28
				ELECTRICITY CHARGES	145.55
				ELECTRICITY CHARGES	22.73
				ELECTRICITY CHARGES	1,561.97
	7/30/2009	196633	36,064.72		
				WDAT CHARGES: FREDERICK 06/09	2,386.62
				WDAT CHARGES: IRIS 06/09	2,625.22
				NON-PTO WHEELING CHRGS	1,672.91
				WDAT CHARGES: SUBSTATN 06/09	14,038.67
				WDAT CHARGES: NANDINA 06/09	2,647.31
				WDAT CHARGES: GLOBE 06/09	8,966.34

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WDAT CHARGES: GRAHAM 06/09	3,727.65
7/30/2009	196634	2,010,115.06		
			REPLCMNT OF EXISTING FAC-EB 60	1,005,057.53
			REPLCMNT OF EXISTING FAC-EB 60	1,005,057.53
	Vendor Total	2,225,553.03		
FYTD for SOUTHERN CALIFORNIA EDISON		2,257,119.57		
STANDARD INSURANCE CO				
7/16/2009	196363	30,179.53		
			LIFE & DISABILITY INSURANCE	12,582.80
			LIFE & DISABILITY INSURANCE	19,617.04
			LIFE & DISABILITY INSURANCE	-2,020.31
	Vendor Total	30,179.53		
FYTD for STANDARD INSURANCE CO		31,768.98		
SUKUT CONSTRUCTION, INC.				
7/2/2009	196026	376,715.24		
			PIGEON PASS RD ST IMPRV PROJ	308,323.52
			PIGEON PASS RD ST IMPRV PROJ	68,391.72
7/9/2009	90709	34,726.45		
			RETENTION PYMT- PROJ06-41570324	34,726.45
	Vendor Total	411,441.69		
FYTD for SUKUT CONSTRUCTION, INC.		419,040.77		
T.Y. LIN INTERNATIONAL				
7/30/2009	196644	27,036.93		
			GRAHAM ST OVERCRSSNG/SR-60 PRJ	5,000.00
			GRAHAM ST OVERCRSSNG/SR-60 PRJ	22,036.93
	Vendor Total	27,036.93		
FYTD for T.Y. LIN INTERNATIONAL		27,036.93		
TCM GROUP				
7/2/2009	196027	81,775.07		
			SR-60/NASON ST INTERCHNG PROJ.	81,775.07
7/16/2009	196370	63,835.63		
			SR-60/NASON ST INTERCHG IMPRV.	47,229.88
			SR-60/NASON ST INTERCHG IMPRV.	16,605.75
	Vendor Total	145,610.70		
FYTD for TCM GROUP		145,610.70		
TYNER PAVING COMPANY				
7/30/2009	196646	145,262.61		
			IRIS AVE IMPRVMNTS PROJ.	113,304.73
			IRIS AVE IMPRVMNTS PROJ.	31,957.88
	Vendor Total	145,262.61		
FYTD for TYNER PAVING COMPANY		145,262.61		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
U.S. BANK/CALCARDS					
	7/9/2009	90710	125,786.95		
				CALCARD PYMT CYCLE END 07/07/09	125,786.95
	7/30/2009	90715	141,712.11		
				CALCARD PYMT CYCLE END 07/30/09	141,712.11
	Vendor Total		**267,499.06**		
FYTD for U.S. BANK/CALCARDS			**267,499.06**		
UNION BANK OF CALIFORNIA					
	7/9/2009	90707	51,162.16		
				RETENTION PYMT - PROJ04-89280221	51,162.16
	Vendor Total		**51,162.16**		
FYTD for UNION BANK OF CALIFORNIA			**52,218.16**		
UNION BANK OF CALIFORNIA NA					
	7/1/2009	90702	1,000,000.00		
				FNMA 4% MAT 07/01/14	1,000,000.00
	7/9/2009	90703	1,000,000.00		
				FHLB STPUP 2.5% MAT 07/09/14	1,000,000.00
	7/16/2009	90713	1,001,916.67		
				FFCB 3% MAT 12/23/13	1,001,916.67
	7/23/2009	90711	1,000,000.00		
				FHLMC 2.4% MAT 07/23/13	1,000,000.00
	7/28/2009	90712	1,000,000.00		
				FNMA 3% MAT 07/28/14	1,000,000.00
	7/2/2009	90705	999,531.25		
				FHLMC 3.4% MAT 07/02/14	999,531.25
	Vendor Total		**6,001,447.92**		
FYTD for UNION BANK OF CALIFORNIA NA			**6,001,447.92**		
VA CONSULTING, INC.					
	7/30/2009	196651	35,580.95		
				HEACOCK ST BRIDGE REPLCMNT PRJ	4,232.45
				AUTO MALL STREET UPGRADES PROJ	3,030.00
				AUTO MALL STREET UPGRADES PROJ	28,318.50
	Vendor Total		**35,580.95**		
FYTD for VA CONSULTING, INC.			**43,445.13**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VULCAN MATERIALS CO, INC.					
	7/16/2009	196384	26,454.07		
				ASPHALTIC CONCRETE & EMULSION	8,481.43
				ASPHALTIC CONCRETE & EMULSION	6,790.11
				ASPHALTIC CONCRETE & EMULSION	463.06
				ASPHALTIC CONCRETE & EMULSION	10,127.87
				ASPHALTIC CONCRETE & EMULSION	162.91
				ASPHALTIC CONCRETE & EMULSION	100.26
				ASPHALTIC CONCRETE & EMULSION	131.59
				ASPHALTIC CONCRETE & EMULSION	196.84
	Vendor Total		**26,454.07**		
FYTD for VULCAN MATERIALS CO, INC.			**36,098.98**		
WELLS FARGO CORPORATE TRUST					
	7/28/2009	90716	1,148,808.45		
				2007 TABS DEBT SVC PYMT	1,148,808.45
	Vendor Total		**1,148,808.45**		
FYTD for WELLS FARGO CORPORATE TRUST			**1,150,185.68**		
WHEELER PAVING, INC.					
	7/16/2009	196388	361,012.50		
				LASSELLE ST WIDENING PROJ SVCS	36,488.92
				LASSELLE ST WIDENING PROJ SVCS	324,523.58
	Vendor Total		**361,012.50**		
FYTD for WHEELER PAVING, INC.			**361,012.50**		
WINZLER & KELLY CONSULTING ENGINEERS					
	7/16/2009	196389	221,456.23		
				IRONWOOD AVE WIDENING PROJ.	51,428.79
				IRONWOOD AVE WIDENING PROJ.	103,147.76
				IRONWOOD AVE WIDENING PROJ.	51,148.73
				IRONWOOD AVE WIDENING PROJ.	15,730.95
	Vendor Total		**221,456.23**		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS			**221,456.23**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	7/16/2009	196390	201,812.00		
				TUMF FEES COLL. 6/1-6/30/09	201,812.00
	7/30/2009	196663	25,413.00		
				FY09/10 WRCOG MEMBERSHIP DUES	25,413.00
	Vendor Total		**227,225.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**230,675.00**		
	Subtotal		**23,053,172.80**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS LESS THAN $25,000					
NIELSEN LLC, CLARITAS					
	7/2/2009	195939	2,935.00		
				SITEREPORTS.COM LICENSE FEE	2,935.00
	Vendor Total		**2,935.00**		
FYTD for NIELSEN LLC, CLARITAS			**2,935.00**		
4IMPRINT					
	7/2/2009	195940	4,807.00		
				TAGLESS T-SHIRTS	2,760.00
				TAGLESS T-SHIRTS	240.00
				SCREEN CHARGE	360.00
				COLOR RUN CHARGE	437.50
				SCREEN CHARGE	40.00
				COLOR RUN CHARGE	700.00
				DISCOUNT	-106.26
				SHIPPING	375.76
				SALES TAX	262.52
				SALES TAX - ACCRUAL	-262.52
	Vendor Total		**4,807.00**		
FYTD for 4IMPRINT			**4,807.00**		
ACOSTA, ERNESTO/VERONICA					
	7/9/2009	196044	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for ACOSTA, ERNESTO/VERONICA			**20.00**		
ADAMS, MARK L.					
	7/9/2009	196045	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for ADAMS, MARK L.			**318.73**		
ADLERHORST INTERNATIONAL INC.					
	7/16/2009	196257	600.00		
				BASIC HANDLERS COURSE	300.00
				BASIC HANDLERS COURSE	300.00
	Vendor Total		**600.00**		
FYTD for ADLERHORST INTERNATIONAL INC.			**600.00**		
ADMINSURE					
	7/16/2009	196258	2,600.00		
				JUL'09 WKRS COMP CLMS ADMIN.	2,600.00
	Vendor Total		**2,600.00**		
FYTD for ADMINSURE			**2,600.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
7/9/2009	196046	275.36		
			COOLER REPAIR AT ANML SHLTR	275.36
7/16/2009	196259	1,395.00		
			REPAIR PUPPY COOLER AT THE AS	1,395.00
Vendor Total		**1,670.36**		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		**1,670.36**		
ADVANCED ELECTRIC				
7/23/2009	196394	970.00		
			INSTALL BREAKER & WIRE @ CRC	490.00
			CARD READER REPAIR-PSB GATE#2	404.00
			CARD READER REPAIR-PSB GATE#2	76.00
Vendor Total		**970.00**		
FYTD for ADVANCED ELECTRIC		**970.00**		
AEI-CASC ENGINEERING				
7/2/2009	195941	1,036.00		
			MAY'09 PLAN CK SRVCS	1,036.00
Vendor Total		**1,036.00**		
FYTD for AEI-CASC ENGINEERING		**58,972.84**		
ALBERT A. WEBB ASSOCIATES				
7/23/2009	196395	11,476.69		
			EDGEMONT WATER MSTR PLAN SVCS	11,476.69
7/30/2009	196527	14,894.29		
			EDGEMONT WATER MSTR PLAN SVCS	14,894.29
Vendor Total		**26,370.98**		
FYTD for ALBERT A. WEBB ASSOCIATES		**72,616.90**		
ALLIANZ LIFE INSURANCE CO				
7/9/2009	196047	75.00		
			NON-EXEMPT ANNUITY	75.00
Vendor Total		**75.00**		
FYTD for ALLIANZ LIFE INSURANCE CO		**75.00**		
ALTERNATIVES TO DOMESTIC VIOLENCE				
7/30/2009	196528	1,713.95		
			CDBG EXP. REIMB.	1,713.95
Vendor Total		**1,713.95**		
FYTD for ALTERNATIVES TO DOMESTIC VIOLENCE		**1,713.95**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AMEC EARTH & ENVIRONMENTAL, INC.				
7/23/2009	196396	1,405.00		
			AQUEDUCT BIKEWAY IMPRV PROJ	1,405.00
Vendor Total		**1,405.00**		
FYTD for AMEC EARTH & ENVIRONMENTAL, INC.		**1,405.00**		
AMERICAN FORENSIC NURSES				
7/16/2009	196260	727.50		
			BLOOD DRAWS & ANALYSES	26.00
			CHP BLOOD DRAWS	109.00
			MV BLOOD DRAWS	592.50
7/23/2009	196397	569.50		
			MV BLOOD DRAWS	479.50
			CHP BLOOD DRAWS	90.00
7/30/2009	196529	180.00		
			BLOOD DRAWS & ANALYSES	180.00
Vendor Total		**1,477.00**		
FYTD for AMERICAN FORENSIC NURSES		**1,477.00**		
AMERICAN PAYROLL ASSOCIATION				
7/9/2009	196048	195.00		
			MBR:SANDRA CONTRERAS	195.00
Vendor Total		**195.00**		
FYTD for AMERICAN PAYROLL ASSOCIATION		**195.00**		
AMERICAN ROTARY BROOM CO.				
7/9/2009	196049	1,209.76		
			STREET SWEEPER KITS	223.58
			STREET SWEEPER KITS	986.18
Vendor Total		**1,209.76**		
FYTD for AMERICAN ROTARY BROOM CO.		**1,209.76**		
AMERIMARK DIRECT				
7/2/2009	195943	100.89		
			STICKERS	100.89
			STICKERS	7.74
			STICKERS	-7.74
Vendor Total		**100.89**		
FYTD for AMERIMARK DIRECT		**100.89**		
AMTECH ELEVATOR SERVICES				
7/9/2009	196050	118.37		
			JUN'09 ELEV. MAINT>CITY HALL	118.37
Vendor Total		**118.37**		
FYTD for AMTECH ELEVATOR SERVICES		**118.37**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ANDREWS, DANETA & RICHARD				
7/16/2009	196261	52.00		
			ANML LICENSE FEE RFND	52.00
Vendor Total		**52.00**		
FYTD for ANDREWS, DANETA & RICHARD		**52.00**		
ANIMAL EMERGENCY CLINIC, INC.				
7/30/2009	196530	707.00		
			EMERG. VET SERVICES	412.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	75.00
			EMERG. VET SERVICES	70.00
Vendor Total		**707.00**		
FYTD for ANIMAL EMERGENCY CLINIC, INC.		**707.00**		
ANIMAL HEALTH AND SANITARY SUPPLY				
7/9/2009	196051	2,518.39		
			CLEANING SUPPLIES FOR AS	2,518.39
7/30/2009	196531	1,119.65		
			ANIMAL SVCS CLEANING SUPPLIES	1,119.65
Vendor Total		**3,638.04**		
FYTD for ANIMAL HEALTH AND SANITARY SUPPLY		**3,638.04**		
ANIMAL PEST MANAGEMENT SERVICES, INC.				
7/23/2009	196398	1,790.00		
			JUN'09 PEST CTRL-PARKS	665.00
			JUN'09 PEST CTRL-AQUEDUCTS ETC	255.00
			JUN'09 PEST CTRL-MARCH FLD	330.00
			JUN'09 PEST CTRL-MRCH PAL BLDG	100.00
			JUN'09 PEST CTRL-CFD #1	160.00
			JUN'09 PEST CTRL-CTTNWD GOLF	180.00
			JUN'09 PEST CTRL-STARS BLDG	100.00
Vendor Total		**1,790.00**		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.		**1,790.00**		
APPELHOF, KRISTINA				
7/2/2009	195944	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
Vendor Total		**75.00**		
FYTD for APPELHOF, KRISTINA		**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
APWA-AMERICAN PUBLIC WORKS ASSOCIATION					
	7/2/2009	195945	2,288.32		
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
				MEMBERSHIP RENEWAL	143.02
	Vendor Total		**2,288.32**		
FYTD for APWA-AMERICAN PUBLIC WORKS ASSOCIATION			**2,288.32**		
ARCHIVE MANAGEMENT SERVICE					
	7/16/2009	196262	1,596.36		
				OFF-SITE STORAGE	1,596.36
	Vendor Total		**1,596.36**		
FYTD for ARCHIVE MANAGEMENT SERVICE			**1,596.36**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ARROWHEAD WATER					
	7/9/2009	196052	140.77		
				WTR PURIF>6/8/09 FS#91	25.00
				WTR PURIF>6/8/09 FS#65	25.00
				WTR PURIF>6/8/09 FS#58	15.77
				WTR PURIF>6/8/09 FS#48	25.00
				WTR PURIF>6/8/09 FS#2	25.00
				WTR PURIF>6/8/09 FS#6	25.00
	7/16/2009	196263	175.00		
				WATER PURIFICATION UNIT	50.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
				WATER PURIFICATION UNIT	25.00
	7/23/2009	196399	340.78		
				WATER PURIF 6/9-7/8-CITY HALL	125.01
				WATER PURIF 6/9-7/8-CITY YARD	25.00
				WATER PURIF 6/9-7/8-TRANS TRLR	25.00
				WTR PURIF>7/8-LIBRARY	25.00
				WTR PURIF>7/8-FS #6	25.00
				WTR PURIF>7/8-FS #48	25.00
				WTR PURIF>7/8-FS #2	25.00
				WTR PURIF>7/8-FS #58	15.77
				WTR PURIF>7/8-FS #91	25.00
				WTR PURIF>7/8-FS #65	25.00
	Vendor Total		**656.55**		
FYTD for ARROWHEAD WATER			**656.55**		
ARZATE, AURORA					
	7/2/2009	195946	80.00		
				RFND-PICNIC SHLTR FEE	80.00
	Vendor Total		**80.00**		
FYTD for ARZATE, AURORA			**80.00**		
ASHTON, CLARKE / ANDLAND PROPERTIES					
	7/16/2009	196264	358.64		
				REFUND DEPOSIT BALANCE	358.64
	Vendor Total		**358.64**		
FYTD for ASHTON, CLARKE / ANDLAND PROPERTIES			**358.64**		
ASW ENGINEERING MANAGEMENT CONSULTANTS					
	7/9/2009	196053	4,469.34		
				PRELIM. ENRGY ASSMNT>4/14/09	4,469.34
	Vendor Total		**4,469.34**		
FYTD for ASW ENGINEERING MANAGEMENT CONSULTANTS			**4,469.34**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AT&T MOBILITY					
	7/16/2009	196265	91.38		
				MCC CELL SRVC>6/6/09	91.38
	7/30/2009	196532	92.20		
				MCC CELLULAR SVC 6/7/09-7/6/09	92.20
	Vendor Total		**183.58**		
FYTD for AT&T MOBILITY			**183.58**		
AT&T/MCI					
	7/16/2009	196266	183.68		
				PHONE SERVICES	183.68
	Vendor Total		**183.68**		
FYTD for AT&T/MCI			**183.68**		
AV GRAPHICS, INC.					
	7/23/2009	196400	2,185.61		
				ADMIN CITATION BOOKS	2,126.06
				ARTWORK CHARGE	40.00
				ADDITIONAL SALES TAX	19.55
	Vendor Total		**2,185.61**		
FYTD for AV GRAPHICS, INC.			**2,185.61**		
B & T WORKS, INC.					
	7/30/2009	196533	18,450.00		
				COMM PARK WATER IMPRVMNTS PROJ	18,450.00
	Vendor Total		**18,450.00**		
FYTD for B & T WORKS, INC.			**18,450.00**		
BACHER, GRACE					
	7/9/2009	196054	303.60		
				JULY'09 RETIREE MED BENEFIT	303.60
	Vendor Total		**303.60**		
FYTD for BACHER, GRACE			**303.60**		
BANKS, CHARLES W., JR.					
	7/16/2009	196267	403.00		
				RFND-W/D OF APP 50%	217.50
				RFND-W/D OF APP 50%	58.00
				RFND-W/D OF APP 50%	82.00
				RFND-W/D OF APP 50%	45.50
	Vendor Total		**403.00**		
FYTD for BANKS, CHARLES W., JR.			**403.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BANNING VETERINARY HOSPITAL					
	7/23/2009	196401	54.00		
				VET FEES FOR K-9 "LEX"	54.00
	Vendor Total		**54.00**		
FYTD for BANNING VETERINARY HOSPITAL			**54.00**		
BARNES, DARLENE					
	7/9/2009	196055	110.82		
				JUNE'09 RETIREE MED BENEFIT	110.82
	Vendor Total		**110.82**		
FYTD for BARNES, DARLENE			**110.82**		
BARRAGAN, MIGUEL					
	7/23/2009	196402	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for BARRAGAN, MIGUEL			**20.00**		
BASIC BACKFLOW					
	7/23/2009	196403	30.00		
				BACKFLOW TESTING>6/25	30.00
	Vendor Total		**30.00**		
FYTD for BASIC BACKFLOW			**30.00**		
BATES LEATHERS					
	7/30/2009	196534	5,611.50		
				POLICE JACKETS FOR MOTOR UNITS	5,611.50
	Vendor Total		**5,611.50**		
FYTD for BATES LEATHERS			**5,611.50**		
BEAN, JAMES & CATALINA					
	7/23/2009	196404	2,622.00		
				TRUST FUND REFUND	2,622.00
	Vendor Total		**2,622.00**		
FYTD for BEAN, JAMES & CATALINA			**2,622.00**		
BEAZER HOMES					
	7/2/2009	195947	30.00		
				RFND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for BEAZER HOMES			**30.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEEGLE JEANETTE					
	7/23/2009	196405	95.00		
				RFND-RABIES/SPAY/NEUTER FEES	20.00
				RFND-RABIES/SPAY/NEUTER FEES	75.00
	Vendor Total		**95.00**		
FYTD for BEEGLE JEANETTE			**95.00**		
BELL, ORROCK & WATASE, INC					
	7/16/2009	196268	4,355.31		
				LEGAL DEFENSE SERVICES	404.95
				LEGAL DEFENSE SERVICES	792.05
				LEGAL DEFENSE SERVICES	3,158.31
	Vendor Total		**4,355.31**		
FYTD for BELL, ORROCK & WATASE, INC			**4,355.31**		
BELUSO, STEPHEN					
	7/9/2009	196056	150.00		
				MV UTILITY REFUND	150.00
	Vendor Total		**150.00**		
FYTD for BELUSO, STEPHEN			**150.00**		
BEMUS LANDSCAPE, INC.					
	7/16/2009	196269	2,982.56		
				LANDSCAPE MAINTENANCE	480.00
				LANDSCAPE MAINTENANCE	480.00
				LANDSCAPE MAINTENANCE	480.00
				LANDSCAPE MAINT @ CITY HALL	992.56
				LANDSCAPE MAINT @ VETERANS	250.00
				LANDSCAPE MAINT @ ANNEX #1	300.00
	Vendor Total		**2,982.56**		
FYTD for BEMUS LANDSCAPE, INC.			**42,890.59**		
BENESYST, INC.					
	7/2/2009	195948	255.05		
				JULY'09 FLEX ADMIN SRVCS	255.05
	7/23/2009	196406	255.05		
				AUG'09-FSA & DEP CARE	255.05
	Vendor Total		**510.10**		
FYTD for BENESYST, INC.			**510.10**		
BERG & ASSOCIATES, INC.					
	7/23/2009	196407	13,729.39		
				PIGEON PASS RD IMPRV PROJ SVCS	12,710.92
				PIGEON PASS RD IMPRV PROJ SVCS	1,018.47
	Vendor Total		**13,729.39**		
FYTD for BERG & ASSOCIATES, INC.			**13,729.39**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BIO-TOX LABORATORIES					
	7/16/2009	196270	3,013.45		
				TOXICOLOGY TESTS	51.76
				TOXICOLOGY TESTS	1,698.29
				TOXICOLOGY TESTS	1,263.40
	7/30/2009	196535	2,048.66		
				TOXICOLOGY TESTING	1,418.66
				TOXICOLOGY TESTING	630.00
	Vendor Total		**5,062.11**		
FYTD for BIO-TOX LABORATORIES			**5,062.11**		
BLAIR, CHERYL					
	7/2/2009	195949	486.00		
				BELLY DNCNG CLASS-18 PARTICIPANTS	486.00
	Vendor Total		**486.00**		
FYTD for BLAIR, CHERYL			**486.00**		
BLUE SHIELD OF CALIFORNIA					
	7/23/2009	196408	1,053.87		
				HLTH INS>J01001762-9	812.21
				HLTH INS>J03201829-9	241.66
	Vendor Total		**1,053.87**		
FYTD for BLUE SHIELD OF CALIFORNIA			**1,053.87**		
BOYLE ENGINEERING CORPORATION					
	7/2/2009	195950	1,803.21		
				TR 33684 PLN CK SRVCS>6/5/09	642.75
				TR 33436 PLN CK SRVCS>6/5/09	1,160.46
	7/16/2009	196271	979.89		
				PLAN CK SRVCS>PM33637	979.89
	Vendor Total		**2,783.10**		
FYTD for BOYLE ENGINEERING CORPORATION			**53,002.80**		
BREWER, ERIC					
	7/9/2009	196059	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for BREWER, ERIC			**200.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BULLER, LINDA					
	7/23/2009	196410	0.00		
				RFND CPR FEES	30.00
				RFND CPR FEES	-30.00
	7/23/2009	196524	30.00		
				RFND CPR FEES	30.00
	Vendor Total		**30.00**		
FYTD for BULLER, LINDA			**30.00**		
BURKE, WILLIAMS & SORENSEN, LLP.					
	7/2/2009	195951	360.00		
				MAY'09 LGL FEES-RE:JENNY INVESTMENT GRP	360.00
	Vendor Total		**360.00**		
FYTD for BURKE, WILLIAMS & SORENSEN, LLP.			**360.00**		
BUSINESS FACILITIES					
	7/9/2009	196060	4,920.00		
				JUN'09 ADVERTISING	4,920.00
	Vendor Total		**4,920.00**		
FYTD for BUSINESS FACILITIES			**4,920.00**		
C.R. GANN DEMOLITION, INC.					
	7/9/2009	196061	8,954.00		
				DEMO. SRVCS>11692 HEACOCK	3,300.00
				DEMO. SRVCS>11692 HEACOCK	5,654.00
	Vendor Total		**8,954.00**		
FYTD for C.R. GANN DEMOLITION, INC.			**8,954.00**		
CAIN, GREGORY					
	7/9/2009	196062	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for CAIN, GREGORY			**318.73**		
CAIRNS, SUSAN					
	7/9/2009	196063	337.43		
				NOTARY COMM RENEWAL EXPENSES	337.43
	Vendor Total		**337.43**		
FYTD for CAIRNS, SUSAN			**337.43**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CALAVERAS STANDARD MATERIALS					
	7/16/2009	196272	1,217.73		
				PORTLAND CEMENT FOR PROM PROJ.	407.45
				PORTLAND CEMENT FOR PROM PROJ.	810.28
	7/23/2009	196411	822.69		
				PORTLAND CEMENT FOR PROM PROJS	443.59
				PORTLAND CEMENT FOR PROM PROJS	379.10
	7/30/2009	196536	1,232.15		
				PORTLAND CEMENT FOR PROM PROJS	766.03
				PORTLAND CEMENT FOR PROM PROJS	466.12
	Vendor Total		**3,272.57**		
FYTD for CALAVERAS STANDARD MATERIALS			**3,272.57**		
CALIFORNIA AGRI-CONTROL, INC.					
	7/2/2009	195952	1,532.67		
				JUN'09 LNDSCP RDNT CNTRL	268.58
				JUN'09 LNDSCP RDNT CNTRL	161.14
				JUN'09 LNDSCP RDNT CNTRL	35.81
				JUN'09 LNDSCP RDNT CNTRL	35.80
				JUN'09 LNDSCP RDNT CNTRL	537.16
				JUN'09 LNDSCP RDNT CNTRL	134.29
				JUN'09 LNDSCP RDNT CNTRL	134.29
				JUN'09 LNDSCP RDNT CNTRL	10.74
				JUN'09 LNDSCP RDNT CNTRL	42.97
				JUN'09 LNDSCP RDNT CNTRL	10.74
				JUN'09 LNDSCP RDNT CNTRL	161.15
	Vendor Total		**1,532.67**		
FYTD for CALIFORNIA AGRI-CONTROL, INC.			**1,532.67**		
CALIFORNIA BUILDING STANDARDS COMMISSION					
	7/9/2009	196064	515.70		
				FEES COLLECTED>JUN'09	515.70
	Vendor Total		**515.70**		
FYTD for CALIFORNIA BUILDING STANDARDS COMMISSION			**515.70**		
CALIFORNIA MUNICIPAL UTILITIES ASSOC.					
	7/16/2009	196273	2,919.00		
				09/10 ELEC UT MBRSHP DUES	2,919.00
	Vendor Total		**2,919.00**		
FYTD for CALIFORNIA MUNICIPAL UTILITIES ASSOC.			**2,919.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CANON BUSINESS SOLUTIONS, INC.				
7/30/2009	196538	7,527.35		
			APR-JUN'09 COPIER SRVCS	6,047.60
			APR-JUN'09 COPIER SRVCS	874.10
			APR-JUN'09 COPIER SRVCS	605.65
	Vendor Total	**7,527.35**		
FYTD for CANON BUSINESS SOLUTIONS, INC.		**7,527.35**		
CANON FINANCIAL SERVICES, INC.				
7/23/2009	196412	7,590.68		
			COPIER LEASE>JUN'09	6,172.47
			COPIER LEASE>JUN'09	1,258.42
			COPIER LEASE>JUN'09	159.79
	Vendor Total	**7,590.68**		
FYTD for CANON FINANCIAL SERVICES, INC.		**7,590.68**		
CASKAN, PATRICIA				
7/30/2009	196539	0.00		
			FULL & FINAL SETTLEMENT-3/1/09	470.00
			FULL & FINAL SETTLEMENT-3/1/09	-470.00
	Vendor Total	**0.00**		
FYTD for CASKAN, PATRICIA		**0.00**		
CASKEY, DEBRA C.				
7/9/2009	196065	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total	**318.73**		
FYTD for CASKEY, DEBRA C.		**318.73**		
CATALINE, CHERYL				
7/30/2009	196540	750.00		
			RENTAL DEPOSIT REFUND-REC CTR	750.00
	Vendor Total	**750.00**		
FYTD for CATALINE, CHERYL		**750.00**		
CAVENAUGH & ASSOCIATES				
7/9/2009	196066	998.00		
			D.U.I. SEMINAR 7/13-7/17/09	499.00
			D.U.I. SEMINAR 7/13-7/17/09	499.00
	Vendor Total	**998.00**		
FYTD for CAVENAUGH & ASSOCIATES		**998.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHAMBERS GROUP, INC.					
	7/2/2009	195953	673.50		
				FEB'09 PROF SRVCS>PROLOGIS EIR	673.50
	Vendor Total		**673.50**		
FYTD for CHAMBERS GROUP, INC.			**673.50**		
CHANCY, CHIZURU					
	7/16/2009	196274	187.20		
				HAWAIIAN DANCE CONTRACT CLASS	140.40
				HAWAIIAN DANCE CONTRACT CLASS	46.80
	Vendor Total		**187.20**		
FYTD for CHANCY, CHIZURU			**187.20**		
CHAPMAN, STEVE					
	7/9/2009	196067	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for CHAPMAN, STEVE			**318.73**		
CHAPPELL, ISAAC					
	7/9/2009	196068	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for CHAPPELL, ISAAC			**318.73**		
CHERRY VALLEY FEED					
	7/23/2009	196413	258.77		
				MISC. FOOD FOR K-9 "MAX"	101.13
				MISC. FOOD FOR K-9 "LEX"	63.06
				MISC. FOOD FOR K-9 "BLUE"	94.58
	Vendor Total		**258.77**		
FYTD for CHERRY VALLEY FEED			**258.77**		
CHICHOV, VITALI					
	7/23/2009	196414	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CHICHOV, VITALI			**75.00**		
CHOICE POINT BUSINESS AND GOVERNMENT					
	7/16/2009	196275	500.00		
				AUTO TRACT SERVICES	500.00
	Vendor Total		**500.00**		
FYTD for CHOICE POINT BUSINESS AND GOVERNMENT			**500.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHRISTIAN, OWEN					
	7/9/2009	196069	240.44		
				JULY'09 RETIREE MED BENEFIT	240.44
	Vendor Total		**240.44**		
FYTD for CHRISTIAN, OWEN			**240.44**		
CITY OF MORENO VALLEY VEBA TRUST					
	7/9/2009	196070	4,337.50		
				EXEMPT VEBA	4,337.50
	Vendor Total		**4,337.50**		
FYTD for CITY OF MORENO VALLEY VEBA TRUST			**4,337.50**		
CITY OF NORCO					
	7/2/2009	195954	225.00		
				ATND:HASTINGS/BATEY	45.00
				ATND:HASTINGS/BATEY	45.00
				ATND:ADAMS/DAWSON/HARTMANN	135.00
	Vendor Total		**225.00**		
FYTD for CITY OF NORCO			**225.00**		
CITY OF RIVERSIDE					
	7/23/2009	196415	519.45		
				TRAFFIC SIGNAL COSTS	519.45
	Vendor Total		**519.45**		
FYTD for CITY OF RIVERSIDE			**519.45**		
CLARK, ANNIE A.					
	7/9/2009	196071	118.00		
				PER DIEM-MMASC CONF.	118.00
	Vendor Total		**118.00**		
FYTD for CLARK, ANNIE A.			**118.00**		
CME CHURCH					
	7/30/2009	196541	200.00		
				RENTAL DEPOSIT REFUND-REC CTR	200.00
	Vendor Total		**200.00**		
FYTD for CME CHURCH			**200.00**		
CODY, LEE					
	7/9/2009	196072	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CODY, LEE			**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COLE, ELAINE					
	7/30/2009	196542	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for COLE, ELAINE			**75.00**		
COLONIAL SUPPLEMENTAL INSURANCE					
	7/9/2009	196074	7,526.74		
				SUPPLEMENTAL INSURANCE	7,526.74
	Vendor Total		**7,526.74**		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE			**7,526.74**		
COLOR TECH					
	7/30/2009	196543	259.91		
				#10 WINDOW ENVELOPES FOR SDA	259.91
	Vendor Total		**259.91**		
FYTD for COLOR TECH			**259.91**		
COMMUNITY HEALTH CHARITIES					
	7/9/2009	196075	385.00		
				CHC CONTRIBUTIONS	385.00
	7/23/2009	196416	340.00		
				CHC CONTRIBUTIONS	340.00
	Vendor Total		**725.00**		
FYTD for COMMUNITY HEALTH CHARITIES			**725.00**		
COMPETITIVE STRIDE					
	7/30/2009	196544	527.98		
				SUPPLIES-1ST ANNL IDOL CONTEST	127.98
				MISC. TROPHIES-7/4/09	400.00
	Vendor Total		**527.98**		
FYTD for COMPETITIVE STRIDE			**527.98**		
COOPER, CARLY					
	7/23/2009	196417	587.72		
				CITATION REFUND	587.72
	Vendor Total		**587.72**		
FYTD for COOPER, CARLY			**587.72**		
CORRALES, MARIA					
	7/9/2009	196076	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for CORRALES, MARIA			**20.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COSTCO					
	7/9/2009	196077	234.47		
				MISC. SUPPLIES>PARKS	63.33
				MISC. SUPPLIES>PARKS	17.24
				MISC. SUPPLIES>PARKS	153.90
	Vendor Total		**234.47**		
FYTD for COSTCO			**234.47**		
COUNSELING TEAM, THE					
	7/16/2009	196276	1,250.00		
				EMPLOYEE COUNSELING SERVICES	1,250.00
	Vendor Total		**1,250.00**		
FYTD for COUNSELING TEAM, THE			**1,250.00**		
COUNTRY SQUIRE ESTATES					
	7/16/2009	196277	29.17		
				RFND UT USER TAXES-EXMPT RESID	29.17
	Vendor Total		**29.17**		
FYTD for COUNTRY SQUIRE ESTATES			**29.17**		
COUNTY OF RIVERSIDE AUDITOR					
	7/2/2009	195955	12,122.00		
				PRKNG CNTRL FEES CLLCTD	9,190.00
				DSBLD PRKNG VIOL FEES CLLCTD	2,932.00
	Vendor Total		**12,122.00**		
FYTD for COUNTY OF RIVERSIDE AUDITOR			**12,122.00**		
COUNTY OF RIVERSIDE, AUDITOR- CONTROLLER					
	7/23/2009	196418	11,005.28		
				LAFCO FY10 FEES	11,005.28
	Vendor Total		**11,005.28**		
FYTD for COUNTY OF RIVERSIDE, AUDITOR-CONTROLLER			**11,005.28**		
CREATIVE PROMOTIONAL IDEAS					
	7/2/2009	195956	4,368.90		
				MARKET BAGS	3,741.00
				SHIPPING	627.90
	Vendor Total		**4,368.90**		
FYTD for CREATIVE PROMOTIONAL IDEAS			**4,368.90**		
CRITICAL SOLUTIONS					
	7/2/2009	195957	3,500.00		
				PUB SAFETY BLDG CONVERSION PRJ	3,500.00
	Vendor Total		**3,500.00**		
FYTD for CRITICAL SOLUTIONS			**3,500.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CTAI PACIFIC GREENSCAPE					
	7/9/2009	196078	7,291.61		
				JUN'09 LNDSCP MNT>DSG1-W	7,274.85
				IRRIGATION RPRS>TR30967	16.76
	Vendor Total		**7,291.61**		
FYTD for CTAI PACIFIC GREENSCAPE			**7,291.61**		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH					
	7/30/2009	196545	4,907.26		
				VECTOR ABATEMENT SVCS	4,907.26
	Vendor Total		**4,907.26**		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH			**4,907.26**		
D & D SERVICES DBA D & D DISPOSAL, INC.					
	7/30/2009	196546	895.00		
				JUN'09 DISPOSAL SRVCS	745.00
				XTRA PICK-UP ON 6/13/09	150.00
	Vendor Total		**895.00**		
FYTD for D & D SERVICES DBA D & D DISPOSAL, INC.			**895.00**		
D H TAD LOWREY & GAYLE A LOWREY					
	7/2/2009	195958	2,813.25		
				BOND HOLDER PMT	1,681.12
				BOND HOLDER PMT	1,132.13
	Vendor Total		**2,813.25**		
FYTD for D H TAD LOWREY & GAYLE A LOWREY			**2,813.25**		
DALE, KATHLEEN					
	7/9/2009	196079	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for DALE, KATHLEEN			**318.73**		
DATA TICKET, INC.					
	7/2/2009	195959	14,490.67		
				APR'09 PRKNG TCKT PRCSSNG	14,490.67
	7/30/2009	196547	315.00		
				APR'09 MAINT/SUPPORT	105.00
				MAY'09 MAINT/SUPPORT	105.00
				JUN'09 MAINT/SUPPORT	105.00
	Vendor Total		**14,805.67**		
FYTD for DATA TICKET, INC.			**14,805.67**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DATAQUICK CORPORATE HEADQUARTERS					
	7/30/2009	196548	430.50		
				ON-LINE SOFTWARE SUBSCRIPTION	12.00
				JUN'09 ONLINE SRVCS	300.00
				JUN'09 ONLINE SRVCS	118.50
	Vendor Total		**430.50**		
FYTD for DATAQUICK CORPORATE HEADQUARTERS			**430.50**		
DAVID EVANS & ASSOCIATES, INC.					
	7/9/2009	196080	496.90		
				SUNNYMEAD BLVD REVIT PROJ SVCS	496.90
	Vendor Total		**496.90**		
FYTD for DAVID EVANS & ASSOCIATES, INC.			**496.90**		
DEBINAIRE COMPANY					
	7/16/2009	196278	119.63		
				BOILER INSPECTION	21.44
				BOILER INSPECTION	98.19
	Vendor Total		**119.63**		
FYTD for DEBINAIRE COMPANY			**119.63**		
DELAMAR ENTERPRISES					
	7/23/2009	196419	17.11		
				RFND-BUS. LIC. OVRPMT	17.11
	Vendor Total		**17.11**		
FYTD for DELAMAR ENTERPRISES			**17.11**		
DELTA DENTAL					
	7/16/2009	196279	11,503.10		
				EMPLOYEE DENTAL INSURANCE	11,503.10
	Vendor Total		**11,503.10**		
FYTD for DELTA DENTAL			**11,503.10**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DELTACARE USA					
	7/9/2009	196081	0.00		
				EMPLOYEE DENTAL INSURANCE	6,788.65
				EMPLOYEE DENTAL INSURANCE	206.50
				EMPLOYEE DENTAL INSURANCE	11,393.70
				EMPLOYEE DENTAL INSURANCE	109.40
				EMPLOYEE DENTAL INSURANCE	-6,788.65
				EMPLOYEE DENTAL INSURANCE	-206.50
				EMPLOYEE DENTAL INSURANCE	-11,393.70
				EMPLOYEE DENTAL INSURANCE	-109.40
	7/16/2009	196280	6,995.15		
				EMPLOYEE DENTAL INSURANCE	6,788.65
				EMPLOYEE DENTAL INSURANCE	206.50
	Vendor Total		**6,995.15**		
FYTD for DELTACARE USA			**6,995.15**		
DEPARTMENT ISSUE, INC.					
	7/23/2009	196420	838.65		
				MISC. UNIFORM PURCHASES	838.65
	Vendor Total		**838.65**		
FYTD for DEPARTMENT ISSUE, INC.			**838.65**		
DEPARTMENT OF CONSERVATION					
	7/9/2009	196082	751.78		
				SMI FEES FOR QTR>6/30/09	791.35
				SMI FEES FOR QTR>6/30/09	-39.57
	Vendor Total		**751.78**		
FYTD for DEPARTMENT OF CONSERVATION			**751.78**		
DESIGN WORKS					
	7/9/2009	196083	172.91		
				AWARD SHIRTS FOR PARKS	172.91
	7/30/2009	196549	1,587.37		
				T-SHIRTS FOR SUMMER BASKETBALL	1,587.37
	Vendor Total		**1,760.28**		
FYTD for DESIGN WORKS			**1,760.28**		
DIAZ, ANDREW					
	7/9/2009	196084	50.00		
				CITATION REFUND	50.00
	Vendor Total		**50.00**		
FYTD for DIAZ, ANDREW			**50.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DIEDERICHS & ELCONIN					
	7/30/2009	196550	8,625.00		
				JAN-JUN'09 LGL SRVCS	7,550.00
				JAN-JUN'09 LGL SRVCS	1,075.00
	Vendor Total		**8,625.00**		
FYTD for DIEDERICHS & ELCONIN			**8,625.00**		
DIZON, ELSIE					
	7/23/2009	196421	251.94		
				CITATION REFUND	251.94
	Vendor Total		**251.94**		
FYTD for DIZON, ELSIE			**251.94**		
DMC DESIGN GROUP, INC					
	7/16/2009	196281	22,518.44		
				ALESSANDRO IMPRV-WCL>FREDERICK	22,518.44
	Vendor Total		**22,518.44**		
FYTD for DMC DESIGN GROUP, INC			**22,518.44**		
DONAHUE APPRAISAL ASSOCIATES					
	7/16/2009	196282	4,900.00		
				APPRAISAL SERVICES	4,900.00
	Vendor Total		**4,900.00**		
FYTD for DONAHUE APPRAISAL ASSOCIATES			**4,900.00**		
DORHAM, JOANNA N.					
	7/16/2009	196283	149.49		
				JUN'09 PREMIUM REIMB.	149.49
	Vendor Total		**149.49**		
FYTD for DORHAM, JOANNA N.			**149.49**		
DORY, ALLEEN F.					
	7/9/2009	196085	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for DORY, ALLEEN F.			**318.73**		
DOWNEY, MITCH					
	7/30/2009	196551	147.00		
				PER DIEM-THREAT MGMT CONF.	147.00
	Vendor Total		**147.00**		
FYTD for DOWNEY, MITCH			**147.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DUDLEY, KISAH					
	7/23/2009	196422	115.00		
				REFUND-RAB & S/N DEPOSIT	20.00
				REFUND-RAB & S/N DEPOSIT	75.00
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**115.00**		
FYTD for DUDLEY, KISAH			**115.00**		
DURAN, BLANCA					
	7/9/2009	196086	84.00		
				FOLKLORIC DNC-4 PARTICIPANTS	84.00
	Vendor Total		**84.00**		
FYTD for DURAN, BLANCA			**84.00**		
E.R. BLOCK PLUMBING & HEATING, INC.					
	7/2/2009	195960	1,791.26		
				BACKFLOW TESTING>AREA D	350.00
				RPLC BACKFLOW @TR 20579	702.82
				RPLC BACKFLOW IN E-2	738.44
	7/9/2009	196087	528.03		
				WTR HEATER RPR>FS #91	528.03
	7/23/2009	196423	375.09		
				PLUMBING REPAIRS-PSB BKNG AREA	340.09
				BACKFLOW TESTING E-12	35.00
	7/30/2009	196552	1,035.56		
				REINSTALL BACKFLOW-ZONE M	755.56
				BACKFLOW TESTING E-16	65.80
				BACKFLOW TESTING	35.00
				BACKFLOW TESTING	35.00
				BACKFLOW TESTING	4.20
				BACKFLOW TESTING	105.00
				BACKFLOW TESTING	35.00
	Vendor Total		**3,729.94**		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.			**3,729.94**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT					
	7/23/2009	196424	6,606.63		
				WATER UTILITY-SUBSTN. LANDSC.	104.03
				WATER UTILITY	135.95
				WATER UTILITY	722.54
				WATER UTILITY	300.40
				WATER UTILITY	2,058.83
				WATER UTILITY	534.16
				WATER UTILITY	1,544.90
				WATER UTILITY	295.11
				WATER UTILITY	281.08
				WATER UTILITY	75.36
				WATER UTILITY	554.27
	Vendor Total		**6,606.63**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT			**167,110.94**		
EDFUND					
	7/9/2009	196089	310.58		
				GARNISHMENT	107.15
				GARNISHMENT	203.43
	7/23/2009	196425	299.94		
				GARNISHMENT	96.44
				GARNISHMENT	203.50
	Vendor Total		**610.52**		
FYTD for EDFUND			**610.52**		
EDGELANE MOBILE PARK					
	7/2/2009	195962	8.36		
				RFND UT USER TAXES-EXMPT RESID	8.36
	Vendor Total		**8.36**		
FYTD for EDGELANE MOBILE PARK			**8.36**		
EGGERSTEN, ANNE					
	7/9/2009	196090	303.60		
				JULY'09 RETIREE MED BENEFIT	303.60
	7/16/2009	196286	401.42		
				SEP'08 RETIREE MED BNFT	401.42
	Vendor Total		**705.02**		
FYTD for EGGERSTEN, ANNE			**705.02**		
ELESCO-CORPORATE					
	7/30/2009	196554	4,115.21		
				BATTERIES RPLCMNT	4,084.50
				BATTERIES RPLCMNT	30.71
	Vendor Total		**4,115.21**		
FYTD for ELESCO-CORPORATE			**4,115.21**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ELITE ELECTRIC					
	7/23/2009	196426	40.63		
				RFND-BUS. LIC. OVRPMT	40.63
	Vendor Total		**40.63**		
FYTD for ELITE ELECTRIC			**40.63**		
ELROD FENCE COMPANY					
	7/30/2009	196555	5,579.00		
				PSB PARKING LOT EXPANSION PROJ	5,579.00
	Vendor Total		**5,579.00**		
FYTD for ELROD FENCE COMPANY			**5,579.00**		
EMERY MATERIALS, INC.					
	7/9/2009	196091	126.00		
				CONCRETE DISPOSAL	126.00
	Vendor Total		**126.00**		
FYTD for EMERY MATERIALS, INC.			**126.00**		
EMPIRE SPORTS					
	7/9/2009	196092	2,312.30		
				SHIRTS FOR KIDS CAMP	2,312.30
	Vendor Total		**2,312.30**		
FYTD for EMPIRE SPORTS			**2,312.30**		
ENVIRONMENTAL & REGULATORY SPECIALST,INC					
	7/9/2009	196093	870.00		
				MAY'09 PROF SRVCS>HABITAT MITI	580.00
				MAY'09 PROF SRVCS>MITIG. MNTRN	290.00
	7/23/2009	196428	4,560.00		
				JUN09 POORMANS RES HABITAT SVC	4,560.00
	Vendor Total		**5,430.00**		
FYTD for ENVIRONMENTAL & REGULATORY SPECIALST,INC			**5,430.00**		
ENVIRONMENTAL KLEAN-UP					
	7/30/2009	196557	605.00		
				NUISANCE ABATEMENT	605.00
	Vendor Total		**605.00**		
FYTD for ENVIRONMENTAL KLEAN-UP			**605.00**		
EPLER, PETER					
	7/2/2009	195965	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for EPLER, PETER			**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ERDODI, MICHAEL					
	7/9/2009	196094	10.00		
				RFND-ANML LICENSE FEE	10.00
	Vendor Total		**10.00**		
FYTD for ERDODI, MICHAEL			**10.00**		
ESTRADA, MARITZA					
	7/16/2009	196288	300.00		
				RFND RNT DEP>6/27/09	300.00
	Vendor Total		**300.00**		
FYTD for ESTRADA, MARITZA			**300.00**		
EVANS ENGRAVING & AWARDS					
	7/2/2009	195966	243.60		
				RET PLQ FOR P. BECKNER	30.45
				RET PLQ FOR H. LINDO	30.45
				RET PLQ FOR E. HOUSER	30.45
				RET PLQ FOR C. RAPP	30.45
				RET PLQ FOR T. STREICH	30.45
				RET PLQ FOR B. LANGENDORF	30.45
				RET PLQ FOR R. NELSON	30.45
				RET PLQ FOR L. MORGAN	30.45
	7/9/2009	196095	91.35		
				PLQ FOR S. SHELDON	30.45
				PLQ FOR S. MAXINOSKI	30.45
				PLQ FOR ROSALYN CARTER	30.45
	7/16/2009	196289	152.25		
				PLAQUE "F" FOR 5 CDD STAFF	152.25
	7/23/2009	196429	143.56		
				PLAQUE "F" FOR ART HIGGS	30.45
				2"x9" DARK WOODGRAIN	10.88
				MAGNETIC NAME PLATE	10.88
				PLAQUES FOR RETIRING STAFF	91.35
	7/30/2009	196558	60.90		
				PLQ FOR CHARLES KOBL	30.45
				PLQ FOR JOSIE LAFATA	30.45
	Vendor Total		**691.66**		
FYTD for EVANS ENGRAVING & AWARDS			**691.66**		
EWING IRRIGATION PRODUCTS, INC.					
	7/9/2009	196096	3,061.86		
				BFEDSS-8442 STNLESS STEEL CAGE	2,756.81
				BFEDSS-8442 STNLESS STEEL CAGE	305.05
	Vendor Total		**3,061.86**		
FYTD for EWING IRRIGATION PRODUCTS, INC.			**3,061.86**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EXCEL LANDSCAPE, INC					
	7/9/2009	196097	85.00		
				LNDSCPNG SRVCS>E-15	85.00
	7/23/2009	196430	10.20		
				IRRIGATION REPAIRS IN E-8	10.20
	7/30/2009	196559	350.00		
				PLANTS FOR ZONE E-3	350.00
	Vendor Total		**445.20**		
FYTD for EXCEL LANDSCAPE, INC			**64,723.52**		
FAIR HOUSING COUNCIL OF RIV CO, INC.					
	7/2/2009	195968	3,405.30		
				CDBG REIMB>FAIR HOUSING	3,405.30
	Vendor Total		**3,405.30**		
FYTD for FAIR HOUSING COUNCIL OF RIV CO, INC.			**3,405.30**		
FALCON FUELS					
	7/9/2009	196098	11,991.61		
				FUEL PURCHASE	3,303.39
				FUEL PURCHASE	5,603.19
				FUEL PURCHASE	3,085.03
	7/23/2009	196431	4,899.31		
				PURCHASE OF FUEL	4,899.31
	Vendor Total		**16,890.92**		
FYTD for FALCON FUELS			**16,890.92**		
FAST SIGNS					
	7/30/2009	196560	1,460.52		
				MAGNETS FOR 7/4/09 PARADE	1,460.52
	Vendor Total		**1,460.52**		
FYTD for FAST SIGNS			**1,460.52**		
FAVARO, GINA					
	7/2/2009	195969	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	7/30/2009	196561	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**95.00**		
FYTD for FAVARO, GINA			**95.00**		
FEDERAL EXPRESS					
	7/9/2009	196099	7.56		
				EXPRESS SHIPPING	7.56
	Vendor Total		**7.56**		
FYTD for FEDERAL EXPRESS			**7.56**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FEENSTRA, JOHN					
	7/9/2009	196100	361.25		
				JULY'09 RETIREE MED BENEFIT	361.25
	Vendor Total		**361.25**		
FYTD for FEENSTRA, JOHN			**361.25**		
FERGUSON, SANDY					
	7/2/2009	195970	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for FERGUSON, SANDY			**20.00**		
FILARSKY & WATT, LLP					
	7/16/2009	196290	4,446.00		
				MISCELLANEOUS LEGAL FEES	478.00
				JUN'09 PROF. SRVCS	3,968.00
	Vendor Total		**4,446.00**		
FYTD for FILARSKY & WATT, LLP			**4,446.00**		
FIRST AMERICAN CORE LOGIC, INC.					
	7/2/2009	195971	170.00		
				MAY'09 PROP INFO SRVCS	170.00
	7/30/2009	196562	170.00		
				JUN'09 ONLINE SRVCS	170.00
	Vendor Total		**340.00**		
FYTD for FIRST AMERICAN CORE LOGIC, INC.			**340.00**		
FIRST CHOICE SERVICES					
	7/2/2009	195972	58.76		
				COFFEE SRVCS>SPCL DIST	58.76
	7/9/2009	196101	670.36		
				COFFEE SRVCS>BRKRM	180.53
				COFFEE SRVCS>CTY MGR AREA	116.10
				COFFEE SRVCS>PW AREA	222.64
				COFFEE SRVCS>CNCL CHMBRS	128.32
				COFFEE SRVCS>CNCL ALCV	22.77
	7/16/2009	196291	211.29		
				COFFEE/CONDIMENTS SERVICES	121.52
				COFFEE SRVC>CITY YARD	33.01
				COFFEE SRVCS>CTY YARD	56.76
	Vendor Total		**940.41**		
FYTD for FIRST CHOICE SERVICES			**940.41**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FISHER, IRENE					
	7/23/2009	196432	1,293.00		
				CITATION REFUND	1,293.00
	Vendor Total		**1,293.00**		
FYTD for FISHER, IRENE			**1,293.00**		
FITNESS 19 CA 155 11C					
	7/23/2009	196433	295.00		
				GYM MEMBERSHIP DEDUCTIONS	295.00
	Vendor Total		**295.00**		
FYTD for FITNESS 19 CA 155 11C			**295.00**		
FRANCE PUBLICATIONS, INC					
	7/2/2009	195973	1,895.95		
				JUN'09 ADVRTSNG	1,895.95
	Vendor Total		**1,895.95**		
FYTD for FRANCE PUBLICATIONS, INC			**1,895.95**		
FRANCHISE TAX BOARD					
	7/9/2009	196102	50.00		
				GARNISHMENT	50.00
	7/9/2009	196103	43.59		
				GARNISHMENT	43.59
	7/23/2009	196434	33.22		
				GARNISHMENT	33.22
	7/23/2009	196435	50.00		
				GARNISHMENT	50.00
	Vendor Total		**176.81**		
FYTD for FRANCHISE TAX BOARD			**176.81**		
FRIENDS OF THE SENIOR CENTER					
	7/2/2009	195974	10,000.00		
				FEB-MAR'09 SR VAN ASSISTANCE	10,000.00
	Vendor Total		**10,000.00**		
FYTD for FRIENDS OF THE SENIOR CENTER			**10,000.00**		
FULLER, NORMA DENISE					
	7/9/2009	196104	1,599.65		
				CNSLTNG SRVCS>6/23/09	1,599.65
	Vendor Total		**1,599.65**		
FYTD for FULLER, NORMA DENISE			**1,599.65**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GALLEGOS, JUAN					
	7/9/2009	196105	200.00		
				DEP RFND-6/27 @TWNGTE	200.00
	Vendor Total		**200.00**		
FYTD for GALLEGOS, JUAN			**200.00**		
GALLS INC., INLAND UNIFORM					
	7/16/2009	196292	117.02		
				UNIFORM>K WILSON	117.02
	Vendor Total		**117.02**		
FYTD for GALLS INC., INLAND UNIFORM			**117.02**		
GASTON, RICHARD					
	7/9/2009	196106	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for GASTON, RICHARD			**318.73**		
GENERAL SECURITY SERVICES, INC.					
	7/9/2009	196107	3,083.34		
				SEC SRVCS>6/13/09	1,418.95
				SEC SRVCS>6/20/09	1,418.95
				SEC SRVCS>6/13-SR CTR	245.44
	7/16/2009	196293	2,224.30		
				SECURITY SERVICES	1,541.67
				SECURITY SERVICES	276.12
				SEC SRVCS>6/13-CRC	92.04
				SEC SRVCS>6/20-SR CTR	222.43
				SEC SRVCS>6/20-TWNGTE	92.04
	7/23/2009	196436	122.72		
				SEC SRVCS>6/27-TWNGTE	122.72
	7/30/2009	196564	613.60		
				SEC SVCS: 6/27/09-SENIOR CTR	245.44
				SECURITY SVCS- 6/27/09 REC CTR	368.16
	Vendor Total		**6,043.96**		
FYTD for GENERAL SECURITY SERVICES, INC.			**6,043.96**		
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP					
	7/30/2009	196565	24,038.30		
				LEGAL SVCS RE: COMM PARK	1,082.31
				MAY'09 LGL SRVCS	22,955.99
	Vendor Total		**24,038.30**		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP			**24,038.30**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GIBSON, TRAVIS					
	7/30/2009	196566	100.00		
				REFUND-ADULT SOFTBLL TOURNAMNT	100.00
	Vendor Total		**100.00**		
FYTD for GIBSON, TRAVIS			**100.00**		
GILES, GREG					
	7/2/2009	195976	850.00		
				AUDITING SVCS FOR ASES GRANT	850.00
	7/16/2009	196294	850.00		
				AUDITING SVCS FOR ASES GRANT	850.00
	7/30/2009	196567	807.50		
				AUDITING SVCS FOR ASES GRANT	807.50
	Vendor Total		**2,507.50**		
FYTD for GILES, GREG			**2,507.50**		
GLOVER, LORNA					
	7/23/2009	196437	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GLOVER, LORNA			**20.00**		
GOD'S HELPING HAND					
	7/30/2009	196568	1,249.88		
				CDBG EXP. REIMB.	416.68
				CDBG EXP. REIMB.	416.68
				CDBG EXP. REIMB.	416.52
	Vendor Total		**1,249.88**		
FYTD for GOD'S HELPING HAND			**1,249.88**		
GONZALEZ, DANIELA & RAUDEL					
	7/23/2009	196438	2,500.00		
				TRUST FUND REFUND	2,500.00
	Vendor Total		**2,500.00**		
FYTD for GONZALEZ, DANIELA & RAUDEL			**2,500.00**		
GOZDECKI, DAN					
	7/2/2009	195977	540.00		
				KUNG FU-10 PARTICIPANTS	270.00
				KUNG FU-10 PARTICIPANTS	270.00
	Vendor Total		**540.00**		
FYTD for GOZDECKI, DAN			**540.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GRAPHIC SOLUTIONS LTD.					
	7/9/2009	196108	1,132.50		
				SUNNYMEAD BLVD SIGN PROJ SVCS	1,132.50
	7/23/2009	196439	1,373.75		
				SUNNYMD BLVD REVIT SIGN PROJ.	1,373.75
	Vendor Total		**2,506.25**		
FYTD for GRAPHIC SOLUTIONS LTD.			**2,506.25**		
GREAT PYRENEES RESCUE					
	7/23/2009	196440	75.00		
				RFND-SPAY/NEUTER DEP	75.00
	Vendor Total		**75.00**		
FYTD for GREAT PYRENEES RESCUE			**75.00**		
GRIFFIN, MARLENE C					
	7/9/2009	196109	303.60		
				JULY'09 RETIREE MED BENEFIT	303.60
	Vendor Total		**303.60**		
FYTD for GRIFFIN, MARLENE C			**303.60**		
GRUBB & ELLIS MANAGEMENT SVCS					
	7/16/2009	196295	36.60		
				BUS. L.IC. OVRPMT RFND	36.60
	Vendor Total		**36.60**		
FYTD for GRUBB & ELLIS MANAGEMENT SVCS			**36.60**		
GUERRERO, GABRIEL					
	7/30/2009	196569	75.00		
				SECURITY DEPOSIT REFUND	75.00
	Vendor Total		**75.00**		
FYTD for GUERRERO, GABRIEL			**75.00**		
GUIDA SURVEYING, INC.					
	7/30/2009	196570	5,175.70		
				IRIS AVE IMPRVMNTS PROJ.	5,175.70
	Vendor Total		**5,175.70**		
FYTD for GUIDA SURVEYING, INC.			**5,175.70**		
GUILLIS, LINDA B.					
	7/9/2009	196110	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for GUILLIS, LINDA B.			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GUMMERSON, CHRISTY					
	7/9/2009	196111	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GUMMERSON, CHRISTY			**20.00**		
GUMPERT, BRIAN					
	7/16/2009	196296	387.55		
				JUN'09 PREMIUM REIMB.	387.55
	Vendor Total		**387.55**		
FYTD for GUMPERT, BRIAN			**387.55**		
GUTIERREZ, ROBERT					
	7/9/2009	196112	217.99		
				PROFESSIONAL DEVELOPMENT	217.99
	7/23/2009	196441	299.99		
				PROFESSIONAL DEVELOPMENT	299.99
	Vendor Total		**517.98**		
FYTD for GUTIERREZ, ROBERT			**517.98**		
GUZMAN'S CART SERVICE					
	7/9/2009	196113	4,049.00		
				JUN'09 CART RTRVL SRVCS	4,049.00
	Vendor Total		**4,049.00**		
FYTD for GUZMAN'S CART SERVICE			**4,049.00**		
HALLENBECK, AARON					
	7/9/2009	196114	320.00		
				PER DIEM-D.U.I. TRNG CLASS	320.00
	Vendor Total		**320.00**		
FYTD for HALLENBECK, AARON			**320.00**		
HAMLIN, WILLIAM R.					
	7/9/2009	196115	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HAMLIN, WILLIAM R.			**318.73**		
HANES, MARTIN D.					
	7/9/2009	196116	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HANES, MARTIN D.			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HARDING, JOHN S.					
	7/9/2009	196117	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HARDING, JOHN S.			**318.73**		
HARRIS & ASSOCIATES, INC.					
	7/9/2009	196118	1,062.50		
				MAY'09 AUDIT SRVCS-CFD#5	1,062.50
	Vendor Total		**1,062.50**		
FYTD for HARRIS & ASSOCIATES, INC.			**31,197.80**		
HARRIS, EDWARD					
	7/23/2009	196442	581.00		
				CITATION REFUND	581.00
	Vendor Total		**581.00**		
FYTD for HARRIS, EDWARD			**581.00**		
HARTH, DAN & DIANNA					
	7/23/2009	196443	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for HARTH, DAN & DIANNA			**20.00**		
HATFIELD, CHARLES					
	7/9/2009	196120	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HATFIELD, CHARLES			**318.73**		
HDL SOFTWARE LLC					
	7/23/2009	196444	13,000.00		
				INSTALL BUS. LIC WEB	13,000.00
	Vendor Total		**13,000.00**		
FYTD for HDL SOFTWARE LLC			**13,000.00**		
HDL/HINDERLITER DE LLAMAS & ASSOCIATES					
	7/30/2009	196572	3,318.51		
				SALES TX CONSLTNG & AUDIT SVCS	70.00
				SALES TX CONSLTNG & AUDIT SVCS	1,696.76
				SALES TX CONSLTNG & AUDIT SVCS	721.75
				SALES TX CONSLTNG & AUDIT SVCS	405.00
				SALES TX CONSLTNG & AUDIT SVCS	425.00
	Vendor Total		**3,318.51**		
FYTD for HDL/HINDERLITER DE LLAMAS & ASSOCIATES			**3,318.51**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HEFFLEY, ROSS W.					
	7/9/2009	196121	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HEFFLEY, ROSS W.			**318.73**		
HEISS, KAREN					
	7/9/2009	196122	60.00		
				RFND-ANML SRVC FEES	30.00
				RFND-ANML SRVC FEES	10.00
				RFND-ANML SRVC FEES	10.00
				RFND-ANML SRVC FEES	10.00
	Vendor Total		**60.00**		
FYTD for HEISS, KAREN			**60.00**		
HENKENIUS, LINDSEY					
	7/16/2009	196298	1,170.00		
				KIDSTAR PERFORMING ARTS	1,014.00
				KIDSTAR PERFORMING ARTS	156.00
	Vendor Total		**1,170.00**		
FYTD for HENKENIUS, LINDSEY			**1,170.00**		
HERNANDEZ, JOSE T.					
	7/16/2009	196299	50.00		
				CITATION REFUND	50.00
	Vendor Total		**50.00**		
FYTD for HERNANDEZ, JOSE T.			**50.00**		
HERRERA, MARIO					
	7/9/2009	196123	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for HERRERA, MARIO			**200.00**		
HERRICK, ROBERT D.					
	7/9/2009	196124	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HERRICK, ROBERT D.			**318.73**		
HESLIN, MICHAEL K.					
	7/2/2009	195978	447.70		
				TRAVEL EXP.-ESRI INT'L UC	95.70
				TRAVEL EXP.-ESRI INT'L UC	352.00
	Vendor Total		**447.70**		
FYTD for HESLIN, MICHAEL K.			**447.70**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HIGGS, DEBRA					
	7/16/2009	196300	36.00		
				OIL PAINTING CONTRACT CLASS	36.00
	Vendor Total		**36.00**		
FYTD for HIGGS, DEBRA			**36.00**		
HOLT, DARLENE					
	7/30/2009	196574	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for HOLT, DARLENE			**20.00**		
HOUSER, EDITH E.					
	7/9/2009	196125	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for HOUSER, EDITH E.			**318.73**		
HURST, JOYCE					
	7/16/2009	196301	77.00		
				RFND-DOG TRNG REGIST.	77.00
	Vendor Total		**77.00**		
FYTD for HURST, JOYCE			**77.00**		
ICMA RETIREMENT CORP 457					
	7/2/2009	2442	12,168.82		
				DEF COMP 457 07/02/09	12,168.82
	7/15/2009	2451	11,964.95		
				DEF COMP 457/07/15/09	11,964.95
	7/31/2009	2461	250.00		
				DEF COMP 457 07/31/09	250.00
	Vendor Total		**24,383.77**		
FYTD for ICMA RETIREMENT CORP 457			**24,383.77**		
IL SORRENTO MOBILE HOME PARK					
	7/2/2009	195979	0.00		
				RFND UT USER TAXES-EXMPT RESID	105.50
				RFND UT USER TAXES-EXMPT RESID	-105.50
	Vendor Total		**0.00**		
FYTD for IL SORRENTO MOBILE HOME PARK			**0.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IL SORRENTO MOBILE PARK					
	7/16/2009	196302	105.50		
				RFND UT USER TAXES-EXMPT RESID	105.50
	Vendor Total		**105.50**		
FYTD for IL SORRENTO MOBILE PARK			**105.50**		
ING USA ANNUITY & LIFE INSURANCE CO.					
	7/9/2009	196126	475.00		
				NON-EXEMPT ANNUITY	475.00
	Vendor Total		**475.00**		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.			**475.00**		
INLAND CONTRACTORS, INC./DBA:ENVIRO-TEST					
	7/30/2009	196575	1,802.06		
				NUISANCE ABATEMENT SVCS	1,226.94
				NSNC ABTMNT-11692 HEACOCK	575.12
	Vendor Total		**1,802.06**		
FYTD for INLAND CONTRACTORS, INC./DBA:ENVIRO-TEST			**1,802.06**		
INLAND EMPIRE PROPERTY SERVICE, INC					
	7/9/2009	196127	1,779.00		
				VEGIT. RMVL>EQSTRN CTR	900.00
				WEED ABTMNT SRVCS	879.00
	7/30/2009	196576	1,608.14		
				WEED ABATEMENT/APN#291-191-001	126.00
				WEED ABATEMENT/APN#291-191-002	108.50
				WEED ABATEMENT/APN#291-191-003	182.91
				WEED ABATEMENT/APN#291-191-005	108.50
				WEED ABATEMENT/APN#291-191-006	94.00
				WEED ABATEMENT/APN#291-191-007	168.41
				WEED ABATEMENT/APN#291-191-008	243.91
				WEED ABATEMENT/APN#291-191-011	182.91
				WEED ABATEMENT/APN#291-191-012	124.00
				WEED ABATEMENT/APN#297-220-010	94.00
				WEED ABATEMENT/APN#297-220-001	94.00
				HALT PRGRM SRVCS	81.00
	Vendor Total		**3,387.14**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC			**37,499.14**		
INLAND EMPIRE SMALL BUSINESS DEV.CENTER					
	7/30/2009	196577	10,000.00		
				APR-JUN'09 CNSLNG SRVCS	10,000.00
	Vendor Total		**10,000.00**		
FYTD for INLAND EMPIRE SMALL BUSINESS DEV.CENTER			**10,000.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INLAND PETROLEUM EQUIPMENT & REPAIR, INC				
7/23/2009	196445	250.01		
			RPR DIESEL FUEL>FS #6	250.01
Vendor Total		**250.01**		
FYTD for INLAND PETROLEUM EQUIPMENT & REPAIR, INC		**250.01**		
INTERNAL REVENUE SERVICE				
7/1/2009	2445	2,000.00		
			2ND QTR MEDICARE TAX DEPOSIT	2,000.00
Vendor Total		**2,000.00**		
FYTD for INTERNAL REVENUE SERVICE		**433,203.92**		
IRON MOUNTAIN OFF-SITE DATA PROTECTION				
7/2/2009	195980	1,113.68		
			JUN'09 OFFSITE STORAGE	1,113.68
7/23/2009	196446	1,115.50		
			OFFSITE DATA TAPE STORAGE	1,115.50
Vendor Total		**2,229.18**		
FYTD for IRON MOUNTAIN OFF-SITE DATA PROTECTION		**2,229.18**		
IRVING ENTERTAINMENT ENTERPRISES				
7/9/2009	196128	100.00		
			MBL STG DEPOSIT RFND	100.00
Vendor Total		**100.00**		
FYTD for IRVING ENTERTAINMENT ENTERPRISES		**100.00**		
ISS SWEEPING, INC.				
7/23/2009	196447	2,503.50		
			JUN'09 STREET SWEEPING SVCS	1,783.50
			JUN'09 STREET SWPNG-AUTO MALL	720.00
Vendor Total		**2,503.50**		
FYTD for ISS SWEEPING, INC.		**2,503.50**		
J.D.H. CONTRACTING				
7/23/2009	196448	4,470.84		
			CRC MENS/WOMENS SHOWER REPAIRS	3,242.00
			MISC. WORK FOR PD @MALL	1,228.84
7/30/2009	196578	475.00		
			REPAIR COUNTERS-CRC	475.00
Vendor Total		**4,945.84**		
FYTD for J.D.H. CONTRACTING		**4,945.84**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JACKSON, JERAMY					
	7/23/2009	196449	533.50		
				TUITION REIMBURSEMENT	533.50
	Vendor Total		**533.50**		
FYTD for JACKSON, JERAMY			**533.50**		
JARRETT, STEPHEN M.					
	7/2/2009	195981	261.43		
				TRAVEL EXP.-ESRI INT'L UC	101.43
				TRAVEL EXP.-ESRI INT'L UC	160.00
	Vendor Total		**261.43**		
FYTD for JARRETT, STEPHEN M.			**261.43**		
JDEDGE SOFTWARE, LLC					
	7/16/2009	196307	1,147.50		
				CNSLTNG SRVCS>6/22-6/30	1,147.50
	Vendor Total		**1,147.50**		
FYTD for JDEDGE SOFTWARE, LLC			**1,147.50**		
JOBS AVAILABLE, INC.					
	7/9/2009	196129	245.00		
				EMPLYMNT ADVERTISING	245.00
	Vendor Total		**245.00**		
FYTD for JOBS AVAILABLE, INC.			**245.00**		
JOHNSON, MICHELLE					
	7/16/2009	196308	40.00		
				RABIES DEP REFUND	20.00
				RABIES DEP REFUND	20.00
	Vendor Total		**40.00**		
FYTD for JOHNSON, MICHELLE			**40.00**		
JOHNSON, YOLANDA					
	7/23/2009	196450	300.00		
				CELEBRITY JUDGE	300.00
	Vendor Total		**300.00**		
FYTD for JOHNSON, YOLANDA			**300.00**		
JONES, SUSAN					
	7/9/2009	196130	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for JONES, SUSAN			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JTB SUPPLY CO., INC.					
	7/16/2009	196309	337.26		
				FLUSH HAND HOLE CVRS	337.26
	7/23/2009	196451	886.57		
				MODULE 12-50 BATTERY BACK-UP	679.69
				TRAFFIC SIGNAL PARTS/SUPPLIES	206.88
	Vendor Total		**1,223.83**		
FYTD for JTB SUPPLY CO., INC.			**1,223.83**		
K. HOVNANIAN HOMES					
	7/2/2009	195982	30.00		
				RFND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for K. HOVNANIAN HOMES			**30.00**		
KANE, BALLMER & BERKMAN					
	7/30/2009	196579	343.19		
				JUN'09 LGL SRVCS-HSG	343.19
	Vendor Total		**343.19**		
FYTD for KANE, BALLMER & BERKMAN			**343.19**		
KASHEFIPOUR, HOSSEIN					
	7/9/2009	196131	337.70		
				MILEAGE REIMBURSEMENT	64.90
				MILEAGE REIMBURSEMENT	85.80
				MILEAGE REIMBURSEMENT	47.30
				MILEAGE REIMBURSEMENT	51.15
				MILEAGE REIMBURSEMENT	88.55
	Vendor Total		**337.70**		
FYTD for KASHEFIPOUR, HOSSEIN			**337.70**		
KAYACHITH, METKEO					
	7/9/2009	196132	57.00		
				PROCESSING FEE RFND	57.00
	Vendor Total		**57.00**		
FYTD for KAYACHITH, METKEO			**57.00**		
KDM MERIDIAN, INC.					
	7/9/2009	196133	5,565.00		
				SUNNYMEAD BLVD REVIT PROJ SVCS	5,565.00
	Vendor Total		**5,565.00**		
FYTD for KDM MERIDIAN, INC.			**5,565.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KELL, JANELLE					
	7/7/2009	196038	500.00		
				IDOL CONTEST WINNER/18-34 CAT.	500.00
	Vendor Total		**500.00**		
FYTD for KELL, JANELLE			**500.00**		
KHAN, SHAFIQUL					
	7/23/2009	196452	296.00		
				CITATION REFUND	296.00
	Vendor Total		**296.00**		
FYTD for KHAN, SHAFIQUL			**296.00**		
KING, PATRICIA A.					
	7/9/2009	196134	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for KING, PATRICIA A.			**318.73**		
KLAMATH BAY					
	7/30/2009	196580	3,890.15		
				PROMO. ITEMS -PD COMM SVCS DEP	2,222.10
				PROMO. ITEMS -PD COMM SVCS DEP	1,250.00
				PROMO. ITEMS -PD TRAFFC DEPT	418.05
	Vendor Total		**3,890.15**		
FYTD for KLAMATH BAY			**3,890.15**		
KOA CORPORATION					
	7/23/2009	196453	5,127.10		
				PERRIS BLVD WIDENING AT SR-60	5,127.10
	Vendor Total		**5,127.10**		
FYTD for KOA CORPORATION			**73,813.32**		
KOLB, CHARLES E.					
	7/9/2009	196136	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for KOLB, CHARLES E.			**318.73**		
KOSER, MATTHEW					
	7/9/2009	196137	320.00		
				PER DIEM-D.U.I. TRNG CLASS	320.00
	Vendor Total		**320.00**		
FYTD for KOSER, MATTHEW			**320.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KYLE, GARY M.					
	7/9/2009	196138	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for KYLE, GARY M.			**318.73**		
LAFATA, JOSEPHINE					
	7/9/2009	196139	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for LAFATA, JOSEPHINE			**318.73**		
LANDLOGIC, LLC					
	7/9/2009	196140	3,278.00		
				SFTWR LIC. FEE>5/30/10	3,278.00
	Vendor Total		**3,278.00**		
FYTD for LANDLOGIC, LLC			**3,278.00**		
LAWN TECH EQUIPMENT					
	7/9/2009	196141	1,359.16		
				HANDTOOLS	1,359.16
	Vendor Total		**1,359.16**		
FYTD for LAWN TECH EQUIPMENT			**1,359.16**		
LAWYERS TITLE INC					
	7/23/2009	196454	900.00		
				PRELIM RPT 488-090-011 AUTO ML	450.00
				TITLE/LITIG. GUARANTEE-ODUFALU	450.00
	Vendor Total		**900.00**		
FYTD for LAWYERS TITLE INC			**900.00**		
LEWIS, CAROLYN S.					
	7/9/2009	196142	315.49		
				JULY'09 RETIREE MED BENEFIT	315.49
	Vendor Total		**315.49**		
FYTD for LEWIS, CAROLYN S.			**315.49**		
LIM & NASCIMENTO ENGINEERING CORP.					
	7/30/2009	196583	5,666.00		
				IRONWOOD AVE-HEACOCK TO PERRIS	5,666.00
	Vendor Total		**5,666.00**		
FYTD for LIM & NASCIMENTO ENGINEERING CORP.			**42,760.46**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LLANOS, ADRIANA					
	7/2/2009	195983	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for LLANOS, ADRIANA			**75.00**		
LOGAN, CHARLES					
	7/9/2009	196143	248.11		
				JULY'09 RETIREE MED BENEFIT	248.11
	Vendor Total		**248.11**		
FYTD for LOGAN, CHARLES			**248.11**		
LOR GEOTECHNICAL GROUP, INC.					
	7/9/2009	196144	7,430.00		
				SUNNYMEAD BLVD REVIT PROJ SVCS	5,142.00
				SUNNYMEAD BLVD REVIT PROJ SVCS	2,288.00
	7/30/2009	196584	680.00		
				SHEILA ST SIDEWALK & PARK PROJ	680.00
	Vendor Total		**8,110.00**		
FYTD for LOR GEOTECHNICAL GROUP, INC.			**8,110.00**		
LOZANO, CLARA					
	7/16/2009	196310	60.00		
				ANML LICENSE FEE RFND	60.00
	Vendor Total		**60.00**		
FYTD for LOZANO, CLARA			**60.00**		
LUERA, DAVID					
	7/9/2009	196145	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for LUERA, DAVID			**50.00**		
LUMLEY, ROBERT C.					
	7/9/2009	196146	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for LUMLEY, ROBERT C.			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LUTHERAN SOCIAL SERVICES OF SO. CALI F.				
7/2/2009	195984	2,499.00		
			CDBG EXPENSE REIMB.	2,499.00
7/30/2009	196585	2,503.00		
			CDBG FUNDED SVCS FY08-09	2,503.00
	Vendor Total	**5,002.00**		
FYTD for LUTHERAN SOCIAL SERVICES OF SO. CALI F.		**5,002.00**		
MARCH JOINT POWERS AUTHORITY				
7/2/2009	195985	5.29		
			APR'09 GAS CHRGS>BLDG 823	4.32
			APR'09 GAS CHRGS>BLDG 938	0.97
7/9/2009	196147	2.51		
			MAY'09 GAS CHRGS>BLDG 823	2.51
7/23/2009	196455	0.56		
			MAY'09 GAS CHGS-BLDG 938	0.56
	Vendor Total	**8.36**		
FYTD for MARCH JOINT POWERS AUTHORITY		**8.36**		
MARTIAL ARTS INTERNATIONAL, USKO				
7/16/2009	196311	56.00		
			KICKBOXING-1 PARTICIPANT	56.00
	Vendor Total	**56.00**		
FYTD for MARTIAL ARTS INTERNATIONAL, USKO		**56.00**		
MARTIN, CINDY				
7/7/2009	196039	500.00		
			IDOL CONTEST WINNER/35-UP CAT.	500.00
	Vendor Total	**500.00**		
FYTD for MARTIN, CINDY		**500.00**		
MARTIN, MICHAEL				
7/9/2009	196148	75.00		
			RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total	**75.00**		
FYTD for MARTIN, MICHAEL		**75.00**		
MARTIN, PAUL				
7/23/2009	196456	330.05		
			CITATION REFUND	330.05
	Vendor Total	**330.05**		
FYTD for MARTIN, PAUL		**330.05**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MARVEL, ELISA O.					
	7/9/2009	196149	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MARVEL, ELISA O.			**75.00**		
MATHIS, NOLAN					
	7/9/2009	196150	288.60		
				MAY'09 RETIREE MED BENEFIT	288.60
	Vendor Total		**288.60**		
FYTD for MATHIS, NOLAN			**288.60**		
MATTEI, MIA					
	7/7/2009	196040	500.00		
				IDOL CONTEST WINNER/14-17 CAT.	500.00
	Vendor Total		**500.00**		
FYTD for MATTEI, MIA			**500.00**		
MAXINOSKI, SUE A.					
	7/9/2009	196151	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MAXINOSKI, SUE A.			**318.73**		
MCALLISTER, GERALD					
	7/16/2009	196312	52.36		
				IMPL. ENERGY EFFIC. PROJ CLASS	52.36
	Vendor Total		**52.36**		
FYTD for MCALLISTER, GERALD			**52.36**		
MCCARTHY & BERLIN, LLP					
	7/23/2009	196457	4,767.10		
				LEGAL SERVICES-MAR'09	4,767.10
	7/30/2009	196586	1,074.00		
				LEGAL SERVICES /UTILITY-JUN'09	1,074.00
	Vendor Total		**5,841.10**		
FYTD for MCCARTHY & BERLIN, LLP			**5,841.10**		
MCCARTY, MICHAEL					
	7/9/2009	196152	400.00		
				PER ADMIN. PLCY 5.19	400.00
	Vendor Total		**400.00**		
FYTD for MCCARTY, MICHAEL			**400.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MCCOWN, TAUNYA					
	7/23/2009	196458	88.00		
				REFUND-VARIOUS A/C FEES	22.00
				REFUND-VARIOUS A/C FEES	15.00
				REFUND-VARIOUS A/C FEES	15.00
				REFUND-VARIOUS A/C FEES	36.00
	Vendor Total		**88.00**		
FYTD for MCCOWN, TAUNYA			**88.00**		
MCDONALD PARTNERS, INC.					
	7/2/2009	195986	1,625.00		
				MAY'09 CNSLTNG SRVCS>UTILITIES	1,625.00
	Vendor Total		**1,625.00**		
FYTD for MCDONALD PARTNERS, INC.			**1,625.00**		
MCDONOUGH, HOLLAND & ALLEN					
	7/2/2009	195987	3,178.76		
				APR'09 LGL SRVCS>MVUSD	3,178.76
	Vendor Total		**3,178.76**		
FYTD for MCDONOUGH, HOLLAND & ALLEN			**28,727.75**		
MCI					
	7/16/2009	196314	1,320.52		
				JUL'09 VERIZON INTERNET SVC.	1,320.52
	7/23/2009	196459	1,328.73		
				VERIZON INTERNET CONNECTION	1,328.73
	Vendor Total		**2,649.25**		
FYTD for MCI			**2,649.25**		
MCI WORLDCOM					
	7/23/2009	196460	1,081.48		
				JUL'09 DATA SRVCS	1,081.48
	Vendor Total		**1,081.48**		
FYTD for MCI WORLDCOM			**1,081.48**		
MEDEIROS, STEPHANY					
	7/9/2009	196153	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MEDEIROS, STEPHANY			**75.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MELAD & ASSOCIATES					
	7/9/2009	196154	1,452.39		
				PLAN CHECK SRVCS	1,452.39
	7/30/2009	196587	900.00		
				JUN'09 PLAN CK SRVCS	900.00
	Vendor Total		**2,352.39**		
FYTD for MELAD & ASSOCIATES			**2,352.39**		
MELINE, RENE					
	7/9/2009	196155	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MELINE, RENE			**75.00**		
MENDONCA, MELEISA					
	7/2/2009	195988	170.00		
				RFND-CAMP REGIST.	170.00
	Vendor Total		**170.00**		
FYTD for MENDONCA, MELEISA			**170.00**		
MENGISTU, YESHIALEM					
	7/2/2009	195989	83.05		
				MILEAGE REIMBURSEMENT	83.05
	Vendor Total		**83.05**		
FYTD for MENGISTU, YESHIALEM			**83.05**		
MERITAGE HOMES OF CA, INC.					
	7/16/2009	196315	1,099.38		
				RFND BUS. LIC. OVRPMT	1,099.38
	Vendor Total		**1,099.38**		
FYTD for MERITAGE HOMES OF CA, INC.			**1,099.38**		
MESSIN, LOUIS					
	7/9/2009	196156	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MESSIN, LOUIS			**318.73**		
METZ, RANDALL					
	7/30/2009	196588	15.00		
				SO CAL FPO MO. MEETING & MEAL	15.00
	Vendor Total		**15.00**		
FYTD for METZ, RANDALL			**15.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MILES, ROBERT					
	7/9/2009	196157	240.44		
				JULY'09 RETIREE MED BENEFIT	240.44
	Vendor Total		**240.44**		
FYTD for MILES, ROBERT			**240.44**		
MILLER, CINDY A.					
	7/9/2009	196158	254.72		
				CANDY FOR PARADE	127.36
				CANDY FOR PARADE	127.36
	Vendor Total		**254.72**		
FYTD for MILLER, CINDY A.			**254.72**		
MILLER, ELAINE					
	7/16/2009	196316	75.00		
				SPAY/NEUTER DEPOSIT REFUND	75.00
	Vendor Total		**75.00**		
FYTD for MILLER, ELAINE			**75.00**		
MINARD, MARK E.					
	7/9/2009	196159	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MINARD, MARK E.			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MISSION LINEN SUPPLY, INC.					
	7/16/2009	196320	1,821.79		
				UNIFORM SUPPLY/LAUNDERING SVCS	18.52
				UNIFORM SUPPLY/LAUNDERING SVCS	18.52
				UNIFORM SUPPLY/LAUNDERING SVCS	18.52
				UNIFORM SUPPLY/LAUNDERING SVCS	18.52
				UNIFORM SUPPLY/LAUNDERING SVCS	18.52
				UNIFORM SUPPLY/LAUNDERING SVCS	57.09
				UNIFORM SUPPLY/LAUNDERING SVCS	57.29
				UNIFORM SUPPLY/LAUNDERING SVCS	57.90
				UNIFORM SUPPLY/LAUNDERING SVCS	57.09
				UNIFORM SUPPLY/LAUNDERING SVCS	57.09
				UNIFORM SUPPLY/LAUNDERING SVCS	13.68
				UNIFORM SUPPLY/LAUNDERING SVCS	13.48
				UNIFORM SUPPLY/LAUNDERING SVCS	15.09
				UNIFORM SUPPLY/LAUNDERING SVCS	14.09
				UNIFORM SUPPLY/LAUNDERING SVCS	13.48
				UNIFORM SUPPLY/LAUNDERING SVCS	25.98
				UNIFORM SUPPLY/LAUNDERING SVCS	25.98
				UNIFORM SUPPLY/LAUNDERING SVCS	25.98
				UNIFORM SUPPLY/LAUNDERING SVCS	25.98
				UNIFORM SUPPLY/LAUNDERING SVCS	25.98
				UNIFORM SUPPLY/LAUNDERING SVCS	8.99
				UNIFORM SUPPLY/LAUNDERING SVCS	8.99
				UNIFORM SUPPLY/LAUNDERING SVCS	9.19
				UNIFORM SUPPLY/LAUNDERING SVCS	13.48
				UNIFORM SUPPLY/LAUNDERING SVCS	13.48
				UNIFORM SUPPLY/LAUNDERING SVCS	13.48
				UNIFORM SUPPLY/LAUNDERING SVCS	13.48
				UNIFORM SUPPLY/LAUNDERING SVCS	13.48
				UNIFORM SUPPLY/LAUNDERING SVCS	17.98
				UNIFORM SUPPLY/LAUNDERING SVCS	17.98
				UNIFORM SUPPLY/LAUNDERING SVCS	17.98
				UNIFORM SUPPLY/LAUNDERING SVCS	17.98
				UNIFORM SUPPLY/LAUNDERING SVCS	17.98
				UNIFORM SUPPLY/LAUNDERING SVCS	4.08
				UNIFORM SUPPLY/LAUNDERING SVCS	4.08
				UNIFORM SUPPLY/LAUNDERING SVCS	4.08
				UNIFORM SUPPLY/LAUNDERING SVCS	4.08
				UNIFORM SUPPLY/LAUNDERING SVCS	4.08
				UNIFORM SUPPLY/LAUNDERING SVCS	46.07
				UNIFORM SUPPLY/LAUNDERING SVCS	49.25
				UNIFORM SUPPLY/LAUNDERING SVCS	47.07
				UNIFORM SUPPLY/LAUNDERING SVCS	49.25
				UNIFORM SUPPLY/LAUNDERING SVCS	13.00
				UNIFORM SUPPLY/LAUNDERING SVCS	33.07
				UNIFORM SUPPLY/LAUNDERING SVCS	82.34
				UNIFORM SUPPLY/LAUNDERING SVCS	82.34
				UNIFORM SUPPLY/LAUNDERING SVCS	82.34
				UNIFORM SUPPLY/LAUNDERING SVCS	82.54
				UNIFORM SUPPLY/LAUNDERING SVCS	82.34
				UNIFORM SUPPLY/LAUNDERING SVCS	14.65
				UNIFORM SUPPLY/LAUNDERING SVCS	14.65
				UNIFORM SUPPLY/LAUNDERING SVCS	14.65
				UNIFORM SUPPLY/LAUNDERING SVCS	14.65

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			UNIFORM SUPPLY/LAUNDERING SVCS	14.65
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	10.25
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	1.84
			UNIFORM SUPPLY/LAUNDERING SVCS	38.38
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	40.22
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
			UNIFORM SUPPLY/LAUNDERING SVCS	8.99
	Vendor Total	**1,821.79**		
FYTD for MISSION LINEN SUPPLY, INC.		**1,821.79**		
MOELLER, DONNA M.				
7/2/2009	195990	115.82		
			NGHBRHD CLEAN-UP EXPENSES	115.82
	Vendor Total	**115.82**		
FYTD for MOELLER, DONNA M.		**115.82**		
MOLLICA, MIKE				
7/9/2009	196160	401.42		
			JULY'09 RETIREE MED BENEFIT	401.42
	Vendor Total	**401.42**		
FYTD for MOLLICA, MIKE		**401.42**		
MOORE, AIRAM				
7/7/2009	196041	500.00		
			IDOL CONTEST WINNER/5-9 CAT.	500.00
	Vendor Total	**500.00**		
FYTD for MOORE, AIRAM		**500.00**		
MORA, PATRICIA A.				
7/9/2009	196161	318.73		
			JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total	**318.73**		
FYTD for MORA, PATRICIA A.		**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORALES, OSCAR					
	7/16/2009	196321	178.00		
				REFUND CofO PERMIT	178.00
	Vendor Total		**178.00**		
FYTD for MORALES, OSCAR			**178.00**		
MORENO VALLEY BOWL					
	7/9/2009	196162	560.00		
				BOWLING-5 PARTICIPANTS	200.00
				BOWLING-9 PARTICIPANTS	360.00
	Vendor Total		**560.00**		
FYTD for MORENO VALLEY BOWL			**560.00**		
MORENO VALLEY CHAMBER OF COMMERCE					
	7/16/2009	196322	210.00		
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
				6/19 "WAKE-UP" MTG>14 ATTND	15.00
	Vendor Total		**210.00**		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE			**210.00**		
MORENO VALLEY CITY EMPLOYEES ASSOC.					
	7/31/2009	2460	1,615.00		
				MVCEA DUES 07/31/09	1,615.00
	7/17/2009	2450	1,615.00		
				MVCEA DUES 07/17/09	1,615.00
	7/3/2009	2441	1,699.00		
				MVCEA DUES 07/03/09	1,699.00
	Vendor Total		**4,929.00**		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.			**4,929.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY GATEWAY, LLC				
7/30/2009	196589	21,093.43		
			AUG'09 RENT-FAC ANNX	2,458.97
			AUG'09 RENT-TECH SRVC ANNX	5,475.90
			AUG'09 RENT-SPCL DIST	13,158.56
	Vendor Total	**21,093.43**		
FYTD for MORENO VALLEY GATEWAY, LLC		**21,093.43**		
MORENO VALLEY HISPANIC CHAMBER OF COMMER				
7/23/2009	196463	270.00		
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
			ADELANTE MTGS>6/5/09	10.00
	Vendor Total	**270.00**		
FYTD for MORENO VALLEY HISPANIC CHAMBER OF COMMER		**270.00**		
MORENO VALLEY TOW & RADIATOR				
7/9/2009	196163	450.00		
			TOWED SWEEPER FOR REPAIR	450.00
7/16/2009	196323	520.00		
			TOWING SRVC FOR P.D.	372.50
			TOWING SRVCS FOR P.D.	147.50
	Vendor Total	**970.00**		
FYTD for MORENO VALLEY TOW & RADIATOR		**970.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY UNIFIED SCHOOL DISTRICT					
	7/9/2009	196164	100.00		
				MOBILE STAGE RENTAL DEPOSIT RFND	100.00
	Vendor Total		**100.00**		
FYTD for MORENO VALLEY UNIFIED SCHOOL DISTRICT			**100.00**		
MORENO, MARIO					
	7/9/2009	196165	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for MORENO, MARIO			**200.00**		
MORGAN, LISA A.					
	7/9/2009	196166	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for MORGAN, LISA A.			**318.73**		
MORRIS, MARI					
	7/9/2009	196167	95.00		
				DEP RFND-RABIES/SPAY/NEUTER	20.00
				DEP RFND-RABIES/SPAY/NEUTER	75.00
	Vendor Total		**95.00**		
FYTD for MORRIS, MARI			**95.00**		
MOSCROP, JEANETTE					
	7/30/2009	196590	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MOSCROP, JEANETTE			**75.00**		
MOTEL 7/ HEMANSHU PATEL					
	7/16/2009	196324	50.00		
				REFUND-PARKING CIT. ERROR	50.00
	Vendor Total		**50.00**		
FYTD for MOTEL 7/ HEMANSHU PATEL			**50.00**		
MR. CLEAN, INC.					
	7/16/2009	196325	428.00		
				PRESSURE WASH>6/21	303.00
				PRESSURE WASH>6/21	125.00
	7/30/2009	196591	477.41		
				GYM FLOOR MAINT.	477.41
	Vendor Total		**905.41**		
FYTD for MR. CLEAN, INC.			**905.41**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MUNITEMPS					
	7/9/2009	196168	10,415.04		
				TEMP SRVC>4/12 MUNOZ	966.97
				TEMP SRVC>4/12 MEDINA	953.53
				TEMP SRVC>4/26-MUNOZ	913.25
				TEMP SRVC>4/26-MEDINA	731.94
				TEMP SRVC>5/10-MUNOZ	946.82
				TEMP SRVC>5/10-MEDINA	812.52
				TEMP SRVC>5/24-MUNOZ	886.39
				TEMP SRVC>5/24-MEDINA	825.95
				TEMP SRVC>6/7-MEDINA	893.10
				TEMP SRVC>6/7-MUNOZ	805.81
				TEMP SRVC>6/21-MUNOZ	183.14
				TEMP SRVC>6/21-MEDINA	792.37
				TEMP SRVC>6/21-MUNOZ	703.25
	Vendor Total		**10,415.04**		
FYTD for MUNITEMPS			**37,015.23**		
NAIOP-NATIONAL ASSOC OF INDUSTRIAL & OFF					
	7/9/2009	196169	3,256.00		
				ADVERTISING IN DEV. MAG	3,256.00
	Vendor Total		**3,256.00**		
FYTD for NAIOP-NATIONAL ASSOC OF INDUSTRIAL & OFF			**3,256.00**		
NATIONAL NOTARY ASSOCIATION					
	7/16/2009	196328	52.00		
				1YR MBRSHP>N BURDINE	52.00
	Vendor Total		**52.00**		
FYTD for NATIONAL NOTARY ASSOCIATION			**52.00**		
NATIONWIDE RETIREMENT SOLUTIONS					
	7/2/2009	2439	2,116.36		
				PST DEF COMP FOR FICA 07/02/09	2,116.36
	7/29/2009	2458	782.74		
				PST DEF COMP FOR FICA 07/29/09	782.74
	7/31/2009	2459	1,293.48		
				DEF COMP 457 & 407(A) 07/31/09	1,293.48
	7/17/2009	2448	1,106.81		
				PST DEF COMP FOR FICA 07/17/09	1,106.81
	Vendor Total		**5,299.39**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**55,944.21**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NAVARRETE, ROBERT					
	7/9/2009	196170	200.00		
				PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total		**200.00**		
FYTD for NAVARRETE, ROBERT			**200.00**		
NAVARRO, HERIBERTO					
	7/2/2009	195991	300.00		
				RFND-ANML SRVC CITATION	300.00
	Vendor Total		**300.00**		
FYTD for NAVARRO, HERIBERTO			**300.00**		
NELSON, ROBERT					
	7/9/2009	196171	303.60		
				JULY'09 RETIREE MED BENEFIT	303.60
	Vendor Total		**303.60**		
FYTD for NELSON, ROBERT			**303.60**		
NELSON, RUTH L.					
	7/9/2009	196172	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for NELSON, RUTH L.			**318.73**		
NEUSTAEDTER, CRAIG S					
	7/9/2009	196173	318.73		
				JULY'09 RETIREE MED BENEFIT	318.73
	Vendor Total		**318.73**		
FYTD for NEUSTAEDTER, CRAIG S			**318.73**		
NEW HORIZON MOBILE HOME PARK					
	7/2/2009	195992	6.61		
				RFND UT USER TAXES-EXMPT RESID	6.61
	Vendor Total		**6.61**		
FYTD for NEW HORIZON MOBILE HOME PARK			**6.61**		
NEW WEST SIGNAL					
	7/16/2009	196329	7,600.00		
				TRAFFIC SIGNAL	7,600.00
	Vendor Total		**7,600.00**		
FYTD for NEW WEST SIGNAL			**7,600.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NEWPORT GRADING, INC.					
	7/30/2009	196592	5,752.00		
				RPLCD DMG GUARDRAIL	5,752.00
	Vendor Total		**5,752.00**		
FYTD for NEWPORT GRADING, INC.			**5,752.00**		
NFPA/NATIONAL FIRE PROTECTION ASSO					
	7/30/2009	196593	150.00		
				MBR-RANDALL METZ	150.00
	Vendor Total		**150.00**		
FYTD for NFPA/NATIONAL FIRE PROTECTION ASSO			**150.00**		
NGUYEN, QUANG					
	7/16/2009	196330	134.75		
				MILEAGE REIMBURSEMENT	134.75
	Vendor Total		**134.75**		
FYTD for NGUYEN, QUANG			**134.75**		
NIEBURGER, JUDITH A.					
	7/9/2009	196174	401.42		
				JULY'09 RETIREE MED BENEFIT	401.42
	Vendor Total		**401.42**		
FYTD for NIEBURGER, JUDITH A.			**401.42**		
NINYO & MOORE GEOTECHNICAL					
	7/16/2009	196331	3,133.75		
				PSB PARKING LOT EXPANSION PROJ	1,885.00
				PSB PARKING LOT EXPANSION PROJ	168.75
				PSB PARKING LOT EXPANSION PROJ	1,080.00
	Vendor Total		**3,133.75**		
FYTD for NINYO & MOORE GEOTECHNICAL			**3,133.75**		
NOLLAR, JANICE					
	7/2/2009	195993	261.42		
				TRAVEL EXP.-ESRI INT'L UC	101.42
				TRAVEL EXP.-ESRI INT'L UC	160.00
	Vendor Total		**261.42**		
FYTD for NOLLAR, JANICE			**261.42**		
NORRIS-REPKE, INC.					
	7/23/2009	196466	505.00		
				IRIS AVE STREET IMPRV PROJ.	505.00
	Vendor Total		**505.00**		
FYTD for NORRIS-REPKE, INC.			**39,829.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OCB REPROGRAPHICS					
	7/16/2009	196332	2,215.47		
				REPROGRAPHICS-PAVEMNT RESURF.	966.14
				REPROGRAPHICS-PAVEMNT RESURF.	170.41
				REPROGRAPHICS-IRIS AVE PROJ.	160.57
				REPROGRAPHICS-INDIAN BASIN PRJ	42.58
				REPROGRAPHICS-SR-60/NASON PROJ	177.48
				REPROGRAPHICS SRVC	152.20
				REPROGRAPHICS SRVC	384.11
				REPROGRAPHICS SRVC	45.01
				REPROGRAPHICS SRVC	45.02
				REPROGRAPHICS SRVC	71.95
	7/23/2009	196467	751.79		
				REPROGRAPHICS-SUNNYMD BL IRRIG	472.57
				REPROGRPHCS-PERRIS BL WIDENING	279.22
	Vendor Total		**2,967.26**		
FYTD for OCB REPROGRAPHICS			**2,967.26**		
OMNIS, INC.					
	7/23/2009	196468	830.00		
				TR. SIG @ SR-60 & REDLANDS BL.	830.00
	Vendor Total		**830.00**		
FYTD for OMNIS, INC.			**830.00**		
OPERATION SAFEHOUSE, INC.					
	7/2/2009	195994	719.62		
				CDBG EXPENSE REIMB.	719.62
	7/30/2009	196594	689.32		
				CDBG EXP. REIMB.	689.32
	Vendor Total		**1,408.94**		
FYTD for OPERATION SAFEHOUSE, INC.			**1,408.94**		
ORACLE USA, INC.					
	7/9/2009	196176	22,199.26		
				SOFTWARE UPDATE/SPPRT	21,234.87
				SOFTWARE UPDATE/SPPRT	964.39
	Vendor Total		**22,199.26**		
FYTD for ORACLE USA, INC.			**22,199.26**		
OROSCO, DAVID & ROSARIO, AMANDA					
	7/16/2009	196333	95.00		
				ANIMAL SVCS. REFUND	20.00
				ANIMAL SVCS. REFUND	75.00
	Vendor Total		**95.00**		
FYTD for OROSCO, DAVID & ROSARIO, AMANDA			**95.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OVERLAND PACIFIC & CUTLER, INC.				
7/16/2009	196334	487.50		
			ALESSANDRO/DAY ST RELOC. SVCS.	487.50
7/23/2009	196469	5,670.00		
			RIGHT OF WAY SVCS-VARIOUS PROJ	5,670.00
7/30/2009	196595	22,367.00		
			SR-60/NASON INTERCHG PROJ SVCS	2,292.25
			SR-60/NASON INTERCHG PROJ SVCS	3,108.25
			SR-60/NASON INTERCHG PROJ SVCS	16,966.50
7/30/2009	196596	7,350.00		
			RIGHT OF WAY SVCS-VARIOUS PROJ	7,350.00
	Vendor Total	**35,874.50**		
FYTD for OVERLAND PACIFIC & CUTLER, INC.		**35,874.50**		
P&D CONSULTANTS, INC.				
7/30/2009	196597	6,500.00		
			UNITY COURT PROJ DESIGN SVCS	6,500.00
	Vendor Total	**6,500.00**		
FYTD for P&D CONSULTANTS, INC.		**6,500.00**		
PACIFIC GREEN HORTICULTURAL SVC				
7/2/2009	195995	1,090.00		
			PESTICIDE TRTMNT>DSG-2	145.00
			PESTICIDE TRTMNT>E-3	945.00
7/16/2009	196335	1,635.65		
			JUN'09 LNDSCP MAINT	217.01
			JUN'09 LNDSCP MAINT	80.57
			JUN'09 LNDSCP MAINT	471.08
			JUN'09 LNDSCP MAINT	866.99
	Vendor Total	**2,725.65**		
FYTD for PACIFIC GREEN HORTICULTURAL SVC		**2,725.65**		
PACIFIC SAFETY COUNCIL				
7/23/2009	196470	8.70		
			TRAINING VIDEO: TRAFFIC CONTRL	8.70
7/30/2009	196598	2,895.00		
			10 HR CONSTRUCTN SAFETY PROGRM	2,773.26
			CONST. SFTY TRNG-6/8/09	121.74
	Vendor Total	**2,903.70**		
FYTD for PACIFIC SAFETY COUNCIL		**2,903.70**		
PAEZ, JUAN & MARIA				
7/2/2009	195996	20.00		
			RFND-RABIES DEPOSIT	20.00
	Vendor Total	**20.00**		
FYTD for PAEZ, JUAN & MARIA		**20.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PAINTING BY ZEB BODE					
	7/23/2009	196471	550.00		
				PAINTING FOR PD	550.00
	7/30/2009	196599	1,250.00		
				MV MALL PD OFFICE PAINTING SVC	1,250.00
	Vendor Total		**1,800.00**		
FYTD for PAINTING BY ZEB BODE			**1,800.00**		
PALMER, AMARANDA					
	7/30/2009	196600	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for PALMER, AMARANDA			**75.00**		
PARRA-TOVAR, BRENDA					
	7/23/2009	196472	100.00		
				CITATION REFUND	100.00
	Vendor Total		**100.00**		
FYTD for PARRA-TOVAR, BRENDA			**100.00**		
PARTS PLUS OF MORENO VALLEY, INC.					
	7/9/2009	196178	1,000.01		
				MISC. VEHICLE PARTS	354.43
				MISC. VEHICLE PARTS	12.03
				MISC. VEHICLE PARTS	12.03
				MISC. VEHICLE PARTS	14.05
				MISC. VEHICLE PARTS	531.68
				MISC. VEHICLE PARTS	222.11
				MISC. VEHICLE PARTS	10.48
				MISC. VEHICLE PARTS	5.24
				CRDT FOR INV M240188	-162.04
	7/23/2009	196473	156.16		
				AUTOMOTIVE REPAIR PARTS	14.05
				AUTOMOTIVE REPAIR PARTS	142.11
	Vendor Total		**1,156.17**		
FYTD for PARTS PLUS OF MORENO VALLEY, INC.			**1,156.17**		
PATTERSON, ALFREY					
	7/9/2009	196179	315.49		
				JUL'09 RET MED BNFT	315.49
	Vendor Total		**315.49**		
FYTD for PATTERSON, ALFREY			**315.49**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PBS & J					
	7/2/2009	195997	1,675.00		
				MAY'09 PM 33152-1 RVW	630.00
				SHEILA ST PARK PROJ. SVCS	1,045.00
	7/16/2009	196336	490.00		
				MV PRELIM WQMPR>5/31	490.00
	Vendor Total		**2,165.00**		
FYTD for PBS & J			**2,165.00**		
PEARSON, MATTHEW					
	7/23/2009	196474	997.50		
				AUDIO SVCS FOR JULY 4TH EVENT	997.50
	Vendor Total		**997.50**		
FYTD for PEARSON, MATTHEW			**997.50**		
PEDLEY SQUARE VETERINARY CLINIC					
	7/2/2009	195998	11,131.00		
				VET & EMERG. SRVCS	4,947.00
				VET & EMERG. SRVCS	6,184.00
	Vendor Total		**11,131.00**		
FYTD for PEDLEY SQUARE VETERINARY CLINIC			**11,131.00**		
PEREZ, WILLIAM					
	7/9/2009	196180	300.00		
				RNTL DEP REFUND	300.00
	Vendor Total		**300.00**		
FYTD for PEREZ, WILLIAM			**300.00**		
PERRY, NORMA					
	7/9/2009	196181	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for PERRY, NORMA			**318.73**		
PERS LONG TERM CARE PROGRAM					
	7/9/2009	196182	648.76		
				LONG TERM CARE INS 07/09/09	648.76
	7/23/2009	196475	551.37		
				LONG TERM CARE INS 07/23/09	551.37
	Vendor Total		**1,200.13**		
FYTD for PERS LONG TERM CARE PROGRAM			**1,200.13**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PETTY CASH - FINANCE					
	7/30/2009	196606	1,447.98		
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	8.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	9.38
				PETTY CASH FUND REPLENISHMENT	25.00
				PETTY CASH FUND REPLENISHMENT	21.74
				PETTY CASH FUND REPLENISHMENT	29.19
				PETTY CASH FUND REPLENISHMENT	29.19
				PETTY CASH FUND REPLENISHMENT	12.10
				PETTY CASH FUND REPLENISHMENT	5.90
				PETTY CASH FUND REPLENISHMENT	7.00
				PETTY CASH FUND REPLENISHMENT	6.00
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	6.40
				PETTY CASH FUND REPLENISHMENT	3.00
				PETTY CASH FUND REPLENISHMENT	3.75
				PETTY CASH FUND REPLENISHMENT	54.75
				PETTY CASH FUND REPLENISHMENT	28.05
				PETTY CASH FUND REPLENISHMENT	8.58
				PETTY CASH FUND REPLENISHMENT	-0.10
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	2.00
				PETTY CASH FUND REPLENISHMENT	5.70
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	11.83
				PETTY CASH FUND REPLENISHMENT	40.98
				PETTY CASH FUND REPLENISHMENT	11.00
				PETTY CASH FUND REPLENISHMENT	31.71
				PETTY CASH FUND REPLENISHMENT	30.00
				PETTY CASH FUND REPLENISHMENT	12.50
				PETTY CASH FUND REPLENISHMENT	3.50
				PETTY CASH FUND REPLENISHMENT	15.50
				PETTY CASH FUND REPLENISHMENT	45.00
				PETTY CASH FUND REPLENISHMENT	18.00
				PETTY CASH FUND REPLENISHMENT	15.00
				PETTY CASH FUND REPLENISHMENT	87.45
				PETTY CASH FUND REPLENISHMENT	5.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	14.13
				PETTY CASH FUND REPLENISHMENT	56.10
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	20.00
				PETTY CASH FUND REPLENISHMENT	23.63
				PETTY CASH FUND REPLENISHMENT	9.98
				PETTY CASH FUND REPLENISHMENT	71.50
				PETTY CASH FUND REPLENISHMENT	4.00
				PETTY CASH FUND REPLENISHMENT	12.00

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			PETTY CASH FUND REPLENISHMENT	12.95
			PETTY CASH FUND REPLENISHMENT	8.68
			PETTY CASH FUND REPLENISHMENT	3.80
			PETTY CASH FUND REPLENISHMENT	21.14
			PETTY CASH FUND REPLENISHMENT	15.01
			PETTY CASH FUND REPLENISHMENT	51.70
			PETTY CASH FUND REPLENISHMENT	66.55
			PETTY CASH FUND REPLENISHMENT	5.00
			PETTY CASH FUND REPLENISHMENT	52.80
			PETTY CASH FUND REPLENISHMENT	70.95
			PETTY CASH FUND REPLENISHMENT	2.00
			PETTY CASH FUND REPLENISHMENT	23.10
			PETTY CASH FUND REPLENISHMENT	1.50
			PETTY CASH FUND REPLENISHMENT	84.36
	Vendor Total	**1,447.98**		
FYTD for PETTY CASH - FINANCE		**1,447.98**		
PIONTKOWSKI, BRAD				
7/23/2009	196476	75.00		
			REFUND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total	**75.00**		
FYTD for PIONTKOWSKI, BRAD		**75.00**		
PLATA, DON				
7/9/2009	196183	200.00		
			PER DIEM-GANG VIOLENCE CONF.	200.00
	Vendor Total	**200.00**		
FYTD for PLATA, DON		**200.00**		
PLAZA HAND CAR WASH				
7/30/2009	196608	518.50		
			CITY VEHICLE CAR WASHES	196.00
			CITY VEHICLE CAR WASHES	322.50
	Vendor Total	**518.50**		
FYTD for PLAZA HAND CAR WASH		**518.50**		
PLUMMER, TED				
7/2/2009	195999	468.00		
			DEP-7/4/09 SOUND SYST.	200.00
			FNL PMT-7/4/09 SOUND SYST.	425.00
			FTB W/H-VEHICLE REGIST.	-157.00
	Vendor Total	**468.00**		
FYTD for PLUMMER, TED		**468.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
POIEMA LANDSCAPE, INC.					
	7/16/2009	196338	2,110.00		
				JUN'09 LNDSCP MAINT>E-12	2,110.00
	7/23/2009	196477	758.00		
				JUN'09 LANDSC MAINT-SUNNYMD BL	758.00
	Vendor Total		**2,868.00**		
FYTD for POIEMA LANDSCAPE, INC.			**2,868.00**		
POTTERS HOUSE CHRISTIAN CHURCH					
	7/30/2009	196609	117.42		
				REFUND-BUS LIC FEES DUP PAYMNT	57.00
				REFUND-BUS LIC FEES DUP PAYMNT	57.00
				REFUND-BUS LIC FEES DUP PAYMNT	3.42
	Vendor Total		**117.42**		
FYTD for POTTERS HOUSE CHRISTIAN CHURCH			**117.42**		
POUK & STEINLE, INC.					
	7/23/2009	196478	3,392.82		
				LASSELLE ST/BAY AVE TS & IMPRV	3,392.82
	Vendor Total		**3,392.82**		
FYTD for POUK & STEINLE, INC.			**3,392.82**		
PRECIADO, MARIA					
	7/30/2009	196610	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for PRECIADO, MARIA			**20.00**		
PRESS ENTERPRISE					
	7/16/2009	196339	259.00		
				EMPLYMNT ADVERTISING	259.00
	Vendor Total		**259.00**		
FYTD for PRESS ENTERPRISE			**259.00**		
PRICE, GEORGE E.					
	7/9/2009	196184	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for PRICE, GEORGE E.			**318.73**		
PRITCHARD, ROBERT					
	7/23/2009	196480	100.00		
				MV IDOL CONTEST	100.00
	Vendor Total		**100.00**		
FYTD for PRITCHARD, ROBERT			**100.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PRORIDER, INC.					
	7/23/2009	196481	783.00		
				BIKE HELMETS	783.00
				BIKE HELMETS	68.51
				BIKE HELMETS	-68.51
	Vendor Total		**783.00**		
FYTD for PRORIDER, INC.			**783.00**		
PSOMAS					
	7/16/2009	196341	16,830.00		
				LASSELLE ST WIDENING-JFK>ALESS	14,295.00
				LASSELLE ST WIDENING-JFK>ALESS	2,535.00
	7/23/2009	196482	1,840.00		
				KITCHING/EUCALYPTUS IMPRV PROJ	1,840.00
	Vendor Total		**18,670.00**		
FYTD for PSOMAS			**18,670.00**		
PULLIAM, TRENT D.					
	7/9/2009	196185	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for PULLIAM, TRENT D.			**318.73**		
QUALITY PLAYING CARDS, INC.					
	7/16/2009	196342	1,360.00		
				SHIPPING	145.00
				RECYCLED PLAYING CARDS	1,215.00
				RECYCLED PLAYING CARDS	106.32
				RECYCLED PLAYING CARDS	-106.32
	Vendor Total		**1,360.00**		
FYTD for QUALITY PLAYING CARDS, INC.			**1,360.00**		
R & S OVERHEAD DOORS, INC.					
	7/9/2009	196186	1,038.00		
				RMV/INSTALL DOOR AT FS #58	396.00
				INSTLLD DETECTOR @PSB	642.00
	7/23/2009	196483	685.00		
				BOTTOM TUBE REPAIR-PSB GATE 3	685.00
	Vendor Total		**1,723.00**		
FYTD for R & S OVERHEAD DOORS, INC.			**1,723.00**		
RABAGO, MALIA					
	7/9/2009	196187	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for RABAGO, MALIA			**50.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RADAR SHOP, THE					
	7/30/2009	196612	382.46		
				RECERTIFIED PRO-LASER 3	130.00
				RECERTIFIED PRO-LASER 3	252.46
	Vendor Total		**382.46**		
FYTD for RADAR SHOP, THE			**382.46**		
RALLY MANAGEMENT SERVICES, LLC					
	7/9/2009	196188	1,716.64		
				TEMP SRVC>6/14 ANML SRVCS	958.72
				TEMP SRVC>6/21 ANML SRVCS	757.92
	7/16/2009	196343	114.90		
				TEMP SRVCS>6/21/09-STARS	114.90
	7/23/2009	196484	261.28		
				TEMP SVCS >6/28/09-STARS PRGM	261.28
	7/30/2009	196613	1,279.60		
				TEMP SRVCS-STARS	30.64
				TEMP SRVCS-ANML SRVCS	932.80
				TEMP SRVCS-ANML SRVCS	13.77
				TEMP SRVCS-ANML SRVCS	302.39
	Vendor Total		**3,372.42**		
FYTD for RALLY MANAGEMENT SERVICES, LLC			**3,372.42**		
RAMIREZ, RAFAEL & GIOBANY					
	7/23/2009	196485	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RAMIREZ, RAFAEL & GIOBANY			**20.00**		
RANGEL, JUAN					
	7/30/2009	196614	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RANGEL, JUAN			**20.00**		
RANGEL, PATRICIA					
	7/9/2009	196189	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for RANGEL, PATRICIA			**50.00**		
REDBOX AUTOMATED RETAIL, LLC					
	7/2/2009	196000	259.00		
				RFND-BUS. LIC. OVRPMT	259.00
	Vendor Total		**259.00**		
FYTD for REDBOX AUTOMATED RETAIL, LLC			**259.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
REDFLEX TRAFFIC SYSTEMS, INC.					
	7/2/2009	196001	12,420.00		
				MAY'09 RED LGHT PHOTO ENF PGM	12,420.00
	7/23/2009	196486	12,420.00		
				JUN'09 RED LIGHT PHOTO ENF PGM	12,420.00
	Vendor Total		**24,840.00**		
FYTD for REDFLEX TRAFFIC SYSTEMS, INC.			**24,840.00**		
REFLEX CORP.					
	7/2/2009	196002	119.50		
				NET STOCK BOX BALANCE	119.50
	Vendor Total		**119.50**		
FYTD for REFLEX CORP.			**119.50**		
REVENUE EXPERTS, INC.					
	7/2/2009	196003	4,540.63		
				APR'09 CITATION PRCSNG>ANML SR	2,539.85
				MAY'09 CITATION PRCSNG>ANML SR	2,000.78
	7/9/2009	196190	6,639.05		
				MAR'09 CIT PRCSSNG-POLICE	2,724.95
				MAR'09 CIT PRCSSNG-POLICE	1,102.92
				APR'09 CIT PRCSSNG-POLICE	2,811.18
	7/16/2009	196344	5,789.15		
				MAY'09 CIT PRCSS>POLICE	5,585.90
				MAY'09 CIT PRCSSNG>POLICE	203.25
	7/23/2009	196487	2,435.03		
				APR'09 CITATION PROC-B&S DEPT	1,734.28
				APR'09 CITATION PROC-B&S DEPT	484.46
				MAY'09 CITATION PROC-B&S DEPT	216.29
	7/30/2009	196615	6,205.57		
				ADMIN CITATION PROCESSING	1,067.14
				ADMIN CITATION PROCESSING	1,664.72
				CITATION PROCESSING	2,486.00
				JUN'09 CIT PRCSNG-ANML SRVCS	456.86
				JUN'09 CIT PRCSNG-BLDG/SFTY	530.85
	Vendor Total		**25,609.43**		
FYTD for REVENUE EXPERTS, INC.			**25,609.43**		
REYES, JOSEPH J.					
	7/2/2009	196004	729.88		
				RFND-ADMIN CITATION/ANML SRVCS	503.88
				RFND-ADMIN CITATION/ANML SRVCS	226.00
	Vendor Total		**729.88**		
FYTD for REYES, JOSEPH J.			**729.88**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RINKS, TODD & CAROL					
	7/9/2009	196191	95.00		
				DEP RFND-RABIES/SPAY/NEUTER	20.00
				DEP RFND-RABIES/SPAY/NEUTER	75.00
	Vendor Total		**95.00**		
FYTD for RINKS, TODD & CAROL			**95.00**		
RISICA, NICOLE					
	7/16/2009	196345	75.00		
				SPAY/NEUTER DEPOSIT REFUND	75.00
	Vendor Total		**75.00**		
FYTD for RISICA, NICOLE			**75.00**		
RIV CO FLOOD CONTROL & WATER CONSERVATN					
	7/2/2009	196005	4,000.00		
				SR-60/NASON ST INTERCHNG PROJ.	4,000.00
	7/9/2009	196192	3,294.40		
				KITCHING ST IMPRV PRJ PLAN CK	159.89
				KITCHING ST IMPRV PRJ PLAN CK	3,134.51
	7/23/2009	196488	640.09		
				MAY'09 KITCHING ST PLAN CK FEE	640.09
	7/30/2009	196617	209.20		
				JUN'09 KITCHING ST PLAN CK FEE	209.20
	Vendor Total		**8,143.69**		
FYTD for RIV CO FLOOD CONTROL & WATER CONSERVATN			**8,143.69**		
RIVERSIDE AREA RAPE CRISIS CENTER					
	7/30/2009	196618	1,398.31		
				CDBG EXP. REIMB.	673.51
				CDBG EXP. REIMB.	724.80
	Vendor Total		**1,398.31**		
FYTD for RIVERSIDE AREA RAPE CRISIS CENTER			**1,398.31**		
RIVERSIDE COUNTY CLERK					
	7/30/2009	196619	2,057.00		
				FEES-CACTUS AVE IMPRVMNT PROJ	1,028.50
				FEES-CACTUS AVE IMPRVMNT PROJ	1,028.50
	Vendor Total		**2,057.00**		
FYTD for RIVERSIDE COUNTY CLERK			**2,057.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY CLERK/RECORDER				
7/9/2009	196193	52.15		
			MAY'09 RECORDATION RQSTS	52.15
7/23/2009	196489	13.00		
			LIEN RLS>CASE #FW09-0189	13.00
7/23/2009	196490	52.15		
			JUN'09 RECORDATION REQUESTS	52.15
7/30/2009	196620	13.00		
			PROCESS LIEN RELEASE/FW09-0408	13.00
7/30/2009	196621	13.00		
			PROCESS LIEN RELEASE/FW09-0569	13.00
7/30/2009	196622	13.00		
			PROCESS LIEN RELEASE/FW09-0668	13.00
7/30/2009	196623	13.00		
			PROCESS LIEN RELEASE/FW09-0769	13.00
Vendor Total		**169.30**		
FYTD for RIVERSIDE COUNTY CLERK/RECORDER		**169.30**		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH				
7/2/2009	196006	50.00		
			MAY'09 RABIES EXAM	50.00
7/30/2009	196624	50.00		
			6/18/09 RABIES TESTING	50.00
Vendor Total		**100.00**		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH		**100.00**		
RIVERSIDE COUNTY ECONOMIC DEV'T. AGENCY				
7/9/2009	196194	500.00		
			BUS. FACILITIES MAG ADVERTISIN	500.00
Vendor Total		**500.00**		
FYTD for RIVERSIDE COUNTY ECONOMIC DEV'T. AGENCY		**500.00**		
RIVERSIDE COUNTY HABITAT CONSERVATION				
7/9/2009	196195	103.75		
			K-RAT FEE>JUN'09	103.75
Vendor Total		**103.75**		
FYTD for RIVERSIDE COUNTY HABITAT CONSERVATION		**103.75**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
7/2/2009	196007	379.98		
			JUN'09 RADIO LEASE/MAINT.	274.44
			JUN'09 VPN CONNECTION	105.54
7/9/2009	196196	1,785.84		
			MAY'09 RADIO SRVC FOR POLICE	1,785.84
7/16/2009	196346	1,785.84		
			JUN'09 RADIO MAINT>POLICE	1,785.84
	Vendor Total	**3,951.66**		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		**3,951.66**		
RIVERSIDE COUNTY SHERIFF				
7/16/2009	196347	3,882.78		
			MAY'09 BOOKING FEES	3,882.78
	Vendor Total	**3,882.78**		
FYTD for RIVERSIDE COUNTY SHERIFF		**5,852,406.50**		
RIVERSIDE COUNTY SHERIFF BEN CLARK				
7/2/2009	196008	438.00		
			SEP22-25/BICYCLE PATROL COURSE	219.00
			SEP22-25/BICYCLE PATROL COURSE	219.00
7/9/2009	196198	642.00		
			REGISTR-BICYCLE PATROL COURSE	219.00
			JAN25-FEB5, 2010-T.C. RECONSTR	423.00
	Vendor Total	**1,080.00**		
FYTD for RIVERSIDE COUNTY SHERIFF BEN CLARK		**1,080.00**		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
7/9/2009	196199	423.81		
			GARNISHMENT	423.81
7/23/2009	196491	216.55		
			GARNISHMENT	216.55
	Vendor Total	**640.36**		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		**640.36**		
RIVERSIDE COUNTY SHERIFF MV				
7/16/2009	196348	6,541.72		
			EXTRA DUTY>5/19- 5/31/09	5,478.12
			CK PT DISPATCH>6/5 & 6/13	1,063.60
	Vendor Total	**6,541.72**		
FYTD for RIVERSIDE COUNTY SHERIFF MV		**6,541.72**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY TREASURER - REFUNDS				
7/16/2009	196350	30.00		
			FALSE ALARM REFUND-DUP. PYMT	30.00
Vendor Total		**30.00**		
FYTD for RIVERSIDE COUNTY TREASURER - REFUNDS		**30.00**		
RIVERSIDE FIRE EQUIPMENT				
7/9/2009	196200	35.00		
			FIRE EXTING. MAINT-POLICE	35.00
Vendor Total		**35.00**		
FYTD for RIVERSIDE FIRE EQUIPMENT		**35.00**		
ROBERT'S FINE ARTS & FRAMING				
7/9/2009	196201	80.00		
			FRAMING OF PHOTOS	80.00
Vendor Total		**80.00**		
FYTD for ROBERT'S FINE ARTS & FRAMING		**80.00**		
RODGERS, CHARLENE				
7/30/2009	196626	57.00		
			REFUND-JUNIOR SPUDBALL REGIS	57.00
Vendor Total		**57.00**		
FYTD for RODGERS, CHARLENE		**57.00**		
RODRIGUEZ, AUTUMN EARLE				
7/16/2009	196352	100.00		
			7/4/09 JUDGING SRVC>MV IDOL	100.00
Vendor Total		**100.00**		
FYTD for RODRIGUEZ, AUTUMN EARLE		**100.00**		
ROGERS, EUGENE				
7/9/2009	196202	318.73		
			JUL'09 RET MED BNFT	318.73
Vendor Total		**318.73**		
FYTD for ROGERS, EUGENE		**318.73**		
ROGERS, KIANNA				
7/16/2009	196353	150.70		
			MILEAGE REIMBURSEMENT	107.25
			MILEAGE REIMBURSEMENT	43.45
Vendor Total		**150.70**		
FYTD for ROGERS, KIANNA		**150.70**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ROSS, DAVID T.					
	7/9/2009	196203	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for ROSS, DAVID T.			**318.73**		
ROSSON, LOUIS A.					
	7/9/2009	196204	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for ROSSON, LOUIS A.			**318.73**		
RUIZ, MIGUEL					
	7/16/2009	196354	1,705.22		
				REFUND PERMIT FEE-80%	1,334.14
				REFUND PERMIT FEE-80%	167.80
				REFUND PERMIT FEE-80%	94.40
				REFUND PERMIT FEE-80%	108.88
	Vendor Total		**1,705.22**		
FYTD for RUIZ, MIGUEL			**1,705.22**		
RUSSO, JOHN					
	7/9/2009	196205	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for RUSSO, JOHN			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RYMAX ELECTRIC, INC.					
	7/2/2009	196009	1,539.90		
				APR'09 NIGHT SURVEY>E-1	125.00
				APR'09 NIGHT SURVEY>E-1	125.00
				APR'09 NIGHT SURVEY>E-1	125.00
				APR'09 NIGHT SURVEY>E-1	125.00
				MAY'09 NIGHT SURVEY>E-1	125.00
				MAY'09 NIGHT SURVEY>E-2	125.00
				MAY'09 NIGHT SURVEY>E-3	125.00
				MAY'09 NIGHT SURVEY>E-7	125.00
				APR'09 NIGHT SURVEY>ZN M	125.00
				MAY'09 NIGHT SURVEY>ZN M	125.00
				APR'09 LIGHTING MAINT>E-1	289.90
	7/16/2009	196355	2,205.52		
				PALM FLOOD LIGHT REPAIRS IN E7	294.58
				PALM FLOOD LIGHT REPAIRS IN E1	1,285.94
				JUN'09 LIGHTING MAINT-ZONE E-1	125.00
				JUN'09 LIGHTING MAINT-ZONE E-2	125.00
				JUN'09 LIGHTING MAINT-ZONE E-3	125.00
				JUN'09 LIGHTING MAINT-ZONE E-7	125.00
				JUN'09 LIGHTING MAINT-ZONE M	125.00
	7/30/2009	196628	309.74		
				JUNE REPAIRS FOR ZONE E1	79.90
				JUNE REPAIRS FOR ZONE E7	229.84
	Vendor Total		**4,055.16**		
FYTD for RYMAX ELECTRIC, INC.			**4,055.16**		
SA ASSOCIATES					
	7/9/2009	196206	12,900.00		
				PROF STAFFING SVCS-VARIOUS PRJ	12,900.00
	Vendor Total		**12,900.00**		
FYTD for SA ASSOCIATES			**12,900.00**		
SABINE & MORRISON					
	7/2/2009	196010	375.00		
				PROF. LGL SRVCS	375.00
	Vendor Total		**375.00**		
FYTD for SABINE & MORRISON			**375.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SABRE LIGHTING AND SIGNS					
	7/2/2009	196011	2,083.29		
				SIGNS>UTILITIES	419.00
				SIGNS>UTILITIES	30.00
				SIGNS>UTILITIES	800.00
				SIGNS>UTILITIES	325.00
				SIGNS>UTILITIES	250.00
					150.00
					109.29
	Vendor Total		**2,083.29**		
FYTD for SABRE LIGHTING AND SIGNS			**2,083.29**		
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP					
	7/23/2009	196493	128.70		
				FIRE EXTINGUISHER SVC/PARTS	68.70
				FIRE EXTINGUISHER SVC.	60.00
	Vendor Total		**128.70**		
FYTD for SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP			**128.70**		
SAN BERNARDINO CO. SHERIFF DEPT					
	7/9/2009	196207	550.00		
				POLYGRAPH SRVCS	550.00
	Vendor Total		**550.00**		
FYTD for SAN BERNARDINO CO. SHERIFF DEPT			**550.00**		
SAN BERNARDINO COUNTY SUPERINTENDENT					
	7/30/2009	196629	420.00		
				AFTERSCHOOL UNIV. 6/25-6/27/09	420.00
	Vendor Total		**420.00**		
FYTD for SAN BERNARDINO COUNTY SUPERINTENDENT			**420.00**		
SAT/HUMAN RESOURCES					
	7/2/2009	196012	665.86		
				WRKMNS COMP LGL SRVCS>6/17/09	665.86
	Vendor Total		**665.86**		
FYTD for SAT/HUMAN RESOURCES			**665.86**		
SC SIGNS					
	7/2/2009	196013	2,100.00		
				PUBLIC HEARING SIGNS	945.00
				PUBLIC HEARING SIGNS	1,155.00
	Vendor Total		**2,100.00**		
FYTD for SC SIGNS			**2,100.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SCAG/SOUTHERN CALIF ASSO OF GOVTS					
	7/2/2009	196014	15,222.00		
				FY09/10 MBRSHP DUES	15,222.00
	Vendor Total		**15,222.00**		
FYTD for SCAG/SOUTHERN CALIF ASSO OF GOVTS			**15,222.00**		
SECURITY LOCK & KEY					
	7/2/2009	196015	141.81		
				COMBO CHANGE/TRIP CHARGE	52.50
				DUPLICATE KEYS>PD	11.31
				NUSNC ABTMNT>14218 TOBY CT	78.00
	Vendor Total		**141.81**		
FYTD for SECURITY LOCK & KEY			**141.81**		
SENA, ANDRE					
	7/23/2009	196495	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SENA, ANDRE			**20.00**		
SEVER, CARRIE					
	7/23/2009	196496	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SEVER, CARRIE			**20.00**		
SEYLAZ, THOMAS					
	7/9/2009	196208	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for SEYLAZ, THOMAS			**75.00**		
SHAH, JAGDISH					
	7/9/2009	196209	22,200.00		
				PROF STAFFING SVCS-VARIOUS PRJ	22,200.00
	Vendor Total		**22,200.00**		
FYTD for SHAH, JAGDISH			**22,200.00**		
SHARRETT, SHARON K.					
	7/9/2009	196210	179.16		
				JUL'09 RET MED BNFT	179.16
	Vendor Total		**179.16**		
FYTD for SHARRETT, SHARON K.			**179.16**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SHELDON, STUART H.					
	7/9/2009	196211	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for SHELDON, STUART H.			**318.73**		
SHELL OIL CO.					
	7/16/2009	196356	359.33		
				FUEL PURCHASE	20.00
				FUEL PURCHASES	339.33
	7/23/2009	196497	279.59		
				FUEL PURCHASE	14.54
				FUEL PURCHASE	23.62
				FUEL PURCHASES	241.43
	Vendor Total		**638.92**		
FYTD for SHELL OIL CO.			**638.92**		
SIMPSON, LOUIS					
	7/23/2009	196498	50.00		
				REFUND-TRAP RENTAL DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for SIMPSON, LOUIS			**50.00**		
SINGER & COFFIN, APC					
	7/16/2009	196357	1,850.25		
				LEGAL SVCS-SR60/NASON INTERCHG	1,572.95
				LEGAL SVCS-SR60/NASON INTERCHG	277.30
	7/30/2009	196630	6,725.00		
				LEGAL SVCS RE: SR60/NASON ST.	6,725.00
	Vendor Total		**8,575.25**		
FYTD for SINGER & COFFIN, APC			**8,575.25**		
SINGLETON-DECUIR, JANISHEIA					
	7/16/2009	196358	54.45		
				MILEAGE REIMBURSEMENT	54.45
	Vendor Total		**54.45**		
FYTD for SINGLETON-DECUIR, JANISHEIA			**54.45**		
SKILES, VICTORA					
	7/9/2009	196212	124.80		
				RFND PICNIC SHLTR DEP	124.80
	Vendor Total		**124.80**		
FYTD for SKILES, VICTORA			**124.80**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SKONBERG, HEATHER ALLISON					
	7/2/2009	196016	1,800.00		
				CNSLTNG SRVCS>6/17/09	1,800.00
	Vendor Total		**1,800.00**		
FYTD for SKONBERG, HEATHER ALLISON			**1,800.00**		
SKY TRAILS MOBILE VILLAGE					
	7/2/2009	196017	18.63		
				RFND UT USER TAXES-EXMPT RESID	18.63
	Vendor Total		**18.63**		
FYTD for SKY TRAILS MOBILE VILLAGE			**18.63**		
SKYTERRA, LP					
	7/9/2009	196213	37.38		
				EMERG. OP. PHONES	37.38
	Vendor Total		**37.38**		
FYTD for SKYTERRA, LP			**37.38**		
SLAGERMAN, SUSAN A.					
	7/9/2009	196214	318.73		
				JUN'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for SLAGERMAN, SUSAN A.			**318.73**		
SLONIKER, VANESSA					
	7/30/2009	196631	147.00		
				PER DIEM-THREAT MGMT CONF.	147.00
	Vendor Total		**147.00**		
FYTD for SLONIKER, VANESSA			**147.00**		
SMITH, RITA					
	7/2/2009	196018	50.00		
				RFND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for SMITH, RITA			**50.00**		
SO. CALIF SCHOOL OF MUSIC					
	7/9/2009	196215	918.00		
				PIANO-16 PARTICIPANTS	432.00
				PIANO-8 PARTICIPANTS	216.00
				PIANO-10 PARTICIPANTS	270.00
	Vendor Total		**918.00**		
FYTD for SO. CALIF SCHOOL OF MUSIC			**918.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOLAR INTEGRATED TECHNOLOGIES, INC.					
	7/30/2009	196632	7,891.87		
				ROOF RPRS-FS #48	7,891.87
	Vendor Total		**7,891.87**		
FYTD for SOLAR INTEGRATED TECHNOLOGIES, INC.			**7,891.87**		
SOLARES, ARNULFO					
	7/2/2009	196019	1,528.00		
				RFND-ADMIN CITATION/ANML SRVCS	1,528.00
	Vendor Total		**1,528.00**		
FYTD for SOLARES, ARNULFO			**1,528.00**		
SOSA, JORGE					
	7/9/2009	196216	375.00		
				KOBUDO-3 PARTICIPANTS	63.00
				NINPO-1 PARTICIPANT	24.00
				KARATEDO-8 PARTICIPANTS	288.00
	Vendor Total		**375.00**		
FYTD for SOSA, JORGE			**375.00**		
SOUTH COAST AIR QUALITY MGMT DISTRICT					
	7/9/2009	196217	195.69		
				EMISSIONS FEES>LAST FY	109.00
				ANNUAL OPERATING FEES	86.69
	7/23/2009	196499	402.21		
				FLAT FEE FOR EMISS.-CITY HALL	109.00
				ANNUAL OPERATING FEE	293.21
	Vendor Total		**597.90**		
FYTD for SOUTH COAST AIR QUALITY MGMT DISTRICT			**597.90**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	7/2/2009	196020	3,436.36		
				ELECTRICITY CHARGES	40.96
				ELECTRICITY CHARGES	1,156.84
				ELECTRICITY CHARGES	438.69
				ELECTRICITY CHARGES	319.99
				ELECTRICITY CHARGES	744.04
				ELECTRICITY CHARGES	295.03
				ELECTRICITY CHARGES	251.25
				ELECTRICITY CHARGES	80.02
				ELECTRICITY CHARGES	70.94
				ELECTRICITY CHARGES	38.60
	7/2/2009	196021	3,811.46		
				IFA CHARGES>6/1/09	274.78
				IFA CHARGES-SUBSTATION	3,536.68
	7/9/2009	196218	4,043.40		
				ELECTRICITY CHARGES	60.64
				ELECTRICITY CHARGES	99.49
				ELECTRICITY CHARGES	18.56
				ELECTRICITY CHARGES	1,231.96
				ELECTRICITY CHARGES	166.15
				ELECTRICITY CHARGES	867.28
				ELECTRICITY CHARGES	371.40
				ELECTRICITY CHARGES	20.01
				ELECTRICITY CHARGES	886.03
				ELECTRICITY CHARGES	127.78
				ELECTRICITY CHARGES	138.25
				ELECTRICITY CHARGES	55.85
	7/16/2009	196359	15,640.18		
				IFA CHRGS-SUBSTATION	14,146.73
				IFA CHRGS	1,099.13
				ELECTRICITY CHARGES	394.32
	7/30/2009	196635	4,635.14		
				ELECTRICITY CHARGES	39.04
				ELECTRICITY CHARGES	1,483.56
				ELECTRICITY CHARGES	473.62
				ELECTRICITY CHARGES	196.33
				ELECTRICITY CHARGES	445.93
				ELECTRICITY CHARGES	1,324.05
				ELECTRICITY CHARGES	268.98
				ELECTRICITY CHARGES	246.72
				ELECTRICITY CHARGES	83.10
				ELECTRICITY CHARGES	73.81
	Vendor Total		**31,566.54**		

FYTD for SOUTHERN CALIFORNIA EDISON	**2,257,119.57**

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA GAS CO.					
	7/16/2009	196361	3,509.52		
				GAS CHARGES	795.62
				GAS CHARGES	1,543.54
				GAS CHARGES	9.53
				GAS CHARGES	23.05
				GAS CHARGES	409.95
				GAS CHARGES	64.26
				GAS CHARGES	14.03
				GAS CHARGES	184.39
				GAS CHARGES	67.11
				GAS CHARGES	100.90
				GAS CHARGES	48.15
				GAS CHARGES	92.97
				GAS CHARGES	51.05
				GAS CHARGES	86.92
				GAS CHARGES	18.05
	Vendor Total		**3,509.52**		
FYTD for SOUTHERN CALIFORNIA GAS CO.			**3,509.52**		
SOUTHWEST HEALTHCARE SYSTEM					
	7/30/2009	196636	900.00		
				FORENSIC RAPE EXAM-5/3/09	900.00
	Vendor Total		**900.00**		
FYTD for SOUTHWEST HEALTHCARE SYSTEM			**900.00**		
SPARKLETTS					
	7/2/2009	196022	11.90		
				WTR SRVC>5/21/09 SNNYMD ELEM	0.88
				WTR SRVC>5/21/09 SNNYMD ELEM	11.02
	Vendor Total		**11.90**		
FYTD for SPARKLETTS			**11.90**		
SPECK, GARY B.					
	7/9/2009	196219	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for SPECK, GARY B.			**318.73**		
SPENCER, MARTHA					
	7/9/2009	196220	240.44		
				JUL'09 RET MED BNFT	240.44
	Vendor Total		**240.44**		
FYTD for SPENCER, MARTHA			**240.44**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SPORTS INNOVATORS					
	7/2/2009	196023	2,270.00		
				SPORTS OFFICIALS SVCS 6/1>6/28	1,077.50
				SPORTS OFFICIALS SVCS 6/1>6/28	832.50
				FIELD PREP. SVCS 6/1>6/28/09	360.00
	7/30/2009	196637	75.00		
				6/29 SOFTBALL OFFICIALS SVCS	75.00
	Vendor Total		**2,345.00**		
FYTD for SPORTS INNOVATORS			**2,345.00**		
SPRINT/NEXTEL					
	7/16/2009	196362	82.76		
				GTF PH CHRGS>6/16/09	82.76
	Vendor Total		**82.76**		
FYTD for SPRINT/NEXTEL			**82.76**		
STANDARD INSURANCE CO					
	7/9/2009	196221	1,589.45		
				SUPPLEMENTAL INSURANCE	1,589.45
	Vendor Total		**1,589.45**		
FYTD for STANDARD INSURANCE CO			**31,768.98**		
STANLEY CONVERGENT SECURITY SOLUTNS, INC					
	7/23/2009	196502	161.12		
				SECURITY SYSTEMS AT PARKS	161.12
	7/30/2009	196638	1,348.00		
				RPLCD PWR SUPPLY-CRC	1,348.00
	Vendor Total		**1,509.12**		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC			**1,509.12**		
STATE BOARD OF EQUALIZATION					
	7/29/2009	200906	11,014.00		
				SALES & USE TAX	11,014.00
	Vendor Total		**11,014.00**		
FYTD for STATE BOARD OF EQUALIZATION			**11,014.00**		
STATE CONTROLLER'S OFFICE					
	7/9/2009	196222	2,500.00		
				ANNUAL STREET RPRT FY07/08	2,500.00
	Vendor Total		**2,500.00**		
FYTD for STATE CONTROLLER'S OFFICE			**2,500.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STATE DISBURSEMENT UNIT					
	7/23/2009	2447	2,294.98		
				CHILD SUPPORT W/H 07/23/09	2,294.98
	7/9/2009	2438	2,174.96		
				CHILD SUPPORT W/H 07/09/09	2,174.96
	Vendor Total		**4,469.94**		
FYTD for STATE DISBURSEMENT UNIT			**4,469.94**		
STATE OF CALIF/DEPT OF INDUSTRIAL					
	7/30/2009	196639	105.00		
				INSPECT ELEVATOR AT CITY HALL	105.00
	Vendor Total		**105.00**		
FYTD for STATE OF CALIF/DEPT OF INDUSTRIAL			**105.00**		
STATE OF CALIFORNIA DEPT. OF CONSUMER AF					
	7/9/2009	196223	125.00		
				MBR: LORENZ R GONZALES	125.00
	Vendor Total		**125.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF CONSUMER AF			**125.00**		
STATE OF CALIFORNIA DEPT. OF JUSTICE					
	7/9/2009	196224	576.00		
				MAY'09 FINGERPRINTING>B/L	224.00
				MAY'09 FINGERPRINTING>HR	192.00
				MAY'09 FINGERPRINTING>EMRG OP	160.00
	7/30/2009	196640	7,480.00		
				FINGERPRINTING SVCS-MAY'09	3,109.00
				FINGERPRINTNG SVCS-MAR'09/ADDL	192.00
				FINGERPRINTNG SVCS-JUNE'09	2,884.00
				MAY'09 BLD ALCHL ANLYS	1,295.00
	Vendor Total		**8,056.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE			**8,056.00**		
STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV					
	7/9/2009	196225	332.83		
				MVU RFND>17395 KENTUCKY DERBY	44.06
				MVU RFND>27715 E TRAILRIDGE WY	288.77
	Vendor Total		**332.83**		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV			**332.83**		
STEER N STEIN OF MORENO VALLEY					
	7/23/2009	196503	120.00		
				RFND>FALSE ALARM OVRPMT	120.00
	Vendor Total		**120.00**		
FYTD for STEER N STEIN OF MORENO VALLEY			**120.00**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEIN, BRAD					
	7/16/2009	196364	132.55		
				MILEAGE REIMBURSEMENT	87.45
				MILEAGE REIMBURSEMENT	45.10
	Vendor Total		**132.55**		
FYTD for STEIN, BRAD			**132.55**		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN					
	7/16/2009	196365	3,638.72		
				JUN'09 DICTATION/TRANSCR. SVC	3,638.72
	Vendor Total		**3,638.72**		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN			**3,638.72**		
STERICYCLE (BFI)					
	7/30/2009	196641	442.43		
				MEDICAL WASTE HAULING-JULY'09	442.43
	Vendor Total		**442.43**		
FYTD for STERICYCLE (BFI)			**442.43**		
STEVENS, JASON					
	7/30/2009	196643	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for STEVENS, JASON			**20.00**		
STEVE'S LANDSCAPING & WEED ABATEMENT					
	7/16/2009	196366	2,887.00		
				NSNCE ABTMNT: 12082 CHAMPLAIN	239.00
				NSNCE ABTMNT: 13725 SYLMAR ST.	104.00
				NSNC ABTMT: 16070 RNCHODELLAGO	258.00
				NSNCE ABTMNT: 13536 ROCK CREST	1,040.00
				NSNCE ABTMT: 14230 VINCENTE DR	236.00
				NSNCE ABTMT: 14458 RIO BRAVO	181.00
				NSNCE ABTMT: 25660 LILY CT.	236.00
				NSNCE ABTMT:11565 STEEPLECHASE	593.00
	7/23/2009	196504	859.00		
				NSNCE ABTMNT-11247 LASSELLE ST	238.00
				NSNCE ABTMNT-13920 WALNUT CT.	237.00
				NSNCE ABTMNT-15595 GRANADA DR.	384.00
	7/30/2009	196642	1,372.00		
				NSNC ABTMNT-25328 JUANITA	450.00
				NSNC ABTMNT-16716 WAR CLOUD	237.00
				NSNC ABTMNT-15761 PATRICIA ST	298.00
				NSNC ABTMNT-15783 PATRICIA ST	387.00
	Vendor Total		**5,118.00**		
FYTD for STEVE'S LANDSCAPING & WEED ABATEMENT			**5,118.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEWART TITLE OF CALIFORNIA					
	7/16/2009	196367	450.00		
				TITLE RPT/APN 296-060-005	450.00
	Vendor Total		**450.00**		
FYTD for STEWART TITLE OF CALIFORNIA			**450.00**		
STEWART, CLIFFORD					
	7/9/2009	196226	248.11		
				JUL'09 RET MED BNFT	248.11
	Vendor Total		**248.11**		
FYTD for STEWART, CLIFFORD			**248.11**		
STOP THE VIOLENCE FOUNDATION					
	7/2/2009	196024	244.85		
				DEP RFND-6/17 @C&RC	244.85
	Vendor Total		**244.85**		
FYTD for STOP THE VIOLENCE FOUNDATION			**244.85**		
STRADLING, YOCCA, CARLSON & RAUTH					
	7/16/2009	196368	9,263.09		
				MAY'09 LGL SVC>FAMILY SVC ASSC	201.00
				MAY'09 LGL SVCS>OAKWOOD HSG	325.00
				MAY'09 LGL SVCS>PERRIS ISLE	1,300.00
				MAY'09 LGL SVCS>RANCHO DORADO	6,481.04
				PROF SRVCS>SPCL TAX	57.00
				MAY'09 LGL SRVC>RNCH DORADO	899.05
	Vendor Total		**9,263.09**		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH			**9,263.09**		
STRICKLER II, JOHN W.					
	7/9/2009	196227	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for STRICKLER II, JOHN W.			**318.73**		
STUCKEY, HARRIETTE					
	7/2/2009	196025	184.80		
				LINE DNCNG-2 PARTICIPANTS	33.60
				LINE DNCNG-8 PARTICIPANTS	151.20
	Vendor Total		**184.80**		
FYTD for STUCKEY, HARRIETTE			**184.80**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SUKUT CONSTRUCTION, INC.					
	7/9/2009	90708	7,599.08		
				RETENTION PYMT- PROJ06-41570324	7,599.08
	Vendor Total		**7,599.08**		
FYTD for SUKUT CONSTRUCTION, INC.			**419,040.77**		
SUNNYMEAD ACE HARDWARE					
	7/9/2009	196228	152.69		
				MISC. HARDWARE-FIRE	27.99
				MISC. HARDWARE-FIRE	17.74
				MISC. HARDWARE-FIRE	7.78
				MISC. HARDWARE-POLICE	15.21
				MISC. HARDWARE-POLICE	48.67
				MISC. HARDWARE-POLICE	9.23
				MISC. HARDWARE-POLICE	26.07
	7/16/2009	196369	44.91		
				MISC. HARDWARE SUPPLIES-PD	13.00
				MISC. HARDWARE SUPPLIES-PD	15.95
				MISC. HARDWARE SUPPLIES-PD	15.96
	Vendor Total		**197.60**		
FYTD for SUNNYMEAD ACE HARDWARE			**197.60**		
SYMPRO, INC.					
	7/23/2009	196505	5,985.00		
				FIRM LICENSE	5,985.00
	Vendor Total		**5,985.00**		
FYTD for SYMPRO, INC.			**5,985.00**		
TAHER, ROBERT					
	7/9/2009	196229	75.00		
				RFND-SPAY/NEUTER DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for TAHER, ROBERT			**75.00**		
TEK TIME SYSTEMS, LLC					
	7/23/2009	196506	225.78		
				TIME CLOCK REPAIR	225.78
	Vendor Total		**225.78**		
FYTD for TEK TIME SYSTEMS, LLC			**225.78**		
THE CORNERSTONE GROUP					
	7/23/2009	196507	10.47		
				RFND-BUS. LIC. OVRPMT	10.47
	Vendor Total		**10.47**		
FYTD for THE CORNERSTONE GROUP			**10.47**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
THE ROTARY CLUB OF MORENO VALLEY				
7/9/2009	196230	482.00		
			DEP RFND-6/19 @CRC	482.00
Vendor Total		**482.00**		
FYTD for THE ROTARY CLUB OF MORENO VALLEY		**482.00**		
THERMAL-COOL INC.				
7/9/2009	196231	358.80		
			PUPPY COOLER REPAIR/RECHARGE	358.80
7/23/2009	196508	2,052.61		
			HVAC REPAIRS-CITY HALL	1,687.44
			A/C UNIT#2 REPAIRS-CITY HALL	127.50
			EMERG REPAIR>SR CTR	105.00
			RECALIB. THERM.	132.67
Vendor Total		**2,411.41**		
FYTD for THERMAL-COOL INC.		**2,411.41**		
TORRES, AMY				
7/9/2009	196232	750.00		
			DEP RFND>6/27 @CRC	750.00
Vendor Total		**750.00**		
FYTD for TORRES, AMY		**750.00**		
TRI-CITY LINEN SUPPLY, INC.				
7/2/2009	196028	25.00		
			LINEN RENTAL FOR CONF/RECR CTR	25.00
7/9/2009	196233	25.00		
			LINEN RENTAL FOR CONF/RECR CTR	25.00
7/30/2009	196645	71.85		
			LINEN RENTAL-7/18/09	71.85
Vendor Total		**121.85**		
FYTD for TRI-CITY LINEN SUPPLY, INC.		**121.85**		
TROPICAL PLAZA NURSERY, INC.				
7/9/2009	196234	15,782.99		
			JUN'09 LANDSC. MAINT./E-2	13,422.58
			JUN'09 LANDSC. MAINT./E-16	2,195.49
			JUN'09 IRRIGATION REPAIRS/E-2	164.92
Vendor Total		**15,782.99**		
FYTD for TROPICAL PLAZA NURSERY, INC.		**15,782.99**		
TUNTLAND, JAMES				
7/9/2009	196235	248.11		
			JUL'09 RET MED BNFT	248.11
Vendor Total		**248.11**		
FYTD for TUNTLAND, JAMES		**248.11**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TWIN GRAPHICS					
	7/9/2009	196236	2,472.98		
				VEH. GRAPHICS FOR PATROL UNITS	371.41
				VEH. GRAPHICS FOR PATROL UNITS	865.08
				VEH. GRAPHICS FOR PATROL UNITS	1,236.49
	7/16/2009	196371	824.33		
				VEH. GRAPHICS FOR PATROL UNITS	824.33
	Vendor Total		**3,297.31**		
FYTD for TWIN GRAPHICS			**3,297.31**		
U.S. HEALTHWORKS MEDICAL GROUP					
	7/9/2009	196237	183.00		
				DOT/DMV EXAM FOR D. SRENA	37.00
				BASIC PHYSICAL EXAM - H. BOWIE	33.00
				PRE-EMPLYMNT & DOT/DMV EXAMS	113.00
	7/30/2009	196647	96.00		
				PRE-PLACEMENT D/S & PHYSICALS	59.00
				DOT/DMV EXAM CASE#130-042189	37.00
	Vendor Total		**279.00**		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP			**279.00**		
U.S. POSTAL SERVICE					
	7/30/2009	196648	8,000.00		
				RECREATION GUIDE MAILING	4,000.00
				RECREATION GUIDE MAILING	4,000.00
	Vendor Total		**8,000.00**		
FYTD for U.S. POSTAL SERVICE			**8,000.00**		
UBALDO SERRANO					
	7/23/2009	196509	115.86		
				RFND-BUS. LIC. OVRPMT	115.86
	Vendor Total		**115.86**		
FYTD for UBALDO SERRANO			**115.86**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNDERGROUND SERVICE ALERT					
	7/9/2009	196238	744.00		
				MAY'09 DIGALERT TICKETS	186.00
				MAY'09 DIGALERT TICKETS	186.00
				MAY'09 DIGALERT TICKETS	186.00
				MAY'09 DIGALERT TICKETS	186.00
	7/16/2009	196372	678.00		
				JUNE'09 DIGALERT TICKETS	105.49
				JUNE'09 DIGALERT TICKETS	64.01
				JUNE'09 DIGALERT TICKETS	105.51
				JUNE'09 DIGALERT TICKETS	63.99
				JUNE'09 DIGALERT TICKETS	105.51
				JUNE'09 DIGALERT TICKETS	63.99
				JUNE'09 DIGALERT TICKETS	105.49
				JUNE'09 DIGALERT TICKETS	64.01
	Vendor Total		**1,422.00**		
FYTD for UNDERGROUND SERVICE ALERT			**1,422.00**		
UNION BANK OF CALIFORNIA					
	7/2/2009	196029	424.00		
				MAY'09 INVSTMNT SAFEKEEP SVCS	424.00
	7/23/2009	196510	632.00		
				JUN'09 INVSTMNT SAFEKEEP SVCS	632.00
	Vendor Total		**1,056.00**		
FYTD for UNION BANK OF CALIFORNIA			**52,218.16**		
UNITED POWER GENERATION, INC.					
	7/16/2009	196373	775.05		
				EMERG GENERATOR REPAIR-FS #48	775.05
	Vendor Total		**775.05**		
FYTD for UNITED POWER GENERATION, INC.			**775.05**		
UNITED SITE SERVICES OF CA, INC.					
	7/9/2009	196239	204.94		
				FENCE RENTAL @ SHELTER >6/17	107.39
				PORTABLE TOILET SVC-CITY YARD	97.55
	7/16/2009	196374	77.33		
				PORTABLE TOILET-GOLF COURSE	27.50
				PORTABLE TOILET-GOLF COURSE	49.83
	7/30/2009	196649	107.39		
				FENCE RENTAL-ANIMAL SHELTER	107.39
	Vendor Total		**389.66**		
FYTD for UNITED SITE SERVICES OF CA, INC.			**389.66**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED WAY OF INLAND VALLEYS					
	7/9/2009	196240	978.61		
				U W CONTRIBUTIONS	978.61
	7/23/2009	196511	913.61		
				U W CONTRIBUTIONS	913.61
	Vendor Total		**1,892.22**		
FYTD for UNITED WAY OF INLAND VALLEYS			**1,892.22**		
URBAN CROSSROADS, INC.					
	7/30/2009	196650	1,785.00		
				TRAFFIC MODEL UPDATE ENG. SVCS	1,785.00
	Vendor Total		**1,785.00**		
FYTD for URBAN CROSSROADS, INC.			**1,785.00**		
URIGUIZU, CESAR					
	7/23/2009	196512	800.00		
				CITATION REFUND	400.00
				CITATION REFUND	400.00
	Vendor Total		**800.00**		
FYTD for URIGUIZU, CESAR			**800.00**		
UTAH PACIFIC CONSTRUCTION					
	7/2/2009	196030	1,500.00		
				RELEASE OF DEPOSIT	1,500.00
	Vendor Total		**1,500.00**		
FYTD for UTAH PACIFIC CONSTRUCTION			**1,500.00**		
VA CONSULTING, INC.					
	7/23/2009	196513	7,864.18		
				AUTO MALL IMPRV PROJ SVCS.	7,864.18
	Vendor Total		**7,864.18**		
FYTD for VA CONSULTING, INC.			**43,445.13**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VACATE PEST ELIMINATION COMPANY					
	7/9/2009	196241	420.00		
				PEST CONTROL SVCS-CITY YARD	115.00
				PEST CONTROL SVCS-CONF/REC CTR	305.00
	7/16/2009	196375	1,130.00		
				JUN'09 PEST CTRL-28020 BAY AVE	45.00
				JUN'09 PEST CTRL-CITY HALL	75.00
				JUN'09 PEST CTRL-FS #2	45.00
				JUN'09 PEST CTRL-FS #6	45.00
				JUN'09 PEST CTRL-FS #48	45.00
				JUN'09 PEST CTRL-FS #65	45.00
				JUN'09 PEST CTRL-FS #91	45.00
				JUN'09 PEST CTRL-FS #58	45.00
				JUN'09 PEST CTRL-PRO SHOP	22.50
				JUN'09 PEST CTRL-MVTV ANNEX	22.50
				JUN'09 PEST CTRL-TOWN GATE C/C	45.00
				JUN'09 PEST CTRL-LIBRARY	55.00
				JUN'09 PEST CTRL-SENIOR CTR	55.00
				JUN'09 PEST CTRL-ANIMAL SHELTR	115.00
				JUN'09 PEST CTRL-ANNEX BLDG #1	55.00
				JUN'09 PEST CTRL-MARCH HOBBY	45.00
				JUN'09 PEST CTRL-MARCH FLD PRK	45.00
				JUN'09 PEST CTRL-CITY YARD	30.00
				JUN'09 PEST CTRL-CITY YARD	85.00
				JUN'09 PEST CTRL-TRANS TRAILER	45.00
				JUN'09 PEST CTRL-ASES @ MARCH	45.00
				JUN'09 PEST CTRL-P.S.B.	75.00
	Vendor Total		**1,550.00**		
FYTD for VACATE PEST ELIMINATION COMPANY			**1,550.00**		
VAL VERDE UNIFIED SCHOOL DISTRICT					
	7/2/2009	196031	290.00		
				RFND PBLC FUNDS-MARCH MDL SCH	290.00
	7/16/2009	196376	390.07		
				RAINBOW RIDGE POWER LINE	390.07
	7/23/2009	196525	1,300.00		
				4TH OF JULY XL T-SHIRTS	1,300.00
				4TH OF JULY XL T-SHIRTS	113.75
				4TH OF JULY XL T-SHIRTS	-113.75
	Vendor Total		**1,980.07**		
FYTD for VAL VERDE UNIFIED SCHOOL DISTRICT			**1,980.07**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VALI COOPER & ASSOCIATES, INC.				
7/16/2009	196377	19,763.75		
			PROF STAFFING SVCS-VARIOUS PRJ	19,763.75
7/30/2009	196652	20,397.50		
			PROF STAFFING SVCS-VARIOUS PRJ	20,397.50
	Vendor Total	**40,161.25**		
FYTD for VALI COOPER & ASSOCIATES, INC.		**40,161.25**		
VALLEJO, OFELIA				
7/16/2009	196378	253.30		
			REFUND-CHILDS PLACE PGRM	253.30
	Vendor Total	**253.30**		
FYTD for VALLEJO, OFELIA		**253.30**		
VANDER HAWK CONSULTING, LLC				
7/30/2009	196653	5,625.00		
			ANNL PAVEMENT MGMT PRGM SVCS.	1,600.00
			ANNL PAVEMENT MGMT UPDATE SVCS	4,025.00
	Vendor Total	**5,625.00**		
FYTD for VANDER HAWK CONSULTING, LLC		**5,625.00**		
VAS ASSOCIATES, INC.				
7/9/2009	196242	21,875.00		
			PROF STAFFING SVCS-VARIOUS PRJ	21,875.00
	Vendor Total	**21,875.00**		
FYTD for VAS ASSOCIATES, INC.		**21,875.00**		
VAUGHAN, CODY M.				
7/2/2009	196032	1,404.00		
			RFND-ADMIN CITATION/ANML SRVCS	1,404.00
	Vendor Total	**1,404.00**		
FYTD for VAUGHAN, CODY M.		**1,404.00**		
VEHICLE REGISTRATION COLLECTIONS				
7/9/2009	196243	157.00		
			W/H ORDER>T. PLUMMER	157.00
	Vendor Total	**157.00**		
FYTD for VEHICLE REGISTRATION COLLECTIONS		**157.00**		
VERIZON				
7/23/2009	196515	1,620.59		
			BACKBONE CHRGS	1,620.59
	Vendor Total	**1,620.59**		
FYTD for VERIZON		**1,620.59**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VERIZON CALIFORNIA					
	7/2/2009	196033	70.03		
				PH CHRGS-SR CTR	70.03
	7/16/2009	196380	8,652.58		
				TELEPHONE CHARGES	159.51
				TELEPHONE CHARGES	201.85
				TELEPHONE CHARGES	160.94
				TELEPHONE CHARGES	522.21
				TELEPHONE CHARGES	219.27
				TELEPHONE CHARGES	211.65
				TELEPHONE CHARGES	217.12
				TELEPHONE CHARGES	185.29
				TELEPHONE CHARGES	68.41
				TELEPHONE CHARGES	218.31
				TELEPHONE CHARGES	143.88
				TELEPHONE CHARGES	335.83
				TELEPHONE CHARGES	114.58
				TELEPHONE CHARGES	431.92
				TELEPHONE CHARGES	326.45
				TELEPHONE CHARGES	123.84
				TELEPHONE CHARGES	70.06
				TELEPHONE CHARGES	287.51
				TELEPHONE CHARGES	21.30
				TELEPHONE CHARGES	136.89
				TELEPHONE CHARGES	279.40
				TELEPHONE CHARGES	11.23
				TELEPHONE CHARGES	11.23
				TELEPHONE CHARGES	45.34
				TELEPHONE CHARGES	27.64
				TELEPHONE CHARGES	52.31
				TELEPHONE CHARGES	22.67
				TELEPHONE CHARGES	22.67
				TELEPHONE CHARGES	22.67
				TELEPHONE CHARGES	150.41
				TELEPHONE CHARGES	79.13
				TELEPHONE CHARGES	41.02
				TELEPHONE CHARGES	64.22
				TELEPHONE CHARGES	145.45
				TELEPHONE CHARGES	56.46
				TELEPHONE CHARGES	22.07
				TELEPHONE CHARGES	78.62
				TELEPHONE CHARGES	3,358.10
				TELEPHONE CHARGES	5.12
	7/23/2009	196516	292.90		
				PH CHRGS>CITY YARD	75.42
				PH CHRGS>CRC	70.03
				PH CHRGS>CITY HALL	75.42
				PH CHRGS>GOLF CRS	72.03
	7/30/2009	196654	410.73		
				PHONE EXP-PD MALL/CLOSING BILL	270.37
				PH CHRGS-SR CNTR	70.18
				PH CHRGS-ANML SHLTR	70.18

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
	Vendor Total	9,426.24		
FYTD for VERIZON CALIFORNIA		9,426.24		
VICTOR MEDICAL CO				
7/30/2009	196655	2,525.56		
			ANIMAL MEDICAL SUPPLIES	1,432.62
			ANIMAL MEDICAL SUPPLIES	1,092.94
	Vendor Total	2,525.56		
FYTD for VICTOR MEDICAL CO		2,525.56		
VIGIL, ERNEST				
7/9/2009	196244	318.73		
			JUL'09 RET MED BNFT	318.73
	Vendor Total	318.73		
FYTD for VIGIL, ERNEST		318.73		
VILLAGE NURSERIES WHOLESALE, LLC				
7/9/2009	196245	384.16		
			PLANTS/TREES FOR PARKS DIV.	384.16
	Vendor Total	384.16		
FYTD for VILLAGE NURSERIES WHOLESALE, LLC		384.16		
VILLANUEVA, MICHAEL				
7/16/2009	196381	75.00		
			SPAY/NEUTER DEPOSIT REFUND	75.00
	Vendor Total	75.00		
FYTD for VILLANUEVA, MICHAEL		75.00		
VIP HOME CARE, LLC				
7/16/2009	196382	30.00		
			REFUND FALSE ALARM PYMT.	30.00
	Vendor Total	30.00		
FYTD for VIP HOME CARE, LLC		30.00		
VISION SERVICE PLAN				
7/9/2009	196246	4,424.37		
			EMPLOYEE VISION INSURANCE	4,424.37
	Vendor Total	4,424.37		
FYTD for VISION SERVICE PLAN		4,424.37		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VISTA PAINT CORPORATION					
	7/9/2009	196247	823.78		
				GRAFFITI RMVL PAINT & SUPPLIES	324.58
				GRAFFITI RMVL PAINT & SUPPLIES	499.20
	Vendor Total		**823.78**		
FYTD for VISTA PAINT CORPORATION			**823.78**		
VOYAGER FLEET SYSTEM, INC.					
	7/16/2009	196383	1,347.73		
				CNG FUEL	1,347.73
	Vendor Total		**1,347.73**		
FYTD for VOYAGER FLEET SYSTEM, INC.			**1,347.73**		
VULCAN MATERIALS CO, INC.					
	7/30/2009	196656	9,644.91		
				ASPHALTIC CONCRETE & EMULSION	196.19
				ASPHALTIC CONCRETE & EMULSION	195.54
				ASPHALTIC CONCRETE & EMULSION	9,253.18
	Vendor Total		**9,644.91**		
FYTD for VULCAN MATERIALS CO, INC.			**36,098.98**		
WAGGONER JR., GLENN C.					
	7/9/2009	196248	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WAGGONER JR., GLENN C.			**318.73**		
WAGNER, GARY D.					
	7/9/2009	196249	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WAGNER, GARY D.			**318.73**		
WAGONER, ROBERT					
	7/9/2009	196250	332.00		
				JUL'09 RET MED BNFT	166.00
				JUN'09 RET MED BNFT	166.00
	Vendor Total		**332.00**		
FYTD for WAGONER, ROBERT			**332.00**		
WAGY, CARYLON					
	7/16/2009	196385	318.73		
				JUN'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WAGY, CARYLON			**318.73**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WASTE MANAGEMENT OF THE INLAND EMPIRE					
	7/9/2009	196251	70.04		
				ROLL-OFF BIN RENTAL-JUN'09	70.04
	7/23/2009	196517	485.92		
				TRASH SRVC>13942 DAY	361.83
				TRASH SRVC>22105 SHERMAN	124.09
	7/30/2009	196657	50.65		
				STORAGE BOX RENTAL/REMOVAL	50.65
	Vendor Total		**606.61**		
FYTD for WASTE MANAGEMENT OF THE INLAND EMPIRE			**606.61**		
WEISS, TERESA ROSE					
	7/7/2009	196042	500.00		
				IDOL CONTEST WINNER/10-13 CAT.	500.00
	Vendor Total		**500.00**		
FYTD for WEISS, TERESA ROSE			**500.00**		
WELLS FARGO BANK					
	7/30/2009	196658	2,000.00		
				'05 LRB ANNUAL TRUSTEE FEE	2,000.00
	Vendor Total		**2,000.00**		
FYTD for WELLS FARGO BANK			**2,000.00**		
WELLS FARGO CORPORATE TRUST					
	7/1/2009	90701	1,377.23		
				INT VAR RATE BOND 07/01/09	1,377.23
	Vendor Total		**1,377.23**		
FYTD for WELLS FARGO CORPORATE TRUST			**1,150,185.68**		
WEST GROUP					
	7/16/2009	196386	819.30		
				LEGAL PUBLICATIONS	635.18
				JUNE'09 ON-LINE SERVICE	184.12
	Vendor Total		**819.30**		
FYTD for WEST GROUP			**819.30**		
WESTERN EMULSIONS, INC.					
	7/16/2009	196387	6,058.95		
				SS-1H OIL FOR RECYCLING PROJ.	5,931.45
				SS-1H OIL FOR RECYCLING PROJ.	127.50
	7/30/2009	196659	9,636.04		
				SS1H OIL FOR RECYCLING PROJS.	9,636.04
	Vendor Total		**15,694.99**		
FYTD for WESTERN EMULSIONS, INC.			**15,694.99**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WESTERN MUNICIPAL WATER DISTRICT					
	7/30/2009	196660	1,659.81		
				WATER UTILITY	1,613.22
				WATER UTILITY	46.59
	Vendor Total		**1,659.81**		
FYTD for WESTERN MUNICIPAL WATER DISTRICT			**1,659.81**		
WESTERN PACIFIC HOUSING					
	7/2/2009	196034	3,675.00		
				RFND-BUS. LIC. OVRPMT	3,675.00
	Vendor Total		**3,675.00**		
FYTD for WESTERN PACIFIC HOUSING			**3,675.00**		
WHEELER, GERALD					
	7/9/2009	196252	100.80		
				YTH GOLF CLINIC-4 PARTICIPANTS	100.80
	Vendor Total		**100.80**		
FYTD for WHEELER, GERALD			**100.80**		
WHITE, STEPHEN					
	7/2/2009	196035	20.00		
				RFND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for WHITE, STEPHEN			**20.00**		
WIELIN, RONALD A.					
	7/9/2009	196253	318.73		
				JUL'09 RET MED BNFT	318.73
	Vendor Total		**318.73**		
FYTD for WIELIN, RONALD A.			**318.73**		
WILLDAN AND ASSOCIATES					
	7/2/2009	196036	3,720.85		
				BLDG & SAFETY PLAN CHECK SVCS	3,720.85
	7/30/2009	196661	9,805.01		
				BLDG OFFICIAL SVCS-G. KYLE	2,376.00
				PLAN CHECK SVCS-B&S DEPT	7,429.01
	Vendor Total		**13,525.86**		
FYTD for WILLDAN AND ASSOCIATES			**13,525.86**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WILLDAN FINANCIAL SERVICES					
	7/2/2009	196037	1,250.00		
				FINAL ARBITRAGE CALCULATION	1,250.00
	7/23/2009	196518	845.00		
				PROF SRVCS>CFD #7	845.00
	7/30/2009	196662	1,000.00		
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
				EVENT NOTICE SVCS-AMBAC DWNGRD	250.00
	Vendor Total		**3,095.00**		
FYTD for WILLDAN FINANCIAL SERVICES			**3,095.00**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	7/23/2009	196519	3,450.00		
				ELECT CNSLT 08/09 COST	3,450.00
	Vendor Total		**3,450.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**230,675.00**		
WRCRCA					
	7/9/2009	196254	1,722.00		
				RESIDENTIAL MSHCP FEES	1,722.00
	Vendor Total		**1,722.00**		
FYTD for WRCRCA			**1,722.00**		
WURM'S JANITORIAL SERVICES, INC.					
	7/23/2009	196520	240.00		
				6/20 & 6/27 CLEANING>TWNGTE	240.00
	7/30/2009	196664	3,026.85		
				JUN'09 SPCL CLNG-CRC	1,775.00
				JUN'09 SPCL CLNG-CRC	535.00
				JUN'09 JANITRL SVCS-MARCH FLD	716.85
	Vendor Total		**3,266.85**		
FYTD for WURM'S JANITORIAL SERVICES, INC.			**3,266.85**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX					
	7/9/2009	196255	1,128.14		
				MAY'09 COPIER LSE/EXC COPIES	377.53
				MAY'09 COPIER LSE/EXC COPIES	750.61
	7/16/2009	196391	757.13		
				JUN'09 COPIER LEASE-BASE CHG	397.79
				JUN'09 COPIER LEASE-BASE CHG	359.34
	7/30/2009	196665	1,527.98		
				JUN'09 COPIER LEASE/COPIES	1,130.05
				JUN'09 COPIER LEASE/COPIES	397.93
	Vendor Total		**3,413.25**		
FYTD for XEROX			**3,413.25**		
XEROX CAPITAL SERVICES, LLC					
	7/30/2009	196666	2,971.23		
				JUN'09 COPIER LEASE/COPIES	2,971.23
	Vendor Total		**2,971.23**		
FYTD for XEROX CAPITAL SERVICES, LLC			**2,971.23**		
YANEZ, ALDO					
	7/16/2009	196392	50.00		
				RFND-MISC. ANML FEES	30.00
				RFND-MISC. ANML FEES	10.00
				RFND-MISC. ANML FEES	10.00
	Vendor Total		**50.00**		
FYTD for YANEZ, ALDO			**50.00**		
ZAPPARDO, ANTHONY					
	7/23/2009	196521	100.00		
				FILMING OF MV IDOL CONTEST 7/4	100.00
	Vendor Total		**100.00**		
FYTD for ZAPPARDO, ANTHONY			**100.00**		
ZAVALA, LUZ					
	7/23/2009	196522	100.00		
				CITATION REFUND	100.00
	Vendor Total		**100.00**		
FYTD for ZAVALA, LUZ			**100.00**		

City of Moreno Valley

Check Register

For Period 7/1/2009 through 7/31/2009

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ZUMAR INDUSTRIES, INC.					
	7/9/2009	196256	2,392.50		
				SIGN & HARDWARE PRODUCTS	2,392.50
	7/23/2009	196523	12,408.10		
				SIGNS & HARDWARE PURCHASE	9,526.50
				MISC. SIGNS	2,881.60
	Vendor Total		**14,800.60**		
FYTD for ZUMAR INDUSTRIES, INC.			**14,800.60**		
	Subtotal		**1,281,107.32**		
	GRAND TOTAL		**24,334,280.12**		

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Director of Public Works/City Engineer

AGENDA DATE: September 22, 2009

TITLE: ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE PROJECT NO. 08-41678827

RECOMMENDED ACTION

Staff recommends that the City Council:

Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

BACKGROUND

On January 24, 2008 the City Manager approved the Agreement for Design Professional Consultant Services for Phase I (35% design) with Associate Engineers, Inc., in the amount of $68,147. This portion of the work has been completed, and included planning and engineering services, as well as an Environmental Assessment Initial Study in compliance with CEQA and City requirements for the street improvements on Heacock Street from Hemlock Avenue to Ironwood Avenue.

On February 11, 2009 the City Manager approved the First Amendment to Agreement for Design Professional Consultant Services to allow the parent company, PB Americas, Inc. to assume all of the liabilities, obligations, and commitments of its subsidiary company, Associated Engineers, Inc.

On August 25, 2009 the City Council approved the Second Amendment to Agreement for Professional Consultant Services with PB Americas, Inc. for Phase II and Phase III of the project, which consists of completing the final (100%) design to include Plans, Specifications, and Estimate (PS&E) for street improvements, right-of-way acquisition, coordination with utility companies, and design support services during construction, for a contract amount of $83,420.

DISCUSSION

The street improvements on Heacock Street between Hemlock Avenue and Ironwood Avenue consist of the widening of a section, approximately 500 feet long, on the west side of Heacock Street, from 390 feet north of Hemlock Avenue to 530 feet south of Ironwood Avenue. The improvements shall provide a four lane arterial roadway with curb, gutter and sidewalk, and will join the existing roadway and sidewalks at both ends of this section.

Section 15070 (Title 14 – California Code of Regulations) of the California Environmental Quality Act (CEQA) states that a Negative Declaration (ND) or a Mitigated Negative Declaration (MND) may be prepared for a project when the Initial Study indicates that no significant effect on the environment will result from project implementation or when mitigation measures as described in the Initial Study are incorporated in the project implementation. Based on the findings in the Initial Study prepared for the project, City Planning staff has determined that preparation of a Mitigated Negative Declaration is recommended in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level in compliance with CEQA and the City's rules to implement CEQA. The Negative Declaration and Initial Study/Environmental Checklist form are attached (Attachment "B").

ALTERNATIVES

1. Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. *This alternative will allow design to proceed for the street improvements on this portion of Heacock Street.*

2. Do not adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level. *This alternative will delay the completion of the street improvements on this portion of Heacock Street.*

FISCAL IMPACT

There is no fiscal impact to the adoption of the MND, but it is essential in order to proceed with the design and construction of the project.

The design of this project is included in the Fiscal Year 2009/2010 budget and is being funded with Development Impact Fee (DIF) Arterial Street Capital Projects (Fund 416) monies. There is no impact to the General Fund.

FISCAL YEAR 2009/2010 BUDGET
Heacock St. from Hemlock Ave. to Ironwood Ave. (Account 416.78827)..... $344,000

ANTICIPATED SCHEDULE:
Completion of Design..... March 2010
Start Construction.....September 2010
Complete Construction.....December 2010

CITY COUNCIL GOALS

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

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

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

SUMMARY

The Initial Study prepared by the Planning Division for this project identifies mitigation measures to be incorporated into the project specifications. These mitigation measures will reduce all potential environmental impacts to an acceptable level in compliance with CEQA, permitting the City to Adopt a MND for the project.

NOTIFICATION

A notice was published on August 27, 2009 in the Press Enterprise describing the project and advising the public of the preparation of a MND, notice of time and place where the environmental documents could be inspected, and notice that the City Council would consider approval of a MND for the project (or appropriate modifications or alternatives to the project) on the date of this meeting. As of the writing of this report,

no comments have been received. The public has the opportunity to submit comments either prior to or at this evening's City Council meeting.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Negative Declaration with Initial Study

Prepared By:
Henry Ngo
Associate Engineer

Concurred By:
Prem Kumar, P.E.
Assistant City Engineer/Deputy Public Works Director

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
John Terell
Planning Division Manager/Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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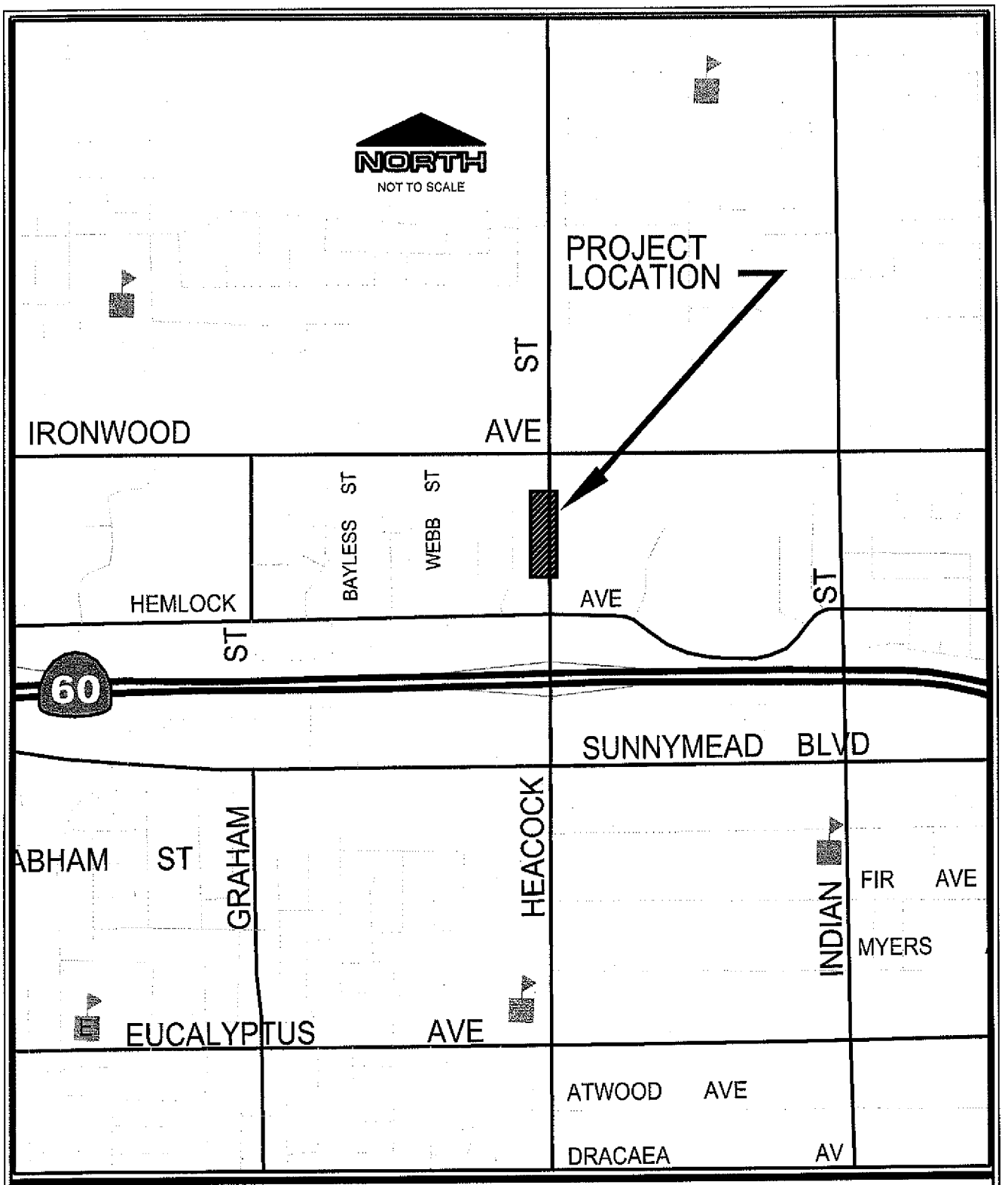

LOCATION MAP

Public Works Department
Capital Projects Division

ATTACHMENT A

HEACOCK STREET STREET IMPROVEMENTS
Hemlock Ave. to Ironwood Ave.
Project No. 08-41678827

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MV00033198

NEGATIVE DECLARATION

PROJECT TITLE AND FILE NUMBER:
Heacock Street Improvements Between Hemlock Avenue and Ironwood Avenue

PROJECT APPLICANT:
City of Moreno Valley

TELEPHONE NUMBER:
(951) 413-3229

PROJECT LOCATION:
Heacock Street between Hemlock Avenue and Ironwood Avenue in Moreno Valley, Riverside County, California

PROJECT DESCRIPTION:
The Heacock Street improvement alignment encompasses approximately 500 feet of the west side of Heacock Street between Ironwood Avenue and Hemlock Avenue. The proposed project implements a design to potentially expand the roadway with new sidewalk on the west side to full width along this 500 foot segment of Heacock. There are two alternatives. Alternative 1 would include full street improvements for a four-lane arterial highway, consisting of a 100 foot right-of-way and 76 foot curb separation. Alternative 2 includes reduced width improvements for a four-lane arterial highway having an 88.5 foot right-of-way and a 70 foot wide curb separation. Both alternatives involve acquisition of right-of-way.

FINDING

The City of Moreno Valley has reviewed the above project in accordance with the City of Moreno Valley's Guidelines for the Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report need not be prepared because:

[ ] The proposed project will not have a significant effect on the environment.

[x] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described in the attached Initial Study and hereby made a part of this Negative Declaration have been added to the project. The Final Conditions of Approval contain the final form and content of all mitigation measures.

This determination is based upon an Initial Study. The project file, including the Initial Study and related documents is available for review during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) at the City of Moreno Valley, Community Development Department, Planning Division, 14177 Frederick Street, Moreno Valley, California 92553, Telephone (951) 413-3206.

PREPARED BY:
Chris Ormsby, AICP, Senior Planner

DATE:
August 10, 2009

NOTICE

The public is invited to comment on the Negative Declaration. The appropriateness and adoption of the Negative Declaration is considered at the time of project approval in light of comments received.

DATE ADOPTED: _____ BY: _____

Attachment "B"

INITIAL STUDY

FOR THE

HEACOCK STREET IMPROVEMENTS PROJECT

Prepared for:

City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

Under contract to:

Associated Engineers, Inc.
3311 East Shelby Street
Ontario, California 91764

Prepared by:

Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, California 92405
(909) 882-3612

August 2008

Table of Contents

Project Description / Background 1

Environmental Factors Potentially Affected 3

Determination 4

Environmental Checklist
1. Aesthetics 6
2. Agricultural Resources 6
3. Air Quality 7
4. Biological Resources 8
5. Cultural Resources 9
6. Geology and Soils 10
7. Hazards and Hazardous Materials 12
8. Hydrology and Water Quality 14
9. Land Use and Planning 16
10. Mineral Resources 17
11. Noise 17
12. Population and Housing 19
13. Public Services 19
14. Recreation 20
15. Transportation / Traffic 20
16. Utilities and Service Systems 22
17. Mandatory Findings of Significance 24

Summary of Mitigation Measures 26

References 27

TABLES

Table 1 Summary Comparison of Alternatives 2

FIGURES

Figure 1 Regional Location
Figure 2 Site Location
Figure 3 Aerial Photograph Showing Heacock Street Improvement Site Location
Figure 4 Heacock Street Improvement Alternative 1
Figure 5 Heacock Street Improvement Alternative 2
Figure 6 Heacock Street Improvement Alternatives 1 & 2, Driveway Profiles & Sections

APPENDICES

Appendix 1 – Air Quality Analysis
Appendix 2 – Historical/Archaeological Resources Survey Report
Appendix 3 – Noise Impact Analysis

INITIAL STUDY / ENVIRONMENTAL CHECKLIST FORM
CITY OF MORENO VALLEY

PROJECT DESCRIPTION / BACKGROUND

1. Project Title: HEACOCK STREET IMPROVEMENTS

2. Lead Agency Name: City of Moreno Valley
   Address: 14177 Frederick Street
   Moreno Valley, CA 92553

3. Contact Person: John Terell
   Phone Number: (951) 413-3206

4. Project Location:

The Heacock Street Improvements Project (Project) alignment is located approximately one-half mile north of the Heacock Street/SR-60 Interchange in the northwestern portion of the City of Moreno Valley. The portion of Heacock Street that will be constructed as part of this project consists of the western half of the segment between Hemlock Avenue and Ironwood Avenue, north of the 60 Freeway. The proposed projected is located in Section 1 of Township 3 South, Range 4 West San Bernardino Meridian on the USGS – Sunnymead Quadrangle, 7.5 Minute Series Topographic Map (see Figures 1 and 2).

5. Project Sponsor: City of Moreno Valley
   Address: 14177 Frederick Street
   Moreno Valley, CA 92553

6. General Plan
   Designation: Commercial/Office, roadways are allowed within any designated land use or zone

7. Zoning: Retail Commercial (RC) / Community Commercial (CC) /
   Office Commercial (OC) / Neighborhood Commercial (NC)

8. Description of the Project:

The Heacock Street improvement alignment encompasses approximately 500 feet of the west side of Heacock Street between Ironwood Avenue and Hemlock Avenue. Refer to the aerial photo in Figure 3. Within this short segment Heacock Street has not been expanded to its full width, as it has to the north and south of this segment. The proposed project is to implement a design that will expand the roadway to full width along this 500 foot segment of Heacock. The complicating factor within this segment is the close proximity of existing residences along the west side of Heacock. The engineering firm of Associated Engineers, Inc. has developed two alternatives for improving this segment of the Heacock Street alignment, both of which require acquisition of private property to support the new road right-of-way.

Table 1 is a summary comparison of the two alternatives recommended to the City by Associated Engineers, with a recommendation that the Alternative 2 improvements should be implemented based on a reduction in the amount of land the need to be taken to support the roadway improvement. This information is contained in the "DESIGN REPORT Alternatives for Street Widening HEACOCK STREET (Hemlock Avenue to Ironwood Avenue)" (June 2008). The two alternatives were summarized in the DESIGN REPORT in the following manner:

Alternative 1 would include full width improvements for a four-lane arterial highway having a 76 feet curb separation, 100 foot Right-of-Way, and a 14 foot wide center two-way left turn lane. This alternative requires

acquisition of an easement across the east 20 feet of the adjacent properties. Impacts to properties at two locations would be very significant resulting in driveway limitations and structural modification. It is likely that at least one of the owner's would require a full take of the property.

Alternative 2 would include reduced width improvements for a four-lane arterial highway having a 70 feet curb separation, 88.50 feet Right-of-Way, and a 10 feet wide center two-way left turn lane. This Alternative requires acquisition of an easement across the east 8.50 feet of the adjacent properties. Although impacts to the adjacent properties are significant, they would not be nearly as severe as those proposed in Alternative 1 and would not result in driveway limitations or structural modification. This proposed Alternative would serve adequately as a four-lane arterial highway.

Figures 4 and 5 provide the alternative engineered drawings for the proposed project. Figure 6 shows the alternative driveway profiles and sections. The proposed Heacock Street roadway improvements will be required to conform with the City of Moreno Valley road construction and public works standards. Utility infrastructure that exists within the roadway alignment will be either relocated or protected in place. In addition, existing water conveyance pipelines will be reinstalled within the alignment at a depth that will be protective of the utility line.

Table 1
SUMMARY COMPARISON OF ALTERNATIVES

Comparison Item	Alternative 1	Alternative 2
Number of private properties impacted	5	5
Existing ½ width R/W dimension	30'	30'
Ultimate ½ width R/W dimension	50'	38.5'
Required R/W acquisition width	20'	8.5'
Required R/W acquisition area	9,960 SF	4,233 SF
Future R/W may be required	No	Yes
Ultimate curb separation	76'	70'
Center two-way left-turn lane dimension	14'	10'
Sewer service reconstruction required	Yes	No
Water service reconstruction required	Yes	No
Special driveway design considerations required	Yes	Yes
Building modification required	Yes	No
Noise mitigation required	Yes	Yes
Significant areas of concern	Yes	No

Construction Scenario

Construction will consist of several phases that may occur sequentially or concurrently, depending upon the availability of materials. Construction is envisioned as beginning in late-2008 and is estimated to require approximately two to three months for completion.

For the roadway the identified construction phases include:

- Removal of existing pavement, curb and gutter, and sidewalk. Equipment will include a saw, loader, load truck, and water truck.
- Grading of the road alignment, i.e., preparation of the ground surface for the final paving, including installation of utility infrastructure, drainage system and sidewalks, curbs and gutters. Equipment includes a backhoe, roller, concrete truck, concrete pumper truck, and water truck.
- Paving will be carried out by pavers, rollers (compactors), water truck.
- Lane striping and signage installation.

During construction, detours and other traffic management methods would be employed to maintain the flow of traffic. Through a traffic management plan access to properties along Heacock Street will be assured for any traffic requiring access to property along the Project alignment. This plan will be coordinated with the various emergency providers (fire, police, and ambulance services) for the project area.

Discussion with the project engineers indicates that the maximum number of employees required to construct this project on any day is estimated to be 25 persons. The maximum number of trucks deliveries on any day will be 20 truck deliveries, which includes export/import of fill material or dirt, delivery of concrete, delivery of asphalt, and delivery of support materials.

9. Surrounding Land Uses and Setting:

The land uses in the vicinity of Heacock Street are a mix of residential, office and commercial uses. Utility infrastructure (electricity, water, sewer and natural gas) exists within the roadway alignment and will be managed to minimize any outages that may result from construction activities.

Topography is relatively flat with the overall slope to the south. Any storm runoff from the roadway will remain within existing roadway area and will be collected in the same manner as currently occurs. Soils in the project area consist of Greenfield, Tujunga and Hanford soil series. No faults are known to occur in the project area. Bale Creek lies to the east of the project area (outside the project area of potential effect). No natural drainage channels will be affected by the proposed project.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

The City must submit a Notice of Intent (NOI) to the State Water Resources Control Board for a construction NPDES (National Pollution Discharge Elimination System) permit. This permit is granted automatically by submittal of an NOI to the State Board, but is enforced through a Storm Water Pollution Prevention Plan (SWPPP) that identifies construction best management practices for the site. The Regional Board enforces the best management practice requirements described in the NPDES permit and SWPPP by ensuring construction activities adequately implement the project SWPPP. Implementation of the SWPPP is carried out by the construction contractor, with the Regional Board providing enforcement oversight.

The project is located within the Western Riverside County (WRC) Multiple Species Habitat Conservation Plan (MSHCP) area; however, the project area is either paved or developed with residential uses and implementing the proposed project has no potential to impact sensitive habitat. In addition, the Heacock Street Improvement Project alignment is not located within an MSHCP criteria area. The proposed project is considered to be consistent with the policies set forth in the MSHCP and the City has found the proposed project consistent with the MSHCP.

Other than these permits or demonstrations, no other permits have been identified for the development of this site.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below(■) would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Hazards & Hazardous Materials		Public Services
	Agricultural Resources		Hydrology/Water Quality		Recreation
	Air Quality		Land Use/Planning		Transportation/Traffic
	Biological Resources		Mineral Resources		Utilities/Service Systems
	Cultural Resources		Noise		Mandatory Findings of Significance
	Geology/Soils		Population/Housing		

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	■
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Chris Dempsey — 8/10/09

Signature — Date

Chris Dempsey

Printed Name — For

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:

   (a) Earlier Analysis Used. Identify and state where they are available for review.

   (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. **AESTHETICS:** Would the project:				
a) Have a substantial adverse effect on a scenic vista?			■	
b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?			■	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			■	

a-c. The Heacock Street roadway alignment is relatively flat and is surrounded by existing urban development that already disrupts any important scenic views that may occur along this segment of the roadway. The viewshed in all directions is dominated by man-made facilities, ranging from residential structures to larger buildings and roadways. The project is the expansion and improvement of an existing roadway. All facilities associated with the proposed project will be constructed at ground level. The proposed roadway will incorporate landscaping that will enhance the appearance of this segment of Heacock Street relative to the existing visual setting. No state designated scenic highways occur in the vicinity of the proposed project. Based on the lack of important scenic views, the height of the proposed facilities and the enhanced landscaping and visual setting, the proposed project will not result in a significant impact to the existing viewshed. No mitigation is required.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			■	

d. New street lighting (three new street lights) will be installed along this portion of the roadway, on the west side of the street. Street lighting already exists within this segment of Heacock Street and such lighting is common throughout the area, including Heacock Street to the north and south of this segment, and on the east side of the roadway. No significant impact is forecast to occur due to the installation of street lighting along this segment on the west side of Heacock Street.

2. **AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project?

a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?				■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				■
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				■

a-c. The proposed project consists of the expansion and improvement of an existing roadway within an already developed, urbanized area. The segment of Heacock Street to be improved by the proposed project is surrounded by residential and commercial land uses. No land zoned or designated for agricultural use occurs within the project area; therefore, no impact to agricultural resources is anticipated to result from implementation of the proposed project.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. **AIR QUALITY:** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			■	
a. The proposed project is the construction of roadway improvements, including sidewalks and curb/gutters, to Heacock Street with the goal of upgrading the roadway to be consistent with the City's General Plan Circulation Element. As a result, the proposed project is an infrastructure improvement that will enhance the flow of local traffic on Heacock. Since this infrastructure improvement is being developed consistent with the City's General Plan, it has no potential to conflict with or obstruct implementation of the applicable air quality plans, the 2007 AQMP and SCAG's 2003 Regional Comprehensive Plan and Guide.				
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.		■		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		■		
b&c. The proposed project is the construction of roadway improvements to Heacock Street as outlined in the Project Description. To assess the construction-related emissions from the proposed project an air emissions analysis utilizing the most recent version of URBEMIS (2007) was employed. A copy of the emissions study by JE Compliance Services, Inc. is provided as Appendix 1. The data indicate that emissions are not considered to be regionally significant with implementation of mitigation and that the construction activities would exceed Localized Significance Thresholds (LSTs) without mitigation. The following mitigation measures must be implemented to control project-related construction emissions to a less than significant level. Since this roadway improvement will improve the flow of traffic along Heacock Street, any change in future operational emissions is forecast to be beneficial, not adverse. ***3-1 During all grading and ground disturbing activities exposed surfaces shall be watered three times per day.*** The final air pollutant(s) of concern are Greenhouse Gas Emissions (GHG). The CO2 emissions from the proposed project are shown on Table 3 of Appendix 1. Emissions of GHG during construction are estimated to range from slightly less than one ton per day to 434.7 tons per day, with no change in CO2 emissions during operations. The high value of 434.7 tons per day is based on the volume of concrete that will be consumed. Concrete manufacture is a highly energy intensive process and this causes the high value during fine grading/paving. Total estimated CO2 emissions for installing the proposed project are 1,321 tons (per year). This annual value comprises 0.000002%, respectively, of the annual statewide burden of 541,000,000 tons per year. Thus, the proposed project's one time contribution to global emissions is miniscule. Given the objective of providing for pedestrian circulation and better flow of traffic on the roadway, the proposed project's contribution to GHG is considered to be a less than significant impact.				
d) Expose sensitive receptors to substantial pollutant concentrations?		■		
d. Based on implementing mitigation measure 3.1, no sensitive receptors will experience substantial pollutant concentrations.				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?			■	
e. During construction, the proposed project includes operations that will have diesel and asphalt odors associated with equipment and materials. None of these odors are permanent, nor are they normally considered so offensive as to cause sensitive receptors to complain. Diesel fuel odors from construction equipment and new asphalt paving fall into this category. Both based on the short-term of the emissions and the characteristics of these emissions, no significant odor impacts are forecast to result from implementing the proposed project.				
4. **BIOLOGICAL RESOURCES**. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of ?Fish and Game or U.S. Fish and Wildlife Service?				■
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Wildlife Service?				■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				■
a-c. The Heacock Street improvement project alignment primarily consists of four paved lanes and existing roadway shoulders. This area is totally disturbed and does not include any native or natural biological resources. The properties located adjacent to the alignment consist of existing residential and commercial uses with man-made landscapes. No natural stream courses, riparian habitat, wetlands, or natural sensitive communities occur within the project area. The project will not result in impacts to sensitive or special status species or their habitat.				
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				■
d. The proposed roadway improvement project is not located within an area that supports wildlife disbursal or migration. No native vegetation or habitat occurs at or in the vicinity of the proposed project location.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				■
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

e&f. The proposed project site consists of paved roadway and man-made landscaped area. No natural or native biological resources occur within the project area. No potential exists for the proposed project to conflict with local policies or ordinances protection biological resources.

All projects in western Riverside County are subject to the MSHCP. The City requires compliance with all applicable regulations prior to project development and compliance with the MSHCP is required, including paying any fees that will contribute to buying land for habitat conservation under the County Plan. The site is not within a core area of the MSHCP or part of a constrained linkage. The project site does not provide habitat considered important under the MSHCP. Therefore, the project is consistent with the policies of the MSHCP, and project related impacts to the MSHCP are not considered significant.

5. **CULTURAL RESOURCES**. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			■	
b) Cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5?		■		

a&b. A Historical/Archaeological Resources Survey Report was prepared by CRM TECH to evaluate potential historical and archaeological resources within the proposed project area. This document is provided as Appendix 2 to this document. The study resulted in the identification of two post-WWII era residences within the project area, located at 12151 and 12183 Heacock Street; however, neither of the residences meet the definition of a "historical resource," as provided in CEQA. No archaeological sites or any other potential "historical resources" were encountered during the study. Further, the Historical/Archaeological Resources Survey Report concluded that no further cultural resources investigation is recommended.

As in most cases, the CRM TECH report did address the potential discovery of subsurface or buried cultural resources and recommended mitigation to address such resources. Therefore, the following mitigation measure will be implemented to reduce potential impacts due to exposure of buried cultural materials that could not be identified by the combined records search and surface survey of the project alignment.

5-1 If buried cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist retained by the City shall investigate the find, and make recommendations on its disposition. Any resources exposed during grading shall be managed by assessing the value of objects, determining whether the material deserves curation, and preparing and implementing a curation plan to protect such resources. The qualified professional shall compile a report of findings and make it available to peers for review and use of the information.

With implementation of this measure, potential impacts to accidentally exposed buried cultural resources can be reduced to a less than significant level.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		■		

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

c. The City's General Plan indicates that the proposed project area is located in an area of high paleontological sensitivity. However, the proposed project area is already developed with the existing Heacock Street roadway alignment and urban uses. In addition, paleontological artifacts, if they exist within the proposed alignment, are likely to be below the area anticipated to be disturbed by grading. Because of the already developed nature of the project area, the potential for paleontological resources to occur in the project area is low and no site-specific paleontological study was conducted. However, the following mitigation measure will be implemented to reduce potential impacts to paleontological resources.

5-2 If paleontological resources are discovered during project construction, all work in the area of the find shall cease, and a qualified paleontologist shall be retained by the City to investigate the find, and to make recommendations on its disposition.

With implementation of this measure, potential impacts to paleontological resources can be reduced to a less than significant level.

d) Disturb any human remains, including those interred outside of formal cemeteries?		■		

d. No known human remains are interred at the site. The following mitigation measure will be required to mitigate potentially significant impacts.

5-3 If any human remains are encountered during initial grading activities, all ground disturbing activities in the vicinity of the discovery will be terminated immediately and the County Coroner's office MUST be contacted within 24 hours to arrange for management of such remains.

Implementation of this measure can reduce the potential impacts to a less than significant level.

6. **GEOLOGY AND SOILS.** Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

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

i) The site is not located within a State of California Fault-Hazard Zone for active faulting and no active fault traces or faults have been found on the project site. Ground rupture normally occurs along pre-existing faults. As there are no active faults on the project site, the ground rupture potential is projected to be low to non-existent.

(ii) Strong seismic ground shaking?			■	

ii) The site is located in a seismically active area typical of southern California and is likely to experience severe ground shaking due to earthquakes on nearby faults. The nearest known special study zone and active fault is the San Jacinto fault located east of the site. According to the City's General Plan, the proposed project is not located within an Alquist-Priolo Special Studies Zone (Figure 6-3 of the 2006 General Plan). Because this project is the expansion of an existing roadway to its ultimate width and no structures or human occupants are involved, the potential impact from strong seismic ground shaking is considered a less than significant impact.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(iii) Seismic-related ground failure, including liquefaction?			■	

iii) According to the City's General Plan, liquefaction is not considered to be a local hazard since groundwater levels in Moreno Valley are far below the ground surface. As there are no residences or structures associated with the proposed project, this issue does not pose a significant hazard.

The project alignment is located within an area of potential ground subsidence. However, because no residences or structures are included in this project and because the roadway already has an engineered and stable foundation, no potential for significant adverse impact to the roadway is forecast.

For a roadway and associated road improvements, curb, gutter, etc., standard grading and compaction requirements for the roadway will be sufficient to protect against significant subsidence and liquefaction. These are design requirements mandated by the current design requirements for City roadways, so no actual mitigation is required.

(iv) Landslides?				■

iv) According to the City's General Plan, the project site is not subject to any known landslide or mudslide hazards of significance.

(b) Result in substantial soil erosion or the loss of topsoil?		■		

b. Due to grading associated with construction activities, there will be temporary construction impacts that might cause dust or erosion. Please refer to the detailed discussion and mitigation measures addressing water and wind-related soils erosion (fugitive dust) in the Air Quality and Hydrology sections of this document. Mitigation measures required in those sections of the document will control potential water erosion and fugitive dust generation from project implementation. No further mitigation is required under this item.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			■	

c. Refer to discussion under issue 6.a.iii) above. Standard grading and compaction requirements for the roadway will be sufficient to protect against significant subsidence and liquefaction. These are design requirements mandated by the current design requirements for City roadways, so no actual mitigation is required.

(d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?				■

d. The soils that occur within the project alignment are not considered to be expansive soils and the installation of the road base would eliminate any potential for such soils to adversely impact the roadway. Therefore, impacts of expansive soils would be less than significant.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				■

e. No septic systems would be used to serve this project. Therefore, no adverse impacts due to the use of any septic tanks or alternative waste water disposal systems can result from project implementation.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. **HAZARDS AND HAZARDOUS MATERIALS.** Would the project?				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				■
a. The proposed roadway improvement project is not associated with the need for routine transport, use or disposal of hazardous materials. This project is not forecast to cause any significant environmental impacts related to activities related to routine delivery, management or disposal of hazardous materials. By improving roadway capacity within the project area, this project can enhance traffic safety and thereby reduce any hazards to the public for existing transport of hazardous materials or wastes. Short-term handling of petroleum products during construction is addressed in the following comment. No mitigation is required.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?		■		
b. During construction there is a potential for accidental release of petroleum products in sufficient quantity to pose a significant hazard to people and the environment. Because the construction equipment can contain enough petroleum products to damage the environment or expose people to hazardous emissions, the City requires compliance with Best Management Practices to manage clean-up of potential spills of hazardous materials during construction. However, to ensure that the SWPPP contains sufficient measures to address accidental spills, the following mitigation measure will be implemented. ***7-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility.*** Though the risk of accidents would not be eliminated, the effects of such an accidental release of hazardous material would be controlled to a less than significant level by implementing this measure in conjunction with standard City policies.				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an exiting or proposed school?			■	
c. The proposed project alignment is located within one-quarter mile of several educational and child care facilities. However, the project itself does not include the emission or routine handling of hazards materials, substances or wastes over the long-term. Short-term management of petroleum products, as described above, will control the effects of an accidental release of hazardous materials.				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?			■	
d. The proposed project alignment is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Thus, no known potential exists to expose residents, motorists or the public in general to any significant hazards.				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				■
e&f. The project is not located in the vicinity of a public or private airstrip and no potential hazards can occur from this type of operation.				
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?		■		
g. The expansion and improvement of the Heacock Street roadway would not interfere with any long-term emergency response or evacuation plan. The road improvement project would ease traffic congestion on local roads which would facilitate the movement of emergency vehicles traveling through these areas. Since the project is within a five-minute response time for fire protection and emergency response, the potential impact on emergency response and access is forecast to be less than significant. The project will be built to conform to all City police, fire and public works standards. The road improvements would also facilitate emergency access to the properties north of the proposed project. However, as described in Section 15 of this document, construction activities can interfere with emergency access to properties along the project alignment, and mitigation to ensure emergency access during construction has been identified for implementation. With implementation of these measures, the short-term interference with emergency response can be controlled to a less than significant impact level.				
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				■
h. The project site is not located in a wildland fire hazard area and implementation of the proposed project would not exposure residents or motorists to a significant risk of loss, injury or death associated with wildland fires.				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?		■		

a. The proposed project alignment already contains impervious surfaces and activities that typically generate urban non-point source pollution under present conditions. The proposed project will result in the installation of a paved roadway that will be larger in area than the existing roadway. The project alignment will continue to generate urban non-point pollutants (particles, trash, oil, etc.), but at an increased rate due to the increased impervious surface that will be used by vehicles. After implementation, this project will discharge its surface runoff into the existing regional drainage system. Varying amounts of urban pollutants, such particles and petroleum products (motor oil, antifreeze, etc.), could be introduced into downstream waters from the proposed roadway. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already required by the City.

The City has adopted best management practices (BMPs) designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. BMPs will be required during construction through the compilation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and after development, a separate set of BMPs must be implemented through a Water Quality Management Plan (WQMP). Although BMPs are mandatory for the project to comply with established pollutant discharge requirements, the following mitigation measure is designed to establish a performance standard to provide a performance standard that the degree of water quality control is adequate to ensure the project does not contribute significantly to downstream water quality degradation.

8-1 The City will select best management practices that achieve reduction in non-point source pollutants to the maximum extent practical, during construction (Storm Water Pollution Prevention Plan, SWPPP) and following development (Water Quality Management Plan, WQMP). To control urban runoff after the project is constructed the reduction in pollutants shall also meet the Santa Ana Regional Water Quality Control Board's municipal stormwater control requirements as implemented through the City and County.

Compliance will be ensured through fulfilling the requirements of the SWPPP and WQMP, which can be monitored by both the City and the Santa Ana Regional Water Quality Control Board.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			■	

b. No potential exists to directly intercept the groundwater table from grading activities and no wells are proposed to be installed as part of the proposed project. The proposed project does not require the use of domestic water, and, therefore, is not forecast to result in any direct significant effects on groundwater. Also, the project alignment, i.e., the area in which the new paved lanes will be installed, does not presently serve as an essential or primary location for percolation of surface water to the groundwater table. Therefore, no potential exists to significant impact groundwater resources, either directly or indirectly. No mitigation is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c. Please refer to the substantiation under 8.a. The proposed project would not result in significant adverse changes in the local drainage pattern, i.e., the drainage pattern would remain the same. All onsite flows will be captured within the proposed curb and gutter system and delivered to the existing drainage system. The existing flows also follow the existing Heacock Street roadway alignment and ultimately enter the Santa Ana River. The SWPPP and WQMP will both be implemented by the City to ensure that both short- and long-term storm runoff discharges are not unacceptably degraded by sediment or other pollutants.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?				■
d. Please refer to the substantiation under 8.c. The proposed project will not increase the rate or amount of surface runoff in a manner that could result in flooding on or offsite. The project area consists of an area already developed with the existing Heacock Street roadway and urban uses, all of which consist of impervious surfaces, asphalt, and concrete. Expansion and improvement of the Heacock Street roadway may result in a minor increase in impervious surfaces. The total volume of flow being delivered to the local and regional drainage systems is not projected to increase substantially. The capacity of the drainage system is adequate to accept the projected flows. The proposed project would not result in significant adverse changes in the local drainage pattern, i.e., the drainage pattern would remain the same; therefore, no mitigation is required.				
e) Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				■
e. The SWPPP and WQMP documents that must be prepared specifically for this project must define which best management practices (BMPs) will be applied to this project and their implementation will ensure that significant erosion and sedimentation, nor other significant water quality degrading impacts will occur from implementing the proposed project. As stated above, the proposed project will result in a minor increase in storm water flows. The existing storm drain system has more than sufficient capacity to receive these flows without any downstream flooding.				
f) Otherwise substantially degrade water quality?			■	
f. No other activities associated with this project have a potential to otherwise degrade surface water or groundwater quality or the beneficial uses of such water. No additional mitigation is required.				
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				■
g&h. According to the City's General Plan, Figure 6-4, the proposed project area is not located within a flood hazard area. In addition, the proposed project is the expansion of Heacock Street with support infrastructure, and does not include the construction of habitable structures. As a result, no structures will be constructed that could impede or redirect flood flows. No mitigation is required.				
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Refer to the discussion under 8.g-h. Based on a review of the General Plan, the proposed project alignment is not located within a 100-year flood hazard zone. Thus, the installation of the proposed roadway facilities will not result in an exposure of new facilities to significant flood hazards.				
j) Inundation by seiche, tsunami, or mudflow?				■
j. The project site is not located near any water body which could expose it to seiche, tsunami or mudflow. No mitigation is required.				
9. **LAND USE AND PLANNING**. Would the project:				
a) Physically divide an established community?				■
a. The proposed roadway expansion and improvement project is located within a portion of the City developed with commercial and residential use. The proposed project is intended to ease traffic congestion and provide enhanced access and connection through the community. The proposed project has no potential to cause a physical division in the existing community.				
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				■
b. The roadway improvements proposed by the project would not conflict with the general plan designation or zoning. The improvement is part of the implementation of the General Plan Circulation Element and will help ease congestion resulting from General Plan buildout. The General Plan Circulation Element designates Heacock Street as an arterial with a 100-ft. right-of way, and a curb-to-curb width of 76 feet. The proposed project would construct Heacock Street to these specifications, or an alternative acceptable to the City. This project is fully consistent with the General Plan and has no potential to conflict with any designations or zoning.				
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				■
c. The proposed project would be required to abide with the applicable environmental plans and policies of other agencies with regulatory authority over environmental resources. These agencies include the Air Quality Management District and the State Water Resources Control Board. The project must also prepare and submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP). All projects in western Riverside County are subject to the MSHCP. The City requires compliance with all applicable regulations prior to project development and will require the applicant to comply with the MSHCP including paying any fees that will contribute to buying land for habitat conservation under the County Plan. Refer to discussions on specific issues for additional information regarding compliance with regulatory agency regulations and standards for biological resources, air quality, water quality and others. The site is not within a core area of the MSHCP or part of a constrained linkage. The project site does not provide habitat considered important under the MSHCP. Therefore, the impact of the project on the MSHCP is not considered significant. The site is not within the jurisdiction of the Airport Land Use Commission as it is not within the airport influence area of any airport.				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. **MINERAL RESOURCES.** Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				■
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				■

a&b. The site is not located on any known significant mineral resource and is not known to have been mined in the past.

11. **NOISE.** Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			■	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				■
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			■	
d) A substantially temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		■		

a-d. The proposed roadway improvement project will generate noise during construction activities at the site. Generally, construction equipment can generate noise levels of about 70 to 90 dBA at a distance of 50 feet from the equipment. Construction noise is considered a short-term impact on ambient noise levels. Noise generated by equipment can reach high episodic levels, but these episodes are of relatively short duration.

In order to control construction noise levels to a level consistent with the City Noise Element and Noise Ordinance, the following mitigation measures shall be implemented during project-related construction activities.

11-1 ***During construction, vehicle staging areas and stockpiling shall be located as far as is practicable from existing noise sensitive uses. The sensitive noise uses consist of residential uses located adjacent to the Heacock Street alignment.***

11-2 ***Project construction activities shall be limited to the period of 7:00 a.m. to 7:00 p.m., Monday through Saturday, within one-half mile of any occupied structure designed for human occupancy. Construction during other periods, or on Sundays or holidays, would be limited to emergencies and activities determined to be in the interest of the general public. If nocturnal construction is planned or required to minimize traffic interference, and if any occupied structures are present within one-half mile, a requested exemption to the above time limits shall be submitted to the City Engineer. The City Engineer shall confirm that such operations are not detrimental to health, safety and welfare of the noise receptors*** **prior to authorizing construction outside the time permitted by ordinance.**

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

11-3 The City shall respond to any noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceeds an CNEL of 65 dBA exterior or an CNEL of 45 dBA interior at the receptor, the construction contractor will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc. to reduce noise levels to the greatest extent feasible). Any monitoring would be carried out by a qualified acoustical firm under contract to the construction contractor and responsible to the City.

11-4 The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.

As construction noise impacts are of relatively short and temporary duration, incorporation of these mitigation measures would reduce construction noise impacts to a less than significant level. None of the construction activities for Heacock are forecast to generate substantial vibration or low intensity sound. These measures must be included in the contract specifications for this project to ensure implementation by the construction contractor.

The proposed project is the expansion and improvement of an existing roadway located within an area already developed with a mix of residential and commercial uses. The proposed project is intended to enhance pedestrian circulation and alleviate traffic congestion within the immediate area.

Existing noise levels throughout the project area derive almost exclusively from vehicular sources on the Heacock Street. According to the City's General Plan, the exterior residential noise standard is 65 decibel (dB) Community Noise Equivalent Level (CNEL) and the interior residential noise standard is 45 dB CNEL. The Noise Impact Analysis prepared for the proposed project, dated June 2008, is provided as Appendix 3 to this document. It indicates that the existing average CNEL at 50 feet from centerline is currently over 65 dBA. According to the noise measurements taken along the proposed Heacock Street Improvement Project alignment, the average of the CNELs taken at 50 feet from the roadway centerline is 71.4 dB. Thus, the existing residences are exposed to a noise level that exceeds the City's existing residential exterior noise standard.

Implementation of the proposed project would result in the situating of some of the existing residences closer to the nearest Heacock Street travel lane. In addition, existing residences along Heacock Street would experience additional noise due to projected increased traffic volumes for which the roadway improvements are intended to accommodate. The Noise Impact Analysis forecast a maximum noise level increase of 0.1 dB CNEL due to the proposed roadway improvements. In addition, the noise level increase due to the proposed roadway improvements combined with projected year 2030 area build-out conditions is forecast to be 1.1 dB CNEL. This forecast increase in noise levels, even with a background noise level that currently exceeds the City's residential exterior noise standard, is not considered to be a significant impact because it falls well below the level at which a noise increase is distinguishable, which is 3 dB.

e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				■

e&f. The project site is not within an airport land use plan area nor near a public airstrip.

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
12. **POPULATION AND HOUSING.** Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				■
a. The proposed road improvement project does not provide any new housing. The site is within the current developed area in the City and surrounding community. It will modify the existing Heacock Street roadway to its ultimate design and is considered to be planned infrastructure consistent with the circulation element of the General Plan. No extension of utilities and services will be required as part of the project. Existing utilities may be relocated as part of the project to accommodate the roadway. The needs of existing and projected population as anticipated by the General Plan and General Plan FEIR will be partially met by the road improvement project. As it serves existing and planned needs, the proposed project has no possibility of inducing substantial growth within the City or project area in general.				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			■	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			■	
b&c. The proposed project alignment consists of an existing roadway that will be improved and expanded to its ultimate planned width. No structures exist within the 100-foot right-of-way. However, if Alternative 1 is implemented, one residential property may require structure modifications in order to install the new road segment. The project Design Report indicates that a garage may need to be reconstructed as part of the acquisition of a 20 foot wide strip of right of way. The owner has indicated that the required acquisition may constitute a full take of the property. Under Alternative 2 property must be acquired from each residence, but none of the residences are forecast to be eliminated. Thus, depending upon which alternative the City selects, this project may require acquisition of a single residence or no residence, i.e., Alternative 1 and Alternative 2. Although the loss of a single residence and acquisition of the required right-of-way will impact the community, this circumstance is not concluded to be a significant adverse impact on the City's housing resources. The City is required to appraise the property proposed for acquisition under either alternative, and provide adequate compensation for the property takes, again regardless of which alternative is selected. Since no significant City-wide adverse impact from property acquisition is forecast to result from implementing this project, no mitigation is required.				
13. **PUBLIC SERVICES.** Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			■	
a. The City of Moreno Valley Fire Service contracts with the Riverside County Fire Department to provide fire services to the City. The project is a roadway improvement to ease congestion for existing traffic in the area and does not contain structures or other development that would increase demand for fire protection services. During construction, mitigation measures required in the Transportation/Traffic section (Section 15) will ensure emergency access to all parcels of land adjacent to the Heacock Street alignment during construction. Thus, the project is not forecast to cause any significant adverse effects to fire protection resources or demand for such resources. No mitigation is required.				
b) Police protection?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b. The Moreno Valley Police Department and Riverside County Sheriff's Department provide law enforcement services to the project area. The proposed project incorporates standard roadway improvement designs that optimize public safety. The roadway design will be examined by the City to ensure compliance with City circulation policies. Measures included to mitigate traffic impacts would also improve safety and may decrease demand for police services in response to local traffic accidents. During construction mitigation measures required in the Transportation/Traffic section (Section 15) will ensure emergency access to all parcels of land adjacent to the Heacock Street alignment during construction. Thus, the project is not forecast to cause any significant adverse effects to law enforcement resources or demand for such resources. No mitigation is required.				
c) Schools?				■
c. The proposed project is a road improvement project and would create no demand for school capacity. No school facilities would be displaced by the development and there are no schools known to be planned within the vicinity of the project site. No mitigation is required.				
d) Parks?				■
d. The proposed project is a roadway improvement project. The proposed project would not place any demand on existing local or regional park and recreation facilities. It would also not displace any existing or known proposed recreational facilities. No mitigation is required.				
e) Other public facilities?				■
e. No other public services have been identified that may be adversely impacted by the proposed project.				
14. **RECREATION.**				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				■
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				■
a&b. The proposed project is a roadway improvement project that would ease existing traffic congestion. No demand for recreation or parks would result from the implementation of the proposed project. In addition, no adverse impact to any existing recreation opportunities are forecast to occur if the proposed project is implemented. No mitigation is required.				
15. **TRANSPORTATION / TRAFFIC.** Would the project:				
a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			■	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a&b. The 2006 City General Plan identified the ultimate roadway design for all major roadways. Heacock Street is designated as an Arterial (Figure 9-1, 2006 City General Plan) and the proposed project implements the buildout design for this roadway. Completion of this roadway to full buildout capacity will enhance the flow of both existing and future traffic. The roadway itself will not cause any significant increase in traffic volume, but it will provide capacity for buildout of the General Plan with the land uses allocated on Figure 2-2 (City General Plan). Thus, the net effect on the circulation system will be a benefit, with no adverse increases in traffic from project implementation.				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				■
c. No air traffic exists in the vicinity of the project alignment. Thus, no potential exists for the project to adversely impact air traffic. No mitigation is required.				
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?		■		
d. Temporary circulation impacts resulting from construction activities will occur. During construction activities, the traffic flow will be maintained to the highest level possible with the use of standard traffic control devices. Typical traffic control measures include warning signs, warning lights, and flagpersons. The following mitigation measures ensure circulation will be maintained along the project portion of Heacock Street during construction. ***15-1 The construction contractor will time the construction activities to minimize obstruction of through traffic lanes adjacent to the site during peak hour traffic.*** ***15-2 The construction contractor will provide adequate traffic management resources, as determined by the City, to ensure adequate access to all occupied properties on a daily basis, including emergency access. A construction traffic management plan shall be prepared and approved by the City prior to initiation of construction within the project alignment. The plan can include the following components: protective devices, flag persons or police assistance for traffic control, to maintain safe traffic flow on local streets affected by construction at all times.***				
15-3 All temporary roadway construction effects shall be repaired and returned to operation in a condition comparable to that which existed prior to initiating construction. The City shall verify the acceptability of all temporary roadway repairs. Implementation of traffic control measures will provide guidance and navigational tools throughout the project area in order to maintain traffic flow and levels of safety during construction. These measures must be included in the contract specifications for this project to ensure implementation by the construction contractor.				

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in inadequate emergency access?		■		

e. Permanent emergency access to the uses along the alignment will be maintained, so the proposed project will not cause any adverse impact to such access. During construction emergency access could be compromised, so the following mitigation measure will be implemented.

15-4 The construction contractor shall maintain emergency access to all land uses adjacent to Heacock Street. The method of ensuring emergency access will be defined in the traffic management plan and approved by the City. If an emergency evacuation relies upon Heacock Street, the contractor shall provide adequate resources to facilitate such an evacuation.

Implementation of this emergency access measure will provide guidance and navigational tools throughout the project area in order to maintain traffic flow and levels of safety during construction.

f) Result in inadequate parking capacity?			■	

f. The existing roadway does not provide a parking lane and the proposed project is not forecast to include parking due to the high volume of traffic. Parking and staging for construction of this segment of Heacock is available on open property available on the east side of the roadway. Thus, this project has not potential to cause inadequate parking capacity, as none presently exists. No mitigation is required.

g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				■

g. Based on its size and type of operations, this project does not involve any alternative transportation facilities. This decision does not conflict with any City policies regarding alternative transportation. No mitigation is required.

16. **UTILITIES AND SERVICE SYSTEMS.** Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			■	

a. The proposed roadway improvement project would not require wastewater services. However, the project alignment will generate urban non-point pollutants (particles, trash, oil, etc.). After implementation, this project will discharge its surface runoff into the existing regional drainage system. Varying amounts of urban pollutants, such particles and petroleum products (motor oil, antifreeze, etc.), could be introduced into downstream waters from the proposed roadway. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already required by the City.

As referenced within the Hydrology section, the City has adopted best management practices (BMPs) designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. BMPs will be required during construction through the implementation of the SWPPP. Compliance will be ensured through fulfilling the requirements of the SWPPP, which can be monitored by both the City and the Santa Ana Regional Water Quality Control Board.

b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
b. This project may result in the relocation of water distribution facilities, which is considered a less than significant impact to the water distribution system. No other adverse impacts to the water distribution system are forecast to result from project implementation.				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			■	
c. The proposed development must install minor drainage improvements, curb and gutter along the roadway alignment, but no change in the overall drainage pattern will result from implementing the proposed project. Please refer to a detailed discussion of this issue in the Hydrology Section. The proposed project would comply with all Riverside County Conservation and Flood Control District regulations including provision for no net increase in incremental discharge volumes from the site and for water quality requirements. The project would also have to meet the City requirements. The project is not anticipated to significantly increase the volume of flows downstream (from a few hundred square feet of additional pavement) of the project and no significant project specific or cumulative significant adverse impact is forecast for the storm water drainage system if the project is implemented as proposed.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			■	
d. The proposed project is located within the boundaries of Eastern Municipal Water District (EMWD or District). The proposed project would require water for dust control and compaction during grading and during general construction activities. This water would most likely be delivered in water trucks and/or could be obtained with a temporary connection to EMWD's water distribution system. These temporary water needs would be coordinated with EMWD. Based on the small volume of water required (note that recycled water can be used), the project's demands on the existing water supply system is not forecast to require substantial water supply during construction and no demand is forecast over the long-term. ***16-1 If available to the construction contractor at this location, the project will use recycled water in place of potable water for dust-control and grading, as allowed under unrestricted use requirements of Title 22, California Administrative Code, Division 4, Chapter 3.*** The forecast water consumption is not considered to be a significant impact, however, implementation of the measures described above can reduce potential water supply and demand impacts to a non-significant level.				
e) Result in a determination by the wastewater treatment provider which serves or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				■
e. No demand for wastewater services would result from project implementation. Therefore, no adverse impacts to the wastewater infrastructure or to any septic tanks can result from project implementation.				
f)) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?		■		
g) Comply with federal, state, and local statues and regulations related to solid waste?				■

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

f&g. The proposed project will generate short term demand for solid waste service system capacity during construction. This project includes a small volume of organic debris based on the limited plant cover within the project alignment. The vegetation removed will be either chipped and diverted to the green waste composting process in Riverside County, or if the volume of the vegetation is very low, it may be collected and delivered to a regional landfill. Other construction related debris will be diverted to recycle material markets or, for non-recyclable material, the demolition debris will be delivered to an inert material landfill (Class III). Small, unquantifiable volumes of trash and other debris from the site will be removed during grading and delivered to the waste disposal system. Although County and City source reduction requirements may reduce the overall volume for waste disposal, the following mitigation measure will be implemented to ensure maximum diversion of solid waste. Solid waste capacity in area landfills has been expanded to provide adequate disposal capacity for cumulative demand. Combined with the City's mandatory source reduction and recycling program, the proposed project is not forecast to cause a significant adverse impact to the waste disposal system.

16-2 To the maximum extent feasible, all vegetation debris and all structural demolition debris from implementing this project shall be diverted to recycle markets (green waste for composting and structure materials for reuse). A plan for recycling this waste will be prepared and implemented by the construction and demolition contractor(s).

Implementation of the measures described above can reduce impacts from waste generation from construction of the proposed project to a less than significant level.

17. **MANDATORY FINDINGS OF SIGNIFICANCE.**				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened plant or animal, or eliminate important examples of the major periods of California history or prehistory?		■		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?		■		

Issues and Supporting Information	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		■		

The segment of Heacock Street that will be improved encompasses less than one acre. The evaluation in the preceding Initial Study indicates that several topical issues will experience potential impacts that require mitigation to reduce these potential impacts to a less than significant level. Thus, there are no identified unavoidable significant adverse environmental impacts forecast to result from implementing this proposed project. Mitigation measures have been identified to reduce impacts to air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, traffic and solid waste issues to a less than significant level.

a. *Less Than Significant With Mitigation Incorporation* The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Contingency mitigation is identified to reduce potential cultural resource impacts to a less than significant level. No historical or archaeological resources were identified on the project site, but mitigation is required to prevent potentially significant impacts to subsurface resources that may be exposed by grading activities at the site during construction.

b. *Less Than Significant With Mitigation Incorporation* The project does have impacts that are individually limited, but cumulatively considerable. The incremental effects of the project for certain issues would be considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, but mitigation is available to reduce these potentially significant cumulative effects to a less than significant level. Mitigation is identified for air quality, hydrology and water quality, traffic and solid waste. With implementation of these measures, the potential for cumulatively significant impacts is reduced to a less than significant level.

c. *Less Than Significant Impact* With mitigation for air quality, geology and soils, hazards and hazardous waste, hydrology and water quality and noise issues, the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

With mitigation the Heacock Street improvements are not forecast to cause any significant adverse environmental impacts to any of the environmental resource issues addressed in this Initial Study. The City of Moreno Valley proposes to issue a Negative Declaration with mitigation as the appropriate environmental determination for this project to comply with the California Environmental Quality Act. A Notice of Intent to Adopt a Mitigated Negative Declaration will be distributed in conjunction with this Initial Study and after reviewing any comments received on the Initial Study, the City will respond to comments and, if justified on the whole of the record, the City will consider adopting a Mitigated Negative Declaration at a future meeting for this project. The date of such meeting has not yet been determined, but any parties that submit comments will be notified of the meeting date.

SUMMARY OF MITIGATION MEASURES

5-1 If buried cultural resources are discovered during project construction, all work in the area of the find shall cease, and a qualified archaeologist retained by the City shall investigate the find, and make recommendations on its disposition. Any resources exposed during grading shall be managed by assessing the value of objects, determining whether the material deserves curation, and preparing and implementing a curation plan to protect such resources. The qualified professsional shall compile a report of findings and make it available to peers for review and use of the information.

5-2 If paleontological resources are discovered during project construction, all work in the area of the find shall cease, and a qualified paleontologist shall be retained by the City to investigate the find, and to make recommendations on its disposition.

5-3 If any human remains are encountered during initial grading activities, all ground disturbing activities in the vicinity of the discovery will be terminated immediately and the County Coroner's office MUST be contacted within 24 hours to arrange for management of such remains.

7-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility.

8-1 The City will select best management practices that achieve reduction in non-point source pollutants to the maximum extent practical, during construction (Storm Water Pollution Prevention Plan, SWPPP) and following development (Water Quality Management Plan, WQMP). To control urban runoff after the project is constructed the reduction in pollutants shall also meet the Santa Ana Regional Water Quality Control Board's municipal stormwater control requirements as implemented through the City and County.

11-1 During construction, vehicle staging areas and stockpiling shall be located as far as is practicable from existing noise sensitive uses. The sensitive noise uses consist of residential uses located adjacent to the Heacock Street alignment.

11-2 Project construction activities shall be limited to the period of 7:00 a.m. to 7:00 p.m., Monday through Saturday, within one-half mile of any occupied structure designed for human occupancy. Construction during other periods, or on Sundays or holidays, would be limited to emergencies and activities determined to be in the interest of the general public. If nocturnal construction is planned or required to minimize traffic interference, and if any occupied structures are present within one-half mile, a requested exemption to the above time limits shall be submitted to the City Engineer. The City Engineer shall confirm that such operations are not detrimental to health, safety and welfare of the noise receptors prior to authorizing construction outside the time permitted by ordinance.

11-3 The City shall respond to any noise complaints received for this project by measuring noise levels at the affected receptor site. If the noise level exceeds an CNEL of 65 dBA exterior or an CNEL of 45 dBA interior at the receptor, the construction contractor will implement adequate measures (which may include portable sound attenuation walls, use of quieter equipment, shift of construction schedule to avoid the presence of sensitive receptors, etc. to reduce noise levels to the greatest extent feasible). Any monitoring would be carried out by a qualified acoustical firm under contract to the construction contractor and responsible to the City.

11-4 The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.

15-1 The construction contractor will time the construction activities to minimize obstruction of through traffic lanes adjacent to the site during peak hour traffic.

15-2 The construction contractor will provide adequate traffic management resources, as determined by the City, to ensure adequate access to all occupied properties on a daily basis, including emergency access. A construction traffic management plan shall be prepared and approved by the City prior to initiation of construction within the project alignment. The plan can include the following components: protective devices, flag persons or police assistance for traffic control, to maintain safe traffic flow on local streets affected by construction at all times.

15-3 All temporary roadway construction effects shall be repaired and returned to operation in a condition comparable to that which existed prior to initiating construction. The City shall verify the acceptability of all temporary roadway repairs.

16-1 If available to the construction contractor at this location, the project will use recycled water in place of potable water for irrigation water for landscaping, and for dust-control and grading, as allowed under unrestricted use requirements of Title 22, California Administrative Code, Division 4, Chapter 3. Otherwise, any landscaping for the Heacock Street alignment shall consist of drought-resistant native and non-native (not invasive) plants.

16-2 To the maximum extent feasible, all vegetation debris and all structural demolition debris from implementing this project shall be diverted to recycle markets (green waste for composting and structure materials for reuse). A plan for recycling this waste will be prepared and implemented by the construction and demolition contractor(s).

REFERENCES

Associated Engineers, Inc., "Design Report, Alternatives for Street Widening, Heacock Street (Hemlock Avenue to Ironwood Avenue)," June 9, 2008

CRM TECH, "Historical/Archaeological Resources Survey Report, Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California," June 3, 2008

Giroux & Associates, "Noise Impact Analysis, Heacock Street Improvements, Moreno Valley, California," June 6, 2008

JE Compliance Services, Inc., "Air Quality Analysis for Heacock Street Projects in Moreno Valley, California," June 26, 2008

City of Moreno Valley, General Plan, July 11, 2006

City of Moreno Valley, Program Environmental Impact Report for Moreno Valley General Plan, July 2006

South Coast Air Quality Management District, 2007 Air Quality Data (www.aqmd.gov)

South Coast Air Quality Management District, CEQA Air Quality Handbook, Diamond Bar, California

Southern California Association of Governments (SCAG), "Regional Comprehensive Plan and Guide," 2003

FIGURES

FIGURE 1
Regional Location

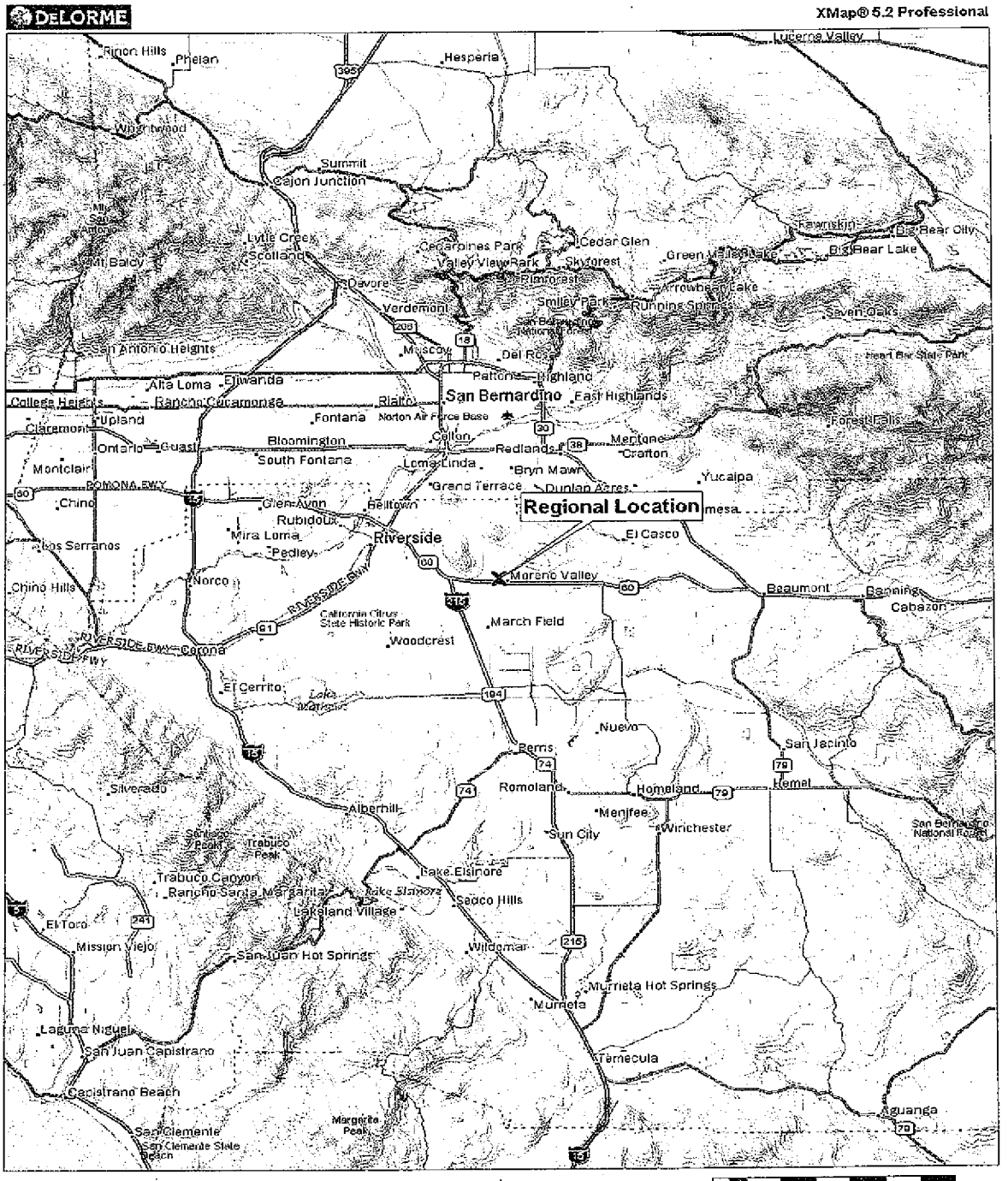

Tom Dodson & Associates
Environmental Consultants

FIGURE 2
Site Location

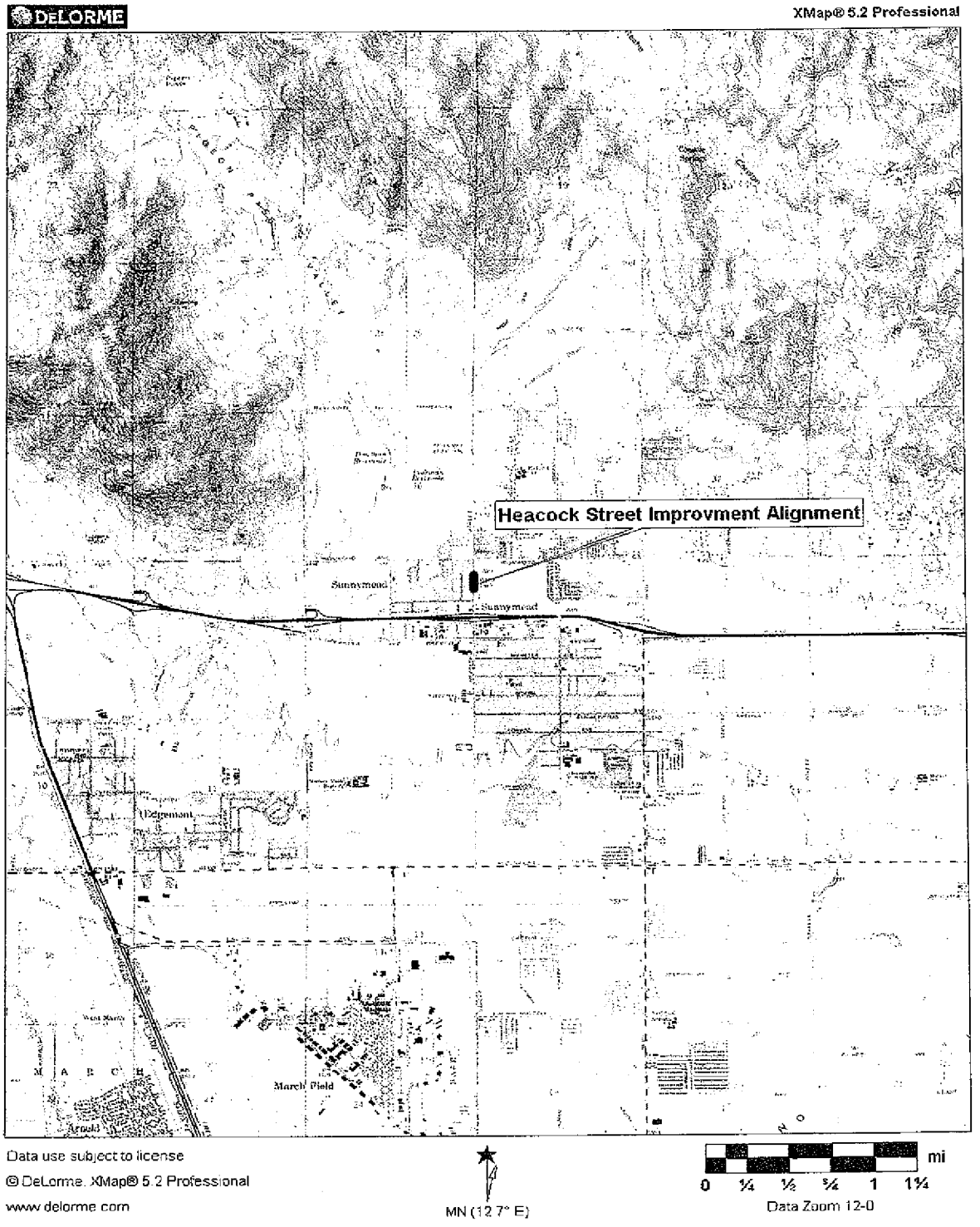

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FIGURE 3
Aerial Photo Showing Heacock Street Improvement Site Location

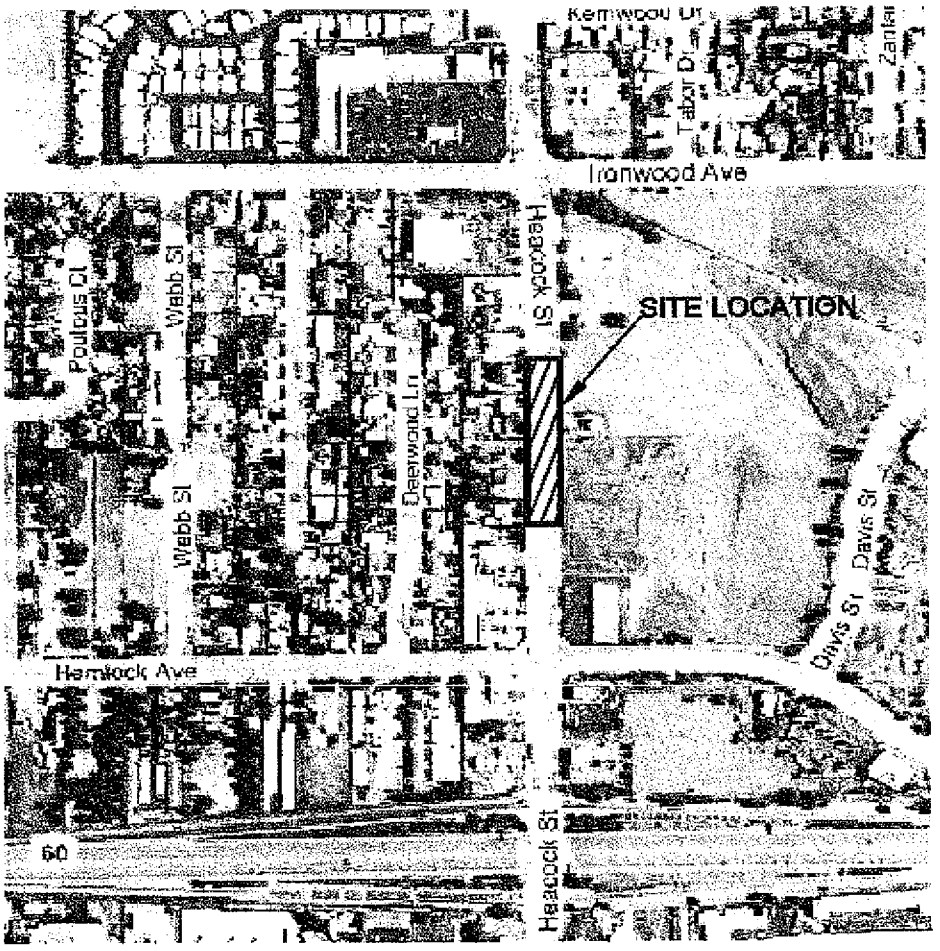

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EXHIBIT "A"

Source: Associated Engineers, Inc.

Tom Dodson & Associates
Environmental Consultants

FIGURE 4
Heacock Street Improvement Alternative 1

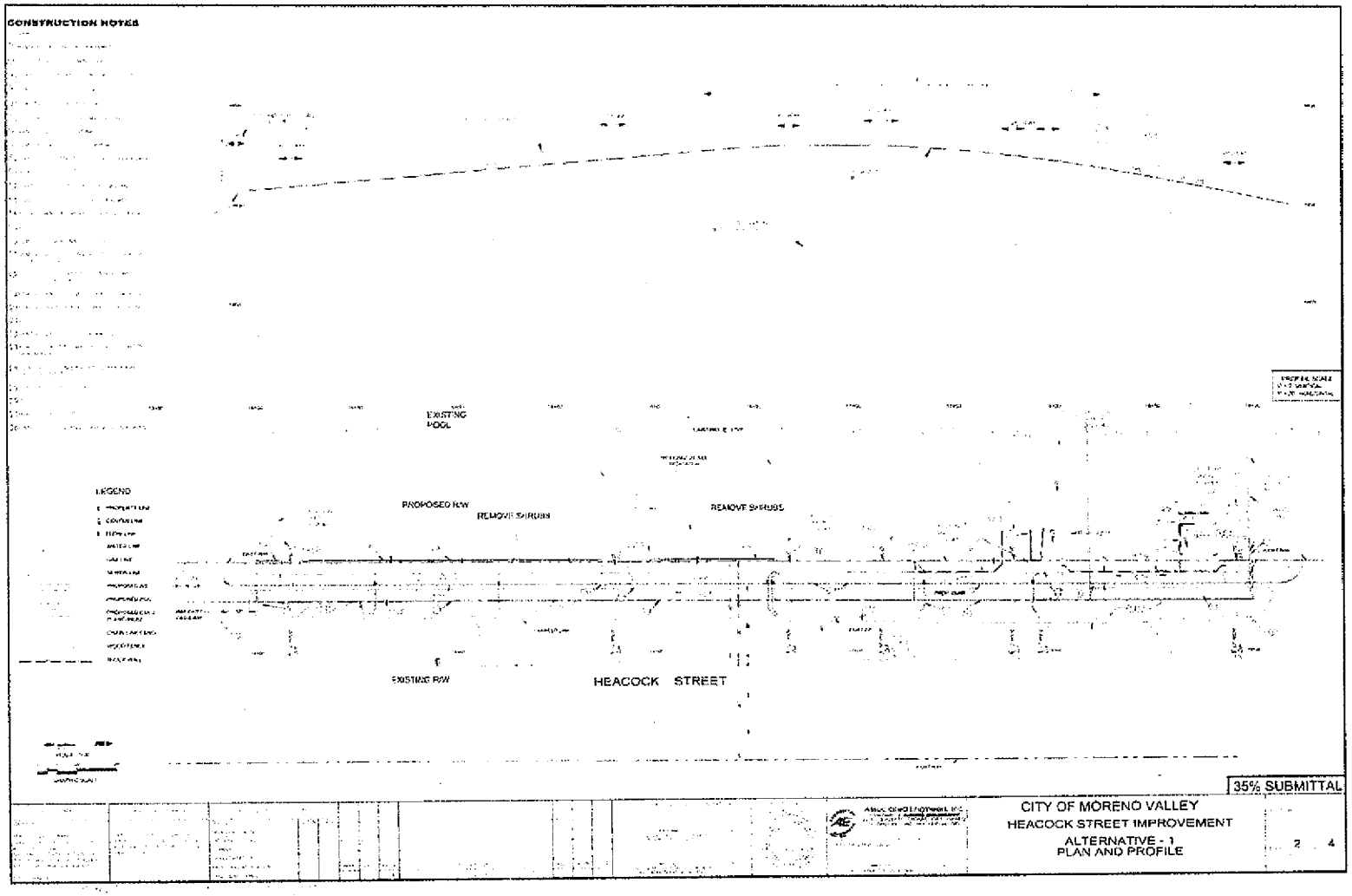

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FIGURE 5
Heacock Street Improvements Alternative 2

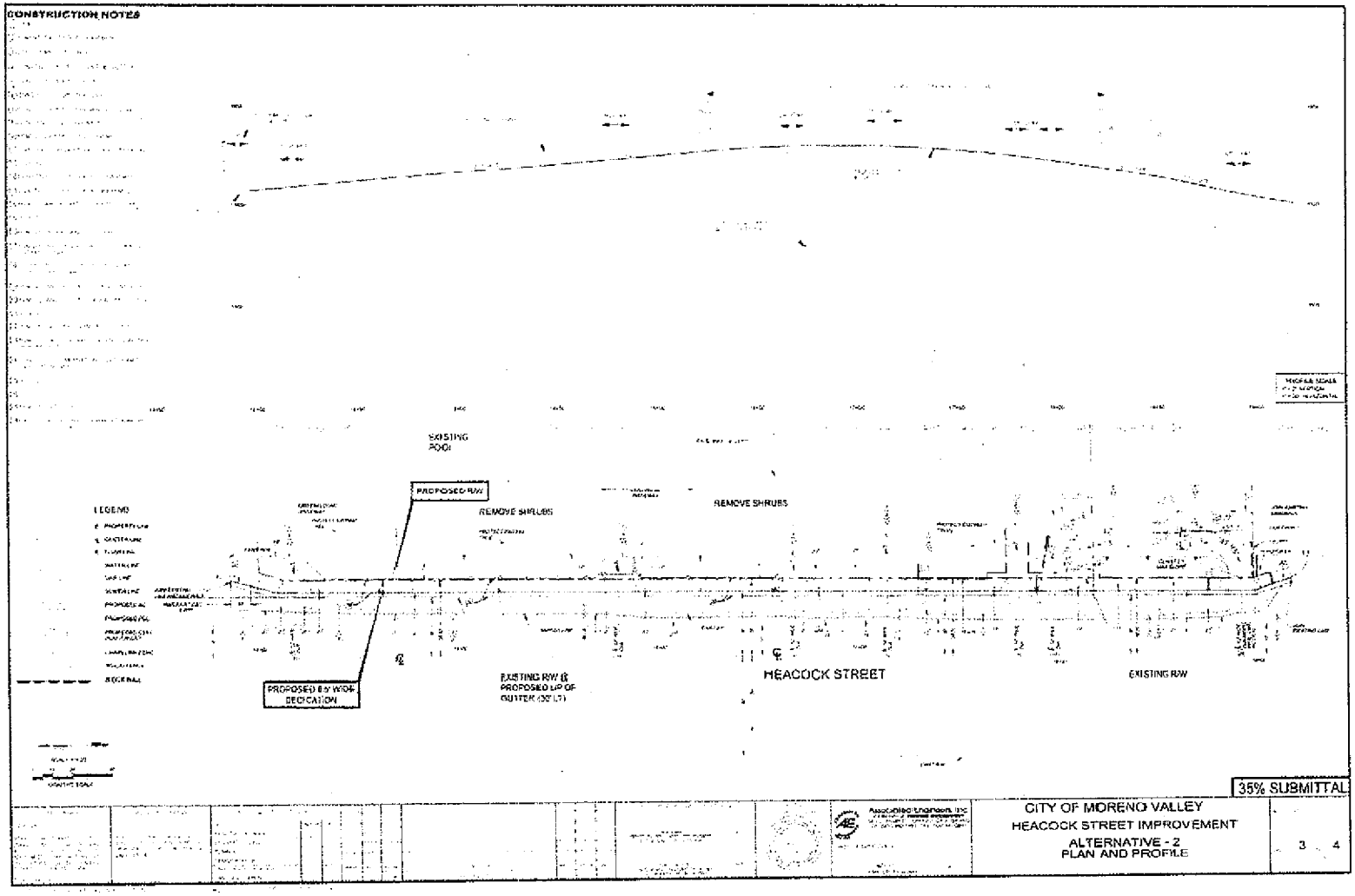

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FIGURE 6
Heacock Street Improvements Alternatives 1 & 2, Driveway Profiles and Sections

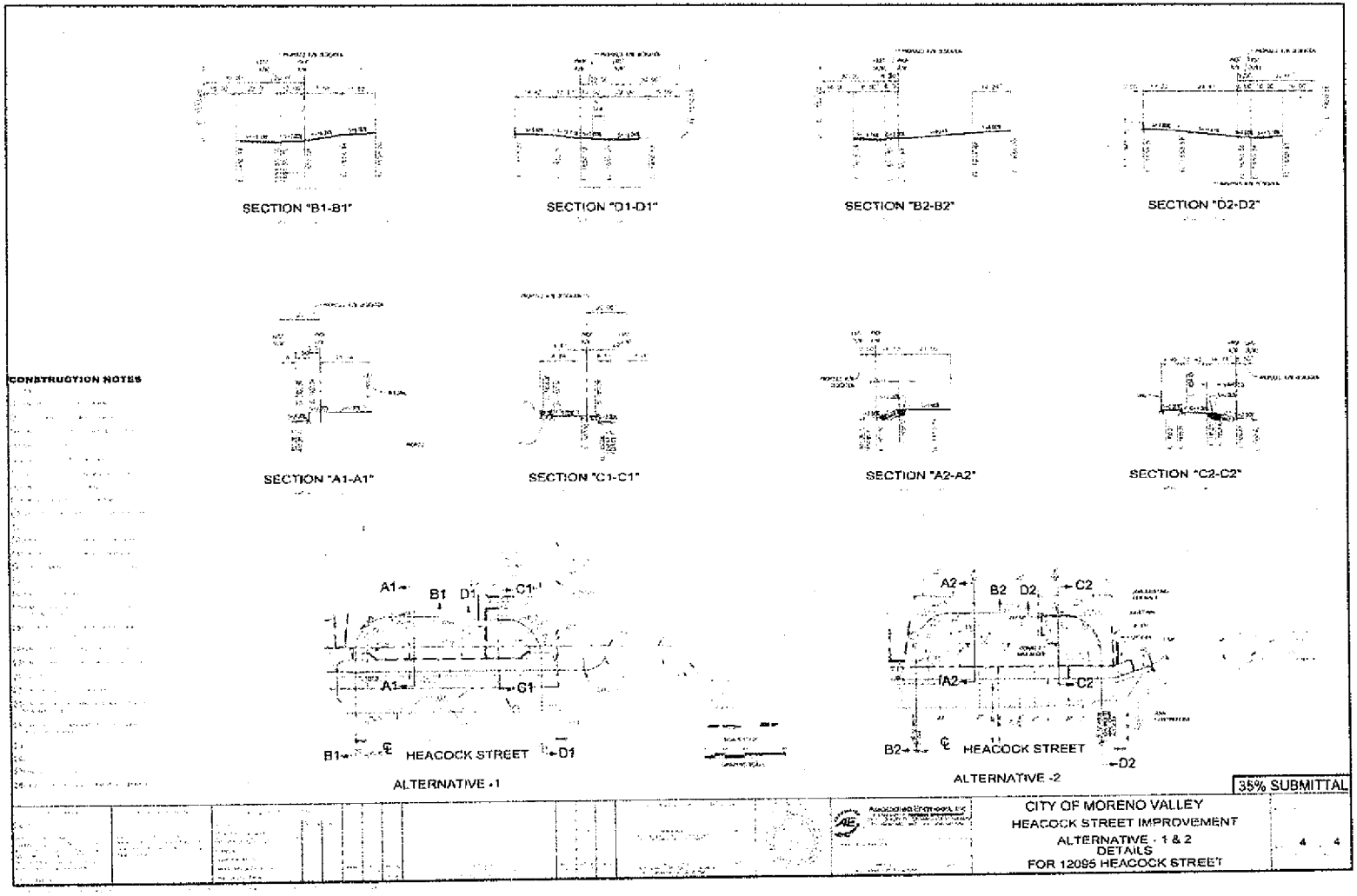

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MV00033236

APPENDIX 1

Air Quality
Auditing
CEQA Air Analysis
Fire & Building Code
Health & Safety
Industrial Hygiene
Permitting
Project Management
Risk Assessment
Strategic Planning
Water Quality

Web-based Solutions
Quality ISO 9000
Environment ISO 14000
EHS Hosted Applications
QMS Hosted Applications
RIOS Hosted Applications

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VIA EMAIL: tda@tdaenv.com

Mr. Tom Dodson
Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405

26 June 2008

Re: Air Quality Analysis for Heacock Street Project in Moreno Valley, California.

Dear Tom:

JE Compliance Services, Inc. (JECSI) was retained by Tom Dodson & Associates to prepare a limited air quality analysis to focus on construction emission calculations for the Heacock Street expansion project in Moreno Valley, California. The analysis does not include the emissions associated with existing or expected operations within the project area. Additionally, the analysis does not include an evaluation of whether the proposed project is in federal conformity nor does it include a federal conformity test in compliance with 40 CFR part 93. JECSI has not evaluated whether the proposed project is included in a regional emission analysis or included in any urban airshed model.

Analysis Methodology

URBEMIS 2007 (version 9.2) was used to estimate emissions during the construction project. Both SCAQMD and California Air Resources Board (CARB) use and suggest the use of the URBEMIS 2007 model for developing emission estimates for construction projects. The following activities were evaluated: removal of existing roadway, mass grading, fine grading and utility installation, paving and lane striping. The project schedule is provided in **Table 1.**

The equipment schedule for each phase was based on default URBEMIS 2007 equipment. URBEMIS 2007 uses OFFROAD2007 model for off-road vehicle emission factors and EMFAC 2007 for on-road vehicle emission factors. Due to a desired quantity of worker trips and delivery trips per day that could not be set in URBEMIS 2007, emissions from worker trips and delivery vehicles were calculated using emission factors provided by SCAQMD.

Emissions from roadway removal and grading activities were estimated using an emission factor of 10 pounds per acre-day. Approximately 600 cubic yards of soil is expected to be exported during grading activities. It is estimated that the daily acreage to be disturbed during mass and fine site grading activities will not exceed 0.25 acres. Additionally, a mitigation measure of three times daily watering was applied to the grading phases.

Emissions of carbon dioxide from the manufacturing of concrete manufacturing (indirect emission source) were calculated outside of URBEMIS. The emissions were calculated using estimated quantities of concrete and USEPA and GHG Protocol emissions factors. URBEMIS outputs and supplemental calculations are provided in **Attachments.**

Emissions Evaluation

SCAQMD publishes screening levels to determine if a project is regionally significant.[1] Additionally, SCAQMD provides guidance on determining localized significance thresholds (LSTs) for a project.[2] SCAQMD provides mass rate LSTs look up tables that are a function of the project location, project size, and sensitive receptor distance. A site size of one acre and a receptor distance of 25 meters were used to determine the LST for the project.

Unmitigated criteria pollutant emissions from the construction phase of the project are provided in **Table 2**. The emissions of criteria pollutants from the construction phase do not exceed the regional thresholds. The LST for particulate matter was exceeded during the mass grading and fine grading phases. No other criteria pollutants exceeded their respective LSTs.

Mitigated criteria pollutant emissions from the construction phase of the project are provided in **Table 3**. The emissions of criteria pollutants from the construction phase do not exceed the regional thresholds or LSTs.

Please call me or Daren with any comments or questions.

Sincerely,

Peter G. Stein
Vice President

Daren E. Jorgensen
President

[1] CEQA Air Quality Handbook, SCAQMD, April 1993, Section 6.4 Significance thresholds updated October 2006.
[2] Final Localized Significance Threshold Methodology, SCAQMD, June 2003.

Table 1 - Project Schedule

Activity	Duration (days)*
Remove roadway	3
Mass grading	4
Fine grading	3
Paving	2
Lane striping	1

*presented as working days

Table 2 - Overall Maximum Unmitigated Daily Construction Emissions (lbs/day)

Activity	VOC	NOx	CO	SOx	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2
Removal of roadway	2.87	19.53	14.57	0.01	2.51	0.92	3.43	0.52	0.81	1.33	2,995.12
Mass grading	3.89	27.4	19.92	0.02	2.54	1.54	4.08	0.53	1.39	1.93	3,978.93
Fine grading/utilities	5.22	38.9	23.99	0.02	2.68	1.94	4.62	0.68	1.76	2.44	86,9443.34
Paving	5.4	27.3	23.06	0.02	0	1.86	1.86	0	1.66	1.66	3,515.44
Lane striping	1.56	6.08	12.87	0.02	0.00	0.28	0.28	0.00	0.21	0.21	1,778.74
Max. Daily Emissions	5.40	38.90	23.99	0.02	2.68	1.94	4.62	0.68	1.76	2.44	869,443.34
Regional significance threshold	**75**	**100**	**550**	**150**	**150**	**150**	**150**	**55**	**55**	**55**	-
Localized significance threshold (see note 2)	-	**235**	**523**	-	**4**	**4**	**4**	**3**	**3**	**3**	-

Note 1: Localized significance threshold based on project area size of one acre and sensitive receptor distance of 25 meters from project boundary.

Table 3 - Overall Maximum Mitigated Daily Construction Emissions (lbs/day)

Activity	VOC	NOx	CO	SOx	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2
Removal of roadway	2.87	19.53	14.57	0.01	1.31	0.92	2.23	0.3	0.81	1.11	2,995.12
Mass grading	3.89	27.4	19.92	0.02	1.34	1.54	2.88	0.28	1.39	1.68	3,978.93
Fine grading/utilities	4.92	38.9	23.99	0.02	1.48	1.94	3.42	0.43	1.76	2.19	869,443.34
Paving	5.4	27.3	23.06	0.02	0	1.86	1.86	0	1.66	1.66	3,515.44
Lane striping	1.56	6.08	12.87	0.02	0.00	0.28	0.28	0.00	0.21	0.21	1,778.74
Max. Daily Emissions	5.40	38.90	23.99	0.02	1.48	1.94	3.42	0.43	1.76	2.19	869,443.34
Regional significance threshold	**75**	**100**	**550**	**150**	**150**	**150**	**150**	**55**	**55**	**55**	-
Localized significance threshold (see note 2)	-	**235**	**523**	-	**4**	**4**	**4**	**3**	**3**	**3**	-

Note 1: Localized significance threshold based on project area size of one acre and sensitive receptor distance of 25 meters from project boundary.

Attachments

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Urbemis 2007 Version 9.2.4

Combined Summer Emissions Reports (Pounds/Day)

File Name: S:\clients.wdx\tdod\207423\Heacock street improvement updated.urb924

Project Name: Heacock Street

Project Location: Riverside County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (lbs/day unmitigated)	4.07	31.16	13.33	0.01	2.53	1.69	4.09	0.53	1.55	1.98	3,039.24
2010 TOTALS (lbs/day mitigated)	4.07	31.16	13.33	0.01	1.32	1.69	2.88	0.28	1.55	1.73	3,039.24

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Summer Pounds Per Day, Unmitigated

ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

6/26/2008 4:11:12 PM

Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	2.52	0.83	3.34	0.53	0.76	1.29	2,023.83
Mass Grading 12/01/2010-12/03/2010	1.99	18.67	7.35	0.00	2.52	0.83	3.34	0.53	0.76	1.29	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	2.53	1.28	3.81	0.53	1.18	1.71	2,371.88
Mass Grading 12/06/2010-12/09/2010	2.69	22.01	11.09	0.01	2.53	1.28	3.81	0.53	1.18	1.71	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	2.51	1.58	4.09	0.53	1.45	1.98	3,039.24
Fine Grading 12/13/2010-12/15/2010	3.66	31.16	13.33	0.00	2.51	1.58	4.09	0.53	1.45	1.98	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	2.50	0.00	2.50	0.52	0.00	0.52	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	**4.07**	24.00	12.46	0.01	0.02	**1.69**	1.71	0.01	**1.55**	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Phase Assumptions

Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

2 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 83.33

Off-Road Equipment:

6/26/2008 4:11:12 PM

1 Concrete/Industrial Saws (10 hp) operating at a 0.73 load factor for 8 hours per day

1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 150

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 12/20/2010 - 12/20/2010 - Paving

Acres to be Paved: 0.25

Off-Road Equipment:

2 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day

2 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Construction Mitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Summer Pounds Per Day, Mitigated

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

6/26/2008 4:11:12 PM

Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading 12/01/2010-12/03/2010	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading 12/06/2010-12/09/2010	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading 12/13/2010-12/15/2010	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	**4.07**	24.00	12.46	0.01	0.02	**1.69**	1.71	0.01	**1.55**	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

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Urbemis 2007 Version 9.2.4

Combined Winter Emissions Reports (Pounds/Day)

File Name: S:\clients.wdx\tdod\207423\Heacock street improvement updated.urb924

Project Name: Heacock Street

Project Location: Riverside County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

Summary Report:

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2
2010 TOTALS (lbs/day unmitigated)	4.07	31.16	13.33	0.01	2.53	1.69	4.09	0.53	1.55	1.98	3,039.24
2010 TOTALS (lbs/day mitigated)	4.07	31.16	13.33	0.01	1.32	1.69	2.88	0.28	1.55	1.73	3,039.24

Construction Unmitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Winter Pounds Per Day, Unmitigated

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Phase Assumptions

Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 0

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

2 Other General Industrial Equipment (238 hp) operating at a 0.51 load factor for 8 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 83.33

Off-Road Equipment:

6/26/2008 4:11:34 PM

1 Concrete/Industrial Saws (10 hp) operating at a 0.73 load factor for 8 hours per day

1 Other Material Handling Equipment (191 hp) operating at a 0.59 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

Total Acres Disturbed: 0.5

Maximum Daily Acreage Disturbed: 0.25

Fugitive Dust Level of Detail: Default

10 lbs per acre-day

On Road Truck Travel (VMT): 150

Off-Road Equipment:

1 Graders (174 hp) operating at a 0.61 load factor for 6 hours per day

1 Rollers (95 hp) operating at a 0.56 load factor for 8 hours per day

1 Tractors/Loaders/Backhoes (108 hp) operating at a 0.55 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Phase: Paving 12/20/2010 - 12/20/2010 - Paving

Acres to be Paved: 0.25

Off-Road Equipment:

2 Pavers (100 hp) operating at a 0.62 load factor for 7 hours per day

2 Rollers (95 hp) operating at a 0.56 load factor for 7 hours per day

1 Water Trucks (189 hp) operating at a 0.5 load factor for 8 hours per day

Construction Mitigated Detail Report:

CONSTRUCTION EMISSION ESTIMATES Winter Pounds Per Day, Mitigated

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5 Exhaust	PM2.5	CO2

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Time Slice 12/1/2010-12/3/2010 Active Days: 3	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading 12/01/2010-12/03/2010	1.99	18.67	7.35	0.00	1.31	0.83	2.14	0.28	0.76	1.04	2,023.83
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	1.78	16.09	5.41	0.00	0.00	0.73	0.73	0.00	0.67	0.67	1,546.24
Mass Grading On Road Diesel	0.18	2.52	0.90	0.00	0.01	0.10	0.11	0.00	0.09	0.09	353.20
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/6/2010-12/9/2010 Active Days: 4	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading 12/06/2010-12/09/2010	2.69	22.01	11.09	0.01	1.32	1.28	2.61	0.28	1.18	1.46	2,371.88
Mass Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Mass Grading Off Road Diesel	2.33	17.43	8.43	0.00	0.00	1.10	1.10	0.00	1.02	1.02	1,611.73
Mass Grading On Road Diesel	0.32	4.53	1.62	0.01	0.02	0.18	0.20	0.01	0.16	0.17	635.76
Mass Grading Worker Trips	0.03	0.06	1.04	0.00	0.01	0.00	0.01	0.00	0.00	0.01	124.39
Time Slice 12/13/2010-12/15/2010 Active Days: 3	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading 12/13/2010-12/15/2010	3.66	31.16	13.33	0.00	1.30	1.58	2.88	0.27	1.45	1.73	3,039.24
Fine Grading Dust	0.00	0.00	0.00	0.00	1.30	0.00	1.30	0.27	0.00	0.27	0.00
Fine Grading Off Road Diesel	3.62	31.07	11.76	0.00	0.00	1.57	1.57	0.00	1.45	1.45	2,852.65
Fine Grading On Road Diesel	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fine Grading Worker Trips	0.05	0.09	1.57	0.00	0.01	0.01	0.01	0.00	0.00	0.01	186.59

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Time Slice 12/20/2010-12/20/2010 Active Days: 1	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Asphalt 12/20/2010-12/20/2010	4.07	24.00	12.46	0.01	0.02	1.69	1.71	0.01	1.55	1.56	2,272.55
Paving Off-Gas	0.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Paving Off Road Diesel	3.19	21.22	10.19	0.00	0.00	1.58	1.58	0.00	1.45	1.45	1,736.70
Paving On Road Diesel	0.19	2.71	0.97	0.00	0.01	0.11	0.12	0.00	0.10	0.10	380.36
Paving Worker Trips	0.04	0.08	1.30	0.00	0.01	0.00	0.01	0.00	0.00	0.01	155.49

Construction Related Mitigation Measures

The following mitigation measures apply to Phase: Fine Grading 12/13/2010 - 12/15/2010 - Fine grading and utility installation

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/1/2010 - 12/3/2010 - Removal of asphalt

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

The following mitigation measures apply to Phase: Mass Grading 12/6/2010 - 12/9/2010 - Mass grading

For Soil Stablizing Measures, the Water exposed surfaces 3x daily watering mitigation reduces emissions by:

PM10: 61% PM25: 61%

Maximum Daily Unmitigated Construction Emissions (2010)

Activity	Source	VOC	NOx	CO	SO2	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2	Comments
Removal of roadway	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Removal of roadway	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Removal of roadway	On-road equipment	0.18	2.52	0.9	0	0.01	0.1	0.11	0	0.09	0.09	353	URBEMIS
Removal of roadway	Off-road equipment	1.78	16.09	5.41	0	0	0.73	0.73	0	0.67	0.67	1,546.24	URBEMIS
Mass grading	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Mass grading	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Mass grading	On-road equipment	0.65	9.05	3.23	0.01	0.04	0.35	0.39	0.01	0.32	0.34	1,272	URBEMIS
Mass grading	Off-road equipment	2.33	17.43	8.43	0	0	1.1	1.1	0	1.02	1.02	1,611.73	URBEMIS
Fine grading/utilities	Fugitive dust					2.50		2.50	0.52		0.52		URBEMIS
Fine grading/utilities	Off-road equipment	3.62	31.07	11.76	0	0	1.57	1.57	0	1.45	1.45	2,852.65	URBEMIS
Fine grading/utilities	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Fine grading/utilities	Deliveries	0.39	3.09	2.77	0	0	0.11	0.11	0	0.1	0.1	410	SCAQMD factors
Fine grading/utilities	Concrete deliveries	0.3	3.82	1.2	0.01	0.18	0.17	0.35	0.16	0.16	0.32	421.12	SCAQMD factors
Fine grading/utilities	Cement manufacturing											864,664.06	EPA
Paving	Off-gas	0.65											URBEMIS
Paving	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Paving	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683	SCAQMD factors
Paving	Off-road equipment	3.19	21.22	10.19	0	0	1.58	1.58	0	1.45	1.45	1,736.70	URBEMIS
Lane striping	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Lane striping	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683.06	SCAQMD factors

Maximum Daily Mitigated Construction Emissions (2010)

Activity	Source	VOC	NOx	CO	SO2	PM10 (Dust)	PM10 (Exh)	PM10 (Total)	PM2.5 (Dust)	PM2.5 (Exh)	PM2.5 (Total)	CO2	Comments
Removal of roadway	Fugitive dust					1.30		1.30	0.3		0.3		URBEMIS
Removal of roadway	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Removal of roadway	On-road equipment	0.18	2.52	0.9	0	0.01	0.1	0.11	0	0.09	0.09	353	URBEMIS
Removal of roadway	Off-road equipment	1.78	16.09	5.41	0	0	0.73	0.73	0	0.67	0.67	1,546.24	URBEMIS
Mass grading	Fugitive dust					1.30		1.30	0.27		0.27		URBEMIS
Mass grading	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Mass grading	On-road equipment	0.65	9.05	3.23	0.01	0.04	0.35	0.39	0.01	0.32	0.34	1,272	URBEMIS
Mass grading	Off-road equipment	2.33	17.43	8.43	0	0	1.1	1.1	0	1.02	1.02	1,611.73	URBEMIS
Fine grading/utilities	Fugitive dust					1.30		1.30	0.27		0.27		URBEMIS
Fine grading/utilities	Off-road equipment	3.62	31.07	11.76	0	0	1.57	1.57	0	1.45	1.45	2,852.65	URBEMIS
Fine grading/utilities	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
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Lane striping	Worker trips	0.91	0.92	8.26	0.01	0	0.09	0.09	0	0.05	0.05	1095.68	SCAQMD factors
Lane striping	Deliveries	0.65	5.16	4.61	0.01	0	0.19	0.19	0	0.16	0.16	683.06	SCAQMD factors

Emissions from Worker Trips/Deliveries

Y = (N)(O)(EF)

where,
Y = Daily emissions of criteria pollutant, lbs/day
N = Number of trips per day
O = Distance per trip, miles
EF = Emission factor for criteria pollutant, lb/mile

Emissions from On-Road Vehicles During Mobilization Phase

Year	Activity	Total daily round trips	Miles during trip	Emission factors (lbs/mile)								Emissions (lbs/day)							
				VOC	CO	NOx	SOx	PM10	PM2.5	CO2	CH4	VOC	CO	NOx	SOx	PM10	PM2.5	CO2	CH4
2010	Worker	25	40	0.000913988	0.008262757	0.000918141	1.07747E-05	3.69788E-05	5.47813E-05	1.09568254	8.14608E-05	0.91	8.26	0.92	0.01	0.09	0.05	1095.68	0.08
2010	Delivery (materials in addition to concrete)	15	10	0.002569576	0.018437645	0.020624604	2.70099E-05	0.000751213	0.00064233	2.732221988	0.000125765	0.39	2.77	3.09	0	0.11	0.1	409.83	0.02
2010	Delivery (material deliveries only)	25	10	0.002569576	0.018437645	0.020624604	2.70099E-05	0.000751213	0.00064233	2.732221988	0.000125765	0.65	4.61	5.16	0.01	0.19	0.16	683.05	0.03

DRAFT - FOR DISCUSSION PURPOSES ONLY

APPENDIX 2

HISTORICAL/ARCHAEOLOGICAL RESOURCES SURVEY REPORT

HEACOCK STREET ROAD-WIDENING PROJECT

City of Moreno Valley
Riverside County, California

For Submittal to:

City of Moreno Valley
Public Works Department
14177 Frederick Street
Moreno Valley, CA 92553

Prepared for:

Tom Dodson
Tom Dodson and Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405

Prepared by:

CRM TECH
1016 East Cooley Drive, Suite A/B
Colton, CA 92324

Michael Hogan, Principal Investigator
Bai "Tom" Tang, Principal Investigator

June 3, 2008
CRM TECH Contract No. 2228

NATIONAL ARCHAEOLOGICAL DATABASE INFORMATION

Author(s): Josh Smallwood, Historical Archaeologist/Report Writer
Terri Jacquemain, Historian
Laura H. Shaker, Native American Liaison

Consulting Firm: CRM TECH
1016 East Cooley Drive, Suite A/B
Colton, CA 92324
(909) 824-6400

Date: June 3, 2008

Title: Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California

For Submittal to: City of Moreno Valley
Public Works Department
14177 Frederick Street
Moreno Valley, CA 92553
(951) 413-3000

Prepared for: Tom Dodson
Tom Dodson and Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405
(909) 882-3612

USGS Quadrangle: Sunnymead, Calif., 7.5' quadrangle; Section 1, T3S R4W, San Bernardino Base Meridian

Project Size: Approximately 0.25 mile

Keywords: Moreno Valley area, Riverside County; historical/archaeological resources survey; Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034; post-WWII-era single-family residences; no "historical resources" under CEQA

MANAGEMENT SUMMARY

In April and May, 2008, at the request of Tom Dodson and Associates, CRM TECH performed a cultural resources study for the proposed widening of an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue in the Sunnymead area of the City of Moreno Valley, Riverside County, California. The project area encompasses the existing road right-of-way as well as a total of 13 parcels, Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034, which are situated along the west side of Heacock Street and will be affected by the road-widening project. The study is part of the environmental review process for the proposed project, located in the northeast quarter of Section 1, T3S R4W, San Bernardino Base Meridian. The City of Moreno Valley Public Works Department, as Lead Agency for the project, required the study in compliance with the California Environmental Quality Act (CEQA).

The purpose of the study is to provide the City of Moreno Valley Public Works Department with the necessary information and analysis to determine whether the proposed project would cause substantial adverse changes to any historical/archaeological resources that may exist in or adjacent to the project area, as mandated by CEQA. In order to identify and evaluate such resources, CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, consulted with Native American representatives, and carried out an intensive-level field survey.

As a result of the study, two post-WWII-era single-family residences were recorded within the project area at 12151 and 12183 Heacock Street, but neither of them meets the definition of a "historical resource," as provided in CEQA. No archaeological sites or any other potential "historical resources" were encountered during the course of the study. Based on the research results summarized above, this study concludes that no "historical resources" are known to exist within or adjacent to the project area.

Therefore, CRM TECH recommends to the City of Moreno Valley Public Works Department a finding of *No Impact* regarding cultural resources. No further cultural resources investigation is recommended for the project unless construction plans undergo such changes as to include areas that have not been surveyed. However, if buried cultural materials are encountered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

TABLE OF CONTENTS

MANAGEMENT SUMMARY i
INTRODUCTION 1
SETTING 3
Current Natural Setting 3
Cultural Setting 4
Prehistoric Context 4
Ethnohistoric Context 4
Historic Context 5
RESEARCH METHODS 6
Records Search 6
Native American Participation 6
Historical Research 6
Field Survey 7
RESULTS AND FINDINGS 7
Previous Cultural Resources Studies 7
Native American Input 7
Historical Overview 9
Potential Historical Resources in the Project Area 11
12151 Heacock Street 11
12183 Heacock Street 12
DISCUSSION 13
Definition 13
Evaluation 13
CONCLUSION AND RECOMMENDATIONS 14
REFERENCES 15
APPENDIX 1: Personnel Qualifications 17
APPENDIX 2: Correspondence with Native American Representatives 22
APPENDIX 3: California Historical Resources Information System Record Forms 30

LIST OF FIGURES

Figure 1. Project vicinity 1
Figure 2. Project area 2
Figure 3. Overview of the current natural setting of the project area 3
Figure 4. Previous cultural resources studies 8
Figure 5. The project area and vicinity in 1853-1882 10
Figure 6. The project area and vicinity in 1897-1898 10
Figure 7. The project area and vicinity in 1939 10
Figure 8. The project area and vicinity in 1951-1953 10
Figure 9. Historic-period buildings in the project area 12

LIST OF TABLES

Table 1. Previously Recorded Cultural Resources in the Vicinity 9
Table 2. Buildings Located in the Project Area 11

INTRODUCTION

In April and May, 2008, at the request of Tom Dodson and Associates, CRM TECH performed a cultural resources study for the proposed widening of an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue in the Sunnymead area of the City of Moreno Valley, Riverside County, California (Fig. 1). The project area encompasses the existing road right-of-way as well as a total of 13 parcels, Assessor's Parcel Nos. 292-182-014 to -019, 292-193-024 to -029, and 292-193-034, which are situated along the west side of Heacock Street and will be affected by the road-widening project. The study is part of the environmental review process for the proposed project, located in the northeast quarter of Section 1, T3S R4W, San Bernardino Base Meridian (Fig. 2). The City of Moreno Valley Public Works Department, as Lead Agency for the project, required the study in compliance with the California Environmental Quality Act (CEQA; PRC §21000, et seq.).

CRM TECH performed the present study to provide the City of Moreno Valley Public Works Department with the necessary information and analysis to determine whether the proposed project would cause substantial adverse changes to any historical/archaeological resources that may exist in or around the project area, as mandated by CEQA. In order to identify and evaluate such resources, CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, consulted with Native American representatives, and carried out an intensive-level field survey. The following report is a complete account of the methods, results, and final conclusion of the study.

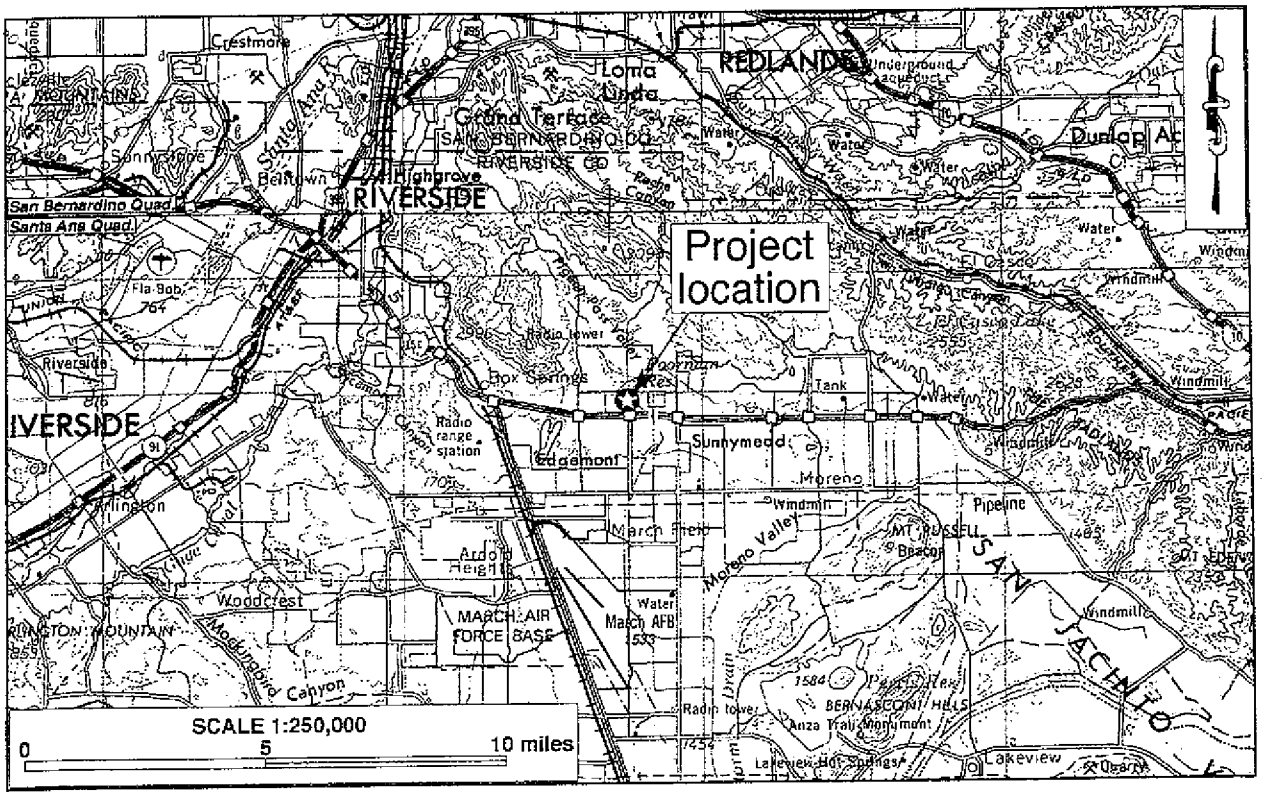

Figure 1. Project vicinity. (Based on USGS San Bernardino and Santa Ana, Calif., 1:250,000 quadrangles [USGS 1969; 1979])

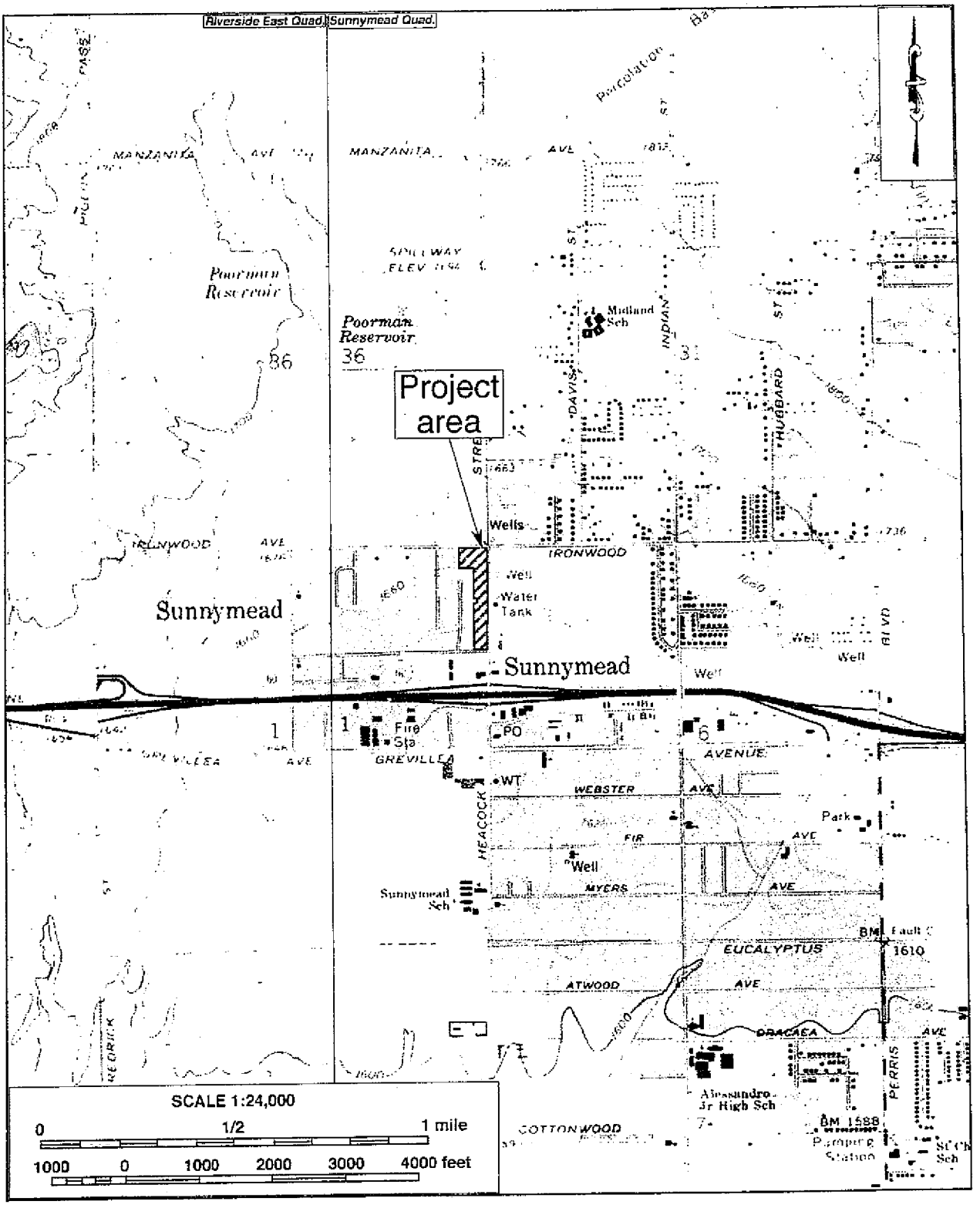

Figure 2. Project area. (Based on USGS Riverside East and Sunnymead, Calif., 1:24,000 quadrangles [USGS 1980a; 1980b])

SETTING

CURRENT NATURAL SETTING

The project area is situated near the southeast end of the Pigeon Pass Valley, a narrow valley extending southeast from the Box Springs Mountains. The surrounding region often experiences some extreme temperatures, reaching over 100 degrees in summer and dipping to near freezing in winter. As discussed above, the project area encompasses 13 residential and commercial parcels along an approximately 0.25-mile-long segment of Heacock Street between Ironwood Avenue and Hemlock Avenue. Heacock Street is a modern, four-lane roadway with signal lights at Ironwood Avenue and Hemlock Avenue. The project area lies in an urban setting and, except for a patch of vacant land immediate to the east, it is surrounded by residential and commercial development (Fig. 3). State Route 60 traverses approximately 0.10-mile to the south of the project location.

The elevation of the property ranges between about 1,650 and 1,660 feet above mean sea level, with a subtle rise toward the north from Hemlock Avenue and a gentle drop in elevation approaching Ironwood Avenue. Both sides of Heacock Street are lined by concrete sidewalks, except for an approximately 450-foot-long segment along the west side that is unimproved. Currently, pedestrian traffic along this unimproved stretch requires walking along an uneven dirt surface next to oncoming traffic. Vegetation along this segment consists mostly of weeds, and it is shaded by the overhanging branches of several mature, domestic trees.

Figure 3. Overview of the current natural setting of the project area. (Photo taken on April 28, 2008; view to the north along Heacock Street from near the intersection of Hemlock Avenue)

CULTURAL SETTING

Prehistoric Context

It is widely acknowledged that human occupation in what is now the State of California began 8,000-12,000 years ago. In attempting to describe and understand the cultural processes that occurred in the ensuing years, archaeologists have developed a number of chronological frameworks that endeavor to correlate the technological and cultural changes that are observable in archaeological records to distinct time periods. Unfortunately, none of these chronological frameworks has been widely accepted, and none has been developed specifically for the so-called Inland Empire, the nearest ones being for the Colorado Desert and Peninsular Ranges area (Warren 1984) and for the Mojave Desert (Warren and Crabtree 1986).

The development of an overall chronological framework for the region is hindered by the lack of distinct stratigraphic layers of cultural sequences that could be dated by absolute dating methods to provide concrete dates. Since results from archaeological investigations in this region have yet to be synthesized into an overall chronological framework, most archaeologists tend to follow a chronology adapted from a scheme developed by William J. Wallace in 1955 and modified by others (Wallace 1955; 1978; Warren 1968; Chartkoff and Chartkoff 1984; Moratto 1984). Although the beginning and ending dates of the different horizons or periods may vary, the general framework of prehistory in this region under this chronology consists of the following four periods:

- Early Hunting Stage (ca. 10,000 BC-6,000 BC), which was characterized by human reliance on big game animals, as evidenced by large, archaic-style projectile points and the relative lack of plant-processing artifacts;
- Millingstone Horizon (ca. 6,000 BC-AD 1,000), when plant foods and small game animals came to the forefront of subsistence strategy, and from which a large number of millingstones, especially well-made, deep-basin metates, were left;
- Late Prehistoric Period (ca. AD 1,000-1,500), during which a more complex social organization, a more diversified subsistence base—as evidenced by smaller projectile points, expedient millingstones and, later, pottery—and regional cultures and tribal territories began to develop;
- Protohistoric Period (ca. AD 1,500-1,700s), which ushered in long-distance contact with Europeans, and thereby led to the Historic Period.

Ethnohistoric Context

The subject property of this study lies in an area where the traditional territories of three Native American groups overlap: the Serrano of the San Bernardino Mountains, the Luiseño of the Perris-Elsinore region, and the Gabrielino of the San Gabriel Valley. Kroeber (1925:Plate 57) suggests that the Native Americans of the Riverside area were probably Luiseño, Reid (1968:8-9) states that they were Serrano, and Strong (1929:7-9, 275) claims that they were Gabrielino. In any case, there also occurred a late influx of Cahuilla during the 19th century (Bean 1978).

Whatever the linguistic affiliation, Native Americans in the Moreno Valley area exhibited similar social organization and resource procurement strategies. Villages were based on

clan or lineage groups. Their home/base sites are marked by midden deposits, often with bedrock mortar/metate features. During their seasonal rounds to exploit natural resources, small groups often ranged some distances in search of specific plants and animals. Their gathering strategies often left behind signs of special use sites, such as boulder slicks, at the locations of the resources.

Historic Context

In comparison to other nearby communities such as Riverside and San Jacinto, the City of Moreno Valley is a "late-boomer" both in early development in the 19th century and in urban growth in the 20th. By the mid-19th century, the area that constitutes present-day Moreno Valley remained essentially uninhabited, despite its location on a grassy plain surrounded by several large Mexican land grants. In 1853-1855, when the U.S. government initiated the first official land survey in southern California, the only man-made features observed in the area were a few roads crisscrossing the desert floor, including a wagon road from San Bernardino to Temecula, a second one leading to San Jacinto, and several unidentified roads or trails.

The Moreno Valley area remained unclaimed public land until 1870, when a large tract of 13,471 acres was purchased from the U.S. government in one single transaction (BLM n.d.). It was on this vast acquisition that the 11,560-acre Alessandro Tract and the town of Alessandro, where the March Air Reserve Base lies today, were laid out and offered to settlers in 1887 (Gunther 1984:11), during a land boom that swept through southern California in the 1880s. After this initial development scheme failed, the developers of Redlands in San Bernardino County, fresh from their acclaimed success in creating the Bear Valley reservoir and the thriving Redlands colony, took over the Alessandro Tract with the intention of irrigating the land with an elaborate water system (*ibid.*).

Water from the Bear Valley reservoir reached the Moreno Valley area in 1891, ushering in a few years of prosperity in the early 1890s. Two more communities came into being in the vicinity during this brief boom: New Haven, soon to be renamed Moreno, and Midland, also known as Armada (Gunther 1984:323, 333). However, the boom soon turned to bust during the drought of the late 1890s, when Bear Valley water was no longer delivered to the Moreno Valley area. As a result, the budding towns in the area became largely abandoned, and many of the buildings were taken up and moved to Riverside (*ibid.*:13, 334).

During the early 20th century, the Moreno Valley area began to recover slowly. In 1912, a 1,100-acre portion of the original Alessandro Tract was re-subdivided as the Sunnymead Orchard Tract (County Surveyor 1912), thus bestowing on the community formerly known as Midland or Armada the new name of Sunnymead. A series of development projects began in 1923 to the west of Sunnymead, which ultimately resulted in the establishment of the community of Edgemont (Gunther 1984:171-172).

Despite these development efforts, Moreno Valley's economic prospect was severely hampered by the lack of reliable water supply until 1973, after the completion of the California Aqueduct and its southern terminus, Lake Perris (Gunther 1984:334). Since then, the promise of affordable housing brought an influx of commuters to the Moreno Valley area, setting off a period of rapid growth and urbanization. By 1984, when residents in the

communities of Moreno, Sunnymead, and Edgemont voted to incorporate as the City of Moreno Valley, the new city had already become the second most populous in Riverside County (*ibid.*), thanks mainly to its attraction as a "bedroom community."

RESEARCH METHODS

RECORDS SEARCH

On March 27, 2008, CRM TECH archaeologist Nina Gallardo (see App. 1 for qualifications) conducted the historical/archaeological resources records search at the Eastern Information Center (EIC), University of California, Riverside. The EIC is the State of California's official cultural resource records repository for the County of Riverside, and a part of the California Historical Resources Information System established and maintained under the auspices of the California Office of Historic Preservation.

During the records search, Gallardo examined maps and records on file at the EIC for previously identified cultural resources in or near the project area, and existing cultural resources reports pertaining to the vicinity. Previously identified cultural resources include properties designated as California Historical Landmarks, Points of Historical Interest, or Riverside County Landmarks, as well as those listed in the National Register of Historic Places, the California Register of Historical Resources, or the California Historical Resources Information System.

NATIVE AMERICAN PARTICIPATION

On March 27, 2008, CRM TECH submitted a written request to the State of California's Native American Heritage Commission for a records search in the commission's sacred lands file. Following the Native American Heritage Commission's recommendations, CRM TECH contacted a total of 14 Native American representatives in the region in writing on April 3 to solicit local Native American input regarding any potential cultural resources concerns over the proposed project. The correspondences between CRM TECH and the Native American representatives are attached to this report in Appendix 2.

HISTORICAL RESEARCH

Historical research for this study was carried out in two phases. The preliminary background research was conducted by CRM TECH historian Terri Jacquemain (see App. 1 for qualifications) on the basis of published history in local history and property information from the Riverside County Assessor's Office, available online. The property information was used to formulate a preliminary assessment of the age of the buildings that would be encountered during the field inspection.

After the identification of historic-period buildings in the project area, Jacquemain and historical archaeologist Josh Smallwood (see App. 1 for qualifications) pursued more focused and in-depth research on the history of the buildings and the parcels on which they are located. Sources consulted during this phase of the research included historic maps of the Moreno Valley area and the archival records of the U.S. Bureau of Land Management (BLM) and the County of Riverside, primarily real property tax assessment

and building safety records. Among maps consulted for this study were the U.S. General Land Office's (GLO) land survey plat map dated 1855-1883 and the U.S. Geological Survey's (USGS) topographic maps dated 1901, 1942-1943, and 1953. These maps are collected at the Science Library of the University of California, Riverside, and the California Desert District of the BLM, located in Moreno Valley.

FIELD SURVEY

On April 28, 2008, Josh Smallwood carried out the intensive-level field survey for this study, including an inspection of all existing buildings in the project area. Prior to the on-foot survey, Smallwood drove the streets immediately adjacent to the project area and in the surrounding neighborhood to examine the age, condition, and design of buildings in the immediate vicinity. During the on-foot survey, Smallwood walked along the west side of Heacock Street and made an assessment of the age of each building within the project area based on the overall appearance. Smallwood then compared the estimated construction date with the information gathered during the preliminary historical research, and completed field recording procedures on those buildings that appeared to be more than 45 years old.

In order to facilitate the proper recordation and evaluation of the buildings, Smallwood made detailed notations and preliminary photo-documentation of their structural and architectural characteristics and current conditions. Smallwood's observations and photo-recordation during the field inspection formed the basis of the building descriptions and historical integrity evaluation presented below.

RESULTS AND FINDINGS

PREVIOUS CULTURAL RESOURCES STUDIES

According to records on file at the Eastern Information Center, the project area had not been previously surveyed for cultural resources prior to this study and no historical/archaeological resources had been recorded within the project boundaries (Fig. 4). Outside the project boundaries but within a one-mile radius, EIC records show a total of six previous cultural resources studies covering various small tracts of land and linear features representing less than 10% of the land within the one-mile radius (Fig. 4).

None of these previous intensive-level surveys encountered any historical/archaeological sites, although six historical buildings were recorded during the 1980s as part of a countywide reconnaissance sponsored by the Riverside County Historical Commission (Table 1). These buildings were all vernacular wood-framed residences constructed during the early 20th century. None of these buildings was located within or adjacent to the project boundaries, and therefore none of them requires any further consideration during this study.

NATIVE AMERICAN INPUT

In response to CRM TECH's inquiry, the Native American Heritage Commission reports that the sacred lands record search identified no Native American cultural resources in the

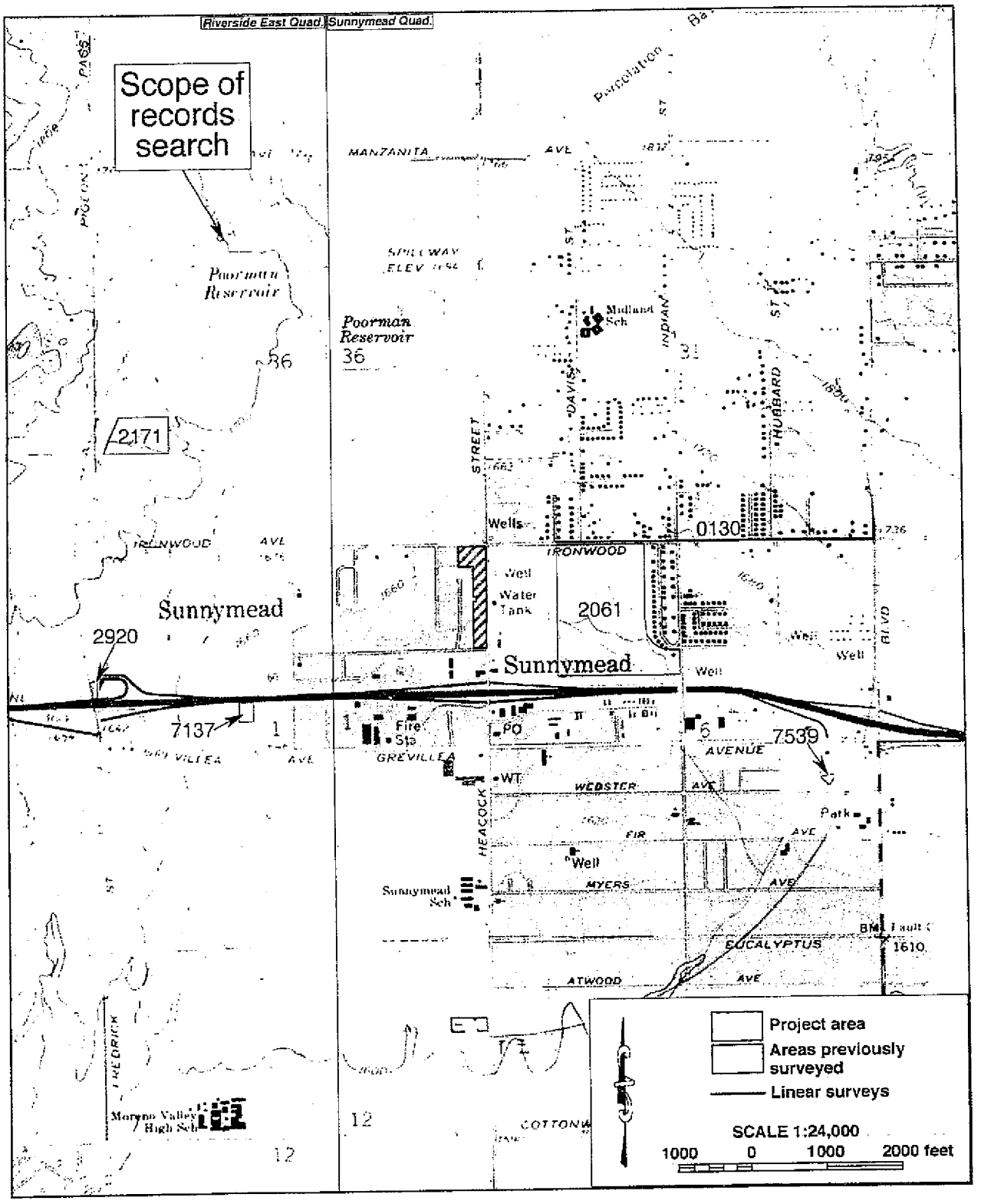

Figure 4. Previous cultural resources studies in the vicinity of the project area, listed by EIC file number. Locations of historical/archaeological sites are not shown as a protective measure.

Table 1. Previously Recorded Cultural Resources within the Scope of the Records Search		
Site No.	Recorded by/Date	Description
33-007284	Warner 1983	24638 Fir Avenue, vernacular wood-frame residence, ca. 1915
33-007285	Warner 1983	23741 Hemlock Avenue, vernacular wood-frame residence, ca. 1910
33-007286	Warner 1983	11808 Indian Street, vernacular wood-frame residence, ca. 1907
33-007287	Warner 1983	11811 Indian Street, vernacular wood-frame residence, ca. 1920
33-007288	Warner 1983	11919 Indian Street, vernacular wood-frame residence, ca. 1922
33-007289	Warner 1983	12680 Indian Street, vernacular wood-frame residence, ca. 1915

vicinity of the project area. However, noting that "the absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect'," the commission recommends that local Native American representatives be consulted for additional information, and provided a list of potential contacts in the region (see App. 2).

Upon receiving the commission's response, CRM TECH initiated correspondence with all 10 individuals on the referral list and the organizations they represent. In addition, John Gomez, Jr., Cultural Resources Coordinator for the Ramona Band of Cahuilla Indians, Maurice Chacon, Cultural Resources Coordinator for the Cahuilla Band of Indians, Darren Hill, Cultural Resources Coordinator for the Soboba Band of Luiseño Indians, and Anna Hoover, Cultural Analyst for the Temecula (Pechanga) Band of Luiseño Indians, were also contacted. As of this date, written responses have been received from Mr. Hill and Ms. Hoover (see App. 2).

In letters dated April 14 and 22, 2008, respectively, Mr. Hill and Ms. Hoover both identify the project area as a part of their tribes' ancestral lands. Both, therefore, request copies of archaeological documentations pertaining to the project and further consultation with the project proponents and the Lead Agency (see App. 2).

HISTORICAL OVERVIEW

Based on historic sources consulted for this study, the project area evidently was undeveloped throughout the 19th century but experienced some settlement during the early 20th century, followed by new waves of development activities in the mid- and late-20th century (Figs. 5-8). During the 1850s-1880s, the only man-made feature observed in the vicinity was a segment of a wagon road traversing across the barren landscape (GLO 1855). The project area itself apparently remained unsettled at that time (Fig. 5). According to BLM records, the project area was included in a nearly 2,000-acre cash-sale by the U.S. government to Ira S. Waring in May of 1870 (BLM n.d.).

By the late 1890s, the forerunner of Heacock Street had been constructed along its present course, but no buildings or other signs of settlement were found within the project boundaries at that time (Fig. 6). A few scattered farmhouses were evident in the vicinity, and a grid of streets had formed around the community of Armada, nearly two miles to the southeast of the project location (Fig. 6). By the 1930s, numerous buildings existed along the west side of Heacock Street in the town of Sunnymead, including several within the project area (Fig. 7). Heacock Street had become the main intersection along U.S. Highway 60 (USGS 1943), signed in 1931, and known today as Sunnymead Boulevard (California Highways n.d.).

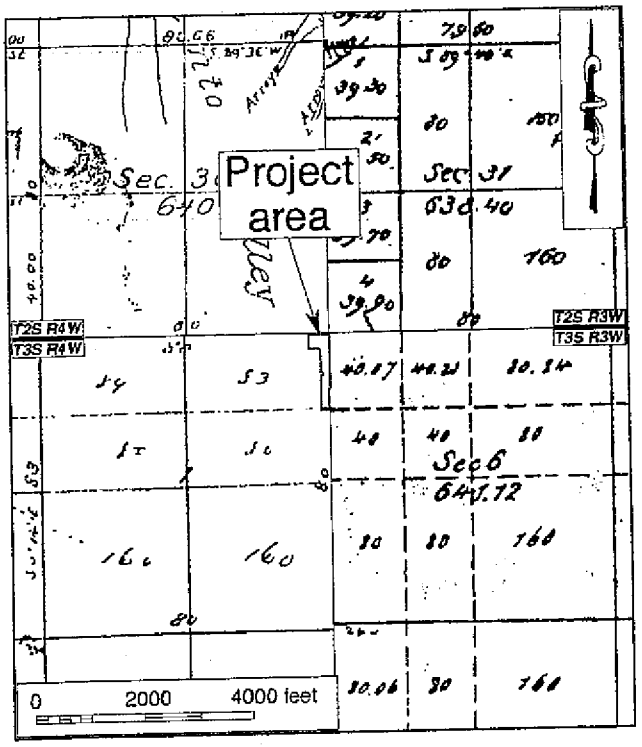

Figure 5. The project area and vicinity in 1853-1882. (Source: GLO 1855; 1876; 1877; 1883)

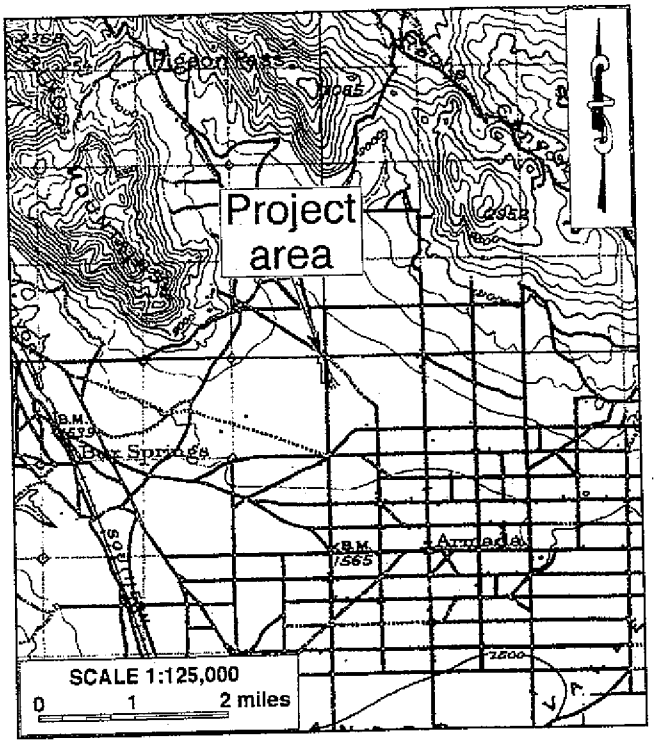

Figure 6. The project area and vicinity in 1897-1898. (Source: USGS 1901)

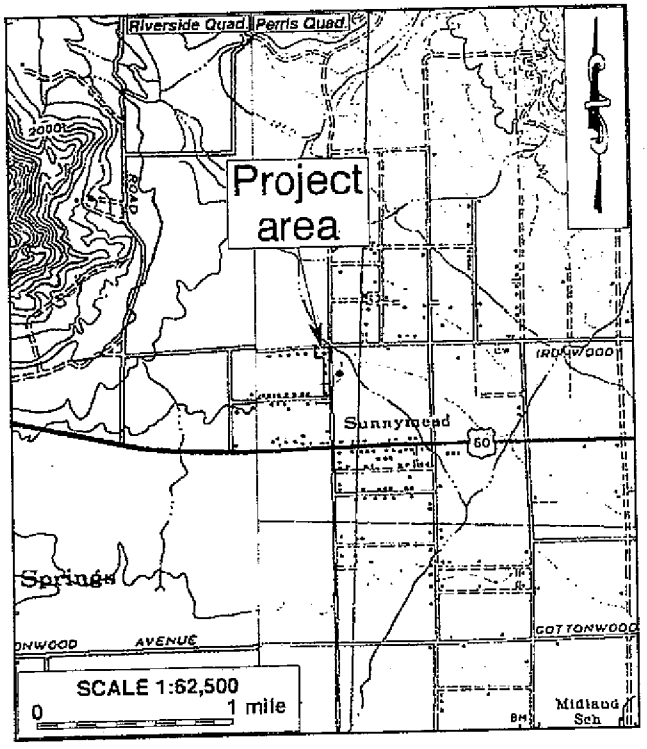

Figure 7. The project area and vicinity in 1939. (Source: USGS 1942; 1943)

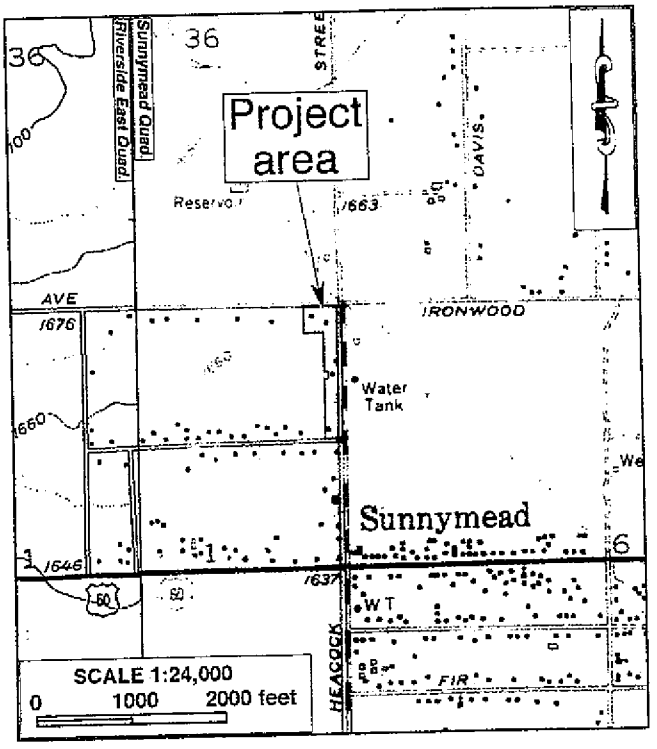

Figure 8. The project area and vicinity in 1951-1953. (Source: USGS 1953a; 1953b)

These buildings evidently remained at their locations within the project area through at least the early 1950s, with no additional development noted (Fig. 8). The surrounding area, meanwhile, experienced significant growth during the post-WWII era, especially along Sunnymead Boulevard closer to the town center. Field observations and archival records suggest that a new wave of development occurred within the project boundaries by the late 1950s-1960s, and again in later years, as discussed below.

POTENTIAL HISTORICAL RESOURCES IN THE PROJECT AREA

During the intensive-level field survey, no evidence of any prehistoric—i.e., Native American—cultural resources was found within the project area. However, as mentioned above, a number of buildings are present within the project area on various parcels along the west side of Heacock Street. Two of these buildings, single-family residences at 12151 and 12183 Heacock Street, are evidently more than 45 years of age, dating to the late 1950s (see App. 3 for DPR forms). Building permits reveal that the residences at 12095-120097 and 12107-12109 Heacock Street were constructed in 1964-1965, barely missing the 45-year age threshold for consideration as a potential historical resource during this study. The other buildings in the project area are all modern residential and commercial properties that sprung up over the past three decades (Table 2).

Table 2. Buildings Located in the Project Area

Address	Assessor's Parcel No.	Construction date
12183 Heacock Street	292-182-014	1959
12151 Heacock Street	292-182-015	1956
12199 Heacock Street	292-182-016; 292-182-017; 292-182-018	Post-1980 (estimated)
12235 Heacock Street	292-182-019	Post-1980 (estimated)
12123 Heacock Street	292-193-024	1980
12107-12109 Heacock Street	292-193-025	1964-1965
12095-12097 Heacock Street	292-193-026	1965
12085 Heacock Street	292-193-027	1977
12075 Heacock Street	292-193-028	1977
12065 Heacock Street	292-193-029	1978
23975 Ironwood Avenue	292-193-034	Post-1980 (estimated)

12151 Heacock Street

This one-story wood-frame residence of vernacular design, square in plan, rests on a concrete foundation and is painted tan with off-white trim (Fig. 9). Its medium-pitched hip roof is sheathed with brown composition shingles and features wide, open eaves with exposed rafters. The primary façade, facing east, features a glazed wood door flanked by sidelights, and two aluminum-framed sliding windows. Among the front windows and door are three rectangular stucco patches of various sizes, presumably where other windows were once located.

The south side of the house has a patio sheltered beneath a shed roof supported by decorative metal posts. The north side of the house, facing the driveway, features a side entrance with a short concrete stoop and hand-rails, sheltered beneath an eave extension

Figure 9. Historic-period buildings in the project area. *Left*: residence at 12151 Heacock Street; *right*: residence at 12183 Heacock Street. (Photos taken on April 28, 2008)

supported by wood posts. Fenestration on this side also consists of aluminum-framed sliding windows. To the north of the residence is a detached two-car garage covered by a hip roof clad with composition shingles. The exterior walls on both the house and the garage are coated with stucco. The front yard is enclosed by a tall wood fence and a wrought-iron gate with concrete block abutments.

Archival property records indicate that George and Elsie Soper became property owners of the northern 270 feet of Lot 38, which included this parcel, in 1952, and built this home about four years later (County of Riverside 1949-1953; 1954-1957). They added a pool and a patio cover to the house in 1975 (County of Riverside 1975).

12183 Heacock Street

This one-story, Ranch-style wood-frame residence, irregular in plan, rests on a concrete foundation and is painted white with green trim (Fig. 9). Its medium-pitched cross-gabled roof is sheathed with gray composition shingles and features wide, open eaves with exposed rafters. The asymmetrical primary façade, facing east, features a corner entryway sheltered beneath a wide roof overhang supported by square wood posts with corner braces. Next to the door is a large wood-framed picture window with diamond lattice grilles and faux shutters. Windows on the rest of the building are wood-framed double-hungs. The exterior walls are clad with a variety of materials, including brick veneer, vertical boards, and stucco. The front yard is enclosed by a tall chain-link fence with a gate. A paved driveway leads to the rear of the building where a detached garage of similar construction is located.

According to archival records, George and Elsie Soper deeded this parcel, the southern quarter-acre of their one-acre property, to Anton A. and Madelyn G. Juarez around 1959, the same year records indicate this house was constructed (County of Riverside 1959-1963; n.d.). By 1966, W. and Connie Boyden had acquired the property, and in that year securing a permit for a metal patio cover (County of Riverside 1966). They installed a pool two years later (County of Riverside 1968).

DISCUSSION

Based on the research results discussed above, the following sections present CRM TECH's conclusion on whether the historic-period buildings at 12151 and 12183 Heacock Street meet the official definition of "historical resources," as provided in the California Public Resources Code, in particular CEQA.

DEFINITION

According to PRC §5020.1(j), "'historical resource' includes, but is not limited to, any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." More specifically, CEQA guidelines state that the term "historical resources" applies to any such resources listed in or determined to be eligible for listing in the California Register of Historical Resources, included in a local register of historical resources, or determined to be historically significant by the Lead Agency (Title 14 CCR §15064.5(a)(1)-(3)).

Regarding the proper criteria of historical significance, CEQA guidelines mandate that "a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" (Title 14 CCR §15064.5(a)(3)). A resource may be listed in the California Register if it meets any of the following criteria:

(1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
(2) Is associated with the lives of persons important in our past.
(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
(4) Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1(c))

A local register of historical resources, as defined by PRC §5020.1(k), "means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." For properties within the City of Moreno Valley, the City's Cultural Preservation Ordinance provides two types of historical significance designation for individual buildings: landmark and structure of merit, as detailed in Title 7 of the Moreno Valley Municipal Code (§7.05.010; §7.05.130).

EVALUATION

The residences located at 12151 and 12183 Heacock Street were evidently constructed in the late 1950s, during the post-WWII development boom that swept across the nation. Throughout the course of the present study, no persons or events of recognized significance in national, state, or local history were identified in association with either of these buildings, nor is there any evidence that either of them represents the work of a prominent architect, designer, or builder. Neither of them qualify as an "important example" of its type, period, region, or method of construction, or expresses any ideals or

design concepts more fully than the many other surviving buildings of similar nature and vintage in the Moreno Valley area.

Based on these considerations, the present study concludes that the two historic-period buildings recorded in the project area at 12151 and 12183 Heacock Street do not appear eligible for listing in the California Register of Historical Resources. Since these two buildings are not currently included in the City of Moreno Valley's local register of historical resources (Diaz 2008), they do not meet CEQA's definition of "historical resources," as outlined above.

CONCLUSION AND RECOMMENDATIONS

CEQA establishes that "a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment" (PRC §21084.1). "Substantial adverse change," according to PRC §5020.1(q), "means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired."

As stated above, two post-WWII-era single-family residences were recorded within the project area as a result of this study, but neither of them qualifies as a "historical resource," as defined by CEQA. No other potential "historical resources" were identified during the course of this study. Based on the results of the present study, CRM TECH presents the following recommendations to the City of Moreno Valley Public Works Department regarding the proposed project:

- No historical resources exist within or adjacent to the project area, and thus the project as currently proposed will not cause a substantial adverse change to any known historical resources.
- No further cultural resources investigation is necessary for the proposed project unless construction plans undergo such changes as to include areas not covered by the present study.
- If buried cultural materials are discovered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

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1984 *The Archaeology of California*. Stanford University Press, Stanford, California.

County of Riverside
1946-1963 Real property tax assessment records, Book 11, Map 19. Microfiches on file, Riverside County Assessor's Office, Riverside.
1963-1975 Building permit records, 12107-12183 Heacock Street. On file, Riverside County Building and Safety Department, Riverside.
n.d. Property information database tax. Http://pic.asrclkrec.com/.

County Surveyor, Riverside
1912 Plat map of the Sunnymead Orchard Tract; Map Book 9, Page 17. Microfiche on file, Riverside County Surveyor's Office, Riverside.

Diaz, Gabriel (Associate Planner, City of Moreno Valley)
2008 Personal communication via telephone on June 2.

GLO (General Land Office, U.S. Department of the Interior)
1855 Plat Map: Township No. III South Range No. IV West, San Bernardino Meridian; surveyed in 1853-1855.
1876 Plat Map: Township No. 2 South Range No. 3 West, San Bernardino Meridian; surveyed in 1853-1876.
1877 Plat Map: Township No. 2 South Range No. 4 West, San Bernardino Meridian; surveyed in 1853-1877.
1883 Plat Map: Township No. III South Range No. III West, San Bernardino Meridian; surveyed in 1855-1882.

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1925 *Handbook of the Indians of California*. Bureau of American Ethnology Bulletin 78. Government Printing Office, Washington, D.C.

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1984 *California Archaeology*. Academic Press, Orlando, Florida.

Reid, Hugo
1968 The Indians of Los Angeles County: Hugo Reid's Letters of 1852; edited by Robert F. Heizer. Southwest Museum Papers 21.

Strong, William Duncan
1929 *Aboriginal Society in Southern California*. University of California Publications in American Archaeology and Ethnology 26. Reprinted by Malki Museum Press, Banning, California, 1972.

USGS (United States Geological Survey, U.S. Department of the Interior)
1901 Map: Elsinore, Calif. (30', 1:125,000); surveyed in 1897-1898.
1942 Map: Riverside, Calif. (15', 1:62,500); aerial photographs taken in 1939.
1943 Map: Perris, Calif. (15', 1:62,500); aerial photographs taken in 1939.
1953a Map: Riverside East, Calif. (7.5', 1:24,000); aerial photographs taken 1951, field-checked in 1953.
1953b Map: Sunnymead, Calif. (7.5', 1:24,000); aerial photographs taken in 1951, field-checked in 1953.
1969 Map: San Bernardino, Calif. (1:250,000); 1958 edition revised.
1979 Map: Santa Ana, Calif. (1:250,000); 1959 edition revised.
1980a Map: Riverside East, Calif. (7.5', 1:24,000); 1967 edition photorevised in 1978.
1980b Map: Sunnymead, Calif. (7.5', 1:24,000); 1967 edition photoinspected in 1973; photorevised in 1980

Wallace, William J.
1955 A Suggested Chronology for Southern California Coastal Archaeology. *Southwestern Journal of Archaeology* 11(3):214-230.
1978 Post-Pleistocene Archeology, 9,000 to 2,000 BC. In *Handbook of North American Indians*; Vol. 8, *California*, edited by Robert F. Heizer; pp. 25-36. Smithsonian Institution, Washington, D.C.

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1968 Cultural Traditions and Ecological Adaptations on the Southern California Coast. In *Archaic Prehistory in Western United States*, edited by Cynthia Irwin-Williams; pp. 1-14. Eastern New Mexico University Contributions in Anthropology 1(3). Portales, New Mexico.
1984 The Desert Region. In *California Archaeology*, edited by Michael J. Moratto; pp. 339-430. Academic Press, Orlando, Florida.

Warren, Claude N., and Robert H. Crabtree
1986 Prehistory of the Southwestern Area. In *Handbook of North American Indians*, Vol. 11: *Great Basin*, edited by Warren L. D'Azevedo; pp. 183-193. Smithsonian Institution, Washington, D.C.

APPENDIX 1:
PERSONNEL QUALIFICATIONS

PRINCIPAL INVESTIGATOR/HISTORIAN/ARCHITECTURAL HISTORIAN
Bai "Tom" Tang, M.A.

Education

1988-1993	Graduate Program in Public History/Historic Preservation, UC Riverside.
1987	M.A., American History, Yale University, New Haven, Connecticut.
1982	B.A., History, Northwestern University, Xi'an, China.
2000	"Introduction to Section 106 Review," presented by the Advisory Council on Historic Preservation and the University of Nevada, Reno.
1994	"Assessing the Significance of Historic Archaeological Sites," presented by the Historic Preservation Program, University of Nevada, Reno.

Professional Experience

2002-	Principal Investigator, CRM TECH, Riverside/Colton, California.
1993-2002	Project Historian/Architectural Historian, CRM TECH, Riverside, California.
1993-1997	Project Historian, Greenwood and Associates, Pacific Palisades, California.
1991-1993	Project Historian, Archaeological Research Unit, UC Riverside.
1990	Intern Researcher, California State Office of Historic Preservation, Sacramento.
1990-1992	Teaching Assistant, History of Modern World, UC Riverside.
1988-1993	Research Assistant, American Social History, UC Riverside.
1985-1988	Research Assistant, Modern Chinese History, Yale University.
1985-1986	Teaching Assistant, Modern Chinese History, Yale University.
1982-1985	Lecturer, History, Xi'an Foreign Languages Institute, Xi'an, China.

Honors and Awards

1988-1990	University of California Graduate Fellowship, UC Riverside.
1985-1987	Yale University Fellowship, Yale University Graduate School.
1980, 1981	President's Honor List, Northwestern University, Xi'an, China.

Cultural Resources Management Reports

Preliminary Analyses and Recommendations Regarding California's Cultural Resources Inventory System (With Special Reference to Condition 14 of NPS 1990 Program Review Report). California State Office of Historic Preservation working paper, Sacramento, September 1990.

Numerous cultural resources management reports with the Archaeological Research Unit, Greenwood and Associates, and CRM TECH, since October 1991.

Membership

California Preservation Foundation.

PRINCIPAL INVESTIGATOR/ARCHAEOLOGIST
Michael Hogan, Ph.D., RPA*

Education

1991	Ph.D., Anthropology, University of California, Riverside.
1981	B.S., Anthropology, University of California, Riverside; with honors.
1980-1981	Education Abroad Program, Lima, Peru.
2002	Section 106—National Historic Preservation Act: Federal Law at the Local Level. UCLA Extension Course #888.
2002	"Recognizing Historic Artifacts," workshop presented by Richard Norwood, Historical Archaeologist.
2002	"Wending Your Way through the Regulatory Maze," symposium presented by the Association of Environmental Professionals.
1992	"Southern California Ceramics Workshop," presented by Jerry Schaefer.
1992	"Historic Artifact Workshop," presented by Anne Duffield-Stoll.

Professional Experience

2002-	Principal Investigator, CRM TECH, Riverside/Colton, California.
1999-2002	Project Archaeologist/Field Director, CRM TECH, Riverside.
1996-1998	Project Director and Ethnographer, Statistical Research, Inc., Redlands.
1992-1998	Assistant Research Anthropologist, University of California, Riverside
1992-1995	Project Director, Archaeological Research Unit, U. C. Riverside.
1993-1994	Adjunct Professor, Riverside Community College, Mt. San Jacinto College, U.C. Riverside, Chapman University, and San Bernardino Valley College.
1991-1992	Crew Chief, Archaeological Research Unit, U. C. Riverside.
1984-1998	Archaeological Technician, Field Director, and Project Director for various southern California cultural resources management firms.

Research Interests

Cultural Resource Management, Southern Californian Archaeology, Settlement and Exchange Patterns, Specialization and Stratification, Culture Change, Native American Culture, Cultural Diversity.

Cultural Resources Management Reports

Author and co-author of, contributor to, and principal investigator for numerous cultural resources management study reports since 1986.

Memberships

* Register of Professional Archaeologists.
Society for American Archaeology.
Society for California Archaeology.
Pacific Coast Archaeological Society.
Coachella Valley Archaeological Society.

HISTORICAL ARCHAEOLOGIST/REPORT WRITER
Josh Smallwood, B.A.

Education

2007	Graduate Program in Historic Preservation, Savannah College of Art and Design, Savannah, Georgia (M.A. expected in Summer, 2008).
1998	B.A., Anthropology, Humboldt State University, Arcata, California.
1997	Archaeological Field School, Fort Ross State Historic Park, Fort Ross, California.
	Archaeological Field School, Coastal Test and Mitigation Projects, Arcata, California.
1996	Archaeological Field School, Mad River Watershed Surveys, Blue Lake, California.
1994	A.A., Anthropology, Palomar College, San Marcos, California.
1993	Archaeological Field School, San Pasqual Battlefield, San Pasqual, California.
	Archaeological Field School, Las Flores Asisténcia, Camp Pendleton, CA.
1992	Archaeological Field School, Palomar College Campus Late Prehistoric Sites, San Marcos, California.
2002	"Historical Archaeology Workshop," presented by Richard Norwood, Base Archaeologist, Edwards Air Force Base.
2001	"OSHA Safety Training for Construction Monitors," presented by OSHA and City of San Diego.
2000	"HABS/HAER Recording Methods for Historic Structures," presented by Robert Case, Historic Archaeologist, Mooney & Associates, San Diego.
1998	"Unexploded Ordinance Training," presented by EOD officers, Fort Irwin National Training Center, Barstow.
1997	"Obsidian Sourcing through Characterization," presented by Thomas Origer, Sonoma State University.
1994-	Extensive study of lithic resource procurement strategies, reduction technology, tool manufacture, and reproduction.

Professional Experience

2002- Project Archaeologist/Report Writer, CRM TECH, Riverside/Colton, California.

- Writer/co-author of cultural resource reports for Section 106 and CEQA compliance.
- Field director in archaeological fieldwork, historic-period building surveys and recordation, historic-period artifact and lithic analysis.
- Historical research using published literature, historic maps, oral interviews, archival records of public agencies, internet sources, and consultation with local historical societies.

1997-2002 Archaeologist for several cultural resource management/environmental consultants, Department of Defense subcontractors, and Humboldt State University.

Cultural Resources Management Reports

Co-author of and contributor to numerous cultural resources studies since 1997.

PROJECT HISTORIAN
Terri Jacquemain, M.A.

Education

2004 M.A., Public History and Historic Resource Management, University of California, Riverside.
2002 B.S., Anthropology, University of California, Riverside.

Professional Experience

2003- Historian/Report Writer, CRM TECH, Riverside/Colton, California.
- Writer/co-author of cultural resources reports for CEQA and NHPA Section 106 compliance;
- Historic context development, historical/archival research, oral historical interviews, consultation with local historical societies;
- Historic building surveys and recordation, research in architectural history.

2002-2003 Teaching Assistant, Religious Studies Department, University of California, Riverside.
1997-1999 Reporter, *Inland Valley Daily Bulletin*, Ontario, California.
1991-1997 Reporter, *The Press-Enterprise*, Riverside, California.

Memberships

California Council for the Promotion of History.
Friends of Public History, University of California, Riverside.

PROJECT ARCHAEOLOGIST/NATIVE AMERICAN LIAISON
Laura Hensley Shaker, B.S.

Education

1998	B.S., Anthropology (with emphasis in Archaeology), University of California, Riverside.
1997	Archaeological Field School, University of California, Riverside.
2002	"Historic Archaeology Workshop," presented by Richard Norwood, Base Archaeologist, Edwards Air Force Base; presented at CRM TECH, Riverside, California.
1999	"Unexploded Ordinance Training," presented by EOD officers; Fort Irwin Army Training Facility, Barstow, California.

Professional Experience

1999-	Project Archaeologist, Native American Liaison, CRM TECH, Riverside/ Colton, California.
1999	Archaeological survey and excavation at Vandenburg Airforce Base; Applied Earthworks, Lompoc, California.
1999	Archaeological survey at Fort Irwin Army Training Facility, Barstow; A.S.M. Affiliates, Encinitas, California.
1998-1999	Paleontological fieldwork and laboratory procedures, Eastside Reservoir Project; San Bernardino County Museum, Redlands, California.
1998	Archaeological survey at the Anza-Borrego State Park; Archaeological Research Unit, University of California, Riverside.
1997-1998	Archaeological survey and excavation at the Twentynine Palms Marine Corps Air and Ground Combat Center; Archaeological Research Unit, University of California, Riverside.

PROJECT ARCHAEOLOGIST
Nina Gallardo, B.A.

Education

2004 B.A., Anthropology/Law and Society, University of California, Riverside.

Professional Experience

2004- Project Archaeologist, CRM TECH, Riverside/Colton, California.
- Surveys, excavations, mapping, and records searches.

Honors and Awards

2000-2002 Dean's Honors List, University of California, Riverside.

APPENDIX 2

CORRESPONDENCE WITH NATIVE AMERICAN REPRESENTATIVES*

* A total of 14 local Native American representatives were contacted. A sample letter is included in this report.

CRM TECH

FAX COVER SHEET

1016 E. Cooley Drive
Suite B
Colton, CA 92324
909·824·6400·Tel
909·824·6405·Fax

To:
Native American Heritage Commission

Fax:
(916) 657-5390

From:
Nina Gallardo

Date:
March 27, 2008

Number of pages (including this cover sheet):
2

HARDCOPY:

_____ will follow by mail

√ will not follow unless requested

RE: Sacred Land records search

This is to request a Sacred Lands records search

Name of project:
Heacock Street Widening from Ironwood to Hemlock
CRM TECH #2228

Project size:
.25 mile linear + several buildings

Location:
In the City of Moreno Valley
Riverside County

USGS 7.5' quad sheet data:
Riverside East & Sunnymead, Calif.
Sections: 1 & 6, T3S R3W/4W, SBBM

Please call if you need more information or have any questions. Results may be faxed to the number above. I appreciate your assistance in this matter.

Map included

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: da_nahc@pacbell.net

April 2, 2008

Nina Gallardo
CRM TECH
1016 E. Cooley Drive, Suite B
Colton, CA 92324

Fax #: 909-824-6405
Number of Pages: 3

Re: Proposed Heacock Street Widening Project, Riverside County.

Dear Ms. Gallardo:

The Native American Heritage Commission was able to perform a record search of its Sacred Lands File (SLF) for the affected project area. The SLF failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the Sacred Lands File does not guarantee the absence of cultural resources in any 'area of potential effect (APE).'

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Enclosed are the nearest tribes that may have knowledge of cultural resources in the project area. A List of Native American contacts are attached to assist you. The Commission makes no recommendation of a single individual or group over another. It is advisable to contact the person listed; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area (APE).

Lack of surface evidence of archeological resources does not preclude the existence of archeological resources. Lead agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Discussion of these should be included in your environmental documents, as appropriate.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton
Program Analyst

Attachment: Native American Contact List

Native American Contacts
Riverside County
March 28, 2008

Cahuilla Band of Indians
Anthony Madrigal, Jr., Chairperson
P.O. Box 391760 Cahuilla
Anza , CA 92539
tribalcouncil@cahuilla.net
(951) 763-2631

(951) 763-2632 Fax

Alvino Siva
2034 W. Westward Cahuilla
Banning , CA 92220
(951) 849-3450

Pechanga Band of Mission Indians
Paul Macarro, Cultural Resource Center
P.O. Box 1477 Luiseno
Temecula , CA 92593
(951) 308-9295 Ext 8106
(951) 676-2768
(951) 506-9491 Fax

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 609 Cahuilla
Hemet , CA 92546
srtribaloffice@aol.com
(951) 658-5311
(951) 658-6733 Fax

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, vice chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

Morongo Band of Mission Indians
Michael Contreras, Cultural Resources-Project
49750 Seminole Drive Cahuilla
Cabazon , CA 92230 Serrano
(951) 755-5206

(951) 922-8146 Fax

San Manuel Band of Mission Indians
James Ramos, Chairperson
26569 Community Center Drive Serrano
Highland , CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

San Manuel Band of Mission Indians
Ann Brierty, Environmantal Department
101 Pure Water Lane Serrano
Highland , CA 92346
abrierty@sanmanuel-nsn.gov
(909) 863-5899 EXT-4321

(909) 862-5152 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed, Heacock Street Widening Project; located in the City of Moreno Valley; Riverside County, California for which a Sacred Lands File search and Native American Contacts list were requested.

Native American Contacts
Riverside County
March 28, 2008

Serrano Nation of Indians
Goldie Walker
6588 Valaria Drive Serrano
Highland , CA 92346
(909) 862-9883

Soboba Band of Luiseno Indians
Harold Arres, Cultural Resources Manager
P.O. Box 487 Luiseno
San Jacinto , CA 92581
harres@soboba-nsn.gov
(951) 654-2765
FAX: (951) 654-4198

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed, Heacock Street Widening Project; located in the City of Moreno Valley; Riverside County, California for which a Sacred Lands File search and Native American Contacts list were requested.

April 3, 2008

Darren Hill, Cultural Resources Manager
Soboba Band of Luiseño Indians
P. O. Box 487
San Jacinto, CA 92381

RE: Heacock Street Widening from Ironwood to Hemlock
Assessor's Parcel Nos. 292-182-014 to 292-182-019, 292-193-024 to 292-193-029, and 292-193-034, in the City of Moreno Valley, Riverside County
CRM TECH Contract #2228

Dear Mr. Hill:

As part of a cultural resources study for the project referenced above, I am writing to request your input on potential Native American cultural resources in or near the project area. Please respond at your earliest convenience if you have any specific knowledge of sacred/religious sites or other sites of Native American traditional cultural value within or near the project area. The lead agency for this project is the City of Moreno Valley for CEQA-compliance purposes.

The proposed project involves road widening along the west side of Heacock Street from Ironwood Avenue to Hemlock Avenue, in the City of Moreno Valley, Riverside County. The accompanying map, based on the USGS Sunnymead, Calif., 7.5' quadrangle, depicts the location of the project area in the northeast quarter of Section 1, T3S R4W, SBBM.

Any information, concerns or recommendations regarding cultural resources in the vicinity of the project area may be forwarded to CRM TECH by telephone, e-mail, facsimile or standard mail. Thank you for the time and effort in addressing this important matter.

Respectfully,

Laura Hensley Shaker
CRM TECH

Encl.: Project location map

Mission:

Educate and communicate the rich heritage of Soboba peoples; Lead and assist individuals, organizations and communities in understanding the needs and concerns of Native American monitoring of traditional sites; Advocate Native American participation in state agencies and boards; Advocate legislation and enforcement of laws affecting Native American peoples and protecting historical and archaeological resources.

April 14, 2008

Attn: Laura Hensley Shaker
CRM TECH
1016 E. Cooley Dr., Suite A/B
Colton, Ca 92324

Re: Contract # 2228

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that the project area falls within the bounds of our Tribal Traditional Use Area.

Soboba Band of Luiseño Indians is requesting the following:

1. Further consultation with Native American Tribes.
2. **Copies of archeological and/or cultural resource documentation.**

If you have any questions or concerns please do not hesitate to contact me at the following number 951-487-8268.

[SPECIAL NOTE (for projects other than cell towers): *If* this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Tradtional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in **formal, government-to-government** consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.]

Sincerely,

Darren Hill
Soboba Cultural Resource Department
Phone 951-487-8268
Cell 951-663-5279
dhill@soboba-nsn.gov

RECEIVED APR 22 2008

PECHANGA CULTURAL RESOURCES
Temecula Band of Luiseño Mission Indians

Post Office. Box 2183 • Temecula, CA 92593
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:
Germaine Arenas

Vice Chairperson:
Mary Bear Magee

Committee Members:
Evie Gerber
Darlene Miranda
Bridgett Barcello Maxwell

Director:
Gary DuBois

Coordinator:
Paul Macarro

Cultural Analyst:
Anna Hoover

Monitor Supervisor:
Aurelia Marruffo

April 22, 2008

VIA E-Mail and USPS

RE: Request for Information for the Heacock Street Widening Project, City of Moreno Valley CRM Tech #2228(CRM Tech)

Dear Ms. Shaker;

The Tribe appreciates your request for information regarding the above referenced project. After reviewing the provided maps and internal documents, we have determined that the project area is not within reservation lands although it is within our ancestral territory. At this time, we are not interested in commenting on this project.

However, the Tribe requests the following:

1) Copies of all applicable archaeological reports and site records; and

2) In the event that subsurface cultural resources are identified, the Tribe requests consultation with the project proponent and Lead Agency regarding the treatment and disposition of all artifacts.

As a sovereign governmental entity, the Tribe is entitled to appropriate and adequate government-to-government consultation regarding the proposed project. We would like you and your client to know that the Tribe does not consider initial inquiry letters from project consultants to constitute appropriate government-to-government consultation, but rather tools to obtain further information about the project area. Therefore, the Tribe reserves its rights to participate in the formal environmental review process, including government-to-government consultation with the Lead Agency, and requests to be included in all correspondence regarding this project.

Please note that we are interested in participating in surveys within Luiseño ancestral territory. Prior to conducting any surveys, please contact the Cultural Department to schedule specifics. If you have any additional questions or comments, please contact me at ahoover@pechanga-nsn.gov or 951-308-9295.

Sincerely,

Anna M. Hoover
Cultural Analyst

RECEIVED MAY 13 2008

APPENDIX 3

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM RECORD FORMS

State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 6Z
Other Listings
Review Code Reviewer Date

*Resource Name or # (Assigned by recorder) CRM TECH 2228-1

P1. Other Identifier: 12151 Heacock Street

*P2. Location: ___ Not for Publication √ Unrestricted *a. County Riverside
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Sunnymead, Calif. Date 1967, photorevised 1980
T3S; R4W; NE 1/4 of NE 1/4 of Sec 1 ; S.B.B.M.
Elevation: Approximately 1,650 feet above mean sea level

c. Address 12151 Heacock Street City Moreno Valley Zip 92557

d. UTM: (Give more than one for large and/or linear resources) Zone 11; 477,530 mE/ 3,755,820 mN
UTM Derivation: √ USGS Quad ___ GPS

e. Other Locational Data: (e.g., parcel #, directions to resource, etc., as appropriate) The building is located within Assessor's Parcel No. 292-182-015, near the northwest corner of Hemlock Avenue and Heacock Street.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) This one-story wood-frame residence of vernacular design, square in plan, rests on a concrete foundation and is painted tan with off-white trim. Its medium-pitched hip roof is sheathed with brown composition shingles and features wide, open eaves with exposed rafters. The primary

(Continued on page 3)

*P3b. Resource Attributes: (List attributes and codes) HP2—single family property

*P4. Resources Present: √ Building ___ Structure ___ Object ___ Site ___ District ___ Element of District
Other (isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)

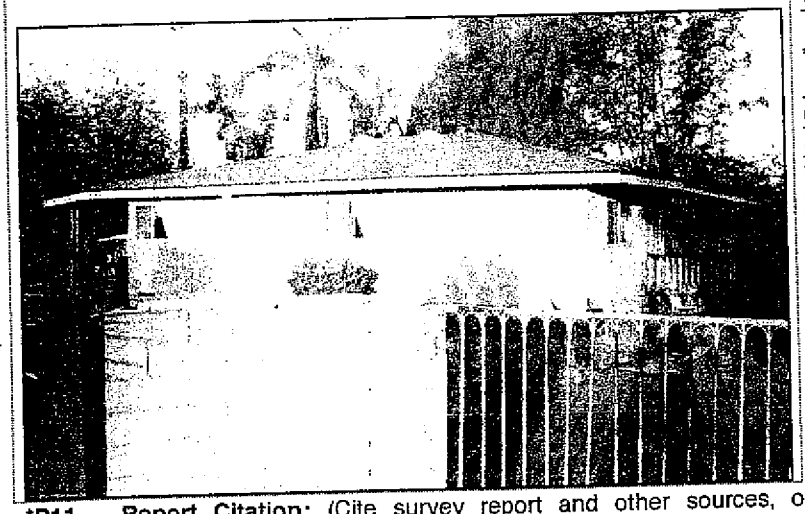

P5b. Description of Photo: (view, date, accession #) Photo taken on April 28, 2008; view to the southwest

*P6. Date Constructed/Age of Sources:
√ Historic ___ Prehistoric ___ Both
Ca. 1956 (see Items B6 and B12 for details)

*P7. Owner and Address:
Unknown

*P8. Recorded by: (Name, affiliation, and address)
Josh Smallwood
CRM TECH
1016 E. Cooley Drive, Suite A/B
Colton, CA 92324

*P9. Date Recorded: April 28, 2008

*P10. Survey Type: Intensive-level survey for CEQA compliance

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Josh Smallwood, Terri Jacquemain, and Laura Hensley Shaker (2008): Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California. On file, Eastern Information Center, University of California, Riverside.

*Attachments: ___ None ___ Location Map √ Continuation Sheet √ Building, Structure, and Object Record
___ Archaeological Record ___ District Record ___ Linear Resource Record ___ Milling Station Record
___ Rock Art Record ___ Artifact Record ___ Photograph Record ___ Other (List):

*Required information

DPR 523A (1/95)

MV00033290

State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary # _____
HRI # _____

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code 6Z
*Resource Name or # (Assigned by recorder) CRM TECH 2228-1

B1. Historic Name: None
B2. Common Name: None
B3. Original Use: Residential
B4. Present Use: Residential
*B5. Architectural Style: Vernacular
*B6. Construction History: (Construction date, alterations, and date of alterations) Archival property records indicate that George and Elsie Soper became property owners of the northern 270 feet of Lot 38, which included this parcel, in 1952, and built this home about four years later. They added a pool and a patio cover to the house in 1975.
*B7. Moved? √ No ___ Yes ___ Unknown Date: _____ Original Location: _____
*B8. Related Features: A detached garage is situated to the north of the residence.
B9a. Architect: Unknown b. Builder: Unknown
*B10. Significance: Theme Post-WWII residential development
Area Moreno Valley
Period of Significance 1945-1960
Applicable Criteria N/A
Property Type Single-family residence
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) There is no evidence that the building at this address is associated with any persons or events of recognized historic significance; represents the work of a prominent architect, designer, or builder; or qualifies as "an important example" of its type, period, region, or method of construction. Therefore, it does not appear eligible for listing in the National Register of Historic Places or the California Register of Historical Resources.
B11. Additional Resource Attributes: (List attributes and codes) HP4. Ancillary building
*B12. References: Riverside County Assessor's real property tax assessment records; Riverside County building safety records.
B13. Remarks: The proposed road-widening project has no potential to adversely affect this building
*B14. Evaluator: Bai "Tom" Tang and Josh Smallwood
*Date of Evaluation: May 2008

(Sketch Map with north arrow required.)

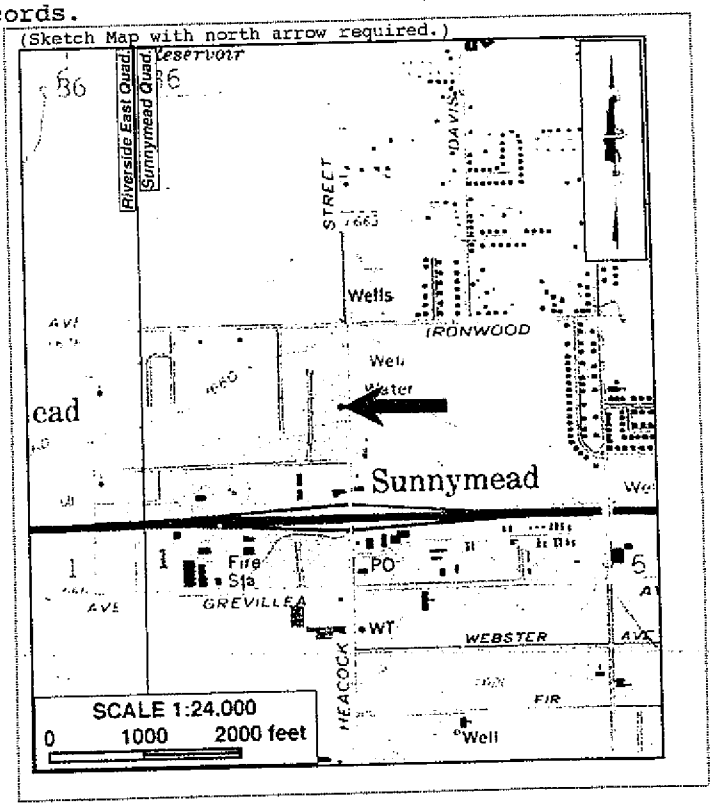

(This space reserved for official comments.)

*Required information

DPR 523B (1/95)

Item No. A.11

MV00033291

*P3a. **Description** (continued): façade, facing east, features a glazed wood door flanked by sidelights, and two aluminum-framed sliding windows. Among the front windows and door are three rectangular patches of various sizes, presumably where other windows were once located. The south side of the house has a patio sheltered beneath a shed roof supported by decorative metal posts. The north side of the house, facing the driveway, features a side entrance with a short concrete stoop and wood hand-rails, sheltered beneath an eave extension supported by wood posts. Fenestration on this side also consists of aluminum-framed sliding windows. To the north of the residence is a detached two-car garage covered by a hip roof clad with composition shingles. The exterior walls on both the house and the garage are coated with stucco. The front yard is enclosed by a tall wood fence and a wrought-iron gate with concrete block abutments.

State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 6Z
Other Listings
Review Code Reviewer Date

*Resource Name or # (Assigned by recorder) CRM TECH 2228-2

P1. Other Identifier: 12183 Heacock Street

*P2. Location: ___ Not for Publication √ Unrestricted *a. County Riverside
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad Sunnymead, Calif. Date 1967, photorevised 1980
T3S; R4W; NE 1/4 of NE 1/4 of Sec 1 ; S.B.B.M.
Elevation: Approximately 1,650 feet above mean sea level

c. Address 12183 Heacock Street City Moreno Valley Zip 92557

d. UTM: (Give more than one for large and/or linear resources) Zone 11; 477,530 mE/ 3,755,780 mN
UTM Derivation: √ USGS Quad ___ GPS

e. Other Locational Data: (e.g., parcel #, directions to resource, etc., as appropriate) The building is located within Assessor's Parcel No. 292-182-014, near the northwest corner of Hemlock Avenue and Heacock Street.

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries) This one-story, Ranch-style wood-frame residence, irregular in plan, rests on a concrete foundation and is painted white with green trim. Its medium-pitched cross-gabled roof is sheathed with gray composition shingles and features wide, open eaves with exposed rafters. The asymmetrical primary façade, facing east, features a corner entryway
(Continued on page 3)

*P3b. Resource Attributes: (List attributes and codes) HP2—single family property

*P4. Resources Present: √ Building ___ Structure ___ Object ___ Site ___ District ___ Element of District
Other (isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects.)

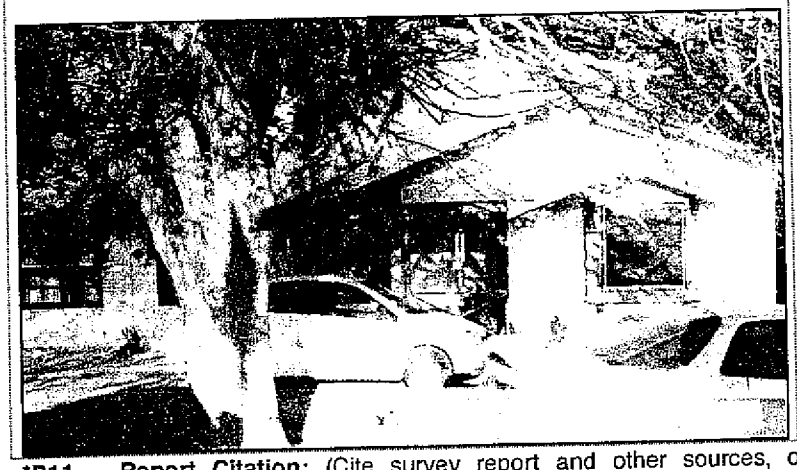

P5b. Description of Photo: (view, date, accession #) Photo taken on April 28, 2008; view to the west

*P6. Date Constructed/Age of Sources:
√ Historic ___ Prehistoric ___ Both
Ca. 1959 (see Items B6 and B12 for details)

*P7. Owner and Address:
Unknown

*P8. Recorded by: (Name, affiliation, and address)
Josh Smallwood
CRM TECH
1016 E. Cooley Drive, Suite A/B
Colton, CA 92324

*P9. Date Recorded: April 28, 2008

*P10. Survey Type: Intensive-level survey for CEQA compliance

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") Josh Smallwood, Terri Jacquemain, and Laura Hensley Shaker (2008): Historical/Archaeological Resources Survey Report: Heacock Street Road-Widening Project, City of Moreno Valley, Riverside County, California. On file, Eastern Information Center, University of California, Riverside.

*Attachments: ___ None ___ Location Map √ Continuation Sheet √ Building, Structure, and Object Record
___ Archaeological Record ___ District Record ___ Linear Resource Record ___ Milling Station Record
___ Rock Art Record ___ Artifact Record ___ Photograph Record ___ Other (List):

*Required information

DPR 523A (1/95)

State of California--The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Primary # _____
HRI # _____

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code 6Z
*Resource Name or # (Assigned by recorder) CRM TECH 2228-2

B1. Historic Name: None
B2. Common Name: None
B3. Original Use: Residential
B4. Present Use: Residential
*B5. Architectural Style: Ranch
*B6. Construction History: (Construction date, alterations, and date of alterations) According to archival property records, George and Elsie Soper deeded this parcel, the southern quarter-acre of their one-acre property, to Anton A. and Madelyn G. Juares
(Continued on page 3)
*B7. Moved? √ No ___ Yes ___ Unknown Date: _____ Original Location: _____
*B8. Related Features: A detached garage is situated to the west of the residence.
B9a. Architect: Unknown b. Builder: Unknown
*B10. Significance: Theme Post-WWII residential development
Area Moreno Valley Period of Significance 1945-1960
Property Type Single-family residence Applicable Criteria N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.) There is no evidence that the building at this address is associated with any persons or events of recognized historic significance; represents the work of a prominent architect, designer, or builder; or qualifies as "an important example" of its type, period, region, or method of construction. Therefore, it does not appear eligible for listing in the National Register of Historic Places or the California Register of Historical Resources.
B11. Additional Resource Attributes: (List attributes and codes) HP4. Ancillary building
*B12. References: Riverside County Assessor's real property tax assessment records; Riverside County building safety records.
B13. Remarks: The proposed road-widening project has no potential to adversely affect this building
*B14. Evaluator: Bai "Tom" Tang and Josh Smallwood
*Date of Evaluation: May 2008

(Sketch Map with north arrow required.)

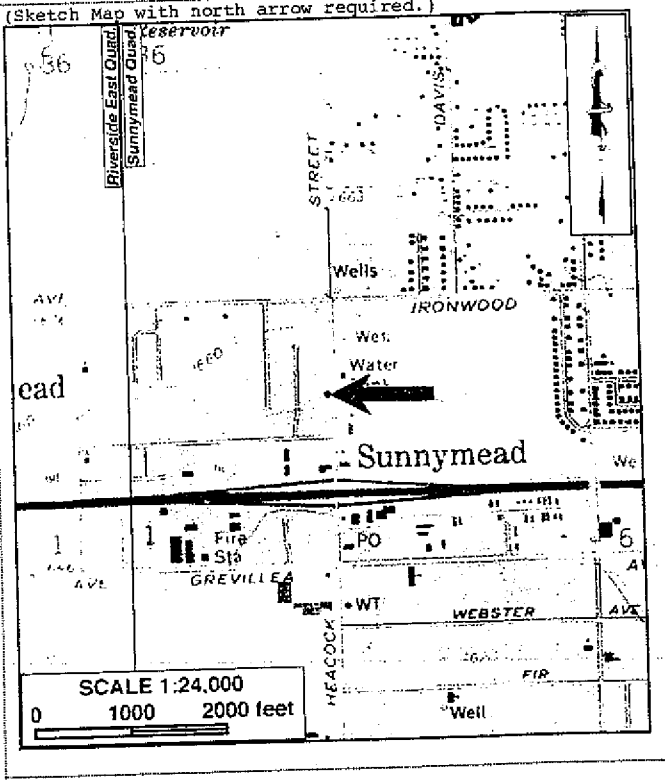

(This space reserved for official comments.)

*Required information

DPR 523B (1/95)

MV00033294

*P3a. **Description** (continued): sheltered beneath a wide roof overhang supported by square wood posts with corner braces. Next to the door is a large wood-framed picture window with diamond lattice grilles and faux shutters. Windows on the rest of the building are wood-frame double-hungs. The exterior walls are clad with a variety of materials, including brick veneer, vertical boards, and stucco. The front yard is enclosed by a tall chain-link fence with a gate. A paved driveway leads to the rear of the building where a detached garage of similar construction is located.

*B6. **Construction History** (continued): around 1959, the same year property records indicate this house was constructed. By 1966 W. and Connie Boyden had acquired the property, and in that year securing a permit for a metal patio cover. They installed a pool two years later.

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MV00033296

APPENDIX 3

NOISE IMPACT ANALYSIS

HEACOCK STREET IMPROVMENTS

MORENO VALLEY, CALIFORNIA

Prepared for:

Tom Dodson & Associates
Attn: Tom Dodson
2150 N. Arrowhead Avenue
San Bernardino, California 92405

Date:

June 6, 2008

Project No.: P08-031

NOISE SETTING

BACKGROUND

Sound is mechanical energy transmitted by pressure waves in a compressible medium such as air. Noise is generally defined as unwanted sound. Sound is characterized by various parameters that describe the physical properties of sound waves. These properties include the rate of oscillation (frequency), the distance between successive troughs or crests, the speed of propagation, and the pressure level or energy content of a given sound wave. In particular, the sound pressure level has become the most common descriptor used to characterize the loudness of an ambient sound level.

The unit of sound pressure ratioed to the faintest sound detectable to a person with normal hearing is called a decibel (dB). Sound or noise can vary in intensity by over one million times within the range of human hearing. A logarithmic loudness scale similar to the Richter Scale for earthquake magnitude is therefore used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all sound frequencies within the entire spectrum. Noise levels at maximum human sensitivity from around 500 to 2,000 cycles per second are factored more heavily into sound descriptions in a process called "A-weighting," written as "dBA."

Leq is a time-averaged sound level; a single-number value that expresses the time-varying sound level for the specified period as though it were a constant sound level with the same total sound energy as the time-varying level. Its unit is the decibel (dB). The most common averaging period for Leq is hourly.

Because community receptors are more sensitive to unwanted noise intrusion during more sensitive evening and nighttime hours, state law requires that, for planning purposes, an artificial dBA increment be added to quiet time noise levels. The 24-hour noise descriptor with a specified evening and nocturnal penalty is called the Community Noise Equivalent Level (CNEL). CNEL's are a weighted average of hourly Leq's.

Municipalities typically provide noise guidelines for both exterior recreational space (yards, patios, etc.) and interior space. The City of Moreno Valley General Plan Implementation Policy 6.3.1.a, requires consideration of noise mitigation for usable outdoor space at sensitive uses where the projected exterior noise level would exceed 65 dB CNEL.

An interior CNEL of 45 dBA is mandated by the State of California Noise Insulation Standards (CCR, Title 24, Part 6, Section T25-28) for multiple family dwellings, hotel and motel rooms. In 1988, the State Building Standards Commission expanded that standard to include all habitable rooms in residential use, including single-family dwelling units.

Noise reduction in older residences is 15-20 dB with closed single paned windows. Typical noise attenuation with closed, double-paned windows in modern frame and stucco construction is about 25-30 dB. Noise attenuation with partially open windows is 10-15 dB CNEL. An exterior noise level exceeding 65 dBA CNEL normally requires the ability to close dual-paned windows

in order to meet the 45 dB CNEL interior standard. For single family residential units, it is typically the backyard space for which the exterior noise standard applies.

Noise from temporary construction activities is exempt from noise ordinances as long as the construction activities occur within regulated hours. Grading may take place between 7 a.m. and 8 p.m. Minor construction may take place between 6 a.m. and 8 p.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays.

BASELINE NOISE LEVELS

Noise measurements were made in order to document existing baseline levels in the area. These help to serve as a basis for projecting future noise exposure from the project upon the surrounding community. Noise measurements were conducted on Tuesday to Wednesday, May 13th, 2008 and May 14, 2008 for 24-hours at three locations. The results are shown in Table 1 and locations are shown in Figure 1. Because existing residential uses on the west side of Heacock Street are close to the centerline, the measurements were made within the more open and accessible east side.

All noise measurement locations are along Heacock Street within the proposed improvement segment. Measurements were made for 24 hours along edge of the roadway with the sound meters placed in trees and on fences. Meter 1 was located at 180 feet from the Heacock Street centerline. Meters 2 and 3 were placed approximately 50 feet from the centerline. The data from Meter 1 was adjusted for a 50-foot set-back from Heacock Street assuming acoustically "soft" propagation conditions. All locations agreed with each other within 2 dB CNEL. The average of the CNELs at 50 feet from the roadway centerline is 71.4 dB. This is considered the baseline noise measurement at 50 feet from the centerline for this study.

The results of the measurements are representative of the existing front yard noise exposure for homes along Heacock Street. They are also almost equal to the building facade noise level of homes with only minimal, i.e., 1-2 dB downward adjustment due to increased setback distance. The measured existing noise levels along Heacock Street are already excessive in terms of the City of Moreno Valley residential standards of 65 dB CNEL within the front yards areas.

However, usable recreational space for each affected home is behind each structure and is noise shielded by increased distance from the roadway and by the residential structure itself. For these homes it is the interior noise level that requires evaluation.

Figure 1

Noise Meter Location

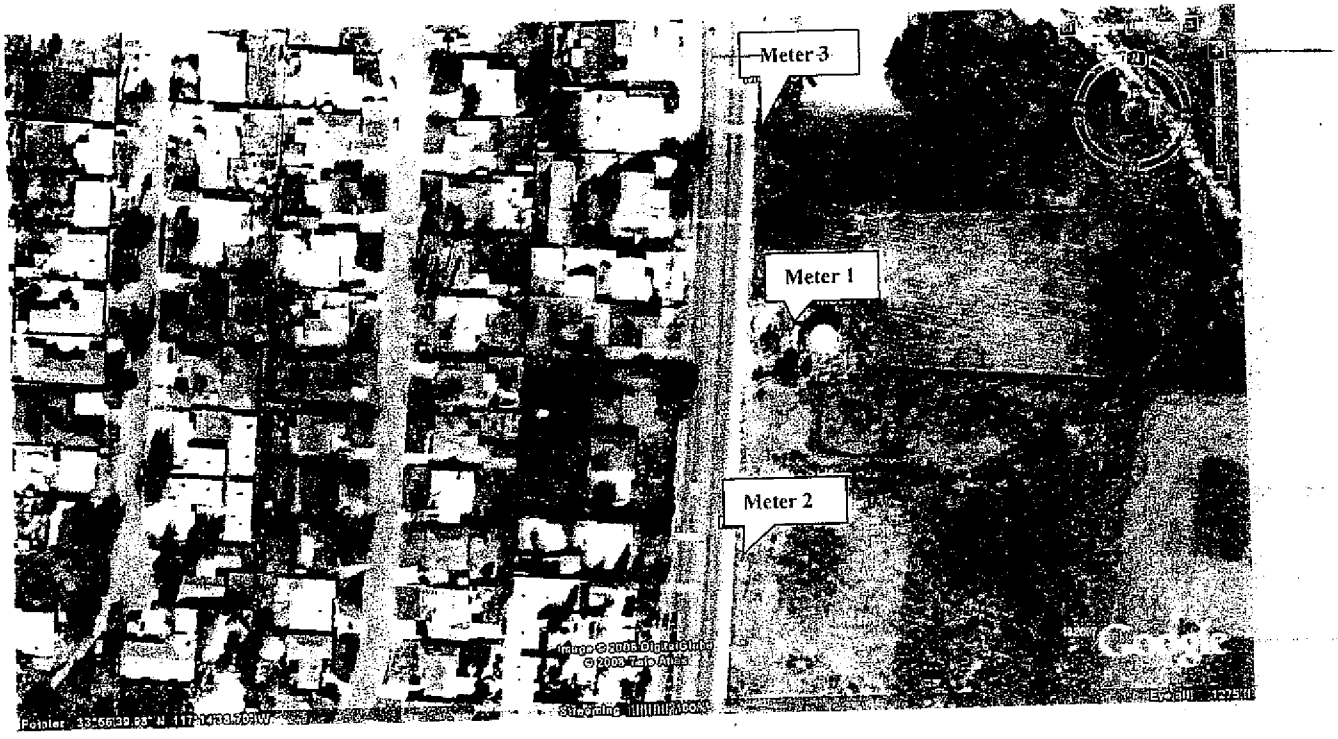

Meter Location

Meter 1 E side of roadway, across from 12123 Heacock.

Meter 2 E side of roadway, across from 12183 Heacock.

Meter 3 E side of roadway across from 12085 Heacock

Table 1
Heacock Street
Existing On-Site Hourly Leq's and CNEL

Time Interval	Meter 1	Meter 2	Meter 3
15:00-16:00	63.1	66.3	69.3
16:00-17:00	63.1	67.2	70.1
17:00-18:00	63.3	67.1	70.5
18:00-19:00	62.3	66.5	69.5
19:00-20:00	62.7	66.7	69.2
20:00-21:00	61.4	66.1	68.3
21:00-22:00	60.2	65.9	68.0
22:00-23:00	59.8	65.0	67.1
23:00-24:00	57.3	62.9	64.9
0:00-1:00	55.1	60.8	62.5
1:00-2:00	53.3	59.5	60.4
2:00-3:00	54.9	61.0	61.2
3:00-4:00	54.8	59.6	61.5
4:00-5:00	58.9	62.3	64.7
5:00:6:00	61.2	65.4	67.4
6:00-7:00	62.0	66.7	69.4
7:00-8:00	62.3	66.6	69.7
8:00-9:00	62.7	66.7	69.4
9:00-10:00	61.5	65.4	68.5
10:00-11:00	61.7	65.3	68.5
11:00-12:00	60.9	65.3	68.3
12:00-13:00	60.7	66.2	68.3
13:00-14:00	61.5	65.8	68.3
14:00-15:00	60.5	66.0	68.3

Shaded entries represent night time values (10:00 p.m. to 7:00 a.m.)

Resultant CNEL at 50 feet from centerline

Measurement Parameter	Meter 1	Meter 2	Meter 3
24-Hour CNEL	**70.5***	**70.7**	**72.9**

* adjusted from 180 feet to 50 feet from the Heacock Street centerline.

NOISE IMPACT ANALYSIS

GENERAL

The major source of noise for the impacted residences in the project envelope is traffic from Heacock Street. This project would widen the west side of Heacock Street and as a result some homes would be situated closer to the nearest travel lane than previously. Additionally, although not project related, the sensitive uses within the Heacock Street widening envelope would experience additional noise due to area growth, which will put greater quantities of traffic on Heacock Street in the coming years.

Figure 2 shows each home which could be adversely impacted by the roadway widening project. All residences front the street and take their access through driveways along the roadway. Setbacks for home facades from the Heacock Street centerline range from approximately 60 feet to 80 feet. Existing noise levels near front yards of homes fronting Heacock Street already exceed the Moreno Valley General Plan guidelines for noise-sensitive outdoor recreational uses. However, as previously noted, recreational space yards are in the rear of homes and are shielded by increased distance from the roadway and by the residential structure itself. For these homes it is the interior noise level that requires evaluation.

Per the City of Moreno Valley General Plan, the interior residential noise standard is 45 dB CNEL. Structural attenuation with partly open single-paned windows is around -10 dB. With tightly closed single-paned windows, noise is decreased by almost 20 dB between the outside and inside. With tightly closed dual-paned windows, noise attenuation can approach 30 dB. With the existing measured façade noise levels of 69 - 71 dB CNEL at 50 feet from roadway centerline, front living or bedrooms of homes closest to Heacock Street would require closed dual-paned window closure to achieve the City's interior noise standard.

Existing exterior noise levels for those homes affected by the project are as follows:

Impacted Homes Current Noise Exposure

Address	Façade Setback	Current Exterior Noise Exposure at Façade (dB CNEL)
12095	75 ft	69.6
12107	70 ft	69.9
12123	60 ft	70.6
12151	80 ft	69.4
12183	75 ft	69.6

Existing lane width on the west side of Heacock Street in the project vicinity ranges from 10-11 feet. As part of this project, these traffic lanes will be widened to a minimum of 12 feet. In addition sidewalks would be installed and curb and gutter improvements would be made. However, only the widened traffic lanes will cause a potential noise impact for the adjacent residences as cars will travel slightly closer to the homes than previously.

FIGURE 2

HEACOCK STREET ADJACENT RESIDENCES

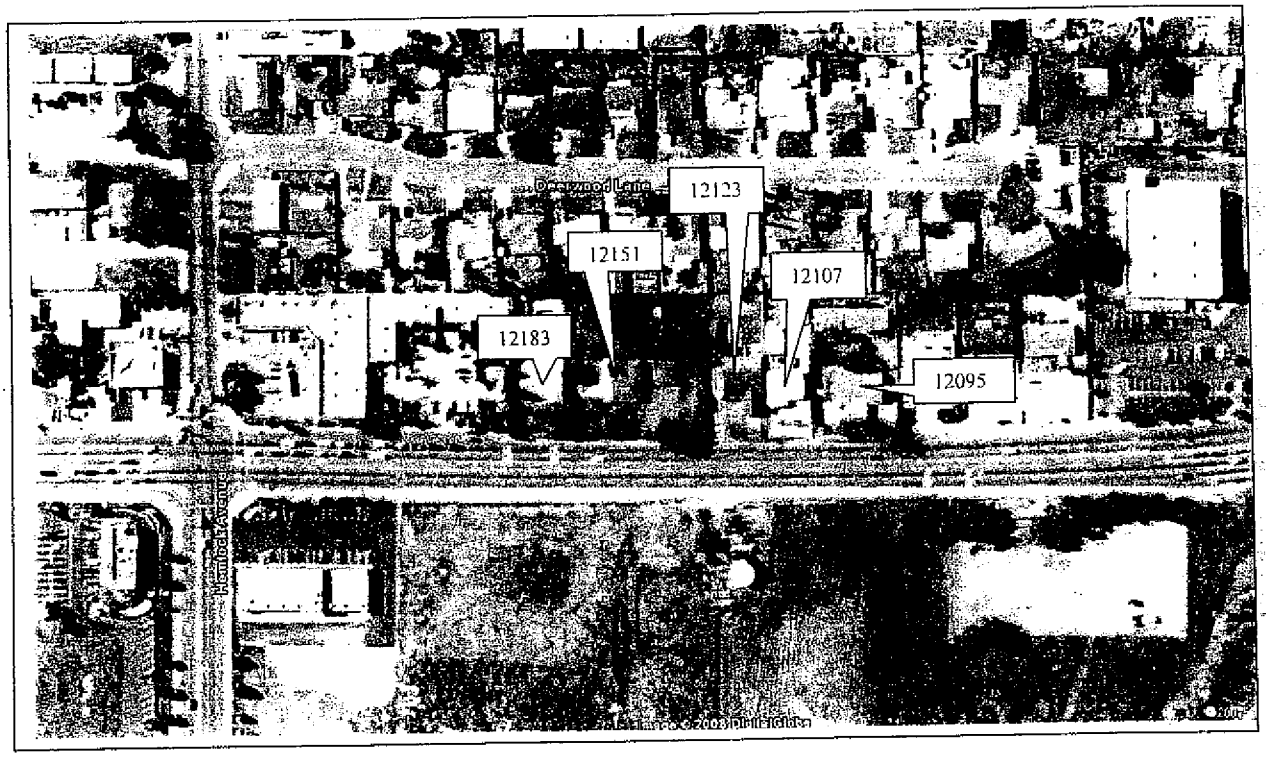

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IMPACT SIGNIFICANCE CRITERIA

Project noise impacts are considered significant if:

1. They create violations of noise standards, or

2. They substantially worsen an already excessive noise environment, or

3. They substantially increase an existing quiet environment even if noise standards are not violated by the proposed action.

The term "substantial increase" is not defined by any responsible agency. The limits of perceptibility by ambient grade instrumentation (sound meters) or by humans in a laboratory environment is around 1.5 dB. Under ambient conditions, people generally do not perceive that noise has clearly changed until there is a 3.0 dB difference. A threshold of 3.0 dB is typically used to define "substantial increase." Traffic noise due to the project would be significant if it would increase outdoor noise levels by 3.0 dB or more.

Upon completion, homes closer to the widened roadway will be exposed to a slightly higher level of traffic noise than previously. This project will not cause an increase in the area wide acoustical environment because no change in traffic volume is anticipated to occur solely due to the roadway widening. However, cumulative area growth will cause an incremental increase in roadway usage and therefore roadway traffic noise, as may the location of traffic lanes closer to existing homes.

Traffic noise levels already exceed City residential standards. The emphasis of this study therefore is to determine the noise area residents will experience as a result of project implementation. This is accomplished by a comparison of noise exposures with and without the project, currently and in the future.

METHODOLOGY

Current traffic volumes along Heacock Street between Ironwood and the SR-60 were obtained from the City of Moreno Valley Traffic Circulation chapter of the General Plan EIR (July 2006). The most recent traffic count on Heacock Street between Ironwood and the SR-60 was 30,800 vehicles per day. Build-out traffic volumes along this segment vary depending on the implementation alternative. Under General Plan Alternative 2 the ADT (Average Daily Traffic) is 37,932 vehicles. The ADT with Alternative 3 is 38,232 vehicles. For this study, a future build-out (year 2030) traffic projection of 38,000 was used.

Since traffic speed can affect noise levels, Giroux and Associates performed a basic calibration by comparing modeled traffic noise with on-site noise measurements. Although the posted speed limit is 35 mph, it was observed that most cars traveled at a speed closer to 40 mph. By

modeling the existing traffic volume with the standard vehicular traffic mix, the predicted noise exposure compares to measured noise exposure as follows:

Heacock Street Traffic Noise
(at 50 feet from centerline)

Measured Noise	Existing ADT	Existing modeled noise @ 40 mph	Future ADT	Future modeled noise @ 40 mph
70.5-72.9 dB CNEL	30,800	71.5 dB CNEL	38,000	72.4 dB CNEL

Calculated noise levels are consistent with the average of the three measured noise readings (71.4 dB CNEL). Therefore, 72.4 dB CNEL is considered representative of the future noise level at 50 feet from the centerline utilizing build-out traffic projections provided in the General Plan.

The widened roadway is expected to be approximately 100 feet wide at project completion, or 50 feet from centerline to edge of right-of-way. Since the roadway is not being realigned, the centerline will remain intact. Although the total number of travel lanes will remain the same, western travel lanes will be widened to a minimum width of 12 feet. Current lane width on the western half of the roadway is 10-11 feet. Because of the widened traffic lanes, sensitive uses adjacent to the roadway will see a nominal increase in traffic noise associated with a slight widening of the southbound travel lanes.

The mean noise generation distance will remain at the centerline. The new outer traffic lanes will be 16-20 feet in width depending on the implementation Alternative. Vehicular travel is assumed to take place within the standard 12 foot lane width. The extra lane width beyond the 12 feet required for travel (8 feet for Alternative 1 and 4 feet for Alternative 2) is assumed to be utilized for parking or bike lanes. Therefore, the vehicular travel footprint is assumed to be identical for both Alternatives.

Utilizing an equivalent lane distance methodology recommended by Caltrans based on FHWA-RD-108, the net effect of widened lanes was calculated for both current and future time frames. The reference point utilized was the distance from the roadway centerline to each impacted home facade.

To calculate the change in the noise environment due to shifts in centerline and the addition of traffic lanes, the following methodology is used:

Equivalent Distance (ED)= $\sqrt{D_1 D_2}$
D_1=distance of the center of the near lanes and
D_2=distance to center of the far lanes
Noise Increase= 10*log((ED Existing Roadway Geometry)/(ED New Roadway Geometry))

The following noise increases will result solely due to changes in roadway geometry:

Noise Increase from Roadway Widening and Realignment

Address	Distance to C/L	Old Equivalent Lane Distances in feet (D_1/ D_2)	New Equivalent Lane Distance in feet (D_1/ D_2)	Equivalent Change in dB
12095	75 ft.	87/65	87/63	0.07 dB
12107	70 ft.	82/60	82/58	0.07 dB
12123	60 ft.	72/50	72/48	0.09 dB
12151	80 ft.	92/70	92/68	0.06 dB
12183	75 ft.	87/65	87/63	0.07 dB

The maximum impact from land widening is less than +0.1 dB CNEL. The following summarizes the project impacts:

Project versus No Project Comparison
At Residential Facade

At Property Line (75 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12095 Heacock Street	69.6 dB	70.6 dB	70.7 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (70 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12107 Heacock Street	69.9 dB	70.9 dB	71.0 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (60 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12123 Heacock Street	70.6 dB	71.6 dB	71.7 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (80 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12151 Heacock Street	69.4 dB	70.4 dB	70.5 dB	1.0 dB	1.1 dB

Project versus No Project Comparison
At Residential Facade

At Property Line (75 feet from C/L)	Current (2008) Noise Level	2030 Noise Level		Noise Increase 2008 - 2030	
		Without Project	With Project	Without Project	With Project
12183 Heacock Street	69.6 dB	70.6 dB	70.7 dB	1.0 dB	1.1 dB

A composite summary is provided below:

Future Noise Impact at Each Residential Façade

Address	**2030 Without Project Noise Level (dB CNEL)**	**2030 With Project Noise Level (dB CNEL)**
12095	70.6 dB	70.7 dB
12107	70.9 dB	71.0 dB
12123	71.6 dB	71.7 dB
12151	70.4 dB	70.5 dB
12183	70.6 dB	70.7 dB

As a result of project implementation, at area build-out, property lines of homes along Heacock Street would experience 71 -72 dB CNEL of traffic noise. The "project only impact" from the relocation of travel lanes is a maximum of +0.1 dB CNEL at any residential facade.

The cumulative impact (difference between future "with project" and existing) is expected to be +1.1 dB CNEL. Again this is less than the 3.0 dB CNEL significance threshold. Cumulative, as well as "project only" impacts, will be less than significant. In the absence of any individually or cumulatively significant traffic noise impacts, no impact mitigation is required.

NOISE CONTOURS

An alternate way of evaluating noise impacts is to examine at noise contours. Figure 3 indicates the distance (in feet) from the road centerline to the 60, 65 and 70 dB CNEL noise contour. These contour distances represent the setback that would be required to achieve the indicated noise level through distance setback alone.

Contours for Build-out Traffic Noise

Distance to 60 dB CNEL	Distance to 65 dB CNEL	Distance to 70 dB CNEL
330 feet	150 feet	70 feet

CONSTRUCTION NOISE IMPACT MITIGATION

Construction activities from project development may impact surrounding residential uses. Such impacts are mitigated by required compliance with grading/construction permits. These considerations include:

- The hours of grading operations shall be limited to be between the hours of 7 a.m. and 8 p.m., Monday to Saturday. Construction may take place between the hours of 6 a.m. and 8 a.m. during the week and 7 a.m. and 8 p.m. on weekends and holidays.
- Staging areas shall be located away from existing residences.
- All construction equipment shall use properly operating mufflers.
- Impulsive noise, such as jack-hammering, should be scheduled to affect the fewest number of noise-sensitive homes.

Implementation of these mitigation measures would reduce potential construction noise impacts to a level that is less than significant.

FIGURE 3

HEACOCK STREET NOISE CONTOURS (2030)

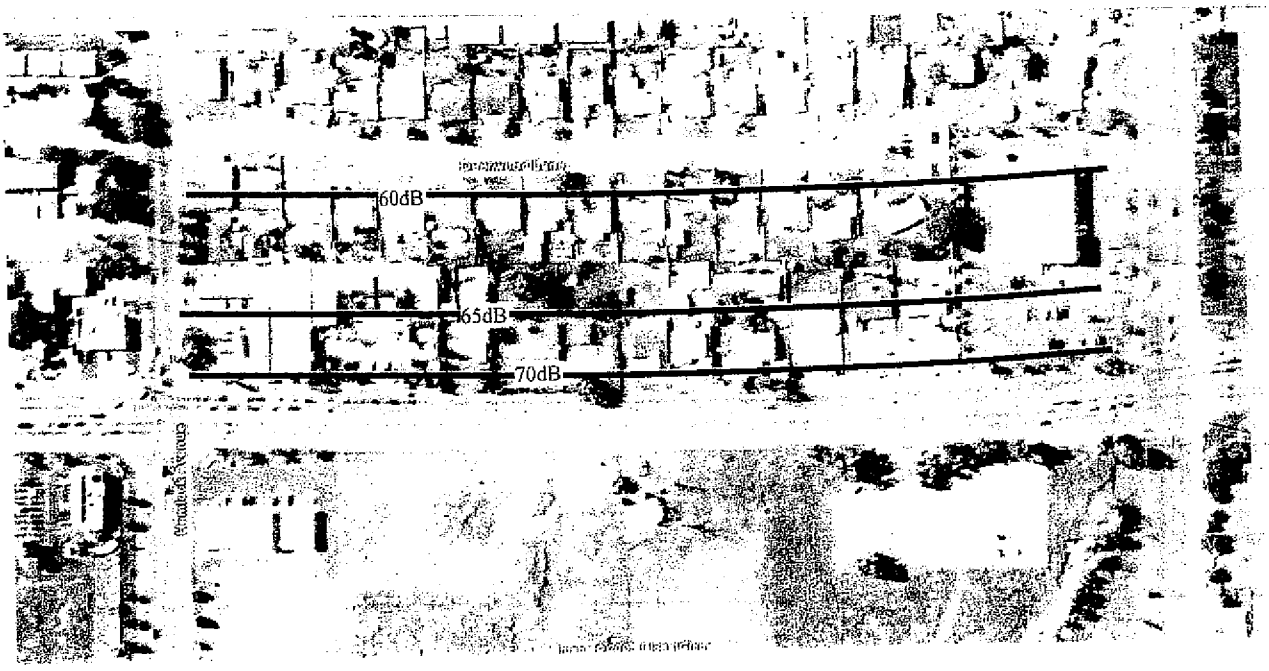

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM

RECOMMENDED ACTION

Staff recommends that the City Council of the City of Moreno Valley adopt Resolution 2009-93 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program.

BACKGROUND

The City of Moreno Valley is a current participant in the Mortgage Credit Certificate ("MCC Program"), which assists families with the purchase of their first home. The City of Moreno Valley has successfully participated in the MCC Program for several years, recently realizing the highest level of participation in the Program county-wide. In the most recent funding cycle, twenty-one Moreno Valley families became first-time buyers through the MCC Program. The County of Riverside ("County") is applying for new credits and has extended an invitation to the City of Moreno Valley to continue its participation in the MCC Program. As a participating city, lenders are able to make loans available to MCC eligible low-to-moderate income, first-time homebuyers purchasing a home in Moreno Valley.

The MCC Program entitles qualified homebuyers ("borrowers") to reduce the amount of their federal income tax liability by an amount equal to a fifteen percent (15%) of the interest paid during the year on a home mortgage loan. Since the taxes paid by the borrower(s) are reduced, their annual take-home pay is effectively increased. The tax credit allows the homebuyer to qualify for a larger mortgage loan by increasing the effective income of buyer.

Many types of ownership housing is eligible for the MCC Program including foreclosures, new and resale single-family, manufactured, town homes and condominiums. The only exclusion from this program is the purchase of a property which contains more than one unit. The MCC program may be partnered with the City of Moreno Valley's Homebuyer Assistance Program. However, homebuyers can qualify for the MCC Program on their own through their lender without the City's down payment assistance. Adoption of the attached resolution (See Attachment A) is necessary for the City to continue participation in the County's MCC Program.

Due to the level of demand and the success of this program in assisting first-time homebuyers, particularly in the City of Moreno Valley, the County must apply to the California Debt Limit Allocation Committee ("CDLAC ") for new Mortgage Credit Certificate bond allocation. Please see the County of Riverside's attached Notice of Intent to Issue Mortgage Credit Certificates to Eligible Home Buyers for further details (See Attachment B).

DISCUSSION

Pursuant to the Tax Reform Act of 1986 that established the Mortgage Credit Certificate Program and Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq., the Riverside County Board of Supervisors has authorized the County Economic Development Agency ("EDA") to apply to the California Debt Limit Allocation Committee for an allocation of Mortgage Credit Certificates on or about October 16, 2009.

To be included in the next funding cycle, the County must provide a resolution from the City that grants the County authority to operate the MCC Program within Moreno Valley. The adoption of the attached resolution (See Attachment A) will allow mortgage lenders to continue to offer the MCC Program to Moreno Valley homebuyers.

ALTERNATIVES

1. Adopt Resolution 2009-93 providing for the City of Moreno Valley to remain a participant in the Riverside County Mortgage Credit Certificate Program. This will allow income-qualified first-time homebuyers to have an additional resource when purchasing a home in the City.
2. Decline the adoption of Resolution 2009-93 approving the City of Moreno Valley as a participant in the Riverside County Mortgage Credit Certificate Program. If Resolution 2009-92 is not adopted, mortgage lenders will be prohibited from utilizing the MCC Program for homes located in Moreno Valley.

FISCAL IMPACT

There is no impact to the City's General Fund or the Community Redevelopment Agency budgets. Potential homebuyers qualify through a lender to receive the MCC directly from the County.

Fund	Business Unit No/Name	Estimated Amount
---	---	$0

CITY COUNCIL GOALS

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs, which will result in additional affordable homeownership opportunities.

NOTIFICATION

The public has been notified through the publication of the agenda. Staff has notified the Riverside County EDA via e-mail communication.

ATTACHMENTS/EXHIBITS

Attachment A - Resolution No. 2009-93
Attachment B - Notice of Intent to Issue Mortgage Credit Certificates

Prepared By
Diana D. Vasquez
Housing Program Specialist

Department Head Approval
Barry Foster
Economic Development Director

Concurred By
Michele Patterson
Acting Redevelopment Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033314

RESOLUTION NO. 2009-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM.

WHEREAS, the Tax Reform Act of 1986 established the Mortgage Credit Certificate Program ("MCC Program") as a means of assisting qualified individuals with the acquisition of new and existing single family housing; and

WHEREAS, pursuant to Division 31, Part 1, Chapter 3.5, Article 3.4 of the California Health and Safety Code Sections 50197 et seq., local issuers are authorized to issue Mortgage Credit Certificates ("Certificates") and administer MCC Program; and

WHEREAS, the Riverside County Board of Supervisors adopted Resolution No 87-564 on December 22, 1987 establishing a Mortgage Credit Certificate Program; and

WHEREAS, the Riverside County Board of Supervisors has authorized the Riverside County Economic Development Agency ("EDA") to administer the MCC Program pursuant to the applicable federal, state and local policies and procedures, and to enter into those agreements necessary for administration of the MCC Program; and

WHEREAS, the County of Riverside ("County") will be applying to the California Debt Limit Allocation Committee ("CDLAC") for a mortgage credit certificate allocation on October 16, 2009 or thereabouts; and

WHEREAS, the City of Moreno Valley ("City") wishes to participate in the MCC Program administered by the EDA in connection with mortgage loans that will be made available for the acquisition of new and existing single-family housing in Riverside County; and

WHEREAS, the adoption of this resolution is necessary to include the City of Moreno Valley as a participating unit of general government under County's MCC program; and

WHEREAS, the City agrees to cooperate with the County to undertake the MCC program within City jurisdiction to assist persons or households of limited income to purchase new and existing single family residences located in the city; and

WHEREAS, the City by adopting this Resolution, hereby gives notice of its election to participate in the Riverside County MCC Program.

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

The City of Moreno Valley agrees

1. to participate in the MCC Program administered by the EDA in connection with mortgage loans it will make available for the acquisition of new and existing single-family housing in Riverside County;

2. to assist the County of Riverside to market the MCC Program within the City's jurisdictional boundary by publishing a general public notice in the local newspaper at least twice a year.

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

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00033318

NOTICE OF INTENT TO ISSUE MORTGAGE CREDIT CERTIFICATES TO ELIGIBLE HOME BUYERS

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Riverside adopted a Mortgage Credit Certificate Program (the "MCC Program") on December 22, 1987. Under the MCC Program, the County has applied to the California Debt Limit Allocation Committee for a new allocation of Mortgage Credit Certificates. Upon receipt of the new allocation, the County intends to issue, in conjunction with the mortgage lenders in the County, mortgage credit certificates to certain eligible home buyers. The mortgage credit certificates will entitle eligible homebuyers to claim a tax credit equal to fifteen percent (15%) of the interest paid on a home mortgage annually.

To be eligible for a mortgage credit certificate, the following requirements must be met:

1) The home being purchased must be the principal residence of the applicant for the mortgage credit certificate.
2) Except with respect to homes located in certain targeted areas, the applicant may not have had any present ownership interest in a principal residence at any time during the three-year period prior to the date on which the mortgage for the new home being purchased is executed.
3) The purchase price of the applicant's home, other than a targeted area home, may not exceed 90% of the applicable average area purchase price determined by the County. Currently, the maximum permitted purchase price of a new home and existing home may not exceed $339,146.
4) The income of the applicants' household, other than with respect to targeted areas, may not exceed 115% of the applicable median household income for the area. Currently, the maximum permitted household income is $80,960 for households with more than three people and $70,400 for households with less than three people. Forty percent (40%) of the non-target area allocation will be reserved for households whose incomes do not exceed 80% of the median income.
5) The mortgage obtained by the applicant to acquire the home must be new mortgage and not an existing mortgage.
6) No portion of the applicant's home may be financed with a mortgage received through a qualified mortgage bond program.

The County has applied for an allocation to issue mortgage credit certificates in the approximate amount of $13,721,101. Twenty percent (20%) of the total amount will be reserved for one year for applicants acquiring homes in certain targeted areas within the County. With respect to homes acquired in a targeted area, currently the household income of the applicant with a household of three or more people may not exceed $98,560. If the household has less than three people, the income may not exceed $84,480. The purchase price of a home may not exceed $414,512.

All lenders interested in participating in the MCC Program are hereby invited to send a letter indicating their interest to the County. Persons interested in receiving mortgage credit certificates should contact their lender regarding their potential eligibility. The lender and the applicant will be required to provide the County with necessary documentation to establish an applicant's eligibility. Once the County has determined that an applicant is eligible, it will issue a mortgage credit certificate to the applicant in the form required by law. Mortgage Credit Certificates will not be transferable.

Further information regarding the MCC Program may be obtained by writing or calling Lorena Oseguera, Development Specialist, at the Riverside County Economic Development Agency, 1325 Spruce Street, Suite 400, Riverside, CA 92507. In accordance with applicable state and federal laws, the County intends to commence issuing mortgage credit certificates 90 days after the publication of this notice.

Attachment B

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MV00033320

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: CERTIFICATES OF ACCEPTANCE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) DEVELOPMENT PARTNER AFFORDABLE HOUSING AGREEMENTS

RECOMMENDED ACTIONS

Staff recommends that the City Council:

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the Neighborhood Stabilization Program (Attachment A).

2. Authorize the City Clerk to record the Certificates of Acceptance and other related NSP Documents.

3. Authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents.

4. Authorize Financial & Administrative Services Director to fund payment for properties acquired through the NSP Program.

BACKGROUND

On November 25, 2008, the City Council approved a Substantial Amendment to the City's 2008-2009 CDBG Action Plan ("Action Plan") as a result of being awarded $11,390,116 from the U.S. Housing and Urban Development Department's (HUD) Neighborhood Stabilization Program (NSP) to address the housing foreclosure crisis.

The City's NSP establishes three programs to address the foreclosure crisis including:

- The Acquisition, Rehabilitation and Resale (ARR-SFR) Program for single family homes;
- The Acquisition, Rehabilitation and Rental (ARR-MFR) Program for multi-unit rental housing; and,
- The Down Payment Loan Assistance Program for owner-occupied first-time homebuyer housing.

On July 14, 2009, the City Council selected five Development Partners for SFR-ARR including Mayans Development, Mercy Housing, ANR Industries, VCD Corporation, and Sheffield Homes and two for MFR-ARR including Mary Erickson Community Housing-MECH and Riverside Housing Community Development- RHDC) to assist with the administration, implementation and ongoing operation of the program.

DISCUSSION

As part of the NSP Program, the City will acquire foreclosed and vacant single and multi-family properties directly from financial institutions with a standing inventory of foreclosed properties, as well as through the National Community Stabilization Trust (NCST).

Whenever possible, the City will endeavor to have properties acquired directly by the NSP Development Partners, subject to the terms of each relevant NSP Development Partner Agreement. In these instances, NSP grant moneys will be utilized to fund the property acquisitions but the City will never accept title to the properties. In other NSP property acquisitions, including those involving the NCST, the City must briefly accept title to the property before transferring title the Development Partner- through a double escrow process.

The NCST is an unprecedented collaboration of the nation's five leading housing and community development non-profit organizations – the Enterprise Community Partners, Housing Partnership Network, Local Initiatives Support Corporation (LISC), Neighbor Works America, and the National Urban League. Presently the NCST has eight of the largest lenders and mortgage companies in the United States participating in its program including Fannie Mae, Freddie Mac, Wells Fargo, JP Morgan-Chase, Citigroup, Bank of America, Saxon Mortgage and GMAC- Residential Capital.

The purpose of the NCST is to serve as a single point of contact between the leading lenders in the country, which own foreclosed properties and local government agencies that have received NSP funds and are striving to acquire vacant foreclosed properties. The NCST has a standardized process for acquiring properties from lenders.

Once the City acquires a property from a lender, the City concurrently transfers ownership of the property to one of its approved Development Partners for the acquisition, rehabilitation and resale of the single-family property to an eligible homebuyer. Multi-family Development Partners will retain long-term ownership of the

properties they acquire through the NSP program to provide affordable housing options to families earning incomes up to 50% of the area median income .

As part of the NCST's standardized acquisition process, the City and the Development Partners will have a concurrent or double escrow for acquisition closings. The City will take title of the property from the Trust, but upon close of escrow the City will immediately transfer title to the cooperative Development Partner. As a requirement of the NCST program, the City must execute and record a Certificate of Acceptance (Exhibit A to Attachment A) certifying its interest in the real property before a transfer of title from NCST to the City can occur.

Pursuant to Resolution 94-5, adopted January 24, 1994, the City Engineer had been granted the authority to execute Certificates of Acceptance. However, the City Engineer's authority is limited to street, highway, or public service easement acquisitions. In the effort to streamline, along with maintaining the efficiency and integrity of the NSP escrow process, it is deemed necessary to grant the authority to execute Certificates of Acceptance for NSP property acquisitions to the City Manager. Thus, staff recommends the adoption of Resolution 2009-93.

Additionally, NSP Development Partners are required to enter into a Development Partner Agreement with the City for property acquisitions. On July 14, 2009, the City Manager was granted the authority to prepare and execute the Development Partner Agreements. However, given the nature and complexity of multi-family property acquisitions, the affordability covenants recorded against the properties, and the long-term ownership of the properties by the Development Partners, it has been determined that an NSP Development Partner Affordable Housing Agreement will be required for the acquisition of <u>each</u> multi-family property. The NSP Development Partner Affordable Housing Agreement will be similar in form to the Affordable Housing Agreements used by the City's RDA for multi-family affordable housing projects. Since the Development Partners will be frequently acquiring properties and escrows will be expected to close rapidly, it will be necessary for the NSP Development Partner Affordable Housing Agreements to be approved by the City Manager as time will not permit each agreement to be brought forward for approval by the City Council.

In order to expedite the quick timeframes needed to acquire the foreclosed properties and meet the timeframes of the National Community Stabilization Trust, and to close escrows in a timely manner, the City Council will need to grant authority to the City Manager to approve the NSP Development Partner Affordable Housing Agreements.

ALTERNATIVES

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the NSP Program, and authorize the City Clerk to record the Certificates of Acceptance and other NSP related documents; authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to

form by Special Counsel), and execute other related NSP documents; and, authorize the Financial & Administrative Services Director to fund payments for properties. *Staff recommends these actions because they will facilitate the acquisition process through the Neighborhood Community Stabilization Trust and streamline the NSP acquisition process.*

2. Decline to adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the NSP Program, and decline to authorize the City Clerk to record the Certificates of Acceptance and other NSP related documents; decline to authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents; and, decline to authorize the Financial & Administrative Services Director to fund payments for properties. *Staff does not recommend these actions because they prevent the City's utilization of the Neighborhood Community Stabilization Trust's assistance and will delay the acquisition process and jeopardize the success of the NSP Program.*

FISCAL IMPACT

The ARR-SFR and ARR-MFR programs will be funded entirely from the Neighborhood Stabilization Program federal grant.

Fund	Business Unit No/Name	Estimated Amount
00197	19710	$11,390,116

There is no impact to the City's General Fund.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
The Neighborhood Stabilization Program will promote community pride and foster an excellent image for Moreno Valley.

NOTIFICATION

Publication of agenda.

ATTACHMENTS/EXHIBITS

ATTACHMENT A City Resolution 2009-94

Prepared By:
Shanikqua Freeman
Acting Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

Concurred by:
Michele Patterson
Acting Redevelopment Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033326

RESOLUTION NO. 2009-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ACCEPT AND CONSENT TO DEEDS OR GRANTS FOR RESIDENTIAL PROPERTIES ACQUIRED THROUGH THE NEIGHBORHOOD STABILIZATION PROGRAM.

WHEREAS, Section 27281 of the Government Code provides that deeds or grants conveying an interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed upon the deed or grant; and

WHEREAS, Section 27281 of the Government Code also provides that a political corporation or governmental agency may, by general resolution, authorize an officer or agent of the grantee to accept and consent to such deeds or grants; and

WHEREAS, the City desires and believes that it is in the best interests of convenience and efficiency for the City to designate the City Manager of the City of Moreno Valley as the officer authorized to accept on behalf of the City deeds and grants for residential properties acquired through the Neighborhood Stabilization Program.

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

Section 1. The City Manager of the City of Moreno Valley is authorized to accept and consent to deeds and grants conveying residential properties acquired through the Neighborhood Stabilization Program to the City of Moreno Valley.

Section 2. Whenever the City Manager consents to a deed or grant conveying a residential property acquired through the Neighborhood Stabilization Program to the City of Moreno Valley, the City Manager shall execute a certificate of acceptance and consent in substantially the following form:

> This is to certify that the interest in real property conveyed by the deed or grant dated _____ from _____ to the City of Moreno Valley, a political corporation, in the form attached as Exhibit A hereto, is hereby accepted by the undersigned City Manager on behalf of the City of Moreno Valley pursuant to authority conferred by Resolution No. ____ of the City Council of the City of Moreno Valley adopted on _____, 2009, and the grantee consents to recordation thereof by the City Clerk.

ATTACHMENT A
1

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, JANE HALSTEAD, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that City Resolution No. 2009-___ was duly and regularly adopted by vote of the City Council of the City of Moreno Valley at a regular meeting held on the ___ day of _____, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

"Exhibit A"

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant dated_____from _____ to the City of Moreno Valley, a political corporation, in the form attached hereto, is hereby accepted by the undersigned City Manager on behalf of the City of Moreno Valley pursuant to authority conferred by Resolution 2009 -____ approval of the City Council of the City of Moreno Valley on _____, 2009, and the grantee consents to recordation thereof by the City Clerk.

_____ Date: _____

Robert G. Gutierrez
City Manager

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: RESOLUTION AMENDING RESOLUTION NO. 2007-43 BY TEMPORARILY REDUCING RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution 2009-95, amending Resolution No. 2007-43, by temporarily reducing residential single-family and residential affordable single-family development impact fees by fifty percent, with the opportunity to consider a possible one year renewal.

BACKGROUND

According to most economic experts, the ongoing economic recession, which began in late 2007, is likely not ready for a recovery in the near future. Most predictions call for a recovery of the Inland Region economy to happen in late 2010 at the earliest, but more likely not until 2011 or maybe until early 2012.

Over the years, the regional economy in Riverside and San Bernardino counties has been heavily dependent upon construction activity, especially the new residential development industry. In FY 2004/05, at the peak of the housing boom, more than 52,000 single-family residential permits were issued in Riverside and San Bernardino counties. The latest reports estimate that less than 5,000 single-family residential permits will be issued in 2009, along with only slightly more than 5,500 next year in 2010.

A report written in May 2009 by Dr. John E. Husing, Ph.D. that helped quantify the economic impact of residential construction decline in the Inland Region identified the single-family residential permit valuation decline for Riverside County from 2005 to 2008

at $5.02 billion, which equates to an 80.4% decrease. The loss of those dollars entering the secondary economy (through goods and services) is on a one to one ratio, thus the net loss for Riverside County because of the downturn in the new residential development industry for that time-period is estimated at more than $10 billion. These losses in the local economy also translate to increased unemployment and higher home foreclosure rates in the Inland Region.

Moreno Valley has not escaped the new housing construction decline. Building permit issuance for single-family construction for the City of Moreno Valley has dropped 91% during the 2005-2008 time-period. Multi-family permit activity has been similarly reduced at a decline of 90%. There also has been a 20% decline in the commercial and industrial sectors during that same period. However, the rate of decline in commercial and industrial development has occurred significantly this year, as there is a 96.6% decrease in permit valuation (January-May 2009) when comparing activity this year to the same period in 2005.

The decline of the new housing development market has had a major impact on unemployment rates in both Inland Region counties. It is estimated that over 25,000 construction jobs have been lost in the past two years in the Inland Region. The State Employment Development Department recently calculated Moreno Valley's unemployment rate at 16.1% in June 2009 and Riverside County as a whole had an unemployment rate estimated at 13.7% in June 2009. The growing unemployment problem, fueled by the significant decline in construction jobs has also likely triggered more foreclosures in Riverside and San Bernardino counties.

Presently, Moreno Valley has approximately 4,000 foreclosed residential properties, along with many others in default and potentially facing foreclosure. More troubling is that many Payment Option-Adjustable Rate Mortgages (ARM's) that were popular at the height housing boom have or will soon reset in the new few years. Nationwide, an estimated one million ARM's are expected to reset to higher interest rates in the next four years. Even more alarming is that ¾'s or an estimated 750,000 ARM's nationwide will reset in either 2010 or 2011. Unfortunately, many will be in the Inland Region because about half of the new homes built in California between 2002 and 2007 were constructed in the Riverside or San Bernardino County area. Payment-Option ARM's were commonly used for many new Inland Region home buyers, as well as people who refinanced their homes in the period between 2004 and 2007. ARM resets with unaffordable mortgage payments will significantly impact the amount of foreclosures in the Inland Region, including Moreno Valley.

Housing values have decreased significantly across the Inland Region. The housing market in Moreno Valley currently reflects decreased home values with the average re-sale prices in June at $141,423, which is down from $206,979 just a year before in June 2008. The number of real estate listings in Moreno Valley has dropped from a high of 1,384 in April 2009 to 898 in May 2009, hopefully illustrating an improving re-sale housing market. However, please note that many major banks are holding back large numbers of repossessed houses from the real estate market in the Inland Region so as to not flood the market and further depress home values. Key in the resale market will

be interest rates for mortgages and the numbers of foreclosures and bank-owned properties on the market.

The identification of the key issues affecting the decline of local economy and what measures can be taken to stimulate the economy have been pursued by several organizations including Western Riverside Council of Governments (WRCOG) Red Team and the Building Industry Association. Out of these many discussions has come the consideration of the idea to temporarily reduce the Transportation Uniform Mitigation Fee (TUMF) and Development Impact Fees (DIF), along with other possible actions including what was the major focus for the Red Team- a concerted effort to stem further waves of foreclosures in the region.

A Development Impact Fee (DIF) is a fee charged by a local government to a development project for the purpose of charging for all or a portion of the cost of public facilities or infrastructure related to the impacts brought on by the development project. TUMF is very similar to DIF, but it is collected by WRCOG to fund future regional transportation improvements. Both DIF and TUMF use Nexus studies to establish appropriate fee structures.

DISCUSSION

Several Riverside County local governments have recently adopted policies aimed at stimulating the local economy by encouraging growth of the residential building industry and creating jobs by pursuing the temporary reduction of DIF. Temporary DIF reductions will clearly result in a decrease in fees collected. However, the loss in fees is anticipated to be offset by increased development activity, the creation of construction jobs and hopefully a recovery in the local economy. To date the following agencies have adopted a temporary reduction in DIF.

Jurisdiction	Original Single-Family Residential DIF (per house)	Revised DIF (per house)	Percent Reduced	Savings Per Unit	Terms of Reduction
City of Beaumont	$16,341.80	**$11,112.43**	30%	**$5,229.37**	Full reduction is in place for 16 months. Fees revert to 2009 levels over a three- year phase in period ending in 2012.
City of Corona	$19,474	**$11,684.40**	40%	**$7,789.60**	Full reduction is in place for two years with an optional third year.
City of Menifee	$5,185	**$2,599.30**	50%	**$2,585.70**	Reduction ends on June 30, 2010 OR after 500 permits are issued.
City of Perris	$12,668	**$6,334.00**	50%	**$6,334.00**	Reduction is in place for 1 year. Thereafter, there will only be a 25% reduction for 6 additional months.
County of Riverside (unincorporated areas)	$4,057	**$2,028.50**	50%	**$2,028.50**	One-year reduction.
City of Moreno Valley	$13,744				

Source: BIA - Riverside Chapter and City websites

- **City of Beaumont**

On February 17, 2009, the City of Beaumont adopted Resolution 2009-09, also known as the Beaumont Economic Stimulus Package. The Economic Stimulus Program included the adoption of a temporary reduction of DIF. The temporary DIF reduction initially reduces fees by 30%. The DIF reduction schedule is graduated and fees will increase incrementally between FY09/10, FY10/11, FY11/12 and FY12/13. The fees will increase to 14.3%, 12.5% and 11.1%, respectively, and are scheduled to reset to the original rate at the beginning of FY12/13 (July 1, 2012). The Beaumont DIF program also grants a developer the option to defer DIF payment building inspection stage of the development.

In addition to the temporary reduction of DIF, the City of Beaumont through the stimulus package has implemented a 50% fee reduction in building permit fees, grading permit, plan check and inspection fees for onsite improvements (i.e. patio covers, pools, etc.)

- **City of Corona**

On May 6, 2009, the City of Corona adopted an ordinance to temporarily reduce DIF by 40% for a period of two years, expiring on June 30, 2011. The ordinance also extends a previously adopted DIF deferral policy whereby payment of certain fees is deferred until a Certificate of Occupancy is issued. This extension will expire concurrent to the DIF reduction.

- **City of Menifee**

On May 20, 2009, the newly incorporated City of Menifee approved the Menifee Development Stimulus Plan. As part of a multi-faceted plan, the City of Menifee will temporarily reduce DIF by 50% for one-year, ending June 30, 2010 or upon the issuance of 500 permits- whichever comes first. One other fee related reduction approved by the City of Menifee is the temporary reduction in hourly rates by 20% for City development services related to new residential. Please note that as a new municipality that Menifee had merely adopted the County's DIF rate structure and nexus study and that the City has no established debt obligations for public improvements.

- **City of Perris**

On June 30, 2009, the City of Perris approved the adoption of a resolution to reduce the City's DIF for residential development by 50% for FY 09/10, and 25% for the first six months of FY 10/11.

- **County of Riverside**

On July 14, 2009, the County of Riverside adopted a resolution to temporarily reduce DIF by 50% for a one-year period ending June 30, 2010. Additionally, Riverside County adopted a resolution to urge WRCOG to temporarily reduce TUMF to assist in residential development.

Moreno Valley DIF

In 2000, the City of Moreno Valley adopted a Development Impact Fee (DIF) program to equitably distribute the costs of future infrastructure and public facilities needed in the

community because of new residential and commercial development in Moreno Valley. In other words, the DIF program has new development pay for its fair share of the costs for new streets, parkland and public facilities. This is a fiscally prudent concept that is used by many other Inland Region cities including Corona, Fontana, Perris, Ontario, Rancho Cucamonga, Redlands, and Temecula. Under the DIF, different types of uses (single-family residential, multi-family residential, industrial, commercial, retail, and office) pay varying DIF rates based on the impacts associated with the various types of development.

Revenue from DIF in Moreno Valley has decreased significantly since FY 2006/07 because of the housing development slowdown and recessed economy. In FY 2005/06, Moreno Valley received its most total DIF revenue at nearly $21 million and of that amount $8.48 million came from Residential DIF projects. In FY 2008/09, DIF revenue is projected to be only $1.23 million, with $ 159,409 coming from Residential DIF projects. During the residential housing boom from FY 2002/03 through FY 2006/07, Moreno Valley collected a total of $73,979,923 in DIF and $35,582,198 or 48% came from single-family residential projects.

In the past, DIF revenue has been a major source of revenue for new capital projects in Moreno Valley. In November 2005, the City issued a $48 million bond issue to fund a variety of infrastructure projects. DIF, the Moreno Valley Electric Utility and RDA fund debt service for these lease revenue bonds.

The recent decrease in DIF revenue has impacted debt service coverage resulting in using DIF reserves to maintain debt service. Reducing DIF for single-family residential would have an effect on debt service obligations depending on the duration and magnitude of a DIF reduction.

Current stimulation programs underway in the City of Moreno Valley
There are several efforts currently underway in the City of Moreno Valley to stimulate the economy including the following:

Deferral of DIF and TUMF Payment
The City of Moreno Valley has adopted a resolution deferring the collection of DIF and TUMF for residential development projects until the Certificate of Occupancy.

Moreno Valley Employment Resource Center
The Moreno Valley Employment Resource Center (ERC) opened in mid-August to serve the City's population that is either unemployed or underemployed.

NSP
The City of Moreno Valley has received an $11,390,116 allocation to implement an 18-month Neighborhood Stabilization Program (NSP) aimed at assisting low to moderate income households, while targeting the City's areas most affected by foreclosures. Under the adopted plan, the City has approved Development Partners that will purchase bank-owned properties in Moreno Valley, rehabilitate those properties and put them on the market for first-time homebuyers.

NSP 2
A cooperative application with the City of Hemet for additional NSP funds (NSP 2) has been submitted to HUD to continue efforts to mitigate home foreclosures and encourage home ownership initiated by NSP. The joint application requested a fund allocation of $10 million.

Foreclosure Prevention Education
In response to the continuing home foreclosure problem, Moreno Valley will continue foreclosure prevention workshops and offer residents valuable information and the opportunity to meet one-on-one with representatives from mortgage lenders, credit counseling agencies and social service providers. The first round of workshops in spring 2009 assisted approximately 600 residents.

Proposal of a Temporary DIF Reduction
Presently, the DIF rate for residential single-family is $13,744 per unit. The consideration of a DIF reduction for residential single-family would have many impacts including short term revenue loss for the City, but also possesses the possibility of helping jump start the new housing construction industry. It is extremely difficult to quantify the revenue loss, as well as the effectiveness that a DIF reduction will put forth towards actually stimulating more new residential development in Moreno Valley. The continued numbers of foreclosures and bank-owned properties hitting the residential market in the coming years will still likely cause a competitive disadvantage for new homes in the real estate market. Another problem for home builders in the near future will be financing for projects in this current credit environment. Overall, the effectiveness of reducing DIF to stimulate significant recovery of the new housing development industry is uncertain. However, any growth in new residential development would be positive for the local economy.

ALTERNATIVES

1. Adopt Resolution 2009-95 approving the reduction of Residential Single-Family and Residential Affordable Single-Family Development Impact Fees for the period of one year. **Staff recommends this alternative.**

2. Reject Resolution 2009-95, thereby not reducing Residential Single-Family and Residential Affordable Single-Family Development Impact Fees. **Staff does not recommend this alternative.**

FISCAL IMPACT

Calculating the fiscal impact of a reduction of fees directly correlates with the percentage of that reduction, but also depends on the activity and number of projects happening. It is not possible to accurately project the revenue loss for the temporary DIF reduction. However, a reduction of collected DIF is expected to be offset by increased development activity and, hopefully sales tax and property tax revenue increases.

SUMMARY

The current economic crisis is spurring local agencies to identify ways of mitigating the impacts of the slowdown in development particularly as it relates to revenue, the unemployment rate and the home foreclosure rate. Currently five other jurisdictions in Riverside County have adopted temporary DIF reductions to make new residential development projects more cost-effective. The City of Moreno Valley is already underway with several programs aimed at helping to mitigate the impacts of the current economic crisis, but does not currently have a temporary DIF reduction program. Moving forward with a temporary DIF reduction for single-family residential in Moreno Valley is envisioned as a way to help stimulate the local economy.

ATTACHMENT

Attachment 1 – Development Impact Fee Schedule
Attachment 2 – Resolution No. 2009-95

Prepared By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033338

City of Moreno Valley Development Impact Fees

	Residential						Commercial			Office	
	Single Family		Affordable-Single Family		Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
	Current Fee	Proposed Fee	Current	Proposed Fee	Current	Current	Current	Current	Current	Current	Current
Unit	DU	DU	DU	DU	DU	DU	KSF	KSF	KSF	KSF	KSF
Transportation Uniform Mitigation Fees (TUMF)	$ 10,046	$ 10,046	$ -	$	$ 7,054	$ -	$ 9,990	$ 9,990	$ 1,840	$ 2,190	$ 5,710
Arterial Streets	$ 4,531	$ 2,265	$ 1,275	$ 638	$ 3,171	$ 892	$ 4,482	$ 2,231	$ 1,281	$ 1,275	$ 1,921
Traffic Signals	$ 567	$ 283	$ 421	$ 211	$ 397	$ 294	$ 678	$ 443	$ 194	$ 253	$ 290
Interchange Improvements	$ 524	$ 262	$ -	$	$ 367	$ -	$ 684	$ -	$ 195	$ -	$ 293
Fire Facilities	$ 650	$ 325	$ 252	$ 126	$ 261	$ 101	$ 80	$ 36	$ 58	$ 38	$ 67
Police Facilities	$ 464	$ 232	$ 126	$ 63	$ 368	$ 101	$ 232	$ 64	$ 42	$ 51	$ 114
Park Improvements	$ 3,109	$ 1,554	$ 1,598	$ 799	$ 2,723	$ 1,193	$ -	$ -	$ -	$ -	$ -
Recreation Centers	$ 193	$ 97	$ 1,198	$ 599	$ 169	$ 1,049	$ -	$ -	$ -	$ -	$ -
Libraries and Materials	$ 813	$ 406	$ 668	$ 334	$ 712	$ 499	$ -	$ -	$ -	$ -	$ -
Park Land (Quimby In-Lieu Fees)	$ 1,865	$ 933	$ 573	$ 287	$ 1,634	$ 428	$ -	$ -	$ -	$ -	$ -
Animal Shelter	$ 152	$ 76	$ -	$	$ 133	$ -	$ -	$ -	$ -	$ -	$ -
Maintenance Equipment	$ 50	$ 25	$ -	$	$ 20	$ -	$ 4	$ -	$ 3	$ -	$ 4
City Hall	$ 529	$ 265	$ 292	$ 146	$ 212	$ 118	$ 74	$ 42	$ 52	$ 45	$ 62
Corporate Yard	$ 298	$ 149	$ 283	$ 142	$ 119	$ 113	$ 53	$ 41	$ 37	$ 43	$ 43
Total	$ 23,790	$ 16,918	$ 6,686	$ 3,343	$ 17,340	$ 4,788	$ 16,277	$ 12,847	$ 3,702	$ 3,895	$ 8,504

NOTES:
1. Beginning in 2003, all impact fees will be adjusted annually.

2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.

3. TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).

4. Fees for Single and Multi-Family Residential have been increased in Jan 2007 by the 20 City Average Building Cost Index which was 3.8% (Does not include Affordable Housing segments)

5. Fees for General Commercial and Non-Class A Office have been increased to the mid-point between the existing fee and 50% of the nexus.

UNITS LEGEND
DU = Dwelling Unit for residential development types
KSF = 1,000 gross square feet of building area for commercial, industrial and office development types

Item No. A.14

MV00033339

Attachment 1
-461-

IMPLEMENTATION NOTES:

With respect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

With respect to commercial and industrial and non-class A office development impact fees, there will be a continuation of existing fees with the intent of charging one-half of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, through a two-year phase-in beginning on January 16, 2007.

With respect to Class A office development impact fees, these shall be frozen at the pre-January 12, 2006 fees, or $1,705 per 1,000 square feet.

With respect to Residential Single Family and Residential Multi-Family development impact fees, the fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, and shall take effect on January 12, 2006.

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be frozen at the pre-January 12, 2006 fees until such time that the City Council deems it appropriate to amend the Impact Fee Resolution.

Hence:

	Residential						Commercial			Office	
Impact Fee Type	Single Family		Affordable-Single Family		Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
Fee Basis	Dwelling Unit		Dwelling Unit		Dwelling Unit	Dwelling Unit	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft
Current Fee (2)	$6,686.00		$6,686.00		$4,788.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Calculated Fee per Nexus Study (2	$13,241.00		$13,625.00		$9,909.00	$10,178.00	$17,503.00	$13,174.00	$5,156.00	$7,762.00	$7,762.00
Recommended Fee	100% of Nexus Fee		Freeze @ 100% of Pre 1/12/06 Fee		100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee	50% of Nexus Fee	50% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee
Fees at 1/12/06 (2)	$13,241.00		$6,686.00		$9,909.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Fees at 1/16/07 (2)	$13,241+ 1 yr. CPI		$6,686.00		$9,909 + 1 yr CPI	$4,788.00	$6,287.00	$2,857.00	$1,863.00	$1,705.00	$2,793.00
Fees at 1/16/08 (2)	13,241 + 2 yr. CPI		$6,686.00		$9,909+ 2 yr CPI	$4,788.00	$8,752.00	$2,857.00	$2,578.00	$1,705.00	$3,881.00
Fees at 1/16/09 (2)	13,241 + 3 yr. CPI		$6,686.00		$9,909+ 3 yr CPI	$4,788.00	$8752+1 yr. CPI	$6,587.00	$2578+ 1 yr. CPI	$1,705.00	$3881+ 1 yr. CPI

Note: 1) Fees are rounded to the nearest whole dollar. Fees will vary from what is shown for 1/16/07 and 1/16/08 based on annual July 1st adjustments for inflation, which are not included in the above examples.

2) Fees shown in example do not include TUMF

MV00033340

-462-

Item No. A.14

RESOLUTION NO. 2009-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION NO. 2007-43 REGARDING THE FEE STRUCTURES FOR RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES

WHEREAS, Chapters 3.38, 3.40, and 3.42 of the City of Moreno Valley Municipal Code authorize the establishment of residential and commercial and industrial development impact fees (the DIF program); and

WHEREAS, the City Council previously adopted Resolution No. 2007-43, setting amounts of residential development impact fees for arterial streets, traffic signals, interchange improvements, police facilities, fire facilities, park improvements, community/recreation centers, library facilities and materials, city hall facilities, corporate yard facilities, maintenance equipment, and animal shelters; and commercial and industrial development impact fees for arterial streets, traffic signals, interchange improvements, police facilities, fire facilities, city hall facilities, corporate yard facilities, and maintenance equipment; and

WHEREAS, the downturn in the economy has slowed the development of new single-family residential properties; and

WHEREAS, the downturn in the economy and the decline of new housing development has had a major impact on City revenues the unemployment rates in Moreno Valley; and

WHEREAS, several Riverside County local governments have recently adopted policies aimed at stimulating the local economy by encouraging growth of the residential building industry and creating job by pursuing the temporary reduction of DIF, thereby in the best interest of the City.

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

1. Section 1 of Resolution No. 2007-43 is hereby amended as follows:

"Section 1: A temporary reduction in Residential Single-Family and Residential Affordable Single-Family Development Impact Fees shall be made to the Residential and Commercial and Industrial Development Impact Fee Table reflecting a fifty percent reduction in Residential Single Family and Residential Affordable Single-Family Development Impact Fees for the period of one year; with the opportunity to consider a possible one year renewal."

Section 3. of Resolution No. 2007-43 is hereby amended as follows:

"Section 3: With respect to Residential Single-Family and Residential Affordable Single-Family development impact fees (not including Residential Multi-Family and Residential Affordable Multi-Family), the fees described in Section 1 shall be charged at 50% of the fees calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on April 24, 2007 and shall take effect on September 23, 2009. The fees described in Section 1 for Residential Affordable Single-Family and Residential Affordable Multi-Family shall be reduced for the period of one year, with the opportunity to consider a possible one year renewal.

BE IT FURTHER RESOLVED that this Resolution shall take effect on September 23, 2009.

APPROVED AND ADOPTED this 22nd day of September, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

APPROVED AS TO FORM:

_____
City Attorney

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 8, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of Certificates by Moreno Valley Friends of the Library to Super Readers of the 2009 Summer Reading Program

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
September 8, 2009

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Pro Tem Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Batey

INVOCATION - Pastor Paul M. Cunningham, Calvary Baptist Church

ROLL CALL

Council:

William H. Batey II	Council Member
Bonnie Flickinger	Mayor Pro Tem
Jesse L. Molina	Council Member
Robin N. Hastings	Council Member

Absent:

Richard A. Stewart	Mayor

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Elam	Financial and Administrative Services Director
Robert Hansen	Interim City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Steve Curley	Fire Chief
Joel Ontiveros	Lieutenant
Chris Vogt	Public Works Director/City Engineer

Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director
Becky Guillan	Library Services Division Manager
Steve Kupsak	Parks Maintenance Division Manager

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Pro Tem Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A3 and A5)

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 AUTHORIZATION TO ESTABLISH A PURCHASE AGREEMENT WITH DATA TICKET INCORPORATED FOR FY 2009/2010 (Report of: Community Development Department)

Recommendation:
1. Award the annual purchase agreement to Data Ticket Incorporated in the amount not to exceed $190,500 and authorize the Mayor to execute the agreement; and

2. Authorize the Code and Neighborhood Services Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of $190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

A.4 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:
1. Approve the "Third Amendment to Agreement for Professional

Consultant Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide Professional Consultant Services;

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with VAS; and

3. Authorize an increase in the purchase order to VAS in the amount of $250,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.5 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR INDIAN DETENTION BASIN, DRAINAGE IMPROVEMENTS, AND IRONWOOD STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with Lim and Nascimento Engineering Corporation, 618 North Diamond Bar Boulevard, Diamond Bar, California 91765;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with Lim and Nascimento Engineering Corporation;

3. Authorize a Change Order to increase the Purchase Order with Lim and Nascimento Engineering Corporation for $61,560.40 ($55,964.00 proposal amount plus 10% contingency amount of $5,596.40) for additional design, right-of-way and environmental services when the Fourth Amendment to Agreement for Professional Consultant Services has been signed by all parties (Account No. 897.91726); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendment(s) to the agreement with Lim and Nascimento Engineering Corporation, up to but not exceeding, the 10% contingency amount of $5,596.40, subject to the approval of the City Attorney.

A.6 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM C3) (Report of: Economic Development Department)

Recommendation:
Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for the Rancho Dorado Apartments

A.7 ORDINANCE NO. 793, APPROVING P08-060 (SPECIFIC PLAN AMENDMENT) TO REALIGN KRAMERIA AVENUE BETWEEN IRIS AVENUE AND HEACOCK STREET AND DOWNGRADE KRAMERIA AVENUE FROM A MINOR ARTERIAL TO AN INDUSTRIAL COLLECTOR IN THE MORENO VALLEY INDUSTRIAL SPECIFIC PLAN (SP 208) AS DESCRIBED IN THE RESOLUTION, AND THE REVISED SPECIFIC PLAN MAPS ATTACHED TO THE RESOLUTION AS EXHIBITS A, B, C AND D (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

ADOPT Ordinance No. 793 approving a Specific Plan Amendment (P08-060) for the realignment of Krameria Street and amending the Circulation Element in the Moreno Valley Industrial Specific Plan (SP 208) based on the findings in the Ordinance.

Ordinance No. 793

An Ordinance of the City Council of the City of Moreno Valley, California, Approving P08-060 (Specific Plan Amendment) to realign Krameria Avenue between Iris Avenue and Heacock Street and downgrade Krameria Avenue from a Minor Arterial to a Industrial Collector in the Moreno Valley Industrial Specific Plan (SP 208) as described in the Resolution, and the revised Specific Plan Maps attached to the Resolution as Exhibits A, B, C and D

A.8 ORDINANCE NO. 794, AMENDING SECTION 12.36.010 OF CHAPTER 12.36 OF TITLE 12 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, REVISING THE DESIGNATION OF TRUCK ROUTES (RECEIVED FIRST READING AND INTRODUCTION AUGUST 25, 2009 ON A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 794, amending Section 12.36.010 of Chapter 12.36 of Title 12 of the Municipal Code to remove Ironwood Avenue from Moreno Beach Drive to Theodore Street, as well as, Moreno Beach Drive from Ironwood Avenue to the SR-60 westbound on/off ramp as designated "Truck Routes." (Roll call required)

Ordinance No. 794

Ordinance No. 794, of the City Council of the City of Moreno Valley, California, Amending Section 12.36.010 of Chapter 12.36 of Title 12 of the City of Moreno Valley Municipal Code, Revising the Designation of Truck Routes

A.9 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE PARTIAL ACQUISITION OF APN'S 488-090-031 AND 488-090-051 FOR THE SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT - PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the partial acquisition of APN's 488-090-031 and 488-090-051 and authorize the City Manager to execute said Agreement;

2. Authorize a purchase order in the total amount of $374,600 ($359,600 for the purchase price and $15,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 125.89720); and

3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of $374,600 ($359,600 for the purchase price and $15,000 for escrow fees) for the partial acquisition of APN's 488-090-031 and 488-090-051.

A.10 AGREEMENT FOR CONVEYANCE OF PROPERTY FOR THE ACQUISITION OF A PORTION OF APN 488-100-002 FOR THE SR-60/MORENO BEACH DRIVE INTERCHANGE IMPROVEMENT PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and execute the "Agreement for Conveyance of Property" for the acquisition of a portion of APN 488-100-002 and authorize the City Manager to execute said Agreement;

2. Authorize a Purchase Order in the amount of $874,550 ($849,550 for the purchase price plus $25,000 for escrow fees) when the Agreement has been signed by all parties (Account No. 415.70024); and

3. Authorize the Financial & Administrative Services Director to wire transfer funds into escrow in the amount of $874,550 ($849,550 for the purchase price plus $25,000 for escrow fees) for a portion of APN 488-100-002.

A.11 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of:

City Clerk's Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of August 19 – September 1.

A.12 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM B3) (Report of: Public Works Department)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 PM 33152-1 – EXECUTE A GRANT DEED TO ANDLAND PROPERTIES, LLC FOR THAT PORTION OF PARCELS 1, 2 AND THE REMAINDER PARCEL OF PARCEL MAP NO. 33152-1 ASSOCIATED WITH THE OLD 215 FRONTAGE ROAD RIGHT-OF-WAY REDUCTION, AT THE SOUTHEAST CORNER OF OLD 215 FRONTAGE ROAD AND ALESSANDRO BOULEVARD - DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (MATERIAL NOT AVAILABLE AT TIME OF PRINTING - TO BE PROVIDED UNDER SEPARATE COVER) (THIS ITEM IS ALSO LISTED AS ITEM A12) (Report of: Public Works Department)

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C.3 FIRST AMENDMENT TO THE AFFORDABLE HOUSING AGREEMENT BETWEEN MV RANCHO DORADO II LIMITED PARTNERSHIP AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY FOR THE RANCHO DORADO APARTMENTS (THIS ITEM IS ALSO LISTED AS ITEM A6) (Report of: Economic Development Department)

Recommendation:
Approve the First Amendment to the Affordable Housing Agreement between Palm Desert Development Company and the Community Redevelopment Agency of the City of Moreno Valley for Rancho Dorado Apartments

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF AUGUST 25, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Mayor Pro Tem Flickinger announced that Consent Calendar Item A3, recommendation #2 was changed to read as follows:

Authorize the Purchasing and Facilities Division Manager to issue a purchase order to Data Ticket Incorporated in the amount of $190,500 to cover the estimated costs for ticket processing, administrative citation processing and ticket printing costs for FY 2009/2010.

Joint Consent Calendar Items A1- D2 approved. Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings, approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

E. PUBLIC HEARINGS

E.1 A PUBLIC HEARING ON A ZONE CHANGE (PA05-0069) FROM THE RESIDENTIAL 1 (SINGLE FAMILY - UP TO 1 UNIT PER ACRE) LAND USE DISTRICT TO THE RESIDENTIAL 2 (SINGLE FAMILY - UP TO 2 UNITS PER ACRE) DISTRICT, WHICH IS CONSISTENT WITH THE

EXISTING RESIDENTIAL 2 GENERAL PLAN LAND USE DESIGNATION; AND A TENTATIVE TRACT MAP NO. 32388 (PA05-0071) TO SUBDIVIDE APPROXIMATELY 9.5 ACRES LOCATED ON THE SOUTH SIDE OF MOUNTAIN RANCH ROAD AT NORTHSHORE DRIVE INTO 14 SINGLE FAMILY LOTS (Report of: Community Development Department)

Mayor Pro Tem Flickinger opened the agenda item for the Public Hearing for public comments, which were received from Vicki Patterson (oppose), Deanna Reeder (oppose) and Pete Bleckert (support).

Recommendation: That the City Council:

1. CONDUCT a public hearing for review of a proposed Zone Change from R1 to R2 and Tentative Tract Map No. 32388 to subdivide approximately 9.5 acres into 14 single family residential lots;

2. APPROVE Resolution No. 2009-84 ADOPTING a Mitigated Negative Declaration for the Zone Change and Tentative Tract Map No. 32388, in that, as designed and conditioned, this project will not result in significant environmental impacts;

Resolution No. 2009-84

A Resolution of the City Council of the City of Moreno Valley, California, Adopting a Mitigated Negative Declaration for a Zone Change (PA05-0069), and Tentative Tract Map No. 32388 (PA05-0071) to change the land use for 9.5 net acres located within Assessor's Parcel Number 474-250-003 from Residential 1 to Residential 2 in order to develop a 14 lot single family residential subdivision

Motion to Approve by m/Council Member Jesse L. Molina, s/Mayor Pro Tem Bonnie Flickinger
Failed by a vote of 2-2-1, Council Member William H. Batey II and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.

Motion to Continue item to November 10, 2009, approve by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Failed by a vote of 2-2-1, Mayor Pro Tem Bonnie Flickinger and Council Member Robin N. Hastings opposed, Mayor Richard A. Stewart absent.

3. INTRODUCE Ordinance No. 795 thereby APPROVING a Zone Change from Residential 1 (R1) to Residential 2 (R2) for the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain

Ranch Road at Northshore Drive (PA05-0069), based on the findings in the City Council Ordinance (Attachment No. 3); and

Ordinance No. 795

An Ordinance of the City Council of the City of Moreno Valley, California, Approving application PA05-0069 for an Amendment to the official Zoning Atlas from Residential 1 to Residential 2 for the approximately 9.5 net acres of Assessor's Parcel Number 474-250-003 in order to develop a 14 lot single family subdivision

Not Introduced

4. APPROVE Resolution No. 2009-85 thereby APPROVING Tentative Tract Map No. 32388 (PA05-0071) to subdivide the 9.5 acres of Assessor's Parcel Number 474-250-003 located south of Mountain Ranch Road at Northshore Drive into 14 single family residential lots.

Resolution No. 2009-85

A Resolution of the City Council of the City of Moreno Valley, California, Approving Tentative Tract Map No. 32388 (PA05-0071) to develop a 14 lot single family residential subdivision on 9.5 net acres located on the south side of Mountain Ranch Road at Northshore Drive, within Assessor's Parcel Number 474-250-003

Not Adopted

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Bonnie Flickinger reported Southern California Association of Governments (SCAG) serves member cities and listens to them. Some of the benefits provided are: SCAG waived 10 percent of dues this year, recognized cities' challenges and also provides free professional planning staff for use. SCAG also implemented a pilot scholarship plans for local students. Application information is available at SCAG. SCAG is tasked with designing methodology for implementation of SB 375 green house gases. Mayor Pro Tem Flickinger also reported that she had been appointed to SCAG Regional Goods Movement Task Force and its

Regional Data GIS Task Force. In addition, SCAG provided the City Profile to Mayor Pro Tem Flickinger and encouraged comments from Council and staff.

b) Report by Council Member Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)

Council Member Hastings reported WRCOG will be meeting with the Energy Committee in Washington, D.C. She met with Congressman Calvert, and he was supportive. Council Member Hastings further reported that she would be flying to Washington, D.C. September 28, and would be meeting with Congress people and the Energy Committee to get the funds necessary to bring back to western Riverside County. WRCOG will be making a presentation to Council in October.

G.2 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Assistant City Manager, Betsy Adams informed the City Council that a letter of support to Western Riverside Council of Governments Energy Efficiency and Water Conservation program would be expedited if it was Council's direction.

Council's direction was to forward the letter of support.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION – NONE

H.3 ORDINANCES - URGENCY ORDINANCES – NONE

H.4 RESOLUTIONS – NONE

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

Catherine Huggins
1. Code violations in her neighborhood

Daryl Terrell

1. Keeping local revenue local

Deanna Reeder
1. Development impact fees
2. Ironwood truck route

Pete Bleckhert
1. Safety issue on Alessandro and Lasselle
2. State of the City Address

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Jesse Molina

1. Item E1. Public Hearing property zone change; large lots will be a thing of the past
2. Traffic lights on Alessandro and Lasselle concerns asked for direction from constituent
3. Chamber of Commerce - with more businesses the Chamber will have more money, issues with stalement in the city
4. Work together as a City and move forward

Robin N. Hastings

1. Congratulations to the Moreno Valley Super Readers, reading is the key to education
2. Enjoyed participating in the Employee Appreciation Luncheon, received lots of positive feedback and very positive interactions
3. Thanked residents she met with regarding Ironwood Avenue and appreciated their input; residents conveyed to Council Member Hastings that they were very appreciative to have input in the process

William H. Batey II

1. Congratulations to the Super Readers and commended Library Director for putting together a super program

Bonnie Flickinger

1. Four students at four Moreno Valley schools may enter the Air Aware contest by September 21, sponsored by RTA, first prize of $250 gift certificate for the Moreno Valley Mall, detailed information can be found at www.riversidetransit.com
2. Parks and Recreation Commission has an opening for a teen member,

applications on www.moval.org
3. City is focused on providing citizens assistance and providing more foreclosure workshops, Sept 12, 2009 at 10:00 a.m., in Council District 5, Calvary Chapel Church, very helpful for the residents, four more workshops in other Council districts
4. Employee Resource Center is open at Towngate Center, many resources available
5. Parks is cutting back on the number of hours the water feature at Bethune Park is open due to the water shortage, determined to find a way to restore the hours
6. Mayor Stewart delivered the State of the City message last week. The video will be on the website starting next week
7. Agendize for next Study Session to discuss the Agenda for the rest of the year.

CLOSED SESSION – Cancelled

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

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

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:05 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Mayor, Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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MV00033356

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
AND THE BOARD OF LIBRARY TRUSTEES

SPECIAL MEETING – 6:00 P.M.
SEPTEMBER 1, 2009

CALL TO ORDER - A Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley, and the Board of Library Trustee was called to order at 6:01 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

ROLL CALL

Council:

Richard A. Stewart	Mayor
Bonnie Flickinger	Mayor Pro Tem
William H. Batey II	Council Member
Robin N. Hastings	Council Member
Jesse L. Molina	Council Member

Staff:

Jane Halstead	City Clerk
Steve Elam	Financial & Administrative Services Director
Robert Hansen	Interim City Attorney
Robert Gutierrez	City Manager
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
Chris Vogt	Public Works Director/City Engineer
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director

PUBLIC COMMENTS ON MATTERS ON THE SPECIAL MEETING AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder, Marcia Amino and Pete Bleckert.

G. REPORTS

G.1 MEMORANDUM OF UNDERSTANDING BETWEEN ABSOLUTE STORAGE LLC, RRM PROPERTIES LTD AND THE CITY OF MORENO VALLEY, CA. (Report of: Economic Development Department)

Recommendation: that the City Council & RDA Board

1. Approve a Memorandum of Understanding between Absolute Storage LLC, RRM Properties LTD and the City of Moreno Valley; and

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Bonnie Flickinger
Approved by a vote of 5-0.

2. Appropriate $225,000 from available RDA tax increment fund balance to Account 892.80129.7200 for the funding of the Gas Line Relocation Project.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Bonnie Flickinger
Approved by a vote of 5-0.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned to Closed Session at 6:21 p.m. by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____

Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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MV00033360

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: September 22, 2009

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of September 2-15, 2009.

Reports on Reimbursable Activities September 2-15, 2009		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger	9/11/09	Moreno Valley Chamber of Commerce – Legislative Action Committee
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart		None

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033362

MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

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MV00033364

MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

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MV00033366

MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

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MV00033368

MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

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MV00033370

MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.15

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MV00033372

MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.16

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MV00033374

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING PA09-0018 (GENERAL PLAN AMENDMENT) AND PA08-0099 (MUNICIPAL CODE AMENDMENT), A PROPOSAL TO ADD A NEW ZONING DESIGNATION TO THE GENERAL PLAN CREATING THE RESIDENTIAL 30 (R30) ZONING DISTRICT AND AMEND A RANGE OF ZONING REGULATIONS CONTAINED IN TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MULTIPLE FAMILY DEVELOPMENT STANDARDS

RECOMMENDED ACTION

The Planning Commission recommends that the City Council conduct a public hearing regarding PA09-0018 and PA08-0099, and

1. **Find** that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines; and

2. **APPROVE** Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution and attached to the Resolution as Exhibit A;

3. **Introduce** Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code. (Attachment 2)

ADVISORY COMMITTEE RECOMMENDATION

On August 13, 2009, by a vote of 6-0-1, the Planning Commission adopted Resolution No. 2009-24, recommending that the City Council determine that the proposed amendment is exempt from the California Environmental Quality Act and approve the proposed amendment of the Municipal Code. No public testimony was received at the hearing.

SUMMARY

PA09-0018 and PA08-0099 are a proposal to modify the City's General Plan and amend various provisions contained in Title 9 of the City of Moreno Valley Municipal Code regarding multiple family development standards, including the introduction of the Residential 30 (R30) Zoning District.

BACKGROUND

General Plan Amendment (PA09-0018)

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at 30 units per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

Redevelopment Agency staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations, in various areas in the community, including areas with a significant number of underutilized parcels. The proposal was presented at a series of public meetings in October of 2007 and included an overview of the housing element, the Regional Housing Needs Allocation (RHNA) allocation for Moreno Valley, the challenges in providing affordable housing opportunities, and possibilities for increasing housing densities in several areas of the community. The proposal was then presented to Planning Commission and the City Council. While the meetings only identified potential locations for Residential 30 (R30), the actual choosing of locations and rezoning of areas would be completed under a separate process.

Staff is taking the opportunity to update other residential standards along with the addition of the new zoning designation, Residential 30 (R30) to the General Plan and Municipal Code.

Background – Municipal Code Amendment (PA08-0099)

Standards for the proposed Residential 30 (R30) Zoning District are based on a combination of the City's Residential 20 (R20) and examples of higher density development standards from various cities. The purpose of the standards is to provide guidelines on developing Residential 30 (R30) projects that achieve the goals and objectives of the City of Moreno Valley's General Plan.

As with the General Plan Amendment, the Municipal Code will include the definition of Residential 30 (R30). Also included in the proposed Municipal Code update is residential site development standards for the Residential 30 (R30) zoning district that define minimum lot size, lot coverage, setbacks and height maximums. The proposed changes to the municipal code also include dividing single-family from multiple-family guidelines into separate sections for simplification and greater clarity.

Brief discussions of individual issues are provided below.

The proposed additions to the General Plan and Municipal Code are shown below as bold underlined text. Strikethroughs indicate text recommended for deletion.

DISCUSSION

Issue 1. Adding Residential 30 (R30) Zoning District to the General Plan

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups".

Staff recommends amending Section 9.2.2 under "Policies" (page 9-4) of the General Plan as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types in an urban setting. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

The rest of the policies of Objective 2.2 will be renumbered as follows:

2.2.1~~1~~2 Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.

2.2.1~~2~~3 Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.

2.2.1~~3~~4 Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.

2.2.1~~4~~5 Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

2.2.1~~5~~6 Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

2.2.1~~6~~7 Affordable housing developments should be compatible in visual design with surrounding development.

2.2.1~~7~~8 Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

At the August 13th Planning Commission meeting, the definition of R30 included "*The primary purpose of areas designated Residential 30 is to provide a range of high density multi-family housing types, with particular emphasis on the needs of low and moderate income families*". During commissioner debate it was noted that including the wording "needs of low and moderate income families" " might lead to a misunderstanding that the R30 zoning district was only for affordable housing. The commissioners agreed to approval of Issue 1 with revised wording.

MUNICIPAL CODE ANALYSIS

Issue 2. Residential Districts within the City of Moreno Valley

Section 9.01.090 of the Municipal Code lists the residential districts in the City of Moreno Valley in order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city.

Staff recommends amending Section 9.01.090(A) under "Residential Districts" as follows:

Adding: **k. Residential 30 (R30) district;**

Re-lettering: ~~k.~~to l. Residential single-family 10 (RS10) district.

Issue 3. Definition of Residential 30 (R30)

Section 9.03.020 of the Municipal Code describes the general product type and density provisions for the specified residential development districts.

Staff recommends amending Section 9.03.020 under "Residential Districts" as follows:

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU's per net acre in accordance with the provisions outlined herein.

As noted under "Issue 1", the definition of R30 was revised during commissioner debate deleting the wording "needs of low and moderate income families" as it might lead to a misunderstanding that the R30 zoning district was only for affordable housing. Staff also noted that the wording "needs of low and moderate income families" was currently in the definition of Residential 20 District (R20) in the Municipal Code. Further commissioner debate suggested that the R20 definition should be revised as well.

Section 9.03.020 under "Residential Districts" will be amended as follows:

K. Residential 20 District (R20). The primary purpose of the R20 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city, ~~with particular emphasis on the needs of low and moderate income families~~. This district is intended as an area for development of multifamily residential dwelling units, as well as mobilehome parks, at a maximum allowable density of twenty (20) DU's per net acre in accordance with the provisions outlined herein.

The commissioners 6-0-1 agreed to approval of Issue 3 with revised wording.

Issue 4. Multiple-Family Residential Design Guidelines

Design guidelines for multiple-family development are found in Section 9.16.140 (Design Guidelines - Applications for Site Design and Architecture) of the Municipal Code. The Residential Site Development Standards are found separately in Section

9.03.040 of the Municipal Code. For simplification and greater clarity, staff recommends amending of the Municipal Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040 of the Municipal Code.

Issue 5. Residential Site Development Standards

The Residential Site Development Standards, Section 9.03.040 of the Municipal Code, addresses standards that shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. With the creation of the Residential 30 (R30) District and integrating the Multiple-Family Residential Design Guidelines from Section 9.16.140, this section of the Municipal Code requires various edits.

The first edits to Section 9.03.040 recommended by staff are to add Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential and multiple-family residential.

Section 9.03.040 (E) will be edited into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

Section 9.03.040 (E):

E. Special **Single-Family** Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

~~9~~ **3**. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

~~10~~ **4.** Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

d. Fire sprinklers.

~~11~~ **5.** Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

~~12~~ **6.** For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special **Multiple-Family** Residential Development Standards.

1. In the R10, R15, R20 **and R30** districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 **or R30** district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 **and R30** districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 **and R30** districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such

uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

An addition to Section 9.03.040 (F) will allow for greater flexibility in designing Residential 30 (R30) developments when project sites are three acres or greater. Staff recommends the following:

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval.

Section 9.03.040 (F) will be edited to move Table 9.16.140A from Section 9.16.40, add the R30 Designation and standards for Minimum Density as followed:

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density	~~Threshold Density~~
R10	**8 units/acre**	10 units/acre	~~8 units/acre~~
R15	**12 units/acre**	15 units/acre	~~12 units/acre~~
R20	**16 units/acre**	20 units/acre	~~16 units/acre~~
R30	**24 units/acre**	**30 units/acre**	

The Minimum Density standards for all multiple-family zones will ensure that the City of Moreno Valley's land use codes implement its housing targets and allow the City to meet affordable housing goals without needing to change substantial additional areas to multiple-family. Minimum Density replaces "Threshold Density", a concept deleted from the General Plan. Staff recommends noting directly under Table 9.03.040-8 the following:

- *** 80% of allowable density must be achieved by all multiple-family residential developments.**

Staff recommends amending Section 9.03.040(F) Multiple-Family Residential Design Guidelines by integrating the general multiple-family guidelines from Section 9.16.40 (Applications for Site Design and Architecture) with some revisions and renumbering into a new subsection 9.03.040 (G) as followed:

G. General Multiple-Family Guidelines.

1. ~~Tuck-under parking and/or~~ Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors. [reason for change: deletion of repetitive wording to better clarify guideline]

2. Parking areas should be staggered and landscaped to add visual interest, ~~individuality, rhythm~~ and opportunities for accent treatments. [reason for change: deletion of repetitive wording to better clarify guideline]

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve. [no change]

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. [no change]

5. Open parking areas should be clustered and treated as landscaped plazas and courts. [no change]

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site. [no change]

7. No more than four units for a two-story structure should be served by one entry. [no change]

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~ [reason for deletion: potential safety concerns]

8. Each multiple-family unit ~~should~~ **shall** have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep. [reason for change: clarifying that it is a requirement to provide private space]

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required. [renumbered]

10. Individual units should have a porch or porch-like space at the front door. [renumbered]

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~ [reason for detention: storage of these types of vehicles onsite is not mandatory]

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered~~. [reason for deletion: covered in Section 9.11.040 (Off-street parking requirements) of the Municipal Code]

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve. [renumbered]

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors **and** enhanced landscaping ~~or enhanced paving~~. [reason for deletion: enhanced pavement not required for a trash enclosure]

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles. [renumbered]

14. There ~~should~~ **shall** be at least one **double-bin** trash enclosure for every ~~twenty-four (24)~~ **forty-eight (48)** residential units. [new recycling requirements]

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines. [renumbered]

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative. [renumbered]

17. Freestanding structures, like gazebos or pergolas, should be located to define activity ~~nodes~~ **areas** at pathway intersections or in secluded landscape areas. [reason for change: grammar]

18. Drive aisles ~~with no adjacent parking~~ shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic. [reason for change: deletion of repetitive wording to better clarify guideline]

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas. [Renumbered]

20. ~~Senior housing needs~~ Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access **(senior housing projects);**

g. Parking close to units;

h. Elevators **(senior housing projects)**

[Reason for change: special design considerations for all types of multiple family developments, not only senior housing. The two exceptions are f and h, which remain design considerations for senior housing only.]

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~. [reason for deletion: repetitive guideline]

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [reason for addition: new design guideline]

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape. [Renumbered]

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~ [reason for deletion: unnecessary guideline]

23. ~~When appropriate~~, Multi-family projects shall be designed for the needs of ~~families with small children, the disabled and the elderly~~ **the intended residents**. For example, children's needs would require open space, tot lots, handrails, and

enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators. [Renumbered and requested revisions by the Planning Commission]

24. Architectural features should be used to increase privacy from nearby units and common or public spaces. [Renumbered]

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable ~~shall be discouraged~~ are not permitted. [Renumbered and requested revisions by the Planning Commission]]

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each **visitor** entrance of a multiple-family development. [reason for change: clarifying requirement]

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [Renumbered]

During commissioner debate at the August 13th Planning Commission meeting, two additional revisions to the "General Multiple-Family Guidelines" section were suggested and are as followed:

- Number 23 was revised to delete the *"When appropriate" and "families with small children, the disabled and the elderly"*. The guideline will now read "**Multi-family projects shall be designed for the needs of the intended residents**".

- Number 25 was revised to change "shall be discouraged" to "**The long, straight roofline of a single gable are not permitted".**

The commissioners agreed to approval of Issue 5 with revised wording for the two General Multiple-Family Guidelines noted above.

ALTERNATIVES

1. Approve the proposal as submitted.

2. Approve the proposal with modifications to address City Council concerns.

3. Refer the proposal back to the Planning Commission with direction.

4. Deny the proposal.

RECOMMENDATION

1. **Find** that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines; and

2. **APPROVE** Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution;

3. **Introduce** Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

NOTIFICATION

A public hearing notice for the proposal was published in the *Press Enterprise* newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Resolution for Approving Amendment to General Plan
3. Ordinance to Amend Title 9 of the Municipal Code
4. Planning Commission Staff Report (excluding exhibits)
5. Place Holder for Draft Planning Commission minutes, dated July 26, 2007.

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Kyle Kollar
Community Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033388

NOTICE OF CITY COUNCIL PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE GENERAL PLAN AMENDMENT (PA09-0018) AND MUNICIPAL CODE AMENDMENT (PA08-0099) FOR THE ADDITION OF THE NEW ZONING DISTRICT RESIDENTIAL 30 (R30) TO THE GENERAL PLAN AND MUNICIPAL CODE, AS WELL AS MULTIPLE-FAMILY DEVELOPMENT STANDARDS TO THE MUNICIPAL CODE.

The proposed General Plan Amendment (PA09-0018) would add the new zoning district of Residential 30 (R30) to the Moreno Valley General Plan as well as the City's Municipal Code. Additional changes to the Moreno Valley Municipal Code (PA08-0099) include multiple-family development standards for the Residential 30 (R30) zoning district, separating single-family development standards from multiple-family development, defining Minimum Density standards and deletion of repetitive development guidelines.

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. Any person concerned about the proposal may submit written comments to the Planning Division prior to the hearing date listed below. Any person may appear and be heard in support or opposition to the project or the environmental determination at the time of the hearing. Any person interested in the proposed project may contact Claudia Manrique, Associate Planner at (951) 413-3206 or at the Community Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

Tuesday, September 22, 2009
6:30 P.M. or thereafter
City Council Chambers
14177 Frederick Street
Moreno Valley, CA 92552-0805

ATTACHMENT 1

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MV00033390

RESOLUTION NO. 2009-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN FOR THE ADDITION OF THE RESIDENTIAL 30 (R30) ZONING DISTRICT (PA09-0018).

SECTION 1. FINDINGS:

WHEREAS, the City of Moreno Valley, has filed an application for approval of PA09-0018, requesting an amendment to the General Plan. The requested amendment is to add the Residential 30 (R30) Zoning District to the General Plan.

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, this project would be exempt from the requirements of the California Environmental Quality Act (CEQA) as provided for in Section 15061 as defined by Section 15378 of the CEQA Guidelines.

WHEREAS, on August 13, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA09-0018). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA09-0018 to the City Council, and;

WHEREAS, on September 22, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA09-0018:

ATTACHMENT 2

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment to the General Plan will introduce the Residential 30 (R30) Zoning District.

   California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

   Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups". The addition of the Residential 30 (R30) Zoning District to the General Plan will expand on the range of housing opportunities in the City of Moreno Valley.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment will comply with all the health and safety provisions of the General Plan and Municipal Code and will expand the number of safe, affordable housing opportunities for low income families within the City of Moreno Valley.

3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City's redevelopment plan.

FACT: This General Plan Amendment is effective on a city-wide basis, including Redevelopment Project Areas. The addition of Residential 30 (R30) to the General Plan conforms to applicable provisions of the city's redevelopment plan.

The Redevelopment Agency is working on expanding the number of low and moderate income housing opportunities with the City of Moreno Valley. This change to the Section 9.2.2 (Community Development Element Objectives and Policies) of the General Plan will enhance those efforts.

SECTION 2. GENERAL PLAN AMENDED:

Section 9.2.2 under "Policies" (page 9-4) of the General Plan shall be amended as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types in an urban setting. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

2.2.12 Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.

2.2.13 Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.

2.2.14 Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.

2.2.15 Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

2.2.16 Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

2.2.17 Affordable housing developments should be compatible in visual design with surrounding development.

2.2.18 Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA09-0018, thereby amending the General Plan as described in the Resolution.

APPROVED AND ADOPTED this 22nd day of September 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00033396

ORDINANCE NO. 797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING THE ADDITION OF THE NEW ZONING DISTRICT RESIDENTIAL 30 (R30), SEPARATING SINGLE-FAMILY DEVELOPMENT STANDARDS FROM MULTIPLE-FAMILY DEVELOPMENT STANDARDS, DEFINING MINIMUM DENSITY STANDARDS AND DELETION OF REPETITIVE DEVELOPMENT GUIDELINES.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. FINDINGS:

Based on substantial evidence presented to this City Council during its public hearing on September 22, 2009, including written and oral staff reports and the record from the public hearing, this City Council hereby finds as follows:

A. Conformance with General Plan – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

FACT: The project consists of amendments to several sections of the City of Moreno Valley Municipal Code. The proposed Municipal Code Amendments are to be approved after the General Plan Amendment introducing the Residential 30 (R30) Zoning District is approved. With approval of the General Plan Amendment (PA09-0018), all of the proposed changes will be consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan.

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Agency is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

ATTACHMENT 3

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups". The addition of the Residential 30 (R30) Zoning District to the General Plan will expand on the range of housing opportunities in the City of Moreno Valley.

B. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed amendment to the General Plan does not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) under Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment will comply with all the health and safety provisions of the General Plan and Municipal Code and will expand the number of safe, affordable housing opportunities for low income families within the City of Moreno Valley.

C. Conformance with Intent of Zoning Regulations – The proposed amendments is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT: The amendments to the Municipal Code provides for an internally consistent set of regulations that are compatible with the purpose and intent of Title 9. The proposed changes eliminate conflicts or clarify the meaning of some sections of Title 9. As such, it furthers the specific purpose and intent of Title 9 to "implement the goals, objectives, policies and programs of the Moreno Valley General Plan and manage future growth and change in accordance with that plan."

SECTION 2 MUNICIPAL CODE AMENDED:

2.1 Section 9.01.090(A) of Chapter 9.01 (under "Residential Districts") of the City of Moreno Valley Municipal Code is hereby amended to include as follows:

" k. Residential 30 (R30) district;

l. Residential single-family 10 (RS10) district. "

2.2 Section 9.03.020 under "Residential Districts" of Chapter 9.03 of the City of Moreno Valley Municipal Code by revising Residential 20 (R20) and adding Residential 30 (R30) is hereby amended to read as follows:

"K. Residential 20 District (R20). The primary purpose of the R20 district is to provide a broadened range of housing types in a more urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units, as well as mobilehome parks, at a maximum allowable density of twenty (20) DU's per net acre in accordance with the provisions outlined herein.

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in an urban setting than is typically found within other areas of the city. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU's per net acre in accordance with the provisions outlined herein."

2.3 Section 9.16.40 of Chapter 9.16 shall be removed from the City of Moreno Valley Municipal Code.

2.4 Section 9.03.040 of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential (Table 9.03.040-6, attached as Exhibit A) and multiple-family residential (Table 9.03.040-7. attached as Exhibit B).

2.4.2 Section 9.03.040 (E) of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

"Section 9.03.040 (E):

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

d. Fire sprinklers.

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval. "

2.4.3 Section 9.03.040 (F) of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding Table 9.03.040-8 as followed:

"Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* 80% of allowable density must be achieved by all multiple-family residential developments. "

2.4.4 Section 9.03.040 of Chapter 9.03 of the City of Moreno Valley Municipal Code is hereby amended by adding the new subsection 9.03.040 (G) as followed:

"G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.

10. Individual units should have a porch or porch-like space at the front door.

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.

14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access (senior housing projects);

g. Parking close to units;

h. Elevators (senior housing projects)

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multi-family projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

SECTION 3 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 5 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

SIGNATURE PAGE FOLLOWS

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DU's* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet Cul-de-sac/Knuckle lot frontage	150 35	100 35	100 35	90 35	70 35	45 35
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback Front-facing garages Buildings other than front-facing garages	25 Not applicable	25 Not applicable	25 Not applicable	25 Not applicable	20 Not applicable	20 10 10
6. Minimum side yard setback, in feet*** a. Interior side yard b. Street side yard	See Note 3 20	See Note 3 20	See Note 3 20	See Note 3 20	See Note 4 20	See Note 6 10
7. Minimum rear yard setback, in feet***	20	35	30	40	40	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DU's and accessory structures)	20	15	15	10	10	10
12. Floor area ratio a. One-story home b. Multi-story home	.25 .50	.30 .60	.30 .60	.40 .70	.40 .70	.50 .75

* The term "DU's" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions

EXHIBIT A

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MV00033408

Table 9.03.040-7

Residential Site Development Standards

Multiple-Family Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DU's*/net acre)	10	15	20	**30**
2. Minimum lot size (sq. ft. net area)	1 acre	1 acre	1 acre	**1 acre**
3. Minimum lot width, in feet	200	200	200	**200**
4. Minimum lot depth, in feet	175	175	175	**175**
5. Minimum front yard setback, in feet	20	25	30	**30**
6. Minimum side yard setback, in feet Interior side yard Street side yard	 10 20	 10 20	 10 20	 **10 feet plus 2 feet for every 5 feet in height over 30 feet** **20**
7. Minimum rear yard setback, in ft.	15	20	25	**10 feet plus 2 for every 5 feet in height over 30 feet**
8. Maximum lot coverage	40%	45%	50%	**50%**
9. Maximum building and structure height, in feet	50 feet	50 feet	50 feet	**50 feet**
10. Minimum dwelling size (sq. ft.)	See Note 5			
11. Minimum distance between buildings, in feet (including main DU's and accessory structures)	20	20	20	20
15. Floor area ratio	.75	.75	.75	1.0

* The term "DU's" means dwelling units.

EXHIBIT B

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MV00033410

PLANNING COMMISSION
STAFF REPORT

Case(s):	PA08-0099 (Municipal Code Amendment) PA09-0018 (General Plan Amendment)
Date:	August 13, 2009
Applicant:	City of Moreno Valley
Representative:	Planning Division
Location:	City-wide
Proposal:	To amend the City's General Plan and municipal code regulations regarding multiple family development standards.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

This is a proposal to add a new zoning designation to the General Plan creating the Residential 30 (R30) zoning district and amend a range of zoning regulations contained in Title 9 of the City of Moreno Valley Municipal Code regarding multiple family development standards.

ATTACHMENT 4

PROJECT DESCRIPTION

The proposed amendments would modify the City's General Plan and various provisions of the Municipal Code regarding multiple family development standards, including the introduction of the Residential 30 (R30) Zoning District. If adopted, it would create or change the regulations concerning multiple family development standards. Proposed deletions are shown as stricken text and additions are bold underlined.

Background – General Plan Amendment (PA09-0018)

California State law (Government Code Section 65580-65589.8) requires that cities provide an inventory of land suitable for residential development. Section 65583.2 (c)(3)(B)(iv) and (e)" requires that jurisdictions with a population greater than 100,000 must have sites allowing at least 30 unit per acre. The City of Moreno Valley's current population is approximately 186,301 thus requiring the City to provide high density housing opportunities at the 30 unit per acre. The Redevelopment Department is currently working on adding Residential 30 (R30) Zoning District to the Housing Element of the City of Moreno Valley's General Plan.

Redevelopment Department staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations, in various areas in the community, including areas with a significant number of underutilized parcels. The proposal was presented at a series of public meetings in October of 2007 and included an overview of the housing element, the Regional Housing Needs Allocation (RHNA) allocation for Moreno Valley, the challenges in providing affordable housing opportunities, and possibilities for increasing housing densities in several areas of the community. The proposal was then presented to Planning Commission and the City Council. While the meetings only identified potential locations for Residential 30 (R30), the actual choosing of locations and rezoning of areas would be completed under a separate process.

Staff is taking the opportunity to update other residential standards along with the addition of the new zoning designation, Residential 30 (R30) to the General Plan and Municipal Code.

Background – Municipal Code Amendment (PA08-0099)

Standards for the proposed Residential 30 (R30) Zoning District are based on a combination of the City's Residential 20 (R20) and examples of higher density development standards from various cities. The purpose of the standards is to provide guidelines on developing Residential 30 (R30) projects that achieve the goals and objectives of the City of Moreno Valley's General Plan.

As with the General Plan Amendment, the Municipal Code will include the definition of Residential 30 (R30). Also included in the proposed municipal code update is residential site development standards for the Residential 30 (R30) zoning district that define minimum lot size, lot coverage, setbacks and height maximums. The proposed changes to the municipal code also include dividing single-family from multiple-family guidelines into separate sections for simplification and greater clarity.

GENERAL PLAN ANALYSIS

Issue 1. Adding Residential 30 (R30) Zoning District to the General Plan

Section 9.2.2 (Community Development Element Objectives and Policies) of the City of Moreno Valley's General Plan states the City shall "provide a wide range of residential opportunities and dwelling types to meet the demands of present and future residents of all socioeconomic groups".

Staff recommends amending Section 9.2.2 under "Policies" (page 9-4) of the General Plan as follows:

2.2.11 The primary purpose of areas designated *Residential 30* is to provide a range of high density multi-family housing types, with particular emphasis on the needs of low and moderate income families. Developments within Residential 30 areas shall also provide amenities, such as common open spaces and recreational facilities. The maximum density shall be 30 dwelling units per acre.

The rest of the policies of Objective 2.2 will be renumbered as follows:

2.2.1~~1~~**2** Densities in excess of the maximum allowable density for residential projects may be permitted pursuant to California density bonus law.

2.2.1~~2~~**3** Planned Unit Developments (PUD) shall be encouraged for residential construction in order to provide housing that is varied by type, design, form of ownership, and size. PUD's shall also provide opportunities to cluster units to protect significant environmental features and/or provide unique recreational facilities.

2.2.1~~3~~**4** Discourage costly "leap-frog" development patterns by encouraging in-fill development wherever feasible, thereby reducing overall housing costs. Development within an area designated as SP 212-1 (Moreno Highlands) is not considered to be leapfrog development.

2.2.1~~4~~**5** Encourage a diversity of housing types, including conventional, factory built, mobile home, and multiple family dwelling units

2.2.1~~5~~**6** Encourage the use of innovative and cost effective building materials, site design practices and energy and water conservation measures to conserve resources and reduce the cost of residential development.

2.2.1~~6~~**7** Affordable housing developments should be compatible in visual design with surrounding development.

2.2.1~~7~~**8** Discourage nonresidential uses on local residential streets that generate traffic, noise or other characteristics that would adversely affect nearby residents.

MUNICIPAL CODE ANALYSIS

Issue 2. Residential Districts within the City of Moreno Valley

Section 9.01.090 of the Municipal Code lists the residential districts in the City of Moreno Valley in order to provide a uniform basis for regulating the use of land, buildings and structures, and to establish minimum site development regulations and performance standards applicable to sites within the city.

Staff recommends amending Section 9.01.090(A) under "Residential Districts" as follows:

Adding: **k. Residential 30 (R30) district;**

Re-lettering: ~~k.~~to l. Residential single-family 10 (RS10) district.

Issue 3. Definition of Residential 30 (R30)

Section 9.03.020 of the Municipal Code describes the general product type and density provisions for the specified residential development districts.

Staff recommends amending Section 9.03.020 under "Residential Districts" as follows:

L. Residential 30 District (R30). The primary purpose of the R30 district is to provide a broadened range of housing types in an urban setting than is typically found within other areas of the city, with particular emphasis on the needs of low and moderate income families. This district is intended as an area for development of multifamily residential dwelling units at a maximum allowable density of thirty (30) DU's per net acre in accordance with the provisions outlined herein.

Issue 4. Multiple-Family Residential Design Guidelines

Design guidelines for multiple-family development are found in Section 9.16.140 (Design Guidelines - Applications for Site Design and Architecture) of the Municipal Code. The Residential Site Development Standards are found separately in Section 9.03.040 of the Municipal Code. For simplification and greater clarity, staff recommends amending of the Municipal Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040 of the Municipal Code.

Issue 5. Residential Site Development Standards

The Residential Site Development Standards, Section 9.03.040 of the Municipal Code, addresses standards that shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. With the creation of the Residential 30 (R30) District and integrating the Multiple-Family Residential Design Guidelines from Section 9.16.140, this section of the Municipal Code requires various edits.

The first edits to Section 9.03.040 recommended by staff are to add Residential 30 (R30) to Table 9.03.040-6 and divide Table 9.03.040-6 into two separate tables, one each for single-family residential and multiple-family residential (Attachment A and B).

Section 9.03.040 (E) will be edited into two separate sections for single-family (Section 9.03.040 (E)) and multiple-family residential (Section 9.03.040 (F)). Section 9.03.040 (F) will also be edited to add "Residential 30 (R30)". The two sections will be placed after their related Table (single-family after Table 9.03.040-6 and multiple-family after Table 9.03.040-7) and read as followed:

Section 9.03.040 (E):

E. Special **Single-Family** Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

~~9~~ **3**. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

~~10~~ **4.** Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

d. Fire sprinklers.

~~11~~ **5.** Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

~~12~~ **6.** For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

Section 9.03.040 (F):

F. Special **Multiple-Family** Residential Development Standards.

1. In the R10, R15, R20 **and R30** districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 **or R30** district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

4. In the RS10, R10, R15, R20 **and R30** districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 **and R30** districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately of plant materials, except for necessary walks and fences.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 district, Landscape Trees: 1 tree per 20-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 20-linear feet of perimeter planter areas.

An addition to Section 9.03.040 (F) will allow for greater flexibility in designing Residential 30 (R30) developments when project sites are three acres or greater. Staff recommends the following:

9. In the R30 district, for a development of three acres or greater, up to 60 percent of the units may be in buildings with three or four stories, 50 feet maximum height subject to Planning Commission approval.

Section 9.03.040 (F) will be edited to move Table 9.16.140A from Section 9.16.40, add the R30 Designation and standards for Minimum Density as followed:

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density	~~Threshold Density~~
R10	**8 units/acre**	10 units/acre	~~8 units/acre~~
R15	**12 units/acre**	15 units/acre	~~12 units/acre~~
R20	**16 units/acre**	20 units/acre	~~16 units/acre~~
R30	**24 units/acre**	**30 units/acre**	

The Minimum Density standards for all multiple-family zones will ensure that the City of Moreno Valley's land use codes implement its housing targets and allow the City to meet affordable housing goals without needing to change substantial additional areas to multiple-family. Minimum Density replaces "Threshold Density", a concept deleted from the General Plan. Staff recommends noting directly under Table 9.03.040-8 the following:

- *** 80% of allowable density must be achieved by all multiple-family residential developments.**

Staff recommends amending Section 9.03.040(F) Multiple-Family Residential Design Guidelines by integrating the general multiple-family guidelines from Section 9.16.40 (Applications for Site Design and Architecture) with some revisions and renumbering into a new subsection 9.03.040 (G) as followed:

G. General Multiple-Family Guidelines.

1. ~~Tuck-under parking and/or~~ Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors. [reason for change: deletion of repetitive wording to better clarify guideline]

2. Parking areas should be staggered and landscaped to add visual interest, ~~individuality, rhythm~~ and opportunities for accent treatments. [reason for change: deletion of repetitive wording to better clarify guideline]

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve. [no change]

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. [no change]

5. Open parking areas should be clustered and treated as landscaped plazas and courts. [no change]

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian-oriented site. [no change]

7. No more than four units for a two-story structure should be served by one entry. [no change]

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~ [reason for deletion: potential safety concerns]

8. Each multiple-family unit ~~should~~ **shall** have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep. [reason for change: clarifying that it is a requirement to provide private space]

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required. [renumbered]

10. Individual units should have a porch or porch-like space at the front door. [renumbered]

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~ [reason for detention: storage of these types of vehicles onsite is not mandatory]

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered~~. [reason for deletion: covered in Section 9.11.040 (Off-street parking requirements) of the Municipal Code]

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve. [renumbered]

12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors **and** enhanced landscaping ~~or enhanced paving~~. [reason for deletion: enhanced pavement not required for a trash enclosure]

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles. [renumbered]

14. There ~~should~~ **shall** be at least one **double-bin** trash enclosure for every ~~twenty-four (24)~~ **forty-eight (48)** residential units. [new recycling requirements]

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines. [renumbered]

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative. [renumbered]

17. Freestanding structures, like gazebos or pergolas, should be located to define activity ~~nodes~~ **areas** at pathway intersections or in secluded landscape areas. [reason for change: grammar]

18. Drive aisles ~~with no adjacent parking~~ shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic. [reason for change: deletion of repetitive wording to better clarify guideline]

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas. [Renumbered]

20. ~~Senior housing needs~~ Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access **(senior housing projects);**

g. Parking close to units;

h. Elevators **(senior housing projects)**

[Reason for change: special design considerations for all types of multiple family developments, not only senior housing. The two exceptions are f and h, which remain design considerations for senior housing only.]

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~. [reason for deletion: repetitive guideline]

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [reason for addition: new design guideline]

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape. [Renumbered]

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~ [reason for deletion: unnecessary guideline]

23. When appropriate, multifamily projects shall be designed for the needs of families with small children, the disabled and the elderly. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators. [Renumbered]

24. Architectural features should be used to increase privacy from nearby units and common or public spaces. [Renumbered]

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable shall be discouraged. [Renumbered]

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each **visitor** entrance of a multiple-family development. [reason for change: clarifying requirement]

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. [Renumbered]

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A 1/8 page public notice was published in the local newspaper.

STAFF RECOMMENDATION

1. **RECOGNIZE** that PA08-0099(Municipal Code Amendment) and PA09-0018 (General Plan Amendment) qualify as exemptions in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

2. **APPROVE** Planning Commission Resolution No. 2009-24, recommending that the City Council approve PA08-0099 and PA09-0018.

Prepared by:	Approved by:
Claudia Manrique Associate Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2009-24
3. Attachment A: Single-family Residential Development Standards Table
4. Attachment B: Multiple-family Residential Development Standards Table

730

PA09-0018 General Plan Amendment
PA08-0099 Municipal Code Amendment

CHAIR MARZOEKI – May I have the Staff Report please

ASSOCIATE PLANNER MANRIQUE – The proposed amendments would modify the City's General Plan and various provisions of the Municipal Code regarding multi-family development standards, including the introduction of Residential 30. California State Law requires that cities provide an inventory of land suitable for residential development. Jurisdictions with populations greater than 100,000 must have sites allowing at least 30 units per acre. The City of Moreno Valley's current population is approximately 186,301, thus requiring the City to provide high density housing opportunities at the R30. Redevelopment Staff completed a land inventory of the City of Moreno Valley and then developed a proposal to increase residential zoning designations in various areas in the community including areas with a significant number of under-utilized parcels.

The proposal was presented at a series of public meetings in late 2007 and the proposal was then presented to Planning Commission and City Council in early 2008. Staff has taken the opportunity to update other residential standards along with adding the R30 to the General Plan and Municipal Code. The first step is adding R30 to the General Plan. It would go under Section 9.2.2 under "Policies" and page 9-4 of the General Plan and read as follows, "The primary purpose of areas designated Residential 30 is to provide a range of high density multi-family housing types with particular emphasis on the needs of low and moderate income families. Developments within Residential 30 areas shall also provide amenities such as common open space and recreational facilities. The maximum density shall be 30 units per acre". The only other change to the General Plan is renumbering the rest of the policies of objective 2.2.

Next we are moving on to the Municipal Code. First is adding Residential 30 to Section 9.1.090a, under the Section entitled "Residential Districts". Next is to add a revision to Section 9.3.020 under "Residential Districts" adding the definition of R30. The next step is to simplify and greater clarify some of the Code by deleting Section 9.16.40 and integrating the information into Section 9.03.040.

The next Section is with the creation of Residential 30 and integrating the multi-family residential design guidelines from Section 9.16.140. We're going to have some editing's to Section 9.03.03. The first is a recommendation to take Table 9.3.40-6 and then divide it into two separate Tables; one each for single-family residential standards and multiple-family standards. As part of the single-family we are adding for Section 9.3-40e some of the changes for the special single-

ATTACHMENT 5

family residential development standards are just renumbering and the deletion of any statement that's related to only multi-family.

Then in the second section under 9.3.40f, we have created the multi-family special sections. Again the edits are renumbering and deletion of anything related to single-family as well as adding three new standards. One is 8 in the R30 District, landscaped trees; one tree per 20 linear feet of building for the portions of the building visible from the parking lot or right-of-way and one tree per 20 linear feet of perimeter planted areas. The second one is in number 9 in the R30 District for the development of 3 acres or greater up to 60 percent of the units maybe in buildings with three or four stores, 50 foot maximum height subject to the Planning Commission's approval.

And lastly, is introducing Table 9.03.040-8 which introduces the minimum density standards for all multi-family zones. The goal is to ensure that the City of Moreno Valley's Land Use Codes implement it's housing target and allow the City to meet affordable housing goals without needing to change substantial additional areas to multi-family. The minimum density replaces the threshold density which is the concept deleted from the General Plan. Underneath the Table we will have a statement saying 80 percent of allowable density must be achieved by all multi-family residential developments. After this Table, we have the multi-family residential design guidelines. Most of the revisions are due to renumbering. There is one new guideline, Number 21 "buildings shall provide a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

The project is exempt under CEQA according to Section 15061 as defined by Section 15378 of CEQA Guidelines. Before I go on, on the coral paper, there is one change to the Staff Report and it also affects various pages of the Resolution. The Government Section No. that was referred to was wrong and it should be Section 65583.2c3BIVe. Staff recommends they recognize that the Municipal Code and General Plan Amendment qualify as exemptions under CEQA and approve Planning Resolution No. 2009-24 recommending that the City Council approve PA08-0099 and PA09-0018. Thank you.

CHAIR MARZOEKI – Thank you. Do we have any questions of Staff?

VICE CHAIR RIECHERS – First of all I have a problem with the fact that when we define the R30; we define it as a zone specifically for low to moderate income use. I think we're setting ourselves up for people who will... challenge us is a good word everytime we use this zone and I think unnecessarily. I don't think that we should define it as specifically for low to moderate income. I don't think there's any need to do that. We're just offering a different density. There's no reason that it need be a lower quality or need be suitable for low to moderate income purposes. There's no reason an R30 or even higher than that couldn't be

a perfectly high product, so I think we should take that portion of the definition out of the standard.

PLANNING OFFICIAL TERELL – Yes I think that specific language and I appreciate the input was modeling the current language for the R20 Zone, so we were just kind of modeling it. We didn't really change that section. I there is certainly is benefit in talking about the higher density providing maybe a more urban lifestyle or something like that; you know may be people of any income category. I'd argue to have some reference to low and moderate income because it is such a hot button issue with the State, but again I think we could probably maybe craft some language that talked about it's really a more urban lifestyle is really what the R30 creates, which lots of people like an urban lifestyle and it can be very high end as you said or very expensive or you know certainly affordable depending on who the developer is.

VICE CHAIR RIECHERS – Right

CHAIR MARZOEKI – Yes I think it's the words; "particular emphasis" is I think that's where issue is right there, so if we can soften that somewhat that would probably be good. Is there anything else?

VICE CHAIR RIECHERS – Yes the other question I have is in the table of design standards; as I read it the one with minimum setbacks... the minimum side and rear setbacks; as I read it, if you are less than 30 feet in height, your minimum setback is going to be 10 feet.

PLANNING OFFICIAL TERELL – Yes that's correct and again that was to allow... again it's a more urban; it is a more urban setback to have 10 feet as opposed to say R20 where it's 25 and we looked at a number of other codes where they have higher density and they kind of do this to allow it to spread out a little bit more at the bottom so it doesn't have to go so high. That was concept is that it is a more urban setting and the lesser setback reflects that. Again if it was adjacent to say single family residential, they're still the same; I believe it is a 50 foot setback for a two story...

VICE CHAIR RIECHERS – Okay so we do have something to protect the single family residents elsewhere in the Code?

PLANNING OFFICIAL TERELL – Right we haven't changed that concept of having the 50 foot setback for multi-family two story or above multi-family adjacent to a single-family district.

VICE CHAIR RIECHERS – Okay very good. That was my only concern. Thank you.

COMMISSIONER DE JONG – I see a few references to the architectural design which is good. On page 9, number 24, but it's fairly vague and I was wondering if we could get something in there that speaks directly about four-sided architecture even though I know that all this is going to be subject to review by the Planning Commission, however this will give a developer heads up ahead of time.

PLANNING OFFICIAL TERELL – We could put it here... Actually we still have design guidelines and the over-arching guidelines talk about things that apply to everything and the four-sided architecture is something that applies to every building, so we didn't replicate that here, we'll still rely on what is set in the overall design guidelines.

COMMISSIONER DE JONG – So they both apply?

PLANNING OFFICIAL TERELL – Correct... This is just what's specific to multi-family.

COMMISSIONER DE JONG – Alright, well that being said, on number 25 on page 10, I would like to see the last word in that changed from discouraged to not allowed, so the sentence would read; "the long straight roof line of a single gable shall not be allowed", if the Commission...

PLANNING OFFICIAL TERELL – I guess to use it as softer are not permitted?

COMMISSIONER DE JONG – Okay, but I think discouraged is too soft a word for that.

PLANNING OFFICIAL TERELL – And again that doesn't preclude... if there was just a fabulous building that happened to have that roof line and as long as the Planning Commission acknowledged that and why they were making an exception, you still could approve...

COMMISSIONER DE JONG – We could always approve it...

PLANNING OFFICIAL TERELL – Yes, but the idea is people coming in the door will know that that is not the type of ...

COMMISSIONER DE JONG – That's not the norm...

PLANNING OFFICIAL TERELL – That's not the norm, yes...

COMMISSIONER DE JONG – Right, thank you

CHAIR MARZOEKI – Is there anything else?

COMMISSIONER DOZIER – These are just general questions. We are including a 30 multi-family unit standard here and you mentioned that we are doing it now because we are of a population where have to address the issue. Were we not already there at 100 hundred thousand? We are at a 186 and we've been at over 100 hundred thousand for some time. What prompted this?

PLANNING OFFICIAL TERELL – We didn't change, the law did and it changed two or three years ago. It didn't change you know, yesterday, but since the last certified Housing Element, the law has changed to require larger cities and urban counties to have the R30 or greater, so we are coming into compliance because we desire to have a certified Housing Element.

COMMISSIONER DOZIER – I see. The other question that I have is Item 23 on page 9; it says, "When appropriate, multi-family projects shall be designed for the needs of families with small children, the disabled and the elderly". Are we being very specific for these categories? If I owned a piece of property that was zoned R30 and I wanted to build a Beverly Hilton, I wouldn't be discouraged from doing that nor would I have to consider that it's a Beverly Hilton to pass it or to agree that it should be built. Why do we put language in there that would suggest that I would be approving something that is against the guidelines?

PLANNING OFFICIAL TERELL – Yes, again this is an existing guideline that's been there for quite some time and it could probably be more artfully drafted, but I think the intent of this is that if you are building a project and you say this is a family project, then we are going to expect that you are going to design that project with the needs of the population that you are trying to serve taken care of, so if you have a family project, we're going to expect that it's going to have a playground or some amenities. If you are going to have a senior housing project we're going to expect that you have amenities that serve the population that you are purporting to serve, so I think that was the intent of it. Again, it probably could be written better, but we didn't monkey too much with the language; we tried to just leave it...

COMMISSIONER DOZIER – How much do the developers or the owners; if they are reading these guidelines ahead of time, how much does it limit their thinking to what they could possibly build when the guidelines kind of lead them in a particular direction.

PLANNING OFFICIAL TERELL – I think most developers will ask a question if they have a concern about language in the Code and that just kind of brings forth discussion of what really we are intending them to provide. I don't know too many developers of this kind of product, which is you know a very large and expensive product that they typically limit themselves to what they think can build and rent or if they are building say affordable housing or senior housing, they are really focused on the needs of their customer.

COMMISSIONER DOZIER – If I were the general public, let's say I was living in a certain section of town and we've had this happen and the minute you say R20 or you say R15 or you say R30, they immediately will focus in on the definition of low income or the terms that we use within the language and there is more push-back in certain neighborhoods because they think an R30 project is just going to be crime and drugs and all of that and we've seen that happen, when in fact it could be a Beverly Hilton or it could be an upscale; we seen that happen in parts of our City where they fought it but the projects ended up being beautiful and they were by far not for low income and I don't think you could even afford to be in some of them today, so does it help us to have that language as a definition when we really aren't saying that they have to do that. We're suggesting that it should it be within the language but we're saying that they don't really have to do that and I'm sensitive too and I understand that we're trying to come into compliance with State mandates to provide certain levels of housing and certain income levels of housing and I understand how we're trying to get there.

One of my frustrations early on was that some of these projects were multi-family and they qualified under the definition, but they really weren't affordable housing to meet that definition, so I guess I was trying to figure out at what point are we trying to force something that we need by putting certain language in there but are we hurting ourselves on the other side by doing so. I kind of agree with Commissioner Riechers when he questioned why we should define it this way within the guidelines. I think if we approve a 30 unit multiple dwelling we should take it on face value. It's a 30 unit multiple dwelling unit and make a decision based on does it meet the normal standards and guidelines. Those are just comments and questions that I kind of wanted to get straight in my own head why we do it.

PLANNING OFFICIAL TERELL – Sure

CHAIR MARZOEKI – Is that it?

COMMISSIONER DOZIER – Yes, that's it

CHAIR MARZOEKI – Okay, because I think those two words in front of it "when appropriate" you know kind of gives you a little leeway there, you know if there is another way we can say that, that would help you know.

PLANNING OFFICIAL TERELL – On that particular one... I guess there are a couple of ones that first of all was Commissioner Riechers and I've kind of just been noodling something around in my mind to see if it would meet that objective. Basically the primary purpose of areas designed Residential 30 is to provide a range of high density multi-family housing types in an urban setting, with allowance and I'm trying to think of a better word with allowance for housing for low and moderate income families or something along those lines. I think...

CHAIR MARZOEKI – Yes instead of the word...

PLANNING OFFICIAL TERELL - ...with particular emphasis... It's really not particular emphasis

CHAIR MARZOEKI – Yes particular emphasis is the one that says you know we really want you to do this

PLANNING OFFICIAL TERELL – Right and I think or we might even just say in an urban setting, including housing for low and moderate income families and that would say obviously low and moderate housing is permitted, but the focus is really to have a more urban lifestyle, so that's for you to kind of consider, but I was just noodling so I thought I'd take it out of the water and see if it was done. The other one I think I would agree, we could probably do something like multi-family projects shall be designed for the needs of the intended residents and then say for example children's needs would require and not focus on these categories because obviously there is housing... if you advertise something as for executives or for college students or there is all kinds of lifestyles where we would really intend; if you are going to serve a certain population that the product actually reflect that. It's not just a moniker; a marketing term and that would certainly still meet the intent of this section.

COMMISSIONER DE JONG – I agree

COMMISSIONER DOZIER – That would be good

CHAIR MARZOEKI – And then item 25 too where we were going to possibly change those words there for the long straight roof line shall not be permitted...

PLANNING OFFICIAL TERELL – Right and there I just said... of a single gable are not permitted

CHAIR MARZOEKI – Are not permitted... okay

PLANNING OFFICIAL TERELL – Yes

CHAIR MARZOEKI – Okay

COMMISSIONER SALAS – Yes I have one question. Is this zoning; is this kind of density pretty common in the surrounding communities like Riverside? Are we fitting into the same kind of mode that they are?

PLANNING OFFICIAL TERELL – Well I think as Riverside County becomes more developed; it's more common, Riverside has districts that are in excess of 30 units per acre and have for quite some time. Perris; my understanding is they recently made similar changes to have an R30 zone and other communities are

looking at it. I just harken back; I grew up in Pasadena and we lived in a product that was on 45 units per acre and it was built in the 70's, so this level of zoning in Pasadena when I was younger is not all that different from what Riverside is today, so it's kind of a maturing of a community. You tend to have and especially as we have more local employment, you tend to have people that either can't afford, but most likely people that want a different lifestyle; they want a more urban lifestyle because they are young and single or young and married or old and crotchety or I don't know, but they want a lifestyle where things are more convenient or you have the density that supports uses and intensity of use that is more convenient and it just provides and is a whole different lifestyle that people and I don't want to say they demand it, but there is a demand for it once you have a local employment base where you have all kinds of folks in your community and not just as we were maybe 20 years ago; young families looking for affordable housing. I think that's the main change, but again Corona and Riverside definitely have zones that have this density or higher.

COMMISSIONER SALAS – And to reach that going with a three and four story building, I just have some concerns about three and four story buildings; apartment complexes; call them low income. I mean it is what it is and most of the time it's not good...

PLANNING OFFICIAL TERELL – And we did put a provision in there; a design provision that it's not going to be all three stories or all four stories, it's going to have some variation which should soften the impact of it and make it more interesting, so were cognizant that this is kind of a leap forward, but there is a number of three story apartment buildings that have been built in the community over the last several years and so going to four stories is I guess not a huge leap of faith and actually the height limit is the same, it's just fitting more stories within the same height limit that we already have.

COMMISSIONER SALAS – Thank you

CHAIR MARZOEKI – Any other questions of Staff? I don't see any so I will open up the Public Testimony portion and see if anybody wants to speak. Deanna do you want to speak on this one since you are the only one in the audience, I thought I'd ask. No, okay, so we have nobody that wants to speak, so we'll close the Public Testimony portion of this and we will open up to Commissioner Comments.

COMMISSIONER DE JONG – Well seeing how first of all this is required by law, I think it's first of all a good thing that we are getting on our band wagon here and I'd like to see these regulations in place. I mean it's not that the City is just jumping and providing this, we are thinking this through and these are very thoughtful changes and I appreciate Staff's effort on this and I like what I see. I like the few changes that we made and I think that this product just stirs the pot of our residential housing mix in the City and that can't be a bad thing; that's a

good thing. We know that we have a mix of single-family now up to 30 and I think that's a good thing and I'll definitely vote for it. Thank you.

COMMISSIONER SALAS – Yes, my only concern is I just hope that somehow we can deviate from making this R30 Zone sound like an instant project or an instant low income residential area or however you want to say it, but I just have some concerns with some surrounding neighbors who find out that there is going to be a R30 project built in their neighborhood and all a sudden it raises a whole bunch of concerns because pretty much saying that this is a low income thing, so if we can soften that in any way, I agree with all of you; that we need to try to get away from that; you know from the low income thing. I hope there is a way of doing that.

CHAIR MARZOEKI – Thank you

COMMISSIONER DE JONG – I don't think we are necessarily saying that; that it's necessarily low income just because it's R30 and I think that's what we are trying to address as a Commission here; just because the density is higher there is no way it necessarily means that it's low income. I mean that's up to the developer when he comes in and does that, but the designs that we've seen in the last few years come here are quite nice developments and they are being maintained very well, so just because the density is high, I think in no way means that it's low income and that goes back to Commissioner Riechers statement. Commissioner Riechers realizes that as well and we need to just make sure that those words are not associated with this endeavor, but just because we we're doing and just because it's 30 doesn't mean it's low income.

COMMISSIONER SALAS – I just want to make sure of that.

CHAIR MARZOEKI – Thank you

COMMISSIONER DOZIER – I think we're on the right track and we do have to balance our housing needs and I think John defined very well that an R30 could be for a younger lifestyle and different kind lifestyle that's more urban and that does not necessarily mean... There is some urban areas that are R30 where you pay quite a bit of money to have any one of those apartments or condominiums just to be in that region or area and so it could certainly mean that and also even if it is considered affordable housing or low income housing; if someone comes with a project like that, we don't want to automatically assume that that's what it is until we see it and understand what the quality is and I kind of like to think that even people who are going to qualify for affordable housing would like to live in something nice as well, so I don't want to send a message out that hey if you're going to live in an R30 Zone in our City you're going to be labeled on a socio-economic scale just because you are in those regions and areas and I think that's a mistake for us to send that signal out, so having addressed just that I

think we should just do whatever we need to do and just approve this and move on.

CHAIR MARZOEKI – Thank you

VICE CHAIR RIECHERS – Well want to agree with what my fellow Commissioners have already said. I think with some changes in the definition of the zone and along those lines since that definition was taken from the R20 definition, I think we should recommend to Council that they also change the R20 definition in a similar manner, but I think we definitely want to add this to the mix of options for developers in this City and I look forward to our deciding were this option is going to be offered and finding a place in the City where this zone will be applied, so with that I will just say that I too will be supporting this General Plan Amendment and Zone Change... Well actually not a Zone Change but the General Plan Amendment.

CHAIR MARZOEKI – Thank you

COMMISSIONER BAKER – I think we've got a need in this City for this type of thing and I like the idea that John had is it's an upscale type kind of development and get away from this affordable and low income because I know a lot of people that would go for this in a compact area and as we develop out, it's going to be a great deal for a lot of different facets of people that live in this town, so I'm for it 100 percent.

CHAIR MARZOEKI – Thank you and I also am for it. Yes we've needed something like this for a while and yes we are not Marina Del Ray. You know they've got some R50; some really nice R50's there, but who says that Moreno Valley can't have something similar; you know close to maybe the Riverside Community College campus; you know where the students are or you know actually Commissioner Dozier even said something; condos, which a lot of people don't even think of condo's, where we are actually buildings condo's for people to buy, so I think it's a good mix and you know it's something that we've needed for awhile, so with that I am open for a motion.

PLANNING OFFICIAL TERELL – Yes before we do that, I guess just to wrap up there three...

CHAIR MARZOEKI – There were three...

PLANNING OFFICIAL TERELL – Yes, actually four, but...

CHAIR MARZOEKI – Well actually four; that's right yes

PLANNING OFFICIAL TERELL – One is changing the purpose to say and I think... to provide a range of high density multi-family types in an urban setting, including housing for low and moderate income families.

CHAIR MARZOEKI – Is that okay George?

PLANNING OFFICIAL TERELL – Or do we want to soften it further?

CHAIR MARZOEKI – Do we want to soften it a little bit more?

COMMISSIONER DE JONG – Do we need to reference it?

CHAIR MARZOEKI – Yes do we need to reference it?

COMMISSIONER BAKER – Do we need to reference it to be in compliance with the State requirements?

PLANNING OFFICIAL TERELL – I don't think it's required.

CHAIR MARZOEKI – So maybe then we don't

PLANNING OFFICIAL TERELL - I mean obviously if we just said multi-family housing in an urban setting and just put a period there. The Housing Element will talk a lot about it, so I'm not concerned that it says we don't allow affordable housing. I think someone or people could read it and they think under the old language it that all you can have is affordable housing. Other people might read it and say oh you're not allowing affordable housing, so I think it could be read both ways. It's up to you. I don't really have a strong feeling about it.

COMMISSIONER DE JONG – Like the design guidelines, both apply, so it would read the housing guidelines as well as this, right?

PLANNING OFFICIAL TERELL – Yes the Housing Element will also apply to the City.

COMMISSIONER DE JONG – So that's important to remember

COMMISSIONER DOZIER – And for the State requirements multi-family dwelling units is the term they use to satisfy affordable housing.

COMMISSIONER DE JONG – I bet you that's all we need

PLANNING OFFICIAL TERELL – Yes there is a presumption in the Housing Element; R30; there is a presumption that it is "affordable" under whatever kind of glasses they wear up there; they see it that way, so I mean I think if you want

VICE CHAIR RIECHERS – Given that assumption I would just put the period in and just strike the rest.

CHAIR MARZOEKI – Yes just strike the rest of the sentence

PLANNING OFFICIAL TERELL – And then we would do the same; we'd make a similar change to the R20 where it wouldn't be in an urban setting there, we'd probably say in suburban setting or something along those lines period.

CHAIR MARZOEKI – Yes

COMMISSIONER DE JONG – That is two changes

CHAIR MARZOEKI – That's two

PLANNING OFFICIAL TERELL – So those two and then... right it would be in the General Plan as well as the text of the Code Amendment, so we'll just model those the same and then the other change related to Number 23 on page 9, where my suggestion is multi-family project shall be designed for the needs of the intended residents and then just start again with the for example... And then on Number 25, the last sentence would say the long straight roof lines of a single gable are not permitted.

CHAIR MARZOEKI – Yes those are the four.

PLANNING OFFICIAL TERELL – Great

CHAIR MARZOEKI - Okay, so now I'm ready for a motion. Commissioner De Jong would you like to make a motion?

COMMISSIONER DE JONG – I'll make another one. I'll be glad to. I move that the Planning Commission:

1. **RECOGNIZE** that PA08-0099 Municipal Code Amendment and PA09-0018 General Plan Amendment qualify as exemptions in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378; and,
2. **APPROVE** Planning Commission Resolution No. 2009-24 as amended **RECOMMENDING** that the City Council **APPROVE** PA08-0099 and PA09-0018.

VICE CHAIR RIECERS – I'll second.

CHAIR MARZOEKI – We have a motion and a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Geller)

CHAIR MARZOEKI – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes this action shall be forwarded to the City Council for final review and action and again it is tentatively going to be the second meeting in September.

CHAIR MARZOEKI – Thank you. Moving on to Item 800, Other Business

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MV00033434

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Community Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING PA09-0009 (GENERAL PLAN AMENDMENT) AND PA09-0007 (CHANGE OF ZONE), A PROPOSAL TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O). THE CHANGE OF ZONE WILL CHANGE THE ZONING FROM BUSINESS PARK (BP) TO RESIDENTIAL 15 (R15). THE PARCEL HAS AN EXISTING SINGLE FAMILY RESIDENCE AND A MULTIPLE FAMILY DUPLEX

RECOMMENDED ACTION

Staff recommends that the City Council:

1. ADOPT a Negative Declaration for applications PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone). The projects, individually and cumulatively, will not result in a significant effect on the environment;

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

ADVISORY COMMITTEE ACTION

The Planning Commission, at its August 13, 2009 meeting approved Planning Commission Resolution No. 2009-23, recommending by a 6-0-1 vote that the City Council recognize that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation); and approve PA07-0119 (Change of Zone) and PA07-0120 (General Plan Amendment).

BACKGROUND

The project is comprised of two applications, PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone), which are being processed concurrently.

There is no development application associated with the proposed land use change as the parcel located at 21652 Cottonwood Avenue (Assessor's Parcel Numbers 263-160-027) has an existing single-family residence and a multiple family duplex. The request for the General Plan Amendment and Change of Zone was made by the current owner of the parcel, who would like the zoning district to match the existing land use of their properties to facilitate financing and insurance for their properties.

Land Use Change

The existing General Plan designation for the project site is Business Park (BP). The applicant proposes a change from the Business Park (BP) designation to Residential/Office (R/O) under the General Plan.

The proposed Residential/Office (R/O) use is compatible with the established land use of the project site. The parcel has an existing single-family residence and a multiple family duplex. The proposed change from Business Park (BP) to Residential 15 (R15) will allow the legal nonconforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

Site

The project site is located on the north side of Cottonwood Avenue, east of Old I-215 Frontage Road and west of Edgemont Street. The site is currently comprised of one single-family residence and two multiple-family units. There is also a separate garage and large row of covered carports on the site.

Land uses surrounding the parcel include Business Park (BP) to the east, south and west. Directly north of the project site are two Residential 15 (R15) parcel. To the northeast is a group of Residential 10 (R10) parcels. The proposed General Plan Amendment and Change of Zone would match these parcels directly to the north and northwest of project site. At the northwest corner of Edgemont Street and Cottonwood Avenue is a Neighborhood Commercial (NC) parcel, which was recently rezoned from Business Park (BP) (PA08-0025 and PA08-0026, approved by Planning Commission on December 4, 2008 and City Council on April 14, 2009).

ALTERNATIVES

1. The City Council could deny one the projects. If denial of a project is chosen, it is recommended that the item be continued in order to complete the necessary resolution and findings for a denial.

2. The City Council could approve the project.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

The General Plan Amendment action proposed by this project is the third amendment to the General Plan Land Use Element for calendar year 2009.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on September 10, 2009, posted on the affected property, and mailed to all surrounding property owners of record within 300 feet of the affected property.

STAFF RECOMMENDATION

General Plan Amendment (PA09-0009) and Change of Zone (PA09-0007) and subsequent to the public hearing:

1. **RECOGNIZE** that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A;

ATTACHMENTS

1. Public Hearing Notice
2. Proposed Resolution for General Plan Amendment
3. Proposed Ordinance for Zone Change
4. Planning Commission Staff Report dated August 13, 2009 (excluding exhibits)
5. Place Holder for Planning Commission Minutes for August 13, 2009
6. Land Use
7. Aerial Photograph

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Kyle Kollar
Community Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of PUBLIC HEARING

This may affect your property. Please read.

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

CASE(S): PA09-0009 (General Plan Amendment)
PA09-0007 (Change of Zone)

APPLICANT: A.A. and Associates (Al Aguirre)

REPRESENTATIVE: A.A. and Associates (Al Aguirre)

LOCATION: 21652 Cottonwood Avenue

PROPOSAL: The proposed General Plan Amendment will change the land use from Business Park (BP) to Residential/Office (R/O) and Village Office/Residential (VOR). The Change of Zone will change the zoning from Business Park (BP) to Residential 15 (R15). The parcel has an existing single family residence and a multiple family duplex.

ENVIRONMENTAL DETERMINATION: This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

COUNCIL DISTRICT: 5

STAFF RECOMMENDATION: Approval

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

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

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

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

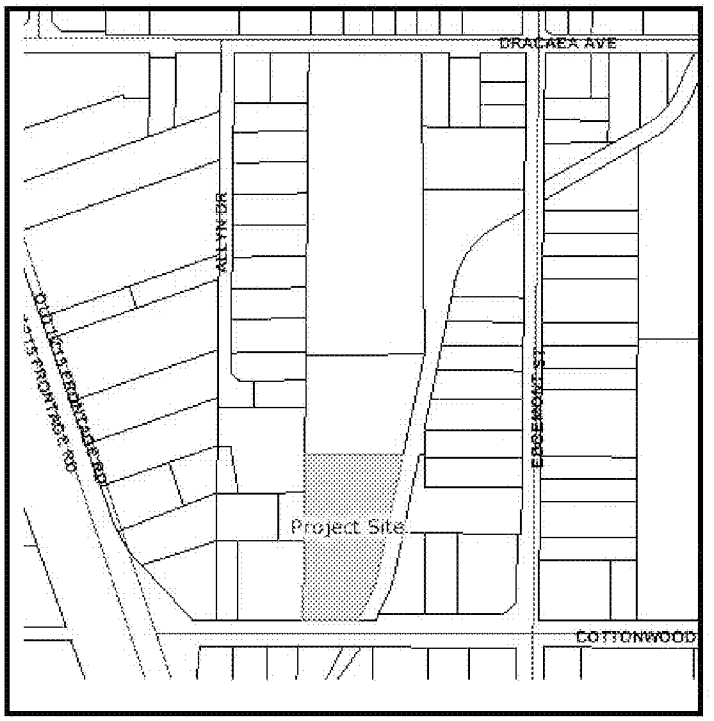

LOCATION N ↑

CITY COUNCIL HEARING

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

DATE AND TIME: September 22, 2009, at 6:30 PM
CONTACT PLANNER: Claudia Manrique
PHONE: (951) 413-3225

ATTACHMENT 1

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MV00033440

RESOLUTION NO. 2009-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT (PA09-0009) TO CHANGE THE LAND USE DESIGNATION FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O) FOR THE APPROXIMATELY 1.62 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBER 263-160-027, LOCATED AT 21652 COTTONWOOD.

WHEREAS, the applicant, Mr. John Dandurand, has filed an application for approval of PA09-0009, requesting an amendment to the General Plan Land Use. The requested amendment to the Land Use Element changes about 1.62 acres of Business Park (BP) land use to Residential/Office (R/O) land use as described in the title of this resolution and the attached Exhibit A. This General Plan Amendment is being processed concurrently with a Zone Change (PA09-0007).

WHEREAS, there is hereby imposed on the associated development projects certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that the associated development projects are subject to certain fees, dedications, reservations and other exactions as provided herein;

WHEREAS, this project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation)

WHEREAS, on August 13, 2009, the Planning Commission of the City of Moreno Valley held a meeting to consider a General Plan Amendment (PA09-0009). At said meeting, the Planning Commission recommended approval of General Plan Amendment PA09-0009 to the City Council, and;

WHEREAS, on September 22, 2009, the City Council of the City of Moreno Valley held a public hearing to consider the consider the subject General Plan Amendment;

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

WHEREAS, all of the facts set forth in this Resolution are true and correct.

ATTACHMENT 2

BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY FINDS AS FOLLOWS WITH RESPECT TO PA09-0009:

Based upon substantial evidence presented during the above-referenced public hearing, including written and oral staff reports, and the record from the public hearing, the City Council hereby finds that:

1. Conformance with General Plan Policies – The proposed general plan amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park (BP). This project proposes to change the General Plan from Business Park (BP) to Residential/Office (R/O). The change in zoning will be from Business Park (BP) to Residential 15 (R15). The proposed zoning supports the current use of the properties, which is a combination of single-family residential (one house) and multiple-family (two unit duplex).

   The Transportation Engineering Division did not require a traffic study for the General Plan Amendment as the proposed residential designation is less intense than the current Business Park (BP) designation.

   Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed general plan amendment will not be detrimental to the public health, safety or welfare.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

3. Redevelopment Plan – The proposed general plan amendment conforms to applicable provisions of the City's redevelopment plan.

FACT: This project is located within the boundaries of the City of Moreno Valley Redevelopment Project Area and is in conformance with applicable provisions of the redevelopment plan.

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2009-_____ approving PA09-0009, thereby establishing General Plan Land Use as described in the Resolution, and the revised General Plan map attached to the Resolution as Exhibit A .

APPROVED AND ADOPTED this 22nd day of September 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

GENERAL PLAN AMENDMENT

Application No. PA09-0009
RESOLUTION NO. 2009-XX

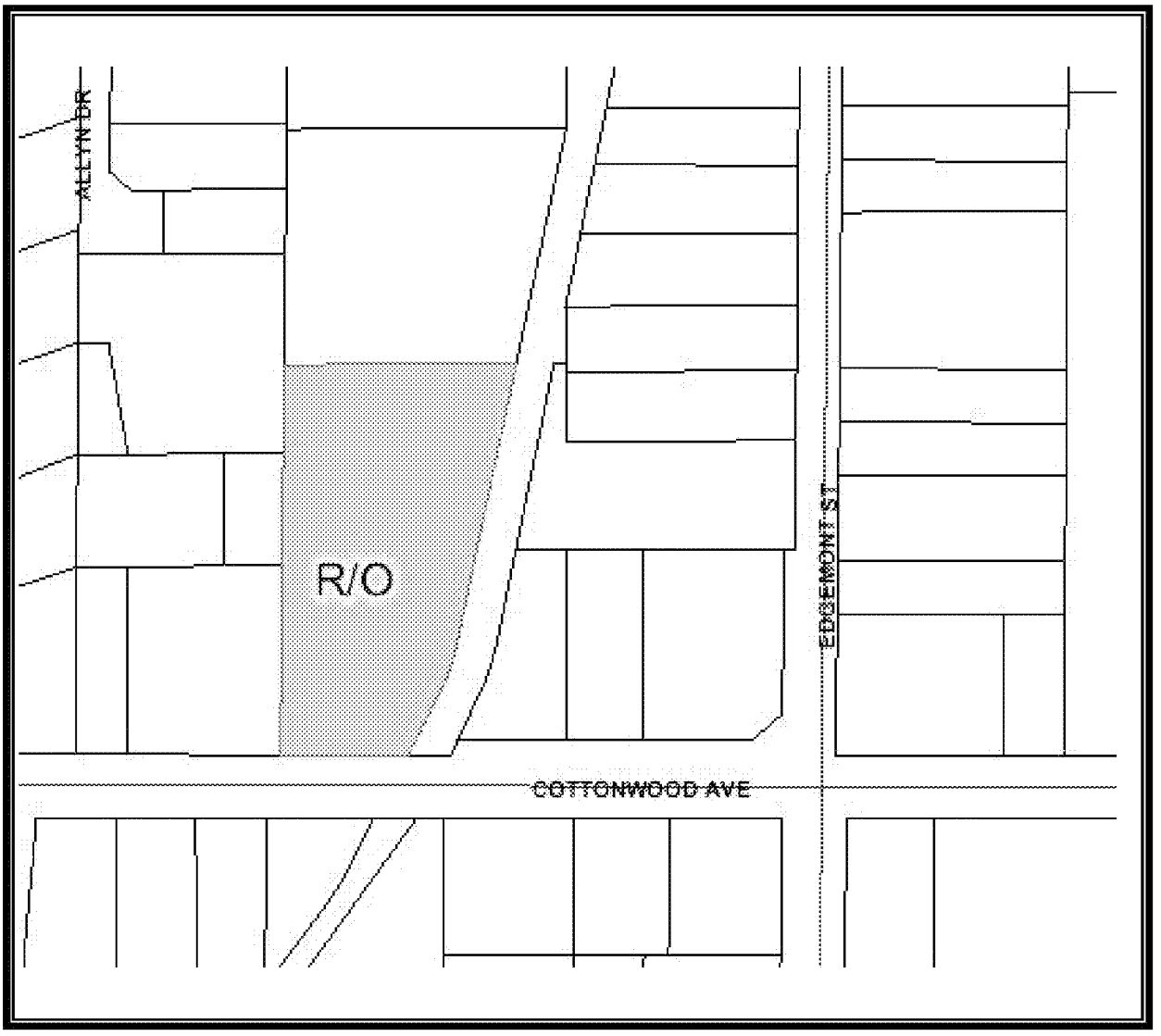

ADOPTED

EFFECTIVE_____

N

LEGEND

R/O

R/O

EXHIBIT A

Item No. E.2

MV00033445

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MV00033446

ORDINANCE NO. 798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA09-0007 (CHANGE OF ZONE) TO CHANGE THE LAND USE DISTRICT FOR APPROXIMATELY 1.62 ACRES LOCATED AT 21652 COTTONWOOD (ASSESSOR PARCEL NUMBER 263-160-027) FROM THE BUSINESS PARK (BP) LAND USE DISTRICT TO THE RESIDENTIAL 15 (R15).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Page 81 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA09-0007).

1.4. This project would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

SECTION 2: FINDINGS

2.1 With respect to the proposed change to page 81 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on September 22, 2009, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park (BP). This project proposes to change the General Plan from Business Park (BP) to Residential/Office (R/O). The change in zoning will be from Business Park (BP) to Residential 15 (R15).

ATTACHMENT 3

The proposed zoning supports the current use of the properties, which is a combination of single-family residential (one house) and multiple-family (two unit duplex).
The Transportation Engineering Division did not require a traffic study for the General Plan Amendment as the proposed residential designation is less intense than the current Business Park (BP) designation.

Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

   FACT: The project site is not within a specific plan area.

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

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 15 (R15) is consistent with the purposes and intent of Title 9.

SECTION 3: ZONE CHANGE

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 15 (R15) for the approximately 1.62 acres located at 21652 Cottonwood and subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 22nd day of September 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

CHANGE OF ZONE

Application No. PA09-0009
ADOPTED BY ORDINANCE NO. XX

ADOPTED

EFFECTIVE_____

N

LEGEND

R15 **R15**

EXHIBIT A

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MV00033452

PLANNING COMMISSION
STAFF REPORT

Case(s):	PA09-0009 – General Plan Amendment PA09-0007 – Change of Zone
Date:	August 13, 2009
Applicant:	John Dandurand
Representative:	A.A. and Associates (Al Aguirre)
Location:	21652 Cottonwood Avenue
Proposal:	General Plan Amendment changing the land use from Business Park (BP) to Residential/Office (R/O). Change of Zone will change the zoning from Business Park (BP) to Residential 15 (R15). The parcel has an existing single family residence and a multiple family duplex.
Council District:	5
Recommendation:	Approval

SUMMARY

The proposed General Plan Amendment will change the land use designation of one parcel located at 21652 Cottonwood Avenue (Assessor's Parcel Number 263-160-027) from Business Park (BP) to Residential/Office (R/O). The Change of Zone will change the zoning of the parcel from Business Park (BP) to Residential 15 (R15).

ATTACHMENT 4

Project

The project includes two applications, a General Plan Amendment and Zone Change to change the existing land use for Assessor's Parcel Number 263-160-027. The project site current land use designation is Business Park. This project proposes to change the General Plan designation from Business Park (BP) to Residential/Office (R/O) and the Zoning designation to Residential 15 (R15).

There is no development application associated with the proposed land use change as the parcel has an existing single-family residence and a multiple family duplex. The request for the General Plan Amendment and Change of Zone was made by the current owner of the property, who could like the zoning district to match the existing land use of their property to allow for improvements to the existing structures.

Land Use Change

The existing General Plan designation for the project site is Business Park (BP). The applicant proposes a change from the Business Park (BP) designation to Residential/Office (R/O) under the General Plan.

The proposed Residential/Office (R/O) use is compatible with the established land use of the project site. The parcel has an existing single-family residence and a multiple family duplex. The proposed change from Business Park (BP) to Residential 15 (R15) will allow the legal nonconforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses.

Based upon the information presented above, the proposed change in land use is compatible with existing land uses and would not conflict with the goals, objectives, policies or programs of the General Plan.

Site

The project site is located on the north side of Cottonwood Avenue, east of Old I-215 Frontage Road and west of Edgemont Street. The site is currently comprised of one single-family residence and two multiple-family units. There is also a separate garage and large row of covered carports on the site.

Land uses surrounding the parcel include Business Park (BP) to the east, south and west. Directly north of the project site are two Residential 15 (R15) parcel. To the northeast is a group of Residential 10 (R10) parcels. At the northwest corner of Edgemont Street and Cottonwood Avenue is a Neighborhood Commercial (NC) parcel,

which was recently rezoned from Business Park (BP) (PA08-0025 and PA08-0026, approved by Planning Commission on December 4, 2008 and City Council on April 14, 2009).

Access

Access to the project site is via two driveways along Cottonwood Avenue.

Design

Development under the proposed General Plan Amendment and Zone Change would conform to all development standards of the Residential 15 (R15) zone as required within the Moreno Valley Municipal Code and Design Guidelines. Future development would be reviewed under separate application(s).

Review Process

The General Plan Amendment and Zone Change applications were submitted in March 2009. No revisions or additional information was requested by staff. Transportation Engineering staff did not require a traffic study as part of the review of the General Plan Amendment application as the proposed residential designation is less intense than the current Business Park (BP) designation.

Environmental

This item would be exempt from the requirements of the California Environmental Quality Act (CEQA) Guidelines as provided for in Section 15305 (Minor Alterations in Land Use Limitation).

Notification

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no inquiries in response to the noticing for this project.

Staff Recommendation

Staff recommends that the Planning Commission take the following action:

APPROVE Resolution No. 2009-23, and thereby:

1. **RECOMMEND** that the City Council recognize that PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone) qualify as exemptions in accordance with CEQA Guidelines, Section 15305 (Minor Alterations in Land Use Limitation);

2. **RECOMMEND** that the City Council approve PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone).

Prepared by:

Claudia Manrique
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2009-23
5. Aerial Photograph of Project Site
6. Land Use Map

720

PA09-0007 Change of Zone
PA09-0009 General Plan Amendment

CHAIR MARZOEKI – May I have the Staff Report please

ASSOCIATE PLANNER MANRIQUE – Good evening I'm Claudia Manrique, the Case Planner. The project location is 21652 Cottonwood Avenue. The project site current land use designation is Business Park. The proposal is to change the General Plan designation from Business Park to Residential/Office and the zoning to Residential 15. There is no development Application associated with this proposed land use change. The proposed Residential/Office uses compatible with the established land use of the project site. The parcel has an existing single-family residence and a multi-family duplex. The proposed change from Business Park to Residential 15 will allow the legal non-conforming uses to conform to current development standards. If the General Plan Amendment and Change of Zone are approved, the large garage built without permits could be improved and permitted as an accessory structure to the existing residential uses. This item is exempt under CEQA Guidelines, Section 15305, Minor Alterations in Land Use and Staff recommends approval of Resolution 2009-23 recommending that the City Council recognize that PA09-0009 and PA09-0007 qualify as exemptions under CEQA and approve the General Plan Amendment and Change of Zone.

CHAIR MARZOEKI – Thank you. Do we have questions of Staff?

COMMISSIONER DE JONG – This is a relatively older property and I was wondering why this change wasn't brought before the Planning Commission during the General Plan Update a couple of years ago.

PLANNING OFFICIAL TERELL – Mainly because Code Enforcement hadn't discovered the illegal structure at that time. It's on the edge and boundary between two classifications and the basic classification; we actually changed a lot of the property to the north to residential with the General Plan Update and then we maintained most of this in the Business Park designation because that's what it had been for a long, long time and I would say the division line is; I don't want to say it's arbitrary, but it was based on looking at the size of this parcel. Ideally this parcel is relatively large so it could redevelop. The owners decided they don't want to do that, they want to improve the property as it is, so that's the main reason it wasn't contemplated that there wasn't an issue with this property at this time and there was no comments from this property owner as we went through that process.

COMMISSIONER DE JONG – Will Code Enforcement pursue any necessary changes?

ATTACHMENT 5

PLANNING OFFICIAL TERELL – My understanding is that really all they need to do to comply is to get a building permit and go through an analysis; an inspection of the property in order to legalize the additional structure, but they couldn't go through that process because Planning couldn't signoff on it as an accessory structure to a non-conforming use.

COMMISSIONER DE JONG – I see. Obviously any changes that concur because of the inspection would have to take place.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER DE JONG – Okay, thank you.

CHAIR MARZOEKI – Are there any other questions of Staff?

COMMISSIONER DOZIER – That inspection would be for any of the structures on the property?

PLANNING OFFICIAL TERELL – It would only be for the structures that do not currently have permits, so the main structure; the residential structures were permitted many years ago so they would not need to go to through an inspection unless there were additional changes.

CHAIR MARZOEKI – Anyone else?

COMMISSIONER SALAS – So you're saying that the property to the north has been changed to Industrial or...

PLANNING OFFICIAL TERELL – The property immediately north of this property is zoned Residential. That's really the only reason we would recommend it is that there is contiguous residential property.

COMMISSIONER SALAS – Thank you

CHAIR MARZOEKI – I see no one else, so we open up the Public Testimony Portion of this item and call the Applicant forward. Please state your name and address for the record.

APPLICANT AGUIRRE – My name is Al Aguirre with A.A. Associates. The address is 2222 Kansas Avenue, Suite D in Riverside, California.

CHAIR MARZOEKI – Is there anything you want to say?

APPLICANT AGUIRRE– No, I all I want to say is yes we do need the granting of this approval basically in order to move forward.

CHAIR MARZOEKI – Are there any questions of the Applicant?

COMMISSIONER DE JONG – Are you a resident on the property?

APPLICANT AGUIRRE – No I'm not, I'm the representative.

COMMISSIONER DE JONG – I thought you were

CHAIR MARZOEKI – Is there anyone else? No, well okay, we have one Speaker Slip. Okay, you can come up after that. Okay we will call forward Deanna Reeder.

SPEAKER REEDER – Hello, I'm Deanna Reeder. I marked against on there but you can change that to for and the reason is that this is one of the few instances where if you change the zone or change the plan, this is actually what is was meant for, so in this case I actually agree that you should do that, however, you still need to address the point of the times you're changing zones and you're changing the General Plan when you shouldn't be. So that was the only reason that I was against and like I said, I got here late and I didn't read all the facts and I didn't hear them, but now that I did, then I want to show that I am for it. Thank you.

CHAIR MARZOEKI – Thank you. We can call the Applicant back forward again if there is anything else you would like to say.

APPLICANT AGUIRRE – No

CHAIR MARZOEKI – Okay, with that we will close the Public Testimony Portion of this item open it up to Commissioner Comments. Who would like to go first?

COMMISSIONER DE JONG – This makes a lot of sense, because we are changing or bringing a non-conforming property up to conformance and as Ms. Reeder mentioned that's what this was actually designed for and I totally agree. Thank you for your comments earlier. I appreciate it. So I am for this. There's not too much to say about this. I think that it's an appropriate action.

CHAIR MARZOEKI – Thank you.

COMMISSIONER BAKER – Yes I went down and looked at this property and what's been done there between the house and the garage; the structures have been done really well. I mean they did a good job putting this together, so I see no reason why we shouldn't approve this.

CHAIR MARZOEKI – Is there anyone else?

COMMISSIONER DOZIER – Yes I agree with my two Commissioners that have spoken just before this. We should just move it along.

CHAIR MARZOEKI – Okay, well would somebody like to make a motion?

COMMISSIONER DE JONG – I move that the Planning Commission **APPROVE** Resolution No. 2009-23 and thereby:

1. **RECOMMEND** that the City Council **RECOGNIZE** that PA09-0009 General Plan Amendment and PA 09-0007 Change of Zone qualify as exemptions in accordance with CEQA Guidelines, Section 15305, Minor Alterations in Land Use Limitations; and,
2. **RECOMMEND** that the Council **APPROVE** PA09-0009 General Plan Amendment and PA09-0007 Change of Zone

COMMISSIONER SALAS – I second

CHAIR MARZOEKI – We have a motion and a second. Is there any discussion? All in favor?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Geller)

CHAIR MARZOEKI – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes this action shall be forwarded to the City Council final review and action and we've tentatively scheduled that for the second meeting in September before the City Council.

CHAIR MARZOEKI – Thank you. Moving on to Item 730.

Attachment 6: Land Use

PA09-0009 & PA09-0007

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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ATTACHMENT 6

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MV00033462

Attachment 7: Aerial Photograph

PA09-0009 & PA09-0007

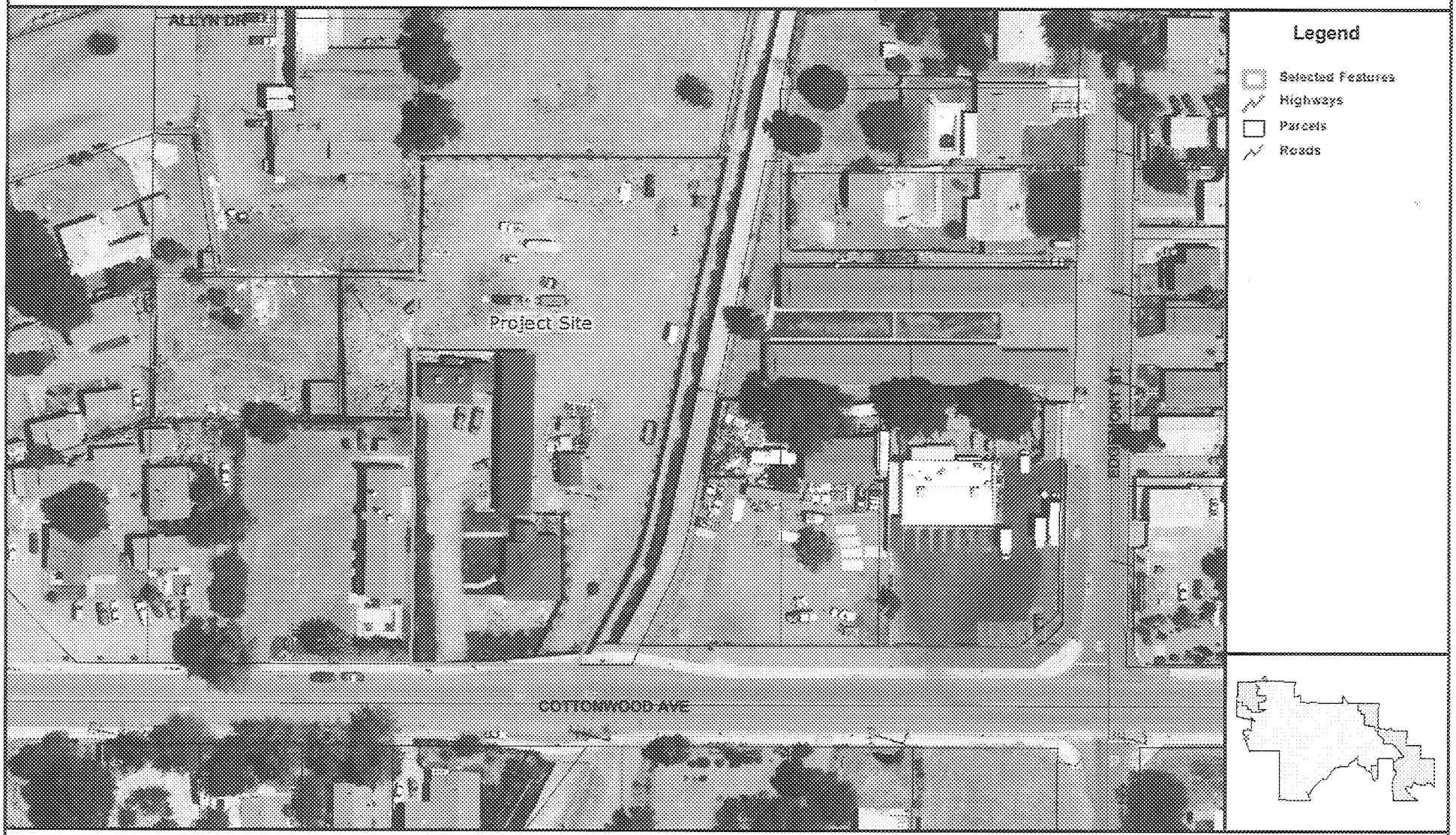

City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY

ATTACHMENT 7

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MV00033464

APPROVALS	
BUDGET OFFICER	aaf
CITY ATTORNEY	RWB
CITY MANAGER	RG

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Director

AGENDA DATE: September 22, 2009

TITLE: A PUBLIC HEARING REGARDING THE DESIGNATION OF A CITY-WIDE RECOVERY ZONE

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 799 relating to the designation of a city-wide Recovery Zone for the City of Moreno Valley.

BACKGROUND

The American Recovery and Reinvestment Act of 2009 (ARRA) has created a new category of bond called Recovery Zone Bonds. There are two types of Recovery Zone Bonds that would provide economic incentives for the City or private issuer as summarized below:

Recovery Zone Economic Development Bonds

- Taxable Build America Bonds (BABs) that allow state and local governments to obtain lower borrowing costs through direct Federal subsidy (45% of interest).
- May be used to finance a broad range of qualified economic development projects.
- Moreno Valley allocation is $7,360,000.
- Bonds must be issued by end of 2010.
- Doubtful use for Moreno Valley due to inability to pay debt service.

Recovery Zone Facility Bonds

- Tax-exempt private activity bond.
- May be used by any business in designated Recovery Zone to finance a broad range of capital projects.
- Moreno Valley allocation is $11,041,000.

- Bonds must be issued by end of 2010.
- City may issue conduit debt on behalf of developer or let developer obtain financing on their own.
- California Infrastructure and Economic Development Bank (I-Bank) is actively involved in ARRA debt issuance.

The proceeds of the above-described bonds are required to be invested in designated "Recovery Zones", which may be a portion of a city or an entire city. In order to be designated as a "Recovery Zone" one or more of the following conditions must be met.

- Significant poverty, unemployment, home foreclosure rates or general distress;
- Designation by the issuer as an empowerment zone or renewal community; or
- Designation by the issuer as economically distressed by reason of the closure or of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990.

The ARRA allocated a total of $25 billion nationwide for the two new types of Recovery Zone Bonds- $10 billion for Recovery Zone Economic Development Bonds and $15 billion for Recovery Zone Facility Bonds. Bonds must be issued on or before December 31, 2010. Recovery Zone Economic Development Bonds are issued on a taxable basis with a 45% interest rebate from the U.S. Department of Treasury. These bonds can be used for any project that promotes economic development within the Recovery Zone, including, but not limited to capital improvements, training, education or working capital. Recovery Zone Facility Bonds are similar to private activity bonds issued in a conduit financing. The use of these bonds is more defined and limited to capital improvements within the Recovery Zone, but excludes certain improvements.

The use of new Recovery Zone Bonds provides another revenue bond financing opportunity for local governments; along with private sector developers and businesses. Recovery Zone Bonds broaden the City's ability to issue taxable bonds due to the Federal interest subsidy, provided there is debt service capacity even at subsidized levels. Recovery Zone Bonds also may provide lower cost borrowing for private sector development aimed at stimulating economic recovery in the community. However, please note that Recovery Zone Bonds are not grants and they still require a suitable revenue stream that ensures proper debt service coverage.

DISCUSSION

As part of a $25 billion nationwide allocation, the U.S. Department of Treasury established bond volume caps at the local level for counties and large cities- including Moreno Valley. The bond caps for the City of Moreno Valley include $7,360,000 in Recovery Zone Economic Development Bonds and $11,041,000 in Recovery Zone Facility Bonds. In order for the City of Moreno Valley to take advantage of these new financing opportunities to promote job creation and economic recovery through Recovery Zone Bonds, the ARRA requires Moreno Valley to designate any area, or

even the entire City, as a Recovery Zone based on meeting one or more of the afore mentioned standards. Moreno Valley clearly meets two of the established criteria:

- **Significant unemployment rate**. Moreno Valley's unemployment rate has been well above Riverside County's (14.7% in July 2009 up from 9.3% in July 2008), State (12.1% in July 2009 up from 7.4% in July 2008) and National (9.4% in July 2009 up from 5.8% in July 2008), the unemployment rate in Moreno Valley reached 17% in July 2009 up from 10.8% in July 2008.
- **Significant foreclosure rate.** Foreclosures continue to be a challenge in Moreno Valley. The following table highlights the rate of notices of default (NOD) and foreclosures in Moreno Valley as compared to all of Riverside County and the State of California for the past three years.

Year		Moreno Valley	Riverside County	State of California
2007	NOD	9.3%	5.4%	3.0%
	Foreclosures	3.6%	2.2%	1.0%
2008	NOD	14.1%	8.7%	4.7%
	Foreclosures	9.9%	5.7%	2.9%
2009	NOD	12.8%	9.0%	5.1%
	Foreclosures	7.7%	4.9%	2.5%

Source: MDA DataQuick August 2009

The attached Ordinance would designate the entire geographic area of the City of Moreno Valley as a Recovery Zone and provide the following information to establish the necessary findings for the Recovery Zone:

- Funding appropriations;
- Eligibility;
- Criteria for activity or project investment;
- Compliance;
- Severability;
- Sunset date.

At this time City staff does not anticipate having sufficient revenue to pursue any bond financing associated with the Recovery Zone Economic Development Bonds. These bonds are to be used for public infrastructure improvements, construction of public facilities or job training/educational facilities. Given the economy and the City's fiscal condition it is not anticipated that the City would have the proper revenue stream to undertake a bond issuance of this type.

It should be noted that tax-exempt financing through the Recovery Zone Facility Bonds would be available to all developers in the City, provided the City's allocation of $11,041,000 is not exceeded. A program to assist developers in obtaining this financing has been developed by the California Infrastructure and Economic Development Bank (I-Bank). Developers interested in this type of private financing would be encouraged to work with I-Bank to secure their desired financing for Recovery Zone Facility Bonds. Please note that City staff recommends that the City not participate in issuance of

conduit debt through the Recovery Zone Facility Bond program, but rather use existing programs, through I-Bank or other similar types of available financing programs.

ALTERNATIVES

1. Introduce the proposed ordinance that would designate the City of Moreno Valley as a Recovery Zone.
2. Do not approve the proposed introduction and the subsequent adoption of the ordinance that would designate the City of Moreno Valley as a Recovery Zone.

FISCAL IMPACT

Creating the proposed Recovery Zone will broaden the City's ability to issue taxable Economic Development Bonds at a subsidized rate, as well as private developers' ability to obtain tax-exempt financing through Facility Bonds to lower their cost of borrowing. Increased development or business expansion improves the overall local economy by creating jobs and increasing taxable sales. Please note that any specific participation in a bond issuance shall still be subject to full consideration and approval by the City Council.

CITY COUNCIL GOALS

Upon approval of this staff report, the following City Council Goals would be furthered:

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

REVENUE DIVERSIFICATION AND PRESERVATION: Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

Staff recommends that the City Council introduce and subsequently adopt this ordinance designating the City of Moreno Valley as a Recovery Zone in order to take advantage of new category of bonds called Recovery Zone Bonds.

ATTACHMENTS/EXHIBITS

Attachment A – Ordinance No. 799

Prepared By:
Barry Foster
Economic Development Director

Concurred By:
Steve Elam
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033470

ORDINANCE NO. 799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DESIGNATING A CITY-WIDE RECOVERY ZONE.

Whereas, the American Recovery and Reinvestment Act of 2009 (the "Act") authorizes the issuance of recovery zone economic development bonds; and

Whereas, pursuant to the Act, in order to issue recovery zone bonds the City Council must first designate a Recovery Zone area; and

Whereas, pursuant to the Act, the of designation of a Recovery Zone requires the City Council must make findings of fact that the City of Moreno Valley can be defined as a Recovery Zone because of significant poverty, unemployment, rate of foreclosures or general distress.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. RECOVERY ZONE DESIGNATION

Findings of fact for designating the City of Moreno Valley as a Recovery Zone.

(a) Section 1401 of Title I of Division B of the American Recovery and Reinvestment Act of 2009 (the "Act") added Sections 1400-1 through 1400U-3 to the Internal Revenue Code as amended (the "Code"), authorizing state and local governments to issue Recovery Zone Bonds through December 31, 2010 which provide tax incentives to state and local governments by lowering borrowing costs as a means to promote job creation and economic recovery to targeted areas particularly affected by employment declines.

(b) The Treasury Department established a national bond volume limitation ("volume cap") of $10 billion for Recovery Zone Economic Development Bonds and $15 billion for Recovery Zone Facility Bonds (collectively referred to as "Recovery Zone Bonds"), which is allocated among the states in the proportion that each State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all of the states ("Recovery Zone Bond Allocation").

(c) Recovery Zone Economic Development Bonds are taxable tax-credit governmental bonds that may be used to finance certain "qualified economic development purposes", defined as promoting development or other economic activity in a designated Recovery Zone, including (1) capital expenditures paid or incurred with respect to property located in the recovery zone, (2) expenditures for public infrastructure and

construction of public facilities, and (3) expenditures for job training and educational programs. Recovery Zone Facility Bonds are private activity bonds that may be used to finance certain property located within a designated Recovery Zone.

(d) Each state that has received a Recovery Zone Bond Allocation is required, without discretion, to reallocate such allocation among the counties and large municipalities (minimum of 100,000 population) in such state in the proportion that each county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for all the counties and municipalities in such state.

(e) City of Moreno Valley has been allocated $7,360,000 in Recovery Zone Economic Development Bonds and $11,041,000 in Recovery Zone Facility Bonds, which must be issued on or before December 31, 2010.

(f) Section 1400U-1(b) of the Code requires each governmental issuer of Recovery Zone Bonds to designate eligible recovery zones within its geographical jurisdiction using the following criteria: (1) significant poverty, unemployment, rate of home foreclosures, or general distress; (2) economic distress by reason of the closure of realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect.

(g) According to the California Department of Employment, the unemployment rate in the City of Moreno Valley was 17% in July 2009, significantly up from 10.8% in July 2008. Moreno Valley's unemployment rate was higher than both the Riverside County and State of California rates.

(h) The volume of foreclosures in Moreno Valley is significant. According to Data Quick in July 2009 there were 13,295 foreclosed or bank owned properties in Moreno Valley in 2009.

(i) The high unemployment rate and home foreclosures in the City of Moreno Valley has impacted citizens and businesses city-wide and has resulted in the general distress of the City of Moreno Valley. Accordingly, it is in the best interests of Moreno Valley that the entire geographic area of the City be designated a "Recovery Zone" for purposed of issuing Recovery Zone Bonds to promote job creation and economic recovery.

SECTION 2. DESIGNATION OF RECOVERY ZONE

The entire geographic area of the City of Moreno Valley is hereby designated as a "Recovery Zone" for the purpose of issuing Recovery Zone Bonds.

SECTION 3. FUNDING APPROPRIATION

The appropriation or application of Recovery Zone Bond proceeds will be at the discretion of the City Council (the "Council") based on project qualifications.

SECTION 4. RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS – ELIBIBLE ACTIVITIES/PROJECTS

Eligible activities/projects that qualify for issuance of Recovery Zone Economic Development Bonds include activities/projects within the Recovery Zone that promote economic development, as measured by the criteria set forth in Section 6 herein, and may include:

(1) Capital expenditures paid or incurred with respect to property located in the Recovery Zone, including working capital expenditures to promote development or other economic activity;

2) Expenditures for public infrastructure and construction of public facilities; and

3) Expenditures for job training and educational programs.

SECTION 5. RECOVERY ZONE FACILITY BONDS – ELIGIBLE ACTIVITIES/PROJECTS

Eligible activities/projects that qualify for issuance of Recovery Zone Facility Bonds include any private activity bonds issued on behalf of qualified borrowers for projects located within the designated Recovery Zone, including qualifying capital improvements and infrastructure projects. However, qualifying projects do not include any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling.

SECTION 6. CRITERIA FOR ACTIVITY/PROJECT INVESTMENT

Eligible projects/activities for funding from Recovery Zone Bond proceeds shall be selected by the City Council in its sole discretion based upon, but not limited to, the following criteria:

(a) Type of industry;

(b) Number of current and/or projected employees;

(c) Average wage of employees;

(d) Capital investment;

(e) Financial stability;

(f) New product development;

(g) Growth of sales; tax, property tax, or other City revenues;

(h) Results of an economic impact study;

(i) Commitment to local procurement and local hiring;

(j) National/state recognition;

(k) Regional impact; or

(l) Any such other activity or factor proposed by the applicant that can be demonstrated in a satisfactory fashion to the City Council to promote economic development within the City.

SECTION 7. COMPLIANCE

All activities/projects financed through the issuance of Recovery Zone Bonds shall comply with all applicable existing Federal, State, and Local laws, rules and regulations.

SECTION 8. EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 9. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 10. SUNSET DATE/EFFECTIVE DATE:

This ordinance shall automatically sunset on December 31, 2010, unless otherwise reaffirmed or otherwise amended by the City Council prior to that date.

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive and file this report; and

2. Introduce Ordinance No. 800, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the ordinance). (Roll call required)

ADVISORY BOARD/COMMISSION RECOMMENDATION

This item was presented to the Traffic Safety Commission (TSC) at their regular monthly meeting on Wednesday, June 3, 2009. The TSC approved the recommended prima facie speed limits. The TSC certification reports and Engineering and Traffic Surveys are on file with Transportation Engineering Division.

BACKGROUND

Section 40802 of the California Vehicle Code (CVC) requires an Engineering and Traffic Survey, as defined in CVC Section 627, be performed when enforcing the speed limit by radar or other electronic devices. In compliance with this requirement, Transportation Engineering Division staff prepares and updates Engineering and Traffic Surveys as specified in the CVC and per the guidelines of the California Manual on Uniform Traffic

Control Devices (CAMUTCD). Based upon the results of these Engineering and Traffic Surveys, staff recommends the City Council to approve and declare the proposed speed limits listed in the ordinance as reasonable and safe prima facie speed limits that facilitate the orderly movement of traffic within the city.

DISCUSSION

The recommended speed limit, a main component of an Engineering and Traffic Survey, is based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists, and by measuring prevailing speeds, a speed limit is determined that is reasonable and effective. For a speed limit to be effective, at least eight-five percent of the drivers must voluntarily comply with the law. Setting speed limits at appropriate levels will create a uniform flow of traffic, discourage violation of the law, and help maintain safe streets and highways. Speed limits are often set below prevailing speeds when other factors otherwise not readily apparent to the driver, exist on the roadway. Factors that need to be considered include, but are not limited to, collision history for the roadway segment, design speed, sight distance constraints, pedestrian / bicycle safety, and direct residential access. Staff has recommended these prima facie speed limits accordingly.

The Moreno Valley Police Department submits the following additional information for consideration:

Engineering and Traffic Surveys are critical for the radar enforcement of posted speed limits within the City of Moreno Valley. Additionally, the Riverside County Superior Court magistrate diligently verifies that there are current Engineering and Traffic Surveys on file.

FISCAL IMPACT

The cost of signing and striping modifications required for the subject speed zones is included in the annual budget of the Transportation Engineering Division for Signing & Striping Maintenance (Account No. 121.55430).

CITY COUNCIL GOALS

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

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

SUMMARY

As required by Section 40802 of the California Vehicle Code, Engineering and Traffic Surveys were performed for certain streets to support enforcement of speed limits by radar or other electronic devices. Based upon the premise that a reasonable speed limit is one that conforms to the behavior of the majority of motorists and the measured prevailing speed, staff recommends that the proposed speed limits (as listed on the ordinance) be approved by City Council and declared as prima facie speed limits.

NOTIFICATION

Publication of Agenda

ATTACHMENTS

Attachment A - Proposed Ordinance
Attachment B - Summary of Certified Speed Zones
Attachment C - Map entitled "Citywide Speed Limit"

Prepared By:
Vincent L. Tran, P.E.
Associate Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Concurred By:
John Anderson
Police Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033480

ORDINANCE NO. 800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 12.20.020 OF CHAPTER 12.20 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE RELATING TO A PRIMA FACIE SPEED LIMIT FOR CERTAIN STREETS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. AMENDMENT TO THE MUNICIPAL CODE:

Section 12.20.020 of the City of Moreno Valley Municipal Code is hereby amended by declaring the prima facie speed limit (in miles per hour) for the following streets to provide as follows:

Name of Street	**Segment Affected**	**Declared Prima Facie Speed Limit (MILES PER HOUR)**
Brodiaea Avenue	Frederick Street to Heacock Street	35
Cactus Avenue	Old 215 Highway to Frederick Street	50
Cactus Avenue	Frederick Street to Heacock Street	50
Cactus Avenue	Heacock Street to Perris Boulevard	45
Cactus Avenue	Perris Boulevard to Lasselle Street	40
Cactus Avenue	Lasselle Street to Nason Street	50
Climbing Rose Drive	Barclay Drive to Pigeon Pass Road	25
Davis Street	Ironwood Avenue to Manzanita Avenue	30
Day Street	Alessandro Boulevard to Cottonwood Avenue	25
Delphinium Avenue	Heacock Street to Rio Bravo Road	30
Delphinium Avenue	Kitching Street to Lasselle Street	25
Dracaea Avenue	Gershwin Way to Redlands Boulevard	35
Frederick Street	Cactus Avenue to Eucalyptus Avenue	40
Frederick Street	Eucalyptus Avenue to Sunnymead Boulevard	40

Hemlock Avenue	Indian Street to Kitching Street	30
Indian Street	Ironwood Avenue to Manzanita Avenue	40
Kalmia Avenue	Perris Boulevard to Slawson Avenue	25
Nandina Avenue	Heacock Street to Perris Boulevard	45
Nason Street	Cactus Avenue to Alessandro Boulevard	45
Pigeon Pass Road	Ironwood Avenue to Old Lake Drive	50
Pigeon Pass Road	Old Lake Drive to North City Limits	50
Towngate Boulevard	Eucalyptus Avenue to Frederick Street	40

SECTION 2. BASIS OF DETERMINATION:

There is on file with the City Traffic Engineer a traffic investigative report indicating that the speed limits set forth above are reasonable and safe and most appropriate to facilitate the orderly movement of traffic.

SECTION 3. IMPLEMENTATION:

The City Traffic Engineer shall post appropriate signs giving notice of the prima facie speed limit changed as determined by this Ordinance.

SECTION 4. EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5. NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6. EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____day of _____2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Summary of Certified Speed Zones

August 2009

	Street	Limits	Posted Speed Limit	Recommended Speed	85th %tile Speed	Avg Speed	Pace	Collisions (2 Years)	Length	Volume (1000's)	Coll Rate (per million vehicle miles)	Coll Rate Status	Remarks
1	Brodiaea Ave	Frederick St to Heacock St	New	35	37	35	30-39	0	1.00	1.7	0.00	Below	
2	Cactus Ave	Old 215 Hwy to Frederick St	50	50	52	49	45-54	13	1.00	43.5	0.41	Below	
3	Cactus Ave	Frederick St to Heacock St	50	50	52	49	45-54	15	1.00	35.4	0.58	Below	
4	Cactus Ave	Heacock St to Perris Blvd	45	45	47	45	40-49	1	1.00	21.0	0.07	Below	
5	Cactus Ave	Perris Blvd to Lasselle St	40	40	42	39	35-44	1	1.00	15.7	0.09	Below	
6	Cactus Ave	Lasselle St to Nason St	50	50	52	50	45-54	3	1.00	13.3	0.31	Below	
7	Climbing Rose Dr	Barclay Dr to Pigeon Pass Rd	30	25	27	25	22-31	0	0.75	2.2	0.00	Below	
8	Davis St	Ironwood Ave to Manzanita Ave	30	30	32	30	25-34	5	1.00	3.4	2.01	Below	
9	Day St	Alessandro Blvd to Cottonwood Ave	25	25	27	25	22-31	1	0.50	8.6	0.32	Below	
10	Delphinium Ave	Heacock St to Rio Bravo Rd	35	30	32	30	25-34	7	1.50	3.3	1.94	Below	
11	Delphinium Ave	Kitching St to Lasselle St	New	25	27	25	22-31	1	0.50	1.8	1.50	Below	
12	Dracaea Ave	Gershwin Wy to Redlands Blvd	35	35	36	33	28-37	0	0.33	0.5	0.00	Below	
13	Frederick St	Cactus Ave to Eucalyptus Ave	40	40	42	39	35-44	11	1.50	19.6	0.51	Below	
14	Frederick St	Eucaluptus Ave to Sunnymead Blvd	40	40	42	39	35-44	10	0.56	28.4	0.86	Below	
15	Hemlock Ave	Indian St to Kitching St	30	30	31	29	24-33	2	1.00	5.5	0.50	Below	
16	Indian St	Ironwood Ave to Manzanita Ave	40	40	39	36	32-41	0	1.00	13.1	0.00	Below	
17	Kalmia Ave	Perris Blvd to Slawson Ave	35	25	27	25	22-31	0	0.75	1.8	0.00	Below	Street with existing speed humps
18	Nandina Ave	Heacock St to Perris Blvd	45	45	47	44	39-48	0	1.00	2.9	0.00	Below	
19	Nason St	Cactus Ave to Alessandro Blvd	45	45	46	44	39-48	9	0.50	10.6	2.33	Below	
20	Pigeon Pass Rd	Ironwood Ave to Old Lake Dr	50	50	52	49	45-54	20	1.50	20.6	0.89	Below	
21	Pigeon Pass Rd	Old Lake Dr to North City Limit	50	50	52	50	46-55	1	1.00	6.6	0.21	Below	
22	Towngate Blvd	Eucalyptus Ave to Frederick St	40	40	42	39	34-43	3	0.67	8.1	0.76	Below	

* Shading indicates a change in the existing speed limit or a new speed zone.

* Collision Rate Status is based on the Caltrans 2005 Collision Data on California State Highway.

MV00033485

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MV00033486

City of Moreno Valley

CITYWIDE SPEED LIMIT

Public Works Department
Transportation Engineering Division

NORTH
NO SCALE

This Map is updated as of August 2009. Speed zones are subject to yearly changes due to recertification.

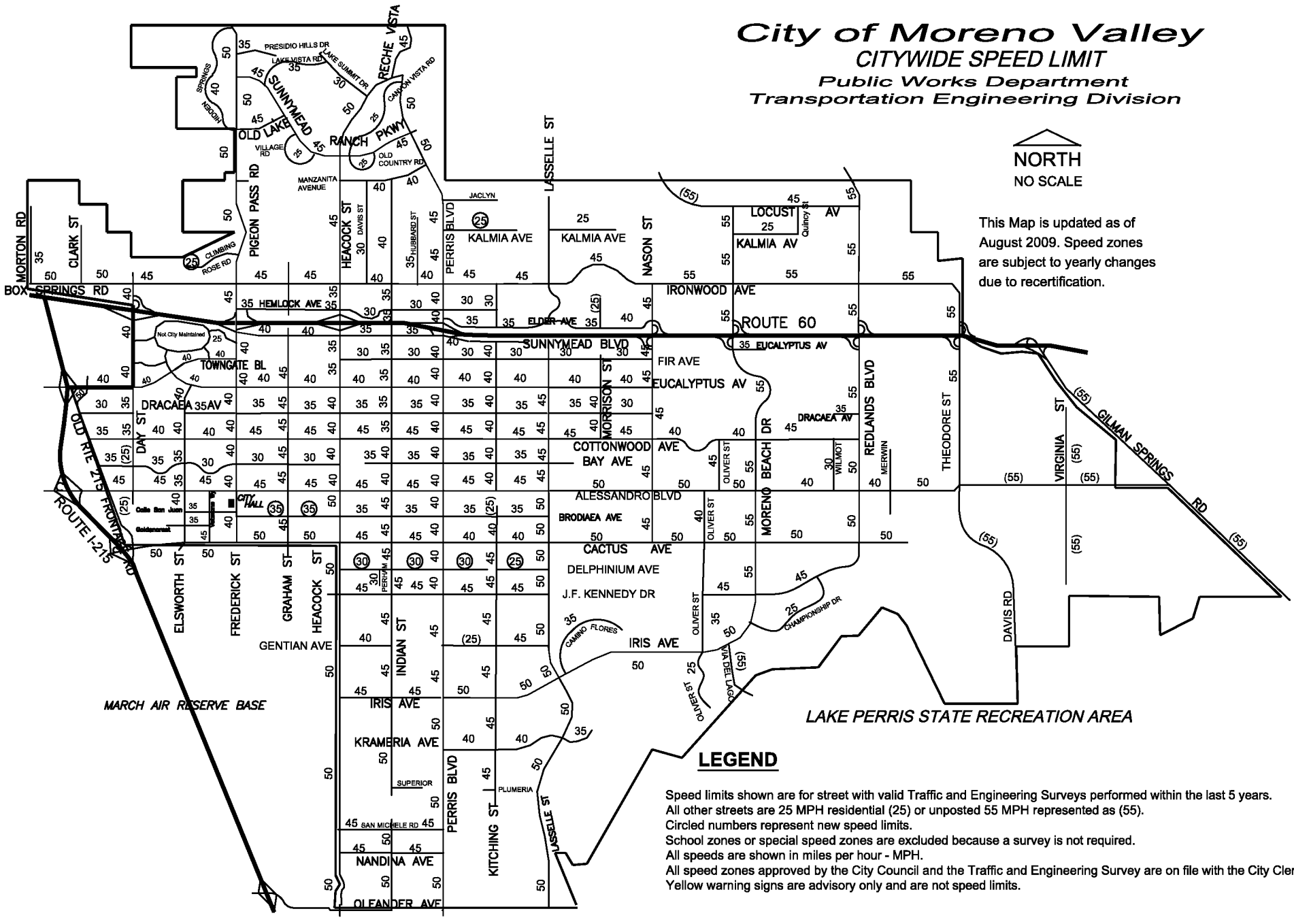

LEGEND

Speed limits shown are for street with valid Traffic and Engineering Surveys performed within the last 5 years.
All other streets are 25 MPH residential (25) or unposted 55 MPH represented as (55).
Circled numbers represent new speed limits.
School zones or special speed zones are excluded because a survey is not required.
All speeds are shown in miles per hour - MPH.
All speed zones approved by the City Council and the Traffic and Engineering Survey are on file with the City Clerk.
Yellow warning signs are advisory only and are not speed limits.

The information on this map is provided as a courtesy and deemed reliable based on Traffic & Engineering Surveys on file. The City makes no guarantee or warranty regarding the accuracy of this map.

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MV00033488

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
September 22, 2009

a) **Report by Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)**

b) **Report by Council Member William H. Batey II on Riverside County Habitat Conservation Agency (RCHCA)**

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MV00033490

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

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MV00033492

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Christ A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: September 22, 2009

TITLE: INTRODUCTION OF ORDINANCE NO. 796 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

RECOMMENDED ACTION

Staff recommends that the City Council approve the introduction of Ordinance No. 796, amending Title 8 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The City's Floodplain Ordinance was recently reviewed by the State Department of Water Resources (DWR) to determine whether the City's current ordinance meets the minimum requirements of the NFIP. City participation in the NFIP makes flood insurance available to City residents and businesses as well as makes the City eligible for federal financial assistance in the event of a Presidential declared emergency due to flooding. DWR has noted that the current ordinance does not meet the minimum requirements of the NFIP and that corrections are necessary. DWR has provided the City with a copy of the California Model Floodplain Management Ordinance (CMFMO) to assist the City in updating its ordinance.

DISCUSSION

City staff is recommending an update to the existing Floodplain Management Ordinance in order to remain in compliance with the NFIP. The changes include adding/deleting/revising various subsections throughout section 8.12 of the municipal code using the CMFMO.

Although the proposed ordinance does not specifically address the NFIP Community Rating System (CRS), it is noteworthy to discuss in the context of this report. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities exceeding the NFIP requirements. City of Moreno Valley residents and businesses receive a 10 (ten) percent discount on flood insurance premium rates directly as a result of the City meeting the goals of the CRS. The City's compliance with the NFIP is mandatory for participation in the CRS.

Key proposed changes to the existing municipal code include the following:

- Revising the statement of purpose
- Addition and revision of floodplain definitions
- Expanding the duties and responsibilities of the Floodplain Administrator
- Revising the subsection titled "Standards of Construction"
- Deleting the subsection titled "Establishment of Development Permit"

ALTERNATIVES

1. Approve the proposed introduction of Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.12, regarding Flood Damage Prevention and Implementation of the National Flood Insurance Program. This alternative is recommended by staff. *Approval would continue to make residents and businesses eligible to purchase flood insurance at a discounted rate. The City would also continue to be eligible to receive federal financial assistance in the event of a Presidential declared emergency due to flooding.*

2. Do not approve the proposed introduction of Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.12, regarding Flood Damage Prevention and Implementation of the National Flood Insurance Program; maintain the current ordinance without revision. This alternative is not recommended by staff. *The City would no longer be eligible to participate in the NFIP and CRS. Eligibility for disaster funds due to flooding would be compromised as well as the loss of discounted premiums for flood insurance policies for our residents and business owners.*

FISCAL IMPACT

There are no fiscal impacts associated with the proposed action.

CITY COUNCIL GOALS

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

NOTIFICATION

Publication of the agenda

ATTACHMENTS

1. Proposed Ordinance

Prepared By:
Hoang Nguyen
Associate Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Kent Wegelin
Storm Water Program Manager

Concurred By:
Mark W. Sambito
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00033496

ORDINANCE NO. 796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. REPEAL OF PRIOR ENACTMENT:

1.1 Chapter 8.12 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.12, as set forth in Section 2 of this Ordinance.

SECTION 2. REENACTMENT OF CHAPTER 8.12:

2.1 Chapter 8.12 of Title of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to read as follows:

Chapter 8.12

FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

Sections:

8.12.010 Statutory authorization.
8.12.020 Findings of fact.
8.12.030 Statement of purpose.
8.12.040 Methods of reducing flood losses.
8.12.050 Definitions.
8.12.060 Lands to which this chapter applies.
8.12.070 Basis for establishing the areas of special flood hazard.
8.12.080 Compliance.
8.12.090 Abrogation and greater restrictions.
8.12.100 Interpretation.
8.12.110 Warning and disclaimer of liability.
8.12.120 Severability.
8.12.130 Designation of the floodplain administrator.
8.12.140 Duties and responsibilities of floodplain administrator.
8.12.150 Development permit.
8.12.160 Appeals.

8.12.170 Standards of construction.
8.12.180 Standards for utilities.
8.12.190 Standards for subdivisions and other proposed development.
8.12.200 Standards for manufactured home.
8.12.210 Standards for recreational vehicles.
8.12.220 Floodways.
8.12.230 Nature of variances.
8.12.235 Conditions for variances.
8.12.240 Appeal board.

8.12.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of the City of Moreno Valley does hereby adopt the following floodplain management regulations.

8.12.020 Findings of fact.

A. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, additional public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to flood losses.

8.12.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the City to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

8.12.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

8.12.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A zone" – see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than two (2) cars; or

2. A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and $1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard." See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

"Building." See "Structure."

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1987.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flooding."

"Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power

which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the Regulatory Floodway where encroachment may be permitted.

"Fraud and victimization" as related to Sections 8.12.230 through 8.12.240 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship," as related to Section 8.12.230, means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is

more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

a. The flood openings standard in Subsection 8.12.170(C)(3).

b. The anchoring standards in Subsection 8.12.170(A).

c. The construction materials and methods standards in Subsection 8.12.170(B).

d. The standards for utilities in Section 8.12.180.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City substantial damage/improvement procedures. See Subsection 8.12.140 (B)(1).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction," for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-Hundred-Year Flood" or "100-Year Flood". See "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance," as related to Section 8.12.230, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

"Recreational vehicle" means a vehicle which is

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "floodway".

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area". See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a

manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

8.12.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

8.12.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Moreno Valley dated August 28, 2008, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated August 28, 2008, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at public works department, land development division.

8.12.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements set forth in this chapter or the continued maintenance of property in violation of the requirements set forth in this chapter (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation.

8.12.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

8.12.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

8.12.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

8.12.120 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

8.12.130 Designation of the Floodplain Administrator.

The City Engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions.

8.12.140 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied; including determination of substantial improvement and substantial damage of existing structures;

2. All other required state and federal permits have been obtained,

3. The site is reasonably safe from flooding;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated

development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City; and

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

C. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.12.070, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 8.12.170 through 8.12.220. Note: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base(100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

a. Notify the County of Riverside, Riverside County Flood Control and Water Conservation District (RCFC&WCD), adjacent communities and the California Department of Water Resources (DWR) prior to alteration or relocation;

b. Submit evidence of such notification to the Federal Emergency Management Agency; and

c. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Subsection 8.12.170(C)(1) and 8.12.200 (lowest floor elevations);

2. Certification required by Subsection 8.12.170(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by Subsection 8.12.170(C)(3) (wet floodproofing standard);

4. Certification of elevation required by Subsection 8.12.190(A)(3) (subdivision standards);

5. Certification required by Subsection 8.12.220(B) (floodway encroachments);

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a

mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8.12.160.

G. Remedial Action.

Take action to remedy violations of this chapter as specified in Section 8.12.080.

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure the City's General Plan is consistent with floodplain management objectives herein.

8.12.150 Development Permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 8.12.070 or Subsection 8.12.140(C);

6. Proposed elevation in relation to mean sea level, of lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 8.12.170(C)(2) and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Subsection 8.12.170(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 8.12.170(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 8.12.150.

8.12.160 Appeals.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

8.12.170 Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

All new construction or substantial improvements of residential structures, shall have the lowest floor, including basement:

a. In AE, AH, A1-30 Zones, elevated at least one foot above the base flood elevation.

b. In an AO Zone, elevated at least one foot above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.

c. In A Zone, without BFE's specified on the FIRM (unnumbered A Zone), elevated at least one foot above the base flood elevation; as determined in Subsection 8.12.140(C).

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by a city official to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Subsection 8.12.170 (C)(1) or:

a. Be floodproofed, together with attended utility and sanitary facilities, below the elevation recommended under Subsection 8.12.170 (C)(1), so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered civil engineer or architect that the standards of Subsections 8.12.170(C)(2)(a) and (b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. For non-engineered openings:

1. Have a minimum of two (2) openings on different sides having a total net area of not less than one(1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

5. Be certified by a registered civil engineer or architect.

6. Manufactured homes. See Section 8.12.200.

7. Garages and low cost accessory structures.

4. Attached garages:

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Subsection 8.12.170 (C)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Subsection 8.12.170(B).

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

5. Detached garages and accessory structures.

1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 8.12.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the accessory structure must be limited to parking or limited storage;

b. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

c. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

e. The accessory structure must comply with floodplain encroachment provisions in Section 8.12.220; and

f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 8.12.170(C)(3).

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.12.170.

8.12.180 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

8.12.190 Standards for subdivisions and other proposed development.

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the Base Flood Elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

a. Lowest floor elevation.

b. Pad elevation.

c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

8.12.200 Standards for manufactured home.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home or subdivision; (2) in new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE, on the community's Flood Insurance Rate Map that are not subject to the provisions of Subsection 8.12.200(A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is in accordance with the state of California recommendation of at least one foot above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

8.12.210 Standards for recreational vehicles.

A. All recreational vehicles placed in Zones A1-30, AH and AE on the Flood Insurance Rate Map will either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the permit requirements of Section 8.12.150 and the elevation and anchoring requirements for manufactured homes in Sections 8.12.170 through 8.12.220.

8.12.220 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

B. Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Subsections 8.12.220(A) and 8.12.220(B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.

8.12.230 Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by granting a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The

characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

8.12.235 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 8.12.130 through 8.12.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only that elevation which the City believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a city official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County of Riverside Recorder and shall be recorded in a manner so that it appears in the chain of the title of affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

8.12.240 Appeal board.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;

2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Subsections 8.12.240(A) through 8.12.240(D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Subsection 8.12.235(A) and the purposes of this ordinance, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

SECTION 3 EFFECT OF ENACTMENT:

3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4 NOTICE OF ADOPTION:

4.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 5 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2009.

_____
Mayor

Attachment 1

Ordinance No. ____
Date Adopted:

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Chapter 8.12 FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM *(NFIP)*

8.12.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local governments *the units* authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council *of the City of Moreno Valley* adopts the following floodplain management regulations. (Ord. 465 § 2.1 (part), 1995)

8.12.020 Findings of fact.

A. The flood hazard areas of *the* City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, additional public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to *the* flood losses. (Ord. 465 § 2.1 (part), 1995)

8.12.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by ~~provisions designed to~~ *legally enforceable regulations applied uniformly throughout the City to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood related erosion areas. These regulations are designed to*:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize prolonged business interruptions;

Attachment 2

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 465 § 2.1 (part), 1995)

8.12.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Control filling, grading, dredging and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 465 § 2.1 (part), 1995)

8.12.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

MV00033524

"A zone" — see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than two (2) cars; or
2. A small, low cost shed for limited storage, less than one hundred fifty (150) square feet and $1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

~~"Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.~~

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard." See "Special flood hazard area."

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V130 that indicates the water surface elevation resulting from a flood that has a one-percent (1%) or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

"Building." See "Structure."

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by ~~a community~~ *the City*.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and*for mudslides (i.e., mudflows); and*

2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

~~"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.~~

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency *(FEMA)* or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "Flooding."

"Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. *For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.*

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

~~"Floodway encroachment lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.~~

"Floodway fringe" is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

"Fraud and victimization" as related to Sections 8.12.230 through 8.12.250 of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased

risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship," as related to Section 8.12.230, means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. ~~An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area (see "Basement") is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. (Note: This definition allows attached garages to be built at grade. Below-grade garages are not allowed as they are considered to be basements.)~~ (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

   a. The flood openings standard in section 8.12.170 (C)(3).

   b. The anchoring standards in section 8.12.170 (A).

   c. The construction materials and methods standards in section 8.12.170 (B).

   d. The standards for utilities in section 8.12.180.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City substantial damage/improvement procedures. See section 8.12.150 (B) (1).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, *North American Vertical Datum (NAVD) of 1988*, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction," for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-Hundred-Year Flood" or "100-Year Flood". See "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

~~"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.~~

"Public safety and nuisance," as related to Section 8.12.230, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

"Recreational vehicle" means a vehicle which is

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. *Also referred to as "floodway".*

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet *f*Flow *a*Area". See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area *in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on an FHBM or FIRM* ~~having special flood hazard, and shown on a FIRM~~ as Zone A, AO, A1-A30, AE, A99 or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days from the date of the permit. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations

or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other ~~proposed new development~~ *improvement* of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, *North American Vertical Datum (NAVD) of 1988,* (or other datum, ~~where specified~~) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse

includes specifically designated areas in which substantial flood damage may occur. (Ord. 465 § 2.1 (part), 1995)

8.12.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City. (Ord. 465 § 2.1 (part), 1995)

8.12.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) of the latest date and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), of the latest date, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at public works department, land development division. (Ord. 465 § 2.1 (part), 1995)

8.12.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 465 § 2.1 (part), 1995)

8.12.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 465 § 2.1 (part), 1995)

8.12.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 465 § 2.1 (part), 1995)

8.12.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 465 § 2.1 (part), 1995)

~~8.12.120 Establishment of development permit.~~

~~A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:~~

~~A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or~~

~~B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 8.12.170 (C)(3); and~~

~~C. All appropriate certifications listed in Section 8.12.150(D); and~~

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~~D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 465 § 2.1 (part), 1995)~~

~~8.12.120 Severability.~~

~~This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.~~

~~8.12.140~~*130* Designation of the Floodplain Administrator.

The City Engineer is appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 465 § 2.1 (part), 1995)

~~8.12.150~~*140* Duties *and responsibilities* of *the* Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied;

2. All other required state and federal permits have been obtained, *including determination of substantial improvement and substantial damage of existing structures*;

3. The site is reasonably safe from flooding; ~~and~~

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. ~~For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.~~ *This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City; and*

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

~~C~~B. Review~~,~~ ~~and~~ Use *and Development* of ~~Any~~ Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 8.12.070, the ~~F~~floodplain ~~A~~administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 8.12.170 through 8.12.2~~1~~020. ~~Any such information shall be submitted to the city council for adoption.~~ *Note: A base flood elevation may be obtaining using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base(100-year) Flood Elevations" dated July 1995.*

~~D~~C. Notification of Other Agencies. ~~In alteration or relocation of a watercourse:~~

1. Alteration or relocation of a watercourse:

~~a~~1. Notify the ~~C~~county of Riverside, Riverside County ~~F~~flood ~~C~~control and ~~W~~water ~~C~~conservation ~~D~~district *(RCFC&WCD)*, adjacent communities and the California Department of Water Resources *(DWR)* prior to alteration or relocation;

~~b~~2. Submit evidence of such notification to the ~~Federal Insurance Administration.~~ Federal Emergency Management Agency; and

~~c~~3. Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

~~E~~D. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 8.12.170(C)(1) *and 8.12.200* (*lowest* floor elevations);

2. Certification required by Section 8.12.170(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by Section 8.12.170(C)(3) (wet floodproofing standard);

4. Certification of elevation required by Section 8.12.190(B) (subdivision standards);

5. Certification required by Section 8.12.220 (floodway encroachments)~~;~~

6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

~~F~~E. Map Determination~~s~~.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, ~~for example,~~ where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the

location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section~~s 8.12.230 through 8.12.250~~ *8.12.160*.

G~~F~~. Remedial Action.

Take action to remedy violations of this chapter as specified in Section 8.12.080. (Ord. 465 § 2.1 (part), 1995)

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure the City's General Plan is consistent with floodplain management objectives herein.

8.12.150 Development Permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.12.070. Application for a development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 8.12.070 or 8.12.140 (C);

6. Proposed elevation in relation to mean sea level, of lowest floor (including basement) of all structures; and

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7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 8.12.170 and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 8.12.170(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 8.12.170(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 8.12.150.

8.12.160 Appeals.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. (Ord. 465 § 2.1 (part), 1995)

8.12.170 Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~2. All manufactured homes shall meet the anchoring standards of Section 8.12.200.~~

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With *flood resistant* materials, and utility equipment resistant to flood damage *for areas below the base flood elevation*;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and ~~if~~

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. ~~(See Section 8.12.050 definitions for "new construction," "substantial damage" and "substantial improvement.")~~

1. Residential construction.~~:~~

All N~~n~~ew *construction* or substantial improvement*s of residential structures,* shall have the lowest floor, including basement:

a. ~~In an AO zone, in accordance with the state of California recommendation, the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified;~~ *In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.*

b. ~~In an A zone, in accordance with the state of California recommendation, the lowest floor be elevated at least one foot above the base flood elevation, as determined by the community;~~ *In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two (2) feet above the highest adjacent grade if no depth number is specified.*

c. ~~In all other zones, in accordance with the state of California recommendation, the lowest floor be elevated at least one foot above the base flood elevation.~~ *In A Zone, without BFE's specified on the FIRM (unnumbered A Zone), elevated to or above the base floodelevatopn; as determined in Section 8.12.140(C).*

Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered *civil* ~~professional~~ engineer or *licensed land* surveyor*, and verified by the City Building Inspector to be properly elevated.* Such certification ~~or~~ *and* verification shall be provided to the *F*~~f~~loodplain *A*~~a~~dministrator.

2. Nonresidential construction. *All new construction or substantial improvements of nonresidential structures* shall either be elevated to conform with ~~subsection~~ *Section 8.12.170* (C)(1) ~~of this section~~ or ~~together with attendant utility and sanitary facilities~~:

a. Be floodproofed*, together with attended utility and sanitary facilities,* below the elevation recommended under ~~subsection~~ *Section 8.12.170* (C)(1)~~, of this~~

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~~section~~ so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered ~~civil professional~~ engineer or architect that the standards of ~~this subdivision~~ *Section 8.12.170(C)(2)(a)* are satisfied. Such certification shall be provided to the *F*~~f~~loodplain *A*~~a~~dministrator.

3. *Flood openings.* All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

~~a. Be certified by a registered professional engineer or architect; or~~

~~b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or~~

~~c. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.~~

a. For non-engineered openings:

1. Have a minimum of two (2) openings on different sides having a total net area of not less than one(1) square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one (1) foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

b. Be certified by a registered civil engineer or architect.

4. Manufactured homes. *See Section 8.12.200.* ~~shall also meet the standards in Section 8.12.200.~~ (Ord. 465 § 2.1 (part), 1995)

8.12.180 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and

2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding. (Ord. 465 § 2.1 (part), 1995)

8.12.190 Standards for subdivisions *and other proposed development.*

~~A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.~~

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the Base Flood Elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

a. Lowest floor elevation.

b. Pad elevation.

c. Lowest adjacent grade.

B. All subdivision ~~plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.~~ *proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systemslocated and constructed to minimize flood damage*.

C. All subdivision proposals ~~shall be consistent with the need to minimize flood damage~~ *and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage*.

D. All subdivision~~s proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage~~ *and other proposed development shall provide adequate drainage to reduce exposure to flood hazards*.

~~E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.~~ (Ord. 465 § 2.1 (part), 1995)

8.12.200 Standards for manufactured home.

A. All manufactured homes that are placed or substantially improved, ~~within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map, on sites located~~ *on sites located: (1) outside of a manufactured home or subdivision; (2) in new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall*:

1. ~~Outside of a manufactured home park or subdivision;~~ *Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.*

~~2. In a new manufactured home park or subdivision;~~

~~3. In an expansion to an existing manufactured home park or subdivision; or~~

~~4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood;~~

~~shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated in accordance with the state of California recommendation, at least one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.~~

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE, on the communi-ty's Flood Insurance Rate Map that are not subject to the provisions of ~~subsection A of this section~~ *Section 8.12.200(A)* will be ~~elevated so that either the~~ *securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the*:

1. Lowest floor of the manufactured home is ~~in accordance with the state of California recommendation of at least one foot~~ *at or* above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade ~~and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement~~. (Ord. 465 § 2.1 (part), 1995)

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

8.12.210 Standards for recreational vehicles.

~~A.~~ All recreational vehicles placed ~~on sites within~~ *in* Zones A1-30, AH and AE on the community's Flood Insurance Rate Map will either:

~~A1.~~ Be on the site for fewer than one hundred eighty (180) consecutive days; *or*

~~B2.~~ Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

~~C3.~~ Meet the permit requirements of Sections ~~8.12.130 through 8.12.160~~ ~~8.12.150~~ and the elevation and anchoring requirements for manufactured homes in Section 8.12.200(A). (Ord. 465 § 2.1 (part), 1995)

8.12.220 Floodways.

~~Located within areas of special flood hazard established in Section 8.12.070 are areas designated as floodways.~~ Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. ~~Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.~~ Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

B. ~~If subsection A of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.230.~~ *Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.* (Ord. 465 § 2.1 (part), 1995)

C. If Sections 8.12.220(A) and 8.12.220(B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 8.12.170 through 8.12.220.

8.12.230 Nature of variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by granting a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be

unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 465 § 2.1 (part), 1995)

8.12.235 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, another proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 8.12.130 through 8.12.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only that elevation which the City believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office if the City of Moreno Valley Recorder and shall be recorded in a manner so that it appears in the chain of the title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

8.12.240 Appeal board.

A. In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Necessity to the facility of a waterfront location, where applicable;

6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. Safety of access to the property in time of flood for ordinary and emergency vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. ~~Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that~~ *Variances shall only be issued upon a*:

1. ~~The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and~~ *Showing of good and sufficient cause;*

2. ~~Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.~~ *Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and*

3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. ~~The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.~~ *Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 8.12.240(A) through 8.12.240(D) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance. (Ord. 465 § 2.1 (part), 1995)*

D. Upon consideration of the factors of Section 8.12.235 and the purposes of this ordinance, the City may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

MV00033548

~~8.12.250 Conditions for variances.~~

~~A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the provisions of Sections 8.12.130 through 8.12.210 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.~~

~~B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.12.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.~~

~~D. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.~~

~~E. Variances shall only be issued upon a:~~

~~1. Showing of good and sufficient cause;~~

~~2. Determination that failure to grant the variance would result in exceptional "hardship" (as defined in Section 8.12.050) to the applicant; and~~

~~3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 8.12.050), cause fraud or victimization (as defined in Section 8.12.050), of the public, or conflict with existing local laws or ordinances.~~

~~F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections A through E of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.~~

~~G. Upon consideration of the factors of this section and the purposes of this chapter, the city may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 465 § 2.1 (part), 1995)~~

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
September 22, 2009

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Community Health Charities of California - Corporate Excellence Award Recognizing the 2008 Employee Giving Campaign

2. Proclamation Recognizing Constitution Week - September 17 - 23, 2009

3. Recognition of Moreno Valley's Promise – Youth Leaders Making Change (YLMC)

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
September 22, 2009

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:34 p.m. by Mayor Pro Tem Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Council Member Batey.

INVOCATION - Bishop Randy Triplett, Victory Temple of Deliverance Ministries

ROLL CALL

Council:

Bonnie Flickinger	
William H. Batey II	Mayor Pro Tem
Robin N. Hastings	Council Member
Jesse L. Molina	Council Member
	Council Member

Absent:

Richard A. Stewart	
	Mayor

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Elam	Financial and Administrative Services Director
Robert Hansen	Interim City Attorney
Betsy Adams	Assistant City Manager
Rick Hartmann	Deputy City Manager
John Anderson	Police Chief
Chris Vogt	Public Works Director/City Engineer

MV00034753

Kyle Kollar	Community Development Director
Barry Foster	Economic Development Director
Chris Paxton	Human Resources Director
Becky Guillan	Library Services Division Manager
Steve Kupsak	Parks Maintenance Division Manager

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Pro Tem Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Thomas Ruiz (Item A14) and Deanna Reeder (Items A14).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 TRACT 32834 OFFSITE SUPPLEMENTAL FOR STONERIDGE TOWN CENTER PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, DRACAEA AVENUE, AND FIR AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-86 authorizing the acceptance of the public improvements for Tract 32834 Offsite Supplemental for Stoneridge Town Center Project as complete and accepting the portion of Nason Street, Dracaea Avenue, and Fir Avenue associated with the project into the City's maintained street system; and

Resolution No. 2009-86

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements for Tract 32834 Off Site Supplemental for the Stoneridge Town Center Project as Complete and Accepting the Portion of Nason Street, Dracaea Avenue, and Fir Avenue Associated with the Project into the City's Maintained Street System

MV00034754

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.3 TRACT 32836 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE "BACKBONE" PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF NASON STREET, FIR AVENUE, EUCALYPTUS AVENUE, AND DRACAEA AVENUE INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-87 authorizing the acceptance of the "backbone" public improvements for Tract 32836 as complete and accepting the portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue into the City's maintained street system; and

Resolution No. 2009-87

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the "Backbone" Public Improvements for Tract 32836 as Complete and Accepting the Portion of Nason Street, Fir Avenue, Eucalyptus Avenue, and Dracaea Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.5 TRACT MAP 31269 STORM DRAIN – REDUCE FAITHFUL PERFORMANCE BOND OF THE STORM DRAIN IMPROVEMENTS AS COMPLETE AND ADOPT THE RESOLUTION ACCEPTING QUINCY CHANNEL IMPROVEMENTS INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Accept the storm drain improvements within Tract Map 31269 as

MV00034755

complete but not into the City's maintained street system;

2. Accept the Quincy Channel improvements as complete and into the City's maintained street system;

3. Adopt Resolution No. 2009-88 authorizing the acceptance of Quincy Channel improvements into the city's maintained street system; and

Resolution No. 2009-88

A Resolution of the City Council of the City pf Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31269 - Storm Drain and Accepting the Portion of Quincy Channel Improvements Associated with the Project into the City's Maintained Street System

4. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 TRACT MAP 31424 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING WEXFORD AVENUE, TRACER COURT, STRAUSS LANE, ESSEN LANE, GALINO COURT AND PORTIONS OF EUCALYPTUS AVENUE AND DRACAEA AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: PINNACLE MORENO VALLEY 72, LLC, ALISO VIEJO, CA 92656 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-89 authorizing the acceptance of the public improvements within Tract Map 31424 as complete and accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and portions of Eucalyptus Avenue and Dracaea Avenue associated with the project into the City's maintained street system; and

Resolution No. 2009-89

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Tract Map 31424 and Accepting Wexford Avenue, Tracer Court, Strauss Lane, Essen Lane, Galino Court and Portions of Eucalyptus Avenue and Dracaea Avenue Associated with the

MV00034756

Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.8 P08-146 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SAN MICHELE ROAD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: INDIAN AVENUE LLC, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2009-90 authorizing the acceptance of the public improvements within P08-146 as complete and accepting the portion of San Michele Road associated with the project into the City's maintained street system; and

Resolution No. 2009-90

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within P08-146 and Accepting the Portion of San Michele Road Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.9 RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT JOINT COMMUNITY FACILITIES AGREEMENT PERTAINING TO COMMUNITY FACILITIES DISTRICT NO. 7 (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2009-91; a Resolution of the City Council of the City of Moreno Valley, California, approving the form of the Joint Community Facilities Agreement by and among the City of Moreno Valley and the Riverside County Flood Control and Water Conservation

MV00034757

District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC pertaining to Community Facilities District No. 7.

Resolution No. 2009-91

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form of the Joint Community Facilities Agreement By and Among the City Of Moreno Valley and the Riverside County Flood Control and Water Conservation District, FR/CAL Moreno Valley, LLC, First Industrial, LP, and FR/CAL Indian Avenue, LLC, Pertaining To Community Facilities District No. 7

A.10 APPROVAL OF CHECK REGISTER FOR JULY, 2009 (Report of: Financial & Administrative Services Department)

Recommendation:
Adopt Resolution No. 2009-92, approving the Check Register for the month of July, 2009 in the amount of $24,334,280.12.

Resolution No. 2009-92

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of July, 2009

A.11 ADOPT A MITIGATED NEGATIVE DECLARATION (MND) FOR THE STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE - PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:
Adopt a Mitigated Negative Declaration (MND) for the street improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue, Project No. 08-41678827, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

A.12 PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE PROGRAM (Report of: Economic Development Department)

Recommendation:
Adopt Resolution 2009-93 authorizing the City's participation in Riverside County's Mortgage Credit Certificate Program.

Resolution No. 2009-93

A Resolution of the City Council of the City of Moreno Valley, California Approving Participation in the Riverside County Mortgage Credit Certificate

MV00034758

(MCC) Program

A.13 CERTIFICATES OF ACCEPTANCE AND NEIGHBORHOOD STABILIZATION PROGRAM (NSP) DEVELOPMENT PARTNER AFFORDABLE HOUSING AGREEMENTS (Report of: Economic Development Department)

Recommendation:

1. Adopt Resolution 2009-94 authorizing the City Manager to execute Certificates of Acceptance for properties acquired through the Neighborhood Stabilization Program;

   Resolution No. 2009-94

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City Manager to Accept and Consent to Deeds or Grants for Residential Properties Acquired Through the Neighborhood Stabilization Program

2. Authorize the City Clerk to record the Certificates of Acceptance and other related NSP Documents;

3. Authorize the City Manager to prepare, approve, and execute NSP Development Partner Affordable Housing Agreements (subject to approval as to form by Special Counsel), and execute other NSP related documents; and

4. Authorize Financial & Administrative Services Director to fund payment for properties acquired through the NSP Program.

A.14 RESOLUTION AMENDING RESOLUTION NO. 2007-43 BY TEMPORARILY REDUCING RESIDENTIAL SINGLE-FAMILY AND RESIDENTIAL AFFORDABLE SINGLE-FAMILY DEVELOPMENT IMPACT FEES (Report of: Economic Development Department)

Recommendation:

Adopt Resolution 2009-95, amending Resolution No. 2007-43, by temporarily reducing residential single-family and residential affordable single-family development impact fees by fifty percent, with the opportunity to consider a possible one year renewal.

Resolution No. 2009-95

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution No. 2007-43 Regarding the Fee Structures for Residential Single-Family and Residential Affordable Single-Family

MV00034759

Development Impact Fees

A.15 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.16 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.17 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of September 2-15, 2009

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

MV00034760

Recommendation:
Approve as submitted.

C.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF SEPTEMBER 8, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D.3 MINUTES - SPECIAL MEETING OF SEPTEMBER 1, 2009 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1-D3 except Item A4 and A6, which were pulled for separate discussion/action. Motion by m/Council Member William H. Batey II, s/Council Member Hastings Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

E. PUBLIC HEARINGS

E.1 A PUBLIC HEARING REGARDING PA09-0018 (GENERAL PLAN AMENDMENT) AND PA08-0099 (MUNICIPAL CODE AMENDMENT), A PROPOSAL TO ADD A NEW ZONING DESIGNATION TO THE GENERAL PLAN CREATING THE RESIDENTIAL 30 (R30) ZONING DISTRICT AND AMEND A RANGE OF ZONING REGULATIONS CONTAINED IN TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING MULTIPLE FAMILY DEVELOPMENT STANDARDS (Report of: Community Development Department)

Mayor Pro Tem Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

MV00034761

Recommendation: That the City Council:

1. Find that PA09-0018 (General Plan Amendment) and PA08-0099 (Municipal Code Amendment) are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines;

Motion to Approve PA08-0018 (Municipal Code Amendment) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines: by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

Motion amended to include: PA08-0099 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 as defined by Section 15378 of the CEQA Guidelines. Motion by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

2. APPROVE Resolution No. 2009-96 approving PA09-0018, for creating the Residential 30 (R30) zoning district and amending Chapter 9 of the General Plan based on the findings in the Resolution and attached to the Resolution as Exhibit A; and

Resolution No. 2009-96

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan for the addition of the Residential 30 (R30) Zoning District (PA09-0018)

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

3. Introduce Ordinance No. 797 thereby approving PA08-0099, for creating the Residential 30 (R30) zoning district and amending various sections of Title 9 of the City of Moreno Valley Municipal Code.

Ordinance No. 797

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code regarding the addition of the new Zoning District Residential 30 (R30), separating single-family development standards from Multiple-Family Development Standards, defining Minimum Density Standards

MV00034762

and deletion of repetitive Development Guidelines

Motion to Approve by m/Council Member Hastings, s/Council Member Batey II
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

E.2 A PUBLIC HEARING REGARDING PA09-0009 (GENERAL PLAN AMENDMENT) AND PA09-0007 (CHANGE OF ZONE), A PROPOSAL TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL/OFFICE (R/O). THE CHANGE OF ZONE WILL CHANGE THE ZONING FROM BUSINESS PARK (BP) TO RESIDENTIAL 15 (R15). THE PARCEL HAS AN EXISTING SINGLE FAMILY RESIDENCE AND A MULTIPLE FAMILY DUPLEX (Report of: Community Development Department)

Mayor Pro Tem Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications PA09-0009 (General Plan Amendment) and PA09-0007 (Change of Zone). The projects, individually and cumulatively, will not result in a significant effect on the environment;

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

2. APPROVE Resolution No. 2009-97 approving PA09-0009, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A; and

Resolution No. 2009-97

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment to the General Plan Land Use Element (PA09-0009) to change the Land Use Designation from Business Park (BP) to Residential/Office (R/O) for the approximately 1.62 acres located within Assessor's Parcel Number 263-160-027, located at 21652 Cottonwood

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

MV00034763

3. INTRODUCE Ordinance No. 798 approving a Zone Change (PA09-0007) from Business Park (BP) to Residential 15 (R15), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A.

Ordinance No. 798

An Ordinance of the City Council of the City of Moreno Valley, California, Approving PA09-0007 (Change of Zone) to change the Land Use District for approximately 1.62 acres located at 21652 Cottonwood (Assessor Parcel Number 263-160-027) from the Business Park (BP) Land Use District to the Residential 15 (R15)

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

E.3 A PUBLIC HEARING REGARDING THE DESIGNATION OF A CITY-WIDE RECOVERY ZONE (Report of: Economic Development Department)

Mayor Pro Tem Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

Introduce Ordinance No. 799 relating to the designation of a city-wide Recovery Zone for the City of Moreno Valley.

Ordinance No. 799

An Ordinance of the City Council of the City of Moreno Valley, California, Designating a City-Wide Recovery Zone

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

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

Mayor Pro Tem Flickinger opened the agenda item for public comments, which were received from Pete Bleckert (A.6).

A.4 LEASE AGREEMENT WITH AMERICAN MEDICAL RESPONSE FOR FIRE STATION USE (Report of : Fire Department)

MV00034764

Recommendation:
Approve the lease agreement with American Medical Response for use of Fire Station 91, College Park.

Motion to continue item to October 13, 2009 City Council Meeting, Motion by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

A.6 THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH VALI COOPER AND ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:
1. Approve the "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper and Associates, Inc. (Vali Cooper), 3900 Market Street, Suite 250, Riverside, CA 92501 to provide Professional Consultant Services;

2. Authorize the City Manager to execute said "Third Amendment to Agreement for Professional Consultant Services" with Vali Cooper; and

3. Authorize an increase in the purchase order to Vali Cooper in the amount of $275,000 when "Third Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

G. REPORTS

G.1 ORDINANCE DESIGNATING SPEED LIMIT CERTIFICATION ON VARIOUS STREETS (Report of: Public Works Department)

Mayor Pro Tem Flickinger opened the public testimony portion of the public hearing; there being none, public comments were closed.

Recommendation: That the City Council:
1. Receive and file this report.

2. Introduce Ordinance No. 800, amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code declaring prima facie speed limits on certain streets (as listed on the

MV00034765

ordinance). (Roll call required)

Ordinance No. 800

An Ordinance of the City Council of the City Of Moreno Valley, California, Amending Section 12.20.020 of Chapter 12.20 of the City of Moreno Valley Municipal Code Relating to a Prima Facie Speed Limit for Certain Streets

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Richard A. Stewart absent.

G.2 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Report by Council Member Robin N. Hastings on Western Riverside Council of Governments (WRCOG)

Council Member Hastings reported that WRCOG had approved a Nexus study on the TUMF fee. Council Member Hastings will be participating in a planning workshop in October; also will be traveling to Washington, D.C. regarding AB 811 and is hoping to obtain funding.

b) Report by Council Member William H. Batey II on Riverside County Habitat Conservation Agency (RCHCA)

Council Member Batey reported that the RCHCA had received a $206,000 grant to help with the management of the Stephens' Kangaroo Rats. A staff biologist has been trapping and relocating kangaroo rats to less populated areas. The project is starting its second year.

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

Assistant City Manager Betsy Adams reported the following:

1) Animal Services received $10,000 from an anonymous donor. Monies would be used to purchase equipment and provide veterinarian care.

2) The Foreclosure Prevention Workshop on September 12 had 185 attendees from 96 different households; 84 met with mortgage lenders. The next foreclosure prevention workshop will be held September 28 at 6:30 p.m. at Bethune Elementary School.

MV00034766

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1 .1 INTRODUCTION OF ORDINANCE NO. 796 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.12, FLOOD DAMAGE PREVENTION AND IMPLEMENTATION OF NATIONAL FLOOD INSURANCE PROGRAM (NFIP) (Report of: Public Works Department)

Recommendation: That the City Council:

Introduce Ordinance No. 796, amending Title 8 of the City of Moreno Valley Municipal Code by repealing and reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP).

Ordinance No. 796

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.12, Flood Damage Prevention and Implementation of National Flood Insurance Program (NFIP)

Mayor Pro Tem Flickinger opened the agenda item for public comments; there being none, public comments were closed.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Richard A. Stewart absent.

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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

Ezri Vargas
1) Sports field allocation

Raul Wilson
1) Soccer fields

David Delgado
1) Soccer field concerns

Sharon Moore-Duncan
1) Soccer fields

Dan Burns
1) Soccer fields

Darryl Terrel
1) Create jobs in Moreno Valley

Francisco Cueves
1) Soccer fields

Deanna Reader
1) Collect development fees to build parks
2) Consent Calendar priorities

Pete Bleckert
1) Ironwood improvements
2) Flood control
3) Jordon property

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1) Directed Parks and Community Services staff to look at the process for assigning soccer fields. Staff is working to build new soccer fields. Asked Council to help expedite the process. Stated that it has been a problem and everyone is trying to work to resolve issues and conflicts and ensure the safety of the community.

MV00034768

2) Cautioned the public to check their brush clearance, as the Santa Ana winds would be starting. Three or four new fires had broken out today.

3) October is Fire Prevention month.

Council Member Robin N. Hastings

1) Understands the public's concern with lack of soccer fields. The City has four parks on the east end of Moreno Valley, and that did not include the equestrian park. She is very concerned with a reallocation after fields have been assigned, would like staff to look into that and report back. Council Member Hastings stated that part of the general fund goes to the maintenance of parks. Money hasn't been raised in over 20 years, and funds are being used for basic maintenance. Also directed staff to look into the cost of portable lights.

2) Expressed her appreciation of an anonymous donation to Animal Services. More animals are being turned in or abandoned because of the economy. The money donated will go a long way.

3) Thanked Mayor Pro Tem, Bonnie Flickinger, for doing a fantastic job in Mayor Stewart's absence.

Council Member Jesse L. Molina

1) Twenty years ago football was practiced and shared with soccer teams at Cottonwood Park. Population has grown so much and there is a need for more parks.

2) Attended a meeting with Parks and Community Services Director Mike McCarty regarding park allocations. Reiterated the need for more parks in the City. Will ask staff to look at alternate locations to see if some of the sponsors would plant grass and utilize parks for sports practice. Advised the public speakers that their voices are being heard.

Mayor Pro Tem Bonnie Flickinger

1) Supported Council Member Hasting's suggestion on how the fields are being allocated and asked what the status of portable lights is. Inquired what the alternatives of solving the problem of not having enough fields are.

2) Construction of the Oakwood Apartments was temporarily suspended, which makes it unsafe for children to walk to the Armada School campus. Public Works has provided a safe alternative. Construction will be resumed on the Oakwood Apartment.

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3) The City's Patriot Park in Warner Ranch would soon be constructed within a few months.

4) The Foreclosure Prevention Workshop is scheduled for Monday at Bethune Elementary school.

5) POW/MIA ceremony was held at March Air Reserve Base. A full section of seats were occupied by POW.

6) The Moreno Valley Chamber of Commerce's Military Affairs Committee is holding a flapjack fundraiser at Applebee's on Sunday, September 27. Tickets are $10.

7) ARTober Fest is scheduled for Saturday, October 3 at the Conference and Recreation Center, and it is free to attend.

8) A 25th Birthday celebration will be held around December 3. There is enough funding left from the 21st Birthday celebration; therefore, it will not be at taxpayer's expense.

CLOSED SESSION – canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 8:26 p.m. by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

MV00034770

Approved by:

_____

Richard A. Stewart
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

MV00034771

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

May 11, 2010

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

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

Robin N. Hastings, Mayor Pro Tem
Jesse L. Molina, Council Member
Richard A. Stewart, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 11, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter - Paul Early, Deputy City Attorney III
2. Officer of the Quarter - Officer Kevin Couch
3. Officer of the Year - Officer Kent Eckenrode
4. "Spotlight on Moreno Valley Business"

MV00054295

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MAY 11, 2010

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00054296

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 21 - May 4, 2010.

A.4 TRACT MAP 32142 - CONDOMINIUM PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: EMPIRE LAND, LLC, ONTARIO, CA 91764 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-28 authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system; and

Resolution No. 2010-28

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32142 and Accepting the Portions of Lasselle Street and Avenida De Circo Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the

MV00054297

Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-29 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT (NASON BRIDGE PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-29

A Resolution of the City Council of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720); and

2. Authorize the City Manager to execute an amendment to the

MV00054298

Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF CITYWIDE BRIDGE MAINTENANCE PROGRAM - PROJECT NO. 09-22679828 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.8 RESOLUTION TO JOIN ICLEI AS A FULL MEMBER AND PLEDGE TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE (Report of: Community Development Department)

Recommendation:

Approve Resolution No. 2010-30, thereby agreeing to join (ICLEI) Local Governments for Sustainability and pursue efforts to address goals and objectives of ICLEI

Resolution No. 2010-30

A Resolution of the City Council of the City of Moreno Valley, California, to join ICLEI as a Full Member and Pledge to take a Leadership Role in Promoting Public Awareness about the Causes and Impacts of Climate Change

A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE STREET IMPROVEMENT PROGRAM FOR CONSTRUCTION OF PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE - PROJECT NO. 08-12585523 (Report of: Public Works Department)

MV00054299

Recommendation:

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with C & C Grading & Paving, Inc.;

3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney.

A.10 ENCO UTILITY SERVICES MORENO VALLEY, LLC, VS. CITY OF MORENO VALLEY - APPROVAL OF SETTLEMENT AGREEMENT (PROVIDED UNDER SEPARATE COVER) (Report of: City Attorney)

Recommendation:
Approve as submitted.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2010/11 (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2010/11 Annual Action Plan; and

2. Approve the proposed 2010/11 Annual Action Plan.

E.2 A PUBLIC HEARING FOR TWO APPLICATIONS TO MODIFY VARIOUS CONDITIONS OF APPROVAL (P09-038 AND P09-039) FOR THE APPROVED HIGHLAND FAIRVIEW CORPORATE PARK PROJECT TENTATIVE PARCEL MAP NO. 35629 (PA07-0090) AND PLOT PLAN (PA07-0091) INCLUDING THE MODIFICATION OF HIGHWAY 60 LANDSCAPE REQUIREMENTS, THE TIMING AND RESPONSIBILITY FOR AN EASEMENT AND CONSTRUCTION OF A REQUIRED MULTI-USE TRAIL ALONG THE PROJECT FRONTAGE AND FUTURE EUCALYPTUS AVENUE AND VARIOUS PUBLIC WORKS CONDITIONS RELATED TO THE DEDICATION AND IMPROVEMENT OF PUBLIC IMPROVEMENTS. THE PROJECT SITE IS LOCATED ADJACENT TO

MV00054301

AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. THE APPLICANT IS HIGHLAND FAIRVIEW PROPERTIES. (Report of: Community Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;

2. APPROVE Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions; and

   Resolution No. 2010-31

   A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of Modifications of various Conditions of Approval (P09-038) for PA07-0090 (Tentative Parcel Map No. 35629) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

   Resolution No. 2010-32

   A Resolution of the City Council of the City of Moreno Valley, California Approving Various Modification of project Conditions of Approval (P09-039) for PA07-0091 (Plot Plan) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

3. RECOMMEND that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

E.3 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (CONTINUED FROM APRIL 27, 2010) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

b) Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 FISCAL YEAR 2010-11 PRELIMINARY BASE OPERATING BUDGET AND DEFICIT REDUCTION PLAN (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:
Receive the Fiscal Year 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

G.3 FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW (Report of: Public Works Department)

Recommendation: That the City Council:
Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for

MV00054303

new priorities for implementation of capital projects.

G.4 ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS (Report of: City Attorney)

Recommendation: That the City Council:

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing and amending Section 6.04.080 relating to notice of nuisance violations.

Ordinance No. 811

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 11.04 of the City of Moreno Valley Municipal Code, Relating to Drinking in Public and Trespassing Offenses and Amending Section 6.04.080 Relating to Notice of Nuisance Violations

G.5 PROPOSED RANCHO BELAGO SIGN PROGRAM (AKA "RANCHO BELAGO COMMUNITY SIGNAGE DESIGN SUBMITTAL) (CONTINUED FROM APRIL 27, 2010) (Report of: Community Development Department)

Recommendation: That the City Council:

1. Consider the Rancho Belago Sign Program and take action as deemed appropriate; and

2. Consider appropriating $85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

MV00054304

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

4 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

MV00054306

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT - IN MEMORY OF SERGEANT CARLTON ALLEN -

MV00054307

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 27, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside Transit Agency – Moreno Valley/Perris Transportation NOW "Air Aware" Project Contest Winners

2. Proclamation Recognizing Ronald Powell

3. Recognition of the 2010 William H. Batey II Annual Reading Contest Winners

4. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:53 PM
April 27, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Richard A. Stewart

INVOCATION - Pastor Charles Campbell, Koinonia Evangelistic Center

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Elam	Interim Financial and Admin Director
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Rick Hartmann	Interim Assistant to the City Manager
John Anderson	Police Chief
Kyle Kollar	Interim Community Development Director
John Ruiz	Interim Human Resources Director
Barry Foster	Economic Development Director
Mike McCarty	Parks & Community Services Director
Chris Vogt	Public Works Director/City Engineer
Steve Curley	Fire Chief
Paul Smus	Acting Principal Librarian

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Item A8).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 7-20, 2010.

A.4 APPROVAL OF CHECK REGISTER FOR FEBRUARY, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-24, approving the Check Register for the month of February, 2010 in the amount of $11,074,851.58.

Resolution No. 2010-24

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of February, 2010

A.5 PARCEL MAP 32326 – ACCEPTANCE OF STORM DRAIN EASEMENTS AND EXECUTION OF QUITCLAIM DEEDS TRANSFERRING THE CITY'S TITLE INTEREST IN STORM DRAIN EASEMENTS TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE SECOND AMENDED AND RESTATED COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,

RIDGE MORENO VALLEY, LLC, AND RIDGE MORENO VALLEY II, LLC, DEVELOPER: RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC, LONG BEACH, CA 90803 (Report of: Public Works Department)

Recommendation:

1. Adopt proposed Resolution No. 2010-25 authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California;

   Resolution No. 2010-25

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Storm Drain Easements Per Irrevocable Offers of Dedications Recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California and Execution of Quitclaim Deeds According to the Second Amended and Restated Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC, and Ridge Moreno Valley II, LLC

2. Authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California; and

3. Direct the City Clerk to forward the signed Quitclaim Deeds and Adopted Resolution No. 2010-25 to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

A.6 PM 32326 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF PUBLIC STORM DRAIN EASEMENTS DESCRIBED AS PARCELS A AND B IN THE OFFER OF DEDICATION RECORDED AS INSTRUMENT NO. 2006-0437088 LOCATED ON PARCELS 1, 2, AND 3 OF PARCEL MAP 32326 AND THE STORM DRAIN EASEMENT AS DESCRIBED IN THE EASEMENT NOTE NO. 4 LOCATED ON PARCEL 3 OF PARCEL MAP 32326, NORTH SIDE OF BRODIAEA

AVENUE BETWEEN FREDERICK STREET AND GRAHAM STREET - DEVELOPER: RIDGE MORENO VALLEY, LLC, LONG BEACH, CA 90803 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-26, summarily vacating the storm drain easements described as Parcels A and B in the Offer of Dedication recorded as Instrument No. 2006-0437088 located on Parcels 1, 2, and 3 of Parcel Map 32326 and the storm drain easement as described in the Easement Note No. 4 located on Parcel 3 of the Parcel Map 32326; and

   Resolution No. 2010-26

   A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of Public Storm Drain Easements Described as Parcels A and B in the Offer of Dedication Recorded as Instrument No. 2006-0437088 Located on Parcels 1, 2, and 3 of Parcel Map 32326 and the Storm Drain Easement as Described in the Easement Note No. 4 Located on Parcel 3 of Parcel Map 32326

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

A.7 APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN (CIP) AND MAINTENANCE OF EFFORT (MOE) CERTIFICATION STATEMENT FOR THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR (FY) 2011-2015 (Report of: Public Works Department)

Recommendation:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2011-2015;

2. Authorize submittal of the RCTC Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2011-2015; and

3. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2010-2011 budget approval process.

A.8 RESOLUTION OPPOSING PROPOSITION 16, THE "NEW TWO-THIRDS VOTE REQUIREMENT OF LOCAL PUBLIC ELECTRICITY PROVIDERS" ACT (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2010-27 opposing Proposition 16, the "New Two-Thirds Vote Requirement of Local Public Electricity Providers" Act.

Resolution No. 2010-27

A Resolution of the City Council of the City of Moreno Valley Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers" Measure

A.9 TRACT 31319 - PARTIALLY REDUCE FAITHFUL PERFORMANCE SECURITY AND ACCEPT THE PARTIAL PUBLIC IMPROVEMENTS AS COMPLETE - DEVELOPER: BELLA VISTA MORENO VALLEY LLC, RIVERSIDE CA 92506 (Report of: Public Works Department)

Recommendation:

1. Accept the partial Public Improvements, as complete, but not into the City's maintained street system; and

2. Authorize the City Engineer to execute the partial reduction to the Faithful Performance security, exonerate the portion of the Material and Labor security associated with the completed improvements in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the portion of the 10% warranty Faithful Performance security associated with the completed improvements in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

B.3 EXTENSION OF CONTRACT - PROJECT NO. E-1/09 - MAINTENANCE

OF EXTENSIVE LANDSCAPING AND IRRIGATION - TOWNGATE (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project E-1/09 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCSD Board to execute said Amendment with Spectrum Care Landscape & Irrigation Management, Inc. of Foothill Ranch, California; and

3. Authorize the Purchasing Manager, on July 1, 2010, to issue open purchase orders to Spectrum Care Landscape & Irrigation Management, Inc. in the amounts of:

   a) ONE HUNDRED FOURTY-EIGHT THOUSAND AND 00/100 DOLLARS ($148,000.00) for twelve months of base maintenance service, and

   b) SIX THOUSAND NINE HUNDRED AND 00/100 DOLLARS ($6,900.00) for anticipated Additional Work per Section 5 of the Extension Agreement.

B.4 EXTENSION OF CONTRACT - PROJECT NO. E-2/09 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - HIDDEN SPRINGS (Report of: Public Works Department)

Recommendation:

1. Approve the Amendment to the Contract Agreement for MVCSD Project E-2/09 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCSD Board to execute said Amendment with Tropical Plaza Nursery, Inc. of Villa Park, California; and

3. Authorize the Purchasing Manager, at the start of Fiscal Year 2010/11, to issue open purchase orders to Tropical Plaza Nursery, Inc. in the amounts of:

   a) ONE HUNDRED EIGHTY-EIGHT THOUSAND FOUR HUNDRED AND 00/100 DOLLARS ($188,400.00) for twelve months of base maintenance service, and

   b) THIRTY THOUSAND NINE HUNDRED AND 00/100 DOLLARS ($30,900.00) for anticipated Additional Work per

Section 5 of the Extension Agreement.

B.5 EXTENSION OF CONTRACT - PROJECT NO. E-4/07 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH EAST (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project E-4/07 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCSD Board to execute said Amendment with Bemus Landscape, Inc. of San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2010, to issue open purchase orders to Bemus Landscape, Inc. in the amounts of:

   a) ONE HUNDRED NINETY-TWO THOUSAND TWO HUNDRED TWENTY-THREE AND 20/100 DOLLARS ($192,223.20) for twelve months of base maintenance service, and

   b) FIFTEEN THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS ($15,700.00) for anticipated Additional Work per Section 5 of the Extension Agreement.

B.6 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. DSG-1/10 – MAINTENANCE OF PARKWAY AND MEDIAN LANDSCAPING AND IRRIGATION (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for MVCSD Project DSG-1/10 (the "Agreement") with TruGreen Landcare, Riverside, California;

2. Authorize the President of the MVCSD Board to execute said Agreement with TruGreen Landcare; and

3. Authorize the Purchasing Division Manager on July 1, 2010, to issue purchase orders to TruGreen Landcare, in the amounts of:

   a) ONE HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED FIFTY EIGHT AND 60/100 ($177,958.60) DOLLARS for twelve (12) months of base maintenance services and;

b) TWENTY-ONE THOUSAND SEVEN HUNDRED AND 00/100 ($21,700.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

B.7 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-3/10 – MAINTENANCE OF REDUCED-SERVICE-LEVEL PARKWAY LANDSCAPING AND IRRIGATION – MORENO VALLEY RANCH - WEST (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for MVCSD Project E-3/10 (the "Agreement") with Bemus Landscape, Inc., San Clemente, California;

2. Authorize the President of the MVCSD Board to execute said Agreement with Bemus Landscape, Inc.; and

3. Authorize the Purchasing Division Manager on July 1, 2010, to issue purchase orders to Bemus Landscape, Inc., in the amounts of:

   a) ONE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED AND 00/100 ($139,500.00) DOLLARS for twelve (12) months of base maintenance services and;

   b) THIRTEEN THOUSAND TWO HUNDRED FORTY-FIVE AND 00/100 ($13,245.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C.3 RDA BUDGET APPROPRIATION ADJUSTMENT TO FUND THE REQUIRED SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF) PAYMENT (Report of: Economic Development Department)

Recommendation:

1. Approve the state-mandated shift of the RDA's tax increment revenues to the State of California's Supplemental Educational Revenue Augmentation Funds (SERAF) for fiscal year 2009-2010;

2. Appropriate $5,258,237 from RDA Tax Increment Fund (Fund 895 fund balance) to 895.91510.6723.728 (RDA SERAF Repayment); and

3. Authorize the Financial & Administrative Services Department to wire transfer a payment in the amount of $5,258,237 to the Riverside County Auditor-Controller.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2, except Items A2, B2, C2 and D2, which were pulled for a separate vote. Motion by m/Council Member William H Batey II s/ by Mayor Pro Tem Robin Hastings
Approved by a vote of 5-0

Motion to approve Items A2, B2, C2 and D2. Motion by m/Mayor Pro Tem Robin Hastings s/ by Council Member William H Batey II
Approved by a vote of 3-0-2, Council Member Stewart and Council Member Molina abstained

E. PUBLIC HEARINGS

Mayor Flickinger opened the public testimony of the public hearing; there being none, public testimony was closed.

E.1 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the

proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

Motion to continue Item E1 to the May 11, 2010 meeting by m/Council Member Richard Stewart, s/Council Member William H Batey II Approved by a vote of 5-0

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Report by Council Member Richard A. Stewart on March Joint Powers Commission (MJPC)

Council Member Richard A. Stewart gave an update on the March Joint Powers Authority trip to Washington, D.C. The group saw Congressman Darryl Issa, Congressman Ken Calvert, Congresswoman Bono Mack, and dealt with issues with the region and March. Other meetings included: the Under Secretary for Veterans Administration regarding expansion of the cemetery, relocation of U.S. Vets, and tried to get a VA presence at March Health Care such as a Counseling Center, Information Center or an Out-Patient Center; the Under Secretary for the Department of Commerce regarding the Free Trade Zone; the Deputy Secretary's of the Navy and an Army Facilities Under Secretary. Trying to move the different facilities out of the area where March Health Care is going; the Department of Agriculture to see about getting some of their land they're not using; the Under Secretary's of the U.S. Air Force regarding a telephone problem that's being dealt with at the base; went to the Pentagon and met with a Three Star General who is head of the Air Force Reserve regarding general issues at the base and went to NASA regarding a Space Shuttle, but because it's pending, they are prohibited from talking about it. March Health Care is getting ready to break ground.

G.2 FUNDING ALTERNATIVES AND ASSISTANCE FOR THE

CONSTRUCTION OF HIGHLAND FAIRVIEW'S EUCALYPTUS AVENUE STREET IMPROVEMENTS UTILIZING THE STATE-LOCAL PARTNERSHIP PROGRAM GRANT FUNDS (Report of: City Manager's Office)

Mayor Flickinger opened the agenda for public comments, which were received from Steven Cruz, Deanna Reeder, Debra Coggins-Ortiz, Alex Ortiz, and Iddo Benzeevi.

Recommendation: That the City Council:
Provide direction on the matter.

No action was taken. Option 1 will come back to a public meeting.

G.3 NEIGHBORHOOD IDENTIFICATION SIGNS, CITYWIDE AND FOR RANCHO BELAGO (CONTINUED FROM APRIL 13, 2010) (Report of: Community Development Department)

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Marcelo Coe, Deanna Reeder, Pete Bleckert, Debra Coggins-Ortiz, Alex Ortiz, Raul Wilson, Darryl Terrel and Iddo Benzeevi.

Recommendation: That the City Council:

Provide direction as it deems appropriate and adopt Resolution No. 2010-22 supporting the use of neighborhood identification signs.

Resolution No. 2010-22

A Resolution of The City Council of The City of Moreno Valley, California, Supporting The Use of Neighborhood Identification Signs

Motion to approve Amended Resolution No. 2010-22 to read: Provide direction as deems appropriate and adopt Resolution No. 2010-22 encouraging the use of neighborhood identification signs.
Motion to approve by m/Council Member Richard A. Stewart, s/Council Member Jesse Molina
Approved by a vote of 5-0

Motion to accept the Rancho Belago design as indicated in the attachment to G3 except that Council directs staff to contact the City of Beverly Hills for determining what it would take to make the design acceptable and not in conflict with Beverly Hills' signs, and for staff to implement the changes sufficient to make it so acceptable. Staff would then bring that design back to Council for approval and implementation at the next Council meeting.

Motion to approve by m/Council Member Richard A. Stewart, s/Council Member Jesse Molina
Approved by a vote 3-2

Motion to allocate from the reserve up to a maximum of $85,000 to implement the first phase of the sign program for Rancho Belago which will include the maintenance, installation, and production of the signs up to that dollar amount.

Motion to approve by m/Council Member Richard A. Stewart, s/Council Member Jesse Molina
Approved by a vote 3-2, Mayor Pro Tem Hastings and Mayor Flickinger opposed

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

There will be five public meetings for citizens to participate in on the budget study, and the full budget and deficit reduction plan will be on the website around May 5, so they have an opportunity to look at everything and participate in the public process.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ADOPT ORDINANCE NO. 810 THEREBY APPROVING MUNICIPAL CODE AMENDMENT PA07-0005, BASED ON THE FINDINGS IN THE CITY COUNCIL ORDINANCE (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 13, 2010 ON A 3-0-2 VOTE, MOLINA AND STEWART ABSENT) (Report of: Community Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 810.

Ordinance No. 810

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Application PA07-0005 Amending the Municipal Code to Make Changes to Chapters 9.01, 9.02, 9.07 and 9.15 and Introduce Two New Mixed Use Development Zoning Districts

Motion to adopt by m/Council Member William H Batey II, s/Mayor Pro Tem Robin Hastings
Approved by a vote of 5-0.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Mitchell Whitaker
1. In support of DUI checkpoints

Anthony Acosta
1. Continue the sobriety checkpoints

Dianna Preston
1. Support for the DUI checkpoints

Carmen Bernal
1. Supporting DUI checkpoints

Tanna Montecino
1. Support DUI checkpoints

Pete Sergantes
1. Supports DUI checkpoints

Deanna Reeder
1. Congratulations to Bonnie and Robin for standing up to Iddo
2. Supports parks
3. Emails

Lory Gleason
1. Supports DUI checkpoints

Marcia Amino
1. Robert Gutierrez

Tom Jerele, Sr.
1. Democracy
2. Thank you for the concerts
3. Rancho Belago Signs

Timothy Taggart
1. Support of DUI checkpoints

Daryl Terrell
1. City's future and budget

Raul Wilson
1. Alcohol
2. City credit cards

Louise Palomarez
1. Credit cards
2. Public Comments
3. Sierra Club
4. Rancho Belago signs

Debra Coggins-Ortiz
1. Thank you to Robin and Bonnie for standing up to Iddo
2. Extra money for 4th of July and Air Show
3. Racial problems in schools
4. Iddo Benzeevi
5. Mexican Political Association

Alex Ortiz
1. Thank you to Council and staff
2. We live in a country where you can speak your mind

Pete Bleckert
1. Feel the pain for lost loved ones
2. Eliminate the bridge to no where
3. Public Works' $50,000 piece of ruined equipment
4. Laura Froelich

Emil Dragovich, Jr.
1. Supports DUI checkpoints

Iddo Benzeevi
1. Rancho Belago signs

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1. Comments going down racial lines are embarrassing. Mr. Benzeevi didn't

create any racial divides. He wants to put up a building and create jobs.

2. The checkpoints are valuable to public safety, and would rather have more of them. Abide by the law or there is a consequence.

3. Congratulations to all the top readers that were recognized tonight.

Council Member Jesse Molina

1. There is a need to have better control of the checkpoints. Put them where the drunk drivers are. Put the checkpoints on holidays. There are excessive checkpoints. Put them all around the city, and make them later. Sorry for your losses. Roving patrols outside of bars are better.

2. When someone comes out and says they are racial, it's disturbing. Quit trying to pit someone against someone else. It has gone on too long.

A break was taken and reconvened at 10:05 p.m.

Council Member Jesse Molina Continued

3. Requested staff to start working with him and be let in on stuff.

4. There is only good in Iddo Benzeevi. It's the same group of people opposing him because he wants to bring jobs and put Moreno Valley on the map. Are we going to reach the level of Arizona. Wants to live in harmony, and make this community prosperous. We have to put our differences aside and look at the bigger picture.

Council Member Richard A. Stewart

1. At the time the City Manager chose to retire he was not convicted of anything, and he chose to retire under a golden handshake. City Council followed the advice of our Labor Law Attorney and followed the request of the Upland Police Department. As far as the domestic violence allegation was concerned, it was a misdemeanor conviction for a non-violent crime. It was resolved, and it's over with.

2. Los Angeles is trying to raise $12.5M to preserve the land around the Hollywood sign. They received money from all over the world. They also had several large donors. Los Angeles has people of means in their city. Moreno Valley does not. The way Iddo was treated tonight, why would anyone of means want to live in our city and bring jobs. He wants to be part of this community.

3. The businesses we have been working with have been in the redevelopment area. Outside of redevelopment areas it's very hard to do

anything because there isn't a big pot of money.

4. There are racial problems in the schools. Schools are working on it. There's crime. It has been getting addressed with some very aggressive policing. Crime is down.

5. Checkpoints are grant funded. It's the year of the checkpoints. The City is going along with the State program. Roving checkpoints have been done. This state is not Arizona. We use the DMV as an immigration enforcement tool.

6. Carlton Allen, nicknamed Hollywood, a police officer from here, passed away. He worked with the volunteers. He was in his early 40's with a family. Please keep his family in your thoughts and prayers, and the same with Raul Wilson. What happened to his son was tragic.

Mayor Pro Tem Robin Hastings

1. It is appreciated that Ms. Reeder and Ms. Ortiz came up here and said they had sent some emails. When you shout fire, you have responsibility if people get trampled running out of the building. Will pay for any staff report Ms. Reeder would like to see if that's going to help get the correct information out.

2. The wrong credit card was used. The next day it was paid with a personal check. That's all a matter of record, and it's the only time the CalCard was used. Will provide you with any documentation you would like to see.

3. Does the inconvenience of DUI checkpoints outweigh the good? No it does not. The State pays for them because they know they work.

4. Attended the Moreno Valley HOA meeting last week, and there were probably about 125 people there. No less than ten people came up and stated they think the Moreno Valley Police Department is doing a great job. Typically the bad things are heard. The police department should be commended for doing a terrific job.

5. Comments were made about how much money Council makes. The county car was returned, no car allowance is taken, took the same cut in city pay that every other city employee took, and took an 18 1/2 percent cut in pay for the county. When you talk about reducing your income, and struggling and not noticing the difference, perhaps maybe some presumptions are made that shouldn't be made. The pay is around $1,000 per month for the hours put in by Council.

6. Send emails, call, or write. Show the courtesy you would like shown to you.

Mayor Bonnie Flickinger

1. You can examine the credit card records anytime you want to for as many years as you want to. It has a limit on the amount that can be spent. The cards are very well controlled in the amount that can be charged.

2. Thank you to the speakers tonight. Government by the people means everyone is listened to. Especially pleased that the people came in to support the checkpoints. It's nice to have the other side.

3. The Air Show is at the Base this weekend, and it is free admission and parking. It is open from 8:00 a.m. to 5:00 p.m.

4. Check the Dan Bernstein column in the Press Enterprise tomorrow.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

a Case: *ENCO Utility Services Moreno Valley, LLC, v. City of Moreno Valley*
Court: Riverside Superior Court
Case No: RIC 478023

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

City Manager Recruitment (Status)

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:23 p.m. by unanimous informal consent in memory of Bill Lowell, a long-time resident of Moreno Valley.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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MV00054327

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: May 11, 2010

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of April 21 – May 4, 2010.

Reports on Reimbursable Activities April 21 – May 4, 2010		
Council Member	Date	Meeting
William H. Batey II	4/28/10	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	4/30/10	Distinguished Flying Cross National Memorial Groundbreaking Ceremony
Bonnie Flickinger	4/28/10	UCR Citizens University Committee
Robin N. Hastings		None
Jesse L. Molina	4/30/10	Distinguished Flying Cross National Memorial Groundbreaking Ceremony
	5/4/10	Moreno Valley Hispanic Chamber of Commerce Adelante
Richard A. Stewart	4/30/10	Distinguished Flying Cross National Memorial Groundbreaking Ceremony

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00054329

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: TRACT MAP 32142 – CONDOMINIUM PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – EMPIRE LAND, LLC
3536 CONCOURS STREET, SUITE 300
ONTARIO, CA 91764

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2010-28 authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32142 is a condominium project consisting of 172 residential units located south of Iris Avenue and east of Lasselle Street that was conditionally approved requiring construction of certain public improvements to Lasselle Street and Avenida de Circo. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, wheelchair ramps, signage, landscaping, storm drain, catch basin, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $734,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of

Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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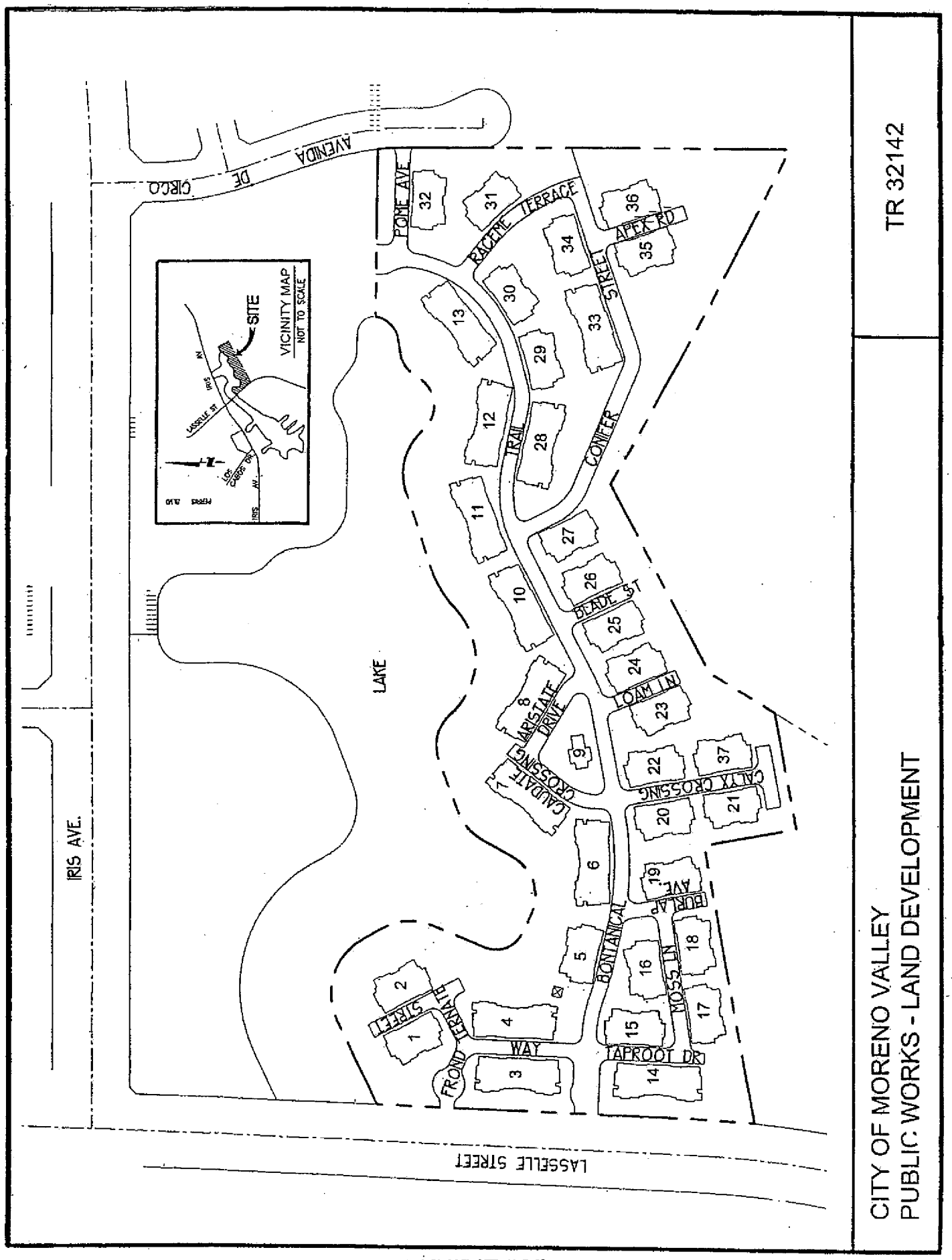

EXHIBIT "A"

Item No. A.4

MV00054334

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MV00054335

RESOLUTION NO. 2010-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32142 AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Empire Land, LLC on the portions of Lasselle Street and Avenida de Circo associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32142 and accept the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 32142 are complete, and the portions of Lasselle Street and Avenida de Circo associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 11th day of May, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: APPROVE AND ADOPT RESOLUTION NO. 2010-29 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT (NASON BRIDGE PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project.

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

BACKGROUND

The overall purpose of the Nason Bridge Project is to provide operational improvements to facilitate traffic movement at and near the SR-60/Nason Street interchange, alleviate traffic congestion, and address existing bridge deficiencies at this interchange. This project is needed to improve safety, bring the bridge features up to current standards, and provide acceptable levels of service along the facility.

On March 14, 2006, the City Council approved an Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Nason/SR-60 Interchange.

On September 25, 2007, the City Council authorized execution of a Project Development Cooperative Agreement with the State of California for project development activities including final design, utility relocation engineering, and right-of-way acquisition.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons Transportation Group for design, right-of-way engineering, and construction support services.

On January 13, 2009, the City Council approved the SR-60/Nason Overcrossing project as an RDA Tax Allocation Bond-funded project.

DISCUSSION

The City has been progressing in the steps necessary for the acquisition of right-of-way, utility relocation and other necessary steps to complete the design of the SR-60/Nason Street Overcrossing Improvements Project. The goal is to begin construction of the project by September 2011, contingent upon completion of the SR-60/Nason Interchange Ramp Improvements Project (Project No. 98-25897).

Caltrans, pursuant to the Project Development Cooperative Agreement and the Caltrans Right- of-Way Manual, Section 17.04.09.01, requires that the City Council of Moreno Valley adopt a resolution to later hear Resolutions of Necessity for the project and subsequently submit them to Caltrans for approval. A Resolution of Necessity is a required resolution authorizing condemnation of property necessary for the project and the filing an eminent domain action to acquire said property through condemnation. Caltrans requires the local entity (the City) to obtain prior approval on a project-by-project basis from Caltrans before proceeding to hear Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project. Adoption of the proposed resolution does not commit the City Council to hear future Resolutions of Necessity to acquire property necessary for the project or to adopt future Resolutions of Necessity to acquire property necessary for the project by condemnation. Due to the lead time required for Caltrans approval of this action, staff recommends adopting this resolution at this time in the event that Resolutions of Necessity become necessary.

The City has retained the law firm of Singer & Coffin, APC to act as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for the project. Staff does not anticipate any condemnation actions for this project as there are no additional properties to be acquired, and the utility companies are cooperatively working with the City to relocate their facilities.

ALTERNATIVES

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative will allow necessary approvals to be in place so the project continues to proceed without interruption.*

2. Do not approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and do not authorize and do not direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative may delay the construction of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to the adoption of this resolution. The project is currently funded by 2007 Redevelopment Agency Tax Allocation Bond (Series A) proceeds (Fund 897) and developer funds. **These funds have been allocated for the SR-60/Nason Street Overcrossing Improvements project and cannot be utilized for operational activities.** There is no impact to the General Fund.

AVAILABLE FUNDS

FY 2009/2010 Developer In-Lieu Street Improvement Funds (Account 414.80429)	$ 30,000
FY 2009/2010 2007 RDA Bond Funds (Account 897.91728)	$17,724,000
Available Funds	**$17,754,000**

ESTIMATED COST

SR-60/Nason Bridge Design and Right-of-Way/Utilities	$ 1,640,000
SR-60/Nason Bridge Construction	$16,114,000
Estimated Cost	**$17,754,000**

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way	September 2010
Begin Construction*	September 2011
Complete Construction	November 2012

**** Contingent upon completion of SR-60/Nason Interchange Ramp Project (Project No. 98-25897)***

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The City Council is asked to adopt the proposed Resolution in order to later hear Resolutions of Necessity should acquisition through condemnation become necessary for the SR 60/Nason Street Overcrossing Improvements Project.

ATTACHMENTS/EXHIBITS

Attachment "A" – Proposed Resolution of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00054343

RESOLUTION NO. 2010-29

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT

WHEREAS, the City of Moreno Valley ("City") is empowered to acquire by eminent domain any property to carry out its powers or functions pursuant to Government Code Sections 37350, 37350.5 and 40404 and Code of Civil Procedure Section 1240.110; and

WHEREAS, property may properly be acquired by eminent domain for state highway purposes pursuant to Streets and Highways Code Section 102; and

WHEREAS, City has approved the design of State Route 60/Nason Street Overcrossing Improvements and also previously approved a Project Development Cooperative Agreement with the State of California for said project, a project on the State of California Highway System. The Cooperative Agreement with the State of California Department of Transportation ("Caltrans") provides that City will perform right-of-way activities as set forth in the Cooperative Agreement for said project; and

WHEREAS, all local public agency projects on the State of California Highway System, within the existing or proposed State of California rights-of-way, are subject to the requirements of the Caltrans Right-of-Way Manual, and recently adopted provisions of the Caltrans Right-of-Way Manual now require a City Council to pass a resolution by a two-thirds vote, making an election to hear all the Resolutions of Necessity for the project; and

WHEREAS, City will follow State statute requirements and the Caltrans Right-of-Way Manual processes in the issuance of the Notice of Intent to adopt a Resolution of Necessity and in the adoption of a Resolution of Necessity, and the City's Special Eminent Domain Counsel is designated to process and approve the resolution package(s).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, by a two-thirds vote, will hear the Resolutions of Necessity associated with the construction of the State Route 60/Nason Street Overcrossing Improvements Project.

Attachment "A"

Resolution No. 2010-_____

Date Adopted: May 11, 2010

BE IT FURTHER RESOLVED that City designates the law firm of Singer & Coffin, APC, as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for this project.

APPROVED AND ADOPTED this ____ day of _____, 2010.

By: _____
Bonnie Flickinger, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

APPROVED AS TO FORM:

By: _____
Bob Hansen, City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720).

2. Authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval.

BACKGROUND

On May 29, 2008, the City Manager executed an agreement for Professional Consultant Services with OPC for on-call right-of-way services. On July 23, 2008, a purchase order for $87,478 was issued to OPC after they were selected as the most responsive firm to propose for right-of-way acquisition services for the SR-60/Nason Project.

On June 23, 2009, the City Council authorized a $104,520 increase to the Purchase Order with Overland Pacific & Cutler ($87,000 plus 20% contingency) for extended negotiation and eminent domain support services for the SR-60/Nason Street Interchange Improvements project. Appraisals have been completed and offers have been made in accordance with federal and state requirements.

DISCUSSION

Caltrans has completed certification of the right of way in order to construct the SR-60/Nason Street Interchange Improvements project. The City has the right of possession for all right of way and is continuing eminent domain proceedings for APN 487-250-004. The City needs to provide continuing support to Caltrans, owners, the eminent domain attorney, and the Federal Highway Administration during the construction phase of the project.

OPC has been retained to provide right-of-way services under their current on-call agreement which expires on May 15, 2010. OPC has submitted a proposal for $50,400 to provide additional right-of-way support services, federally-required project audit services, and related construction coordination. This change order brings the purchase order total to $254,919 ($249,500 plus contingency) and their professional services agreement should be extended to May 30, 2012, for the close-out of the project.

ALTERNATIVES

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720) and authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval. *This alternative will allow for the completion of the needed right-of-way activities.*

2. Do not authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720) and do not authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval. *This alternative will delay the needed improvements.*

FISCAL IMPACT

The project is currently funded using federal funds and matching Measure “A” funds (Fund 125). The City has successfully obtained approximately $7.4 million of federal funds, portions of which have been used for design and right-of-way. Remaining construction funding consists of Surface Transportation Program funds, Transportation Efficiency Act of the 21st Century demonstration funds and DIF Interchange funds. It is anticipated the balance of construction will be funded using Measure "A" funds.

All funding sources for this project (Measure "A," Surface Transportation Program, Transportation Efficiency Act, and DIF Interchange funds) are restricted for capital improvements related to transportation projects or for the SR-60/Nason Interchange and cannot be utilized for operational activities. The

allocated amounts below are specifically designated for the SR-60/Nason Interchange Improvements Project. There is no impact to the General Fund.

FY 2009/10 BUDGETED FUNDS

TEA 21 Demonstration Funds (125.66929)	$ 4,500,000
STPL Discretionary Funds (125.67029)	$ 1,770,000
Measure "A" Funds (125.89720)	$ 7,435,000
Total Available Funds	$13,705,000

FY 2009/10 ESTIMATED RELOCATION, RIGHT-OF-WAY AND CONSTRUCTION COSTS

Estimated Interchange Construction Costs	$100,000
Utility Relocation (EMWD & SCE)	$ 1,951,000
Habitat Mitigation and Monitoring	$ 345,000
Right-of-Way Acquisition	$ 1,891,000
Total Estimated Costs	$ 4,827,000

ANTICIPATED PROJECT SCHEDULE

Caltrans Approval to Advertise Construction	May 2010
Interchange Construction Start Date*	September 2010
Interchange Construction End Date	September 2011

**pending Caltrans approval*

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

To provide continuing support to maintain the project schedule and acquire right-of-way for the Nason Street interchange improvements, staff recommends increasing the purchase order with OPC by $50,400 and extending the contract termination date to May 30, 2012, to perform activities associated with right-of-way land acquisition for the SR-60/Nason Street Interchange Improvements project (Account 125.89720).

ATTACHMENTS

Attachment "A" – Change Order
Attachment "B" – Proposal from Overland Pacific & Cutler

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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CHANGE ORDER FORM

CITY OF MORENO VALLEY, CA

TODAY'S DATE: 3/18/10	**VENDOR NAME:**	Overland Pacific & Cutler Inc.	
	VENDOR NO.#	ORIGINAL PO NUMBER	
	2165482	36018	
Project Number:			

DESCRIPTION OF NEEDED CHANGE **Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows**	**COST** (use negative sign to reduce amount)
Increase PO # 36018 by $50,400 for extended eminent domain support services. SR-60/Nason Street Interchange Improvements Project No. 98-25897	$50,400.00

Notes:	Per amendment to on-call agreement signed by the City Manager on 5/18/09. Executed agreement and insurance certificate are on file with the Purchasing Division.	**Change Order Sub Total from Above:**	$50,400.00
		Original P.O. and Prior Change OrderAmount:	$204,519.00
		Revised Total Spend:	**$254,919.00**

Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend).		**Percentage Split** (to split, fill in % amounts below to equal 100%)	**Business Unit and Expenditure Code** (e.g. 31510.6221.225) **Cannot split between fund numbers**	**Split Amounts**
Requested by: DB 3-18-10 Marge Lazarus	Date:			
Divison Manager ($5k)	Date:	100.0%	125.89720.7200	$254,919.00
Department Head ($15K)	Date:			
Financial & Admin. Svcs. Director ($30K)	Date:			
City Manager ($100K)	Date:			
Purchasing Manager's Signature:		**100.0%**	Split Allocated Total Spend:	$254,919.00

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Attachment "A"

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MV00054351

OVERLAND PACIFIC & CUTLER, INC.

2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph
951.683.3901 fax
www.OPCservices.com

March 18, 2010

Ms. Margery A. Lazarus
Senior Engineer, P.E.
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805

RE: Request for Additional Services No. 5
State Route 60/Nason Street Interchange Improvements
Project No. 98-25897 (Caltrans EA 08-323001)

Dear Ms. Lazarus:

Pursuant to the City's request, we respectfully submit this Request for Additional Services to our contract for additional negotiation, project management, eminent domain litigation support, eminent domain expert witnesses, construction coordination and final project close out services for the above-referenced project.

The request for additional services primarily stems from extensive property owner negotiations, project management and Caltrans coordination services to obtain right of way certification. The property ownerships, Target, Kohl's, FJL-MVP, LLC, Fung and Callender, are large, complex corporations which will require extensive negotiation with in-house legal departments and corporation counsel to reach a settlement. Due to the undisclosed voluntary foreclosure of the FJL-MVP, LLC parcel, additional acquisition and project management services will be required to obtain the necessary property interests now held by Wal-Mart and Bank of America which were not originally anticipated.

In addition to the above, additional services are necessary to complete the project and are being added to OPC's scope of services, including eminent domain litigation support and construction coordination services. The scopes of services are discussed below:

Attachment "B"

Eminent Domain Litigation Support Services: OPC will provide all services necessary to coordinate with and support all efforts of the City's Eminent Domain Counsel, Hugh Coffin of Singer & Coffin, APC, in the eminent domain litigation against the Donald Callender Trust, as necessary. This includes retaining eminent domain expert witness appraisers and coordinating their services with the City and Mr. Coffin.

Eminent Domain Expert Witnesses Services (Sub-consultants): Pursuant to Mr. Coffin's direction, OPC will retain Lidgard and Associates to provide valuation and benefit analysis for the City's valuation and expert witness exchange in accordance with the proposal attached hereto.

Construction Coordination Services: OPC will provide coordination services between the City, Project Engineer and Construction Contractor and the property owners during construction of the project. This includes all owner notifications, enforcing agreement terms, monitoring temporary construction easement compliance, monitoring the SCE easement on the Fung parcel to termination and possible additional acquisitions of property not initially anticipated prior to project construction.

Final Project Close Out: Pursuant to federal funding requirements, Caltrans will conduct a complete file audit to insure compliance with state and federal acquisition procedures. OPC will perform all final file administration and will coordinate with Caltrans to perform a file audit. Further, OPC will prepare the right of way conveyance deeds and coordinate with Caltrans to convey the necessary right of way at project completion.

OPC proposes to perform the additional services described above for a fee of $50,400. Project management, acquisition/negotiation, eminent domain litigation support, construction coordination and final project close out services will be invoiced on an hourly not-to-exceed basis in accordance with our established hourly rate schedule attached hereto. Fees for eminent domain expert witness services will be performed on a fixed fee basis as itemized in the attached proposal.

Project Management OPC will manage and coordinate the various right of way activities with the City, subconsultants and Caltrans local district.	**$15,000**
Acquisition/Negotiation OPC will perform all acquisition activities described in this proposal.	**$10,000**
Eminent Domain Litigation Support OPC will retain the expert witness appraisers	**$5,000**

and coordinate with the City's Eminent Domain Counsel, as needed.

Eminent Domain Expert Witnesses **$6,850**
Lidgard & Associates will provide all appraisal and expert witness services itemized in attached proposals.

Construction Coordination **$5,000**
OPC will coordinate with the City, Resident Engineer and Contractor to coordinate construction of the project.

Final Project Close Out **$8,550**
OPC will perform all file close out administration, coordinate with Caltrans and conduct a final file audit and convey all necessary right of way to Caltrans at project completion.

Project Budget **$199,100**

Amount of Change Order #4 **$50,400**

Amended Project Budget **$249,500**

In addition to the above items, below is a chart of the sub-consultants and additional services amendments. OPC requests that the balance of: i) $24,705 for Donahue and Associates; ii) $1,885 for Lidgard and Associates; iii) $2,890 for Hennessey & Hennessey; and iv) $2,275 for Lawyers Title Company be transferred to OPC for project management and acquisition related tasks.

Invoice #	Donahue and Associates	Lidgard and Associates	Hennessey & Hennessey	Lawyers Title Company
808227	$12,980	$0	$0	$0
809342	$12,020	$9,515	$0	$0
810336	$0	$0	$9,610	$0
812037	$1,080	$0	$0	$0
901125	$0	$3,750	$1,300	$0
906096	$2,800	$3,250	$0	$0
907081	$0	$0	$0	$5,475
D-30276	$12,120	$0	$0	$0
Total	**$41,000**	**$16,515**	**$10,910**	**$5,475**
Original Budget	$25,000	$12,000	$10,800	$0
Amendment #1	$1,080	$0	$1,600	$0

Amendment #2	$11,800	$3,750	$1,400	$0
Amendment #3	$15,700	$2,650	$0	$7,750
Amendment #4	$12,125	$0	$0	$0
Total	$65,705	$18,400	$13,800	$7,750
Billed to Date	($41,000)	($16,515)	($10,910)	($5,475)
Remaining Budget	**$24,705**	**$1,885**	**$2,890**	**$2,275**

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Senior Project Manager

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF CITYWIDE BRIDGE MAINTENANCE PROGRAM
PROJECT NO. 09-22679828

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Accept the improvements into the City's maintained road system.

BACKGROUND

On November 10, 2009, the City Council awarded a construction contract in the amount of $91,585 to Peterson-Chase, for the Citywide Bridge Maintenance Program. A Purchase Order in the amount of $114,481, which included a 25% contingency, was issued to the Contractor.

DISCUSSION

The Citywide Bridge Maintenance Program included preservation and repair items of work for six bridges within the City of Moreno Valley. Four of these bridges, John F. Kennedy Drive Bridge, west of Kitching Street (Bridge No.56C0332), the Oleander Flood Control Channel Bridge at Perris Boulevard (Bridge No. 56C0511), the Krameria Street Bridge (Bridge No. 56C0396), and the Perris Valley Storm Drain Bridge at Perris Boulevard (Bridge No. 56C0464), received Methacrylate deck treatment to seal cracks. Also included in the maintenance work was the repair of a masonry wall at the Moreno Beach Drive Storm Drain Channel Bridge (Bridge No. 56C0419). Additionally the project replaced an approach metal beam guard railing and repaired a bridge rail at the Redlands Boulevard Overcrossing at SR-60 (Bridge No.56C0488).

There was one Contract Change Order for this project. Contract Change Order No. 1 (FINAL) decreased the contract total by ($10,360.16). The final contract total cost was $81,224.84, which did not exceed the $114,481.00 approved purchase order amount.

ALTERNATIVES

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706; direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and accept the improvements into the City's maintained road system. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706; do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; do not authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and do not accept the improvements into the City's maintained road system. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2009-2010 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. **There is no impact to the General Fund.**

AVAILABLE BUDGET:
Fiscal Year 2009/2010 Budget (Account No. 226.79828)..... $258,000

FINAL CONSTRUCTION RELATED COSTS:
Contractor Construction Cost $81,000
Project Administration, Design Support, Testing and Inspection $35,000
Miscellaneous Costs..... $1,000
Total Construction-related Costs $117,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Peterson-Chase has completed the Citywide Bridge Maintenance Program project. The City Council is requested to accept the work as complete, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Peterson-Chase, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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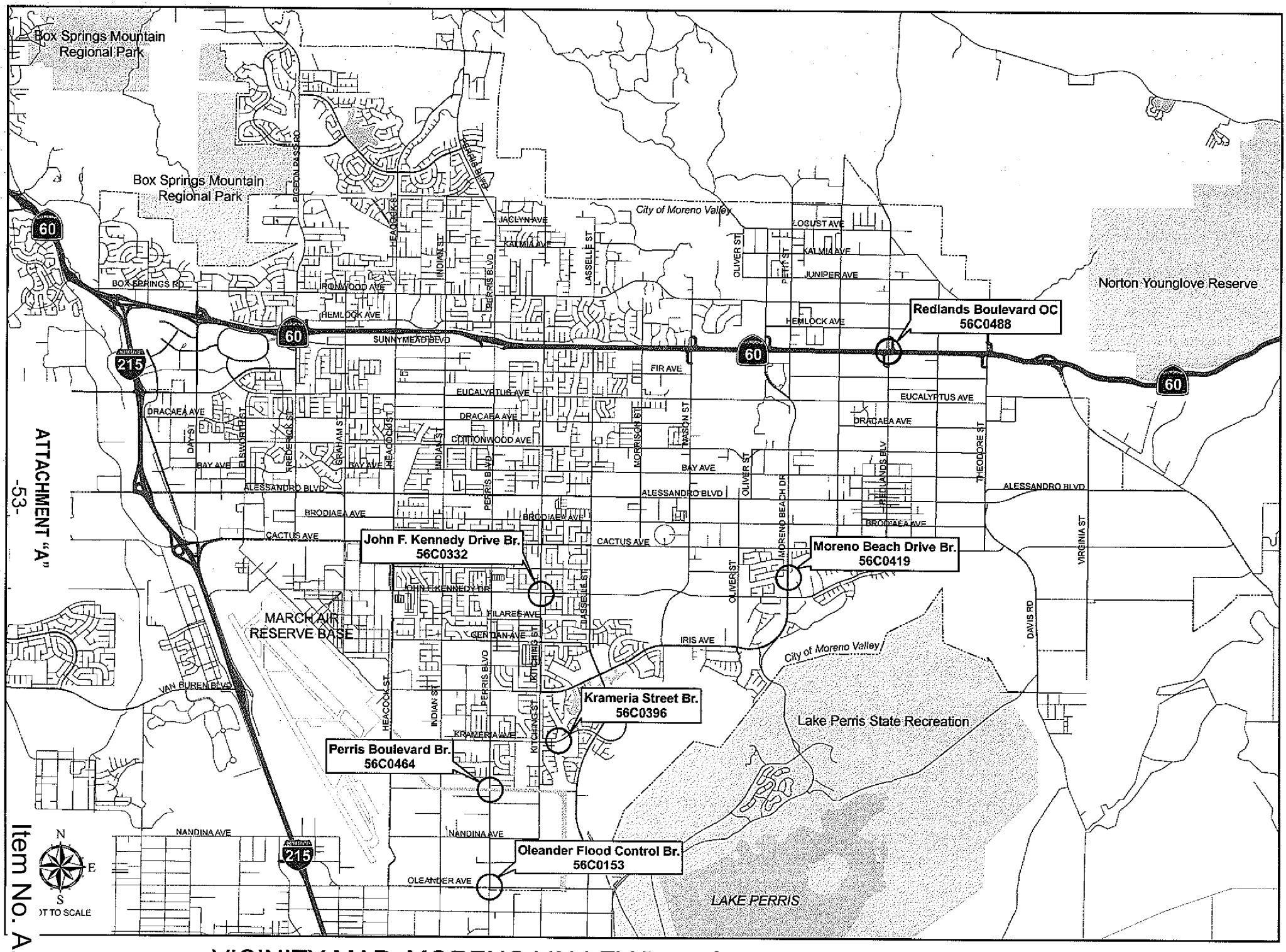

VICINITY MAP: MORENO VALLEY BRIDGE MAINTENANCE PROGRAM

ATTACHMENT "A"

Item No. A.7

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle A. Kollar, Interim Community Development Director

AGENDA DATE: May 11, 2010

TITLE: Resolution to join ICLEI as a full member and pledge to take a leadership role in promoting public awareness about the causes and impacts of climate change.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. **Approve** Resolution No. 2010-30, thereby agreeing to join (ICLEI) Local Governments for Sustainability and pursue efforts to address goals and objectives of ICLEI. (Attachment 1)

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

ICLEI-Local Governments for Sustainability (ICLEI) is a membership association of local governments committed to advancing climate protection and sustainable development. The organization also provides technical information on measuring and reducing greenhouse gases, including a model for organizational and community-wide greenhouse gas inventories. Locally, the cities of Riverside, Murrieta, Temecula, Lake Elsinore, and Palm Springs are members of ICLEI.

Membership in ICLEI would require the City to commit to five milestones to reduce both greenhouse gas and air pollution emissions throughout the community as follows:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress;

Local government actions taken to reduce greenhouse gas emissions and increase energy efficiency have provided multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures and saving money for the local government, its businesses and its residents.

DISCUSSION

The City has adopted a number of energy and water saving initiatives that have and will continue to reduce the level of greenhouse gases that would otherwise be emitted in the City. Examples of City initiatives are alternative energy incentives offered by Moreno Valley Utilities, the recently adopted water wise landscape ordinance, the use of LED lighting in traffic signals and activities related to the City's membership in the Riverside County Clean Cities Coalition and Community Energy Partnership. The reduction in greenhouse gases is also greatly affected by State and Federal regulations related to building standards, truck diesel emission standards and passenger vehicle mileage standards, and incentives for alternative energy.

The City has received funding under the Federal Stimulus Package Energy Efficiency and Conservation Block Grant to undertake several projects and initiatives to reduce City organization and community-wide energy use and consequently greenhouse gas emissions, including an Energy Efficiency and Climate Action Strategy. One of the initiatives is to conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction. The five milestones required for ICLEI membership will be addressed by the Strategy.

The greenhouse gas emissions inventory and forecast work products are intended to provide the basis for a coordinated City effort to address resource efficiency for the City as an organization and the community as a whole.

ICLEI will provide the following support to City Staff:

- Regular notice of new publications and tools, grant opportunities, and progress being made by other Member jurisdictions

- ICLEI's key climate resources including the Milestones Guide, software access and technical trainings, data collection forms for conducting the emissions inventory, and other publications to assist with emissions reduction planning and related climate protection activities

- Invitations to ICLEI regional, national and international workshops and events
- Registration discounts and, when available, travel and lodging subsidies for ICLEI workshops and events
- Contact with US and international ICLEI Members and liaisons
- Resource recommendations outside of ICLEI
- Support in publicizing climate protection successes such as talking points and customizable press releases
- Ongoing technical assistance and support as the jurisdiction progresses in its work

The above-referenced activities will provide valuable information to assist in the preparation of the City's Energy Efficiency & Climate Action Strategy.

ALTERNATIVES

1. Approve the proposal as submitted.
2. Approve the proposal with modifications to address City Council concerns.
3. Deny the proposal.

FISCAL IMPACT

Membership dues are based on City population. The City of Moreno Valley falls within the 100,001 – 200,000 population category and membership dues are $1,750. The membership fees will be paid from the Energy Efficiency and Conservation Block Grant program account (229.80512).

CITY COUNCIL GOALS

Not applicable.

SUMMARY

Membership in ICLEI will provide assistance in the preparation of the City's Energy Efficiency & Climate Action Strategy. The greenhouse gas emissions inventory and forecast will determine the source and quantity of greenhouse gas emissions in the City and are intended to provide the basis for a coordinated City effort to address resource

efficiency for the City as an organization and the community as a whole.

NOTIFICATION

Not applicable.

ATTACHMENTS/EXHIBITS

1. Resolution No. 2010-30

Prepared By:
Gabriel Diaz
Associate Planner

Department Head Approval:
Kyle A. Kollar
Community Development Director

Concurred By:
John C. Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2010-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO JOIN ICLEI AS A FULL MEMBER AND PLEDGE TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE

WHEREAS, scientific consensus has developed that carbon dioxide (CO_2) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, the 2007 Fourth Assessment Report from the Intergovernmental Panel on Climate Change (IPCC) states that it is very likely that most of the observed increases in globally averaged temperatures since the mid-20th century are due to human-induced greenhouse gas emissions; and

WHEREAS, in 2006 the U.S. National Climatic Data Center confirmed clear evidence of human influences on climate due to changes in greenhouse gases; and

WHEREAS, the U.S. Conference of Mayors endorsed the 2005 U.S. Mayors' Climate Protection Agreement initiated by Seattle Mayor Nickels and signed by more than 900 mayors in the United States as of March 2009; and

WHEREAS, the Urban Environmental Accords adopted by local government delegates during UN World Environment Day 2005 call for reduced emissions through energy efficiency, land use and transportation planning, waste reduction, and wiser energy management; and

WHEREAS, in 2003 the American Geophysical Union adopted a Statement noting that human activities are increasingly altering the Earth's climate and that natural influences cannot explain the rapid increase in near-surface temperatures observed during the second half of the 20th century; and

WHEREAS, in 2001, at the request of the Administration, the National Academy of Sciences (NAS) reviewed and declared global warming a real problem likely due to human activities; and

WHEREAS, the 2000 U.S. Global Change Research Program's (USGCRP) First National Assessment indicated that global warming has begun; and

WHEREAS, 162 countries including the United States pledged under the United Nations Framework Convention on Climate Change to reduce their greenhouse gas emissions; and

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% of U.S. greenhouse gas emissions; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents; and

WHEREAS, ICLEI – Local Governments for Sustainability is a membership association of local governments committed to advancing climate protection and sustainable development;

Section 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE TO JOIN ICLEI AS A FULL MEMBER AND PLEDGES TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE.

Section 2

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY AGREES TO UNDERTAKE ICLEI'S FIVE MILESTONES TO REDUCE BOTH GREENHOUSE GAS AND AIR POLLUTION EMISSIONS THROUGHOUT THE COMMUNITY, AS FOLLOWS:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress; and

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2010-_____ requesting assistance from ICLEI as it progresses through these milestones.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE STREET IMPROVEMENT PROGRAM FOR CONSTRUCTION OF PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE
PROJECT NO. 08-12585523

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder.

2. Authorize the City Manager to execute a contract with C & C Grading & Paving, Inc. in the form attached hereto.

3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties.

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney.

BACKGROUND

The Street Improvement Program (SIP) for conversion of private streets to public streets is a multi-year Capital Improvement Program to facilitate construction of selected streets. The streets to be improved are selected from a list of streets demonstrating the

need for improvement per established review criteria for public road, utility, and public service purposes.

The City Council approved the Fiscal Year 2009/2010 Capital Improvement Plan Budget with the following streets listed for improvements in the SIP: Partida Drive, from Juniper Avenue to Carillo Court, Carillo Court from west end to east end, and Kimberly Avenue, from Wilmot Street to Redlands Boulevard. Partida Drive and Carillo Court are graded unpaved roads with some rock materials for a driving surface. Kimberly Avenue is partially paved with deteriorating asphalt concrete. When the project construction is complete, the streets will be paved with twenty-four (24) feet (two lanes) of asphalt concrete.

The design and construction documents have been prepared by in-house staff as a cost saving solution for the City. In March 2010, the Plans and Specifications were approved by the City Engineer, and the project was advertised for construction bids.

DISCUSSION

This project is part of the City's ongoing SIP. The project will include street reconstruction, drainage, driveways, mailbox relocation, and roadway striping. The program work includes acceptance of the right-of-way, construction of the street improvements, and acceptance of the streets into the City's maintained road system. This project was determined as a Class 1 Categorical Exemption (CE) pursuant to Section 15301 of the State CEQA Guidelines. The project will improve the following three (3) streets:

STREET NAME	FROM	TO
Partida Drive	Juniper Street	Carillo Court
Carillo Court	west end	east end
Kimberly Avenue	Wilmot Street	Redlands Boulevard

Formal bidding procedures have been followed in conformance with the Public Contract Code. The City Clerk opened bids at 1:00 p.m., on April 6, 2010, for the subject project. The eight (8) valid bids received are as follows:

	CONTRACTORS	Bid Amount
1.	**C & C Grading & Paving, Inc.**	**$194,663.90**
2.	All American Asphalt	$202,000.00
3.	KAD Paving Company	$202,785.00
4.	International Paving Services, Inc.	$207,973.00
5.	Cooley Construction, Inc.	$272,854.50
6.	PALP, Inc., dba Excel Paving Company	$274,767.20
7.	Vance Corporation	$278,660.00
8.	Elite Bobcat Services, Inc.	$287,052.00

Engineer's Estimate $196,210.00

Staff has reviewed the bid by C & C Grading & Paving, Inc. and finds it to be the lowest responsible bidder in possession of a valid license and bid bond. No outstanding issues were identified through review of the references submitted by C & C Grading & Paving, Inc. in their bid.

The project was bid on the basis of a Base Bid and one (1) Additive Bid. The Base Bid includes Partida Drive, and Carrillo Court, and Additive Bid "A" includes Kimberly Avenue. The bid documents stipulated that the low bidder would be determined on the basis of the total of the Base Bid and the Additive Bid. Staff recommends, and this Report reflects, the award of the Contract to cover all three (3) streets, the Base Bid plus the Additive Bid "A" option.

ALTERNATIVES

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder, authorize the City Manager to execute a contract with C & C Grading & Paving, Inc. in the form attached hereto, authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties, and authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney. *This alternative will allow for the timely construction of needed improvements.*

2. Do not award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder, do not authorize the City Manager to execute a contract with C & C Grading & Paving, Inc. in the form attached hereto, do not authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties, and do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney. *This alternative will delay the construction of these needed improvements.*

FISCAL IMPACT

The construction phase of this project is included on Fiscal Year 2009/2010 Capital Improvements Project Budget and will be financed by Measure A funds (Fund 125). The funding for this project is restricted to capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE CONSTRUCTION FUNDS IN STREET IMPROVEMENT PROGRAM (SIP):

Fiscal Year 2009/2010 (Account No. 125.85523)	$307,000
Expenditures in Fiscal Year 2009/2010	$17,000
Total Available Funds in Fiscal Year 2009/2010	**$290,000**

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction (Includes 15% contingency)	$224,000
Construction Surveying Costs	$16,000
Construction Geotechnical Costs	$8,000
Project Administration and Inspection Services	$35,000
Total Estimated Construction Related Costs	**$283,000**

ANTICIPATED PROJECT SCHEDULE:

Notice of Award	May 2010
Start Construction	June 2010
Complete Construction	October 2010

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Partida Drive, from Juniper Avenue to Carillo Court, Carillo Court from west end to east end, and Kimberly Avenue, from Wilmot Street to Redlands Boulevard will be improved as part of the Fiscal Year 2009/2010 SIP. The project will include street reconstruction, drainage, driveways, mailbox relocation, and roadway striping.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement – C & C Grading & Paving, Inc.

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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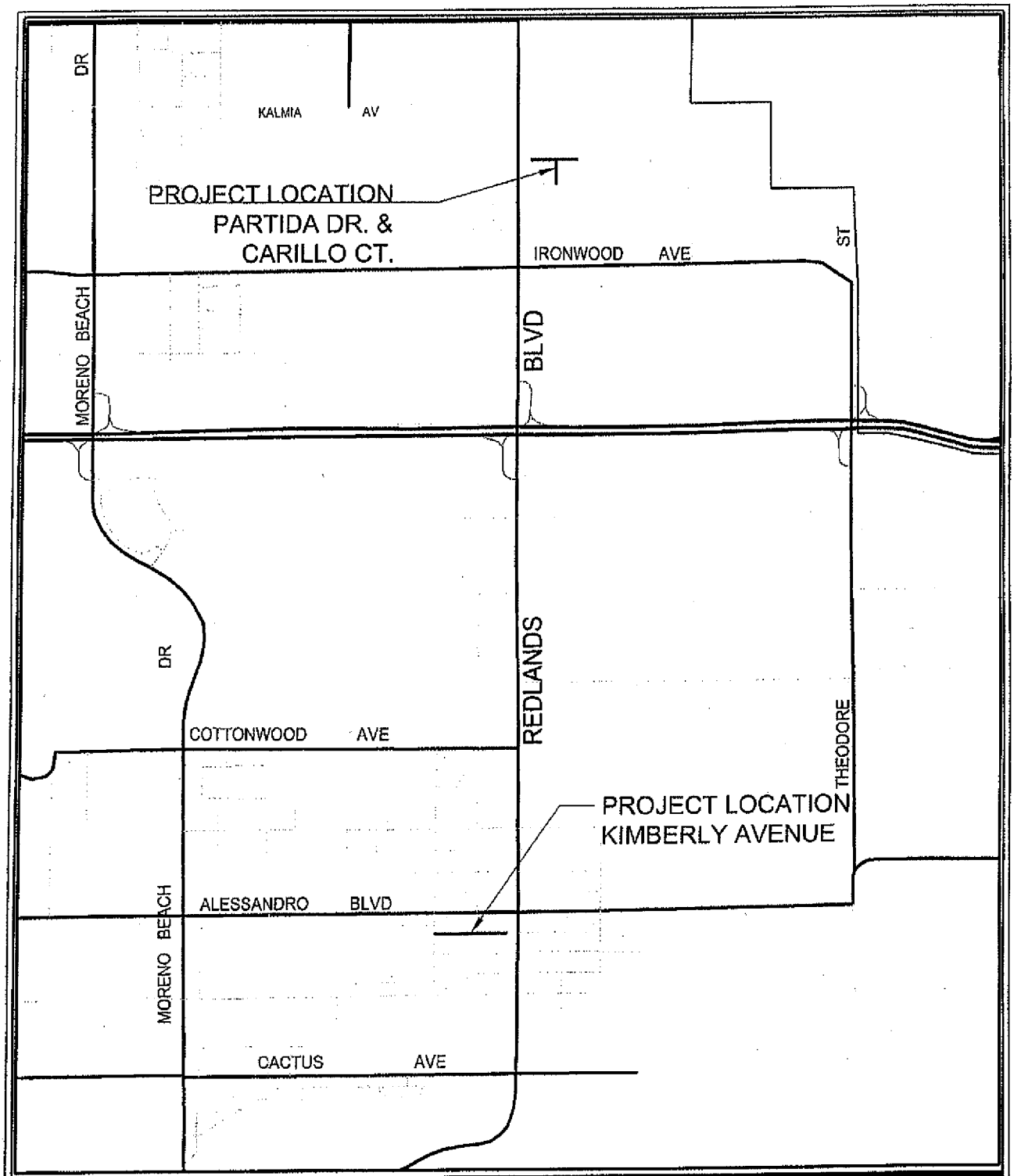

Public Works Department Capital Projects Division	LOCATION MAP
Scale: None Attachment "A"	PROJECT NO. 08-12585523 STREET IMPROVEMENT PROGRAM PARTIDA DR., CARILLO CT., & KIMBERLY AVE.

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MV00054377

Agreement No._____

AGREEMENT

PROJECT NO. 08-12585523

STREET IMPROVEMENT PROGRAM
Partida Drive from Carillo Court to Juniper Avenue,
Carillo Court, and
Kimberly Avenue from Wilmot Street to Redlands Boulevard

THIS Contract Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **C & C Grading & Paving, Inc.** hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
   a. Any and all Contract Change Orders issued after execution of this Agreement
   b. Addenda Nos. **none**, issued prior to the opening of the Bids
   c. The bound Bid Documents
   d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
   e. The project Plans
   f. The Standard Plans
   g. The Standard Specifications
   h. Reference Specifications, all of which are essential parts of this Agreement
   i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Bid Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) and Additive Bid Item(s) in the sum total amount of **$194,663.90,** subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Contract Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to commence work pursuant to this Contract within fifteen (15) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion, within **Sixty (60) working days** if only the Base Bid Items are awarded or **Ninety (90) working days** if the Base Bid Items and the Additive Bid A Items are awarded, after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

Attachment "B"

5. The City and Contractor hereby agree that in case all construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of $500.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Contract Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Contract Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Contract fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Contract Agreement in a form which is substantially similar to the Contract Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Contract Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Contract Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Contract Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Contract.

16. The effective date of this Contract Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 08-12585523

CITY OF MORENO VALLEY,
Municipal Corporation

BY: _____
City Manager

DATE: _____

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

(Name of Contractor)

License No./
Classification: _____
Expiration Date: _____

Federal I.D. No.: _____

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Contract Agreement on behalf of the Contractor must be acknowledged before a notary public. Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

W:\CapProj\CapProj\PROJECTS\Henry - 08-12585523 - SIP for Priv St\Kimberly-Partida-Carrillo\Construction\ Contractor\Agreement\ Agreement.DOC

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

BOND NO._____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12585523

STREET IMPROVEMENT PROGRAM
Partida Drive from Carillo Court to Juniper Avenue,
Carillo Court, and Kimberly Avenue from Wilmot Street to Redlands Boulevard

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **C & C Grading & Paving, Inc.,** as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 08-12585523**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 08-12585523

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 2010.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____2010

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

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- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

MV00054387

BOND NO._____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12585523

STREET IMPROVEMENT PROGRAM
Partida Drive from Carillo Court to Juniper Avenue,
Carillo Court, and Kimberly Avenue from Wilmot Street to Redlands Boulevard

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **C & C Grading & Paving, Inc.,** as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 08-12585523**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 08-12585523

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 2010.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____2010

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

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- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

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MV00054391

A10. ENCO UTILITY SERVICES MORENO VALLEY, LLC, VS. CITY OF MORENO VALLEY - APPROVAL OF SETTLEMENT AGREEMENT (PROVIDED UNDER SEPARATE COVER) (Report of: City Attorney)

MV00054393

MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00054395

MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00054397

MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00054399

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: May 11, 2010

TITLE: PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2010/11

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2010/11 Annual Action Plan and,
2. Approve the proposed 2010/11 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or expand employment opportunities for low-to-moderate income persons (see Attachment A for the 2009 Income Limit table). These grants are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to Entitlement Cities (eligible, selected cities with a population exceeding 50,000), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas. Moreno Valley has been classified by HUD as an Entitlement City since 1995.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least

51% of residents earning low-to-moderate incomes. For a map of the CDBG Target Areas see Attachment B.

HUD requires Entitlement Cities (such as Moreno Valley) to prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2010/11 marks the third year of the City's FY 2008-2013 Consolidated Plan. Entitlement Cities also adopt Annual Action Plan updates of the Consolidated Plan each year. The Annual Action Plan more specifically identifies the activities for which the City will allocate both CDBG and HOME funds for the upcoming program year. This staff report requests that the City Council conduct a Public Hearing to review and adopt the Annual Action Plan for FY 2010/11, which must be received by HUD no later than May 13, 2010.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used toward the development of affordable housing projects. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development programs. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services. Social services can include but are not limited to the following:

- Homeless and Emergency services,
- Programs for elderly, disabled, or youth,
- Public safety/crime prevention services, or
- Specialized counseling and treatment.

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as sub-recipients) to provide the desired services or programs.

DISCUSSION

At the City Council meeting of March 23, 2010, staff proposed subrecipients based on an estimated budget. On March 31, 2010 HUD released the actual grant allocations. The City of Moreno Valley's CDBG allocation for FY 2010/11 is $1,941,611. This is an increase of $147,694 from last year. In addition there is $505,000 in project savings from last fiscal year, for a total budget of $2,446,611 in the CDBG program for FY 2010/11.

Attachment D is the proposed Annual Action Plan for Fiscal Year 2010/11. The Annual Action Plan details the specific projects and allocated funding for the upcoming program year. In conformance with HUD requirements, the Annual Action Plan was made available for public review from April 8, 2010 through May 8, 2010. To date, there have been no public comments received. Any public comments received will be incorporated into the Action Plan as an attachment. The following tables detail the funding allocations approved by the City Council at the March 23, 2010 Public Hearing. These allocations are included in the Annual Action Plan and will be approved once the document is adopted.

2010/11 CDBG PROGRAMS AND BUDGET

The goal of the CDBG Program is to respond to the needs of low and moderate income persons and neighborhoods. The CDBG program administration is subject to a cap of 20% of the total CDBG allocation. In addition, CDBG social service activities are capped at 15% of the total allocation. The anticipated budget and funding allocations are shown in the following tables.

CDBG PROGRAM BUDGET

Funding Category	*Funding Allocation*
2010/11 CDBG Allocation	$1,941,611
Unallocated funds from previous years savings*	$505,000
TOTAL AVAILABLE CDBG FUNDS	$2,446,611
Program Administration (20% maximum of annual grant)	$388,322
Public Social Services (15% maximum of annual grant)	$291,241
Facilities	$50,000
Rehabilitation	$10,000
Code Enforcement	$396,407
Economic Development	$805,641
TOTAL PLANNED CDBG BUDGET	$1,941,611

*$450,000 in projected savings from the Temco, Vought, and Boeing Sidewalk Improvement Projects and $55,000 in projected savings from 2009/10 administrative activities

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2010/11 cap for program administration is $388,322. Funding under this category provides for program management by Economic Development Department staff and Fair Housing Services (required by HUD). The Fair Housing Services are free to the public and include: community education on fair housing rights and responsibilities, investigation of public complaints and discriminatory practices, and landlord/tenant mediation.

2) SOCIAL SERVICES

Social services are subject to a fifteen percent (15%) maximum limit of the annual CDBG allocation. The maximum social service cap for 2010/11 is $291,241.

FY 2010/11 recommendations encompass a wide range of programs and services including: 1) public safety services; 2) emergency and transitional shelter for

homeless families; 3) youth services; 4) emergency food distribution; and 5) youth career development programs. The projects listed in Attachment E reflect the community priorities adopted by the City Council on January 12, 2010 and programs the City Council approved for funding at the March 23, 2010 Public Hearing. It also includes funding recommendations for an additional $22,292 in social service funding made available after HUD released the FY 2010/11 allocations. Staff is recommending that the additional dollars be applied first to successful programs that experienced slight reduction from last years allocation due to limited funding such as CAP and Moreno Valley Educators (the programs have now been increased back to the full level they were at last fiscal year). Staff is also recommending increasing the allocation to programs with high demand due to the economy and those whose funding request initially could not be accommodated, such as the one-on-one foreclosure mitigation counseling program offered by the Fair Housing Council of Riverside. Additional recommendations include: 1) increasing the Neighborhood Clean-Up Program from $13,350 to $15,000, 2) increasing the Salvation Army Food Program from $4,600 to $5,000, 3) funding the Riverside County Volunteer Center '211' (telephone referral) Program in the amount of $5,000, and 4) enhancing the Problem Oriented Policing Program funding from $25,000 to $28,241.

3) PUBLIC FACILITIES

In an alliance with Arbor Education and Training, the City is proposing to assist in the establishment of a Youth Opportunity Center (YOC) in the City's CDBG Target Area. The Center will require approximately 4,000 sq. ft. of space where Moreno Valley youths could access an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. Arbor presently operates two other YOC's through Riverside County. The proposed $50,000 in CDBG funding would be used for help in leasing a building and/or for needed tenant improvements. The YOC would be open six days a week, Monday through Saturday, and be open late on weekday afternoons so that the youth could visit after school.

4) REHABILITATION

CDBG regulations allow for specific housing rehabilitation activities. The additional funding received under the CDBG allocation have enabled staff to recommend funding of the Habitat for Humanity 'Helping Hands' Mobile Home Rehabilitation Program. This program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Staff feels this program will supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or

cosmetic) and instead focus grant dollars on the more expensive code related improvements.

5) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. The Code Compliance officers provide proactive code compliance within the CDBG-designated Target Areas. Staff is recommending maintaining general Code Enforcement and the 'Foreclosure Strike Team' at its current funding level to allow continued foreclosure enforcement efforts on bank-owned properties.

Staff is also recommending that a portion of the monies from the final allocation be used toward funding Fire Prevention Division's Neighborhood Improvement Task Force. This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family properties in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing.

6) ECONOMIC DEVELOPMENT

a. Small Business Counseling Services

Funding is recommended for Small Business Counseling Services. The Inland Empire Small Business Development Center (SBDC) provides one-on-one counseling services, workshops and seminars free of charge to Moreno Valley businesses. In 2010/11, SBDC plans to enhance their services by offering classes on utilizing accounting and financial management software.

b. Employment Resource Annex

Continued funding is recommended for the Employment Resource Center. The Employment Resource Center is an office located in the Towngate Center where unemployed or under-employed Moreno Valley residents are able to utilize computers and other standard office equipment to access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The Center also partners with major employers either in or locating to the City to conduct employment recruitments. Due to popular demand, an expansion is being planned for the upcoming fiscal year. An additional 20 computers, classroom space, and career coaching services, will be added to enhance the existing facility and allow it to serve more residents.

c. Moreno Valley New Business Incentive Program

Continued funding is recommended for the New Business Incentive Program intended to incentivize the attraction of businesses to Moreno Valley. HUD

allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income level persons) and the boosting of sales tax revenues. Several major retailers have utilized this program.

d. Family Service Association Meal Program Facilities

A local non-profit Family Services Association plans to construct a kitchen facility in the City's CDBG Target Area where meals will be prepared for its local meals and nutrition programs including for the participants of its many daycare centers in the community. The facility will also provide needed storage capability for FSA's day care centers, which are being expanded in Moreno Valley including two more in the target area. The proposed $50,000 in CDBG funding would be used for assistance in acquiring a building for the site, and in lieu of the City's CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.

e. 'Lord's Gym'

The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet in today's world by focusing on sports programs. The facility offers a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring. A new facility shall open in an 11,000 sq. ft. space located in the Canyon Springs Plaza. The proposed $20,000 in CDBG funding would be used for tenant improvements, and in lieu of the City's CDBG assistance the 'Lord's Gym' must create or retain a minimum of one full time permanent job which are held by or made available to low and moderate income level person.

2010/11 HOME PROGRAMS AND ESTIMATED BUDGET

The City will receive a HOME program allocation of $666,589 in FY 2010/11. This is an increase of $145 from the previous year. In addition, there is $23,000 in previous year project savings, providing a total budget of $689,589 in HOME funds for the upcoming program year.

The HOME Program generally funds city-sponsored programs and projects. Program administration has a cap of 10% of the total HOME allocation. In addition, a minimum of 15% of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families. The anticipated HOME budget and funding allocation is shown in the following table.

HOME PROGRAM BUDGET

Funding Category	*Funding Allocation*
2010/11 HOME Allocation	$666,589
Unallocated funds from previous year savings	$23,000
TOTAL AVAILABLE HOME FUNDS	**$689,589**
Program Administration (maximum 10% of allocation)	$66,659
FY 09/10 CHDO (required 15% of allocation)	$99,988
Home Improvement Loan Program (HILP)	$240,000
Mobile Home Grant Program	$100,000
Multifamily Affordable Housing	$182,942
TOTAL ALLOCATION OF HOME FUNDS	**$689,589**

2010/11 RECOMMENDED HOME PROJECTS AND PROGRAMS

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten (10%) cap. Grant funding under this category provides for project management by Economic Development staff.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of fifteen (15%) of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 10/11 $99,988 must be allocated to CHDO-directed projects for potential affordable housing development. Staff will bring recommendations for CHDO allocation to the City Council later in the year.

3) HOME IMPROVEMENT LOAN PROGRAM (HILP)

The HILP program provides deferred loans for homeowner-occupants to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, provide for adequate handicap accessibility (if needed), and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.

4) MOBILE HOME GRANT

The City's Mobile Home Grant program provides a $10,000 maximum grant to rehabilitate income-eligible owner-occupied mobilehomes that are located in an established Moreno Valley mobilehome park from which a space is being rented. For FY 10/11, staff recommended an increase to the program funding to help further address health and safety related code issues.

5) MULTI-FAMILY AFFORDABLE HOUSING

Funding is being reserved for future multifamily affordable housing project opportunities that may arise during FY 10/11.

ALTERNATIVES

Alternative 1 – Staff recommends that the City Council conduct a public hearing to provide the public with an opportunity to comment on the proposed Annual Action Plan and adopt the Annual Action Plan for Fiscal Year 2010/11. **Staff recommends this alternative.**

Alternative 2 – Do not approve the Annual Action Plan for Fiscal Year 2010/11. **Staff does not recommend this alternative because it would result in a failure to meet the HUD deadline for submission of this document.**

FISCAL IMPACT

Available CDBG funds for FY 2010/11 total $1,941,611. These funds will provide funding for a variety of improvements and services. The total of HOME funds available is $666,589. These funds will provide funding for affordable housing projects. Together, the CDBG and HOME programs will afford a variety of affordable housing and neighborhood preservation efforts in Moreno Valley. The following represent the budgets for the two funds – CDBG and HOME[1].

Fund	Business Unit No/Name	Amounts
	CDBG Account	$1,941,611
285	73852 CDBG Administration	
289	73952 CDBG Programs	
285	74052 Code and Neighborhood Enforcement	
176	77110 - HOME	$666,589

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used for eligible activities in Target Areas that contain at least 51%

[1] This report features the 2010/11 annual budget for CDBG and HOME with actual allocation amounts released on March 31, 2010. Total program budgets will include carry over funds not featured in this report. Funding accounts shown are where the final allocations (future monies) will be applied.

of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. REVENUE DIVERSIFICATION & PRESERVATION

CDBG and HOME funds will enhance the City's ability to create a stable revenue base and fiscal policies that will support essential City improvements and services.

2. PUBLIC SAFETY

Many of the proposed CDBG and HOME projects and programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. POSITIVE ENVIRONMENT

A positive environment for the development of Moreno Valley's future will be created through a variety of community-based CDBG and HOME programs and projects.

4. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, Public Infrastructure Improvements and Housing Rehabilitation will help to preserve, rehabilitate and improve existing neighborhoods.

SUMMARY

HUD requires that grantee Entitlement Cities such as Moreno Valley, prepare an Annual Action Plan for the Community Development Block Program. The Annual Action Plan details the activities and projects the City will undertake in Fiscal Year 2010/11 using CDBG and HOME grant funds. The Annual Action Plan must be submitted to HUD no later than May 13, 2010.

The City Council established CDBG funding priorities at the January 12, 2010 meeting. At the March 23, 2010 Public Hearing, Council reviewed funding recommendations made by staff and the 2010 CDBG Technical Review Committee for the 2010/11 CDBG and HOME Programs. Staff now recommends that the City Council conduct a public hearing and approve the proposed 2010/11 Annual Action Plan for submittal to HUD.

NOTIFICATION

Notice of this meeting was published in the Press-Enterprise newspaper on April 28, 2010.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	2009 Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	Annual Action Plan for Fiscal Year 2010/11
ATTACHMENT E	CDBG Funding Allocations FY 2010/11

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

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ATTACHMENT A

2009 INCOME LIMITS

Effective April 2, 2009 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$14,000	$16,000	$18,000	$20,000	$21,600	$23,200	$24,800	$26,400
Very Low Income	50%	$23,300	$26,650	$29,950	$33,300	$35,950	$38,650	$41,300	$43,950
60% Limits (HOME)	60%	$27,960	$31,980	$35,940	$39,960	$43,140	$46,380	$49,560	$52,740
Low Income	80%	$37,300	$42,650	$47,950	$53,300	$57,550	$61,850	$66,100	$70,350
Median Income	100%	$45,150	$51,600	$58,050	**$64,500**	$69,650	$74,800	$80,000	$85,150
Moderate Income	120%	$54,200	$61,900	$69,650	$77,400	$83,600	$89,800	$96,000	$102,150

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City of Moreno Valley CDBG Target Areas

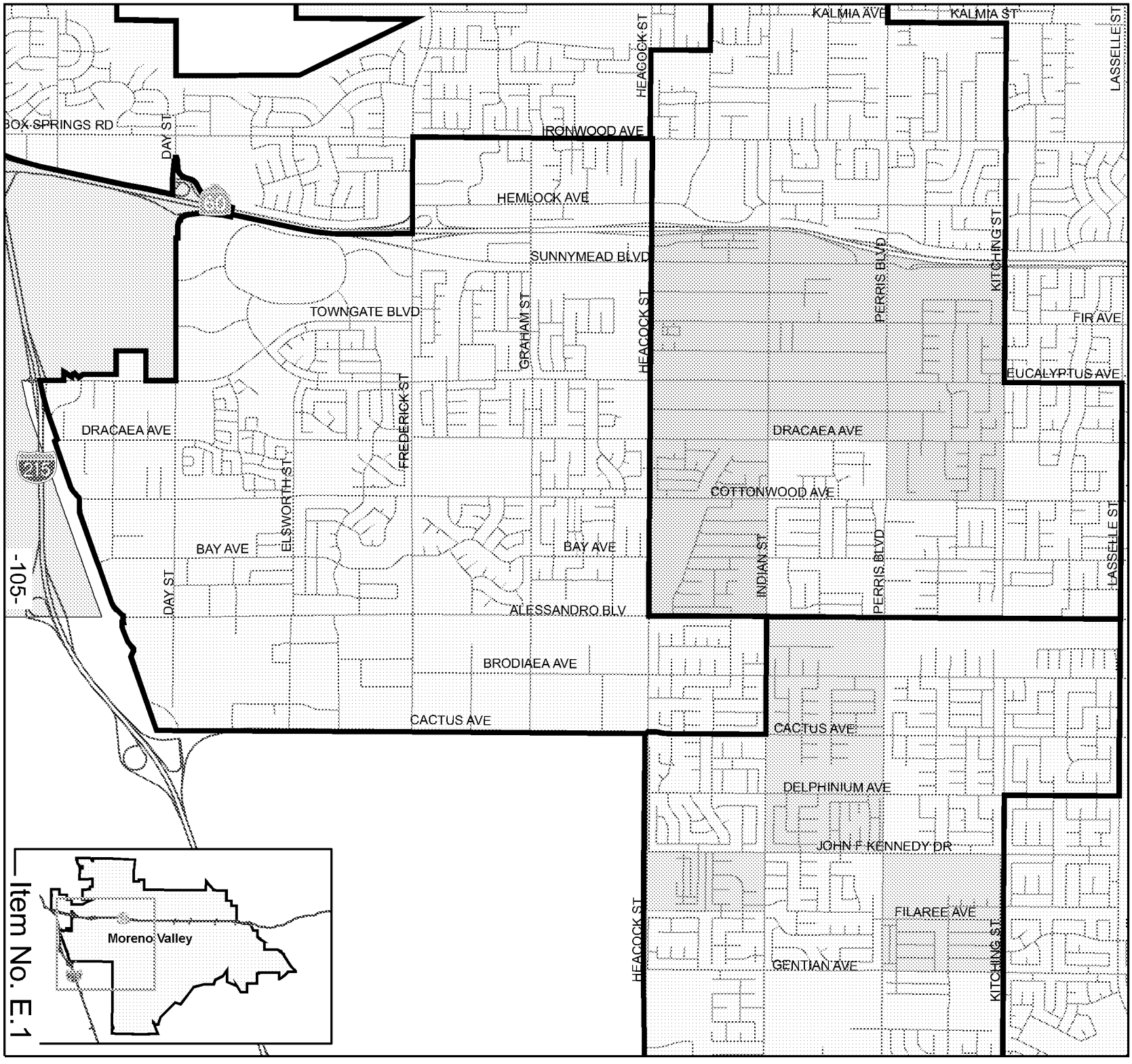

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

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ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME)

Annual Action Plan 2010-2011

July 1, 2010 through June 30, 2011

14177 Frederick Street, P.O. Box 88005, Moreno Valley, CA 92552-0805

SECTION 1 – INTRODUCTION

The Economic Development Department is the lead agency in developing the Consolidated and Annual Action Plans for the City of Moreno Valley. The Annual Action Plan addresses the City's plan for use of Community Development Block Grant ("CDBG") and Home Investment Partnership ("HOME") Funds during the 2010/11 Fiscal Year from July 1, 2010 through June 30, 2011. The Annual Action Plan is based upon the approved 2008-2013 Consolidated Plan prepared for both programs. The Annual Action Plan facilitates the strategy outlined in the Consolidated Plan by addressing community needs through various mechanisms.

The Action Plan provides a basis for assessing performance. It outlines programs for the upcoming program year as well as the proposed accomplishments over the five-year period of the Consolidated Plan. At the end of the program year a Consolidated Annual Performance and Evaluation Report (CAPER) provides information on the annual programmatic accomplishments.

The overall goals of the CDBG and HOME Programs, as included in the Consolidated Plan, are to develop viable urban communities by providing (1) decent housing, (2) a suitable living environment and (3) expanded economic opportunities principally for low and moderate-income persons.

(1). *Decent housing* includes assisting homeless persons, retention of the affordable housing stock, increasing the availability of permanent housing in standard condition and affordable cost to low-income and moderate-income persons.

(2). A *suitable living environment* includes improving the safety and livability of neighborhoods, increasing access to quality public and private facilities and services, and the revitalization of deteriorating or deteriorated neighborhoods.

(3). *Expanded economic opportunities* includes job creation and retention, as well as establishment, stabilization and expansion of small businesses.

The primary means towards this end is to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

MORENO VALLEY
WHERE DREAMS SOAR

SECTION 1 – INTRODUCTION
EXECUTIVE SUMMARY

CONSOLIDATED PLAN

Moreno Valley's Consolidated Plan is a comprehensive five-year strategy that addresses the use of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Grant funds to meet decent housing, suitable living environment, and expanded economic opportunity goals for low- and moderate-income city residents.

ANNUAL ACTION PLAN

The Annual Action Plan identifies specific projects, programs, and resources that will be implemented during the program year with CDBG and HOME Grant funds, consistent with the Consolidated Plan. In fiscal year 2010/11, the City of Moreno Valley will be receiving approximately $1,941,611 in new CDBG funds, and $666,589 in HOME funds. These funds will be used to support housing and community development activities.

Activities meeting Consolidated Plan goals fit into one or more of the following strategies:

- Homeless Strategy
- Special Needs Strategy
- Housing/Fair Housing Strategy
- Community and Economic Development Strategy

For each strategy identified in the Consolidated Plan, a list of activities, resources available, and goals are provided for the upcoming program year.

The Action Plan also addresses other actions such as the anti-poverty strategy, institutional structure to carry out the activities, coordination with other agencies, public housing, a monitoring plan and plans for meeting underserved needs.

Additionally, as part of the grant requirements, a form application SF 424 is included as well as a Citizen Participation Plan, public comments received and required certifications by the City.

PERFORMANCE MEASUREMENT SYSTEM

A Performance Measurement System was developed by the City of Moreno Valley as requested by HUD in September 2003. This system will be used to evaluate the effectiveness of HUD CPD program funds in meeting community needs. Attachment H details specific performance measurements for each program receiving CDBG and HOME funds during FY 2010/11.

GEOGRAPHIC DISTRIBUTION & CDBG TARGET AREAS

Moreno Valley's CDBG Target Areas encompass some of the oldest areas in the city. The City's CDBG Target Areas generally include neighborhoods identified locally as Edgemont, Central Sunnymead, Eastgate and Warner Ranch. Significant portions of the target areas lack adequate infrastructure such as curbs, gutters, street improvements, sidewalks, water and sewer lines, storm drains, and street lighting. The majority of proposed projects are distributed within the CDBG target areas, because these areas have the greatest concentrations of low-and moderate-income individuals. Other projects such as the Redevelopment (RDA) Agency's housing programs target low- and moderate-income individuals citywide.

SECTION 1 – INTRODUCTION
AVAILABLE RESOURCES

The City of Moreno Valley will utilize a variety of Federal, State, and local funding sources to achieve the community and housing priorities identified. Specific funding resources will be utilized based upon availability, opportunities, and constraints of each particular project or program.

The City is committed to utilizing each funding source to its highest and best use. Therefore, the City will leverage the resources identified in this section to facilitate various programs and projects. Specific resources available to address the needs identified in the plan are included under the Annual Action Plan Section.

The following includes a description of both the resources the City currently uses and those for which funding may be pursued.

Federal Resources

Community Development Block Grant Program (CDBG)

Moreno Valley receives an annual CDBG allocation to meet the following three broad national objectives:

- Benefit to low and moderate income households;
- Removal of slum or blight; or
- Meet urgent community needs.

Approximately 90% of the funding has been used to benefit persons of low and moderate income. Programs and projects funded generally include public services, code compliance activities, and economic development activities. The City's grant allocation available for fiscal year 2010/11 is $1,941,611. Table 1-A details the available CDBG funds. Table 1-B details the allocations for FY 2010/11.

TABLE 1-A
FY 2010/11 CDBG AVAILABLE FUNDING

Funding Category	Funding Allocation
2010/11 CDBG Allocation	$1,941,611
Unallocated funds from previous years savings*	$505,000
TOTAL AVAILABLE CDBG FUNDS	$2,446,611
Program Administration (20% maximum of annual grant)	$388,322
Public Social Services (15% maximum of annual grant)	$291,241
Facilities	$80,000
Rehabilitation	$10,000
Code Enforcement	$396,407
Economic Development	$805,641
TOTAL PLANNED CDBG BUDGET	$1,941,611

*$450,000 in projected savings from the Temco, Vought, and Boeing Sidewalk Improvement Projects and $55,000 in projected savings from 2009/10 administrative activities

TABLE 1-B
CDBG FUNDING ALLOCATIONS FY 2010/11

ADMINISTRATION (20% CAP - $388,322)	
CDBG Program Administration	$338,869
Fair Housing Services	$49,453
SOCIAL SERVICES (15% CAP - $291,241)	
Community Foreclosure Prevention Workshops	$44,000
Community Assistance Food Program (CAP)	$30,600
Friends of the Moreno Valley Senior Center (MoVan)	$30,000
Moreno Valley Police Dept., Problem Orienting Policing (POP) Team	$28,241
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$25,000
Lutheran Social Services Transitional Center (MARB)	$15,000
Path of Life Ministries King Hall Family Shelter (MARB)	$15,000
PW Enhancement Center – Emergency & Homeless Services	$15,000
Neighborhood Clean-up Program	$15,000
Assistance League of Riverside - Operation School Bell	$10,000
CASA for Riverside County	$10,000
God's Helping Hand Ministries Food Program	$9,000
Operation Safehouse Shelter for Youth	$8,000
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,500
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500
Moreno Valley Community Educators - Tutoring Program	$6,400
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
FACILITIES	
Youth Opportunity Center	$50,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
Fire Prevention 'Improvement Task Force'	$30,000
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$540,000
Community Employment Resource Center	$145,641
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$50,000
Lord's Gym	$20,000
TOTAL CDBG FUNDING ALLOCATIONS	**$1,941,611**

HOME Investment Partnership Program (HOME)

HOME Investment Partnership funding is provided to the City to:

- assist with affordable rental housing
- promote home ownership through acquisition
- construction,
- reconstruction,
- and/or rehabilitation of affordable housing.

Moreno Valley became an Entitlement City for HOME funds during FY 1995/96.

The City of Moreno Valley's HOME allocation for FY 2010/11 is $666,589. Table 1-C details the estimated HOME funds available for FY 2010/11. Table 1-D details the anticipated funding allocations for program year 2010/11. The funding allocations are for new and continuing projects and programs that will be implemented in FY 2010/11.

TABLE 1-C

FY 2010/11 HOME ESTIMATED FUNDING	
2010/11 HOME Allocation	**$666,589**
Previous Year Un-used and Available Funds	$23,000
Total Available HOME Funds	**$689,589**

* $23,000 in projected savings from 2009/10 administrative activities

TABLE 1-D

HOME FUNDING ALLOCATIONS FY 2010/11	
Program Administration (maximum 10% of allocation)	$66,659
FY 09/10 CHDO (required 15% of allocation)	$99,988
Home Improvement Loan Program (HILP)	$240,000
Mobile Home Grant Program	$100,000
Multifamily Affordable Housing	$182,942
TOTAL ALLOCATION OF HOME FUNDS	**$689,589**

A. Local Resources

- ***Community Redevelopment Agency of the City of Moreno Valley***

As required by California Redevelopment Law, the Redevelopment Agency expends 20% of its tax increment revenue funding affordable housing projects. RDA (Housing Set-Aside) revenue projections for FY 2010/11 indicate an estimated 20% set-aside funding of $3.8 million.

- ***Homelessness Prevention and Rapid Re-housing Program (HPRP)***

In 2009 the City was provided with a one-time HPRP grant allocation of $732,872 under the American Recovery Re-investment Act of 2009. The purpose of the HPRP grant is

to provide homelessness prevention assistance to households who would otherwise become homeless in the current economic crisis and to rapidly re-house individuals and families who are currently homeless as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42U.S.C. 11302). Moreno Valley has established 6 activities that assist families facing homelessness, including: case management, rent/arrears assistance, security deposit assistance, utility/arrears assistance, legal assistance, and administration.

- ***Community Development Block Grant – Recovery (CDBG-R)***

The City was also provided with a one-time CDBG-R grant valued at $472,872 under the American Recovery Re-investment Act of 2009. Moreno Valley's CDBG-R program establishes 4 projects (plus administration) aimed at stimulating the economy by creating jobs, modernizing infrastructure, and promoting energy efficiency.

- ***Neighborhood Stabilization Program (NSP)***

Under the Housing and Economic Recovery Act (HERA), the City of Moreno Valley received a CDBG allocation of $11,390,116, to formulate the Neighborhood Stabilization Program (NSP) which is designed to stabilize neighborhoods most impacted by foreclosures. The City's NSP Program is comprised of four activities: 1) single family residential acquisition, rehabilitation, and resale (SFR-ARR), 2) multi-family residential acquisition, rehabilitation, and resale (MFR-ARR), 3) Homebuyers Assistance Program (HAP), and 4) Administration. In partnership with selected Development Partners, the City acquires and rehabilitates single family residences for the purpose of resale to homebuyers earning up to 120% of the Area Median Income (AMI), and multi-family residences for the purpose of rental to households earning up to 50% AMI. Of the total $11,390,116 allocation received, the funds have been budgeted accordingly:

ACTIVITY	BUDGET
SFR-ARR	$5,203,576.00
MFR-ARR	$4,047,529.00
HAP	$1,000,000.00
ADMINISTRATION	$1,139,011.00

In FY09/10, the City acquired almost thirty single family properties obligating/expending approximately $4.4 million of the SFR-ARR budget. During FY10/11, the City will continue with its SFR-ARR efforts to expending the remaining budget as well as program income generated from the sale of the single family properties. During FY10/11, the City will expend $381,000 of the MFR-ARR NSP budget rehabilitating two apartment buildings totaling 27 dwelling units located on Myers Avenue. The properties were acquired during the end of FY09/10 for $1,930,500. Approximately $2.4 million has been allocated to the acquisition and rehabilitation of this project.

- ***Riverside County Housing Authority***

The County of Riverside serves as the local housing authority for the region. The County operates 469 Section 8 housing and public housing facilities throughout the

County including those located in Moreno Valley. Sources of funds available to city residents through the Housing Authority are primarily limited to Section 8, Capital Fund Program (formerly the Comprehensive Grant Program), and the Public Housing programs.

B. Private Resources

For-Profit Organizations

- ***Community Reinvestment Act (CRA)***

The city encourages increased cooperation between lending institutions and the communities they serve to meet CRA requirements for the development of affordable housing.

Non-Profit Organizations

Currently, a number of non-profit organizations facilitate a variety of social services and housing activities in Moreno Valley. The City encourages and supports non-profit organizations that apply for funding from various sources.

C. Leveraging and Matching Funds – HOME

The primary source of fund leveraging will occur in conjunction with activities carried out through Redevelopment Agency 20% Set-Aside funds. Specific matching fund activities include housing rehabilitation and development programs for single family, multi-family, and mobile home units. The following table summarizes FY 2010/11 HOME activities and match sources:

TABLE 1-E*
HOME MATCH

HOME BUDGET FISCAL YEAR 2010/11	Continuing from Prior Years	2010/11 Allocation	Total Request	RDA Match 25%+
Administration (10% Cap)	$0	$66,659	$66,659	$0
Community Housing Development Organization (15% Min.)	$189,908	$99,988	$289,896	$0
Home Improvement Loan Program	$0	$240,000	$240,000	$0
Multi-Family Affordable Housing Program	$339,688	$182,942	$522,630	$4,300,000
Mobile Home Grant Program	$0	$100,000	$100,000	$0
GRAND TOTAL	**$529,596**	**$689,589**	**$1,219,185**	**$4,300,000**

* This table does not include total budgets available for the various projects. The available amounts may vary due to other funding sources such as RDA, NSP, etc.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN

The city will pursue housing, community development, and economic development activities to meet the needs of very-low, low, and moderate-income persons in Moreno Valley. To accomplish this, the city plans to expend CDBG, HOME, and other funds as available, such as Homelessness Prevention and Rapid Rehousing Program (HPRP), Neighborhood Stabilization Program (NSP), and Community Development Block Program – Recovery (CDBG-R) to meet community needs. The Consolidated Plan has several strategies for meeting community needs. The following objectives were identified in the Strategic Plan portion of the Consolidated Plan.

HOMELESS STRATEGY – TABLE 2-A, page 10
Objective 1. Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.

SPECIAL NEEDS STRATEGY – TABLE 2-B, page 14
Objective 1. Provide supportive housing and public services to meet the needs of special needs persons.

HOUSING STRATEGY – TABLE 2-C, page 15
Objective 1. - Rehabilitation of existing and construction of new single-family homes, multi-family housing, and mobile homes to create or maintain decent, affordable housing for low and moderate-income residents.
Objective 2. - Create home ownership opportunities for low and moderate-income residents.
Objective 3. - Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.
Objective 4. - Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY – TABLE 2-D, page 25
Objective 1. - Promote expanded employment opportunities in order to create or retain low and moderate-income jobs.
Objective 2. - Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.
Objective 3. - Support social service programs available to serve low and moderate-income residents.
Objective 4. - Provide employment training and placement programs available to serve low and moderate-income residents

The following tables detail the activities the City will undertake to address these objectives in FY 2010/11. The tables identify available funding, the geographic areas covered by the activity, and the target populations. Additional project information is provided in the Community 2020 tables enclosed as Attachment B.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN (Continued)
HOMELESS STRATEGY

The Five Year Goals and Proposed Accomplishments under the homeless strategy are to assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities. The following programs for FY 2010/11 will be implemented to meet this goal.

TABLE 2-A

HOMELESS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.	
PROGRAM:	**PATH OF LIFE MINISTRIES – KING HALL FAMILY SHELTER**
PROGRAM DESCRIPTION:	Program provides long term (up to 2 years) shelter to homeless families and individuals with children. Residents may live at the shelter for a maximum of two years. While living at the shelter families are provided comprehensive counseling and support services that will assist them in becoming self sufficient. The shelter is located on March Air Reserve Base.
RESOURCES	CDBG Funds 2010/11 $15,000
TARGET POPULATION	Homeless families and homeless individuals with children
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LUTHERAN SOCIAL SERVICES TRANSITIONAL SHELTER PROGRAM**
PROGRAM DESCRIPTION:	A long term (up to 2 years) shelter program that provides assistance to homeless women and children through a comprehensive transitional living program. Counseling, education assessments and other services are provided to assist participants in gaining self sufficiency. Through the City's HPRP Program, Lutheran Social Services also provides assistance with utility payments arrears and security deposits to families at risk of homelessness.
RESOURCES:	CDBG Funds 2010/11 $15,000 HPRP Funds $65,938
TARGET POPULATION:	Homeless Women and Children
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**P. W. ENHANCEMENT CENTER (PWEC)**
PROGRAM DESCRIPTION:	Emergency motel vouchers, shelter placement, security deposit and rental assistance for homeless persons and persons threatened with homelessness. Also provides emergency and supportive services to needy households including food distribution, money management, job preparedness, child development and counseling.
RESOURCES:	CDBG Funds 2010/11 $15,000 HPRP Funds $64,063
TARGET POPULATION:	Homeless; Low and Moderate-Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**OPERATION SAFEHOUSE**
PROGRAM DESCRIPTION:	Operation Safehouse provides emergency shelter, counseling and comprehensive support services for homeless/run-away youth aged 12 – 17, with a goal of family reunification.
RESOURCES:	CDBG Funds 2010/11 $8,000
TARGET POPULATION:	Abused, Neglected, and Homeless Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2010/11 $30,600
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD AND EMERGENCY SERVICES PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing, utility assistance, and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2010/11 $9,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides new essential clothing and school supplies, a backpack, hygiene kit to low income children identified by teachers or school officials as homeless or needy.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Elementary school aged children from low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FORECLOSURE PREVENTION WORKSHOPS**
PROGRAM DESCRIPTION:	Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The seven workshops held over 09/10 attracted approximately 600 struggling homeowners.
RESOURCES:	CDBG Funds 2010/11 $44,000
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**CATHOLIC CHARITIES**
PROGRAM DESCRIPTION:	Provides assistance with rental subsidy and rental arrears payments through the City's HPRP program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**INLAND LEGAL SERVICES**
PROGRAM DESCRIPTION:	Free legal advice\services related to housing issues. Offers tenant legal services for evictions and other related legal needs. Funding also allows for expanded service hours.
RESOURCES:	HPRP Funds $40,000
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**FAMILY SERVICES ASSOCIATION (FSA)**
PROGRAM DESCRIPTION:	FSA provides case management and assistance with rent subsidies and/or rental arrears payments. Program is funded through the City HPRP program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER**
PROGRAM DESCRIPTION:	Provides assistance with rental subsidy and rental arrears payments through the City's HPRP Program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FAIR HOUSING SERVICES – FORECLOSURE PREVENTION AND MITIGATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. It also offers financial assessments, budget management, mortgage education, training to potential homebuyers, and referral services.
RESOURCES:	CDBG Funds 2010/11 $25,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

ASSISTANCE AVAILABLE TO PERSONS THREATENED WITH HOMELESSNESS

In order to prevent low-income families from becoming homeless, local non-profit organizations (i.e. Catholic Charities, Gods Helping Hand, P.W. Enhancement Center), provide one-time emergency rental/mortgage assistance. The goal is to prevent homelessness for persons who missed a rent/mortgage payment due to extenuating circumstances. Some low-income families live "paycheck to paycheck" which makes it difficult for them to pay for the basic necessities when an emergency expense arises. The emergency rental/mortgage assistance program greatly benefits families on the threshold of becoming homeless.

For those families at risk of homelessness due to foreclosure, the city will continue conducting a series of foreclosure prevention workshops to assist with mitigation of the foreclosure and provide valuable referrals. The City will also continue to offer programs under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant provided in 2008/09 under the American Recovery Act. This emergency legislation was established specifically to address the issue of potential homelessness due to the economic crisis. Funds were dedicated to providing various forms of assistance to qualifying families including: monthly rental assistance, rental arrears, security deposit assistance, utility payments and arrears, motel vouchers, legal assistance, and individual case management.

There are several programs administered by Riverside County that aid in the prevention of homelessness. For example, the Emergency Food and Shelter Program meets the needs of the hungry and homeless by providing funds to provide the following housing assistance (as determined by the Local Board in funded jurisdictions): lodging in a mass shelter or hotel; one month's rent or mortgage payment; one month's utility bill; and minimal repairs to allow a sheltering facility to function during the program year.

CONTINUUM OF CARE

The City will continue to actively participate in Riverside County's Continuum of Care Consortium. The Continuum of Care Consortium consists of local government agencies and local non-profits that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services, emergency and transitional shelter. Periodic meetings provide an opportunity for networking and working towards the common goal.

The County of Riverside is the lead agency charged with developing the Continuum of Care's 10 Year Strategy to End Homelessness. A working group of local government agency staff and other community stakeholders has been formed to develop this 10 year plan. The City of Moreno Valley has assigned a staff person to participate in this working group (which meets monthly) to assist in the accomplishment of the goal of ending homelessness in ten (10) years.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
SPECIAL NEEDS STRATEGY

The Five Year Goals and Proposed Accomplishments under the special needs strategy are to assist 15,000 special needs persons, including the elderly and disabled, with housing and public services. In FY 2010/11, the following programs will be implemented to meet this goal.

TABLE 2-B

SPECIAL NEEDS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of special needs persons.	
PROGRAM:	**SENIOR VAN TRANSPORTATION SERVICES (MoVan)**
PROGRAM DESCRIPTION:	The MoVan is used to transport the elderly and adult handicapped to medical appointments and other needed destinations for a small donation or at no cost. The MoVan is a specially equipped 17-passenger bus with two wheel chair tie-downs is available 7 hours a day/ 5 days a week.
RESOURCES:	CDBG Funds 2010/11 $30,000
TARGET POPULATION:	Special Needs Persons – Elderly and Disabled
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**ARC OF RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to provide specialized medical training to on-site LVN, and to help continue other existing services.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Special Needs Persons – Disabled
GEOGRAPHIC AREAS:	Citywide

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
HOUSING STRATEGY

The Five Year Goals and Proposed Accomplishments under the housing strategy are to:

1. To rehabilitate or construct a minimum of 400 housing units.
2. To provide home ownership to 5 households.
3. To provide increased, proactive Code Compliance, Neighborhood Cleanups and public safety activities to assist 3000 households in the CDBG Target Areas.
4. To assist 2,500 persons with fair housing and landlord/tenant services.

In FY 2010/11, the following programs will be implemented to meet the goals of each Objective:

TABLE 2-C

HOUSING STRATEGY	
OBJECTIVE 1: Rehabilitation of existing housing and/or construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.	
PROGRAM:	**MOBILE HOME GRANT PROGRAM**
PROGRAM DESCRIPTION:	Program offers rehabilitation grants of up to $10,000 to low-income owner occupants of mobile home coaches located in rental parks within the City to repair and eliminate substandard conditions.
RESOURCES:	HOME Funds $100,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	Citywide

HOUSING STRATEGY

OBJECTIVE 1: (Continued)

PROGRAM:	**HOME IMPROVEMENT LOAN PROGRAM (HILP)**
PROGRAM DESCRIPTION:	3% deferred loans for income qualified homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.
RESOURCES:	HOME Funds 2010/11 $240,000
TARGET POPULATION:	Low and Moderate Income Home Owners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**MULTI-FAMILY AFFORDABLE HOUSING PROJECTS**
PROGRAM DESCRIPTION:	Construction or rehabilitation of affordable multi-family housing units. New construction will provide additional affordable housing within the community for low income renters. The rehabilitation of current housing stock will improve the amount of decent housing in the community.
RESOURCES:	HOME Funds 2010/11 $182,942
TARGET POPULATION:	Low- income renters
GEOGRAPHIC AREAS:	CDBG Target Area

HOUSING STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**SINGLE FAMILY ACQUISITION, REHABILITATION, AND RESALE PROGRAM (SFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the SFR-ARR program purchases, repairs, then re-sells foreclosed and abandoned properties to qualifying families earning up to 120% of the area median income.
RESOURCES:	NSP Funds $5,203,575
TARGET POPULATION:	Low and Moderate Income families
GEOGRAPHIC AREAS:	NSP Target Census Tracts

PROGRAM:	**MULTI-FAMILY ACQUISITION REHABILITATION AND RESALE (MFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the MFR-ARR program purchases, repairs, foreclosed and abandoned multi-family apartments and makes them available to renters earning up to 50% of the area median income.
RESOURCES:	NSP Funds $4,047,529
TARGET POPULATION:	Low and Moderate Income renters
GEOGRAPHIC AREAS:	NSP Target Census Tracts

HOUSING STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**CHDO – COMMUNITY HOUSING DEVELOPMENT ORG, Unprogrammed**
PROGRAM DESCRIPTION:	15% CHDO Set aside money for the future rehabilitation or construction of affordable housing for very low income residents. Specific project to be selected at a later date.
RESOURCES:	HOME CHDO Funds 2010/11 $99,988
TARGET POPULATION:	Very Low- income households
GEOGRAPHIC AREAS:	CDBG Target Area
PROGRAM:	**HABITAT FOR HUMANITY – MOBILE HOME REHABILITATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Program will supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or cosmetic) and focus more grant dollars on the code related improvements.
RESOURCES:	CDBG Funds $10,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 2: Create home ownership opportunities for low and moderate-income residents

PROGRAM:	**HOMEBUYER ASSISTANCE PROGRAM (HAP)**
PROGRAM DESCRIPTION:	Provides down payment assistance of up to 20% of the purchase price, for first time homebuyers purchasing resale homes up to the maximum FHA 203b limit. Loans are deferred for 30 years with no interest.
RESOURCES:	Neighborhood Stabilization Funds 2010/11 $1 million Redevelopment Funds 2010/11 $500,000
TARGET POPULATION:	Low and moderate income households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**OAKWOOD AFFORDABLE HOUSING PROJECT**
PROGRAM DESCRIPTION:	Development of 240 apartment units for low income renters. The project is currently under construction.
RESOURCES:	Redevelopment Housing Set-aside Funds $ 3 million
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

PROGRAM:	**RANCHO DORADO AFFORDABLE HOUSING DEVELOPMENT**
PROGRAM DESCRIPTION:	Development of apartment units for low income renters. Phase 1 of the project is currently under construction. Phase 2 is competing for State Tax Credit funding. The project will provide 148 affordable units once constructed.
RESOURCES:	Redevelopment Housing Set-aside Funds Phase 1 $4,750,000 Phase 2 $4,750,000
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

HOUSING STRATEGY

OBJECTIVE 3: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.

PROGRAM:	**NEIGHBORHOOD CODE COMPLIANCE**
PROGRAM DESCRIPTION:	City Code Compliance Officers provide enhanced, proactive inspection and enforcement services within the CDBG Target Areas to eliminate substandard housing and poor property maintenance conditions. Many low-income tenants are unable to pay for improvements that are the responsibility of the property owner. Increased code enforcement seeks compliance from property owners and assists in eliminating the substandard conditions.
RESOURCES:	CDBG Funds 2010/11 $263,390
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

PROGRAM:	**PROBLEM ORIENTED POLICING (POP) PROGRAM**
PROGRAM DESCRIPTION:	Addresses crime prevention through problem solving to increase public safety in low-income neighborhoods and reduce the number of calls for service. Public safety continues to be identified as a high priority by residents and the city. Continued support of the program will help to maintain the safety of area residents and the city's neighborhoods.
RESOURCES:	CDBG Funds 2010/11 $28,241
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CODE ENFORCEMENT - CITY FORECLOSURE STRIKE TEAM**
PROGRAM DESCRIPTION:	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.
RESOURCES:	CDBG Funds 2010/11 $103,017
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas
PROGRAM:	**NEIGHBORHOOD CLEAN-UP PROGRAM**
PROGRAM DESCRIPTION:	This neighborhood program assists in the revitalization of older neighborhoods. Funds will be used to conduct large-scale neighborhood clean-ups (utilizing commercial sized dumpsters and skip loaders) providing haul away and other services to residents within the targeted neighborhoods. Each clean-up typically assists an average of 125 properties.
RESOURCES:	CDBG $15,000
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**FIRE PREVENTION – 'IMPROVEMENT TASK FORCE'**
PROGRAM DESCRIPTION:	This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family units in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing.
RESOURCES:	CDBG Funds 2010/11 $30,000
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 4: Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

PROGRAM:	**FAIR HOUSING SERVICES**
PROGRAM DESCRIPTION:	The Fair Housing Council of Riverside County provides a full range of fair housing services including education, discrimination investigation, landlord/tenant mediation, enforcement, and training and technical assistance. All services designed to affirmatively further fair housing.
RESOURCES:	CDBG Funds 2010/11 $49,453
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

CITY EFFORTS TO ADDRESS LEAD-BASED PAINT HAZARDS

The City provides four consumer loan products that are impacted by the requirements of lead based paint disclosure. Applicants for the City's Mobile Home Grant Program, the Homebuyers Assistance Program, Home Improvement Loan Program, and the Homeowners Assistance for Minor Rehabilitation Program are given a lead-based paint disclosure booklet and sign an acknowledgment that is included in the loan application. If the home was constructed prior to 1978, the City contracts with Home Safe for a lead-based paint inspection of the property. If the property is found to contain lead-based paint, mitigation measures are incorporated as a part of the revitalization work. Since the HAP loan is down payment assistance, the lead-based paint mitigations are the responsibility of the Seller prior to the title transfer. Both buyer and seller receive the disclosure materials as a part of the loan application process.

SECTION 2 – *AFFORDABLE AND FAIR HOUSING*

Zoning

While not specifically addressed as a barrier to affordable housing, the City will begin re-evaluation of some areas that have been re-zoned to non-residential uses. In most cases, the areas re-zoned are older areas of the City that may offer more affordable housing. The City will continue to review the policies in its Housing Element for consistency with the Consolidated Plan and identify areas in need of improvement.

Strategies to Promote Affordable Housing

The City of Moreno Valley will undertake the following strategies to promote and foster affordable housing:

- Actively support projects that apply for State and Federal funds, on a case-by-case basis.
- Continue to develop and maintain affordable housing through the use of CDBG funds, HOME funds, Redevelopment Agency Housing Set-aside funds, and Neighborhood Stabilization Program funds.
- Complete infrastructure plans for various areas of the City to reduce-up front design costs for construction of improvements.
- Continue to implement Permit streamlining to encourage the development of affordable housing in the City.
- Continue to allocate funding for Code Compliance services in the CDBG target areas to address code compliance issues and encourage housing and property maintenance.

ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING

The City updated its Analysis of Impediments to Fair Housing Choice Report in 2008. The following proposed actions were identified during the process. The recommended actions are directed to the City, lending institutions, and other service agencies that assist Moreno Valley residents. Listed below are the key actions that the City could take to continue its efforts to affirmatively further fair housing:

1. Private Sector Actions

Action 1.1 Hate crime victim services are needed because families may feel threatened and unwanted. The City will develop a directory of victim services.

Action 1.2 Numerous professional organizations guide the day-to-day practice of real estate agents and property management companies. These day-to-day practices impact the delivery of housing on a fair and equal basis. The City will continue to maintain an awareness of these organizations and how they affect housing in Moreno Valley.

Action 1.3 The City will encourage the Press-Enterprise to identify in its Fair Housing Notice the agencies that can respond to fair housing questions. Such agencies would include the Fair Housing Council of Riverside County (FHCRC).

Action 1.4 The City will encourage the Press-Enterprise to publish a "no pets" disclaimer that indicates rental housing owners must provide reasonable accommodations, including "service animals" and "companion animals" for disabled persons.

Action 1.5 The City will encourage the Fair Housing Council to prepare a summary of reasonable accommodation requirements and transmit this information to the owners and managers of Moreno Valley's large apartment communities. The information may also provide a link to the State Department of Fair Employment and Housing video on reasonable accommodations.

2. Public Sector Actions

Action 2.1 The City will continue to support fair housing services in order to ameliorate the impacts of housing discrimination and to inform residents on how to recognize and avoid predatory lending, panic selling, and steering.

Action 2.2 The City's Home Improvement and Homeowner's Assistance Programs will continue to assist loan applicants that may have previously been denied through private banks and institutions, with low interest and deferred loans. The deferred loans would not increase an applicant's debt-to-income ratio. In addition, the City can be somewhat more lenient than a private lender insofar as past credit history.

Action 2.3 Using HPRP funds, the City will fund expanded hours for the provision of income – eligible families facing unlawful eviction and homelessness.

Action 2.4 Over the few years, homeowners in the City, as in other Inland Empire communities, are late with their monthly loan payments and, thus, are receiving notices of default and facing foreclosure and possible bankruptcy. The fair housing services provided by the FHCRC have been augmented to help struggling homeowners.

Action 2.5 The City will continue to provide Foreclosure Prevention Workshops throughout Moreno Valley. Two workshop series will be held, each delivering 5 workshops to help struggling homeowners prevent foreclosure. The City will produce a 1-hour video on the subject, to be available on the City's website.

Action 2.6 The City will assist the County of Riverside Housing Authority by transmitting information contained in the Fair Housing Community Profile (Technical Appendix A of the Analysis of impediments to Fair Housing Choice). That information will include the areas of minority and low-income concentrations and an inventory of rental housing communities located outside these areas. In this way, the Housing Authority will have specific geographic information to counsel Section 8 tenants and seek owners outside areas of concentration. This information will be transmitted to the Housing Authority during the first year of the five-year Fair Housing Action Plan.

Action 2.7 The City's Website also will provide a link to the State Department of Fair Employment and Housing's (DFEH) six-minute video on reasonable accommodations for tenants.

ACTIONS TO BE TAKEN DURING PROGRAM YEARS 2008-2009 TO 2012-2013 OF THE CONSOLIDATED PLAN

Program Year 2010-2011

- Continue to contract the FHCRC to provide fair housing services to Moreno Valley's residents.
- Prepare a listing or directory of hate crime victim services.
- Provide the public fair housing information by preparing Q&A documents on topics such as service and companion animal guidelines and accessibility guidelines.
- Conduct annual coordination meetings with the FHCRC, Inland Valley Association of Realtors and the Apartment Association of the Greater Inland Empire to discuss emerging fair housing issues.
- Transmit to the County of Riverside Housing Authority information on areas of minority and low income populations. This information will help the Housing Authority to counsel Section 8 tenants and to conduct landlord outreach to the owners and managers of apartments located outside these areas.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

The Five Year Goals and Proposed Accomplishments under the Community and Economic Development Strategy are to:

1. To assist 400 local small businesses with counseling services and loan programs.
2. To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.
3. To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).
4. To assist 150 low and moderate income residents with employment training and placement opportunities.

The following tables outline the activities that the city will undertake during Program Year 2010/11 to meet the Consolidated Plan Goals and Objectives.

TABLE 2-D

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 1: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.	
PROGRAM:	**SMALL BUSINESS COUNSELING SERVICES**
PROGRAM DESCRIPTION:	Counseling services for local small businesses in business planning, finances, marketing, etc. The goal is to create and/or retain low-income jobs in the community.
RESOURCES:	CDBG Funds FY 2010/11 $50,000
TARGET POPULATION:	Low income small business owners and employees
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**EMPLOYMENT RESOURCE CENTER**
PROGRAM DESCRIPTION:	The Center will provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost.
RESOURCES:	CDBG Funds 2010/11 $145,641
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**MORENO VALLEY NEW BUSINESS INCENTIVE PROGRAM**
PROGRAM DESCRIPTION:	The New Business Incentive Program is intended to attract major employers to locate in large, vacant retail space in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community through loans, grants or interest subsidies. The program intent is to create full-time permanent jobs which, per a formal agreement with the employer, a certain number shall be held by or made available to low and moderate income persons.
RESOURCES:	CDBG Funds 2010/11 $540,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**FAMILY SERVICE ASSOCIATION - MEAL PROGRAM FACILITY**
PROGRAM DESCRIPTION:	The local Family Services Association plans to construct a kitchen facility in the City's CDBG Target Area where meals will be prepared for the participants of its daycare centers. CDBG funding would be used for help in acquiring a building for the site. In lieu of the CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.
RESOURCES:	CDBG Funds 2010/11 $50,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LORD'S GYM**
PROGRAM DESCRIPTION:	The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet by focusing on sports. The facility offers a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring. A new facility shall open in Moreno Valley. The proposed CDBG funding will be used toward tenant improvements. In lieu of the CDBG assistance, the 'Lord's Gym' must create or retain a minimum of one full time permanent job held by or made available to low and moderate income level person.
RESOURCES:	CDBG Funds 2010/11 $20,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 2: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.

PROGRAM:	**SHEILA STREET PARK**
PROGRAM DESCRIPTION:	Project will design and construct a neighborhood park to be located at the former car was site in the Sheila Street Neighborhood.
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $400,000
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Warner Ranch Neighborhood in Moreno Valley

PROGRAM:	**VOUGHT STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Vought Street from Boeing Street to Pan Am Boulevard and on Boeing Street from Vought Street to Temco Street
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $388,183
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

PROGRAM:	**BOEING-MCDONNEL SIDEWALK IMPROVEMENTS, #2**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Boeing Street and McDonnel Street from Bay Avenue to Vought Street
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $586,447
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 2 CONTINUED)

PROGRAM:	**TEMCO STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Temco Street from Boeing Street to Pan Am Boulevard
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $291,028
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 3: Support public service programs available to serve low and moderate income residents.

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2010/11 $30,600
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2010/11 $9,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CHILD ABUSE PREVENTION & EDUCATION PROGRAM**
PROGRAM DESCRIPTION:	The Riverside Area Rape Crisis Center provides a child abuse prevention program designed to educate children (K-12th grade) through the Moreno Valley schools. They also provide counseling and support services to abuse victims and their families.
RESOURCES:	CDBG Funds 2010/11 $7,500
TARGET POPULATION:	K-12 students
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides a backpack, hygiene kit and back-to-school clothing through a "shopping" experience to children identified by teachers or school officials as being in need.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Elementary school aged children from homeless and low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**ALTERNATIVES TO DOMESTIC VIOLENCE**
PROGRAM DESCRIPTION:	Alternatives to Domestic Violence provides services to victims of domestic violence. These services include an Outreach Counseling Center which offers a 24-hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.
RESOURCES:	CDBG Funds 2010/11 $7,500
TARGET POPULATION:	Victims of Domestic Violence
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CASA for RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	Advocacy for Abused and Neglected Children. CASA offers court appointed monitoring services to foster youth. CDBG funds will be used to fund the salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Abused/Neglected Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER '211 PROGRAM'**
PROGRAM DESCRIPTION:	The '211 Program' is a quality telephone referral system available 24 hours a day, 7 days a week that residents may use to access information on public and private facilities and services in the City.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 4: Provide employment training and placement programs available to serve low and moderate income residents.	
PROGRAM:	**MORENO VALLEY COMMUNITY EDUCATORS**
PROGRAM DESCRIPTION:	Offers low income, 'at risk' youth tutoring, mentoring, and standardized test preparation and also includes programs for adults that provides for GED preparation, parenting, resume writing, interview skills and other workforce development skills.
RESOURCES:	CDBG Funds 2010/11 $6,400
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**YOUTH OPPORTUNITY CENTER (YOC)**
PROGRAM DESCRIPTION:	The Center will offer local youth access to an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. The proposed $50,000 in CDBG funding would be used for tenant improvements.
RESOURCES:	CDBG Funds 2010/11 $50,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

SECTION 3 –OTHER ACTIONS

ANTI-POVERTY STRATEGY

The City identified several programs in its strategy to produce and preserve affordable housing. Programs include: the Neighborhood Stabilization Program (NSP), the Home Improvement Loan Program, Mobilehome Rehabilitation Grant Program, and the Homebuyer Assistance Program. The implementation of these programs and the re-evaluation of zoning in specific neighborhoods will assist in maintaining livable conditions for lower income persons. These programs, when coupled with the various social services, such as shelter and food services, and counseling programs, (including homeless prevention programs) provide residents opportunities to utilize programs at

little or no cost, thereby reducing financial burden. The City's current structure limits the ability to directly reduce the numbers of households with incomes below the poverty line. However, by utilizing multiple programs and working with County, private, and nonprofit agencies the City can work to reduce the number of persons with incomes below the poverty line.

The City has established several goals to reduce poverty among its population:

1. Economic Development and Job Creation/Retention

The City partners with the Inland Empire Small Business Development Center (SBDC) to provide small business counseling services and specialized training to local businesses with the goal that the services will create and/or retain low and moderate income jobs.

Last year, the City implemented 2 new programs aimed at relieving area unemployment and creating new jobs. The New Business Incentive Program continues this year to function as a tool to assist in the attraction of retail business to Moreno Valley providing full-time jobs to low-and-moderate income individuals. The Employment Resource Center provides a centrally located office where certified low-to-moderate income persons may utilize computers and other office equipment to assist in building their resumes and run job searches. The City continues to implement a $479, 292 Community Development Block Grant – Recovery, received in 2009, that incentivizes job creation.

2. Housing Programs

The City identified several programs in its strategy to produce and preserve affordable housing. The implementation of programs such as:

- the Homebuyer Assistance Program,
- the Homeownership Opportunity Program,
- the Home Improvement Loan Programs, and
- the Mobile Home Grant Program,
- NSP Acquisition, Rehabilitation, Resale of Single Family Homes,
- NSP Acquisition Rehabilitation, Rental of Multi Family Apartments
- New Affordable Housing Development
- Homelessness Prevention and Rapid Re-Housing Program (HPRP)

will assist in maintaining livable conditions for lower income persons. Four areas of the city were designated Revitalization Areas by HUD. The City is exploring opportunities to acquire and rehabilitate HUD owned properties within these areas to be sold to low-income homebuyers.

3. Public Service Providers

Public service organizations provide direct assistance to low-income persons, including the elderly, homeless, disabled, and persons threatened with homelessness. They assist with (obtaining and maintaining adequate housing) emergency assistance to meet immediate and urgent individual and family needs, including shelter; and remove

obstacles blocking the achievement of self-sufficiency. These programs, when coupled with the various social services, provide city residents opportunities to utilize programs at little or no cost, thereby reducing financial burden. The Homelessness Prevention and Rapid Re-housing grant of $732,872 received in 2009, also utilizes Public Service providers to distribute emergency assistance to families facing homelessness.

4. Coordination of Efforts

The City's goal is to continue to establish collaborative relationships between governmental and social service agencies to assure the effective delivery of services to low-income individuals. One example is the Riverside County Continuum of Care. The Continuum of Care group consists of several local non-profit agencies along with governmental agencies, such as the City of Moreno Valley, who meet periodically to share information, coordinate efforts to assist homeless persons and plan future activities. While the City's ability to directly reduce the numbers of households with incomes below the poverty line is limited, the City will attempt to reduce the number by utilizing multiple programs and working with the county, private and non-profit agencies.

Planning and Meeting Obstacles

The City will continue to evaluate and monitor priority community development needs, including those needs that may be currently underserved. The City will also work toward identifying, assessing and overcoming obstacles to meeting underserved community development needs.

SECTION 3 –OTHER ACTIONS

INSTITUTIONAL STRUCTURE AND COORDINATION

The institutional structure described in the Consolidated Plan demonstrates the diverse types of organizations needed to accomplish its program goals. The City will work with a variety of public and private agencies to accomplish the Consolidated Plan goals set forth in this Strategic Plan.

In addition, coordination with other public and private agencies is necessary in order to establish solid working relationships that will enable all service providers to better assist those in need. The City enjoys a cooperative relationship with surrounding jurisdictions and agencies, as well as nonprofit organizations.

Public Agencies

City staff will work to partner with Riverside County agencies such as the Departments of Mental Health and Public Social Services, to address regional homeless issues. The City meets on a regular basis with the Riverside County Department of Public Social Services as part of the Continuum of Care process to assist homeless persons. The Continuum of Care Consortium consists of local government agencies as well as non-profit agencies that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services and shelter. Periodic meetings provide an opportunity for networking and working towards the common goal. Riverside County's Economic Development Agency also partners with the City to provide employment assistance services at the City's Employment Resource Center, as well as support services for at-risk youth at the Youth opportunity Center (under development).

In addition, the City also works with state and federal agencies through several grant programs to facilitate services and programs, which meet housing and safety needs in the community. The City is a member of the March Joint Powers Authority (JPA). The JPA is a public entity created for the purpose of addressing the use, reuse, and joint use of realigned March Air Reserve Base (MARB).

Public Housing Authority

The Riverside County Housing Authority administers public housing and Section 8 for Moreno Valley residents. Issues relating to public housing are included in the Consolidated Plan for Riverside County. The City will work with the Riverside County Housing Authority when possible to improve the living environment of public housing and Section 8 residents.

Non-Profit Organizations

The City utilizes a variety of nonprofit organizations to address community needs, such as homelessness, special needs, fair housing and food distribution services. The City will provide information and updates to local social service agencies regarding the

availability of private affordable housing opportunities in Moreno Valley. The City will also inform and educate private housing entities on the services, programs, and referrals provided by local social service agencies to persons seeking housing. Distribution of this information may be through a variety of methods including direct mailing, public service announcements, and personal contacts by city staff. Many of the objectives identified in the Strategic Plan and associated annual programs are carried out by non-profit organizations. These organizations are the primary service providers for Moreno Valley's homeless, special needs and low-income populations. CDBG funds are allocated to these organizations to carry out activities benefiting these populations.

HOME funds are provided to non-profit agencies for rehabilitation and new construction of affordable housing units in the city. The City will work with its Community Housing Development Organizations (CHDO's), Riverside Housing Development Corporation (RHDC), and Habitat for Humanity to accomplish the housing goals.

As a result of working with the CHDO's, the City has been able to address a wide variety of community needs including housing programs, public services, and public safety. The City will continue to work with these entities throughout the program year.

SECTION 3 – OTHER ACTIONS
MONITORING

MONITORING OF CDBG PROGRAMS

Monitoring serves as an effective tool to ensure that expenditures of federal funds are consistent with CDBG National Objectives and achieve program/project goals. The following outlines monitoring requirements for Moreno Valley CDBG program:

Subrecipients – When an organization becomes a City subrecipient, they must sign a contract with the City in which the various scopes of work, time lines, and documentation requirements are outlined. On a monthly basis, each Subrecipient must submit detailed information regarding the number, ethnicity, and income level of individuals benefiting from CDBG funds. Quarterly summary reports are required of some agencies in which further information is provided on activities accomplished in that quarter. The City conducts an on-site inspection of each agency at least once per year, preferably toward the end of the funding cycle. A sample Subrecipient Monitoring Form is attached as Attachment G.

Construction Projects – All construction projects comply with Federal Labor and Procurement Procedures as well as the various affirmative action and equal opportunity requirements required by various federal and state laws. The CDBG Management Analyst oversees and reviews contract preparation at each step from bid preparation, contract document preparation, pre-construction meetings, and ongoing project inspections. All public notices that solicit bids for capital projects are submitted to minority newspapers such as El Chicano, the San Bernardino American and the Precinct Reporter in order to give minority-owned businesses the opportunity to bid on the CDBG capital projects.

MONITORING OF HOME PROGRAMS

Multi-Family Affordable Housing Programs

The City requires property owners who have received funds under the Rental Rehabilitation Program or Multifamily Affordable Housing Program to recertify their tenant's eligibility annually. They report information and provide documentation related to the property, unit occupancy, tenant information and financial reporting. Forms and applicable documentation such as Federal income tax returns are to be completed by tenants of reserved (affordable) units and submitted with the report. If the unit was occupied by multiple tenants, then a copy of the application, rental agreement and the dates of residency must be provided. In addition, a copy of "Determining Affordable Rent" is provided to the owner for the reserved units. A city Building Inspector will conduct a property inspection to determine if the property is in compliance with code requirements and in good condition. The City will work with a recertification consulting service to ensure that the information is accurate and complete. Examples of the checklists used to monitor the affordable units under the Rental Rehabilitation Loan Program are also included in Attachment G.

Single Family Housing Programs – For Owner-Occupants

The City's Homebuyer Assistance Program offers a low-interest, silent second, down-payment assistance loans to income qualified individuals.

Loan terms include an equity sharing arrangement in lieu of interest on the deferred loan. When the property is sold or transferred, the City will receive a share of the gain on sale in addition to the original amount loaned. The percentage of the equity share percentage is calculated by dividing the original loan amount by the original purchase price.

Example: *If the HAP loan amount was $10,000 and the original purchase price was $90,000, the equity share percentage would be 11%. The equity share percentage is then multiplied by the gain on the sale (as determined by the sales price or the property value determined by a professional appraisal) to determine the City's Share of the profit on the sale. If the gain on the sale were $15,000, the City's share would be 11% of $15,000, or $1,650. The total repayment to the City would be $11,650.*

In addition, a Deed of Trust is recorded to serve as loan collateral (security). The securing deed may take first, second, or third position if it does not exceed the one hundred percent (100%) loan-to-value ratio.

Displacement and Relocation

The City does not have any plans to displace or relocate any residents from their homes using CDBG or HOME funds. If a project necessitated displacement or relocation, it would be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

PROPOSED ACCOMPLISHMENTS

The following table details each of the goals and objectives identified in the Strategic Plan and the proposed accomplishments over the five-year period of the Consolidated Plan. Following the close of the program year on June 30th, the City has 90 days to complete a Consolidated Annual Performance and Evaluation Report (CAPER) for public review and submittal to HUD. The CAPER will include the following table to track the accomplishments during the entire five-year period. Annual goals will be identified in the Annual Action Plan.

TABLE 3-A
PROPOSED FIVE-YEAR ACCOMPLISHMENTS (SAMPLE TABLE. INTENTIONALLY BLANK.)

Priority	Five-Year Goal / Proposed Accomplishments	Complete per Program Year					Summary of Progress
		08/09	09/10	10/11	11/12	12/13	
HOMELESS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.							
1.1	To assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities.						Goal: Completed:
SPECIAL NEEDS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of special needs persons.							
2.1	To assist 15,000 special needs persons, including the elderly and disabled, with housing and public services.						Goal: Completed:
HOUSING STRATEGY							
OBJECTIVE: Rehabilitation of existing and construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.							
3.1	To rehabilitate or construct a minimum of 400 housing units.						Goal: Completed:
OBJECTIVE: Create home ownership opportunities for low and moderate income residents.							
3.2	To provide home ownership to 5 households.						Goal: Completed:
OBJECTIVE: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.							
3.3	To provide increased, proactive Code Enforcement, Neighborhood Cleanups and public safety activities to assist 3,000 households.						Goal: Completed:
OBJECTIVE: Provide fair housing services to educate households on their rights and responsibilities and assist residents with fair housing issues.							
3.4	To assist 2,500 households with fair housing services.						Goal: Completed:

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY							
Priority	**Five-Year Goal / Proposed Accomplishments**	**Complete per Program Year**					**Summary of Progress**
OBJECTIVE: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.							
4.1	To assist 400 local small businesses with counseling services and loan programs.						**Goal:** **Completed:**
OBJECTIVE: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.							
4.2	To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.						**Goal:** **Completed:**
OBJECTIVE: Support public service programs available to serve low and moderate income residents.							
4.3	To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).						**Goal:** **Completed:**
OBJECTIVE: Provide employment training programs available to serve low and moderate income residents.							
4.4	To assist 150 low and moderate income residents with employment training and placement.						**Goal:** **Completed:**

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SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
FORM APPLICATION SF424

Form Application SF 424

(behind this page)

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:
- ☐ Preapplication
- ☒ Application
- ☐ Changed/Corrected Application

*2. Type of Application
- ☐ New
- ☒ Continuation
- ☐ Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

4. Applicant Identifier: B-09-MC-06-0567

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Moreno Valley

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 Frederick Street
Street 2: PO BOX 88005
*City: Moreno Valley
County:
*State: CA
Province:
*Country: USA
*Zip / Postal Code 92553

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms. *First Name: Isa
Middle Name:
*Last Name: Rojas
Suffix:

Title: Management Analyst

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@MoVal.org

MV00054465

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2010/11 Community Development Block Grant funding. Programs/projects receiving new allocations for funding includes public services (landlord/tenant mediation, homeless\transitional housing shelters, emergency food assistance, youth programs, and elderly programs) code enforcement, and economic development programs.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2009 *b. End Date: June 30, 2010

18. Estimated Funding ($):

*a. Federal	$1,941,611
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	$1,941,611

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: William

Middle Name: L.

*Last Name: Bopf

Suffix:

*Title: INTERIM CITY MANAGER

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: billbopf@moval.org

*Signature of Authorized Representative: *Date Signed:

Authorized for Local Reproduction Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

NA

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:
- ☐ Preapplication
- ☒ Application
- ☐ Changed/Corrected Application

*2. Type of Application
- ☐ New
- ☒ Continuation
- ☐ Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

4. Applicant Identifier: M-09-MC-06-0551

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: CITY OF MORENO VALLEY

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 FREDERICK STREET
Street 2: PO BOX 88005
*City: MORENO VALLEY
County: RIVERSIDE
*State: CA
Province:
*Country: USA
*Zip / Postal Code 92552-0805

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: MS. *First Name: ISA
Middle Name:
*Last Name: ROJAS
Suffix:

Title: MANAGEMENT ANALYST

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@moval.org

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development (HUD)

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Parntnership Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2010/11 HOME funding. Programs/projects receiving new allocations for funding include Mobile Home Grant Program, Home Improvement Loan Program, and Multi-family Affordable Housing Program.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2010 *b. End Date: June 30, 2011

18. Estimated Funding ($):

*a. Federal	$666,589
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	$666,589

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: William

Middle Name: L.

*Last Name: Bopf

Suffix:

*Title: Interim City Manager

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: billbopf@moval.org

*Signature of Authorized Representative: *Date Signed:

Authorized for Local Reproduction Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CITIZEN PARTICIPATION

CITIZEN PARTICIPATION PROCESS

In preparing the 2010/11 Action Plan, the City took an assertive approach to encourage citizen participation. HUD regulations require that cities consult with public and private community-based non-profit organizations to obtain input on the housing and non-housing needs of low- and moderate-income and homeless members of the community. Those with special needs are included as well. To meet this requirement, the City prepared a Citizen Participation Plan (Attachment D), which outlines the process for encouraging citizen participation in the development of the Action Plan.

Citizen participation was accomplished through a series of meetings, public notices and announcements. City staff hosted community meetings and invited area residents, non-profit organizations and surrounding jurisdictions to provide input on the needs of the community. Public meetings to determine needs were held at the Moreno Valley Conference and Recreation Center and the Senior Center. In addition, several focused meetings with local agencies, surrounding jurisdictions and City committees were also conducted. Information and notification of these meetings was distributed through correspondence, flyers and public notices. Table 4-A, on the following page, outlines the citizen participation schedule.

The information compiled from the meetings (as outlined in the above schedule) was used in determining the needs in the community and the development of strategies. Citizen Comments are included as Attachment E. Organizations that participated in meetings or consultations included the following:

- Moreno Valley Citizens
- Coachella Valley Housing Coalition
- Cultural Heritage Performers
- Fair Housing Council of Riverside
- Mexican Political Association
- MoVan and the Community Assistance Program (CAP)
- Transforming Community Action Program
- United Democrats of Moreno Valley

The proposed Action Plan was available for a 30-day public examination and comment period from April 8, 2010 through May 8, 2010.

The Action Plan was available for public review at the following locations:

- City of Moreno Valley Economic Development Department – City Hall
- Moreno Valley Senior Center
- City of Moreno Valley Corporate Yard

- Moreno Valley City Library

No Public comments on the Annual Action Plan were received during the public review period. Comments received at public meetings and hearings are included in Attachment E.

TABLE 4-A
CITIZEN PARTICIPATION SCHEDULE

Annual Action Plan FY 2010-2011 CDBG & HOME Programs Citizen Participation Schedule	
November 27, 2009	Notice of Community Needs Meetings *(Publish in Newspaper & Mail Out)*
December 10, 2009	Community Needs Assessment Meeting – Conference & Recreation Center (6:00 p.m. to 8:00 p.m.)
December 14, 2009	Community Needs Assessment Meeting - Senior Community Center (6:00 p.m. to 8:00 p.m.)
December 30, 2009	Publish Notice of Public Hearing to Adopt CDBG/HOME Program Objectives and Policies
January 12, 2010	City Council Meeting – Adopt CDBG/HOME Program Objectives and Policies *(Public Hearing)*
January 14, 2010	City CDBG/HOME Applications Distributed & Notice of Funding Availability Published (Technical Assistance Available on Request)
February 4, 2010	Non-Profit and Outside Agency Applications Due
February 9-11, 2010	Technical Review Committee Reviews Public Service and Community Needs Applications; Applicant Oral Presentations
February 11, 2010	Final Technical Committee Project Review & Recommendation
March 10, 2010	Publish Notice of Public Hearing for March 23, 2010 City Council Meeting
March 18, 2010	Publish Notice of Annual Action Plan Review Period (April 1 – May 1, 10)
March 23, 2010	City Council Meeting - CDBG/HOME Project Selection *(Public Hearing)*
April 1, 2010	Begin Annual Action Plan 30-Day Review Period
April 28, 2010	Publish Notice of Public Hearing to Approve the Annual Action Plan
May 1, 2010	Close of 30-day Public Comment Period for Annual Action Plan
May 11, 2010	City Council Meeting - Review Citizen Comments & Approve the Annual Action Plan *(Public Hearing)*
May 13, 2010	Submittal of Annual Action Plan to HUD

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CERTIFICATIONS

(Behind this page)

CERTIFICATIONS FY 2010-2011

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the City of Moreno Valley certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, and it has concluded an analysis of impediments to fair housing choice within the jurisdiction, and will take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential ant displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;
(b) The grantee's policy of maintaining a drug-free workplace;
(c) Any available drug counseling, rehabilitation, and employee assistance programs; and
(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and
(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

_____ _____
Signature/Authorized Official Date

William Bopf, Interim City Manager

Specific CDBG Certifications

The City of Moreno Valley certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2008-2009 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

   However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-Discrimination laws -- The grant will be conducted and administered in conformity within title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

_____ _____

Signature/Authorized Official Date

William Bopf, Interim City Manager

Specific HOME Certifications

The City of Moreno Valley certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

_____ _____
Signature/Authorized Official Date

William Bopf, Interim City Manager

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Hall
14177 Frederick Street
Moreno Valley, CA 92552

(X) Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

ATTACHMENT A – DEFINITIONS OF TERMS AND ACRONYMS USED

List of acronyms used in this document:

CDBG: Community Development Block Grant

CDBG-R: Community Development Block Grant, Recovery Program

HOME: HOME Investment Partnership Grant

HPRP: Homelessness Prevention and Rapid Re-housing Program

HUD: U.S. Department of Housing and Urban Development

NSP: Neighborhood Stabilization Program

RDA: Community Redevelopment Agency of the City of Moreno Valley

This glossary is designed to provide a comprehensive list of terms used in this Consolidated Plan and future annual plans.

Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

AIDS and Related Diseases: The disease of acquired immune deficiency syndrome or any conditions arising from the etiologic agent for acquired immune deficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit from one or more programs included in the jurisdiction's investment plan. A renter is benefited if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefited during the year if the home's rehabilitation is completed. A first-time homebuyer is benefited if a home is purchased during the year. A homeless person is benefited during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefited, however only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of

a housing unit and/or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unity must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109) See also instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities.

Consolidated Plan: The document that is submitted to HUD that serves as the planning document (comprehensive housing affordability strategy and community development plan) of the jurisdiction and an application for funding under any of the Community Planning and Development formula grant programs (CDBG, ESG, HOME, or HOPWA), which is prepared in accordance with the process prescribed in 24CFR part 91.

Cost Burden: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Disabled Household: A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally developed programs or conduct a variety of special projects designed to promote economic independence and self-sufficiency.

Elderly Household: For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

Emergency Shelter: Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

Extremely Low-Income Family: Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

Family: Family means all persons living in the same household who are related by birth, marriage or adoption.

Family Self-Sufficiency (FSS) Program: A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50% of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be used as the principal residence of the homebuyer, except that any individual who is a displaced homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by the spouse.

For Rent: Year round housing units that are vacant and offered/available for rent. (U.S. Census definition)

For Sale: Year round housing units that are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least 3 activities of daily living (i.e., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless Family: Family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, or a homeless person in the process of securing legal custody of a person under the age of 18.

Homeless Individual/Homeless Person: An unaccompanied youth (17 years or younger) or an adult (18 years or older) without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or a State law), including the following: (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is: (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Homeless Subpopulations: Include but are not limited to the following categories of homeless persons: severely mentally ill only, alcohol/drug addicted only, severely mentally ill and alcohol/drug addicted, fleeing domestic violence, youth, and persons with HIV/AIDS.

Homeless Youth: Unaccompanied person 17 years of age or younger who is living in situations described by terms "sheltered" or "unsheltered".

Household: All the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defects; (2) meet the definition of overcrowded; and (3) meet the definition of cost burden greater than 30%.

Housing Unit: An occupied or vacant house, apartment, or single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

Institutions/Institutional: Group quarters for persons under care or custody. (U.S. Census definition)

Jurisdiction: A State or unit of general local government.

Large Family/Household: Family/household of five or more persons.

Large Related: A household of 5 or more persons that includes at least one person related to the householder by blood, marriage or adoption.

LIHTC: (Federal) Low Income Housing Tax Credit.

Low- and Moderate-Income Household: A household having an income equal to or less than the Section 8 low-income limit established by HUD.

Low- and Moderate-Income Person: A member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.

Low-Income Family/Household: Low-income families/households whose incomes do not exceed 50 percent of the median family/household income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Middle-Income Family/Household: Family/household whose income is between 80 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This corresponds to the term "moderate income family" under the CHAS statute, 42 U.S.C. 12705.)

Moderate-Income Family/Household: Family/household whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Non-Homeless Persons with Special Needs: Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

Non-Institutional: Group quarters for persons not under care or custody. (U.S. Census definition used)

Occupied Housing Unit: A housing unit that is the usual place of residence of the occupant(s).

Other Household: A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

Other Income: Household whose incomes exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to moderate-income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: For purposes of describing relative housing needs, a housing unit containing more than one person per room, as defined by the U.S. Census Bureau, for which data are made available by the Census Bureau. (See 24 CFR 791.402(b).)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Physical Defects: A housing unit lacking complete kitchen or bathroom (U.S. Census definition). Jurisdictions may expand upon the Census definition.

Primary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation or acquisition -- that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity".)

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

Public Housing MROP: Public Housing Major Reconstruction of Obsolete Projects.

Rent Burden > 30% (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden > 50% (Severe Cost Burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Secondary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation, or acquisition -- that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity".)

Section 215: Section 215 of Title II of the National Affordable Housing Act. Section 215 defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up or in overcrowded or substandard conventional housing. Facilities that offer permanent shelter are not shelters, nor are the residents to be considered homeless.

Small Related: A household of 2 to 4 persons that includes at least one person related to the householder by birth, marriage, or adoption.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally not financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This

does not include units that require only cosmetic work, correction or minor livability problems or maintenance work. The jurisdiction must define this term (i.e., standard condition, financially and structurally feasible for rehab) and include this definition in the Appendix (Glossary of Terms) portion of its CHAS submission.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Rehabilitation of residential property at an average cost for the project in excess of $25,000 per dwelling unit.

Supportive Housing: Housing, including Housing Units and Group Quarters, that provides a supportive environment and include a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money management, and household management; counseling home ownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, childcare, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year round housing units. (U.S. Census definition)

Transitional housing: A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: Households whose incomes do not exceed 30 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents. (This term corresponds to low-income households in the CDBG Program.) For the purpose of further distinguishing needs within this category, two subgroups (0 to 30% and 31 to 50% of MFI) have been established in the CHAS tables and narratives.)

Worst-Case Needs: Unassisted, very low income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year round use. (U.S. Census definition.) Housing units for seasonal or migratory use are excluded.

ATTACHMENT B - FY 2010-2011 ANNUAL ACTION PLAN ACTIVITIES

CDBG Programs

Project ID	Local ID	Agency / Program	Funding
0001	2010-11-01-21A	CDBG Program Administration	$ 338,869.00
0002	2010-11-02-21D	Fair Housing Council - Fair Housing Services	$ 49,453.00
0003	2010-11-03-05G	Alternatives to Domestic Violence	$ 7,500.00
0004	2010-11-04-05	Community Assistance Program (CAP)	$ 30,600.00
0005	2010-11-05-05A	Friends of the Moreno Valley Senior Center - (MoVan)	$ 30,000.00
0006	2010-11-06-05	God's Helping Hand - Emergency Food Distribution	$ 9,000.00
0007	2010-11-07-05	Lutheran Social Services - Transitional Living Shelter	$ 15,000.00
0008	2010-11-08-05D	Operation Safehouse	$ 8,000.00
0009	2010-11-09-05	P.W. Enhancement Center - Emergency Motel Vouchers	$ 15,000.00
0010	2010-11-10-05I	Problem Oriented Policing	$ 28,241.00
0011	2010-11-11-05N	Riverside Area Rape Crisis Center - Child Abuse Prevention	$ 7,500.00
0012	2010-11-12-05	Path of Life Transitional Family Shelter	$ 15,000.00
0013	2010-11-13-05D	Moreno Valley Community Educators	$ 6,400.00
0014	2010-11-14-05	Salvation Army Food Program	$ 5,000.00
0015	2010-11-15-05D	Assistance League of Riverside - Operation School Bell	$ 10,000.00
0016	2010-11-16-05B	ARC of Riverside County	$ 5,000.00
0017	2010-11-17-05N	CASA for Riverside County	$ 10,000.00
0018	2010-11-18-15	Code Enforcement - Foreclosure Stike Team	$ 103,017.00
0019	2010-11-19-15	Neighborhood Code Enforcement Program	$ 263,390.00
0020	2010-11-20-18A	MV New Business Incentive Program	$ 540,000.00
0021	2010-11-21-18B	Community Employment Resource Center	$ 145,641.00
0022	2010-11-22-18B	Small Business Counseling Services	$ 50,000.00
0023	2010-11-23-05	Fair Housing Council - Foreclosure Prevention\Mitigation	$ 25,000.00
0024	2010-11-24-03D	Youth Opportunity Center - Tenant Improvements	$ 50,000.00
0025	2010-11-25-05	Community Foreclosure Prevention Workshops	$ 44,000.00
0026	2010-11-26-15	Neighborhood Clean-ups	$ 15,000.00
0027	2010-11-27-05	Volunteer Center '211' Telephone Referral Program	$ 5,000.00
0028	2010-11-28-15	Fire Prevention 'Improvement Task Force'	$ 30,000.00
0029	2010-11-29-14A	Habitat for Humanity Mobile Home Grant Program	$ 10,000.00
0030	2010-11-30-17C	Family Services Association Meal Program Facilities	$ 50,000.00
0031	2010-11-31-17C	Lord's Gym	$ 20,000.00
		Total CDBG Funding	**$ 1,941,611.00**

HOME Programs

Project ID	Local ID	Program	Funding
0032	2010-11-32-21A	HOME Program Administration	$ 66,659.00
0033	2010-11-33-26B	CHDO funds	$ 99,988.00
0034	2010-11-34-14A	Mobile Home Grant Program (MHG)	$ 100,000.00
0035	2010-11-35-14B	Multi-Family Affordable Housing Program	$ 182,942.00
0036	2010-11-36-14A	Home Improvement Loan Program	$ 240,000.00
		Total HOME Funding	**$ 689,589.00**

CPD Consolidated Plan
Listing of Proposed Projects

›ject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0001	CDBG Program Administration	21A General Program Administration	CDBG	$338,869
			ESG	
2009-10-01-21A	Planning and Administration	570.206	HOME	
			HOPWA	
	Comprehensive planning and administration of CDBG program.		TOTAL	$338,869
			Total Other Funding	$0

General CDBG program administration for FY 2010/11.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00054495

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0002	Fair Housing Council - Fair Housing Services	21D Fair Housing Activities (subject to 20% Admin cap)	CDBG	$49,453
2009-10-02-21D	Housing Objective		ESG	
			HOME	
	Objective Description: Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services, and assist homeless persons and those threatened with homelessness.	570.206	HOPWA	
		3,700 People (General)	TOTAL	$49,453
			Total Other Funding	$0
	Project Description: Provides a full range of fair housing services that promote fair housing rights and obligations. The primary goal is to give impetus to, and actualize activities that affirmatively further fair housing in the City of Moreno Valley through the three basic areas of education, training and technical assistance, landlord/tenant mediation and enforcement. Provide assistance to victims of illegal housing discrimination. An estimated 3,700 Moreno Valley residents will be served.			
	Help the Homeless?	No	Start Date: 07/01/10	
	Help those with HIV or AIDS?	No	Completion Date: 06/30/11	
	Eligibility:			
	Subrecipient:	Subrecipient Public 570.500(c)		
	Location(s): 23890 Alessandro Boulevard, Ste. A1 Moreno Valley, CA 92553	Addresses		

CPD Consolidated Plan
Listing of Proposed Projects

oject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0003	Alternatives to Domestic Violence	05G Battered and Abused Spouses	CDBG	$7,500
			ESG	
2010-11-03-05G	Public Services	570.201(e)	HOME	
	Public Service Objective To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	800 People (General)	HOPWA	
			TOTAL	$7,500
			Total Other Funding	$0
	Project Description: Provides services to victims of violent crimes (battered women and their children). An estimated 800 Moreno Valley residents will be served by this program annually. These services include an Outreach Counseling Center which offers a 24 hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low/Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	
P.O. Box 910, Riverside, CA 92502		

MV00054497

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0004	Community Assistance Program	05 Public Services (General)	CDBG	$30,600
			ESG	
2010-11-04-05	Public Service Objective	570.201(e)	HOME	
	Objective Description:		HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	12,000 People (General)	TOTAL	$30,600
			Total Other Funding	$0

Project Description:
The Community Assistance Program (CAP) will provide emergency and supplemental food and clothing to low and moderate income persons. Also provides utility payments and social service referrals.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

24594 Sunnymead Boulevard, Moreno Valley, CA 92553

MV00054498

CPD Consolidated Plan
Listing of Proposed Projects

ɔject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0005	Friends of the Moreno Vlly Sr Cntr--(MoVan)	05A Senior Services	CDBG	$30,000
			ESG	
2010-11-05-05A	Senior Programs	570.201(e)	HOME	
	Objective Description:		HOPWA	
	Provide services to senior residents of the City, which may include transportation and activities.	3,400 Elderly	TOTAL	$30,000
			Total Other Funding	$0

Project Description:
The Friends of the Moreno Valley Senior Center own and operate the MoVan which is used to transport the elderly and adult handicapped to medical appointments and other needed destinations. The MoVan is a 17-passenger bus with two wheel chair tie-downs. The MoVan operates 7 hours per day/5 days per week and serves over 3,400 persons annually. Minimal fares charged only if able to pay.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

25075 Fir Avenue, Moreno Valley, CA 92553

MV00054499

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0006	God's Helping Hand - Emergency Food Distribution	05 Public Services (General)	CDBG	$9,000
			ESG	
2010-11-06-05	Public Services Objective:	570.201(e)	HOME	
			HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	8,750 People (General)	TOTAL	$9,000
			Total Other Funding	$0

Project Description:
Program provides food (three meals a day for five days) to low-income Moreno Valley residents and families. Also provides social services referrals and emergency clothing. The organization anticipates assisting 8,750 Moreno Valley residents.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

13958 Highway 215, Moreno Valley, CA 92553

MV00054500

CPD Consolidated Plan
Listing of Proposed Projects

oject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0007	Lutheran Social Services - Transitional Living Program	05 - Public Service (General)	CDBG	$15,000
			ESG	
2010-11-07-05	Housing Objective:	570.201(e)	HOME	
	Objective description:		HOPWA	
	Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services, and assist homeless persons and those threatened with homelessness.	55 People (General)	TOTAL	$15,000
			Total Other Funding	$0
	Project Description: Project povides assistance to homeless women and children through a comprehensive transitional living program. While in the program, participants develop a "Strategic Family Plan" in order to attain the skills necessary for independent living. Counseling, education assessments and other services are provided to assist participants with gaining independence.			

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

23310 Meyer Drive, Riverside, CA 92518

MV00054501

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0008	Operation Safehouse	05D - Public Service (Youth Service)	CDBG	$8,000
			ESG	
2010-11-08-05D	Public Service Objective:	570.201(e)	HOME	
			HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	80 Homeless Youth	TOTAL	$8,000
			Total Other Funding	$0

Project Description:
Operation Safehouse is a 17-bed youth shelter located in a residential neighborhood which is staffed 24 hours per day. Provides shelter, food, counseling, clothing and support services for runaway/throwaway children in a safe and supervised environment.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

9685 Hayes Street, Riverside, CA

MV00054502

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0009	P.W. Enhancement Cntr - Emergency Motel Vouchers	05 Public Services (General)	CDBG	$15,000
			ESG	
2010-11-09-05	Homeless Service Objective:	50 People (General)	HOME	
			HOPWA	
	To provide supportive housing and public services to meet the needs of homeless persons or those threatened with homelessness		TOTAL	$15,000
			Total Other Funding	$0

Project Description:
The P.W. Enhancement Center provides emergency and supportive services to needy households including food distribution, budgeting and money management, and job preparedness. Funding will be provided to assist the homeless by providing emergency motel vouchers and rental assistance to needy families and individuals.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

24490 Sunnymead Blvd., Moreno Valley, CA 92553

MV00054503

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0010	Problem Oriented Policing (POP)	05I Crime Awareness	CDBG	$28,211
			ESG	
2010-11-10-05I	Anti-Crime Programs	570.201(e)	HOME	
			HOPWA	
	Public Safety - To provide a safe and secure environment for residents and businesses through the Neighborhood Policing Program. Annual Program Goal - Continue to increase public safety in low-income neighborhoods (CDBG Target Areas) and reduce the number of calls for service.	250 People (General)	TOTAL	$28,211
			Total Other Funding	$0

Project Description:
Police Officers will be assigned to the CDBG Target Areas for the purpose of continuing the Community Based Problem Oriented Policing Program (POP). The program is designed to reduce crime, promote neighborhood pride, and bring law enforcement to a personal community level. The specific purpose of the program include reduction of crime within the designated areas and the improvement/removal of blight.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	

CT: 042405 BG: 1 County: 06065
CT: 042405 BG: 2 County: 06065
CT: 042504 BG: 1 County: 06065
CT: 042504 BG: 2 County: 06065
CT: 042505 BG: 1 County: 06065
CT: 042505 BG: 2 County: 06065
CT: 042508 BG: 1 County: 06065
CT: 042512 BG: 2 County: 06065
CT: 042514 BG: 1 County: 06065
CT: 042515 BG: 1 County 06065
CT: 042515 BG: 2 County: 06065
CT: 042516 BG: 1 County: 06065
CT: 042516 BG: 2 County: 06065
CT: 042519 BG: 1 County: 06065
CT: 042509 BG: 1 County: 06065
CT: 042509 BG: 2 County: 06065
CT: 042511 BG: 1 County: 06065
CT: 042520 BG: 1 County: 06065
CT: 042605 BG: 6 County: 06065

CPD Consolidated Plan
Listing of Proposed Projects

oject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0011	Riverside Rape Crisis - Child Abuse Prevention Progrm	05N Abused and Neglected Children	CDBG	$7,500
			ESG	
2010-11-11-05N	Public Service Objective:	570.201(e)	HOME	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	5,500 Youth	TOTAL	$7,500
			Total Other Funding	$0

Project Description:
Child abuse prevention and education programs designed to reach children (K through 12) and adults are presented at the elementary, middle and high school levels. The program is also designed to reach bilingual and Special Education students, adults, and teen support groups. Also provides counseling and support services to abuse victims and their families.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipiet Public 570.500(c)	
Location(s): 1845 Chicago Ave. Ste. A, Riverside, CA 92507	Community Wide	

MV00054505

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0012	Path of Life Transitional Shelter	05 - Public Services (general)	CDBG	$15,000
			ESG	
2010-11-12-05	Homeless Services	570.201(e)	HOME	
			HOPWA	
	To provide transitional housing services to families with children (both single and married couples)	142 Homeless people		
			TOTAL	$15,000
			Total Other Funding	$0

Project Description:
The King Hall Transitional Housing Project will offer transitional and emergency shelter care to women with children, single women, and homeless families. Services include shelter, assessment of needs, life skills coaching, goal setting, job training, budget planning, education, and supportive services.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses

23701 Meyer Drive, (MARB) Riverside, CA 92518

MV00054506

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0013	Moreno Valley Community Educators	05D Public Services (Youth)	CDBG	$6,400
			ESG	
2010-11-13-05D	Project Description:	570.201(e)	HOME	
			HOPWA	
	The program offers low income, 'at risk' children ages 5-18 free tutoring (all subjects), mentoring, standardized test preparation, and computer literacy 4:30 pm to 6:30 pm 3 nights per week. CDBG funding will allow the center to purchase supplies, expand its hours, and include programs for young adults such as GED preparation, parenting, resume writing, interview skills and other workforce development skills.	40	TOTAL	$6,400
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

23910 Alessandro Blvd. Ste. A Moreno Valley, CA 92552

MV00054507

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0014	Salvation Army Food Program	05 Public Services General	CDBG	$5,000
			ESG	
2010-11-14-05D	Public Services	570.201(e)	HOME	
			HOPWA	
	The Food Pantry offers needy residents emergency food on Mondays and Tuesdays from 8:30 a.m.-12:30 p.m. Funding allows for the hire of a much needed part-time driver to pick up food from their collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons this coming year.	22,000	TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipiet Public 570.500(c)	
Location(s):	Community Wide	

14068 Graham Street Moreno Valley, CA 92533

MV00054508

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishment	Funding Sources	
0015	Assistance League of Riverside - OPERATION SCHOOL BELL		CDBG	$10,000
			ESG	
2010-11-15-05D	Public Services (Youth Services)	570.201(e)	HOME	
			HOPWA	
		280		
			TOTAL	$10,000
	The project will provide new school clothing to 280 needy Moreno Valley children. Children are referred by Moreno Valley Unified School District staff. Each child referred will receive 6 pairs of socks and underwear, 2 pairs of pants, 3 shirts, 1 sweatshirt, 1 jacket, 1 shoe voucher, 1 backpack, 1 new reading book, 1 used book, and a personal hygiene kit.		Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient:	Subrecipiet Public 570.500(c)
Location(s):	Community Wide

3707 Sunnyside Dr. Riverside, CA 92506

MV00054509

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0016	ARC of Riverside County	Disaled Services	CDBG	$5,000
			ESG	
2010-11-16-05B	Services for the Disabled	570.201(c)	HOME	
			HOPWA	
	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to provide specialized medical training to an on-site LVN, and to help continue other existing services.	50-100 Youth	TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	

12199 Heacock St., Ste. 5, Moreno Valley 92557

MV00054510

CPD Consolidated Plan
Listing of Proposed Projects

ject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0017	CASA for Riverside County	05N - Public Service (Abused Youth Services	CDBG	$10,000
			ESG	
2010-11-17-05N	Public Services Objective - Abused Foster Youth	570.201(e)	HOME	
			HOPWA	
	CASA offers court appointed monitoring services to foster youth. A CASA volunteer consistently monitors the foster child, advocates for their best interest and follows their progress regardless of a change in foster family. The CASA volunteer (advocate) reports to court on the child's behalf assisting to ensure the child is placed in a safe, permanent home with hope for a positive future. CDBG funds will be used for salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.	57 foster youth	TOTAL	$10,000
			Total Other Funding	$0

Help the Homeless? Yes
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility: 570.208(a)(2)(A) - Low / Mod Limited Clientele
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses
Southwest Justice Center, 30755 D. Auld Rd., Ste 1226 Murrieta, CA 92563

MV00054511

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0018	Code Enforcement City Foreclosure Strike Team	15 Code Enforcement	CDBG	$103,017
			ESG	
2010-11-18-15	Other	570.206	HOME	
	Project Description:		HOPWA	
	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.		TOTAL	$103,017

Help the Homeless? No
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): CT & BG's

CT: 042405 BG: 1 County: 06065
CT: 042405 BG: 2 County: 06065
CT: 042504 BG: 1 County: 06065
CT: 042504 BG: 2 County: 06065
CT: 042505 BG: 1 County: 06065
CT: 042505 BG: 2 County: 06065
CT: 042508 BG: 1 County: 06065
CT: 042509 BG: 1 County: 06065
CT: 042509 BG: 2 County: 06065
CT: 042511 BG: 1 County: 06065
CT: 042512 BG: 2 County: 06065
CT: 042514 BG: 1 County: 06065
CT: 042515 BG: 1 County 06065
CT: 042515 BG: 2 County: 06065
CT: 042516 BG: 1 County: 06065
CT: 042516 BG: 2 County: 06065
CT: 042519 BG: 1 County: 06065
CT: 042520 BG: 1 County: 06065
CT: 042605 BG: 6 County: 06065

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0019	Neighborhood Code Enforcement Program	15 Code Enforcement	CDBG	$263,390
			ESG	
2010-11-19-15	Other	570.206	HOME	
	Project Description:		HOPWA	
	The Code & Neighborhood Services Division will provide proactive code enforcement activities within the CDBG Target Areas. The program will reduce blight and substandard housing conditions and promote improved property and building maintenance habits of property owners and tenants. These goals will be achieved through investigation and enforcement of zoning, housing, building, and health and safety codes.		TOTAL	$263,390

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(1) - Low / Mod Area
Subrecipient:	Local Government
Location(s):	CT & BG's

MV00054513

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0020	Moreno Valley Retail Business Incentive Program	18A ED Technical Assistance	CDBG	$540,000
			ESG	
2010-11-20-18A	Direct Assistance to For Profits The economic downtown has lead to job loss for many residents. As of February 2010, the City's unemployment rate exceeded 17%. Funding is recommended for the continuation of a New Business Incentive Program intended to attract major employers to locate in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income persons) and the boosting of sales tax revenues.	570.203(b)	HOME HOPWA	
			TOTAL	$540,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(4) Job Creation or Retention
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses

14177 Frederick Street Moreno Valley, CA 92552

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0021	EMPLOYMENT RESOURCE CENTER	18B ED Technical Assistance	CDBG	$145,641
			ESG	
2010-11-21-18B	Economic Development	570.203(b)	HOME	
			HOPWA	
	The economic downtown has lead to job loss for many residents. As of February 2010, the City's estimated unemployment rate exceeded 17%. The ERC will continue to provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost. The site has also been used to conduct job training as well as employee recruitments for several Moreno Valley businesses. During the first year of operation, the Center had over 13,000 patrons visit the site.		TOTAL	$145,641
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(4) Job Creation or Retention
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses
12625 Frederick Street Moreno Valley	

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0022	Small Business Counseling Services	18B ED Technical Assistance	CDBG	$50,000
			ESG	
2010-11-22-18B	Economic Development	570.203(b)	HOME	
			HOPWA	
	The goals of the community and economic development strategy in the Consolidated Plan are to promote expanded economic opportunities in order to create or retain low and moderate income jobs, provide infrastructure improvements in CDBG Target Areas, and support public service programs available to serve low and moderate income residents.	100 Businesses	TOTAL	$50,000
			Total Other Funding	$0
	The Inland Empire Small Business Development Center (SBDC) provides technical assistance and training to Moreno Valley small businesses. Training and seminars include such topics as financial management, marketing, taxes, developing a business plan and expanding a home-based business. It is anticipated that the seminars, training and counseling will create or retain low income jobs.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(4) Job Creation or Retention	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

1157 Spruce Street, Riverside, CA

MV00054516

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0023	Fair Housing Council - Foreclosure Prevention & Mitigation Counseling		CDBG	$25,000
			ESG	
2010-11-23-05	Housing		HOME	
		Public Service 570.201(e)	HOPWA	
	Project provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. Program also offers budget management, financial assessments, mortgage education and training to potential homebuyers, and referral services.	Limited Clientele 570.208(a)(2)		
			TOTAL	$25,000
		750 people		
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses

23890 Alessandro Boulevard, Moreno Valley, CA 92553

MV00054517

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0024	Youth Opportunity Center	03D Youth Centers	CDBG	$50,000
			ESG	
2010-11-24-03D	Economic Development	570.203(b)	HOME	
	Project Description:		HOPWA	
	The project would establish a 2,000 sq. ft. center where Moreno Valley youths could access an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. Grant would serve as the required matching funds that would be used for the building acquisition or for needed tenant improvements in a lease opportunity. The YOC would be open six days a week, Monday through Saturday, and be open late on weekday afternoons so that the youth could visit after school.		TOTAL	$50,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(4) Job Creation or Retention
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses
14177 Frederick St., Moreno Valley, CA	

MV00054518

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0025	Community Foreclosure Prevention Workshops		CDBG	$44,000
			ESG	
2010-11-25-05	Housing		HOME	
		Public Services 570.201(e)	HOPWA	
	Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The City is expected to partner with agencies such as: the Riverside County Fair Housing Council, Springboard Consumer Credit Counselors, Employment Development Department, the County Tax Assessors Office, HUD, the IRS, and others to provide a complete and comprehensive program.	570.208(a) Low – Moderate Income	TOTAL	$44,000
		300 people	Total Other Funding	$0

Help the Homeless? No
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility:
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses

14177 Frederick St. Moreno Valley, CA 92552

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0026	Neighborhood Clean-ups	15 Code Enforcement	CDBG	$15,000
			ESG	
2010-11-26-15	Other	570.206	HOME	
			HOPWA	
	The program proposes to provide 3 large scale clean-ups to be held in select neighborhoods within the CDBG Target Areas identified as the 'most distressed.' The clean-ups will utilize industrial size dumpsters and skip loaders. The objective is to eliminate blight, prevent deterioration of properties, and remove conditions that negatively impact health, safety, or public welfare. On average each event benefits approximately 100 residences.		TOTAL	$15,000

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	
14177 Frederick st. Moreno Valley, CA		

MV00054520

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0027	211 of Riverside County	05 General Public Service	CDBG	$5,000
			ESG	
2010-11-27-05	Volunteer Center of Riverside County	570.201(e)	HOME	
			HOPWA	
	211 Riverside is an on going phone system that provides 24 hour, 7 days a week information and referrals to social service programs. Due to the economy, calls to 211 have increased. Funding is requested to cover staffing costs to handle increased call loads.		TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00054521

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0028	Fire Prevention Div. - Neighborhood Improvement Task Force	15 Code Enforcement	CDBG	$30,000
2010-11-28-15	Other	570.206	ESG HOME	
	Project Description: This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family units in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing		HOPWA TOTAL	$30,000

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location CDBG Target Area		

MV00054522

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0029	Habitat for Humanity Mobile Home Grant Program		CDBG ESG	
2010-11-29-14A	Housing	570.202	HOME HOPWA	$10,000.00
		12 Households (General)		
			TOTAL	$10,000.00
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.			
			Total Other Funding	$0.00

Project Description:
Program offers assistance to income-qualified mobile home owners for rehabilitation of exterior substandard conditions. Work is performed by volunteers. Program aims to assist those who are unable to do repairs themselevs and where lack of maintenance may lead to eviction.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:
Subrecipient: Local Government
Location(s): N/A

MV00054523

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0030	FSA Meal Program Facility	17C - Commercial/Industrial Building Acquisition, Construction, Rehabilitation	CDBG	$50,000
			ESG	
2010-11-30-17C	Economic Development	570.203(a)	HOME	
	Project Description:		HOPWA	
	Family Services Association (a local non-profit) plans to construct a kitchen facility in the CDBG Target Area where meals will be prepared for its local meals and nutrition programs including for the participants of its many daycare centers in the community. The proposed $50,000 in CDBG funding would be used for assistance in acquiring a building for the site, and in lieu of the City's CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.		TOTAL	$50,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10	
Help those with HIV or AIDS?	No	Completion Date: 06/30/11	
Eligibility:	570.203(a)		
Subrecipient:			
Location(s):	Addresses		
14177 Frederick St., Moreno Valley, CA			

MV00054524

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0031	Lord's Gym	17C - Commercial/Industrial Building Acquisition, Construction, Rehabilitation	CDBG	$20,000
2010-11-31-17C	Economic Development	570.203(a)	ESG HOME	
	Project Description: The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet in today's world by focusing on sports programs. The facility is new to the area and will offer a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring.The proposed $20,000 in CDBG funding would be used for tenant improvements, and in lieu of the CDBG assistance the 'Lord's Gym' must create or retain a minimum of one full-time permanent job which are held by or made available to low and moderate income level person.		HOPWA TOTAL Total Other Funding	 $20,000 $0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.203(a)	
Subrecipient:		
Location(s):	Addresses	
14177 Frederick St., Moreno Valley, CA		

MV00054525

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0032	HOME Program Administration	21A General Program Administration	CDBG	
			ESG	
2010-11-32-21A	Planning and Administration		HOME	$66,659.00
			HOPWA	
	Comprehensive planning and administration of programs.	0 N/A		
			TOTAL	$66,659.00
			Total Other Funding	$0.00

HOME program administration for FY 2010/2011

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	
14177 Frederick St. Moreno Valley, Ca 92553		

MV00054526

CPD Consolidated Plan
Listing of Proposed Projects

ject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0033	CHDO Funds	22 Unprogrammed	CDBG	
			ESG	
2010-11-33-22	Housing		HOME	$99,988.00
			HOPWA	
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.		TOTAL	$99,988.00
			Total Other Funding	$0.00
	Project Description: Funding shall be reserved\provided to a Community Housing Development Organization (CHDO) to construct or rehabilitate multi-family rental units in the CDBG Target Area. These units will be affordable to low income households.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00054527

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0034	Mobile Home Grant Program		CDBG	
			ESG	
2010-11-34-14A	Housing	570.202	HOME	$100,000.00
			HOPWA	
		10 Households (General)		
			TOTAL	$100,000.00
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant servic			
			Total Other Funding	$0.00
	Project Description: Program offers grants of up to $10,000 to income-qualified owners of mobile home coaches for the rehabilitation of substandard conditions.			

Help the Homeless?	No	Start Date: 07/01/10	
Help those with HIV or AIDS?	No	Completion Date: 06/30/11	
Eligibility:			
Subrecipient:	Local Government		
Location(s):	N/A		

MV00054528

CPD Consolidated Plan
Listing of Proposed Projects

ject ID/ al ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishme	Funding Sources	
0035	Multi-family Affordable Housing Program (MFA)		CDBG	
			ESG	
2010-11-35 -14B	Housing Housing Objective Description: Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.		HOME	$182,942.00
			HOPWA	
			TOTAL	$182,942.00
	Project Description: Program funds will assist in the construction of new affordable multi-family housing units. New construction will provide additional affordable housing within the community.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.202	
Subrecipient:	Local Government	
Location(s):	N/A	

MV00054529

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0036	Home Improvement Loan Program		CDBG	
			ESG	
2010-11-36-14A	Housing	6 households	HOME	$240,000.00
			HOPWA	
	Housing Objective Description: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant service.		TOTAL	$240,000.00
			Total Other Funding	$0.00
	Project Description: The HILP provides 3% deferred loans for homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00054530

4933 LA SIERRA AVENUE
RIVERSIDE, CA 92505
Web Casting and Video Tributes
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Riverside Recycling
686-2129
Hours: 8:15am-4:15pm
Monday-Saturday
Must be in yard by 3:30pm
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riversidemetalrecycling.com
Expires 3/16/10

CITY OF MORENO VALLEY
NOTICE OF PUBLIC HEARING

CDBG & HOME PROGRAMS
FOR FISCAL YEAR 2010/2011 ANNUAL ACTION PLAN

The Moreno Valley City Council of the City of Moreno Valley will hold a PUBLIC HEARING to review and select the programs and projects requesting Community Development Block Grant (CDBG) and HOME Incentive Partnership Program (HOME) Funds of FY 2010/11:

The Public Hearing will be held on Tuesday, March 23, 2010 at 6:30 p.m. at the following location:

City Council Chambers
Moreno Valley City Hall
14177 Frederick Street
Moreno Valley, CA 92552

The City anticipates receiving an estimated $1,793,000 in new CDBG funds and $666,000 in HOME funds in FY 2010/2011. Please note that at least 70% of the CDBG funding will be allocated to projects serving lower income residents. The public is invited to attend and give input regarding the programs proposed for funding. Once approved at the City level, the programs will be incorporated into the 2010/11 Annual Action Plan and submitted to the Department of Housing and Urban Development (HUD) for Federal approval.

The Action Plan is the annual update to the City's adopted 5-Year Consolidated Plan that covers the period from July 1, 2008 through June 30, 2013 (FY 2008 – FY 2013). The Consolidated Plan is a planning document that identifies priority housing and non-housing community development needs, development of strategies, project selections, and funding distributions. The City's required to provide an Annual Action Plan Update each year that incorporates how new CDBG and HOME funds will be used to facilitate the strategies and address the needs identified in the Consolidated Plan. Current needs identified in the community include: housing, youth career development, public social services, economic development (job creation), and crime prevention.

For more information, please contact Isa Rojas, Management Analyst in the Economic Development Department (951) 413-3450.

With the advan
surgical robotic
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dexterity and p
or incontinence. And our patients m
and much faster recoveries. If you or
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ATTACHMENT D – CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Moreno Valley is required by law to have a detailed Citizen Participation Plan that contains the City's policies and procedures for public involvement in the Consolidated Plan process and the use of CDBG and HOME funds. The Moreno Valley Citizen Participation Plan was developed pursuant to the U.S. Department of Housing and Urban Development (HUD), Consolidated Submission for Community Planning and Development Programs as required under 24CFR Part 91 and Part 8. The Citizen Participation Plan provides the method and process by which the City of Moreno Valley will encourage citizen participation in the development of its Consolidated Plan. Through this plan, citizens will be afforded the opportunity to provide input regarding housing and community development needs, issues and problems affecting low- and moderate-income persons, development of strategies, project selections and funding distributions.

Encouraging Public Participation

The law requires that the City's Citizen Participation Plan both provide for and encourage public participation, emphasizing involvement by low- and moderate-income people – especially those living in low- and moderate-income neighborhoods (see CDBG Target Area Map). Also, HUD expects the City to take whatever actions are appropriate to encourage participation of minorities, people who do not speak English, and people with disabilities.

The City also maintains a distribution list of persons, agencies, and organizations that have expressed interest in the City's CDBG or HOME programs. Notifications of events, such as the Community Needs meetings, are mailed directly to those on the distribution list to encourage public participation.

The Role of Low Income People

The law declares that the primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing: decent housing, a suitable living environment, and growing economic opportunities – all principally for low- and moderate-income people.

The City of Moreno Valley will provide the Riverside County Public Housing Authority with a copy of all Public Notices that are published during the Consolidated Plan process. The City encourages input from residents of the Public Housing developments and via the Public Housing Authority, residents are notified of Community Needs Meetings as well as Public Hearings.

Because the amount of federal CDBG and HOME money the City receives each year is mostly based upon the severity of both poverty and substandard housing conditions in the City, it is necessary that public participation genuinely involve low-income residents who experience these conditions. Genuine involvement by low income people must take place at all stages of the process, including:

- Identifying needs
- Setting priorities among these needs, deciding how much money should be allocated to each high-priority need and suggesting the types of programs to meet high-priority needs
- Overseeing the way in which programs are carried out

The Various Stages of the Consolidated Plan Process

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include:

A. Identification of community and housing needs (includes Public Hearing)
B. Preparation of a draft use of funds for the upcoming year, call the Proposed Annual Action Plan (includes Public Hearing)
C. Formal approval by the City Council of the Final Annual Action Plan (includes Public Hearing)
D. In the case where is it necessary to change the use of money already budgeted in an Action Plan or change priorities, a Substantial Amendment will be proposed (includes Public Hearing)
E. After the program year is complete, a Consolidated Annual Performance and Evaluation Report (CAPER) is drafted for public review and comment and then sent to HUD

The Program Year

The program year for Moreno Valley coincides with the City's fiscal year from July 1 through June 30.

PUBLIC NOTICES

Items Covered by the Public Notice Requirement

Advance Public Notice is provided once a federally required document is available for public review and comment, such as the Annual Action Plan or Consolidated Plan. In addition, advance public notice of all public hearings and public meetings is provided at least two weeks in advance.

Public Notice Schedule

Advance notice of all available documents, public hearings and public meetings are provided at least two weeks in advance. The notices will give residents a clear understanding of the event being announced.

The following is a general timeline of when public notices are published:

November-January	Notice of Community Needs Meetings
December-January	Notice of Public Hearing to Identify Community Needs
January	Notice of Funding Availability and Application Process for Funding
March	Notice of Public Hearing to Discuss Proposed Consolidated/Action Plan
March-April	Notice of Consolidated/Action Plan Availability for Public Review
April-May	Notice of Public Hearing to Adopt Final Consolidated/Action Plan
As Needed	Notice of Availability of Amendment to Consolidated/Action Plan
As Needed	Notice of Public Hearing to Amend Consolidated/Action Plan

Forms of Public Notice

Public notices are published in the Press-Enterprise as display advertisements in the non-legal section of the newspaper. A copy of the public notice will be sent to any person or organization requesting to be on the mailing list.

PUBLIC ACCESS TO INFORMATION

As required by law, the City will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual and past use of funds covered by the Citizen Participation Plan. Regarding the past use of funds, the law requires reasonable public access to records about any uses of these funds during the previous five years.

Also, the City will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds.

Standard Documents

Standard documents include:

- The proposed and final Annual Action Plans
- The proposed and final Five-Year Consolidated Plan
- Proposed and final Substantial Amendments to either an Annual Action Plan or the Five-Year Consolidated Plan
- Consolidated Annual Performance and Evaluation Report
- Citizen Participation Plan

Availability of Standard Documents

All documents are available for immediate public review at City Hall in the Economic Development Department. Copies of standard documents that are not currently posted for public review will be provided to the public within five working days of the request at no cost. Copies of draft documents such as the Action Plan and CAPER are available at several locations for public review. These locations are: the Library, the Senior Center, City Hall, and the Purchasing Division at the City Corporate Yard. Documents remain at each of the for the entire required review time that is specified in the applicable public notice. All final documents are available for public review at City Hall during normal business hours.

PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views and to provide the public with the City's responses to public questions and proposals.

The law requires a minimum of two public hearings at two different stages of the process. The City will conduct three public hearings at the following stages of the process: Identifying Needs, Proposed Annual Action Plan, and the Final Annual Action Plan. Public hearings are also conducted for amendments to the Annual Action Plan as needed.

Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan, including a display advertisement in the non-legal section of the newspaper at least two weeks prior to the public hearing. Public hearings are conducted during the regularly scheduled City Council meetings.

Public Hearings and Populations with Unique Needs

All public hearings will be held at locations accessible to people with disabilities and provisions will be made for people with disabilities when requests are made within at least five working days prior to a hearing. Translators will be provided for people who do not speak English when requests are made at least five working days prior to a hearing.

Conduct of Public Hearings

To ensure that public hearings are meaningful to residents, each public hearing will be conducted in the presence of the City Council. Each resident choosing to speak will be allowed a maximum of five minutes to make a verbal presentation.

The following is a general timeline of when public hearings are conducted during the process:

January	Public Hearing to Identify Community Needs
March	Public Hearing to Discuss CDBG and HOME Proposed Projects
May	Public Hearing to Adopt Final Consolidated Plan Amendment/ Action Plan
As Needed	Public Hearing to Amend Consolidated Plan Amendment/ Action Plan

STAGES IN THE PROCESS

A. IDENTIFYING NEEDS

Because the housing and community development needs of low- and moderate-income people are so great and so diverse, priorities must be set in order to decide which needs should get more attention and more resources than other needs. This is the basic reason the Consolidated Plan exists.

A public hearing is required to obtain residents' opinions about needs and what priority those needs have. In order to encourage public involvement, two public community needs meetings are conducted in two separate locations to determine the specific needs and priorities identified by low- and moderate-income people. After information is gathered from the community needs meetings, a public hearing is conducted to allow residents to express comments regarding the needs of the City's low- and moderate-income population.

The public hearing about community needs will be completed at least 15 days before a draft Annual Action Plan is published for comment, so that the needs identified can be considered by the City and addressed in the draft Annual Action Plan.

B. THE PROPOSED ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The law governing the Citizen Participation Plan calls for improved accountability of jurisdiction to the public. In that spirit and in compliance with the terms of the law, the City will use the following procedures.

At the beginning of this stage, the City will provide the public with an estimate of the amount of CDBG and HOME funds it expects to receive in the upcoming year, along with a

description of the range of types of activities that can be funded with these resources. Also, the public will be given an estimate of the amount of these funds that will be used in ways that will benefit low- and moderate-income people.

The plans of the City to minimize the extent to which low- and moderate-income people will have to leave their homes as a result of the use of these federal dollars (called "displacement") will also be available at this time. This "anti-displacement plan" will also describe how the City will compensate people who are actually displaced as a result of the use of these funds, specifying the type and amount of compensation.

Technical Assistance

City staff will work with organizations and individuals representative of low- and moderate-income people who are interested in submitting a proposal to obtain funding for an activity. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing a proposal form.

Availability of a Proposed Annual Action Plan

Within 3 weeks after the Public Hearing about the Proposed Annual Action Plan, the City will make the Proposed Annual Action Plan available to the public. In addition, copies will be available at the locations specified above in the section, "Public Access to Information". A Public Notice will be published at least two weeks prior to the document's availability. The term "notice" described earlier in the section on "Public Notice" will be used.

Also, the date the Proposed Annual Action Plan is available to the public will be at least 30 days prior to the date a Final Annual Action Plan is approved by the City Council so that low- and moderate-income people will have a reasonable opportunity to examine it and to submit comments.

Public Hearing and Further Action

A public hearing about the Proposed Annual Action Plan will be conducted by the City Council within 30 days before it is available to the public. In addition, this public hearing will be held so that there are at least another 30 days before the Final Annual Action Plan is approved by the City Council so that the elected officials can consider the public's comments from the public hearing.

In preparing a Final Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Annual Action Plan will have a section that presents all comments and explains why any comments were not accepted.

C. THE FINAL ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

Copies of the Final Annual Action Plan will be made available to the public at City Hall for review. Copies can be obtained free of charge and within five business days of the request.

D. AMENDMENTS TO THE ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The Final Annual Action Plan will be amended any time there is: a change in one of the Priorities presented on the HUD-required Priority Table, a change in the use of money to an activity not mentioned in the Final Annual Action Plan, or, a change in the purpose, location, scope of beneficiaries of an activity. The public will be notified whenever there is an amendment.

Substantial Amendments

The following will be considered "substantial" amendments:

1. A change in the use of CDBG or HOME money from one activity to another.
2. The elimination of an activity originally described in the Annual Action Plan.
3. The addition of an activity not originally described in the Annual Action Plan.
4. A change in the purpose of an activity, such as a change in the type of activity or its ultimate objective – for example, a change in a construction project from housing to commercial.
5. A meaningful change in the location of an activity.
6. A change in the type or characteristics of people benefiting from the activity. Among the "characteristics" are:
   a. The HUD-recognized income levels of: 0-30 percent of area median income; between 31 percent and 50 percent of AMI; and between 51 percent and 80 percent of AMI
   b. Race or ethnicity
   c. Renter or homeowner

d. Single households, small ones (two to four persons), large ones (five or more persons)

7. A 20% percent decrease in the number of low- and moderate-income people benefiting from an activity.
8. A change in the scope of an activity, such that there is a 20% percent increase or decrease in the amount of money allocated to the activity.

Public Notice and Public Hearing for Substantial Amendments

There must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for Substantial Amendments:

1. There will be advance notice of the availability of a proposed Substantial Amendment 30 days before there is a public hearing.
2. A detailed written description of the proposed Substantial Amendment will be made available to the public. Also, copies will be available at the locations indicated earlier in this Citizen Participation Plan under "Public Access to Information".
3. There will be a public hearing regarding the proposed Substantial Amendment conducted by the City Council. This public hearing will not take place until the public has had 30 days to review the proposed Substantial Amendment.
4. The public hearing will be held no sooner than two weeks prior to submission to HUD.
5. In preparing the Final Substantial Amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Substantial Amendment will have a section that presents all comments and explains why any comments were not accepted.

E. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Every year the City must send into HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the close of the program year. In

general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people.

Public Notice and Public Hearing for Consolidated Annual Performance and Evaluation Report (CAPER)

There must be reasonable notice that the Consolidated Annual Performance and Evaluation Report (CAPER) is available so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for the CAPER:

1. There will be advance notice of the availability of the CAPER two weeks in advance.
2. A complete copy of the CAPER will be made available to the public at the locations indicated earlier in the Citizen Participation Plan under "Public Access to Information".
3. The public will have a minimum of 15 days to review and provide comments on the CAPER.
4. In preparing the CAPER for submission to HUD, careful consideration will be given to all comments and views expressed by the public. The CAPER sent to HUD will have a section that presents all comments and explains why any comments were not accepted.

Contents of the CAPER

The CAPER provides details on the actions taken by the City during the previous program year and accomplishments completed during the year. Accomplishments include the number of low- and moderate-income persons served and the ethnicity of those individuals. Also provided are expenditures taken during the year and funds spent undertaking each activity.

COMPLAINT PROCEDURES

Comments, suggestions or complaints may be addressed to the Economic Development Department as follows:

City of Moreno Valley
Economic Development Department
Attention: Neighborhood Preservation Division
14177 Frederick Street, P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-34507

All written complaints from the public will receive a meaningful written response within 15 working days after receipt.

CHANGES TO THE CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan can be changed only after the public has been notified of the intent to modify it, and only after the public has had a reasonable chance to review and comment on proposed substantial changes to it.

ATTACHMENT E

COMMUNITY NEEDS ASSESSMENT MEETING
Conference & Recreation Center
December 10, 2009
6:00 p.m. – 8:00 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Isa Rojas, Management Analyst
Michele Patterson, Redevelopment & Neighborhood Programs Administrator

Community members present at the meeting:

- James Cosey, representing the Transforming Community Action Program, a martial arts and social skills/behavior program for foster youth
- Rosalio Hernandez, Community Member (and family)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- The primary focus of the grant funding should be on programs for youth, including after school programs, academic enrichment programs, social skills development and behavior programs, mentoring, computer literacy, tutoring, and the establishment of a Boys & Girls Club or YMCA.

- A particular focus should be directed to emancipating foster care youth to provide life skills training, employment training and opportunities, counseling and supportive services.

- The need for access to comprehensive social service program information was discussed. The meeting participants felt the Countywide 211 Referral Network was cumbersome and lacking in current resource information. It was stated that the City should take a proactive role in disseminating information to the community.

- The particular needs of tenants being displaced from housing due to property owner foreclosure was discussed. Information was provided by City staff on the HPRP funding, which can assist with rental subsidy, security deposits, 1st month's rent, utility payments and motel vouchers. It was agreed, however, that this funding is limited and will not meet the needs of the community as a whole.

COMMUNITY NEEDS ASSESSMENT MEETING
Community Senior Center
December 14, 2009
6:00 p.m. – 8:00 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Michele Patterson, Redevelopment & Neighborhood Programs Administrator

Community members present at the meeting:

- Emmanuel Martinez, Coachella Valley Housing Coalition, a non profit affordable housing developer
- Harnethia Mansell, Cultural Heritage Performers, a youth performing arts and education agency
- Dorothy Grzeskowiak, representing the MoVan and the Community Assistance Program (CAP)
- Monica Lopez, Fair Housing Program Manager with the Fair Housing Council of Riverside County
- Sheena Wright, Foreclosure Prevention/Loss Mitigation Specialist, Fair Housing Council of Riverside County
- Christopher Johseffe, representing the United Democrats of Moreno Valley
- Raul Wilson, representing the Mexican Political Association (MPA)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- There was consensus among the participants that funding and programs should focus on youth. There is a continued need for after school programs to provide tutoring, academic enrichment, mentoring, artistic and performing arts development, computer literacy, life skills training, job skills training, transportation to and from available programs, and programs designed to keep kids safe and occupied during the critical 3:00 pm to 6:00 pm time period.

- The need for additional sports facilities, particularly soccer fields, was noted.

- It was reported that fair housing discrimination incidents continue to rise in Moreno Valley. Race and disabled accommodations are the 2 highest complaint categories. It was felt there is a need for additional trainings for property owners/management companies as well as testing and audit services to measure compliance. Both activities will require additional funding to the City's fair housing provider.

- The foreclosure crisis continues to be a critical need to address. The benefits of the ongoing foreclosure prevention workshops were acknowledged. An increasing new segment of underserved in this area are tenants who are losing their homes due to property owner foreclosure, and tenants being victims of various rental fraud schemes. Funding is needed to expand the workshops to specifically address the rights and options for tenants.

- The Fair Housing Council continues to receive requests for, and to provide, First Time Homebuyer education.

- Comments were received that additional capital improvements are needed in the Edgemont area, particularly the installation of sidewalks.

- There was recurring discussion among a limited number of attendees that prior CDBG funding has not benefited the residents of Moreno Valley:

    - It was commented that public service dollars should not be awarded to any agency located outside of Moreno Valley because there is a belief that the funds are spent on non-Moreno Valley residents.
    - Two participants believed it is a misappropriation of funds to utilize CDBG dollars to support programs that the City must provide through the general fund (ie. Code Enforcement and Police Services).
    - Two participants opposed the allocation of CDBG funds to any for-profit business through retail incentives or other economic development programs.

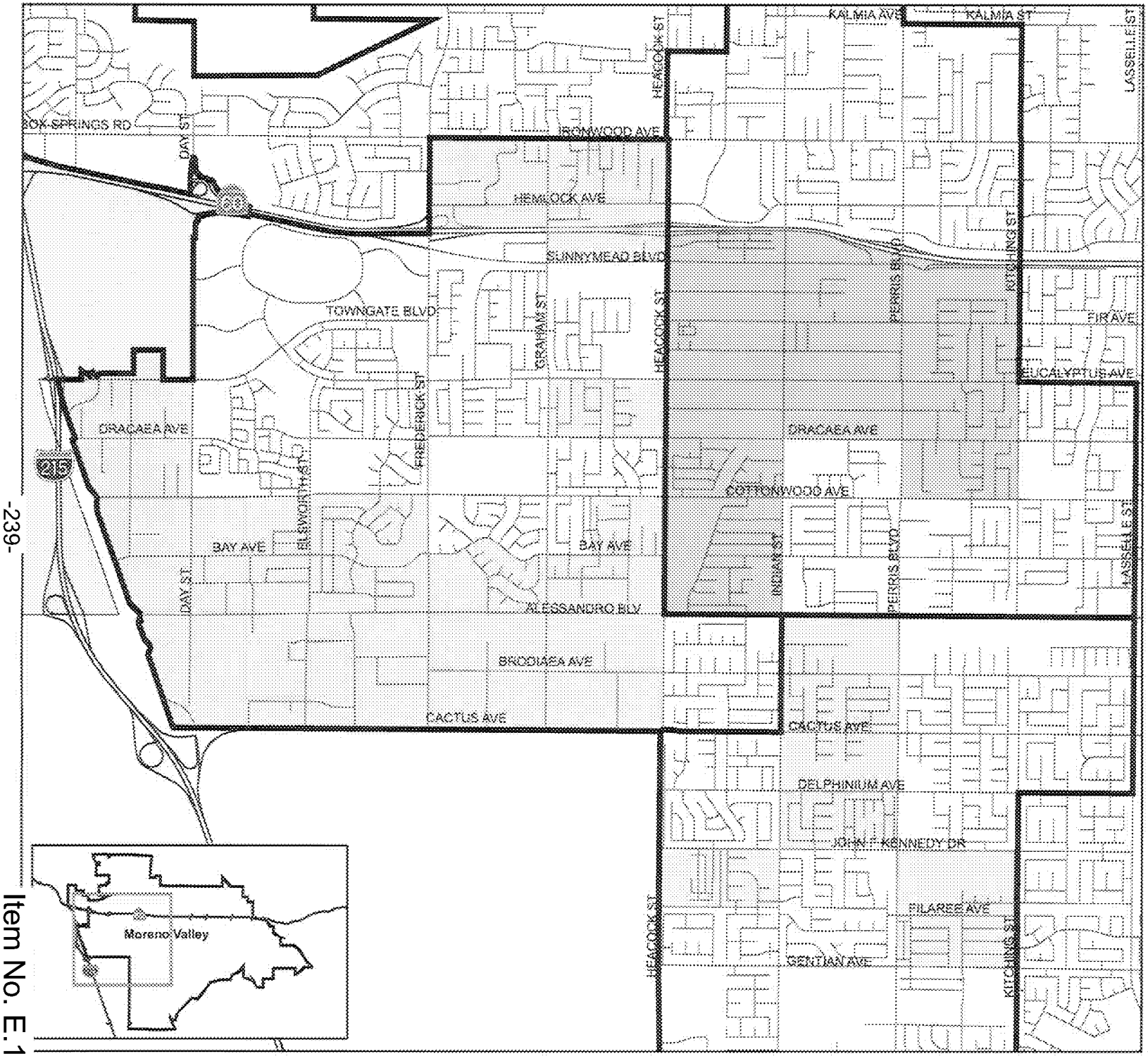

City of Moreno Valley CDBG Target Areas

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY

City of Moreno Valley
Redevelopment Area

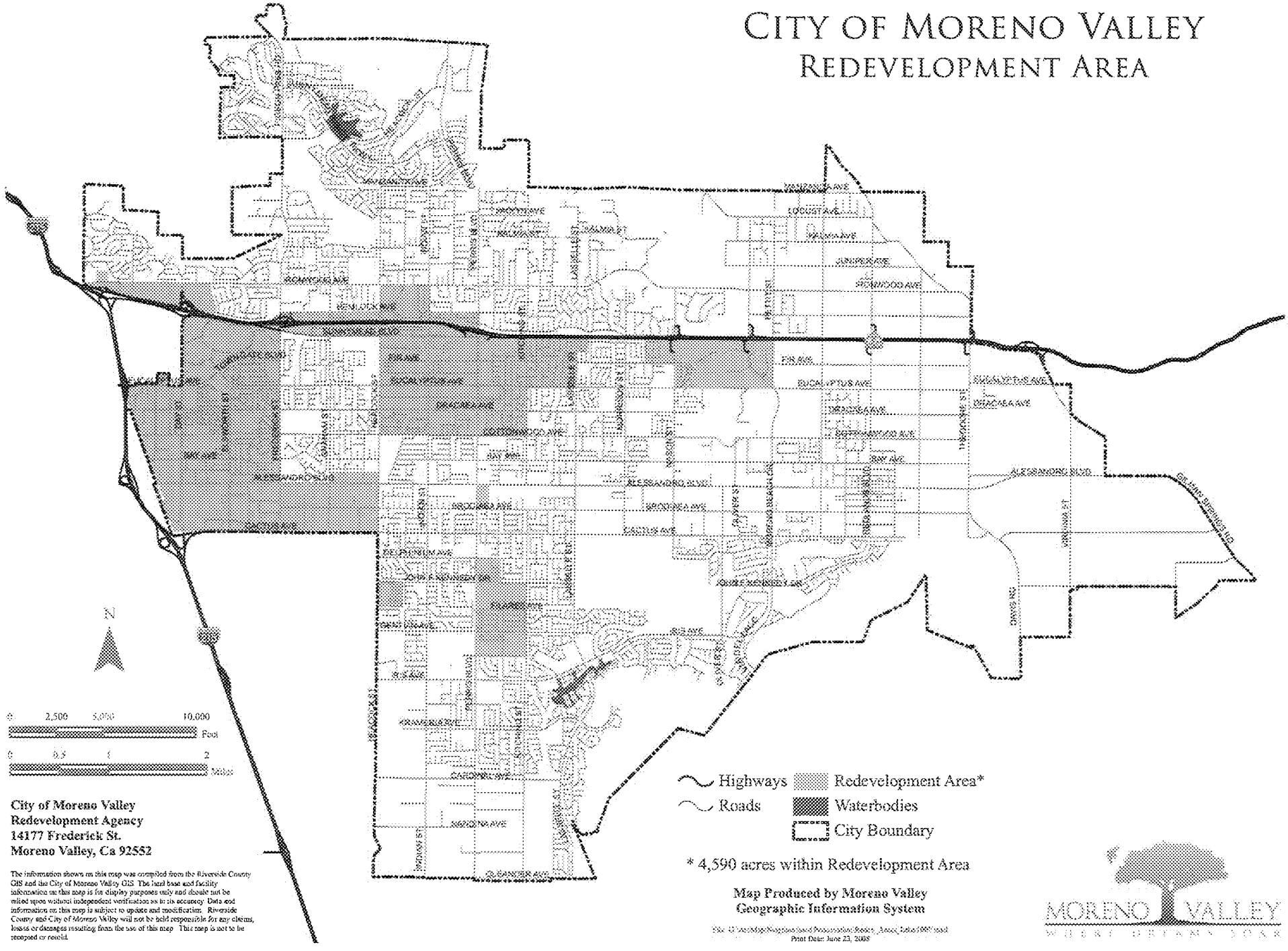

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

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MV00054547

City of Moreno Valley
Revitalization Areas

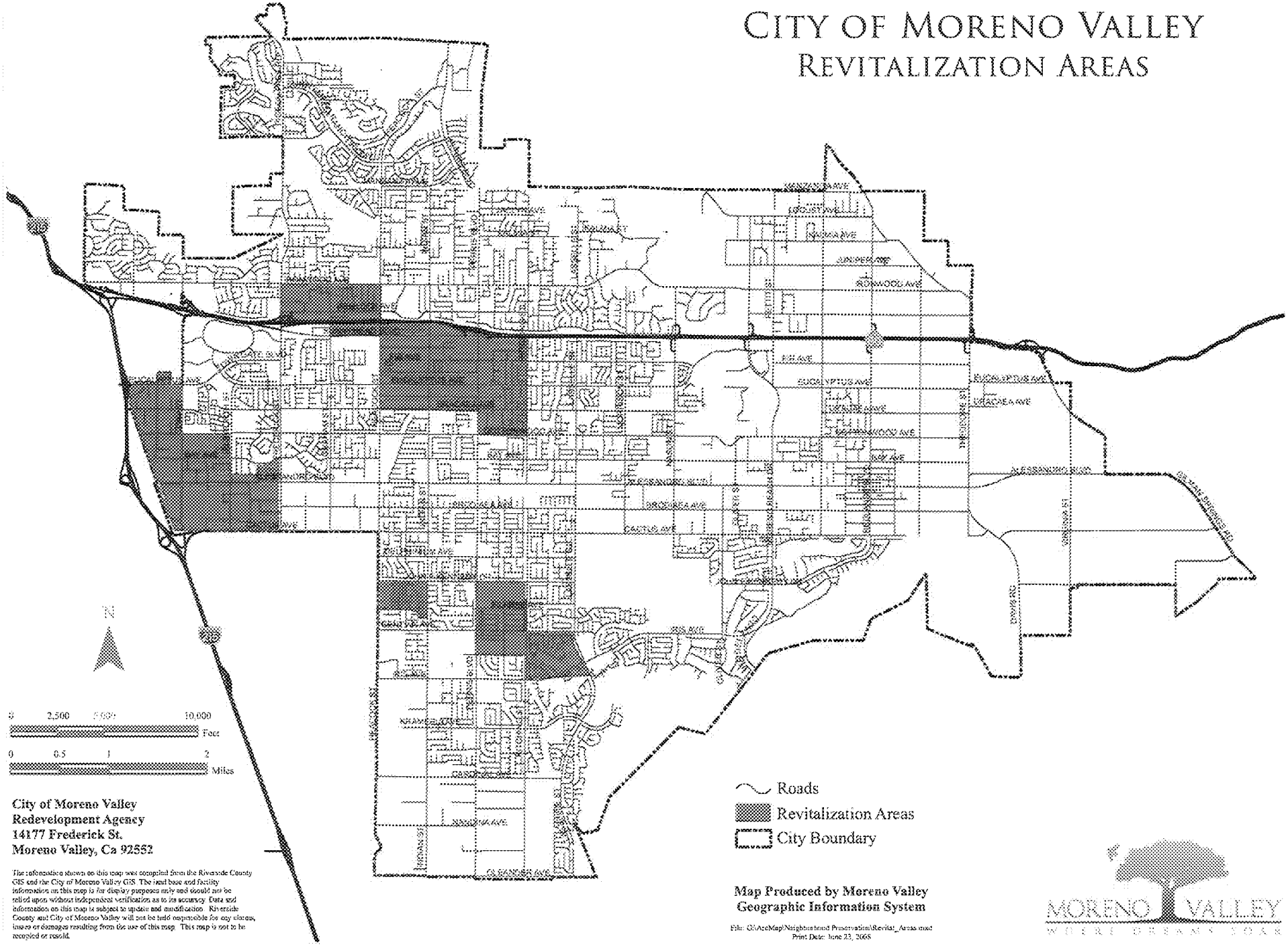

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

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Map Produced by Moreno Valley Geographic Information System

File: G:\ArcMap\Neighborhood Preservation\Revital_Areas.mxd
Print Date: June 23, 2008

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
NEIGHBORHOOD PRESERVATION DIVISION

Community Development Block Grant
"Subrecipient Monitoring Form"

GENERAL INFORMATION:

Interviewer:_____

Interviewer:_____

Project Name: _____

Location:_____

Agency:_____

Project Began:_____

Project Ended:_____

Date:_____

Name(s) and Title(s) of Person(s) Interviewed:

CDBG REGULATIONS

1. What efforts has the Subrecipient made to ensure that employees understand applicable CDBG program requirements?

2. Does the Subrecipient maintain adequate records to comply with CDBG program requirements, including records retention? *(circle one)* Yes No

3. Comments:

INTERNAL CONTROLS

1. Has the Subrecipient ensured that financial management systems are maintained in accordance with 24 CFR, Part 85.20(b), as applicable? *(circle one)* Yes No

   If yes, what are the financial management standards?

2. If Subrecipient employees work on both CDBG-eligible and non-CDBG eligible activities, what system does the Subrecipient have in place to ensure that appropriate time distribution records are kept?

3. Is the Subrecipient in compliance with the procurement and/or subcontracting requirements of 24 CFR, Part 85.36, as applicable? *(circle one)* Yes No

4. Does the Subrecipient significantly review for evidence of conflicts of interest either between the Subrecipient and the employees or between the Subrecipient and its contractors (such as obtaining information on background of staff or board directors and seeking specific assurances from contractors, vendors, and suppliers)? *(circle one)* Yes No

SUBRECIPIENT AGREEMENT (24 CFR, PART 570.503)

1. Does the "Scope of Services" contain a description of the types and amounts of services or products that will result from use of CDBG funds in sufficient detail to allow for effective monitoring? *(circle one)* Yes No

   Give examples of any deficiencies found:

2. Is a deadline designated for accomplishment of each of the major services or projects identified in the "Scope of Services" (reference 24 CFR, Part 570.503(b)(1))? *(circle one)* Yes No

   Give examples of any deficiencies found:

3. Are the costs for carrying out the "Scope of Services" presented in sufficient detail to provide an adequate base for comparison of planned and actual performance (reference 24 CFR, Part 570.403(b)(1))? *(circle one)* Yes No

   Describe any deficiencies:

4. Are the documents presented and required of the Subrecipient in order to receive payment of CDBG funds adequate to ensure that payments are eligible and reasonable in relation to actual performance and that funds are not being requested in excess of immediate needs? *(circle one)* Yes No

   If not, please explain:

5. Where special documentation is required by the contract or project activity type such as but not limited to, necessary or appropriate determinations, or lead-based paint, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   If not, what is lacking?

6. Where special income documentation is required by the contract or project activity type, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   Indicate type of verification required:

7. Are current income limits being utilized for the program? *(circle one)* Yes No

8. Does the Agreement specify that program income is to be retained by the Subrecipient? *(circle one)* Yes No

   If yes, what provisions are made to ensure that such income is recorded and reported, and that it will be used in accordance with CDBG regulations?

9. Has Subrecipient been informed of requirement to submit an annual audit of City funded portion for the program per the CDBG Agreement? Audit shall be performed by a Certified Public Accountant or other independent auditor. *(circle one)* Yes No

REPORTING

1. Does the Subrecipient submit reports such as progress or financial reports on a timely and periodic basis (reference 24 CFR, Part 570.503(b)(2))? *(circle one)* Yes No

   If yes, please describe:

2. How frequently are these reports required to be submitted?

3. Has Subrecipient submitted written reports and is the information submitted sufficient to assess Subrecipient performance against the specifications in the "Scope of Services"? *(circle one)* Yes No

   If not, please explain:

4. Is the reported data verified by the City? *(circle one)* Yes No

   If yes, how does the recipient verify actual beneficiaries of a project?

PROGRAM INCOME MONITORING

1. How does the Subrecipient keep track of generated program income and ensure accurate reporting?

2. Has the Subrecipient established revenue accounts to record program income?

3. If program income is retained by Subrecipient, does the Subrecipient check to determine that:

   a. Program income is being used before new grant funds are requested?

   b. Such income is being used in accordance with CDBG rules and regulations?

ON-SITE REVIEW OF SUBRECIPIENTS BY CITY

1. Did a representative from the City of Moreno Valley monitor this Subrecipient on site? *(circle one)* Yes No

2. Based on this review, does there appear to be any significant differences between actual performance and the reported performance submitted to the City? *(circle one)* Yes No

   If yes, please describe:

3. In reviewing the activities and costs charged by the Subrecipient to the CDBG program, are there any costs that appear clearly unreasonable? *(circle one)* Yes No

4. Are there any expenditures that warrant further review? *(circle one)* Yes No
   If yes, please explain:

SUMMARY

1. Is it evident that the Subrecipient is adequately managing and monitoring its activities? *(circle one)* Yes No

   If not, try to identify the apparent causes of the problem(s). What action is recommended? Does the Subrecipient need additional technical assistance in any particular area? Are there elements of the Sub-recipients management system that are particularly successful? Please note below any general observations, positive and/or negative, which would contribute to a determination as to whether the Subrecipient has an adequate management and monitoring system in place to ensure compliance with regulations and accomplishment of goals and objectives.

FINDINGS:

CONCERNS:

RECOMMENDED ACTIONS:

POSITIVE OBSERVATIONS:

_____ _____
Signature of Reviewer Date

_____
Name and Title

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MV00054553

ATTACHMENT E

CDBG FUNDING ALLOCATIONS FY 2010/11

ADMINISTRATION (20% CAP - $388,322)	
CDBG Program Administration	$338,869
Fair Housing Services	$49,453
SOCIAL SERVICES (15% CAP - $291,241)	
Community Foreclosure Prevention Workshops	$44,000
Community Assistance Food Program (CAP)	$30,600
Friends of the Moreno Valley Senior Center (MoVan)	$30,000
Moreno Valley Police Dept., Problem Orienting Policing (POP) Team	$28,241
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$25,000
Lutheran Social Services Transitional Center (MARB)	$15,000
Path of Life Ministries King Hall Family Shelter (MARB)	$15,000
PW Enhancement Center – Emergency & Homeless Services	$15,000
Neighborhood Clean-up Program	$15,000
Assistance League of Riverside - Operation School Bell	$10,000
CASA for Riverside County	$10,000
God's Helping Hand Ministries Food Program	$9,000
Operation Safehouse Shelter for Youth	$8,000
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,500
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500
Moreno Valley Community Educators - Tutoring Program	$6,400
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
ARC of Riverside – Disabled Adult Day care Facility	$5,000
FACILITIES	
Youth Opportunity Center	$50,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
Fire Prevention 'Improvement Task Force'	$30,000
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$540,000
Community Employment Resource Center	$145,641
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$50,000
Lord's Gym	$20,000
TOTAL CDBG FUNDING ALLOCATIONS	**$1,941,611**

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MV00054555

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle A. Kollar, Interim Community Development Director

AGENDA DATE: May 11, 2010

TITLE: A public hearing for two applications to modify various conditions of approval (P09-038 and P09-039) for the approved Highland Fairview Corporate Park project Tentative Parcel Map No. 35629 (PA07-0090) and Plot Plan (PA07-0091) including the modification of Highway 60 landscape requirements, the timing and responsibility for an easement and construction of a required multi-use trail along the project frontage and future Eucalyptus Avenue and various Public Works conditions related to the dedication and improvement of public improvements. The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. The applicant is Highland Fairview Properties.

RECOMMENDED ACTION

The City Council shall conduct a public hearing to:

1. **RECOGNIZE** that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;

2. **APPROVE** Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions;

3. **RECOMMEND** that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

ADVISORY BOARD RECOMMENDATIONS

On March 24, 2010, the Recreational Trails Board conducted a meeting and revisited the multi-use trail issue at the request of the applicant to modify the trail or have the City acquire the trail easement and complete all required trail improvements. At said meeting, the Board recommended that the City Council deny the applicant's request to modify conditions to either modify or remove the trail from the project or have the City acquire the trail easement and install trail improvements.

BACKGROUND

On February 10, 2009, the City Council, approved Highland Fairview Properties request for Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes, and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The Highland Fairview Corporate Park project includes approximately 2,620,000 square feet of industrial and commercial building area in three phases on four parcels.

On April 14, 2009, Highland Fairview submitted a written request to the City Council to consider approximately five different issues of project approval and modify approximately 56 conditions of approval related to the issues.

On May 14, 2009, three applications were submitted to the Planning Division requesting modifications of conditions. The first application (PA09-0013) included a General Plan Amendment to cover the request for the possible removal or modification of a required multi-use trail on future Eucalyptus Avenue. The second and third applications included all other requests to modify conditions of approval for both the Plot Plan (P09-038) and the Tentative Parcel Map (P09-039).

On June 10, 2009, the proposed modifications of conditions for the Corporate Park Project were provided to the Project Review Staff Committee (PRSC) for review. Based on this review, staff suggested that non-General Plan related conditions of approval could go to City Council for review separately and ahead of General Plan related

conditions of approval. Pursuant to the City's Municipal Code, all General Plan changes must go to the Planning Commission for a recommendation prior to consideration by the City Council. The non-General Plan related conditions include the item on required Highway 60 landscape, the multi-use trail if it was not requested to be modified/removed and the modification to Land Development and Transportation conditions of approval that address dedication and improvement of public improvements. In addition, staff asked Highland Fairview to provide a letter to staff that clarified the policy issues related to requests.

On September 3, 2009, a letter was provided by Highland Fairview Properties that modified the specific issues and conditions of approval that were requested to be revised. Staff conducted meetings with Highland Fairview staff to discuss items that were requested to be modified.

In October of 2009, the applicant requested in e-mail correspondence that staff not move forward with the modifications of conditions while other more pressing items related to ongoing project litigation proceedings were being worked out.

In a letter dated February 8, 2010, the applicant requested that the item be reinstated for review and further modified the original request to reduce the issues related to the project approval down to three items as follows:

- Remove the right of way landscape requirement along Highway 60.
- Eliminate or modify conditions of approval related to a required General Plan Multi-Use Trail along future Eucalyptus Avenue
- Modify various conditions of approval related to the dedication and improvement of public improvements

DISCUSSION

The following is a summary of items and issues regarding the applicant's request to modify various project approved conditions of approval:

Remove the right of way landscape requirement along Highway 60.

The applicant is seeking relief from a particular condition of approval within the map and plot plan that requires landscaping within the improved areas of the Caltrans right-of-way adjacent to Highway 60.

In the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan and a few residential projects have been conditioned to

install or participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan. Some of this landscaping has thrived while others have suffered over the intervening years. In recent years, the Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note are two proposed warehouse industrial projects in close proximity to the project, Prologis and Ridge Realty. Each has been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects combined represent approximately two miles of the City's freeway frontage.

In the case of landscape along Highway 60, staff does not have the authority to eliminate the condition because it derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Staff is seeking policy direction from City Council as to whether or not to retain or modify this condition of approval. An alternative that the Planning Division has offered to Highland Fairview is the placement of interim landscape of seasonal wildflower ground cover with temporary irrigation in the right of way area in lieu of typical trees/shrubs and permanent irrigation. An erosion control hydroseed mix and temporary irrigation to establish the ground cover has been suggested by Highland Fairview as a less costly alternative, which is acceptable to Planning. During the summer months when wildflowers die out, maintenance would need to be provided by the property owner to remove weeds and dried out vegetation prior to the next growing season. The map and plot plan conditions of approval for Highway 60 landscape have been modified to reflect an erosion control landscape palette along Highway 60 without permanent irrigation. All right of way parcels will include the erosion control hydroseed mix, including the two large parcels in between Highway 60 and Parcels 2, 3, and 4.

Eliminate or modify a required General Plan Multi-Use Trail along future Eucalyptus Avenue.

The applicant has requested that several conditions of approval be modified related to the dedication and improvement of the multi-use trails on the project site.

Two specific changes to the Master Plan of Trails were proposed by the applicant and approved by City Council with the approval of the Highland Fairview Corporate Park project (including Skechers) in February of 2009. The first included the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Avenue) between Sinclair Street and Redlands Boulevard. The second change was the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus Avenue to provide one continuous trail on the north side of Eucalyptus Avenue from Quincy Street to Theodore Street.

Highland Fairview Properties have stated in their most recent letter of February 8, 2010 that there is a lack of nexus between the project and the requirement of providing the multi-use trail. Staff believes that there is a viable nexus given the trail's designation in the adopted General Plan multi-use trail plan. The trail provides a linkage with the overall General Plan trail system between Quincy and Theodore Streets. With the elimination of the Sinclair Street overcrossing trail, the extension of the trail along Eucalyptus Avenue east to Theodore Street provides connection to the trail crossing on Theodore Street. A multi-use trail provides for many uses, including horseback riding, walking paths for pedestrians, jogging paths for exercise, and bicycling.

The applicant requests that if the trails are constructed, the City acquire the easement and provide all improvements and on-going maintenance related to the trail. It is not common practice of the City to acquire an easement for a required General Plan multi-use trail or pay for trail improvements. All private developers are currently responsible for dedicating an easement and paying for the improvements to construct multi-use trails as a condition of their project approval. As in all cases, the City will maintain the required trail once it is improved by the developer and accepted by the City for maintenance.

The Recreational Trails Board reviewed proposed changes to the trail system on two separate occasions prior to project approval in February 2009 and concurred with the applicant's request to remove the Sinclair Street trail extension over Highway 60, change the location of the trail from the south side to the north side of future Eucalyptus Avenue and mitigate the trail elimination over Highway 60 by extending the trail from former Sinclair Street to Theodore Street. Based on review of the most recent proposal by the Trails Board at their meeting on March 24, 2010, the Board considered and recommended that the City Council deny the applicant's request to modify conditions and reiterated its support for the approved trail conditions.

An alternative approach that was suggested to Highland Fairview Properties was to look at the timing of when the trail would need to be provided. As per project conditions of approval, the trail is required for each phase of development as it is being completed. The trail would be required for the Phase 1 of the Skechers building but would not be required for Phase 2 and 3 until those phases are constructed. An alternative approach to consider would be the deferral of the entire trail development until Phase 2. This would provide a full segment of the trail at one time instead of in pieces. Some type of security may be required for this approach.

An additional alternative to providing a trail on the north side of the future Eucalyptus Avenue would be to change the trail location back to its original General Plan designation along the south side of future Eucalyptus Avenue in the buffer area approved for the Highland Fairview Corporate Park project. If this approach is recommended, it would require a General Plan Amendment to change the Master Plan of Trails Map and further study and possible modification of the approved Environmental Impact Report (EIR) for the project. The General Plan amendment also would need to be sent back to the Recreational Trails Board and the Planning Commission for review

and recommendation to the City Council. The Tentative Parcel Map south boundary, currently at the south Eucalyptus Avenue right of way, may need to be adjusted to the south to include the trail.

Modify various conditions of approval Related to the dedication and improvement of public improvements

The applicant has requested that all pertinent conditions of approval requiring the dedication and improvement of public facilities be modified to only require fair-share contribution by the project for the dedication and improvement of all public infrastructures. They further requested that improvement credits and reimbursement agreements be developed and entered into between the City and the project proponent for any amount the project contributes in excess of its pro-rata share for such improvements. This request primarily includes Land Development and Transportation Division's conditions of approval.

Municipal Code Section 9.14.100 clearly states that developments are required to construct full half-width street improvements plus one lane in the opposite direction along the project frontage. The developer's request to only be financially responsible for its "fair share" is not in keeping with the intent of the Municipal Code. All perimeter streets associated with the project are Development Impact Fee (DIF) program streets for which the developer may be eligible to receive credits and reimbursements for those ultimate, qualifying improvements. The DIF program spreads the cost of arterial street and traffic signal improvements City wide such that there is a nexus between the trips generated by a project (the impact on the City wide system of arterial streets and traffic signals) and the cost of transportation improvements needed to mitigate the impact. That nexus translates into development impact fees paid by the developer. Highland Fairview is not conditioned to construct ultimate improvements on Redlands Boulevard nor Theodore Street; only along Eucalyptus Avenue. Therefore, the developer is eligible for credits and reimbursements for qualifying improvements on Eucalyptus Avenue only. The Land Development Division does not support additional reimbursements be given to the developer beyond that which the developer is eligible to receive through the DIF program.

The developer may choose to pursue reimbursement for other public improvements not covered by the DIF program (i.e. sewer/water and master storm drain), and may contact Eastern Municipal Water District and Riverside County Flood Control and Water Conservation District respectively for any available reimbursements for the over-sizing of certain utilities associated with the construction of trunk sewer lines, water main lines, reclaimed water lines and flood control facilities.

The Land Development Division, based on a memorandum submitted as part of the Project Review Staff Committee (PRSC) minutes provided to Highland Fairview on June 10, 2009, indicated that originally approved Public Work's conditions of approval for both the tentative parcel map and plot plan meet the requirements of the City's Municipal Code. Furthermore, the existing project conditions of approval as approved

previously meet the nexus requirement of the law because the street improvements conditioned are consistent with the EIR. The requested changes would require a separate nexus study from the approved City-wide nexus study for the DIF program and would not be equitable to other developers nor provide a viable funding program for the City-wide circulation system. Therefore, both the Land Development and Transportation Divisions do not support Highland Fairview's proposal to modify or make additions to wording of certain, specified Public Works conditions of approval.

The Land Development and Transportation Divisions have included a synopsis of the applicant's request to modify conditions of approval and the City's response to these proposed modifications in a memorandum format. Since the request by the applicant to amend project conditions is extensive in nature, for Council's information, this document is attached to the staff report to highlight the City's approach to each condition being requested for modification.

ALTERNATIVES

1. Consider the proposed amendments to approved project conditions of approval, and approve all modified condition language as included in Exhibits A and B to the attached resolutions.

2. Consider the proposed amendments to approved project conditions of approval, and deny or amend modified condition language as included in Exhibits A and B to the attached resolutions.

3. Consider the proposed amendments to approved project conditions of approval included in the attached applicant request letter dated February 8, 2010, and include additional amendments to conditions not included within the attached resolutions.

4. Refer the proposed amendments to the Planning Commission for further review. Recommendation of any location changes to the required multi-use trail would require a General Plan amendment to be forwarded to the Recreational Trails Board and the Planning Commission for review and consideration prior to a final decision by the City Council.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

Based on review of the various applicant requested project condition modifications for the Highland Fairview Corporate Park/Skechers project, the Land Development and Planning Divisions have agreed to modify a few of the approved conditions related to Highway 60 landscape and the multi-use trail, only to clarify the developer's responsibility to dedicate an easement and construct the trail,. The Highway 60 Corridor Specific Plan requires that landscape be provided in the entire Highway 60 freeway right of way area adjacent to the site. A compromise to typical landscape and irrigation required within Highway 60 Corridor Specific Plan standards would be an allowance of an interim hydroseed mix planted, maintained to provide both an appealing visual landscape and erosion control mechanism along the freeway until such time that the parcels are transferred over to the City or Caltrans. The Trails Board has recommended that all conditions of approval regarding the multi-use trail not be modified, with the applicant to provide the easement and provide related trail improvements as is required with all other private projects.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site sign postings.

ATTACHMENTS

1. Public Hearing Notice
2 Letter dated February 8, 2010, from Highland Fairview Properties requesting modification of project approved conditions.
3. Internal Land Development memorandum dated February 11, 2010 on various proposed conditions of approval.
4. Letter dated March 18, 2010, from Highland Fairview Properties regarding proposed hydroseed landscape for Highway 60 right of way areas.
5. Internal Transportation Division memorandum dated April 19, 2010 on various proposed conditions of approval.
6. Letter dated April 22, 2010, from Michael Brandman Associates regarding an environmental analysis of modification of project conditions.
7. Approved Highland Fairview Corporate Park - Planning, Land Development and Parks Map Conditions of Approval.
8. Approved Highland Fairview Corporate Park - Planning, Land Development and Parks Plot Plan Conditions of Approval
9. Modification of Conditions Resolution – Tentative Parcel Map, with attached modified conditions of approval included within Exhibits A through B.
10. Modification of Conditions Resolution – Plot Plan, with attached modified conditions of approval, included within Exhibits A and B

Prepared By:
Mark Gross, AICP, Senior Planner

Department Head Approval:
Kyle A. Kollar, Interim CDD Director

Concurred By:
John C. Terell, AICP, Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00054565

Notice of
PUBLIC HEARING

This may affect your property. Please read.
Notice is hereby given that a Public Hearing will be held at a regular meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: P09-038 and P09-039 (Modification of Project Conditions of Approval)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A public hearing for two applications to modify various conditions of approval (P09-038 and P09-039) for the approved Highland Fairview Corporate Park project Tentative Parcel Map No. 35629 (PA07-0090) and plot plan (PA07-0091) including the modification of Highway 60 landscape requirements, the timing and responsibility for an easement and construction of a required multi-use trail along the project frontage and future Eucalyptus Avenue and various Public Works conditions related to the dedication and improvement of public improvements.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157), including a Statement of Overriding Considerations and Mitigation Monitoring Program was originally certified and approved for the project. Pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines).

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council or City Clerk at, or prior to, the Public Hearing.

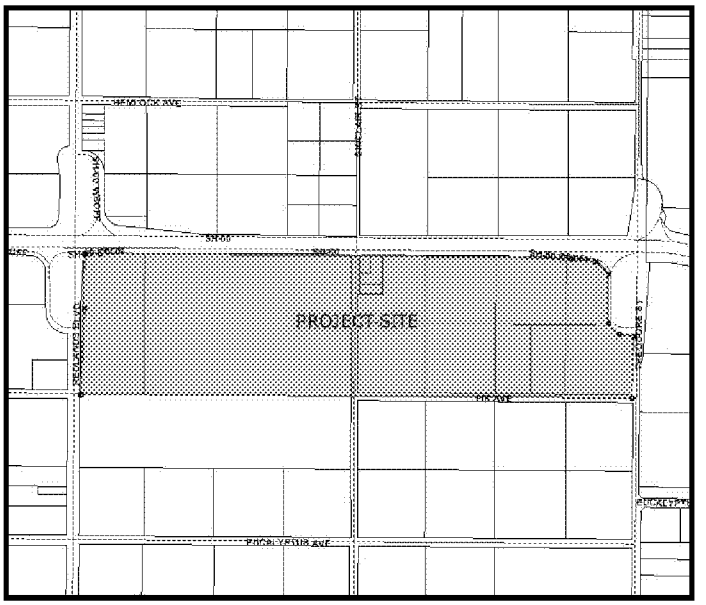

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: May 11, 2010 at 6:30 PM
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

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MV00054567

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

February 8, 2010

Mark Gross
Senior Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park – Proposed Revisions to Conditions of Approval

Dear Mark:

In May 2009, Highland Fairview officially submitted a request (PA09-0013) to modify certain Conditions of Approval which were imposed on the Highland Fairview Corporate Park project. Highland Fairview would like to hereby modify our previous application to request changes to conditions relating to the following three important issues:

1. **SR60 Landscaping**
   Existing Condition: Condition of Approval P14 on Tentative Parcel Map TPM 35629 (Resolution 2009-10) requires the preparation and processing of plans for the installation of landscaping and irrigation within the SR60 right-of-way adjacent to the project site in compliance with the SR60 Design Manual.

   Requested Action: Highland Fairview requests the removal of this condition.

   Justification: This condition has been inconsistently applied along SR60 within the city. In those instances where it has been applied, it has provided only marginal landscaping that struggles from sparse installation, little or no maintenance and inadequate irrigation. Over the years, the City's SR60 Design Manual has been arbitrarily applied and inconsistently enforced, resulting in a haphazard landscape treatment along SR60 throughout the City. Today, the freeway frontage is a random mixture of sparse, struggling landscaping, mixed with long stretches of barren, unmaintained land. Clearly there has not been a consistent application of the SR60 Design Manual criteria. In addition, and perhaps most importantly, Caltrans staff has indicated informally that they will not allow such improvements in the freeway right-of-way nor will they commit to any maintenance whatsoever.

ATTACHMENT 2

However, to the great benefit to the motoring public and the City, the approved HFCP project includes a high level of landscape treatment along SR60 that has never been seen in Moreno Valley. Millions of dollars are being spent to create an attractive edge to the project which will feature trees, shrubs and ground cover that has been designed to work in concert with the architecture of the future buildings to create a pleasant experience for the motoring public as they pass by the Highland Fairview Corporate Park site. This project landscaping will produce an edge treatment for SR60 far beyond that which was envisioned in the Design Manual.

The condition should be deleted.

2. **Multi-Use Trails**
   Existing Condition: Several conditions imposed on the TPM and the Plot Plan require the dedication and improvement of multi-use trails on the project site.

   Requested Action: Delete and/or modify all trail-related conditions to require that: 1) the project reserve the necessary land for potential future multi-use trails, 2) site grading provide for the future multi-use trails, 3) the multi-use trail areas be landscaped and maintained in a manner consistent with immediately adjacent areas until such time as the City purchases the land and constructs the multi-use trails, and 4) the on-going maintenance of the multi-use trails, when built, be borne by the City for the benefit of the public.

   Justification: There is a complete lack of nexus between the project and the requirement to dedicate and improve multi-use trails on the project site. The project creates absolutely no demand for these trails, therefore there is no nexus. The trails can be accommodated in the project design but the impacted land (or appropriate easements) should be acquired by the City, the trails should be constructed by the City and the trails should be maintained by the City. Further, there should be a sunset clause in the conditions such that if the City does not acquire the impacted land or easements within five years of the recordation of the Final Map for the project, the City's option to acquire the land or easements will expire.

3. **Dedication and Improvement of Public Improvements**
   Existing Conditions: The project approval contains dozens of conditions requiring the dedication and improvement of public facilities (streets, parkways, trails, etc.) far in excess of the demand which the project creates for such facilities.

   Requested Action: Modify all related conditions to require a fair-share contribution by the project for the dedication and improvement of all public infrastructure improvements. Improvement credits and Reimbursement Agreements should be entered into between the City and HF for any amount contributed in excess of its actual pro-rata share of such improvements.

Justification: These conditions fail to meet the requirement for a direct nexus between the project and required public improvements as required by law. Such conditions impose an unjust and decidedly unequal burden on some projects while other projects and the city benefit unfairly at the expense of one taxpayer.

Attached is a list of the conditions which are related to the changes requested above. Other conditions may be impacted as a result of our detailed discussions with staff.

We look forward to discussing these issues with staff, the Planning Commission and the City Council at the earliest possible opportunity. If questions arise during the City's review of this request, please do not hesitate to contact me directly.

Sincerely,

Iddo Benzeevi
President and CEO

Requested Changes to Conditions of Approval for TPM 35629
City Council Resolution 2009-10

SR 60 Landscaping

a) Delete Condition P14

Multi-Use Trails

a) Modify Condition LD68(b) to add: "Said multi-use trail easement shall be labeled 'future,' and is contingent upon City acquisition of said easement from the landowner."
b) Modify Condition LD68(c) to add, "The City will maintain all multi-use trails."
c) Modify Condition LD70(a)(viii) to add, "The future trail area shall be designed and graded with the project and shall be landscaped consistent with adjacent land. The City may acquire an easement for a multi-use trail from the property owner and construct and maintain a multi-use trail."
d) Modify Condition LD91 to add "(optional)" after the words "multi-use trail."
e) The entire set of Conditions of Approval from the Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired from the landowner by the City. The City shall be responsible for the construction and the maintenance of the multi-use trails.

Dedication and Improvement of Public Improvements

a) Modify Conditions LD2, LD4, LD27, LD46, LD65, LD66, LD68, LD70, LD78, LD90, LD91, LD93, TE17, TE18 and the Parks and Community Services Department conditions to add, "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedication and/or improvement obligations."

Requested Changes to Conditions of Approval for Plot Plan PA07-0091
City Council Resolution 2009-11

SR 60 Landscaping

a) Delete Condition P10

Multi-Use Trails

a) The entire set of Conditions of Approval from Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired by the City from the landowner. The City shall be responsible for the construction and the maintenance of the multi-use trails.

Dedication and Improvements of Public Infrastructure

a) Modify Condition PD80, PD81, PD82, PD83, PD84, PD85, LD43, LD44, LD66, TE3, TE11, TE13, TE14, TE15 TE18, and the Parks and Community Services Department conditions to add "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements."

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MV00054573

CITY OF MORENO VALLEY
Public Works Department
Land Development

MEMORANDUM

To: Mark Gross, Case Planner

From: Clement Jimenez, Senior Engineer, 951.413.3121, clementj@moval.org

Date: February 11, 2010

Subject: PA09-0013; Second Review Comments

Project Information

Case Number:	PA09-0013	Related Case No:	PA07-0088 thru PA07-0091, P07-157 and P08-057
APN:	488-350-001 through 002 and 488-360-001 through 012		
Case Type:	GPA, Amended PP and Amended TM 35629 (Modification of Conditions)		
Environmental:	EIR		
Applicant:	Highland Fairview		
Owner:	Highland Fairview		
Representative:	Wayne Peterson		
Location:	N side of Eucalyptus, E of Redlands, W of Theodore and S of Highway 60		
Proposal:	A request to modify conditions of approval from the recently approved Highland Fairview Corporate Park Project and Tentative Parcel Map (PA07-0090) as well as Plot Plan (PA07-0091) to cover such items as the removal of Highway 60 landscape, removing a required multi-use trail along the project frontage and the modification of conditions related to the dedication and improvement of public improvements. A General Plan Amendment is required for removal of any multi-use trail.		

The following is the Land Development Division's response to Highland Fairview's letter dated February 8, 2010 addressed to Mark Gross, Senior Planner. Highland Fairview's letter states that some conditions, including some of those from Land Development, "fail to meet the requirements for a direct nexus between the project and required public improvements as required by law":

The Land Development Division is confident that the conditions of approval for both the tentative parcel map and plot plan meet the requirements of the City's Municipal Code. Furthermore, the conditions of approval as approved meet the nexus requirement of the law because the street improvements conditioned are consistent with the EIR Traffic Study and the Subdivision Map Act.

ATTACHMENT 3

Therefore, the Land Development Division does not support Highland Fairview's proposal to modify

or make additions to wording of certain, specified Land Development conditions of approval.

Municipal Code Section 9.14.100 clearly states that developments are required to construct full half-width street improvements plus one lane in the opposite direction along the project frontage. The developer's request to only be financially responsible for his "fair share" is not in keeping with the intent of the Municipal Code. This would also create a significant amount of additional effort to determine and split associated costs, which are subjective and open to interpretation by all parties involved. All perimeter streets associated with the project are Development Impact Fee (DIF) program streets for which the developer may be eligible to receive credits and reimbursements for those ultimate, qualifying improvements. The Developer is not conditioned to construct ultimate improvements on Redlands Boulevard nor Theodore Street; only along Eucalyptus Avenue. It is important to note that the developer chose to create the tentative parcel map such that the entire width of Eucalyptus Avenue lies within the tentative parcel map boundary, that is to say that the south right-of-way line of Eucalyptus Avenue coincides with the south map boundary. Therefore, the developer was conditioned to construct full-width improvements on Eucalyptus Avenue. The developer is eligible for credits and reimbursements for qualifying improvements on Eucalyptus Avenue. The Land Development Division does not support additional reimbursements be given to the developer beyond that which the developer is eligible to receive through the DIF program.

However, the developer may choose to pursue reimbursement for other public improvements not covered by the DIF program (i.e. sewer/water and master storm drain), and suggests the developer contact Eastern Municipal Water District and Riverside County Flood Control and Water Conservation District respectively for any reimbursements available for the over-sizing of certain utilities associated with the construction of trunk sewer lines, water main lines, reclaimed water lines and flood control facilities.

For completeness, the following is a list of Land Development conditions of approval that Highland Fairview has requested to revise:

TPM 35629

SR 60 Landscaping

(a) P14: Land Development defers the response to this item to the Panning Division. Please note that COA LD65 and LD66 require that the developer establish and maintain a minimal level of landscaping sufficient to achieve adequate erosion and sediment control, and slope stabilization.

Multi-Use Trails

(a) LD68(b): The Land Development Division conditions of approval pertaining to the multi-use trail are consistent with Section 66475.1 of the Subdivision Map Act and the Parks and Community Services Department conditions of approval. Land Development does not recommend revising the conditions of approval to reference the trail as "future" unless otherwise agreed to by the Parks and Community Services Department. It is important to note that the 20-foot wide easement area includes a multi-use trail and sidewalk. Regardless of the disposition of the trail, an easement will be required for the sidewalk which is to be constructed by the developer and maintained by the City.

(b) LD68(c): The Land Development Division agrees to the requested additional language to include the statement "The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c), with the concurrence of the Parks and Community Services Department.

(c) LD70(a)(viii): The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

(d) LD91: The Land Development Division does not agree with the addition of the word "optional" after the word "trail", as construction of the trail is not optional, unless the Condition of Approval is otherwise revised by the Parks and Community Services Department.

(e) All Parks COAs: The Land Development Division feels that the approved conditions of approval are consistent with Section 66475.1 of the Subdivision Map Act, but will yield to the direction provided by the Parks and Community Services Department on the matter of differentiating between bike trail and multi-use trail. The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including a multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail consistent with the conditions of approval from the Parks and Community Services Department. The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

Dedication and Improvement of Public Improvements

(a) LD2, LD4, LD27, LD46, LD65, LD66, LD68, LD70, LD78, LD90, LD91, LD93, TE17, TE18 and All Parks COAs: The noted conditions of approval pertaining to the dedication necessary for roadway and public trails are consistent with Sections 66475 and 66479 of the Subdivision Map Act, the City of Moreno Valley Municipal Code, General Plan Circulation Element and the typical conditions placed upon any development frontage within the City. Land Development does not recommend modifying these conditions of approval.

Plot Plan PA07-0091

SR 60 Landscaping

(a) P10: Land Development defers the response to this item to the Panning Division. Please note that COA for TPM 35629 LD65 and LD66 require that the developer establish and maintain a minimal level of landscaping sufficient to achieve adequate erosion and sediment control, and slope stabilization.

Multi-Use Trails

(a) All Parks COAs: The Land Development Division feels that the approved conditions of approval are consistent with Section 66475.1 of the Subdivision Map Act, but will yield to the direction provided by the Parks and Community Services Department on the matter of differentiating between bike trail and multi-use trail. The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and

Community Services Department and Land Development LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

Dedication and Improvement of Public Improvements

(a) LD43, LD44, LD66, TE3, TE11, TE13, TE14, TE15, TE18 and All Parks COAs: The noted conditions of approval pertaining to the dedication necessary for roadway and public trails is consistent with Sections 66475 and 66479 of the Subdivision Map Act, the City of Moreno Valley Municipal Code, General Plan Circulation Element and the typical conditions placed upon any development frontage within the City. Land Development does not recommend modifying these conditions of approval.

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

March 18, 2010

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

SUBJECT: Highland Fairview Corporate Park – TPM 35629, Condition P14

Dear John,

When Brian and I met with you and Mark Gross on February 17th to discuss a Lot Line Adjustment proposal for the Highland Fairview Corporate Park (HFCP) project, we also discussed the proposed landscaping along the future SR60 right-of-way (TPM Condition P14). We discussed the details of the grading of the future right-of-way and Caltrans' refusal to allow any landscaping, irrigation or maintenance within its right-of-way. We discussed the concept of installing a decorative, low-maintenance hydroseeded landscape treatment within the future dedication area and Highland Fairview (HF) agreed to present a proposal along those lines to satisfy the intent of Condition P14.

Attached for your review is an exhibit that illustrates the location of the future freeway dedication area in relation to existing SR60 and the future HFCP project. The exhibit also includes a typical section indicating post-grading elevations and the area to be hydroseeded.

Also attached is information from S & S Seeds, Inc., a California seed supplier that specializes in native plants materials for landscape and erosion control purposes. HF proposes to apply the "Southwest Desert Wildflower Seed Mix" to the future dedication area, resulting in "bright, showy, spring flowers that will re-seed year after year, with or without irrigation." We are confident that this proposal meets the intent of TPM Condition P14 and would request your concurrence.

Thank you for your continued assistance.

Sincerely,

Wayne

Wayne Peterson
Vice President, Community Planning

ATTACHMENT 4

S&S Seeds, Inc.
P.O. Box 1275
Carpinteria, CA
93014-1275

(805) 684-0436
(805) 684-2798 fax

We are a wholesale company providing wildflower, grass and California native plant seeds for Reclamation, Erosion Control and Landscape projects.

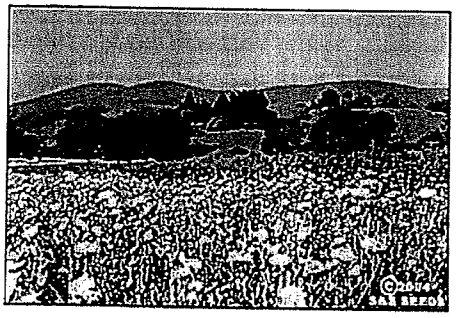

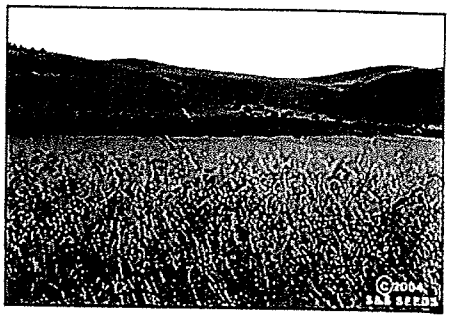

Site specific or regional mixes are available. Our professional staff can work with you in order to provide the best possible seed mix for your site.

Wholesale seeds for:

- Reclamation, Erosion Control and Landscaping
- Wildflowers, Grasses, Native California Plants
- Trees, Shrubs and Ground Covers

Download our complete **Seed Selection Guide** now. (Adobe pdf, 3.5 MB)

Get a Seeding design from the Experts. We specialize in custom seed mixes for any project. Please submit the SEED MIX DESIGN CRITERIA form and our Professional Staff will get back to you with a customized mix for the site specific needs of your project.

We are now a distributor of Terra Novo, Inc.'s **EARTHGUARD®** and **ULTRATACK™** soil erosion control products

Greenfix America® Erosion Control Blankets
We are now a distributor for Greenfix America! Their products are designed to meet a complex variety of erosion control and vegetation problems. For slope protection, channel lining, reclamation, turf reinforcement and specialized landscaping, Greenfix America has a product that provides the solutions.

View product information and technical data for the Green Spec line of rolled erosion control products.

Looking for a plant with specific characteristics? Check out the S & S Seeds Online Plant Database.

Click here for our upcoming trade show schedule!

Seed Mixes: Wildflowers | Turfgrasses | Reclamation / Erosion

S&S Seeds, Inc.
P.O. Box 1275
Carpinteria, CA
93014-1275

(805) 684-0436
(805) 684-2798 fax

About S&S Seeds, Inc
S&S Services
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Contact Us
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Reclamation/Erosion
Grass (Native & Turf)
Ground Cover Mixes
Pasture Mixes
Plant Database
Erosion Control
BMP's Cost vs. Benefit
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Seed Store

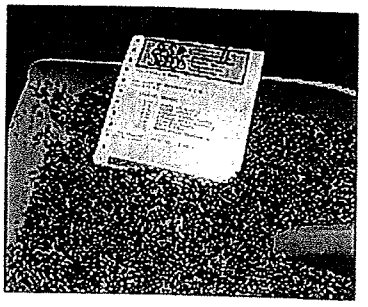

Get a Seeding design from the Experts. We specialize in custom seed mixes for any project. Please submit the SEED MIX DESIGN CRITERIA form and our Professional Staff will get back to you with a customized mix for the site specific needs of your project.

For all projects over 2 acres our Professional Staff will review your soils reports, microclimates and water requirements, bringing our 30+ YEARS of EXPERIENCE to bear to complete your project perfectly. Let S&S Consultancy Services take care of all your growing problems.

View details on S&S Services available.

Ornamental, Flowering, Ground Cover & Shrubs Mix

A mixture of annual and perennial species well adapted to coastal and coastal inland conditions. Will provide many months of spring color with or without irrigation. Grows 2' - 3' tall.

California Native Seed Mix

A mixture of annual and perennial wildflowers and native shrubs. May be used for irrigated or non-irrigated sites. Will flower most of the year when irrigated. Grows 2' - 3' tall with shrubs up to 4' tall.

Intermountain Wildflower Seed Mix

A mixture of annual and perennial species. Can be used by itself or in conjunction with grasses and shrubs. Best in full sun or light. Grows 2' - 3' tall.

Low Profile Seed Mix

A mixture of low growing annual and perennial flowers. Will provide bright spring color in non-irrigated settings or flower color year round when irrigated. Grows 1' - 2' tall.

Shady Wildflower Seed Mix

A mixture of annual and perennial wildflowers which provides bright spring colr in shady or partially sunny sites. Flowering will be nearly continuous if irrigated. Grows 2' - 3' tall.

Southwest Desert Wildflower Seed Mix

A hardy mixture of annual species. Will grow bright, showy, spring flowers that will reseed year after year, with or without irrigation. Grows 1' - 2' tall.

Seed Mixes: Wildflowers | Turfgrasses | Reclamation / Erosion

Other Products | New! Erosion Control Blankets

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S&S Seeds, Inc.
6155 Carpinteria Ave
P.O. Box 1275
Carpinteria, CA 93014 US
info@ssseeds.com
Tel: 805-684-0436
Fax: 805-684-2798

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Southwest Desert Wildflower Mix

Southwest Desert Wildflower Mix

This hardy mixture of 12 annual species will provide bright, showy spring flowers that will reseeds year after year, with or without irrigation. Numerous perennial species are available to add to this mixture, if desired.

Mix contains:

- *Castilleja exserta* (Owl's Clover)
- *Centaurea cyanus Dwarf* (Corn Flower)
- *Clarkia amoena* (Farewell to Spring)
- *Dimorphotheca sinuata* (Africa Daisy)
- *Eschscholzia californica* (California Poppy)
- *Lasthenia californica* (Dwarf Goldfields)
- *Layia platyglossa* (Tidytips)
- *Linum grandiflorum rubrum* (Scarlet Flax)
- *Lupinus bicolor* (Pigmy-leaved Lupine)
- *Nemophila menziesii* (Baby Blue Eyes)
- *Papaver rhoeas* (Flanders Poppy)
- *Phacelia campanularia* (California Bluebells)

Seeding rate: 20 lbs per acre

Height range: 12-24 inches

Price is for one pound.

Product ID: sou_des_wil

1

Price: $ 45.00

Catalog Front Page

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Contact Information
S&S Seeds, Inc.
6155 Carpinteria Ave
Carpinteria, CA 93013 US
info@ssseeds.com

Customer Care
S&S Seeds, Inc.
P.O. Box 1275
Carpinteria, CA 93014 US
info@ssseeds.com

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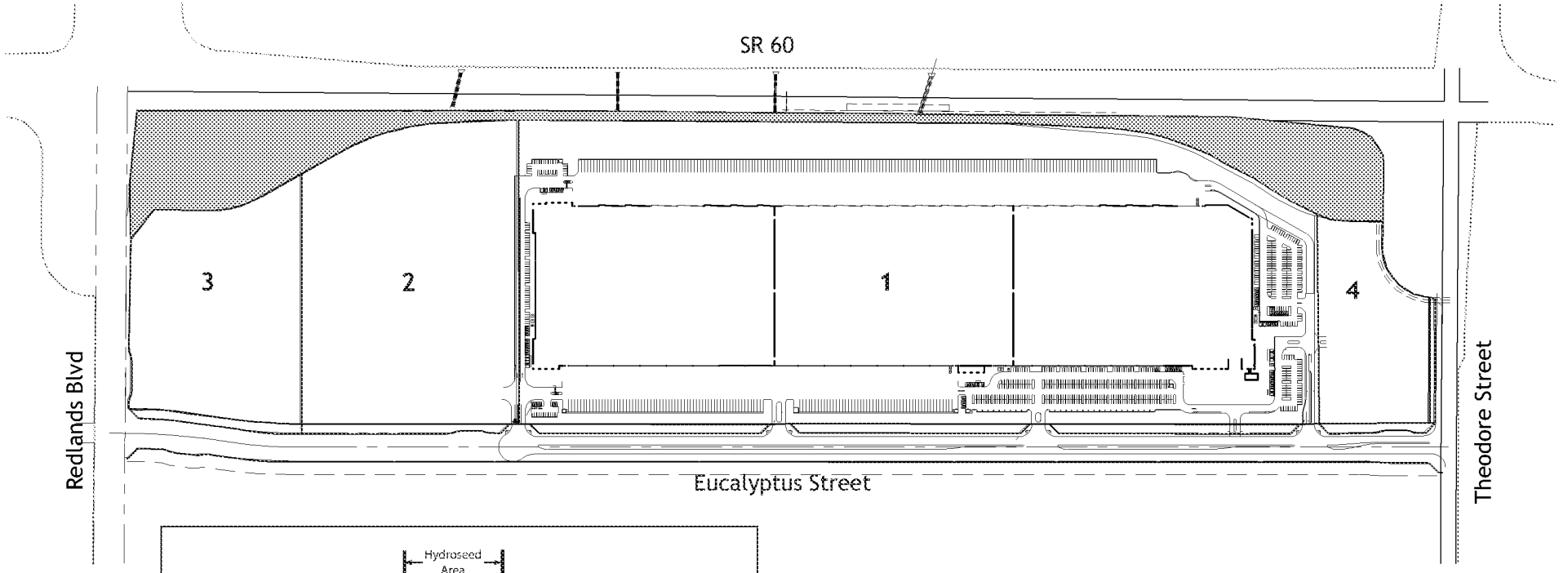

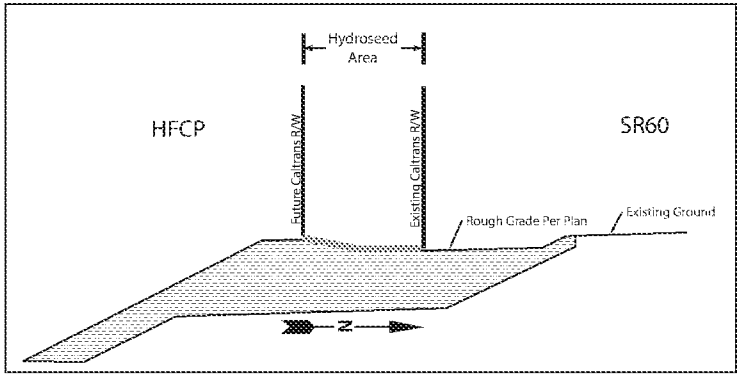

Hydro Seed Notes:

- Proposed seed to provide a mix of flowers, require no irrigation and regenerate each year.
- Proposed application rate per acre:
  - 2000 lb fiber mulch
  - 400 lb commercial fertilizer
  - 180 lb binder
  - 25 lb low profile wild flowers

Not to scale
March 5, 2010

Caltrans Right-of-Way Landscape Exhibit

Highland Fairview Corporate Park
Rancho Belago, Ca 92555

ghland Fairview Corporate Park/Design/HF Work/Caltrans Right-of-Way Landscape Exhibit

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MV00054583

MORENO VALLEY
WHERE DREAMS SOAR

Public Works
Transportation Engineering Division

MEMORANDUM

To: Mark Gross, Senior Planner

From: Michael Lloyd, Senior Engineer

Date: April 19, 2010

Subject: **Review Comments for PA09-0013 – Request to Revise Conditions of Approval for Project PA07-0088 through 0091, P07-157, and P08-057.**

Transportation Engineering Division - Review Comments

Per the April 19, 2010 meeting with Highland Fairview regarding the conditions of approval for PA07-0088 through 0091, P07-157, and P08-057, the Transportation Engineering Division has reviewed the request to add "fair share" language to conditions P80 through P85. As you are aware, conditions P80 through P85 are the Mitigation Measures MM TT-1 through MM TT(C)-3 from the EIR. The following is our response to each condition:

- P80: MM TT-1 was included in the EIR to mitigate the direct impacts of additional truck traffic due to Phase 1 of the proposed project. A "fair share" contribution in substitution of the project applicant constructing the turn lane additions would contradict the findings of the EIR and not satisfy the intent of the mitigation measure.
- P81: MM TT-2 addresses future phase impacts at the SR-60 interchanges with Theodore Street and Redlands Boulevard. Both the mitigation measure and the condition specifically states "the project applicant shall contribute to the costs of the interim intersection improvements…said contribution shall be on a fair-share basis."
- P82: MM TT-3 addresses the intersection of Redlands Boulevard at Eucalyptus Avenue. The improvements required shall be determined based upon the findings of the supplemental traffic study identified in MM TT-2. The improvements that will be necessary at the Redlands Boulevard and Eucalyptus Avenue intersection are a direct result of the project and are therefore mitigation to a direct impact. A "fair share" contribution in substitution of the project applicant constructing the intersection improvements would contradict the findings of the EIR and not satisfy the intent of the mitigation measure.
- P83: MM TT(C)-1 is a repeat of MM TT-1.

ATTACHMENT 5

- P84: MM TT (C)-2 addresses cumulative impacts along Redlands Boulevard. The condition states "the project shall participate on a fair share basis."
- P85: MM TT(C)-3 addresses cumulative impacts at the SR-60 ramps to/from Redlands Boulevard and Theodore Street. The condition states "the developer shall contribute to the costs on a fair share basis."

Therefore, it is the Transportation Engineering Division's recommendation that conditions P80 through P85 **not** be modified. Conditions P81, P84, and P85 already contain fair share language as appropriate. Conditions P80, P82, and P83 are a result of direct impacts due to the project, and a fair share contribution in place of the applicant providing the specified improvements would contradict the findings of the EIR and not satisfy the intent of the mitigation measures.

W:\TrafficEng\Land Development\Development Review\Comments\PA09\0013 2nd.DOC

Michael Brandman Associates

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

April 22, 2010

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: **Highland Fairview Corporate Park – CEQA Evaluation of Proposed Revisions to Conditions of Approval**

Dear Mr. Terell:

Michael Brandman Associates (MBA) has reviewed Highland Fairview's request to delete or revise various Conditions of Approval as applied to the Highland Fairview Corporate Park project. Pursuant to the City's request, we offer the following comments regarding the implications of this request with respect to the certified EIR for Highland Fairview Corporate Park.

SR60 Landscaping

Condition of Approval P14 on Tentative Parcel Map TPM 35629 (Resolution 2009-10) requires the preparation and processing of plans for the installation of landscaping and irrigation within the SR60 right-of-way adjacent to the project site in compliance with the SR60 Design Manual. Highland Fairview has requested the deletion of this condition for reasons cited in their February 8, 2010 letter to the City.

To reduce the project impact on scenic vistas and visual character, the EIR included the following mitigation measure:

Mitigation Measure MM A-2.

> *Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternate treatment measures may include, but not be limited to the following:*
> - *Use of color; or*
> - *Texture variation; or*
> - *Roof line variation.*

The EIR at Exhibits 5.1-10 and 5.1-11 included view sections and elevations to illustrate conceptual treatments that would effectively implement MM A-2. MM A-2 does not require installation of landscaping consistent with the "State Highway 60 Corridor Design Manual". The removal of Condition of Approval P14 on TPM 35629 would not raise any substantial new scenic or visual issues and would not conflict with the EIR. Once implemented by the City through the adopted Mitigation Monitoring Program, on-site landscaping included with the project will satisfy MM A-2. No changes to the EIR are needed.

ATTACHMENT 6

Multi-Use Trails

Several conditions imposed on the TPM and the Plot Plan requires the dedication and improvement of multi-use trails on the project site. Highland Fairview has requested that those conditions be modified to require the project to set aside the land and do the grading for the trails, and have the City install and maintain the actual trail improvements. Highland Fairview has requested this change for reasons cited in their February 8, 2010 letter to the City. The EIR references the provision of a multi-use trail on the project site in two locations as follows:

1) The EIR at Project Design Features for Green Building Section 3.3.4 (page 3-26) references a multi-use trail as follows:

- "The project's circulation system will include a multi-use trail on the northern portion of the future Eucalyptus Avenue."

2) The EIR in Land Use and Planning, Project Impacts Section 5.9.4 (p.5.9-17, last paragraph), references this same multi-use trail as a design feature to offset impacts as follows:

> "To offset the removal of the Sinclair Avenue crossing segment from the Master Plan of Trails, the proposed project includes as a design feature a multi-use trail along the north side of new Eucalyptus Avenue from Redlands Boulevard to Theodore Street."

The analysis that follows in the EIR relies upon the implementation of this trail to establish consistency with the adopted Master Plan of Trails. Highland Fairview's proposed change has to do with responsibility for the physical construction of the trail and its on-going maintenance, and the proposed change would not have an impact on the physical environment in that the land area for the trail would still be dedicated and graded by Highland Fairview. Provided that this trail is ultimately built, no conflict with the findings of the EIR is apparent.

Other Dedications and Public Improvements

It is our understanding that Highland Fairview also requests modifications to various conditions requiring dedication and improvement of public facilities (streets, parkways, trails, etc.). The request involves modifying such conditions to require a fair-share contribution by the project for dedication and improvement of public infrastructure. Provided that the language in EIR Traffic Mitigation Measures MM TT-1 through MM TT-3, and MM TT(C)-1 through MM TT(C)-3, does not change with respect to improvement responsibilities, we see no inconsistencies with the EIR associated with Highland Fairview's request. As there are no other infrastructure provision mitigation measures in the EIR and Mitigation Monitoring Program, the identification of responsibility for other public improvements is moot and falls back to the Conditions of Approval completely. No changes to the EIR are needed.

In summary, MBA concludes that the certified EIR remains adequate for the overall project and the proposed changes to the conditions that apply to SR 60 landscaping, multi-use trails and all proposed changes related to dedications and improvements conditions.

If you have any questions in this regard, please contact me directly at 714.508.4100.

Sincerely,

Thomas F. Holm, AICP, Principal/Vice President Environmental Services
Michael Brandman Associates
220 Commerce, Suite 200
Irvine, CA 92602

TFH:jwi
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MV00054589

CITY OF MORENO VALLEY
FINAL CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP No. 35629
Case No: PA07-0090 - To include P08-057 (Phasing Plan)
A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.

Approval Date: **February 10, 2009**
Expiration Date: **February 10, 2112**

The following conditions are attached for the following departments:

_x_ Planning (P), including School District (S), Post Office (PO), Building (B)
_x_ Fire Prevention Bureau (F)
_x_ Public Works, Land Development (LD)
_x_ Public Works, Special Districts (SD)
_x_ Public Works – Transportation (TE)
_x_ Parks & Community Services (PCS)
_x_ Police (PD)
_x_ Moreno Valley Utilities
___ Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.

P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigtion plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)

P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)

P12. ((GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

P14. **(GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)**

P15. **A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **(GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**

P17. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)**

P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)

P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)

P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)

P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- **The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**

- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

markg/PA07-0088 through PA07-0091/MapCoa's

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
(Advisory)

LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

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LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD55. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.

LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.

c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.

d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.

e. At proposed pavement transitions at edge of pavement.

f. As required by the City Public Works Inspector(s).

LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across

Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.

LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.

LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

LD67. (MA) Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

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e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

   i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

   ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

   iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

   iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

   v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

   vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

   vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.

LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

MV00054613

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.

LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.

LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD84. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD85. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD86. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD87. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD88. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

MV00054615

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.

LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

Phase 3 – Development Associated with Parcel 3 of PM 35629

In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.

LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Tentative Parcel Map

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0090 (Map).** This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

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MV00054621

CITY OF MORENO VALLEY
FINAL CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)
APN: 488-350-001 through 002 and 488-360-001 through 012.

APPROVAL DATE: **February 10, 2009**
EXPIRATION DATE: **February 10, 2012**

_x_ **Planning (P), including School District (S), Post Office (PO), Building (B)**
_x_ **Fire Prevention Bureau (F)**
_x_ **Public Works, Land Development (LD)**
_x_ **Public Works, Special Districts (SD)**
_x_ **Public Works – Transportation Engineering (TE)**
_x_ **Parks & Community Services (PCS)**
_x_ **Police (PD)**
_x_ **Moreno Valley Utilities**
___ **Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation
WP - Water Improvement Plans
GP - Grading Permits
BP - Building Permits
CO - Certificate of Occupancy or building final
P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan
Ord - Ordinance
Res - Resolution
MC - Municipal Code
DG - Design Guidelines
UFC - Uniform Fire Code
SBM - Subdivision Map Act
CEQA - California Environmental Quality Act
Ldscp - Landscape Development Guidelines and Specs
UBC - Uniform Building Code

the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**

P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way**

adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**

P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**

P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)

P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.
E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of all trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.
L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

PRIOR TO BUILDING PERMITS

P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas

meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)

P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)

P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)

P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12

parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's

Landscape Development Guidelines. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.

P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)

P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.

P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.

P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required.

P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.

P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)

P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)

P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)

P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.

P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften

views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following:

- Use of color; or
- Texture variation; or
- Roof line variation.

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- Application of water on disturbed soils a minimum of three times per day;
- Covering haul vehicles;
- Replanting disturbed areas as soon as practical;
- Restricting vehicle speeds on unpaved roads to 15 mph;
- Suspension of all grading activities during high wind speeds in excess of 25 mph.
- A Large Operation notification shall be submitted to the SCAQMD prior to construction.
- Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.
- Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.
- Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.
- Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting

grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.

P39. MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.

P40. MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.

P41. MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.

P42. MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.

P43. MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch

services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.

P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.

P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.

P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:

a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and

b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.

P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner

acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

P51. MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.

P52. MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.

P53. MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.

P54. MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.

P55. MM AQ-18. Food services shall be provided onsite.

P56. MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.

P57. MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.

P58. MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.

P59. MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.

P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required

for Impact 5.4-5 and 5.4-6.

P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.

P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:

1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;
2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;
3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.
4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and
5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.

P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.

P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities

monitored by the Project Archaeologist.

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.
2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,
4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the

landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.

P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.

P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.

P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.

P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.

P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner

acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)

P75. MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.

*P76. MM N-2. No nighttime grading or construction within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 8 p.m., Monday through Friday. No grading or construction activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading or construction shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 8 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street

to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P81. MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.

P82. MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.

P83. MM TT(C)-1. (CO) Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P84. MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange

improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

P85. MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.

P86. MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:

- The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.
- Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.
- Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.
- All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").
- Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.

- All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.
- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
- The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).

P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.

P88. MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."

P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.

P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.

P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:

a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.

c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.

d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.

e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.

P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.

P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A

similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

P95. MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.

P96. MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.

P97. MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building

occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required. (Advisory)

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process. (Advisory)

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project. (Advisory)

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. (Advisory)

*** Modified by the City Council at their meeting on 2/10/09**

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site. (Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)

LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD50. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD51. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD52. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD53. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.

LD54. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD55. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.

LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 (Plot Plan).** This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

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MV00054663

RESOLUTION NO. 2010-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF MODIFICATIONS OF VARIOUS CONDITIONS OF APPROVAL (P09-038) FOR PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) GENERALLY LOCATED NORTH OF FUTURE EUCALYPTUS AVENUE (FIR AVENUE) ADJACENT TO AND SOUTH OF HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, had filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3). The project included four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located north of future Eucalyptus Avenue (Fir Avenue) adjacent to and south of Highway 60, between Redlands Boulevard and Theodore Street;

WHEREAS, on February 10, 2009, the City Council approved the applicant's request for the abovementioned project;

WHEREAS, also on February 10, 2009, a Project Environmental Impact Report (EIR) was certified by the City Council subject to the provisions of Section 15161 of the California Environmental Quality Act (CEQA) Guidelines. Based on a recent request by the applicant to modify conditions of approval related to Highway 60 landscape, timing and responsibility of a required General Plan multi-use trail and modification of various conditions of approval for the dedication and construction of public improvements, staff has determined that the project is within the scope of the original project EIR, and a subsequent project EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines). The proposed modification of project conditions will not create any further physical changes to the site or environment.

ATTACHMENT 9

WHEREAS, on February 8, 2010, the applicant submitted a revised request for various proposed modifications of conditions to the originally approved project by City Council;

WHEREAS, on May 11, 2010, the City Council reviewed and conducted a public hearing on the request.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting May 11, 2010, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed modification of original project conditions of approval is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: Tentative Parcel Map No. 35629 was approved on February 10, 2009 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map was consistent with a proposed General Pan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to

Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir Avenue), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3.

The proposed modification of conditions for an interim landscape pallet to allow an erosion control hydroseed mix until such time as the parcels are transferred to the City or Caltrans, timing and responsibility of the required multi-use trail and modification of various Public Works conditions of approval for dedication and improvement of public improvements are consistent with General Plan policies.

2. The modified project conditions of approval for the approved land division are physically suitable for the type of development and proposed density of development.

FACT: The proposed subdivision was designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act and complied with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code. All proposed modification of approved project conditions would not change the approved land division.

3. Health, Safety and Welfare – The proposed modification of original project conditions of approval will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR), findings and a Statement of Overriding Considerations were originally approved and certified for the project. A Mitigation Monitoring Program was also adopted, which ensured the completion of required mitigation measures for the project.

The proposed modification of conditions for modification of Highway 60 landscape to include a hydroseed mix, timing and responsibility of a required multi-use trail and other modifications to various Land Development conditions of approval for dedication and improvement of public improvements is consistent and within the scope of the previous certified project Environmental Impact Report (EIR).

The proposed modification of project conditions would also not be detrimental to the public health safety or welfare or materially injurious to properties or improvements in the vicinity.

4. The proposed modification of conditions for the originally approved project will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division.

   FACT: The City Engineer originally placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements, while proposed project modification of conditions would not conflict with any easements.

5. The proposed modification of conditions for the originally approved project is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

   FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, an Environmental Impact Report (EIR) was certified for the original Highland Fairview Corporate project while findings and a Statement of Overriding Considerations was also approved for said project. A Mitigation Monitoring Program was also approved, which had and will ensure the completion of required mitigation measures for the project.

   The proposed modification of conditions for an interim landscape pallet to include an erosion control hydroseed mix, timing and responsibility of a multi-use trail and modification to various Land Development conditions of approval for dedication and improvement of public improvements is consistent with the original EIR. The proposed modification of project conditions would not be detrimental to the public health safety or welfare or cause environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems and are within the scope of the previous certified project Environmental Impact Report.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The originally approved map met the intent of the General Plan with the approved General Plan Amendment (PA08-0089). The map approval provided for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The proposed modification of project conditions will not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan and will not exceed a threshold, which would create potential significant impacts to fiscal resources.

7. The proposed modification of conditions for the originally approved project design and subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The proposed modification of project conditions of approval will not affect size, configuration and orientation of the lots in this land division and will allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The proposed modification to original project conditions of approval conforms to any applicable provisions of the City's redevelopment plan.

FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions for the original project. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF),Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities

in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future).. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The approved Conditions of Approval for PA07-0090, and the modification of conditions under P09-039 (Modification of conditions) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2010-_____, **APPROVING** P09-038 for the modification of various project conditions of approval for the originally approved project tentative map PA07-0090 (Tentative Tract Map No. 35629) consisting of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes for warehouse industrial, retail, and freeway dedication purposes, while the proposed condition modifications are consistent and within the scope of the previous certified project Environmental Impact Report, subject to the attached modified conditions of approval included as Exhibits A (Strikeout/Underlined) and B (Clean Copy) to this resolution.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Exhibit A

P09-038

Modification of Conditions of Approval for PA07-0090 Tentative Parcel Map No. 35629-(Strikeout/Underline Version)

Land Development Division modified conditions of approval

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels. <u>The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping as aforementioned, with the concurrence of the Parks and Community Services Department.</u>

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above. <u>The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development Condition LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and</u>

acceptance of all improvements, with the exception of the landscaping per LD68(c).

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

Planning Division modified conditions of approval

P14. Prior to the approval of any precise grading permits, the developer shall submit ~~final landscape and irrigation plans within State Route 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval (MC.14.100)~~ written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00054677

Exhibit B

P09-038

Modification of Conditions of Approval for PA07-0090, Tentative Parcel Map No. 35629 (Clean Copy Version)

<u>Land Development Division modified conditions of approval</u>

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels. The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping as aforementioned, with the concurrence of the Parks and Community Services Department.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above. The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development Condition LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and

acceptance of all improvements, with the exception of the landscaping per LD68(c).

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

Planning Division modified conditions of approval

P14. Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00054683

RESOLUTION NO. 2010-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING VARIOUS MODIFICATION OF PROJECT CONDITIONS OF APPROVAL (P09-039) FOR PA07-0091 (PLOT PLAN) GENERALLY LOCATED NORTH OF FUTURE EUCALYPTUS AVENUE (FIR AVENUE) ADJACENT TO AND SOUTH OF HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, had originally filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located generally north of future Eucalyptus Avenue (Fir Avenue) adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street;

WHEREAS, on February 10, 2009, the City Council approved the application;

WHEREAS, also on February 10, 2009, a Project Environmental Impact Report (EIR) was certified by the City Council subject to the provisions of Section 15161 of the California Environmental Quality Act (CEQA) Guidelines. Based on a recent request by the applicant to modify conditions of approval related to Highway 60 landscape, timing and responsibility of a required General Plan multi-use trail and modification of various conditions of approval for the dedication and improvement of public improvements, staff has determined that the project is within the scope of the original project EIR, and a subsequent project EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines). The proposed modification of project conditions will not create any further physical changes to the site or environment.

WHEREAS, on February 8, 2010, the applicant submitted a revised request for various proposed modifications of conditions to the originally approved project by City Council;

WHEREAS, on May 11, 2010, the City Council reviewed and conducted a public hearing on the request.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

ATTACHMENT 10

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to the City Council during the meeting on May 11, 2010, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modification of original project conditions of approval is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project was approved for an approximate 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposed modification of conditions for an interim landscape pallet to allow an erosion control hydroseed mix until such time as the parcels are transferred to the City or Caltrans, timing and responsibility of the required multi-use trail and modification of various Public Works conditions of approval for dedication and improvement of public improvements are consistent with General Plan policies.

2. **Conformance with Zoning Regulations –** The proposed modification of the original project conditions of approval complies with all applicable zoning and other regulations.

   FACT:. The proposed modification of conditions for an interim landscape pallet to include an erosion control hydroseed mix, possible timing and responsibility of an easement and construction of a required multi-use trail along the project frontage and modification of various Public Works conditions of approval for dedication and improvement of public improvements is consistent with current zoning of LI (Light Industrial) at the site.

3. **Health, Safety and Welfare –** The proposed modification of the original project conditions of approval will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR), findings and a Statement of Overriding Considerations were originally approved and certified for the project. A Mitigation Monitoring Program was also adopted, which ensured the completion of required mitigation measures for the project.

The proposed modification of conditions for modification of Highway 60 landscape to include a hydroseed mix, timing and responsibility of a required multi-use trail and other modifications to various Land Development conditions of approval for dedication and improvement of public improvements is consistent and within the scope of the previous certified project Environmental Impact Report (EIR).

The proposed modification of project conditions would also not be detrimental to the public health safety or welfare or materially injurious to properties or improvements in the vicinity.

4. **Location, Design and Operation –** The modification of the original project conditions of approval will be compatible with existing and planned land uses in the vicinity.

FACT: Surrounding land uses include primarily Highway 60 to the north, vacant commercial land uses to the west along Highway 60, vacant business park uses to the east along Highway 60 and scattered built and vacant R3 (Residential 3) single-family residential properties to the east, southwest and south of the site. The location, design and operation of the original project as well as the proposed modification of project conditions will be compatible with existing and planned land uses in the general vicinity and with design of the plot plan and architecture of the buildings.

5. The proposed modification of original project conditions of approval conforms to any applicable provisions of the City's redevelopment plan.

FACT: The project site does not reside in a redevelopment area or within the designated plan area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions for the original project. These fees may include but are not limited to: Development impact fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future). The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The approved Conditions of Approval for PA07-0091 (Master Plot Plan) and modification of conditions under P09-039 (Modification of conditions) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it

revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2010-____, **APPROVING** P09-039 amending various conditions of approval of PA07-0091 (Plot Plan) for an originally approved 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses, while the proposed modifications are consistent and within the scope of the previous certified project Environmental Impact Report, subject to the attached modified conditions of approval included as Exhibit A (Strikeout/Underlined) and B (Clean Copy) to this resolution.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Exhibit A

P09-039

Modification of Conditions of Approval for PA07-0090, Plot Plan- (Strikeout/Underline Version)

Planning Division modified conditions of approval

P10. Prior to the approval of any precise grading permits, the developer shall submit ~~final landscape and irrigation plans within State Route 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval (MC.14.100)~~ written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00054691

Exhibit B

P09-039

Modification of Conditions of Approval for PA07-0091, Plot Plan (Clean Copy Version)

Planning Division modified conditions of approval

P10. Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00054693

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Interim Financial & Administrative Services Director

AGENDA DATE: May 11, 2010 (Continued from April 27, 2010)

TITLE: PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

BACKGROUND

The guiding principle behind user fee cost recovery, as established in the California Government Code, is that a jurisdiction is entitled to recover the estimated reasonable cost of providing a service for which a fee is charged, but not to recover more than its estimated reasonable cost. The City's Fee Schedule is based upon this principle.

In 2005, a comprehensive review of the City's user fee structure and cost recovery policies was conducted with the assistance of the consulting firm DMG-Maximus. Building & Safety fees were excluded from this review and are based on an earlier study conducted by DMG-Maximus in 1999. One of the major policy decisions approved by the City Council in 1999, and which has continued to the present, is to adjust user fees each year based on the year-over-year change in February Consumer Price Index (CPI), All Items, for Los Angeles-Riverside-Orange County. This policy of adjusting fees based on the annual change in CPI provides a mechanism for user fees to be adjusted annually to keep pace with inflationary cost increases incurred by the City without the need for a comprehensive review of fees each year.

DISCUSSION

Although the City's user fees, in general, are adjusted based on the annual change in CPI, the annual process for establishing the recommended Fee Schedule provides City departments the opportunity to recommend other actions, as appropriate, with respect to their fees. Department fee recommendations may include a number of different actions including the following:

1. Adding new fees as recommended;
2. Deleting certain fees that are no longer applicable;
3. Moving a certain fee from one department/program to another to reflect changes in program oversight;
4. Revising a fee description to more accurately reflect the nature of the service provided;
5. Recommending a fee adjustment different than CPI if the cost of providing the service has materially changed in the past year; and
6. Recommending a different methodology for charging a given fee to achieve more equitable cost recovery.

In order to ensure consistency among departments, all new fees or fees that are proposed to increase are based on a uniform cost analysis methodology. All proposed fee additions, deletions or revisions have been identified in red text in the proposed Fee Schedule to make them more easily identifiable.

In an effort to support the local economy during the current economic recession, the proposed Fees Schedule reflects no across-the-board inflationary adjustment, even though the CPI supports a small increase in fees. Data released from the Bureau of Labor Statistics (BLS) indicate an increase in the Los Angeles-Riverside-Orange County CPI from February 2009 (221.439) to February 2010 (224.620) of 1.44%. In those cases in which a fee increase is recommended, it is for reasons other than general inflation, with justification provided below.

Community Development Department / Code & Neighborhood Services Division

At the request of the City Council, staff developed basic regulations for the operation of an official Rotational Tow Service Program in police emergency situations, removal of illegally parked vehicles, vehicles that are being operated contrary to law; and/or in the removal of vehicles which are apparently abandoned, or involved in an accident, or which constitute an obstruction to traffic because of mechanical failure. The Program also establishes regulations and procedures for the abatement of abandoned, inoperative and dismantled vehicles as set forth in the Moreno Valley Municipal Code.

The direction from the City Council in creating such a Program is to provide a fair and impartial means of distributing requests for towing services among qualified firms, and to ensure that such service is prompt and reasonably priced, and in the best interests of the public as well as the interest of efficient policing operations for the removal of such vehicles from public streets.

The proposed official Rotational Tow Service Program will require a towing business to file an application in response to a City Request for Proposals (RFP). Those towing businesses submitting an application for consideration by the City Council will pay an application fee to cover staff's time in evaluating its proposal. Since this is a new Program, staff is without supporting data as to the time and effort it will take to evaluate Rotational Tow Service Program applications.

The Program would require staff of the City Manager's and City Attorney's Offices and the Community Development, Human Resources, Police, and Financial & Administrative Services Departments to evaluate an application. The estimated time staff would spend to review an application was multiplied by a fully-burdened blended hourly rate to establish an application fee of $2,828.

If a contract is approved by the City Council permitting a towing business to participate in the City's official Rotational Tow Service Program, it will be for five years. During the contract period, staff will be responsible to: (1) monitor the contracts; (2) perform site visits/inspections; (3) review monthly reports; (4) investigate complaints; (5) conduct annual meetings; and (6) coordinate special programs and scheduled checkpoints. A $5,000 deposit will be posted by a tow business to cover the City's cost in administering the contracts. Staff from the aforementioned City departments will charge their actual fully-burdened rate to the deposit for full cost recovery. If the balance of the deposit drops below $500, staff will require the applicable tow business, per City Council agreement, to replenish the fund. Failure to replenish the deposit would be grounds for suspension or removal from the Program. The Code & Neighborhood Services Division of the Community Development Department will be charged with the responsibility of the Program's management and oversight.

Unlike the Police Department, the Code & Neighborhood Services Division does not charge a "Vehicle Release Fee" when an owner of a vehicle or his/her authorized representative requests the vehicle be returned. Staff is recommending that a fee of $74 be charged when a vehicle is released. Since staff has not charged such a fee in the past, the fee is based on the estimated time City staff would take to release the vehicle. Staff will monitor the actual time required and, in future updates of the Fee Schedule, will adjust the fee based on an analysis of actual costs incurred during the preceding period.

The proposed new Rotational Tow Service Program and its associated fees have been reviewed and are supported by the Public Safety Subcommittee.

Community Development Department / Planning Division

The Community Development Department proposes the following changes in the Planning Division fees:

Fee Title	Proposed Change	Justification
Change of Zone	Increase Deposit from $2,700 to $3,000	Better reflects average time and materials

Fee Title	Proposed Change	Justification
Expanded Initial Study	Change to "Expanded Initial Study/Environmental Study Review"	Better reflects purpose of fee
	Change Deposit from $500 to "$500 per Study"	Better reflects purpose and scale of fee
General Plan Amendment	Increase Deposit from $2,500 to $3,000	Better reflects average time and materials
Land Development Grading Revision/4th and Subsequent Reviews	New fee – add under Plan Check and Inspection category – "$71 per sheet"	Covers service currently provided without cost recovery
Planning Letter – Interpretation and Research Required	Increase Deposit from $203 to $250	Better reflects average time and materials
Planning Review of Building Permits (Land Development Approval)	Delete "(Land Development approval)"	Better reflects purpose of the fee
Property Posting	Change fee from $105 to "$140 per street frontage + $75 per project"	Better reflects actual direct cost and adds administrative support cost
Sign Program	Increase Deposit from $500 to $650	Better reflects average time and materials
Sign Program Amendment	Increase Deposit from $250 to $325	Better reflects average time and materials

Financial & Administrative Services Department

There are no proposed changes in actual fees; only clarifications in fee descriptions and units of measure in the Animal Services Division's fees.

Fire Department

The Fire Department is requesting to raise the CPR and First Aid Class fees from $30 per student to $65 per student in order to recover a majority of the costs associated with this program. In the past, City Council has elected to subsidize the cost of the CPR and First Aid Program so that the community would be encouraged to take this course in order to help emergency responders save lives by having citizens initiate CPR and First Air prior to the arrival of the emergency responders. The increase in CPR fees would cover the personnel costs and other direct costs associated with this program, which include the cost for staff time to administer and teach the classes; the cost of the contract CPR instructors, as only one instructor is allowed to teach eight students at one time; CPR and First Aid books that are required by the American Heart Association to be given to the students to take home; the CPR cards; the cost of the Security Guard to be present while City Hall is open on Saturdays; and the cost for Facilities Maintenance staff to set up the Council Chambers. (This last cost component will no longer be incurred once the Emergency Operations Center is opened later this year; therefore, it has not been included in the proposed $65 per person fee.)

By increasing the CPR fee to $65 per person, the program will become self sufficient in generating enough revenue to cover the actual costs associated with administrating this program. This fee is also in line with what neighboring jurisdictions charge for similar courses. The Center for Healthcare Education in Riverside charges $62 for both the Basic Healthcare Provider Course and the Heartsaver and First Aid Course. The American Red Cross, which utilizes a different curriculum from the American Heart Association, charges $75 for a Basic Healthcare Provider Course and $85 for a Heartsaver and First Aid Course. The City of Temecula charges $40 for both their Heartsaver and BLS Healthcare Provider courses. In order to keep the City's CPR and First Aid Class fees in line with neighboring jurisdictions, the Fire Department is requesting to only recover the personnel and other direct costs associated with this program, and not the indirect costs, as this would cause the class fee to increase to $109 per student. It is not expected that Moreno Valley residents will opt to take this course elsewhere based on the cost comparison that has been provided.

The Fire Department is also requesting to establish fees for all open space parcels that are regulated under the City's Hazard Reduction Inspection Program. This program was established to mitigate the threat that unmaintained open space land presents to the community. Failure to adequately clear open space land of native fuels and noxious weeds presents an increased risk to community safety, property and the environment. By conducting site inspections on all open space parcels, the Fire Department is able to ensure that all reasonable steps necessary to safeguard the City against the threat of wildfire have been achieved. These inspections are scheduled annually beginning April 1st and continuing through July 1st. There are three different fees being proposed based on the size of the parcel to be inspected as follows:

- $50 for parcels less than one acre;
- $75 for parcels more than one acre and less than 5 acres;
- $100 for parcels greater than 5 acres.

The fees would be assessed to all parcels defined as open space land and where legally permitted. Any fees associated with failure to comply and Fire Department ordered abated land would be pursued separately from this inspection fee. These proposed fees would be collected as part of the annual property tax bill through the County of Riverside.

By establishing an inspection fee for the Hazard Reduction Program, the program costs would be spread over all parcels subject to inspection rather than just those parcels that are non-compliant, which has been the past practice. Additionally, the program would become self sufficient in generating enough revenue to cover the costs associated with administrating this program. These fees would allow the City to hire entry-level staff to conduct these important inspections, while keeping the professional Fire Inspectors available to conduct technical new construction inspections, annual fire and life safety inspections, issue permits, perform citizen complaint follow-up, and plan check services. This fee is also consistent with how other counties administer their Hazard Reduction/Weed Abatement programs. In order to keep the City's Hazard Reduction Inspection fees in line with actual costs, the Fire Department believes that the establishment of multiple fees based on parcel size is the best means of ensuring that fair and equitable cost recovery is achieved and that costs remain as low as possible for the City's landowners.

The proposed new Hazard Abatement fee has been reviewed and is supported by the Public Safety Subcommittee.

At its meeting of April 12, 2010, the Public Safety Subcommittee discussed imposing annual Fire and Life Safety Inspections. The Subcommittee was of the opinion that Fire and Life Safety Inspection fees should apply or not apply to all such inspections conducted by the Moreno Valley Fire Department, whether the inspections are conducted by Fire Operations (contract) or Fire Prevention (City) personnel. The fee is presently charged when Fire Prevention staff conducts the inspection but not when an engine company conducts the inspection. **The Subcommittee and staff are seeking City Council policy direction on this matter to charge the fee to all businesses or to no businesses.**

Parks & Community Services Department

Although included in the existing Fee Schedule under the Recreation Program category, the proposed Park Reservation fees have been revised to explicitly state the policy of charging a mark-up for non-residents and raising the mark-up from 25% to 30%, as well as to delete the unused Athletic Field Reservation categories. Unused Snack Bar fees have also been deleted.

Athletic Field Lighting categories in which the fees are the same have been consolidated into a single fee. The Over 4 Hour Play section has several fees that are proposed for increase, as well as description changes that clarify how facilities are actually used. The increased costs more accurately reflect actual personnel costs.

A new Park Fee is proposed for reserving a Park Area. This fee reflects the staff and Park Ranger time required to ensure that residents can reserve an area of a park as opposed to a shelter.

Several fees are proposed for addition to the Conference and Recreation Center (CRC) section of the Fee Schedule. The first two new fees enable the Parks & Community Services Department to recuperate expenses related to CRC usage by City-sponsored events after 5:00 pm on weekdays or on weekends. This fee did not previously exist and caused the Parks & Community Services Department to underwrite all such events.

A second User Group is proposed in response to the City Council's direction that reduced fees be made available for other governmental and educational institutions. The range of the security deposits was adjusted to require smaller security deposits in an effort to attract additional users to the CRC; no security deposits are proposed for the new User Group.

Public Works Department

Moreno Valley Electric Utility fees have historically been identified in the *City of Moreno Valley Electric Service Rules, Fees and Charges* document. The applicable fees from this 63-page document have been added to the proposed Fee Schedule so that the proposed Fee Schedule is the comprehensive source for all City fees. No fee changes are proposed to Electric Utility at this time.

Land Development is not proposing new fees or increasing existing fees. However, revisions have been made to text in order to clarify the fee description and revisions to fee amounts that are additive and part of a tiered system in order for a subsequent tier to be mathematically correct. Meeting and teleconference costs associated with preliminary and final Water Quality Management Plans are made consistent with each other.

The Special District Formation Application fee is proposed to be divided into two fees--the Special District Formation Application fee and the Special District Formation/Bond Issuance fee. The application fee is proposed to be set at $5,000 to be consistent with the Special Districts Financing Policy, Fiscal Policy #3.7, adopted May 13, 2008. The Special District Formation/Bond Issuance fee is recommended at 1% of the bond issue, with a $50,000 minimum, which is necessary to recover the costs associated with staff time to process the application and to recover the costs associated with staff time relating to forming the district and issuing bonds.

The Fixed Charge Tax Bill Revisions fee is proposed to be adjusted from $47 plus County Fee to just the amount of the County Fee. Also, the previous note has been removed regarding the $6.98 fee from the County. To avoid conflicts with the County fee schedule, this fee category should only reference the County and not provide a dollar amount.

Fee Schedule Implementation

The proposed updates to the Fee Schedule are scheduled to become effective July 15, 2010 due to the 60-day waiting period required for increases to development-related fees by Government Code Section 660016-17.

Other Fees Included as Reference Only

Development Impact Fees and Conduit Financing Fees are included in the proposed Fee Schedule as a convenient reference, even though they are not adjusted through the annual user fee adoption process.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Following the public hearing, adopt Resolution No. 2010-23, approving the proposed Fee Schedule for FY 2010-11.

2. Following the public hearing, modify the proposed Fee Schedule prior to adopting Resolution No. 2010-23.

3. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

User fees included in the City's Fee Schedule generate revenues that enable the City to provide a wide variety of services requested by our constituents. For FY 2010-11, these revenues are projected to be approximately $13 million, which includes the General Fund and various zones in the Community Services District (CSD).

CITY COUNCIL GOALS

Revenue Diversification and Preservation: Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

It has been City Council's policy to adjust user fees annually to reflect changes in the February Consumer Price Index (CPI) for the Los Angeles-Riverside-Orange County region. The applicable CPI has increased slightly (1.44%) in the past year; however, staff is recommending no across-the-board inflationary adjustment in an effort to support the local economy. Other fee adjustments are recommended, where appropriate, to better reflect the City's actual cost of providing the applicable service, to achieve more equitable cost recovery, or to clarify how fees are applied. It is recommended that City Council adopt Resolution No. 2010-23 approving the Fee Schedule for FY 2010-11.

NOTIFICATION

The City Council meeting of April 27, 2010, which was then continued to May 11, 2010, has been properly noticed as a Public Hearing to consider the proposed FY 2010-11 Fee Schedule.

ATTACHMENTS/EXHIBITS

Resolution No. 2010-23
Exhibit "A" - Proposed Schedule of City Fees, Charges and Rates, Fiscal Year 2010-11

Prepared By:
Steve Hargis
Acting Treasury Operations Division Manager

Department Head Approval:
Steve Elam
Interim Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00054703

RESOLUTION NO. 2010-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING SPECIFIED FEES FOR VARIOUS SERVICES FOR FISCAL YEAR 2010-11 AND REPEALING PRIOR RESOLUTIONS THAT MAY BE IN CONFLICT

WHEREAS, the City Council has in the past approved and adopted fee schedules for various services provided by the City for the benefit of a limited number of persons; and

WHEREAS, the cost of rendering such services should be borne by the beneficiaries of such service; and

WHEREAS, data supporting the estimated cost of providing said services has been made available to the City Council and to the public; and

WHEREAS, the City Council has duly considered at a duly noticed public hearing the question of whether or not to modify existing fees and establish new fees for such services, to provide more equitable cost recovery for such services; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The fee schedule attached as Exhibit "A" hereto is hereby approved and adopted.

2. Where services are performed for the City by another governmental agency, the fees charged by the City shall be adjusted upward or downward to reflect fluctuations, if any, in the price which the City pays to the other government agency for such services. Such adjustments shall be made as the fluctuations occur if imposed upon the City without recourse.

3. All prior enactments of the City Council establishing fees for services, materials, impact and mitigation are hereby repealed to the extent that such enactments establish fees for services, materials and mitigation which are different than the fees established therefore by this Resolution, but shall otherwise remain in full force and effect.

4. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General Fund of the City or into such special funds as may be otherwise required by law.

5. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are hereby declared to be severable.

6. Each fee or charge set by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

7. When a fee or charge is indicated on a unit basis, a fee or charge for each such unit or portion of a unit associated with the requested or required process or service shall be imposed and collected.

8. If a deposit has been made on account of a fee or charge, and where the deposit is insufficient to pay the later-determined actual fee or charge, the balance due shall be paid to the City before any associated entitlement or permit is issued to the applicant. If the amount of the deposit exceeds the later-determined actual fee or charge, the overage shall be refunded to the applicant, except that an overage of one dollar or less shall not be refunded but shall be transferred to the General Fund of the City.

9. The fees approved, increased and established herein shall become effective July 15, 2010.

APPROVED AND ADOPTED this 11th day of May, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

MORENO VALLEY
WHERE DREAMS SOAR

City of Moreno Valley

Schedule of City Fees, Charges and Rates

Fiscal Year 2010-11

Resolution No. 2010-23
Date Adopted: May 11, 2010

City of Moreno Valley

Exhibit "A"

Schedule of City Fees, Charges and Rates

Fiscal Year 2010-11

	Department / Division	Page No.
Section 1 -	**City Clerk**	1
Section 2 -	**City Manager**	
	Cable TV Administration and Programming	2
Section 3 -	**Community Development**	
	Building and Safety	3
	Code and Neighborhood Services	9
	Planning	10
Section 4 -	**Financial & Administrative Services**	
	Animal Services	17
	Financial Operations	22
	Treasury Operations	22
Section 5 -	**Fire**	23
	Emergency Operations and Volunteer Services	34
Section 6 -	**Library Services**	35
Section 7 -	**Parks and Community Services**	
	Parks	37
	Recreation Programs	39
	Park Reservations	46
	Facility Rental	51
Section 8 -	**Police**	58
Section 9 -	**Public Works**	
	Administration	61
	Electric Utility	62
	Land Development	63
	Maintenance and Operations	76
	Special Districts	77
	Transportation Engineering	79
Section 10 -	**Miscellaneous Fees and Charges**	81
Section 11 -	**Penalties and Delinquent Fee Schedule for Parking Violations**	82
Section 12 -	**Development Impact Fees**	85
Section 13 -	**Conduit Financing Fees**	87

Resolution No. 2010-23
Date Adopted: May 11, 2010

MV00054707

Section 1 - City Clerk

Exhibit "A"

	Unit	Fee	
Agenda Subscription	per Year	$ 102.00	
Certification of Public Records	Each	$ 6.00	
Minutes Subscription	per Year	$ 102.00	
Municipal Code and Code Supplements	per Page	$ 0.20	+mailing costs
Nomination Papers Filing Fee	Each	$ 25.00	Pursuant to §10228 of the CA Elections Code
Notice of Intent Filing Fee	Each	$ 200.00	Pursuant to § 9202 of the CA Elections Code
Audio Tape Recordings of Council Meetings	per Tape	$ 2.00	
Fair Political Practices Commission (FPPC)	per Page	$ 0.10	

Section 2 - City Manager

Exhibit "A"

Cable TV Administration and Production

	Unit	Fee
Video Recordings of Council Meetings	per Tape	$ 1.00
Recordings of Council Meetings on DVD	per DVD	$ 2.00
Recording of Council Meetings on CD (Audio only MP3 file)	per CD	$ 1.00

Section 3 - Community Development

Building and Safety

	Unit	Fee
~~[Revised statement moved to Section 10 - Miscellaneous Fees and Charges.~~ ~~Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time and Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.~~		
Water Heater Permit	Each	$ 60.00
Water Heater Permit Re-inspection	Each	$ 60.00

Residential Tract Unit

Note: Residential tract plan check fees and residential tract housing inspection fees are based on the following tables:

1 Story Permit		
<= 1,400 sq ft		$ 454.00
> 1,400 sq ft	per 50 sq ft	$ 7.10
1 Story Plan Check		
<= 1,400 sq ft		$ 641.00
> 1,400 sq ft	per 50 sq ft	$ 6.52
1.5 Story Permit		
<= 1,400 sq ft		$ 525.00
> 1,400 sq ft	per 50 sq ft	$ 8.00

Section 3 - Community Development

Exhibit "A"

Building and Safety

	Unit	Fee
1.5 Story Plan Check		
<= 1,400 sq ft		$ 792.00
> 1,400 sq ft	per 50 sq ft	$ 8.60
2 Story Permit		
<= 1,400 sq ft		$ 637.00
> 1,400 sq ft	per 50 sq ft	$ 8.89
2 Story Plan Check		
<= 1,400 sq ft		$ 792.00
> 1,400 sq ft	per 50 sq ft	$ 8.60
Identical Unit Plan Check	per Unit	$ 88.00
Structural Alterations		
1 Story		
<= 1,400 sq ft		$ 372.00
> 1,400 sq ft	per 50 sq ft	$ 2.98
1.5 Story		
<= 1,400 sq ft		$ 391.00
> 1,400 sq ft	per 50 sq ft	$ 4.45
2 Story		
<= 1,400 sq ft		$ 391.00
> 1,400 sq ft	per 50 sq ft	$ 4.45

Building and Safety

	Unit	Fee
Non-Structural Alterations		
1 Story		
<= 1,400 sq ft		$ 156.00
> 1,400 sq ft	per 50 sq ft	$ 1.48
1.5 Story		
<= 1,400 sq ft		$ 194.00
> 1,400 sq ft	per 50 sq ft	$ 2.07
2 Story		
<= 1,400 sq ft		$ 194.00
> 1,400 sq ft	per 50 sq ft	$ 2.07

Building Permit Fees

1997 Uniform Administrative Code fees

Building Plan Check Fees

When building plans are required by the Building Official, plan check fees shall be equal to the building permit fee (100%) and shall be paid at the time of submitting plans, excluding the permit issuance fee.

Section 3 - Community Development

	Unit	Fee

Building and Safety

Electrical Permit Fees

1997 Uniform Administrative Code fees

Note: An Electrical Permit Fee is separate from, and in addition to, the fee for any other permit which may be required by other code provisions.

Electrical Plan Check Fees

Whenever electrical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Mechanical Permit Fees

1997 Uniform Administrative Code fees

Note: A mechanical permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Mechanical Plan Check Fees

Whenever mechanical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Plumbing Permit Fees

1997 Uniform Administrative Code fees

Note: A plumbing permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Building and Safety

	Unit	Fee

Plumbing Plan Check Fees

Whenever plumbing plans are required by the Building Official, plan check fees shall be (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Pool and Spa Permit Fees

1997 Uniform Administrative Code

Pool and Spa Plan Check Fees

Whenever specific plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Note: These fees do not include the permit fees for any parts of the pool and spa system which are subject to the requirements of other applicable codes.

Miscellaneous Fees

Minimum Permit Fee	Each	$ 122.00
Permit Issuance	Fee	$ 32.00

Section 3 - Community Development

Exhibit "A"

Building and Safety

	Unit	Fee
Investigation Fees		
For work that is under construction for which no permit has been obtained, the investigation fee shall be equal to the value set forth in this Resolution for permit fees (building, electrical, mechanical, plumbing, etc). Plan check fees may be assessed as directed by the Building Official.		
Research/Administration Fee		
First 15 minutes		No charge
Each additional 30 minutes or fraction thereof		$ 32.00
Re-inspection fees approved by the Building Official	per Hour	$ 122.00
Inspections for which no fee is specifically identified	per Hour	$ 122.00
Additional plan review required by changes, additions or revisions to approved plans or incomplete plan check re-submittal after 3 reviews	per Hour	$ 122.00
Inspection outside of normal business hours (2 hr min)	per Hour	$ 122.00 *
* Or the fully burdened hourly rate cost to the City, whichever is greater		
Premium Inspection - During business hours (Inspection provided within 2 hours after payment)		$ 122.00
Certificate of Occupancy Inspection	Each	$ 178.00

Section 3 - Community Development

Code and Neighborhood Services

	Unit	Fee	
Re-inspection Fee for Failed Compliance	Each	$ 181.00	
Nuisance Abatement Administrative Fee			
Level 1 (4 hrs or less)	Each	$ 240.00	
Level 2 (more than 4 hrs)	Hourly	$ 89.00	
Removal of Signs in Right-of-Way			
Sign Removal	Each	$ 25.00	
Surcharge on signs requiring special equipment or additional labor to remove	Each	$ 53.00	or actual cost of removal whichever is greater
Lost or Stolen Parking Ticket Recovery	Each	$ 11.00	
Drive-off Parking Violation	Each	$ 18.00	
Department of Motor Vehicle (DMV) Hold	Each	$ 10.00	or current DMV rate
Certificate of Correction		$ 141.00	
Rotational Tow Service Program			
Application	Each	$2,828.00	
Agreement	Deposit	$5,000.00	Actual charge is "fully burdened" rate charge
Rotational Tow Vehicle Release Fee	Each	$ 74.00	

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Agenda Subscription	Annual	$ 100.00	
Annexation Process and Environmental Review	Deposit	$ 5,000.00	Actual charge is "fully burdened" rate charge
Appeal		$ 750.00	
Change of Zone	Deposit	~~$ 2,700.00~~ $ 3,000.00	Actual charge is "fully burdened" rate charge
Conditional Use Permit		$ 7,864.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
Conditional Use Permit: Admin & Existing Structure		$ 4,616.00	Plus applicable notice and posting fees
Conditional Use Permit (Com/Ind)	per Acre	$ 65.00	
Conditional Use Permit: Amended CUP/Substantial Conformance		$ 4,168.00	Plus applicable notice and posting fees
Custom Home Review		$ 860.00	
Development Agreement	Deposit	$ 7,400.00	Actual charge is "fully burdened" rate charge

Section 3 - Community Development

Planning

	Unit	Fee	
Development Agreement Amendment	Deposit	$ 3,225.00	Actual charge is "fully burdened" rate charge
Development Agreement Annual Review	Deposit	$ 1,000.00	Actual charge is "fully burdened" rate charge
Development Code Amendment	Deposit	$ 5,000.00	Actual charge is "fully burdened" rate charge
Environmental Review			
EIR Report Preparation	Deposit	$ 7,000.00	Actual charge is "fully burdened" rate charge
Expanded Initial Study / Environmental Study Review	Deposit	$500 per Study	Actual charge is "fully burdened" rate charge
Environmental Assessment		$ 753.00	
Environmental Mitigation Monitoring	Deposit	$ 3,500.00	Actual charge is "fully burdened" rate charge
Extension of Time		$ 2,609.00	
General Plan Amendment	Deposit	~~$ 2,500.00~~ $3,000.00	Actual charge is "fully burdened" rate charge
Home Occupation Permit		$ 68.00	

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Plan Check and Inspection			
Residential (1st through 3rd Review)		$ 486.00	
Non-Residential (1st through 3rd Review)		$ 727.00	
Re-inspection		$ 142.00	
4th and subsequent (Land Development Reviews)	Per Sheet	$ 71.00	
4th and subsequent (All Other Reviews)		100% of original fee	
Newspaper Notice		$ 285.00	
Phasing Map		$ 1,955.00	
Planning Letter			
Basic		$ 84.00	
Interpretation and Research Required	Deposit	~~$ 203.00~~	Actual charge is "fully burdened" rate charge
		$ 250.00	
Planning Review of Building Permits ~~(Land Development approval)~~		$ 178.00	+5% of plan check fee

Section 3 - Community Development

Planning

Plot Plan

	Unit	Fee	
With hearing		$ 8,274.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
(Note: More than one may be charged for projects with multiple buildings or parcels)			
Without hearing (notice)		$ 5,652.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
Without hearing (no notice)		$ 2,702.00	
Amended plot plan/substantial conformance		$ 2,940.00	
Multi-Family	per Unit	$ 30.00	
Plot Plan Conditional Use Permit (Com/Ind)	per Acre	$ 65.00	
Administrative (Includes second units and granny flats)		$ 607.00	
Property Posting		~~$ 105.00~~ $140 per street frontage + $75 per project	
Pre-application Review		$ 561.00	

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Renewal Fee		50% of original fee	
Reversion to Acreage	Deposit	$ 1,500.00	Actual charge is "fully burdened" rate charge
Signs			
Banner		$ 31.00	
Permit: Wall		$ 87.00	
Permit: Monument		$ 346.00	
Permit: Pole and Freeway		$ 578.00	
Review Program	Deposit	~~$ 500.00~~ $ 650.00	Actual charge is "fully burdened" rate charge
Program Amendment Review	Deposit	~~$ 250.00~~ $ 325.00	Actual charge is "fully burdened" rate charge
Special Event Permit		$ 34.00	
Specific Plan	Deposit	$ 17,000.00	Actual charge is "fully burdened" rate charge
Specific Plan Amendment	Deposit	$ 8,000.00	Actual charge is "fully burdened" rate charge

Section 3 - Community Development

Planning

	Unit	Fee	
Subdivision Sales Office (Trailer) and Model Home Complexes-Temporary		$ 862.00	
Temporary Use Permits		$ 241.00	
Tentative Parcel Map			
Residential		$ 6,709.00	+
additional lot	per Lot	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	
Commercial		$ 7,422.00	+
additional lot	per Lot	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	
Waiver	Deposit	$ 1,000.00	Actual charge is "fully burdened" rate charge plus applicable notice and posting fees.
Tentative Tract or Condo Map		$ 8,497.00	+
additional lot	per Lot	$ 72.00	
		+ applicable environmental review and applicable notice and posting fees.	
Tentative Tract or Parcel Map Revised		$ 4,229.00	Plus applicable notice and posting fees

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Variance from Standards			
Public Hearing Variance	$	2,618.00	Plus applicable notice and posting fees
Administrative Variance	$	474.00	

Notes:

The environmental review fee shall be charged only one time for concurrently filed major developmental review applications. For example, the fee for a concurrently filed Parcel Map and Plot Plan will be the sum of the respective fees minus one environmental review fee.

Fees for quasi-public uses shall be reduced by 25%.

Section 4 - Financial & Administrative Services

Animal Services

	Unit	Fee
Adoption Fee (Does not include the cost for spay/neuter)		
Dogs	Each	$ 30.00
Cats	Each	$ 19.00
Rabbit, Hamsters and Guinea Pigs	Each	$ 10.00
Other Animals *	Each	$ 10.00
* Fee for "Other Animals" not to exceed the fair market price		
Deposits (Refundable)		
Rabies Vaccination	Each	$ 20.00
Spay & Neuter	Each	$ 75.00
Owner Relinquishment		
Dog/Cat*	Each	$ 22.00
Dog/Cat-Litter*	Each	$ 22.00
Other Domestic*	Each	$ 10.00
* Owner may be asked to pay for the cost of spay/neuter and/or vaccines		
** Out of area animals are accepted at the discretion of shelter staff based on adoptability and shelter population		
Owner Requested Companion Pet Euthanasia		
Small/Medium (0-50 lbs)	Each	$ 22.00
Medium/Large (> 50 lbs)	Each	$ 26.00
Litter (up to 8)	Each	$ 22.00
Litter (each add'l >8)	Each	$ 2.00
Deceased Animal Disposal		
Small/Medium (0-50 lbs)	Each	$ 18.00
Medium/Large (51+ lbs)	Each	$ 22.00
Cremation of Deceased Companion Pets		
Base Fee (Includes container)	Each	$ 90.00
Additional pounds > 60lbs	per Pound	$ 1.00

Section 4 - Financial & Administrative Services

Exhibit "A"

mal Services

	Unit	Fee
Animal Redemption		
1st Impound	Per Animal	$ 20.00
2nd Impound	Per Animal	$ 40.00
3rd Impound	Per Animal	$ 56.00
More than 3 (each occurrence)*	Per Animal	See Note *
Small Livestock **	Per Animal	$ 29.00
Large Livestock **	Per Animal	$ 58.00
Other (birds, reptiles, etc)	Per Animal	$ 19.00

* Impound fee will increase by $50 for each additional occurrence. For example the 4th occurrence would be $106, the 5th occurrence would be $156 etc.

** Trailering Fee		$ 57.00
		+ actual cost for ACO
Boarding		
Dogs, Cats & Other	Per Day	$ 6.00
Small Livestock	Per Day	$ 8.00
Large Livestock	Per Day	$ 11.00
Other Small Animals	Per Day	$ 5.00
Special handling fee	Per Animal	$ 20.00

(Special handling relates to call that require additional Animal Control Officers or extraordinary circumstances such as badly decomposed, owned, deceased animals or transportation to a Veterinarian for sick/injured animals.)

Re-inspection Fee	Per Inspection	$ 18.00

(Failed compliance on confinement/property inspections)

Animal Services

		Unit	Fee
Licensing			
Dog (altered)			
	1 year	Each	$ 10.00
	2 year	Each	$ 19.00
	3 year	Each	$ 26.00
Dog (unaltered)			
	1 year	Each	$ 41.00
	2 year	Each	$ 60.00
	3 year	Each	$ 78.00
Potentially Dangerous/Vicious		Each	$ 77.00
Economic Hardship* (altered only)		Each	$ 6.00

*Residents must provide proof that they earn 65% of the median income as set by HUD for the County of Riverside.

Late Fee		Each	$ 19.00
Transfer Fee		Each	$ 6.00
Lost Tag Replacement		Each	$ 6.00
Kennel			
Class I Dog			
	1 year	Each	$ 128.00
	2 year	Each	$ 189.00
Class II Dog			
	1 year	Each	$ 194.00
	2 year	Each	$ 251.00
Cattery			
	1 year	Each	$ 128.00
	2 year	Each	$ 189.00
Late Fee			$ 61.00

Section 4 - Financial & Administrative Services

Exhibit "A"

mal Services

	Unit	Fee
Other Services		
Dog DA2PP Vaccination *	Each	$ 10.00
Cat FVRCP Vaccination **	Each	$ 10.00
Microchip (Owner to pay AKC registration fee)	Each	$ 16.00

* DA2PP Vaccination- Distemper, Adeno-2, Parvo and Oanfluenza (commonly known as a 5 in 1)
** FVRCP Vaccination - Feline Viral Rhinotracheitus (FHV-1), Calicivirus and Panleukopenia (commonly known as a 4 in 1)

Trap Rental		
Cat		
Trap Rental	per Week	$ 12.00
Refundable Deposit		$ 50.00
Dog		
Trap Rental	per Week	$ 20.00
Refundable Deposit		$ 150.00
Requests for Information	per Page	$ 0.20
Pet Identification Tags	Each	$5.50 - $7.50
Surcharges		
Unlicensed Animal	Each	$ 15.00
Un-altered Animal	Each	$ 15.00
Out-of-area Service Request (for non-residents)	Each	$ 25.00
Un-altered Kennel/Cattery	Each	$ 50.00
Owner Field Service Request	Each	$ 15.00
After Hours Emergency Field Response	Each	$ 20.00

Section 4 - Financial & Administrative Services

Unit | Fee

Animal Services

Municipal Code Reference	Violation	Offenses within a 36 month period		
		1st	2nd	3rd
10.02.020 A	Failure to License Dog/Wear License Tag	$50.00	$100.00	$200.00
10.02.020 B	Failure to Vaccinate for Rabies	$50.00	$100.00	$200.00
10.02.040	Failure to License Kennel/Cattery	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Minor Offense	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Major Offense	$200.00	$500.00	
10.02.090 N	Animal Abandonment	$100.00	$200.00	$500.00
10.02.080 A,B	Animal at Large-Altered	$50.00	$100.00	$200.00
10.02.080 A,B	Animal at Large-Unaltered	$100.00	$200.00	$500.00
10.02.080 E	Animal at Large-Threat to Public Safety	$200.00	$500.00	$500.00 (plus removal from City*)
10.02.100	Failure to Provide Proof of Spay/Neuter (spay/neuter deposit forfeited)	$150.00		
10.02.160	Failure to Comply with Public Nuisance Remedial Requirements	$100.00	$200.00	$500.00
10.02.240-270	Failure to Comply with Requirements for Potentially Dangerous or Vicious Animals	$500.00	$500.00	(plus removal from City*)
10.02.120	Failure to Quarantine/Produce the Animal/Concealing Information	$100.00	$200.00	$500.00
10.02.110	Barking Dog	$100.00	$200.00	$500.00
10.02.140 C,D	Interference with ACE or Tampering with Animal/Equipment	$100.00	$200.00	$500.00
10.02.010	Failure to Pay for Services Rendered or Outstanding Fees	$50.00	(plus outstanding balance)	
H&S 122335	Dog Tethering Violation	$50.00	$100.00	$200.00
122220	Violation of Pet Protection Act (Businesses/Commercial Breeding)	$50.00	$200.00	$500.00

* 10.20.160 B.8 Public Nuisance-Prohibit or regulate the acquiring and keeping within the city specified animals for a period of up to five years.

Section 4 - Financial & Administrative Services

Exhibit "A"

Financial Operations

	Unit	Fee
Annual City Budget	Each	$10.00
Comprehensive Annual Financial Report (CAFR)	Each	$10.00

The Annual City Budget and the CAFR are also available on the City's website at the following links:

Budget http://www.moval.org/city_hall/departments/admin/budgetoffice.shtml

CAFR http://www.moval.org/city_hall/departments/admin/financial-ops.shtml

Treasury Operations

Collection of Returned Check	Each	$31.00
Business License		
Application	per License	$57.00
Vehicle Tag	per Tag	$6.00
License for Farmers Market at Towngate Mall	Per Vendor Per Day	$5.00
License for single day events	Per Vendor Per Day	$5.00

(Note: Licenses for single day events must be reviewed and approved by the Financial & Administrative Services Director)

Reprint of License	Each	$5.00
Business Listing	Each	$20.00
Photo Identification Card	Each	$5.00

Section 5 - Fire

Exhibit "A"

	Unit	Fee	
Pre-Development			
Annexation Agreement	Deposit	$ 94.00	
Community Care Facility (Pre-inspection)			
25 or less		$ 50.00	State Mandated
26 or more		$ 100.00	State Mandated
Revised Tentative Parcel Map		$ 425.00	
Fuel Modification Plan		$ 100.00	
Fire Protection Plan		$ 326.00	
Alternate methods and materials		$ 100.00	
3rd review and subsequent submittals		$ 100.00	
OTC/Misc Plan Review		$ 100.00	

Architectural / Development

Plan Check and Inspections	Unit	Plan Check	Inspection
A-1 <=10,000 SF		$ 623.00	$ 599.00
A-1 > 10,000 SF		$ 773.00	$ 798.00
A-2, 2.1 <= 10,000 SF		$ 524.00	$ 499.00
A-2, 2.1 > 10,000 SF		$ 674.00	$ 699.00
A-3 <= 10,000 SF		$ 524.00	$ 550.00
A-3 >10,000 SF		$ 623.00	$ 599.00
A-4 <= 5000 SF		$ 424.00	$ 499.00
A-4 > 5000 SF		$ 475.00	$ 550.00
A-5<=5000 SF		$ 411.00	$ 484.00
A-5>5000 SF		$ 461.00	$ 533.00

Section 5 - Fire

Exhibit "A"

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
A TI 0-5000 SF		$ 325.00	$ 399.00
A TI 5001 - 25,000 SF		$ 424.00	$ 499.00
A TI > 25,001 SF		$ 524.00	$ 550.00
B 0-5000 SF		$ 175.00	$ 233.00
B 5001 - 50,000 SF		$ 274.00	$ 399.00
B >50,000 SF		$ 374.00	$ 550.00
B TI 0-5000 SF		$ 151.00	$ 207.00
B TI 5001 - 50,000 SF		$ 200.00	$ 300.00
B TI >50,000 SF		$ 274.00	$ 374.00
E-1,2 0-2000 SF (private schools only)		$ 224.00	$ 350.00
E-1,2 2001 - 20,000 SF (private schools only)		$ 274.00	$ 399.00
E-1,2 > 20,000 SF (private schools only)		$ 424.00	$ 475.00
E-1,2 TI 0-2000 SF (private schools only)		$ 100.00	$ 207.00
E-1,2 TI 2001 - 20,000 SF (private schools only)		$ 151.00	$ 233.00
E-1,2 TI > 20,000 SF (private schools only)		$ 200.00	$ 258.00
E-3 0-1000 SF (private schools only)		$ 125.00	$ 207.00
E-3 1001 - 20,000 SF (private schools only)		$ 224.00	$ 424.00
E-3 > 20,000 SF (private schools only)		$ 274.00	$ 475.00
E-3 TI 0-1000 SF (private schools only)		$ 100.00	$ 182.00
E-3 TI 1001 - 20,000 SF (private schools only)		$ 125.00	$ 207.00
E-3 TI > 20,000 SF (private schools only)		$ 151.00	$ 233.00
F,M,S 0-5000 SF		$ 224.00	$ 350.00
F,M,S 5001 - 12,500 SF		$ 325.00	$ 399.00
F,M,S 12,501 - 100,000 SF		$ 374.00	$ 499.00
F,M,S > 100,000 SF		$ 424.00	$ 599.00
F,M,S TI 0-5000 SF		$ 151.00	$ 233.00
F,M,S TI 5001 - 12,500 SF		$ 175.00	$ 300.00
F,M,S TI 12,501 - 100,000 SF		$ 224.00	$ 325.00

Section 5 - Fire

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
F,M,S TI > 100,000 SF		$ 274.00	$ 350.00
H-1,2,3, 7 0-1000 SF		$ 325.00	$ 374.00
H-1,2,3, 7 1001- 2,500 SF		$ 374.00	$ 399.00
H-1,2,3, 7 2,501 - 10,000 SF		$ 475.00	$ 499.00
H-1,2,3, 7 > 10,000 SF		$ 599.00	$ 599.00
H-1,2,3, 7 TI 0-1000 SF		$ 224.00	$ 325.00
H-1,2,3, 7 TI 1001- 2,500 SF		$ 274.00	$ 350.00
H-1,2,3, 7 TI 2,501 - 10,000 SF		$ 325.00	$ 374.00
H-1,2,3, 7 TI > 10,000 SF		$ 374.00	$ 399.00
H-4,5,6 0-1000 SF		$ 250.00	$ 374.00
H-4,5,6 1001- 2,500 SF		$ 350.00	$ 399.00
H-4,5,6 2,501 - 10,000 SF		$ 450.00	$ 450.00
H-4,5,6 > 10,000 SF		$ 574.00	$ 499.00
H-4,5,6 TI 0-1000 SF		$ 200.00	$ 325.00
H-4,5,6 TI 1001- 2,500 SF		$ 250.00	$ 350.00
H-4,5,6 TI 2,501 - 10,000 SF		$ 300.00	$ 374.00
H-4,5,6 TI > 10,000 SF		$ 350.00	$ 399.00
L-0-1,000 SF		$ 315.00	$ 361.00
L-1,001-2,500 SF		$ 363.00	$ 387.00
L-2,501-10,000 SF		$ 461.00	$ 484.00
L->10,000 SF		$ 581.00	$ 581.00
L-T.I. 0-1,000 SF		$ 217.00	$ 315.00
L-T.I. 1,001-2,500 SF		$ 266.00	$ 339.00
L-T.I. 2,501-10,000 SF		$ 315.00	$ 363.00
L-T.I. >10,000 SF		$ 363.00	$ 387.00
I Occupancies	Deposit	$ 350.00	$ 393.00
R-1, 2 0-5000 SF		$ 224.00	$ 325.00
R-1, 2 5001 - 25,000 SF		$ 274.00	$ 350.00
R-1, 2 >25,001 SF		$ 325.00	$ 399.00

Section 5 - Fire

Exhibit "A"

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
R-3 Model 1-5 homes		$ 175.00	$ 233.00
R-3 Model > 6 homes		$ 224.00	$ 282.00
R-3 Custom (1-2 units)		$ 151.00	$ 225.00
U - Occupancy		$ 151.00	$ 200.00
Shell 0-50,000 SF		$ 998.00	$ 874.00
Shell > 50,000 SF	Deposit	$ 350.00	$ 350.00
High-rise (4 floors or greater)	Deposit	$ 350.00	$ 362.00

	Occupancy Classifications
A	Facilities for Assemblies
B	Professional or Service Facilities
E	Educational Facilities
F	Factory and Industrial (non H)
H	Factory and Industrial (high fire, explosion or health hazard)
I	Hospitals, Nursing Homes
L	Laboratories
M	Sale of Merchandise
R	Hotels, Apartments and Congregate Residences
S	Storage (non hazardous)
U	Garages, Carports, Sheds and Agricultural Buildings

Section 5 - Fire

Exhibit "A"

Fire Development

Development Plan Check and Inspection

	Unit	Plan Check	Inspection
Sprinkler System New 1-100 heads		$ 225.00	$ 526.00
Sprinkler System New > 100 heads		$ 352.00	NA
Sprinkler System New 101-300 heads		NA	$ 575.00
Sprinkler System New 301-700 heads		NA	$ 626.00
Sprinkler System New > 700 heads		NA	$ 676.00
Sprinkler TI 1-10 heads		$ 151.00	$ 225.00
Sprinkler TI 11-25 heads		$ 175.00	$ 425.00
Sprinkler TI 51-100 heads		$ 225.00	$ 476.00
Sprinkler TI > 100 heads		$ 250.00	$ 526.00
Alarm New 1-10 Initiating Devises with notification		$ 151.00	$ 326.00
Alarm New 11-50 Initiating Devises with notification		$ 225.00	$ 352.00
Alarm New 51-100 Initiating Devises with notification		$ 276.00	$ 400.00
Alarm New > 100 Initiating Devises with notification		$ 326.00	$ 476.00
Alarm TI 1-10 Initiating Devices with notification		$ 126.00	$ 276.00
Alarm TI 11-50 Initiating Devices with notification		$ 151.00	$ 301.00
Alarm TI 51-100 Initiating Devices with notification		$ 201.00	$ 352.00
Alarm TI > 100 Initiating Devices with notification		$ 276.00	$ 400.00
ESFR	per Riser	$ 151.00	NA
Underground Sprinkler	per Riser	$ 225.00	$ 609.00
Underground Hydrant		$ 175.00	$ 609.00
Underground Combo Up to 4 Connections		$ 326.00	$ 684.00
Aboveground Hydrant		$ 250.00	$ 500.00
Residential Sprinkler 13R Family 1-2 units		$ 225.00	$ 500.00
Residential Sprinkler 13D Single Family 1-2 units		$ 175.00	$ 500.00
Residential Sprinkler 13R Multi Family up to 4 stories	per System	$ 301.00	$ 626.00
Hood and Duct	per System	$ 151.00	$ 208.00

Section 5 - Fire

Exhibit "A"

Development Plan Check and Inspection (Cont)	Unit	Plan Check	Inspection
Fire Pump	per Pump	$ 276.00	$ 276.00
Standpipes		$ 375.00	$ 284.00
Special Extinguishing Systems		$ 175.00	NA
Vapor Recovery Special Equipment		$ 151.00	NA
Medical Gases Special System		$ 175.00	$ 182.00
Industrial Gases Special System		$ 225.00	$ 284.00
Liquefied Petroleum Gases Special System > 500 gal		$ 225.00	$ 333.00
Tank/Piping Installation	per Tank	$ 234.00	$ 234.00
Tank/Piping Removal	per Tank	$ 158.00	$ 276.00
Ovens, industrial baking or drying per oven, furnace or kiln Special Equip. (New Construction)		$ 126.00	$ 182.00
Smoke Control		$ 225.00	$ 333.00
Dust Collection Special Equipment		$ 151.00	$ 182.00
Hazmat Storage		$ 276.00	$ 284.00
High Piled/Solid Piled Storage Class III, IV, High Hazard		$ 326.00	$ 434.00
Racking System		$ 375.00	$ 434.00
Regulated Refrigeration per system		$ 151.00	$ 284.00
Miscellaneous Industrial Equipment Install		$ 151.00	$ 182.00
FPE Technical Report Major Review		$ 425.00	NA
FPE Technical Report Minor Review		$ 225.00	NA
Spray Booth Inspection		NA	$ 284.00
Foam/Liquid System Inspection		NA	$ 333.00
ESFR Inspection		NA	$ 74.00
Dry Chemical System Inspection		NA	$ 234.00
CO2 System Inspection		NA	$ 234.00
Inert Gas System Inspection		NA	$ 234.00
FM200 Clean Agent System		NA	$ 234.00
Adult Care Facility Inspection		NA	$ 375.00
Child Care Facility Inspection		NA	$ 375.00

Section 5 - Fire

Development Plan Check and Inspection (Cont)	Unit	Plan Check	Inspection
Residential Care Facilities 1 - 6		NA	$ 352.00
Residential Care Facilities >6	per Story	NA	$ 143.00
K-12 Public School Inspection		NA	$ 190.00
K-12 Private School Inspection		NA	$ 425.00
High-rise Inspection	per Hour	NA	$ 100.00
Asbestos removal		NA	$ 234.00
Work without Approval or Permit		NA	$ 201.00
Inspection following Failure to Maintain Fire Protection Systems		NA	$ 201.00
Fire Prevention Inspection/Re-inspection/Phasing		NA	$ 142.00

Renewable Permit Fees	Unit	Initial Plan Check	Annual Inspection
Aerosol Products		$ 224.00	$ 63.00
Aircraft Refueling Vehicles		$ 175.00	$ 88.00
Automobile Wrecking Yard		$ 175.00	$ 188.00
Battery System		$ 224.00	$ 63.00
Candles and Open Flame in Assembly Occupancy Areas		$ 125.00	$ 63.00
Cellulose Nitrate Film		$ 125.00	$ 63.00
Cellulose Nitrate Storage		$ 175.00	$ 188.00
Combustible fiber Storage		$ 175.00	$ 188.00
Combustible materials Storage		$ 175.00	$ 188.00
Commercial Rubbish Handling Operation		$ 175.00	$ 188.00
Compressed Gases		$ 200.00	$ 188.00
Cryogens		$ 200.00	$ 188.00
Dry Cleaning Plant		$ 224.00	$ 288.00
Dust-Producing Operations		$ 125.00	$ 88.00
Explosives or Blasting agents, Use or Transportation		$ 274.00	$ 312.00
Flammable or Combustible Liquids pipelines, store, handle, use		$ 274.00	$ 288.00
High Piled/Solid Piled Combustible Storage Class I, II		$ 74.00	$ 138.00
Hot Works Operations		$ 125.00	$ 63.00

Section 5 - Fire

Exhibit "A"

ewable Permit Fees (Cont)	Unit	Initial Plan Check	Annual Inspection
Liquefied Petroleum Gases store, use, handle, dispense-Plan Check 125-500 gals		$ 74.00	$ 138.00
Ovens - Industrial Baking or drying		$ 74.00	$ 88.00
Places of Assembly		$ 175.00	$ 63.00
Refrigeration Equipment		$ 74.00	$ 88.00
Repair Garages		$ 151.00	$ 88.00
Spraying or Dipping		$ 74.00	$ 63.00
Wood Products		$ 74.00	$ 88.00
Motor Vehicle fuel dispensing		$ 74.00	$ 88.00
Tire Storage		$ 175.00	$ 88.00
Lumber Yard		$ 175.00	$ 188.00
Fireworks, manufacture, compound, store		$ 325.00	$ 288.00
Fruit ripening		$ 175.00	$ 88.00
Magnesium Working		$ 175.00	$ 88.00
Radioactive materials		$ 325.00	$ 188.00

ivity Permits	Fee
Bowling pin or alley refinishing	$ 158.00
Candles and open flames in assembly areas	$ 158.00
Carnivals and fairs	$ 234.00
Explosives or blasting agents, use, dispose	$ 333.00
Fireworks, displays	$ 308.00
Hot works operations	$ 158.00
Liquefied petroleum gases, install containers	$ 234.00
Liquid or gas fueled vehicles or equipment in assembly areas	$ 208.00
Mall, covered	$ 208.00
Open Burning	$ 158.00
Parade floats (per event)	$ 234.00
Pyrotechnical special effects material / model rockets	$ 333.00

Section 5 - Fire

Activity Permits (Cont)	Unit	Fee	
Temporary membrane structures, tents and canopies		$ 284.00	
Christmas Tree sales		$ 158.00	
Pumpkin Patch		$ 158.00	
Haunted Houses		$ 158.00	
Hazardous Area Fire Permit		$ 308.00	

Post Development	Unit	Fee	
Fire and Life Safety Inspection			
Annual inspection (includes one re-inspection)		$ 151.00	
2nd re-inspection		$ 301.00	
3rd and subsequent re-inspections		$ 452.00	
Fire Watch Inspection	per Hour	$ 100.00	
Fire Hydrant Inspection		$ 100.00	
Fire Inspection			
State Mandated		$ 89.00	
Community Care Facility			
25 or less (not including elderly 1-6)		$ 89.00	State Mandated
26 or more		$ 134.00	State Mandated
Special Event		$ 89.00	

Section 5 - Fire

Exhibit "A"

	Unit	Fee	
Records Request			
Photographs, color print (4"x6")		$ 5.00	
Fire Incident Reports (paid to County of Riverside)		$ 19.00	
Fire Inspection Reports (up to 8 1/2"x14")			
First 10 pages	per Report	$ 6.00	
Additional pages	per Page	$ 1.00	
Hourly Rates			
Fire Marshal		$ 140.00	The fully-burdened wage rate including overhead; not to exceed actual City costs.
Deputy Fire Marshal		$ 105.00	
Fire Safety Specialists		$ 106.00	
Fire Safety Inspector		$ 106.00	
Overtime		Position time + 50%	
Consultant Fire Plan Review		Actual Consultant Cost + 20% Admin Fee	
Other Fees			
False Alarm			
Residential		$ 100.00	
Commercial		$ 200.00	
Fire Permit Issuance Fee		$ 21.00	

Section 5 - Fire

Other Fees (Cont)

	Unit	Fee
Hazard Reduction Inspection		
This fee will be assessed to all parcels defined as open space land and where legally permitted. Any fees associated with failure to comply and fire department ordered abated land will be pursued separately from this inspection fee. This fee will be collected as part of the annual property tax bill through the County of Riverside.		
Parcels < 1 acre		$ 50.00
Parcels 1 acre to < 5 acres		$ 75.00
Parcels > 5 acres		$ 100.00
Hazard Reduction Abatement Administrative Fee		$ 240.00
Hazard Reduction Abatement Cost Recovery		Actual cost charged by the City's abatement contractor.
~~Weed Abatement~~		~~Actual time and materials at fully burdened wage rate including overhead not to exceed actual City costs.~~
~~Abatement of Non-Compliance Order~~		~~$100 plus actual time and materials at fully burdened wage rate including overhead plus the cost of any contract work; not to exceed actual City costs.~~

Section 5 - Fire

Exhibit "A"

Emergency Operations and Volunteer Services

	Unit	Fee
CPR Training	per Class	~~$ 30.00~~
		$ 65.00
Community Emergency Response (CERT)	per Class	$ 15.00
On-Line Registration Processing Fee (This fee is charged by the on-line provider)		
On-Line Registration has no applicable category association.		
Transactions < $150		
Percentage of Transaction cost plus		6.50% *
Fixed Fee per Transaction		$ 0.50 *
Transactions from $150 to $500		
Percentage of Transaction cost plus		3.50%
Fixed Fee per Transaction		$ 5.00
Transactions over $500		
Percentage of Transaction cost plus		2.50%
Fixed Fee per Transaction		$ 10.00

* $2.00 minimum

Section 6 - Library Services

Exhibit "A"

	Unit	Fee
Replacement Library Card	Each	$ 2.00
Inter-Library Loan Overdue	per Day	$ 2.00
Reserve Materials Overdue	per Day	$ 2.00
Floppy Disks (blank)	Each	$ 1.00
Replacement Bar Code	Each	$ 1.00
Account Printout	per Page	$ 0.20
Printing - Black & White	per Page	$ 0.20
Printing - Color	per Page	$ 0.75
Copies - Black & White	per Page	$ 0.15
Faxes		
Send/Receive Public Faxes - Local	per Page	$ 1.00
Domestic Long Distance Faxes	per Page	$ 2.00
International Long Distance Faxes	per Page	$ 3.00
Exam Proctoring	per Exam	$ 15.00
Lost Materials	per Item	Actual Cost +
Lost Material Processing	per Item*	$ 10.00

* Except for uncataloged paperbacks, no processing fee

Section 6 - Library Services

Exhibit "A"

	Unit	Fee
Fines		
Overdue Books		
Adult	per Item per Day	$ 0.25
Children	per Item per Day	$ 0.10
Overdue Videos	per Item per Day	$ 1.00
Overdue CDs	per Item per Day	$ 0.25
Overdue Audiocassettes	per Item per Day	$ 0.25

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Plan Check Fees (1 - 3 submittals)		
Project Cost:		
$0-$20,000		3.50%
$20,001-$100,000		3.25%
> $100,000		3.00%
4th and subsequent submittals		$ 140.00
Revisions		
Minor (detail changes only)		$ 256.00
Major		Same as initial submittal
Inspection and Testing		
Project Cost:		
$0-$20,000		7.00%
$20,001-$100,000		6.00%
> $100,000		5.00%
Research of Records, Files, etc		Actual City Cost

Section 7 - Parks and Community Services

Exhibit "A"

Parks

Penalty Fees

	Unit	Fee	
Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with Parks and Community Services	per Offense	$ 561.00	plus actual damages
Applicant's failure to schedule inspection prior to performing work	per Offense	$ 112.00	
Applicant's failure to attend or be prepared for a scheduled inspection	per Offense	$ 112.00	

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee

Recreation Programs

Non-Resident Fees: Fees for Non-Residents to participate in Recreation Programs will be charged at the Resident Fee plus

Adult Sports (18 Years or Older)

Category 4 includes Adult Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.

Program Registration Fee		Per Program	$	2.00
Basketball League *	Category 4	Per Team	$	300.00
Basketball Open Play **	Category 4	Per Person	$	3.00
Bowling Class and League	Category 4	Per Person	$	78.00 - 85.00
Father's Day Over-The-Line Softball Tournament *	Category 4	Per Team	$	65.00 - 100.00
Flag Football League *	Category 4	Per Team	$	300.00
Flag Football Tournament *	Category 4	Per Team	$	150.00 - 200.00
Official's Clinic	Category 4	Per Person	$	15.00
Protest Fee	Category 4	Per Team	$	25.00
Softball League - Competitive *	Category 4	Per Team	$	345.00
Softball League - Non-Competitive *	Category 4	Per Team	$	260.00
Softball Tournament *	Category 4	Per Team	$	185.00 - 310.00
Tennis Tournament *	Category 4	Per Person	$	20.00 - 50.00
Volleyball League *	Category 4	Per Team	$	260.00
Volleyball Tournament *	Category 4	Per Team	$	175.00 - 225.00
Volleyball Open Play **	Category 4	Per Person	$	3.00
New Program	Category 4	Per Person	$	Cost Recovery
Cancellation /Transfer Fee	Category 4	Per Person		20%
* Denotes Fee for Late Registration	Category 4	Per Team	$	18.00

** Excludes Program Registration Fee

Section 7 - Parks and Community Services

Exhibit "A"

Fee Description	Policy Category	Unit		Resident Fee
Adult Contract Classes (18 Years or Older)				
Category 5 includes Adult Contract Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.				
Program Registration Fee		Per Program	$	2.00
Belly Dancing For Fun and Fitness	Category 5	Per Person	$	32.00 - 45.00
Boxing	Category 5	Per Person	$	60.00 - 80.00
Bryan's Dog Training	Category 5	Per Person	$	65.00 - 75.00
Golf Lessons	Category 5	Per Person	$	92.00 - 105.00
Hip Hop / Funky Jazz	Category 5	Per Person	$	35.00 - 45.00
Instant Piano For Extremely Busy People	Category 5	Per Person	$	25.00 - 35.00
Kickboxing Aerobics	Category 5	Per Person	$	42.00 - 70.00
Kung Fu Art of Self-Defense	Category 5	Per Person	$	65.00 - 85.00
Swing Dance	Category 5	Per Person	$	55.00 - 65.00
Yoga - 1 Day	Category 5	Per Person	$	36.00 - 50.00
Cancellation /Transfer Fee**	Category 5	Per Person		20%
New Adult Contract Classes	Category 5	Per Person		Full Cost Recovery

** Excludes Program Registration Fee

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee

Youth Sports

Category 6 includes Youth Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.

Program Registration Fee		Per Program	$	2.00
Basketball League * #	Category 6	Per Person	$	65.00 - 86.00
Basketball Pee Wee * #	Category 6	Per Person	$	50.00
Sports Camp #	Category 6	Per Person	$	60.00-110.00
Flag Football League * #	Category 6	Per Person	$	59.00
Middle School Sports Program #	Category 6	Per Person	$	25.00
Spudball * #	Category 6	Per Person	$	50.00
Tennis Lessons #	Category 6	Per Person	$	37.00-65.00
Pee Wee Flag Football #	Category 6	Per Person	$	50.00
General Sports Skills Contests #	Category 6	Per Person		Cost Recovery
Open Play Basketball / Volleyball # **	Category 6	Per Person	$	1.00
Jr. Basketball #	Category 6	Per Person	$	60.00
New Youth Sports Programs #	Category 6	Per Person		Cost Recovery
Cancellation /Transfer Fee	Category 6	Per Person		20%
* Denotes Fee for Late Registration	Category 6	Per Person	$	5.00-10.00

** Excludes Program Registration Fee

# Denotes Family Discount available. See note below.

Section 7 - Parks and Community Services

Exhibit "A"

Youth/Teen Activities and Programs

Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.

Fee Description	Policy Category	Unit		Resident Fee
Program Registration Fee		Per Program	$	2.00
Breakfast with Santa #	Category 7	Per Person	$	6.00 - 10.00
Bunny Brunch #	Category 7	Per Person	$	6.00 - 10.00
Holiday Chef #	Category 7	Per Person	$	8.00 - 10.00
Holiday Craft #	Category 7	Per Person	$	8.00 - 10.00
Camp * (Weekly) #	Category 7	Per Person	$	85.00
Spring Chef Workshop #	Category 7	Per Person	$	8.00 - 10.00
Spring Craft #	Category 7	Per Person	$	8.00 - 10.00
Time for Tots - 2 Days (2 Weeks) #	Category 7	Per Person	$	40.00
Time for Tots - 3 Days (2 Weeks) #	Category 7	Per Person	$	45.00
Time for Tots - 5 Days (2 Weeks) #	Category 7	Per Person	$	65.00
Babysitting (hourly)	Category 7	Per Person	$	3.00
T-Shirts **	Category 7	Per Shirt	$	10.00
Sunshine Social #	Category 7	Per Person	$	20.00
Bowling Class/League #	Category 7	Per Person	$	50.00 - 65.00
New Youth/Teen Activities and Programs #	Category 7	Per Person	$	Cost Recovery
Cancellation /Transfer Fee	Category 7	Per Person		20%
* Denotes Fee for Late Registration	Category 7	Per Person	$	5.00

** Excludes Program Registration Fee

# Denotes Family Discount available. See note below.

 # -FAMILY DISCOUNT

A family discount applies when siblings are registered in the same program. The family discount only applies to non-contract programs as identified with an #. The following family discount rates apply:

1st child = Full rate
2nd Child = Receives a 15% discount
3rd Child += Receives a 10% discount

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Youth/Teen Classes				
Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.				
Program Registration Fee		Per Program	$	2.00
Ballet Folklorico - Youth	Category 7	Per Person	$	22.00 - 35.00
Boxing - Youth	Category 7	Per Person	$	60.00 - 70.00
Drawing for Kids - Youth	Category 7	Per Person	$	30.00 - 40.00
Hip Hop Jazz	Category 7	Per Person	$	32.00 - 45.00
Instant Piano	Category 7	Per Person	$	25.00 - 35.00
Golf Clinic - Youth	Category 7	Per Person	$	42.00 - 55.00
Kickboxing - Teen	Category 7	Per Person	$	70.00
Kung Fu Art of Self Defense - Youth	Category 7	Per Person	$	42.00 - 55.00
Parent And Me Gymnastics - Youth	Category 7	Per Person	$	40.00 - 50.00
Salsa/Latin Dance - Teen	Category 7	Per Person	$	55.00 - 85.00
Tumbling Toddlers - Youth	Category 7	Per Person	$	40.00 - 50.00
Cancellation /Transfer Fee	Category 7	Per Person		20%
New Youth/Teen Contract Classes	Category 7	Per Person		Cost Recovery
~~1 Denotes Fee for Late Registration~~	~~Category 7~~	~~Per Person~~	~~$~~	~~5.00~~
~~** Excludes Program Registration Fee~~				

Section 7 - Parks and Community Services

Exhibit "A"

Fee Description	Policy Category	Unit	Resident Fee
Senior Programs			
Category 1 includes Senior Programs provided by outside agencies at no charge to the participant, and there is no direct cost to the City. All indirect costs will be subsidized by the City.			
Bingo	Category 3	Per Person	$ 1.00 = 2 Cards add Cards = $.50 ea
Breakfast, Lunch, Pizza, Picnic	Category 3	Per Person	Cost Recovery
Bunco	Category 3	Per Person	$ 2.00
Dances	Category 3	Per Person	$ 8.00
Line Dancing	Category 11	Per Person	Contracted
Swap Meet	Category 3	Per Table	$ 5.00
New Senior Contract Program - Administered by	Category 11	Per Person	Contracted
New Senior Program Provided by Outside Agencies	Category 1	Per Person	$ 0
New Senior Program Assisted by City Staff	Category 3	Per Person	Cost Recovery
New Senior Programs Assisted By Volunteers	Category 2	Per Person	$ 0
Trips / Tours - Administered by Contract	Category 11	Per Person	Contracted

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Special Events				
Category 8 includes Family and Community Seasonal Non-Fee Programs approved and directed by City Council to seek potential private sector sponsorship for programs in this category to cover direct program cost where possible. This may include charging a fee				
Program Registration Fee		Per Program	$	2.00
Easter Egg Hunt**	Category 8	Per Person		FREE
Fourth of July Parade Entry **	Category 8	Per Entry	$	30.00
Fourth of July Parade Vendor **	Category 8	Per Booth	$	50.00
Fourth of July Festival Arts & Crafts Booth **	Category 8	Per Booth	$	75.00
Fourth of July Festival Food Booth (Commercial) **	Category 8	Per Booth	$	250.00
Fourth of July Festival Food Booth (Non-Profit) **	Category 8	Per Booth	$	150.00
Fourth of July Festival Service Info Booth (Non-Profit) **	Category 8	Per Booth	$	25.00
Fourth of July Food Booth Deposit **	Category 8	Per Booth	$	50.00
Youth Fest*	Category 8	Per Booth		FREE
Artober Fest	Category 8	Per Booth	$	15.00 - 25.00

** Excludes Program Registration Fee

On-Line Registration Processing Fee (This fee is charged by the on-line provider)			
On-Line Registration has no applicable category association.			
Transactions < $150			
Percentage of Transaction cost plus			6.50% *
Fixed Fee per Transaction		$	0.50 *
Transactions from $150 to $500			
Percentage of Transaction cost plus			3.50%
Fixed Fee per Transaction		$	5.00
Transactions over $500			
Percentage of Transaction cost plus			2.50%
Fixed Fee per Transaction		$	10.00

* $2.00 minimum

Section 7 - Parks and Community Services

Exhibit "A"

Park Reservations

Non-Resident Fees: Fees for Non-Residents to utilize Parks will be charged at the Resident Fee plus 30%.

Athletic Field Reservation

Fee Description	Policy Category	Unit		Resident Fee
~~Facilities have no applicable category association.~~				
~~Approved Moreno Valley~~ Non-Profit Youth Groups per field ~~and Unorganized Resident Group Play per field~~	N/A	2 Hour min.	$	2.00
~~Approved Moreno Valley~~ Adult Non-Profit Groups ~~and Unorganized Group Play per field~~	N/A	Per Hour	$	5.00
~~Unorganized Adult & Youth~~ Sports play by Private Groups ~~and/or Non-Residents~~ per field	N/A	Per Hour	$	10.00
Organized Commercial (For Profit) Groups (per field)	N/A	Per Hour	$	50.00
Field Preparation - not included - cost recovery of staff overtime	N/A	Per Hour	$	50.00
~~Long Term Use – Contract Changes~~	~~N/A~~	~~Per Visit~~	~~$~~	~~25.00~~
~~Community Park Damage Deposit~~	~~N/A~~	~~N/A~~	~~$~~	~~750.00~~
~~Long Term Use – Annual Maintenance fee~~	~~N/A~~	~~N/A~~	~~$~~	~~750.00~~
Cancellation /Transfer Fee	N/A	N/A		20%
~~Athletic Field Security~~				

Athletic Field Lighting

~~Facilities have no applicable category association.~~				
~~Adult All Users Groups/City Facility~~	N/A	Per Hour	$	15.00
~~Youth Groups/City Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Adult Groups/Joint Use Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Youth Groups/Joint Use Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Cancellation /Transfer Fee~~	~~N/A~~	~~N/A~~		~~20%~~

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Snack Bar (4 Hours or Less Play)				
~~Facilities have no applicable category association~~				
Moreno Valley Youth and Non-Profit Groups	N/A	Per Day	$	20.00
Moreno Valley Youth and Non-Profit Groups	N/A	Per Evening *	$	10.00
~~Private Groups and/or Non-Residents~~	~~N/A~~	~~Per Hour~~	~~$~~	~~30.00~~
~~Commercial Groups~~	~~N/A~~	~~Per Hour~~	~~$~~	~~50.00~~
Cleaning Deposit Fee (required for all groups)	N/A	Per Rental	$	125.00
Key Deposit (required for all groups)	N/A	Per Group	$	25.00
** Evening hours 4:00 p.m. to 10:00 p.m.*				
Storage Unit Rental				
~~Facilities have no applicable category association~~				
Storage Units	N/A	Per Month	$	35.00

Section 7 - Parks and Community Services

Exhibit "A"

Fee Description	Policy Category	Unit		Resident Fee
Over 4 Hour Play				
~~Facilities have no applicable category association.~~				
Field Reservation/Non-Profit ~~Non-Lighted Fields~~	N/A	Per Field	$	~~100.00 75.00~~
~~Field Reservation/Non-Lighted Fields for approved non-profit youth organizations~~	~~N/A~~	~~Per Field~~	~~$~~	~~40.00~~
Field Reservation/ Private Group ~~Lighted Fields~~	N/A	Per Field	$	~~175.00 350.00~~
~~Field Reservation/Lighted Fields for approved non-profit youth organizations~~	~~N/A~~	~~Per Field~~	~~$~~	~~75.00~~
Staff on Standby (minimum 2 hours)	N/A	Per Hour	$	~~50.00 35.00~~
Booking Fee Non-Lighted Fields	N/A	Per Event	$	75.00
Booking Fee Lighted Fields	N/A	Per Event	$	150.00
Field Preparation-Cost Recovery	N/A	Per Field	$	50.00
Mound Drop and Removal	N/A	Per Event	$	175.00- 300.00
Admission Gate (Pre-Approved by Director)	N/A	Per Event		25% of gate revenue
Snackbar Cleaning Deposit Fee	N/A	Per Event	$	200.00
Snackbar	N/A	Per Day	$	~~$50.00 $35.00~~
Vendor Fee	N/A	Per Event	$	100.00
Facility Deposit	N/A	N/A	$	100.00
Cancellation/Transfer Fee	N/A	N/A		20%
Gate Admission Must be Pre-Approved by Director Per Event				
Park Fees				
~~Facilities have no applicable category association.~~				
Park Reservation for Special Events	N/A	Per Day	$	50.00
~~Park Reservation for Park Area~~	~~N/A~~	~~Per Day~~	~~$~~	~~25.00~~
Picnic Shelter Small (1-2 Tables)	N/A	Per Day	$	37.00
Picnic Shelter Medium (3-6 Tables)	N/A	Per Day	$	80.00
Picnic Shelter Large (Over 6 Tables)	N/A	Per Day	$	156.00
Cleaning/Security Deposit	N/A	Per Day	$	75.00
Special Event Permit	N/A	Per Day	$	205.00
Cancellation/Transfer Fee	N/A	N/A		20%

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Valley Skate Park				
This program has no applicable category association				
Skate Park Membership fee per year	N/A	Per Person	$	20.00
Skate Park Member Session entry fee	N/A	Youth	$	2.00
		Adult	$	4.00
Non-member Session entry fee	N/A	Per Person	$	4.00-5.00
Package Protective Gear Rental	N/A	Per Person	$	5.00
Helmet Rental	N/A	Per Person	$	3.00
Helmet Deposit (ID Required or $20 Deposit)	N/A	Per Person	$	20.00
Knee Pad Rental	N/A	Per Person	$	2.00
Elbow Pad Rental	N/A	Per Person	$	2.00
Instructional Clinics/Lessons Per Session	N/A	Per Person	$	5.00-20.00
Hockey Rink Rental	N/A	Per Hour	$	75.00
Open Skate & Puck and Stick Session (Roller Hockey	N/A	Per Person	$	2.00-4.00
Roller Hockey Youth League	N/A	Per Person	$	89.00
Roller Hockey Adult League	N/A	Per Team	$	1,000.00
School District Rink Rental	N/A	Per Team		Cost Recovery for Staff

Section 7 - Parks and Community Services

Exhibit "A"

Golf Course

Fee Description	Policy Category	Unit		Resident Fee
~~This program has no applicable category association~~				
Adult - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	11.00
Adult - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	8.00
Seniors 55 & Over - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	9.00
Seniors 55 & Over - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	6.50
Students Under 18 - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	9.00
Students Under 18 - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	6.50
18 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$	14.00
9 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$	9.50
Monthly Cards: Seniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	65.00
Monthly Cards: Juniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	65.00
Monthly Cards: Adults (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	90.00
Monthly Cards: Family of 4 (Mon.-Fri.) Unlimited Play	N/A	Per Group	$	170.00
Punch Cards: Seniors = Ten 9-Hole Rounds	N/A	Per Card	$	50.00
Punch Cards: Adults = Ten 9-Hole Rounds	N/A	Per Card	$	75.00
Punch Cards: Juniors = Ten 9-Hole Rounds	N/A	Per Card	$	50.00
Youth After School Cards = 3 months (Local schools + up to 17 yrs old) M - F = 3 pm until dusk	N/A	Per Person	$	90.00
Cart Rental	N/A	Per Cart	$	2.50
Club Rental	N/A	Per Set	$	5.00
Locker Rentals = with Monthly Card	N/A	Per Person	$	5.00
Locker Rentals = without Monthly Card	N/A	Per Person	$	10.00

Facility Rental

Senior Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Banquet Room	4 hours	Monday through Thursday (with Kitche	Per Hour	$ 10.00
		Banquet Room	2 hours	Friday through Sunday (with Kitchen)	Per Hour	$ 20.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ -
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ -
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ -
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ -
					Service/Facility fees may apply	
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 45.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 100.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 55.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 40.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 45.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 30.00
					Service/Facility fees may apply	
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 100.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 175.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 125.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 68.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 100.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 58.00
					Service/Facility fees may apply	

Service/Facility		Current Fee
Refundable Cleaning / Security Deposit		$ 300.00
Setup / Reset Charge (if applicable)		$ 75.00
Main Kitchen (Only)		$ 100.00
Cleaning		$130.00 - $150.00
Decorating	Per Hour	$ 25.00
Overtime Staff Charge	Per Hour	Cost Recovery
Staff Time	Per Hour	$20.00 - $30.00
Security Services	Per Hour	$20.00 - $25.00
False Fire / Police Alarm penalty (per each false alarm)	Per False Alarm	$ 200.00
False Alarm - Fire penalty	Per False Alarm	$ 28.00
False Alarm - Police penalty	Per Hour	$ 150.00
Insurance		Cost Recovery
Cancellation Fee		$ 300.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 7 - Parks and Community Services

Exhibit "A"

Towngate Community Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 15.00
			4 hours	Friday through Sunday	Per Hour	$ 15.00
						Service/Facility fees may apply
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 60.00
			4 Hours	Friday through Sunday	Per Hour	$ 70.00
						Service/Facility fees may apply
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 80.00
			4 Hours	Friday through Sunday	Per Hour	$ 90.00
						Service/Facility fees may apply
Group 4	Resident of Renaissance Park Housing Development	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday		
				First two hours	Per Hour	$ 25.00
				Thereafter	Per Hour	$ 60.00
			4 Hours	Friday through Sunday		
				First two hours	Per Hour	$ 18.00
				Thereafter	Per Hour	$ 70.00
						Service/Facility fees may apply

Service/Facility	Unit	Current Fee
Refundable Security Deposit	Per Hour	$ 200.00
Setup/Reset Charge (if applicable)		$ 25.00
Cleaning Fee		$130.00 - $150.00
Cancellation Fee		$ 200.00
Staff Regular Time	Per Hour	$20.00 - $30.00
Staff Overtime		Cost Recovery
Decorating	Per Hour	$ 25.00
Set-up Time and Tear Down of Event	Per Hour	$ 25.00
False Alarm - Fire	Per Alarm	$ 200.00
False Alarm - Police	Per Alarm	$ 28.00
Unscheduled Program Use	Per Hour	$ 100.00
Security Services	Per Hour	$20.00 - $25.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 7 - Parks and Community Services

Conference and Recreation Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
Group 1	City sponsored/conducted events	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Grand Valley Ballroom with small patio or large patio	3 Hours	Friday evening beginning at 5:00 pm and Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio or large patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 35.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 35.00
		Alessandro Room	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 12.00
		Alessandro Room	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 12.00
		Dance Studio	2 Hours	Monday through Sunday	Per Hour	$ 12.00
		Gymnasium	2 Hours	Monday through Sunday	Per Hour	$ 12.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
						Service/Facility fees may apply
2	Federal, State, County and Educational Institutions	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 160.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 210.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 350.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 30.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 45.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply
Group 3	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities. Federal, State, County and educational institutions. Proof of residency may be required.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 160.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 210.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 350.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 30.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 45.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00

Section 7 - Parks and Community Services

Exhibit "A"

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply
Group	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 200.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 400.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 350.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 400.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 40.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 75.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 40.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 110.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 100.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply

Conference and Recreation Center (Cont.)

Service/Facility		Unit	Current Fee
Grand Valley Ballroom Refundable Security Deposit for Groups 3 and 4			$750.00 $200.00 - $750.00
Grand Valley Ballroom Refundable Security Deposit for Group 2 (Dependent on Event Liability)			$0
Alessandro Room Refundable Security Deposit			$ 100.00
Frank E. Brown Room Refundable Security Deposit			$ 100.00
Dance Studio Refundable Security Deposit			$250.00 - $500.00
Gymnasium Refundable Security Deposit			$250.00 - $500.00
Grand Valley Ballroom Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 31.00
Alessandro Room Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 25.00
Scoreboard and Controller		Per Day	$ 20.00
Extended Facility Use	Entire Gymnasium	Per Hour	$ 100.00
	Half Gymnasium	Per Hour	$ 50.00
	Grand Valley Ballroom	Per Hour	$ 450.00
False Alarm - Fire		Per Alarm	$ 200.00
False Alarm - Police		Per Alarm	$ 28.00
Cleaning Fee			$200.00 - $230.00
Unscheduled Program Use		Per Hour	$ 100.00
Insurance			Cost Recovery
Decorating		Per Hour	$ 31.00
Audio Visual Technician		Per Hour	$35.00 - $45.00
Staff Time		Per Hour	$20.00 - $30.00
Staff Overtime (per hour)			Cost Recovery
Security Services		Per Hour/Per Guard	$20.00 - $25.00

Equipment Rental	Current Fee
TV/VCR/DVD	$25
Coffee Pot (12 cup)	$6
Coffee Pot (55 cup)	$20
Coffee Pot (100 cup)	$40
Linen Rental	$5
AV Projector	$25
Overhead Projector	$20
Microphone (cordless)	$25
Deluxe Sound System (small system available at no charge)	$100
Dance Floor - 500 sq.ft. thru 1000 sq. ft. (includes set-up)	$200
Easel	$10
Portable Bar	$50
Projection Screen	No charge
Flags	No charge
Podium with microphone	No charge

* Tables and chairs are included in the room rental fee.
* Linens, cutlery, decorations, and patio furniture are not included with the room rental fee.
* Replacement fee will be assessed if equipment is damaged or destroyed.
* Rental equipment fees are subject to change without notice.
* Fees are subject to cost recovery charges.

RECIPROCAL ARRANGEMENTS

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Section 7 - Parks and Community Services

Exhibit "A"

Mobile Stage Unit

Categories	Mandatory Staff Fee: Stage Unit with Platforms (3 staff)	Mandatory Staff Fee: (2 staff)	Refundable Cleaning Deposit	Unit	Current Fee
Category I	Cost Recovery	Cost Recovery			
			No Charge		No Charge
Category II					
Within Moreno Valley City Boundaries	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 135.00
Boundaries Outside of Moreno Valley	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 575.00
Category III					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 125.00
Category IV					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 335.00
Category V					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 560.00

CATEGORY DEFINITIONS	
Category I:	Parks and Community Services Department, City sponsored and/or city co-sponsored events.
Category II:	Other governmental agencies (city, county, federal or state) and educational institutions (school districts).
Category III:	A Moreno Valley based non-profit service organization that holds monthly meetings within the City of Moreno Valley's city boundaries. Organization must have a City of Moreno Valley mailing address. Organization's primary purpose must be charity, youth development, cultural enrichment, or civic improvement; and must show proof of non-profit status (Section 501(c)(3) and 501(c)(4) of Internal Revenue Code). Organization must show a viable organizational structure including with the application a listing of board officers' names, addresses and telephone numbers.
Category IV:	Moreno Valley businesses located within the City of Moreno Valley's city boundaries.
Category V:	Non-Moreno Valley based businesses and non-profit organizations for use only within the City of Moreno Valley's city boundaries.

MOBILE STAGE UNIT MISCELLANEOUS INFORMATION

DIMENSIONS Stage When Extended	
Interior Length	36'
Interior Depth	13', 6"
Body of Mobile Stage Unit	
Width	8 feet
Length	40', 45' hitch
Height of Back Wall	92" or 7'-8'
Platforms	
Extra Stage - Total of 9 Each	4' X 8'

AMENITIES INCLUDED IN MOBILE STAGE UNIT COST

Skirting around mobile stage unit

Generator

OPTIONAL AMENITIES

Sound System available at an additional cost of $50.00 per day plus $100.00 refundable security / deposit.

Sound System include Amplifier - Includes 8 Channels

Two (2) Large speakers with stands

Two (2) microphones with stands

Tape deck

Equestrian Center

User Group	Classification		Current Fee	
Group 1	City sponsored/conducted events, non-profit organizations, governmental agencies (Federal, State, County) and Educational Institutions with reciprocal arrangements (defined below).		$ 0	*
Group 2	City of Moreno Valley resident (proof of residency may be required), resident non-profit organization (proof of residency may be required), governmental agencies (Federal, State, County) and Education Institutions.		$ 100.00	*
Group 3	Moreno Valley commercial groups - social activities.	Per Day	$ 125.00	*
Group 4	Non-Resident, non-profit, (proof of non-profit status may be required).	Per Day	$ 125.00	*
Group 5	Resident, commercial use for profit.	Per Day	$ 125.00	*
Group 6	Non-Resident, commercial use for profit.	Per Day	$ 125.00	*

* Service/Facility Use Fees may apply

SERVICE/FACILITY USE FEES

Service/Facility	Current Fee
Refundable Security Deposit	$ 300.00
Tractoring Fee (if applicable), each	$ 100.00
Standby Tractoring Fee	$ 50.00
Water Key Deposit	$ 25.00
Lighting	$ 15.00
Cancellation	$ 25.00
Staff Overtime (per hour)	Cost Recovery

RECIPROCAL ARRANGEMENTS

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Section 8 - Police

Exhibit "A"

	Unit	Fee	
ABC Letter (Alcohol Beverage Control Letter)	Each	$ 19.00	
Administrative Citations			
1st Offense		$ 100.00	MC 1.01.230
2nd Offense		$ 200.00	MC 1.01.230
3rd Offense		$ 500.00	MC 1.01.230
Bingo Permit	Annual	$ 50.00	Fee set by PC 326.5/Ord 611 11.50.050
Certification of Police Records	Each	$ 5.00	
Clearance Letter	Each	$ 10.00	GC6253(b)
Citation Sign-off for Non-Resident	Each	$ 15.00	GC26746.1
Concealed Weapons Permit	Processed by the Riverside County Sheriff's Department		
Explosive Permit (fingerprinting)	See Fingerprinting: Live Scan		
False Alarm Response			
Burglary	per Occurrence	$ 30.00	
Robbery	per Occurrence	$ 120.00	
Fingerprinting (Live Scan)			
Processing through DOJ and FBI	per Set	$ 51.00	Fee set by DOJ and FBI
Processing through DOJ	per Set	$ 32.00	Fee set by DOJ
Processing fee	per Set	$ 10.00	PC 13300(e)

Section 8 - Police

	Unit	Fee	
Juvenile Daytime Curfew Ordinance Police Service Fee (plus fine amount)		$ 30.00	MC 11.05.080
Photographs			
Photographs: Traffic Collisions (3"x5" or 8"x10")*	Each	$ 21.00	
Taking of Polaroid photograph and providing photo/slide and negative (3"x5" or 8"x10")	Each	$ 21.00	
Taking of Polaroid photograph or reprint	Each	$ 12.00	
Color Copy of Digital Photo	Each	$ 5.00	
Mug Shot/Booking Photo	Each	$ 5.00	
ice Services at Public Event			
Police Sergeant	per Hour	$ 84.29	Fully burdened City cost per contract
Police Officer	per Hour	$ 66.19	Fully burdened City cost per contract
Community Services Officer	per Hour	$ 46.20	Fully burdened City cost per contract
Reports			
Collision and Crime	up to 10 pages	$ 5.00	
	each additional page	$ 0.20	
Repossession Fee		$ 15.00	Fee set by GC26751 & GC41612

Section 8 - Police

Exhibit "A"

	Unit	Fee	
Second Hand Dealers License			
State Initial License		$ 195.00	Bus & Prof Code 21641
Renewal		$ 12.00	Bus & Prof Code 21642
Fingerprinting (Live Scan)		$ 32.00	Fee set by DOJ
Live Scan processing fee		$ 10.00	PC 13300(e)
Security Clearance Information Act (SCIA) - Local Records Check		$ 5.00	Federal Statute Title 5 Chapter 91 Section 9101
Taxicab			
Application Processing	Annual	$ 152.00	
Taxicab Driver Permit	Annual / per Driver	$ 11.00	
Taxicab Permit	Annual / per Taxicab	$ 11.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan	
Tow Truck			
Driver Fee	Annual	$ 24.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan	
Vehicle Release		$ 120.00	
Massage			
Appeal Fee (Operator and technician)		$ 139.00	
Application Fee and Renewal		$ 13.00	
Inspection Fee		$ 135.00	
Background Check, Fingerprinting and photo			
Initial		$ 167.00	
Renewal		$ 67.00	
Testing Fee (Operator and technician)		$ 93.00	

Section 9 - Public Works

Exhibit "A"

	Unit	Fee
Administration		
Plans and Specification Fee (non-refundable)		Actual cost ($10 min)
Copy of Capital Improvement Plan	Each	Actual City Cost
Self Haul Permit (Solid Waste)	Each	$ 41.00

Electric Utility

	Fee
PLAN CHECKING AND INSPECTION/TESTING FEES	
Upon submittal of improvement plan(s) for a project's electrical distribution system, line extension facilities and/or structures for plan review, the submittal shall be accompanied with a deposit of an amount equal to 3.25% of the engineer's estimated construction costs for improvements. Prior to second submittal of improvement plans, the City Engineer will approve a final cost for improvements and a plan review fee will be established. From this final fee, the deposit will be deducted. This fee shall be paid prior to the second submittal of the improvement plan(s).	
Improvement Plans (Total cost of construction)	
Off-Site & On-Site 1-3 submittals	
First $20,000	4.00%
Next $80,000	3.50%
Over $100,000	3.25%
4th and subsequent submittals per sheet	$248/sheet
Revisions (Improvement Plans)	
Minor per sheet	$ 263.00
Major per sheet (minimum fee)	$ 269.00
Inspection and Testing (Total cost of construction)	
Off-Site & On-Site	
First $20,000	4.00%
Next $80,000	3.50%
Over $100,000	3.25%

RATE SCHEDULE & CHART OF CHARGES AND FEES

The chart of Moreno Valley Electric Utility charges and fees are located in the *City of Moreno Valley Electric Service Rules, Fees and Charges* document. Moreno Valley Electric Utility rates are located in the *Moreno Valley Electric Rates* document. Both documents are approved by the City Council under separate consideration and are available online at http://www.moval.org/resident_services/utilities/rate-tariff.shtml or from the MVU Office.

Land Development

	Unit	Fee

~~[Revised statement moved to Section 10 - Miscellaneous Fees and Charges.~~
~~Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.~~

~~Deposit, which will be valued at one quarter of the fee that would typically be charged for plan check or inspection services.~~

LEGAL AND OTHER DOCUMENTS

~~*Initial*~~ ***Fee Includes Three (3) Reviews, Unless Otherwise Noted***

Lot Line Adjustment	Each	$ 936.00
Certificate of Parcel Merger	Each	$ 936.00
Certificate of Correction	Each	$ 469.00
Certificate of Compliance	Each	$ 758.00
Conditional Certificate of Compliance	Each	$ 1,178.00
Street Vacation		
Summary	Each	$ 1,139.00
Full	Each	$ 3,782.00
Condemnation		
Initial Processing Deposit	Deposit	$ 5,000.00 +
Right-of-Way Acquisition and Processing (minimum ~~fee~~)	Deposit (per lot)	$ 5,000.00

Amount determined by City Engineer. Not to exceed total City cost.

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee
Document Review and Processing		
Minor Documents (Staff Reports, Offers of Dedication, Easement Deeds, Grant Deeds, Centerline Tie Sheets, Public Improvement Agreements, etc) (For 2 Reviews)	Each	$ 752.00
Major Documents ~~(Where Minor Document review fees are indeterminate)~~	Each	Amount determined by City Engineer. Not to exceed total City cost.
Public Improvement Agreement (Extension)	Each	$ 879.00
Partial Bond Release	Each	$ 1,694.00
Assurance of Construction (Grading, Damage and Minor Construction Securities)	Deposit	Security amount determined by City Engineer
MAP CHECKING		
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted		
Parcel Map and Tract Map	Each	$ 3,860.00 +
	per Lot	$ 41.00
4th and Subsequent Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00
Amended Map (Parcel and Tract)	Each	$ 2,156.00
4th and Subsequent Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00
Reversion to Acreage	Each	$ 1,634.00
Monument Review Field		5% of Bond or $415 min
Survey Monument Restoration (Two Reviews, Per Set)	Each	$ 257.00

Land Development

	Unit	Fee	
IMPROVEMENT PLAN CHECK (Includes but is not limited to Street Improvements, Storm Drain, Water, Sewer, etc Plans)			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
<= $100,000 of Engineer's estimate Plus		4.00%	+
$100,001-$250,000 of Engineer's estimate Plus		3.00%	+
> $250,001 of Engineer's estimate		2.50%	
On-site Improvements (For non-single family residential, based on Engineer's estimate)		1.00%	
4th and Subsequent Reviews (Improvement Plans minimum fee)	per Sheet, per Review	$ 248.00	~~On-site mod by the City Engineer. Not to exceed total City cost.~~ or amount determined by the City Engineer. Fee not to exceed total City cost.
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for plan check services.		
Revisions (Improvement Plans)			
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 261.00	
Major (minimum fee)	per Sheet, per Review	$ 269.00	Amount determined by the City Engineer. Fee not to exceed total City cost.

* For As-Builts with no changes, a one sheet fee is required.

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee	
MASS/ROUGH GRADING PLAN CHECK			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
Subdivisions and Custom Homes			
0-5,000 CY		$ 1,928.00	
5,001-100,000 CY Plus		$ 1,928.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 318.00	
> 100,000 CY Plus		$ 7,970.00	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 107.00	
Non Subdivisions			
0-5,000 CY		$ 1,928.00	
5,001-100,000 CY Plus		$ 1,928.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 284.00	
> 100,000 CY Plus	$7,324	~~$ 7,315.00~~	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 70.00	
4th and Subsequent Reviews (Mass/Rough Grading Plans)	per Sheet, per Review	$ 207.00	
Revisions (Mass/Rough Grading Plans)			
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00	
Major (minimum fee)	per Sheet, per Review	$ 294.00	

* For As-Builts with no changes, a one sheet fee is required.

Land Development

	Unit	Fee	
STOCKPILE/BORROW SITE PLAN			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
0-5,000CY		$ 584.00	
5,001-100,000 CY		$ 1,009.00	
> 100,000 CY		$ 1,401.00	
4th and Subsequent Reviews (Stockpile/Borrow Plans)	per Sheet, per Review	$ 207.00	
Revisions (Stockpile/Borrow Plans)			
Minor	per Sheet, per Review	$ 247.00	
Major (minimum fee)	per Sheet, per Review	$ 294.00	
		Actual amount determined by the City Engineer. Fee not to exceed total City cost.	
PRECISE GRADING PLAN CHECK			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
Subdivisions and Custom Homes Plus	Each	$ 1,837.00	+
	per Lot	$ 70.00	
Non Subdivisions			
On-site Improvement Plan Check Fee			
0-5,000CY		$ 1,838.00	
5,001-100,000 CY Plus		$ 1,838.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 284.00	
> 100,000 CY Plus		$ 7,234.00	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 70.00	
4th and Subsequent Reviews (Precise Grading Plans)	per Sheet, per Review	$ 218.00	

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee
Revisions (Precise Grading Plans)		
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00
Major (minimum fee)	per Sheet, per Review	$ 294.00
* For As-Builts with no changes, a one sheet fee is required.		Actual amount determined by the City Engineer. Fee not to exceed total City cost.

STORM WATER MANAGEMENT PLAN CHECK

Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted

Water Quality Basins (SFR Projects) (Civil Drawings)	Per Sheet	$ 1,443.00
Water Quality Treatment (Non SFR Projects) (Civil Drawings)	Per Sheet	$ 1,443.00
4th and Subsequent Reviews (Civil Drawings)	per Sheet, per Review	$ 247.00
Water Quality Basin Landscaping (Landscape Drawings) ~~(Landscape Drawings)~~		
Base Fee (7 sheets Maximum)		$ 5,925.00
Each Additional Sheet		$ 830.00
4th and Subsequent Reviews (Landscape Drawings)	per Sheet, per Review	$ 178.00
Hydrology & Hydraulic Calculations for Treatment Control Devices	Each	$ 464.00
Storm Water Pollution Prevention Plan (SWPPP) Document Review	Each	$ 655.00

Land Development

	Unit		Fee		
STUDIES					
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted					
Flood Plain (CLOMR/LOMR)					
1-10 Acres (Tributary)	Each		$ 3,385.00		
Over 10 Acres	Each		$ 3,385.00	+	
Each Acre over 10 Acres	per Acre		$ 20.00		
Drainage (Hydrology/Hydraulics)					
0-50 Acres (Tributary)	per Acre		$ 48.00		$450 minimum
51-100 Acres Plus	Each	$2,400	~~$ 2,423.00~~	+	
Each Additional Acre over 50	per Acre		$ 6.00		
101-1,000 Acres Plus	Each	$2,700	~~$ 2,723.00~~	+	
Each Additional Acre over 100	per Acre		$ 4.00		
Over 1,000 Acres Plus	Each	$6,300	~~$ 6,323.00~~	+	
Each Additional Acre over 1,000	per Acre		$ 1.00		
4th and Subsequent Review	Each Review		Total City Cost		
Preliminary Drainage Study (Entitlement Stage)	Each		$ 464.00		
Preliminary Water Quality Management Plan (P-WQMP)					
WQMP Preliminary Document Review					
First Two Reviews Only (Consultant and Admin)			$ 934.00		
Third and Subsequent Reviews (Fee for Consultant Only)	Each Review		$ 321.00		
All Meetings	per Hour	$250	~~$ 306.00~~		
All Teleconferences	per Hour	$150	~~$ 306.00~~		

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee
Final Water Quality Management Plan (F-WQMP)		
WQMP Final Document Review		
(Initial fee includes Document Review, Teleconferences and Meetings)		
Basic Review (Maximum 2 Reviews and 2 Meetings)		$ 1,098.00
(Applies to Hillside Residential ≤ 9 Units)		
Subsequent Reviews	Each Review	$ 750.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
Standard Review (Maximum 2 Reviews and 2 Meetings)		$ 4,290.00
(Applies to Residential ≤ 50 Units; Commercial ≤ 2 Acres; Industrial ≤ 1 Acre; Automotive ≤1 Acre; Restaurants ≤ 1 Acre; Hillside Development ≤ 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots ≤ 2 Acres)		
Subsequent Reviews	Each Review	$ 1,440.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
Complex Review (Maximum 3 Reviews and 3 Meetings)		$ 6,179.00
(Applies to MFR or SFR > 50 Units; Commercial > 2 Acres; Industrial > 1 Acre; Automotive > 1 Acre; Restaurants > 1 Acre; Hillside Development > 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots > 2 Acres)		
Subsequent Reviews	Each Review	$ 1,824.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
OTHER PLAN CHECK FEES		
~~Developer Requested Expedition of Plan, Map and Document Review~~		~~Regular plan, map and document review fee + 25%~~

Land Development

	Unit	Fee	
Underground Overhead Utilities			
Underground of Utilities Administration Fee Plus		$ 70.00	+
Underground of Utilities In-Lieu Fee (In accordance with Development Code 9.14.130)	per Linear Foot	$ 196.00	
IMPROVEMENT PLAN INSPECTION			
Grading			
Mass, Rough, or Precise, Stockpile or Borrow Grading Inspection (All projects)			
0-100 CY		$ 637.00	
101-1,000 CY Plus		$ 637.00	+
Each Additional 100 CY or portion thereof over 100 CY (prorated per cubic yard)		$ 120.00	
1,001-10,000 CY Plus	$1,717	~~$ 1,244.00~~	+
Each Additional 1,000 CY or portion thereof over 1,000 CY (prorated per cubic yard)		$ 390.00	
10,001-100,000 CY Plus	$3,227	~~$ 3,334.00~~	+
Each Additional 10,000 CY or portion thereof over 10,000 CY (prorated per cubic yard)		$ 355.00	
> 100,000 CY Plus	$8,422	~~$ 8,413.00~~	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 318.00	
~~Offsite (Public Right-of-Way) Improvements~~			
Improvement Plan (Offsite Public Improvements, Per Project)			
< $100,000 of Engineers estimate Plus		4.00%	+
$100,000-$250,000 of Engineers estimate Plus		3.00%	+
> $250,000 of Engineers estimate		2.50%	
Onsite Improvements (Based on Engineer's estimate)		1.00%	
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for inspection services.		

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit		Fee	
Re-inspection	Each		$ 432.00	
Holidays, Weekends and Night Inspections (Based on staff availability)	per Hour* *minimum of 2 hour	$79.00	$ ~~198.00~~ $96.00	Straight Time Over Time

STORM WATER MANAGEMENT INSPECTION

Storm Water Pollution Abatement Program

Projects Under Construction		
Construction Site Inspection		$ 402.00
Existing Businesses		
NPDES Industrial Site Initial Inspection	Each	$ 451.00
Follow-up Compliance Inspection	Each	$ 211.00
NPDES Commercial Site Initial Inspection	Each	$ 331.00
Follow-up Compliance Inspection	Each	$ 211.00
NPDES Restaurant Initial Inspection (CAP)	Each	$ 271.00
Follow-up Compliance Inspection	Each	$ 211.00

Water Quality Basin Landscape Inspection

0-1 Acre		$ 11,853.00
1-1.5 Acres		$ 13,631.00
1.5-2 Acres		$ 15,408.00
2-2.5 Acres		$ 17,187.00
Each additional 1/2 Acre > 2.5 Acres	per 1/2 Acre	$ 1,777.00

PENALTY FEES

Inspection and Testing work in Right-of-Way without Encroachment Permit	$ 603.00
Failure to Schedule Inspection Prior to Performing Work *	$ 122.00

* Penalty Fee to be determined by the City Engineer. Listed amount for the first offense and not to exceed $500 for each subsequent offense.

Land Development

	Unit	Fee	
PERMITS - ADMINISTRATION FEES			
Grading or Inspection: Permit Issuance	Each	$ 82.00	
Construction Permit Issuance	Each	$ 82.00	
Newspaper Rack Annual Permit Issuance	Each	$ 82.00	
Annual Utility Blanket Permit Administration	Each	$ 82.00	
Second Driveway Approach Application	Each	$ 82.00	
PERMITS - INSPECTION FEES			
Concrete Sidewalk			
0-100 Linear Feet	Each	$ 66.00 +	
> 100 Linear Feet	per Linear Foot	$ 1.00	
Parkway Drains	Each	$ 144.00	
Residential Curb Core (2 maximum per lot)	per Lot	$ 78.00	
Driveways			
Commercial	Each	$ 144.00	
Residential	Each	$ 203.00	
Excavation-Street Crossing	per Linear Foot	$ 2.00	$232 min
Excavation Parallel Trench	per Linear Foot	$ 0.50	$232 min
Small Bore Potholes (12" Diameter Maximum)	Each	$ 26.00	
All Other Potholes	Each	$ 77.00	
Bores/Splice Pits	Each	$ 52.00	

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit		Fee	
Non-Retaining Wall	Each		$ 144.00	
Fence	Each		$ 144.00	
Newspaper Rack Installation	Each		$ 52.00	
Utility Blanket Permit Individual Location Inspection	Each		$ 15.00	
				Straight Time
Miscellaneous Inspections (Based on staff availability)	per Hour*	$79.00	~~Amount determined by the City Engineer, fee not to exceed total City cost~~	
	*minimum of 1 hour		$96.00	Over Time
OTHER PERMITS				
Application Fee for Special Events, (Including Permit to Conduct a Parade or other event within Public Property or Street Right-of-Way.)	Each		$ 205.00	
Block Party Permit Processing	Each		$ 82.00	
Flood Plain Determination (Community Rating System)	per Lot		$ 20.00	
Elevation Certification (Mobile Home Park)	Each		$ 155.00	

Land Development

OTHER FEES

Advanced Energy Fees

	Unit	Fee	
Administration Fee		$ 404.00	
Zone B (9,500 Lumens)	Each	$ 261.00	
Zone C (22,000 Lumens)	Each	$ 347.00	
Single Family Residence Review	per Project	$ 390.00	
Area Drainage Plan Fee	Established by and payable to the County of Riverside Flood Control District		

MISCELLANEOUS LAND DEVELOPMENT FEES

City of Moreno Valley Book of Standard Drawings	Each	$ 45.00	
Research of Records, Files, etc.			
Technical	per Hour *	$ 84.00	+reproduction costs
Professional	per Hour *	$ 136.00	+reproduction costs
	* minimum of 1/2 hour		
In-house Reproduction costs of Engineered Plan Sheets (Large Format)	per Sq Ft	$ 1.00	

Section 9 - Public Works

Exhibit "A"

Maintenance and Operations

	Unit	Fee
~~Tree Planting~~		
~~15 Gallon~~	~~Each~~	~~$ 190.00~~
~~24" Box~~	~~Each~~	~~$ 270.00~~
Private Residence Tree Removal (Service not available on request; service will only be performed when required as determined by Public Works, Maintenance and Operations Division)	Each	$ 270.00

Section 9 - Public Works

Special Districts

	Unit	Fee	
Land and Assessment Division Applications			
with amended assessment diagram		$ 900.00	+
	per Parcel	$ 25.00	
without amended assessment diagram		$ 1,500.00	+
	per Parcel	$ 35.00	
Special District Formation Application	Each	$ 5,000.00	
Special District Formation/Bond Issuance	Each	1% of bond issue	$50,000 min
Special Tax Report	Each	City Cost	$10 min
Annual Levy Report	Each	City Cost	$10 min
Parcel Payoff/Amortization Schedule	per Parcel	$ 46.00	
Note: Bond payoff/amortization schedule information is given to property owners free of charge. Others requesting information will be charged per parcel.			
Fixed Charge Tax Bill Revisions	per Parcel	County Cost	
Plans and Specifications (Non-refundable) (Landscape and Street Light documents)		City Cost	$10 min
Mail Ballot Processing			
Administrative Fee	per Proceeding	$ 1,574.00	
Ballot Fee	per Ballot	$ 3.00	

Section 9 - Public Works

Exhibit "A"

pecial Districts

	Unit	Fee
Parkway Landscape Plan Check		
Base Fee (7 sheets & 3 total submittals)		$ 5,925.00
Each Additional Sheet & 3 submittals		$ 830.00
Each Additional submittal	per Sheet	$ 178.00
Landscape Inspection		
0-1 Acre		$ 11,853.00
1-1.5 Acres		$ 13,631.00
1.5-2 Acres		$ 15,408.00
2-2.5 Acres		$ 17,187.00
Each additional 1/2 acre > 2.5	per 1/2 acre	$ 1,777.00
Public Works Landscape Design Guidelines	Each	$ 15.00

Section 9 - Public Works

Transportation Engineering

	Unit	Fee	
Permit Parking Program			
Application Fee	Each	$ 90.00	
Initial Permit Fee	per household or business	$ 57.00	
Annual Renewal Fee	per household or business	$ 19.00	
Special Traffic Count			
Daily Directional	per Count	$ 135.00	
Daily Non-Directional	per Count	$ 67.00	
Peak Hour Intersectional	per Count	$ 47.00	
Speed Study			
Radar		$ 51.00	
Speed Profile (2 tubes, 1 machine)		$ 190.00	
Special Traffic Curb Painting	Deposit	$ 178.00	Actual charge is "fully burdened" rate charge
Signs			
Miscellaneous Traffic Control Signs (Stop, Yield, Bus Stop, etc)	Each	$ 270.00	
Neighborhood Watch Signs (Installed)	Each	$ 13.00	
Street Name Sign	Each	$ 405.00	

Section 9 - Public Works

Exhibit "A"

Transportation Engineering

	Unit	Fee
Signal Construction Inspection and Turn-on		
<= $100,000 of Engineer's estimate		4.00%
$100,001-$250,000 of Engineer's estimate		3.00%
> $250,000 of Engineer's estimate		2.50%
Controller Testing		$ 1,929.00
Signing and Striping Plan Review (1-3 submittals)	Per Sheet	$ 350.00
4th and subsequent submittals	Per Sheet	
Temporary Parking Permit		
Type I		$ 135.00
(Allow temporary parking on a restricted street section with curb lane width of less than 18 ft)		
Type II		$ 67.00
(Allow temporary parking on a restricted street section with curb lane width of 18 ft or more)		
Traffic Impact Analysis		
Minor	Each	$ 1,132.00
Major	Each	$ 3,000.00
Traffic Control Plan Review (1-3 submittals)	per Sheet	$ 350.00
4th and subsequent submittals	Per Sheet	

Section 10 - Miscellaneous Fees and Charges

	Unit	Fee
Council Chamber Room Rental	per Day	$ 132.00
Neighborhood Preservation Revitalization Program Housing Inspection Minimum Permit Fees (all types of permits)	Each	$ 122.00
Housing Assistance Financial Analysis Charge		City Cost
Mileage for City employee appearances	per Mile	IRS allowable rate
Motion Picture Permit	Each	$ 393.00
Copies *		
Black & White	per Page	$ 0.20
Color	per Page	$ 0.75
Copies and Research in response to subpoena	per Occurrence	City cost as provided for in California Evidence Code Section 1563

* All government agencies and their official representatives shall be exempt from paying these charges for single copies for official use.

Copies of maps, documents, graphs or special work may be furnished upon the payment of the cost of printing and preparation. For such items for which a regular established price is unavailable, the Department Head, in collaboration with the Financial & Administrative Services Director, may establish a price consistent with the cost of printing and preparation thereof. The Financial & Administrative Services Director shall report such exceptions to the City Manager. It shall be the responsibility of the City Manager to review such costs annually and make such recommendations to the City Council as required to keep charges consistent with actual costs.

The City Council may waive processing or appeal fees for any private or public agency on a case-by-case basis. In the case of an appeal by a public agency or school district, no fee shall be charged until the City Council considers the appeal matter itself and renders a decision on the waiver of the fee after the entire appeal matter has been heard.

Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for Development Services activities plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.

Land Development Division Deposits will be valued at one-quarter of the fee that would typically be charged for plan check or inspection services.

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.12.130	Parked in violation of designated curb color	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.12.130	No standing/stopping/parking anytime (posted)	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.12.130	Posted time 6 p.m. to 6 a.m. (commercial vehicle)	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.38.040	Vehicle parked on street in excess of 72 hours	$ 28.20	$ 9.50	$ 37.70	$ 66.50	$ 9.50	$ 76.00
12.42	No parking (street sweeping)	$ 45.00	$ 9.50	$ 54.50	$ 106.00	$ 9.50	$ 115.50
6.04.030p5c	Parking on unimproved surface	$ 20.00	$ 9.50	$ 29.50	$ 56.00	$ 9.50	$ 65.50
11.24.200	Inoperative vehicle in view in excess of 72 hours	$ 20.00	$ 9.50	$ 29.50	$ 56.00	$ 9.50	$ 65.50

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.38.020A	It is unlawful to park or leave standing any of the following:						
12.383020A1	Any vehicle or trailer which is used to transport animals or which harbors vermin or pestilence or which emits noxious or nuisance odors on any highway, street, road alley or on any public or private property within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A2	Any vehicle or trailer which contains any hazardous substances as defined in section 2452 of the California Vehicle Code on any highway, street, road, alley or on any public or private property within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A3	Any trailer, utility trailer, boat trailer, boat, camper, camper shell, camp trailer, trailer coach or semi-trailer that is non-self propelled, non-motorized or not capable of movement under its own power and which is unattached to a vehicle on any highway, street, road or alley within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A4	Any vehicle on any highway, street, road or alley within the city for the purpose of servicing or repairing such vehicle except when necessitated by an emergency.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.38.020B	It is unlawful to park or leave standing any commercial vehicle, truck, trailer or semi-trailer having a manufacturer' s gross vehicle weight rating (Vehicle Code Section 390) of ten thousand (10,000) pounds or more as described in the following:						
12.38.020B1	On any highway, street, road, alley or private property within the residential district within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B2	On any vacant or unimproved non-residential property in the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B3	On any residential property so that any part of such vehicle is within one hundred (100) feet of any human dwelling.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B4	Within one hundred fifty (150) feet of any driveway opening.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B5	Within any commercially zoned property for the purpose other than doing business at the site, or for the purpose not related to such business operation, or remaining parked or standing for longer than reasonably appropriate to do such business or acts related to such business operations.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B6	On any residential property so that any part of such vehicle is within fifteen (15) feet of the property line, a public sidewalk or a public or private roadway edge.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B7	On any alley within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B7	On any highway, street or road which is adjacent to a parcel upon which there exists a public facility. Within the meaning of this subsection, " public facility" includes, but is not limited to, parks, schools and civic buildings.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B9	Any unattached semi-trailer on a public highway, street, road or alley within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020C	While adjacent to a developed residential area within the city, the operator shall not idle the vehicle' s engine for longer than fifteen (15) minutes.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

C.V.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
5204	Improper display of tabs	$ 45.00	$ 9.50	$ 54.50	NA	NA	NA
	Improper display of tabs with correction	$ 5.00	$ 9.50	$ 14.50	NA	NA	NA
21113(a)	Unauthorized parking upon public grounds	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
21211(a)	Stopping in bicycle lane	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(a)	Parking unlawfully, within intersection	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(b)	Parking unlawfully, on crosswalk	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(c)	Parking unlawfully, adjacent to safety zone	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(d)	Parking unlawfully, within 15 feet of fire station driveway	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(e)	Parking unlawfully, blocking any driveway	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(f)	Parking unlawfully, on a sidewalk	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(g)	Parking unlawfully, blocking excavation	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(h)	Parking unlawfully, double parking	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(i)	Parking unlawfully, in posted bus loading zone	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(k)	Parking on a bridge, unless otherwise permitted or authorized	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(l)	Parking unlawfully, blocking sidewalk wheelchair access	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22500.1	Parking unlawfully, in posted fire area	$ 50.00	$ 9.50	$ 59.50	$ 109.50	$ 9.50	$ 119.00
22502(a)	Vehicle parked with right wheels in excess of 18″ from right hand curb (exception: Motorcycles shall be parked with at least one wheel touching the right hand curb).	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22507.8(a)	Parking in space designated for disabled	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22507.8(b)	Obstruct or block disabled parking space	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22507.8(c)	Parking in cross-hatch area designated for disabled	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22514	Parking within 15 feet of fire hydrant	$ 50.00	$ 9.50	$ 59.50	$ 109.50	$ 9.50	$ 119.00
22515(b)	Unattended vehicle wheels not blocked, and/or parking brake not set	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22522	Parking within 3 feet of a sidewalk access ramp	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22658	Unauthorized parking	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
40226	Failure to display handicapped placard	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
	Other	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00

Section 12 - Development Impact Fees

Exhibit "A"

	---------- Residential ----------				----- Commercial -----			-------Office-------	
	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
	Current	Current	Current	Current	Current	Current	Current	Current	Current
Unit	DU	DU	DU	DU	KSF	KSF	KSF	KSF	KSF
Transportation Uniform Mitigation Fees (TUMF)	$ 10,046	$ -	$ 7,054	$ -	$ 9,990	$ 9,990	$ 1,840	$ 2,190	$ 5,710
Arterial Streets	$ 4,531	$ 1,275	$ 3,171	$ 892	$ 4,482	$ 2,231	$ 1,281	$ 1,275	$ 1,921
Traffic Signals	$ 567	$ 421	$ 397	$ 294	$ 678	$ 443	$ 194	$ 253	$ 290
Interchange Improvements	$ 524	$ -	$ 367	$ -	$ 684	$ -	$ 195	$ -	$ 293
Fire Facilities	$ 650	$ 252	$ 261	$ 101	$ 80	$ 36	$ 58	$ 38	$ 67
Police Facilities	$ 464	$ 126	$ 368	$ 101	$ 232	$ 64	$ 42	$ 51	$ 114
Park Improvements	$ 3,109	$ 1,598	$ 2,723	$ 1,193	$ -	$ -	$ -	$ -	$ -
Recreation Centers	$ 193	$ 1,198	$ 169	$ 1,049	$ -	$ -	$ -	$ -	$ -
Libraries and Materials	$ 813	$ 668	$ 712	$ 499	$ -	$ -	$ -	$ -	$ -
P Land (Quimby In-Lieu Fees)	$ 1,865	$ 573	$ 1,634	$ 428	$ -	$ -	$ -	$ -	$ -
A nal Shelter	$ 152	$ -	$ 133	$ -	$ -	$ -	$ -	$ -	$ -
Maintenance Equipment	$ 50	$ -	$ 20	$ -	$ 4	$ -	$ 3	$ -	$ 4
City Hall	$ 529	$ 292	$ 212	$ 118	$ 74	$ 42	$ 52	$ 45	$ 62
Corporate Yard	$ 298	$ 283	$ 119	$ 113	$ 53	$ 41	$ 37	$ 43	$ 43
Total	$ 23,790	$ 6,686	$ 17,340	$ 4,788	$ 16,277	$ 12,847	$ 3,702	$ 3,895	$ 8,504

NOTES:

1. The general policy is that all impact fees will be adjusted annually. However, in FY 2008 the City Council froze impact fees at their current level due to the slowdown in development activity.

2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.

3. TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).

U S LEGEND
D Dwelling Unit for residential development types
K 1,000 gross square feet of building area for commercial, industrial and office development types

Exhibit "A"

I EMENTATION NOTES:

W espect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

W espect to commercial and industrial and non-class A office development impact fees, there will be a continuation of existing fees with the intent of charging one-half of the fees as calculated in the D opment Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, through a two-year phase-in beginning on January 16, 2007.

With respect to Class A office development impact fees, these shall be frozen at the pre-January 12, 2006 fees, or $1,705 per 1,000 square feet.

With respect to Residential Single Family and Residential Multi-Family development impact fees, the fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, and shall take effect on January 12, 2006.

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be frozen at the pre-January 12, 2006 fees until such time that the City Council deems it appropriate to amend the Impact Fee Resolution.

Hence:

Impact Fee Type	---------- Residential ----------				----- Commercial -----		Industrial General	------ Office ------	
	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional		Class A	Non-Class A
Fee Basis	Dwelling Unit	Dwelling Unit	Dwelling Unit	Dwelling Unit	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft
Current Fee (2)	$6,686.00	$6,686.00	$4,788.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Calculated Fee per Nexus Study (2	$13,241.00	$13,625.00	$9,909.00	$10,178.00	$17,503.00	$13,174.00	$5,156.00	$7,762.00	$7,762.00
Recommended Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee	50% of Nexus Fee	50% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee
F at 1/12/06 (2)	$13,241.00	$6,686.00	$9,909.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
F at 1/16/07 (2)	$13,241+ 1 yr. CPI	$6,686.00	$9,909 + 1 yr CPI	$4,788.00	$6,287.00	$2,857.00	$1,863.00	$1,705.00	$2,793.00
Fees at 1/16/08 (2)	$13,241 + 2 yr. CPI	$6,686.00	$9,909+ 2 yr CPI	$4,788.00	$8,752.00	$2,857.00	$2,578.00	$1,705.00	$3,881.00
Fees at 1/16/09 (2)	$13,241 + 3 yr. CPI	$6,686.00	$9,909+ 3 yr CPI	$4,788.00	$8752+1 yr. CPI	$6,587.00	$2578+ 1 yr. CPI	$1,705.00	$3881+ 1 yr. CPI

Note: 1) Fees are rounded to the nearest whole dollar. Fees will vary from what is shown for 1/16/07 and 1/16/08 based on annual July 1st adjustments for inflation, which are not included in the above examples.

2) Fees shown in example do not include TUMF

Section 13 - Conduit Financing Fees

Exhibit "A"

Type of Financing	Issue Size			Initial Application Fee	Required Deposit	Annual Fee
	< $5.0 million	$5.0 to $10.0 million	> $10.0 million			
Non-Profit Less than "A" rated	$ 5,000	$5,000 plus 0.25% in excess of $5.0 million	$17,500+0.2% in excess of $5.0 million	$ 4,000	$20,000+1/2 of issue fee	0.125% of initial par value
Multi-family housing credit enhanced	$ 5,000	$5,000+0.15% in excess of $5.0 million	$12,500+0.15% in excess of $5.0 million	$ 2,000	$20,000+1/3 of issue fee	0.125% of initial par value
Non-Profit "A" rated or better	$ 5,000	$5,000+0.10% in excess of $5.0 million	$10,000+0.10% in excess of $5.0 million	$ 2,000	$20,000+1/4 of issue fee	0.125% of initial par value

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MV00054795

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) **Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**

b) **Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)**

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MV00054797

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Interim Financial & Administrative Services Director

AGENDA DATE: May 11, 2010

TITLE: FISCAL YEAR 2010-11 PRELIMINARY BASE OPERATING BUDGET AND DEFICIT REDUCTION PLAN

RECOMMENDED ACTION

Staff recommends that the City Council receive the Fiscal Year 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

BACKGROUND

The Fiscal Year (FY) 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan were distributed to the City Council on April 13th and April 27th, respectively, for their advance review. An overview of both documents will be provided on May 11, 2010 to begin the deliberation process that will lead to budget adoption.

The FY 2010-11 Preliminary Base Operating Budget does not include capital improvements. Instead, these are compiled in a separately issued Proposed Capital Improvement Plan (CIP), which is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings and infrastructure.

The City previously implemented a recommended "best practice" of utilizing a Two-Year Budget, with the second year of the budget representing a greatly streamlined process of applying an inflationary factor to most ongoing expenditure categories. However, in the current economic environment such an approach is not practical, since all budgeted expenditures must be carefully evaluated and adjusted to remain within the City's revenue constraints. Therefore, the FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan represent a one-year expenditure plan, along with various budget balancing solutions, developed to provide the highest possible service levels to the Community over the upcoming fiscal year, given the reduced revenues that are projected to be available.

DISCUSSION

The City's Preliminary Base Operating Budget for FY 2010-11 reflects expenditures of $185.5 million, representing all funds and special districts. The General Fund portion of the budget is $85.6 million. However, General Fund operating revenues to support this budget are estimated at $67.8 million; leaving an operating deficit of $17.8 million.

Through the use of anticipated current year savings and a number of one-time transfers from other funds (representing a return of previous General Fund subsidies or other funding), the deficit can be reduced to approximately $11 million, after allowing for three recommended budget additions (Budget Issues). Options for closing this remaining $11 million gap are presented in the Deficit Reduction Plan and summarized below:

- Potential Revenue Enhancements: $288,400
- Potential Expenditure Reductions (net of Offsets): $13,845,734
- Potential Use of General Fund Reserves: $6,000,000
- Total Potential Solutions: $20,134,134

Although the dollar value of all solutions is significantly greater than the projected budgetary deficit (net of adjustments) of $11 million, it provides the City Council with a wide range of options for balancing the General Fund budget. Additionally, if the State takes actions that adversely impact the City's revenues, or should actual revenues received during FY 2010-11 be less than projected, additional solutions have already been identified that can be quickly implemented.

Given the challenges and policy decisions related to adopting a balanced General Fund budget for FY 2010-11, a number of City Council meetings have been designated for budget deliberations, including two Study Sessions, as shown below.

Date	Meeting / Event	Action
May 11	Regular Council Meeting	Presentation of FY 2010-11 Preliminary Base Operating Budget & Deficit Reduction Plan
May 18	Study Session	Detailed Review of Deficit Reduction Plan (DRP)
May 25	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 8	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 15	Study Session	Continued Discussion of Operating Budget & DRP
June 22	Regular Council Meeting	Continued Discussion of Operating Budget & DRP; Adoption of FY 2010-11 Operating Budget
June 29	Special Council Meeting (if needed)	Adoption of FY 2010-11 Operating Budget

ALTERNATIVES

The following alternatives are available to the City Council:

1. Receive the FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

The fiscal impacts of the FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan are contained within the respective documents; the most significant impacts being the proposed solutions for balancing the projected General Fund operating deficit (net of adjustments) of approximately $11 million, which are detailed in the Deficit Reduction Plan.

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

The FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan were previously submitted for the City Council's advance review and are hereby presented to begin the deliberation process leading to budget adoption. Following the overview presentation of both documents on May 11, 2010, Council will have a series of meetings, including two Study Sessions, in which to deliberate and provide direction to staff regarding the various solutions for balancing the budget. Final budget deliberations and budget adoption are scheduled for June 22, 2010; with June 29, 2010 available as a back-up City Council meeting for budget adoption if needed.

NOTIFICATION

Publication of the agenda

ATTACHMENTS/EXHIBITS

- Preliminary Base Operating Budget for Fiscal Year 2010-11
- Deficit Reduction Plan for Fiscal Year 2010-11
  (Both documents have been provided under separate cover.)

Prepared by:
Steve Elam
Interim Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Overview of Preliminary Base Operating Budget & Deficit Reduction Plan

Fiscal Year 2010-11

May 11, 2010

Presentation Overview

- Budget Development Process
- Revenue & Expenditure Projections
- Projected General Fund Operating Deficit
- Budgetary Adjustments to Reduce Deficit
- Budget Issues
- Methodology for Addressing Net Projected Deficit; i.e., Deficit Reduction Plan
- Budget Review Schedule leading to Budget Adoption

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Budget Development Process

- "Preliminary Base" vs. "Proposed" Operating Budget
- Reflects continuation of service levels and staffing at current levels.
- Also includes continuation of personnel-related cost-saving measures implemented 7/1/09:
  - Suspension of cost-of-living adjustment (COLA);
  - Suspension of merit salary increases; and
  - 10% across-the-board salary reduction implemented via a 36-hour reduced work week.
- Since revenues will not be adequate to support current service levels, policy decisions will be needed regarding which service levels to reduce.
- Options for reducing service levels are contained in the Deficit Reduction Plan.

Total City Revenues

$180,916,700

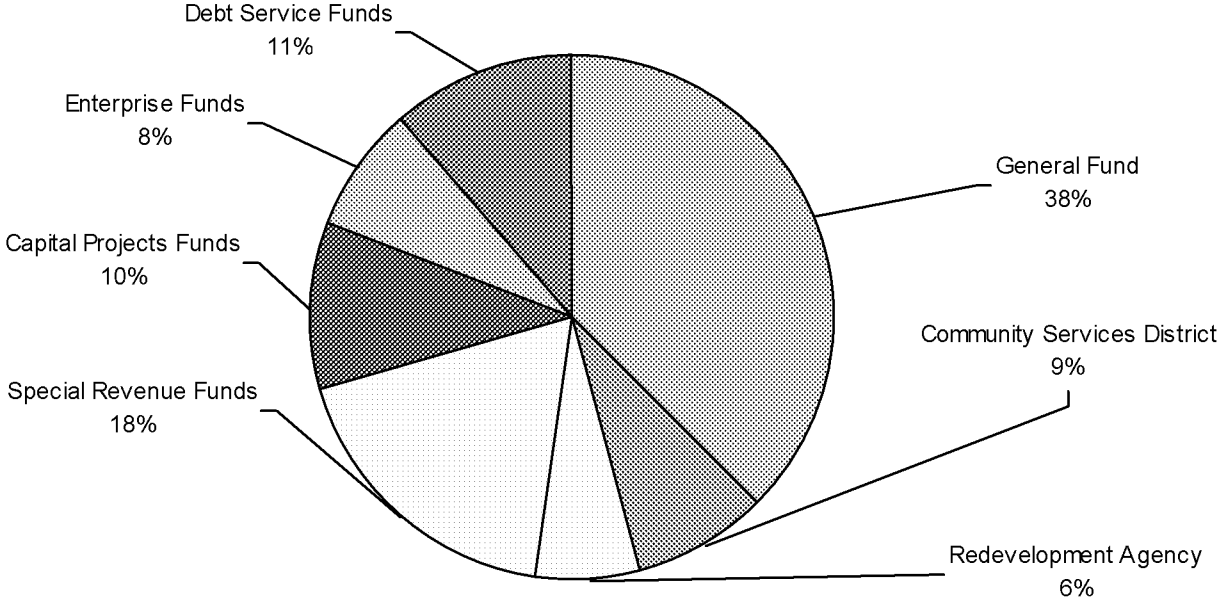

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Total City Operating Budget

$185,454,700

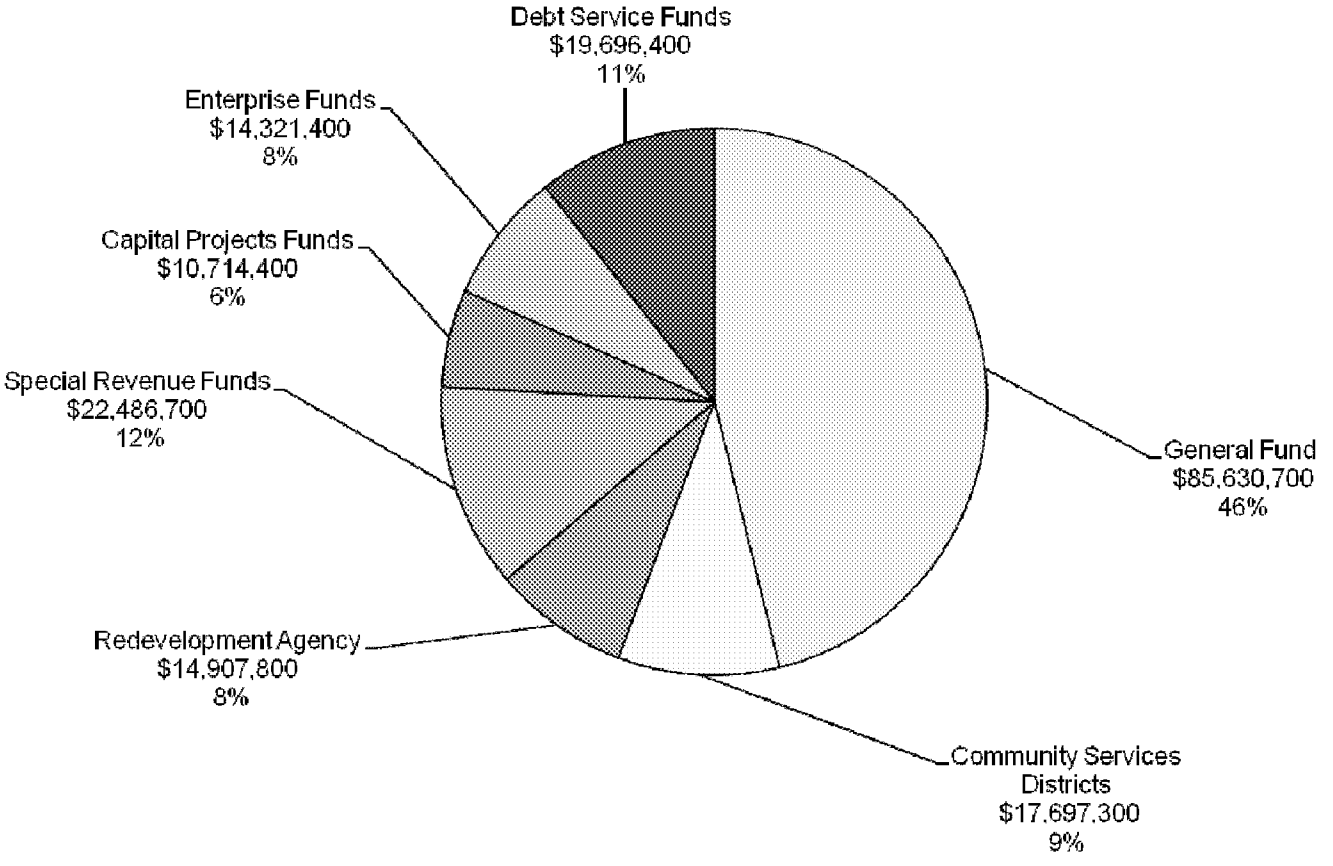

General Fund Operating Expenditures

$85,630,700

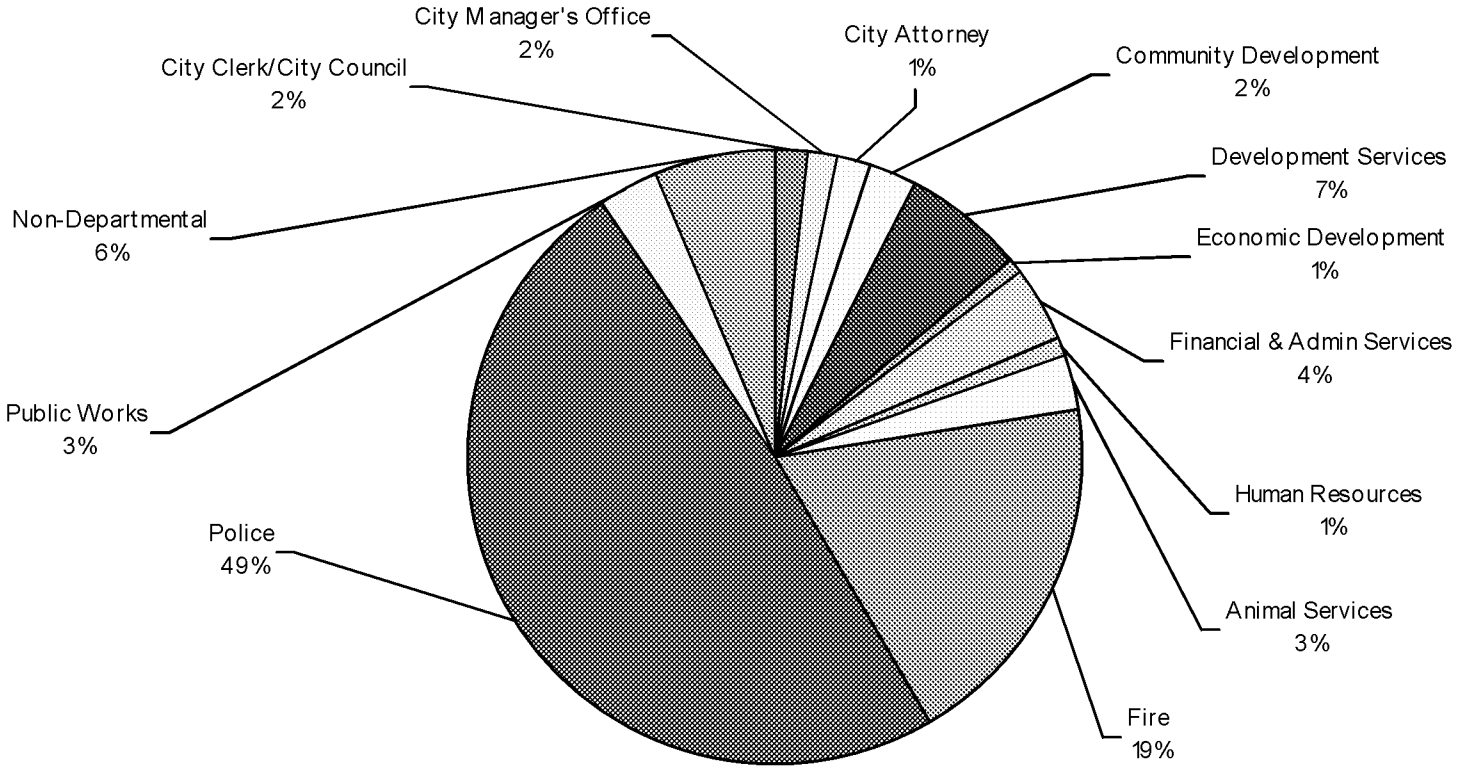

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General Fund Operating Revenues

$67,754,400

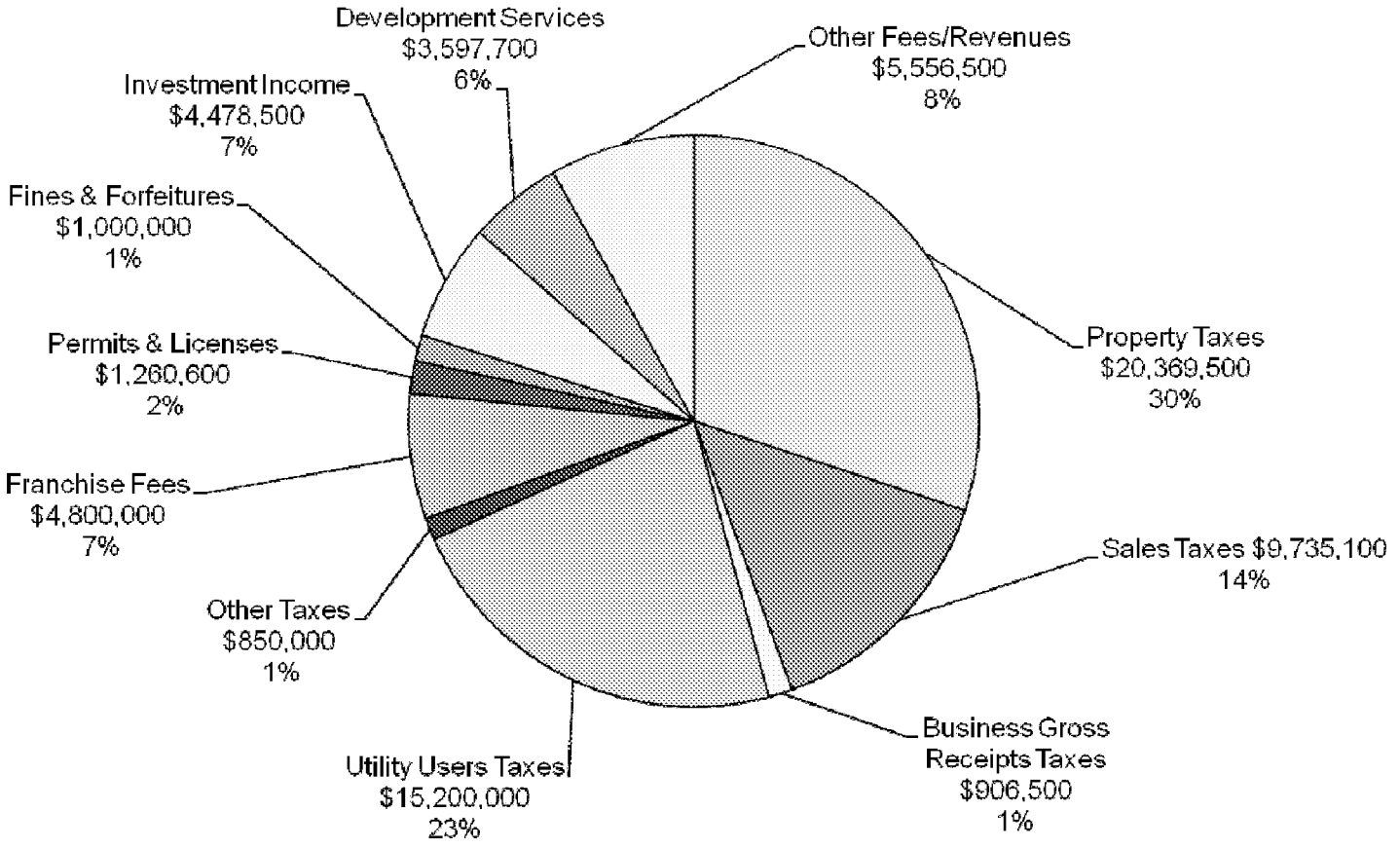

General Fund Operating Revenues

Revenue Source	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Budget	FY 09-10 Projected	FY 10-11 Budget
Utility Users Tax	$15,186,616	$15,081,286	$14,970,000	$15,500,000	$15,200,000
Property Tax In-Lieu of VLF	16,728,600	16,791,078	14,100,000	13,670,400	11,773,400
Sales Tax	11,694,525	10,451,942	9,735,000	9,735,000	9,735,100
Property Tax	14,361,253	12,790,196	11,700,001	10,052,300	8,596,100
Other	7,127,734	6,936,944	7,997,494	7,852,240	6,143,100
Franchise Fees	4,478,698	4,997,024	4,400,000	4,800,000	4,800,000
Investment Income	7,810,625	5,691,596	4,350,000	4,500,000	4,478,500
Development Services	9,168,587	9,973,714	4,119,921	3,163,660	3,597,700
Parking Control Fees	1,300,405	1,094,064	1,250,000	1,095,000	1,164,000
Fines & Forfeitures	1,003,467	1,082,366	1,000,000	1,000,000	1,000,000
Gross Receipts Tax	1,111,021	1,051,701	906,500	650,000	906,500
Vehicle License Fees	800,667	865,718	400,000	400,000	360,000
TOTAL	**$ 90,772,198**	**$ 86,807,629**	**$ 74,928,916**	**$ 72,418,600**	**$ 67,754,400**

General Fund Revenue Trends

General Fund Revenue History & Projection

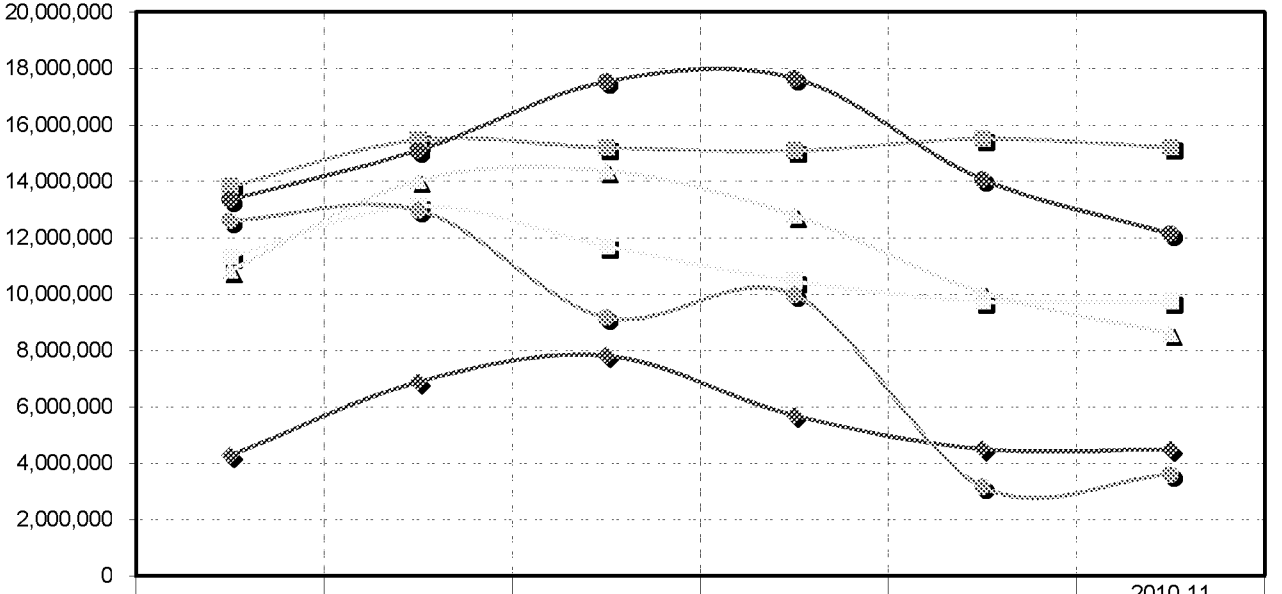

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
Utility User's Taxes	13,811,740	15,463,291	15,186,616	15,081,286	15,500,000	15,200,000
VLF/Property Tax in-Lieu	13,345,933	15,093,313	17,529,267	17,656,796	14,070,400	12,133,400
Sales Taxes	11,317,841	13,116,271	11,694,525	10,451,942	9,735,000	9,735,100
Property Taxes	10,831,005	14,022,134	14,361,253	12,790,195	10,052,300	8,596,100
Investment Income	4,273,225	6,878,647	7,810,625	5,691,596	4,500,000	4,478,500
Development Svcs	12,592,570	12,976,966	9,168,587	9,973,715	3,163,660	3,597,700

Continuing Weak Economy

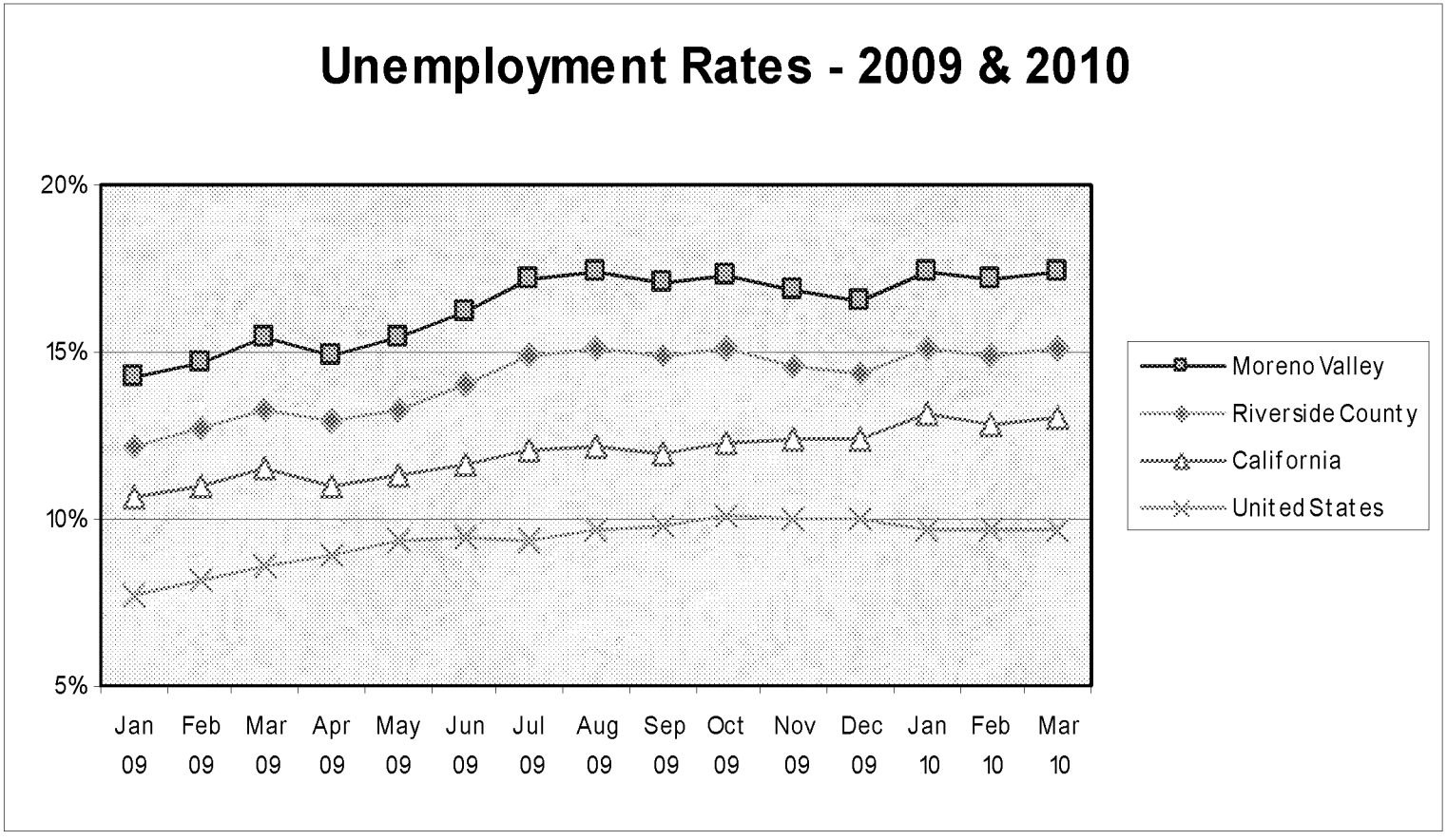

General Fund Expenditure Trends

General Fund Expenditure History & Projection

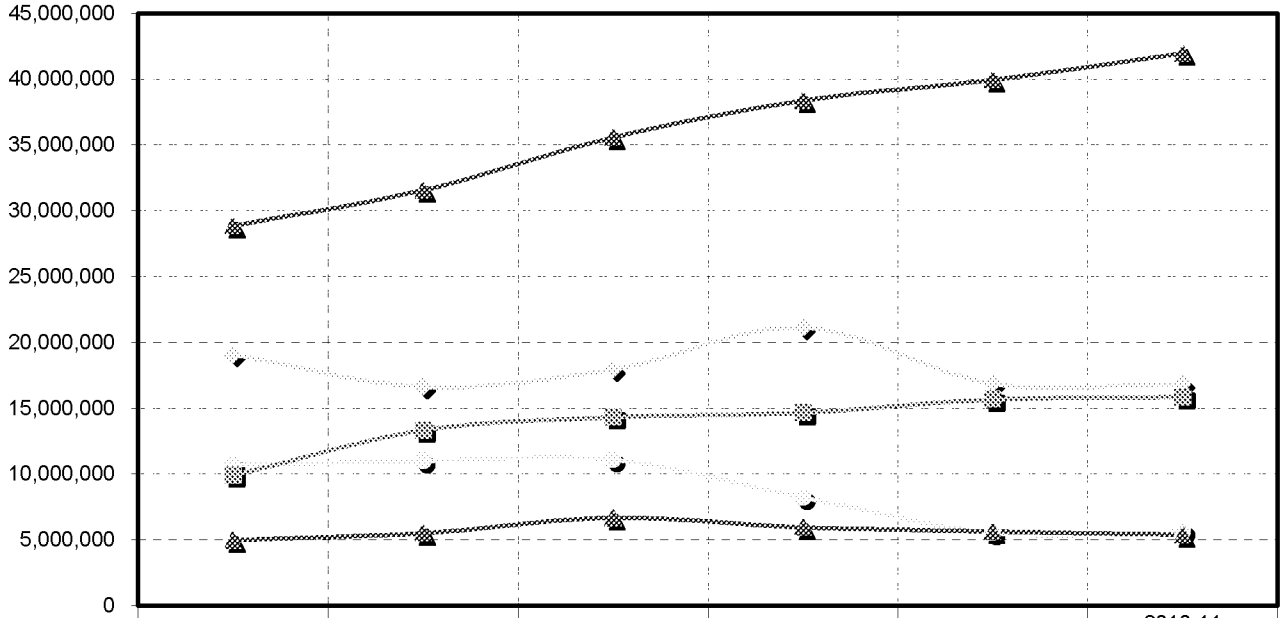

	2005-06 Actual	2006-07 Actual	2007-08 Actual	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
General Government	19,071,322	16,613,462	17,937,033	21,123,523	16,850,252	16,836,937
Development Services	10,675,852	10,993,001	11,075,793	8,202,310	5,527,270	5,631,060
Police	28,851,553	31,553,610	35,581,734	38,370,806	39,943,700	41,960,324
Fire	9,896,036	13,307,842	14,299,522	14,648,139	15,659,100	15,840,550
Other Public safety	4,955,539	5,514,208	6,666,238	5,936,736	5,620,978	5,361,800

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General Fund Operating Budget Revenues & Expenditures

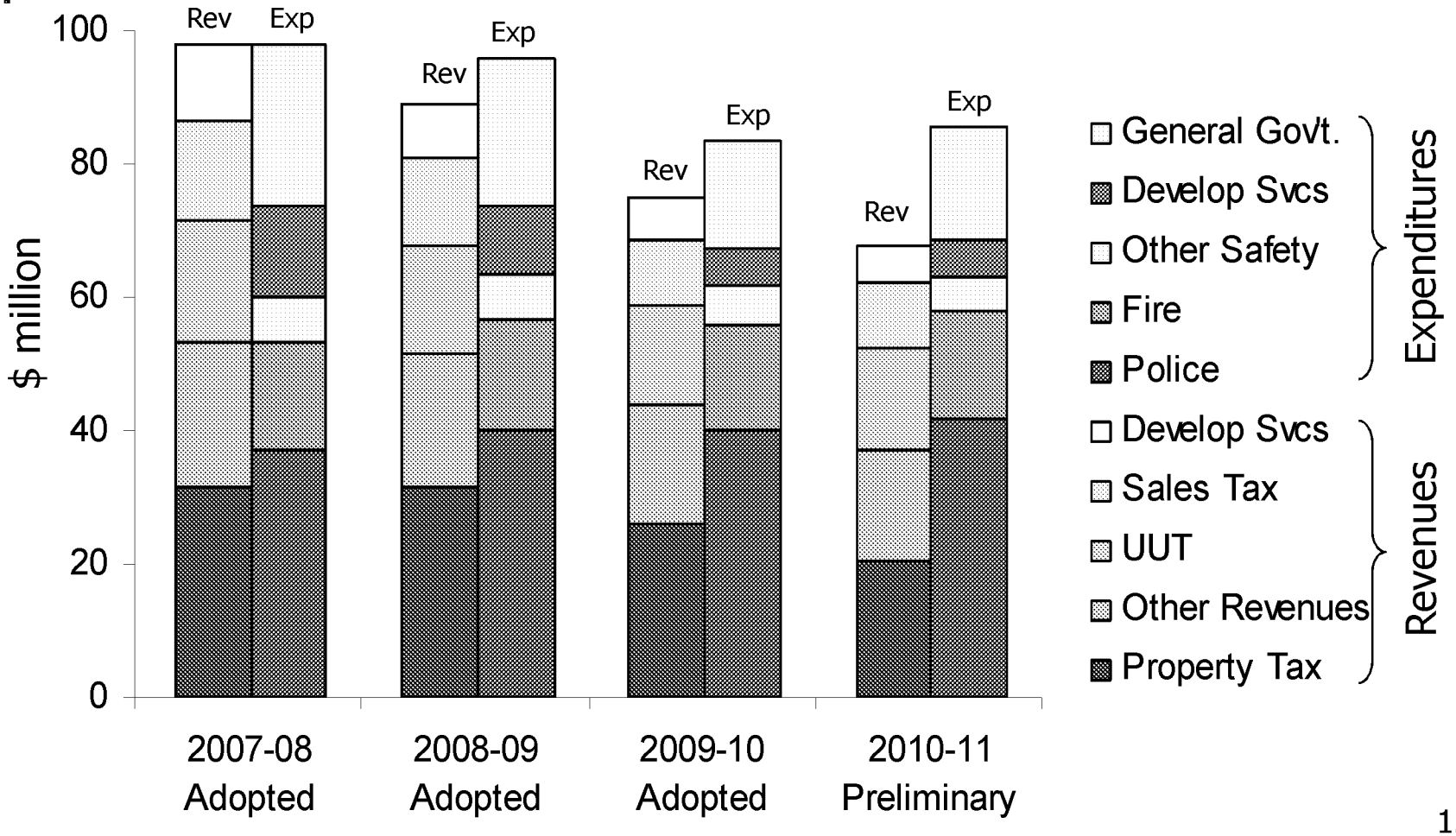

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Budgetary Adjustments to Reduce General Fund Deficit

- Current fiscal year savings: $1.5m
- Transfers to return previous General Fund subsidies:
  - Gas Tax: $500k
  - Public Education/Government Access: $339k
  - CSD Zone A/Parks: $800k
- Other transfers:
  - EOC Project: $1.1m
  - Equipment Replacement Fund: $2.1m
  - Facility Construction Fund: $776k
- Total Adjustments: $7.1 million

Budget Issues

- Re-establish funding for Budget Officer position: $98,700
- Supplement Emergency Operations Grant with General Fund Subsidy: $43,100
- Increase in NPDES Regulatory Fee: $76,000
- Total Budget Issues: $217,800

General Fund – Net Budgetary Deficit

Projected General Fund Operating Deficit		**$17,876,300**
Budgetary Adjustments:		
- Current year savings	($1,520,800)	
- Transfers to return GF Subsidies	($1,639,100)	
- Other Transfers	($3,979,100)	
- Total Adjustments		($7,139,000)
Budget Issues:		
- Re-establish funding for Budget Officer	$98,700	
- Supplement Emergency Operations Grant	$43,100	
- Increase in NPDES Regulatory Fee	$76,000	
- Total Budget Issues		$217,800
Net Budgetary Deficit (Deficit Reduction Plan)		**$10,955,100**

Deficit Reduction Plan

- Originally intended to provide options for offsetting projected GF deficit of $10.4 million (Five-year Financial Forecast) plus contingency for revenue reductions and State actions.
- With declining property taxes, projected GF operating deficit grew to $17.8 million; then reduced to $11 million net of carryover savings and adjustments.
- Will need more than $11 million in savings if State takes actions that impact local revenues; also need contingency for revenue reductions during FY 2010-11.
- Total solutions presented in Plan are $20.1 million, as follows:
  - Potential Revenue Enhancements: $0.3 million
  - Potential Expenditure Reductions: $13.8 million
  - Potential Use of GF Reserves: $6 million

Deficit Reduction Savings Targets
(based on Adopted FY 2009-10 Budget)

- General Government business units: 35%
- Development Services business units: 35%
- Internal Service Funds: 35%
  - Maintenance & Operations
  - Facilities Maintenance
  - Technology Services
  - General Liability
  - Workers' Compensation
- Public Safety & related business units: 10%
  - Police
  - Fire
  - Animal Services
  - Code Compliance
  - Emergency Operations
  - Crossing Guards
  - Graffiti Abatement
- Library: 10%

Deficit Reduction Options

- Consist of following elements:
  - Description
  - Internal Service Impact (None-Minimal / Moderate / High)
  - External Service Impact (None-Minimal / Moderate / High)
  - Staffing Impact
  - Budgetary Savings
- Focus is on "programmatic" rather than "line-item" reductions.
- Prioritized by Department Heads based on service level impacts.

Public Safety Options

- Police & Fire options reviewed with Public Safety Subcommittee on May 10, 2010.
- Contractual noticing requirements:
  - Police: Service level reduction of 10% or greater requires 12-month notification; if less than 10%, will be implemented as soon as practicable.
  - Fire: Service/staffing level reduction requires 120-day notice.

Calendar for Review & Deliberation of Budget & Deficit Reduction Plan

Date	Meeting / Event	Action
May 11	Regular Council Meeting	Presentation of FY 2010-11 Preliminary Base Operating Budget & Deficit Reduction Plan
May 18	Study Session	Detailed Review of Deficit Reduction Plan (DRP)
May 25	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 8	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 15	Study Session	Continued Discussion of Operating Budget & DRP
June 22	Regular Council Meeting	Continued Discussion of Operating Budget & DRP; Adoption of FY 2010-11 Operating Budget
June 29	Special Council Meeting (if needed)	Adoption of FY 2010-11 Operating Budget

Summary

- FY 2010-11 will be one of the most challenging budgets faced by the City in recent years.
- Projected General Fund operating deficit of $17.8 million; reduced to $11 million with current year savings and various "one-time" adjustments.
- Solutions for overcoming this projected $11 million net deficit are presented in Deficit Reduction Plan.
- Deliberation on budget balancing solutions begins next week with detailed review of Deficit Reduction Plan during the May 18th Study Session.
- Five (5) Council meetings are scheduled for continued budget discussions, leading to budget adoption on June 22nd;with June 29th available as back-up meeting if needed.

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MV00054823

Preliminary Base

OPERATING BUDGET

FISCAL YEAR 2010-11

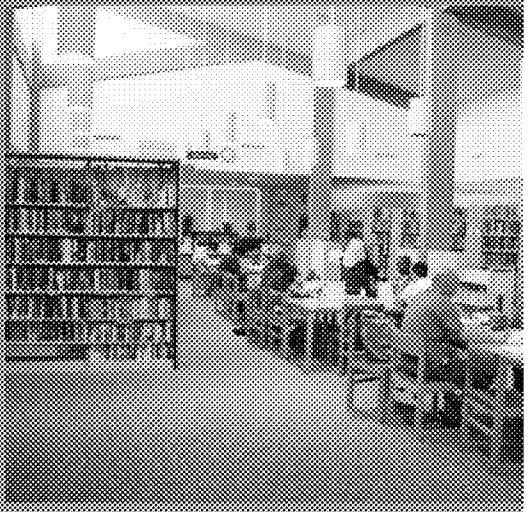

CITY OF MORENO VALLEY

Item No. G.2

MV00054824

Preliminary Base OPERATING BUDGET

FISCAL YEAR 2010-11

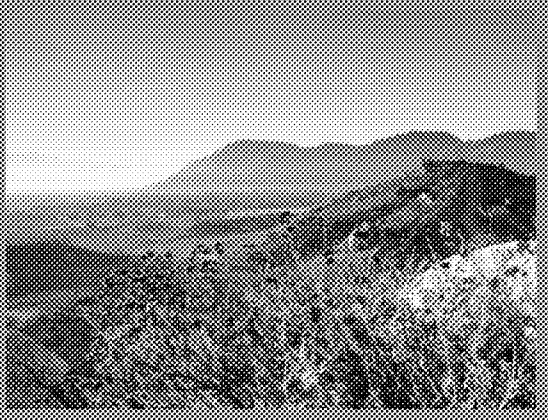

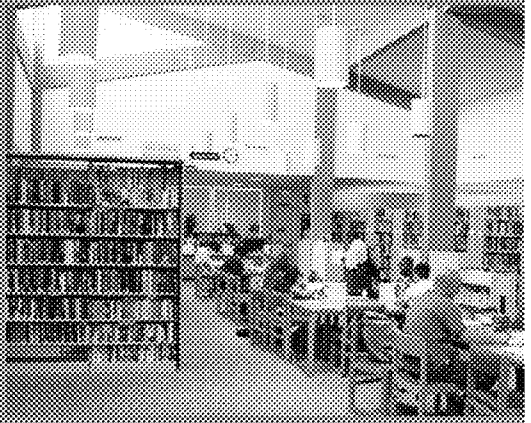

CITY COUNCIL

Bonnie Flickinger
Mayor

Robin N. Hastings
Mayor Pro Tem

William H. Batey II
Council Member

Jesse L. Molina
Council Member

Richard A. Stewart
Council Member

ADMINISTRATION

William L. Bopf
Interim City Manager

Steve Elam
Interim Financial & Administrative Services Director

Prepared by the
Financial & Administrative Services Department

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CITY OF MORENO VALLEY

CITY OF MORENO VALLEY
FISCAL YEAR 2010-11 Preliminary Base Operating Budget

Table of Contents

	Page
INTRODUCTION	
City Manager's Budget Message	*i*
Department Descriptions, Mission Statements & Organization Charts	
City Council	2
City Attorney	3
City Clerk's Office	5
City Manager	7
Community Development	9
Economic Development	12
Financial & Administrative Services	15
Fire	18
Human Resources	21
Library	23
Parks & Community Services	25
Police	28
Public Works	30
SUMMARIES	
Total Citywide Operating Expenditures Budget	35
Graphs	
Total City Preliminary Base Operating Expenditures	36
General Fund Preliminary Base Operating Revenues	37
General Fund Preliminary Base Operating Expenditures	38
Total Citywide Operating Budget	39
Revenue & Expense Summaries by Fund Type or Agency	
General Fund	40
Community Services District	41
Redevelopment Agency	42
Special Revenue Funds	43
Capital Projects Funds	48
Enterprise Funds	50
Internal Service Funds	51
Debt Service Funds	52
Expenditure Summary by Fund	53

CITY OF MORENO VALLEY
FISCAL YEAR 2010-11 Preliminary Base Operating Budget

Table of Contents

	Page
Reserve Summaries	
General Fund	57
Fixed Assets	60
Transfers	62
REVENUES	
Revenue Summary by Fund	64
Revenue Detail by Fund	68
EXPENSE PROGRAM DETAIL BY FUND TYPE OR AGENCY	
General Fund	89
Community Services District	157
Redevelopment Agency	198
Special Revenue Funds	210
Capital Projects Funds	310
Enterprise Funds	327
Internal Service Funds	334
Debt Service Funds	383

City of Moreno Valley

2010-11 Preliminary Base Operating budget

Introduction

Preliminary Base OPERATING BUDGET

FISCAL YEAR 2010-11

To: Honorable Mayor, Members of the City Council and Citizens of Moreno Valley

INTRODUCTION

The Preliminary Base Operating Budget presents projected operating revenues and expenditures for the fiscal year beginning July 1, 2010 and ending June 30, 2011. The budget includes all component units of the City, including the Community Services District and Redevelopment Agency. In this budget message, particular attention will be given to the City's General Fund, which is the most significantly impacted by the current economic recession.

The Preliminary Base Operating Budget does not include capital improvements. Instead, these are compiled in a separately issued Proposed Capital Improvement Plan (CIP), which is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings and infrastructure.

The City previously implemented a recommended best practice of utilizing a Two-Year Operating Budget, with the second year of the budget representing a greatly streamlined process of applying an inflationary factor to most expenditure categories. However, in the current economic environment such an approach is not practical, since all budgeted expenditures must be carefully evaluated in accordance with the City's revenue constraints. Therefore, the Fiscal Year (FY) 2010-11 Preliminary Base Operating Budget represents a one-year financial plan developed to provide the highest possible service levels to the Community over the upcoming fiscal year, given the reduced revenues that are projected to be available.

During these challenging economic times, the City Council will also be kept apprised of the City's financial condition through First Quarter and Mid-Year Budget Reviews. This practice has been utilized the past two years and will be continued during FY 2010-11 so that adjustments in staffing and other budgetary resources may be made per Council's direction based on the revenues that have been received to date and that are projected by fiscal year end.

"PRELIMINARY BASE" VS. "PROPOSED" OPERATING BUDGET

The budget that is hereby submitted is considered to be a "Preliminary Base" Operating Budget rather than the City Manager's "Proposed" Operating Budget. This is because the General Fund budget is not balanced and, therefore, is not proposed for adoption at this time. **The General Fund expenditures included in the Preliminary Base Operating Budget reflect maintenance of service levels and staffing at their current levels. However, projected General Fund operating revenues will not be adequate to support current service levels; therefore policy decisions will need to be made by the City Council regarding which service levels to reduce, or how to augment operating revenues to maintain current service levels.** Specific options for balancing the General Fund budget will be presented for Council's consideration in the Deficit Reduction Plan, which will be released April 27, 2010. Decisions made regarding numerous options presented in the Plan will enable the Council to once again adopt a balanced General Fund budget. The Deficit Reduction Plan is discussed in more detail in the General Fund section of this budget message.

The Preliminary Base Operating Budget reflects the significant staffing reductions implemented by departments over the past two fiscal years, which have reduced the City's career workforce by approximately 25%. The budget also includes a continuation of the cost-saving measures related to employee compensation that were implemented effective July 1, 2009. These measures include a 10% across-the-board salary reduction, implemented via a 36-hour reduced work week, and suspension of employee merit increases and cost-of-living adjustments. The savings from these items, which were agreed to by all employee groups, represent an overall budgetary reduction of approximately $3.2 million in the Preliminary Base Operating Budget (all funds); with approximately $1.4 million of this savings benefitting the General Fund.

FY 2010-11 OPERATING BUDGET EXPENDITURE SUMMARY

Following is a summary of the expenditures included in the FY 2010-11 Preliminary Base Operating Budget by major fund and component unit:

Fund / Component Unit	FY 2010-11 Preliminary Base Budget
General Fund	$85,630,700
Community Services District (CSD):	
Zone A – Parks & Community Services	8,446,400
Zone L – Library Services	2,161,300
Other CSD Zones	7,089,600
Redevelopment Agency	14,907,800
Special Revenue Funds	22,486,700
Capital Projects Funds	10,714,400
Enterprise Funds	14,321,400
Debt Service Funds	19,696,400
Total City Operating Budget	**$185,454,700**

ECONOMIC OUTLOOK

The Preliminary Base Operating Budget for FY 2010-11 reflects the continuing economic recession which began in late 2007. Most major revenue sources have declined since that time, prompting significant staffing reductions and other expenditure reductions to offset the City's declining revenues. Reserves have also been utilized to help offset the declining revenues the past two fiscal years in order to adopt balanced budgets.

In particular, the continuing problems in the housing sector, the cooling of the manufacturing sector, and the cutback in consumer spending have combined to significantly impact the local economy and the City's revenues. The reduction in both residential and commercial property assessed valuation is having a particularly significant impact on the City's property tax revenues. Continuing high unemployment at all levels also remains a major concern. Although the national unemployment rate remains high at 9.7%, it is much worse locally with California at 12.8%, Riverside County at 14.9%, and Moreno Valley at 17.2% as of February 2010 reporting. The unemployment trends since January 2009 are depicted in the following chart:

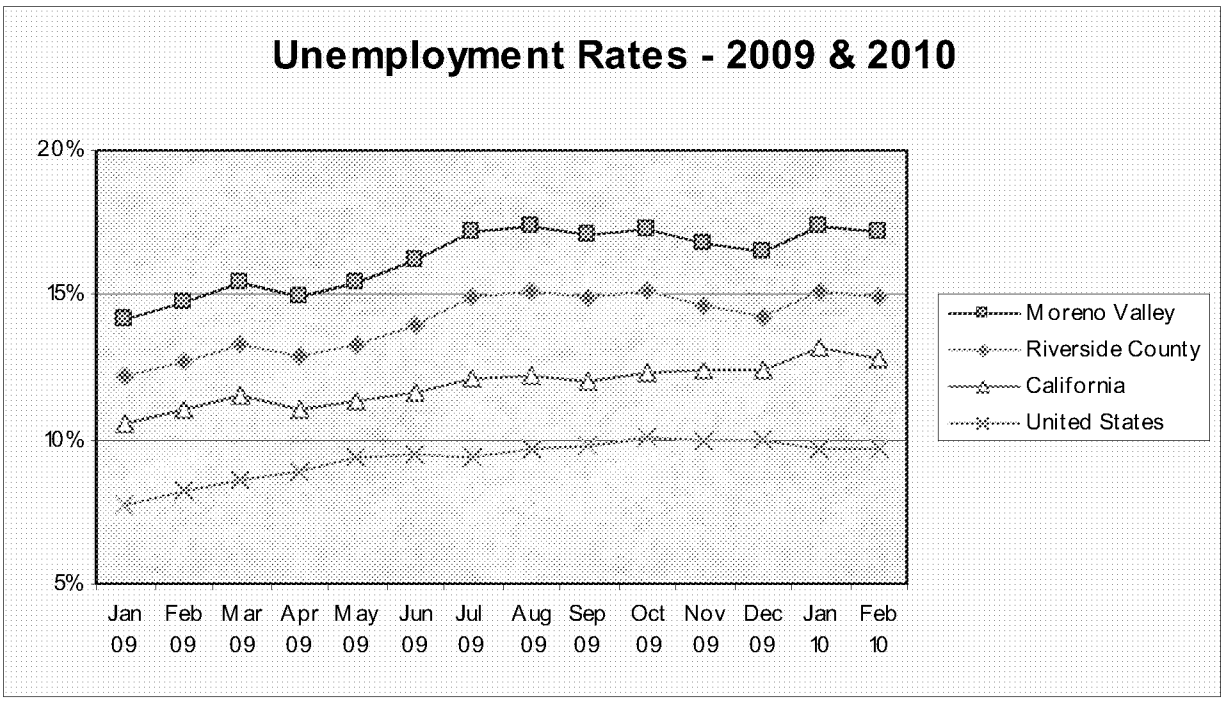

GENERAL FUND

General Fund Revenue Projections for FY 2010-11

During stable economic times, various analytical tools and financial models are used to develop revenue projections. However, during uncertain economic times such as we

are now experiencing, projections based on historical trends are of little value. Therefore, in developing the revenue projections that follow, staff relied primarily on current economic data, short-term results since the recession began, and outside expertise on some of the major revenue sources such as Property Tax, Sales Tax and Utility User's Tax.

Revenue Highlights and Assumptions for FY 2010-11

To understand the underlying strengths and weaknesses of the major General Fund revenue sources for FY 2010-11, the following highlights and assumptions are presented below.

Utility User's Tax (UUT) is currently the General Fund's largest revenue source, representing 23% of total revenue. Historically, it has also been the most stable revenue source. Prior to FY 2007-08, UUT experienced an average growth rate of 13% over the previous four years. While residential property foreclosures, combined with commercial vacancies, will cause components of the UUT to decline, current trends in the water, wireless telephone, and cable industries are combining to keep projected FY 2010-11 UUT revenue only slightly less than the current fiscal year at $15.2 million.

Property Tax in-Lieu of Vehicle License Fees (VLF) used to be the General Fund's largest revenue source. However, due to declining property values, this revenue source has fallen and will continue to do so next fiscal year. It is projected to be $11.8 million for FY 2010-11, representing 17% of total General Fund revenue.

Property Tax, which is historically the General Fund's third largest revenue source, is projected to fall to the fourth largest revenue source at $8.6 million in FY 2010-11, representing a decrease of $1.4 million from FY 2009-10 and a $4.2 million decrease from FY 2008-09. At this level, it will comprise approximately 13% of total General Fund revenue. Information received from the County Assessor is that overall assessed valuation in the City will decline by 14% next fiscal year versus this fiscal year. This substantial reduction in property tax reflects a decline in residential and commercial assessed valuation, combined with a negative inflationary adjustment of -0.237% under Proposition 13 for those properties that were not reassessed under Proposition 8 as a result of market values falling below the assessed values allowed under Proposition 13. This is the first time there has been a negative inflationary adjustment since Proposition 13 was enacted in 1978.

Sales Tax, including Property Tax in-Lieu of Sales Tax, which was created as a result of the State's "triple flip", is projected to be $9.7 million in FY 2010-11, comprising 14% of total General Fund revenue. No increase in sales tax revenues are projected for the next fiscal year due to current high unemployment levels and the expected slow economic recovery, which will continue to adversely impact consumer spending.

Franchise Fees are projected to be $4.8 million in FY 2010-11, holding constant with the FY 2009-10 projected actual level. This represents 7% of total General Fund Revenue.

Investment Income is projected to be $4.5 million, or 7% of General Fund revenue. This represents an increase compared to the budget for FY 2009-10, due to an expected increase in short-term rates, offset by a reduction in the total principal invested due to declining revenues.

Development Services revenue is projected to be $3.6 million, representing 6% of General Fund revenue. Compared to FY 2009-10, this projection represents a decline of 13.7%, reflecting the slump in residential and commercial development. Historically, it has been the General Fund's most volatile revenue source, growing to nearly $13 million in FY 2006-07 before starting its current decline.

Parking Control Fees are estimated to be $1.2 million for FY 2010-11 with minimal growth over the FY 2009-10 projected actual level. The estimate is based on the expected number of citations to be issued in FY 2010-11.

Fines and Forfeitures are projected at $1 million for FY 2010-11. For the past four years, this revenue has remained at the same level.

Gross Receipts Tax is projected to be $0.9 million in FY 2010-11, representing the same level as FY 2009-10.

Shown below are the FY 2010-11 General Fund revenue projections, along with current year budget and projected actuals, as well as the actual revenues received the past two fiscal years.

Revenue Source	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Budget	FY 09-10 Projected	FY 10-11 Budget
Utility Users Tax	$15,186,616	$15,081,286	$14,970,000	$15,500,000	$15,200,000
Property Tax In-Lieu of VLF	16,728,600	16,791,078	14,100,000	13,670,400	11,773,400
Sales Tax	11,694,525	10,451,942	9,735,000	9,735,000	9,735,100
Property Tax	14,361,253	12,790,196	11,700,001	10,052,300	8,596,100
Other	7,127,734	6,936,944	7,997,494	7,852,240	6,143,100
Franchise Fees	4,478,698	4,997,024	4,400,000	4,800,000	4,800,000
Investment Income	7,810,625	5,691,596	4,350,000	4,500,000	4,478,500
Development Svcs.	9,168,587	9,973,714	4,119,921	3,163,660	3,597,700
Parking Control Fees	1,300,405	1,094,064	1,250,000	1,095,000	1,164,000
Fines & Forfeitures	1,003,467	1,082,366	1,000,000	1,000,000	1,000,000
Gross Receipts Tax	1,111,021	1,051,701	906,500	650,000	906,500
Vehicle License Fees	800,667	865,718	400,000	400,000	360,000
TOTAL	**$ 90,772,198**	**$ 86,807,629**	**$ 74,928,916**	**$ 72,418,600**	**$ 67,754,400**

The following chart depicts the City's top six General Fund revenues for the past four fiscal years along with projections for FY 2009-10 and the estimates included in the FY

2010-11 Preliminary Base Budget. Vehicle License Fees (VLF) and Property Tax in-lieu of VLF have been combined since both revenue sources relate to VLF; only the method of payment by the State has changed so that now most of the VLF is paid in the form of Property Tax.

General Fund Revenue History & Projection

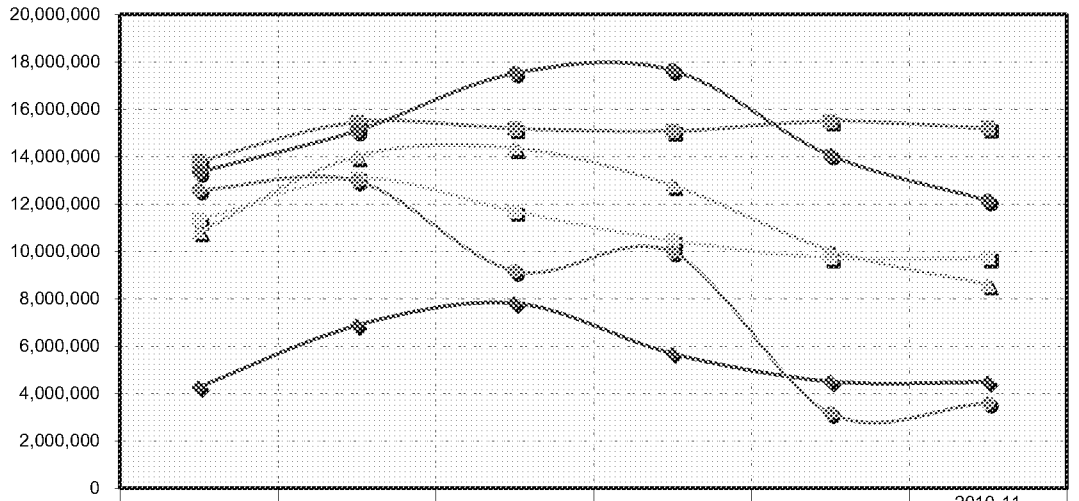

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
Utility User's Taxes	13,811,740	15,463,291	15,186,616	15,081,286	15,500,000	15,200,000
VLF/Property Tax in-Lieu	13,345,933	15,093,313	17,529,267	17,656,796	14,070,400	12,133,400
Sales Taxes	11,317,841	13,116,271	11,694,525	10,451,942	9,735,000	9,735,100
Property Taxes	10,831,005	14,022,134	14,361,253	12,790,195	10,052,300	8,596,100
Investment Income	4,273,225	6,878,647	7,810,625	5,691,596	4,500,000	4,478,500
Development Svcs	12,592,570	12,976,966	9,168,587	9,973,715	3,163,660	3,597,700

General Fund Expenditure Projections for FY 2010-11

Following is a summary of the General Fund Preliminary Base Operating Budget expenditures for FY 2010-11.

2010-11 General Fund Preliminary Base Operating Budget

General Government		
City Council	667,300	
City Attorney	1,252,500	
City Clerk	748,800	
City Manager	1,549,000	
Community Development	422,300	
Economic Development	685,500	
Financial & Administrative Services	3,154,200	
Human Resources	985,200	
Public Works	1,900,700	
Non-Departmental	5,471,400	
General Government Sub-total		16,836,900

Development Services		5,631,100
Public Safety		
Police	41,960,300	
Fire	15,840,600	
Other Public Safety Programs	5,361,800	
Public Safety Sub-total		63,162,700
2010-11 General Fund Preliminary Base Operating Budget		**$85,630,700**

The expenditure projections reflected above assume no changes in staffing or service levels from FY 2009-10. This is because any further reductions from current levels will require policy direction from the City Council. The only significant expenditure increase is in the Police Department, representing an expected 5% contract rate increase per the Riverside County Sheriff's office. Organization charts depicting each department's staffing and the positions previously defunded are included along with the departmental descriptions and mission statements beginning on page 2.

The following chart depicts the General Fund expenditure history for the last four fiscal years, along with the FY 2009-10 Projected Actual and FY 2010-11 Preliminary Base Budget amounts.

General Fund Expenditure History & Projection

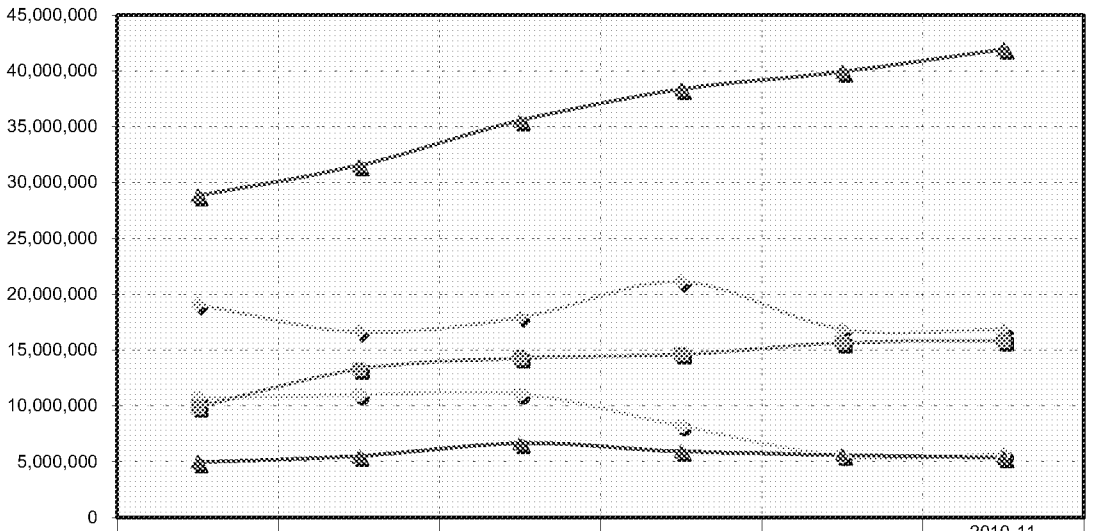

	2005-06 Actual	2006-07 Actual	2007-08 Actual	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
General Government	19,071,322	16,613,462	17,937,033	21,123,523	16,850,252	16,836,937
Development Services	10,675,852	10,993,001	11,075,793	8,202,310	5,527,270	5,631,060
Police	28,851,553	31,553,610	35,581,734	38,370,806	39,943,700	41,960,324
Fire	9,896,036	13,307,842	14,299,522	14,648,139	15,659,100	15,840,550
Other Public safety	4,955,539	5,514,208	6,666,238	5,936,736	5,620,978	5,361,800

Projected General Fund Operating Deficit for FY 2010-11

Deducting the projected General Fund operating expenditures of $85.6 million from the projected General Fund operating revenues of $67.8 million, results in a projected General Fund operating deficit of $17.8 million.

The following chart highlights how the General Fund operating deficit has grown the past few years as a result of the economic recession. The bar on the left of each grouping represents revenues; the bar on the right of each grouping represents expenditures.

General Fund Operating Budget
Revenues & Expenditures

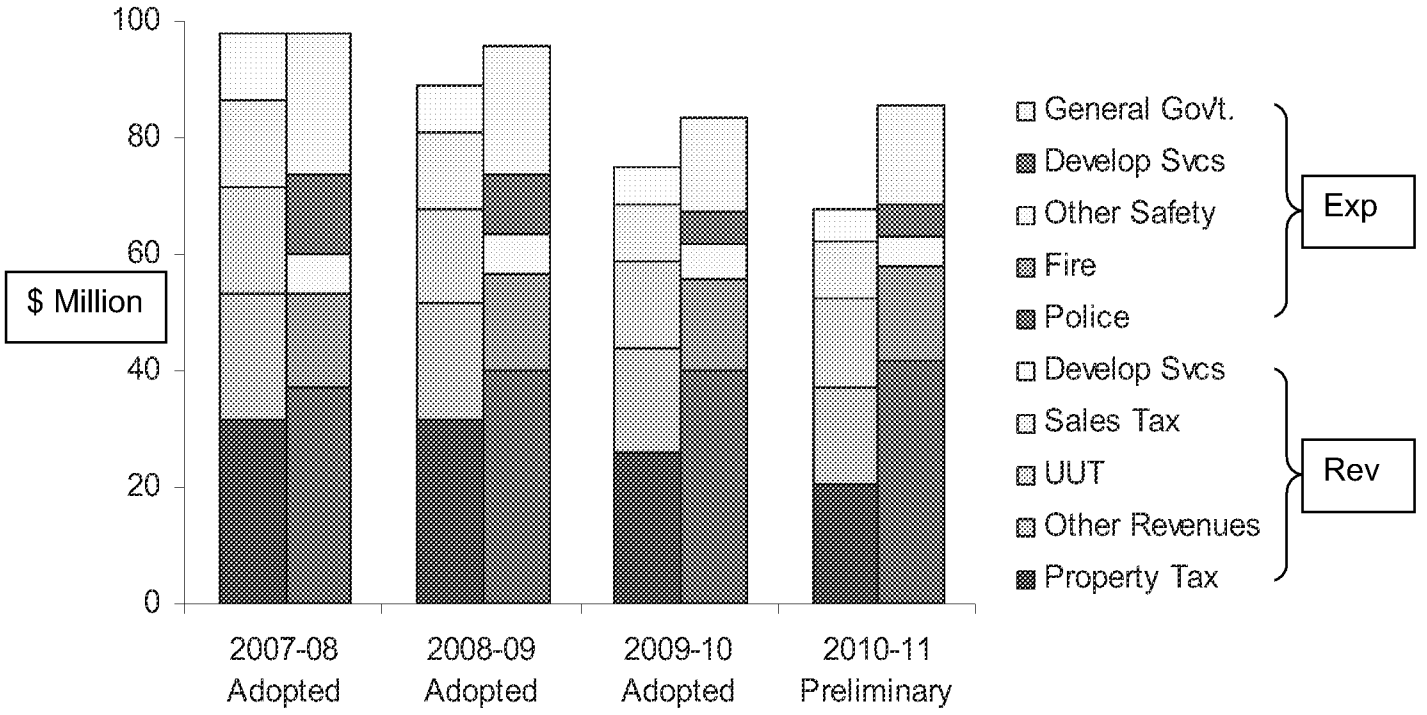

As shown above, the FY 2007-08 budget was adopted with operating revenues and expenditures completely balanced. By FY 2008-09, there was an operating deficit of $7.0 million which had to be backfilled through a combination of prior-year savings, transfers, and reserves. This operating deficit increased to $8.6 million in FY 2009-10, despite a significant reduction in the expenditure budget realized through implementation of a Deficit Reduction Plan; with the deficit again backfilled with prior-year savings and reserves. For FY 2010-11, the projected operating deficit will increase to $17.8 million. This projected deficit will be addressed through a combination of solutions including anticipated prior-year savings, additional transfers, and a Deficit Reduction Plan.

Budgetary Adjustments to Reduce Deficit

Facing such a significant budgetary deficit next fiscal year, staff evaluated a number of potential adjustments that can be made to reduce the deficit. Following an analysis by the Budget Review Committee, staff was given the direction to proceed with the following adjustments:

Current year savings that can be carried over to next fiscal year:

In conjunction with the FY 2010-11 budget review process, projected actual amounts for FY 2009-10 were developed. In addition to the FY 2009-10 department-projected savings of $796,100, as reported to the City Council during the Mid-Year Budget Review on February 23, 2010, to help keep this fiscal year's budget in balance, an additional 2009-10 savings of $1,520,800 was identified that will be carried over to help balance next fiscal year's budget.

Transfers to return previous General Fund subsidies:

Based on previous General Fund subsidies and current fund balance, the following transfers to the General Fund can be made, while keeping a minimum reserve of 12% of operating expenditures, consistent with the General Fund:

▪ Gas Tax	$500,000
▪ Public Education/Government Access (PEG)	$339,100
▪ CSD Zone A (Parks)	$800,000
▪ Total expected savings	$1,639,100

Other transfers

Transfers to the General Fund from two other funds will be made following an analysis of the funds:

▪ EOC Project Fund (Return of surplus project funds that were contributed from the General Fund)	$1,100,700
▪ Equipment Replacement Fund (Fully depreciated assets that no longer need to be replaced)	$2,102,400
▪ Facility Construction Fund (Preliminary contribution to Veterans Memorial Project; funded by 2005 Lease Revenue Bonds)	$776,000
▪ Total other transfers	$3,979,100

Following is a summary of the total budgetary adjustments that will be implemented to reduce the projected FY 2010-11 General Fund deficit of $17.8 million:

Projected Deficit		$17,876,300
Budgetary Adjustments:		
- Current year savings to be carried over to FY 2010-11	($1,520,800)	
- Transfers to return previous General Fund subsidies	($1,639,100)	
- Other transfers	($3,979,100)	
- Total Budgetary Adjustments		($7,139,000)
Remaining Deficit		$10,737,300

Budget Issues

Despite facing a significant budgetary deficit in FY 2010-11, departments were provided the opportunity to submit proposed Budget Issues to identify areas in which budgetary increases were needed to maintain critical service levels. There are three (3) such Budget Issues that I am recommending for implementation, as presented below:

Budget Issue No. 1: Re-establish funding for Budget Officer position, which was defunded in FY 2009-10
Requesting Department: Financial & Administrative Services
FY 2010-11 Cost: $98,700
General Fund Cost: $98,700

The position of Budget Officer was established in FY 2007-08. The position was created to relieve the Financial Operations Division of responsibility for preparing and monitoring the City's budget, which was becoming increasing complex and time consuming to prepare and monitor. Financial Operations staff did not have the time or staffing resources to devote to the budget process, which was impacting the City's ability to effectively manage its budget.

With the economic downturn that began in late 2007, the need for a Budget Officer was accentuated, as there was an increased need for timely and comprehensive reporting on the City's monthly performance relative to its adopted budget, including Monthly Financial Reports to City management and First Quarter and Mid-Year Budget Reviews for the City Council. There was also a need to thoroughly review all City Council staff reports for their fiscal impact, which previously had been done on only a cursory basis.

Following an open recruitment, the City's first Budget Officer was hired in December 2008. The impact of the position was immediately realized, with improvements in the budget development process, deficit reduction planning and analysis, automation of various budgetary reports, streamlined Budget Appropriation Adjustment process, thorough analysis of cost-saving scenarios, and improved departmental coordination.

With the retirement of the Financial Operations Division Manager in June 2009, and the need for departmental cost savings, the Budget Officer assumed responsibilities of the Financial Operations Division Manager in addition to the Budget Officer duties. While this dual role has enabled essential budgetary and financial work to be accomplished, it has required a significant number of extra hours to be worked beyond the normal work schedule by a number of staff in the Financial Operations Division. The workload impact had been exacerbated by other staffing reductions in the Financial Operations Division, with five (5) of the Division's (fourteen) 14 career positions defunded, representing a vacancy factor of 36%.

Unlike some operational areas within the City, in which the workload has diminished along with the failing economy, the workload in the Financial Operations Division has actually increased, as there is an increased need for budgetary reporting and financial analysis related to labor negotiations and various cost reduction scenarios. Additionally, the City's budget process has become increasingly complex, with significant time devoted to deficit reduction planning and implementation.

There is a critical need to re-establish funding for the Budget Officer position in order to relieve the Financial Operations Division staff of having to perform all budgetary functions, in addition to their normal duties which include Accounts Payable, Payroll, monthly financial close, grant accounting, audit coordination, and year-end financial reporting including the State Controller's Report and Comprehensive Annual Financial Report (CAFR). Without re-establishment of the Budget Officer position, there will be an ongoing need for Financial Operations staff to work an extensive number of hours in addition to their regular work schedule; often times 12-14 hours days and weekends, despite the City's reduced work week of 36 hours.

Cost summary of Budget Issue:

Salaries	$71,100
Employee Benefits	$27,100
Services	--
Supplies	$500
Capital Outlay	--
Total Expenditures	**$98,700**

Budget Issue No. 2: Reallocate Emergency Operations & Volunteer Services Specialist Salary/Benefits Between Grant Fund and General Fund
Requesting Department: Fire Department
FY 2010-11 Cost: $43,100
General Fund Cost: $43,100

The Emergency Management Preparedness Grant (Business Unit 13410) is expected to have a $30,200 shortfall for FY 2010-11 between the revenue collected and the budgeted expenditures. This budget was originally established to allow accurate tracking of expenditures that are eligible for grant reimbursements from a variety of

Emergency Management grants. The grants this business unit receives, and/or applies for, typically require matching funds from the City ranging from 5% to 50% for salaries and purchases related to grant activities. In the past, the City has elected to transfer the matching funds from the General Fund into Business Unit 13410 at the end of the fiscal year to balance this budget. Unfortunately, with the difficult economic times the City is facing, this can no longer occur and this business unit must balance its expenses with its revenue.

The Emergency Operations & Volunteer Services Specialist assigned to Business Unit 13410 is partially funded by a Community Emergency Response Team (CERT) grant and by the Emergency Management Performance Grant (EMPG). The CERT grant does not require matching funds for any CERT-related purchases and hours worked by the employee for CERT-related activities. In contrast, the EMPG grant requires 50% matching funds from the City, leaving this position without full funding from any one grant or combination of grants. As there is no General Fund allocation to this business unit, the Fire Department is requesting to reallocate funding for this position between the grant budget and the General Fund budget, in order to meet the matching fund requirements of the EMPG grant.

Cost summary of Budget Issue:

Salaries	$23,500
Employee Benefits	$13,100
Services	$6,500
Supplies	--
Capital Outlay	--
Total Expenditures	**$43,100**

Budget Issue No. 3: Increase in NPDES Regulatory Fees
Requesting Department: Public Works
FY 2010-11 Cost: $76,000
General Fund Cost: $76,000

The Riverside County Flood Control and Water Conservation District (RCFCWCD) is the permittee and the City of Moreno Valley is a co-permittee to the Santa Ana River Watershed National Pollutant Discharge Elimination System (NPDES) Urban Storm Water Runoff Management Program.

The City, as well as other co-permittees and the RCFCWCD are parties to an NPDES Implementation Agreement. The agreement allows the parties to share NPDES program costs that benefit the co-permittees. It is estimated that Moreno Valley's share of the costs will be $76,000 for the FY 2010-11 budget.

The RCFCWCD is depleting a NPDES reserve fund to address State and Federal NPDES mandates on behalf of the co-permittees. A new NPDES permit was issued on January 29, 2010 to RCFCWCD and the co-permittees. Additional State and Federal

mandates are in the permit. The existing Implementation Agreement will be amended to address the new permit mandates and associated costs for FY 2010-11 and beyond. The shared cost of the co-permittees is estimated to be $500,000. Moreno Valley's estimated prorated share for FY 2010/11 is $76,000. There are no City-designated revenue sources to fund these NPDES permit costs.

If the City elects not to fund the prorated share of the Implementation Agreement, the City cannot benefit from NPDES area-wide programs funded by the RCFCWCD and other co-permittees. The City would have to implement the same programs without the benefit of the RCFCWCD resources at an additional estimated annual cost of $1.05 million. If the City elects not to fund the programs it will subject itself to fines as provided in the Federal Clean Water Act of $37,500 per day for each violation.

Cost summary of Budget Issue:

Salaries	--
Employee Benefits	--
Services	$76,000
Supplies	--
Capital Outlay	--
Total Expenditures	**$76,000**

If each of the three recommended Budget Issues is approved by the City Council, it will increase the FY 2010-11 General Fund budget by $217,800, as summarized below:

Budget Issue	Requesting Department	General Fund Amount
Re-establish Funding for Budget Officer Position	Financial & Administrative Services	$98,700
Supplement Emergency Operations Grant with General Fund Subsidy	Fire	$43,100
Increase in NPDES Regulatory Fees	Public Works	$76,000
Total General Fund Budget Increase		**$217,800**

Balancing the General Fund Budget through the Deficit Reduction Plan

Adding the additional funding of $217,800 related to the above Budget Issues to the projected General Fund deficit (net of adjustments) of $10,737,300 results in a total projected General Fund deficit of $10,955,100. Solutions for addressing this deficit will be presented in the FY 2010-11 Deficit Reduction Plan, which will be submitted to the City Council on April 27, 2010.

OTHER KEY FUNDS

The following summaries relate to other major funds within the City. Although the FY 2010-11 Preliminary Base Operating Budget reflects deficits for these funds, they will be balanced through a combination of proposed Deficit Reduction Options (detailed in the Deficit Reduction Plan) and utilization of available fund balance.

Community Services District (CSD) Zone A - Parks & Community Services

This fund accounts for the administration and maintenance of the Parks & Community Services facilities and programs. Major revenue sources for this fund come from property tax and parcel fees. Other sources of revenue include recreation fees for various classes and programs offered to residents and non-residents alike. The fund also receives rental income for the use of City ball fields, the Conference & Recreation Center, the Senior Center, and the Towngate Community Center.

Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	7,997,600
Expenditures	(8,446,400)
Surplus (Deficit)	($448,800)

Community Services District (CSD) Zone L - Library Service Fund

This fund accounts for the operations necessary to process and administer the Library service program. The primary revenue source for this fund is property tax. Other revenue sources include library fees and fines, inter-library book loans, library donations and state grants.

Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	1,744,600
Expenditures	(2,161,300)
Surplus (Deficit)	($416,700)

State Gasoline Tax Fund

This fund is used to account for the City's share of state gas tax revenue restricted for street improvement and maintenance. The revenue is apportioned under the Streets and Highways Code of the State of California. The main revenue source for this fund includes the City's allocation of the State's Highway Users Tax.

Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	3,709,500
Expenditures	(3,957,000)
Surplus (Deficit)	($247,500)

Electric Utility

This fund is used to account for the operations of the City's electric utility. Its basic purpose is to purchase and distribute electricity to customers in newly developed areas of the City. The City began serving its first customers in February 2004, and now serves more than 5,400 customers.

The main revenue source for this fund is derived from charges for services rendered to customers of the Electric Utility for the distribution of electricity. The Electric Utility provides service to residential, commercial, and industrial customers.

Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	13,869,500
Expenditures	(14,321,400)
Surplus (Deficit)	($451,900)

STATE BUDGET CONCERNS

The Governor's preliminary FY 2010-11 budget reflects a projected General Fund deficit of $6.6 billion at the end of FY 2009-10, assuming no corrective action prior to fiscal year-end, followed by an additional $12.3 billion General Fund deficit in FY 2010-11; for a total deficit of $18.9 billion. Some analysts believe the deficit is actually larger; perhaps $22 billion or more. The Governor declared a state of fiscal emergency on January 8, 2010, calling the Legislature into special session to begin taking action on the budget deficit. Very little information has been forthcoming from Sacramento regarding solutions to this budget deficit since that time. Based on past actions of the State Legislature, it is likely that some of the budget solutions will adversely impact local government, despite some of the legislative protections that have been previously enacted. As deliberations progress on the City's budget, staff will also closely monitor information coming out of Sacramento. Due to the potential for State actions that may adversely impact the City's budget, the City's Deficit Reduction Plan has identified solutions in excess of what will be needed to balance the City's General Fund budget, as a contingency to offset potential State budgetary actions.

SUMMARY

The prolonged economic recession has resulted in three challenging fiscal years for the City. After adopting a budget in FY 2007-08 in which General Fund operating revenues completely matched operating expenditures, revenues began declining; resulting in the need for significant expenditure reductions to ensure that expenditures remained within the General Fund revenues. The next two fiscal years (2008-09 and 2009-10) became more challenging as General Fund operating revenues continued their decline, resulting in growing operating deficits that had to be overcome with aggressive cost-cutting measures including workforce reductions, return of General Fund subsidies previously made to from other funds, and use of reserves. FY 2010-11 will be even more challenging than the previous two years, as the projected General Fund operating deficit will grow to $17.8 million. A number of transfers and other budget adjustments have been identified, which will reduce this expected deficit to $10.7 million. Adding three recommended Budget Issues (which represent additional budgeted expenditures) that are critically needed, results in a projected General Fund deficit of nearly $11 million for FY 2010-11. Actions to be taken by the State of California in response to its estimated deficit of $18.9 billion or more could further impact the City's budget. To enable the City Council to adopt a balanced budget for FY 2010-11, a Deficit Reduction Plan is being developed for release on April 27, 2010. This plan will identify a number of Deficit Reduction Options that may be implemented to offset the projected deficit as well as to mitigate potential State actions that would adversely impact the City's budget.

Given the challenges and policy decisions related to adopting a balanced General Fund budget for FY 2010-11, a number of City Council meetings have been designated for budget deliberations, included two Study Sessions, as shown below.

Date	Meeting / Event	Action
April 27	Distribution	Release of FY 2010-11 Deficit Reduction Plan
Week of May 3	Individual Council Member Briefings	Review of FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan
May 11	Regular Council Meeting	Presentation of FY 2010-11 Budget
May 18	Study Session	Discussion of FY 2010-11 Budget
May 25	Regular Council Meeting	Continued Discussion of FY 2010-11 Budget
June 8	Regular Council Meeting	Continued Discussion of FY 2010-11 Budget
June 15	Study Session	Continued Discussion of FY 2010-11 Budget
June 22	Regular Council Meeting	Continued Discussion of FY 2010-11 Budget; Adoption of FY 2010-11 Budget
June 29	Special Council Meeting (if needed)	Adoption of FY 2010-11 Budget

In closing, I would like to express my sincere appreciation to all City departments for their work in preparing the FY 2010-11 Preliminary Base Operating Budget and the Deficit Reduction Plan that is undergoing final review and scheduled to be released on April 27, 2010. City employees are also to be commended for their ongoing commitment to providing essential City services during such challenging times, and especially considering the significant increase in workload that has occurred in many cases due to staffing reductions, and the compensation reductions that have been implemented.

Following departmental submittal of the proposed budgets and Deficit Reduction Options for FY 2010-11, the members of the Budget Review Committee met with each department and thoroughly reviewed all submittals. I want to express my thanks to the members of the Budget Review Committee for their focus, time commitment, and teamwork during this process.

Finally, I want to thank the Budget Preparation Team for their hard work and extra efforts in preparing the FY 2010-11 Preliminary Base Operating Budget.

Budget Review Committee
William L. Bopf, Interim City Manager
Rick Hartmann, Interim Assistant City Manager
Steve Elam, Interim Financial & Administrative Services Director
Cynthia Fortune, Financial Operations Division Manager
Michelle Dawson, Assistant to the City Manager

Budget Preparation Team
Cynthia Fortune, Financial Operations Division Manager
Steve Hargis, Acting Treasury Operations Division Manager
Dolly Gonzales, Interim Principal Accountant
Dawn Jorge, Senior Accountant
Carol Vasquez, Payroll Supervisor
Marylou Antero, Accounts Payable Supervisor
Sandra Contreras, Senior Payroll Technician
Tammy Brooks, Senior Administrative Assistant
Kathy Gross, Executive Assistant I
Meleisa Mendonca, Senior Graphics Designer

Special thanks and recognition are in order for Cynthia Fortune, due to the extensive work and many long hours spent in reviewing, analyzing and preparing the budget.

Respectively submitted,

William L. Bopf
Interim City Manager

City of Moreno Valley

2010-11 Preliminary Base Operating budget

Department Description, Mission & Organization Chart

CITY COUNCIL

Department Description

The City Council is comprised of five members elected by the district to serve staggered four-year terms. It is the policy-making body of the community, serving 186,301 residents. Council appoints the City Manager, City Attorney, City Clerk and City Treasurer, as well as various members of the City's advisory boards and commissions. Resources have been allocated to provide City membership in such intergovernmental associations as the League of California Cities, Western Riverside Council of Governments (WRCOG), and Southern California Association of Governments (SCAG) in order to develop networking relationships with policy makers and administrators whose actions affect the City of Moreno Valley.

City Council Goals

- Diversity and Preserve the City's Revenue Base

  Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

- Improve Governmental Relationships

  Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

- Enhance Community Safety

  Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

- Improve the Community's Image

  Promote a sense of community pride and foster an excellent image about our City by developing and executing programs, which will result in quality development and enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

- Improve Public Infrastructure

  Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

- Create a Positive Environment

  Create a positive environment for the development of Moreno Valley's future.

CITY ATTORNEY

Department Description

The Office of the City Attorney at present consists of three full-time attorneys, an Executive Assistant I and a Legal Secretary. This office provides a wide range of legal services to the City organization. It provides legal advice to the City Council, City Manager, City staff and City Boards, Committees and Commissions. It conducts or oversees all litigation involving the City, working in conjunction with the Risk Manager regarding tort liability cases and with the Human Resources Manager regarding personnel issues and workers' compensation. The office also oversees or actively prosecutes City code violations in cases where no violation of State law is charged or the District Attorney has decided not to include City code violations in related criminal prosecutions. The office prepares or reviews ordinances, resolutions, contracts, and other legal documents relating to the City's business.

The City Attorney's Office represents the City government rather than individuals and has an attorney-client relationship with the City Council (as an entity), as its primary clients, and secondarily, with other city boards, officers and employees within the scope of their duties for the City. The role of the City Attorney is sometimes confused by the public with either the District Attorney, who prosecutes criminal actions under State law, or Legal Aid Services, which provides low or no-cost legal services to the general public who cannot afford private legal representation. Consequently, the office receives frequent requests from members of the public for legal advice or information. These requests are handled as courteously as possible providing information without giving legal advice, which could create an attorney-client relationship in conflict with the City Attorney's official duties.

Department Mission Statement

The mission of the office of the City Attorney is to provide professional, cost effective, ethical, and high quality legal advice and services to the City Council and City staff in all matters of law, to effectively represent the City in legal proceedings, and to prepare or review all ordinances, resolutions, contracts, and other legal documents necessary or desirable to conduct the business of the City.

CITY ATTORNEY'S OFFICE

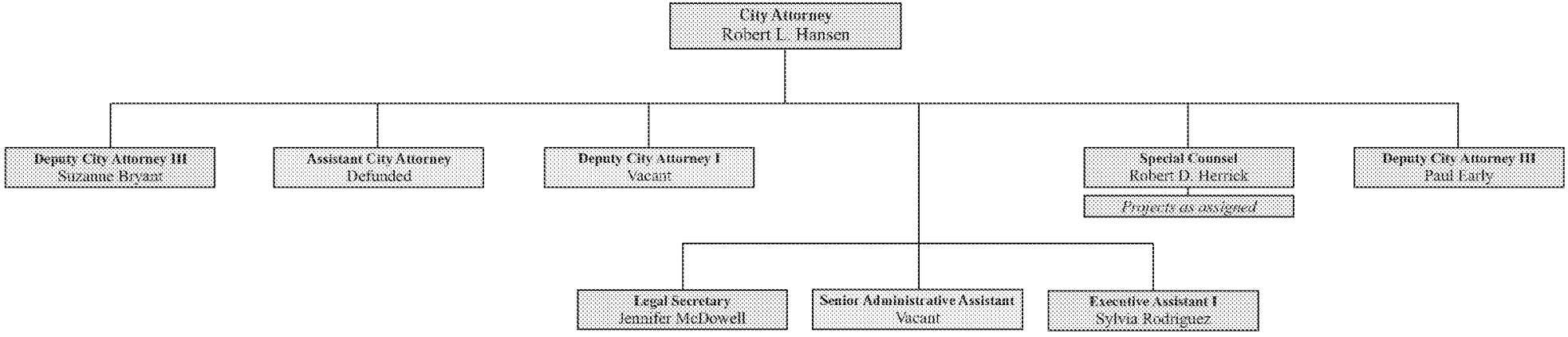

KEY: Active | Defunded

Updated March 2010

MV00054849

CITY CLERK

Department Description

The City Clerk serves as the Secretary to the City Council, is responsible for the preparation of agendas, the recording and maintenance of all Council actions, filing of public notices, coordination and administration of all City records, documents and public files. The City Clerk advertises and receives bids, conducts all bid openings, maintains the City's municipal code, receives all claims filed against the City, serves as the official custodian of the City seal, conducts all elections, receives nomination papers and is the filing officer for all requirements of the California Fair Political Practices Commission.

Department Mission Statement

The mission of the City Clerk's office is to provide courteous and expeditious dissemination of material and information to City departments, the general public, media and other agencies; produce and maintain agendas, minutes, recordings, and indexing of all City Council actions, filing of public notices, coordination and administration of City records; conduct elections of the highest quality by ensuring all legal requirements, local and state, are met by all candidates and committees, and assuring the registered voters in the City the opportunity to express their freedom of choice by voting.

CITY CLERK'S OFFICE

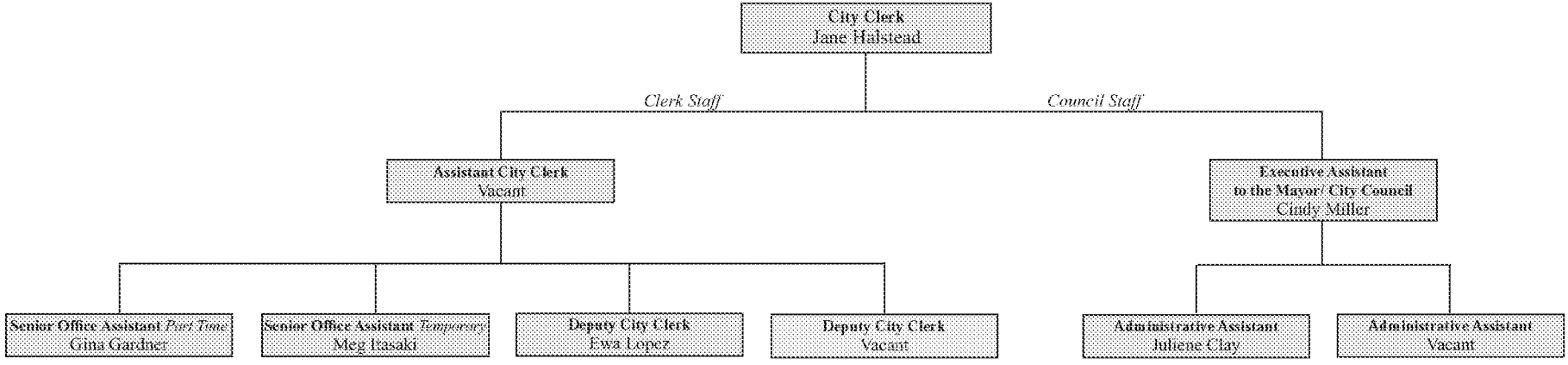

KEY: Active | Defunded

Updated March 2010

MV00054851

CITY MANAGER'S OFFICE

Department Description

❒ Administration

The City Manager serves as the chief administrative officer of the City. Under City Council direction, the City Manager is responsible for the efficient management of all City business. Professional leadership is provided from this Office to the Executive Management Team to enable them to serve the community in a responsive and resourceful manner. Functions of the City Manager's Office include coordination of the implementation of City Council policies and programs; providing overall direction to the departments that administer City programs and services; coordinating intergovernmental relations and legislative advocacy; and administration of the City's communications, media relations, and public information programs.

❒ Media and Communications

The Media and Communications Division serves as the City's media relations/public information office; provides graphic design and special events coordination services to City departments; manages the operations and video productions of the City's government access cable TV channel MVTV-3; monitors state-issued cable television/video service franchise agreements and manages content on the City's public Web site and employee Intranet.

Department Mission Statement

The City Manager's Office is committed to providing and coordinating excellent staff support and sound policy recommendations to the City Council, leading the organization in an effective, efficient, and principled manner, and providing organizational support and direction to the department

CITY MANAGER'S OFFICE

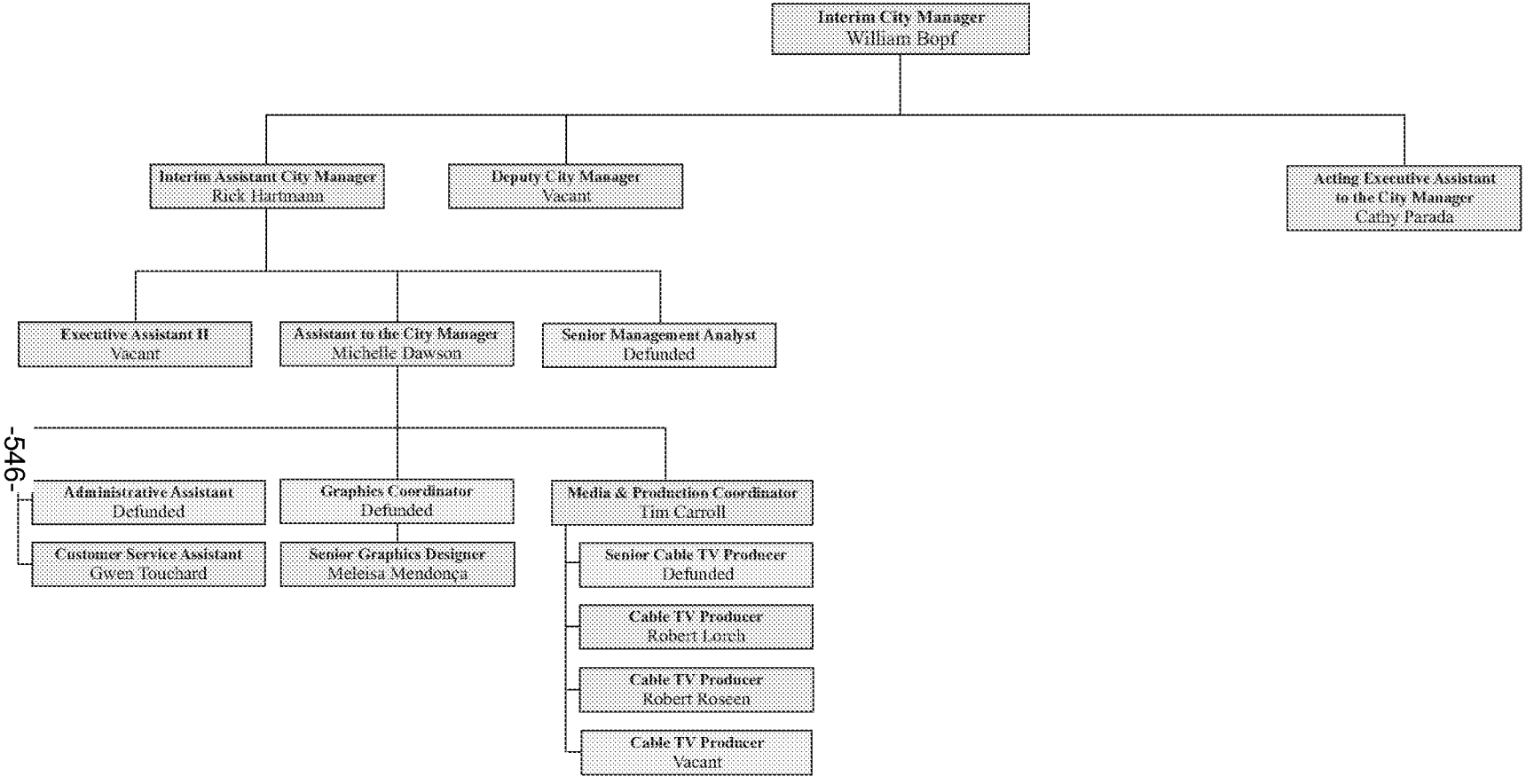

KEY: Active | Defunded

Updated March 2010

MV00054853

COMMUNITY DEVELOPMENT DEPARTMENT

Department Description

The Community Development Department consists of four separate divisions: Administration, Building and Safety, Code & Neighborhood Services, and Planning. Department activities are funded from a variety of resources including: General fund, development services fees, and fines.

- Administration

  The Administration program manages and coordinates the activities of all divisions within the department.

  - Counter Operations

  This program is responsible for overseeing and coordinating the Development Services One-Stop Counter activities. The Development Services Assistance Desk provides information, applications, handouts and materials to the general public and development community to assist them in processing their service needs and directs them to the appropriate development services divisions for service. Counter activities include the processing of express permits, business licenses, temporary use permits, home occupation permits, tenant improvements, signs, special events, land development issues, fire and building inspections, code enforcement inquiries and other related activities.

- Building & Safety Division

  The Building and Safety Division provides structural, mechanical, electrical and plumbing plans examination services and conducts field inspections of buildings under construction to ensure that the City's built environment corresponds to local and State-mandated construction codes.

- Code & Neighborhood Services Division

  The Code & Neighborhood Services Division is responsible for the enforcement of codes, relating to neighborhood nuisances, health and safety, substandard housing, vehicle abatement, zoning/land use, illegal signs, parking control, weed abatement, business licenses and graffiti restitution. In addition, the Division is responsible for addressing illegal dumping, littering, neighborhood cleanup and related inter-agency and interdepartmental coordination of beautification programs.

- Planning The Planning Division processes land use applications in accordance with the provisions of the City's Development Code, General Plan, Landscape Guidelines and Specifications and Design Guidelines, applicable Specific Plan requirements, the California Environmental Quality Act (CEQA), and other State and Federal requirements. Land use applications range from minor projects, such as new signs

and home occupancy permits, to major projects such as residential subdivisions, commercial centers and industrial parks.

The Planning Division is also responsible for maintaining and updating the City's General Plan. Special studies are conducted on an on-going basis to evaluate and implement changes to existing planning documents such as the Municipal Code development standards, Specific Plans and General Plan.

The Division provides staff support for the City's Planning Commission, and Environmental and Cultural Preservation Board.

Department Mission Statement

The mission of the Community Development Department is to facilitate the development and implementation of planning, land use, building and safety, beautification, and code compliance policies within the City of Moreno Valley in order to provide a well-planned, safe, and desirable living and working environment, now and in the future.

Community Development Department

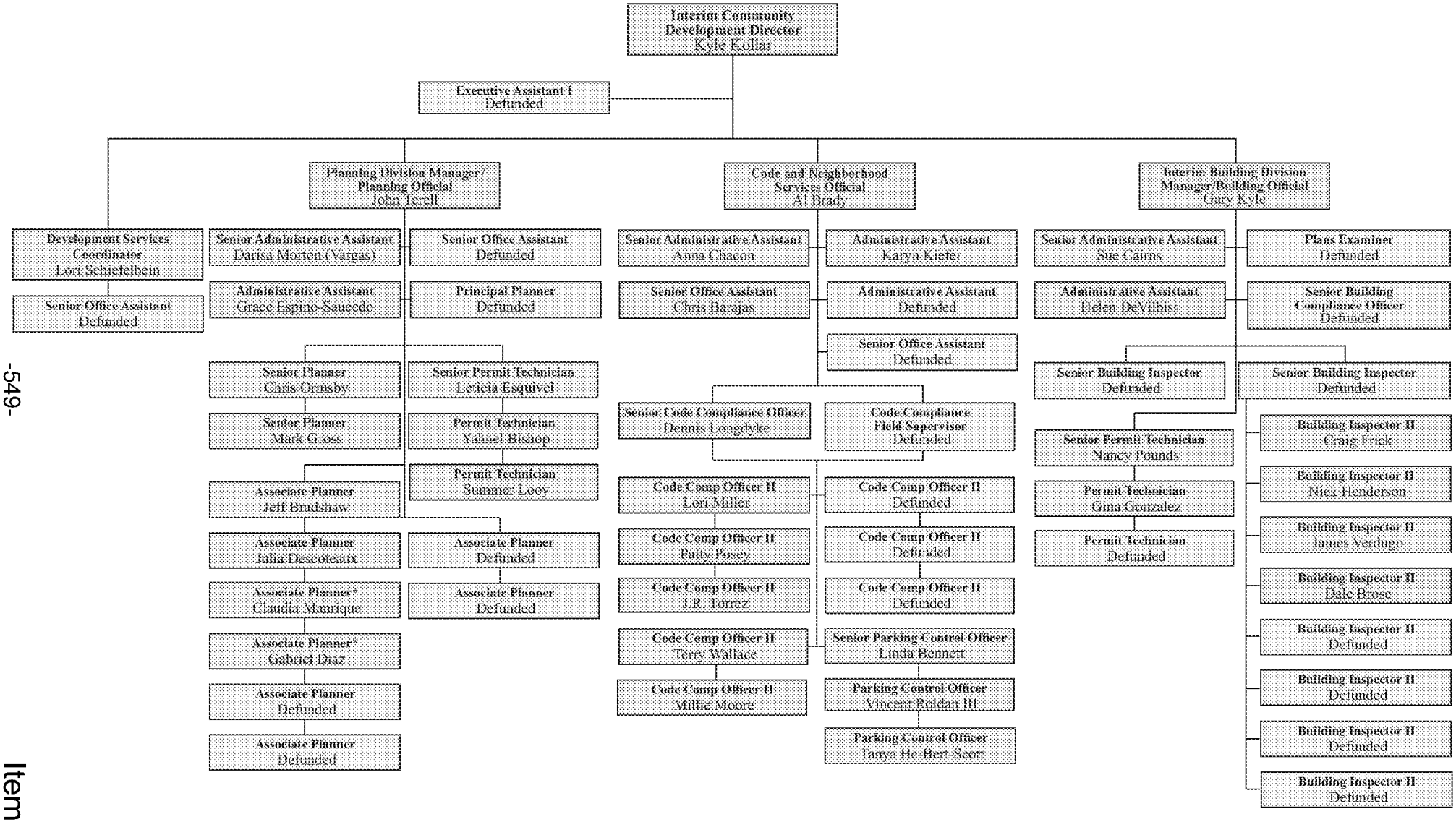

Active | Defunded | * Previously defunded, currently funded outside of General Fund

Updated March 2010

ECONOMIC DEVELOPMENT DEPARTMENT

Department Description

The Economic Development Department is responsible for business attraction and retention activities, redevelopment of blighted areas, infrastructure improvements in the redevelopment project area, neighborhood revitalization and the creation of affordable housing in the community.

- Economic Development Administration

  Economic Development Administration promotes the City of Moreno Valley as a place to do business. Economic Development facilitates the development of quality jobs and dynamic retail centers to increase assessed property valuations, increase sales tax revenues, and enhance Moreno Valley's image as a community. Economic Development seeks to attract new businesses and encourages expansion of existing Moreno Valley companies through an array of strategies that include marketing, site selection assistance, ombudsman service, and much more.

- Neighborhood Preservation Division

  The Neighborhood Preservation Division oversees the operation of the City's redevelopment, affordable housing, and Community Development Block Grant programs.

  - Redevelopment

    The Redevelopment Program implements the Redevelopment Plan and offers programs and projects aimed at improving the Redevelopment Project Area. Activities include capital projects (sidewalks, streets, and water and drainage lines) and business development assistance.

  - Housing

    The Housing Program provides and array of programs and projects aimed at improving and expanding the City's affordable housing opportunities. Activities include rehabilitation loan programs, homebuyer down payment assistance, infill housing, and creating new affordable housing opportunities in the community.

  - Community Development Block Grant (CDBG) and other Grant Programs

    CDBG funds programs and projects which benefit the City's low and moderate income population and older neighborhoods. These activities include capital improvement projects, targeted code enforcement, job creation and neighborhood policing. Other grant programs managed by Neighborhood Preservation include Neighborhood Stabilization Program, Employment Resource Center, and Youth Job Training.

Department Mission Statement

The mission of the Economic Development Department is to facilitate new investment in the community through new business attraction and business retention, along with preserving and enhancing older neighborhoods to improve the overall quality of life in Moreno Valley.

Economic Development Department

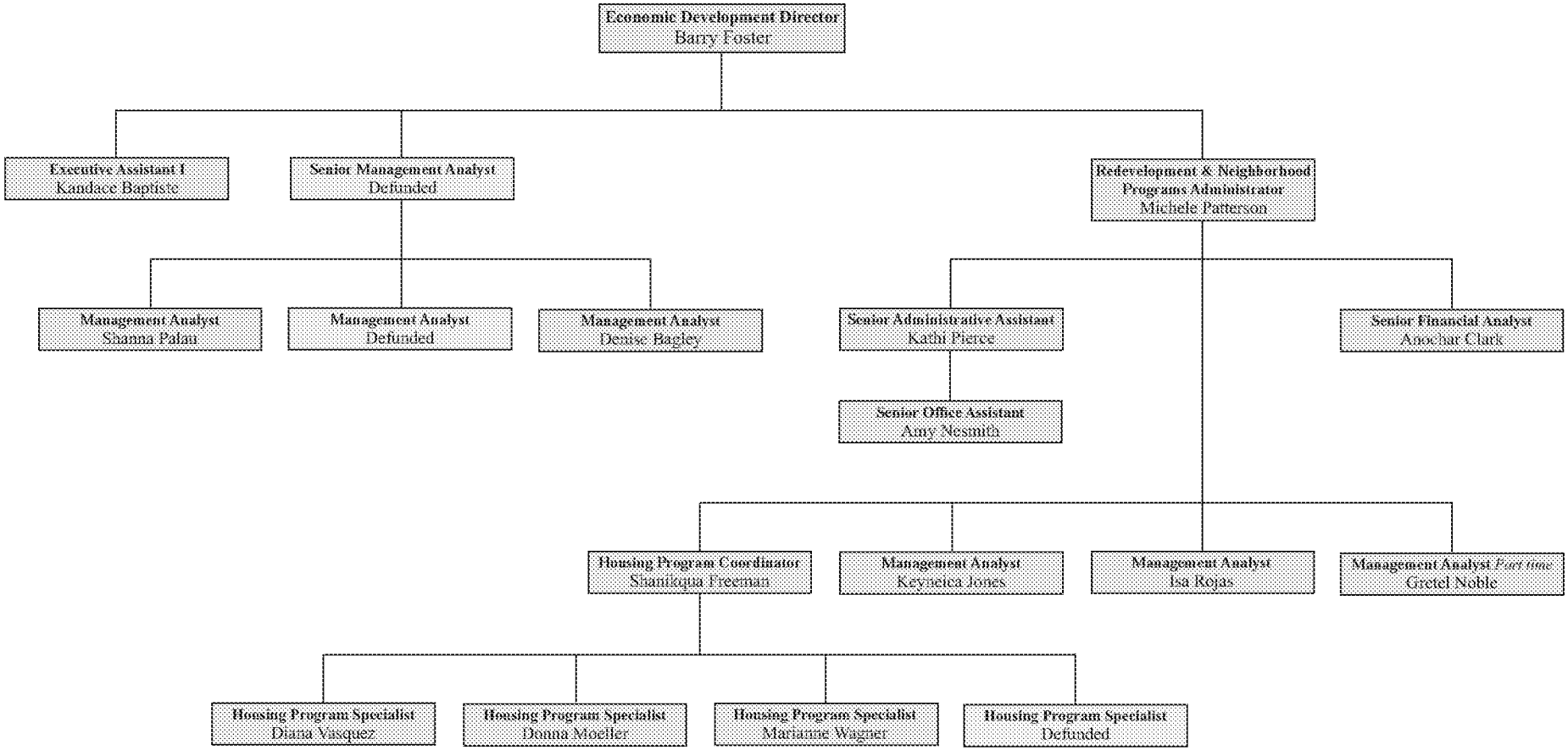

KEY: Active | Defunded

Updated March 2010

MV00054859

FINANCIAL & ADMINISTRATIVE SERVICES DEPARTMENT

Department Description

The Financial & Administrative Services Department provides a wide range of support services to other City departments. These services include budget coordination; financial reporting; payroll; billing and accounts receivable; purchasing and central stores; accounts payable; cash management and investing; business licensing and cashiering; technology services including network administration and security, enterprise systems and database administration, geographic information systems, backbone infrastructure and telecommunications; and maintenance services for all City facilities. Additionally, the department provides oversight for the public safety function of animal control services. Following is a description of the major functions that comprise the department.

- Budget Office

  Coordinates preparation of the City-wide budget; produces internal monthly financial reports; and prepares First Quarter and Mid-Year Budget Reviews to keep the City Council apprised regarding the status of the current fiscal year's budget.

- Financial Operations

  This division provides full accounting services including internal and external reporting for the City, Community Services District and Redevelopment Agency; payroll; accounts payable; and debt administration. This division also administers the annual audit process and is responsible for determining the propriety and legality of all financial transactions in accordance with laws, regulations, accounting standards, and Council and administrative policy.

- Treasury Operations

  This division's primary responsibilities include accounts receivable, business licensing and cashiering, daily cash management, oversight of the investment portfolio, and implementation of controls to safeguard cash. This division is also responsible for developing and conducting revenue audits to ensure compliance with City ordinances and other laws and regulations that govern City revenues.

- Purchasing & Facilities

  This newly-consolidated division serves a dual function. With respect to the Purchasing function its primary responsibilities include centralized purchasing services through the use of requisitions, requests for proposals, and invitations to bid for all City operations; and ensuring full, open, and fair competition while maximizing the value received in the procurement process and conforming to the Purchasing Ordinance and accepted purchasing practices. The division is also responsible for providing City-wide mail services. With respect to the Facilities Maintenance function, the division is responsible for the City-wide maintenance,

repair, modification, modernization and revitalization of City-controlled facilities and buildings. The division provides management of in-house and contract services to meet emergency, routine and long-term facility maintenance and operations. In addition to the day-to-day maintenance operations, the division oversees a preventative maintenance program; procurement and installation of office furnishings; custodial, pest control and locksmith services; and fire and security systems.

- Technology Services

  This division is responsible for the centralized design, maintenance, security and support of the City's communication infrastructure, computer network, and telephone/radio systems. Four sections in this division provide city-wide support for the computer network and security, including desktop support and Internet access; support for databases and various enterprise software applications including Enterprise Resource Planning (ERP) system, Permits system, Document Imaging system, Citizen Relationship Management (CRM) system, Work Order system, and Geographic Information System (GIS); and the communications backbone, telephone system and two-way radio communications.

- Animal Services

  This division provides a full range of animal care and control services. These services include the investigation of animal bites and reports of animal cruelty; administration of nuisance ordinances; control of stray animals; and animal licensing. In addition, the division maintains an animal shelter to care for impounded animals, process lost-and-found pets, facilitate pet adoptions, provide education for pet owners, and care for sick and injured animals through a veterinary clinic adjoining the shelter.

Department Mission Statement

The mission of the Financial & Administrative Services Department is to effectively manage the City's finances and safeguard its assets through adherence to the highest ethical standards, sound internal controls, and meaningful financial reporting; enhance public safety through the Animal Services function; and provide a high level of staff support and automation through the internal service functions of Purchasing, Facilities Maintenance and Technology Services.

Financial & Administrative Services Department

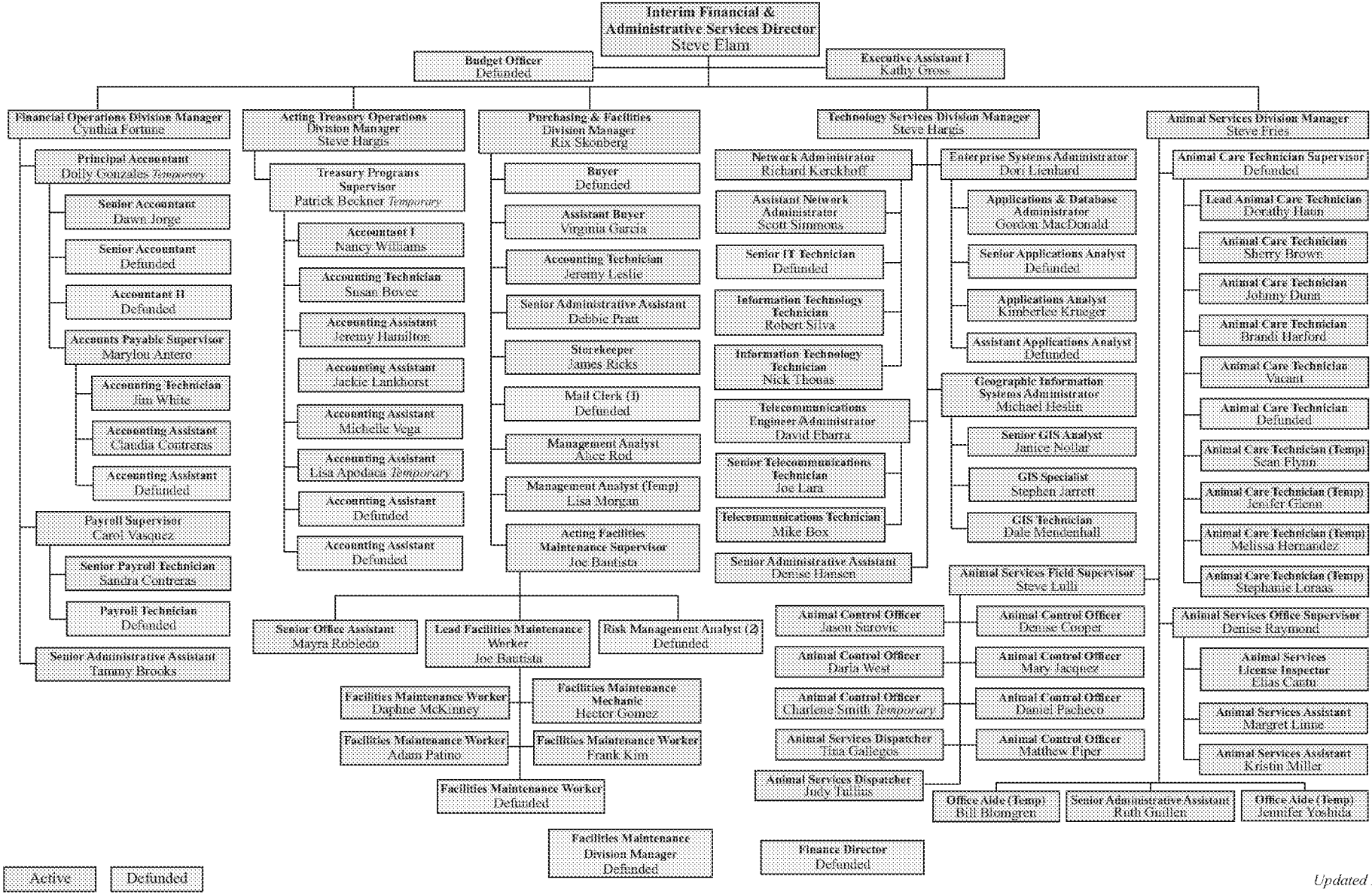

Updated March 2010

Item No. G.2

MV000054862

FIRE DEPARTMENT

Department Description

The City of Moreno Valley Fire Department operates six fire stations and a Fire Prevention Bureau providing fire suppression, emergency medical, rescue, hazardous materials response, and fire prevention services to the citizens of Moreno Valley. The equipment used by the department has the versatility to respond to both urban and rural emergency conditions. Through a Cooperative Fire Services Agreement with the Riverside County Fire Department, the City has access to additional emergency equipment such as brush engines, aircraft, hazardous materials unit, fire crews, and breathing support units.

- Fire Operations

  The Moreno Valley Fire Chief directs an integrated fire services program within the City. The emergency response level provides one Chief Officer, six three-person Engine Companies and three four-person Truck Companies. Each Engine Company is staffed by at least one paramedic who can provide advance life support.

- Fire Prevention

  The Fire Marshal, under direction of the Fire Chief, supervises the Fire Prevention Bureau. The Fire Prevention Bureau conducts fire and life safety inspections as well as plan reviews for new construction, existing buildings, and special events.

- Volunteers

  There are approximately 25 volunteer firefighters who enhance the fire protection needs of the City by providing additional staffing on the fire engines when they are available.

- Fire Explorers

  The Fire Explorer Program is designed to educate youths about the fire service field and to assist them in preparing for a career with the Fire Department. They receive training on fire tactics, hose lays, first aid, and fire prevention programs.

- Emergency Operations & Volunteer Program

  The Emergency Operations & Volunteer Program includes emergency management mitigation, preparedness, response and recovery; employee and citizen emergency training; and coordination of volunteer groups such as the Community Emergency Response Team (CERT), Emergency Response Force (ERF), and Moreno Valley Amateur Communications Emergency Services/Radio Amateur Civil Emergency Services (MV ACES/RACES).

Department Mission Statement

The Moreno Valley Fire Department serves the community with pride, integrity, and professionalism while providing quality emergency services to protect and preserve life and property of its citizens when exposed to fires, medical emergencies, natural or man made disasters, hazardous materials incidents, and rescue emergencies in a safe, efficient and cost effective manner as a result of a cooperative, regionalized fire and rescue delivery system with the Riverside County Fire Department.

FIRE DEPARTMENT

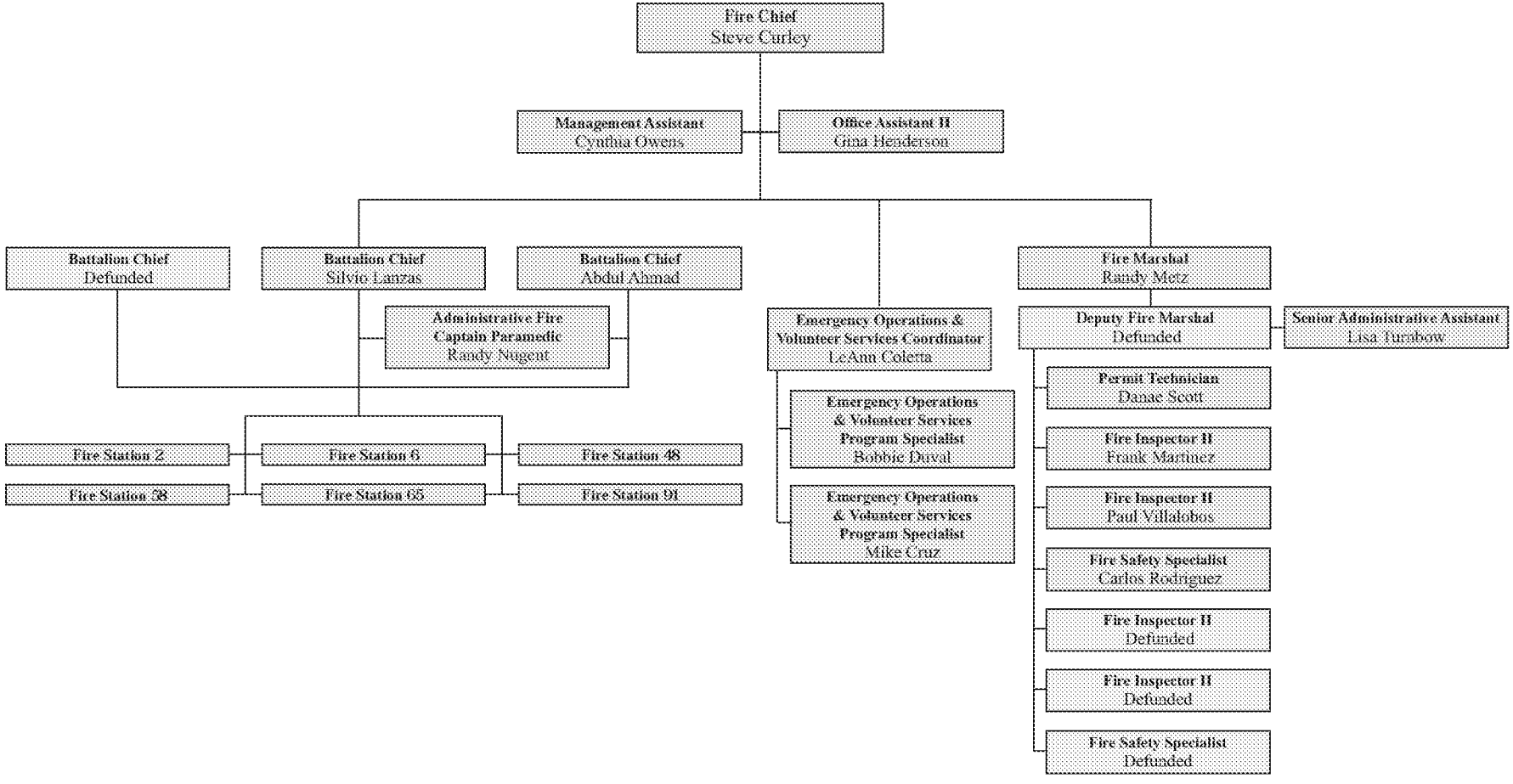

KEY: Active | Defunded

Updated March 2010

MV00054865

HUMAN RESOURCES DEPARTMENT

Department Description

This department is responsible for the centralized human resource and risk management functions within the City including recruitment, selection, classification, compensation, Equal Employment Opportunity (EEO), training, employee benefit administration, employee relations, liability, workers' compensation, and emergency operations and volunteer services. The Human Resources Director is the first line of contact with employees in orientation, assistance and grievance counseling; and provides staff support to the Assistant City Manager, who is the designated Employee Relations Officer.

- Risk Management

  This division is responsible for maintaining reserves and excess insurance coverage for the general liability and workers' compensation programs, and maintaining property insurance for City facilities. Other responsibilities include management of claims made against the City; assignment of lawsuits to outside counsel; tracking of legal expenses and reserves; managing the city-wide safety program including safety-related employee training; and management of the security guard program.

Department Mission Statement

To balance service and regulatory requirements in providing internal and external customers equitable services and consistent policies and procedures in a variety of Human Resource functions including recruitment, selection, retention, training, benefits, Workers' Compensation, EEO, interpretation and application of personnel rules and regulations, and related support services. To identify risks to City assets and put in place programs to help mitigate or eliminate those risks. To enhance public safety through our Emergency Operations/Volunteer Services functions; and through various programs, we strive to assist the City in achieving its mission and vision, and assure a safe and discriminatory-free work environment for our employees, prospective employees, visitors and the community at large.

Human Resources Department

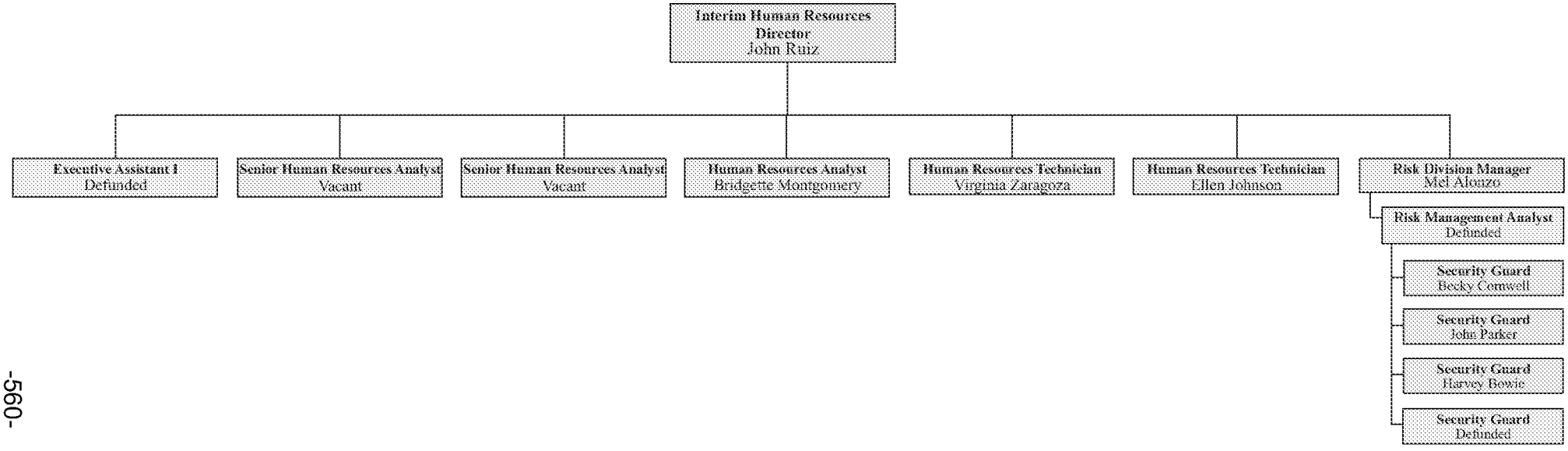

KEY: Active | Defunded

Updated March 2010

MV00054867

LIBRARY SERVICES

Department Description

The Library provides a full range of services via traditional delivery methods and through various computerized venues.

- Reference Desk

  Reference staff provide homework and other research assistance, assist patrons using the online catalog and electronic databases, and select new materials. Additional typical duties include preparing recommended reading lists, reviewing materials, planning and implementing programs for adults, cataloging new materials, answering telephone reference questions, and handling inter-library loans.

- Children's Programs

  Dedicated children's staff help our youngest patrons with homework needs; recommend reading materials, and select new materials. They also perform outreach activities at various schools and conduct library group tours, to foster a love for reading and learning in all children.

- Circulation Desk

  Circulation staff assists patrons with all aspects of Library use, filling in at public desks when public services staff is busy with other functions. Patron registrations, materials check-in and check-out, account inquiries, and all other related activities such as fines and fees collection are handled by this staff. They also mend materials, shelve books as they are returned to the library, process donations, and handle all library displays.

- Computer Lab

  The computer lab consists of 15 adult-use computers (including one for express 15-minute increments) and 10 children's computers. Printing is available in color and in black-and-white. The library's microfilm and microfiche collection can be accessed through a microform reader that digitizes articles for printing or saving to a flash drive. Staff is always available to help.

Department Mission Statement

The goal of the Moreno Valley Public Library is to provide services that will contribute to the educational development and cultural vitality of Moreno Valley. To achieve this goal, the Library's mission is to provide access to a broad range of information resources, offering a program of informational, educational, recreational, and cultural enrichment opportunities for all patrons in the Moreno Valley area.

LIBRARY

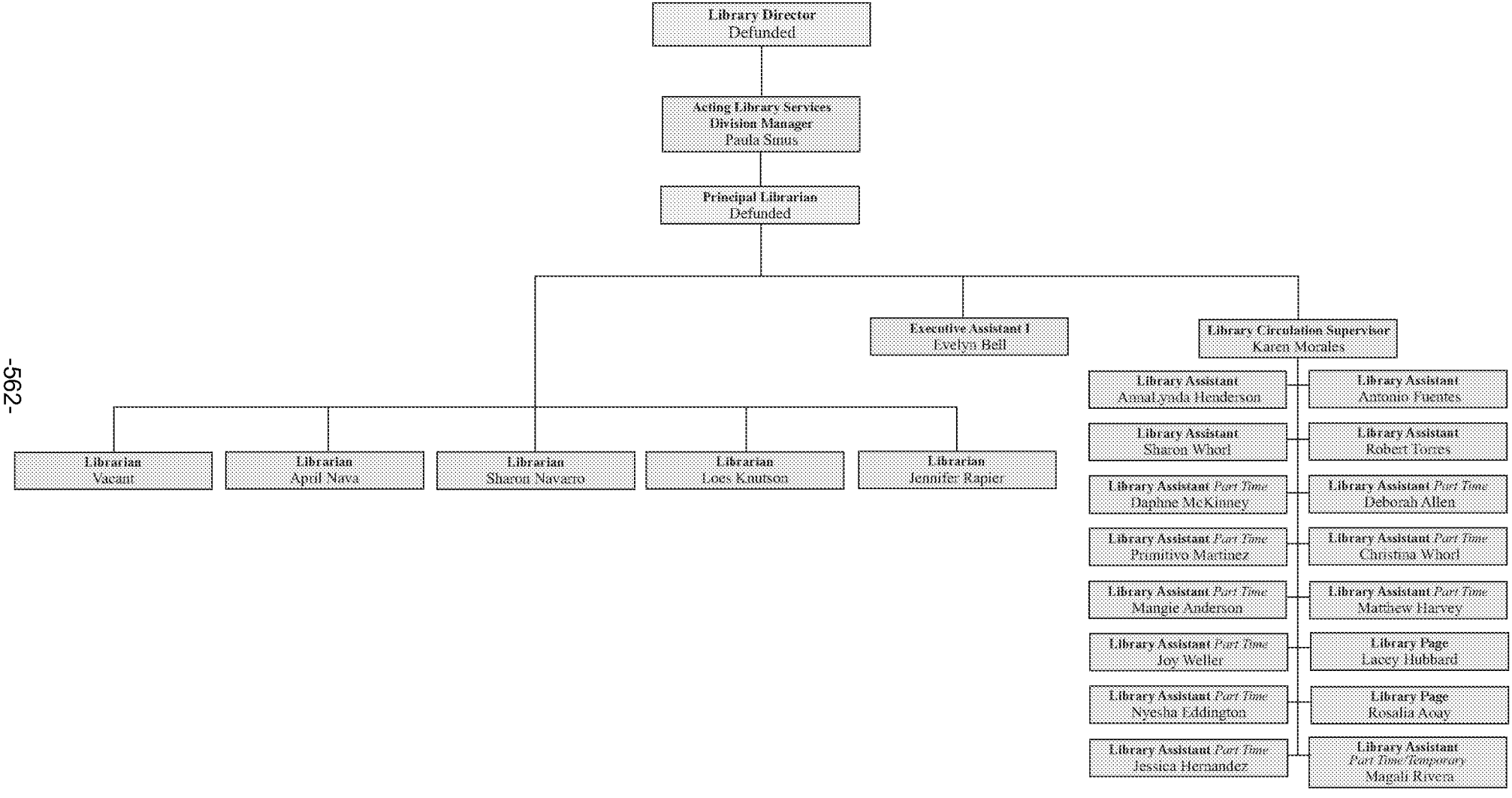

KEY: Active | Defunded

** Defunded 10 Temporary Positions.*

Updated March 2010

MV00054869

PARKS AND COMMUNITY SERVICES DEPARTMENT

Department Description

Plan, design and oversee development of new park sites and facilities, maintain parks and facilities in a safe and aesthetically pleasing manner, maintain and oversee development of the multi-use trail system, provide a wide range of programs for the community including athletic leagues, classes, trips and outings, child care, teen and senior activities, schedule use of facilities, plan, organize and promote special events, and enforce the park rules and regulations and promotion of safe use of park facilities.

- Parks and Community Services Administration

  Administers the Parks and Community Services department in order to plan, design and oversee the wide range of programs offered to the residents of Moreno Valley.

- Recreation Division

  - Senior Program

    Plan, design and oversee the wide range of programs offered to the City's senior citizen community.

  - Recreation Program

    Plan, design and oversee the wide range of recreational programs offered for the City residents; schedule and supervise use of sports facilities.

  - Community Services

    Plan, design and oversee community service needs. Additionally to produce the Recreation Activity Guide and City Newsline three times per year.

  - Community Events

    Plan, design and oversee recreation community events and programs such as the 4th of July parade and festival.

  - Child Care Grant

    Plan, design and oversee the Child Care Grant program offered by the City, which provides after-school day care to the City's residents.

- Parks Division

  - Park Ranger Program

Maintain safety in the City's parks through patrol services, enforcement of park rules and regulations, and the promotion of safe use of park facilities.

- Contract Maintenance

  Administration of maintenance of the "linear parks" for the City including the Senior Center, City Hall, multi-use trails, and the Aqueduct Bikeway.

- Golf Course Program

  Administration of the Cottonwood Golf Center operations.

- CSD Public Facilities

  Responsible for providing the maintenance program for the CSD city-owned buildings, such as the Senior Center, March Field Park Community Center, Pro Shop/Recreation Center, Conference and Recreation Center and TownGate Community Center.

Department Mission Statement

The mission of the Parks and Community Services Department is to provide an enriching environment that offers recreational, educational and social opportunities for all citizens.

Parks & Community Services Department

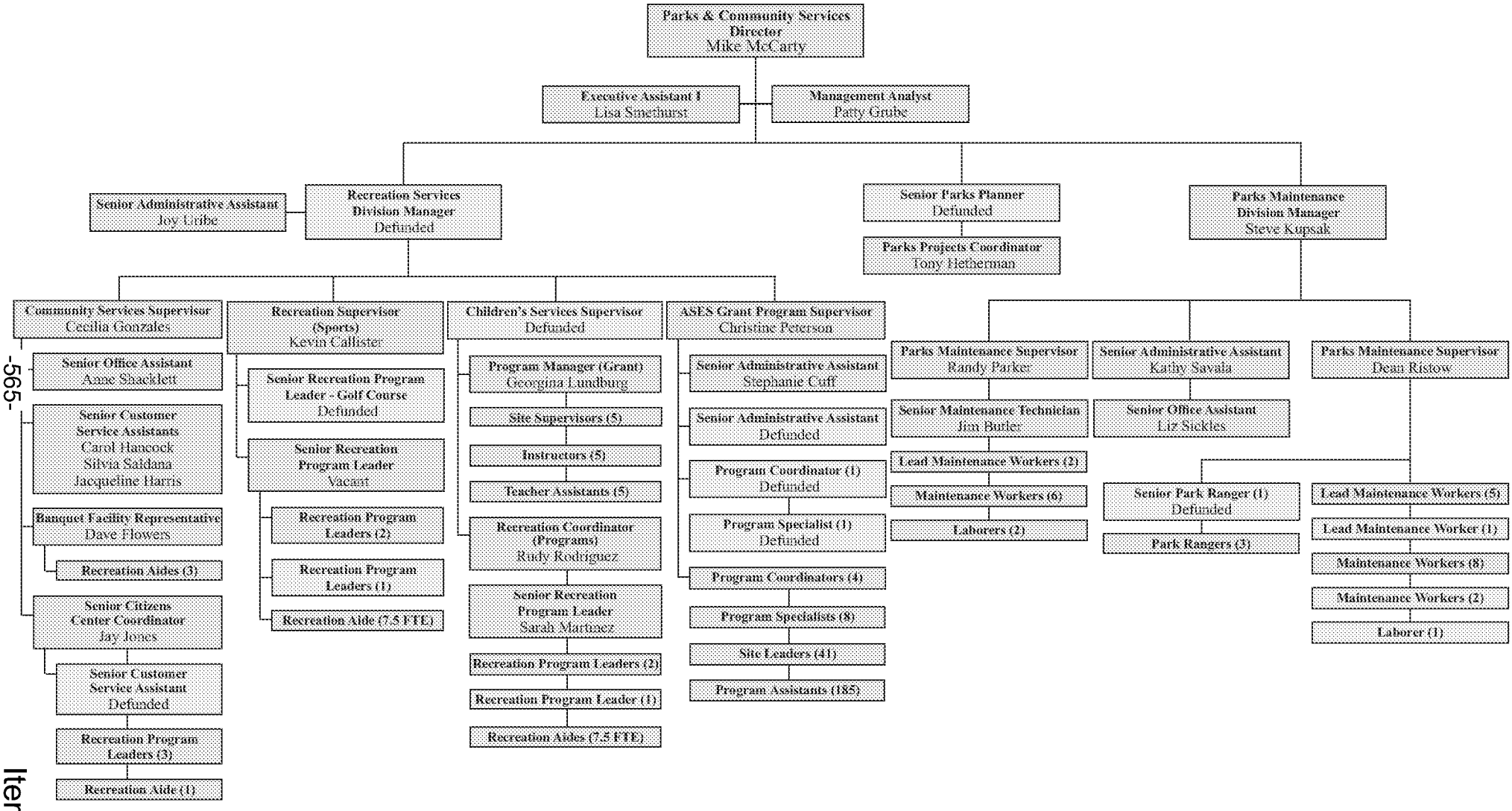

Updated March 2010

Item No. G.2

MV000054872

POLICE DEPARTMENT

Department Description

The Moreno Valley Police Department (MVPD) is a full-service law enforcement agency serving the citizens of Moreno Valley. The MVPD is comprised of five operating divisions. These divisions manage the City's resources as well as accomplish the mission of the MVPD. The MVPD is comprised of the Administrative division, the Detective division, the Patrol division, the Special Enforcement Teams division, and the Traffic division.

- Administrative Division

  The Administrative division is responsible for operating the MVPD facility, and the Accounting Unit.

- Detective Division

  The Detective division is responsible for the MVPD Detective Unit, the Burglary Suppression Team, and the Crime Analysis Unit.

- Patrol Division

  The Patrol division is responsible for Patrol Zone areas of the MVPD, the Mall Unit, the TRU Unit, the Problem Solving Oriented Policing (POP) Team, and the MVPD Reserves.

- Special Enforcement Teams Division

  The Special Enforcement Teams Division is responsible for (SET) Special Enforcement Team (gangs, street drug crimes, and career criminal team), the MVPD School Resource Unit, and the RCRMC Unit.

- Traffic Division

  The Traffic division is responsible for traffic enforcement, traffic accident investigation and prevention, providing public awareness education, the MVPD Business Office, the Community Services Unit, and the MVPD Volunteer Forces.

Department Mission Statement

The mission of the MVPD is to protect the lives and property of our citizens, to identify and bring to justice those who violate the law, and to provide public service related law enforcement. The MVPD offers law enforcement-related programs to promote safe, lawful behavior, respond effectively to emergencies, investigate and apprehend criminals, and involve citizens in enhancing their safety.

POLICE DEPARTMENT

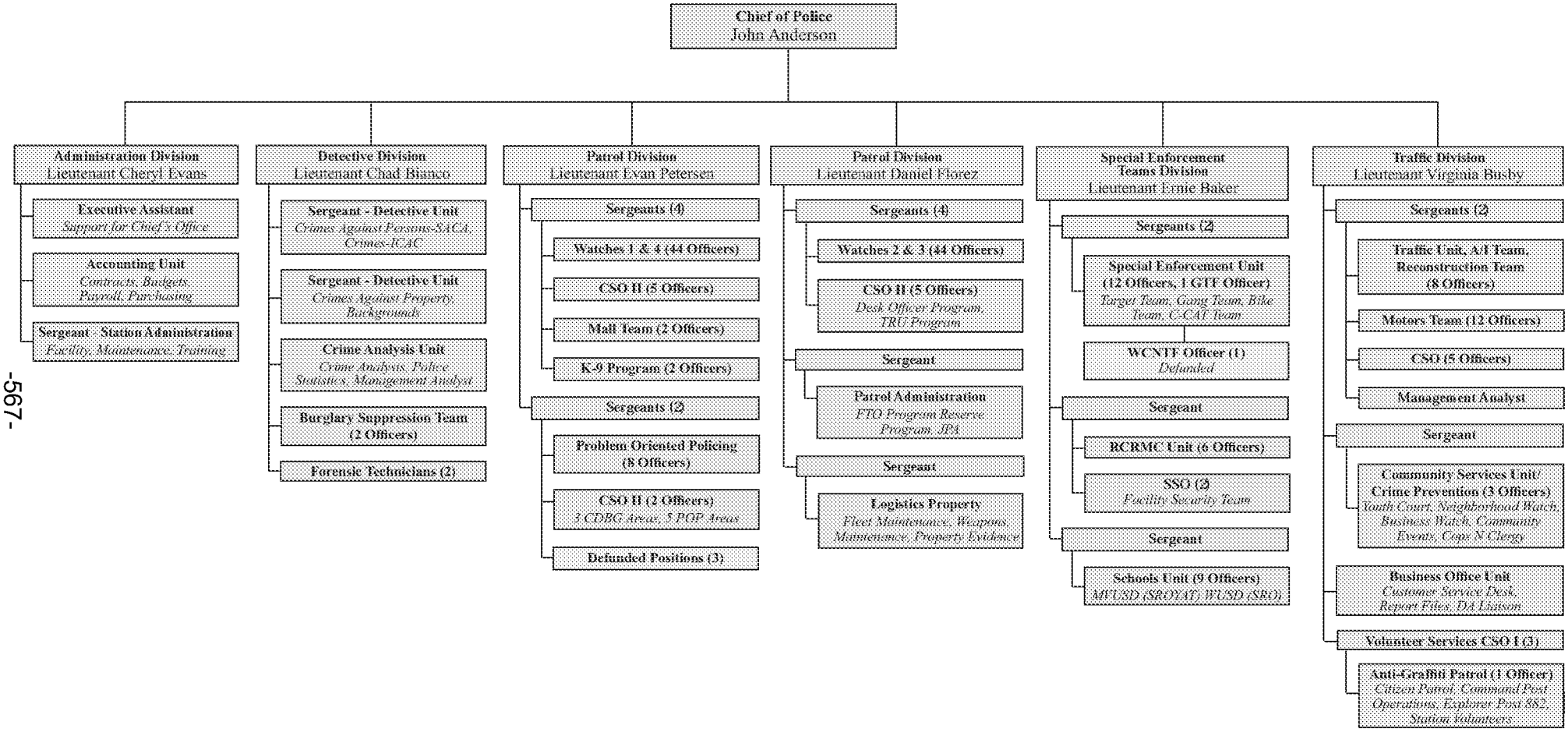

KEY: Active | Defunded

Updated March 2010

MV000054874

PUBLIC WORKS DEPARTMENT

Department Description

The Public Works Department is the largest "non-public safety" full-service department in the City of Moreno Valley consisting of seven. The Public Works department is responsible for public works administration, city engineering, maintenance of public facilities located within the street right-of-way, special landscape and lighting districts, electric service to new development in residential, commercial and industrial areas, solid waste collection and disposal, design and construction of City-built capital improvements, and administration of traffic facilities and related activities.

- Public Works Administration

  Public Works Administration is responsible for the oversight of six subordinate divisions comprising the Public Works Department and analysis of regional, state and federal legislative actions concerning public works issues. Public Works Administration also coordinates with local and regional agencies for flood control, water and wastewater supply and disposal, planning for public utilities, and emergency response to disasters.

- Capital Projects Division

  Capital Projects is responsible for implementation of the City's infrastructure of the capital improvement program. The Division is responsible for engineering design and contract administration, Requests for Proposal (RFP's) and construction for City-funded capital projects which include constructing storm drains, widening roads, installing and upgrading traffic signals, improving roadway conditions, curb and gutter installations and replacements, upgrade of roadway medians, bikeways, bridges and facilities. The Division also provides Real Property services to all departments in the City. These services include acquisitions/negotiations, appraisal reviews, cost estimates, legal description review, title and escrow services and oversee and coordinate Right-of-Way consulting services.

- Electric Utility Division/ Moreno Valley Utility ("MVU")

  The Electric Utility Division, or Moreno Valley Utility ("MVU"), is responsible for providing reliable electric service to residential, commercial, and industrial customers of new developments within the City of Moreno Valley. MVU is responsible for resource management and planning (power contracts), finance administration, legislative and regulatory compliance, strategic planning, and public benefit program development and implementation. MVU is also responsible for managing a long term agreement with ENCO Utility Services Moreno Valley, LLC ("ENCO") that was approved in late 2003. Under that agreement, ENCO provides operations and maintenance, construction support, customer service, meter reading, billing, emergency response, and other services.

- Land Development Division

  The Land Development Division is responsible for the review and approval of all private development projects within the City including tentative maps, tract and parcel maps, lot line adjustments, monument inspection, environmental impact, and soil and hydrology reports. This Division generates entitlement conditions of approval and development agreements, establishes bond amounts for development projects, reviews and approves storm drain, street improvement and grading plans, and provides inspection services for all development-related projects. The Storm Water Management Section implements a Watershed Management Program integrating programs and policies including best management practices to reduce pollutants in urban runoff and flooding of property.

- Maintenance and Operations Division

  The Maintenance and Operations Division maintains public streets, drainage systems, and adjacent rights of way, including: pavement repair & rehabilitation; crack sealing; curb, gutter and sidewalk removal and replacement; storm drain and catch basin inspection and cleaning; parkway tree trimming and removals; street sweeping; right-of-way litter and weed abatement; and public and private property graffiti abatement. Additionally, this Division maintains vehicles, equipment, and related services for the entire City. Lastly, this Division is responsible for administration of the City's solid waste services, environmental grants and AB 939 recycling programs and compliance.

- Special Districts Division

  Special Districts each year evaluates, establishes and administrates a wide range of special financing districts for construction and acquisition of public infrastructure, as well as manages special benefit programs that offer street lighting, parkway landscape and improved median landscape maintenance services to residential neighborhoods and commercial/industrial areas throughout the City of Moreno Valley. To pay for each financed district or program service, Special Districts annually submits for collection on the Riverside County property tax bill a levy of Community Services District charges, special taxes and/or assessments, nuisance abatement fees, National Pollutant Discharge Elimination System rates, and solid waste delinquencies.

- Transportation Division

  The Transportation Engineering Division is responsible for improving safety and mobility of the walking, cycling, and motoring public. Emphasis is placed on both the regional and sub-regional arterial roadway system to address increased vehicular traffic demand. Focused efforts provide for street and intersection widening, improved access management, new and modified traffic signals, modified signing and striping, building continuous flow intersections (roundabouts), and Intelligent Transportation System (ITS) implementation. Additionally, staff maintains the highest degree of maintenance and functionality for the 167 existing traffic signals to

minimize vehicle delay and congestion. Signal coordination is provided on multiple jurisdiction arterial roadways to allow seamless and efficient traffic flow. Transportation Engineering is also responsible to administer the school crossing guard, red light camera enforcement, and residential speed management programs, and perform all studies relating to the Traffic Safety Commission.

Department Mission Statement

The mission of the department is to ensure the City roadway system and traffic control is safe, public properties are protected from damage due to flooding, earth movement, and other natural or man-made conditions, adequate public infrastructure is planned for and provided, and existing and future special districts are administered efficiently and effectively while maintaining a high standard of quality.

PUBLIC WORKS DEPARTMENT

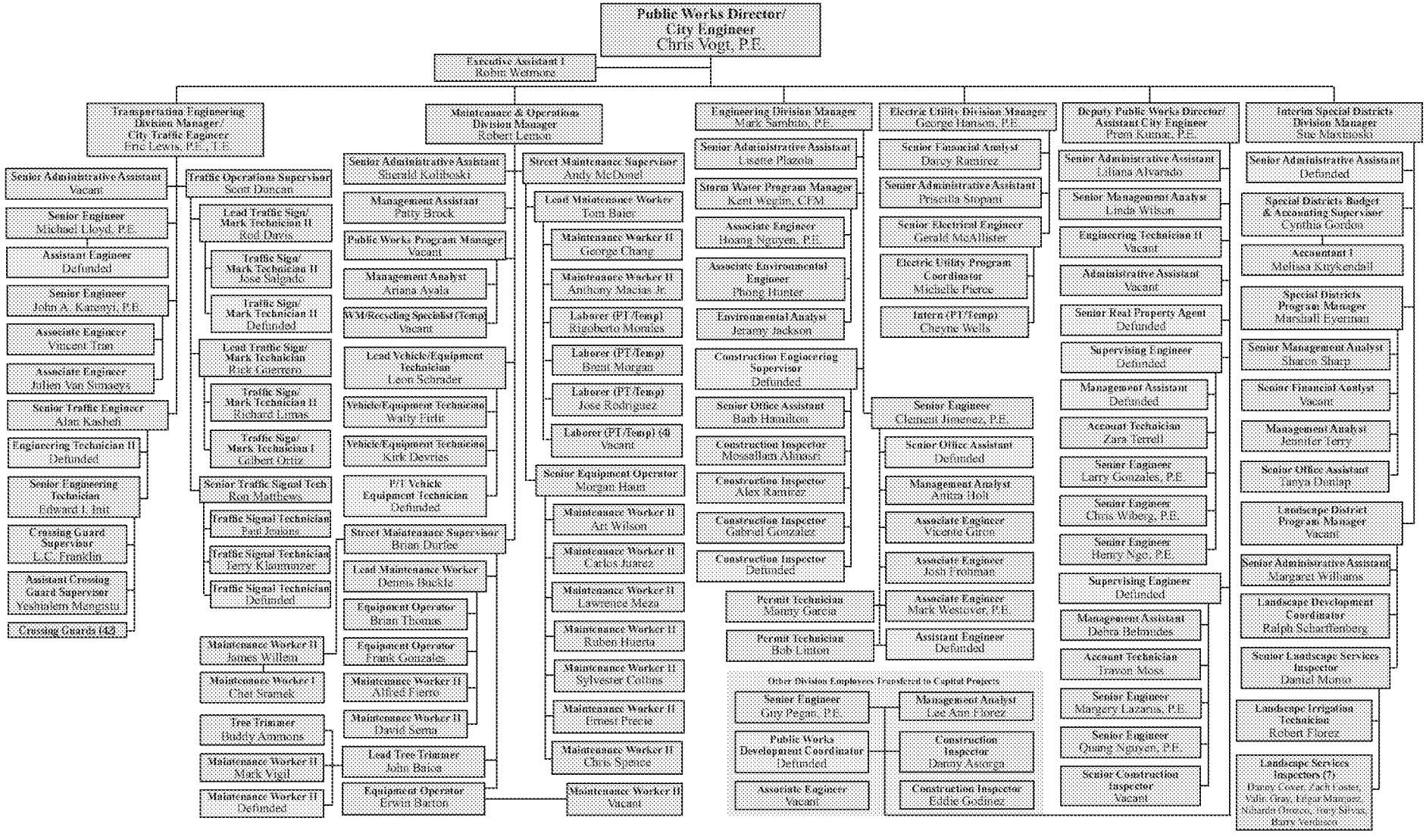

KEY: Active | Defunded

Updated March 2010

Item No. G.2

City of Moreno Valley

2010-11 Preliminary Base Operating budget

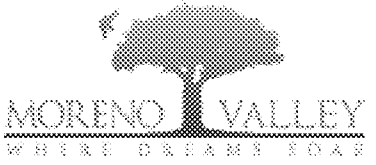

Summaries

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Total Citywide Operating Expenditures

Fund Type		Operating Budget
General	$	85,630,700
Community Services District		17,697,300
Redevelopment Agency		14,907,800
Special Revenue Funds		22,486,700
Capital Projects Funds		10,714,400
Enterprise Fund		14,321,400
Debt Service Funds		19,696,400
Total	$	185,454,700

Internal Service Funds (ISF) expenditures are charged to all user funds. The cost of these ISF services are already included in all the funds listed above.

Total City Budget
2010-11 Preliminary Base Operating Expenditures
$185,454,700

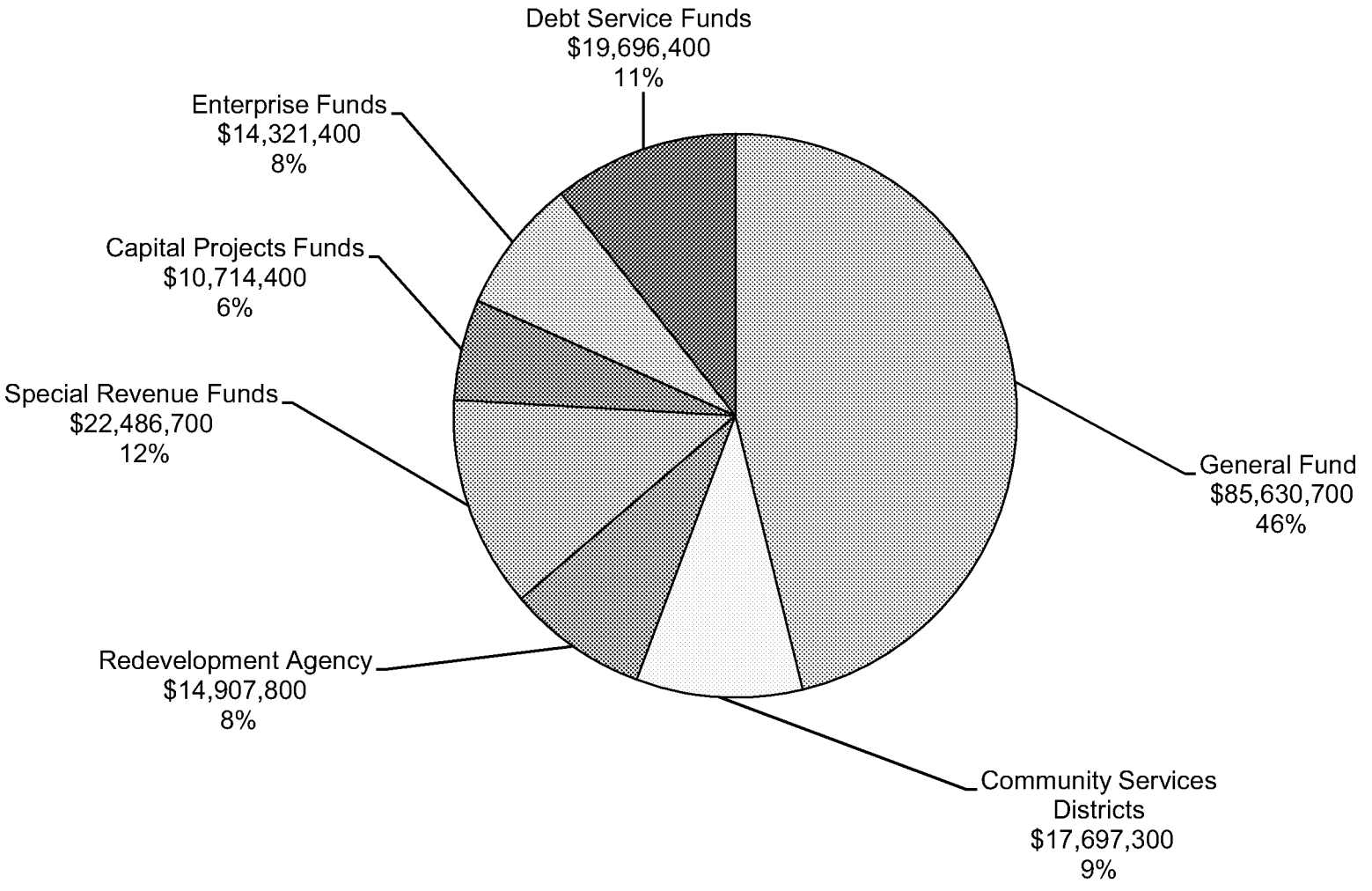

General Fund
2010-11 Preliminary Base Operating Revenues
$67,754,400

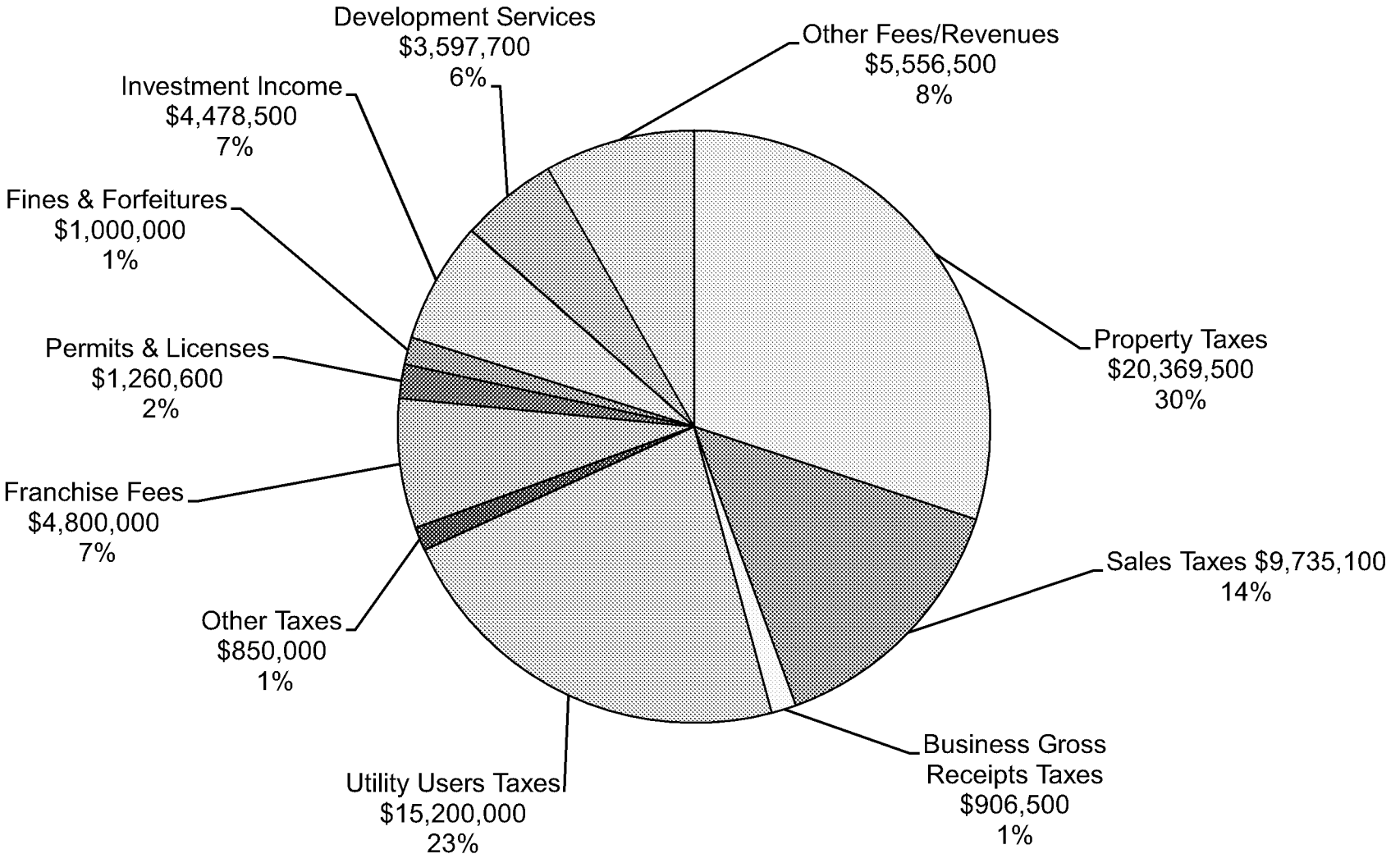

MV00054882

General Fund
2010-11 Preliminary Base Operating Expenditures
$85,630,700

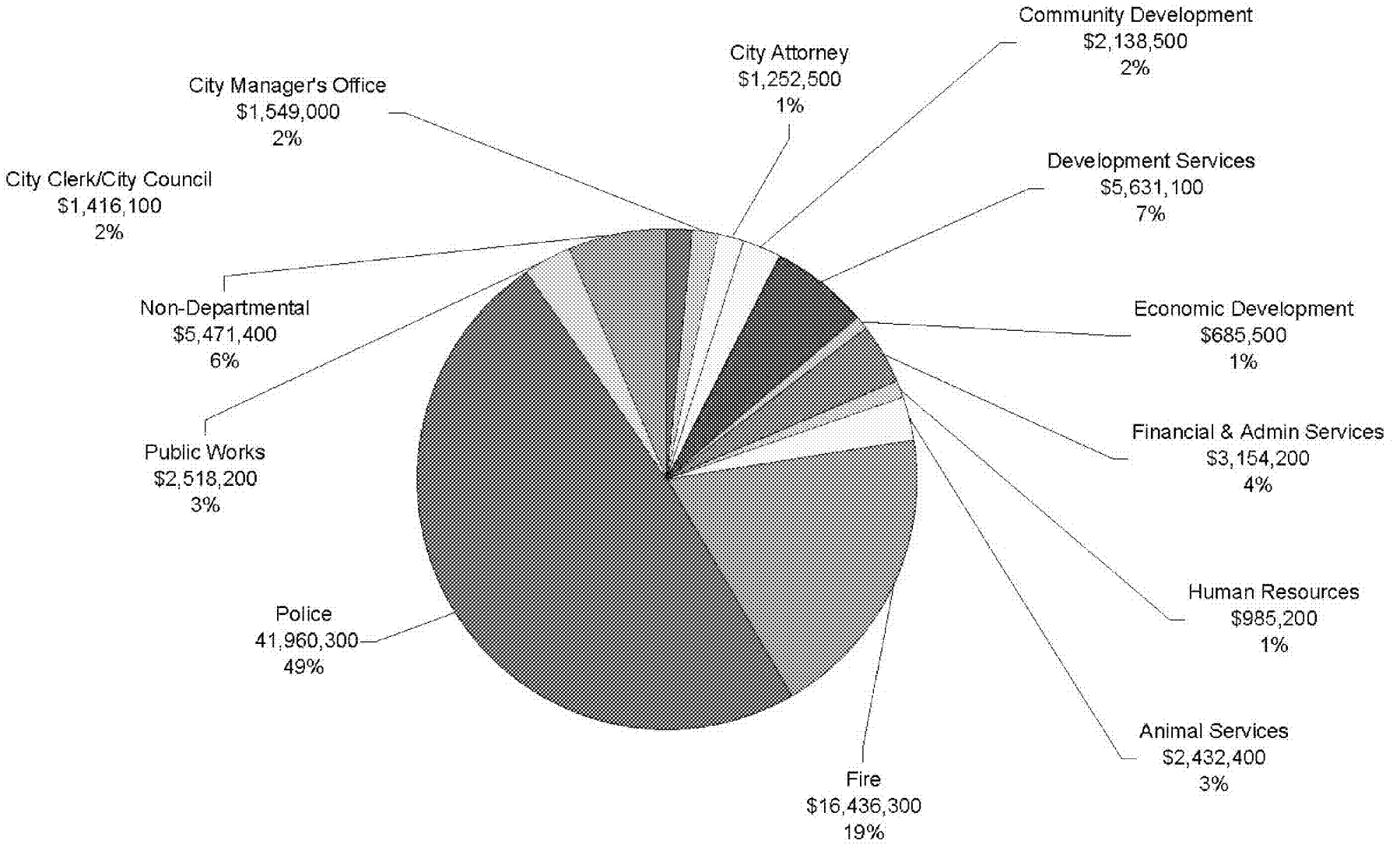

City of Moreno Valley
2010-11 Preliminary Base Operating Budget

Description	General Fund	Community Services District	Redevelopment Agency	Special Revenue Funds	Capital Projects Funds	Enterprise Fund	Internal Service Funds	Debt Service Funds	Adjustment for Internal Service Funds (1)	Total
Source of Funds										
Revenues:										
Property Taxes	20,369,500	3,043,389	8,767,604	-	8,400	-	-	2,700	-	32,191,593
Gas Taxes	-	-	-	2,702,500	-	-	-	-	-	2,702,500
Sales Taxes	9,735,100	-	780,000	-	-	-	-	750,000	-	11,265,100
Business Gross Receipts Taxes	906,500	-	-	-	-	-	-	-	-	906,500
Utility Users Taxes	15,200,000	-	-	-	-	-	-	-	-	15,200,000
Other Taxes	850,000	-	-	967,800	-	-	-	1,694,100	-	3,511,900
Franchise Fees	4,800,000	-	-	-	-	-	-	-	-	4,800,000
Parcel Fees	-	9,746,400	-	-	-	-	-	-	-	9,746,400
Development Fees	-	-	-	412,800	-	-	-	-	-	412,800
Motor Vehicle Fees	360,000	-	-	-	-	-	-	-	-	360,000
Other Fees	5,103,100	1,158,800	-	262,247	-	(119,500)	-	-	-	6,404,647
Fees for Service	-	-	-	-	-	13,644,000	-	-	-	13,644,000
Permits & Licenses	1,260,600	-	-	-	-	-	-	-	-	1,260,600
Fines & Forfeitures	1,000,000	-	-	-	-	-	-	-	-	1,000,000
Administrative Charges	2,691,500	-	-	763,500	-	-	9,842,600	-	(9,842,600)	3,455,000
Interest Income	4,478,500	81,400	2,019,600	612,800	100,900	-	-	351,200	-	7,644,400
Bond Proceeds	-	-	-	-	-	-	-	12,300,000	-	12,300,000
Miscellaneous Revenues	751,100	508,700	-	2,257,600	32,000	345,000	3,478,300	-	(3,478,300)	3,894,400
Grants/Intergovernmental Revenues	248,500	27,000	-	23,205,126	6,000,000	-	-	-	-	29,480,626
Transfers In	-	818,100	-	1,646,400	12,743,300	-	-	5,528,416	-	20,736,216
Total Revenues	**67,754,400**	**15,383,789**	**11,567,204**	**32,830,773**	**18,884,600**	**13,869,500**	**13,320,900**	**20,626,416**	**(13,320,900)**	**180,916,682**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Source of Funds	**67,754,400**	**15,383,789**	**11,567,204**	**32,830,773**	**18,884,600**	**13,869,500**	**13,320,900**	**20,626,416**	**(13,320,900)**	**180,916,682**
Use of Funds										
Program Expenditures:										
Operating										
Personnel Services	15,820,222	6,902,000	1,136,300	10,078,553	-	765,400	3,492,600	-	(3,492,600)	34,702,475
Contractual Services	58,556,594	6,766,600	6,144,545	5,387,766	18,800	10,529,300	5,050,600	78,483	(5,050,600)	87,482,088
Materials & Supplies	959,412	818,600	11,000	1,728,800	-	4,800	915,300	-	(915,300)	3,522,612
Debt Service	-	-	4,868,894	16,500	6,400	2,222,600	-	8,909,633	-	16,024,027
Fixed Charges	7,447,443	3,151,900	344,400	1,190,552	285,300	711,800	1,579,500	-	(1,579,500)	13,131,395
Transfers Out	2,666,900	51,800	2,402,698	4,084,493	-	-	822,025	10,708,300	(822,025)	19,914,191
Operating Expenditures	**85,450,571**	**17,690,900**	**14,907,837**	**22,486,664**	**310,500**	**14,233,900**	**11,860,025**	**19,696,416**	**(11,860,025)**	**174,776,788**
Capital										
Fixed Assets	180,100	6,400	-	-	10,403,900	87,500	689,700	-	(689,700)	10,677,900
Capital Expenditures	**180,100**	**6,400**	**-**	**-**	**10,403,900**	**87,500**	**689,700**	**-**	**(689,700)**	**10,677,900**
Total Program Expenditures	**85,630,671**	**17,697,300**	**14,907,837**	**22,486,664**	**10,714,400**	**14,321,400**	**12,549,725**	**19,696,416**	**(12,549,725)**	**185,454,688**
Increase in Reserve for Contingencies										-
Total Use of Funds	**85,630,671**	**17,697,300**	**14,907,837**	**22,486,664**	**10,714,400**	**14,321,400**	**12,549,725**	**19,696,416**	**(12,549,725)**	**185,454,688**
Net Change to Fund Balance	**(17,876,271)**	**(2,313,511)**	**(3,340,633)**	**10,344,109**	**8,170,200**	**(451,900)**	**771,175**	**930,000**	**(771,175)**	**(4,538,006)**

(1) These Internal Service Funds (ISF) revenue & expense budgets are charged to all user funds; the cost of these ISF services are already included in other funds' budgets.

Therefore, their exclusion from the total budget reflects the true level of City revenues & expenditures.

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund

Description	General Fund 010	Development Services 011	Fire Services 133	Total
Revenues				
Property Taxes	16,046,100	-	4,323,400	20,369,500
Gas Taxes	-	-	-	-
Sales Taxes	9,735,100	-	-	9,735,100
Business Gross Receipts Taxes	906,500	-	-	906,500
Utility Users Taxes	15,200,000	-	-	15,200,000
Other Taxes	850,000	-	-	850,000
Franchise Fees	4,800,000	-	-	4,800,000
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	360,000	-	-	360,000
Other Fees	2,152,100	2,850,300	100,700	5,103,100
Fees for Service	-	-	-	-
Permits & Licenses	520,000	740,600	-	1,260,600
Fines & Forfeitures	1,000,000	-	-	1,000,000
Administrative Charges	2,691,500	-	-	2,691,500
Interest Income	4,478,500	-	-	4,478,500
Bond Proceeds	-	-	-	-
Miscellaneous Revenues	694,900	6,800	49,400	751,100
Grants/Intergovernmental Revenues	248,500	-	-	248,500
Transfers In	-	-	-	-
Total Operating Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-
Total Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Expenditures				
Operating:				
Personnel Services	11,267,622	3,851,300	701,300	15,820,222
Contractual Services	44,060,244	498,400	13,997,950	58,556,594
Materials & Supplies	838,752	73,860	46,800	959,412
Debt Service	-	-	-	-
Fixed Charges	5,195,443	1,157,500	1,094,500	7,447,443
Transfers Out	2,666,900	-	-	2,666,900
Total Operating Expenditures	**64,028,961**	**5,581,060**	**15,840,550**	**85,450,571**
Capital :				
Fixed Assets	130,100	50,000	-	180,100
Total Capital Expenditures	**130,100**	**50,000**	**-**	**180,100**
Total Program Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Increase in Reserve for Contingencies				-
Total Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Net Revenues Over (Under) Expenditures	**(4,475,861)**	**(2,033,360)**	**(11,367,050)**	**(17,876,271)**

MV000054885

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District

Description	Zone L Library 131	Zone A Parks & Community Services 161	Zone B St Light 171	Zone C Art Light 172	Zone D Std Ldscp 181	Zone E Ext Ldscp 182	Zone M Median 183	ZONE S 185	CFD #4M 186	Total
Revenues										
Property Taxes	1,201,200	1,586,789	116,100	139,300	-	-	-	-	-	3,043,389
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	4,682,200	929,900	426,100	1,091,500	2,403,100	126,200	52,400	35,000	9,746,400
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	33,000	991,400	700	5,600	50,000	100	78,000	-	-	1,158,800
Fees for Service	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	-	-	-	9,000	1,300	69,600	1,500	-	-	81,400
Bond Proceeds	-	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	58,500	447,400	-	-	-	2,800	-	-	-	508,700
Grants/Intergovernmental Revenues	27,000	-	-	-	-	-	-	-	-	27,000
Transfers In	424,900	289,800	-	-	-	-	103,400	-	-	818,100
Total Operating Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	
Total Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Expenditures										
Operating:										
Personnel Services	1,315,600	4,229,400	132,400	37,200	479,300	593,800	86,000	28,300	-	6,902,000
Contractual Services	135,900	1,645,900	1,418,100	665,000	746,500	1,870,100	154,400	81,700	29,000	6,766,600
Materials & Supplies	225,900	435,100	3,500	3,200	44,900	88,000	15,500	2,500	-	818,600
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	483,900	2,129,600	64,000	62,900	147,300	233,500	17,200	7,500	6,000	3,151,900
Transfers Out	-	-	-	-	-	51,800	-	-	-	51,800
Total Operating Expenditures	**2,161,300**	**8,440,000**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,690,900**
Capital :										
Fixed Assets	-	6,400	-	-	-	-	-	-	-	6,400
Total Capital Expenditures	**-**	**6,400**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**6,400**
Total Program Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Increase in Reserve for Contingencies										
Total Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Net Revenues Over (Under) Expenditures	**(416,700)**	**(448,811)**	**(571,300)**	**(208,300)**	**(275,200)**	**(361,600)**	**36,000**	**(67,600)**	**-**	**(2,313,511)**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Redevelopment Agency

Description	RDA Administration 891	RDA Housing 894	RDA Tax Increment 895	RDA 2007 TAB Series A Debt Service 896	RDA 2007 TAB Series A Cap Prj 897	RDA 2007 TAB Series B Debt Service 898	Total
Revenues							
Property Taxes	-	-	8,767,604	-	-	-	8,767,604
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	780,000	-	-	-	780,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	318,500	800,000	1,100	900,000	-	2,019,600
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Expenditures							
Operating:							
Personnel Services	396,500	739,800	-	-	-	-	1,136,300
Contractual Services	251,870	5,689,400	200,000	3,275	-	-	6,144,545
Materials & Supplies	6,100	4,900	-	-	-	-	11,000
Debt Service	-	-	2,278,594	2,180,300	-	410,000	4,868,894
Fixed Charges	200,000	144,400	-	-	-	-	344,400
Transfers Out	-	-	2,402,698	-	-	-	2,402,698
Total Operating Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Increase in Reserve for Contingencies							
Total Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Net Revenues Over (Under) Expenditures	**(854,470)**	**(6,260,000)**	**5,466,312**	**(2,182,475)**	**900,000**	**(410,000)**	**(3,340,633)**

MV00054887

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Gas Tax Fund 121	SCAG Article 3 122	Measure A 125	SLESF - AB3229 Police Grant 130	Public/Education/ Gov't Access Program 132	EMPG- Emergency Mgmt Preparedness 134	OTS Police Grant 136	Air Quality Management 137	CDBG 01/02 144	Special District Admin 149
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	2,702,500	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	9,500
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	761,000
Interest Income	5,000	9,000	300,000	-	-	-	-	7,000	-	13,000
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	2,000	-	1,000	-	250,000	-	-	200,000	-	-
Grants/Intergovernmental Revenues	-	-	10,009,820	100,000	-	64,000	107,000	-	-	-
Transfers In	1,000,000	-	-	-	300,000	-	-	-	-	-
Total Operating Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Expenditures										
Operating:										
Personnel Services	3,161,900	-	248,900	-	257,600	73,200	-	82,181	-	800,500
Contractual Services	145,900	-	137,000	100,000	5,100	3,000	117,000	15,000	30,000	31,100
Materials & Supplies	632,500	-	6,000	-	6,600	11,500	-	-	-	12,700
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	16,752	-	46,000	-	177,900	6,500	-	-	-	385,900
Transfers Out	-	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Increase in Reserve for Contingencies										
Total Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Net Revenues Over (Under) Expenditures	**(247,552)**	**9,000**	**9,872,920**	**-**	**102,800**	**(30,200)**	**(10,000)**	**109,819**	**(30,000)**	**(446,700)**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Storm Water Maintenance 151	NPDES 152	Beverage Container Recycling 153	Child Care Grant 160	ASES Program Grant 162	HOME (Federal) 176	CFD #1 184	Homelessness Prevention Program 198	CDBG Recovery Act of 2009 199
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	967,800	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	227,747	-	25,000	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	2,500	-	-	-	-	-	-	-
Interest Income	-	-	-	-	25,000	-	13,000	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	394,300	-	-	1,367,400	-	-	-	-
Grants/Intergovernmental Revenues	421,400	165,300	-	797,300	4,499,200	390,000	-	183,218	137,192
Transfers In	182,000	139,095	-	-	-	-	25,305	-	-
Total Operating Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-
Total Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Expenditures									
Operating:									
Personnel Services	318,000	517,300	13,200	643,200	3,145,100	36,900	411,100	-	26,829
Contractual Services	76,800	238,260	-	185,300	1,858,200	358,000	343,200	183,218	110,363
Materials & Supplies	123,600	9,200	-	42,000	767,700	-	53,400	-	-
Debt Service	-	-	-	16,500	-	-	-	-	-
Fixed Charges	56,700	96,600	-	55,800	188,500	-	143,500	-	-
Transfers Out	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Increase in Reserve for Contingencies									
Total Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Net Revenues Over (Under) Expenditures	**28,300**	**67,582**	**(13,200)**	**(120,500)**	**(67,900)**	**(4,900)**	**54,905**	**-**	**-**

MV000054889

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Arterial Street Development Impact Fee 201	Traffic Signal Development Impact Fee 202	Fire Facility Development Impact Fee 203	Police Facility Development Impact Fee 204	Park Land Facility Dev. Impact Fee 205	Quimby In-Lieu Park Fees 206	Recreation Center Dev. Impact Fee 207	Libraries Development Impact Fee 208	City Hall Development Impact Fee 209	Corporate Yard Dev. Impact Fee 210
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	71,200	17,700	27,500	21,800	65,700	30,000	51,900	52,100	28,800	16,000
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	33,500	9,000	13,600	-	25,000	22,600	-	46,600	25,700	500
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,413,675	-	254,008	676,810	-	-	-	-	-	-
Total Operating Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,308,975)**	**26,700**	**(212,908)**	**(655,010)**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Interchange Imprvmnts Dev. Impact Fee 211	Maintenance Equipt. Dev. Impact Fee 212	Animal Shelter Dev. Impact Fee 213	Traffic Congestion Relief 225	FHWA TRANSIMS Deployment 227	Economic Stimulus Fund 228	JAG - PD - 2009 Fund 230	Fire - Emergency Svcs Fund 233	JAG - PD - 2010 Fund 262	CDBG 05/06 280
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	20,600	3,400	6,100	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	20,500	800	-	32,000	-	10,000	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	14,000	-	-
Grants/Intergovernmental Revenues	-	-	-	1,830,944	186,600	1,300,000	78,100	-	435,700	10,000
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	20,000	-	66,443	-	-	-
Contractual Services	-	-	-	-	10,000	-	5,775	-	-	-
Materials & Supplies	-	-	-	-	-	-	5,900	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,740,000	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,698,900)**	**4,200**	**6,100**	**1,862,944**	**156,600**	**1,310,000**	**(18)**	**14,000**	**435,700**	**10,000**

MV00054891

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	CDBG 07/08 282	CDBG 08/09 283	CDBG10/11 285	Used Oil Block Grant 14 293	TRI16-06-1 Target Rubberized 295	MV Foundation Donations 370	Arts Commission 371	Celebration Park Endowment 380	Total
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	2,702,500
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	967,800
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	412,800
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	262,247
Fees for Service	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	763,500
Interest Income	-	-	-	-	-	-	-	1,000	612,800
Bond Proceeds	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	27,900	-	-	1,000	-	2,257,600
Grants/Intergovernmental Revenues	14,700	418,652	2,000,000	-	56,000	-	-	-	23,205,126
Transfers In	-	-	-	-	-	-	-	-	1,646,400
Total Operating Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	
Total Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Expenditures									
Operating:									
Personnel Services	-	-	242,000	14,200	-	-	-	-	10,078,553
Contractual Services	-	-	1,420,600	12,900	-	50	1,000	-	5,387,766
Materials & Supplies	-	-	1,700	-	56,000	-	-	-	1,728,800
Debt Service	-	-	-	-	-	-	-	-	16,500
Fixed Charges	-	-	15,600	800	-	-	-	-	1,190,552
Transfers Out	-	-	-	-	-	-	-	-	4,084,493
Total Operating Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Increase in Reserve for Contingencies									
Total Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Net Revenues Over (Under) Expenditures	**14,700**	**418,652**	**320,100**	**-**	**-**	**(50)**	**-**	**1,000**	**10,344,109**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	PW General Capital Projects 414	TUMF Capital Projects 415	DIF Arterial Streets Capital Projects 416	DIF Traffic Signal Capital Projects 417	DIF Interchange Improvements 418	2005 Lease Revenue Bonds - Cap/Admin 501	Centerpoint 87-4 Cap/Admin 512
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	900	-	-	-	-	100,000	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	30,000	-	1,000	1,000	-	-	-
Grants/Intergovernmental Revenues	-	6,000,000	-	-	-	-	-
Transfers In	-	-	295,000	-	1,740,000	-	-
Total Operating Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies							
Total Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**

MV000054893

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	Towngate Impr Special Tax Capital/Admin 513	2007 Towngate Spcl Tax Ref Capital/Admin 515	Warner Ranch Assmnt Dist 518	Auto Mall Cap/Admin 528	CFD #5 Stoneridge Cap/Admin 529	CFD #41 Infra Cap/Admin 530	Total
Revenues							
Property Taxes	-	-	8,400	-	-	-	8,400
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	-	-	-	-	-	100,900
Bond Proceeds	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	-	-	-	32,000
Grants/Intergovernmental Revenues	-	-	-	-	-	-	6,000,000
Transfers In	38,250	145,650	-	62,500	54,000	10,407,900	12,743,300
Total Operating Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	3,700	3,700	-	3,700	3,700	4,000	18,800
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	6,400	-	-	-	6,400
Fixed Charges	34,500	141,900	700	58,200	50,000	-	285,300
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**4,000**	**310,500**
Capital :							
Fixed Assets	-	-	-	-	-	10,403,900	10,403,900
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**10,403,900**	**10,403,900**
Total Program Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Increase in Reserve for Contingencies							
Total Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Net Revenues Over (Under) Expenditures	**50**	**50**	**1,300**	**600**	**300**	**-**	**8,170,200**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Enterprise Fund

Description	Electric Utility Fund 601	2007 Taxable Lease Revenue Bonds 602	2005 Lease Revenue Bonds 603	Total
Revenues				
Property Taxes	-	-	-	-
Gas Taxes	-	-	-	-
Sales Taxes	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-
Utility Users Taxes	-	-	-	-
Other Taxes	-	-	-	-
Franchise Fees	-	-	-	-
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	-	-	-	-
Other Fees	(119,500)	-	-	(119,500)
Fees for Service	13,644,000	-	-	13,644,000
Permits & Licenses	-	-	-	-
Fines & Forfeitures	-	-	-	-
Administrative Charges	-	-	-	-
Interest Income	-	-	-	-
Bond Proceeds	-	-	-	
Miscellaneous Revenues	345,000	-	-	345,000
Grants/Intergovernmental Revenues	-	-	-	-
Transfers In	-	-	-	-
Total Operating Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	
Total Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Expenditures				
Operating:				
Personnel Services	765,400	-	-	765,400
Contractual Services	10,525,500	3,800	-	10,529,300
Materials & Supplies	4,800	-	-	4,800
Debt Service	77,400	1,827,000	318,200	2,222,600
Fixed Charges	711,800	-	-	711,800
Transfers Out	-	-	-	-
Total Operating Expenditures	**12,084,900**	**1,830,800**	**318,200**	**14,233,900**
Capital :				
Fixed Assets	87,500	-	-	87,500
Total Capital Expenditures	87,500	-	-	87,500
Total Program Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Increase in Reserve for Contingencies				
Total Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Net Revenues Over (Under) Expenditures	**1,697,100**	**(1,830,800)**	**(318,200)**	**(451,900)**

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	General Liability 741	Workers' Compensation 745	Technology Services 750	Facilities 754	Equipment Maintenance 755	Equipment Replacement Reserve 757	Total
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	1,031,000	-	4,018,000	4,079,100	714,500	-	9,842,600
Interest Income	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	300	870,800	264,600	32,300	3,800	2,306,500	3,478,300
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Expenditures							
Operating:							
Personnel Services	116,200	52,100	2,024,500	1,037,300	262,500	-	3,492,600
Contractual Services	1,182,700	462,100	1,359,000	2,036,800	10,000	-	5,050,600
Materials & Supplies	4,000	3,400	401,400	123,500	383,000	-	915,300
Debt Service	-	-	-	-	-	-	-
Fixed Charges	59,200	204,500	517,300	454,700	59,800	284,000	1,579,500
Transfers Out	-	-	-	822,025	-	-	822,025
Total Operating Expenditures	**1,362,100**	**722,100**	**4,302,200**	**4,474,325**	**715,300**	**284,000**	**11,860,025**
Capital :							
Fixed Assets	-	-	597,700	-	-	92,000	689,700
Total Capital Expenditures	**-**	**-**	**597,700**	**-**	**-**	**92,000**	**689,700**
Total Program Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Increase in Reserve for Contingencies							
Total Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Net Revenues Over (Under) Expenditures	**(330,800)**	**148,700**	**(617,300)**	**(362,925)**	**3,000**	**1,930,500**	**771,175**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	2005 Lease Revenue Bonds 301	2007 Towngate Improvement Tax Ref 313	2007 Towngate Special Tax Ref 315	Assessment Dist. 98-1 316	City Hall COP 97 321	Pub. Safety Lease Rev. Bond 325	Auto Mall 328	Automall CFD#5 Stoneridge 329	CFD #4! Infra Debt Service 330	OPA Sales Tax #2 340	Total
Revenues											
Property Taxes	-	-	-	2,700	-	-	-	-	-	-	2,700
Gas Taxes	-	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	750,000	-	-	-	750,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	114,400	-	-	-	-	1,217,600	362,100	-	-	1,694,100
Franchise Fees	-	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-	-
Interest Income	-	100	500	-	-	-	500	100	-	350,000	351,200
Bond Proceeds	-	-	-	-	-	-	-	-	12,300,000	-	12,300,000
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-	-
Transfers In	2,644,491	279,500	1,158,200	-	822,025	404,200	220,000	-	-	-	5,528,416
Total Operating Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Reserves	-	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Expenditures											
Operating:											
Personnel Services	-	-	-	-	-	-	-	-	-	-	-
Contractual Services	5,000	-	-	-	70,000	3,483	-	-	-	-	78,483
Materials & Supplies	-	-	-	-	-	-	-	-	-	-	-
Debt Service	2,639,491	355,300	1,012,500	2,400	752,025	400,717	2,354,300	307,600	1,085,300	-	8,909,633
Fixed Charges	-	-	-	-	-	-	-	-	-	-	-
Transfers Out	-	38,250	145,650	-	-	-	62,500	54,000	10,407,900	-	10,708,300
Total Operating Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Capital :											
Fixed Assets	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Increase in Reserve for Contingencies											
Total Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Net Revenues Over (Under) Expenditur	**-**	**450**	**550**	**300**	**-**	**-**	**(228,700)**	**600**	**806,800**	**350,000**	**930,000**

CITY OF MORENO VALLEY
Expenditure Summary by Fund

Fund #	Fund Description	2007-08 Actual	2008-09 Actual	2008-09 % Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	2009-10 % Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	2010-11 % Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	GENERAL FUND	$ 66,910,340	$ 77,497,224	15.82%	$ 62,494,697	$ 62,382,239	(19.50%)	$ 64,159,061	2.66%
011	DEVELOPMENT SVC FUND	11,075,793	8,202,310	(25.94%)	6,101,459	5,600,080	(31.73%)	5,631,060	(7.71%)
133	FIRE SVC OPERATIONS FUND	14,299,522	14,648,139	2.44%	15,809,802	15,659,100	6.90%	15,840,550	0.19%
	TOTAL GENERAL FUND	92,285,655	100,347,673	8.74%	84,405,958	83,641,419	(16.65%)	85,630,671	1.45%
121	GAS TAX FUND	4,655,544	4,184,420	(10.12%)	3,519,567	3,825,712	(8.57%)	3,957,052	12.43%
122	SCAG ARTICLE 3 FUND	64,853		(100.00%)			-		-
125	MEASURE "A" FUND	347,607	207,501	(40.31%)	435,943	298,383	43.80%	437,900	0.45%
128	ABC-POLICE GRANT FUND	13,397	(237)	(101.77%)			(100.00%)		-
130	SLESF-CCAT GRT-PD-AB322	366,264	179,327	(51.04%)	275,851	120,000	(33.08%)	100,000	(63.75%)
131	LIBRARY SERVICES FUND	2,239,469	2,112,524	(5.67%)	2,203,786	2,136,122	1.12%	2,161,300	(1.93%)
132	PUB/EDUC/GOVT ACCESS PR	756,581	532,905	(29.56%)	456,283	436,100	(18.17%)	447,200	(1.99%)
134	EMPG-EMERGNCY MGMT PREP	102,852	157,804	53.43%	208,089	97,025	(38.52%)	94,200	(54.73%)
136	OTS - POLICE FUND	116,074	116,619	0.47%	571,268	488,863	319.20%	117,000	(79.52%)
137	AIR QUALITY MGT FUND	15,014	131,085	773.09%	150,810	172,302	31.44%	97,181	(35.56%)
144	CDBG FY 01/02 FUND	30,000	30,000	-	30,000	30,000	-	30,000	-
146	CDBG FY 03/04 FUND	7,899		(100.00%)			-		-
148	CDBG PRIOR TO 95/96 FUN	13,547		(100.00%)			-		-
149	SPCL DIST ADMIN FUND	1,278,560	1,269,255	(0.73%)	1,380,358	1,169,779	(7.84%)	1,230,200	(10.88%)
151	STORM WATER MAINTENANCE	662,186	938,567	41.74%	575,102	574,911	(38.75%)	575,100	(0.00%)
152	STORM WATER MANAGEMENT	753,623	791,843	5.07%	969,635	863,909	9.10%	861,360	(11.17%)
153	BEVERAGE CONTAINER RECY	47,678	47,193	(1.02%)	47,483		(100.00%)	13,200	(72.20%)
160	CHILD CARE GRANT FUND	734,949	700,745	(4.65%)	889,107	766,456	9.38%	942,800	6.04%
161	ZONE "A" PARKS FUND	8,822,280	8,730,642	(1.04%)	8,612,880	8,051,417	(7.78%)	8,446,400	(1.93%)
162	STARS PROGRAM GRANT FUN	9,111,747	8,917,142	(2.14%)	5,620,287	5,891,600	(33.93%)	5,959,500	6.04%
171	ZONE "B" ST LGHT FUND	1,342,584	1,460,254	8.76%	1,606,197	1,647,740	12.84%	1,618,000	0.73%
172	ZONE "C" ART LGHT FUND	605,475	678,468	12.06%	738,286	735,754	8.44%	788,300	6.77%
176	HOME (FEDERAL) FUND	135,341	82,396	(39.12%)	397,128	381,423	362.91%	394,900	(0.56%)
181	ZONE "D" STD LDSC FUND	1,171,779	1,200,118	2.42%	1,343,499	1,222,314	1.85%	1,418,000	5.55%
182	ZONE "E" EXT LDSC FUND	2,502,417	2,493,873	(0.34%)	2,948,968	2,561,159	2.70%	2,837,200	(3.79%)
183	ZONE "M" MEDIAN FUND	155,237	163,887	5.57%	326,765	253,568	54.72%	273,100	(16.42%)
184	CFD#1	774,212	715,271	(7.61%)	986,315	824,400	15.26%	951,200	(3.56%)
185	ZONE "S"	47	6,162	13,010.64%	92,219	58,634	851.54%	120,000	30.13%
186	CFD #4M	6,003	21,924	265.22%	35,000	33,700	53.71%	35,000	-
193	EPA GRANT - BOX SPRINGS	203,560	182,166	(10.51%)	99,108	74,443	(59.13%)		(100.00%)

CITY OF MORENO VALLEY
Expenditure Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
194	JAG GRANT - CODE FUND		47,405	100.00%	32,452	32,452	(31.54%)	-	(100.00%)
196	ETA JOB TRAINING GRANT			-	118,886	118,886	100.00%		(100.00%)
197	NEIGHBORHOOD STABILIZAT		321	100.00%	11,390,116	11,390,116	N/A		(100.00%)
198	HOMELESSNESS PREVENTION			-	732,872	549,654	100.00%	183,218	(75.00%)
199	CDBG RECOVERY ACT OF 20			-	479,292	342,100	100.00%	137,192	(71.38%)
201	ARTERIAL STS DEV IMPACT	4,345,362	5,437,525	25.13%	2,955,942	2,955,942	(45.64%)	1,413,675	(52.18%)
202	TRAFFIC SIGS DEV IMPACT	838,735	360,618	(57.00%)	1,374,380	1,374,380	281.12%	-	(100.00%)
203	FIRE FACIL DEV IMPACT F	255,808	256,015	0.08%	257,328	257,328	0.51%	254,008	(1.29%)
204	POLICE FACIL DEV IMPACT	1,408	675,005	47,840.70%	675,493	675,493	0.07%	676,810	0.19%
205	PARKLD FACIL DEV IMPACT	4,171,616	(105,000)	(102.52%)			(100.00%)		-
206	QUIMBY IN-LIEU PARK FEE	101,224	31,000	(69.37%)			(100.00%)		-
207	RECREATN CTR DEV IMPACT	326,020		(100.00%)			-		-
208	LIBRARIES DEV IMPACT FE	1,920,743		(100.00%)			-		-
209	CITY HALL DEV IMPACT FE	2,336		(100.00%)			-		-
210	CORPORATE YD DEV IMPACT	56,530		(100.00%)			-		-
211	INTERCHANGE IMPROVMNTS	2,433		(100.00%)			-	1,740,000	100.00%
212	MAINTENANCE EQUIPMENT D	112		(100.00%)			-		-
213	ANIMAL SHELTER DEV IMPA	188,286		(100.00%)			-		-
227	FHWA TRANSIMS		102,212	100.00%	180,951	151,182	47.91%	30,000	(83.42%)
230	2009-DJ-BX-1178 JAG GRA			-	105,979	27,861	100.00%	78,118	(26.29%)
231	ICEP TASK FORCE FUND			-	50,668		-		(100.00%)
258	JAG - PD - 05 FUND	70,925	1,004	(98.58%)			(100.00%)		-
259	JAG - PD - 07 FUND	183,861		(100.00%)			-		-
260	JAG- PD- 08 FUND			-	29,699	29,879	100.00%		(100.00%)
261	2008 COPS TECH PRGRM GR		32,706	100.00%	107,589	107,589	228.96%		(100.00%)
262	JAG 2009 SB-59-2366 FUN			-	435,672	435,672	100.00%		(100.00%)
282	CDBG FY07/08 FUND	922,857		(100.00%)			-		-
283	CDBG FY08/09 FUND		824,183	100.00%	1,645		(100.00%)		(100.00%)
284	CDBG FY09/10 FUND			-	1,891,378	1,732,313	100.00%		(100.00%)
285	CDBG FY10/11 FUND			-			-	1,679,900	100.00%
290	UBG11 USED OIL RECYCLG	22,014		(100.00%)			-		-
291	UBG12 USED OIL RECYCLG	42,006	785	(98.13%)			(100.00%)		-
292	UBG13 USED OIL RECYCLG	283	44,192	15,515.55%	3,919	3,919	(91.13%)		(100.00%)
293	UBG14 USED OIL RECYCLG			-	39,925	18,263	100.00%	27,900	(30.12%)
294	TCA2-06-22 LOCAL GOVT W	10,399		(100.00%)			-		-

CITY OF MORENO VALLEY
Expenditure Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
295	TRI16-06-1 TARGETED RUB		47,950	100.00%	84,000	28,000	(41.61%)	56,000	(33.33%)
301	2005 LEASE REV BONDS-D	2,689,228	3,686,100	37.07%	2,647,499	2,648,515	(28.15%)	2,644,491	(0.11%)
303	TWNGT IMP DEBT SERV FUN	4,289,347	962,039	(77.57%)			(100.00%)		-
305	TWNGT REF DEBT SERV FUN	13,573,261	4,363,634	(67.85%)			(100.00%)		-
313	TWNGT IMPV SPCL TAX REF	195,491	4,396,940	2,149.18%	396,279	396,279	(90.99%)	393,550	(0.69%)
315	TWNGT SPCL TAX REFNDG D	616,772	14,614,340	2,269.49%	1,149,131	1,149,131	(92.14%)	1,158,150	0.78%
316	ASSMT DIST 98-1-DEBT SV	3,443	2,863	(16.85%)	2,611	2,611	(8.80%)	2,400	(8.08%)
321	CH COP 97 DEBT SERV FUN	811,668	695,961	(14.26%)	859,540	820,175	17.85%	822,025	(4.36%)
325	PUB SAFTY BOND DEBT SER	428,759	404,321	(5.70%)	404,169	404,169	(0.04%)	404,200	0.01%
328	AUTOML REFIN-CFD #3 DBT	2,635,370	2,131,560	(19.12%)	2,522,240	2,522,240	18.33%	2,416,800	(4.18%)
329	CFD#5 STONERIDGE DEBT S	347,954	341,872	(1.75%)	357,315	357,315	4.52%	361,600	1.20%
330	CFD #4I - INFRA DEBT SR			-	1,153,384		-	11,493,200	896.48%
335	COP 93 DEBT SERV FUND	2,000	5,000	150.00%	3,250		(100.00%)		(100.00%)
340	OPA SALES TAX #2 FUND	385,926	394,359	2.19%			(100.00%)		-
369	CTRPT 87-4 AGENCY FUND	869,255	399,082	(54.09%)			(100.00%)		-
370	MV FOUNDATION - DONATIO	1,254	50	(96.01%)		50	-	50	100.00%
371	ARTS COMMISSION		450	100.00%		1,000	122.22%	1,000	100.00%
412	FACILITY CONST FUND		67,040	100.00%	700,000		(100.00%)		(100.00%)
413	CAP IMPROVEMENT FUND		38,487	100.00%			(100.00%)		-
416	DIF ARTERIAL STREETS CA	7,214,399		(100.00%)			-		-
417	DIF TRAFFIC SIGNAL CAPI	513,902		(100.00%)			-		-
434	FIRE SERVICES CAP FUND		98,000	100.00%			(100.00%)		-
501	2005 LEASE REV BONDS-C	1,374,223	309,148	(77.50%)			(100.00%)		-
504	TWNGT IMP CAP-ADMIN FUN	40,013	3,038	(92.41%)			(100.00%)		-
506	TWNGT REF CAP-ADMIN FUN	136,875		(100.00%)			-		-
512	CTRPT 87-4 CAP-ADMIN FU	58,786	58,787	0.00%	55,350		(100.00%)	-	(100.00%)
513	TWNGT IMPV SPCL TAX CAP		4,014	100.00%	38,250	35,035	772.82%	38,200	(0.13%)
515	2007 TWNGT SPCLTAX REF		57	100.00%	139,750	138,375	N/A	145,600	4.19%
518	WARNER RANCH ASDST FUND	2,693	2,693	-	7,188	7,188	166.91%	7,100	(1.22%)
528	AUTOMALL CAP-ADMIN FUND	1,080,561	148,446	(86.26%)	148,940	148,940	0.33%	61,900	(58.44%)
529	CFD#5 STONERIDGE CAP/AD	2,306,243	2,228,520	(3.37%)	516,770	516,520	(76.82%)	53,700	(89.61%)
530	CFD #4I - INFRA CAP/ADM			-	5,850,000		-	10,407,900	77.91%
601	ELECTRIC FUND	10,926,171	12,441,800	13.87%	13,635,672	12,755,102	2.52%	12,172,400	(10.73%)
602	2007 TAXABLE LEASE REV	1,467,760	2,620,388	78.53%	1,835,552	1,835,602	(29.95%)	1,830,800	(0.26%)
603	2005 LEASE REVENUE BOND	38,230	693,216	1,713.28%	323,486	322,963	(53.41%)	318,200	(1.63%)

CITY OF MORENO VALLEY
Expenditure Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
741	GENERAL LIABILITY INS F	1,932,703	660,932	(65.80%)	1,215,861	1,269,453	92.07%	1,362,100	12.03%
745	WORKER'S COMP FUND	1,296,863	522,828	(59.69%)	871,875	874,021	67.17%	722,100	(17.18%)
750	MANAGEMENT INFO SYSTEM	3,836,405	3,966,273	3.39%	5,794,136	4,749,709	19.75%	4,899,900	(15.43%)
751	CENTRAL SERVICES FUND	289,835		(100.00%)			-		-
752	GRAPHIC SUPPORT FUND	20,563		(100.00%)			-		-
754	FACILITIES FUND	4,037,217	4,056,491	0.48%	5,822,784	5,187,036	27.87%	4,474,325	(23.16%)
755	EQUIPMENT MAINTENANCE F	986,549	821,533	(16.73%)	715,775	715,800	(12.87%)	715,300	(0.07%)
757	EQUIPMENT REPLACEMENT R	1,178,657	1,347,889	14.36%	406,050	383,752	(71.53%)	376,000	(7.40%)
891	RDA ADMIN FUND	1,032,544	846,919	(17.98%)	886,552	842,673	(0.50%)	854,470	(3.62%)
892	RDA CAP PROJECT FUND	142,552		(100.00%)			-		-
894	RDA HOUSING FUND	3,878,281	798,122	(79.42%)	6,194,851	4,295,684	438.22%	6,578,500	6.19%
895	RDA TAX INCREMENT FUND	11,963,889	12,936,214	8.13%	3,353,599	8,579,584	(33.68%)	4,881,292	45.55%
896	RDA 2007TABS, Series A	43,857,564	2,846,359	(93.51%)	2,175,559	2,178,559	(23.46%)	2,183,575	0.37%
897	RDA 2007TABS, SERIES A	2,375		(100.00%)			-		-
898	RDA 2007TABS, Series B	561,197	721,949	28.64%	325,000	600,000	(16.89%)	410,000	26.15%
	GRAND TOTAL EXPENDITURES	**269,812,170**	**224,793,162**	**(16.69%)**	**200,382,496**	**190,325,643**	**(15.33%)**	**198,004,413**	**(1.19%)**
	Less Internal Service Funds (1)	13,578,792	11,375,946		14,826,481	13,179,771		12,549,725	
	NET EXPENDITURES	**$ 256,233,378**	**$ 213,417,216**	**(16.71%)**	**$ 185,556,015**	**$ 177,145,872**	**(17.00%)**	**$ 185,454,688**	**(0.05%)**

(1) These Internal Service Funds (ISF) expenditures are charged to all user funds and the cost of these ISF services are already included in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City expenditures.

MV00054901

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund Capital Expenditures Reserve Summary

	2009-2010 Projected Actual	2010-2011 Preliminary Base
Beginning Unallocated Reserve Balance	12,448,100 (1)	4,003,700
Capital Reserve Funding Sources:		
1. Balance of Development Services Reserve	2,300,000	-
Sub-Total	2,300,000	-
Capital Reserve Funding Uses:		
1. Reduction in Development Services Reserve for operating expenditures	2,300,000	
2. Reduction in Reserve for operating expenditures	4,308,500	
3. FY 2008-09 savings for FY 2009-10 operating expenditures	3,652,900	
4. Equipment Maintenance Fund	100,000	
5. Civil Penalties Fund	198,000	
6. Fire Emergency Fund	185,000	-
		-
Sub-Total	10,744,400	-
Ending Unallocated Capital Reserve Available	$ 4,003,700	$ 4,003,700

Notes:

(1) Audited figures at June 30, 2009

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund Other Reserves Summary

	2009-10 Projected Actual	2010-11 Preliminary Base
Electric Utility Revolving Line of Credit		
Beginning Reserve Balance	4,600,000 (1)	4,600,000
Sub-Total	-	-
Ending Reserve Balance	$ 4,600,000	$ 4,600,000
Development Services		
Beginning Reserve Balance	2,300,000 (1)	0
Increases (Decreases) to Reserve:		
1. Use for operating expenditures	(2,300,000)	
Sub-Total	(2,300,000)	-
Ending Reserve Balance	$ -	$ -
Post-Employment Retirement Benefits		
Beginning Reserve Balance	120,000 (1)	
Increases (Decreases) to Reserve:		
1. Reduce Post- Employment Reserve for GASB 45	(120,000)	
		0
Sub-Total	(120,000)	-
Ending Reserve Balance	$ -	$ -

MV00054903

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund Other Reserves Summary

	2009-10 Projected Actual	2010-11 Preliminary Base
Future Debt Service Reserve		
Beginning Reserve Balance	1,000,000 (1)	1,000,000
Increases (Decreases) to Reserve:		
1. Transfer to Debt Service Reserve	-	-
Sub-Total	-	-
Ending Reserve Balance	$ 1,000,000	$ 1,000,000
Advances Receivable		
Beginning Reserve Balance	28,899,300 (1)	28,899,300
Increases (Decreases) to Reserve:	-	-
Sub-Total	-	-
Ending Reserve Balance	$ 28,899,300	$ 28,899,300

Notes:

(1) Audited amount at June 30, 2009

City of Moreno Valley
FY 2010-11 Preliminary Base Operating Budget
Fixed Assets

Fund	OneWorld Business Unit	Object	Subsidiary	Asset Description	FY 2009-10 Revised Budget	FY 2009-10 Projections	Unused Amount - Return to Fund Balance	Carryover to FY 2010-11	FY 2010-11 New Request	FY 2010-11 Total
GENERAL FUND										
010	62210	6642	648	Police Service Dog, including training	-	-	-	-	16,100	16,100
				Sub-total 010.62210	-	-	-	-	16,100	16,100
010	63110	6642	645	Vehicle Replacement for Ford F 250 VIN#1FTNX20L4YED04129	-	-	-	-	55,200	55,200
				Sub-total 010.63110	-	-	-	-	55,200	55,200
010	66021	7200		Records Management System	112,800	-	-	112,800	-	112,800
				Sub-total 010.66021	112,800	-	-	112,800	-	112,800
Total Company/Fund 010					**112,800**	**-**	**-**	**112,800**	**71,300**	**184,100**
DEVELOPMENT SERVICES FUND										
011	52913	7200		PW - HLFV Interchanges Project	50,000	-	-	50,000	-	50,000
				Sub-total 011.52913	50,000	-	-	50,000	-	50,000
Total Company/ Fund 011					**50,000**	**-**	**-**	**50,000**	**-**	**50,000**
ZONE A										
161	73110	6622	622	Funding for unforseen necessary building improvements	-	-	-	-	15,000	15,000
				Sub-total 161.73110	-	-	-	-	15,000	15,000
161	76530	6621	622	CRC Flatform Enhancements	19,400	-	-	19,400	-	19,400
161	76530	6622	622	Funding for unforseen necessary building improvements	-	-	-	-	10,000	10,000
				Sub-total 161.76530	19,400	-	-	19,400	10,000	29,400
Total Company/Fund 161					**19,400**	**-**	**-**	**19,400**	**25,000**	**44,400**
CFD#4I INFRA CAP/ADMIN FND										
530	93630	6631		Street Improvements	5,800,000	-	5,800,000	-	10,403,900	10,403,900
				Sub-total 530.93630	5,800,000	-	5,800,000	-	10,403,900	10,403,900
Total Company/ Fund 530					**5,800,000**	**-**	**5,800,000**	**-**	**10,403,900**	**10,403,900**
ELECTRIC FUND										
601	60110	6631		Plan Checks & Inspection Fees, Residential/Commercial Meters	484,360	225,000	259,360	-	87,500	87,500
				Sub-total 601.60110	484,360	225,000	259,360	-	87,500	87,500
Total Company/ Fund 601					**484,360**	**225,000**	**259,360**	**-**	**87,500**	**87,500**

City of Moreno Valley
FY 2010-11 Preliminary Base Operating Budget
Fixed Assets

Fund	OneWorld Business Unit	Object	Subsidiary	Asset Description	FY 2009-10 Revised Budget	FY 2009-10 Projections	Unused Amount - Return to Fund Balance	Carryover to FY 2010-11	FY 2010-11 New Request	FY 2010-11 Total
MANAGEMENT INFO SYSTEM FUND										
750	32010	6661	662	New Technology Software	85,000	9,000	76,000	-	50,000	50,000
				Sub-total 750.32010	85,000	9,000	76,000	-	50,000	50,000
750	32110	6661	661	New Technology Hardware	-	-	-	-	91,200	91,200
750	32110	6661	661	Network Access Control System	-	-	-	-	62,000	62,000
750	32110	6661	662	New Technology Software	50,000	-	50,000	-	110,000	110,000
750	32110	6662	661	Replacement Servers	35,000	23,000	12,000	-	65,000	65,000
				Sub-total 750.32110	85,000	23,000	62,000	-	328,200	328,200
750	32210	6641	647	New Technology Radio Hardware	-	-	-	-	110,000	110,000
750	32210	6641	648	New Technology Test Equipment	10,000	-	10,000	-	20,000	20,000
750	32210	6661	661	New Technology Telephony Hardware	40,000	-	-	40,000	-	40,000
750	32210	6661	661	UPS For EOC Equipment Room	8,500	-	-	8,500	-	8,500
750	32210	6661	662	New Technology Software	25,000	-	25,000	-	25,000	25,000
				Sub-total 750.32210	83,500	-	35,000	48,500	155,000	203,500
750	32510	6662	661	GPS Pathfinder PRO XRS	10,000	10,000	-	-	16,000	16,000
				Sub-total 750.32510	10,000	10,000	-	-	16,000	16,000
Total Company/ Fund 750					**263,500**	**42,000**	**173,000**	**48,500**	**549,200**	**597,700**
EQUIPMENT REPLACEMENT FUND										
757	99401	6699		Funding for fixed asset replacements	54,000	-	-	54,000	-	54,000
				Sub-total 757.99401	54,000	-	-	54,000	-	54,000
757	99402	6699		Funding for fixed asset replacements	38,000	-	-	38,000	-	38,000
				Sub-total 757.99402	38,000	-	-	38,000	-	38,000
Total Company/ Fund 757					**92,000**	**-**	**-**	**92,000**	**-**	**92,000**
TOTAL FIXED ASSETS					**6,822,060**	**267,000**	**6,232,360**	**322,700**	**11,136,900**	**11,459,600**
Less Internal Service Funds (1)					355,500	42,000	173,000	140,500	549,200	689,700
Less Replacement Funding from Internal Service Fund (2)					92,000	-	-	92,000	92,000	92,000
NET FIXED ASSETS					**$ 6,374,560**	**$ 225,000**	**$ 6,059,360**	**$ 90,200**	**$ 10,495,700**	**$ 10,677,900**

(1) These Internal Service Funds (ISF) expenditures are charged to all user funds and the cost of these ISF services are already in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City expenditures.

(2) The Replacement Funding received from Internal Service Funds for fixed assets reduces the budget needed for fixed asset purchases. Therefore, their exclusion from the total budget reflects the true level of City expenditures.

CITY OF MORENO VALLEY

FY 2010-11 Preliminary Base Operating Budget

Transfers

Transfers In

Co	BU	Obj	Subled		Operating	Capital	Total
121	1210	4701	99110	Transfer from Fund 010	1,000,000		1,000,000
131	1310	4701	99110	Transfer from Fund 010	424,900		424,900
132	1320	4701	99110	Transfer from Fund 010	300,000		300,000
151	1510	4701	99110	Transfer from Fund 010	182,000		182,000
152	1520	4701	99110	Transfer from Fund 010	112,600		112,600
161	1610	4701	99110	Transfer from Fund 010	289,800		289,800
183	1830	4701	99110	Transfer from Fund 010	103,400		103,400
325	3250	4701	99110	Transfer from Fund 010	254,200		254,200
152	1520	4701	78210	Transfer from Fund 182	26,495		26,495
184	1840	4701	78210	Transfer from Fund 182	25,305		25,305
301	3010	4701	20110	Transfer from Fund 201	1,118,675		1,118,675
301	3010	4701	20310	Transfer from Fund 203	254,008		254,008
301	3010	4701	20410	Transfer from Fund 204	676,810		676,810
301	3010	4701	91510	Transfer from Fund 895	594,998		594,998
513	5130	4701	93710	Transfer from Fund 313	38,250		38,250
515	5150	4701	93810	Transfer from Fund 315	145,650		145,650
528	5280	4701	92710	Transfer from Fund 328	62,500		62,500
529	5290	4701	93410	Transfer from Fund 329	54,000		54,000
530	5300	4701	93610	Transfer from Fund 330	10,407,900		10,407,900
416	4160	4701	20110	Transfer from Fund 201		295,000	295,000
418	4180	4701	21112	Transfer from Fund 211		1,740,000	1,740,000
321	3210	4701	75411	Transfer from Fund 754	822,025		822,025
313	3130	4701	91510	Transfer from Fund 895	279,500		279,500
315	3150	4701	91510	Transfer from Fund 895	1,158,200		1,158,200
325	3250	4701	91510	Transfer from Fund 895	150,000		150,000
328	3280	4701	91510	Transfer from Fund 895	220,000		220,000
			GRAND TOTAL TRANSFERS		**18,701,216**	**2,035,000**	**20,736,216**
			Less Internal Service Funds [1]		-	-	-
			NET TRANSFERS		**18,701,216**	**2,035,000**	**20,736,216**

Transfers Out

Co	BU	Obj	Subled		Operating	Capital	Total
010	99110	6923	121	Transfer to Fund 121	1,000,000		1,000,000
010	99110	6923	131	Transfer to Fund 131	424,900		424,900
010	99110	6923	132	Transfer to Fund 132	300,000		300,000
010	99110	6923	151	Transfer to Fund 151	182,000		182,000
010	99110	6923	152	Transfer to Fund 152	112,600		112,600
010	99110	6923	161	Transfer to Fund 161	289,800		289,800
010	99110	6923	183	Transfer to Fund 183	103,400		103,400
010	99110	6923	325	Transfer to Fund 325	254,200		254,200
182	78210	6923	152	Transfer to Fund 152	26,495		26,495
182	78210	6923	184	Transfer to Fund 184	25,305		25,305
201	20110	6923	301	Transfer to Fund 301	1,118,675		1,118,675
203	20310	6923	301	Transfer to Fund 301	254,008		254,008
204	20410	6923	301	Transfer to Fund 301	676,810		676,810
895	91510	6923	301	Transfer to Fund 301	594,998		594,998
313	93710	6923	513	Transfer to Fund 513	38,250		38,250
315	93810	6923	515	Transfer to Fund 515	145,650		145,650
328	92710	6923	528	Transfer to Fund 528	62,500		62,500
329	93410	6923	529	Transfer to Fund 529	54,000		54,000
330	93610	6923	530	Transfer to Fund 530	10,407,900		10,407,900
201	20110	6923	416	Transfer to Fund 416		295,000	295,000
211	21112	6923	418	Transfer to Fund 418		1,740,000	1,740,000
754	75411	6923	321	Transfer to Fund 321	822,025		822,025
895	91510	6923	313	Transfer to Fund 313	279,500		279,500
895	91510	6923	315	Transfer to Fund 315	1,158,200		1,158,200
895	91510	6923	325	Transfer to Fund 325	150,000		150,000
895	91510	6923	328	Transfer to Fund 328	220,000		220,000
			GRAND TOTAL TRANSFERS		**18,701,216**	**2,035,000**	**20,736,216**
			Less Internal Service Funds		822,025	-	822,025
			NET TRANSFERS		**17,879,191**	**2,035,000**	**19,914,191**

(1) These Internal Service Funds (ISF) transfers are costs of ISF services that are charged to all user funds. Therefore, their exclusion from the total budget reflects the true level of City transfers.

MV00054907

City of Moreno Valley

2010-11 Preliminary Base Operating budget

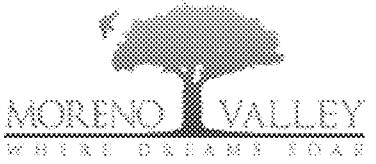

Revenues

CITY OF MORENO VALLEY
Revenue Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	GENERAL FUND	$ 74,632,901	$ 70,303,863	(5.80%)	$ 64,409,549	$ 64,227,743	(8.64%)	$ 59,683,200	(7.34%)
011	DEVELOPMENT SVC FUND	9,168,588	9,973,715	8.78%	4,119,921	3,163,660	(68.28%)	3,597,700	(12.68%)
133	FIRE SVC OPERATIONS FUND	14,046,222	14,709,681	4.72%	6,399,446	5,027,197	(65.82%)	4,473,500	(30.10%)
	TOTAL GENERAL FUND	97,847,711	94,987,259	(2.92%)	74,928,916	72,418,600	(23.76%)	67,754,400	(9.58%)
121	GAS TAX FUND	4,657,323	4,708,679	1.10%	3,545,175	3,829,391	(18.67%)	3,709,500	4.64%
122	SCAG ARTICLE 3 FUND	184,178	79,909	(56.61%)		9,000	(88.74%)	9,000	100.00%
125	MEASURE "A" FUND	6,282,059	5,561,887	(11.46%)	9,223,839	5,177,263	(6.92%)	10,310,820	11.78%
128	ABC-POLICE GRANT FUND	18,463	(5,303)	(128.72%)			(100.00%)		-
129	LLEBG-PD FUND	2,190	11	(99.50%)			(100.00%)		-
130	SLESF-CCAT GRT-PD-AB322	365,661	166,699	(54.41%)	278,356	120,000	(28.01%)	100,000	(64.07%)
131	LIBRARY SERVICES FUND	2,239,470	2,388,862	6.67%	2,167,915	1,948,547	(18.43%)	1,744,600	(19.53%)
132	PUB/EDUC/GOVT ACCESS PR	756,580	741,420	(2.00%)	550,000	550,000	(25.82%)	550,000	-
134	EMPG-EMERGNCY MGMT PREP	67,469	194,213	187.86%	100,000	64,058	(67.02%)	64,000	(36.00%)
136	OTS - POLICE FUND	116,074	102,853	(11.39%)	566,440	473,863	360.72%	107,000	(81.11%)
137	AIR QUALITY MGT FUND	242,787	171,386	(29.41%)	210,492	207,000	20.78%	207,000	(1.66%)
146	CDBG FY 03/04 FUND	1,048		(100.00%)			-		-
147	CDBG FY 04/05 FUND	6,331		(100.00%)			-		-
149	SPCL DIST ADMIN FUND	943,585	967,219	2.50%	985,778	876,539	(9.38%)	783,500	(20.52%)
151	STORM WATER MAINTENANCE	619,566	1,001,072	61.58%	596,891	597,000	(40.36%)	603,400	1.09%
152	STORM WATER MANAGEMENT	1,215,352	777,076	(36.06%)	951,732	874,300	12.51%	928,942	(2.39%)
153	BEVERAGE CONTAINER RECY	46,394	47,342	2.04%	47,349	47,349	0.01%		(100.00%)
157	UBG10 USED OIL RECYCLG	(2)		(100.00%)			-		-
160	CHILD CARE GRANT FUND	763,657	731,787	(4.17%)	940,900	764,400	4.46%	822,300	(12.60%)
161	ZONE "A" PARKS FUND	8,820,737	8,925,136	1.18%	9,031,045	8,574,212	(3.93%)	7,997,589	(11.44%)
162	STARS PROGRAM GRANT FUN	9,168,578	9,020,130	(1.62%)	5,986,902	6,349,412	(29.61%)	5,891,600	(1.59%)
171	ZONE "B" ST LGHT FUND	1,083,776	1,057,961	(2.38%)	1,057,447	1,052,326	(0.53%)	1,046,700	(1.02%)
172	ZONE "C" ART LGHT FUND	603,697	596,621	(1.17%)	584,977	584,922	(1.96%)	580,000	(0.85%)
176	HOME (FEDERAL) FUND	1,023,060	209,267	(79.54%)	379,961	386,203	84.55%	390,000	2.64%
181	ZONE "D" STD LDSC FUND	1,146,946	1,126,941	(1.74%)	1,140,599	1,101,626	(2.25%)	1,142,800	0.19%
182	ZONE "E" EXT LDSC FUND	2,555,459	2,504,156	(2.01%)	2,507,183	2,476,813	(1.09%)	2,475,600	(1.26%)
183	ZONE "M" MEDIAN FUND	217,659	236,600	8.70%	270,967	255,581	8.02%	309,100	14.07%
184	CFD#1	907,450	1,053,599	16.11%	997,760	903,700	(14.23%)	1,006,105	0.84%
185	ZONE "S"	52,344	27,943	(46.62%)	53,986	28,442	1.79%	52,400	(2.94%)
186	CFD #4M	52,500	36,210	(31.03%)	35,000	35,000	(3.34%)	35,000	-
193	EPA GRANT - BOX SPRINGS	63,912	125,903	96.99%	19,578	60,566	(51.89%)		(100.00%)
194	JAG GRANT - CODE FUND	3,835	49,412	1,188.45%	23,595	24,226	(50.97%)		(100.00%)

MV00054909

CITY OF MORENO VALLEY
Revenue Summary by Fund

Fund #	Fund Description	2007-08 Actual	2008-09 Actual	2008-09 % Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	2009-10 % Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	2010-11 % Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
195	WORKFORCE HOUSING PROGR			-	1,200,741	1,200,741	100.00%		(100.00%)
196	ETA JOB TRAINING GRANT			-	121,386	118,886	100.00%		(100.00%)
197	NEIGHBORHOOD STABILIZAT			-	11,390,116	11,390,116	100.00%		(100.00%)
198	HOMELESSNESS PREVENTION			-	732,872	549,654	100.00%	183,218	(75.00%)
199	CDBG RECOVERY ACT OF 20			-	479,292	342,100	100.00%	137,192	(71.38%)
201	ARTERIAL STS DEV IMPACT	8,115,145	398,743	(95.09%)	1,083,400	113,982	(71.41%)	104,700	(90.34%)
202	TRAFFIC SIGS DEV IMPACT	793,431	32,876	(95.86%)	170,729	35,543	8.11%	26,700	(84.36%)
203	FIRE FACIL DEV IMPACT F	155,296	72,748	(53.16%)	78,952	74,113	1.88%	41,100	(47.94%)
204	POLICE FACIL DEV IMPACT	115,955	56,993	(50.85%)	58,984	35,977	(36.87%)	21,800	(63.04%)
205	PARKLD FACIL DEV IMPACT	364,015	90,938	(75.02%)	142,200	166,500	83.09%	90,700	(36.22%)
206	QUIMBY IN-LIEU PARK FEE	165,683	41,402	(75.01%)	90,000	91,700	121.49%	52,600	(41.56%)
207	RECREATN CTR DEV IMPACT	12,272	3,155	(74.29%)	14,436	95,000	2,911.09%	51,900	259.52%
208	LIBRARIES DEV IMPACT FE	273,769	175,188	(36.01%)	116,863	181,000	3.32%	98,700	(15.54%)
209	CITY HALL DEV IMPACT FE	187,405	82,035	(56.23%)	82,380	91,617	11.68%	54,500	(33.84%)
210	CORPORATE YD DEV IMPACT	95,283	13,978	(85.33%)	13,783	29,281	109.48%	16,500	19.71%
211	INTERCHANGE IMPROVMNTS	282,863	158,908	(43.82%)	74,143	63,439	(60.08%)	41,100	(44.57%)
212	MAINTENANCE EQUIPMENT D	7,444	(6,507)	(187.41%)	3,262	4,831	(174.24%)	4,200	28.76%
213	ANIMAL SHELTER DEV IMPA	8,339	10,314	23.68%		11,200	8.59%	6,100	100.00%
225	TRAFF CONGESTION RELIEF	12,110	1,584,679	12,985.71%	1,779,098	1,687,479	6.49%	1,862,944	4.71%
226	PROP 1B	2,902,673		(100.00%)	2,682,869		-		(100.00%)
227	FHWA TRANSIMS		116,444	100.00%	186,556		(100.00%)	186,600	0.02%
228	ECONOMIC STIMULUS FUND			-	1,310,000		-	1,310,000	-
229	EECBG FUND			-	1,684,300		-		(100.00%)
230	2009-DJ-BX-1178 JAG GRA			-	105,989	105,989	100.00%	78,100	(26.31%)
231	ICEP TASK FORCE FUND			-	50,668		-		(100.00%)
233	EMERGENCY SVCS AGENCY F			-			-	14,000	100.00%
258	JAG - PD - 05 FUND	64,310	4	(99.99%)			(100.00%)		-
259	JAG - PD - 07 FUND	85,001		(100.00%)			-		-
260	JAG- PD- 08 FUND		603	100.00%		29,879	4,855.06%		-
261	2008 COPS TECH PRGRM GR		32,355	100.00%		107,589	232.53%		-
262	JAG 2009 SB-59-2366 FUN			-	435,672	435,672	100.00%	435,700	0.01%
271	BUFFER ZONE PROTECTION	(128)		(100.00%)			-		-
280	CDBG FY05/06 FUND	549,115	332,524	(39.44%)	10,000		(100.00%)	10,000	-
281	CDBG FY06/07 FUND	(4,530)	1	(100.02%)			(100.00%)		-
282	CDBG FY07/08 FUND	909,461	388,637	(57.27%)	405,675	402,800	3.64%	14,700	(96.38%)
283	CDBG FY08/09 FUND		1,414,902	100.00%	3,013,471	607,000	(57.10%)	418,652	(86.11%)
284	CDBG FY09/10 FUND			-		1,745,300	100.00%		-

CITY OF MORENO VALLEY
Revenue Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
285	CDBG FY10/11 FUND			-			-	2,000,000	100.00%
290	UBG11 USED OIL RECYCLG	21,857		(100.00%)			-		-
291	UBG12 USED OIL RECYCLG	42,006	785	(98.13%)			(100.00%)		-
292	UBG13 USED OIL RECYCLG	283	44,192	15,515.55%			(100.00%)		-
293	UBG14 USED OIL RECYCLG			-	41,988	18,263	100.00%	27,900	(33.55%)
294	TCA2-06-22 LOCAL GOVT W	10,399		(100.00%)			-		-
295	TRI16-06-1 TARGETED RUB		47,950	100.00%	84,000	28,000	(41.61%)	56,000	(33.33%)
301	2005 LEASE REV BONDS-D	3,575,960	4,403,104	23.13%	2,678,517	2,643,817	(39.96%)	2,644,491	(1.27%)
303	TWNGT IMP DEBT SERV FUN	454,514	3,965,920	772.56%			(100.00%)		-
305	TWNGT REF DEBT SERV FUN	78,950	13,465,179	16,955.32%			(100.00%)		-
313	TWNGT IMPV SPCL TAX REF	4,077,367	1,356,595	(66.73%)	404,628	393,928	(70.96%)	394,000	(2.63%)
315	TWNGT SPCL TAX REFNDG D	13,003,349	5,142,558	(60.45%)	489,726	404,631	(92.13%)	1,158,700	136.60%
316	ASSMT DIST 98-1-DEBT SV	3,249	4,042	24.41%	2,612	2,612	(35.38%)	2,700	3.37%
321	CH COP 97 DEBT SERV FUN	811,498	645,569	(20.45%)	859,540		(100.00%)	822,025	(4.36%)
325	PUB SAFTY BOND DEBT SER	422,035	406,226	(3.75%)	404,169	404,169	(0.51%)	404,200	0.01%
328	AUTOML REFIN-CFD #3 DBT	3,269,386	2,176,282	(33.43%)	2,448,489	2,237,989	2.84%	2,188,100	(10.63%)
329	CFD#5 STONERIDGE DEBT S	356,740	345,045	(3.28%)	382,015	362,115	4.95%	362,200	(5.19%)
330	CFD #4I - INFRA DEBT SR			-	10,600,000		-	12,300,000	16.04%
335	COP 93 DEBT SERV FUND			-			-		-
340	OPA SALES TAX #2 FUND	385,926	394,359	2.19%	350,000		(100.00%)	350,000	-
369	CTRPT 87-4 AGENCY FUND	421,446	242,476	(42.47%)	1,950		(100.00%)	-	(100.00%)
370	MV FOUNDATION - DONATIO	207,626	84,185	(59.45%)			(100.00%)		-
371	ARTS COMMISSION		542	100.00%		1,500	176.75%	1,000	100.00%
380	CELEBRATION PARK ENDOWM	1,789	1,385	(22.58%)	1,000		(100.00%)	1,000	-
381	EQUESTRIAN TRAIL ENDOWM	366	359	(1.91%)			(100.00%)		-
412	FACILITY CONST FUND	1,972,060	2,511,992	27.38%			(100.00%)		-
414	PW GENERAL CAPITAL PROJ	299,171	1,100	(99.63%)	30,900	30,000	2,627.27%	30,900	-
415	TUMF CAPITAL PROJECTS F	2,281,141	7,515,550	229.46%	8,000,000	6,698,670	(10.87%)	6,000,000	(25.00%)
416	DIF ARTERIAL STREETS CA	3,202,852	4,217,246	31.67%	1,838,894	1,838,912	(56.40%)	296,000	(83.90%)
417	DIF TRAFFIC SIGNAL CAPI	834,492	363,117	(56.49%)	1,375,380	1,376,879	279.18%	1,000	(99.93%)
418	DIF INTERCHANGE IMPRV C			-			-	1,740,000	100.00%
434	FIRE SERVICES CAP FUND	459		(100.00%)			-		-
461	PARKS & RECREATION CAP	6,066,113	165,950	(97.26%)			(100.00%)		-
501	2005 LEASE REV BONDS-C	1,540,670	506,746	(67.11%)	100,000		(100.00%)	100,000	-
502	TWNGT B CAP-ADMIN FUND	78,760		(100.00%)			-		-
506	TWNGT REF CAP-ADMIN FUN		392,244	100.00%			(100.00%)		-
512	CTRPT 87-4 CAP-ADMIN FU	181,525	58,787	(67.61%)			(100.00%)		-

CITY OF MORENO VALLEY
Revenue Summary by Fund

Fund #	Fund Description	2007-08 Actual	2008-09 Actual	2008-09 % Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	2009-10 % Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	2010-11 % Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
513	TWNGT IMPV SPCL TAX CAP		3,700	100.00%	38,250	38,250	933.78%	38,250	-
515	2007 TWNGT SPCLTAX REF			-	139,750	139,750	100.00%	145,650	4.22%
518	WARNER RANCH ASDST FUND	8,415	9,263	10.08%	8,325	8,325	(10.13%)	8,400	0.90%
528	AUTOMALL CAP-ADMIN FUND	512,462	148,446	(71.03%)	148,940	148,940	0.33%	62,500	(58.04%)
529	CFD#5 STONERIDGE CAP/AD	272,445	72,768	(73.29%)	54,000	54,000	(25.79%)	54,000	-
530	CFD #4I - INFRA CAP/ADM			-	50,000		-	10,407,900	20,715.80%
601	ELECTRIC FUND	9,974,644	12,488,845	25.21%	15,546,492	13,494,317	8.05%	13,869,500	(10.79%)
602	2007 TAXABLE LEASE REV	425,194	994,705	133.94%	41,410	-	(100.00%)	-	(100.00%)
603	2005 LEASE REVENUE BOND		112,731	100.00%		-	(100.00%)	-	-
741	GENERAL LIABILITY INS F	1,432,726	1,292,474	(9.79%)	1,031,201	1,031,201	(20.21%)	1,031,300	0.01%
745	WORKER'S COMP FUND	1,796,878	1,344,853	(25.16%)	870,770	870,770	(35.25%)	870,800	0.00%
750	MANAGEMENT INFO SYSTEM	4,422,786	3,926,115	(11.23%)	4,282,435	4,282,435	9.08%	4,282,600	0.00%
751	CENTRAL SERVICES FUND	114,497	(37,373)	(132.64%)			(100.00%)		-
754	FACILITIES FUND	4,253,956	4,606,852	8.30%	4,211,259	4,211,259	(8.59%)	4,111,400	(2.37%)
755	EQUIPMENT MAINTENANCE F	978,989	825,974	(15.63%)	718,206	718,206	(13.05%)	718,300	0.01%
757	EQUIPMENT REPLACEMENT R	2,217,697	2,332,056	5.16%	2,306,405		(100.00%)	2,306,500	0.00%
891	RDA ADMIN FUND	1,033,174	891,072	(13.75%)		833,505	(6.46%)	-	-
892	RDA CAP PROJECT FUND	179,221	80,356	(55.16%)		1,253,600	1,460.06%	-	-
894	RDA HOUSING FUND	5,501,564	4,970,700	(9.65%)	562,577	4,408,333	(11.31%)	318,500	(43.39%)
895	RDA TAX INCREMENT FUND	14,185,628	13,649,635	(3.78%)	11,434,098	11,066,165	(18.93%)	10,347,604	(9.50%)
896	RDA 2007TABS, Series A	43,857,787	2,846,135	(93.51%)	1,100	-	(100.00%)	1,100	-
897	RDA 2007TABS, SERIES A	42,560,339	908,155	(97.87%)	1,000,000	1,000,000	10.11%	900,000	(10.00%)
898	RDA 2007TABS, Series B	561,197	721,949	28.64%		600,000	(16.89%)	-	-
911	THE DISASTER FUND	10,645		(100.00%)			-		-
	GRAND TOTAL REVENUES	**$ 335,072,994**	**$ 243,242,066**	**(27.41%)**	**$ 217,239,646**	**$ 190,108,268**	**(21.84%)**	**$ 194,237,582**	**(10.59%)**
	Less Internal Service Funds (1)	15,217,529	14,290,951		13,420,276	11,113,871		13,320,900	
	NET REVENUES	**$ 319,855,465**	**$ 228,951,115**	**(28.42%)**	**$ 203,819,370**	**$ 178,994,397**	**(21.82%)**	**$ 180,916,682**	**(11.24%)**

(1) These Internal Service Funds (ISF) revenues are charges to all user funds; the cost of these ISF charges are already included in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City revenues.

CITY OF MORENO VALLEY
Revenue Detail by Fund

				2007-08	2008-09		2009-10			2010-11	
Fund #	Object		Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	4110	11	Property Tax - Secured	6,418,161	5,418,069	(15.58%)	5,071,270	4,225,500	(22.01%)	3,588,200	(29.24%)
010	4110	12	Property Tax - Unsecured	222,582	254,095	14.16%	249,930	258,200	1.62%	219,500	(12.18%)
010	4110	13	Property Tax - Prior Years	94,218	107,996	14.62%	57,739	75,000	(30.55%)	64,500	11.71%
010	4110	14	Property Tax - Homeowner Exem	81,872	76,094	(7.06%)	19,247	66,403	(12.74%)	56,500	193.55%
010	4110	16	Property Tax - Teeter/Del Tax	685,799	532,158	(22.40%)	51,615	400,000	(24.83%)	344,000	566.47%
010	4110	20	Property Tax in Lieu-VLF	16,728,600	16,791,078	0.37%	14,100,000	13,670,400	(18.59%)	11,773,400	(16.50%)
010	4121	10	Sales Tax - General	7,216,887	6,521,841	(9.63%)	6,164,916	6,461,250	(0.93%)	6,265,000	1.62%
010	4121	11	Sales Tax - Note No. 1	666,768	468,604	(29.72%)	500,000	500,000	6.70%	400,000	(20.00%)
010	4121	12	Sales Tax - Note No. 2	59,327	394,359	564.72%	380,000	340,000	(13.78%)	380,000	-
010	4121	20	Property Tax in Lieu-Sales Ta	3,751,543	3,067,138	(18.24%)	2,690,084	2,433,750	(20.65%)	2,690,100	0.00%
010	4131		Transient Occupancy Tax	593,009	497,936	(16.03%)	400,000	400,000	(19.67%)	400,000	-
010	4136	10	Business Gross Rcpts - A	465,289	409,872	(11.91%)	344,470	253,000	(38.27%)	344,500	0.01%
010	4136	11	Business Gross Rcpts - B	532,808	525,605	(1.35%)	480,445	325,000	(38.17%)	480,400	(0.01%)
010	4136	12	Business Gross Rcpts - C	112,925	116,225	2.92%	81,585	72,000	(38.05%)	81,600	0.02%
010	4151		Documentary Transfer Tax	575,003	598,084	4.01%	550,000	450,000	(24.76%)	450,000	(18.18%)
010	4161		Utility User's Tax	15,186,616	15,081,286	(0.69%)	14,970,000	15,500,000	2.78%	15,200,000	1.54%
010	4211		Franchise Fees	4,381,882	4,876,055	11.28%	4,329,416	4,730,000	(3.00%)	4,730,000	9.25%
010	4212		Franchise In Lieu Fees	96,816	120,969	24.95%	70,584	70,000	(42.13%)	70,000	(0.83%)
010	4214		Police Fees	243,244	373,325	53.48%	310,000	350,000	(6.25%)	310,000	-
010	4221		Animal ServicesFees	187,139	165,083	(11.79%)	153,000	114,400	(30.70%)	115,000	(24.84%)
010	4225		Parking Control Fees	1,300,405	1,094,064	(15.87%)	1,250,000	1,095,000	0.09%	1,164,000	(6.88%)
010	4226	10	Admin. Citation Fees - Code	157,812	331,965	110.35%	112,000	100,050	(69.86%)	100,000	(10.71%)
010	4226	12	Admin. Citation Fees - PD	115,196	145,750	26.52%	95,000	95,050	(34.79%)	100,000	5.26%
010	4226	13	Admin. Citation Fees - A/C	50,107	34,224	(31.70%)	22,000	16,450	(51.93%)	17,000	(22.73%)
010	4227		Red Light Photo Enf Fees	45,095	330,004	631.80%	200,000		(100.00%)		(100.00%)
010	4230		Special Inspection Fees		97,390	100.00%	54,000	140,000	43.75%	140,000	159.26%
010	4234		Graffiti Abatement Fees	1,175	1,200	2.13%	1,000	1,000	(16.67%)	1,000	-
010	4258	10	Motor Veh-in-Lieu Fees	800,667	865,718	8.12%	400,000	400,000	(53.80%)	360,000	(10.00%)
010	4259		False Alarm Fees	166,921	154,875	(7.22%)	110,000	150,000	(3.15%)	140,000	27.27%
010	4277		Nuisance Abatement Fees	200,956	180,235	(10.31%)	75,000	50,000	(72.26%)	40,000	(46.67%)
010	4278		Solid Waste Delinquencies	2,300	2,300	-	2,000	2,000	(13.04%)	2,300	15.00%
010	4280		Other Fees		193	100.00%			(100.00%)		-
010	4281		First Aid Class Fees	20,295	22,142	9.10%	22,000	22,000	(0.64%)	22,000	-
010	4292		FEMA Cert Fees	810	1,457	79.88%	705	1,200	(17.64%)	800	13.48%
010	4366		Film Permits	1,179	786	(33.33%)			(100.00%)		-
010	4391		Other Permits	1,182	928	(21.49%)			(100.00%)		-
010	4411		Animal Licenses	251,491	287,890	14.47%	249,500	218,500	(24.10%)	220,000	(11.82%)
010	4441		Business License	411,025	364,414	(11.34%)	330,000	300,000	(17.68%)	300,000	(9.09%)
010	4505		Business License Penalty	74,731	50,632	(32.25%)	30,000	30,000	(40.75%)	40,000	33.33%
010	4506		Park'g Cntrl Penalts-Handicap	46,600	76,839	64.89%	55,000	75,000	(2.39%)	75,000	36.36%
010	4510		Animal Services Violations	61,392	30,734	(49.94%)	35,000	33,000	7.37%	33,000	(5.71%)
010	4511		Ani. Control Taxable Sales	11,533	8,292	(28.10%)	8,000	6,000	(27.64%)	6,000	(25.00%)
010	4512		A/C Non-Tax Sales (Adoptions)	47,184	50,730	7.52%	45,000	38,000	(25.09%)	38,000	(15.56%)

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	4513		Ani. Control Forfeited Deposi	11,844	7,252	(38.77%)	11,400	10,200	40.65%	10,000	(12.28%)
010	4514		Animal Services	79,939	84,910	6.22%	87,000	87,000	2.46%	87,000	-
010	4515		Animal Svcs. - Donations	10,572	15	(99.86%)	13,530	10,030	66,766.67%		(100.00%)
010	4517		Civil Penalties		197,697	100.00%		34,000	(82.80%)		-
010	4525		Towngate Mall Police Reim.	401,120	424,522	5.83%	440,555	440,560	3.78%	200,000	(54.60%)
010	4530		In-House Copier Charges		142,452	100.00%			(100.00%)		-
010	4534		Reimbursements-Interfund			-	22,038		-		(100.00%)
010	4539		Car Pool Charges		1,866	100.00%		1,000	(46.41%)		-
010	4540		Developer Reimbursement		164	100.00%			(100.00%)		-
010	4547		CalCard Rebates	33,827	11,614	(65.67%)	9,000	(28,400)	(344.53%)	9,000	-
010	4550		Administrative Charges	571,796	542,928	(5.05%)	2,968,896	2,968,800	446.81%	2,691,500	(9.34%)
010	4551		Donations	(4,337)		(100.00%)			-		-
010	4552		First Aid Class Materials	2,885	3,635	26.00%	3,000	3,000	(17.47%)	3,000	-
010	4555		Reimbursement Agreement		59,893	100.00%	90,000	90,000	50.27%	96,900	7.67%
010	4556	10	Interest Income - Investments	6,165,265	4,214,285	(31.64%)	3,650,000	3,315,000	(21.34%)	3,370,000	(7.67%)
010	4556	11	Interest Income - Other	7,547	5,381	(28.70%)		20,000	271.68%		-
010	4556	13	Interest Inc. - RDA Loan	564,135	721,949	27.97%		560,000	(22.43%)	410,000	100.00%
010	4556	15	Interest Income - Mall Note	800,496	468,604	(41.46%)	400,000	320,000	(31.71%)	400,000	-
010	4556	22	Interest Income - CRC Note	273,182	281,377	3.00%	300,000	285,000	1.29%	298,500	(0.50%)
010	4558		Unrealized Gains/Losses	799,984	(1,019,597)	(227.45%)			(100.00%)		-
010	4563		Lease Payments - Sub-Agents	7,835		(100.00%)			-		-
010	4567		Fixed Asset Trade-In Allow.	11,741		(100.00%)			-		-
010	4568		Fixed Asset Sales/Gains		1,272	100.00%			(100.00%)		-
010	4570		Claims, Judgemnts, Settlmnt	58,289	26,986	(53.70%)		21,500	(20.33%)		-
010	4571		Legal Cost Recovery	2,150	46,564	2,065.77%		15,400	(66.93%)		-
010	4572		Graffiti Restitution	13,289	(3,126)	(123.52%)	2,000		(100.00%)	2,000	-
010	4574		Other Misc. Revenue	48,353	121,636	151.56%	60,000	(32,100)	(126.39%)	60,000	-
010	4587	1	CDBG Reimb- Neighbrhd Policin	119,253	59,261	(50.31%)	35,000	35,000	(40.94%)	35,000	-
010	4587	2	CDBG Reimb- Code Compliance	255,000	255,000	-	366,326	366,300	43.65%		(100.00%)
010	4612		County Grant Revenue	976		(100.00%)			-		-
010	4645		Riverside Co. Landfill Tippin	48,202	42,064	(12.73%)	50,000	48,500	15.30%	48,500	(3.00%)
010	4647		Abandoned Vehicle Abatement	240,890	223,488	(7.22%)	191,000	225,000	0.68%	200,000	4.71%
010	4652		Asset Forfeitures	99,819		(100.00%)			-		-
010	4653		Fines & Forfeitures	1,003,467	1,082,366	7.86%	1,000,000	1,000,000	(7.61%)	1,000,000	-
010	4655		SB90 State Mandated Costs	38,735	173,610	348.20%			(100.00%)		-
010	4660		Reimbursements - Other Govts	976		(100.00%)			-		-
010	4701		Transfers	897,127	1,597,161	78.03%	639,298	963,800	(39.66%)		(100.00%)
GENERAL FUND Total				**74,632,901**	**70,303,863**	(5.80%)	**64,409,549**	**64,227,743**	(8.64%)	**59,683,200**	(7.34%)
011	4226	11	Admin. Citation Fees - B & S	50,757	49,356	(2.76%)	40,000	7,450	(84.91%)	20,000	(50.00%)
011	4230		Special Inspection Fees	6,030	4,711	(21.87%)	4,000	40,200	753.32%	30,000	650.00%
011	4239		Transp Inspection Fees	107,780	10,349	(90.40%)	24,000	24,000	131.91%	14,700	(38.75%)
011	4240		Utility Inspection Fees	50,000	99,000	98.00%			(100.00%)		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
011	4241 10	Bldg. & Safety Plan Check F	894,369	450,517	(49.63%)	350,000	306,300	(32.01%)	350,000	-
011	4241 12	Mechanical Plan Check Fees	150		(100.00%)			-		-
011	4241 15	Fire Plan Check Fees	188,559	109,100	(42.14%)	102,033	87,900	(19.43%)	90,500	(11.30%)
011	4241 16	Engineering Plan Check Fees	2,682,292	1,725,619	(35.67%)	1,087,248	839,300	(51.36%)	927,900	(14.66%)
011	4241 20	Transportation Plan Check Fee	162,149	81,715	(49.60%)	83,000	83,000	1.57%	70,800	(14.70%)
011	4249	Fire Inspection Fees	305,395	168,079	(44.96%)	147,630	109,200	(35.03%)	93,200	(36.87%)
011	4256	Engineering Inspection Fees	1,686,175	963,622	(42.85%)	652,146	376,600	(60.92%)	401,700	(38.40%)
011	4267	Planning Fees	1,117,010	786,394	(29.60%)	850,000	650,000	(17.34%)	850,000	-
011	4280	Other Fees	4,417	1,766	(60.02%)	2,500	1,500	(15.06%)	1,500	(40.00%)
011	4311	Building Permits	1,162,265	896,945	(22.83%)	600,000	484,070	(46.03%)	600,000	-
011	4312	Electrical Permits	157,851	110,593	(29.94%)	60,000	47,100	(57.41%)	35,000	(41.67%)
011	4313	Mechanical Permits	72,860	49,035	(32.70%)	35,000	43,600	(11.08%)	40,000	14.29%
011	4314	Plumbing Permits	102,723	68,378	(33.43%)	45,000	20,200	(70.46%)	22,000	(51.11%)
011	4317	Fire Inspection Permits	10,082	7,289	(27.70%)	4,024	4,400	(39.64%)	4,800	19.28%
011	4331	Sign Permits	30,180	27,266	(9.66%)	15,000	15,900	(41.69%)	16,000	6.67%
011	4351	Encroachment Permits	22,228	14,038	(36.85%)	9,840	21,500	53.16%	21,500	118.50%
011	4355	Grading Permits	4,260	2,868	(32.68%)	1,850	1,230	(57.11%)	1,300	(29.73%)
011	4540	Developer Reimbursement	161,367	1,633	(98.99%)			(100.00%)		-
011	4567	Fixed Asset Trade-In Allow.	3,660		(100.00%)			-		-
011	4570	Claims, Judgemnts, Settlmnt	101,670	40,253	(60.41%)			(100.00%)		-
011	4574	Other Misc. Revenue	8,286	5,085	(38.63%)	6,500		(100.00%)	6,500	-
011	4592	Admin Fees - SB1473		104	100.00%	150	210	101.92%	300	100.00%
011	4701	Transfers	76,073	4,300,000	5,552.47%			(100.00%)		-
DEVELOPMENT SVC FUND Total			**9,168,588**	**9,973,715**	8.78%	**4,119,921**	**3,163,660**	(68.28%)	**3,597,700**	(12.68%)
133	4110 26	Structural Fire Tax	6,858,622	6,401,783	(6.66%)	6,250,200	5,027,197	(21.47%)	4,323,400	(30.83%)
133	4226 14	Admin. Citation Fees - Fire			-	27,500		-		(100.00%)
133	4241 15	Fire Plan Check Fees		274	100.00%			(100.00%)		-
133	4249	Fire Inspection Fees		38,391	100.00%	17,632		(100.00%)	38,300	117.22%
133	4259	False Alarm Fees	14,881	14,961	0.54%	15,500		(100.00%)	11,100	(28.39%)
133	4277	Nuisance Abatement Fees			-	24,000		-	51,300	113.75%
133	4317	Fire Inspection Permits		21	100.00%			(100.00%)		-
133	4563	Lease Payments - Sub-Agents	11,000	12,000	9.09%	12,000		(100.00%)	6,000	(50.00%)
133	4567	Fixed Asset Trade-In Allow.	800		(100.00%)			-		-
133	4574	Other Misc. Revenue		6	100.00%			(100.00%)		-
133	4582	Cell Tower Rental Income	40,577	41,708	2.79%	38,614		(100.00%)	43,400	12.39%
133	4615	Emergency Svc Agncy Fines (Co	44,830	20,909	(53.36%)	14,000		(100.00%)		(100.00%)
133	4701	Transfers	7,075,512	8,179,628	15.60%			(100.00%)		-
FIRE SVC OPERATIONS FUND Total			**14,046,222**	**14,709,681**	4.72%	**6,399,446**	**5,027,197**	(65.82%)	**4,473,500**	(30.10%)
					-			-		-
GRAND TOTAL GENERAL FUND			**97,847,711**	**94,987,259**	(2.92%)	**74,928,916**	**72,418,600**	(23.76%)	**67,754,400**	(9.58%)
					-			-		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
121	4171 10	State Gas Tax 2107	1,428,485	1,314,670	(7.97%)	1,140,000	1,272,320	(3.22%)	1,219,250	6.95%
121	4171 11	State Gas Tax 2107.5	10,000	10,000	-	10,000	10,000	-	10,000	-
121	4171 12	State Gas Tax 2106	693,702	589,622	(15.00%)	570,000	563,080	(4.50%)	609,620	6.95%
121	4171 13	State Gas Tax 2105	1,067,489	987,777	(7.47%)	807,500	954,800	(3.34%)	863,630	6.95%
121	4540	Developer Reimbursement	1,463	306	(79.08%)			(100.00%)		-
121	4556 10	Interest Income - Investments	30,608	9,207	(69.92%)	15,675	5,000	(45.69%)	5,000	(68.10%)
121	4558	Unrealized Gains/Losses	5,804	(2,083)	(135.89%)			(100.00%)		-
121	4570	Claims, Judgemnts, Settlmnt	11,906	20,694	73.81%	1,000	4,155	(79.92%)	1,000	-
121	4574	Other Misc. Revenue	2,073	228	(89.00%)	1,000	20,036	8,687.72%	1,000	-
121	4701	Transfers	1,405,793	1,778,258	26.50%	1,000,000	1,000,000	(43.77%)	1,000,000	-
GAS TAX FUND Total			**4,657,323**	**4,708,679**	1.10%	**3,545,175**	**3,829,391**	(18.67%)	**3,709,500**	4.64%
122	4556 10	Interest Income - Investments	15,818	11,534	(27.08%)		9,000	(21.97%)	9,000	100.00%
122	4558	Unrealized Gains/Losses	2,059	(2,618)	(227.15%)			(100.00%)		-
122	4574	Other Misc. Revenue		1,903	100.00%			(100.00%)		-
122	4651	County Article 3	166,301	69,090	(58.45%)			(100.00%)		-
SCAG ARTICLE 3 FUND Total			**184,178**	**79,909**	(56.61%)	-	**9,000**	(88.74%)	**9,000**	100.00%
125	4540	Developer Reimbursement	66,000		(100.00%)			-		-
125	4550	Administrative Charges	3,720		(100.00%)			-		-
125	4556 10	Interest Income - Investments	498,724	469,173	(5.93%)	300,000	300,000	(36.06%)	300,000	-
125	4556 11	Interest Income - Other		3,514	100.00%			(100.00%)		-
125	4558	Unrealized Gains/Losses	56,394	(98,655)	(274.94%)			(100.00%)		-
125	4574	Other Misc. Revenue	4,394	6,728	53.12%	1,000	1,000	(85.14%)	1,000	-
125	4610	Federal Grant Revenue	4,902	535,698	10,828.15%			(100.00%)		-
125	4611	State Grant Revenue	142,097		(100.00%)	215,820	78,000	100.00%	425,820	97.30%
125	4650	RCTC Sales Tax	4,339,194	3,493,188	(19.50%)	2,705,000	2,279,000	(34.76%)	2,270,000	(16.08%)
125	4659	Federal Reimbursements	1,101,781	1,152,241	4.58%	6,002,019	2,519,263	118.64%	7,314,000	21.86%
125	4701	Transfers	64,853		(100.00%)			-		-
MEASURE "A" FUND Total			**6,282,059**	**5,561,887**	(11.46%)	**9,223,839**	**5,177,263**	(6.92%)	**10,310,820**	11.78%
128	4611	State Grant Revenue	18,463	(5,303)	(128.72%)			(100.00%)		-
ABC-POLICE GRANT FUND Total			**18,463**	**(5,303)**	(128.72%)	-	-	(100.00%)	-	-
129	4558	Unrealized Gains/Losses	2,190	11	(99.50%)			(100.00%)		-
LLEBG-PD FUND Total			**2,190**	**11**	(99.50%)	-	-	(100.00%)	-	-
130	4556 10	Interest Income - Investments	17,610	(736)	(104.18%)	2,505		(100.00%)		(100.00%)
130	4558	Unrealized Gains/Losses	1,032	(4,381)	(524.52%)			(100.00%)		-
130	4611	State Grant Revenue	347,019	171,816	(50.49%)	275,851	120,000	(30.16%)	100,000	(63.75%)
SLESF-CCAT GRT-PD-AB322 Total			**365,661**	**166,699**	(54.41%)	**278,356**	**120,000**	(28.01%)	**100,000**	(64.07%)
131	4110 10	Property Tax - Library	1,900,686	1,769,151	(6.92%)	1,609,500	1,400,000	(20.87%)	1,201,200	(25.37%)
131	4213	Library Fees	57,096	41,460	(27.39%)	33,000	19,000	(54.17%)	33,000	-
131	4508	Library Fines	55,150	56,001	1.54%	56,500	43,600	(22.14%)	56,500	-
131	4551	Donations	907	6,559	623.15%	12,000	25,747	292.54%	2,000	(83.33%)
131	4611	State Grant Revenue	69,324	92,775	33.83%			(100.00%)		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
131	4656		Interlibrary Book Loans		17,868	100.00%	32,000	35,200	97.00%	27,000	(15.63%)
131	4701		Transfers	156,307	405,048	159.14%	424,915	425,000	4.93%	424,900	(0.00%)
	LIBRARY SERVICES FUND Total			**2,239,470**	**2,388,862**	6.67%	**2,167,915**	**1,948,547**	(18.43%)	**1,744,600**	(19.53%)
132	4542		PEG Grant	308,869	359,991	16.55%	250,000	250,000	(30.55%)	250,000	-
132	4701		Transfers	447,711	381,429	(14.80%)	300,000	300,000	(21.35%)	300,000	-
	PUB/EDUC/GOVT ACCESS PR Total			**756,580**	**741,420**	(2.00%)	**550,000**	**550,000**	(25.82%)	**550,000**	-
134	4612		County Grant Revenue	67,469	83,123	23.20%	100,000	64,058	(22.94%)	64,000	(36.00%)
134	4701		Transfers		111,090	100.00%			(100.00%)		-
	EMPG-EMERGNCY MGMT PREP Total			**67,469**	**194,213**	187.86%	**100,000**	**64,058**	(67.02%)	**64,000**	(36.00%)
136	4611		State Grant Revenue	116,074	102,853	(11.39%)	566,440	473,863	360.72%	107,000	(81.11%)
	OTS - POLICE FUND Total			**116,074**	**102,853**	(11.39%)	**566,440**	**473,863**	360.72%	**107,000**	(81.11%)
137	4556	10	Interest Income - Investments	24,288	22,113	(8.96%)	10,492	7,000	(68.34%)	7,000	(33.28%)
137	4558		Unrealized Gains/Losses	2,957	(6,995)	(336.56%)			(100.00%)		-
137	4573		Air Quality Incentives	215,542	155,925	(27.66%)	200,000	200,000	28.27%	200,000	-
137	4574		Other Misc. Revenue		343	100.00%			(100.00%)		-
	AIR QUALITY MGT FUND Total			**242,787**	**171,386**	(29.41%)	**210,492**	**207,000**	20.78%	**207,000**	(1.66%)
146	4610		Federal Grant Revenue	1,048		(100.00%)			-		-
	CDBG FY 03/04 FUND Total			**1,048**	-	(100.00%)	-	-	-	-	-
147	4574		Other Misc. Revenue	(330)		(100.00%)			-		-
147	4610		Federal Grant Revenue	2,271		(100.00%)			-		-
147	4701		Transfers	4,390		(100.00%)			-		-
	CDBG FY 04/05 FUND Total			**6,331**	-	(100.00%)	-	-	-	-	-
149	4280		Other Fees	31,506	13,418	(57.41%)	10,000	9,480	(29.35%)	9,500	(5.00%)
149	4550		Administrative Charges	831,356	875,148	5.27%	933,470	847,350	(3.18%)	761,000	(18.48%)
149	4556	10	Interest Income - Investments	65,158	36,926	(43.33%)	42,308	19,709	(46.63%)	13,000	(69.27%)
149	4558		Unrealized Gains/Losses	10,565	(6,087)	(157.61%)			(100.00%)		-
149	4570		Claims, Judgemnts, Settlmnt		47,814	100.00%			(100.00%)		-
149	4701		Transfers	5,000		(100.00%)			-		-
	SPCL DIST ADMIN FUND Total			**943,585**	**967,219**	2.50%	**985,778**	**876,539**	(9.38%)	**783,500**	(20.52%)
151	4612		County Grant Revenue	365,313	393,587	7.74%	414,913	420,000	6.71%	421,400	1.56%
151	4701		Transfers	254,253	607,485	138.93%	181,978	177,000	(70.86%)	182,000	0.01%
	STORM WATER MAINTENANCE Total			**619,566**	**1,001,072**	61.58%	**596,891**	**597,000**	(40.36%)	**603,400**	1.09%
152	4128		Special Tax Proceeds	(17,500)		(100.00%)			-		-
152	4241	16	Engineering Plan Check Fees	68,854	51,198	(25.64%)	112,478	91,600	78.91%	51,245	(54.44%)
152	4241	18	Plan Chk Fees - WQP/Bioswale	65,261	29,492	(54.81%)	28,734	13,200	(55.24%)	11,850	(58.76%)
152	4248	10	Insp Fees - Construction Site	152,063	33,573	(77.92%)	118,592	48,100	43.27%	50,652	(57.29%)
152	4248	11	Insp Fees - WQP/Bioswales	33,713		(100.00%)	23,706	12,000	100.00%	24,000	1.24%
152	4248	12	Insp Fees - Business		5,627	100.00%	60,324	60,000	966.29%	90,000	49.19%
152	4269	11	Parcel Fees - Teeter/Del	70,239	42,997	(38.78%)			(100.00%)		-
152	4280		Other Fees	3,827		(100.00%)			-		-

MV00054917

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
152	4549		Utility Rates	281,956	346,449	22.87%	368,904	369,000	6.51%	394,300	6.88%
152	4550		Administrative Charges	2,500	13,000	420.00%	2,500	2,500	(80.77%)	2,500	-
152	4612		County Grant Revenue	109,119	117,565	7.74%	123,935	165,300	40.60%	165,300	33.38%
152	4701		Transfers	445,320	137,175	(69.20%)	112,559	112,600	(17.92%)	139,095	23.58%
	STORM WATER MANAGEMENT Total			**1,215,352**	**777,076**	(36.06%)	**951,732**	**874,300**	12.51%	**928,942**	(2.39%)
153	4569		Waste Managmt. Recycling	46,394	47,342	2.04%	47,349	47,349	0.01%		(100.00%)
	BEVERAGE CONTAINER RECY Total			**46,394**	**47,342**	2.04%	**47,349**	**47,349**	0.01%	-	(100.00%)
157	4556	10	Interest Income - Investments	198		(100.00%)			-		-
157	4569		Waste Managmt. Recycling	(439)		(100.00%)			-		-
157	4701		Transfers	239		(100.00%)			-		-
	UBG10 USED OIL RECYCLG Total			**(2)**	-	(100.00%)	-	-	-	-	-
160	4284		Grant Program Fees	31,095	26,542	(14.64%)	26,000	23,000	(13.34%)	25,000	(3.85%)
160	4610		Federal Grant Revenue	5,422	4,734	(12.69%)	4,900	1,400	(70.43%)	2,000	(59.18%)
160	4611		State Grant Revenue	698,432	633,034	(9.36%)	870,000	700,000	10.58%	755,300	(13.18%)
160	4616		FOOD PROGRAM REVENUE	28,708	36,436	26.92%	40,000	40,000	9.78%	40,000	-
160	4701		Transfers		31,041	100.00%			(100.00%)		-
	CHILD CARE GRANT FUND Total			**763,657**	**731,787**	(4.17%)	**940,900**	**764,400**	4.46%	**822,300**	(12.60%)
161	4110	11	Property Tax - Secured	2,029,798	1,898,568	(6.47%)	2,007,900	1,597,477	(15.86%)	1,373,830	(31.58%)
161	4110	12	Property Tax - Unsecured	86,028	98,119	14.05%	104,760	98,144	0.03%	84,404	(19.43%)
161	4110	13	Property Tax - Prior Years	9,553	9,605	0.54%	4,365	4,365	(54.55%)	3,754	(14.00%)
161	4110	14	Property Tax - Homeowner Exem	29,164	28,212	(3.26%)	26,190	25,117	(10.97%)	21,601	(17.52%)
161	4110	16	Property Tax - Teeter/Del Tax	261,141	204,323	(21.76%)	66,348	120,000	(41.27%)	103,200	55.54%
161	4110	18	ERAF	323		(100.00%)			-		-
161	4234		Graffiti Abatement Fees	2,900	3,090	6.55%	4,227	3,600	16.50%	4,000	(5.37%)
161	4241	16	Engineering Plan Check Fees	56,216	13,905	(75.27%)		6,600	(52.54%)	33,600	100.00%
161	4256		Engineering Inspection Fees	19,500	98,586	405.57%	30,000	11,700	(88.13%)	6,000	(80.00%)
161	4269	10	Parcel Fees	4,343,135	4,599,306	5.90%	4,983,038	4,600,000	0.02%	4,335,300	(13.00%)
161	4269	11	Parcel Fees - Teeter/Del	433,073	346,894	(19.90%)	129,758	346,900	0.00%	346,900	167.34%
161	4276	1	Rec Fees-After School Fun Clu	60		(100.00%)			-		-
161	4276	3	Rec Fees-Golf Green Fees	53,260	66,701	25.24%	62,000	60,000	(10.05%)	62,000	-
161	4276	5	Rec Fees-Lights	70,191	116,999	66.69%	100,000	170,000	45.30%	170,000	70.00%
161	4276	6	Rec Fees-Middle School Sports	71,490	8,530	(88.07%)		(50)	(100.59%)		-
161	4276	7	Rec Fees-Mini Camp	98,190	88,928	(9.43%)	99,450	65,000	(26.91%)	80,000	(19.56%)
161	4276	8	Rec Fees-Mobile Stage	675		(100.00%)			-		-
161	4276	9	Rec Fees-Park Reservations	29,066	29,962	3.08%	30,000	29,000	(3.21%)	30,000	-
161	4276	10	Rec Fees-Recreation Center	100	24	(76.00%)			(100.00%)		-
161	4276	11	Rec Fees-Sunshine Social	5,225	10,460	100.19%	9,600	6,000	(42.64%)	7,000	(27.08%)
161	4276	12	Rec Fees-Teen Programs	281	356	26.69%			(100.00%)		-
161	4276	13	Rec Fees-Time for Tots	119,249	116,793	(2.06%)	151,800	110,000	(5.82%)	110,000	(27.54%)
161	4276	14	Rec Fees-Miscellaneous		1,145	100.00%		2,800	144.54%	3,200	100.00%
161	4276	15	Rec Fees-Babysitting	3,563	924	(74.07%)			(100.00%)		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
161	4276	16	Rec Fees-Gym Fees	55,279	32,089	(41.95%)	35,000	25,000	(22.09%)	30,000	(14.29%)
161	4276	17	Rec Fees- Security Guards		4,794	100.00%			(100.00%)		-
161	4280		Other Fees	3,365	6,145	82.62%	3,000	3,000	(51.18%)	3,000	-
161	4283	1	Senior Center Fees-Sr Program	4,681	4,809	2.73%	4,700	5,200	8.13%	5,000	6.38%
161	4283	2	Senior Center Fees-Trips/Tour	577	491	(14.90%)	1,000	500	1.83%	300	(70.00%)
161	4285	1	Ballfields-Long Term Use	51,210	56,608	10.54%	60,000	80,000	41.32%	80,000	33.33%
161	4286		Equestrian Center		385	100.00%			(100.00%)		-
161	4287		Senior Center Rentals	37,952	35,089	(7.54%)	37,000	34,000	(3.10%)	37,000	-
161	4288	2	Adult Sports-Softball	42,810	42,460	(0.82%)	34,700	45,000	5.98%	45,000	29.68%
161	4288	3	Adult Sports-Tournaments		1,500	100.00%		12,000	700.00%	12,000	100.00%
161	4288	5	Adult Sports-Volley ball	2,711	3,828	41.20%	5,000	3,000	(21.63%)	3,000	(40.00%)
161	4288	6	Adult Sports- Soccer		1,900	100.00%		12,000	531.58%	12,000	100.00%
161	4289	1	Youth Sports-Pee Wee Basketba	1,985	3,371	69.82%	9,490	4,000	18.66%	4,000	(57.85%)
161	4289	2	Youth Sports-Spudball	4,344	4,380	0.83%	4,500	5,700	30.14%	5,000	11.11%
161	4289	3	Youth Sports-Youth Basketball	3,811	26,587	597.64%	21,920	45,000	69.26%	45,000	105.29%
161	4289	4	Youth Sports-Yth Flag Footbal	6,303	5,040	(20.04%)	4,956	2,700	(46.43%)	2,500	(49.56%)
161	4289	5	Youth Sports-Pee Wee Flag Ftb			-	3,000	6,500	100.00%	6,500	116.67%
161	4289	6	Youth Sports- Pee Wee Soccer		5,805	100.00%	5,500	6,000	3.36%	6,000	9.09%
161	4289	7	Youth Sports- Junior Soccer		1,649	100.00%	1,500	1,600	(2.97%)	1,600	6.67%
161	4289	8	Youth Sports- Youth Volleybal			-	5,525		-		(100.00%)
161	4289	9	Youth Sports- Youth Soccer			-	8,125	6,000	100.00%	7,000	(13.85%)
161	4290	1	Contract Programs-Adults	20,643	19,666	(4.73%)	18,000	25,000	27.12%	21,000	16.67%
161	4290	2	Contract Programs-Youth	55,634	75,608	35.90%	63,000	100,000	32.26%	90,000	42.86%
161	4290	4	Cntrct Prog-Youth Sports	490		(100.00%)			-		-
161	4291	1	Spl Seasonal Events-4th of Ju	9,087	10,640	17.09%	9,000	7,900	(25.75%)	9,000	-
161	4291	2	Spl Seasonal Events-Christmas	1,677	1,262	(24.75%)	1,320	1,200	(4.91%)	1,200	(9.09%)
161	4291	3	Spl Seasonal Events-Easter	1,967	3,402	72.95%	2,000	2,500	(26.51%)	2,500	25.00%
161	4291	4	Spl Seasonal Events-Youth Fes		1,150	100.00%	1,000	700	(39.13%)	1,000	-
161	4294	1	Skate Park Fees	17,635	39,378	123.29%	22,000	22,000	(44.13%)	22,000	-
161	4294	2	Skate Park Equipt Rental	3,254	6,102	87.52%	5,000	5,000	(18.06%)	5,000	-
161	4294	5	Skate Park - Snacks		467	100.00%	10,000	15,500	3,219.06%	15,000	50.00%
161	4296		Registration Fees		9,547	100.00%	10,000	13,500	41.41%	14,000	40.00%
161	4523	1	Golf Sales: Cart/Club Rental	2,230	1,292	(42.06%)	1,300	800	(38.08%)	800	(38.46%)
161	4523	2	Golf Sales: Misc. Equip/Supp	1,693	1,007	(40.52%)	930	200	(80.14%)	200	(78.49%)
161	4523	3	Golf Sales: Soda/Beer/Food	657	491	(25.27%)	1,000	100	(79.63%)	100	(90.00%)
161	4543		Pepsi Revenue		15,950	100.00%	15,950	9,900	(37.93%)	15,000	(5.96%)
161	4548	1	Towngate Center Rentals	68,881	57,013	(17.23%)	60,000	51,000	(10.55%)	50,000	(16.67%)
161	4548	2	CRC Banquet Rm. Rentals	249,736	216,543	(13.29%)	180,000	180,000	(16.88%)	180,000	-
161	4548	3	Mobile Home Rentals	4,800	6,000	25.00%	4,800	4,800	(20.00%)	4,800	-
161	4548	5	Headstart Rent	600		(100.00%)			-		-
161	4551		Donations	9,475	16,799	77.30%	10,000	5,000	(70.24%)	10,000	-
161	4556	10	Interest Income - Investments	(22,679)	25,054	(210.47%)		14,000	(44.12%)		-
161	4558		Unrealized Gains/Losses	1,463	(6,942)	(574.50%)			(100.00%)		-

MV00054919

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
161	4563		Lease Payments - Sub-Agents	42,859	45,905	7.11%	45,714	46,000	0.21%	48,000	5.00%
161	4567		Fixed Asset Trade-in Allow.	2,575		(100.00%)			-		-
161	4568		Fixed Asset Sales/Gains		175,000	100.00%			(100.00%)		-
161	4570		Claims, Judgemnts, Settlmnt	3,641	112	(96.92%)		1,600	1,328.57%		-
161	4574		Other Misc. Revenue	2,859	131	(95.42%)	500	200	52.67%	500	-
161	4582		Cell Tower Rental Income	67,551	98,399	45.67%	137,720	134,000	36.18%	138,000	0.20%
161	4586		Metrolink Ticket Sales	90		(100.00%)			-		-
161	4591	2	Donations - Sponsorship			-		2,000	100.00%		-
161	4614		Other Grant Revenue	3,000		(100.00%)			-		-
161	4701		Transfers	333,710	126,800	(62.00%)	377,459	377,459	197.68%	289,800	(23.22%)
ZONE "A" PARKS FUND Total				**8,820,737**	**8,925,136**	1.18%	**9,031,045**	**8,574,212**	(3.93%)	**7,997,589**	(11.44%)
162	4556	10	Interest Income - Investments	148,477	25,655	(82.72%)	52,000	25,000	(2.55%)	25,000	(51.92%)
162	4558		Unrealized Gains/Losses	8,672	1,247	(85.62%)			(100.00%)		-
162	4574		Other Misc. Revenue	375	24,850	6,526.67%	8,000	3,000	(87.93%)	3,000	(62.50%)
162	4587	3	CDBG Reimb- ASES Transportatn	6,680		(100.00%)			-		-
162	4598	1	Contributions - FY06/07	54,849	1,452,998	2,549.09%			(100.00%)		-
162	4598	2	Contributions - FY07/08	91,700	1,916,977	1,990.49%			(100.00%)		-
162	4598	3	Contributions - FY08/09		447,210	100.00%	1,383,000	1,822,212	307.46%	1,364,400	(1.34%)
162	4611		State Grant Revenue	8,606,150	4,802,074	(44.20%)	4,149,000	4,093,200	(14.76%)	4,093,200	(1.34%)
162	4616		FOOD PROGRAM REVENUE	251,675	349,119	38.72%	394,902	406,000	16.29%	406,000	2.81%
STARS PROGRAM GRANT FUN Total				**9,168,578**	**9,020,130**	(1.62%)	**5,986,902**	**6,349,412**	(29.61%)	**5,891,600**	(1.59%)
171	4110	11	Property Tax - Secured	103,540	97,116	(6.20%)	106,845	106,845	10.02%	106,900	0.05%
171	4110	12	Property Tax - Unsecured	4,515	4,990	10.52%	8,000	8,000	60.32%	8,000	-
171	4110	13	Property Tax - Prior Years	501	546	8.98%			(100.00%)		-
171	4110	14	Property Tax - Homeowner Exem	1,483	1,441	(2.83%)	1,200	1,200	(16.72%)	1,200	-
171	4110	16	Property Tax - Teeter/Del Tax	12,664	10,423	(17.70%)			(100.00%)		-
171	4253		Advanced Energy Fees	14,610	1,840	(87.41%)	3,500	665	(63.86%)	700	(80.00%)
171	4269	10	Parcel Fees	807,443	861,683	6.72%	854,756	854,801	(0.80%)	854,900	0.02%
171	4269	11	Parcel Fees - Teeter/Del	98,210	68,103	(30.66%)	75,000	75,000	10.13%	75,000	-
171	4280		Other Fees	767	790	3.00%	750		(100.00%)		(100.00%)
171	4556	10	Interest Income - Investments	33,594	15,214	(54.71%)	7,396	5,815	(61.78%)		(100.00%)
171	4558		Unrealized Gains/Losses	6,449	(4,185)	(164.89%)			(100.00%)		-
ZONE "B" ST LGHT FUND Total				**1,083,776**	**1,057,961**	(2.38%)	**1,057,447**	**1,052,326**	(0.53%)	**1,046,700**	(1.02%)
172	4110	11	Property Tax - Secured	125,114	120,973	(3.31%)	135,600	135,600	12.09%	134,300	(0.96%)
172	4110	12	Property Tax - Unsecured	5,635	6,082	7.93%	5,000	5,000	(17.79%)	4,000	(20.00%)
172	4110	13	Property Tax - Prior Years	626	1,796	186.90%			(100.00%)		-
172	4110	14	Property Tax - Homeowner Exem	1,808	1,815	0.39%	1,500	1,500	(17.36%)	1,000	(33.33%)
172	4110	16	Property Tax - Teeter/Del Tax	16,169	13,129	(18.80%)			(100.00%)		-
172	4110	18	ERAF	21		(100.00%)			-		-
172	4253		Advanced Energy Fees	6,303	4,511	(28.43%)	2,300	5,205	15.38%	5,600	143.48%
172	4269	10	Parcel Fees	368,316	396,311	7.60%	393,544	391,560	(1.20%)	391,600	(0.49%)
172	4269	11	Parcel Fees - Teeter/Del	48,001	33,470	(30.27%)	35,000	34,500	3.08%	34,500	(1.43%)

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
172	4556 10	Interest Income - Investments	27,454	19,214	(30.01%)	12,033	11,557	(39.85%)	9,000	(25.21%)
172	4558	Unrealized Gains/Losses	4,250	(680)	(116.00%)			(100.00%)		-
ZONE "C" ART LGHT FUND Total			**603,697**	**596,621**	(1.17%)	**584,977**	**584,922**	(1.96%)	**580,000**	(0.85%)
176	4556 13	Interest Inc. - RDA Loan			-		100	100.00%		-
176	4556 16	Interest Income - HILP	1,770		(100.00%)			-		-
176	4556 20	Interest Inc. - Rental Rehab	19,634		(100.00%)			-		-
176	4562 1	Princ. Repayment- HILP	18,268		(100.00%)			-		-
176	4562 5	Princ. Repayment- Rental Reha	1,881	10,346	450.03%		4,703	(54.54%)		-
176	4599	Revenue Close to Bal Sheet		(37,079)	100.00%			(100.00%)		-
176	4610	Federal Grant Revenue	981,507	236,000	(75.96%)	379,961	381,400	61.61%	390,000	2.64%
HOME (FEDERAL) FUND Total			**1,023,060**	**209,267**	(79.54%)	**379,961**	**386,203**	84.55%	**390,000**	2.64%
181	4235	Landscape Inspection Fees	38,322		(100.00%)			-	35,000	100.00%
181	4241 14	Landscape Plan Check Fees			-	10,000	8,000	100.00%	15,000	50.00%
181	4269 10	Parcel Fees	970,047	1,064,658	9.75%	1,031,944	999,445	(6.13%)	999,500	(3.14%)
181	4269 11	Parcel Fees - Teeter/Del	125,985	83,441	(33.77%)	92,000	92,000	10.26%	92,000	-
181	4280	Other Fees	46		(100.00%)		125	100.00%		-
181	4556 10	Interest Income - Investments	9,026	3,437	(61.92%)	6,655	2,056	(40.18%)	1,300	(80.47%)
181	4558	Unrealized Gains/Losses	1,807	(25,075)	(1,487.66%)			(100.00%)		-
181	4570	Claims, Judgemnts, Settlmnt	1,713		(100.00%)			-		-
181	4574	Other Misc. Revenue		480	100.00%			(100.00%)		-
ZONE "D" STD LDSC FUND Total			**1,146,946**	**1,126,941**	(1.74%)	**1,140,599**	**1,101,626**	(2.25%)	**1,142,800**	0.19%
182	4235	Landscape Inspection Fees	11,438		(100.00%)			-		-
182	4241 14	Landscape Plan Check Fees	13,743	1,660	(87.92%)	8,000		(100.00%)		(100.00%)
182	4269 10	Parcel Fees	2,013,741	2,219,469	10.22%	2,211,365	2,211,041	(0.38%)	2,211,100	(0.01%)
182	4269 11	Parcel Fees - Teeter/Del	327,363	170,322	(47.97%)	192,000	192,000	12.73%	192,000	-
182	4280	Other Fees	1,017	206	(79.74%)	100	238	15.53%	100	-
182	4555	Reimbursement Agreement	2,369	2,425	2.36%	2,400	2,768	14.14%	2,800	16.67%
182	4556 10	Interest Income - Investments	159,075	112,878	(29.04%)	93,318	70,766	(37.31%)	69,600	(25.42%)
182	4558	Unrealized Gains/Losses	24,862	(4,083)	(116.42%)			(100.00%)		-
182	4570	Claims, Judgemnts, Settlmnt	1,642		(100.00%)			-		-
182	4574	Other Misc. Revenue	209	1,279	511.96%			(100.00%)		-
ZONE "E" EXT LDSC FUND Total			**2,555,459**	**2,504,156**	(2.01%)	**2,507,183**	**2,476,813**	(1.09%)	**2,475,600**	(1.26%)
183	4235	Landscape Inspection Fees	45,490	11,853	(73.94%)	34,500	12,000	1.24%	48,000	39.13%
183	4241 14	Landscape Plan Check Fees	778	27,620	3,450.13%	20,000	12,000	(56.55%)	30,000	50.00%
183	4269 10	Parcel Fees	61,914	87,976	42.09%	101,054	118,181	34.33%	118,200	16.97%
183	4269 11	Parcel Fees - Teeter/Del	2,250	5,751	155.60%	8,000	8,000	39.11%	8,000	-
183	4280	Other Fees	1,490		(100.00%)			-		-
183	4556 10	Interest Income - Investments			-	4,013	2,000	100.00%	1,500	(62.62%)
183	4570	Claims, Judgemnts, Settlmnt	2,337		(100.00%)			-		-
183	4701	Transfers	103,400	103,400	-	103,400	103,400	-	103,400	-
ZONE "M" MEDIAN FUND Total			**217,659**	**236,600**	8.70%	**270,967**	**255,581**	8.02%	**309,100**	14.07%

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
184	4128		Special Tax Proceeds	839,028	1,017,266	21.24%	959,760	865,700	(14.90%)	967,800	0.84%
184	4556	10	Interest Income - Investments	14,117	16,172	14.56%	13,000	13,000	(19.61%)	13,000	-
184	4558		Unrealized Gains/Losses	1,930	(339)	(117.56%)			(100.00%)		-
184	4701		Transfers	52,375	20,500	(60.86%)	25,000	25,000	21.95%	25,305	1.22%
CFD#1 Total				**907,450**	**1,053,599**	16.11%	**997,760**	**903,700**	(14.23%)	**1,006,105**	0.84%
185	4269	10	Parcel Fees	50,805	24,700	(51.38%)	47,342	25,942	5.03%	47,400	0.12%
185	4269	11	Parcel Fees - Teeter/Del	1,539	1,471	(4.42%)	5,000	2,000	35.96%	5,000	-
185	4280		Other Fees		100	100.00%			(100.00%)		-
185	4556	10	Interest Income - Investments		1,672	100.00%	1,644	500	(70.10%)		(100.00%)
ZONE "S" Total				**52,344**	**27,943**	(46.62%)	**53,986**	**28,442**	1.79%	**52,400**	(2.94%)
186	4269	10	Parcel Fees	52,500	35,000	(33.33%)	32,000	32,000	(8.57%)	32,000	-
186	4269	11	Parcel Fees - Teeter/Del			-	3,000	3,000	100.00%	3,000	-
186	4556	10	Interest Income - Investments		1,210	100.00%			(100.00%)		-
CFD #4M Total				**52,500**	**36,210**	(31.03%)	**35,000**	**35,000**	(3.34%)	**35,000**	-
193	4556	10	Interest Income - Investments	7,096	1,709	(75.92%)	500	550	(67.82%)		(100.00%)
193	4558		Unrealized Gains/Losses	772	(346)	(144.82%)			(100.00%)		-
193	4585		EPA Grant - Box Springs Water	56,044	124,540	122.22%	19,078	60,016	(51.81%)		(100.00%)
EPA GRANT - BOX SPRINGS Total				**63,912**	**125,903**	96.99%	**19,578**	**60,566**	(51.89%)	-	(100.00%)
194	4556	10	Interest Income - Investments	3,320	2,179	(34.37%)		631	(71.04%)		-
194	4558		Unrealized Gains/Losses	515	(172)	(133.40%)			(100.00%)		-
194	4610		Federal Grant Revenue		47,405	100.00%	23,595	23,595	(50.23%)		(100.00%)
JAG GRANT - CODE FUND Total				**3,835**	**49,412**	1,188.45%	**23,595**	**24,226**	(50.97%)	-	(100.00%)
195	4610		Federal Grant Revenue			-	1,200,741	1,200,741	100.00%		(100.00%)
WORKFORCE HOUSING PROGR Total				-	-	-	**1,200,741**	**1,200,741**	100.00%	-	(100.00%)
196	4556	10	Interest Income - Investments			-	2,500		-		(100.00%)
196	4610		Federal Grant Revenue			-	118,886	118,886	100.00%		(100.00%)
ETA JOB TRAINING GRANT Total				-	-	-	**121,386**	**118,886**	100.00%	-	(100.00%)
197	4610		Federal Grant Revenue			-	11,390,116	11,390,116	100.00%		(100.00%)
NEIGHBORHOOD STABILIZAT Total				-	-	-	**11,390,116**	**11,390,116**	100.00%	-	(100.00%)
198	4610		Federal Grant Revenue			-	732,872	549,654	100.00%	183,218	(75.00%)
HOMELESSNESS PREVENTION Total				-	-	-	**732,872**	**549,654**	100.00%	**183,218**	(75.00%)
199	4610		Federal Grant Revenue			-	479,292	342,100	100.00%	137,192	(71.38%)
CDBG RECOVERY ACT OF 20 Total				-	-	-	**479,292**	**342,100**	100.00%	**137,192**	(71.38%)
201	4250	10	Dev Impact Fee: Res-Single	188,839	1,586	(99.16%)	72,496	33,800	2,031.15%	18,500	(74.48%)
201	4250	11	Dev Impact Fee: Res-Multiple	126,840	111,366	(12.20%)	202,944	96,600	(13.26%)	52,700	(74.03%)
201	4250	12	Dev Impact Fee: Comm-Nhbd/Com	131,228	141,178	7.58%	118,298	(77,718)	(155.05%)		(100.00%)
201	4250	13	Dev Impact Fee: Comm-Regional	19,675		(100.00%)			-		-
201	4250	15	Dev Impact Fee: Indust-Genera			-	640,500		-		(100.00%)
201	4250	16	Dev Impact Fee: Office	82,505	8,412	(89.80%)			(100.00%)		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
201	4556 10	Interest Income - Investments	284,227	134,764	(52.59%)	49,162	61,300	(54.51%)	33,500	(31.86%)
201	4558	Unrealized Gains/Losses	67,432	(70)	(100.10%)			(100.00%)		-
201	4570	Claims, Judgemnts, Settlmnt		1,507	100.00%			(100.00%)		-
201	4701	Transfers	7,214,399		(100.00%)			-		-
	ARTERIAL STS DEV IMPACT Total		**8,115,145**	**398,743**	(95.09%)	**1,083,400**	**113,982**	(71.41%)	**104,700**	(90.34%)
202	4250 10	Dev Impact Fee: Res-Single	26,374	199	(99.25%)	9,072	6,100	2,965.33%	3,400	(62.52%)
202	4250 11	Dev Impact Fee: Res-Multiple	794	13,101	1,550.00%	25,408	26,100	99.22%	14,300	(43.72%)
202	4250 12	Dev Impact Fee: Comm-Nhbd/Com	28,665	20,561	(28.27%)	17,895	(11,757)	(157.18%)		(100.00%)
202	4250 13	Dev Impact Fee: Comm-Regional	3,907		(100.00%)			-		-
202	4250 15	Dev Impact Fee: Indust-Genera	149,248		(100.00%)	97,000		-		(100.00%)
202	4250 16	Dev Impact Fee: Office	12,455	1,270	(89.80%)	4,392		(100.00%)		(100.00%)
202	4556 10	Interest Income - Investments	44,786	32,087	(28.35%)	16,962	15,100	(52.94%)	9,000	(46.94%)
202	4558	Unrealized Gains/Losses	13,300	(34,342)	(358.21%)			(100.00%)		-
202	4701	Transfers	513,902		(100.00%)			-		-
	TRAFFIC SIGS DEV IMPACT Total		**793,431**	**32,876**	(95.86%)	**170,729**	**35,543**	8.11%	**26,700**	(84.36%)
203	4250 10	Dev Impact Fee: Res-Single	26,952	27,431	1.78%	10,400	40,500	47.64%	22,000	111.54%
203	4250 11	Dev Impact Fee: Res-Multiple	10,440	9,166	(12.20%)	16,704	10,100	10.19%	5,500	(67.07%)
203	4250 12	Dev Impact Fee: Comm-Nhbd/Com	3,382	8,809	160.47%	2,111	(1,387)	(115.75%)		(100.00%)
203	4250 13	Dev Impact Fee: Comm-Regional	7,028	3,511	(50.04%)			(100.00%)		-
203	4250 15	Dev Impact Fee: Indust-Genera	44,621		(100.00%)	29,000		-		(100.00%)
203	4250 16	Dev Impact Fee: Office	2,878	293	(89.82%)	660		(100.00%)		(100.00%)
203	4556 10	Interest Income - Investments	51,883	32,087	(38.16%)	20,077	24,900	(22.40%)	13,600	(32.26%)
203	4558	Unrealized Gains/Losses	8,112	(8,549)	(205.39%)			(100.00%)		-
	FIRE FACIL DEV IMPACT F Total		**155,296**	**72,748**	(53.16%)	**78,952**	**74,113**	1.88%	**41,100**	(47.94%)
204	4250 10	Dev Impact Fee: Res-Single	19,347	19,672	1.68%	7,424	29,000	47.42%	15,800	112.82%
204	4250 11	Dev Impact Fee: Res-Multiple	14,720	12,924	(12.20%)	23,552	11,000	(14.89%)	6,000	(74.52%)
204	4250 12	Dev Impact Fee: Comm-Nhbd/Com	9,809	25,546	160.43%	6,123	(4,023)	(115.75%)		(100.00%)
204	4250 13	Dev Impact Fee: Comm-Regional	12,495	6,241	(50.05%)			(100.00%)		-
204	4250 15	Dev Impact Fee: Indust-Genera	32,311		(100.00%)	21,000		-		(100.00%)
204	4250 16	Dev Impact Fee: Office	4,896	499	(89.81%)	885		(100.00%)		(100.00%)
204	4556 10	Interest Income - Investments	22,769		(100.00%)			-		-
204	4558	Unrealized Gains/Losses	(392)	(7,889)	1,912.50%			(100.00%)		-
	POLICE FACIL DEV IMPACT Total		**115,955**	**56,993**	(50.85%)	**58,984**	**35,977**	(36.87%)	**21,800**	(63.04%)
205	4250 10	Dev Impact Fee: Res-Single	96,052	1,362	(98.58%)	45,000	4,900	259.77%	2,700	(94.00%)
205	4250 11	Dev Impact Fee: Res-Multiple	108,920	38,122	(65.00%)	40,500	115,800	203.76%	63,000	55.56%
205	4556 10	Interest Income - Investments	120,835	51,339	(57.51%)	56,700	45,800	(10.79%)	25,000	(55.91%)
205	4558	Unrealized Gains/Losses	38,208	115	(99.70%)			(100.00%)		-
	PARKLD FACIL DEV IMPACT Total		**364,015**	**90,938**	(75.02%)	**142,200**	**166,500**	83.09%	**90,700**	(36.22%)
206	4250 10	Dev Impact Fee: Res-Single	58,534	817	(98.60%)	34,650	3,000	267.20%	1,600	(95.38%)
206	4250 11	Dev Impact Fee: Res-Multiple	3,268		(100.00%)		47,300	100.00%	28,400	100.00%
206	4556 10	Interest Income - Investments	79,481	54,547	(31.37%)	55,350	41,400	(24.10%)	22,600	(59.17%)

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
206	4558	Unrealized Gains/Losses	24,400	(13,962)	(157.22%)			(100.00%)		-
	QUIMBY IN-LIEU PARK FEE Total		**165,683**	**41,402**	(75.01%)	**90,000**	**91,700**	121.49%	**52,600**	(41.56%)
207	4250 10	Dev Impact Fee: Res-Single	8,878	8,191	(7.74%)	5,310	12,700	55.05%	7,000	31.83%
207	4250 11	Dev Impact Fee: Res-Multiple	6,760	7,943	17.50%	9,126	82,300	936.13%	44,900	392.00%
207	4556 10	Interest Income - Investments			-			-		-
207	4558	Unrealized Gains/Losses	(3,366)	(12,979)	285.59%			(100.00%)		-
	RECREATN CTR DEV IMPACT Total		**12,272**	**3,155**	(74.29%)	**14,436**	**95,000**	2,911.09%	**51,900**	259.52%
208	4250 10	Dev Impact Fee: Res-Single	33,005	34,502	4.54%	13,008	50,800	47.24%	27,700	112.95%
208	4250 11	Dev Impact Fee: Res-Multiple	28,480	25,005	(12.20%)	45,568	44,700	78.76%	24,400	(46.45%)
208	4556 10	Interest Income - Investments	177,626	115,512	(34.97%)	58,287	85,500	(25.98%)	46,600	(20.05%)
208	4558	Unrealized Gains/Losses	34,658	169	(99.51%)			(100.00%)		-
	LIBRARIES DEV IMPACT FE Total		**273,769**	**175,188**	(36.01%)	**116,863**	**181,000**	3.32%	**98,700**	(15.54%)
209	4250 10	Dev Impact Fee: Res-Single	24,808	22,324	(10.01%)	8,464	34,800	55.89%	20,800	145.75%
209	4250 11	Dev Impact Fee: Res-Multiple	8,480	9,964	17.50%	13,568	11,000	10.40%	6,000	(55.78%)
209	4250 12	Dev Impact Fee: Comm-Nhbd/Com	3,129	8,148	160.40%	1,953	(1,283)	(115.75%)	2,000	2.41%
209	4250 13	Dev Impact Fee: Comm-Regional	8,200	4,096	(50.05%)			(100.00%)		-
209	4250 15	Dev Impact Fee: Indust-Genera	40,005		(100.00%)	26,000		-		(100.00%)
209	4250 16	Dev Impact Fee: Office	2,663	272	(89.79%)			(100.00%)		-
209	4556 10	Interest Income - Investments	80,769	64,173	(20.55%)	32,395	47,100	(26.60%)	25,700	(20.67%)
209	4558	Unrealized Gains/Losses	19,351	(26,942)	(239.23%)			(100.00%)		-
	CITY HALL DEV IMPACT FE Total		**187,405**	**82,035**	(56.23%)	**82,380**	**91,617**	11.68%	**54,500**	(33.84%)
210	4250 10	Dev Impact Fee: Res-Single	13,738	12,576	(8.46%)	4,768	19,600	55.85%	10,700	124.41%
210	4250 11	Dev Impact Fee: Res-Multiple	33,225	5,593	(83.17%)	7,616	9,700	73.43%	5,300	(30.41%)
210	4250 12	Dev Impact Fee: Comm-Nhbd/Com	2,241	5,836	160.42%	1,399	(919)	(115.75%)		(100.00%)
210	4250 13	Dev Impact Fee: Comm-Regional	8,004	3,998	(50.05%)			(100.00%)		-
210	4250 16	Dev Impact Fee: Office	1,847	188	(89.82%)			(100.00%)		-
210	4556 10	Interest Income - Investments	28,589	696	(97.57%)		900	29.31%	500	100.00%
210	4558	Unrealized Gains/Losses	7,639	(14,909)	(295.17%)			(100.00%)		-
	CORPORATE YD DEV IMPACT Total		**95,283**	**13,978**	(85.33%)	**13,783**	**29,281**	109.48%	**16,500**	19.71%
211	4250 10	Dev Impact Fee: Res-Single	25,152	22,192	(11.77%)	8,384	34,500	55.46%	18,800	124.24%
211	4250 11	Dev Impact Fee: Res-Multiple	734	12,111	1,550.00%	23,488	3,200	(73.58%)	1,800	(92.34%)
211	4250 12	Dev Impact Fee: Comm-Nhbd/Com	28,919	75,317	160.44%	18,053	(11,861)	(115.75%)		(100.00%)
211	4250 15	Dev Impact Fee: Indust-Genera	150,017		(100.00%)			-		-
211	4250 16	Dev Impact Fee: Office	12,584	1,283	(89.80%)			(100.00%)		-
211	4556 10	Interest Income - Investments	58,257	48,130	(17.38%)	24,218	37,600	(21.88%)	20,500	(15.35%)
211	4558	Unrealized Gains/Losses	7,200	(125)	(101.74%)			(100.00%)		-
	INTERCHANGE IMPROVMNTS Total		**282,863**	**158,908**	(43.82%)	**74,143**	**63,439**	(60.08%)	**41,100**	(44.57%)
212	4250 10	Dev Impact Fee: Res-Single	2,400	2,110	(12.08%)	800	3,300	56.40%	1,800	125.00%
212	4250 11	Dev Impact Fee: Res-Multiple	40	660	1,550.00%		200	(69.70%)	100	100.00%
212	4250 12	Dev Impact Fee: Comm-Nhbd/Com	169	440	160.36%		(69)	(115.68%)		-
212	4250 15	Dev Impact Fee: Indust-Genera	2,308		(100.00%)	1,500		-	1,500	-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
212	4250 16	Dev Impact Fee: Office	172	18	(89.53%)			(100.00%)		-
212	4556 10	Interest Income - Investments	2,098	2,014	(4.00%)	962	1,400	(30.49%)	800	(16.84%)
212	4558	Unrealized Gains/Losses	257	(11,749)	(4,671.60%)			(100.00%)		-
	MAINTENANCE EQUIPMENT D Total		**7,444**	**(6,507)**	(187.41%)	**3,262**	**4,831**	(174.24%)	**4,200**	28.76%
213	4250 10	Dev Impact Fee: Res-Single	7,296	6,451	(11.58%)		10,000	55.01%	5,500	100.00%
213	4250 11	Dev Impact Fee: Res-Multiple	266	4,389	1,550.00%		1,200	(72.66%)	600	100.00%
213	4558	Unrealized Gains/Losses	777	(526)	(167.70%)			(100.00%)		-
	ANIMAL SHELTER DEV IMPA Total		**8,339**	**10,314**	23.68%	**-**	**11,200**	8.59%	**6,100**	100.00%
225	4556 10	Interest Income - Investments		29,106	100.00%	40,000	32,000	9.94%	32,000	(20.00%)
225	4558	Unrealized Gains/Losses	12,110	(5,026)	(141.50%)			(100.00%)		-
225	4611	State Grant Revenue		1,560,599	100.00%	1,739,098	1,655,479	6.08%	1,830,944	5.28%
	TRAFF CONGESTION RELIEF Total		**12,110**	**1,584,679**	12,985.71%	**1,779,098**	**1,687,479**	6.49%	**1,862,944**	4.71%
226	4661	Prop 1B	2,902,673		(100.00%)	2,682,869		-		(100.00%)
	PROP 1B Total		**2,902,673**	**-**	(100.00%)	**2,682,869**	**-**	-	**-**	(100.00%)
227	4659	Federal Reimbursements		93,944	100.00%	186,556		(100.00%)	186,600	0.02%
227	4701	Transfers		22,500	100.00%			(100.00%)		-
	FHWA TRANSIMS Total		**-**	**116,444**	100.00%	**186,556**	**-**	(100.00%)	**186,600**	0.02%
228	4556 10	Interest Income - Investments			-	10,000		-	10,000	-
228	4610	Federal Grant Revenue			-	1,300,000		-	1,300,000	-
	ECONOMIC STIMULUS FUND Total		**-**	**-**	-	**1,310,000**	**-**	-	**1,310,000**	-
229	4610	Federal Grant Revenue			-	1,684,300		-		(100.00%)
	EECBG FUND Total		**-**	**-**	-	**1,684,300**	**-**	-	**-**	(100.00%)
230	4610	Federal Grant Revenue			-	105,989	105,989	100.00%	78,100	(26.31%)
	2009-DJ-BX-1178 JAG GRA Total		**-**	**-**	-	**105,989**	**105,989**	100.00%	**78,100**	(26.31%)
231	4555	Reimbursement Agreement			-	50,668		-		(100.00%)
	ICEP TASK FORCE FUND Total		**-**	**-**	-	**50,668**	**-**	-	**-**	(100.00%)
233	4615	Emergency Svc Agncy Fines (Co			-			-	14,000	100.00%
	EMERGENCY SVCS AGENCY F Total		**-**	**-**	-	**-**	**-**	-	**14,000**	100.00%
258	4556 10	Interest Income - Investments	4,908		(100.00%)			-		-
258	4558	Unrealized Gains/Losses	773	4	(99.48%)			(100.00%)		-
258	4610	Federal Grant Revenue	58,629		(100.00%)			-		-
	JAG - PD - 05 FUND Total		**64,310**	**4**	(99.99%)	**-**	**-**	(100.00%)	**-**	-
259	4556 10	Interest Income - Investments	928		(100.00%)			-		-
259	4610	Federal Grant Revenue	84,073		(100.00%)			-		-
	JAG - PD - 07 FUND Total		**85,001**	**-**	(100.00%)	**-**	**-**	-	**-**	-
260	4556 10	Interest Income - Investments		603	100.00%		29,879	4,855.06%		-
	JAG- PD- 08 FUND Total		**-**	**603**	100.00%	**-**	**29,879**	4,855.06%	**-**	-
261	4556 10	Interest Income - Investments			-		107,589	100.00%		-

MV000054925

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
261	4558	Unrealized Gains/Losses		(351)	100.00%			(100.00%)		-
261	4610	Federal Grant Revenue		32,706	100.00%			(100.00%)		-
	2008 COPS TECH PRGRM GR Total		-	**32,355**	100.00%	-	**107,589**	232.53%	-	-
262	4610	Federal Grant Revenue			-	435,672	435,672	100.00%	435,700	0.01%
	JAG 2009 SB-59-2366 FUN Total		-	-	-	**435,672**	**435,672**	100.00%	**435,700**	0.01%
271	4556 10	Interest Income - Investments	1		(100.00%)			-		-
271	4558	Unrealized Gains/Losses	(129)		(100.00%)			-		-
	BUFFER ZONE PROTECTION Total		**(128)**	-	(100.00%)	-	-	-	-	-
280	4558	Unrealized Gains/Losses	(126)	(3)	(97.62%)			(100.00%)		-
280	4574	Other Misc. Revenue	1,420		(100.00%)			-		-
280	4610	Federal Grant Revenue	530,765	332,527	(37.35%)	10,000		(100.00%)	10,000	-
280	4701	Transfers	17,056		(100.00%)			-		-
	CDBG FY05/06 FUND Total		**549,115**	**332,524**	(39.44%)	**10,000**	-	(100.00%)	**10,000**	-
281	4558	Unrealized Gains/Losses	(519)	1	(100.19%)			(100.00%)		-
281	4610	Federal Grant Revenue	(4,011)		(100.00%)			-		-
	CDBG FY06/07 FUND Total		**(4,530)**	**1**	(100.02%)	-	-	(100.00%)	-	-
282	4574	Other Misc. Revenue	563	622	10.48%			(100.00%)		-
282	4610	Federal Grant Revenue	908,898	388,015	(57.31%)	405,675	402,800	3.81%	14,700	(96.38%)
	CDBG FY07/08 FUND Total		**909,461**	**388,637**	(57.27%)	**405,675**	**402,800**	3.64%	**14,700**	(96.38%)
283	4574	Other Misc. Revenue		1,463	100.00%			(100.00%)		-
283	4610	Federal Grant Revenue		1,413,439	100.00%	3,013,471	607,000	(57.06%)	418,652	(86.11%)
	CDBG FY08/09 FUND Total		-	**1,414,902**	100.00%	**3,013,471**	**607,000**	(57.10%)	**418,652**	(86.11%)
284	4610	Federal Grant Revenue			-		1,745,300	100.00%		-
	CDBG FY09/10 FUND Total		-	-	-	-	**1,745,300**	100.00%	-	-
285	4610	Federal Grant Revenue			-			-	2,000,000	100.00%
	CDBG FY10/11 FUND Total		-	-	-	-	-	-	**2,000,000**	100.00%
290	4569	Waste Managmt. Recycling	21,857		(100.00%)			-		-
	UBG11 USED OIL RECYCLG Total		**21,857**	-	(100.00%)	-	-	-	-	-
291	4569	Waste Managmt. Recycling	42,006	785	(98.13%)			(100.00%)		-
	UBG12 USED OIL RECYCLG Total		**42,006**	**785**	(98.13%)	-	-	(100.00%)	-	-
292	4569	Waste Managmt. Recycling	283	44,192	15,515.55%			(100.00%)		-
	UBG13 USED OIL RECYCLG Total		**283**	**44,192**	15,515.55%	-	-	(100.00%)	-	-
293	4569	Waste Managmt. Recycling			-	41,988	18,263	100.00%	27,900	(33.55%)
	UBG14 USED OIL RECYCLG Total		-	-	-	**41,988**	**18,263**	100.00%	**27,900**	(33.55%)
294	4611	State Grant Revenue	10,399		(100.00%)			-		-
	TCA2-06-22 LOCAL GOVT W Total		**10,399**	-	(100.00%)	-	-	-	-	-
295	4611	0		47,950	100.00%	84,000	28,000	(41.61%)	56,000	(33.33%)
	TRI16-06-1 TARGETED RUB Total		-	**47,950**	100.00%	**84,000**	**28,000**	(41.61%)	**56,000**	(33.33%)

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
301	4556 10	Interest Income - Investments	229,516	59,700	(73.99%)	35,000	300	(99.50%)		(100.00%)
301	4701	Transfers	3,346,444	4,343,404	29.79%	2,643,517	2,643,517	(39.14%)	2,644,491	0.04%
	2005 LEASE REV BONDS-D Total		**3,575,960**	**4,403,104**	23.13%	**2,678,517**	**2,643,817**	(39.96%)	**2,644,491**	(1.27%)
303	4128	Special Tax Proceeds	441,558		(100.00%)			-		-
303	4556 10	Interest Income - Investments	12,956		(100.00%)			-		-
303	4701	Transfers		3,965,920	100.00%			(100.00%)		-
	TWNGT IMP DEBT SERV FUN Total		**454,514**	**3,965,920**	772.56%	-	-	(100.00%)	-	-
305	4556 10	Interest Income - Investments	78,950		(100.00%)			-		-
305	4701	Transfers		13,465,179	100.00%			(100.00%)		-
	TWNGT REF DEBT SERV FUN Total		**78,950**	**13,465,179**	16,955.32%	-	-	(100.00%)	-	-
313	4128	Special Tax Proceeds		108,495	100.00%	114,369	114,369	5.41%	114,400	0.03%
313	4556 10	Interest Income - Investments	59,522	4,908	(91.75%)	10,800	100	(97.96%)	100	(99.07%)
313	4577	Bond Proceeds	4,017,845		(100.00%)			-		-
313	4701	Transfers		1,243,192	100.00%	279,459	279,459	(77.52%)	279,500	0.01%
	TWNGT IMPV SPCL TAX REF Total		**4,077,367**	**1,356,595**	(66.73%)	**404,628**	**393,928**	(70.96%)	**394,000**	(2.63%)
315	4556 10	Interest Income - Investments	31,197	18,593	(40.40%)	85,595	500	(97.31%)	500	(99.42%)
315	4577	Bond Proceeds	10,899,584		(100.00%)			-		-
315	4701	Transfers	2,072,568	5,123,965	147.23%	404,131	404,131	(92.11%)	1,158,200	186.59%
	TWNGT SPCL TAX REFNDG D Total		**13,003,349**	**5,142,558**	(60.45%)	**489,726**	**404,631**	(92.13%)	**1,158,700**	136.60%
316	4110 15	Property Tax - Bond Assessmen	3,249	4,042	24.41%	2,612	2,612	(35.38%)	2,700	3.37%
	ASSMT DIST 98-1-DEBT SV Total		**3,249**	**4,042**	24.41%	**2,612**	**2,612**	(35.38%)	**2,700**	3.37%
321	4556 10	Interest Income - Investments			-			-		-
321	4701	Transfers	811,498	645,569	(20.45%)	859,540		(100.00%)	822,025	(4.36%)
	CH COP 97 DEBT SERV FUN Total		**811,498**	**645,569**	(20.45%)	**859,540**	-	(100.00%)	**822,025**	(4.36%)
325	4556 10	Interest Income - Investments	20,791	3,804	(81.70%)			(100.00%)		-
325	4701	Transfers	401,244	402,422	0.29%	404,169	404,169	0.43%	404,200	0.01%
	PUB SAFTY BOND DEBT SER Total		**422,035**	**406,226**	(3.75%)	**404,169**	**404,169**	(0.51%)	**404,200**	0.01%
328	4121 10	Sales Tax - General	1,010,858	848,814	(16.03%)	1,000,000	800,000	(5.75%)	750,000	(25.00%)
328	4128	Special Tax Proceeds	1,088,427	1,212,731	11.42%	1,217,525	1,217,525	0.40%	1,217,600	0.01%
328	4556 10	Interest Income - Investments	51,811	11,711	(77.40%)	11,000	500	(95.73%)	500	(95.45%)
328	4701	Transfers	1,118,290	103,026	(90.79%)	219,964	219,964	113.50%	220,000	0.02%
	AUTOML REFIN-CFD #3 DBT Total		**3,269,386**	**2,176,282**	(33.43%)	**2,448,489**	**2,237,989**	2.84%	**2,188,100**	(10.63%)
329	4128	Special Tax Proceeds	198,306	344,701	73.82%	362,015	362,015	5.02%	362,100	0.02%
329	4556 10	Interest Income - Investments	8,434	344	(95.92%)	20,000	100	(70.93%)	100	(99.50%)
329	4701	Transfers	150,000		(100.00%)			-		-
	CFD#5 STONERIDGE DEBT S Total		**356,740**	**345,045**	(3.28%)	**382,015**	**362,115**	4.95%	**362,200**	(5.19%)
330	4577	Bond Proceeds			-	10,600,000		-	12,300,000	16.04%
	CFD #4I - INFRA DEBT SR Total		-	-	-	**10,600,000**	-	-	**12,300,000**	16.04%
335	4556 10	Interest Income - Investments			-			-		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
	COP 93 DEBT SERV FUND Total			-	-	-	-	-	-	-	-
340	4556	25	Interest Income - Price Club	385,926	394,359	2.19%	350,000		(100.00%)	350,000	-
	OPA SALES TAX #2 FUND Total			**385,926**	**394,359**	2.19%	**350,000**	-	(100.00%)	**350,000**	-
369	4110	15	Property Tax - Bond Assessmen	407,793	240,120	(41.12%)			(100.00%)		-
369	4556	10	Interest Income - Investments	13,653	2,356	(82.74%)	1,950		(100.00%)	-	(100.00%)
	CTRPT 87-4 AGENCY FUND Total			**421,446**	**242,476**	(42.47%)	**1,950**	-	(100.00%)	-	(100.00%)
370	4590	1	Donations - MV Library	5,496		(100.00%)			-		-
370	4590	2	Donations - 2007 Mayor's Cup	129,091		(100.00%)			-		-
370	4590	3	Donations - Comedy Night	73,039		(100.00%)			-		-
370	4590	4	Donations - 2008 Mayor's Cup		84,185	100.00%			(100.00%)		-
	MV FOUNDATION - DONATIO Total			**207,626**	**84,185**	(59.45%)	-	-	(100.00%)	-	-
371	4591	1	Donations - Arts Commission		542	100.00%		1,500	176.75%	1,000	100.00%
	ARTS COMMISSION Total			-	**542**	100.00%	-	**1,500**	176.75%	**1,000**	100.00%
380	4556	10	Interest Income - Investments	1,403	1,734	23.59%	1,000		(100.00%)	1,000	-
380	4558		Unrealized Gains/Losses	386	(349)	(190.41%)			(100.00%)		-
	CELEBRATION PARK ENDOWM Total			**1,789**	**1,385**	(22.58%)	**1,000**	-	(100.00%)	**1,000**	-
381	4556	10	Interest Income - Investments	237	359	51.48%			(100.00%)		-
381	4558		Unrealized Gains/Losses	129		(100.00%)			-		-
	EQUESTRIAN TRAIL ENDOWM Total			**366**	**359**	(1.91%)	-	-	(100.00%)	-	-
412	4551		Donations	20		(100.00%)			-		-
412	4701		Transfers	1,972,040	2,511,992	27.38%			(100.00%)		-
	FACILITY CONST FUND Total			**1,972,060**	**2,511,992**	27.38%	-	-	(100.00%)	-	-
414	4540		Developer Reimbursement			-	30,000	30,000	100.00%	30,000	-
414	4555		Reimbursement Agreement	299,171	1,100	(99.63%)			(100.00%)		-
414	4556	10	Interest Income - Investments			-	900		-	900	-
	PW GENERAL CAPITAL PROJ Total			**299,171**	**1,100**	(99.63%)	**30,900**	**30,000**	2,627.27%	**30,900**	-
415	4540		Developer Reimbursement	89,300	2,470	(97.23%)			(100.00%)		-
415	4556	10	Interest Income - Investments		1,532	100.00%			(100.00%)		-
415	4574		Other Misc. Revenue	8,333	6,633	(20.40%)		(130)	(101.96%)		-
415	4660		Reimbursements - Other Govts	2,183,508	7,504,915	243.71%	8,000,000	6,698,800	(10.74%)	6,000,000	(25.00%)
	TUMF CAPITAL PROJECTS F Total			**2,281,141**	**7,515,550**	229.46%	**8,000,000**	**6,698,670**	(10.87%)	**6,000,000**	(25.00%)
416	4574		Other Misc. Revenue		1,018	100.00%	1,000	1,018	-	1,000	-
416	4701		Transfers	3,202,852	4,216,228	31.64%	1,837,894	1,837,894	(56.41%)	295,000	(83.95%)
	DIF ARTERIAL STREETS CA Total			**3,202,852**	**4,217,246**	31.67%	**1,838,894**	**1,838,912**	(56.40%)	**296,000**	(83.90%)
417	4574		Other Misc. Revenue		2,499	100.00%	1,000	2,499	-	1,000	-
417	4701		Transfers	834,492	360,618	(56.79%)	1,374,380	1,374,380	281.12%	-	(100.00%)
	DIF TRAFFIC SIGNAL CAPI Total			**834,492**	**363,117**	(56.49%)	**1,375,380**	**1,376,879**	279.18%	**1,000**	(99.93%)
418	4701		Transfers			-			-	1,740,000	100.00%

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
		DIF INTERCHANGE IMPRV C Total	-	-	-	-	-	-	**1,740,000**	100.00%
434	4574	Other Misc. Revenue	459		(100.00%)			-		-
		FIRE SERVICES CAP FUND Total	**459**	-	(100.00%)	-	-	-	-	-
461	4574	Other Misc. Revenue		204	100.00%			(100.00%)		-
461	4611	State Grant Revenue	1,040,430		(100.00%)			-		-
461	4659	Federal Reimbursements	763,328		(100.00%)			-		-
461	4660	Reimbursements - Other Govts		239,746	100.00%			(100.00%)		-
461	4701	Transfers	4,262,355	(74,000)	(101.74%)			(100.00%)		-
		PARKS & RECREATION CAP Total	**6,066,113**	**165,950**	(97.26%)	-	-	(100.00%)	-	-
501	4540	Developer Reimbursement	1,500		(100.00%)			-		-
501	4556 10	Interest Income - Investments	1,374,223	309,287	(77.49%)	100,000		(100.00%)	100,000	-
501	4574	Other Misc. Revenue	947	12,459	1,215.63%			(100.00%)		-
501	4701	Transfers	164,000	185,000	12.80%			(100.00%)		-
		2005 LEASE REV BONDS-C Total	**1,540,670**	**506,746**	(67.11%)	**100,000**	-	(100.00%)	**100,000**	-
502	4701	Transfers	78,760		(100.00%)			-		-
		TWNGT B CAP-ADMIN FUND Total	**78,760**	-	(100.00%)	-	-	-	-	-
506	4701	Transfers		392,244	100.00%			(100.00%)		-
		TWNGT REF CAP-ADMIN FUN Total	-	**392,244**	100.00%	-	-	(100.00%)	-	-
512	4550	Administrative Charges		58,787	100.00%			(100.00%)		-
512	4701	Transfers	181,525		(100.00%)			-		-
		CTRPT 87-4 CAP-ADMIN FU Total	**181,525**	**58,787**	(67.61%)	-	-	(100.00%)	-	-
513	4701	Transfers		3,700	100.00%	38,250	38,250	933.78%	38,250	-
		TWNGT IMPV SPCL TAX CAP Total	-	**3,700**	100.00%	**38,250**	**38,250**	933.78%	**38,250**	-
515	4701	Transfers			-	139,750	139,750	100.00%	145,650	4.22%
		2007 TWNGT SPCLTAX REF Total	-	-	-	**139,750**	**139,750**	100.00%	**145,650**	4.22%
518	4110 15	Property Tax - Bond Assessmen	8,415	9,263	10.08%	8,325	8,325	(10.13%)	8,400	0.90%
		WARNER RANCH ASDST FUND Total	**8,415**	**9,263**	10.08%	**8,325**	**8,325**	(10.13%)	**8,400**	0.90%
528	4701	Transfers	512,462	148,446	(71.03%)	148,940	148,940	0.33%	62,500	(58.04%)
		AUTOMALL CAP-ADMIN FUND Total	**512,462**	**148,446**	(71.03%)	**148,940**	**148,940**	0.33%	**62,500**	(58.04%)
529	4556 10	Interest Income - Investments	175,974	22,768	(87.06%)			(100.00%)		-
529	4701	Transfers	96,471	50,000	(48.17%)	54,000	54,000	8.00%	54,000	-
		CFD#5 STONERIDGE CAP/AD Total	**272,445**	**72,768**	(73.29%)	**54,000**	**54,000**	(25.79%)	**54,000**	-
530	4701	Transfers			-	50,000		-	10,407,900	20,715.80%
		CFD #4I - INFRA CAP/ADM Total	-	-	-	**50,000**	-	-	**10,407,900**	20,715.80%
601	4241 16	Engineering Plan Check Fees	114,338	284,067	148.44%	264,400	50,000	(82.40%)	26,500	(89.98%)
601	4253	Advanced Energy Fees	12,385		(100.00%)			-		-
601	4293	Electricity Fees	(74,415)	(110,826)	48.93%	(142,738)	(140,000)	26.32%	(146,000)	2.29%
601	4540	Developer Reimbursement	24,000		(100.00%)			-		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
601	4548 4	Rental Revenue - ENCO	45,412	46,095	1.50%	44,000	56,000	21.49%	56,000	27.27%
601	4556 10	Interest Income - Investments		74,322	100.00%			(100.00%)		-
601	4558	Unrealized Gains/Losses		(15,961)	100.00%			(100.00%)		-
601	4568	Fixed Asset Sales/Gains		43,100	100.00%			(100.00%)		-
601	4570	Claims, Judgemnts, Settlmnt	18,182		(100.00%)			-		-
601	4574	Other Misc. Revenue	193,416	265,192	37.11%	249,600	285,000	7.47%	285,000	14.18%
601	4575	Replacement Charge Revenue	1,561	3,917	150.93%	3,917	3,917	-	4,000	2.12%
601	4701	Transfers	88,183		(100.00%)			-		-
601	5115	Generation	6,137,420	7,558,249	23.15%	9,515,881	8,869,980	17.35%	9,360,000	(1.64%)
601	5120	Distribution	2,595,414	3,504,486	35.03%	4,757,941	3,801,420	8.47%	3,640,000	(23.50%)
601	5125	Transmission	298,914	464,285	55.32%			(100.00%)		-
601	5150	Special Charges	151,172	155,083	2.59%	139,800	83,000	(46.48%)	144,000	3.00%
601	5155	Public Purpose Programs	368,662	216,836	(41.18%)	713,691	485,000	123.67%	500,000	(29.94%)
ELECTRIC FUND Total			**9,974,644**	**12,488,845**	25.21%	**15,546,492**	**13,494,317**	8.05%	**13,869,500**	(10.79%)
602	4556 10	Interest Income - Investments	425,194	63,912	(84.97%)	41,410		(100.00%)		(100.00%)
602	4556 11	Interest Income - Other		8,761	100.00%			(100.00%)		-
602	4701	Transfers		922,032	100.00%			(100.00%)		-
2007 TAXABLE LEASE REV Total			**425,194**	**994,705**	133.94%	**41,410**	-	(100.00%)	-	(100.00%)
603	4701	Transfers		112,731	100.00%			(100.00%)		-
2005 LEASE REVENUE BOND Total			-	**112,731**	100.00%	-	-	(100.00%)	-	-
741	4550	Administrative Charges	1,414,014	1,289,728	(8.79%)	1,030,903	1,030,903	(20.07%)	1,031,000	0.01%
741	4570	Claims, Judgemnts, Settlmnt	18,712	2,448	(86.92%)			(100.00%)		-
741	4575	Replacement Charge Revenue		298	100.00%	298	298	-	300	0.67%
GENERAL LIABILITY INS F Total			**1,432,726**	**1,292,474**	(9.79%)	**1,031,201**	**1,031,201**	(20.21%)	**1,031,300**	0.01%
745	4566	Accum. Worker's Comp. Chg.	1,258,169	1,085,915	(13.69%)	870,770	870,770	(19.81%)	870,800	0.00%
745	4574	Other Misc. Revenue	149		(100.00%)			-		-
745	4660	Reimbursements - Other Govts	38,560	258,938	571.52%			(100.00%)		-
745	4701	Transfers	500,000		(100.00%)			-		-
WORKER'S COMP FUND Total			**1,796,878**	**1,344,853**	(25.16%)	**870,770**	**870,770**	(35.25%)	**870,800**	0.00%
750	4550	Administrative Charges	4,027,508	3,609,221	(10.39%)	4,017,915	4,017,915	11.32%	4,018,000	0.00%
750	4570	Claims, Judgemnts, Settlmnt	14,487	120	(99.17%)			(100.00%)		-
750	4574	Other Misc. Revenue	3,026	2,254	(25.51%)			(100.00%)		-
750	4575	Replacement Charge Revenue	212,765	264,520	24.32%	264,520	264,520	-	264,600	0.03%
750	4611	State Grant Revenue		50,000	100.00%			(100.00%)		-
750	4701	Transfers	165,000		(100.00%)			-		-
MANAGEMENT INFO SYSTEM Total			**4,422,786**	**3,926,115**	(11.23%)	**4,282,435**	**4,282,435**	9.08%	**4,282,600**	0.00%
751	4530	In-House Copier Charges	149,496		(100.00%)			-		-
751	4539	Car Pool Charges	1,552		(100.00%)			-		-
751	4550	Administrative Charges	(36,551)	36,730	(200.49%)			(100.00%)		-
751	4568	Fixed Asset Sales/Gains		(74,103)	100.00%			(100.00%)		-

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
	CENTRAL SERVICES FUND Total		**114,497**	**(37,373)**	(132.64%)	-	-	(100.00%)	-	-
754	4529	Security Guard Reim.	538		(100.00%)			-		-
754	4550	Administrative Charges	3,942,198	4,574,565	16.04%	4,079,014	4,079,014	(10.83%)	4,079,100	0.00%
754	4553	Employee Beverage Service	2,988	3,429	14.76%	3,060	3,060	(10.76%)	3,100	1.31%
754	4555	Reimbursement Agreement	1,563	1,363	(12.80%)	1,690	1,690	23.99%	1,700	0.59%
754	4575	Replacement Charge Revenue	56,669	27,495	(51.48%)	27,495	27,495	-	27,500	0.02%
754	4701	Transfers	250,000		(100.00%)	100,000	100,000	100.00%		(100.00%)
	FACILITIES FUND Total		**4,253,956**	**4,606,852**	8.30%	**4,211,259**	**4,211,259**	(8.59%)	**4,111,400**	(2.37%)
755	4550	Administrative Charges	977,765	822,229	(15.91%)	714,461	714,461	(13.11%)	714,500	0.01%
755	4575	Replacement Charge Revenue	1,224	3,745	205.96%	3,745	3,745	-	3,800	1.47%
	EQUIPMENT MAINTENANCE F Total		**978,989**	**825,974**	(15.63%)	**718,206**	**718,206**	(13.05%)	**718,300**	0.01%
757	4574	Other Misc. Revenue	295	25,385	8,505.08%			(100.00%)		-
757	4575	Replacement Charge Revenue	2,217,402	2,306,671	4.03%	2,306,405		(100.00%)	2,306,500	0.00%
	EQUIPMENT REPLACEMENT R Total		**2,217,697**	**2,332,056**	5.16%	**2,306,405**	-	(100.00%)	**2,306,500**	0.00%
891	4574	Other Misc. Revenue	5	7,000	###########			(100.00%)		-
891	4701	Transfers	1,033,169	884,072	(14.43%)		833,505	(5.72%)		-
	RDA ADMIN FUND Total		**1,033,174**	**891,072**	(13.75%)	-	**833,505**	(6.46%)	-	-
892	4556 11	Interest Income - Other	1,959	1,959	-			(100.00%)		-
892	4574	Other Misc. Revenue	3,394	2,719	(19.89%)			(100.00%)		-
892	4701	Transfers	173,868	75,678	(56.47%)		1,253,600	1,556.49%		-
	RDA CAP PROJECT FUND Total		**179,221**	**80,356**	(55.16%)	-	**1,253,600**	1,460.06%	-	-
894	4556 10	Interest Income - Investments	416,123	180,229	(56.69%)	450,000	200,000	10.97%	200,000	(55.56%)
894	4556 16	Interest Income - HILP	150		(100.00%)			-		-
894	4556 20	Interest Inc. - Rental Rehab	16,659	20,489	22.99%			(100.00%)		-
894	4556 26	Interest Inc. - Land Transfe		170,841	100.00%	112,577	120,000	(29.76%)	118,500	5.26%
894	4558	Unrealized Gains/Losses	60,908	(46,850)	(176.92%)			(100.00%)		-
894	4562 2	Princ. Repayment- HAP	21,207		(100.00%)			-		-
894	4562 5	Princ. Repayment- Rental Reha	24,027	123,717	414.91%			(100.00%)		-
894	4562 7	Princ. Repayment -Land Xfer		197,504	100.00%	140,720		(100.00%)		(100.00%)
894	4568	Fixed Asset Sales/Gains	439,510	101,640	(76.87%)			(100.00%)		-
894	4574	Other Misc. Revenue	90	4,631	5,045.56%		1,000	(78.41%)		-
894	4599	Revenue Close to Bal Sheet	(60,686)	(328,139)	440.72%	(140,720)		(100.00%)		(100.00%)
894	4701	Transfers	4,583,576	4,546,638	(0.81%)		4,087,333	(10.10%)		-
	RDA HOUSING FUND Total		**5,501,564**	**4,970,700**	(9.65%)	**562,577**	**4,408,333**	(11.31%)	**318,500**	(43.39%)
895	4110 55	Tax Increment	23,890,555	23,775,956	(0.48%)	20,920,514	20,249,360	(14.83%)	18,552,905	(11.32%)
895	4110 56	Tax Increment Pass Thru	(11,525,104)	(10,293,931)	(10.68%)	(8,911,303)	(8,567,823)	(16.77%)	(7,695,249)	(13.65%)
895	4110 58	Flood Control Agrmnt Pass Thr		(1,188,798)	100.00%	(1,046,026)	(997,468)	(16.09%)	(927,645)	(11.32%)
895	4110 59	MVUSD Agreement Pass Thru	(706,881)	(757,632)	7.18%	(797,891)	(1,197,891)	58.11%	(844,766)	5.87%
895	4110 60	Val Verde USD Agrmnt Pass Thr	(6,534)	(6,951)	6.38%	(7,375)	(7,375)	6.10%	(7,809)	5.88%
895	4110 61	RCC Agreement Pass Thru	(141,502)	(152,919)	8.07%	(159,720)	(159,720)	4.45%	(169,103)	5.87%

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CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
895	4110 62	PerrisAreaElmSch Agrmnt Pass	(2,438)	(2,593)	6.36%	(2,752)	(2,752)	6.13%	(2,913)	5.85%
895	4110 63	Perris Jr High Agrmnt Pass Th	(1,627)	(1,730)	6.33%	(1,836)	(1,836)	6.13%	(1,944)	5.88%
895	4110 64	Co. Supt of Schls Agrmnt Pass	(113,695)	(120,941)	6.37%	(128,333)	(128,330)	6.11%	(135,872)	5.87%
895	4121 11	Sales Tax - Note No. 1	532,345	468,604	(11.97%)	500,000	500,000	6.70%	400,000	(20.00%)
895	4121 12	Sales Tax - Note No. 2	385,926	394,359	2.19%	380,000	380,000	(3.64%)	380,000	-
895	4556 10	Interest Income - Investments	848,488	1,171,360	38.05%	688,820	1,000,000	(14.63%)	800,000	16.14%
895	4556 11	Interest Income - Other	17,250	15,675	(9.13%)			(100.00%)		-
895	4558	Unrealized Gains/Losses	64,357	(100,824)	(256.66%)			(100.00%)		-
895	4562	Principal Repayment		31,500	100.00%			(100.00%)		-
895	4568	Fixed Asset Sales/Gains		450,000	100.00%			(100.00%)		-
895	4579	Interfund Loan Proceeds	133,728		(100.00%)			-		-
895	4599	Revenue Close to Bal Sheet		(31,500)	100.00%			(100.00%)		-
895	4701	Transfers	810,760		(100.00%)			-		-
	RDA TAX INCREMENT FUND Total		**14,185,628**	**13,649,635**	(3.78%)	**11,434,098**	**11,066,165**	(18.93%)	**10,347,604**	(9.50%)
896	4556 10	Interest Income - Investments	729	664	(8.92%)	1,100		(100.00%)	1,100	-
896	4577	Bond Proceeds	43,495,000		(100.00%)			-		-
896	4701	Transfers	362,058	2,845,471	685.92%			(100.00%)		-
897	4556 10	Interest Income - Investments	921,083	1,171,006	27.13%	1,000,000	1,000,000	(14.60%)	900,000	(10.00%)
897	4558	Unrealized Gains/Losses	(1,468)	(262,851)	17,805.38%			(100.00%)		-
897	4701	Transfers	41,640,724		(100.00%)			-		-
	RDA 2007TABS, Series A Total		**86,418,126**	**3,754,290**	(95.66%)	**1,001,100**	**1,000,000**	(73.36%)	**901,100**	(9.99%)
898	4556 10	Interest Income - Investments	141,684		(100.00%)			-		-
898	4701	Transfers	419,513	721,949	72.09%		600,000	(16.89%)		-
	RDA 2007TABS, Series B Total		**561,197**	**721,949**	28.64%	-	**600,000**	(16.89%)	-	-
911	4610	Federal Grant Revenue	10,645		(100.00%)			-		-
	THE DISASTER FUND Total		**10,645**	-	(100.00%)	-	-	-	-	-
	Grand Total		**335,072,994**	**243,242,066**	**(27.41%)**	**217,239,646**	**190,108,268**	**(21.84%)**	**194,237,582**	**(10.59%)**
	Less Internal Service Funds [1]		15,217,529	14,290,951		13,420,276	11,113,871		13,320,900	
	NET REVENUES		**$ 319,855,465**	**$ 228,951,115**	**(28.42%)**	**$ 203,819,370**	**$ 178,994,397**	**(21.82%)**	**$ 180,916,682**	**(11.24%)**

(1) These Internal Service Funds (ISF) revenues are charges to all user funds; the cost of these ISF charges are already included in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City revenues

City of Moreno Valley

2010-11 Preliminary Base Operating budget

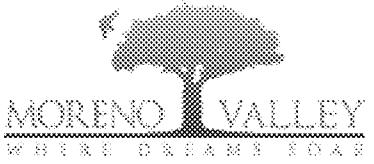

General Fund

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund

Description	General Fund 010	Development Services 011	Fire Services 133	Total
Revenues				
Property Taxes	16,046,100	-	4,323,400	20,369,500
Gas Taxes	-	-	-	-
Sales Taxes	9,735,100	-	-	9,735,100
Business Gross Receipts Taxes	906,500	-	-	906,500
Utility Users Taxes	15,200,000	-	-	15,200,000
Other Taxes	850,000	-	-	850,000
Franchise Fees	4,800,000	-	-	4,800,000
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	360,000	-	-	360,000
Other Fees	2,152,100	2,850,300	100,700	5,103,100
Fees for Service	-	-	-	-
Permits & Licenses	520,000	740,600	-	1,260,600
Fines & Forfeitures	1,000,000	-	-	1,000,000
Administrative Charges	2,691,500	-	-	2,691,500
Interest Income	4,478,500	-	-	4,478,500
Bond Proceeds	-	-	-	-
Miscellaneous Revenues	694,900	6,800	49,400	751,100
Grants/Intergovernmental Revenues	248,500	-	-	248,500
Transfers In	-	-	-	-
Total Operating Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-
Total Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Expenditures				
Operating:				
Personnel Services	11,267,622	3,851,300	701,300	15,820,222
Contractual Services	44,060,244	498,400	13,997,950	58,556,594
Materials & Supplies	838,752	73,860	46,800	959,412
Debt Service	-	-	-	-
Fixed Charges	5,195,443	1,157,500	1,094,500	7,447,443
Transfers Out	2,666,900	-	-	2,666,900
Total Operating Expenditures	**64,028,961**	**5,581,060**	**15,840,550**	**85,450,571**
Capital :				
Fixed Assets	130,100	50,000	-	180,100
Total Capital Expenditures	**130,100**	**50,000**	**-**	**180,100**
Total Program Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Increase in Reserve for Contingencies				-
Total Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Net Revenues Over (Under) Expenditures	**(4,475,861)**	**(2,033,360)**	**(11,367,050)**	**(17,876,271)**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - General Government

Description	City Council 010.11110	City Manager's Office 010.12110	City Clerk 010.13110	Economic Development 010.21110	City Attorney 010.22110	Media & Communications 010.23510
Expenditures						
Operating:						
Personnel Services	452,600	824,100	399,900	170,295	954,127	94,700
Contractual Services	74,800	97,200	99,700	437,929	165,991	147,800
Materials & Supplies	6,900	4,600	27,940	18,600	29,912	1,600
Debt Service	-	-	-	-	-	-
Fixed Charges	133,000	133,800	108,500	58,627	102,516	25,700
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	667,300	1,059,700	636,040	685,451	1,252,546	269,800
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	667,300	1,059,700	636,040	685,451	1,252,546	269,800

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - General Government

Description	Human Resources 010.24110	Graphics Support 010.25210	Financial & Admin. Svcs - Administration 010.31110	Financial & Admin. Svcs - Finance/ Financial Ops. 010.31210	Financial & Admin. Svcs - Finance/ Treasury Ops. 010.31410	Financial & Admin. Svcs - Finance/ Purchasing 010.31510
Expenditures						
Operating:						
Personnel Services	593,400	116,900	255,600	923,900	546,500	364,700
Contractual Services	266,100	35,900	2,500	76,400	308,100	4,500
Materials & Supplies	18,200	8,500	2,100	27,000	15,300	9,500
Debt Service	-	-	-	-	-	-
Fixed Charges	107,500	58,200	93,300	224,700	138,700	161,400
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	985,200	219,500	353,500	1,252,000	1,008,600	540,100
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	985,200	219,500	353,500	1,252,000	1,008,600	540,100

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - General Government

Description	CDD Graffiti Abatement 010.41410	Advance Planning 010.41610	CDD Code Compliance 010.45310	CDD Code Compliance Grant 010.45312	Records Mgmt System 010.66021	Non-Departmental 010.99110	Total
Expenditures							
Operating:							
Personnel Services	23,300	407,300	988,300	-	-	280,000	7,395,622
Contractual Services	500	2,000	313,300	18,400	-	2,175,000	4,226,120
Materials & Supplies	400	900	58,700	-	-	-	230,152
Debt Service	-	-	-	-	-	-	-
Fixed Charges	4,900	12,100	308,400	-	-	349,500	2,020,843
Transfers Out	-	-	-	-	-	2,666,900	2,666,900
Total Operating Expenditures	29,100	422,300	1,668,700	18,400	-	5,471,400	16,539,637
Capital:							
Fixed Assets	-	-	-	-	112,800	-	112,800
Total Capital Expenditures	-	-	-	-	112,800	-	112,800
Total Program Expenditures	29,100	422,300	1,668,700	18,400	112,800	5,471,400	16,652,437

MV00054937

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Public Works

Description	PW Admin 010.51110	Cap Proj Admin 010.51310	PW Solid Waste 010.51510	PW Transportation Engineering 010.53110	PW Traffic Signal Maintenance 010.53310	PW Capital Projects Engineering 010.54110	PW Graffiti Removal 010.55810	PW Tree Trimming 010.56710	Total
Expenditures									
Operating:									
Personnel Services	94,700	112,200	151,300	600,200	314,200	-	-	-	1,272,600
Contractual Services	6,800	-	23,000	13,100	183,400	-	-	-	226,300
Materials & Supplies	3,900	-	2,500	16,800	149,700	-	-	-	172,900
Debt Service	-	-	-	-	-	-	-	-	-
Fixed Charges	69,500	(112,200)	12,600	177,500	47,700	8,900	4,500	20,400	228,900
Transfers Out	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	174,900	-	189,400	807,600	695,000	8,900	4,500	20,400	1,900,700
Capital:									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-	-
Total Program Expenditures	174,900	-	189,400	807,600	695,000	8,900	4,500	20,400	1,900,700

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Public Safety

Description	Police Administration 010.62110	Police Patrol and Investigation 010.62210	Police Traffic Enforcement 010.62310	Police Detective Unit 010.62410	Police Crime Prevention 010.62510	Police Crime Prevention - POP 010.62610
Expenditures						
Operating:						
Personnel Services	184,400	-	90,200	-	-	-
Contractual Services	1,695,324	22,744,909	5,897,316	1,215,600	1,073,900	2,542,275
Materials & Supplies	50,000	16,700	114,900	15,200	24,000	7,200
Debt Service	-	-	-	-	-	-
Fixed Charges	1,732,900	9,300	198,800	7,600	24,900	12,300
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	3,662,624	22,770,909	6,301,216	1,238,400	1,122,800	2,561,775
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	3,662,624	22,770,909	6,301,216	1,238,400	1,122,800	2,561,775

MV00054939

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Public Safety

Description	Police Special Enforcement 010.62710	Police Towngate Mall Patrol 010.62910	Animal Services 010.63110	Emergency Operations & Volunteer Svcs 010.64110	Crossing Guards 010.72110	Total
Expenditures						
Operating:						
Personnel Services	-	-	1,606,000	143,700	575,100	2,599,400
Contractual Services	3,766,400	495,300	158,300	14,700	3,800	39,607,824
Materials & Supplies	21,000	700	158,600	24,800	2,600	435,700
Debt Service	-	-	-	-	-	-
Fixed Charges	19,200	-	492,200	412,500	36,000	2,945,700
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	3,806,600	496,000	2,415,100	595,700	617,500	45,588,624
Capital:						
Fixed Assets	-	-	17,300	-	-	17,300
Total Capital Expenditures	-	-	17,300	-	-	17,300
Total Program Expenditures	3,806,600	496,000	2,432,400	595,700	617,500	45,605,924

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Development Services

Description	Development Svcs Admin Support 011.41010	CDD Administration 011.41110	CDD Planning Commission 011.41210	CDD Planning 011.41310	CDD Building & Safety 011.45410	Fire Prevention Inspections 011.45810	PW Land Development 011.52310	PW Inspection Services 011.52710
Expenditures								
Operating:								
Personnel Services	353,500	225,100	45,200	532,200	746,000	113,700	906,500	558,900
Contractual Services	-	8,100	10,100	9,400	301,800	13,700	134,700	20,600
Materials & Supplies	-	16,700	2,600	7,600	25,900	5,560	4,400	11,100
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	7,800	133,900	16,300	203,700	234,600	155,200	300,500	80,200
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	361,300	383,800	74,200	752,900	1,308,300	288,160	1,346,100	670,800
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	361,300	383,800	74,200	752,900	1,308,300	288,160	1,346,100	670,800

MV00054941

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Development Services

Description	PW - HLFV Project 011.52910	PW - Verizon FTTP 011.52911	PW - Sunesys, LLC 011.52912	PW - HLFV Interchngs 011.52913	PW - EMWD Sunnymead Pipe 011.52913	PW - Transp Dev Svcs 011.53210	PW - Transp Insp Svcs 011.53410	Total
Expenditures								
Operating:								
Personnel Services	-	72,800	2,400	-	-	262,900	32,100	3,851,300
Contractual Services	-	-	-	-	-	-	-	498,400
Materials & Supplies	-	-	-	-	-	-	-	73,860
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	15,700	9,600	1,157,500
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	-	72,800	2,400	-	-	278,600	41,700	5,581,060
Capital:								
Fixed Assets	-	-	-	50,000	-	-	-	50,000
Total Capital Expenditures	-	-	-	50,000	-	-	-	50,000
Total Program Expenditures	-	72,800	2,400	50,000	-	278,600	41,700	5,631,060

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Fire Service Operations

Description	Fire Prevention 133.45910	Fire Operations 133.65110	Total
Expenditures			
Operating:			
Personnel Services	546,800	154,500	701,300
Contractual Services	109,650	13,888,300	13,997,950
Materials & Supplies	6,600	40,200	46,800
Debt Service	-	-	-
Fixed Charges	35,100	1,059,400	1,094,500
Transfers Out	-	-	-
Total Operating Expenditures	698,150	15,142,400	15,840,550
Capital:			
Fixed Assets	-	-	-
Total Capital Expenditures	-	-	-
Total Program Expenditures	698,150	15,142,400	15,840,550

MV00054943

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Council FUND: 010

PROGRAM NUMBER: 11110

PROGRAM OBJECTIVE: To provide administrative and clerical support to the Mayor and City Council members; respond to public inquiries via telephone and in person; facilitate Council requests; draft correspondence; prepare Council recognitions; coordinate receptions; schedule meetings; act as Council liaison, as directed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 421,904	$ 395,127	(6.35%)	$ 425,719	$ 385,000	(2.56%)	$ 452,600	6.31%
Contractual Services	76,062	55,503	(27.03%)	84,022	78,600	41.61%	74,800	(10.98%)
Materials & Supplies	7,946	6,637	(16.47%)	8,600	7,300	9.99%	6,900	(19.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	150,328	142,809	(5.00%)	133,179	180,620	26.48%	133,000	(0.13%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 656,240	$ 600,076	(8.56%)	$ 651,520	$ 651,520	8.57%	$ 667,300	2.42%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 656,240	$ 600,076	(8.56%)	$ 651,520	$ 651,520	8.57%	$ 667,300	2.42%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Manager's Office FUND: 010

PROGRAM NUMBER: 12110

PROGRAM OBJECTIVE: To coordinate the implementation of Council policies and programs; provide overall direction to departments that administer City programs and services; coordinate intergovernmental relations and legislative advocacy; and administer the City's communications, media relations, and public information programs.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,012,280	$ 831,656	(17.84%)	$ 876,666	$ 999,941	20.23%	$ 824,100	(6.00%)
Contractual Services	165,308	140,237	(15.17%)	127,209	100,100	(28.62%)	97,200	(23.59%)
Materials & Supplies	7,372	6,927	(6.04%)	5,450	4,100	(40.81%)	4,600	(15.60%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	143,449	144,468	0.71%	134,038	134,000	(7.25%)	133,800	(0.18%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,328,409	$ 1,123,288	(15.44%)	$ 1,143,363	$ 1,238,141	10.22%	$ 1,059,700	(7.32%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,328,409	$ 1,123,288	(15.44%)	$ 1,143,363	$ 1,238,141	10.22%	$ 1,059,700	(7.32%)

MV000054945

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Clerk - Administration FUND: 010

PROGRAM NUMBER: 13110

PROGRAM OBJECTIVE: To coordinate, assemble, and disseminate the agenda packets; serve as clerk to the City Council; record and maintain all Council actions; prepare and distribute minutes of City Council meetings; serve as custodian of official City records and City seal; facilitate access to such records; coordinate municipal elections; receive nomination papers, campaign statements and all required filings pursuant to the Fair Political Practices Commission; advertise and receive bids; and conduct bid openings.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 556,602	$ 385,897	(30.67%)	$ 402,789	$ 322,850	(16.34%)	$ 399,900	(0.72%)
Contractual Services	65,512	139,902	113.55%	65,500	37,720	(73.04%)	99,700	52.21%
Materials & Supplies	40,404	35,820	(11.35%)	43,230	35,750	(0.20%)	27,940	(35.37%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	132,708	113,883	(14.19%)	108,589	223,780	96.50%	108,500	(0.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 795,226	$ 675,502	(15.06%)	$ 620,108	$ 620,100	(8.20%)	$ 636,040	2.57%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 795,226	$ 675,502	(15.06%)	$ 620,108	$ 620,100	(8.20%)	$ 636,040	2.57%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Economic Development FUND: 010

21110

PROGRAM OBJECTIVE: To encourage and facilitate growth in the Moreno Valley economy to increase assessed valuation, increase sales tax, and create family-supporting jobs, through a program incorporating marketing, business attraction, expansion and retention activities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 287,643	$ 251,818	(12.45%)	$ 182,899	$ 157,393	(37.50%)	$ 170,295	(6.89%)
Contractual Services	325,847	315,836	(3.07%)	436,929	309,520	(2.00%)	437,929	0.23%
Materials & Supplies	14,812	10,588	(28.52%)	18,600	14,200	34.11%	18,600	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	62,843	65,375	4.03%	58,627	58,627	(10.32%)	58,627	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 691,145	$ 643,617	(6.88%)	$ 697,055	$ 539,740	(16.14%)	$ 685,451	(1.66%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 691,145	$ 643,617	(6.88%)	$ 697,055	$ 539,740	(16.14%)	$ 685,451	(1.66%)

MV00054947

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Attorney FUND: 010

PROGRAM NUMBER: 22110

PROGRAM OBJECTIVE: To provide a wide range of legal services for the City organization including the highest quality expert legal advice to the City Council and staff, City Boards, Committees and Commissions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 872,250	$ 948,439	8.73%	$ 822,281	$ 816,447	(13.92%)	$ 954,127	16.03%
Contractual Services	62,407	135,071	116.44%	222,081	212,486	57.31%	165,991	(25.26%)
Materials & Supplies	41,549	40,517	(2.48%)	29,912	18,561	(54.19%)	29,912	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	113,368	107,944	(4.78%)	102,516	102,516	(5.03%)	102,516	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,089,574	$ 1,231,971	13.07%	$ 1,176,790	$ 1,150,010	(6.65%)	$ 1,252,546	6.44%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,089,574	$ 1,231,971	13.07%	$ 1,176,790	$ 1,150,010	(6.65%)	$ 1,252,546	6.44%

MV000054948

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Media & Communications FUND: 010

PROGRAM NUMBER: 23510

PROGRAM OBJECTIVE: To administer a comprehensive media communications and marketing program for the City to communicate City interests to the community's residents and businesses.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 169,092	$ 171,349	1.33%	$ 114,032	$ 94,900	(44.62%)	$ 94,700	(16.95%)
Contractual Services	176,210	64,250	(63.54%)	153,623	118,600	84.59%	147,800	(3.79%)
Materials & Supplies	4,894	2,615	(46.57%)	1,975	1,495	(42.83%)	1,600	(18.99%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	36,974	26,072	(29.49%)	25,748	25,600	(1.81%)	25,700	(0.19%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 387,170	$ 264,286	(31.74%)	$ 295,378	$ 240,595	(8.96%)	$ 269,800	(8.66%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 387,170	$ 264,286	(31.74%)	$ 295,378	$ 240,595	(8.96%)	$ 269,800	(8.66%)

MV000054949

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Graphics Support FUND: 010

PROGRAM NUMBER: 25210

PROGRAM OBJECTIVE: To administer a comprehensive graphics support program for all City departments.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 268,352	$ 135,705	(49.43%)	$ 123,222	$ 110,700	(18.43%)	$ 116,900	(5.13%)
Contractual Services	40,305	21,718	(46.12%)	36,758	26,000	19.72%	35,900	(2.33%)
Materials & Supplies	20,708	4,262	(79.42%)	8,800	8,100	90.05%	8,500	(3.41%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	77,258	62,591	(18.98%)	58,486	73,400	17.27%	58,200	(0.49%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 406,623	$ 224,276	(44.84%)	$ 227,266	$ 218,200	(2.71%)	$ 219,500	(3.42%)
Capital Expenditures								
Fixed Assets	20,451	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 20,451	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 427,074	$ 224,276	(47.49%)	$ 227,266	$ 218,200	(2.71%)	$ 219,500	(3.42%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Administration FUND: 010

PROGRAM NUMBER: 31110

PROGRAM OBJECTIVE: To oversee and provide administrative support for the seven functional areas that comprise the department including: Budget Office, Financial Operations, Treasury Operations, Purchasing, Facilities Maintenance, Technology Services, and Animal Services.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 407,626	$ 325,305	(20.20%)	$ 323,626	$ 361,000	10.97%	$ 255,600	(21.02%)
Contractual Services	5,954	2,871	(51.78%)	3,400	2,500	(12.92%)	2,500	(26.47%)
Materials & Supplies	4,023	2,299	(42.85%)	9,775	2,100	(8.66%)	2,100	(78.52%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	106,874	84,947	(20.52%)	93,259	93,300	9.83%	93,300	0.04%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 524,477	$ 415,422	(20.79%)	$ 430,060	$ 458,900	10.47%	$ 353,500	(17.80%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 524,477	$ 415,422	(20.79%)	$ 430,060	$ 458,900	10.47%	$ 353,500	(17.80%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Financial Operations FUND: 010

PROGRAM NUMBER: 31210

PROGRAM OBJECTIVE: To ensure propriety and legality of City financial transactions according to authorized budgets and accounting standards; to provide complete and timely reporting of the City's financial position; and to support City departments in their need for reliable financial information and other fiscal services.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,328,597	$ 1,260,918	(5.09%)	$ 900,461	$ 926,327	(26.54%)	$ 923,900	2.60%
Contractual Services	102,282	72,813	(28.81%)	115,110	135,745	86.43%	76,400	(33.63%)
Materials & Supplies	32,735	26,455	(19.18%)	26,920	25,460	(3.76%)	27,000	0.30%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	255,520	238,887	(6.51%)	224,696	224,156	(6.17%)	224,700	0.00%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,719,134	$ 1,599,073	(6.98%)	$ 1,267,187	$ 1,311,688	(17.97%)	$ 1,252,000	(1.20%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,719,134	$ 1,599,073	(6.98%)	$ 1,267,187	$ 1,311,688	(17.97%)	$ 1,252,000	(1.20%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Treasury Operations FUND: 010

PROGRAM NUMBER: 31410

PROGRAM OBJECTIVE: To safeguard the City's money while maintaining liquidity and a reasonable return on its investment; to identify and recommend revenue enhancement and cost cutting opportunities; and to provide reliable and timely financial information and other fiscal services to City departments and the general public.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 817,737	$ 765,794	(6.35%)	$ 633,660	$ 633,660	(17.25%)	$ 546,500	(13.76%)
Contractual Services	151,498	111,777	(26.22%)	159,087	153,087	36.96%	308,100	93.67%
Materials & Supplies	34,705	24,446	(29.56%)	15,262	15,262	(37.57%)	15,300	0.25%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	154,386	146,291	(5.24%)	138,751	138,751	(5.15%)	138,700	(0.04%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,158,326	$ 1,048,308	(9.50%)	$ 946,760	$ 940,760	(10.26%)	$ 1,008,600	6.53%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,158,326	$ 1,048,308	(9.50%)	$ 946,760	$ 940,760	(10.26%)	$ 1,008,600	6.53%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Purchasing FUND: 010

PROGRAM NUMBER: 31510

PROGRAM OBJECTIVE: To provide effective and efficient management of the City's procurement activities, consistent with all rules and regulations of the Purchasing Ordinance and Administrative Policies, and in keeping with accepted public procurement practices.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 478,794	$ 508,885	6.28%	$ 391,636	$ 391,636	(23.04%)	$ 364,700	(6.88%)
Contractual Services	5,048	130,017	2,475.61%	4,895	4,414	(96.61%)	4,500	(8.07%)
Materials & Supplies	3,459	11,754	239.81%	9,684	8,668	(26.25%)	9,500	(1.90%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	101,764	169,894	66.95%	161,571	161,571	(4.90%)	161,400	(0.11%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 589,065	$ 820,550	39.30%	$ 567,786	$ 566,289	(30.99%)	$ 540,100	(4.88%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 589,065	$ 820,550	39.30%	$ 567,786	$ 566,289	(30.99%)	$ 540,100	(4.88%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Graffiti Abatement FUND: 010

PROGRAM NUMBER: 41410

PROGRAM OBJECTIVE: To investigate, document, civilly prosecute and secure restitution for graffiti City-wide for the purpose of reducing the vandalism to private and public property.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 39,857	$ 27,869	(30.08%)	$ 25,114	$ 1,600	(94.26%)	$ 23,300	(7.22%)
Contractual Services	-	-	-	500	400	100.00%	500	-
Materials & Supplies	57	44	(22.81%)	538	300	581.82%	400	(25.65%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	7,558	4,733	(37.38%)	4,961	4,961	4.82%	4,900	(1.23%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 47,472	$ 32,646	(31.23%)	$ 31,113	$ 7,261	(77.76%)	$ 29,100	(6.47%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 47,472	$ 32,646	(31.23%)	$ 31,113	$ 7,261	(77.76%)	$ 29,100	(6.47%)

MV00054955

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Advance Planning FUND: 010

PROGRAM NUMBER: 41610

PROGRAM OBJECTIVE: To administer the review and preparation of policy related to planning and development. This includes the preparation of City initiated updates to the General Plan and Title 9 of the Municipal Code. The City must ensure compliance with State mandated requirements pertaining to planning and zoning. In addition, advanced planning facilitates addressing regional issues by coordinating efforts with other regional agencies, such as Western Riverside Council of Governments (WRCOG), the Southern California Association of Governments (SCAG), the Riverside County Transportation Commission (RCTC), and the Regional Conservation Authority (RCA).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 519,167	$ 490,743	(5.47%)	$ 482,799	$ 405,587	(17.35%)	$ 407,300	(15.64%)
Contractual Services	898	202	(77.51%)	2,652	2,050	914.85%	2,000	(24.59%)
Materials & Supplies	77	-	(100.00%)	1,800	900	100.00%	900	(50.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	17,892	13,810	(22.81%)	12,232	12,232	(11.43%)	12,100	(1.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 538,034	$ 504,755	(6.19%)	$ 499,483	$ 420,769	(16.64%)	$ 422,300	(15.45%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 538,034	$ 504,755	(6.19%)	$ 499,483	$ 420,769	(16.64%)	$ 422,300	(15.45%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Code Compliance FUND: 010

PROGRAM NUMBER: 45310

PROGRAM OBJECTIVE: To respond to citizen complaints and to pro-actively identify and address code violations on public and private property to protect the health and safety of the community and to ensure the highest level of voluntary resolution of issues City-wide.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,160,083	$ 1,335,450	15.12%	$ 1,326,415	$ 1,299,404	(2.70%)	$ 988,300	(25.49%)
Contractual Services	607,349	391,753	(35.50%)	331,890	313,274	(20.03%)	313,300	(5.60%)
Materials & Supplies	70,885	70,624	(0.37%)	59,878	59,480	(15.78%)	58,700	(1.97%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	350,970	307,830	(12.29%)	308,711	308,711	0.29%	308,400	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,189,287	$ 2,105,657	(3.82%)	$ 2,026,894	$ 1,980,869	(5.93%)	$ 1,668,700	(17.67%)
Capital Expenditures								
Fixed Assets	141,080	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 141,080	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,330,367	$ 2,105,657	(9.64%)	$ 2,026,894	$ 1,980,869	(5.93%)	$ 1,668,700	(17.67%)

MV00054957

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Code Compliance - CDBG FUND: 010

PROGRAM NUMBER: 45311

PROGRAM OBJECTIVE: To respond to citizen complaints and to pro-actively identify and address code violations on public and private property to protect the health and safety of the community within the Community Development Block Grant area.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 201,780	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	1,506	-	(100.00%)	-	-	-	-	-
Materials & Supplies	6,161	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	16,568	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 226,015	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 226,015	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Code Compliance - JAG FUND: 010

PROGRAM NUMBER: 45312

PROGRAM OBJECTIVE: Provide additional enhancement funding to the current Anti-Graffiti Program from the Edward Byrne Memorial Justice Assistance Grant (JAG) grant.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	22,038	3,548	100.00%	18,400	(16.51%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 22,038	$ 3,548	100.00%	$ 18,400	(16.51%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 22,038	$ 3,548	100.00%	$ 18,400	(16.51%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Records Management System FUND: 010

PROGRAM NUMBER: 66021

PROGRAM OBJECTIVE: To implement a records management system by purchasing a high-end scanner, scanning workstations, DVD writer, file server, scanning licenses, OCR licenses, database licenses, and an internet search engine. The software includes: SIRE AgendaPlus to create Council meeting agendas, manage agenda items and post complete agenda packets on the internet; and Granicus to provide Web streaming videos of Council meetings and to facilitate the preparation of minutes.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	44,095	-	(100.00%)	112,853	112,800	100.00%	112,800	(0.05%)
Total Capital Expenditures	$ 44,095	$ -	(100.00%)	$ 112,853	$ 112,800	100.00%	$ 112,800	-
Total Program Budget	$ 44,095	$ -	(100.00%)	$ 112,853	$ 112,800	100.00%	$ 112,800	(0.05%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Non-Departmental FUND: 010

PROGRAM NUMBER: 99110

PROGRAM OBJECTIVE: To provide appropriate funds for those activities that support the General Fund and are not directly assignable to any one department or program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 163,197	$ 141,540	(13.27%)	$ 250,000	$ 250,000	76.63%	$ 280,000	12.00%
Contractual Services	411,634	2,131,061	417.71%	1,811,000	1,867,233	(12.38%)	2,175,000	20.10%
Materials & Supplies	-	1,195	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	131,782	99,532	(24.47%)	229,432	249,532	150.71%	349,500	52.33%
Transfers Out	10,425,833	18,434,583	76.82%	2,666,840	2,854,415	(84.52%)	2,666,900	0.00%
Total Operating Expenditures	$ 11,132,446	$ 20,807,911	86.91%	$ 4,957,272	$ 5,221,180	(74.91%)	$ 5,471,400	10.37%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 11,132,446	$ 20,807,911	86.91%	$ 4,957,272	$ 5,221,180	(74.91%)	$ 5,471,400	10.37%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Administration FUND: 010

PROGRAM NUMBER: 51110

PROGRAM OBJECTIVE: Review and process all staff reports for the department that consists of Capital Projects, Transportation, Special Districts, Land Development, Electric Utility and Maintenance and Operations. Provide analysis of legislative actions concerning public works issues and coordinate with local agencies for flood control, water quality, solid waste disposal, and planning for public utilities. Prepare the annual Capital Improvement Project list for each fiscal year budget and coordinate the annual update of the 5-Year Capital Plan for the City. Promote the department throughout the year by participating in public relation activities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 128,129	$ 146,698	14.49%	$ 91,276	$ 110,277	(24.83%)	$ 94,700	3.75%
Contractual Services	14,505	4,888	(66.30%)	6,910	6,910	41.37%	6,800	(1.59%)
Materials & Supplies	7,328	3,630	(50.46%)	3,525	4,725	30.17%	3,900	10.64%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	76,042	74,245	(2.36%)	69,627	69,621	(6.23%)	69,500	(0.18%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 226,004	$ 229,461	1.53%	$ 171,338	$ 191,533	(16.53%)	$ 174,900	2.08%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 226,004	$ 229,461	1.53%	$ 171,338	$ 191,533	(16.53%)	$ 174,900	2.08%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Capital Projects Admin FUND: 010

PROGRAM NUMBER: 51310

PROGRAM OBJECTIVE: To manage the design and construction of an integrated program of City funded capital improvement projects by providing project engineering and contract administration services resulting in a cost effective, well planned and aesthetically pleasing community.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 601	100.00%	$ 112,112	$ 112,112	18,554.24%	$ 112,200	0.08%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	(112,112)	(112,112)	100.00%	(112,200)	0.08%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 601	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 601	100.00%	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Solid Waste FUND: 010

PROGRAM NUMBER: 51510

PROGRAM OBJECTIVE: Ensure that the City meets the State required mandate of diverting 50% of the City's waste stream through recycling activities. Administer grants related to recycling of beverage containers and used oil. Administer the agreement between the City and the City's solid waste hauler. This entails annual rate adjustments and an annual delinquent solid waste tax roll public hearing and processing. Respond to customer service complaints and inquiries regarding solid waste and recycling. Issue and maintain all self-haul permits.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 102,447	$ 121,080	18.19%	$ 161,951	$ 141,899	17.19%	$ 151,300	(6.58%)
Contractual Services	11,199	24,231	116.37%	16,890	24,724	2.03%	23,000	36.18%
Materials & Supplies	405	4,933	1,118.02%	2,425	4,775	(3.20%)	2,500	3.09%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	17,083	12,048	(29.47%)	12,766	12,875	6.86%	12,600	(1.30%)
Transfers Out	239	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 131,373	$ 162,292	23.54%	$ 194,032	$ 184,273	13.54%	$ 189,400	(2.39%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 131,373	$ 162,292	23.54%	$ 194,032	$ 184,273	13.54%	$ 189,400	(2.39%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Transportation Engineering FUND: 010

PROGRAM NUMBER: 53110

PROGRAM OBJECTIVE: To plan for the surface transportation system needed by the city including freeways, surface streets, intersections, traffic signals, driveways, bikeways, and sidewalks. Also, design, oversee construction, and operate the city's traffic signal system.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 854,617	$ 635,472	(25.64%)	$ 593,718	$ 581,135	(8.55%)	$ 600,200	1.09%
Contractual Services	40,974	175,884	329.26%	263,287	117,500	(33.19%)	13,100	(95.02%)
Materials & Supplies	19,353	20,769	7.32%	16,600	16,602	(20.06%)	16,800	1.20%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	207,322	185,231	(10.66%)	177,784	177,784	(4.02%)	177,500	(0.16%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,122,266	$ 1,017,356	(9.35%)	$ 1,051,389	$ 893,021	(12.22%)	$ 807,600	(23.19%)
Capital Expenditures								
Fixed Assets	26,130	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 26,130	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,148,396	$ 1,017,356	(11.41%)	$ 1,051,389	$ 893,021	(12.22%)	$ 807,600	(23.19%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Traffic Signal Maintenance FUND: 010

PROGRAM NUMBER: 53310

PROGRAM OBJECTIVE: Maintain the city's traffic signal system. Inspect construction of new signals and interconnects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 319,357	$ 332,946	4.26%	$ 322,211	$ 322,311	(3.19%)	$ 314,200	(2.49%)
Contractual Services	150,193	176,016	17.19%	173,285	191,900	9.02%	183,400	5.84%
Materials & Supplies	177,508	137,190	(22.71%)	76,000	112,500	(18.00%)	149,700	96.97%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	58,071	48,346	(16.75%)	47,822	47,822	(1.08%)	47,700	(0.26%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 705,129	$ 694,498	(1.51%)	$ 619,318	$ 674,533	(2.87%)	$ 695,000	12.22%
Capital Expenditures								
Fixed Assets	21,388	95,257	345.38%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 21,388	$ 95,257	345.38%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 726,517	$ 789,755	8.70%	$ 619,318	$ 674,533	(14.59%)	$ 695,000	12.22%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Capital Projects Engineering FUND: 010

PROGRAM NUMBER: 54110

PROGRAM OBJECTIVE: To provide for depreciation of public works engineering project hardware equipment for autocad stations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	233	100.00%	232	259	11.33%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,373	9,221	(11.11%)	8,955	8,955	(2.88%)	8,900	(0.61%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,373	$ 9,454	(8.86%)	$ 9,187	$ 9,214	(2.53%)	$ 8,900	(3.12%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,373	$ 9,454	(8.86%)	$ 9,187	$ 9,214	(2.53%)	$ 8,900	(3.12%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Street Maintenance FUND: 010

PROGRAM NUMBER: 55110

PROGRAM OBJECTIVE: To ensure the safety and convenience of all those who use our City streets by providing preventive maintenance and repair to paved and unpaved roads, and by keeping all road shoulders graded and free of weeds and litter.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	52	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 52	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	15,583	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 15,583	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 15,583	$ 52	(99.67%)	$ -	$ -	(100.00%)	$ -	-

MV000054968

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Signing & Striping FUND: 010

PROGRAM NUMBER: 55410

PROGRAM OBJECTIVE: Maintain city traffic control devices including signs, legends, striping, and pavement markings.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	9	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	8,943	3	(99.97%)	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 8,943	$ 12	(99.87%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	23,700	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 23,700	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 32,643	$ 12	(99.96%)	$ -	$ -	(100.00%)	$ -	-

MV000054969

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Graffiti Removal FUND: 010

PROGRAM NUMBER: 55810

PROGRAM OBJECTIVE: To enhance the image of the City and to discourage the recurrence of graffiti by removing graffiti from both public and private property within twenty-four hours after it is reported by the public or observed by the City's removal crew.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	7,196	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	3,916	4,588	17.16%	4,588	4,588	-	4,500	(1.92%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 11,112	$ 4,588	(58.71%)	$ 4,588	$ 4,588	-	$ 4,500	(1.92%)
Capital Expenditures								
Fixed Assets	33,385	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 33,385	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 44,497	$ 4,588	(89.69%)	$ 4,588	$ 4,588	-	$ 4,500	(1.92%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Tree Trimming FUND: 010

PROGRAM NUMBER: 56710

PROGRAM OBJECTIVE: To ensure the safety, health and aesthetics of the City street tree inventory by trimming, removing and planting street trees, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	27,953	20,414	(26.97%)	20,414	20,414	-	20,400	(0.07%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 27,953	$ 20,414	(26.97%)	$ 20,414	$ 20,414	-	$ 20,400	(0.07%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 27,953	$ 20,414	(26.97%)	$ 20,414	$ 20,414	-	$ 20,400	(0.07%)

MV00054971

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Administration FUND: 010

PROGRAM NUMBER: 62110

PROGRAM OBJECTIVE: To coordinate the operations of the MVPD facility, which includes Community Services, the Business Office, Accounting, and the Volunteer Forces.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 217,286	$ 177,894	(18.13%)	$ 192,734	$ 192,734	8.34%	$ 184,400	(4.32%)
Contractual Services	1,202,725	1,463,102	21.65%	1,619,415	1,583,415	8.22%	1,695,324	4.69%
Materials & Supplies	82,602	60,440	(26.83%)	50,897	49,763	(17.66%)	50,000	(1.76%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,216,220	1,704,110	40.12%	1,733,151	1,733,151	1.70%	1,732,900	(0.01%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,718,833	$ 3,405,546	25.26%	$ 3,596,197	$ 3,559,063	4.51%	$ 3,662,624	1.85%
Capital Expenditures								
Fixed Assets	8,720	-	(100.00%)	3,000	3,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ 8,720	$ -	(100.00%)	$ 3,000	$ 3,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 2,727,553	$ 3,405,546	24.86%	$ 3,599,197	$ 3,562,063	4.60%	$ 3,662,624	1.76%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Patrol and Investigation FUND: 010

PROGRAM NUMBER: 62210

PROGRAM OBJECTIVE: Dedicated to interaction with the community, to provide professional and rapid response to reported crimes, and the detection of in-progress crimes.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	20,449,837	21,412,634	4.71%	21,570,409	21,578,609	0.78%	22,744,909	5.44%
Materials & Supplies	16,809	14,228	(15.35%)	16,634	17,470	22.79%	16,700	0.40%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	4,980	9,387	88.49%	9,387	9,387	-	9,300	(0.93%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 20,471,626	$ 21,436,249	4.71%	$ 21,596,430	$ 21,605,466	0.79%	$ 22,770,909	5.44%
Capital Expenditures								
Fixed Assets	-	-	-	6,000	12,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 6,000	$ 12,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 20,471,626	$ 21,436,249	4.71%	$ 21,602,430	$ 21,617,466	0.85%	$ 22,770,909	5.41%

MV00054973

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Traffic Enforcement FUND: 010

PROGRAM NUMBER: 62310

PROGRAM OBJECTIVE: To proactively enforce hazardous traffic violations through education and enforcement, to reduce the number of injury collisions within the City, to utilize traffic safety check points to ensure compliance with drivers licensing requirements and to provide highly trained personnel for reconstruction of serious and fatal traffic collisions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 89,153	$ 91,504	2.64%	$ 92,341	$ 92,341	0.91%	$ 90,200	(2.32%)
Contractual Services	4,629,364	5,189,801	12.11%	5,653,178	5,632,172	8.52%	5,897,316	4.32%
Materials & Supplies	87,822	86,426	(1.59%)	106,912	98,882	14.41%	114,900	7.47%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	50,079	190,359	280.12%	198,924	198,924	4.50%	198,800	(0.06%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 4,856,418	$ 5,558,090	14.45%	$ 6,051,355	$ 6,022,319	8.35%	$ 6,301,216	4.13%
Capital Expenditures								
Fixed Assets	170,617	71,610	(58.03%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 170,617	$ 71,610	(58.03%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 5,027,035	$ 5,629,700	11.99%	$ 6,051,355	$ 6,022,319	6.97%	$ 6,301,216	4.13%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Detective Unit FUND: 010

PROGRAM NUMBER: 62410

PROGRAM OBJECTIVE: To provide assistance and service to the City, while promoting a safe environment for our citizens. Emphasize follow-up investigations on major crimes, and maintain and develop investigative specialties through training and experience to stay ahead of future trends in criminal activity.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	882,623	1,026,666	16.32%	1,145,089	1,128,081	9.88%	1,215,600	6.16%
Materials & Supplies	3,885	10,772	177.27%	14,938	14,938	38.67%	15,200	1.75%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,543	7,683	(27.13%)	7,683	7,683	-	7,600	(1.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 897,051	$ 1,045,121	16.51%	$ 1,167,710	$ 1,150,702	10.10%	$ 1,238,400	6.05%
Capital Expenditures								
Fixed Assets	27,693	12,125	(56.22%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 27,693	$ 12,125	(56.22%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 924,744	$ 1,057,246	14.33%	$ 1,167,710	$ 1,150,702	8.84%	$ 1,238,400	6.05%

MV00054975

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Crime Prevention FUND: 010

PROGRAM NUMBER: 62510

PROGRAM OBJECTIVE: Objectively seek community enrichment and solutions to community problems through policing and cooperation. Conduct on-going interactive presentations and community meetings to accomplish this effort.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	903,740	890,243	(1.49%)	1,028,929	994,009	11.66%	1,073,900	4.37%
Materials & Supplies	23,038	18,327	(20.45%)	23,524	23,524	28.36%	24,000	2.02%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	29,951	23,960	(20.00%)	24,954	24,954	4.15%	24,900	(0.22%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 956,729	$ 932,530	(2.53%)	$ 1,077,407	$ 1,042,487	11.79%	$ 1,122,800	4.21%
Capital Expenditures								
Fixed Assets	-	24,096	100.00%	27,000	-	(100.00%)	-	(100.00%)
Total Capital Expenditures	$ -	$ 24,096	100.00%	$ 27,000	$ -	(100.00%)	$ -	-
Total Program Budget	$ 956,729	$ 956,626	(0.01%)	$ 1,104,407	$ 1,042,487	8.98%	$ 1,122,800	1.67%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Crime Prevention - POP FUND: 010

PROGRAM NUMBER: 62610

PROGRAM OBJECTIVE: To address quality of life issues through proactive law enforcement and problem solving utilizing community oriented policing concepts such as Crime Free Multi-Housing, Safe Streets Now!, and Nuisance Abatements. The Problem Oriented Policing Team will respond quickly to citizen's complaints and inquiries and work in a close partnership with other city, local and state agencies.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	1,948,432	2,130,565	9.35%	2,432,439	2,431,239	14.11%	2,542,275	4.52%
Materials & Supplies	5,882	6,768	15.06%	7,150	7,150	5.64%	7,200	0.70%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	21,657	11,758	(45.71%)	12,427	12,427	5.69%	12,300	(1.02%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,975,971	$ 2,149,091	8.76%	$ 2,452,016	$ 2,450,816	14.04%	$ 2,561,775	4.48%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,975,971	$ 2,149,091	8.76%	$ 2,452,016	$ 2,450,816	14.04%	$ 2,561,775	4.48%

MV00054977

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Special Enforcement FUND: 010

PROGRAM NUMBER: 62710

PROGRAM OBJECTIVE: To focus on the arrests of street level drug dealers, users, manufacturers and traffickers of illegal narcotics by using a variety of approaches to include but not limited to community involvement, WE TIP information, informants and other proactive police techniques. Parole and probation searches are used as a tool in exposing those responsible for the street level drug trade.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,929,559	3,220,922	9.95%	3,433,478	3,579,678	11.14%	3,766,400	9.70%
Materials & Supplies	49,889	18,047	(63.83%)	20,904	20,922	15.93%	21,000	0.46%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	16,018	19,265	20.27%	19,265	19,265	-	19,200	(0.34%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,995,466	$ 3,258,234	8.77%	$ 3,473,647	$ 3,619,865	11.10%	$ 3,806,600	9.59%
Capital Expenditures								
Fixed Assets	75,844	38,378	(49.40%)	7,702	-	(100.00%)	-	(100.00%)
Total Capital Expenditures	$ 75,844	$ 38,378	(49.40%)	$ 7,702	$ -	(100.00%)	$ -	-
Total Program Budget	$ 3,071,310	$ 3,296,612	7.34%	$ 3,481,349	$ 3,619,865	9.81%	$ 3,806,600	9.34%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Towngate Mall Patrol FUND: 010

PROGRAM NUMBER: 62910

PROGRAM OBJECTIVE: Establish a closer working relationship with Mall Security and store managers to create a healthier business climate and higher level of public safety.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	426,354	439,619	3.11%	477,339	477,339	8.58%	495,300	3.76%
Materials & Supplies	-	119	100.00%	706	706	493.28%	700	(0.85%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	411	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 426,765	$ 439,738	3.04%	$ 478,045	$ 478,045	8.71%	$ 496,000	3.76%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 426,765	$ 439,738	3.04%	$ 478,045	$ 478,045	8.71%	$ 496,000	3.76%

MV000054979

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Animal Services FUND: 010

PROGRAM NUMBER: 63110

PROGRAM OBJECTIVE: To provide a comprehensive animal control program to all citizens of Moreno Valley and contracted cities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,623,453	$ 1,614,612	(0.54%)	$ 1,621,696	$ 1,599,600	(0.93%)	$ 1,606,000	(0.97%)
Contractual Services	202,581	166,657	(17.73%)	177,739	167,950	0.78%	158,300	(10.94%)
Materials & Supplies	189,152	215,456	13.91%	168,675	169,000	(21.56%)	158,600	(5.97%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	503,758	510,803	1.40%	492,003	492,001	(3.68%)	492,200	0.04%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,518,944	$ 2,507,528	(0.45%)	$ 2,460,113	$ 2,428,551	(3.15%)	$ 2,415,100	(1.83%)
Capital Expenditures								
Fixed Assets	196,976	-	(100.00%)	-	-	-	17,300	100.00%
Total Capital Expenditures	$ 196,976	$ -	(100.00%)	$ -	$ -	-	$ 17,300	100.00%
Total Program Budget	$ 2,715,920	$ 2,507,528	(7.67%)	$ 2,460,113	$ 2,428,551	(3.15%)	$ 2,432,400	(1.13%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Emergency Operations & Volunteer Services FUND: 010

PROGRAM NUMBER: 64110

PROGRAM OBJECTIVE: To administer the City's Volunteer/Disaster Services programs including CPR and CERT training.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 205,021	$ 184,377	(10.07%)	$ 146,328	$ 146,328	(20.64%)	$ 143,700	(1.80%)
Contractual Services	28,403	22,671	(20.18%)	14,811	14,811	(34.67%)	14,700	(0.75%)
Materials & Supplies	43,134	19,932	(53.79%)	21,921	16,921	(15.11%)	24,800	13.13%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	366,671	398,900	8.79%	412,782	412,782	3.48%	412,500	(0.07%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 643,229	$ 625,880	(2.70%)	$ 595,842	$ 590,842	(5.60%)	$ 595,700	(0.02%)
Capital Expenditures								
Fixed Assets	46,860	32,250	(31.18%)	7,750	7,750	(75.97%)	-	(100.00%)
Total Capital Expenditures	$ 46,860	$ 32,250	(31.18%)	$ 7,750	$ 7,750	(75.97%)	$ -	(100.00%)
Total Program Budget	$ 690,089	$ 658,130	(4.63%)	$ 603,592	$ 598,592	(9.05%)	$ 595,700	(1.31%)

MV00054981

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Crossing Guards FUND: 010

PROGRAM NUMBER: 72110

PROGRAM OBJECTIVE: Train and provide school crossing guards to the Moreno Valley and Val Verde Unified School Districts.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 593,563	$ 582,142	(1.92%)	$ 559,950	$ 559,950	(3.81%)	$ 575,100	2.71%
Contractual Services	4,481	3,305	(26.24%)	3,605	3,650	10.44%	3,800	5.41%
Materials & Supplies	2,054	3,459	68.40%	2,550	2,600	(24.83%)	2,600	1.96%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	56,279	43,869	(22.05%)	36,021	36,021	(17.89%)	36,000	(0.06%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 656,377	$ 632,775	(3.60%)	$ 602,126	$ 602,221	(4.83%)	$ 617,500	2.55%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 656,377	$ 632,775	(3.60%)	$ 602,126	$ 602,221	(4.83%)	$ 617,500	2.55%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Development Services Admin Support FUND: 011

PROGRAM NUMBER: 41010

PROGRAM OBJECTIVE: To provide administrative oversight to the City's development services function, including support from the office of the City Manager and City Attorney.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 507,962	$ 472,255	(7.03%)	$ 337,411	$ 316,716	(32.94%)	$ 353,500	4.77%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	11,275	8,051	(28.59%)	7,784	67,784	741.93%	7,800	0.21%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 519,237	$ 480,306	(7.50%)	$ 345,195	$ 384,500	(19.95%)	$ 361,300	4.67%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 519,237	$ 480,306	(7.50%)	$ 345,195	$ 384,500	(19.95%)	$ 361,300	4.67%

MV000054983

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Administration FUND: 011

PROGRAM NUMBER: 41110

PROGRAM OBJECTIVE: To lead and coordinate the activities of the following Community Development divisions and programs: Development Services Counter Operations; Building & Safety; Code & Neighborhood Services and Planning.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 451,871	$ 400,382	(11.39%)	$ 241,298	$ 230,280	(42.48%)	$ 225,100	(6.71%)
Contractual Services	29,263	12,760	(56.40%)	61,990	7,710	(39.58%)	8,100	(86.93%)
Materials & Supplies	26,963	12,255	(54.55%)	19,866	14,226	16.08%	16,700	(15.94%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	136,501	141,753	3.85%	134,033	134,033	(5.45%)	133,900	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 644,598	$ 567,150	(12.01%)	$ 457,187	$ 386,249	(31.90%)	$ 383,800	(16.05%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 644,598	$ 567,150	(12.01%)	$ 457,187	$ 386,249	(31.90%)	$ 383,800	(16.05%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Planning Commission FUND: 011

PROGRAM NUMBER: 41210

PROGRAM OBJECTIVE: To assist the City Council with land use planning and ensure implementation of the City's General Plan by reviewing and approving major projects, zone changes and code amendments in accordance with adopted land use policies.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 50,559	$ 46,161	(8.70%)	$ 42,756	$ 44,503	(3.59%)	$ 45,200	5.72%
Contractual Services	18,126	10,625	(41.38%)	12,450	10,039	(5.52%)	10,100	(18.88%)
Materials & Supplies	3,840	3,108	(19.06%)	1,700	2,600	(16.34%)	2,600	52.94%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	23,862	19,157	(19.72%)	16,421	16,421	(14.28%)	16,300	(0.74%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 96,387	$ 79,051	(17.99%)	$ 73,327	$ 73,563	(6.94%)	$ 74,200	1.19%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 96,387	$ 79,051	(17.99%)	$ 73,327	$ 73,563	(6.94%)	$ 74,200	1.19%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Planning FUND: 011

PROGRAM NUMBER: 41310

PROGRAM OBJECTIVE: To recommend and implement land use policies within the City; process land use applications in accordance with the adopted development policies and regulations, including the provision of counter service, technical and environmental review, and the preparation of conditions of approval; the preparation and processing of updates and revisions to the General Plan, Municipal Code, Landscape Standards and Design Guidelines; and to provide staff support for the Planning Commission, Ecological Protection Board, Cultural Preservation Board, and Project Review Staff Committee.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,171,490	$ 945,820	(19.26%)	$ 623,320	$ 532,256	(43.73%)	$ 532,200	(14.62%)
Contractual Services	52,642	83,452	58.53%	59,229	7,770	(90.69%)	9,400	(84.13%)
Materials & Supplies	12,019	11,830	(1.57%)	8,800	7,700	(34.91%)	7,600	(13.64%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	248,896	212,083	(14.79%)	203,906	203,906	(3.86%)	203,700	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,485,047	$ 1,253,185	(15.61%)	$ 895,255	$ 751,632	(40.02%)	$ 752,900	(15.90%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,485,047	$ 1,253,185	(15.61%)	$ 895,255	$ 751,632	(40.02%)	$ 752,900	(15.90%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Building & Safety FUND: 011

PROGRAM NUMBER: 45410

PROGRAM OBJECTIVE: To promulgate code proposals, issue permits, provide plan check and inspection services, conduct code enforcement and provide assistance to citizens in complying with jurisdictional and State building codes to ensure the safety of the citizens of Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,592,530	$ 1,559,594	(2.07%)	$ 897,766	$ 611,309	(60.80%)	$ 746,000	(16.90%)
Contractual Services	634,702	382,078	(39.80%)	377,220	341,307	(10.67%)	301,800	(19.99%)
Materials & Supplies	49,798	67,571	35.69%	24,075	20,575	(69.55%)	25,900	7.58%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	299,041	239,428	(19.93%)	234,746	234,746	(1.96%)	234,600	(0.06%)
Transfers Out	221	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 2,576,292	$ 2,248,671	(12.72%)	$ 1,533,807	$ 1,207,937	(46.28%)	$ 1,308,300	(14.70%)
Capital Expenditures								
Fixed Assets	76,073	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 76,073	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,652,365	$ 2,248,671	(15.22%)	$ 1,533,807	$ 1,207,937	(46.28%)	$ 1,308,300	(14.70%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Prevention Inspections FUND: 011

PROGRAM NUMBER: 45810

PROGRAM OBJECTIVE: To conduct plan checks and development inspections to ensure the safe operation of businesses within the City.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 752,196	$ 251,245	(66.60%)	$ 126,828	$ 134,400	(46.51%)	$ 113,700	(10.35%)
Contractual Services	79,812	13,244	(83.41%)	13,980	15,000	13.26%	13,700	(2.00%)
Materials & Supplies	17,343	10,172	(41.35%)	5,791	2,800	(72.47%)	5,560	(3.99%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	138,899	165,661	19.27%	155,374	155,600	(6.07%)	155,200	(0.11%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 988,250	$ 440,322	(55.44%)	$ 301,973	$ 307,800	(30.10%)	$ 288,160	(4.57%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 988,250	$ 440,322	(55.44%)	$ 301,973	$ 307,800	(30.10%)	$ 288,160	(4.57%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Land Development FUND: 011

PROGRAM NUMBER: 52310

PROGRAM OBJECTIVE: To coordinate professional engineering services for new development ensuring an integrated program of infrastructure improvements by providing review and approval of tentative tract maps, tract and parcel maps, lot line adjustments, processing of sureties and public improvement agreements and environmental impact, geotechnical, and hydrology/hydraulics reports.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,726,570	$ 1,354,976	(21.52%)	$ 903,203	$ 903,203	(33.34%)	$ 906,500	0.37%
Contractual Services	487,552	45,773	(90.61%)	94,038	93,900	105.14%	134,700	43.24%
Materials & Supplies	30,061	7,356	(75.53%)	7,556	7,700	4.68%	4,400	(41.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	345,126	313,336	(9.21%)	300,798	300,798	(4.00%)	300,500	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,589,309	$ 1,721,441	(33.52%)	$ 1,305,595	$ 1,305,601	(24.16%)	$ 1,346,100	3.10%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,589,309	$ 1,721,441	(33.52%)	$ 1,305,595	$ 1,305,601	(24.16%)	$ 1,346,100	3.10%

MV000054989

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Inspection Services FUND: 011

PROGRAM NUMBER: 52710

PROGRAM OBJECTIVE: To provide public works inspection services for land development and capital projects ensuring compliance with City development standards.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 729,347	$ 473,558	(35.07%)	$ 577,278	$ 576,028	21.64%	$ 558,900	(3.18%)
Contractual Services	387,785	11,163	(97.12%)	8,247	9,300	(16.69%)	20,600	149.79%
Materials & Supplies	26,303	18,361	(30.19%)	13,690	13,800	(24.84%)	11,100	(18.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	105,064	80,844	(23.05%)	80,377	80,377	(0.58%)	80,200	(0.22%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,248,499	$ 583,926	(53.23%)	$ 679,592	$ 679,505	16.37%	$ 670,800	(1.29%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,248,499	$ 583,926	(53.23%)	$ 679,592	$ 679,505	16.37%	$ 670,800	(1.29%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - HLFV Project FUND: 011

PROGRAM NUMBER: 52910

PROGRAM OBJECTIVE: To provide public works plan check and inspection services for Highand Fairview/Mass Grading project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 61,830	$ 3,645	(94.10%)	$ 22,876	$ 22,876	527.60%	$ -	(100.00%)
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	159	8	(94.97%)	-	5	(37.50%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 61,989	$ 3,653	(94.11%)	$ 22,876	$ 22,881	526.36%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 61,989	$ 3,653	(94.11%)	$ 22,876	$ 22,881	526.36%	$ -	(100.00%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Verizon FTTP FUND: 011

PROGRAM NUMBER: 52911

PROGRAM OBJECTIVE: To provide public works plan check and inspection services for Highand Fairview/Mass Grading project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 93,736	$ 200,629	114.04%	$ 85,000	$ 72,300	(63.96%)	$ 72,800	(14.35%)
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	15	511	3,306.67%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	12,816	100.00%	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 93,751	$ 201,140	114.55%	$ 85,000	$ 85,116	(57.68%)	$ 72,800	(14.35%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 93,751	$ 201,140	114.55%	$ 85,000	$ 85,116	(57.68%)	$ 72,800	(14.35%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Sunesys, LLC FUND: 011

PROGRAM NUMBER: 52912

PROGRAM OBJECTIVE: To provide Public Works plan check and inspection services for Sunesys, LLC.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 8,382	$ 2,171	(74.10%)	$ 2,200	$ 4,060	87.01%	$ 2,400	9.09%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	4	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 8,382	$ 2,175	(74.05%)	$ 2,200	$ 4,060	86.67%	$ 2,400	9.09%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 8,382	$ 2,175	(74.05%)	$ 2,200	$ 4,060	86.67%	$ 2,400	9.09%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Highland Fairview Interchanges FUND: 011

PROGRAM NUMBER: 52913

PROGRAM OBJECTIVE: To provide Public Works plan check and inspection services for Highland Fairview Interchanges.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 5,270	$ 6,760	28.27%	$ -	$ 2,520	(62.72%)	$ -	-
Contractual Services	87	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 5,357	$ 6,760	26.19%	$ -	$ 2,520	(62.72%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	88,116	85,480	100.00%	50,000	(43.26%)
Total Capital Expenditures	$ -	$ -	-	$ 88,116	$ 85,480	100.00%	$ 50,000	(41.51%)
Total Program Budget	$ 5,357	$ 6,760	26.19%	$ 88,116	$ 88,000	1,201.78%	$ 50,000	(43.26%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW EMWD Sunnymead Pipeline FUND: 011

PROGRAM NUMBER: 52914

PROGRAM OBJECTIVE: To provide Public Works inspection services for EMWD Sunnymead Pipeline project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 852	100.00%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 852	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	50,000	98,148	96.30%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 50,000	$ 98,148	96.30%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 50,000	$ 99,000	98.00%	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Transportation Development Services FUND: 011

PROGRAM NUMBER: 53210

PROGRAM OBJECTIVE: To provide technical support, with respect to development impacts to traffic safety, traffic operation, circulation and access to the Planning and Land Development divisions, the Planning Commission and City Council. The increased demand in Development Review services will be accommodated while the standard level of service for other traffic-engineering related services, currently provided by Transportation Engineering divisions, can still be maintained.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 450,182	$ 427,592	(5.02%)	$ 237,566	$ 229,466	(46.34%)	$ 262,900	10.66%
Contractual Services	10	19	90.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	14,649	16,660	13.73%	15,787	15,787	(5.24%)	15,700	(0.55%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 464,841	$ 444,271	(4.43%)	$ 253,353	$ 245,253	(44.80%)	$ 278,600	9.97%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 464,841	$ 444,271	(4.43%)	$ 253,353	$ 245,253	(44.80%)	$ 278,600	9.97%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Transportation Inspection Services FUND: 011

PROGRAM NUMBER: 53410

PROGRAM OBJECTIVE: To ensure all traffic signs, traffic markings, traffic signals and other traffic control devices installed by developers and contractors, are constructed properly per City guidelines and procedures and operate safely and efficiently. The increased demand in inspection of new roadway improvements will be accommodated while the standard level of service for other traffic-engineering related services, currently provided by Transportation Engineering divisions, can still be maintained.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 65,782	$ 46,752	(28.93%)	$ 25,846	$ 25,846	(44.72%)	$ 32,100	24.20%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	75	68	(9.33%)	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	13,368	8,964	(32.94%)	9,643	9,643	7.57%	9,600	(0.45%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 79,225	$ 55,784	(29.59%)	$ 35,489	$ 35,489	(36.38%)	$ 41,700	17.50%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 79,225	$ 55,784	(29.59%)	$ 35,489	$ 35,489	(36.38%)	$ 41,700	17.50%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Document Imaging - Building & Safety FUND: 133

PROGRAM NUMBER: 74626

PROGRAM OBJECTIVE: To account for funding appropriated for the Document Imaging project for the Building & Safety Division.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	88,558	15,476	(82.52%)	22,494	22,494	45.35%	-	(100.00%)
Total Capital Expenditures	$ 88,558	$ 15,476	(82.52%)	$ 22,494	$ 22,494	45.35%	$ -	(100.00%)
Total Program Budget	$ 88,558	$ 15,476	(82.52%)	$ 22,494	$ 22,494	45.35%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Prevention FUND: 133

PROGRAM NUMBER: 45910

PROGRAM OBJECTIVE: To conduct required inspections of industrial, commercial, educational, governmental, health care and other institutional facilities to ensure public safety in those occupancies within the City.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 115,928	$ 558,208	381.51%	$ 560,484	$ 541,200	(3.05%)	$ 546,800	(2.44%)
Contractual Services	12,096	89,515	640.04%	89,685	108,000	20.65%	109,650	22.26%
Materials & Supplies	3,782	4,476	18.35%	6,529	8,000	78.73%	6,600	1.09%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	62,737	34,183	(45.51%)	35,322	35,400	3.56%	35,100	(0.63%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 194,543	$ 686,382	252.82%	$ 692,020	$ 692,600	0.91%	$ 698,150	0.89%
Capital Expenditures								
Fixed Assets	15,709	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 15,709	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 210,252	$ 686,382	226.46%	$ 692,020	$ 692,600	0.91%	$ 698,150	0.89%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Operations FUND: 133

PROGRAM NUMBER: 65110

PROGRAM OBJECTIVE: To provide basic fire suppression, training, education and emergency preparedness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 115,946	$ 137,883	18.92%	$ 160,678	$ 147,000	6.61%	$ 154,500	(3.84%)
Contractual Services	12,553,705	12,571,099	0.14%	13,862,443	13,707,900	9.04%	13,888,300	0.19%
Materials & Supplies	175,473	17,399	(90.08%)	35,051	52,000	198.87%	40,200	14.69%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,053,939	1,119,071	6.18%	1,059,610	1,059,600	(5.31%)	1,059,400	(0.02%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 13,899,063	$ 13,845,452	(0.39%)	$ 15,117,782	$ 14,966,500	8.10%	$ 15,142,400	0.16%
Capital Expenditures								
Fixed Assets	190,207	116,304	(38.85%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 190,207	$ 116,304	(38.85%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 14,089,270	$ 13,961,756	(0.91%)	$ 15,117,782	$ 14,966,500	7.20%	$ 15,142,400	0.16%

City of Moreno Valley

2010-11 Preliminary Base Operating budget

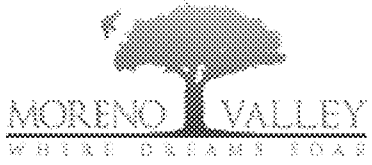

Community Services Districts

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District

Description	Zone L Library 131	Zone A Parks & Community Services 161	Zone B St Light 171	Zone C Art Light 172	Zone D Std Ldscp 181	Zone E Ext Ldscp 182	Zone M Median 183	ZONE S 185	CFD #4M 186	Total
Revenues										
Property Taxes	1,201,200	1,586,789	116,100	139,300	-	-	-	-	-	3,043,389
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	4,682,200	929,900	426,100	1,091,500	2,403,100	126,200	52,400	35,000	9,746,400
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	33,000	991,400	700	5,600	50,000	100	78,000	-	-	1,158,800
Fees for Service	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	-	-	-	9,000	1,300	69,600	1,500	-	-	81,400
Bond Proceeds	-	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	58,500	447,400	-	-	-	2,800	-	-	-	508,700
Grants/Intergovernmental Revenues	27,000	-	-	-	-	-	-	-	-	27,000
Transfers In	424,900	289,800	-	-	-	-	103,400	-	-	818,100
Total Operating Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	
Total Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Expenditures										
Operating:										
Personnel Services	1,315,600	4,229,400	132,400	37,200	479,300	593,800	86,000	28,300	-	6,902,000
Contractual Services	135,900	1,645,900	1,418,100	665,000	746,500	1,870,100	154,400	81,700	29,000	6,766,600
Materials & Supplies	225,900	435,100	3,500	3,200	44,900	88,000	15,500	2,500	-	818,600
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	483,900	2,129,600	64,000	62,900	147,300	233,500	17,200	7,500	6,000	3,151,900
Transfers Out	-	-	-	-	-	51,800	-	-	-	51,800
Total Operating Expenditures	**2,161,300**	**8,440,000**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,690,900**
Capital :										
Fixed Assets	-	6,400	-	-	-	-	-	-	-	6,400
Total Capital Expenditures	**-**	**6,400**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**6,400**
Total Program Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Increase in Reserve for Contingencies										
Total Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Net Revenues Over (Under) Expenditures	**(416,700)**	**(448,811)**	**(571,300)**	**(208,300)**	**(275,200)**	**(361,600)**	**36,000**	**(67,600)**	**-**	**(2,313,511)**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services Districts

Description	Zone L Library 131.21310	Zone B Residential Street Lighting Admin. 171.77810	Zone C Arterial Street Lighting Admin. 172.77910	Zone D Standard Landscape Maint. 181.78110	Zone M Median Fund 183.18310	Zone S Sunnymead Bl. Maint. 185.18510	CFD #4M 186.18610	Total
Expenditures								
Operating:								
Personnel Services	1,315,600	132,400	37,200	479,300	86,000	28,300	-	2,078,800
Contractual Services	135,900	1,418,100	685,000	746,500	154,400	81,700	29,000	3,250,600
Materials & Supplies	225,900	3,500	3,200	44,900	15,500	2,500	-	295,500
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	483,900	64,000	62,900	147,300	17,200	7,500	6,000	788,800
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	2,161,300	1,618,000	788,300	1,418,000	273,100	120,000	35,000	6,413,700
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	2,161,300	1,618,000	788,300	1,418,000	273,100	120,000	35,000	6,413,700

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District
Zone A Parks and Community Services - Fund 161

Description	Senior Programs 73110	Parks & Community Services Administration 75910	Park Ranger Program 76010	Recreation Programs 76105	Park Maintenance 76210	Contractual Park Maintenance 76310	Golf Course Program 76410
Expenditures							
Personnel Services	220,200	323,500	286,000	996,000	1,657,500	56,550	197,200
Contractual Services	28,700	44,300	4,600	114,300	749,400	375,000	72,400
Materials & Supplies	40,000	2,600	9,500	95,600	162,200	17,200	18,800
Debt Service	-	-	-	-	-	-	-
Fixed Charges	266,000	99,600	34,800	624,400	302,100	12,100	69,100
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	554,900	470,000	334,900	1,830,300	2,871,200	460,850	357,500
Capital:							
Fixed Assets	(13,000)	-	-	-	-	-	-
Total Capital Expenditures	(13,000)	-	-	-	-	-	-
Total Program Expenditures	541,900	470,000	334,900	1,830,300	2,871,200	460,850	357,500

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District
Zone A Parks and Community Services - Fund 161

Description	Conference and Recreation Center 76510	Banquet Center 76530	Park Projects Programs 76810	Community Services 77210	Community Events 77310	Non-Departmental - Zone A 99916	Total
Expenditures							
Personnel Services	154,100	99,450	131,900	72,700	34,300	-	4,229,400
Contractual Services	88,000	22,100	4,200	11,600	131,300	-	1,645,900
Materials & Supplies	8,600	21,300	3,500	42,600	13,200	-	435,100
Debt Service	-	-	-	-	-	-	-
Fixed Charges	280,200	138,800	18,600	15,900	17,700	250,300	2,129,600
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	530,900	281,650	158,200	142,800	196,500	250,300	8,440,000
Capital:							
Fixed Assets	-	19,400	-	-	-	-	6,400
Total Capital Expenditures	-	19,400	-	-	-	-	6,400
Total Program Expenditures	530,900	301,050	158,200	142,800	196,500	250,300	8,446,400

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Commuity Services Districts
Zone E - Fund 182

Description	Extensive Landscape Maintenance 78210	Extensive Landscape - Towngate 78220	Extensive Landscape - Hidden Springs 78230	Extensive Landscape - Warmington 78240	Extensive Landscape - Landmark 78250	Extensive Landscape - Cactus Comm. Center 78260	Extensive Landscape - MV Development 78270	Extensive Landscape - Centerpointe 78280
Expenditures								
Operating:								
Personnel Services	593,800	-	-	-	-	-	-	-
Contractual Services	35,500	231,600	383,900	287,500	355,400	-	57,600	88,700
Materials & Supplies	38,300	6,300	3,300	9,900	11,200	-	1,600	1,500
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	233,500	-	-	-	-	-	-	-
Transfers Out	51,800	-	-	-	-	-	-	-
Total Operating Expenditures	952,900	237,900	387,200	297,400	366,600	-	59,200	90,200
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	952,900	237,900	387,200	297,400	366,600	-	59,200	90,200

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Commuity Services Districts
Zone E - Fund 182

Description	Renaissance Park 78281	Daybreak Div 78282	Zone E3A 78283	E8 - Promontory Park 78284	E15 - Celebrations 78285	E14 - Mahogany 78286	E12 - Stoneridge 78287	Total
Expenditures								
Operating:								
Personnel Services	-	-	-	-	-	-	-	593,800
Contractual Services	43,200	7,100	27,100	162,000	47,800	80,600	62,100	1,870,100
Materials & Supplies	1,200	300	1,400	6,600	3,400	1,200	1,800	88,000
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	233,500
Transfers Out	-	-	-	-	-	-	-	51,800
Total Operating Expenditures	44,400	7,400	28,500	168,600	51,200	81,800	63,900	2,837,200
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	44,400	7,400	28,500	168,600	51,200	81,800	63,900	2,837,200

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Library FUND: 131

PROGRAM NUMBER: 21310

PROGRAM OBJECTIVE: To provide a full range of library services to all the residents of the City through both traditional delivery methods and various computerized venues.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,542,762	$ 1,310,397	(15.06%)	$ 1,338,815	$ 1,274,756	(2.72%)	$ 1,315,600	(1.73%)
Contractual Services	158,887	166,465	4.77%	144,776	126,477	(24.02%)	135,900	(6.13%)
Materials & Supplies	145,570	145,206	(0.25%)	236,076	250,720	72.67%	225,900	(4.31%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	392,250	490,456	25.04%	484,119	484,169	(1.28%)	483,900	(0.05%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,239,469	$ 2,112,524	(5.67%)	$ 2,203,786	$ 2,136,122	1.12%	$ 2,161,300	(1.93%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,239,469	$ 2,112,524	(5.67%)	$ 2,203,786	$ 2,136,122	1.12%	$ 2,161,300	(1.93%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Senior Programs FUND: 161

PROGRAM NUMBER: 73110

PROGRAM OBJECTIVE: To plan, design, and oversee the wide range of programs offered to the City's Senior Citizen community.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 232,431	$ 236,030	1.55%	$ 234,995	$ 205,400	(12.98%)	$ 220,200	(6.30%)
Contractual Services	5,991	67,164	1,021.08%	17,535	16,100	(76.03%)	28,700	63.67%
Materials & Supplies	25,546	31,324	22.62%	28,200	30,234	(3.48%)	40,000	41.84%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	351,591	270,470	(23.07%)	266,259	266,000	(1.65%)	266,000	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 615,559	$ 604,988	(1.72%)	$ 546,989	$ 517,734	(14.42%)	$ 554,900	1.45%
Capital Expenditures								
Fixed Assets	-	-	-	80,000	-	-	(13,000)	(116.25%)
Total Capital Expenditures	$ -	$ -	-	$ 80,000	$ -	-	$ (13,000)	100.00%
Total Program Budget	$ 615,559	$ 604,988	(1.72%)	$ 626,989	$ 517,734	(14.42%)	$ 541,900	(13.57%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Parks & Community Services Administration FUND: 161

PROGRAM NUMBER: 75910

PROGRAM OBJECTIVE: To administer the Parks and Community Services department in order to plan, design, and oversee the wide range of programs offered to the residents of Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 363,060	$ 351,890	(3.08%)	$ 341,523	$ 345,100	(1.93%)	$ 323,500	(5.28%)
Contractual Services	53,033	81,841	54.32%	44,221	41,900	(48.80%)	44,300	0.18%
Materials & Supplies	5,985	2,845	(52.46%)	2,450	2,700	(5.10%)	2,600	6.12%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	60,785	79,241	30.36%	99,962	102,900	29.86%	99,600	(0.36%)
Transfers Out	370	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 483,233	$ 515,817	6.74%	$ 488,156	$ 492,600	(4.50%)	$ 470,000	(3.72%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 483,233	$ 515,817	6.74%	$ 488,156	$ 492,600	(4.50%)	$ 470,000	(3.72%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Park Ranger Program FUND: 161

PROGRAM NUMBER: 76010

PROGRAM OBJECTIVE: To maintain safety in the City's parks through patrol services, enforcement of park rules and regulations, and the promotion of safe use of park facilities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 359,246	$ 304,107	(15.35%)	$ 346,835	$ 236,200	(22.33%)	$ 286,000	(17.54%)
Contractual Services	10,401	7,378	(29.06%)	4,090	3,500	(52.56%)	4,600	12.47%
Materials & Supplies	29,320	21,316	(27.30%)	9,000	10,000	(53.09%)	9,500	5.56%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	30,456	26,162	(14.10%)	35,042	34,900	33.40%	34,800	(0.69%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 429,423	$ 358,963	(16.41%)	$ 394,967	$ 284,600	(20.72%)	$ 334,900	(15.21%)
Capital Expenditures								
Fixed Assets	18,966	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 18,966	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 448,389	$ 358,963	(19.94%)	$ 394,967	$ 284,600	(20.72%)	$ 334,900	(15.21%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Recreation Programs FUND: 161

PROGRAM NUMBER: 76105

PROGRAM OBJECTIVE: To plan, design, and oversee the wide range of recreation programs offered to the entire City; schedule and supervise use of sports activities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,176,855	$ 1,043,036	(11.37%)	$ 1,048,439	$ 974,900	(6.53%)	$ 996,000	(5.00%)
Contractual Services	88,639	133,868	51.03%	95,359	109,608	(18.12%)	114,300	19.86%
Materials & Supplies	93,725	88,954	(5.09%)	82,775	89,600	0.73%	95,600	15.49%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	440,838	575,895	30.64%	624,692	624,700	8.47%	624,400	(0.05%)
Transfers Out	1,363	31,041	2,177.40%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,801,420	$ 1,872,794	3.96%	$ 1,851,265	$ 1,798,808	(3.95%)	$ 1,830,300	(1.13%)
Capital Expenditures								
Fixed Assets	147,284	-	(100.00%)	7,265	7,300	100.00%	-	(100.00%)
Total Capital Expenditures	$ 147,284	$ -	(100.00%)	$ 7,265	$ 7,300	100.00%	$ -	(100.00%)
Total Program Budget	$ 1,948,704	$ 1,872,794	(3.90%)	$ 1,858,530	$ 1,806,108	(3.56%)	$ 1,830,300	(1.52%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Park Maintenance FUND: 161

PROGRAM NUMBER: 76210

PROGRAM OBJECTIVE: To oversee and maintain parks in a safe and aesthetically pleasing manner.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,705,031	$ 1,619,058	(5.04%)	$ 1,699,402	$ 1,450,700	(10.40%)	$ 1,657,500	(2.47%)
Contractual Services	597,724	646,492	8.16%	660,023	702,300	8.63%	749,400	13.54%
Materials & Supplies	219,557	183,675	(16.34%)	159,930	158,100	(13.92%)	162,200	1.42%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	331,098	240,736	(27.29%)	302,333	302,333	25.59%	302,100	(0.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,853,410	$ 2,689,961	(5.73%)	$ 2,821,688	$ 2,613,433	(2.84%)	$ 2,871,200	1.75%
Capital Expenditures								
Fixed Assets	8,101	29,700	266.62%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 8,101	$ 29,700	266.62%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 2,861,511	$ 2,719,661	(4.96%)	$ 2,821,688	$ 2,613,433	(3.91%)	$ 2,871,200	1.75%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Contract Park Maintenance FUND: 161

PROGRAM NUMBER: 76310

PROGRAM OBJECTIVE: To provide maintenance of the "linear parks" for the City including the senior Center and City Hall.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 63,917	$ 63,331	(0.92%)	$ 59,743	$ 56,600	(10.63%)	$ 56,550	(5.34%)
Contractual Services	410,749	332,215	(19.12%)	362,084	386,000	16.19%	375,000	3.57%
Materials & Supplies	21,698	17,484	(19.42%)	17,903	15,100	(13.64%)	17,200	(3.93%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,414	1,246	(11.88%)	12,232	12,232	881.70%	12,100	(1.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 497,778	$ 414,276	(16.77%)	$ 451,962	$ 469,932	13.43%	$ 460,850	1.97%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 497,778	$ 414,276	(16.77%)	$ 451,962	$ 469,932	13.43%	$ 460,850	1.97%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Golf Course Program FUND: 161

PROGRAM NUMBER: 76410

PROGRAM OBJECTIVE: To administer the Park El Moreno Golf Course contract and operations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 200,086	$ 195,783	(2.15%)	$ 210,136	$ 176,600	(9.80%)	$ 197,200	(6.16%)
Contractual Services	54,403	66,835	22.85%	65,642	68,300	2.19%	72,400	10.30%
Materials & Supplies	26,273	22,346	(14.95%)	19,300	16,900	(24.37%)	18,800	(2.59%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	125,214	58,722	(53.10%)	69,377	69,400	18.18%	69,100	(0.40%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 405,976	$ 343,686	(15.34%)	$ 364,455	$ 331,200	(3.63%)	$ 357,500	(1.91%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 405,976	$ 343,686	(15.34%)	$ 364,455	$ 331,200	(3.63%)	$ 357,500	(1.91%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Conference and Recreation Center FUND: 161

PROGRAM NUMBER: 76510

PROGRAM OBJECTIVE: To provide a Conference and Recreation Center facility that is divided into two separate and distinct programming areas that can host a variety of activities concurrently; including a banquet room, a gymnasium and a fitness facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 151,663	$ 137,812	(9.13%)	$ 172,201	$ 145,100	5.29%	$ 154,100	(10.51%)
Contractual Services	78,195	85,876	9.82%	83,500	93,900	9.34%	88,000	5.39%
Materials & Supplies	11,607	7,372	(36.49%)	8,450	5,900	(19.97%)	8,600	1.78%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	269,947	292,238	8.26%	280,369	280,500	(4.02%)	280,200	(0.06%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 511,412	$ 523,298	2.32%	$ 544,520	$ 525,400	0.40%	$ 530,900	(2.50%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 511,412	$ 523,298	2.32%	$ 544,520	$ 525,400	0.40%	$ 530,900	(2.50%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Banquet Recreation Center FUND: 161

PROGRAM NUMBER: 76530

PROGRAM OBJECTIVE: To provide the City with a Banquet Facility and Community Meeting rooms at the Community and Recreation Center that can host a variety of programs, activities and special memorable occasions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 103,525	$ 104,361	0.81%	$ 102,733	$ 98,000	(6.10%)	$ 99,450	(3.20%)
Contractual Services	19,408	19,122	(1.47%)	22,270	22,900	19.76%	22,100	(0.76%)
Materials & Supplies	21,205	8,024	(62.16%)	11,677	11,300	40.83%	21,300	82.41%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	134,292	142,365	6.01%	139,002	138,900	(2.43%)	138,800	(0.15%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 278,430	$ 273,872	(1.64%)	$ 275,682	$ 271,100	(1.01%)	$ 281,650	2.16%
Capital Expenditures								
Fixed Assets	-	21,704	100.00%	39,406	5,000	(76.96%)	19,400	(50.77%)
Total Capital Expenditures	$ -	$ 21,704	100.00%	$ 39,406	$ 5,000	(76.96%)	$ 19,400	288.00%
Total Program Budget	$ 278,430	$ 295,576	6.16%	$ 315,088	$ 276,100	(6.59%)	$ 301,050	(4.46%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Parks Projects Program FUND: 161

PROGRAM NUMBER: 76810

PROGRAM OBJECTIVE: Fees charged to developers for plan checking and inspections of newly developed parks, trails, and Class-I bikeways. The fees provide Parks and Community Services 100% cost recovery for these services provided by staff and contract personnel.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 144,920	$ 130,812	(9.74%)	$ 134,716	$ 127,400	(2.61%)	$ 131,900	(2.09%)
Contractual Services	4,246	3,191	(24.85%)	3,704	3,100	(2.85%)	4,200	13.39%
Materials & Supplies	3,912	3,590	(8.23%)	3,978	3,700	3.06%	3,500	(12.02%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	20,654	14,148	(31.50%)	18,838	18,800	32.88%	18,600	(1.26%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 173,732	$ 151,741	(12.66%)	$ 161,236	$ 153,000	0.83%	$ 158,200	(1.88%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 173,732	$ 151,741	(12.66%)	$ 161,236	$ 153,000	0.83%	$ 158,200	(1.88%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Community Services FUND: 161

PROGRAM NUMBER: 77210

PROGRAM OBJECTIVE: To plan, design, and oversee recreation community services needs. Additionally, to produce the Recreation Activity Guide and City Newsline three times per year.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 79,664	$ 58,751	(26.25%)	$ 76,920	$ 70,700	20.34%	$ 72,700	(5.49%)
Contractual Services	40,701	53,640	31.79%	11,640	11,600	(78.37%)	11,600	(0.34%)
Materials & Supplies	3,122	468	(85.01%)	42,471	42,600	9,002.56%	42,600	0.30%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	14,127	8,625	(38.95%)	16,138	15,900	84.35%	15,900	(1.47%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 137,614	$ 121,484	(11.72%)	$ 147,169	$ 140,800	15.90%	$ 142,800	(2.97%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 137,614	$ 121,484	(11.72%)	$ 147,169	$ 140,800	15.90%	$ 142,800	(2.97%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Community Events FUND: 161

PROGRAM NUMBER: 77310

PROGRAM OBJECTIVE: To plan, design, and oversee recreation community events and programs such as the 4th of July parade and festival, and the Summer Concerts.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 38,749	$ 40,302	4.01%	$ 36,265	$ 37,300	(7.45%)	$ 34,300	(5.42%)
Contractual Services	157,101	111,600	(28.96%)	122,913	121,910	9.24%	131,300	6.82%
Materials & Supplies	14,720	4,929	(66.51%)	10,700	13,200	167.80%	13,200	23.36%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,291	1,217	(5.73%)	17,933	17,800	1,362.61%	17,700	(1.30%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 211,861	$ 158,048	(25.40%)	$ 187,811	$ 190,210	20.35%	$ 196,500	4.63%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 211,861	$ 158,048	(25.40%)	$ 187,811	$ 190,210	20.35%	$ 196,500	4.63%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Non-Departmental Zone A FUND: 161

PROGRAM NUMBER: 99916

PROGRAM OBJECTIVE: To provide appropriate funds for those activities that support Zone A and are not directly assignable to any one department or program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	248,079	250,309	0.90%	250,309	250,300	(0.00%)	250,300	(0.00%)
Transfers Out	-	400,000	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 248,079	$ 650,309	162.14%	$ 250,309	$ 250,300	(61.51%)	$ 250,300	(0.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 248,079	$ 650,309	162.14%	$ 250,309	$ 250,300	(61.51%)	$ 250,300	(0.00%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Residential Street Lighting Admin. FUND: 171

PROGRAM NUMBER: 77810

PROGRAM OBJECTIVE: To monitor over 5,589 residential streetlights to assure safe vehicular travel within residential areas of Moreno Valley by responding to service requests within 24 hours to Southern California Edison.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 149,749	$ 141,345	(5.61%)	$ 124,130	$ 132,883	(5.99%)	$ 132,400	6.66%
Contractual Services	1,019,326	1,227,559	20.43%	1,415,080	1,407,680	14.67%	1,418,100	0.21%
Materials & Supplies	3,107	27,861	796.72%	3,030	43,220	55.13%	3,500	15.51%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	99,018	63,490	(35.88%)	63,957	63,957	0.74%	64,000	0.07%
Transfers Out	71,383	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,342,583	$ 1,460,255	8.76%	$ 1,606,197	$ 1,647,740	12.84%	$ 1,618,000	0.73%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,342,583	$ 1,460,255	8.76%	$ 1,606,197	$ 1,647,740	12.84%	$ 1,618,000	0.73%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Arterial Street Lighting Admin. FUND: 172

PROGRAM NUMBER: 77910

PROGRAM OBJECTIVE: To provide orderly development and maintenance of arterial streetlight services for the residents in Zone C. Monitoring of streetlights to assure safe vehicular travel on major thoroughfares in Moreno Valley and responding to service requests to Southern California Edison.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 39,513	$ 36,723	(7.06%)	$ 41,358	$ 37,375	1.78%	$ 37,200	(10.05%)
Contractual Services	481,224	577,319	19.97%	631,230	632,388	9.54%	685,000	8.52%
Materials & Supplies	2,233	1,741	(22.03%)	2,732	3,025	73.75%	3,200	17.13%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	64,955	62,686	(3.49%)	62,966	62,966	0.45%	62,900	(0.10%)
Transfers Out	17,550	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 605,475	$ 678,469	12.06%	$ 738,286	$ 735,754	8.44%	$ 788,300	6.77%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 605,475	$ 678,469	12.06%	$ 738,286	$ 735,754	8.44%	$ 788,300	6.77%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Standard Landscape Maint. Admin. FUND: 181

PROGRAM NUMBER: 78110

PROGRAM OBJECTIVE: Monitor 75 residential tracts supporting 30 acres of parkway landscaping to assure orderly development and maintenance of standard landscape services for the residents in Zone D.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 423,158	$ 444,981	5.16%	$ 458,337	$ 392,935	(11.70%)	$ 479,300	4.57%
Contractual Services	572,034	575,268	0.57%	675,040	626,055	8.83%	746,500	10.59%
Materials & Supplies	44,261	32,859	(25.76%)	62,817	56,019	70.48%	44,900	(28.52%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	131,952	147,010	11.41%	147,305	147,305	0.20%	147,300	(0.00%)
Transfers Out	375	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,171,780	$ 1,200,118	2.42%	$ 1,343,499	$ 1,222,314	1.85%	$ 1,418,000	5.55%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,171,780	$ 1,200,118	2.42%	$ 1,343,499	$ 1,222,314	1.85%	$ 1,418,000	5.55%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape Maint. Admin. FUND: 182

PROGRAM NUMBER: 78210

PROGRAM OBJECTIVE: Monitor 7 sub-zones of Zone E supporting 130 acres of extensive landscaping to assure orderly development and maintenance of extensive landscape services for the residents in Zone E.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 611,181	$ 614,554	0.55%	$ 645,950	$ 593,949	(3.35%)	$ 593,800	(8.07%)
Contractual Services	49,292	24,724	(49.84%)	38,556	34,403	39.15%	35,500	(7.93%)
Materials & Supplies	37,404	40,254	7.62%	39,646	38,828	(3.54%)	38,300	(3.40%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	265,675	236,644	(10.93%)	233,490	233,490	(1.33%)	233,500	0.00%
Transfers Out	172,185	20,500	(88.09%)	25,000	51,778	152.58%	51,800	107.20%
Total Operating Expenditures	$ 1,135,737	$ 936,676	(17.53%)	$ 982,642	$ 952,448	1.68%	$ 952,900	(3.03%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,135,737	$ 936,676	(17.53%)	$ 982,642	$ 952,448	1.68%	$ 952,900	(3.03%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Towngate FUND: 182

PROGRAM NUMBER: 78220

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-1.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	157,169	193,514	23.12%	223,950	229,285	18.48%	231,600	3.42%
Materials & Supplies	5,507	4,410	(19.92%)	6,750	6,500	47.39%	6,300	(6.67%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 162,676	$ 197,924	21.67%	$ 230,700	$ 235,785	19.13%	$ 237,900	3.12%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 162,676	$ 197,924	21.67%	$ 230,700	$ 235,785	19.13%	$ 237,900	3.12%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Hidden Springs FUND: 182

PROGRAM NUMBER: 78230

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-2.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	268,198	284,603	6.12%	358,545	341,475	19.98%	383,900	7.07%
Materials & Supplies	3,726	2,913	(21.82%)	3,630	3,230	10.88%	3,300	(9.09%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 271,924	$ 287,516	5.73%	$ 362,175	$ 344,705	19.89%	$ 387,200	6.91%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 271,924	$ 287,516	5.73%	$ 362,175	$ 344,705	19.89%	$ 387,200	6.91%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Warmington FUND: 182

PROGRAM NUMBER: 78240

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-3.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	318,281	425,896	33.81%	462,990	239,665	(43.73%)	287,500	(37.90%)
Materials & Supplies	9,000	15,224	69.16%	10,250	10,050	(33.99%)	9,900	(3.41%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 327,281	$ 441,120	34.78%	$ 473,240	$ 249,715	(43.39%)	$ 297,400	(37.16%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 327,281	$ 441,120	34.78%	$ 473,240	$ 249,715	(43.39%)	$ 297,400	(37.16%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Landmark FUND: 182

PROGRAM NUMBER: 78250

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-4.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	270,176	287,966	6.58%	302,150	302,330	4.99%	355,400	17.62%
Materials & Supplies	11,392	12,832	12.64%	13,230	12,600	(1.81%)	11,200	(15.34%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 281,568	$ 300,798	6.83%	$ 315,380	$ 314,930	4.70%	$ 366,600	16.24%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 281,568	$ 300,798	6.83%	$ 315,380	$ 314,930	4.70%	$ 366,600	16.24%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - MV Development FUND: 182

PROGRAM NUMBER: 78270

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-16.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	43,205	46,193	6.92%	52,675	52,675	14.03%	57,600	9.35%
Materials & Supplies	569	1,512	165.73%	1,700	1,050	(30.56%)	1,600	(5.88%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 43,774	$ 47,705	8.98%	$ 54,375	$ 53,725	12.62%	$ 59,200	8.87%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 43,774	$ 47,705	8.98%	$ 54,375	$ 53,725	12.62%	$ 59,200	8.87%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Centerpointe FUND: 182

PROGRAM NUMBER: 78280

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-7.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	100,832	63,538	(36.99%)	83,425	76,815	20.90%	88,700	6.32%
Materials & Supplies	447	1,766	295.08%	1,900	2,400	35.90%	1,500	(21.05%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 101,279	$ 65,304	(35.52%)	$ 85,325	$ 79,215	21.30%	$ 90,200	5.71%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 101,279	$ 65,304	(35.52%)	$ 85,325	$ 79,215	21.30%	$ 90,200	5.71%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E1-A Renaissance Park FUND: 182

PROGRAM NUMBER: 78281

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E1-A.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	18,015	19,189	6.52%	41,345	41,345	115.46%	43,200	4.49%
Materials & Supplies	948	767	(19.09%)	1,200	1,000	30.38%	1,200	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 18,963	$ 19,956	5.24%	$ 42,545	$ 42,345	112.19%	$ 44,400	4.36%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 18,963	$ 19,956	5.24%	$ 42,545	$ 42,345	112.19%	$ 44,400	4.36%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E4-A Daybreak Div. FUND: 182

PROGRAM NUMBER: 78282

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E4-A.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	4,666	5,372	15.13%	7,115	7,115	32.45%	7,100	(0.21%)
Materials & Supplies	249	-	(100.00%)	361	261	100.00%	300	(16.90%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 4,915	$ 5,372	9.30%	$ 7,476	$ 7,376	37.30%	$ 7,400	(1.02%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,915	$ 5,372	9.30%	$ 7,476	$ 7,376	37.30%	$ 7,400	(1.02%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E3A FUND: 182

PROGRAM NUMBER: 78283

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E3A.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	24,162	27,134	12.30%	33,625	31,885	17.51%	27,100	(19.41%)
Materials & Supplies	249	347	39.36%	1,570	1,400	303.46%	1,400	(10.83%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 24,411	$ 27,481	12.58%	$ 35,195	$ 33,285	21.12%	$ 28,500	(19.02%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 24,411	$ 27,481	12.58%	$ 35,195	$ 33,285	21.12%	$ 28,500	(19.02%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E8 - Promontory Park FUND: 182

PROGRAM NUMBER: 78284

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E8.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	25,830	32,562	26.06%	164,195	74,580	129.04%	162,000	(1.34%)
Materials & Supplies	249	244	(2.01%)	8,330	3,950	1,518.85%	6,600	(20.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 26,079	$ 32,806	25.79%	$ 172,525	$ 78,530	139.38%	$ 168,600	(2.28%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 26,079	$ 32,806	25.79%	$ 172,525	$ 78,530	139.38%	$ 168,600	(2.28%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E15 - Celebrations FUND: 182

PROGRAM NUMBER: 78285

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E15.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	16,193	17,834	10.13%	45,305	34,300	92.33%	47,800	5.51%
Materials & Supplies	249	-	(100.00%)	4,630	450	100.00%	3,400	(26.57%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 16,442	$ 17,834	8.47%	$ 49,935	$ 34,750	94.85%	$ 51,200	2.53%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 16,442	$ 17,834	8.47%	$ 49,935	$ 34,750	94.85%	$ 51,200	2.53%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E14 - Mahogany FUND: 182

PROGRAM NUMBER: 78286

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E14.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	56,009	71,400	27.48%	75,965	78,190	9.51%	80,600	6.10%
Materials & Supplies	249	337	35.34%	1,600	1,000	196.74%	1,200	(25.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 56,258	$ 71,737	27.51%	$ 77,565	$ 79,190	10.39%	$ 81,800	5.46%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 56,258	$ 71,737	27.51%	$ 77,565	$ 79,190	10.39%	$ 81,800	5.46%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E12 - Stoneridge FUND: 182

PROGRAM NUMBER: 78287

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E12.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	28,996	40,924	41.14%	57,690	53,360	30.39%	62,100	7.64%
Materials & Supplies	2,118	717	(66.15%)	2,200	1,800	151.05%	1,800	(18.18%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 31,114	$ 41,641	33.83%	$ 59,890	$ 55,160	32.47%	$ 63,900	6.70%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 31,114	$ 41,641	33.83%	$ 59,890	$ 55,160	32.47%	$ 63,900	6.70%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone M - Median Fund FUND: 183

PROGRAM NUMBER: 18310

PROGRAM OBJECTIVE: To provide orderly development and maintenance of medians within the City of Moreno Valley designated as Zone M.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 50,292	$ 36,333	(27.76%)	$ 99,532	$ 86,651	138.49%	$ 86,000	(13.60%)
Contractual Services	96,999	114,100	17.63%	178,981	133,175	16.72%	154,400	(13.73%)
Materials & Supplies	6,236	4,077	(34.62%)	31,170	16,660	308.63%	15,500	(50.27%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,710	9,376	448.30%	17,082	17,082	82.19%	17,200	0.69%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 155,237	$ 163,886	5.57%	$ 326,765	$ 253,568	54.72%	$ 273,100	(16.42%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 155,237	$ 163,886	5.57%	$ 326,765	$ 253,568	54.72%	$ 273,100	(16.42%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone S - Sunnymead Blvd. Maintenance FUND: 185

PROGRAM NUMBER: 18510

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for commercial sites on Sunnymead Blvd.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 3,789	100.00%	$ 18,564	$ 18,564	389.94%	$ 28,300	52.45%
Contractual Services	47	1,805	3,740.43%	63,850	31,620	1,651.80%	81,700	27.96%
Materials & Supplies	-	568	100.00%	2,305	950	67.25%	2,500	8.46%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	7,500	7,500	100.00%	7,500	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 47	$ 6,162	13,010.64%	$ 92,219	$ 58,634	851.54%	$ 120,000	30.13%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 47	$ 6,162	13,010.64%	$ 92,219	$ 58,634	851.54%	$ 120,000	30.13%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #4M FUND: 186

PROGRAM NUMBER: 18610

PROGRAM OBJECTIVE: Community Service District to provide for the maintenance and administration cost of the detention basis within Centerpointe Business Park.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 2,195	100.00%	$ -	$ 700	(68.11%)	$ -	-
Contractual Services	3	3,230	107,566.67%	29,000	27,000	735.91%	29,000	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	6,000	16,500	175.00%	6,000	6,000	(63.64%)	6,000	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 6,003	$ 21,925	265.23%	$ 35,000	$ 33,700	53.71%	$ 35,000	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 6,003	$ 21,925	265.23%	$ 35,000	$ 33,700	53.71%	$ 35,000	-

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City of Moreno Valley

2010-11 Preliminary Base Operating budget

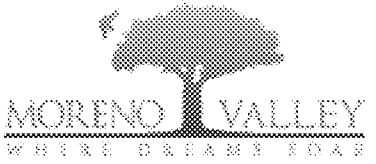

Redevelopment Agency

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Redevelopment Agency

Description	RDA Administration 891	RDA Housing 894	RDA Tax Increment 895	RDA 2007 TAB Series A Debt Service 896	RDA 2007 TAB Series A Cap Prj 897	RDA 2007 TAB Series B Debt Service 898	Total
Revenues							
Property Taxes	-	-	8,767,604	-	-	-	8,767,604
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	780,000	-	-	-	780,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	318,500	800,000	1,100	900,000	-	2,019,600
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Expenditures							
Operating:							
Personnel Services	396,500	739,800	-	-	-	-	1,136,300
Contractual Services	251,870	5,689,400	200,000	3,275	-	-	6,144,545
Materials & Supplies	6,100	4,900	-	-	-	-	11,000
Debt Service	-	-	2,278,594	2,180,300	-	410,000	4,868,894
Fixed Charges	200,000	144,400	-	-	-	-	344,400
Transfers Out	-	-	2,402,698	-	-	-	2,402,698
Total Operating Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Increase in Reserve for Contingencies							
Total Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Net Revenues Over (Under) Expenditures	**(854,470)**	**(6,260,000)**	**5,466,312**	**(2,182,475)**	**900,000**	**(410,000)**	**(3,340,633)**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Redevelopment Agency (RDA)

Description	RDA Administration 891.91110	RDA Housing 894.91310	Alessandro & Day Project Phase 1 894.61120	Rancho Dorado Project 894.80329	RDA Tax Increment 895.91510	RDA 2007 TAB Series A 896.91610	RDA 2007 TAB Series B 898.91910	Total
Expenditures								
Operating:								
Personnel Services	396,500	739,800	-	-	-	-	-	1,136,300
Contractual Services	251,870	639,400	1,800,000	3,250,000	200,000	3,275	-	6,144,545
Materials & Supplies	6,100	4,900	-	-	-	-	-	11,000
Debt Service	-	-	-	-	2,278,594	2,180,300	410,000	4,868,894
Fixed Charges	200,000	144,400	-	-	-	-	-	344,400
Transfers Out	-	-	-	-	2,402,698	-	-	2,402,698
Total Operating Expenditures	854,470	1,528,500	1,800,000	3,250,000	4,881,292	2,183,575	410,000	14,907,837
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	854,470	1,528,500	1,800,000	3,250,000	4,881,292	2,183,575	410,000	14,907,837

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Administration FUND: 891

PROGRAM NUMBER: 91110

PROGRAM OBJECTIVE: To pursue implementation of the City's Redevelopment Plan by expanding commercial development/employment opportunities, and through capital improvements that enhance the physical, social, and economic conditions in the Redevelopment Project Area.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 653,015	$ 531,928	(18.54%)	$ 386,726	$ 396,394	(25.48%)	$ 396,500	2.53%
Contractual Services	148,035	99,121	(33.04%)	293,464	241,217	143.36%	251,870	(14.17%)
Materials & Supplies	4,806	6,207	29.15%	6,150	4,850	(21.86%)	6,100	(0.81%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	226,652	209,663	(7.50%)	200,212	200,212	(4.51%)	200,000	(0.11%)
Transfers Out	36	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,032,544	$ 846,919	(17.98%)	$ 886,552	$ 842,673	(0.50%)	$ 854,470	(3.62%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,032,544	$ 846,919	(17.98%)	$ 886,552	$ 842,673	(0.50%)	$ 854,470	(3.62%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Capital Projects FUND: 892

PROGRAM NUMBER: 99992

PROGRAM OBJECTIVE: To meet General Fund loan debt service.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	142,552	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 142,552	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 142,552	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Housing FUND: 894

PROGRAM NUMBER: 91310

PROGRAM OBJECTIVE: To develop and implement housing programs and projects, resulting in the improvements and expansion of the City's affordable housing opportunities as they relate specifically to the Redevelopment area. Provide down-payment and rehabilitation assistance to low/moderate income homeowners, facilitate rehabilitation of single-family homes, provide assistance to develop new multi-family housing, develop single-family infill homes and rehabilitate existing multi-family housing to benefit low/moderate income families.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 750,474	$ 770,442	2.66%	$ 818,721	$ 811,397	5.32%	$ 739,800	(9.64%)
Contractual Services	160,815	166,367	3.45%	474,638	335,835	101.86%	639,400	34.71%
Materials & Supplies	8,703	5,315	(38.93%)	6,940	3,900	(26.62%)	4,900	(29.39%)
Debt Service	(3,565,233)	(427,945)	(88.00%)	-	-	(100.00%)	-	-
Fixed Charges	1,551,985	139,513	(91.01%)	144,552	144,552	3.61%	144,400	(0.11%)
Transfers Out	36	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ (1,093,220)	$ 653,692	(159.80%)	$ 1,444,851	$ 1,295,684	98.21%	$ 1,528,500	5.79%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ (1,093,220)	$ 653,692	(159.80%)	$ 1,444,851	$ 1,295,684	98.21%	$ 1,528,500	5.79%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Alessandro and Day Street Land Acquisition FUND: 894

PROGRAM NUMBER: 80327

PROGRAM OBJECTIVE: This property lies at the northeast corner of Alessandro and Day Street and is comprised of approximately 13 parcels totaling 8.75 acres. The property is currently zoned for both commercial and residential development. The Agency will be acquiring the property with Housing Set aside Funds and anticipates working with a developer to create an affordable housing project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	4,971,500	144,430	(97.09%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 4,971,500	$ 144,430	(97.09%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 4,971,500	$ 144,430	(97.09%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Rancho Dorado Project FUND: 894

PROGRAM NUMBER: 80329

PROGRAM OBJECTIVE: The proposed project is located near the southeast corner of John F. Kennedy Drive and Perris Boulevard. Rancho Dorado is a two-phase, 150- unit affordable housing project. A unique component of the project that will come in the first phase is that 15 units are proposed as permanent supportive housing. These units would be reserved for formerly homeless individuals that have mental disabilities, but have demonstrated the ability to live independently. Phasing construction allows each phase of the project to better compete for 9% tax credit equity financing. The Agency will provide $4,750,000 in gap financing assistance for the first phase of Rancho Dorado, as well as $ 4,750,000 for the second phase, using the RDA's 20% affordable housing set-aside funds. The second phase will be completed in fiscal year 2010-2011, for a total project cost of $ 9,500,000.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	4,750,000	3,000,000	100.00%	3,250,000	(31.58%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 4,750,000	$ 3,000,000	100.00%	$ 3,250,000	(31.58%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 4,750,000	$ 3,000,000	100.00%	$ 3,250,000	(31.58%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Alessandro and Day Project Phase I

FUND: 894

PROGRAM NUMBER: 61120

PROGRAM OBJECTIVE: The proposed project will be located at the northeast corner of Day Street and Alessandro Boulevard. The project will consist of 224 rent restricted units, plus two manager's units. The proposed project will include a variety of amenities including a community center with an on-site library, a pool, play equipment, and open spaces. To better compete for 9% tax credit equity financing, the project will be constructed in two phases. Using RDA's 20% affordable housing set-aside funds, the Agency will provide a total $8,850,000 for the total project ($4,950,000 for Phase 1 and $3,900,000 for Phase 2).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	1,800,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 1,800,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 1,800,000	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Tax Increment FUND: 895

PROGRAM NUMBER: 91510

PROGRAM OBJECTIVE: To maintain and administer the tax increment funds for debt service and transfers.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	204,610	269,497	31.71%	270,000	242,602	(9.98%)	200,000	(25.93%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	1,529,619	1,315,181	(14.02%)	1,437,397	6,690,780	408.73%	2,278,594	58.52%
Fixed Charges	210,000	-	(100.00%)	-	-	-	-	-
Transfers Out	9,580,150	11,351,536	18.49%	1,646,202	1,646,202	(85.50%)	2,402,698	45.95%
Total Operating Expenditures	$ 11,524,379	$ 12,936,214	12.25%	$ 3,353,599	$ 8,579,584	(33.68%)	$ 4,881,292	45.55%
Capital Expenditures								
Fixed Assets	439,510	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 439,510	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 11,963,889	$ 12,936,214	8.13%	$ 3,353,599	$ 8,579,584	(33.68%)	$ 4,881,292	45.55%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA 2007 TABS, Series A Debt Service FUND: 896

PROGRAM NUMBER: 91610

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the 2007 Tax Allocation Bonds - Series A issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	3,275	100.00%	275	3,275	-	3,275	1,090.91%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	2,216,840	2,843,084	28.25%	2,175,284	2,175,284	(23.49%)	2,180,300	0.23%
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	41,640,724	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 43,857,564	$ 2,846,359	(93.51%)	$ 2,175,559	$ 2,178,559	(23.46%)	$ 2,183,575	0.37%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 43,857,564	$ 2,846,359	(93.51%)	$ 2,175,559	$ 2,178,559	(23.46%)	$ 2,183,575	0.37%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA 2007 TABS, Series B Debt Service FUND: 898

PROGRAM NUMBER: 91910

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the 2007 Tax Allocation Bonds - Series B issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	561,197	721,949	28.64%	325,000	600,000	(16.89%)	410,000	26.15%
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 561,197	$ 721,949	28.64%	$ 325,000	$ 600,000	(16.89%)	$ 410,000	26.15%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 561,197	$ 721,949	28.64%	$ 325,000	$ 600,000	(16.89%)	$ 410,000	26.15%

City of Moreno Valley

2010-11 Preliminary Base Operating budget

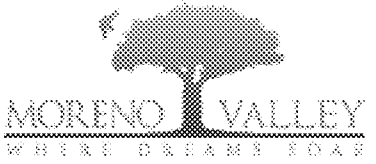

Special Revenue Funds

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Gas Tax Fund 121	SCAG Article 3 122	Measure A 125	SLESF - AB3229 Police Grant 130	Public/Education/ Gov't Access Program 132	EMPG- Emergency Mgmt Preparedness 134	OTS Police Grant 136	Air Quality Management 137	CDBG 01/02 144	Special District Admin 149
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	2,702,500	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	9,500
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	761,000
Interest Income	5,000	9,000	300,000	-	-	-	-	7,000	-	13,000
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	2,000	-	1,000	-	250,000	-	-	200,000	-	-
Grants/Intergovernmental Revenues	-	-	10,009,820	100,000	-	64,000	107,000	-	-	-
Transfers In	1,000,000	-	-	-	300,000	-	-	-	-	-
Total Operating Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Expenditures										
Operating:										
Personnel Services	3,161,900	-	248,900	-	257,600	73,200	-	82,181	-	800,500
Contractual Services	145,900	-	137,000	100,000	5,100	3,000	117,000	15,000	30,000	31,100
Materials & Supplies	632,500	-	6,000	-	6,600	11,500	-	-	-	12,700
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	16,752	-	46,000	-	177,900	6,500	-	-	-	385,900
Transfers Out	-	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Increase in Reserve for Contingencies										
Total Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Net Revenues Over (Under) Expenditures	**(247,552)**	**9,000**	**9,872,920**	**-**	**102,800**	**(30,200)**	**(10,000)**	**109,819**	**(30,000)**	**(446,700)**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Storm Water Maintenance 151	NPDES 152	Beverage Container Recycling 153	Child Care Grant 160	ASES Program Grant 162	HOME (Federal) 176	CFD #1 184	Homelessness Prevention Program 198	CDBG Recovery Act of 2009 199
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	967,800	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	227,747	-	25,000	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	2,500	-	-	-	-	-	-	-
Interest Income	-	-	-	-	25,000	-	13,000	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	394,300	-	-	1,367,400	-	-	-	-
Grants/Intergovernmental Revenues	421,400	165,300	-	797,300	4,499,200	390,000	-	183,218	137,192
Transfers In	182,000	139,095	-	-	-	-	25,305	-	-
Total Operating Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-
Total Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Expenditures									
Operating:									
Personnel Services	318,000	517,300	13,200	643,200	3,145,100	36,900	411,100	-	26,829
Contractual Services	76,800	238,260	-	185,300	1,858,200	358,000	343,200	183,218	110,363
Materials & Supplies	123,600	9,200	-	42,000	767,700	-	53,400	-	-
Debt Service	-	-	-	16,500	-	-	-	-	-
Fixed Charges	56,700	96,600	-	55,800	188,500	-	143,500	-	-
Transfers Out	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Increase in Reserve for Contingencies									
Total Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Net Revenues Over (Under) Expenditures	**28,300**	**67,582**	**(13,200)**	**(120,500)**	**(67,900)**	**(4,900)**	**54,905**	**-**	**-**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Arterial Street Development Impact Fee 201	Traffic Signal Development Impact Fee 202	Fire Facility Development Impact Fee 203	Police Facility Development Impact Fee 204	Park Land Facility Dev. Impact Fee 205	Quimby In-Lieu Park Fees 206	Recreation Center Dev. Impact Fee 207	Libraries Development Impact Fee 208	City Hall Development Impact Fee 209	Corporate Yard Dev. Impact Fee 210
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	71,200	17,700	27,500	21,800	65,700	30,000	51,900	52,100	28,800	16,000
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	33,500	9,000	13,600	-	25,000	22,600	-	46,600	25,700	500
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,413,675	-	254,008	676,810	-	-	-	-	-	-
Total Operating Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,308,975)**	**26,700**	**(212,908)**	**(655,010)**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Interchange Imprvmnts Dev. Impact Fee 211	Maintenance Equipt. Dev. Impact Fee 212	Animal Shelter Dev. Impact Fee 213	Traffic Congestion Relief 225	FHWA TRANSIMS Deployment 227	Economic Stimulus Fund 228	JAG - PD - 2009 Fund 230	Fire - Emergency Svcs Fund 233	JAG - PD - 2010 Fund 262	CDBG 05/06 280
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	20,600	3,400	6,100	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	20,500	800	-	32,000	-	10,000	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	14,000	-	-
Grants/Intergovernmental Revenues	-	-	-	1,830,944	186,600	1,300,000	78,100	-	435,700	10,000
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	20,000	-	66,443	-	-	-
Contractual Services	-	-	-	-	10,000	-	5,775	-	-	-
Materials & Supplies	-	-	-	-	-	-	5,900	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,740,000	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,698,900)**	**4,200**	**6,100**	**1,862,944**	**156,600**	**1,310,000**	**(18)**	**14,000**	**435,700**	**10,000**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	CDBG 07/08 282	CDBG 08/09 283	CDBG10/11 285	Used Oil Block Grant 14 293	TRI16-06-1 Target Rubberized 295	MV Foundation Donations 370	Arts Commission 371	Celebration Park Endowment 380	Total
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	2,702,500
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	967,800
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	412,800
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	262,247
Fees for Service	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	763,500
Interest Income	-	-	-	-	-	-	-	1,000	612,800
Bond Proceeds	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	27,900	-	-	1,000	-	2,257,600
Grants/Intergovernmental Revenues	14,700	418,652	2,000,000	-	56,000	-	-	-	23,205,126
Transfers In	-	-	-	-	-	-	-	-	1,646,400
Total Operating Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	
Total Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Expenditures									
Operating:									
Personnel Services	-	-	242,000	14,200	-	-	-	-	10,078,553
Contractual Services	-	-	1,420,600	12,900	-	50	1,000	-	5,387,766
Materials & Supplies	-	-	1,700	-	56,000	-	-	-	1,728,800
Debt Service	-	-	-	-	-	-	-	-	16,500
Fixed Charges	-	-	15,600	800	-	-	-	-	1,190,552
Transfers Out	-	-	-	-	-	-	-	-	4,084,493
Total Operating Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Increase in Reserve for Contingencies									
Total Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Net Revenues Over (Under) Expenditures	**14,700**	**418,652**	**320,100**	**-**	**-**	**(50)**	**-**	**1,000**	**10,344,109**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Infrastructure Project Engineering 121.54130	Public Works - Street Maintenance 121.55130	Public Works - Concrete Maintenance 121.55230	Public Works - Signing & Striping 121.55430	Public Works - Graffiti Removal 121.55830	Public Works - Tree Trimming 121.56730	Measure A Admin 125.54150
Expenditures							
Operating:							
Personnel Services	585,100	1,185,300	278,700	506,500	273,800	332,500	248,900
Contractual Services	15,000	76,800	6,500	18,500	4,900	24,200	137,000
Materials & Supplies	41,700	243,600	65,700	199,600	54,200	27,700	6,000
Debt Service	-	-	-	-	-	-	-
Fixed Charges	(336,748)	237,400	9,400	86,900	7,200	12,600	46,000
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	305,052	1,743,100	360,300	811,500	340,100	397,000	437,900
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	305,052	1,743,100	360,300	811,500	340,100	397,000	437,900

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Enforcement Services AB 3229 130.62890	Public/Education/ Gov't Access Program 132.13210	Emergency Mgmt Preparedness Grant 134.13410	AL0842 Avoid the 30 Program 136.13613	AL1029 DUI Enforcement & Awareness 136.13616	CT10272 Click It or Ticket 136.13617	SC10272 Sobriety Checkpoint 136.13618
Expenditures							
Operating:							
Personnel Services	-	257,600	73,200	-	-	-	-
Contractual Services	100,000	5,100	3,000	10,000	49,100	3,900	54,000
Materials & Supplies	-	6,600	11,500	-	-	-	-
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	177,900	6,500	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	100,000	447,200	94,200	10,000	49,100	3,900	54,000
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	100,000	447,200	94,200	10,000	49,100	3,900	54,000

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Public Works Air Quality Management 137.53710	CDBG Family Services Assoc. Loan 144.73812	PW - Special Districts Administration 149.51710	PW - Street Sweeping 151.52610	PW - Catch Basin Maintenance 151.52810	NPDES Administration 152.52210	Inspections 152.52410
Expenditures							
Operating:							
Personnel Services	82,181	-	800,500	127,300	190,700	278,100	114,400
Contractual Services	15,000	30,000	31,100	71,200	5,600	122,400	2,900
Materials & Supplies	-	-	12,700	115,300	8,300	6,800	2,200
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	385,900	53,200	3,500	84,000	12,600
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	97,181	30,000	1,230,200	367,000	208,100	491,300	132,100
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	97,181	30,000	1,230,200	367,000	208,100	491,300	132,100

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Plan Checks 152.52510	Regulatory Permits/ Agreements 152.53010	Beverage Container Recycling 153.51535	Child Care Grant 160.75710	STARS Program Grant - FY08/09 162.16212	STARS Program Grant - FY10/11 162.16214
Expenditures						
Operating:						
Personnel Services	124,800	-	13,200	643,200	1,900	3,143,200
Contractual Services	400	112,560	-	185,300	-	1,858,200
Materials & Supplies	200	-	-	42,000	-	767,700
Debt Service	-	-	-	16,500	-	-
Fixed Charges	-	-	-	55,800	-	188,500
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	125,400	112,560	13,200	942,800	1,900	5,957,600
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	125,400	112,560	13,200	942,800	1,900	5,957,600

MV00055063

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	HOME Administration 176.77110	CFD #1 184.18410	Homelessness Prevention Program 198.19810	CDBG Recovery Act of 2009 199.19910	Arterial Streets Dev. Impact Fee 201.20110	Fire Facility Dev. Impact Fee 203.20310
Expenditures						
Operating:						
Personnel Services	36,900	411,100	-	26,829	-	-
Contractual Services	358,000	343,200	183,218	110,363	-	-
Materials & Supplies	-	53,400	-	-	-	-
Debt Service	-	-	-	-	-	-
Fixed Charges	-	143,500	-	-	-	-
Transfers Out	-	-	-	-	1,413,675	254,008
Total Operating Expenditures	394,900	951,200	183,218	137,192	1,413,675	254,008
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	394,900	951,200	183,218	137,192	1,413,675	254,008

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Police Facility Dev. Impact Fee 204.20410	Interchange Improvements DIF 211.21112	FHWA TRANSIMS Deployment 227.22710	2009-DJ-BX-1178 JAG Grant 230.23010	CDBG Admin - FY10/11 Fund 285.73852	CDBG Social Programs - FY10/11 Fund 285.73952
Expenditures						
Operating:						
Personnel Services	-	-	20,000	66,443	242,000	-
Contractual Services	-	-	10,000	5,775	78,200	976,000
Materials & Supplies	-	-	-	5,900	1,700	-
Debt Service	-	-	-	-	-	-
Fixed Charges	-	-	-	-	15,600	-
Transfers Out	676,810	1,740,000	-	-	-	-
Total Operating Expenditures	676,810	1,740,000	30,000	78,118	337,500	976,000
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	676,810	1,740,000	30,000	78,118	337,500	976,000

MV00055065

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	CDBG Code Compliance - FY10/11 Fund 285.74052	Used Oil Block Grant 14 293.51555	TRI16-06-1 Target Rubberized 295.51559	Moreno Valley Foundation 370.37010	Arts Commission 371.37110	Total
Expenditures						
Operating:						
Personnel Services	-	14,200	-	-	-	10,078,553
Contractual Services	366,400	12,900	-	50	1,000	5,387,766
Materials & Supplies	-	-	56,000	-	-	1,728,800
Debt Service	-	-	-	-	-	16,500
Fixed Charges	-	800	-	-	-	1,190,552
Transfers Out	-	-	-	-	-	4,084,493
Total Operating Expenditures	366,400	27,900	56,000	50	1,000	22,486,664
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	366,400	27,900	56,000	50	1,000	22,486,664

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Infrastructure Project Engineering FUND: 121

PROGRAM NUMBER: 54130

PROGRAM OBJECTIVE: To manage the design and construction of an integrated program of City funded capital improvement projects by providing project engineering management and contract administration services resulting in a cost effective, well planned and aesthetically pleasing community.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 573,807	$ 288,090	(49.79%)	$ 563,393	$ 742,534	157.74%	$ 585,100	3.85%
Contractual Services	31,835	17,548	(44.88%)	15,050	12,975	(26.06%)	15,000	(0.33%)
Materials & Supplies	48,716	50,882	4.45%	41,700	39,186	(22.99%)	41,700	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	352,465	307,838	(12.66%)	(423,209)	(318,116)	(203.34%)	(336,748)	(20.43%)
Transfers Out	-	439,000	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,006,823	$ 1,103,358	9.59%	$ 196,934	$ 476,579	(56.81%)	$ 305,052	54.90%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,006,823	$ 1,103,358	9.59%	$ 196,934	$ 476,579	(56.81%)	$ 305,052	54.90%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Street Maintenance FUND: 121

PROGRAM NUMBER: 55130

PROGRAM OBJECTIVE: To ensure the safety and convenience of all those who use our City streets by providing preventive maintenance and repair to paved and unpaved roads, and by keeping all road shoulders graded and free of weeds and litter.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,030,704	$ 794,202	(22.95%)	$ 871,873	$ 828,989	4.38%	$ 1,185,300	35.95%
Contractual Services	101,138	71,448	(29.36%)	169,740	176,240	146.67%	76,800	(54.75%)
Materials & Supplies	264,513	229,566	(13.21%)	194,480	237,145	3.30%	243,600	25.26%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	233,895	246,979	5.59%	237,617	237,617	(3.79%)	237,400	(0.09%)
Transfers Out	192	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,630,442	$ 1,342,195	(17.68%)	$ 1,473,710	$ 1,479,991	10.27%	$ 1,743,100	18.28%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,630,442	$ 1,342,195	(17.68%)	$ 1,473,710	$ 1,479,991	10.27%	$ 1,743,100	18.28%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Concrete Maintenance FUND: 121

PROGRAM NUMBER: 55230

PROGRAM OBJECTIVE: To ensure the safety and convenience of all those using our City's sidewalks and ensure the proper drainage of City streets by keeping all City sidewalks, curbs, gutters and cross-gutters in a state of repair.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 269,791	$ 187,044	(30.67%)	$ 186,209	$ 185,820	(0.65%)	$ 278,700	49.67%
Contractual Services	5,930	7,762	30.89%	5,115	6,720	(13.42%)	6,500	27.08%
Materials & Supplies	49,970	35,357	(29.24%)	62,350	65,150	84.26%	65,700	5.37%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,600	11,039	4.14%	9,540	9,540	(13.58%)	9,400	(1.47%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 336,291	$ 241,202	(28.28%)	$ 263,214	$ 267,230	10.79%	$ 360,300	36.88%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 336,291	$ 241,202	(28.28%)	$ 263,214	$ 267,230	10.79%	$ 360,300	36.88%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Signing & Striping FUND: 121

PROGRAM NUMBER: 55430

PROGRAM OBJECTIVE: Maintain city traffic control devices including signs, legends, striping, and pavement markings.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 514,817	$ 459,617	(10.72%)	$ 521,775	$ 531,575	15.66%	$ 506,500	(2.93%)
Contractual Services	12,948	9,806	(24.27%)	18,100	18,250	86.11%	18,500	2.21%
Materials & Supplies	278,922	239,881	(14.00%)	199,950	209,800	(12.54%)	199,600	(0.18%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	114,327	85,194	(25.48%)	87,033	87,033	2.16%	86,900	(0.15%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 921,014	$ 794,498	(13.74%)	$ 826,858	$ 846,658	6.57%	$ 811,500	(1.86%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 921,014	$ 794,498	(13.74%)	$ 826,858	$ 846,658	6.57%	$ 811,500	(1.86%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Graffiti Removal FUND: 121

PROGRAM NUMBER: 55830

PROGRAM OBJECTIVE: To enhance the image of the City and to discourage the recurrence of graffiti by removing graffiti from both public and private property within twenty-four hours after it is reported by the public or observed by the City's removal crew.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 267,136	$ 259,683	(2.79%)	$ 283,962	$ 284,073	9.39%	$ 273,800	(3.58%)
Contractual Services	14,931	12,947	(13.29%)	3,370	5,370	(58.52%)	4,900	45.40%
Materials & Supplies	53,074	49,899	(5.98%)	59,050	59,050	18.34%	54,200	(8.21%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,793	8,470	(21.52%)	7,354	7,354	(13.18%)	7,200	(2.09%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 345,934	$ 330,999	(4.32%)	$ 353,736	$ 355,847	7.51%	$ 340,100	(3.85%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 345,934	$ 330,999	(4.32%)	$ 353,736	$ 355,847	7.51%	$ 340,100	(3.85%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Tree Maintenance FUND: 121

PROGRAM NUMBER: 56730

PROGRAM OBJECTIVE: To ensure the safety, health and aesthetics of the City street tree inventory by trimming and removing street trees, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 345,063	$ 315,760	(8.49%)	$ 350,159	$ 340,452	7.82%	$ 332,500	(5.04%)
Contractual Services	19,380	14,986	(22.67%)	16,625	20,625	37.63%	24,200	45.56%
Materials & Supplies	38,785	27,588	(28.87%)	25,605	25,605	(7.19%)	27,700	8.18%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	11,812	13,833	17.11%	12,726	12,726	(8.00%)	12,600	(0.99%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 415,040	$ 372,167	(10.33%)	$ 405,115	$ 399,408	7.32%	$ 397,000	(2.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 415,040	$ 372,167	(10.33%)	$ 405,115	$ 399,408	7.32%	$ 397,000	(2.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Sidewalk Construction FUND: 122

PROGRAM NUMBER: 72210

PROGRAM OBJECTIVE: To supplement sidewalk related capital projects in other funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	64,853	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 64,853	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 64,853	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Measure A Admin FUND: 125

PROGRAM NUMBER: 54150

PROGRAM OBJECTIVE: To provide cost-effective administrative functions for essential transportation projects and services: budget preparation, annual update of 5-year CIP, revisions to Standard Plans, annual update to DBE specifications, development of DBE AADPL, preparation of grant applications, quarterly utility coordination, MSHCP reporting, and project engineering and right of way services for unfunded new projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 133,508	$ 147,324	10.35%	$ 156,277	$ 156,277	6.08%	$ 248,900	59.27%
Contractual Services	211,979	58,441	(72.43%)	227,560	91,000	55.71%	137,000	(39.80%)
Materials & Supplies	-	-	-	6,000	5,000	100.00%	6,000	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	2,121	1,735	(18.20%)	46,106	46,106	2,557.41%	46,000	(0.23%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 347,608	$ 207,500	(40.31%)	$ 435,943	$ 298,383	43.80%	$ 437,900	0.45%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 347,608	$ 207,500	(40.31%)	$ 435,943	$ 298,383	43.80%	$ 437,900	0.45%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ABC Police Grant FUND: 128

PROGRAM NUMBER: 62630

PROGRAM OBJECTIVE: A program of education and proactive enforcement designed to deal with problematic ABC licensed establishments designed to eliminate problems and reduce repeat calls for service at ABC locations within the City.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	13,397	(237)	(101.77%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 13,397	$ (237)	(101.77%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,397	$ (237)	(101.77%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police SLESF-CCAT Grant AB3229 FUND: 130

PROGRAM NUMBER: 62890

PROGRAM OBJECTIVE: To provide supplemental specialized law enforcement services for the City through the AB 3229 Grant.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	366,264	179,327	(51.04%)	275,851	120,000	(33.08%)	100,000	(63.75%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 366,264	$ 179,327	(51.04%)	$ 275,851	$ 120,000	(33.08%)	$ 100,000	(63.75%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 366,264	$ 179,327	(51.04%)	$ 275,851	$ 120,000	(33.08%)	$ 100,000	(63.75%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: EMPG Emerg Mgmt Preparedness Grant FUND: 134

PROGRAM NUMBER: 13410

PROGRAM OBJECTIVE: To administer and fund terrorism preparedness, EOC, emergency planning, and management of CERT.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 65,895	$ 70,954	7.68%	$ 73,179	$ 73,179	3.14%	$ 73,200	0.03%
Contractual Services	2,477	-	(100.00%)	3,000	-	-	3,000	-
Materials & Supplies	27,052	80,335	196.97%	125,298	17,234	(78.55%)	11,500	(90.82%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	7,427	6,515	(12.28%)	6,612	6,612	1.49%	6,500	(1.69%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 102,851	$ 157,804	53.43%	$ 208,089	$ 97,025	(38.52%)	$ 94,200	(54.73%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 102,851	$ 157,804	53.43%	$ 208,089	$ 97,025	(38.52%)	$ 94,200	(54.73%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: OTS - Police Fund FUND: 136

PROGRAM NUMBER: 13610

PROGRAM OBJECTIVE: To administer grant funds from the California Office of Traffic Safety for projects relating to traffic safety through the California Traffic Safety Program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	38,249	(13,636)	(135.65%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	13,766	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 52,015	$ (13,636)	(126.22%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 52,015	$ (13,636)	(126.22%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: SC08272 Sobriety Checkpoint FUND: 136

PROGRAM NUMBER: 13611

PROGRAM OBJECTIVE: The goal of the Sobriety Checkpoint Program for Local Law Enforcement Agencies is to reduce the number of victims killed and injured in alcohol involved crashes in cities participating in this program. The Moreno Valley Police Department will conduct sobriety checkpoints in Moreno Valley in accordance with the contract to enforce this program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	54,059	14,528	(73.13%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 54,059	$ 14,528	(73.13%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 54,059	$ 14,528	(73.13%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CT08272 Click It or Ticket FUND: 136

PROGRAM NUMBER: 13612

PROGRAM OBJECTIVE: The goal of the California Click It or Ticket (CIOT) project is to increase seat belt use statewide to 95% by July 31, 2008. Through the combined efforts of state and local agencies, a seat belt national campaign will be conducted during a 21-day mobilization period, May 12-June, 2008, in support of the national Click It or Ticket mobilization.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	10,000	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,000	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,000	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: AL0842 Avoid the 30 Program FUND: 136

PROGRAM NUMBER: 13613

PROGRAM OBJECTIVE: This grant allows the City of Riverside to reimburse designated Police agencies that participate in the program for authorized DUI operations on an Overtime basis (150% of their hourly rate).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	5,551	100.00%	4,827	15,000	170.22%	10,000	107.17%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 5,551	100.00%	$ 4,827	$ 15,000	170.22%	$ 10,000	107.17%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 5,551	100.00%	$ 4,827	$ 15,000	170.22%	$ 10,000	107.17%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CT09272 Click It or Ticket FUND: 136

PROGRAM NUMBER: 13614

PROGRAM OBJECTIVE: This seatbelt enforcement Next Generation Click It or Ticket program scheduled to run from Oct. 1, 2008 through Sept. 8, 2009, will place additional officers in the field during these campaigns to enforce the seatbelt & child safety laws.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	31,222	100.00%	-	7,510	(75.94%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 31,222	100.00%	$ -	$ 7,510	(75.94%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 31,222	100.00%	$ -	$ 7,510	(75.94%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: SC09272 Sobriety Checkpoint FUND: 136

PROGRAM NUMBER: 13615

PROGRAM OBJECTIVE: The goal of the Sobriety Checkpoint Program for Local Law Enforcement Agencies is to reduce the number of victims killed and injured in alcohol involved crashes in cities participating in this program. The Moreno Valley Police Department will conduct sobriety checkpoints in Moreno Valley in accordance with the contract to enforce this program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	78,953	100.00%	115,093	35,520	(55.01%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 78,953	100.00%	$ 115,093	$ 35,520	(55.01%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 78,953	100.00%	$ 115,093	$ 35,520	(55.01%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: AL1029 DUI Enforcement & Awareness FUND: 136

PROGRAM NUMBER: 13616

PROGRAM OBJECTIVE: The goal of the DUI Enforcement and Awareness Program is to conduct law enforcement operations involving DUI/Driver's License Checkpoints, DUI saturation patrols, stakeout operations of known DUI offenders, and driver's license court sting operations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	196,615	196,615	100.00%	49,100	(75.03%)
Materials & Supplies	-	-	-	20,515	-	-	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 217,130	$ 196,615	100.00%	$ 49,100	(77.39%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 217,130	$ 196,615	100.00%	$ 49,100	(77.39%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CT10272 Click It or Ticket FUND: 136

PROGRAM NUMBER: 13617

PROGRAM OBJECTIVE: This seatbelt enforcement mini-grant program scheduled to run from Oct. 1, 2009 through Sept. 8, 2010, will place additional officers in the field during these campaigns to enforce the seatbelt & child safety laws.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	18,659	18,659	100.00%	3,900	(79.10%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 18,659	$ 18,659	100.00%	$ 3,900	(79.10%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 18,659	$ 18,659	100.00%	$ 3,900	(79.10%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: SC10272 Sobriety Checkpoint FUND: 136

PROGRAM NUMBER: 13618

PROGRAM OBJECTIVE: The goal of the Sobriety Checkpoint Program for Local Law Enforcement Agencies is to reduce the number of victims killed and injured in alcohol involved crashes in cities participating in this program. The Moreno Valley Police Department will conduct sobriety checkpoints in Moreno Valley in accordance with the contract to enforce this program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	215,559	215,559	100.00%	54,000	(74.95%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 215,559	$ 215,559	100.00%	$ 54,000	(74.95%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 215,559	$ 215,559	100.00%	$ 54,000	(74.95%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works Air Quality Management FUND: 137

PROGRAM NUMBER: 53710

PROGRAM OBJECTIVE: To administer the City's Air Quality Management District funds and program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 87,772	100.00%	$ 87,968	$ 65,977	(24.83%)	$ 82,181	(6.58%)
Contractual Services	15,014	43,164	187.49%	62,842	106,325	146.33%	15,000	(76.13%)
Materials & Supplies	-	150	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 15,014	$ 131,086	773.09%	$ 150,810	$ 172,302	31.44%	$ 97,181	(35.56%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 15,014	$ 131,086	773.09%	$ 150,810	$ 172,302	31.44%	$ 97,181	(35.56%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG - Family Services Association Loan FUND: 144

PROGRAM NUMBER: 73812

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Family Services Association.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	30,000	30,000	-	30,000	30,000	-	30,000	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 30,000	$ 30,000	-	$ 30,000	$ 30,000	-	$ 30,000	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 30,000	$ 30,000	-	$ 30,000	$ 30,000	-	$ 30,000	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FY 03/04 FUND: 146

PROGRAM NUMBER: 73806

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	7,899	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 7,899	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 7,899	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FUND: 148

PROGRAM NUMBER: 73824

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	13,547	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 13,547	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,547	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works - Special Districts Administration FUND: 149

PROGRAM NUMBER: 51710

PROGRAM OBJECTIVE: Administer five Community Services District zones that provide street lighting and landscape services, and the levy of fixed charges for bond debt, CSD fees, nuisance abatement, and solid waste delinquencies within required timeframes with less than 5% discrepancies in data input.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 782,138	$ 876,044	12.01%	$ 861,315	$ 681,001	(22.26%)	$ 800,500	(7.06%)
Contractual Services	81,176	49,495	(39.03%)	72,805	43,570	(11.97%)	31,100	(57.28%)
Materials & Supplies	13,575	8,397	(38.14%)	13,020	11,990	42.79%	12,700	(2.46%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	399,671	335,318	(16.10%)	433,218	433,218	29.20%	385,900	(10.92%)
Transfers Out	2,000	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,278,560	$ 1,269,254	(0.73%)	$ 1,380,358	$ 1,169,779	(7.84%)	$ 1,230,200	(10.88%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,278,560	$ 1,269,254	(0.73%)	$ 1,380,358	$ 1,169,779	(7.84%)	$ 1,230,200	(10.88%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works - Street Sweeping FUND: 151

PROGRAM NUMBER: 52610

PROGRAM OBJECTIVE: To ensure the safety and cleanliness of our City streets by sweeping all City streets twice/month, and by providing emergency sweeping service, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 235,653	$ 122,144	(48.17%)	$ 142,252	$ 164,648	34.80%	$ 127,300	(10.51%)
Contractual Services	61,392	73,999	20.54%	70,560	70,700	(4.46%)	71,200	0.91%
Materials & Supplies	89,635	100,395	12.00%	89,900	95,050	(5.32%)	115,300	28.25%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	30,705	54,106	76.21%	53,349	53,349	(1.40%)	53,200	(0.28%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 417,385	$ 350,644	(15.99%)	$ 356,061	$ 383,747	9.44%	$ 367,000	3.07%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 417,385	$ 350,644	(15.99%)	$ 356,061	$ 383,747	9.44%	$ 367,000	3.07%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works - Catch Basin Maintenance FUND: 151

PROGRAM NUMBER: 52810

PROGRAM OBJECTIVE: To ensure the safety and cleanliness of our City streets and the City's maintained storm drain system by cleaning all catch basins, connector pipes and culverts on an annual basis, and by providing emergency service, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 205,892	$ 171,056	(16.92%)	$ 201,444	$ 169,017	(1.19%)	$ 190,700	(5.33%)
Contractual Services	9,972	6,394	(35.88%)	5,360	5,360	(16.17%)	5,600	4.48%
Materials & Supplies	18,242	6,252	(65.73%)	8,660	13,210	111.29%	8,300	(4.16%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	5,340	4,504	(15.66%)	3,577	3,577	(20.58%)	3,500	(2.15%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 239,446	$ 188,206	(21.40%)	$ 219,041	$ 191,164	1.57%	$ 208,100	(4.99%)
Capital Expenditures								
Fixed Assets	5,355	399,716	7,364.35%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 5,355	$ 399,716	7,364.35%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 244,801	$ 587,922	140.16%	$ 219,041	$ 191,164	(67.48%)	$ 208,100	(4.99%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: NPDES Administration FUND: 152

PROGRAM NUMBER: 52210

PROGRAM OBJECTIVE: To administer the City's National Pollutant Discharge Elimination System (NPDES) program. This program requires the City to obtain a permit from the Regional Water Quality Control Board. The City must ensure that discharge of storm water into various drainage channels and washes throughout the community will comply with the standards set by the Regional Water Quality Control Board.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 280,096	$ 272,372	(2.76%)	$ 282,882	$ 280,841	3.11%	$ 278,100	(1.69%)
Contractual Services	171,284	81,960	(52.15%)	204,715	154,500	88.51%	122,400	(40.21%)
Materials & Supplies	2,510	2,330	(7.17%)	24,924	4,000	71.67%	6,800	(72.72%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	68,536	84,171	22.81%	84,396	84,396	0.27%	84,000	(0.47%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 522,426	$ 440,833	(15.62%)	$ 596,917	$ 523,737	18.81%	$ 491,300	(17.69%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 522,426	$ 440,833	(15.62%)	$ 596,917	$ 523,737	18.81%	$ 491,300	(17.69%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Inspections FUND: 152

PROGRAM NUMBER: 52410

PROGRAM OBJECTIVE: To provide compliance inspections of construction sites and existing businesses at a frequency mandated in the current National Pollutant Discharge Elimination System (NPDES) permit for the Santa Ana River Watershed Region to ensure storm water and non-storm water discharges to the City's streets and storm drains are in compliance with the City's storm water ordinance and applicable NPDES permit provisions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 105,484	$ 115,936	9.91%	$ 115,922	$ 91,775	(20.84%)	$ 114,400	(1.31%)
Contractual Services	3,214	2,257	(29.78%)	2,940	1,900	(15.82%)	2,900	(1.36%)
Materials & Supplies	6,036	654	(89.17%)	2,150	1,200	83.49%	2,200	2.33%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	5,529	12,386	124.02%	12,794	12,794	3.29%	12,600	(1.52%)
Transfers Out	1,500	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 121,763	$ 131,233	7.78%	$ 133,806	$ 107,669	(17.96%)	$ 132,100	(1.27%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 121,763	$ 131,233	7.78%	$ 133,806	$ 107,669	(17.96%)	$ 132,100	(1.27%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Plan Checks FUND: 152

PROGRAM NUMBER: 52510

PROGRAM OBJECTIVE: To provide plan check services for storm water and non-storm water plans and studies that address water quality impacts associated with new development and redevelopment projects to ensure these projects implement Best Management Practices (BMPs) with respect to the current National Pollutant Discharge Elimination System (NPDES) permit for the Santa Ana River Watershed Region and meeting the "maximum extent practicable" standard.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 29,068	$ 128,882	343.38%	$ 126,203	$ 126,203	(2.08%)	$ 124,800	(1.11%)
Contractual Services	5,915	-	(100.00%)	-	-	-	400	100.00%
Materials & Supplies	-	187	100.00%	150	200	6.95%	200	33.33%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 34,983	$ 129,069	268.95%	$ 126,353	$ 126,403	(2.07%)	$ 125,400	(0.75%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 34,983	$ 129,069	268.95%	$ 126,353	$ 126,403	(2.07%)	$ 125,400	(0.75%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Regulatory Permits/Agreements FUND: 152

PROGRAM NUMBER: 53010

PROGRAM OBJECTIVE: Responsible for city-wide storm water and non-storm water pollution prevention compliance work products and programs prepared in response to unfunded state and Federal permit mandates not otherwise funded by local special storm water related tax, levy and fee revenues. This includes securing local revenues for payment of state, Federal and intergovernmental storm water permit and cost-sharing agreements, updating local Master Drainage Plans including preparing applicable guidance documents, managing/preparing resource impact analyses for state and Federal permit mandates, etc.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	74,450	90,709	21.84%	112,559	106,100	16.97%	112,560	0.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 74,450	$ 90,709	21.84%	$ 112,559	$ 106,100	16.97%	$ 112,560	0.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 74,450	$ 90,709	21.84%	$ 112,559	$ 106,100	16.97%	$ 112,560	0.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Beverage Container Recycling FUND: 153

PROGRAM NUMBER: 51535

PROGRAM OBJECTIVE: To promote beverage container recycling and litter abatement throughout the community with the use of the Department of Conservation Beverage Container Recycling Grant that is issued annually.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 30,985	$ 36,793	18.74%	$ 38,183	$ -	(100.00%)	$ 13,200	(65.43%)
Contractual Services	15,780	10,129	(35.81%)	8,782	-	(100.00%)	-	(100.00%)
Materials & Supplies	630	-	(100.00%)	300	-	-	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	283	272	(3.89%)	218	-	(100.00%)	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 47,678	$ 47,194	(1.02%)	$ 47,483	$ -	(100.00%)	$ 13,200	(72.20%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 47,678	$ 47,194	(1.02%)	$ 47,483	$ -	(100.00%)	$ 13,200	(72.20%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Child Care Grant FUND: 160

PROGRAM NUMBER: 75710

PROGRAM OBJECTIVE: To plan, design, and oversee the Child Care grant program offered by the City which provides after-school day care to the City's residents.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 587,940	$ 552,033	(6.11%)	$ 598,786	$ 597,236	8.19%	$ 643,200	7.42%
Contractual Services	41,205	37,884	(8.06%)	183,190	39,620	4.58%	185,300	1.15%
Materials & Supplies	42,587	33,260	(21.90%)	26,500	48,700	46.42%	42,000	58.49%
Debt Service	24,659	24,659	-	24,658	24,700	0.17%	16,500	(33.08%)
Fixed Charges	37,900	52,910	39.60%	55,973	56,200	6.22%	55,800	(0.31%)
Transfers Out	660	-	(100.00%)	-	-	-	-	-
Total Operating Exenditures	$ 734,951	$ 700,746	(4.65%)	$ 889,107	$ 766,456	9.38%	$ 942,800	6.04%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 734,951	$ 700,746	(4.65%)	$ 889,107	$ 766,456	9.38%	$ 942,800	6.04%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ASES Program Grant 06-07 FUND: 162

PROGRAM NUMBER: 16210

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	193,906	1,452,998	649.33%	-	-	(100.00%)	-	-
Materials & Supplies	3,404,032	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Exenditures	$ 3,597,938	$ 1,452,998	(59.62%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	308,643	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 308,643	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 3,906,581	$ 1,452,998	(62.81%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ASES Program Grant 07-08 FUND: 162

PROGRAM NUMBER: 16211

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 2,444,903	$ (42,229)	(101.73%)	$ -	$ -	(100.00%)	$ -	-
Contractual Services	1,273,071	1,917,117	50.59%	-	-	(100.00%)	-	-
Materials & Supplies	1,259,973	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	208,240	-	(100.00%)	-	-	-	-	-
Transfers Out	1,112	-	(100.00%)	-	-	-	-	-
Total Operating Exenditures	$ 5,187,299	$ 1,874,888	(63.86%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	17,866	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 17,866	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 5,205,165	$ 1,874,888	(63.98%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: STARS Program Grant - FY08/09 FUND: 162

PROGRAM NUMBER: 16212

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 3,558,592	100.00%	$ -	$ -	(100.00%)	$ 1,900	100.00%
Contractual Services	-	907,791	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	887,176	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	235,698	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 5,589,257	100.00%	$ -	$ -	(100.00%)	$ 1,900	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 5,589,257	100.00%	$ -	$ -	(100.00%)	$ 1,900	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: STARS Program Grant - FY09/10 FUND: 162

PROGRAM NUMBER: 16213

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 2,975,015	$ 3,090,900	100.00%	$ -	(100.00%)
Contractual Services	-	-	-	1,842,867	1,841,500	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	613,846	770,500	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	188,559	188,700	100.00%	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 5,620,287	$ 5,891,600	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 5,620,287	$ 5,891,600	100.00%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: STARS Program Grant - FY10/11 FUND: 162

PROGRAM NUMBER: 16214

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 3,143,200	100.00%
Contractual Services	-	-	-	-	-	-	1,858,200	100.00%
Materials & Supplies	-	-	-	-	-	-	767,700	100.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	188,500	100.00%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 5,957,600	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 5,957,600	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: HOME Administration FUND: 176

PROGRAM NUMBER: 77110

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing downpayment rehabilitation assistance in the way of deferred, low interest loans.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 65,341	$ 42,794	(34.51%)	$ 45,809	$ 46,423	8.48%	$ 36,900	(19.45%)
Contractual Services	133,267	157,090	17.88%	351,319	335,000	113.25%	358,000	1.90%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	(63,267)	(117,488)	85.70%	-	-	(100.00%)	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 135,341	$ 82,396	(39.12%)	$ 397,128	$ 381,423	362.91%	$ 394,900	(0.56%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 135,341	$ 82,396	(39.12%)	$ 397,128	$ 381,423	362.91%	$ 394,900	(0.56%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #1 FUND: 184

PROGRAM NUMBER: 18410

PROGRAM OBJECTIVE: Community Facilities District #1 provides funding for maintenance of new neighborhood parks, trails, and Class I bikeways.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 280,779	$ 285,341	1.62%	$ 455,393	$ 343,300	20.31%	$ 411,100	(9.73%)
Contractual Services	273,004	236,220	(13.47%)	318,010	285,600	20.90%	343,200	7.92%
Materials & Supplies	61,149	63,895	4.49%	54,363	48,000	(24.88%)	53,400	(1.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	159,280	104,458	(34.42%)	143,549	143,500	37.38%	143,500	(0.03%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 774,212	$ 689,914	(10.89%)	$ 971,315	$ 820,400	18.91%	$ 951,200	(2.07%)
Capital Expenditures								
Fixed Assets	-	25,357	100.00%	15,000	4,000	(84.23%)	-	(100.00%)
Total Capital Expenditures	$ -	$ 25,357	100.00%	$ 15,000	$ 4,000	(84.23%)	$ -	(100.00%)
Total Program Budget	$ 774,212	$ 715,271	(7.61%)	$ 986,315	$ 824,400	15.26%	$ 951,200	(3.56%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: EPA Grant - Box Springs Water FUND: 193

PROGRAM NUMBER: 19310

PROGRAM OBJECTIVE: The purpose the of the project is to identify the water and sewer infrastructure improvements required in the Box Springs Mutual Water Company service area. The City's goal is to identify the appropriate system elements and associated cost necessary to upgrade the existing water system (and sewer system as necessary) in the area to provide safe domestic water service and fire suppression flows sufficient to meet modern requirements and allow redevelopment of the area.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 6,452	$ 6,070	(5.92%)	$ -	$ 3,220	(46.95%)	$ -	-
Contractual Services	197,108	176,096	(10.66%)	92,108	71,218	(59.56%)	-	(100.00%)
Materials & Supplies	-	-	-	-	5	100.00%	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 203,560	$ 182,166	(10.51%)	$ 92,108	$ 74,443	(59.13%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	7,000	-	-	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 7,000	$ -	-	$ -	-
Total Program Budget	$ 203,560	$ 182,166	(10.51%)	$ 99,108	$ 74,443	(59.13%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG Grant - Code & Neighborhood FUND: 194

PROGRAM NUMBER: 19410

PROGRAM OBJECTIVE: To use an Edward Byrne Memorial Justice Assistance Grant to update the existing graffiti program to current technologies.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	39,000	100.00%	32,452	32,452	(16.79%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 39,000	100.00%	$ 32,452	$ 32,452	(16.79%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	8,405	100.00%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ -	$ 8,405	100.00%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ -	$ 47,405	100.00%	$ 32,452	$ 32,452	(31.54%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ETA Job Training Grant Program FUND: 196

PROGRAM NUMBER: 19610

PROGRAM OBJECTIVE: Provide job training to youth between the ages of 17 and 24 in the warehousing, distribution, and logistics, industries.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	118,886	118,886	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 118,886	$ 118,886	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 118,886	$ 118,886	100.00%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Neighborhood Stabilization Program FUND: 197

PROGRAM NUMBER: 19710

PROGRAM OBJECTIVE: In accordance with the Housing and Economic Recovery Act of 2008 (HERA), HUD has provided emergency CDBG grants to states, cities, and counties to address the foreclosure crisis. The City of Moreno Valley has been allocated $11,390,116 to implement an 18-month Neighborhood Stabilization Program (NSP) aimed at assisting low- to moderate-income households, while targeting the areas of the City most affected by foreclosures. The City's NSP program will include: Activity 1 -- Acquisition, Rehabilitation, and Rental of Multi-family Homes, Activity 2 -- First Time Homebuyer Down Payment Assistance Program, and Activity 3 - Acquisition, Rehabilitation, Resale of Single Family Homes.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 123	100.00%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	-	198	100.00%	11,390,116	11,390,116	N/A	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 321	100.00%	$ 11,390,116	$ 11,390,116	N/A	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 321	100.00%	$ 11,390,116	$ 11,390,116	N/A	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Homelessness Prevention Program FUND: 198

PROGRAM NUMBER: 19810

PROGRAM OBJECTIVE: To assist households that would otherwise become homeless (many, due to the economic crises) or rapidly re-house those who are homeless or at risk of homelessness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ 17,000	100.00%	$ -	-
Contractual Services	-	-	-	732,872	532,654	100.00%	183,218	(75.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 732,872	$ 549,654	100.00%	$ 183,218	(75.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 732,872	$ 549,654	100.00%	$ 183,218	(75.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Recovery Act of 2009 FUND: 199

PROGRAM NUMBER: 19910

PROGRAM OBJECTIVE: Authorized under the American Recovery and Reinvestment Act, this grant fund will be used in implementing activities that benefit the low and moderate-income population in accordance with the Recovery Act objectives.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 47,929	$ 11,100	100.00%	$ 26,829	(44.02%)
Contractual Services	-	-	-	431,363	331,000	100.00%	110,363	(74.42%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 479,292	$ 342,100	100.00%	$ 137,192	(71.38%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 479,292	$ 342,100	100.00%	$ 137,192	(71.38%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Arterial Streets Development Impact Fee FUND: 201

PROGRAM NUMBER: 20110

PROGRAM OBJECTIVE: To collect and manage the development impact fees for arterial streets.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	97,324	100.00%	-	-	(100.00%)	-	-
Transfers Out	4,345,362	5,340,201	22.89%	2,955,942	2,955,942	(44.65%)	1,413,675	(52.18%)
Total Operating Expenditures	$ 4,345,362	$ 5,437,525	25.13%	$ 2,955,942	$ 2,955,942	(45.64%)	$ 1,413,675	(52.18%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,345,362	$ 5,437,525	25.13%	$ 2,955,942	$ 2,955,942	(45.64%)	$ 1,413,675	(52.18%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Traffic Signal Development Impact Fee FUND: 202

PROGRAM NUMBER: 20210

PROGRAM OBJECTIVE: To collect and manage the development impact fees for traffic signals.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	838,735	360,618	(57.00%)	1,374,380	1,374,380	281.12%	-	(100.00%)
Total Operating Expenditures	$ 838,735	$ 360,618	(57.00%)	$ 1,374,380	$ 1,374,380	281.12%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 838,735	$ 360,618	(57.00%)	$ 1,374,380	$ 1,374,380	281.12%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Facility Development Impact Fee FUND: 203

PROGRAM NUMBER: 20310

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Fire Facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	255,808	256,015	0.08%	257,328	257,328	0.51%	254,008	(1.29%)
Total Operating Expenditures	$ 255,808	$ 256,015	0.08%	$ 257,328	$ 257,328	0.51%	$ 254,008	(1.29%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 255,808	$ 256,015	0.08%	$ 257,328	$ 257,328	0.51%	$ 254,008	(1.29%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Facility Development Impact Fee FUND: 204

PROGRAM NUMBER: 20410

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Police Facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	1,408	675,005	47,840.70%	675,493	675,493	0.07%	676,810	0.19%
Total Operating Expenditures	$ 1,408	$ 675,005	47,840.70%	$ 675,493	$ 675,493	0.07%	$ 676,810	0.19%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,408	$ 675,005	47,840.70%	$ 675,493	$ 675,493	0.07%	$ 676,810	0.19%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Parkland Facility Development Impact Fee FUND: 205

PROGRAM NUMBER: 20510

PROGRAM OBJECTIVE: To collect and manage the development impact fees for Parkland Facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	4,171,616	(105,000)	(102.52%)	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 4,171,616	$ (105,000)	(102.52%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,171,616	$ (105,000)	(102.52%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Quimby In-Lieu Park Fees FUND: 206

PROGRAM NUMBER: 20610

PROGRAM OBJECTIVE: To collect and manage the development impact fees for parks.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	101,224	31,000	(69.37%)	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 101,224	$ 31,000	(69.37%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 101,224	$ 31,000	(69.37%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Recreation Center Development Impact Fee FUND: 207

PROGRAM NUMBER: 20710

PROGRAM OBJECTIVE: To collect and manage the development impact fees for Recreation Center.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	326,020	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 326,020	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 326,020	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Libraries Development Impact Fee FUND: 208

PROGRAM NUMBER: 20810

PROGRAM OBJECTIVE: To collect and manage the development impact fees for Libraries.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	1,920,743	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,920,743	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,920,743	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Hall Development Impact Fee FUND: 209

PROGRAM NUMBER: 20910

PROGRAM OBJECTIVE: To collect and manage the development impact fees for City Hall.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	2,336	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 2,336	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,336	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Corporate Yard Development Impact Fee FUND: 210

PROGRAM NUMBER: 21010

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Corporate Yard.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	56,530	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 56,530	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 56,530	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Interchange Improvements DIF FUND: 211

PROGRAM NUMBER: 21112

PROGRAM OBJECTIVE: To account for the collection and transfer of development impact fees, in coordination with the Western Riverside Council of Government (WRCOG) Transportation Uniform Mitigation Fee (TUMF) program, to fund interchange improvements needed to serve future development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	2,433	-	(100.00%)	-	-	-	1,740,000	100.00%
Total Operating Expenditures	$ 2,433	$ -	(100.00%)	$ -	$ -	-	$ 1,740,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,433	$ -	(100.00%)	$ -	$ -	-	$ 1,740,000	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Maintenance Equipment DIF FUND: 212

PROGRAM NUMBER: 21212

PROGRAM OBJECTIVE: To account for the collection and transfer of development impact fees to fund additional maintenance equipment that will be needed to handle the increased demands associated with new development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	112	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 112	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 112	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Animal Shelter Development Impact Fee FUND: 213

PROGRAM NUMBER: 21312

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Animal Shelter.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	188,286	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 188,286	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 188,286	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: FHWA TRANSIMS Deployment FUND: 227

PROGRAM NUMBER: 22710

PROGRAM OBJECTIVE: To construct a new citywide traffic model using the TRANSIMS program and analyze impacts of land-use changes on the circulation system. Funded by a contract from the FHWA.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 83,935	100.00%	$ 107,915	$ 88,146	5.02%	$ 20,000	(81.47%)
Contractual Services	-	16,829	100.00%	68,036	58,036	244.86%	10,000	(85.30%)
Materials & Supplies	-	1,448	100.00%	5,000	5,000	245.30%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 102,212	100.00%	$ 180,951	$ 151,182	47.91%	$ 30,000	(83.42%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 102,212	100.00%	$ 180,951	$ 151,182	47.91%	$ 30,000	(83.42%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2009-DJ-BX-1178 JAG GRANT FUND: 230

PROGRAM NUMBER: 23010

PROGRAM OBJECTIVE: This grant funding will be used for Specialized Code Enforcement Program; two (2) part-time temporary employees will be hired to target City-wide code violations during the evenings and weekends when Code Compliance has minimal resources available to respond to code violations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 88,979	$ 22,536	100.00%	$ 66,443	(25.33%)
Contractual Services	-	-	-	7,800	2,025	100.00%	5,775	(25.96%)
Materials & Supplies	-	-	-	9,200	3,300	100.00%	5,900	(35.87%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 105,979	$ 27,861	100.00%	$ 78,118	(26.29%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 105,979	$ 27,861	100.00%	$ 78,118	(26.29%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ICEP Task Force FUND: 231

PROGRAM NUMBER: 23110

PROGRAM OBJECTIVE: The mission of the ICEP Task Force is to achieve maximum coordination and cooperation among agency participants in an effort to identify and rescue juveniles who are sexually exploited through prostitution activities; identify, investigate, apprehend and prosecute pimps and other criminals associated with child exploitation and prostitution offenses.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	50,668	-	-	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 50,668	$ -	-	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 50,668	$ -	-	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - PD - 05 FUND: 258

PROGRAM NUMBER: 62582

PROGRAM OBJECTIVE: Grant-funded program for the creation of an additional Community Service Officer I for the Traffic Division who will be able to handle minor traffic collisions, write parking citations and assist with traffic reconstruction.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	70,925	1,004	(98.58%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 70,925	$ 1,004	(98.58%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 70,925	$ 1,004	(98.58%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - PD - 07 FUND: 259

PROGRAM NUMBER: 62584

PROGRAM OBJECTIVE: Grant-funded program for the creation of an additional Community Service Officer I for the Traffic Division who will be able to handle minor traffic collisions, write parking citations and assist with traffic reconstruction.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	183,861	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 183,861	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 183,861	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - PD - 08 FUND: 260

PROGRAM NUMBER: 62586

PROGRAM OBJECTIVE: To purchase secure cellular data, transfer equipment, installation and 2 years of cellular service, for use with the Automated License Plate Reader (ALPR). In addition, approximately 93 2GB flash drives for issuance to law enforcement personnel.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	5,832	5,832	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	1,787	1,787	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 7,619	$ 7,619	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	22,080	22,260	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 22,080	$ 22,260	100.00%	$ -	(100.00%)
Total Program Budget	$ -	$ -	-	$ 29,699	$ 29,879	100.00%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - COPS Technology Program Grant FUND: 261

PROGRAM NUMBER: 62588

PROGRAM OBJECTIVE: To develop and enhance technology for law enforcement.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	32,706	100.00%	29,665	29,665	(9.30%)	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 32,706	100.00%	$ 29,665	$ 29,665	(9.30%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	77,924	77,924	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 77,924	$ 77,924	100.00%	$ -	(100.00%)
Total Program Budget	$ -	$ 32,706	100.00%	$ 107,589	$ 107,589	228.96%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG 2009 SB-59-2366 Grant FUND: 262

PROGRAM NUMBER: 26210

PROGRAM OBJECTIVE: To purchase a forensic 3D laser scanner, electronic equipment inventory system, electronic equipment for training purposes, cellular phone forensic equipment, night vision equipment, GPS tracking devise, digital video recorder, GPS devises and wearable video camera. Available funds will alse be used to enhance the Public Safety Building Surveillance Equipment, upgrade the Data Command post and supplement funds to continue anti-graffiti

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	60,105	60,105	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	55,517	55,517	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 115,622	$ 115,622	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	320,050	320,050	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 320,050	$ 320,050	100.00%	$ -	(100.00%)
Total Program Budget	$ -	$ -	-	$ 435,672	$ 435,672	100.00%	$ -	(100.00%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FY 07/08 FUND: 282

PROGRAM NUMBER: 73818

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 282,269	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	49,162	-	(100.00%)	-	-	-	-	-
Materials & Supplies	3,841	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	22,322	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 357,594	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 357,594	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs FY 07/08 FUND: 282

PROGRAM NUMBER: 73916

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	315,315	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 315,315	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 315,315	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance FY 07/08 FUND: 282

PROGRAM NUMBER: 74016

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ (7,196)	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	255,475	-	(100.00%)	-	-	-	-	-
Materials & Supplies	1,667	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 249,946	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 249,946	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FY 08/09 FUND: 283

PROGRAM NUMBER: 73828

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 231,821	100.00%	$ 1,645	$ -	(100.00%)	$ -	(100.00%)
Contractual Services	-	46,747	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	3,169	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	15,487	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 297,224	100.00%	$ 1,645	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 297,224	100.00%	$ 1,645	$ -	(100.00%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs FY 08/09 FUND: 283

PROGRAM NUMBER: 73918

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	271,959	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 271,959	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 271,959	100.00%	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance FY 08/09 FUND: 283

PROGRAM NUMBER: 74018

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	255,000	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 255,000	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 255,000	100.00%	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Admin - FY09/10 Fund FUND: 284

PROGRAM NUMBER: 73839

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 240,745	$ 242,060	100.00%	$ -	(100.00%)
Contractual Services	-	-	-	79,277	62,647	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	1,700	950	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	15,648	15,648	100.00%	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 337,370	$ 321,305	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 337,370	$ 321,305	100.00%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs - FY09/10 Fund FUND: 284

PROGRAM NUMBER: 73939

PROGRAM OBJECTIVE: The City will provide Community Development Block Grant (CDBG) funds to sub-recipients to provide public services such as food distribution, homelessness prevention, senior van transportation, emergency shelter services, transitional housing, child abuse prevention, domestic violence services, special needs services, and problem-oriented policing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	1,187,601	1,044,601	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 1,187,601	$ 1,044,601	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 1,187,601	$ 1,044,601	100.00%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance - FY09/10 Fund FUND: 284

PROGRAM NUMBER: 74039

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	366,407	366,407	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 366,407	$ 366,407	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 366,407	$ 366,407	100.00%	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Admin - FY10/11 Fund FUND: 285

PROGRAM NUMBER: 73852

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 242,000	100.00%
Contractual Services	-	-	-	-	-	-	78,200	100.00%
Materials & Supplies	-	-	-	-	-	-	1,700	100.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	15,600	100.00%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 337,500	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 337,500	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs - FY10/11 Fund FUND: 285

PROGRAM NUMBER: 73952

PROGRAM OBJECTIVE: The City will provide Community Development Block Grant (CDBG) funds to sub-recipients to provide public services such as food distribution, homelessness prevention, senior van transportation, emergency shelter services, transitional housing, child abuse prevention, domestic violence services, special needs services, and problem-oriented policing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	976,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 976,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 976,000	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance - FY10/11 Fund FUND: 285

PROGRAM NUMBER: 74052

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	366,400	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 366,400	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 366,400	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG11 Used Oil Recycling 05/06 FUND: 290

PROGRAM NUMBER: 51549

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of the California Integrated Waste Management Board Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,016	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	20,998	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 22,014	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 22,014	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG12 Use Oil Recycling 06/07 FUND: 291

PROGRAM NUMBER: 51551

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of the California Integrated Waste Management Board Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 30,846	$ 785	(97.46%)	$ -	$ -	(100.00%)	$ -	-
Contractual Services	11,160	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 42,006	$ 785	(98.13%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 42,006	$ 785	(98.13%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG13 Use Oil Recycling 07/08 FUND: 292

PROGRAM NUMBER: 51553

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of the California Integrated Waste Management Board Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 30,926	100.00%	$ 184	$ 3,828	(87.62%)	$ -	(100.00%)
Contractual Services	-	12,178	100.00%	3,735	91	(99.25%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	283	1,088	284.45%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 283	$ 44,192	15,515.55%	$ 3,919	$ 3,919	(91.13%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 283	$ 44,192	15,515.55%	$ 3,919	$ 3,919	(91.13%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG14 Used Oil Recycling 08/09 FUND: 293

PROGRAM NUMBER: 51555

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of CalRecycle Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 34,790	$ 5,363	100.00%	$ 14,200	(59.18%)
Contractual Services	-	-	-	4,265	12,900	100.00%	12,900	202.46%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	870	-	-	800	(8.05%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 39,925	$ 18,263	100.00%	$ 27,900	(30.12%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 39,925	$ 18,263	100.00%	$ 27,900	(30.12%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: TCA2-06-22 - 2006/2007 Local Govt Waste Tire Clean-up & Amnesty Event Grant Program FUND: 294

PROGRAM NUMBER: 51557

PROGRAM OBJECTIVE: To promote the recycling of used tires, reduce the number of waste tires disposed at landfills, illegally dumped, and stockpiled on private property by accepting tires at Household Hazardous Waste events for recycling with the use of California Integrated Waste Management Board Grant Funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	10,399	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,399	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,399	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Targeted Rubberized Asphalt Concrete Incentive Grant Program FUND: 295

PROGRAM NUMBER: 51559

PROGRAM OBJECTIVE: To utilize rubberized asphalt concrete on street pavement rehabilitation projects and offset the cost differential between rubberized asphalt and conventional asphalt with the use of California Integrated Waste Management Board Grant Funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	11,553	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	36,397	100.00%	84,000	28,000	(23.07%)	56,000	(33.33%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 47,950	100.00%	$ 84,000	$ 28,000	(41.61%)	$ 56,000	(33.33%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 47,950	100.00%	$ 84,000	$ 28,000	(41.61%)	$ 56,000	(33.33%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Moreno Valley Foundation FUND: 370

PROGRAM NUMBER: 37010

PROGRAM OBJECTIVE: To account for the financial activities of the Moreno Valley Community Foundation whose purpose is to raise funds for the City Library.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	775	50	(93.55%)	-	50	-	50	100.00%
Materials & Supplies	479	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,254	$ 50	(96.01%)	$ -	$ 50	-	$ 50	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,254	$ 50	(96.01%)	$ -	$ 50	-	$ 50	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Arts Commission FUND: 371

PROGRAM NUMBER: 37110

PROGRAM OBJECTIVE: To encourage, stimulate, promote and foster programs for the cultural enrichment of the City and thereby contribute to the quality of life in Moreno Valley and develop an awareness of the value of the arts in Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	450	100.00%	-	1,000	122.22%	1,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 450	100.00%	$ -	$ 1,000	122.22%	$ 1,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 450	100.00%	$ -	$ 1,000	122.22%	$ 1,000	100.00%

City of Moreno Valley

2010-11 Preliminary Base Operating budget

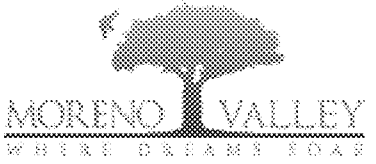

Capital Projects Funds

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	PW General Capital Projects 414	TUMF Capital Projects 415	DIF Arterial Streets Capital Projects 416	DIF Traffic Signal Capital Projects 417	DIF Interchange Improvements 418	2005 Lease Revenue Bonds - Cap/Admin 501	Centerpoint 87-4 Cap/Admin 512
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	900	-	-	-	-	100,000	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	30,000	-	1,000	1,000	-	-	-
Grants/Intergovernmental Revenues	-	6,000,000	-	-	-	-	-
Transfers In	-	-	295,000	-	1,740,000	-	-
Total Operating Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies							
Total Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	Towngate Impr Special Tax Capital/Admin 513	2007 Towngate Spcl Tax Ref Capital/Admin 515	Warner Ranch Assmnt Dist 518	Auto Mall Cap/Admin 528	CFD #5 Stoneridge Cap/Admin 529	CFD #41 Infra Cap/Admin 530	Total
Revenues							
Property Taxes	-	-	8,400	-	-	-	8,400
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	-	-	-	-	-	100,900
Bond Proceeds	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	-	-	-	32,000
Grants/Intergovernmental Revenues	-	-	-	-	-	-	6,000,000
Transfers In	38,250	145,650	-	62,500	54,000	10,407,900	12,743,300
Total Operating Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	3,700	3,700	-	3,700	3,700	4,000	18,800
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	6,400	-	-	-	6,400
Fixed Charges	34,500	141,900	700	58,200	50,000	-	285,300
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**4,000**	**310,500**
Capital :							
Fixed Assets	-	-	-	-	-	10,403,900	10,403,900
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**10,403,900**	**10,403,900**
Total Program Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Increase in Reserve for Contingencies							
Total Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Net Revenues Over (Under) Expenditures	**50**	**50**	**1,300**	**600**	**300**	**-**	**8,170,200**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	Centerpointe 87-4 Capital/Admin. 512.92330	Towngate Impr Special Tax Capital/Admin. 513.93730	2007 Towngate Spcl Tax Ref Capital/Admin. 515.93830	Warner Ranch Assessment District 518.91810	Auto Mall Capital/Admin. 528.92430	CFD #5 Stoneridge Capital/Admin 529.93430	CFD #4I Infra Cap/Admin Fund 530.93630	Total
Expenditures								
Operating:								
Personnel Services	-	-	-	-	-	-	-	-
Contractual Services	-	3,700	3,700	-	3,700	3,700	4,000	18,800
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	6,400	-	-	-	6,400
Fixed Charges	-	34,500	141,900	700	58,200	50,000	-	285,300
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	-	38,200	145,600	7,100	61,900	53,700	4,000	310,500
Capital:								
Fixed Assets	-	-	-	-	-	-	10,403,900	10,403,900
Total Capital Expenditures	-	-	-	-	-	-	10,403,900	10,403,900
Total Program Expenditures	-	38,200	145,600	7,100	61,900	53,700	10,407,900	10,714,400

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Operating Transfers Out of 412 FUND: 412

PROGRAM NUMBER: 99914

PROGRAM OBJECTIVE: To provide appropriate funds for activities that are not directly assignable to any one department or program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	67,040	100.00%	700,000	-	(100.00%)	-	(100.00%)
Total Operating Expenditures	$ -	$ 67,040	100.00%	$ 700,000	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 67,040	100.00%	$ 700,000	$ -	(100.00%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Operating Transfers Out of Fund 413 FUND: 413

PROGRAM NUMBER: 99913

PROGRAM OBJECTIVE: To meet COP 93 debt service.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	38,487	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 38,487	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 38,487	100.00%	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Capital

FUND: 434

PROGRAM NUMBER: 65210

PROGRAM OBJECTIVE: To administer fire related capital projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	98,000	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 98,000	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 98,000	100.00%	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2005 Lease Revenue Bonds Cap/Admin FUND: 501

PROGRAM NUMBER: 93330

PROGRAM OBJECTIVE: To provide resources to finance the following capital improvements: Sunnymead Boulevard, Public Safety Building Expansion, Kitching Street, Electric Utility Infrastructure, Ironwood/Heacock, Ironwood/Box Springs, Laselle Street and Fire Station No. 58.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	28	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	1,374,223	309,120	(77.51%)	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,374,223	$ 309,148	(77.50%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,374,223	$ 309,148	(77.50%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Improvement Area 1-Capital/Admin. FUND: 504

PROGRAM NUMBER: 92830

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	5,513	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	34,500	-	(100.00%)	-	-	-	-	-
Transfers Out	-	3,038	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 40,013	$ 3,038	(92.41%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 40,013	$ 3,038	(92.41%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Refunding-Capital/Admin. FUND: 506

PROGRAM NUMBER: 92230

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	4,000	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	132,875	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 136,875	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 136,875	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Centerpointe 87-4 Capital/Admin. FUND: 512

PROGRAM NUMBER: 92330

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	3,786	3,787	0.03%	5,350	-	(100.00%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	55,000	55,000	-	50,000	-	(100.00%)	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 58,786	$ 58,787	0.00%	$ 55,350	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 58,786	$ 58,787	0.00%	$ 55,350	$ -	(100.00%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Improvement Special Tax Capital/Admin FUND: 513

PROGRAM NUMBER: 93730

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	4,014	100.00%	3,750	3,750	(6.58%)	3,700	(1.33%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	34,500	31,285	100.00%	34,500	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 4,014	100.00%	$ 38,250	$ 35,035	772.82%	$ 38,200	(0.13%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 4,014	100.00%	$ 38,250	$ 35,035	772.82%	$ 38,200	(0.13%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Towngate Special Tax Ref Capital/Admin FUND: 515

PROGRAM NUMBER: 93830

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	57	100.00%	6,875	5,500	9,549.12%	3,700	(46.18%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	132,875	132,875	100.00%	141,900	6.79%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 57	100.00%	$ 139,750	$ 138,375	242,663.16%	$ 145,600	4.19%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 57	100.00%	$ 139,750	$ 138,375	242,663.16%	$ 145,600	4.19%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Warner Ranch Assessment District FUND: 518

PROGRAM NUMBER: 91810

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	4	5	25.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	1,959	1,959	-	6,458	6,458	229.66%	6,400	(0.90%)
Fixed Charges	730	730	-	730	730	-	700	(4.11%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,693	$ 2,694	0.04%	$ 7,188	$ 7,188	166.82%	$ 7,100	(1.22%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,693	$ 2,694	0.04%	$ 7,188	$ 7,188	166.82%	$ 7,100	(1.22%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Auto Mall Capital/Admin. FUND: 528

PROGRAM NUMBER: 92430

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	3,755	3,756	0.03%	3,750	3,750	(0.16%)	3,700	(1.33%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	148,940	144,690	(2.85%)	145,190	145,190	0.35%	58,200	(59.91%)
Transfers Out	927,865	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,080,560	$ 148,446	(86.26%)	$ 148,940	$ 148,940	0.33%	$ 61,900	(58.44%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,080,560	$ 148,446	(86.26%)	$ 148,940	$ 148,940	0.33%	$ 61,900	(58.44%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #5 Stoneridge Cap/Admin FUND: 529

PROGRAM NUMBER: 93430

PROGRAM OBJECTIVE: Issue Special Tax Bonds to fund public infrastructure at Stoneridge Towne Centre located on approximately 56 acres. The CFD will provide for the collection and payment of principal, interest, and administration costs associated with the infrastructure, which includes street improvements along Nason Street, Eucalyptus Avenue, Dracaea Avenue and Fir Avenue.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	5,388	49,898	826.10%	4,000	3,750	(92.48%)	3,700	(7.50%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	30,000	50,000	66.67%	50,000	50,000	-	50,000	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 35,388	$ 99,898	182.29%	$ 54,000	$ 53,750	(46.20%)	$ 53,700	(0.56%)
Capital Expenditures								
Fixed Assets	2,270,856	2,128,623	(6.26%)	462,770	462,770	(78.26%)	-	(100.00%)
Total Capital Expenditures	$ 2,270,856	$ 2,128,623	(6.26%)	$ 462,770	$ 462,770	(78.26%)	$ -	(100.00%)
Total Program Budget	$ 2,306,244	$ 2,228,521	(3.37%)	$ 516,770	$ 516,520	(76.82%)	$ 53,700	(89.61%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #4I Infra Cap/Admin Fund FUND: 530

PROGRAM NUMBER: 93630

PROGRAM OBJECTIVE: To provide for the cost associated with debt service consultants and administration expenditures related with the acquisition or construction of capital projects at Centerpointe Business Park.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	4,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	50,000	-	-	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 50,000	$ -	-	$ 4,000	(92.00%)
Capital Expenditures								
Fixed Assets	-	-	-	5,800,000	-	-	10,403,900	79.38%
Total Capital Expenditures	$ -	$ -	-	$ 5,800,000	$ -	-	$ 10,403,900	100.00%
Total Program Budget	$ -	$ -	-	$ 5,850,000	$ -	-	$ 10,407,900	77.91%

City of Moreno Valley

2010-11 Preliminary Base Operating budget

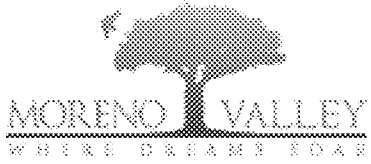

Enterprise Fund

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Enterprise Funds

Description	Electric Utility Fund 601	2007 Taxable Lease Revenue Bonds 602	2005 Lease Revenue Bonds 603	Total
Revenues				
Property Taxes	-	-	-	-
Gas Taxes	-	-	-	-
Sales Taxes	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-
Utility Users Taxes	-	-	-	-
Other Taxes	-	-	-	-
Franchise Fees	-	-	-	-
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	-	-	-	-
Other Fees	(119,500)	-	-	(119,500)
Fees for Service	13,644,000	-	-	13,644,000
Permits & Licenses	-	-	-	-
Fines & Forfeitures	-	-	-	-
Administrative Charges	-	-	-	-
Interest Income	-	-	-	-
Bond Proceeds	-	-	-	
Miscellaneous Revenues	345,000	-	-	345,000
Grants/Intergovernmental Revenues	-	-	-	-
Transfers In	-	-	-	-
Total Operating Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	
Total Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Expenditures				
Operating:				
Personnel Services	765,400	-	-	765,400
Contractual Services	10,525,500	3,800	-	10,529,300
Materials & Supplies	4,800	-	-	4,800
Debt Service	77,400	1,827,000	318,200	2,222,600
Fixed Charges	711,800	-	-	711,800
Transfers Out	-	-	-	-
Total Operating Expenditures	**12,084,900**	**1,830,800**	**318,200**	**14,233,900**
Capital :				
Fixed Assets	87,500	-	-	87,500
Total Capital Expenditures	87,500	-	-	87,500
Total Program Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Increase in Reserve for Contingencies				
Total Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Net Revenues Over (Under) Expenditures	**1,697,100**	**(1,830,800)**	**(318,200)**	**(451,900)**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Enterprise Fund

Description	Electric Utility Fund 601.60110	Public Purpose Program 601.61010	2007 Taxable Lease Revenue Bonds 602.60210	2005 Lease Revenue Bonds 603.60310	Total
Expenditures					
Operating:					
Personnel Services	765,400	-	-	-	765,400
Contractual Services	10,025,500	500,000	3,800	-	10,529,300
Materials & Supplies	4,800	-	-	-	4,800
Debt Service	77,400	-	1,827,000	318,200	2,222,600
Fixed Charges	711,800	-	-	-	711,800
Transfers Out	-	-	-	-	-
Total Operating Expenditures	11,584,900	500,000	1,830,800	318,200	14,233,900
Capital:					
Fixed Assets	87,500	-	-	-	87,500
Total Capital Expenditures	87,500	-	-	-	87,500
Total Program Expenditures	11,672,400	500,000	1,830,800	318,200	14,321,400

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Electric Utility Fund FUND: 601

PROGRAM NUMBER: 60110

PROGRAM OBJECTIVE: To provide electrical energy to new development within the City of Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 684,632	$ 765,934	11.88%	$ 772,245	$ 772,245	0.82%	$ 765,400	(0.89%)
Contractual Services	9,157,073	10,444,656	14.06%	10,592,255	9,890,600	(5.30%)	10,025,500	(5.35%)
Materials & Supplies	16,247	4,511	(72.23%)	5,325	4,800	6.41%	4,800	(9.86%)
Debt Service	48,325	23,622	(51.12%)	114,103	114,150	383.24%	77,400	(32.17%)
Fixed Charges	860,873	839,682	(2.46%)	953,693	1,263,307	50.45%	711,800	(25.36%)
Transfers Out	150,000	300,000	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 10,917,150	$ 12,378,405	13.38%	$ 12,437,621	$ 12,045,102	(2.69%)	$ 11,584,900	(6.86%)
Capital Expenditures								
Fixed Assets	-	-	-	484,360	225,000	100.00%	87,500	(81.93%)
Total Capital Expenditures	$ -	$ -	-	$ 484,360	$ 225,000	100.00%	$ 87,500	(61.11%)
Total Program Budget	$ 10,917,150	$ 12,378,405	13.38%	$ 12,921,981	$ 12,270,102	(0.87%)	$ 11,672,400	(9.67%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Purpose Program FUND: 601

PROGRAM NUMBER: 61010

PROGRAM OBJECTIVE: To provide public benefit programs funded through a non-bypassable surcharge on electric utilities. Types of programs will include energy efficiency programs for commercial and industrial customers and low income assistance programs.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	9,021	63,098	599.46%	713,691	485,000	668.65%	500,000	(29.94%)
Materials & Supplies	-	296	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 9,021	$ 63,394	602.74%	$ 713,691	$ 485,000	665.06%	$ 500,000	(29.94%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 9,021	$ 63,394	602.74%	$ 713,691	$ 485,000	665.06%	$ 500,000	(29.94%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Taxable Lease Revenue Bonds FUND: 602

PROGRAM NUMBER: 60210

PROGRAM OBJECTIVE: To provide taxable resources to finance the Electric Utility Infrastructure.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,875	3,650	26.96%	3,750	3,800	4.11%	3,800	1.33%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	1,464,885	1,452,746	(0.83%)	1,831,802	1,831,802	26.09%	1,827,000	(0.26%)
Fixed Charges	-	241,960	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	922,032	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,467,760	$ 2,620,388	78.53%	$ 1,835,552	$ 1,835,602	(29.95%)	$ 1,830,800	(0.26%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,467,760	$ 2,620,388	78.53%	$ 1,835,552	$ 1,835,602	(29.95%)	$ 1,830,800	(0.26%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2005 Lease Revenue Bonds FUND: 603

PROGRAM NUMBER: 60310

PROGRAM OBJECTIVE: To provide resources to finance the Electric Utility Infrastructure.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	523	-	-	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	38,230	226,930	493.59%	322,963	322,963	42.32%	318,200	(1.47%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	466,286	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 38,230	$ 693,216	1,713.28%	$ 323,486	$ 322,963	(53.41%)	$ 318,200	(1.63%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 38,230	$ 693,216	1,713.28%	$ 323,486	$ 322,963	(53.41%)	$ 318,200	(1.63%)

City of Moreno Valley

2010-11 Preliminary Base Operating budget

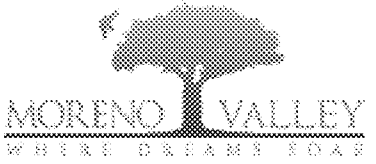

Internal Service Funds

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	General Liability 741	Workers' Compensation 745	Technology Services 750	Facilities 754	Equipment Maintenance 755	Equipment Replacement Reserve 757	Total
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	1,031,000	-	4,018,000	4,079,100	714,500	-	9,842,600
Interest Income	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	300	870,800	264,600	32,300	3,800	2,306,500	3,478,300
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Expenditures							
Operating:							
Personnel Services	116,200	52,100	2,024,500	1,037,300	262,500	-	3,492,600
Contractual Services	1,182,700	462,100	1,359,000	2,036,800	10,000	-	5,050,600
Materials & Supplies	4,000	3,400	401,400	123,500	383,000	-	915,300
Debt Service	-	-	-	-	-	-	-
Fixed Charges	59,200	204,500	517,300	454,700	59,800	284,000	1,579,500
Transfers Out	-	-	-	822,025	-	-	822,025
Total Operating Expenditures	**1,362,100**	**722,100**	**4,302,200**	**4,474,325**	**715,300**	**284,000**	**11,860,025**
Capital :							
Fixed Assets	-	-	597,700	-	-	92,000	689,700
Total Capital Expenditures	**-**	**-**	**597,700**	**-**	**-**	**92,000**	**689,700**
Total Program Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Increase in Reserve for Contingencies							
Total Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Net Revenues Over (Under) Expenditures	**(330,800)**	**148,700**	**(617,300)**	**(362,925)**	**3,000**	**1,930,500**	**771,175**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	General Liability Administration 741.74110	Workers' Compensation Administration 745.74510	Enterprise Applications Systems 750.32010	Hardware & Operating Systems 750.32110	Telephony Communications 750.32210	GIS 750.32510	Facilities 754.75410
Expenditures							
Operating:							
Personnel Services	116,200	52,100	504,200	588,600	419,000	512,700	857,300
Contractual Services	1,182,700	462,100	702,300	275,100	152,600	229,000	118,200
Materials & Supplies	4,000	3,400	32,800	221,700	120,400	26,500	21,200
Debt Service	-	-	-	-	-	-	-
Fixed Charges	59,200	204,500	23,600	318,600	156,200	18,900	164,300
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	1,362,100	722,100	1,262,900	1,404,000	848,200	787,100	1,161,000
Capital:							
Fixed Assets	-	-	50,000	328,200	203,500	16,000	-
Total Capital Expenditures	-	-	50,000	328,200	203,500	16,000	-
Total Program Expenditures	1,362,100	722,100	1,312,900	1,732,200	1,051,700	803,100	1,161,000

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Facilities City Hall 754.75411	Facilities Corp. Yard 754.75412	Facilities Transp. Trailer 754.75413	Facilities PSB 754.75414	Facilities Library 754.75415	Facilities Pro Shop 754.75416	Facilities MVTV Studio 754.75417
Expenditures							
Operating:							
Personnel Services	600	400	-	400	300	300	200
Contractual Services	406,900	78,200	3,100	338,500	81,700	26,600	11,100
Materials & Supplies	36,000	10,700	600	6,100	2,600	800	300
Debt Service	-	-	-	-	-	-	-
Fixed Charges	164,400	31,300	1,700	7,100	-	-	-
Transfers Out	822,025	-	-	-	-	-	-
Total Operating Expenditures	1,429,925	120,600	5,400	352,100	84,600	27,700	11,600
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	1,429,925	120,600	5,400	352,100	84,600	27,700	11,600

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Facilities Animal Shelter 754.75418	Facilities Senior Center 754.75419	Facilities TownGate CC 754.75421	Facilities March Field CC 754.75422	Facilities TS Annex 754.75423	Facilities CRC 754.75424	Facilities ESA Annex 754.75426
Expenditures							
Operating:							
Personnel Services	300	200	200	200	200	500	200
Contractual Services	101,400	80,900	36,800	32,200	23,700	252,700	11,300
Materials & Supplies	6,000	2,900	900	700	1,100	9,600	1,000
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	9,800	-	-	69,500	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	107,700	93,800	37,900	33,100	94,500	262,800	12,500
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	107,700	93,800	37,900	33,100	94,500	262,800	12,500

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Facilities Maintenance Annex 1 754.75429	Facilities Maintenance F.S. #2 754.75430	Facilities Maintenance F.S. #6 754.75431	Facilities Maintenance F.S. #48 754.75432	Facilities Maintenance F.S. #58 (Eucalyptus) 754.75433	Facilities Maintenance F.S. #65 754.75434	Facilities Maintenance F.S. #91 754.75435
Expenditures							
Operating:							
Personnel Services	200	200	200	200	200	200	200
Contractual Services	17,100	48,000	48,900	43,900	48,100	42,100	49,700
Materials & Supplies	1,400	2,900	2,900	2,900	2,400	2,900	1,900
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	18,700	51,100	52,000	47,000	50,700	45,200	51,800
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	18,700	51,100	52,000	47,000	50,700	45,200	51,800

MV00055183

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Security Guards 754.75436	Facilities Maintenance MV Utilities Field Office 754.75437	Veteran's Memorial 754.75438	Emergency Operations Center 754.75439	Equipment Maintenance 755.75510	Fixed Asset Replacement - COMV 757.99401	Fixed Asset Replacement - CSD 757.99402	Total
Expenditures								
Operating:								
Personnel Services	174,200	200	-	200	262,500	-	-	3,492,600
Contractual Services	42,600	5,100	8,000	80,000	10,000	-	-	5,050,600
Materials & Supplies	100	1,300	3,000	1,300	383,000	-	-	915,300
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	6,600	-	-	-	59,800	239,100	44,900	1,579,500
Transfers Out	-	-	-	-	-	-	-	822,025
Total Operating Expenditures	223,500	6,600	11,000	81,500	715,300	239,100	44,900	11,860,025
Capital:								
Fixed Assets	-	-	-	-	-	54,000	38,000	689,700
Total Capital Expenditures	-	-	-	-	-	54,000	38,000	689,700
Total Program Expenditures	223,500	6,600	11,000	81,500	715,300	293,100	82,900	12,549,725

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: General Liability Administration FUND: 741

PROGRAM NUMBER: 74110

PROGRAM OBJECTIVE: To administer the City's risk management program including insurance premiums, adjusting fees, legal expenses and reserves.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 181,210	$ 132,520	(26.87%)	$ 118,695	$ 117,363	(11.44%)	$ 116,200	(2.10%)
Contractual Services	1,114,843	793,229	(28.85%)	1,033,768	1,089,792	37.39%	1,182,700	14.41%
Materials & Supplies	2,375	885	(62.74%)	4,100	3,000	238.98%	4,000	(2.44%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	134,000	(265,702)	(298.29%)	59,298	59,298	(122.32%)	59,200	(0.17%)
Transfers Out	500,274	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,932,702	$ 660,932	(65.80%)	$ 1,215,861	$ 1,269,453	92.07%	$ 1,362,100	12.03%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,932,702	$ 660,932	(65.80%)	$ 1,215,861	$ 1,269,453	92.07%	$ 1,362,100	12.03%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Workers' Compensation Administration FUND: 745

PROGRAM NUMBER: 74510

PROGRAM OBJECTIVE: To manage and administer employee disability and injury costs with emphasis placed on employee training in occupational safety, safety awareness and employee health and fitness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 182,544	$ 40,717	(77.69%)	$ 55,731	$ 55,731	36.87%	$ 52,100	(6.52%)
Contractual Services	573,930	437,222	(23.82%)	462,150	466,796	6.76%	462,100	(0.01%)
Materials & Supplies	2,656	1,573	(40.78%)	3,450	950	(39.61%)	3,400	(1.45%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	505,394	(11,320)	(102.24%)	350,544	350,544	(3,196.68%)	204,500	(41.66%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,264,524	$ 468,192	(62.97%)	$ 871,875	$ 874,021	86.68%	$ 722,100	(17.18%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,264,524	$ 468,192	(62.97%)	$ 871,875	$ 874,021	86.68%	$ 722,100	(17.18%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Workers' Compensation Claims FUND: 745

PROGRAM NUMBER: 74511

PROGRAM OBJECTIVE: To manage and administer employee disability and injury costs with emphasis placed on employee training in occupational safety, safety awareness and employee health and fitness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 32,219	$ 54,588	69.43%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	119	49	(58.82%)	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 32,338	$ 54,637	68.96%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 32,338	$ 54,637	68.96%	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Enterprise Applications Systems FUND: 750

PROGRAM NUMBER: 32010

PROGRAM OBJECTIVE: To administer the City's enterprise software systems including programming and integration.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,085,527	$ 613,571	(43.48%)	$ 513,289	$ 513,289	(16.34%)	$ 504,200	(1.77%)
Contractual Services	340,399	587,661	72.64%	975,186	771,245	31.24%	702,300	(27.98%)
Materials & Supplies	10,916	3,380	(69.04%)	61,512	21,580	538.46%	32,800	(46.68%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	43,733	36,741	(15.99%)	23,536	23,536	(35.94%)	23,600	0.27%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,480,575	$ 1,241,353	(16.16%)	$ 1,573,523	$ 1,329,650	7.11%	$ 1,262,900	(19.74%)
Capital Expenditures								
Fixed Assets	-	-	-	86,540	9,000	100.00%	50,000	(42.22%)
Total Capital Expenditures	$ -	$ -	-	$ 86,540	$ 9,000	100.00%	$ 50,000	455.56%
Total Program Budget	$ 1,480,575	$ 1,241,353	(16.16%)	$ 1,660,063	$ 1,338,650	7.84%	$ 1,312,900	(20.91%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Hardware & Operating Systems FUND: 750

PROGRAM NUMBER: 32110

PROGRAM OBJECTIVE: To administer the City's wide area and local area network including desktop hardware and operating systems.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 636,837	$ 724,891	13.83%	$ 608,318	$ 568,318	(21.60%)	$ 588,600	(3.24%)
Contractual Services	169,602	133,593	(21.23%)	248,560	243,460	82.24%	275,100	10.68%
Materials & Supplies	220,117	160,348	(27.15%)	319,809	202,969	26.58%	221,700	(30.68%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	481,262	385,953	(19.80%)	318,730	318,730	(17.42%)	318,600	(0.04%)
Transfers Out	194	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,508,012	$ 1,404,785	(6.85%)	$ 1,495,417	$ 1,333,477	(5.08%)	$ 1,404,000	(6.11%)
Capital Expenditures								
Fixed Assets	1	-	(100.00%)	337,000	173,000	100.00%	328,200	(2.61%)
Total Capital Expenditures	$ 1	$ -	(100.00%)	$ 337,000	$ 173,000	100.00%	$ 328,200	89.71%
Total Program Budget	$ 1,508,013	$ 1,404,785	(6.85%)	$ 1,832,417	$ 1,506,477	7.24%	$ 1,732,200	(5.47%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Communications FUND: 750

PROGRAM NUMBER: 32210

PROGRAM OBJECTIVE: To provide and administer the City's comprehensive voice, data, video, and radio communications programs, including support of two City-owned amateur radio repeaters. This includes all services utilizing the common communications network that interconnects City facilities, offices, and end-users.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 176,107	$ 470,000	166.88%	$ 433,646	$ 433,646	(7.73%)	$ 419,000	(3.38%)
Contractual Services	28,651	90,558	216.07%	149,545	131,670	45.40%	152,600	2.04%
Materials & Supplies	30,009	36,923	23.04%	115,450	61,550	66.70%	120,400	4.29%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	76,905	179,421	133.30%	156,470	156,470	(12.79%)	156,200	(0.17%)
Transfers Out	-	-	-	5,000	-	-	-	(100.00%)
Total Operating Expenditures	$ 311,672	$ 776,902	149.27%	$ 860,111	$ 783,336	0.83%	$ 848,200	(1.38%)
Capital Expenditures								
Fixed Assets	-	-	-	439,804	317,505	100.00%	203,500	(53.73%)
Total Capital Expenditures	$ -	$ -	-	$ 439,804	$ 317,505	100.00%	$ 203,500	(35.91%)
Total Program Budget	$ 311,672	$ 776,902	149.27%	$ 1,299,915	$ 1,100,841	41.70%	$ 1,051,700	(19.09%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Radio Communications FUND: 750

PROGRAM NUMBER: 32310

PROGRAM OBJECTIVE: To administer the City's comprehensive 2-way radio communications program including support of two City owned amateur radio repeaters.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 123,852	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	13,463	-	(100.00%)	-	-	-	-	-
Materials & Supplies	39,552	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	36,452	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 213,319	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 213,319	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Backbone Communications FUND: 750

PROGRAM NUMBER: 32410

PROGRAM OBJECTIVE: To provide communication services utilizing a common communications network, interconnecting all City offices and end-users to enable the sharing of voice, data and video applications.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 127,752	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	76,562	-	(100.00%)	-	-	-	-	-
Materials & Supplies	27,275	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	91,238	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 322,827	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 322,827	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: GIS FUND: 750

PROGRAM NUMBER: 32510

PROGRAM OBJECTIVE: To provide and administer the City's Geographic Information Systems for City staff as well as citizen access to GIS resources. This includes all resources necessary to provide for the timely updating of orthophotographic images, County Assessor parcel information, or any other information related to City-maintained geographic information.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 364,414	100.00%	$ 526,138	$ 526,138	44.38%	$ 512,700	(2.55%)
Contractual Services	-	154,883	100.00%	368,910	190,910	23.26%	229,000	(37.93%)
Materials & Supplies	-	12,195	100.00%	37,190	37,190	204.96%	26,500	(28.74%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	11,741	100.00%	19,003	19,003	61.85%	18,900	(0.54%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 543,233	100.00%	$ 951,241	$ 773,241	42.34%	$ 787,100	(17.26%)
Capital Expenditures								
Fixed Assets	-	-	-	50,500	30,500	100.00%	16,000	(68.32%)
Total Capital Expenditures	$ -	$ -	-	$ 50,500	$ 30,500	100.00%	$ 16,000	(47.54%)
Total Program Budget	$ -	$ 543,233	100.00%	$ 1,001,741	$ 803,741	47.96%	$ 803,100	(19.83%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Central Stores FUND: 751

PROGRAM NUMBER: 75110

PROGRAM OBJECTIVE: To provide effective and efficient management of centralized receiving and delivery of purchased goods, and to provide for the timely and economical receiving and distribution of City mail for all office locations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 144,167	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	122,678	-	(100.00%)	-	-	-	-	-
Materials & Supplies	9,039	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	13,952	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 289,836	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	(1)	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ (1)	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 289,835	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Graphics Support FUND: 752

PROGRAM NUMBER: 75210

PROGRAM OBJECTIVE: To administer a comprehensive graphics support program for all City departments.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	20,563	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 20,563	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 20,563	$ -	(100.00%)	$ -	$ -	-	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities FUND: 754

PROGRAM NUMBER: 75410

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned general public facilities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 835,311	$ 963,476	15.34%	$ 887,569	$ 757,700	(21.36%)	$ 857,300	(3.41%)
Contractual Services	51,905	30,075	(42.06%)	278,990	239,000	694.68%	118,200	(57.63%)
Materials & Supplies	23,473	23,848	1.60%	20,654	16,900	(29.13%)	21,200	2.64%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	218,076	157,479	(27.79%)	159,289	159,300	1.16%	164,300	3.15%
Transfers Out	895	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,129,660	$ 1,174,878	4.00%	$ 1,346,502	$ 1,172,900	(0.17%)	$ 1,161,000	(13.78%)
Capital Expenditures								
Fixed Assets	-	-	-	41,884	-	-	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 41,884	$ -	-	$ -	-
Total Program Budget	$ 1,129,660	$ 1,174,878	4.00%	$ 1,388,386	$ 1,172,900	(0.17%)	$ 1,161,000	(16.38%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - City Hall FUND: 754

PROGRAM NUMBER: 75411

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned City Hall facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 3,485	$ 1,217	(65.08%)	$ 500	$ 500	(58.92%)	$ 600	20.00%
Contractual Services	355,992	339,016	(4.77%)	422,425	371,700	9.64%	406,900	(3.68%)
Materials & Supplies	45,814	36,097	(21.21%)	35,000	36,000	(0.27%)	36,000	2.86%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	63,339	164,398	159.55%	164,365	164,400	0.00%	164,400	0.02%
Transfers Out	811,498	645,569	(20.45%)	859,540	859,500	33.14%	822,025	(4.36%)
Total Operating Expenditures	$ 1,280,128	$ 1,186,297	(7.33%)	$ 1,481,830	$ 1,432,100	20.72%	$ 1,429,925	(3.50%)
Capital Expenditures								
Fixed Assets	-	-	-	410,000	410,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 410,000	$ 410,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 1,280,128	$ 1,186,297	(7.33%)	$ 1,891,830	$ 1,842,100	55.28%	$ 1,429,925	(24.42%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Corp. Yard FUND: 754

PROGRAM NUMBER: 75412

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Corporate Yard facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 653	$ 284	(56.51%)	$ 300	$ 300	5.63%	$ 400	33.33%
Contractual Services	71,482	70,523	(1.34%)	79,671	74,900	6.21%	78,200	(1.85%)
Materials & Supplies	11,098	9,985	(10.03%)	11,220	11,200	12.17%	10,700	(4.63%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	31,143	32,991	5.93%	31,274	31,300	(5.13%)	31,300	0.08%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 114,376	$ 113,783	(0.52%)	$ 122,465	$ 117,700	3.44%	$ 120,600	(1.52%)
Capital Expenditures								
Fixed Assets	-	-	-	170,900	-	-	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 170,900	$ -	-	$ -	-
Total Program Budget	$ 114,376	$ 113,783	(0.52%)	$ 293,365	$ 117,700	3.44%	$ 120,600	(58.89%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Transp. Trailer FUND: 754

PROGRAM NUMBER: 75413

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Transportation Trailer.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	3,460	2,762	(20.17%)	3,020	2,900	5.00%	3,100	2.65%
Materials & Supplies	102	756	641.18%	500	600	5.82%	600	20.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,738	1,738	-	1,738	1,700	(2.19%)	1,700	(2.19%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 5,300	$ 5,256	(0.83%)	$ 5,258	$ 5,400	2.74%	$ 5,400	2.70%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 5,300	$ 5,256	(0.83%)	$ 5,258	$ 5,400	2.74%	$ 5,400	2.70%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - PSB

FUND: 754

PROGRAM NUMBER: 75414

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Public Safety Building facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 241	$ 54	(77.59%)	$ 300	$ 300	455.56%	$ 400	33.33%
Contractual Services	306,556	307,728	0.38%	333,780	323,600	5.16%	338,500	1.41%
Materials & Supplies	8,564	6,350	(25.85%)	5,650	6,100	(3.94%)	6,100	7.96%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	2,405	100.00%	7,116	7,100	195.22%	7,100	(0.22%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 315,361	$ 316,537	0.37%	$ 346,846	$ 337,100	6.50%	$ 352,100	1.51%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 315,361	$ 316,537	0.37%	$ 346,846	$ 337,100	6.50%	$ 352,100	1.51%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Library

FUND: 754

PROGRAM NUMBER: 75415

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned and leased Library facilities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 627	$ 225	(64.11%)	$ -	$ 200	(11.11%)	$ 300	100.00%
Contractual Services	80,833	79,918	(1.13%)	81,720	77,800	(2.65%)	81,700	(0.02%)
Materials & Supplies	3,121	2,800	(10.29%)	2,600	2,600	(7.14%)	2,600	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	(131)	15	(111.45%)	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 84,450	$ 82,958	(1.77%)	$ 84,320	$ 80,600	(2.84%)	$ 84,600	0.33%
Capital Expenditures								
Fixed Assets	-	-	-	13,000	11,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 13,000	$ 11,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 84,450	$ 82,958	(1.77%)	$ 97,320	$ 91,600	10.42%	$ 84,600	(13.07%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Pro Shop FUND: 754

PROGRAM NUMBER: 75416

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Pro Shop facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 150	$ 700	100.00%	$ 300	100.00%
Contractual Services	24,668	22,621	(8.30%)	26,675	24,500	8.31%	26,600	(0.28%)
Materials & Supplies	749	699	(6.68%)	750	800	14.45%	800	6.67%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 25,417	$ 23,320	(8.25%)	$ 27,575	$ 26,000	11.49%	$ 27,700	0.45%
Capital Expenditures								
Fixed Assets	-	-	-	46,000	46,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 46,000	$ 46,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 25,417	$ 23,320	(8.25%)	$ 73,575	$ 72,000	208.75%	$ 27,700	(62.35%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - MVTV Studio FUND: 754

PROGRAM NUMBER: 75417

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned MVTV Studio facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 49	$ -	(100.00%)	$ 50	$ 100	100.00%	$ 200	300.00%
Contractual Services	9,748	8,798	(9.75%)	10,010	11,100	26.17%	11,100	10.89%
Materials & Supplies	20	471	2,255.00%	200	300	(36.31%)	300	50.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 9,817	$ 9,269	(5.58%)	$ 10,260	$ 11,500	24.07%	$ 11,600	13.06%
Capital Expenditures								
Fixed Assets	-	-	-	46,000	46,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 46,000	$ 46,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 9,817	$ 9,269	(5.58%)	$ 56,260	$ 57,500	520.35%	$ 11,600	(79.38%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Animal Shelter FUND: 754

PROGRAM NUMBER: 75418

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Animal Shelter facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 223	$ 564	152.91%	$ 200	$ 200	(64.54%)	$ 300	50.00%
Contractual Services	85,666	91,005	6.23%	95,850	96,800	6.37%	101,400	5.79%
Materials & Supplies	2,677	6,957	159.88%	5,900	6,000	(13.76%)	6,000	1.69%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 88,566	$ 98,526	11.25%	$ 101,950	$ 103,000	4.54%	$ 107,700	5.64%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 88,566	$ 98,526	11.25%	$ 101,950	$ 103,000	4.54%	$ 107,700	5.64%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Senior Center FUND: 754

PROGRAM NUMBER: 75419

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Senior Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 8	$ 122	1,425.00%	$ 50	$ 100	(18.03%)	$ 200	300.00%
Contractual Services	85,052	75,645	(11.06%)	95,505	97,500	28.89%	80,900	(15.29%)
Materials & Supplies	3,255	4,113	26.36%	2,400	2,900	(29.49%)	2,900	20.83%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	5,840	5,970	2.23%	9,737	9,700	62.48%	9,800	0.65%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 94,155	$ 85,850	(8.82%)	$ 107,692	$ 110,200	28.36%	$ 93,800	(12.90%)
Capital Expenditures								
Fixed Assets	-	-	-	111,000	75,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 111,000	$ 75,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 94,155	$ 85,850	(8.82%)	$ 218,692	$ 185,200	115.73%	$ 93,800	(57.11%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - TownGate CC FUND: 754

PROGRAM NUMBER: 75421

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Towngate Community Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 281	$ 121	(56.94%)	$ 100	$ 100	(17.36%)	$ 200	100.00%
Contractual Services	28,188	31,438	11.53%	37,225	36,800	17.06%	36,800	(1.14%)
Materials & Supplies	542	1,460	169.37%	900	900	(38.36%)	900	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 29,011	$ 33,019	13.82%	$ 38,225	$ 37,800	14.48%	$ 37,900	(0.85%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 29,011	$ 33,019	13.82%	$ 38,225	$ 37,800	14.48%	$ 37,900	(0.85%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - March Field CC FUND: 754

PROGRAM NUMBER: 75422

PROGRAM OBJECTIVE: To provide the maintenance program for the March Field Community Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 34	100.00%	$ 100	$ -	(100.00%)	$ 200	100.00%
Contractual Services	38,591	31,936	(17.24%)	37,675	28,200	(11.70%)	32,200	(14.53%)
Materials & Supplies	252	194	(23.02%)	750	500	157.73%	700	(6.67%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 38,843	$ 32,164	(17.19%)	$ 38,525	$ 28,700	(10.77%)	$ 33,100	(14.08%)
Capital Expenditures								
Fixed Assets	-	-	-	54,000	54,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 54,000	$ 54,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 38,843	$ 32,164	(17.19%)	$ 92,525	$ 82,700	157.12%	$ 33,100	(64.23%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - TS Annex FUND: 754

PROGRAM NUMBER: 75423

PROGRAM OBJECTIVE: To provide the maintenance program for the City leased Tech Services Annex facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ 100	100.00%	$ 200	100.00%
Contractual Services	16,752	19,816	18.29%	23,900	22,300	12.54%	23,700	(0.84%)
Materials & Supplies	2,181	986	(54.79%)	1,280	1,100	11.56%	1,100	(14.06%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	100,055	63,860	(36.18%)	69,500	67,000	4.92%	69,500	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 118,988	$ 84,662	(28.85%)	$ 94,680	$ 90,500	6.90%	$ 94,500	(0.19%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 118,988	$ 84,662	(28.85%)	$ 94,680	$ 90,500	6.90%	$ 94,500	(0.19%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - CRC

FUND: 754

PROGRAM NUMBER: 75424

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Conference and Recreation Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,096	$ 374	(65.88%)	$ 400	$ 400	6.95%	$ 500	25.00%
Contractual Services	211,676	215,003	1.57%	252,760	247,600	15.16%	252,700	(0.02%)
Materials & Supplies	8,923	8,621	(3.38%)	9,650	9,600	11.36%	9,600	(0.52%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	485	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 221,695	$ 224,483	1.26%	$ 262,810	$ 257,600	14.75%	$ 262,800	(0.00%)
Capital Expenditures								
Fixed Assets	-	-	-	167,248	165,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 167,248	$ 165,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 221,695	$ 224,483	1.26%	$ 430,058	$ 422,600	88.25%	$ 262,800	(38.89%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Facilities Annex FUND: 754

PROGRAM NUMBER: 75425

PROGRAM OBJECTIVE: To provide the maintenance program for the City leased Facilities Annex facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	6,143	6,143	-	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 6,143	$ 6,143	-	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 6,143	$ 6,143	-	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - ESA Annex FUND: 754

PROGRAM NUMBER: 75426

PROGRAM OBJECTIVE: To provide the maintenance program for the City leased Enterprise Services Administration Annex facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 200	100.00%
Contractual Services	12,732	11,363	(10.75%)	11,205	11,300	(0.55%)	11,300	0.85%
Materials & Supplies	815	1,604	96.81%	800	1,000	(37.66%)	1,000	25.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	621	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 13,547	$ 13,588	0.30%	$ 12,005	$ 12,300	(9.48%)	$ 12,500	4.12%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,547	$ 13,588	0.30%	$ 12,005	$ 12,300	(9.48%)	$ 12,500	4.12%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Warner Ranch Police Station Satellite Office FUND: 754

PROGRAM NUMBER: 75428

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Warner Ranch Police Station Satellite Office facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 168	100.00%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	11,963	763	(93.62%)	-	-	(100.00%)	-	-
Materials & Supplies	513	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 12,476	$ 931	(92.54%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 12,476	$ 931	(92.54%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Annex 1 FUND: 754

PROGRAM NUMBER: 75429

PROGRAM OBJECTIVE: To Provide the maintenance program for the City owned Annex 1 facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 150	$ -	-	$ 200	33.33%
Contractual Services	13,987	15,248	9.02%	38,700	12,100	(20.65%)	17,100	(55.81%)
Materials & Supplies	184	584	217.39%	15,100	1,100	88.36%	1,400	(90.73%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 14,171	$ 15,832	11.72%	$ 53,950	$ 13,200	(16.62%)	$ 18,700	(65.34%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 14,171	$ 15,832	11.72%	$ 53,950	$ 13,200	(16.62%)	$ 18,700	(65.34%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #2 FUND: 754

PROGRAM NUMBER: 75430

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #2.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 100	$ 100	100.00%	$ 200	100.00%
Contractual Services	30,513	35,467	16.24%	50,425	42,900	20.96%	48,000	(4.81%)
Materials & Supplies	1,118	1,613	44.28%	3,050	2,900	79.79%	2,900	(4.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 31,631	$ 37,080	17.23%	$ 53,575	$ 45,900	23.79%	$ 51,100	(4.62%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 31,631	$ 37,080	17.23%	$ 53,575	$ 45,900	23.79%	$ 51,100	(4.62%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #6 FUND: 754

PROGRAM NUMBER: 75431

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #6.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 66	$ 71	7.58%	$ 100	$ -	(100.00%)	$ 200	100.00%
Contractual Services	42,526	33,572	(21.06%)	52,500	46,400	38.21%	48,900	(6.86%)
Materials & Supplies	1,972	5,406	174.14%	3,250	2,400	(55.60%)	2,900	(10.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 44,564	$ 39,049	(12.38%)	$ 55,850	$ 48,800	24.97%	$ 52,000	(6.89%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 44,564	$ 39,049	(12.38%)	$ 55,850	$ 48,800	24.97%	$ 52,000	(6.89%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #48 FUND: 754

PROGRAM NUMBER: 75432

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #48.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 100	$ 100	100.00%	$ 200	100.00%
Contractual Services	24,389	31,736	30.12%	46,450	37,900	19.42%	43,900	(5.49%)
Materials & Supplies	1,129	1,157	2.48%	3,250	2,900	150.65%	2,900	(10.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	878	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 25,518	$ 33,771	32.34%	$ 49,800	$ 40,900	21.11%	$ 47,000	(5.62%)
Capital Expenditures								
Fixed Assets	-	-	-	51,308	51,300	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 51,308	$ 51,300	100.00%	$ -	(100.00%)
Total Program Budget	$ 25,518	$ 33,771	32.34%	$ 101,108	$ 92,200	173.02%	$ 47,000	(53.52%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #58 FUND: 754

PROGRAM NUMBER: 75433

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #58.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 15	100.00%	$ 100	$ 100	566.67%	$ 200	100.00%
Contractual Services	9,900	25,770	160.30%	49,500	42,300	64.14%	48,100	(2.83%)
Materials & Supplies	174	1,169	571.84%	2,300	2,200	88.20%	2,400	4.35%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,074	$ 26,954	167.56%	$ 51,900	$ 44,600	65.47%	$ 50,700	(2.31%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,074	$ 26,954	167.56%	$ 51,900	$ 44,600	65.47%	$ 50,700	(2.31%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #65 FUND: 754

PROGRAM NUMBER: 75434

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #65.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 59	$ 60	1.69%	$ 100	$ 100	66.67%	$ 200	100.00%
Contractual Services	28,790	111,947	288.84%	43,150	37,600	(66.41%)	42,100	(2.43%)
Materials & Supplies	841	2,505	197.86%	3,050	2,900	15.77%	2,900	(4.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 29,690	$ 114,512	285.69%	$ 46,300	$ 40,600	(64.55%)	$ 45,200	(2.38%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 29,690	$ 114,512	285.69%	$ 46,300	$ 40,600	(64.55%)	$ 45,200	(2.38%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #91 FUND: 754

PROGRAM NUMBER: 75435

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #91.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 90	100.00%	$ 100	$ 100	11.11%	$ 200	100.00%
Contractual Services	28,249	39,404	39.49%	52,770	46,900	19.02%	49,700	(5.82%)
Materials & Supplies	1,163	1,437	23.56%	2,550	1,900	32.22%	1,900	(25.49%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 29,412	$ 40,931	39.16%	$ 55,420	$ 48,900	19.47%	$ 51,800	(6.53%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 29,412	$ 40,931	39.16%	$ 55,420	$ 48,900	19.47%	$ 51,800	(6.53%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Security Guards FUND: 754

PROGRAM NUMBER: 75436

PROGRAM OBJECTIVE: To provide a visible deterrent in areas where a high volume of foot traffic and resident interaction takes place, primarily to observe and assist staff as the need arises; patrol the perimeter of buildings; patrol the parking lots; and assist residents as requested.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 180,310	$ 156,447	(13.23%)	$ 192,671	$ 192,071	22.77%	$ 174,200	(9.59%)
Contractual Services	72,733	79,004	8.62%	42,600	10,000	(87.34%)	42,600	-
Materials & Supplies	719	-	(100.00%)	150	130	100.00%	100	(33.33%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	9,834	8,294	(15.66%)	6,635	6,635	(20.00%)	6,600	(0.53%)
Transfers Out	95	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 263,691	$ 243,745	(7.56%)	$ 242,056	$ 208,836	(14.32%)	$ 223,500	(7.67%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 263,691	$ 243,745	(7.56%)	$ 242,056	$ 208,836	(14.32%)	$ 223,500	(7.67%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Station #58 (Bay Ave.) FUND: 754

PROGRAM NUMBER: 75437

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #58 (Bay Ave).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 50	$ 100	100.00%	$ 200	300.00%
Contractual Services	-	4,502	100.00%	7,600	3,300	(26.70%)	5,100	(32.89%)
Materials & Supplies	-	647	100.00%	1,300	1,200	85.47%	1,300	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 5,149	100.00%	$ 8,950	$ 4,600	(10.66%)	$ 6,600	(26.26%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 5,149	100.00%	$ 8,950	$ 4,600	(10.66%)	$ 6,600	(26.26%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Veterans Memorial FUND: 754

PROGRAM NUMBER: 75438

PROGRAM OBJECTIVE: To provide the maintenance program for the Veterans Memorial.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	65	6,049	9,206.15%	9,000	6,500	7.46%	8,000	(11.11%)
Materials & Supplies	468	1,759	275.85%	3,700	2,500	42.13%	3,000	(18.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 533	$ 7,808	1,364.92%	$ 12,700	$ 9,000	15.27%	$ 11,000	(13.39%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 533	$ 7,808	1,364.92%	$ 12,700	$ 9,000	15.27%	$ 11,000	(13.39%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Emergency Operations Center FUND: 754

PROGRAM NUMBER: 75439

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Emergency Operations Center.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 200	100.00%
Contractual Services	-	-	-	-	-	-	80,000	100.00%
Materials & Supplies	-	-	-	-	-	-	1,300	100.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 81,500	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 81,500	100.00%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Equipment Maintenance FUND: 755

PROGRAM NUMBER: 75510

PROGRAM OBJECTIVE: To maintain the City's inventory of vehicles and equipment in such a fashion so as to ensure full operational life, minimal breakdowns, and operator safety.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 327,335	$ 346,068	5.72%	$ 259,770	$ 266,795	(22.91%)	$ 262,500	1.05%
Contractual Services	88,170	15,306	(82.64%)	10,022	10,022	(34.52%)	10,000	(0.22%)
Materials & Supplies	511,573	398,898	(22.03%)	385,965	378,965	(5.00%)	383,000	(0.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	58,217	61,261	5.23%	60,018	60,018	(2.03%)	59,800	(0.36%)
Transfers Out	1,255	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 986,550	$ 821,533	(16.73%)	$ 715,775	$ 715,800	(12.87%)	$ 715,300	(0.07%)
Capital Expenditures								
Fixed Assets	(1)	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ (1)	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 986,549	$ 821,533	(16.73%)	$ 715,775	$ 715,800	(12.87%)	$ 715,300	(0.07%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fixed Asset Replacement - COMV FUND: 757

PROGRAM NUMBER: 99401

PROGRAM OBJECTIVE: To manage and account for the replacement of COMV assets.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	259,460	262,010	0.98%	239,167	239,167	(8.72%)	239,100	(0.03%)
Transfers Out	786,765	1,039,798	32.16%	34,298	12,000	(98.85%)	-	(100.00%)
Total Operating Expenditures	$ 1,046,225	$ 1,301,808	24.43%	$ 273,465	$ 251,167	(80.71%)	$ 239,100	(12.57%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	54,000	100.00%
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ 54,000	100.00%
Total Program Budget	$ 1,046,225	$ 1,301,808	24.43%	$ 273,465	$ 251,167	(80.71%)	$ 293,100	7.18%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fixed Asset Replacement - CSD FUND: 757

PROGRAM NUMBER: 99402

PROGRAM OBJECTIVE: To manage and account for the replacement of CSD assets.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	72,048	27,115	(62.37%)	44,945	44,945	65.76%	44,900	(0.10%)
Transfers Out	60,385	18,966	(68.59%)	87,640	87,640	362.09%	-	(100.00%)
Total Operating Expenditures	$ 132,433	$ 46,081	(65.20%)	$ 132,585	$ 132,585	187.72%	$ 44,900	(66.13%)
Capital Expenditures								
Fixed Assets	(1)	-	(100.00%)	-	-	-	38,000	100.00%
Total Capital Expenditures	$ (1)	$ -	(100.00%)	$ -	$ -	-	$ 38,000	100.00%
Total Program Budget	$ 132,432	$ 46,081	(65.20%)	$ 132,585	$ 132,585	187.72%	$ 82,900	(37.47%)

City of Moreno Valley

2010-11 Preliminary Base Operating budget

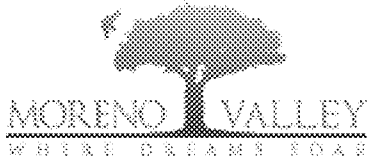

Debt Service Funds

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	2005 Lease Revenue Bonds 301	2007 Towngate Improvement Tax Ref 313	2007 Towngate Special Tax Ref 315	Assessment Dist. 98-1 316	City Hall COP 97 321	Pub. Safety Lease Rev. Bond 325	Auto Mall 328	Automall CFD#5 Stoneridge 329	CFD #4! Infra Debt Service 330	OPA Sales Tax #2 340	Total
Revenues											
Property Taxes	-	-	-	2,700	-	-	-	-	-	-	2,700
Gas Taxes	-	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	750,000	-	-	-	750,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	114,400	-	-	-	-	1,217,600	362,100	-	-	1,694,100
Franchise Fees	-	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-	-
Interest Income	-	100	500	-	-	-	500	100	-	350,000	351,200
Bond Proceeds	-	-	-	-	-	-	-	-	12,300,000	-	12,300,000
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-	-
Transfers In	2,644,491	279,500	1,158,200	-	822,025	404,200	220,000	-	-	-	5,528,416
Total Operating Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Reserves	-	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Expenditures											
Operating:											
Personnel Services	-	-	-	-	-	-	-	-	-	-	-
Contractual Services	5,000	-	-	-	70,000	3,483	-	-	-	-	78,483
Materials & Supplies	-	-	-	-	-	-	-	-	-	-	-
Debt Service	2,639,491	355,300	1,012,500	2,400	752,025	400,717	2,354,300	307,600	1,085,300	-	8,909,633
Fixed Charges	-	-	-	-	-	-	-	-	-	-	-
Transfers Out	-	38,250	145,650	-	-	-	62,500	54,000	10,407,900	-	10,708,300
Total Operating Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Capital :											
Fixed Assets	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Increase in Reserve for Contingencies											
Total Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Net Revenues Over (Under) Expenditur	**-**	**450**	**550**	**300**	**-**	**-**	**(228,700)**	**600**	**806,800**	**350,000**	**930,000**

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	2005 Lease Revenue Bonds 301.93310	2007 Towngate Improvement Tax Ref 313.93710	2007 Towngate Special Tax Ref 315.93810	Assessment Dist. 98-1 316.93110	City Hall Certificates of Participation Series 97 321.92010
Expenditures					
Operating:					
Personnel Services	-	-	-	-	-
Contractual Services	5,000	-	-	-	70,000
Materials & Supplies	-	-	-	-	-
Debt Service	2,639,491	355,300	1,012,500	2,400	752,025
Fixed Charges	-	-	-	-	-
Transfers Out	-	38,250	145,650	-	-
Total Operating Expenditures	2,644,491	393,550	1,158,150	2,400	822,025
Capital:					
Fixed Assets	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-
Total Program Expenditures	2,644,491	393,550	1,158,150	2,400	822,025

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	Public Safety Lease Revenue Bonds 1997 325.92110	Automall Refinancing CFD 3 328.92710	Automall CFD #5 Stoneridge 329.93410	CFD # 4I Infra Debt Srv Fund 330.93610	Total
Expenditures					
Operating:					
Personnel Services	-	-	-	-	-
Contractual Services	3,483	-	-	-	78,483
Materials & Supplies	-	-	-	-	-
Debt Service	400,717	2,354,300	307,600	1,085,300	8,909,633
Fixed Charges	-	-	-	-	-
Transfers Out	-	62,500	54,000	10,407,900	10,708,300
Total Operating Expenditures	404,200	2,416,800	361,600	11,493,200	19,696,416
Capital:					
Fixed Assets	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-
Total Program Expenditures	404,200	2,416,800	361,600	11,493,200	19,696,416

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2005 Lease Revenue Bonds FUND: 301

PROGRAM NUMBER: 93310

PROGRAM OBJECTIVE: To provide resources to finance the following capital improvements: Sunnymead Boulevard, Public Safety Building Expansion, Kitching Street, Electric Utility Infrastructure, Ironwood/Heacock, Ironwood/Box Springs, Laselle Street and Fire Station No. 58.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,875	5,372	86.85%	3,834	5,000	(6.92%)	5,000	30.41%
Materials & Supplies	-	-	-	150	-	-	-	(100.00%)
Debt Service	2,686,353	2,645,965	(1.50%)	2,643,515	2,643,515	(0.09%)	2,639,491	(0.15%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	1,034,763	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 2,689,228	$ 3,686,100	37.07%	$ 2,647,499	$ 2,648,515	(28.15%)	$ 2,644,491	(0.11%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,689,228	$ 3,686,100	37.07%	$ 2,647,499	$ 2,648,515	(28.15%)	$ 2,644,491	(0.11%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Improvement Area 1 FUND: 303

PROGRAM NUMBER: 92810

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the Improvement Area No. 1 Bond issued April 1, 1993.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	4,210,588	-	(100.00%)	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	78,760	962,039	1,121.48%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 4,289,348	$ 962,039	(77.57%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,289,348	$ 962,039	(77.57%)	$ -	$ -	(100.00%)	$ -	-

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Refunding FUND: 305

PROGRAM NUMBER: 92210

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the refinancing of Towngate Special Tax Bonds, Series A and B, issued June 1, 1994.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	13,828	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	12,891,225	-	(100.00%)	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	668,208	4,363,634	553.04%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 13,573,261	$ 4,363,634	(67.85%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,573,261	$ 4,363,634	(67.85%)	$ -	$ -	(100.00%)	$ -	-

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Towngate Improvement Tax Refunding Debt Service FUND: 313

PROGRAM NUMBER: 93710

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to CFD No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Refunding Bonds issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	195,491	395,859	102.49%	358,029	358,029	(9.56%)	355,300	(0.76%)
Fixed Charges	-	34,500	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	3,966,581	100.00%	38,250	38,250	(99.04%)	38,250	-
Total Operating Expenditures	$ 195,491	$ 4,396,940	2,149.18%	$ 396,279	$ 396,279	(90.99%)	$ 393,550	(0.69%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 195,491	$ 4,396,940	2,149.18%	$ 396,279	$ 396,279	(90.99%)	$ 393,550	(0.69%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Towngate Special Tax Refunding Debt Service FUND: 315

PROGRAM NUMBER: 93810

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to Towngate Community Facilities District 87-1 2007 Special Tax Refunding Bonds issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	5,405	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	616,772	1,010,881	63.90%	1,009,381	1,009,381	(0.15%)	1,012,500	0.31%
Fixed Charges	-	132,875	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	13,465,179	100.00%	139,750	139,750	(98.96%)	145,650	4.22%
Total Operating Expenditures	$ 616,772	$ 14,614,340	2,269.49%	$ 1,149,131	$ 1,149,131	(92.14%)	$ 1,158,150	0.78%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 616,772	$ 14,614,340	2,269.49%	$ 1,149,131	$ 1,149,131	(92.14%)	$ 1,158,150	0.78%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Assessment Dist. 98-1 FUND: 316

PROGRAM NUMBER: 93110

PROGRAM OBJECTIVE: To account for revenue received as a result of Assessment District 98-1, a 1911 Act Bond, and the payment of principal and interest related to the Assessment District 98-1 Limited Obligation Improvement Bonds issued on May 1, 2000, for street improvements relating to Vinewood Place.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	3,443	2,813	(18.30%)	2,561	2,561	(8.96%)	2,400	(6.29%)
Fixed Charges	-	50	100.00%	50	50	-	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 3,443	$ 2,863	(16.85%)	$ 2,611	$ 2,611	(8.80%)	$ 2,400	(8.08%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 3,443	$ 2,863	(16.85%)	$ 2,611	$ 2,611	(8.80%)	$ 2,400	(8.08%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Hall Certificates of Participation, Series 1997 FUND: 321

PROGRAM NUMBER: 92010

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the Certificates of Participation issued May 1, 1997.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	68,966	38,227	(44.57%)	64,540	70,000	83.12%	70,000	8.46%
Materials & Supplies	6	-	(100.00%)	-	-	-	-	-
Debt Service	742,697	657,734	(11.44%)	795,000	750,175	14.05%	752,025	(5.41%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 811,669	$ 695,961	(14.26%)	$ 859,540	$ 820,175	17.85%	$ 822,025	(4.36%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 811,669	$ 695,961	(14.26%)	$ 859,540	$ 820,175	17.85%	$ 822,025	(4.36%)

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Safety Lease Revenue Bonds 1997 FUND: 325

PROGRAM NUMBER: 92110

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the lease revenue bonds issued November 1, 1997.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	29,515	3,900	(86.79%)	3,250	3,250	(16.67%)	3,483	7.17%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	399,244	400,421	0.29%	400,919	400,919	0.12%	400,717	(0.05%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 428,759	$ 404,321	(5.70%)	$ 404,169	$ 404,169	(0.04%)	$ 404,200	0.01%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 428,759	$ 404,321	(5.70%)	$ 404,169	$ 404,169	(0.04%)	$ 404,200	0.01%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Automall Refinancing CFD 3 FUND: 328

PROGRAM NUMBER: 92710

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the refinancing Auto Mall Special Tax Bonds issued.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	2,122,908	1,983,114	(6.59%)	2,373,300	2,373,300	19.68%	2,354,300	(0.80%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	512,462	148,446	(71.03%)	148,940	148,940	0.33%	62,500	(58.04%)
Total Operating Expenditures	$ 2,635,370	$ 2,131,560	(19.12%)	$ 2,522,240	$ 2,522,240	18.33%	$ 2,416,800	(4.18%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,635,370	$ 2,131,560	(19.12%)	$ 2,522,240	$ 2,522,240	18.33%	$ 2,416,800	(4.18%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Automall CFD #5 - Stoneridge FUND: 329

PROGRAM NUMBER: 93410

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the CFD No. 5 special tax bonds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	9	3,260	36,122.22%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	248,475	288,613	16.15%	303,315	303,315	5.09%	307,600	1.41%
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	99,471	50,000	(49.73%)	54,000	54,000	8.00%	54,000	-
Total Operating Expenditures	$ 347,955	$ 341,873	(1.75%)	$ 357,315	$ 357,315	4.52%	$ 361,600	1.20%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 347,955	$ 341,873	(1.75%)	$ 357,315	$ 357,315	4.52%	$ 361,600	1.20%

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #4I Infra Debt Service Fund FUND: 330

PROGRAM NUMBER: 93610

PROGRAM OBJECTIVE: Issue Special Tax Bonds to fund public infrastructure at Centerpointe Business Park. The CFD will provide for the collection and payment of principal, interest, and administration costs associated with the infrastructure and street improvements.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	1,103,384	-	-	1,085,300	(1.64%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	50,000	-	-	10,407,900	N/A
Total Operating Expenditures	$ -	$ -	-	$ 1,153,384	$ -	-	$ 11,493,200	896.48%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 1,153,384	$ -	-	$ 11,493,200	896.48%

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Certificates of Participation, Series 1993 FUND: 335

PROGRAM NUMBER: 92510

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the Certificates of Participation issued October 1,1993.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,000	5,000	150.00%	3,250	-	(100.00%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,000	$ 5,000	150.00%	$ 3,250	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,000	$ 5,000	150.00%	$ 3,250	$ -	(100.00%)	$ -	(100.00%)

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: OPA Sales Tax #2 FUND: 340

PROGRAM NUMBER: 93010

PROGRAM OBJECTIVE: To account for the accumulation of 50% of sales tax revenue for the payment of principal and interest related to the ownership participation agreements between the Redevelopment Agency and certain retail stores.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	385,926	394,359	2.19%	-	-	(100.00%)	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 385,926	$ 394,359	2.19%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 385,926	$ 394,359	2.19%	$ -	$ -	(100.00%)	$ -	-

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Centerpointe 87-4 Agency Fund FUND: 369

PROGRAM NUMBER: 92245

PROGRAM OBJECTIVE: This fund is used to account for the receipt and remittance of special assessments for the Assessment District 87-4 Limited Obligation Improvement Bonds. The bonds are not secured by the general taxing power of the City, the State of California or any other political subdivision thereof, and neither the City nor the State, nor any potential subdivision thereof, has pledged its full faith and credit for the payment thereof.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	687,730	340,295	(50.52%)	-	-	(100.00%)	-	-
Fixed Charges	-	58,787	100.00%	-	-	(100.00%)	-	-
Transfers Out	181,525	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 869,255	$ 399,082	(54.09%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 869,255	$ 399,082	(54.09%)	$ -	$ -	(100.00%)	$ -	-

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Deficit Reduction Plan

Fiscal Year 2010-11

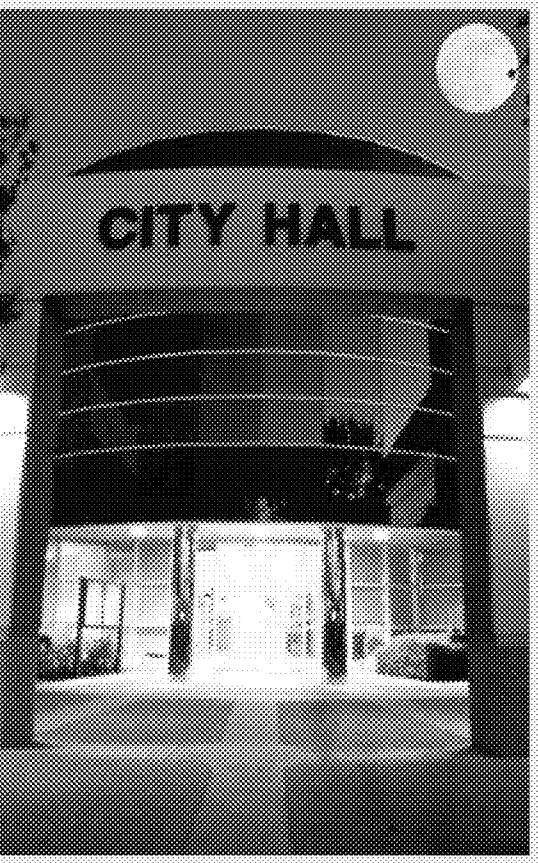

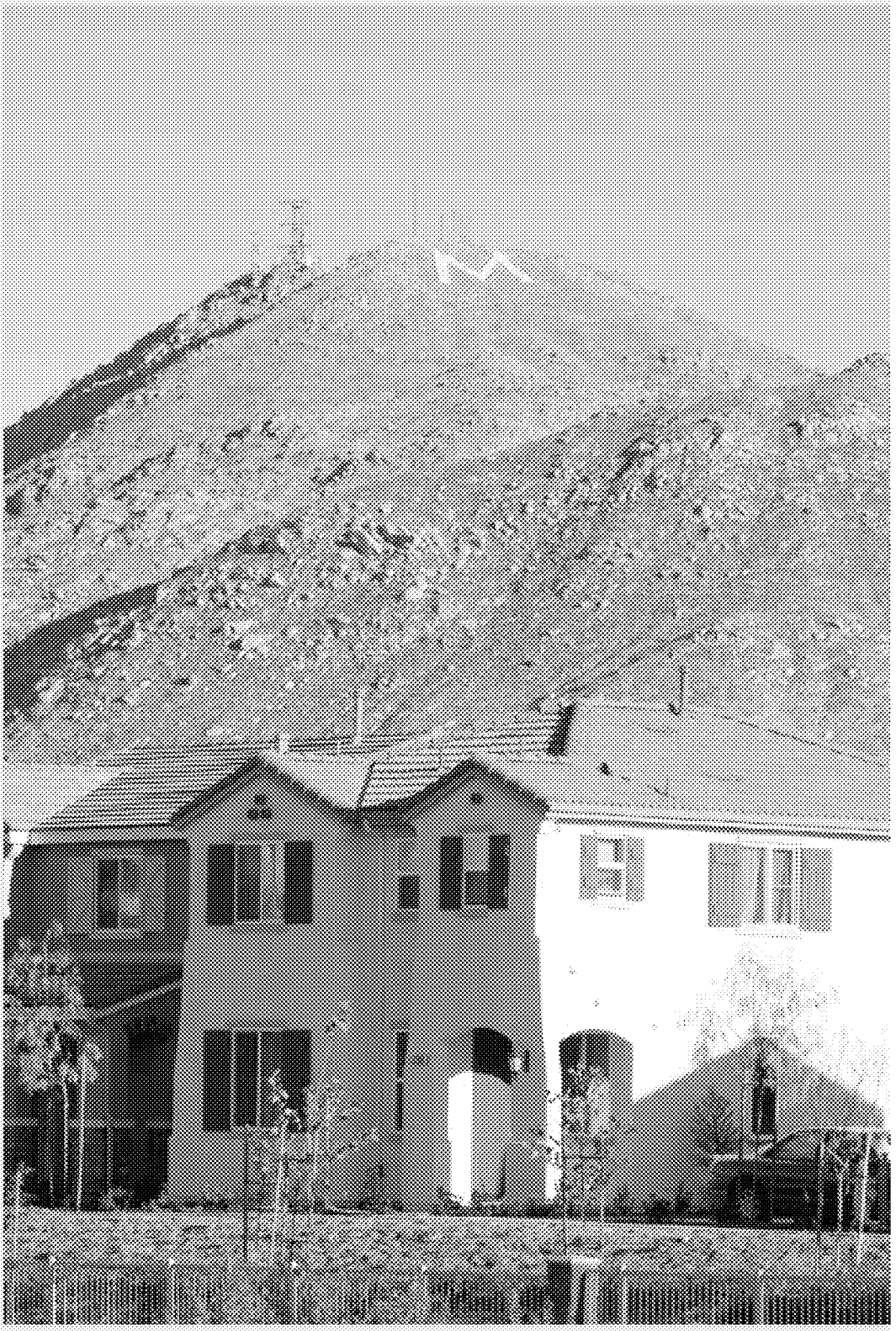

City of Moreno Valley

Item No. G.2

MV00055246

Deficit Reduction Plan

Fiscal Year 2010-11

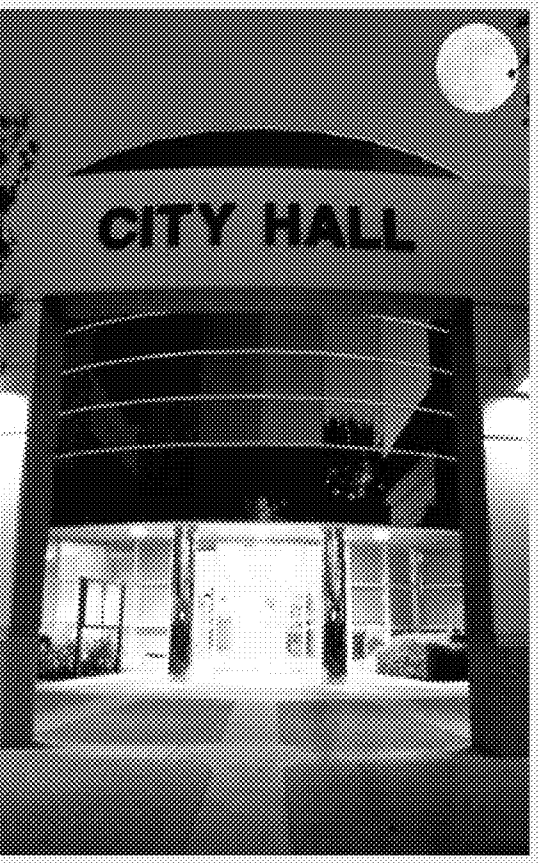

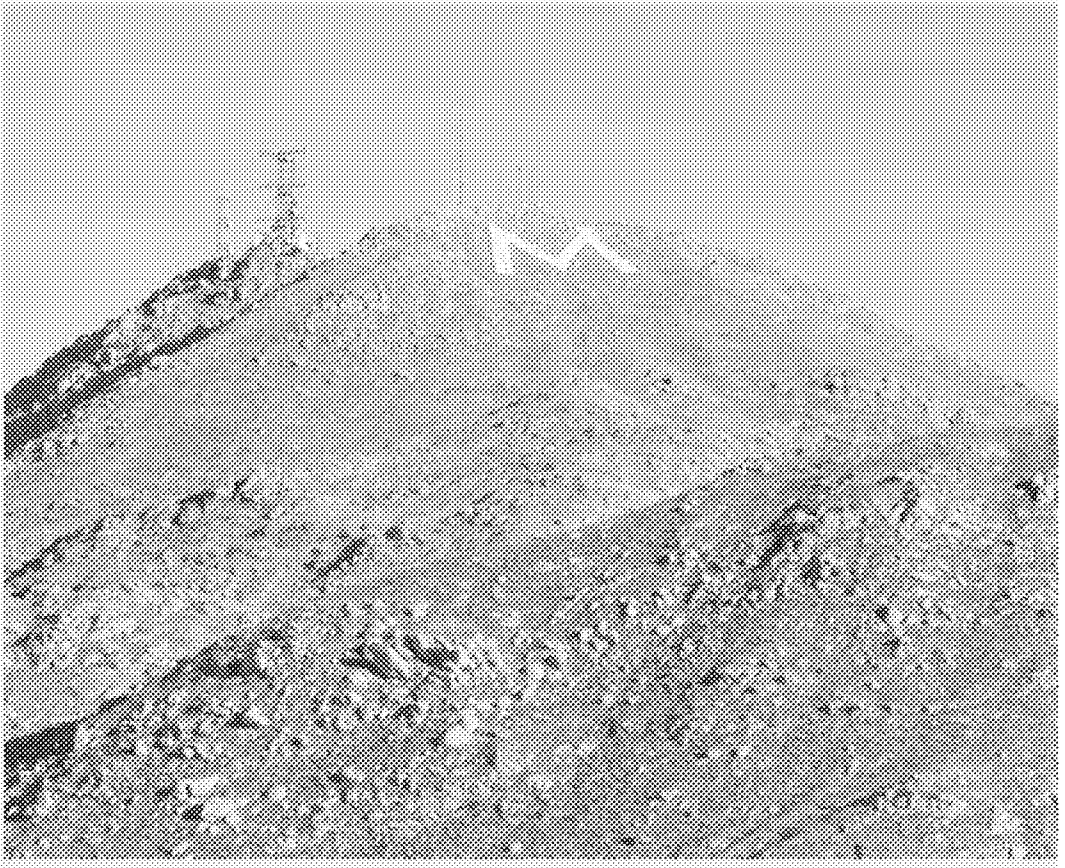

City Council

Bonnie Flickinger
Mayor

Robin N. Hastings
Mayor Pro Tem

William H. Batey II
Council Member

Jesse L. Molina
Council Member

Richard A. Stewart
Council Member

Administration

William L. Bopf
Interim City Manager

Steve Elam
Interim Financial & Administrative Services Director

Prepared by the
Financial & Administrative Services Department

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City of Moreno Valley

Item No. G.2

MV00055247

CITY OF MORENO VALLEY
DEFICIT REDUCTION PLAN
FY 2010-11

TABLE OF CONTENTS

	Page
City Manager's Deficit Reduction Plan Message	*i*
Deficit Reduction Option (DRO) Summary	1
Department DRO Summaries	
City Council/City Clerk	2
City Attorney	3
City Manager	4
Community Development	5
Economic Development	7
Financial & Administrative Services	8
Fire	10
Human Resources	11
Library	12
Parks & Community Services	13
Police	14
Public Works	15
Non-Department	20
City-wide Totals	21
Proposed DRO Offsets	22

City of Moreno Valley

Deficit Reduction Plan 2010-11

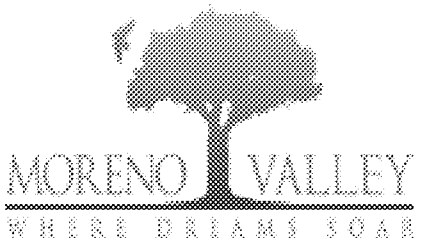

City Manager's Deficit Reduction Plan Message

DEFICIT REDUCTION PLAN

FISCAL YEAR 2010-11

To: Honorable Mayor, Members of the City Council and Citizens of Moreno Valley

Introduction

On April 13, 2010, the Fiscal Year (FY) 2010-11 Preliminary Base Operating Budget was distributed to the City Council and staff. This "preliminary" budget reflected a projected General Fund operating deficit of $17.8 million due to the continuing impact of the economic recession on the City's major revenue sources. The projected General Fund operating deficit is based on the following estimates for FY 2010-11:

General Fund Operating Revenues:	$67.8 million
General Fund Operating Expenditures:	$85.6 million
Projected General Fund Operating Deficit	($17.8 million)

The following chart highlights how the General Fund operating deficit has grown the past few years as a result of the economic recession. The bar on the left of each grouping represents revenues; the bar on the right of each grouping represents expenditures.

General Fund Operating Budget
Revenues & Expenditures

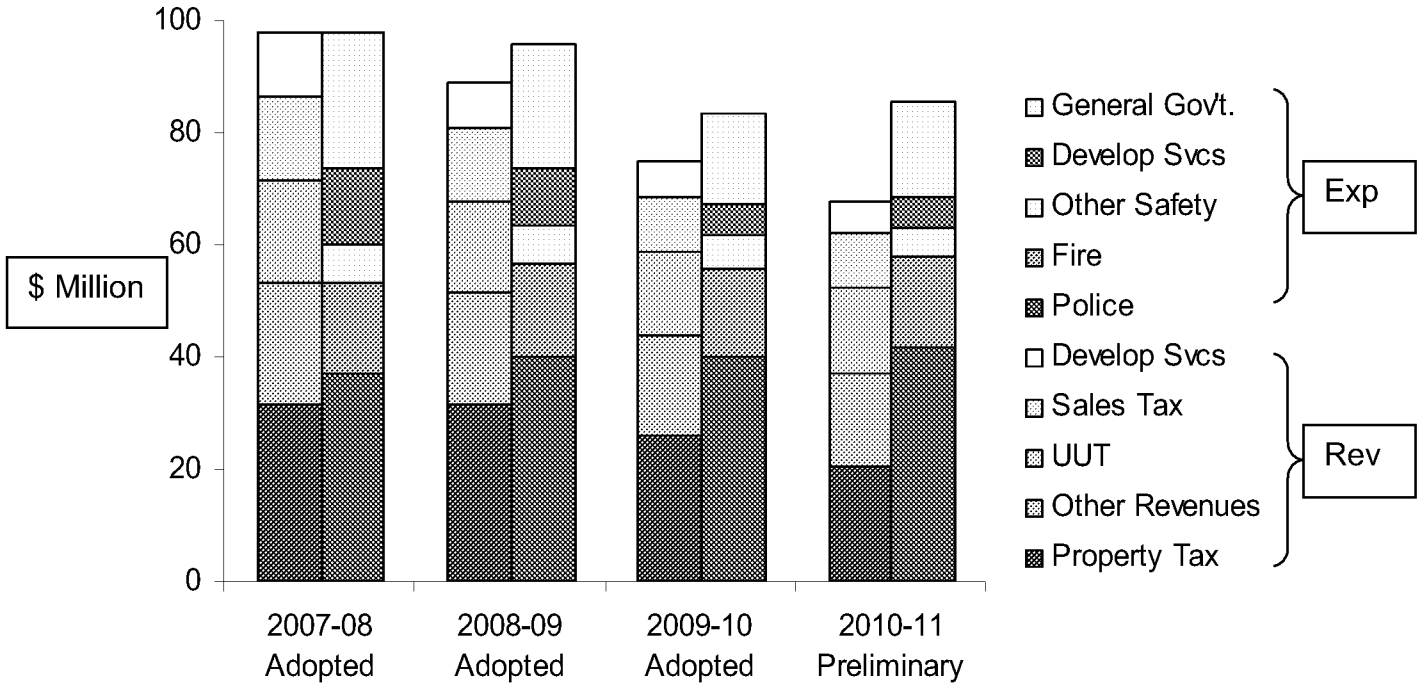

As shown in the previous chart, the FY 2007-08 budget was adopted with operating revenues and expenditures completely balanced. By FY 2008-09, there was an operating deficit of $7.0 million which had to be backfilled through a combination of prior-year savings, transfers, and reserves. This operating deficit increased to $8.6 million in FY 2009-10, despite a significant reduction in the expenditure budget realized through implementation of a Deficit Reduction Plan; with the deficit again backfilled with prior-year savings and reserves. For FY 2010-11, the projected operating deficit will increase to $17.8 million. This projected deficit will be addressed through a combination of solutions including anticipated prior-year savings, additional transfers, and the Deficit Reduction Plan.

Budget Adjustments

Facing such a significant budgetary deficit next fiscal year, staff evaluated a number of potential adjustments that can be made to reduce the deficit. Following an analysis by the Budget Review Committee, staff was given the direction to proceed with the following adjustments:

Current year savings that can be carried over to next fiscal year

In conjunction with the FY 2010-11 budget development process, projections were made of FY 2009-10 year-end expenditures. In addition to the department-projected savings of $796,100, which were reported to the City Council during the Mid-Year Budget Review on February 23, 2010 and needed to keep this fiscal year's budget in balance, an additional 2009-10 savings of $1,520,800 was identified that will be carried over to help balance next fiscal year's budget. Any budget appropriations approved by the City Council through the balance of this fiscal year will reduce this savings.

Transfers to return previous General Fund subsidies

Based on previous General Fund subsidies and current fund balance, the following transfers to the General Fund can be made, while keeping a minimum reserve of 12% of operating expenditures, consistent with the General Fund:

▪ Gas Tax	$500,000
▪ Public Education/Government Access (PEG)	$339,100
▪ CSD Zone A (Parks)	$800,000
▪ Total transfers of previous subsidies	$1,639,100

Other transfers

Transfers to the General Fund from two other funds will be made following an analysis of the funds:

▪ EOC Project Fund (Return of surplus project funds that were contributed from the General Fund)	$1,100,700

- Equipment Replacement Fund (Fully depreciated assets that no longer need to be replaced) — $2,102,400

- Facility Construction Fund (Preliminary contribution to Veterans Memorial Project; funded by 2005 Lease Revenue Bonds) — $776,000

- Total other transfers — $3,979,100

Following is a summary of the total budgetary adjustments that will be implemented to reduce the projected FY 2010-11 General Fund deficit of $17.8 million:

Projected Deficit		$17,876,300
Budgetary Adjustments:		
- Current year savings to be carried over to FY 2010-11	($1,520,800)	
- Transfers to return previous General Fund subsidies	($1,639,100)	
- Other transfers	($3,979,100)	
- Total Budgetary Adjustments		($7,139,000)
Remaining Deficit		$10,737,300

The budget adjustments of $7.1 million, as shown above, will significantly reduce the projected deficit. However, it should be noted that a number of these adjustments are considered to be "one-time" in nature and will not be available on a recurring basis. Therefore, the true operating deficit of $17.8 million is cause for concern on a go-forward basis.

Budget Issues

Despite facing a significant budgetary deficit in FY 2010-11, departments were provided the opportunity to submit proposed Budget Issues to identify areas in which budgetary increases were needed to maintain critical service levels. There are three (3) such Budget Issues that are recommended for implementation, as summarized below. Details regarding these budget issues are presented in the Preliminary Base Operating Budget.

Budget Issue	Requesting Department	General Fund Amount
Re-establish Funding for Budget Officer Position	Financial & Administrative Services	$98,700
Supplement Emergency Operations Grant with General Fund Subsidy	Fire	$43,100
Increase in NPDES Regulatory Fees	Public Works	$76,000
Total General Fund Budget Increase		**$217,800**

Balancing the General Fund Budget through the Deficit Reduction Plan

Adding the additional funding of $217,800 for the recommended Budget Issues to the projected General Fund deficit (net of adjustments) of $10,737,300 results in a total projected General Fund deficit of $10,955,100. Solutions for addressing this deficit are presented in the FY 2010-11 Deficit Reduction Plan that is hereby submitted for Council's consideration.

Deficit Reduction Plan Guidelines

The City has utilized a deficit reduction planning model the past two years to identify potential budgetary reductions that can be implemented to achieve a balanced General Fund budget. Following are the guidelines that were utilized to prepare the FY 2010-11 Deficit Reduction Plan:

- Deficit reduction options will be identified to cover the anticipated budgetary deficit, which was $10.4 million based on the FY 2009-10 Five-Year Financial Plan. This projected deficit was also used for planning purposes at the time the Deficit Reduction Plan preparation commenced in December 2009.

- It is prudent to prepare for an even larger deficit in the event that the final revenue estimates are less than those reflected in the Five-Year Financial Plan, or if there are unanticipated expenditure increases. (This guideline was validated when the projected General Fund deficit increased to $17.8 million, primarily due to declining property tax revenue projections.)

- The City's projected General Fund deficit could also be impacted by future actions of the State of California to confiscate or divert local government revenues to help balance the State's budget. (The State rarely adopts its annual budget prior to July 1st. Therefore, the City may adopt a balanced budget in June; then have the State take subsequent actions that impact the City's budget.)

- Based on the above factors, the FY 2010-11 Deficit Reduction Plan has been structured to identify total General Fund balancing solutions of $20.1 million as summarized below:

  - Potential Revenue Enhancements: $288,400
  - Potential Expenditure Reductions (net of Offsets): $13,845,734
  - Potential Use of General Fund Reserves: $6,000,000
  - Total Potential Solutions: $20,134,134

- Although the dollar value of all solutions is significantly greater than projected budgetary deficit (net of adjustments) of $11 million, it provides the City Council with a wide range of options for balancing the General Fund budget. Additionally, if the State takes actions that adversely impact the City's revenues, or should actual revenues received during the fiscal year be less than projected,

additional solutions have already been identified that can be quickly implemented.

Deficit Reduction Savings Targets

- In order to achieve the General Fund expenditure reduction target of $14 million, which was specified in the Deficit Reduction Plan preparation guidelines, Deficit Reduction Options (DROs) were developed by departments based on the following percentages of the FY 2009-10 Adopted Budget.

  - General Government business units: 35%

  - Development Services business units: 35%

  - Internal Service Funds: 35%
    - Maintenance & Operations
    - Facilities Maintenance
    - Technology Services
    - General Liability
    - Workers' Compensation

  - Public Safety & related business units: 10%
    - Police
    - Fire
    - Animal Services
    - Code Compliance
    - Emergency Operations
    - Crossing Guards
    - Graffiti Abatement

  - Library business unit: 10%

- Funds other than the General Fund that receive a General Fund subsidy were required to submit DROs equaling the amount of their FY 2009-10 General Fund subsidy and/or their projected FY 2010-11 operating deficit, as follows:

  - Gas Tax: $1,000,000
  - Public Education/Government (PEG) Fund: $300,000
  - CSD/Zone L (Library) Fund: $212,000
  - Stormwater Maintenance Fund: $182,000

- Funds not identified above were not required to submit DROs, as they do not have projected deficits for FY 2010-11 or have adequate fund balance to absorb an operating deficit. (Examples are Redevelopment Agency (RDA) and Electric Utility.)

Guidelines for Developing DROs

The following guidelines were provided to departments for use in their DRO preparation:

- DROs can relate to revenue enhancement as well as cost reduction measures.

- Each DRO must be completed in a comprehensive manner so it can be evaluated relative to other DROs. DROs consist of the following elements:
  - Description of cost reduction or revenue enhancement;
  - Internal Service Impact (None or Minimal / Moderate / High);
  - External Service Impact (None or Minimal / Moderate / High);
  - Staffing Impact;
  - Cost reduction itemization;
  - Revenue impact, if any.

- DROs should focus on elimination or reduction of non-mandated (discretionary) programs rather than further "line-item" reductions that would impair a department's ability to deliver essential services.

- Each DRO must be prioritized by the respective Department Head based on its service level impact and other key considerations. (Note: Priority 1 would be the first item recommended by a Department Head for consideration based on its service level impact; Priority 2 would be the next item recommended for consideration, etc.)

- FY 2010-11 DROs cannot include items already implemented in previous Deficit Reduction Plans; i.e., they must represent new savings that can be achieved in the FY 2010-11 Preliminary Base Operating Budget.

Staffing Impacts of DROs

The departmental DRO summaries identify any staffing impacts associated with each DRO, including the number of positions impacted; whether the positions are temporary or career, filled or vacant, City employees or contract employees (such as Police or Fire); and whether the employee would be transferred to another division within the department or laid off.

Council Deliberation on DROs

Following briefing sessions with each Council Member the week of May 3rd, an overview of the Preliminary Base Operating Budget and Deficit Reduction Plan will be presented during the City Council meeting of May 11, 2010. During the ensuing Study Session of May 18, 2010, time will be allocated for the City Council to ask each Department Head and staff detailed questions regarding their DROs. Additional questions or follow-up issues regarding DROs may also be addressed during the Regular Council Meetings of May 25th and June 8th, as well as the second Study Session on June 15th, prior to scheduled budget adoption on June 22, 2010.

Public Safety DROs

In addition to the Study Sessions and Regular Council Meetings devoted to discussion of the Preliminary Base Operating Budget and Deficit Reduction Plan, discussion of the Police Department and Fire Department DROs has been scheduled for the Public Safety Subcommittee meeting of May 10, 2010.

When reviewing the Police Department and Fire Department DROs, the following provisions in the respective contracts should be noted.

Police Services Contract

Variation in Level of Service: Variation in the level of service shall be made by amendment, as provided for in Section 12 of this Agreement, and under the following terms:

If City requests an increase in the level of service to be provided under this Agreement, County agrees to provide such increased level of service as soon as is practicable, consistent with the ability of the Sheriff to do so.

If City elects to reduce the level of service provided herein by ten percent (10%) or greater, City must give notice in writing to County not less than twelve (12) calendar months prior to the effective date of such reduction. If City elects to reduce the level of service provided herein by less than ten percent (10%), County agrees to reduce the level of service accordingly as soon as it is practicable. The level of service, however, may not be reduced to below the minimum level, as determined by County, required to ensure public and officer safety.

Fire Services Contract

In the event CITY desires a reduction in CAL FIRE or COUNTY civil service employees or services assigned to CITY as provided in Exhibit A of the Fire Service Contract, CITY shall provide one hundred twenty (120) days written notice of the required reduction.

DROs Outside of the General Fund

The majority of DROs included in the Deficit Reduction Plan relate to the General Fund. However, those DROs not related to the General Fund are included to help offset projected operating deficits for FY 2010-11 or, in the case of some of the Internal Service Fund DROs, because they contribute to General Fund savings through the cost allocation process. Therefore, it is recommended that each of the DROs outside of the General Fund be implemented.

Proposed DRO Offsets

Three (3) DRO Offsets have been proposed, which would reinstate partial funding for associated DROs to mitigate the service level impacts, should the City Council direct

staff to implement these DROs. If each of the three recommended DRO Offsets is approved by the City Council, it will reduce the General Fund DRO savings by $72,517. This amount has already been reflected in the departmental saving totals. Detailed information on the three proposed DRO Offsets is included following the DRO departmental summaries, starting on page 22. The three items are also summarized below:

DRO Offset Description	Requesting Department	DRO No.	General Fund Amount
Funding for one (1) Temporary, P/T Animal Control Officer	Financial & Administrative Services	12-a	$17,900
Funding for one (1) Temporary, P/T Librarian	Library	3-a	$21,840
Funding for two (2) Temporary, P/T Maintenance Worker IIs	Public Works	3-a	$32,417
Total Proposed General Fund DRO Offsets			**$72,157**

Summary

The prolonged economic recession has resulted in three challenging fiscal years for the City. After adopting a budget in FY 2007-08 in which General Fund operating revenues fully matched operating expenditures, revenues began declining; resulting in the need for significant expenditure reductions to ensure that expenditures remained within the General Fund revenues. The next two fiscal years (2008-09 and 2009-10) became more challenging as General Fund operating revenues continued their decline, resulting in growing operating deficits that had to be overcome with aggressive cost-cutting measures including workforce reductions, return of General Fund subsidies previously made to other funds, and use of reserves. FY 2010-11 will be even more challenging than the previous two years, as the projected General Fund operating deficit will grow to $17.8 million. A number of transfers and other budget adjustments have been identified, which will reduce this expected deficit to $10.7 million. Adding three recommended Budget Issues (which represent additional budgeted expenditures) that are critically needed, results in a projected General Fund deficit of nearly $11 million for FY 2010-11. Actions taken by the State of California in response to its estimated budget deficit of $18.9 billion or more could further impact the City's budget. To enable adoption of a balanced budget for FY 2010-11, a Deficit Reduction Plan is hereby submitted for City Council's review and consideration. This Plan has identified a number of solutions, totaling $20.1 million for the General Fund, that can be implemented to balance the FY 2010-11 Preliminary Base Operating Budget as follows:

- Potential Revenue Enhancements: $288,400
- Potential Expenditure Reductions (net of Offsets): $13,845,734
- Potential Use of General Fund Reserves: $6,000,000
- Total Potential Solutions: $20,134,134

Although the dollar value of all solutions, as shown on the previous page, is significantly greater than the projected budgetary deficit (net of adjustments and Budget Issues) of $11 million, it provides the City Council with a wide range of options for balancing the budget. Additionally, if the State takes actions that adversely impact the City's revenues, or if actual revenues received during FY 2010-11 are less than projected, additional solutions have already been identified that can be quickly implemented. This "scalable" approach to deficit reduction planning has been beneficial to the City since it was first utilized in FY 2008-09.

After three years of aggressive cost-cutting measures that have been required to offset the declining revenues resulting from the economic recession, departments have once again responded to a very challenging budget for FY 2010-11 by identifying a number of potential solutions to allow a balanced budget to be adopted. I sincerely appreciate the cooperation of each Department Head and their staff in identifying meaningful solutions to overcome the projected budgetary deficit for FY 2010-11. The City Council has made a strong commitment to adopting a balanced budget prior to the start of each fiscal year. The FY 2010-11 Deficit Reduction Plan presents the Council with options for continuing this sound fiscal practice and adopting a balanced budget in June for the upcoming fiscal year that starts July 1, 2010.

Respectively submitted,

William L. Bopf
Interim City Manager

City of Moreno Valley

Deficit Reduction Plan 2010-11

Deficit Reduction Option Summary

Deficit Reduction Option Summary

Department		Savings
General Fund - Revenue Enhancements:		
Community Development	$	180,800
Financial & Administrative Services		72,400
Fire		35,200
	$	**288,400**
General Fund - Deficit Reduction Options:		
City Council/City Clerk	$	226,914
City Attorney		390,951
City Manager		524,073
Community Development		348,278
Economic Development		244,578
Financial & Administrative Services		1,837,700
Fire		1,784,772
Human Resources		757,625
Police		3,991,245
Public Works		3,811,755
	$	**13,917,891**
DRO Offsets:		
Financial & Administrative Services	$	(17,900)
Library		(21,840)
Public Works		(32,417)
	$	**(72,157)**
Use of Reserves:		
Non-Department	**$**	**6,000,000**
NET - General Fund	**$**	**20,134,134**
Other Funds - Deficit Reduction Options:		
Financial & Administrative Services ISF - non-General Fund	$	4,105,600
Human Resources ISF - non-General Fund		619,875
Library		212,000
Parks & Community Services		245,200
Total Other Funds:	**$**	**5,182,675**

City of Moreno Valley

Deficit Reduction Plan 2010-11

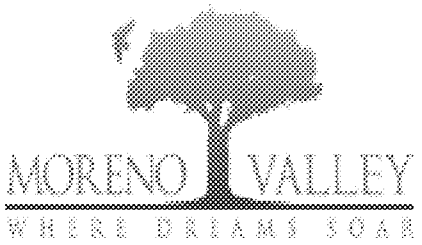

Department DRO Summaries

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Council/ Clerk	City Clerk	Defund Assistant City Clerk Position		X			X		1		FTC	Vacant		90,201	90,201
2	Council/ Clerk	Council	Defund Administrative Assistant Position		X			X		1		FTC	Vacant		58,500	58,500
3	Council/ Clerk	City Clerk	Defund Senior Office Assistant Position (Temporary)			X			X	1		Temp	Filled	Lay-off	39,700	39,700
4	Council/ Clerk	City Clerk	Defund Senior Office Assistant Position (Part-time)			X			X	1		P/T	Filled	Lay-off	38,513	38,513
	City Council/City Clerk Total									**4**					**$226,914**	**$226,914**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$1,416,140**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	2	
Total FTC		2
Part-time (P/T)		
Filled - Lay-off		1
Temporary (Temp)		
Filled - Lay-off		1
Total City Council/City Clerk		**4**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	City Atty	City Atty	Defund Assistant City Attorney Position			X			X	1		FTC	Vacant		206,376	206,376
2	City Atty	City Atty	Deputy City Attorney III			X			X	1		FTC	Filled	Lay-off	94,698	94,698
3	City Atty	City Atty	Deputy City Attorney III			X			X	1		FTC	Filled	Lay-off	89,877	89,877
	City Attorney Total									**3**					**$390,951**	**$390,951**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$1,252,546**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	2	
Filled - Transfer to other funding sources	-	
Vacant	1	
Total FTC		3
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total City Attorney		**3**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	City Mgr	Media & Comm.	Reduce PR/advertising budget by 40%	X				X							42,000	42,000
2	City Mgr	Non-Dept	Reduce City Manager's contingency to $140,000		X			X							110,000	110,000
3	City Mgr	City Mgr	Eliminate state lobbyist contract			X			X						37,800	37,800
4	City Mgr	City Mgr	Defund vacant Assistant City Manager position			X			X	1		FTC	Vacant		226,364	226,364
5	City Mgr	City Mgr	Defund vacant Executive Assistant to the City Manager position			X			X	1		FTC	Vacant		70,641	70,641
6	City Mgr	City Mgr	Replace Deputy City Manager position with a Sr. Management Analyst position			X			X						37,268	37,268
City Manager Total										**2**					**$524,073**	**$524,073**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$1,996,200**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	2	
Total FTC		2
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total City Manager		**2**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Community Dev	Code/Building & Safety	Revenue Enhancement - Hire 2 temp Parking Control officers to work on career employee furlough days; other miscellaneous revenue increases & reductions	X			X								180,800	180,800
2	Community Dev	Code	Terminate HALT Camera Program. Service can still be provided through MVPD's implementation of the tripwire camera system.	X			X								900	900
3	Community Dev	Code	Terminate 5 Neighborhood Cleanups. The clean-up events in district 1,4 and 5 can be funded by CDBG while district 2 and 3 could be funded from an alternate source.	X			X								800	800
4	Community Dev	Dev Svcs Admin Support	Replace Deputy City Manager @ 62% with a Senior Management Analyst position @ 40%.	X			X								119,289	119,289
5	Community Dev	Graffiti Restitution/ Code	Defund Code Compliance Field Supervisor (vacant) 25% in Graffiti; 75% in Code. Adjust split for Senior Code Compliance Officer to 20% in Graffiti; 80% in Code.	X			X			1		FTC	Vacant		81,519	81,519
6	Community Dev	Admin/ Code	Fund Department Head (vacant-70% in Admin; 30% in Code) for 6-months City temporary and 6-months as City career employee. This would allow new City Manager ample time to recruit/appoint a new CD Director.	X			X								15,231	15,231
7	Community Dev	Building & Safety	Fund Building Official (vacant-100%) for 6-months City temporary and 6-months as City career employee. This would allow ample time to recruit/appoint a full-time Building Official.	X			X								22,539	22,539
8	Community Dev	Code	Terminate Shopping Cart Retrieval Program. The City's Shopping Cart Retrieval Program was developed to address citizen concerns regarding the proliferation of abandoned shopping carts . The elimination of this program may result increased numbers of abandoned carts citywide.		X			X							48,000	48,000
9	Community Dev	Building & Safety	Eliminate Nuisance Abatement funding. The elimination of these funds would impact the ability of the Building & Safety Division to enforce the CA Health and Safety Codes, Section 17910 (State Housing Laws), which requires local agencies to abate nuisances that affect habitability. The elimination of this abatement service will oblige the Building Division to order vacation of residential premises on a more frequent basis. All abatement costs are recoverable through special assessments or payment by the property owner, lender, or institutions. If all recovered funds were placed in a REVOLVING housing/building abatement account instead of being deposited to the General Fund, a reliable source of funding for this service would exist.	X					X						60,000	60,000
Community Development Department Total										**1**					**$529,078**	**$529,078**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction * **$5,019,000**

** Note: Savings of $818k also realized in 2010-11 Preliminary Base budget*

April 2010

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
DRO Position Summary Listing																
FTC (Full-time Career)																
Filled - Lay-off												-				
Filled - Transfer to other funding sources												-				
Vacant												1				
Total FTC													1			
Part-time (P/T)																
Filled - Lay-off													-			
Temporary (Temp)																
Filled - Lay-off													-			
Total Community Development													1			

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Economic Dev	Economic Development	.6235 - Public Relations: Reduce advertising, broker events, regional event sponsorships, Shop Moreno Valley campaign.	X			X								159,919	159,919
2	Economic Dev	Economic Development	CONSOLIDATING SEVERAL OBJECT CODES .6252 - Dues and Subscriptions: reduced IEEP membership for City .6255 - Other Professional Services .6221 - Training and Travel .6215 - Communications .6231 - Advertising .6256 - Legal Services .6310 - Copier Charges .6311 - Office Supplies .6321 - Postage and Mail .6391 - Other Materials	X			X								66,160	66,160
3	Economic Dev	Economic Development	Salaries/Benefits: Reimbursing ED Admin salaries by 50% of Management Analyst's salary, which is charged to the CDBG for the ERC. Reallocating 10% of the Senior Office Assistant's salary to HOME funds to more accurately reflect current workload.	X			X								18,499	18,499
	Economic Development Department Total														**$244,578**	**$244,578**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$685,451**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	-	
Total FTC		-
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Economic Development		**-**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Financial & Adm Svcs	Facilities CIP	Defund City Hall Annex 1 capital improvement project since the facility is not currently needed for staff expansion.	X			X								1,589,800	874,400
2	Financial & Adm Svcs	Facilities	Implement various Facilities Maintenance budget reductions that will minimally impact City operations.	X			X								237,000	0
3	Financial & Adm Svcs	Facilities	Defer CRC emergency generator project in anticipation of obtaining Homeland Security grant funding.	X			X								132,000	0
4	Financial & Adm Svcs	Facilities	Postpone replacement of City Hall HVAC system, or obtain alternate funding source to supplement EECBG funding.		X		X								275,000	0
5	Financial & Adm Svcs	Facilities	Cancel or postpone FY 2009-10 budgeted facilities maintenance items that do not have a significant impact on staff or the public.		X		X								778,200	0
6	Financial & Adm Svcs	Facilities	Cancel or postpone facilities maintenance items in the FY 2010-11 budget that do not have a significant impact on staff or the public.		X		X								249,000	0
7	Financial & Adm Svcs	Tech Svcs	Cancel or postpone FY 2009-10 budgeted technology projects that are not mandated by law, ordinance, or contractual obligation.			X		X							1,044,200	0
8	Financial & Adm Svcs	Tech Svcs	Reduce expenditures in Technology Services that will not eliminate essential services but may impair staff's ability to complete tasks efficiently.			X		X							674,800	0
9	Financial & Adm Svcs	Treasury Ops	Revenue Enhancement - Amend Municipal Code to repeal the practice of not collecting Business License gross receipts taxes of less than $100.	X					X						72,400	72,400
10	Financial & Adm Svcs	Purchasing	Defund the Senior Administrative Assistant position.			X		X		1		FTC	Filled	Lay-off	63,500	63,500
11	Financial & Adm Svcs	Admin	Defund the Executive Assistant I position.			X			X	1		FTC	Filled	Lay-off	63,900	63,900
12	Financial & Adm Svcs	Animal Svcs	Suspend non-mandated animal control programs; reduce service levels in field and kennel operations, (which includes the following positions:			X			X						243,200	243,200
			Animal Services License Inspector			X			X	1		FTC	Filled	Lay-off		
			Animal Control Officer			X			X	1		FTC	Filled	Lay-off		
			Animal Control Officer			X			X	1		Temp	Filled	Lay-off		
			Animal Care Technician			X			X	1		FTC	Vacant			
			Office Aide			X			X	1		Temp	Filled	Lay-off		
12-a	Financial & Adm Svcs	Animal Svcs	PROPOSED DRO OFFSET requesting to fill one (1) Temporary Animal Control Officer should the filled FTC Animal Control Officer be defunded *(detail on page 22)*			X			X						(17,900)	(17,900)
13	Financial & Adm Svcs	Financial Ops	Defund the Principal Accountant position; as a result, reduce various activities in the Accounting Section significantly impacting budgeting and financial reporting capabilities.			X			X	1		FTC	Vacant		88,400	88,400

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
14	Financial & Adm Svcs	Treasury Ops	Reduce the Career staffing level in the Treasury Operations Division (currently at 50%) by 3 additional positions, significantly impacting the Division's ability to perform essential services which includes:			X			X						261,500	261,500
			Accounting Technician			X			X	1		FTC	Filled	Lay-off		
			Accounting Assistant			X			X	1		FTC	Filled	Lay-off		
			Accounting Assistant			X			X	1		FTC	Filled	Lay-off		
15	Financial & Adm Svcs	Financial Ops	Reduce the Career staffing level in the Financial Operations Division (currently at 60%) by 4 additional positions, significantly impacting the Division's ability to perform essential services which includes			X			X						242,800	242,800
			Senior Payroll Technician			X			X	1		FTC	Filled	Lay-off		
			Senior Administrative Assistant			X			X	1		FTC	Filled	Lay-off		
			Accounting Technician			X			X	1		FTC	Filled	Lay-off		
			Accounting Assistant			X			X	1		FTC	Filled	Lay-off		
	Financial & Administrative Services Department Total									**15**					**$5,997,800**	**$1,892,200**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$14,737,325**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	11	
Filled - Transfer to other funding sources	-	
Vacant	2	
Total FTC		13
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		2
Total Financial & Administrative Services		**15**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Fire	Fire Prev	Suspend Funding for Permit Plus Changes	X			X								5,000	5,000
2	Fire	Fire Ops	Defund Paramedic Captain Position			X			X		1	FTC	Filled	Transfer	198,700	198,700
* 3A	Fire	Fire Ops	Reduce Truck Company to a Fire Engine - 3 Positions			X			X						435,940	435,940
			Fire Apparatus Engineer			X			X		1	FTC	Filled	Transfer		
			Fire Fighter II			X			X		2	FTC	Filled	Transfer		
* 3B	Fire	Fire Ops	Defund Truck Company Completely - an additional 7 positions to 3A - Incremental difference shown in the cost savings			X			X						1,122,847	1,122,847
			Fire Captain			X			X		2	FTC	Filled	Transfer		
			Fire Apparatus Engineer			X			X		2	FTC	Filled	Transfer		
			Fire Fighter-Paramedic			X			X		3	FTC	Filled	Transfer		
1	Fire	Emerg Ops	Increase CPR fees from $35 to $60 per class	X				X							35,200	35,200
2	Fire	Emerg Ops	Defund Part Time Emerg Ops & Vol Svcs Program Specialist			X			X	1		P/T	Filled	Lay-off	22,285	22,285
			* **Note**: DRO 3A proposes to reduce one (1) Truck Company to a Fire Engine which includes the defunding of three (3) positions; DRO 3B proposes to defund the whole Truck Company which includes the 3 positions listed in DRO 3A plus an additional seven (7) positions to total ten (10) positions. Therefore, the total costs for defunding the whole Truck Company would include both DROs 3A & 3B.														
	Fire Department Total									**1**	**11**				**$1,819,972**	**$1,819,972**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$16,724,410**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	11	
Vacant	-	
Total FTC		11
Part-time (P/T)		
Filled - Lay-off		1
Temporary (Temp)		
Filled - Lay-off		-
Total Fire		**12**

April 2010

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Human Resources	Workers' Comp	Reduce workers' compensation reserves (Original fund balance of $4.5m less DRO of $1.3 will leave a new balance of $3.2 which is approximately 85% confidence level per actuarial review)	X			X								1,297,500	713,625
2	Human Resources	General Liability	Reduce liability reserves (Original fund balance of $2.0m less DRO of $80k will leave a new balance of $1.9 which is approximately 85% confidence level per actuarial review)	X			X								80,000	44,000
	Human Resources Department Total														**$1,377,500**	**$757,625**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$3,292,900**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	-	
Total FTC		-
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Human Resources		**-**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Library	Library Svcs	Reduce miscellaneous small line items		X		X								2,820	0
2	Library	Library Svcs	Reduce object code 6351 - Books, records, films, videos		X				X						120,559	0
3	Library	Library Svcs	Defund one (1) full-time career librarian position.			X			X	1		FTC	Vacant		88,621	0
3-a	Library	Library Svcs	PROPOSED DRO OFFSET requesting to fill one (1) Temporary Librarian positions should the vacant FTC Librarian position be defunded *(detail on page 23)*			X			X						(21,840)	(21,840)
	Library Total									**1**					**$190,160**	**($21,840)**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$2,161,300**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	1	
Total FTC		1
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Library		**1**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Parks	STARS	Defund Sr. Human Resources Analyst (.7 FTC)	X			X			1		FTC	Vacant		66,000	0
2	Parks	Golf Course	Closure of Cottonwood Golf Course which will include the defunding of the following positions			X			X						179,200	0
			Golf Course Maintenance Worker			X			X	1		FTC	Filled	Transfer		
			Recreation Aides			X			X	6		Temp	Filled	Transfer		
	Parks & Community Services Department Total									**8**					**$245,200**	**$0**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$8,446,400**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	1	
Vacant	1	
Total FTC		2
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Transfer to other funding sources		6
Total Parks & Community Services		**8**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Police	Towngate Mall	275 hours of program overtime during the Holiday Season.		X			X							15,714	15,714
2	Police	POP	250 hours of program overtime for off-road vehicle enforcement.		X			X							14,285	14,285
3	Police	Traffic	Provide for traffic safety through enforcement and conduct accident investigations which include:			X			X						1,198,036	1,198,036
			Motorcycle Officer			X			X		4	FTC	Filled	Transfer		
			Accident Investigation Officer			X			X		1	FTC	Filled	Transfer		
4	Police	POP	Provides for zone policing concept, crime free multi-housing program, and other POP programs which include:			X			X						921,190	921,190
			POP (Problem Oriented Policing) Officer			X			X		4	FTC	Filled	Transfer		
5	Police	SET	Provides for investigation of illegal drug activity, gang activity, and career criminal apprehension which include:			X			X						921,190	921,190
			SET (Special Enforcement Team) Officer			X			X		4	FTC	Filled	Transfer		
6	Police	Patrol	Respond to calls for service from citizens in the community and conducts pro-active enforcement which include:			X			X						920,830	920,830
			Patrol Officer			X			X		4	FTC	Filled	Transfer		
	Police Department Total										**17**				**$3,991,245**	**$3,991,245**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$41,960,324**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	17	
Vacant	-	
Total FTC		17
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Police		**17**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Public Works	Street Sweeping	Eliminate contract sweeping and create additional Equipment Operator position in lieu of existing Maintenance Worker II position via an existing eligibility list from a recent internal recruitment to replace contract sweeping function.	X			X								33,100	33,100
2	Public Works	PW Admin/Solid Waste	Defund vacant Public Works Program Manager position.	X				X		1		FTC	Vacant		68,700	68,700
3	Public Works	Catch Basin Maintenance	Defund vacant Maintenance Worker II position on the Catch Basin Maintenance crew.		X			X		1		FTC	Vacant		71,319	71,319
3-a	Public Works	Catch Basin Maintenance	PROPOSED DRO OFFSET requesting funding for two (2) Temporary, P/T Laborers should the vacant Maintenance Worker II position be defunded *(detail on page 24)*		X			X							(32,417)	(32,417)
4	Public Works	Land Development	Reduce professional services for consultant plan check and utilize consultant services only for final map reviews requiring the signature of a Licensed Land Surveyor.		X			X							105,300	105,300
5	Public Works	Land Dev - Insp. Svcs.	Reduce professional services for construction inspection by 100%.		X			X							12,400	12,400
6	Public Works	Trans Dev. Svcs./Trans Eng	Defund vacant Senior Administrative Assistant position (associated with Development Services and General Fund) and partially transfer Executive Assistant I position to Transportation Engineering Division. Additionally, transfer 5% of PW Director/City Engineer personnel costs to Special Districts Administration.			X			X	1		FTC	Vacant		34,200	34,200
7	Public Works	Land Dev. - Insp Svcs.	Increase Land Development inspection request period from two (2) working days to three (3) working days due to a 33% decrease in Land Development inspection staffing via the reassignment of one (1) Construction Inspector to Capital Projects Division. In the event of a workload increase or request to expedite inspection response, consultant services will be required as an addition to the approved budget. **DRO No. 7 will change from a transfer to a lay-off if the number of proposed projects within the Proposed Capital Improvement Plan is significantly decreased.**			X			X	1		FTC	Filled	Transfer	103,761	103,761
8	Public Works	Land Dev. - Insp Svcs.	Increase customer service time for inspection scheduling and responding to contractor questions/requests due to a decrease of 100% of administrative support staff for the Land Development Inspection Section via the transfer of one (1) Senior Office Assistant to the Capital Projects Division.			X			X	1		FTC	Filled	Transfer	59,588	59,588
9	Public Works	Street Sweeping	Subsidize Street Sweeping Program with additional Air Quality Grant Funds, resulting in 96% of the annual grant revenue being designated for street sweeping program subsidization and eliminating the ability to fund the U Pass Program or other air quality related capital projects/programs with AQMD grant funds.	X					X						110,000	110,000

MV00055275

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
* 10	Public Works	Concrete Maintenance	Fund City-Wide Concrete Program with Measure A funds, resulting in 16% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects.	X					X						360,300	360,300
			Lead Maintenance Worker	X					X	1		FTC	Filled	Transfer		
			Maintenance Worker II	X					X	2		FTC	Filled	Transfer		
* 11	Public Works	Sign/Striping	Fund City-Wide Traffic Sign/Striping Program with Measure A funds, resulting in a cumulative 52% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects.	X					X						811,500	811,500
			Traffic Operations Supervisor	X					X	1		FTC	Filled	Transfer		
			Lead Traffic Signing/Marking Tech	X					X	2		FTC	Filled	Transfer		
			Traffic Signing/Marking Tech I	X					X	1		FTC	Filled	Transfer		
			Traffic Signing/Marking Tech II	X					X	2		FTC	Filled	Transfer		
12	Public Works	Land Development / LD - Insp Svcs.	Double the wait time for customer service requests for permits and other assistance required from Land Development due to a decrease of 50% of permit staff via the defunding of one (1) filled, full-time Permit Technician position.			X			X	1		FTC	Filled	Lay-off	62,102	62,102
13	Public Works	Land Dev. - Insp Svcs.	Increase inspection request period from (2) two working days to (6) six working days due to a cumulative 66% decrease in Land Development inspection staffing via the defunding of one (1) filled, full-time Construction Inspector position. In the event of a workload increase or request to expedite inspection response, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	73,920	73,920
14	Public Works	Land Development / LD - Insp Svcs.	Increase plan check turn-around time from 20-working day turn-around to 30-working day turn-around due to a 33% decrease in Land Development plan check staff via the defunding of one (1) filled, full-time Associate Engineer position. In the event of a workload increase or request to expedite plan check turn-around, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	102,097	102,097
15	Public Works	Land Development / LD - Insp Svcs.	Triple the wait time for customer service requests for permits and other assistance required from Land Development due to a cumulative decrease of 100% of permit staff via the defunding of one (1) additional, filled, full-time Permit Technician position.			X			X	1		FTC	Filled	Lay-off	66,813	66,813

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
16	Public Works	Land Development / LD - Insp Svcs.	Increase plan check turn-around time from 20-working day turn-around to 45-working day turn-around due to a cumulative 66% decrease in Land Development plan check staff via the defunding of one (1) additional filled, full-time Associate Engineer position, thereby leaving one (1) Associate Engineer, one (1) Senior Engineer and the Engineering Division Manager as the only remaining technical staff in Land Development. In the event of a workload increase or request to expedite plan check turn-around, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	86,546	86,546
17	Public Works	Transportation Dev. Svcs.	Increase transportation related plan check review and development inquiries turn-around such that a new 45-day turn-around time-line is regularly exceeded due to a decrease of 100% of professional engineering staff for the Transportation Development Section via the transfer of one (1) Senior Engineer to the Capital Projects Division. **DRO No. 17 will change from a transfer to a position defunding if DRO No. 19 is implemented.**			X			X	1		FTC	Filled	Transfer	168,117	168,117
18	Public Works	Land Development / LD - Insp Svcs.	Increase plan check turn-around such that the new 45-day turn-around time-line is regularly exceeded due to a cumulative 100% decrease in Land Development plan check staff via the lay-off of one (1) additional, filled, full-time Associate Engineer position, thereby leaving one (1) Senior Engineer and the Engineering Division Manager as the only remaining technical staff in Land Development. In the event of a workload increase or request to expedite plan check turn-around, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	112,103	112,103
19	Public Works	Land Development / LD - Insp Svcs.	Increase turn-around time for Land Development entitlement review due to a decrease of 100% of senior level professional engineering staff via the transfer of one (1) Senior Engineer to the Capital Projects Division, thereby leaving only the Engineering Division Manager as the sole remaining technical staff member in Land Development.			X			X	1		FTC	Filled	Transfer	179,989	179,989
20	Public Works	Graffiti Removal	Reduce Graffiti Abatement Program to exclude private property (including block walls), operate 5-days/week (currently 7-day/week operation), increase turn-around time to 72 hours, (current 48 hour turn-around) and defund (4) vacant, temporary part-time Laborer positions.			X			X	4		Temp	Vacant		86,400	86,400
21	Public Works	Graffiti Removal	Entirely eliminate Graffiti Abatement Program including defunding of (3) filled, temporary part-time Laborer positions and (1) filled, part-time Maintenance Worker I position.			X			X						116,400	116,400
			Maintenance Worker I			X			X	1		P/T	Filled	Lay-off		
			Laborer			X			X	3		Temp	Filled	Lay-off		

MV00055277

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
* 22	Public Works	Transportation Engineering	Create new business unit (Transportation Operations) comprised of elements of the existing Transportation Engineering business unit and fund City-Wide Transportation Operations Program with Measure A funds, resulting in a cumulative 64% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects. Implementation of this DRO will result in the City being out of compliance with its Traffic Congestion Relief Funds (TCRF) Maintenance of Effort (MOE) requirement, which will result in a loss of approximately $1.7M TCRF revenue for FY 2011-12 and every year thereafter that the City remains out of compliance with the MOE requirement.	X					X						292,100	292,100
			Senior Traffic Engineer	X					X	1		FTC	Filled	Transfer		
			Senior Engineering Technician	X					X	1		FTC	Filled	Transfer		
* 23	Public Works	Traffic Signal Maint.	Fund City-Wide Traffic Signal Maintenance Program with Measure A funds, resulting in a cumulative 95% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects. Implementation of this DRO will result in the City being out of compliance with its Traffic Congestion Relief Funds (TCRF) Maintenance of Effort (MOE) requirement, which will result in a loss of approximately $1.7M TCRF revenue for FY 2011-12 and every year thereafter that the City remains out of compliance with the MOE requirement.	X					X						695,000	695,000
			Senior Traffic Signal Technician							1		FTC	Filled	Transfer		
			Traffic Signal Technician							2		FTC	Filled	Transfer		

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
			* **MOE NOTE:** DRO No.'s 10, 11, 22 and 23 impact the City's Measure A and Traffic Congestion Relief Fund (TCRF) Maintenance of Effort (MOE) compliance. Both Measure A and TCRF have separate MOE requirements establishing a certain amount of General Fund expenditures dedicated to street maintenance that the City must maintain in order to continue to remain eligible to receive annual Measure A and TCRF revenues of approximately $2.3M and $1.7M respectively. Although DRO No.'s 10 and 11 may be implemented for FY 2010-11, it is uncertain if this implementation can remain for FY 2011-12 without risking placing the City in a state of non-compliance and resulting in a loss of $2.3M of Measure A revenue for FY 2012-13 and every year thereafter that the City remains in a state of non-compliance. (The Riverside County Transportation Commission is currently studying the MOE issue and it is anticipated that the MOE requirement for FY 2010-11 and future years will be determined in Summer 2010). The implementation of DRO No.'s 22 and 23 will result in the City being out of compliance with its TCRF MOE requirement, which will result in a loss of approximately $1.7m TCRF revenue for FY 2011-12 and every year thereafter that the City remains out of compliance with the MOE effort.													
Public Works Department Total										**35**					**$3,779,338**	**$3,779,338**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$10,228,052**

DRO Position Summary Listing		
FTC (Full-time Career)		
Filled - Lay-off	6	
Filled - Transfer to other funding sources	18	
Vacant	3	
Total FTC		27
Part-time (P/T)		
Filled - Lay-off		1
Temporary (Temp)		
Filled - Lay-off	3	
Filled - Transfer to other funding sources	-	
Vacant	4	
Total Temporary		7
Total Public Works		**35**

MV00055279

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Non-Dept	Non-Dept	Redeem up to $6 million of the 2007 Series B Tax Allocation Bonds, enabling these funds to be used for General Fund operations.	X			X								6,000,000	6,000,000
Non-Department Total															**$6,000,000**	**$6,000,000**

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
GRAND TOTAL CITY-WIDE										**70**	**28**				**$25,316,809**	**$20,134,134**

City - DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	19	
Filled - Transfer to other funding sources	19	
Vacant	13	
Total FTC		51
Part-time (P/T)		
Filled - Lay-off		3
Temporary (Temp)		
Filled - Lay-off	6	
Filled - Transfer to other funding sources	6	
Vacant	4	
Total Temporary		16
TOTAL CITY		**70**

Contract (Police & Fire) - DRO Position Summary Listing

FTC (Full-time Career)		
Fire - Filled - Transfer to other funding sources	11	
Police - Filled - Transfer to other funding sources	17	
Total FTC		28
TOTAL CONTRACT (Police & Fire)		**28**

City of Moreno Valley

Deficit Reduction Plan 2010-11

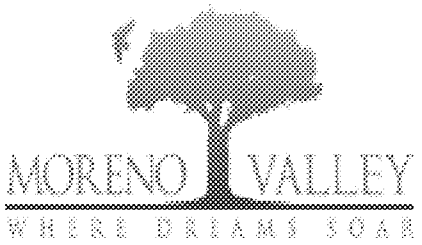

Proposed DRO Offsets

Proposed DRO Offsets

To help mitigate the service level impacts of three (3) DROs, should the City Council direct staff to implement them, associated DRO Offsets are proposed to reinstate partial funding for these items, as follows:

Department: Financial & Administrative Services
DRO No. 12-a *(page 8)*
Description: Funding for one (1) Temporary, Part-Time Animal Control Officer (ACO) should a filled Full-Time Career ACO position be defunded
General Fund Cost: $17,900

Animal Control Officers (ACOs) play a critical role in providing public safety services to the community. These unique essential services include responding to and removing threats posed by potentially dangerous and vicious animals, removing high-risk rabies carriers, and conveying rabies specimens to the Riverside County Public Health's Laboratory. In addition, Animal Control Officers respond to sick and injured stray animals, place biting animals under quarantine, investigate allegations of animal abuse and neglect, along with responding to a variety of routine animal nuisance complaints. Animal Control Officers are a major component of the Field Services section of the Animal Services Division and are a 24/7 operation responsible to effectively respond to service requests and emergency calls through the operation of a night truck every evening.

Defunding one full-time Animal Control Officer position and one part-time temporary Animal Control Officer will reduce the field response staff from our current staffing level of 7 authorized Animal Control Officers (6 full-time and 1 temporary part-time) to a staffing level of 71% or 5 full-time ACOs. The specific areas of concern with a workforce reduction for this work unit are diminishing the field service coverage, resulting in routine service requests being carried over to the next day, thereby extending response times for both routine and emergency traffic. Additionally, by having fewer ACOs to work the night truck, any further workforce reduction could result in increased fatigue among remaining officers, which may diminish effectiveness and increase the chances of injury.

Hiring a part-time temporary Animal Control Officer at an hourly rate of $17.82, Grade C-15, Step A of the ACO Salary Schedule, for the allowable temp total not to exceed 960 hours during FY 10-11 totals $17,900. This will provide 19 hours per week to provide a reasonable response, minimizing the need to carry over routine service requests, thus maintaining a reasonable level of response times to all service requests, as well as providing an additional ACO to participate in the night truck rotation.

Cost summary of DRO Offset:

Salaries	$17,900
Employee Benefits	--
Services	--
Supplies	--
Capital Outlay	--
Total Expenditures	**$17,900**

Department: Library
DRO No. 3-a *(page 12)*
Description: Funding for one (1) Temporary, Part-Time Librarian should the vacant Full-Time Career Librarian position be defunded
FY 2010-11 Cost: $21,840
General Fund Cost: $21,840 (General Fund Subsidy to CSD Zone L)

Librarians provide unique services, such as reference, cataloging, collection development, and children's and teen programming, that other staff is not qualified to provide.

Defunding one full-time Librarian position will reduce the staff to four full-time Librarians. The Library is open 53 hours a week. At least one Librarian needs to be on duty during all open hours, plus one hour before opening to supervise cash handling, computer and copier start-ups, and other opening duties, for a total of 58 hours a week. The Librarians should cover three service points per hour and provide storytimes 4-6 hours a week. The ideal Librarian service coverage should be approximately 170 hours a week.

The five Librarians have been providing approximately 109 hours a week of the above coverage. Reducing one Librarian will mean a reduction of 36 staff hours per week, of which approximately 21 hours were service coverage hours. This will lower coverage to 88 hours per week, which will impact the service level to patrons.

Hiring a part-time temporary Librarian at an hourly rate of $22.75, which is Step A of the Librarian Salary Schedule, for the allowable temp total of 960 hours for one year would total $21,840. This would add approximately 18 hours a week to the Reference desk coverage, bringing the covered hours back up to approximately 106 hours a week.

Additionally, if Librarians are not available to assist citizens to find and reserve the materials they need, they may not utilize the Library's services. This could reduce the Library's circulation, thereby possibly reducing one revenue fund provided by the State Library. A part-time Librarian to keep the service hours close to current levels may help keep the circulation, and therefore the revenue, from reduction.

Cost summary of DRO Offset:

Salaries	$21,840
Employee Benefits	--
Services	--
Supplies	--
Capital Outlay	--
Total Expenditures	**$21,840**

Department: Public Works
DRO No. 3-a *(page 15)*
Description: Funding for two (2) Temporary, Part-time Laborers should the vacant Full-Time Career Maintenance Worker II position be defunded
FY 2010-11 Cost: $32,417
General Fund Cost: $32,417

As part of the Public Works Department's DRO submittal, a DRO (DRO No.3) is proposed to defund (1) vacant Maintenance Worker II position (Position No. 0351) on the Catch Basin Maintenance Crew. Catch Basin Maintenance requires a two-person crew to monitor and clean the City's storm water drainage system, including 1,900 catch basins City-wide. This program is required to ensure that the City is in compliance with its National Pollutants Discharge Elimination Systems (NPDES) requirements.

If Public Works DRO No. 3 is implemented, it will result in a one-person Catch Basin Crew, which is not feasible from an operational and safety standpoint. This DRO Offset proposes to fund two (2) Temporary, Part-Time Laborers, with each working approximately 960 hours/year, to replace the (1) career full-time Maintenance Worker II position. This will allow continued operation of crew functions and maintenance of existing service levels, although in a less effective manner than the current operation. The Catch Basin Maintenance Crew will be less effective due to the loss of a second crewmember with a commercial driver's license, which is required to drive the commercial vacuum truck operated by this crew. (Maintenance Worker II classification requires a Class B commercial driver's license; Labor classification requires only a Class C general driver's license). All required driving will be performed by a second crewmember, an Equipment Operator, and no back-up will exist for driving the commercial vacuum truck.

A comparison of the fully burdened personnel costs of the vacant Maintenance Worker II versus the (2) Temporary, Part-Time Laborers is $71,300 versus $32,400. This DRO Offset is only necessary if the associated Publics Works DRO No. 3 is implemented.

Cost summary of DRO Offset:

Salaries	$32,417
Employee Benefits	--
Services	--
Supplies	--
Capital Outlay	--
Total Expenditures	**$32,417**

MV00055285

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects.

BACKGROUND

The purpose of the CIP is to identify needed improvements and establish long-term funding priorities. The CIP is presented to the City Council each year for review and discussion in order to affirm or provide direction for reprioritizing planned improvements for the benefit of the community.

City staff has completed a full review of all project needs through "build-out" of the City. The priorities, as proposed, are based on status and funding of existing projects, and anticipated development trends within the City.

DISCUSSION

The CIP is a tool used to track the accumulation and use of resources for designing, acquiring, constructing, and rehabilitating City infrastructure, such as buildings and roads. The CIP also provides a framework for funding capital projects and helps the City forecast and coordinate long-term needs. Capital planning ensures the timely repair and replacement of aging infrastructure and the implementation of community priorities to meet the demands of a growing and changing population. The CIP provides expenditure and funding source detail for the following types of capital projects budgeted and funded for FY 2010-11, as well as projects anticipated through build-out of the City:

Category	Proposed Budget for FY 2010-11 Funding
• Street Improvements	$36,498,000
• Bridges	$20,208,000
• Buildings	$15,081,000
• Drainage, Sewers, and Waterlines	$5,728,000
• Electric Utility	$3,855,000
• Landscaping	$0
• Parks	$4,100,000
• Traffic Signals	$1,916,000
• Underground Utilities	$201,000

Projects proposed for FY 2010-11 total $87,587,000. The cost estimate for all identified projects through build-out total is approximately $1.69 billion, which includes funded, partially funded, and unfunded projects.

With regard to revenue, Measure "A" (Fund 125) is a major funding source for transportation infrastructure improvements. Because Measure "A" funds are used to provide required City matching funds for federal, state, and county transportation grant awards, the reimbursement from these grants is deposited into the Measure "A" fund balance. The Measure "A" fund accounts for approximately 46 percent of new capital spending requests for FY 2010-11.

Development Impact Fee for Arterial Streets and Traffic Signals (DIF – Funds 416 and 417) savings realized by completed projects for FY 2009-10 are being reappropriated for FY 2010-11 CIP projects. No new DIF revenues for FY 2010-11 are programmed for CIP projects.

Gas Tax (Fund 121) is not programmed for CIP projects, and therefore any state-imposed Gas Tax reduction would not directly impact the CIP. It is important to recognize, however, that the Gas Tax does contribute to funding the operating budgets of various Public Works Department Divisions.

The Financial & Administrative Services Department is in the process of implementing an indirect cost rate (ICR) that would be applied to projects in order to minimize Gas Tax operating budget cost impacts by distributing overhead costs to CIP projects.

This report offers an opportunity for the City Council to review the CIP and to provide commentary and concurrence or new direction on projects planned for the next fiscal year, as well as subsequent years. Should the City Council make changes in the prioritization of projects, other projects may be deferred.

Staff will bring the CIP back to the City Council for review each year to add, delete, and change priorities as needed.

ALTERNATIVES

1. Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects. *This alternative will allow needed improvements.*

2. Do not review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and do not provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects. *This alternative will result in the delaying of needed improvements.*

FISCAL IMPACT

The CIP budget strives to meet the City's growing infrastructure needs, not only for new projects, but for maintenance of existing infrastructure as well. This year, perhaps even more so than last, the reality of shrinking revenues from all revenue sources, such as Measure "A", DIF, Transportation Uniform Mitigation Fee (TUMF), and Gas Tax, make this effort even more challenging. The fiscal impact is dependent on the outcome of the budget process, which takes place over the next two months.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.

ATTACHMENT

Attachment "A" – FY 2010-2011 Proposed Capital Improvement Plan PowerPoint Presentation

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - CIP\2010-2011 CIP\CC Reports\051110 CC Presentation\FY 10-11 CIP CC Staff Report 051110 Final.doc

FY 2010-2011 Proposed Capital Improvement Plan

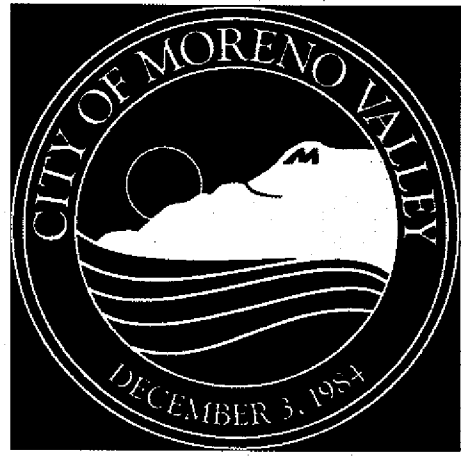

City of Moreno Valley
May 11, 2010

Attachment "A"

FY 2010-2011 Proposed Capital Improvement Plan Objectives

- City Council to Review, Comment, and Provide Concurrence or Provide New Priorities
- Recognize That Reprioritization of Projects May Defer Some Projects to a Later Time
- Bring Back to City Council Each Year to Add, Delete, and Change Priorities as Needed

MV00055291

Completed Projects FY 2009-2010

Street Improvements

1. Sunnymead Boulevard from Frederick Street to Perris Boulevard
2. Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard
3. Citywide Annual Pavement Resurfacing Program (Phase I)
   - Eucalyptus Avenue from Towngate Boulevard to Heacock Street
   - Heritage Way from Town Circle to Towngate Boulevard
   - Indian Street from Saint Thomas Avenue to Katrina Avenue
   - Towngate Circle from Heritage Way to Centerpoint Drive
4. Citywide Annual Pavement Resurfacing Program (Phase II)
   - Bay Avenue from Indian Street to Perris Boulevard
   - Delphinium Avenue from Indian Street to Perris Boulevard
   - Dracaea Avenue from Frederick Street to Graham Street
   - Heacock Street from Gregory Lane to 500 Ft ± South of Gregory Lane
   - Krameria Avenue from Perris Boulevard to Lasselle Street
5. Iris Avenue from Indian Street to Perris Boulevard
6. Surface Recycling Program
7. Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
8. Residential Traffic Management Program (Speed Hump Program)
   - Apple Blossom Lane Speed Hump
   - Superior Avenue Speed Hump
9. Bicycle Lane

Completed Projects FY 2009-2010

Street Improvements

10. Developer Street and Storm Drain Improvements
    - Alessandro Boulevard and Morrison Street (Northwest Corner)
    - Cottonwood Avenue from 275 Ft West of Darwin Drive to 225 Ft East of Collie Court
    - Cottonwood Avenue from 550 Ft West of Prancer Lane to 200 Ft East of Prancer Lane
    - Eucalyptus Avenue from 400 Ft West of Essen Lane to 270 Ft East of Essen Lane
    - Lasselle Street from 500 Ft South to 1,125 Ft South of Iris Avenue
    - Lasselle Street from South City Limits to 109 Ft North
    - Moreno Beach Drive / Cactus Avenue Intersection (Northwest Corner)
    - Morrison Street / Cottonwood Avenue Intersection (Southeast Corner)
      - Cottonwood Avenue from Morrison Street to 1,260 Ft East of Morrison Street
      - Morrison Street from Bay Avenue to Cottonwood Avenue
      - Bay Avenue from Morrison Street to 1,320 Ft East of Morrison Street
    - South side of Nandina Avenue West of Indian Street

MV00055293

Completed Projects FY 2009-2010

Street Improvements

10. Developer Street and Storm Drain Improvements (Cont.)
    - Nason Street / Fir Avenue
      - Nason Street from Fir Avenue to Dracaea Avenue
      - Fir Avenue from Nason Street to Eucalyptus Avenue
      - Eucalyptus Avenue from Nason Street to 3,550 Ft East of Nason Street
    - Perris Boulevard 350 Ft South of Alessandro Boulevard
    - Perris Boulevard / Eucalyptus Avenue
      - Eucalyptus Avenue from Perris Boulevard to 520 Ft West of Bridal Trail Road
      - Perris Boulevard from 200 Ft South of Myers Avenue to Eucalyptus Avenue
    - Redlands Boulevard / Cottonwood Avenue (Southeast Corner)
    - San Michele Road from 650 Ft East of Indian Street to 1,325 East of Indian Street

Cost = $ 38,910,159

Completed Projects FY 2009-2010

Underground Utilities

11. City Hall to Animal Shelter Fiber Extension

Cost = $ 179,000

Bridges

12. Bridge Repair Maintenance Program

Cost = $ 258,000

Traffic Signals

13. Lasselle Street / Cottonwood Avenue Traffic Signal
14. Lasselle Street / Bay Avenue Traffic Signal
15. SR-60 Eastbound Ramps / Redlands Boulevard Traffic Signal
16. Cottonwood Avenue / Pattilynn Drive School Crossing Traffic Signal
17. Developer Traffic Signal Improvements
    - Traffic Signal Modification at Old 215 / Alessandro Boulevard

Cost = $ 1,575,032

MV00055295

Completed Projects FY 2009-2010

Parks

18. Patriot Park (formerly Sheila Street Park)
19. Parks and Recreation Master Plan
20. Bay Avenue / Frederick Street Corner Improvements
21. Developer Park Improvements
    - Cold Creek Trail Head
    - Rockridge Park (formerly Stoneridge Park)

Cost = $ 3,518,015

Electric Utility

22. MVU-0004 Indian / San Michele / Grove View BB (11)
23. MVU-0006 Alessandro 12KV Feeder, Phase I
24. MVU-0007 Goldencrest / Elsworth – 12 KV Line Extension
25. MVU-0009 Perris 12KV Feeder, Phase I

Cost = $ 2,446,746

Buildings

26. Slurry Seal Library Parking Lot
27. City Maintenance Yard Improvements / Renovation

Cost = $ 232,138

Completed Projects Total = $ 47,119,090

COMPLETED PROJECTS
FY 2009-2010

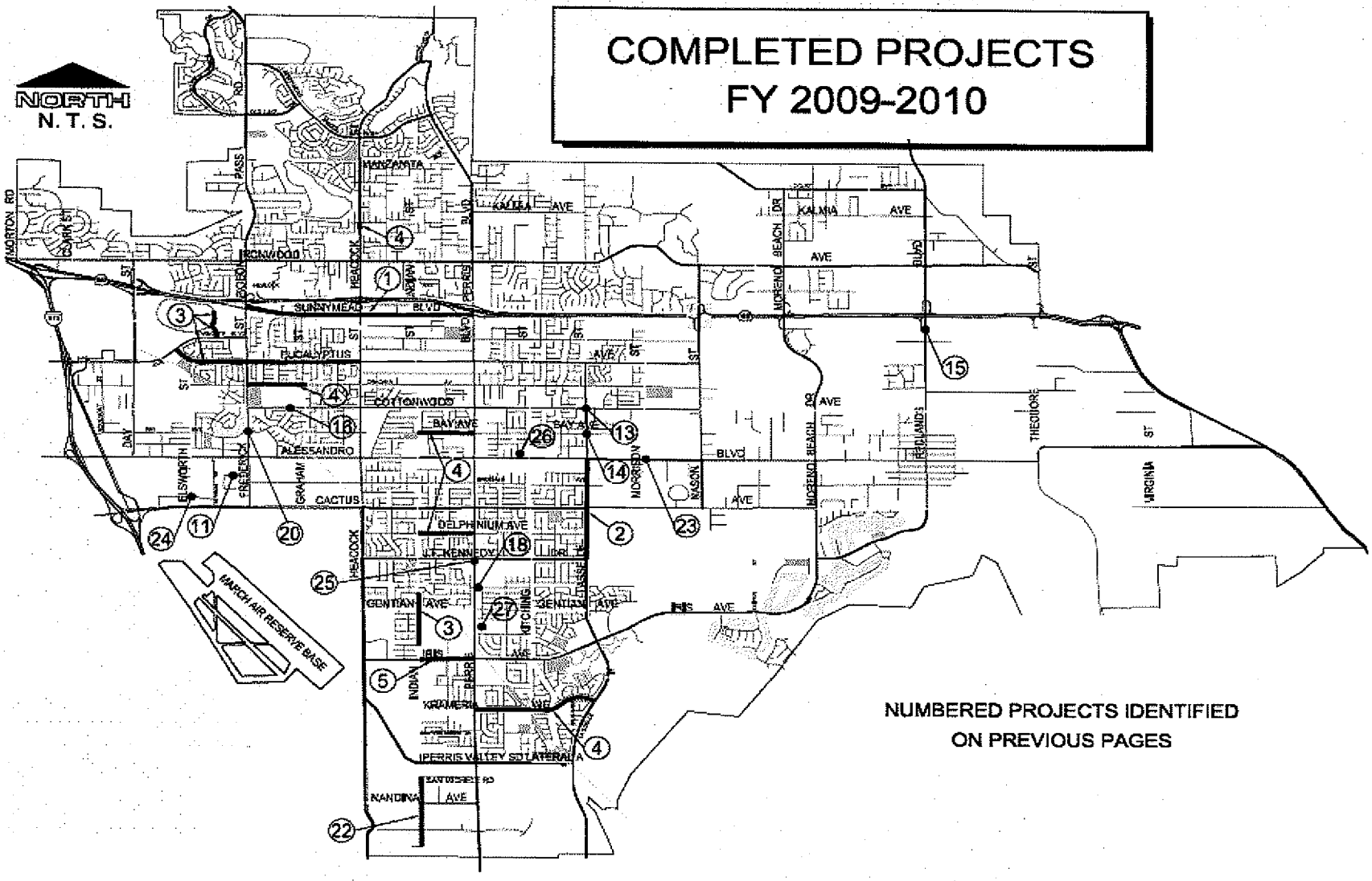

NUMBERED PROJECTS IDENTIFIED
ON PREVIOUS PAGES

MV00055297

Completed Projects FY 2009-2010

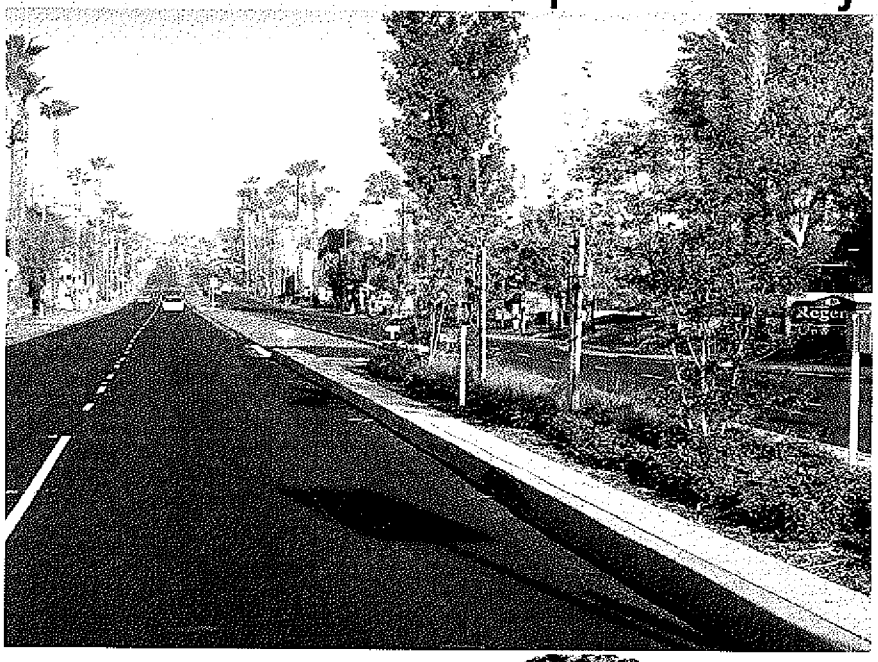

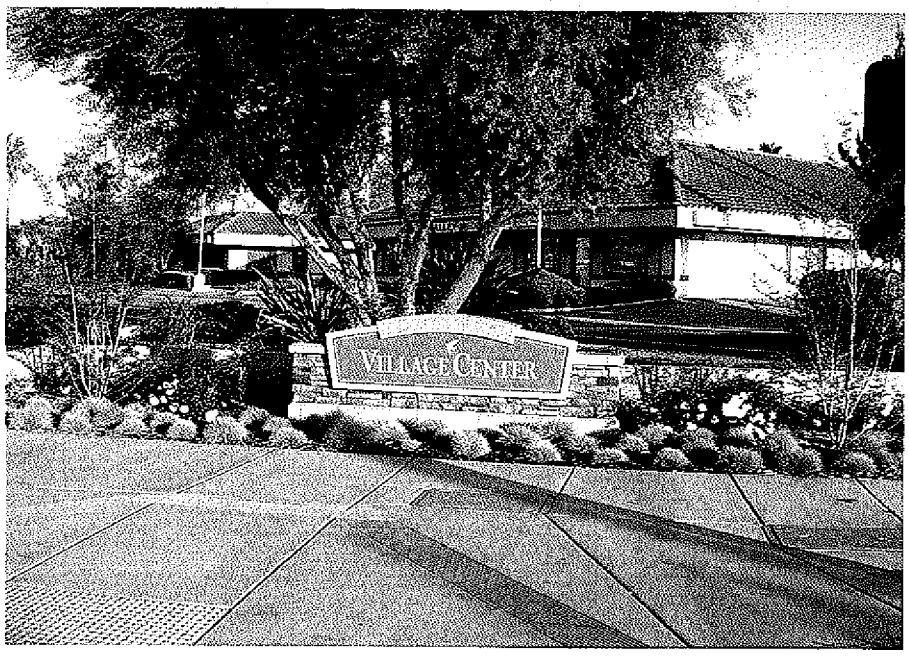

Sunnymead Boulevard from Frederick Street to Perris Boulevard

Completed Projects FY 2009-2010

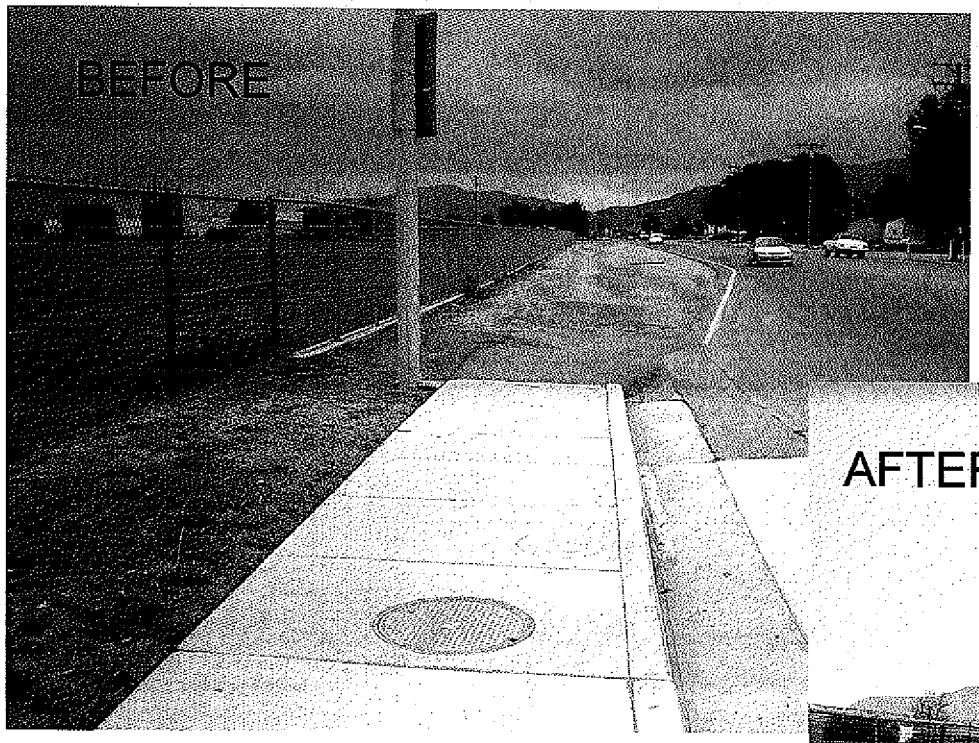

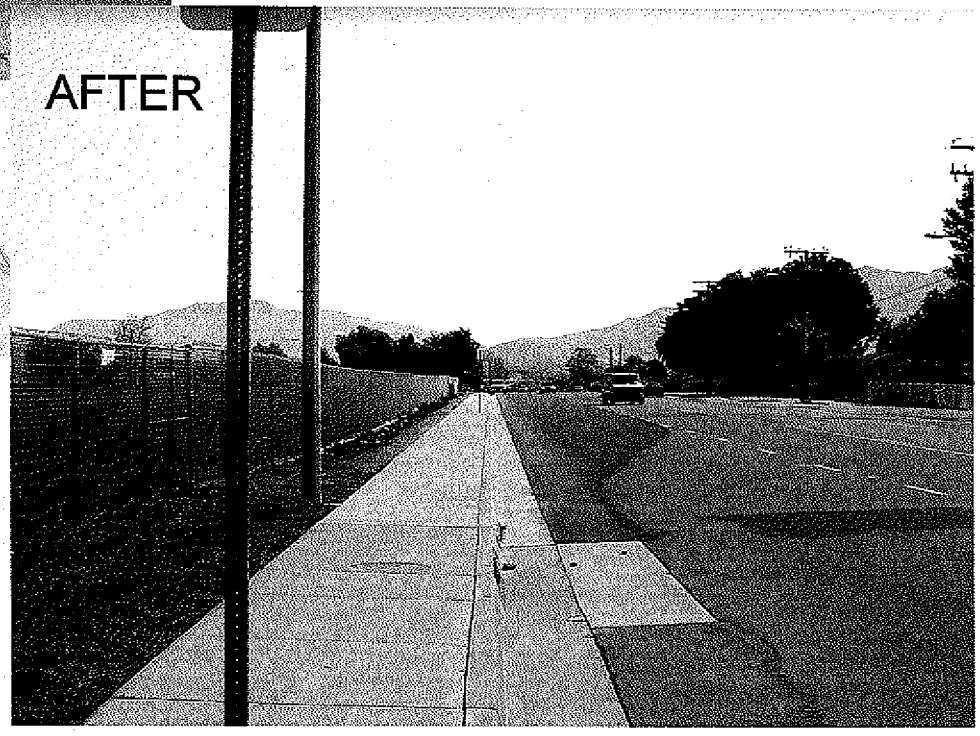

Iris Avenue from Indian Street to Perris Boulevard

MV00055299

Completed Projects FY 2009-2010

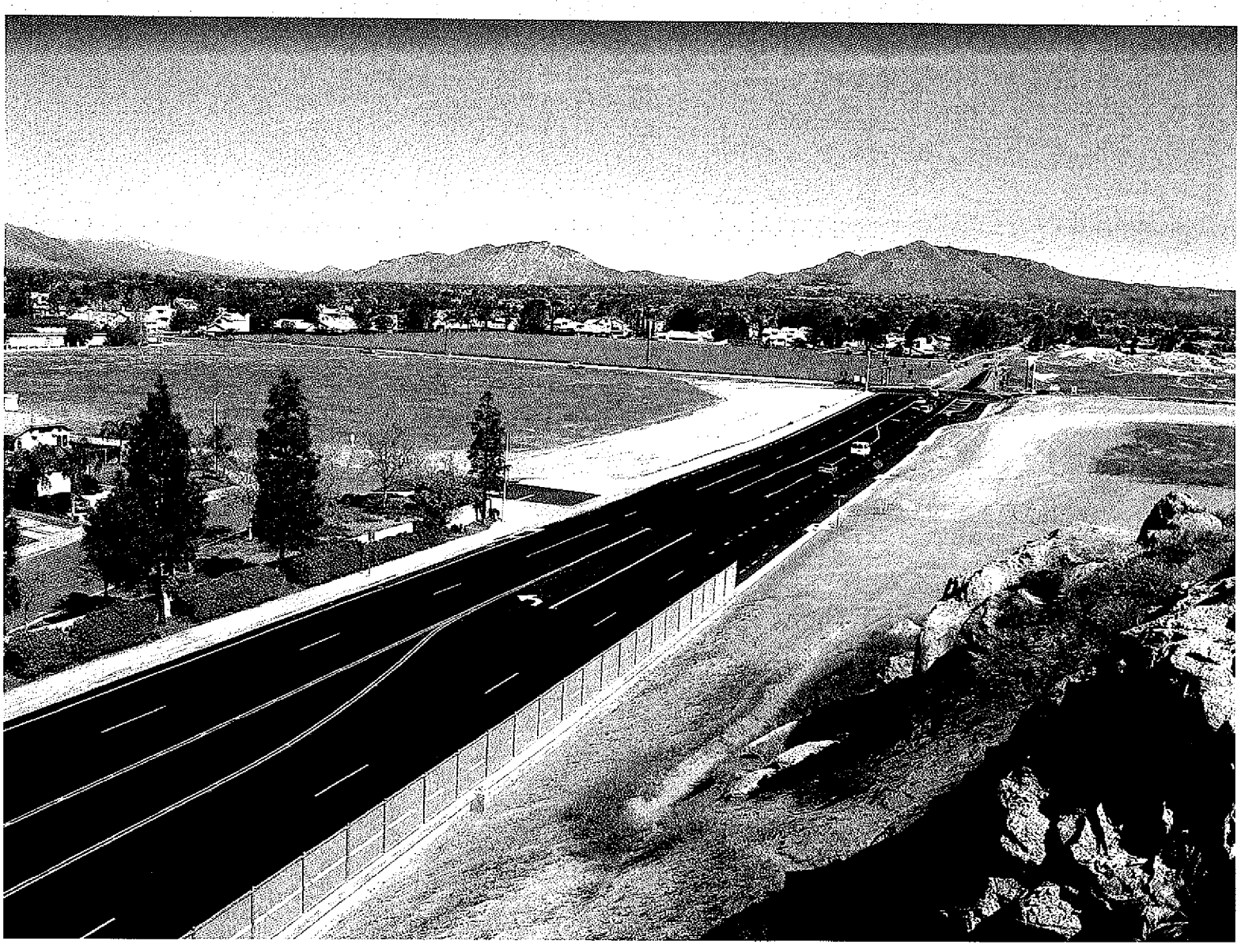

Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard

Completed Projects FY 2009-2010

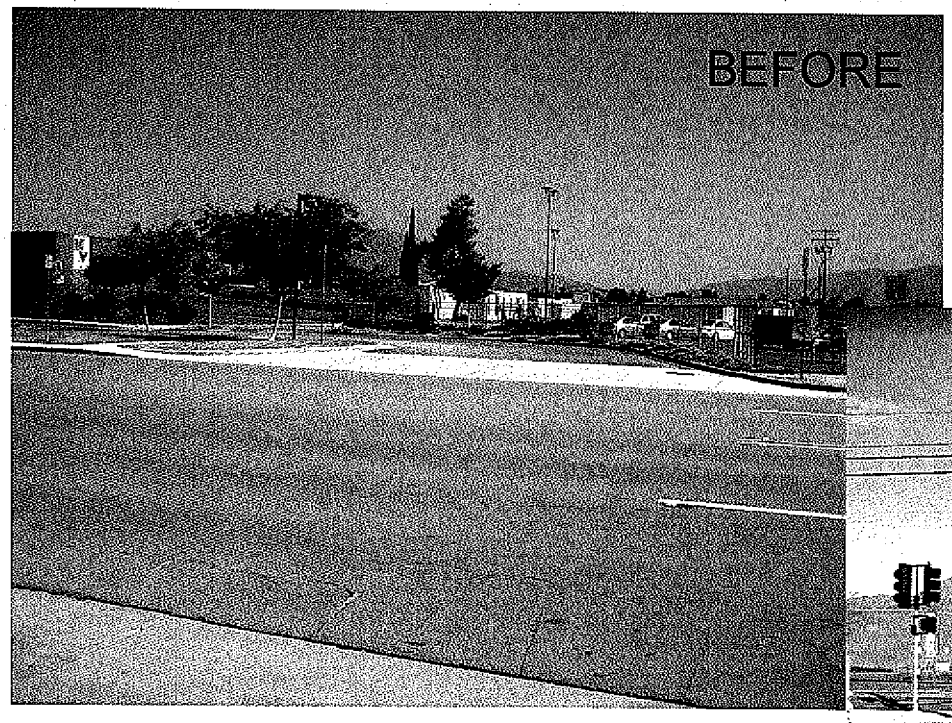

Cottonwood Avenue / Pattilynn Drive School Crossing Traffic Signal

MV00055301

Completed Projects FY 2009-2010

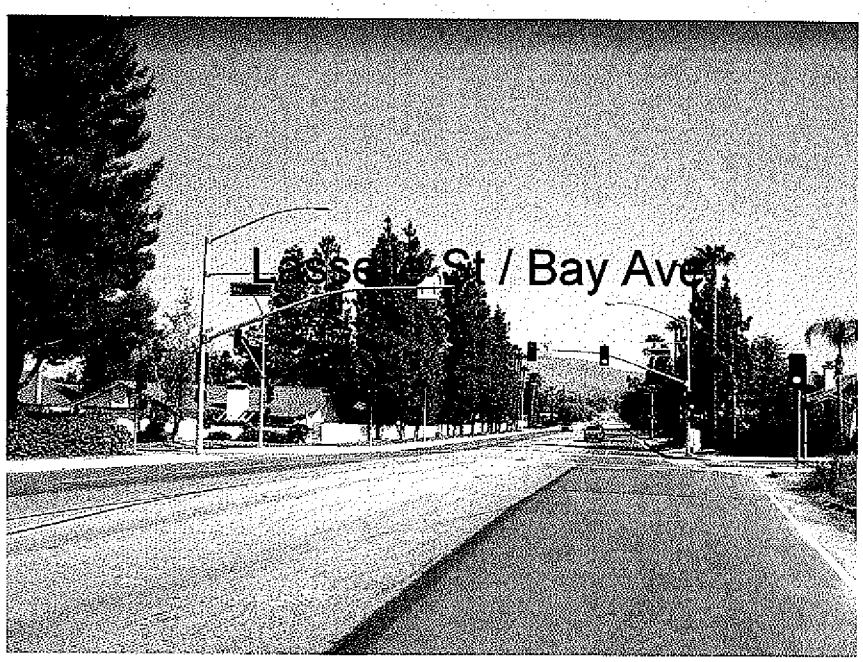

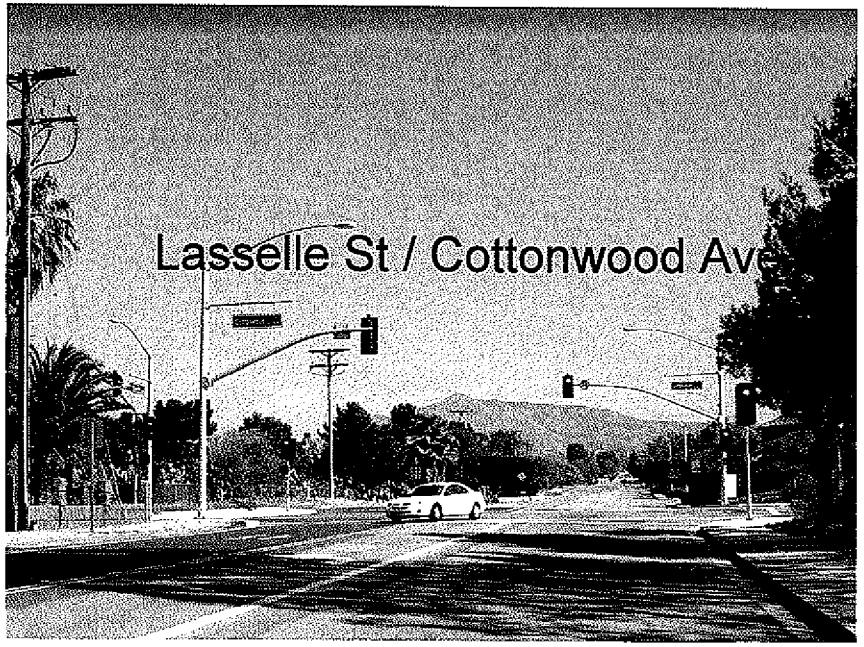

Lasselle Street / Cottonwood Avenue and
Lasselle Street / Bay Avenue Traffic Signals

Completed Projects FY 2009-2010

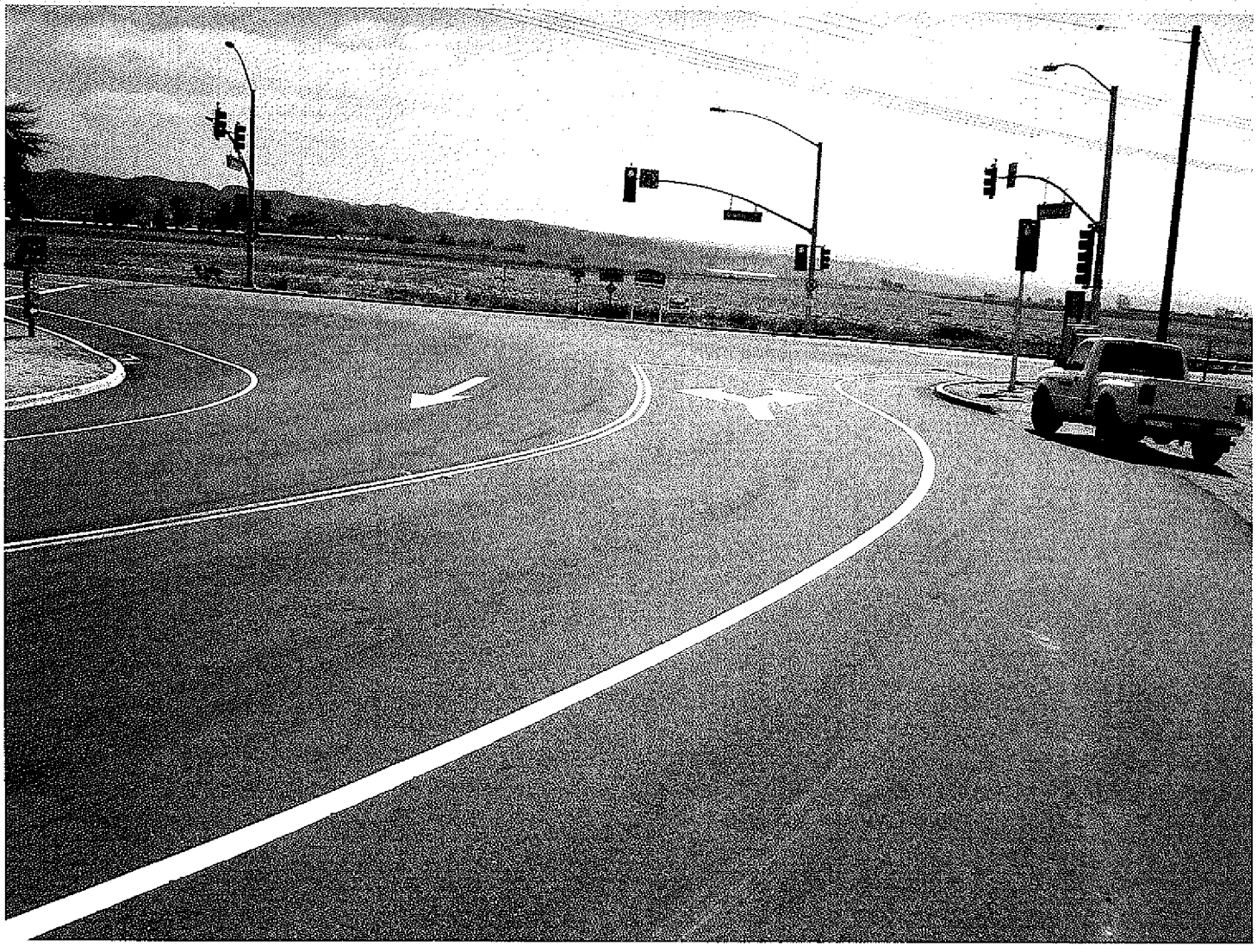

SR-60 Eastbound Ramps / Redlands Boulevard Traffic Signal

MV00055303

Active Projects FY 2010-2011

Street Improvements

1. Auto Mall Street Upgrades (Construction)
2. Boeing Street and McDonnel Street Sidewalks from Bay Avenue to Vought Street (Construction)
3. Day Street Improvements from Alessandro Boulevard to Cottonwood Avenue (Construction)
4. Dracaea Avenue Sidewalk from Morrison Street to Mascot Lane (Design & Construction)
5. Heacock Street Improvements from Hemlock Avenue to Ironwood Avenue (Right of Way & Construction)
6. Indian Street / Alessandro Boulevard Sidewalk Improvements (Construction)
7. Ironwood Avenue Improvements from Day Street to Barclay Drive (Construction)
8. SR-60 / Nason Street Interchange (Construction)
9. Temco Street Sidewalk from Boeing Street to Pan Am Boulevard (Construction)
10. Vought Street Sidewalk from Boeing Street to Pan Am Boulevard and Boeing Street Sidewalk from Vought Street to Temco Street (Construction)
11. Annual ADA Compliant Curb Ramp Upgrades (Design & Construction)
12. Cactus Avenue Eastbound 3rd Lane Improvements from I-215 to Veterans Way (Right of Way)
13. Cactus Avenue Eastbound 3rd Lane Improvements from Veterans Way to Heacock Street (Right of Way)
14. Citywide Annual Pavement Resurfacing Program (Design & Construction)
    - Kitching Street from Fir Avenue to Cottonwood Avenue
    - Manzanita Avenue from Heacock Street to Perris Boulevard
    - Cactus Avenue from Commerce Center Drive to Elsworth Street
    - Indian Street from Ironwood Avenue to Sunnymead Boulevard
    - Fir Avenue from Perris Boulevard to Lasselle Street

Active Projects FY 2010-2011

Street Improvements

15. Heacock Street from Perris Valley Storm Drain Lateral "A" to Cactus Avenue (Right of Way)
16. Heacock Street from San Michele Road to Perris Valley Storm Drain Lateral "A" (Right of Way)
17. Heacock Street South Extension (Alignment Study)
18. Ironwood Avenue from Heacock Street to Perris Boulevard (Utility Relocation & Storm Drain Construction)
19. Ironwood Avenue from Perris Boulevard to Nason Street (Preliminary Design)
20. Kitching Street from Alessandro Boulevard to Gentian Avenue (Construction)
21. Moreno Beach Drive Widening from Cactus Avenue to Auto Mall Drive (Preliminary Alignment Study & Preliminary Study Report)
22. Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
23. Perris Boulevard Southbound Lane to SR-60 Westbound On-Ramp (Right of Way & Construction)
24. Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue (Right of Way)
25. Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue (Design & Right of Way)
26. Reche Vista Drive Realignment / Perris Boulevard from Heacock Street to North City Limits (Design & Right of Way)
27. Redlands Boulevard / SR-60 Interchange; Theodore Street / SR-60 Interchange; Gilman Springs Road / SR-60 Interchange (Preliminary Design)

MV00055305

Active Projects FY 2010-2011

28. Residential Traffic Management Program (Speed Hump Program) (Design & Construction)
29. SR-60 / Moreno Beach Drive Interchange (Design, Environmental, & Right of Way)
30. Street Improvement Program (SIP) (Design & Construction)
31. Surface Recycling (Construction)

Cost = $ 36,091,000

Bridges

32. Bridge Repair Maintenance Program (Design & Construction)
33. Heacock Street Bridge / Perris Valley Strom Drain Lateral "A" (Design & Construction)
34. SR-60 / Nason Street Overcrossing Bridge (Design & Utility Relocation)

Cost = $ 20,208,000

Buildings

35. 800 MHz Radio Repeater System Centralization (Construction)
36. Box Springs Communications Site (Construction)
37. Emergency Operations Center (EOC) (Construction)
38. Morrison Park Fire Station (formerly Fire Station #107) (Design)
39. Renovation of City Hall Annex Building #1 (Construction)
40. Roof Replacement at Gateway and Westbluff Parks (Construction)
41. Civic Center Site Improvements (Exterior) (Design)
42. Corporate Yard Facility (Design & Construction)

Active Projects FY 2010-2011

43. Fire Station #65 (formerly Fire Station #65 Replacement) (Land Acquisition)
44. Public Safety Building Conversion (Construction)

Cost = $ 13,616,000

Drainage, Sewers, and Waterlines

45. Edgemont Water System Phase I (Design)
46. Heacock Street and Cactus Avenue Channel Improvements (Design)
47. Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements (Construction)

Cost = $ 5,728,000

Electric Utility

48. LRB Funded Utility Projects (Construction)
49. MVU-0003 Cottonwood / Moreno Beach / Quincy BB (6) (Design & Construction)
50. MVU-0004 Indian / San Michele / Grove View BB (11) (Design & Construction)
51. MVU-0005 Circuit #5 Substation / Nason / Iris (Design & Construction)
52. MVU-0008 Globe Channel Crossing (12) (Design & Construction)
53. MVU-0010 Heacock 12KV Feeder, Phase 1 (Design & Construction)
54. MVU-0011 Alessandro 12KV Feeder, Phase 2 (Design & Construction)
55. MVU-0012 Heacock 12KV Feeder, Phase 2 (Design & Construction)
56. MVU-0014 Perris 12KV Feeder, Phase 2 – Krameria / Cardinal (Design & Construction)

Cost = $ 3,855,000

MV00055307

Active Projects FY 2010-2011

Parks

57. Celebration Park Splash Pad Surfacing (Design & Construction)
58. Install Access Gate at March Middle School Field (Construction)
59. Install Musco Control Link Automated Lighting Systems (Construction)
60. Shadow Mountain Park Ball Field Lighting (Design)
61. College Park Phase II Amphitheater (Design / Environmental)
62. Future Park Site Land Acquisition (Land Acquisition)
63. March Field Park Master Plan (Preliminary Design)
64. Replacement Playground Equipment (Design & Construction)

Cost = $ 3,649,000

Active Projects FY 2010-2011

Traffic Signals

65. City of Moreno Valley / City of Riverside Intertie (Design & Construction)
66. Emergency Vehicle Pre-emption at 117 Traffic Signals (Design & Construction)
67. Nason Street / Riverside County Regional Medical Center Main Driveway Traffic Signal (Design, Right of Way, & Construction)
68. Sunnymead Ranch Parkway / Village Road East Traffic Signal (Construction)
69. Transportation Management Center (Design & Construction)
70. Traffic Signal Coordination Program (Ongoing)

Cost = $ 1,881,000

Active Projects Total Cost = $ 85,028,000

MV00055309

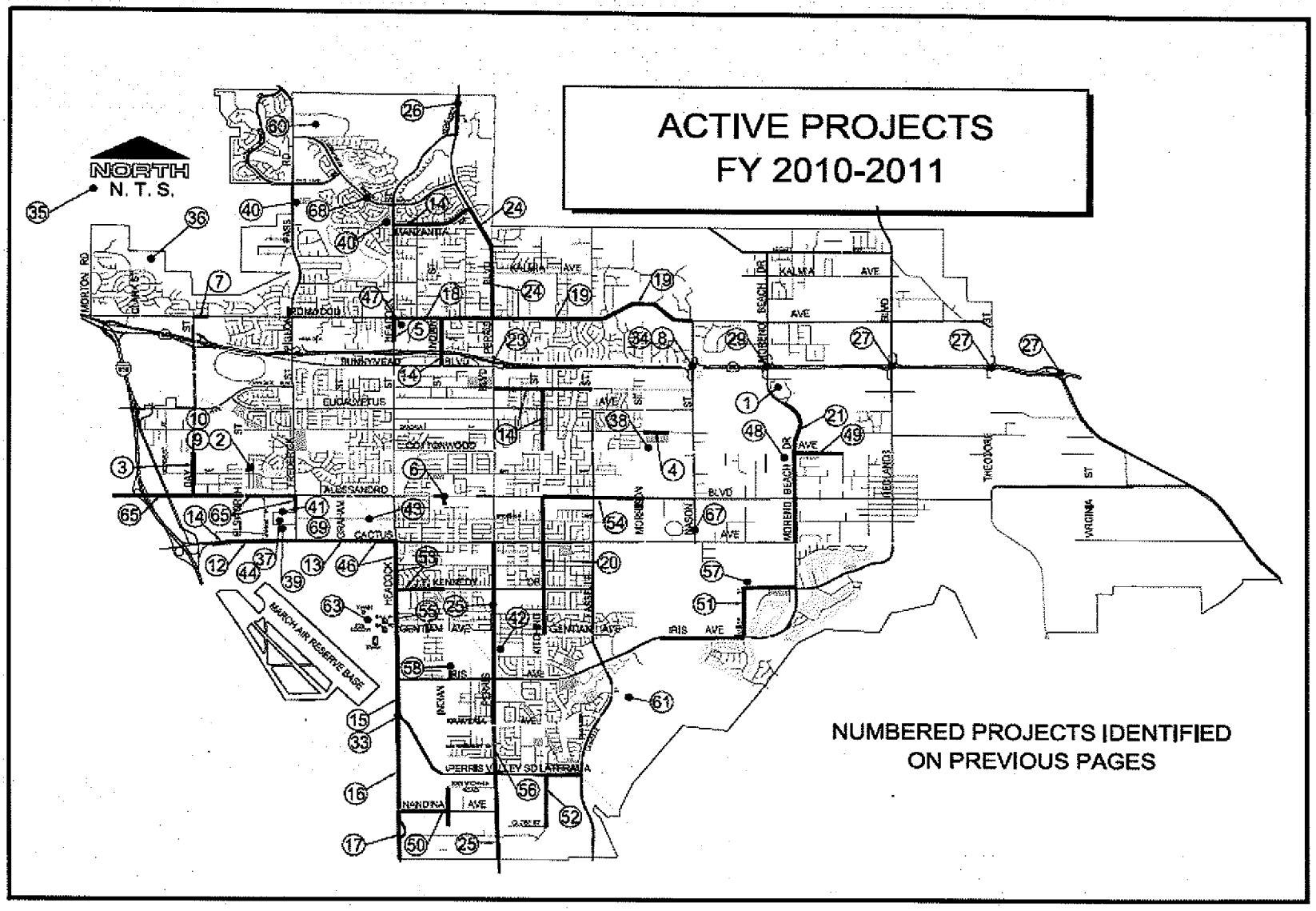

Item No. G.3

MV00055310

Active Projects FY 2010-2011

Temco Street, Boeing Street, and Vought Street Sidewalk Improvements

Active Projects FY 2010-2011

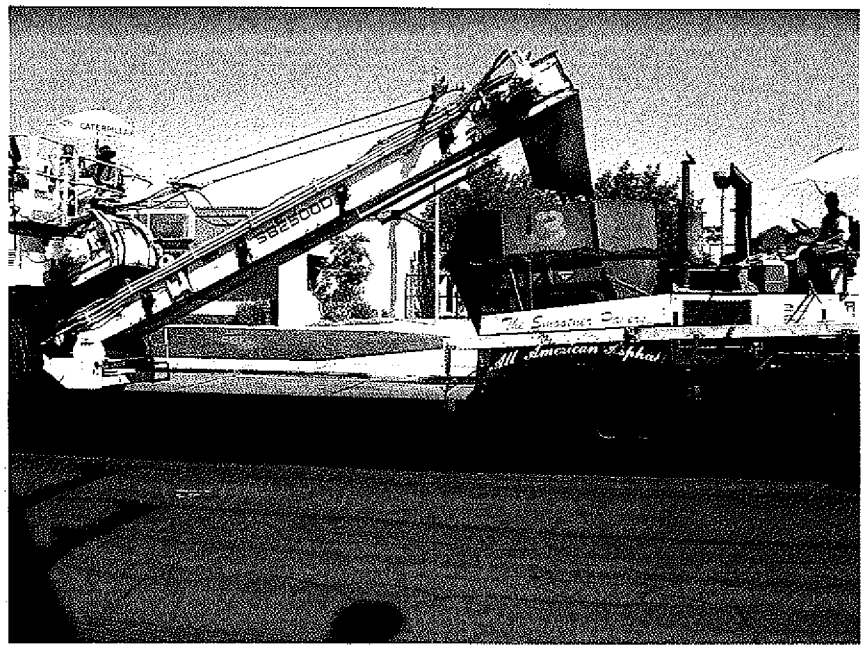

Citywide Annual Pavement Resurfacing Program

Active Projects FY 2010-2011

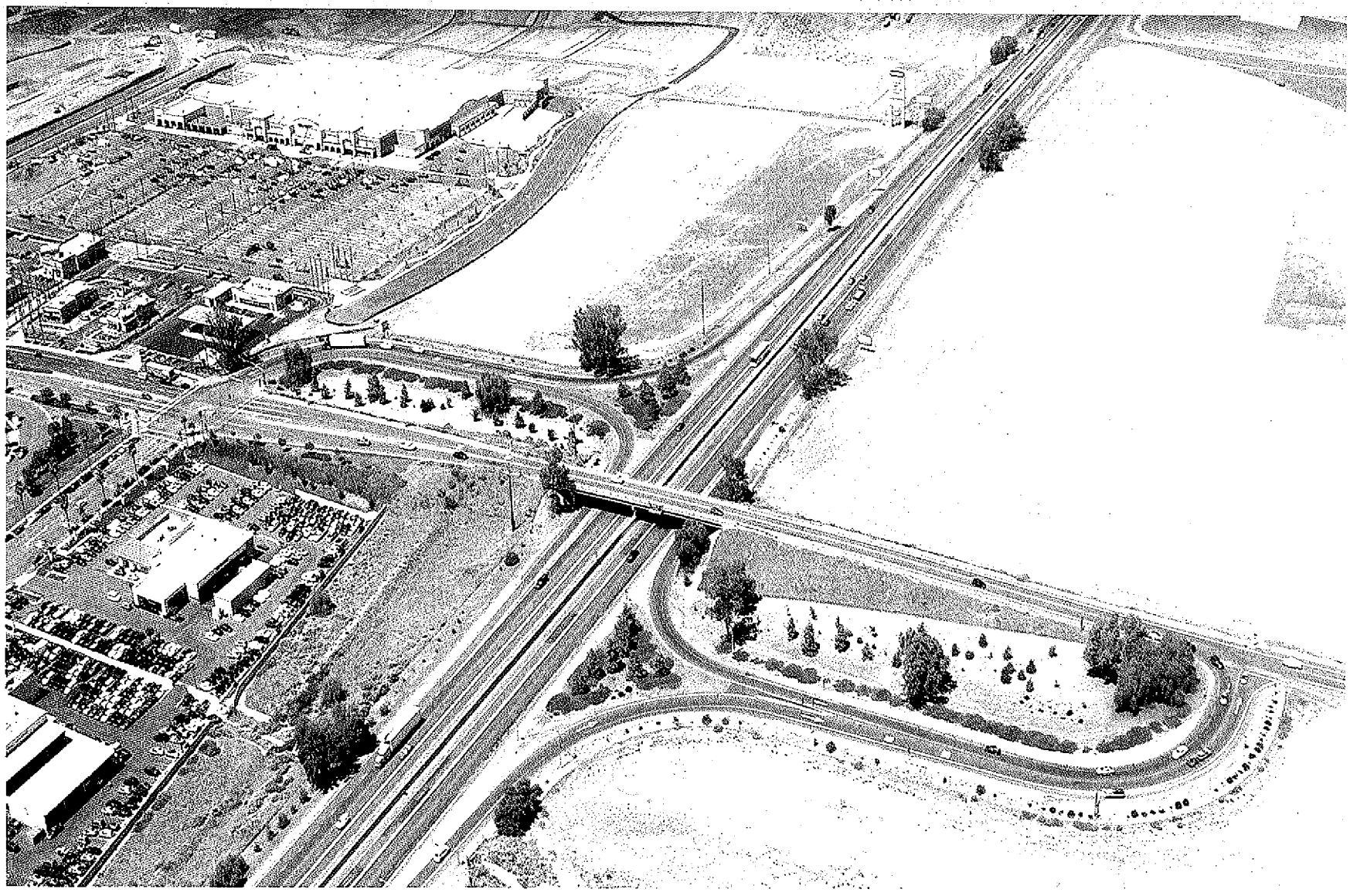

SR-60 / Moreno Beach Drive Interchange

MV00055313

Active Projects FY 2010-2011

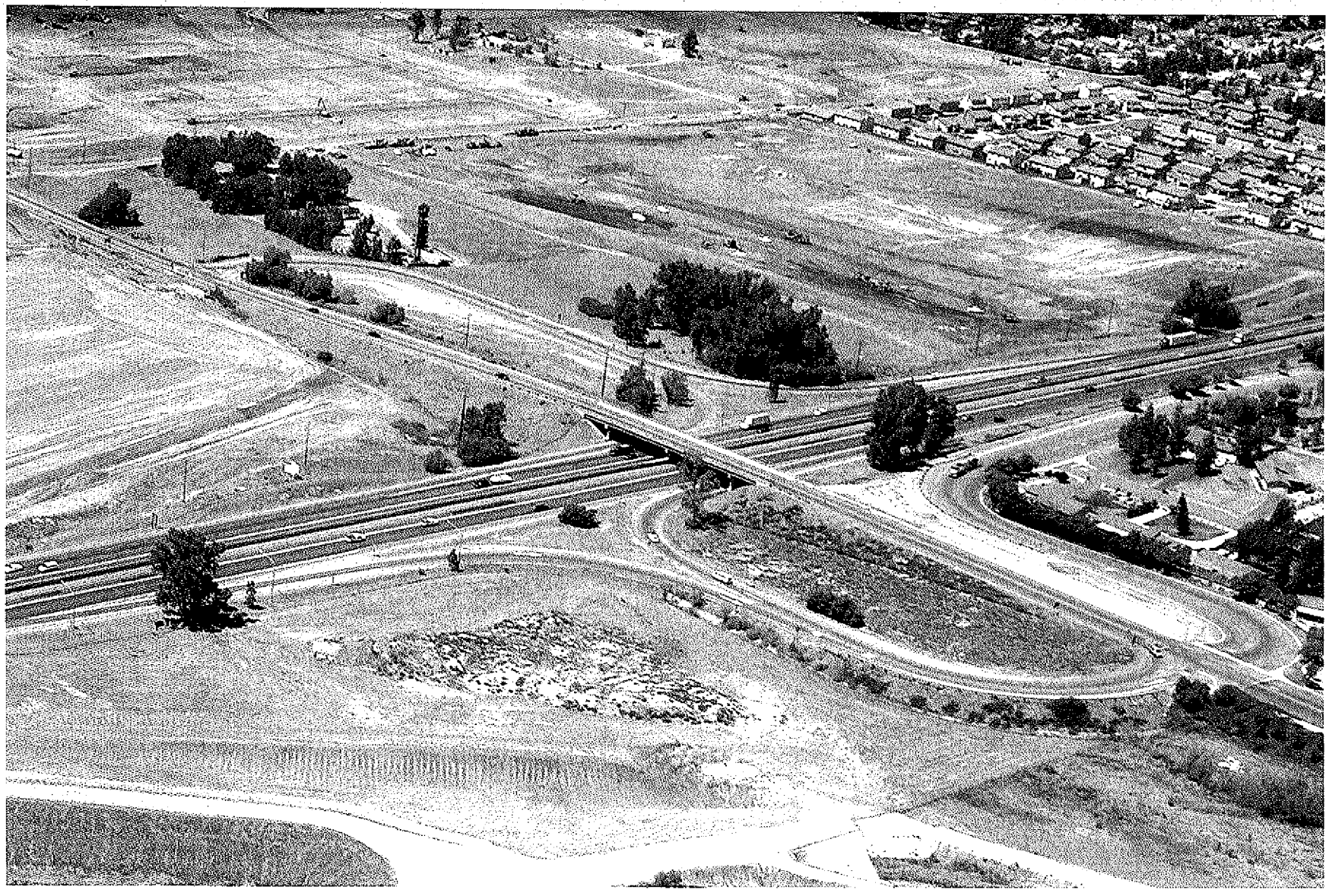

SR-60 / Nason Street Interchange

Active Projects FY 2010-2011

SR-60 / Nason Street Interchange Utility Relocation Construction

MV00055315

Assumptions Used to Prioritize New Proposed Projects

- Availability of Matching Federal or State Grant Funds
- Allocation of Dedicated Transportation Uniform Mitigation Fee (TUMF) Funding
- Funding Criteria and Deadlines (Bonds, Grants, and Outside Agency Agreements)
- No Anticipated New Development Impact Fee (DIF) Revenues
- Potential Reduced New Gas Tax Revenue (Impacts Public Works Staff Operating Budget)
- Logical Sequential Order to Previous City Council Approved Funding for Projects
- Street Improvement Program (SIP) Program – Approved City Council List
- Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
- Citywide Annual Pavement Resurfacing Program – Based on Pavement Management System
- Developer / Development Driven
- Warrant Requirement (e.g., Traffic Signals)

New Proposed Projects FY 2010-2011

Street Improvements

1. Day Street Widening from Eucalyptus Avenue to 660 Feet North (Design)

Cost = $ 350,000

Buildings

2. Highland Fire Station (Land Acquisition)
3. Industrial Fire Station (Land Acquisition)

Cost = $ 1,460,000

Parks

4. Park Monument Signs (Design & Construction)
5. Shadow Mountain Park Restrooms (Design & Construction)

Cost = $ 310,000

MV00055317

New Proposed Projects FY 2010-2011

Traffic Signals

6. Lasselle Street / Margaret Avenue Traffic Signal (Design)

Cost = $ 20,000

Underground Utilities

7. Citywide Fiber Optic Communications Expansion (Design & Construction)

Cost = $ 199,000

New Proposed Projects Total Cost = $ 2,339,000

NEW PROPOSED PROJECTS
FY 2010-2011

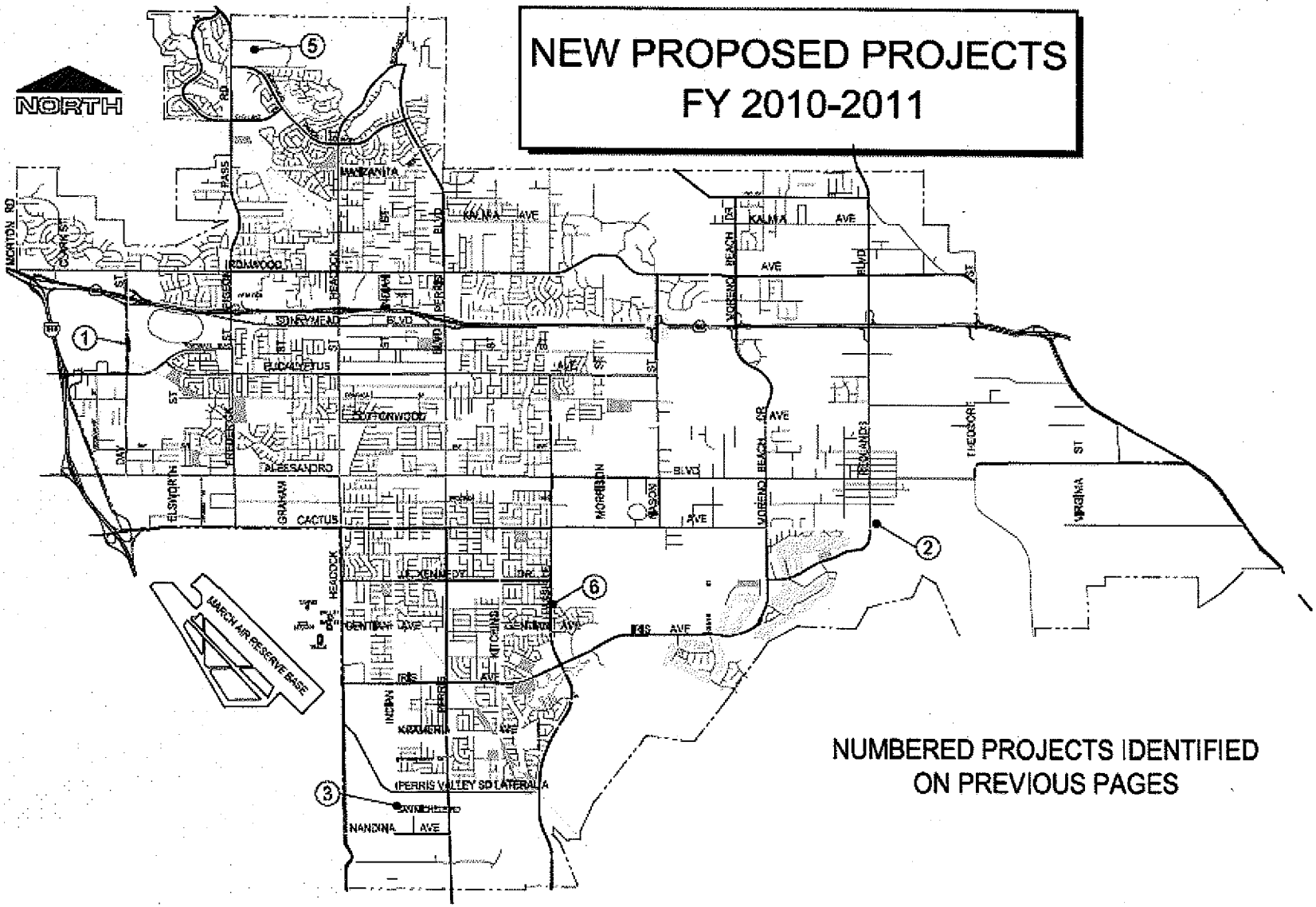

NUMBERED PROJECTS IDENTIFIED
ON PREVIOUS PAGES

FY 2010-2011 PROJECT COSTS BY CATEGORY

(Amount in $1,000's)

• STREET IMPROVEMENTS	$	36,498
• BRIDGES	$	20,208
• BUILDINGS	$	15,081
• DRAINAGE, SEWERS, AND WATERLINES	$	5,728
• ELECTRIC UTILITY	$	3,855
• LANDSCAPING	$	0
• PARKS	$	4,100
• TRAFFIC SIGNALS	$	1,916
• UNDERGROUND UTILITIES	$	201
ESTIMATED TOTAL	$	87,587

STREET IMPROVEMENTS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$25,083	$11,415	$52,102	$57,000	$69,039	$662,770	$877,409

MV00055321

Zones for Pavement Rehabilitation Program (formerly Slurry Seal Program)

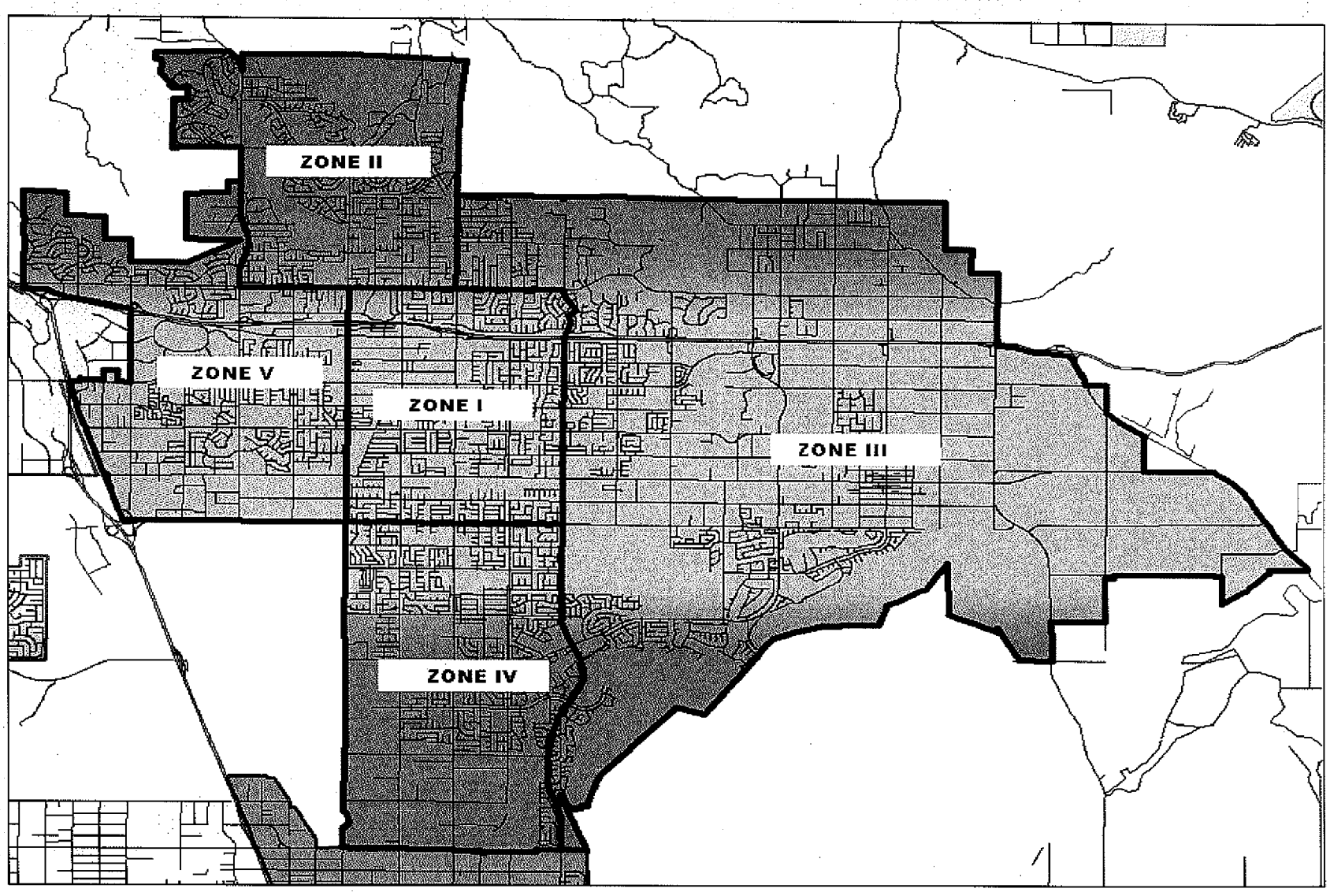

BRIDGES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$17,388	$2,820	$0	$0	$0	$100,244	$120,452

MV00055323

BUILDINGS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$13,051	$2,030	$1,621	$3,655	$5,147	$229,388	$254,892

DRAINAGE, SEWERS, AND WATERLINES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$5,728	$0	$0	$230	$1,833	$36,011	$43,802

MV00055325

ELECTRIC UTILITY

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$3,855	$0	$0	$2,000	$5,507	$4,388	$15,750

LANDSCAPING

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$0	$0	$120	$120	$120	$120	$480

MV00055327

PARKS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$3,550	$550	$3,406	$1,417	$552	$321,003	$330,478

TRAFFIC SIGNALS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$1,659	$257	$1,268	$30	$302	$43,546	$47,062

MV00055329

UNDERGROUND UTILITIES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$2	$199	$0	$0	$155	$2,801	$3,157

SUMMARY COSTS BY CATEGORY

Total Build-Out

(Amount in $1,000's)

• STREET IMPROVEMENTS	$	877,409
• BRIDGES	$	120,452
• BUILDINGS	$	254,892
• DRAINAGE, SEWERS, AND WATERLINES	$	43,802
• ELECTRIC UTILITY	$	15,750
• LANDSCAPING	$	480
• PARKS	$	330,478
• TRAFFIC SIGNALS	$	47,062
• UNDERGROUND UTILITIES	$	3,157
TOTAL	$	1,693,482

MV00055331

FY 2010-2011 Proposed Capital Improvement Plan Summary

- The projects recommended for FY 2010-2011 are based on development, funding availabilities, and individual project status
- City Council to review, comment, and provide concurrence or provide new priorities
- Recognize that reprioritization of projects may defer some projects to a later time
- Bring back to City Council each year to add, delete, and change priorities as needed

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MV00055333

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Robert Hansen, City Attorney

AGENDA DATE: May 11, 2010

TITLE: ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE MORENO VALLEY MUNICPAL CODE RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS

RECOMMENDED ACTION

Staff recommends that the City Council:

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing offenses and amending Section 6.04.080 relating to notice of nuisance violations.

BACKGROUND

Staff has reported an increase over the past two years of incidents related to trespassing and drinking in public. Trespass is currently regulated by Section 602 of the California Penal Code. However, the various sections of the penal code do not provide a comprehensive approach to general trespass on private property. As a result of the fact specific nuances of state trespassing laws, very few instances of what is commonly thought to be trespassing actually is enforceable under state law.

Likewise, state law deals with intoxication in public but requires a very specific set of facts in order to convict for public intoxication. Moreno Valley currently does not have

any laws to prevent or restrict the consumption of alcohol in public, even when such consumption does not rise to the level of public intoxication.

Reports of increased public nuisance activity related to trespass and drinking have increased. These reports include trespassing and holding parties in vacant, abandoned or foreclosed properties, skateboarding in business parking lots, loitering and drinking at liquor stores, especially those associated with an attached or nearby recycling center.

DISCUSSION

In order to combat some of these nuisance conditions, the City Attorney's Office was asked to create new ordinance addressing trespassing and drinking in public. The proposed ordinance is laid out in three sections. The first section prohibits the drinking of an alcoholic beverage on or within public places, including streets and sidewalks. The penalties for drinking in public can range from a $100 Administrative Citation up to a misdemeanor violation for repeat offenders with maximum penalties of a $1,000.00 fine and up to six months in jail. The act of possessing an open container of alcohol (without drinking) constitutes a lesser charge with a maximum penalty of $500 and no jail time.

The second proposed section addresses trespassing on private property. A violation of this section constitutes a misdemeanor as well and may be enforced through Administrative Citations of a criminal complaint. Trespassing is prohibited on properly posted property or upon property where the owner, or the owner's agent, has asked an individual to remove himself therefrom and that person refuses to leave. A property owner can provide a written authorization to the police department to act as there agent to remove trespassers from their property. This could be used by banks to allow officers to remove and/or arrest individuals trespassing in vacant homes as well as by business entities that have recurring problems with unauthorized persons using their facilities or parking lots.

The third section relates to trespassing on publicly owned property. It allows for the "banning" of certain individuals who violate the law, rule or policy of a public park or facility for up to one year. The failure of a banned individual to remove himself from the property or his subsequent return would constitute a trespass violation. Both trespass sections provide exceptions for statutorily or constitutionally protected activity such as labor picketing or anti-discrimination provisions.

Additionally, it has been discovered that current code provisions relating to providing notice of code violations require service of the notice personally or by mailing and posting the subject property where the nuisance is occurring. The proposed ordinance changes this language to provide that notice may be service personally, mailed to the property owner, or posted on the subject property. This provides a more economical approach and ensures that affected property owners will receive the proper notice.

These new tools will provide the police department the ability to quickly and easily enforce these local crimes without the burdens imposed by the state law. Furthermore, these violations will be prosecuted and tracked by the City Attorney's Office. This allows the City to track repeat violators and ensure that proper penalties, restitution, stay away orders and other terms of probation are in effect against repeat offenders.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Introduce the new ordinance for adoption. The ordinance would take effect thirty-one (31) days after adoption.

2. Direct staff to make changes to the ordinance and return to City Council on a later date with a revised Ordinance.

3. Take no action.

FISCAL IMPACT

No significant fiscal impacts are projected although some additional revenue will be realized through fine collection.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to trespass and drinking in public.

ATTACHMENTS/EXHIBITS

1. Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to trespass and drinking in public.

Prepared by: Paul J. Early, Deputy City Attorney III

Department Head Approval, Robert L. Hansen, City Attorney

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00055337

ORDINANCE NO. 811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.065 to read as follows:

"Section 11.04.062 – Drinking in Public.

A. No person shall drink any beverage containing an alcoholic content in excess of one percent by volume upon any public street, sidewalk, alley, park, playground, recreation area or other public place within the City where such premises have not been licensed by the Alcohol, Beverage and Control Department of the State of California, for sale of alcoholic beverages to be consumed on the premises; or upon any private property which is open to the public view without the consent of the owner or person in lawful possession or control of said property.

B. Pursuant to California Business and Professions Code Section 25620, no person shall be in possession of any bottle, can or other receptacle containing an alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed upon any public street, sidewalk, alley, park, playground, recreation area or other public place within the City where such premises have not been licensed by the Alcohol, Beverage and Control Department of the State of California, for sale of alcoholic beverages to be consumed on the premises; or upon any private property which is open to the public view without the consent of the owner or person in lawful possession or control of said property. A violation of this section shall be an infraction.

C. Pursuant to California Penal Code Section 647e, no person shall be in possession of any bottle, can or other receptacle containing an alcoholic beverage

which has been opened, or a seal broken, or the contents of which have been partially removed upon the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 of the California Business and Professions Code, or upon any public sidewalk immediately adjacent to the licensed and posted premises. A violation of this section shall be an infraction.

D. A violation of this section may be enforced by the filing of a criminal misdemeanor or infraction citation, or through the issuance of civil citations pursuant to Chapter 1.10 of this Code."

SECTION 2. MUNICIPAL CODE AMENDED:

2.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.090 to read as follows:

"Section 11.04.090 – Trespass Upon Private Property.

A. Definitions.

1. As used in this Section, "Posted Property" means any property at each corner of which, and at each identifiable road, trail or driveway entering the property, and at intervals of not less than three per mile, a sign of not less than 1 square foot in size is posted and visible containing in legible print not less than two inches in height, the words "PRIVATE PROPERTY – NO TRESPASSING" or words of similar meaning or effect.

2. As used in this Section, "Owner" shall mean the owner of record, the owner's agent, or a lessee or tenant in lawful possession.

B. No person shall remain upon any private property or business premises, after being notified by the owner or by a peace officer acting at the request of the owner to remove therefrom. The owner may make a written request for peace officer assistance in the enforcement of this Section. Such a request shall cover a period of not more than one year and shall specify specific dates, times and locations for which enforcement is requested. Furthermore, the request shall identify any individuals authorized by Owner to be on the premises. During such times and dates, a peace officer may act to remove a trespasser without the necessity of the Owner making a separate request on each occasion when peace officer assistance in dealing with a trespasser is requested.

C. No person, without permission, expressed or implied, from the Owner, shall enter upon private property or business premises after having been notified by the Owner to keep off or keep away therefrom.

D. No person shall enter or remain upon posted property without the permission, expressed or implied, of the Owner of such posted property or premises.

E. This Section shall not apply in any of the following circumstances:

1. Where its application results in or is coupled with any acts prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, sexual orientation, creed, ancestry or national origin;

2. Where its application results in, or is coupled with, any act prohibited by Section 356 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

3. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

4. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech; or,

5. Where the person who is upon another's private property or business premises is there under claim or color of legal right."

SECTION 3. MUNICIPAL CODE AMENDED:

2.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.100 to read as follows:

"Section 11.04.100 – Trespass Upon Public Property.

A. As used in this Section, "City" shall mean the City of Moreno Valley, the Moreno Valley Redevelopment Agency, Community Service Districts and any other public agency formed and/or by the City of Moreno Valley.

B. No person shall remain upon any public park, playground, recreation facility, open space, library, or any other property owned, operated or maintained by the City, after having been found to have violated any City ordinance, resolution, policy, rule or regulation, where that person has been given a warning by authorized City personnel or a peace officer to cease the violation, and where that person continues the violation and has been asked to leave the premises.

B. Any person who has been found by authorized City personnel or a peace officer to have violated any ordinance, resolution, rule or regulation of the City may be banned by said personnel, or a peace officer provided that the violation relates to the facility from which the person has been banned. The violator must be personally served with a letter advising of the ban. The letter shall contain notice of the rule or regulation that was broken and state a specific location from which the individual shall be banned and state a time period, not exceeding one year that the ban will be in effect.

C. No person shall enter or remain upon any City owned or controlled public park, playground, recreation facility, open space, library, or any other property owned, operated or maintained by the City after having been banned therefrom.

D. This Section shall not apply in the following circumstances:

1. Where its application results in or is coupled with any acts prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, sexual orientation, creed, ancestry or national origin;

2. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

3. Where its application would result in an interference with or inhibition of any other exercise of a statutory or constitutional right' or,

4. Where it is necessary for the person to enter City owned or controlled property from which that person has been banned in order to conduct City business but only for as long as necessary to conduct said City business."

SECTION 4. MUNICIPAL CODE AMENDED:

4.1 Chapter 6.04 of the Moreno Valley Municipal code is hereby amended by amending Section 6.04.080 to read as follows:

"Section 6.04.080 - Notification of nuisance.

A. When the city manager or authorized representative thereof determines that any condition on property within the city constitutes a nuisance as declared in Section 6.04.040, such person shall give written notice to abate to responsible person(s), as identified on public records or tax rolls, ordering the abatement of said nuisance.

B. The notice to abate shall contain the following information:

1. The name of the record owner of the property;

2. The date of the inspection;

3. The date of the violation(s);

4. The street address, assessor's parcel number or other definite description of the location where the violation(s) exist;

5. The code sections violated;

6. A description of the condition of the property creating the nuisance;

7. A list of necessary corrections to bring the property into compliance;

8. A reasonable time limit for correction based upon the nature of the nuisance;

9. A reference to the potential consequences for failure to abate the nuisance by the specified time period;

10. An order prohibiting the continuation or repeated occurrence of the nuisance;

11. The name and signature of the enforcement officer; and,

12. Notice of the right to appeal.

C. Notice required by this chapter may be served in any of the following manners:

1. Personal service on the responsible person;

2. Regular mail addressed to the responsible person, at the address shown on the last available assessment roll, or as otherwise known or posting in a conspicuous place on the premises or abutting the right-of-way;

3. Insertion of a legal advertisement at least once a week for a period of two weeks in a newspaper of general circulation in the city. The newspaper advertisement shall be a general notice that property in the city has been posted and contain a general statement of the effect of such postings.

D. Failure of any person to receive a copy of any notice issued pursuant to this chapter shall not affect the validity of any proceedings or actions taken under this chapter.

E. Nothing in this chapter shall be construed or interpreted to require the issuance of a notice to abate as a prerequisite to the issuance of an administrative citation or the filing of any civil action or criminal complaint."

SECTION 5. EFFECT OF ENACTMENT:

5.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 6. NOTICE OF ADOPTION:

6.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be publicly posted in three places within the city.

SECTION 7. EFFECTIVE DATE:

7.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this day of, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Director of Community Development

AGENDA DATE: May 11, 2010

TITLE: Proposed Rancho Belago Sign Program (aka "Rancho Belago Community Signage Design Submittal)

RECOMMENDED ACTION

Staff recommends that the City Council: 1) consider the Rancho Belago Sign Program and take action as deemed appropriate; and 2) consider appropriating $85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

BACKGROUND

At its regular meeting of April 27, 2010, the City Council engaged in some discussion about the proposed Rancho Belago Sign Program, but was advised by the City Attorney that because consideration/adoption of said program was not a listed action item on that meeting's agenda, any action toward adopting the Program should await the matter's being formally agendized.

The Rancho Belago Sign Program (aka the document "Rancho Belago Community Signage Design Submittal) is provided as an attachment to this staff report and is available for Council's adoption via a resolution, also attached.

DISCUSSION

The proposed Sign Program proposes up to thirty (30) community identification signs and nine (9) community amenity directional signs mounted on new freestanding poles, sixteen (16) community identification signs and nine (9) community amenity directional signs mounted on existing City or Southern California Edison streetlight poles, and fifty-one (51) community identification banners mounted on existing streetlight poles.

Tentative locations for the one hundred fifteen (115) proposed signs are identified in the proposed Program.

Also proposed is a new design for residential tract directional signs (these signs are installed by the Building Industry Association under separate agreement with the City). No specific locations for these signs are indicated, since such is driven by builder requests for signs advertising their projects.

Adoption of the proposed sign program would create a framework for installation, over time, of the signs described above. An issue highlighted by the City Attorney concerning potential trademark infringement with respect to the specific sign design reflected in the proposed sign program awaits further assessment not concluded at the time of this report's preparation.

FISCAL IMPACT

At its regular meeting of April 27, 2010, the City Council voted to allocate up to $85,000 for the manufacture, installation and maintenance of the signs included in the proposed Rancho Belago Sign Program. As follow-through to that action, a 'formal' appropriation of these monies--provided by the General Fund--is necessary (see recommended action, above).

ATTACHMENTS/EXHIBITS

1) Rancho Belago Sign Program (aka "Rancho Belago Community Signage Design Submittal")
2) Proposed Resolution Adopting the Rancho Belago Sign Program

Prepared By:

Kyle Kollar
Interim Director of Community Development

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT 1

Table of Contents

Sheet Number	Sheet Title
RB - INT	Introduction
RB - 1.0	Sign Type 1; Freestanding Community Identification Sign
RB - 1.1	Sign Type 1; Freestanding Community Identification Sign - Photo Simulation
RB - 2.0	Sign Type 2; Light Pole Mounted Community Identification Sign
RB - 2.1	Sign Type 2; Light Pole Mounted Community Identification Sign - Photo Simulation
RB - 3.0	Sign Type 3; Light Pole Mounted Community Identification Banners
RB - 3.1	Sign Type 3; Light Pole Mounted Community Identification Banners - Photo Simulation
RB - SP 1	Community Identification Sign Location Plan
RB - 4.0	Sign Type 4; Freestanding Community Amenity Directional Sign
RB - 4.1	Sign Type 4; Freestanding Community Amenity Directional Sign - Photo Simulation
RB - 5.0	Sign Type 5; Light Pole Mounted Community Amenity Directional Sign
RB - 5.1	Sign Type 5; Light Pole Mounted Community Amenity Directional Sign - Photo Simulation
RB - 6.0	Sign Type 6; Residential Product Directional Sign
RB - 6.1	Sign Type 6; Residential Product Directional Sign - Photo Simulation
RB - SP 2	Community Directional Sign Location Plan

The Design Factor
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Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2063

Project
Rancho Belago
Community Signage

Sheet Title
Table of Contents

Sheet Number
RB-TC

Date
08-10-07

Introduction

Statement of Purpose

As Rancho Belago unveils itself, sign components will play a crucial role. This new community will be identified by a series of sign images that set it apart from neighboring areas. The scale, placement and design of these images have been carefully planned to create a clear sense of style for residents and visitors alike. In the pages that follow, you will be introduced to sign imagery that gives Rancho Belago a unique character that speaks strongly of the quality that awaits within. The data contained here will clearly define and depict our intended scope of work. As a general introduction, the following notes will aid in outlining the working methodology that contributed to the creation of each sign type.

Community Identification Signs

These markers have been strategically located at entry points to Rancho Belago as well as at key locations within the community. The design, colors and material composition of these signs speak of a classic and stylish permanence. These signs are either freestanding units or logo panels mounted to existing light poles, depending upon the site conditions at each proposed location.

Community Identification Banners

Throughout the community at rhythmic intervals, decorative banners will be affixed to existing light poles. The banners may appear as single units, or as multiple pieces in sequence. Their primary role is to portray Rancho Belago as a desirable and vital destination through the use of lifestyle images.

Community Amenity Directional Signs

In order to enhance the presence of key public amenities within Rancho Belago, wayfinding signs will be installed. The signs will be located along vehicular approaches to each amenity from a variety of directions. In addition to providing a practical wayfinding service, these signs will also reinforce the existence of the amenities to those traveling throughout the community.

Residential Product Directional Signs

We are proposing a new design configuration for these directional signs. We will perform a full survey of the existing signs and install new signs where appropriate based upon the current marketing needs of existing residential subdivisions.

General Comments

A community identification change requires a detailed evaluation of the physical conditions of the site. Having performed this evaluation, our proposal reflects an honest attempt to integrate our sign components into their surroundings. Locations, scale, and design details have been established to effectively identify Rancho Belago while also promoting fluid vehicular movement. We believe that our proposal will effectively achieve these goals.

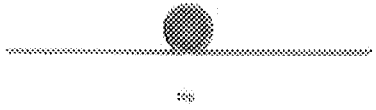

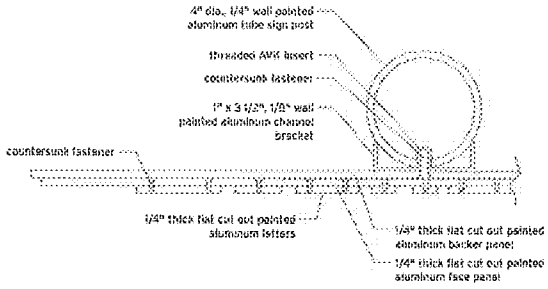

A Details

Scale: 3" = 1'-0"

Freestanding Community Identification Sign

Layered flat cut out sign panel secured to project themed post. Base panel to be 1/4" thick flat cut out painted aluminum with decorative scrolls secured to bracket. Face panel to be 1/4" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat. Post to be 4" round painted aluminum with cast aluminum decorative finial and base cladding.

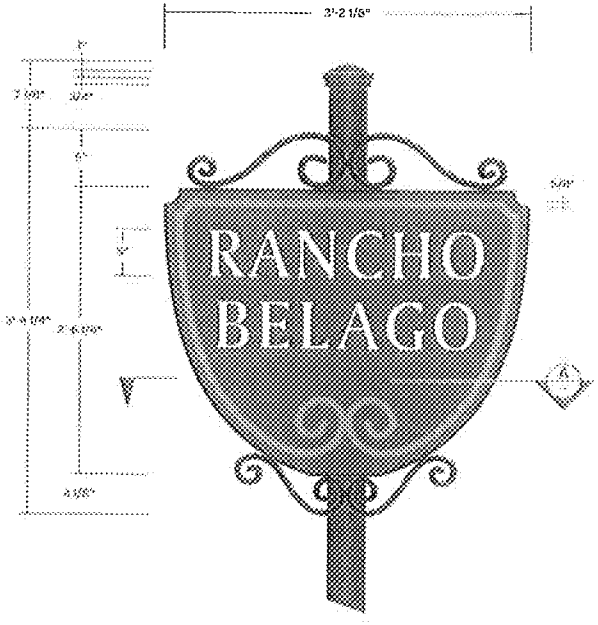

front side

2 Details

Scale: 1" = 1'-0"

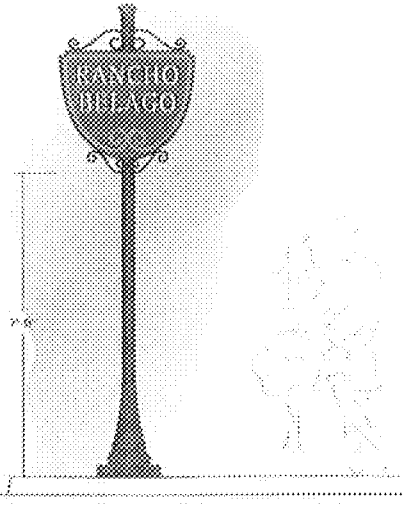

1 Location Elevation

Scale: 3/8" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643 2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type I:
Freestanding Community
Identification Sign

Sheet Number
RB - 1.0

Date
08-10-07

MV00055351

1 Typical Photo Simulation

Scale: n.t.s.

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Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 1:
Freestanding Community
Identification Sign - Photo Simulation

Sheet Number
RB - 1.1

Date
08-10-07

Light Pole Mounted Community Identification Sign

Layered flat cut out sign panel secured to existing street light pole with painted aluminum bracket and stainless steel straps. Base panel to be 1/4" thick flat cut out painted aluminum with decorative scrolls secured to bracket. Face panel to be 1/4" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat.

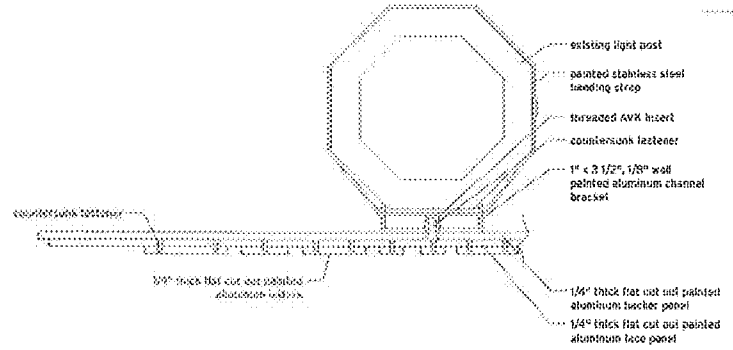

A Details

Scale: 3" = 1'-0"

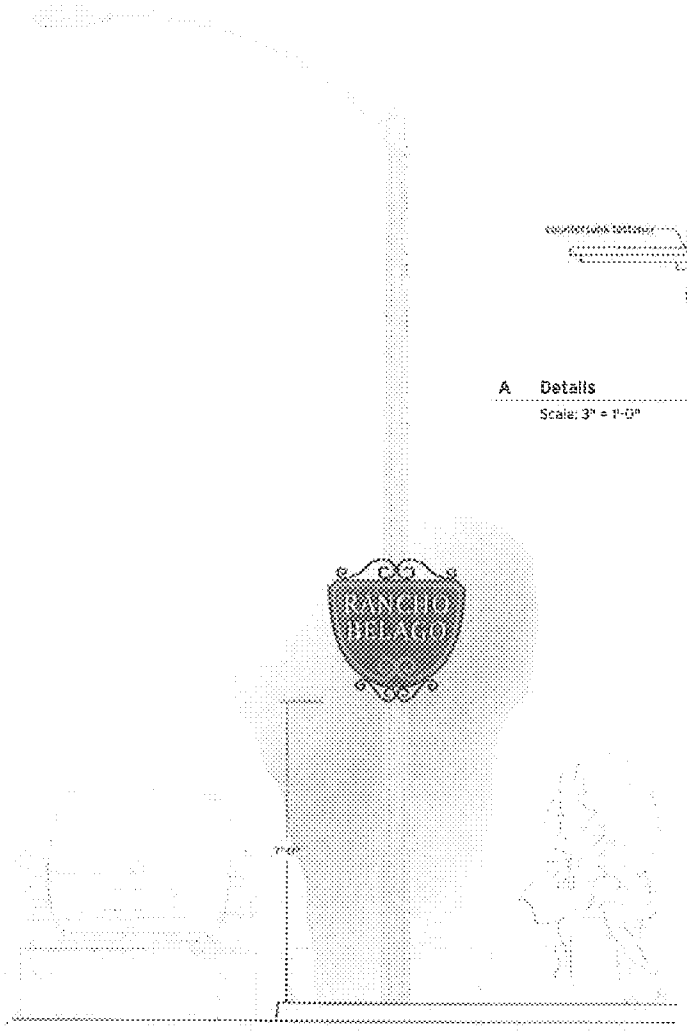

1 Elevation

Scale: 3/8" = 1'-0"

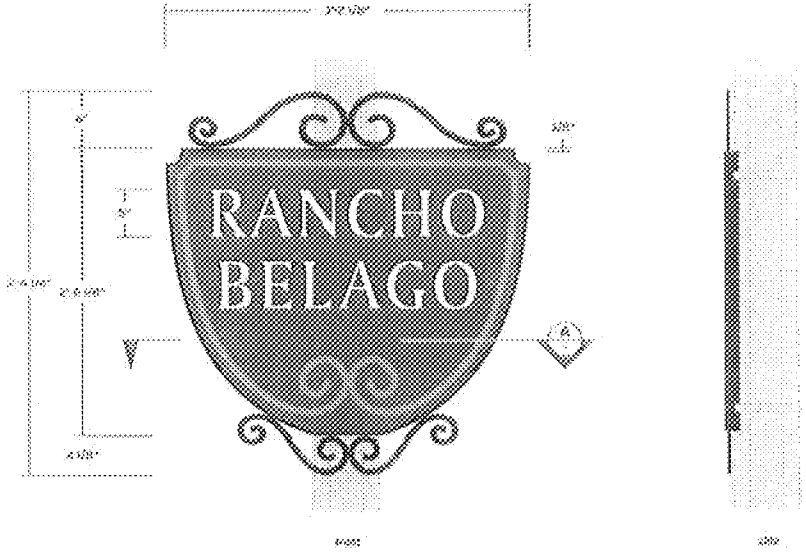

2 Details

Scale: 1" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
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Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 2:
Light Pole Mounted Community Identification Sign

Sheet Number
RB - 2.0

Date
08-10-07

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

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Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 2:
Light Pole Mounted Community
Identification Sign - Photo Simulation

Sheet Number
RB - 2.1

Date
06-10-07

Light Pole Mounted Community Identification Banners

Two sided digitally printed vinyl banners secured to fabricated painted aluminum armatures. Armatures secured to existing street light pole with stainless steel straps.

Note: The images shown are typical. Actual images are in the process of being selected.

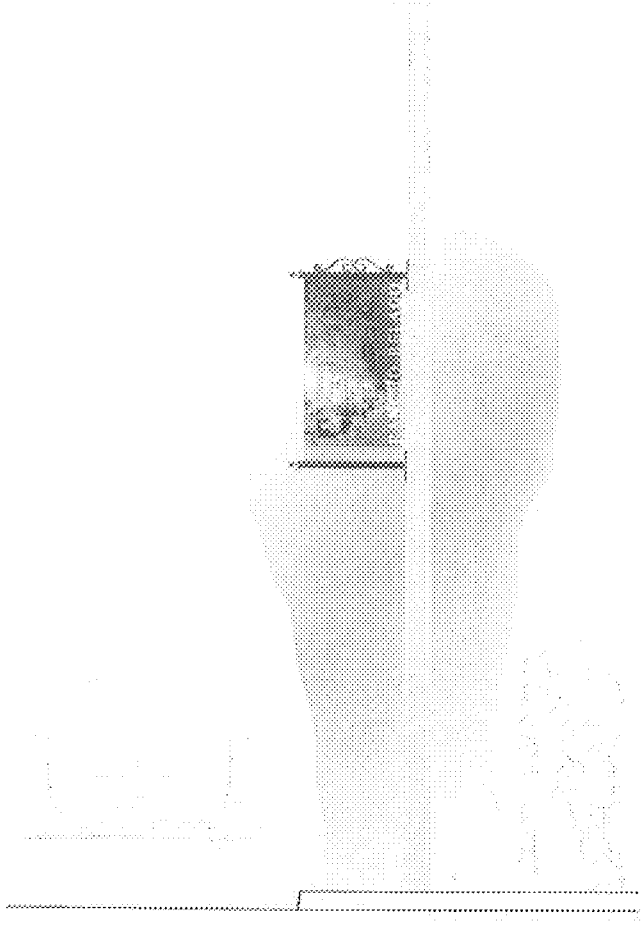

1 Elevation

Scale: 3/8" = 1'-0"

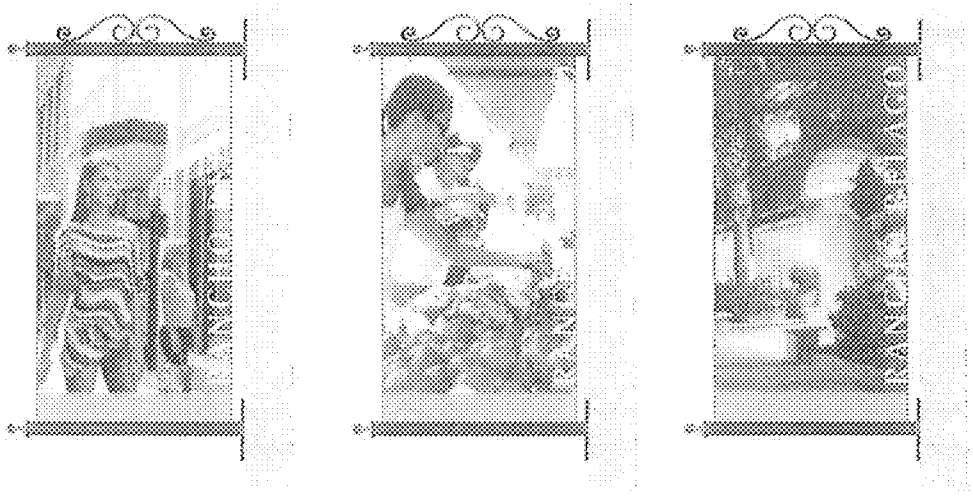

2 Detail

Scale: 3/4" = 1'-0"

The Design Factor

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Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 3;
Light Pole Mounted Community Identification Banners

Sheet Number
RB - 3.0

Date
06-16-07

MV00055355

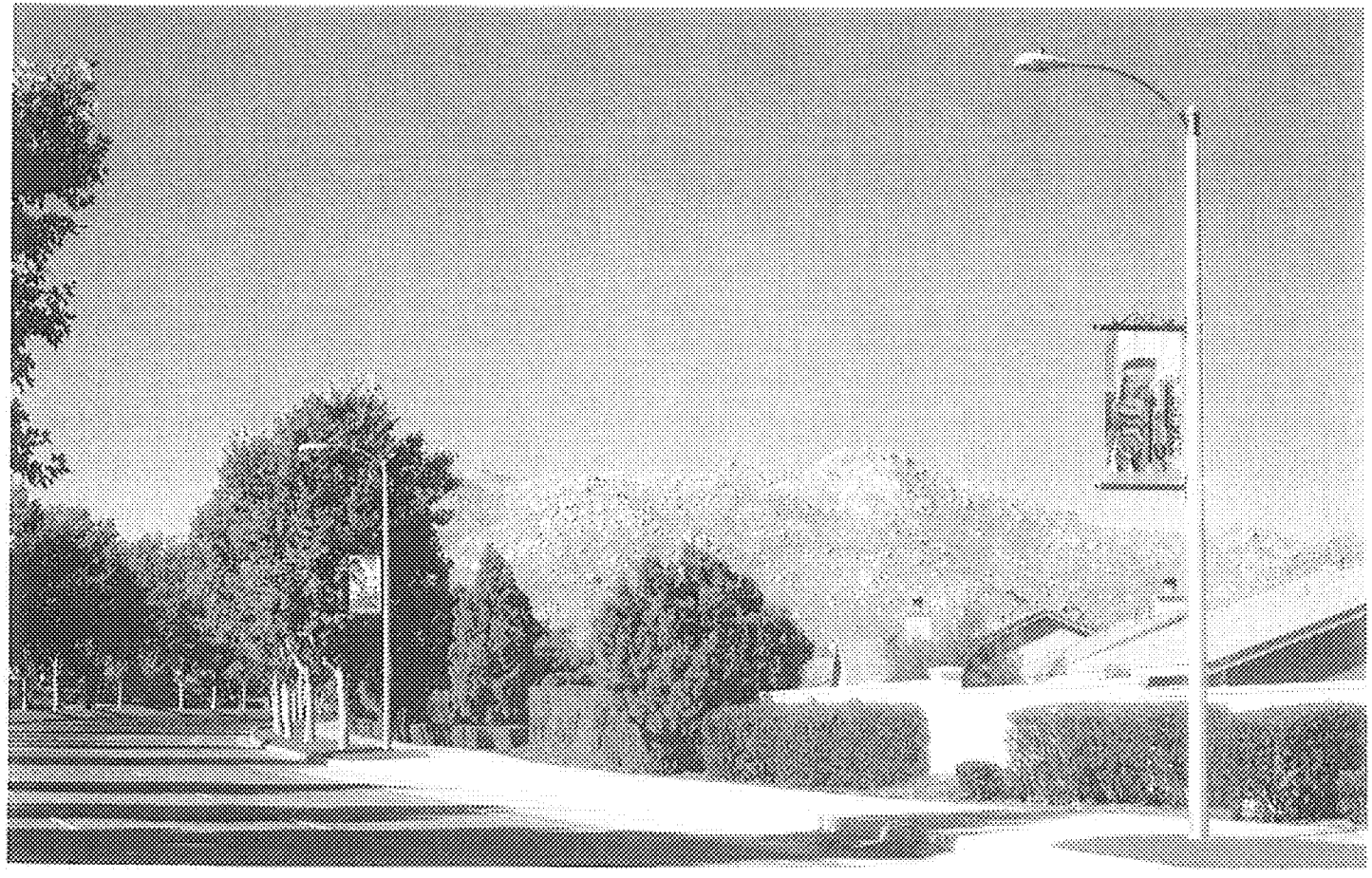

1 **Typical Photo Simulation**
Scale: n.t.s.

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Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 3:
Light Pole Mounted Community
Identification Banners -
Photo Simulation

Sheet Number
RB - 3.1
date
08-10-07

Community Identification Signs

No.	Sign Type	Quantity
1	Freestanding Community Identification Sign	30
2	Light Pole Mounted Community Identification Sign	36
3	Light Pole Mounted Community Identification Banners	51

1 Sign Locations

Scale: n.t.s.

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(949) 360-5750
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Project: Rancho Belago Community Signage

Sheet Title: Community Identification Sign Location Plan

Sheet Number: RB-SP1

Date: 08-10-07

MV00055357

Freestanding Community Amenity Directional Sign

Single sided sign with layered flat cut out sign panel secured to project thinset post. Base panels with decorative scrolls to be 1/4" thick flat cut out painted aluminum secured to bracket. Face panel to be 1/8" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat. Post to be 4" round painted aluminum with cast aluminum decorative finial and base cladding.

2 Details

Scale: 1" = 1'-0"

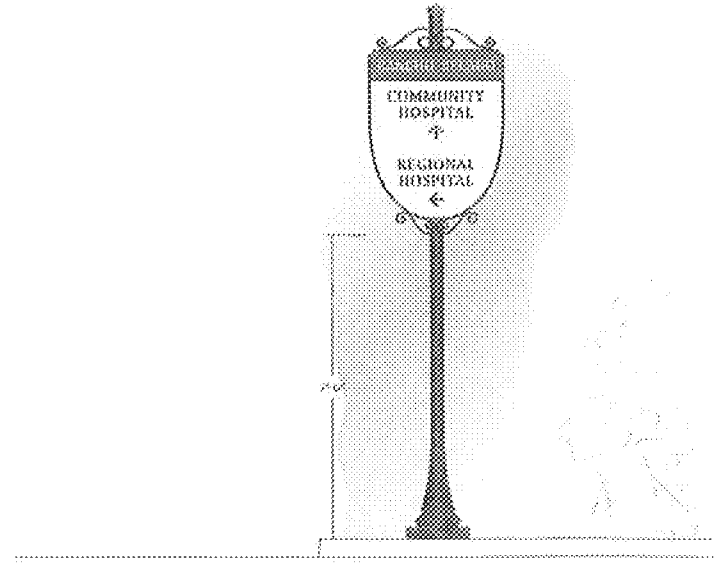

1 Location Elevation

Scale: 3/8" = 1'-0"

The Design Factor

26432 Los Alisos Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2652

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 4:
Freestanding Community
Amenity Directional Sign

Sheet Number
RB - 4.0

Date
08-10-07

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax: (949) 843 2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 4:
Freestanding Community
Amenity Directional Sign
Photo Simulation

Sheet Number
RB - 4.1

Date
08-10-07

MV000055359

Light Pole Mounted Community Amenity Directional Sign

Single sided sign with layered flat cut out sign panel secured to existing street light pole. Base panels with decorative scrolls to be 1/4" thick flat cut out painted aluminum secured to bracket. Face panel to be 1/8" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat.

1 Elevation

Scale: 3/8" = 1'-0"

2 Details

Scale: 1" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 5:
Light Pole Mounted Community
Amenity Directional Sign

Sheet Number
RB - 5.0

Date
08-10-07

1 | Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643-2063

Project
Rancho Belago
Community Signage

Sheet 1 of
Sign Type 5:
Light Pole Mounted Community
Amenity Directional Sign -
Photo Simulation

Sign number
RB - 5.1

Date
08-10-07

MV00055361

Residential Product Directional Sign

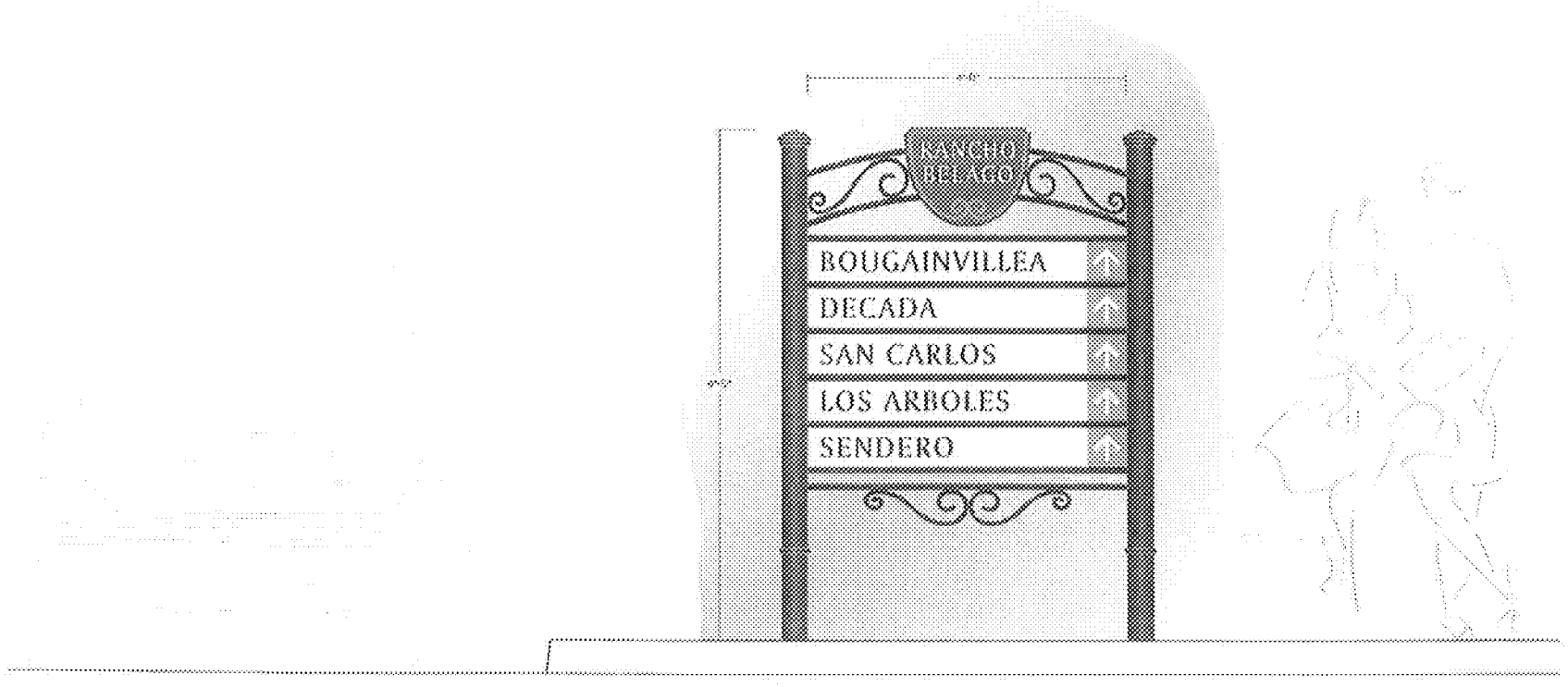

1 Elevation
Scale: 3/4" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2863

Project
Rancho Belago
Community Signage

Sign Type:
Residential Product Directional Sign

Sheet Number
RB - 6.0

Date
08-10-07

3 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2663

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 6:
Residential Product Directional Sign
Photo Simulation

Sheet number
RB - 6.1

Date
08-10-07

RESOLUTION NO. 2010-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE RANCHO BELAGO SIGN PROGRAM

WHEREAS, the City Council adopted a resolution in February, 2007, to designate the neighborhood/community name of Rancho Belago to a portion of eastern Moreno Valley; and,

WHEREAS, the City is in receipt of a document entitled 'Rancho Belago Community Signage Design Submittal', which proposes a variety of sign types at various locations, intended to promote a sense of "…unique character…" for the Rancho Belago "…new community…"; and,

WHEREAS, the 'Rancho Belago Community Signage Design Submittal' has been recommended for Council adoption by the Rancho Belago Economic Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the Rancho Belago Sign Program (aka 'Rancho Belago Community Signage Design Submittal') is approved and adopted.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

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MV00055367

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

May 11, 2010

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor
Robin N. Hastings, Mayor Pro Tem
Jesse L. Molina, Council Member
Richard A. Stewart, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 11, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter - Paul Early, Deputy City Attorney III
2. Officer of the Quarter - Officer Kevin Couch
3. Officer of the Year - Officer Kent Eckenrode
4. "Spotlight on Moreno Valley Business"

MV00055384

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MAY 11, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00055385

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 21 - May 4, 2010.

A.4 TRACT MAP 32142 - CONDOMINIUM PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: EMPIRE LAND, LLC, ONTARIO, CA 91764 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-28 authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system; and

Resolution No. 2010-28

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32142 and Accepting the Portions of Lasselle Street and Avenida De Circo Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the

MV00055386

Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-29 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT (NASON BRIDGE PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-29

A Resolution of the City Council of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720); and

2. Authorize the City Manager to execute an amendment to the

MV00055387

Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF CITYWIDE BRIDGE MAINTENANCE PROGRAM - PROJECT NO. 09-22679828 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.8 RESOLUTION TO JOIN ICLEI AS A FULL MEMBER AND PLEDGE TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE (Report of: Community Development Department)

Recommendation:

Approve Resolution No. 2010-30, thereby agreeing to join (ICLEI) Local Governments for Sustainability and pursue efforts to address goals and objectives of ICLEI

Resolution No. 2010-30

A Resolution of the City Council of the City of Moreno Valley, California, to join ICLEI as a Full Member and Pledge to take a Leadership Role in Promoting Public Awareness about the Causes and Impacts of Climate Change

A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE STREET IMPROVEMENT PROGRAM FOR CONSTRUCTION OF PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE - PROJECT NO. 08-12585523 (Report of: Public Works Department)

MV00055388

Recommendation:

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with C & C Grading & Paving, Inc.;

3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney.

A.10 ENCO UTILITY SERVICES MORENO VALLEY, LLC, VS. CITY OF MORENO VALLEY - APPROVAL OF SETTLEMENT AGREEMENT (PROVIDED UNDER SEPARATE COVER) (Report of: City Attorney)

Recommendation:
Approve as submitted.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2010/11 (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2010/11 Annual Action Plan; and

2. Approve the proposed 2010/11 Annual Action Plan.

E.2 A PUBLIC HEARING FOR TWO APPLICATIONS TO MODIFY VARIOUS CONDITIONS OF APPROVAL (P09-038 AND P09-039) FOR THE APPROVED HIGHLAND FAIRVIEW CORPORATE PARK PROJECT TENTATIVE PARCEL MAP NO. 35629 (PA07-0090) AND PLOT PLAN (PA07-0091) INCLUDING THE MODIFICATION OF HIGHWAY 60 LANDSCAPE REQUIREMENTS, THE TIMING AND RESPONSIBILITY FOR AN EASEMENT AND CONSTRUCTION OF A REQUIRED MULTI-USE TRAIL ALONG THE PROJECT FRONTAGE AND FUTURE EUCALYPTUS AVENUE AND VARIOUS PUBLIC WORKS CONDITIONS RELATED TO THE DEDICATION AND IMPROVEMENT OF PUBLIC IMPROVEMENTS. THE PROJECT SITE IS LOCATED ADJACENT TO

MV00055390

AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. THE APPLICANT IS HIGHLAND FAIRVIEW PROPERTIES. (Report of: Community Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;

2. APPROVE Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions; and

   Resolution No. 2010-31

   A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of Modifications of various Conditions of Approval (P09-038) for PA07-0090 (Tentative Parcel Map No. 35629) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

   Resolution No. 2010-32

   A Resolution of the City Council of the City of Moreno Valley, California Approving Various Modification of project Conditions of Approval (P09-039) for PA07-0091 (Plot Plan) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

3. RECOMMEND that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

E.3 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (CONTINUED FROM APRIL 27, 2010) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

b) Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 FISCAL YEAR 2010-11 PRELIMINARY BASE OPERATING BUDGET AND DEFICIT REDUCTION PLAN (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:
Receive the Fiscal Year 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

G.3 FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW (Report of: Public Works Department)

Recommendation: That the City Council:
Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for

MV00055392

new priorities for implementation of capital projects.

G.4 ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS (Report of: City Attorney)

Recommendation: That the City Council:

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing and amending Section 6.04.080 relating to notice of nuisance violations.

Ordinance No. 811

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 11.04 of the City of Moreno Valley Municipal Code, Relating to Drinking in Public and Trespassing Offenses and Amending Section 6.04.080 Relating to Notice of Nuisance Violations

G.5 PROPOSED RANCHO BELAGO SIGN PROGRAM (AKA "RANCHO BELAGO COMMUNITY SIGNAGE DESIGN SUBMITTAL) (CONTINUED FROM APRIL 27, 2010) (Report of: Community Development Department)

Recommendation: That the City Council:

1. Consider the Rancho Belago Sign Program and take action as deemed appropriate; and

2. Consider appropriating $85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

MV00055393

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00055394

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

4 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

MV00055395

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT - IN MEMORY OF SERGEANT CARLTON ALLEN -

MV00055396

-MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 27, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside Transit Agency – Moreno Valley/Perris Transportation NOW "Air Aware" Project Contest Winners

2. Proclamation Recognizing Ronald Powell

3. Recognition of the 2010 William H. Batey II Annual Reading Contest Winners

4. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:53 PM
April 27, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Richard A. Stewart

INVOCATION - Pastor Charles Campbell, Koinonia Evangelistic Center

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Elam	Interim Financial and Admin Director
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Rick Hartmann	Interim Assistant City Manager
John Anderson	Police Chief
Kyle Kollar	Interim Community Development Director
John Ruiz	Interim Human Resources Director
Barry Foster	Economic Development Director
Mike McCarty	Parks & Community Services Director
Chris Vogt	Public Works Director/City Engineer
Steve Curley	Fire Chief
Paul Smus	Acting Principal Librarian

MV00055398

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Item A8).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 7-20, 2010.

A.4 APPROVAL OF CHECK REGISTER FOR FEBRUARY, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-24, approving the Check Register for the month of February, 2010 in the amount of $11,074,851.58.

Resolution No. 2010-24

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of February, 2010

A.5 PARCEL MAP 32326 – ACCEPTANCE OF STORM DRAIN EASEMENTS AND EXECUTION OF QUITCLAIM DEEDS TRANSFERRING THE CITY'S TITLE INTEREST IN STORM DRAIN EASEMENTS TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT PER THE SECOND AMENDED AND RESTATED COOPERATIVE AGREEMENT BETWEEN CITY OF MORENO VALLEY, RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,

RIDGE MORENO VALLEY, LLC, AND RIDGE MORENO VALLEY II, LLC, DEVELOPER: RIDGE MORENO VALLEY, LLC AND RIDGE MORENO VALLEY II, LLC, LONG BEACH, CA 90803 (Report of: Public Works Department)

Recommendation:

1. Adopt proposed Resolution No. 2010-25 authorizing the acceptance of the public storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California;

   Resolution No. 2010-25

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Storm Drain Easements Per Irrevocable Offers of Dedications Recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California and Execution of Quitclaim Deeds According to the Second Amended and Restated Cooperative Agreement between the Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, Ridge Moreno Valley, LLC, and Ridge Moreno Valley II, LLC

2. Authorize the Mayor to execute the Quitclaim Deeds transferring all right, title and interest in and to the storm drain easements per Irrevocable Offers of Dedications recorded as Instrument Numbers 2006-0437088, 2006-0437089, 2009-0597445, 2009-0597446, and 2009-0657601 in the Official Records of Riverside County, California; and

3. Direct the City Clerk to forward the signed Quitclaim Deeds and Adopted Resolution No. 2010-25 to the Riverside County Flood Control and Water Conservation District for further processing and recordation.

A.6 PM 32326 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF PUBLIC STORM DRAIN EASEMENTS DESCRIBED AS PARCELS A AND B IN THE OFFER OF DEDICATION RECORDED AS INSTRUMENT NO. 2006-0437088 LOCATED ON PARCELS 1, 2, AND 3 OF PARCEL MAP 32326 AND THE STORM DRAIN EASEMENT AS DESCRIBED IN THE EASEMENT NOTE NO. 4 LOCATED ON PARCEL 3 OF PARCEL MAP 32326, NORTH SIDE OF BRODIAEA

MV00055400

AVENUE BETWEEN FREDERICK STREET AND GRAHAM STREET - DEVELOPER: RIDGE MORENO VALLEY, LLC, LONG BEACH, CA 90803 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-26, summarily vacating the storm drain easements described as Parcels A and B in the Offer of Dedication recorded as Instrument No. 2006-0437088 located on Parcels 1, 2, and 3 of Parcel Map 32326 and the storm drain easement as described in the Easement Note No. 4 located on Parcel 3 of the Parcel Map 32326; and

   Resolution No. 2010-26

   A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of Public Storm Drain Easements Described as Parcels A and B in the Offer of Dedication Recorded as Instrument No. 2006-0437088 Located on Parcels 1, 2, and 3 of Parcel Map 32326 and the Storm Drain Easement as Described in the Easement Note No. 4 Located on Parcel 3 of Parcel Map 32326

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

A.7 APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN (CIP) AND MAINTENANCE OF EFFORT (MOE) CERTIFICATION STATEMENT FOR THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR (FY) 2011-2015 (Report of: Public Works Department)

Recommendation:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2011-2015;

2. Authorize submittal of the RCTC Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2011-2015; and

3. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2010-2011 budget approval process.

A.8 RESOLUTION OPPOSING PROPOSITION 16, THE "NEW TWO-THIRDS VOTE REQUIREMENT OF LOCAL PUBLIC ELECTRICITY PROVIDERS" ACT (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2010-27 opposing Proposition 16, the "New Two-Thirds Vote Requirement of Local Public Electricity Providers" Act.

Resolution No. 2010-27

A Resolution of the City Council of the City of Moreno Valley Opposing Proposition 16, the "New Two-Thirds Vote Requirement for Local Public Electricity Providers" Measure

A.9 TRACT 31319 - PARTIALLY REDUCE FAITHFUL PERFORMANCE SECURITY AND ACCEPT THE PARTIAL PUBLIC IMPROVEMENTS AS COMPLETE - DEVELOPER: BELLA VISTA MORENO VALLEY LLC, RIVERSIDE CA 92506 (Report of: Public Works Department)

Recommendation:

1. Accept the partial Public Improvements, as complete, but not into the City's maintained street system; and

2. Authorize the City Engineer to execute the partial reduction to the Faithful Performance security, exonerate the portion of the Material and Labor security associated with the completed improvements in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the portion of the 10% warranty Faithful Performance security associated with the completed improvements in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

B.3 EXTENSION OF CONTRACT - PROJECT NO. E-1/09 - MAINTENANCE

MV00055402

OF EXTENSIVE LANDSCAPING AND IRRIGATION - TOWNGATE (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project E-1/09 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCSD Board to execute said Amendment with Spectrum Care Landscape & Irrigation Management, Inc. of Foothill Ranch, California; and

3. Authorize the Purchasing Manager, on July 1, 2010, to issue open purchase orders to Spectrum Care Landscape & Irrigation Management, Inc. in the amounts of:

   a) ONE HUNDRED FOURTY-EIGHT THOUSAND AND 00/100 DOLLARS ($148,000.00) for twelve months of base maintenance service, and

   b) SIX THOUSAND NINE HUNDRED AND 00/100 DOLLARS ($6,900.00) for anticipated Additional Work per Section 5 of the Extension Agreement.

B.4 EXTENSION OF CONTRACT - PROJECT NO. E-2/09 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - HIDDEN SPRINGS (Report of: Public Works Department)

Recommendation:

1. Approve the Amendment to the Contract Agreement for MVCSD Project E-2/09 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCSD Board to execute said Amendment with Tropical Plaza Nursery, Inc. of Villa Park, California; and

3. Authorize the Purchasing Manager, at the start of Fiscal Year 2010/11, to issue open purchase orders to Tropical Plaza Nursery, Inc. in the amounts of:

   a) ONE HUNDRED EIGHTY-EIGHT THOUSAND FOUR HUNDRED AND 00/100 DOLLARS ($188,400.00) for twelve months of base maintenance service, and

   b) THIRTY THOUSAND NINE HUNDRED AND 00/100 DOLLARS ($30,900.00) for anticipated Additional Work per

Section 5 of the Extension Agreement.

B.5 EXTENSION OF CONTRACT - PROJECT NO. E-4/07 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH EAST (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for MVCSD Project E-4/07 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the MVCSD Board to execute said Amendment with Bemus Landscape, Inc. of San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2010, to issue open purchase orders to Bemus Landscape, Inc. in the amounts of:

   a) ONE HUNDRED NINETY-TWO THOUSAND TWO HUNDRED TWENTY-THREE AND 20/100 DOLLARS ($192,223.20) for twelve months of base maintenance service, and

   b) FIFTEEN THOUSAND SEVEN HUNDRED AND 00/100 DOLLARS ($15,700.00) for anticipated Additional Work per Section 5 of the Extension Agreement.

B.6 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. DSG-1/10 – MAINTENANCE OF PARKWAY AND MEDIAN LANDSCAPING AND IRRIGATION (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for MVCSD Project DSG-1/10 (the "Agreement") with TruGreen Landcare, Riverside, California;

2. Authorize the President of the MVCSD Board to execute said Agreement with TruGreen Landcare; and

3. Authorize the Purchasing Division Manager on July 1, 2010, to issue purchase orders to TruGreen Landcare, in the amounts of:

   a) ONE HUNDRED SEVENTY-SEVEN THOUSAND NINE HUNDRED FIFTY EIGHT AND 60/100 ($177,958.60) DOLLARS for twelve (12) months of base maintenance services and;

b) TWENTY-ONE THOUSAND SEVEN HUNDRED AND 00/100 ($21,700.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

B.7 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-3/10 – MAINTENANCE OF REDUCED-SERVICE-LEVEL PARKWAY LANDSCAPING AND IRRIGATION – MORENO VALLEY RANCH - WEST (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for MVCSD Project E-3/10 (the "Agreement") with Bemus Landscape, Inc., San Clemente, California;

2. Authorize the President of the MVCSD Board to execute said Agreement with Bemus Landscape, Inc.; and

3. Authorize the Purchasing Division Manager on July 1, 2010, to issue purchase orders to Bemus Landscape, Inc., in the amounts of:

   a) ONE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED AND 00/100 ($139,500.00) DOLLARS for twelve (12) months of base maintenance services and;

   b) THIRTEEN THOUSAND TWO HUNDRED FORTY-FIVE AND 00/100 ($13,245.00) DOLLARS for anticipated Additional Work, per Section 2. Paragraph e. of Agreement Exhibit C.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C.3 RDA BUDGET APPROPRIATION ADJUSTMENT TO FUND THE REQUIRED SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF) PAYMENT (Report of: Economic Development Department)

MV00055405

Recommendation:

1. Approve the state-mandated shift of the RDA's tax increment revenues to the State of California's Supplemental Educational Revenue Augmentation Funds (SERAF) for fiscal year 2009-2010;

2. Appropriate $5,258,237 from RDA Tax Increment Fund (Fund 895 fund balance) to 895.91510.6723.728 (RDA SERAF Repayment); and

3. Authorize the Financial & Administrative Services Department to wire transfer a payment in the amount of $5,258,237 to the Riverside County Auditor-Controller.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 13, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2, except Items A2, B2, C2 and D2, which were pulled for a separate vote. Motion by m/Council Member William H Batey II s/ by Mayor Pro Tem Robin Hastings
Approved by a vote of 5-0

Motion to approve Items A2, B2, C2 and D2. Motion by m/Mayor Pro Tem Robin Hastings s/ by Council Member William H Batey II
Approved by a vote of 3-0-2, Council Member Stewart and Council Member Molina abstained

E. PUBLIC HEARINGS

Mayor Flickinger opened the public testimony of the public hearing; there being none, public testimony was closed.

E.1 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the

MV00055406

proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

Motion to continue Item E1 to the May 11, 2010 meeting by m/Council Member Richard Stewart, s/Council Member William H Batey II Approved by a vote of 5-0

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Report by Council Member Richard A. Stewart on March Joint Powers Commission (MJPC)

Council Member Richard A. Stewart gave an update on the March Joint Powers Authority trip to Washington, D.C. The group saw Congressman Darryl Issa, Congressman Ken Calvert, Congresswoman Bono Mack, and dealt with issues with the region and March. Other meetings included: the Under Secretary for Veterans Administration regarding expansion of the cemetery, relocation of U.S. Vets, and tried to get a VA presence at March Health Care such as a Counseling Center, Information Center or an Out-Patient Center; the Under Secretary for the Department of Commerce regarding the Free Trade Zone; the Deputy Secretary's of the Navy and an Army Facilities Under Secretary. Trying to move the different facilities out of the area where March Health Care is going; the Department of Agriculture to see about getting some of their land they're not using; the Under Secretary's of the U.S. Air Force regarding a telephone problem that's being dealt with at the base; went to the Pentagon and met with a Three Star General who is head of the Air Force Reserve regarding general issues at the base and went to NASA regarding a Space Shuttle, but because it's pending, they are prohibited from talking about it. March Health Care is getting ready to break ground.

G.2 FUNDING ALTERNATIVES AND ASSISTANCE FOR THE

MV00055407

CONSTRUCTION OF HIGHLAND FAIRVIEW'S EUCALYPTUS AVENUE STREET IMPROVEMENTS UTILIZING THE STATE-LOCAL PARTNERSHIP PROGRAM GRANT FUNDS (Report of: City Manager's Office)

Mayor Flickinger opened the agenda for public comments, which were received from Steven Cruz, Deanna Reeder, Debra Coggins-Ortiz, Alex Ortiz, and Iddo Benzeevi.

Recommendation: That the City Council:
Provide direction on the matter.

No action was taken. Option 1 will come back to a public meeting.

G.3 NEIGHBORHOOD IDENTIFICATION SIGNS, CITYWIDE AND FOR RANCHO BELAGO (CONTINUED FROM APRIL 13, 2010) (Report of: Community Development Department)

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Marcelo Coe, Deanna Reeder, Pete Bleckert, Debra Coggins-Ortiz, Alex Ortiz, Raul Wilson, Darryl Terrel and Iddo Benzeevi.

Recommendation: That the City Council:

Provide direction as it deems appropriate and adopt Resolution No. 2010-22 supporting the use of neighborhood identification signs.

Resolution No. 2010-22

A Resolution of The City Council of The City of Moreno Valley, California, Supporting The Use of Neighborhood Identification Signs

Motion to approve Amended Resolution No. 2010-22 to read: Provide direction as deems appropriate and adopt Resolution No. 2010-22 encouraging the use of neighborhood identification signs.
Motion to approve by m/Council Member Richard A. Stewart, s/Council Member Jesse Molina
Approved by a vote of 5-0

Motion to accept the Rancho Belago design as indicated in the attachment to G3 except that Council directs staff to contact the City of Beverly Hills for determining what it would take to make the design acceptable and not in conflict with Beverly Hills' signs, and for staff to implement the changes sufficient to make it so acceptable. Staff would then bring that design back to Council for approval and implementation at the next Council meeting.

MV00055408

Motion to approve by m/Council Member Richard A. Stewart, s/Council Member Jesse Molina
Approved by a vote 3-2

Motion to allocate from the reserve up to a maximum of $85,000 to implement the first phase of the sign program for Rancho Belago which will include the maintenance, installation, and production of the signs up to that dollar amount.

Motion to approve by m/Council Member Richard A. Stewart, s/Council Member Jesse Molina
Approved by a vote 3-2, Mayor Pro Tem Hastings and Mayor Flickinger opposed

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

There will be five public meetings for citizens to participate in on the budget study, and the full budget and deficit reduction plan will be on the website around May 5, so they have an opportunity to look at everything and participate in the public process.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ADOPT ORDINANCE NO. 810 THEREBY APPROVING MUNICIPAL CODE AMENDMENT PA07-0005, BASED ON THE FINDINGS IN THE CITY COUNCIL ORDINANCE (RECEIVED FIRST READING AND INTRODUCTION ON APRIL 13, 2010 ON A 3-0-2 VOTE, MOLINA AND STEWART ABSENT) (Report of: Community Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 810.

Ordinance No. 810

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Application PA07-0005 Amending the Municipal Code to Make Changes to Chapters 9.01, 9.02, 9.07 and 9.15 and Introduce Two New Mixed Use Development Zoning Districts

MV00055409

Motion to adopt by m/Council Member William H Batey II, s/Mayor Pro Tem Robin Hastings
Approved by a vote of 5-0.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Mitchell Whitaker
1. In support of DUI checkpoints

Anthony Acosta
1. Continue the sobriety checkpoints

Dianna Preston
1. Support for the DUI checkpoints

Carmen Bernal
1. Supporting DUI checkpoints

Tanna Montecino
1. Support DUI checkpoints

Pete Sergantes
1. Supports DUI checkpoints

Deanna Reeder
1. Congratulations to Bonnie and Robin for standing up to Iddo
2. Supports parks
3. Emails

Lory Gleason
1. Supports DUI checkpoints

Marcia Amino
1. Robert Gutierrez

Tom Jerele, Sr.
1. Democracy
2. Thank you for the concerts
3. Rancho Belago Signs

MV00055410

Timothy Taggart
1. Support of DUI checkpoints

Daryl Terrell
1. City's future and budget

Raul Wilson
1. Alcohol
2. City credit cards

Louise Palomarez
1. Credit cards
2. Public Comments
3. Sierra Club
4. Rancho Belago signs

Debra Coggins-Ortiz
1. Thank you to Robin and Bonnie for standing up to Iddo
2. Extra money for 4th of July and Air Show
3. Racial problems in schools
4. Iddo Benzeevi
5. Mexican Political Association

Alex Ortiz
1. Thank you to Council and staff
2. We live in a country where you can speak your mind

Pete Bleckert
1. Feel the pain for lost loved ones
2. Eliminate the bridge to no where
3. Public Works' $50,000 piece of ruined equipment
4. Laura Froelich

Emil Dragovich, Jr.
1. Supports DUI checkpoints

Iddo Benzeevi
1. Rancho Belago signs

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1. Comments going down racial lines are embarrassing. Mr. Benzeevi didn't

MV00055411

create any racial divides. He wants to put up a building and create jobs.

2. The checkpoints are valuable to public safety, and would rather have more of them. Abide by the law or there is a consequence.

3. Congratulations to all the top readers that were recognized tonight.

Council Member Jesse Molina

1. There is a need to have better control of the checkpoints. Put them where the drunk drivers are. Put the checkpoints on holidays. There are excessive checkpoints. Put them all around the city, and make them later. Sorry for your losses. Roving patrols outside of bars are better.

2. When someone comes out and says they are racial, it's disturbing. Quit trying to pit someone against someone else. It has gone on too long.

A break was taken and reconvened at 10:05 p.m.

Council Member Jesse Molina Continued

3. Requested staff to start working with him and be let in on stuff.

4. There is only good in Iddo Benzeevi. It's the same group of people opposing him because he wants to bring jobs and put Moreno Valley on the map. Are we going to reach the level of Arizona. Wants to live in harmony, and make this community prosperous. We have to put our differences aside and look at the bigger picture.

Council Member Richard A. Stewart

1. At the time the City Manager chose to retire he was not convicted of anything, and he chose to retire under a golden handshake. City Council followed the advice of our Labor Law Attorney and followed the request of the Upland Police Department. As far as the domestic violence allegation was concerned, it was a misdemeanor conviction for a non-violent crime. It was resolved, and it's over with.

2. Los Angeles is trying to raise $12.5M to preserve the land around the Hollywood sign. They received money from all over the world. They also had several large donors. Los Angeles has people of means in their city. Moreno Valley does not. The way Iddo was treated tonight, why would anyone of means want to live in our city and bring jobs. He wants to be part of this community.

3. The businesses we have been working with have been in the redevelopment area. Outside of redevelopment areas it's very hard to do

MV00055412

anything because there isn't a big pot of money.

4. There are racial problems in the schools. Schools are working on it. There's crime. It has been getting addressed with some very aggressive policing. Crime is down.

5. Checkpoints are grant funded. It's the year of the checkpoints. The City is going along with the State program. Roving checkpoints have been done. This state is not Arizona. We use the DMV as an immigration enforcement tool.

6. Carlton Allen, nicknamed Hollywood, a police officer from here, passed away. He worked with the volunteers. He was in his early 40's with a family. Please keep his family in your thoughts and prayers, and the same with Raul Wilson. What happened to his son was tragic.

Mayor Pro Tem Robin Hastings

1. It is appreciated that Ms. Reeder and Ms. Ortiz came up here and said they had sent some emails. When you shout fire, you have responsibility if people get trampled running out of the building. Will pay for any staff report Ms. Reeder would like to see if that's going to help get the correct information out.

2. The wrong credit card was used. The next day it was paid with a personal check. That's all a matter of record, and it's the only time the CalCard was used. Will provide you with any documentation you would like to see.

3. Does the inconvenience of DUI checkpoints outweigh the good? No it does not. The State pays for them because they know they work.

4. Attended the Moreno Valley HOA meeting last week, and there were probably about 125 people there. No less than ten people came up and stated they think the Moreno Valley Police Department is doing a great job. Typically the bad things are heard. The police department should be commended for doing a terrific job.

5. Comments were made about how much money Council makes. The county car was returned, no car allowance is taken, took the same cut in city pay that every other city employee took, and took an 18 1/2 percent cut in pay for the county. When you talk about reducing your income, and struggling and not noticing the difference, perhaps maybe some presumptions are made that shouldn't be made. The pay is around $1,000 per month for the hours put in by Council.

6. Send emails, call, or write. Show the courtesy you would like shown to you.

Mayor Bonnie Flickinger

1. You can examine the credit card records anytime you want to for as many years as you want to. It has a limit on the amount that can be spent. The cards are very well controlled in the amount that can be charged.

2. Thank you to the speakers tonight. Government by the people means everyone is listened to. Especially pleased that the people came in to support the checkpoints. It's nice to have the other side.

3. The Air Show is at the Base this weekend, and it is free admission and parking. It is open from 8:00 a.m. to 5:00 p.m.

4. Check the Dan Bernstein column in the Press Enterprise tomorrow.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

a Case: *ENCO Utility Services Moreno Valley, LLC, v. City of Moreno Valley*
Court: Riverside Superior Court
Case No: RIC 478023

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

City Manager Recruitment (Status)

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:23 p.m. by unanimous informal consent in memory of Bill Lowell, a long-time resident of Moreno Valley.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: May 11, 2010

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of April 21 – May 4, 2010.

Reports on Reimbursable Activities April 21 – May 4, 2010		
Council Member	Date	Meeting
William H. Batey II	4/28/10	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	4/30/10	Distinguished Flying Cross National Memorial Groundbreaking Ceremony
Bonnie Flickinger	4/28/10	UCR Citizens University Committee
Robin N. Hastings		None
Jesse L. Molina	4/30/10	Distinguished Flying Cross National Memorial Groundbreaking Ceremony
	5/4/10	Moreno Valley Hispanic Chamber of Commerce Adelante
Richard A. Stewart	4/30/10	Distinguished Flying Cross National Memorial Groundbreaking Ceremony

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:

Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: TRACT MAP 32142 – CONDOMINIUM PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – EMPIRE LAND, LLC
3536 CONCOURS STREET, SUITE 300
ONTARIO, CA 91764

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2010-28 authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32142 is a condominium project consisting of 172 residential units located south of Iris Avenue and east of Lasselle Street that was conditionally approved requiring construction of certain public improvements to Lasselle Street and Avenida de Circo. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, wheelchair ramps, signage, landscaping, storm drain, catch basin, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $734,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of

Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\5-11-10 Tract 32142 90% Bond Reduction.doc

EXHIBIT "A"

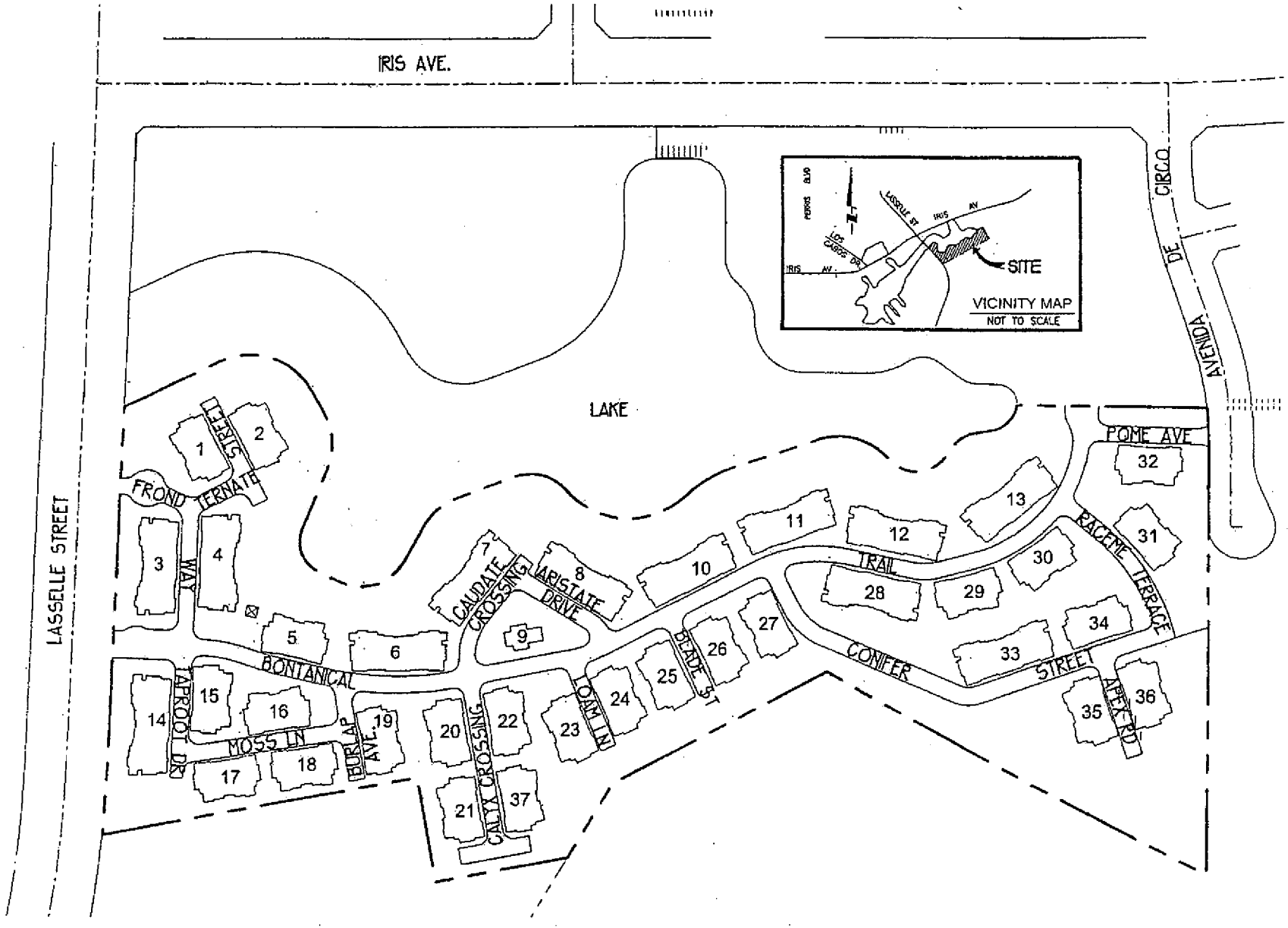

CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT

TR 32142

MV00055422

RESOLUTION NO. 2010-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32142 AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Empire Land, LLC on the portions of Lasselle Street and Avenida de Circo associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32142 and accept the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 32142 are complete, and the portions of Lasselle Street and Avenida de Circo associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 11th day of May, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"
RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: APPROVE AND ADOPT RESOLUTION NO. 2010-29 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT (NASON BRIDGE PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project.

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

BACKGROUND

The overall purpose of the Nason Bridge Project is to provide operational improvements to facilitate traffic movement at and near the SR-60/Nason Street interchange, alleviate traffic congestion, and address existing bridge deficiencies at this interchange. This project is needed to improve safety, bring the bridge features up to current standards, and provide acceptable levels of service along the facility.

On March 14, 2006, the City Council approved an Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Nason/SR-60 Interchange.

On September 25, 2007, the City Council authorized execution of a Project Development Cooperative Agreement with the State of California for project development activities including final design, utility relocation engineering, and right-of-way acquisition.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons Transportation Group for design, right-of-way engineering, and construction support services.

On January 13, 2009, the City Council approved the SR-60/Nason Overcrossing project as an RDA Tax Allocation Bond-funded project.

DISCUSSION

The City has been progressing in the steps necessary for the acquisition of right-of-way, utility relocation and other necessary steps to complete the design of the SR-60/Nason Street Overcrossing Improvements Project. The goal is to begin construction of the project by September 2011, contingent upon completion of the SR-60/Nason Interchange Ramp Improvements Project (Project No. 98-25897).

Caltrans, pursuant to the Project Development Cooperative Agreement and the Caltrans Right- of-Way Manual, Section 17.04.09.01, requires that the City Council of Moreno Valley adopt a resolution to later hear Resolutions of Necessity for the project and subsequently submit them to Caltrans for approval. A Resolution of Necessity is a required resolution authorizing condemnation of property necessary for the project and the filing an eminent domain action to acquire said property through condemnation. Caltrans requires the local entity (the City) to obtain prior approval on a project-by-project basis from Caltrans before proceeding to hear Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project. Adoption of the proposed resolution does not commit the City Council to hear future Resolutions of Necessity to acquire property necessary for the project or to adopt future Resolutions of Necessity to acquire property necessary for the project by condemnation. Due to the lead time required for Caltrans approval of this action, staff recommends adopting this resolution at this time in the event that Resolutions of Necessity become necessary.

The City has retained the law firm of Singer & Coffin, APC to act as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for the project. Staff does not anticipate any condemnation actions for this project as there are no additional properties to be acquired, and the utility companies are cooperatively working with the City to relocate their facilities.

ALTERNATIVES

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative will allow necessary approvals to be in place so the project continues to proceed without interruption.*

2. Do not approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and do not authorize and do not direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative may delay the construction of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to the adoption of this resolution. The project is currently funded by 2007 Redevelopment Agency Tax Allocation Bond (Series A) proceeds (Fund 897) and developer funds. **These funds have been allocated for the SR-60/Nason Street Overcrossing Improvements project and cannot be utilized for operational activities.** There is no impact to the General Fund.

AVAILABLE FUNDS

FY 2009/2010 Developer In-Lieu Street Improvement Funds (Account 414.80429)	$ 30,000
FY 2009/2010 2007 RDA Bond Funds (Account 897.91728)	$17,724,000
Available Funds	**$17,754,000**

ESTIMATED COST

SR-60/Nason Bridge Design and Right-of-Way/Utilities	$ 1,640,000
SR-60/Nason Bridge Construction	$16,114,000
Estimated Cost	**$17,754,000**

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way	September 2010
Begin Construction*	September 2011
Complete Construction	November 2012

**** Contingent upon completion of SR-60/Nason Interchange Ramp Project (Project No. 98-25897)***

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The City Council is asked to adopt the proposed Resolution in order to later hear Resolutions of Necessity should acquisition through condemnation become necessary for the SR 60/Nason Street Overcrossing Improvements Project.

ATTACHMENTS/EXHIBITS

Attachment "A" – Proposed Resolution of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2010-29

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RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT

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WHEREAS, the City of Moreno Valley ("City") is empowered to acquire by eminent domain any property to carry out its powers or functions pursuant to Government Code Sections 37350, 37350.5 and 40404 and Code of Civil Procedure Section 1240.110; and

WHEREAS, property may properly be acquired by eminent domain for state highway purposes pursuant to Streets and Highways Code Section 102; and

WHEREAS, City has approved the design of State Route 60/Nason Street Overcrossing Improvements and also previously approved a Project Development Cooperative Agreement with the State of California for said project, a project on the State of California Highway System. The Cooperative Agreement with the State of California Department of Transportation ("Caltrans") provides that City will perform right-of-way activities as set forth in the Cooperative Agreement for said project; and

WHEREAS, all local public agency projects on the State of California Highway System, within the existing or proposed State of California rights-of-way, are subject to the requirements of the Caltrans Right-of-Way Manual, and recently adopted provisions of the Caltrans Right-of-Way Manual now require a City Council to pass a resolution by a two-thirds vote, making an election to hear all the Resolutions of Necessity for the project; and

WHEREAS, City will follow State statute requirements and the Caltrans Right-of-Way Manual processes in the issuance of the Notice of Intent to adopt a Resolution of Necessity and in the adoption of a Resolution of Necessity, and the City's Special Eminent Domain Counsel is designated to process and approve the resolution package(s).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, by a two-thirds vote, will hear the Resolutions of Necessity associated with the construction of the State Route 60/Nason Street Overcrossing Improvements Project.

MV00055430

BE IT FURTHER RESOLVED that City designates the law firm of Singer & Coffin, APC, as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for this project.

Attachment "A"

APPROVED AND ADOPTED this ____ day of _____, 2010.

By: _____
Bonnie Flickinger, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

APPROVED AS TO FORM:

By: _____
Bob Hansen, City Attorney

MV00055431

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720).

2. Authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval.

BACKGROUND

On May 29, 2008, the City Manager executed an agreement for Professional Consultant Services with OPC for on-call right-of-way services. On July 23, 2008, a purchase order for $87,478 was issued to OPC after they were selected as the most responsive firm to propose for right-of-way acquisition services for the SR-60/Nason Project.

On June 23, 2009, the City Council authorized a $104,520 increase to the Purchase Order with Overland Pacific & Cutler ($87,000 plus 20% contingency) for extended negotiation and eminent domain support services for the SR-60/Nason Street Interchange Improvements project. Appraisals have been completed and offers have been made in accordance with federal and state requirements.

DISCUSSION

Caltrans has completed certification of the right of way in order to construct the SR-60/Nason Street Interchange Improvements project. The City has the right of possession for all right of way and is continuing eminent domain proceedings for APN 487-250-004. The City needs to provide continuing support to Caltrans, owners, the eminent domain attorney, and the Federal Highway Administration during the construction phase of the project.

OPC has been retained to provide right-of-way services under their current on-call agreement which expires on May 15, 2010. OPC has submitted a proposal for $50,400 to provide additional right-of-way support services, federally-required project audit services, and related construction coordination. This change order brings the purchase order total to $254,919 ($249,500 plus contingency) and their professional services agreement should be extended to May 30, 2012, for the close-out of the project.

ALTERNATIVES

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720) and authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval. *This alternative will allow for the completion of the needed right-of-way activities.*

2. Do not authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720) and do not authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval. *This alternative will delay the needed improvements.*

FISCAL IMPACT

The project is currently funded using federal funds and matching Measure “A” funds (Fund 125). The City has successfully obtained approximately $7.4 million of federal funds, portions of which have been used for design and right-of-way. Remaining construction funding consists of Surface Transportation Program funds, Transportation Efficiency Act of the 21st Century demonstration funds and DIF Interchange funds. It is anticipated the balance of construction will be funded using Measure "A" funds.

All funding sources for this project (Measure "A," Surface Transportation Program, Transportation Efficiency Act, and DIF Interchange funds) are restricted for capital improvements related to transportation projects or for the SR-60/Nason Interchange and cannot be utilized for operational activities. The

allocated amounts below are specifically designated for the SR-60/Nason Interchange Improvements Project. There is no impact to the General Fund.

FY 2009/10 BUDGETED FUNDS

TEA 21 Demonstration Funds (125.66929)	$ 4,500,000
STPL Discretionary Funds (125.67029)	$ 1,770,000
Measure "A" Funds (125.89720)	$ 7,435,000
Total Available Funds	$13,705,000

FY 2009/10 ESTIMATED RELOCATION, RIGHT-OF-WAY AND CONSTRUCTION COSTS

Estimated Interchange Construction Costs	$100,000
Utility Relocation (EMWD & SCE)	$ 1,951,000
Habitat Mitigation and Monitoring	$ 345,000
Right-of-Way Acquisition	$ 1,891,000
Total Estimated Costs	$ 4,827,000

ANTICIPATED PROJECT SCHEDULE

Caltrans Approval to Advertise Construction	May 2010
Interchange Construction Start Date*	September 2010
Interchange Construction End Date	September 2011

**pending Caltrans approval*

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

To provide continuing support to maintain the project schedule and acquire right-of-way for the Nason Street interchange improvements, staff recommends increasing the purchase order with OPC by $50,400 and extending the contract termination date to May 30, 2012, to perform activities associated with right-of-way land acquisition for the SR-60/Nason Street Interchange Improvements project (Account 125.89720).

ATTACHMENTS

Attachment "A" – Change Order
Attachment "B" – Proposal from Overland Pacific & Cutler

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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CHANGE ORDER FORM

CITY OF MORENO VALLEY, CA

TODAY'S DATE:	**3/18/10**	**VENDOR NAME:**	Overland Pacific & Cutler Inc.
		VENDOR NO.#	ORIGINAL PO NUMBER
		2165482	36018
	Project Number:		

DESCRIPTION OF NEEDED CHANGE **Note: If text does not fill across the row shorten the text (under 260 characters) and use two or more rows**	**COST** (use negative sign to reduce amount)
Increase PO # 36018 by $50,400 for extended eminent domain support services. SR-60/Nason Street Interchange Improvements Project No. 98-25897	$50,400.00

Notes:	Per amendment to on-call agreement signed by the City Manager on 5/18/09. Executed agreement and insurance certificate are on file with the Purchasing Division.	**Change Order Sub Total from Above:**	$50,400.00
		Original P.O. and Prior Change OrderAmount:	$204,519.00
		Revised Total Spend:	**$254,919.00**

Signatures below are based on the total accumulated expenditure amount of original PO and all subsequent change orders (Revised Total Spend).		**Percentage Split** (to split, fill in % amounts below to equal 100%)	**Business Unit and Expenditure Code** (e.g. 31510.6221.225) **Cannot split between fund numbers**	**Split Amounts**
Requested by: DB 3-18-10 Marge Lazarus	Date:			
Divison Manager ($5k)	Date:	100.0%	125.89720.7200	$254,919.00
Department Head ($15K)	Date:			
Financial & Admin. Svcs. Director ($30K)	Date:			
City Manager ($100K)	Date:			
Purchasing Manager's Signature:		**100.0%**	Split Allocated Total Spend:	$254,919.00

V 1.3

Attachment "A"

MV00055436

OVERLAND PACIFIC & CUTLER, INC.

2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph
951.683.3901 fax
www.OPCservices.com

March 18, 2010

Ms. Margery A. Lazarus
Senior Engineer, P.E.
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552-0805

RE: Request for Additional Services No. 5
State Route 60/Nason Street Interchange Improvements
Project No. 98-25897 (Caltrans EA 08-323001)

Dear Ms. Lazarus:

Pursuant to the City's request, we respectfully submit this Request for Additional Services to our contract for additional negotiation, project management, eminent domain litigation support, eminent domain expert witnesses, construction coordination and final project close out services for the above-referenced project.

The request for additional services primarily stems from extensive property owner negotiations, project management and Caltrans coordination services to obtain right of way certification. The property ownerships, Target, Kohl's, FJL-MVP, LLC, Fung and Callender, are large, complex corporations which will require extensive negotiation with in-house legal departments and corporation counsel to reach a settlement. Due to the undisclosed voluntary foreclosure of the FJL-MVP, LLC parcel, additional acquisition and project management services will be required to obtain the necessary property interests now held by Wal-Mart and Bank of America which were not originally anticipated.

In addition to the above, additional services are necessary to complete the project and are being added to OPC's scope of services, including eminent domain litigation support and construction coordination services. The scopes of services are discussed below:

Attachment "B"

Eminent Domain Litigation Support Services: OPC will provide all services necessary to coordinate with and support all efforts of the City's Eminent Domain Counsel, Hugh Coffin of Singer & Coffin, APC, in the eminent domain litigation against the Donald Callender Trust, as necessary. This includes retaining eminent domain expert witness appraisers and coordinating their services with the City and Mr. Coffin.

Eminent Domain Expert Witnesses Services (Sub-consultants): Pursuant to Mr. Coffin's direction, OPC will retain Lidgard and Associates to provide valuation and benefit analysis for the City's valuation and expert witness exchange in accordance with the proposal attached hereto.

Construction Coordination Services: OPC will provide coordination services between the City, Project Engineer and Construction Contractor and the property owners during construction of the project. This includes all owner notifications, enforcing agreement terms, monitoring temporary construction easement compliance, monitoring the SCE easement on the Fung parcel to termination and possible additional acquisitions of property not initially anticipated prior to project construction.

Final Project Close Out: Pursuant to federal funding requirements, Caltrans will conduct a complete file audit to insure compliance with state and federal acquisition procedures. OPC will perform all final file administration and will coordinate with Caltrans to perform a file audit. Further, OPC will prepare the right of way conveyance deeds and coordinate with Caltrans to convey the necessary right of way at project completion.

OPC proposes to perform the additional services described above for a fee of $50,400. Project management, acquisition/negotiation, eminent domain litigation support, construction coordination and final project close out services will be invoiced on an hourly not-to-exceed basis in accordance with our established hourly rate schedule attached hereto. Fees for eminent domain expert witness services will be performed on a fixed fee basis as itemized in the attached proposal.

Project Management OPC will manage and coordinate the various right of way activities with the City, subconsultants and Caltrans local district.	**$15,000**
Acquisition/Negotiation OPC will perform all acquisition activities described in this proposal.	**$10,000**
Eminent Domain Litigation Support OPC will retain the expert witness appraisers	**$5,000**

and coordinate with the City's Eminent Domain Counsel, as needed.

Eminent Domain Expert Witnesses **$6,850**
Lidgard & Associates will provide all appraisal and expert witness services itemized in attached proposals.

Construction Coordination **$5,000**
OPC will coordinate with the City, Resident Engineer and Contractor to coordinate construction of the project.

Final Project Close Out **$8,550**
OPC will perform all file close out administration, coordinate with Caltrans and conduct a final file audit and convey all necessary right of way to Caltrans at project completion.

Project Budget **$199,100**

Amount of Change Order #4 **$50,400**

Amended Project Budget **$249,500**

In addition to the above items, below is a chart of the sub-consultants and additional services amendments. OPC requests that the balance of: i) $24,705 for Donahue and Associates; ii) $1,885 for Lidgard and Associates; iii) $2,890 for Hennessey & Hennessey; and iv) $2,275 for Lawyers Title Company be transferred to OPC for project management and acquisition related tasks.

Invoice #	Donahue and Associates	Lidgard and Associates	Hennessey & Hennessey	Lawyers Title Company
808227	$12,980	$0	$0	$0
809342	$12,020	$9,515	$0	$0
810336	$0	$0	$9,610	$0
812037	$1,080	$0	$0	$0
901125	$0	$3,750	$1,300	$0
906096	$2,800	$3,250	$0	$0
907081	$0	$0	$0	$5,475
D-30276	$12,120	$0	$0	$0
Total	**$41,000**	**$16,515**	**$10,910**	**$5,475**
Original Budget	$25,000	$12,000	$10,800	$0
Amendment #1	$1,080	$0	$1,600	$0

Amendment #2	$11,800	$3,750	$1,400	$0
Amendment #3	$15,700	$2,650	$0	$7,750
Amendment #4	$12,125	$0	$0	$0
Total	$65,705	$18,400	$13,800	$7,750
Billed to Date	($41,000)	($16,515)	($10,910)	($5,475)
Remaining Budget	**$24,705**	**$1,885**	**$2,890**	**$2,275**

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Senior Project Manager

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF CITYWIDE BRIDGE MAINTENANCE PROGRAM
PROJECT NO. 09-22679828

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Accept the improvements into the City's maintained road system.

BACKGROUND

On November 10, 2009, the City Council awarded a construction contract in the amount of $91,585 to Peterson-Chase, for the Citywide Bridge Maintenance Program. A Purchase Order in the amount of $114,481, which included a 25% contingency, was issued to the Contractor.

DISCUSSION

The Citywide Bridge Maintenance Program included preservation and repair items of work for six bridges within the City of Moreno Valley. Four of these bridges, John F. Kennedy Drive Bridge, west of Kitching Street (Bridge No.56C0332), the Oleander Flood Control Channel Bridge at Perris Boulevard (Bridge No. 56C0511), the Krameria Street Bridge (Bridge No. 56C0396), and the Perris Valley Storm Drain Bridge at Perris Boulevard (Bridge No. 56C0464), received Methacrylate deck treatment to seal cracks. Also included in the maintenance work was the repair of a masonry wall at the Moreno Beach Drive Storm Drain Channel Bridge (Bridge No. 56C0419). Additionally the project replaced an approach metal beam guard railing and repaired a bridge rail at the Redlands Boulevard Overcrossing at SR-60 (Bridge No.56C0488).

There was one Contract Change Order for this project. Contract Change Order No. 1 (FINAL) decreased the contract total by ($10,360.16). The final contract total cost was $81,224.84, which did not exceed the $114,481.00 approved purchase order amount.

ALTERNATIVES

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706; direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and accept the improvements into the City's maintained road system. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706; do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code; do not authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and do not accept the improvements into the City's maintained road system. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2009-2010 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. **There is no impact to the General Fund.**

AVAILABLE BUDGET:
Fiscal Year 2009/2010 Budget (Account No. 226.79828)..... $258,000

FINAL CONSTRUCTION RELATED COSTS:
Contractor Construction Cost $81,000
Project Administration, Design Support, Testing and Inspection $35,000
Miscellaneous Costs..... $1,000
Total Construction-related Costs $117,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Peterson-Chase has completed the Citywide Bridge Maintenance Program project. The City Council is requested to accept the work as complete, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Peterson-Chase, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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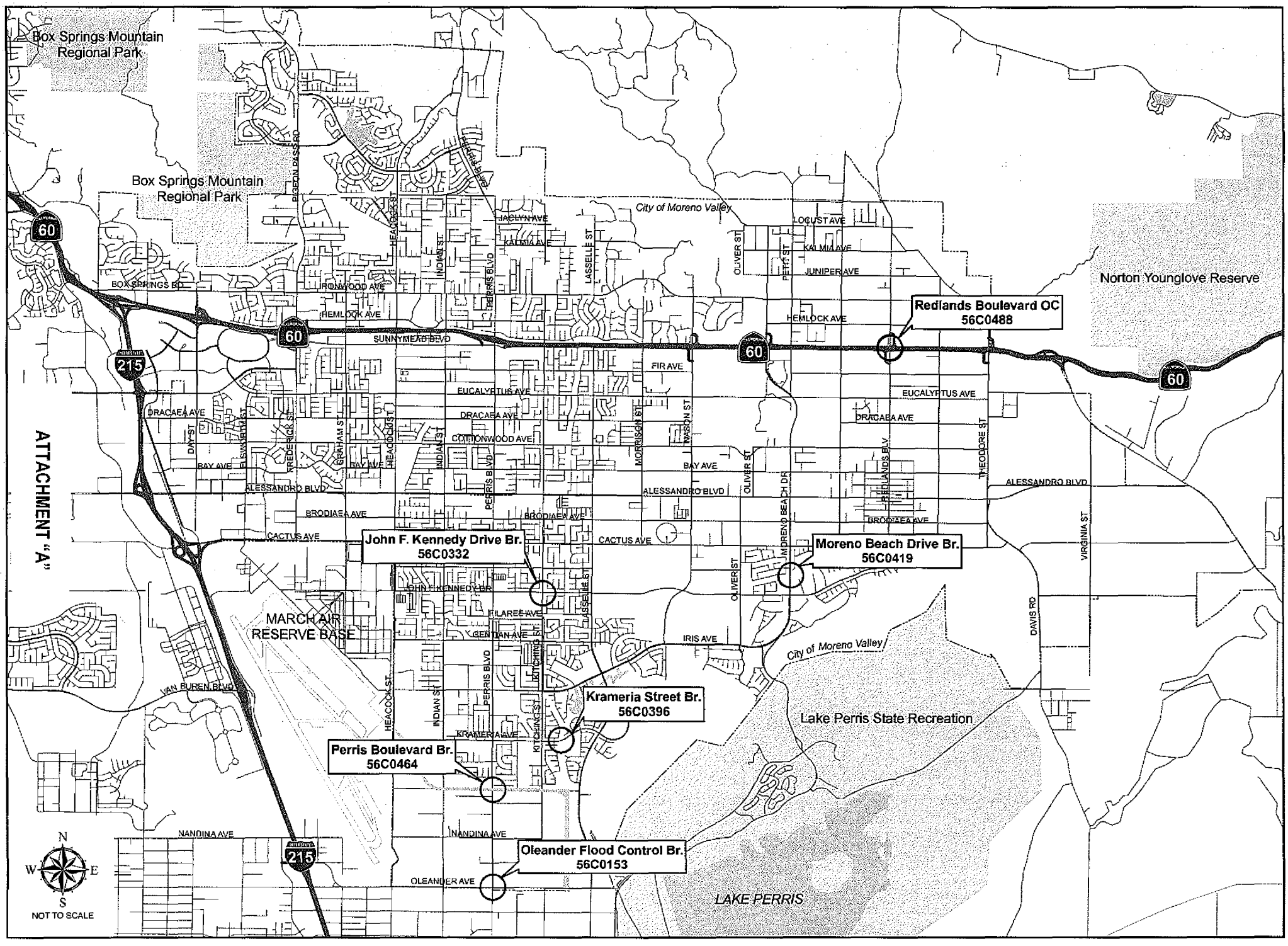

ATTACHMENT "A"

VICINITY MAP: MORENO VALLEY BRIDGE MAINTENANCE PROGRAM

MV00055445

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle A. Kollar, Interim Community Development Director

AGENDA DATE: May 11, 2010

TITLE: Resolution to join ICLEI as a full member and pledge to take a leadership role in promoting public awareness about the causes and impacts of climate change.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. **Approve** Resolution No. 2010-30, thereby agreeing to join (ICLEI) Local Governments for Sustainability and pursue efforts to address goals and objectives of ICLEI. (Attachment 1)

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

ICLEI-Local Governments for Sustainability (ICLEI) is a membership association of local governments committed to advancing climate protection and sustainable development. The organization also provides technical information on measuring and reducing greenhouse gases, including a model for organizational and community-wide greenhouse gas inventories. Locally, the cities of Riverside, Murrieta, Temecula, Lake Elsinore, and Palm Springs are members of ICLEI.

Membership in ICLEI would require the City to commit to five milestones to reduce both greenhouse gas and air pollution emissions throughout the community as follows:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress;

Local government actions taken to reduce greenhouse gas emissions and increase energy efficiency have provided multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures and saving money for the local government, its businesses and its residents.

DISCUSSION

The City has adopted a number of energy and water saving initiatives that have and will continue to reduce the level of greenhouse gases that would otherwise be emitted in the City. Examples of City initiatives are alternative energy incentives offered by Moreno Valley Utilities, the recently adopted water wise landscape ordinance, the use of LED lighting in traffic signals and activities related to the City's membership in the Riverside County Clean Cities Coalition and Community Energy Partnership. The reduction in greenhouse gases is also greatly affected by State and Federal regulations related to building standards, truck diesel emission standards and passenger vehicle mileage standards, and incentives for alternative energy.

The City has received funding under the Federal Stimulus Package Energy Efficiency and Conservation Block Grant to undertake several projects and initiatives to reduce City organization and community-wide energy use and consequently greenhouse gas emissions, including an Energy Efficiency and Climate Action Strategy. One of the initiatives is to conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction. The five milestones required for ICLEI membership will be addressed by the Strategy.

The greenhouse gas emissions inventory and forecast work products are intended to provide the basis for a coordinated City effort to address resource efficiency for the City as an organization and the community as a whole.

ICLEI will provide the following support to City Staff:

- Regular notice of new publications and tools, grant opportunities, and progress being made by other Member jurisdictions

- ICLEI's key climate resources including the Milestones Guide, software access and technical trainings, data collection forms for conducting the emissions inventory, and other publications to assist with emissions reduction planning and related climate protection activities

- Invitations to ICLEI regional, national and international workshops and events
- Registration discounts and, when available, travel and lodging subsidies for ICLEI workshops and events
- Contact with US and international ICLEI Members and liaisons
- Resource recommendations outside of ICLEI
- Support in publicizing climate protection successes such as talking points and customizable press releases
- Ongoing technical assistance and support as the jurisdiction progresses in its work

The above-referenced activities will provide valuable information to assist in the preparation of the City's Energy Efficiency & Climate Action Strategy.

ALTERNATIVES

1. Approve the proposal as submitted.
2. Approve the proposal with modifications to address City Council concerns.
3. Deny the proposal.

FISCAL IMPACT

Membership dues are based on City population. The City of Moreno Valley falls within the 100,001 – 200,000 population category and membership dues are $1,750. The membership fees will be paid from the Energy Efficiency and Conservation Block Grant program account (229.80512).

CITY COUNCIL GOALS

Not applicable.

SUMMARY

Membership in ICLEI will provide assistance in the preparation of the City's Energy Efficiency & Climate Action Strategy. The greenhouse gas emissions inventory and forecast will determine the source and quantity of greenhouse gas emissions in the City and are intended to provide the basis for a coordinated City effort to address resource

efficiency for the City as an organization and the community as a whole.

NOTIFICATION

Not applicable.

ATTACHMENTS/EXHIBITS

1. Resolution No. 2010-30

Prepared By:
Gabriel Diaz
Associate Planner

Department Head Approval:
Kyle A. Kollar
Community Development Director

Concurred By:
John C. Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2010-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO JOIN ICLEI AS A FULL MEMBER AND PLEDGE TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE

WHEREAS, scientific consensus has developed that carbon dioxide (CO_2) and other greenhouse gases released into the atmosphere have a profound effect on the Earth's climate; and

WHEREAS, the 2007 Fourth Assessment Report from the Intergovernmental Panel on Climate Change (IPCC) states that it is very likely that most of the observed increases in globally averaged temperatures since the mid-20th century are due to human-induced greenhouse gas emissions; and

WHEREAS, in 2006 the U.S. National Climatic Data Center confirmed clear evidence of human influences on climate due to changes in greenhouse gases; and

WHEREAS, the U.S. Conference of Mayors endorsed the 2005 U.S. Mayors' Climate Protection Agreement initiated by Seattle Mayor Nickels and signed by more than 900 mayors in the United States as of March 2009; and

WHEREAS, the Urban Environmental Accords adopted by local government delegates during UN World Environment Day 2005 call for reduced emissions through energy efficiency, land use and transportation planning, waste reduction, and wiser energy management; and

WHEREAS, in 2003 the American Geophysical Union adopted a Statement noting that human activities are increasingly altering the Earth's climate and that natural influences cannot explain the rapid increase in near-surface temperatures observed during the second half of the 20th century; and

WHEREAS, in 2001, at the request of the Administration, the National Academy of Sciences (NAS) reviewed and declared global warming a real problem likely due to human activities; and

WHEREAS, the 2000 U.S. Global Change Research Program's (USGCRP) First National Assessment indicated that global warming has begun; and

WHEREAS, 162 countries including the United States pledged under the United Nations Framework Convention on Climate Change to reduce their greenhouse gas emissions; and

ATTACHMENT 1

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% of U.S. greenhouse gas emissions; and

WHEREAS, local government actions taken to reduce greenhouse gas emissions and increase energy efficiency provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for the local government, its businesses, and its residents; and

WHEREAS, ICLEI – Local Governments for Sustainability is a membership association of local governments committed to advancing climate protection and sustainable development;

Section 1

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE TO JOIN ICLEI AS A FULL MEMBER AND PLEDGES TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE.

Section 2

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, HEREBY AGREES TO UNDERTAKE ICLEI'S FIVE MILESTONES TO REDUCE BOTH GREENHOUSE GAS AND AIR POLLUTION EMISSIONS THROUGHOUT THE COMMUNITY, AS FOLLOWS:

- Conduct a greenhouse gas emissions inventory and forecast to determine the source and quantity of greenhouse gas emissions in the jurisdiction;
- Establish a greenhouse gas emissions reduction target;
- Develop an action plan with both existing and future actions which when implemented will meet the local greenhouse gas reduction target;
- Implement the action plan; and
- Monitor and report progress; and

BE IT FURTHER RESOLVED that the City Council of the City of Moreno Valley HEREBY APPROVES Resolution No. 2010-_____ requesting assistance from ICLEI as it progresses through these milestones.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE STREET IMPROVEMENT PROGRAM FOR CONSTRUCTION OF PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE
PROJECT NO. 08-12585523

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder.

2. Authorize the City Manager to execute a contract with C & C Grading & Paving, Inc. in the form attached hereto.

3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties.

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney.

BACKGROUND

The Street Improvement Program (SIP) for conversion of private streets to public streets is a multi-year Capital Improvement Program to facilitate construction of selected streets. The streets to be improved are selected from a list of streets demonstrating the

need for improvement per established review criteria for public road, utility, and public service purposes.

The City Council approved the Fiscal Year 2009/2010 Capital Improvement Plan Budget with the following streets listed for improvements in the SIP: Partida Drive, from Juniper Avenue to Carillo Court, Carillo Court from west end to east end, and Kimberly Avenue, from Wilmot Street to Redlands Boulevard. Partida Drive and Carillo Court are graded unpaved roads with some rock materials for a driving surface. Kimberly Avenue is partially paved with deteriorating asphalt concrete. When the project construction is complete, the streets will be paved with twenty-four (24) feet (two lanes) of asphalt concrete.

The design and construction documents have been prepared by in-house staff as a cost saving solution for the City. In March 2010, the Plans and Specifications were approved by the City Engineer, and the project was advertised for construction bids.

DISCUSSION

This project is part of the City's ongoing SIP. The project will include street reconstruction, drainage, driveways, mailbox relocation, and roadway striping. The program work includes acceptance of the right-of-way, construction of the street improvements, and acceptance of the streets into the City's maintained road system. This project was determined as a Class 1 Categorical Exemption (CE) pursuant to Section 15301 of the State CEQA Guidelines. The project will improve the following three (3) streets:

STREET NAME	FROM	TO
Partida Drive	Juniper Street	Carillo Court
Carillo Court	west end	east end
Kimberly Avenue	Wilmot Street	Redlands Boulevard

Formal bidding procedures have been followed in conformance with the Public Contract Code. The City Clerk opened bids at 1:00 p.m., on April 6, 2010, for the subject project. The eight (8) valid bids received are as follows:

	CONTRACTORS	Bid Amount
1.	**C & C Grading & Paving, Inc.**	**$194,663.90**
2.	All American Asphalt	$202,000.00
3.	KAD Paving Company	$202,785.00
4.	International Paving Services, Inc.	$207,973.00
5.	Cooley Construction, Inc.	$272,854.50
6.	PALP, Inc., dba Excel Paving Company	$274,767.20
7.	Vance Corporation	$278,660.00
8.	Elite Bobcat Services, Inc.	$287,052.00

Engineer's Estimate $196,210.00

Staff has reviewed the bid by C & C Grading & Paving, Inc. and finds it to be the lowest responsible bidder in possession of a valid license and bid bond. No outstanding issues were identified through review of the references submitted by C & C Grading & Paving, Inc. in their bid.

The project was bid on the basis of a Base Bid and one (1) Additive Bid. The Base Bid includes Partida Drive, and Carrillo Court, and Additive Bid "A" includes Kimberly Avenue. The bid documents stipulated that the low bidder would be determined on the basis of the total of the Base Bid and the Additive Bid. Staff recommends, and this Report reflects, the award of the Contract to cover all three (3) streets, the Base Bid plus the Additive Bid "A" option.

ALTERNATIVES

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder, authorize the City Manager to execute a contract with C & C Grading & Paving, Inc. in the form attached hereto, authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties, and authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney. *This alternative will allow for the timely construction of needed improvements.*

2. Do not award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder, do not authorize the City Manager to execute a contract with C & C Grading & Paving, Inc. in the form attached hereto, do not authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties, and do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney. *This alternative will delay the construction of these needed improvements.*

FISCAL IMPACT

The construction phase of this project is included on Fiscal Year 2009/2010 Capital Improvements Project Budget and will be financed by Measure A funds (Fund 125). The funding for this project is restricted to capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE CONSTRUCTION FUNDS IN STREET IMPROVEMENT PROGRAM (SIP):

Fiscal Year 2009/2010 (Account No. 125.85523)	$307,000
Expenditures in Fiscal Year 2009/2010	$17,000
Total Available Funds in Fiscal Year 2009/2010	**$290,000**

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction (Includes 15% contingency)	$224,000
Construction Surveying Costs	$16,000
Construction Geotechnical Costs	$8,000
Project Administration and Inspection Services	$35,000
Total Estimated Construction Related Costs	**$283,000**

ANTICIPATED PROJECT SCHEDULE:

Notice of Award	May 2010
Start Construction	June 2010
Complete Construction	October 2010

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Partida Drive, from Juniper Avenue to Carillo Court, Carillo Court from west end to east end, and Kimberly Avenue, from Wilmot Street to Redlands Boulevard will be improved as part of the Fiscal Year 2009/2010 SIP. The project will include street reconstruction, drainage, driveways, mailbox relocation, and roadway striping.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement – C & C Grading & Paving, Inc.

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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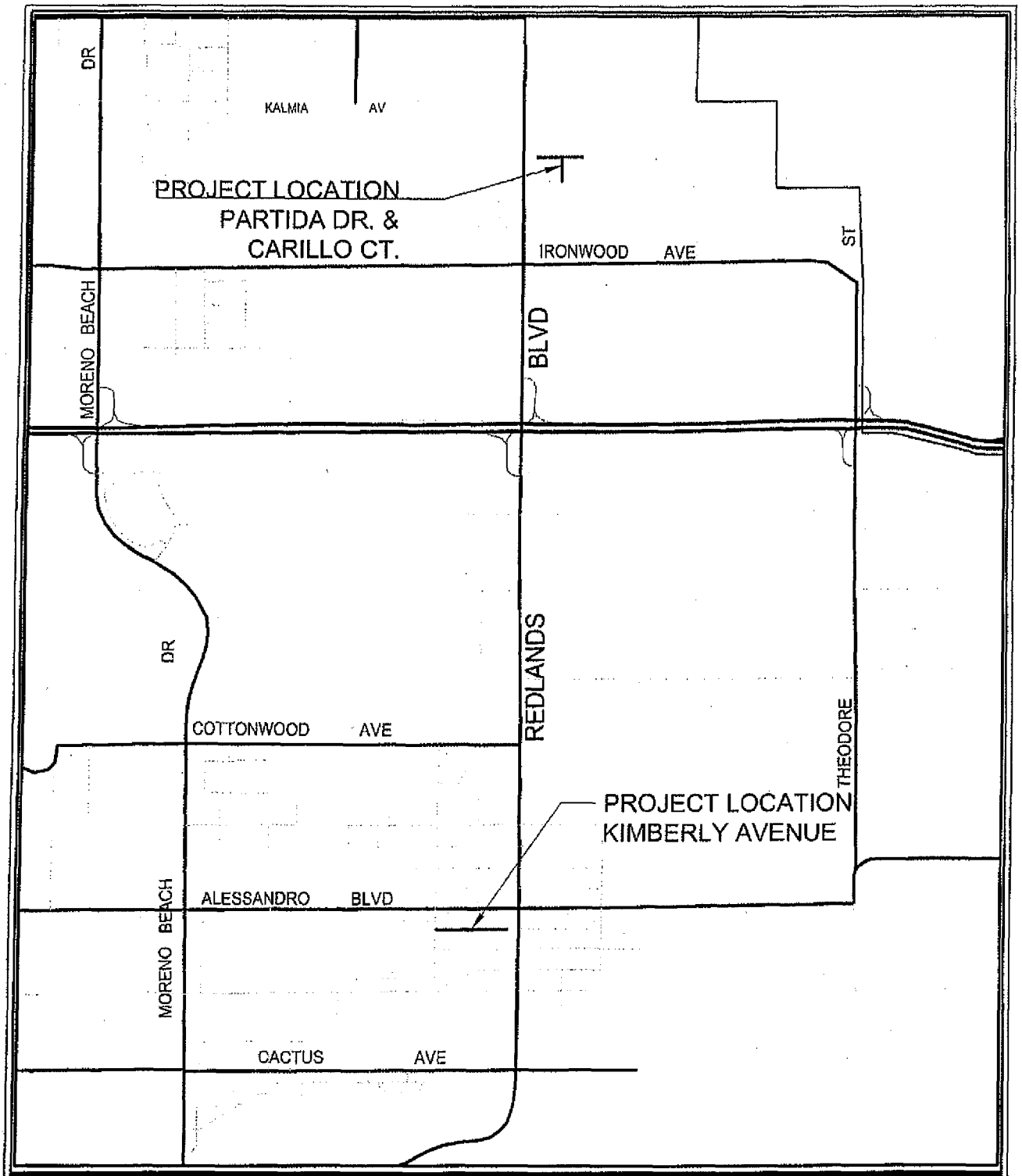

Public Works Department Capital Projects Division	LOCATION MAP
Scale: None Attachment "A"	PROJECT NO. 08-12585523 STREET IMPROVEMENT PROGRAM PARTIDA DR., CARILLO CT., & KIMBERLY AVE.

Agreement No._____

AGREEMENT

PROJECT NO. 08-12585523

STREET IMPROVEMENT PROGRAM
Partida Drive from Carillo Court to Juniper Avenue,
Carillo Court, and
Kimberly Avenue from Wilmot Street to Redlands Boulevard

THIS Contract Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and **C & C Grading & Paving, Inc.** hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
   a. Any and all Contract Change Orders issued after execution of this Agreement
   b. Addenda Nos. **none**, issued prior to the opening of the Bids
   c. The bound Bid Documents
   d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
   e. The project Plans
   f. The Standard Plans
   g. The Standard Specifications
   h. Reference Specifications, all of which are essential parts of this Agreement
   i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Bid Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) and Additive Bid Item(s) in the sum total amount of **$194,663.90,** subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Contract Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to commence work pursuant to this Contract within fifteen (15) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion, within **Sixty (60) working days** if only the Base Bid Items are awarded or **Ninety (90) working days** if the Base Bid Items and the Additive Bid A Items are awarded, after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

Attachment "B"

5. The City and Contractor hereby agree that in case all construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of $500.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Contract Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Contract Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Contract fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Contract Agreement in a form which is substantially similar to the Contract Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Contract Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Contract Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Contract Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Contract.

16. The effective date of this Contract Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 08-12585523

CITY OF MORENO VALLEY,
Municipal Corporation

BY: _____
City Manager

DATE: _____

(Name of Contractor)

License No./
Classification: _____
Expiration Date: _____

Federal I.D. No.: _____

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

PRINT NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Contract Agreement on behalf of the Contractor must be acknowledged before a notary public. Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

W:\CapProj\CapProj\PROJECTS\Henry - 08-12585523 - SIP for Priv St\Kimberly-Partida-Carrillo\Construction\ Contractor\Agreement\ Agreement.DOC

MV00055465

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

BOND NO._____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12585523

STREET IMPROVEMENT PROGRAM
Partida Drive from Carillo Court to Juniper Avenue,
Carillo Court, and Kimberly Avenue from Wilmot Street to Redlands Boulevard

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to **C & C Grading & Paving, Inc.,** as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 08-12585523**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 08-12585523

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 2010.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____2010

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

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  - Indicate title or type of attached document, number of pages and date.
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- Securely attach this document to the signed document

BOND NO._____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12585523

STREET IMPROVEMENT PROGRAM
Partida Drive from Carillo Court to Juniper Avenue,
Carillo Court, and Kimberly Avenue from Wilmot Street to Redlands Boulevard

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to **C & C Grading & Paving, Inc.,** as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 08-12585523**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 08-12585523

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 2010.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____2010

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal maybe affixed hereto

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

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- Securely attach this document to the signed document.

MORENO VALLEY
WHERE DREAMS SOAR

City Attorney's Office

MEMORANDUM

To: Mayor and City Council

From: Jennifer McDowell, Legal Secretary

Date: May 10, 2010

Subject: ENCO UTILITY SERVICES MORENO VALLEY, LLC, VS. CITY OF MORENO VALLEY - APPROVAL OF SETTLEMENT AGREEMENT (PROVIDED UNDER SEPARATE COVER) (Report of: City Attorney), Item A10 on May 11, 2010 City Council Agenda

cc: Agenda packet distribution list

Attached is the Staff Report, which was not available at the time of agenda preparation.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Robert L. Hansen, City Attorney

AGENDA DATE: May 11, 2010

TITLE: Consideration and Approval of Settlement Agreement in ENCO Utility Services Moreno Valley, LLC v. City of Moreno Valley, Case No. RIC478023.

RECOMMENDED ACTION

Review and approve the attached Settlement Agreement in ENCO Utility Services Moreno Valley, LLC v. City of Moreno Valley, Case No. RIC478023 (Attachment 1), and authorize the Mayor to sign the agreement in behalf of the City.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

This case concerns two agreements entered into in 2003 by ENCO Utility Services Moreno Valley, LLC ("ENCO") and the City of Moreno Valley wherein ENCO agreed to provide professional services to Moreno Valley, including designing, maintaining operating and constructing the Moreno Valley Electric Utility ("MVU"). The City contends in the lawsuit that during the negotiations preceding the agreements, ENCO prepared and presented detailed financial projections (the "2003 Pro Forma") to Moreno Valley that contained factual errors and assumptions that were material to the terms of the agreements. ENCO denies these allegations and asserts that even if material errors were made in the 2003 Pro Forma, the City should have caught these errors through its consultants. Among the key assumptions supporting the 2003 Pro Forma were that: 1) Moreno Valley would cease to incur certain charges under the Southern California Edison Wholesale Distribution Access Tariff ("WDAT") after Moreno Valley built and energized a new electrical substation in 2010 and; 2) the capital expenditures required for the first ten years of the MVU's operation would be slightly under $10

million, and would be almost entirely related to the construction of the substation. Both of these assumptions were wrong. The City is seeking money damages for these errors.

ENCO also contends that the City owes it $207,651.73 for services it provided in behalf of the City to developers. However, ENCO is unable to provide work order authorizations for this work as required by the agreements.

A mediation of these disputes was held before retired California Supreme Court Justice Edward Panelli on April 21, 2010. After six hours of "shuttle diplomacy" by Justice Panelli during which he assessed the relative strengths of each party's case, Justice Panelli recommended to ENCO that it drop its demand for payment of $207,651.73 in engineering services and offer a settlement of $1.25 million to the City. This settlement would include a two year extension of the contract, to which ENCO will probably be entitled to under the contract anyway, due to reduced electricity sales. ENCO agreed to these settlement terms and they are now before the City Council for consideration.

DISCUSSION

The agreements with ENCO limit ENCO's liability to the City for negligence to $2 million. The City's attorneys estimate that it would cost the City an additional $500,000.00 to prepare and try this case before a jury. There is no guarantee that the City will prevail in trial, or that an award of damages would be greater than the offered settlement amount. Therefore, it is recommended that the City Council approve this settlement and authorize the Mayor to execute the settlement agreement to end this litigation.

ALTERNATIVES

1. Approve the settlement agreement and authorize the Mayor to execute same in behalf of the City.

2. Not approve the settlement agreement and instruct the City Attorney to continue the litigation through trial and appeals, if necessary.

FISCAL IMPACT

If alternative 1 is adopted, the City would receive payment of $1.25 million into the Enterprise Fund and would no longer incur legal fees in the continued litigation of this matter.

If alternative 2 is adopted, the City would incur an additional $500,000.00 in ongoing attorneys fees and costs to prepare and try this matter before a jury. In addition, there would be additional fees and cost associated with any appeals after the trial.

CITY COUNCIL GOALS

Settlement of this litigation would preserve revenue by eliminating ongoing litigation costs and would infuse the Enterprise Fund with $1.25 million, in furtherance of the City Council's goal of Revenue Diversification and Preservation.

ATTACHMENTS/EXHIBITS

1. Proposed Settlement Agreement in ENCO Utility Services Moreno Valley, LLC v. City of Moreno Valley, Case No. RIC478023.

Prepared By:
Name Robert L. Hansen
Title City Attorney

Department Head Approval:
Name Robert L. Hansen
Title City Attorney

Concurred By:
Name
Title

(Optional field) Reports requiring inter-departmental coordination must include names of all affected department heads.

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

SETTLEMENT AGREEMENT AND MUTUAL GENERAL RELEASE OF CLAIMS

This Settlement Agreement and Mutual General Release of Claims (the "Agreement") made and effective April 21, 2010, is entered into by and between Plaintiff and Cross-Defendant ENCO Utility Services Moreno Valley, LLC ("ENCO") and Defendant and Cross-Complainant City of Moreno Valley ("the City").

WHEREAS, there is now pending in the California Superior Court, Riverside County, an action entitled ENCO Utility Services Moreno Valley, LLC v. City of Moreno Valley, Case No. RIC478023, in which ENCO asserts claims against the City for declaratory and injunctive relief and the City asserts cross-claims against ENCO for breaches of contract, breaches of fiduciary duty, rescission and declaratory relief (the "Litigation");

WHEREAS, on August 14, 2007, ENCO filed a claim for damages with the City pursuant to California Government Code Section 910, et seq. (the "Claim");

WHEREAS, the allegations in the Litigation and the Claim relate to the October 7, 2003 Professional Services Agreement ("PSA") between the City and ENCO;

WHEREAS, the parties desire to fully resolve disputes between them, including but not limited to all matters raised in, or which could have been raised in, the Litigation and the Claim;

NOW, THEREFORE, in consideration for the terms, conditions, covenants, representations, warranties, and promises contained in this Agreement, the parties agree as follows:

1. Within 15 business days of the execution of this Agreement by both parties, ENCO shall deliver a settlement payment in the sum of $1,250,000 by wire transfer to counsel for the City.

2. The parties further agree that the Term of the PSA shall be extended two years to December 31, 2020. Other than the extension of the Term of the PSA, all other provisions of the PSA remain unchanged and in force.

3. Within 10 business days of the receipt of the settlement payment by the City, the parties, through their counsel, shall file and serve a Request for Dismissal with Prejudice of the Litigation, each side to bear its own attorneys' fees and costs. Within 10 business days of receipt of a signed and conformed copy of the dismissal as entered by the Court, ENCO shall provide a copy thereof to counsel for the City.

4. ENCO hereby unconditionally releases and forever discharges the City and each of its current and former related entities, predecessors, successors, assigns, elected officials, officers, directors, trustees, managers, administrators, agents, employees, representatives, attorneys, affiliates, and all persons acting by, under, through or in concert with any of them (to each of whose benefit this Agreement shall run), from any and all claims, demands, actions, causes of action, liabilities, judgments, liens, contracts, agreements, rights, debts, loans, suits, obligations, promises, acts, costs and expenses (including, but not limited to, attorneys' fees), damages and charges of whatsoever nature (hereinafter "claims"), whether known or unknown, suspected or unsuspected, fixed or contingent, which ENCO now has, claims to have, or at any time heretofore had or claimed to have against the City, as a result of things undertaken, done or omitted to be done at any time up to, and including, the execution hereof, arising from or related to the issues and matters raised in, or which could have been raised in, the Litigation and the Claim.

5. The City hereby unconditionally releases and forever discharges ENCO and each of its current and former related entities, predecessors, successors, assigns, equity holders,

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members, officers, directors, trustees, managers, administrators, agents, employees, representatives, attorneys, affiliates, insurers and all persons acting by, under, through or in concert with any of them (to each of whose benefit this Agreement shall run), from any and all claims, demands, actions, causes of action, liabilities, judgments, liens, contracts, agreements, rights, debts, loans, suits, obligations, promises, acts, costs and expenses (including, but not limited to, attorneys' fees), damages and charges of whatsoever nature (hereinafter "claims"), whether known or unknown, suspected or unsuspected, fixed or contingent, which the City now has, claims to have, or at any time heretofore had or claimed to have against ENCO, as a result of things undertaken, done or omitted to be done at any time up to, and including, the execution hereof, arising from or related to the issues and matters raised in, or which could have been raised in, the Litigation and the Claim.

6. The parties hereby acknowledge that there is a risk that, subsequent to the execution of this Agreement, they may discover or incur claims which were unknown or unanticipated at the time this Agreement was executed, including, without limitation, unknown or unanticipated claims which arise from, are based upon or are related to the issues and matters raised in, or which could have been raised in, the Litigation or the Claim which, if known on the date this Agreement was executed, may have materially affected their decision to execute this Agreement. The parties each acknowledge that they are assuming the risk of such unanticipated claims and agree that this Agreement applies thereto. The parties expressly waive the benefits of Section 1542 of the California Civil Code, which provides:

> **A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.**

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Effective upon execution of this Agreement, the parties waive and relinquish all rights and benefits which they have or may have under Section 1542 or the law of any other state or jurisdiction to the same or similar effect to the full extent that they may lawfully waive and relinquish all rights and benefits pertaining to the subject matter of this Agreement. The parties hereby acknowledge that the foregoing waiver of the provisions of Section 1542 of the California Civil Code was separately bargained for. Each of the parties understands and acknowledges the significance and consequences of this waiver of California Civil Code Section 1542 and confirms that it has either discussed or been given an opportunity to discuss such matters with counsel of that party's choice.

7. In entering into this Agreement, the parties represent that they have relied upon the legal advice of attorneys of their own choice; that the terms of this Agreement have been completely explained to them by their attorneys; and that they fully understand and voluntarily accept those terms. The parties further represent that they do not rely and have not relied upon any representation or statement made by any party or any other person with regard to the subject matter, basis or effect of this Agreement, other than the express provisions contained in this Agreement. Each Party acknowledges that the Agreement has been fully read, reviewed and understood by its authorized signatory and that each Party signs the same freely and voluntarily.

8. It is understood and agreed that this Agreement shall be binding upon and inure to the benefit of the parties and the related parties identified in paragraphs 3 and 4, above.

9. The parties warrant and represent that they have not assigned or transferred, or purported to assign or transfer, to any person or entity, any claim or cause of action arising out of or related to the Litigation or the Claim, or any portions thereof or interest therein.

10. The parties, without further consideration, agree to execute and deliver additional documents and take such additional actions as may be necessary to consummate the subject matter of this Agreement.

11. No breach of any provision in this Agreement can be waived except by a writing executed by all of the parties to this Agreement. Waiver of any breach shall not be deemed to be a waiver of any other breach of the same or any other provisions hereof.

12. If any action, at law or in equity, including an action for declaratory relief, is brought to enforce, or interpret or for alleged breach of the provisions of this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs, in addition to any other relief to which it may be entitled.

13. The parties understand and agree that this Agreement is given in connection with the compromise of disputed claims and that the undersigned parties deny liability to each other. This Agreement shall never or for any purpose be considered as an admission of liability on the part of either of the parties.

14. Any notice required pursuant to this Agreement shall be addressed as follows:

For ENCO:

Charles J. Malaret, Esq.
Morgan, Lewis & Bockius LLP
300 South Grand Avenue, 22nd Floor
Los Angeles, California 90071

For the City:

Robert E. Darby, Esq.
Fulbright & Jaworski, L.L.P.
555 South Flower Street, Suite 4100
Los Angeles, California 90071

15. This Agreement is also subject to the following miscellaneous provisions:

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(a) This Agreement shall be construed in accordance with, and all disputes hereunder shall be governed by, the laws of the State of California.

(b) Should any provision of this Agreement be declared or determined by any court to be illegal or invalid, the validity of the remaining part, terms or provisions shall not be affected and the illegal or invalid part, term or provision shall be deemed not a part of this Agreement.

(c) This Agreement may be executed in one or more counterparts, but shall be interpreted and construed as if signed in one document.

(d) This Agreement constitutes the entire agreement between the parties and all other prior agreements, arrangements or understandings, oral or written, are merged into and superseded by the terms of this Agreement which may not be altered, amended, modified or otherwise changed except by a writing signed by the duly authorized representatives of the parties to this Agreement.

(e) This Agreement has been prepared based on the joint efforts of the parties. This Agreement is to be construed simply and fairly and not strictly for or against any of the parties. No provision in this Agreement is to be interpreted for or against either party because that party or its legal representative drafted such provision.

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IN WITNESS WHEREOF, the parties hereto have executed and delivered this Agreement as of the date and year set forth opposite their respective signatures below.

DATED: May 7, 2010

ENCO Utility Services Moreno Valley, LLC

By: _____

Its: Director

DATED: May ___, 2010

CITY OF MORENO VALLEY

By: _____

Its: _____

APPROVED AS TO FORM:

MORGAN, LEWIS & BOCKIUS LLP

By: _____

Charles J. Malaret
Attorneys for ENCO Utility Services
Moreno Valley LLC

FULBRIGHT & JAWORSKI L.L.P.

By: _____

Robert E. Darby
Attorneys for City of Moreno Valley

DB2/21696308.5

MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: May 11, 2010

TITLE: PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2010/11

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2010/11 Annual Action Plan and,
2. Approve the proposed 2010/11 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or expand employment opportunities for low-to-moderate income persons (see Attachment A for the 2009 Income Limit table). These grants are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to Entitlement Cities (eligible, selected cities with a population exceeding 50,000), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas. Moreno Valley has been classified by HUD as an Entitlement City since 1995.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least

51% of residents earning low-to-moderate incomes. For a map of the CDBG Target Areas see Attachment B.

HUD requires Entitlement Cities (such as Moreno Valley) to prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2010/11 marks the third year of the City's FY 2008-2013 Consolidated Plan. Entitlement Cities also adopt Annual Action Plan updates of the Consolidated Plan each year. The Annual Action Plan more specifically identifies the activities for which the City will allocate both CDBG and HOME funds for the upcoming program year. This staff report requests that the City Council conduct a Public Hearing to review and adopt the Annual Action Plan for FY 2010/11, which must be received by HUD no later than May 13, 2010.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used toward the development of affordable housing projects. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development programs. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services. Social services can include but are not limited to the following:

- Homeless and Emergency services,
- Programs for elderly, disabled, or youth,
- Public safety/crime prevention services, or
- Specialized counseling and treatment.

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as sub-recipients) to provide the desired services or programs.

DISCUSSION

At the City Council meeting of March 23, 2010, staff proposed subrecipients based on an estimated budget. On March 31, 2010 HUD released the actual grant allocations. The City of Moreno Valley's CDBG allocation for FY 2010/11 is $1,941,611. This is an increase of $147,694 from last year. In addition there is $505,000 in project savings from last fiscal year, for a total budget of $2,446,611 in the CDBG program for FY 2010/11.

Attachment D is the proposed Annual Action Plan for Fiscal Year 2010/11. The Annual Action Plan details the specific projects and allocated funding for the upcoming program year. In conformance with HUD requirements, the Annual Action Plan was made available for public review from April 8, 2010 through May 8, 2010. To date, there have been no public comments received. Any public comments received will be incorporated into the Action Plan as an attachment. The following tables detail the funding allocations approved by the City Council at the March 23, 2010 Public Hearing. These allocations are included in the Annual Action Plan and will be approved once the document is adopted.

2010/11 CDBG PROGRAMS AND BUDGET

The goal of the CDBG Program is to respond to the needs of low and moderate income persons and neighborhoods. The CDBG program administration is subject to a cap of 20% of the total CDBG allocation. In addition, CDBG social service activities are capped at 15% of the total allocation. The anticipated budget and funding allocations are shown in the following tables.

CDBG PROGRAM BUDGET

Funding Category	*Funding Allocation*
2010/11 CDBG Allocation	$1,941,611
Unallocated funds from previous years savings*	$505,000
TOTAL AVAILABLE CDBG FUNDS	$2,446,611
Program Administration (20% maximum of annual grant)	$388,322
Public Social Services (15% maximum of annual grant)	$291,241
Facilities	$50,000
Rehabilitation	$10,000
Code Enforcement	$396,407
Economic Development	$805,641
TOTAL PLANNED CDBG BUDGET	$1,941,611

*$450,000 in projected savings from the Temco, Vought, and Boeing Sidewalk Improvement Projects and $55,000 in projected savings from 2009/10 administrative activities

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2010/11 cap for program administration is $388,322. Funding under this category provides for program management by Economic Development Department staff and Fair Housing Services (required by HUD). The Fair Housing Services are free to the public and include: community education on fair housing rights and responsibilities, investigation of public complaints and discriminatory practices, and landlord/tenant mediation.

2) SOCIAL SERVICES

Social services are subject to a fifteen percent (15%) maximum limit of the annual CDBG allocation. The maximum social service cap for 2010/11 is $291,241.

FY 2010/11 recommendations encompass a wide range of programs and services including: 1) public safety services; 2) emergency and transitional shelter for

homeless families; 3) youth services; 4) emergency food distribution; and 5) youth career development programs. The projects listed in Attachment E reflect the community priorities adopted by the City Council on January 12, 2010 and programs the City Council approved for funding at the March 23, 2010 Public Hearing. It also includes funding recommendations for an additional $22,292 in social service funding made available after HUD released the FY 2010/11 allocations. Staff is recommending that the additional dollars be applied first to successful programs that experienced slight reduction from last years allocation due to limited funding such as CAP and Moreno Valley Educators (the programs have now been increased back to the full level they were at last fiscal year). Staff is also recommending increasing the allocation to programs with high demand due to the economy and those whose funding request initially could not be accommodated, such as the one-on-one foreclosure mitigation counseling program offered by the Fair Housing Council of Riverside. Additional recommendations include: 1) increasing the Neighborhood Clean-Up Program from $13,350 to $15,000, 2) increasing the Salvation Army Food Program from $4,600 to $5,000, 3) funding the Riverside County Volunteer Center '211' (telephone referral) Program in the amount of $5,000, and 4) enhancing the Problem Oriented Policing Program funding from $25,000 to $28,241.

3) PUBLIC FACILITIES

In an alliance with Arbor Education and Training, the City is proposing to assist in the establishment of a Youth Opportunity Center (YOC) in the City's CDBG Target Area. The Center will require approximately 4,000 sq. ft. of space where Moreno Valley youths could access an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. Arbor presently operates two other YOC's through Riverside County. The proposed $50,000 in CDBG funding would be used for help in leasing a building and/or for needed tenant improvements. The YOC would be open six days a week, Monday through Saturday, and be open late on weekday afternoons so that the youth could visit after school.

4) REHABILITATION

CDBG regulations allow for specific housing rehabilitation activities. The additional funding received under the CDBG allocation have enabled staff to recommend funding of the Habitat for Humanity 'Helping Hands' Mobile Home Rehabilitation Program. This program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Staff feels this program will supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or

cosmetic) and instead focus grant dollars on the more expensive code related improvements.

5) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. The Code Compliance officers provide proactive code compliance within the CDBG-designated Target Areas. Staff is recommending maintaining general Code Enforcement and the 'Foreclosure Strike Team' at its current funding level to allow continued foreclosure enforcement efforts on bank-owned properties.

Staff is also recommending that a portion of the monies from the final allocation be used toward funding Fire Prevention Division's Neighborhood Improvement Task Force. This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family properties in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing.

6) ECONOMIC DEVELOPMENT

a. Small Business Counseling Services

Funding is recommended for Small Business Counseling Services. The Inland Empire Small Business Development Center (SBDC) provides one-on-one counseling services, workshops and seminars free of charge to Moreno Valley businesses. In 2010/11, SBDC plans to enhance their services by offering classes on utilizing accounting and financial management software.

b. Employment Resource Annex

Continued funding is recommended for the Employment Resource Center. The Employment Resource Center is an office located in the Towngate Center where unemployed or under-employed Moreno Valley residents are able to utilize computers and other standard office equipment to access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The Center also partners with major employers either in or locating to the City to conduct employment recruitments. Due to popular demand, an expansion is being planned for the upcoming fiscal year. An additional 20 computers, classroom space, and career coaching services, will be added to enhance the existing facility and allow it to serve more residents.

c. Moreno Valley New Business Incentive Program

Continued funding is recommended for the New Business Incentive Program intended to incentivize the attraction of businesses to Moreno Valley. HUD

allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income level persons) and the boosting of sales tax revenues. Several major retailers have utilized this program.

d. Family Service Association Meal Program Facilities

A local non-profit Family Services Association plans to construct a kitchen facility in the City's CDBG Target Area where meals will be prepared for its local meals and nutrition programs including for the participants of its many daycare centers in the community. The facility will also provide needed storage capability for FSA's day care centers, which are being expanded in Moreno Valley including two more in the target area. The proposed $50,000 in CDBG funding would be used for assistance in acquiring a building for the site, and in lieu of the City's CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.

e. 'Lord's Gym'

The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet in today's world by focusing on sports programs. The facility offers a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring. A new facility shall open in an 11,000 sq. ft. space located in the Canyon Springs Plaza. The proposed $20,000 in CDBG funding would be used for tenant improvements, and in lieu of the City's CDBG assistance the 'Lord's Gym' must create or retain a minimum of one full time permanent job which are held by or made available to low and moderate income level person.

2010/11 HOME PROGRAMS AND ESTIMATED BUDGET

The City will receive a HOME program allocation of $666,589 in FY 2010/11. This is an increase of $145 from the previous year. In addition, there is $23,000 in previous year project savings, providing a total budget of $689,589 in HOME funds for the upcoming program year.

The HOME Program generally funds city-sponsored programs and projects. Program administration has a cap of 10% of the total HOME allocation. In addition, a minimum of 15% of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families. The anticipated HOME budget and funding allocation is shown in the following table.

HOME PROGRAM BUDGET

Funding Category	*Funding Allocation*
2010/11 HOME Allocation	$666,589
Unallocated funds from previous year savings	$23,000
TOTAL AVAILABLE HOME FUNDS	**$689,589**
Program Administration (maximum 10% of allocation)	$66,659
FY 09/10 CHDO (required 15% of allocation)	$99,988
Home Improvement Loan Program (HILP)	$240,000
Mobile Home Grant Program	$100,000
Multifamily Affordable Housing	$182,942
TOTAL ALLOCATION OF HOME FUNDS	**$689,589**

2010/11 RECOMMENDED HOME PROJECTS AND PROGRAMS

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten (10%) cap. Grant funding under this category provides for project management by Economic Development staff.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of fifteen (15%) of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 10/11 $99,988 must be allocated to CHDO-directed projects for potential affordable housing development. Staff will bring recommendations for CHDO allocation to the City Council later in the year.

3) HOME IMPROVEMENT LOAN PROGRAM (HILP)

The HILP program provides deferred loans for homeowner-occupants to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, provide for adequate handicap accessibility (if needed), and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.

4) MOBILE HOME GRANT

The City's Mobile Home Grant program provides a $10,000 maximum grant to rehabilitate income-eligible owner-occupied mobilehomes that are located in an established Moreno Valley mobilehome park from which a space is being rented. For FY 10/11, staff recommended an increase to the program funding to help further address health and safety related code issues.

5) MULTI-FAMILY AFFORDABLE HOUSING

Funding is being reserved for future multifamily affordable housing project opportunities that may arise during FY 10/11.

ALTERNATIVES

Alternative 1 – Staff recommends that the City Council conduct a public hearing to provide the public with an opportunity to comment on the proposed Annual Action Plan and adopt the Annual Action Plan for Fiscal Year 2010/11. **Staff recommends this alternative.**

Alternative 2 – Do not approve the Annual Action Plan for Fiscal Year 2010/11. **Staff does not recommend this alternative because it would result in a failure to meet the HUD deadline for submission of this document.**

FISCAL IMPACT

Available CDBG funds for FY 2010/11 total $1,941,611. These funds will provide funding for a variety of improvements and services. The total of HOME funds available is $666,589. These funds will provide funding for affordable housing projects. Together, the CDBG and HOME programs will afford a variety of affordable housing and neighborhood preservation efforts in Moreno Valley. The following represent the budgets for the two funds – CDBG and HOME[1].

Fund	Business Unit No/Name	Amounts
	CDBG Account	$1,941,611
285	73852 CDBG Administration	
289	73952 CDBG Programs	
285	74052 Code and Neighborhood Enforcement	
176	77110 - HOME	$666,589

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used for eligible activities in Target Areas that contain at least 51%

[1] This report features the 2010/11 annual budget for CDBG and HOME with actual allocation amounts released on March 31, 2010. Total program budgets will include carry over funds not featured in this report. Funding accounts shown are where the final allocations (future monies) will be applied.

of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. REVENUE DIVERSIFICATION & PRESERVATION

CDBG and HOME funds will enhance the City's ability to create a stable revenue base and fiscal policies that will support essential City improvements and services.

2. PUBLIC SAFETY

Many of the proposed CDBG and HOME projects and programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. POSITIVE ENVIRONMENT

A positive environment for the development of Moreno Valley's future will be created through a variety of community-based CDBG and HOME programs and projects.

4. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, Public Infrastructure Improvements and Housing Rehabilitation will help to preserve, rehabilitate and improve existing neighborhoods.

SUMMARY

HUD requires that grantee Entitlement Cities such as Moreno Valley, prepare an Annual Action Plan for the Community Development Block Program. The Annual Action Plan details the activities and projects the City will undertake in Fiscal Year 2010/11 using CDBG and HOME grant funds. The Annual Action Plan must be submitted to HUD no later than May 13, 2010.

The City Council established CDBG funding priorities at the January 12, 2010 meeting. At the March 23, 2010 Public Hearing, Council reviewed funding recommendations made by staff and the 2010 CDBG Technical Review Committee for the 2010/11 CDBG and HOME Programs. Staff now recommends that the City Council conduct a public hearing and approve the proposed 2010/11 Annual Action Plan for submittal to HUD.

NOTIFICATION

Notice of this meeting was published in the Press-Enterprise newspaper on April 28, 2010.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	2009 Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	Annual Action Plan for Fiscal Year 2010/11
ATTACHMENT E	CDBG Funding Allocations FY 2010/11

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

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ATTACHMENT A

2009 INCOME LIMITS

Effective April 2, 2009 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$14,000	$16,000	$18,000	$20,000	$21,600	$23,200	$24,800	$26,400
Very Low Income	50%	$23,300	$26,650	$29,950	$33,300	$35,950	$38,650	$41,300	$43,950
60% Limits (HOME)	60%	$27,960	$31,980	$35,940	$39,960	$43,140	$46,380	$49,560	$52,740
Low Income	80%	$37,300	$42,650	$47,950	$53,300	$57,550	$61,850	$66,100	$70,350
Median Income	100%	$45,150	$51,600	$58,050	**$64,500**	$69,650	$74,800	$80,000	$85,150
Moderate Income	120%	$54,200	$61,900	$69,650	$77,400	$83,600	$89,800	$96,000	$102,150

ATTACHMENT B

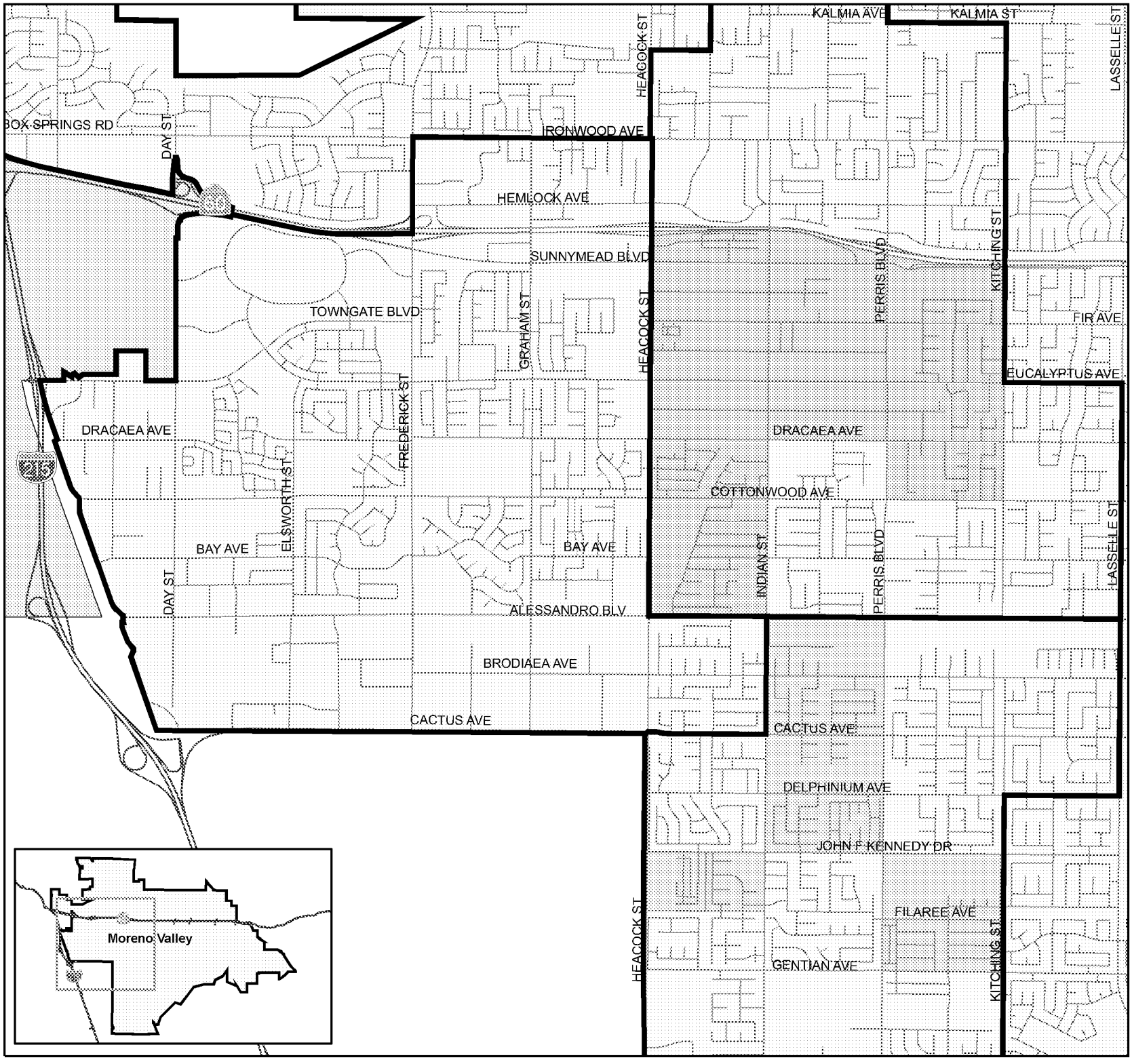

City of Moreno Valley CDBG Target Areas

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

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ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

MV00055499

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

MV00055500

ATTACHMENT D

Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME)

Annual Action Plan 2010-2011

July 1, 2010 through June 30, 2011

14177 Frederick Street, P.O. Box 88005, Moreno Valley, CA 92552-0805

SECTION 1 – INTRODUCTION

The Economic Development Department is the lead agency in developing the Consolidated and Annual Action Plans for the City of Moreno Valley. The Annual Action Plan addresses the City's plan for use of Community Development Block Grant ("CDBG") and Home Investment Partnership ("HOME") Funds during the 2010/11 Fiscal Year from July 1, 2010 through June 30, 2011. The Annual Action Plan is based upon the approved 2008-2013 Consolidated Plan prepared for both programs. The Annual Action Plan facilitates the strategy outlined in the Consolidated Plan by addressing community needs through various mechanisms.

The Action Plan provides a basis for assessing performance. It outlines programs for the upcoming program year as well as the proposed accomplishments over the five-year period of the Consolidated Plan. At the end of the program year a Consolidated Annual Performance and Evaluation Report (CAPER) provides information on the annual programmatic accomplishments.

The overall goals of the CDBG and HOME Programs, as included in the Consolidated Plan, are to develop viable urban communities by providing (1) decent housing, (2) a suitable living environment and (3) expanded economic opportunities principally for low and moderate-income persons.

(1). *Decent housing* includes assisting homeless persons, retention of the affordable housing stock, increasing the availability of permanent housing in standard condition and affordable cost to low-income and moderate-income persons.

(2). A *suitable living environment* includes improving the safety and livability of neighborhoods, increasing access to quality public and private facilities and services, and the revitalization of deteriorating or deteriorated neighborhoods.

(3). *Expanded economic opportunities* includes job creation and retention, as well as establishment, stabilization and expansion of small businesses.

The primary means towards this end is to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

MORENO VALLEY
WHERE DREAMS SOAR

SECTION 1 – INTRODUCTION
EXECUTIVE SUMMARY

CONSOLIDATED PLAN

Moreno Valley's Consolidated Plan is a comprehensive five-year strategy that addresses the use of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Grant funds to meet decent housing, suitable living environment, and expanded economic opportunity goals for low- and moderate-income city residents.

ANNUAL ACTION PLAN

The Annual Action Plan identifies specific projects, programs, and resources that will be implemented during the program year with CDBG and HOME Grant funds, consistent with the Consolidated Plan. In fiscal year 2010/11, the City of Moreno Valley will be receiving approximately $1,941,611 in new CDBG funds, and $666,589 in HOME funds. These funds will be used to support housing and community development activities.

Activities meeting Consolidated Plan goals fit into one or more of the following strategies:

- Homeless Strategy
- Special Needs Strategy
- Housing/Fair Housing Strategy
- Community and Economic Development Strategy

For each strategy identified in the Consolidated Plan, a list of activities, resources available, and goals are provided for the upcoming program year.

The Action Plan also addresses other actions such as the anti-poverty strategy, institutional structure to carry out the activities, coordination with other agencies, public housing, a monitoring plan and plans for meeting underserved needs.

Additionally, as part of the grant requirements, a form application SF 424 is included as well as a Citizen Participation Plan, public comments received and required certifications by the City.

PERFORMANCE MEASUREMENT SYSTEM

A Performance Measurement System was developed by the City of Moreno Valley as requested by HUD in September 2003. This system will be used to evaluate the effectiveness of HUD CPD program funds in meeting community needs. Attachment H details specific performance measurements for each program receiving CDBG and HOME funds during FY 2010/11.

GEOGRAPHIC DISTRIBUTION & CDBG TARGET AREAS

Moreno Valley's CDBG Target Areas encompass some of the oldest areas in the city. The City's CDBG Target Areas generally include neighborhoods identified locally as Edgemont, Central Sunnymead, Eastgate and Warner Ranch. Significant portions of the target areas lack adequate infrastructure such as curbs, gutters, street improvements, sidewalks, water and sewer lines, storm drains, and street lighting. The majority of proposed projects are distributed within the CDBG target areas, because these areas have the greatest concentrations of low-and moderate-income individuals. Other projects such as the Redevelopment (RDA) Agency's housing programs target low- and moderate-income individuals citywide.

SECTION 1 – INTRODUCTION
AVAILABLE RESOURCES

The City of Moreno Valley will utilize a variety of Federal, State, and local funding sources to achieve the community and housing priorities identified. Specific funding resources will be utilized based upon availability, opportunities, and constraints of each particular project or program.

The City is committed to utilizing each funding source to its highest and best use. Therefore, the City will leverage the resources identified in this section to facilitate various programs and projects. Specific resources available to address the needs identified in the plan are included under the Annual Action Plan Section.

The following includes a description of both the resources the City currently uses and those for which funding may be pursued.

Federal Resources

Community Development Block Grant Program (CDBG)

Moreno Valley receives an annual CDBG allocation to meet the following three broad national objectives:

- Benefit to low and moderate income households;
- Removal of slum or blight; or
- Meet urgent community needs.

Approximately 90% of the funding has been used to benefit persons of low and moderate income. Programs and projects funded generally include public services, code compliance activities, and economic development activities. The City's grant allocation available for fiscal year 2010/11 is $1,941,611. Table 1-A details the available CDBG funds. Table 1-B details the allocations for FY 2010/11.

TABLE 1-A
FY 2010/11 CDBG AVAILABLE FUNDING

Funding Category	Funding Allocation
2010/11 CDBG Allocation	$1,941,611
Unallocated funds from previous years savings*	$505,000
TOTAL AVAILABLE CDBG FUNDS	$2,446,611
Program Administration (20% maximum of annual grant)	$388,322
Public Social Services (15% maximum of annual grant)	$291,241
Facilities	$80,000
Rehabilitation	$10,000
Code Enforcement	$396,407
Economic Development	$805,641
TOTAL PLANNED CDBG BUDGET	$1,941,611

*$450,000 in projected savings from the Temco, Vought, and Boeing Sidewalk Improvement Projects and $55,000 in projected savings from 2009/10 administrative activities

TABLE 1-B
CDBG FUNDING ALLOCATIONS FY 2010/11

ADMINISTRATION (20% CAP - $388,322)	
CDBG Program Administration	$338,869
Fair Housing Services	$49,453
SOCIAL SERVICES (15% CAP - $291,241)	
Community Foreclosure Prevention Workshops	$44,000
Community Assistance Food Program (CAP)	$30,600
Friends of the Moreno Valley Senior Center (MoVan)	$30,000
Moreno Valley Police Dept., Problem Orienting Policing (POP) Team	$28,241
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$25,000
Lutheran Social Services Transitional Center (MARB)	$15,000
Path of Life Ministries King Hall Family Shelter (MARB)	$15,000
PW Enhancement Center – Emergency & Homeless Services	$15,000
Neighborhood Clean-up Program	$15,000
Assistance League of Riverside - Operation School Bell	$10,000
CASA for Riverside County	$10,000
God's Helping Hand Ministries Food Program	$9,000
Operation Safehouse Shelter for Youth	$8,000
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,500
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500
Moreno Valley Community Educators - Tutoring Program	$6,400
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
FACILITIES	
Youth Opportunity Center	$50,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
Fire Prevention 'Improvement Task Force'	$30,000
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$540,000
Community Employment Resource Center	$145,641
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$50,000
Lord's Gym	$20,000
TOTAL CDBG FUNDING ALLOCATIONS	**$1,941,611**

HOME Investment Partnership Program (HOME)

HOME Investment Partnership funding is provided to the City to:

- assist with affordable rental housing
- promote home ownership through acquisition
- construction,
- reconstruction,
- and/or rehabilitation of affordable housing.

Moreno Valley became an Entitlement City for HOME funds during FY 1995/96.

The City of Moreno Valley's HOME allocation for FY 2010/11 is $666,589. Table 1-C details the estimated HOME funds available for FY 2010/11. Table 1-D details the anticipated funding allocations for program year 2010/11. The funding allocations are for new and continuing projects and programs that will be implemented in FY 2010/11.

TABLE 1-C

FY 2010/11 HOME ESTIMATED FUNDING	
2010/11 HOME Allocation	**$666,589**
Previous Year Un-used and Available Funds	$23,000
Total Available HOME Funds	**$689,589**

* $23,000 in projected savings from 2009/10 administrative activities

TABLE 1-D

HOME FUNDING ALLOCATIONS FY 2010/11	
Program Administration (maximum 10% of allocation)	$66,659
FY 09/10 CHDO (required 15% of allocation)	$99,988
Home Improvement Loan Program (HILP)	$240,000
Mobile Home Grant Program	$100,000
Multifamily Affordable Housing	$182,942
TOTAL ALLOCATION OF HOME FUNDS	**$689,589**

A. Local Resources

- ***Community Redevelopment Agency of the City of Moreno Valley***

As required by California Redevelopment Law, the Redevelopment Agency expends 20% of its tax increment revenue funding affordable housing projects. RDA (Housing Set-Aside) revenue projections for FY 2010/11 indicate an estimated 20% set-aside funding of $3.8 million.

- ***Homelessness Prevention and Rapid Re-housing Program (HPRP)***

In 2009 the City was provided with a one-time HPRP grant allocation of $732,872 under the American Recovery Re-investment Act of 2009. The purpose of the HPRP grant is

to provide homelessness prevention assistance to households who would otherwise become homeless in the current economic crisis and to rapidly re-house individuals and families who are currently homeless as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42U.S.C. 11302). Moreno Valley has established 6 activities that assist families facing homelessness, including: case management, rent/arrears assistance, security deposit assistance, utility/arrears assistance, legal assistance, and administration.

- ***Community Development Block Grant – Recovery (CDBG-R)***

The City was also provided with a one-time CDBG-R grant valued at $472,872 under the American Recovery Re-investment Act of 2009. Moreno Valley's CDBG-R program establishes 4 projects (plus administration) aimed at stimulating the economy by creating jobs, modernizing infrastructure, and promoting energy efficiency.

- ***Neighborhood Stabilization Program (NSP)***

Under the Housing and Economic Recovery Act (HERA), the City of Moreno Valley received a CDBG allocation of $11,390,116, to formulate the Neighborhood Stabilization Program (NSP) which is designed to stabilize neighborhoods most impacted by foreclosures. The City's NSP Program is comprised of four activities: 1) single family residential acquisition, rehabilitation, and resale (SFR-ARR), 2) multi-family residential acquisition, rehabilitation, and resale (MFR-ARR), 3) Homebuyers Assistance Program (HAP), and 4) Administration. In partnership with selected Development Partners, the City acquires and rehabilitates single family residences for the purpose of resale to homebuyers earning up to 120% of the Area Median Income (AMI), and multi-family residences for the purpose of rental to households earning up to 50% AMI. Of the total $11,390,116 allocation received, the funds have been budgeted accordingly:

ACTIVITY	BUDGET
SFR-ARR	$5,203,576.00
MFR-ARR	$4,047,529.00
HAP	$1,000,000.00
ADMINISTRATION	$1,139,011.00

In FY09/10, the City acquired almost thirty single family properties obligating/expending approximately $4.4 million of the SFR-ARR budget. During FY10/11, the City will continue with its SFR-ARR efforts to expending the remaining budget as well as program income generated from the sale of the single family properties. During FY10/11, the City will expend $381,000 of the MFR-ARR NSP budget rehabilitating two apartment buildings totaling 27 dwelling units located on Myers Avenue. The properties were acquired during the end of FY09/10 for $1,930,500. Approximately $2.4 million has been allocated to the acquisition and rehabilitation of this project.

- ***Riverside County Housing Authority***

The County of Riverside serves as the local housing authority for the region. The County operates 469 Section 8 housing and public housing facilities throughout the

County including those located in Moreno Valley. Sources of funds available to city residents through the Housing Authority are primarily limited to Section 8, Capital Fund Program (formerly the Comprehensive Grant Program), and the Public Housing programs.

B. Private Resources

For-Profit Organizations

- ***Community Reinvestment Act (CRA)***

The city encourages increased cooperation between lending institutions and the communities they serve to meet CRA requirements for the development of affordable housing.

Non-Profit Organizations

Currently, a number of non-profit organizations facilitate a variety of social services and housing activities in Moreno Valley. The City encourages and supports non-profit organizations that apply for funding from various sources.

C. Leveraging and Matching Funds – HOME

The primary source of fund leveraging will occur in conjunction with activities carried out through Redevelopment Agency 20% Set-Aside funds. Specific matching fund activities include housing rehabilitation and development programs for single family, multi-family, and mobile home units. The following table summarizes FY 2010/11 HOME activities and match sources:

TABLE 1-E*
HOME MATCH

HOME BUDGET FISCAL YEAR 2010/11	Continuing from Prior Years	2010/11 Allocation	Total Request	RDA Match 25%+
Administration (10% Cap)	$0	$66,659	$66,659	$0
Community Housing Development Organization (15% Min.)	$189,908	$99,988	$289,896	$0
Home Improvement Loan Program	$0	$240,000	$240,000	$0
Multi-Family Affordable Housing Program	$339,688	$182,942	$522,630	$4,300,000
Mobile Home Grant Program	$0	$100,000	$100,000	$0
GRAND TOTAL	**$529,596**	**$689,589**	**$1,219,185**	**$4,300,000**

* This table does not include total budgets available for the various projects. The available amounts may vary due to other funding sources such as RDA, NSP, etc.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN

The city will pursue housing, community development, and economic development activities to meet the needs of very-low, low, and moderate-income persons in Moreno Valley. To accomplish this, the city plans to expend CDBG, HOME, and other funds as available, such as Homelessness Prevention and Rapid Rehousing Program (HPRP), Neighborhood Stabilization Program (NSP), and Community Development Block Program – Recovery (CDBG-R) to meet community needs. The Consolidated Plan has several strategies for meeting community needs. The following objectives were identified in the Strategic Plan portion of the Consolidated Plan.

HOMELESS STRATEGY – TABLE 2-A, page 10
Objective 1. Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.

SPECIAL NEEDS STRATEGY – TABLE 2-B, page 14
Objective 1. Provide supportive housing and public services to meet the needs of special needs persons.

HOUSING STRATEGY – TABLE 2-C, page 15
Objective 1. - Rehabilitation of existing and construction of new single-family homes, multi-family housing, and mobile homes to create or maintain decent, affordable housing for low and moderate-income residents.
Objective 2. - Create home ownership opportunities for low and moderate-income residents.
Objective 3. - Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.
Objective 4. - Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY – TABLE 2-D, page 25
Objective 1. - Promote expanded employment opportunities in order to create or retain low and moderate-income jobs.
Objective 2. - Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.
Objective 3. - Support social service programs available to serve low and moderate-income residents.
Objective 4. - Provide employment training and placement programs available to serve low and moderate-income residents

The following tables detail the activities the City will undertake to address these objectives in FY 2010/11. The tables identify available funding, the geographic areas covered by the activity, and the target populations. Additional project information is provided in the Community 2020 tables enclosed as Attachment B.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN (Continued)
HOMELESS STRATEGY

The Five Year Goals and Proposed Accomplishments under the homeless strategy are to assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities. The following programs for FY 2010/11 will be implemented to meet this goal.

TABLE 2-A

HOMELESS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.	
PROGRAM:	**PATH OF LIFE MINISTRIES – KING HALL FAMILY SHELTER**
PROGRAM DESCRIPTION:	Program provides long term (up to 2 years) shelter to homeless families and individuals with children. Residents may live at the shelter for a maximum of two years. While living at the shelter families are provided comprehensive counseling and support services that will assist them in becoming self sufficient. The shelter is located on March Air Reserve Base.
RESOURCES	CDBG Funds 2010/11 $15,000
TARGET POPULATION	Homeless families and homeless individuals with children
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LUTHERAN SOCIAL SERVICES TRANSITIONAL SHELTER PROGRAM**
PROGRAM DESCRIPTION:	A long term (up to 2 years) shelter program that provides assistance to homeless women and children through a comprehensive transitional living program. Counseling, education assessments and other services are provided to assist participants in gaining self sufficiency. Through the City's HPRP Program, Lutheran Social Services also provides assistance with utility payments arrears and security deposits to families at risk of homelessness.
RESOURCES:	CDBG Funds 2010/11 $15,000 HPRP Funds $65,938
TARGET POPULATION:	Homeless Women and Children
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**P. W. ENHANCEMENT CENTER (PWEC)**
PROGRAM DESCRIPTION:	Emergency motel vouchers, shelter placement, security deposit and rental assistance for homeless persons and persons threatened with homelessness. Also provides emergency and supportive services to needy households including food distribution, money management, job preparedness, child development and counseling.
RESOURCES:	CDBG Funds 2010/11 $15,000 HPRP Funds $64,063
TARGET POPULATION:	Homeless; Low and Moderate-Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**OPERATION SAFEHOUSE**
PROGRAM DESCRIPTION:	Operation Safehouse provides emergency shelter, counseling and comprehensive support services for homeless/run-away youth aged 12 – 17, with a goal of family reunification.
RESOURCES:	CDBG Funds 2010/11 $8,000
TARGET POPULATION:	Abused, Neglected, and Homeless Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2010/11 $30,600
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD AND EMERGENCY SERVICES PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing, utility assistance, and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2010/11 $9,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM: **ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**

PROGRAM DESCRIPTION: Program provides new essential clothing and school supplies, a backpack, hygiene kit to low income children identified by teachers or school officials as homeless or needy.

RESOURCES: CDBG Funds 2010/11 $10,000

TARGET POPULATION: Elementary school aged children from low income families

GEOGRAPHIC AREAS: Citywide

PROGRAM: **FORECLOSURE PREVENTION WORKSHOPS**

PROGRAM DESCRIPTION: Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The seven workshops held over 09/10 attracted approximately 600 struggling homeowners.

RESOURCES: CDBG Funds 2010/11 $44,000

TARGET POPULATION: Low-income homeowners

GEOGRAPHIC AREAS: Citywide

PROGRAM: **CATHOLIC CHARITIES**

PROGRAM DESCRIPTION: Provides assistance with rental subsidy and rental arrears payments through the City's HPRP program.

RESOURCES: HPRP Funds $161,667

TARGET POPULATION: Low and Moderate Income Households

GEOGRAPHIC AREAS: Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**INLAND LEGAL SERVICES**
PROGRAM DESCRIPTION:	Free legal advice\services related to housing issues. Offers tenant legal services for evictions and other related legal needs. Funding also allows for expanded service hours.
RESOURCES:	HPRP Funds $40,000
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**FAMILY SERVICES ASSOCIATION (FSA)**
PROGRAM DESCRIPTION:	FSA provides case management and assistance with rent subsidies and/or rental arrears payments. Program is funded through the City HPRP program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER**
PROGRAM DESCRIPTION:	Provides assistance with rental subsidy and rental arrears payments through the City's HPRP Program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FAIR HOUSING SERVICES – FORECLOSURE PREVENTION AND MITIGATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. It also offers financial assessments, budget management, mortgage education, training to potential homebuyers, and referral services.
RESOURCES:	CDBG Funds 2010/11 $25,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

ASSISTANCE AVAILABLE TO PERSONS THREATENED WITH HOMELESSNESS

In order to prevent low-income families from becoming homeless, local non-profit organizations (i.e. Catholic Charities, Gods Helping Hand, P.W. Enhancement Center), provide one-time emergency rental/mortgage assistance. The goal is to prevent homelessness for persons who missed a rent/mortgage payment due to extenuating circumstances. Some low-income families live "paycheck to paycheck" which makes it difficult for them to pay for the basic necessities when an emergency expense arises. The emergency rental/mortgage assistance program greatly benefits families on the threshold of becoming homeless.

For those families at risk of homelessness due to foreclosure, the city will continue conducting a series of foreclosure prevention workshops to assist with mitigation of the foreclosure and provide valuable referrals. The City will also continue to offer programs under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant provided in 2008/09 under the American Recovery Act. This emergency legislation was established specifically to address the issue of potential homelessness due to the economic crisis. Funds were dedicated to providing various forms of assistance to qualifying families including: monthly rental assistance, rental arrears, security deposit assistance, utility payments and arrears, motel vouchers, legal assistance, and individual case management.

There are several programs administered by Riverside County that aid in the prevention of homelessness. For example, the Emergency Food and Shelter Program meets the needs of the hungry and homeless by providing funds to provide the following housing assistance (as determined by the Local Board in funded jurisdictions): lodging in a mass shelter or hotel; one month's rent or mortgage payment; one month's utility bill; and minimal repairs to allow a sheltering facility to function during the program year.

CONTINUUM OF CARE

The City will continue to actively participate in Riverside County's Continuum of Care Consortium. The Continuum of Care Consortium consists of local government agencies and local non-profits that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services, emergency and transitional shelter. Periodic meetings provide an opportunity for networking and working towards the common goal.

The County of Riverside is the lead agency charged with developing the Continuum of Care's 10 Year Strategy to End Homelessness. A working group of local government agency staff and other community stakeholders has been formed to develop this 10 year plan. The City of Moreno Valley has assigned a staff person to participate in this working group (which meets monthly) to assist in the accomplishment of the goal of ending homelessness in ten (10) years.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
SPECIAL NEEDS STRATEGY

The Five Year Goals and Proposed Accomplishments under the special needs strategy are to assist 15,000 special needs persons, including the elderly and disabled, with housing and public services. In FY 2010/11, the following programs will be implemented to meet this goal.

TABLE 2-B

SPECIAL NEEDS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of special needs persons.	
PROGRAM:	**SENIOR VAN TRANSPORTATION SERVICES (MoVan)**
PROGRAM DESCRIPTION:	The MoVan is used to transport the elderly and adult handicapped to medical appointments and other needed destinations for a small donation or at no cost. The MoVan is a specially equipped 17-passenger bus with two wheel chair tie-downs is available 7 hours a day/ 5 days a week.
RESOURCES:	CDBG Funds 2010/11 $30,000
TARGET POPULATION:	Special Needs Persons – Elderly and Disabled
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**ARC OF RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to provide specialized medical training to on-site LVN, and to help continue other existing services.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Special Needs Persons – Disabled
GEOGRAPHIC AREAS:	Citywide

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
HOUSING STRATEGY

The Five Year Goals and Proposed Accomplishments under the housing strategy are to:

1. To rehabilitate or construct a minimum of 400 housing units.
2. To provide home ownership to 5 households.
3. To provide increased, proactive Code Compliance, Neighborhood Cleanups and public safety activities to assist 3000 households in the CDBG Target Areas.
4. To assist 2,500 persons with fair housing and landlord/tenant services.

In FY 2010/11, the following programs will be implemented to meet the goals of each Objective:

TABLE 2-C

HOUSING STRATEGY	
OBJECTIVE 1: Rehabilitation of existing housing and/or construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.	
PROGRAM:	**MOBILE HOME GRANT PROGRAM**
PROGRAM DESCRIPTION:	Program offers rehabilitation grants of up to $10,000 to low-income owner occupants of mobile home coaches located in rental parks within the City to repair and eliminate substandard conditions.
RESOURCES:	HOME Funds $100,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	Citywide

HOUSING STRATEGY

OBJECTIVE 1: (Continued)

PROGRAM:	**HOME IMPROVEMENT LOAN PROGRAM (HILP)**
PROGRAM DESCRIPTION:	3% deferred loans for income qualified homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.
RESOURCES:	HOME Funds 2010/11 $240,000
TARGET POPULATION:	Low and Moderate Income Home Owners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**MULTI-FAMILY AFFORDABLE HOUSING PROJECTS**
PROGRAM DESCRIPTION:	Construction or rehabilitation of affordable multi-family housing units. New construction will provide additional affordable housing within the community for low income renters. The rehabilitation of current housing stock will improve the amount of decent housing in the community.
RESOURCES:	HOME Funds 2010/11 $182,942
TARGET POPULATION:	Low- income renters
GEOGRAPHIC AREAS:	CDBG Target Area

HOUSING STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**SINGLE FAMILY ACQUISITION, REHABILITATION, AND RESALE PROGRAM (SFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the SFR-ARR program purchases, repairs, then re-sells foreclosed and abandoned properties to qualifying families earning up to 120% of the area median income.
RESOURCES:	NSP Funds $5,203,575
TARGET POPULATION:	Low and Moderate Income families
GEOGRAPHIC AREAS:	NSP Target Census Tracts

PROGRAM:	**MULTI-FAMILY ACQUISITION REHABILITATION AND RESALE (MFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the MFR-ARR program purchases, repairs, foreclosed and abandoned multi-family apartments and makes them available to renters earning up to 50% of the area median income.
RESOURCES:	NSP Funds $4,047,529
TARGET POPULATION:	Low and Moderate Income renters
GEOGRAPHIC AREAS:	NSP Target Census Tracts

HOUSING STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**CHDO – COMMUNITY HOUSING DEVELOPMENT ORG, Unprogrammed**
PROGRAM DESCRIPTION:	15% CHDO Set aside money for the future rehabilitation or construction of affordable housing for very low income residents. Specific project to be selected at a later date.
RESOURCES:	HOME CHDO Funds 2010/11 $99,988
TARGET POPULATION:	Very Low- income households
GEOGRAPHIC AREAS:	CDBG Target Area
PROGRAM:	**HABITAT FOR HUMANITY – MOBILE HOME REHABILITATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Program will supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or cosmetic) and focus more grant dollars on the code related improvements.
RESOURCES:	CDBG Funds $10,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 2: Create home ownership opportunities for low and moderate-income residents

PROGRAM:	**HOMEBUYER ASSISTANCE PROGRAM (HAP)**
PROGRAM DESCRIPTION:	Provides down payment assistance of up to 20% of the purchase price, for first time homebuyers purchasing resale homes up to the maximum FHA 203b limit. Loans are deferred for 30 years with no interest.
RESOURCES:	Neighborhood Stabilization Funds 2010/11 $1 million Redevelopment Funds 2010/11 $500,000
TARGET POPULATION:	Low and moderate income households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**OAKWOOD AFFORDABLE HOUSING PROJECT**
PROGRAM DESCRIPTION:	Development of 240 apartment units for low income renters. The project is currently under construction.
RESOURCES:	Redevelopment Housing Set-aside Funds $ 3 million
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

PROGRAM:	**RANCHO DORADO AFFORDABLE HOUSING DEVELOPMENT**
PROGRAM DESCRIPTION:	Development of apartment units for low income renters. Phase 1 of the project is currently under construction. Phase 2 is competing for State Tax Credit funding. The project will provide 148 affordable units once constructed.
RESOURCES:	Redevelopment Housing Set-aside Funds Phase 1 $4,750,000 Phase 2 $4,750,000
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

HOUSING STRATEGY

OBJECTIVE 3: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.

PROGRAM:	**NEIGHBORHOOD CODE COMPLIANCE**
PROGRAM DESCRIPTION:	City Code Compliance Officers provide enhanced, proactive inspection and enforcement services within the CDBG Target Areas to eliminate substandard housing and poor property maintenance conditions. Many low-income tenants are unable to pay for improvements that are the responsibility of the property owner. Increased code enforcement seeks compliance from property owners and assists in eliminating the substandard conditions.
RESOURCES:	CDBG Funds 2010/11 $263,390
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

PROGRAM:	**PROBLEM ORIENTED POLICING (POP) PROGRAM**
PROGRAM DESCRIPTION:	Addresses crime prevention through problem solving to increase public safety in low-income neighborhoods and reduce the number of calls for service. Public safety continues to be identified as a high priority by residents and the city. Continued support of the program will help to maintain the safety of area residents and the city's neighborhoods.
RESOURCES:	CDBG Funds 2010/11 $28,241
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY	
(OBJECTIVE 3 CONTINUED)	
PROGRAM:	**CODE ENFORCEMENT - CITY FORECLOSURE STRIKE TEAM**
PROGRAM DESCRIPTION:	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.
RESOURCES:	CDBG Funds 2010/11 $103,017
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas
PROGRAM:	**NEIGHBORHOOD CLEAN-UP PROGRAM**
PROGRAM DESCRIPTION:	This neighborhood program assists in the revitalization of older neighborhoods. Funds will be used to conduct large-scale neighborhood clean-ups (utilizing commercial sized dumpsters and skip loaders) providing haul away and other services to residents within the targeted neighborhoods. Each clean-up typically assists an average of 125 properties.
RESOURCES:	CDBG $15,000
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**FIRE PREVENTION – 'IMPROVEMENT TASK FORCE'**
PROGRAM DESCRIPTION:	This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family units in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing.
RESOURCES:	CDBG Funds 2010/11 $30,000
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 4: Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

PROGRAM:	**FAIR HOUSING SERVICES**
PROGRAM DESCRIPTION:	The Fair Housing Council of Riverside County provides a full range of fair housing services including education, discrimination investigation, landlord/tenant mediation, enforcement, and training and technical assistance. All services designed to affirmatively further fair housing.
RESOURCES:	CDBG Funds 2010/11 $49,453
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

CITY EFFORTS TO ADDRESS LEAD-BASED PAINT HAZARDS

The City provides four consumer loan products that are impacted by the requirements of lead based paint disclosure. Applicants for the City's Mobile Home Grant Program, the Homebuyers Assistance Program, Home Improvement Loan Program, and the Homeowners Assistance for Minor Rehabilitation Program are given a lead-based paint disclosure booklet and sign an acknowledgment that is included in the loan application. If the home was constructed prior to 1978, the City contracts with Home Safe for a lead-based paint inspection of the property. If the property is found to contain lead-based paint, mitigation measures are incorporated as a part of the revitalization work. Since the HAP loan is down payment assistance, the lead-based paint mitigations are the responsibility of the Seller prior to the title transfer. Both buyer and seller receive the disclosure materials as a part of the loan application process.

SECTION 2 – *AFFORDABLE AND FAIR HOUSING*

Zoning

While not specifically addressed as a barrier to affordable housing, the City will begin re-evaluation of some areas that have been re-zoned to non-residential uses. In most cases, the areas re-zoned are older areas of the City that may offer more affordable housing. The City will continue to review the policies in its Housing Element for consistency with the Consolidated Plan and identify areas in need of improvement.

Strategies to Promote Affordable Housing

The City of Moreno Valley will undertake the following strategies to promote and foster affordable housing:

- Actively support projects that apply for State and Federal funds, on a case-by-case basis.
- Continue to develop and maintain affordable housing through the use of CDBG funds, HOME funds, Redevelopment Agency Housing Set-aside funds, and Neighborhood Stabilization Program funds.
- Complete infrastructure plans for various areas of the City to reduce-up front design costs for construction of improvements.
- Continue to implement Permit streamlining to encourage the development of affordable housing in the City.
- Continue to allocate funding for Code Compliance services in the CDBG target areas to address code compliance issues and encourage housing and property maintenance.

ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING

The City updated its Analysis of Impediments to Fair Housing Choice Report in 2008. The following proposed actions were identified during the process. The recommended actions are directed to the City, lending institutions, and other service agencies that assist Moreno Valley residents. Listed below are the key actions that the City could take to continue its efforts to affirmatively further fair housing:

1. Private Sector Actions

Action 1.1 Hate crime victim services are needed because families may feel threatened and unwanted. The City will develop a directory of victim services.

Action 1.2 Numerous professional organizations guide the day-to-day practice of real estate agents and property management companies. These day-to-day practices impact the delivery of housing on a fair and equal basis. The City will continue to maintain an awareness of these organizations and how they affect housing in Moreno Valley.

Action 1.3 The City will encourage the Press-Enterprise to identify in its Fair Housing Notice the agencies that can respond to fair housing questions. Such agencies would include the Fair Housing Council of Riverside County (FHCRC).

Action 1.4 The City will encourage the Press-Enterprise to publish a "no pets" disclaimer that indicates rental housing owners must provide reasonable accommodations, including "service animals" and "companion animals" for disabled persons.

Action 1.5 The City will encourage the Fair Housing Council to prepare a summary of reasonable accommodation requirements and transmit this information to the owners and managers of Moreno Valley's large apartment communities. The information may also provide a link to the State Department of Fair Employment and Housing video on reasonable accommodations.

2. Public Sector Actions

Action 2.1 The City will continue to support fair housing services in order to ameliorate the impacts of housing discrimination and to inform residents on how to recognize and avoid predatory lending, panic selling, and steering.

Action 2.2 The City's Home Improvement and Homeowner's Assistance Programs will continue to assist loan applicants that may have previously been denied through private banks and institutions, with low interest and deferred loans. The deferred loans would not increase an applicant's debt-to-income ratio. In addition, the City can be somewhat more lenient than a private lender insofar as past credit history.

Action 2.3 Using HPRP funds, the City will fund expanded hours for the provision of income – eligible families facing unlawful eviction and homelessness.

Action 2.4 Over the few years, homeowners in the City, as in other Inland Empire communities, are late with their monthly loan payments and, thus, are receiving notices of default and facing foreclosure and possible bankruptcy. The fair housing services provided by the FHCRC have been augmented to help struggling homeowners.

Action 2.5 The City will continue to provide Foreclosure Prevention Workshops throughout Moreno Valley. Two workshop series will be held, each delivering 5 workshops to help struggling homeowners prevent foreclosure. The City will produce a 1-hour video on the subject, to be available on the City's website.

Action 2.6 The City will assist the County of Riverside Housing Authority by transmitting information contained in the Fair Housing Community Profile (Technical Appendix A of the Analysis of impediments to Fair Housing Choice). That information will include the areas of minority and low-income concentrations and an inventory of rental housing communities located outside these areas. In this way, the Housing Authority will have specific geographic information to counsel Section 8 tenants and seek owners outside areas of concentration. This information will be transmitted to the Housing Authority during the first year of the five-year Fair Housing Action Plan.

Action 2.7 The City's Website also will provide a link to the State Department of Fair Employment and Housing's (DFEH) six-minute video on reasonable accommodations for tenants.

ACTIONS TO BE TAKEN DURING PROGRAM YEARS 2008-2009 TO 2012-2013 OF THE CONSOLIDATED PLAN

Program Year 2010-2011

- Continue to contract the FHCRC to provide fair housing services to Moreno Valley's residents.
- Prepare a listing or directory of hate crime victim services.
- Provide the public fair housing information by preparing Q&A documents on topics such as service and companion animal guidelines and accessibility guidelines.
- Conduct annual coordination meetings with the FHCRC, Inland Valley Association of Realtors and the Apartment Association of the Greater Inland Empire to discuss emerging fair housing issues.
- Transmit to the County of Riverside Housing Authority information on areas of minority and low income populations. This information will help the Housing Authority to counsel Section 8 tenants and to conduct landlord outreach to the owners and managers of apartments located outside these areas.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

The Five Year Goals and Proposed Accomplishments under the Community and Economic Development Strategy are to:

1. To assist 400 local small businesses with counseling services and loan programs.
2. To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.
3. To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).
4. To assist 150 low and moderate income residents with employment training and placement opportunities.

The following tables outline the activities that the city will undertake during Program Year 2010/11 to meet the Consolidated Plan Goals and Objectives.

TABLE 2-D

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 1: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.	
PROGRAM:	**SMALL BUSINESS COUNSELING SERVICES**
PROGRAM DESCRIPTION:	Counseling services for local small businesses in business planning, finances, marketing, etc. The goal is to create and/or retain low-income jobs in the community.
RESOURCES:	CDBG Funds FY 2010/11 $50,000
TARGET POPULATION:	Low income small business owners and employees
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**EMPLOYMENT RESOURCE CENTER**
PROGRAM DESCRIPTION:	The Center will provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost.
RESOURCES:	CDBG Funds 2010/11 $145,641
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**MORENO VALLEY NEW BUSINESS INCENTIVE PROGRAM**
PROGRAM DESCRIPTION:	The New Business Incentive Program is intended to attract major employers to locate in large, vacant retail space in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community through loans, grants or interest subsidies. The program intent is to create full-time permanent jobs which, per a formal agreement with the employer, a certain number shall be held by or made available to low and moderate income persons.
RESOURCES:	CDBG Funds 2010/11 $540,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**FAMILY SERVICE ASSOCIATION - MEAL PROGRAM FACILITY**
PROGRAM DESCRIPTION:	The local Family Services Association plans to construct a kitchen facility in the City's CDBG Target Area where meals will be prepared for the participants of its daycare centers. CDBG funding would be used for help in acquiring a building for the site. In lieu of the CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.
RESOURCES:	CDBG Funds 2010/11 $50,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LORD'S GYM**
PROGRAM DESCRIPTION:	The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet by focusing on sports. The facility offers a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring. A new facility shall open in Moreno Valley. The proposed CDBG funding will be used toward tenant improvements. In lieu of the CDBG assistance, the 'Lord's Gym' must create or retain a minimum of one full time permanent job held by or made available to low and moderate income level person.
RESOURCES:	CDBG Funds 2010/11 $20,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 2: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.

PROGRAM:	**SHEILA STREET PARK**
PROGRAM DESCRIPTION:	Project will design and construct a neighborhood park to be located at the former car was site in the Sheila Street Neighborhood.
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $400,000
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Warner Ranch Neighborhood in Moreno Valley

PROGRAM:	**VOUGHT STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Vought Street from Boeing Street to Pan Am Boulevard and on Boeing Street from Vought Street to Temco Street
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $388,183
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

PROGRAM:	**BOEING-MCDONNEL SIDEWALK IMPROVEMENTS, #2**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Boeing Street and McDonnel Street from Bay Avenue to Vought Street
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $586,447
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 2 CONTINUED)

PROGRAM:	**TEMCO STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Temco Street from Boeing Street to Pan Am Boulevard
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $291,028
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 3: Support public service programs available to serve low and moderate income residents.

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2010/11 $30,600
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2010/11 $9,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CHILD ABUSE PREVENTION & EDUCATION PROGRAM**
PROGRAM DESCRIPTION:	The Riverside Area Rape Crisis Center provides a child abuse prevention program designed to educate children (K-12th grade) through the Moreno Valley schools. They also provide counseling and support services to abuse victims and their families.
RESOURCES:	CDBG Funds 2010/11 $7,500
TARGET POPULATION:	K-12 students
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides a backpack, hygiene kit and back-to-school clothing through a "shopping" experience to children identified by teachers or school officials as being in need.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Elementary school aged children from homeless and low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**ALTERNATIVES TO DOMESTIC VIOLENCE**
PROGRAM DESCRIPTION:	Alternatives to Domestic Violence provides services to victims of domestic violence. These services include an Outreach Counseling Center which offers a 24-hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.
RESOURCES:	CDBG Funds 2010/11 $7,500
TARGET POPULATION:	Victims of Domestic Violence
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CASA for RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	Advocacy for Abused and Neglected Children. CASA offers court appointed monitoring services to foster youth. CDBG funds will be used to fund the salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Abused/Neglected Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER '211 PROGRAM'**
PROGRAM DESCRIPTION:	The '211 Program' is a quality telephone referral system available 24 hours a day, 7 days a week that residents may use to access information on public and private facilities and services in the City.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 4: Provide employment training and placement programs available to serve low and moderate income residents.	
PROGRAM:	**MORENO VALLEY COMMUNITY EDUCATORS**
PROGRAM DESCRIPTION:	Offers low income, 'at risk' youth tutoring, mentoring, and standardized test preparation and also includes programs for adults that provides for GED preparation, parenting, resume writing, interview skills and other workforce development skills.
RESOURCES:	CDBG Funds 2010/11 $6,400
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**YOUTH OPPORTUNITY CENTER (YOC)**
PROGRAM DESCRIPTION:	The Center will offer local youth access to an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. The proposed $50,000 in CDBG funding would be used for tenant improvements.
RESOURCES:	CDBG Funds 2010/11 $50,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

SECTION 3 –OTHER ACTIONS

ANTI-POVERTY STRATEGY

The City identified several programs in its strategy to produce and preserve affordable housing. Programs include: the Neighborhood Stabilization Program (NSP), the Home Improvement Loan Program, Mobilehome Rehabilitation Grant Program, and the Homebuyer Assistance Program. The implementation of these programs and the re-evaluation of zoning in specific neighborhoods will assist in maintaining livable conditions for lower income persons. These programs, when coupled with the various social services, such as shelter and food services, and counseling programs, (including homeless prevention programs) provide residents opportunities to utilize programs at

little or no cost, thereby reducing financial burden. The City's current structure limits the ability to directly reduce the numbers of households with incomes below the poverty line. However, by utilizing multiple programs and working with County, private, and nonprofit agencies the City can work to reduce the number of persons with incomes below the poverty line.

The City has established several goals to reduce poverty among its population:

1. Economic Development and Job Creation/Retention

The City partners with the Inland Empire Small Business Development Center (SBDC) to provide small business counseling services and specialized training to local businesses with the goal that the services will create and/or retain low and moderate income jobs.

Last year, the City implemented 2 new programs aimed at relieving area unemployment and creating new jobs. The New Business Incentive Program continues this year to function as a tool to assist in the attraction of retail business to Moreno Valley providing full-time jobs to low-and-moderate income individuals. The Employment Resource Center provides a centrally located office where certified low-to-moderate income persons may utilize computers and other office equipment to assist in building their resumes and run job searches. The City continues to implement a $479, 292 Community Development Block Grant – Recovery, received in 2009, that incentivizes job creation.

2. Housing Programs

The City identified several programs in its strategy to produce and preserve affordable housing. The implementation of programs such as:

- the Homebuyer Assistance Program,
- the Homeownership Opportunity Program,
- the Home Improvement Loan Programs, and
- the Mobile Home Grant Program,
- NSP Acquisition, Rehabilitation, Resale of Single Family Homes,
- NSP Acquisition Rehabilitation, Rental of Multi Family Apartments
- New Affordable Housing Development
- Homelessness Prevention and Rapid Re-Housing Program (HPRP)

will assist in maintaining livable conditions for lower income persons. Four areas of the city were designated Revitalization Areas by HUD. The City is exploring opportunities to acquire and rehabilitate HUD owned properties within these areas to be sold to low-income homebuyers.

3. Public Service Providers

Public service organizations provide direct assistance to low-income persons, including the elderly, homeless, disabled, and persons threatened with homelessness. They assist with (obtaining and maintaining adequate housing) emergency assistance to meet immediate and urgent individual and family needs, including shelter; and remove

obstacles blocking the achievement of self-sufficiency. These programs, when coupled with the various social services, provide city residents opportunities to utilize programs at little or no cost, thereby reducing financial burden. The Homelessness Prevention and Rapid Re-housing grant of $732,872 received in 2009, also utilizes Public Service providers to distribute emergency assistance to families facing homelessness.

4. Coordination of Efforts

The City's goal is to continue to establish collaborative relationships between governmental and social service agencies to assure the effective delivery of services to low-income individuals. One example is the Riverside County Continuum of Care. The Continuum of Care group consists of several local non-profit agencies along with governmental agencies, such as the City of Moreno Valley, who meet periodically to share information, coordinate efforts to assist homeless persons and plan future activities. While the City's ability to directly reduce the numbers of households with incomes below the poverty line is limited, the City will attempt to reduce the number by utilizing multiple programs and working with the county, private and non-profit agencies.

Planning and Meeting Obstacles

The City will continue to evaluate and monitor priority community development needs, including those needs that may be currently underserved. The City will also work toward identifying, assessing and overcoming obstacles to meeting underserved community development needs.

SECTION 3 –OTHER ACTIONS
INSTITUTIONAL STRUCTURE AND COORDINATION

The institutional structure described in the Consolidated Plan demonstrates the diverse types of organizations needed to accomplish its program goals. The City will work with a variety of public and private agencies to accomplish the Consolidated Plan goals set forth in this Strategic Plan.

In addition, coordination with other public and private agencies is necessary in order to establish solid working relationships that will enable all service providers to better assist those in need. The City enjoys a cooperative relationship with surrounding jurisdictions and agencies, as well as nonprofit organizations.

Public Agencies

City staff will work to partner with Riverside County agencies such as the Departments of Mental Health and Public Social Services, to address regional homeless issues. The City meets on a regular basis with the Riverside County Department of Public Social Services as part of the Continuum of Care process to assist homeless persons. The Continuum of Care Consortium consists of local government agencies as well as non-profit agencies that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services and shelter. Periodic meetings provide an opportunity for networking and working towards the common goal. Riverside County's Economic Development Agency also partners with the City to provide employment assistance services at the City's Employment Resource Center, as well as support services for at-risk youth at the Youth opportunity Center (under development).

In addition, the City also works with state and federal agencies through several grant programs to facilitate services and programs, which meet housing and safety needs in the community. The City is a member of the March Joint Powers Authority (JPA). The JPA is a public entity created for the purpose of addressing the use, reuse, and joint use of realigned March Air Reserve Base (MARB).

Public Housing Authority

The Riverside County Housing Authority administers public housing and Section 8 for Moreno Valley residents. Issues relating to public housing are included in the Consolidated Plan for Riverside County. The City will work with the Riverside County Housing Authority when possible to improve the living environment of public housing and Section 8 residents.

Non-Profit Organizations

The City utilizes a variety of nonprofit organizations to address community needs, such as homelessness, special needs, fair housing and food distribution services. The City will provide information and updates to local social service agencies regarding the

availability of private affordable housing opportunities in Moreno Valley. The City will also inform and educate private housing entities on the services, programs, and referrals provided by local social service agencies to persons seeking housing. Distribution of this information may be through a variety of methods including direct mailing, public service announcements, and personal contacts by city staff. Many of the objectives identified in the Strategic Plan and associated annual programs are carried out by non-profit organizations. These organizations are the primary service providers for Moreno Valley's homeless, special needs and low-income populations. CDBG funds are allocated to these organizations to carry out activities benefiting these populations.

HOME funds are provided to non-profit agencies for rehabilitation and new construction of affordable housing units in the city. The City will work with its Community Housing Development Organizations (CHDO's), Riverside Housing Development Corporation (RHDC), and Habitat for Humanity to accomplish the housing goals.

As a result of working with the CHDO's, the City has been able to address a wide variety of community needs including housing programs, public services, and public safety. The City will continue to work with these entities throughout the program year.

SECTION 3 – OTHER ACTIONS

MONITORING

MONITORING OF CDBG PROGRAMS

Monitoring serves as an effective tool to ensure that expenditures of federal funds are consistent with CDBG National Objectives and achieve program/project goals. The following outlines monitoring requirements for Moreno Valley CDBG program:

Subrecipients – When an organization becomes a City subrecipient, they must sign a contract with the City in which the various scopes of work, time lines, and documentation requirements are outlined. On a monthly basis, each Subrecipient must submit detailed information regarding the number, ethnicity, and income level of individuals benefiting from CDBG funds. Quarterly summary reports are required of some agencies in which further information is provided on activities accomplished in that quarter. The City conducts an on-site inspection of each agency at least once per year, preferably toward the end of the funding cycle. A sample Subrecipient Monitoring Form is attached as Attachment G.

Construction Projects – All construction projects comply with Federal Labor and Procurement Procedures as well as the various affirmative action and equal opportunity requirements required by various federal and state laws. The CDBG Management Analyst oversees and reviews contract preparation at each step from bid preparation, contract document preparation, pre-construction meetings, and ongoing project inspections. All public notices that solicit bids for capital projects are submitted to minority newspapers such as El Chicano, the San Bernardino American and the Precinct Reporter in order to give minority-owned businesses the opportunity to bid on the CDBG capital projects.

MONITORING OF HOME PROGRAMS

Multi-Family Affordable Housing Programs

The City requires property owners who have received funds under the Rental Rehabilitation Program or Multifamily Affordable Housing Program to recertify their tenant's eligibility annually. They report information and provide documentation related to the property, unit occupancy, tenant information and financial reporting. Forms and applicable documentation such as Federal income tax returns are to be completed by tenants of reserved (affordable) units and submitted with the report. If the unit was occupied by multiple tenants, then a copy of the application, rental agreement and the dates of residency must be provided. In addition, a copy of "Determining Affordable Rent" is provided to the owner for the reserved units. A city Building Inspector will conduct a property inspection to determine if the property is in compliance with code requirements and in good condition. The City will work with a recertification consulting service to ensure that the information is accurate and complete. Examples of the checklists used to monitor the affordable units under the Rental Rehabilitation Loan Program are also included in Attachment G.

Single Family Housing Programs – For Owner-Occupants

The City's Homebuyer Assistance Program offers a low-interest, silent second, down-payment assistance loans to income qualified individuals.

Loan terms include an equity sharing arrangement in lieu of interest on the deferred loan. When the property is sold or transferred, the City will receive a share of the gain on sale in addition to the original amount loaned. The percentage of the equity share percentage is calculated by dividing the original loan amount by the original purchase price.

Example: *If the HAP loan amount was $10,000 and the original purchase price was $90,000, the equity share percentage would be 11%. The equity share percentage is then multiplied by the gain on the sale (as determined by the sales price or the property value determined by a professional appraisal) to determine the City's Share of the profit on the sale. If the gain on the sale were $15,000, the City's share would be 11% of $15,000, or $1,650. The total repayment to the City would be $11,650.*

In addition, a Deed of Trust is recorded to serve as loan collateral (security). The securing deed may take first, second, or third position if it does not exceed the one hundred percent (100%) loan-to-value ratio.

Displacement and Relocation

The City does not have any plans to displace or relocate any residents from their homes using CDBG or HOME funds. If a project necessitated displacement or relocation, it would be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

PROPOSED ACCOMPLISHMENTS

The following table details each of the goals and objectives identified in the Strategic Plan and the proposed accomplishments over the five-year period of the Consolidated Plan. Following the close of the program year on June 30th, the City has 90 days to complete a Consolidated Annual Performance and Evaluation Report (CAPER) for public review and submittal to HUD. The CAPER will include the following table to track the accomplishments during the entire five-year period. Annual goals will be identified in the Annual Action Plan.

TABLE 3-A
PROPOSED FIVE-YEAR ACCOMPLISHMENTS (SAMPLE TABLE. INTENTIONALLY BLANK.)

Priority	Five-Year Goal / Proposed Accomplishments	Complete per Program Year					Summary of Progress
		08/09	09/10	10/11	11/12	12/13	
HOMELESS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.							
1.1	To assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities.						Goal: Completed:
SPECIAL NEEDS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of special needs persons.							
2.1	To assist 15,000 special needs persons, including the elderly and disabled, with housing and public services.						Goal: Completed:
HOUSING STRATEGY							
OBJECTIVE: Rehabilitation of existing and construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.							
3.1	To rehabilitate or construct a minimum of 400 housing units.						Goal: Completed:
OBJECTIVE: Create home ownership opportunities for low and moderate income residents.							
3.2	To provide home ownership to 5 households.						Goal: Completed:
OBJECTIVE: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.							
3.3	To provide increased, proactive Code Enforcement, Neighborhood Cleanups and public safety activities to assist 3,000 households.						Goal: Completed:
OBJECTIVE: Provide fair housing services to educate households on their rights and responsibilities and assist residents with fair housing issues.							
3.4	To assist 2,500 households with fair housing services.						Goal: Completed:

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COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY							
Priority	**Five-Year Goal / Proposed Accomplishments**	**Complete per Program Year**					**Summary of Progress**
OBJECTIVE: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.							
4.1	To assist 400 local small businesses with counseling services and loan programs.						**Goal:** **Completed:**
OBJECTIVE: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.							
4.2	To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.						**Goal:** **Completed:**
OBJECTIVE: Support public service programs available to serve low and moderate income residents.							
4.3	To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).						**Goal:** **Completed:**
OBJECTIVE: Provide employment training programs available to serve low and moderate income residents.							
4.4	To assist 150 low and moderate income residents with employment training and placement.						**Goal:** **Completed:**

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MV00055548

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
FORM APPLICATION SF424

Form Application SF 424

(behind this page)

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:
- ☐ Preapplication
- ☒ Application
- ☐ Changed/Corrected Application

*2. Type of Application
- ☐ New
- ☒ Continuation
- ☐ Revision

* If Revision, select appropriate letter(s)

*Other (Specify)

3. Date Received:

4. Applicant Identifier: B-09-MC-06-0567

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Moreno Valley

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 Frederick Street

Street 2: PO BOX 88005

*City: Moreno Valley

County:

*State: CA

Province:

*Country: USA

*Zip / Postal Code 92553

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms.

*First Name: Isa

Middle Name:

*Last Name: Rojas

Suffix:

Title: Management Analyst

Organizational Affiliation:

*Telephone Number: 951-413-3227

Fax Number: 951-413-3459

*Email: IsaR@MoVal.org

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant Program

***12 Funding Opportunity Number:**

***Title:**

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2010/11 Community Development Block Grant funding. Programs/projects receiving new allocations for funding includes public services (landlord/tenant mediation, homeless\transitional housing shelters, emergency food assistance, youth programs, and elderly programs) code enforcement, and economic development programs.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2009 *b. End Date: June 30, 2010

18. Estimated Funding ($):

*a. Federal	$1,941,611
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	$1,941,611

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: William

Middle Name: L.

*Last Name: Bopf

Suffix:

*Title: INTERIM CITY MANAGER

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: billbopf@moval.org

*Signature of Authorized Representative: *Date Signed:

Authorized for Local Reproduction Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

NA

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:	*2. Type of Application	* If Revision, select appropriate letter(s)
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	*Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

3. Date Received:

4. Applicant Identifier: M-09-MC-06-0551

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: CITY OF MORENO VALLEY

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 FREDERICK STREET

Street 2: PO BOX 88005

*City: MORENO VALLEY

County: RIVERSIDE

*State: CA

Province:

*Country: USA

*Zip / Postal Code 92552-0805

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: MS. *First Name: ISA

Middle Name:

*Last Name: ROJAS

Suffix:

Title: MANAGEMENT ANALYST

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@moval.org

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development (HUD)

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Partnership Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2010/11 HOME funding. Programs/projects receiving new allocations for funding include Mobile Home Grant Program, Home Improvement Loan Program, and Multi-family Affordable Housing Program.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2010 *b. End Date: June 30, 2011

18. Estimated Funding ($):

*a. Federal	$666,589
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	$666,589

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: William

Middle Name: L.

*Last Name: Bopf

Suffix:

*Title: Interim City Manager

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: billbopf@moval.org

*Signature of Authorized Representative: *Date Signed:

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CITIZEN PARTICIPATION

CITIZEN PARTICIPATION PROCESS

In preparing the 2010/11 Action Plan, the City took an assertive approach to encourage citizen participation. HUD regulations require that cities consult with public and private community-based non-profit organizations to obtain input on the housing and non-housing needs of low- and moderate-income and homeless members of the community. Those with special needs are included as well. To meet this requirement, the City prepared a Citizen Participation Plan (Attachment D), which outlines the process for encouraging citizen participation in the development of the Action Plan.

Citizen participation was accomplished through a series of meetings, public notices and announcements. City staff hosted community meetings and invited area residents, non-profit organizations and surrounding jurisdictions to provide input on the needs of the community. Public meetings to determine needs were held at the Moreno Valley Conference and Recreation Center and the Senior Center. In addition, several focused meetings with local agencies, surrounding jurisdictions and City committees were also conducted. Information and notification of these meetings was distributed through correspondence, flyers and public notices. Table 4-A, on the following page, outlines the citizen participation schedule.

The information compiled from the meetings (as outlined in the above schedule) was used in determining the needs in the community and the development of strategies. Citizen Comments are included as Attachment E. Organizations that participated in meetings or consultations included the following:

- Moreno Valley Citizens
- Coachella Valley Housing Coalition
- Cultural Heritage Performers
- Fair Housing Council of Riverside
- Mexican Political Association
- MoVan and the Community Assistance Program (CAP)
- Transforming Community Action Program
- United Democrats of Moreno Valley

The proposed Action Plan was available for a 30-day public examination and comment period from April 8, 2010 through May 8, 2010.

The Action Plan was available for public review at the following locations:

- City of Moreno Valley Economic Development Department – City Hall
- Moreno Valley Senior Center
- City of Moreno Valley Corporate Yard

- Moreno Valley City Library

No Public comments on the Annual Action Plan were received during the public review period. Comments received at public meetings and hearings are included in Attachment E.

TABLE 4-A
CITIZEN PARTICIPATION SCHEDULE

Annual Action Plan FY 2010-2011 CDBG & HOME Programs Citizen Participation Schedule	
November 27, 2009	Notice of Community Needs Meetings *(Publish in Newspaper & Mail Out)*
December 10, 2009	Community Needs Assessment Meeting – Conference & Recreation Center (6:00 p.m. to 8:00 p.m.)
December 14, 2009	Community Needs Assessment Meeting - Senior Community Center (6:00 p.m. to 8:00 p.m.)
December 30, 2009	Publish Notice of Public Hearing to Adopt CDBG/HOME Program Objectives and Policies
January 12, 2010	City Council Meeting – Adopt CDBG/HOME Program Objectives and Policies *(Public Hearing)*
January 14, 2010	City CDBG/HOME Applications Distributed & Notice of Funding Availability Published (Technical Assistance Available on Request)
February 4, 2010	Non-Profit and Outside Agency Applications Due
February 9-11, 2010	Technical Review Committee Reviews Public Service and Community Needs Applications; Applicant Oral Presentations
February 11, 2010	Final Technical Committee Project Review & Recommendation
March 10, 2010	Publish Notice of Public Hearing for March 23, 2010 City Council Meeting
March 18, 2010	Publish Notice of Annual Action Plan Review Period (April 1 – May 1, 10)
March 23, 2010	City Council Meeting - CDBG/HOME Project Selection *(Public Hearing)*
April 1, 2010	Begin Annual Action Plan 30-Day Review Period
April 28, 2010	Publish Notice of Public Hearing to Approve the Annual Action Plan
May 1, 2010	Close of 30-day Public Comment Period for Annual Action Plan
May 11, 2010	City Council Meeting - Review Citizen Comments & Approve the Annual Action Plan *(Public Hearing)*
May 13, 2010	Submittal of Annual Action Plan to HUD

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CERTIFICATIONS

(Behind this page)

CERTIFICATIONS FY 2010-2011

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the City of Moreno Valley certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, and it has concluded an analysis of impediments to fair housing choice within the jurisdiction, and will take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential ant displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;
(b) The grantee's policy of maintaining a drug-free workplace;
(c) Any available drug counseling, rehabilitation, and employee assistance programs; and
(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and
(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

_____ _____

Signature/Authorized Official Date

William Bopf, Interim City Manager

Specific CDBG Certifications

The City of Moreno Valley certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2008-2009 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

   However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-Discrimination laws -- The grant will be conducted and administered in conformity within title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

_____ _____

Signature/Authorized Official Date

William Bopf, Interim City Manager

Specific HOME Certifications

The City of Moreno Valley certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

_____ _____

Signature/Authorized Official Date

William Bopf, Interim City Manager

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Hall
14177 Frederick Street
Moreno Valley, CA 92552

(X) Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

ATTACHMENT A – DEFINITIONS OF TERMS AND ACRONYMS USED

List of acronyms used in this document:

CDBG: Community Development Block Grant

CDBG-R: Community Development Block Grant, Recovery Program

HOME: HOME Investment Partnership Grant

HPRP: Homelessness Prevention and Rapid Re-housing Program

HUD: U.S. Department of Housing and Urban Development

NSP: Neighborhood Stabilization Program

RDA: Community Redevelopment Agency of the City of Moreno Valley

This glossary is designed to provide a comprehensive list of terms used in this Consolidated Plan and future annual plans.

Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

AIDS and Related Diseases: The disease of acquired immune deficiency syndrome or any conditions arising from the etiologic agent for acquired immune deficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit from one or more programs included in the jurisdiction's investment plan. A renter is benefited if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefited during the year if the home's rehabilitation is completed. A first-time homebuyer is benefited if a home is purchased during the year. A homeless person is benefited during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefited, however only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of

a housing unit and/or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unity must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109) See also instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities.

Consolidated Plan: The document that is submitted to HUD that serves as the planning document (comprehensive housing affordability strategy and community development plan) of the jurisdiction and an application for funding under any of the Community Planning and Development formula grant programs (CDBG, ESG, HOME, or HOPWA), which is prepared in accordance with the process prescribed in 24CFR part 91.

Cost Burden: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Disabled Household: A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally developed programs or conduct a variety of special projects designed to promote economic independence and self-sufficiency.

Elderly Household: For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

Emergency Shelter: Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

Extremely Low-Income Family: Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

Family: Family means all persons living in the same household who are related by birth, marriage or adoption.

Family Self-Sufficiency (FSS) Program: A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50% of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be used as the principal residence of the homebuyer, except that any individual who is a displaced homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by the spouse.

For Rent: Year round housing units that are vacant and offered/available for rent. (U.S. Census definition)

For Sale: Year round housing units that are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least 3 activities of daily living (i.e., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless Family: Family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, or a homeless person in the process of securing legal custody of a person under the age of 18.

Homeless Individual/Homeless Person: An unaccompanied youth (17 years or younger) or an adult (18 years or older) without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or a State law), including the following: (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is: (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Homeless Subpopulations: Include but are not limited to the following categories of homeless persons: severely mentally ill only, alcohol/drug addicted only, severely mentally ill and alcohol/drug addicted, fleeing domestic violence, youth, and persons with HIV/AIDS.

Homeless Youth: Unaccompanied person 17 years of age or younger who is living in situations described by terms "sheltered" or "unsheltered".

Household: All the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defects; (2) meet the definition of overcrowded; and (3) meet the definition of cost burden greater than 30%.

Housing Unit: An occupied or vacant house, apartment, or single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

Institutions/Institutional: Group quarters for persons under care or custody. (U.S. Census definition)

Jurisdiction: A State or unit of general local government.

Large Family/Household: Family/household of five or more persons.

Large Related: A household of 5 or more persons that includes at least one person related to the householder by blood, marriage or adoption.

LIHTC: (Federal) Low Income Housing Tax Credit.

Low- and Moderate-Income Household: A household having an income equal to or less than the Section 8 low-income limit established by HUD.

Low- and Moderate-Income Person: A member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.

Low-Income Family/Household: Low-income families/households whose incomes do not exceed 50 percent of the median family/household income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Middle-Income Family/Household: Family/household whose income is between 80 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This corresponds to the term "moderate income family" under the CHAS statute, 42 U.S.C. 12705.)

Moderate-Income Family/Household: Family/household whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Non-Homeless Persons with Special Needs: Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

Non-Institutional: Group quarters for persons not under care or custody. (U.S. Census definition used)

Occupied Housing Unit: A housing unit that is the usual place of residence of the occupant(s).

Other Household: A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

Other Income: Household whose incomes exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to moderate-income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: For purposes of describing relative housing needs, a housing unit containing more than one person per room, as defined by the U.S. Census Bureau, for which data are made available by the Census Bureau. (See 24 CFR 791.402(b).)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Physical Defects: A housing unit lacking complete kitchen or bathroom (U.S. Census definition). Jurisdictions may expand upon the Census definition.

Primary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation or acquisition -- that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity".)

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

Public Housing MROP: Public Housing Major Reconstruction of Obsolete Projects.

Rent Burden > 30% (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden > 50% (Severe Cost Burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Secondary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation, or acquisition -- that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity".)

Section 215: Section 215 of Title II of the National Affordable Housing Act. Section 215 defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up or in overcrowded or substandard conventional housing. Facilities that offer permanent shelter are not shelters, nor are the residents to be considered homeless.

Small Related: A household of 2 to 4 persons that includes at least one person related to the householder by birth, marriage, or adoption.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally not financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This

does not include units that require only cosmetic work, correction or minor livability problems or maintenance work. The jurisdiction must define this term (i.e., standard condition, financially and structurally feasible for rehab) and include this definition in the Appendix (Glossary of Terms) portion of its CHAS submission.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Rehabilitation of residential property at an average cost for the project in excess of $25,000 per dwelling unit.

Supportive Housing: Housing, including Housing Units and Group Quarters, that provides a supportive environment and include a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money management, and household management; counseling home ownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, childcare, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year round housing units. (U.S. Census definition)

Transitional housing: A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: Households whose incomes do not exceed 30 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents. (This term corresponds to low-income households in the CDBG Program.) For the purpose of further distinguishing needs within this category, two subgroups (0 to 30% and 31 to 50% of MFI) have been established in the CHAS tables and narratives.)

Worst-Case Needs: Unassisted, very low income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year round use. (U.S. Census definition.) Housing units for seasonal or migratory use are excluded.

ATTACHMENT B - FY 2010-2011 ANNUAL ACTION PLAN ACTIVITIES

CDBG Programs

Project ID	Local ID	Agency / Program	Funding
0001	2010-11-01-21A	CDBG Program Administration	$ 338,869.00
0002	2010-11-02-21D	Fair Housing Council - Fair Housing Services	$ 49,453.00
0003	2010-11-03-05G	Alternatives to Domestic Violence	$ 7,500.00
0004	2010-11-04-05	Community Assistance Program (CAP)	$ 30,600.00
0005	2010-11-05-05A	Friends of the Moreno Valley Senior Center - (MoVan)	$ 30,000.00
0006	2010-11-06-05	God's Helping Hand - Emergency Food Distribution	$ 9,000.00
0007	2010-11-07-05	Lutheran Social Services - Transitional Living Shelter	$ 15,000.00
0008	2010-11-08-05D	Operation Safehouse	$ 8,000.00
0009	2010-11-09-05	P.W. Enhancement Center - Emergency Motel Vouchers	$ 15,000.00
0010	2010-11-10-05I	Problem Oriented Policing	$ 28,241.00
0011	2010-11-11-05N	Riverside Area Rape Crisis Center - Child Abuse Prevention	$ 7,500.00
0012	2010-11-12-05	Path of Life Transitional Family Shelter	$ 15,000.00
0013	2010-11-13-05D	Moreno Valley Community Educators	$ 6,400.00
0014	2010-11-14-05	Salvation Army Food Program	$ 5,000.00
0015	2010-11-15-05D	Assistance League of Riverside - Operation School Bell	$ 10,000.00
0016	2010-11-16-05B	ARC of Riverside County	$ 5,000.00
0017	2010-11-17-05N	CASA for Riverside County	$ 10,000.00
0018	2010-11-18-15	Code Enforcement - Foreclosure Stike Team	$ 103,017.00
0019	2010-11-19-15	Neighborhood Code Enforcement Program	$ 263,390.00
0020	2010-11-20-18A	MV New Business Incentive Program	$ 540,000.00
0021	2010-11-21-18B	Community Employment Resource Center	$ 145,641.00
0022	2010-11-22-18B	Small Business Counseling Services	$ 50,000.00
0023	2010-11-23-05	Fair Housing Council - Foreclosure Prevention\Mitigation	$ 25,000.00
0024	2010-11-24-03D	Youth Opportunity Center - Tenant Improvements	$ 50,000.00
0025	2010-11-25-05	Community Foreclosure Prevention Workshops	$ 44,000.00
0026	2010-11-26-15	Neighborhood Clean-ups	$ 15,000.00
0027	2010-11-27-05	Volunteer Center '211' Telephone Referral Program	$ 5,000.00
0028	2010-11-28-15	Fire Prevention 'Improvement Task Force'	$ 30,000.00
0029	2010-11-29-14A	Habitat for Humanity Mobile Home Grant Program	$ 10,000.00
0030	2010-11-30-17C	Family Services Association Meal Program Facilities	$ 50,000.00
0031	2010-11-31-17C	Lord's Gym	$ 20,000.00
		Total CDBG Funding	**$ 1,941,611.00**

HOME Programs

Project ID	Local ID	Program	Funding
0032	2010-11-32-21A	HOME Program Administration	$ 66,659.00
0033	2010-11-33-26B	CHDO funds	$ 99,988.00
0034	2010-11-34-14A	Mobile Home Grant Program (MHG)	$ 100,000.00
0035	2010-11-35-14B	Multi-Family Affordable Housing Program	$ 182,942.00
0036	2010-11-36-14A	Home Improvement Loan Program	$ 240,000.00
		Total HOME Funding	**$ 689,589.00**

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0001	CDBG Program Administration	21A General Program Administration	CDBG	$338,869
			ESG	
2009-10-01-21A	Planning and Administration	570.206	HOME	
			HOPWA	
	Comprehensive planning and administration of CDBG program.		TOTAL	$338,869
			Total Other Funding	$0

General CDBG program administration for FY 2010/11.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00055580

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0002	Fair Housing Council - Fair Housing Services	21D Fair Housing Activities (subject to 20% Admin cap)	CDBG	$49,453
2009-10-02-21D	Housing Objective		ESG	
			HOME	
	Objective Description: Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services, and assist homeless persons and those threatened with homelessness.	570.206	HOPWA	
		3,700 People (General)	TOTAL	$49,453
			Total Other Funding	$0
	Project Description: Provides a full range of fair housing services that promote fair housing rights and obligations. The primary goal is to give impetus to, and actualize activities that affirmatively further fair housing in the City of Moreno Valley through the three basic areas of education, training and technical assistance, landlord/tenant mediation and enforcement. Provide assistance to victims of illegal housing discrimination. An estimated 3,700 Moreno Valley residents will be served.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	
23890 Alessandro Boulevard, Ste. A1 Moreno Valley, CA 92553		

MV00055581

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0003	Alternatives to Domestic Violence	05G Battered and Abused Spouses	CDBG	$7,500
			ESG	
2010-11-03-05G	Public Services	570.201(e)	HOME	
	Public Service Objective To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	800 People (General)	HOPWA	
			TOTAL	$7,500
			Total Other Funding	$0
	Project Description: Provides services to victims of violent crimes (battered women and their children). An estimated 800 Moreno Valley residents will be served by this program annually. These services include an Outreach Counseling Center which offers a 24 hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low/Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	
P.O. Box 910, Riverside, CA 92502		

MV00055582

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0004	Community Assistance Program	05 Public Services (General)	CDBG	$30,600
			ESG	
2010-11-04-05	Public Service Objective	570.201(e)	HOME	
	Objective Description:		HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	12,000 People (General)	TOTAL	$30,600
			Total Other Funding	$0

Project Description:
The Community Assistance Program (CAP) will provide emergency and supplemental food and clothing to low and moderate income persons. Also provides utility payments and social service referrals.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

24594 Sunnymead Boulevard, Moreno Valley, CA 92553

MV00055583

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0005	Friends of the Moreno Vlly Sr Cntr--(MoVan)	05A Senior Services	CDBG	$30,000
			ESG	
2010-11-05-05A	Senior Programs	570.201(e)	HOME	
	Objective Description:		HOPWA	
	Provide services to senior residents of the City, which may include transportation and activities.	3,400 Elderly	TOTAL	$30,000
			Total Other Funding	$0

Project Description:
The Friends of the Moreno Valley Senior Center own and operate the MoVan which is used to transport the elderly and adult handicapped to medical appointments and other needed destinations. The MoVan is a 17-passenger bus with two wheel chair tie-downs. The MoVan operates 7 hours per day/5 days per week and serves over 3,400 persons annually. Minimal fares charged only if able to pay.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

25075 Fir Avenue, Moreno Valley, CA 92553

MV00055584

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0006	God's Helping Hand - Emergency Food Distribution	05 Public Services (General)	CDBG	$9,000
			ESG	
2010-11-06-05	Public Services Objective:	570.201(e)	HOME	
			HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	8,750 People (General)	TOTAL	$9,000
			Total Other Funding	$0

Project Description:
Program provides food (three meals a day for five days) to low-income Moreno Valley residents and families. Also provides social services referrals and emergency clothing. The organization anticipates assisting 8,750 Moreno Valley residents.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

13958 Highway 215, Moreno Valley, CA 92553

MV00055585

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0007	Lutheran Social Services - Transitional Living Program	05 - Public Service (General)	CDBG	$15,000
			ESG	
2010-11-07-05	Housing Objective:	570.201(e)	HOME	
	Objective description:		HOPWA	
	Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services, and assist homeless persons and those threatened with homelessness.	55 People (General)	TOTAL	$15,000
			Total Other Funding	$0
	Project Description: Project povides assistance to homeless women and children through a comprehensive transitional living program. While in the program, participants develop a "Strategic Family Plan" in order to attain the skills necessary for independent living. Counseling, education assessments and other services are provided to assist participants with gaining independence.			

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

23310 Meyer Drive, Riverside, CA 92518

MV00055586

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0008	Operation Safehouse	05D - Public Service (Youth Service)	CDBG	$8,000
			ESG	
2010-11-08-05D	Public Service Objective:	570.201(e)	HOME	
			HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	80 Homeless Youth	TOTAL	$8,000
			Total Other Funding	$0

Project Description:
Operation Safehouse is a 17-bed youth shelter located in a residential neighborhood which is staffed 24 hours per day. Provides shelter, food, counseling, clothing and support services for runaway/throwaway children in a safe and supervised environment.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses

9685 Hayes Street, Riverside, CA

MV00055587

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0009	P.W. Enhancement Cntr - Emergency Motel Vouchers	05 Public Services (General)	CDBG	$15,000
			ESG	
2010-11-09-05	Homeless Service Objective:	50 People (General)	HOME	
			HOPWA	
	To provide supportive housing and public services to meet the needs of homeless persons or those threatened with homelessness		TOTAL	$15,000
			Total Other Funding	$0

Project Description:
The P.W. Enhancement Center provides emergency and supportive services to needy households including food distribution, budgeting and money management, and job preparedness. Funding will be provided to assist the homeless by providing emergency motel vouchers and rental assistance to needy families and individuals.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

24490 Sunnymead Blvd., Moreno Valley, CA 92553

MV00055588

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0010	Problem Oriented Policing (POP)	05I Crime Awareness	CDBG	$28,211
			ESG	
2010-11-10-05I	Anti-Crime Programs	570.201(e)	HOME	
			HOPWA	
	Public Safety - To provide a safe and secure environment for residents and businesses through the Neighborhood Policing Program. Annual Program Goal - Continue to increase public safety in low-income neighborhoods (CDBG Target Areas) and reduce the number of calls for service.	250 People (General)	TOTAL	$28,211
			Total Other Funding	$0

Project Description:
Police Officers will be assigned to the CDBG Target Areas for the purpose of continuing the Community Based Problem Oriented Policing Program (POP). The program is designed to reduce crime, promote neighborhood pride, and bring law enforcement to a personal community level. The specific purpose of the program include reduction of crime within the designated areas and the improvement/removal of blight.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	

CT: 042405 BG: 1 County: 06065
CT: 042405 BG: 2 County: 06065
CT: 042504 BG: 1 County: 06065
CT: 042504 BG: 2 County: 06065
CT: 042505 BG: 1 County: 06065
CT: 042505 BG: 2 County: 06065
CT: 042508 BG: 1 County: 06065
CT: 042512 BG: 2 County: 06065
CT: 042514 BG: 1 County: 06065
CT: 042515 BG: 1 County 06065
CT: 042515 BG: 2 County: 06065
CT: 042516 BG: 1 County: 06065
CT: 042516 BG: 2 County: 06065
CT: 042519 BG: 1 County: 06065
CT: 042509 BG: 1 County: 06065
CT: 042509 BG: 2 County: 06065
CT: 042511 BG: 1 County: 06065
CT: 042520 BG: 1 County: 06065
CT: 042605 BG: 6 County: 06065

MV00055589

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0011	Riverside Rape Crisis - Child Abuse Prevention Progrm	05N Abused and Neglected Children	CDBG	$7,500
			ESG	
2010-11-11-05N	Public Service Objective:	570.201(e)	HOME	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	5,500 Youth	TOTAL	$7,500
			Total Other Funding	$0

Project Description:
Child abuse prevention and education programs designed to reach children (K through 12) and adults are presented at the elementary, middle and high school levels. The program is also designed to reach bilingual and Special Education students, adults, and teen support groups. Also provides counseling and support services to abuse victims and their families.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipiet Public 570.500(c)	
Location(s): 1845 Chicago Ave. Ste. A, Riverside, CA 92507	Community Wide	

MV00055590

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0012	Path of Life Transitional Shelter	05 - Public Services (general)	CDBG	$15,000
			ESG	
2010-11-12-05	Homeless Services	570.201(e)	HOME	
			HOPWA	
	To provide transitional housing services to families with children (both single and married couples)	142 Homeless people		
			TOTAL	$15,000
			Total Other Funding	$0

Project Description:
The King Hall Transitional Housing Project will offer transitional and emergency shelter care to women with children, single women, and homeless families. Services include shelter, assessment of needs, life skills coaching, goal setting, job training, budget planning, education, and supportive services.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses

23701 Meyer Drive, (MARB) Riverside, CA 92518

MV00055591

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0013	Moreno Valley Community Educators	05D Public Services (Youth)	CDBG	$6,400
			ESG	
2010-11-13-05D	Project Description:	570.201(e)	HOME	
			HOPWA	
	The program offers low income, 'at risk' children ages 5-18 free tutoring (all subjects), mentoring, standardized test preparation, and computer literacy 4:30 pm to 6:30 pm 3 nights per week. CDBG funding will allow the center to purchase supplies, expand its hours, and include programs for young adults such as GED preparation, parenting, resume writing, interview skills and other workforce development skills.	40	TOTAL	$6,400
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

23910 Alessandro Blvd. Ste. A Moreno Valley, CA 92552

MV00055592

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0014	Salvation Army Food Program	05 Public Services General	CDBG	$5,000
			ESG	
2010-11-14-05D	Public Services	570.201(e)	HOME	
			HOPWA	
	The Food Pantry offers needy residents emergency food on Mondays and Tuesdays from 8:30 a.m.-12:30 p.m. Funding allows for the hire of a much needed part-time driver to pick up food from their collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons this coming year.	22,000	TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipiet Public 570.500(c)	
Location(s):	Community Wide	

14068 Graham Street Moreno Valley, CA 92533

MV00055593

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishment	Funding Sources	
0015	Assistance League of Riverside - OPERATION SCHOOL BELL		CDBG	$10,000
			ESG	
2010-11-15-05D	Public Services (Youth Services)	570.201(e)	HOME	
			HOPWA	
		280		
			TOTAL	$10,000
	The project will provide new school clothing to 280 needy Moreno Valley children. Children are referred by Moreno Valley Unified School District staff. Each child referred will receive 6 pairs of socks and underwear, 2 pairs of pants, 3 shirts, 1 sweatshirt, 1 jacket, 1 shoe voucher, 1 backpack, 1 new reading book, 1 used book, and a personal hygiene kit.		Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient:	Subrecipiet Public 570.500(c)
Location(s):	Community Wide

3707 Sunnyside Dr. Riverside, CA 92506

MV00055594

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0016	ARC of Riverside County	Disaled Services	CDBG	$5,000
			ESG	
2010-11-16-05B	Services for the Disabled	570.201(c)	HOME	
			HOPWA	
	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to provide specialized medical training to an on-site LVN, and to help continue other existing services.	50-100 Youth	TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	

12199 Heacock St., Ste. 5, Moreno Valley 92557

MV00055595

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0017	CASA for Riverside County	05N - Public Service (Abused Youth Service:	CDBG	$10,000
			ESG	
2010-11-17-05N	Public Services Objective - Abused Foster Youth	570.201(e)	HOME	
			HOPWA	
	CASA offers court appointed monitoring services to foster youth. A CASA volunteer consistently monitors the foster child, advocates for their best interest and follows their progress regardless of a change in foster family. The CASA volunteer (advocate) reports to court on the child's behalf assisting to ensure the child is placed in a safe, permanent home with hope for a positive future. CDBG funds will be used for salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.	57 foster youth	TOTAL	$10,000
			Total Other Funding	$0

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility: 570.208(a)(2)(A) - Low / Mod Limited Clientele
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses
Southwest Justice Center, 30755 D. Auld Rd., Ste 1226 Murrieta, CA 92563

MV00055596

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0018	Code Enforcement City Foreclosure Strike Team	15 Code Enforcement	CDBG	$103,017
			ESG	
2010-11-18-15	Other	570.206	HOME	
	Project Description:		HOPWA	
	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.		TOTAL	$103,017

Help the Homeless? No
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): CT & BG's

CT: 042405 BG: 1 County: 06065
CT: 042405 BG: 2 County: 06065
CT: 042504 BG: 1 County: 06065
CT: 042504 BG: 2 County: 06065
CT: 042505 BG: 1 County: 06065
CT: 042505 BG: 2 County: 06065
CT: 042508 BG: 1 County: 06065
CT: 042509 BG: 1 County: 06065
CT: 042509 BG: 2 County: 06065
CT: 042511 BG: 1 County: 06065
CT: 042512 BG: 2 County: 06065
CT: 042514 BG: 1 County: 06065
CT: 042515 BG: 1 County 06065
CT: 042515 BG: 2 County: 06065
CT: 042516 BG: 1 County: 06065
CT: 042516 BG: 2 County: 06065
CT: 042519 BG: 1 County: 06065
CT: 042520 BG: 1 County: 06065
CT: 042605 BG: 6 County: 06065

MV00055597

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0019	Neighborhood Code Enforcement Program	15 Code Enforcement	CDBG	$263,390
			ESG	
2010-11-19-15	Other	570.206	HOME	
	Project Description:		HOPWA	
	The Code & Neighborhood Services Division will provide proactive code enforcement activities within the CDBG Target Areas. The program will reduce blight and substandard housing conditions and promote improved property and building maintenance habits of property owners and tenants. These goals will be achieved through investigation and enforcement of zoning, housing, building, and health and safety codes.		TOTAL	$263,390

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(1) - Low / Mod Area
Subrecipient:	Local Government
Location(s):	CT & BG's

MV00055598

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0020	Moreno Valley Retail Business Incentive Program	18A ED Technical Assistance	CDBG	$540,000
			ESG	
2010-11-20-18A	Direct Assistance to For Profits The economic downtown has lead to job loss for many residents. As of February 2010, the City's unemployment rate exceeded 17%. Funding is recommended for the continuation of a New Business Incentive Program intended to attract major employers to locate in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income persons) and the boosting of sales tax revenues.	570.203(b)	HOME	
			HOPWA	
			TOTAL	$540,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(4) Job Creation or Retention
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses

14177 Frederick Street Moreno Valley, CA 92552

MV00055599

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0021	EMPLOYMENT RESOURCE CENTER	18B ED Technical Assistance	CDBG	$145,641
			ESG	
2010-11-21-18B	Economic Development	570.203(b)	HOME	
			HOPWA	
	The economic downtown has lead to job loss for many residents. As of February 2010, the City's estimated unemployment rate exceeded 17%. The ERC will continue to provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost. The site has also been used to conduct job training as well as employee recruitments for several Moreno Valley businesses. During the first year of operation, the Center had over 13,000 patrons visit the site.		TOTAL	$145,641
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(4) Job Creation or Retention
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses
12625 Frederick Street Moreno Valley	

MV00055600

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0022	Small Business Counseling Services	18B ED Technical Assistance	CDBG	$50,000
			ESG	
2010-11-22-18B	Economic Development	570.203(b)	HOME	
			HOPWA	
	The goals of the community and economic development strategy in the Consolidated Plan are to promote expanded economic opportunities in order to create or retain low and moderate income jobs, provide infrastructure improvements in CDBG Target Areas, and support public service programs available to serve low and moderate income residents.	100 Businesses	TOTAL	$50,000
			Total Other Funding	$0
	The Inland Empire Small Business Development Center (SBDC) provides technical assistance and training to Moreno Valley small businesses. Training and seminars include such topics as financial management, marketing, taxes, developing a business plan and expanding a home-based business. It is anticipated that the seminars, training and counseling will create or retain low income jobs.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(4) Job Creation or Retention	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

1157 Spruce Street, Riverside, CA

MV00055601

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0023	Fair Housing Council - Foreclosure Prevention & Mitigation Counseling		CDBG	$25,000
			ESG	
2010-11-23-05	Housing		HOME	
		Public Service 570.201(e)	HOPWA	
	Project provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. Program also offers budget management, financial assessments, mortgage education and training to potential homebuyers, and referral services.	Limited Clientele 570.208(a)(2)		
			TOTAL	$25,000
		750 people		
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses

23890 Alessandro Boulevard, Moreno Valley, CA 92553

MV00055602

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0024	Youth Opportunity Center	03D Youth Centers	CDBG	$50,000
			ESG	
2010-11-24-03D	Economic Development	570.203(b)	HOME	
	Project Description:		HOPWA	
	The project would establish a 2,000 sq. ft. center where Moreno Valley youths could access an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. Grant would serve as the required matching funds that would be used for the building acquisition or for needed tenant improvements in a lease opportunity. The YOC would be open six days a week, Monday through Saturday, and be open late on weekday afternoons so that the youth could visit after school.		TOTAL	$50,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(4) Job Creation or Retention
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses
14177 Frederick St., Moreno Valley, CA	

MV00055603

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0025	Community Foreclosure Prevention Workshops		CDBG	$44,000
			ESG	
2010-11-25-05	Housing		HOME	
		Public Services 570.201(e)	HOPWA	
	Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The City is expected to partner with agencies such as: the Riverside County Fair Housing Council, Springboard Consumer Credit Counselors, Employment Development Department, the County Tax Assessors Office, HUD, the IRS, and others to provide a complete and comprehensive program.	570.208(a) Low – Moderate Income	TOTAL	$44,000
		300 people	Total Other Funding	$0

Help the Homeless? No
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility:
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses

14177 Frederick St. Moreno Valley, CA 92552

MV00055604

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0026	Neighborhood Clean-ups	15 Code Enforcement	CDBG	$15,000
			ESG	
2010-11-26-15	Other	570.206	HOME	
			HOPWA	
	The program proposes to provide 3 large scale clean-ups to be held in select neighborhoods within the CDBG Target Areas identified as the 'most distressed.' The clean-ups will utilize industrial size dumpsters and skip loaders. The objective is to eliminate blight, prevent deterioration of properties, and remove conditions that negatively impact health, safety, or public welfare. On average each event benefits approximately 100 residences.		TOTAL	$15,000

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	
14177 Frederick st. Moreno Valley, CA		

MV00055605

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0027	211 of Riverside County	05 General Public Service	CDBG	$5,000
			ESG	
2010-11-27-05	Volunteer Center of Riverside County	570.201(e)	HOME	
			HOPWA	
	211 Riverside is an on going phone system that provides 24 hour, 7 days a week information and referrals to social service programs. Due to the economy, calls to 211 have increased. Funding is requested to cover staffing costs to handle increased call loads.		TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00055606

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0028	Fire Prevention Div. - Neighborhood Improvement Task Force	15 Code Enforcement	CDBG	$30,000
2010-11-28-15	Other	570.206	ESG HOME	
	Project Description: This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family units in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing		HOPWA TOTAL	$30,000

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location CDBG Target Area		

MV00055607

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0029	Habitat for Humanity Mobile Home Grant Program		CDBG ESG	
2010-11-29-14A	Housing	570.202	HOME HOPWA	$10,000.00
		12 Households (General)		
			TOTAL	$10,000.00
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.			
			Total Other Funding	$0.00

Project Description:
Program offers assistance to income-qualified mobile home owners for rehabilitation of exterior substandard conditions. Work is performed by volunteers. Program aims to assist those who are unable to do repairs themselevs and where lack of maintenance may lead to eviction.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:
Subrecipient: Local Government
Location(s): N/A

MV00055608

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0030	FSA Meal Program Facility	17C - Commercial/Industrial Building Acquisition, Construction, Rehabilitation	CDBG	$50,000
			ESG	
2010-11-30-17C	Economic Development	570.203(a)	HOME	
	Project Description:		HOPWA	
	Family Services Association (a local non-profit) plans to construct a kitchen facility in the CDBG Target Area where meals will be prepared for its local meals and nutrition programs including for the participants of its many daycare centers in the community. The proposed $50,000 in CDBG funding would be used for assistance in acquiring a building for the site, and in lieu of the City's CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.		TOTAL	$50,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10	
Help those with HIV or AIDS?	No	Completion Date: 06/30/11	
Eligibility:	570.203(a)		
Subrecipient:			
Location(s):	Addresses		
14177 Frederick St., Moreno Valley, CA			

MV00055609

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0031	Lord's Gym	17C - Commercial/Industrial Building Acquisition, Construction, Rehabilitation	CDBG	$20,000
2010-11-31-17C	Economic Development	570.203(a)	ESG	
			HOME	
	Project Description:		HOPWA	
	The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet in today's world by focusing on sports programs. The facility is new to the area and will offer a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring.The proposed $20,000 in CDBG funding would be used for tenant improvements, and in lieu of the CDBG assistance the 'Lord's Gym' must create or retain a minimum of one full-time permanent job which are held by or made available to low and moderate income level person.		TOTAL	$20,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.203(a)	
Subrecipient:		
Location(s):	Addresses	
14177 Frederick St., Moreno Valley, CA		

MV00055610

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0032	HOME Program Administration	21A General Program Administration	CDBG	
			ESG	
2010-11-32-21A	Planning and Administration		HOME	$66,659.00
			HOPWA	
	Comprehensive planning and administration of programs.	0 N/A		
			TOTAL	$66,659.00
			Total Other Funding	$0.00

HOME program administration for FY 2010/2011

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:
Subrecipient: Local Government
Location(s): N/A
14177 Frederick St. Moreno Valley, Ca 92553

MV00055611

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0033	CHDO Funds	22 Unprogrammed	CDBG	
			ESG	
2010-11-33-22	Housing		HOME	$99,988.00
			HOPWA	
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.		TOTAL	$99,988.00
			Total Other Funding	$0.00
	Project Description: Funding shall be reserved\provided to a Community Housing Development Organization (CHDO) to construct or rehabilitate multi-family rental units in the CDBG Target Area. These units will be affordable to low income households.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00055612

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0034	Mobile Home Grant Program		CDBG	
			ESG	
2010-11-34-14A	Housing	570.202	HOME	$100,000.00
			HOPWA	
		10 Households (General)		
			TOTAL	$100,000.00
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant servic			
			Total Other Funding	$0.00
	Project Description: Program offers grants of up to $10,000 to income-qualified owners of mobile home coaches for the rehabilitation of substandard conditions.			

Help the Homeless?	No	Start Date: 07/01/10	
Help those with HIV or AIDS?	No	Completion Date: 06/30/11	
Eligibility:			
Subrecipient:	Local Government		
Location(s):	N/A		

MV00055613

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishme	Funding Sources	
0035	Multi-family Affordable Housing Program (MFA)		CDBG	
			ESG	
2010-11-35 -14B	Housing Housing Objective Description: Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services. Project Description: Program funds will assist in the construction of new affordable multi-family housing units. New construction will provide additional affordable housing within the community.		HOME	$182,942.00
			HOPWA	
			TOTAL	$182,942.00

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.202	
Subrecipient:	Local Government	
Location(s):	N/A	

MV00055614

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0036	Home Improvement Loan Program		CDBG	
			ESG	
2010-11-36-14A	Housing	6 households	HOME	$240,000.00
			HOPWA	
	Housing Objective Description: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant service.		TOTAL	$240,000.00
			Total Other Funding	$0.00
	Project Description: The HILP provides 3% deferred loans for homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00055615

4933 LA SIERRA AVENUE
RIVERSIDE, CA 92505
Web Casting and Video Tributes
Ph: 951.687.0551
Fx: 951.687.0994
sierramemorialchapel.com

Riverside Recycling
686-2129
Hours: 8:15am-4:15pm
Monday-Saturday
Must be in yard by 3:30pm
MUST PRESENT COUPON
A Division of Riverside Scrap Iron & Metal Corp.
riversidemetalrecycling.com
Expires 3/16/10

CITY OF MORENO VALLEY
NOTICE OF PUBLIC HEARING

CDBG & HOME PROGRAMS
FOR FISCAL YEAR 2010/2011 ANNUAL ACTION PLAN

The Moreno Valley City Council of the City of Moreno Valley will hold a PUBLIC HEARING to review and select the programs and projects requesting Community Development Block Grant (CDBG) and HOME Incentive Partnership Program (HOME) Funds of FY 2010/11:

The Public Hearing will be held on Tuesday, March 23, 2010 at 6:30 p.m. at the following location:

City Council Chambers
Moreno Valley City Hall
14177 Frederick Street
Moreno Valley, CA 92552

The City anticipates receiving an estimated $1,793,000 in new CDBG funds and $666,000 in HOME funds in FY 2010/2011. Please note that at least 70% of the CDBG funding will be allocated to projects serving lower income residents. The public is invited to attend and give input regarding the programs proposed for funding. Once approved at the City level, the programs will be incorporated into the 2010/11 Annual Action Plan and submitted to the Department of Housing and Urban Development (HUD) for Federal approval.

The Action Plan is the annual update to the City's adopted 5-Year Consolidated Plan that covers the period from July 1, 2008 through June 30, 2013 (FY 2008 – FY 2013). The Consolidated Plan is a planning document that identifies priority housing and non-housing community development needs, development of strategies, project selections, and funding distributions. The City's required to provide an Annual Action Plan Update each year that incorporates how new CDBG and HOME funds will be used to facilitate the strategies and address the needs identified in the Consolidated Plan. Current needs identified in the community include: housing, youth career development, public social services, economic development (job creation), and crime prevention.

For more information, please contact Isa Rojas, Management Analyst in the Economic Development Department (951) 413-3450.

With the advan
surgical robotic
prostate surgery
Hospital. Our
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call the Center for Surgical and Spec
information or a physician referral.

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ATTACHMENT D – CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Moreno Valley is required by law to have a detailed Citizen Participation Plan that contains the City's policies and procedures for public involvement in the Consolidated Plan process and the use of CDBG and HOME funds. The Moreno Valley Citizen Participation Plan was developed pursuant to the U.S. Department of Housing and Urban Development (HUD), Consolidated Submission for Community Planning and Development Programs as required under 24CFR Part 91 and Part 8. The Citizen Participation Plan provides the method and process by which the City of Moreno Valley will encourage citizen participation in the development of its Consolidated Plan. Through this plan, citizens will be afforded the opportunity to provide input regarding housing and community development needs, issues and problems affecting low- and moderate-income persons, development of strategies, project selections and funding distributions.

Encouraging Public Participation

The law requires that the City's Citizen Participation Plan both provide for and encourage public participation, emphasizing involvement by low- and moderate-income people – especially those living in low- and moderate-income neighborhoods (see CDBG Target Area Map). Also, HUD expects the City to take whatever actions are appropriate to encourage participation of minorities, people who do not speak English, and people with disabilities.

The City also maintains a distribution list of persons, agencies, and organizations that have expressed interest in the City's CDBG or HOME programs. Notifications of events, such as the Community Needs meetings, are mailed directly to those on the distribution list to encourage public participation.

The Role of Low Income People

The law declares that the primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing: decent housing, a suitable living environment, and growing economic opportunities – all principally for low- and moderate-income people.

The City of Moreno Valley will provide the Riverside County Public Housing Authority with a copy of all Public Notices that are published during the Consolidated Plan process. The City encourages input from residents of the Public Housing developments and via the Public Housing Authority, residents are notified of Community Needs Meetings as well as Public Hearings.

Because the amount of federal CDBG and HOME money the City receives each year is mostly based upon the severity of both poverty and substandard housing conditions in the City, it is necessary that public participation genuinely involve low-income residents who experience these conditions. Genuine involvement by low income people must take place at all stages of the process, including:

- Identifying needs
- Setting priorities among these needs, deciding how much money should be allocated to each high-priority need and suggesting the types of programs to meet high-priority needs
- Overseeing the way in which programs are carried out

The Various Stages of the Consolidated Plan Process

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include:

A. Identification of community and housing needs (includes Public Hearing)
B. Preparation of a draft use of funds for the upcoming year, call the Proposed Annual Action Plan (includes Public Hearing)
C. Formal approval by the City Council of the Final Annual Action Plan (includes Public Hearing)
D. In the case where is it necessary to change the use of money already budgeted in an Action Plan or change priorities, a Substantial Amendment will be proposed (includes Public Hearing)
E. After the program year is complete, a Consolidated Annual Performance and Evaluation Report (CAPER) is drafted for public review and comment and then sent to HUD

The Program Year

The program year for Moreno Valley coincides with the City's fiscal year from July 1 through June 30.

PUBLIC NOTICES

Items Covered by the Public Notice Requirement

Advance Public Notice is provided once a federally required document is available for public review and comment, such as the Annual Action Plan or Consolidated Plan. In addition, advance public notice of all public hearings and public meetings is provided at least two weeks in advance.

Public Notice Schedule

Advance notice of all available documents, public hearings and public meetings are provided at least two weeks in advance. The notices will give residents a clear understanding of the event being announced.

The following is a general timeline of when public notices are published:

November-January	Notice of Community Needs Meetings
December-January	Notice of Public Hearing to Identify Community Needs
January	Notice of Funding Availability and Application Process for Funding
March	Notice of Public Hearing to Discuss Proposed Consolidated/Action Plan
March-April	Notice of Consolidated/Action Plan Availability for Public Review
April-May	Notice of Public Hearing to Adopt Final Consolidated/Action Plan
As Needed	Notice of Availability of Amendment to Consolidated/Action Plan
As Needed	Notice of Public Hearing to Amend Consolidated/Action Plan

Forms of Public Notice

Public notices are published in the Press-Enterprise as display advertisements in the non-legal section of the newspaper. A copy of the public notice will be sent to any person or organization requesting to be on the mailing list.

PUBLIC ACCESS TO INFORMATION

As required by law, the City will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual and past use of funds covered by the Citizen Participation Plan. Regarding the past use of funds, the law requires reasonable public access to records about any uses of these funds during the previous five years.

Also, the City will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds.

Standard Documents

Standard documents include:

- The proposed and final Annual Action Plans
- The proposed and final Five-Year Consolidated Plan
- Proposed and final Substantial Amendments to either an Annual Action Plan or the Five-Year Consolidated Plan
- Consolidated Annual Performance and Evaluation Report
- Citizen Participation Plan

Availability of Standard Documents

All documents are available for immediate public review at City Hall in the Economic Development Department. Copies of standard documents that are not currently posted for public review will be provided to the public within five working days of the request at no cost. Copies of draft documents such as the Action Plan and CAPER are available at several locations for public review. These locations are: the Library, the Senior Center, City Hall, and the Purchasing Division at the City Corporate Yard. Documents remain at each of the for the entire required review time that is specified in the applicable public notice. All final documents are available for public review at City Hall during normal business hours.

PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views and to provide the public with the City's responses to public questions and proposals.

The law requires a minimum of two public hearings at two different stages of the process. The City will conduct three public hearings at the following stages of the process: Identifying Needs, Proposed Annual Action Plan, and the Final Annual Action Plan. Public hearings are also conducted for amendments to the Annual Action Plan as needed.

Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan, including a display advertisement in the non-legal section of the newspaper at least two weeks prior to the public hearing. Public hearings are conducted during the regularly scheduled City Council meetings.

Public Hearings and Populations with Unique Needs

All public hearings will be held at locations accessible to people with disabilities and provisions will be made for people with disabilities when requests are made within at least five working days prior to a hearing. Translators will be provided for people who do not speak English when requests are made at least five working days prior to a hearing.

Conduct of Public Hearings

To ensure that public hearings are meaningful to residents, each public hearing will be conducted in the presence of the City Council. Each resident choosing to speak will be allowed a maximum of five minutes to make a verbal presentation.

The following is a general timeline of when public hearings are conducted during the process:

January	Public Hearing to Identify Community Needs
March	Public Hearing to Discuss CDBG and HOME Proposed Projects
May	Public Hearing to Adopt Final Consolidated Plan Amendment/ Action Plan
As Needed	Public Hearing to Amend Consolidated Plan Amendment/ Action Plan

STAGES IN THE PROCESS

A. IDENTIFYING NEEDS

Because the housing and community development needs of low- and moderate-income people are so great and so diverse, priorities must be set in order to decide which needs should get more attention and more resources than other needs. This is the basic reason the Consolidated Plan exists.

A public hearing is required to obtain residents' opinions about needs and what priority those needs have. In order to encourage public involvement, two public community needs meetings are conducted in two separate locations to determine the specific needs and priorities identified by low- and moderate-income people. After information is gathered from the community needs meetings, a public hearing is conducted to allow residents to express comments regarding the needs of the City's low- and moderate-income population.

The public hearing about community needs will be completed at least 15 days before a draft Annual Action Plan is published for comment, so that the needs identified can be considered by the City and addressed in the draft Annual Action Plan.

B. THE PROPOSED ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The law governing the Citizen Participation Plan calls for improved accountability of jurisdiction to the public. In that spirit and in compliance with the terms of the law, the City will use the following procedures.

At the beginning of this stage, the City will provide the public with an estimate of the amount of CDBG and HOME funds it expects to receive in the upcoming year, along with a

description of the range of types of activities that can be funded with these resources. Also, the public will be given an estimate of the amount of these funds that will be used in ways that will benefit low- and moderate-income people.

The plans of the City to minimize the extent to which low- and moderate-income people will have to leave their homes as a result of the use of these federal dollars (called "displacement") will also be available at this time. This "anti-displacement plan" will also describe how the City will compensate people who are actually displaced as a result of the use of these funds, specifying the type and amount of compensation.

Technical Assistance

City staff will work with organizations and individuals representative of low- and moderate-income people who are interested in submitting a proposal to obtain funding for an activity. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing a proposal form.

Availability of a Proposed Annual Action Plan

Within 3 weeks after the Public Hearing about the Proposed Annual Action Plan, the City will make the Proposed Annual Action Plan available to the public. In addition, copies will be available at the locations specified above in the section, "Public Access to Information". A Public Notice will be published at least two weeks prior to the document's availability. The term "notice" described earlier in the section on "Public Notice" will be used.

Also, the date the Proposed Annual Action Plan is available to the public will be at least 30 days prior to the date a Final Annual Action Plan is approved by the City Council so that low- and moderate-income people will have a reasonable opportunity to examine it and to submit comments.

Public Hearing and Further Action

A public hearing about the Proposed Annual Action Plan will be conducted by the City Council within 30 days before it is available to the public. In addition, this public hearing will be held so that there are at least another 30 days before the Final Annual Action Plan is approved by the City Council so that the elected officials can consider the public's comments from the public hearing.

In preparing a Final Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Annual Action Plan will have a section that presents all comments and explains why any comments were not accepted.

C. THE FINAL ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

Copies of the Final Annual Action Plan will be made available to the public at City Hall for review. Copies can be obtained free of charge and within five business days of the request.

D. AMENDMENTS TO THE ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The Final Annual Action Plan will be amended any time there is: a change in one of the Priorities presented on the HUD-required Priority Table, a change in the use of money to an activity not mentioned in the Final Annual Action Plan, or, a change in the purpose, location, scope of beneficiaries of an activity. The public will be notified whenever there is an amendment.

Substantial Amendments

The following will be considered "substantial" amendments:

1. A change in the use of CDBG or HOME money from one activity to another.
2. The elimination of an activity originally described in the Annual Action Plan.
3. The addition of an activity not originally described in the Annual Action Plan.
4. A change in the purpose of an activity, such as a change in the type of activity or its ultimate objective – for example, a change in a construction project from housing to commercial.
5. A meaningful change in the location of an activity.
6. A change in the type or characteristics of people benefiting from the activity. Among the "characteristics" are:
   a. The HUD-recognized income levels of: 0-30 percent of area median income; between 31 percent and 50 percent of AMI; and between 51 percent and 80 percent of AMI
   b. Race or ethnicity
   c. Renter or homeowner

d. Single households, small ones (two to four persons), large ones (five or more persons)

7. A 20% percent decrease in the number of low- and moderate-income people benefiting from an activity.
8. A change in the scope of an activity, such that there is a 20% percent increase or decrease in the amount of money allocated to the activity.

Public Notice and Public Hearing for Substantial Amendments

There must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for Substantial Amendments:

1. There will be advance notice of the availability of a proposed Substantial Amendment 30 days before there is a public hearing.
2. A detailed written description of the proposed Substantial Amendment will be made available to the public. Also, copies will be available at the locations indicated earlier in this Citizen Participation Plan under "Public Access to Information".
3. There will be a public hearing regarding the proposed Substantial Amendment conducted by the City Council. This public hearing will not take place until the public has had 30 days to review the proposed Substantial Amendment.
4. The public hearing will be held no sooner than two weeks prior to submission to HUD.
5. In preparing the Final Substantial Amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Substantial Amendment will have a section that presents all comments and explains why any comments were not accepted.

E. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Every year the City must send into HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the close of the program year. In

general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people.

Public Notice and Public Hearing for Consolidated Annual Performance and Evaluation Report (CAPER)

There must be reasonable notice that the Consolidated Annual Performance and Evaluation Report (CAPER) is available so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for the CAPER:

1. There will be advance notice of the availability of the CAPER two weeks in advance.
2. A complete copy of the CAPER will be made available to the public at the locations indicated earlier in the Citizen Participation Plan under "Public Access to Information".
3. The public will have a minimum of 15 days to review and provide comments on the CAPER.
4. In preparing the CAPER for submission to HUD, careful consideration will be given to all comments and views expressed by the public. The CAPER sent to HUD will have a section that presents all comments and explains why any comments were not accepted.

Contents of the CAPER

The CAPER provides details on the actions taken by the City during the previous program year and accomplishments completed during the year. Accomplishments include the number of low- and moderate-income persons served and the ethnicity of those individuals. Also provided are expenditures taken during the year and funds spent undertaking each activity.

COMPLAINT PROCEDURES

Comments, suggestions or complaints may be addressed to the Economic Development Department as follows:

City of Moreno Valley
Economic Development Department
Attention: Neighborhood Preservation Division
14177 Frederick Street, P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-34507

All written complaints from the public will receive a meaningful written response within 15 working days after receipt.

CHANGES TO THE CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan can be changed only after the public has been notified of the intent to modify it, and only after the public has had a reasonable chance to review and comment on proposed substantial changes to it.

ATTACHMENT E

COMMUNITY NEEDS ASSESSMENT MEETING
Conference & Recreation Center
December 10, 2009
6:00 p.m. – 8:00 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Isa Rojas, Management Analyst
Michele Patterson, Redevelopment & Neighborhood Programs Administrator

Community members present at the meeting:

- James Cosey, representing the Transforming Community Action Program, a martial arts and social skills/behavior program for foster youth
- Rosalio Hernandez, Community Member (and family)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- The primary focus of the grant funding should be on programs for youth, including after school programs, academic enrichment programs, social skills development and behavior programs, mentoring, computer literacy, tutoring, and the establishment of a Boys & Girls Club or YMCA.

- A particular focus should be directed to emancipating foster care youth to provide life skills training, employment training and opportunities, counseling and supportive services.

- The need for access to comprehensive social service program information was discussed. The meeting participants felt the Countywide 211 Referral Network was cumbersome and lacking in current resource information. It was stated that the City should take a proactive role in disseminating information to the community.

- The particular needs of tenants being displaced from housing due to property owner foreclosure was discussed. Information was provided by City staff on the HPRP funding, which can assist with rental subsidy, security deposits, 1st month's rent, utility payments and motel vouchers. It was agreed, however, that this funding is limited and will not meet the needs of the community as a whole.

MV00055628

COMMUNITY NEEDS ASSESSMENT MEETING
Community Senior Center
December 14, 2009
6:00 p.m. – 8:00 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Michele Patterson, Redevelopment & Neighborhood Programs Administrator

Community members present at the meeting:

- Emmanuel Martinez, Coachella Valley Housing Coalition, a non profit affordable housing developer
- Harnethia Mansell, Cultural Heritage Performers, a youth performing arts and education agency
- Dorothy Grzeskowiak, representing the MoVan and the Community Assistance Program (CAP)
- Monica Lopez, Fair Housing Program Manager with the Fair Housing Council of Riverside County
- Sheena Wright, Foreclosure Prevention/Loss Mitigation Specialist, Fair Housing Council of Riverside County
- Christopher Johseffe, representing the United Democrats of Moreno Valley
- Raul Wilson, representing the Mexican Political Association (MPA)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- There was consensus among the participants that funding and programs should focus on youth. There is a continued need for after school programs to provide tutoring, academic enrichment, mentoring, artistic and performing arts development, computer literacy, life skills training, job skills training, transportation to and from available programs, and programs designed to keep kids safe and occupied during the critical 3:00 pm to 6:00 pm time period.

- The need for additional sports facilities, particularly soccer fields, was noted.

MV00055629

- It was reported that fair housing discrimination incidents continue to rise in Moreno Valley. Race and disabled accommodations are the 2 highest complaint categories. It was felt there is a need for additional trainings for property owners/management companies as well as testing and audit services to measure compliance. Both activities will require additional funding to the City's fair housing provider.

- The foreclosure crisis continues to be a critical need to address. The benefits of the ongoing foreclosure prevention workshops were acknowledged. An increasing new segment of underserved in this area are tenants who are losing their homes due to property owner foreclosure, and tenants being victims of various rental fraud schemes. Funding is needed to expand the workshops to specifically address the rights and options for tenants.

- The Fair Housing Council continues to receive requests for, and to provide, First Time Homebuyer education.

- Comments were received that additional capital improvements are needed in the Edgemont area, particularly the installation of sidewalks.

- There was recurring discussion among a limited number of attendees that prior CDBG funding has not benefited the residents of Moreno Valley:

    - It was commented that public service dollars should not be awarded to any agency located outside of Moreno Valley because there is a belief that the funds are spent on non-Moreno Valley residents.
    - Two participants believed it is a misappropriation of funds to utilize CDBG dollars to support programs that the City must provide through the general fund (ie. Code Enforcement and Police Services).
    - Two participants opposed the allocation of CDBG funds to any for-profit business through retail incentives or other economic development programs.

MV00055630

City of Moreno Valley CDBG Target Areas

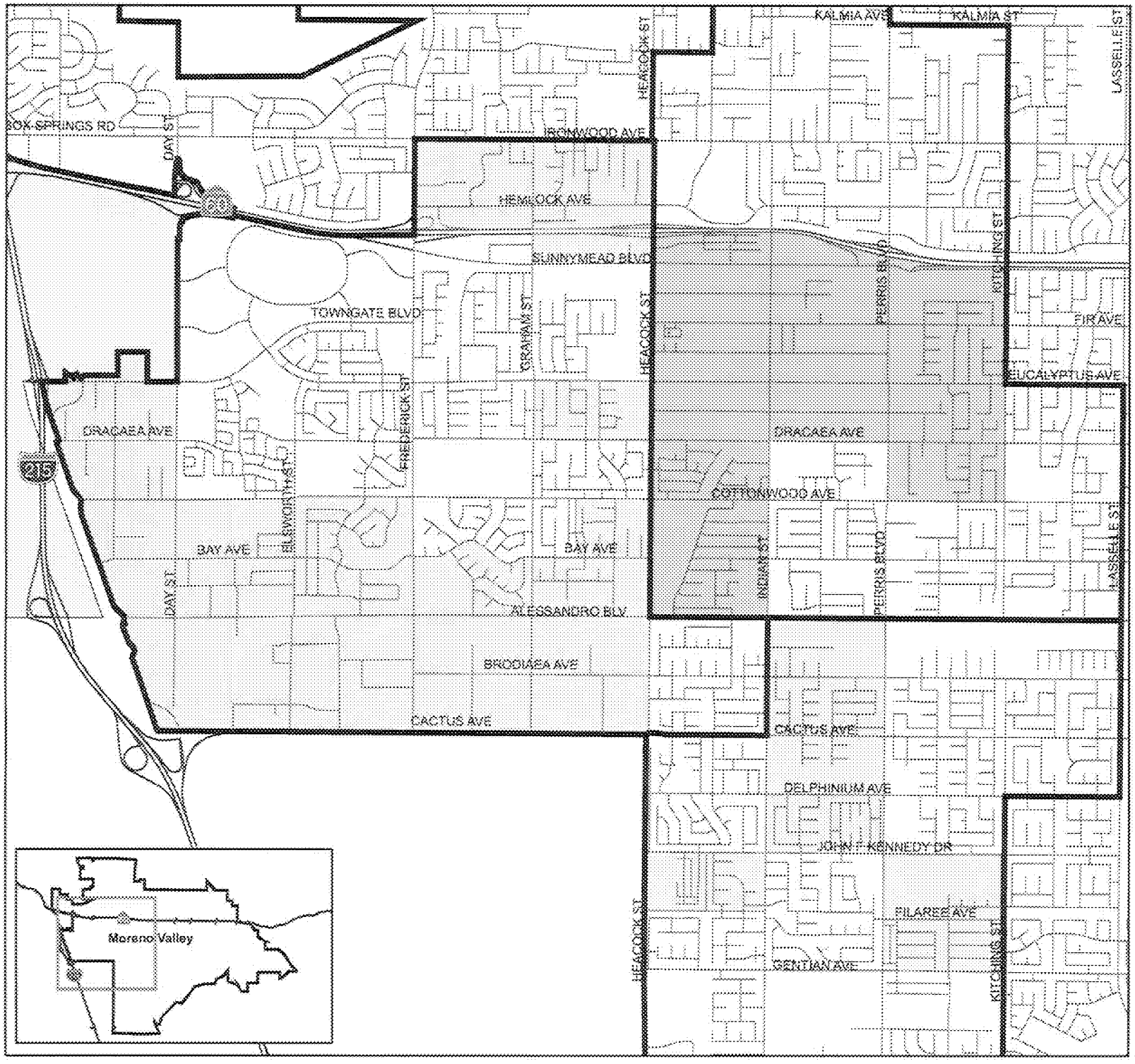

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS TAKE

MV00055631

City of Moreno Valley
Redevelopment Area

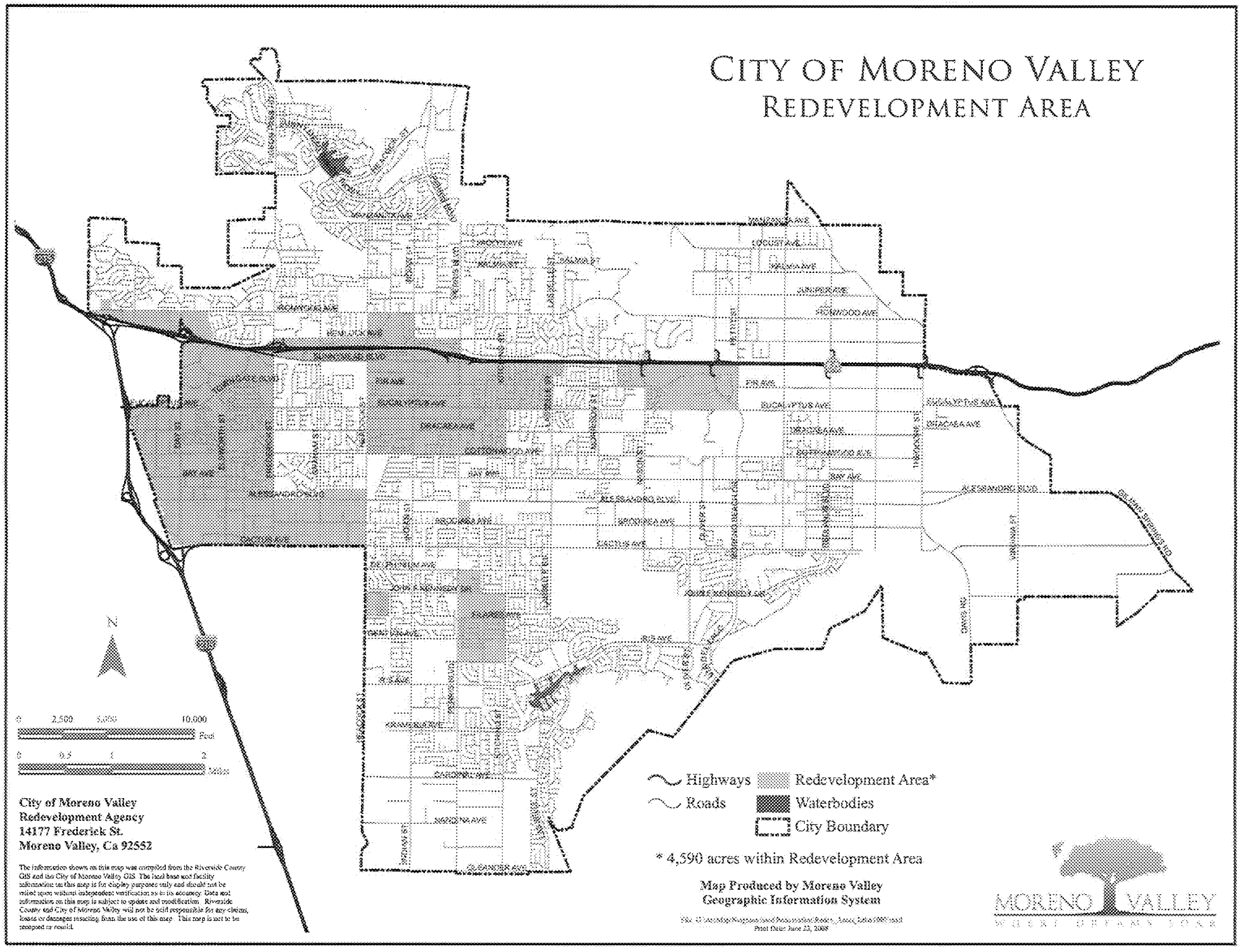

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

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MV00055632

City of Moreno Valley
Revitalization Areas

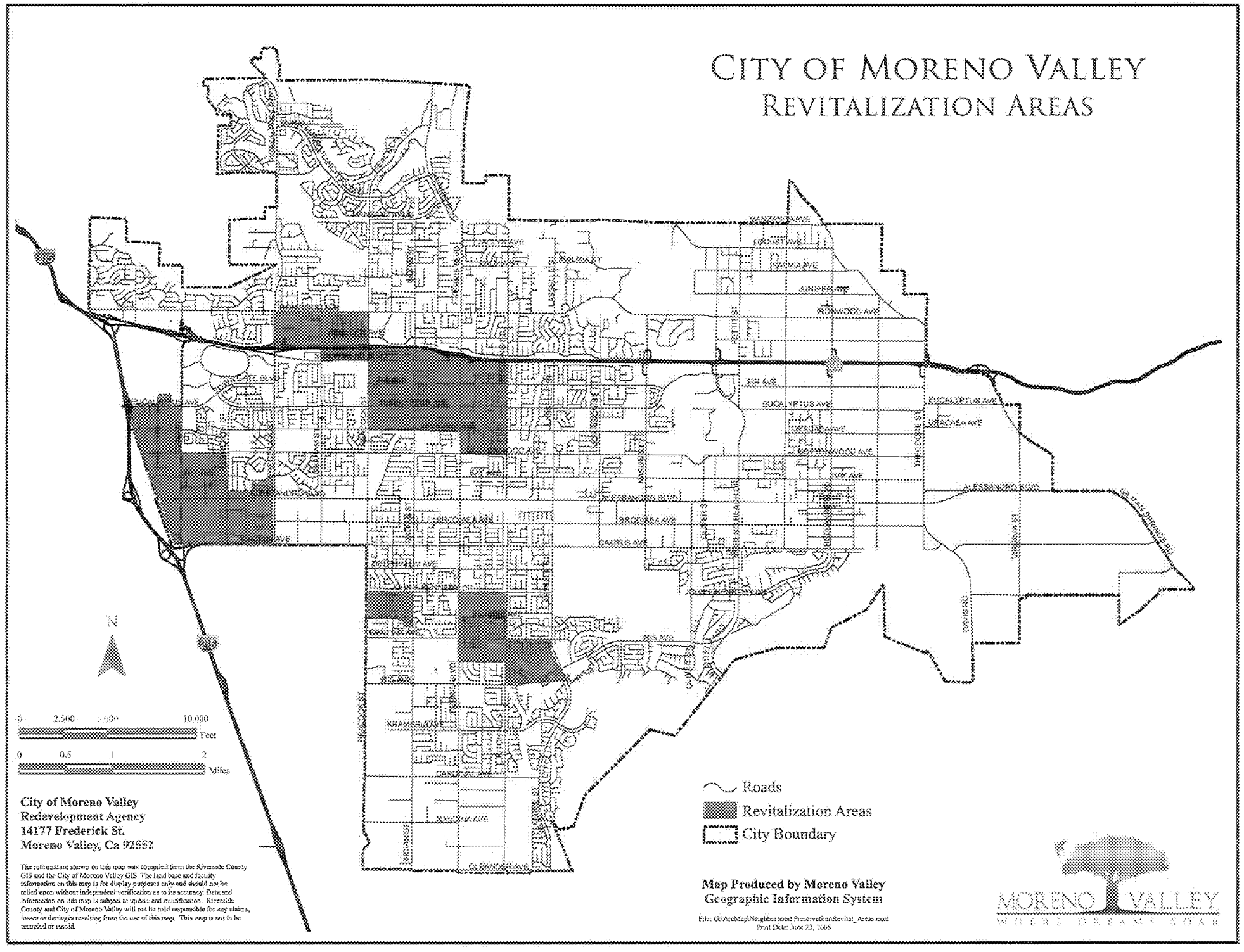

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

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Map Produced by Moreno Valley
Geographic Information System

File: G:\ArcMap\Neighborhood Preservation\Revital_Areas.mxd
Print Date: June 23, 2008

MV00055633

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
NEIGHBORHOOD PRESERVATION DIVISION

Community Development Block Grant
"Subrecipient Monitoring Form"

GENERAL INFORMATION:

Interviewer:_____

Interviewer:_____

Project Name: _____

Location:_____

Agency:_____

Project Began:_____

Project Ended:_____

Date:_____

Name(s) and Title(s) of Person(s) Interviewed:

CDBG REGULATIONS

1. What efforts has the Subrecipient made to ensure that employees understand applicable CDBG program requirements?

2. Does the Subrecipient maintain adequate records to comply with CDBG program requirements, including records retention? *(circle one)* Yes No

3. Comments:

INTERNAL CONTROLS

1. Has the Subrecipient ensured that financial management systems are maintained in accordance with 24 CFR, Part 85.20(b), as applicable? *(circle one)* Yes No

   If yes, what are the financial management standards?

2. If Subrecipient employees work on both CDBG-eligible and non-CDBG eligible activities, what system does the Subrecipient have in place to ensure that appropriate time distribution records are kept?

3. Is the Subrecipient in compliance with the procurement and/or subcontracting requirements of 24 CFR, Part 85.36, as applicable? *(circle one)* Yes No

4. Does the Subrecipient significantly review for evidence of conflicts of interest either between the Subrecipient and the employees or between the Subrecipient and its contractors (such as obtaining information on background of staff or board directors and seeking specific assurances from contractors, vendors, and suppliers)? *(circle one)* Yes No

SUBRECIPIENT AGREEMENT (24 CFR, PART 570.503)

1. Does the "Scope of Services" contain a description of the types and amounts of services or products that will result from use of CDBG funds in sufficient detail to allow for effective monitoring? *(circle one)* Yes No

   Give examples of any deficiencies found:

2. Is a deadline designated for accomplishment of each of the major services or projects identified in the "Scope of Services" (reference 24 CFR, Part 570.503(b)(1))? *(circle one)* Yes No

   Give examples of any deficiencies found:

3. Are the costs for carrying out the "Scope of Services" presented in sufficient detail to provide an adequate base for comparison of planned and actual performance (reference 24 CFR, Part 570.403(b)(1))? *(circle one)* Yes No

   Describe any deficiencies:

4. Are the documents presented and required of the Subrecipient in order to receive payment of CDBG funds adequate to ensure that payments are eligible and reasonable in relation to actual performance and that funds are not being requested in excess of immediate needs? *(circle one)* Yes No

   If not, please explain:

5. Where special documentation is required by the contract or project activity type such as but not limited to, necessary or appropriate determinations, or lead-based paint, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   If not, what is lacking?

6. Where special income documentation is required by the contract or project activity type, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   Indicate type of verification required:

7. Are current income limits being utilized for the program? *(circle one)* Yes No

8. Does the Agreement specify that program income is to be retained by the Subrecipient? *(circle one)* Yes No

   If yes, what provisions are made to ensure that such income is recorded and reported, and that it will be used in accordance with CDBG regulations?

9. Has Subrecipient been informed of requirement to submit an annual audit of City funded portion for the program per the CDBG Agreement? Audit shall be performed by a Certified Public Accountant or other independent auditor. *(circle one)* Yes No

REPORTING

1. Does the Subrecipient submit reports such as progress or financial reports on a timely and periodic basis (reference 24 CFR, Part 570.503(b)(2))? *(circle one)* Yes No

   If yes, please describe:

2. How frequently are these reports required to be submitted?

3. Has Subrecipient submitted written reports and is the information submitted sufficient to assess Subrecipient performance against the specifications in the "Scope of Services"? *(circle one)* Yes No

   If not, please explain:

4. Is the reported data verified by the City? *(circle one)* Yes No

   If yes, how does the recipient verify actual beneficiaries of a project?

PROGRAM INCOME MONITORING

1. How does the Subrecipient keep track of generated program income and ensure accurate reporting?

2. Has the Subrecipient established revenue accounts to record program income?

3. If program income is retained by Subrecipient, does the Subrecipient check to determine that:

   a. Program income is being used before new grant funds are requested?

   b. Such income is being used in accordance with CDBG rules and regulations?

ON-SITE REVIEW OF SUBRECIPIENTS BY CITY

1. Did a representative from the City of Moreno Valley monitor this Subrecipient on site? *(circle one)* Yes No

2. Based on this review, does there appear to be any significant differences between actual performance and the reported performance submitted to the City? *(circle one)* Yes No

   If yes, please describe:

3. In reviewing the activities and costs charged by the Subrecipient to the CDBG program, are there any costs that appear clearly unreasonable? *(circle one)* Yes No

4. Are there any expenditures that warrant further review? *(circle one)* Yes No
   If yes, please explain:

SUMMARY

1. Is it evident that the Subrecipient is adequately managing and monitoring its activities? *(circle one)* Yes No

   If not, try to identify the apparent causes of the problem(s). What action is recommended? Does the Subrecipient need additional technical assistance in any particular area? Are there elements of the Sub-recipients management system that are particularly successful? Please note below any general observations, positive and/or negative, which would contribute to a determination as to whether the Subrecipient has an adequate management and monitoring system in place to ensure compliance with regulations and accomplishment of goals and objectives.

FINDINGS:

CONCERNS:

RECOMMENDED ACTIONS:

POSITIVE OBSERVATIONS:

_____ _____
Signature of Reviewer Date

_____
Name and Title

ATTACHMENT E

CDBG FUNDING ALLOCATIONS FY 2010/11

ADMINISTRATION (20% CAP - $388,322)	
CDBG Program Administration	$338,869
Fair Housing Services	$49,453
SOCIAL SERVICES (15% CAP - $291,241)	
Community Foreclosure Prevention Workshops	$44,000
Community Assistance Food Program (CAP)	$30,600
Friends of the Moreno Valley Senior Center (MoVan)	$30,000
Moreno Valley Police Dept., Problem Orienting Policing (POP) Team	$28,241
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$25,000
Lutheran Social Services Transitional Center (MARB)	$15,000
Path of Life Ministries King Hall Family Shelter (MARB)	$15,000
PW Enhancement Center – Emergency & Homeless Services	$15,000
Neighborhood Clean-up Program	$15,000
Assistance League of Riverside - Operation School Bell	$10,000
CASA for Riverside County	$10,000
God's Helping Hand Ministries Food Program	$9,000
Operation Safehouse Shelter for Youth	$8,000
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,500
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500
Moreno Valley Community Educators - Tutoring Program	$6,400
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
ARC of Riverside – Disabled Adult Day care Facility	$5,000
FACILITIES	
Youth Opportunity Center	$50,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
Fire Prevention 'Improvement Task Force'	$30,000
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$540,000
Community Employment Resource Center	$145,641
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$50,000
Lord's Gym	$20,000
TOTAL CDBG FUNDING ALLOCATIONS	**$1,941,611**

City Manager's Office

MORENO VALLEY
CITY MANAGER'S OFFICE

MEMORANDUM

To: Mayor Bonnie Flickinger and Members of the City Council

From: William L. Bopf, Interim City Manager WLB

Date: May 6, 2010

Subject: Requested Revisions to Highland Fairview Development Conditions Item E-2 "A PUBLIC HEARING TO MODIFY VARIOUS CONDITIONS OF APPROVAL FOR THE APPROVED HIGHLAND FAIRVIEW CORPORATE PARK PROJECT INCLUDING THE MODIFICATION OF HIGHWAY 60 LANDSCAPE REQUIREMENTS, THE TIMING AND RESPONSIBILITY FOR AN EASEMENT AND CONSTRUCITON OF A REQUIRED MULTI-USE TRAIL ALONG THE PROJECT FRONTAGE AND FUTURE EUCALYPTUS AVENUE AND VARIOUS PUBLIC WORKS CONDITIONS RELATED TO THE DEDICATION AND IMPROVEMENT OF PUBLIC IMPROVEMENT"

This memorandum is being provided to provide further clarification to the subject staff report that I approved for the agenda (Item E-2). To summarize, the applicant is requesting three basic waivers or modifications.

1. The first one is to modify the Trail condition. The options for this one are fairly clear.
2. The second one deals with the landscape requirement on the 60 freeway. The requested change does not appear to cause any real problems.
3. The request to deal with the concept of "Fair-Share" with regard to the condition to provide public improvements is very significant. This request is very serious and has considerable conflict with existing Council Policies and development practices.

I will elaborate on the concerns and conflicts of the 3rd waivers with existing policies and development conditions.

1. Developers when constructing new roads serving these projects on arteriel roads that are required, construct a median and an adjacent travel lane on each side of the median. Then when they build their project they are required to construct the second travel lane adjacent to this project.
2. The developers are required to pay their Development Impact Fees (DIF) which is established by a Nexus Study (that's their Fair-Share).
3. The project that impacts streets of Regional Significance are covered by their TUMF Fees (their Fair-Share) also established by a Nexus Study.
4. If a developer constructs more improvements than is required for his project then required he may be eligible for reimbursement under established policies. Those reimbursements are paid in order of priority as funds become available.

Problems:

If the City Council modifies the condition of approval for the Highland Fairview Project regarding an alternative "Fair-Share" formula, the following problems exist:

1. The modification will run contra to the whole DIF Nexus Study causing other developers to protest.
2. If the condition on the arterial street to provide a median and a travel lane in each direction is modified, it will be difficult to require other developers to comply with this requirement in the future.
3. Reimbursement for work in excess of the developer's requirement is already covered by Council Resolution 2008-104 (attached). This policy requires that reimbursements are only paid in order of priority with other developers. We have several million dollars of reimbursements that are already in line before the subject project. To change this policy could lead to a legal challenge by other developers.

In summary, my recommendation to the City Council is that the condition for waiving any of the public improvement obligations be denied. You will find a similar discussion on page 6 and 7 of the staff report (attached).

WLB/kg

Attachments

c: Chris Vogt, Public Works Director/City Engineer
Rick Hartmann, Interim Assistant City Manager
Bob Hansen, City Attorney
Kyle Kollar, Interim Community Development Director

MV00055640

Attachment "F"

RESOLUTION No. 2008 – 104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CONCERNING THE PRIORITIZATION OF DEVELOPMENT IMPACT FEES (DIF) AND TRANSPORTATION UNIFORM MITIGATION FEES (TUMF) AND REPEAL RESOLUTION NO. 2006-19

WHEREAS, the City Council of the City of Moreno Valley, has adopted a Development Impact Fee (DIF) for the construction of local circulation improvements, including General Plan arterials, traffic signals, and freeway interchanges, and vital public facilities, and

WHEREAS, the City Council of the City of Moreno Valley, along with other jurisdictions in the Western Riverside County, has adopted a Transportation Uniform Mitigation Fee (TUMF) for the purposes of constructing major circulation improvements of local and regional benefits, and

WHEREAS, the City Council of the City of Moreno Valley, endeavors to manage these funds in a manner to provide the greatest possible benefits to the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. City Council Resolution No. 2006-19 is hereby repealed in its entirety.

2. DIF revenues shall be prioritized in the following manner: A) retirement of bonded indebtedness incurred for the construction of DIF eligible projects; B) a reserve to provide reimbursements to developers that build DIF eligible projects. The City will set aside ten percent (10%) of the gross DIF revenues collected each Fiscal Year in DIF obligation for developer reimbursements. The Financial and Administrative Services Department shall set these funds aside in conjunction with the issuance of the Comprehensive Annual Financial Report; and C) construction of DIF eligible projects

The current year DIF revenue and available DIF reserves and fund balance shall first be applied to current year debt service (principal and interest) of all DIF-related bonded indebtedness. Per City Council policy, a two-year debt service reserve shall exist and shall only be used in the event that current year DIF revenue pledged as the financing source for bonded indebtedness is insufficient to cover the current year debt service obligation. Should the reserve ever be exhausted to cover debt service and require the use of General Fund loans to cover annual debt service, the prioritization of DIF revenues shall then be: A)

loan repayment to the General Fund; B) replenishment of the two-year reserve; C) current year debt service; D) a reserve to provide reimbursements to developers to build DIF eligible projects; and E) construction of DIF eligible projects.

3. City staff is directed to monitor DIF credits and reimbursements that are issued by the City to assess their impact on the City's ability to allocate revenues for other City priorities.

4. To the maximum extent permitted by the TUMF program requirements, the City shall condition new developments to participate in the construction of TUMF network improvements in lieu of payment of TUMF. For projects that are jointly funded by TUMF and DIF, TUMF expenditures should be prioritized first.

5. As permitted under the TUMF program requirements, the City shall pursue the creation of financing districts that may allow a property owner, in lieu of payment of the TUMF, to participate in such a financing district for the following facilities: A) a regionally significant transportation improvement as defined as those facilities that typically are proposed to have six lanes at build-out and extend between multiple jurisdictions, or discrete usable segments thereof, as determined by Western Riverside Council of Governments (WRCOG); B) any interchange on an interchange on an interstate or state highway with an estimated construction cost of $10 million or more; and C) any bridge located on a regionally significant arterial.

APPROVED AND ADOPTED this 26th day of August, 2008.

William H. Batey II, Mayor

ATTEST:

Jane Halstead, City Clerk

APPROVED AS TO FORM:

Robert D. Herrick, City Attorney

and recommendation to the City Council. The Tentative Parcel Map south boundary, currently at the south Eucalyptus Avenue right of way, may need to be adjusted to the south to include the trail.

Modify various conditions of approval Related to the dedication and improvement of public improvements

The applicant has requested that all pertinent conditions of approval requiring the dedication and improvement of public facilities be modified to only require fair-share contribution by the project for the dedication and improvement of all public infrastructures. They further requested that improvement credits and reimbursement agreements be developed and entered into between the City and the project proponent for any amount the project contributes in excess of its pro-rata share for such improvements. This request primarily includes Land Development and Transportation Division's conditions of approval.

Municipal Code Section 9.14.100 clearly states that developments are required to construct full half-width street improvements plus one lane in the opposite direction along the project frontage. The developer's request to only be financially responsible for its "fair share" is not in keeping with the intent of the Municipal Code. All perimeter streets associated with the project are Development Impact Fee (DIF) program streets for which the developer may be eligible to receive credits and reimbursements for those ultimate, qualifying improvements. The DIF program spreads the cost of arterial street and traffic signal improvements City wide such that there is a nexus between the trips generated by a project (the impact on the City wide system of arterial streets and traffic signals) and the cost of transportation improvements needed to mitigate the impact. That nexus translates into development impact fees paid by the developer. Highland Fairview is not conditioned to construct ultimate improvements on Redlands Boulevard nor Theodore Street; only along Eucalyptus Avenue. Therefore, the developer is eligible for credits and reimbursements for qualifying improvements on Eucalyptus Avenue only. The Land Development Division does not support additional reimbursements be given to the developer beyond that which the developer is eligible to receive through the DIF program.

The developer may choose to pursue reimbursement for other public improvements not covered by the DIF program (i.e. sewer/water and master storm drain), and may contact Eastern Municipal Water District and Riverside County Flood Control and Water Conservation District respectively for any available reimbursements for the over-sizing of certain utilities associated with the construction of trunk sewer lines, water main lines, reclaimed water lines and flood control facilities.

The Land Development Division, based on a memorandum submitted as part of the Project Review Staff Committee (PRSC) minutes provided to Highland Fairview on June 10, 2009, indicated that originally approved Public Work's conditions of approval for both the tentative parcel map and plot plan meet the requirements of the City's Municipal Code. Furthermore, the existing project conditions of approval as approved

previously meet the nexus requirement of the law because the street improvements conditioned are consistent with the EIR. The requested changes would require a separate nexus study from the approved City-wide nexus study for the DIF program and would not be equitable to other developers nor provide a viable funding program for the City-wide circulation system. Therefore, both the Land Development and Transportation Divisions do not support Highland Fairview's proposal to modify or make additions to wording of certain, specified Public Works conditions of approval.

The Land Development and Transportation Divisions have included a synopsis of the applicant's request to modify conditions of approval and the City's response to these proposed modifications in a memorandum format. Since the request by the applicant to amend project conditions is extensive in nature, for Council's information, this document is attached to the staff report to highlight the City's approach to each condition being requested for modification.

ALTERNATIVES

1. Consider the proposed amendments to approved project conditions of approval, and approve all modified condition language as included in Exhibits A and B to the attached resolutions.

2. Consider the proposed amendments to approved project conditions of approval, and deny or amend modified condition language as included in Exhibits A and B to the attached resolutions.

3. Consider the proposed amendments to approved project conditions of approval included in the attached applicant request letter dated February 8, 2010, and include additional amendments to conditions not included within the attached resolutions.

4. Refer the proposed amendments to the Planning Commission for further review. Recommendation of any location changes to the required multi-use trail would require a General Plan amendment to be forwarded to the Recreational Trails Board and the Planning Commission for review and consideration prior to a final decision by the City Council.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

City Manager's Office

MORENO VALLEY
CITY MANAGER'S OFFICE

MEMORANDUM

To: Mayor Bonnie Flickinger and Members of the City Council

From: William L. Bopf, Interim City Manager WLB

Date: May 6, 2010

Subject: Further background on Highland Fairview Project

I have been told a number of times that the City has not provided any financial assistance to the Highland Fairview Project. This has not been done because:

1. The project is not in the Redevelopment Project area.
2. The project is not in one of the CDBG qualifying areas.
3. The project will generate very little Sales Tax.

Our assistance programs all depend on one or a combination of the factors cited above. Several of our existing developments do meet one or more of the above criteria and they have been assisted in several ways.

If the project generates significant sale tax, we share that sales tax under an operating covenant.

If the projects agree to hire low and moderate income employees and they are located in one of the CDBG areas, we provide them approximately $25,000 each for five to ten qualifying continual jobs. This could amount to $100,000 to $200,000 of assistance.

We cannot share Property Tax, which by the way this City receives only 14% of the total paid, for more than a period of one year. To do it longer would require another action each year.

If the City Council wanted to assist Highland Fairview, Sketchers could be assisted up to $200,000 over a three year period for five to ten low and moderate income jobs. To accomplish this, the City Council would have to agree that although Sketcher's is not in a CDBG area, the assistance does benefit low and moderate income clients.

WLB/kg

c: Chris Vogt, Public Works Director/City Engineer
Rick Hartmann, Interim Assistant City Manager
Bob Hansen, City Attorney
Kyle Kollar, Interim Community Development Director

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle A. Kollar, Interim Community Development Director

AGENDA DATE: May 11, 2010

TITLE: A public hearing for two applications to modify various conditions of approval (P09-038 and P09-039) for the approved Highland Fairview Corporate Park project Tentative Parcel Map No. 35629 (PA07-0090) and Plot Plan (PA07-0091) including the modification of Highway 60 landscape requirements, the timing and responsibility for an easement and construction of a required multi-use trail along the project frontage and future Eucalyptus Avenue and various Public Works conditions related to the dedication and improvement of public improvements. The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. The applicant is Highland Fairview Properties.

RECOMMENDED ACTION

The City Council shall conduct a public hearing to:

1. **RECOGNIZE** that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;

2. **APPROVE** Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions;

3. **RECOMMEND** that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

ADVISORY BOARD RECOMMENDATIONS

On March 24, 2010, the Recreational Trails Board conducted a meeting and revisited the multi-use trail issue at the request of the applicant to modify the trail or have the City acquire the trail easement and complete all required trail improvements. At said meeting, the Board recommended that the City Council deny the applicant's request to modify conditions to either modify or remove the trail from the project or have the City acquire the trail easement and install trail improvements.

BACKGROUND

On February 10, 2009, the City Council, approved Highland Fairview Properties request for Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes, and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The Highland Fairview Corporate Park project includes approximately 2,620,000 square feet of industrial and commercial building area in three phases on four parcels.

On April 14, 2009, Highland Fairview submitted a written request to the City Council to consider approximately five different issues of project approval and modify approximately 56 conditions of approval related to the issues.

On May 14, 2009, three applications were submitted to the Planning Division requesting modifications of conditions. The first application (PA09-0013) included a General Plan Amendment to cover the request for the possible removal or modification of a required multi-use trail on future Eucalyptus Avenue. The second and third applications included all other requests to modify conditions of approval for both the Plot Plan (P09-038) and the Tentative Parcel Map (P09-039).

On June 10, 2009, the proposed modifications of conditions for the Corporate Park Project were provided to the Project Review Staff Committee (PRSC) for review. Based on this review, staff suggested that non-General Plan related conditions of approval could go to City Council for review separately and ahead of General Plan related

conditions of approval. Pursuant to the City's Municipal Code, all General Plan changes must go to the Planning Commission for a recommendation prior to consideration by the City Council. The non-General Plan related conditions include the item on required Highway 60 landscape, the multi-use trail if it was not requested to be modified/removed and the modification to Land Development and Transportation conditions of approval that address dedication and improvement of public improvements. In addition, staff asked Highland Fairview to provide a letter to staff that clarified the policy issues related to requests.

On September 3, 2009, a letter was provided by Highland Fairview Properties that modified the specific issues and conditions of approval that were requested to be revised. Staff conducted meetings with Highland Fairview staff to discuss items that were requested to be modified.

In October of 2009, the applicant requested in e-mail correspondence that staff not move forward with the modifications of conditions while other more pressing items related to ongoing project litigation proceedings were being worked out.

In a letter dated February 8, 2010, the applicant requested that the item be reinstated for review and further modified the original request to reduce the issues related to the project approval down to three items as follows:

- Remove the right of way landscape requirement along Highway 60.
- Eliminate or modify conditions of approval related to a required General Plan Multi-Use Trail along future Eucalyptus Avenue
- Modify various conditions of approval related to the dedication and improvement of public improvements

DISCUSSION

The following is a summary of items and issues regarding the applicant's request to modify various project approved conditions of approval:

Remove the right of way landscape requirement along Highway 60.

The applicant is seeking relief from a particular condition of approval within the map and plot plan that requires landscaping within the improved areas of the Caltrans right-of-way adjacent to Highway 60.

In the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan and a few residential projects have been conditioned to

install or participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan. Some of this landscaping has thrived while others have suffered over the intervening years. In recent years, the Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note are two proposed warehouse industrial projects in close proximity to the project, Prologis and Ridge Realty. Each has been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects combined represent approximately two miles of the City's freeway frontage.

In the case of landscape along Highway 60, staff does not have the authority to eliminate the condition because it derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Staff is seeking policy direction from City Council as to whether or not to retain or modify this condition of approval. An alternative that the Planning Division has offered to Highland Fairview is the placement of interim landscape of seasonal wildflower ground cover with temporary irrigation in the right of way area in lieu of typical trees/shrubs and permanent irrigation. An erosion control hydroseed mix and temporary irrigation to establish the ground cover has been suggested by Highland Fairview as a less costly alternative, which is acceptable to Planning. During the summer months when wildflowers die out, maintenance would need to be provided by the property owner to remove weeds and dried out vegetation prior to the next growing season. The map and plot plan conditions of approval for Highway 60 landscape have been modified to reflect an erosion control landscape palette along Highway 60 without permanent irrigation. All right of way parcels will include the erosion control hydroseed mix, including the two large parcels in between Highway 60 and Parcels 2, 3, and 4.

Eliminate or modify a required General Plan Multi-Use Trail along future Eucalyptus Avenue.

The applicant has requested that several conditions of approval be modified related to the dedication and improvement of the multi-use trails on the project site.

Two specific changes to the Master Plan of Trails were proposed by the applicant and approved by City Council with the approval of the Highland Fairview Corporate Park project (including Skechers) in February of 2009. The first included the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Avenue) between Sinclair Street and Redlands Boulevard. The second change was the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus Avenue to provide one continuous trail on the north side of Eucalyptus Avenue from Quincy Street to Theodore Street.

Highland Fairview Properties have stated in their most recent letter of February 8, 2010 that there is a lack of nexus between the project and the requirement of providing the multi-use trail. Staff believes that there is a viable nexus given the trail's designation in the adopted General Plan multi-use trail plan. The trail provides a linkage with the overall General Plan trail system between Quincy and Theodore Streets. With the elimination of the Sinclair Street overcrossing trail, the extension of the trail along Eucalyptus Avenue east to Theodore Street provides connection to the trail crossing on Theodore Street. A multi-use trail provides for many uses, including horseback riding, walking paths for pedestrians, jogging paths for exercise, and bicycling.

The applicant requests that if the trails are constructed, the City acquire the easement and provide all improvements and on-going maintenance related to the trail. It is not common practice of the City to acquire an easement for a required General Plan multi-use trail or pay for trail improvements. All private developers are currently responsible for dedicating an easement and paying for the improvements to construct multi-use trails as a condition of their project approval. As in all cases, the City will maintain the required trail once it is improved by the developer and accepted by the City for maintenance.

The Recreational Trails Board reviewed proposed changes to the trail system on two separate occasions prior to project approval in February 2009 and concurred with the applicant's request to remove the Sinclair Street trail extension over Highway 60, change the location of the trail from the south side to the north side of future Eucalyptus Avenue and mitigate the trail elimination over Highway 60 by extending the trail from former Sinclair Street to Theodore Street. Based on review of the most recent proposal by the Trails Board at their meeting on March 24, 2010, the Board considered and recommended that the City Council deny the applicant's request to modify conditions and reiterated its support for the approved trail conditions.

An alternative approach that was suggested to Highland Fairview Properties was to look at the timing of when the trail would need to be provided. As per project conditions of approval, the trail is required for each phase of development as it is being completed. The trail would be required for the Phase 1 of the Skechers building but would not be required for Phase 2 and 3 until those phases are constructed. An alternative approach to consider would be the deferral of the entire trail development until Phase 2. This would provide a full segment of the trail at one time instead of in pieces. Some type of security may be required for this approach.

An additional alternative to providing a trail on the north side of the future Eucalyptus Avenue would be to change the trail location back to its original General Plan designation along the south side of future Eucalyptus Avenue in the buffer area approved for the Highland Fairview Corporate Park project. If this approach is recommended, it would require a General Plan Amendment to change the Master Plan of Trails Map and further study and possible modification of the approved Environmental Impact Report (EIR) for the project. The General Plan amendment also would need to be sent back to the Recreational Trails Board and the Planning Commission for review

and recommendation to the City Council. The Tentative Parcel Map south boundary, currently at the south Eucalyptus Avenue right of way, may need to be adjusted to the south to include the trail.

Modify various conditions of approval Related to the dedication and improvement of public improvements

The applicant has requested that all pertinent conditions of approval requiring the dedication and improvement of public facilities be modified to only require fair-share contribution by the project for the dedication and improvement of all public infrastructures. They further requested that improvement credits and reimbursement agreements be developed and entered into between the City and the project proponent for any amount the project contributes in excess of its pro-rata share for such improvements. This request primarily includes Land Development and Transportation Division's conditions of approval.

Municipal Code Section 9.14.100 clearly states that developments are required to construct full half-width street improvements plus one lane in the opposite direction along the project frontage. The developer's request to only be financially responsible for its "fair share" is not in keeping with the intent of the Municipal Code. All perimeter streets associated with the project are Development Impact Fee (DIF) program streets for which the developer may be eligible to receive credits and reimbursements for those ultimate, qualifying improvements. The DIF program spreads the cost of arterial street and traffic signal improvements City wide such that there is a nexus between the trips generated by a project (the impact on the City wide system of arterial streets and traffic signals) and the cost of transportation improvements needed to mitigate the impact. That nexus translates into development impact fees paid by the developer. Highland Fairview is not conditioned to construct ultimate improvements on Redlands Boulevard nor Theodore Street; only along Eucalyptus Avenue. Therefore, the developer is eligible for credits and reimbursements for qualifying improvements on Eucalyptus Avenue only. The Land Development Division does not support additional reimbursements be given to the developer beyond that which the developer is eligible to receive through the DIF program.

The developer may choose to pursue reimbursement for other public improvements not covered by the DIF program (i.e. sewer/water and master storm drain), and may contact Eastern Municipal Water District and Riverside County Flood Control and Water Conservation District respectively for any available reimbursements for the over-sizing of certain utilities associated with the construction of trunk sewer lines, water main lines, reclaimed water lines and flood control facilities.

The Land Development Division, based on a memorandum submitted as part of the Project Review Staff Committee (PRSC) minutes provided to Highland Fairview on June 10, 2009, indicated that originally approved Public Work's conditions of approval for both the tentative parcel map and plot plan meet the requirements of the City's Municipal Code. Furthermore, the existing project conditions of approval as approved

previously meet the nexus requirement of the law because the street improvements conditioned are consistent with the EIR. The requested changes would require a separate nexus study from the approved City-wide nexus study for the DIF program and would not be equitable to other developers nor provide a viable funding program for the City-wide circulation system. Therefore, both the Land Development and Transportation Divisions do not support Highland Fairview's proposal to modify or make additions to wording of certain, specified Public Works conditions of approval.

The Land Development and Transportation Divisions have included a synopsis of the applicant's request to modify conditions of approval and the City's response to these proposed modifications in a memorandum format. Since the request by the applicant to amend project conditions is extensive in nature, for Council's information, this document is attached to the staff report to highlight the City's approach to each condition being requested for modification.

ALTERNATIVES

1. Consider the proposed amendments to approved project conditions of approval, and approve all modified condition language as included in Exhibits A and B to the attached resolutions.

2. Consider the proposed amendments to approved project conditions of approval, and deny or amend modified condition language as included in Exhibits A and B to the attached resolutions.

3. Consider the proposed amendments to approved project conditions of approval included in the attached applicant request letter dated February 8, 2010, and include additional amendments to conditions not included within the attached resolutions.

4. Refer the proposed amendments to the Planning Commission for further review. Recommendation of any location changes to the required multi-use trail would require a General Plan amendment to be forwarded to the Recreational Trails Board and the Planning Commission for review and consideration prior to a final decision by the City Council.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

Based on review of the various applicant requested project condition modifications for the Highland Fairview Corporate Park/Skechers project, the Land Development and Planning Divisions have agreed to modify a few of the approved conditions related to Highway 60 landscape and the multi-use trail, only to clarify the developer's responsibility to dedicate an easement and construct the trail,. The Highway 60 Corridor Specific Plan requires that landscape be provided in the entire Highway 60 freeway right of way area adjacent to the site. A compromise to typical landscape and irrigation required within Highway 60 Corridor Specific Plan standards would be an allowance of an interim hydroseed mix planted, maintained to provide both an appealing visual landscape and erosion control mechanism along the freeway until such time that the parcels are transferred over to the City or Caltrans. The Trails Board has recommended that all conditions of approval regarding the multi-use trail not be modified, with the applicant to provide the easement and provide related trail improvements as is required with all other private projects.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site sign postings.

ATTACHMENTS

1. Public Hearing Notice
2. Letter dated February 8, 2010, from Highland Fairview Properties requesting modification of project approved conditions.
3. Internal Land Development memorandum dated February 11, 2010 on various proposed conditions of approval.
4. Letter dated March 18, 2010, from Highland Fairview Properties regarding proposed hydroseed landscape for Highway 60 right of way areas.
5. Internal Transportation Division memorandum dated April 19, 2010 on various proposed conditions of approval.
6. Letter dated April 22, 2010, from Michael Brandman Associates regarding an environmental analysis of modification of project conditions.
7. Approved Highland Fairview Corporate Park - Planning, Land Development and Parks Map Conditions of Approval.
8. Approved Highland Fairview Corporate Park - Planning, Land Development and Parks Plot Plan Conditions of Approval
9. Modification of Conditions Resolution – Tentative Parcel Map, with attached modified conditions of approval included within Exhibits A through B.
10. Modification of Conditions Resolution – Plot Plan, with attached modified conditions of approval, included within Exhibits A and B

Prepared By:
Mark Gross, AICP, Senior Planner

Department Head Approval:
Kyle A. Kollar, Interim CDD Director

Concurred By:
John C. Terell, AICP, Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held at a regular meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: P09-038 and P09-039 (Modification of Project Conditions of Approval)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A public hearing for two applications to modify various conditions of approval (P09-038 and P09-039) for the approved Highland Fairview Corporate Park project Tentative Parcel Map No. 35629 (PA07-0090) and plot plan (PA07-0091) including the modification of Highway 60 landscape requirements, the timing and responsibility for an easement and construction of a required multi-use trail along the project frontage and future Eucalyptus Avenue and various Public Works conditions related to the dedication and improvement of public improvements.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157), including a Statement of Overriding Considerations and Mitigation Monitoring Program was originally certified and approved for the project. Pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines).

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council or City Clerk at, or prior to, the Public Hearing.

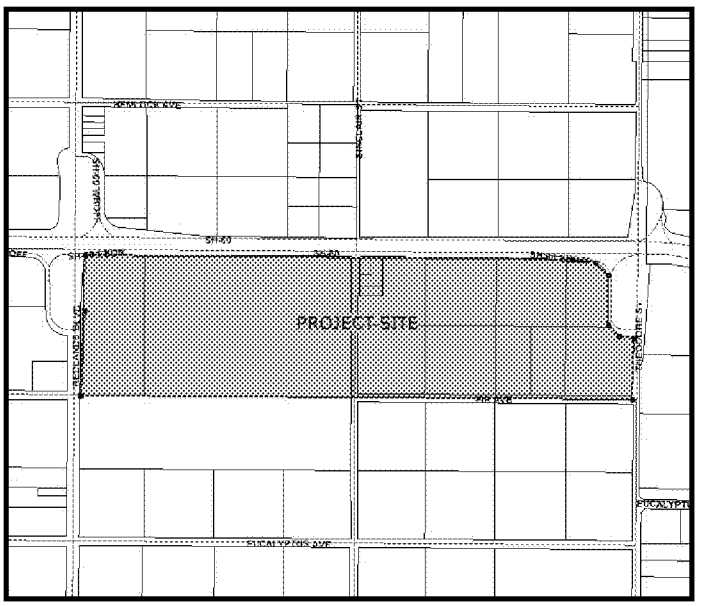

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: May 11, 2010 at 6:30 PM
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

February 8, 2010

Mark Gross
Senior Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park – Proposed Revisions to Conditions of Approval

Dear Mark:

In May 2009, Highland Fairview officially submitted a request (PA09-0013) to modify certain Conditions of Approval which were imposed on the Highland Fairview Corporate Park project. Highland Fairview would like to hereby modify our previous application to request changes to conditions relating to the following three important issues:

1. **SR60 Landscaping**
   Existing Condition: Condition of Approval P14 on Tentative Parcel Map TPM 35629 (Resolution 2009-10) requires the preparation and processing of plans for the installation of landscaping and irrigation within the SR60 right-of-way adjacent to the project site in compliance with the SR60 Design Manual.

   Requested Action: Highland Fairview requests the removal of this condition.

   Justification: This condition has been inconsistently applied along SR60 within the city. In those instances where it has been applied, it has provided only marginal landscaping that struggles from sparse installation, little or no maintenance and inadequate irrigation. Over the years, the City's SR60 Design Manual has been arbitrarily applied and inconsistently enforced, resulting in a haphazard landscape treatment along SR60 throughout the City. Today, the freeway frontage is a random mixture of sparse, struggling landscaping, mixed with long stretches of barren, unmaintained land. Clearly there has not been a consistent application of the SR60 Design Manual criteria. In addition, and perhaps most importantly, Caltrans staff has indicated informally that they will not allow such improvements in the freeway right-of-way nor will they commit to any maintenance whatsoever.

ATTACHMENT 2

However, to the great benefit to the motoring public and the City, the approved HFCP project includes a high level of landscape treatment along SR60 that has never been seen in Moreno Valley. Millions of dollars are being spent to create an attractive edge to the project which will feature trees, shrubs and ground cover that has been designed to work in concert with the architecture of the future buildings to create a pleasant experience for the motoring public as they pass by the Highland Fairview Corporate Park site. This project landscaping will produce an edge treatment for SR60 far beyond that which was envisioned in the Design Manual.

The condition should be deleted.

2. **Multi-Use Trails**
   Existing Condition: Several conditions imposed on the TPM and the Plot Plan require the dedication and improvement of multi-use trails on the project site.

   Requested Action: Delete and/or modify all trail-related conditions to require that: 1) the project reserve the necessary land for potential future multi-use trails, 2) site grading provide for the future multi-use trails, 3) the multi-use trail areas be landscaped and maintained in a manner consistent with immediately adjacent areas until such time as the City purchases the land and constructs the multi-use trails, and 4) the on-going maintenance of the multi-use trails, when built, be borne by the City for the benefit of the public.

   Justification: There is a complete lack of nexus between the project and the requirement to dedicate and improve multi-use trails on the project site. The project creates absolutely no demand for these trails, therefore there is no nexus. The trails can be accommodated in the project design but the impacted land (or appropriate easements) should be acquired by the City, the trails should be constructed by the City and the trails should be maintained by the City. Further, there should be a sunset clause in the conditions such that if the City does not acquire the impacted land or easements within five years of the recordation of the Final Map for the project, the City's option to acquire the land or easements will expire.

3. **Dedication and Improvement of Public Improvements**
   Existing Conditions: The project approval contains dozens of conditions requiring the dedication and improvement of public facilities (streets, parkways, trails, etc.) far in excess of the demand which the project creates for such facilities.

   Requested Action: Modify all related conditions to require a fair-share contribution by the project for the dedication and improvement of all public infrastructure improvements. Improvement credits and Reimbursement Agreements should be entered into between the City and HF for any amount contributed in excess of its actual pro-rata share of such improvements.

Justification: These conditions fail to meet the requirement for a direct nexus between the project and required public improvements as required by law. Such conditions impose an unjust and decidedly unequal burden on some projects while other projects and the city benefit unfairly at the expense of one taxpayer.

Attached is a list of the conditions which are related to the changes requested above. Other conditions may be impacted as a result of our detailed discussions with staff.

We look forward to discussing these issues with staff, the Planning Commission and the City Council at the earliest possible opportunity. If questions arise during the City's review of this request, please do not hesitate to contact me directly.

Sincerely,

Iddo Benzeevi
President and CEO

Requested Changes to Conditions of Approval for TPM 35629
City Council Resolution 2009-10

SR 60 Landscaping

a) Delete Condition P14

Multi-Use Trails

a) Modify Condition LD68(b) to add: "Said multi-use trail easement shall be labeled 'future,' and is contingent upon City acquisition of said easement from the landowner."
b) Modify Condition LD68(c) to add, "The City will maintain all multi-use trails."
c) Modify Condition LD70(a)(viii) to add, "The future trail area shall be designed and graded with the project and shall be landscaped consistent with adjacent land. The City may acquire an easement for a multi-use trail from the property owner and construct and maintain a multi-use trail."
d) Modify Condition LD91 to add "(optional)" after the words "multi-use trail."
e) The entire set of Conditions of Approval from the Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired from the landowner by the City. The City shall be responsible for the construction and the maintenance of the multi-use trails.

Dedication and Improvement of Public Improvements

a) Modify Conditions LD2, LD4, LD27, LD46, LD65, LD66, LD68, LD70, LD78, LD90, LD91, LD93, TE17, TE18 and the Parks and Community Services Department conditions to add, "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedication and/or improvement obligations."

Requested Changes to Conditions of Approval for Plot Plan PA07-0091
City Council Resolution 2009-11

SR 60 Landscaping

a) Delete Condition P10

Multi-Use Trails

a) The entire set of Conditions of Approval from Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired by the City from the landowner. The City shall be responsible for the construction and the maintenance of the multi-use trails.

Dedication and Improvements of Public Infrastructure

a) Modify Condition PD80, PD81, PD82, PD83, PD84, PD85, LD43, LD44, LD66, TE3, TE11, TE13, TE14, TE15 TE18, and the Parks and Community Services Department conditions to add "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements."

CITY OF MORENO VALLEY
Public Works Department
Land Development

MEMORANDUM

To: Mark Gross, Case Planner

From: Clement Jimenez, Senior Engineer, 951.413.3121, clementj@moval.org

Date: February 11, 2010

Subject: PA09-0013; Second Review Comments

Project Information

Case Number:	PA09-0013	Related Case No:	PA07-0088 thru PA07-0091, P07-157 and P08-057
APN:	488-350-001 through 002 and 488-360-001 through 012		
Case Type:	GPA, Amended PP and Amended TM 35629 (Modification of Conditions)		
Environmental:	EIR		
Applicant:	Highland Fairview		
Owner:	Highland Fairview		
Representative:	Wayne Peterson		
Location:	N side of Eucalyptus, E of Redlands, W of Theodore and S of Highway 60		
Proposal:	A request to modify conditions of approval from the recently approved Highland Fairview Corporate Park Project and Tentative Parcel Map (PA07-0090) as well as Plot Plan (PA07-0091) to cover such items as the removal of Highway 60 landscape, removing a required multi-use trail along the project frontage and the modification of conditions related to the dedication and improvement of public improvements. A General Plan Amendment is required for removal of any multi-use trail.		

The following is the Land Development Division's response to Highland Fairview's letter dated February 8, 2010 addressed to Mark Gross, Senior Planner. Highland Fairview's letter states that some conditions, including some of those from Land Development, "fail to meet the requirements for a direct nexus between the project and required public improvements as required by law":

The Land Development Division is confident that the conditions of approval for both the tentative parcel map and plot plan meet the requirements of the City's Municipal Code. Furthermore, the conditions of approval as approved meet the nexus requirement of the law because the street improvements conditioned are consistent with the EIR Traffic Study and the Subdivision Map Act.

ATTACHMENT 3

Therefore, the Land Development Division does not support Highland Fairview's proposal to modify or make additions to wording of certain, specified Land Development conditions of approval.

Municipal Code Section 9.14.100 clearly states that developments are required to construct full half-width street improvements plus one lane in the opposite direction along the project frontage. The developer's request to only be financially responsible for his "fair share" is not in keeping with the intent of the Municipal Code. This would also create a significant amount of additional effort to determine and split associated costs, which are subjective and open to interpretation by all parties involved. All perimeter streets associated with the project are Development Impact Fee (DIF) program streets for which the developer may be eligible to receive credits and reimbursements for those ultimate, qualifying improvements. The Developer is not conditioned to construct ultimate improvements on Redlands Boulevard nor Theodore Street; only along Eucalyptus Avenue. It is important to note that the developer chose to create the tentative parcel map such that the entire width of Eucalyptus Avenue lies within the tentative parcel map boundary, that is to say that the south right-of-way line of Eucalyptus Avenue coincides with the south map boundary. Therefore, the developer was conditioned to construct full-width improvements on Eucalyptus Avenue. The developer is eligible for credits and reimbursements for qualifying improvements on Eucalyptus Avenue. The Land Development Division does not support additional reimbursements be given to the developer beyond that which the developer is eligible to receive through the DIF program.

However, the developer may choose to pursue reimbursement for other public improvements not covered by the DIF program (i.e. sewer/water and master storm drain), and suggests the developer contact Eastern Municipal Water District and Riverside County Flood Control and Water Conservation District respectively for any reimbursements available for the over-sizing of certain utilities associated with the construction of trunk sewer lines, water main lines, reclaimed water lines and flood control facilities.

For completeness, the following is a list of Land Development conditions of approval that Highland Fairview has requested to revise:

TPM 35629

SR 60 Landscaping

(a) P14: Land Development defers the response to this item to the Panning Division. Please note that COA LD65 and LD66 require that the developer establish and maintain a minimal level of landscaping sufficient to achieve adequate erosion and sediment control, and slope stabilization.

Multi-Use Trails

(a) LD68(b): The Land Development Division conditions of approval pertaining to the multi-use trail are consistent with Section 66475.1 of the Subdivision Map Act and the Parks and Community Services Department conditions of approval. Land Development does not recommend revising the conditions of approval to reference the trail as "future" unless otherwise agreed to by the Parks and Community Services Department. It is important to note that the 20-foot wide easement area includes a multi-use trail and sidewalk. Regardless of the disposition of the trail, an easement will be required for the sidewalk which is to be constructed by the developer and maintained by the City.

(b) LD68(c): The Land Development Division agrees to the requested additional language to include the statement "The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c), with the

concurrence of the Parks and Community Services Department.

(c) LD70(a)(viii): The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

(d) LD91: The Land Development Division does not agree with the addition of the word "optional" after the word "trail", as construction of the trail is not optional, unless the Condition of Approval is otherwise revised by the Parks and Community Services Department.

(e) All Parks COAs: The Land Development Division feels that the approved conditions of approval are consistent with Section 66475.1 of the Subdivision Map Act, but will yield to the direction provided by the Parks and Community Services Department on the matter of differentiating between bike trail and multi-use trail. The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including a multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail consistent with the conditions of approval from the Parks and Community Services Department. The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

Dedication and Improvement of Public Improvements

(a) LD2, LD4, LD27, LD46, LD65, LD66, LD68, LD70, LD78, LD90, LD91, LD93, TE17, TE18 and All Parks COAs: The noted conditions of approval pertaining to the dedication necessary for roadway and public trails are consistent with Sections 66475 and 66479 of the Subdivision Map Act, the City of Moreno Valley Municipal Code, General Plan Circulation Element and the typical conditions placed upon any development frontage within the City. Land Development does not recommend modifying these conditions of approval.

<u>Plot Plan PA07-0091</u>

SR 60 Landscaping

(a) P10: Land Development defers the response to this item to the Panning Division. Please note that COA for TPM 35629 LD65 and LD66 require that the developer establish and maintain a minimal level of landscaping sufficient to achieve adequate erosion and sediment control, and slope stabilization.

Multi-Use Trails

(a) All Parks COAs: The Land Development Division feels that the approved conditions of approval are consistent with Section 66475.1 of the Subdivision Map Act, but will yield to the direction provided by the Parks and Community Services Department on the matter of differentiating between bike trail and multi-use trail. The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the

trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

Dedication and Improvement of Public Improvements

(a) LD43, LD44, LD66, TE3, TE11, TE13, TE14, TE15, TE18 and All Parks COAs: The noted conditions of approval pertaining to the dedication necessary for roadway and public trails is consistent with Sections 66475 and 66479 of the Subdivision Map Act, the City of Moreno Valley Municipal Code, General Plan Circulation Element and the typical conditions placed upon any development frontage within the City. Land Development does not recommend modifying these conditions of approval.

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

March 18, 2010

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

SUBJECT: Highland Fairview Corporate Park – TPM 35629, Condition P14

Dear John,

When Brian and I met with you and Mark Gross on February 17th to discuss a Lot Line Adjustment proposal for the Highland Fairview Corporate Park (HFCP) project, we also discussed the proposed landscaping along the future SR60 right-of-way (TPM Condition P14). We discussed the details of the grading of the future right-of-way and Caltrans' refusal to allow any landscaping, irrigation or maintenance within its right-of-way. We discussed the concept of installing a decorative, low-maintenance hydroseeded landscape treatment within the future dedication area and Highland Fairview (HF) agreed to present a proposal along those lines to satisfy the intent of Condition P14.

Attached for your review is an exhibit that illustrates the location of the future freeway dedication area in relation to existing SR60 and the future HFCP project. The exhibit also includes a typical section indicating post-grading elevations and the area to be hydroseeded.

Also attached is information from S & S Seeds, Inc., a California seed supplier that specializes in native plants materials for landscape and erosion control purposes. HF proposes to apply the "Southwest Desert Wildflower Seed Mix" to the future dedication area, resulting in "bright, showy, spring flowers that will re-seed year after year, with or without irrigation." We are confident that this proposal meets the intent of TPM Condition P14 and would request your concurrence.

Thank you for your continued assistance.

Sincerely,

Wayne

Wayne Peterson
Vice President, Community Planning

ATTACHMENT 4

About S&S Seeds, Inc
S&S Services
Newsletter
Contact Us
Wildflower/Shrub Mixes
Reclamation/Erosion
Grass (Native & Turf)
Ground Cover Mixes
Pasture Mixes
Plant Database
Erosion Control
BMP's Cost vs. Benefit
Request Information
Seed Store

Welcome to SSSeeds.com!

S&S Seeds, Inc.
P.O. Box 1275
Carpinteria, CA
93014-1275

(805) 684-0436
(805) 684-2798 fax

We are a wholesale company providing wildflower, grass and California native plant seeds for Reclamation, Erosion Control and Landscape projects.

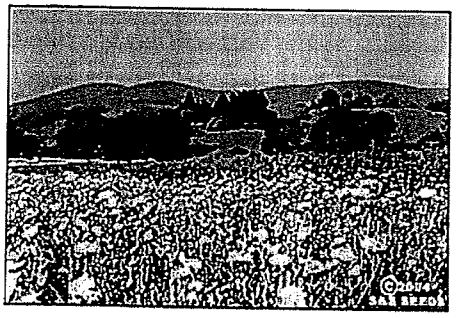

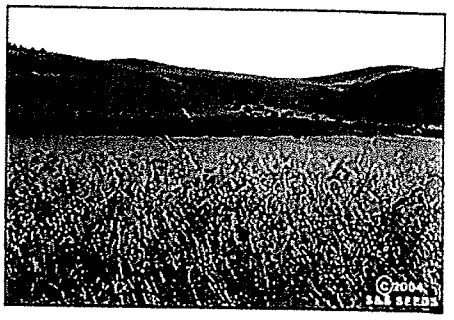

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We are now a distributor of Terra Novo, Inc.'s **EARTHGUARD®** and **ULTRATACK™** soil erosion control products

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We are now a distributor for Greenfix America! Their products are designed to meet a complex variety of erosion control and vegetation problems. For slope protection, channel lining, reclamation, turf reinforcement and specialized landscaping, Greenfix America has a product that provides the solutions.

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MV00055667

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93014-1275

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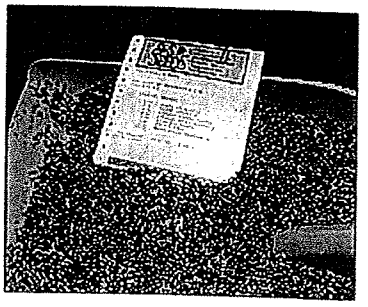

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View details on S&S Services available.

Ornamental, Flowering, Ground Cover & Shrubs Mix

A mixture of annual and perennial species well adapted to coastal and coastal inland conditions. Will provide many months of spring color with or without irrigation. Grows 2' - 3' tall.

California Native Seed Mix

A mixture of annual and perennial wildflowers and native shrubs. May be used for irrigated or non-irrigated sites. Will flower most of the year when irrigated. Grows 2' - 3' tall with shrubs up to 4' tall.

Intermountain Wildflower Seed Mix

A mixture of annual and perennial species. Can be used by itself or in conjunction with grasses and shrubs. Best in full sun or light. Grows 2' - 3' tall.

Low Profile Seed Mix

A mixture of low growing annual and perennial flowers. Will provide bright spring color in non-irrigated settings or flower color year round when irrigated. Grows 1' - 2' tall.

Shady Wildflower Seed Mix

A mixture of annual and perennial wildflowers which provides bright spring colr in shady or partially sunny sites. Flowering will be nearly continuous if irrigated. Grows 2' - 3' tall.

Southwest Desert Wildflower Seed Mix

A hardy mixture of annual species. Will grow bright, showy, spring flowers that will reseed year after year, with or without irrigation. Grows 1' - 2' tall.

Seed Mixes: Wildflowers | Turfgrasses | Reclamation / Erosion

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Southwest Desert Wildflower Mix

Southwest Desert Wildflower Mix

This hardy mixture of 12 annual species will provide bright, showy spring flowers that will reseeds year after year, with or without irrigation. Numerous perennial species are available to add to this mixture, if desired.

Mix contains:

- *Castilleja exserta* (Owl's Clover)
- *Centaurea cyanus Dwarf* (Corn Flower)
- *Clarkia amoena* (Farewell to Spring)
- *Dimorphotheca sinuata* (Africa Daisy)
- *Eschscholzia californica* (California Poppy)
- *Lasthenia californica* (Dwarf Goldfields)
- *Layia platyglossa* (Tidytips)
- *Linum grandiflorum rubrum* (Scarlet Flax)
- *Lupinus bicolor* (Pigmy-leaved Lupine)
- *Nemophila menziesii* (Baby Blue Eyes)
- *Papaver rhoeas* (Flanders Poppy)
- *Phacelia campanularia* (California Bluebells)

Seeding rate: 20 lbs per acre

Height range: 12-24 inches

Price is for one pound.

Product ID: sou_des_wil

1

Price: $ 45.00

Catalog Front Page

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Contact Information
S&S Seeds, Inc.
6155 Carpinteria Ave
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Customer Care
S&S Seeds, Inc.
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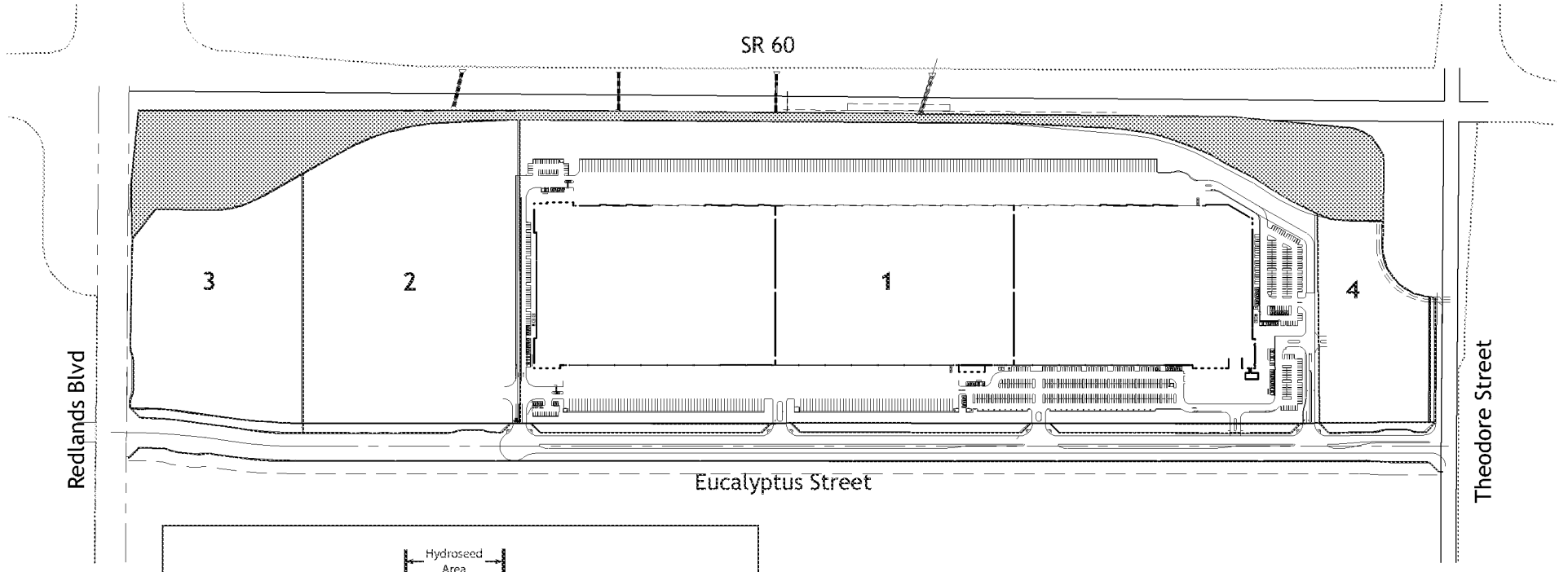

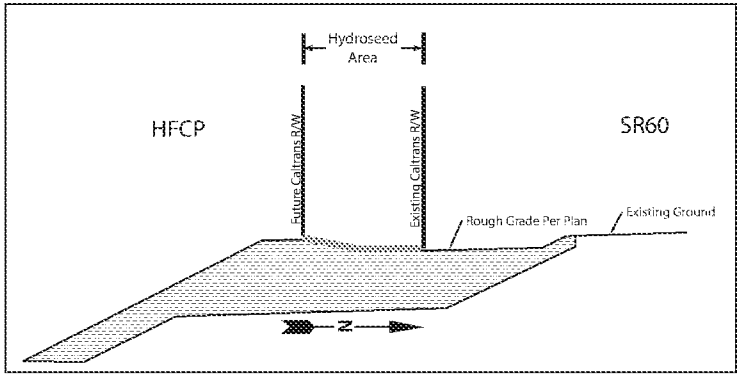

Hydro Seed Notes:

- Proposed seed to provide a mix of flowers, require no irrigation and regenerate each year.
- Proposed application rate per acre:
  - 2000 lb fiber mulch
  - 400 lb commercial fertilizer
  - 180 lb binder
  - 25 lb low profile wild flowers

Not to scale
March 5, 2010

Caltrans Right-of-Way Landscape Exhibit

Highland Fairview Corporate Park
Rancho Belago, Ca 92555

P:/Highland Fairview Corporate Park/Design/HF Work/Caltrans Right-of-Way Landscape Exhibit

MV00055670

MORENO VALLEY
WHERE DREAMS SOAR

Public Works
Transportation Engineering Division

MEMORANDUM

To: Mark Gross, Senior Planner

From: Michael Lloyd, Senior Engineer

Date: April 19, 2010

Subject: **Review Comments for PA09-0013 – Request to Revise Conditions of Approval for Project PA07-0088 through 0091, P07-157, and P08-057.**

Transportation Engineering Division - Review Comments

Per the April 19, 2010 meeting with Highland Fairview regarding the conditions of approval for PA07-0088 through 0091, P07-157, and P08-057, the Transportation Engineering Division has reviewed the request to add "fair share" language to conditions P80 through P85. As you are aware, conditions P80 through P85 are the Mitigation Measures MM TT-1 through MM TT(C)-3 from the EIR. The following is our response to each condition:

- P80: MM TT-1 was included in the EIR to mitigate the direct impacts of additional truck traffic due to Phase 1 of the proposed project. A "fair share" contribution in substitution of the project applicant constructing the turn lane additions would contradict the findings of the EIR and not satisfy the intent of the mitigation measure.
- P81: MM TT-2 addresses future phase impacts at the SR-60 interchanges with Theodore Street and Redlands Boulevard. Both the mitigation measure and the condition specifically states "the project applicant shall contribute to the costs of the interim intersection improvements… said contribution shall be on a fair-share basis."
- P82: MM TT-3 addresses the intersection of Redlands Boulevard at Eucalyptus Avenue. The improvements required shall be determined based upon the findings of the supplemental traffic study identified in MM TT-2. The improvements that will be necessary at the Redlands Boulevard and Eucalyptus Avenue intersection are a direct result of the project and are therefore mitigation to a direct impact. A "fair share" contribution in substitution of the project applicant constructing the intersection improvements would contradict the findings of the EIR and not satisfy the intent of the mitigation measure.
- P83: MM TT(C)-1 is a repeat of MM TT-1.

MV00055671

- P84: MM TT (C)-2 addresses cumulative impacts along Redlands Boulevard. The condition states "the project shall participate on a fair share basis."
- P85: MM TT(C)-3 addresses cumulative impacts at the SR-60 ramps to/from Redlands Boulevard and Theodore Street. The condition states "the developer shall contribute to the costs on a fair share basis."

Therefore, it is the Transportation Engineering Division's recommendation that conditions P80 through P85 **not** be modified. Conditions P81, P84, and P85 already contain fair share language as appropriate. Conditions P80, P82, and P83 are a result of direct impacts due to the project, and a fair share contribution in place of the applicant providing the specified improvements would contradict the findings of the EIR and not satisfy the intent of the mitigation measures.

MV00055672

Michael Brandman Associates

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April 22, 2010

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: **Highland Fairview Corporate Park – CEQA Evaluation of Proposed Revisions to Conditions of Approval**

Dear Mr. Terell:

Michael Brandman Associates (MBA) has reviewed Highland Fairview's request to delete or revise various Conditions of Approval as applied to the Highland Fairview Corporate Park project. Pursuant to the City's request, we offer the following comments regarding the implications of this request with respect to the certified EIR for Highland Fairview Corporate Park.

SR60 Landscaping

Condition of Approval P14 on Tentative Parcel Map TPM 35629 (Resolution 2009-10) requires the preparation and processing of plans for the installation of landscaping and irrigation within the SR60 right-of-way adjacent to the project site in compliance with the SR60 Design Manual. Highland Fairview has requested the deletion of this condition for reasons cited in their February 8, 2010 letter to the City.

To reduce the project impact on scenic vistas and visual character, the EIR included the following mitigation measure:

Mitigation Measure MM A-2.

> *Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternate treatment measures may include, but not be limited to the following:*
> - *Use of color; or*
> - *Texture variation; or*
> - *Roof line variation.*

The EIR at Exhibits 5.1-10 and 5.1-11 included view sections and elevations to illustrate conceptual treatments that would effectively implement MM A-2. MM A-2 does not require installation of landscaping consistent with the "State Highway 60 Corridor Design Manual". The removal of Condition of Approval P14 on TPM 35629 would not raise any substantial new scenic or visual issues and would not conflict with the EIR. Once implemented by the City through the adopted Mitigation Monitoring Program, on-site landscaping included with the project will satisfy MM A-2. No changes to the EIR are needed.

ATTACHMENT 6

Multi-Use Trails

Several conditions imposed on the TPM and the Plot Plan requires the dedication and improvement of multi-use trails on the project site. Highland Fairview has requested that those conditions be modified to require the project to set aside the land and do the grading for the trails, and have the City install and maintain the actual trail improvements. Highland Fairview has requested this change for reasons cited in their February 8, 2010 letter to the City. The EIR references the provision of a multi-use trail on the project site in two locations as follows:

1) The EIR at Project Design Features for Green Building Section 3.3.4 (page 3-26) references a multi-use trail as follows:

- "The project's circulation system will include a multi-use trail on the northern portion of the future Eucalyptus Avenue."

2) The EIR in Land Use and Planning, Project Impacts Section 5.9.4 (p.5.9-17, last paragraph), references this same multi-use trail as a design feature to offset impacts as follows:

> "To offset the removal of the Sinclair Avenue crossing segment from the Master Plan of Trails, the proposed project includes as a design feature a multi-use trail along the north side of new Eucalyptus Avenue from Redlands Boulevard to Theodore Street."

The analysis that follows in the EIR relies upon the implementation of this trail to establish consistency with the adopted Master Plan of Trails. Highland Fairview's proposed change has to do with responsibility for the physical construction of the trail and its on-going maintenance, and the proposed change would not have an impact on the physical environment in that the land area for the trail would still be dedicated and graded by Highland Fairview. Provided that this trail is ultimately built, no conflict with the findings of the EIR is apparent.

Other Dedications and Public Improvements

It is our understanding that Highland Fairview also requests modifications to various conditions requiring dedication and improvement of public facilities (streets, parkways, trails, etc.). The request involves modifying such conditions to require a fair-share contribution by the project for dedication and improvement of public infrastructure. Provided that the language in EIR Traffic Mitigation Measures MM TT-1 through MM TT-3, and MM TT(C)-1 through MM TT(C)-3, does not change with respect to improvement responsibilities, we see no inconsistencies with the EIR associated with Highland Fairview's request. As there are no other infrastructure provision mitigation measures in the EIR and Mitigation Monitoring Program, the identification of responsibility for other public improvements is moot and falls back to the Conditions of Approval completely. No changes to the EIR are needed.

In summary, MBA concludes that the certified EIR remains adequate for the overall project and the proposed changes to the conditions that apply to SR 60 landscaping, multi-use trails and all proposed changes related to dedications and improvements conditions.

If you have any questions in this regard, please contact me directly at 714.508.4100.

Sincerely,

Thomas F. Holm, AICP, Principal/Vice President Environmental Services
Michael Brandman Associates
220 Commerce, Suite 200
Irvine, CA 92602

TFH:jwi
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CITY OF MORENO VALLEY
FINAL CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP No. 35629
Case No: PA07-0090 - To include P08-057 (Phasing Plan)
A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.

Approval Date: **February 10, 2009**
Expiration Date: **February 10, 2112**

The following conditions are attached for the following departments:

_x_ Planning (P), including School District (S), Post Office (PO), Building (B)
_x_ Fire Prevention Bureau (F)
_x_ Public Works, Land Development (LD)
_x_ Public Works, Special Districts (SD)
_x_ Public Works – Transportation (TE)
_x_ Parks & Community Services (PCS)
_x_ Police (PD)
_x_ Moreno Valley Utilities
___ Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

ATTACHMENT 7

P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.

P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigtion plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)

P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)

P12. ((GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

P14. **(GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)**

P15. **A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **(GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**

P17. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)**

P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)

P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)

P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)

P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- **The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**

- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
(Advisory)

LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD55. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.

LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.

c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.

d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.

e. At proposed pavement transitions at edge of pavement.

f. As required by the City Public Works Inspector(s).

LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across

Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.

LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.

LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

LD67. (MA) Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

   i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

   ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

   iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

   iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

   v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

   vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

   vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.

LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.

LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.

LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD84. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD85. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD86. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD87. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD88. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.

LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

Phase 3 – Development Associated with Parcel 3 of PM 35629

In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.

LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Tentative Parcel Map

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0090 (Map).** This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

CITY OF MORENO VALLEY
FINAL CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)
APN: 488-350-001 through 002 and 488-360-001 through 012.

APPROVAL DATE: **February 10, 2009**
EXPIRATION DATE: **February 10, 2012**

_x_ **Planning (P), including School District (S), Post Office (PO), Building (B)**
_x_ **Fire Prevention Bureau (F)**
_x_ **Public Works, Land Development (LD)**
_x_ **Public Works, Special Districts (SD)**
_x_ **Public Works – Transportation Engineering (TE)**
_x_ **Parks & Community Services (PCS)**
_x_ **Police (PD)**
_x_ **Moreno Valley Utilities**
___ **Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of

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Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation
WP - Water Improvement Plans
GP - Grading Permits
BP - Building Permits
CO - Certificate of Occupancy or building final
P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan
Ord - Ordinance
Res - Resolution
MC - Municipal Code
DG - Design Guidelines
UFC - Uniform Fire Code
SBM - Subdivision Map Act
CEQA - California Environmental Quality Act
Ldscp - Landscape Development Guidelines and Specs
UBC - Uniform Building Code

ATTACHMENT 8

the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**

P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way**

adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**

P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**

P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)

P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

PRIOR TO BUILDING PERMITS

P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas

meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)

P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)

P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)

P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12

parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's

Landscape Development Guidelines. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.

P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)

P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.

P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.

P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required.

P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.

P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)

P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)

P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)

P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.

P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften

views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following:

- Use of color; or
- Texture variation; or
- Roof line variation.

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- Application of water on disturbed soils a minimum of three times per day;
- Covering haul vehicles;
- Replanting disturbed areas as soon as practical;
- Restricting vehicle speeds on unpaved roads to 15 mph;
- Suspension of all grading activities during high wind speeds in excess of 25 mph.
- A Large Operation notification shall be submitted to the SCAQMD prior to construction.
- Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.
- Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.
- Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.
- Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting

grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.

P39. MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.

P40. MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.

P41. MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.

P42. MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.

P43. MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch

services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.

P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.

P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.

P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:

a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and

b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.

P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner

acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

P51. MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.

P52. MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.

P53. MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.

P54. MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.

P55. MM AQ-18. Food services shall be provided onsite.

P56. MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.

P57. MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.

P58. MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.

P59. MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.

P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required

for Impact 5.4-5 and 5.4-6.

P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.

P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:

1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;
2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;
3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.
4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and
5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.

P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.

P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities

monitored by the Project Archaeologist.

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.
2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,
4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the

landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.

P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.

P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.

P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.

P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.

P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner

acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)

P75. MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.

*P76. MM N-2. No nighttime grading or construction within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 8 p.m., Monday through Friday. No grading or construction activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading or construction shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 8 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street

to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P81. MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.

P82. MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.

P83. MM TT(C)-1. (CO) Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P84. MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange

improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

P85. MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.

P86. MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:

- The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.
- Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.
- Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.
- All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").
- Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.

- All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.
- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
- The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).

P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.

P88. MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."

P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.

P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.

P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:

a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.

c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.

d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.

e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.

P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.

P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A

similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

P95. MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.

P96. MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.

P97. MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building

occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required. (Advisory)

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process. (Advisory)

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project. (Advisory)

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. (Advisory)

*** Modified by the City Council at their meeting on 2/10/09**

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site. (Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)

LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD50. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD51. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD52. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD53. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.

LD54. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD55. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.

LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 (Plot Plan).** This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

RESOLUTION NO. 2010-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF MODIFICATIONS OF VARIOUS CONDITIONS OF APPROVAL (P09-038) FOR PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) GENERALLY LOCATED NORTH OF FUTURE EUCALYPTUS AVENUE (FIR AVENUE) ADJACENT TO AND SOUTH OF HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, had filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3). The project included four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located north of future Eucalyptus Avenue (Fir Avenue) adjacent to and south of Highway 60, between Redlands Boulevard and Theodore Street;

WHEREAS, on February 10, 2009, the City Council approved the applicant's request for the abovementioned project;

WHEREAS, also on February 10, 2009, a Project Environmental Impact Report (EIR) was certified by the City Council subject to the provisions of Section 15161 of the California Environmental Quality Act (CEQA) Guidelines. Based on a recent request by the applicant to modify conditions of approval related to Highway 60 landscape, timing and responsibility of a required General Plan multi-use trail and modification of various conditions of approval for the dedication and construction of public improvements, staff has determined that the project is within the scope of the original project EIR, and a subsequent project EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines). The proposed modification of project conditions will not create any further physical changes to the site or environment.

ATTACHMENT 9

MV00055748

WHEREAS, on February 8, 2010, the applicant submitted a revised request for various proposed modifications of conditions to the originally approved project by City Council;

WHEREAS, on May 11, 2010, the City Council reviewed and conducted a public hearing on the request.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting May 11, 2010, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed modification of original project conditions of approval is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: Tentative Parcel Map No. 35629 was approved on February 10, 2009 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map was consistent with a proposed General Pan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to

Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir Avenue), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3.

The proposed modification of conditions for an interim landscape pallet to allow an erosion control hydroseed mix until such time as the parcels are transferred to the City or Caltrans, timing and responsibility of the required multi-use trail and modification of various Public Works conditions of approval for dedication and improvement of public improvements are consistent with General Plan policies.

2. The modified project conditions of approval for the approved land division are physically suitable for the type of development and proposed density of development.

   FACT: The proposed subdivision was designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act and complied with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code. All proposed modification of approved project conditions would not change the approved land division.

3. Health, Safety and Welfare – The proposed modification of original project conditions of approval will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: An Environmental Impact report (EIR), findings and a Statement of Overriding Considerations were originally approved and certified for the project. A Mitigation Monitoring Program was also adopted, which ensured the completion of required mitigation measures for the project.

   The proposed modification of conditions for modification of Highway 60 landscape to include a hydroseed mix, timing and responsibility of a required multi-use trail and other modifications to various Land Development conditions of approval for dedication and improvement of public improvements is consistent and within the scope of the previous certified project Environmental Impact Report (EIR).

The proposed modification of project conditions would also not be detrimental to the public health safety or welfare or materially injurious to properties or improvements in the vicinity.

4. The proposed modification of conditions for the originally approved project will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division.

   FACT: The City Engineer originally placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements, while proposed project modification of conditions would not conflict with any easements.

5. The proposed modification of conditions for the originally approved project is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

   FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, an Environmental Impact Report (EIR) was certified for the original Highland Fairview Corporate project while findings and a Statement of Overriding Considerations was also approved for said project. A Mitigation Monitoring Program was also approved, which had and will ensure the completion of required mitigation measures for the project.

   The proposed modification of conditions for an interim landscape pallet to include an erosion control hydroseed mix, timing and responsibility of a multi-use trail and modification to various Land Development conditions of approval for dedication and improvement of public improvements is consistent with the original EIR. The proposed modification of project conditions would not be detrimental to the public health safety or welfare or cause environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems and are within the scope of the previous certified project Environmental Impact Report.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The originally approved map met the intent of the General Plan with the approved General Plan Amendment (PA08-0089). The map approval provided for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The proposed modification of project conditions will not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan and will not exceed a threshold, which would create potential significant impacts to fiscal resources.

7. The proposed modification of conditions for the originally approved project design and subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The proposed modification of project conditions of approval will not affect size, configuration and orientation of the lots in this land division and will allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The proposed modification to original project conditions of approval conforms to any applicable provisions of the City's redevelopment plan.

FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions for the original project. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF),Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities

in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future).. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The approved Conditions of Approval for PA07-0090, and the modification of conditions under P09-039 (Modification of conditions) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2010-_____, **APPROVING** P09-038 for the modification of various project conditions of approval for the originally approved project tentative map PA07-0090 (Tentative Tract Map No. 35629) consisting of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes for warehouse industrial, retail, and freeway dedication purposes, while the proposed condition modifications are consistent and within the scope of the previous certified project Environmental Impact Report, subject to the attached modified conditions of approval included as Exhibits A (Strikeout/Underlined) and B (Clean Copy) to this resolution.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

MV00055755

Exhibit A

P09-038

Modification of Conditions of Approval for PA07-0090 Tentative Parcel Map No. 35629-(Strikeout/Underline Version)

Land Development Division modified conditions of approval

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels. <u>The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping as aforementioned, with the concurrence of the Parks and Community Services Department.</u>

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above. <u>The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development Condition LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and</u>

acceptance of all improvements, with the exception of the landscaping per LD68(c).

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

Planning Division modified conditions of approval

P14. Prior to the approval of any precise grading permits, the developer shall submit ~~final landscape and irrigation plans within State Route 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval (MC.14.100)~~ written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

Exhibit B

P09-038

Modification of Conditions of Approval for PA07-0090, Tentative Parcel Map No. 35629 (Clean Copy Version)

<u>Land Development Division modified conditions of approval</u>

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

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j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

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i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

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b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

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Planning Division modified conditions of approval

P14. Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

RESOLUTION NO. 2010-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING VARIOUS MODIFICATION OF PROJECT CONDITIONS OF APPROVAL (P09-039) FOR PA07-0091 (PLOT PLAN) GENERALLY LOCATED NORTH OF FUTURE EUCALYPTUS AVENUE (FIR AVENUE) ADJACENT TO AND SOUTH OF HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, had originally filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located generally north of future Eucalyptus Avenue (Fir Avenue) adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street;

WHEREAS, on February 10, 2009, the City Council approved the application;

WHEREAS, also on February 10, 2009, a Project Environmental Impact Report (EIR) was certified by the City Council subject to the provisions of Section 15161 of the California Environmental Quality Act (CEQA) Guidelines. Based on a recent request by the applicant to modify conditions of approval related to Highway 60 landscape, timing and responsibility of a required General Plan multi-use trail and modification of various conditions of approval for the dedication and improvement of public improvements, staff has determined that the project is within the scope of the original project EIR, and a subsequent project EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines). The proposed modification of project conditions will not create any further physical changes to the site or environment.

WHEREAS, on February 8, 2010, the applicant submitted a revised request for various proposed modifications of conditions to the originally approved project by City Council;

WHEREAS, on May 11, 2010, the City Council reviewed and conducted a public hearing on the request.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

ATTACHMENT 10

MV00055766

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to the City Council during the meeting on May 11, 2010, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed modification of original project conditions of approval is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project was approved for an approximate 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposed modification of conditions for an interim landscape pallet to allow an erosion control hydroseed mix until such time as the parcels are transferred to the City or Caltrans, timing and responsibility of the required multi-use trail and modification of various Public Works conditions of approval for dedication and improvement of public improvements are consistent with General Plan policies.

2. **Conformance with Zoning Regulations** – The proposed modification of the original project conditions of approval complies with all applicable zoning and other regulations.

   FACT:. The proposed modification of conditions for an interim landscape pallet to include an erosion control hydroseed mix, possible timing and responsibility of an easement and construction of a required multi-use trail along the project frontage and modification of various Public Works conditions of approval for dedication and improvement of public improvements is consistent with current zoning of LI (Light Industrial) at the site.

3. **Health, Safety and Welfare –** The proposed modification of the original project conditions of approval will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR), findings and a Statement of Overriding Considerations were originally approved and certified for the project. A Mitigation Monitoring Program was also adopted, which ensured the completion of required mitigation measures for the project.

The proposed modification of conditions for modification of Highway 60 landscape to include a hydroseed mix, timing and responsibility of a required multi-use trail and other modifications to various Land Development conditions of approval for dedication and improvement of public improvements is consistent and within the scope of the previous certified project Environmental Impact Report (EIR).

The proposed modification of project conditions would also not be detrimental to the public health safety or welfare or materially injurious to properties or improvements in the vicinity.

4. **Location, Design and Operation –** The modification of the original project conditions of approval will be compatible with existing and planned land uses in the vicinity.

FACT: Surrounding land uses include primarily Highway 60 to the north, vacant commercial land uses to the west along Highway 60, vacant business park uses to the east along Highway 60 and scattered built and vacant R3 (Residential 3) single-family residential properties to the east, southwest and south of the site. The location, design and operation of the original project as well as the proposed modification of project conditions will be compatible with existing and planned land uses in the general vicinity and with design of the plot plan and architecture of the buildings.

5. The proposed modification of original project conditions of approval conforms to any applicable provisions of the City's redevelopment plan.

FACT: The project site does not reside in a redevelopment area or within the designated plan area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions for the original project. These fees may include but are not limited to: Development impact fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future). The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The approved Conditions of Approval for PA07-0091 (Master Plot Plan) and modification of conditions under P09-039 (Modification of conditions) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it

revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2010-____, **APPROVING** P09-039 amending various conditions of approval of PA07-0091 (Plot Plan) for an originally approved 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses, while the proposed modifications are consistent and within the scope of the previous certified project Environmental Impact Report, subject to the attached modified conditions of approval included as Exhibit A (Strikeout/Underlined) and B (Clean Copy) to this resolution.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Exhibit A

P09-039

Modification of Conditions of Approval for PA07-0090, Plot Plan- (Strikeout/Underline Version)

Planning Division modified conditions of approval

P10. Prior to the approval of any precise grading permits, the developer shall submit ~~final landscape and irrigation plans within State Route 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval (MC.14.100)~~ written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

Exhibit B

P09-039

Modification of Conditions of Approval for PA07-0091, Plot Plan (Clean Copy Version)

<u>Planning Division modified conditions of approval</u>

P10. Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

CITY OF MORENO VALLEY
Community Development Department
Planning Division

MEMORANDUM

To: Mayor and City Council

From: Mark Gross, AICP, Senior Planner via John Terell, AICP, Planning Official

Date: May 10, 2010

Subject: Additional attachment for Item E2 on the May 11, 2010 City Council Meeting Agenda

The Planning Division is providing a draft copy of the Recreational Trails Board meeting minutes for March 24, 2010. Please include as an additional attachment to the staff report under separate cover for Item E2 on the May 11, 2010 City Council meeting agenda.

If you should have any questions on the attached document, please contact Mark Gross at Extension 3215.

Approved by: Kyle A. Kollar, Interim Community Development Director

MG

Attachment

Markg/2009/P09-038-039/ CC Memo to include Trails Board Minutes

MINUTES
CITY OF MORENO VALLEY
RECREATIONAL TRAILS BOARD
REGULAR MEETING – 7:00 P.M.
March 24, 2010

CALL TO ORDER

The regular meeting of the City of Moreno Valley Recreational Trails Board was called to order by Chair Nelson at 7:00 p.m. on March 24, 2010 at the Moreno Valley Conference and Recreation Center, 14075 Frederick Street, Moreno Valley, California.

ROLL CALL

Present: Gilbert Brooks
Jennifer Chandler *
Jackie LeSan
Radene Ramos Hiers
Kim Nelson, Chairperson

Absent: Margie Breitkreuz
Brenda Jackson, Vice Chairperson

Staff: Steve Kupsak
Mark Gross
Tony Hetherman
Kathy Savala

Applicant: Iddo Benzeevi
Wayne Peterson
Jerry Stephens

**Arrived at 7:05 p.m.*

A. CONSENT CALENDAR

A1. ADOPTION OF RECREATIONAL TRAILS BOARD MEETING MINUTES OF JANUARY 27, 2010
Recommendation: The Recreational Trails Board adopts the meeting minutes and receives the report for file.

Motion by Board Member LeSan, seconded by Board Member Hiers that the Board receive and file report A1. Call for the vote: 4 Ayes, 0 Noes, 3 Absent.

B. ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION FOR SEPARATE ACTION

A2. PARKS AND COMMUNITY SERVICES DIRECTOR'S REPORT

Recommendation: The Recreational Trails Board receives the report for file.

Board Member LeSan requested information about the monopine at the Cottonwood Equestrian Station Cell Tower.

Motion by Board Member LeSan, seconded by Board Member Hiers that the Board receive and file report A2. Call for the vote: 4 Ayes, 0 Noes, 3 Absent.

C. DISCUSSION CALENDAR

C1. HIGHLAND FAIRVIEW – PROPOSED REVISIONS TO CONDITIONS OF APPROVAL
Recommendation: The Recreational Trails Board receives the report for file.

Iddo Benzeevi, Applicant, discussed his firm's request that several conditions of approval related to the dedication and improvement of the multi-use trail on the Highland Fairview project site be deleted or modified. Mr. Benzeevi discussed his justification that there is no nexus between the project and the requirement to dedicate and improve multi-use trails on the project site, and does not feel his firm should be responsible for the financial commitment to build the trails citing the current economic climate.

The Board questioned Mr. Benzeevi regarding why he wanted them to change their recommendation to City Council.

The Board reached consensus to uphold their recommendation of January 23, 2008 and recommend City Council deny modification of the approved conditions of approval to remove the multi-use trail or make it a responsibility of the City to acquire the trail easement and construct trail improvements.

Motion by Board Member Chandler, seconded by Board Member LeSan that the Board recommend City Council deny the request to modify approved conditions of approval. Call for the vote: 5 Ayes, 0 Noes, 2 Absent.

MV00055776

PUBLIC COMMENTS

None.

CLOSING COMMENTS

Staff

Steve Kupsak introduced new Board Member Vivian Johnswhye-Brock.

Mr. Kupsak discussed:

- The public's continuing use of Moreno Valley Equestrian Center and the Dog Park.
- The trails grant and advised it was still being reviewed.
- Meeting the new Park Superintendent at Lake Perris.

Board

Board Member Brooks said he was injured and might not be able to participate in the Hike to the Top on March 27, 2010.

The Board brought the following items to staff's attention:

- MVEC - there is no water to the area above the arena so a valve must be shut off somewhere.
- MVEC - Sue Gilchrest is no longer volunteering but they will be happy to volunteer.
- MVEC - There is erosion in the vicinity of the concrete culvert area just east of the arena near the entry to the large concrete pipe.
- MVEC - When entry gate off of Locust is closed, vehicles hauling horse trailers do not have an advanced notice. Backing up or turning around is a bit of an issue. Posting a sign during closures may help in letting the drivers know to use the Redlands Boulevard entry.

ADJOURNMENT

The meeting was unanimously adjourned at 7:58 p.m. to the next regular meeting of May 26, 2010 at 7:00 p.m. at the Conference and Recreation Center.

Submitted by:	Submitted by:	Submitted by:
Steve Kupsak Parks Maintenance Division Manager	Kathy Savala Recording Secretary	Kim Nelson Chairperson

MV00055777

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Interim Financial & Administrative Services Director

AGENDA DATE: May 11, 2010 (Continued from April 27, 2010)

TITLE: PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

BACKGROUND

The guiding principle behind user fee cost recovery, as established in the California Government Code, is that a jurisdiction is entitled to recover the estimated reasonable cost of providing a service for which a fee is charged, but not to recover more than its estimated reasonable cost. The City's Fee Schedule is based upon this principle.

In 2005, a comprehensive review of the City's user fee structure and cost recovery policies was conducted with the assistance of the consulting firm DMG-Maximus. Building & Safety fees were excluded from this review and are based on an earlier study conducted by DMG-Maximus in 1999. One of the major policy decisions approved by the City Council in 1999, and which has continued to the present, is to adjust user fees each year based on the year-over-year change in February Consumer Price Index (CPI), All Items, for Los Angeles-Riverside-Orange County. This policy of adjusting fees based on the annual change in CPI provides a mechanism for user fees to be adjusted annually to keep pace with inflationary cost increases incurred by the City without the need for a comprehensive review of fees each year.

DISCUSSION

Although the City's user fees, in general, are adjusted based on the annual change in CPI, the annual process for establishing the recommended Fee Schedule provides City departments the opportunity to recommend other actions, as appropriate, with respect to their fees. Department fee recommendations may include a number of different actions including the following:

1. Adding new fees as recommended;
2. Deleting certain fees that are no longer applicable;
3. Moving a certain fee from one department/program to another to reflect changes in program oversight;
4. Revising a fee description to more accurately reflect the nature of the service provided;
5. Recommending a fee adjustment different than CPI if the cost of providing the service has materially changed in the past year; and
6. Recommending a different methodology for charging a given fee to achieve more equitable cost recovery.

In order to ensure consistency among departments, all new fees or fees that are proposed to increase are based on a uniform cost analysis methodology. All proposed fee additions, deletions or revisions have been identified in red text in the proposed Fee Schedule to make them more easily identifiable.

In an effort to support the local economy during the current economic recession, the proposed Fees Schedule reflects no across-the-board inflationary adjustment, even though the CPI supports a small increase in fees. Data released from the Bureau of Labor Statistics (BLS) indicate an increase in the Los Angeles-Riverside-Orange County CPI from February 2009 (221.439) to February 2010 (224.620) of 1.44%. In those cases in which a fee increase is recommended, it is for reasons other than general inflation, with justification provided below.

Community Development Department / Code & Neighborhood Services Division

At the request of the City Council, staff developed basic regulations for the operation of an official Rotational Tow Service Program in police emergency situations, removal of illegally parked vehicles, vehicles that are being operated contrary to law; and/or in the removal of vehicles which are apparently abandoned, or involved in an accident, or which constitute an obstruction to traffic because of mechanical failure. The Program also establishes regulations and procedures for the abatement of abandoned, inoperative and dismantled vehicles as set forth in the Moreno Valley Municipal Code.

The direction from the City Council in creating such a Program is to provide a fair and impartial means of distributing requests for towing services among qualified firms, and to ensure that such service is prompt and reasonably priced, and in the best interests of the public as well as the interest of efficient policing operations for the removal of such vehicles from public streets.

The proposed official Rotational Tow Service Program will require a towing business to file an application in response to a City Request for Proposals (RFP). Those towing businesses submitting an application for consideration by the City Council will pay an application fee to cover staff's time in evaluating its proposal. Since this is a new Program, staff is without supporting data as to the time and effort it will take to evaluate Rotational Tow Service Program applications.

The Program would require staff of the City Manager's and City Attorney's Offices and the Community Development, Human Resources, Police, and Financial & Administrative Services Departments to evaluate an application. The estimated time staff would spend to review an application was multiplied by a fully-burdened blended hourly rate to establish an application fee of $2,828.

If a contract is approved by the City Council permitting a towing business to participate in the City's official Rotational Tow Service Program, it will be for five years. During the contract period, staff will be responsible to: (1) monitor the contracts; (2) perform site visits/inspections; (3) review monthly reports; (4) investigate complaints; (5) conduct annual meetings; and (6) coordinate special programs and scheduled checkpoints. A $5,000 deposit will be posted by a tow business to cover the City's cost in administering the contracts. Staff from the aforementioned City departments will charge their actual fully-burdened rate to the deposit for full cost recovery. If the balance of the deposit drops below $500, staff will require the applicable tow business, per City Council agreement, to replenish the fund. Failure to replenish the deposit would be grounds for suspension or removal from the Program. The Code & Neighborhood Services Division of the Community Development Department will be charged with the responsibility of the Program's management and oversight.

Unlike the Police Department, the Code & Neighborhood Services Division does not charge a "Vehicle Release Fee" when an owner of a vehicle or his/her authorized representative requests the vehicle be returned. Staff is recommending that a fee of $74 be charged when a vehicle is released. Since staff has not charged such a fee in the past, the fee is based on the estimated time City staff would take to release the vehicle. Staff will monitor the actual time required and, in future updates of the Fee Schedule, will adjust the fee based on an analysis of actual costs incurred during the preceding period.

The proposed new Rotational Tow Service Program and its associated fees have been reviewed and are supported by the Public Safety Subcommittee.

Community Development Department / Planning Division

The Community Development Department proposes the following changes in the Planning Division fees:

Fee Title	Proposed Change	Justification
Change of Zone	Increase Deposit from $2,700 to $3,000	Better reflects average time and materials

Fee Title	Proposed Change	Justification
Expanded Initial Study	Change to "Expanded Initial Study/Environmental Study Review"	Better reflects purpose of fee
	Change Deposit from $500 to "$500 per Study"	Better reflects purpose and scale of fee
General Plan Amendment	Increase Deposit from $2,500 to $3,000	Better reflects average time and materials
Land Development Grading Revision/4th and Subsequent Reviews	New fee – add under Plan Check and Inspection category – "$71 per sheet"	Covers service currently provided without cost recovery
Planning Letter – Interpretation and Research Required	Increase Deposit from $203 to $250	Better reflects average time and materials
Planning Review of Building Permits (Land Development Approval)	Delete "(Land Development approval)"	Better reflects purpose of the fee
Property Posting	Change fee from $105 to "$140 per street frontage + $75 per project"	Better reflects actual direct cost and adds administrative support cost
Sign Program	Increase Deposit from $500 to $650	Better reflects average time and materials
Sign Program Amendment	Increase Deposit from $250 to $325	Better reflects average time and materials

Financial & Administrative Services Department

There are no proposed changes in actual fees; only clarifications in fee descriptions and units of measure in the Animal Services Division's fees.

Fire Department

The Fire Department is requesting to raise the CPR and First Aid Class fees from $30 per student to $65 per student in order to recover a majority of the costs associated with this program. In the past, City Council has elected to subsidize the cost of the CPR and First Aid Program so that the community would be encouraged to take this course in order to help emergency responders save lives by having citizens initiate CPR and First Air prior to the arrival of the emergency responders. The increase in CPR fees would cover the personnel costs and other direct costs associated with this program, which include the cost for staff time to administer and teach the classes; the cost of the contract CPR instructors, as only one instructor is allowed to teach eight students at one time; CPR and First Aid books that are required by the American Heart Association to be given to the students to take home; the CPR cards; the cost of the Security Guard to be present while City Hall is open on Saturdays; and the cost for Facilities Maintenance staff to set up the Council Chambers. (This last cost component will no longer be incurred once the Emergency Operations Center is opened later this year; therefore, it has not been included in the proposed $65 per person fee.)

By increasing the CPR fee to $65 per person, the program will become self sufficient in generating enough revenue to cover the actual costs associated with administrating this program. This fee is also in line with what neighboring jurisdictions charge for similar courses. The Center for Healthcare Education in Riverside charges $62 for both the Basic Healthcare Provider Course and the Heartsaver and First Aid Course. The American Red Cross, which utilizes a different curriculum from the American Heart Association, charges $75 for a Basic Healthcare Provider Course and $85 for a Heartsaver and First Aid Course. The City of Temecula charges $40 for both their Heartsaver and BLS Healthcare Provider courses. In order to keep the City's CPR and First Aid Class fees in line with neighboring jurisdictions, the Fire Department is requesting to only recover the personnel and other direct costs associated with this program, and not the indirect costs, as this would cause the class fee to increase to $109 per student. It is not expected that Moreno Valley residents will opt to take this course elsewhere based on the cost comparison that has been provided.

The Fire Department is also requesting to establish fees for all open space parcels that are regulated under the City's Hazard Reduction Inspection Program. This program was established to mitigate the threat that unmaintained open space land presents to the community. Failure to adequately clear open space land of native fuels and noxious weeds presents an increased risk to community safety, property and the environment. By conducting site inspections on all open space parcels, the Fire Department is able to ensure that all reasonable steps necessary to safeguard the City against the threat of wildfire have been achieved. These inspections are scheduled annually beginning April 1st and continuing through July 1st. There are three different fees being proposed based on the size of the parcel to be inspected as follows:

- $50 for parcels less than one acre;
- $75 for parcels more than one acre and less than 5 acres;
- $100 for parcels greater than 5 acres.

The fees would be assessed to all parcels defined as open space land and where legally permitted. Any fees associated with failure to comply and Fire Department ordered abated land would be pursued separately from this inspection fee. These proposed fees would be collected as part of the annual property tax bill through the County of Riverside.

By establishing an inspection fee for the Hazard Reduction Program, the program costs would be spread over all parcels subject to inspection rather than just those parcels that are non-compliant, which has been the past practice. Additionally, the program would become self sufficient in generating enough revenue to cover the costs associated with administrating this program. These fees would allow the City to hire entry-level staff to conduct these important inspections, while keeping the professional Fire Inspectors available to conduct technical new construction inspections, annual fire and life safety inspections, issue permits, perform citizen complaint follow-up, and plan check services. This fee is also consistent with how other counties administer their Hazard Reduction/Weed Abatement programs. In order to keep the City's Hazard Reduction Inspection fees in line with actual costs, the Fire Department believes that the establishment of multiple fees based on parcel size is the best means of ensuring that fair and equitable cost recovery is achieved and that costs remain as low as possible for the City's landowners.

The proposed new Hazard Abatement fee has been reviewed and is supported by the Public Safety Subcommittee.

At its meeting of April 12, 2010, the Public Safety Subcommittee discussed imposing annual Fire and Life Safety Inspections. The Subcommittee was of the opinion that Fire and Life Safety Inspection fees should apply or not apply to all such inspections conducted by the Moreno Valley Fire Department, whether the inspections are conducted by Fire Operations (contract) or Fire Prevention (City) personnel. The fee is presently charged when Fire Prevention staff conducts the inspection but not when an engine company conducts the inspection. **The Subcommittee and staff are seeking City Council policy direction on this matter to charge the fee to all businesses or to no businesses.**

Parks & Community Services Department

Although included in the existing Fee Schedule under the Recreation Program category, the proposed Park Reservation fees have been revised to explicitly state the policy of charging a mark-up for non-residents and raising the mark-up from 25% to 30%, as well as to delete the unused Athletic Field Reservation categories. Unused Snack Bar fees have also been deleted.

Athletic Field Lighting categories in which the fees are the same have been consolidated into a single fee. The Over 4 Hour Play section has several fees that are proposed for increase, as well as description changes that clarify how facilities are actually used. The increased costs more accurately reflect actual personnel costs.

A new Park Fee is proposed for reserving a Park Area. This fee reflects the staff and Park Ranger time required to ensure that residents can reserve an area of a park as opposed to a shelter.

Several fees are proposed for addition to the Conference and Recreation Center (CRC) section of the Fee Schedule. The first two new fees enable the Parks & Community Services Department to recuperate expenses related to CRC usage by City-sponsored events after 5:00 pm on weekdays or on weekends. This fee did not previously exist and caused the Parks & Community Services Department to underwrite all such events.

A second User Group is proposed in response to the City Council's direction that reduced fees be made available for other governmental and educational institutions. The range of the security deposits was adjusted to require smaller security deposits in an effort to attract additional users to the CRC; no security deposits are proposed for the new User Group.

Public Works Department

Moreno Valley Electric Utility fees have historically been identified in the *City of Moreno Valley Electric Service Rules, Fees and Charges* document. The applicable fees from this 63-page document have been added to the proposed Fee Schedule so that the proposed Fee Schedule is the comprehensive source for all City fees. No fee changes are proposed to Electric Utility at this time.

Land Development is not proposing new fees or increasing existing fees. However, revisions have been made to text in order to clarify the fee description and revisions to fee amounts that are additive and part of a tiered system in order for a subsequent tier to be mathematically correct. Meeting and teleconference costs associated with preliminary and final Water Quality Management Plans are made consistent with each other.

The Special District Formation Application fee is proposed to be divided into two fees--the Special District Formation Application fee and the Special District Formation/Bond Issuance fee. The application fee is proposed to be set at $5,000 to be consistent with the Special Districts Financing Policy, Fiscal Policy #3.7, adopted May 13, 2008. The Special District Formation/Bond Issuance fee is recommended at 1% of the bond issue, with a $50,000 minimum, which is necessary to recover the costs associated with staff time to process the application and to recover the costs associated with staff time relating to forming the district and issuing bonds.

The Fixed Charge Tax Bill Revisions fee is proposed to be adjusted from $47 plus County Fee to just the amount of the County Fee. Also, the previous note has been removed regarding the $6.98 fee from the County. To avoid conflicts with the County fee schedule, this fee category should only reference the County and not provide a dollar amount.

Fee Schedule Implementation

The proposed updates to the Fee Schedule are scheduled to become effective July 15, 2010 due to the 60-day waiting period required for increases to development-related fees by Government Code Section 660016-17.

Other Fees Included as Reference Only

Development Impact Fees and Conduit Financing Fees are included in the proposed Fee Schedule as a convenient reference, even though they are not adjusted through the annual user fee adoption process.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Following the public hearing, adopt Resolution No. 2010-23, approving the proposed Fee Schedule for FY 2010-11.

2. Following the public hearing, modify the proposed Fee Schedule prior to adopting Resolution No. 2010-23.

3. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

User fees included in the City's Fee Schedule generate revenues that enable the City to provide a wide variety of services requested by our constituents. For FY 2010-11, these revenues are projected to be approximately $13 million, which includes the General Fund and various zones in the Community Services District (CSD).

CITY COUNCIL GOALS

Revenue Diversification and Preservation: Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

It has been City Council's policy to adjust user fees annually to reflect changes in the February Consumer Price Index (CPI) for the Los Angeles-Riverside-Orange County region. The applicable CPI has increased slightly (1.44%) in the past year; however, staff is recommending no across-the-board inflationary adjustment in an effort to support the local economy. Other fee adjustments are recommended, where appropriate, to better reflect the City's actual cost of providing the applicable service, to achieve more equitable cost recovery, or to clarify how fees are applied. It is recommended that City Council adopt Resolution No. 2010-23 approving the Fee Schedule for FY 2010-11.

NOTIFICATION

The City Council meeting of April 27, 2010, which was then continued to May 11, 2010, has been properly noticed as a Public Hearing to consider the proposed FY 2010-11 Fee Schedule.

ATTACHMENTS/EXHIBITS

Resolution No. 2010-23
Exhibit "A" - Proposed Schedule of City Fees, Charges and Rates, Fiscal Year 2010-11

Prepared By:
Steve Hargis
Acting Treasury Operations Division Manager

Department Head Approval:
Steve Elam
Interim Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2010-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING SPECIFIED FEES FOR VARIOUS SERVICES FOR FISCAL YEAR 2010-11 AND REPEALING PRIOR RESOLUTIONS THAT MAY BE IN CONFLICT

WHEREAS, the City Council has in the past approved and adopted fee schedules for various services provided by the City for the benefit of a limited number of persons; and

WHEREAS, the cost of rendering such services should be borne by the beneficiaries of such service; and

WHEREAS, data supporting the estimated cost of providing said services has been made available to the City Council and to the public; and

WHEREAS, the City Council has duly considered at a duly noticed public hearing the question of whether or not to modify existing fees and establish new fees for such services, to provide more equitable cost recovery for such services; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The fee schedule attached as Exhibit "A" hereto is hereby approved and adopted.

2. Where services are performed for the City by another governmental agency, the fees charged by the City shall be adjusted upward or downward to reflect fluctuations, if any, in the price which the City pays to the other government agency for such services. Such adjustments shall be made as the fluctuations occur if imposed upon the City without recourse.

3. All prior enactments of the City Council establishing fees for services, materials, impact and mitigation are hereby repealed to the extent that such enactments establish fees for services, materials and mitigation which are different than the fees established therefore by this Resolution, but shall otherwise remain in full force and effect.

4. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General Fund of the City or into such special funds as may be otherwise required by law.

5. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are hereby declared to be severable.

6. Each fee or charge set by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

7. When a fee or charge is indicated on a unit basis, a fee or charge for each such unit or portion of a unit associated with the requested or required process or service shall be imposed and collected.

8. If a deposit has been made on account of a fee or charge, and where the deposit is insufficient to pay the later-determined actual fee or charge, the balance due shall be paid to the City before any associated entitlement or permit is issued to the applicant. If the amount of the deposit exceeds the later-determined actual fee or charge, the overage shall be refunded to the applicant, except that an overage of one dollar or less shall not be refunded but shall be transferred to the General Fund of the City.

9. The fees approved, increased and established herein shall become effective July 15, 2010.

APPROVED AND ADOPTED this 11th day of May, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

MORENO VALLEY
WHERE DREAMS SOAR

City of Moreno Valley

Schedule of City Fees, Charges and Rates

Fiscal Year 2010-11

Resolution No. 2010-23
Date Adopted: May 11, 2010

MV00055789

City of Moreno Valley

Exhibit "A"

Schedule of City Fees, Charges and Rates

Fiscal Year 2010-11

	Department / Division	Page No.
Section 1 -	**City Clerk**	1
Section 2 -	**City Manager**	
	Cable TV Administration and Programming	2
Section 3 -	**Community Development**	
	Building and Safety	3
	Code and Neighborhood Services	9
	Planning	10
Section 4 -	**Financial & Administrative Services**	
	Animal Services	17
	Financial Operations	22
	Treasury Operations	22
Section 5 -	**Fire**	23
	Emergency Operations and Volunteer Services	34
Section 6 -	**Library Services**	35
Section 7 -	**Parks and Community Services**	
	Parks	37
	Recreation Programs	39
	Park Reservations	46
	Facility Rental	51
Section 8 -	**Police**	58
Section 9 -	**Public Works**	
	Administration	61
	Electric Utility	62
	Land Development	63
	Maintenance and Operations	76
	Special Districts	77
	Transportation Engineering	79
Section 10 -	**Miscellaneous Fees and Charges**	81
Section 11 -	**Penalties and Delinquent Fee Schedule for Parking Violations**	82
Section 12 -	**Development Impact Fees**	85
Section 13 -	**Conduit Financing Fees**	87

Resolution No. 2010-23
Date Adopted: May 11, 2010

MV00055790

Section 1 - City Clerk

Exhibit "A"

	Unit	Fee	
Agenda Subscription	per Year	$ 102.00	
Certification of Public Records	Each	$ 6.00	
Minutes Subscription	per Year	$ 102.00	
Municipal Code and Code Supplements	per Page	$ 0.20	+mailing costs
Nomination Papers Filing Fee	Each	$ 25.00	Pursuant to §10228 of the CA Elections Code
Notice of Intent Filing Fee	Each	$ 200.00	Pursuant to § 9202 of the CA Elections Code
Audio Tape Recordings of Council Meetings	per Tape	$ 2.00	
Fair Political Practices Commission (FPPC)	per Page	$ 0.10	

Section 2 - City Manager

Cable TV Administration and Production

	Unit	Fee
Video Recordings of Council Meetings	per Tape	$ 1.00
Recordings of Council Meetings on DVD	per DVD	$ 2.00
Recording of Council Meetings on CD (Audio only MP3 file)	per CD	$ 1.00

Section 3 - Community Development

Building and Safety

	Unit	Fee
~~[Revised statement moved to Section 10 - Miscellaneous Fees and Charges.~~ ~~Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time and Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.~~		
Water Heater Permit	Each	$ 60.00
Water Heater Permit Re-inspection	Each	$ 60.00

Residential Tract Unit

Note: Residential tract plan check fees and residential tract housing inspection fees are based on the following tables:

1 Story Permit		
<= 1,400 sq ft		$ 454.00
> 1,400 sq ft	per 50 sq ft	$ 7.10
1 Story Plan Check		
<= 1,400 sq ft		$ 641.00
> 1,400 sq ft	per 50 sq ft	$ 6.52
1.5 Story Permit		
<= 1,400 sq ft		$ 525.00
> 1,400 sq ft	per 50 sq ft	$ 8.00

Section 3 - Community Development

Building and Safety

	Unit	Fee
1.5 Story Plan Check		
<= 1,400 sq ft		$ 792.00
> 1,400 sq ft	per 50 sq ft	$ 8.60
2 Story Permit		
<= 1,400 sq ft		$ 637.00
> 1,400 sq ft	per 50 sq ft	$ 8.89
2 Story Plan Check		
<= 1,400 sq ft		$ 792.00
> 1,400 sq ft	per 50 sq ft	$ 8.60
Identical Unit Plan Check	per Unit	$ 88.00
Structural Alterations		
1 Story		
<= 1,400 sq ft		$ 372.00
> 1,400 sq ft	per 50 sq ft	$ 2.98
1.5 Story		
<= 1,400 sq ft		$ 391.00
> 1,400 sq ft	per 50 sq ft	$ 4.45
2 Story		
<= 1,400 sq ft		$ 391.00
> 1,400 sq ft	per 50 sq ft	$ 4.45

Section 3 - Community Development

Building and Safety

	Unit	Fee
Non-Structural Alterations		
1 Story		
<= 1,400 sq ft		$ 156.00
> 1,400 sq ft	per 50 sq ft	$ 1.48
1.5 Story		
<= 1,400 sq ft		$ 194.00
> 1,400 sq ft	per 50 sq ft	$ 2.07
2 Story		
<= 1,400 sq ft		$ 194.00
> 1,400 sq ft	per 50 sq ft	$ 2.07

Building Permit Fees

1997 Uniform Administrative Code fees

Building Plan Check Fees

When building plans are required by the Building Official, plan check fees shall be equal to the building permit fee (100%) and shall be paid at the time of submitting plans, excluding the permit issuance fee.

MV00055795

	Unit	Fee

Building and Safety

Electrical Permit Fees

1997 Uniform Administrative Code fees

Note: An Electrical Permit Fee is separate from, and in addition to, the fee for any other permit which may be required by other code provisions.

Electrical Plan Check Fees

Whenever electrical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Mechanical Permit Fees

1997 Uniform Administrative Code fees

Note: A mechanical permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Mechanical Plan Check Fees

Whenever mechanical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Plumbing Permit Fees

1997 Uniform Administrative Code fees

Note: A plumbing permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Section 3 - Community Development

Building and Safety

	Unit	Fee

Plumbing Plan Check Fees

Whenever plumbing plans are required by the Building Official, plan check fees shall be (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Pool and Spa Permit Fees

1997 Uniform Administrative Code

Pool and Spa Plan Check Fees

Whenever specific plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Note: These fees do not include the permit fees for any parts of the pool and spa system which are subject to the requirements of other applicable codes.

Miscellaneous Fees

Minimum Permit Fee	Each	$ 122.00
Permit Issuance	Fee	$ 32.00

MV00055797

Section 3 - Community Development

Building and Safety

	Unit	Fee
Investigation Fees		
For work that is under construction for which no permit has been obtained, the investigation fee shall be equal to the value set forth in this Resolution for permit fees (building, electrical, mechanical, plumbing, etc). Plan check fees may be assessed as directed by the Building Official.		
Research/Administration Fee		
First 15 minutes		No charge
Each additional 30 minutes or fraction thereof		$ 32.00
Re-inspection fees approved by the Building Official	per Hour	$ 122.00
Inspections for which no fee is specifically identified	per Hour	$ 122.00
Additional plan review required by changes, additions or revisions to approved plans or incomplete plan check re-submittal after 3 reviews	per Hour	$ 122.00
Inspection outside of normal business hours (2 hr min)	per Hour	$ 122.00 *
* Or the fully burdened hourly rate cost to the City, whichever is greater		
Premium Inspection - During business hours (Inspection provided within 2 hours after payment)		$ 122.00
Certificate of Occupancy Inspection	Each	$ 178.00

Section 3 - Community Development

Code and Neighborhood Services

	Unit	Fee	
Re-inspection Fee for Failed Compliance	Each	$ 181.00	
Nuisance Abatement Administrative Fee			
Level 1 (4 hrs or less)	Each	$ 240.00	
Level 2 (more than 4 hrs)	Hourly	$ 89.00	
Removal of Signs in Right-of-Way			
Sign Removal	Each	$ 25.00	
Surcharge on signs requiring special equipment or additional labor to remove	Each	$ 53.00	or actual cost of removal whichever is greater
Lost or Stolen Parking Ticket Recovery	Each	$ 11.00	
Drive-off Parking Violation	Each	$ 18.00	
Department of Motor Vehicle (DMV) Hold	Each	$ 10.00	or current DMV rate
Certificate of Correction		$ 141.00	
Rotational Tow Service Program			
Application	Each	$2,828.00	
Agreement	Deposit	$5,000.00	Actual charge is "fully burdened" rate charge
Rotational Tow Vehicle Release Fee	Each	$ 74.00	

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Agenda Subscription	Annual	$ 100.00	
Annexation Process and Environmental Review	Deposit	$ 5,000.00	Actual charge is "fully burdened" rate charge
Appeal		$ 750.00	
Change of Zone	Deposit	~~$ 2,700.00~~ $ 3,000.00	Actual charge is "fully burdened" rate charge
Conditional Use Permit		$ 7,864.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
Conditional Use Permit: Admin & Existing Structure		$ 4,616.00	Plus applicable notice and posting fees
Conditional Use Permit (Com/Ind)	per Acre	$ 65.00	
Conditional Use Permit: Amended CUP/Substantial Conformance		$ 4,168.00	Plus applicable notice and posting fees
Custom Home Review		$ 860.00	
Development Agreement	Deposit	$ 7,400.00	Actual charge is "fully burdened" rate charge

Section 3 - Community Development

Planning

	Unit	Fee	
Development Agreement Amendment	Deposit	$ 3,225.00	Actual charge is "fully burdened" rate charge
Development Agreement Annual Review	Deposit	$ 1,000.00	Actual charge is "fully burdened" rate charge
Development Code Amendment	Deposit	$ 5,000.00	Actual charge is "fully burdened" rate charge
Environmental Review			
EIR Report Preparation	Deposit	$ 7,000.00	Actual charge is "fully burdened" rate charge
Expanded Initial Study / Environmental Study Review	Deposit	$500 per Study	Actual charge is "fully burdened" rate charge
Environmental Assessment		$ 753.00	
Environmental Mitigation Monitoring	Deposit	$ 3,500.00	Actual charge is "fully burdened" rate charge
Extension of Time		$ 2,609.00	
General Plan Amendment	Deposit	~~$ 2,500.00~~ $3,000.00	Actual charge is "fully burdened" rate charge
Home Occupation Permit		$ 68.00	

MV00055801

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Plan Check and Inspection			
Residential (1st through 3rd Review)		$ 486.00	
Non-Residential (1st through 3rd Review)		$ 727.00	
Re-inspection		$ 142.00	
4th and subsequent (Land Development Reviews)	Per Sheet	$ 71.00	
4th and subsequent (All Other Reviews)		100% of original fee	
Newspaper Notice		$ 285.00	
Phasing Map		$ 1,955.00	
Planning Letter			
Basic		$ 84.00	
Interpretation and Research Required	Deposit	~~$ 203.00~~	Actual charge is "fully burdened" rate charge
		$ 250.00	
Planning Review of Building Permits ~~(Land Development approval)~~		$ 178.00	+5% of plan check fee

Section 3 - Community Development

Planning

Plot Plan

	Unit	Fee	
With hearing		$ 8,274.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
(Note: More than one may be charged for projects with multiple buildings or parcels)			
Without hearing (notice)		$ 5,652.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
Without hearing (no notice)		$ 2,702.00	
Amended plot plan/substantial conformance		$ 2,940.00	
Multi-Family	per Unit	$ 30.00	
Plot Plan Conditional Use Permit (Com/Ind)	per Acre	$ 65.00	
Administrative (Includes second units and granny flats)		$ 607.00	
Property Posting		~~$ 105.00~~ $140 per street frontage + $75 per project	
Pre-application Review		$ 561.00	

Section 3 - Community Development

	Unit	Fee	
Planning			
Renewal Fee		50% of original fee	
Reversion to Acreage	Deposit	$ 1,500.00	Actual charge is "fully burdened" rate charge
Signs			
Banner		$ 31.00	
Permit: Wall		$ 87.00	
Permit: Monument		$ 346.00	
Permit: Pole and Freeway		$ 578.00	
Review Program	Deposit	~~$ 500.00~~ $ 650.00	Actual charge is "fully burdened" rate charge
Program Amendment Review	Deposit	~~$ 250.00~~ $ 325.00	Actual charge is "fully burdened" rate charge
Special Event Permit		$ 34.00	
Specific Plan	Deposit	$ 17,000.00	Actual charge is "fully burdened" rate charge
Specific Plan Amendment	Deposit	$ 8,000.00	Actual charge is "fully burdened" rate charge

Section 3 - Community Development

Planning

	Unit	Fee	
Subdivision Sales Office (Trailer) and Model Home Complexes-Temporary		$ 862.00	
Temporary Use Permits		$ 241.00	
Tentative Parcel Map			
Residential		$ 6,709.00	+
additional lot	per Lot	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	
Commercial		$ 7,422.00	+
additional lot	per Lot	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	
Waiver	Deposit	$ 1,000.00	Actual charge is "fully burdened" rate charge plus applicable notice and posting fees.
Tentative Tract or Condo Map		$ 8,497.00	+
additional lot	per Lot	$ 72.00	
		+ applicable environmental review and applicable notice and posting fees.	
Tentative Tract or Parcel Map Revised		$ 4,229.00	Plus applicable notice and posting fees

Section 3 - Community Development

	Unit	Fee	
Planning			
Variance from Standards			
Public Hearing Variance	$	2,618.00	Plus applicable notice and posting fees
Administrative Variance	$	474.00	

Notes:

The environmental review fee shall be charged only one time for concurrently filed major developmental review applications. For example, the fee for a concurrently filed Parcel Map and Plot Plan will be the sum of the respective fees minus one environmental review fee.

Fees for quasi-public uses shall be reduced by 25%.

MV00055806

Section 4 - Financial & Administrative Services

Animal Services

	Unit	Fee
Adoption Fee (Does not include the cost for spay/neuter)		
Dogs	Each	$ 30.00
Cats	Each	$ 19.00
Rabbit, Hamsters and Guinea Pigs	Each	$ 10.00
Other Animals *	Each	$ 10.00
* Fee for "Other Animals" not to exceed the fair market price		
Deposits (Refundable)		
Rabies Vaccination	Each	$ 20.00
Spay & Neuter	Each	$ 75.00
Owner Relinquishment		
Dog/Cat*	Each	$ 22.00
Dog/Cat-Litter*	Each	$ 22.00
Other Domestic*	Each	$ 10.00
* Owner may be asked to pay for the cost of spay/neuter and/or vaccines		
** Out of area animals are accepted at the discretion of shelter staff based on adoptability and shelter population		
Owner Requested Companion Pet Euthanasia		
Small/Medium (0-50 lbs)	Each	$ 22.00
Medium/Large (> 50 lbs)	Each	$ 26.00
Litter (up to 8)	Each	$ 22.00
Litter (each add'l >8)	Each	$ 2.00
Deceased Animal Disposal		
Small/Medium (0-50 lbs)	Each	$ 18.00
Medium/Large (51+ lbs)	Each	$ 22.00
Cremation of Deceased Companion Pets		
Base Fee (Includes container)	Each	$ 90.00
Additional pounds > 60lbs	per Pound	$ 1.00

MV00055807

Section 4 - Financial & Administrative Services

Animal Services

	Unit	Fee
Animal Redemption		
1st Impound	Per Animal	$ 20.00
2nd Impound	Per Animal	$ 40.00
3rd Impound	Per Animal	$ 56.00
More than 3 (each occurrence)*	Per Animal	See Note *
Small Livestock **	Per Animal	$ 29.00
Large Livestock **	Per Animal	$ 58.00
Other (birds, reptiles, etc)	Per Animal	$ 19.00

* Impound fee will increase by $50 for each additional occurrence. For example the 4th occurrence would be $106, the 5th occurrence would be $156 etc.

** Trailering Fee		$ 57.00
		+ actual cost for ACO
Boarding		
Dogs, Cats & Other	Per Day	$ 6.00
Small Livestock	Per Day	$ 8.00
Large Livestock	Per Day	$ 11.00
Other Small Animals	Per Day	$ 5.00
Special handling fee	Per Animal	$ 20.00

(Special handling relates to call that require additional Animal Control Officers or extraordinary circumstances such as badly decomposed, owned, deceased animals or transportation to a Veterinarian for sick/injured animals.)

Re-inspection Fee	Per Inspection	$ 18.00

(Failed compliance on confinement/property inspections)

MV00055808

Section 4 - Financial & Administrative Services

Animal Services

			Unit	Fee
Licensing				
	Dog (altered)			
		1 year	Each	$ 10.00
		2 year	Each	$ 19.00
		3 year	Each	$ 26.00
	Dog (unaltered)			
		1 year	Each	$ 41.00
		2 year	Each	$ 60.00
		3 year	Each	$ 78.00
	Potentially Dangerous/Vicious		Each	$ 77.00
	Economic Hardship* (altered only)		Each	$ 6.00
	*Residents must provide proof that they earn 65% of the median income as set by HUD for the County of Riverside.			
	Late Fee		Each	$ 19.00
	Transfer Fee		Each	$ 6.00
	Lost Tag Replacement		Each	$ 6.00
Kennel				
	Class I Dog			
		1 year	Each	$ 128.00
		2 year	Each	$ 189.00
	Class II Dog			
		1 year	Each	$ 194.00
		2 year	Each	$ 251.00
	Cattery			
		1 year	Each	$ 128.00
		2 year	Each	$ 189.00
	Late Fee			$ 61.00

MV00055809

Section 4 - Financial & Administrative Services

Animal Services

	Unit	Fee
Other Services		
Dog DA2PP Vaccination *	Each	$ 10.00
Cat FVRCP Vaccination **	Each	$ 10.00
Microchip (Owner to pay AKC registration fee)	Each	$ 16.00

* DA2PP Vaccination- Distemper, Adeno-2, Parvo and Oanfluenza (commonly known as a 5 in 1)
** FVRCP Vaccination - Feline Viral Rhinotracheitus (FHV-1), Calicivirus and Panleukopenia (commonly known as a 4 in 1)

Trap Rental		
Cat		
Trap Rental	per Week	$ 12.00
Refundable Deposit		$ 50.00
Dog		
Trap Rental	per Week	$ 20.00
Refundable Deposit		$ 150.00
Requests for Information	per Page	$ 0.20
Pet Identification Tags	Each	$5.50 - $7.50
Surcharges		
Unlicensed Animal	Each	$ 15.00
Un-altered Animal	Each	$ 15.00
Out-of-area Service Request (for non-residents)	Each	$ 25.00
Un-altered Kennel/Cattery	Each	$ 50.00
Owner Field Service Request	Each	$ 15.00
After Hours Emergency Field Response	Each	$ 20.00

Section 4 - Financial & Administrative Services

Unit | Fee

Animal Services

Municipal Code Reference	Violation	Offenses within a 36 month period		
		1st	2nd	3rd
10.02.020 A	Failure to License Dog/Wear License Tag	$50.00	$100.00	$200.00
10.02.020 B	Failure to Vaccinate for Rabies	$50.00	$100.00	$200.00
10.02.040	Failure to License Kennel/Cattery	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Minor Offense	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Major Offense	$200.00	$500.00	
10.02.090 N	Animal Abandonment	$100.00	$200.00	$500.00
10.02.080 A,B	Animal at Large-Altered	$50.00	$100.00	$200.00
10.02.080 A,B	Animal at Large-Unaltered	$100.00	$200.00	$500.00
10.02.080 E	Animal at Large-Threat to Public Safety	$200.00	$500.00	$500.00 (plus removal from City*)
10.02.100	Failure to Provide Proof of Spay/Neuter (spay/neuter deposit forfeited)	$150.00		
10.02.160	Failure to Comply with Public Nuisance Remedial Requirements	$100.00	$200.00	$500.00
10.02.240-270	Failure to Comply with Requirements for Potentially Dangerous or Vicious Animals	$500.00	$500.00	(plus removal from City*)
10.02.120	Failure to Quarantine/Produce the Animal/Concealing Information	$100.00	$200.00	$500.00
10.02.110	Barking Dog	$100.00	$200.00	$500.00
10.02.140 C,D	Interference with ACE or Tampering with Animal/Equipment	$100.00	$200.00	$500.00
10.02.010	Failure to Pay for Services Rendered or Outstanding Fees	$50.00	(plus outstanding balance)	
H&S 122335	Dog Tethering Violation	$50.00	$100.00	$200.00
122220	Violation of Pet Protection Act (Businesses/Commercial Breeding)	$50.00	$200.00	$500.00

* 10.20.160 B.8 Public Nuisance-Prohibit or regulate the acquiring and keeping within the city specified animals for a period of up to five years.

MV00055811

Section 4 - Financial & Administrative Services

Exhibit "A"

Financial Operations

	Unit	Fee
Annual City Budget	Each	$10.00
Comprehensive Annual Financial Report (CAFR)	Each	$10.00

The Annual City Budget and the CAFR are also available on the City's website at the following links:

Budget http://www.moval.org/city_hall/departments/admin/budgetoffice.shtml

CAFR http://www.moval.org/city_hall/departments/admin/financial-ops.shtml

Treasury Operations

Collection of Returned Check	Each	$31.00
Business License		
Application	per License	$57.00
Vehicle Tag	per Tag	$6.00
License for Farmers Market at Towngate Mall	Per Vendor Per Day	$5.00
License for single day events	Per Vendor Per Day	$5.00

(Note: Licenses for single day events must be reviewed and approved by the Financial & Administrative Services Director)

Reprint of License	Each	$5.00
Business Listing	Each	$20.00
Photo Identification Card	Each	$5.00

MV00055812

Section 5 - Fire

Exhibit "A"

	Unit	Fee	
Pre-Development			
Annexation Agreement	Deposit	$ 94.00	
Community Care Facility (Pre-inspection)			
25 or less		$ 50.00	State Mandated
26 or more		$ 100.00	State Mandated
Revised Tentative Parcel Map		$ 425.00	
Fuel Modification Plan		$ 100.00	
Fire Protection Plan		$ 326.00	
Alternate methods and materials		$ 100.00	
3rd review and subsequent submittals		$ 100.00	
OTC/Misc Plan Review		$ 100.00	

Architectural / Development

Plan Check and Inspections	Unit	Plan Check	Inspection
A-1 <=10,000 SF		$ 623.00	$ 599.00
A-1 > 10,000 SF		$ 773.00	$ 798.00
A-2, 2.1 <= 10,000 SF		$ 524.00	$ 499.00
A-2, 2.1 > 10,000 SF		$ 674.00	$ 699.00
A-3 <= 10,000 SF		$ 524.00	$ 550.00
A-3 >10,000 SF		$ 623.00	$ 599.00
A-4 <= 5000 SF		$ 424.00	$ 499.00
A-4 > 5000 SF		$ 475.00	$ 550.00
A-5<=5000 SF		$ 411.00	$ 484.00
A-5>5000 SF		$ 461.00	$ 533.00

Section 5 - Fire

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
A TI 0-5000 SF		$ 325.00	$ 399.00
A TI 5001 - 25,000 SF		$ 424.00	$ 499.00
A TI > 25,001 SF		$ 524.00	$ 550.00
B 0-5000 SF		$ 175.00	$ 233.00
B 5001 - 50,000 SF		$ 274.00	$ 399.00
B >50,000 SF		$ 374.00	$ 550.00
B TI 0-5000 SF		$ 151.00	$ 207.00
B TI 5001 - 50,000 SF		$ 200.00	$ 300.00
B TI >50,000 SF		$ 274.00	$ 374.00
E-1,2 0-2000 SF (private schools only)		$ 224.00	$ 350.00
E-1,2 2001 - 20,000 SF (private schools only)		$ 274.00	$ 399.00
E-1,2 > 20,000 SF (private schools only)		$ 424.00	$ 475.00
E-1,2 TI 0-2000 SF (private schools only)		$ 100.00	$ 207.00
E-1,2 TI 2001 - 20,000 SF (private schools only)		$ 151.00	$ 233.00
E-1,2 TI > 20,000 SF (private schools only)		$ 200.00	$ 258.00
E-3 0-1000 SF (private schools only)		$ 125.00	$ 207.00
E-3 1001 - 20,000 SF (private schools only)		$ 224.00	$ 424.00
E-3 > 20,000 SF (private schools only)		$ 274.00	$ 475.00
E-3 TI 0-1000 SF (private schools only)		$ 100.00	$ 182.00
E-3 TI 1001 - 20,000 SF (private schools only)		$ 125.00	$ 207.00
E-3 TI > 20,000 SF (private schools only)		$ 151.00	$ 233.00
F,M,S 0-5000 SF		$ 224.00	$ 350.00
F,M,S 5001 - 12,500 SF		$ 325.00	$ 399.00
F,M,S 12,501 - 100,000 SF		$ 374.00	$ 499.00
F,M,S > 100,000 SF		$ 424.00	$ 599.00
F,M,S TI 0-5000 SF		$ 151.00	$ 233.00
F,M,S TI 5001 - 12,500 SF		$ 175.00	$ 300.00
F,M,S TI 12,501 - 100,000 SF		$ 224.00	$ 325.00

Section 5 - Fire

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
F,M,S TI > 100,000 SF		$ 274.00	$ 350.00
H-1,2,3, 7 0-1000 SF		$ 325.00	$ 374.00
H-1,2,3, 7 1001- 2,500 SF		$ 374.00	$ 399.00
H-1,2,3, 7 2,501 - 10,000 SF		$ 475.00	$ 499.00
H-1,2,3, 7 > 10,000 SF		$ 599.00	$ 599.00
H-1,2,3, 7 TI 0-1000 SF		$ 224.00	$ 325.00
H-1,2,3, 7 TI 1001- 2,500 SF		$ 274.00	$ 350.00
H-1,2,3, 7 TI 2,501 - 10,000 SF		$ 325.00	$ 374.00
H-1,2,3, 7 TI > 10,000 SF		$ 374.00	$ 399.00
H-4,5,6 0-1000 SF		$ 250.00	$ 374.00
H-4,5,6 1001- 2,500 SF		$ 350.00	$ 399.00
H-4,5,6 2,501 - 10,000 SF		$ 450.00	$ 450.00
H-4,5,6 > 10,000 SF		$ 574.00	$ 499.00
H-4,5,6 TI 0-1000 SF		$ 200.00	$ 325.00
H-4,5,6 TI 1001- 2,500 SF		$ 250.00	$ 350.00
H-4,5,6 TI 2,501 - 10,000 SF		$ 300.00	$ 374.00
H-4,5,6 TI > 10,000 SF		$ 350.00	$ 399.00
L-0-1,000 SF		$ 315.00	$ 361.00
L-1,001-2,500 SF		$ 363.00	$ 387.00
L-2,501-10,000 SF		$ 461.00	$ 484.00
L->10,000 SF		$ 581.00	$ 581.00
L-T.I. 0-1,000 SF		$ 217.00	$ 315.00
L-T.I. 1,001-2,500 SF		$ 266.00	$ 339.00
L-T.I. 2,501-10,000 SF		$ 315.00	$ 363.00
L-T.I. >10,000 SF		$ 363.00	$ 387.00
I Occupancies	Deposit	$ 350.00	$ 393.00
R-1, 2 0-5000 SF		$ 224.00	$ 325.00
R-1, 2 5001 - 25,000 SF		$ 274.00	$ 350.00
R-1, 2 >25,001 SF		$ 325.00	$ 399.00

Section 5 - Fire

Exhibit "A"

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
R-3 Model 1-5 homes		$ 175.00	$ 233.00
R-3 Model > 6 homes		$ 224.00	$ 282.00
R-3 Custom (1-2 units)		$ 151.00	$ 225.00
U - Occupancy		$ 151.00	$ 200.00
Shell 0-50,000 SF		$ 998.00	$ 874.00
Shell > 50,000 SF	Deposit	$ 350.00	$ 350.00
High-rise (4 floors or greater)	Deposit	$ 350.00	$ 362.00

	Occupancy Classifications
A	Facilities for Assemblies
B	Professional or Service Facilities
E	Educational Facilities
F	Factory and Industrial (non H)
H	Factory and Industrial (high fire, explosion or health hazard)
I	Hospitals, Nursing Homes
L	Laboratories
M	Sale of Merchandise
R	Hotels, Apartments and Congregate Residences
S	Storage (non hazardous)
U	Garages, Carports, Sheds and Agricultural Buildings

Section 5 - Fire

Exhibit "A"

Fire Development

Development Plan Check and Inspection

	Unit	Plan Check	Inspection
Sprinkler System New 1-100 heads		$ 225.00	$ 526.00
Sprinkler System New > 100 heads		$ 352.00	NA
Sprinkler System New 101-300 heads		NA	$ 575.00
Sprinkler System New 301-700 heads		NA	$ 626.00
Sprinkler System New > 700 heads		NA	$ 676.00
Sprinkler TI 1-10 heads		$ 151.00	$ 225.00
Sprinkler TI 11-25 heads		$ 175.00	$ 425.00
Sprinkler TI 51-100 heads		$ 225.00	$ 476.00
Sprinkler TI > 100 heads		$ 250.00	$ 526.00
Alarm New 1-10 Initiating Devises with notification		$ 151.00	$ 326.00
Alarm New 11-50 Initiating Devises with notification		$ 225.00	$ 352.00
Alarm New 51-100 Initiating Devises with notification		$ 276.00	$ 400.00
Alarm New > 100 Initiating Devises with notification		$ 326.00	$ 476.00
Alarm TI 1-10 Initiating Devices with notification		$ 126.00	$ 276.00
Alarm TI 11-50 Initiating Devices with notification		$ 151.00	$ 301.00
Alarm TI 51-100 Initiating Devices with notification		$ 201.00	$ 352.00
Alarm TI > 100 Initiating Devices with notification		$ 276.00	$ 400.00
ESFR	per Riser	$ 151.00	NA
Underground Sprinkler	per Riser	$ 225.00	$ 609.00
Underground Hydrant		$ 175.00	$ 609.00
Underground Combo Up to 4 Connections		$ 326.00	$ 684.00
Aboveground Hydrant		$ 250.00	$ 500.00
Residential Sprinkler 13R Family 1-2 units		$ 225.00	$ 500.00
Residential Sprinkler 13D Single Family 1-2 units		$ 175.00	$ 500.00
Residential Sprinkler 13R Multi Family up to 4 stories	per System	$ 301.00	$ 626.00
Hood and Duct	per System	$ 151.00	$ 208.00

MV00055817

Section 5 - Fire

Development Plan Check and Inspection (Cont)	Unit	Plan Check	Inspection
Fire Pump	per Pump	$ 276.00	$ 276.00
Standpipes		$ 375.00	$ 284.00
Special Extinguishing Systems		$ 175.00	NA
Vapor Recovery Special Equipment		$ 151.00	NA
Medical Gases Special System		$ 175.00	$ 182.00
Industrial Gases Special System		$ 225.00	$ 284.00
Liquefied Petroleum Gases Special System > 500 gal		$ 225.00	$ 333.00
Tank/Piping Installation	per Tank	$ 234.00	$ 234.00
Tank/Piping Removal	per Tank	$ 158.00	$ 276.00
Ovens, industrial baking or drying per oven, furnace or kiln Special Equip. (New Construction)		$ 126.00	$ 182.00
Smoke Control		$ 225.00	$ 333.00
Dust Collection Special Equipment		$ 151.00	$ 182.00
Hazmat Storage		$ 276.00	$ 284.00
High Piled/Solid Piled Storage Class III, IV, High Hazard		$ 326.00	$ 434.00
Racking System		$ 375.00	$ 434.00
Regulated Refrigeration per system		$ 151.00	$ 284.00
Miscellaneous Industrial Equipment Install		$ 151.00	$ 182.00
FPE Technical Report Major Review		$ 425.00	NA
FPE Technical Report Minor Review		$ 225.00	NA
Spray Booth Inspection		NA	$ 284.00
Foam/Liquid System Inspection		NA	$ 333.00
ESFR Inspection		NA	$ 74.00
Dry Chemical System Inspection		NA	$ 234.00
CO2 System Inspection		NA	$ 234.00
Inert Gas System Inspection		NA	$ 234.00
FM200 Clean Agent System		NA	$ 234.00
Adult Care Facility Inspection		NA	$ 375.00
Child Care Facility Inspection		NA	$ 375.00

Section 5 - Fire

Development Plan Check and Inspection (Cont)	Unit	Plan Check	Inspection
Residential Care Facilities 1 - 6		NA	$ 352.00
Residential Care Facilities >6	per Story	NA	$ 143.00
K-12 Public School Inspection		NA	$ 190.00
K-12 Private School Inspection		NA	$ 425.00
High-rise Inspection	per Hour	NA	$ 100.00
Asbestos removal		NA	$ 234.00
Work without Approval or Permit		NA	$ 201.00
Inspection following Failure to Maintain Fire Protection Systems		NA	$ 201.00
Fire Prevention Inspection/Re-inspection/Phasing		NA	$ 142.00

Renewable Permit Fees	Unit	Initial Plan Check	Annual Inspection
Aerosol Products		$ 224.00	$ 63.00
Aircraft Refueling Vehicles		$ 175.00	$ 88.00
Automobile Wrecking Yard		$ 175.00	$ 188.00
Battery System		$ 224.00	$ 63.00
Candles and Open Flame in Assembly Occupancy Areas		$ 125.00	$ 63.00
Cellulose Nitrate Film		$ 125.00	$ 63.00
Cellulose Nitrate Storage		$ 175.00	$ 188.00
Combustible fiber Storage		$ 175.00	$ 188.00
Combustible materials Storage		$ 175.00	$ 188.00
Commercial Rubbish Handling Operation		$ 175.00	$ 188.00
Compressed Gases		$ 200.00	$ 188.00
Cryogens		$ 200.00	$ 188.00
Dry Cleaning Plant		$ 224.00	$ 288.00
Dust-Producing Operations		$ 125.00	$ 88.00
Explosives or Blasting agents, Use or Transportation		$ 274.00	$ 312.00
Flammable or Combustible Liquids pipelines, store, handle, use		$ 274.00	$ 288.00
High Piled/Solid Piled Combustible Storage Class I, II		$ 74.00	$ 138.00
Hot Works Operations		$ 125.00	$ 63.00

Section 5 - Fire

Exhibit "A"

Renewable Permit Fees (Cont)	Unit	Initial Plan Check	Annual Inspection
Liquefied Petroleum Gases store, use, handle, dispense-Plan Check 125-500 gals		$ 74.00	$ 138.00
Ovens - Industrial Baking or drying		$ 74.00	$ 88.00
Places of Assembly		$ 175.00	$ 63.00
Refrigeration Equipment		$ 74.00	$ 88.00
Repair Garages		$ 151.00	$ 88.00
Spraying or Dipping		$ 74.00	$ 63.00
Wood Products		$ 74.00	$ 88.00
Motor Vehicle fuel dispensing		$ 74.00	$ 88.00
Tire Storage		$ 175.00	$ 88.00
Lumber Yard		$ 175.00	$ 188.00
Fireworks, manufacture, compound, store		$ 325.00	$ 288.00
Fruit ripening		$ 175.00	$ 88.00
Magnesium Working		$ 175.00	$ 88.00
Radioactive materials		$ 325.00	$ 188.00

Activity Permits	Fee
Bowling pin or alley refinishing	$ 158.00
Candles and open flames in assembly areas	$ 158.00
Carnivals and fairs	$ 234.00
Explosives or blasting agents, use, dispose	$ 333.00
Fireworks, displays	$ 308.00
Hot works operations	$ 158.00
Liquefied petroleum gases, install containers	$ 234.00
Liquid or gas fueled vehicles or equipment in assembly areas	$ 208.00
Mall, covered	$ 208.00
Open Burning	$ 158.00
Parade floats (per event)	$ 234.00
Pyrotechnical special effects material / model rockets	$ 333.00

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Section 5 - Fire

Exhibit "A"

Activity Permits (Cont)	Unit	Fee	
Temporary membrane structures, tents and canopies		$ 284.00	
Christmas Tree sales		$ 158.00	
Pumpkin Patch		$ 158.00	
Haunted Houses		$ 158.00	
Hazardous Area Fire Permit		$ 308.00	

Post Development	Unit	Fee	
Fire and Life Safety Inspection			
Annual inspection (includes one re-inspection)		$ 151.00	
2nd re-inspection		$ 301.00	
3rd and subsequent re-inspections		$ 452.00	
Fire Watch Inspection	per Hour	$ 100.00	
Fire Hydrant Inspection		$ 100.00	
Fire Inspection			
State Mandated		$ 89.00	
Community Care Facility			
25 or less (not including elderly 1-6)		$ 89.00	State Mandated
26 or more		$ 134.00	State Mandated
Special Event		$ 89.00	

Section 5 - Fire

Exhibit "A"

	Unit	Fee
Records Request		
Photographs, color print (4"x6")		$ 5.00
Fire Incident Reports (paid to County of Riverside)		$ 19.00
Fire Inspection Reports (up to 8 1/2"x14")		
First 10 pages	per Report	$ 6.00
Additional pages	per Page	$ 1.00
Hourly Rates		
Fire Marshal		$ 140.00
Deputy Fire Marshal		$ 105.00
Fire Safety Specialists		$ 106.00
Fire Safety Inspector		$ 106.00
Overtime		Position time + 50%
Consultant Fire Plan Review		Actual Consultant Cost + 20% Admin Fee
Other Fees		
False Alarm		
Residential		$ 100.00
Commercial		$ 200.00
Fire Permit Issuance Fee		$ 21.00

The fully-burdened wage rate including overhead; not to exceed actual City costs.

Section 5 - Fire

Other Fees (Cont)

	Unit	Fee
Hazard Reduction Inspection		
This fee will be assessed to all parcels defined as open space land and where legally permitted. Any fees associated with failure to comply and fire department ordered abated land will be pursued separately from this inspection fee. This fee will be collected as part of the annual property tax bill through the County of Riverside.		
Parcels < 1 acre		$ 50.00
Parcels 1 acre to < 5 acres		$ 75.00
Parcels > 5 acres		$ 100.00
Hazard Reduction Abatement Administrative Fee		$ 240.00
Hazard Reduction Abatement Cost Recovery		Actual cost charged by the City's abatement contractor.
~~Weed Abatement~~		~~Actual time and materials at fully burdened wage rate including overhead not to exceed actual City costs.~~
~~Abatement of Non-Compliance Order~~		~~$100 plus actual time and materials at fully burdened wage rate including overhead plus the cost of any contract work; not to exceed actual City costs.~~

Section 5 - Fire

Emergency Operations and Volunteer Services

	Unit	Fee
CPR Training	per Class	~~$ 30.00~~
		$ 65.00
Community Emergency Response (CERT)	per Class	$ 15.00

On-Line Registration Processing Fee (This fee is charged by the on-line provider)

On-Line Registration has no applicable category association.

Transactions < $150		
Percentage of Transaction cost plus		6.50% *
Fixed Fee per Transaction	$	0.50 *
Transactions from $150 to $500		
Percentage of Transaction cost plus		3.50%
Fixed Fee per Transaction	$	5.00
Transactions over $500		
Percentage of Transaction cost plus		2.50%
Fixed Fee per Transaction	$	10.00

* $2.00 minimum

Section 6 - Library Services

	Unit	Fee
Replacement Library Card	Each	$ 2.00
Inter-Library Loan Overdue	per Day	$ 2.00
Reserve Materials Overdue	per Day	$ 2.00
Floppy Disks (blank)	Each	$ 1.00
Replacement Bar Code	Each	$ 1.00
Account Printout	per Page	$ 0.20
Printing - Black & White	per Page	$ 0.20
Printing - Color	per Page	$ 0.75
Copies - Black & White	per Page	$ 0.15
Faxes		
Send/Receive Public Faxes - Local	per Page	$ 1.00
Domestic Long Distance Faxes	per Page	$ 2.00
International Long Distance Faxes	per Page	$ 3.00
Exam Proctoring	per Exam	$ 15.00
Lost Materials	per Item	Actual Cost +
Lost Material Processing	per Item*	$ 10.00

* Except for uncataloged paperbacks, no processing fee

Section 6 - Library Services

Exhibit "A"

	Unit	Fee
Fines		
Overdue Books		
Adult	per Item per Day	$ 0.25
Children	per Item per Day	$ 0.10
Overdue Videos	per Item per Day	$ 1.00
Overdue CDs	per Item per Day	$ 0.25
Overdue Audiocassettes	per Item per Day	$ 0.25

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Plan Check Fees (1 - 3 submittals)		
Project Cost:		
$0-$20,000		3.50%
$20,001-$100,000		3.25%
> $100,000		3.00%
4th and subsequent submittals		$ 140.00
Revisions		
Minor (detail changes only)		$ 256.00
Major		Same as initial submittal
Inspection and Testing		
Project Cost:		
$0-$20,000		7.00%
$20,001-$100,000		6.00%
> $100,000		5.00%
Research of Records, Files, etc		Actual City Cost

Section 7 - Parks and Community Services

Parks

Penalty Fees

	Unit	Fee	
Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with Parks and Community Services	per Offense	$ 561.00	plus actual damages
Applicant's failure to schedule inspection prior to performing work	per Offense	$ 112.00	
Applicant's failure to attend or be prepared for a scheduled inspection	per Offense	$ 112.00	

Section 7 - Parks and Community Services

Recreation Programs

Non-Resident Fees: Fees for Non-Residents to participate in Recreation Programs will be charged at the Resident Fee plus

Adult Sports (18 Years or Older)

Category 4 includes Adult Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.

Fee Description	Policy Category	Unit		Resident Fee
Program Registration Fee		Per Program	$	2.00
Basketball League *	Category 4	Per Team	$	300.00
Basketball Open Play **	Category 4	Per Person	$	3.00
Bowling Class and League	Category 4	Per Person	$	78.00 - 85.00
Father's Day Over-The-Line Softball Tournament *	Category 4	Per Team	$	65.00 - 100.00
Flag Football League *	Category 4	Per Team	$	300.00
Flag Football Tournament *	Category 4	Per Team	$	150.00 - 200.00
Official's Clinic	Category 4	Per Person	$	15.00
Protest Fee	Category 4	Per Team	$	25.00
Softball League - Competitive *	Category 4	Per Team	$	345.00
Softball League - Non-Competitive *	Category 4	Per Team	$	260.00
Softball Tournament *	Category 4	Per Team	$	185.00 - 310.00
Tennis Tournament *	Category 4	Per Person	$	20.00 - 50.00
Volleyball League *	Category 4	Per Team	$	260.00
Volleyball Tournament *	Category 4	Per Team	$	175.00 - 225.00
Volleyball Open Play **	Category 4	Per Person	$	3.00
New Program	Category 4	Per Person	$	Cost Recovery
Cancellation /Transfer Fee	Category 4	Per Person		20%
* Denotes Fee for Late Registration	Category 4	Per Team	$	18.00

** Excludes Program Registration Fee

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Adult Contract Classes (18 Years or Older)				
Category 5 includes Adult Contract Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.				
Program Registration Fee		Per Program	$	2.00
Belly Dancing For Fun and Fitness	Category 5	Per Person	$	32.00 - 45.00
Boxing	Category 5	Per Person	$	60.00 - 80.00
Bryan's Dog Training	Category 5	Per Person	$	65.00 - 75.00
Golf Lessons	Category 5	Per Person	$	92.00 - 105.00
Hip Hop / Funky Jazz	Category 5	Per Person	$	35.00 - 45.00
Instant Piano For Extremely Busy People	Category 5	Per Person	$	25.00 - 35.00
Kickboxing Aerobics	Category 5	Per Person	$	42.00 - 70.00
Kung Fu Art of Self-Defense	Category 5	Per Person	$	65.00 - 85.00
Swing Dance	Category 5	Per Person	$	55.00 - 65.00
Yoga - 1 Day	Category 5	Per Person	$	36.00 - 50.00
Cancellation /Transfer Fee**	Category 5	Per Person		20%
New Adult Contract Classes	Category 5	Per Person		Full Cost Recovery

** Excludes Program Registration Fee

Section 7 - Parks and Community Services

Youth Sports

Category 6 includes Youth Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.

Fee Description	Policy Category	Unit		Resident Fee
Program Registration Fee		Per Program	$	2.00
Basketball League * #	Category 6	Per Person	$	65.00 - 86.00
Basketball Pee Wee * #	Category 6	Per Person	$	50.00
Sports Camp #	Category 6	Per Person	$	60.00-110.00
Flag Football League * #	Category 6	Per Person	$	59.00
Middle School Sports Program #	Category 6	Per Person	$	25.00
Spudball * #	Category 6	Per Person	$	50.00
Tennis Lessons #	Category 6	Per Person	$	37.00-65.00
Pee Wee Flag Football #	Category 6	Per Person	$	50.00
General Sports Skills Contests #	Category 6	Per Person		Cost Recovery
Open Play Basketball / Volleyball # **	Category 6	Per Person	$	1.00
Jr. Basketball #	Category 6	Per Person	$	60.00
New Youth Sports Programs #	Category 6	Per Person		Cost Recovery
Cancellation /Transfer Fee	Category 6	Per Person		20%
* Denotes Fee for Late Registration	Category 6	Per Person	$	5.00-10.00

** Excludes Program Registration Fee

# Denotes Family Discount available. See note below.

Section 7 - Parks and Community Services

Youth/Teen Activities and Programs

Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.

Fee Description	Policy Category	Unit		Resident Fee
Program Registration Fee		Per Program	$	2.00
Breakfast with Santa #	Category 7	Per Person	$	6.00 - 10.00
Bunny Brunch #	Category 7	Per Person	$	6.00 - 10.00
Holiday Chef #	Category 7	Per Person	$	8.00 - 10.00
Holiday Craft #	Category 7	Per Person	$	8.00 - 10.00
Camp * (Weekly) #	Category 7	Per Person	$	85.00
Spring Chef Workshop #	Category 7	Per Person	$	8.00 - 10.00
Spring Craft #	Category 7	Per Person	$	8.00 - 10.00
Time for Tots - 2 Days (2 Weeks) #	Category 7	Per Person	$	40.00
Time for Tots - 3 Days (2 Weeks) #	Category 7	Per Person	$	45.00
Time for Tots - 5 Days (2 Weeks) #	Category 7	Per Person	$	65.00
Babysitting (hourly)	Category 7	Per Person	$	3.00
T-Shirts **	Category 7	Per Shirt	$	10.00
Sunshine Social #	Category 7	Per Person	$	20.00
Bowling Class/League #	Category 7	Per Person	$	50.00 - 65.00
New Youth/Teen Activities and Programs #	Category 7	Per Person	$	Cost Recovery
Cancellation /Transfer Fee	Category 7	Per Person		20%
* Denotes Fee for Late Registration	Category 7	Per Person	$	5.00

** Excludes Program Registration Fee

# Denotes Family Discount available. See note below.

 # -FAMILY DISCOUNT

A family discount applies when siblings are registered in the same program. The family discount only applies to non-contract programs as identified with an #. The following family discount rates apply:

1st child = Full rate
2nd Child = Receives a 15% discount
3rd Child += Receives a 10% discount

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee

Youth/Teen Classes

Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.

Program Registration Fee		Per Program	$	2.00
Ballet Folklorico - Youth	Category 7	Per Person	$	22.00 - 35.00
Boxing - Youth	Category 7	Per Person	$	60.00 - 70.00
Drawing for Kids - Youth	Category 7	Per Person	$	30.00 - 40.00
Hip Hop Jazz	Category 7	Per Person	$	32.00 - 45.00
Instant Piano	Category 7	Per Person	$	25.00 - 35.00
Golf Clinic - Youth	Category 7	Per Person	$	42.00 - 55.00
Kickboxing - Teen	Category 7	Per Person	$	70.00
Kung Fu Art of Self Defense - Youth	Category 7	Per Person	$	42.00 - 55.00
Parent And Me Gymnastics - Youth	Category 7	Per Person	$	40.00 - 50.00
Salsa/Latin Dance - Teen	Category 7	Per Person	$	55.00 - 85.00
Tumbling Toddlers - Youth	Category 7	Per Person	$	40.00 - 50.00
Cancellation /Transfer Fee	Category 7	Per Person		20%
New Youth/Teen Contract Classes	Category 7	Per Person		Cost Recovery
~~1 Denotes Fee for Late Registration~~	~~Category 7~~	~~Per Person~~	~~$~~	~~5.00~~

~~** Excludes Program Registration Fee~~

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit	Resident Fee
Senior Programs			
Category 1 includes Senior Programs provided by outside agencies at no charge to the participant, and there is no direct cost to the City. All indirect costs will be subsidized by the City.			
Bingo	Category 3	Per Person	$ 1.00 = 2 Cards add Cards = $.50 ea
Breakfast, Lunch, Pizza, Picnic	Category 3	Per Person	Cost Recovery
Bunco	Category 3	Per Person	$ 2.00
Dances	Category 3	Per Person	$ 8.00
Line Dancing	Category 11	Per Person	Contracted
Swap Meet	Category 3	Per Table	$ 5.00
New Senior Contract Program - Administered by	Category 11	Per Person	Contracted
New Senior Program Provided by Outside Agencies	Category 1	Per Person	$ 0
New Senior Program Assisted by City Staff	Category 3	Per Person	Cost Recovery
New Senior Programs Assisted By Volunteers	Category 2	Per Person	$ 0
Trips / Tours - Administered by Contract	Category 11	Per Person	Contracted

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee

Special Events

Category 8 includes Family and Community Seasonal Non-Fee Programs approved and directed by City Council to seek potential private sector sponsorship for programs in this category to cover direct program cost where possible. This may include charging a fee

Program Registration Fee		Per Program	$	2.00
Easter Egg Hunt**	Category 8	Per Person		FREE
Fourth of July Parade Entry **	Category 8	Per Entry	$	30.00
Fourth of July Parade Vendor **	Category 8	Per Booth	$	50.00
Fourth of July Festival Arts & Crafts Booth **	Category 8	Per Booth	$	75.00
Fourth of July Festival Food Booth (Commercial) **	Category 8	Per Booth	$	250.00
Fourth of July Festival Food Booth (Non-Profit) **	Category 8	Per Booth	$	150.00
Fourth of July Festival Service Info Booth (Non-Profit) **	Category 8	Per Booth	$	25.00
Fourth of July Food Booth Deposit **	Category 8	Per Booth	$	50.00
Youth Fest*	Category 8	Per Booth		FREE
Artober Fest	Category 8	Per Booth	$	15.00 - 25.00

** Excludes Program Registration Fee

On-Line Registration Processing Fee (This fee is charged by the on-line provider)

On-Line Registration has no applicable category association.

Transactions < $150		
Percentage of Transaction cost plus		6.50% *
Fixed Fee per Transaction	$	0.50 *
Transactions from $150 to $500		
Percentage of Transaction cost plus		3.50%
Fixed Fee per Transaction	$	5.00
Transactions over $500		
Percentage of Transaction cost plus		2.50%
Fixed Fee per Transaction	$	10.00

* $2.00 minimum

Section 7 - Parks and Community Services

Park Reservations

Non-Resident Fees: Fees for Non-Residents to utilize Parks will be charged at the Resident Fee plus 30%.

Athletic Field Reservation

Fee Description	Policy Category	Unit		Resident Fee
~~Facilities have no applicable category association.~~				
~~Approved Moreno Valley~~ Non-Profit Youth Groups per field ~~and Unorganized Resident Group Play per field~~	N/A	2 Hour min.	$	2.00
~~Approved Moreno Valley~~ Adult Non-Profit Groups ~~and Unorganized Group Play per field~~	N/A	Per Hour	$	5.00
~~Unorganized Adult & Youth~~ Sports play by Private Groups ~~and/or Non-Residents~~ per field	N/A	Per Hour	$	10.00
Organized Commercial (For Profit) Groups (per field)	N/A	Per Hour	$	50.00
Field Preparation - not included - cost recovery of staff overtime	N/A	Per Hour	$	50.00
~~Long Term Use — Contract Changes~~	~~N/A~~	~~Per Visit~~	~~$~~	~~25.00~~
~~Community Park Damage Deposit~~	~~N/A~~	~~N/A~~	~~$~~	~~750.00~~
~~Long Term Use — Annual Maintenance fee~~	~~N/A~~	~~N/A~~	~~$~~	~~750.00~~
Cancellation /Transfer Fee	N/A	N/A		20%
~~Athletic Field Security~~				

Athletic Field Lighting

~~Facilities have no applicable category association.~~				
~~Adult All Users Groups/City Facility~~	N/A	Per Hour	$	15.00
~~Youth Groups/City Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Adult Groups/Joint Use Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Youth Groups/Joint Use Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Cancellation /Transfer Fee~~	~~N/A~~	~~N/A~~		~~20%~~

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Snack Bar (4 Hours or Less Play)				
~~Facilities have no applicable category association~~				
Moreno Valley Youth and Non-Profit Groups	N/A	Per Day	$	20.00
Moreno Valley Youth and Non-Profit Groups	N/A	Per Evening *	$	10.00
~~Private Groups and/or Non-Residents~~	~~N/A~~	~~Per Hour~~	~~$~~	~~30.00~~
~~Commercial Groups~~	~~N/A~~	~~Per Hour~~	~~$~~	~~50.00~~
Cleaning Deposit Fee (required for all groups)	N/A	Per Rental	$	125.00
Key Deposit (required for all groups)	N/A	Per Group	$	25.00
** Evening hours 4:00 p.m. to 10:00 p.m.*				
Storage Unit Rental				
~~Facilities have no applicable category association~~				
Storage Units	N/A	Per Month	$	35.00

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Over 4 Hour Play				
~~Facilities have no applicable category association.~~				
Field Reservation/Non-Profit ~~Non-Lighted Fields~~	N/A	Per Field	$	~~100.00 75.00~~
~~Field Reservation/Non-Lighted Fields for approved non-profit youth organizations~~	~~N/A~~	~~Per Field~~	~~$~~	~~40.00~~
Field Reservation/ Private Group ~~Lighted Fields~~	N/A	Per Field	$	~~175.00 350.00~~
~~Field Reservation/Lighted Fields for approved non-profit youth organizations~~	~~N/A~~	~~Per Field~~	~~$~~	~~75.00~~
Staff on Standby (minimum 2 hours)	N/A	Per Hour	$	~~50.00 35.00~~
Booking Fee Non-Lighted Fields	N/A	Per Event	$	75.00
Booking Fee Lighted Fields	N/A	Per Event	$	150.00
Field Preparation-Cost Recovery	N/A	Per Field	$	50.00
Mound Drop and Removal	N/A	Per Event	$	175.00- 300.00
Admission Gate (Pre-Approved by Director)	N/A	Per Event		25% of gate revenue
Snackbar Cleaning Deposit Fee	N/A	Per Event	$	200.00
Snackbar	N/A	Per Day	$	~~$50.00 $35.00~~
Vendor Fee	N/A	Per Event	$	100.00
Facility Deposit	N/A	N/A	$	100.00
Cancellation/Transfer Fee	N/A	N/A		20%
Gate Admission Must be Pre-Approved by Director Per Event				
Park Fees				
~~Facilities have no applicable category association.~~				
Park Reservation for Special Events	N/A	Per Day	$	50.00
Park Reservation for Park Area	N/A	Per Day	$	25.00
Picnic Shelter Small (1-2 Tables)	N/A	Per Day	$	37.00
Picnic Shelter Medium (3-6 Tables)	N/A	Per Day	$	80.00
Picnic Shelter Large (Over 6 Tables)	N/A	Per Day	$	156.00
Cleaning/Security Deposit	N/A	Per Day	$	75.00
Special Event Permit	N/A	Per Day	$	205.00
Cancellation/Transfer Fee	N/A	N/A		20%

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Valley Skate Park				
This program has no applicable category association				
Skate Park Membership fee per year	N/A	Per Person	$	20.00
Skate Park Member Session entry fee	N/A	Youth	$	2.00
		Adult	$	4.00
Non-member Session entry fee	N/A	Per Person	$	4.00-5.00
Package Protective Gear Rental	N/A	Per Person	$	5.00
Helmet Rental	N/A	Per Person	$	3.00
Helmet Deposit (ID Required or $20 Deposit)	N/A	Per Person	$	20.00
Knee Pad Rental	N/A	Per Person	$	2.00
Elbow Pad Rental	N/A	Per Person	$	2.00
Instructional Clinics/Lessons Per Session	N/A	Per Person	$	5.00-20.00
Hockey Rink Rental	N/A	Per Hour	$	75.00
Open Skate & Puck and Stick Session (Roller Hockey	N/A	Per Person	$	2.00-4.00
Roller Hockey Youth League	N/A	Per Person	$	89.00
Roller Hockey Adult League	N/A	Per Team	$	1,000.00
School District Rink Rental	N/A	Per Team		Cost Recovery for Staff

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Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Golf Course				
This program has no applicable category association				
Adult - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	11.00
Adult - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	8.00
Seniors 55 & Over - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	9.00
Seniors 55 & Over - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	6.50
Students Under 18 - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	9.00
Students Under 18 - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	6.50
18 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$	14.00
9 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$	9.50
Monthly Cards: Seniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	65.00
Monthly Cards: Juniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	65.00
Monthly Cards: Adults (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	90.00
Monthly Cards: Family of 4 (Mon.-Fri.) Unlimited Play	N/A	Per Group	$	170.00
Punch Cards: Seniors = Ten 9-Hole Rounds	N/A	Per Card	$	50.00
Punch Cards: Adults = Ten 9-Hole Rounds	N/A	Per Card	$	75.00
Punch Cards: Juniors = Ten 9-Hole Rounds	N/A	Per Card	$	50.00
Youth After School Cards = 3 months (Local schools + up to 17 yrs old) M - F = 3 pm until dusk	N/A	Per Person	$	90.00
Cart Rental	N/A	Per Cart	$	2.50
Club Rental	N/A	Per Set	$	5.00
Locker Rentals = with Monthly Card	N/A	Per Person	$	5.00
Locker Rentals = without Monthly Card	N/A	Per Person	$	10.00

Facility Rental

Senior Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Banquet Room	4 hours	Monday through Thursday (with Kitche	Per Hour	$ 10.00
		Banquet Room	2 hours	Friday through Sunday (with Kitchen)	Per Hour	$ 20.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ -
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ -
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ -
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ -
					Service/Facility fees may apply	
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 45.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 100.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 55.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 40.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 45.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 30.00
					Service/Facility fees may apply	
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 100.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 175.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 125.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 68.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 100.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 58.00
					Service/Facility fees may apply	

Service/Facility		Current Fee
Refundable Cleaning / Security Deposit		$ 300.00
Setup / Reset Charge (if applicable)		$ 75.00
Main Kitchen (Only)		$ 100.00
Cleaning		$130.00 - $150.00
Decorating	Per Hour	$ 25.00
Overtime Staff Charge	Per Hour	Cost Recovery
Staff Time	Per Hour	$20.00 - $30.00
Security Services	Per Hour	$20.00 - $25.00
False Fire / Police Alarm penalty (per each false alarm)	Per False Alarm	$ 200.00
False Alarm - Fire penalty	Per False Alarm	$ 28.00
False Alarm - Police penalty	Per Hour	$ 150.00
Insurance		Cost Recovery
Cancellation Fee		$ 300.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

MV00055841

Towngate Community Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 15.00
			4 hours	Friday through Sunday	Per Hour	$ 15.00
						Service/Facility fees may apply
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 60.00
			4 Hours	Friday through Sunday	Per Hour	$ 70.00
						Service/Facility fees may apply
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 80.00
			4 Hours	Friday through Sunday	Per Hour	$ 90.00
						Service/Facility fees may apply
Group 4	Resident of Renaissance Park Housing Development	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday		
				First two hours	Per Hour	$ 25.00
				Thereafter	Per Hour	$ 60.00
			4 Hours	Friday through Sunday		
				First two hours	Per Hour	$ 18.00
				Thereafter	Per Hour	$ 70.00
						Service/Facility fees may apply

Service/Facility	Unit	Current Fee
Refundable Security Deposit	Per Hour	$ 200.00
Setup/Reset Charge (if applicable)		$ 25.00
Cleaning Fee		$130.00 - $150.00
Cancellation Fee		$ 200.00
Staff Regular Time	Per Hour	$20.00 - $30.00
Staff Overtime		Cost Recovery
Decorating	Per Hour	$ 25.00
Set-up Time and Tear Down of Event	Per Hour	$ 25.00
False Alarm - Fire	Per Alarm	$ 200.00
False Alarm - Police	Per Alarm	$ 28.00
Unscheduled Program Use	Per Hour	$ 100.00
Security Services	Per Hour	$20.00 - $25.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

MV00055842

Conference and Recreation Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
Group 1	City sponsored/conducted events	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Grand Valley Ballroom with small patio or large patio	3 Hours	Friday evening beginning at 5:00 pm and Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio or large patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 35.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 35.00
		Alessandro Room	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 12.00
		Alessandro Room	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 12.00
		Dance Studio	2 Hours	Monday through Sunday	Per Hour	$ 12.00
		Gymnasium	2 Hours	Monday through Sunday	Per Hour	$ 12.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
						Service/Facility fees may apply
2	Federal, State, County and Educational Institutions	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 160.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 180.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 350.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 30.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 45.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply
Group 3	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, Federal, State, County and educational institutions. Proof of residency may be required.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 160.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 210.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 350.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 30.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 45.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00

Section 7 - Parks and Community Services

Exhibit "A"

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply
Group	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 200.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 400.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 350.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 400.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 40.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 75.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 40.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 110.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 100.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply

Conference and Recreation Center (Cont.)

Service/Facility		Unit	Current Fee
Grand Valley Ballroom Refundable Security Deposit for Groups 3 and 4			$750.00 $200.00 - $750.00
Grand Valley Ballroom Refundable Security Deposit for Group 2 (Dependent on Event Liability)			$0
Alessandro Room Refundable Security Deposit			$ 100.00
Frank E. Brown Room Refundable Security Deposit			$ 100.00
Dance Studio Refundable Security Deposit			$250.00 - $500.00
Gymnasium Refundable Security Deposit			$250.00 - $500.00
Grand Valley Ballroom Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 31.00
Alessandro Room Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 25.00
Scoreboard and Controller		Per Day	$ 20.00
Extended Facility Use	Entire Gymnasium	Per Hour	$ 100.00
	Half Gymnasium	Per Hour	$ 50.00
	Grand Valley Ballroom	Per Hour	$ 450.00
False Alarm - Fire		Per Alarm	$ 200.00
False Alarm - Police		Per Alarm	$ 28.00
Cleaning Fee			$200.00 - $230.00
Unscheduled Program Use		Per Hour	$ 100.00
Insurance			Cost Recovery
Decorating		Per Hour	$ 31.00
Audio Visual Technician		Per Hour	$35.00 - $45.00
Staff Time		Per Hour	$20.00 - $30.00
Staff Overtime (per hour)			Cost Recovery
Security Services		Per Hour/Per Guard	$20.00 - $25.00

Equipment Rental	Current Fee
TV/VCR/DVD	$25
Coffee Pot (12 cup)	$6
Coffee Pot (55 cup)	$20
Coffee Pot (100 cup)	$40
Linen Rental	$5
AV Projector	$25
Overhead Projector	$20
Microphone (cordless)	$25
Deluxe Sound System (small system available at no charge)	$100
Dance Floor - 500 sq.ft. thru 1000 sq. ft. (includes set-up)	$200
Easel	$10
Portable Bar	$50
Projection Screen	No charge
Flags	No charge
Podium with microphone	No charge

* Tables and chairs are included in the room rental fee.
* Linens, cutlery, decorations, and patio furniture are not included with the room rental fee.
* Replacement fee will be assessed if equipment is damaged or destroyed.
* Rental equipment fees are subject to change without notice.
* Fees are subject to cost recovery charges.

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

MV00055845

Section 7 - Parks and Community Services

Mobile Stage Unit

Categories	Mandatory Staff Fee: Stage Unit with Platforms (3 staff)	Mandatory Staff Fee: (2 staff)	Refundable Cleaning Deposit	Unit	Current Fee
Category I	Cost Recovery	Cost Recovery			
			No Charge		No Charge
Category II					
Within Moreno Valley City Boundaries	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 135.00
Boundaries Outside of Moreno Valley	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 575.00
Category III					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 125.00
Category IV					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 335.00
Category V					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 560.00

CATEGORY DEFINITIONS	
Category I:	Parks and Community Services Department, City sponsored and/or city co-sponsored events.
Category II:	Other governmental agencies (city, county, federal or state) and educational institutions (school districts).
Category III:	A Moreno Valley based non-profit service organization that holds monthly meetings within the City of Moreno Valley's city boundaries. Organization must have a City of Moreno Valley mailing address. Organization's primary purpose must be charity, youth development, cultural enrichment, or civic improvement; and must show proof of non-profit status (Section 501(c)(3) and 501(c)(4) of Internal Revenue Code). Organization must show a viable organizational structure including with the application a listing of board officers' names, addresses and telephone numbers.
Category IV:	Moreno Valley businesses located within the City of Moreno Valley's city boundaries.
Category V:	Non-Moreno Valley based businesses and non-profit organizations for use only within the City of Moreno Valley's city boundaries.

MOBILE STAGE UNIT MISCELLANEOUS INFORMATION

DIMENSIONS Stage When Extended	
Interior Length	36'
Interior Depth	13', 6"
Body of Mobile Stage Unit	
Width	8 feet
Length	40', 45' hitch
Height of Back Wall	92" or 7'-8'
Platforms	
Extra Stage - Total of 9 Each	4' X 8'

AMENITIES INCLUDED IN MOBILE STAGE UNIT COST

Skirting around mobile stage unit

Generator

OPTIONAL AMENITIES

Sound System available at an additional cost of $50.00 per day plus $100.00 refundable security / deposit.

Sound System include Amplifier - Includes 8 Channels

Two (2) Large speakers with stands

Two (2) microphones with stands

Tape deck

Equestrian Center

User Group	Classification		Current Fee	
Group 1	City sponsored/conducted events, non-profit organizations, governmental agencies (Federal, State, County) and Educational Institutions with reciprocal arrangements (defined below).		$ 0	*
Group 2	City of Moreno Valley resident (proof of residency may be required), resident non-profit organization (proof of residency may be required), governmental agencies (Federal, State, County) and Education Institutions.		$ 100.00	*
Group 3	Moreno Valley commercial groups - social activities.	Per Day	$ 125.00	*
Group 4	Non-Resident, non-profit, (proof of non-profit status may be required).	Per Day	$ 125.00	*
Group 5	Resident, commercial use for profit.	Per Day	$ 125.00	*
Group 6	Non-Resident, commercial use for profit.	Per Day	$ 125.00	*

* Service/Facility Use Fees may apply

SERVICE / FACILITY USE FEES

Service / Facility	Current Fee
Refundable Security Deposit	$ 300.00
Tractoring Fee (if applicable), each	$ 100.00
Standby Tractoring Fee	$ 50.00
Water Key Deposit	$ 25.00
Lighting	$ 15.00
Cancellation	$ 25.00
Staff Overtime (per hour)	Cost Recovery

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

MV00055847

Section 8 - Police

Exhibit "A"

	Unit	Fee	
ABC Letter (Alcohol Beverage Control Letter)	Each	$ 19.00	
Administrative Citations			
1st Offense		$ 100.00	MC 1.01.230
2nd Offense		$ 200.00	MC 1.01.230
3rd Offense		$ 500.00	MC 1.01.230
Bingo Permit	Annual	$ 50.00	Fee set by PC 326.5/Ord 611 11.50.050
Certification of Police Records	Each	$ 5.00	
Clearance Letter	Each	$ 10.00	GC6253(b)
Citation Sign-off for Non-Resident	Each	$ 15.00	GC26746.1
Concealed Weapons Permit	Processed by the Riverside County Sheriff's Department		
Explosive Permit (fingerprinting)	See Fingerprinting: Live Scan		
False Alarm Response			
Burglary	per Occurrence	$ 30.00	
Robbery	per Occurrence	$ 120.00	
Fingerprinting (Live Scan)			
Processing through DOJ and FBI	per Set	$ 51.00	Fee set by DOJ and FBI
Processing through DOJ	per Set	$ 32.00	Fee set by DOJ
Processing fee	per Set	$ 10.00	PC 13300(e)

MV00055848

Section 8 - Police

Exhibit "A"

	Unit	Fee	
Juvenile Daytime Curfew Ordinance Police Service Fee (plus fine amount)		$ 30.00	MC 11.05.080
Photographs			
Photographs: Traffic Collisions (3"x5" or 8"x10")*	Each	$ 21.00	
Taking of Polaroid photograph and providing photo/slide and negative (3"x5" or 8"x10")	Each	$ 21.00	
Taking of Polaroid photograph or reprint	Each	$ 12.00	
Color Copy of Digital Photo	Each	$ 5.00	
Mug Shot/Booking Photo	Each	$ 5.00	
Police Services at Public Event			
Police Sergeant	per Hour	$ 84.29	Fully burdened City cost per contract
Police Officer	per Hour	$ 66.19	Fully burdened City cost per contract
Community Services Officer	per Hour	$ 46.20	Fully burdened City cost per contract
Reports			
Collision and Crime	up to 10 pages	$ 5.00	
	each additional page	$ 0.20	
Repossession Fee		$ 15.00	Fee set by GC26751 & GC41612

Section 8 - Police

	Unit	Fee	
Second Hand Dealers License			
State Initial License		$ 195.00	Bus & Prof Code 21641
Renewal		$ 12.00	Bus & Prof Code 21642
Fingerprinting (Live Scan)		$ 32.00	Fee set by DOJ
Live Scan processing fee		$ 10.00	PC 13300(e)
Security Clearance Information Act (SCIA) - Local Records Check		$ 5.00	Federal Statute Title 5 Chapter 91 Section 9101
Taxicab			
Application Processing	Annual	$ 152.00	
Taxicab Driver Permit	Annual / per Driver	$ 11.00	
Taxicab Permit	Annual / per Taxicab	$ 11.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan	
Tow Truck			
Driver Fee	Annual	$ 24.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan	
Vehicle Release		$ 120.00	
Massage			
Appeal Fee (Operator and technician)		$ 139.00	
Application Fee and Renewal		$ 13.00	
Inspection Fee		$ 135.00	
Background Check, Fingerprinting and photo			
Initial		$ 167.00	
Renewal		$ 67.00	
Testing Fee (Operator and technician)		$ 93.00	

MV00055850

Section 9 - Public Works

Exhibit "A"

Administration

	Unit	Fee
Plans and Specification Fee (non-refundable)		Actual cost ($10 min)
Copy of Capital Improvement Plan	Each	Actual City Cost
Self Haul Permit (Solid Waste)	Each	$ 41.00

Electric Utility

	Fee
PLAN CHECKING AND INSPECTION/TESTING FEES	
Upon submittal of improvement plan(s) for a project's electrical distribution system, line extension facilities and/or structures for plan review, the submittal shall be accompanied with a deposit of an amount equal to 3.25% of the engineer's estimated construction costs for improvements. Prior to second submittal of improvement plans, the City Engineer will approve a final cost for improvements and a plan review fee will be established. From this final fee, the deposit will be deducted. This fee shall be paid prior to the second submittal of the improvement plan(s).	
Improvement Plans (Total cost of construction)	
Off-Site & On-Site 1-3 submittals	
First $20,000	4.00%
Next $80,000	3.50%
Over $100,000	3.25%
4th and subsequent submittals per sheet	$248/sheet
Revisions (Improvement Plans)	
Minor per sheet	$ 263.00
Major per sheet (minimum fee)	$ 269.00
Inspection and Testing (Total cost of construction)	
Off-Site & On-Site	
First $20,000	4.00%
Next $80,000	3.50%
Over $100,000	3.25%

RATE SCHEDULE & CHART OF CHARGES AND FEES

The chart of Moreno Valley Electric Utility charges and fees are located in the *City of Moreno Valley Electric Service Rules, Fees and Charges* document. Moreno Valley Electric Utility rates are located in the *Moreno Valley Electric Rates* document. Both documents are approved by the City Council under separate consideration and are available online at http://www.moval.org/resident_services/utilities/rate-tariff.shtml or from the MVU Office.

Section 9 - Public Works

Land Development

	Unit	Fee

~~[Revised statement moved to Section 10 - Miscellaneous Fees and Charges.~~
~~Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.~~

~~Deposit, which will be valued at one quarter of the fee that would typically be charged for plan check or inspection services.~~

LEGAL AND OTHER DOCUMENTS

~~*Initial*~~ ***Fee Includes Three (3) Reviews, Unless Otherwise Noted***

Lot Line Adjustment	Each	$ 936.00
Certificate of Parcel Merger	Each	$ 936.00
Certificate of Correction	Each	$ 469.00
Certificate of Compliance	Each	$ 758.00
Conditional Certificate of Compliance	Each	$ 1,178.00
Street Vacation		
Summary	Each	$ 1,139.00
Full	Each	$ 3,782.00
Condemnation		
Initial Processing Deposit	Deposit	$ 5,000.00 +
Right-of-Way Acquisition and Processing (minimum ~~fee~~)	Deposit (per lot)	$ 5,000.00

Amount determined by City Engineer. Not to exceed total City cost.

Section 9 - Public Works

Land Development

	Unit	Fee
Document Review and Processing		
Minor Documents (Staff Reports, Offers of Dedication, Easement Deeds, Grant Deeds, Centerline Tie Sheets, Public Improvement Agreements, etc) (For 2 Reviews)	Each	$ 752.00
Major Documents ~~(Where Minor Document review fees are indeterminate)~~	Each	Amount determined by City Engineer. Not to exceed total City cost.
Public Improvement Agreement (Extension)	Each	$ 879.00
Partial Bond Release	Each	$ 1,694.00
Assurance of Construction (Grading, Damage and Minor Construction Securities)	Deposit	Security amount determined by City Engineer
MAP CHECKING		
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted		
Parcel Map and Tract Map	Each	$ 3,860.00 +
	per Lot	$ 41.00
4th and Subsequent Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00
Amended Map (Parcel and Tract)	Each	$ 2,156.00
4th and Subsequent Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00
Reversion to Acreage	Each	$ 1,634.00
Monument Review Field		5% of Bond or $415 min
Survey Monument Restoration (Two Reviews, Per Set)	Each	$ 257.00

MV00055854

Section 9 - Public Works

Land Development

	Unit	Fee	
IMPROVEMENT PLAN CHECK (Includes but is not limited to Street Improvements, Storm Drain, Water, Sewer, etc Plans)			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
<= $100,000 of Engineer's estimate Plus		4.00%	+
$100,001-$250,000 of Engineer's estimate Plus		3.00%	+
> $250,001 of Engineer's estimate		2.50%	
On-site Improvements (For non-single family residential, based on Engineer's estimate)		1.00%	
4th and Subsequent Reviews (Improvement Plans minimum fee)	per Sheet, per Review	$ 248.00	~~On-site approved by the City Engineer. Not to exceed total City cost.~~ or amount determined by the City Engineer. Fee not to exceed total City cost.
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for plan check services.		
Revisions (Improvement Plans)			
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 261.00	
Major (minimum fee)	per Sheet, per Review	$ 269.00	Amount determined by the City Engineer. Fee not to exceed total City cost.

* For As-Builts with no changes, a one sheet fee is required.

MV00055855

Land Development

MASS/ROUGH GRADING PLAN CHECK

Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted

	Unit	Fee	
Subdivisions and Custom Homes			
0-5,000 CY		$ 1,928.00	
5,001-100,000 CY Plus		$ 1,928.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 318.00	
> 100,000 CY Plus		$ 7,970.00	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 107.00	
Non Subdivisions			
0-5,000 CY		$ 1,928.00	
5,001-100,000 CY Plus		$ 1,928.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 284.00	
> 100,000 CY Plus	$7,324	~~$ 7,315.00~~	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 70.00	
4th and Subsequent Reviews (Mass/Rough Grading Plans)	per Sheet, per Review	$ 207.00	
Revisions (Mass/Rough Grading Plans)			
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00	
Major (minimum fee)	per Sheet, per Review	$ 294.00	

* For As-Builts with no changes, a one sheet fee is required.

MV00055856

Section 9 - Public Works

Land Development

	Unit	Fee	
STOCKPILE/BORROW SITE PLAN			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
0-5,000CY		$ 584.00	
5,001-100,000 CY		$ 1,009.00	
> 100,000 CY		$ 1,401.00	
4th and Subsequent Reviews (Stockpile/Borrow Plans)	per Sheet, per Review	$ 207.00	
Revisions (Stockpile/Borrow Plans)			
Minor	per Sheet, per Review	$ 247.00	
Major (minimum fee)	per Sheet, per Review	$ 294.00	
		Actual amount determined by the City Engineer. Fee not to exceed total City cost.	
PRECISE GRADING PLAN CHECK			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
Subdivisions and Custom Homes Plus	Each	$ 1,837.00	+
	per Lot	$ 70.00	
Non Subdivisions			
On-site Improvement Plan Check Fee			
0-5,000CY		$ 1,838.00	
5,001-100,000 CY Plus		$ 1,838.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 284.00	
> 100,000 CY Plus		$ 7,234.00	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 70.00	
4th and Subsequent Reviews (Precise Grading Plans)	per Sheet, per Review	$ 218.00	

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Land Development

	Unit	Fee
Revisions (Precise Grading Plans)		
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00
Major (minimum fee)	per Sheet, per Review	$ 294.00
* For As-Builts with no changes, a one sheet fee is required.		Actual amount determined by the City Engineer. Fee not to exceed total City cost.

STORM WATER MANAGEMENT PLAN CHECK

Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted

Water Quality Basins (SFR Projects) (Civil Drawings)	Per Sheet	$ 1,443.00
Water Quality Treatment (Non SFR Projects) (Civil Drawings)	Per Sheet	$ 1,443.00
4th and Subsequent Reviews (Civil Drawings)	per Sheet, per Review	$ 247.00
Water Quality Basin Landscaping (Landscape Drawings) ~~(Landscape Drawings)~~		
Base Fee (7 sheets Maximum)		$ 5,925.00
Each Additional Sheet		$ 830.00
4th and Subsequent Reviews (Landscape Drawings)	per Sheet, per Review	$ 178.00
Hydrology & Hydraulic Calculations for Treatment Control Devices	Each	$ 464.00
Storm Water Pollution Prevention Plan (SWPPP) Document Review	Each	$ 655.00

Section 9 - Public Works

Land Development

	Unit		Fee		
STUDIES					
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted					
Flood Plain (CLOMR/LOMR)					
1-10 Acres (Tributary)	Each		$ 3,385.00		
Over 10 Acres	Each		$ 3,385.00	+	
Each Acre over 10 Acres	per Acre		$ 20.00		
Drainage (Hydrology/Hydraulics)					
0-50 Acres (Tributary)	per Acre		$ 48.00		$450 minimum
51-100 Acres Plus	Each	$2,400	~~$ 2,423.00~~	+	
Each Additional Acre over 50	per Acre		$ 6.00		
101-1,000 Acres Plus	Each	$2,700	~~$ 2,723.00~~	+	
Each Additional Acre over 100	per Acre		$ 4.00		
Over 1,000 Acres Plus	Each	$6,300	~~$ 6,323.00~~	+	
Each Additional Acre over 1,000	per Acre		$ 1.00		
4th and Subsequent Review	Each Review		Total City Cost		
Preliminary Drainage Study (Entitlement Stage)	Each		$ 464.00		
Preliminary Water Quality Management Plan (P-WQMP)					
WQMP Preliminary Document Review					
First Two Reviews Only (Consultant and Admin)			$ 934.00		
Third and Subsequent Reviews (Fee for Consultant Only)	Each Review		$ 321.00		
All Meetings	per Hour	$250	~~$ 306.00~~		
All Teleconferences	per Hour	$150	~~$ 306.00~~		

MV00055859

Land Development

	Unit	Fee
Final Water Quality Management Plan (F-WQMP)		
WQMP Final Document Review		
(Initial fee includes Document Review, Teleconferences and Meetings)		
Basic Review (Maximum 2 Reviews and 2 Meetings)		$ 1,098.00
(Applies to Hillside Residential ≤ 9 Units)		
Subsequent Reviews	Each Review	$ 750.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
Standard Review (Maximum 2 Reviews and 2 Meetings)		$ 4,290.00
(Applies to Residential ≤ 50 Units; Commercial ≤ 2 Acres; Industrial ≤ 1 Acre; Automotive ≤1 Acre; Restaurants ≤ 1 Acre; Hillside Development ≤ 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots ≤ 2 Acres)		
Subsequent Reviews	Each Review	$ 1,440.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
Complex Review (Maximum 3 Reviews and 3 Meetings)		$ 6,179.00
(Applies to MFR or SFR > 50 Units; Commercial > 2 Acres; Industrial > 1 Acre; Automotive > 1 Acre; Restaurants > 1 Acre; Hillside Development > 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots > 2 Acres)		
Subsequent Reviews	Each Review	$ 1,824.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
OTHER PLAN CHECK FEES		
~~Developer Requested Expedition of Plan, Map and Document Review~~		~~Regular plan, map and document review fee + 25%~~

Land Development

	Unit	Fee	
Underground Overhead Utilities			
Underground of Utilities Administration Fee Plus		$ 70.00	+
Underground of Utilities In-Lieu Fee (In accordance with Development Code 9.14.130)	per Linear Foot	$ 196.00	
IMPROVEMENT PLAN INSPECTION			
Grading			
Mass, Rough, or Precise, Stockpile or Borrow Grading Inspection (All projects)			
0-100 CY		$ 637.00	
101-1,000 CY Plus		$ 637.00	+
Each Additional 100 CY or portion thereof over 100 CY (prorated per cubic yard)		$ 120.00	
1,001-10,000 CY Plus	$1,717	~~$ 1,244.00~~	+
Each Additional 1,000 CY or portion thereof over 1,000 CY (prorated per cubic yard)		$ 390.00	
10,001-100,000 CY Plus	$3,227	~~$ 3,334.00~~	+
Each Additional 10,000 CY or portion thereof over 10,000 CY (prorated per cubic yard)		$ 355.00	
> 100,000 CY Plus	$8,422	~~$ 8,413.00~~	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 318.00	
~~Offsite (Public Right-of-Way) Improvements~~			
Improvement Plan (Offsite Public Improvements, Per Project)			
< $100,000 of Engineers estimate Plus		4.00%	+
$100,000-$250,000 of Engineers estimate Plus		3.00%	+
> $250,000 of Engineers estimate		2.50%	
Onsite Improvements (Based on Engineer's estimate)		1.00%	
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for inspection services.		

MV00055861

Section 9 - Public Works

Land Development

	Unit		Fee	
Re-inspection	Each		$ 432.00	
Holidays, Weekends and Night Inspections (Based on staff availability)	per Hour* *minimum of 2 hour	$79.00	$ ~~198.00~~ $96.00	Straight Time Over Time
STORM WATER MANAGEMENT INSPECTION				
Storm Water Pollution Abatement Program				
Projects Under Construction				
Construction Site Inspection			$ 402.00	
Existing Businesses				
NPDES Industrial Site Initial Inspection	Each		$ 451.00	
Follow-up Compliance Inspection	Each		$ 211.00	
NPDES Commercial Site Initial Inspection	Each		$ 331.00	
Follow-up Compliance Inspection	Each		$ 211.00	
NPDES Restaurant Initial Inspection (CAP)	Each		$ 271.00	
Follow-up Compliance Inspection	Each		$ 211.00	
Water Quality Basin Landscape Inspection				
0-1 Acre			$ 11,853.00	
1-1.5 Acres			$ 13,631.00	
1.5-2 Acres			$ 15,408.00	
2-2.5 Acres			$ 17,187.00	
Each additional 1/2 Acre > 2.5 Acres	per 1/2 Acre		$ 1,777.00	
PENALTY FEES				
Inspection and Testing work in Right-of-Way without Encroachment Permit			$ 603.00	
Failure to Schedule Inspection Prior to Performing Work *			$ 122.00	

* Penalty Fee to be determined by the City Engineer. Listed amount for the first offense and not to exceed $500 for each subsequent offense.

MV00055862

Land Development

	Unit	Fee		
PERMITS - ADMINISTRATION FEES				
Grading or Inspection: Permit Issuance	Each	$ 82.00		
Construction Permit Issuance	Each	$ 82.00		
Newspaper Rack Annual Permit Issuance	Each	$ 82.00		
Annual Utility Blanket Permit Administration	Each	$ 82.00		
Second Driveway Approach Application	Each	$ 82.00		
PERMITS - INSPECTION FEES				
Concrete Sidewalk				
0-100 Linear Feet	Each	$ 66.00	+	
> 100 Linear Feet	per Linear Foot	$ 1.00		
Parkway Drains	Each	$ 144.00		
Residential Curb Core (2 maximum per lot)	per Lot	$ 78.00		
Driveways				
Commercial	Each	$ 144.00		
Residential	Each	$ 203.00		
Excavation-Street Crossing	per Linear Foot	$ 2.00		$232 min
Excavation Parallel Trench	per Linear Foot	$ 0.50		$232 min
Small Bore Potholes (12" Diameter Maximum)	Each	$ 26.00		
All Other Potholes	Each	$ 77.00		
Bores/Splice Pits	Each	$ 52.00		

MV00055863

Section 9 - Public Works

Land Development

	Unit		Fee	
Non-Retaining Wall	Each		$ 144.00	
Fence	Each		$ 144.00	
Newspaper Rack Installation	Each		$ 52.00	
Utility Blanket Permit Individual Location Inspection	Each		$ 15.00	
				Straight Time
Miscellaneous Inspections (Based on staff availability)	per Hour*	$79.00	~~Amount determined by the City Engineer, fee not to exceed total City cost~~	
	*minimum of 1 hour		$96.00	Over Time

OTHER PERMITS

Application Fee for Special Events, (Including Permit to Conduct a Parade or other event within Public Property or Street Right-of-Way.)	Each	$	205.00
Block Party Permit Processing	Each	$	82.00
Flood Plain Determination (Community Rating System)	per Lot	$	20.00
Elevation Certification (Mobile Home Park)	Each	$	155.00

MV00055864

Section 9 - Public Works

Land Development

OTHER FEES

Advanced Energy Fees

	Unit	Fee	
Administration Fee		$ 404.00	
Zone B (9,500 Lumens)	Each	$ 261.00	
Zone C (22,000 Lumens)	Each	$ 347.00	
Single Family Residence Review	per Project	$ 390.00	
Area Drainage Plan Fee	Established by and payable to the County of Riverside Flood Control District		

MISCELLANEOUS LAND DEVELOPMENT FEES

City of Moreno Valley Book of Standard Drawings	Each	$ 45.00	
Research of Records, Files, etc.			
Technical	per Hour *	$ 84.00	+reproduction costs
Professional	per Hour *	$ 136.00	+reproduction costs
	* minimum of 1/2 hour		
In-house Reproduction costs of Engineered Plan Sheets (Large Format)	per Sq Ft	$ 1.00	

Section 9 - Public Works

Maintenance and Operations

	Unit	Fee
~~Tree Planting~~		
~~15 Gallon~~	~~Each~~	~~$ 190.00~~
~~24" Box~~	~~Each~~	~~$ 270.00~~
Private Residence Tree Removal (Service not available on request; service will only be performed when required as determined by Public Works, Maintenance and Operations Division)	Each	$ 270.00

Section 9 - Public Works

Special Districts

	Unit	Fee		
Land and Assessment Division Applications				
with amended assessment diagram		$	900.00	+
	per Parcel	$	25.00	
without amended assessment diagram		$	1,500.00	+
	per Parcel	$	35.00	
Special District Formation Application	Each	$	5,000.00	
Special District Formation/Bond Issuance	Each		1% of bond issue	$50,000 min
Special Tax Report	Each		City Cost	$10 min
Annual Levy Report	Each		City Cost	$10 min
Parcel Payoff/Amortization Schedule	per Parcel	$	46.00	
Note: Bond payoff/amortization schedule information is given to property owners free of charge. Others requesting information will be charged per parcel.				
Fixed Charge Tax Bill Revisions	per Parcel		County Cost	
Plans and Specifications (Non-refundable) (Landscape and Street Light documents)			City Cost	$10 min
Mail Ballot Processing				
Administrative Fee	per Proceeding	$	1,574.00	
Ballot Fee	per Ballot	$	3.00	

Section 9 - Public Works

Special Districts

	Unit	Fee
Parkway Landscape Plan Check		
Base Fee (7 sheets & 3 total submittals)		$ 5,925.00
Each Additional Sheet & 3 submittals		$ 830.00
Each Additional submittal	per Sheet	$ 178.00
Landscape Inspection		
0-1 Acre		$ 11,853.00
1-1.5 Acres		$ 13,631.00
1.5-2 Acres		$ 15,408.00
2-2.5 Acres		$ 17,187.00
Each additional 1/2 acre > 2.5	per 1/2 acre	$ 1,777.00
Public Works Landscape Design Guidelines	Each	$ 15.00

MV00055868

Section 9 - Public Works

Transportation Engineering

	Unit	Fee	
Permit Parking Program			
Application Fee	Each	$ 90.00	
Initial Permit Fee	per household or business	$ 57.00	
Annual Renewal Fee	per household or business	$ 19.00	
Special Traffic Count			
Daily Directional	per Count	$ 135.00	
Daily Non-Directional	per Count	$ 67.00	
Peak Hour Intersectional	per Count	$ 47.00	
Speed Study			
Radar		$ 51.00	
Speed Profile (2 tubes, 1 machine)		$ 190.00	
Special Traffic Curb Painting	Deposit	$ 178.00	Actual charge is "fully burdened" rate charge
Signs			
Miscellaneous Traffic Control Signs (Stop, Yield, Bus Stop, etc)	Each	$ 270.00	
Neighborhood Watch Signs (Installed)	Each	$ 13.00	
Street Name Sign	Each	$ 405.00	

MV00055869

Section 9 - Public Works

	Unit	Fee
Transportation Engineering		
Signal Construction Inspection and Turn-on		
<= $100,000 of Engineer's estimate		4.00%
$100,001-$250,000 of Engineer's estimate		3.00%
> $250,000 of Engineer's estimate		2.50%
Controller Testing		$ 1,929.00
Signing and Striping Plan Review (1-3 submittals)	Per Sheet	$ 350.00
4th and subsequent submittals	Per Sheet	
Temporary Parking Permit		
Type I		$ 135.00
(Allow temporary parking on a restricted street section with curb lane width of less than 18 ft)		
Type II		$ 67.00
(Allow temporary parking on a restricted street section with curb lane width of 18 ft or more)		
Traffic Impact Analysis		
Minor	Each	$ 1,132.00
Major	Each	$ 3,000.00
Traffic Control Plan Review (1-3 submittals)	per Sheet	$ 350.00
4th and subsequent submittals	Per Sheet	

MV00055870

Section 10 - Miscellaneous Fees and Charges

Exhibit "A"

	Unit	Fee
Council Chamber Room Rental	per Day	$ 132.00
Neighborhood Preservation Revitalization Program Housing Inspection Minimum Permit Fees (all types of permits)	Each	$ 122.00
Housing Assistance Financial Analysis Charge		City Cost
Mileage for City employee appearances	per Mile	IRS allowable rate
Motion Picture Permit	Each	$ 393.00
Copies *		
Black & White	per Page	$ 0.20
Color	per Page	$ 0.75

* All government agencies and their official representatives shall be exempt from paying these charges for single copies for official use.

Copies and Research in response to subpoena	per Occurrence	City cost as provided for in California Evidence Code Section 1563

Copies of maps, documents, graphs or special work may be furnished upon the payment of the cost of printing and preparation. For such items for which a regular established price is unavailable, the Department Head, in collaboration with the Financial & Administrative Services Director, may establish a price consistent with the cost of printing and preparation thereof. The Financial & Administrative Services Director shall report such exceptions to the City Manager. It shall be the responsibility of the City Manager to review such costs annually and make such recommendations to the City Council as required to keep charges consistent with actual costs.

The City Council may waive processing or appeal fees for any private or public agency on a case-by-case basis. In the case of an appeal by a public agency or school district, no fee shall be charged until the City Council considers the appeal matter itself and renders a decision on the waiver of the fee after the entire appeal matter has been heard.

Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for Development Services activities plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.

Land Development Division Deposits will be valued at one-quarter of the fee that would typically be charged for plan check or inspection services.

MV00055871

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.12.130	Parked in violation of designated curb color	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.12.130	No standing/stopping/parking anytime (posted)	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.12.130	Posted time 6 p.m. to 6 a.m. (commercial vehicle)	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.38.040	Vehicle parked on street in excess of 72 hours	$ 28.20	$ 9.50	$ 37.70	$ 66.50	$ 9.50	$ 76.00
12.42	No parking (street sweeping)	$ 45.00	$ 9.50	$ 54.50	$ 106.00	$ 9.50	$ 115.50
6.04.030p5c	Parking on unimproved surface	$ 20.00	$ 9.50	$ 29.50	$ 56.00	$ 9.50	$ 65.50
11.24.200	Inoperative vehicle in view in excess of 72 hours	$ 20.00	$ 9.50	$ 29.50	$ 56.00	$ 9.50	$ 65.50

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.38.020A	It is unlawful to park or leave standing any of the following:						
12.383020A1	Any vehicle or trailer which is used to transport animals or which harbors vermin or pestilence or which emits noxious or nuisance odors on any highway, street, road alley or on any public or private property within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A2	Any vehicle or trailer which contains any hazardous substances as defined in section 2452 of the California Vehicle Code on any highway, street, road, alley or on any public or private property within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A3	Any trailer, utility trailer, boat trailer, boat, camper, camper shell, camp trailer, trailer coach or semi-trailer that is non-self propelled, non-motorized or not capable of movement under its own power and which is unattached to a vehicle on any highway, street, road or alley within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A4	Any vehicle on any highway, street, road or alley within the city for the purpose of servicing or repairing such vehicle except when necessitated by an emergency.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.38.020B	It is unlawful to park or leave standing any commercial vehicle, truck, trailer or semi-trailer having a manufacturer's gross vehicle weight rating (Vehicle Code Section 390) of ten thousand (10,000) pounds or more as described in the following:						
12.38.020B1	On any highway, street, road, alley or private property within the residential district within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B2	On any vacant or unimproved non-residential property in the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B3	On any residential property so that any part of such vehicle is within one hundred (100) feet of any human dwelling.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B4	Within one hundred fifty (150) feet of any driveway opening.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B5	Within any commercially zoned property for the purpose other than doing business at the site, or for the purpose not related to such business operation, or remaining parked or standing for longer than reasonably appropriate to do such business or acts related to such business operations.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B6	On any residential property so that any part of such vehicle is within fifteen (15) feet of the property line, a public sidewalk or a public or private roadway edge.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B7	On any alley within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B7	On any highway, street or road which is adjacent to a parcel upon which there exists a public facility. Within the meaning of this subsection, "public facility" includes, but is not limited to, parks, schools and civic buildings.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B9	Any unattached semi-trailer on a public highway, street, road or alley within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020C	While adjacent to a developed residential area within the city, the operator shall not idle the vehicle's engine for longer than fifteen (15) minutes.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

C.V.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
5204	Improper display of tabs	$ 45.00	$ 9.50	$ 54.50	NA	NA	NA
	Improper display of tabs with correction	$ 5.00	$ 9.50	$ 14.50	NA	NA	NA
21113(a)	Unauthorized parking upon public grounds	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
21211(a)	Stopping in bicycle lane	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(a)	Parking unlawfully, within intersection	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(b)	Parking unlawfully, on crosswalk	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(c)	Parking unlawfully, adjacent to safety zone	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(d)	Parking unlawfully, within 15 feet of fire station driveway	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(e)	Parking unlawfully, blocking any driveway	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(f)	Parking unlawfully, on a sidewalk	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(g)	Parking unlawfully, blocking excavation	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(h)	Parking unlawfully, double parking	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(i)	Parking unlawfully, in posted bus loading zone	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(k)	Parking on a bridge, unless otherwise permitted or authorized	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(l)	Parking unlawfully, blocking sidewalk wheelchair access	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22500.1	Parking unlawfully, in posted fire area	$ 50.00	$ 9.50	$ 59.50	$ 109.50	$ 9.50	$ 119.00
22502(a)	Vehicle parked with right wheels in excess of 18″ from right hand curb (exception: Motorcycles shall be parked with at least one wheel touching the right hand curb).	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22507.8(a)	Parking in space designated for disabled	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22507.8(b)	Obstruct or block disabled parking space	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22507.8(c)	Parking in cross-hatch area designated for disabled	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22514	Parking within 15 feet of fire hydrant	$ 50.00	$ 9.50	$ 59.50	$ 109.50	$ 9.50	$ 119.00
22515(b)	Unattended vehicle wheels not blocked, and/or parking brake not set	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22522	Parking within 3 feet of a sidewalk access ramp	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22658	Unauthorized parking	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
40226	Failure to display handicapped placard	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
	Other	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00

Section 12 - Development Impact Fees

Exhibit "A"

	---------- Residential ----------				----- Commercial -----			-------Office-------	
	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
	Current	Current	Current	Current	Current	Current	Current	Current	Current
Unit	DU	DU	DU	DU	KSF	KSF	KSF	KSF	KSF
Transportation Uniform Mitigation Fees (TUMF)	$ 10,046	$ -	$ 7,054	$ -	$ 9,990	$ 9,990	$ 1,840	$ 2,190	$ 5,710
Arterial Streets	$ 4,531	$ 1,275	$ 3,171	$ 892	$ 4,482	$ 2,231	$ 1,281	$ 1,275	$ 1,921
Traffic Signals	$ 567	$ 421	$ 397	$ 294	$ 678	$ 443	$ 194	$ 253	$ 290
Interchange Improvements	$ 524	$ -	$ 367	$ -	$ 684	$ -	$ 195	$ -	$ 293
Fire Facilities	$ 650	$ 252	$ 261	$ 101	$ 80	$ 36	$ 58	$ 38	$ 67
Police Facilities	$ 464	$ 126	$ 368	$ 101	$ 232	$ 64	$ 42	$ 51	$ 114
Park Improvements	$ 3,109	$ 1,598	$ 2,723	$ 1,193	$ -	$ -	$ -	$ -	$ -
Recreation Centers	$ 193	$ 1,198	$ 169	$ 1,049	$ -	$ -	$ -	$ -	$ -
Libraries and Materials	$ 813	$ 668	$ 712	$ 499	$ -	$ -	$ -	$ -	$ -
Park Land (Quimby In-Lieu Fees)	$ 1,865	$ 573	$ 1,634	$ 428	$ -	$ -	$ -	$ -	$ -
Animal Shelter	$ 152	$ -	$ 133	$ -	$ -	$ -	$ -	$ -	$ -
Maintenance Equipment	$ 50	$ -	$ 20	$ -	$ 4	$ -	$ 3	$ -	$ 4
City Hall	$ 529	$ 292	$ 212	$ 118	$ 74	$ 42	$ 52	$ 45	$ 62
Corporate Yard	$ 298	$ 283	$ 119	$ 113	$ 53	$ 41	$ 37	$ 43	$ 43
Total	$ 23,790	$ 6,686	$ 17,340	$ 4,788	$ 16,277	$ 12,847	$ 3,702	$ 3,895	$ 8,504

NOTES:

1. The general policy is that all impact fees will be adjusted annually. However, in FY 2008 the City Council froze impact fees at their current level due to the slowdown in development activity.

2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.

3. TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).

UNITS LEGEND

DU = Dwelling Unit for residential development types

KSF = 1,000 gross square feet of building area for commercial, industrial and office development types

MV00055875

IMPLEMENTATION NOTES:

With respect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

With respect to commercial and industrial and non-class A office development impact fees, there will be a continuation of existing fees with the intent of charging one-half of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, through a two-year phase-in beginning on January 16, 2007.

With respect to Class A office development impact fees, these shall be frozen at the pre-January 12, 2006 fees, or $1,705 per 1,000 square feet.

With respect to Residential Single Family and Residential Multi-Family development impact fees, the fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, and shall take effect on January 12, 2006.

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be frozen at the pre-January 12, 2006 fees until such time that the City Council deems it appropriate to amend the Impact Fee Resolution.

Hence:

	---------- Residential ----------				----- Commercial -----			------ Office ------	
Impact Fee Type	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
Fee Basis	Dwelling Unit	Dwelling Unit	Dwelling Unit	Dwelling Unit	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft
Current Fee (2)	$6,686.00	$6,686.00	$4,788.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Calculated Fee per Nexus Study (2	$13,241.00	$13,625.00	$9,909.00	$10,178.00	$17,503.00	$13,174.00	$5,156.00	$7,762.00	$7,762.00
Recommended Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee	50% of Nexus Fee	50% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee
Fees at 1/12/06 (2)	$13,241.00	$6,686.00	$9,909.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Fees at 1/16/07 (2)	$13,241+ 1 yr. CPI	$6,686.00	$9,909 + 1 yr CPI	$4,788.00	$6,287.00	$2,857.00	$1,863.00	$1,705.00	$2,793.00
Fees at 1/16/08 (2)	$13,241 + 2 yr. CPI	$6,686.00	$9,909+ 2 yr CPI	$4,788.00	$8,752.00	$2,857.00	$2,578.00	$1,705.00	$3,881.00
Fees at 1/16/09 (2)	$13,241 + 3 yr. CPI	$6,686.00	$9,909+ 3 yr CPI	$4,788.00	$8752+1 yr. CPI	$6,587.00	$2578+ 1 yr. CPI	$1,705.00	$3881+ 1 yr. CPI

Note: 1) Fees are rounded to the nearest whole dollar. Fees will vary from what is shown for 1/16/07 and 1/16/08 based on annual July 1st adjustments for inflation, which are not included in the above examples.

2) Fees shown in example do not include TUMF

MV00055876

Section 13 - Conduit Financing Fees

Exhibit "A"

Type of Financing	Issue Size			Initial Application Fee	Required Deposit	Annual Fee
	< $5.0 million	$5.0 to $10.0 million	> $10.0 million			
Non-Profit Less than "A" rated	$ 5,000	$5,000 plus 0.25% in excess of $5.0 million	$17,500+0.2% in excess of $5.0 million	$ 4,000	$20,000+1/2 of issue fee	0.125% of initial par value
Multi-family housing credit enhanced	$ 5,000	$5,000+0.15% in excess of $5.0 million	$12,500+0.15% in excess of $5.0 million	$ 2,000	$20,000+1/3 of issue fee	0.125% of initial par value
Non-Profit "A" rated or better	$ 5,000	$5,000+0.10% in excess of $5.0 million	$10,000+0.10% in excess of $5.0 million	$ 2,000	$20,000+1/4 of issue fee	0.125% of initial par value

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a) **Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**

b) **Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Interim Financial & Administrative Services Director

AGENDA DATE: May 11, 2010

TITLE: FISCAL YEAR 2010-11 PRELIMINARY BASE OPERATING BUDGET AND DEFICIT REDUCTION PLAN

RECOMMENDED ACTION

Staff recommends that the City Council receive the Fiscal Year 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

BACKGROUND

The Fiscal Year (FY) 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan were distributed to the City Council on April 13th and April 27th, respectively, for their advance review. An overview of both documents will be provided on May 11, 2010 to begin the deliberation process that will lead to budget adoption.

The FY 2010-11 Preliminary Base Operating Budget does not include capital improvements. Instead, these are compiled in a separately issued Proposed Capital Improvement Plan (CIP), which is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings and infrastructure.

The City previously implemented a recommended "best practice" of utilizing a Two-Year Budget, with the second year of the budget representing a greatly streamlined process of applying an inflationary factor to most ongoing expenditure categories. However, in the current economic environment such an approach is not practical, since all budgeted expenditures must be carefully evaluated and adjusted to remain within the City's revenue constraints. Therefore, the FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan represent a one-year expenditure plan, along with various budget balancing solutions, developed to provide the highest possible service levels to the Community over the upcoming fiscal year, given the reduced revenues that are projected to be available.

DISCUSSION

The City's Preliminary Base Operating Budget for FY 2010-11 reflects expenditures of $185.5 million, representing all funds and special districts. The General Fund portion of the budget is $85.6 million. However, General Fund operating revenues to support this budget are estimated at $67.8 million; leaving an operating deficit of $17.8 million.

Through the use of anticipated current year savings and a number of one-time transfers from other funds (representing a return of previous General Fund subsidies or other funding), the deficit can be reduced to approximately $11 million, after allowing for three recommended budget additions (Budget Issues). Options for closing this remaining $11 million gap are presented in the Deficit Reduction Plan and summarized below:

- Potential Revenue Enhancements: $288,400
- Potential Expenditure Reductions (net of Offsets): $13,845,734
- Potential Use of General Fund Reserves: $6,000,000
- Total Potential Solutions: $20,134,134

Although the dollar value of all solutions is significantly greater than the projected budgetary deficit (net of adjustments) of $11 million, it provides the City Council with a wide range of options for balancing the General Fund budget. Additionally, if the State takes actions that adversely impact the City's revenues, or should actual revenues received during FY 2010-11 be less than projected, additional solutions have already been identified that can be quickly implemented.

Given the challenges and policy decisions related to adopting a balanced General Fund budget for FY 2010-11, a number of City Council meetings have been designated for budget deliberations, including two Study Sessions, as shown below.

Date	Meeting / Event	Action
May 11	Regular Council Meeting	Presentation of FY 2010-11 Preliminary Base Operating Budget & Deficit Reduction Plan
May 18	Study Session	Detailed Review of Deficit Reduction Plan (DRP)
May 25	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 8	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 15	Study Session	Continued Discussion of Operating Budget & DRP
June 22	Regular Council Meeting	Continued Discussion of Operating Budget & DRP; Adoption of FY 2010-11 Operating Budget
June 29	Special Council Meeting (if needed)	Adoption of FY 2010-11 Operating Budget

ALTERNATIVES

The following alternatives are available to the City Council:

1. Receive the FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

The fiscal impacts of the FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan are contained within the respective documents; the most significant impacts being the proposed solutions for balancing the projected General Fund operating deficit (net of adjustments) of approximately $11 million, which are detailed in the Deficit Reduction Plan.

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

The FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan were previously submitted for the City Council's advance review and are hereby presented to begin the deliberation process leading to budget adoption. Following the overview presentation of both documents on May 11, 2010, Council will have a series of meetings, including two Study Sessions, in which to deliberate and provide direction to staff regarding the various solutions for balancing the budget. Final budget deliberations and budget adoption are scheduled for June 22, 2010; with June 29, 2010 available as a back-up City Council meeting for budget adoption if needed.

NOTIFICATION

Publication of the agenda

ATTACHMENTS/EXHIBITS

- Preliminary Base Operating Budget for Fiscal Year 2010-11
- Deficit Reduction Plan for Fiscal Year 2010-11
  (Both documents have been provided under separate cover.)

Prepared by:
Steve Elam
Interim Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Overview of Preliminary Base Operating Budget & Deficit Reduction Plan

Fiscal Year 2010-11

May 11, 2010

MV00055883

Presentation Overview

- Budget Development Process
- Revenue & Expenditure Projections
- Projected General Fund Operating Deficit
- Budgetary Adjustments to Reduce Deficit
- Budget Issues
- Methodology for Addressing Net Projected Deficit; i.e., Deficit Reduction Plan
- Budget Review Schedule leading to Budget Adoption

MV00055884

Budget Development Process

- "Preliminary Base" vs. "Proposed" Operating Budget
- Reflects continuation of service levels and staffing at current levels.
- Also includes continuation of personnel-related cost-saving measures implemented 7/1/09:
  - Suspension of cost-of-living adjustment (COLA);
  - Suspension of merit salary increases; and
  - 10% across-the-board salary reduction implemented via a 36-hour reduced work week.
- Since revenues will not be adequate to support current service levels, policy decisions will be needed regarding which service levels to reduce.
- Options for reducing service levels are contained in the Deficit Reduction Plan.

MV00055885

Total City Revenues

$180,916,700

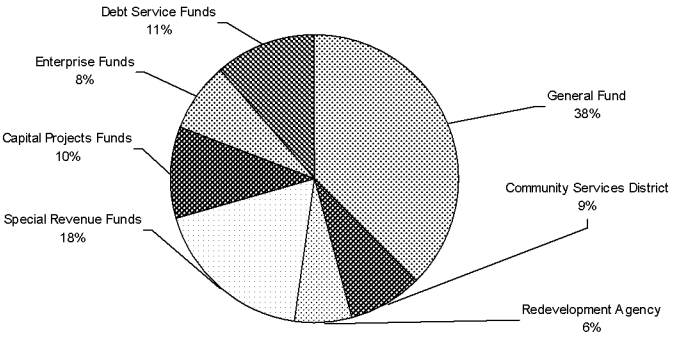

MV00055886

Total City Operating Budget

$185,454,700

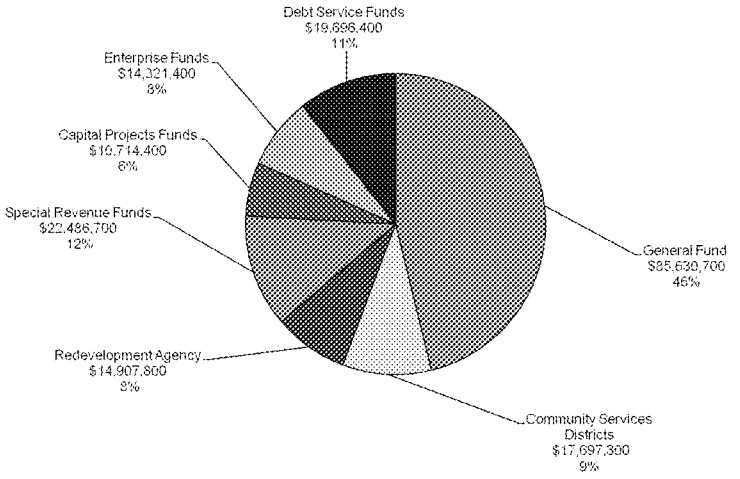

General Fund Operating Expenditures

$85,630,700

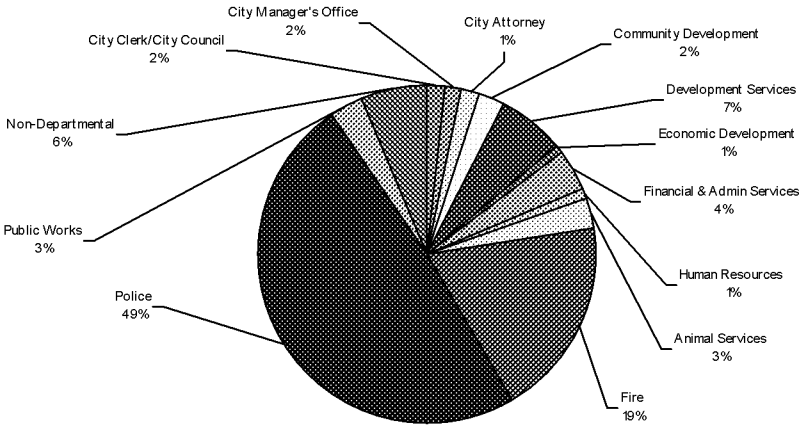

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General Fund Operating Revenues

$67,754,400

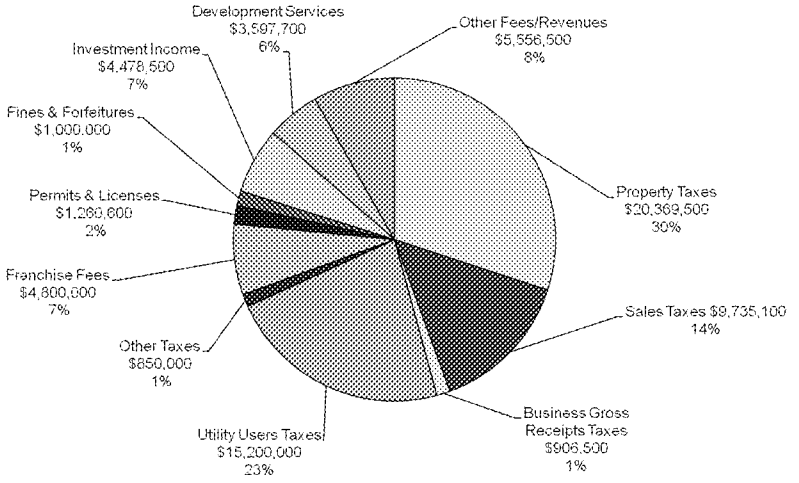

MV00055889

General Fund Operating Revenues

Revenue Source	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Budget	FY 09-10 Projected	FY 10-11 Budget
Utility Users Tax	$15,186,616	$15,081,286	$14,970,000	$15,500,000	$15,200,000
Property Tax In-Lieu of VLF	16,728,600	16,791,078	14,100,000	13,670,400	11,773,400
Sales Tax	11,694,525	10,451,942	9,735,000	9,735,000	9,735,100
Property Tax	14,361,253	12,790,196	11,700,001	10,052,300	8,596,100
Other	7,127,734	6,936,944	7,997,494	7,852,240	6,143,100
Franchise Fees	4,478,698	4,997,024	4,400,000	4,800,000	4,800,000
Investment Income	7,810,625	5,691,596	4,350,000	4,500,000	4,478,500
Development Services	9,168,587	9,973,714	4,119,921	3,163,660	3,597,700
Parking Control Fees	1,300,405	1,094,064	1,250,000	1,095,000	1,164,000
Fines & Forfeitures	1,003,467	1,082,366	1,000,000	1,000,000	1,000,000
Gross Receipts Tax	1,111,021	1,051,701	906,500	650,000	906,500
Vehicle License Fees	800,667	865,718	400,000	400,000	360,000
TOTAL	**$ 90,772,198**	**$ 86,807,629**	**$ 74,928,916**	**$ 72,418,600**	**$ 67,754,400**

MV00055890

General Fund Revenue Trends

General Fund Revenue History & Projection

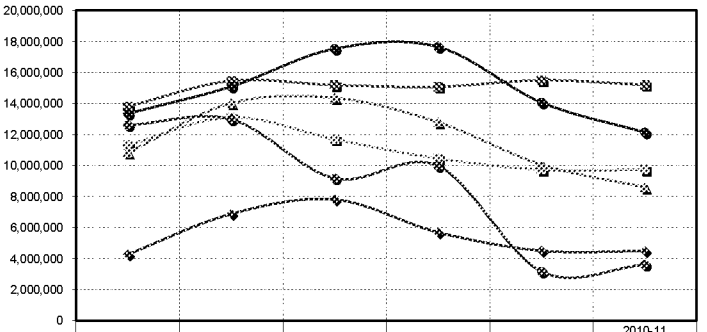

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
Utility User's Taxes	13,811,740	15,463,291	15,186,616	15,081,286	15,500,000	15,200,000
VLF/Property Tax in-Lieu	13,345,933	15,093,313	17,529,267	17,656,796	14,070,400	12,133,400
Sales Taxes	11,317,841	13,116,271	11,694,525	10,451,942	9,735,000	9,735,100
Property Taxes	10,831,005	14,022,134	14,361,253	12,790,195	10,052,300	8,596,100
Investment Income	4,273,225	6,878,647	7,810,625	5,691,596	4,500,000	4,478,500
Development Svcs	12,592,570	12,976,966	9,168,587	9,973,715	3,163,660	3,597,700

MV00055891

Continuing Weak Economy

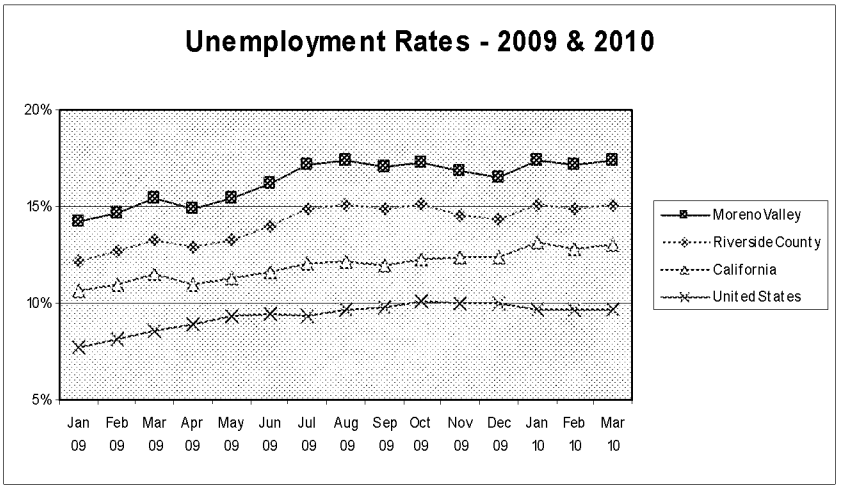

General Fund Expenditure Trends

General Fund Expenditure History & Projection

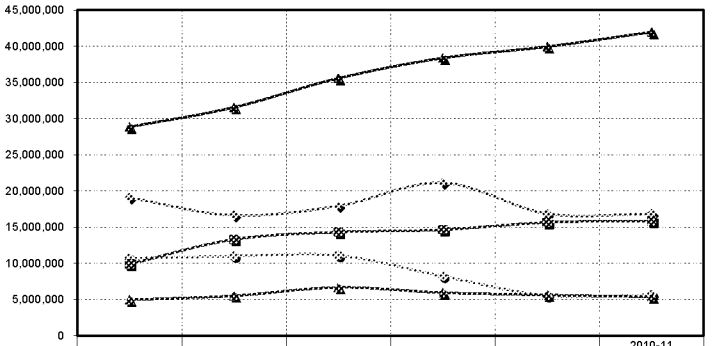

	2005-06 Actual	2006-07 Actual	2007-08 Actual	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
General Government	19,071,322	16,613,462	17,937,033	21,123,523	16,850,252	16,836,937
Development Services	10,675,852	10,993,001	11,075,793	8,202,310	5,527,270	5,631,060
Police	28,851,553	31,553,610	35,581,734	38,370,806	39,943,700	41,960,324
Fire	9,896,036	13,307,842	14,299,522	14,648,139	15,659,100	15,840,550
Other Public safety	4,955,539	5,514,208	6,666,238	5,936,736	5,620,978	5,361,800

MV00055893

General Fund Operating Budget Revenues & Expenditures

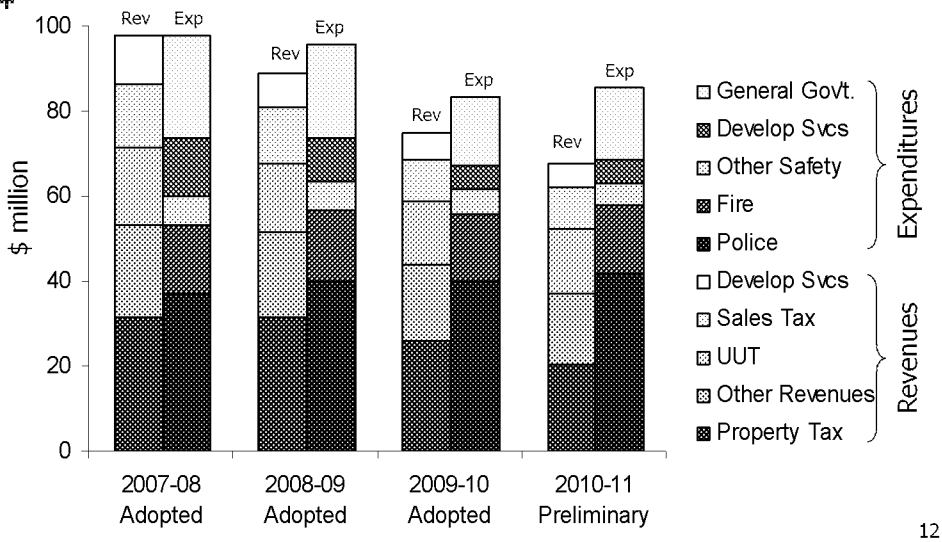

MV00055894

Budgetary Adjustments to Reduce General Fund Deficit

- Current fiscal year savings: $1.5m
- Transfers to return previous General Fund subsidies:
  - Gas Tax: $500k
  - Public Education/Government Access: $339k
  - CSD Zone A/Parks: $800k
- Other transfers:
  - EOC Project: $1.1m
  - Equipment Replacement Fund: $2.1m
  - Facility Construction Fund: $776k
- Total Adjustments: $7.1 million

MV00055895

Budget Issues

- Re-establish funding for Budget Officer position: $98,700
- Supplement Emergency Operations Grant with General Fund Subsidy: $43,100
- Increase in NPDES Regulatory Fee: $76,000
- Total Budget Issues: $217,800

MV00055896

General Fund – Net Budgetary Deficit

Projected General Fund Operating Deficit		**$17,876,300**
Budgetary Adjustments:		
- Current year savings	($1,520,800)	
- Transfers to return GF Subsidies	($1,639,100)	
- Other Transfers	($3,979,100)	
- Total Adjustments		($7,139,000)
Budget Issues:		
- Re-establish funding for Budget Officer	$98,700	
- Supplement Emergency Operations Grant	$43,100	
- Increase in NPDES Regulatory Fee	$76,000	
- Total Budget Issues		$217,800
Net Budgetary Deficit (Deficit Reduction Plan)		**$10,955,100**

MV00055897

Deficit Reduction Plan

- Originally intended to provide options for offsetting projected GF deficit of $10.4 million (Five-year Financial Forecast) plus contingency for revenue reductions and State actions.
- With declining property taxes, projected GF operating deficit grew to $17.8 million; then reduced to $11 million net of carryover savings and adjustments.
- Will need more than $11 million in savings if State takes actions that impact local revenues; also need contingency for revenue reductions during FY 2010-11.
- Total solutions presented in Plan are $20.1 million, as follows:
  - Potential Revenue Enhancements: $0.3 million
  - Potential Expenditure Reductions: $13.8 million
  - Potential Use of GF Reserves: $6 million

MV00055898

Deficit Reduction Savings Targets

(based on Adopted FY 2009-10 Budget)

- General Government business units: 35%
- Development Services business units: 35%
- Internal Service Funds: 35%
  - Maintenance & Operations
  - Facilities Maintenance
  - Technology Services
  - General Liability
  - Workers' Compensation
- Public Safety & related business units: 10%
  - Police
  - Fire
  - Animal Services
  - Code Compliance
  - Emergency Operations
  - Crossing Guards
  - Graffiti Abatement
- Library: 10%

MV00055899

Deficit Reduction Options

- Consist of following elements:
  - Description
  - Internal Service Impact (None-Minimal / Moderate / High)
  - External Service Impact (None-Minimal / Moderate / High)
  - Staffing Impact
  - Budgetary Savings
- Focus is on "programmatic" rather than "line-item" reductions.
- Prioritized by Department Heads based on service level impacts.

MV00055900

Public Safety Options

- Police & Fire options reviewed with Public Safety Subcommittee on May 10, 2010.
- Contractual noticing requirements:
  - Police: Service level reduction of 10% or greater requires 12-month notification; if less than 10%, will be implemented as soon as practicable.
  - Fire: Service/staffing level reduction requires 120-day notice.

MV00055901

Calendar for Review & Deliberation of Budget & Deficit Reduction Plan

Date	Meeting / Event	Action
May 11	Regular Council Meeting	Presentation of FY 2010-11 Preliminary Base Operating Budget & Deficit Reduction Plan
May 18	Study Session	Detailed Review of Deficit Reduction Plan (DRP)
May 25	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 8	Regular Council Meeting	Continued Discussion of Operating Budget & DRP
June 15	Study Session	Continued Discussion of Operating Budget & DRP
June 22	Regular Council Meeting	Continued Discussion of Operating Budget & DRP; Adoption of FY 2010-11 Operating Budget
June 29	Special Council Meeting (if needed)	Adoption of FY 2010-11 Operating Budget

MV00055902

Summary

- FY 2010-11 will be one of the most challenging budgets faced by the City in recent years.
- Projected General Fund operating deficit of $17.8 million; reduced to $11 million with current year savings and various "one-time" adjustments.
- Solutions for overcoming this projected $11 million net deficit are presented in Deficit Reduction Plan.
- Deliberation on budget balancing solutions begins next week with detailed review of Deficit Reduction Plan during the May 18th Study Session.
- Five (5) Council meetings are scheduled for continued budget discussions, leading to budget adoption on June 22nd;with June 29th available as back-up meeting if needed.

MV00055903

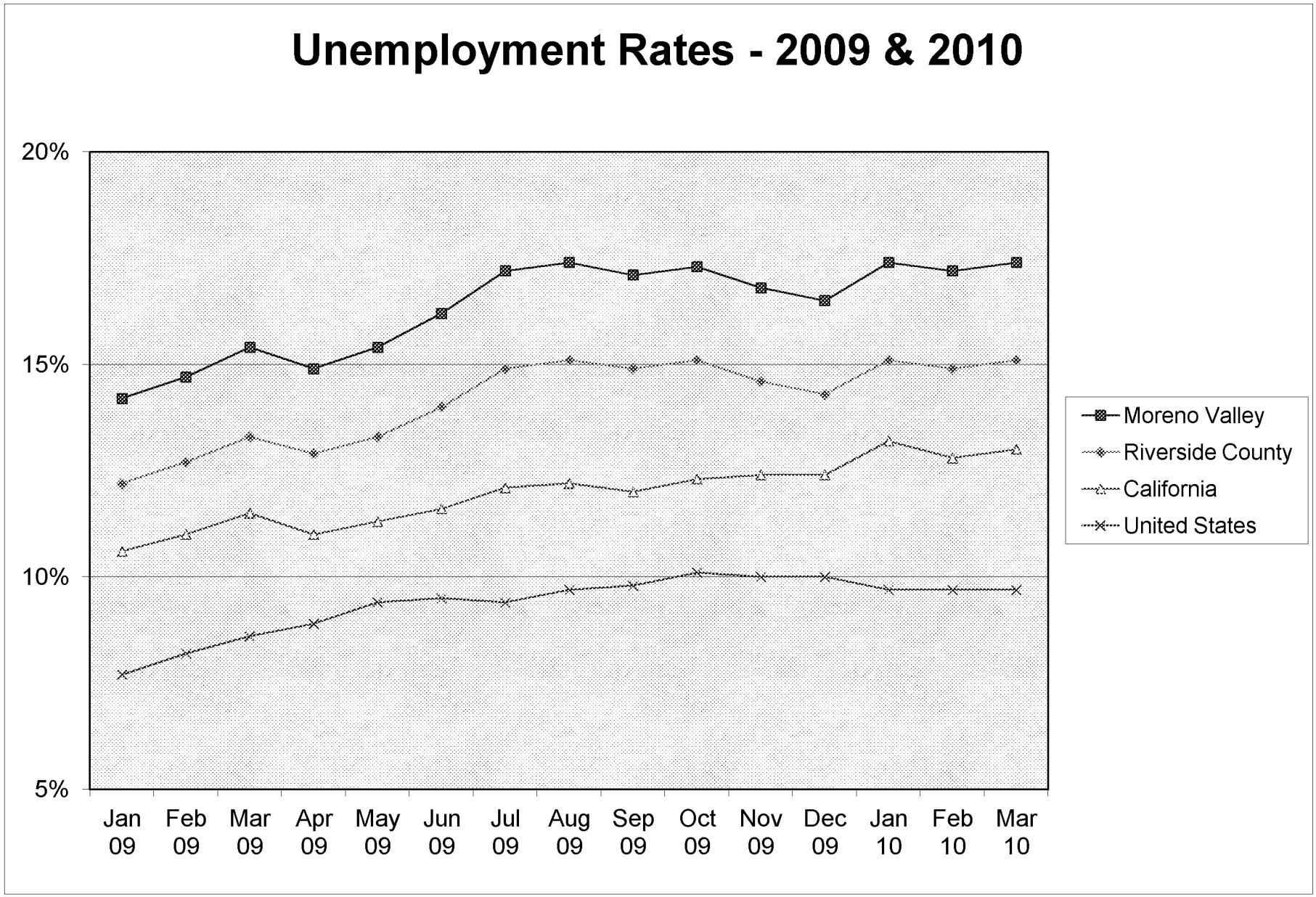
Unemployment Rates - 2009 & 2010
20%
15%
10%
5%
Jan 09
Feb 09
Mar 09
Apr 09
May 09
Jun 09
Jul 09
Aug 09
Sep 09
Oct 09
Nov 09
Dec 09
Jan 10
Feb 10
Mar 10
Moreno Valley
Riverside County
California
United States

	A	B	C	D	E	F	G	H	I
1	**Unemployment Rates - 2009 & 2010**								
2							*(Memo only)*		
3		Moreno Valley	Riverside County	California	United States		San Bernardino County		
4	Jan 09	14.2%	12.2%	10.6%	7.7%		11.6%		
5	Feb 09	14.7%	12.7%	11.0%	8.2%		12.0%		
6	Mar 09	15.4%	13.3%	11.5%	8.6%		12.7%		
7	Apr 09	14.9%	12.9%	11.0%	8.9%		12.5%		
8	May 09	15.4%	13.3%	11.3%	9.4%		13.0%		
9	Jun 09	16.2%	14.0%	11.6%	9.5%		13.7%		
10	Jul 09	17.2%	14.9%	12.1%	9.4%		14.1%		
11	Aug 09	17.4%	15.1%	12.2%	9.7%		14.1%		
12	Sep 09	17.1%	14.9%	12.0%	9.8%		13.8%		
13	Oct 09	17.3%	15.1%	12.3%	10.1%		14.0%		
14	Nov 09	16.8%	14.6%	12.4%	10.0%		13.8%		
15	Dec 09	16.5%	14.3%	12.4%	10.0%		13.6%		
16	Jan 10	17.4%	15.1%	13.2%	9.7%		14.8%		
17	Feb 10	17.2%	14.9%	12.8%	9.7%		14.4%		
18	Mar 10	17.4%	15.1%	13.0%	9.7%		14.8%		
19									
20									
21									
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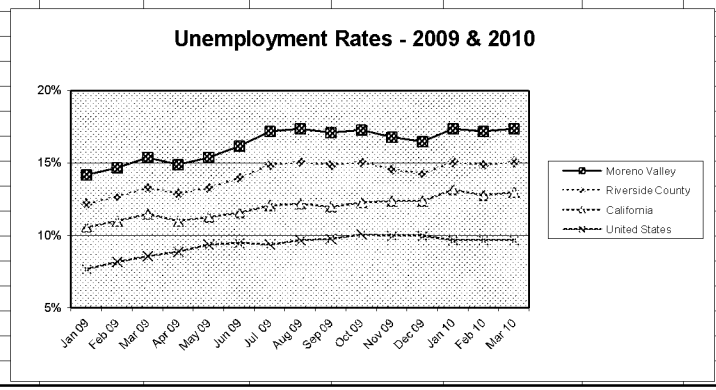

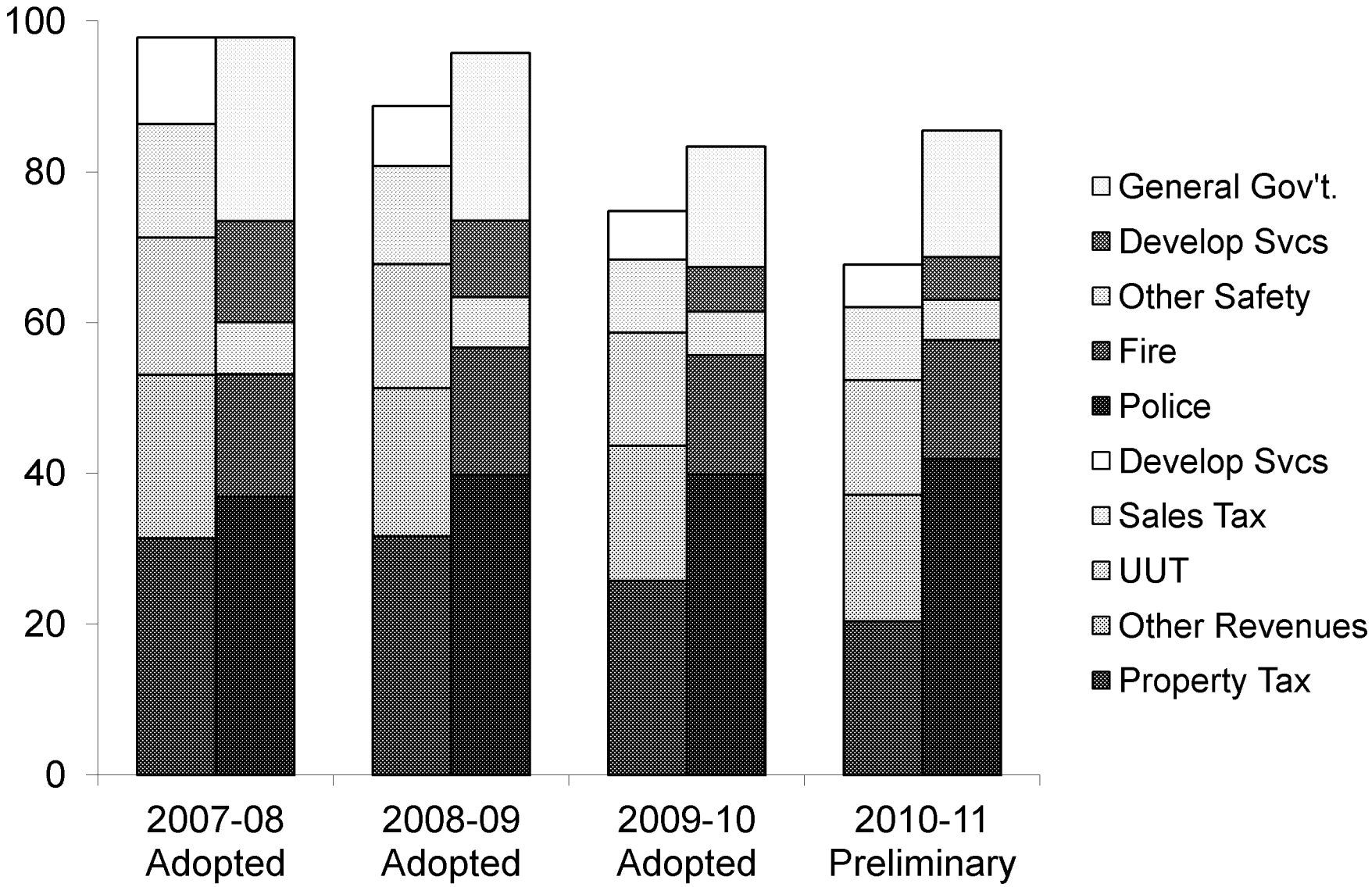
100
80
60
40
20
0
2007-08 Adopted
2008-09 Adopted
2009-10 Adopted
2010-11 Preliminary
General Gov't.
Develop Svcs
Other Safety
Fire
Police
Develop Svcs
Sales Tax
UUT
Other Revenues
Property Tax

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1															
2			Axis Labels			Property Tax	Other Revenues	UUT	Sales Tax	Develop Svcs	Police	Fire	Other Safety	Develop Svcs	General Gov't.
3		2007-08 Adopted	0		Slot 1										
4		2008-09 Adopted	0		Slot 2	31.4	21.7	18.2	15.1	11.5					
5		2009-10 Adopted	0		Slot 3						36.9	16.3	6.9	13.4	24.4
6		2010-11 Preliminary	0		Slot 4										
7					Slot 5	31.7	19.6	16.5	13.0	8.0					
8					Slot 6						39.8	16.9	6.7	10.2	22.2
9					Slot 7										
10					Slot 8	25.8	17.9	15.0	9.7	6.4					
11					Slot 9						39.9	15.8	5.8	5.9	16.0
12					Slot 10										
13					Slot 11	20.4	16.8	15.2	9.7	5.6					
14					Slot 12						41.9	15.8	5.4	5.6	16.8
15					Slot 13										

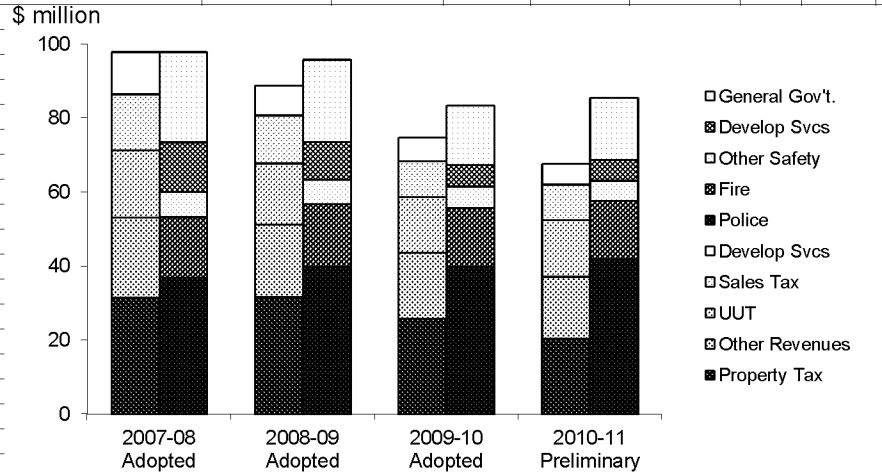

	A	B	C	D	E	F	G	H	I	J	K
1		Property Tax	Other Revenues	UUT	Sales Tax	Develop Svcs	Police	Fire	Other Safety	Develop Svcs	General Gov't.
2	2007-08	31.4	21.7	18.2	15.1	11.5	36.9	16.3	6.9	13.4	24.4
3	2008-09	31.7	19.6	16.5	13.0	8.0	39.8	16.9	6.7	10.2	22.2
4	2009-10	25.8	17.9	15.0	9.7	6.4	39.9	15.8	5.8	5.9	16.0
5	2010-11	20.4	16.8	15.2	9.7	5.6	41.9	15.8	5.4	5.6	16.8

$180,916,700

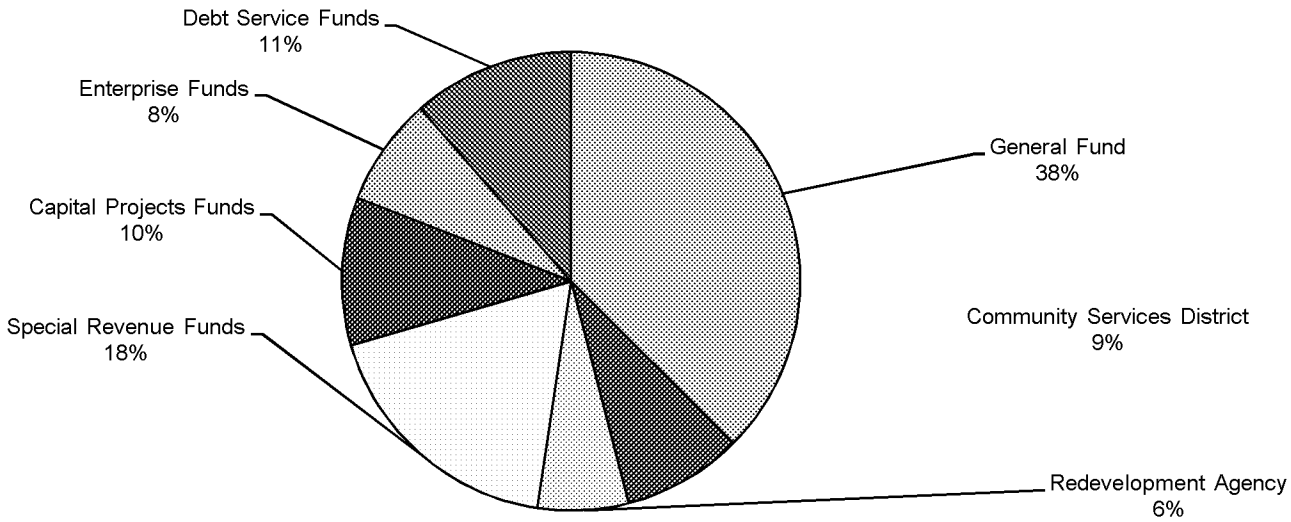
Debt Service Funds
11%
Enterprise Funds
8%
Capital Projects Funds
10%
Special Revenue Funds
18%
General Fund
38%
Community Services District
9%
Redevelopment Agency
6%

	A	B	C
1	Graph 4		
2	2010-11 City-wide Revenues		
3			
4	**Category**	**Amount**	**Percent**
5	General Fund	67,754,400	37%
6	Community Services District	15,383,800	9%
7	Redevelopment Agency	11,567,200	6%
8	Special Revenue Funds	32,830,800	18%
9	Capital Projects Funds	18,884,600	10%
10	Enterprise Funds	13,869,500	8%
11	Debt Service Funds	20,626,400	11%
12		**180,916,700**	100%
13			

$85,630,700

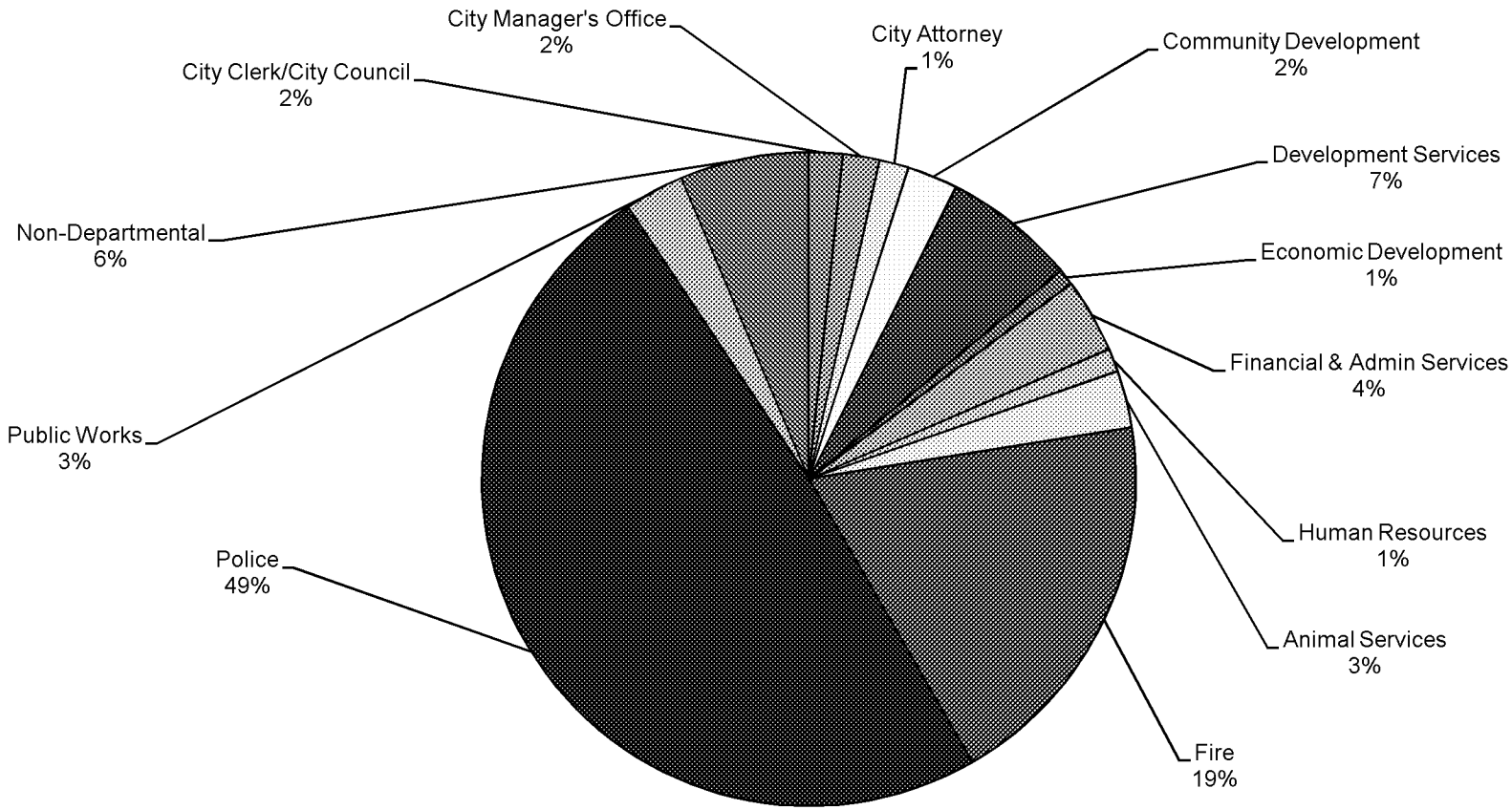
City Manager's Office
2%
City Attorney
1%
Community Development
2%
City Clerk/City Council
2%
Development Services
7%
Non-Departmental
6%
Economic Development
1%
Financial & Admin Services
4%
Public Works
3%
Human Resources
1%
Police
49%
Animal Services
3%
Fire
19%

	A	B	C
1	Graph #3		
2	2010-11 General Fund Expense		
3			
4	**Category**	**Amount**	**Percent**
5	City Clerk/City Council	1,416,100	2%
6	City Manager's Office	1,549,000	2%
7	City Attorney	1,252,500	1%
8	Community Development	2,138,500	2%
9	Development Services	5,631,100	7%
10	Economic Development	685,500	1%
11	Financial & Admin Services	3,154,200	4%
12	Human Resources	985,200	1%
13	Animal Services	2,432,400	3%
14	Fire	16,436,300	19%
15	Police	41,960,300	49%
16	Public Works	2,518,200	3%
17	Non-Departmental	5,471,400	6%
18		**85,630,700**	100%
19			

Preliminary Base

OPERATING BUDGET

FISCAL YEAR 2010-11

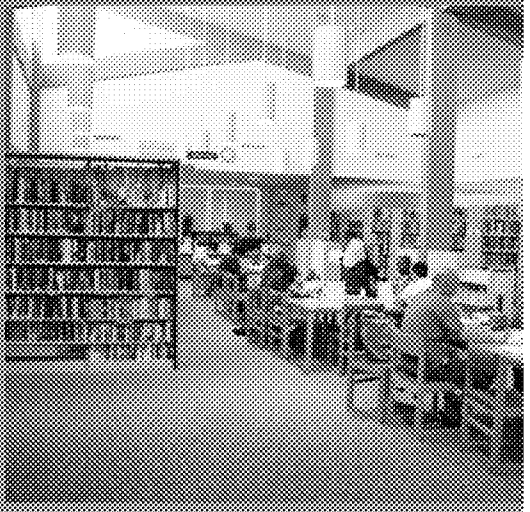

CITY OF MORENO VALLEY

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Preliminary Base OPERATING BUDGET

FISCAL YEAR 2010-11

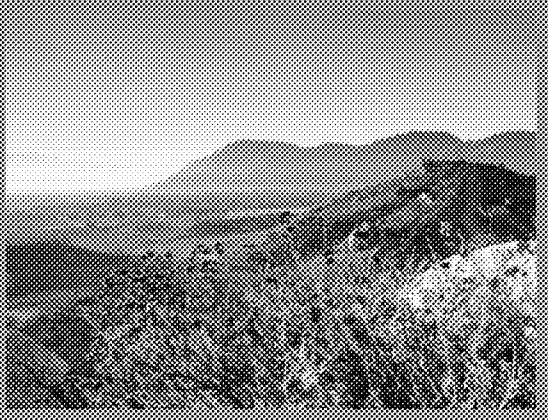

CITY COUNCIL

Bonnie Flickinger
Mayor

Robin N. Hastings
Mayor Pro Tem

William H. Batey II
Council Member

Jesse L. Molina
Council Member

Richard A. Stewart
Council Member

ADMINISTRATION

William L. Bopf
Interim City Manager

Steve Elam
Interim Financial & Administrative Services Director

Prepared by the
Financial & Administrative Services Department

14177 Frederick Street
Moreno Valley, CA 92552-0805
951.413.3088

CITY OF MORENO VALLEY

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CITY OF MORENO VALLEY
FISCAL YEAR 2010-11 Preliminary Base Operating Budget

Table of Contents

	Page
INTRODUCTION	
City Manager's Budget Message	*i*
Department Descriptions, Mission Statements & Organization Charts	
City Council	2
City Attorney	3
City Clerk's Office	5
City Manager	7
Community Development	9
Economic Development	12
Financial & Administrative Services	15
Fire	18
Human Resources	21
Library	23
Parks & Community Services	25
Police	28
Public Works	30
SUMMARIES	
Total Citywide Operating Expenditures Budget	35
Graphs	
Total City Preliminary Base Operating Expenditures	36
General Fund Preliminary Base Operating Revenues	37
General Fund Preliminary Base Operating Expenditures	38
Total Citywide Operating Budget	39
Revenue & Expense Summaries by Fund Type or Agency	
General Fund	40
Community Services District	41
Redevelopment Agency	42
Special Revenue Funds	43
Capital Projects Funds	48
Enterprise Funds	50
Internal Service Funds	51
Debt Service Funds	52
Expenditure Summary by Fund	53

CITY OF MORENO VALLEY
FISCAL YEAR 2010-11 Preliminary Base Operating Budget

Table of Contents

	Page
Reserve Summaries	
General Fund	57
Fixed Assets	60
Transfers	62
REVENUES	
Revenue Summary by Fund	64
Revenue Detail by Fund	68
EXPENSE PROGRAM DETAIL BY FUND TYPE OR AGENCY	
General Fund	89
Community Services District	157
Redevelopment Agency	198
Special Revenue Funds	210
Capital Projects Funds	310
Enterprise Funds	327
Internal Service Funds	334
Debt Service Funds	383

City of Moreno Valley

2010-11 Preliminary Base Operating budget

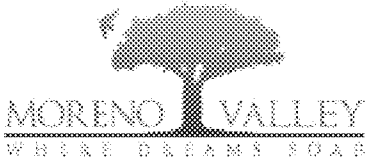

Introduction

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Preliminary Base OPERATING BUDGET

FISCAL YEAR 2010-11

To: Honorable Mayor, Members of the City Council and Citizens of Moreno Valley

INTRODUCTION

The Preliminary Base Operating Budget presents projected operating revenues and expenditures for the fiscal year beginning July 1, 2010 and ending June 30, 2011. The budget includes all component units of the City, including the Community Services District and Redevelopment Agency. In this budget message, particular attention will be given to the City's General Fund, which is the most significantly impacted by the current economic recession.

The Preliminary Base Operating Budget does not include capital improvements. Instead, these are compiled in a separately issued Proposed Capital Improvement Plan (CIP), which is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings and infrastructure.

The City previously implemented a recommended best practice of utilizing a Two-Year Operating Budget, with the second year of the budget representing a greatly streamlined process of applying an inflationary factor to most expenditure categories. However, in the current economic environment such an approach is not practical, since all budgeted expenditures must be carefully evaluated in accordance with the City's revenue constraints. Therefore, the Fiscal Year (FY) 2010-11 Preliminary Base Operating Budget represents a one-year financial plan developed to provide the highest possible service levels to the Community over the upcoming fiscal year, given the reduced revenues that are projected to be available.

During these challenging economic times, the City Council will also be kept apprised of the City's financial condition through First Quarter and Mid-Year Budget Reviews. This practice has been utilized the past two years and will be continued during FY 2010-11 so that adjustments in staffing and other budgetary resources may be made per Council's direction based on the revenues that have been received to date and that are projected by fiscal year end.

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"PRELIMINARY BASE" VS. "PROPOSED" OPERATING BUDGET

The budget that is hereby submitted is considered to be a "Preliminary Base" Operating Budget rather than the City Manager's "Proposed" Operating Budget. This is because the General Fund budget is not balanced and, therefore, is not proposed for adoption at this time. **The General Fund expenditures included in the Preliminary Base Operating Budget reflect maintenance of service levels and staffing at their current levels. However, projected General Fund operating revenues will not be adequate to support current service levels; therefore policy decisions will need to be made by the City Council regarding which service levels to reduce, or how to augment operating revenues to maintain current service levels.** Specific options for balancing the General Fund budget will be presented for Council's consideration in the Deficit Reduction Plan, which will be released April 27, 2010. Decisions made regarding numerous options presented in the Plan will enable the Council to once again adopt a balanced General Fund budget. The Deficit Reduction Plan is discussed in more detail in the General Fund section of this budget message.

The Preliminary Base Operating Budget reflects the significant staffing reductions implemented by departments over the past two fiscal years, which have reduced the City's career workforce by approximately 25%. The budget also includes a continuation of the cost-saving measures related to employee compensation that were implemented effective July 1, 2009. These measures include a 10% across-the-board salary reduction, implemented via a 36-hour reduced work week, and suspension of employee merit increases and cost-of-living adjustments. The savings from these items, which were agreed to by all employee groups, represent an overall budgetary reduction of approximately $3.2 million in the Preliminary Base Operating Budget (all funds); with approximately $1.4 million of this savings benefitting the General Fund.

FY 2010-11 OPERATING BUDGET EXPENDITURE SUMMARY

Following is a summary of the expenditures included in the FY 2010-11 Preliminary Base Operating Budget by major fund and component unit:

Fund / Component Unit	FY 2010-11 Preliminary Base Budget
General Fund	$85,630,700
Community Services District (CSD):	
Zone A – Parks & Community Services	8,446,400
Zone L – Library Services	2,161,300
Other CSD Zones	7,089,600
Redevelopment Agency	14,907,800
Special Revenue Funds	22,486,700
Capital Projects Funds	10,714,400
Enterprise Funds	14,321,400
Debt Service Funds	19,696,400
Total City Operating Budget	**$185,454,700**

MV00055919

ECONOMIC OUTLOOK

The Preliminary Base Operating Budget for FY 2010-11 reflects the continuing economic recession which began in late 2007. Most major revenue sources have declined since that time, prompting significant staffing reductions and other expenditure reductions to offset the City's declining revenues. Reserves have also been utilized to help offset the declining revenues the past two fiscal years in order to adopt balanced budgets.

In particular, the continuing problems in the housing sector, the cooling of the manufacturing sector, and the cutback in consumer spending have combined to significantly impact the local economy and the City's revenues. The reduction in both residential and commercial property assessed valuation is having a particularly significant impact on the City's property tax revenues. Continuing high unemployment at all levels also remains a major concern. Although the national unemployment rate remains high at 9.7%, it is much worse locally with California at 12.8%, Riverside County at 14.9%, and Moreno Valley at 17.2% as of February 2010 reporting. The unemployment trends since January 2009 are depicted in the following chart:

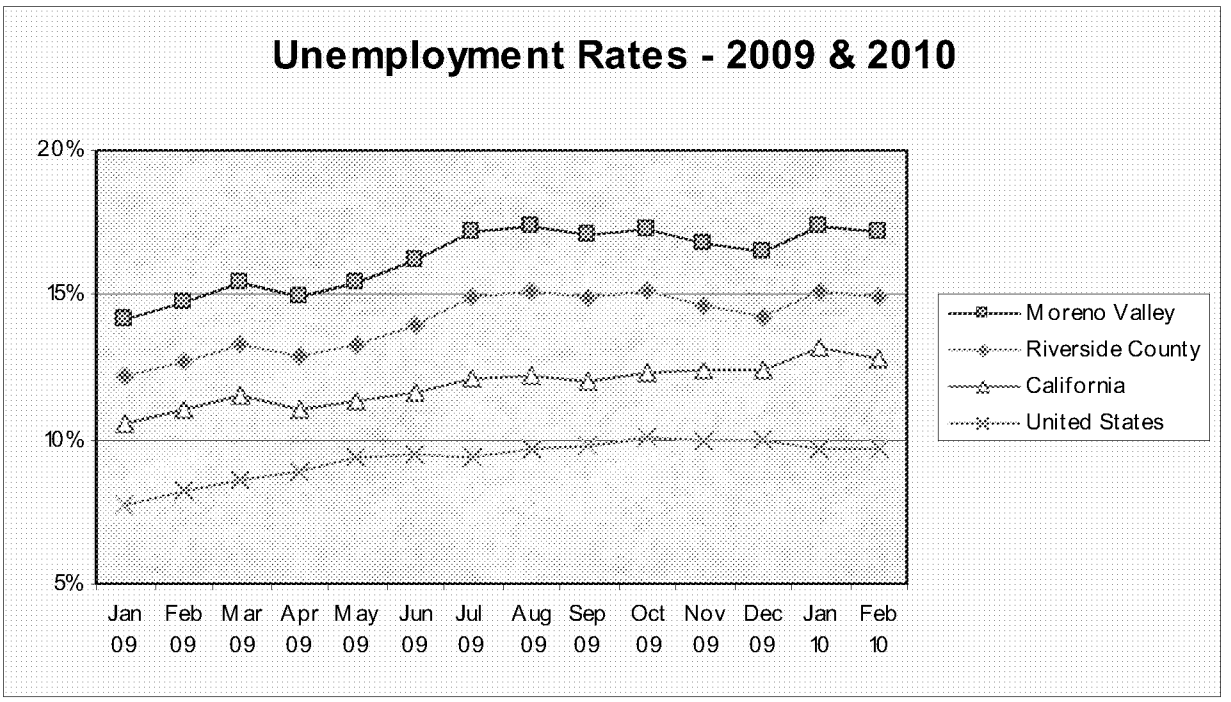

GENERAL FUND

General Fund Revenue Projections for FY 2010-11

During stable economic times, various analytical tools and financial models are used to develop revenue projections. However, during uncertain economic times such as we

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are now experiencing, projections based on historical trends are of little value. Therefore, in developing the revenue projections that follow, staff relied primarily on current economic data, short-term results since the recession began, and outside expertise on some of the major revenue sources such as Property Tax, Sales Tax and Utility User's Tax.

Revenue Highlights and Assumptions for FY 2010-11

To understand the underlying strengths and weaknesses of the major General Fund revenue sources for FY 2010-11, the following highlights and assumptions are presented below.

Utility User's Tax (UUT) is currently the General Fund's largest revenue source, representing 23% of total revenue. Historically, it has also been the most stable revenue source. Prior to FY 2007-08, UUT experienced an average growth rate of 13% over the previous four years. While residential property foreclosures, combined with commercial vacancies, will cause components of the UUT to decline, current trends in the water, wireless telephone, and cable industries are combining to keep projected FY 2010-11 UUT revenue only slightly less than the current fiscal year at $15.2 million.

Property Tax in-Lieu of Vehicle License Fees (VLF) used to be the General Fund's largest revenue source. However, due to declining property values, this revenue source has fallen and will continue to do so next fiscal year. It is projected to be $11.8 million for FY 2010-11, representing 17% of total General Fund revenue.

Property Tax, which is historically the General Fund's third largest revenue source, is projected to fall to the fourth largest revenue source at $8.6 million in FY 2010-11, representing a decrease of $1.4 million from FY 2009-10 and a $4.2 million decrease from FY 2008-09. At this level, it will comprise approximately 13% of total General Fund revenue. Information received from the County Assessor is that overall assessed valuation in the City will decline by 14% next fiscal year versus this fiscal year. This substantial reduction in property tax reflects a decline in residential and commercial assessed valuation, combined with a negative inflationary adjustment of -0.237% under Proposition 13 for those properties that were not reassessed under Proposition 8 as a result of market values falling below the assessed values allowed under Proposition 13. This is the first time there has been a negative inflationary adjustment since Proposition 13 was enacted in 1978.

Sales Tax, including Property Tax in-Lieu of Sales Tax, which was created as a result of the State's "triple flip", is projected to be $9.7 million in FY 2010-11, comprising 14% of total General Fund revenue. No increase in sales tax revenues are projected for the next fiscal year due to current high unemployment levels and the expected slow economic recovery, which will continue to adversely impact consumer spending.

Franchise Fees are projected to be $4.8 million in FY 2010-11, holding constant with the FY 2009-10 projected actual level. This represents 7% of total General Fund Revenue.

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Investment Income is projected to be $4.5 million, or 7% of General Fund revenue. This represents an increase compared to the budget for FY 2009-10, due to an expected increase in short-term rates, offset by a reduction in the total principal invested due to declining revenues.

Development Services revenue is projected to be $3.6 million, representing 6% of General Fund revenue. Compared to FY 2009-10, this projection represents a decline of 13.7%, reflecting the slump in residential and commercial development. Historically, it has been the General Fund's most volatile revenue source, growing to nearly $13 million in FY 2006-07 before starting its current decline.

Parking Control Fees are estimated to be $1.2 million for FY 2010-11 with minimal growth over the FY 2009-10 projected actual level. The estimate is based on the expected number of citations to be issued in FY 2010-11.

Fines and Forfeitures are projected at $1 million for FY 2010-11. For the past four years, this revenue has remained at the same level.

Gross Receipts Tax is projected to be $0.9 million in FY 2010-11, representing the same level as FY 2009-10.

Shown below are the FY 2010-11 General Fund revenue projections, along with current year budget and projected actuals, as well as the actual revenues received the past two fiscal years.

Revenue Source	FY 07-08 Actual	FY 08-09 Actual	FY 09-10 Budget	FY 09-10 Projected	FY 10-11 Budget
Utility Users Tax	$15,186,616	$15,081,286	$14,970,000	$15,500,000	$15,200,000
Property Tax In-Lieu of VLF	16,728,600	16,791,078	14,100,000	13,670,400	11,773,400
Sales Tax	11,694,525	10,451,942	9,735,000	9,735,000	9,735,100
Property Tax	14,361,253	12,790,196	11,700,001	10,052,300	8,596,100
Other	7,127,734	6,936,944	7,997,494	7,852,240	6,143,100
Franchise Fees	4,478,698	4,997,024	4,400,000	4,800,000	4,800,000
Investment Income	7,810,625	5,691,596	4,350,000	4,500,000	4,478,500
Development Svcs.	9,168,587	9,973,714	4,119,921	3,163,660	3,597,700
Parking Control Fees	1,300,405	1,094,064	1,250,000	1,095,000	1,164,000
Fines & Forfeitures	1,003,467	1,082,366	1,000,000	1,000,000	1,000,000
Gross Receipts Tax	1,111,021	1,051,701	906,500	650,000	906,500
Vehicle License Fees	800,667	865,718	400,000	400,000	360,000
TOTAL	**$ 90,772,198**	**$ 86,807,629**	**$ 74,928,916**	**$ 72,418,600**	**$ 67,754,400**

The following chart depicts the City's top six General Fund revenues for the past four fiscal years along with projections for FY 2009-10 and the estimates included in the FY

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2010-11 Preliminary Base Budget. Vehicle License Fees (VLF) and Property Tax in-lieu of VLF have been combined since both revenue sources relate to VLF; only the method of payment by the State has changed so that now most of the VLF is paid in the form of Property Tax.

General Fund Revenue History & Projection

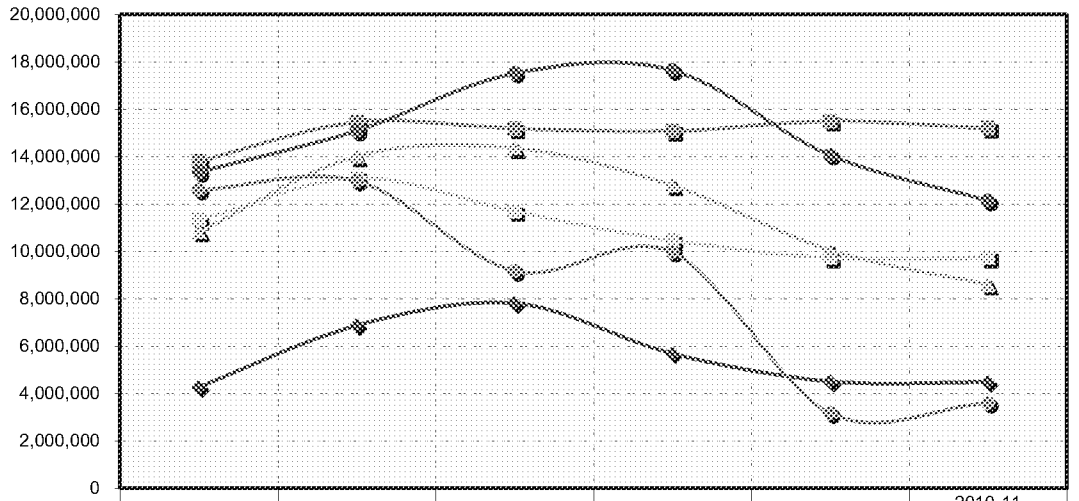

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
Utility User's Taxes	13,811,740	15,463,291	15,186,616	15,081,286	15,500,000	15,200,000
VLF/Property Tax in-Lieu	13,345,933	15,093,313	17,529,267	17,656,796	14,070,400	12,133,400
Sales Taxes	11,317,841	13,116,271	11,694,525	10,451,942	9,735,000	9,735,100
Property Taxes	10,831,005	14,022,134	14,361,253	12,790,195	10,052,300	8,596,100
Investment Income	4,273,225	6,878,647	7,810,625	5,691,596	4,500,000	4,478,500
Development Svcs	12,592,570	12,976,966	9,168,587	9,973,715	3,163,660	3,597,700

General Fund Expenditure Projections for FY 2010-11

Following is a summary of the General Fund Preliminary Base Operating Budget expenditures for FY 2010-11.

2010-11 General Fund Preliminary Base Operating Budget

General Government		
City Council	667,300	
City Attorney	1,252,500	
City Clerk	748,800	
City Manager	1,549,000	
Community Development	422,300	
Economic Development	685,500	
Financial & Administrative Services	3,154,200	
Human Resources	985,200	
Public Works	1,900,700	
Non-Departmental	5,471,400	
General Government Sub-total		16,836,900

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Development Services		5,631,100
Public Safety		
Police	41,960,300	
Fire	15,840,600	
Other Public Safety Programs	5,361,800	
Public Safety Sub-total		63,162,700
2010-11 General Fund Preliminary Base Operating Budget		**$85,630,700**

The expenditure projections reflected above assume no changes in staffing or service levels from FY 2009-10. This is because any further reductions from current levels will require policy direction from the City Council. The only significant expenditure increase is in the Police Department, representing an expected 5% contract rate increase per the Riverside County Sheriff's office. Organization charts depicting each department's staffing and the positions previously defunded are included along with the departmental descriptions and mission statements beginning on page 2.

The following chart depicts the General Fund expenditure history for the last four fiscal years, along with the FY 2009-10 Projected Actual and FY 2010-11 Preliminary Base Budget amounts.

General Fund Expenditure History & Projection

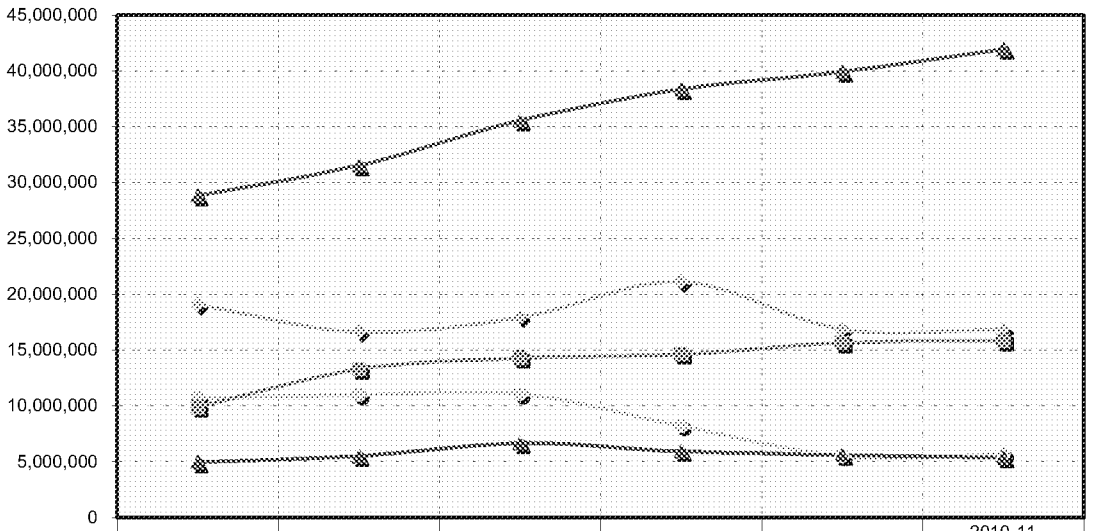

	2005-06 Actual	2006-07 Actual	2007-08 Actual	2008-09 Actuals	2009-10 Projection	2010-11 Preliminary Base
General Government	19,071,322	16,613,462	17,937,033	21,123,523	16,850,252	16,836,937
Development Services	10,675,852	10,993,001	11,075,793	8,202,310	5,527,270	5,631,060
Police	28,851,553	31,553,610	35,581,734	38,370,806	39,943,700	41,960,324
Fire	9,896,036	13,307,842	14,299,522	14,648,139	15,659,100	15,840,550
Other Public safety	4,955,539	5,514,208	6,666,238	5,936,736	5,620,978	5,361,800

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Projected General Fund Operating Deficit for FY 2010-11

Deducting the projected General Fund operating expenditures of $85.6 million from the projected General Fund operating revenues of $67.8 million, results in a projected General Fund operating deficit of $17.8 million.

The following chart highlights how the General Fund operating deficit has grown the past few years as a result of the economic recession. The bar on the left of each grouping represents revenues; the bar on the right of each grouping represents expenditures.

General Fund Operating Budget
Revenues & Expenditures

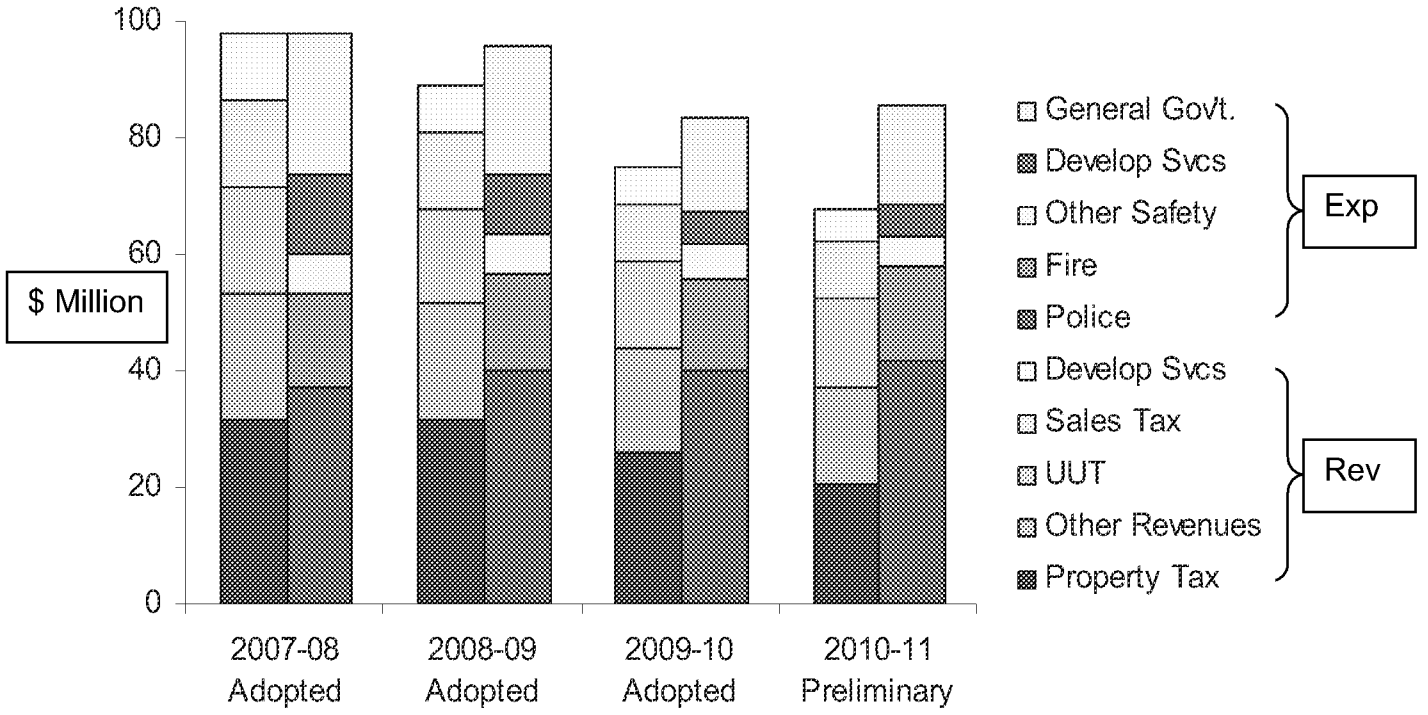

As shown above, the FY 2007-08 budget was adopted with operating revenues and expenditures completely balanced. By FY 2008-09, there was an operating deficit of $7.0 million which had to be backfilled through a combination of prior-year savings, transfers, and reserves. This operating deficit increased to $8.6 million in FY 2009-10, despite a significant reduction in the expenditure budget realized through implementation of a Deficit Reduction Plan; with the deficit again backfilled with prior-year savings and reserves. For FY 2010-11, the projected operating deficit will increase to $17.8 million. This projected deficit will be addressed through a combination of solutions including anticipated prior-year savings, additional transfers, and a Deficit Reduction Plan.

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Budgetary Adjustments to Reduce Deficit

Facing such a significant budgetary deficit next fiscal year, staff evaluated a number of potential adjustments that can be made to reduce the deficit. Following an analysis by the Budget Review Committee, staff was given the direction to proceed with the following adjustments:

Current year savings that can be carried over to next fiscal year:

In conjunction with the FY 2010-11 budget review process, projected actual amounts for FY 2009-10 were developed. In addition to the FY 2009-10 department-projected savings of $796,100, as reported to the City Council during the Mid-Year Budget Review on February 23, 2010, to help keep this fiscal year's budget in balance, an additional 2009-10 savings of $1,520,800 was identified that will be carried over to help balance next fiscal year's budget.

Transfers to return previous General Fund subsidies:

Based on previous General Fund subsidies and current fund balance, the following transfers to the General Fund can be made, while keeping a minimum reserve of 12% of operating expenditures, consistent with the General Fund:

▪ Gas Tax	$500,000
▪ Public Education/Government Access (PEG)	$339,100
▪ CSD Zone A (Parks)	$800,000
▪ Total expected savings	$1,639,100

Other transfers

Transfers to the General Fund from two other funds will be made following an analysis of the funds:

▪ EOC Project Fund (Return of surplus project funds that were contributed from the General Fund)	$1,100,700
▪ Equipment Replacement Fund (Fully depreciated assets that no longer need to be replaced)	$2,102,400
▪ Facility Construction Fund (Preliminary contribution to Veterans Memorial Project; funded by 2005 Lease Revenue Bonds)	$776,000
▪ Total other transfers	$3,979,100

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Following is a summary of the total budgetary adjustments that will be implemented to reduce the projected FY 2010-11 General Fund deficit of $17.8 million:

Projected Deficit		$17,876,300
Budgetary Adjustments:		
- Current year savings to be carried over to FY 2010-11	($1,520,800)	
- Transfers to return previous General Fund subsidies	($1,639,100)	
- Other transfers	($3,979,100)	
- Total Budgetary Adjustments		($7,139,000)
Remaining Deficit		$10,737,300

Budget Issues

Despite facing a significant budgetary deficit in FY 2010-11, departments were provided the opportunity to submit proposed Budget Issues to identify areas in which budgetary increases were needed to maintain critical service levels. There are three (3) such Budget Issues that I am recommending for implementation, as presented below:

Budget Issue No. 1: Re-establish funding for Budget Officer position, which was defunded in FY 2009-10
Requesting Department: Financial & Administrative Services
FY 2010-11 Cost: $98,700
General Fund Cost: $98,700

The position of Budget Officer was established in FY 2007-08. The position was created to relieve the Financial Operations Division of responsibility for preparing and monitoring the City's budget, which was becoming increasing complex and time consuming to prepare and monitor. Financial Operations staff did not have the time or staffing resources to devote to the budget process, which was impacting the City's ability to effectively manage its budget.

With the economic downturn that began in late 2007, the need for a Budget Officer was accentuated, as there was an increased need for timely and comprehensive reporting on the City's monthly performance relative to its adopted budget, including Monthly Financial Reports to City management and First Quarter and Mid-Year Budget Reviews for the City Council. There was also a need to thoroughly review all City Council staff reports for their fiscal impact, which previously had been done on only a cursory basis.

Following an open recruitment, the City's first Budget Officer was hired in December 2008. The impact of the position was immediately realized, with improvements in the budget development process, deficit reduction planning and analysis, automation of various budgetary reports, streamlined Budget Appropriation Adjustment process, thorough analysis of cost-saving scenarios, and improved departmental coordination.

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With the retirement of the Financial Operations Division Manager in June 2009, and the need for departmental cost savings, the Budget Officer assumed responsibilities of the Financial Operations Division Manager in addition to the Budget Officer duties. While this dual role has enabled essential budgetary and financial work to be accomplished, it has required a significant number of extra hours to be worked beyond the normal work schedule by a number of staff in the Financial Operations Division. The workload impact had been exacerbated by other staffing reductions in the Financial Operations Division, with five (5) of the Division's (fourteen) 14 career positions defunded, representing a vacancy factor of 36%.

Unlike some operational areas within the City, in which the workload has diminished along with the failing economy, the workload in the Financial Operations Division has actually increased, as there is an increased need for budgetary reporting and financial analysis related to labor negotiations and various cost reduction scenarios. Additionally, the City's budget process has become increasingly complex, with significant time devoted to deficit reduction planning and implementation.

There is a critical need to re-establish funding for the Budget Officer position in order to relieve the Financial Operations Division staff of having to perform all budgetary functions, in addition to their normal duties which include Accounts Payable, Payroll, monthly financial close, grant accounting, audit coordination, and year-end financial reporting including the State Controller's Report and Comprehensive Annual Financial Report (CAFR). Without re-establishment of the Budget Officer position, there will be an ongoing need for Financial Operations staff to work an extensive number of hours in addition to their regular work schedule; often times 12-14 hours days and weekends, despite the City's reduced work week of 36 hours.

Cost summary of Budget Issue:

Salaries	$71,100
Employee Benefits	$27,100
Services	--
Supplies	$500
Capital Outlay	--
Total Expenditures	**$98,700**

Budget Issue No. 2: Reallocate Emergency Operations & Volunteer Services Specialist Salary/Benefits Between Grant Fund and General Fund
Requesting Department: Fire Department
FY 2010-11 Cost: $43,100
General Fund Cost: $43,100

The Emergency Management Preparedness Grant (Business Unit 13410) is expected to have a $30,200 shortfall for FY 2010-11 between the revenue collected and the budgeted expenditures. This budget was originally established to allow accurate tracking of expenditures that are eligible for grant reimbursements from a variety of

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Emergency Management grants. The grants this business unit receives, and/or applies for, typically require matching funds from the City ranging from 5% to 50% for salaries and purchases related to grant activities. In the past, the City has elected to transfer the matching funds from the General Fund into Business Unit 13410 at the end of the fiscal year to balance this budget. Unfortunately, with the difficult economic times the City is facing, this can no longer occur and this business unit must balance its expenses with its revenue.

The Emergency Operations & Volunteer Services Specialist assigned to Business Unit 13410 is partially funded by a Community Emergency Response Team (CERT) grant and by the Emergency Management Performance Grant (EMPG). The CERT grant does not require matching funds for any CERT-related purchases and hours worked by the employee for CERT-related activities. In contrast, the EMPG grant requires 50% matching funds from the City, leaving this position without full funding from any one grant or combination of grants. As there is no General Fund allocation to this business unit, the Fire Department is requesting to reallocate funding for this position between the grant budget and the General Fund budget, in order to meet the matching fund requirements of the EMPG grant.

Cost summary of Budget Issue:

Salaries	$23,500
Employee Benefits	$13,100
Services	$6,500
Supplies	--
Capital Outlay	--
Total Expenditures	**$43,100**

Budget Issue No. 3: Increase in NPDES Regulatory Fees
Requesting Department: Public Works
FY 2010-11 Cost: $76,000
General Fund Cost: $76,000

The Riverside County Flood Control and Water Conservation District (RCFCWCD) is the permittee and the City of Moreno Valley is a co-permittee to the Santa Ana River Watershed National Pollutant Discharge Elimination System (NPDES) Urban Storm Water Runoff Management Program.

The City, as well as other co-permittees and the RCFCWCD are parties to an NPDES Implementation Agreement. The agreement allows the parties to share NPDES program costs that benefit the co-permittees. It is estimated that Moreno Valley's share of the costs will be $76,000 for the FY 2010-11 budget.

The RCFCWCD is depleting a NPDES reserve fund to address State and Federal NPDES mandates on behalf of the co-permittees. A new NPDES permit was issued on January 29, 2010 to RCFCWCD and the co-permittees. Additional State and Federal

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mandates are in the permit. The existing Implementation Agreement will be amended to address the new permit mandates and associated costs for FY 2010-11 and beyond. The shared cost of the co-permittees is estimated to be $500,000. Moreno Valley's estimated prorated share for FY 2010/11 is $76,000. There are no City-designated revenue sources to fund these NPDES permit costs.

If the City elects not to fund the prorated share of the Implementation Agreement, the City cannot benefit from NPDES area-wide programs funded by the RCFCWCD and other co-permittees. The City would have to implement the same programs without the benefit of the RCFCWCD resources at an additional estimated annual cost of $1.05 million. If the City elects not to fund the programs it will subject itself to fines as provided in the Federal Clean Water Act of $37,500 per day for each violation.

Cost summary of Budget Issue:

Salaries	--
Employee Benefits	--
Services	$76,000
Supplies	--
Capital Outlay	--
Total Expenditures	**$76,000**

If each of the three recommended Budget Issues is approved by the City Council, it will increase the FY 2010-11 General Fund budget by $217,800, as summarized below:

Budget Issue	Requesting Department	General Fund Amount
Re-establish Funding for Budget Officer Position	Financial & Administrative Services	$98,700
Supplement Emergency Operations Grant with General Fund Subsidy	Fire	$43,100
Increase in NPDES Regulatory Fees	Public Works	$76,000
Total General Fund Budget Increase		**$217,800**

Balancing the General Fund Budget through the Deficit Reduction Plan

Adding the additional funding of $217,800 related to the above Budget Issues to the projected General Fund deficit (net of adjustments) of $10,737,300 results in a total projected General Fund deficit of $10,955,100. Solutions for addressing this deficit will be presented in the FY 2010-11 Deficit Reduction Plan, which will be submitted to the City Council on April 27, 2010.

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OTHER KEY FUNDS

The following summaries relate to other major funds within the City. Although the FY 2010-11 Preliminary Base Operating Budget reflects deficits for these funds, they will be balanced through a combination of proposed Deficit Reduction Options (detailed in the Deficit Reduction Plan) and utilization of available fund balance.

Community Services District (CSD) Zone A - Parks & Community Services

This fund accounts for the administration and maintenance of the Parks & Community Services facilities and programs. Major revenue sources for this fund come from property tax and parcel fees. Other sources of revenue include recreation fees for various classes and programs offered to residents and non-residents alike. The fund also receives rental income for the use of City ball fields, the Conference & Recreation Center, the Senior Center, and the Towngate Community Center.

Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	7,997,600
Expenditures	(8,446,400)
Surplus (Deficit)	($448,800)

Community Services District (CSD) Zone L - Library Service Fund

This fund accounts for the operations necessary to process and administer the Library service program. The primary revenue source for this fund is property tax. Other revenue sources include library fees and fines, inter-library book loans, library donations and state grants.

Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	1,744,600
Expenditures	(2,161,300)
Surplus (Deficit)	($416,700)

State Gasoline Tax Fund

This fund is used to account for the City's share of state gas tax revenue restricted for street improvement and maintenance. The revenue is apportioned under the Streets and Highways Code of the State of California. The main revenue source for this fund includes the City's allocation of the State's Highway Users Tax.

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Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	3,709,500
Expenditures	(3,957,000)
Surplus (Deficit)	($247,500)

Electric Utility

This fund is used to account for the operations of the City's electric utility. Its basic purpose is to purchase and distribute electricity to customers in newly developed areas of the City. The City began serving its first customers in February 2004, and now serves more than 5,400 customers.

The main revenue source for this fund is derived from charges for services rendered to customers of the Electric Utility for the distribution of electricity. The Electric Utility provides service to residential, commercial, and industrial customers.

Operating Category	FY 2010-11 Preliminary Base Budget
Revenues	13,869,500
Expenditures	(14,321,400)
Surplus (Deficit)	($451,900)

STATE BUDGET CONCERNS

The Governor's preliminary FY 2010-11 budget reflects a projected General Fund deficit of $6.6 billion at the end of FY 2009-10, assuming no corrective action prior to fiscal year-end, followed by an additional $12.3 billion General Fund deficit in FY 2010-11; for a total deficit of $18.9 billion. Some analysts believe the deficit is actually larger; perhaps $22 billion or more. The Governor declared a state of fiscal emergency on January 8, 2010, calling the Legislature into special session to begin taking action on the budget deficit. Very little information has been forthcoming from Sacramento regarding solutions to this budget deficit since that time. Based on past actions of the State Legislature, it is likely that some of the budget solutions will adversely impact local government, despite some of the legislative protections that have been previously enacted. As deliberations progress on the City's budget, staff will also closely monitor information coming out of Sacramento. Due to the potential for State actions that may adversely impact the City's budget, the City's Deficit Reduction Plan has identified solutions in excess of what will be needed to balance the City's General Fund budget, as a contingency to offset potential State budgetary actions.

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SUMMARY

The prolonged economic recession has resulted in three challenging fiscal years for the City. After adopting a budget in FY 2007-08 in which General Fund operating revenues completely matched operating expenditures, revenues began declining; resulting in the need for significant expenditure reductions to ensure that expenditures remained within the General Fund revenues. The next two fiscal years (2008-09 and 2009-10) became more challenging as General Fund operating revenues continued their decline, resulting in growing operating deficits that had to be overcome with aggressive cost-cutting measures including workforce reductions, return of General Fund subsidies previously made to from other funds, and use of reserves. FY 2010-11 will be even more challenging than the previous two years, as the projected General Fund operating deficit will grow to $17.8 million. A number of transfers and other budget adjustments have been identified, which will reduce this expected deficit to $10.7 million. Adding three recommended Budget Issues (which represent additional budgeted expenditures) that are critically needed, results in a projected General Fund deficit of nearly $11 million for FY 2010-11. Actions to be taken by the State of California in response to its estimated deficit of $18.9 billion or more could further impact the City's budget. To enable the City Council to adopt a balanced budget for FY 2010-11, a Deficit Reduction Plan is being developed for release on April 27, 2010. This plan will identify a number of Deficit Reduction Options that may be implemented to offset the projected deficit as well as to mitigate potential State actions that would adversely impact the City's budget.

Given the challenges and policy decisions related to adopting a balanced General Fund budget for FY 2010-11, a number of City Council meetings have been designated for budget deliberations, included two Study Sessions, as shown below.

Date	Meeting / Event	Action
April 27	Distribution	Release of FY 2010-11 Deficit Reduction Plan
Week of May 3	Individual Council Member Briefings	Review of FY 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan
May 11	Regular Council Meeting	Presentation of FY 2010-11 Budget
May 18	Study Session	Discussion of FY 2010-11 Budget
May 25	Regular Council Meeting	Continued Discussion of FY 2010-11 Budget
June 8	Regular Council Meeting	Continued Discussion of FY 2010-11 Budget
June 15	Study Session	Continued Discussion of FY 2010-11 Budget
June 22	Regular Council Meeting	Continued Discussion of FY 2010-11 Budget; Adoption of FY 2010-11 Budget
June 29	Special Council Meeting (if needed)	Adoption of FY 2010-11 Budget

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In closing, I would like to express my sincere appreciation to all City departments for their work in preparing the FY 2010-11 Preliminary Base Operating Budget and the Deficit Reduction Plan that is undergoing final review and scheduled to be released on April 27, 2010. City employees are also to be commended for their ongoing commitment to providing essential City services during such challenging times, and especially considering the significant increase in workload that has occurred in many cases due to staffing reductions, and the compensation reductions that have been implemented.

Following departmental submittal of the proposed budgets and Deficit Reduction Options for FY 2010-11, the members of the Budget Review Committee met with each department and thoroughly reviewed all submittals. I want to express my thanks to the members of the Budget Review Committee for their focus, time commitment, and teamwork during this process.

Finally, I want to thank the Budget Preparation Team for their hard work and extra efforts in preparing the FY 2010-11 Preliminary Base Operating Budget.

Budget Review Committee
William L. Bopf, Interim City Manager
Rick Hartmann, Interim Assistant City Manager
Steve Elam, Interim Financial & Administrative Services Director
Cynthia Fortune, Financial Operations Division Manager
Michelle Dawson, Assistant to the City Manager

Budget Preparation Team
Cynthia Fortune, Financial Operations Division Manager
Steve Hargis, Acting Treasury Operations Division Manager
Dolly Gonzales, Interim Principal Accountant
Dawn Jorge, Senior Accountant
Carol Vasquez, Payroll Supervisor
Marylou Antero, Accounts Payable Supervisor
Sandra Contreras, Senior Payroll Technician
Tammy Brooks, Senior Administrative Assistant
Kathy Gross, Executive Assistant I
Meleisa Mendonca, Senior Graphics Designer

Special thanks and recognition are in order for Cynthia Fortune, due to the extensive work and many long hours spent in reviewing, analyzing and preparing the budget.

Respectively submitted,

William L. Bopf
Interim City Manager

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City of Moreno Valley

2010-11 Preliminary Base Operating budget

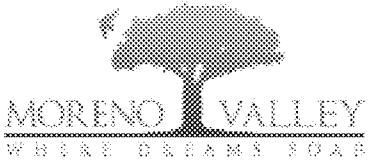

Department Description, Mission & Organization Chart

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CITY COUNCIL

Department Description

The City Council is comprised of five members elected by the district to serve staggered four-year terms. It is the policy-making body of the community, serving 186,301 residents. Council appoints the City Manager, City Attorney, City Clerk and City Treasurer, as well as various members of the City's advisory boards and commissions. Resources have been allocated to provide City membership in such intergovernmental associations as the League of California Cities, Western Riverside Council of Governments (WRCOG), and Southern California Association of Governments (SCAG) in order to develop networking relationships with policy makers and administrators whose actions affect the City of Moreno Valley.

City Council Goals

- Diversity and Preserve the City's Revenue Base

  Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

- Improve Governmental Relationships

  Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

- Enhance Community Safety

  Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

- Improve the Community's Image

  Promote a sense of community pride and foster an excellent image about our City by developing and executing programs, which will result in quality development and enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

- Improve Public Infrastructure

  Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

- Create a Positive Environment

  Create a positive environment for the development of Moreno Valley's future.

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CITY ATTORNEY

Department Description

The Office of the City Attorney at present consists of three full-time attorneys, an Executive Assistant I and a Legal Secretary. This office provides a wide range of legal services to the City organization. It provides legal advice to the City Council, City Manager, City staff and City Boards, Committees and Commissions. It conducts or oversees all litigation involving the City, working in conjunction with the Risk Manager regarding tort liability cases and with the Human Resources Manager regarding personnel issues and workers' compensation. The office also oversees or actively prosecutes City code violations in cases where no violation of State law is charged or the District Attorney has decided not to include City code violations in related criminal prosecutions. The office prepares or reviews ordinances, resolutions, contracts, and other legal documents relating to the City's business.

The City Attorney's Office represents the City government rather than individuals and has an attorney-client relationship with the City Council (as an entity), as its primary clients, and secondarily, with other city boards, officers and employees within the scope of their duties for the City. The role of the City Attorney is sometimes confused by the public with either the District Attorney, who prosecutes criminal actions under State law, or Legal Aid Services, which provides low or no-cost legal services to the general public who cannot afford private legal representation. Consequently, the office receives frequent requests from members of the public for legal advice or information. These requests are handled as courteously as possible providing information without giving legal advice, which could create an attorney-client relationship in conflict with the City Attorney's official duties.

Department Mission Statement

The mission of the office of the City Attorney is to provide professional, cost effective, ethical, and high quality legal advice and services to the City Council and City staff in all matters of law, to effectively represent the City in legal proceedings, and to prepare or review all ordinances, resolutions, contracts, and other legal documents necessary or desirable to conduct the business of the City.

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City Attorney's Office

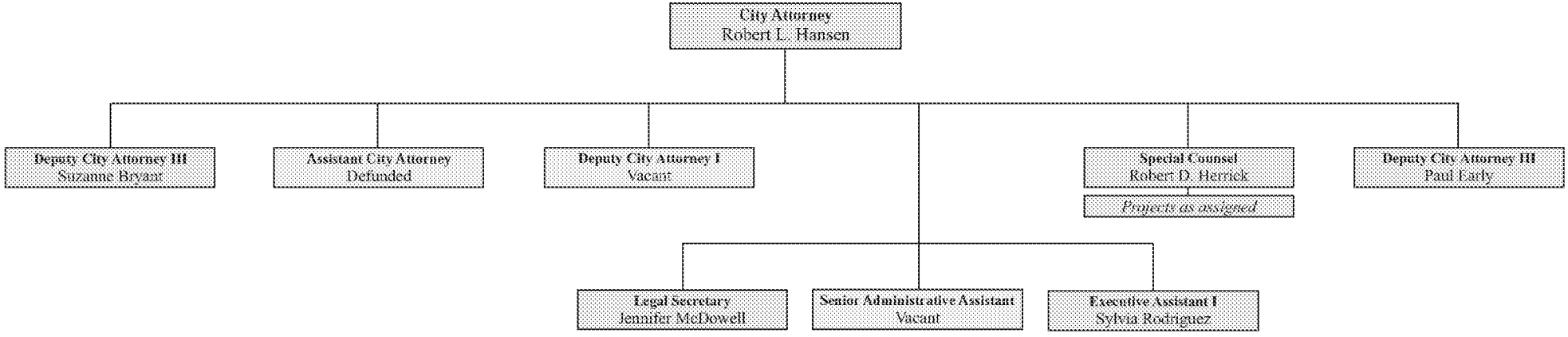

KEY: Active | Defunded

Updated March 2010

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CITY CLERK

Department Description

The City Clerk serves as the Secretary to the City Council, is responsible for the preparation of agendas, the recording and maintenance of all Council actions, filing of public notices, coordination and administration of all City records, documents and public files. The City Clerk advertises and receives bids, conducts all bid openings, maintains the City's municipal code, receives all claims filed against the City, serves as the official custodian of the City seal, conducts all elections, receives nomination papers and is the filing officer for all requirements of the California Fair Political Practices Commission.

Department Mission Statement

The mission of the City Clerk's office is to provide courteous and expeditious dissemination of material and information to City departments, the general public, media and other agencies; produce and maintain agendas, minutes, recordings, and indexing of all City Council actions, filing of public notices, coordination and administration of City records; conduct elections of the highest quality by ensuring all legal requirements, local and state, are met by all candidates and committees, and assuring the registered voters in the City the opportunity to express their freedom of choice by voting.

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CITY CLERK'S OFFICE

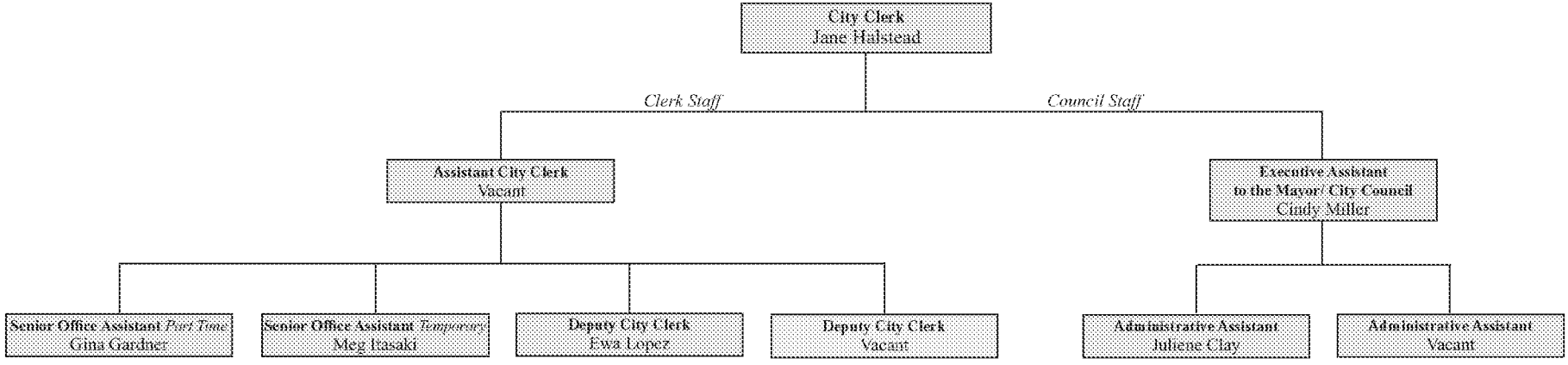

KEY: Active | Defunded

Updated March 2010

CITY MANAGER'S OFFICE

Department Description

❒ Administration

The City Manager serves as the chief administrative officer of the City. Under City Council direction, the City Manager is responsible for the efficient management of all City business. Professional leadership is provided from this Office to the Executive Management Team to enable them to serve the community in a responsive and resourceful manner. Functions of the City Manager's Office include coordination of the implementation of City Council policies and programs; providing overall direction to the departments that administer City programs and services; coordinating intergovernmental relations and legislative advocacy; and administration of the City's communications, media relations, and public information programs.

❒ Media and Communications

The Media and Communications Division serves as the City's media relations/public information office; provides graphic design and special events coordination services to City departments; manages the operations and video productions of the City's government access cable TV channel MVTV-3; monitors state-issued cable television/video service franchise agreements and manages content on the City's public Web site and employee Intranet.

Department Mission Statement

The City Manager's Office is committed to providing and coordinating excellent staff support and sound policy recommendations to the City Council, leading the organization in an effective, efficient, and principled manner, and providing organizational support and direction to the department

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CITY MANAGER'S OFFICE

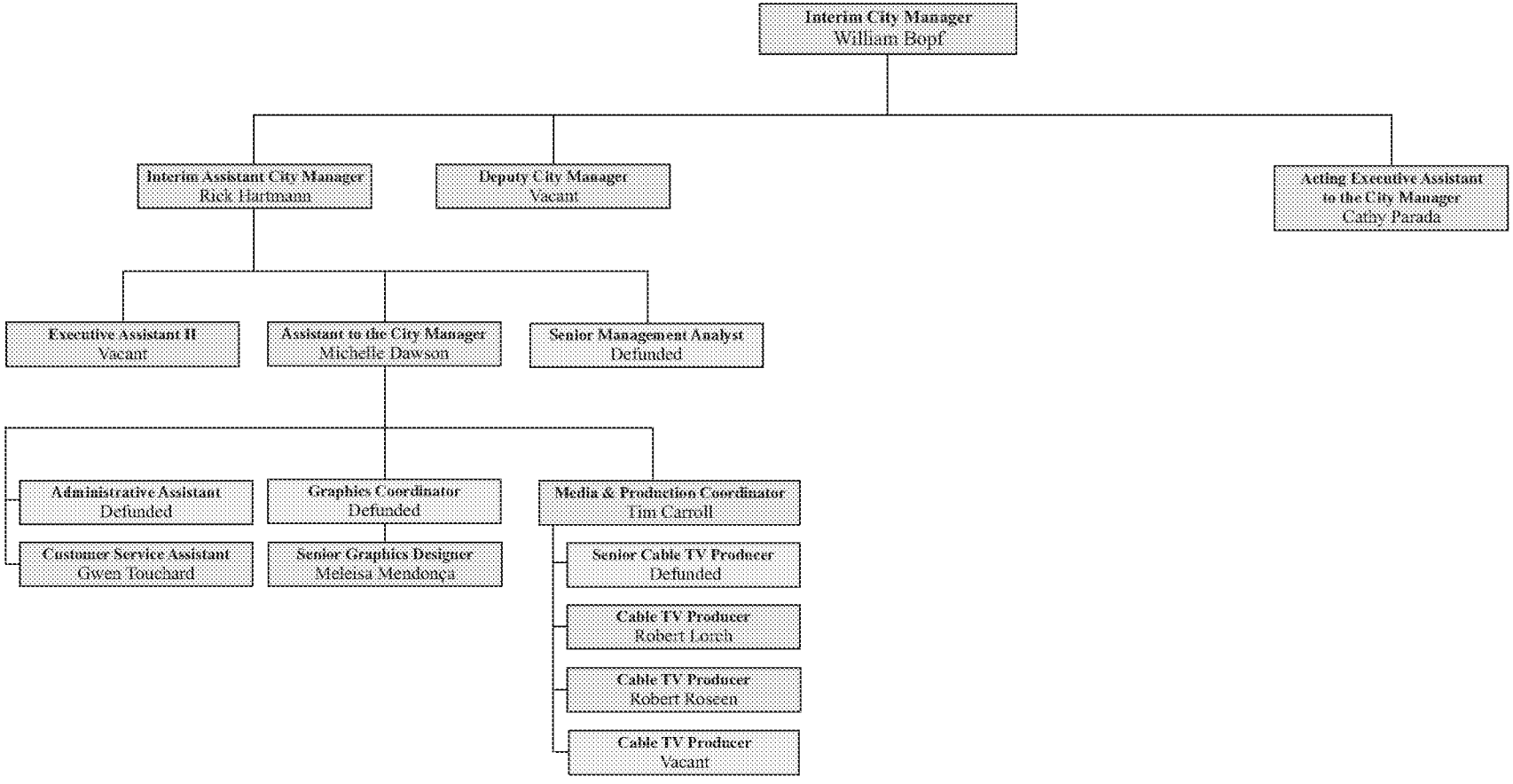

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Updated March 2010

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COMMUNITY DEVELOPMENT DEPARTMENT

Department Description

The Community Development Department consists of four separate divisions: Administration, Building and Safety, Code & Neighborhood Services, and Planning. Department activities are funded from a variety of resources including: General fund, development services fees, and fines.

- Administration

  The Administration program manages and coordinates the activities of all divisions within the department.

  - Counter Operations

  This program is responsible for overseeing and coordinating the Development Services One-Stop Counter activities. The Development Services Assistance Desk provides information, applications, handouts and materials to the general public and development community to assist them in processing their service needs and directs them to the appropriate development services divisions for service. Counter activities include the processing of express permits, business licenses, temporary use permits, home occupation permits, tenant improvements, signs, special events, land development issues, fire and building inspections, code enforcement inquiries and other related activities.

- Building & Safety Division

  The Building and Safety Division provides structural, mechanical, electrical and plumbing plans examination services and conducts field inspections of buildings under construction to ensure that the City's built environment corresponds to local and State-mandated construction codes.

- Code & Neighborhood Services Division

  The Code & Neighborhood Services Division is responsible for the enforcement of codes, relating to neighborhood nuisances, health and safety, substandard housing, vehicle abatement, zoning/land use, illegal signs, parking control, weed abatement, business licenses and graffiti restitution. In addition, the Division is responsible for addressing illegal dumping, littering, neighborhood cleanup and related inter-agency and interdepartmental coordination of beautification programs.

- Planning The Planning Division processes land use applications in accordance with the provisions of the City's Development Code, General Plan, Landscape Guidelines and Specifications and Design Guidelines, applicable Specific Plan requirements, the California Environmental Quality Act (CEQA), and other State and Federal requirements. Land use applications range from minor projects, such as new signs

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and home occupancy permits, to major projects such as residential subdivisions, commercial centers and industrial parks.

The Planning Division is also responsible for maintaining and updating the City's General Plan. Special studies are conducted on an on-going basis to evaluate and implement changes to existing planning documents such as the Municipal Code development standards, Specific Plans and General Plan.

The Division provides staff support for the City's Planning Commission, and Environmental and Cultural Preservation Board.

Department Mission Statement

The mission of the Community Development Department is to facilitate the development and implementation of planning, land use, building and safety, beautification, and code compliance policies within the City of Moreno Valley in order to provide a well-planned, safe, and desirable living and working environment, now and in the future.

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Community Development Department

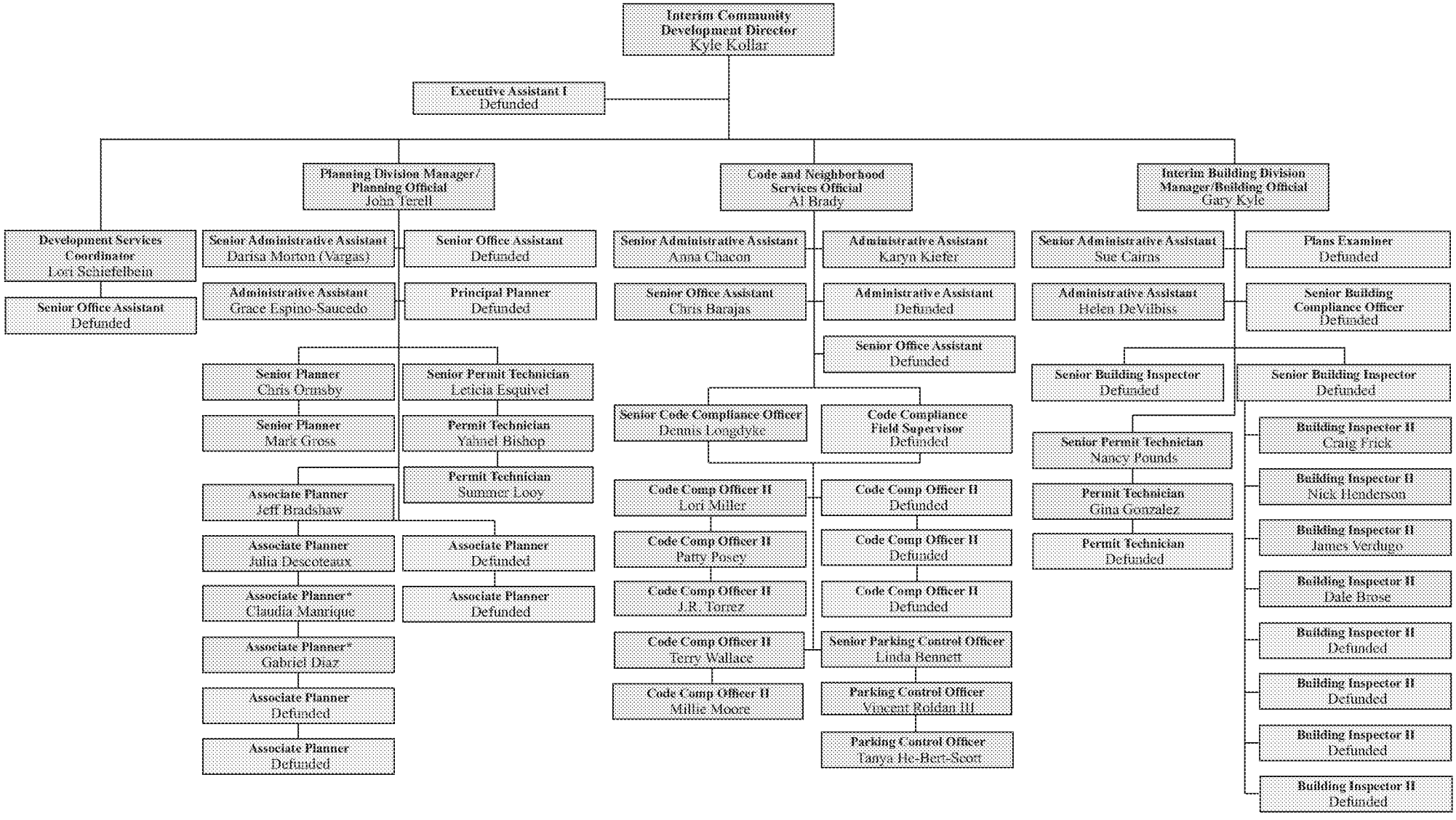

KEY: Active | Defunded

** Previously defunded, currently funded outside of General Fund*

Updated March 2010

MV00055945

ECONOMIC DEVELOPMENT DEPARTMENT

Department Description

The Economic Development Department is responsible for business attraction and retention activities, redevelopment of blighted areas, infrastructure improvements in the redevelopment project area, neighborhood revitalization and the creation of affordable housing in the community.

- Economic Development Administration

  Economic Development Administration promotes the City of Moreno Valley as a place to do business. Economic Development facilitates the development of quality jobs and dynamic retail centers to increase assessed property valuations, increase sales tax revenues, and enhance Moreno Valley's image as a community. Economic Development seeks to attract new businesses and encourages expansion of existing Moreno Valley companies through an array of strategies that include marketing, site selection assistance, ombudsman service, and much more.

- Neighborhood Preservation Division

  The Neighborhood Preservation Division oversees the operation of the City's redevelopment, affordable housing, and Community Development Block Grant programs.

  - Redevelopment

    The Redevelopment Program implements the Redevelopment Plan and offers programs and projects aimed at improving the Redevelopment Project Area. Activities include capital projects (sidewalks, streets, and water and drainage lines) and business development assistance.

  - Housing

    The Housing Program provides and array of programs and projects aimed at improving and expanding the City's affordable housing opportunities. Activities include rehabilitation loan programs, homebuyer down payment assistance, infill housing, and creating new affordable housing opportunities in the community.

  - Community Development Block Grant (CDBG) and other Grant Programs

    CDBG funds programs and projects which benefit the City's low and moderate income population and older neighborhoods. These activities include capital improvement projects, targeted code enforcement, job creation and neighborhood policing. Other grant programs managed by Neighborhood Preservation include Neighborhood Stabilization Program, Employment Resource Center, and Youth Job Training.

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Department Mission Statement

The mission of the Economic Development Department is to facilitate new investment in the community through new business attraction and business retention, along with preserving and enhancing older neighborhoods to improve the overall quality of life in Moreno Valley.

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Economic Development Department

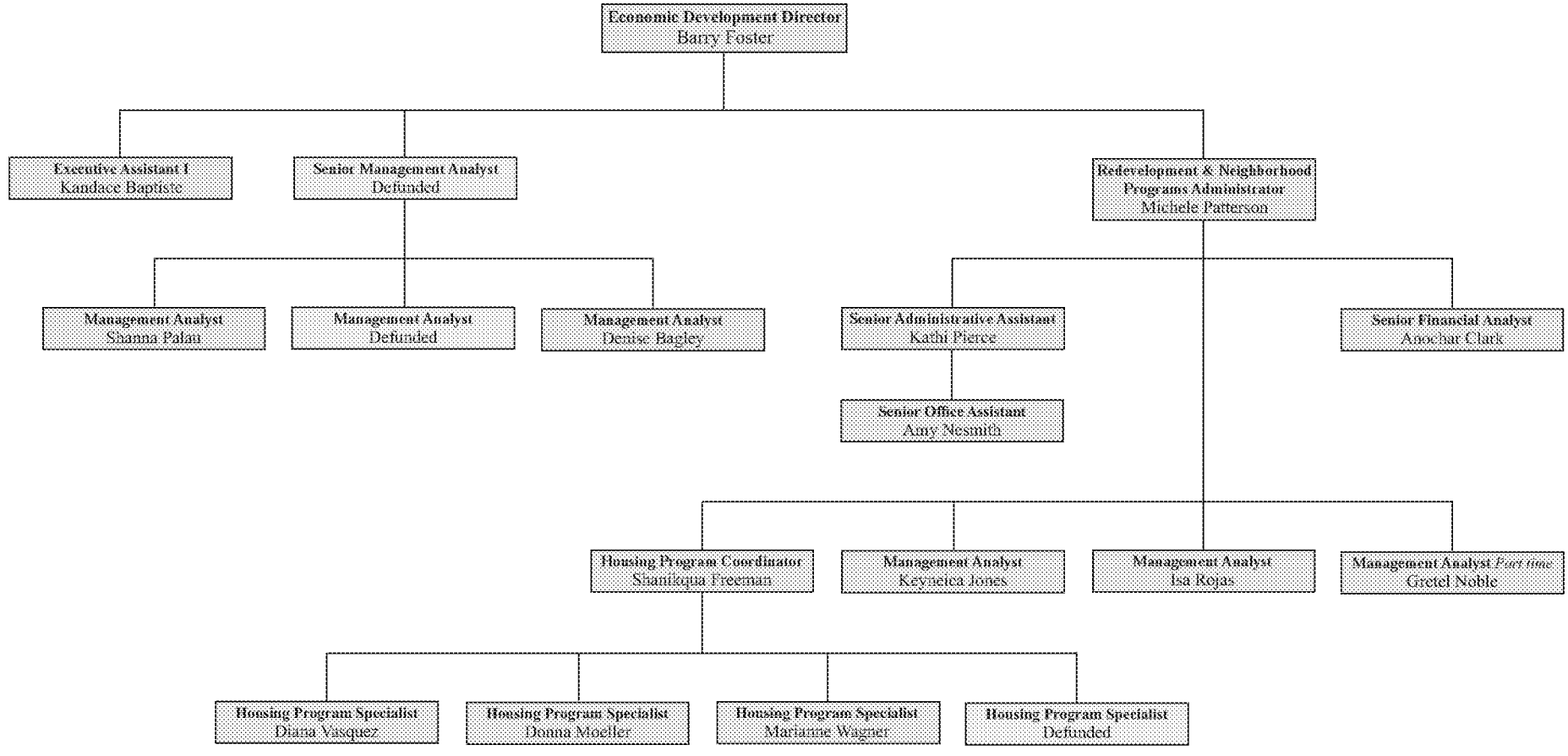

KEY: Active | Defunded

Updated March 2010

MV00055948

FINANCIAL & ADMINISTRATIVE SERVICES DEPARTMENT

Department Description

The Financial & Administrative Services Department provides a wide range of support services to other City departments. These services include budget coordination; financial reporting; payroll; billing and accounts receivable; purchasing and central stores; accounts payable; cash management and investing; business licensing and cashiering; technology services including network administration and security, enterprise systems and database administration, geographic information systems, backbone infrastructure and telecommunications; and maintenance services for all City facilities. Additionally, the department provides oversight for the public safety function of animal control services. Following is a description of the major functions that comprise the department.

- Budget Office

  Coordinates preparation of the City-wide budget; produces internal monthly financial reports; and prepares First Quarter and Mid-Year Budget Reviews to keep the City Council apprised regarding the status of the current fiscal year's budget.

- Financial Operations

  This division provides full accounting services including internal and external reporting for the City, Community Services District and Redevelopment Agency; payroll; accounts payable; and debt administration. This division also administers the annual audit process and is responsible for determining the propriety and legality of all financial transactions in accordance with laws, regulations, accounting standards, and Council and administrative policy.

- Treasury Operations

  This division's primary responsibilities include accounts receivable, business licensing and cashiering, daily cash management, oversight of the investment portfolio, and implementation of controls to safeguard cash. This division is also responsible for developing and conducting revenue audits to ensure compliance with City ordinances and other laws and regulations that govern City revenues.

- Purchasing & Facilities

  This newly-consolidated division serves a dual function. With respect to the Purchasing function its primary responsibilities include centralized purchasing services through the use of requisitions, requests for proposals, and invitations to bid for all City operations; and ensuring full, open, and fair competition while maximizing the value received in the procurement process and conforming to the Purchasing Ordinance and accepted purchasing practices. The division is also responsible for providing City-wide mail services. With respect to the Facilities Maintenance function, the division is responsible for the City-wide maintenance,

MV00055949

repair, modification, modernization and revitalization of City-controlled facilities and buildings. The division provides management of in-house and contract services to meet emergency, routine and long-term facility maintenance and operations. In addition to the day-to-day maintenance operations, the division oversees a preventative maintenance program; procurement and installation of office furnishings; custodial, pest control and locksmith services; and fire and security systems.

- Technology Services

  This division is responsible for the centralized design, maintenance, security and support of the City's communication infrastructure, computer network, and telephone/radio systems. Four sections in this division provide city-wide support for the computer network and security, including desktop support and Internet access; support for databases and various enterprise software applications including Enterprise Resource Planning (ERP) system, Permits system, Document Imaging system, Citizen Relationship Management (CRM) system, Work Order system, and Geographic Information System (GIS); and the communications backbone, telephone system and two-way radio communications.

- Animal Services

  This division provides a full range of animal care and control services. These services include the investigation of animal bites and reports of animal cruelty; administration of nuisance ordinances; control of stray animals; and animal licensing. In addition, the division maintains an animal shelter to care for impounded animals, process lost-and-found pets, facilitate pet adoptions, provide education for pet owners, and care for sick and injured animals through a veterinary clinic adjoining the shelter.

Department Mission Statement

The mission of the Financial & Administrative Services Department is to effectively manage the City's finances and safeguard its assets through adherence to the highest ethical standards, sound internal controls, and meaningful financial reporting; enhance public safety through the Animal Services function; and provide a high level of staff support and automation through the internal service functions of Purchasing, Facilities Maintenance and Technology Services.

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Financial & Administrative Services Department

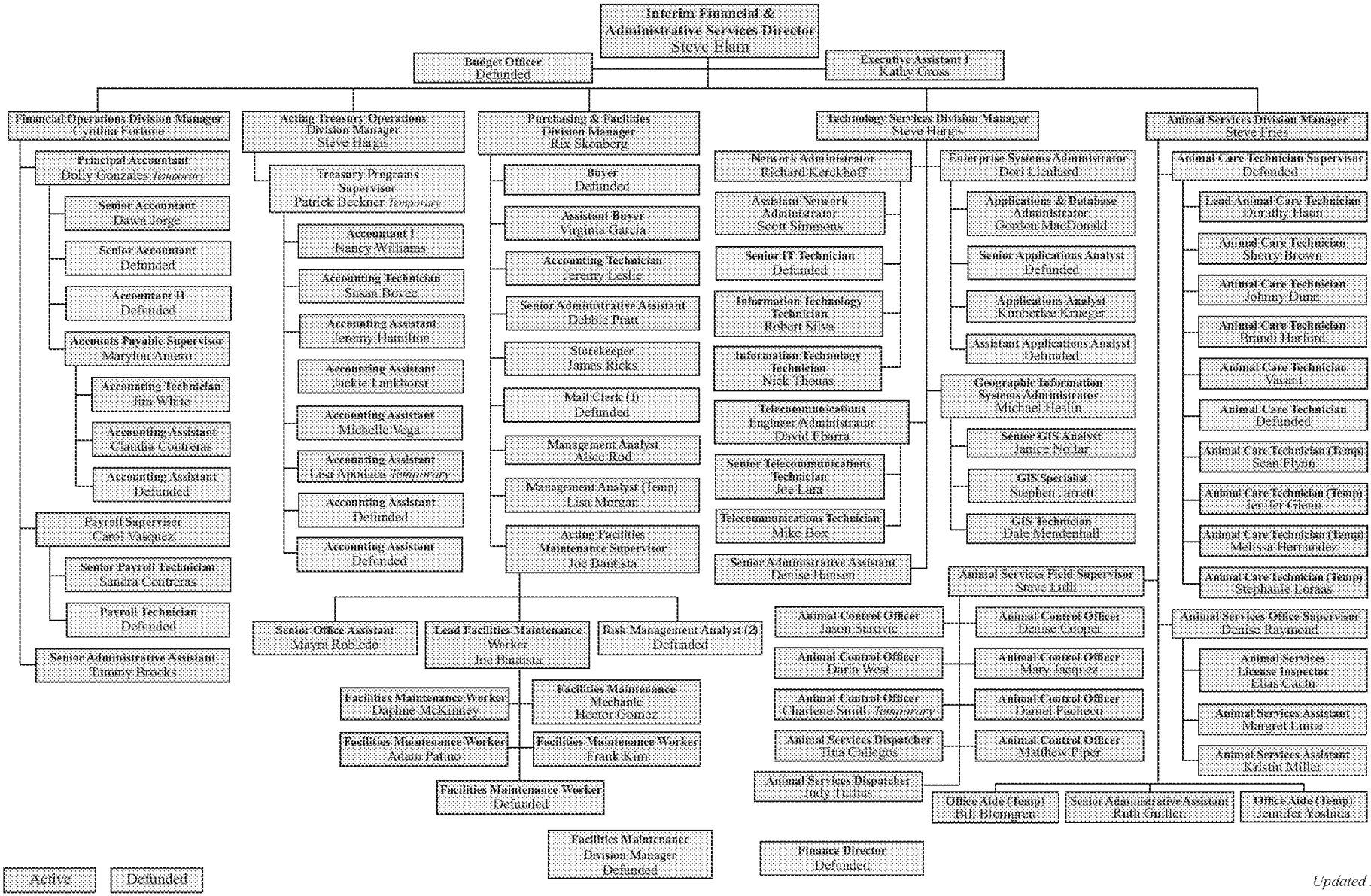

KEY: Active | Defunded

Updated March 2010

MV00055951

FIRE DEPARTMENT

Department Description

The City of Moreno Valley Fire Department operates six fire stations and a Fire Prevention Bureau providing fire suppression, emergency medical, rescue, hazardous materials response, and fire prevention services to the citizens of Moreno Valley. The equipment used by the department has the versatility to respond to both urban and rural emergency conditions. Through a Cooperative Fire Services Agreement with the Riverside County Fire Department, the City has access to additional emergency equipment such as brush engines, aircraft, hazardous materials unit, fire crews, and breathing support units.

- Fire Operations

  The Moreno Valley Fire Chief directs an integrated fire services program within the City. The emergency response level provides one Chief Officer, six three-person Engine Companies and three four-person Truck Companies. Each Engine Company is staffed by at least one paramedic who can provide advance life support.

- Fire Prevention

  The Fire Marshal, under direction of the Fire Chief, supervises the Fire Prevention Bureau. The Fire Prevention Bureau conducts fire and life safety inspections as well as plan reviews for new construction, existing buildings, and special events.

- Volunteers

  There are approximately 25 volunteer firefighters who enhance the fire protection needs of the City by providing additional staffing on the fire engines when they are available.

- Fire Explorers

  The Fire Explorer Program is designed to educate youths about the fire service field and to assist them in preparing for a career with the Fire Department. They receive training on fire tactics, hose lays, first aid, and fire prevention programs.

- Emergency Operations & Volunteer Program

  The Emergency Operations & Volunteer Program includes emergency management mitigation, preparedness, response and recovery; employee and citizen emergency training; and coordination of volunteer groups such as the Community Emergency Response Team (CERT), Emergency Response Force (ERF), and Moreno Valley Amateur Communications Emergency Services/Radio Amateur Civil Emergency Services (MV ACES/RACES).

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Department Mission Statement

The Moreno Valley Fire Department serves the community with pride, integrity, and professionalism while providing quality emergency services to protect and preserve life and property of its citizens when exposed to fires, medical emergencies, natural or man made disasters, hazardous materials incidents, and rescue emergencies in a safe, efficient and cost effective manner as a result of a cooperative, regionalized fire and rescue delivery system with the Riverside County Fire Department.

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Fire Department

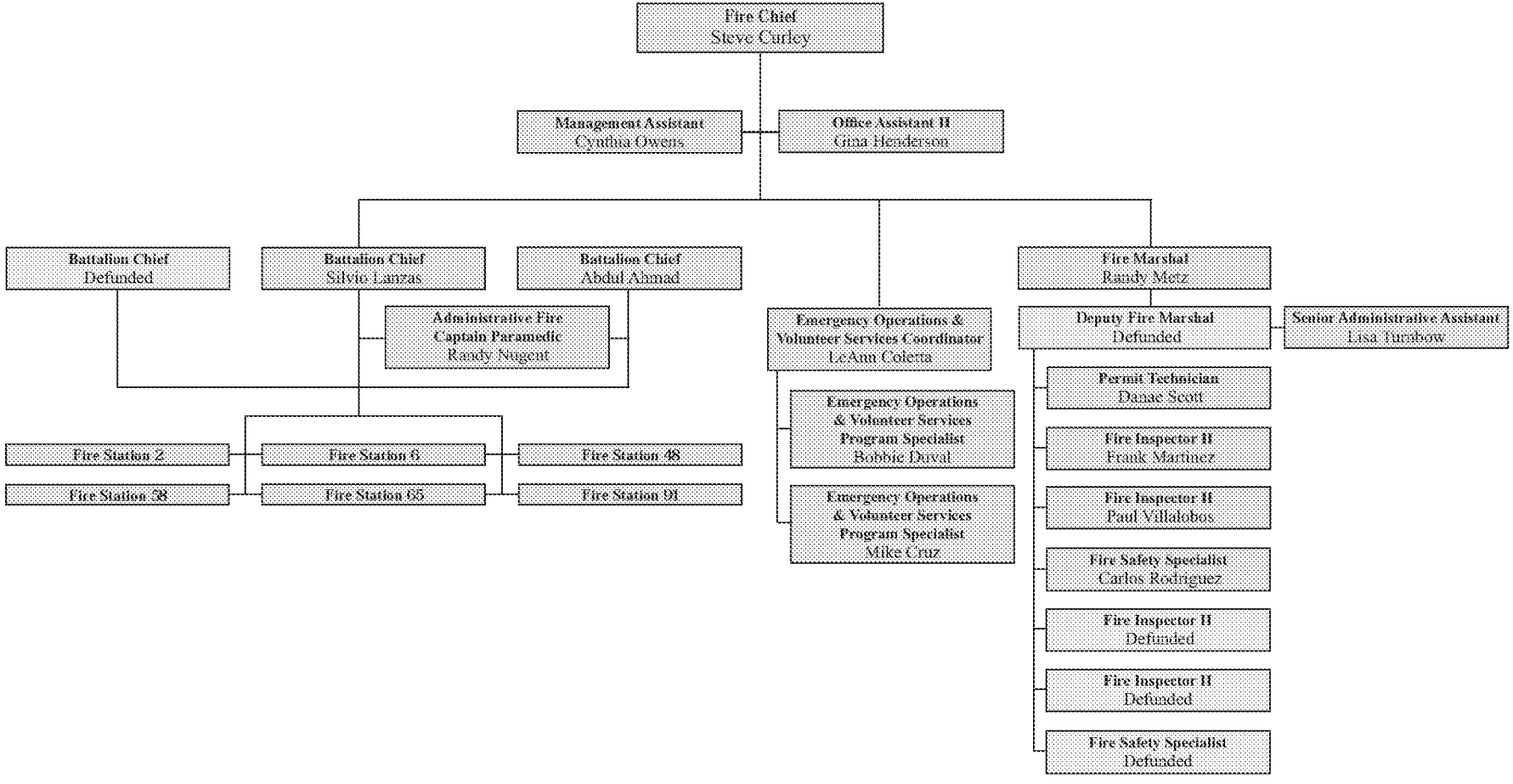

KEY: Active | Defunded

Updated March 2010

MV00055954

HUMAN RESOURCES DEPARTMENT

Department Description

This department is responsible for the centralized human resource and risk management functions within the City including recruitment, selection, classification, compensation, Equal Employment Opportunity (EEO), training, employee benefit administration, employee relations, liability, workers' compensation, and emergency operations and volunteer services. The Human Resources Director is the first line of contact with employees in orientation, assistance and grievance counseling; and provides staff support to the Assistant City Manager, who is the designated Employee Relations Officer.

- Risk Management

  This division is responsible for maintaining reserves and excess insurance coverage for the general liability and workers' compensation programs, and maintaining property insurance for City facilities. Other responsibilities include management of claims made against the City; assignment of lawsuits to outside counsel; tracking of legal expenses and reserves; managing the city-wide safety program including safety-related employee training; and management of the security guard program.

Department Mission Statement

To balance service and regulatory requirements in providing internal and external customers equitable services and consistent policies and procedures in a variety of Human Resource functions including recruitment, selection, retention, training, benefits, Workers' Compensation, EEO, interpretation and application of personnel rules and regulations, and related support services. To identify risks to City assets and put in place programs to help mitigate or eliminate those risks. To enhance public safety through our Emergency Operations/Volunteer Services functions; and through various programs, we strive to assist the City in achieving its mission and vision, and assure a safe and discriminatory-free work environment for our employees, prospective employees, visitors and the community at large.

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Human Resources Department

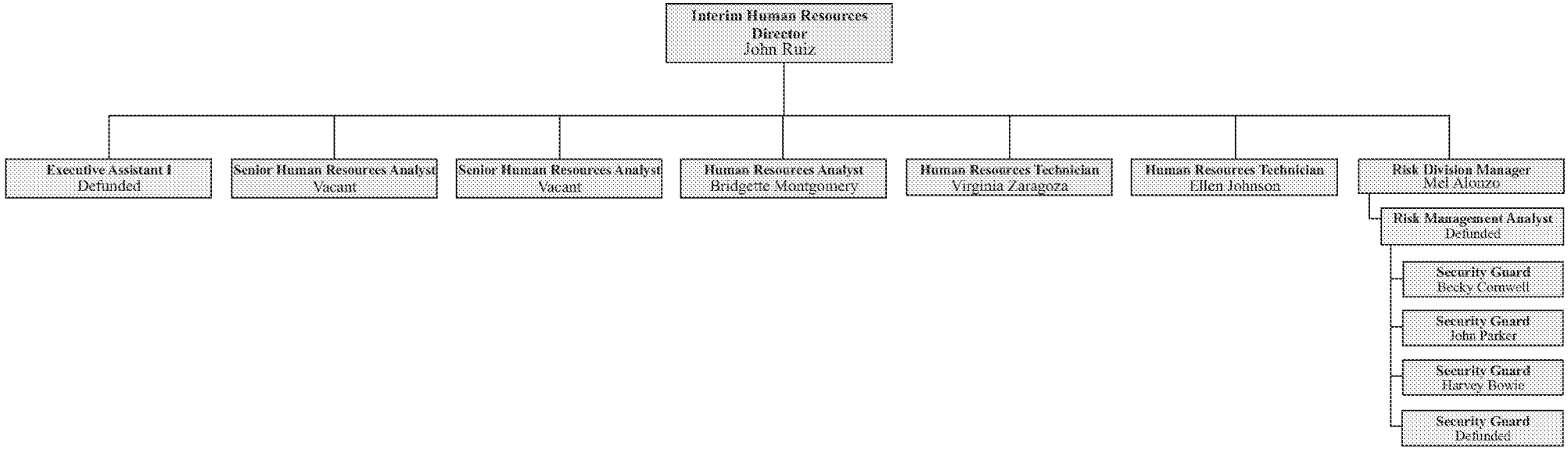

KEY: Active | Defunded

Updated March 2010

MV00055956

LIBRARY SERVICES

Department Description

The Library provides a full range of services via traditional delivery methods and through various computerized venues.

- Reference Desk

  Reference staff provide homework and other research assistance, assist patrons using the online catalog and electronic databases, and select new materials. Additional typical duties include preparing recommended reading lists, reviewing materials, planning and implementing programs for adults, cataloging new materials, answering telephone reference questions, and handling inter-library loans.

- Children's Programs

  Dedicated children's staff help our youngest patrons with homework needs; recommend reading materials, and select new materials. They also perform outreach activities at various schools and conduct library group tours, to foster a love for reading and learning in all children.

- Circulation Desk

  Circulation staff assists patrons with all aspects of Library use, filling in at public desks when public services staff is busy with other functions. Patron registrations, materials check-in and check-out, account inquiries, and all other related activities such as fines and fees collection are handled by this staff. They also mend materials, shelve books as they are returned to the library, process donations, and handle all library displays.

- Computer Lab

  The computer lab consists of 15 adult-use computers (including one for express 15-minute increments) and 10 children's computers. Printing is available in color and in black-and-white. The library's microfilm and microfiche collection can be accessed through a microform reader that digitizes articles for printing or saving to a flash drive. Staff is always available to help.

Department Mission Statement

The goal of the Moreno Valley Public Library is to provide services that will contribute to the educational development and cultural vitality of Moreno Valley. To achieve this goal, the Library's mission is to provide access to a broad range of information resources, offering a program of informational, educational, recreational, and cultural enrichment opportunities for all patrons in the Moreno Valley area.

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LIBRARY

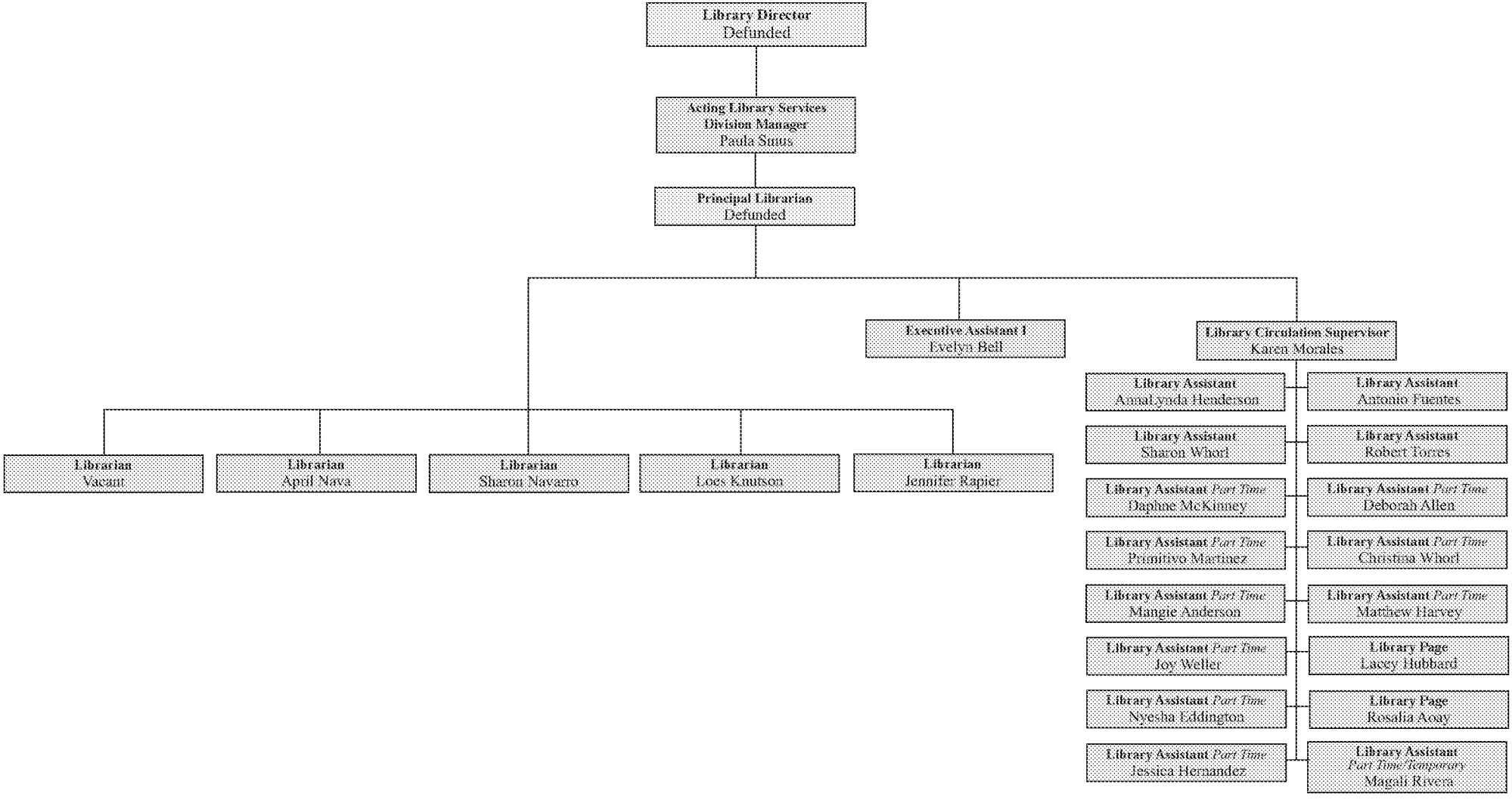

KEY: Active | Defunded

** Defunded 10 Temporary Positions.*

Updated March 2010

MV00055958

PARKS AND COMMUNITY SERVICES DEPARTMENT

Department Description

Plan, design and oversee development of new park sites and facilities, maintain parks and facilities in a safe and aesthetically pleasing manner, maintain and oversee development of the multi-use trail system, provide a wide range of programs for the community including athletic leagues, classes, trips and outings, child care, teen and senior activities, schedule use of facilities, plan, organize and promote special events, and enforce the park rules and regulations and promotion of safe use of park facilities.

- Parks and Community Services Administration

  Administers the Parks and Community Services department in order to plan, design and oversee the wide range of programs offered to the residents of Moreno Valley.

- Recreation Division

  - Senior Program

    Plan, design and oversee the wide range of programs offered to the City's senior citizen community.

  - Recreation Program

    Plan, design and oversee the wide range of recreational programs offered for the City residents; schedule and supervise use of sports facilities.

  - Community Services

    Plan, design and oversee community service needs. Additionally to produce the Recreation Activity Guide and City Newsline three times per year.

  - Community Events

    Plan, design and oversee recreation community events and programs such as the 4th of July parade and festival.

  - Child Care Grant

    Plan, design and oversee the Child Care Grant program offered by the City, which provides after-school day care to the City's residents.

- Parks Division

  - Park Ranger Program

MV00055959

Maintain safety in the City's parks through patrol services, enforcement of park rules and regulations, and the promotion of safe use of park facilities.

- Contract Maintenance

  Administration of maintenance of the "linear parks" for the City including the Senior Center, City Hall, multi-use trails, and the Aqueduct Bikeway.

- Golf Course Program

  Administration of the Cottonwood Golf Center operations.

- CSD Public Facilities

  Responsible for providing the maintenance program for the CSD city-owned buildings, such as the Senior Center, March Field Park Community Center, Pro Shop/Recreation Center, Conference and Recreation Center and TownGate Community Center.

Department Mission Statement

The mission of the Parks and Community Services Department is to provide an enriching environment that offers recreational, educational and social opportunities for all citizens.

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Parks & Community Services Department

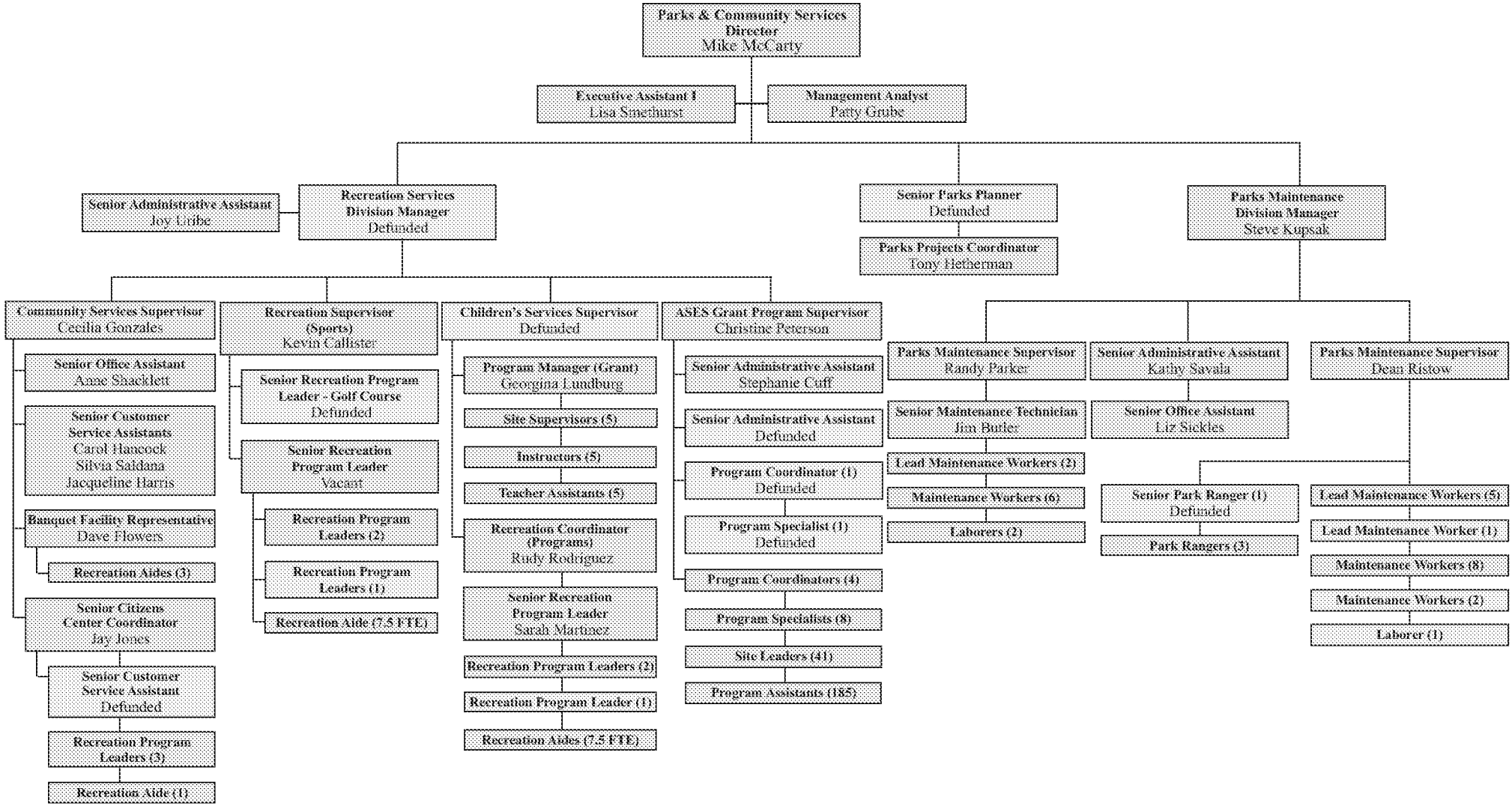

KEY: Active | Defunded

Updated March 2010

MV00055961

POLICE DEPARTMENT

Department Description

The Moreno Valley Police Department (MVPD) is a full-service law enforcement agency serving the citizens of Moreno Valley. The MVPD is comprised of five operating divisions. These divisions manage the City's resources as well as accomplish the mission of the MVPD. The MVPD is comprised of the Administrative division, the Detective division, the Patrol division, the Special Enforcement Teams division, and the Traffic division.

- Administrative Division

  The Administrative division is responsible for operating the MVPD facility, and the Accounting Unit.

- Detective Division

  The Detective division is responsible for the MVPD Detective Unit, the Burglary Suppression Team, and the Crime Analysis Unit.

- Patrol Division

  The Patrol division is responsible for Patrol Zone areas of the MVPD, the Mall Unit, the TRU Unit, the Problem Solving Oriented Policing (POP) Team, and the MVPD Reserves.

- Special Enforcement Teams Division

  The Special Enforcement Teams Division is responsible for (SET) Special Enforcement Team (gangs, street drug crimes, and career criminal team), the MVPD School Resource Unit, and the RCRMC Unit.

- Traffic Division

  The Traffic division is responsible for traffic enforcement, traffic accident investigation and prevention, providing public awareness education, the MVPD Business Office, the Community Services Unit, and the MVPD Volunteer Forces.

Department Mission Statement

The mission of the MVPD is to protect the lives and property of our citizens, to identify and bring to justice those who violate the law, and to provide public service related law enforcement. The MVPD offers law enforcement-related programs to promote safe, lawful behavior, respond effectively to emergencies, investigate and apprehend criminals, and involve citizens in enhancing their safety.

MV00055962

Police Department

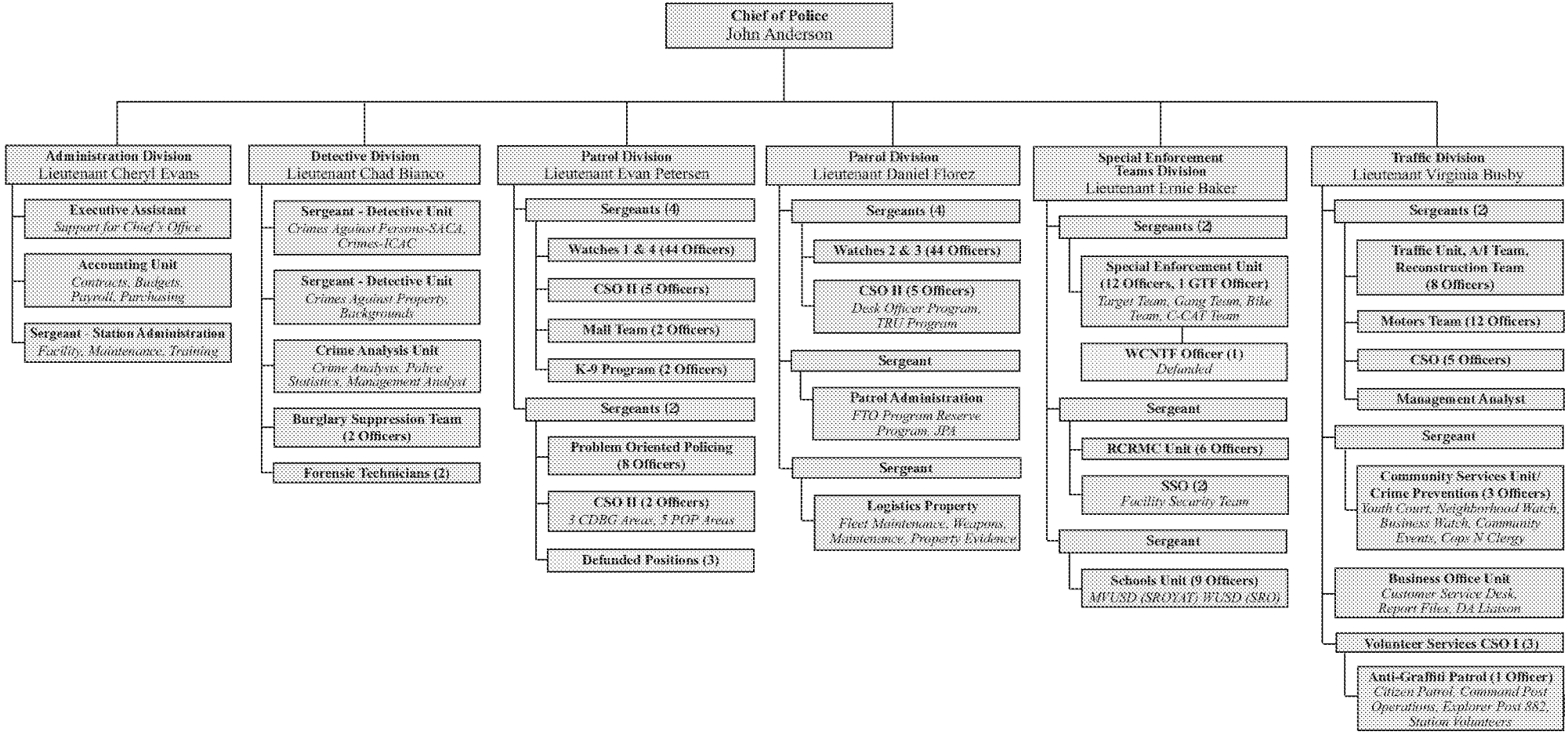

KEY: Active | Defunded

Updated March 2010

MV00055963

PUBLIC WORKS DEPARTMENT

Department Description

The Public Works Department is the largest "non-public safety" full-service department in the City of Moreno Valley consisting of seven. The Public Works department is responsible for public works administration, city engineering, maintenance of public facilities located within the street right-of-way, special landscape and lighting districts, electric service to new development in residential, commercial and industrial areas, solid waste collection and disposal, design and construction of City-built capital improvements, and administration of traffic facilities and related activities.

- Public Works Administration

  Public Works Administration is responsible for the oversight of six subordinate divisions comprising the Public Works Department and analysis of regional, state and federal legislative actions concerning public works issues. Public Works Administration also coordinates with local and regional agencies for flood control, water and wastewater supply and disposal, planning for public utilities, and emergency response to disasters.

- Capital Projects Division

  Capital Projects is responsible for implementation of the City's infrastructure of the capital improvement program. The Division is responsible for engineering design and contract administration, Requests for Proposal (RFP's) and construction for City-funded capital projects which include constructing storm drains, widening roads, installing and upgrading traffic signals, improving roadway conditions, curb and gutter installations and replacements, upgrade of roadway medians, bikeways, bridges and facilities. The Division also provides Real Property services to all departments in the City. These services include acquisitions/negotiations, appraisal reviews, cost estimates, legal description review, title and escrow services and oversee and coordinate Right-of-Way consulting services.

- Electric Utility Division/ Moreno Valley Utility ("MVU")

  The Electric Utility Division, or Moreno Valley Utility ("MVU"), is responsible for providing reliable electric service to residential, commercial, and industrial customers of new developments within the City of Moreno Valley. MVU is responsible for resource management and planning (power contracts), finance administration, legislative and regulatory compliance, strategic planning, and public benefit program development and implementation. MVU is also responsible for managing a long term agreement with ENCO Utility Services Moreno Valley, LLC ("ENCO") that was approved in late 2003. Under that agreement, ENCO provides operations and maintenance, construction support, customer service, meter reading, billing, emergency response, and other services.

MV00055964

- Land Development Division

  The Land Development Division is responsible for the review and approval of all private development projects within the City including tentative maps, tract and parcel maps, lot line adjustments, monument inspection, environmental impact, and soil and hydrology reports. This Division generates entitlement conditions of approval and development agreements, establishes bond amounts for development projects, reviews and approves storm drain, street improvement and grading plans, and provides inspection services for all development-related projects. The Storm Water Management Section implements a Watershed Management Program integrating programs and policies including best management practices to reduce pollutants in urban runoff and flooding of property.

- Maintenance and Operations Division

  The Maintenance and Operations Division maintains public streets, drainage systems, and adjacent rights of way, including: pavement repair & rehabilitation; crack sealing; curb, gutter and sidewalk removal and replacement; storm drain and catch basin inspection and cleaning; parkway tree trimming and removals; street sweeping; right-of-way litter and weed abatement; and public and private property graffiti abatement. Additionally, this Division maintains vehicles, equipment, and related services for the entire City. Lastly, this Division is responsible for administration of the City's solid waste services, environmental grants and AB 939 recycling programs and compliance.

- Special Districts Division

  Special Districts each year evaluates, establishes and administrates a wide range of special financing districts for construction and acquisition of public infrastructure, as well as manages special benefit programs that offer street lighting, parkway landscape and improved median landscape maintenance services to residential neighborhoods and commercial/industrial areas throughout the City of Moreno Valley. To pay for each financed district or program service, Special Districts annually submits for collection on the Riverside County property tax bill a levy of Community Services District charges, special taxes and/or assessments, nuisance abatement fees, National Pollutant Discharge Elimination System rates, and solid waste delinquencies.

- Transportation Division

  The Transportation Engineering Division is responsible for improving safety and mobility of the walking, cycling, and motoring public. Emphasis is placed on both the regional and sub-regional arterial roadway system to address increased vehicular traffic demand. Focused efforts provide for street and intersection widening, improved access management, new and modified traffic signals, modified signing and striping, building continuous flow intersections (roundabouts), and Intelligent Transportation System (ITS) implementation. Additionally, staff maintains the highest degree of maintenance and functionality for the 167 existing traffic signals to

MV00055965

minimize vehicle delay and congestion. Signal coordination is provided on multiple jurisdiction arterial roadways to allow seamless and efficient traffic flow. Transportation Engineering is also responsible to administer the school crossing guard, red light camera enforcement, and residential speed management programs, and perform all studies relating to the Traffic Safety Commission.

Department Mission Statement

The mission of the department is to ensure the City roadway system and traffic control is safe, public properties are protected from damage due to flooding, earth movement, and other natural or man-made conditions, adequate public infrastructure is planned for and provided, and existing and future special districts are administered efficiently and effectively while maintaining a high standard of quality.

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PUBLIC WORKS DEPARTMENT

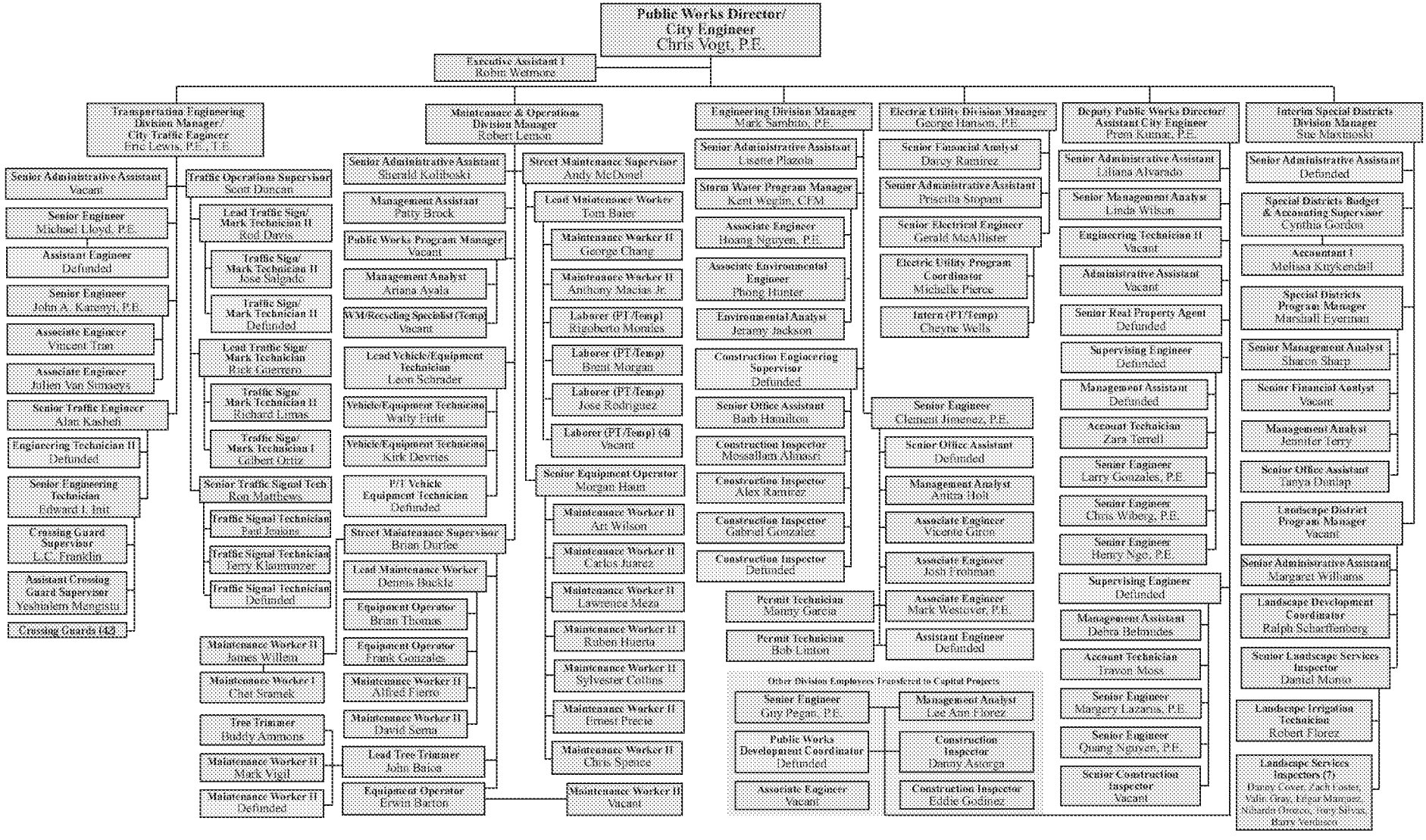

KEY: Active | Defunded

Updated March 2010

MV00055967

City of Moreno Valley

2010-11 Preliminary Base Operating budget

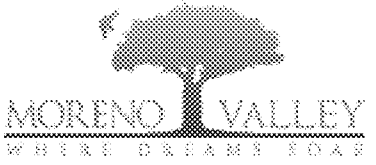

Summaries

MV00055968

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Total Citywide Operating Expenditures

Fund Type		Operating Budget
General	$	85,630,700
Community Services District		17,697,300
Redevelopment Agency		14,907,800
Special Revenue Funds		22,486,700
Capital Projects Funds		10,714,400
Enterprise Fund		14,321,400
Debt Service Funds		19,696,400
Total	$	185,454,700

Internal Service Funds (ISF) expenditures are charged to all user funds. The cost of these ISF services are already included in all the funds listed above.

MV00055969

Total City Budget
2010-11 Preliminary Base Operating Expenditures
$185,454,700

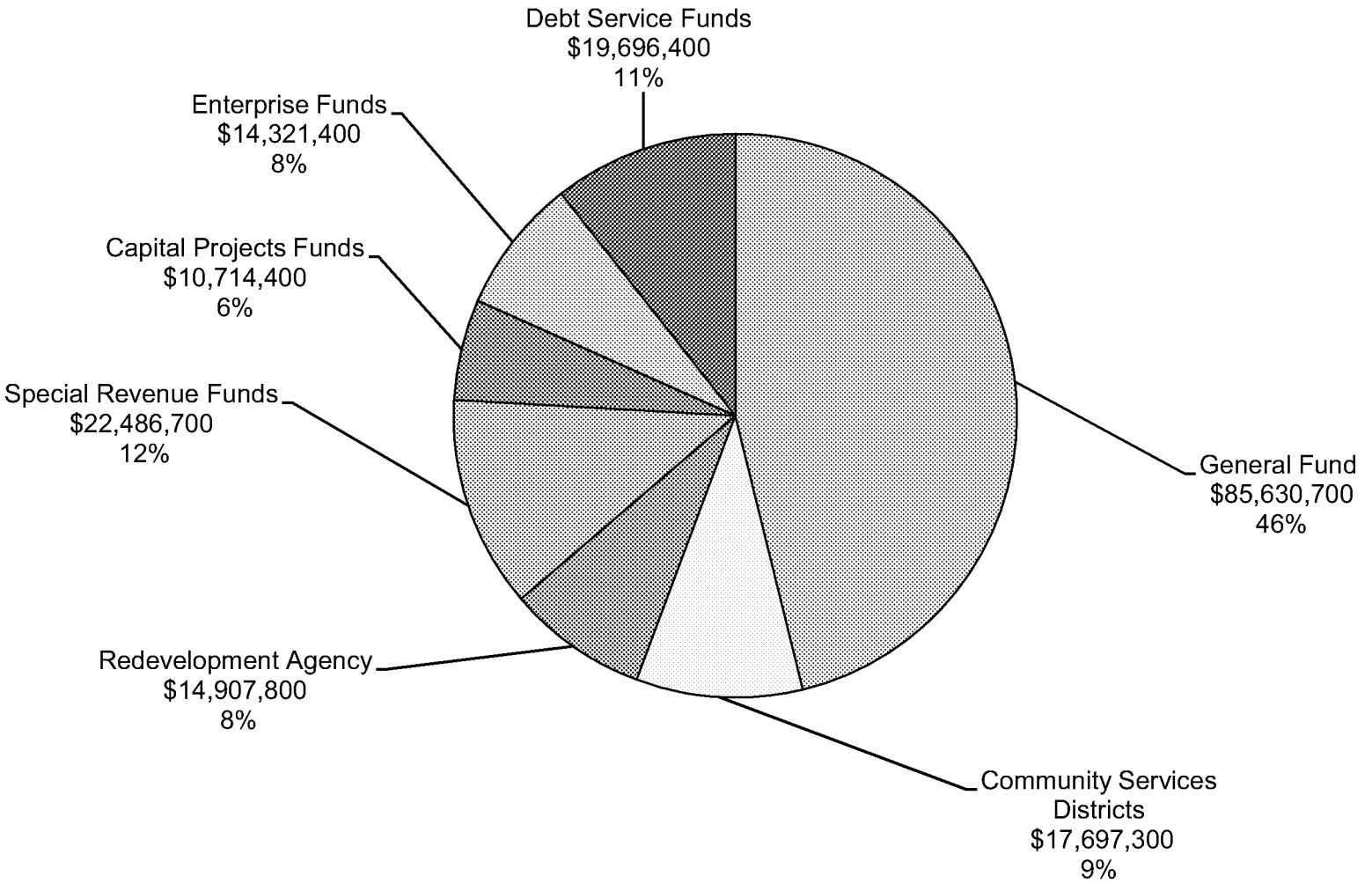

MV00055970

General Fund
2010-11 Preliminary Base Operating Revenues
$67,754,400

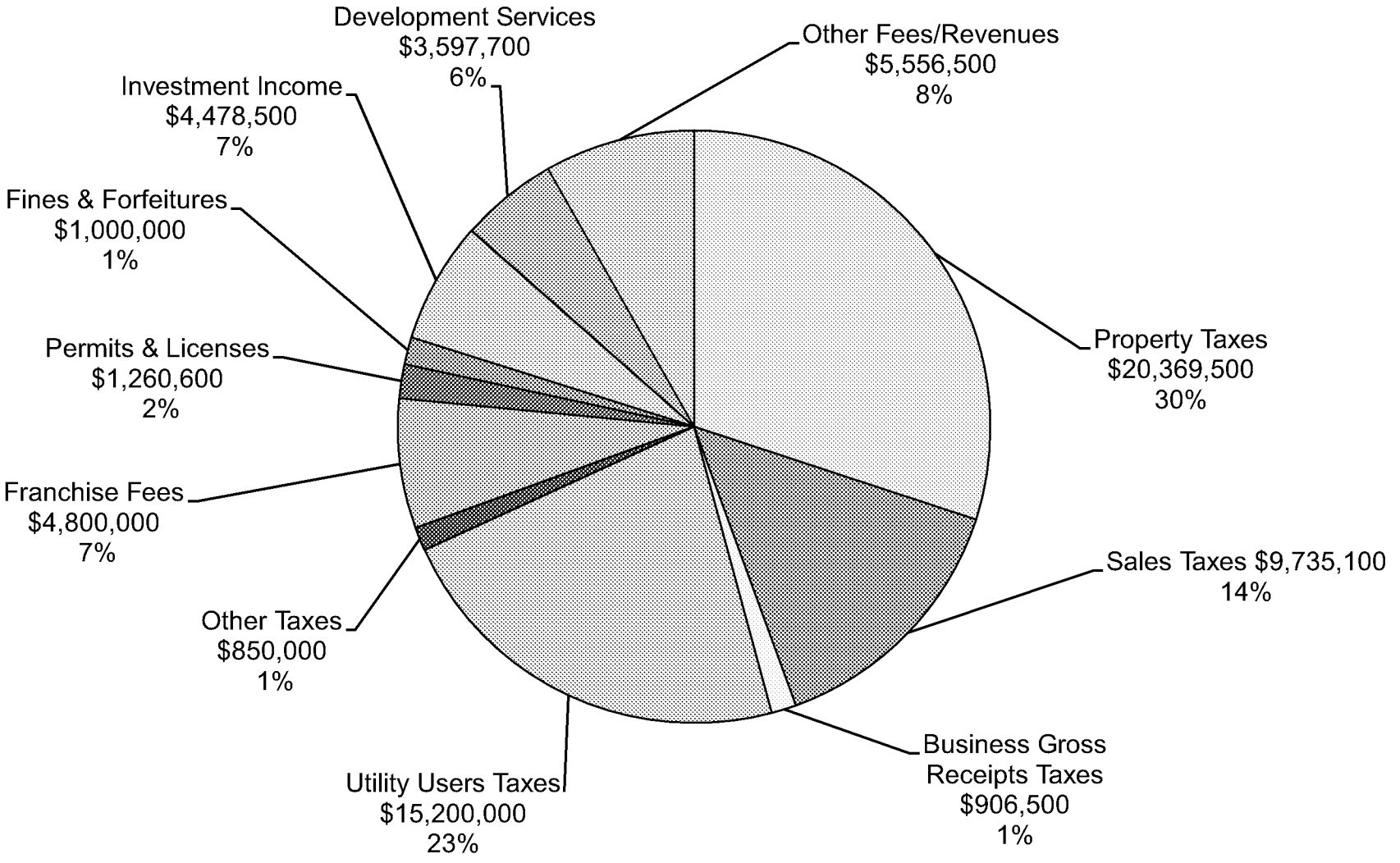

MV00055971

General Fund
2010-11 Preliminary Base Operating Expenditures
$85,630,700

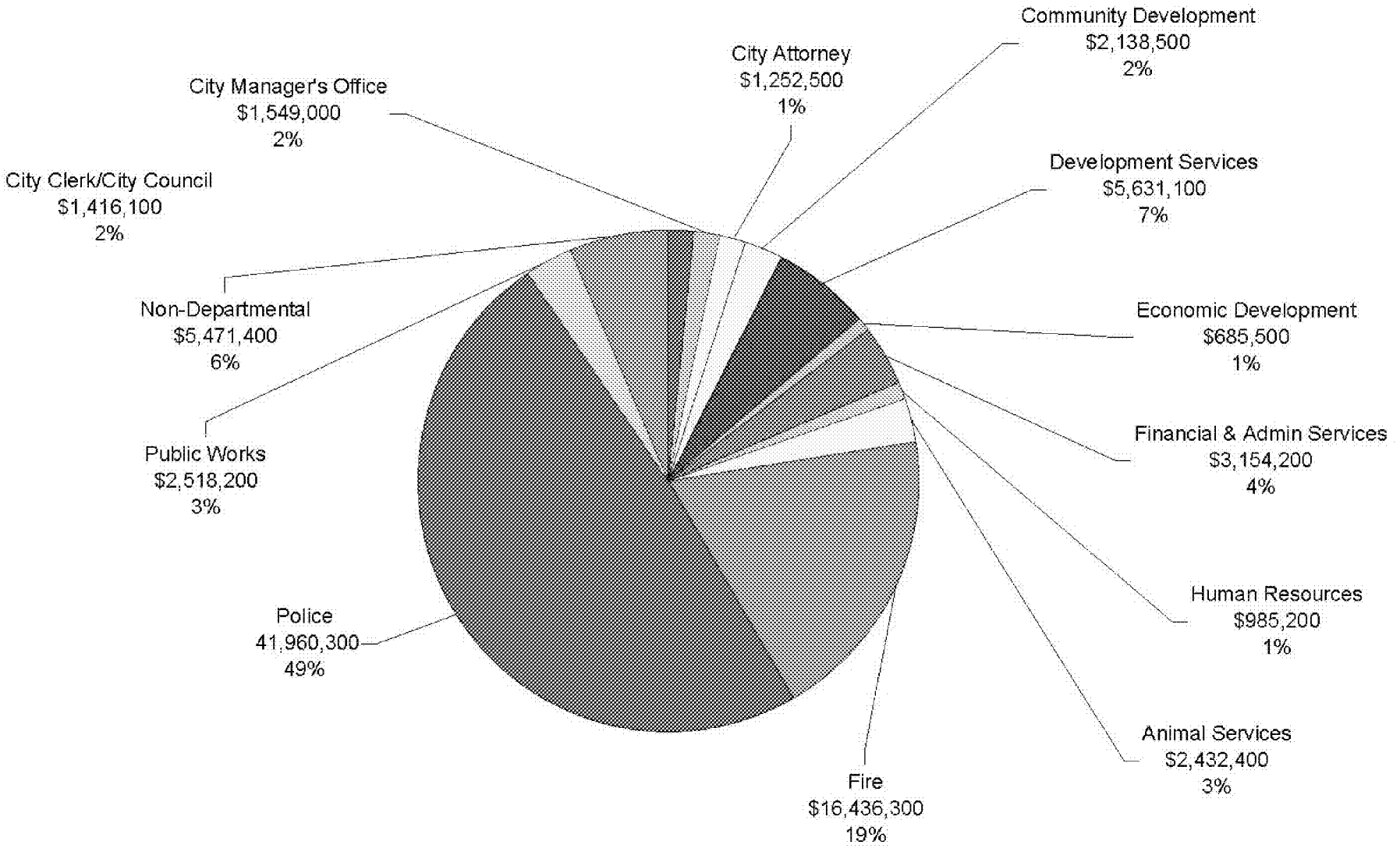

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City of Moreno Valley
2010-11 Preliminary Base Operating Budget

Description	General Fund	Community Services District	Redevelopment Agency	Special Revenue Funds	Capital Projects Funds	Enterprise Fund	Internal Service Funds	Debt Service Funds	Adjustment for Internal Service Funds (1)	Total
Source of Funds										
Revenues:										
Property Taxes	20,369,500	3,043,389	8,767,604	-	8,400	-	-	2,700	-	32,191,593
Gas Taxes	-	-	-	2,702,500	-	-	-	-	-	2,702,500
Sales Taxes	9,735,100	-	780,000	-	-	-	-	750,000	-	11,265,100
Business Gross Receipts Taxes	906,500	-	-	-	-	-	-	-	-	906,500
Utility Users Taxes	15,200,000	-	-	-	-	-	-	-	-	15,200,000
Other Taxes	850,000	-	-	967,800	-	-	-	1,694,100	-	3,511,900
Franchise Fees	4,800,000	-	-	-	-	-	-	-	-	4,800,000
Parcel Fees	-	9,746,400	-	-	-	-	-	-	-	9,746,400
Development Fees	-	-	-	412,800	-	-	-	-	-	412,800
Motor Vehicle Fees	360,000	-	-	-	-	-	-	-	-	360,000
Other Fees	5,103,100	1,158,800	-	262,247	-	(119,500)	-	-	-	6,404,647
Fees for Service	-	-	-	-	-	13,644,000	-	-	-	13,644,000
Permits & Licenses	1,260,600	-	-	-	-	-	-	-	-	1,260,600
Fines & Forfeitures	1,000,000	-	-	-	-	-	-	-	-	1,000,000
Administrative Charges	2,691,500	-	-	763,500	-	-	9,842,600	-	(9,842,600)	3,455,000
Interest Income	4,478,500	81,400	2,019,600	612,800	100,900	-	-	351,200	-	7,644,400
Bond Proceeds	-	-	-	-	-	-	-	12,300,000	-	12,300,000
Miscellaneous Revenues	751,100	508,700	-	2,257,600	32,000	345,000	3,478,300	-	(3,478,300)	3,894,400
Grants/Intergovernmental Revenues	248,500	27,000	-	23,205,126	6,000,000	-	-	-	-	29,480,626
Transfers In	-	818,100	-	1,646,400	12,743,300	-	-	5,528,416	-	20,736,216
Total Revenues	**67,754,400**	**15,383,789**	**11,567,204**	**32,830,773**	**18,884,600**	**13,869,500**	**13,320,900**	**20,626,416**	**(13,320,900)**	**180,916,682**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Source of Funds	**67,754,400**	**15,383,789**	**11,567,204**	**32,830,773**	**18,884,600**	**13,869,500**	**13,320,900**	**20,626,416**	**(13,320,900)**	**180,916,682**
Use of Funds										
Program Expenditures:										
Operating										
Personnel Services	15,820,222	6,902,000	1,136,300	10,078,553	-	765,400	3,492,600	-	(3,492,600)	34,702,475
Contractual Services	58,556,594	6,766,600	6,144,545	5,387,766	18,800	10,529,300	5,050,600	78,483	(5,050,600)	87,482,088
Materials & Supplies	959,412	818,600	11,000	1,728,800	-	4,800	915,300	-	(915,300)	3,522,612
Debt Service	-	-	4,868,894	16,500	6,400	2,222,600	-	8,909,633	-	16,024,027
Fixed Charges	7,447,443	3,151,900	344,400	1,190,552	285,300	711,800	1,579,500	-	(1,579,500)	13,131,395
Transfers Out	2,666,900	51,800	2,402,698	4,084,493	-	-	822,025	10,708,300	(822,025)	19,914,191
Operating Expenditures	**85,450,571**	**17,690,900**	**14,907,837**	**22,486,664**	**310,500**	**14,233,900**	**11,860,025**	**19,696,416**	**(11,860,025)**	**174,776,788**
Capital										
Fixed Assets	180,100	6,400	-	-	10,403,900	87,500	689,700	-	(689,700)	10,677,900
Capital Expenditures	**180,100**	**6,400**	**-**	**-**	**10,403,900**	**87,500**	**689,700**	**-**	**(689,700)**	**10,677,900**
Total Program Expenditures	**85,630,671**	**17,697,300**	**14,907,837**	**22,486,664**	**10,714,400**	**14,321,400**	**12,549,725**	**19,696,416**	**(12,549,725)**	**185,454,688**
Increase in Reserve for Contingencies										-
Total Use of Funds	**85,630,671**	**17,697,300**	**14,907,837**	**22,486,664**	**10,714,400**	**14,321,400**	**12,549,725**	**19,696,416**	**(12,549,725)**	**185,454,688**
Net Change to Fund Balance	**(17,876,271)**	**(2,313,511)**	**(3,340,633)**	**10,344,109**	**8,170,200**	**(451,900)**	**771,175**	**930,000**	**(771,175)**	**(4,538,006)**

(1) These Internal Service Funds (ISF) revenue & expense budgets are charged to all user funds; the cost of these ISF services are already included in other funds' budgets.

Therefore, their exclusion from the total budget reflects the true level of City revenues & expenditures.

MV00055973

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund

Description	General Fund 010	Development Services 011	Fire Services 133	Total
Revenues				
Property Taxes	16,046,100	-	4,323,400	20,369,500
Gas Taxes	-	-	-	-
Sales Taxes	9,735,100	-	-	9,735,100
Business Gross Receipts Taxes	906,500	-	-	906,500
Utility Users Taxes	15,200,000	-	-	15,200,000
Other Taxes	850,000	-	-	850,000
Franchise Fees	4,800,000	-	-	4,800,000
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	360,000	-	-	360,000
Other Fees	2,152,100	2,850,300	100,700	5,103,100
Fees for Service	-	-	-	-
Permits & Licenses	520,000	740,600	-	1,260,600
Fines & Forfeitures	1,000,000	-	-	1,000,000
Administrative Charges	2,691,500	-	-	2,691,500
Interest Income	4,478,500	-	-	4,478,500
Bond Proceeds	-	-	-	-
Miscellaneous Revenues	694,900	6,800	49,400	751,100
Grants/Intergovernmental Revenues	248,500	-	-	248,500
Transfers In	-	-	-	-
Total Operating Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-
Total Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Expenditures				
Operating:				
Personnel Services	11,267,622	3,851,300	701,300	15,820,222
Contractual Services	44,060,244	498,400	13,997,950	58,556,594
Materials & Supplies	838,752	73,860	46,800	959,412
Debt Service	-	-	-	-
Fixed Charges	5,195,443	1,157,500	1,094,500	7,447,443
Transfers Out	2,666,900	-	-	2,666,900
Total Operating Expenditures	**64,028,961**	**5,581,060**	**15,840,550**	**85,450,571**
Capital :				
Fixed Assets	130,100	50,000	-	180,100
Total Capital Expenditures	**130,100**	**50,000**	**-**	**180,100**
Total Program Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Increase in Reserve for Contingencies				-
Total Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Net Revenues Over (Under) Expenditures	**(4,475,861)**	**(2,033,360)**	**(11,367,050)**	**(17,876,271)**

MV00055974

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District

Description	Zone L Library 131	Zone A Parks & Community Services 161	Zone B St Light 171	Zone C Art Light 172	Zone D Std Ldscp 181	Zone E Ext Ldscp 182	Zone M Median 183	ZONE S 185	CFD #4M 186	Total
Revenues										
Property Taxes	1,201,200	1,586,789	116,100	139,300	-	-	-	-	-	3,043,389
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	4,682,200	929,900	426,100	1,091,500	2,403,100	126,200	52,400	35,000	9,746,400
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	33,000	991,400	700	5,600	50,000	100	78,000	-	-	1,158,800
Fees for Service	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	-	-	-	9,000	1,300	69,600	1,500	-	-	81,400
Bond Proceeds	-	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	58,500	447,400	-	-	-	2,800	-	-	-	508,700
Grants/Intergovernmental Revenues	27,000	-	-	-	-	-	-	-	-	27,000
Transfers In	424,900	289,800	-	-	-	-	103,400	-	-	818,100
Total Operating Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	
Total Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Expenditures										
Operating:										
Personnel Services	1,315,600	4,229,400	132,400	37,200	479,300	593,800	86,000	28,300	-	6,902,000
Contractual Services	135,900	1,645,900	1,418,100	665,000	746,500	1,870,100	154,400	81,700	29,000	6,766,600
Materials & Supplies	225,900	435,100	3,500	3,200	44,900	88,000	15,500	2,500	-	818,600
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	483,900	2,129,600	64,000	62,900	147,300	233,500	17,200	7,500	6,000	3,151,900
Transfers Out	-	-	-	-	-	51,800	-	-	-	51,800
Total Operating Expenditures	**2,161,300**	**8,440,000**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,690,900**
Capital :										
Fixed Assets	-	6,400	-	-	-	-	-	-	-	6,400
Total Capital Expenditures	**-**	**6,400**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**6,400**
Total Program Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Increase in Reserve for Contingencies										
Total Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Net Revenues Over (Under) Expenditures	**(416,700)**	**(448,811)**	**(571,300)**	**(208,300)**	**(275,200)**	**(361,600)**	**36,000**	**(67,600)**	**-**	**(2,313,511)**

MV00055975

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Redevelopment Agency

Description	RDA Administration 891	RDA Housing 894	RDA Tax Increment 895	RDA 2007 TAB Series A Debt Service 896	RDA 2007 TAB Series A Cap Prj 897	RDA 2007 TAB Series B Debt Service 898	Total
Revenues							
Property Taxes	-	-	8,767,604	-	-	-	8,767,604
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	780,000	-	-	-	780,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	318,500	800,000	1,100	900,000	-	2,019,600
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Expenditures							
Operating:							
Personnel Services	396,500	739,800	-	-	-	-	1,136,300
Contractual Services	251,870	5,689,400	200,000	3,275	-	-	6,144,545
Materials & Supplies	6,100	4,900	-	-	-	-	11,000
Debt Service	-	-	2,278,594	2,180,300	-	410,000	4,868,894
Fixed Charges	200,000	144,400	-	-	-	-	344,400
Transfers Out	-	-	2,402,698	-	-	-	2,402,698
Total Operating Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Increase in Reserve for Contingencies							
Total Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Net Revenues Over (Under) Expenditures	**(854,470)**	**(6,260,000)**	**5,466,312**	**(2,182,475)**	**900,000**	**(410,000)**	**(3,340,633)**

MV00055976

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Gas Tax Fund 121	SCAG Article 3 122	Measure A 125	SLESF - AB3229 Police Grant 130	Public/Education/ Gov't Access Program 132	EMPG- Emergency Mgmt Preparedness 134	OTS Police Grant 136	Air Quality Management 137	CDBG 01/02 144	Special District Admin 149
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	2,702,500	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	9,500
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	761,000
Interest Income	5,000	9,000	300,000	-	-	-	-	7,000	-	13,000
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	2,000	-	1,000	-	250,000	-	-	200,000	-	-
Grants/Intergovernmental Revenues	-	-	10,009,820	100,000	-	64,000	107,000	-	-	-
Transfers In	1,000,000	-	-	-	300,000	-	-	-	-	-
Total Operating Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Expenditures										
Operating:										
Personnel Services	3,161,900	-	248,900	-	257,600	73,200	-	82,181	-	800,500
Contractual Services	145,900	-	137,000	100,000	5,100	3,000	117,000	15,000	30,000	31,100
Materials & Supplies	632,500	-	6,000	-	6,600	11,500	-	-	-	12,700
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	16,752	-	46,000	-	177,900	6,500	-	-	-	385,900
Transfers Out	-	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Increase in Reserve for Contingencies										
Total Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Net Revenues Over (Under) Expenditures	**(247,552)**	**9,000**	**9,872,920**	**-**	**102,800**	**(30,200)**	**(10,000)**	**109,819**	**(30,000)**	**(446,700)**

MV00055977

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Storm Water Maintenance 151	NPDES 152	Beverage Container Recycling 153	Child Care Grant 160	ASES Program Grant 162	HOME (Federal) 176	CFD #1 184	Homelessness Prevention Program 198	CDBG Recovery Act of 2009 199
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	967,800	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	227,747	-	25,000	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	2,500	-	-	-	-	-	-	-
Interest Income	-	-	-	-	25,000	-	13,000	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	394,300	-	-	1,367,400	-	-	-	-
Grants/Intergovernmental Revenues	421,400	165,300	-	797,300	4,499,200	390,000	-	183,218	137,192
Transfers In	182,000	139,095	-	-	-	-	25,305	-	-
Total Operating Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-
Total Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Expenditures									
Operating:									
Personnel Services	318,000	517,300	13,200	643,200	3,145,100	36,900	411,100	-	26,829
Contractual Services	76,800	238,260	-	185,300	1,858,200	358,000	343,200	183,218	110,363
Materials & Supplies	123,600	9,200	-	42,000	767,700	-	53,400	-	-
Debt Service	-	-	-	16,500	-	-	-	-	-
Fixed Charges	56,700	96,600	-	55,800	188,500	-	143,500	-	-
Transfers Out	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Increase in Reserve for Contingencies									
Total Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Net Revenues Over (Under) Expenditures	**28,300**	**67,582**	**(13,200)**	**(120,500)**	**(67,900)**	**(4,900)**	**54,905**	**-**	**-**

MV00055978

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Arterial Street Development Impact Fee 201	Traffic Signal Development Impact Fee 202	Fire Facility Development Impact Fee 203	Police Facility Development Impact Fee 204	Park Land Facility Dev. Impact Fee 205	Quimby In-Lieu Park Fees 206	Recreation Center Dev. Impact Fee 207	Libraries Development Impact Fee 208	City Hall Development Impact Fee 209	Corporate Yard Dev. Impact Fee 210
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	71,200	17,700	27,500	21,800	65,700	30,000	51,900	52,100	28,800	16,000
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	33,500	9,000	13,600	-	25,000	22,600	-	46,600	25,700	500
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,413,675	-	254,008	676,810	-	-	-	-	-	-
Total Operating Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,308,975)**	**26,700**	**(212,908)**	**(655,010)**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**

MV00055979

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Interchange Imprvmnts Dev. Impact Fee 211	Maintenance Equipt. Dev. Impact Fee 212	Animal Shelter Dev. Impact Fee 213	Traffic Congestion Relief 225	FHWA TRANSIMS Deployment 227	Economic Stimulus Fund 228	JAG - PD - 2009 Fund 230	Fire - Emergency Svcs Fund 233	JAG - PD - 2010 Fund 262	CDBG 05/06 280
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	20,600	3,400	6,100	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	20,500	800	-	32,000	-	10,000	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	14,000	-	-
Grants/Intergovernmental Revenues	-	-	-	1,830,944	186,600	1,300,000	78,100	-	435,700	10,000
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	20,000	-	66,443	-	-	-
Contractual Services	-	-	-	-	10,000	-	5,775	-	-	-
Materials & Supplies	-	-	-	-	-	-	5,900	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,740,000	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,698,900)**	**4,200**	**6,100**	**1,862,944**	**156,600**	**1,310,000**	**(18)**	**14,000**	**435,700**	**10,000**

MV00055980

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	CDBG 07/08 282	CDBG 08/09 283	CDBG10/11 285	Used Oil Block Grant 14 293	TRI16-06-1 Target Rubberized 295	MV Foundation Donations 370	Arts Commission 371	Celebration Park Endowment 380	Total
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	2,702,500
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	967,800
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	412,800
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	262,247
Fees for Service	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	763,500
Interest Income	-	-	-	-	-	-	-	1,000	612,800
Bond Proceeds	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	27,900	-	-	1,000	-	2,257,600
Grants/Intergovernmental Revenues	14,700	418,652	2,000,000	-	56,000	-	-	-	23,205,126
Transfers In	-	-	-	-	-	-	-	-	1,646,400
Total Operating Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	
Total Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Expenditures									
Operating:									
Personnel Services	-	-	242,000	14,200	-	-	-	-	10,078,553
Contractual Services	-	-	1,420,600	12,900	-	50	1,000	-	5,387,766
Materials & Supplies	-	-	1,700	-	56,000	-	-	-	1,728,800
Debt Service	-	-	-	-	-	-	-	-	16,500
Fixed Charges	-	-	15,600	800	-	-	-	-	1,190,552
Transfers Out	-	-	-	-	-	-	-	-	4,084,493
Total Operating Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Increase in Reserve for Contingencies									
Total Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Net Revenues Over (Under) Expenditures	**14,700**	**418,652**	**320,100**	**-**	**-**	**(50)**	**-**	**1,000**	**10,344,109**

MV00055981

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	PW General Capital Projects 414	TUMF Capital Projects 415	DIF Arterial Streets Capital Projects 416	DIF Traffic Signal Capital Projects 417	DIF Interchange Improvements 418	2005 Lease Revenue Bonds - Cap/Admin 501	Centerpoint 87-4 Cap/Admin 512
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	900	-	-	-	-	100,000	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	30,000	-	1,000	1,000	-	-	-
Grants/Intergovernmental Revenues	-	6,000,000	-	-	-	-	-
Transfers In	-	-	295,000	-	1,740,000	-	-
Total Operating Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies							
Total Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**

MV00055982

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	Towngate Impr Special Tax Capital/Admin 513	2007 Towngate Spcl Tax Ref Capital/Admin 515	Warner Ranch Assmnt Dist 518	Auto Mall Cap/Admin 528	CFD #5 Stoneridge Cap/Admin 529	CFD #41 Infra Cap/Admin 530	Total
Revenues							
Property Taxes	-	-	8,400	-	-	-	8,400
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	-	-	-	-	-	100,900
Bond Proceeds	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	-	-	-	32,000
Grants/Intergovernmental Revenues	-	-	-	-	-	-	6,000,000
Transfers In	38,250	145,650	-	62,500	54,000	10,407,900	12,743,300
Total Operating Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	3,700	3,700	-	3,700	3,700	4,000	18,800
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	6,400	-	-	-	6,400
Fixed Charges	34,500	141,900	700	58,200	50,000	-	285,300
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**4,000**	**310,500**
Capital :							
Fixed Assets	-	-	-	-	-	10,403,900	10,403,900
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**10,403,900**	**10,403,900**
Total Program Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Increase in Reserve for Contingencies							
Total Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Net Revenues Over (Under) Expenditures	**50**	**50**	**1,300**	**600**	**300**	**-**	**8,170,200**

MV00055983

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Enterprise Fund

Description	Electric Utility Fund 601	2007 Taxable Lease Revenue Bonds 602	2005 Lease Revenue Bonds 603	Total
Revenues				
Property Taxes	-	-	-	-
Gas Taxes	-	-	-	-
Sales Taxes	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-
Utility Users Taxes	-	-	-	-
Other Taxes	-	-	-	-
Franchise Fees	-	-	-	-
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	-	-	-	-
Other Fees	(119,500)	-	-	(119,500)
Fees for Service	13,644,000	-	-	13,644,000
Permits & Licenses	-	-	-	-
Fines & Forfeitures	-	-	-	-
Administrative Charges	-	-	-	-
Interest Income	-	-	-	-
Bond Proceeds	-	-	-	
Miscellaneous Revenues	345,000	-	-	345,000
Grants/Intergovernmental Revenues	-	-	-	-
Transfers In	-	-	-	-
Total Operating Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	
Total Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Expenditures				
Operating:				
Personnel Services	765,400	-	-	765,400
Contractual Services	10,525,500	3,800	-	10,529,300
Materials & Supplies	4,800	-	-	4,800
Debt Service	77,400	1,827,000	318,200	2,222,600
Fixed Charges	711,800	-	-	711,800
Transfers Out	-	-	-	-
Total Operating Expenditures	**12,084,900**	**1,830,800**	**318,200**	**14,233,900**
Capital :				
Fixed Assets	87,500	-	-	87,500
Total Capital Expenditures	87,500	-	-	87,500
Total Program Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Increase in Reserve for Contingencies				
Total Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Net Revenues Over (Under) Expenditures	**1,697,100**	**(1,830,800)**	**(318,200)**	**(451,900)**

MV00055984

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	General Liability 741	Workers' Compensation 745	Technology Services 750	Facilities 754	Equipment Maintenance 755	Equipment Replacement Reserve 757	Total
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	1,031,000	-	4,018,000	4,079,100	714,500	-	9,842,600
Interest Income	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	300	870,800	264,600	32,300	3,800	2,306,500	3,478,300
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Expenditures							
Operating:							
Personnel Services	116,200	52,100	2,024,500	1,037,300	262,500	-	3,492,600
Contractual Services	1,182,700	462,100	1,359,000	2,036,800	10,000	-	5,050,600
Materials & Supplies	4,000	3,400	401,400	123,500	383,000	-	915,300
Debt Service	-	-	-	-	-	-	-
Fixed Charges	59,200	204,500	517,300	454,700	59,800	284,000	1,579,500
Transfers Out	-	-	-	822,025	-	-	822,025
Total Operating Expenditures	**1,362,100**	**722,100**	**4,302,200**	**4,474,325**	**715,300**	**284,000**	**11,860,025**
Capital :							
Fixed Assets	-	-	597,700	-	-	92,000	689,700
Total Capital Expenditures	**-**	**-**	**597,700**	**-**	**-**	**92,000**	**689,700**
Total Program Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Increase in Reserve for Contingencies							
Total Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Net Revenues Over (Under) Expenditures	**(330,800)**	**148,700**	**(617,300)**	**(362,925)**	**3,000**	**1,930,500**	**771,175**

MV00055985

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	2005 Lease Revenue Bonds 301	2007 Towngate Improvement Tax Ref 313	2007 Towngate Special Tax Ref 315	Assessment Dist. 98-1 316	City Hall COP 97 321	Pub. Safety Lease Rev. Bond 325	Auto Mall 328	Automall CFD#5 Stoneridge 329	CFD #4! Infra Debt Service 330	OPA Sales Tax #2 340	Total
Revenues											
Property Taxes	-	-	-	2,700	-	-	-	-	-	-	2,700
Gas Taxes	-	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	750,000	-	-	-	750,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	114,400	-	-	-	-	1,217,600	362,100	-	-	1,694,100
Franchise Fees	-	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-	-
Interest Income	-	100	500	-	-	-	500	100	-	350,000	351,200
Bond Proceeds	-	-	-	-	-	-	-	-	12,300,000	-	12,300,000
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-	-
Transfers In	2,644,491	279,500	1,158,200	-	822,025	404,200	220,000	-	-	-	5,528,416
Total Operating Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Reserves	-	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Expenditures											
Operating:											
Personnel Services	-	-	-	-	-	-	-	-	-	-	-
Contractual Services	5,000	-	-	-	70,000	3,483	-	-	-	-	78,483
Materials & Supplies	-	-	-	-	-	-	-	-	-	-	-
Debt Service	2,639,491	355,300	1,012,500	2,400	752,025	400,717	2,354,300	307,600	1,085,300	-	8,909,633
Fixed Charges	-	-	-	-	-	-	-	-	-	-	-
Transfers Out	-	38,250	145,650	-	-	-	62,500	54,000	10,407,900	-	10,708,300
Total Operating Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Capital :											
Fixed Assets	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Increase in Reserve for Contingencies											
Total Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Net Revenues Over (Under) Expenditur	**-**	**450**	**550**	**300**	**-**	**-**	**(228,700)**	**600**	**806,800**	**350,000**	**930,000**

MV00055986

CITY OF MORENO VALLEY
Expenditure Summary by Fund

Fund #	Fund Description	2007-08 Actual	2008-09 Actual	2008-09 % Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	2009-10 % Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	2010-11 % Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	GENERAL FUND	$ 66,910,340	$ 77,497,224	15.82%	$ 62,494,697	$ 62,382,239	(19.50%)	$ 64,159,061	2.66%
011	DEVELOPMENT SVC FUND	11,075,793	8,202,310	(25.94%)	6,101,459	5,600,080	(31.73%)	5,631,060	(7.71%)
133	FIRE SVC OPERATIONS FUND	14,299,522	14,648,139	2.44%	15,809,802	15,659,100	6.90%	15,840,550	0.19%
	TOTAL GENERAL FUND	92,285,655	100,347,673	8.74%	84,405,958	83,641,419	(16.65%)	85,630,671	1.45%
121	GAS TAX FUND	4,655,544	4,184,420	(10.12%)	3,519,567	3,825,712	(8.57%)	3,957,052	12.43%
122	SCAG ARTICLE 3 FUND	64,853		(100.00%)			-		-
125	MEASURE "A" FUND	347,607	207,501	(40.31%)	435,943	298,383	43.80%	437,900	0.45%
128	ABC-POLICE GRANT FUND	13,397	(237)	(101.77%)			(100.00%)		-
130	SLESF-CCAT GRT-PD-AB322	366,264	179,327	(51.04%)	275,851	120,000	(33.08%)	100,000	(63.75%)
131	LIBRARY SERVICES FUND	2,239,469	2,112,524	(5.67%)	2,203,786	2,136,122	1.12%	2,161,300	(1.93%)
132	PUB/EDUC/GOVT ACCESS PR	756,581	532,905	(29.56%)	456,283	436,100	(18.17%)	447,200	(1.99%)
134	EMPG-EMERGNCY MGMT PREP	102,852	157,804	53.43%	208,089	97,025	(38.52%)	94,200	(54.73%)
136	OTS - POLICE FUND	116,074	116,619	0.47%	571,268	488,863	319.20%	117,000	(79.52%)
137	AIR QUALITY MGT FUND	15,014	131,085	773.09%	150,810	172,302	31.44%	97,181	(35.56%)
144	CDBG FY 01/02 FUND	30,000	30,000	-	30,000	30,000	-	30,000	-
146	CDBG FY 03/04 FUND	7,899		(100.00%)			-		-
148	CDBG PRIOR TO 95/96 FUN	13,547		(100.00%)			-		-
149	SPCL DIST ADMIN FUND	1,278,560	1,269,255	(0.73%)	1,380,358	1,169,779	(7.84%)	1,230,200	(10.88%)
151	STORM WATER MAINTENANCE	662,186	938,567	41.74%	575,102	574,911	(38.75%)	575,100	(0.00%)
152	STORM WATER MANAGEMENT	753,623	791,843	5.07%	969,635	863,909	9.10%	861,360	(11.17%)
153	BEVERAGE CONTAINER RECY	47,678	47,193	(1.02%)	47,483		(100.00%)	13,200	(72.20%)
160	CHILD CARE GRANT FUND	734,949	700,745	(4.65%)	889,107	766,456	9.38%	942,800	6.04%
161	ZONE "A" PARKS FUND	8,822,280	8,730,642	(1.04%)	8,612,880	8,051,417	(7.78%)	8,446,400	(1.93%)
162	STARS PROGRAM GRANT FUN	9,111,747	8,917,142	(2.14%)	5,620,287	5,891,600	(33.93%)	5,959,500	6.04%
171	ZONE "B" ST LGHT FUND	1,342,584	1,460,254	8.76%	1,606,197	1,647,740	12.84%	1,618,000	0.73%
172	ZONE "C" ART LGHT FUND	605,475	678,468	12.06%	738,286	735,754	8.44%	788,300	6.77%
176	HOME (FEDERAL) FUND	135,341	82,396	(39.12%)	397,128	381,423	362.91%	394,900	(0.56%)
181	ZONE "D" STD LDSC FUND	1,171,779	1,200,118	2.42%	1,343,499	1,222,314	1.85%	1,418,000	5.55%
182	ZONE "E" EXT LDSC FUND	2,502,417	2,493,873	(0.34%)	2,948,968	2,561,159	2.70%	2,837,200	(3.79%)
183	ZONE "M" MEDIAN FUND	155,237	163,887	5.57%	326,765	253,568	54.72%	273,100	(16.42%)
184	CFD#1	774,212	715,271	(7.61%)	986,315	824,400	15.26%	951,200	(3.56%)
185	ZONE "S"	47	6,162	13,010.64%	92,219	58,634	851.54%	120,000	30.13%
186	CFD #4M	6,003	21,924	265.22%	35,000	33,700	53.71%	35,000	-
193	EPA GRANT - BOX SPRINGS	203,560	182,166	(10.51%)	99,108	74,443	(59.13%)		(100.00%)

MV00055987

CITY OF MORENO VALLEY
Expenditure Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
194	JAG GRANT - CODE FUND		47,405	100.00%	32,452	32,452	(31.54%)	-	(100.00%)
196	ETA JOB TRAINING GRANT			-	118,886	118,886	100.00%		(100.00%)
197	NEIGHBORHOOD STABILIZAT		321	100.00%	11,390,116	11,390,116	N/A		(100.00%)
198	HOMELESSNESS PREVENTION			-	732,872	549,654	100.00%	183,218	(75.00%)
199	CDBG RECOVERY ACT OF 20			-	479,292	342,100	100.00%	137,192	(71.38%)
201	ARTERIAL STS DEV IMPACT	4,345,362	5,437,525	25.13%	2,955,942	2,955,942	(45.64%)	1,413,675	(52.18%)
202	TRAFFIC SIGS DEV IMPACT	838,735	360,618	(57.00%)	1,374,380	1,374,380	281.12%	-	(100.00%)
203	FIRE FACIL DEV IMPACT F	255,808	256,015	0.08%	257,328	257,328	0.51%	254,008	(1.29%)
204	POLICE FACIL DEV IMPACT	1,408	675,005	47,840.70%	675,493	675,493	0.07%	676,810	0.19%
205	PARKLD FACIL DEV IMPACT	4,171,616	(105,000)	(102.52%)			(100.00%)		-
206	QUIMBY IN-LIEU PARK FEE	101,224	31,000	(69.37%)			(100.00%)		-
207	RECREATN CTR DEV IMPACT	326,020		(100.00%)			-		-
208	LIBRARIES DEV IMPACT FE	1,920,743		(100.00%)			-		-
209	CITY HALL DEV IMPACT FE	2,336		(100.00%)			-		-
210	CORPORATE YD DEV IMPACT	56,530		(100.00%)			-		-
211	INTERCHANGE IMPROVMNTS	2,433		(100.00%)			-	1,740,000	100.00%
212	MAINTENANCE EQUIPMENT D	112		(100.00%)			-		-
213	ANIMAL SHELTER DEV IMPA	188,286		(100.00%)			-		-
227	FHWA TRANSIMS		102,212	100.00%	180,951	151,182	47.91%	30,000	(83.42%)
230	2009-DJ-BX-1178 JAG GRA			-	105,979	27,861	100.00%	78,118	(26.29%)
231	ICEP TASK FORCE FUND			-	50,668		-		(100.00%)
258	JAG - PD - 05 FUND	70,925	1,004	(98.58%)			(100.00%)		-
259	JAG - PD - 07 FUND	183,861		(100.00%)			-		-
260	JAG- PD- 08 FUND			-	29,699	29,879	100.00%		(100.00%)
261	2008 COPS TECH PRGRM GR		32,706	100.00%	107,589	107,589	228.96%		(100.00%)
262	JAG 2009 SB-59-2366 FUN			-	435,672	435,672	100.00%		(100.00%)
282	CDBG FY07/08 FUND	922,857		(100.00%)			-		-
283	CDBG FY08/09 FUND		824,183	100.00%	1,645		(100.00%)		(100.00%)
284	CDBG FY09/10 FUND			-	1,891,378	1,732,313	100.00%		(100.00%)
285	CDBG FY10/11 FUND			-			-	1,679,900	100.00%
290	UBG11 USED OIL RECYCLG	22,014		(100.00%)			-		-
291	UBG12 USED OIL RECYCLG	42,006	785	(98.13%)			(100.00%)		-
292	UBG13 USED OIL RECYCLG	283	44,192	15,515.55%	3,919	3,919	(91.13%)		(100.00%)
293	UBG14 USED OIL RECYCLG			-	39,925	18,263	100.00%	27,900	(30.12%)
294	TCA2-06-22 LOCAL GOVT W	10,399		(100.00%)			-		-

MV00055988

CITY OF MORENO VALLEY
Expenditure Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
295	TRI16-06-1 TARGETED RUB		47,950	100.00%	84,000	28,000	(41.61%)	56,000	(33.33%)
301	2005 LEASE REV BONDS-D	2,689,228	3,686,100	37.07%	2,647,499	2,648,515	(28.15%)	2,644,491	(0.11%)
303	TWNGT IMP DEBT SERV FUN	4,289,347	962,039	(77.57%)			(100.00%)		-
305	TWNGT REF DEBT SERV FUN	13,573,261	4,363,634	(67.85%)			(100.00%)		-
313	TWNGT IMPV SPCL TAX REF	195,491	4,396,940	2,149.18%	396,279	396,279	(90.99%)	393,550	(0.69%)
315	TWNGT SPCL TAX REFNDG D	616,772	14,614,340	2,269.49%	1,149,131	1,149,131	(92.14%)	1,158,150	0.78%
316	ASSMT DIST 98-1-DEBT SV	3,443	2,863	(16.85%)	2,611	2,611	(8.80%)	2,400	(8.08%)
321	CH COP 97 DEBT SERV FUN	811,668	695,961	(14.26%)	859,540	820,175	17.85%	822,025	(4.36%)
325	PUB SAFTY BOND DEBT SER	428,759	404,321	(5.70%)	404,169	404,169	(0.04%)	404,200	0.01%
328	AUTOML REFIN-CFD #3 DBT	2,635,370	2,131,560	(19.12%)	2,522,240	2,522,240	18.33%	2,416,800	(4.18%)
329	CFD#5 STONERIDGE DEBT S	347,954	341,872	(1.75%)	357,315	357,315	4.52%	361,600	1.20%
330	CFD #4I - INFRA DEBT SR			-	1,153,384		-	11,493,200	896.48%
335	COP 93 DEBT SERV FUND	2,000	5,000	150.00%	3,250		(100.00%)		(100.00%)
340	OPA SALES TAX #2 FUND	385,926	394,359	2.19%			(100.00%)		-
369	CTRPT 87-4 AGENCY FUND	869,255	399,082	(54.09%)			(100.00%)		-
370	MV FOUNDATION - DONATIO	1,254	50	(96.01%)		50	-	50	100.00%
371	ARTS COMMISSION		450	100.00%		1,000	122.22%	1,000	100.00%
412	FACILITY CONST FUND		67,040	100.00%	700,000		(100.00%)		(100.00%)
413	CAP IMPROVEMENT FUND		38,487	100.00%			(100.00%)		-
416	DIF ARTERIAL STREETS CA	7,214,399		(100.00%)			-		-
417	DIF TRAFFIC SIGNAL CAPI	513,902		(100.00%)			-		-
434	FIRE SERVICES CAP FUND		98,000	100.00%			(100.00%)		-
501	2005 LEASE REV BONDS-C	1,374,223	309,148	(77.50%)			(100.00%)		-
504	TWNGT IMP CAP-ADMIN FUN	40,013	3,038	(92.41%)			(100.00%)		-
506	TWNGT REF CAP-ADMIN FUN	136,875		(100.00%)			-		-
512	CTRPT 87-4 CAP-ADMIN FU	58,786	58,787	0.00%	55,350		(100.00%)	-	(100.00%)
513	TWNGT IMPV SPCL TAX CAP		4,014	100.00%	38,250	35,035	772.82%	38,200	(0.13%)
515	2007 TWNGT SPCLTAX REF		57	100.00%	139,750	138,375	N/A	145,600	4.19%
518	WARNER RANCH ASDST FUND	2,693	2,693	-	7,188	7,188	166.91%	7,100	(1.22%)
528	AUTOMALL CAP-ADMIN FUND	1,080,561	148,446	(86.26%)	148,940	148,940	0.33%	61,900	(58.44%)
529	CFD#5 STONERIDGE CAP/AD	2,306,243	2,228,520	(3.37%)	516,770	516,520	(76.82%)	53,700	(89.61%)
530	CFD #4I - INFRA CAP/ADM			-	5,850,000		-	10,407,900	77.91%
601	ELECTRIC FUND	10,926,171	12,441,800	13.87%	13,635,672	12,755,102	2.52%	12,172,400	(10.73%)
602	2007 TAXABLE LEASE REV	1,467,760	2,620,388	78.53%	1,835,552	1,835,602	(29.95%)	1,830,800	(0.26%)
603	2005 LEASE REVENUE BOND	38,230	693,216	1,713.28%	323,486	322,963	(53.41%)	318,200	(1.63%)

MV00055989

CITY OF MORENO VALLEY
Expenditure Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
741	GENERAL LIABILITY INS F	1,932,703	660,932	(65.80%)	1,215,861	1,269,453	92.07%	1,362,100	12.03%
745	WORKER'S COMP FUND	1,296,863	522,828	(59.69%)	871,875	874,021	67.17%	722,100	(17.18%)
750	MANAGEMENT INFO SYSTEM	3,836,405	3,966,273	3.39%	5,794,136	4,749,709	19.75%	4,899,900	(15.43%)
751	CENTRAL SERVICES FUND	289,835		(100.00%)			-		-
752	GRAPHIC SUPPORT FUND	20,563		(100.00%)			-		-
754	FACILITIES FUND	4,037,217	4,056,491	0.48%	5,822,784	5,187,036	27.87%	4,474,325	(23.16%)
755	EQUIPMENT MAINTENANCE F	986,549	821,533	(16.73%)	715,775	715,800	(12.87%)	715,300	(0.07%)
757	EQUIPMENT REPLACEMENT R	1,178,657	1,347,889	14.36%	406,050	383,752	(71.53%)	376,000	(7.40%)
891	RDA ADMIN FUND	1,032,544	846,919	(17.98%)	886,552	842,673	(0.50%)	854,470	(3.62%)
892	RDA CAP PROJECT FUND	142,552		(100.00%)			-		-
894	RDA HOUSING FUND	3,878,281	798,122	(79.42%)	6,194,851	4,295,684	438.22%	6,578,500	6.19%
895	RDA TAX INCREMENT FUND	11,963,889	12,936,214	8.13%	3,353,599	8,579,584	(33.68%)	4,881,292	45.55%
896	RDA 2007TABS, Series A	43,857,564	2,846,359	(93.51%)	2,175,559	2,178,559	(23.46%)	2,183,575	0.37%
897	RDA 2007TABS, SERIES A	2,375		(100.00%)			-		-
898	RDA 2007TABS, Series B	561,197	721,949	28.64%	325,000	600,000	(16.89%)	410,000	26.15%
	GRAND TOTAL EXPENDITURES	**269,812,170**	**224,793,162**	**(16.69%)**	**200,382,496**	**190,325,643**	**(15.33%)**	**198,004,413**	**(1.19%)**
	Less Internal Service Funds (1)	13,578,792	11,375,946		14,826,481	13,179,771		12,549,725	
	NET EXPENDITURES	**$ 256,233,378**	**$ 213,417,216**	**(16.71%)**	**$ 185,556,015**	**$ 177,145,872**	**(17.00%)**	**$ 185,454,688**	**(0.05%)**

(1) These Internal Service Funds (ISF) expenditures are charged to all user funds and the cost of these ISF services are already included in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City expenditures.

MV00055990

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund Capital Expenditures Reserve Summary

	2009-2010 Projected Actual	2010-2011 Preliminary Base
Beginning Unallocated Reserve Balance	12,448,100 (1)	4,003,700
Capital Reserve Funding Sources:		
1. Balance of Development Services Reserve	2,300,000	-
Sub-Total	2,300,000	-
Capital Reserve Funding Uses:		
1. Reduction in Development Services Reserve for operating expenditures	2,300,000	
2. Reduction in Reserve for operating expenditures	4,308,500	
3. FY 2008-09 savings for FY 2009-10 operating expenditures	3,652,900	
4. Equipment Maintenance Fund	100,000	
5. Civil Penalties Fund	198,000	
6. Fire Emergency Fund	185,000	-
		-
Sub-Total	10,744,400	-
Ending Unallocated Capital Reserve Available	$ 4,003,700	$ 4,003,700

Notes:

(1) Audited figures at June 30, 2009

MV00055991

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund Other Reserves Summary

	2009-10 Projected Actual	2010-11 Preliminary Base
Electric Utility Revolving Line of Credit		
Beginning Reserve Balance	4,600,000 (1)	4,600,000
Sub-Total	-	-
Ending Reserve Balance	$ 4,600,000	$ 4,600,000
Development Services		
Beginning Reserve Balance	2,300,000 (1)	0
Increases (Decreases) to Reserve:		
1. Use for operating expenditures	(2,300,000)	
Sub-Total	(2,300,000)	-
Ending Reserve Balance	$ -	$ -
Post-Employment Retirement Benefits		
Beginning Reserve Balance	120,000 (1)	
Increases (Decreases) to Reserve:		
1. Reduce Post- Employment Reserve for GASB 45	(120,000)	
		0
Sub-Total	(120,000)	-
Ending Reserve Balance	$ -	$ -

MV00055992

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund Other Reserves Summary

	2009-10 Projected Actual	2010-11 Preliminary Base
Future Debt Service Reserve		
Beginning Reserve Balance	1,000,000 (1)	1,000,000
Increases (Decreases) to Reserve:		
1. Transfer to Debt Service Reserve	-	-
Sub-Total	-	-
Ending Reserve Balance	$ 1,000,000	$ 1,000,000
Advances Receivable		
Beginning Reserve Balance	28,899,300 (1)	28,899,300
Increases (Decreases) to Reserve:	-	-
Sub-Total	-	-
Ending Reserve Balance	$ 28,899,300	$ 28,899,300

Notes:

(1) Audited amount at June 30, 2009

MV00055993

City of Moreno Valley
FY 2010-11 Preliminary Base Operating Budget
Fixed Assets

Fund	OneWorld Business Unit	Object	Subsidiary	Asset Description	FY 2009-10 Revised Budget	FY 2009-10 Projections	Unused Amount - Return to Fund Balance	Carryover to FY 2010-11	FY 2010-11 New Request	FY 2010-11 Total
GENERAL FUND										
010	62210	6642	648	Police Service Dog, including training	-	-	-	-	16,100	16,100
				Sub-total 010.62210	-	-	-	-	16,100	16,100
010	63110	6642	645	Vehicle Replacement for Ford F 250 VIN#1FTNX20L4YED04129	-	-	-	-	55,200	55,200
				Sub-total 010.63110	-	-	-	-	55,200	55,200
010	66021	7200		Records Management System	112,800	-	-	112,800	-	112,800
				Sub-total 010.66021	112,800	-	-	112,800	-	112,800
Total Company/Fund 010					**112,800**	**-**	**-**	**112,800**	**71,300**	**184,100**
DEVELOPMENT SERVICES FUND										
011	52913	7200		PW - HLFV Interchanges Project	50,000	-	-	50,000	-	50,000
				Sub-total 011.52913	50,000	-	-	50,000	-	50,000
Total Company/ Fund 011					**50,000**	**-**	**-**	**50,000**	**-**	**50,000**
ZONE A										
161	73110	6622	622	Funding for unforseen necessary building improvements	-	-	-	-	15,000	15,000
				Sub-total 161.73110	-	-	-	-	15,000	15,000
161	76530	6621	622	CRC Flatform Enhancements	19,400	-	-	19,400	-	19,400
161	76530	6622	622	Funding for unforseen necessary building improvements	-	-	-	-	10,000	10,000
				Sub-total 161.76530	19,400	-	-	19,400	10,000	29,400
Total Company/Fund 161					**19,400**	**-**	**-**	**19,400**	**25,000**	**44,400**
CFD#4I INFRA CAP/ADMIN FND										
530	93630	6631		Street Improvements	5,800,000	-	5,800,000	-	10,403,900	10,403,900
				Sub-total 530.93630	5,800,000	-	5,800,000	-	10,403,900	10,403,900
Total Company/ Fund 530					**5,800,000**	**-**	**5,800,000**	**-**	**10,403,900**	**10,403,900**
ELECTRIC FUND										
601	60110	6631		Plan Checks & Inspection Fees, Residential/Commercial Meters	484,360	225,000	259,360	-	87,500	87,500
				Sub-total 601.60110	484,360	225,000	259,360	-	87,500	87,500
Total Company/ Fund 601					**484,360**	**225,000**	**259,360**	**-**	**87,500**	**87,500**

MV00055994

City of Moreno Valley
FY 2010-11 Preliminary Base Operating Budget
Fixed Assets

Fund	OneWorld Business Unit	Object	Subsidiary	Asset Description	FY 2009-10 Revised Budget	FY 2009-10 Projections	Unused Amount - Return to Fund Balance	Carryover to FY 2010-11	FY 2010-11 New Request	FY 2010-11 Total
MANAGEMENT INFO SYSTEM FUND										
750	32010	6661	662	New Technology Software	85,000	9,000	76,000	-	50,000	50,000
				Sub-total 750.32010	85,000	9,000	76,000	-	50,000	50,000
750	32110	6661	661	New Technology Hardware	-	-	-	-	91,200	91,200
750	32110	6661	661	Network Access Control System	-	-	-	-	62,000	62,000
750	32110	6661	662	New Technology Software	50,000	-	50,000	-	110,000	110,000
750	32110	6662	661	Replacement Servers	35,000	23,000	12,000	-	65,000	65,000
				Sub-total 750.32110	85,000	23,000	62,000	-	328,200	328,200
750	32210	6641	647	New Technology Radio Hardware	-	-	-	-	110,000	110,000
750	32210	6641	648	New Technology Test Equipment	10,000	-	10,000	-	20,000	20,000
750	32210	6661	661	New Technology Telephony Hardware	40,000	-	-	40,000	-	40,000
750	32210	6661	661	UPS For EOC Equipment Room	8,500	-	-	8,500	-	8,500
750	32210	6661	662	New Technology Software	25,000	-	25,000	-	25,000	25,000
				Sub-total 750.32210	83,500	-	35,000	48,500	155,000	203,500
750	32510	6662	661	GPS Pathfinder PRO XRS	10,000	10,000	-	-	16,000	16,000
				Sub-total 750.32510	10,000	10,000	-	-	16,000	16,000
Total Company/ Fund 750					**263,500**	**42,000**	**173,000**	**48,500**	**549,200**	**597,700**
EQUIPMENT REPLACEMENT FUND										
757	99401	6699		Funding for fixed asset replacements	54,000	-	-	54,000	-	54,000
				Sub-total 757.99401	54,000	-	-	54,000	-	54,000
757	99402	6699		Funding for fixed asset replacements	38,000	-	-	38,000	-	38,000
				Sub-total 757.99402	38,000	-	-	38,000	-	38,000
Total Company/ Fund 757					**92,000**	**-**	**-**	**92,000**	**-**	**92,000**
TOTAL FIXED ASSETS					**6,822,060**	**267,000**	**6,232,360**	**322,700**	**11,136,900**	**11,459,600**
Less Internal Service Funds[1]					355,500	42,000	173,000	140,500	549,200	689,700
Less Replacement Funding from Internal Service Fund[2]					92,000	-	-	92,000	92,000	92,000
NET FIXED ASSETS					**$ 6,374,560**	**$ 225,000**	**$ 6,059,360**	**$ 90,200**	**$ 10,495,700**	**$ 10,677,900**

(1) These Internal Service Funds (ISF) expenditures are charged to all user funds and the cost of these ISF services are already in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City expenditures.

(2) The Replacement Funding received from Internal Service Funds for fixed assets reduces the budget needed for fixed asset purchases. Therefore, their exclusion from the total budget reflects the true level of City expenditures.

MV00055995

CITY OF MORENO VALLEY

FY 2010-11 Preliminary Base Operating Budget

Transfers

Transfers In

Co	BU	Obj	Subled		Operating	Capital	Total
121	1210	4701	99110	Transfer from Fund 010	1,000,000		1,000,000
131	1310	4701	99110	Transfer from Fund 010	424,900		424,900
132	1320	4701	99110	Transfer from Fund 010	300,000		300,000
151	1510	4701	99110	Transfer from Fund 010	182,000		182,000
152	1520	4701	99110	Transfer from Fund 010	112,600		112,600
161	1610	4701	99110	Transfer from Fund 010	289,800		289,800
183	1830	4701	99110	Transfer from Fund 010	103,400		103,400
325	3250	4701	99110	Transfer from Fund 010	254,200		254,200
152	1520	4701	78210	Transfer from Fund 182	26,495		26,495
184	1840	4701	78210	Transfer from Fund 182	25,305		25,305
301	3010	4701	20110	Transfer from Fund 201	1,118,675		1,118,675
301	3010	4701	20310	Transfer from Fund 203	254,008		254,008
301	3010	4701	20410	Transfer from Fund 204	676,810		676,810
301	3010	4701	91510	Transfer from Fund 895	594,998		594,998
513	5130	4701	93710	Transfer from Fund 313	38,250		38,250
515	5150	4701	93810	Transfer from Fund 315	145,650		145,650
528	5280	4701	92710	Transfer from Fund 328	62,500		62,500
529	5290	4701	93410	Transfer from Fund 329	54,000		54,000
530	5300	4701	93610	Transfer from Fund 330	10,407,900		10,407,900
416	4160	4701	20110	Transfer from Fund 201		295,000	295,000
418	4180	4701	21112	Transfer from Fund 211		1,740,000	1,740,000
321	3210	4701	75411	Transfer from Fund 754	822,025		822,025
313	3130	4701	91510	Transfer from Fund 895	279,500		279,500
315	3150	4701	91510	Transfer from Fund 895	1,158,200		1,158,200
325	3250	4701	91510	Transfer from Fund 895	150,000		150,000
328	3280	4701	91510	Transfer from Fund 895	220,000		220,000
			GRAND TOTAL TRANSFERS		**18,701,216**	**2,035,000**	**20,736,216**
			Less Internal Service Funds [1]		-	-	-
			NET TRANSFERS		**18,701,216**	**2,035,000**	**20,736,216**

Transfers Out

Co	BU	Obj	Subled		Operating	Capital	Total
010	99110	6923	121	Transfer to Fund 121	1,000,000		1,000,000
010	99110	6923	131	Transfer to Fund 131	424,900		424,900
010	99110	6923	132	Transfer to Fund 132	300,000		300,000
010	99110	6923	151	Transfer to Fund 151	182,000		182,000
010	99110	6923	152	Transfer to Fund 152	112,600		112,600
010	99110	6923	161	Transfer to Fund 161	289,800		289,800
010	99110	6923	183	Transfer to Fund 183	103,400		103,400
010	99110	6923	325	Transfer to Fund 325	254,200		254,200
182	78210	6923	152	Transfer to Fund 152	26,495		26,495
182	78210	6923	184	Transfer to Fund 184	25,305		25,305
201	20110	6923	301	Transfer to Fund 301	1,118,675		1,118,675
203	20310	6923	301	Transfer to Fund 301	254,008		254,008
204	20410	6923	301	Transfer to Fund 301	676,810		676,810
895	91510	6923	301	Transfer to Fund 301	594,998		594,998
313	93710	6923	513	Transfer to Fund 513	38,250		38,250
315	93810	6923	515	Transfer to Fund 515	145,650		145,650
328	92710	6923	528	Transfer to Fund 528	62,500		62,500
329	93410	6923	529	Transfer to Fund 529	54,000		54,000
330	93610	6923	530	Transfer to Fund 530	10,407,900		10,407,900
201	20110	6923	416	Transfer to Fund 416		295,000	295,000
211	21112	6923	418	Transfer to Fund 418		1,740,000	1,740,000
754	75411	6923	321	Transfer to Fund 321	822,025		822,025
895	91510	6923	313	Transfer to Fund 313	279,500		279,500
895	91510	6923	315	Transfer to Fund 315	1,158,200		1,158,200
895	91510	6923	325	Transfer to Fund 325	150,000		150,000
895	91510	6923	328	Transfer to Fund 328	220,000		220,000
			GRAND TOTAL TRANSFERS		**18,701,216**	**2,035,000**	**20,736,216**
			Less Internal Service Funds		822,025	-	822,025
			NET TRANSFERS		**17,879,191**	**2,035,000**	**19,914,191**

(1) These Internal Service Funds (ISF) transfers are costs of ISF services that are charged to all user funds. Therefore, their exclusion from the total budget reflects the true level of City transfers.

MV00055996

City of Moreno Valley

2010-11 Preliminary Base Operating budget

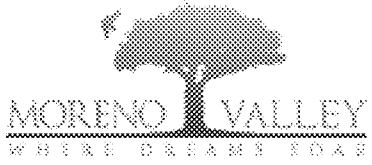

Revenues

MV00055997

CITY OF MORENO VALLEY
Revenue Summary by Fund

Fund #	Fund Description	2007-08 Actual	2008-09 Actual	2008-09 % Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	2009-10 % Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	2010-11 % Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	GENERAL FUND	$ 74,632,901	$ 70,303,863	(5.80%)	$ 64,409,549	$ 64,227,743	(8.64%)	$ 59,683,200	(7.34%)
011	DEVELOPMENT SVC FUND	9,168,588	9,973,715	8.78%	4,119,921	3,163,660	(68.28%)	3,597,700	(12.68%)
133	FIRE SVC OPERATIONS FUND	14,046,222	14,709,681	4.72%	6,399,446	5,027,197	(65.82%)	4,473,500	(30.10%)
	TOTAL GENERAL FUND	97,847,711	94,987,259	(2.92%)	74,928,916	72,418,600	(23.76%)	67,754,400	(9.58%)
121	GAS TAX FUND	4,657,323	4,708,679	1.10%	3,545,175	3,829,391	(18.67%)	3,709,500	4.64%
122	SCAG ARTICLE 3 FUND	184,178	79,909	(56.61%)		9,000	(88.74%)	9,000	100.00%
125	MEASURE "A" FUND	6,282,059	5,561,887	(11.46%)	9,223,839	5,177,263	(6.92%)	10,310,820	11.78%
128	ABC-POLICE GRANT FUND	18,463	(5,303)	(128.72%)			(100.00%)		-
129	LLEBG-PD FUND	2,190	11	(99.50%)			(100.00%)		-
130	SLESF-CCAT GRT-PD-AB322	365,661	166,699	(54.41%)	278,356	120,000	(28.01%)	100,000	(64.07%)
131	LIBRARY SERVICES FUND	2,239,470	2,388,862	6.67%	2,167,915	1,948,547	(18.43%)	1,744,600	(19.53%)
132	PUB/EDUC/GOVT ACCESS PR	756,580	741,420	(2.00%)	550,000	550,000	(25.82%)	550,000	-
134	EMPG-EMERGNCY MGMT PREP	67,469	194,213	187.86%	100,000	64,058	(67.02%)	64,000	(36.00%)
136	OTS - POLICE FUND	116,074	102,853	(11.39%)	566,440	473,863	360.72%	107,000	(81.11%)
137	AIR QUALITY MGT FUND	242,787	171,386	(29.41%)	210,492	207,000	20.78%	207,000	(1.66%)
146	CDBG FY 03/04 FUND	1,048		(100.00%)			-		-
147	CDBG FY 04/05 FUND	6,331		(100.00%)			-		-
149	SPCL DIST ADMIN FUND	943,585	967,219	2.50%	985,778	876,539	(9.38%)	783,500	(20.52%)
151	STORM WATER MAINTENANCE	619,566	1,001,072	61.58%	596,891	597,000	(40.36%)	603,400	1.09%
152	STORM WATER MANAGEMENT	1,215,352	777,076	(36.06%)	951,732	874,300	12.51%	928,942	(2.39%)
153	BEVERAGE CONTAINER RECY	46,394	47,342	2.04%	47,349	47,349	0.01%		(100.00%)
157	UBG10 USED OIL RECYCLG	(2)		(100.00%)			-		-
160	CHILD CARE GRANT FUND	763,657	731,787	(4.17%)	940,900	764,400	4.46%	822,300	(12.60%)
161	ZONE "A" PARKS FUND	8,820,737	8,925,136	1.18%	9,031,045	8,574,212	(3.93%)	7,997,589	(11.44%)
162	STARS PROGRAM GRANT FUN	9,168,578	9,020,130	(1.62%)	5,986,902	6,349,412	(29.61%)	5,891,600	(1.59%)
171	ZONE "B" ST LGHT FUND	1,083,776	1,057,961	(2.38%)	1,057,447	1,052,326	(0.53%)	1,046,700	(1.02%)
172	ZONE "C" ART LGHT FUND	603,697	596,621	(1.17%)	584,977	584,922	(1.96%)	580,000	(0.85%)
176	HOME (FEDERAL) FUND	1,023,060	209,267	(79.54%)	379,961	386,203	84.55%	390,000	2.64%
181	ZONE "D" STD LDSC FUND	1,146,946	1,126,941	(1.74%)	1,140,599	1,101,626	(2.25%)	1,142,800	0.19%
182	ZONE "E" EXT LDSC FUND	2,555,459	2,504,156	(2.01%)	2,507,183	2,476,813	(1.09%)	2,475,600	(1.26%)
183	ZONE "M" MEDIAN FUND	217,659	236,600	8.70%	270,967	255,581	8.02%	309,100	14.07%
184	CFD#1	907,450	1,053,599	16.11%	997,760	903,700	(14.23%)	1,006,105	0.84%
185	ZONE "S"	52,344	27,943	(46.62%)	53,986	28,442	1.79%	52,400	(2.94%)
186	CFD #4M	52,500	36,210	(31.03%)	35,000	35,000	(3.34%)	35,000	-
193	EPA GRANT - BOX SPRINGS	63,912	125,903	96.99%	19,578	60,566	(51.89%)		(100.00%)
194	JAG GRANT - CODE FUND	3,835	49,412	1,188.45%	23,595	24,226	(50.97%)		(100.00%)

MV00055998

CITY OF MORENO VALLEY
Revenue Summary by Fund

Fund #	Fund Description	2007-08 Actual	2008-09 Actual	2008-09 % Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	2009-10 % Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	2010-11 % Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
195	WORKFORCE HOUSING PROGR			-	1,200,741	1,200,741	100.00%		(100.00%)
196	ETA JOB TRAINING GRANT			-	121,386	118,886	100.00%		(100.00%)
197	NEIGHBORHOOD STABILIZAT			-	11,390,116	11,390,116	100.00%		(100.00%)
198	HOMELESSNESS PREVENTION			-	732,872	549,654	100.00%	183,218	(75.00%)
199	CDBG RECOVERY ACT OF 20			-	479,292	342,100	100.00%	137,192	(71.38%)
201	ARTERIAL STS DEV IMPACT	8,115,145	398,743	(95.09%)	1,083,400	113,982	(71.41%)	104,700	(90.34%)
202	TRAFFIC SIGS DEV IMPACT	793,431	32,876	(95.86%)	170,729	35,543	8.11%	26,700	(84.36%)
203	FIRE FACIL DEV IMPACT F	155,296	72,748	(53.16%)	78,952	74,113	1.88%	41,100	(47.94%)
204	POLICE FACIL DEV IMPACT	115,955	56,993	(50.85%)	58,984	35,977	(36.87%)	21,800	(63.04%)
205	PARKLD FACIL DEV IMPACT	364,015	90,938	(75.02%)	142,200	166,500	83.09%	90,700	(36.22%)
206	QUIMBY IN-LIEU PARK FEE	165,683	41,402	(75.01%)	90,000	91,700	121.49%	52,600	(41.56%)
207	RECREATN CTR DEV IMPACT	12,272	3,155	(74.29%)	14,436	95,000	2,911.09%	51,900	259.52%
208	LIBRARIES DEV IMPACT FE	273,769	175,188	(36.01%)	116,863	181,000	3.32%	98,700	(15.54%)
209	CITY HALL DEV IMPACT FE	187,405	82,035	(56.23%)	82,380	91,617	11.68%	54,500	(33.84%)
210	CORPORATE YD DEV IMPACT	95,283	13,978	(85.33%)	13,783	29,281	109.48%	16,500	19.71%
211	INTERCHANGE IMPROVMNTS	282,863	158,908	(43.82%)	74,143	63,439	(60.08%)	41,100	(44.57%)
212	MAINTENANCE EQUIPMENT D	7,444	(6,507)	(187.41%)	3,262	4,831	(174.24%)	4,200	28.76%
213	ANIMAL SHELTER DEV IMPA	8,339	10,314	23.68%		11,200	8.59%	6,100	100.00%
225	TRAFF CONGESTION RELIEF	12,110	1,584,679	12,985.71%	1,779,098	1,687,479	6.49%	1,862,944	4.71%
226	PROP 1B	2,902,673		(100.00%)	2,682,869		-		(100.00%)
227	FHWA TRANSIMS		116,444	100.00%	186,556		(100.00%)	186,600	0.02%
228	ECONOMIC STIMULUS FUND			-	1,310,000		-	1,310,000	-
229	EECBG FUND			-	1,684,300		-		(100.00%)
230	2009-DJ-BX-1178 JAG GRA			-	105,989	105,989	100.00%	78,100	(26.31%)
231	ICEP TASK FORCE FUND			-	50,668		-		(100.00%)
233	EMERGENCY SVCS AGENCY F			-			-	14,000	100.00%
258	JAG - PD - 05 FUND	64,310	4	(99.99%)			(100.00%)		-
259	JAG - PD - 07 FUND	85,001		(100.00%)			-		-
260	JAG- PD- 08 FUND		603	100.00%		29,879	4,855.06%		-
261	2008 COPS TECH PRGRM GR		32,355	100.00%		107,589	232.53%		-
262	JAG 2009 SB-59-2366 FUN			-	435,672	435,672	100.00%	435,700	0.01%
271	BUFFER ZONE PROTECTION	(128)		(100.00%)			-		-
280	CDBG FY05/06 FUND	549,115	332,524	(39.44%)	10,000		(100.00%)	10,000	-
281	CDBG FY06/07 FUND	(4,530)	1	(100.02%)			(100.00%)		-
282	CDBG FY07/08 FUND	909,461	388,637	(57.27%)	405,675	402,800	3.64%	14,700	(96.38%)
283	CDBG FY08/09 FUND		1,414,902	100.00%	3,013,471	607,000	(57.10%)	418,652	(86.11%)
284	CDBG FY09/10 FUND			-		1,745,300	100.00%		-

MV00055999

CITY OF MORENO VALLEY
Revenue Summary by Fund

Fund #	Fund Description	2007-08 Actual	2008-09 Actual	2008-09 % Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	2009-10 % Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	2010-11 % Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
285	CDBG FY10/11 FUND			-			-	2,000,000	100.00%
290	UBG11 USED OIL RECYCLG	21,857		(100.00%)			-		-
291	UBG12 USED OIL RECYCLG	42,006	785	(98.13%)			(100.00%)		-
292	UBG13 USED OIL RECYCLG	283	44,192	15,515.55%			(100.00%)		-
293	UBG14 USED OIL RECYCLG			-	41,988	18,263	100.00%	27,900	(33.55%)
294	TCA2-06-22 LOCAL GOVT W	10,399		(100.00%)			-		-
295	TRI16-06-1 TARGETED RUB		47,950	100.00%	84,000	28,000	(41.61%)	56,000	(33.33%)
301	2005 LEASE REV BONDS-D	3,575,960	4,403,104	23.13%	2,678,517	2,643,817	(39.96%)	2,644,491	(1.27%)
303	TWNGT IMP DEBT SERV FUN	454,514	3,965,920	772.56%			(100.00%)		-
305	TWNGT REF DEBT SERV FUN	78,950	13,465,179	16,955.32%			(100.00%)		-
313	TWNGT IMPV SPCL TAX REF	4,077,367	1,356,595	(66.73%)	404,628	393,928	(70.96%)	394,000	(2.63%)
315	TWNGT SPCL TAX REFNDG D	13,003,349	5,142,558	(60.45%)	489,726	404,631	(92.13%)	1,158,700	136.60%
316	ASSMT DIST 98-1-DEBT SV	3,249	4,042	24.41%	2,612	2,612	(35.38%)	2,700	3.37%
321	CH COP 97 DEBT SERV FUN	811,498	645,569	(20.45%)	859,540		(100.00%)	822,025	(4.36%)
325	PUB SAFTY BOND DEBT SER	422,035	406,226	(3.75%)	404,169	404,169	(0.51%)	404,200	0.01%
328	AUTOML REFIN-CFD #3 DBT	3,269,386	2,176,282	(33.43%)	2,448,489	2,237,989	2.84%	2,188,100	(10.63%)
329	CFD#5 STONERIDGE DEBT S	356,740	345,045	(3.28%)	382,015	362,115	4.95%	362,200	(5.19%)
330	CFD #4I - INFRA DEBT SR			-	10,600,000		-	12,300,000	16.04%
335	COP 93 DEBT SERV FUND			-			-		-
340	OPA SALES TAX #2 FUND	385,926	394,359	2.19%	350,000		(100.00%)	350,000	-
369	CTRPT 87-4 AGENCY FUND	421,446	242,476	(42.47%)	1,950		(100.00%)	-	(100.00%)
370	MV FOUNDATION - DONATIO	207,626	84,185	(59.45%)			(100.00%)		-
371	ARTS COMMISSION		542	100.00%		1,500	176.75%	1,000	100.00%
380	CELEBRATION PARK ENDOWM	1,789	1,385	(22.58%)	1,000		(100.00%)	1,000	-
381	EQUESTRIAN TRAIL ENDOWM	366	359	(1.91%)			(100.00%)		-
412	FACILITY CONST FUND	1,972,060	2,511,992	27.38%			(100.00%)		-
414	PW GENERAL CAPITAL PROJ	299,171	1,100	(99.63%)	30,900	30,000	2,627.27%	30,900	-
415	TUMF CAPITAL PROJECTS F	2,281,141	7,515,550	229.46%	8,000,000	6,698,670	(10.87%)	6,000,000	(25.00%)
416	DIF ARTERIAL STREETS CA	3,202,852	4,217,246	31.67%	1,838,894	1,838,912	(56.40%)	296,000	(83.90%)
417	DIF TRAFFIC SIGNAL CAPI	834,492	363,117	(56.49%)	1,375,380	1,376,879	279.18%	1,000	(99.93%)
418	DIF INTERCHANGE IMPRV C			-			-	1,740,000	100.00%
434	FIRE SERVICES CAP FUND	459		(100.00%)			-		-
461	PARKS & RECREATION CAP	6,066,113	165,950	(97.26%)			(100.00%)		-
501	2005 LEASE REV BONDS-C	1,540,670	506,746	(67.11%)	100,000		(100.00%)	100,000	-
502	TWNGT B CAP-ADMIN FUND	78,760		(100.00%)			-		-
506	TWNGT REF CAP-ADMIN FUN		392,244	100.00%			(100.00%)		-
512	CTRPT 87-4 CAP-ADMIN FU	181,525	58,787	(67.61%)			(100.00%)		-

MV00056000

CITY OF MORENO VALLEY
Revenue Summary by Fund

		2007-08	2008-09		2009-10			2010-11	
Fund #	Fund Description	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
513	TWNGT IMPV SPCL TAX CAP		3,700	100.00%	38,250	38,250	933.78%	38,250	-
515	2007 TWNGT SPCLTAX REF			-	139,750	139,750	100.00%	145,650	4.22%
518	WARNER RANCH ASDST FUND	8,415	9,263	10.08%	8,325	8,325	(10.13%)	8,400	0.90%
528	AUTOMALL CAP-ADMIN FUND	512,462	148,446	(71.03%)	148,940	148,940	0.33%	62,500	(58.04%)
529	CFD#5 STONERIDGE CAP/AD	272,445	72,768	(73.29%)	54,000	54,000	(25.79%)	54,000	-
530	CFD #4I - INFRA CAP/ADM			-	50,000		-	10,407,900	20,715.80%
601	ELECTRIC FUND	9,974,644	12,488,845	25.21%	15,546,492	13,494,317	8.05%	13,869,500	(10.79%)
602	2007 TAXABLE LEASE REV	425,194	994,705	133.94%	41,410	-	(100.00%)	-	(100.00%)
603	2005 LEASE REVENUE BOND		112,731	100.00%		-	(100.00%)	-	-
741	GENERAL LIABILITY INS F	1,432,726	1,292,474	(9.79%)	1,031,201	1,031,201	(20.21%)	1,031,300	0.01%
745	WORKER'S COMP FUND	1,796,878	1,344,853	(25.16%)	870,770	870,770	(35.25%)	870,800	0.00%
750	MANAGEMENT INFO SYSTEM	4,422,786	3,926,115	(11.23%)	4,282,435	4,282,435	9.08%	4,282,600	0.00%
751	CENTRAL SERVICES FUND	114,497	(37,373)	(132.64%)			(100.00%)		-
754	FACILITIES FUND	4,253,956	4,606,852	8.30%	4,211,259	4,211,259	(8.59%)	4,111,400	(2.37%)
755	EQUIPMENT MAINTENANCE F	978,989	825,974	(15.63%)	718,206	718,206	(13.05%)	718,300	0.01%
757	EQUIPMENT REPLACEMENT R	2,217,697	2,332,056	5.16%	2,306,405		(100.00%)	2,306,500	0.00%
891	RDA ADMIN FUND	1,033,174	891,072	(13.75%)		833,505	(6.46%)	-	-
892	RDA CAP PROJECT FUND	179,221	80,356	(55.16%)		1,253,600	1,460.06%	-	-
894	RDA HOUSING FUND	5,501,564	4,970,700	(9.65%)	562,577	4,408,333	(11.31%)	318,500	(43.39%)
895	RDA TAX INCREMENT FUND	14,185,628	13,649,635	(3.78%)	11,434,098	11,066,165	(18.93%)	10,347,604	(9.50%)
896	RDA 2007TABS, Series A	43,857,787	2,846,135	(93.51%)	1,100	-	(100.00%)	1,100	-
897	RDA 2007TABS, SERIES A	42,560,339	908,155	(97.87%)	1,000,000	1,000,000	10.11%	900,000	(10.00%)
898	RDA 2007TABS, Series B	561,197	721,949	28.64%		600,000	(16.89%)	-	-
911	THE DISASTER FUND	10,645		(100.00%)			-		-
	GRAND TOTAL REVENUES	**$ 335,072,994**	**$ 243,242,066**	**(27.41%)**	**$ 217,239,646**	**$ 190,108,268**	**(21.84%)**	**$ 194,237,582**	**(10.59%)**
	Less Internal Service Funds (1)	15,217,529	14,290,951		13,420,276	11,113,871		13,320,900	
	NET REVENUES	**$ 319,855,465**	**$ 228,951,115**	**(28.42%)**	**$ 203,819,370**	**$ 178,994,397**	**(21.82%)**	**$ 180,916,682**	**(11.24%)**

(1) These Internal Service Funds (ISF) revenues are charges to all user funds; the cost of these ISF charges are already included in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City revenues.

MV00056001

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	4110	11	Property Tax - Secured	6,418,161	5,418,069	(15.58%)	5,071,270	4,225,500	(22.01%)	3,588,200	(29.24%)
010	4110	12	Property Tax - Unsecured	222,582	254,095	14.16%	249,930	258,200	1.62%	219,500	(12.18%)
010	4110	13	Property Tax - Prior Years	94,218	107,996	14.62%	57,739	75,000	(30.55%)	64,500	11.71%
010	4110	14	Property Tax - Homeowner Exem	81,872	76,094	(7.06%)	19,247	66,403	(12.74%)	56,500	193.55%
010	4110	16	Property Tax - Teeter/Del Tax	685,799	532,158	(22.40%)	51,615	400,000	(24.83%)	344,000	566.47%
010	4110	20	Property Tax in Lieu-VLF	16,728,600	16,791,078	0.37%	14,100,000	13,670,400	(18.59%)	11,773,400	(16.50%)
010	4121	10	Sales Tax - General	7,216,887	6,521,841	(9.63%)	6,164,916	6,461,250	(0.93%)	6,265,000	1.62%
010	4121	11	Sales Tax - Note No. 1	666,768	468,604	(29.72%)	500,000	500,000	6.70%	400,000	(20.00%)
010	4121	12	Sales Tax - Note No. 2	59,327	394,359	564.72%	380,000	340,000	(13.78%)	380,000	-
010	4121	20	Property Tax in Lieu-Sales Ta	3,751,543	3,067,138	(18.24%)	2,690,084	2,433,750	(20.65%)	2,690,100	0.00%
010	4131		Transient Occupancy Tax	593,009	497,936	(16.03%)	400,000	400,000	(19.67%)	400,000	-
010	4136	10	Business Gross Rcpts - A	465,289	409,872	(11.91%)	344,470	253,000	(38.27%)	344,500	0.01%
010	4136	11	Business Gross Rcpts - B	532,808	525,605	(1.35%)	480,445	325,000	(38.17%)	480,400	(0.01%)
010	4136	12	Business Gross Rcpts - C	112,925	116,225	2.92%	81,585	72,000	(38.05%)	81,600	0.02%
010	4151		Documentary Transfer Tax	575,003	598,084	4.01%	550,000	450,000	(24.76%)	450,000	(18.18%)
010	4161		Utility User's Tax	15,186,616	15,081,286	(0.69%)	14,970,000	15,500,000	2.78%	15,200,000	1.54%
010	4211		Franchise Fees	4,381,882	4,876,055	11.28%	4,329,416	4,730,000	(3.00%)	4,730,000	9.25%
010	4212		Franchise In Lieu Fees	96,816	120,969	24.95%	70,584	70,000	(42.13%)	70,000	(0.83%)
010	4214		Police Fees	243,244	373,325	53.48%	310,000	350,000	(6.25%)	310,000	-
010	4221		Animal ServicesFees	187,139	165,083	(11.79%)	153,000	114,400	(30.70%)	115,000	(24.84%)
010	4225		Parking Control Fees	1,300,405	1,094,064	(15.87%)	1,250,000	1,095,000	0.09%	1,164,000	(6.88%)
010	4226	10	Admin. Citation Fees - Code	157,812	331,965	110.35%	112,000	100,050	(69.86%)	100,000	(10.71%)
010	4226	12	Admin. Citation Fees - PD	115,196	145,750	26.52%	95,000	95,050	(34.79%)	100,000	5.26%
010	4226	13	Admin. Citation Fees - A/C	50,107	34,224	(31.70%)	22,000	16,450	(51.93%)	17,000	(22.73%)
010	4227		Red Light Photo Enf Fees	45,095	330,004	631.80%	200,000		(100.00%)		(100.00%)
010	4230		Special Inspection Fees		97,390	100.00%	54,000	140,000	43.75%	140,000	159.26%
010	4234		Graffiti Abatement Fees	1,175	1,200	2.13%	1,000	1,000	(16.67%)	1,000	-
010	4258	10	Motor Veh-in-Lieu Fees	800,667	865,718	8.12%	400,000	400,000	(53.80%)	360,000	(10.00%)
010	4259		False Alarm Fees	166,921	154,875	(7.22%)	110,000	150,000	(3.15%)	140,000	27.27%
010	4277		Nuisance Abatement Fees	200,956	180,235	(10.31%)	75,000	50,000	(72.26%)	40,000	(46.67%)
010	4278		Solid Waste Delinquencies	2,300	2,300	-	2,000	2,000	(13.04%)	2,300	15.00%
010	4280		Other Fees		193	100.00%			(100.00%)		-
010	4281		First Aid Class Fees	20,295	22,142	9.10%	22,000	22,000	(0.64%)	22,000	-
010	4292		FEMA Cert Fees	810	1,457	79.88%	705	1,200	(17.64%)	800	13.48%
010	4366		Film Permits	1,179	786	(33.33%)			(100.00%)		-
010	4391		Other Permits	1,182	928	(21.49%)			(100.00%)		-
010	4411		Animal Licenses	251,491	287,890	14.47%	249,500	218,500	(24.10%)	220,000	(11.82%)
010	4441		Business License	411,025	364,414	(11.34%)	330,000	300,000	(17.68%)	300,000	(9.09%)
010	4505		Business License Penalty	74,731	50,632	(32.25%)	30,000	30,000	(40.75%)	40,000	33.33%
010	4506		Park'g Cntrl Penalts-Handicap	46,600	76,839	64.89%	55,000	75,000	(2.39%)	75,000	36.36%
010	4510		Animal Services Violations	61,392	30,734	(49.94%)	35,000	33,000	7.37%	33,000	(5.71%)
010	4511		Ani. Control Taxable Sales	11,533	8,292	(28.10%)	8,000	6,000	(27.64%)	6,000	(25.00%)
010	4512		A/C Non-Tax Sales (Adoptions)	47,184	50,730	7.52%	45,000	38,000	(25.09%)	38,000	(15.56%)

MV00056002

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
010	4513		Ani. Control Forfeited Deposi	11,844	7,252	(38.77%)	11,400	10,200	40.65%	10,000	(12.28%)
010	4514		Animal Services	79,939	84,910	6.22%	87,000	87,000	2.46%	87,000	-
010	4515		Animal Svcs. - Donations	10,572	15	(99.86%)	13,530	10,030	66,766.67%		(100.00%)
010	4517		Civil Penalties		197,697	100.00%		34,000	(82.80%)		-
010	4525		Towngate Mall Police Reim.	401,120	424,522	5.83%	440,555	440,560	3.78%	200,000	(54.60%)
010	4530		In-House Copier Charges		142,452	100.00%			(100.00%)		-
010	4534		Reimbursements-Interfund			-	22,038		-		(100.00%)
010	4539		Car Pool Charges		1,866	100.00%		1,000	(46.41%)		-
010	4540		Developer Reimbursement		164	100.00%			(100.00%)		-
010	4547		CalCard Rebates	33,827	11,614	(65.67%)	9,000	(28,400)	(344.53%)	9,000	-
010	4550		Administrative Charges	571,796	542,928	(5.05%)	2,968,896	2,968,800	446.81%	2,691,500	(9.34%)
010	4551		Donations	(4,337)		(100.00%)			-		-
010	4552		First Aid Class Materials	2,885	3,635	26.00%	3,000	3,000	(17.47%)	3,000	-
010	4555		Reimbursement Agreement		59,893	100.00%	90,000	90,000	50.27%	96,900	7.67%
010	4556	10	Interest Income - Investments	6,165,265	4,214,285	(31.64%)	3,650,000	3,315,000	(21.34%)	3,370,000	(7.67%)
010	4556	11	Interest Income - Other	7,547	5,381	(28.70%)		20,000	271.68%		-
010	4556	13	Interest Inc. - RDA Loan	564,135	721,949	27.97%		560,000	(22.43%)	410,000	100.00%
010	4556	15	Interest Income - Mall Note	800,496	468,604	(41.46%)	400,000	320,000	(31.71%)	400,000	-
010	4556	22	Interest Income - CRC Note	273,182	281,377	3.00%	300,000	285,000	1.29%	298,500	(0.50%)
010	4558		Unrealized Gains/Losses	799,984	(1,019,597)	(227.45%)			(100.00%)		-
010	4563		Lease Payments - Sub-Agents	7,835		(100.00%)			-		-
010	4567		Fixed Asset Trade-In Allow.	11,741		(100.00%)			-		-
010	4568		Fixed Asset Sales/Gains		1,272	100.00%			(100.00%)		-
010	4570		Claims, Judgemnts, Settlmnt	58,289	26,986	(53.70%)		21,500	(20.33%)		-
010	4571		Legal Cost Recovery	2,150	46,564	2,065.77%		15,400	(66.93%)		-
010	4572		Graffiti Restitution	13,289	(3,126)	(123.52%)	2,000		(100.00%)	2,000	-
010	4574		Other Misc. Revenue	48,353	121,636	151.56%	60,000	(32,100)	(126.39%)	60,000	-
010	4587	1	CDBG Reimb- Neighbrhd Policin	119,253	59,261	(50.31%)	35,000	35,000	(40.94%)	35,000	-
010	4587	2	CDBG Reimb- Code Compliance	255,000	255,000	-	366,326	366,300	43.65%		(100.00%)
010	4612		County Grant Revenue	976		(100.00%)			-		-
010	4645		Riverside Co. Landfill Tippin	48,202	42,064	(12.73%)	50,000	48,500	15.30%	48,500	(3.00%)
010	4647		Abandoned Vehicle Abatement	240,890	223,488	(7.22%)	191,000	225,000	0.68%	200,000	4.71%
010	4652		Asset Forfeitures	99,819		(100.00%)			-		-
010	4653		Fines & Forfeitures	1,003,467	1,082,366	7.86%	1,000,000	1,000,000	(7.61%)	1,000,000	-
010	4655		SB90 State Mandated Costs	38,735	173,610	348.20%			(100.00%)		-
010	4660		Reimbursements - Other Govts	976		(100.00%)			-		-
010	4701		Transfers	897,127	1,597,161	78.03%	639,298	963,800	(39.66%)		(100.00%)
GENERAL FUND Total				**74,632,901**	**70,303,863**	(5.80%)	**64,409,549**	**64,227,743**	(8.64%)	**59,683,200**	(7.34%)
011	4226	11	Admin. Citation Fees - B & S	50,757	49,356	(2.76%)	40,000	7,450	(84.91%)	20,000	(50.00%)
011	4230		Special Inspection Fees	6,030	4,711	(21.87%)	4,000	40,200	753.32%	30,000	650.00%
011	4239		Transp Inspection Fees	107,780	10,349	(90.40%)	24,000	24,000	131.91%	14,700	(38.75%)
011	4240		Utility Inspection Fees	50,000	99,000	98.00%			(100.00%)		-

MV00056003

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
011	4241 10	Bldg. & Safety Plan Check F	894,369	450,517	(49.63%)	350,000	306,300	(32.01%)	350,000	-
011	4241 12	Mechanical Plan Check Fees	150		(100.00%)			-		-
011	4241 15	Fire Plan Check Fees	188,559	109,100	(42.14%)	102,033	87,900	(19.43%)	90,500	(11.30%)
011	4241 16	Engineering Plan Check Fees	2,682,292	1,725,619	(35.67%)	1,087,248	839,300	(51.36%)	927,900	(14.66%)
011	4241 20	Transportation Plan Check Fee	162,149	81,715	(49.60%)	83,000	83,000	1.57%	70,800	(14.70%)
011	4249	Fire Inspection Fees	305,395	168,079	(44.96%)	147,630	109,200	(35.03%)	93,200	(36.87%)
011	4256	Engineering Inspection Fees	1,686,175	963,622	(42.85%)	652,146	376,600	(60.92%)	401,700	(38.40%)
011	4267	Planning Fees	1,117,010	786,394	(29.60%)	850,000	650,000	(17.34%)	850,000	-
011	4280	Other Fees	4,417	1,766	(60.02%)	2,500	1,500	(15.06%)	1,500	(40.00%)
011	4311	Building Permits	1,162,265	896,945	(22.83%)	600,000	484,070	(46.03%)	600,000	-
011	4312	Electrical Permits	157,851	110,593	(29.94%)	60,000	47,100	(57.41%)	35,000	(41.67%)
011	4313	Mechanical Permits	72,860	49,035	(32.70%)	35,000	43,600	(11.08%)	40,000	14.29%
011	4314	Plumbing Permits	102,723	68,378	(33.43%)	45,000	20,200	(70.46%)	22,000	(51.11%)
011	4317	Fire Inspection Permits	10,082	7,289	(27.70%)	4,024	4,400	(39.64%)	4,800	19.28%
011	4331	Sign Permits	30,180	27,266	(9.66%)	15,000	15,900	(41.69%)	16,000	6.67%
011	4351	Encroachment Permits	22,228	14,038	(36.85%)	9,840	21,500	53.16%	21,500	118.50%
011	4355	Grading Permits	4,260	2,868	(32.68%)	1,850	1,230	(57.11%)	1,300	(29.73%)
011	4540	Developer Reimbursement	161,367	1,633	(98.99%)			(100.00%)		-
011	4567	Fixed Asset Trade-In Allow.	3,660		(100.00%)			-		-
011	4570	Claims, Judgemnts, Settlmnt	101,670	40,253	(60.41%)			(100.00%)		-
011	4574	Other Misc. Revenue	8,286	5,085	(38.63%)	6,500		(100.00%)	6,500	-
011	4592	Admin Fees - SB1473		104	100.00%	150	210	101.92%	300	100.00%
011	4701	Transfers	76,073	4,300,000	5,552.47%			(100.00%)		-
DEVELOPMENT SVC FUND Total			**9,168,588**	**9,973,715**	8.78%	**4,119,921**	**3,163,660**	(68.28%)	**3,597,700**	(12.68%)
133	4110 26	Structural Fire Tax	6,858,622	6,401,783	(6.66%)	6,250,200	5,027,197	(21.47%)	4,323,400	(30.83%)
133	4226 14	Admin. Citation Fees - Fire			-	27,500		-		(100.00%)
133	4241 15	Fire Plan Check Fees		274	100.00%			(100.00%)		-
133	4249	Fire Inspection Fees		38,391	100.00%	17,632		(100.00%)	38,300	117.22%
133	4259	False Alarm Fees	14,881	14,961	0.54%	15,500		(100.00%)	11,100	(28.39%)
133	4277	Nuisance Abatement Fees			-	24,000		-	51,300	113.75%
133	4317	Fire Inspection Permits		21	100.00%			(100.00%)		-
133	4563	Lease Payments - Sub-Agents	11,000	12,000	9.09%	12,000		(100.00%)	6,000	(50.00%)
133	4567	Fixed Asset Trade-In Allow.	800		(100.00%)			-		-
133	4574	Other Misc. Revenue		6	100.00%			(100.00%)		-
133	4582	Cell Tower Rental Income	40,577	41,708	2.79%	38,614		(100.00%)	43,400	12.39%
133	4615	Emergency Svc Agncy Fines (Co	44,830	20,909	(53.36%)	14,000		(100.00%)		(100.00%)
133	4701	Transfers	7,075,512	8,179,628	15.60%			(100.00%)		-
FIRE SVC OPERATIONS FUND Total			**14,046,222**	**14,709,681**	4.72%	**6,399,446**	**5,027,197**	(65.82%)	**4,473,500**	(30.10%)
					-			-		-
GRAND TOTAL GENERAL FUND			**97,847,711**	**94,987,259**	(2.92%)	**74,928,916**	**72,418,600**	(23.76%)	**67,754,400**	(9.58%)
					-			-		-

MV00056004

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
121	4171 10	State Gas Tax 2107	1,428,485	1,314,670	(7.97%)	1,140,000	1,272,320	(3.22%)	1,219,250	6.95%
121	4171 11	State Gas Tax 2107.5	10,000	10,000	-	10,000	10,000	-	10,000	-
121	4171 12	State Gas Tax 2106	693,702	589,622	(15.00%)	570,000	563,080	(4.50%)	609,620	6.95%
121	4171 13	State Gas Tax 2105	1,067,489	987,777	(7.47%)	807,500	954,800	(3.34%)	863,630	6.95%
121	4540	Developer Reimbursement	1,463	306	(79.08%)			(100.00%)		-
121	4556 10	Interest Income - Investments	30,608	9,207	(69.92%)	15,675	5,000	(45.69%)	5,000	(68.10%)
121	4558	Unrealized Gains/Losses	5,804	(2,083)	(135.89%)			(100.00%)		-
121	4570	Claims, Judgemnts, Settlmnt	11,906	20,694	73.81%	1,000	4,155	(79.92%)	1,000	-
121	4574	Other Misc. Revenue	2,073	228	(89.00%)	1,000	20,036	8,687.72%	1,000	-
121	4701	Transfers	1,405,793	1,778,258	26.50%	1,000,000	1,000,000	(43.77%)	1,000,000	-
GAS TAX FUND Total			**4,657,323**	**4,708,679**	1.10%	**3,545,175**	**3,829,391**	(18.67%)	**3,709,500**	4.64%
122	4556 10	Interest Income - Investments	15,818	11,534	(27.08%)		9,000	(21.97%)	9,000	100.00%
122	4558	Unrealized Gains/Losses	2,059	(2,618)	(227.15%)			(100.00%)		-
122	4574	Other Misc. Revenue		1,903	100.00%			(100.00%)		-
122	4651	County Article 3	166,301	69,090	(58.45%)			(100.00%)		-
SCAG ARTICLE 3 FUND Total			**184,178**	**79,909**	(56.61%)	-	**9,000**	(88.74%)	**9,000**	100.00%
125	4540	Developer Reimbursement	66,000		(100.00%)			-		-
125	4550	Administrative Charges	3,720		(100.00%)			-		-
125	4556 10	Interest Income - Investments	498,724	469,173	(5.93%)	300,000	300,000	(36.06%)	300,000	-
125	4556 11	Interest Income - Other		3,514	100.00%			(100.00%)		-
125	4558	Unrealized Gains/Losses	56,394	(98,655)	(274.94%)			(100.00%)		-
125	4574	Other Misc. Revenue	4,394	6,728	53.12%	1,000	1,000	(85.14%)	1,000	-
125	4610	Federal Grant Revenue	4,902	535,698	10,828.15%			(100.00%)		-
125	4611	State Grant Revenue	142,097		(100.00%)	215,820	78,000	100.00%	425,820	97.30%
125	4650	RCTC Sales Tax	4,339,194	3,493,188	(19.50%)	2,705,000	2,279,000	(34.76%)	2,270,000	(16.08%)
125	4659	Federal Reimbursements	1,101,781	1,152,241	4.58%	6,002,019	2,519,263	118.64%	7,314,000	21.86%
125	4701	Transfers	64,853		(100.00%)			-		-
MEASURE "A" FUND Total			**6,282,059**	**5,561,887**	(11.46%)	**9,223,839**	**5,177,263**	(6.92%)	**10,310,820**	11.78%
128	4611	State Grant Revenue	18,463	(5,303)	(128.72%)			(100.00%)		-
ABC-POLICE GRANT FUND Total			**18,463**	**(5,303)**	(128.72%)	-	-	(100.00%)	-	-
129	4558	Unrealized Gains/Losses	2,190	11	(99.50%)			(100.00%)		-
LLEBG-PD FUND Total			**2,190**	**11**	(99.50%)	-	-	(100.00%)	-	-
130	4556 10	Interest Income - Investments	17,610	(736)	(104.18%)	2,505		(100.00%)		(100.00%)
130	4558	Unrealized Gains/Losses	1,032	(4,381)	(524.52%)			(100.00%)		-
130	4611	State Grant Revenue	347,019	171,816	(50.49%)	275,851	120,000	(30.16%)	100,000	(63.75%)
SLESF-CCAT GRT-PD-AB322 Total			**365,661**	**166,699**	(54.41%)	**278,356**	**120,000**	(28.01%)	**100,000**	(64.07%)
131	4110 10	Property Tax - Library	1,900,686	1,769,151	(6.92%)	1,609,500	1,400,000	(20.87%)	1,201,200	(25.37%)
131	4213	Library Fees	57,096	41,460	(27.39%)	33,000	19,000	(54.17%)	33,000	-
131	4508	Library Fines	55,150	56,001	1.54%	56,500	43,600	(22.14%)	56,500	-
131	4551	Donations	907	6,559	623.15%	12,000	25,747	292.54%	2,000	(83.33%)
131	4611	State Grant Revenue	69,324	92,775	33.83%			(100.00%)		-

MV00056005

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
131	4656		Interlibrary Book Loans		17,868	100.00%	32,000	35,200	97.00%	27,000	(15.63%)
131	4701		Transfers	156,307	405,048	159.14%	424,915	425,000	4.93%	424,900	(0.00%)
	LIBRARY SERVICES FUND Total			**2,239,470**	**2,388,862**	6.67%	**2,167,915**	**1,948,547**	(18.43%)	**1,744,600**	(19.53%)
132	4542		PEG Grant	308,869	359,991	16.55%	250,000	250,000	(30.55%)	250,000	-
132	4701		Transfers	447,711	381,429	(14.80%)	300,000	300,000	(21.35%)	300,000	-
	PUB/EDUC/GOVT ACCESS PR Total			**756,580**	**741,420**	(2.00%)	**550,000**	**550,000**	(25.82%)	**550,000**	-
134	4612		County Grant Revenue	67,469	83,123	23.20%	100,000	64,058	(22.94%)	64,000	(36.00%)
134	4701		Transfers		111,090	100.00%			(100.00%)		-
	EMPG-EMERGNCY MGMT PREP Total			**67,469**	**194,213**	187.86%	**100,000**	**64,058**	(67.02%)	**64,000**	(36.00%)
136	4611		State Grant Revenue	116,074	102,853	(11.39%)	566,440	473,863	360.72%	107,000	(81.11%)
	OTS - POLICE FUND Total			**116,074**	**102,853**	(11.39%)	**566,440**	**473,863**	360.72%	**107,000**	(81.11%)
137	4556	10	Interest Income - Investments	24,288	22,113	(8.96%)	10,492	7,000	(68.34%)	7,000	(33.28%)
137	4558		Unrealized Gains/Losses	2,957	(6,995)	(336.56%)			(100.00%)		-
137	4573		Air Quality Incentives	215,542	155,925	(27.66%)	200,000	200,000	28.27%	200,000	-
137	4574		Other Misc. Revenue		343	100.00%			(100.00%)		-
	AIR QUALITY MGT FUND Total			**242,787**	**171,386**	(29.41%)	**210,492**	**207,000**	20.78%	**207,000**	(1.66%)
146	4610		Federal Grant Revenue	1,048		(100.00%)			-		-
	CDBG FY 03/04 FUND Total			**1,048**	-	(100.00%)	-	-	-	-	-
147	4574		Other Misc. Revenue	(330)		(100.00%)			-		-
147	4610		Federal Grant Revenue	2,271		(100.00%)			-		-
147	4701		Transfers	4,390		(100.00%)			-		-
	CDBG FY 04/05 FUND Total			**6,331**	-	(100.00%)	-	-	-	-	-
149	4280		Other Fees	31,506	13,418	(57.41%)	10,000	9,480	(29.35%)	9,500	(5.00%)
149	4550		Administrative Charges	831,356	875,148	5.27%	933,470	847,350	(3.18%)	761,000	(18.48%)
149	4556	10	Interest Income - Investments	65,158	36,926	(43.33%)	42,308	19,709	(46.63%)	13,000	(69.27%)
149	4558		Unrealized Gains/Losses	10,565	(6,087)	(157.61%)			(100.00%)		-
149	4570		Claims, Judgemnts, Settlmnt		47,814	100.00%			(100.00%)		-
149	4701		Transfers	5,000		(100.00%)			-		-
	SPCL DIST ADMIN FUND Total			**943,585**	**967,219**	2.50%	**985,778**	**876,539**	(9.38%)	**783,500**	(20.52%)
151	4612		County Grant Revenue	365,313	393,587	7.74%	414,913	420,000	6.71%	421,400	1.56%
151	4701		Transfers	254,253	607,485	138.93%	181,978	177,000	(70.86%)	182,000	0.01%
	STORM WATER MAINTENANCE Total			**619,566**	**1,001,072**	61.58%	**596,891**	**597,000**	(40.36%)	**603,400**	1.09%
152	4128		Special Tax Proceeds	(17,500)		(100.00%)			-		-
152	4241	16	Engineering Plan Check Fees	68,854	51,198	(25.64%)	112,478	91,600	78.91%	51,245	(54.44%)
152	4241	18	Plan Chk Fees - WQP/Bioswale	65,261	29,492	(54.81%)	28,734	13,200	(55.24%)	11,850	(58.76%)
152	4248	10	Insp Fees - Construction Site	152,063	33,573	(77.92%)	118,592	48,100	43.27%	50,652	(57.29%)
152	4248	11	Insp Fees - WQP/Bioswales	33,713		(100.00%)	23,706	12,000	100.00%	24,000	1.24%
152	4248	12	Insp Fees - Business		5,627	100.00%	60,324	60,000	966.29%	90,000	49.19%
152	4269	11	Parcel Fees - Teeter/Del	70,239	42,997	(38.78%)			(100.00%)		-
152	4280		Other Fees	3,827		(100.00%)			-		-

MV00056006

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
152	4549		Utility Rates	281,956	346,449	22.87%	368,904	369,000	6.51%	394,300	6.88%
152	4550		Administrative Charges	2,500	13,000	420.00%	2,500	2,500	(80.77%)	2,500	-
152	4612		County Grant Revenue	109,119	117,565	7.74%	123,935	165,300	40.60%	165,300	33.38%
152	4701		Transfers	445,320	137,175	(69.20%)	112,559	112,600	(17.92%)	139,095	23.58%
	STORM WATER MANAGEMENT Total			**1,215,352**	**777,076**	(36.06%)	**951,732**	**874,300**	12.51%	**928,942**	(2.39%)
153	4569		Waste Managmt. Recycling	46,394	47,342	2.04%	47,349	47,349	0.01%		(100.00%)
	BEVERAGE CONTAINER RECY Total			**46,394**	**47,342**	2.04%	**47,349**	**47,349**	0.01%	-	(100.00%)
157	4556	10	Interest Income - Investments	198		(100.00%)			-		-
157	4569		Waste Managmt. Recycling	(439)		(100.00%)			-		-
157	4701		Transfers	239		(100.00%)			-		-
	UBG10 USED OIL RECYCLG Total			**(2)**	-	(100.00%)	-	-	-	-	-
160	4284		Grant Program Fees	31,095	26,542	(14.64%)	26,000	23,000	(13.34%)	25,000	(3.85%)
160	4610		Federal Grant Revenue	5,422	4,734	(12.69%)	4,900	1,400	(70.43%)	2,000	(59.18%)
160	4611		State Grant Revenue	698,432	633,034	(9.36%)	870,000	700,000	10.58%	755,300	(13.18%)
160	4616		FOOD PROGRAM REVENUE	28,708	36,436	26.92%	40,000	40,000	9.78%	40,000	-
160	4701		Transfers		31,041	100.00%			(100.00%)		-
	CHILD CARE GRANT FUND Total			**763,657**	**731,787**	(4.17%)	**940,900**	**764,400**	4.46%	**822,300**	(12.60%)
161	4110	11	Property Tax - Secured	2,029,798	1,898,568	(6.47%)	2,007,900	1,597,477	(15.86%)	1,373,830	(31.58%)
161	4110	12	Property Tax - Unsecured	86,028	98,119	14.05%	104,760	98,144	0.03%	84,404	(19.43%)
161	4110	13	Property Tax - Prior Years	9,553	9,605	0.54%	4,365	4,365	(54.55%)	3,754	(14.00%)
161	4110	14	Property Tax - Homeowner Exem	29,164	28,212	(3.26%)	26,190	25,117	(10.97%)	21,601	(17.52%)
161	4110	16	Property Tax - Teeter/Del Tax	261,141	204,323	(21.76%)	66,348	120,000	(41.27%)	103,200	55.54%
161	4110	18	ERAF	323		(100.00%)			-		-
161	4234		Graffiti Abatement Fees	2,900	3,090	6.55%	4,227	3,600	16.50%	4,000	(5.37%)
161	4241	16	Engineering Plan Check Fees	56,216	13,905	(75.27%)		6,600	(52.54%)	33,600	100.00%
161	4256		Engineering Inspection Fees	19,500	98,586	405.57%	30,000	11,700	(88.13%)	6,000	(80.00%)
161	4269	10	Parcel Fees	4,343,135	4,599,306	5.90%	4,983,038	4,600,000	0.02%	4,335,300	(13.00%)
161	4269	11	Parcel Fees - Teeter/Del	433,073	346,894	(19.90%)	129,758	346,900	0.00%	346,900	167.34%
161	4276	1	Rec Fees-After School Fun Clu	60		(100.00%)			-		-
161	4276	3	Rec Fees-Golf Green Fees	53,260	66,701	25.24%	62,000	60,000	(10.05%)	62,000	-
161	4276	5	Rec Fees-Lights	70,191	116,999	66.69%	100,000	170,000	45.30%	170,000	70.00%
161	4276	6	Rec Fees-Middle School Sports	71,490	8,530	(88.07%)		(50)	(100.59%)		-
161	4276	7	Rec Fees-Mini Camp	98,190	88,928	(9.43%)	99,450	65,000	(26.91%)	80,000	(19.56%)
161	4276	8	Rec Fees-Mobile Stage	675		(100.00%)			-		-
161	4276	9	Rec Fees-Park Reservations	29,066	29,962	3.08%	30,000	29,000	(3.21%)	30,000	-
161	4276	10	Rec Fees-Recreation Center	100	24	(76.00%)			(100.00%)		-
161	4276	11	Rec Fees-Sunshine Social	5,225	10,460	100.19%	9,600	6,000	(42.64%)	7,000	(27.08%)
161	4276	12	Rec Fees-Teen Programs	281	356	26.69%			(100.00%)		-
161	4276	13	Rec Fees-Time for Tots	119,249	116,793	(2.06%)	151,800	110,000	(5.82%)	110,000	(27.54%)
161	4276	14	Rec Fees-Miscellaneous		1,145	100.00%		2,800	144.54%	3,200	100.00%
161	4276	15	Rec Fees-Babysitting	3,563	924	(74.07%)			(100.00%)		-

MV00056007

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
161	4276	16	Rec Fees-Gym Fees	55,279	32,089	(41.95%)	35,000	25,000	(22.09%)	30,000	(14.29%)
161	4276	17	Rec Fees- Security Guards		4,794	100.00%			(100.00%)		-
161	4280		Other Fees	3,365	6,145	82.62%	3,000	3,000	(51.18%)	3,000	-
161	4283	1	Senior Center Fees-Sr Program	4,681	4,809	2.73%	4,700	5,200	8.13%	5,000	6.38%
161	4283	2	Senior Center Fees-Trips/Tour	577	491	(14.90%)	1,000	500	1.83%	300	(70.00%)
161	4285	1	Ballfields-Long Term Use	51,210	56,608	10.54%	60,000	80,000	41.32%	80,000	33.33%
161	4286		Equestrian Center		385	100.00%			(100.00%)		-
161	4287		Senior Center Rentals	37,952	35,089	(7.54%)	37,000	34,000	(3.10%)	37,000	-
161	4288	2	Adult Sports-Softball	42,810	42,460	(0.82%)	34,700	45,000	5.98%	45,000	29.68%
161	4288	3	Adult Sports-Tournaments		1,500	100.00%		12,000	700.00%	12,000	100.00%
161	4288	5	Adult Sports-Volley ball	2,711	3,828	41.20%	5,000	3,000	(21.63%)	3,000	(40.00%)
161	4288	6	Adult Sports- Soccer		1,900	100.00%		12,000	531.58%	12,000	100.00%
161	4289	1	Youth Sports-Pee Wee Basketba	1,985	3,371	69.82%	9,490	4,000	18.66%	4,000	(57.85%)
161	4289	2	Youth Sports-Spudball	4,344	4,380	0.83%	4,500	5,700	30.14%	5,000	11.11%
161	4289	3	Youth Sports-Youth Basketball	3,811	26,587	597.64%	21,920	45,000	69.26%	45,000	105.29%
161	4289	4	Youth Sports-Yth Flag Footbal	6,303	5,040	(20.04%)	4,956	2,700	(46.43%)	2,500	(49.56%)
161	4289	5	Youth Sports-Pee Wee Flag Ftb			-	3,000	6,500	100.00%	6,500	116.67%
161	4289	6	Youth Sports- Pee Wee Soccer		5,805	100.00%	5,500	6,000	3.36%	6,000	9.09%
161	4289	7	Youth Sports- Junior Soccer		1,649	100.00%	1,500	1,600	(2.97%)	1,600	6.67%
161	4289	8	Youth Sports- Youth Volleybal			-	5,525		-		(100.00%)
161	4289	9	Youth Sports- Youth Soccer			-	8,125	6,000	100.00%	7,000	(13.85%)
161	4290	1	Contract Programs-Adults	20,643	19,666	(4.73%)	18,000	25,000	27.12%	21,000	16.67%
161	4290	2	Contract Programs-Youth	55,634	75,608	35.90%	63,000	100,000	32.26%	90,000	42.86%
161	4290	4	Cntrct Prog-Youth Sports	490		(100.00%)			-		-
161	4291	1	Spl Seasonal Events-4th of Ju	9,087	10,640	17.09%	9,000	7,900	(25.75%)	9,000	-
161	4291	2	Spl Seasonal Events-Christmas	1,677	1,262	(24.75%)	1,320	1,200	(4.91%)	1,200	(9.09%)
161	4291	3	Spl Seasonal Events-Easter	1,967	3,402	72.95%	2,000	2,500	(26.51%)	2,500	25.00%
161	4291	4	Spl Seasonal Events-Youth Fes		1,150	100.00%	1,000	700	(39.13%)	1,000	-
161	4294	1	Skate Park Fees	17,635	39,378	123.29%	22,000	22,000	(44.13%)	22,000	-
161	4294	2	Skate Park Equipt Rental	3,254	6,102	87.52%	5,000	5,000	(18.06%)	5,000	-
161	4294	5	Skate Park - Snacks		467	100.00%	10,000	15,500	3,219.06%	15,000	50.00%
161	4296		Registration Fees		9,547	100.00%	10,000	13,500	41.41%	14,000	40.00%
161	4523	1	Golf Sales: Cart/Club Rental	2,230	1,292	(42.06%)	1,300	800	(38.08%)	800	(38.46%)
161	4523	2	Golf Sales: Misc. Equip/Supp	1,693	1,007	(40.52%)	930	200	(80.14%)	200	(78.49%)
161	4523	3	Golf Sales: Soda/Beer/Food	657	491	(25.27%)	1,000	100	(79.63%)	100	(90.00%)
161	4543		Pepsi Revenue		15,950	100.00%	15,950	9,900	(37.93%)	15,000	(5.96%)
161	4548	1	Towngate Center Rentals	68,881	57,013	(17.23%)	60,000	51,000	(10.55%)	50,000	(16.67%)
161	4548	2	CRC Banquet Rm. Rentals	249,736	216,543	(13.29%)	180,000	180,000	(16.88%)	180,000	-
161	4548	3	Mobile Home Rentals	4,800	6,000	25.00%	4,800	4,800	(20.00%)	4,800	-
161	4548	5	Headstart Rent	600		(100.00%)			-		-
161	4551		Donations	9,475	16,799	77.30%	10,000	5,000	(70.24%)	10,000	-
161	4556	10	Interest Income - Investments	(22,679)	25,054	(210.47%)		14,000	(44.12%)		-
161	4558		Unrealized Gains/Losses	1,463	(6,942)	(574.50%)			(100.00%)		-

MV00056008

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object		Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
161	4563		Lease Payments - Sub-Agents	42,859	45,905	7.11%	45,714	46,000	0.21%	48,000	5.00%
161	4567		Fixed Asset Trade-in Allow.	2,575		(100.00%)			-		-
161	4568		Fixed Asset Sales/Gains		175,000	100.00%			(100.00%)		-
161	4570		Claims, Judgemnts, Settlmnt	3,641	112	(96.92%)		1,600	1,328.57%		-
161	4574		Other Misc. Revenue	2,859	131	(95.42%)	500	200	52.67%	500	-
161	4582		Cell Tower Rental Income	67,551	98,399	45.67%	137,720	134,000	36.18%	138,000	0.20%
161	4586		Metrolink Ticket Sales	90		(100.00%)			-		-
161	4591	2	Donations - Sponsorship			-		2,000	100.00%		-
161	4614		Other Grant Revenue	3,000		(100.00%)			-		-
161	4701		Transfers	333,710	126,800	(62.00%)	377,459	377,459	197.68%	289,800	(23.22%)
ZONE "A" PARKS FUND Total				**8,820,737**	**8,925,136**	1.18%	**9,031,045**	**8,574,212**	(3.93%)	**7,997,589**	(11.44%)
162	4556	10	Interest Income - Investments	148,477	25,655	(82.72%)	52,000	25,000	(2.55%)	25,000	(51.92%)
162	4558		Unrealized Gains/Losses	8,672	1,247	(85.62%)			(100.00%)		-
162	4574		Other Misc. Revenue	375	24,850	6,526.67%	8,000	3,000	(87.93%)	3,000	(62.50%)
162	4587	3	CDBG Reimb- ASES Transportatn	6,680		(100.00%)			-		-
162	4598	1	Contributions - FY06/07	54,849	1,452,998	2,549.09%			(100.00%)		-
162	4598	2	Contributions - FY07/08	91,700	1,916,977	1,990.49%			(100.00%)		-
162	4598	3	Contributions - FY08/09		447,210	100.00%	1,383,000	1,822,212	307.46%	1,364,400	(1.34%)
162	4611		State Grant Revenue	8,606,150	4,802,074	(44.20%)	4,149,000	4,093,200	(14.76%)	4,093,200	(1.34%)
162	4616		FOOD PROGRAM REVENUE	251,675	349,119	38.72%	394,902	406,000	16.29%	406,000	2.81%
STARS PROGRAM GRANT FUN Total				**9,168,578**	**9,020,130**	(1.62%)	**5,986,902**	**6,349,412**	(29.61%)	**5,891,600**	(1.59%)
171	4110	11	Property Tax - Secured	103,540	97,116	(6.20%)	106,845	106,845	10.02%	106,900	0.05%
171	4110	12	Property Tax - Unsecured	4,515	4,990	10.52%	8,000	8,000	60.32%	8,000	-
171	4110	13	Property Tax - Prior Years	501	546	8.98%			(100.00%)		-
171	4110	14	Property Tax - Homeowner Exem	1,483	1,441	(2.83%)	1,200	1,200	(16.72%)	1,200	-
171	4110	16	Property Tax - Teeter/Del Tax	12,664	10,423	(17.70%)			(100.00%)		-
171	4253		Advanced Energy Fees	14,610	1,840	(87.41%)	3,500	665	(63.86%)	700	(80.00%)
171	4269	10	Parcel Fees	807,443	861,683	6.72%	854,756	854,801	(0.80%)	854,900	0.02%
171	4269	11	Parcel Fees - Teeter/Del	98,210	68,103	(30.66%)	75,000	75,000	10.13%	75,000	-
171	4280		Other Fees	767	790	3.00%	750		(100.00%)		(100.00%)
171	4556	10	Interest Income - Investments	33,594	15,214	(54.71%)	7,396	5,815	(61.78%)		(100.00%)
171	4558		Unrealized Gains/Losses	6,449	(4,185)	(164.89%)			(100.00%)		-
ZONE "B" ST LGHT FUND Total				**1,083,776**	**1,057,961**	(2.38%)	**1,057,447**	**1,052,326**	(0.53%)	**1,046,700**	(1.02%)
172	4110	11	Property Tax - Secured	125,114	120,973	(3.31%)	135,600	135,600	12.09%	134,300	(0.96%)
172	4110	12	Property Tax - Unsecured	5,635	6,082	7.93%	5,000	5,000	(17.79%)	4,000	(20.00%)
172	4110	13	Property Tax - Prior Years	626	1,796	186.90%			(100.00%)		-
172	4110	14	Property Tax - Homeowner Exem	1,808	1,815	0.39%	1,500	1,500	(17.36%)	1,000	(33.33%)
172	4110	16	Property Tax - Teeter/Del Tax	16,169	13,129	(18.80%)			(100.00%)		-
172	4110	18	ERAF	21		(100.00%)			-		-
172	4253		Advanced Energy Fees	6,303	4,511	(28.43%)	2,300	5,205	15.38%	5,600	143.48%
172	4269	10	Parcel Fees	368,316	396,311	7.60%	393,544	391,560	(1.20%)	391,600	(0.49%)
172	4269	11	Parcel Fees - Teeter/Del	48,001	33,470	(30.27%)	35,000	34,500	3.08%	34,500	(1.43%)

MV00056009

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
172	4556 10	Interest Income - Investments	27,454	19,214	(30.01%)	12,033	11,557	(39.85%)	9,000	(25.21%)
172	4558	Unrealized Gains/Losses	4,250	(680)	(116.00%)			(100.00%)		-
ZONE "C" ART LGHT FUND Total			**603,697**	**596,621**	(1.17%)	**584,977**	**584,922**	(1.96%)	**580,000**	(0.85%)
176	4556 13	Interest Inc. - RDA Loan			-		100	100.00%		-
176	4556 16	Interest Income - HILP	1,770		(100.00%)			-		-
176	4556 20	Interest Inc. - Rental Rehab	19,634		(100.00%)			-		-
176	4562 1	Princ. Repayment- HILP	18,268		(100.00%)			-		-
176	4562 5	Princ. Repayment- Rental Reha	1,881	10,346	450.03%		4,703	(54.54%)		-
176	4599	Revenue Close to Bal Sheet		(37,079)	100.00%			(100.00%)		-
176	4610	Federal Grant Revenue	981,507	236,000	(75.96%)	379,961	381,400	61.61%	390,000	2.64%
HOME (FEDERAL) FUND Total			**1,023,060**	**209,267**	(79.54%)	**379,961**	**386,203**	84.55%	**390,000**	2.64%
181	4235	Landscape Inspection Fees	38,322		(100.00%)			-	35,000	100.00%
181	4241 14	Landscape Plan Check Fees			-	10,000	8,000	100.00%	15,000	50.00%
181	4269 10	Parcel Fees	970,047	1,064,658	9.75%	1,031,944	999,445	(6.13%)	999,500	(3.14%)
181	4269 11	Parcel Fees - Teeter/Del	125,985	83,441	(33.77%)	92,000	92,000	10.26%	92,000	-
181	4280	Other Fees	46		(100.00%)		125	100.00%		-
181	4556 10	Interest Income - Investments	9,026	3,437	(61.92%)	6,655	2,056	(40.18%)	1,300	(80.47%)
181	4558	Unrealized Gains/Losses	1,807	(25,075)	(1,487.66%)			(100.00%)		-
181	4570	Claims, Judgemnts, Settlmnt	1,713		(100.00%)			-		-
181	4574	Other Misc. Revenue		480	100.00%			(100.00%)		-
ZONE "D" STD LDSC FUND Total			**1,146,946**	**1,126,941**	(1.74%)	**1,140,599**	**1,101,626**	(2.25%)	**1,142,800**	0.19%
182	4235	Landscape Inspection Fees	11,438		(100.00%)			-		-
182	4241 14	Landscape Plan Check Fees	13,743	1,660	(87.92%)	8,000		(100.00%)		(100.00%)
182	4269 10	Parcel Fees	2,013,741	2,219,469	10.22%	2,211,365	2,211,041	(0.38%)	2,211,100	(0.01%)
182	4269 11	Parcel Fees - Teeter/Del	327,363	170,322	(47.97%)	192,000	192,000	12.73%	192,000	-
182	4280	Other Fees	1,017	206	(79.74%)	100	238	15.53%	100	-
182	4555	Reimbursement Agreement	2,369	2,425	2.36%	2,400	2,768	14.14%	2,800	16.67%
182	4556 10	Interest Income - Investments	159,075	112,878	(29.04%)	93,318	70,766	(37.31%)	69,600	(25.42%)
182	4558	Unrealized Gains/Losses	24,862	(4,083)	(116.42%)			(100.00%)		-
182	4570	Claims, Judgemnts, Settlmnt	1,642		(100.00%)			-		-
182	4574	Other Misc. Revenue	209	1,279	511.96%			(100.00%)		-
ZONE "E" EXT LDSC FUND Total			**2,555,459**	**2,504,156**	(2.01%)	**2,507,183**	**2,476,813**	(1.09%)	**2,475,600**	(1.26%)
183	4235	Landscape Inspection Fees	45,490	11,853	(73.94%)	34,500	12,000	1.24%	48,000	39.13%
183	4241 14	Landscape Plan Check Fees	778	27,620	3,450.13%	20,000	12,000	(56.55%)	30,000	50.00%
183	4269 10	Parcel Fees	61,914	87,976	42.09%	101,054	118,181	34.33%	118,200	16.97%
183	4269 11	Parcel Fees - Teeter/Del	2,250	5,751	155.60%	8,000	8,000	39.11%	8,000	-
183	4280	Other Fees	1,490		(100.00%)			-		-
183	4556 10	Interest Income - Investments			-	4,013	2,000	100.00%	1,500	(62.62%)
183	4570	Claims, Judgemnts, Settlmnt	2,337		(100.00%)			-		-
183	4701	Transfers	103,400	103,400	-	103,400	103,400	-	103,400	-
ZONE "M" MEDIAN FUND Total			**217,659**	**236,600**	8.70%	**270,967**	**255,581**	8.02%	**309,100**	14.07%

MV00056010

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
184	4128	Special Tax Proceeds	839,028	1,017,266	21.24%	959,760	865,700	(14.90%)	967,800	0.84%
184	4556 10	Interest Income - Investments	14,117	16,172	14.56%	13,000	13,000	(19.61%)	13,000	-
184	4558	Unrealized Gains/Losses	1,930	(339)	(117.56%)			(100.00%)		-
184	4701	Transfers	52,375	20,500	(60.86%)	25,000	25,000	21.95%	25,305	1.22%
CFD#1 Total			**907,450**	**1,053,599**	16.11%	**997,760**	**903,700**	(14.23%)	**1,006,105**	0.84%
185	4269 10	Parcel Fees	50,805	24,700	(51.38%)	47,342	25,942	5.03%	47,400	0.12%
185	4269 11	Parcel Fees - Teeter/Del	1,539	1,471	(4.42%)	5,000	2,000	35.96%	5,000	-
185	4280	Other Fees		100	100.00%			(100.00%)		-
185	4556 10	Interest Income - Investments		1,672	100.00%	1,644	500	(70.10%)		(100.00%)
ZONE "S" Total			**52,344**	**27,943**	(46.62%)	**53,986**	**28,442**	1.79%	**52,400**	(2.94%)
186	4269 10	Parcel Fees	52,500	35,000	(33.33%)	32,000	32,000	(8.57%)	32,000	-
186	4269 11	Parcel Fees - Teeter/Del			-	3,000	3,000	100.00%	3,000	-
186	4556 10	Interest Income - Investments		1,210	100.00%			(100.00%)		-
CFD #4M Total			**52,500**	**36,210**	(31.03%)	**35,000**	**35,000**	(3.34%)	**35,000**	-
193	4556 10	Interest Income - Investments	7,096	1,709	(75.92%)	500	550	(67.82%)		(100.00%)
193	4558	Unrealized Gains/Losses	772	(346)	(144.82%)			(100.00%)		-
193	4585	EPA Grant - Box Springs Water	56,044	124,540	122.22%	19,078	60,016	(51.81%)		(100.00%)
EPA GRANT - BOX SPRINGS Total			**63,912**	**125,903**	96.99%	**19,578**	**60,566**	(51.89%)	-	(100.00%)
194	4556 10	Interest Income - Investments	3,320	2,179	(34.37%)		631	(71.04%)		-
194	4558	Unrealized Gains/Losses	515	(172)	(133.40%)			(100.00%)		-
194	4610	Federal Grant Revenue		47,405	100.00%	23,595	23,595	(50.23%)		(100.00%)
JAG GRANT - CODE FUND Total			**3,835**	**49,412**	1,188.45%	**23,595**	**24,226**	(50.97%)	-	(100.00%)
195	4610	Federal Grant Revenue			-	1,200,741	1,200,741	100.00%		(100.00%)
WORKFORCE HOUSING PROGR Total			-	-	-	**1,200,741**	**1,200,741**	100.00%	-	(100.00%)
196	4556 10	Interest Income - Investments			-	2,500		-		(100.00%)
196	4610	Federal Grant Revenue			-	118,886	118,886	100.00%		(100.00%)
ETA JOB TRAINING GRANT Total			-	-	-	**121,386**	**118,886**	100.00%	-	(100.00%)
197	4610	Federal Grant Revenue			-	11,390,116	11,390,116	100.00%		(100.00%)
NEIGHBORHOOD STABILIZAT Total			-	-	-	**11,390,116**	**11,390,116**	100.00%	-	(100.00%)
198	4610	Federal Grant Revenue			-	732,872	549,654	100.00%	183,218	(75.00%)
HOMELESSNESS PREVENTION Total			-	-	-	**732,872**	**549,654**	100.00%	**183,218**	(75.00%)
199	4610	Federal Grant Revenue			-	479,292	342,100	100.00%	137,192	(71.38%)
CDBG RECOVERY ACT OF 20 Total			-	-	-	**479,292**	**342,100**	100.00%	**137,192**	(71.38%)
201	4250 10	Dev Impact Fee: Res-Single	188,839	1,586	(99.16%)	72,496	33,800	2,031.15%	18,500	(74.48%)
201	4250 11	Dev Impact Fee: Res-Multiple	126,840	111,366	(12.20%)	202,944	96,600	(13.26%)	52,700	(74.03%)
201	4250 12	Dev Impact Fee: Comm-Nhbd/Com	131,228	141,178	7.58%	118,298	(77,718)	(155.05%)		(100.00%)
201	4250 13	Dev Impact Fee: Comm-Regional	19,675		(100.00%)			-		-
201	4250 15	Dev Impact Fee: Indust-Genera			-	640,500		-		(100.00%)
201	4250 16	Dev Impact Fee: Office	82,505	8,412	(89.80%)			(100.00%)		-

MV00056011

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
201	4556 10	Interest Income - Investments	284,227	134,764	(52.59%)	49,162	61,300	(54.51%)	33,500	(31.86%)
201	4558	Unrealized Gains/Losses	67,432	(70)	(100.10%)			(100.00%)		-
201	4570	Claims, Judgemnts, Settlmnt		1,507	100.00%			(100.00%)		-
201	4701	Transfers	7,214,399		(100.00%)			-		-
	ARTERIAL STS DEV IMPACT Total		**8,115,145**	**398,743**	(95.09%)	**1,083,400**	**113,982**	(71.41%)	**104,700**	(90.34%)
202	4250 10	Dev Impact Fee: Res-Single	26,374	199	(99.25%)	9,072	6,100	2,965.33%	3,400	(62.52%)
202	4250 11	Dev Impact Fee: Res-Multiple	794	13,101	1,550.00%	25,408	26,100	99.22%	14,300	(43.72%)
202	4250 12	Dev Impact Fee: Comm-Nhbd/Com	28,665	20,561	(28.27%)	17,895	(11,757)	(157.18%)		(100.00%)
202	4250 13	Dev Impact Fee: Comm-Regional	3,907		(100.00%)			-		-
202	4250 15	Dev Impact Fee: Indust-Genera	149,248		(100.00%)	97,000		-		(100.00%)
202	4250 16	Dev Impact Fee: Office	12,455	1,270	(89.80%)	4,392		(100.00%)		(100.00%)
202	4556 10	Interest Income - Investments	44,786	32,087	(28.35%)	16,962	15,100	(52.94%)	9,000	(46.94%)
202	4558	Unrealized Gains/Losses	13,300	(34,342)	(358.21%)			(100.00%)		-
202	4701	Transfers	513,902		(100.00%)			-		-
	TRAFFIC SIGS DEV IMPACT Total		**793,431**	**32,876**	(95.86%)	**170,729**	**35,543**	8.11%	**26,700**	(84.36%)
203	4250 10	Dev Impact Fee: Res-Single	26,952	27,431	1.78%	10,400	40,500	47.64%	22,000	111.54%
203	4250 11	Dev Impact Fee: Res-Multiple	10,440	9,166	(12.20%)	16,704	10,100	10.19%	5,500	(67.07%)
203	4250 12	Dev Impact Fee: Comm-Nhbd/Com	3,382	8,809	160.47%	2,111	(1,387)	(115.75%)		(100.00%)
203	4250 13	Dev Impact Fee: Comm-Regional	7,028	3,511	(50.04%)			(100.00%)		-
203	4250 15	Dev Impact Fee: Indust-Genera	44,621		(100.00%)	29,000		-		(100.00%)
203	4250 16	Dev Impact Fee: Office	2,878	293	(89.82%)	660		(100.00%)		(100.00%)
203	4556 10	Interest Income - Investments	51,883	32,087	(38.16%)	20,077	24,900	(22.40%)	13,600	(32.26%)
203	4558	Unrealized Gains/Losses	8,112	(8,549)	(205.39%)			(100.00%)		-
	FIRE FACIL DEV IMPACT F Total		**155,296**	**72,748**	(53.16%)	**78,952**	**74,113**	1.88%	**41,100**	(47.94%)
204	4250 10	Dev Impact Fee: Res-Single	19,347	19,672	1.68%	7,424	29,000	47.42%	15,800	112.82%
204	4250 11	Dev Impact Fee: Res-Multiple	14,720	12,924	(12.20%)	23,552	11,000	(14.89%)	6,000	(74.52%)
204	4250 12	Dev Impact Fee: Comm-Nhbd/Com	9,809	25,546	160.43%	6,123	(4,023)	(115.75%)		(100.00%)
204	4250 13	Dev Impact Fee: Comm-Regional	12,495	6,241	(50.05%)			(100.00%)		-
204	4250 15	Dev Impact Fee: Indust-Genera	32,311		(100.00%)	21,000		-		(100.00%)
204	4250 16	Dev Impact Fee: Office	4,896	499	(89.81%)	885		(100.00%)		(100.00%)
204	4556 10	Interest Income - Investments	22,769		(100.00%)			-		-
204	4558	Unrealized Gains/Losses	(392)	(7,889)	1,912.50%			(100.00%)		-
	POLICE FACIL DEV IMPACT Total		**115,955**	**56,993**	(50.85%)	**58,984**	**35,977**	(36.87%)	**21,800**	(63.04%)
205	4250 10	Dev Impact Fee: Res-Single	96,052	1,362	(98.58%)	45,000	4,900	259.77%	2,700	(94.00%)
205	4250 11	Dev Impact Fee: Res-Multiple	108,920	38,122	(65.00%)	40,500	115,800	203.76%	63,000	55.56%
205	4556 10	Interest Income - Investments	120,835	51,339	(57.51%)	56,700	45,800	(10.79%)	25,000	(55.91%)
205	4558	Unrealized Gains/Losses	38,208	115	(99.70%)			(100.00%)		-
	PARKLD FACIL DEV IMPACT Total		**364,015**	**90,938**	(75.02%)	**142,200**	**166,500**	83.09%	**90,700**	(36.22%)
206	4250 10	Dev Impact Fee: Res-Single	58,534	817	(98.60%)	34,650	3,000	267.20%	1,600	(95.38%)
206	4250 11	Dev Impact Fee: Res-Multiple	3,268		(100.00%)		47,300	100.00%	28,400	100.00%
206	4556 10	Interest Income - Investments	79,481	54,547	(31.37%)	55,350	41,400	(24.10%)	22,600	(59.17%)

MV00056012

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
206	4558	Unrealized Gains/Losses	24,400	(13,962)	(157.22%)			(100.00%)		-
	QUIMBY IN-LIEU PARK FEE Total		**165,683**	**41,402**	(75.01%)	**90,000**	**91,700**	121.49%	**52,600**	(41.56%)
207	4250 10	Dev Impact Fee: Res-Single	8,878	8,191	(7.74%)	5,310	12,700	55.05%	7,000	31.83%
207	4250 11	Dev Impact Fee: Res-Multiple	6,760	7,943	17.50%	9,126	82,300	936.13%	44,900	392.00%
207	4556 10	Interest Income - Investments			-			-		-
207	4558	Unrealized Gains/Losses	(3,366)	(12,979)	285.59%			(100.00%)		-
	RECREATN CTR DEV IMPACT Total		**12,272**	**3,155**	(74.29%)	**14,436**	**95,000**	2,911.09%	**51,900**	259.52%
208	4250 10	Dev Impact Fee: Res-Single	33,005	34,502	4.54%	13,008	50,800	47.24%	27,700	112.95%
208	4250 11	Dev Impact Fee: Res-Multiple	28,480	25,005	(12.20%)	45,568	44,700	78.76%	24,400	(46.45%)
208	4556 10	Interest Income - Investments	177,626	115,512	(34.97%)	58,287	85,500	(25.98%)	46,600	(20.05%)
208	4558	Unrealized Gains/Losses	34,658	169	(99.51%)			(100.00%)		-
	LIBRARIES DEV IMPACT FE Total		**273,769**	**175,188**	(36.01%)	**116,863**	**181,000**	3.32%	**98,700**	(15.54%)
209	4250 10	Dev Impact Fee: Res-Single	24,808	22,324	(10.01%)	8,464	34,800	55.89%	20,800	145.75%
209	4250 11	Dev Impact Fee: Res-Multiple	8,480	9,964	17.50%	13,568	11,000	10.40%	6,000	(55.78%)
209	4250 12	Dev Impact Fee: Comm-Nhbd/Com	3,129	8,148	160.40%	1,953	(1,283)	(115.75%)	2,000	2.41%
209	4250 13	Dev Impact Fee: Comm-Regional	8,200	4,096	(50.05%)			(100.00%)		-
209	4250 15	Dev Impact Fee: Indust-Genera	40,005		(100.00%)	26,000		-		(100.00%)
209	4250 16	Dev Impact Fee: Office	2,663	272	(89.79%)			(100.00%)		-
209	4556 10	Interest Income - Investments	80,769	64,173	(20.55%)	32,395	47,100	(26.60%)	25,700	(20.67%)
209	4558	Unrealized Gains/Losses	19,351	(26,942)	(239.23%)			(100.00%)		-
	CITY HALL DEV IMPACT FE Total		**187,405**	**82,035**	(56.23%)	**82,380**	**91,617**	11.68%	**54,500**	(33.84%)
210	4250 10	Dev Impact Fee: Res-Single	13,738	12,576	(8.46%)	4,768	19,600	55.85%	10,700	124.41%
210	4250 11	Dev Impact Fee: Res-Multiple	33,225	5,593	(83.17%)	7,616	9,700	73.43%	5,300	(30.41%)
210	4250 12	Dev Impact Fee: Comm-Nhbd/Com	2,241	5,836	160.42%	1,399	(919)	(115.75%)		(100.00%)
210	4250 13	Dev Impact Fee: Comm-Regional	8,004	3,998	(50.05%)			(100.00%)		-
210	4250 16	Dev Impact Fee: Office	1,847	188	(89.82%)			(100.00%)		-
210	4556 10	Interest Income - Investments	28,589	696	(97.57%)		900	29.31%	500	100.00%
210	4558	Unrealized Gains/Losses	7,639	(14,909)	(295.17%)			(100.00%)		-
	CORPORATE YD DEV IMPACT Total		**95,283**	**13,978**	(85.33%)	**13,783**	**29,281**	109.48%	**16,500**	19.71%
211	4250 10	Dev Impact Fee: Res-Single	25,152	22,192	(11.77%)	8,384	34,500	55.46%	18,800	124.24%
211	4250 11	Dev Impact Fee: Res-Multiple	734	12,111	1,550.00%	23,488	3,200	(73.58%)	1,800	(92.34%)
211	4250 12	Dev Impact Fee: Comm-Nhbd/Com	28,919	75,317	160.44%	18,053	(11,861)	(115.75%)		(100.00%)
211	4250 15	Dev Impact Fee: Indust-Genera	150,017		(100.00%)			-		-
211	4250 16	Dev Impact Fee: Office	12,584	1,283	(89.80%)			(100.00%)		-
211	4556 10	Interest Income - Investments	58,257	48,130	(17.38%)	24,218	37,600	(21.88%)	20,500	(15.35%)
211	4558	Unrealized Gains/Losses	7,200	(125)	(101.74%)			(100.00%)		-
	INTERCHANGE IMPROVMNTS Total		**282,863**	**158,908**	(43.82%)	**74,143**	**63,439**	(60.08%)	**41,100**	(44.57%)
212	4250 10	Dev Impact Fee: Res-Single	2,400	2,110	(12.08%)	800	3,300	56.40%	1,800	125.00%
212	4250 11	Dev Impact Fee: Res-Multiple	40	660	1,550.00%		200	(69.70%)	100	100.00%
212	4250 12	Dev Impact Fee: Comm-Nhbd/Com	169	440	160.36%		(69)	(115.68%)		-
212	4250 15	Dev Impact Fee: Indust-Genera	2,308		(100.00%)	1,500		-	1,500	-

MV00056013

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
212	4250 16	Dev Impact Fee: Office	172	18	(89.53%)			(100.00%)		-
212	4556 10	Interest Income - Investments	2,098	2,014	(4.00%)	962	1,400	(30.49%)	800	(16.84%)
212	4558	Unrealized Gains/Losses	257	(11,749)	(4,671.60%)			(100.00%)		-
	MAINTENANCE EQUIPMENT D Total		**7,444**	**(6,507)**	(187.41%)	**3,262**	**4,831**	(174.24%)	**4,200**	28.76%
213	4250 10	Dev Impact Fee: Res-Single	7,296	6,451	(11.58%)		10,000	55.01%	5,500	100.00%
213	4250 11	Dev Impact Fee: Res-Multiple	266	4,389	1,550.00%		1,200	(72.66%)	600	100.00%
213	4558	Unrealized Gains/Losses	777	(526)	(167.70%)			(100.00%)		-
	ANIMAL SHELTER DEV IMPA Total		**8,339**	**10,314**	23.68%	**-**	**11,200**	8.59%	**6,100**	100.00%
225	4556 10	Interest Income - Investments		29,106	100.00%	40,000	32,000	9.94%	32,000	(20.00%)
225	4558	Unrealized Gains/Losses	12,110	(5,026)	(141.50%)			(100.00%)		-
225	4611	State Grant Revenue		1,560,599	100.00%	1,739,098	1,655,479	6.08%	1,830,944	5.28%
	TRAFF CONGESTION RELIEF Total		**12,110**	**1,584,679**	12,985.71%	**1,779,098**	**1,687,479**	6.49%	**1,862,944**	4.71%
226	4661	Prop 1B	2,902,673		(100.00%)	2,682,869		-		(100.00%)
	PROP 1B Total		**2,902,673**	**-**	(100.00%)	**2,682,869**	**-**	-	**-**	(100.00%)
227	4659	Federal Reimbursements		93,944	100.00%	186,556		(100.00%)	186,600	0.02%
227	4701	Transfers		22,500	100.00%			(100.00%)		-
	FHWA TRANSIMS Total		**-**	**116,444**	100.00%	**186,556**	**-**	(100.00%)	**186,600**	0.02%
228	4556 10	Interest Income - Investments			-	10,000		-	10,000	-
228	4610	Federal Grant Revenue			-	1,300,000		-	1,300,000	-
	ECONOMIC STIMULUS FUND Total		**-**	**-**	-	**1,310,000**	**-**	-	**1,310,000**	-
229	4610	Federal Grant Revenue			-	1,684,300		-		(100.00%)
	EECBG FUND Total		**-**	**-**	-	**1,684,300**	**-**	-	**-**	(100.00%)
230	4610	Federal Grant Revenue			-	105,989	105,989	100.00%	78,100	(26.31%)
	2009-DJ-BX-1178 JAG GRA Total		**-**	**-**	-	**105,989**	**105,989**	100.00%	**78,100**	(26.31%)
231	4555	Reimbursement Agreement			-	50,668		-		(100.00%)
	ICEP TASK FORCE FUND Total		**-**	**-**	-	**50,668**	**-**	-	**-**	(100.00%)
233	4615	Emergency Svc Agncy Fines (Co			-			-	14,000	100.00%
	EMERGENCY SVCS AGENCY F Total		**-**	**-**	-	**-**	**-**	-	**14,000**	100.00%
258	4556 10	Interest Income - Investments	4,908		(100.00%)			-		-
258	4558	Unrealized Gains/Losses	773	4	(99.48%)			(100.00%)		-
258	4610	Federal Grant Revenue	58,629		(100.00%)			-		-
	JAG - PD - 05 FUND Total		**64,310**	**4**	(99.99%)	**-**	**-**	(100.00%)	**-**	-
259	4556 10	Interest Income - Investments	928		(100.00%)			-		-
259	4610	Federal Grant Revenue	84,073		(100.00%)			-		-
	JAG - PD - 07 FUND Total		**85,001**	**-**	(100.00%)	**-**	**-**	-	**-**	-
260	4556 10	Interest Income - Investments		603	100.00%		29,879	4,855.06%		-
	JAG- PD- 08 FUND Total		**-**	**603**	100.00%	**-**	**29,879**	4,855.06%	**-**	-
261	4556 10	Interest Income - Investments			-		107,589	100.00%		-

MV00056014

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
261	4558	Unrealized Gains/Losses		(351)	100.00%			(100.00%)		-
261	4610	Federal Grant Revenue		32,706	100.00%			(100.00%)		-
	2008 COPS TECH PRGRM GR Total		-	**32,355**	100.00%	-	**107,589**	232.53%	-	-
262	4610	Federal Grant Revenue			-	435,672	435,672	100.00%	435,700	0.01%
	JAG 2009 SB-59-2366 FUN Total		-	-	-	**435,672**	**435,672**	100.00%	**435,700**	0.01%
271	4556 10	Interest Income - Investments	1		(100.00%)			-		-
271	4558	Unrealized Gains/Losses	(129)		(100.00%)			-		-
	BUFFER ZONE PROTECTION Total		**(128)**	-	(100.00%)	-	-	-	-	-
280	4558	Unrealized Gains/Losses	(126)	(3)	(97.62%)			(100.00%)		-
280	4574	Other Misc. Revenue	1,420		(100.00%)			-		-
280	4610	Federal Grant Revenue	530,765	332,527	(37.35%)	10,000		(100.00%)	10,000	-
280	4701	Transfers	17,056		(100.00%)			-		-
	CDBG FY05/06 FUND Total		**549,115**	**332,524**	(39.44%)	**10,000**	-	(100.00%)	**10,000**	-
281	4558	Unrealized Gains/Losses	(519)	1	(100.19%)			(100.00%)		-
281	4610	Federal Grant Revenue	(4,011)		(100.00%)			-		-
	CDBG FY06/07 FUND Total		**(4,530)**	**1**	(100.02%)	-	-	(100.00%)	-	-
282	4574	Other Misc. Revenue	563	622	10.48%			(100.00%)		-
282	4610	Federal Grant Revenue	908,898	388,015	(57.31%)	405,675	402,800	3.81%	14,700	(96.38%)
	CDBG FY07/08 FUND Total		**909,461**	**388,637**	(57.27%)	**405,675**	**402,800**	3.64%	**14,700**	(96.38%)
283	4574	Other Misc. Revenue		1,463	100.00%			(100.00%)		-
283	4610	Federal Grant Revenue		1,413,439	100.00%	3,013,471	607,000	(57.06%)	418,652	(86.11%)
	CDBG FY08/09 FUND Total		-	**1,414,902**	100.00%	**3,013,471**	**607,000**	(57.10%)	**418,652**	(86.11%)
284	4610	Federal Grant Revenue			-		1,745,300	100.00%		-
	CDBG FY09/10 FUND Total		-	-	-	-	**1,745,300**	100.00%	-	-
285	4610	Federal Grant Revenue			-			-	2,000,000	100.00%
	CDBG FY10/11 FUND Total		-	-	-	-	-	-	**2,000,000**	100.00%
290	4569	Waste Managmt. Recycling	21,857		(100.00%)			-		-
	UBG11 USED OIL RECYCLG Total		**21,857**	-	(100.00%)	-	-	-	-	-
291	4569	Waste Managmt. Recycling	42,006	785	(98.13%)			(100.00%)		-
	UBG12 USED OIL RECYCLG Total		**42,006**	**785**	(98.13%)	-	-	(100.00%)	-	-
292	4569	Waste Managmt. Recycling	283	44,192	15,515.55%			(100.00%)		-
	UBG13 USED OIL RECYCLG Total		**283**	**44,192**	15,515.55%	-	-	(100.00%)	-	-
293	4569	Waste Managmt. Recycling			-	41,988	18,263	100.00%	27,900	(33.55%)
	UBG14 USED OIL RECYCLG Total		-	-	-	**41,988**	**18,263**	100.00%	**27,900**	(33.55%)
294	4611	State Grant Revenue	10,399		(100.00%)			-		-
	TCA2-06-22 LOCAL GOVT W Total		**10,399**	-	(100.00%)	-	-	-	-	-
295	4611	0		47,950	100.00%	84,000	28,000	(41.61%)	56,000	(33.33%)
	TRI16-06-1 TARGETED RUB Total		-	**47,950**	100.00%	**84,000**	**28,000**	(41.61%)	**56,000**	(33.33%)

MV00056015

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
301	4556 10	Interest Income - Investments	229,516	59,700	(73.99%)	35,000	300	(99.50%)		(100.00%)
301	4701	Transfers	3,346,444	4,343,404	29.79%	2,643,517	2,643,517	(39.14%)	2,644,491	0.04%
	2005 LEASE REV BONDS-D Total		**3,575,960**	**4,403,104**	23.13%	**2,678,517**	**2,643,817**	(39.96%)	**2,644,491**	(1.27%)
303	4128	Special Tax Proceeds	441,558		(100.00%)			-		-
303	4556 10	Interest Income - Investments	12,956		(100.00%)			-		-
303	4701	Transfers		3,965,920	100.00%			(100.00%)		-
	TWNGT IMP DEBT SERV FUN Total		**454,514**	**3,965,920**	772.56%	-	-	(100.00%)	-	-
305	4556 10	Interest Income - Investments	78,950		(100.00%)			-		-
305	4701	Transfers		13,465,179	100.00%			(100.00%)		-
	TWNGT REF DEBT SERV FUN Total		**78,950**	**13,465,179**	16,955.32%	-	-	(100.00%)	-	-
313	4128	Special Tax Proceeds		108,495	100.00%	114,369	114,369	5.41%	114,400	0.03%
313	4556 10	Interest Income - Investments	59,522	4,908	(91.75%)	10,800	100	(97.96%)	100	(99.07%)
313	4577	Bond Proceeds	4,017,845		(100.00%)			-		-
313	4701	Transfers		1,243,192	100.00%	279,459	279,459	(77.52%)	279,500	0.01%
	TWNGT IMPV SPCL TAX REF Total		**4,077,367**	**1,356,595**	(66.73%)	**404,628**	**393,928**	(70.96%)	**394,000**	(2.63%)
315	4556 10	Interest Income - Investments	31,197	18,593	(40.40%)	85,595	500	(97.31%)	500	(99.42%)
315	4577	Bond Proceeds	10,899,584		(100.00%)			-		-
315	4701	Transfers	2,072,568	5,123,965	147.23%	404,131	404,131	(92.11%)	1,158,200	186.59%
	TWNGT SPCL TAX REFNDG D Total		**13,003,349**	**5,142,558**	(60.45%)	**489,726**	**404,631**	(92.13%)	**1,158,700**	136.60%
316	4110 15	Property Tax - Bond Assessmen	3,249	4,042	24.41%	2,612	2,612	(35.38%)	2,700	3.37%
	ASSMT DIST 98-1-DEBT SV Total		**3,249**	**4,042**	24.41%	**2,612**	**2,612**	(35.38%)	**2,700**	3.37%
321	4556 10	Interest Income - Investments			-			-		-
321	4701	Transfers	811,498	645,569	(20.45%)	859,540		(100.00%)	822,025	(4.36%)
	CH COP 97 DEBT SERV FUN Total		**811,498**	**645,569**	(20.45%)	**859,540**	-	(100.00%)	**822,025**	(4.36%)
325	4556 10	Interest Income - Investments	20,791	3,804	(81.70%)			(100.00%)		-
325	4701	Transfers	401,244	402,422	0.29%	404,169	404,169	0.43%	404,200	0.01%
	PUB SAFTY BOND DEBT SER Total		**422,035**	**406,226**	(3.75%)	**404,169**	**404,169**	(0.51%)	**404,200**	0.01%
328	4121 10	Sales Tax - General	1,010,858	848,814	(16.03%)	1,000,000	800,000	(5.75%)	750,000	(25.00%)
328	4128	Special Tax Proceeds	1,088,427	1,212,731	11.42%	1,217,525	1,217,525	0.40%	1,217,600	0.01%
328	4556 10	Interest Income - Investments	51,811	11,711	(77.40%)	11,000	500	(95.73%)	500	(95.45%)
328	4701	Transfers	1,118,290	103,026	(90.79%)	219,964	219,964	113.50%	220,000	0.02%
	AUTOML REFIN-CFD #3 DBT Total		**3,269,386**	**2,176,282**	(33.43%)	**2,448,489**	**2,237,989**	2.84%	**2,188,100**	(10.63%)
329	4128	Special Tax Proceeds	198,306	344,701	73.82%	362,015	362,015	5.02%	362,100	0.02%
329	4556 10	Interest Income - Investments	8,434	344	(95.92%)	20,000	100	(70.93%)	100	(99.50%)
329	4701	Transfers	150,000		(100.00%)			-		-
	CFD#5 STONERIDGE DEBT S Total		**356,740**	**345,045**	(3.28%)	**382,015**	**362,115**	4.95%	**362,200**	(5.19%)
330	4577	Bond Proceeds			-	10,600,000		-	12,300,000	16.04%
	CFD #4I - INFRA DEBT SR Total		-	-	-	**10,600,000**	-	-	**12,300,000**	16.04%
335	4556 10	Interest Income - Investments			-			-		-

MV00056016

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
	COP 93 DEBT SERV FUND Total		-	-	-	-	-	-	-	-
340	4556 25	Interest Income - Price Club	385,926	394,359	2.19%	350,000		(100.00%)	350,000	-
	OPA SALES TAX #2 FUND Total		**385,926**	**394,359**	2.19%	**350,000**	-	(100.00%)	**350,000**	-
369	4110 15	Property Tax - Bond Assessmen	407,793	240,120	(41.12%)			(100.00%)		-
369	4556 10	Interest Income - Investments	13,653	2,356	(82.74%)	1,950		(100.00%)	-	(100.00%)
	CTRPT 87-4 AGENCY FUND Total		**421,446**	**242,476**	(42.47%)	**1,950**	-	(100.00%)	-	(100.00%)
370	4590 1	Donations - MV Library	5,496		(100.00%)			-		-
370	4590 2	Donations - 2007 Mayor's Cup	129,091		(100.00%)			-		-
370	4590 3	Donations - Comedy Night	73,039		(100.00%)			-		-
370	4590 4	Donations - 2008 Mayor's Cup		84,185	100.00%			(100.00%)		-
	MV FOUNDATION - DONATIO Total		**207,626**	**84,185**	(59.45%)	-	-	(100.00%)	-	-
371	4591 1	Donations - Arts Commission		542	100.00%		1,500	176.75%	1,000	100.00%
	ARTS COMMISSION Total		-	**542**	100.00%	-	**1,500**	176.75%	**1,000**	100.00%
380	4556 10	Interest Income - Investments	1,403	1,734	23.59%	1,000		(100.00%)	1,000	-
380	4558	Unrealized Gains/Losses	386	(349)	(190.41%)			(100.00%)		-
	CELEBRATION PARK ENDOWM Total		**1,789**	**1,385**	(22.58%)	**1,000**	-	(100.00%)	**1,000**	-
381	4556 10	Interest Income - Investments	237	359	51.48%			(100.00%)		-
381	4558	Unrealized Gains/Losses	129		(100.00%)			-		-
	EQUESTRIAN TRAIL ENDOWM Total		**366**	**359**	(1.91%)	-	-	(100.00%)	-	-
412	4551	Donations	20		(100.00%)			-		-
412	4701	Transfers	1,972,040	2,511,992	27.38%			(100.00%)		-
	FACILITY CONST FUND Total		**1,972,060**	**2,511,992**	27.38%	-	-	(100.00%)	-	-
414	4540	Developer Reimbursement			-	30,000	30,000	100.00%	30,000	-
414	4555	Reimbursement Agreement	299,171	1,100	(99.63%)			(100.00%)		-
414	4556 10	Interest Income - Investments			-	900		-	900	-
	PW GENERAL CAPITAL PROJ Total		**299,171**	**1,100**	(99.63%)	**30,900**	**30,000**	2,627.27%	**30,900**	-
415	4540	Developer Reimbursement	89,300	2,470	(97.23%)			(100.00%)		-
415	4556 10	Interest Income - Investments		1,532	100.00%			(100.00%)		-
415	4574	Other Misc. Revenue	8,333	6,633	(20.40%)		(130)	(101.96%)		-
415	4660	Reimbursements - Other Govts	2,183,508	7,504,915	243.71%	8,000,000	6,698,800	(10.74%)	6,000,000	(25.00%)
	TUMF CAPITAL PROJECTS F Total		**2,281,141**	**7,515,550**	229.46%	**8,000,000**	**6,698,670**	(10.87%)	**6,000,000**	(25.00%)
416	4574	Other Misc. Revenue		1,018	100.00%	1,000	1,018	-	1,000	-
416	4701	Transfers	3,202,852	4,216,228	31.64%	1,837,894	1,837,894	(56.41%)	295,000	(83.95%)
	DIF ARTERIAL STREETS CA Total		**3,202,852**	**4,217,246**	31.67%	**1,838,894**	**1,838,912**	(56.40%)	**296,000**	(83.90%)
417	4574	Other Misc. Revenue		2,499	100.00%	1,000	2,499	-	1,000	-
417	4701	Transfers	834,492	360,618	(56.79%)	1,374,380	1,374,380	281.12%	-	(100.00%)
	DIF TRAFFIC SIGNAL CAPI Total		**834,492**	**363,117**	(56.49%)	**1,375,380**	**1,376,879**	279.18%	**1,000**	(99.93%)
418	4701	Transfers			-			-	1,740,000	100.00%

MV00056017

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
		DIF INTERCHANGE IMPRV C Total	-	-	-	-	-	-	**1,740,000**	100.00%
434	4574	Other Misc. Revenue	459		(100.00%)			-		-
		FIRE SERVICES CAP FUND Total	**459**	-	(100.00%)	-	-	-	-	-
461	4574	Other Misc. Revenue		204	100.00%			(100.00%)		-
461	4611	State Grant Revenue	1,040,430		(100.00%)			-		-
461	4659	Federal Reimbursements	763,328		(100.00%)			-		-
461	4660	Reimbursements - Other Govts		239,746	100.00%			(100.00%)		-
461	4701	Transfers	4,262,355	(74,000)	(101.74%)			(100.00%)		-
		PARKS & RECREATION CAP Total	**6,066,113**	**165,950**	(97.26%)	-	-	(100.00%)	-	-
501	4540	Developer Reimbursement	1,500		(100.00%)			-		-
501	4556 10	Interest Income - Investments	1,374,223	309,287	(77.49%)	100,000		(100.00%)	100,000	-
501	4574	Other Misc. Revenue	947	12,459	1,215.63%			(100.00%)		-
501	4701	Transfers	164,000	185,000	12.80%			(100.00%)		-
		2005 LEASE REV BONDS-C Total	**1,540,670**	**506,746**	(67.11%)	**100,000**	-	(100.00%)	**100,000**	-
502	4701	Transfers	78,760		(100.00%)			-		-
		TWNGT B CAP-ADMIN FUND Total	**78,760**	-	(100.00%)	-	-	-	-	-
506	4701	Transfers		392,244	100.00%			(100.00%)		-
		TWNGT REF CAP-ADMIN FUN Total	-	**392,244**	100.00%	-	-	(100.00%)	-	-
512	4550	Administrative Charges		58,787	100.00%			(100.00%)		-
512	4701	Transfers	181,525		(100.00%)			-		-
		CTRPT 87-4 CAP-ADMIN FU Total	**181,525**	**58,787**	(67.61%)	-	-	(100.00%)	-	-
513	4701	Transfers		3,700	100.00%	38,250	38,250	933.78%	38,250	-
		TWNGT IMPV SPCL TAX CAP Total	-	**3,700**	100.00%	**38,250**	**38,250**	933.78%	**38,250**	-
515	4701	Transfers			-	139,750	139,750	100.00%	145,650	4.22%
		2007 TWNGT SPCLTAX REF Total	-	-	-	**139,750**	**139,750**	100.00%	**145,650**	4.22%
518	4110 15	Property Tax - Bond Assessmen	8,415	9,263	10.08%	8,325	8,325	(10.13%)	8,400	0.90%
		WARNER RANCH ASDST FUND Total	**8,415**	**9,263**	10.08%	**8,325**	**8,325**	(10.13%)	**8,400**	0.90%
528	4701	Transfers	512,462	148,446	(71.03%)	148,940	148,940	0.33%	62,500	(58.04%)
		AUTOMALL CAP-ADMIN FUND Total	**512,462**	**148,446**	(71.03%)	**148,940**	**148,940**	0.33%	**62,500**	(58.04%)
529	4556 10	Interest Income - Investments	175,974	22,768	(87.06%)			(100.00%)		-
529	4701	Transfers	96,471	50,000	(48.17%)	54,000	54,000	8.00%	54,000	-
		CFD#5 STONERIDGE CAP/AD Total	**272,445**	**72,768**	(73.29%)	**54,000**	**54,000**	(25.79%)	**54,000**	-
530	4701	Transfers			-	50,000		-	10,407,900	20,715.80%
		CFD #4I - INFRA CAP/ADM Total	-	-	-	**50,000**	-	-	**10,407,900**	20,715.80%
601	4241 16	Engineering Plan Check Fees	114,338	284,067	148.44%	264,400	50,000	(82.40%)	26,500	(89.98%)
601	4253	Advanced Energy Fees	12,385		(100.00%)			-		-
601	4293	Electricity Fees	(74,415)	(110,826)	48.93%	(142,738)	(140,000)	26.32%	(146,000)	2.29%
601	4540	Developer Reimbursement	24,000		(100.00%)			-		-

MV00056018

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
601	4548 4	Rental Revenue - ENCO	45,412	46,095	1.50%	44,000	56,000	21.49%	56,000	27.27%
601	4556 10	Interest Income - Investments		74,322	100.00%			(100.00%)		-
601	4558	Unrealized Gains/Losses		(15,961)	100.00%			(100.00%)		-
601	4568	Fixed Asset Sales/Gains		43,100	100.00%			(100.00%)		-
601	4570	Claims, Judgemnts, Settlmnt	18,182		(100.00%)			-		-
601	4574	Other Misc. Revenue	193,416	265,192	37.11%	249,600	285,000	7.47%	285,000	14.18%
601	4575	Replacement Charge Revenue	1,561	3,917	150.93%	3,917	3,917	-	4,000	2.12%
601	4701	Transfers	88,183		(100.00%)			-		-
601	5115	Generation	6,137,420	7,558,249	23.15%	9,515,881	8,869,980	17.35%	9,360,000	(1.64%)
601	5120	Distribution	2,595,414	3,504,486	35.03%	4,757,941	3,801,420	8.47%	3,640,000	(23.50%)
601	5125	Transmission	298,914	464,285	55.32%			(100.00%)		-
601	5150	Special Charges	151,172	155,083	2.59%	139,800	83,000	(46.48%)	144,000	3.00%
601	5155	Public Purpose Programs	368,662	216,836	(41.18%)	713,691	485,000	123.67%	500,000	(29.94%)
ELECTRIC FUND Total			**9,974,644**	**12,488,845**	25.21%	**15,546,492**	**13,494,317**	8.05%	**13,869,500**	(10.79%)
602	4556 10	Interest Income - Investments	425,194	63,912	(84.97%)	41,410		(100.00%)		(100.00%)
602	4556 11	Interest Income - Other		8,761	100.00%			(100.00%)		-
602	4701	Transfers		922,032	100.00%			(100.00%)		-
2007 TAXABLE LEASE REV Total			**425,194**	**994,705**	133.94%	**41,410**	-	(100.00%)	-	(100.00%)
603	4701	Transfers		112,731	100.00%			(100.00%)		-
2005 LEASE REVENUE BOND Total			-	**112,731**	100.00%	-	-	(100.00%)	-	-
741	4550	Administrative Charges	1,414,014	1,289,728	(8.79%)	1,030,903	1,030,903	(20.07%)	1,031,000	0.01%
741	4570	Claims, Judgemnts, Settlmnt	18,712	2,448	(86.92%)			(100.00%)		-
741	4575	Replacement Charge Revenue		298	100.00%	298	298	-	300	0.67%
GENERAL LIABILITY INS F Total			**1,432,726**	**1,292,474**	(9.79%)	**1,031,201**	**1,031,201**	(20.21%)	**1,031,300**	0.01%
745	4566	Accum. Worker's Comp. Chg.	1,258,169	1,085,915	(13.69%)	870,770	870,770	(19.81%)	870,800	0.00%
745	4574	Other Misc. Revenue	149		(100.00%)			-		-
745	4660	Reimbursements - Other Govts	38,560	258,938	571.52%			(100.00%)		-
745	4701	Transfers	500,000		(100.00%)			-		-
WORKER'S COMP FUND Total			**1,796,878**	**1,344,853**	(25.16%)	**870,770**	**870,770**	(35.25%)	**870,800**	0.00%
750	4550	Administrative Charges	4,027,508	3,609,221	(10.39%)	4,017,915	4,017,915	11.32%	4,018,000	0.00%
750	4570	Claims, Judgemnts, Settlmnt	14,487	120	(99.17%)			(100.00%)		-
750	4574	Other Misc. Revenue	3,026	2,254	(25.51%)			(100.00%)		-
750	4575	Replacement Charge Revenue	212,765	264,520	24.32%	264,520	264,520	-	264,600	0.03%
750	4611	State Grant Revenue		50,000	100.00%			(100.00%)		-
750	4701	Transfers	165,000		(100.00%)			-		-
MANAGEMENT INFO SYSTEM Total			**4,422,786**	**3,926,115**	(11.23%)	**4,282,435**	**4,282,435**	9.08%	**4,282,600**	0.00%
751	4530	In-House Copier Charges	149,496		(100.00%)			-		-
751	4539	Car Pool Charges	1,552		(100.00%)			-		-
751	4550	Administrative Charges	(36,551)	36,730	(200.49%)			(100.00%)		-
751	4568	Fixed Asset Sales/Gains		(74,103)	100.00%			(100.00%)		-

MV00056019

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
	CENTRAL SERVICES FUND Total		114,497	(37,373)	(132.64%)	-	-	(100.00%)	-	-
754	4529	Security Guard Reim.	538		(100.00%)			-		-
754	4550	Administrative Charges	3,942,198	4,574,565	16.04%	4,079,014	4,079,014	(10.83%)	4,079,100	0.00%
754	4553	Employee Beverage Service	2,988	3,429	14.76%	3,060	3,060	(10.76%)	3,100	1.31%
754	4555	Reimbursement Agreement	1,563	1,363	(12.80%)	1,690	1,690	23.99%	1,700	0.59%
754	4575	Replacement Charge Revenue	56,669	27,495	(51.48%)	27,495	27,495	-	27,500	0.02%
754	4701	Transfers	250,000		(100.00%)	100,000	100,000	100.00%		(100.00%)
	FACILITIES FUND Total		4,253,956	4,606,852	8.30%	4,211,259	4,211,259	(8.59%)	4,111,400	(2.37%)
755	4550	Administrative Charges	977,765	822,229	(15.91%)	714,461	714,461	(13.11%)	714,500	0.01%
755	4575	Replacement Charge Revenue	1,224	3,745	205.96%	3,745	3,745	-	3,800	1.47%
	EQUIPMENT MAINTENANCE F Total		978,989	825,974	(15.63%)	718,206	718,206	(13.05%)	718,300	0.01%
757	4574	Other Misc. Revenue	295	25,385	8,505.08%			(100.00%)		-
757	4575	Replacement Charge Revenue	2,217,402	2,306,671	4.03%	2,306,405		(100.00%)	2,306,500	0.00%
	EQUIPMENT REPLACEMENT R Total		2,217,697	2,332,056	5.16%	2,306,405	-	(100.00%)	2,306,500	0.00%
891	4574	Other Misc. Revenue	5	7,000	###########			(100.00%)		-
891	4701	Transfers	1,033,169	884,072	(14.43%)		833,505	(5.72%)		-
	RDA ADMIN FUND Total		1,033,174	891,072	(13.75%)	-	833,505	(6.46%)	-	-
892	4556 11	Interest Income - Other	1,959	1,959	-			(100.00%)		-
892	4574	Other Misc. Revenue	3,394	2,719	(19.89%)			(100.00%)		-
892	4701	Transfers	173,868	75,678	(56.47%)		1,253,600	1,556.49%		-
	RDA CAP PROJECT FUND Total		179,221	80,356	(55.16%)	-	1,253,600	1,460.06%	-	-
894	4556 10	Interest Income - Investments	416,123	180,229	(56.69%)	450,000	200,000	10.97%	200,000	(55.56%)
894	4556 16	Interest Income - HILP	150		(100.00%)			-		-
894	4556 20	Interest Inc. - Rental Rehab	16,659	20,489	22.99%			(100.00%)		-
894	4556 26	Interest Inc. - Land Transfe		170,841	100.00%	112,577	120,000	(29.76%)	118,500	5.26%
894	4558	Unrealized Gains/Losses	60,908	(46,850)	(176.92%)			(100.00%)		-
894	4562 2	Princ. Repayment- HAP	21,207		(100.00%)			-		-
894	4562 5	Princ. Repayment- Rental Reha	24,027	123,717	414.91%			(100.00%)		-
894	4562 7	Princ. Repayment -Land Xfer		197,504	100.00%	140,720		(100.00%)		(100.00%)
894	4568	Fixed Asset Sales/Gains	439,510	101,640	(76.87%)			(100.00%)		-
894	4574	Other Misc. Revenue	90	4,631	5,045.56%		1,000	(78.41%)		-
894	4599	Revenue Close to Bal Sheet	(60,686)	(328,139)	440.72%	(140,720)		(100.00%)		(100.00%)
894	4701	Transfers	4,583,576	4,546,638	(0.81%)		4,087,333	(10.10%)		-
	RDA HOUSING FUND Total		5,501,564	4,970,700	(9.65%)	562,577	4,408,333	(11.31%)	318,500	(43.39%)
895	4110 55	Tax Increment	23,890,555	23,775,956	(0.48%)	20,920,514	20,249,360	(14.83%)	18,552,905	(11.32%)
895	4110 56	Tax Increment Pass Thru	(11,525,104)	(10,293,931)	(10.68%)	(8,911,303)	(8,567,823)	(16.77%)	(7,695,249)	(13.65%)
895	4110 58	Flood Control Agrmnt Pass Thr		(1,188,798)	100.00%	(1,046,026)	(997,468)	(16.09%)	(927,645)	(11.32%)
895	4110 59	MVUSD Agreement Pass Thru	(706,881)	(757,632)	7.18%	(797,891)	(1,197,891)	58.11%	(844,766)	5.87%
895	4110 60	Val Verde USD Agrmnt Pass Thr	(6,534)	(6,951)	6.38%	(7,375)	(7,375)	6.10%	(7,809)	5.88%
895	4110 61	RCC Agreement Pass Thru	(141,502)	(152,919)	8.07%	(159,720)	(159,720)	4.45%	(169,103)	5.87%

MV00056020

CITY OF MORENO VALLEY
Revenue Detail by Fund

Fund #	Object	Description	2007-08 Actual	2008-09 Actual	% Increase/ (Decrease) over/(under) 2007-08 Actual	2009-10 Adjusted Budget	2009-10 Projected Actual	% Increase/ (Decrease) over/(under) 2008-09 Actual	2010-11 Preliminary Base	% Increase/ (Decrease) over/(under) 2009-10 Adjusted Budget
895	4110 62	PerrisAreaElmSch Agrmnt Pass	(2,438)	(2,593)	6.36%	(2,752)	(2,752)	6.13%	(2,913)	5.85%
895	4110 63	Perris Jr High Agrmnt Pass Th	(1,627)	(1,730)	6.33%	(1,836)	(1,836)	6.13%	(1,944)	5.88%
895	4110 64	Co. Supt of Schls Agrmnt Pass	(113,695)	(120,941)	6.37%	(128,333)	(128,330)	6.11%	(135,872)	5.87%
895	4121 11	Sales Tax - Note No. 1	532,345	468,604	(11.97%)	500,000	500,000	6.70%	400,000	(20.00%)
895	4121 12	Sales Tax - Note No. 2	385,926	394,359	2.19%	380,000	380,000	(3.64%)	380,000	-
895	4556 10	Interest Income - Investments	848,488	1,171,360	38.05%	688,820	1,000,000	(14.63%)	800,000	16.14%
895	4556 11	Interest Income - Other	17,250	15,675	(9.13%)			(100.00%)		-
895	4558	Unrealized Gains/Losses	64,357	(100,824)	(256.66%)			(100.00%)		-
895	4562	Principal Repayment		31,500	100.00%			(100.00%)		-
895	4568	Fixed Asset Sales/Gains		450,000	100.00%			(100.00%)		-
895	4579	Interfund Loan Proceeds	133,728		(100.00%)			-		-
895	4599	Revenue Close to Bal Sheet		(31,500)	100.00%			(100.00%)		-
895	4701	Transfers	810,760		(100.00%)			-		-
	RDA TAX INCREMENT FUND Total		**14,185,628**	**13,649,635**	(3.78%)	**11,434,098**	**11,066,165**	(18.93%)	**10,347,604**	(9.50%)
896	4556 10	Interest Income - Investments	729	664	(8.92%)	1,100		(100.00%)	1,100	-
896	4577	Bond Proceeds	43,495,000		(100.00%)			-		-
896	4701	Transfers	362,058	2,845,471	685.92%			(100.00%)		-
897	4556 10	Interest Income - Investments	921,083	1,171,006	27.13%	1,000,000	1,000,000	(14.60%)	900,000	(10.00%)
897	4558	Unrealized Gains/Losses	(1,468)	(262,851)	17,805.38%			(100.00%)		-
897	4701	Transfers	41,640,724		(100.00%)			-		-
	RDA 2007TABS, Series A Total		**86,418,126**	**3,754,290**	(95.66%)	**1,001,100**	**1,000,000**	(73.36%)	**901,100**	(9.99%)
898	4556 10	Interest Income - Investments	141,684		(100.00%)			-		-
898	4701	Transfers	419,513	721,949	72.09%		600,000	(16.89%)		-
	RDA 2007TABS, Series B Total		**561,197**	**721,949**	28.64%	-	**600,000**	(16.89%)	-	-
911	4610	Federal Grant Revenue	10,645		(100.00%)			-		-
	THE DISASTER FUND Total		**10,645**	-	(100.00%)	-	-	-	-	-
	Grand Total		**335,072,994**	**243,242,066**	**(27.41%)**	**217,239,646**	**190,108,268**	**(21.84%)**	**194,237,582**	**(10.59%)**
	Less Internal Service Funds [1]		15,217,529	14,290,951		13,420,276	11,113,871		13,320,900	
	NET REVENUES		**$ 319,855,465**	**$ 228,951,115**	**(28.42%)**	**$ 203,819,370**	**$ 178,994,397**	**(21.82%)**	**$ 180,916,682**	**(11.24%)**

(1) These Internal Service Funds (ISF) revenues are charges to all user funds; the cost of these ISF charges are already included in other funds' budgets. Therefore, their exclusion from the total budget reflects the true level of City revenues

MV00056021

City of Moreno Valley

2010-11 Preliminary Base Operating budget

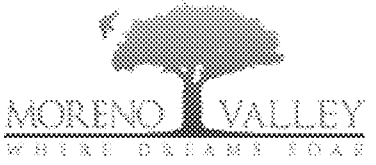

General Fund

MV000056022

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund

Description	General Fund 010	Development Services 011	Fire Services 133	Total
Revenues				
Property Taxes	16,046,100	-	4,323,400	20,369,500
Gas Taxes	-	-	-	-
Sales Taxes	9,735,100	-	-	9,735,100
Business Gross Receipts Taxes	906,500	-	-	906,500
Utility Users Taxes	15,200,000	-	-	15,200,000
Other Taxes	850,000	-	-	850,000
Franchise Fees	4,800,000	-	-	4,800,000
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	360,000	-	-	360,000
Other Fees	2,152,100	2,850,300	100,700	5,103,100
Fees for Service	-	-	-	-
Permits & Licenses	520,000	740,600	-	1,260,600
Fines & Forfeitures	1,000,000	-	-	1,000,000
Administrative Charges	2,691,500	-	-	2,691,500
Interest Income	4,478,500	-	-	4,478,500
Bond Proceeds	-	-	-	-
Miscellaneous Revenues	694,900	6,800	49,400	751,100
Grants/Intergovernmental Revenues	248,500	-	-	248,500
Transfers In	-	-	-	-
Total Operating Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-
Total Revenues	**59,683,200**	**3,597,700**	**4,473,500**	**67,754,400**
Expenditures				
Operating:				
Personnel Services	11,267,622	3,851,300	701,300	15,820,222
Contractual Services	44,060,244	498,400	13,997,950	58,556,594
Materials & Supplies	838,752	73,860	46,800	959,412
Debt Service	-	-	-	-
Fixed Charges	5,195,443	1,157,500	1,094,500	7,447,443
Transfers Out	2,666,900	-	-	2,666,900
Total Operating Expenditures	**64,028,961**	**5,581,060**	**15,840,550**	**85,450,571**
Capital :				
Fixed Assets	130,100	50,000	-	180,100
Total Capital Expenditures	**130,100**	**50,000**	**-**	**180,100**
Total Program Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Increase in Reserve for Contingencies				-
Total Expenditures	**64,159,061**	**5,631,060**	**15,840,550**	**85,630,671**
Net Revenues Over (Under) Expenditures	**(4,475,861)**	**(2,033,360)**	**(11,367,050)**	**(17,876,271)**

MV00056023

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - General Government

Description	City Council 010.11110	City Manager's Office 010.12110	City Clerk 010.13110	Economic Development 010.21110	City Attorney 010.22110	Media & Communications 010.23510
Expenditures						
Operating:						
Personnel Services	452,600	824,100	399,900	170,295	954,127	94,700
Contractual Services	74,800	97,200	99,700	437,929	165,991	147,800
Materials & Supplies	6,900	4,600	27,940	18,600	29,912	1,600
Debt Service	-	-	-	-	-	-
Fixed Charges	133,000	133,800	108,500	58,627	102,516	25,700
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	667,300	1,059,700	636,040	685,451	1,252,546	269,800
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	667,300	1,059,700	636,040	685,451	1,252,546	269,800

MV000056024

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - General Government

Description	Human Resources 010.24110	Graphics Support 010.25210	Financial & Admin. Svcs - Administration 010.31110	Financial & Admin. Svcs - Finance/ Financial Ops. 010.31210	Financial & Admin. Svcs - Finance/ Treasury Ops. 010.31410	Financial & Admin. Svcs - Finance/ Purchasing 010.31510
Expenditures						
Operating:						
Personnel Services	593,400	116,900	255,600	923,900	546,500	364,700
Contractual Services	266,100	35,900	2,500	76,400	308,100	4,500
Materials & Supplies	18,200	8,500	2,100	27,000	15,300	9,500
Debt Service	-	-	-	-	-	-
Fixed Charges	107,500	58,200	93,300	224,700	138,700	161,400
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	985,200	219,500	353,500	1,252,000	1,008,600	540,100
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	985,200	219,500	353,500	1,252,000	1,008,600	540,100

MV000056025

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - General Government

Description	CDD Graffiti Abatement 010.41410	Advance Planning 010.41610	CDD Code Compliance 010.45310	CDD Code Compliance Grant 010.45312	Records Mgmt System 010.66021	Non-Departmental 010.99110	Total
Expenditures							
Operating:							
Personnel Services	23,300	407,300	988,300	-	-	280,000	7,395,622
Contractual Services	500	2,000	313,300	18,400	-	2,175,000	4,226,120
Materials & Supplies	400	900	58,700	-	-	-	230,152
Debt Service	-	-	-	-	-	-	-
Fixed Charges	4,900	12,100	308,400	-	-	349,500	2,020,843
Transfers Out	-	-	-	-	-	2,666,900	2,666,900
Total Operating Expenditures	29,100	422,300	1,668,700	18,400	-	5,471,400	16,539,637
Capital:							
Fixed Assets	-	-	-	-	112,800	-	112,800
Total Capital Expenditures	-	-	-	-	112,800	-	112,800
Total Program Expenditures	29,100	422,300	1,668,700	18,400	112,800	5,471,400	16,652,437

MV00056026

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Public Works

Description	PW Admin 010.51110	Cap Proj Admin 010.51310	PW Solid Waste 010.51510	PW Transportation Engineering 010.53110	PW Traffic Signal Maintenance 010.53310	PW Capital Projects Engineering 010.54110	PW Graffiti Removal 010.55810	PW Tree Trimming 010.56710	Total
Expenditures									
Operating:									
Personnel Services	94,700	112,200	151,300	600,200	314,200	-	-	-	1,272,600
Contractual Services	6,800	-	23,000	13,100	183,400	-	-	-	226,300
Materials & Supplies	3,900	-	2,500	16,800	149,700	-	-	-	172,900
Debt Service	-	-	-	-	-	-	-	-	-
Fixed Charges	69,500	(112,200)	12,600	177,500	47,700	8,900	4,500	20,400	228,900
Transfers Out	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	174,900	-	189,400	807,600	695,000	8,900	4,500	20,400	1,900,700
Capital:									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-	-
Total Program Expenditures	174,900	-	189,400	807,600	695,000	8,900	4,500	20,400	1,900,700

MV00056027

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Public Safety

Description	Police Administration 010.62110	Police Patrol and Investigation 010.62210	Police Traffic Enforcement 010.62310	Police Detective Unit 010.62410	Police Crime Prevention 010.62510	Police Crime Prevention - POP 010.62610
Expenditures						
Operating:						
Personnel Services	184,400	-	90,200	-	-	-
Contractual Services	1,695,324	22,744,909	5,897,316	1,215,600	1,073,900	2,542,275
Materials & Supplies	50,000	16,700	114,900	15,200	24,000	7,200
Debt Service	-	-	-	-	-	-
Fixed Charges	1,732,900	9,300	198,800	7,600	24,900	12,300
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	3,662,624	22,770,909	6,301,216	1,238,400	1,122,800	2,561,775
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	3,662,624	22,770,909	6,301,216	1,238,400	1,122,800	2,561,775

MV00056028

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Public Safety

Description	Police Special Enforcement 010.62710	Police Towngate Mall Patrol 010.62910	Animal Services 010.63110	Emergency Operations & Volunteer Svcs 010.64110	Crossing Guards 010.72110	Total
Expenditures						
Operating:						
Personnel Services	-	-	1,606,000	143,700	575,100	2,599,400
Contractual Services	3,766,400	495,300	158,300	14,700	3,800	39,607,824
Materials & Supplies	21,000	700	158,600	24,800	2,600	435,700
Debt Service	-	-	-	-	-	-
Fixed Charges	19,200	-	492,200	412,500	36,000	2,945,700
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	3,806,600	496,000	2,415,100	595,700	617,500	45,588,624
Capital:						
Fixed Assets	-	-	17,300	-	-	17,300
Total Capital Expenditures	-	-	17,300	-	-	17,300
Total Program Expenditures	3,806,600	496,000	2,432,400	595,700	617,500	45,605,924

MV00056029

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Development Services

Description	Development Svcs Admin Support 011.41010	CDD Administration 011.41110	CDD Planning Commission 011.41210	CDD Planning 011.41310	CDD Building & Safety 011.45410	Fire Prevention Inspections 011.45810	PW Land Development 011.52310	PW Inspection Services 011.52710
Expenditures								
Operating:								
Personnel Services	353,500	225,100	45,200	532,200	746,000	113,700	906,500	558,900
Contractual Services	-	8,100	10,100	9,400	301,800	13,700	134,700	20,600
Materials & Supplies	-	16,700	2,600	7,600	25,900	5,560	4,400	11,100
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	7,800	133,900	16,300	203,700	234,600	155,200	300,500	80,200
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	361,300	383,800	74,200	752,900	1,308,300	288,160	1,346,100	670,800
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	361,300	383,800	74,200	752,900	1,308,300	288,160	1,346,100	670,800

MV00056030

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Development Services

Description	PW - HLFV Project 011.52910	PW - Verizon FTTP 011.52911	PW - Sunesys, LLC 011.52912	PW - HLFV Interchngs 011.52913	PW - EMWD Sunnymead Pipe 011.52913	PW - Transp Dev Svcs 011.53210	PW - Transp Insp Svcs 011.53410	Total
Expenditures								
Operating:								
Personnel Services	-	72,800	2,400	-	-	262,900	32,100	3,851,300
Contractual Services	-	-	-	-	-	-	-	498,400
Materials & Supplies	-	-	-	-	-	-	-	73,860
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	15,700	9,600	1,157,500
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	-	72,800	2,400	-	-	278,600	41,700	5,581,060
Capital:								
Fixed Assets	-	-	-	50,000	-	-	-	50,000
Total Capital Expenditures	-	-	-	50,000	-	-	-	50,000
Total Program Expenditures	-	72,800	2,400	50,000	-	278,600	41,700	5,631,060

MV00056031

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
General Fund - Fire Service Operations

Description	Fire Prevention 133.45910	Fire Operations 133.65110	Total
Expenditures			
Operating:			
Personnel Services	546,800	154,500	701,300
Contractual Services	109,650	13,888,300	13,997,950
Materials & Supplies	6,600	40,200	46,800
Debt Service	-	-	-
Fixed Charges	35,100	1,059,400	1,094,500
Transfers Out	-	-	-
Total Operating Expenditures	698,150	15,142,400	15,840,550
Capital:			
Fixed Assets	-	-	-
Total Capital Expenditures	-	-	-
Total Program Expenditures	698,150	15,142,400	15,840,550

MV00056032

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Council FUND: 010

PROGRAM NUMBER: 11110

PROGRAM OBJECTIVE: To provide administrative and clerical support to the Mayor and City Council members; respond to public inquiries via telephone and in person; facilitate Council requests; draft correspondence; prepare Council recognitions; coordinate receptions; schedule meetings; act as Council liaison, as directed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 421,904	$ 395,127	(6.35%)	$ 425,719	$ 385,000	(2.56%)	$ 452,600	6.31%
Contractual Services	76,062	55,503	(27.03%)	84,022	78,600	41.61%	74,800	(10.98%)
Materials & Supplies	7,946	6,637	(16.47%)	8,600	7,300	9.99%	6,900	(19.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	150,328	142,809	(5.00%)	133,179	180,620	26.48%	133,000	(0.13%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 656,240	$ 600,076	(8.56%)	$ 651,520	$ 651,520	8.57%	$ 667,300	2.42%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 656,240	$ 600,076	(8.56%)	$ 651,520	$ 651,520	8.57%	$ 667,300	2.42%

MV00056033

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Manager's Office FUND: 010

PROGRAM NUMBER: 12110

PROGRAM OBJECTIVE: To coordinate the implementation of Council policies and programs; provide overall direction to departments that administer City programs and services; coordinate intergovernmental relations and legislative advocacy; and administer the City's communications, media relations, and public information programs.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,012,280	$ 831,656	(17.84%)	$ 876,666	$ 999,941	20.23%	$ 824,100	(6.00%)
Contractual Services	165,308	140,237	(15.17%)	127,209	100,100	(28.62%)	97,200	(23.59%)
Materials & Supplies	7,372	6,927	(6.04%)	5,450	4,100	(40.81%)	4,600	(15.60%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	143,449	144,468	0.71%	134,038	134,000	(7.25%)	133,800	(0.18%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,328,409	$ 1,123,288	(15.44%)	$ 1,143,363	$ 1,238,141	10.22%	$ 1,059,700	(7.32%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,328,409	$ 1,123,288	(15.44%)	$ 1,143,363	$ 1,238,141	10.22%	$ 1,059,700	(7.32%)

MV00056034

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Clerk - Administration FUND: 010

PROGRAM NUMBER: 13110

PROGRAM OBJECTIVE: To coordinate, assemble, and disseminate the agenda packets; serve as clerk to the City Council; record and maintain all Council actions; prepare and distribute minutes of City Council meetings; serve as custodian of official City records and City seal; facilitate access to such records; coordinate municipal elections; receive nomination papers, campaign statements and all required filings pursuant to the Fair Political Practices Commission; advertise and receive bids; and conduct bid openings.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 556,602	$ 385,897	(30.67%)	$ 402,789	$ 322,850	(16.34%)	$ 399,900	(0.72%)
Contractual Services	65,512	139,902	113.55%	65,500	37,720	(73.04%)	99,700	52.21%
Materials & Supplies	40,404	35,820	(11.35%)	43,230	35,750	(0.20%)	27,940	(35.37%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	132,708	113,883	(14.19%)	108,589	223,780	96.50%	108,500	(0.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 795,226	$ 675,502	(15.06%)	$ 620,108	$ 620,100	(8.20%)	$ 636,040	2.57%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 795,226	$ 675,502	(15.06%)	$ 620,108	$ 620,100	(8.20%)	$ 636,040	2.57%

MV00056035

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Economic Development FUND: 010

21110

PROGRAM OBJECTIVE: To encourage and facilitate growth in the Moreno Valley economy to increase assessed valuation, increase sales tax, and create family-supporting jobs, through a program incorporating marketing, business attraction, expansion and retention activities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 287,643	$ 251,818	(12.45%)	$ 182,899	$ 157,393	(37.50%)	$ 170,295	(6.89%)
Contractual Services	325,847	315,836	(3.07%)	436,929	309,520	(2.00%)	437,929	0.23%
Materials & Supplies	14,812	10,588	(28.52%)	18,600	14,200	34.11%	18,600	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	62,843	65,375	4.03%	58,627	58,627	(10.32%)	58,627	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 691,145	$ 643,617	(6.88%)	$ 697,055	$ 539,740	(16.14%)	$ 685,451	(1.66%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 691,145	$ 643,617	(6.88%)	$ 697,055	$ 539,740	(16.14%)	$ 685,451	(1.66%)

MV00056036

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Attorney FUND: 010

PROGRAM NUMBER: 22110

PROGRAM OBJECTIVE: To provide a wide range of legal services for the City organization including the highest quality expert legal advice to the City Council and staff, City Boards, Committees and Commissions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 872,250	$ 948,439	8.73%	$ 822,281	$ 816,447	(13.92%)	$ 954,127	16.03%
Contractual Services	62,407	135,071	116.44%	222,081	212,486	57.31%	165,991	(25.26%)
Materials & Supplies	41,549	40,517	(2.48%)	29,912	18,561	(54.19%)	29,912	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	113,368	107,944	(4.78%)	102,516	102,516	(5.03%)	102,516	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,089,574	$ 1,231,971	13.07%	$ 1,176,790	$ 1,150,010	(6.65%)	$ 1,252,546	6.44%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,089,574	$ 1,231,971	13.07%	$ 1,176,790	$ 1,150,010	(6.65%)	$ 1,252,546	6.44%

MV00056037

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Media & Communications FUND: 010

PROGRAM NUMBER: 23510

PROGRAM OBJECTIVE: To administer a comprehensive media communications and marketing program for the City to communicate City interests to the community's residents and businesses.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 169,092	$ 171,349	1.33%	$ 114,032	$ 94,900	(44.62%)	$ 94,700	(16.95%)
Contractual Services	176,210	64,250	(63.54%)	153,623	118,600	84.59%	147,800	(3.79%)
Materials & Supplies	4,894	2,615	(46.57%)	1,975	1,495	(42.83%)	1,600	(18.99%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	36,974	26,072	(29.49%)	25,748	25,600	(1.81%)	25,700	(0.19%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 387,170	$ 264,286	(31.74%)	$ 295,378	$ 240,595	(8.96%)	$ 269,800	(8.66%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 387,170	$ 264,286	(31.74%)	$ 295,378	$ 240,595	(8.96%)	$ 269,800	(8.66%)

MV00056038

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Graphics Support FUND: 010

PROGRAM NUMBER: 25210

PROGRAM OBJECTIVE: To administer a comprehensive graphics support program for all City departments.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 268,352	$ 135,705	(49.43%)	$ 123,222	$ 110,700	(18.43%)	$ 116,900	(5.13%)
Contractual Services	40,305	21,718	(46.12%)	36,758	26,000	19.72%	35,900	(2.33%)
Materials & Supplies	20,708	4,262	(79.42%)	8,800	8,100	90.05%	8,500	(3.41%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	77,258	62,591	(18.98%)	58,486	73,400	17.27%	58,200	(0.49%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 406,623	$ 224,276	(44.84%)	$ 227,266	$ 218,200	(2.71%)	$ 219,500	(3.42%)
Capital Expenditures								
Fixed Assets	20,451	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 20,451	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 427,074	$ 224,276	(47.49%)	$ 227,266	$ 218,200	(2.71%)	$ 219,500	(3.42%)

MV00056039

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Administration FUND: 010

PROGRAM NUMBER: 31110

PROGRAM OBJECTIVE: To oversee and provide administrative support for the seven functional areas that comprise the department including: Budget Office, Financial Operations, Treasury Operations, Purchasing, Facilities Maintenance, Technology Services, and Animal Services.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 407,626	$ 325,305	(20.20%)	$ 323,626	$ 361,000	10.97%	$ 255,600	(21.02%)
Contractual Services	5,954	2,871	(51.78%)	3,400	2,500	(12.92%)	2,500	(26.47%)
Materials & Supplies	4,023	2,299	(42.85%)	9,775	2,100	(8.66%)	2,100	(78.52%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	106,874	84,947	(20.52%)	93,259	93,300	9.83%	93,300	0.04%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 524,477	$ 415,422	(20.79%)	$ 430,060	$ 458,900	10.47%	$ 353,500	(17.80%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 524,477	$ 415,422	(20.79%)	$ 430,060	$ 458,900	10.47%	$ 353,500	(17.80%)

MV00056040

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Financial Operations FUND: 010

PROGRAM NUMBER: 31210

PROGRAM OBJECTIVE: To ensure propriety and legality of City financial transactions according to authorized budgets and accounting standards; to provide complete and timely reporting of the City's financial position; and to support City departments in their need for reliable financial information and other fiscal services.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,328,597	$ 1,260,918	(5.09%)	$ 900,461	$ 926,327	(26.54%)	$ 923,900	2.60%
Contractual Services	102,282	72,813	(28.81%)	115,110	135,745	86.43%	76,400	(33.63%)
Materials & Supplies	32,735	26,455	(19.18%)	26,920	25,460	(3.76%)	27,000	0.30%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	255,520	238,887	(6.51%)	224,696	224,156	(6.17%)	224,700	0.00%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,719,134	$ 1,599,073	(6.98%)	$ 1,267,187	$ 1,311,688	(17.97%)	$ 1,252,000	(1.20%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,719,134	$ 1,599,073	(6.98%)	$ 1,267,187	$ 1,311,688	(17.97%)	$ 1,252,000	(1.20%)

MV00056041

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Treasury Operations FUND: 010

PROGRAM NUMBER: 31410

PROGRAM OBJECTIVE: To safeguard the City's money while maintaining liquidity and a reasonable return on its investment; to identify and recommend revenue enhancement and cost cutting opportunities; and to provide reliable and timely financial information and other fiscal services to City departments and the general public.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 817,737	$ 765,794	(6.35%)	$ 633,660	$ 633,660	(17.25%)	$ 546,500	(13.76%)
Contractual Services	151,498	111,777	(26.22%)	159,087	153,087	36.96%	308,100	93.67%
Materials & Supplies	34,705	24,446	(29.56%)	15,262	15,262	(37.57%)	15,300	0.25%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	154,386	146,291	(5.24%)	138,751	138,751	(5.15%)	138,700	(0.04%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,158,326	$ 1,048,308	(9.50%)	$ 946,760	$ 940,760	(10.26%)	$ 1,008,600	6.53%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,158,326	$ 1,048,308	(9.50%)	$ 946,760	$ 940,760	(10.26%)	$ 1,008,600	6.53%

MV00056042

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Financial & Administrative Services - Purchasing FUND: 010

PROGRAM NUMBER: 31510

PROGRAM OBJECTIVE: To provide effective and efficient management of the City's procurement activities, consistent with all rules and regulations of the Purchasing Ordinance and Administrative Policies, and in keeping with accepted public procurement practices.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 478,794	$ 508,885	6.28%	$ 391,636	$ 391,636	(23.04%)	$ 364,700	(6.88%)
Contractual Services	5,048	130,017	2,475.61%	4,895	4,414	(96.61%)	4,500	(8.07%)
Materials & Supplies	3,459	11,754	239.81%	9,684	8,668	(26.25%)	9,500	(1.90%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	101,764	169,894	66.95%	161,571	161,571	(4.90%)	161,400	(0.11%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 589,065	$ 820,550	39.30%	$ 567,786	$ 566,289	(30.99%)	$ 540,100	(4.88%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 589,065	$ 820,550	39.30%	$ 567,786	$ 566,289	(30.99%)	$ 540,100	(4.88%)

MV00056043

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Graffiti Abatement FUND: 010

PROGRAM NUMBER: 41410

PROGRAM OBJECTIVE: To investigate, document, civilly prosecute and secure restitution for graffiti City-wide for the purpose of reducing the vandalism to private and public property.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 39,857	$ 27,869	(30.08%)	$ 25,114	$ 1,600	(94.26%)	$ 23,300	(7.22%)
Contractual Services	-	-	-	500	400	100.00%	500	-
Materials & Supplies	57	44	(22.81%)	538	300	581.82%	400	(25.65%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	7,558	4,733	(37.38%)	4,961	4,961	4.82%	4,900	(1.23%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 47,472	$ 32,646	(31.23%)	$ 31,113	$ 7,261	(77.76%)	$ 29,100	(6.47%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 47,472	$ 32,646	(31.23%)	$ 31,113	$ 7,261	(77.76%)	$ 29,100	(6.47%)

MV00056044

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Advance Planning FUND: 010

PROGRAM NUMBER: 41610

PROGRAM OBJECTIVE: To administer the review and preparation of policy related to planning and development. This includes the preparation of City initiated updates to the General Plan and Title 9 of the Municipal Code. The City must ensure compliance with State mandated requirements pertaining to planning and zoning. In addition, advanced planning facilitates addressing regional issues by coordinating efforts with other regional agencies, such as Western Riverside Council of Governments (WRCOG), the Southern California Association of Governments (SCAG), the Riverside County Transportation Commission (RCTC), and the Regional Conservation Authority (RCA).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 519,167	$ 490,743	(5.47%)	$ 482,799	$ 405,587	(17.35%)	$ 407,300	(15.64%)
Contractual Services	898	202	(77.51%)	2,652	2,050	914.85%	2,000	(24.59%)
Materials & Supplies	77	-	(100.00%)	1,800	900	100.00%	900	(50.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	17,892	13,810	(22.81%)	12,232	12,232	(11.43%)	12,100	(1.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 538,034	$ 504,755	(6.19%)	$ 499,483	$ 420,769	(16.64%)	$ 422,300	(15.45%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 538,034	$ 504,755	(6.19%)	$ 499,483	$ 420,769	(16.64%)	$ 422,300	(15.45%)

MV00056045

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Code Compliance FUND: 010

PROGRAM NUMBER: 45310

PROGRAM OBJECTIVE: To respond to citizen complaints and to pro-actively identify and address code violations on public and private property to protect the health and safety of the community and to ensure the highest level of voluntary resolution of issues City-wide.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,160,083	$ 1,335,450	15.12%	$ 1,326,415	$ 1,299,404	(2.70%)	$ 988,300	(25.49%)
Contractual Services	607,349	391,753	(35.50%)	331,890	313,274	(20.03%)	313,300	(5.60%)
Materials & Supplies	70,885	70,624	(0.37%)	59,878	59,480	(15.78%)	58,700	(1.97%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	350,970	307,830	(12.29%)	308,711	308,711	0.29%	308,400	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,189,287	$ 2,105,657	(3.82%)	$ 2,026,894	$ 1,980,869	(5.93%)	$ 1,668,700	(17.67%)
Capital Expenditures								
Fixed Assets	141,080	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 141,080	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,330,367	$ 2,105,657	(9.64%)	$ 2,026,894	$ 1,980,869	(5.93%)	$ 1,668,700	(17.67%)

MV00056046

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Code Compliance - CDBG FUND: 010

PROGRAM NUMBER: 45311

PROGRAM OBJECTIVE: To respond to citizen complaints and to pro-actively identify and address code violations on public and private property to protect the health and safety of the community within the Community Development Block Grant area.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 201,780	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	1,506	-	(100.00%)	-	-	-	-	-
Materials & Supplies	6,161	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	16,568	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 226,015	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 226,015	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056047

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Code Compliance - JAG FUND: 010

PROGRAM NUMBER: 45312

PROGRAM OBJECTIVE: Provide additional enhancement funding to the current Anti-Graffiti Program from the Edward Byrne Memorial Justice Assistance Grant (JAG) grant.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	22,038	3,548	100.00%	18,400	(16.51%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 22,038	$ 3,548	100.00%	$ 18,400	(16.51%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 22,038	$ 3,548	100.00%	$ 18,400	(16.51%)

MV00056048

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Records Management System FUND: 010

PROGRAM NUMBER: 66021

PROGRAM OBJECTIVE: To implement a records management system by purchasing a high-end scanner, scanning workstations, DVD writer, file server, scanning licenses, OCR licenses, database licenses, and an internet search engine. The software includes: SIRE AgendaPlus to create Council meeting agendas, manage agenda items and post complete agenda packets on the internet; and Granicus to provide Web streaming videos of Council meetings and to facilitate the preparation of minutes.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	44,095	-	(100.00%)	112,853	112,800	100.00%	112,800	(0.05%)
Total Capital Expenditures	$ 44,095	$ -	(100.00%)	$ 112,853	$ 112,800	100.00%	$ 112,800	-
Total Program Budget	$ 44,095	$ -	(100.00%)	$ 112,853	$ 112,800	100.00%	$ 112,800	(0.05%)

MV00056049

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Non-Departmental FUND: 010

PROGRAM NUMBER: 99110

PROGRAM OBJECTIVE: To provide appropriate funds for those activities that support the General Fund and are not directly assignable to any one department or program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 163,197	$ 141,540	(13.27%)	$ 250,000	$ 250,000	76.63%	$ 280,000	12.00%
Contractual Services	411,634	2,131,061	417.71%	1,811,000	1,867,233	(12.38%)	2,175,000	20.10%
Materials & Supplies	-	1,195	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	131,782	99,532	(24.47%)	229,432	249,532	150.71%	349,500	52.33%
Transfers Out	10,425,833	18,434,583	76.82%	2,666,840	2,854,415	(84.52%)	2,666,900	0.00%
Total Operating Expenditures	$ 11,132,446	$ 20,807,911	86.91%	$ 4,957,272	$ 5,221,180	(74.91%)	$ 5,471,400	10.37%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 11,132,446	$ 20,807,911	86.91%	$ 4,957,272	$ 5,221,180	(74.91%)	$ 5,471,400	10.37%

MV00056050

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Administration FUND: 010

PROGRAM NUMBER: 51110

PROGRAM OBJECTIVE: Review and process all staff reports for the department that consists of Capital Projects, Transportation, Special Districts, Land Development, Electric Utility and Maintenance and Operations. Provide analysis of legislative actions concerning public works issues and coordinate with local agencies for flood control, water quality, solid waste disposal, and planning for public utilities. Prepare the annual Capital Improvement Project list for each fiscal year budget and coordinate the annual update of the 5-Year Capital Plan for the City. Promote the department throughout the year by participating in public relation activities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 128,129	$ 146,698	14.49%	$ 91,276	$ 110,277	(24.83%)	$ 94,700	3.75%
Contractual Services	14,505	4,888	(66.30%)	6,910	6,910	41.37%	6,800	(1.59%)
Materials & Supplies	7,328	3,630	(50.46%)	3,525	4,725	30.17%	3,900	10.64%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	76,042	74,245	(2.36%)	69,627	69,621	(6.23%)	69,500	(0.18%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 226,004	$ 229,461	1.53%	$ 171,338	$ 191,533	(16.53%)	$ 174,900	2.08%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 226,004	$ 229,461	1.53%	$ 171,338	$ 191,533	(16.53%)	$ 174,900	2.08%

MV00056051

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Capital Projects Admin FUND: 010

PROGRAM NUMBER: 51310

PROGRAM OBJECTIVE: To manage the design and construction of an integrated program of City funded capital improvement projects by providing project engineering and contract administration services resulting in a cost effective, well planned and aesthetically pleasing community.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 601	100.00%	$ 112,112	$ 112,112	18,554.24%	$ 112,200	0.08%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	(112,112)	(112,112)	100.00%	(112,200)	0.08%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 601	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 601	100.00%	$ -	$ -	(100.00%)	$ -	-

MV00056052

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Solid Waste FUND: 010

PROGRAM NUMBER: 51510

PROGRAM OBJECTIVE: Ensure that the City meets the State required mandate of diverting 50% of the City's waste stream through recycling activities. Administer grants related to recycling of beverage containers and used oil. Administer the agreement between the City and the City's solid waste hauler. This entails annual rate adjustments and an annual delinquent solid waste tax roll public hearing and processing. Respond to customer service complaints and inquiries regarding solid waste and recycling. Issue and maintain all self-haul permits.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 102,447	$ 121,080	18.19%	$ 161,951	$ 141,899	17.19%	$ 151,300	(6.58%)
Contractual Services	11,199	24,231	116.37%	16,890	24,724	2.03%	23,000	36.18%
Materials & Supplies	405	4,933	1,118.02%	2,425	4,775	(3.20%)	2,500	3.09%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	17,083	12,048	(29.47%)	12,766	12,875	6.86%	12,600	(1.30%)
Transfers Out	239	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 131,373	$ 162,292	23.54%	$ 194,032	$ 184,273	13.54%	$ 189,400	(2.39%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 131,373	$ 162,292	23.54%	$ 194,032	$ 184,273	13.54%	$ 189,400	(2.39%)

MV00056053

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Transportation Engineering FUND: 010

PROGRAM NUMBER: 53110

PROGRAM OBJECTIVE: To plan for the surface transportation system needed by the city including freeways, surface streets, intersections, traffic signals, driveways, bikeways, and sidewalks. Also, design, oversee construction, and operate the city's traffic signal system.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 854,617	$ 635,472	(25.64%)	$ 593,718	$ 581,135	(8.55%)	$ 600,200	1.09%
Contractual Services	40,974	175,884	329.26%	263,287	117,500	(33.19%)	13,100	(95.02%)
Materials & Supplies	19,353	20,769	7.32%	16,600	16,602	(20.06%)	16,800	1.20%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	207,322	185,231	(10.66%)	177,784	177,784	(4.02%)	177,500	(0.16%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,122,266	$ 1,017,356	(9.35%)	$ 1,051,389	$ 893,021	(12.22%)	$ 807,600	(23.19%)
Capital Expenditures								
Fixed Assets	26,130	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 26,130	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,148,396	$ 1,017,356	(11.41%)	$ 1,051,389	$ 893,021	(12.22%)	$ 807,600	(23.19%)

MV00056054

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Traffic Signal Maintenance FUND: 010

PROGRAM NUMBER: 53310

PROGRAM OBJECTIVE: Maintain the city's traffic signal system. Inspect construction of new signals and interconnects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 319,357	$ 332,946	4.26%	$ 322,211	$ 322,311	(3.19%)	$ 314,200	(2.49%)
Contractual Services	150,193	176,016	17.19%	173,285	191,900	9.02%	183,400	5.84%
Materials & Supplies	177,508	137,190	(22.71%)	76,000	112,500	(18.00%)	149,700	96.97%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	58,071	48,346	(16.75%)	47,822	47,822	(1.08%)	47,700	(0.26%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 705,129	$ 694,498	(1.51%)	$ 619,318	$ 674,533	(2.87%)	$ 695,000	12.22%
Capital Expenditures								
Fixed Assets	21,388	95,257	345.38%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 21,388	$ 95,257	345.38%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 726,517	$ 789,755	8.70%	$ 619,318	$ 674,533	(14.59%)	$ 695,000	12.22%

MV00056055

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Capital Projects Engineering FUND: 010

PROGRAM NUMBER: 54110

PROGRAM OBJECTIVE: To provide for depreciation of public works engineering project hardware equipment for autocad stations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	233	100.00%	232	259	11.33%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,373	9,221	(11.11%)	8,955	8,955	(2.88%)	8,900	(0.61%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,373	$ 9,454	(8.86%)	$ 9,187	$ 9,214	(2.53%)	$ 8,900	(3.12%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,373	$ 9,454	(8.86%)	$ 9,187	$ 9,214	(2.53%)	$ 8,900	(3.12%)

MV00056056

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Street Maintenance FUND: 010

PROGRAM NUMBER: 55110

PROGRAM OBJECTIVE: To ensure the safety and convenience of all those who use our City streets by providing preventive maintenance and repair to paved and unpaved roads, and by keeping all road shoulders graded and free of weeds and litter.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	52	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 52	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	15,583	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 15,583	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 15,583	$ 52	(99.67%)	$ -	$ -	(100.00%)	$ -	-

MV00056057

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Signing & Striping FUND: 010

PROGRAM NUMBER: 55410

PROGRAM OBJECTIVE: Maintain city traffic control devices including signs, legends, striping, and pavement markings.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	9	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	8,943	3	(99.97%)	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 8,943	$ 12	(99.87%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	23,700	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 23,700	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 32,643	$ 12	(99.96%)	$ -	$ -	(100.00%)	$ -	-

MV00056058

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Graffiti Removal FUND: 010

PROGRAM NUMBER: 55810

PROGRAM OBJECTIVE: To enhance the image of the City and to discourage the recurrence of graffiti by removing graffiti from both public and private property within twenty-four hours after it is reported by the public or observed by the City's removal crew.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	7,196	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	3,916	4,588	17.16%	4,588	4,588	-	4,500	(1.92%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 11,112	$ 4,588	(58.71%)	$ 4,588	$ 4,588	-	$ 4,500	(1.92%)
Capital Expenditures								
Fixed Assets	33,385	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 33,385	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 44,497	$ 4,588	(89.69%)	$ 4,588	$ 4,588	-	$ 4,500	(1.92%)

MV00056059

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Tree Trimming FUND: 010

PROGRAM NUMBER: 56710

PROGRAM OBJECTIVE: To ensure the safety, health and aesthetics of the City street tree inventory by trimming, removing and planting street trees, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	27,953	20,414	(26.97%)	20,414	20,414	-	20,400	(0.07%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 27,953	$ 20,414	(26.97%)	$ 20,414	$ 20,414	-	$ 20,400	(0.07%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 27,953	$ 20,414	(26.97%)	$ 20,414	$ 20,414	-	$ 20,400	(0.07%)

MV00056060

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Administration FUND: 010

PROGRAM NUMBER: 62110

PROGRAM OBJECTIVE: To coordinate the operations of the MVPD facility, which includes Community Services, the Business Office, Accounting, and the Volunteer Forces.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 217,286	$ 177,894	(18.13%)	$ 192,734	$ 192,734	8.34%	$ 184,400	(4.32%)
Contractual Services	1,202,725	1,463,102	21.65%	1,619,415	1,583,415	8.22%	1,695,324	4.69%
Materials & Supplies	82,602	60,440	(26.83%)	50,897	49,763	(17.66%)	50,000	(1.76%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,216,220	1,704,110	40.12%	1,733,151	1,733,151	1.70%	1,732,900	(0.01%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,718,833	$ 3,405,546	25.26%	$ 3,596,197	$ 3,559,063	4.51%	$ 3,662,624	1.85%
Capital Expenditures								
Fixed Assets	8,720	-	(100.00%)	3,000	3,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ 8,720	$ -	(100.00%)	$ 3,000	$ 3,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 2,727,553	$ 3,405,546	24.86%	$ 3,599,197	$ 3,562,063	4.60%	$ 3,662,624	1.76%

MV00056061

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Patrol and Investigation FUND: 010

PROGRAM NUMBER: 62210

PROGRAM OBJECTIVE: Dedicated to interaction with the community, to provide professional and rapid response to reported crimes, and the detection of in-progress crimes.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	20,449,837	21,412,634	4.71%	21,570,409	21,578,609	0.78%	22,744,909	5.44%
Materials & Supplies	16,809	14,228	(15.35%)	16,634	17,470	22.79%	16,700	0.40%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	4,980	9,387	88.49%	9,387	9,387	-	9,300	(0.93%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 20,471,626	$ 21,436,249	4.71%	$ 21,596,430	$ 21,605,466	0.79%	$ 22,770,909	5.44%
Capital Expenditures								
Fixed Assets	-	-	-	6,000	12,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 6,000	$ 12,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 20,471,626	$ 21,436,249	4.71%	$ 21,602,430	$ 21,617,466	0.85%	$ 22,770,909	5.41%

MV00056062

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Traffic Enforcement FUND: 010

PROGRAM NUMBER: 62310

PROGRAM OBJECTIVE: To proactively enforce hazardous traffic violations through education and enforcement, to reduce the number of injury collisions within the City, to utilize traffic safety check points to ensure compliance with drivers licensing requirements and to provide highly trained personnel for reconstruction of serious and fatal traffic collisions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 89,153	$ 91,504	2.64%	$ 92,341	$ 92,341	0.91%	$ 90,200	(2.32%)
Contractual Services	4,629,364	5,189,801	12.11%	5,653,178	5,632,172	8.52%	5,897,316	4.32%
Materials & Supplies	87,822	86,426	(1.59%)	106,912	98,882	14.41%	114,900	7.47%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	50,079	190,359	280.12%	198,924	198,924	4.50%	198,800	(0.06%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 4,856,418	$ 5,558,090	14.45%	$ 6,051,355	$ 6,022,319	8.35%	$ 6,301,216	4.13%
Capital Expenditures								
Fixed Assets	170,617	71,610	(58.03%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 170,617	$ 71,610	(58.03%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 5,027,035	$ 5,629,700	11.99%	$ 6,051,355	$ 6,022,319	6.97%	$ 6,301,216	4.13%

MV00056063

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Detective Unit FUND: 010

PROGRAM NUMBER: 62410

PROGRAM OBJECTIVE: To provide assistance and service to the City, while promoting a safe environment for our citizens. Emphasize follow-up investigations on major crimes, and maintain and develop investigative specialties through training and experience to stay ahead of future trends in criminal activity.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	882,623	1,026,666	16.32%	1,145,089	1,128,081	9.88%	1,215,600	6.16%
Materials & Supplies	3,885	10,772	177.27%	14,938	14,938	38.67%	15,200	1.75%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,543	7,683	(27.13%)	7,683	7,683	-	7,600	(1.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 897,051	$ 1,045,121	16.51%	$ 1,167,710	$ 1,150,702	10.10%	$ 1,238,400	6.05%
Capital Expenditures								
Fixed Assets	27,693	12,125	(56.22%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 27,693	$ 12,125	(56.22%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 924,744	$ 1,057,246	14.33%	$ 1,167,710	$ 1,150,702	8.84%	$ 1,238,400	6.05%

MV00056064

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Crime Prevention FUND: 010

PROGRAM NUMBER: 62510

PROGRAM OBJECTIVE: Objectively seek community enrichment and solutions to community problems through policing and cooperation. Conduct on-going interactive presentations and community meetings to accomplish this effort.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	903,740	890,243	(1.49%)	1,028,929	994,009	11.66%	1,073,900	4.37%
Materials & Supplies	23,038	18,327	(20.45%)	23,524	23,524	28.36%	24,000	2.02%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	29,951	23,960	(20.00%)	24,954	24,954	4.15%	24,900	(0.22%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 956,729	$ 932,530	(2.53%)	$ 1,077,407	$ 1,042,487	11.79%	$ 1,122,800	4.21%
Capital Expenditures								
Fixed Assets	-	24,096	100.00%	27,000	-	(100.00%)	-	(100.00%)
Total Capital Expenditures	$ -	$ 24,096	100.00%	$ 27,000	$ -	(100.00%)	$ -	-
Total Program Budget	$ 956,729	$ 956,626	(0.01%)	$ 1,104,407	$ 1,042,487	8.98%	$ 1,122,800	1.67%

MV00056065

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Crime Prevention - POP FUND: 010

PROGRAM NUMBER: 62610

PROGRAM OBJECTIVE: To address quality of life issues through proactive law enforcement and problem solving utilizing community oriented policing concepts such as Crime Free Multi-Housing, Safe Streets Now!, and Nuisance Abatements. The Problem Oriented Policing Team will respond quickly to citizen's complaints and inquiries and work in a close partnership with other city, local and state agencies.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	1,948,432	2,130,565	9.35%	2,432,439	2,431,239	14.11%	2,542,275	4.52%
Materials & Supplies	5,882	6,768	15.06%	7,150	7,150	5.64%	7,200	0.70%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	21,657	11,758	(45.71%)	12,427	12,427	5.69%	12,300	(1.02%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,975,971	$ 2,149,091	8.76%	$ 2,452,016	$ 2,450,816	14.04%	$ 2,561,775	4.48%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,975,971	$ 2,149,091	8.76%	$ 2,452,016	$ 2,450,816	14.04%	$ 2,561,775	4.48%

MV00056066

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Special Enforcement FUND: 010

PROGRAM NUMBER: 62710

PROGRAM OBJECTIVE: To focus on the arrests of street level drug dealers, users, manufacturers and traffickers of illegal narcotics by using a variety of approaches to include but not limited to community involvement, WE TIP information, informants and other proactive police techniques. Parole and probation searches are used as a tool in exposing those responsible for the street level drug trade.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,929,559	3,220,922	9.95%	3,433,478	3,579,678	11.14%	3,766,400	9.70%
Materials & Supplies	49,889	18,047	(63.83%)	20,904	20,922	15.93%	21,000	0.46%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	16,018	19,265	20.27%	19,265	19,265	-	19,200	(0.34%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,995,466	$ 3,258,234	8.77%	$ 3,473,647	$ 3,619,865	11.10%	$ 3,806,600	9.59%
Capital Expenditures								
Fixed Assets	75,844	38,378	(49.40%)	7,702	-	(100.00%)	-	(100.00%)
Total Capital Expenditures	$ 75,844	$ 38,378	(49.40%)	$ 7,702	$ -	(100.00%)	$ -	-
Total Program Budget	$ 3,071,310	$ 3,296,612	7.34%	$ 3,481,349	$ 3,619,865	9.81%	$ 3,806,600	9.34%

MV00056067

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Towngate Mall Patrol FUND: 010

PROGRAM NUMBER: 62910

PROGRAM OBJECTIVE: Establish a closer working relationship with Mall Security and store managers to create a healthier business climate and higher level of public safety.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	426,354	439,619	3.11%	477,339	477,339	8.58%	495,300	3.76%
Materials & Supplies	-	119	100.00%	706	706	493.28%	700	(0.85%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	411	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 426,765	$ 439,738	3.04%	$ 478,045	$ 478,045	8.71%	$ 496,000	3.76%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 426,765	$ 439,738	3.04%	$ 478,045	$ 478,045	8.71%	$ 496,000	3.76%

MV00056068

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Animal Services FUND: 010

PROGRAM NUMBER: 63110

PROGRAM OBJECTIVE: To provide a comprehensive animal control program to all citizens of Moreno Valley and contracted cities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,623,453	$ 1,614,612	(0.54%)	$ 1,621,696	$ 1,599,600	(0.93%)	$ 1,606,000	(0.97%)
Contractual Services	202,581	166,657	(17.73%)	177,739	167,950	0.78%	158,300	(10.94%)
Materials & Supplies	189,152	215,456	13.91%	168,675	169,000	(21.56%)	158,600	(5.97%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	503,758	510,803	1.40%	492,003	492,001	(3.68%)	492,200	0.04%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,518,944	$ 2,507,528	(0.45%)	$ 2,460,113	$ 2,428,551	(3.15%)	$ 2,415,100	(1.83%)
Capital Expenditures								
Fixed Assets	196,976	-	(100.00%)	-	-	-	17,300	100.00%
Total Capital Expenditures	$ 196,976	$ -	(100.00%)	$ -	$ -	-	$ 17,300	100.00%
Total Program Budget	$ 2,715,920	$ 2,507,528	(7.67%)	$ 2,460,113	$ 2,428,551	(3.15%)	$ 2,432,400	(1.13%)

MV00056069

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Emergency Operations & Volunteer Services FUND: 010

PROGRAM NUMBER: 64110

PROGRAM OBJECTIVE: To administer the City's Volunteer/Disaster Services programs including CPR and CERT training.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 205,021	$ 184,377	(10.07%)	$ 146,328	$ 146,328	(20.64%)	$ 143,700	(1.80%)
Contractual Services	28,403	22,671	(20.18%)	14,811	14,811	(34.67%)	14,700	(0.75%)
Materials & Supplies	43,134	19,932	(53.79%)	21,921	16,921	(15.11%)	24,800	13.13%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	366,671	398,900	8.79%	412,782	412,782	3.48%	412,500	(0.07%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 643,229	$ 625,880	(2.70%)	$ 595,842	$ 590,842	(5.60%)	$ 595,700	(0.02%)
Capital Expenditures								
Fixed Assets	46,860	32,250	(31.18%)	7,750	7,750	(75.97%)	-	(100.00%)
Total Capital Expenditures	$ 46,860	$ 32,250	(31.18%)	$ 7,750	$ 7,750	(75.97%)	$ -	(100.00%)
Total Program Budget	$ 690,089	$ 658,130	(4.63%)	$ 603,592	$ 598,592	(9.05%)	$ 595,700	(1.31%)

MV00056070

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Crossing Guards FUND: 010

PROGRAM NUMBER: 72110

PROGRAM OBJECTIVE: Train and provide school crossing guards to the Moreno Valley and Val Verde Unified School Districts.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 593,563	$ 582,142	(1.92%)	$ 559,950	$ 559,950	(3.81%)	$ 575,100	2.71%
Contractual Services	4,481	3,305	(26.24%)	3,605	3,650	10.44%	3,800	5.41%
Materials & Supplies	2,054	3,459	68.40%	2,550	2,600	(24.83%)	2,600	1.96%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	56,279	43,869	(22.05%)	36,021	36,021	(17.89%)	36,000	(0.06%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 656,377	$ 632,775	(3.60%)	$ 602,126	$ 602,221	(4.83%)	$ 617,500	2.55%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 656,377	$ 632,775	(3.60%)	$ 602,126	$ 602,221	(4.83%)	$ 617,500	2.55%

MV00056071

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Development Services Admin Support FUND: 011

PROGRAM NUMBER: 41010

PROGRAM OBJECTIVE: To provide administrative oversight to the City's development services function, including support from the office of the City Manager and City Attorney.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 507,962	$ 472,255	(7.03%)	$ 337,411	$ 316,716	(32.94%)	$ 353,500	4.77%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	11,275	8,051	(28.59%)	7,784	67,784	741.93%	7,800	0.21%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 519,237	$ 480,306	(7.50%)	$ 345,195	$ 384,500	(19.95%)	$ 361,300	4.67%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 519,237	$ 480,306	(7.50%)	$ 345,195	$ 384,500	(19.95%)	$ 361,300	4.67%

MV00056072

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Administration FUND: 011

PROGRAM NUMBER: 41110

PROGRAM OBJECTIVE: To lead and coordinate the activities of the following Community Development divisions and programs: Development Services Counter Operations; Building & Safety; Code & Neighborhood Services and Planning.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 451,871	$ 400,382	(11.39%)	$ 241,298	$ 230,280	(42.48%)	$ 225,100	(6.71%)
Contractual Services	29,263	12,760	(56.40%)	61,990	7,710	(39.58%)	8,100	(86.93%)
Materials & Supplies	26,963	12,255	(54.55%)	19,866	14,226	16.08%	16,700	(15.94%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	136,501	141,753	3.85%	134,033	134,033	(5.45%)	133,900	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 644,598	$ 567,150	(12.01%)	$ 457,187	$ 386,249	(31.90%)	$ 383,800	(16.05%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 644,598	$ 567,150	(12.01%)	$ 457,187	$ 386,249	(31.90%)	$ 383,800	(16.05%)

MV00056073

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Planning Commission FUND: 011

PROGRAM NUMBER: 41210

PROGRAM OBJECTIVE: To assist the City Council with land use planning and ensure implementation of the City's General Plan by reviewing and approving major projects, zone changes and code amendments in accordance with adopted land use policies.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 50,559	$ 46,161	(8.70%)	$ 42,756	$ 44,503	(3.59%)	$ 45,200	5.72%
Contractual Services	18,126	10,625	(41.38%)	12,450	10,039	(5.52%)	10,100	(18.88%)
Materials & Supplies	3,840	3,108	(19.06%)	1,700	2,600	(16.34%)	2,600	52.94%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	23,862	19,157	(19.72%)	16,421	16,421	(14.28%)	16,300	(0.74%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 96,387	$ 79,051	(17.99%)	$ 73,327	$ 73,563	(6.94%)	$ 74,200	1.19%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 96,387	$ 79,051	(17.99%)	$ 73,327	$ 73,563	(6.94%)	$ 74,200	1.19%

MV00056074

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Planning FUND: 011

PROGRAM NUMBER: 41310

PROGRAM OBJECTIVE: To recommend and implement land use policies within the City; process land use applications in accordance with the adopted development policies and regulations, including the provision of counter service, technical and environmental review, and the preparation of conditions of approval; the preparation and processing of updates and revisions to the General Plan, Municipal Code, Landscape Standards and Design Guidelines; and to provide staff support for the Planning Commission, Ecological Protection Board, Cultural Preservation Board, and Project Review Staff Committee.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,171,490	$ 945,820	(19.26%)	$ 623,320	$ 532,256	(43.73%)	$ 532,200	(14.62%)
Contractual Services	52,642	83,452	58.53%	59,229	7,770	(90.69%)	9,400	(84.13%)
Materials & Supplies	12,019	11,830	(1.57%)	8,800	7,700	(34.91%)	7,600	(13.64%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	248,896	212,083	(14.79%)	203,906	203,906	(3.86%)	203,700	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,485,047	$ 1,253,185	(15.61%)	$ 895,255	$ 751,632	(40.02%)	$ 752,900	(15.90%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,485,047	$ 1,253,185	(15.61%)	$ 895,255	$ 751,632	(40.02%)	$ 752,900	(15.90%)

MV00056075

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDD Building & Safety FUND: 011

PROGRAM NUMBER: 45410

PROGRAM OBJECTIVE: To promulgate code proposals, issue permits, provide plan check and inspection services, conduct code enforcement and provide assistance to citizens in complying with jurisdictional and State building codes to ensure the safety of the citizens of Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,592,530	$ 1,559,594	(2.07%)	$ 897,766	$ 611,309	(60.80%)	$ 746,000	(16.90%)
Contractual Services	634,702	382,078	(39.80%)	377,220	341,307	(10.67%)	301,800	(19.99%)
Materials & Supplies	49,798	67,571	35.69%	24,075	20,575	(69.55%)	25,900	7.58%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	299,041	239,428	(19.93%)	234,746	234,746	(1.96%)	234,600	(0.06%)
Transfers Out	221	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 2,576,292	$ 2,248,671	(12.72%)	$ 1,533,807	$ 1,207,937	(46.28%)	$ 1,308,300	(14.70%)
Capital Expenditures								
Fixed Assets	76,073	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 76,073	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,652,365	$ 2,248,671	(15.22%)	$ 1,533,807	$ 1,207,937	(46.28%)	$ 1,308,300	(14.70%)

MV00056076

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Prevention Inspections FUND: 011

PROGRAM NUMBER: 45810

PROGRAM OBJECTIVE: To conduct plan checks and development inspections to ensure the safe operation of businesses within the City.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 752,196	$ 251,245	(66.60%)	$ 126,828	$ 134,400	(46.51%)	$ 113,700	(10.35%)
Contractual Services	79,812	13,244	(83.41%)	13,980	15,000	13.26%	13,700	(2.00%)
Materials & Supplies	17,343	10,172	(41.35%)	5,791	2,800	(72.47%)	5,560	(3.99%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	138,899	165,661	19.27%	155,374	155,600	(6.07%)	155,200	(0.11%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 988,250	$ 440,322	(55.44%)	$ 301,973	$ 307,800	(30.10%)	$ 288,160	(4.57%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 988,250	$ 440,322	(55.44%)	$ 301,973	$ 307,800	(30.10%)	$ 288,160	(4.57%)

MV00056077

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Land Development FUND: 011

PROGRAM NUMBER: 52310

PROGRAM OBJECTIVE: To coordinate professional engineering services for new development ensuring an integrated program of infrastructure improvements by providing review and approval of tentative tract maps, tract and parcel maps, lot line adjustments, processing of sureties and public improvement agreements and environmental impact, geotechnical, and hydrology/hydraulics reports.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,726,570	$ 1,354,976	(21.52%)	$ 903,203	$ 903,203	(33.34%)	$ 906,500	0.37%
Contractual Services	487,552	45,773	(90.61%)	94,038	93,900	105.14%	134,700	43.24%
Materials & Supplies	30,061	7,356	(75.53%)	7,556	7,700	4.68%	4,400	(41.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	345,126	313,336	(9.21%)	300,798	300,798	(4.00%)	300,500	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,589,309	$ 1,721,441	(33.52%)	$ 1,305,595	$ 1,305,601	(24.16%)	$ 1,346,100	3.10%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,589,309	$ 1,721,441	(33.52%)	$ 1,305,595	$ 1,305,601	(24.16%)	$ 1,346,100	3.10%

MV00056078

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Inspection Services FUND: 011

PROGRAM NUMBER: 52710

PROGRAM OBJECTIVE: To provide public works inspection services for land development and capital projects ensuring compliance with City development standards.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 729,347	$ 473,558	(35.07%)	$ 577,278	$ 576,028	21.64%	$ 558,900	(3.18%)
Contractual Services	387,785	11,163	(97.12%)	8,247	9,300	(16.69%)	20,600	149.79%
Materials & Supplies	26,303	18,361	(30.19%)	13,690	13,800	(24.84%)	11,100	(18.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	105,064	80,844	(23.05%)	80,377	80,377	(0.58%)	80,200	(0.22%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,248,499	$ 583,926	(53.23%)	$ 679,592	$ 679,505	16.37%	$ 670,800	(1.29%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,248,499	$ 583,926	(53.23%)	$ 679,592	$ 679,505	16.37%	$ 670,800	(1.29%)

MV00056079

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - HLFV Project FUND: 011

PROGRAM NUMBER: 52910

PROGRAM OBJECTIVE: To provide public works plan check and inspection services for Highand Fairview/Mass Grading project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 61,830	$ 3,645	(94.10%)	$ 22,876	$ 22,876	527.60%	$ -	(100.00%)
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	159	8	(94.97%)	-	5	(37.50%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 61,989	$ 3,653	(94.11%)	$ 22,876	$ 22,881	526.36%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 61,989	$ 3,653	(94.11%)	$ 22,876	$ 22,881	526.36%	$ -	(100.00%)

MV00056080

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Verizon FTTP FUND: 011

PROGRAM NUMBER: 52911

PROGRAM OBJECTIVE: To provide public works plan check and inspection services for Highand Fairview/Mass Grading project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 93,736	$ 200,629	114.04%	$ 85,000	$ 72,300	(63.96%)	$ 72,800	(14.35%)
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	15	511	3,306.67%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	12,816	100.00%	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 93,751	$ 201,140	114.55%	$ 85,000	$ 85,116	(57.68%)	$ 72,800	(14.35%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 93,751	$ 201,140	114.55%	$ 85,000	$ 85,116	(57.68%)	$ 72,800	(14.35%)

MV00056081

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Sunesys, LLC FUND: 011

PROGRAM NUMBER: 52912

PROGRAM OBJECTIVE: To provide Public Works plan check and inspection services for Sunesys, LLC.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 8,382	$ 2,171	(74.10%)	$ 2,200	$ 4,060	87.01%	$ 2,400	9.09%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	4	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 8,382	$ 2,175	(74.05%)	$ 2,200	$ 4,060	86.67%	$ 2,400	9.09%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 8,382	$ 2,175	(74.05%)	$ 2,200	$ 4,060	86.67%	$ 2,400	9.09%

MV00056082

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Highland Fairview Interchanges FUND: 011

PROGRAM NUMBER: 52913

PROGRAM OBJECTIVE: To provide Public Works plan check and inspection services for Highland Fairview Interchanges.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 5,270	$ 6,760	28.27%	$ -	$ 2,520	(62.72%)	$ -	-
Contractual Services	87	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 5,357	$ 6,760	26.19%	$ -	$ 2,520	(62.72%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	88,116	85,480	100.00%	50,000	(43.26%)
Total Capital Expenditures	$ -	$ -	-	$ 88,116	$ 85,480	100.00%	$ 50,000	(41.51%)
Total Program Budget	$ 5,357	$ 6,760	26.19%	$ 88,116	$ 88,000	1,201.78%	$ 50,000	(43.26%)

MV00056083

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW EMWD Sunnymead Pipeline FUND: 011

PROGRAM NUMBER: 52914

PROGRAM OBJECTIVE: To provide Public Works inspection services for EMWD Sunnymead Pipeline project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 852	100.00%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 852	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	50,000	98,148	96.30%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 50,000	$ 98,148	96.30%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 50,000	$ 99,000	98.00%	$ -	$ -	(100.00%)	$ -	-

MV00056084

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Transportation Development Services FUND: 011

PROGRAM NUMBER: 53210

PROGRAM OBJECTIVE: To provide technical support, with respect to development impacts to traffic safety, traffic operation, circulation and access to the Planning and Land Development divisions, the Planning Commission and City Council. The increased demand in Development Review services will be accommodated while the standard level of service for other traffic-engineering related services, currently provided by Transportation Engineering divisions, can still be maintained.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 450,182	$ 427,592	(5.02%)	$ 237,566	$ 229,466	(46.34%)	$ 262,900	10.66%
Contractual Services	10	19	90.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	14,649	16,660	13.73%	15,787	15,787	(5.24%)	15,700	(0.55%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 464,841	$ 444,271	(4.43%)	$ 253,353	$ 245,253	(44.80%)	$ 278,600	9.97%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 464,841	$ 444,271	(4.43%)	$ 253,353	$ 245,253	(44.80%)	$ 278,600	9.97%

MV00056085

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Transportation Inspection Services FUND: 011

PROGRAM NUMBER: 53410

PROGRAM OBJECTIVE: To ensure all traffic signs, traffic markings, traffic signals and other traffic control devices installed by developers and contractors, are constructed properly per City guidelines and procedures and operate safely and efficiently. The increased demand in inspection of new roadway improvements will be accommodated while the standard level of service for other traffic-engineering related services, currently provided by Transportation Engineering divisions, can still be maintained.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 65,782	$ 46,752	(28.93%)	$ 25,846	$ 25,846	(44.72%)	$ 32,100	24.20%
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	75	68	(9.33%)	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	13,368	8,964	(32.94%)	9,643	9,643	7.57%	9,600	(0.45%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 79,225	$ 55,784	(29.59%)	$ 35,489	$ 35,489	(36.38%)	$ 41,700	17.50%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 79,225	$ 55,784	(29.59%)	$ 35,489	$ 35,489	(36.38%)	$ 41,700	17.50%

MV00056086

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Document Imaging - Building & Safety FUND: 133

PROGRAM NUMBER: 74626

PROGRAM OBJECTIVE: To account for funding appropriated for the Document Imaging project for the Building & Safety Division.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	88,558	15,476	(82.52%)	22,494	22,494	45.35%	-	(100.00%)
Total Capital Expenditures	$ 88,558	$ 15,476	(82.52%)	$ 22,494	$ 22,494	45.35%	$ -	(100.00%)
Total Program Budget	$ 88,558	$ 15,476	(82.52%)	$ 22,494	$ 22,494	45.35%	$ -	(100.00%)

MV00056087

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Prevention FUND: 133

PROGRAM NUMBER: 45910

PROGRAM OBJECTIVE: To conduct required inspections of industrial, commercial, educational, governmental, health care and other institutional facilities to ensure public safety in those occupancies within the City.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 115,928	$ 558,208	381.51%	$ 560,484	$ 541,200	(3.05%)	$ 546,800	(2.44%)
Contractual Services	12,096	89,515	640.04%	89,685	108,000	20.65%	109,650	22.26%
Materials & Supplies	3,782	4,476	18.35%	6,529	8,000	78.73%	6,600	1.09%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	62,737	34,183	(45.51%)	35,322	35,400	3.56%	35,100	(0.63%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 194,543	$ 686,382	252.82%	$ 692,020	$ 692,600	0.91%	$ 698,150	0.89%
Capital Expenditures								
Fixed Assets	15,709	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 15,709	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 210,252	$ 686,382	226.46%	$ 692,020	$ 692,600	0.91%	$ 698,150	0.89%

MV00056088

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Operations FUND: 133

PROGRAM NUMBER: 65110

PROGRAM OBJECTIVE: To provide basic fire suppression, training, education and emergency preparedness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 115,946	$ 137,883	18.92%	$ 160,678	$ 147,000	6.61%	$ 154,500	(3.84%)
Contractual Services	12,553,705	12,571,099	0.14%	13,862,443	13,707,900	9.04%	13,888,300	0.19%
Materials & Supplies	175,473	17,399	(90.08%)	35,051	52,000	198.87%	40,200	14.69%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,053,939	1,119,071	6.18%	1,059,610	1,059,600	(5.31%)	1,059,400	(0.02%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 13,899,063	$ 13,845,452	(0.39%)	$ 15,117,782	$ 14,966,500	8.10%	$ 15,142,400	0.16%
Capital Expenditures								
Fixed Assets	190,207	116,304	(38.85%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 190,207	$ 116,304	(38.85%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 14,089,270	$ 13,961,756	(0.91%)	$ 15,117,782	$ 14,966,500	7.20%	$ 15,142,400	0.16%

MV00056089

City of Moreno Valley

2010-11 Preliminary Base Operating budget

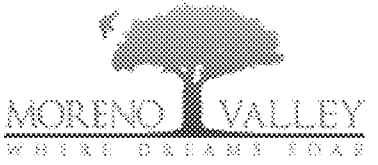

Community Services Districts

MV00056090

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District

Description	Zone L Library 131	Zone A Parks & Community Services 161	Zone B St Light 171	Zone C Art Light 172	Zone D Std Ldscp 181	Zone E Ext Ldscp 182	Zone M Median 183	ZONE S 185	CFD #4M 186	Total
Revenues										
Property Taxes	1,201,200	1,586,789	116,100	139,300	-	-	-	-	-	3,043,389
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	4,682,200	929,900	426,100	1,091,500	2,403,100	126,200	52,400	35,000	9,746,400
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	33,000	991,400	700	5,600	50,000	100	78,000	-	-	1,158,800
Fees for Service	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	-	-	-	9,000	1,300	69,600	1,500	-	-	81,400
Bond Proceeds	-	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	58,500	447,400	-	-	-	2,800	-	-	-	508,700
Grants/Intergovernmental Revenues	27,000	-	-	-	-	-	-	-	-	27,000
Transfers In	424,900	289,800	-	-	-	-	103,400	-	-	818,100
Total Operating Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	
Total Revenues	**1,744,600**	**7,997,589**	**1,046,700**	**580,000**	**1,142,800**	**2,475,600**	**309,100**	**52,400**	**35,000**	**15,383,789**
Expenditures										
Operating:										
Personnel Services	1,315,600	4,229,400	132,400	37,200	479,300	593,800	86,000	28,300	-	6,902,000
Contractual Services	135,900	1,645,900	1,418,100	665,000	746,500	1,870,100	154,400	81,700	29,000	6,766,600
Materials & Supplies	225,900	435,100	3,500	3,200	44,900	88,000	15,500	2,500	-	818,600
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	483,900	2,129,600	64,000	62,900	147,300	233,500	17,200	7,500	6,000	3,151,900
Transfers Out	-	-	-	-	-	51,800	-	-	-	51,800
Total Operating Expenditures	**2,161,300**	**8,440,000**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,690,900**
Capital :										
Fixed Assets	-	6,400	-	-	-	-	-	-	-	6,400
Total Capital Expenditures	**-**	**6,400**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**6,400**
Total Program Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Increase in Reserve for Contingencies										
Total Expenditures	**2,161,300**	**8,446,400**	**1,618,000**	**788,300**	**1,418,000**	**2,837,200**	**273,100**	**120,000**	**35,000**	**17,697,300**
Net Revenues Over (Under) Expenditures	**(416,700)**	**(448,811)**	**(571,300)**	**(208,300)**	**(275,200)**	**(361,600)**	**36,000**	**(67,600)**	**-**	**(2,313,511)**

MV00056091

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services Districts

Description	Zone L Library 131.21310	Zone B Residential Street Lighting Admin. 171.77810	Zone C Arterial Street Lighting Admin. 172.77910	Zone D Standard Landscape Maint. 181.78110	Zone M Median Fund 183.18310	Zone S Sunnymead Bl. Maint. 185.18510	CFD #4M 186.18610	Total
Expenditures								
Operating:								
Personnel Services	1,315,600	132,400	37,200	479,300	86,000	28,300	-	2,078,800
Contractual Services	135,900	1,418,100	685,000	746,500	154,400	81,700	29,000	3,250,600
Materials & Supplies	225,900	3,500	3,200	44,900	15,500	2,500	-	295,500
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	483,900	64,000	62,900	147,300	17,200	7,500	6,000	788,800
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	2,161,300	1,618,000	788,300	1,418,000	273,100	120,000	35,000	6,413,700
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	2,161,300	1,618,000	788,300	1,418,000	273,100	120,000	35,000	6,413,700

MV00056092

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District
Zone A Parks and Community Services - Fund 161

Description	Senior Programs 73110	Parks & Community Services Administration 75910	Park Ranger Program 76010	Recreation Programs 76105	Park Maintenance 76210	Contractual Park Maintenance 76310	Golf Course Program 76410
Expenditures							
Personnel Services	220,200	323,500	286,000	996,000	1,657,500	56,550	197,200
Contractual Services	28,700	44,300	4,600	114,300	749,400	375,000	72,400
Materials & Supplies	40,000	2,600	9,500	95,600	162,200	17,200	18,800
Debt Service	-	-	-	-	-	-	-
Fixed Charges	266,000	99,600	34,800	624,400	302,100	12,100	69,100
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	554,900	470,000	334,900	1,830,300	2,871,200	460,850	357,500
Capital:							
Fixed Assets	(13,000)	-	-	-	-	-	-
Total Capital Expenditures	(13,000)	-	-	-	-	-	-
Total Program Expenditures	541,900	470,000	334,900	1,830,300	2,871,200	460,850	357,500

MV00056093

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Community Services District
Zone A Parks and Community Services - Fund 161

Description	Conference and Recreation Center 76510	Banquet Center 76530	Park Projects Programs 76810	Community Services 77210	Community Events 77310	Non-Departmental - Zone A 99916	Total
Expenditures							
Personnel Services	154,100	99,450	131,900	72,700	34,300	-	4,229,400
Contractual Services	88,000	22,100	4,200	11,600	131,300	-	1,645,900
Materials & Supplies	8,600	21,300	3,500	42,600	13,200	-	435,100
Debt Service	-	-	-	-	-	-	-
Fixed Charges	280,200	138,800	18,600	15,900	17,700	250,300	2,129,600
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	530,900	281,650	158,200	142,800	196,500	250,300	8,440,000
Capital:							
Fixed Assets	-	19,400	-	-	-	-	6,400
Total Capital Expenditures	-	19,400	-	-	-	-	6,400
Total Program Expenditures	530,900	301,050	158,200	142,800	196,500	250,300	8,446,400

MV00056094

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Commuity Services Districts
Zone E - Fund 182

Description	Extensive Landscape Maintenance 78210	Extensive Landscape - Towngate 78220	Extensive Landscape - Hidden Springs 78230	Extensive Landscape - Warmington 78240	Extensive Landscape - Landmark 78250	Extensive Landscape - Cactus Comm. Center 78260	Extensive Landscape - MV Development 78270	Extensive Landscape - Centerpointe 78280
Expenditures								
Operating:								
Personnel Services	593,800	-	-	-	-	-	-	-
Contractual Services	35,500	231,600	383,900	287,500	355,400	-	57,600	88,700
Materials & Supplies	38,300	6,300	3,300	9,900	11,200	-	1,600	1,500
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	233,500	-	-	-	-	-	-	-
Transfers Out	51,800	-	-	-	-	-	-	-
Total Operating Expenditures	952,900	237,900	387,200	297,400	366,600	-	59,200	90,200
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	952,900	237,900	387,200	297,400	366,600	-	59,200	90,200

MV00056095

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Commuity Services Districts
Zone E - Fund 182

Description	Renaissance Park 78281	Daybreak Div 78282	Zone E3A 78283	E8 - Promontory Park 78284	E15 - Celebrations 78285	E14 - Mahogany 78286	E12 - Stoneridge 78287	Total
Expenditures								
Operating:								
Personnel Services	-	-	-	-	-	-	-	593,800
Contractual Services	43,200	7,100	27,100	162,000	47,800	80,600	62,100	1,870,100
Materials & Supplies	1,200	300	1,400	6,600	3,400	1,200	1,800	88,000
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	233,500
Transfers Out	-	-	-	-	-	-	-	51,800
Total Operating Expenditures	44,400	7,400	28,500	168,600	51,200	81,800	63,900	2,837,200
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	44,400	7,400	28,500	168,600	51,200	81,800	63,900	2,837,200

MV00056096

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Library FUND: 131

PROGRAM NUMBER: 21310

PROGRAM OBJECTIVE: To provide a full range of library services to all the residents of the City through both traditional delivery methods and various computerized venues.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,542,762	$ 1,310,397	(15.06%)	$ 1,338,815	$ 1,274,756	(2.72%)	$ 1,315,600	(1.73%)
Contractual Services	158,887	166,465	4.77%	144,776	126,477	(24.02%)	135,900	(6.13%)
Materials & Supplies	145,570	145,206	(0.25%)	236,076	250,720	72.67%	225,900	(4.31%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	392,250	490,456	25.04%	484,119	484,169	(1.28%)	483,900	(0.05%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,239,469	$ 2,112,524	(5.67%)	$ 2,203,786	$ 2,136,122	1.12%	$ 2,161,300	(1.93%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,239,469	$ 2,112,524	(5.67%)	$ 2,203,786	$ 2,136,122	1.12%	$ 2,161,300	(1.93%)

MV00056097

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Senior Programs FUND: 161

PROGRAM NUMBER: 73110

PROGRAM OBJECTIVE: To plan, design, and oversee the wide range of programs offered to the City's Senior Citizen community.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 232,431	$ 236,030	1.55%	$ 234,995	$ 205,400	(12.98%)	$ 220,200	(6.30%)
Contractual Services	5,991	67,164	1,021.08%	17,535	16,100	(76.03%)	28,700	63.67%
Materials & Supplies	25,546	31,324	22.62%	28,200	30,234	(3.48%)	40,000	41.84%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	351,591	270,470	(23.07%)	266,259	266,000	(1.65%)	266,000	(0.10%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 615,559	$ 604,988	(1.72%)	$ 546,989	$ 517,734	(14.42%)	$ 554,900	1.45%
Capital Expenditures								
Fixed Assets	-	-	-	80,000	-	-	(13,000)	(116.25%)
Total Capital Expenditures	$ -	$ -	-	$ 80,000	$ -	-	$ (13,000)	100.00%
Total Program Budget	$ 615,559	$ 604,988	(1.72%)	$ 626,989	$ 517,734	(14.42%)	$ 541,900	(13.57%)

MV00056098

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Parks & Community Services Administration FUND: 161

PROGRAM NUMBER: 75910

PROGRAM OBJECTIVE: To administer the Parks and Community Services department in order to plan, design, and oversee the wide range of programs offered to the residents of Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 363,060	$ 351,890	(3.08%)	$ 341,523	$ 345,100	(1.93%)	$ 323,500	(5.28%)
Contractual Services	53,033	81,841	54.32%	44,221	41,900	(48.80%)	44,300	0.18%
Materials & Supplies	5,985	2,845	(52.46%)	2,450	2,700	(5.10%)	2,600	6.12%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	60,785	79,241	30.36%	99,962	102,900	29.86%	99,600	(0.36%)
Transfers Out	370	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 483,233	$ 515,817	6.74%	$ 488,156	$ 492,600	(4.50%)	$ 470,000	(3.72%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 483,233	$ 515,817	6.74%	$ 488,156	$ 492,600	(4.50%)	$ 470,000	(3.72%)

MV00056099

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Park Ranger Program FUND: 161

PROGRAM NUMBER: 76010

PROGRAM OBJECTIVE: To maintain safety in the City's parks through patrol services, enforcement of park rules and regulations, and the promotion of safe use of park facilities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 359,246	$ 304,107	(15.35%)	$ 346,835	$ 236,200	(22.33%)	$ 286,000	(17.54%)
Contractual Services	10,401	7,378	(29.06%)	4,090	3,500	(52.56%)	4,600	12.47%
Materials & Supplies	29,320	21,316	(27.30%)	9,000	10,000	(53.09%)	9,500	5.56%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	30,456	26,162	(14.10%)	35,042	34,900	33.40%	34,800	(0.69%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 429,423	$ 358,963	(16.41%)	$ 394,967	$ 284,600	(20.72%)	$ 334,900	(15.21%)
Capital Expenditures								
Fixed Assets	18,966	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 18,966	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 448,389	$ 358,963	(19.94%)	$ 394,967	$ 284,600	(20.72%)	$ 334,900	(15.21%)

MV00056100

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Recreation Programs FUND: 161

PROGRAM NUMBER: 76105

PROGRAM OBJECTIVE: To plan, design, and oversee the wide range of recreation programs offered to the entire City; schedule and supervise use of sports activities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,176,855	$ 1,043,036	(11.37%)	$ 1,048,439	$ 974,900	(6.53%)	$ 996,000	(5.00%)
Contractual Services	88,639	133,868	51.03%	95,359	109,608	(18.12%)	114,300	19.86%
Materials & Supplies	93,725	88,954	(5.09%)	82,775	89,600	0.73%	95,600	15.49%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	440,838	575,895	30.64%	624,692	624,700	8.47%	624,400	(0.05%)
Transfers Out	1,363	31,041	2,177.40%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,801,420	$ 1,872,794	3.96%	$ 1,851,265	$ 1,798,808	(3.95%)	$ 1,830,300	(1.13%)
Capital Expenditures								
Fixed Assets	147,284	-	(100.00%)	7,265	7,300	100.00%	-	(100.00%)
Total Capital Expenditures	$ 147,284	$ -	(100.00%)	$ 7,265	$ 7,300	100.00%	$ -	(100.00%)
Total Program Budget	$ 1,948,704	$ 1,872,794	(3.90%)	$ 1,858,530	$ 1,806,108	(3.56%)	$ 1,830,300	(1.52%)

MV00056101

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Park Maintenance FUND: 161

PROGRAM NUMBER: 76210

PROGRAM OBJECTIVE: To oversee and maintain parks in a safe and aesthetically pleasing manner.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,705,031	$ 1,619,058	(5.04%)	$ 1,699,402	$ 1,450,700	(10.40%)	$ 1,657,500	(2.47%)
Contractual Services	597,724	646,492	8.16%	660,023	702,300	8.63%	749,400	13.54%
Materials & Supplies	219,557	183,675	(16.34%)	159,930	158,100	(13.92%)	162,200	1.42%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	331,098	240,736	(27.29%)	302,333	302,333	25.59%	302,100	(0.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,853,410	$ 2,689,961	(5.73%)	$ 2,821,688	$ 2,613,433	(2.84%)	$ 2,871,200	1.75%
Capital Expenditures								
Fixed Assets	8,101	29,700	266.62%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 8,101	$ 29,700	266.62%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 2,861,511	$ 2,719,661	(4.96%)	$ 2,821,688	$ 2,613,433	(3.91%)	$ 2,871,200	1.75%

MV00056102

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Contract Park Maintenance FUND: 161

PROGRAM NUMBER: 76310

PROGRAM OBJECTIVE: To provide maintenance of the "linear parks" for the City including the senior Center and City Hall.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 63,917	$ 63,331	(0.92%)	$ 59,743	$ 56,600	(10.63%)	$ 56,550	(5.34%)
Contractual Services	410,749	332,215	(19.12%)	362,084	386,000	16.19%	375,000	3.57%
Materials & Supplies	21,698	17,484	(19.42%)	17,903	15,100	(13.64%)	17,200	(3.93%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,414	1,246	(11.88%)	12,232	12,232	881.70%	12,100	(1.08%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 497,778	$ 414,276	(16.77%)	$ 451,962	$ 469,932	13.43%	$ 460,850	1.97%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 497,778	$ 414,276	(16.77%)	$ 451,962	$ 469,932	13.43%	$ 460,850	1.97%

MV00056103

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Golf Course Program FUND: 161

PROGRAM NUMBER: 76410

PROGRAM OBJECTIVE: To administer the Park El Moreno Golf Course contract and operations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 200,086	$ 195,783	(2.15%)	$ 210,136	$ 176,600	(9.80%)	$ 197,200	(6.16%)
Contractual Services	54,403	66,835	22.85%	65,642	68,300	2.19%	72,400	10.30%
Materials & Supplies	26,273	22,346	(14.95%)	19,300	16,900	(24.37%)	18,800	(2.59%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	125,214	58,722	(53.10%)	69,377	69,400	18.18%	69,100	(0.40%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 405,976	$ 343,686	(15.34%)	$ 364,455	$ 331,200	(3.63%)	$ 357,500	(1.91%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 405,976	$ 343,686	(15.34%)	$ 364,455	$ 331,200	(3.63%)	$ 357,500	(1.91%)

MV00056104

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Conference and Recreation Center FUND: 161

PROGRAM NUMBER: 76510

PROGRAM OBJECTIVE: To provide a Conference and Recreation Center facility that is divided into two separate and distinct programming areas that can host a variety of activities concurrently; including a banquet room, a gymnasium and a fitness facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 151,663	$ 137,812	(9.13%)	$ 172,201	$ 145,100	5.29%	$ 154,100	(10.51%)
Contractual Services	78,195	85,876	9.82%	83,500	93,900	9.34%	88,000	5.39%
Materials & Supplies	11,607	7,372	(36.49%)	8,450	5,900	(19.97%)	8,600	1.78%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	269,947	292,238	8.26%	280,369	280,500	(4.02%)	280,200	(0.06%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 511,412	$ 523,298	2.32%	$ 544,520	$ 525,400	0.40%	$ 530,900	(2.50%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 511,412	$ 523,298	2.32%	$ 544,520	$ 525,400	0.40%	$ 530,900	(2.50%)

MV00056105

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Banquet Recreation Center FUND: 161

PROGRAM NUMBER: 76530

PROGRAM OBJECTIVE: To provide the City with a Banquet Facility and Community Meeting rooms at the Community and Recreation Center that can host a variety of programs, activities and special memorable occasions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 103,525	$ 104,361	0.81%	$ 102,733	$ 98,000	(6.10%)	$ 99,450	(3.20%)
Contractual Services	19,408	19,122	(1.47%)	22,270	22,900	19.76%	22,100	(0.76%)
Materials & Supplies	21,205	8,024	(62.16%)	11,677	11,300	40.83%	21,300	82.41%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	134,292	142,365	6.01%	139,002	138,900	(2.43%)	138,800	(0.15%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 278,430	$ 273,872	(1.64%)	$ 275,682	$ 271,100	(1.01%)	$ 281,650	2.16%
Capital Expenditures								
Fixed Assets	-	21,704	100.00%	39,406	5,000	(76.96%)	19,400	(50.77%)
Total Capital Expenditures	$ -	$ 21,704	100.00%	$ 39,406	$ 5,000	(76.96%)	$ 19,400	288.00%
Total Program Budget	$ 278,430	$ 295,576	6.16%	$ 315,088	$ 276,100	(6.59%)	$ 301,050	(4.46%)

MV00056106

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Parks Projects Program FUND: 161

PROGRAM NUMBER: 76810

PROGRAM OBJECTIVE: Fees charged to developers for plan checking and inspections of newly developed parks, trails, and Class-I bikeways. The fees provide Parks and Community Services 100% cost recovery for these services provided by staff and contract personnel.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 144,920	$ 130,812	(9.74%)	$ 134,716	$ 127,400	(2.61%)	$ 131,900	(2.09%)
Contractual Services	4,246	3,191	(24.85%)	3,704	3,100	(2.85%)	4,200	13.39%
Materials & Supplies	3,912	3,590	(8.23%)	3,978	3,700	3.06%	3,500	(12.02%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	20,654	14,148	(31.50%)	18,838	18,800	32.88%	18,600	(1.26%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 173,732	$ 151,741	(12.66%)	$ 161,236	$ 153,000	0.83%	$ 158,200	(1.88%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 173,732	$ 151,741	(12.66%)	$ 161,236	$ 153,000	0.83%	$ 158,200	(1.88%)

MV00056107

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Community Services FUND: 161

PROGRAM NUMBER: 77210

PROGRAM OBJECTIVE: To plan, design, and oversee recreation community services needs. Additionally, to produce the Recreation Activity Guide and City Newsline three times per year.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 79,664	$ 58,751	(26.25%)	$ 76,920	$ 70,700	20.34%	$ 72,700	(5.49%)
Contractual Services	40,701	53,640	31.79%	11,640	11,600	(78.37%)	11,600	(0.34%)
Materials & Supplies	3,122	468	(85.01%)	42,471	42,600	9,002.56%	42,600	0.30%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	14,127	8,625	(38.95%)	16,138	15,900	84.35%	15,900	(1.47%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 137,614	$ 121,484	(11.72%)	$ 147,169	$ 140,800	15.90%	$ 142,800	(2.97%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 137,614	$ 121,484	(11.72%)	$ 147,169	$ 140,800	15.90%	$ 142,800	(2.97%)

MV00056108

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Community Events FUND: 161

PROGRAM NUMBER: 77310

PROGRAM OBJECTIVE: To plan, design, and oversee recreation community events and programs such as the 4th of July parade and festival, and the Summer Concerts.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 38,749	$ 40,302	4.01%	$ 36,265	$ 37,300	(7.45%)	$ 34,300	(5.42%)
Contractual Services	157,101	111,600	(28.96%)	122,913	121,910	9.24%	131,300	6.82%
Materials & Supplies	14,720	4,929	(66.51%)	10,700	13,200	167.80%	13,200	23.36%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,291	1,217	(5.73%)	17,933	17,800	1,362.61%	17,700	(1.30%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 211,861	$ 158,048	(25.40%)	$ 187,811	$ 190,210	20.35%	$ 196,500	4.63%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 211,861	$ 158,048	(25.40%)	$ 187,811	$ 190,210	20.35%	$ 196,500	4.63%

MV00056109

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Non-Departmental Zone A FUND: 161

PROGRAM NUMBER: 99916

PROGRAM OBJECTIVE: To provide appropriate funds for those activities that support Zone A and are not directly assignable to any one department or program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	248,079	250,309	0.90%	250,309	250,300	(0.00%)	250,300	(0.00%)
Transfers Out	-	400,000	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 248,079	$ 650,309	162.14%	$ 250,309	$ 250,300	(61.51%)	$ 250,300	(0.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 248,079	$ 650,309	162.14%	$ 250,309	$ 250,300	(61.51%)	$ 250,300	(0.00%)

MV00056110

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Residential Street Lighting Admin. FUND: 171

PROGRAM NUMBER: 77810

PROGRAM OBJECTIVE: To monitor over 5,589 residential streetlights to assure safe vehicular travel within residential areas of Moreno Valley by responding to service requests within 24 hours to Southern California Edison.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 149,749	$ 141,345	(5.61%)	$ 124,130	$ 132,883	(5.99%)	$ 132,400	6.66%
Contractual Services	1,019,326	1,227,559	20.43%	1,415,080	1,407,680	14.67%	1,418,100	0.21%
Materials & Supplies	3,107	27,861	796.72%	3,030	43,220	55.13%	3,500	15.51%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	99,018	63,490	(35.88%)	63,957	63,957	0.74%	64,000	0.07%
Transfers Out	71,383	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,342,583	$ 1,460,255	8.76%	$ 1,606,197	$ 1,647,740	12.84%	$ 1,618,000	0.73%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,342,583	$ 1,460,255	8.76%	$ 1,606,197	$ 1,647,740	12.84%	$ 1,618,000	0.73%

MV00056111

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Arterial Street Lighting Admin. FUND: 172

PROGRAM NUMBER: 77910

PROGRAM OBJECTIVE: To provide orderly development and maintenance of arterial streetlight services for the residents in Zone C. Monitoring of streetlights to assure safe vehicular travel on major thoroughfares in Moreno Valley and responding to service requests to Southern California Edison.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 39,513	$ 36,723	(7.06%)	$ 41,358	$ 37,375	1.78%	$ 37,200	(10.05%)
Contractual Services	481,224	577,319	19.97%	631,230	632,388	9.54%	685,000	8.52%
Materials & Supplies	2,233	1,741	(22.03%)	2,732	3,025	73.75%	3,200	17.13%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	64,955	62,686	(3.49%)	62,966	62,966	0.45%	62,900	(0.10%)
Transfers Out	17,550	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 605,475	$ 678,469	12.06%	$ 738,286	$ 735,754	8.44%	$ 788,300	6.77%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 605,475	$ 678,469	12.06%	$ 738,286	$ 735,754	8.44%	$ 788,300	6.77%

MV00056112

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Standard Landscape Maint. Admin. FUND: 181

PROGRAM NUMBER: 78110

PROGRAM OBJECTIVE: Monitor 75 residential tracts supporting 30 acres of parkway landscaping to assure orderly development and maintenance of standard landscape services for the residents in Zone D.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 423,158	$ 444,981	5.16%	$ 458,337	$ 392,935	(11.70%)	$ 479,300	4.57%
Contractual Services	572,034	575,268	0.57%	675,040	626,055	8.83%	746,500	10.59%
Materials & Supplies	44,261	32,859	(25.76%)	62,817	56,019	70.48%	44,900	(28.52%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	131,952	147,010	11.41%	147,305	147,305	0.20%	147,300	(0.00%)
Transfers Out	375	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,171,780	$ 1,200,118	2.42%	$ 1,343,499	$ 1,222,314	1.85%	$ 1,418,000	5.55%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,171,780	$ 1,200,118	2.42%	$ 1,343,499	$ 1,222,314	1.85%	$ 1,418,000	5.55%

MV00056113

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape Maint. Admin. FUND: 182

PROGRAM NUMBER: 78210

PROGRAM OBJECTIVE: Monitor 7 sub-zones of Zone E supporting 130 acres of extensive landscaping to assure orderly development and maintenance of extensive landscape services for the residents in Zone E.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 611,181	$ 614,554	0.55%	$ 645,950	$ 593,949	(3.35%)	$ 593,800	(8.07%)
Contractual Services	49,292	24,724	(49.84%)	38,556	34,403	39.15%	35,500	(7.93%)
Materials & Supplies	37,404	40,254	7.62%	39,646	38,828	(3.54%)	38,300	(3.40%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	265,675	236,644	(10.93%)	233,490	233,490	(1.33%)	233,500	0.00%
Transfers Out	172,185	20,500	(88.09%)	25,000	51,778	152.58%	51,800	107.20%
Total Operating Expenditures	$ 1,135,737	$ 936,676	(17.53%)	$ 982,642	$ 952,448	1.68%	$ 952,900	(3.03%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,135,737	$ 936,676	(17.53%)	$ 982,642	$ 952,448	1.68%	$ 952,900	(3.03%)

MV00056114

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Towngate FUND: 182

PROGRAM NUMBER: 78220

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-1.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	157,169	193,514	23.12%	223,950	229,285	18.48%	231,600	3.42%
Materials & Supplies	5,507	4,410	(19.92%)	6,750	6,500	47.39%	6,300	(6.67%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 162,676	$ 197,924	21.67%	$ 230,700	$ 235,785	19.13%	$ 237,900	3.12%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 162,676	$ 197,924	21.67%	$ 230,700	$ 235,785	19.13%	$ 237,900	3.12%

MV00056115

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Hidden Springs FUND: 182

PROGRAM NUMBER: 78230

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-2.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	268,198	284,603	6.12%	358,545	341,475	19.98%	383,900	7.07%
Materials & Supplies	3,726	2,913	(21.82%)	3,630	3,230	10.88%	3,300	(9.09%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 271,924	$ 287,516	5.73%	$ 362,175	$ 344,705	19.89%	$ 387,200	6.91%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 271,924	$ 287,516	5.73%	$ 362,175	$ 344,705	19.89%	$ 387,200	6.91%

MV00056116

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Warmington FUND: 182

PROGRAM NUMBER: 78240

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-3.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	318,281	425,896	33.81%	462,990	239,665	(43.73%)	287,500	(37.90%)
Materials & Supplies	9,000	15,224	69.16%	10,250	10,050	(33.99%)	9,900	(3.41%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 327,281	$ 441,120	34.78%	$ 473,240	$ 249,715	(43.39%)	$ 297,400	(37.16%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 327,281	$ 441,120	34.78%	$ 473,240	$ 249,715	(43.39%)	$ 297,400	(37.16%)

MV00056117

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Landmark FUND: 182

PROGRAM NUMBER: 78250

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-4.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	270,176	287,966	6.58%	302,150	302,330	4.99%	355,400	17.62%
Materials & Supplies	11,392	12,832	12.64%	13,230	12,600	(1.81%)	11,200	(15.34%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 281,568	$ 300,798	6.83%	$ 315,380	$ 314,930	4.70%	$ 366,600	16.24%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 281,568	$ 300,798	6.83%	$ 315,380	$ 314,930	4.70%	$ 366,600	16.24%

MV00056118

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - MV Development FUND: 182

PROGRAM NUMBER: 78270

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-16.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	43,205	46,193	6.92%	52,675	52,675	14.03%	57,600	9.35%
Materials & Supplies	569	1,512	165.73%	1,700	1,050	(30.56%)	1,600	(5.88%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 43,774	$ 47,705	8.98%	$ 54,375	$ 53,725	12.62%	$ 59,200	8.87%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 43,774	$ 47,705	8.98%	$ 54,375	$ 53,725	12.62%	$ 59,200	8.87%

MV00056119

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Extensive Landscape - Centerpointe FUND: 182

PROGRAM NUMBER: 78280

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E-7.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	100,832	63,538	(36.99%)	83,425	76,815	20.90%	88,700	6.32%
Materials & Supplies	447	1,766	295.08%	1,900	2,400	35.90%	1,500	(21.05%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 101,279	$ 65,304	(35.52%)	$ 85,325	$ 79,215	21.30%	$ 90,200	5.71%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 101,279	$ 65,304	(35.52%)	$ 85,325	$ 79,215	21.30%	$ 90,200	5.71%

MV00056120

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E1-A Renaissance Park FUND: 182

PROGRAM NUMBER: 78281

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E1-A.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	18,015	19,189	6.52%	41,345	41,345	115.46%	43,200	4.49%
Materials & Supplies	948	767	(19.09%)	1,200	1,000	30.38%	1,200	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 18,963	$ 19,956	5.24%	$ 42,545	$ 42,345	112.19%	$ 44,400	4.36%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 18,963	$ 19,956	5.24%	$ 42,545	$ 42,345	112.19%	$ 44,400	4.36%

MV00056121

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E4-A Daybreak Div. FUND: 182

PROGRAM NUMBER: 78282

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E4-A.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	4,666	5,372	15.13%	7,115	7,115	32.45%	7,100	(0.21%)
Materials & Supplies	249	-	(100.00%)	361	261	100.00%	300	(16.90%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 4,915	$ 5,372	9.30%	$ 7,476	$ 7,376	37.30%	$ 7,400	(1.02%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,915	$ 5,372	9.30%	$ 7,476	$ 7,376	37.30%	$ 7,400	(1.02%)

MV00056122

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E3A FUND: 182

PROGRAM NUMBER: 78283

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E3A.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	24,162	27,134	12.30%	33,625	31,885	17.51%	27,100	(19.41%)
Materials & Supplies	249	347	39.36%	1,570	1,400	303.46%	1,400	(10.83%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 24,411	$ 27,481	12.58%	$ 35,195	$ 33,285	21.12%	$ 28,500	(19.02%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 24,411	$ 27,481	12.58%	$ 35,195	$ 33,285	21.12%	$ 28,500	(19.02%)

MV00056123

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E8 - Promontory Park FUND: 182

PROGRAM NUMBER: 78284

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E8.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	25,830	32,562	26.06%	164,195	74,580	129.04%	162,000	(1.34%)
Materials & Supplies	249	244	(2.01%)	8,330	3,950	1,518.85%	6,600	(20.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 26,079	$ 32,806	25.79%	$ 172,525	$ 78,530	139.38%	$ 168,600	(2.28%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 26,079	$ 32,806	25.79%	$ 172,525	$ 78,530	139.38%	$ 168,600	(2.28%)

MV00056124

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E15 - Celebrations FUND: 182

PROGRAM NUMBER: 78285

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E15.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	16,193	17,834	10.13%	45,305	34,300	92.33%	47,800	5.51%
Materials & Supplies	249	-	(100.00%)	4,630	450	100.00%	3,400	(26.57%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 16,442	$ 17,834	8.47%	$ 49,935	$ 34,750	94.85%	$ 51,200	2.53%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 16,442	$ 17,834	8.47%	$ 49,935	$ 34,750	94.85%	$ 51,200	2.53%

MV00056125

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E14 - Mahogany FUND: 182

PROGRAM NUMBER: 78286

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E14.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	56,009	71,400	27.48%	75,965	78,190	9.51%	80,600	6.10%
Materials & Supplies	249	337	35.34%	1,600	1,000	196.74%	1,200	(25.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 56,258	$ 71,737	27.51%	$ 77,565	$ 79,190	10.39%	$ 81,800	5.46%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 56,258	$ 71,737	27.51%	$ 77,565	$ 79,190	10.39%	$ 81,800	5.46%

MV00056126

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone E12 - Stoneridge FUND: 182

PROGRAM NUMBER: 78287

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for the residents in Zone E12.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	28,996	40,924	41.14%	57,690	53,360	30.39%	62,100	7.64%
Materials & Supplies	2,118	717	(66.15%)	2,200	1,800	151.05%	1,800	(18.18%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 31,114	$ 41,641	33.83%	$ 59,890	$ 55,160	32.47%	$ 63,900	6.70%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 31,114	$ 41,641	33.83%	$ 59,890	$ 55,160	32.47%	$ 63,900	6.70%

MV00056127

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone M - Median Fund FUND: 183

PROGRAM NUMBER: 18310

PROGRAM OBJECTIVE: To provide orderly development and maintenance of medians within the City of Moreno Valley designated as Zone M.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 50,292	$ 36,333	(27.76%)	$ 99,532	$ 86,651	138.49%	$ 86,000	(13.60%)
Contractual Services	96,999	114,100	17.63%	178,981	133,175	16.72%	154,400	(13.73%)
Materials & Supplies	6,236	4,077	(34.62%)	31,170	16,660	308.63%	15,500	(50.27%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,710	9,376	448.30%	17,082	17,082	82.19%	17,200	0.69%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 155,237	$ 163,886	5.57%	$ 326,765	$ 253,568	54.72%	$ 273,100	(16.42%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 155,237	$ 163,886	5.57%	$ 326,765	$ 253,568	54.72%	$ 273,100	(16.42%)

MV00056128

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Zone S - Sunnymead Blvd. Maintenance FUND: 185

PROGRAM NUMBER: 18510

PROGRAM OBJECTIVE: To provide orderly development and maintenance of extensive landscape services for commercial sites on Sunnymead Blvd.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 3,789	100.00%	$ 18,564	$ 18,564	389.94%	$ 28,300	52.45%
Contractual Services	47	1,805	3,740.43%	63,850	31,620	1,651.80%	81,700	27.96%
Materials & Supplies	-	568	100.00%	2,305	950	67.25%	2,500	8.46%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	7,500	7,500	100.00%	7,500	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 47	$ 6,162	13,010.64%	$ 92,219	$ 58,634	851.54%	$ 120,000	30.13%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 47	$ 6,162	13,010.64%	$ 92,219	$ 58,634	851.54%	$ 120,000	30.13%

MV00056129

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #4M FUND: 186

PROGRAM NUMBER: 18610

PROGRAM OBJECTIVE: Community Service District to provide for the maintenance and administration cost of the detention basis within Centerpointe Business Park.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 2,195	100.00%	$ -	$ 700	(68.11%)	$ -	-
Contractual Services	3	3,230	107,566.67%	29,000	27,000	735.91%	29,000	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	6,000	16,500	175.00%	6,000	6,000	(63.64%)	6,000	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 6,003	$ 21,925	265.23%	$ 35,000	$ 33,700	53.71%	$ 35,000	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 6,003	$ 21,925	265.23%	$ 35,000	$ 33,700	53.71%	$ 35,000	-

MV00056130

City of Moreno Valley

2010-11 Preliminary Base Operating budget

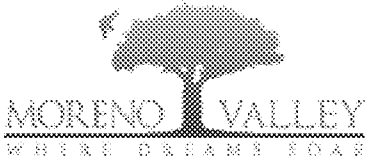

Redevelopment Agency

MV00056131

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Redevelopment Agency

Description	RDA Administration 891	RDA Housing 894	RDA Tax Increment 895	RDA 2007 TAB Series A Debt Service 896	RDA 2007 TAB Series A Cap Prj 897	RDA 2007 TAB Series B Debt Service 898	Total
Revenues							
Property Taxes	-	-	8,767,604	-	-	-	8,767,604
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	780,000	-	-	-	780,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	318,500	800,000	1,100	900,000	-	2,019,600
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**-**	**318,500**	**10,347,604**	**1,100**	**900,000**	**-**	**11,567,204**
Expenditures							
Operating:							
Personnel Services	396,500	739,800	-	-	-	-	1,136,300
Contractual Services	251,870	5,689,400	200,000	3,275	-	-	6,144,545
Materials & Supplies	6,100	4,900	-	-	-	-	11,000
Debt Service	-	-	2,278,594	2,180,300	-	410,000	4,868,894
Fixed Charges	200,000	144,400	-	-	-	-	344,400
Transfers Out	-	-	2,402,698	-	-	-	2,402,698
Total Operating Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Increase in Reserve for Contingencies							
Total Expenditures	**854,470**	**6,578,500**	**4,881,292**	**2,183,575**	**-**	**410,000**	**14,907,837**
Net Revenues Over (Under) Expenditures	**(854,470)**	**(6,260,000)**	**5,466,312**	**(2,182,475)**	**900,000**	**(410,000)**	**(3,340,633)**

MV00056132

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Redevelopment Agency (RDA)

Description	RDA Administration 891.91110	RDA Housing 894.91310	Alessandro & Day Project Phase 1 894.61120	Rancho Dorado Project 894.80329	RDA Tax Increment 895.91510	RDA 2007 TAB Series A 896.91610	RDA 2007 TAB Series B 898.91910	Total
Expenditures								
Operating:								
Personnel Services	396,500	739,800	-	-	-	-	-	1,136,300
Contractual Services	251,870	639,400	1,800,000	3,250,000	200,000	3,275	-	6,144,545
Materials & Supplies	6,100	4,900	-	-	-	-	-	11,000
Debt Service	-	-	-	-	2,278,594	2,180,300	410,000	4,868,894
Fixed Charges	200,000	144,400	-	-	-	-	-	344,400
Transfers Out	-	-	-	-	2,402,698	-	-	2,402,698
Total Operating Expenditures	854,470	1,528,500	1,800,000	3,250,000	4,881,292	2,183,575	410,000	14,907,837
Capital:								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-	-
Total Program Expenditures	854,470	1,528,500	1,800,000	3,250,000	4,881,292	2,183,575	410,000	14,907,837

MV00056133

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Administration FUND: 891

PROGRAM NUMBER: 91110

PROGRAM OBJECTIVE: To pursue implementation of the City's Redevelopment Plan by expanding commercial development/employment opportunities, and through capital improvements that enhance the physical, social, and economic conditions in the Redevelopment Project Area.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 653,015	$ 531,928	(18.54%)	$ 386,726	$ 396,394	(25.48%)	$ 396,500	2.53%
Contractual Services	148,035	99,121	(33.04%)	293,464	241,217	143.36%	251,870	(14.17%)
Materials & Supplies	4,806	6,207	29.15%	6,150	4,850	(21.86%)	6,100	(0.81%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	226,652	209,663	(7.50%)	200,212	200,212	(4.51%)	200,000	(0.11%)
Transfers Out	36	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,032,544	$ 846,919	(17.98%)	$ 886,552	$ 842,673	(0.50%)	$ 854,470	(3.62%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,032,544	$ 846,919	(17.98%)	$ 886,552	$ 842,673	(0.50%)	$ 854,470	(3.62%)

MV00056134

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Capital Projects FUND: 892

PROGRAM NUMBER: 99992

PROGRAM OBJECTIVE: To meet General Fund loan debt service.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	142,552	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 142,552	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 142,552	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056135

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Housing FUND: 894

PROGRAM NUMBER: 91310

PROGRAM OBJECTIVE: To develop and implement housing programs and projects, resulting in the improvements and expansion of the City's affordable housing opportunities as they relate specifically to the Redevelopment area. Provide down-payment and rehabilitation assistance to low/moderate income homeowners, facilitate rehabilitation of single-family homes, provide assistance to develop new multi-family housing, develop single-family infill homes and rehabilitate existing multi-family housing to benefit low/moderate income families.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 750,474	$ 770,442	2.66%	$ 818,721	$ 811,397	5.32%	$ 739,800	(9.64%)
Contractual Services	160,815	166,367	3.45%	474,638	335,835	101.86%	639,400	34.71%
Materials & Supplies	8,703	5,315	(38.93%)	6,940	3,900	(26.62%)	4,900	(29.39%)
Debt Service	(3,565,233)	(427,945)	(88.00%)	-	-	(100.00%)	-	-
Fixed Charges	1,551,985	139,513	(91.01%)	144,552	144,552	3.61%	144,400	(0.11%)
Transfers Out	36	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ (1,093,220)	$ 653,692	(159.80%)	$ 1,444,851	$ 1,295,684	98.21%	$ 1,528,500	5.79%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ (1,093,220)	$ 653,692	(159.80%)	$ 1,444,851	$ 1,295,684	98.21%	$ 1,528,500	5.79%

MV00056136

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Alessandro and Day Street Land Acquisition FUND: 894

PROGRAM NUMBER: 80327

PROGRAM OBJECTIVE: This property lies at the northeast corner of Alessandro and Day Street and is comprised of approximately 13 parcels totaling 8.75 acres. The property is currently zoned for both commercial and residential development. The Agency will be acquiring the property with Housing Set aside Funds and anticipates working with a developer to create an affordable housing project.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	4,971,500	144,430	(97.09%)	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 4,971,500	$ 144,430	(97.09%)	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 4,971,500	$ 144,430	(97.09%)	$ -	$ -	(100.00%)	$ -	-

MV00056137

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Rancho Dorado Project FUND: 894

PROGRAM NUMBER: 80329

PROGRAM OBJECTIVE: The proposed project is located near the southeast corner of John F. Kennedy Drive and Perris Boulevard. Rancho Dorado is a two-phase, 150- unit affordable housing project. A unique component of the project that will come in the first phase is that 15 units are proposed as permanent supportive housing. These units would be reserved for formerly homeless individuals that have mental disabilities, but have demonstrated the ability to live independently. Phasing construction allows each phase of the project to better compete for 9% tax credit equity financing. The Agency will provide $4,750,000 in gap financing assistance for the first phase of Rancho Dorado, as well as $ 4,750,000 for the second phase, using the RDA's 20% affordable housing set-aside funds. The second phase will be completed in fiscal year 2010-2011, for a total project cost of $ 9,500,000.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	4,750,000	3,000,000	100.00%	3,250,000	(31.58%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 4,750,000	$ 3,000,000	100.00%	$ 3,250,000	(31.58%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 4,750,000	$ 3,000,000	100.00%	$ 3,250,000	(31.58%)

MV00056138

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Alessandro and Day Project Phase I FUND: 894

PROGRAM NUMBER: 61120

PROGRAM OBJECTIVE: The proposed project will be located at the northeast corner of Day Street and Alessandro Boulevard. The project will consist of 224 rent restricted units, plus two manager's units. The proposed project will include a variety of amenities including a community center with an on-site library, a pool, play equipment, and open spaces. To better compete for 9% tax credit equity financing, the project will be constructed in two phases. Using RDA's 20% affordable housing set-aside funds, the Agency will provide a total $8,850,000 for the total project ($4,950,000 for Phase 1 and $3,900,000 for Phase 2).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	1,800,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 1,800,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 1,800,000	100.00%

MV00056139

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA Tax Increment FUND: 895

PROGRAM NUMBER: 91510

PROGRAM OBJECTIVE: To maintain and administer the tax increment funds for debt service and transfers.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	204,610	269,497	31.71%	270,000	242,602	(9.98%)	200,000	(25.93%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	1,529,619	1,315,181	(14.02%)	1,437,397	6,690,780	408.73%	2,278,594	58.52%
Fixed Charges	210,000	-	(100.00%)	-	-	-	-	-
Transfers Out	9,580,150	11,351,536	18.49%	1,646,202	1,646,202	(85.50%)	2,402,698	45.95%
Total Operating Expenditures	$ 11,524,379	$ 12,936,214	12.25%	$ 3,353,599	$ 8,579,584	(33.68%)	$ 4,881,292	45.55%
Capital Expenditures								
Fixed Assets	439,510	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 439,510	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 11,963,889	$ 12,936,214	8.13%	$ 3,353,599	$ 8,579,584	(33.68%)	$ 4,881,292	45.55%

MV00056140

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA 2007 TABS, Series A Debt Service FUND: 896

PROGRAM NUMBER: 91610

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the 2007 Tax Allocation Bonds - Series A issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	3,275	100.00%	275	3,275	-	3,275	1,090.91%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	2,216,840	2,843,084	28.25%	2,175,284	2,175,284	(23.49%)	2,180,300	0.23%
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	41,640,724	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 43,857,564	$ 2,846,359	(93.51%)	$ 2,175,559	$ 2,178,559	(23.46%)	$ 2,183,575	0.37%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 43,857,564	$ 2,846,359	(93.51%)	$ 2,175,559	$ 2,178,559	(23.46%)	$ 2,183,575	0.37%

MV00056141

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: RDA 2007 TABS, Series B Debt Service FUND: 898

PROGRAM NUMBER: 91910

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the 2007 Tax Allocation Bonds - Series B issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	561,197	721,949	28.64%	325,000	600,000	(16.89%)	410,000	26.15%
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 561,197	$ 721,949	28.64%	$ 325,000	$ 600,000	(16.89%)	$ 410,000	26.15%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 561,197	$ 721,949	28.64%	$ 325,000	$ 600,000	(16.89%)	$ 410,000	26.15%

MV00056142

City of Moreno Valley

2010-11 Preliminary Base Operating budget

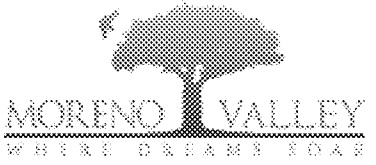

Special Revenue Funds

MV00056143

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Gas Tax Fund 121	SCAG Article 3 122	Measure A 125	SLESF - AB3229 Police Grant 130	Public/Education/ Gov't Access Program 132	EMPG- Emergency Mgmt Preparedness 134	OTS Police Grant 136	Air Quality Management 137	CDBG 01/02 144	Special District Admin 149
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	2,702,500	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	9,500
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	761,000
Interest Income	5,000	9,000	300,000	-	-	-	-	7,000	-	13,000
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	2,000	-	1,000	-	250,000	-	-	200,000	-	-
Grants/Intergovernmental Revenues	-	-	10,009,820	100,000	-	64,000	107,000	-	-	-
Transfers In	1,000,000	-	-	-	300,000	-	-	-	-	-
Total Operating Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**3,709,500**	**9,000**	**10,310,820**	**100,000**	**550,000**	**64,000**	**107,000**	**207,000**	**-**	**783,500**
Expenditures										
Operating:										
Personnel Services	3,161,900	-	248,900	-	257,600	73,200	-	82,181	-	800,500
Contractual Services	145,900	-	137,000	100,000	5,100	3,000	117,000	15,000	30,000	31,100
Materials & Supplies	632,500	-	6,000	-	6,600	11,500	-	-	-	12,700
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	16,752	-	46,000	-	177,900	6,500	-	-	-	385,900
Transfers Out	-	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Increase in Reserve for Contingencies										
Total Expenditures	**3,957,052**	**-**	**437,900**	**100,000**	**447,200**	**94,200**	**117,000**	**97,181**	**30,000**	**1,230,200**
Net Revenues Over (Under) Expenditures	**(247,552)**	**9,000**	**9,872,920**	**-**	**102,800**	**(30,200)**	**(10,000)**	**109,819**	**(30,000)**	**(446,700)**

MV00056144

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Storm Water Maintenance 151	NPDES 152	Beverage Container Recycling 153	Child Care Grant 160	ASES Program Grant 162	HOME (Federal) 176	CFD #1 184	Homelessness Prevention Program 198	CDBG Recovery Act of 2009 199
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	967,800	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	227,747	-	25,000	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	2,500	-	-	-	-	-	-	-
Interest Income	-	-	-	-	25,000	-	13,000	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	394,300	-	-	1,367,400	-	-	-	-
Grants/Intergovernmental Revenues	421,400	165,300	-	797,300	4,499,200	390,000	-	183,218	137,192
Transfers In	182,000	139,095	-	-	-	-	25,305	-	-
Total Operating Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-
Total Revenues	**603,400**	**928,942**	**-**	**822,300**	**5,891,600**	**390,000**	**1,006,105**	**183,218**	**137,192**
Expenditures									
Operating:									
Personnel Services	318,000	517,300	13,200	643,200	3,145,100	36,900	411,100	-	26,829
Contractual Services	76,800	238,260	-	185,300	1,858,200	358,000	343,200	183,218	110,363
Materials & Supplies	123,600	9,200	-	42,000	767,700	-	53,400	-	-
Debt Service	-	-	-	16,500	-	-	-	-	-
Fixed Charges	56,700	96,600	-	55,800	188,500	-	143,500	-	-
Transfers Out	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Increase in Reserve for Contingencies									
Total Expenditures	**575,100**	**861,360**	**13,200**	**942,800**	**5,959,500**	**394,900**	**951,200**	**183,218**	**137,192**
Net Revenues Over (Under) Expenditures	**28,300**	**67,582**	**(13,200)**	**(120,500)**	**(67,900)**	**(4,900)**	**54,905**	**-**	**-**

MV00056145

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Arterial Street Development Impact Fee 201	Traffic Signal Development Impact Fee 202	Fire Facility Development Impact Fee 203	Police Facility Development Impact Fee 204	Park Land Facility Dev. Impact Fee 205	Quimby In-Lieu Park Fees 206	Recreation Center Dev. Impact Fee 207	Libraries Development Impact Fee 208	City Hall Development Impact Fee 209	Corporate Yard Dev. Impact Fee 210
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	71,200	17,700	27,500	21,800	65,700	30,000	51,900	52,100	28,800	16,000
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	33,500	9,000	13,600	-	25,000	22,600	-	46,600	25,700	500
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**104,700**	**26,700**	**41,100**	**21,800**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,413,675	-	254,008	676,810	-	-	-	-	-	-
Total Operating Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,413,675**	**-**	**254,008**	**676,810**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,308,975)**	**26,700**	**(212,908)**	**(655,010)**	**90,700**	**52,600**	**51,900**	**98,700**	**54,500**	**16,500**

MV00056146

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Interchange Imprvmnts Dev. Impact Fee 211	Maintenance Equipt. Dev. Impact Fee 212	Animal Shelter Dev. Impact Fee 213	Traffic Congestion Relief 225	FHWA TRANSIMS Deployment 227	Economic Stimulus Fund 228	JAG - PD - 2009 Fund 230	Fire - Emergency Svcs Fund 233	JAG - PD - 2010 Fund 262	CDBG 05/06 280
Revenues										
Property Taxes	-	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-
Development Fees	20,600	3,400	6,100	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-
Interest Income	20,500	800	-	32,000	-	10,000	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-	-	-	-
Miscellaneous Revenues	-	-	-	-	-	-	-	14,000	-	-
Grants/Intergovernmental Revenues	-	-	-	1,830,944	186,600	1,300,000	78,100	-	435,700	10,000
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Operating Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Reserves	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-
Total Revenues	**41,100**	**4,200**	**6,100**	**1,862,944**	**186,600**	**1,310,000**	**78,100**	**14,000**	**435,700**	**10,000**
Expenditures										
Operating:										
Personnel Services	-	-	-	-	20,000	-	66,443	-	-	-
Contractual Services	-	-	-	-	10,000	-	5,775	-	-	-
Materials & Supplies	-	-	-	-	-	-	5,900	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-	-	-
Transfers Out	1,740,000	-	-	-	-	-	-	-	-	-
Total Operating Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Capital :										
Fixed Assets	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Increase in Reserve for Contingencies										
Total Expenditures	**1,740,000**	**-**	**-**	**-**	**30,000**	**-**	**78,118**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**(1,698,900)**	**4,200**	**6,100**	**1,862,944**	**156,600**	**1,310,000**	**(18)**	**14,000**	**435,700**	**10,000**

MV00056147

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	CDBG 07/08 282	CDBG 08/09 283	CDBG10/11 285	Used Oil Block Grant 14 293	TRI16-06-1 Target Rubberized 295	MV Foundation Donations 370	Arts Commission 371	Celebration Park Endowment 380	Total
Revenues									
Property Taxes	-	-	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-	-	2,702,500
Sales Taxes	-	-	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-	-	967,800
Franchise Fees	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	412,800
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	262,247
Fees for Service	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	763,500
Interest Income	-	-	-	-	-	-	-	1,000	612,800
Bond Proceeds	-	-	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	27,900	-	-	1,000	-	2,257,600
Grants/Intergovernmental Revenues	14,700	418,652	2,000,000	-	56,000	-	-	-	23,205,126
Transfers In	-	-	-	-	-	-	-	-	1,646,400
Total Operating Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Reserves	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	
Total Revenues	**14,700**	**418,652**	**2,000,000**	**27,900**	**56,000**	**-**	**1,000**	**1,000**	**32,830,773**
Expenditures									
Operating:									
Personnel Services	-	-	242,000	14,200	-	-	-	-	10,078,553
Contractual Services	-	-	1,420,600	12,900	-	50	1,000	-	5,387,766
Materials & Supplies	-	-	1,700	-	56,000	-	-	-	1,728,800
Debt Service	-	-	-	-	-	-	-	-	16,500
Fixed Charges	-	-	15,600	800	-	-	-	-	1,190,552
Transfers Out	-	-	-	-	-	-	-	-	4,084,493
Total Operating Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Capital :									
Fixed Assets	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Increase in Reserve for Contingencies									
Total Expenditures	**-**	**-**	**1,679,900**	**27,900**	**56,000**	**50**	**1,000**	**-**	**22,486,664**
Net Revenues Over (Under) Expenditures	**14,700**	**418,652**	**320,100**	**-**	**-**	**(50)**	**-**	**1,000**	**10,344,109**

MV00056148

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Infrastructure Project Engineering 121.54130	Public Works - Street Maintenance 121.55130	Public Works - Concrete Maintenance 121.55230	Public Works - Signing & Striping 121.55430	Public Works - Graffiti Removal 121.55830	Public Works - Tree Trimming 121.56730	Measure A Admin 125.54150
Expenditures							
Operating:							
Personnel Services	585,100	1,185,300	278,700	506,500	273,800	332,500	248,900
Contractual Services	15,000	76,800	6,500	18,500	4,900	24,200	137,000
Materials & Supplies	41,700	243,600	65,700	199,600	54,200	27,700	6,000
Debt Service	-	-	-	-	-	-	-
Fixed Charges	(336,748)	237,400	9,400	86,900	7,200	12,600	46,000
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	305,052	1,743,100	360,300	811,500	340,100	397,000	437,900
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	305,052	1,743,100	360,300	811,500	340,100	397,000	437,900

MV00056149

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Enforcement Services AB 3229 130.62890	Public/Education/ Gov't Access Program 132.13210	Emergency Mgmt Preparedness Grant 134.13410	AL0842 Avoid the 30 Program 136.13613	AL1029 DUI Enforcement & Awareness 136.13616	CT10272 Click It or Ticket 136.13617	SC10272 Sobriety Checkpoint 136.13618
Expenditures							
Operating:							
Personnel Services	-	257,600	73,200	-	-	-	-
Contractual Services	100,000	5,100	3,000	10,000	49,100	3,900	54,000
Materials & Supplies	-	6,600	11,500	-	-	-	-
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	177,900	6,500	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	100,000	447,200	94,200	10,000	49,100	3,900	54,000
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	100,000	447,200	94,200	10,000	49,100	3,900	54,000

MV00056150

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Public Works Air Quality Management 137.53710	CDBG Family Services Assoc. Loan 144.73812	PW - Special Districts Administration 149.51710	PW - Street Sweeping 151.52610	PW - Catch Basin Maintenance 151.52810	NPDES Administration 152.52210	Inspections 152.52410
Expenditures							
Operating:							
Personnel Services	82,181	-	800,500	127,300	190,700	278,100	114,400
Contractual Services	15,000	30,000	31,100	71,200	5,600	122,400	2,900
Materials & Supplies	-	-	12,700	115,300	8,300	6,800	2,200
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	385,900	53,200	3,500	84,000	12,600
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	97,181	30,000	1,230,200	367,000	208,100	491,300	132,100
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	97,181	30,000	1,230,200	367,000	208,100	491,300	132,100

MV00056151

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Plan Checks 152.52510	Regulatory Permits/ Agreements 152.53010	Beverage Container Recycling 153.51535	Child Care Grant 160.75710	STARS Program Grant - FY08/09 162.16212	STARS Program Grant - FY10/11 162.16214
Expenditures						
Operating:						
Personnel Services	124,800	-	13,200	643,200	1,900	3,143,200
Contractual Services	400	112,560	-	185,300	-	1,858,200
Materials & Supplies	200	-	-	42,000	-	767,700
Debt Service	-	-	-	16,500	-	-
Fixed Charges	-	-	-	55,800	-	188,500
Transfers Out	-	-	-	-	-	-
Total Operating Expenditures	125,400	112,560	13,200	942,800	1,900	5,957,600
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	125,400	112,560	13,200	942,800	1,900	5,957,600

MV00056152

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	HOME Administration 176.77110	CFD #1 184.18410	Homelessness Prevention Program 198.19810	CDBG Recovery Act of 2009 199.19910	Arterial Streets Dev. Impact Fee 201.20110	Fire Facility Dev. Impact Fee 203.20310
Expenditures						
Operating:						
Personnel Services	36,900	411,100	-	26,829	-	-
Contractual Services	358,000	343,200	183,218	110,363	-	-
Materials & Supplies	-	53,400	-	-	-	-
Debt Service	-	-	-	-	-	-
Fixed Charges	-	143,500	-	-	-	-
Transfers Out	-	-	-	-	1,413,675	254,008
Total Operating Expenditures	394,900	951,200	183,218	137,192	1,413,675	254,008
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	394,900	951,200	183,218	137,192	1,413,675	254,008

MV00056153

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	Police Facility Dev. Impact Fee 204.20410	Interchange Improvements DIF 211.21112	FHWA TRANSIMS Deployment 227.22710	2009-DJ-BX-1178 JAG Grant 230.23010	CDBG Admin - FY10/11 Fund 285.73852	CDBG Social Programs - FY10/11 Fund 285.73952
Expenditures						
Operating:						
Personnel Services	-	-	20,000	66,443	242,000	-
Contractual Services	-	-	10,000	5,775	78,200	976,000
Materials & Supplies	-	-	-	5,900	1,700	-
Debt Service	-	-	-	-	-	-
Fixed Charges	-	-	-	-	15,600	-
Transfers Out	676,810	1,740,000	-	-	-	-
Total Operating Expenditures	676,810	1,740,000	30,000	78,118	337,500	976,000
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	676,810	1,740,000	30,000	78,118	337,500	976,000

MV00056154

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Special Revenue Funds

Description	CDBG Code Compliance - FY10/11 Fund 285.74052	Used Oil Block Grant 14 293.51555	TRI16-06-1 Target Rubberized 295.51559	Moreno Valley Foundation 370.37010	Arts Commission 371.37110	Total
Expenditures						
Operating:						
Personnel Services	-	14,200	-	-	-	10,078,553
Contractual Services	366,400	12,900	-	50	1,000	5,387,766
Materials & Supplies	-	-	56,000	-	-	1,728,800
Debt Service	-	-	-	-	-	16,500
Fixed Charges	-	800	-	-	-	1,190,552
Transfers Out	-	-	-	-	-	4,084,493
Total Operating Expenditures	366,400	27,900	56,000	50	1,000	22,486,664
Capital:						
Fixed Assets	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-
Total Program Expenditures	366,400	27,900	56,000	50	1,000	22,486,664

MV000056155

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Infrastructure Project Engineering FUND: 121

PROGRAM NUMBER: 54130

PROGRAM OBJECTIVE: To manage the design and construction of an integrated program of City funded capital improvement projects by providing project engineering management and contract administration services resulting in a cost effective, well planned and aesthetically pleasing community.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 573,807	$ 288,090	(49.79%)	$ 563,393	$ 742,534	157.74%	$ 585,100	3.85%
Contractual Services	31,835	17,548	(44.88%)	15,050	12,975	(26.06%)	15,000	(0.33%)
Materials & Supplies	48,716	50,882	4.45%	41,700	39,186	(22.99%)	41,700	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	352,465	307,838	(12.66%)	(423,209)	(318,116)	(203.34%)	(336,748)	(20.43%)
Transfers Out	-	439,000	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,006,823	$ 1,103,358	9.59%	$ 196,934	$ 476,579	(56.81%)	$ 305,052	54.90%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,006,823	$ 1,103,358	9.59%	$ 196,934	$ 476,579	(56.81%)	$ 305,052	54.90%

MV00056156

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Street Maintenance FUND: 121

PROGRAM NUMBER: 55130

PROGRAM OBJECTIVE: To ensure the safety and convenience of all those who use our City streets by providing preventive maintenance and repair to paved and unpaved roads, and by keeping all road shoulders graded and free of weeds and litter.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,030,704	$ 794,202	(22.95%)	$ 871,873	$ 828,989	4.38%	$ 1,185,300	35.95%
Contractual Services	101,138	71,448	(29.36%)	169,740	176,240	146.67%	76,800	(54.75%)
Materials & Supplies	264,513	229,566	(13.21%)	194,480	237,145	3.30%	243,600	25.26%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	233,895	246,979	5.59%	237,617	237,617	(3.79%)	237,400	(0.09%)
Transfers Out	192	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,630,442	$ 1,342,195	(17.68%)	$ 1,473,710	$ 1,479,991	10.27%	$ 1,743,100	18.28%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,630,442	$ 1,342,195	(17.68%)	$ 1,473,710	$ 1,479,991	10.27%	$ 1,743,100	18.28%

MV00056157

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW - Concrete Maintenance FUND: 121

PROGRAM NUMBER: 55230

PROGRAM OBJECTIVE: To ensure the safety and convenience of all those using our City's sidewalks and ensure the proper drainage of City streets by keeping all City sidewalks, curbs, gutters and cross-gutters in a state of repair.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 269,791	$ 187,044	(30.67%)	$ 186,209	$ 185,820	(0.65%)	$ 278,700	49.67%
Contractual Services	5,930	7,762	30.89%	5,115	6,720	(13.42%)	6,500	27.08%
Materials & Supplies	49,970	35,357	(29.24%)	62,350	65,150	84.26%	65,700	5.37%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,600	11,039	4.14%	9,540	9,540	(13.58%)	9,400	(1.47%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 336,291	$ 241,202	(28.28%)	$ 263,214	$ 267,230	10.79%	$ 360,300	36.88%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 336,291	$ 241,202	(28.28%)	$ 263,214	$ 267,230	10.79%	$ 360,300	36.88%

MV00056158

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Signing & Striping FUND: 121

PROGRAM NUMBER: 55430

PROGRAM OBJECTIVE: Maintain city traffic control devices including signs, legends, striping, and pavement markings.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 514,817	$ 459,617	(10.72%)	$ 521,775	$ 531,575	15.66%	$ 506,500	(2.93%)
Contractual Services	12,948	9,806	(24.27%)	18,100	18,250	86.11%	18,500	2.21%
Materials & Supplies	278,922	239,881	(14.00%)	199,950	209,800	(12.54%)	199,600	(0.18%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	114,327	85,194	(25.48%)	87,033	87,033	2.16%	86,900	(0.15%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 921,014	$ 794,498	(13.74%)	$ 826,858	$ 846,658	6.57%	$ 811,500	(1.86%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 921,014	$ 794,498	(13.74%)	$ 826,858	$ 846,658	6.57%	$ 811,500	(1.86%)

MV00056159

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Graffiti Removal FUND: 121

PROGRAM NUMBER: 55830

PROGRAM OBJECTIVE: To enhance the image of the City and to discourage the recurrence of graffiti by removing graffiti from both public and private property within twenty-four hours after it is reported by the public or observed by the City's removal crew.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 267,136	$ 259,683	(2.79%)	$ 283,962	$ 284,073	9.39%	$ 273,800	(3.58%)
Contractual Services	14,931	12,947	(13.29%)	3,370	5,370	(58.52%)	4,900	45.40%
Materials & Supplies	53,074	49,899	(5.98%)	59,050	59,050	18.34%	54,200	(8.21%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	10,793	8,470	(21.52%)	7,354	7,354	(13.18%)	7,200	(2.09%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 345,934	$ 330,999	(4.32%)	$ 353,736	$ 355,847	7.51%	$ 340,100	(3.85%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 345,934	$ 330,999	(4.32%)	$ 353,736	$ 355,847	7.51%	$ 340,100	(3.85%)

MV00056160

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: PW Tree Maintenance FUND: 121

PROGRAM NUMBER: 56730

PROGRAM OBJECTIVE: To ensure the safety, health and aesthetics of the City street tree inventory by trimming and removing street trees, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 345,063	$ 315,760	(8.49%)	$ 350,159	$ 340,452	7.82%	$ 332,500	(5.04%)
Contractual Services	19,380	14,986	(22.67%)	16,625	20,625	37.63%	24,200	45.56%
Materials & Supplies	38,785	27,588	(28.87%)	25,605	25,605	(7.19%)	27,700	8.18%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	11,812	13,833	17.11%	12,726	12,726	(8.00%)	12,600	(0.99%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 415,040	$ 372,167	(10.33%)	$ 405,115	$ 399,408	7.32%	$ 397,000	(2.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 415,040	$ 372,167	(10.33%)	$ 405,115	$ 399,408	7.32%	$ 397,000	(2.00%)

MV00056161

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Sidewalk Construction FUND: 122

PROGRAM NUMBER: 72210

PROGRAM OBJECTIVE: To supplement sidewalk related capital projects in other funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	64,853	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 64,853	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 64,853	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056162

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Measure A Admin FUND: 125

PROGRAM NUMBER: 54150

PROGRAM OBJECTIVE: To provide cost-effective administrative functions for essential transportation projects and services: budget preparation, annual update of 5-year CIP, revisions to Standard Plans, annual update to DBE specifications, development of DBE AADPL, preparation of grant applications, quarterly utility coordination, MSHCP reporting, and project engineering and right of way services for unfunded new projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 133,508	$ 147,324	10.35%	$ 156,277	$ 156,277	6.08%	$ 248,900	59.27%
Contractual Services	211,979	58,441	(72.43%)	227,560	91,000	55.71%	137,000	(39.80%)
Materials & Supplies	-	-	-	6,000	5,000	100.00%	6,000	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	2,121	1,735	(18.20%)	46,106	46,106	2,557.41%	46,000	(0.23%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 347,608	$ 207,500	(40.31%)	$ 435,943	$ 298,383	43.80%	$ 437,900	0.45%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 347,608	$ 207,500	(40.31%)	$ 435,943	$ 298,383	43.80%	$ 437,900	0.45%

MV00056163

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ABC Police Grant FUND: 128

PROGRAM NUMBER: 62630

PROGRAM OBJECTIVE: A program of education and proactive enforcement designed to deal with problematic ABC licensed establishments designed to eliminate problems and reduce repeat calls for service at ABC locations within the City.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	13,397	(237)	(101.77%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 13,397	$ (237)	(101.77%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,397	$ (237)	(101.77%)	$ -	$ -	(100.00%)	$ -	-

MV00056164

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police SLESF-CCAT Grant AB3229 FUND: 130

PROGRAM NUMBER: 62890

PROGRAM OBJECTIVE: To provide supplemental specialized law enforcement services for the City through the AB 3229 Grant.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	366,264	179,327	(51.04%)	275,851	120,000	(33.08%)	100,000	(63.75%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 366,264	$ 179,327	(51.04%)	$ 275,851	$ 120,000	(33.08%)	$ 100,000	(63.75%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 366,264	$ 179,327	(51.04%)	$ 275,851	$ 120,000	(33.08%)	$ 100,000	(63.75%)

MV00056165

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: EMPG Emerg Mgmt Preparedness Grant FUND: 134

PROGRAM NUMBER: 13410

PROGRAM OBJECTIVE: To administer and fund terrorism preparedness, EOC, emergency planning, and management of CERT.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 65,895	$ 70,954	7.68%	$ 73,179	$ 73,179	3.14%	$ 73,200	0.03%
Contractual Services	2,477	-	(100.00%)	3,000	-	-	3,000	-
Materials & Supplies	27,052	80,335	196.97%	125,298	17,234	(78.55%)	11,500	(90.82%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	7,427	6,515	(12.28%)	6,612	6,612	1.49%	6,500	(1.69%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 102,851	$ 157,804	53.43%	$ 208,089	$ 97,025	(38.52%)	$ 94,200	(54.73%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 102,851	$ 157,804	53.43%	$ 208,089	$ 97,025	(38.52%)	$ 94,200	(54.73%)

MV00056166

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: OTS - Police Fund FUND: 136

PROGRAM NUMBER: 13610

PROGRAM OBJECTIVE: To administer grant funds from the California Office of Traffic Safety for projects relating to traffic safety through the California Traffic Safety Program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	38,249	(13,636)	(135.65%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	13,766	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 52,015	$ (13,636)	(126.22%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 52,015	$ (13,636)	(126.22%)	$ -	$ -	(100.00%)	$ -	-

MV00056167

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: SC08272 Sobriety Checkpoint FUND: 136

PROGRAM NUMBER: 13611

PROGRAM OBJECTIVE: The goal of the Sobriety Checkpoint Program for Local Law Enforcement Agencies is to reduce the number of victims killed and injured in alcohol involved crashes in cities participating in this program. The Moreno Valley Police Department will conduct sobriety checkpoints in Moreno Valley in accordance with the contract to enforce this program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	54,059	14,528	(73.13%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 54,059	$ 14,528	(73.13%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 54,059	$ 14,528	(73.13%)	$ -	$ -	(100.00%)	$ -	-

MV00056168

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CT08272 Click It or Ticket FUND: 136

PROGRAM NUMBER: 13612

PROGRAM OBJECTIVE: The goal of the California Click It or Ticket (CIOT) project is to increase seat belt use statewide to 95% by July 31, 2008. Through the combined efforts of state and local agencies, a seat belt national campaign will be conducted during a 21-day mobilization period, May 12-June, 2008, in support of the national Click It or Ticket mobilization.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	10,000	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,000	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,000	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056169

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: AL0842 Avoid the 30 Program FUND: 136

PROGRAM NUMBER: 13613

PROGRAM OBJECTIVE: This grant allows the City of Riverside to reimburse designated Police agencies that participate in the program for authorized DUI operations on an Overtime basis (150% of their hourly rate).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	5,551	100.00%	4,827	15,000	170.22%	10,000	107.17%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 5,551	100.00%	$ 4,827	$ 15,000	170.22%	$ 10,000	107.17%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 5,551	100.00%	$ 4,827	$ 15,000	170.22%	$ 10,000	107.17%

MV00056170

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CT09272 Click It or Ticket FUND: 136

PROGRAM NUMBER: 13614

PROGRAM OBJECTIVE: This seatbelt enforcement Next Generation Click It or Ticket program scheduled to run from Oct. 1, 2008 through Sept. 8, 2009, will place additional officers in the field during these campaigns to enforce the seatbelt & child safety laws.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	31,222	100.00%	-	7,510	(75.94%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 31,222	100.00%	$ -	$ 7,510	(75.94%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 31,222	100.00%	$ -	$ 7,510	(75.94%)	$ -	-

MV00056171

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: SC09272 Sobriety Checkpoint FUND: 136

PROGRAM NUMBER: 13615

PROGRAM OBJECTIVE: The goal of the Sobriety Checkpoint Program for Local Law Enforcement Agencies is to reduce the number of victims killed and injured in alcohol involved crashes in cities participating in this program. The Moreno Valley Police Department will conduct sobriety checkpoints in Moreno Valley in accordance with the contract to enforce this program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	78,953	100.00%	115,093	35,520	(55.01%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 78,953	100.00%	$ 115,093	$ 35,520	(55.01%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 78,953	100.00%	$ 115,093	$ 35,520	(55.01%)	$ -	(100.00%)

MV00056172

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: AL1029 DUI Enforcement & Awareness FUND: 136

PROGRAM NUMBER: 13616

PROGRAM OBJECTIVE: The goal of the DUI Enforcement and Awareness Program is to conduct law enforcement operations involving DUI/Driver's License Checkpoints, DUI saturation patrols, stakeout operations of known DUI offenders, and driver's license court sting operations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	196,615	196,615	100.00%	49,100	(75.03%)
Materials & Supplies	-	-	-	20,515	-	-	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 217,130	$ 196,615	100.00%	$ 49,100	(77.39%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 217,130	$ 196,615	100.00%	$ 49,100	(77.39%)

MV00056173

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CT10272 Click It or Ticket FUND: 136

PROGRAM NUMBER: 13617

PROGRAM OBJECTIVE: This seatbelt enforcement mini-grant program scheduled to run from Oct. 1, 2009 through Sept. 8, 2010, will place additional officers in the field during these campaigns to enforce the seatbelt & child safety laws.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	18,659	18,659	100.00%	3,900	(79.10%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 18,659	$ 18,659	100.00%	$ 3,900	(79.10%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 18,659	$ 18,659	100.00%	$ 3,900	(79.10%)

MV00056174

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: SC10272 Sobriety Checkpoint FUND: 136

PROGRAM NUMBER: 13618

PROGRAM OBJECTIVE: The goal of the Sobriety Checkpoint Program for Local Law Enforcement Agencies is to reduce the number of victims killed and injured in alcohol involved crashes in cities participating in this program. The Moreno Valley Police Department will conduct sobriety checkpoints in Moreno Valley in accordance with the contract to enforce this program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	215,559	215,559	100.00%	54,000	(74.95%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 215,559	$ 215,559	100.00%	$ 54,000	(74.95%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 215,559	$ 215,559	100.00%	$ 54,000	(74.95%)

MV00056175

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works Air Quality Management FUND: 137

PROGRAM NUMBER: 53710

PROGRAM OBJECTIVE: To administer the City's Air Quality Management District funds and program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 87,772	100.00%	$ 87,968	$ 65,977	(24.83%)	$ 82,181	(6.58%)
Contractual Services	15,014	43,164	187.49%	62,842	106,325	146.33%	15,000	(76.13%)
Materials & Supplies	-	150	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 15,014	$ 131,086	773.09%	$ 150,810	$ 172,302	31.44%	$ 97,181	(35.56%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 15,014	$ 131,086	773.09%	$ 150,810	$ 172,302	31.44%	$ 97,181	(35.56%)

MV00056176

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG - Family Services Association Loan FUND: 144

PROGRAM NUMBER: 73812

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Family Services Association.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	30,000	30,000	-	30,000	30,000	-	30,000	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 30,000	$ 30,000	-	$ 30,000	$ 30,000	-	$ 30,000	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 30,000	$ 30,000	-	$ 30,000	$ 30,000	-	$ 30,000	-

MV00056177

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FY 03/04 FUND: 146

PROGRAM NUMBER: 73806

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	7,899	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 7,899	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 7,899	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056178

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FUND: 148

PROGRAM NUMBER: 73824

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	13,547	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 13,547	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,547	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056179

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works - Special Districts Administration FUND: 149

PROGRAM NUMBER: 51710

PROGRAM OBJECTIVE: Administer five Community Services District zones that provide street lighting and landscape services, and the levy of fixed charges for bond debt, CSD fees, nuisance abatement, and solid waste delinquencies within required timeframes with less than 5% discrepancies in data input.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 782,138	$ 876,044	12.01%	$ 861,315	$ 681,001	(22.26%)	$ 800,500	(7.06%)
Contractual Services	81,176	49,495	(39.03%)	72,805	43,570	(11.97%)	31,100	(57.28%)
Materials & Supplies	13,575	8,397	(38.14%)	13,020	11,990	42.79%	12,700	(2.46%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	399,671	335,318	(16.10%)	433,218	433,218	29.20%	385,900	(10.92%)
Transfers Out	2,000	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,278,560	$ 1,269,254	(0.73%)	$ 1,380,358	$ 1,169,779	(7.84%)	$ 1,230,200	(10.88%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,278,560	$ 1,269,254	(0.73%)	$ 1,380,358	$ 1,169,779	(7.84%)	$ 1,230,200	(10.88%)

MV00056180

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works - Street Sweeping FUND: 151

PROGRAM NUMBER: 52610

PROGRAM OBJECTIVE: To ensure the safety and cleanliness of our City streets by sweeping all City streets twice/month, and by providing emergency sweeping service, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 235,653	$ 122,144	(48.17%)	$ 142,252	$ 164,648	34.80%	$ 127,300	(10.51%)
Contractual Services	61,392	73,999	20.54%	70,560	70,700	(4.46%)	71,200	0.91%
Materials & Supplies	89,635	100,395	12.00%	89,900	95,050	(5.32%)	115,300	28.25%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	30,705	54,106	76.21%	53,349	53,349	(1.40%)	53,200	(0.28%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 417,385	$ 350,644	(15.99%)	$ 356,061	$ 383,747	9.44%	$ 367,000	3.07%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 417,385	$ 350,644	(15.99%)	$ 356,061	$ 383,747	9.44%	$ 367,000	3.07%

MV00056181

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Works - Catch Basin Maintenance FUND: 151

PROGRAM NUMBER: 52810

PROGRAM OBJECTIVE: To ensure the safety and cleanliness of our City streets and the City's maintained storm drain system by cleaning all catch basins, connector pipes and culverts on an annual basis, and by providing emergency service, as needed.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 205,892	$ 171,056	(16.92%)	$ 201,444	$ 169,017	(1.19%)	$ 190,700	(5.33%)
Contractual Services	9,972	6,394	(35.88%)	5,360	5,360	(16.17%)	5,600	4.48%
Materials & Supplies	18,242	6,252	(65.73%)	8,660	13,210	111.29%	8,300	(4.16%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	5,340	4,504	(15.66%)	3,577	3,577	(20.58%)	3,500	(2.15%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 239,446	$ 188,206	(21.40%)	$ 219,041	$ 191,164	1.57%	$ 208,100	(4.99%)
Capital Expenditures								
Fixed Assets	5,355	399,716	7,364.35%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ 5,355	$ 399,716	7,364.35%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ 244,801	$ 587,922	140.16%	$ 219,041	$ 191,164	(67.48%)	$ 208,100	(4.99%)

MV00056182

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: NPDES Administration FUND: 152

PROGRAM NUMBER: 52210

PROGRAM OBJECTIVE: To administer the City's National Pollutant Discharge Elimination System (NPDES) program. This program requires the City to obtain a permit from the Regional Water Quality Control Board. The City must ensure that discharge of storm water into various drainage channels and washes throughout the community will comply with the standards set by the Regional Water Quality Control Board.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 280,096	$ 272,372	(2.76%)	$ 282,882	$ 280,841	3.11%	$ 278,100	(1.69%)
Contractual Services	171,284	81,960	(52.15%)	204,715	154,500	88.51%	122,400	(40.21%)
Materials & Supplies	2,510	2,330	(7.17%)	24,924	4,000	71.67%	6,800	(72.72%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	68,536	84,171	22.81%	84,396	84,396	0.27%	84,000	(0.47%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 522,426	$ 440,833	(15.62%)	$ 596,917	$ 523,737	18.81%	$ 491,300	(17.69%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 522,426	$ 440,833	(15.62%)	$ 596,917	$ 523,737	18.81%	$ 491,300	(17.69%)

MV00056183

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Inspections FUND: 152

PROGRAM NUMBER: 52410

PROGRAM OBJECTIVE: To provide compliance inspections of construction sites and existing businesses at a frequency mandated in the current National Pollutant Discharge Elimination System (NPDES) permit for the Santa Ana River Watershed Region to ensure storm water and non-storm water discharges to the City's streets and storm drains are in compliance with the City's storm water ordinance and applicable NPDES permit provisions.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 105,484	$ 115,936	9.91%	$ 115,922	$ 91,775	(20.84%)	$ 114,400	(1.31%)
Contractual Services	3,214	2,257	(29.78%)	2,940	1,900	(15.82%)	2,900	(1.36%)
Materials & Supplies	6,036	654	(89.17%)	2,150	1,200	83.49%	2,200	2.33%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	5,529	12,386	124.02%	12,794	12,794	3.29%	12,600	(1.52%)
Transfers Out	1,500	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 121,763	$ 131,233	7.78%	$ 133,806	$ 107,669	(17.96%)	$ 132,100	(1.27%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 121,763	$ 131,233	7.78%	$ 133,806	$ 107,669	(17.96%)	$ 132,100	(1.27%)

MV00056184

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Plan Checks FUND: 152

PROGRAM NUMBER: 52510

PROGRAM OBJECTIVE: To provide plan check services for storm water and non-storm water plans and studies that address water quality impacts associated with new development and redevelopment projects to ensure these projects implement Best Management Practices (BMPs) with respect to the current National Pollutant Discharge Elimination System (NPDES) permit for the Santa Ana River Watershed Region and meeting the "maximum extent practicable" standard.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 29,068	$ 128,882	343.38%	$ 126,203	$ 126,203	(2.08%)	$ 124,800	(1.11%)
Contractual Services	5,915	-	(100.00%)	-	-	-	400	100.00%
Materials & Supplies	-	187	100.00%	150	200	6.95%	200	33.33%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 34,983	$ 129,069	268.95%	$ 126,353	$ 126,403	(2.07%)	$ 125,400	(0.75%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 34,983	$ 129,069	268.95%	$ 126,353	$ 126,403	(2.07%)	$ 125,400	(0.75%)

MV00056185

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Regulatory Permits/Agreements FUND: 152

PROGRAM NUMBER: 53010

PROGRAM OBJECTIVE: Responsible for city-wide storm water and non-storm water pollution prevention compliance work products and programs prepared in response to unfunded state and Federal permit mandates not otherwise funded by local special storm water related tax, levy and fee revenues. This includes securing local revenues for payment of state, Federal and intergovernmental storm water permit and cost-sharing agreements, updating local Master Drainage Plans including preparing applicable guidance documents, managing/preparing resource impact analyses for state and Federal permit mandates, etc.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	74,450	90,709	21.84%	112,559	106,100	16.97%	112,560	0.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 74,450	$ 90,709	21.84%	$ 112,559	$ 106,100	16.97%	$ 112,560	0.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 74,450	$ 90,709	21.84%	$ 112,559	$ 106,100	16.97%	$ 112,560	0.00%

MV00056186

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Beverage Container Recycling FUND: 153

PROGRAM NUMBER: 51535

PROGRAM OBJECTIVE: To promote beverage container recycling and litter abatement throughout the community with the use of the Department of Conservation Beverage Container Recycling Grant that is issued annually.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 30,985	$ 36,793	18.74%	$ 38,183	$ -	(100.00%)	$ 13,200	(65.43%)
Contractual Services	15,780	10,129	(35.81%)	8,782	-	(100.00%)	-	(100.00%)
Materials & Supplies	630	-	(100.00%)	300	-	-	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	283	272	(3.89%)	218	-	(100.00%)	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 47,678	$ 47,194	(1.02%)	$ 47,483	$ -	(100.00%)	$ 13,200	(72.20%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 47,678	$ 47,194	(1.02%)	$ 47,483	$ -	(100.00%)	$ 13,200	(72.20%)

MV00056187

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Child Care Grant FUND: 160

PROGRAM NUMBER: 75710

PROGRAM OBJECTIVE: To plan, design, and oversee the Child Care grant program offered by the City which provides after-school day care to the City's residents.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 587,940	$ 552,033	(6.11%)	$ 598,786	$ 597,236	8.19%	$ 643,200	7.42%
Contractual Services	41,205	37,884	(8.06%)	183,190	39,620	4.58%	185,300	1.15%
Materials & Supplies	42,587	33,260	(21.90%)	26,500	48,700	46.42%	42,000	58.49%
Debt Service	24,659	24,659	-	24,658	24,700	0.17%	16,500	(33.08%)
Fixed Charges	37,900	52,910	39.60%	55,973	56,200	6.22%	55,800	(0.31%)
Transfers Out	660	-	(100.00%)	-	-	-	-	-
Total Operating Exenditures	$ 734,951	$ 700,746	(4.65%)	$ 889,107	$ 766,456	9.38%	$ 942,800	6.04%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 734,951	$ 700,746	(4.65%)	$ 889,107	$ 766,456	9.38%	$ 942,800	6.04%

MV00056188

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ASES Program Grant 06-07 FUND: 162

PROGRAM NUMBER: 16210

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	193,906	1,452,998	649.33%	-	-	(100.00%)	-	-
Materials & Supplies	3,404,032	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Exenditures	$ 3,597,938	$ 1,452,998	(59.62%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	308,643	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 308,643	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 3,906,581	$ 1,452,998	(62.81%)	$ -	$ -	(100.00%)	$ -	-

MV00056189

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ASES Program Grant 07-08 FUND: 162

PROGRAM NUMBER: 16211

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 2,444,903	$ (42,229)	(101.73%)	$ -	$ -	(100.00%)	$ -	-
Contractual Services	1,273,071	1,917,117	50.59%	-	-	(100.00%)	-	-
Materials & Supplies	1,259,973	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	208,240	-	(100.00%)	-	-	-	-	-
Transfers Out	1,112	-	(100.00%)	-	-	-	-	-
Total Operating Exenditures	$ 5,187,299	$ 1,874,888	(63.86%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	17,866	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 17,866	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 5,205,165	$ 1,874,888	(63.98%)	$ -	$ -	(100.00%)	$ -	-

MV00056190

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: STARS Program Grant - FY08/09 FUND: 162

PROGRAM NUMBER: 16212

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 3,558,592	100.00%	$ -	$ -	(100.00%)	$ 1,900	100.00%
Contractual Services	-	907,791	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	887,176	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	235,698	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 5,589,257	100.00%	$ -	$ -	(100.00%)	$ 1,900	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 5,589,257	100.00%	$ -	$ -	(100.00%)	$ 1,900	100.00%

MV00056191

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: STARS Program Grant - FY09/10 FUND: 162

PROGRAM NUMBER: 16213

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 2,975,015	$ 3,090,900	100.00%	$ -	(100.00%)
Contractual Services	-	-	-	1,842,867	1,841,500	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	613,846	770,500	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	188,559	188,700	100.00%	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 5,620,287	$ 5,891,600	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 5,620,287	$ 5,891,600	100.00%	$ -	(100.00%)

MV00056192

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: STARS Program Grant - FY10/11 FUND: 162

PROGRAM NUMBER: 16214

PROGRAM OBJECTIVE: The purpose of the ASES grant program is to provide literacy, academic enrichment, and safe, constructive alternatives after school for students in kindergarten through grade nine at no cost to the participants. We provide an educational and literacy element which includes tutoring and/or homework assistance designed to help students meet state standards in one or more of the academic subjects and an educational enrichment element which includes an array of additional services, programs, and activities that reinforce and complement the regular academic program to support positive youth development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 3,143,200	100.00%
Contractual Services	-	-	-	-	-	-	1,858,200	100.00%
Materials & Supplies	-	-	-	-	-	-	767,700	100.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	188,500	100.00%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 5,957,600	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 5,957,600	100.00%

MV00056193

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: HOME Administration FUND: 176

PROGRAM NUMBER: 77110

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing downpayment rehabilitation assistance in the way of deferred, low interest loans.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 65,341	$ 42,794	(34.51%)	$ 45,809	$ 46,423	8.48%	$ 36,900	(19.45%)
Contractual Services	133,267	157,090	17.88%	351,319	335,000	113.25%	358,000	1.90%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	(63,267)	(117,488)	85.70%	-	-	(100.00%)	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 135,341	$ 82,396	(39.12%)	$ 397,128	$ 381,423	362.91%	$ 394,900	(0.56%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 135,341	$ 82,396	(39.12%)	$ 397,128	$ 381,423	362.91%	$ 394,900	(0.56%)

MV00056194

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #1 FUND: 184

PROGRAM NUMBER: 18410

PROGRAM OBJECTIVE: Community Facilities District #1 provides funding for maintenance of new neighborhood parks, trails, and Class I bikeways.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 280,779	$ 285,341	1.62%	$ 455,393	$ 343,300	20.31%	$ 411,100	(9.73%)
Contractual Services	273,004	236,220	(13.47%)	318,010	285,600	20.90%	343,200	7.92%
Materials & Supplies	61,149	63,895	4.49%	54,363	48,000	(24.88%)	53,400	(1.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	159,280	104,458	(34.42%)	143,549	143,500	37.38%	143,500	(0.03%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 774,212	$ 689,914	(10.89%)	$ 971,315	$ 820,400	18.91%	$ 951,200	(2.07%)
Capital Expenditures								
Fixed Assets	-	25,357	100.00%	15,000	4,000	(84.23%)	-	(100.00%)
Total Capital Expenditures	$ -	$ 25,357	100.00%	$ 15,000	$ 4,000	(84.23%)	$ -	(100.00%)
Total Program Budget	$ 774,212	$ 715,271	(7.61%)	$ 986,315	$ 824,400	15.26%	$ 951,200	(3.56%)

MV00056195

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: EPA Grant - Box Springs Water FUND: 193

PROGRAM NUMBER: 19310

PROGRAM OBJECTIVE: The purpose the of the project is to identify the water and sewer infrastructure improvements required in the Box Springs Mutual Water Company service area. The City's goal is to identify the appropriate system elements and associated cost necessary to upgrade the existing water system (and sewer system as necessary) in the area to provide safe domestic water service and fire suppression flows sufficient to meet modern requirements and allow redevelopment of the area.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 6,452	$ 6,070	(5.92%)	$ -	$ 3,220	(46.95%)	$ -	-
Contractual Services	197,108	176,096	(10.66%)	92,108	71,218	(59.56%)	-	(100.00%)
Materials & Supplies	-	-	-	-	5	100.00%	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 203,560	$ 182,166	(10.51%)	$ 92,108	$ 74,443	(59.13%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	7,000	-	-	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 7,000	$ -	-	$ -	-
Total Program Budget	$ 203,560	$ 182,166	(10.51%)	$ 99,108	$ 74,443	(59.13%)	$ -	(100.00%)

MV00056196

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG Grant - Code & Neighborhood FUND: 194

PROGRAM NUMBER: 19410

PROGRAM OBJECTIVE: To use an Edward Byrne Memorial Justice Assistance Grant to update the existing graffiti program to current technologies.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	39,000	100.00%	32,452	32,452	(16.79%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 39,000	100.00%	$ 32,452	$ 32,452	(16.79%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	8,405	100.00%	-	-	(100.00%)	-	-
Total Capital Expenditures	$ -	$ 8,405	100.00%	$ -	$ -	(100.00%)	$ -	-
Total Program Budget	$ -	$ 47,405	100.00%	$ 32,452	$ 32,452	(31.54%)	$ -	(100.00%)

MV00056197

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ETA Job Training Grant Program FUND: 196

PROGRAM NUMBER: 19610

PROGRAM OBJECTIVE: Provide job training to youth between the ages of 17 and 24 in the warehousing, distribution, and logistics, industries.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	118,886	118,886	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 118,886	$ 118,886	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 118,886	$ 118,886	100.00%	$ -	(100.00%)

MV00056198

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Neighborhood Stabilization Program FUND: 197

PROGRAM NUMBER: 19710

PROGRAM OBJECTIVE: In accordance with the Housing and Economic Recovery Act of 2008 (HERA), HUD has provided emergency CDBG grants to states, cities, and counties to address the foreclosure crisis. The City of Moreno Valley has been allocated $11,390,116 to implement an 18-month Neighborhood Stabilization Program (NSP) aimed at assisting low- to moderate-income households, while targeting the areas of the City most affected by foreclosures. The City's NSP program will include: Activity 1 -- Acquisition, Rehabilitation, and Rental of Multi-family Homes, Activity 2 -- First Time Homebuyer Down Payment Assistance Program, and Activity 3 - Acquisition, Rehabilitation, Resale of Single Family Homes.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 123	100.00%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	-	198	100.00%	11,390,116	11,390,116	N/A	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 321	100.00%	$ 11,390,116	$ 11,390,116	N/A	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 321	100.00%	$ 11,390,116	$ 11,390,116	N/A	$ -	(100.00%)

MV00056199

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Homelessness Prevention Program FUND: 198

PROGRAM NUMBER: 19810

PROGRAM OBJECTIVE: To assist households that would otherwise become homeless (many, due to the economic crises) or rapidly re-house those who are homeless or at risk of homelessness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ 17,000	100.00%	$ -	-
Contractual Services	-	-	-	732,872	532,654	100.00%	183,218	(75.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 732,872	$ 549,654	100.00%	$ 183,218	(75.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 732,872	$ 549,654	100.00%	$ 183,218	(75.00%)

MV00056200

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Recovery Act of 2009 FUND: 199

PROGRAM NUMBER: 19910

PROGRAM OBJECTIVE: Authorized under the American Recovery and Reinvestment Act, this grant fund will be used in implementing activities that benefit the low and moderate-income population in accordance with the Recovery Act objectives.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 47,929	$ 11,100	100.00%	$ 26,829	(44.02%)
Contractual Services	-	-	-	431,363	331,000	100.00%	110,363	(74.42%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 479,292	$ 342,100	100.00%	$ 137,192	(71.38%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 479,292	$ 342,100	100.00%	$ 137,192	(71.38%)

MV00056201

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Arterial Streets Development Impact Fee FUND: 201

PROGRAM NUMBER: 20110

PROGRAM OBJECTIVE: To collect and manage the development impact fees for arterial streets.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	97,324	100.00%	-	-	(100.00%)	-	-
Transfers Out	4,345,362	5,340,201	22.89%	2,955,942	2,955,942	(44.65%)	1,413,675	(52.18%)
Total Operating Expenditures	$ 4,345,362	$ 5,437,525	25.13%	$ 2,955,942	$ 2,955,942	(45.64%)	$ 1,413,675	(52.18%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,345,362	$ 5,437,525	25.13%	$ 2,955,942	$ 2,955,942	(45.64%)	$ 1,413,675	(52.18%)

MV00056202

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Traffic Signal Development Impact Fee FUND: 202

PROGRAM NUMBER: 20210

PROGRAM OBJECTIVE: To collect and manage the development impact fees for traffic signals.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	838,735	360,618	(57.00%)	1,374,380	1,374,380	281.12%	-	(100.00%)
Total Operating Expenditures	$ 838,735	$ 360,618	(57.00%)	$ 1,374,380	$ 1,374,380	281.12%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 838,735	$ 360,618	(57.00%)	$ 1,374,380	$ 1,374,380	281.12%	$ -	(100.00%)

MV00056203

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Facility Development Impact Fee FUND: 203

PROGRAM NUMBER: 20310

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Fire Facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	255,808	256,015	0.08%	257,328	257,328	0.51%	254,008	(1.29%)
Total Operating Expenditures	$ 255,808	$ 256,015	0.08%	$ 257,328	$ 257,328	0.51%	$ 254,008	(1.29%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 255,808	$ 256,015	0.08%	$ 257,328	$ 257,328	0.51%	$ 254,008	(1.29%)

MV00056204

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Police Facility Development Impact Fee FUND: 204

PROGRAM NUMBER: 20410

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Police Facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	1,408	675,005	47,840.70%	675,493	675,493	0.07%	676,810	0.19%
Total Operating Expenditures	$ 1,408	$ 675,005	47,840.70%	$ 675,493	$ 675,493	0.07%	$ 676,810	0.19%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,408	$ 675,005	47,840.70%	$ 675,493	$ 675,493	0.07%	$ 676,810	0.19%

MV000056205

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Parkland Facility Development Impact Fee FUND: 205

PROGRAM NUMBER: 20510

PROGRAM OBJECTIVE: To collect and manage the development impact fees for Parkland Facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	4,171,616	(105,000)	(102.52%)	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 4,171,616	$ (105,000)	(102.52%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,171,616	$ (105,000)	(102.52%)	$ -	$ -	(100.00%)	$ -	-

MV00056206

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Quimby In-Lieu Park Fees FUND: 206

PROGRAM NUMBER: 20610

PROGRAM OBJECTIVE: To collect and manage the development impact fees for parks.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	101,224	31,000	(69.37%)	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 101,224	$ 31,000	(69.37%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 101,224	$ 31,000	(69.37%)	$ -	$ -	(100.00%)	$ -	-

MV00056207

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Recreation Center Development Impact Fee FUND: 207

PROGRAM NUMBER: 20710

PROGRAM OBJECTIVE: To collect and manage the development impact fees for Recreation Center.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	326,020	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 326,020	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 326,020	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV000056208

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Libraries Development Impact Fee FUND: 208

PROGRAM NUMBER: 20810

PROGRAM OBJECTIVE: To collect and manage the development impact fees for Libraries.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	1,920,743	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,920,743	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,920,743	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056209

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Hall Development Impact Fee FUND: 209

PROGRAM NUMBER: 20910

PROGRAM OBJECTIVE: To collect and manage the development impact fees for City Hall.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	2,336	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 2,336	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,336	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056210

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Corporate Yard Development Impact Fee FUND: 210

PROGRAM NUMBER: 21010

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Corporate Yard.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	56,530	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 56,530	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 56,530	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056211

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Interchange Improvements DIF FUND: 211

PROGRAM NUMBER: 21112

PROGRAM OBJECTIVE: To account for the collection and transfer of development impact fees, in coordination with the Western Riverside Council of Government (WRCOG) Transportation Uniform Mitigation Fee (TUMF) program, to fund interchange improvements needed to serve future development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	2,433	-	(100.00%)	-	-	-	1,740,000	100.00%
Total Operating Expenditures	$ 2,433	$ -	(100.00%)	$ -	$ -	-	$ 1,740,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,433	$ -	(100.00%)	$ -	$ -	-	$ 1,740,000	100.00%

MV00056212

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Maintenance Equipment DIF FUND: 212

PROGRAM NUMBER: 21212

PROGRAM OBJECTIVE: To account for the collection and transfer of development impact fees to fund additional maintenance equipment that will be needed to handle the increased demands associated with new development.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	112	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 112	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 112	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056213

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Animal Shelter Development Impact Fee FUND: 213

PROGRAM NUMBER: 21312

PROGRAM OBJECTIVE: To collect and manage the development impact fees for the Animal Shelter.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	188,286	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 188,286	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 188,286	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056214

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: FHWA TRANSIMS Deployment FUND: 227

PROGRAM NUMBER: 22710

PROGRAM OBJECTIVE: To construct a new citywide traffic model using the TRANSIMS program and analyze impacts of land-use changes on the circulation system. Funded by a contract from the FHWA.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 83,935	100.00%	$ 107,915	$ 88,146	5.02%	$ 20,000	(81.47%)
Contractual Services	-	16,829	100.00%	68,036	58,036	244.86%	10,000	(85.30%)
Materials & Supplies	-	1,448	100.00%	5,000	5,000	245.30%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 102,212	100.00%	$ 180,951	$ 151,182	47.91%	$ 30,000	(83.42%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 102,212	100.00%	$ 180,951	$ 151,182	47.91%	$ 30,000	(83.42%)

MV00056215

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2009-DJ-BX-1178 JAG GRANT FUND: 230

PROGRAM NUMBER: 23010

PROGRAM OBJECTIVE: This grant funding will be used for Specialized Code Enforcement Program; two (2) part-time temporary employees will be hired to target City-wide code violations during the evenings and weekends when Code Compliance has minimal resources available to respond to code violations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 88,979	$ 22,536	100.00%	$ 66,443	(25.33%)
Contractual Services	-	-	-	7,800	2,025	100.00%	5,775	(25.96%)
Materials & Supplies	-	-	-	9,200	3,300	100.00%	5,900	(35.87%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 105,979	$ 27,861	100.00%	$ 78,118	(26.29%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 105,979	$ 27,861	100.00%	$ 78,118	(26.29%)

MV00056216

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: ICEP Task Force FUND: 231

PROGRAM NUMBER: 23110

PROGRAM OBJECTIVE: The mission of the ICEP Task Force is to achieve maximum coordination and cooperation among agency participants in an effort to identify and rescue juveniles who are sexually exploited through prostitution activities; identify, investigate, apprehend and prosecute pimps and other criminals associated with child exploitation and prostitution offenses.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	50,668	-	-	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 50,668	$ -	-	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 50,668	$ -	-	$ -	(100.00%)

MV00056217

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - PD - 05 FUND: 258

PROGRAM NUMBER: 62582

PROGRAM OBJECTIVE: Grant-funded program for the creation of an additional Community Service Officer I for the Traffic Division who will be able to handle minor traffic collisions, write parking citations and assist with traffic reconstruction.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	70,925	1,004	(98.58%)	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 70,925	$ 1,004	(98.58%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 70,925	$ 1,004	(98.58%)	$ -	$ -	(100.00%)	$ -	-

MV00056218

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - PD - 07 FUND: 259

PROGRAM NUMBER: 62584

PROGRAM OBJECTIVE: Grant-funded program for the creation of an additional Community Service Officer I for the Traffic Division who will be able to handle minor traffic collisions, write parking citations and assist with traffic reconstruction.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	183,861	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ 183,861	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 183,861	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056219

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - PD - 08 FUND: 260

PROGRAM NUMBER: 62586

PROGRAM OBJECTIVE: To purchase secure cellular data, transfer equipment, installation and 2 years of cellular service, for use with the Automated License Plate Reader (ALPR). In addition, approximately 93 2GB flash drives for issuance to law enforcement personnel.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	5,832	5,832	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	1,787	1,787	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 7,619	$ 7,619	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	22,080	22,260	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 22,080	$ 22,260	100.00%	$ -	(100.00%)
Total Program Budget	$ -	$ -	-	$ 29,699	$ 29,879	100.00%	$ -	(100.00%)

MV00056220

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG - COPS Technology Program Grant FUND: 261

PROGRAM NUMBER: 62588

PROGRAM OBJECTIVE: To develop and enhance technology for law enforcement.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	32,706	100.00%	29,665	29,665	(9.30%)	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 32,706	100.00%	$ 29,665	$ 29,665	(9.30%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	77,924	77,924	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 77,924	$ 77,924	100.00%	$ -	(100.00%)
Total Program Budget	$ -	$ 32,706	100.00%	$ 107,589	$ 107,589	228.96%	$ -	(100.00%)

MV00056221

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: JAG 2009 SB-59-2366 Grant FUND: 262

PROGRAM NUMBER: 26210

PROGRAM OBJECTIVE: To purchase a forensic 3D laser scanner, electronic equipment inventory system, electronic equipment for training purposes, cellular phone forensic equipment, night vision equipment, GPS tracking devise, digital video recorder, GPS devises and wearable video camera. Available funds will alse be used to enhance the Public Safety Building Surveillance Equipment, upgrade the Data Command post and supplement funds to continue anti-graffiti

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	60,105	60,105	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	55,517	55,517	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 115,622	$ 115,622	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	320,050	320,050	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 320,050	$ 320,050	100.00%	$ -	(100.00%)
Total Program Budget	$ -	$ -	-	$ 435,672	$ 435,672	100.00%	$ -	(100.00%)

MV00056222

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FY 07/08 FUND: 282

PROGRAM NUMBER: 73818

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 282,269	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	49,162	-	(100.00%)	-	-	-	-	-
Materials & Supplies	3,841	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	22,322	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 357,594	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 357,594	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056223

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs FY 07/08 FUND: 282

PROGRAM NUMBER: 73916

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	315,315	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 315,315	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 315,315	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056224

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance FY 07/08 FUND: 282

PROGRAM NUMBER: 74016

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ (7,196)	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	255,475	-	(100.00%)	-	-	-	-	-
Materials & Supplies	1,667	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 249,946	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 249,946	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056225

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Administration FY 08/09 FUND: 283

PROGRAM NUMBER: 73828

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 231,821	100.00%	$ 1,645	$ -	(100.00%)	$ -	(100.00%)
Contractual Services	-	46,747	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	3,169	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	15,487	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 297,224	100.00%	$ 1,645	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 297,224	100.00%	$ 1,645	$ -	(100.00%)	$ -	(100.00%)

MV00056226

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs FY 08/09 FUND: 283

PROGRAM NUMBER: 73918

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	271,959	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 271,959	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 271,959	100.00%	$ -	$ -	(100.00%)	$ -	-

MV00056227

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance FY 08/09 FUND: 283

PROGRAM NUMBER: 74018

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	255,000	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 255,000	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 255,000	100.00%	$ -	$ -	(100.00%)	$ -	-

MV00056228

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Admin - FY09/10 Fund FUND: 284

PROGRAM NUMBER: 73839

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 240,745	$ 242,060	100.00%	$ -	(100.00%)
Contractual Services	-	-	-	79,277	62,647	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	1,700	950	100.00%	-	(100.00%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	15,648	15,648	100.00%	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 337,370	$ 321,305	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 337,370	$ 321,305	100.00%	$ -	(100.00%)

MV00056229

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs - FY09/10 Fund FUND: 284

PROGRAM NUMBER: 73939

PROGRAM OBJECTIVE: The City will provide Community Development Block Grant (CDBG) funds to sub-recipients to provide public services such as food distribution, homelessness prevention, senior van transportation, emergency shelter services, transitional housing, child abuse prevention, domestic violence services, special needs services, and problem-oriented policing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	1,187,601	1,044,601	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 1,187,601	$ 1,044,601	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 1,187,601	$ 1,044,601	100.00%	$ -	(100.00%)

MV00056230

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance - FY09/10 Fund FUND: 284

PROGRAM NUMBER: 74039

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	366,407	366,407	100.00%	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 366,407	$ 366,407	100.00%	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 366,407	$ 366,407	100.00%	$ -	(100.00%)

MV00056231

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Admin - FY10/11 Fund FUND: 285

PROGRAM NUMBER: 73852

PROGRAM OBJECTIVE: To administer Community Development Block Grant funds received from the Department of Housing and Urban Development (HUD) and provide services: Fair Housing Counseling/Tenant Mediation, Code Enforcement, and Capital Projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 242,000	100.00%
Contractual Services	-	-	-	-	-	-	78,200	100.00%
Materials & Supplies	-	-	-	-	-	-	1,700	100.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	15,600	100.00%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 337,500	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 337,500	100.00%

MV00056232

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Social Programs - FY10/11 Fund FUND: 285

PROGRAM NUMBER: 73952

PROGRAM OBJECTIVE: The City will provide Community Development Block Grant (CDBG) funds to sub-recipients to provide public services such as food distribution, homelessness prevention, senior van transportation, emergency shelter services, transitional housing, child abuse prevention, domestic violence services, special needs services, and problem-oriented policing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	976,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 976,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 976,000	100.00%

MV00056233

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CDBG Code Compliance - FY10/11 Fund FUND: 285

PROGRAM NUMBER: 74052

PROGRAM OBJECTIVE: To develop and implement programs and projects that expand the supply of affordable housing for low and very low income families. Revitalize and stabilize neighborhoods to expand the City's affordable housing opportunities by providing down payment home and mobile home rehabilitation assistance through low interest loans and grants.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	366,400	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 366,400	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 366,400	100.00%

MV00056234

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG11 Used Oil Recycling 05/06 FUND: 290

PROGRAM NUMBER: 51549

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of the California Integrated Waste Management Board Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,016	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	20,998	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 22,014	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 22,014	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056235

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG12 Use Oil Recycling 06/07 FUND: 291

PROGRAM NUMBER: 51551

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of the California Integrated Waste Management Board Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 30,846	$ 785	(97.46%)	$ -	$ -	(100.00%)	$ -	-
Contractual Services	11,160	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 42,006	$ 785	(98.13%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 42,006	$ 785	(98.13%)	$ -	$ -	(100.00%)	$ -	-

MV00056236

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG13 Use Oil Recycling 07/08 FUND: 292

PROGRAM NUMBER: 51553

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of the California Integrated Waste Management Board Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 30,926	100.00%	$ 184	$ 3,828	(87.62%)	$ -	(100.00%)
Contractual Services	-	12,178	100.00%	3,735	91	(99.25%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	283	1,088	284.45%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 283	$ 44,192	15,515.55%	$ 3,919	$ 3,919	(91.13%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 283	$ 44,192	15,515.55%	$ 3,919	$ 3,919	(91.13%)	$ -	(100.00%)

MV00056237

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: UBG14 Used Oil Recycling 08/09 FUND: 293

PROGRAM NUMBER: 51555

PROGRAM OBJECTIVE: To promote used oil recycling throughout the community by means of public education; and offer convenient used oil collection sites to the public with the use of CalRecycle Used Oil Block Grant funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 34,790	$ 5,363	100.00%	$ 14,200	(59.18%)
Contractual Services	-	-	-	4,265	12,900	100.00%	12,900	202.46%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	870	-	-	800	(8.05%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 39,925	$ 18,263	100.00%	$ 27,900	(30.12%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 39,925	$ 18,263	100.00%	$ 27,900	(30.12%)

MV00056238

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: TCA2-06-22 - 2006/2007 Local Govt Waste Tire Clean-up & Amnesty Event Grant Program FUND: 294

PROGRAM NUMBER: 51557

PROGRAM OBJECTIVE: To promote the recycling of used tires, reduce the number of waste tires disposed at landfills, illegally dumped, and stockpiled on private property by accepting tires at Household Hazardous Waste events for recycling with the use of California Integrated Waste Management Board Grant Funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	10,399	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,399	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,399	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056239

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Targeted Rubberized Asphalt Concrete Incentive Grant Program FUND: 295

PROGRAM NUMBER: 51559

PROGRAM OBJECTIVE: To utilize rubberized asphalt concrete on street pavement rehabilitation projects and offset the cost differential between rubberized asphalt and conventional asphalt with the use of California Integrated Waste Management Board Grant Funds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	11,553	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	36,397	100.00%	84,000	28,000	(23.07%)	56,000	(33.33%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 47,950	100.00%	$ 84,000	$ 28,000	(41.61%)	$ 56,000	(33.33%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 47,950	100.00%	$ 84,000	$ 28,000	(41.61%)	$ 56,000	(33.33%)

MV00056240

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Moreno Valley Foundation FUND: 370

PROGRAM NUMBER: 37010

PROGRAM OBJECTIVE: To account for the financial activities of the Moreno Valley Community Foundation whose purpose is to raise funds for the City Library.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	775	50	(93.55%)	-	50	-	50	100.00%
Materials & Supplies	479	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,254	$ 50	(96.01%)	$ -	$ 50	-	$ 50	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,254	$ 50	(96.01%)	$ -	$ 50	-	$ 50	100.00%

MV00056241

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Arts Commission FUND: 371

PROGRAM NUMBER: 37110

PROGRAM OBJECTIVE: To encourage, stimulate, promote and foster programs for the cultural enrichment of the City and thereby contribute to the quality of life in Moreno Valley and develop an awareness of the value of the arts in Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	450	100.00%	-	1,000	122.22%	1,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 450	100.00%	$ -	$ 1,000	122.22%	$ 1,000	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 450	100.00%	$ -	$ 1,000	122.22%	$ 1,000	100.00%

MV00056242

City of Moreno Valley

2010-11 Preliminary Base Operating budget

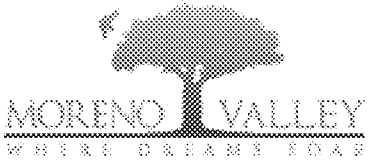

Capital Projects Funds

MV00056243

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	PW General Capital Projects 414	TUMF Capital Projects 415	DIF Arterial Streets Capital Projects 416	DIF Traffic Signal Capital Projects 417	DIF Interchange Improvements 418	2005 Lease Revenue Bonds - Cap/Admin 501	Centerpoint 87-4 Cap/Admin 512
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	900	-	-	-	-	100,000	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	30,000	-	1,000	1,000	-	-	-
Grants/Intergovernmental Revenues	-	6,000,000	-	-	-	-	-
Transfers In	-	-	295,000	-	1,740,000	-	-
Total Operating Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Capital :							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Increase in Reserve for Contingencies							
Total Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Net Revenues Over (Under) Expenditures	**30,900**	**6,000,000**	**296,000**	**1,000**	**1,740,000**	**100,000**	**-**

MV00056244

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	Towngate Impr Special Tax Capital/Admin 513	2007 Towngate Spcl Tax Ref Capital/Admin 515	Warner Ranch Assmnt Dist 518	Auto Mall Cap/Admin 528	CFD #5 Stoneridge Cap/Admin 529	CFD #4I Infra Cap/Admin 530	Total
Revenues							
Property Taxes	-	-	8,400	-	-	-	8,400
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-
Interest Income	-	-	-	-	-	-	100,900
Bond Proceeds	-	-	-	-	-	-	
Miscellaneous Revenues	-	-	-	-	-	-	32,000
Grants/Intergovernmental Revenues	-	-	-	-	-	-	6,000,000
Transfers In	38,250	145,650	-	62,500	54,000	10,407,900	12,743,300
Total Operating Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	
Total Revenues	**38,250**	**145,650**	**8,400**	**62,500**	**54,000**	**10,407,900**	**18,884,600**
Expenditures							
Operating:							
Personnel Services	-	-	-	-	-	-	-
Contractual Services	3,700	3,700	-	3,700	3,700	4,000	18,800
Materials & Supplies	-	-	-	-	-	-	-
Debt Service	-	-	6,400	-	-	-	6,400
Fixed Charges	34,500	141,900	700	58,200	50,000	-	285,300
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**4,000**	**310,500**
Capital :							
Fixed Assets	-	-	-	-	-	10,403,900	10,403,900
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**10,403,900**	**10,403,900**
Total Program Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Increase in Reserve for Contingencies							
Total Expenditures	**38,200**	**145,600**	**7,100**	**61,900**	**53,700**	**10,407,900**	**10,714,400**
Net Revenues Over (Under) Expenditures	**50**	**50**	**1,300**	**600**	**300**	**-**	**8,170,200**

MV00056245

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Capital Projects Funds

Description	Centerpointe 87-4 Capital/Admin. 512.92330	Towngate Impr Special Tax Capital/Admin. 513.93730	2007 Towngate Spcl Tax Ref Capital/Admin. 515.93830	Warner Ranch Assessment District 518.91810	Auto Mall Capital/Admin. 528.92430	CFD #5 Stoneridge Capital/Admin 529.93430	CFD #4I Infra Cap/Admin Fund 530.93630	Total
Expenditures								
Operating:								
Personnel Services	-	-	-	-	-	-	-	-
Contractual Services	-	3,700	3,700	-	3,700	3,700	4,000	18,800
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	6,400	-	-	-	6,400
Fixed Charges	-	34,500	141,900	700	58,200	50,000	-	285,300
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	-	38,200	145,600	7,100	61,900	53,700	4,000	310,500
Capital:								
Fixed Assets	-	-	-	-	-	-	10,403,900	10,403,900
Total Capital Expenditures	-	-	-	-	-	-	10,403,900	10,403,900
Total Program Expenditures	-	38,200	145,600	7,100	61,900	53,700	10,407,900	10,714,400

MV00056246

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Operating Transfers Out of 412 FUND: 412

PROGRAM NUMBER: 99914

PROGRAM OBJECTIVE: To provide appropriate funds for activities that are not directly assignable to any one department or program.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	67,040	100.00%	700,000	-	(100.00%)	-	(100.00%)
Total Operating Expenditures	$ -	$ 67,040	100.00%	$ 700,000	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 67,040	100.00%	$ 700,000	$ -	(100.00%)	$ -	(100.00%)

MV00056247

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Operating Transfers Out of Fund 413 FUND: 413

PROGRAM NUMBER: 99913

PROGRAM OBJECTIVE: To meet COP 93 debt service.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	38,487	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 38,487	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 38,487	100.00%	$ -	$ -	(100.00%)	$ -	-

MV00056248

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Capital FUND: 434

PROGRAM NUMBER: 65210

PROGRAM OBJECTIVE: To administer fire related capital projects.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	98,000	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 98,000	100.00%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 98,000	100.00%	$ -	$ -	(100.00%)	$ -	-

MV00056249

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2005 Lease Revenue Bonds Cap/Admin FUND: 501

PROGRAM NUMBER: 93330

PROGRAM OBJECTIVE: To provide resources to finance the following capital improvements: Sunnymead Boulevard, Public Safety Building Expansion, Kitching Street, Electric Utility Infrastructure, Ironwood/Heacock, Ironwood/Box Springs, Laselle Street and Fire Station No. 58.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	28	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	1,374,223	309,120	(77.51%)	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,374,223	$ 309,148	(77.50%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,374,223	$ 309,148	(77.50%)	$ -	$ -	(100.00%)	$ -	-

MV00056250

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Improvement Area 1-Capital/Admin. FUND: 504

PROGRAM NUMBER: 92830

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	5,513	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	34,500	-	(100.00%)	-	-	-	-	-
Transfers Out	-	3,038	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 40,013	$ 3,038	(92.41%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 40,013	$ 3,038	(92.41%)	$ -	$ -	(100.00%)	$ -	-

MV00056251

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Refunding-Capital/Admin. FUND: 506

PROGRAM NUMBER: 92230

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	4,000	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	132,875	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 136,875	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 136,875	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056252

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Centerpointe 87-4 Capital/Admin. FUND: 512

PROGRAM NUMBER: 92330

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	3,786	3,787	0.03%	5,350	-	(100.00%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	55,000	55,000	-	50,000	-	(100.00%)	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 58,786	$ 58,787	0.00%	$ 55,350	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 58,786	$ 58,787	0.00%	$ 55,350	$ -	(100.00%)	$ -	(100.00%)

MV00056253

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Improvement Special Tax Capital/Admin FUND: 513

PROGRAM NUMBER: 93730

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	4,014	100.00%	3,750	3,750	(6.58%)	3,700	(1.33%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	34,500	31,285	100.00%	34,500	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 4,014	100.00%	$ 38,250	$ 35,035	772.82%	$ 38,200	(0.13%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 4,014	100.00%	$ 38,250	$ 35,035	772.82%	$ 38,200	(0.13%)

MV00056254

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Towngate Special Tax Ref Capital/Admin FUND: 515

PROGRAM NUMBER: 93830

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	57	100.00%	6,875	5,500	9,549.12%	3,700	(46.18%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	132,875	132,875	100.00%	141,900	6.79%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 57	100.00%	$ 139,750	$ 138,375	242,663.16%	$ 145,600	4.19%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 57	100.00%	$ 139,750	$ 138,375	242,663.16%	$ 145,600	4.19%

MV00056255

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Warner Ranch Assessment District FUND: 518

PROGRAM NUMBER: 91810

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	4	5	25.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	1,959	1,959	-	6,458	6,458	229.66%	6,400	(0.90%)
Fixed Charges	730	730	-	730	730	-	700	(4.11%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,693	$ 2,694	0.04%	$ 7,188	$ 7,188	166.82%	$ 7,100	(1.22%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,693	$ 2,694	0.04%	$ 7,188	$ 7,188	166.82%	$ 7,100	(1.22%)

MV00056256

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Auto Mall Capital/Admin. FUND: 528

PROGRAM NUMBER: 92430

PROGRAM OBJECTIVE: To account for the acquisition or construction of capital facilities financed through special assessment financing.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	3,755	3,756	0.03%	3,750	3,750	(0.16%)	3,700	(1.33%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	148,940	144,690	(2.85%)	145,190	145,190	0.35%	58,200	(59.91%)
Transfers Out	927,865	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,080,560	$ 148,446	(86.26%)	$ 148,940	$ 148,940	0.33%	$ 61,900	(58.44%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,080,560	$ 148,446	(86.26%)	$ 148,940	$ 148,940	0.33%	$ 61,900	(58.44%)

MV00056257

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #5 Stoneridge Cap/Admin FUND: 529

PROGRAM NUMBER: 93430

PROGRAM OBJECTIVE: Issue Special Tax Bonds to fund public infrastructure at Stoneridge Towne Centre located on approximately 56 acres. The CFD will provide for the collection and payment of principal, interest, and administration costs associated with the infrastructure, which includes street improvements along Nason Street, Eucalyptus Avenue, Dracaea Avenue and Fir Avenue.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	5,388	49,898	826.10%	4,000	3,750	(92.48%)	3,700	(7.50%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	30,000	50,000	66.67%	50,000	50,000	-	50,000	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 35,388	$ 99,898	182.29%	$ 54,000	$ 53,750	(46.20%)	$ 53,700	(0.56%)
Capital Expenditures								
Fixed Assets	2,270,856	2,128,623	(6.26%)	462,770	462,770	(78.26%)	-	(100.00%)
Total Capital Expenditures	$ 2,270,856	$ 2,128,623	(6.26%)	$ 462,770	$ 462,770	(78.26%)	$ -	(100.00%)
Total Program Budget	$ 2,306,244	$ 2,228,521	(3.37%)	$ 516,770	$ 516,520	(76.82%)	$ 53,700	(89.61%)

MV00056258

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #4I Infra Cap/Admin Fund FUND: 530

PROGRAM NUMBER: 93630

PROGRAM OBJECTIVE: To provide for the cost associated with debt service consultants and administration expenditures related with the acquisition or construction of capital projects at Centerpointe Business Park.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	4,000	100.00%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	50,000	-	-	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ 50,000	$ -	-	$ 4,000	(92.00%)
Capital Expenditures								
Fixed Assets	-	-	-	5,800,000	-	-	10,403,900	79.38%
Total Capital Expenditures	$ -	$ -	-	$ 5,800,000	$ -	-	$ 10,403,900	100.00%
Total Program Budget	$ -	$ -	-	$ 5,850,000	$ -	-	$ 10,407,900	77.91%

MV00056259

City of Moreno Valley

2010-11 Preliminary Base Operating budget

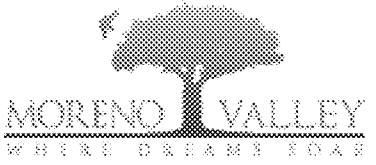

Enterprise Fund

MV000056260

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Enterprise Funds

Description	Electric Utility Fund 601	2007 Taxable Lease Revenue Bonds 602	2005 Lease Revenue Bonds 603	Total
Revenues				
Property Taxes	-	-	-	-
Gas Taxes	-	-	-	-
Sales Taxes	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-
Utility Users Taxes	-	-	-	-
Other Taxes	-	-	-	-
Franchise Fees	-	-	-	-
Parcel Fees	-	-	-	-
Development Fees	-	-	-	-
Motor Vehicle Fees	-	-	-	-
Other Fees	(119,500)	-	-	(119,500)
Fees for Service	13,644,000	-	-	13,644,000
Permits & Licenses	-	-	-	-
Fines & Forfeitures	-	-	-	-
Administrative Charges	-	-	-	-
Interest Income	-	-	-	-
Bond Proceeds	-	-	-	
Miscellaneous Revenues	345,000	-	-	345,000
Grants/Intergovernmental Revenues	-	-	-	-
Transfers In	-	-	-	-
Total Operating Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Reserves	-	-	-	-
Anticipated Prior Year Savings	-	-	-	
Total Revenues	**13,869,500**	**-**	**-**	**13,869,500**
Expenditures				
Operating:				
Personnel Services	765,400	-	-	765,400
Contractual Services	10,525,500	3,800	-	10,529,300
Materials & Supplies	4,800	-	-	4,800
Debt Service	77,400	1,827,000	318,200	2,222,600
Fixed Charges	711,800	-	-	711,800
Transfers Out	-	-	-	-
Total Operating Expenditures	**12,084,900**	**1,830,800**	**318,200**	**14,233,900**
Capital :				
Fixed Assets	87,500	-	-	87,500
Total Capital Expenditures	87,500	-	-	87,500
Total Program Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Increase in Reserve for Contingencies				
Total Expenditures	**12,172,400**	**1,830,800**	**318,200**	**14,321,400**
Net Revenues Over (Under) Expenditures	**1,697,100**	**(1,830,800)**	**(318,200)**	**(451,900)**

MV00056261

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Enterprise Fund

Description	Electric Utility Fund 601.60110	Public Purpose Program 601.61010	2007 Taxable Lease Revenue Bonds 602.60210	2005 Lease Revenue Bonds 603.60310	Total
Expenditures					
Operating:					
Personnel Services	765,400	-	-	-	765,400
Contractual Services	10,025,500	500,000	3,800	-	10,529,300
Materials & Supplies	4,800	-	-	-	4,800
Debt Service	77,400	-	1,827,000	318,200	2,222,600
Fixed Charges	711,800	-	-	-	711,800
Transfers Out	-	-	-	-	-
Total Operating Expenditures	11,584,900	500,000	1,830,800	318,200	14,233,900
Capital:					
Fixed Assets	87,500	-	-	-	87,500
Total Capital Expenditures	87,500	-	-	-	87,500
Total Program Expenditures	11,672,400	500,000	1,830,800	318,200	14,321,400

MV00056262

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Electric Utility Fund FUND: 601

PROGRAM NUMBER: 60110

PROGRAM OBJECTIVE: To provide electrical energy to new development within the City of Moreno Valley.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 684,632	$ 765,934	11.88%	$ 772,245	$ 772,245	0.82%	$ 765,400	(0.89%)
Contractual Services	9,157,073	10,444,656	14.06%	10,592,255	9,890,600	(5.30%)	10,025,500	(5.35%)
Materials & Supplies	16,247	4,511	(72.23%)	5,325	4,800	6.41%	4,800	(9.86%)
Debt Service	48,325	23,622	(51.12%)	114,103	114,150	383.24%	77,400	(32.17%)
Fixed Charges	860,873	839,682	(2.46%)	953,693	1,263,307	50.45%	711,800	(25.36%)
Transfers Out	150,000	300,000	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 10,917,150	$ 12,378,405	13.38%	$ 12,437,621	$ 12,045,102	(2.69%)	$ 11,584,900	(6.86%)
Capital Expenditures								
Fixed Assets	-	-	-	484,360	225,000	100.00%	87,500	(81.93%)
Total Capital Expenditures	$ -	$ -	-	$ 484,360	$ 225,000	100.00%	$ 87,500	(61.11%)
Total Program Budget	$ 10,917,150	$ 12,378,405	13.38%	$ 12,921,981	$ 12,270,102	(0.87%)	$ 11,672,400	(9.67%)

MV00056263

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Purpose Program FUND: 601

PROGRAM NUMBER: 61010

PROGRAM OBJECTIVE: To provide public benefit programs funded through a non-bypassable surcharge on electric utilities. Types of programs will include energy efficiency programs for commercial and industrial customers and low income assistance programs.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	9,021	63,098	599.46%	713,691	485,000	668.65%	500,000	(29.94%)
Materials & Supplies	-	296	100.00%	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 9,021	$ 63,394	602.74%	$ 713,691	$ 485,000	665.06%	$ 500,000	(29.94%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 9,021	$ 63,394	602.74%	$ 713,691	$ 485,000	665.06%	$ 500,000	(29.94%)

MV00056264

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Taxable Lease Revenue Bonds FUND: 602

PROGRAM NUMBER: 60210

PROGRAM OBJECTIVE: To provide taxable resources to finance the Electric Utility Infrastructure.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,875	3,650	26.96%	3,750	3,800	4.11%	3,800	1.33%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	1,464,885	1,452,746	(0.83%)	1,831,802	1,831,802	26.09%	1,827,000	(0.26%)
Fixed Charges	-	241,960	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	922,032	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 1,467,760	$ 2,620,388	78.53%	$ 1,835,552	$ 1,835,602	(29.95%)	$ 1,830,800	(0.26%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,467,760	$ 2,620,388	78.53%	$ 1,835,552	$ 1,835,602	(29.95%)	$ 1,830,800	(0.26%)

MV00056265

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2005 Lease Revenue Bonds FUND: 603

PROGRAM NUMBER: 60310

PROGRAM OBJECTIVE: To provide resources to finance the Electric Utility Infrastructure.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	523	-	-	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	38,230	226,930	493.59%	322,963	322,963	42.32%	318,200	(1.47%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	466,286	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 38,230	$ 693,216	1,713.28%	$ 323,486	$ 322,963	(53.41%)	$ 318,200	(1.63%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 38,230	$ 693,216	1,713.28%	$ 323,486	$ 322,963	(53.41%)	$ 318,200	(1.63%)

MV00056266

City of Moreno Valley

2010-11 Preliminary Base Operating budget

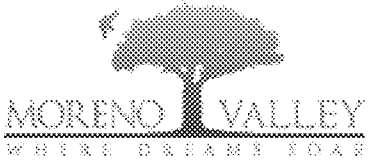

Internal Service Funds

MV00056267

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	General Liability 741	Workers' Compensation 745	Technology Services 750	Facilities 754	Equipment Maintenance 755	Equipment Replacement Reserve 757	Total
Revenues							
Property Taxes	-	-	-	-	-	-	-
Gas Taxes	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	-
Business Gross Receipts Taxes	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-
Other Taxes	-	-	-	-	-	-	-
Franchise Fees	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-
Permits & Licenses	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-
Administrative Charges	1,031,000	-	4,018,000	4,079,100	714,500	-	9,842,600
Interest Income	-	-	-	-	-	-	-
Bond Proceeds	-	-	-	-	-	-	-
Miscellaneous Revenues	300	870,800	264,600	32,300	3,800	2,306,500	3,478,300
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-
Total Operating Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Reserves	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-
Total Revenues	**1,031,300**	**870,800**	**4,282,600**	**4,111,400**	**718,300**	**2,306,500**	**13,320,900**
Expenditures							
Operating:							
Personnel Services	116,200	52,100	2,024,500	1,037,300	262,500	-	3,492,600
Contractual Services	1,182,700	462,100	1,359,000	2,036,800	10,000	-	5,050,600
Materials & Supplies	4,000	3,400	401,400	123,500	383,000	-	915,300
Debt Service	-	-	-	-	-	-	-
Fixed Charges	59,200	204,500	517,300	454,700	59,800	284,000	1,579,500
Transfers Out	-	-	-	822,025	-	-	822,025
Total Operating Expenditures	**1,362,100**	**722,100**	**4,302,200**	**4,474,325**	**715,300**	**284,000**	**11,860,025**
Capital :							
Fixed Assets	-	-	597,700	-	-	92,000	689,700
Total Capital Expenditures	**-**	**-**	**597,700**	**-**	**-**	**92,000**	**689,700**
Total Program Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Increase in Reserve for Contingencies							
Total Expenditures	**1,362,100**	**722,100**	**4,899,900**	**4,474,325**	**715,300**	**376,000**	**12,549,725**
Net Revenues Over (Under) Expenditures	**(330,800)**	**148,700**	**(617,300)**	**(362,925)**	**3,000**	**1,930,500**	**771,175**

MV00056268

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	General Liability Administration 741.74110	Workers' Compensation Administration 745.74510	Enterprise Applications Systems 750.32010	Hardware & Operating Systems 750.32110	Telephony Communications 750.32210	GIS 750.32510	Facilities 754.75410
Expenditures							
Operating:							
Personnel Services	116,200	52,100	504,200	588,600	419,000	512,700	857,300
Contractual Services	1,182,700	462,100	702,300	275,100	152,600	229,000	118,200
Materials & Supplies	4,000	3,400	32,800	221,700	120,400	26,500	21,200
Debt Service	-	-	-	-	-	-	-
Fixed Charges	59,200	204,500	23,600	318,600	156,200	18,900	164,300
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	1,362,100	722,100	1,262,900	1,404,000	848,200	787,100	1,161,000
Capital:							
Fixed Assets	-	-	50,000	328,200	203,500	16,000	-
Total Capital Expenditures	-	-	50,000	328,200	203,500	16,000	-
Total Program Expenditures	1,362,100	722,100	1,312,900	1,732,200	1,051,700	803,100	1,161,000

MV00056269

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Facilities City Hall 754.75411	Facilities Corp. Yard 754.75412	Facilities Transp. Trailer 754.75413	Facilities PSB 754.75414	Facilities Library 754.75415	Facilities Pro Shop 754.75416	Facilities MVTV Studio 754.75417
Expenditures							
Operating:							
Personnel Services	600	400	-	400	300	300	200
Contractual Services	406,900	78,200	3,100	338,500	81,700	26,600	11,100
Materials & Supplies	36,000	10,700	600	6,100	2,600	800	300
Debt Service	-	-	-	-	-	-	-
Fixed Charges	164,400	31,300	1,700	7,100	-	-	-
Transfers Out	822,025	-	-	-	-	-	-
Total Operating Expenditures	1,429,925	120,600	5,400	352,100	84,600	27,700	11,600
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	1,429,925	120,600	5,400	352,100	84,600	27,700	11,600

MV00056270

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Facilities Animal Shelter 754.75418	Facilities Senior Center 754.75419	Facilities TownGate CC 754.75421	Facilities March Field CC 754.75422	Facilities TS Annex 754.75423	Facilities CRC 754.75424	Facilities ESA Annex 754.75426
Expenditures							
Operating:							
Personnel Services	300	200	200	200	200	500	200
Contractual Services	101,400	80,900	36,800	32,200	23,700	252,700	11,300
Materials & Supplies	6,000	2,900	900	700	1,100	9,600	1,000
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	9,800	-	-	69,500	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	107,700	93,800	37,900	33,100	94,500	262,800	12,500
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	107,700	93,800	37,900	33,100	94,500	262,800	12,500

MV00056271

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Facilities Maintenance Annex 1 754.75429	Facilities Maintenance F.S. #2 754.75430	Facilities Maintenance F.S. #6 754.75431	Facilities Maintenance F.S. #48 754.75432	Facilities Maintenance F.S. #58 (Eucalyptus) 754.75433	Facilities Maintenance F.S. #65 754.75434	Facilities Maintenance F.S. #91 754.75435
Expenditures							
Operating:							
Personnel Services	200	200	200	200	200	200	200
Contractual Services	17,100	48,000	48,900	43,900	48,100	42,100	49,700
Materials & Supplies	1,400	2,900	2,900	2,900	2,400	2,900	1,900
Debt Service	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-
Total Operating Expenditures	18,700	51,100	52,000	47,000	50,700	45,200	51,800
Capital:							
Fixed Assets	-	-	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-	-	-
Total Program Expenditures	18,700	51,100	52,000	47,000	50,700	45,200	51,800

MV00056272

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Internal Service Funds

Description	Security Guards 754.75436	Facilities Maintenance MV Utilities Field Office 754.75437	Veteran's Memorial 754.75438	Emergency Operations Center 754.75439	Equipment Maintenance 755.75510	Fixed Asset Replacement - COMV 757.99401	Fixed Asset Replacement - CSD 757.99402	Total
Expenditures								
Operating:								
Personnel Services	174,200	200	-	200	262,500	-	-	3,492,600
Contractual Services	42,600	5,100	8,000	80,000	10,000	-	-	5,050,600
Materials & Supplies	100	1,300	3,000	1,300	383,000	-	-	915,300
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	6,600	-	-	-	59,800	239,100	44,900	1,579,500
Transfers Out	-	-	-	-	-	-	-	822,025
Total Operating Expenditures	223,500	6,600	11,000	81,500	715,300	239,100	44,900	11,860,025
Capital:								
Fixed Assets	-	-	-	-	-	54,000	38,000	689,700
Total Capital Expenditures	-	-	-	-	-	54,000	38,000	689,700
Total Program Expenditures	223,500	6,600	11,000	81,500	715,300	293,100	82,900	12,549,725

MV00056273

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: General Liability Administration FUND: 741

PROGRAM NUMBER: 74110

PROGRAM OBJECTIVE: To administer the City's risk management program including insurance premiums, adjusting fees, legal expenses and reserves.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 181,210	$ 132,520	(26.87%)	$ 118,695	$ 117,363	(11.44%)	$ 116,200	(2.10%)
Contractual Services	1,114,843	793,229	(28.85%)	1,033,768	1,089,792	37.39%	1,182,700	14.41%
Materials & Supplies	2,375	885	(62.74%)	4,100	3,000	238.98%	4,000	(2.44%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	134,000	(265,702)	(298.29%)	59,298	59,298	(122.32%)	59,200	(0.17%)
Transfers Out	500,274	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,932,702	$ 660,932	(65.80%)	$ 1,215,861	$ 1,269,453	92.07%	$ 1,362,100	12.03%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,932,702	$ 660,932	(65.80%)	$ 1,215,861	$ 1,269,453	92.07%	$ 1,362,100	12.03%

MV00056274

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Workers' Compensation Administration FUND: 745

PROGRAM NUMBER: 74510

PROGRAM OBJECTIVE: To manage and administer employee disability and injury costs with emphasis placed on employee training in occupational safety, safety awareness and employee health and fitness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 182,544	$ 40,717	(77.69%)	$ 55,731	$ 55,731	36.87%	$ 52,100	(6.52%)
Contractual Services	573,930	437,222	(23.82%)	462,150	466,796	6.76%	462,100	(0.01%)
Materials & Supplies	2,656	1,573	(40.78%)	3,450	950	(39.61%)	3,400	(1.45%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	505,394	(11,320)	(102.24%)	350,544	350,544	(3,196.68%)	204,500	(41.66%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,264,524	$ 468,192	(62.97%)	$ 871,875	$ 874,021	86.68%	$ 722,100	(17.18%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 1,264,524	$ 468,192	(62.97%)	$ 871,875	$ 874,021	86.68%	$ 722,100	(17.18%)

MV00056275

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Workers' Compensation Claims FUND: 745

PROGRAM NUMBER: 74511

PROGRAM OBJECTIVE: To manage and administer employee disability and injury costs with emphasis placed on employee training in occupational safety, safety awareness and employee health and fitness.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 32,219	$ 54,588	69.43%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	119	49	(58.82%)	-	-	(100.00%)	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 32,338	$ 54,637	68.96%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 32,338	$ 54,637	68.96%	$ -	$ -	(100.00%)	$ -	-

MV00056276

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Enterprise Applications Systems FUND: 750

PROGRAM NUMBER: 32010

PROGRAM OBJECTIVE: To administer the City's enterprise software systems including programming and integration.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,085,527	$ 613,571	(43.48%)	$ 513,289	$ 513,289	(16.34%)	$ 504,200	(1.77%)
Contractual Services	340,399	587,661	72.64%	975,186	771,245	31.24%	702,300	(27.98%)
Materials & Supplies	10,916	3,380	(69.04%)	61,512	21,580	538.46%	32,800	(46.68%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	43,733	36,741	(15.99%)	23,536	23,536	(35.94%)	23,600	0.27%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 1,480,575	$ 1,241,353	(16.16%)	$ 1,573,523	$ 1,329,650	7.11%	$ 1,262,900	(19.74%)
Capital Expenditures								
Fixed Assets	-	-	-	86,540	9,000	100.00%	50,000	(42.22%)
Total Capital Expenditures	$ -	$ -	-	$ 86,540	$ 9,000	100.00%	$ 50,000	455.56%
Total Program Budget	$ 1,480,575	$ 1,241,353	(16.16%)	$ 1,660,063	$ 1,338,650	7.84%	$ 1,312,900	(20.91%)

MV00056277

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Hardware & Operating Systems FUND: 750

PROGRAM NUMBER: 32110

PROGRAM OBJECTIVE: To administer the City's wide area and local area network including desktop hardware and operating systems.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 636,837	$ 724,891	13.83%	$ 608,318	$ 568,318	(21.60%)	$ 588,600	(3.24%)
Contractual Services	169,602	133,593	(21.23%)	248,560	243,460	82.24%	275,100	10.68%
Materials & Supplies	220,117	160,348	(27.15%)	319,809	202,969	26.58%	221,700	(30.68%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	481,262	385,953	(19.80%)	318,730	318,730	(17.42%)	318,600	(0.04%)
Transfers Out	194	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,508,012	$ 1,404,785	(6.85%)	$ 1,495,417	$ 1,333,477	(5.08%)	$ 1,404,000	(6.11%)
Capital Expenditures								
Fixed Assets	1	-	(100.00%)	337,000	173,000	100.00%	328,200	(2.61%)
Total Capital Expenditures	$ 1	$ -	(100.00%)	$ 337,000	$ 173,000	100.00%	$ 328,200	89.71%
Total Program Budget	$ 1,508,013	$ 1,404,785	(6.85%)	$ 1,832,417	$ 1,506,477	7.24%	$ 1,732,200	(5.47%)

MV00056278

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Communications FUND: 750

PROGRAM NUMBER: 32210

PROGRAM OBJECTIVE: To provide and administer the City's comprehensive voice, data, video, and radio communications programs, including support of two City-owned amateur radio repeaters. This includes all services utilizing the common communications network that interconnects City facilities, offices, and end-users.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 176,107	$ 470,000	166.88%	$ 433,646	$ 433,646	(7.73%)	$ 419,000	(3.38%)
Contractual Services	28,651	90,558	216.07%	149,545	131,670	45.40%	152,600	2.04%
Materials & Supplies	30,009	36,923	23.04%	115,450	61,550	66.70%	120,400	4.29%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	76,905	179,421	133.30%	156,470	156,470	(12.79%)	156,200	(0.17%)
Transfers Out	-	-	-	5,000	-	-	-	(100.00%)
Total Operating Expenditures	$ 311,672	$ 776,902	149.27%	$ 860,111	$ 783,336	0.83%	$ 848,200	(1.38%)
Capital Expenditures								
Fixed Assets	-	-	-	439,804	317,505	100.00%	203,500	(53.73%)
Total Capital Expenditures	$ -	$ -	-	$ 439,804	$ 317,505	100.00%	$ 203,500	(35.91%)
Total Program Budget	$ 311,672	$ 776,902	149.27%	$ 1,299,915	$ 1,100,841	41.70%	$ 1,051,700	(19.09%)

MV00056279

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Radio Communications FUND: 750

PROGRAM NUMBER: 32310

PROGRAM OBJECTIVE: To administer the City's comprehensive 2-way radio communications program including support of two City owned amateur radio repeaters.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 123,852	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	13,463	-	(100.00%)	-	-	-	-	-
Materials & Supplies	39,552	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	36,452	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 213,319	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 213,319	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056280

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Backbone Communications FUND: 750

PROGRAM NUMBER: 32410

PROGRAM OBJECTIVE: To provide communication services utilizing a common communications network, interconnecting all City offices and end-users to enable the sharing of voice, data and video applications.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 127,752	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	76,562	-	(100.00%)	-	-	-	-	-
Materials & Supplies	27,275	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	91,238	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 322,827	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 322,827	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056281

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: GIS FUND: 750

PROGRAM NUMBER: 32510

PROGRAM OBJECTIVE: To provide and administer the City's Geographic Information Systems for City staff as well as citizen access to GIS resources. This includes all resources necessary to provide for the timely updating of orthophotographic images, County Assessor parcel information, or any other information related to City-maintained geographic information.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 364,414	100.00%	$ 526,138	$ 526,138	44.38%	$ 512,700	(2.55%)
Contractual Services	-	154,883	100.00%	368,910	190,910	23.26%	229,000	(37.93%)
Materials & Supplies	-	12,195	100.00%	37,190	37,190	204.96%	26,500	(28.74%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	11,741	100.00%	19,003	19,003	61.85%	18,900	(0.54%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 543,233	100.00%	$ 951,241	$ 773,241	42.34%	$ 787,100	(17.26%)
Capital Expenditures								
Fixed Assets	-	-	-	50,500	30,500	100.00%	16,000	(68.32%)
Total Capital Expenditures	$ -	$ -	-	$ 50,500	$ 30,500	100.00%	$ 16,000	(47.54%)
Total Program Budget	$ -	$ 543,233	100.00%	$ 1,001,741	$ 803,741	47.96%	$ 803,100	(19.83%)

MV00056282

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Central Stores FUND: 751

PROGRAM NUMBER: 75110

PROGRAM OBJECTIVE: To provide effective and efficient management of centralized receiving and delivery of purchased goods, and to provide for the timely and economical receiving and distribution of City mail for all office locations.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 144,167	$ -	(100.00%)	$ -	$ -	-	$ -	-
Contractual Services	122,678	-	(100.00%)	-	-	-	-	-
Materials & Supplies	9,039	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	13,952	-	(100.00%)	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 289,836	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	(1)	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ (1)	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 289,835	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056283

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Graphics Support FUND: 752

PROGRAM NUMBER: 75210

PROGRAM OBJECTIVE: To administer a comprehensive graphics support program for all City departments.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	20,563	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 20,563	$ -	(100.00%)	$ -	$ -	-	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 20,563	$ -	(100.00%)	$ -	$ -	-	$ -	-

MV00056284

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities FUND: 754

PROGRAM NUMBER: 75410

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned general public facilities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 835,311	$ 963,476	15.34%	$ 887,569	$ 757,700	(21.36%)	$ 857,300	(3.41%)
Contractual Services	51,905	30,075	(42.06%)	278,990	239,000	694.68%	118,200	(57.63%)
Materials & Supplies	23,473	23,848	1.60%	20,654	16,900	(29.13%)	21,200	2.64%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	218,076	157,479	(27.79%)	159,289	159,300	1.16%	164,300	3.15%
Transfers Out	895	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 1,129,660	$ 1,174,878	4.00%	$ 1,346,502	$ 1,172,900	(0.17%)	$ 1,161,000	(13.78%)
Capital Expenditures								
Fixed Assets	-	-	-	41,884	-	-	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 41,884	$ -	-	$ -	-
Total Program Budget	$ 1,129,660	$ 1,174,878	4.00%	$ 1,388,386	$ 1,172,900	(0.17%)	$ 1,161,000	(16.38%)

MV00056285

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - City Hall FUND: 754

PROGRAM NUMBER: 75411

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned City Hall facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 3,485	$ 1,217	(65.08%)	$ 500	$ 500	(58.92%)	$ 600	20.00%
Contractual Services	355,992	339,016	(4.77%)	422,425	371,700	9.64%	406,900	(3.68%)
Materials & Supplies	45,814	36,097	(21.21%)	35,000	36,000	(0.27%)	36,000	2.86%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	63,339	164,398	159.55%	164,365	164,400	0.00%	164,400	0.02%
Transfers Out	811,498	645,569	(20.45%)	859,540	859,500	33.14%	822,025	(4.36%)
Total Operating Expenditures	$ 1,280,128	$ 1,186,297	(7.33%)	$ 1,481,830	$ 1,432,100	20.72%	$ 1,429,925	(3.50%)
Capital Expenditures								
Fixed Assets	-	-	-	410,000	410,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 410,000	$ 410,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 1,280,128	$ 1,186,297	(7.33%)	$ 1,891,830	$ 1,842,100	55.28%	$ 1,429,925	(24.42%)

MV00056286

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Corp. Yard FUND: 754

PROGRAM NUMBER: 75412

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Corporate Yard facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 653	$ 284	(56.51%)	$ 300	$ 300	5.63%	$ 400	33.33%
Contractual Services	71,482	70,523	(1.34%)	79,671	74,900	6.21%	78,200	(1.85%)
Materials & Supplies	11,098	9,985	(10.03%)	11,220	11,200	12.17%	10,700	(4.63%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	31,143	32,991	5.93%	31,274	31,300	(5.13%)	31,300	0.08%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 114,376	$ 113,783	(0.52%)	$ 122,465	$ 117,700	3.44%	$ 120,600	(1.52%)
Capital Expenditures								
Fixed Assets	-	-	-	170,900	-	-	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 170,900	$ -	-	$ -	-
Total Program Budget	$ 114,376	$ 113,783	(0.52%)	$ 293,365	$ 117,700	3.44%	$ 120,600	(58.89%)

MV00056287

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Transp. Trailer FUND: 754

PROGRAM NUMBER: 75413

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Transportation Trailer.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	3,460	2,762	(20.17%)	3,020	2,900	5.00%	3,100	2.65%
Materials & Supplies	102	756	641.18%	500	600	5.82%	600	20.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	1,738	1,738	-	1,738	1,700	(2.19%)	1,700	(2.19%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 5,300	$ 5,256	(0.83%)	$ 5,258	$ 5,400	2.74%	$ 5,400	2.70%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 5,300	$ 5,256	(0.83%)	$ 5,258	$ 5,400	2.74%	$ 5,400	2.70%

MV00056288

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - PSB FUND: 754

PROGRAM NUMBER: 75414

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Public Safety Building facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 241	$ 54	(77.59%)	$ 300	$ 300	455.56%	$ 400	33.33%
Contractual Services	306,556	307,728	0.38%	333,780	323,600	5.16%	338,500	1.41%
Materials & Supplies	8,564	6,350	(25.85%)	5,650	6,100	(3.94%)	6,100	7.96%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	2,405	100.00%	7,116	7,100	195.22%	7,100	(0.22%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 315,361	$ 316,537	0.37%	$ 346,846	$ 337,100	6.50%	$ 352,100	1.51%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 315,361	$ 316,537	0.37%	$ 346,846	$ 337,100	6.50%	$ 352,100	1.51%

MV00056289

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Library FUND: 754

PROGRAM NUMBER: 75415

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned and leased Library facilities.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 627	$ 225	(64.11%)	$ -	$ 200	(11.11%)	$ 300	100.00%
Contractual Services	80,833	79,918	(1.13%)	81,720	77,800	(2.65%)	81,700	(0.02%)
Materials & Supplies	3,121	2,800	(10.29%)	2,600	2,600	(7.14%)	2,600	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	(131)	15	(111.45%)	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 84,450	$ 82,958	(1.77%)	$ 84,320	$ 80,600	(2.84%)	$ 84,600	0.33%
Capital Expenditures								
Fixed Assets	-	-	-	13,000	11,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 13,000	$ 11,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 84,450	$ 82,958	(1.77%)	$ 97,320	$ 91,600	10.42%	$ 84,600	(13.07%)

MV00056290

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Pro Shop FUND: 754

PROGRAM NUMBER: 75416

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Pro Shop facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 150	$ 700	100.00%	$ 300	100.00%
Contractual Services	24,668	22,621	(8.30%)	26,675	24,500	8.31%	26,600	(0.28%)
Materials & Supplies	749	699	(6.68%)	750	800	14.45%	800	6.67%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 25,417	$ 23,320	(8.25%)	$ 27,575	$ 26,000	11.49%	$ 27,700	0.45%
Capital Expenditures								
Fixed Assets	-	-	-	46,000	46,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 46,000	$ 46,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 25,417	$ 23,320	(8.25%)	$ 73,575	$ 72,000	208.75%	$ 27,700	(62.35%)

MV00056291

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - MVTV Studio FUND: 754

PROGRAM NUMBER: 75417

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned MVTV Studio facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 49	$ -	(100.00%)	$ 50	$ 100	100.00%	$ 200	300.00%
Contractual Services	9,748	8,798	(9.75%)	10,010	11,100	26.17%	11,100	10.89%
Materials & Supplies	20	471	2,255.00%	200	300	(36.31%)	300	50.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 9,817	$ 9,269	(5.58%)	$ 10,260	$ 11,500	24.07%	$ 11,600	13.06%
Capital Expenditures								
Fixed Assets	-	-	-	46,000	46,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 46,000	$ 46,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 9,817	$ 9,269	(5.58%)	$ 56,260	$ 57,500	520.35%	$ 11,600	(79.38%)

MV00056292

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Animal Shelter FUND: 754

PROGRAM NUMBER: 75418

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Animal Shelter facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 223	$ 564	152.91%	$ 200	$ 200	(64.54%)	$ 300	50.00%
Contractual Services	85,666	91,005	6.23%	95,850	96,800	6.37%	101,400	5.79%
Materials & Supplies	2,677	6,957	159.88%	5,900	6,000	(13.76%)	6,000	1.69%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 88,566	$ 98,526	11.25%	$ 101,950	$ 103,000	4.54%	$ 107,700	5.64%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 88,566	$ 98,526	11.25%	$ 101,950	$ 103,000	4.54%	$ 107,700	5.64%

MV00056293

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Senior Center FUND: 754

PROGRAM NUMBER: 75419

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Senior Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 8	$ 122	1,425.00%	$ 50	$ 100	(18.03%)	$ 200	300.00%
Contractual Services	85,052	75,645	(11.06%)	95,505	97,500	28.89%	80,900	(15.29%)
Materials & Supplies	3,255	4,113	26.36%	2,400	2,900	(29.49%)	2,900	20.83%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	5,840	5,970	2.23%	9,737	9,700	62.48%	9,800	0.65%
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 94,155	$ 85,850	(8.82%)	$ 107,692	$ 110,200	28.36%	$ 93,800	(12.90%)
Capital Expenditures								
Fixed Assets	-	-	-	111,000	75,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 111,000	$ 75,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 94,155	$ 85,850	(8.82%)	$ 218,692	$ 185,200	115.73%	$ 93,800	(57.11%)

MV00056294

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - TownGate CC FUND: 754

PROGRAM NUMBER: 75421

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Towngate Community Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 281	$ 121	(56.94%)	$ 100	$ 100	(17.36%)	$ 200	100.00%
Contractual Services	28,188	31,438	11.53%	37,225	36,800	17.06%	36,800	(1.14%)
Materials & Supplies	542	1,460	169.37%	900	900	(38.36%)	900	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 29,011	$ 33,019	13.82%	$ 38,225	$ 37,800	14.48%	$ 37,900	(0.85%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 29,011	$ 33,019	13.82%	$ 38,225	$ 37,800	14.48%	$ 37,900	(0.85%)

MV00056295

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - March Field CC FUND: 754

PROGRAM NUMBER: 75422

PROGRAM OBJECTIVE: To provide the maintenance program for the March Field Community Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 34	100.00%	$ 100	$ -	(100.00%)	$ 200	100.00%
Contractual Services	38,591	31,936	(17.24%)	37,675	28,200	(11.70%)	32,200	(14.53%)
Materials & Supplies	252	194	(23.02%)	750	500	157.73%	700	(6.67%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 38,843	$ 32,164	(17.19%)	$ 38,525	$ 28,700	(10.77%)	$ 33,100	(14.08%)
Capital Expenditures								
Fixed Assets	-	-	-	54,000	54,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 54,000	$ 54,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 38,843	$ 32,164	(17.19%)	$ 92,525	$ 82,700	157.12%	$ 33,100	(64.23%)

MV00056296

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - TS Annex FUND: 754

PROGRAM NUMBER: 75423

PROGRAM OBJECTIVE: To provide the maintenance program for the City leased Tech Services Annex facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ 100	100.00%	$ 200	100.00%
Contractual Services	16,752	19,816	18.29%	23,900	22,300	12.54%	23,700	(0.84%)
Materials & Supplies	2,181	986	(54.79%)	1,280	1,100	11.56%	1,100	(14.06%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	100,055	63,860	(36.18%)	69,500	67,000	4.92%	69,500	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 118,988	$ 84,662	(28.85%)	$ 94,680	$ 90,500	6.90%	$ 94,500	(0.19%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 118,988	$ 84,662	(28.85%)	$ 94,680	$ 90,500	6.90%	$ 94,500	(0.19%)

MV00056297

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - CRC

FUND: 754

PROGRAM NUMBER: 75424

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Conference and Recreation Center facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 1,096	$ 374	(65.88%)	$ 400	$ 400	6.95%	$ 500	25.00%
Contractual Services	211,676	215,003	1.57%	252,760	247,600	15.16%	252,700	(0.02%)
Materials & Supplies	8,923	8,621	(3.38%)	9,650	9,600	11.36%	9,600	(0.52%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	485	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 221,695	$ 224,483	1.26%	$ 262,810	$ 257,600	14.75%	$ 262,800	(0.00%)
Capital Expenditures								
Fixed Assets	-	-	-	167,248	165,000	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 167,248	$ 165,000	100.00%	$ -	(100.00%)
Total Program Budget	$ 221,695	$ 224,483	1.26%	$ 430,058	$ 422,600	88.25%	$ 262,800	(38.89%)

MV00056298

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Facilities Annex FUND: 754

PROGRAM NUMBER: 75425

PROGRAM OBJECTIVE: To provide the maintenance program for the City leased Facilities Annex facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	6,143	6,143	-	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 6,143	$ 6,143	-	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 6,143	$ 6,143	-	$ -	$ -	(100.00%)	$ -	-

MV00056299

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - ESA Annex FUND: 754

PROGRAM NUMBER: 75426

PROGRAM OBJECTIVE: To provide the maintenance program for the City leased Enterprise Services Administration Annex facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 200	100.00%
Contractual Services	12,732	11,363	(10.75%)	11,205	11,300	(0.55%)	11,300	0.85%
Materials & Supplies	815	1,604	96.81%	800	1,000	(37.66%)	1,000	25.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	621	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 13,547	$ 13,588	0.30%	$ 12,005	$ 12,300	(9.48%)	$ 12,500	4.12%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,547	$ 13,588	0.30%	$ 12,005	$ 12,300	(9.48%)	$ 12,500	4.12%

MV00056300

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Warner Ranch Police Station Satellite Office FUND: 754

PROGRAM NUMBER: 75428

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Warner Ranch Police Station Satellite Office facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 168	100.00%	$ -	$ -	(100.00%)	$ -	-
Contractual Services	11,963	763	(93.62%)	-	-	(100.00%)	-	-
Materials & Supplies	513	-	(100.00%)	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 12,476	$ 931	(92.54%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 12,476	$ 931	(92.54%)	$ -	$ -	(100.00%)	$ -	-

MV00056301

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - Annex 1 FUND: 754

PROGRAM NUMBER: 75429

PROGRAM OBJECTIVE: To Provide the maintenance program for the City owned Annex 1 facility.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 150	$ -	-	$ 200	33.33%
Contractual Services	13,987	15,248	9.02%	38,700	12,100	(20.65%)	17,100	(55.81%)
Materials & Supplies	184	584	217.39%	15,100	1,100	88.36%	1,400	(90.73%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 14,171	$ 15,832	11.72%	$ 53,950	$ 13,200	(16.62%)	$ 18,700	(65.34%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 14,171	$ 15,832	11.72%	$ 53,950	$ 13,200	(16.62%)	$ 18,700	(65.34%)

MV00056302

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #2 FUND: 754

PROGRAM NUMBER: 75430

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #2.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 100	$ 100	100.00%	$ 200	100.00%
Contractual Services	30,513	35,467	16.24%	50,425	42,900	20.96%	48,000	(4.81%)
Materials & Supplies	1,118	1,613	44.28%	3,050	2,900	79.79%	2,900	(4.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 31,631	$ 37,080	17.23%	$ 53,575	$ 45,900	23.79%	$ 51,100	(4.62%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 31,631	$ 37,080	17.23%	$ 53,575	$ 45,900	23.79%	$ 51,100	(4.62%)

MV00056303

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #6 FUND: 754

PROGRAM NUMBER: 75431

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #6.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 66	$ 71	7.58%	$ 100	$ -	(100.00%)	$ 200	100.00%
Contractual Services	42,526	33,572	(21.06%)	52,500	46,400	38.21%	48,900	(6.86%)
Materials & Supplies	1,972	5,406	174.14%	3,250	2,400	(55.60%)	2,900	(10.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 44,564	$ 39,049	(12.38%)	$ 55,850	$ 48,800	24.97%	$ 52,000	(6.89%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 44,564	$ 39,049	(12.38%)	$ 55,850	$ 48,800	24.97%	$ 52,000	(6.89%)

MV00056304

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #48 FUND: 754

PROGRAM NUMBER: 75432

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #48.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 100	$ 100	100.00%	$ 200	100.00%
Contractual Services	24,389	31,736	30.12%	46,450	37,900	19.42%	43,900	(5.49%)
Materials & Supplies	1,129	1,157	2.48%	3,250	2,900	150.65%	2,900	(10.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	878	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 25,518	$ 33,771	32.34%	$ 49,800	$ 40,900	21.11%	$ 47,000	(5.62%)
Capital Expenditures								
Fixed Assets	-	-	-	51,308	51,300	100.00%	-	(100.00%)
Total Capital Expenditures	$ -	$ -	-	$ 51,308	$ 51,300	100.00%	$ -	(100.00%)
Total Program Budget	$ 25,518	$ 33,771	32.34%	$ 101,108	$ 92,200	173.02%	$ 47,000	(53.52%)

MV00056305

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #58 FUND: 754

PROGRAM NUMBER: 75433

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #58.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 15	100.00%	$ 100	$ 100	566.67%	$ 200	100.00%
Contractual Services	9,900	25,770	160.30%	49,500	42,300	64.14%	48,100	(2.83%)
Materials & Supplies	174	1,169	571.84%	2,300	2,200	88.20%	2,400	4.35%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 10,074	$ 26,954	167.56%	$ 51,900	$ 44,600	65.47%	$ 50,700	(2.31%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 10,074	$ 26,954	167.56%	$ 51,900	$ 44,600	65.47%	$ 50,700	(2.31%)

MV00056306

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #65 FUND: 754

PROGRAM NUMBER: 75434

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #65.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 59	$ 60	1.69%	$ 100	$ 100	66.67%	$ 200	100.00%
Contractual Services	28,790	111,947	288.84%	43,150	37,600	(66.41%)	42,100	(2.43%)
Materials & Supplies	841	2,505	197.86%	3,050	2,900	15.77%	2,900	(4.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 29,690	$ 114,512	285.69%	$ 46,300	$ 40,600	(64.55%)	$ 45,200	(2.38%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 29,690	$ 114,512	285.69%	$ 46,300	$ 40,600	(64.55%)	$ 45,200	(2.38%)

MV00056307

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Facilities - F.S. #91 FUND: 754

PROGRAM NUMBER: 75435

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #91.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ 90	100.00%	$ 100	$ 100	11.11%	$ 200	100.00%
Contractual Services	28,249	39,404	39.49%	52,770	46,900	19.02%	49,700	(5.82%)
Materials & Supplies	1,163	1,437	23.56%	2,550	1,900	32.22%	1,900	(25.49%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 29,412	$ 40,931	39.16%	$ 55,420	$ 48,900	19.47%	$ 51,800	(6.53%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 29,412	$ 40,931	39.16%	$ 55,420	$ 48,900	19.47%	$ 51,800	(6.53%)

MV00056308

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Security Guards FUND: 754

PROGRAM NUMBER: 75436

PROGRAM OBJECTIVE: To provide a visible deterrent in areas where a high volume of foot traffic and resident interaction takes place, primarily to observe and assist staff as the need arises; patrol the perimeter of buildings; patrol the parking lots; and assist residents as requested.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 180,310	$ 156,447	(13.23%)	$ 192,671	$ 192,071	22.77%	$ 174,200	(9.59%)
Contractual Services	72,733	79,004	8.62%	42,600	10,000	(87.34%)	42,600	-
Materials & Supplies	719	-	(100.00%)	150	130	100.00%	100	(33.33%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	9,834	8,294	(15.66%)	6,635	6,635	(20.00%)	6,600	(0.53%)
Transfers Out	95	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 263,691	$ 243,745	(7.56%)	$ 242,056	$ 208,836	(14.32%)	$ 223,500	(7.67%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 263,691	$ 243,745	(7.56%)	$ 242,056	$ 208,836	(14.32%)	$ 223,500	(7.67%)

MV00056309

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fire Station #58 (Bay Ave.) FUND: 754

PROGRAM NUMBER: 75437

PROGRAM OBJECTIVE: To provide the maintenance program for Fire Station #58 (Bay Ave).

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ 50	$ 100	100.00%	$ 200	300.00%
Contractual Services	-	4,502	100.00%	7,600	3,300	(26.70%)	5,100	(32.89%)
Materials & Supplies	-	647	100.00%	1,300	1,200	85.47%	1,300	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ 5,149	100.00%	$ 8,950	$ 4,600	(10.66%)	$ 6,600	(26.26%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ 5,149	100.00%	$ 8,950	$ 4,600	(10.66%)	$ 6,600	(26.26%)

MV00056310

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Veterans Memorial FUND: 754

PROGRAM NUMBER: 75438

PROGRAM OBJECTIVE: To provide the maintenance program for the Veterans Memorial.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	65	6,049	9,206.15%	9,000	6,500	7.46%	8,000	(11.11%)
Materials & Supplies	468	1,759	275.85%	3,700	2,500	42.13%	3,000	(18.92%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 533	$ 7,808	1,364.92%	$ 12,700	$ 9,000	15.27%	$ 11,000	(13.39%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 533	$ 7,808	1,364.92%	$ 12,700	$ 9,000	15.27%	$ 11,000	(13.39%)

MV00056311

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Emergency Operations Center FUND: 754

PROGRAM NUMBER: 75439

PROGRAM OBJECTIVE: To provide the maintenance program for the City owned Emergency Operations Center.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ 200	100.00%
Contractual Services	-	-	-	-	-	-	80,000	100.00%
Materials & Supplies	-	-	-	-	-	-	1,300	100.00%
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ -	$ -	-	$ -	$ -	-	$ 81,500	100.00%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ -	$ -	-	$ 81,500	100.00%

MV00056312

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Equipment Maintenance FUND: 755

PROGRAM NUMBER: 75510

PROGRAM OBJECTIVE: To maintain the City's inventory of vehicles and equipment in such a fashion so as to ensure full operational life, minimal breakdowns, and operator safety.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ 327,335	$ 346,068	5.72%	$ 259,770	$ 266,795	(22.91%)	$ 262,500	1.05%
Contractual Services	88,170	15,306	(82.64%)	10,022	10,022	(34.52%)	10,000	(0.22%)
Materials & Supplies	511,573	398,898	(22.03%)	385,965	378,965	(5.00%)	383,000	(0.77%)
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	58,217	61,261	5.23%	60,018	60,018	(2.03%)	59,800	(0.36%)
Transfers Out	1,255	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 986,550	$ 821,533	(16.73%)	$ 715,775	$ 715,800	(12.87%)	$ 715,300	(0.07%)
Capital Expenditures								
Fixed Assets	(1)	-	(100.00%)	-	-	-	-	-
Total Capital Expenditures	$ (1)	$ -	(100.00%)	$ -	$ -	-	$ -	-
Total Program Budget	$ 986,549	$ 821,533	(16.73%)	$ 715,775	$ 715,800	(12.87%)	$ 715,300	(0.07%)

MV00056313

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fixed Asset Replacement - COMV FUND: 757

PROGRAM NUMBER: 99401

PROGRAM OBJECTIVE: To manage and account for the replacement of COMV assets.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	259,460	262,010	0.98%	239,167	239,167	(8.72%)	239,100	(0.03%)
Transfers Out	786,765	1,039,798	32.16%	34,298	12,000	(98.85%)	-	(100.00%)
Total Operating Expenditures	$ 1,046,225	$ 1,301,808	24.43%	$ 273,465	$ 251,167	(80.71%)	$ 239,100	(12.57%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	54,000	100.00%
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ 54,000	100.00%
Total Program Budget	$ 1,046,225	$ 1,301,808	24.43%	$ 273,465	$ 251,167	(80.71%)	$ 293,100	7.18%

MV00056314

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Fixed Asset Replacement - CSD FUND: 757

PROGRAM NUMBER: 99402

PROGRAM OBJECTIVE: To manage and account for the replacement of CSD assets.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	72,048	27,115	(62.37%)	44,945	44,945	65.76%	44,900	(0.10%)
Transfers Out	60,385	18,966	(68.59%)	87,640	87,640	362.09%	-	(100.00%)
Total Operating Expenditures	$ 132,433	$ 46,081	(65.20%)	$ 132,585	$ 132,585	187.72%	$ 44,900	(66.13%)
Capital Expenditures								
Fixed Assets	(1)	-	(100.00%)	-	-	-	38,000	100.00%
Total Capital Expenditures	$ (1)	$ -	(100.00%)	$ -	$ -	-	$ 38,000	100.00%
Total Program Budget	$ 132,432	$ 46,081	(65.20%)	$ 132,585	$ 132,585	187.72%	$ 82,900	(37.47%)

MV00056315

City of Moreno Valley

2010-11 Preliminary
Base Operating budget

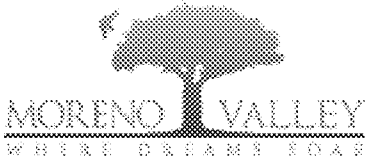

Debt Service Funds

MV00056316

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	2005 Lease Revenue Bonds 301	2007 Towngate Improvement Tax Ref 313	2007 Towngate Special Tax Ref 315	Assessment Dist. 98-1 316	City Hall COP 97 321	Pub. Safety Lease Rev. Bond 325	Auto Mall 328	Automall CFD#5 Stoneridge 329	CFD #4! Infra Debt Service 330	OPA Sales Tax #2 340	Total
Revenues											
Property Taxes	-	-	-	2,700	-	-	-	-	-	-	2,700
Gas Taxes	-	-	-	-	-	-	-	-	-	-	-
Sales Taxes	-	-	-	-	-	-	750,000	-	-	-	750,000
Business Gross Receipts Taxes	-	-	-	-	-	-	-	-	-	-	-
Utility Users Taxes	-	-	-	-	-	-	-	-	-	-	-
Other Taxes	-	114,400	-	-	-	-	1,217,600	362,100	-	-	1,694,100
Franchise Fees	-	-	-	-	-	-	-	-	-	-	-
Parcel Fees	-	-	-	-	-	-	-	-	-	-	-
Development Fees	-	-	-	-	-	-	-	-	-	-	-
Motor Vehicle Fees	-	-	-	-	-	-	-	-	-	-	-
Other Fees	-	-	-	-	-	-	-	-	-	-	-
Fees for Service	-	-	-	-	-	-	-	-	-	-	
Permits & Licenses	-	-	-	-	-	-	-	-	-	-	-
Fines & Forfeitures	-	-	-	-	-	-	-	-	-	-	-
Administrative Charges	-	-	-	-	-	-	-	-	-	-	-
Interest Income	-	100	500	-	-	-	500	100	-	350,000	351,200
Bond Proceeds	-	-	-	-	-	-	-	-	12,300,000	-	12,300,000
Miscellaneous Revenues	-	-	-	-	-	-	-	-	-	-	-
Grants/Intergovernmental Revenues	-	-	-	-	-	-	-	-	-	-	-
Transfers In	2,644,491	279,500	1,158,200	-	822,025	404,200	220,000	-	-	-	5,528,416
Total Operating Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Reserves	-	-	-	-	-	-	-	-	-	-	-
Anticipated Prior Year Savings	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	**2,644,491**	**394,000**	**1,158,700**	**2,700**	**822,025**	**404,200**	**2,188,100**	**362,200**	**12,300,000**	**350,000**	**20,626,416**
Expenditures											
Operating:											
Personnel Services	-	-	-	-	-	-	-	-	-	-	-
Contractual Services	5,000	-	-	-	70,000	3,483	-	-	-	-	78,483
Materials & Supplies	-	-	-	-	-	-	-	-	-	-	-
Debt Service	2,639,491	355,300	1,012,500	2,400	752,025	400,717	2,354,300	307,600	1,085,300	-	8,909,633
Fixed Charges	-	-	-	-	-	-	-	-	-	-	-
Transfers Out	-	38,250	145,650	-	-	-	62,500	54,000	10,407,900	-	10,708,300
Total Operating Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Capital :											
Fixed Assets	-	-	-	-	-	-	-	-	-	-	-
Total Capital Expenditures	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**-**
Total Program Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Increase in Reserve for Contingencies											
Total Expenditures	**2,644,491**	**393,550**	**1,158,150**	**2,400**	**822,025**	**404,200**	**2,416,800**	**361,600**	**11,493,200**	**-**	**19,696,416**
Net Revenues Over (Under) Expenditur	**-**	**450**	**550**	**300**	**-**	**-**	**(228,700)**	**600**	**806,800**	**350,000**	**930,000**

MV00056317

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	2005 Lease Revenue Bonds 301.93310	2007 Towngate Improvement Tax Ref 313.93710	2007 Towngate Special Tax Ref 315.93810	Assessment Dist. 98-1 316.93110	City Hall Certificates of Participation Series 97 321.92010
Expenditures					
Operating:					
Personnel Services	-	-	-	-	-
Contractual Services	5,000	-	-	-	70,000
Materials & Supplies	-	-	-	-	-
Debt Service	2,639,491	355,300	1,012,500	2,400	752,025
Fixed Charges	-	-	-	-	-
Transfers Out	-	38,250	145,650	-	-
Total Operating Expenditures	2,644,491	393,550	1,158,150	2,400	822,025
Capital:					
Fixed Assets	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-
Total Program Expenditures	2,644,491	393,550	1,158,150	2,400	822,025

MV00056318

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
Debt Service Funds

Description	Public Safety Lease Revenue Bonds 1997 325.92110	Automall Refinancing CFD 3 328.92710	Automall CFD #5 Stoneridge 329.93410	CFD # 4I Infra Debt Srv Fund 330.93610	Total
Expenditures					
Operating:					
Personnel Services	-	-	-	-	-
Contractual Services	3,483	-	-	-	78,483
Materials & Supplies	-	-	-	-	-
Debt Service	400,717	2,354,300	307,600	1,085,300	8,909,633
Fixed Charges	-	-	-	-	-
Transfers Out	-	62,500	54,000	10,407,900	10,708,300
Total Operating Expenditures	404,200	2,416,800	361,600	11,493,200	19,696,416
Capital:					
Fixed Assets	-	-	-	-	-
Total Capital Expenditures	-	-	-	-	-
Total Program Expenditures	404,200	2,416,800	361,600	11,493,200	19,696,416

MV00056319

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2005 Lease Revenue Bonds FUND: 301

PROGRAM NUMBER: 93310

PROGRAM OBJECTIVE: To provide resources to finance the following capital improvements: Sunnymead Boulevard, Public Safety Building Expansion, Kitching Street, Electric Utility Infrastructure, Ironwood/Heacock, Ironwood/Box Springs, Laselle Street and Fire Station No. 58.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,875	5,372	86.85%	3,834	5,000	(6.92%)	5,000	30.41%
Materials & Supplies	-	-	-	150	-	-	-	(100.00%)
Debt Service	2,686,353	2,645,965	(1.50%)	2,643,515	2,643,515	(0.09%)	2,639,491	(0.15%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	1,034,763	100.00%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 2,689,228	$ 3,686,100	37.07%	$ 2,647,499	$ 2,648,515	(28.15%)	$ 2,644,491	(0.11%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,689,228	$ 3,686,100	37.07%	$ 2,647,499	$ 2,648,515	(28.15%)	$ 2,644,491	(0.11%)

MV00056320

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Improvement Area 1 FUND: 303

PROGRAM NUMBER: 92810

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the Improvement Area No. 1 Bond issued April 1, 1993.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	4,210,588	-	(100.00%)	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	78,760	962,039	1,121.48%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 4,289,348	$ 962,039	(77.57%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 4,289,348	$ 962,039	(77.57%)	$ -	$ -	(100.00%)	$ -	-

MV00056321

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Towngate Refunding FUND: 305

PROGRAM NUMBER: 92210

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the refinancing of Towngate Special Tax Bonds, Series A and B, issued June 1, 1994.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	13,828	-	(100.00%)	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	12,891,225	-	(100.00%)	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	668,208	4,363,634	553.04%	-	-	(100.00%)	-	-
Total Operating Expenditures	$ 13,573,261	$ 4,363,634	(67.85%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 13,573,261	$ 4,363,634	(67.85%)	$ -	$ -	(100.00%)	$ -	-

MV00056322

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Towngate Improvement Tax Refunding Debt Service FUND: 313

PROGRAM NUMBER: 93710

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to CFD No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Refunding Bonds issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	195,491	395,859	102.49%	358,029	358,029	(9.56%)	355,300	(0.76%)
Fixed Charges	-	34,500	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	3,966,581	100.00%	38,250	38,250	(99.04%)	38,250	-
Total Operating Expenditures	$ 195,491	$ 4,396,940	2,149.18%	$ 396,279	$ 396,279	(90.99%)	$ 393,550	(0.69%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 195,491	$ 4,396,940	2,149.18%	$ 396,279	$ 396,279	(90.99%)	$ 393,550	(0.69%)

MV00056323

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: 2007 Towngate Special Tax Refunding Debt Service FUND: 315

PROGRAM NUMBER: 93810

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to Towngate Community Facilities District 87-1 2007 Special Tax Refunding Bonds issued December, 2007.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	5,405	100.00%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	616,772	1,010,881	63.90%	1,009,381	1,009,381	(0.15%)	1,012,500	0.31%
Fixed Charges	-	132,875	100.00%	-	-	(100.00%)	-	-
Transfers Out	-	13,465,179	100.00%	139,750	139,750	(98.96%)	145,650	4.22%
Total Operating Expenditures	$ 616,772	$ 14,614,340	2,269.49%	$ 1,149,131	$ 1,149,131	(92.14%)	$ 1,158,150	0.78%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 616,772	$ 14,614,340	2,269.49%	$ 1,149,131	$ 1,149,131	(92.14%)	$ 1,158,150	0.78%

MV00056324

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Assessment Dist. 98-1 FUND: 316

PROGRAM NUMBER: 93110

PROGRAM OBJECTIVE: To account for revenue received as a result of Assessment District 98-1, a 1911 Act Bond, and the payment of principal and interest related to the Assessment District 98-1 Limited Obligation Improvement Bonds issued on May 1, 2000, for street improvements relating to Vinewood Place.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	3,443	2,813	(18.30%)	2,561	2,561	(8.96%)	2,400	(6.29%)
Fixed Charges	-	50	100.00%	50	50	-	-	(100.00%)
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 3,443	$ 2,863	(16.85%)	$ 2,611	$ 2,611	(8.80%)	$ 2,400	(8.08%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 3,443	$ 2,863	(16.85%)	$ 2,611	$ 2,611	(8.80%)	$ 2,400	(8.08%)

MV000056325

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: City Hall Certificates of Participation, Series 1997 FUND: 321

PROGRAM NUMBER: 92010

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the Certificates of Participation issued May 1, 1997.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	68,966	38,227	(44.57%)	64,540	70,000	83.12%	70,000	8.46%
Materials & Supplies	6	-	(100.00%)	-	-	-	-	-
Debt Service	742,697	657,734	(11.44%)	795,000	750,175	14.05%	752,025	(5.41%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 811,669	$ 695,961	(14.26%)	$ 859,540	$ 820,175	17.85%	$ 822,025	(4.36%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 811,669	$ 695,961	(14.26%)	$ 859,540	$ 820,175	17.85%	$ 822,025	(4.36%)

MV00056326

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Public Safety Lease Revenue Bonds 1997 FUND: 325

PROGRAM NUMBER: 92110

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the lease revenue bonds issued November 1, 1997.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	29,515	3,900	(86.79%)	3,250	3,250	(16.67%)	3,483	7.17%
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	399,244	400,421	0.29%	400,919	400,919	0.12%	400,717	(0.05%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 428,759	$ 404,321	(5.70%)	$ 404,169	$ 404,169	(0.04%)	$ 404,200	0.01%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 428,759	$ 404,321	(5.70%)	$ 404,169	$ 404,169	(0.04%)	$ 404,200	0.01%

MV00056327

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Automall Refinancing CFD 3 FUND: 328

PROGRAM NUMBER: 92710

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the refinancing Auto Mall Special Tax Bonds issued.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	2,122,908	1,983,114	(6.59%)	2,373,300	2,373,300	19.68%	2,354,300	(0.80%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	512,462	148,446	(71.03%)	148,940	148,940	0.33%	62,500	(58.04%)
Total Operating Expenditures	$ 2,635,370	$ 2,131,560	(19.12%)	$ 2,522,240	$ 2,522,240	18.33%	$ 2,416,800	(4.18%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,635,370	$ 2,131,560	(19.12%)	$ 2,522,240	$ 2,522,240	18.33%	$ 2,416,800	(4.18%)

MV00056328

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Automall CFD #5 - Stoneridge FUND: 329

PROGRAM NUMBER: 93410

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the CFD No. 5 special tax bonds.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	9	3,260	36,122.22%	-	-	(100.00%)	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	248,475	288,613	16.15%	303,315	303,315	5.09%	307,600	1.41%
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	99,471	50,000	(49.73%)	54,000	54,000	8.00%	54,000	-
Total Operating Expenditures	$ 347,955	$ 341,873	(1.75%)	$ 357,315	$ 357,315	4.52%	$ 361,600	1.20%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 347,955	$ 341,873	(1.75%)	$ 357,315	$ 357,315	4.52%	$ 361,600	1.20%

MV00056329

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: CFD #4I Infra Debt Service Fund FUND: 330

PROGRAM NUMBER: 93610

PROGRAM OBJECTIVE: Issue Special Tax Bonds to fund public infrastructure at Centerpointe Business Park. The CFD will provide for the collection and payment of principal, interest, and administration costs associated with the infrastructure and street improvements.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	1,103,384	-	-	1,085,300	(1.64%)
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	50,000	-	-	10,407,900	N/A
Total Operating Expenditures	$ -	$ -	-	$ 1,153,384	$ -	-	$ 11,493,200	896.48%
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ -	$ -	-	$ 1,153,384	$ -	-	$ 11,493,200	896.48%

MV00056330

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Certificates of Participation, Series 1993 FUND: 335

PROGRAM NUMBER: 92510

PROGRAM OBJECTIVE: To account for the accumulation of resources for and the payment of principal and interest related to the Certificates of Participation issued October 1,1993.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	2,000	5,000	150.00%	3,250	-	(100.00%)	-	(100.00%)
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 2,000	$ 5,000	150.00%	$ 3,250	$ -	(100.00%)	$ -	(100.00%)
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 2,000	$ 5,000	150.00%	$ 3,250	$ -	(100.00%)	$ -	(100.00%)

MV00056331

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: OPA Sales Tax #2 FUND: 340

PROGRAM NUMBER: 93010

PROGRAM OBJECTIVE: To account for the accumulation of 50% of sales tax revenue for the payment of principal and interest related to the ownership participation agreements between the Redevelopment Agency and certain retail stores.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	385,926	394,359	2.19%	-	-	(100.00%)	-	-
Fixed Charges	-	-	-	-	-	-	-	-
Transfers Out	-	-	-	-	-	-	-	-
Total Operating Expenditures	$ 385,926	$ 394,359	2.19%	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 385,926	$ 394,359	2.19%	$ -	$ -	(100.00%)	$ -	-

MV00056332

City of Moreno Valley
2010-11 Preliminary Base Operating Budget
PROGRAM SUMMARY

PROGRAM NAME: Centerpointe 87-4 Agency Fund FUND: 369

PROGRAM NUMBER: 92245

PROGRAM OBJECTIVE: This fund is used to account for the receipt and remittance of special assessments for the Assessment District 87-4 Limited Obligation Improvement Bonds. The bonds are not secured by the general taxing power of the City, the State of California or any other political subdivision thereof, and neither the City nor the State, nor any potential subdivision thereof, has pledged its full faith and credit for the payment thereof.

BUDGET SUMMARY:

	2007-08	2008-09		2009-10			2010-11	
	Actual	Actual	% Increase/ (Decrease) over/(under) 2007-08	Adjusted Budget	Projected Actual	% Increase/ (Decrease) over/(under) 2008-09	Preliminary Base Budget	% Increase/ (Decrease) over/(under) 2009-10 Adj. Budget
Operating Expenditures								
Personnel Services	$ -	$ -	-	$ -	$ -	-	$ -	-
Contractual Services	-	-	-	-	-	-	-	-
Materials & Supplies	-	-	-	-	-	-	-	-
Debt Service	687,730	340,295	(50.52%)	-	-	(100.00%)	-	-
Fixed Charges	-	58,787	100.00%	-	-	(100.00%)	-	-
Transfers Out	181,525	-	(100.00%)	-	-	-	-	-
Total Operating Expenditures	$ 869,255	$ 399,082	(54.09%)	$ -	$ -	(100.00%)	$ -	-
Capital Expenditures								
Fixed Assets	-	-	-	-	-	-	-	-
Total Capital Expenditures	$ -	$ -	-	$ -	$ -	-	$ -	-
Total Program Budget	$ 869,255	$ 399,082	(54.09%)	$ -	$ -	(100.00%)	$ -	-

MV00056333

Deficit Reduction Plan

Fiscal Year 2010-11

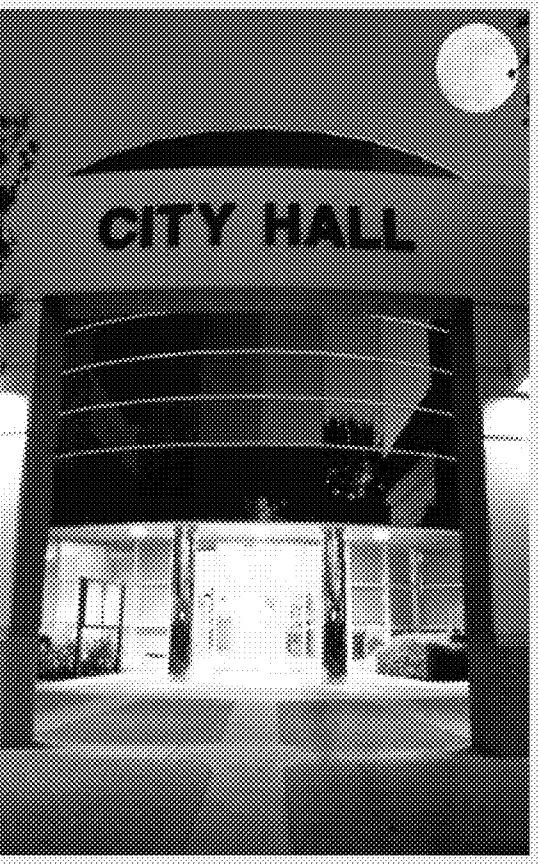

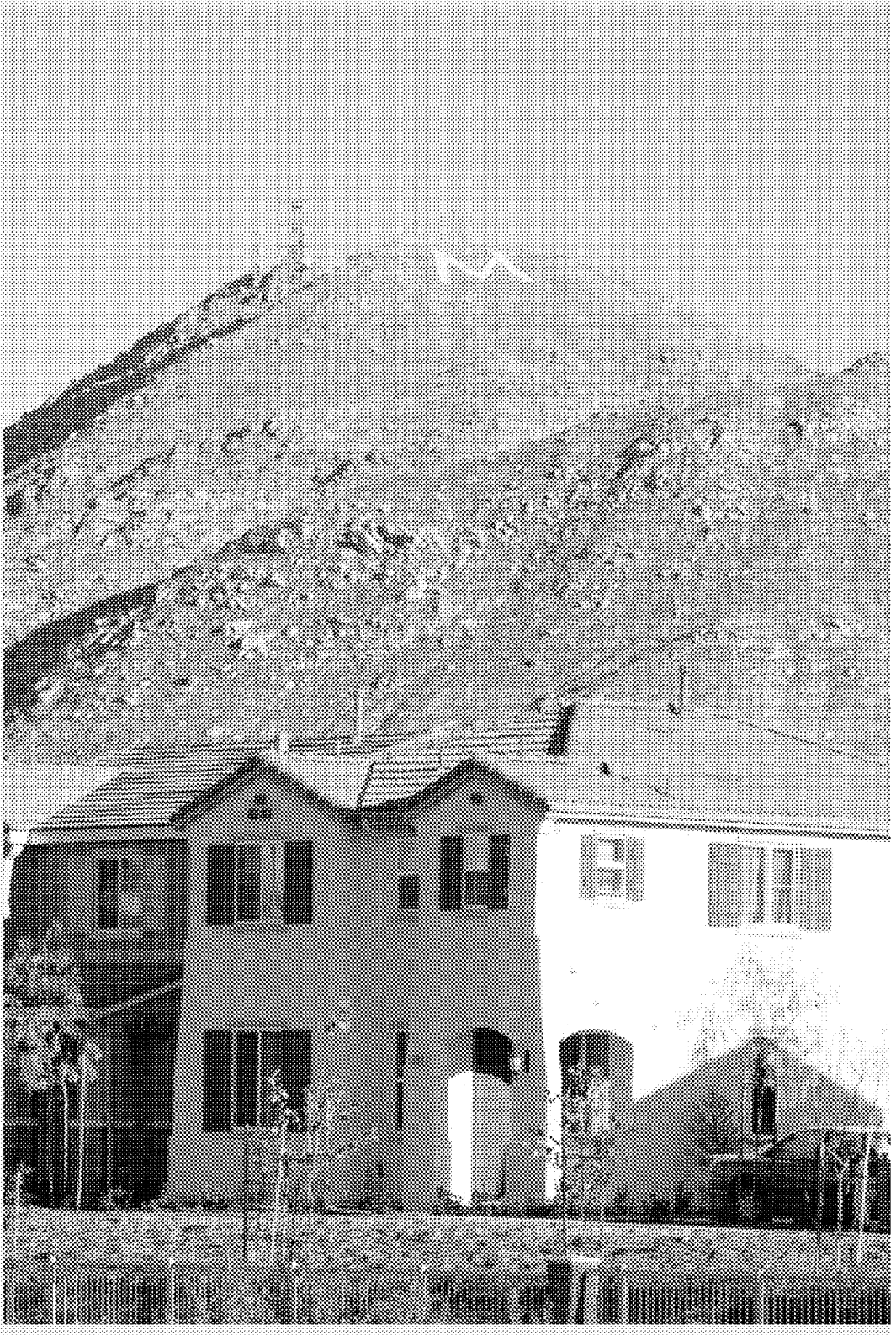

City of Moreno Valley

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Deficit Reduction Plan

Fiscal Year 2010-11

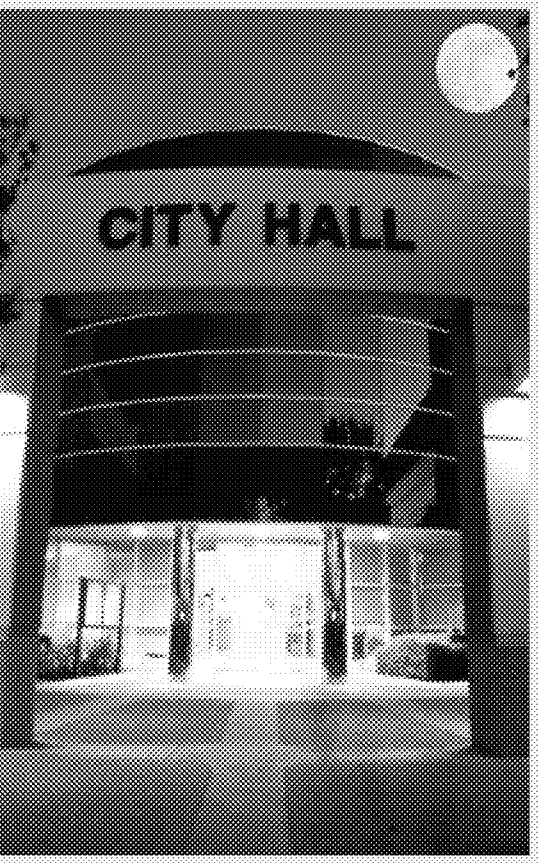

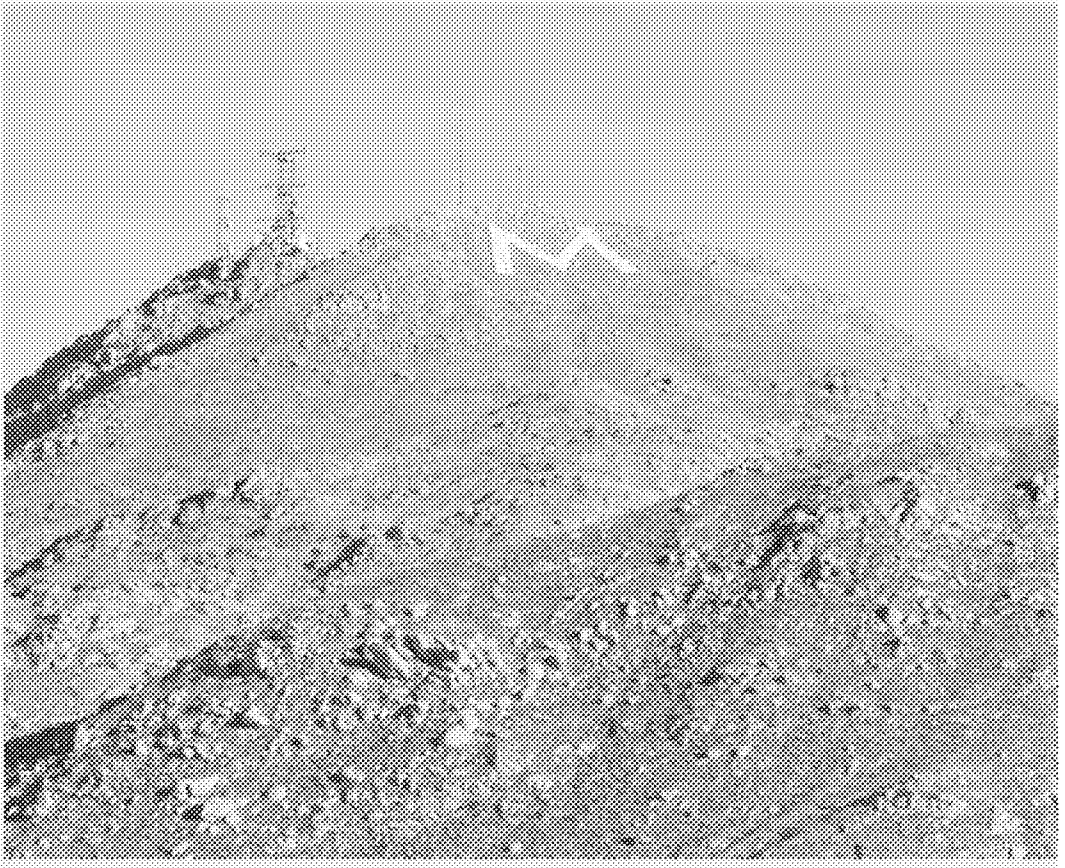

City Council

Bonnie Flickinger
Mayor

Robin N. Hastings
Mayor Pro Tem

William H. Batey II
Council Member

Jesse L. Molina
Council Member

Richard A. Stewart
Council Member

Administration

William L. Bopf
Interim City Manager

Steve Elam
Interim Financial & Administrative Services Director

Prepared by the
Financial & Administrative Services Department

14177 Frederick Street
Moreno Valley, CA 92552-0805
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City of Moreno Valley

CITY OF MORENO VALLEY
DEFICIT REDUCTION PLAN
FY 2010-11

TABLE OF CONTENTS

	Page
City Manager's Deficit Reduction Plan Message	*i*
Deficit Reduction Option (DRO) Summary	1
Department DRO Summaries	
City Council/City Clerk	2
City Attorney	3
City Manager	4
Community Development	5
Economic Development	7
Financial & Administrative Services	8
Fire	10
Human Resources	11
Library	12
Parks & Community Services	13
Police	14
Public Works	15
Non-Department	20
City-wide Totals	21
Proposed DRO Offsets	22

City of Moreno Valley

Deficit Reduction Plan 2010-11

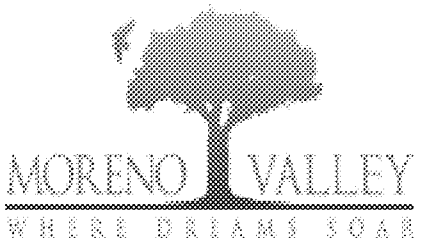

City Manager's Deficit Reduction Plan Message

DEFICIT REDUCTION PLAN

FISCAL YEAR 2010-11

To: Honorable Mayor, Members of the City Council and Citizens of Moreno Valley

Introduction

On April 13, 2010, the Fiscal Year (FY) 2010-11 Preliminary Base Operating Budget was distributed to the City Council and staff. This "preliminary" budget reflected a projected General Fund operating deficit of $17.8 million due to the continuing impact of the economic recession on the City's major revenue sources. The projected General Fund operating deficit is based on the following estimates for FY 2010-11:

General Fund Operating Revenues:	$67.8 million
General Fund Operating Expenditures:	$85.6 million
Projected General Fund Operating Deficit	($17.8 million)

The following chart highlights how the General Fund operating deficit has grown the past few years as a result of the economic recession. The bar on the left of each grouping represents revenues; the bar on the right of each grouping represents expenditures.

General Fund Operating Budget
Revenues & Expenditures

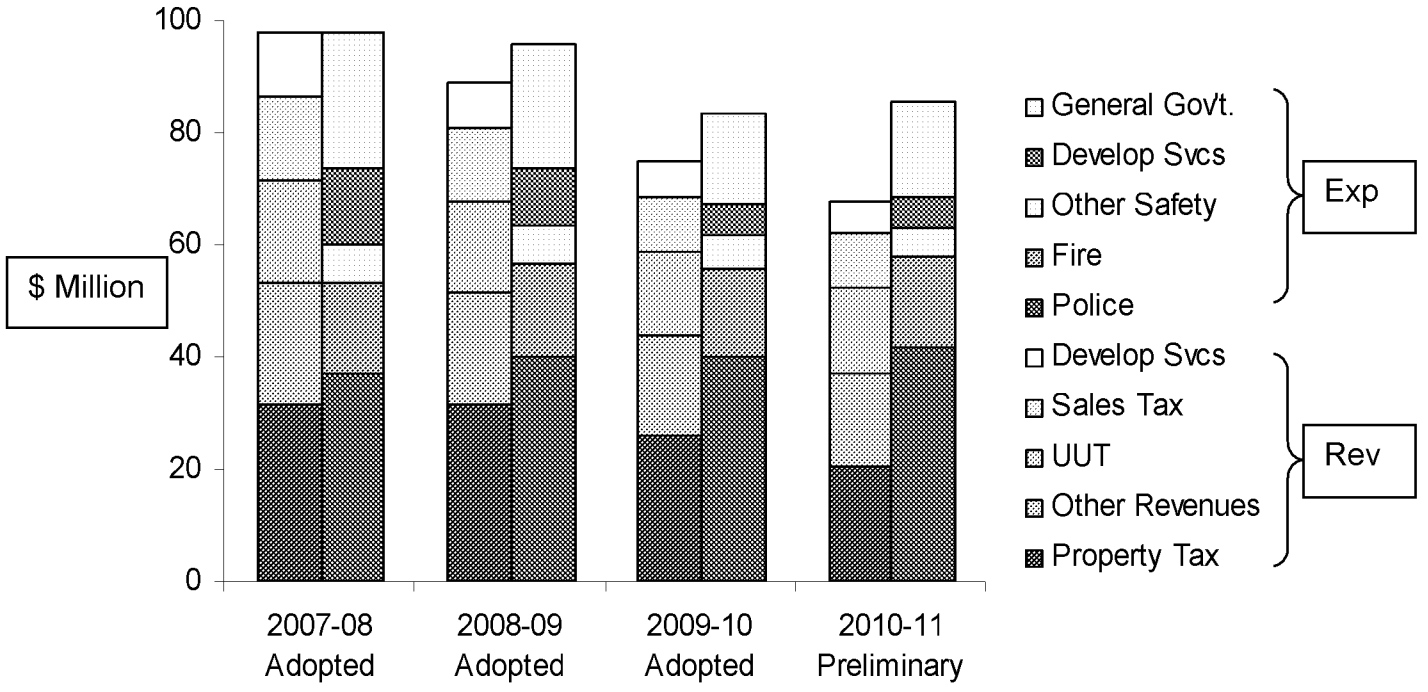

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As shown in the previous chart, the FY 2007-08 budget was adopted with operating revenues and expenditures completely balanced. By FY 2008-09, there was an operating deficit of $7.0 million which had to be backfilled through a combination of prior-year savings, transfers, and reserves. This operating deficit increased to $8.6 million in FY 2009-10, despite a significant reduction in the expenditure budget realized through implementation of a Deficit Reduction Plan; with the deficit again backfilled with prior-year savings and reserves. For FY 2010-11, the projected operating deficit will increase to $17.8 million. This projected deficit will be addressed through a combination of solutions including anticipated prior-year savings, additional transfers, and the Deficit Reduction Plan.

Budget Adjustments

Facing such a significant budgetary deficit next fiscal year, staff evaluated a number of potential adjustments that can be made to reduce the deficit. Following an analysis by the Budget Review Committee, staff was given the direction to proceed with the following adjustments:

Current year savings that can be carried over to next fiscal year

In conjunction with the FY 2010-11 budget development process, projections were made of FY 2009-10 year-end expenditures. In addition to the department-projected savings of $796,100, which were reported to the City Council during the Mid-Year Budget Review on February 23, 2010 and needed to keep this fiscal year's budget in balance, an additional 2009-10 savings of $1,520,800 was identified that will be carried over to help balance next fiscal year's budget. Any budget appropriations approved by the City Council through the balance of this fiscal year will reduce this savings.

Transfers to return previous General Fund subsidies

Based on previous General Fund subsidies and current fund balance, the following transfers to the General Fund can be made, while keeping a minimum reserve of 12% of operating expenditures, consistent with the General Fund:

▪ Gas Tax	$500,000
▪ Public Education/Government Access (PEG)	$339,100
▪ CSD Zone A (Parks)	$800,000
▪ Total transfers of previous subsidies	$1,639,100

Other transfers

Transfers to the General Fund from two other funds will be made following an analysis of the funds:

▪ EOC Project Fund (Return of surplus project funds that were contributed from the General Fund)	$1,100,700

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- Equipment Replacement Fund (Fully depreciated assets that no longer need to be replaced) — $2,102,400
- Facility Construction Fund (Preliminary contribution to Veterans Memorial Project; funded by 2005 Lease Revenue Bonds) — $776,000
- Total other transfers — $3,979,100

Following is a summary of the total budgetary adjustments that will be implemented to reduce the projected FY 2010-11 General Fund deficit of $17.8 million:

Projected Deficit		$17,876,300
Budgetary Adjustments:		
- Current year savings to be carried over to FY 2010-11	($1,520,800)	
- Transfers to return previous General Fund subsidies	($1,639,100)	
- Other transfers	($3,979,100)	
- Total Budgetary Adjustments		($7,139,000)
Remaining Deficit		$10,737,300

The budget adjustments of $7.1 million, as shown above, will significantly reduce the projected deficit. However, it should be noted that a number of these adjustments are considered to be "one-time" in nature and will not be available on a recurring basis. Therefore, the true operating deficit of $17.8 million is cause for concern on a go-forward basis.

Budget Issues

Despite facing a significant budgetary deficit in FY 2010-11, departments were provided the opportunity to submit proposed Budget Issues to identify areas in which budgetary increases were needed to maintain critical service levels. There are three (3) such Budget Issues that are recommended for implementation, as summarized below. Details regarding these budget issues are presented in the Preliminary Base Operating Budget.

Budget Issue	Requesting Department	General Fund Amount
Re-establish Funding for Budget Officer Position	Financial & Administrative Services	$98,700
Supplement Emergency Operations Grant with General Fund Subsidy	Fire	$43,100
Increase in NPDES Regulatory Fees	Public Works	$76,000
Total General Fund Budget Increase		**$217,800**

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Balancing the General Fund Budget through the Deficit Reduction Plan

Adding the additional funding of $217,800 for the recommended Budget Issues to the projected General Fund deficit (net of adjustments) of $10,737,300 results in a total projected General Fund deficit of $10,955,100. Solutions for addressing this deficit are presented in the FY 2010-11 Deficit Reduction Plan that is hereby submitted for Council's consideration.

Deficit Reduction Plan Guidelines

The City has utilized a deficit reduction planning model the past two years to identify potential budgetary reductions that can be implemented to achieve a balanced General Fund budget. Following are the guidelines that were utilized to prepare the FY 2010-11 Deficit Reduction Plan:

- Deficit reduction options will be identified to cover the anticipated budgetary deficit, which was $10.4 million based on the FY 2009-10 Five-Year Financial Plan. This projected deficit was also used for planning purposes at the time the Deficit Reduction Plan preparation commenced in December 2009.

- It is prudent to prepare for an even larger deficit in the event that the final revenue estimates are less than those reflected in the Five-Year Financial Plan, or if there are unanticipated expenditure increases. (This guideline was validated when the projected General Fund deficit increased to $17.8 million, primarily due to declining property tax revenue projections.)

- The City's projected General Fund deficit could also be impacted by future actions of the State of California to confiscate or divert local government revenues to help balance the State's budget. (The State rarely adopts its annual budget prior to July 1st. Therefore, the City may adopt a balanced budget in June; then have the State take subsequent actions that impact the City's budget.)

- Based on the above factors, the FY 2010-11 Deficit Reduction Plan has been structured to identify total General Fund balancing solutions of $20.1 million as summarized below:

  - Potential Revenue Enhancements: $288,400
  - Potential Expenditure Reductions (net of Offsets): $13,845,734
  - Potential Use of General Fund Reserves: $6,000,000
  - Total Potential Solutions: $20,134,134

- Although the dollar value of all solutions is significantly greater than projected budgetary deficit (net of adjustments) of $11 million, it provides the City Council with a wide range of options for balancing the General Fund budget. Additionally, if the State takes actions that adversely impact the City's revenues, or should actual revenues received during the fiscal year be less than projected,

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additional solutions have already been identified that can be quickly implemented.

Deficit Reduction Savings Targets

- In order to achieve the General Fund expenditure reduction target of $14 million, which was specified in the Deficit Reduction Plan preparation guidelines, Deficit Reduction Options (DROs) were developed by departments based on the following percentages of the FY 2009-10 Adopted Budget.

  - General Government business units: 35%

  - Development Services business units: 35%

  - Internal Service Funds: 35%
    - Maintenance & Operations
    - Facilities Maintenance
    - Technology Services
    - General Liability
    - Workers' Compensation

  - Public Safety & related business units: 10%
    - Police
    - Fire
    - Animal Services
    - Code Compliance
    - Emergency Operations
    - Crossing Guards
    - Graffiti Abatement

  - Library business unit: 10%

- Funds other than the General Fund that receive a General Fund subsidy were required to submit DROs equaling the amount of their FY 2009-10 General Fund subsidy and/or their projected FY 2010-11 operating deficit, as follows:

  - Gas Tax: $1,000,000
  - Public Education/Government (PEG) Fund: $300,000
  - CSD/Zone L (Library) Fund: $212,000
  - Stormwater Maintenance Fund: $182,000

- Funds not identified above were not required to submit DROs, as they do not have projected deficits for FY 2010-11 or have adequate fund balance to absorb an operating deficit. (Examples are Redevelopment Agency (RDA) and Electric Utility.)

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Guidelines for Developing DROs

The following guidelines were provided to departments for use in their DRO preparation:

- DROs can relate to revenue enhancement as well as cost reduction measures.

- Each DRO must be completed in a comprehensive manner so it can be evaluated relative to other DROs. DROs consist of the following elements:
  - Description of cost reduction or revenue enhancement;
  - Internal Service Impact (None or Minimal / Moderate / High);
  - External Service Impact (None or Minimal / Moderate / High);
  - Staffing Impact;
  - Cost reduction itemization;
  - Revenue impact, if any.

- DROs should focus on elimination or reduction of non-mandated (discretionary) programs rather than further "line-item" reductions that would impair a department's ability to deliver essential services.

- Each DRO must be prioritized by the respective Department Head based on its service level impact and other key considerations. (Note: Priority 1 would be the first item recommended by a Department Head for consideration based on its service level impact; Priority 2 would be the next item recommended for consideration, etc.)

- FY 2010-11 DROs cannot include items already implemented in previous Deficit Reduction Plans; i.e., they must represent new savings that can be achieved in the FY 2010-11 Preliminary Base Operating Budget.

Staffing Impacts of DROs

The departmental DRO summaries identify any staffing impacts associated with each DRO, including the number of positions impacted; whether the positions are temporary or career, filled or vacant, City employees or contract employees (such as Police or Fire); and whether the employee would be transferred to another division within the department or laid off.

Council Deliberation on DROs

Following briefing sessions with each Council Member the week of May 3rd, an overview of the Preliminary Base Operating Budget and Deficit Reduction Plan will be presented during the City Council meeting of May 11, 2010. During the ensuing Study Session of May 18, 2010, time will be allocated for the City Council to ask each Department Head and staff detailed questions regarding their DROs. Additional questions or follow-up issues regarding DROs may also be addressed during the Regular Council Meetings of May 25th and June 8th, as well as the second Study Session on June 15th, prior to scheduled budget adoption on June 22, 2010.

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Public Safety DROs

In addition to the Study Sessions and Regular Council Meetings devoted to discussion of the Preliminary Base Operating Budget and Deficit Reduction Plan, discussion of the Police Department and Fire Department DROs has been scheduled for the Public Safety Subcommittee meeting of May 10, 2010.

When reviewing the Police Department and Fire Department DROs, the following provisions in the respective contracts should be noted.

Police Services Contract

Variation in Level of Service: Variation in the level of service shall be made by amendment, as provided for in Section 12 of this Agreement, and under the following terms:

If City requests an increase in the level of service to be provided under this Agreement, County agrees to provide such increased level of service as soon as is practicable, consistent with the ability of the Sheriff to do so.

If City elects to reduce the level of service provided herein by ten percent (10%) or greater, City must give notice in writing to County not less than twelve (12) calendar months prior to the effective date of such reduction. If City elects to reduce the level of service provided herein by less than ten percent (10%), County agrees to reduce the level of service accordingly as soon as it is practicable. The level of service, however, may not be reduced to below the minimum level, as determined by County, required to ensure public and officer safety.

Fire Services Contract

In the event CITY desires a reduction in CAL FIRE or COUNTY civil service employees or services assigned to CITY as provided in Exhibit A of the Fire Service Contract, CITY shall provide one hundred twenty (120) days written notice of the required reduction.

DROs Outside of the General Fund

The majority of DROs included in the Deficit Reduction Plan relate to the General Fund. However, those DROs not related to the General Fund are included to help offset projected operating deficits for FY 2010-11 or, in the case of some of the Internal Service Fund DROs, because they contribute to General Fund savings through the cost allocation process. Therefore, it is recommended that each of the DROs outside of the General Fund be implemented.

Proposed DRO Offsets

Three (3) DRO Offsets have been proposed, which would reinstate partial funding for associated DROs to mitigate the service level impacts, should the City Council direct

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staff to implement these DROs. If each of the three recommended DRO Offsets is approved by the City Council, it will reduce the General Fund DRO savings by $72,517. This amount has already been reflected in the departmental saving totals. Detailed information on the three proposed DRO Offsets is included following the DRO departmental summaries, starting on page 22. The three items are also summarized below:

DRO Offset Description	Requesting Department	DRO No.	General Fund Amount
Funding for one (1) Temporary, P/T Animal Control Officer	Financial & Administrative Services	12-a	$17,900
Funding for one (1) Temporary, P/T Librarian	Library	3-a	$21,840
Funding for two (2) Temporary, P/T Maintenance Worker IIs	Public Works	3-a	$32,417
Total Proposed General Fund DRO Offsets			**$72,157**

Summary

The prolonged economic recession has resulted in three challenging fiscal years for the City. After adopting a budget in FY 2007-08 in which General Fund operating revenues fully matched operating expenditures, revenues began declining; resulting in the need for significant expenditure reductions to ensure that expenditures remained within the General Fund revenues. The next two fiscal years (2008-09 and 2009-10) became more challenging as General Fund operating revenues continued their decline, resulting in growing operating deficits that had to be overcome with aggressive cost-cutting measures including workforce reductions, return of General Fund subsidies previously made to other funds, and use of reserves. FY 2010-11 will be even more challenging than the previous two years, as the projected General Fund operating deficit will grow to $17.8 million. A number of transfers and other budget adjustments have been identified, which will reduce this expected deficit to $10.7 million. Adding three recommended Budget Issues (which represent additional budgeted expenditures) that are critically needed, results in a projected General Fund deficit of nearly $11 million for FY 2010-11. Actions taken by the State of California in response to its estimated budget deficit of $18.9 billion or more could further impact the City's budget. To enable adoption of a balanced budget for FY 2010-11, a Deficit Reduction Plan is hereby submitted for City Council's review and consideration. This Plan has identified a number of solutions, totaling $20.1 million for the General Fund, that can be implemented to balance the FY 2010-11 Preliminary Base Operating Budget as follows:

- Potential Revenue Enhancements: $288,400
- Potential Expenditure Reductions (net of Offsets): $13,845,734
- Potential Use of General Fund Reserves: $6,000,000
- Total Potential Solutions: $20,134,134

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Although the dollar value of all solutions, as shown on the previous page, is significantly greater than the projected budgetary deficit (net of adjustments and Budget Issues) of $11 million, it provides the City Council with a wide range of options for balancing the budget. Additionally, if the State takes actions that adversely impact the City's revenues, or if actual revenues received during FY 2010-11 are less than projected, additional solutions have already been identified that can be quickly implemented. This "scalable" approach to deficit reduction planning has been beneficial to the City since it was first utilized in FY 2008-09.

After three years of aggressive cost-cutting measures that have been required to offset the declining revenues resulting from the economic recession, departments have once again responded to a very challenging budget for FY 2010-11 by identifying a number of potential solutions to allow a balanced budget to be adopted. I sincerely appreciate the cooperation of each Department Head and their staff in identifying meaningful solutions to overcome the projected budgetary deficit for FY 2010-11. The City Council has made a strong commitment to adopting a balanced budget prior to the start of each fiscal year. The FY 2010-11 Deficit Reduction Plan presents the Council with options for continuing this sound fiscal practice and adopting a balanced budget in June for the upcoming fiscal year that starts July 1, 2010.

Respectively submitted,

William L. Bopf
Interim City Manager

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City of Moreno Valley

Deficit Reduction Plan 2010-11

Deficit Reduction Option Summary

Deficit Reduction Option Summary

Department		Savings
General Fund - Revenue Enhancements:		
Community Development	$	180,800
Financial & Administrative Services		72,400
Fire		35,200
	$	**288,400**
General Fund - Deficit Reduction Options:		
City Council/City Clerk	$	226,914
City Attorney		390,951
City Manager		524,073
Community Development		348,278
Economic Development		244,578
Financial & Administrative Services		1,837,700
Fire		1,784,772
Human Resources		757,625
Police		3,991,245
Public Works		3,811,755
	$	**13,917,891**
DRO Offsets:		
Financial & Administrative Services	$	(17,900)
Library		(21,840)
Public Works		(32,417)
	$	**(72,157)**
Use of Reserves:		
Non-Department	**$**	**6,000,000**
NET - General Fund	**$**	**20,134,134**
Other Funds - Deficit Reduction Options:		
Financial & Administrative Services ISF - non-General Fund	$	4,105,600
Human Resources ISF - non-General Fund		619,875
Library		212,000
Parks & Community Services		245,200
Total Other Funds:	**$**	**5,182,675**

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City of Moreno Valley

Deficit Reduction Plan 2010-11

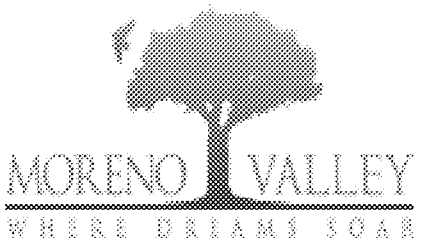

Department DRO Summaries

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Council/ Clerk	City Clerk	Defund Assistant City Clerk Position		X			X		1		FTC	Vacant		90,201	90,201
2	Council/ Clerk	Council	Defund Administrative Assistant Position		X			X		1		FTC	Vacant		58,500	58,500
3	Council/ Clerk	City Clerk	Defund Senior Office Assistant Position (Temporary)			X			X	1		Temp	Filled	Lay-off	39,700	39,700
4	Council/ Clerk	City Clerk	Defund Senior Office Assistant Position (Part-time)			X			X	1		P/T	Filled	Lay-off	38,513	38,513
	City Council/City Clerk Total									**4**					**$226,914**	**$226,914**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$1,416,140**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	2	
Total FTC		2
Part-time (P/T)		
Filled - Lay-off		1
Temporary (Temp)		
Filled - Lay-off		1
Total City Council/City Clerk		**4**

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City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	City Atty	City Atty	Defund Assistant City Attorney Position			X			X	1		FTC	Vacant		206,376	206,376
2	City Atty	City Atty	Deputy City Attorney III			X			X	1		FTC	Filled	Lay-off	94,698	94,698
3	City Atty	City Atty	Deputy City Attorney III			X			X	1		FTC	Filled	Lay-off	89,877	89,877
	City Attorney Total									**3**					**$390,951**	**$390,951**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$1,252,546**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	2	
Filled - Transfer to other funding sources	-	
Vacant	1	
Total FTC		3
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total City Attorney		**3**

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City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	City Mgr	Media & Comm.	Reduce PR/advertising budget by 40%	X				X							42,000	42,000
2	City Mgr	Non-Dept	Reduce City Manager's contingency to $140,000		X			X							110,000	110,000
3	City Mgr	City Mgr	Eliminate state lobbyist contract			X			X						37,800	37,800
4	City Mgr	City Mgr	Defund vacant Assistant City Manager position			X			X	1		FTC	Vacant		226,364	226,364
5	City Mgr	City Mgr	Defund vacant Executive Assistant to the City Manager position			X			X	1		FTC	Vacant		70,641	70,641
6	City Mgr	City Mgr	Replace Deputy City Manager position with a Sr. Management Analyst position			X			X						37,268	37,268
City Manager Total										**2**					**$524,073**	**$524,073**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$1,996,200**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	2	
Total FTC		2
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total City Manager		**2**

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City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Community Dev	Code/Building & Safety	Revenue Enhancement - Hire 2 temp Parking Control officers to work on career employee furlough days; other miscellaneous revenue increases & reductions	X			X								180,800	180,800
2	Community Dev	Code	Terminate HALT Camera Program. Service can still be provided through MVPD's implementation of the tripwire camera system.	X			X								900	900
3	Community Dev	Code	Terminate 5 Neighborhood Cleanups. The clean-up events in district 1,4 and 5 can be funded by CDBG while district 2 and 3 could be funded from an alternate source.	X			X								800	800
4	Community Dev	Dev Svcs Admin Support	Replace Deputy City Manager @ 62% with a Senior Management Analyst position @ 40%.	X			X								119,289	119,289
5	Community Dev	Graffiti Restitution/ Code	Defund Code Compliance Field Supervisor (vacant) 25% in Graffiti; 75% in Code. Adjust split for Senior Code Compliance Officer to 20% in Graffiti; 80% in Code.	X			X			1		FTC	Vacant		81,519	81,519
6	Community Dev	Admin/ Code	Fund Department Head (vacant-70% in Admin; 30% in Code) for 6-months City temporary and 6-months as City career employee. This would allow new City Manager ample time to recruit/appoint a new CD Director.	X			X								15,231	15,231
7	Community Dev	Building & Safety	Fund Building Official (vacant-100%) for 6-months City temporary and 6-months as City career employee. This would allow ample time to recruit/appoint a full-time Building Official.	X			X								22,539	22,539
8	Community Dev	Code	Terminate Shopping Cart Retrieval Program. The City's Shopping Cart Retrieval Program was developed to address citizen concerns regarding the proliferation of abandoned shopping carts . The elimination of this program may result increased numbers of abandoned carts citywide.		X			X							48,000	48,000
9	Community Dev	Building & Safety	Eliminate Nuisance Abatement funding. The elimination of these funds would impact the ability of the Building & Safety Division to enforce the CA Health and Safety Codes, Section 17910 (State Housing Laws), which requires local agencies to abate nuisances that affect habitability. The elimination of this abatement service will oblige the Building Division to order vacation of residential premises on a more frequent basis. All abatement costs are recoverable through special assessments or payment by the property owner, lender, or institutions. If all recovered funds were placed in a REVOLVING housing/building abatement account instead of being deposited to the General Fund, a reliable source of funding for this service would exist.	X					X						60,000	60,000
Community Development Department Total										**1**					**$529,078**	**$529,078**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction * **$5,019,000**

** Note: Savings of $818k also realized in 2010-11 Preliminary Base budget*

MV00056353

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
			DRO Position Summary Listing													
			FTC (Full-time Career)													
			Filled - Lay-off									-				
			Filled - Transfer to other funding sources									-				
			Vacant									1				
			Total FTC										1			
			Part-time (P/T)													
			Filled - Lay-off										-			
			Temporary (Temp)													
			Filled - Lay-off										-			
			Total Community Development										1			

MV00056354

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Economic Dev	Economic Development	.6235 - Public Relations: Reduce advertising, broker events, regional event sponsorships, Shop Moreno Valley campaign.	X			X								159,919	159,919
2	Economic Dev	Economic Development	CONSOLIDATING SEVERAL OBJECT CODES .6252 - Dues and Subscriptions: reduced IEEP membership for City .6255 - Other Professional Services .6221 - Training and Travel .6215 - Communications .6231 - Advertising .6256 - Legal Services .6310 - Copier Charges .6311 - Office Supplies .6321 - Postage and Mail .6391 - Other Materials	X			X								66,160	66,160
3	Economic Dev	Economic Development	Salaries/Benefits: Reimbursing ED Admin salaries by 50% of Management Analyst's salary, which is charged to the CDBG for the ERC. Reallocating 10% of the Senior Office Assistant's salary to HOME funds to more accurately reflect current workload.	X			X								18,499	18,499
	Economic Development Department Total														**$244,578**	**$244,578**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$685,451**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	-	
Total FTC		-
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Economic Development		**-**

MV00056355

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Financial & Adm Svcs	Facilities CIP	Defund City Hall Annex 1 capital improvement project since the facility is not currently needed for staff expansion.	X			X								1,589,800	874,400
2	Financial & Adm Svcs	Facilities	Implement various Facilities Maintenance budget reductions that will minimally impact City operations.	X			X								237,000	0
3	Financial & Adm Svcs	Facilities	Defer CRC emergency generator project in anticipation of obtaining Homeland Security grant funding.	X			X								132,000	0
4	Financial & Adm Svcs	Facilities	Postpone replacement of City Hall HVAC system, or obtain alternate funding source to supplement EECBG funding.		X		X								275,000	0
5	Financial & Adm Svcs	Facilities	Cancel or postpone FY 2009-10 budgeted facilities maintenance items that do not have a significant impact on staff or the public.		X		X								778,200	0
6	Financial & Adm Svcs	Facilities	Cancel or postpone facilities maintenance items in the FY 2010-11 budget that do not have a significant impact on staff or the public.		X		X								249,000	0
7	Financial & Adm Svcs	Tech Svcs	Cancel or postpone FY 2009-10 budgeted technology projects that are not mandated by law, ordinance, or contractual obligation.			X		X							1,044,200	0
8	Financial & Adm Svcs	Tech Svcs	Reduce expenditures in Technology Services that will not eliminate essential services but may impair staff's ability to complete tasks efficiently.			X		X							674,800	0
9	Financial & Adm Svcs	Treasury Ops	Revenue Enhancement - Amend Municipal Code to repeal the practice of not collecting Business License gross receipts taxes of less than $100.	X					X						72,400	72,400
10	Financial & Adm Svcs	Purchasing	Defund the Senior Administrative Assistant position.			X		X		1		FTC	Filled	Lay-off	63,500	63,500
11	Financial & Adm Svcs	Admin	Defund the Executive Assistant I position.			X			X	1		FTC	Filled	Lay-off	63,900	63,900
12	Financial & Adm Svcs	Animal Svcs	Suspend non-mandated animal control programs; reduce service levels in field and kennel operations, (which includes the following positions:			X			X						243,200	243,200
			Animal Services License Inspector			X			X	1		FTC	Filled	Lay-off		
			Animal Control Officer			X			X	1		FTC	Filled	Lay-off		
			Animal Control Officer			X			X	1		Temp	Filled	Lay-off		
			Animal Care Technician			X			X	1		FTC	Vacant			
			Office Aide			X			X	1		Temp	Filled	Lay-off		
12-a	Financial & Adm Svcs	Animal Svcs	PROPOSED DRO OFFSET requesting to fill one (1) Temporary Animal Control Officer should the filled FTC Animal Control Officer be defunded *(detail on page 22)*			X			X						(17,900)	(17,900)
13	Financial & Adm Svcs	Financial Ops	Defund the Principal Accountant position; as a result, reduce various activities in the Accounting Section significantly impacting budgeting and financial reporting capabilities.			X			X	1		FTC	Vacant		88,400	88,400

MV00056356

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
14	Financial & Adm Svcs	Treasury Ops	Reduce the Career staffing level in the Treasury Operations Division (currently at 50%) by 3 additional positions, significantly impacting the Division's ability to perform essential services which includes:			X			X						261,500	261,500
			Accounting Technician			X			X	1		FTC	Filled	Lay-off		
			Accounting Assistant			X			X	1		FTC	Filled	Lay-off		
			Accounting Assistant			X			X	1		FTC	Filled	Lay-off		
15	Financial & Adm Svcs	Financial Ops	Reduce the Career staffing level in the Financial Operations Division (currently at 60%) by 4 additional positions, significantly impacting the Division's ability to perform essential services which includes			X			X						242,800	242,800
			Senior Payroll Technician			X			X	1		FTC	Filled	Lay-off		
			Senior Administrative Assistant			X			X	1		FTC	Filled	Lay-off		
			Accounting Technician			X			X	1		FTC	Filled	Lay-off		
			Accounting Assistant			X			X	1		FTC	Filled	Lay-off		
	Financial & Administrative Services Department Total									**15**					**$5,997,800**	**$1,892,200**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$14,737,325**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	11	
Filled - Transfer to other funding sources	-	
Vacant	2	
Total FTC		13
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		2
Total Financial & Administrative Services		**15**

MV00056357

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Fire	Fire Prev	Suspend Funding for Permit Plus Changes	X			X								5,000	5,000
2	Fire	Fire Ops	Defund Paramedic Captain Position			X			X		1	FTC	Filled	Transfer	198,700	198,700
* 3A	Fire	Fire Ops	Reduce Truck Company to a Fire Engine - 3 Positions			X			X						435,940	435,940
			Fire Apparatus Engineer			X			X		1	FTC	Filled	Transfer		
			Fire Fighter II			X			X		2	FTC	Filled	Transfer		
* 3B	Fire	Fire Ops	Defund Truck Company Completely - an additional 7 positions to 3A - Incremental difference shown in the cost savings			X			X						1,122,847	1,122,847
			Fire Captain			X			X		2	FTC	Filled	Transfer		
			Fire Apparatus Engineer			X			X		2	FTC	Filled	Transfer		
			Fire Fighter-Paramedic			X			X		3	FTC	Filled	Transfer		
1	Fire	Emerg Ops	Increase CPR fees from $35 to $60 per class	X				X							35,200	35,200
2	Fire	Emerg Ops	Defund Part Time Emerg Ops & Vol Svcs Program Specialist			X			X	1		P/T	Filled	Lay-off	22,285	22,285
			* **Note**: DRO 3A proposes to reduce one (1) Truck Company to a Fire Engine which includes the defunding of three (3) positions; DRO 3B proposes to defund the whole Truck Company which includes the 3 positions listed in DRO 3A plus an additional seven (7) positions to total ten (10) positions. Therefore, the total costs for defunding the whole Truck Company would include both DROs 3A & 3B.														
	Fire Department Total									**1**	**11**				**$1,819,972**	**$1,819,972**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$16,724,410**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	11	
Vacant	-	
Total FTC		11
Part-time (P/T)		
Filled - Lay-off		1
Temporary (Temp)		
Filled - Lay-off		-
Total Fire		**12**

April 2010

MV00056358

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Human Resources	Workers' Comp	Reduce workers' compensation reserves (Original fund balance of $4.5m less DRO of $1.3 will leave a new balance of $3.2 which is approximately 85% confidence level per actuarial review)	X			X								1,297,500	713,625
2	Human Resources	General Liability	Reduce liability reserves (Original fund balance of $2.0m less DRO of $80k will leave a new balance of $1.9 which is approximately 85% confidence level per actuarial review)	X			X								80,000	44,000
	Human Resources Department Total														**$1,377,500**	**$757,625**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$3,292,900**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	-	
Total FTC		-
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Human Resources		**-**

MV00056359

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Library	Library Svcs	Reduce miscellaneous small line items		X		X								2,820	0
2	Library	Library Svcs	Reduce object code 6351 - Books, records, films, videos		X				X						120,559	0
3	Library	Library Svcs	Defund one (1) full-time career librarian position.			X			X	1		FTC	Vacant		88,621	0
3-a	Library	Library Svcs	PROPOSED DRO OFFSET requesting to fill one (1) Temporary Librarian positions should the vacant FTC Librarian position be defunded *(detail on page 23)*			X			X						(21,840)	(21,840)
	Library Total									**1**					**$190,160**	**($21,840)**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$2,161,300**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	-	
Vacant	1	
Total FTC		1
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Library		**1**

MV00056360

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Parks	STARS	Defund Sr. Human Resources Analyst (.7 FTC)	X			X			1		FTC	Vacant		66,000	0
2	Parks	Golf Course	Closure of Cottonwood Golf Course which will include the defunding of the following positions			X			X						179,200	0
			Golf Course Maintenance Worker			X			X	1		FTC	Filled	Transfer		
			Recreation Aides			X			X	6		Temp	Filled	Transfer		
	Parks & Community Services Department Total									**8**					**$245,200**	**$0**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$8,446,400**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	1	
Vacant	1	
Total FTC		2
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Transfer to other funding sources		6
Total Parks & Community Services		**8**

MV00056361

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Police	Towngate Mall	275 hours of program overtime during the Holiday Season.		X			X							15,714	15,714
2	Police	POP	250 hours of program overtime for off-road vehicle enforcement.		X			X							14,285	14,285
3	Police	Traffic	Provide for traffic safety through enforcement and conduct accident investigations which include:			X			X						1,198,036	1,198,036
			Motorcycle Officer			X			X		4	FTC	Filled	Transfer		
			Accident Investigation Officer			X			X		1	FTC	Filled	Transfer		
4	Police	POP	Provides for zone policing concept, crime free multi-housing program, and other POP programs which include:			X			X						921,190	921,190
			POP (Problem Oriented Policing) Officer			X			X		4	FTC	Filled	Transfer		
5	Police	SET	Provides for investigation of illegal drug activity, gang activity, and career criminal apprehension which include:			X			X						921,190	921,190
			SET (Special Enforcement Team) Officer			X			X		4	FTC	Filled	Transfer		
6	Police	Patrol	Respond to calls for service from citizens in the community and conducts pro-active enforcement which include:			X			X						920,830	920,830
			Patrol Officer			X			X		4	FTC	Filled	Transfer		
	Police Department Total										**17**				**$3,991,245**	**$3,991,245**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$41,960,324**

DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	-	
Filled - Transfer to other funding sources	17	
Vacant	-	
Total FTC		17
Part-time (P/T)		
Filled - Lay-off		-
Temporary (Temp)		
Filled - Lay-off		-
Total Police		**17**

MV00056362

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Public Works	Street Sweeping	Eliminate contract sweeping and create additional Equipment Operator position in lieu of existing Maintenance Worker II position via an existing eligibility list from a recent internal recruitment to replace contract sweeping function.	X			X								33,100	33,100
2	Public Works	PW Admin/Solid Waste	Defund vacant Public Works Program Manager position.	X				X		1		FTC	Vacant		68,700	68,700
3	Public Works	Catch Basin Maintenance	Defund vacant Maintenance Worker II position on the Catch Basin Maintenance crew.		X			X		1		FTC	Vacant		71,319	71,319
3-a	Public Works	Catch Basin Maintenance	PROPOSED DRO OFFSET requesting funding for two (2) Temporary, P/T Laborers should the vacant Maintenance Worker II position be defunded *(detail on page 24)*		X			X							(32,417)	(32,417)
4	Public Works	Land Development	Reduce professional services for consultant plan check and utilize consultant services only for final map reviews requiring the signature of a Licensed Land Surveyor.		X			X							105,300	105,300
5	Public Works	Land Dev - Insp. Svcs.	Reduce professional services for construction inspection by 100%.		X			X							12,400	12,400
6	Public Works	Trans Dev. Svcs./Trans Eng	Defund vacant Senior Administrative Assistant position (associated with Development Services and General Fund) and partially transfer Executive Assistant I position to Transportation Engineering Division. Additionally, transfer 5% of PW Director/City Engineer personnel costs to Special Districts Administration.			X			X	1		FTC	Vacant		34,200	34,200
7	Public Works	Land Dev. - Insp Svcs.	Increase Land Development inspection request period from two (2) working days to three (3) working days due to a 33% decrease in Land Development inspection staffing via the reassignment of one (1) Construction Inspector to Capital Projects Division. In the event of a workload increase or request to expedite inspection response, consultant services will be required as an addition to the approved budget. **DRO No. 7 will change from a transfer to a lay-off if the number of proposed projects within the Proposed Capital Improvement Plan is significantly decreased.**			X			X	1		FTC	Filled	Transfer	103,761	103,761
8	Public Works	Land Dev. - Insp Svcs.	Increase customer service time for inspection scheduling and responding to contractor questions/requests due to a decrease of 100% of administrative support staff for the Land Development Inspection Section via the transfer of one (1) Senior Office Assistant to the Capital Projects Division.			X			X	1		FTC	Filled	Transfer	59,588	59,588
9	Public Works	Street Sweeping	Subsidize Street Sweeping Program with additional Air Quality Grant Funds, resulting in 96% of the annual grant revenue being designated for street sweeping program subsidization and eliminating the ability to fund the U Pass Program or other air quality related capital projects/programs with AQMD grant funds.	X					X						110,000	110,000

MV00056363

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
* 10	Public Works	Concrete Maintenance	Fund City-Wide Concrete Program with Measure A funds, resulting in 16% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects.	X					X						360,300	360,300
			Lead Maintenance Worker	X					X	1		FTC	Filled	Transfer		
			Maintenance Worker II	X					X	2		FTC	Filled	Transfer		
* 11	Public Works	Sign/Striping	Fund City-Wide Traffic Sign/Striping Program with Measure A funds, resulting in a cumulative 52% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects.	X					X						811,500	811,500
			Traffic Operations Supervisor	X					X	1		FTC	Filled	Transfer		
			Lead Traffic Signing/Marking Tech	X					X	2		FTC	Filled	Transfer		
			Traffic Signing/Marking Tech I	X					X	1		FTC	Filled	Transfer		
			Traffic Signing/Marking Tech II	X					X	2		FTC	Filled	Transfer		
12	Public Works	Land Development / LD - Insp Svcs.	Double the wait time for customer service requests for permits and other assistance required from Land Development due to a decrease of 50% of permit staff via the defunding of one (1) filled, full-time Permit Technician position.			X			X	1		FTC	Filled	Lay-off	62,102	62,102
13	Public Works	Land Dev. - Insp Svcs.	Increase inspection request period from (2) two working days to (6) six working days due to a cumulative 66% decrease in Land Development inspection staffing via the defunding of one (1) filled, full-time Construction Inspector position. In the event of a workload increase or request to expedite inspection response, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	73,920	73,920
14	Public Works	Land Development / LD - Insp Svcs.	Increase plan check turn-around time from 20-working day turn-around to 30-working day turn-around due to a 33% decrease in Land Development plan check staff via the defunding of one (1) filled, full-time Associate Engineer position. In the event of a workload increase or request to expedite plan check turn-around, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	102,097	102,097
15	Public Works	Land Development / LD - Insp Svcs.	Triple the wait time for customer service requests for permits and other assistance required from Land Development due to a cumulative decrease of 100% of permit staff via the defunding of one (1) additional, filled, full-time Permit Technician position.			X			X	1		FTC	Filled	Lay-off	66,813	66,813

MV00056364

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
16	Public Works	Land Development / LD - Insp Svcs.	Increase plan check turn-around time from 20-working day turn-around to 45-working day turn-around due to a cumulative 66% decrease in Land Development plan check staff via the defunding of one (1) additional filled, full-time Associate Engineer position, thereby leaving one (1) Associate Engineer, one (1) Senior Engineer and the Engineering Division Manager as the only remaining technical staff in Land Development. In the event of a workload increase or request to expedite plan check turn-around, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	86,546	86,546
17	Public Works	Transportation Dev. Svcs.	Increase transportation related plan check review and development inquiries turn-around such that a new 45-day turn-around time-line is regularly exceeded due to a decrease of 100% of professional engineering staff for the Transportation Development Section via the transfer of one (1) Senior Engineer to the Capital Projects Division. **DRO No. 17 will change from a transfer to a position defunding if DRO No. 19 is implemented.**			X			X	1		FTC	Filled	Transfer	168,117	168,117
18	Public Works	Land Development / LD - Insp Svcs.	Increase plan check turn-around such that the new 45-day turn-around time-line is regularly exceeded due to a cumulative 100% decrease in Land Development plan check staff via the lay-off of one (1) additional, filled, full-time Associate Engineer position, thereby leaving one (1) Senior Engineer and the Engineering Division Manager as the only remaining technical staff in Land Development. In the event of a workload increase or request to expedite plan check turn-around, consultant services will be required as an addition to the approved budget.			X			X	1		FTC	Filled	Lay-off	112,103	112,103
19	Public Works	Land Development / LD - Insp Svcs.	Increase turn-around time for Land Development entitlement review due to a decrease of 100% of senior level professional engineering staff via the transfer of one (1) Senior Engineer to the Capital Projects Division, thereby leaving only the Engineering Division Manager as the sole remaining technical staff member in Land Development.			X			X	1		FTC	Filled	Transfer	179,989	179,989
20	Public Works	Graffiti Removal	Reduce Graffiti Abatement Program to exclude private property (including block walls), operate 5-days/week (currently 7-day/week operation), increase turn-around time to 72 hours, (current 48 hour turn-around) and defund (4) vacant, temporary part-time Laborer positions.			X			X	4		Temp	Vacant		86,400	86,400
21	Public Works	Graffiti Removal	Entirely eliminate Graffiti Abatement Program including defunding of (3) filled, temporary part-time Laborer positions and (1) filled, part-time Maintenance Worker I position.			X			X						116,400	116,400
			Maintenance Worker I			X			X	1		P/T	Filled	Lay-off		
			Laborer			X			X	3		Temp	Filled	Lay-off		

MV00056365

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
* 22	Public Works	Transportation Engineering	Create new business unit (Transportation Operations) comprised of elements of the existing Transportation Engineering business unit and fund City-Wide Transportation Operations Program with Measure A funds, resulting in a cumulative 64% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects. Implementation of this DRO will result in the City being out of compliance with its Traffic Congestion Relief Funds (TCRF) Maintenance of Effort (MOE) requirement, which will result in a loss of approximately $1.7M TCRF revenue for FY 2011-12 and every year thereafter that the City remains out of compliance with the MOE requirement.	X					X						292,100	292,100
			Senior Traffic Engineer	X					X	1		FTC	Filled	Transfer		
			Senior Engineering Technician	X					X	1		FTC	Filled	Transfer		
* 23	Public Works	Traffic Signal Maint.	Fund City-Wide Traffic Signal Maintenance Program with Measure A funds, resulting in a cumulative 95% of annual Measure A funds being designated for street maintenance operations and decreasing the funding available for annual pavement overlay and slurry seal capital projects. Implementation of this DRO will result in the City being out of compliance with its Traffic Congestion Relief Funds (TCRF) Maintenance of Effort (MOE) requirement, which will result in a loss of approximately $1.7M TCRF revenue for FY 2011-12 and every year thereafter that the City remains out of compliance with the MOE requirement.	X					X						695,000	695,000
			Senior Traffic Signal Technician							1		FTC	Filled	Transfer		
			Traffic Signal Technician							2		FTC	Filled	Transfer		

MV00056366

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./None	Internal Service Mod.	Internal Service High	Public Service Min./None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
			* **MOE NOTE:** DRO No.'s 10, 11, 22 and 23 impact the City's Measure A and Traffic Congestion Relief Fund (TCRF) Maintenance of Effort (MOE) compliance. Both Measure A and TCRF have separate MOE requirements establishing a certain amount of General Fund expenditures dedicated to street maintenance that the City must maintain in order to continue to remain eligible to receive annual Measure A and TCRF revenues of approximately $2.3M and $1.7M respectively. Although DRO No.'s 10 and 11 may be implemented for FY 2010-11, it is uncertain if this implementation can remain for FY 2011-12 without risking placing the City in a state of non-compliance and resulting in a loss of $2.3M of Measure A revenue for FY 2012-13 and every year thereafter that the City remains in a state of non-compliance. (The Riverside County Transportation Commission is currently studying the MOE issue and it is anticipated that the MOE requirement for FY 2010-11 and future years will be determined in Summer 2010). The implementation of DRO No.'s 22 and 23 will result in the City being out of compliance with its TCRF MOE requirement, which will result in a loss of approximately $1.7m TCRF revenue for FY 2011-12 and every year thereafter that the City remains out of compliance with the MOE effort.													
Public Works Department Total										**35**					**$3,779,338**	**$3,779,338**

Departmental Preliminary Base Operating Budget subject to Deficit Reduction **$10,228,052**

DRO Position Summary Listing		
FTC (Full-time Career)		
Filled - Lay-off	6	
Filled - Transfer to other funding sources	18	
Vacant	3	
Total FTC		27
Part-time (P/T)		
Filled - Lay-off		1
Temporary (Temp)		
Filled - Lay-off	3	
Filled - Transfer to other funding sources	-	
Vacant	4	
Total Temporary		7
Total Public Works		**35**

MV00056367

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
1	Non-Dept	Non-Dept	Redeem up to $6 million of the 2007 Series B Tax Allocation Bonds, enabling these funds to be used for General Fund operations.	X			X								6,000,000	6,000,000
Non-Department Total															**$6,000,000**	**$6,000,000**

MV00056368

City of Moreno Valley
FY 2010-11 Deficit Reduction Options

Dept Rank	Dept	Business Unit	Description of Program/Function or Activity	SERVICE LEVEL IMPACT: Internal Service Min./ None	Internal Service Mod.	Internal Service High	Public Service Min./ None	Public Service Mod	Public Service High	STAFFING IMPACT: City No.	Contract No.	FTC P/T Temp	Filled/ Vacant	Transfer or Lay-off	BUDGETARY SAVINGS: Total	General Fund
GRAND TOTAL CITY-WIDE										**70**	**28**				**$25,316,809**	**$20,134,134**

City - DRO Position Summary Listing

FTC (Full-time Career)		
Filled - Lay-off	19	
Filled - Transfer to other funding sources	19	
Vacant	13	
Total FTC		51
Part-time (P/T)		
Filled - Lay-off		3
Temporary (Temp)		
Filled - Lay-off	6	
Filled - Transfer to other funding sources	6	
Vacant	4	
Total Temporary		16
TOTAL CITY		**70**

Contract (Police & Fire) - DRO Position Summary Listing

FTC (Full-time Career)		
Fire - Filled - Transfer to other funding sources	11	
Police - Filled - Transfer to other funding sources	17	
Total FTC		28
TOTAL CONTRACT (Police & Fire)		**28**

MV00056369

City of Moreno Valley

Deficit Reduction Plan 2010-11

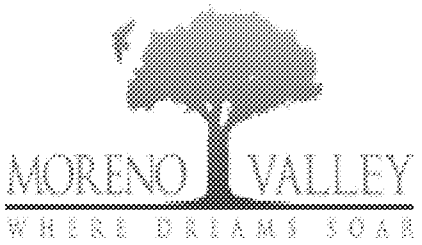

Proposed DRO Offsets

Proposed DRO Offsets

To help mitigate the service level impacts of three (3) DROs, should the City Council direct staff to implement them, associated DRO Offsets are proposed to reinstate partial funding for these items, as follows:

Department: Financial & Administrative Services
DRO No. 12-a *(page 8)*
Description: Funding for one (1) Temporary, Part-Time Animal Control Officer (ACO) should a filled Full-Time Career ACO position be defunded
General Fund Cost: $17,900

Animal Control Officers (ACOs) play a critical role in providing public safety services to the community. These unique essential services include responding to and removing threats posed by potentially dangerous and vicious animals, removing high-risk rabies carriers, and conveying rabies specimens to the Riverside County Public Health's Laboratory. In addition, Animal Control Officers respond to sick and injured stray animals, place biting animals under quarantine, investigate allegations of animal abuse and neglect, along with responding to a variety of routine animal nuisance complaints. Animal Control Officers are a major component of the Field Services section of the Animal Services Division and are a 24/7 operation responsible to effectively respond to service requests and emergency calls through the operation of a night truck every evening.

Defunding one full-time Animal Control Officer position and one part-time temporary Animal Control Officer will reduce the field response staff from our current staffing level of 7 authorized Animal Control Officers (6 full-time and 1 temporary part-time) to a staffing level of 71% or 5 full-time ACOs. The specific areas of concern with a workforce reduction for this work unit are diminishing the field service coverage, resulting in routine service requests being carried over to the next day, thereby extending response times for both routine and emergency traffic. Additionally, by having fewer ACOs to work the night truck, any further workforce reduction could result in increased fatigue among remaining officers, which may diminish effectiveness and increase the chances of injury.

Hiring a part-time temporary Animal Control Officer at an hourly rate of $17.82, Grade C-15, Step A of the ACO Salary Schedule, for the allowable temp total not to exceed 960 hours during FY 10-11 totals $17,900. This will provide 19 hours per week to provide a reasonable response, minimizing the need to carry over routine service requests, thus maintaining a reasonable level of response times to all service requests, as well as providing an additional ACO to participate in the night truck rotation.

Cost summary of DRO Offset:

Salaries	$17,900
Employee Benefits	--
Services	--
Supplies	--
Capital Outlay	--
Total Expenditures	**$17,900**

MV00056371

Department: Library
DRO No. 3-a *(page 12)*
Description: Funding for one (1) Temporary, Part-Time Librarian should the vacant Full-Time Career Librarian position be defunded
FY 2010-11 Cost: $21,840
General Fund Cost: $21,840 (General Fund Subsidy to CSD Zone L)

Librarians provide unique services, such as reference, cataloging, collection development, and children's and teen programming, that other staff is not qualified to provide.

Defunding one full-time Librarian position will reduce the staff to four full-time Librarians. The Library is open 53 hours a week. At least one Librarian needs to be on duty during all open hours, plus one hour before opening to supervise cash handling, computer and copier start-ups, and other opening duties, for a total of 58 hours a week. The Librarians should cover three service points per hour and provide storytimes 4-6 hours a week. The ideal Librarian service coverage should be approximately 170 hours a week.

The five Librarians have been providing approximately 109 hours a week of the above coverage. Reducing one Librarian will mean a reduction of 36 staff hours per week, of which approximately 21 hours were service coverage hours. This will lower coverage to 88 hours per week, which will impact the service level to patrons.

Hiring a part-time temporary Librarian at an hourly rate of $22.75, which is Step A of the Librarian Salary Schedule, for the allowable temp total of 960 hours for one year would total $21,840. This would add approximately 18 hours a week to the Reference desk coverage, bringing the covered hours back up to approximately 106 hours a week.

Additionally, if Librarians are not available to assist citizens to find and reserve the materials they need, they may not utilize the Library's services. This could reduce the Library's circulation, thereby possibly reducing one revenue fund provided by the State Library. A part-time Librarian to keep the service hours close to current levels may help keep the circulation, and therefore the revenue, from reduction.

Cost summary of DRO Offset:

Salaries	$21,840
Employee Benefits	--
Services	--
Supplies	--
Capital Outlay	--
Total Expenditures	**$21,840**

MV00056372

Department: Public Works
DRO No. 3-a *(page 15)*
Description: Funding for two (2) Temporary, Part-time Laborers should the vacant Full-Time Career Maintenance Worker II position be defunded
FY 2010-11 Cost: $32,417
General Fund Cost: $32,417

As part of the Public Works Department's DRO submittal, a DRO (DRO No.3) is proposed to defund (1) vacant Maintenance Worker II position (Position No. 0351) on the Catch Basin Maintenance Crew. Catch Basin Maintenance requires a two-person crew to monitor and clean the City's storm water drainage system, including 1,900 catch basins City-wide. This program is required to ensure that the City is in compliance with its National Pollutants Discharge Elimination Systems (NPDES) requirements.

If Public Works DRO No. 3 is implemented, it will result in a one-person Catch Basin Crew, which is not feasible from an operational and safety standpoint. This DRO Offset proposes to fund two (2) Temporary, Part-Time Laborers, with each working approximately 960 hours/year, to replace the (1) career full-time Maintenance Worker II position. This will allow continued operation of crew functions and maintenance of existing service levels, although in a less effective manner than the current operation. The Catch Basin Maintenance Crew will be less effective due to the loss of a second crewmember with a commercial driver's license, which is required to drive the commercial vacuum truck operated by this crew. (Maintenance Worker II classification requires a Class B commercial driver's license; Labor classification requires only a Class C general driver's license). All required driving will be performed by a second crewmember, an Equipment Operator, and no back-up will exist for driving the commercial vacuum truck.

A comparison of the fully burdened personnel costs of the vacant Maintenance Worker II versus the (2) Temporary, Part-Time Laborers is $71,300 versus $32,400. This DRO Offset is only necessary if the associated Publics Works DRO No. 3 is implemented.

Cost summary of DRO Offset:

Salaries	$32,417
Employee Benefits	--
Services	--
Supplies	--
Capital Outlay	--
Total Expenditures	**$32,417**

MV00056373

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects.

BACKGROUND

The purpose of the CIP is to identify needed improvements and establish long-term funding priorities. The CIP is presented to the City Council each year for review and discussion in order to affirm or provide direction for reprioritizing planned improvements for the benefit of the community.

City staff has completed a full review of all project needs through "build-out" of the City. The priorities, as proposed, are based on status and funding of existing projects, and anticipated development trends within the City.

DISCUSSION

The CIP is a tool used to track the accumulation and use of resources for designing, acquiring, constructing, and rehabilitating City infrastructure, such as buildings and roads. The CIP also provides a framework for funding capital projects and helps the City forecast and coordinate long-term needs. Capital planning ensures the timely repair and replacement of aging infrastructure and the implementation of community priorities to meet the demands of a growing and changing population. The CIP provides expenditure and funding source detail for the following types of capital projects budgeted and funded for FY 2010-11, as well as projects anticipated through build-out of the City:

Category	Proposed Budget for FY 2010-11 Funding
• Street Improvements	$36,498,000
• Bridges	$20,208,000
• Buildings	$15,081,000
• Drainage, Sewers, and Waterlines	$5,728,000
• Electric Utility	$3,855,000
• Landscaping	$0
• Parks	$4,100,000
• Traffic Signals	$1,916,000
• Underground Utilities	$201,000

Projects proposed for FY 2010-11 total $87,587,000. The cost estimate for all identified projects through build-out total is approximately $1.69 billion, which includes funded, partially funded, and unfunded projects.

With regard to revenue, Measure "A" (Fund 125) is a major funding source for transportation infrastructure improvements. Because Measure "A" funds are used to provide required City matching funds for federal, state, and county transportation grant awards, the reimbursement from these grants is deposited into the Measure "A" fund balance. The Measure "A" fund accounts for approximately 46 percent of new capital spending requests for FY 2010-11.

Development Impact Fee for Arterial Streets and Traffic Signals (DIF – Funds 416 and 417) savings realized by completed projects for FY 2009-10 are being reappropriated for FY 2010-11 CIP projects. No new DIF revenues for FY 2010-11 are programmed for CIP projects.

Gas Tax (Fund 121) is not programmed for CIP projects, and therefore any state-imposed Gas Tax reduction would not directly impact the CIP. It is important to recognize, however, that the Gas Tax does contribute to funding the operating budgets of various Public Works Department Divisions.

The Financial & Administrative Services Department is in the process of implementing an indirect cost rate (ICR) that would be applied to projects in order to minimize Gas Tax operating budget cost impacts by distributing overhead costs to CIP projects.

This report offers an opportunity for the City Council to review the CIP and to provide commentary and concurrence or new direction on projects planned for the next fiscal year, as well as subsequent years. Should the City Council make changes in the prioritization of projects, other projects may be deferred.

Staff will bring the CIP back to the City Council for review each year to add, delete, and change priorities as needed.

ALTERNATIVES

1. Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects. *This alternative will allow needed improvements.*

2. Do not review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and do not provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects. *This alternative will result in the delaying of needed improvements.*

FISCAL IMPACT

The CIP budget strives to meet the City's growing infrastructure needs, not only for new projects, but for maintenance of existing infrastructure as well. This year, perhaps even more so than last, the reality of shrinking revenues from all revenue sources, such as Measure "A", DIF, Transportation Uniform Mitigation Fee (TUMF), and Gas Tax, make this effort even more challenging. The fiscal impact is dependent on the outcome of the budget process, which takes place over the next two months.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.

ATTACHMENT

Attachment "A" – FY 2010-2011 Proposed Capital Improvement Plan PowerPoint Presentation

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - CIP\2010-2011 CIP\CC Reports\051110 CC Presentation\FY 10-11 CIP CC Staff Report 051110 Final.doc

FY 2010-2011 Proposed Capital Improvement Plan

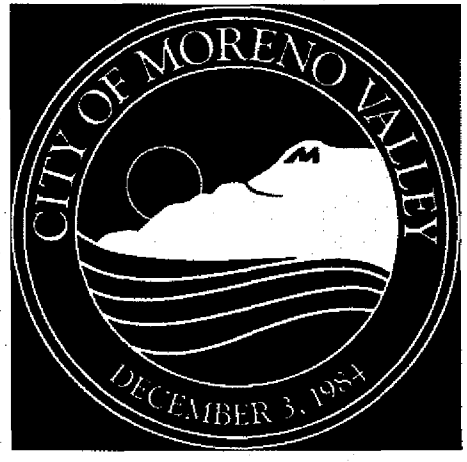

City of Moreno Valley
May 11, 2010

Attachment "A"

FY 2010-2011 Proposed Capital Improvement Plan Objectives

- City Council to Review, Comment, and Provide Concurrence or Provide New Priorities
- Recognize That Reprioritization of Projects May Defer Some Projects to a Later Time
- Bring Back to City Council Each Year to Add, Delete, and Change Priorities as Needed

MV00056379

Completed Projects FY 2009-2010

Street Improvements

1. Sunnymead Boulevard from Frederick Street to Perris Boulevard
2. Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard
3. Citywide Annual Pavement Resurfacing Program (Phase I)
   - Eucalyptus Avenue from Towngate Boulevard to Heacock Street
   - Heritage Way from Town Circle to Towngate Boulevard
   - Indian Street from Saint Thomas Avenue to Katrina Avenue
   - Towngate Circle from Heritage Way to Centerpoint Drive
4. Citywide Annual Pavement Resurfacing Program (Phase II)
   - Bay Avenue from Indian Street to Perris Boulevard
   - Delphinium Avenue from Indian Street to Perris Boulevard
   - Dracaea Avenue from Frederick Street to Graham Street
   - Heacock Street from Gregory Lane to 500 Ft ± South of Gregory Lane
   - Krameria Avenue from Perris Boulevard to Lasselle Street
5. Iris Avenue from Indian Street to Perris Boulevard
6. Surface Recycling Program
7. Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
8. Residential Traffic Management Program (Speed Hump Program)
   - Apple Blossom Lane Speed Hump
   - Superior Avenue Speed Hump
9. Bicycle Lane

MV00056380

Completed Projects FY 2009-2010

Street Improvements

10. Developer Street and Storm Drain Improvements
    - Alessandro Boulevard and Morrison Street (Northwest Corner)
    - Cottonwood Avenue from 275 Ft West of Darwin Drive to 225 Ft East of Collie Court
    - Cottonwood Avenue from 550 Ft West of Prancer Lane to 200 Ft East of Prancer Lane
    - Eucalyptus Avenue from 400 Ft West of Essen Lane to 270 Ft East of Essen Lane
    - Lasselle Street from 500 Ft South to 1,125 Ft South of Iris Avenue
    - Lasselle Street from South City Limits to 109 Ft North
    - Moreno Beach Drive / Cactus Avenue Intersection (Northwest Corner)
    - Morrison Street / Cottonwood Avenue Intersection (Southeast Corner)
      - Cottonwood Avenue from Morrison Street to 1,260 Ft East of Morrison Street
      - Morrison Street from Bay Avenue to Cottonwood Avenue
      - Bay Avenue from Morrison Street to 1,320 Ft East of Morrison Street
    - South side of Nandina Avenue West of Indian Street

MV00056381

Completed Projects FY 2009-2010

Street Improvements

10. Developer Street and Storm Drain Improvements (Cont.)
    - Nason Street / Fir Avenue
      - Nason Street from Fir Avenue to Dracaea Avenue
      - Fir Avenue from Nason Street to Eucalyptus Avenue
      - Eucalyptus Avenue from Nason Street to 3,550 Ft East of Nason Street
    - Perris Boulevard 350 Ft South of Alessandro Boulevard
    - Perris Boulevard / Eucalyptus Avenue
      - Eucalyptus Avenue from Perris Boulevard to 520 Ft West of Bridal Trail Road
      - Perris Boulevard from 200 Ft South of Myers Avenue to Eucalyptus Avenue
    - Redlands Boulevard / Cottonwood Avenue (Southeast Corner)
    - San Michele Road from 650 Ft East of Indian Street to 1,325 East of Indian Street

Cost = $ 38,910,159

MV00056382

Completed Projects FY 2009-2010

Underground Utilities

11. City Hall to Animal Shelter Fiber Extension

Cost = $ 179,000

Bridges

12. Bridge Repair Maintenance Program

Cost = $ 258,000

Traffic Signals

13. Lasselle Street / Cottonwood Avenue Traffic Signal
14. Lasselle Street / Bay Avenue Traffic Signal
15. SR-60 Eastbound Ramps / Redlands Boulevard Traffic Signal
16. Cottonwood Avenue / Pattilynn Drive School Crossing Traffic Signal
17. Developer Traffic Signal Improvements
    - Traffic Signal Modification at Old 215 / Alessandro Boulevard

Cost = $ 1,575,032

MV00056383

Completed Projects FY 2009-2010

Parks

18. Patriot Park (formerly Sheila Street Park)
19. Parks and Recreation Master Plan
20. Bay Avenue / Frederick Street Corner Improvements
21. Developer Park Improvements
    - Cold Creek Trail Head
    - Rockridge Park (formerly Stoneridge Park)

Cost = $ 3,518,015

Electric Utility

22. MVU-0004 Indian / San Michele / Grove View BB (11)
23. MVU-0006 Alessandro 12KV Feeder, Phase I
24. MVU-0007 Goldencrest / Elsworth – 12 KV Line Extension
25. MVU-0009 Perris 12KV Feeder, Phase I

Cost = $ 2,446,746

Buildings

26. Slurry Seal Library Parking Lot
27. City Maintenance Yard Improvements / Renovation

Cost = $ 232,138

Completed Projects Total = $ 47,119,090

MV00056384

COMPLETED PROJECTS
FY 2009-2010

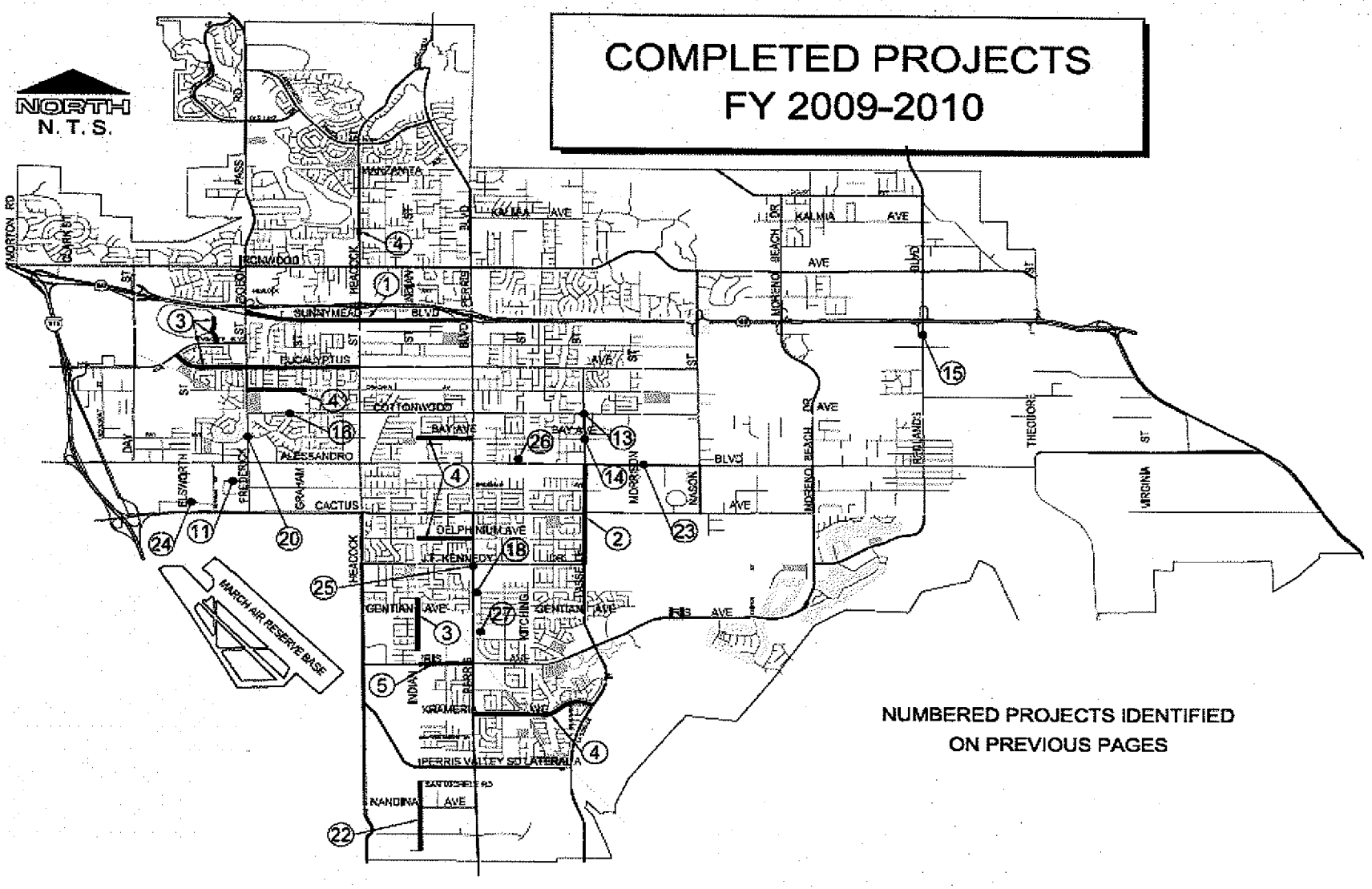

NUMBERED PROJECTS IDENTIFIED
ON PREVIOUS PAGES

MV00056385

Completed Projects FY 2009-2010

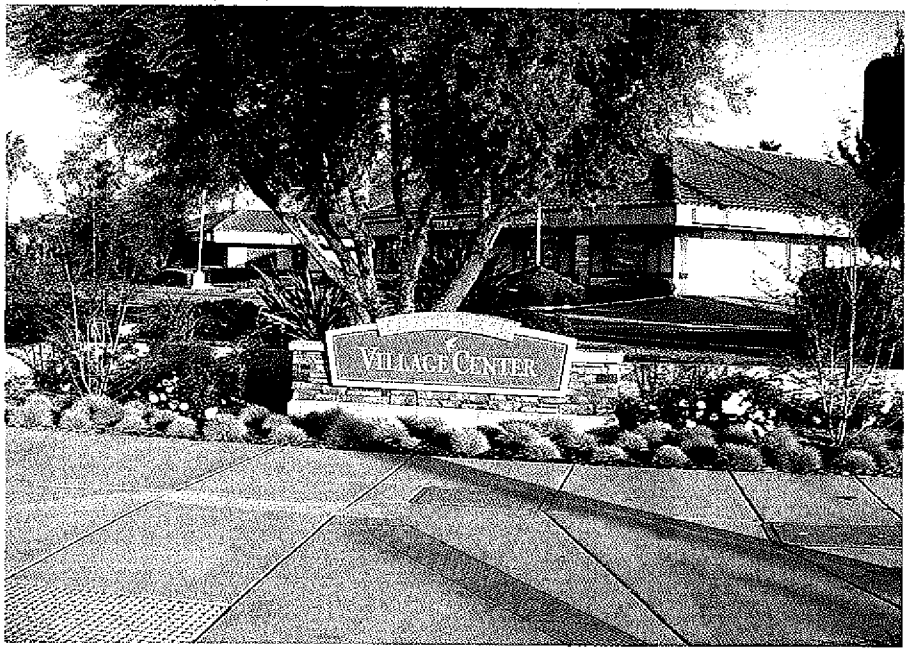

Sunnymead Boulevard from Frederick Street to Perris Boulevard

MV00056386

Completed Projects FY 2009-2010

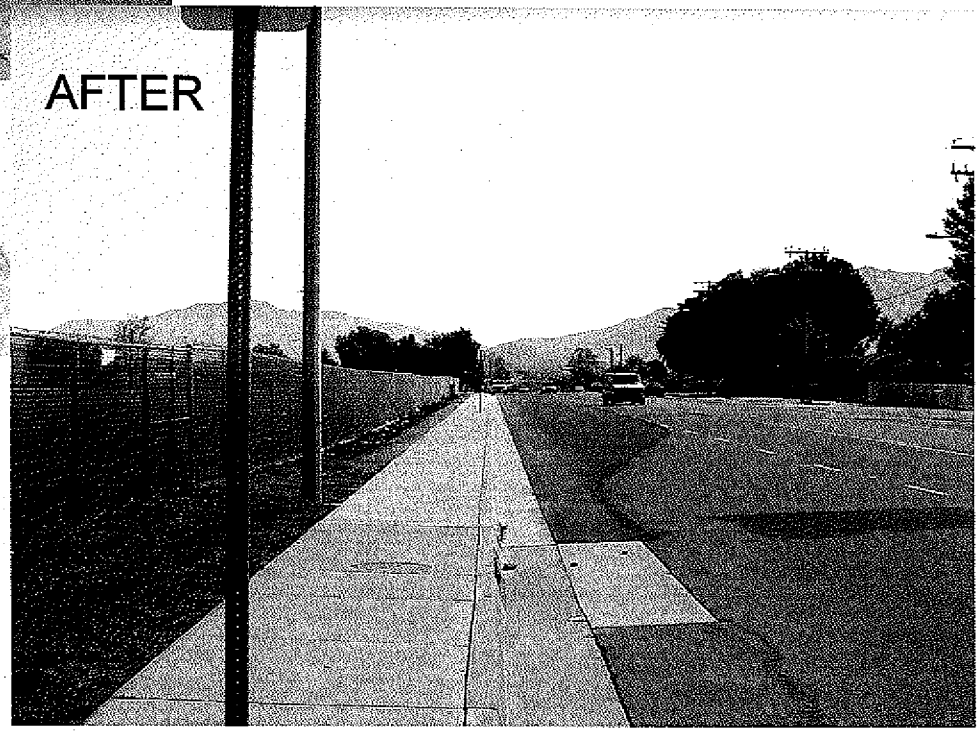

Iris Avenue from Indian Street to Perris Boulevard

MV00056387

Completed Projects FY 2009-2010

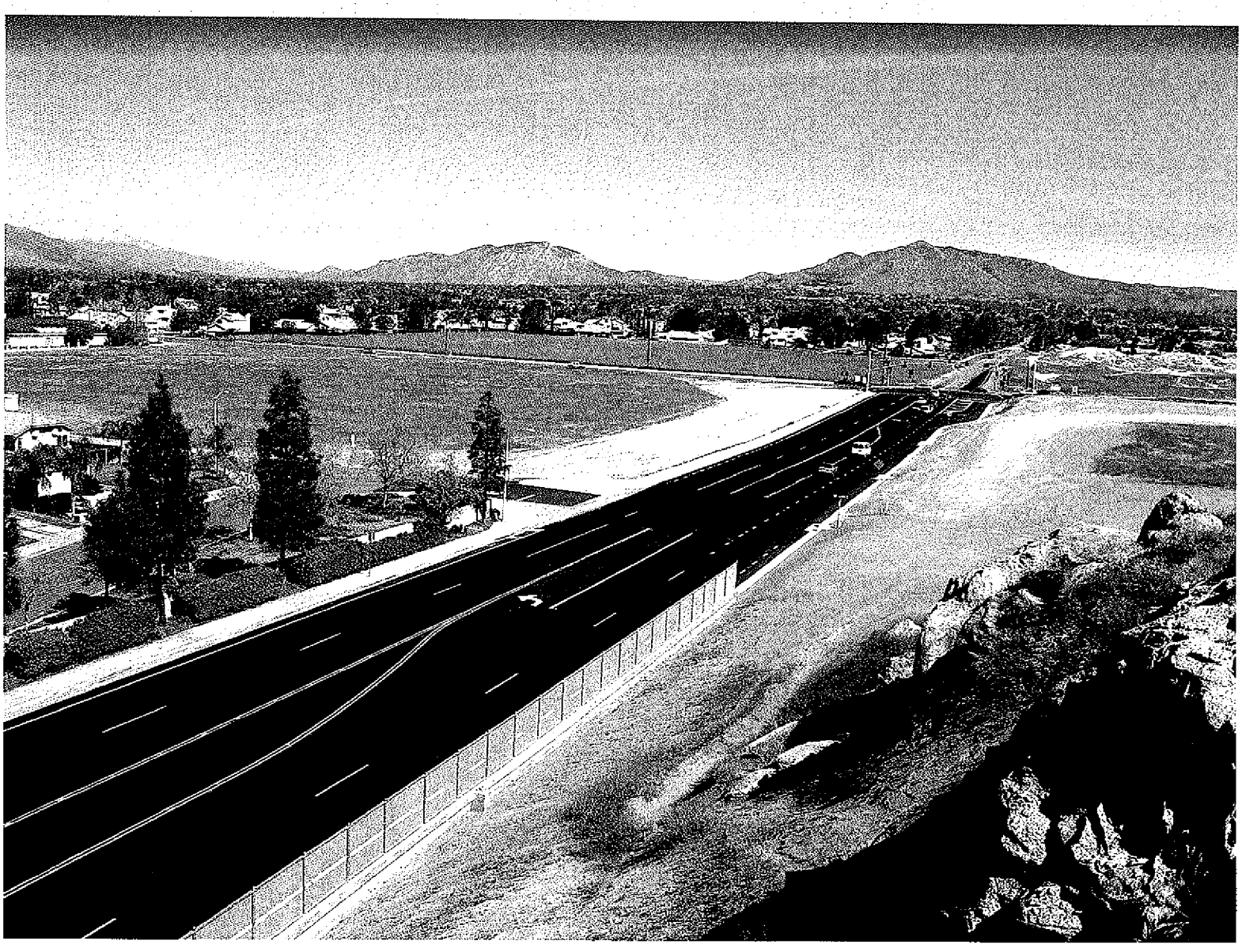

Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard

MV00056388

Completed Projects FY 2009-2010

Cottonwood Avenue / Pattilynn Drive School Crossing Traffic Signal

MV00056389

Completed Projects FY 2009-2010

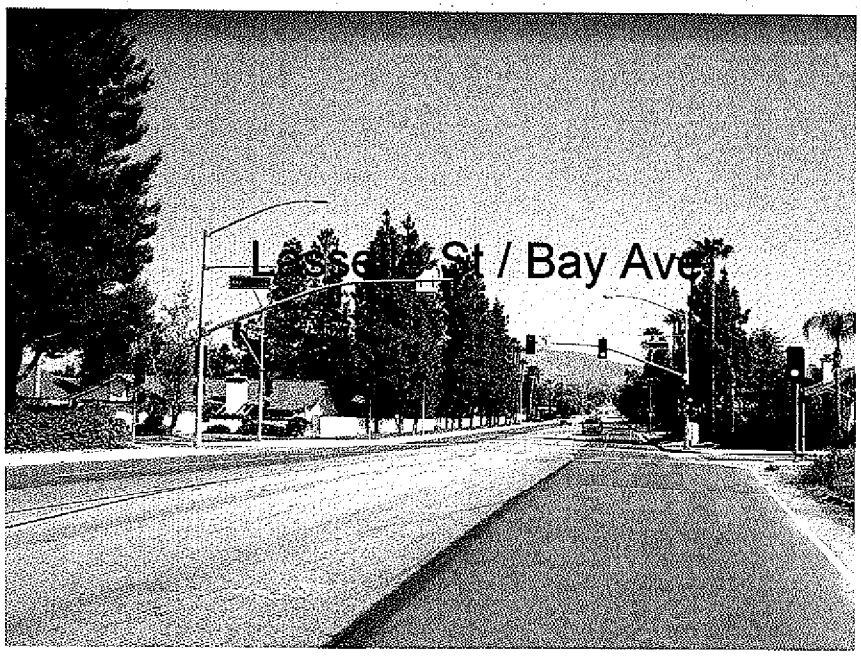

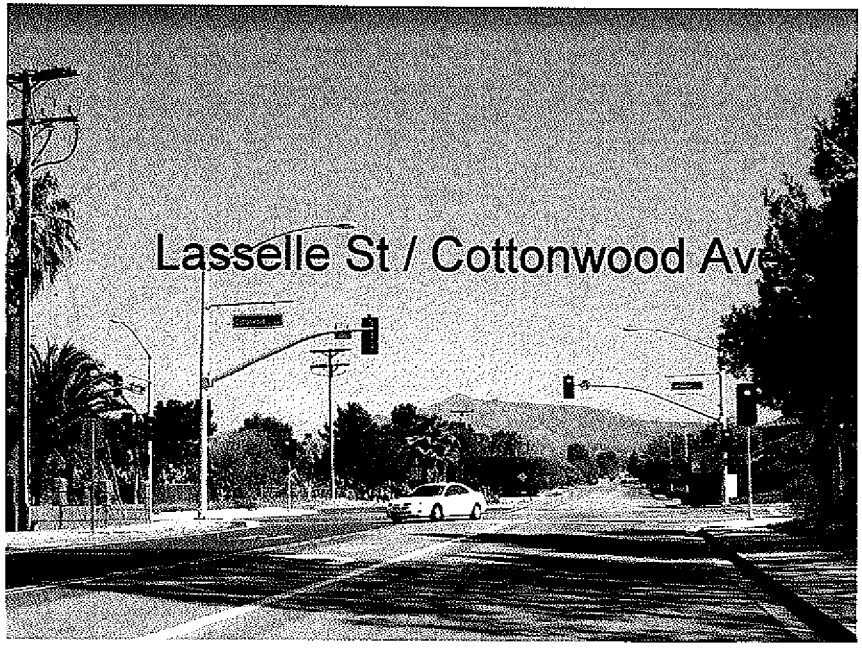

Lasselle Street / Cottonwood Avenue and
Lasselle Street / Bay Avenue Traffic Signals

MV00056390

Completed Projects FY 2009-2010

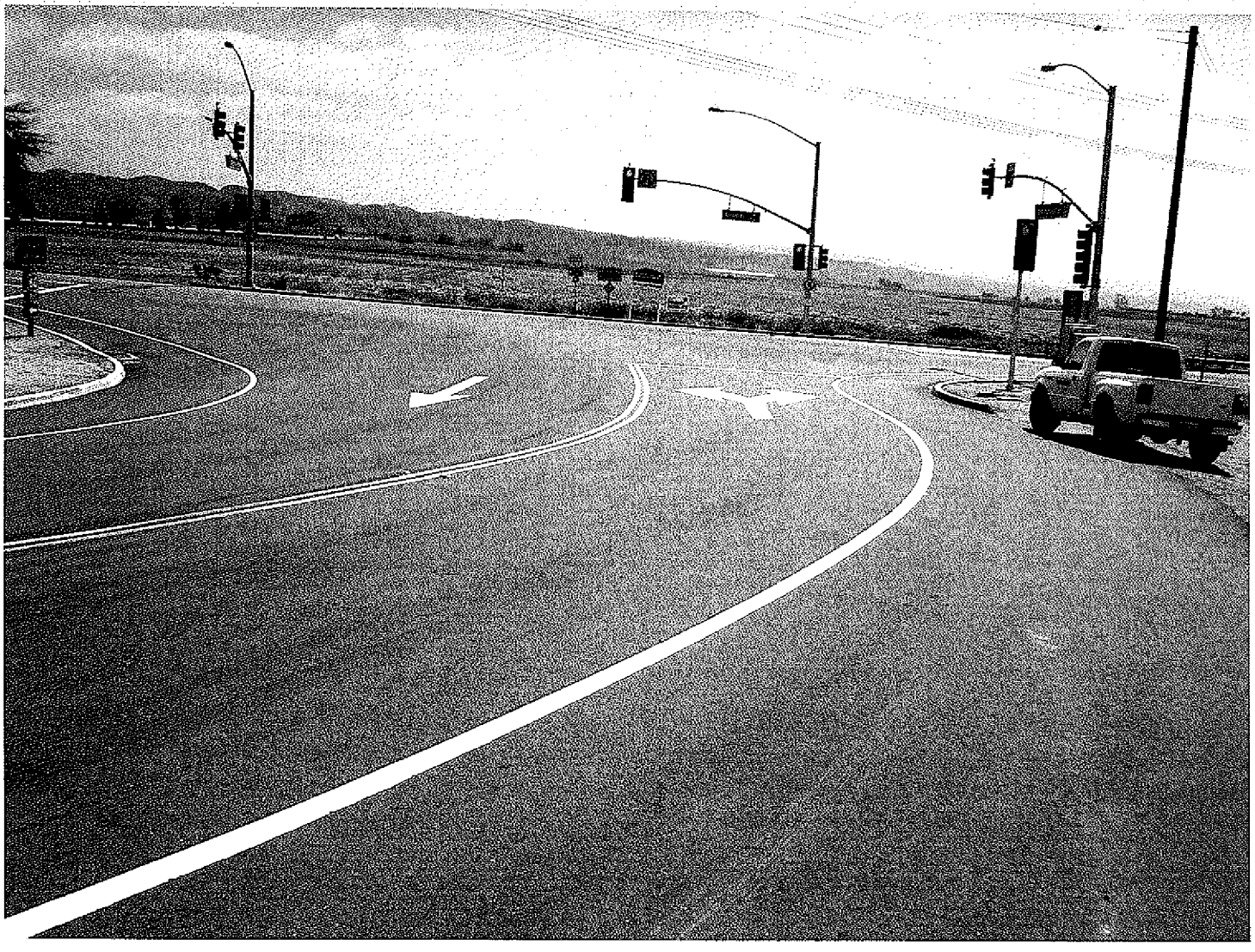

SR-60 Eastbound Ramps / Redlands Boulevard Traffic Signal

MV00056391

Active Projects FY 2010-2011

Street Improvements

1. Auto Mall Street Upgrades (Construction)
2. Boeing Street and McDonnel Street Sidewalks from Bay Avenue to Vought Street (Construction)
3. Day Street Improvements from Alessandro Boulevard to Cottonwood Avenue (Construction)
4. Dracaea Avenue Sidewalk from Morrison Street to Mascot Lane (Design & Construction)
5. Heacock Street Improvements from Hemlock Avenue to Ironwood Avenue (Right of Way & Construction)
6. Indian Street / Alessandro Boulevard Sidewalk Improvements (Construction)
7. Ironwood Avenue Improvements from Day Street to Barclay Drive (Construction)
8. SR-60 / Nason Street Interchange (Construction)
9. Temco Street Sidewalk from Boeing Street to Pan Am Boulevard (Construction)
10. Vought Street Sidewalk from Boeing Street to Pan Am Boulevard and Boeing Street Sidewalk from Vought Street to Temco Street (Construction)
11. Annual ADA Compliant Curb Ramp Upgrades (Design & Construction)
12. Cactus Avenue Eastbound 3rd Lane Improvements from I-215 to Veterans Way (Right of Way)
13. Cactus Avenue Eastbound 3rd Lane Improvements from Veterans Way to Heacock Street (Right of Way)
14. Citywide Annual Pavement Resurfacing Program (Design & Construction)
    - Kitching Street from Fir Avenue to Cottonwood Avenue
    - Manzanita Avenue from Heacock Street to Perris Boulevard
    - Cactus Avenue from Commerce Center Drive to Elsworth Street
    - Indian Street from Ironwood Avenue to Sunnymead Boulevard
    - Fir Avenue from Perris Boulevard to Lasselle Street

MV00056392

Active Projects FY 2010-2011

Street Improvements

15. Heacock Street from Perris Valley Storm Drain Lateral "A" to Cactus Avenue (Right of Way)
16. Heacock Street from San Michele Road to Perris Valley Storm Drain Lateral "A" (Right of Way)
17. Heacock Street South Extension (Alignment Study)
18. Ironwood Avenue from Heacock Street to Perris Boulevard (Utility Relocation & Storm Drain Construction)
19. Ironwood Avenue from Perris Boulevard to Nason Street (Preliminary Design)
20. Kitching Street from Alessandro Boulevard to Gentian Avenue (Construction)
21. Moreno Beach Drive Widening from Cactus Avenue to Auto Mall Drive (Preliminary Alignment Study & Preliminary Study Report)
22. Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
23. Perris Boulevard Southbound Lane to SR-60 Westbound On-Ramp (Right of Way & Construction)
24. Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue (Right of Way)
25. Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue (Design & Right of Way)
26. Reche Vista Drive Realignment / Perris Boulevard from Heacock Street to North City Limits (Design & Right of Way)
27. Redlands Boulevard / SR-60 Interchange; Theodore Street / SR-60 Interchange; Gilman Springs Road / SR-60 Interchange (Preliminary Design)

MV00056393

Active Projects FY 2010-2011

28. Residential Traffic Management Program (Speed Hump Program) (Design & Construction)
29. SR-60 / Moreno Beach Drive Interchange (Design, Environmental, & Right of Way)
30. Street Improvement Program (SIP) (Design & Construction)
31. Surface Recycling (Construction)

Cost = $ 36,091,000

Bridges

32. Bridge Repair Maintenance Program (Design & Construction)
33. Heacock Street Bridge / Perris Valley Strom Drain Lateral "A" (Design & Construction)
34. SR-60 / Nason Street Overcrossing Bridge (Design & Utility Relocation)

Cost = $ 20,208,000

Buildings

35. 800 MHz Radio Repeater System Centralization (Construction)
36. Box Springs Communications Site (Construction)
37. Emergency Operations Center (EOC) (Construction)
38. Morrison Park Fire Station (formerly Fire Station #107) (Design)
39. Renovation of City Hall Annex Building #1 (Construction)
40. Roof Replacement at Gateway and Westbluff Parks (Construction)
41. Civic Center Site Improvements (Exterior) (Design)
42. Corporate Yard Facility (Design & Construction)

MV00056394

Active Projects FY 2010-2011

43. Fire Station #65 (formerly Fire Station #65 Replacement) (Land Acquisition)
44. Public Safety Building Conversion (Construction)

Cost = $ 13,616,000

Drainage, Sewers, and Waterlines

45. Edgemont Water System Phase I (Design)
46. Heacock Street and Cactus Avenue Channel Improvements (Design)
47. Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements (Construction)

Cost = $ 5,728,000

Electric Utility

48. LRB Funded Utility Projects (Construction)
49. MVU-0003 Cottonwood / Moreno Beach / Quincy BB (6) (Design & Construction)
50. MVU-0004 Indian / San Michele / Grove View BB (11) (Design & Construction)
51. MVU-0005 Circuit #5 Substation / Nason / Iris (Design & Construction)
52. MVU-0008 Globe Channel Crossing (12) (Design & Construction)
53. MVU-0010 Heacock 12KV Feeder, Phase 1 (Design & Construction)
54. MVU-0011 Alessandro 12KV Feeder, Phase 2 (Design & Construction)
55. MVU-0012 Heacock 12KV Feeder, Phase 2 (Design & Construction)
56. MVU-0014 Perris 12KV Feeder, Phase 2 – Krameria / Cardinal (Design & Construction)

Cost = $ 3,855,000

MV00056395

Active Projects FY 2010-2011

Parks

57. Celebration Park Splash Pad Surfacing (Design & Construction)
58. Install Access Gate at March Middle School Field (Construction)
59. Install Musco Control Link Automated Lighting Systems (Construction)
60. Shadow Mountain Park Ball Field Lighting (Design)
61. College Park Phase II Amphitheater (Design / Environmental)
62. Future Park Site Land Acquisition (Land Acquisition)
63. March Field Park Master Plan (Preliminary Design)
64. Replacement Playground Equipment (Design & Construction)

Cost = $ 3,649,000

MV00056396

Active Projects FY 2010-2011

Traffic Signals

65. City of Moreno Valley / City of Riverside Intertie (Design & Construction)
66. Emergency Vehicle Pre-emption at 117 Traffic Signals (Design & Construction)
67. Nason Street / Riverside County Regional Medical Center Main Driveway Traffic Signal (Design, Right of Way, & Construction)
68. Sunnymead Ranch Parkway / Village Road East Traffic Signal (Construction)
69. Transportation Management Center (Design & Construction)
70. Traffic Signal Coordination Program (Ongoing)

Cost = $ 1,881,000

Active Projects Total Cost = $ 85,028,000

MV00056397

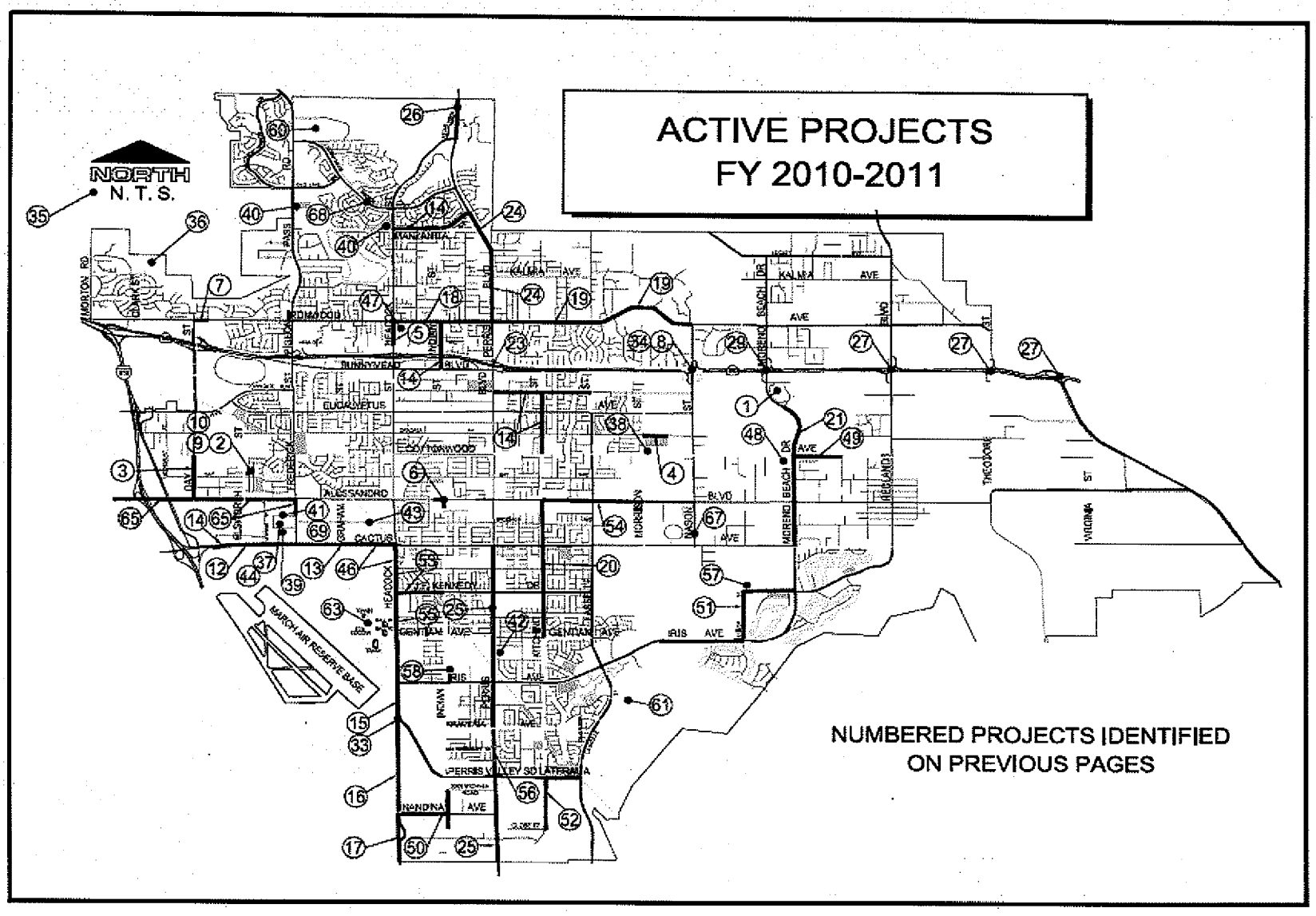
ACTIVE PROJECTS
FY 2010-2011
NORTH
N.T.S.
NUMBERED PROJECTS IDENTIFIED
ON PREVIOUS PAGES
MARCH AIR RESERVE BASE
MORENO BEACH
PERRIS VALLEY SD LATERAL A

MV00056398

Active Projects FY 2010-2011

Temco Street, Boeing Street, and Vought Street Sidewalk Improvements

MV00056399

Active Projects FY 2010-2011

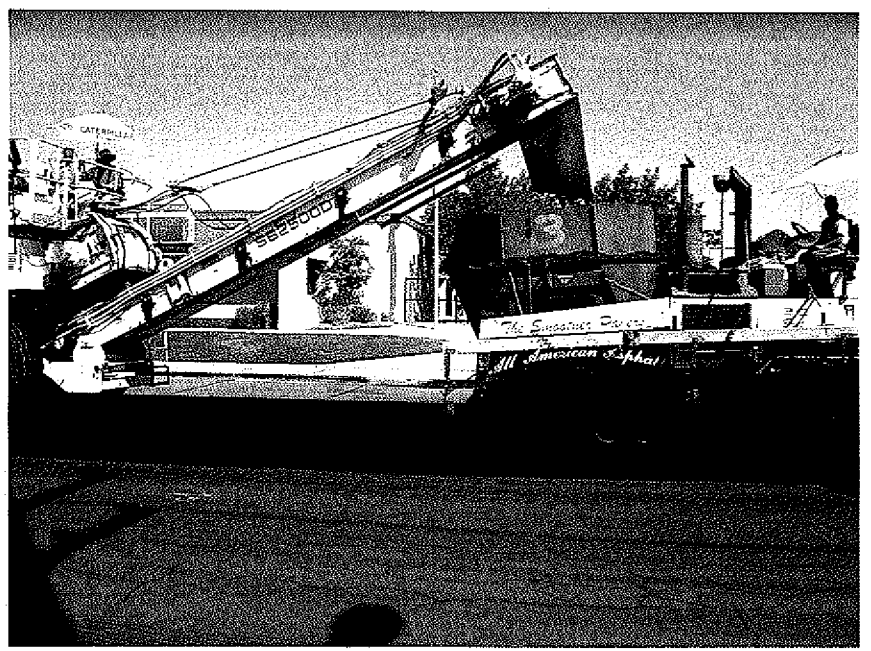

Citywide Annual Pavement Resurfacing Program

MV00056400

Active Projects FY 2010-2011

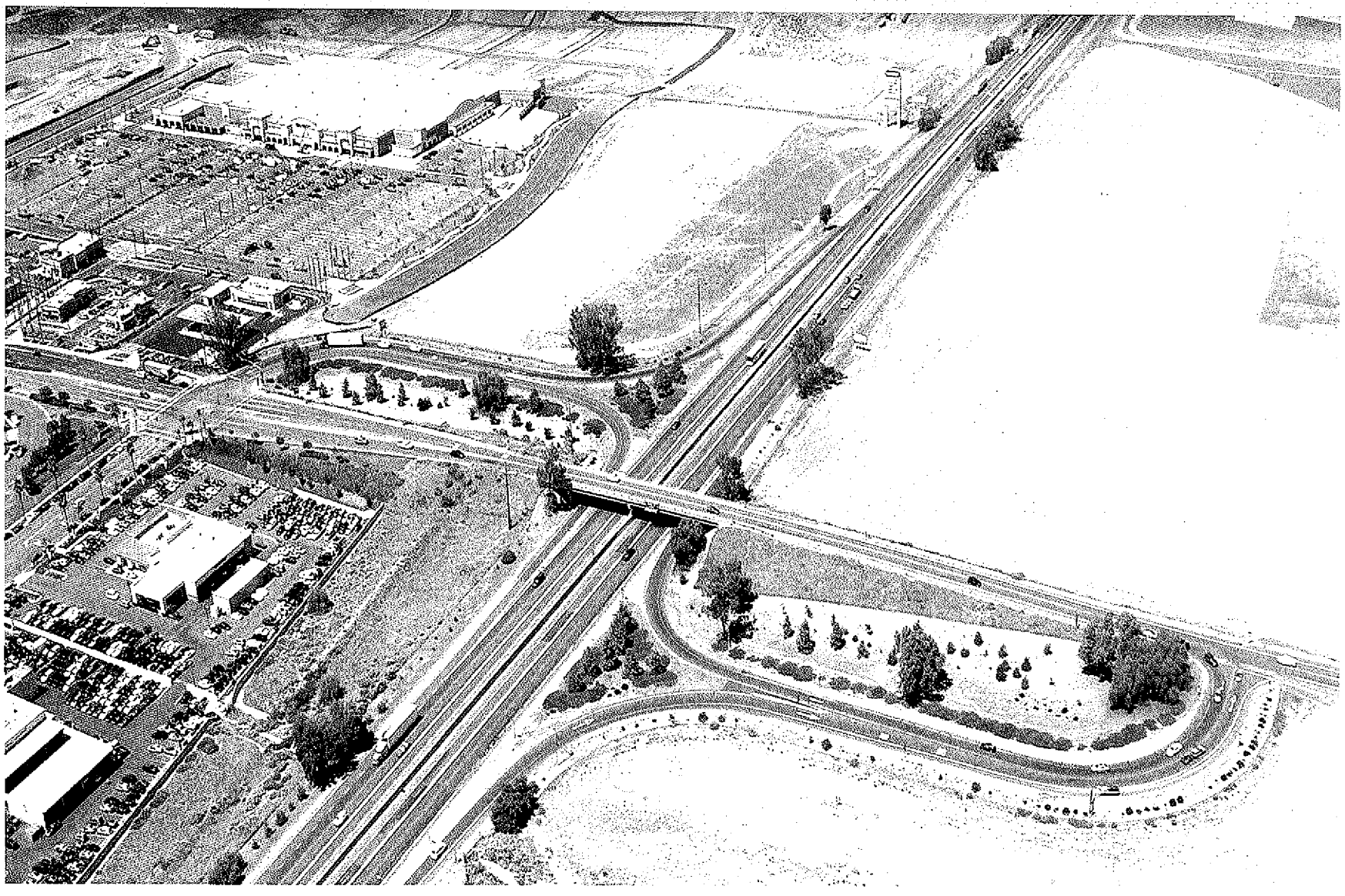

SR-60 / Moreno Beach Drive Interchange

MV00056401

Active Projects FY 2010-2011

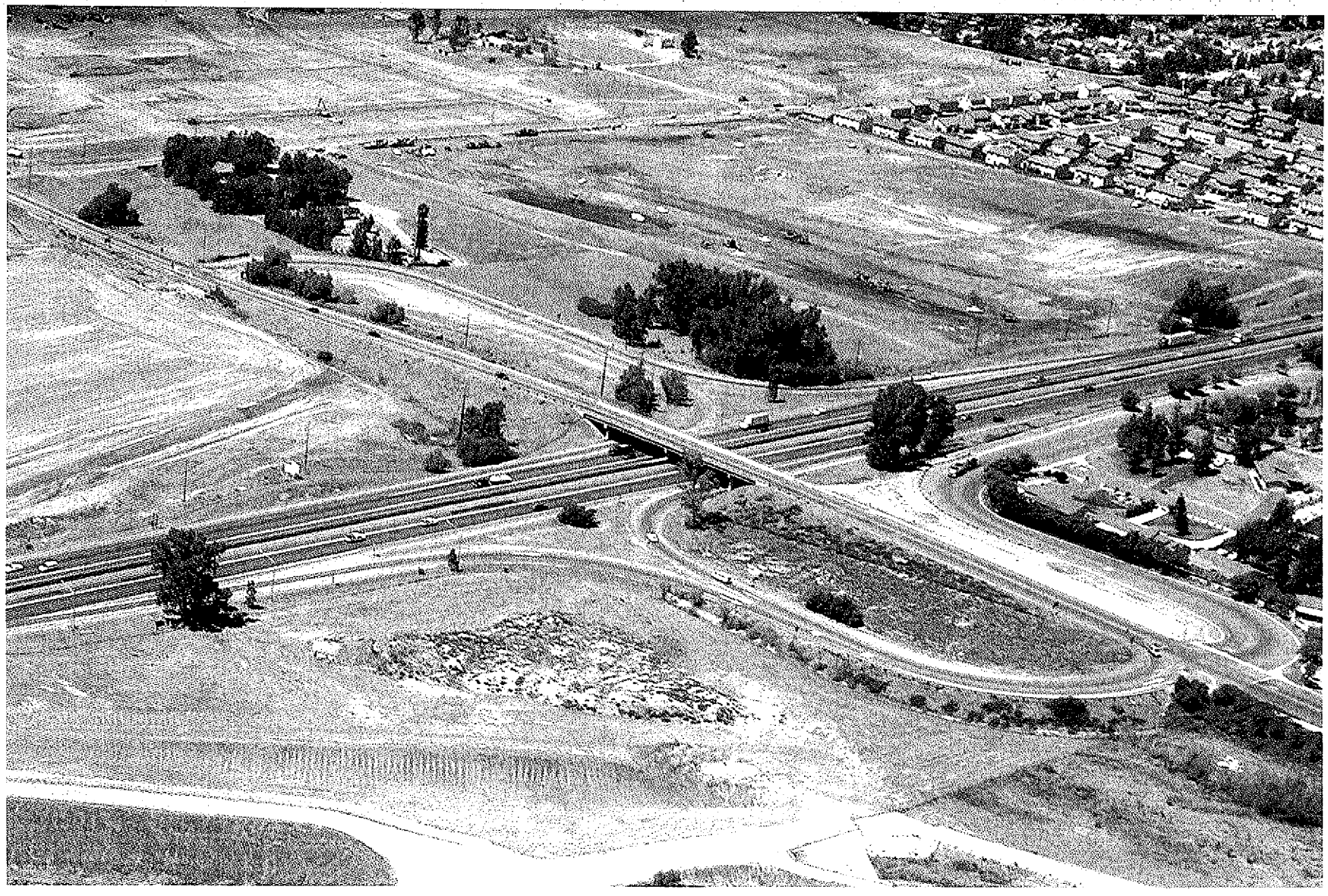

SR-60 / Nason Street Interchange

MV00056402

Active Projects FY 2010-2011

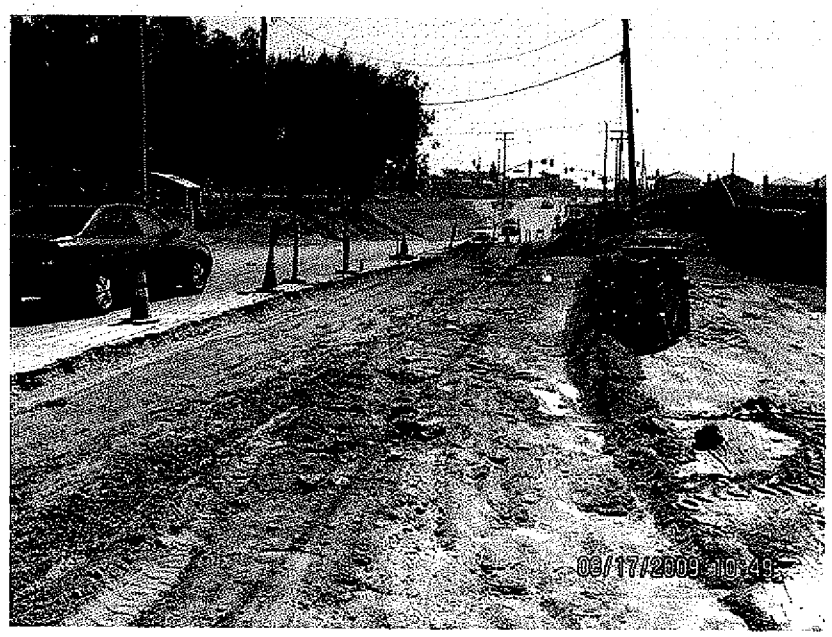

SR-60 / Nason Street Interchange Utility Relocation Construction

MV00056403

Assumptions Used to Prioritize New Proposed Projects

- Availability of Matching Federal or State Grant Funds
- Allocation of Dedicated Transportation Uniform Mitigation Fee (TUMF) Funding
- Funding Criteria and Deadlines (Bonds, Grants, and Outside Agency Agreements)
- No Anticipated New Development Impact Fee (DIF) Revenues
- Potential Reduced New Gas Tax Revenue (Impacts Public Works Staff Operating Budget)
- Logical Sequential Order to Previous City Council Approved Funding for Projects
- Street Improvement Program (SIP) Program – Approved City Council List
- Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
- Citywide Annual Pavement Resurfacing Program – Based on Pavement Management System
- Developer / Development Driven
- Warrant Requirement (e.g., Traffic Signals)

MV00056404

New Proposed Projects FY 2010-2011

Street Improvements

1. Day Street Widening from Eucalyptus Avenue to 660 Feet North (Design)

Cost = $ 350,000

Buildings

2. Highland Fire Station (Land Acquisition)
3. Industrial Fire Station (Land Acquisition)

Cost = $ 1,460,000

Parks

4. Park Monument Signs (Design & Construction)
5. Shadow Mountain Park Restrooms (Design & Construction)

Cost = $ 310,000

MV00056405

New Proposed Projects FY 2010-2011

Traffic Signals

6. Lasselle Street / Margaret Avenue Traffic Signal (Design)

Cost = $ 20,000

Underground Utilities

7. Citywide Fiber Optic Communications Expansion (Design & Construction)

Cost = $ 199,000

New Proposed Projects Total Cost = $ 2,339,000

MV00056406

NEW PROPOSED PROJECTS
FY 2010-2011

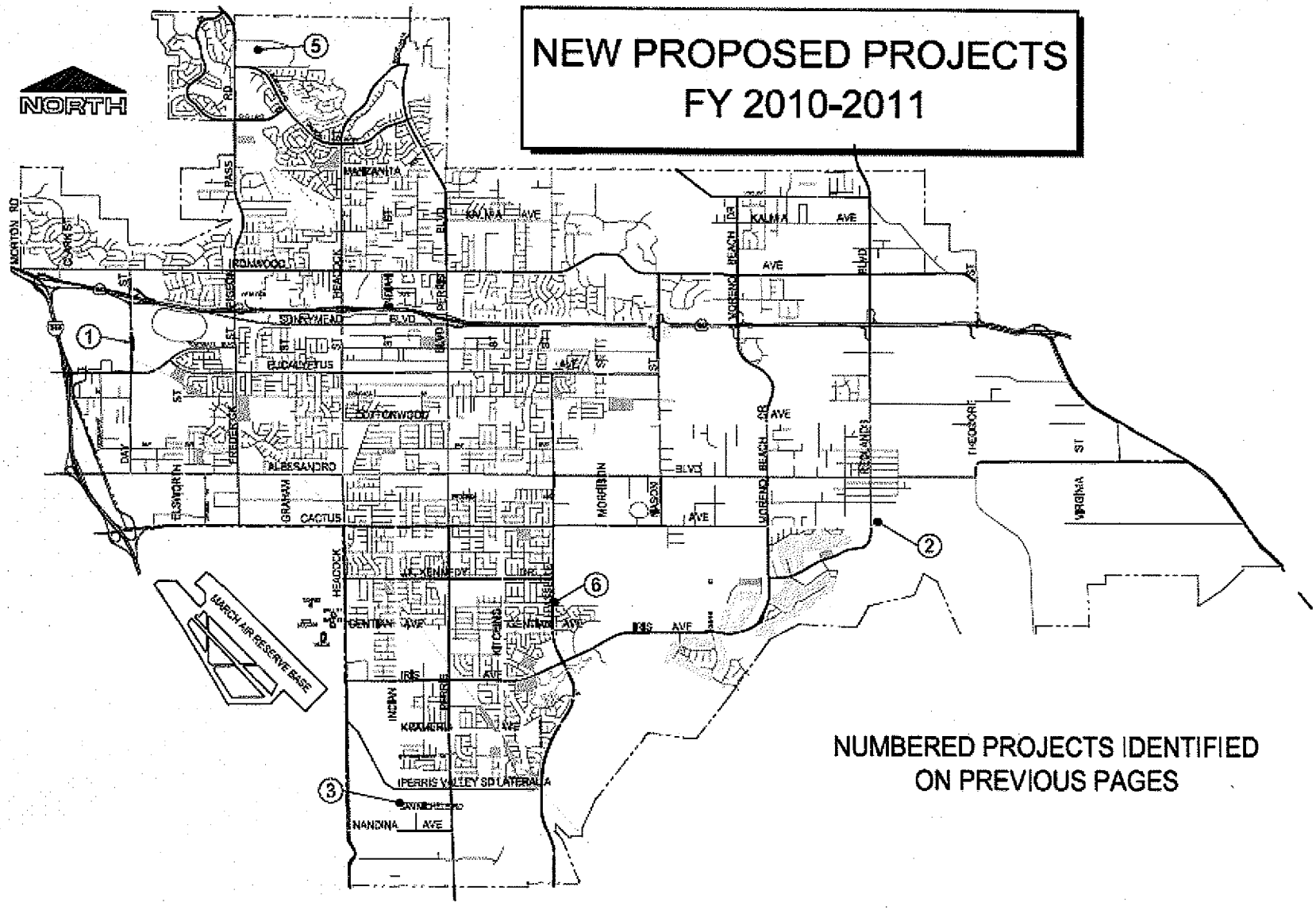

NUMBERED PROJECTS IDENTIFIED
ON PREVIOUS PAGES

MV00056407

FY 2010-2011 PROJECT COSTS BY CATEGORY

(Amount in $1,000's)

• STREET IMPROVEMENTS	$	36,498
• BRIDGES	$	20,208
• BUILDINGS	$	15,081
• DRAINAGE, SEWERS, AND WATERLINES	$	5,728
• ELECTRIC UTILITY	$	3,855
• LANDSCAPING	$	0
• PARKS	$	4,100
• TRAFFIC SIGNALS	$	1,916
• UNDERGROUND UTILITIES	$	201
ESTIMATED TOTAL	$	87,587

MV00056408

STREET IMPROVEMENTS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$25,083	$11,415	$52,102	$57,000	$69,039	$662,770	$877,409

MV00056409

Zones for Pavement Rehabilitation Program (formerly Slurry Seal Program)

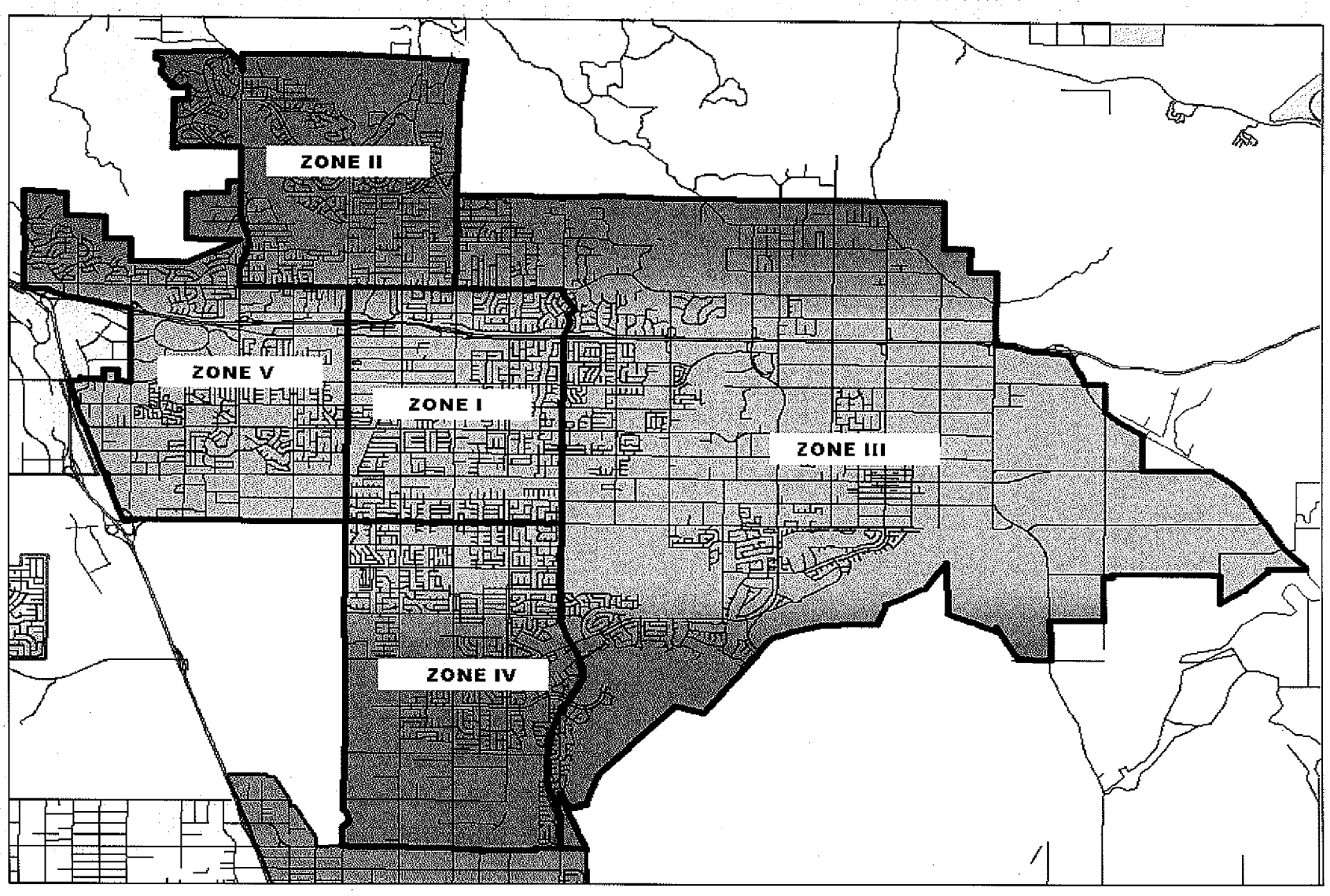

MV00056410

BRIDGES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$17,388	$2,820	$0	$0	$0	$100,244	$120,452

MV00056411

BUILDINGS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$13,051	$2,030	$1,621	$3,655	$5,147	$229,388	$254,892

MV00056412

DRAINAGE, SEWERS, AND WATERLINES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$5,728	$0	$0	$230	$1,833	$36,011	$43,802

MV00056413

ELECTRIC UTILITY

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$3,855	$0	$0	$2,000	$5,507	$4,388	$15,750

MV00056414

LANDSCAPING

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$0	$0	$120	$120	$120	$120	$480

MV00056415

PARKS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$3,550	$550	$3,406	$1,417	$552	$321,003	$330,478

MV00056416

TRAFFIC SIGNALS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$1,659	$257	$1,268	$30	$302	$43,546	$47,062

MV00056417

UNDERGROUND UTILITIES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$2	$199	$0	$0	$155	$2,801	$3,157

MV00056418

SUMMARY COSTS BY CATEGORY

Total Build-Out

(Amount in $1,000's)

• STREET IMPROVEMENTS	$	877,409
• BRIDGES	$	120,452
• BUILDINGS	$	254,892
• DRAINAGE, SEWERS, AND WATERLINES	$	43,802
• ELECTRIC UTILITY	$	15,750
• LANDSCAPING	$	480
• PARKS	$	330,478
• TRAFFIC SIGNALS	$	47,062
• UNDERGROUND UTILITIES	$	3,157
TOTAL	$	1,693,482

MV00056419

FY 2010-2011 Proposed Capital Improvement Plan Summary

- The projects recommended for FY 2010-2011 are based on development, funding availabilities, and individual project status
- City Council to review, comment, and provide concurrence or provide new priorities
- Recognize that reprioritization of projects may defer some projects to a later time
- Bring back to City Council each year to add, delete, and change priorities as needed

MV00056420

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Robert Hansen, City Attorney

AGENDA DATE: May 11, 2010

TITLE: ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE MORENO VALLEY MUNICPAL CODE RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS

RECOMMENDED ACTION

Staff recommends that the City Council:

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing offenses and amending Section 6.04.080 relating to notice of nuisance violations.

BACKGROUND

Staff has reported an increase over the past two years of incidents related to trespassing and drinking in public. Trespass is currently regulated by Section 602 of the California Penal Code. However, the various sections of the penal code do not provide a comprehensive approach to general trespass on private property. As a result of the fact specific nuances of state trespassing laws, very few instances of what is commonly thought to be trespassing actually is enforceable under state law.

Likewise, state law deals with intoxication in public but requires a very specific set of facts in order to convict for public intoxication. Moreno Valley currently does not have

any laws to prevent or restrict the consumption of alcohol in public, even when such consumption does not rise to the level of public intoxication.

Reports of increased public nuisance activity related to trespass and drinking have increased. These reports include trespassing and holding parties in vacant, abandoned or foreclosed properties, skateboarding in business parking lots, loitering and drinking at liquor stores, especially those associated with an attached or nearby recycling center.

DISCUSSION

In order to combat some of these nuisance conditions, the City Attorney's Office was asked to create new ordinance addressing trespassing and drinking in public. The proposed ordinance is laid out in three sections. The first section prohibits the drinking of an alcoholic beverage on or within public places, including streets and sidewalks. The penalties for drinking in public can range from a $100 Administrative Citation up to a misdemeanor violation for repeat offenders with maximum penalties of a $1,000.00 fine and up to six months in jail. The act of possessing an open container of alcohol (without drinking) constitutes a lesser charge with a maximum penalty of $500 and no jail time.

The second proposed section addresses trespassing on private property. A violation of this section constitutes a misdemeanor as well and may be enforced through Administrative Citations of a criminal complaint. Trespassing is prohibited on properly posted property or upon property where the owner, or the owner's agent, has asked an individual to remove himself therefrom and that person refuses to leave. A property owner can provide a written authorization to the police department to act as there agent to remove trespassers from their property. This could be used by banks to allow officers to remove and/or arrest individuals trespassing in vacant homes as well as by business entities that have recurring problems with unauthorized persons using their facilities or parking lots.

The third section relates to trespassing on publicly owned property. It allows for the "banning" of certain individuals who violate the law, rule or policy of a public park or facility for up to one year. The failure of a banned individual to remove himself from the property or his subsequent return would constitute a trespass violation. Both trespass sections provide exceptions for statutorily or constitutionally protected activity such as labor picketing or anti-discrimination provisions.

Additionally, it has been discovered that current code provisions relating to providing notice of code violations require service of the notice personally or by mailing and posting the subject property where the nuisance is occurring. The proposed ordinance changes this language to provide that notice may be service personally, mailed to the property owner, or posted on the subject property. This provides a more economical approach and ensures that affected property owners will receive the proper notice.

These new tools will provide the police department the ability to quickly and easily enforce these local crimes without the burdens imposed by the state law. Furthermore, these violations will be prosecuted and tracked by the City Attorney's Office. This allows the City to track repeat violators and ensure that proper penalties, restitution, stay away orders and other terms of probation are in effect against repeat offenders.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Introduce the new ordinance for adoption. The ordinance would take effect thirty-one (31) days after adoption.

2. Direct staff to make changes to the ordinance and return to City Council on a later date with a revised Ordinance.

3. Take no action.

FISCAL IMPACT

No significant fiscal impacts are projected although some additional revenue will be realized through fine collection.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to trespass and drinking in public.

ATTACHMENTS/EXHIBITS

1. Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to trespass and drinking in public.

Prepared by: Paul J. Early, Deputy City Attorney III

Department Head Approval, Robert L. Hansen, City Attorney

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ORDINANCE NO. 811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.065 to read as follows:

"Section 11.04.062 – Drinking in Public.

A. No person shall drink any beverage containing an alcoholic content in excess of one percent by volume upon any public street, sidewalk, alley, park, playground, recreation area or other public place within the City where such premises have not been licensed by the Alcohol, Beverage and Control Department of the State of California, for sale of alcoholic beverages to be consumed on the premises; or upon any private property which is open to the public view without the consent of the owner or person in lawful possession or control of said property.

B. Pursuant to California Business and Professions Code Section 25620, no person shall be in possession of any bottle, can or other receptacle containing an alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed upon any public street, sidewalk, alley, park, playground, recreation area or other public place within the City where such premises have not been licensed by the Alcohol, Beverage and Control Department of the State of California, for sale of alcoholic beverages to be consumed on the premises; or upon any private property which is open to the public view without the consent of the owner or person in lawful possession or control of said property. A violation of this section shall be an infraction.

C. Pursuant to California Penal Code Section 647e, no person shall be in possession of any bottle, can or other receptacle containing an alcoholic beverage

which has been opened, or a seal broken, or the contents of which have been partially removed upon the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 of the California Business and Professions Code, or upon any public sidewalk immediately adjacent to the licensed and posted premises. A violation of this section shall be an infraction.

D. A violation of this section may be enforced by the filing of a criminal misdemeanor or infraction citation, or through the issuance of civil citations pursuant to Chapter 1.10 of this Code."

SECTION 2. MUNICIPAL CODE AMENDED:

2.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.090 to read as follows:

"Section 11.04.090 – Trespass Upon Private Property.

A. Definitions.

1. As used in this Section, "Posted Property" means any property at each corner of which, and at each identifiable road, trail or driveway entering the property, and at intervals of not less than three per mile, a sign of not less than 1 square foot in size is posted and visible containing in legible print not less than two inches in height, the words "PRIVATE PROPERTY – NO TRESPASSING" or words of similar meaning or effect.

2. As used in this Section, "Owner" shall mean the owner of record, the owner's agent, or a lessee or tenant in lawful possession.

B. No person shall remain upon any private property or business premises, after being notified by the owner or by a peace officer acting at the request of the owner to remove therefrom. The owner may make a written request for peace officer assistance in the enforcement of this Section. Such a request shall cover a period of not more than one year and shall specify specific dates, times and locations for which enforcement is requested. Furthermore, the request shall identify any individuals authorized by Owner to be on the premises. During such times and dates, a peace officer may act to remove a trespasser without the necessity of the Owner making a separate request on each occasion when peace officer assistance in dealing with a trespasser is requested.

C. No person, without permission, expressed or implied, from the Owner, shall enter upon private property or business premises after having been notified by the Owner to keep off or keep away therefrom.

D. No person shall enter or remain upon posted property without the permission, expressed or implied, of the Owner of such posted property or premises.

E. This Section shall not apply in any of the following circumstances:

1. Where its application results in or is coupled with any acts prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, sexual orientation, creed, ancestry or national origin;

2. Where its application results in, or is coupled with, any act prohibited by Section 356 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

3. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

4. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech; or,

5. Where the person who is upon another's private property or business premises is there under claim or color of legal right."

SECTION 3. MUNICIPAL CODE AMENDED:

2.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.100 to read as follows:

"Section 11.04.100 – Trespass Upon Public Property.

A. As used in this Section, "City" shall mean the City of Moreno Valley, the Moreno Valley Redevelopment Agency, Community Service Districts and any other public agency formed and/or by the City of Moreno Valley.

B. No person shall remain upon any public park, playground, recreation facility, open space, library, or any other property owned, operated or maintained by the City, after having been found to have violated any City ordinance, resolution, policy, rule or regulation, where that person has been given a warning by authorized City personnel or a peace officer to cease the violation, and where that person continues the violation and has been asked to leave the premises.

B. Any person who has been found by authorized City personnel or a peace officer to have violated any ordinance, resolution, rule or regulation of the City may be banned by said personnel, or a peace officer provided that the violation relates to the facility from which the person has been banned. The violator must be personally served with a letter advising of the ban. The letter shall contain notice of the rule or regulation that was broken and state a specific location from which the individual shall be banned and state a time period, not exceeding one year that the ban will be in effect.

C. No person shall enter or remain upon any City owned or controlled public park, playground, recreation facility, open space, library, or any other property owned, operated or maintained by the City after having been banned therefrom.

D. This Section shall not apply in the following circumstances:

1. Where its application results in or is coupled with any acts prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, sexual orientation, creed, ancestry or national origin;

2. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

3. Where its application would result in an interference with or inhibition of any other exercise of a statutory or constitutional right' or,

4. Where it is necessary for the person to enter City owned or controlled property from which that person has been banned in order to conduct City business but only for as long as necessary to conduct said City business."

SECTION 4. MUNICIPAL CODE AMENDED:

4.1 Chapter 6.04 of the Moreno Valley Municipal code is hereby amended by amending Section 6.04.080 to read as follows:

"Section 6.04.080 - Notification of nuisance.

A. When the city manager or authorized representative thereof determines that any condition on property within the city constitutes a nuisance as declared in Section 6.04.040, such person shall give written notice to abate to responsible person(s), as identified on public records or tax rolls, ordering the abatement of said nuisance.

B. The notice to abate shall contain the following information:

1. The name of the record owner of the property;

2. The date of the inspection;

3. The date of the violation(s);

4. The street address, assessor's parcel number or other definite description of the location where the violation(s) exist;

5. The code sections violated;

6. A description of the condition of the property creating the nuisance;

7. A list of necessary corrections to bring the property into compliance;

8. A reasonable time limit for correction based upon the nature of the nuisance;

9. A reference to the potential consequences for failure to abate the nuisance by the specified time period;

10. An order prohibiting the continuation or repeated occurrence of the nuisance;

11. The name and signature of the enforcement officer; and,

12. Notice of the right to appeal.

C. Notice required by this chapter may be served in any of the following manners:

1. Personal service on the responsible person;

2. Regular mail addressed to the responsible person, at the address shown on the last available assessment roll, or as otherwise known or posting in a conspicuous place on the premises or abutting the right-of-way;

3. Insertion of a legal advertisement at least once a week for a period of two weeks in a newspaper of general circulation in the city. The newspaper advertisement shall be a general notice that property in the city has been posted and contain a general statement of the effect of such postings.

D. Failure of any person to receive a copy of any notice issued pursuant to this chapter shall not affect the validity of any proceedings or actions taken under this chapter.

E. Nothing in this chapter shall be construed or interpreted to require the issuance of a notice to abate as a prerequisite to the issuance of an administrative citation or the filing of any civil action or criminal complaint."

SECTION 5. EFFECT OF ENACTMENT:

5.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 6. NOTICE OF ADOPTION:

6.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be publicly posted in three places within the city.

SECTION 7. EFFECTIVE DATE:

7.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this day of, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00056430

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Director of Community Development

AGENDA DATE: May 11, 2010

TITLE: Proposed Rancho Belago Sign Program (aka "Rancho Belago Community Signage Design Submittal)

RECOMMENDED ACTION

Staff recommends that the City Council: 1) consider the Rancho Belago Sign Program and take action as deemed appropriate; and 2) consider appropriating $85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

BACKGROUND

At its regular meeting of April 27, 2010, the City Council engaged in some discussion about the proposed Rancho Belago Sign Program, but was advised by the City Attorney that because consideration/adoption of said program was not a listed action item on that meeting's agenda, any action toward adopting the Program should await the matter's being formally agendized.

The Rancho Belago Sign Program (aka the document "Rancho Belago Community Signage Design Submittal) is provided as an attachment to this staff report and is available for Council's adoption via a resolution, also attached.

DISCUSSION

The proposed Sign Program proposes up to thirty (30) community identification signs and nine (9) community amenity directional signs mounted on new freestanding poles, sixteen (16) community identification signs and nine (9) community amenity directional signs mounted on existing City or Southern California Edison streetlight poles, and fifty-one (51) community identification banners mounted on existing streetlight poles.

Tentative locations for the one hundred fifteen (115) proposed signs are identified in the proposed Program.

Also proposed is a new design for residential tract directional signs (these signs are installed by the Building Industry Association under separate agreement with the City). No specific locations for these signs are indicated, since such is driven by builder requests for signs advertising their projects.

Adoption of the proposed sign program would create a framework for installation, over time, of the signs described above. An issue highlighted by the City Attorney concerning potential trademark infringement with respect to the specific sign design reflected in the proposed sign program awaits further assessment not concluded at the time of this report's preparation.

FISCAL IMPACT

At its regular meeting of April 27, 2010, the City Council voted to allocate up to $85,000 for the manufacture, installation and maintenance of the signs included in the proposed Rancho Belago Sign Program. As follow-through to that action, a 'formal' appropriation of these monies--provided by the General Fund--is necessary (see recommended action, above).

ATTACHMENTS/EXHIBITS

1) Rancho Belago Sign Program (aka "Rancho Belago Community Signage Design Submittal")
2) Proposed Resolution Adopting the Rancho Belago Sign Program

Prepared By:

Kyle Kollar
Interim Director of Community Development

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT 1

MV00056434

Table of Contents

Sheet Number	Sheet Title
RB - INT	Introduction
RB - 1.0	Sign Type 1; Freestanding Community Identification Sign
RB - 1.1	Sign Type 1; Freestanding Community Identification Sign - Photo Simulation
RB - 2.0	Sign Type 2; Light Pole Mounted Community Identification Sign
RB - 2.1	Sign Type 2; Light Pole Mounted Community Identification Sign - Photo Simulation
RB - 3.0	Sign Type 3; Light Pole Mounted Community Identification Banners
RB - 3.1	Sign Type 3; Light Pole Mounted Community Identification Banners - Photo Simulation
RB - SP 1	Community Identification Sign Location Plan
RB - 4.0	Sign Type 4; Freestanding Community Amenity Directional Sign
RB - 4.1	Sign Type 4; Freestanding Community Amenity Directional Sign - Photo Simulation
RB - 5.0	Sign Type 5; Light Pole Mounted Community Amenity Directional Sign
RB - 5.1	Sign Type 5; Light Pole Mounted Community Amenity Directional Sign - Photo Simulation
RB - 6.0	Sign Type 6; Residential Product Directional Sign
RB - 6.1	Sign Type 6; Residential Product Directional Sign - Photo Simulation
RB - SP 2	Community Directional Sign Location Plan

The Design Factor

28432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2063

Project
Rancho Belago
Community Signage

Sheet Title
Table of Contents

Sheet Number
RB-TC

Date
08-10-07

MV00056435

Introduction

Statement of Purpose

As Rancho Belago unveils itself, sign components will play a crucial role. This new community will be identified by a series of sign images that set it apart from neighboring areas. The scale, placement and design of these images have been carefully planned to create a clear sense of style for residents and visitors alike. In the pages that follow, you will be introduced to sign imagery that gives Rancho Belago a unique character that speaks strongly of the quality that awaits within. The data contained here will clearly define and depict our intended scope of work. As a general introduction, the following notes will aid in outlining the working methodology that contributed to the creation of each sign type.

Community Identification Signs

These markers have been strategically located at entry points to Rancho Belago as well as at key locations within the community. The design, colors and material composition of these signs speak of a classic and stylish permanence. These signs are either freestanding units or logo panels mounted to existing light poles, depending upon the site conditions at each proposed location.

Community Identification Banners

Throughout the community at rhythmic intervals, decorative banners will be affixed to existing light poles. The banners may appear as single units, or as multiple pieces in sequence. Their primary role is to portray Rancho Belago as a desirable and vital destination through the use of lifestyle images.

Community Amenity Directional Signs

In order to enhance the presence of key public amenities within Rancho Belago, wayfinding signs will be installed. The signs will be located along vehicular approaches to each amenity from a variety of directions. In addition to providing a practical wayfinding service, these signs will also reinforce the existence of the amenities to those traveling throughout the community.

Residential Product Directional Signs

We are proposing a new design configuration for these directional signs. We will perform a full survey of the existing signs and install new signs where appropriate based upon the current marketing needs of existing residential subdivisions.

General Comments

A community identification change requires a detailed evaluation of the physical conditions of the site. Having performed this evaluation, our proposal reflects an honest attempt to integrate our sign components into their surroundings. Locations, scale, and design details have been established to effectively identify Rancho Belago while also promoting fluid vehicular movement. We believe that our proposal will effectively achieve these goals.

MV00056436

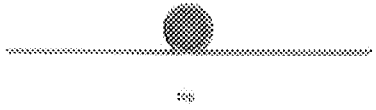

top

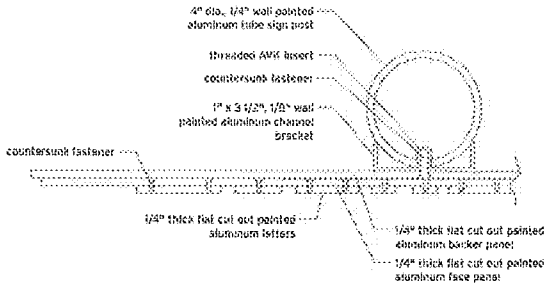

A Details

Scale: 3" = 1'-0"

Freestanding Community Identification Sign

Layered flat cut out sign panel secured to project themed post. Base panel to be 1/4" thick flat cut out painted aluminum with decorative scrolls secured to bracket. Face panel to be 1/4" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat. Post to be 4" round painted aluminum with cast aluminum decorative finial and base cladding.

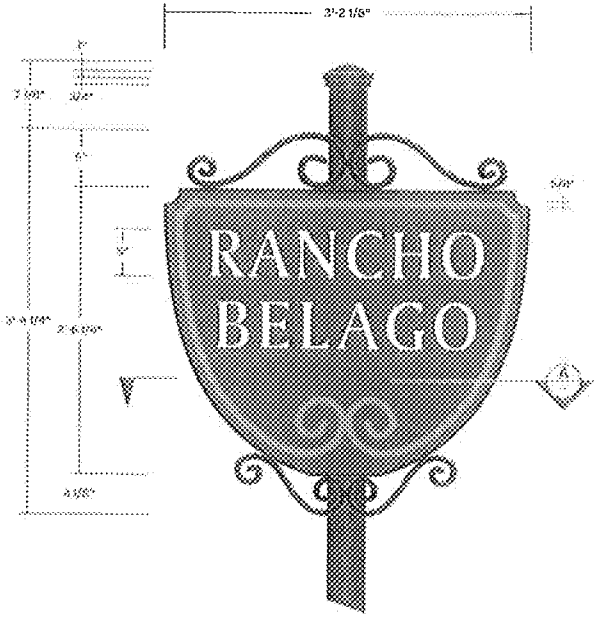

front

side

2 Details

Scale: 1" = 1'-0"

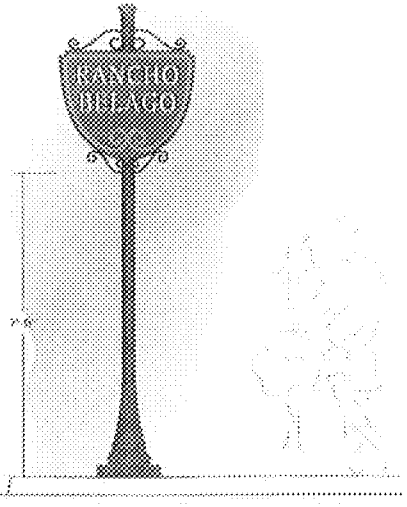

1 Location Elevation

Scale: 3/8" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643 2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 1:
Freestanding Community
Identification Sign

Sheet Number
RB - 1.0

Date
08-10-07

MV00056437

1 **Typical Photo Simulation**

Scale: n.t.s.

The Design Factor

26632 Lake Mission Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax (949) 643-2663

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 1
Freestanding Community
Identification Sign - Photo Simulation

Sheet Number
RB - 1.1

Date
08-10-07

MV00056438

Light Pole Mounted Community Identification Sign

Layered flat cut out sign panel secured to existing street light pole with painted aluminum bracket and stainless steel straps. Base panel to be 1/4" thick flat cut out painted aluminum with decorative scrolls secured to bracket. Face panel to be 1/4" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat.

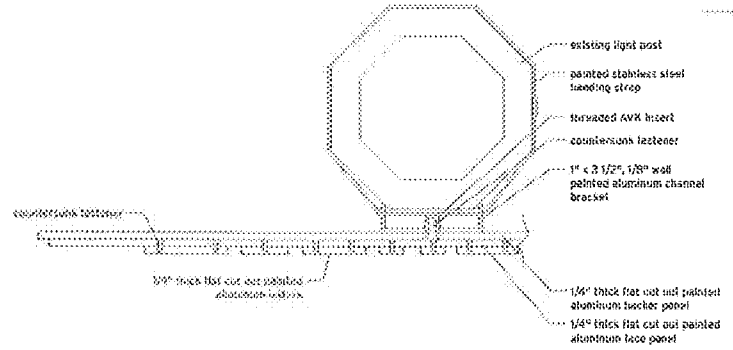

A Details

Scale: 3" = 1'-0"

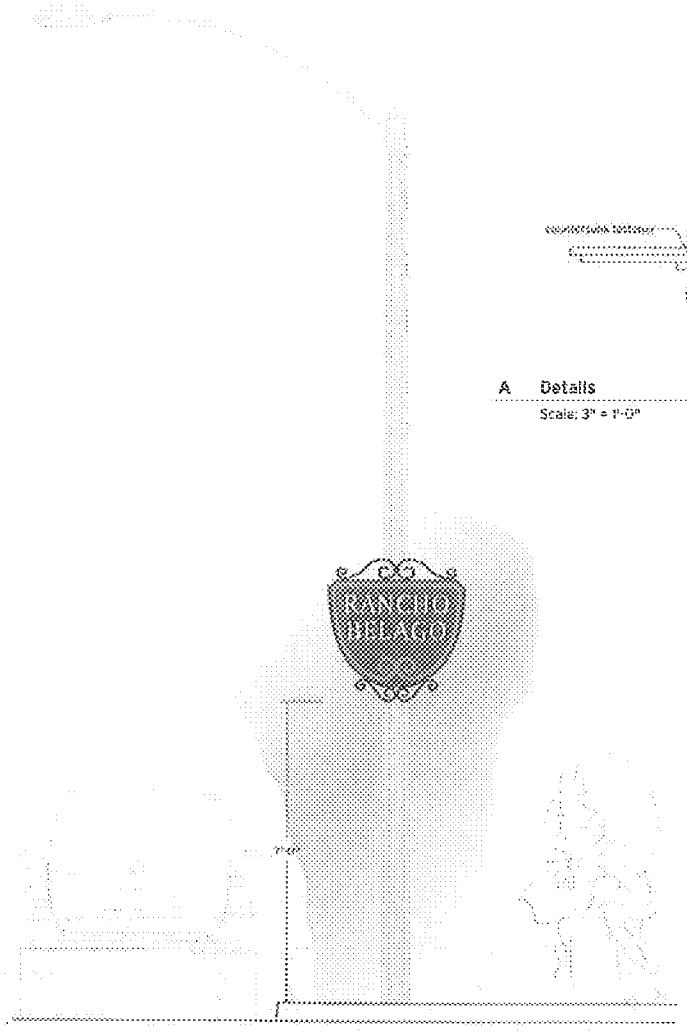

1 Elevation

Scale: 3/8" = 1'-0"

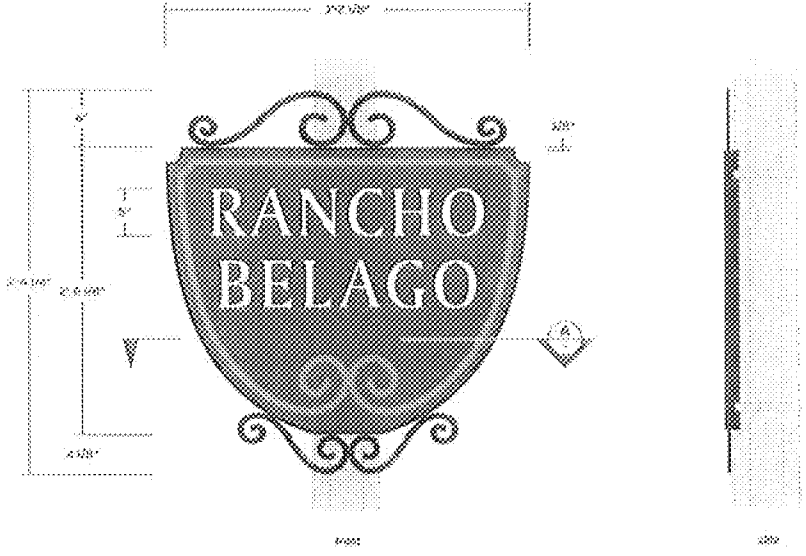

2 Details

Scale: 1" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 2:
Light Pole Mounted Community Identification Sign

Sheet Number
RB - 2.0

Date
08-10-07

MV00056439

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alisras Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643-2663

Project
Rancho Belagio
Community Signage

Sheet Title
Sign Type 2:
Light Pole Mounted Community
Identification Sign - Photo Simulation

Sheet Number
RB - 2.1

Date
06-10-07

MV00056440

Light Pole Mounted Community Identification Banners

Two sided digitally printed vinyl banners secured to fabricated painted aluminum armatures. Armatures secured to existing street light pole with stainless steel straps.

Note: The images shown are typical. Actual images are in the process of being selected.

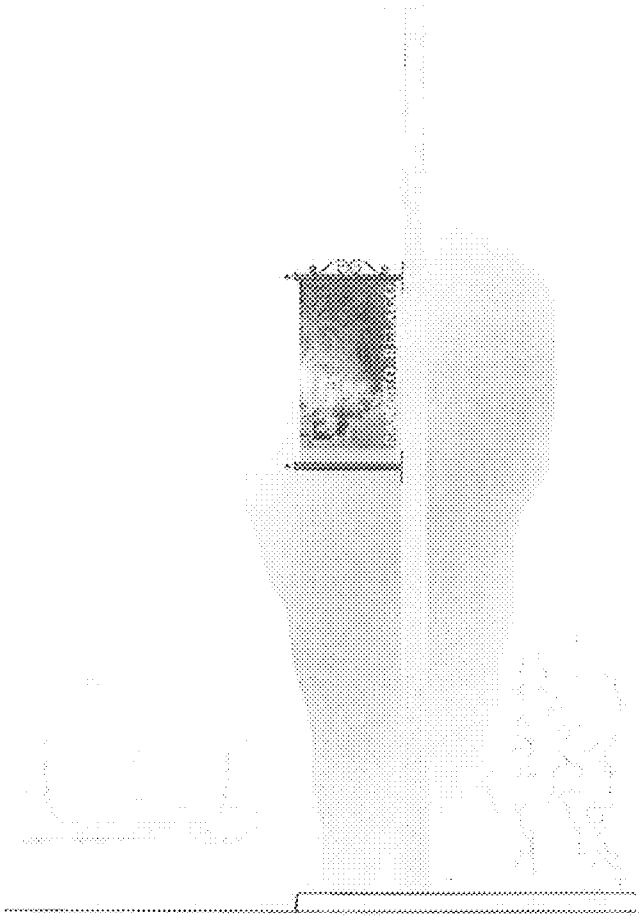

1. Elevation

Scale: 3/8" = 1'-0"

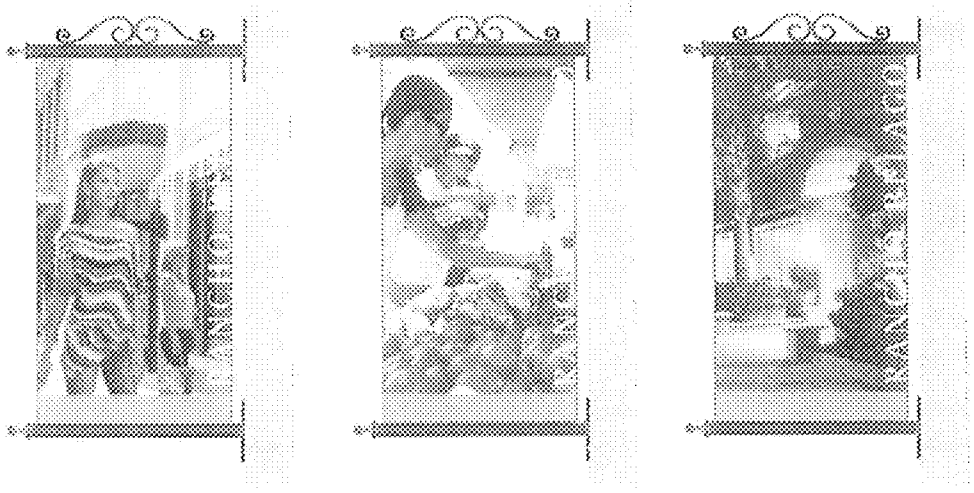

2. Detail

Scale: 3/4" = 1'-0"

The Design Factor

26432 Los Alisos Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643-2862

Project
Rancho Delago
Community Signage

Sign Type 3:
Light Pole Mounted Community Identification Banners

Drawing
RB - 3.0

Date
06-10-07

MV00056441

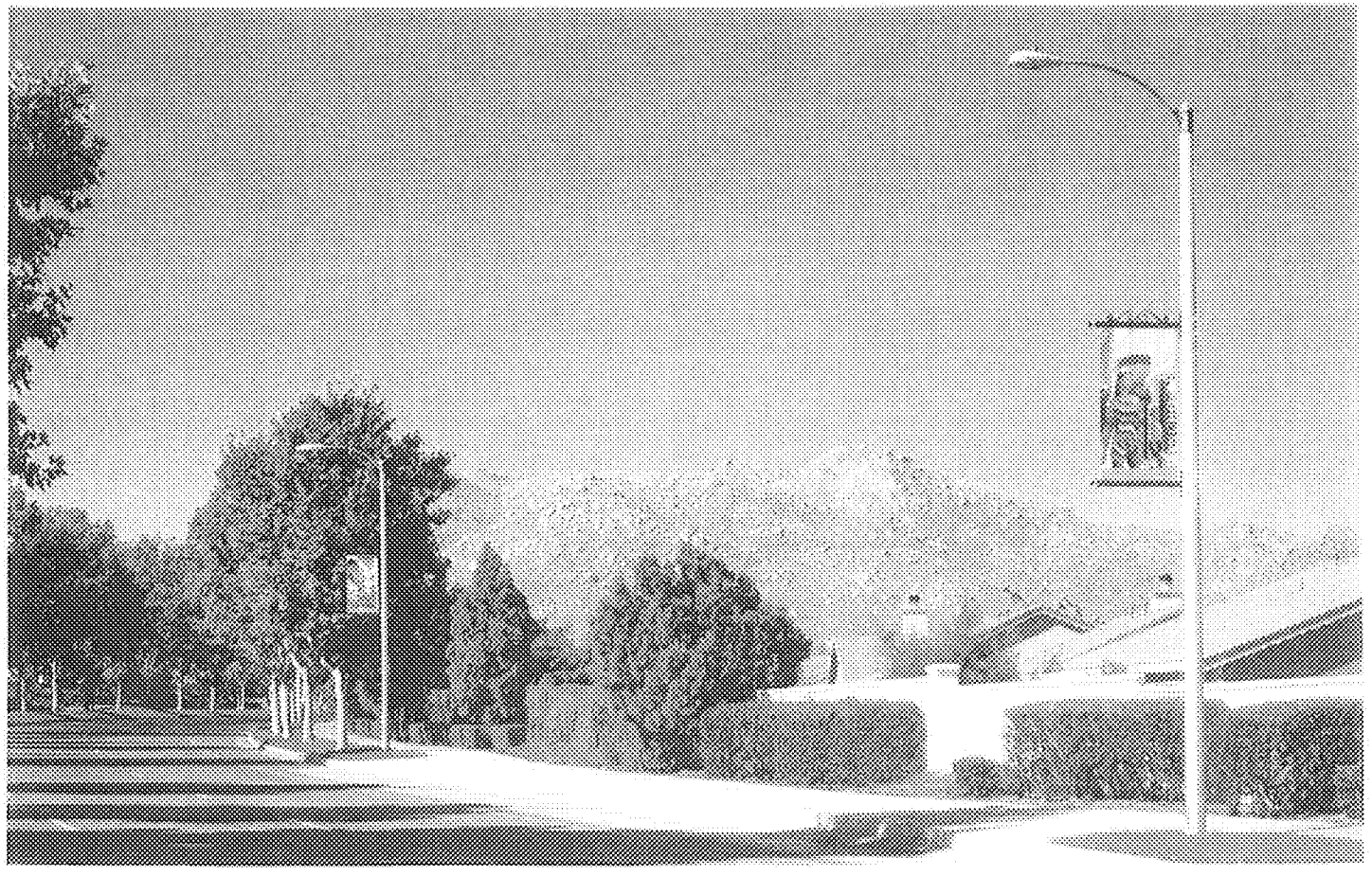

1 **Typical Photo Simulation**

Scale: n.t.s.

The Design Factor

26432 Lake Alicia Avenue
Laguna Hills, CA 92653
(949) 350-5750
Fax (949) 642-2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 3:
Light Pole Mounted Community
Identification Banners :
Photo Simulation

Sheet Number
RB - 3.1

Date
06-10-07

MV00056442

Community Identification Signs

No.	Sign Type	Quantity
1	Freestanding Community Identification Sign	20
2	Light Pole Mounted Community Identification Sign	16
3	Light Pole Mounted Community Identification Banners	10

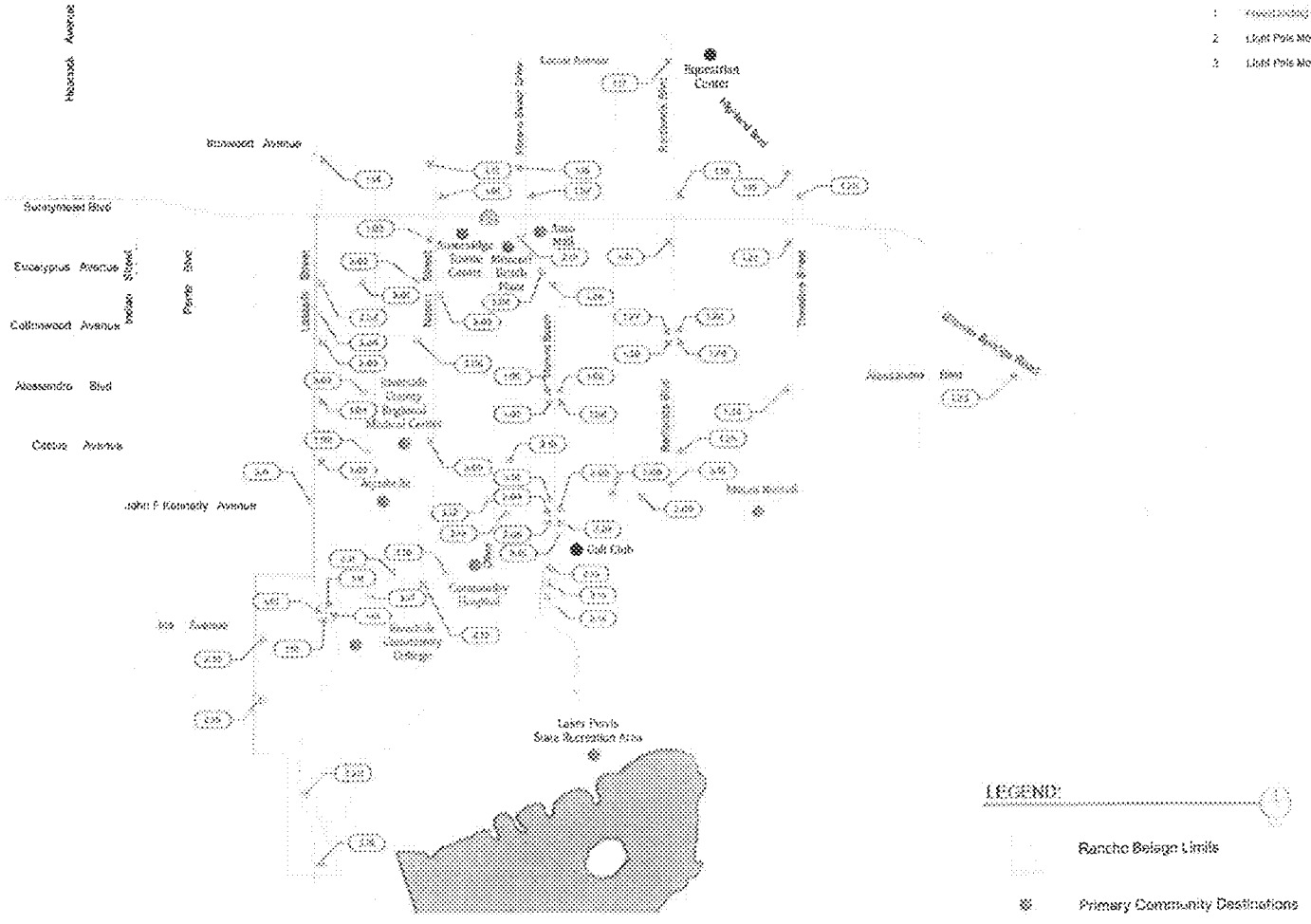

1 Sign Locations

Scale: n.t.s.

The Design Factor

26432 Los Alamos Avenue
Laguna Hills, CA 92653
(949) 380-5750
Fax: (949) 6[illegible]

Project
Rancho Belago
Community Signage

Sheet Title
Community Identification Sign
Location Plan

Sheet Number
RB-SP 1

Date
08-10-07

MV00056443

Freestanding Community Amenity Directional Sign

Single sided sign with layered flat cut out sign panel secured to project thinset post. Base panels with decorative scrolls to be 1/4" thick flat cut out painted aluminum secured to bracket. Face panel to be 1/8" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat. Post to be 4" round painted aluminum with cast aluminum decorative finial and base cladding.

2 Details

Scale: 1" = 1'-0"

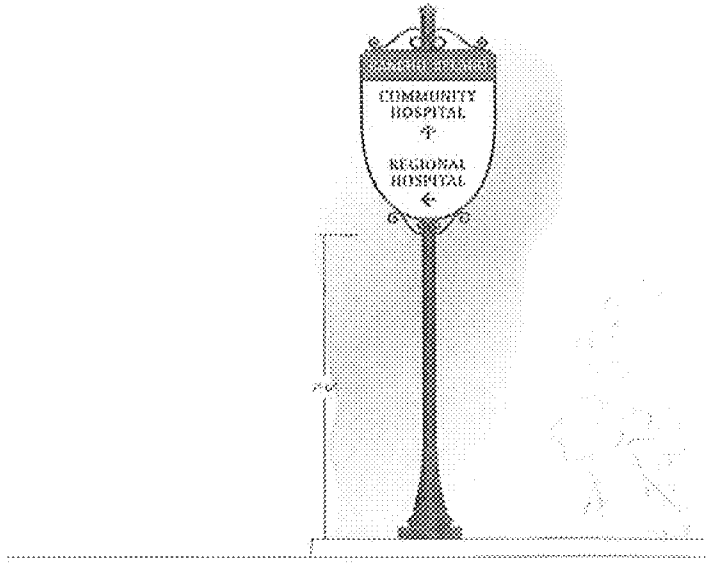

1 Location Elevation

Scale: 3/8" = 1'-0"

The Design Factor

26432 Los Alisos Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2652

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 4:
Freestanding Community
Amenity Directional Sign

Sheet Number
RB - 4.0

Date
08-10-07

MV00056444

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26437 Los Alisos Avenue
Laguna Niguel, CA 92653
(949) 360 5750
Fax: (949) 543 2853

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 4:
Freestanding Community
Amenity Directional Sign
Photo Simulation

Sheet Number
RB - 4.1

Date
08-10-07

MV00056445

Light Pole Mounted Community Amenity Directional Sign

Single sided sign with layered flat cut out sign panel secured to existing street light pole. Base panels with decorative scrolls to be 1/4" thick flat cut out painted aluminum secured to bracket. Face panel to be 1/8" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat

1 Elevation

Scale: 3/8" = 1'-0"

2 Details

Scale: 1" = 1'-0"

The Design Factor

26422 Los Alisos Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax (949) 643-2663

Owner
Rancho Belago
Community Signage

Sheet Title
Sign Type 5:
Light Pole Mounted Community
Amenity Directional Sign

Sheet Number
RB - 5.0

Date
08-10-07

MV00056446

1 | Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-9750
Fax (949) 643-0651

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type S:
Light Pole Mounted Community
Activity Directional Sign -
Photo Simulation

Sheet Number
RB - 5.1

Date
08-10-07

MV00056447

Residential Product Directional Sign

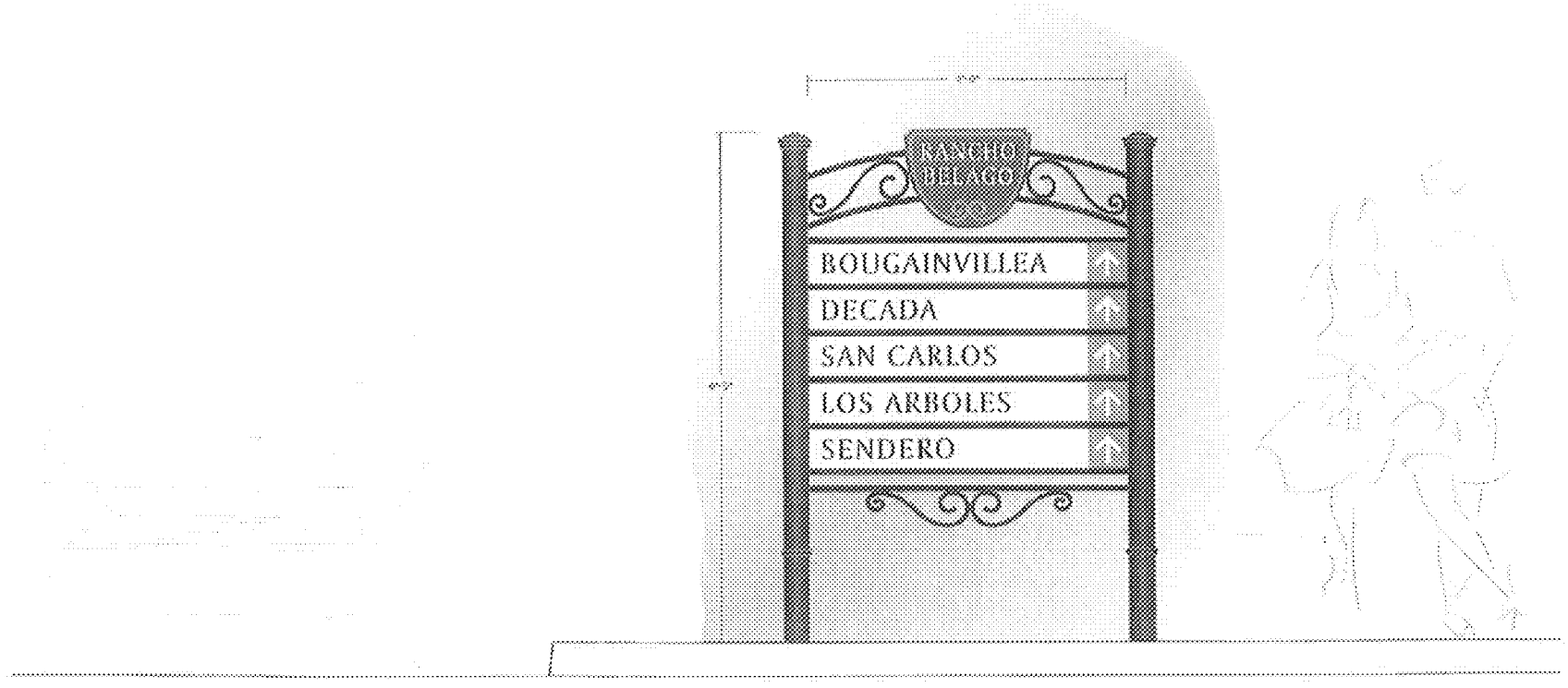

1 Elevation

Scale: 3/4" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax (949) 643-2063

Project
Rancho Belago
Community Signage

Description
Sign Type B:
Residential Product Directional Sign

Sheet Number
RB - 6.0

Date
08-10-07

MV00056448

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alondras Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2663

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 6:
Residential Product Directional Sign
Photo Simulation

Sheet number
RB - 6.1

Date
08-10-07

MV00056449

Community Directional Signs

No.	Sign Type	Quantity
	Freestanding Community Amenity Directional Sign	9
	Light Pole Mounted Community Amenity Directional Sign	9
	Residential Precinct Directional Sign (locations not shown)	

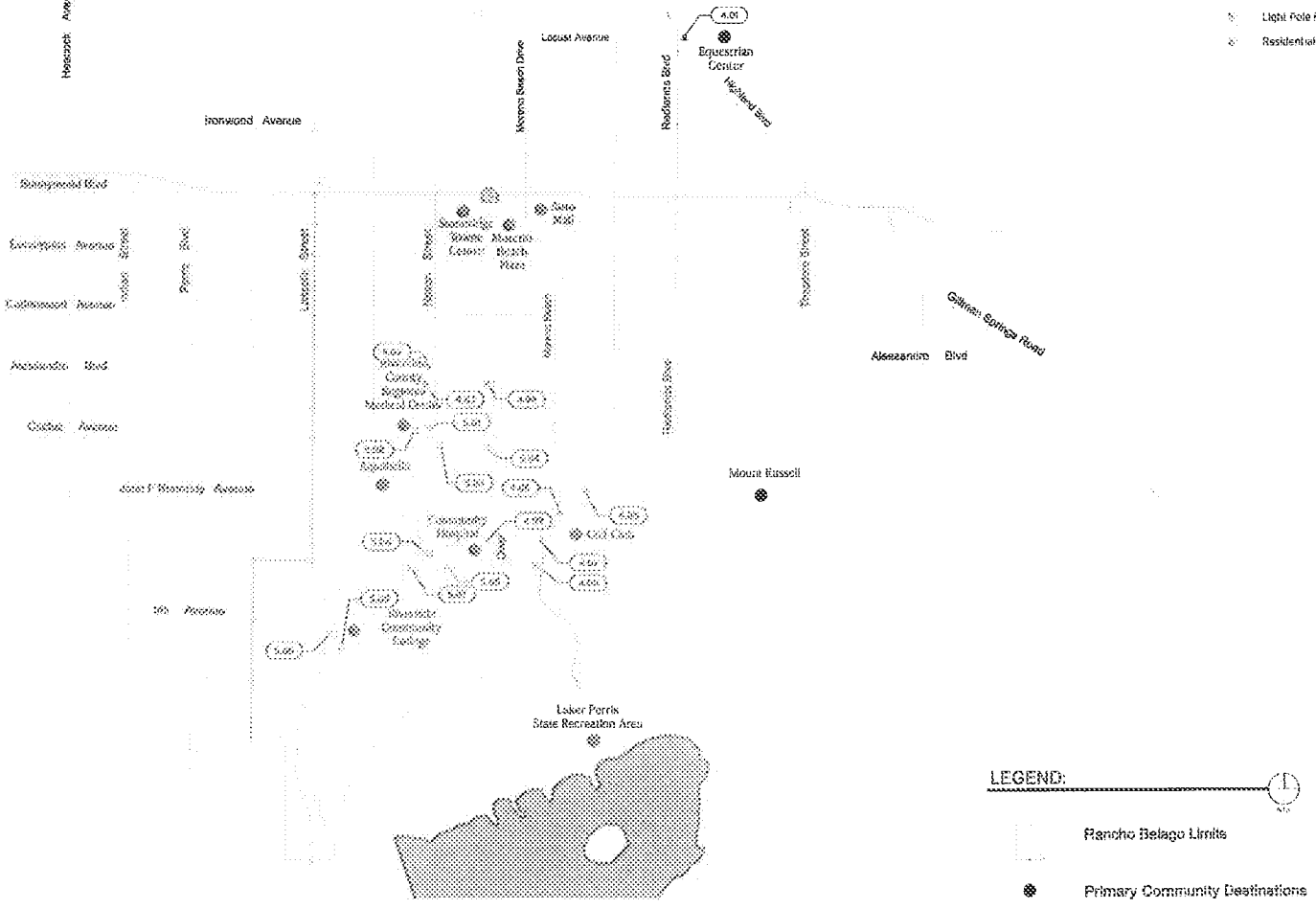

1 | Sign Locations

Scale: n.t.s.

The Design Factor

26432 Los Alisos Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax (949) 643-2853

Project
Rancho Belago
Community Signage

Sheet Title
Community Directional Sign
Location Plan

Sheet Number
RB-SP 2

Date
08-10-07

MV00056450

RESOLUTION NO. 2010-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE RANCHO BELAGO SIGN PROGRAM

WHEREAS, the City Council adopted a resolution in February, 2007, to designate the neighborhood/community name of Rancho Belago to a portion of eastern Moreno Valley; and,

WHEREAS, the City is in receipt of a document entitled 'Rancho Belago Community Signage Design Submittal', which proposes a variety of sign types at various locations, intended to promote a sense of "…unique character…" for the Rancho Belago "…new community…"; and,

WHEREAS, the 'Rancho Belago Community Signage Design Submittal' has been recommended for Council adoption by the Rancho Belago Economic Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the Rancho Belago Sign Program (aka 'Rancho Belago Community Signage Design Submittal') is approved and adopted.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ATTACHMENT 2

Resolution No. 2010-____
Date Adopted:

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

MV00056452

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

May 11, 2010

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

Robin N. Hastings, Mayor Pro Tem
Jesse L. Molina, Council Member
Richard A. Stewart, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 11, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter - Paul Early, Deputy City Attorney III
2. Officer of the Quarter - Officer Kevin Couch
3. Officer of the Year - Officer Kent Eckenrode
4. "Spotlight on Moreno Valley Business"

MV00056455

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MAY 11, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00056456

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 21 - May 4, 2010.

A.4 TRACT MAP 32142 - CONDOMINIUM PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: EMPIRE LAND, LLC, ONTARIO, CA 91764 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-28 authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system; and

Resolution No. 2010-28

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32142 and Accepting the Portions of Lasselle Street and Avenida De Circo Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the

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Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-29 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT (NASON BRIDGE PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-29

A Resolution of the City Council of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720); and

2. Authorize the City Manager to execute an amendment to the

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Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF CITYWIDE BRIDGE MAINTENANCE PROGRAM - PROJECT NO. 09-22679828 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.8 RESOLUTION TO JOIN ICLEI AS A FULL MEMBER AND PLEDGE TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE (Report of: Community Development Department)

Recommendation:

Approve Resolution No. 2010-30, thereby agreeing to join (ICLEI) Local Governments for Sustainability and pursue efforts to address goals and objectives of ICLEI

Resolution No. 2010-30

A Resolution of the City Council of the City of Moreno Valley, California, to join ICLEI as a Full Member and Pledge to take a Leadership Role in Promoting Public Awareness about the Causes and Impacts of Climate Change

A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE STREET IMPROVEMENT PROGRAM FOR CONSTRUCTION OF PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE - PROJECT NO. 08-12585523 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with C & C Grading & Paving, Inc.;

3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney.

A.10 ENCO UTILITY SERVICES MORENO VALLEY, LLC, VS. CITY OF MORENO VALLEY - APPROVAL OF SETTLEMENT AGREEMENT (PROVIDED UNDER SEPARATE COVER) (Report of: City Attorney)

Recommendation:
Approve as submitted.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2010/11 (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2010/11 Annual Action Plan; and

2. Approve the proposed 2010/11 Annual Action Plan.

E.2 A PUBLIC HEARING FOR TWO APPLICATIONS TO MODIFY VARIOUS CONDITIONS OF APPROVAL (P09-038 AND P09-039) FOR THE APPROVED HIGHLAND FAIRVIEW CORPORATE PARK PROJECT TENTATIVE PARCEL MAP NO. 35629 (PA07-0090) AND PLOT PLAN (PA07-0091) INCLUDING THE MODIFICATION OF HIGHWAY 60 LANDSCAPE REQUIREMENTS, THE TIMING AND RESPONSIBILITY FOR AN EASEMENT AND CONSTRUCTION OF A REQUIRED MULTI-USE TRAIL ALONG THE PROJECT FRONTAGE AND FUTURE EUCALYPTUS AVENUE AND VARIOUS PUBLIC WORKS CONDITIONS RELATED TO THE DEDICATION AND IMPROVEMENT OF PUBLIC IMPROVEMENTS. THE PROJECT SITE IS LOCATED ADJACENT TO

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AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. THE APPLICANT IS HIGHLAND FAIRVIEW PROPERTIES. (Report of: Community Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;

2. APPROVE Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions; and

   Resolution No. 2010-31

   A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of Modifications of various Conditions of Approval (P09-038) for PA07-0090 (Tentative Parcel Map No. 35629) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

   Resolution No. 2010-32

   A Resolution of the City Council of the City of Moreno Valley, California Approving Various Modification of project Conditions of Approval (P09-039) for PA07-0091 (Plot Plan) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

3. RECOMMEND that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

E.3 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (CONTINUED FROM APRIL 27, 2010) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

b) Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 FISCAL YEAR 2010-11 PRELIMINARY BASE OPERATING BUDGET AND DEFICIT REDUCTION PLAN (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:
Receive the Fiscal Year 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

G.3 FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW (Report of: Public Works Department)

Recommendation: That the City Council:
Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for

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new priorities for implementation of capital projects.

G.4 ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS (Report of: City Attorney)

Recommendation: That the City Council:

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing and amending Section 6.04.080 relating to notice of nuisance violations.

Ordinance No. 811

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 11.04 of the City of Moreno Valley Municipal Code, Relating to Drinking in Public and Trespassing Offenses and Amending Section 6.04.080 Relating to Notice of Nuisance Violations

G.5 PROPOSED RANCHO BELAGO SIGN PROGRAM (AKA "RANCHO BELAGO COMMUNITY SIGNAGE DESIGN SUBMITTAL) (CONTINUED FROM APRIL 27, 2010) (Report of: Community Development Department)

Recommendation: That the City Council:

1. Consider the Rancho Belago Sign Program and take action as deemed appropriate; and

2. Consider appropriating $85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

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PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

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CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

4 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

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a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT - IN MEMORY OF SERGEANT CARLTON ALLEN -

MV00056467

Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME)

Annual Action Plan 2010-2011

July 1, 2010 through June 30, 2011

14177 Frederick Street, P.O. Box 88005, Moreno Valley, CA 92552-0805

SECTION 1 – INTRODUCTION

The Economic Development Department is the lead agency in developing the Consolidated and Annual Action Plans for the City of Moreno Valley. The Annual Action Plan addresses the City's plan for use of Community Development Block Grant ("CDBG") and Home Investment Partnership ("HOME") Funds during the 2010/11 Fiscal Year from July 1, 2010 through June 30, 2011. The Annual Action Plan is based upon the approved 2008-2013 Consolidated Plan prepared for both programs. The Annual Action Plan facilitates the strategy outlined in the Consolidated Plan by addressing community needs through various mechanisms.

The Action Plan provides a basis for assessing performance. It outlines programs for the upcoming program year as well as the proposed accomplishments over the five-year period of the Consolidated Plan. At the end of the program year a Consolidated Annual Performance and Evaluation Report (CAPER) provides information on the annual programmatic accomplishments.

The overall goals of the CDBG and HOME Programs, as included in the Consolidated Plan, are to develop viable urban communities by providing (1) decent housing, (2) a suitable living environment and (3) expanded economic opportunities principally for low and moderate-income persons.

(1). *Decent housing* includes assisting homeless persons, retention of the affordable housing stock, increasing the availability of permanent housing in standard condition and affordable cost to low-income and moderate-income persons.

(2). A *suitable living environment* includes improving the safety and livability of neighborhoods, increasing access to quality public and private facilities and services, and the revitalization of deteriorating or deteriorated neighborhoods.

(3). *Expanded economic opportunities* includes job creation and retention, as well as establishment, stabilization and expansion of small businesses.

The primary means towards this end is to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

MORENO VALLEY
WHERE DREAMS SOAR

SECTION 1 – INTRODUCTION
EXECUTIVE SUMMARY

CONSOLIDATED PLAN

Moreno Valley's Consolidated Plan is a comprehensive five-year strategy that addresses the use of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Grant funds to meet decent housing, suitable living environment, and expanded economic opportunity goals for low- and moderate-income city residents.

ANNUAL ACTION PLAN

The Annual Action Plan identifies specific projects, programs, and resources that will be implemented during the program year with CDBG and HOME Grant funds, consistent with the Consolidated Plan. In fiscal year 2010/11, the City of Moreno Valley will be receiving approximately $1,941,611 in new CDBG funds, and $666,589 in HOME funds. These funds will be used to support housing and community development activities.

Activities meeting Consolidated Plan goals fit into one or more of the following strategies:

- Homeless Strategy
- Special Needs Strategy
- Housing/Fair Housing Strategy
- Community and Economic Development Strategy

For each strategy identified in the Consolidated Plan, a list of activities, resources available, and goals are provided for the upcoming program year.

The Action Plan also addresses other actions such as the anti-poverty strategy, institutional structure to carry out the activities, coordination with other agencies, public housing, a monitoring plan and plans for meeting underserved needs.

Additionally, as part of the grant requirements, a form application SF 424 is included as well as a Citizen Participation Plan, public comments received and required certifications by the City.

PERFORMANCE MEASUREMENT SYSTEM

A Performance Measurement System was developed by the City of Moreno Valley as requested by HUD in September 2003. This system will be used to evaluate the effectiveness of HUD CPD program funds in meeting community needs. Attachment H details specific performance measurements for each program receiving CDBG and HOME funds during FY 2010/11.

GEOGRAPHIC DISTRIBUTION & CDBG TARGET AREAS

Moreno Valley's CDBG Target Areas encompass some of the oldest areas in the city. The City's CDBG Target Areas generally include neighborhoods identified locally as Edgemont, Central Sunnymead, Eastgate and Warner Ranch. Significant portions of the target areas lack adequate infrastructure such as curbs, gutters, street improvements, sidewalks, water and sewer lines, storm drains, and street lighting. The majority of proposed projects are distributed within the CDBG target areas, because these areas have the greatest concentrations of low-and moderate-income individuals. Other projects such as the Redevelopment (RDA) Agency's housing programs target low- and moderate-income individuals citywide.

SECTION 1 – INTRODUCTION
AVAILABLE RESOURCES

The City of Moreno Valley will utilize a variety of Federal, State, and local funding sources to achieve the community and housing priorities identified. Specific funding resources will be utilized based upon availability, opportunities, and constraints of each particular project or program.

The City is committed to utilizing each funding source to its highest and best use. Therefore, the City will leverage the resources identified in this section to facilitate various programs and projects. Specific resources available to address the needs identified in the plan are included under the Annual Action Plan Section.

The following includes a description of both the resources the City currently uses and those for which funding may be pursued.

Federal Resources

Community Development Block Grant Program (CDBG)

Moreno Valley receives an annual CDBG allocation to meet the following three broad national objectives:

- Benefit to low and moderate income households;
- Removal of slum or blight; or
- Meet urgent community needs.

Approximately 90% of the funding has been used to benefit persons of low and moderate income. Programs and projects funded generally include public services, code compliance activities, and economic development activities. The City's grant allocation available for fiscal year 2010/11 is $1,941,611. Table 1-A details the available CDBG funds. Table 1-B details the allocations for FY 2010/11.

TABLE 1-A
FY 2010/11 CDBG AVAILABLE FUNDING

Funding Category	Funding Allocation
2010/11 CDBG Allocation	$1,941,611
Unallocated funds from previous years savings*	$505,000
TOTAL AVAILABLE CDBG FUNDS	$2,446,611
Program Administration (20% maximum of annual grant)	$388,322
Public Social Services (15% maximum of annual grant)	$291,241
Facilities	$80,000
Rehabilitation	$10,000
Code Enforcement	$396,407
Economic Development	$805,641
TOTAL PLANNED CDBG BUDGET	$1,941,611

*$450,000 in projected savings from the Temco, Vought, and Boeing Sidewalk Improvement Projects and $55,000 in projected savings from 2009/10 administrative activities

TABLE 1-B
CDBG FUNDING ALLOCATIONS FY 2010/11

ADMINISTRATION (20% CAP - $388,322)	
CDBG Program Administration	$338,869
Fair Housing Services	$49,453
SOCIAL SERVICES (15% CAP - $291,241)	
Community Foreclosure Prevention Workshops	$44,000
Community Assistance Food Program (CAP)	$30,600
Friends of the Moreno Valley Senior Center (MoVan)	$30,000
Moreno Valley Police Dept., Problem Orienting Policing (POP) Team	$28,241
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$25,000
Lutheran Social Services Transitional Center (MARB)	$15,000
Path of Life Ministries King Hall Family Shelter (MARB)	$15,000
PW Enhancement Center – Emergency & Homeless Services	$15,000
Neighborhood Clean-up Program	$15,000
Assistance League of Riverside - Operation School Bell	$10,000
CASA for Riverside County	$10,000
God's Helping Hand Ministries Food Program	$9,000
Operation Safehouse Shelter for Youth	$8,000
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,500
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500
Moreno Valley Community Educators - Tutoring Program	$6,400
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
FACILITIES	
Youth Opportunity Center	$50,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
Fire Prevention 'Improvement Task Force'	$30,000
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$540,000
Community Employment Resource Center	$145,641
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$50,000
Lord's Gym	$20,000
TOTAL CDBG FUNDING ALLOCATIONS	**$1,941,611**

HOME Investment Partnership Program (HOME)

HOME Investment Partnership funding is provided to the City to:

- assist with affordable rental housing
- promote home ownership through acquisition
- construction,
- reconstruction,
- and/or rehabilitation of affordable housing.

Moreno Valley became an Entitlement City for HOME funds during FY 1995/96.

The City of Moreno Valley's HOME allocation for FY 2010/11 is $666,589. Table 1-C details the estimated HOME funds available for FY 2010/11. Table 1-D details the anticipated funding allocations for program year 2010/11. The funding allocations are for new and continuing projects and programs that will be implemented in FY 2010/11.

TABLE 1-C

FY 2010/11 HOME ESTIMATED FUNDING	
2010/11 HOME Allocation	**$666,589**
Previous Year Un-used and Available Funds	$23,000
Total Available HOME Funds	**$689,589**

* $23,000 in projected savings from 2009/10 administrative activities

TABLE 1-D

HOME FUNDING ALLOCATIONS FY 2010/11	
Program Administration (maximum 10% of allocation)	$66,659
FY 09/10 CHDO (required 15% of allocation)	$99,988
Home Improvement Loan Program (HILP)	$240,000
Mobile Home Grant Program	$100,000
Multifamily Affordable Housing	$182,942
TOTAL ALLOCATION OF HOME FUNDS	**$689,589**

A. Local Resources

- ***Community Redevelopment Agency of the City of Moreno Valley***

As required by California Redevelopment Law, the Redevelopment Agency expends 20% of its tax increment revenue funding affordable housing projects. RDA (Housing Set-Aside) revenue projections for FY 2010/11 indicate an estimated 20% set-aside funding of $3.8 million.

- ***Homelessness Prevention and Rapid Re-housing Program (HPRP)***

In 2009 the City was provided with a one-time HPRP grant allocation of $732,872 under the American Recovery Re-investment Act of 2009. The purpose of the HPRP grant is

to provide homelessness prevention assistance to households who would otherwise become homeless in the current economic crisis and to rapidly re-house individuals and families who are currently homeless as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42U.S.C. 11302). Moreno Valley has established 6 activities that assist families facing homelessness, including: case management, rent/arrears assistance, security deposit assistance, utility/arrears assistance, legal assistance, and administration.

- ***Community Development Block Grant – Recovery (CDBG-R)***

The City was also provided with a one-time CDBG-R grant valued at $472,872 under the American Recovery Re-investment Act of 2009. Moreno Valley's CDBG-R program establishes 4 projects (plus administration) aimed at stimulating the economy by creating jobs, modernizing infrastructure, and promoting energy efficiency.

- ***Neighborhood Stabilization Program (NSP)***

Under the Housing and Economic Recovery Act (HERA), the City of Moreno Valley received a CDBG allocation of $11,390,116, to formulate the Neighborhood Stabilization Program (NSP) which is designed to stabilize neighborhoods most impacted by foreclosures. The City's NSP Program is comprised of four activities: 1) single family residential acquisition, rehabilitation, and resale (SFR-ARR), 2) multi-family residential acquisition, rehabilitation, and resale (MFR-ARR), 3) Homebuyers Assistance Program (HAP), and 4) Administration. In partnership with selected Development Partners, the City acquires and rehabilitates single family residences for the purpose of resale to homebuyers earning up to 120% of the Area Median Income (AMI), and multi-family residences for the purpose of rental to households earning up to 50% AMI. Of the total $11,390,116 allocation received, the funds have been budgeted accordingly:

ACTIVITY	BUDGET
SFR-ARR	$5,203,576.00
MFR-ARR	$4,047,529.00
HAP	$1,000,000.00
ADMINISTRATION	$1,139,011.00

In FY09/10, the City acquired almost thirty single family properties obligating/expending approximately $4.4 million of the SFR-ARR budget. During FY10/11, the City will continue with its SFR-ARR efforts to expending the remaining budget as well as program income generated from the sale of the single family properties. During FY10/11, the City will expend $381,000 of the MFR-ARR NSP budget rehabilitating two apartment buildings totaling 27 dwelling units located on Myers Avenue. The properties were acquired during the end of FY09/10 for $1,930,500. Approximately $2.4 million has been allocated to the acquisition and rehabilitation of this project.

- ***Riverside County Housing Authority***

The County of Riverside serves as the local housing authority for the region. The County operates 469 Section 8 housing and public housing facilities throughout the

County including those located in Moreno Valley. Sources of funds available to city residents through the Housing Authority are primarily limited to Section 8, Capital Fund Program (formerly the Comprehensive Grant Program), and the Public Housing programs.

B. Private Resources

For-Profit Organizations

- ***Community Reinvestment Act (CRA)***

The city encourages increased cooperation between lending institutions and the communities they serve to meet CRA requirements for the development of affordable housing.

Non-Profit Organizations

Currently, a number of non-profit organizations facilitate a variety of social services and housing activities in Moreno Valley. The City encourages and supports non-profit organizations that apply for funding from various sources.

C. Leveraging and Matching Funds – HOME

The primary source of fund leveraging will occur in conjunction with activities carried out through Redevelopment Agency 20% Set-Aside funds. Specific matching fund activities include housing rehabilitation and development programs for single family, multi-family, and mobile home units. The following table summarizes FY 2010/11 HOME activities and match sources:

TABLE 1-E*
HOME MATCH

HOME BUDGET FISCAL YEAR 2010/11	Continuing from Prior Years	2010/11 Allocation	Total Request	RDA Match 25%+
Administration (10% Cap)	$0	$66,659	$66,659	$0
Community Housing Development Organization (15% Min.)	$189,908	$99,988	$289,896	$0
Home Improvement Loan Program	$0	$240,000	$240,000	$0
Multi-Family Affordable Housing Program	$339,688	$182,942	$522,630	$4,300,000
Mobile Home Grant Program	$0	$100,000	$100,000	$0
GRAND TOTAL	**$529,596**	**$689,589**	**$1,219,185**	**$4,300,000**

* This table does not include total budgets available for the various projects. The available amounts may vary due to other funding sources such as RDA, NSP, etc.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN

The city will pursue housing, community development, and economic development activities to meet the needs of very-low, low, and moderate-income persons in Moreno Valley. To accomplish this, the city plans to expend CDBG, HOME, and other funds as available, such as Homelessness Prevention and Rapid Rehousing Program (HPRP), Neighborhood Stabilization Program (NSP), and Community Development Block Program – Recovery (CDBG-R) to meet community needs. The Consolidated Plan has several strategies for meeting community needs. The following objectives were identified in the Strategic Plan portion of the Consolidated Plan.

HOMELESS STRATEGY – TABLE 2-A, page 10
Objective 1. Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.

SPECIAL NEEDS STRATEGY – TABLE 2-B, page 14
Objective 1. Provide supportive housing and public services to meet the needs of special needs persons.

HOUSING STRATEGY – TABLE 2-C, page 15
Objective 1. - Rehabilitation of existing and construction of new single-family homes, multi-family housing, and mobile homes to create or maintain decent, affordable housing for low and moderate-income residents.
Objective 2. - Create home ownership opportunities for low and moderate-income residents.
Objective 3. - Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.
Objective 4. - Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY – TABLE 2-D, page 25
Objective 1. - Promote expanded employment opportunities in order to create or retain low and moderate-income jobs.
Objective 2. - Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.
Objective 3. - Support social service programs available to serve low and moderate-income residents.
Objective 4. - Provide employment training and placement programs available to serve low and moderate-income residents

The following tables detail the activities the City will undertake to address these objectives in FY 2010/11. The tables identify available funding, the geographic areas covered by the activity, and the target populations. Additional project information is provided in the Community 2020 tables enclosed as Attachment B.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN (Continued)
HOMELESS STRATEGY

The Five Year Goals and Proposed Accomplishments under the homeless strategy are to assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities. The following programs for FY 2010/11 will be implemented to meet this goal.

TABLE 2-A

HOMELESS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.	
PROGRAM:	**PATH OF LIFE MINISTRIES – KING HALL FAMILY SHELTER**
PROGRAM DESCRIPTION:	Program provides long term (up to 2 years) shelter to homeless families and individuals with children. Residents may live at the shelter for a maximum of two years. While living at the shelter families are provided comprehensive counseling and support services that will assist them in becoming self sufficient. The shelter is located on March Air Reserve Base.
RESOURCES	CDBG Funds 2010/11 $15,000
TARGET POPULATION	Homeless families and homeless individuals with children
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LUTHERAN SOCIAL SERVICES TRANSITIONAL SHELTER PROGRAM**
PROGRAM DESCRIPTION:	A long term (up to 2 years) shelter program that provides assistance to homeless women and children through a comprehensive transitional living program. Counseling, education assessments and other services are provided to assist participants in gaining self sufficiency. Through the City's HPRP Program, Lutheran Social Services also provides assistance with utility payments arrears and security deposits to families at risk of homelessness.
RESOURCES:	CDBG Funds 2010/11 $15,000 HPRP Funds $65,938
TARGET POPULATION:	Homeless Women and Children
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**P. W. ENHANCEMENT CENTER (PWEC)**
PROGRAM DESCRIPTION:	Emergency motel vouchers, shelter placement, security deposit and rental assistance for homeless persons and persons threatened with homelessness. Also provides emergency and supportive services to needy households including food distribution, money management, job preparedness, child development and counseling.
RESOURCES:	CDBG Funds 2010/11 $15,000 HPRP Funds $64,063
TARGET POPULATION:	Homeless; Low and Moderate-Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**OPERATION SAFEHOUSE**
PROGRAM DESCRIPTION:	Operation Safehouse provides emergency shelter, counseling and comprehensive support services for homeless/run-away youth aged 12 – 17, with a goal of family reunification.
RESOURCES:	CDBG Funds 2010/11 $8,000
TARGET POPULATION:	Abused, Neglected, and Homeless Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2010/11 $30,600
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD AND EMERGENCY SERVICES PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing, utility assistance, and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2010/11 $9,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides new essential clothing and school supplies, a backpack, hygiene kit to low income children identified by teachers or school officials as homeless or needy.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Elementary school aged children from low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FORECLOSURE PREVENTION WORKSHOPS**
PROGRAM DESCRIPTION:	Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The seven workshops held over 09/10 attracted approximately 600 struggling homeowners.
RESOURCES:	CDBG Funds 2010/11 $44,000
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**CATHOLIC CHARITIES**
PROGRAM DESCRIPTION:	Provides assistance with rental subsidy and rental arrears payments through the City's HPRP program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**INLAND LEGAL SERVICES**
PROGRAM DESCRIPTION:	Free legal advice\services related to housing issues. Offers tenant legal services for evictions and other related legal needs. Funding also allows for expanded service hours.
RESOURCES:	HPRP Funds $40,000
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**FAMILY SERVICES ASSOCIATION (FSA)**
PROGRAM DESCRIPTION:	FSA provides case management and assistance with rent subsidies and/or rental arrears payments. Program is funded through the City HPRP program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER**
PROGRAM DESCRIPTION:	Provides assistance with rental subsidy and rental arrears payments through the City's HPRP Program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FAIR HOUSING SERVICES – FORECLOSURE PREVENTION AND MITIGATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. It also offers financial assessments, budget management, mortgage education, training to potential homebuyers, and referral services.
RESOURCES:	CDBG Funds 2010/11 $25,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

ASSISTANCE AVAILABLE TO PERSONS THREATENED WITH HOMELESSNESS

In order to prevent low-income families from becoming homeless, local non-profit organizations (i.e. Catholic Charities, Gods Helping Hand, P.W. Enhancement Center), provide one-time emergency rental/mortgage assistance. The goal is to prevent homelessness for persons who missed a rent/mortgage payment due to extenuating circumstances. Some low-income families live "paycheck to paycheck" which makes it difficult for them to pay for the basic necessities when an emergency expense arises. The emergency rental/mortgage assistance program greatly benefits families on the threshold of becoming homeless.

For those families at risk of homelessness due to foreclosure, the city will continue conducting a series of foreclosure prevention workshops to assist with mitigation of the foreclosure and provide valuable referrals. The City will also continue to offer programs under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant provided in 2008/09 under the American Recovery Act. This emergency legislation was established specifically to address the issue of potential homelessness due to the economic crisis. Funds were dedicated to providing various forms of assistance to qualifying families including: monthly rental assistance, rental arrears, security deposit assistance, utility payments and arrears, motel vouchers, legal assistance, and individual case management.

There are several programs administered by Riverside County that aid in the prevention of homelessness. For example, the Emergency Food and Shelter Program meets the needs of the hungry and homeless by providing funds to provide the following housing assistance (as determined by the Local Board in funded jurisdictions): lodging in a mass shelter or hotel; one month's rent or mortgage payment; one month's utility bill; and minimal repairs to allow a sheltering facility to function during the program year.

CONTINUUM OF CARE

The City will continue to actively participate in Riverside County's Continuum of Care Consortium. The Continuum of Care Consortium consists of local government agencies and local non-profits that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services, emergency and transitional shelter. Periodic meetings provide an opportunity for networking and working towards the common goal.

The County of Riverside is the lead agency charged with developing the Continuum of Care's 10 Year Strategy to End Homelessness. A working group of local government agency staff and other community stakeholders has been formed to develop this 10 year plan. The City of Moreno Valley has assigned a staff person to participate in this working group (which meets monthly) to assist in the accomplishment of the goal of ending homelessness in ten (10) years.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
SPECIAL NEEDS STRATEGY

The Five Year Goals and Proposed Accomplishments under the special needs strategy are to assist 15,000 special needs persons, including the elderly and disabled, with housing and public services. In FY 2010/11, the following programs will be implemented to meet this goal.

TABLE 2-B

SPECIAL NEEDS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of special needs persons.	
PROGRAM:	**SENIOR VAN TRANSPORTATION SERVICES (MoVan)**
PROGRAM DESCRIPTION:	The MoVan is used to transport the elderly and adult handicapped to medical appointments and other needed destinations for a small donation or at no cost. The MoVan is a specially equipped 17-passenger bus with two wheel chair tie-downs is available 7 hours a day/ 5 days a week.
RESOURCES:	CDBG Funds 2010/11 $30,000
TARGET POPULATION:	Special Needs Persons – Elderly and Disabled
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**ARC OF RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to provide specialized medical training to on-site LVN, and to help continue other existing services.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Special Needs Persons – Disabled
GEOGRAPHIC AREAS:	Citywide

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
HOUSING STRATEGY

The Five Year Goals and Proposed Accomplishments under the housing strategy are to:

1. To rehabilitate or construct a minimum of 400 housing units.
2. To provide home ownership to 5 households.
3. To provide increased, proactive Code Compliance, Neighborhood Cleanups and public safety activities to assist 3000 households in the CDBG Target Areas.
4. To assist 2,500 persons with fair housing and landlord/tenant services.

In FY 2010/11, the following programs will be implemented to meet the goals of each Objective:

TABLE 2-C

HOUSING STRATEGY	
OBJECTIVE 1: Rehabilitation of existing housing and/or construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.	
PROGRAM:	**MOBILE HOME GRANT PROGRAM**
PROGRAM DESCRIPTION:	Program offers rehabilitation grants of up to $10,000 to low-income owner occupants of mobile home coaches located in rental parks within the City to repair and eliminate substandard conditions.
RESOURCES:	HOME Funds $100,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	Citywide

HOUSING STRATEGY

OBJECTIVE 1: (Continued)

PROGRAM:	**HOME IMPROVEMENT LOAN PROGRAM (HILP)**
PROGRAM DESCRIPTION:	3% deferred loans for income qualified homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.
RESOURCES:	HOME Funds 2010/11 $240,000
TARGET POPULATION:	Low and Moderate Income Home Owners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**MULTI-FAMILY AFFORDABLE HOUSING PROJECTS**
PROGRAM DESCRIPTION:	Construction or rehabilitation of affordable multi-family housing units. New construction will provide additional affordable housing within the community for low income renters. The rehabilitation of current housing stock will improve the amount of decent housing in the community.
RESOURCES:	HOME Funds 2010/11 $182,942
TARGET POPULATION:	Low- income renters
GEOGRAPHIC AREAS:	CDBG Target Area

HOUSING STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**SINGLE FAMILY ACQUISITION, REHABILITATION, AND RESALE PROGRAM (SFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the SFR-ARR program purchases, repairs, then re-sells foreclosed and abandoned properties to qualifying families earning up to 120% of the area median income.
RESOURCES:	NSP Funds $5,203,575
TARGET POPULATION:	Low and Moderate Income families
GEOGRAPHIC AREAS:	NSP Target Census Tracts

PROGRAM:	**MULTI-FAMILY ACQUISITION REHABILITATION AND RESALE (MFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the MFR-ARR program purchases, repairs, foreclosed and abandoned multi-family apartments and makes them available to renters earning up to 50% of the area median income.
RESOURCES:	NSP Funds $4,047,529
TARGET POPULATION:	Low and Moderate Income renters
GEOGRAPHIC AREAS:	NSP Target Census Tracts

HOUSING STRATEGY	
(OBJECTIVE 1 CONTINUED)	
PROGRAM:	**CHDO – COMMUNITY HOUSING DEVELOPMENT ORG, Unprogrammed**
PROGRAM DESCRIPTION:	15% CHDO Set aside money for the future rehabilitation or construction of affordable housing for very low income residents. Specific project to be selected at a later date.
RESOURCES:	HOME CHDO Funds 2010/11 $99,988
TARGET POPULATION:	Very Low- income households
GEOGRAPHIC AREAS:	CDBG Target Area
PROGRAM:	**HABITAT FOR HUMANITY – MOBILE HOME REHABILITATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Program will supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or cosmetic) and focus more grant dollars on the code related improvements.
RESOURCES:	CDBG Funds $10,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 2: Create home ownership opportunities for low and moderate-income residents

PROGRAM:	**HOMEBUYER ASSISTANCE PROGRAM (HAP)**
PROGRAM DESCRIPTION:	Provides down payment assistance of up to 20% of the purchase price, for first time homebuyers purchasing resale homes up to the maximum FHA 203b limit. Loans are deferred for 30 years with no interest.
RESOURCES:	Neighborhood Stabilization Funds 2010/11 $1 million Redevelopment Funds 2010/11 $500,000
TARGET POPULATION:	Low and moderate income households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**OAKWOOD AFFORDABLE HOUSING PROJECT**
PROGRAM DESCRIPTION:	Development of 240 apartment units for low income renters. The project is currently under construction.
RESOURCES:	Redevelopment Housing Set-aside Funds $ 3 million
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

PROGRAM:	**RANCHO DORADO AFFORDABLE HOUSING DEVELOPMENT**
PROGRAM DESCRIPTION:	Development of apartment units for low income renters. Phase 1 of the project is currently under construction. Phase 2 is competing for State Tax Credit funding. The project will provide 148 affordable units once constructed.
RESOURCES:	Redevelopment Housing Set-aside Funds Phase 1 $4,750,000 Phase 2 $4,750,000
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

HOUSING STRATEGY

OBJECTIVE 3: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.

PROGRAM:	**NEIGHBORHOOD CODE COMPLIANCE**
PROGRAM DESCRIPTION:	City Code Compliance Officers provide enhanced, proactive inspection and enforcement services within the CDBG Target Areas to eliminate substandard housing and poor property maintenance conditions. Many low-income tenants are unable to pay for improvements that are the responsibility of the property owner. Increased code enforcement seeks compliance from property owners and assists in eliminating the substandard conditions.
RESOURCES:	CDBG Funds 2010/11 $263,390
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

PROGRAM:	**PROBLEM ORIENTED POLICING (POP) PROGRAM**
PROGRAM DESCRIPTION:	Addresses crime prevention through problem solving to increase public safety in low-income neighborhoods and reduce the number of calls for service. Public safety continues to be identified as a high priority by residents and the city. Continued support of the program will help to maintain the safety of area residents and the city's neighborhoods.
RESOURCES:	CDBG Funds 2010/11 $28,241
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CODE ENFORCEMENT - CITY FORECLOSURE STRIKE TEAM**
PROGRAM DESCRIPTION:	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.
RESOURCES:	CDBG Funds 2010/11 $103,017
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas
PROGRAM:	**NEIGHBORHOOD CLEAN-UP PROGRAM**
PROGRAM DESCRIPTION:	This neighborhood program assists in the revitalization of older neighborhoods. Funds will be used to conduct large-scale neighborhood clean-ups (utilizing commercial sized dumpsters and skip loaders) providing haul away and other services to residents within the targeted neighborhoods. Each clean-up typically assists an average of 125 properties.
RESOURCES:	CDBG $15,000
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**FIRE PREVENTION – 'IMPROVEMENT TASK FORCE'**
PROGRAM DESCRIPTION:	This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family units in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing.
RESOURCES:	CDBG Funds 2010/11 $30,000
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 4: Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

PROGRAM:	**FAIR HOUSING SERVICES**
PROGRAM DESCRIPTION:	The Fair Housing Council of Riverside County provides a full range of fair housing services including education, discrimination investigation, landlord/tenant mediation, enforcement, and training and technical assistance. All services designed to affirmatively further fair housing.
RESOURCES:	CDBG Funds 2010/11 $49,453
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

CITY EFFORTS TO ADDRESS LEAD-BASED PAINT HAZARDS

The City provides four consumer loan products that are impacted by the requirements of lead based paint disclosure. Applicants for the City's Mobile Home Grant Program, the Homebuyers Assistance Program, Home Improvement Loan Program, and the Homeowners Assistance for Minor Rehabilitation Program are given a lead-based paint disclosure booklet and sign an acknowledgment that is included in the loan application. If the home was constructed prior to 1978, the City contracts with Home Safe for a lead-based paint inspection of the property. If the property is found to contain lead-based paint, mitigation measures are incorporated as a part of the revitalization work. Since the HAP loan is down payment assistance, the lead-based paint mitigations are the responsibility of the Seller prior to the title transfer. Both buyer and seller receive the disclosure materials as a part of the loan application process.

SECTION 2 – *AFFORDABLE AND FAIR HOUSING*

Zoning

While not specifically addressed as a barrier to affordable housing, the City will begin re-evaluation of some areas that have been re-zoned to non-residential uses. In most cases, the areas re-zoned are older areas of the City that may offer more affordable housing. The City will continue to review the policies in its Housing Element for consistency with the Consolidated Plan and identify areas in need of improvement.

Strategies to Promote Affordable Housing

The City of Moreno Valley will undertake the following strategies to promote and foster affordable housing:

- Actively support projects that apply for State and Federal funds, on a case-by-case basis.
- Continue to develop and maintain affordable housing through the use of CDBG funds, HOME funds, Redevelopment Agency Housing Set-aside funds, and Neighborhood Stabilization Program funds.
- Complete infrastructure plans for various areas of the City to reduce-up front design costs for construction of improvements.
- Continue to implement Permit streamlining to encourage the development of affordable housing in the City.
- Continue to allocate funding for Code Compliance services in the CDBG target areas to address code compliance issues and encourage housing and property maintenance.

ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING

The City updated its Analysis of Impediments to Fair Housing Choice Report in 2008. The following proposed actions were identified during the process. The recommended actions are directed to the City, lending institutions, and other service agencies that assist Moreno Valley residents. Listed below are the key actions that the City could take to continue its efforts to affirmatively further fair housing:

1. Private Sector Actions

Action 1.1 Hate crime victim services are needed because families may feel threatened and unwanted. The City will develop a directory of victim services.

Action 1.2 Numerous professional organizations guide the day-to-day practice of real estate agents and property management companies. These day-to-day practices impact the delivery of housing on a fair and equal basis. The City will continue to maintain an awareness of these organizations and how they affect housing in Moreno Valley.

Action 1.3 The City will encourage the Press-Enterprise to identify in its Fair Housing Notice the agencies that can respond to fair housing questions. Such agencies would include the Fair Housing Council of Riverside County (FHCRC).

Action 1.4 The City will encourage the Press-Enterprise to publish a "no pets" disclaimer that indicates rental housing owners must provide reasonable accommodations, including "service animals" and "companion animals" for disabled persons.

Action 1.5 The City will encourage the Fair Housing Council to prepare a summary of reasonable accommodation requirements and transmit this information to the owners and managers of Moreno Valley's large apartment communities. The information may also provide a link to the State Department of Fair Employment and Housing video on reasonable accommodations.

2. Public Sector Actions

Action 2.1 The City will continue to support fair housing services in order to ameliorate the impacts of housing discrimination and to inform residents on how to recognize and avoid predatory lending, panic selling, and steering.

Action 2.2 The City's Home Improvement and Homeowner's Assistance Programs will continue to assist loan applicants that may have previously been denied through private banks and institutions, with low interest and deferred loans. The deferred loans would not increase an applicant's debt-to-income ratio. In addition, the City can be somewhat more lenient than a private lender insofar as past credit history.

Action 2.3 Using HPRP funds, the City will fund expanded hours for the provision of income – eligible families facing unlawful eviction and homelessness.

Action 2.4 Over the few years, homeowners in the City, as in other Inland Empire communities, are late with their monthly loan payments and, thus, are receiving notices of default and facing foreclosure and possible bankruptcy. The fair housing services provided by the FHCRC have been augmented to help struggling homeowners.

Action 2.5 The City will continue to provide Foreclosure Prevention Workshops throughout Moreno Valley. Two workshop series will be held, each delivering 5 workshops to help struggling homeowners prevent foreclosure. The City will produce a 1-hour video on the subject, to be available on the City's website.

Action 2.6 The City will assist the County of Riverside Housing Authority by transmitting information contained in the Fair Housing Community Profile (Technical Appendix A of the Analysis of impediments to Fair Housing Choice). That information will include the areas of minority and low-income concentrations and an inventory of rental housing communities located outside these areas. In this way, the Housing Authority will have specific geographic information to counsel Section 8 tenants and seek owners outside areas of concentration. This information will be transmitted to the Housing Authority during the first year of the five-year Fair Housing Action Plan.

Action 2.7 The City's Website also will provide a link to the State Department of Fair Employment and Housing's (DFEH) six-minute video on reasonable accommodations for tenants.

ACTIONS TO BE TAKEN DURING PROGRAM YEARS 2008-2009 TO 2012-2013 OF THE CONSOLIDATED PLAN

Program Year 2010-2011

- Continue to contract the FHCRC to provide fair housing services to Moreno Valley's residents.
- Prepare a listing or directory of hate crime victim services.
- Provide the public fair housing information by preparing Q&A documents on topics such as service and companion animal guidelines and accessibility guidelines.
- Conduct annual coordination meetings with the FHCRC, Inland Valley Association of Realtors and the Apartment Association of the Greater Inland Empire to discuss emerging fair housing issues.
- Transmit to the County of Riverside Housing Authority information on areas of minority and low income populations. This information will help the Housing Authority to counsel Section 8 tenants and to conduct landlord outreach to the owners and managers of apartments located outside these areas.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

The Five Year Goals and Proposed Accomplishments under the Community and Economic Development Strategy are to:

1. To assist 400 local small businesses with counseling services and loan programs.
2. To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.
3. To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).
4. To assist 150 low and moderate income residents with employment training and placement opportunities.

The following tables outline the activities that the city will undertake during Program Year 2010/11 to meet the Consolidated Plan Goals and Objectives.

TABLE 2-D

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 1: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.	
PROGRAM:	**SMALL BUSINESS COUNSELING SERVICES**
PROGRAM DESCRIPTION:	Counseling services for local small businesses in business planning, finances, marketing, etc. The goal is to create and/or retain low-income jobs in the community.
RESOURCES:	CDBG Funds FY 2010/11 $50,000
TARGET POPULATION:	Low income small business owners and employees
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**EMPLOYMENT RESOURCE CENTER**
PROGRAM DESCRIPTION:	The Center will provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost.
RESOURCES:	CDBG Funds 2010/11 $145,641
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**MORENO VALLEY NEW BUSINESS INCENTIVE PROGRAM**
PROGRAM DESCRIPTION:	The New Business Incentive Program is intended to attract major employers to locate in large, vacant retail space in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community through loans, grants or interest subsidies. The program intent is to create full-time permanent jobs which, per a formal agreement with the employer, a certain number shall be held by or made available to low and moderate income persons.
RESOURCES:	CDBG Funds 2010/11 $540,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**FAMILY SERVICE ASSOCIATION - MEAL PROGRAM FACILITY**
PROGRAM DESCRIPTION:	The local Family Services Association plans to construct a kitchen facility in the City's CDBG Target Area where meals will be prepared for the participants of its daycare centers. CDBG funding would be used for help in acquiring a building for the site. In lieu of the CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.
RESOURCES:	CDBG Funds 2010/11 $50,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LORD'S GYM**
PROGRAM DESCRIPTION:	The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet by focusing on sports. The facility offers a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring. A new facility shall open in Moreno Valley. The proposed CDBG funding will be used toward tenant improvements. In lieu of the CDBG assistance, the 'Lord's Gym' must create or retain a minimum of one full time permanent job held by or made available to low and moderate income level person.
RESOURCES:	CDBG Funds 2010/11 $20,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 2: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.

PROGRAM:	**SHEILA STREET PARK**
PROGRAM DESCRIPTION:	Project will design and construct a neighborhood park to be located at the former car was site in the Sheila Street Neighborhood.
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $400,000
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Warner Ranch Neighborhood in Moreno Valley

PROGRAM:	**VOUGHT STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Vought Street from Boeing Street to Pan Am Boulevard and on Boeing Street from Vought Street to Temco Street
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $388,183
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

PROGRAM:	**BOEING-MCDONNEL SIDEWALK IMPROVEMENTS, #2**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Boeing Street and McDonnel Street from Bay Avenue to Vought Street
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $586,447
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 2 CONTINUED)

PROGRAM:	**TEMCO STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	Project will design and construct sidewalks on Temco Street from Boeing Street to Pan Am Boulevard
RESOURCES:	(On-going, previous year) CDBG Funds FY 2008/09 $291,028
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Edgemont Neighborhood in Moreno Valley

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 3: Support public service programs available to serve low and moderate income residents.

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2010/11 $30,600
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2010/11 $9,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CHILD ABUSE PREVENTION & EDUCATION PROGRAM**
PROGRAM DESCRIPTION:	The Riverside Area Rape Crisis Center provides a child abuse prevention program designed to educate children (K-12th grade) through the Moreno Valley schools. They also provide counseling and support services to abuse victims and their families.
RESOURCES:	CDBG Funds 2010/11 $7,500
TARGET POPULATION:	K-12 students
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides a backpack, hygiene kit and back-to-school clothing through a "shopping" experience to children identified by teachers or school officials as being in need.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Elementary school aged children from homeless and low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**ALTERNATIVES TO DOMESTIC VIOLENCE**
PROGRAM DESCRIPTION:	Alternatives to Domestic Violence provides services to victims of domestic violence. These services include an Outreach Counseling Center which offers a 24-hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.
RESOURCES:	CDBG Funds 2010/11 $7,500
TARGET POPULATION:	Victims of Domestic Violence
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CASA for RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	Advocacy for Abused and Neglected Children. CASA offers court appointed monitoring services to foster youth. CDBG funds will be used to fund the salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.
RESOURCES:	CDBG Funds 2010/11 $10,000
TARGET POPULATION:	Abused/Neglected Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER '211 PROGRAM'**
PROGRAM DESCRIPTION:	The '211 Program' is a quality telephone referral system available 24 hours a day, 7 days a week that residents may use to access information on public and private facilities and services in the City.
RESOURCES:	CDBG Funds 2010/11 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 4: Provide employment training and placement programs available to serve low and moderate income residents.	
PROGRAM:	**MORENO VALLEY COMMUNITY EDUCATORS**
PROGRAM DESCRIPTION:	Offers low income, 'at risk' youth tutoring, mentoring, and standardized test preparation and also includes programs for adults that provides for GED preparation, parenting, resume writing, interview skills and other workforce development skills.
RESOURCES:	CDBG Funds 2010/11 $6,400
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**YOUTH OPPORTUNITY CENTER (YOC)**
PROGRAM DESCRIPTION:	The Center will offer local youth access to an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. The proposed $50,000 in CDBG funding would be used for tenant improvements.
RESOURCES:	CDBG Funds 2010/11 $50,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

SECTION 3 –OTHER ACTIONS

ANTI-POVERTY STRATEGY

The City identified several programs in its strategy to produce and preserve affordable housing. Programs include: the Neighborhood Stabilization Program (NSP), the Home Improvement Loan Program, Mobilehome Rehabilitation Grant Program, and the Homebuyer Assistance Program. The implementation of these programs and the re-evaluation of zoning in specific neighborhoods will assist in maintaining livable conditions for lower income persons. These programs, when coupled with the various social services, such as shelter and food services, and counseling programs, (including homeless prevention programs) provide residents opportunities to utilize programs at

little or no cost, thereby reducing financial burden. The City's current structure limits the ability to directly reduce the numbers of households with incomes below the poverty line. However, by utilizing multiple programs and working with County, private, and nonprofit agencies the City can work to reduce the number of persons with incomes below the poverty line.

The City has established several goals to reduce poverty among its population:

1. Economic Development and Job Creation/Retention

The City partners with the Inland Empire Small Business Development Center (SBDC) to provide small business counseling services and specialized training to local businesses with the goal that the services will create and/or retain low and moderate income jobs.

Last year, the City implemented 2 new programs aimed at relieving area unemployment and creating new jobs. The New Business Incentive Program continues this year to function as a tool to assist in the attraction of retail business to Moreno Valley providing full-time jobs to low-and-moderate income individuals. The Employment Resource Center provides a centrally located office where certified low-to-moderate income persons may utilize computers and other office equipment to assist in building their resumes and run job searches. The City continues to implement a $479, 292 Community Development Block Grant – Recovery, received in 2009, that incentivizes job creation.

2. Housing Programs

The City identified several programs in its strategy to produce and preserve affordable housing. The implementation of programs such as:

- the Homebuyer Assistance Program,
- the Homeownership Opportunity Program,
- the Home Improvement Loan Programs, and
- the Mobile Home Grant Program,
- NSP Acquisition, Rehabilitation, Resale of Single Family Homes,
- NSP Acquisition Rehabilitation, Rental of Multi Family Apartments
- New Affordable Housing Development
- Homelessness Prevention and Rapid Re-Housing Program (HPRP)

will assist in maintaining livable conditions for lower income persons. Four areas of the city were designated Revitalization Areas by HUD. The City is exploring opportunities to acquire and rehabilitate HUD owned properties within these areas to be sold to low-income homebuyers.

3. Public Service Providers

Public service organizations provide direct assistance to low-income persons, including the elderly, homeless, disabled, and persons threatened with homelessness. They assist with (obtaining and maintaining adequate housing) emergency assistance to meet immediate and urgent individual and family needs, including shelter; and remove

obstacles blocking the achievement of self-sufficiency. These programs, when coupled with the various social services, provide city residents opportunities to utilize programs at little or no cost, thereby reducing financial burden. The Homelessness Prevention and Rapid Re-housing grant of $732,872 received in 2009, also utilizes Public Service providers to distribute emergency assistance to families facing homelessness.

4. Coordination of Efforts

The City's goal is to continue to establish collaborative relationships between governmental and social service agencies to assure the effective delivery of services to low-income individuals. One example is the Riverside County Continuum of Care. The Continuum of Care group consists of several local non-profit agencies along with governmental agencies, such as the City of Moreno Valley, who meet periodically to share information, coordinate efforts to assist homeless persons and plan future activities. While the City's ability to directly reduce the numbers of households with incomes below the poverty line is limited, the City will attempt to reduce the number by utilizing multiple programs and working with the county, private and non-profit agencies.

Planning and Meeting Obstacles

The City will continue to evaluate and monitor priority community development needs, including those needs that may be currently underserved. The City will also work toward identifying, assessing and overcoming obstacles to meeting underserved community development needs.

SECTION 3 –OTHER ACTIONS

INSTITUTIONAL STRUCTURE AND COORDINATION

The institutional structure described in the Consolidated Plan demonstrates the diverse types of organizations needed to accomplish its program goals. The City will work with a variety of public and private agencies to accomplish the Consolidated Plan goals set forth in this Strategic Plan.

In addition, coordination with other public and private agencies is necessary in order to establish solid working relationships that will enable all service providers to better assist those in need. The City enjoys a cooperative relationship with surrounding jurisdictions and agencies, as well as nonprofit organizations.

Public Agencies

City staff will work to partner with Riverside County agencies such as the Departments of Mental Health and Public Social Services, to address regional homeless issues. The City meets on a regular basis with the Riverside County Department of Public Social Services as part of the Continuum of Care process to assist homeless persons. The Continuum of Care Consortium consists of local government agencies as well as non-profit agencies that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services and shelter. Periodic meetings provide an opportunity for networking and working towards the common goal. Riverside County's Economic Development Agency also partners with the City to provide employment assistance services at the City's Employment Resource Center, as well as support services for at-risk youth at the Youth opportunity Center (under development).

In addition, the City also works with state and federal agencies through several grant programs to facilitate services and programs, which meet housing and safety needs in the community. The City is a member of the March Joint Powers Authority (JPA). The JPA is a public entity created for the purpose of addressing the use, reuse, and joint use of realigned March Air Reserve Base (MARB).

Public Housing Authority

The Riverside County Housing Authority administers public housing and Section 8 for Moreno Valley residents. Issues relating to public housing are included in the Consolidated Plan for Riverside County. The City will work with the Riverside County Housing Authority when possible to improve the living environment of public housing and Section 8 residents.

Non-Profit Organizations

The City utilizes a variety of nonprofit organizations to address community needs, such as homelessness, special needs, fair housing and food distribution services. The City will provide information and updates to local social service agencies regarding the

availability of private affordable housing opportunities in Moreno Valley. The City will also inform and educate private housing entities on the services, programs, and referrals provided by local social service agencies to persons seeking housing. Distribution of this information may be through a variety of methods including direct mailing, public service announcements, and personal contacts by city staff. Many of the objectives identified in the Strategic Plan and associated annual programs are carried out by non-profit organizations. These organizations are the primary service providers for Moreno Valley's homeless, special needs and low-income populations. CDBG funds are allocated to these organizations to carry out activities benefiting these populations.

HOME funds are provided to non-profit agencies for rehabilitation and new construction of affordable housing units in the city. The City will work with its Community Housing Development Organizations (CHDO's), Riverside Housing Development Corporation (RHDC), and Habitat for Humanity to accomplish the housing goals.

As a result of working with the CHDO's, the City has been able to address a wide variety of community needs including housing programs, public services, and public safety. The City will continue to work with these entities throughout the program year.

SECTION 3 – OTHER ACTIONS
MONITORING

MONITORING OF CDBG PROGRAMS

Monitoring serves as an effective tool to ensure that expenditures of federal funds are consistent with CDBG National Objectives and achieve program/project goals. The following outlines monitoring requirements for Moreno Valley CDBG program:

Subrecipients – When an organization becomes a City subrecipient, they must sign a contract with the City in which the various scopes of work, time lines, and documentation requirements are outlined. On a monthly basis, each Subrecipient must submit detailed information regarding the number, ethnicity, and income level of individuals benefiting from CDBG funds. Quarterly summary reports are required of some agencies in which further information is provided on activities accomplished in that quarter. The City conducts an on-site inspection of each agency at least once per year, preferably toward the end of the funding cycle. A sample Subrecipient Monitoring Form is attached as Attachment G.

Construction Projects – All construction projects comply with Federal Labor and Procurement Procedures as well as the various affirmative action and equal opportunity requirements required by various federal and state laws. The CDBG Management Analyst oversees and reviews contract preparation at each step from bid preparation, contract document preparation, pre-construction meetings, and ongoing project inspections. All public notices that solicit bids for capital projects are submitted to minority newspapers such as El Chicano, the San Bernardino American and the Precinct Reporter in order to give minority-owned businesses the opportunity to bid on the CDBG capital projects.

MONITORING OF HOME PROGRAMS

Multi-Family Affordable Housing Programs

The City requires property owners who have received funds under the Rental Rehabilitation Program or Multifamily Affordable Housing Program to recertify their tenant's eligibility annually. They report information and provide documentation related to the property, unit occupancy, tenant information and financial reporting. Forms and applicable documentation such as Federal income tax returns are to be completed by tenants of reserved (affordable) units and submitted with the report. If the unit was occupied by multiple tenants, then a copy of the application, rental agreement and the dates of residency must be provided. In addition, a copy of "Determining Affordable Rent" is provided to the owner for the reserved units. A city Building Inspector will conduct a property inspection to determine if the property is in compliance with code requirements and in good condition. The City will work with a recertification consulting service to ensure that the information is accurate and complete. Examples of the checklists used to monitor the affordable units under the Rental Rehabilitation Loan Program are also included in Attachment G.

Single Family Housing Programs – For Owner-Occupants

The City's Homebuyer Assistance Program offers a low-interest, silent second, down-payment assistance loans to income qualified individuals.

Loan terms include an equity sharing arrangement in lieu of interest on the deferred loan. When the property is sold or transferred, the City will receive a share of the gain on sale in addition to the original amount loaned. The percentage of the equity share percentage is calculated by dividing the original loan amount by the original purchase price.

Example: *If the HAP loan amount was $10,000 and the original purchase price was $90,000, the equity share percentage would be 11%. The equity share percentage is then multiplied by the gain on the sale (as determined by the sales price or the property value determined by a professional appraisal) to determine the City's Share of the profit on the sale. If the gain on the sale were $15,000, the City's share would be 11% of $15,000, or $1,650. The total repayment to the City would be $11,650.*

In addition, a Deed of Trust is recorded to serve as loan collateral (security). The securing deed may take first, second, or third position if it does not exceed the one hundred percent (100%) loan-to-value ratio.

Displacement and Relocation

The City does not have any plans to displace or relocate any residents from their homes using CDBG or HOME funds. If a project necessitated displacement or relocation, it would be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

PROPOSED ACCOMPLISHMENTS

The following table details each of the goals and objectives identified in the Strategic Plan and the proposed accomplishments over the five-year period of the Consolidated Plan. Following the close of the program year on June 30th, the City has 90 days to complete a Consolidated Annual Performance and Evaluation Report (CAPER) for public review and submittal to HUD. The CAPER will include the following table to track the accomplishments during the entire five-year period. Annual goals will be identified in the Annual Action Plan.

TABLE 3-A
PROPOSED FIVE-YEAR ACCOMPLISHMENTS (SAMPLE TABLE. INTENTIONALLY BLANK.)

Priority	Five-Year Goal / Proposed Accomplishments	Complete per Program Year					Summary of Progress
		08/09	09/10	10/11	11/12	12/13	
HOMELESS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.							
1.1	To assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities.						Goal: Completed:
SPECIAL NEEDS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of special needs persons.							
2.1	To assist 15,000 special needs persons, including the elderly and disabled, with housing and public services.						Goal: Completed:
HOUSING STRATEGY							
OBJECTIVE: Rehabilitation of existing and construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.							
3.1	To rehabilitate or construct a minimum of 400 housing units.						Goal: Completed:
OBJECTIVE: Create home ownership opportunities for low and moderate income residents.							
3.2	To provide home ownership to 5 households.						Goal: Completed:
OBJECTIVE: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.							
3.3	To provide increased, proactive Code Enforcement, Neighborhood Cleanups and public safety activities to assist 3,000 households.						Goal: Completed:
OBJECTIVE: Provide fair housing services to educate households on their rights and responsibilities and assist residents with fair housing issues.							
3.4	To assist 2,500 households with fair housing services.						Goal: Completed:

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY							
Priority	**Five-Year Goal / Proposed Accomplishments**	**Complete per Program Year**					**Summary of Progress**
OBJECTIVE: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.							
4.1	To assist 400 local small businesses with counseling services and loan programs.						**Goal:** **Completed:**
OBJECTIVE: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.							
4.2	To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.						**Goal:** **Completed:**
OBJECTIVE: Support public service programs available to serve low and moderate income residents.							
4.3	To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).						**Goal:** **Completed:**
OBJECTIVE: Provide employment training programs available to serve low and moderate income residents.							
4.4	To assist 150 low and moderate income residents with employment training and placement.						**Goal:** **Completed:**

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SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
FORM APPLICATION SF424

Form Application SF 424

(behind this page)

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:	*2. Type of Application	* If Revision, select appropriate letter(s)
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	*Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

3. Date Received:

4. Applicant Identifier: B-09-MC-06-0567

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Moreno Valley

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 Frederick Street

Street 2: PO BOX 88005

*City: Moreno Valley

County:

*State: CA

Province:

*Country: USA

*Zip / Postal Code 92553

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms. *First Name: Isa

Middle Name:

*Last Name: Rojas

Suffix:

Title: Management Analyst

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@MoVal.org

MV00056517

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2010/11 Community Development Block Grant funding. Programs/projects receiving new allocations for funding includes public services (landlord/tenant mediation, homeless\transitional housing shelters, emergency food assistance, youth programs, and elderly programs) code enforcement, and economic development programs.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2009 *b. End Date: June 30, 2010

18. Estimated Funding ($):

*a. Federal	$1,941,611
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	$1,941,611

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: William

Middle Name: L.

*Last Name: Bopf

Suffix:

*Title: INTERIM CITY MANAGER

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: billbopf@moval.org

*Signature of Authorized Representative: *Date Signed:

Authorized for Local Reproduction Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

NA

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:	*2. Type of Application	* If Revision, select appropriate letter(s)
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	*Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

3. Date Received:

4. Applicant Identifier: M-09-MC-06-0551

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: CITY OF MORENO VALLEY

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 FREDERICK STREET
Street 2: PO BOX 88005
*City: MORENO VALLEY
County: RIVERSIDE
*State: CA
Province:
*Country: USA
*Zip / Postal Code 92552-0805

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: MS. *First Name: ISA
Middle Name:
*Last Name: ROJAS
Suffix:

Title: MANAGEMENT ANALYST

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@moval.org

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development (HUD)

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Parntnership Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2010/11 HOME funding. Programs/projects receiving new allocations for funding include Mobile Home Grant Program, Home Improvement Loan Program, and Multi-family Affordable Housing Program.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2010 *b. End Date: June 30, 2011

18. Estimated Funding ($):

*a. Federal	$666,589
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	$666,589

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: William

Middle Name: L.

*Last Name: Bopf

Suffix:

*Title: Interim City Manager

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: billbopf@moval.org

*Signature of Authorized Representative: *Date Signed:

Authorized for Local Reproduction Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CITIZEN PARTICIPATION

CITIZEN PARTICIPATION PROCESS

In preparing the 2010/11 Action Plan, the City took an assertive approach to encourage citizen participation. HUD regulations require that cities consult with public and private community-based non-profit organizations to obtain input on the housing and non-housing needs of low- and moderate-income and homeless members of the community. Those with special needs are included as well. To meet this requirement, the City prepared a Citizen Participation Plan (Attachment D), which outlines the process for encouraging citizen participation in the development of the Action Plan.

Citizen participation was accomplished through a series of meetings, public notices and announcements. City staff hosted community meetings and invited area residents, non-profit organizations and surrounding jurisdictions to provide input on the needs of the community. Public meetings to determine needs were held at the Moreno Valley Conference and Recreation Center and the Senior Center. In addition, several focused meetings with local agencies, surrounding jurisdictions and City committees were also conducted. Information and notification of these meetings was distributed through correspondence, flyers and public notices. Table 4-A, on the following page, outlines the citizen participation schedule.

The information compiled from the meetings (as outlined in the above schedule) was used in determining the needs in the community and the development of strategies. Citizen Comments are included as Attachment E. Organizations that participated in meetings or consultations included the following:

- Moreno Valley Citizens
- Coachella Valley Housing Coalition
- Cultural Heritage Performers
- Fair Housing Council of Riverside
- Mexican Political Association
- MoVan and the Community Assistance Program (CAP)
- Transforming Community Action Program
- United Democrats of Moreno Valley

The proposed Action Plan was available for a 30-day public examination and comment period from April 8, 2010 through May 8, 2010.

The Action Plan was available for public review at the following locations:

- City of Moreno Valley Economic Development Department – City Hall
- Moreno Valley Senior Center
- City of Moreno Valley Corporate Yard

- Moreno Valley City Library

No Public comments on the Annual Action Plan were received during the public review period. Comments received at public meetings and hearings are included in Attachment E.

TABLE 4-A
CITIZEN PARTICIPATION SCHEDULE

Annual Action Plan FY 2010-2011 CDBG & HOME Programs Citizen Participation Schedule	
November 27, 2009	Notice of Community Needs Meetings *(Publish in Newspaper & Mail Out)*
December 10, 2009	Community Needs Assessment Meeting – Conference & Recreation Center (6:00 p.m. to 8:00 p.m.)
December 14, 2009	Community Needs Assessment Meeting - Senior Community Center (6:00 p.m. to 8:00 p.m.)
December 30, 2009	Publish Notice of Public Hearing to Adopt CDBG/HOME Program Objectives and Policies
January 12, 2010	City Council Meeting – Adopt CDBG/HOME Program Objectives and Policies *(Public Hearing)*
January 14, 2010	City CDBG/HOME Applications Distributed & Notice of Funding Availability Published (Technical Assistance Available on Request)
February 4, 2010	Non-Profit and Outside Agency Applications Due
February 9-11, 2010	Technical Review Committee Reviews Public Service and Community Needs Applications; Applicant Oral Presentations
February 11, 2010	Final Technical Committee Project Review & Recommendation
March 10, 2010	Publish Notice of Public Hearing for March 23, 2010 City Council Meeting
March 18, 2010	Publish Notice of Annual Action Plan Review Period (April 1 – May 1, 10)
March 23, 2010	City Council Meeting - CDBG/HOME Project Selection *(Public Hearing)*
April 1, 2010	Begin Annual Action Plan 30-Day Review Period
April 28, 2010	Publish Notice of Public Hearing to Approve the Annual Action Plan
May 1, 2010	Close of 30-day Public Comment Period for Annual Action Plan
May 11, 2010	City Council Meeting - Review Citizen Comments & Approve the Annual Action Plan *(Public Hearing)*
May 13, 2010	Submittal of Annual Action Plan to HUD

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CERTIFICATIONS

(Behind this page)

CERTIFICATIONS FY 2010-2011

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the City of Moreno Valley certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, and it has concluded an analysis of impediments to fair housing choice within the jurisdiction, and will take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential ant displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;
(b) The grantee's policy of maintaining a drug-free workplace;
(c) Any available drug counseling, rehabilitation, and employee assistance programs; and
(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and
(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

_____ _____
Signature/Authorized Official Date

William Bopf, Interim City Manager

Specific CDBG Certifications

The City of Moreno Valley certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2008-2009 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

   However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-Discrimination laws -- The grant will be conducted and administered in conformity within title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

_____ _____

Signature/Authorized Official Date

William Bopf, Interim City Manager

Specific HOME Certifications

The City of Moreno Valley certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

_____ _____
Signature/Authorized Official Date

William Bopf, Interim City Manager

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Hall
14177 Frederick Street
Moreno Valley, CA 92552

(X) Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

ATTACHMENT A – DEFINITIONS OF TERMS AND ACRONYMS USED

List of acronyms used in this document:

CDBG: Community Development Block Grant

CDBG-R: Community Development Block Grant, Recovery Program

HOME: HOME Investment Partnership Grant

HPRP: Homelessness Prevention and Rapid Re-housing Program

HUD: U.S. Department of Housing and Urban Development

NSP: Neighborhood Stabilization Program

RDA: Community Redevelopment Agency of the City of Moreno Valley

This glossary is designed to provide a comprehensive list of terms used in this Consolidated Plan and future annual plans.

Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

AIDS and Related Diseases: The disease of acquired immune deficiency syndrome or any conditions arising from the etiologic agent for acquired immune deficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit from one or more programs included in the jurisdiction's investment plan. A renter is benefited if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefited during the year if the home's rehabilitation is completed. A first-time homebuyer is benefited if a home is purchased during the year. A homeless person is benefited during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefited, however only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of

a housing unit and/or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unity must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109) See also instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities.

Consolidated Plan: The document that is submitted to HUD that serves as the planning document (comprehensive housing affordability strategy and community development plan) of the jurisdiction and an application for funding under any of the Community Planning and Development formula grant programs (CDBG, ESG, HOME, or HOPWA), which is prepared in accordance with the process prescribed in 24CFR part 91.

Cost Burden: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Disabled Household: A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally developed programs or conduct a variety of special projects designed to promote economic independence and self-sufficiency.

Elderly Household: For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

Emergency Shelter: Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

Extremely Low-Income Family: Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

Family: Family means all persons living in the same household who are related by birth, marriage or adoption.

Family Self-Sufficiency (FSS) Program: A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50% of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be used as the principal residence of the homebuyer, except that any individual who is a displaced homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by the spouse.

For Rent: Year round housing units that are vacant and offered/available for rent. (U.S. Census definition)

For Sale: Year round housing units that are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least 3 activities of daily living (i.e., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless Family: Family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, or a homeless person in the process of securing legal custody of a person under the age of 18.

Homeless Individual/Homeless Person: An unaccompanied youth (17 years or younger) or an adult (18 years or older) without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or a State law), including the following: (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is: (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Homeless Subpopulations: Include but are not limited to the following categories of homeless persons: severely mentally ill only, alcohol/drug addicted only, severely mentally ill and alcohol/drug addicted, fleeing domestic violence, youth, and persons with HIV/AIDS.

Homeless Youth: Unaccompanied person 17 years of age or younger who is living in situations described by terms "sheltered" or "unsheltered".

Household: All the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defects; (2) meet the definition of overcrowded; and (3) meet the definition of cost burden greater than 30%.

Housing Unit: An occupied or vacant house, apartment, or single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

Institutions/Institutional: Group quarters for persons under care or custody. (U.S. Census definition)

Jurisdiction: A State or unit of general local government.

Large Family/Household: Family/household of five or more persons.

Large Related: A household of 5 or more persons that includes at least one person related to the householder by blood, marriage or adoption.

LIHTC: (Federal) Low Income Housing Tax Credit.

Low- and Moderate-Income Household: A household having an income equal to or less than the Section 8 low-income limit established by HUD.

Low- and Moderate-Income Person: A member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.

Low-Income Family/Household: Low-income families/households whose incomes do not exceed 50 percent of the median family/household income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Middle-Income Family/Household: Family/household whose income is between 80 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This corresponds to the term "moderate income family" under the CHAS statute, 42 U.S.C. 12705.)

Moderate-Income Family/Household: Family/household whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Non-Homeless Persons with Special Needs: Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

Non-Institutional: Group quarters for persons not under care or custody. (U.S. Census definition used)

Occupied Housing Unit: A housing unit that is the usual place of residence of the occupant(s).

Other Household: A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

Other Income: Household whose incomes exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to moderate-income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: For purposes of describing relative housing needs, a housing unit containing more than one person per room, as defined by the U.S. Census Bureau, for which data are made available by the Census Bureau. (See 24 CFR 791.402(b).)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Physical Defects: A housing unit lacking complete kitchen or bathroom (U.S. Census definition). Jurisdictions may expand upon the Census definition.

Primary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation or acquisition -- that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity".)

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

Public Housing MROP: Public Housing Major Reconstruction of Obsolete Projects.

Rent Burden > 30% (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden > 50% (Severe Cost Burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Secondary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation, or acquisition -- that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity".)

Section 215: Section 215 of Title II of the National Affordable Housing Act. Section 215 defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up or in overcrowded or substandard conventional housing. Facilities that offer permanent shelter are not shelters, nor are the residents to be considered homeless.

Small Related: A household of 2 to 4 persons that includes at least one person related to the householder by birth, marriage, or adoption.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally not financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This

does not include units that require only cosmetic work, correction or minor livability problems or maintenance work. The jurisdiction must define this term (i.e., standard condition, financially and structurally feasible for rehab) and include this definition in the Appendix (Glossary of Terms) portion of its CHAS submission.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Rehabilitation of residential property at an average cost for the project in excess of $25,000 per dwelling unit.

Supportive Housing: Housing, including Housing Units and Group Quarters, that provides a supportive environment and include a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money management, and household management; counseling home ownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, childcare, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year round housing units. (U.S. Census definition)

Transitional housing: A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: Households whose incomes do not exceed 30 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents. (This term corresponds to low-income households in the CDBG Program.) For the purpose of further distinguishing needs within this category, two subgroups (0 to 30% and 31 to 50% of MFI) have been established in the CHAS tables and narratives.)

Worst-Case Needs: Unassisted, very low income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year round use. (U.S. Census definition.) Housing units for seasonal or migratory use are excluded.

ATTACHMENT B - FY 2010-2011 ANNUAL ACTION PLAN ACTIVITIES

CDBG Programs

Project ID	Local ID	Agency / Program	Funding
0001	2010-11-01-21A	CDBG Program Administration	$ 338,869.00
0002	2010-11-02-21D	Fair Housing Council - Fair Housing Services	$ 49,453.00
0003	2010-11-03-05G	Alternatives to Domestic Violence	$ 7,500.00
0004	2010-11-04-05	Community Assistance Program (CAP)	$ 30,600.00
0005	2010-11-05-05A	Friends of the Moreno Valley Senior Center - (MoVan)	$ 30,000.00
0006	2010-11-06-05	God's Helping Hand - Emergency Food Distribution	$ 9,000.00
0007	2010-11-07-05	Lutheran Social Services - Transitional Living Shelter	$ 15,000.00
0008	2010-11-08-05D	Operation Safehouse	$ 8,000.00
0009	2010-11-09-05	P.W. Enhancement Center - Emergency Motel Vouchers	$ 15,000.00
0010	2010-11-10-05I	Problem Oriented Policing	$ 28,241.00
0011	2010-11-11-05N	Riverside Area Rape Crisis Center - Child Abuse Prevention	$ 7,500.00
0012	2010-11-12-05	Path of Life Transitional Family Shelter	$ 15,000.00
0013	2010-11-13-05D	Moreno Valley Community Educators	$ 6,400.00
0014	2010-11-14-05	Salvation Army Food Program	$ 5,000.00
0015	2010-11-15-05D	Assistance League of Riverside - Operation School Bell	$ 10,000.00
0016	2010-11-16-05B	ARC of Riverside County	$ 5,000.00
0017	2010-11-17-05N	CASA for Riverside County	$ 10,000.00
0018	2010-11-18-15	Code Enforcement - Foreclosure Stike Team	$ 103,017.00
0019	2010-11-19-15	Neighborhood Code Enforcement Program	$ 263,390.00
0020	2010-11-20-18A	MV New Business Incentive Program	$ 540,000.00
0021	2010-11-21-18B	Community Employment Resource Center	$ 145,641.00
0022	2010-11-22-18B	Small Business Counseling Services	$ 50,000.00
0023	2010-11-23-05	Fair Housing Council - Foreclosure Prevention\Mitigation	$ 25,000.00
0024	2010-11-24-03D	Youth Opportunity Center - Tenant Improvements	$ 50,000.00
0025	2010-11-25-05	Community Foreclosure Prevention Workshops	$ 44,000.00
0026	2010-11-26-15	Neighborhood Clean-ups	$ 15,000.00
0027	2010-11-27-05	Volunteer Center '211' Telephone Referral Program	$ 5,000.00
0028	2010-11-28-15	Fire Prevention 'Improvement Task Force'	$ 30,000.00
0029	2010-11-29-14A	Habitat for Humanity Mobile Home Grant Program	$ 10,000.00
0030	2010-11-30-17C	Family Services Association Meal Program Facilities	$ 50,000.00
0031	2010-11-31-17C	Lord's Gym	$ 20,000.00
		Total CDBG Funding	**$ 1,941,611.00**

HOME Programs

Project ID	Local ID	Program	Funding
0032	2010-11-32-21A	HOME Program Administration	$ 66,659.00
0033	2010-11-33-26B	CHDO funds	$ 99,988.00
0034	2010-11-34-14A	Mobile Home Grant Program (MHG)	$ 100,000.00
0035	2010-11-35-14B	Multi-Family Affordable Housing Program	$ 182,942.00
0036	2010-11-36-14A	Home Improvement Loan Program	$ 240,000.00
		Total HOME Funding	**$ 689,589.00**

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0001	CDBG Program Administration	21A General Program Administration	CDBG	$338,869
			ESG	
2009-10-01-21A	Planning and Administration	570.206	HOME	
			HOPWA	
	Comprehensive planning and administration of CDBG program.		TOTAL	$338,869
			Total Other Funding	$0

General CDBG program administration for FY 2010/11.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00056547

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0002	Fair Housing Council - Fair Housing Services	21D Fair Housing Activities (subject to 20% Admin cap)	CDBG	$49,453
2009-10-02-21D	Housing Objective		ESG	
			HOME	
	Objective Description: Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services, and assist homeless persons and those threatened with homelessness.	570.206	HOPWA	
		3,700 People (General)	TOTAL	$49,453
			Total Other Funding	$0
	Project Description: Provides a full range of fair housing services that promote fair housing rights and obligations. The primary goal is to give impetus to, and actualize activities that affirmatively further fair housing in the City of Moreno Valley through the three basic areas of education, training and technical assistance, landlord/tenant mediation and enforcement. Provide assistance to victims of illegal housing discrimination. An estimated 3,700 Moreno Valley residents will be served.			
	Help the Homeless?	No	Start Date: 07/01/10	
	Help those with HIV or AIDS?	No	Completion Date: 06/30/11	
	Eligibility:			
	Subrecipient:	Subrecipient Public 570.500(c)		
	Location(s): 23890 Alessandro Boulevard, Ste. A1 Moreno Valley, CA 92553	Addresses		

MV00056548

CPD Consolidated Plan
Listing of Proposed Projects

oject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0003	Alternatives to Domestic Violence	05G Battered and Abused Spouses	CDBG	$7,500
			ESG	
2010-11-03-05G	Public Services	570.201(e)	HOME	
	Public Service Objective To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	800 People (General)	HOPWA	
			TOTAL	$7,500
			Total Other Funding	$0
	Project Description: Provides services to victims of violent crimes (battered women and their children). An estimated 800 Moreno Valley residents will be served by this program annually. These services include an Outreach Counseling Center which offers a 24 hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low/Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	
P.O. Box 910, Riverside, CA 92502		

MV00056549

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0004	Community Assistance Program	05 Public Services (General)	CDBG	$30,600
			ESG	
2010-11-04-05	Public Service Objective	570.201(e)	HOME	
	Objective Description:		HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	12,000 People (General)	TOTAL	$30,600
			Total Other Funding	$0

Project Description:
The Community Assistance Program (CAP) will provide emergency and supplemental food and clothing to low and moderate income persons. Also provides utility payments and social service referrals.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

24594 Sunnymead Boulevard, Moreno Valley, CA 92553

MV00056550

CPD Consolidated Plan
Listing of Proposed Projects

ɔject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0005	Friends of the Moreno Vlly Sr Cntr--(MoVan)	05A Senior Services	CDBG	$30,000
			ESG	
2010-11-05-05A	Senior Programs	570.201(e)	HOME	
	Objective Description:		HOPWA	
	Provide services to senior residents of the City, which may include transportation and activities.	3,400 Elderly	TOTAL	$30,000
			Total Other Funding	$0

Project Description:
The Friends of the Moreno Valley Senior Center own and operate the MoVan which is used to transport the elderly and adult handicapped to medical appointments and other needed destinations. The MoVan is a 17-passenger bus with two wheel chair tie-downs. The MoVan operates 7 hours per day/5 days per week and serves over 3,400 persons annually. Minimal fares charged only if able to pay.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

25075 Fir Avenue, Moreno Valley, CA 92553

MV00056551

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0006	God's Helping Hand - Emergency Food Distribution	05 Public Services (General)	CDBG	$9,000
			ESG	
2010-11-06-05	Public Services Objective:	570.201(e)	HOME	
			HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	8,750 People (General)	TOTAL	$9,000
			Total Other Funding	$0

Project Description:
Program provides food (three meals a day for five days) to low-income Moreno Valley residents and families. Also provides social services referrals and emergency clothing. The organization anticipates assisting 8,750 Moreno Valley residents.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

13958 Highway 215, Moreno Valley, CA 92553

MV00056552

CPD Consolidated Plan
Listing of Proposed Projects

oject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0007	Lutheran Social Services - Transitional Living Program	05 - Public Service (General)	CDBG	$15,000
			ESG	
2010-11-07-05	Housing Objective:	570.201(e)	HOME	
	Objective description:		HOPWA	
	Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services, and assist homeless persons and those threatened with homelessness.	55 People (General)	TOTAL	$15,000
			Total Other Funding	$0
	Project Description: Project povides assistance to homeless women and children through a comprehensive transitional living program. While in the program, participants develop a "Strategic Family Plan" in order to attain the skills necessary for independent living. Counseling, education assessments and other services are provided to assist participants with gaining independence.			

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

23310 Meyer Drive, Riverside, CA 92518

MV00056553

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0008	Operation Safehouse	05D - Public Service (Youth Service)	CDBG	$8,000
			ESG	
2010-11-08-05D	Public Service Objective:	570.201(e)	HOME	
			HOPWA	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	80 Homeless Youth	TOTAL	$8,000
			Total Other Funding	$0

Project Description:
Operation Safehouse is a 17-bed youth shelter located in a residential neighborhood which is staffed 24 hours per day. Provides shelter, food, counseling, clothing and support services for runaway/throwaway children in a safe and supervised environment.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

9685 Hayes Street, Riverside, CA

MV00056554

CPD Consolidated Plan
Listing of Proposed Projects

ɔject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0009	P.W. Enhancement Cntr - Emergency Motel Vouchers	05 Public Services (General)	CDBG	$15,000
			ESG	
2010-11-09-05	Homeless Service Objective:	50 People (General)	HOME	
			HOPWA	
	To provide supportive housing and public services to meet the needs of homeless persons or those threatened with homelessness		TOTAL	$15,000
			Total Other Funding	$0

Project Description:
The P.W. Enhancement Center provides emergency and supportive services to needy households including food distribution, budgeting and money management, and job preparedness. Funding will be provided to assist the homeless by providing emergency motel vouchers and rental assistance to needy families and individuals.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

24490 Sunnymead Blvd., Moreno Valley, CA 92553

MV00056555

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0010	Problem Oriented Policing (POP)	05I Crime Awareness	CDBG	$28,211
			ESG	
2010-11-10-05I	Anti-Crime Programs	570.201(e)	HOME	
			HOPWA	
	Public Safety - To provide a safe and secure environment for residents and businesses through the Neighborhood Policing Program. Annual Program Goal - Continue to increase public safety in low-income neighborhoods (CDBG Target Areas) and reduce the number of calls for service.	250 People (General)	TOTAL	$28,211
			Total Other Funding	$0

Project Description:
Police Officers will be assigned to the CDBG Target Areas for the purpose of continuing the Community Based Problem Oriented Policing Program (POP). The program is designed to reduce crime, promote neighborhood pride, and bring law enforcement to a personal community level. The specific purpose of the program include reduction of crime within the designated areas and the improvement/removal of blight.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	

CT: 042405 BG: 1 County: 06065
CT: 042405 BG: 2 County: 06065
CT: 042504 BG: 1 County: 06065
CT: 042504 BG: 2 County: 06065
CT: 042505 BG: 1 County: 06065
CT: 042505 BG: 2 County: 06065
CT: 042508 BG: 1 County: 06065
CT: 042512 BG: 2 County: 06065
CT: 042514 BG: 1 County: 06065
CT: 042515 BG: 1 County 06065
CT: 042515 BG: 2 County: 06065
CT: 042516 BG: 1 County: 06065
CT: 042516 BG: 2 County: 06065
CT: 042519 BG: 1 County: 06065
CT: 042509 BG: 1 County: 06065
CT: 042509 BG: 2 County: 06065
CT: 042511 BG: 1 County: 06065
CT: 042520 BG: 1 County: 06065
CT: 042605 BG: 6 County: 06065

CPD Consolidated Plan
Listing of Proposed Projects

oject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0011	Riverside Rape Crisis - Child Abuse Prevention Progrm	05N Abused and Neglected Children	CDBG	$7,500
			ESG	
2010-11-11-05N	Public Service Objective:	570.201(e)	HOME	
	To provide a variety of public services such as children's activities, educational programs, food distribution, counseling services, etc. to facilitate opportunities for low-income persons.	5,500 Youth	TOTAL	$7,500
			Total Other Funding	$0
	Project Description: Child abuse prevention and education programs designed to reach children (K through 12) and adults are presented at the elementary, middle and high school levels. The program is also designed to reach bilingual and Special Education students, adults, and teen support groups. Also provides counseling and support services to abuse victims and their families.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipiet Public 570.500(c)	
Location(s): 1845 Chicago Ave. Ste. A, Riverside, CA 92507	Community Wide	

MV00056557

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0012	Path of Life Transitional Shelter	05 - Public Services (general)	CDBG	$15,000
			ESG	
2010-11-12-05	Homeless Services	570.201(e)	HOME	
			HOPWA	
	To provide transitional housing services to families with children (both single and married couples)	142 Homeless people		
			TOTAL	$15,000
			Total Other Funding	$0

Project Description:
The King Hall Transitional Housing Project will offer transitional and emergency shelter care to women with children, single women, and homeless families. Services include shelter, assessment of needs, life skills coaching, goal setting, job training, budget planning, education, and supportive services.

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(2)(A) - Low / Mod Limited Clientele
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses

23701 Meyer Drive, (MARB) Riverside, CA 92518

MV00056558

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0013	Moreno Valley Community Educators	05D Public Services (Youth)	CDBG	$6,400
			ESG	
2010-11-13-05D	Project Description:	570.201(e)	HOME	
			HOPWA	
	The program offers low income, 'at risk' children ages 5-18 free tutoring (all subjects), mentoring, standardized test preparation, and computer literacy 4:30 pm to 6:30 pm 3 nights per week. CDBG funding will allow the center to purchase supplies, expand its hours, and include programs for young adults such as GED preparation, parenting, resume writing, interview skills and other workforce development skills.	40	TOTAL	$6,400
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

23910 Alessandro Blvd. Ste. A Moreno Valley, CA 92552

MV00056559

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0014	Salvation Army Food Program	05 Public Services General	CDBG	$5,000
			ESG	
2010-11-14-05D	Public Services	570.201(e)	HOME	
			HOPWA	
	The Food Pantry offers needy residents emergency food on Mondays and Tuesdays from 8:30 a.m.-12:30 p.m. Funding allows for the hire of a much needed part-time driver to pick up food from their collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons this coming year.	22,000	TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	Yes	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele	
Subrecipient:	Subrecipiet Public 570.500(c)	
Location(s):	Community Wide	

14068 Graham Street Moreno Valley, CA 92533

MV00056560

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishment	Funding Sources	
0015	Assistance League of Riverside - OPERATION SCHOOL BELL		CDBG	$10,000
			ESG	
2010-11-15-05D	Public Services (Youth Services)	570.201(e)	HOME	
			HOPWA	
		280		
			TOTAL	$10,000
	The project will provide new school clothing to 280 needy Moreno Valley children. Children are referred by Moreno Valley Unified School District staff. Each child referred will receive 6 pairs of socks and underwear, 2 pairs of pants, 3 shirts, 1 sweatshirt, 1 jacket, 1 shoe voucher, 1 backpack, 1 new reading book, 1 used book, and a personal hygiene kit.		Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(2) - Low / Mod Limited Clientele
Subrecipient:	Subrecipiet Public 570.500(c)
Location(s):	Community Wide

3707 Sunnyside Dr. Riverside, CA 92506

MV00056561

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0016	ARC of Riverside County	Disaled Services	CDBG	$5,000
			ESG	
2010-11-16-05B	Services for the Disabled	570.201(c)	HOME	
			HOPWA	
	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to provide specialized medical training to an on-site LVN, and to help continue other existing services.	50-100 Youth	TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	

12199 Heacock St., Ste. 5, Moreno Valley 92557

MV00056562

CPD Consolidated Plan
Listing of Proposed Projects

ject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0017	CASA for Riverside County	05N - Public Service (Abused Youth Services	CDBG	$10,000
			ESG	
2010-11-17-05N	Public Services Objective - Abused Foster Youth	570.201(e)	HOME	
			HOPWA	
	CASA offers court appointed monitoring services to foster youth. A CASA volunteer consistently monitors the foster child, advocates for their best interest and follows their progress regardless of a change in foster family. The CASA volunteer (advocate) reports to court on the child's behalf assisting to ensure the child is placed in a safe, permanent home with hope for a positive future. CDBG funds will be used for salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.	57 foster youth	TOTAL	$10,000
			Total Other Funding	$0

Help the Homeless? Yes
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility: 570.208(a)(2)(A) - Low / Mod Limited Clientele
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses
Southwest Justice Center, 30755 D. Auld Rd., Ste 1226 Murrieta, CA 92563

MV00056563

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0018	Code Enforcement City Foreclosure Strike Team	15 Code Enforcement	CDBG	$103,017
			ESG	
2010-11-18-15	Other	570.206	HOME	
	Project Description:		HOPWA	
	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.		TOTAL	$103,017

Help the Homeless? No
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility: 570.208(a)(1) - Low / Mod Area
Subrecipient: Local Government
Location(s): CT & BG's

CT: 042405 BG: 1 County: 06065
CT: 042405 BG: 2 County: 06065
CT: 042504 BG: 1 County: 06065
CT: 042504 BG: 2 County: 06065
CT: 042505 BG: 1 County: 06065
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CT: 042508 BG: 1 County: 06065
CT: 042509 BG: 1 County: 06065
CT: 042509 BG: 2 County: 06065
CT: 042511 BG: 1 County: 06065
CT: 042512 BG: 2 County: 06065
CT: 042514 BG: 1 County: 06065
CT: 042515 BG: 1 County 06065
CT: 042515 BG: 2 County: 06065
CT: 042516 BG: 1 County: 06065
CT: 042516 BG: 2 County: 06065
CT: 042519 BG: 1 County: 06065
CT: 042520 BG: 1 County: 06065
CT: 042605 BG: 6 County: 06065

MV00056564

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0019	Neighborhood Code Enforcement Program	15 Code Enforcement	CDBG	$263,390
			ESG	
2010-11-19-15	Other	570.206	HOME	
	Project Description:		HOPWA	
	The Code & Neighborhood Services Division will provide proactive code enforcement activities within the CDBG Target Areas. The program will reduce blight and substandard housing conditions and promote improved property and building maintenance habits of property owners and tenants. These goals will be achieved through investigation and enforcement of zoning, housing, building, and health and safety codes.		TOTAL	$263,390

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(1) - Low / Mod Area
Subrecipient:	Local Government
Location(s):	CT & BG's

MV00056565

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0020	Moreno Valley Retail Business Incentive Program	18A ED Technical Assistance	CDBG	$540,000
			ESG	
2010-11-20-18A	Direct Assistance to For Profits The economic downtown has lead to job loss for many residents. As of February 2010, the City's unemployment rate exceeded 17%. Funding is recommended for the continuation of a New Business Incentive Program intended to attract major employers to locate in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income persons) and the boosting of sales tax revenues.	570.203(b)	HOME	
			HOPWA	
			TOTAL	$540,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(4) Job Creation or Retention	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

14177 Frederick Street Moreno Valley, CA 92552

MV00056566

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0021	EMPLOYMENT RESOURCE CENTER	18B ED Technical Assistance	CDBG	$145,641
			ESG	
2010-11-21-18B	Economic Development	570.203(b)	HOME	
			HOPWA	
	The economic downtown has lead to job loss for many residents. As of February 2010, the City's estimated unemployment rate exceeded 17%. The ERC will continue to provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost. The site has also been used to conduct job training as well as employee recruitments for several Moreno Valley businesses. During the first year of operation, the Center had over 13,000 patrons visit the site.		TOTAL	$145,641
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:	570.208(a)(4) Job Creation or Retention
Subrecipient:	Subrecipient Public 570.500(c)
Location(s):	Addresses
12625 Frederick Street Moreno Valley	

MV00056567

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0022	Small Business Counseling Services	18B ED Technical Assistance	CDBG	$50,000
			ESG	
2010-11-22-18B	Economic Development	570.203(b)	HOME	
			HOPWA	
	The goals of the community and economic development strategy in the Consolidated Plan are to promote expanded economic opportunities in order to create or retain low and moderate income jobs, provide infrastructure improvements in CDBG Target Areas, and support public service programs available to serve low and moderate income residents.	100 Businesses	TOTAL	$50,000
			Total Other Funding	$0
	The Inland Empire Small Business Development Center (SBDC) provides technical assistance and training to Moreno Valley small businesses. Training and seminars include such topics as financial management, marketing, taxes, developing a business plan and expanding a home-based business. It is anticipated that the seminars, training and counseling will create or retain low income jobs.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(4) Job Creation or Retention	
Subrecipient:	Subrecipient Public 570.500(c)	
Location(s):	Addresses	

1157 Spruce Street, Riverside, CA

MV00056568

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0023	Fair Housing Council - Foreclosure Prevention & Mitigation Counseling		CDBG	$25,000
			ESG	
2010-11-23-05	Housing		HOME	
		Public Service 570.201(e)	HOPWA	
	Project provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. Program also offers budget management, financial assessments, mortgage education and training to potential homebuyers, and referral services.	Limited Clientele 570.208(a)(2)		
			TOTAL	$25,000
		750 people		
			Total Other Funding	$0

Help the Homeless? No
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility:
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses

23890 Alessandro Boulevard, Moreno Valley, CA 92553

MV00056569

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0024	Youth Opportunity Center	03D Youth Centers	CDBG	$50,000
			ESG	
2010-11-24-03D	Economic Development	570.203(b)	HOME	
	Project Description:		HOPWA	
	The project would establish a 2,000 sq. ft. center where Moreno Valley youths could access an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. Grant would serve as the required matching funds that would be used for the building acquisition or for needed tenant improvements in a lease opportunity. The YOC would be open six days a week, Monday through Saturday, and be open late on weekday afternoons so that the youth could visit after school.		TOTAL	$50,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility: 570.208(a)(4) Job Creation or Retention
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses
14177 Frederick St., Moreno Valley, CA

MV00056570

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0025	Community Foreclosure Prevention Workshops		CDBG	$44,000
			ESG	
2010-11-25-05	Housing		HOME	
		Public Services 570.201(e)	HOPWA	
	Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The City is expected to partner with agencies such as: the Riverside County Fair Housing Council, Springboard Consumer Credit Counselors, Employment Development Department, the County Tax Assessors Office, HUD, the IRS, and others to provide a complete and comprehensive program.	570.208(a) Low – Moderate Income	TOTAL	$44,000
		300 people	Total Other Funding	$0

Help the Homeless? No
Help those with HIV or AIDS? No

Start Date: 07/01/10
Completion Date: 06/30/11

Eligibility:
Subrecipient: Subrecipient Public 570.500(c)
Location(s): Addresses

14177 Frederick St. Moreno Valley, CA 92552

MV00056571

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0026	Neighborhood Clean-ups	15 Code Enforcement	CDBG	$15,000
			ESG	
2010-11-26-15	Other	570.206	HOME	
			HOPWA	
	The program proposes to provide 3 large scale clean-ups to be held in select neighborhoods within the CDBG Target Areas identified as the 'most distressed.' The clean-ups will utilize industrial size dumpsters and skip loaders. The objective is to eliminate blight, prevent deterioration of properties, and remove conditions that negatively impact health, safety, or public welfare. On average each event benefits approximately 100 residences.		TOTAL	$15,000

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location(s):	CT & BG's	
14177 Frederick st. Moreno Valley, CA		

MV00056572

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0027	211 of Riverside County	05 General Public Service	CDBG	$5,000
			ESG	
2010-11-27-05	Volunteer Center of Riverside County	570.201(e)	HOME	
			HOPWA	
	211 Riverside is an on going phone system that provides 24 hour, 7 days a week information and referrals to social service programs. Due to the economy, calls to 211 have increased. Funding is requested to cover staffing costs to handle increased call loads.		TOTAL	$5,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00056573

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0028	Fire Prevention Div. - Neighborhood Improvement Task Force	15 Code Enforcement	CDBG	$30,000
2010-11-28-15	Other	570.206	ESG HOME	
	Project Description: This Task Force would conduct approximately 200 inspections to the exterior and interior of multi-family units in the Target Area. The goal is to document fire and life safety issues, pursue corrective action, ensure the units meet the minimum City standards, and promote safer low-income housing		HOPWA TOTAL	$30,000

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.208(a)(1) - Low / Mod Area	
Subrecipient:	Local Government	
Location CDBG Target Area		

MV00056574

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0029	Habitat for Humanity Mobile Home Grant Program		CDBG ESG	
2010-11-29-14A	Housing	570.202	HOME HOPWA	$10,000.00
		12 Households (General)		
			TOTAL	$10,000.00
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.			
			Total Other Funding	$0.00

Project Description:
Program offers assistance to income-qualified mobile home owners for rehabilitation of exterior substandard conditions. Work is performed by volunteers. Program aims to assist those who are unable to do repairs themselevs and where lack of maintenance may lead to eviction.

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11

Eligibility:
Subrecipient: Local Government
Location(s): N/A

MV00056575

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0030	FSA Meal Program Facility	17C - Commercial/Industrial Building Acquisition, Construction, Rehabilitation	CDBG	$50,000
			ESG	
2010-11-30-17C	Economic Development	570.203(a)	HOME	
	Project Description:		HOPWA	
	Family Services Association (a local non-profit) plans to construct a kitchen facility in the CDBG Target Area where meals will be prepared for its local meals and nutrition programs including for the participants of its many daycare centers in the community. The proposed $50,000 in CDBG funding would be used for assistance in acquiring a building for the site, and in lieu of the City's CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.		TOTAL	$50,000
			Total Other Funding	$0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.203(a)	
Subrecipient:		
Location(s):	Addresses	
14177 Frederick St., Moreno Valley, CA		

MV00056576

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0031	Lord's Gym	17C - Commercial/Industrial Building Acquisition, Construction, Rehabilitation	CDBG	$20,000
2010-11-31-17C	Economic Development	570.203(a)	ESG HOME	
	Project Description: The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet in today's world by focusing on sports programs. The facility is new to the area and will offer a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring.The proposed $20,000 in CDBG funding would be used for tenant improvements, and in lieu of the CDBG assistance the 'Lord's Gym' must create or retain a minimum of one full-time permanent job which are held by or made available to low and moderate income level person.		HOPWA TOTAL Total Other Funding	 $20,000 $0

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.203(a)	
Subrecipient:		
Location(s):	Addresses	
14177 Frederick St., Moreno Valley, CA		

MV00056577

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0032	HOME Program Administration	21A General Program Administration	CDBG	
			ESG	
2010-11-32-21A	Planning and Administration		HOME	$66,659.00
			HOPWA	
	Comprehensive planning and administration of programs.	0 N/A		
			TOTAL	$66,659.00
			Total Other Funding	$0.00

HOME program administration for FY 2010/2011

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	
14177 Frederick St. Moreno Valley, Ca 92553		

MV00056578

CPD Consolidated Plan
Listing of Proposed Projects

ject ID/ cal ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0033	CHDO Funds	22 Unprogrammed	CDBG	
			ESG	
2010-11-33-22	Housing		HOME	$99,988.00
			HOPWA	
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.		TOTAL	$99,988.00
			Total Other Funding	$0.00
	Project Description: Funding shall be reserved\provided to a Community Housing Development Organization (CHDO) to construct or rehabilitate multi-family rental units in the CDBG Target Area. These units will be affordable to low income households.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00056579

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0034	Mobile Home Grant Program		CDBG	
			ESG	
2010-11-34-14A	Housing	570.202	HOME	$100,000.00
			HOPWA	
		10 Households (General)		
			TOTAL	$100,000.00
	Housing objectives: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant servic			
			Total Other Funding	$0.00
	Project Description: Program offers grants of up to $10,000 to income-qualified owners of mobile home coaches for the rehabilitation of substandard conditions.			

Help the Homeless?	No	Start Date: 07/01/10	
Help those with HIV or AIDS?	No	Completion Date: 06/30/11	
Eligibility:			
Subrecipient:	Local Government		
Location(s):	N/A		

MV00056580

CPD Consolidated Plan
Listing of Proposed Projects

ject ID/ al ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishme	Funding Sources	
0035	Multi-family Affordable Housing Program (MFA)		CDBG	
			ESG	
2010-11-35 -14B	Housing Housing Objective Description: Rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant services.		HOME	$182,942.00
			HOPWA	
			TOTAL	$182,942.00
	Project Description: Program funds will assist in the construction of new affordable multi-family housing units. New construction will provide additional affordable housing within the community.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:	570.202	
Subrecipient:	Local Government	
Location(s):	N/A	

MV00056581

CPD Consolidated Plan
Listing of Proposed Projects

Project ID/ Local ID	Project Title/Priority/ Objective/Description	HUD Matrix Code/Title/ Citation/Accomplishments	Funding Sources	
0036	Home Improvement Loan Program		CDBG	
			ESG	
2010-11-36-14A	Housing	6 households	HOME	$240,000.00
			HOPWA	
	Housing Objective Description: rehabilitation of existing single-family homes, multi-family housing and mobile homes, create home ownership opportunities, improve the safety and livability in the CDBG Target Areas, to provide fair housing and landlord/tenant service.		TOTAL	$240,000.00
			Total Other Funding	$0.00
	Project Description: The HILP provides 3% deferred loans for homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.			

Help the Homeless?	No	Start Date: 07/01/10
Help those with HIV or AIDS?	No	Completion Date: 06/30/11
Eligibility:		
Subrecipient:	Local Government	
Location(s):	N/A	

MV00056582

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Expires 3/16/10

CITY OF MORENO VALLEY
NOTICE OF PUBLIC HEARING

CDBG & HOME PROGRAMS
FOR FISCAL YEAR 2010/2011 ANNUAL ACTION PLAN

The Moreno Valley City Council of the City of Moreno Valley will hold a PUBLIC HEARING to review and select the programs and projects requesting Community Development Block Grant (CDBG) and HOME Incentive Partnership Program (HOME) Funds of FY 2010/11:

The Public Hearing will be held on Tuesday, March 23, 2010 at 6:30 p.m. at the following location:

City Council Chambers
Moreno Valley City Hall
14177 Frederick Street
Moreno Valley, CA 92552

The City anticipates receiving an estimated $1,793,000 in new CDBG funds and $666,000 in HOME funds in FY 2010/2011. Please note that at least 70% of the CDBG funding will be allocated to projects serving lower income residents. The public is invited to attend and give input regarding the programs proposed for funding. Once approved at the City level, the programs will be incorporated into the 2010/11 Annual Action Plan and submitted to the Department of Housing and Urban Development (HUD) for Federal approval.

The Action Plan is the annual update to the City's adopted 5-Year Consolidated Plan that covers the period from July 1, 2008 through June 30, 2013 (FY 2008 – FY 2013). The Consolidated Plan is a planning document that identifies priority housing and non-housing community development needs, development of strategies, project selections, and funding distributions. The City's required to provide an Annual Action Plan Update each year that incorporates how new CDBG and HOME funds will be used to facilitate the strategies and address the needs identified in the Consolidated Plan. Current needs identified in the community include: housing, youth career development, public social services, economic development (job creation), and crime prevention.

For more information, please contact Isa Rojas, Management Analyst in the Economic Development Department (951) 413-3450.

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MV00056583

ATTACHMENT D – CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Moreno Valley is required by law to have a detailed Citizen Participation Plan that contains the City's policies and procedures for public involvement in the Consolidated Plan process and the use of CDBG and HOME funds. The Moreno Valley Citizen Participation Plan was developed pursuant to the U.S. Department of Housing and Urban Development (HUD), Consolidated Submission for Community Planning and Development Programs as required under 24CFR Part 91 and Part 8. The Citizen Participation Plan provides the method and process by which the City of Moreno Valley will encourage citizen participation in the development of its Consolidated Plan. Through this plan, citizens will be afforded the opportunity to provide input regarding housing and community development needs, issues and problems affecting low- and moderate-income persons, development of strategies, project selections and funding distributions.

Encouraging Public Participation

The law requires that the City's Citizen Participation Plan both provide for and encourage public participation, emphasizing involvement by low- and moderate-income people – especially those living in low- and moderate-income neighborhoods (see CDBG Target Area Map). Also, HUD expects the City to take whatever actions are appropriate to encourage participation of minorities, people who do not speak English, and people with disabilities.

The City also maintains a distribution list of persons, agencies, and organizations that have expressed interest in the City's CDBG or HOME programs. Notifications of events, such as the Community Needs meetings, are mailed directly to those on the distribution list to encourage public participation.

The Role of Low Income People

The law declares that the primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing: decent housing, a suitable living environment, and growing economic opportunities – all principally for low- and moderate-income people.

The City of Moreno Valley will provide the Riverside County Public Housing Authority with a copy of all Public Notices that are published during the Consolidated Plan process. The City encourages input from residents of the Public Housing developments and via the Public Housing Authority, residents are notified of Community Needs Meetings as well as Public Hearings.

Because the amount of federal CDBG and HOME money the City receives each year is mostly based upon the severity of both poverty and substandard housing conditions in the City, it is necessary that public participation genuinely involve low-income residents who experience these conditions. Genuine involvement by low income people must take place at all stages of the process, including:

- Identifying needs
- Setting priorities among these needs, deciding how much money should be allocated to each high-priority need and suggesting the types of programs to meet high-priority needs
- Overseeing the way in which programs are carried out

The Various Stages of the Consolidated Plan Process

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include:

A. Identification of community and housing needs (includes Public Hearing)
B. Preparation of a draft use of funds for the upcoming year, call the Proposed Annual Action Plan (includes Public Hearing)
C. Formal approval by the City Council of the Final Annual Action Plan (includes Public Hearing)
D. In the case where is it necessary to change the use of money already budgeted in an Action Plan or change priorities, a Substantial Amendment will be proposed (includes Public Hearing)
E. After the program year is complete, a Consolidated Annual Performance and Evaluation Report (CAPER) is drafted for public review and comment and then sent to HUD

The Program Year

The program year for Moreno Valley coincides with the City's fiscal year from July 1 through June 30.

PUBLIC NOTICES

Items Covered by the Public Notice Requirement

Advance Public Notice is provided once a federally required document is available for public review and comment, such as the Annual Action Plan or Consolidated Plan. In addition, advance public notice of all public hearings and public meetings is provided at least two weeks in advance.

Public Notice Schedule

Advance notice of all available documents, public hearings and public meetings are provided at least two weeks in advance. The notices will give residents a clear understanding of the event being announced.

The following is a general timeline of when public notices are published:

November-January	Notice of Community Needs Meetings
December-January	Notice of Public Hearing to Identify Community Needs
January	Notice of Funding Availability and Application Process for Funding
March	Notice of Public Hearing to Discuss Proposed Consolidated/Action Plan
March-April	Notice of Consolidated/Action Plan Availability for Public Review
April-May	Notice of Public Hearing to Adopt Final Consolidated/Action Plan
As Needed	Notice of Availability of Amendment to Consolidated/Action Plan
As Needed	Notice of Public Hearing to Amend Consolidated/Action Plan

Forms of Public Notice

Public notices are published in the Press-Enterprise as display advertisements in the non-legal section of the newspaper. A copy of the public notice will be sent to any person or organization requesting to be on the mailing list.

PUBLIC ACCESS TO INFORMATION

As required by law, the City will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual and past use of funds covered by the Citizen Participation Plan. Regarding the past use of funds, the law requires reasonable public access to records about any uses of these funds during the previous five years.

Also, the City will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds.

Standard Documents

Standard documents include:

- The proposed and final Annual Action Plans
- The proposed and final Five-Year Consolidated Plan
- Proposed and final Substantial Amendments to either an Annual Action Plan or the Five-Year Consolidated Plan
- Consolidated Annual Performance and Evaluation Report
- Citizen Participation Plan

Availability of Standard Documents

All documents are available for immediate public review at City Hall in the Economic Development Department. Copies of standard documents that are not currently posted for public review will be provided to the public within five working days of the request at no cost. Copies of draft documents such as the Action Plan and CAPER are available at several locations for public review. These locations are: the Library, the Senior Center, City Hall, and the Purchasing Division at the City Corporate Yard. Documents remain at each of the for the entire required review time that is specified in the applicable public notice. All final documents are available for public review at City Hall during normal business hours.

PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views and to provide the public with the City's responses to public questions and proposals.

The law requires a minimum of two public hearings at two different stages of the process. The City will conduct three public hearings at the following stages of the process: Identifying Needs, Proposed Annual Action Plan, and the Final Annual Action Plan. Public hearings are also conducted for amendments to the Annual Action Plan as needed.

Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan, including a display advertisement in the non-legal section of the newspaper at least two weeks prior to the public hearing. Public hearings are conducted during the regularly scheduled City Council meetings.

Public Hearings and Populations with Unique Needs

All public hearings will be held at locations accessible to people with disabilities and provisions will be made for people with disabilities when requests are made within at least five working days prior to a hearing. Translators will be provided for people who do not speak English when requests are made at least five working days prior to a hearing.

Conduct of Public Hearings

To ensure that public hearings are meaningful to residents, each public hearing will be conducted in the presence of the City Council. Each resident choosing to speak will be allowed a maximum of five minutes to make a verbal presentation.

The following is a general timeline of when public hearings are conducted during the process:

January	Public Hearing to Identify Community Needs
March	Public Hearing to Discuss CDBG and HOME Proposed Projects
May	Public Hearing to Adopt Final Consolidated Plan Amendment/ Action Plan
As Needed	Public Hearing to Amend Consolidated Plan Amendment/ Action Plan

STAGES IN THE PROCESS

A. IDENTIFYING NEEDS

Because the housing and community development needs of low- and moderate-income people are so great and so diverse, priorities must be set in order to decide which needs should get more attention and more resources than other needs. This is the basic reason the Consolidated Plan exists.

A public hearing is required to obtain residents' opinions about needs and what priority those needs have. In order to encourage public involvement, two public community needs meetings are conducted in two separate locations to determine the specific needs and priorities identified by low- and moderate-income people. After information is gathered from the community needs meetings, a public hearing is conducted to allow residents to express comments regarding the needs of the City's low- and moderate-income population.

The public hearing about community needs will be completed at least 15 days before a draft Annual Action Plan is published for comment, so that the needs identified can be considered by the City and addressed in the draft Annual Action Plan.

B. THE PROPOSED ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The law governing the Citizen Participation Plan calls for improved accountability of jurisdiction to the public. In that spirit and in compliance with the terms of the law, the City will use the following procedures.

At the beginning of this stage, the City will provide the public with an estimate of the amount of CDBG and HOME funds it expects to receive in the upcoming year, along with a

description of the range of types of activities that can be funded with these resources. Also, the public will be given an estimate of the amount of these funds that will be used in ways that will benefit low- and moderate-income people.

The plans of the City to minimize the extent to which low- and moderate-income people will have to leave their homes as a result of the use of these federal dollars (called "displacement") will also be available at this time. This "anti-displacement plan" will also describe how the City will compensate people who are actually displaced as a result of the use of these funds, specifying the type and amount of compensation.

Technical Assistance

City staff will work with organizations and individuals representative of low- and moderate-income people who are interested in submitting a proposal to obtain funding for an activity. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing a proposal form.

Availability of a Proposed Annual Action Plan

Within 3 weeks after the Public Hearing about the Proposed Annual Action Plan, the City will make the Proposed Annual Action Plan available to the public. In addition, copies will be available at the locations specified above in the section, "Public Access to Information". A Public Notice will be published at least two weeks prior to the document's availability. The term "notice" described earlier in the section on "Public Notice" will be used.

Also, the date the Proposed Annual Action Plan is available to the public will be at least 30 days prior to the date a Final Annual Action Plan is approved by the City Council so that low- and moderate-income people will have a reasonable opportunity to examine it and to submit comments.

Public Hearing and Further Action

A public hearing about the Proposed Annual Action Plan will be conducted by the City Council within 30 days before it is available to the public. In addition, this public hearing will be held so that there are at least another 30 days before the Final Annual Action Plan is approved by the City Council so that the elected officials can consider the public's comments from the public hearing.

In preparing a Final Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Annual Action Plan will have a section that presents all comments and explains why any comments were not accepted.

C. THE FINAL ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

Copies of the Final Annual Action Plan will be made available to the public at City Hall for review. Copies can be obtained free of charge and within five business days of the request.

D. AMENDMENTS TO THE ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The Final Annual Action Plan will be amended any time there is: a change in one of the Priorities presented on the HUD-required Priority Table, a change in the use of money to an activity not mentioned in the Final Annual Action Plan, or, a change in the purpose, location, scope of beneficiaries of an activity. The public will be notified whenever there is an amendment.

Substantial Amendments

The following will be considered "substantial" amendments:

1. A change in the use of CDBG or HOME money from one activity to another.
2. The elimination of an activity originally described in the Annual Action Plan.
3. The addition of an activity not originally described in the Annual Action Plan.
4. A change in the purpose of an activity, such as a change in the type of activity or its ultimate objective – for example, a change in a construction project from housing to commercial.
5. A meaningful change in the location of an activity.
6. A change in the type or characteristics of people benefiting from the activity. Among the "characteristics" are:
   a. The HUD-recognized income levels of: 0-30 percent of area median income; between 31 percent and 50 percent of AMI; and between 51 percent and 80 percent of AMI
   b. Race or ethnicity
   c. Renter or homeowner

d. Single households, small ones (two to four persons), large ones (five or more persons)

7. A 20% percent decrease in the number of low- and moderate-income people benefiting from an activity.
8. A change in the scope of an activity, such that there is a 20% percent increase or decrease in the amount of money allocated to the activity.

Public Notice and Public Hearing for Substantial Amendments

There must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for Substantial Amendments:

1. There will be advance notice of the availability of a proposed Substantial Amendment 30 days before there is a public hearing.
2. A detailed written description of the proposed Substantial Amendment will be made available to the public. Also, copies will be available at the locations indicated earlier in this Citizen Participation Plan under "Public Access to Information".
3. There will be a public hearing regarding the proposed Substantial Amendment conducted by the City Council. This public hearing will not take place until the public has had 30 days to review the proposed Substantial Amendment.
4. The public hearing will be held no sooner than two weeks prior to submission to HUD.
5. In preparing the Final Substantial Amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Substantial Amendment will have a section that presents all comments and explains why any comments were not accepted.

E. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Every year the City must send into HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the close of the program year. In

general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people.

Public Notice and Public Hearing for Consolidated Annual Performance and Evaluation Report (CAPER)

There must be reasonable notice that the Consolidated Annual Performance and Evaluation Report (CAPER) is available so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for the CAPER:

1. There will be advance notice of the availability of the CAPER two weeks in advance.
2. A complete copy of the CAPER will be made available to the public at the locations indicated earlier in the Citizen Participation Plan under "Public Access to Information".
3. The public will have a minimum of 15 days to review and provide comments on the CAPER.
4. In preparing the CAPER for submission to HUD, careful consideration will be given to all comments and views expressed by the public. The CAPER sent to HUD will have a section that presents all comments and explains why any comments were not accepted.

Contents of the CAPER

The CAPER provides details on the actions taken by the City during the previous program year and accomplishments completed during the year. Accomplishments include the number of low- and moderate-income persons served and the ethnicity of those individuals. Also provided are expenditures taken during the year and funds spent undertaking each activity.

COMPLAINT PROCEDURES

Comments, suggestions or complaints may be addressed to the Economic Development Department as follows:

City of Moreno Valley
Economic Development Department
Attention: Neighborhood Preservation Division
14177 Frederick Street, P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-34507

All written complaints from the public will receive a meaningful written response within 15 working days after receipt.

CHANGES TO THE CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan can be changed only after the public has been notified of the intent to modify it, and only after the public has had a reasonable chance to review and comment on proposed substantial changes to it.

ATTACHMENT E

COMMUNITY NEEDS ASSESSMENT MEETING
Conference & Recreation Center
December 10, 2009
6:00 p.m. – 8:00 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Isa Rojas, Management Analyst
Michele Patterson, Redevelopment & Neighborhood Programs Administrator

Community members present at the meeting:

- James Cosey, representing the Transforming Community Action Program, a martial arts and social skills/behavior program for foster youth
- Rosalio Hernandez, Community Member (and family)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- The primary focus of the grant funding should be on programs for youth, including after school programs, academic enrichment programs, social skills development and behavior programs, mentoring, computer literacy, tutoring, and the establishment of a Boys & Girls Club or YMCA.

- A particular focus should be directed to emancipating foster care youth to provide life skills training, employment training and opportunities, counseling and supportive services.

- The need for access to comprehensive social service program information was discussed. The meeting participants felt the Countywide 211 Referral Network was cumbersome and lacking in current resource information. It was stated that the City should take a proactive role in disseminating information to the community.

- The particular needs of tenants being displaced from housing due to property owner foreclosure was discussed. Information was provided by City staff on the HPRP funding, which can assist with rental subsidy, security deposits, 1st month's rent, utility payments and motel vouchers. It was agreed, however, that this funding is limited and will not meet the needs of the community as a whole.

COMMUNITY NEEDS ASSESSMENT MEETING
Community Senior Center
December 14, 2009
6:00 p.m. – 8:00 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Michele Patterson, Redevelopment & Neighborhood Programs Administrator

Community members present at the meeting:

- Emmanuel Martinez, Coachella Valley Housing Coalition, a non profit affordable housing developer
- Harnethia Mansell, Cultural Heritage Performers, a youth performing arts and education agency
- Dorothy Grzeskowiak, representing the MoVan and the Community Assistance Program (CAP)
- Monica Lopez, Fair Housing Program Manager with the Fair Housing Council of Riverside County
- Sheena Wright, Foreclosure Prevention/Loss Mitigation Specialist, Fair Housing Council of Riverside County
- Christopher Johseffe, representing the United Democrats of Moreno Valley
- Raul Wilson, representing the Mexican Political Association (MPA)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- There was consensus among the participants that funding and programs should focus on youth. There is a continued need for after school programs to provide tutoring, academic enrichment, mentoring, artistic and performing arts development, computer literacy, life skills training, job skills training, transportation to and from available programs, and programs designed to keep kids safe and occupied during the critical 3:00 pm to 6:00 pm time period.

- The need for additional sports facilities, particularly soccer fields, was noted.

- It was reported that fair housing discrimination incidents continue to rise in Moreno Valley. Race and disabled accommodations are the 2 highest complaint categories. It was felt there is a need for additional trainings for property owners/management companies as well as testing and audit services to measure compliance. Both activities will require additional funding to the City's fair housing provider.

- The foreclosure crisis continues to be a critical need to address. The benefits of the ongoing foreclosure prevention workshops were acknowledged. An increasing new segment of underserved in this area are tenants who are losing their homes due to property owner foreclosure, and tenants being victims of various rental fraud schemes. Funding is needed to expand the workshops to specifically address the rights and options for tenants.

- The Fair Housing Council continues to receive requests for, and to provide, First Time Homebuyer education.

- Comments were received that additional capital improvements are needed in the Edgemont area, particularly the installation of sidewalks.

- There was recurring discussion among a limited number of attendees that prior CDBG funding has not benefited the residents of Moreno Valley:

    - It was commented that public service dollars should not be awarded to any agency located outside of Moreno Valley because there is a belief that the funds are spent on non-Moreno Valley residents.
    - Two participants believed it is a misappropriation of funds to utilize CDBG dollars to support programs that the City must provide through the general fund (ie. Code Enforcement and Police Services).
    - Two participants opposed the allocation of CDBG funds to any for-profit business through retail incentives or other economic development programs.

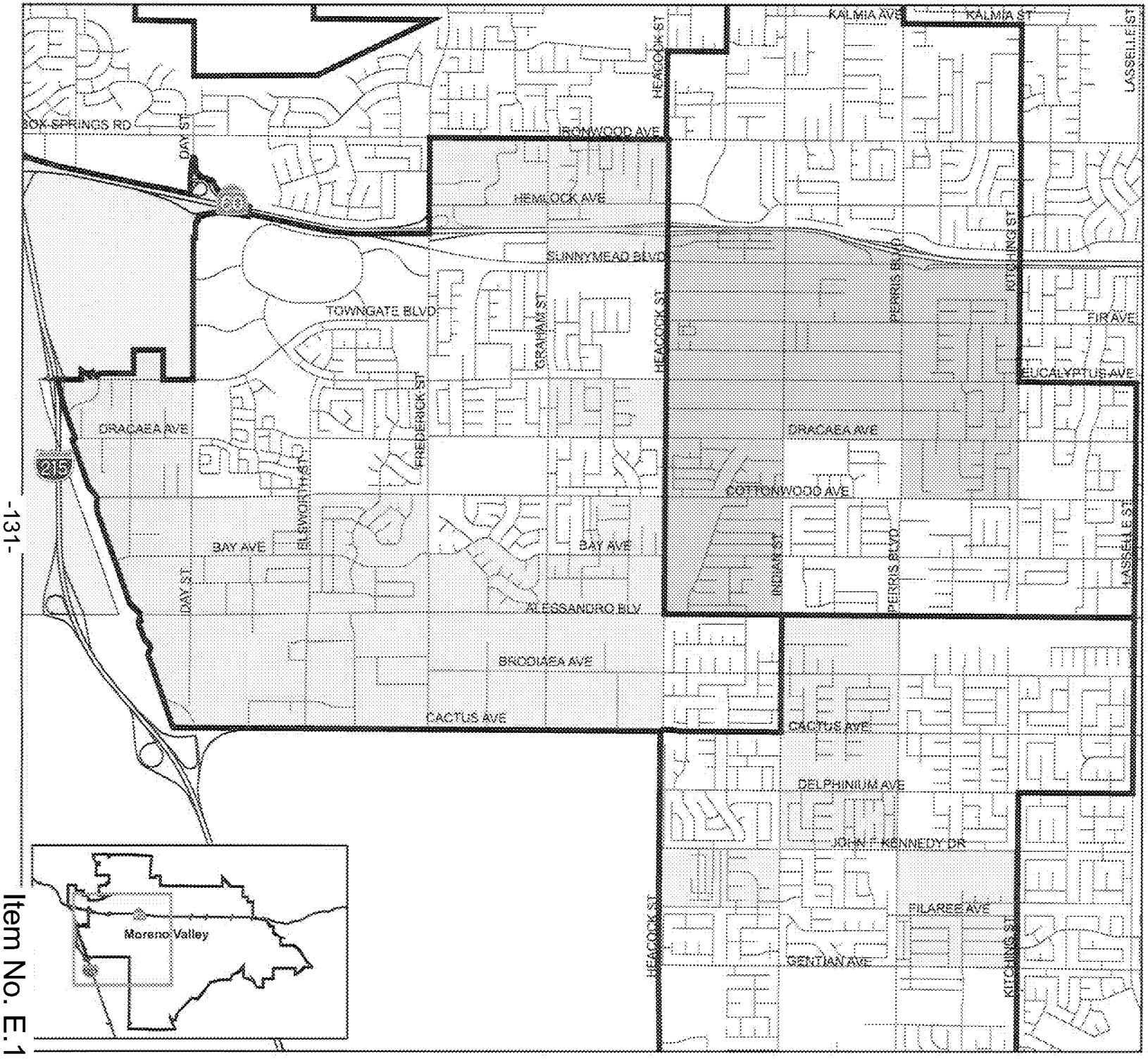

City of Moreno Valley CDBG Target Areas

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY

City of Moreno Valley
Redevelopment Area

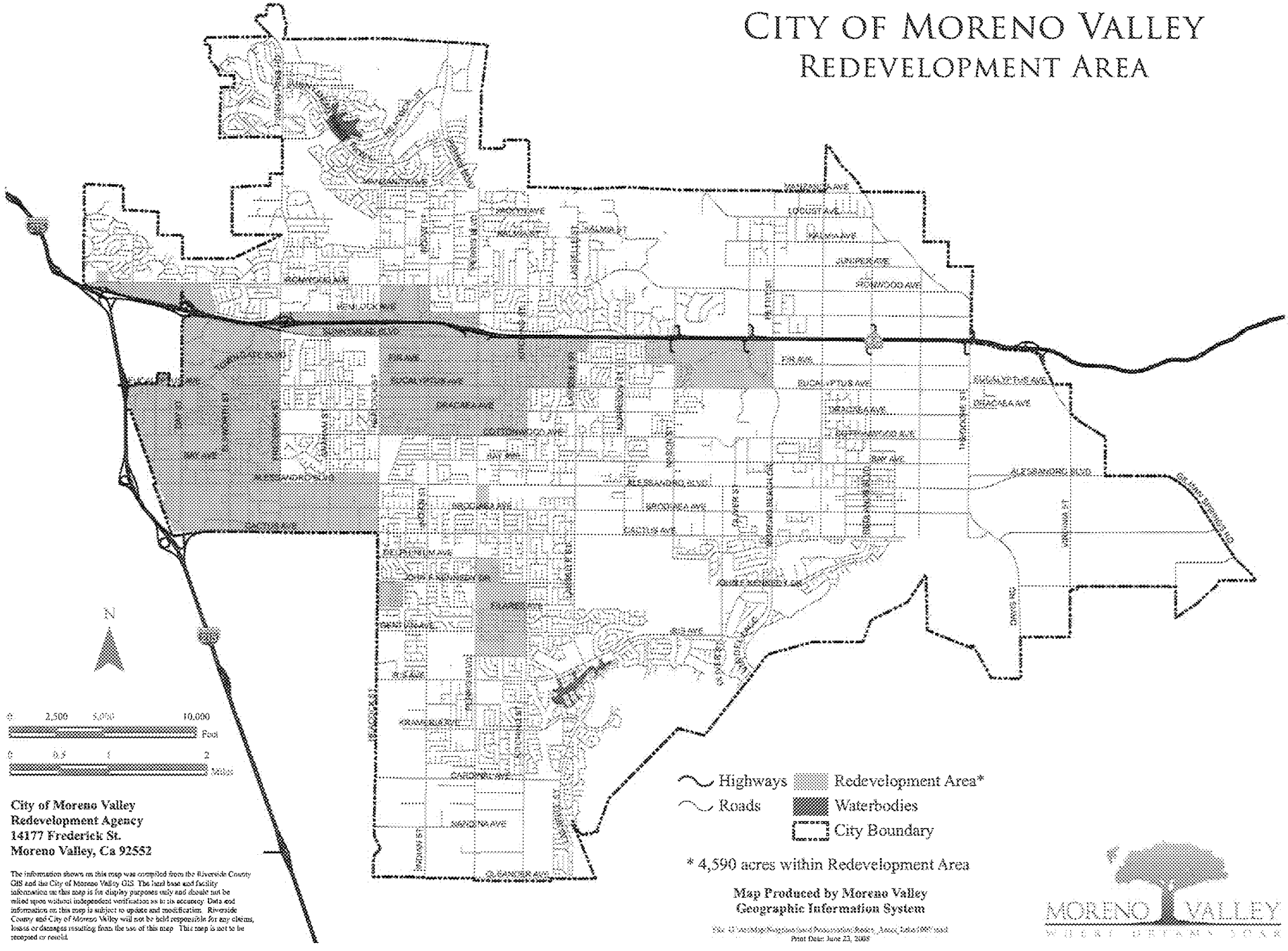

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

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City of Moreno Valley
Revitalization Areas

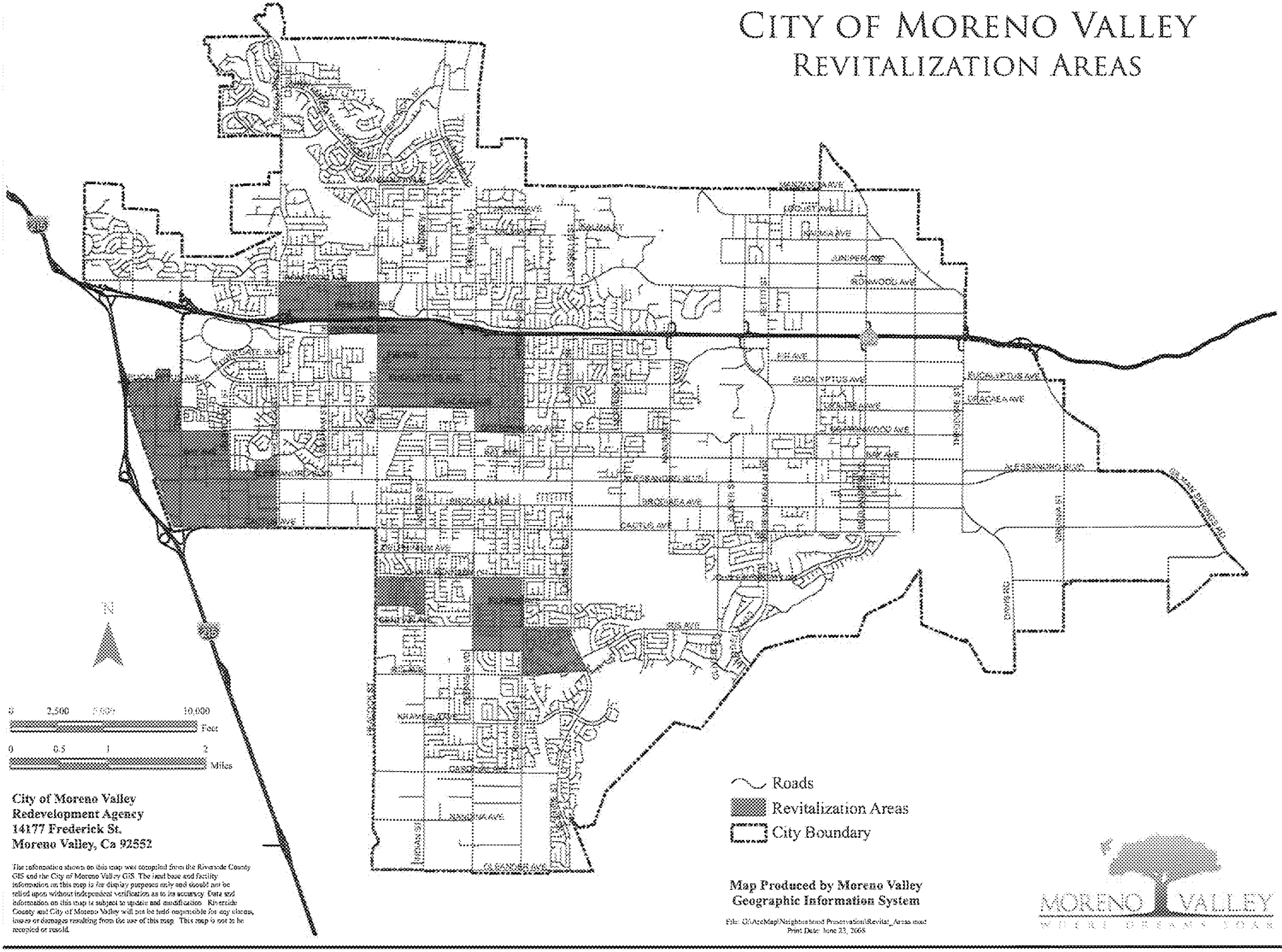

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

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Map Produced by Moreno Valley Geographic Information System

File: G:\ArcMap\Neighborhood Preservation\Revital_Areas.mxd
Print Date: June 23, 2008

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
NEIGHBORHOOD PRESERVATION DIVISION

Community Development Block Grant
"Subrecipient Monitoring Form"

GENERAL INFORMATION:

Interviewer:_____

Interviewer:_____

Project Name: _____

Location:_____

Agency:_____

Project Began:_____

Project Ended:_____

Date:_____

Name(s) and Title(s) of Person(s) Interviewed:

CDBG REGULATIONS

1. What efforts has the Subrecipient made to ensure that employees understand applicable CDBG program requirements?

2. Does the Subrecipient maintain adequate records to comply with CDBG program requirements, including records retention? *(circle one)* Yes No

3. Comments:

INTERNAL CONTROLS

1. Has the Subrecipient ensured that financial management systems are maintained in accordance with 24 CFR, Part 85.20(b), as applicable? *(circle one)* Yes No

   If yes, what are the financial management standards?

2. If Subrecipient employees work on both CDBG-eligible and non-CDBG eligible activities, what system does the Subrecipient have in place to ensure that appropriate time distribution records are kept?

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3. Is the Subrecipient in compliance with the procurement and/or subcontracting requirements of 24 CFR, Part 85.36, as applicable? *(circle one)* Yes No

4. Does the Subrecipient significantly review for evidence of conflicts of interest either between the Subrecipient and the employees or between the Subrecipient and its contractors (such as obtaining information on background of staff or board directors and seeking specific assurances from contractors, vendors, and suppliers)? *(circle one)* Yes No

SUBRECIPIENT AGREEMENT (24 CFR, PART 570.503)

1. Does the "Scope of Services" contain a description of the types and amounts of services or products that will result from use of CDBG funds in sufficient detail to allow for effective monitoring? *(circle one)* Yes No

   Give examples of any deficiencies found:

2. Is a deadline designated for accomplishment of each of the major services or projects identified in the "Scope of Services" (reference 24 CFR, Part 570.503(b)(1))? *(circle one)* Yes No

   Give examples of any deficiencies found:

3. Are the costs for carrying out the "Scope of Services" presented in sufficient detail to provide an adequate base for comparison of planned and actual performance (reference 24 CFR, Part 570.403(b)(1))? *(circle one)* Yes No

   Describe any deficiencies:

4. Are the documents presented and required of the Subrecipient in order to receive payment of CDBG funds adequate to ensure that payments are eligible and reasonable in relation to actual performance and that funds are not being requested in excess of immediate needs? *(circle one)* Yes No

   If not, please explain:

5. Where special documentation is required by the contract or project activity type such as but not limited to, necessary or appropriate determinations, or lead-based paint, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   If not, what is lacking?

6. Where special income documentation is required by the contract or project activity type, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   Indicate type of verification required:

7. Are current income limits being utilized for the program? *(circle one)* Yes No

8. Does the Agreement specify that program income is to be retained by the Subrecipient? *(circle one)* Yes No

   If yes, what provisions are made to ensure that such income is recorded and reported, and that it will be used in accordance with CDBG regulations?

9. Has Subrecipient been informed of requirement to submit an annual audit of City funded portion for the program per the CDBG Agreement? Audit shall be performed by a Certified Public Accountant or other independent auditor. *(circle one)* Yes No

REPORTING

1. Does the Subrecipient submit reports such as progress or financial reports on a timely and periodic basis (reference 24 CFR, Part 570.503(b)(2))? *(circle one)* Yes No

   If yes, please describe:

2. How frequently are these reports required to be submitted?

3. Has Subrecipient submitted written reports and is the information submitted sufficient to assess Subrecipient performance against the specifications in the "Scope of Services"? *(circle one)* Yes No

   If not, please explain:

4. Is the reported data verified by the City? *(circle one)* Yes No

   If yes, how does the recipient verify actual beneficiaries of a project?

PROGRAM INCOME MONITORING

1. How does the Subrecipient keep track of generated program income and ensure accurate reporting?

2. Has the Subrecipient established revenue accounts to record program income?

3. If program income is retained by Subrecipient, does the Subrecipient check to determine that:

   a. Program income is being used before new grant funds are requested?

   b. Such income is being used in accordance with CDBG rules and regulations?

ON-SITE REVIEW OF SUBRECIPIENTS BY CITY

1. Did a representative from the City of Moreno Valley monitor this Subrecipient on site? *(circle one)* Yes No

2. Based on this review, does there appear to be any significant differences between actual performance and the reported performance submitted to the City? *(circle one)* Yes No

   If yes, please describe:

3. In reviewing the activities and costs charged by the Subrecipient to the CDBG program, are there any costs that appear clearly unreasonable? *(circle one)* Yes No

4. Are there any expenditures that warrant further review? *(circle one)* Yes No
   If yes, please explain:

SUMMARY

1. Is it evident that the Subrecipient is adequately managing and monitoring its activities? *(circle one)* Yes No

   If not, try to identify the apparent causes of the problem(s). What action is recommended? Does the Subrecipient need additional technical assistance in any particular area? Are there elements of the Sub-recipients management system that are particularly successful? Please note below any general observations, positive and/or negative, which would contribute to a determination as to whether the Subrecipient has an adequate management and monitoring system in place to ensure compliance with regulations and accomplishment of goals and objectives.

FINDINGS:

CONCERNS:

RECOMMENDED ACTIONS:

POSITIVE OBSERVATIONS:

_____ _____
Signature of Reviewer Date

_____
Name and Title

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ATTACHMENT E

CDBG FUNDING ALLOCATIONS FY 2010/11

ADMINISTRATION (20% CAP - $388,322)	
CDBG Program Administration	$338,869
Fair Housing Services	$49,453
SOCIAL SERVICES (15% CAP - $291,241)	
Community Foreclosure Prevention Workshops	$44,000
Community Assistance Food Program (CAP)	$30,600
Friends of the Moreno Valley Senior Center (MoVan)	$30,000
Moreno Valley Police Dept., Problem Orienting Policing (POP) Team	$28,241
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$25,000
Lutheran Social Services Transitional Center (MARB)	$15,000
Path of Life Ministries King Hall Family Shelter (MARB)	$15,000
PW Enhancement Center – Emergency & Homeless Services	$15,000
Neighborhood Clean-up Program	$15,000
Assistance League of Riverside - Operation School Bell	$10,000
CASA for Riverside County	$10,000
God's Helping Hand Ministries Food Program	$9,000
Operation Safehouse Shelter for Youth	$8,000
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,500
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500
Moreno Valley Community Educators - Tutoring Program	$6,400
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
ARC of Riverside – Disabled Adult Day care Facility	$5,000
FACILITIES	
Youth Opportunity Center	$50,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
Fire Prevention 'Improvement Task Force'	$30,000
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$540,000
Community Employment Resource Center	$145,641
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$50,000
Lord's Gym	$20,000
TOTAL CDBG FUNDING ALLOCATIONS	**$1,941,611**

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MV00056607

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle A. Kollar, Interim Community Development Director

AGENDA DATE: May 11, 2010

TITLE: A public hearing for two applications to modify various conditions of approval (P09-038 and P09-039) for the approved Highland Fairview Corporate Park project Tentative Parcel Map No. 35629 (PA07-0090) and Plot Plan (PA07-0091) including the modification of Highway 60 landscape requirements, the timing and responsibility for an easement and construction of a required multi-use trail along the project frontage and future Eucalyptus Avenue and various Public Works conditions related to the dedication and improvement of public improvements. The project site is located adjacent to and south of Highway 60 along future Eucalyptus Avenue (Fir Avenue) between Redlands Boulevard and Theodore Street. The applicant is Highland Fairview Properties.

RECOMMENDED ACTION

The City Council shall conduct a public hearing to:

1. **RECOGNIZE** that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;

2. **APPROVE** Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions;

3. **RECOMMEND** that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

ADVISORY BOARD RECOMMENDATIONS

On March 24, 2010, the Recreational Trails Board conducted a meeting and revisited the multi-use trail issue at the request of the applicant to modify the trail or have the City acquire the trail easement and complete all required trail improvements. At said meeting, the Board recommended that the City Council deny the applicant's request to modify conditions to either modify or remove the trail from the project or have the City acquire the trail easement and install trail improvements.

BACKGROUND

On February 10, 2009, the City Council, approved Highland Fairview Properties request for Tentative Parcel Map No. 35629 to subdivide a 158 gross acre site (265.3 acres with offsite improvements and drainage) into four buildable parcels and two parcels dedicated for future freeway improvement purposes, and a first phase plot plan for a 1,820,000 square foot distribution warehouse on approximately 83 acres. The Highland Fairview Corporate Park project includes approximately 2,620,000 square feet of industrial and commercial building area in three phases on four parcels.

On April 14, 2009, Highland Fairview submitted a written request to the City Council to consider approximately five different issues of project approval and modify approximately 56 conditions of approval related to the issues.

On May 14, 2009, three applications were submitted to the Planning Division requesting modifications of conditions. The first application (PA09-0013) included a General Plan Amendment to cover the request for the possible removal or modification of a required multi-use trail on future Eucalyptus Avenue. The second and third applications included all other requests to modify conditions of approval for both the Plot Plan (P09-038) and the Tentative Parcel Map (P09-039).

On June 10, 2009, the proposed modifications of conditions for the Corporate Park Project were provided to the Project Review Staff Committee (PRSC) for review. Based on this review, staff suggested that non-General Plan related conditions of approval could go to City Council for review separately and ahead of General Plan related

conditions of approval. Pursuant to the City's Municipal Code, all General Plan changes must go to the Planning Commission for a recommendation prior to consideration by the City Council. The non-General Plan related conditions include the item on required Highway 60 landscape, the multi-use trail if it was not requested to be modified/removed and the modification to Land Development and Transportation conditions of approval that address dedication and improvement of public improvements. In addition, staff asked Highland Fairview to provide a letter to staff that clarified the policy issues related to requests.

On September 3, 2009, a letter was provided by Highland Fairview Properties that modified the specific issues and conditions of approval that were requested to be revised. Staff conducted meetings with Highland Fairview staff to discuss items that were requested to be modified.

In October of 2009, the applicant requested in e-mail correspondence that staff not move forward with the modifications of conditions while other more pressing items related to ongoing project litigation proceedings were being worked out.

In a letter dated February 8, 2010, the applicant requested that the item be reinstated for review and further modified the original request to reduce the issues related to the project approval down to three items as follows:

- Remove the right of way landscape requirement along Highway 60.
- Eliminate or modify conditions of approval related to a required General Plan Multi-Use Trail along future Eucalyptus Avenue
- Modify various conditions of approval related to the dedication and improvement of public improvements

DISCUSSION

The following is a summary of items and issues regarding the applicant's request to modify various project approved conditions of approval:

Remove the right of way landscape requirement along Highway 60.

The applicant is seeking relief from a particular condition of approval within the map and plot plan that requires landscaping within the improved areas of the Caltrans right-of-way adjacent to Highway 60.

In the early 1990's, the City adopted the Highway 60 Corridor Specific Plan which included design criteria for landscaping and other improvements in the freeway right-of-way. While the land use portion of that Plan was later rescinded by the City, the freeway design criteria were retained. The Moreno Valley Mall and a few other commercial projects were required to install freeway landscaping in advance of the adoption of the 60 Corridor Plan and a few residential projects have been conditioned to

install or participate in freeway landscaping with varying levels of implementation. Freeway landscaping was installed by Caltrans in the mid-1990's consistent with the Plan. Some of this landscaping has thrived while others have suffered over the intervening years. In recent years, the Moreno Beach Plaza and Stoneridge Centre projects were not conditioned to provide freeway landscaping given the existence of City directed/funded interchange projects covering their frontage areas. Also of note are two proposed warehouse industrial projects in close proximity to the project, Prologis and Ridge Realty. Each has been advised of the likely imposition of a requirement to participate in freeway landscaping. The three projects combined represent approximately two miles of the City's freeway frontage.

In the case of landscape along Highway 60, staff does not have the authority to eliminate the condition because it derives from an adopted City policy document, the "Highway 60 Corridor Specific Plan". Staff is seeking policy direction from City Council as to whether or not to retain or modify this condition of approval. An alternative that the Planning Division has offered to Highland Fairview is the placement of interim landscape of seasonal wildflower ground cover with temporary irrigation in the right of way area in lieu of typical trees/shrubs and permanent irrigation. An erosion control hydroseed mix and temporary irrigation to establish the ground cover has been suggested by Highland Fairview as a less costly alternative, which is acceptable to Planning. During the summer months when wildflowers die out, maintenance would need to be provided by the property owner to remove weeds and dried out vegetation prior to the next growing season. The map and plot plan conditions of approval for Highway 60 landscape have been modified to reflect an erosion control landscape palette along Highway 60 without permanent irrigation. All right of way parcels will include the erosion control hydroseed mix, including the two large parcels in between Highway 60 and Parcels 2, 3, and 4.

Eliminate or modify a required General Plan Multi-Use Trail along future Eucalyptus Avenue.

The applicant has requested that several conditions of approval be modified related to the dedication and improvement of the multi-use trails on the project site.

Two specific changes to the Master Plan of Trails were proposed by the applicant and approved by City Council with the approval of the Highland Fairview Corporate Park project (including Skechers) in February of 2009. The first included the elimination of a multi-use trail over Highway 60 that was contingent on the feasibility of a freeway bridge. This trail link was originally designated to run along the Sinclair Street alignment, which was proposed to link to a required trail on the south side of Fir Avenue (future Eucalyptus Avenue) between Sinclair Street and Redlands Boulevard. The second change was the applicant's request to move a planned multi-use trail from the south to the north side of future Eucalyptus Avenue to provide one continuous trail on the north side of Eucalyptus Avenue from Quincy Street to Theodore Street.

Highland Fairview Properties have stated in their most recent letter of February 8, 2010 that there is a lack of nexus between the project and the requirement of providing the multi-use trail. Staff believes that there is a viable nexus given the trail's designation in the adopted General Plan multi-use trail plan. The trail provides a linkage with the overall General Plan trail system between Quincy and Theodore Streets. With the elimination of the Sinclair Street overcrossing trail, the extension of the trail along Eucalyptus Avenue east to Theodore Street provides connection to the trail crossing on Theodore Street. A multi-use trail provides for many uses, including horseback riding, walking paths for pedestrians, jogging paths for exercise, and bicycling.

The applicant requests that if the trails are constructed, the City acquire the easement and provide all improvements and on-going maintenance related to the trail. It is not common practice of the City to acquire an easement for a required General Plan multi-use trail or pay for trail improvements. All private developers are currently responsible for dedicating an easement and paying for the improvements to construct multi-use trails as a condition of their project approval. As in all cases, the City will maintain the required trail once it is improved by the developer and accepted by the City for maintenance.

The Recreational Trails Board reviewed proposed changes to the trail system on two separate occasions prior to project approval in February 2009 and concurred with the applicant's request to remove the Sinclair Street trail extension over Highway 60, change the location of the trail from the south side to the north side of future Eucalyptus Avenue and mitigate the trail elimination over Highway 60 by extending the trail from former Sinclair Street to Theodore Street. Based on review of the most recent proposal by the Trails Board at their meeting on March 24, 2010, the Board considered and recommended that the City Council deny the applicant's request to modify conditions and reiterated its support for the approved trail conditions.

An alternative approach that was suggested to Highland Fairview Properties was to look at the timing of when the trail would need to be provided. As per project conditions of approval, the trail is required for each phase of development as it is being completed. The trail would be required for the Phase 1 of the Skechers building but would not be required for Phase 2 and 3 until those phases are constructed. An alternative approach to consider would be the deferral of the entire trail development until Phase 2. This would provide a full segment of the trail at one time instead of in pieces. Some type of security may be required for this approach.

An additional alternative to providing a trail on the north side of the future Eucalyptus Avenue would be to change the trail location back to its original General Plan designation along the south side of future Eucalyptus Avenue in the buffer area approved for the Highland Fairview Corporate Park project. If this approach is recommended, it would require a General Plan Amendment to change the Master Plan of Trails Map and further study and possible modification of the approved Environmental Impact Report (EIR) for the project. The General Plan amendment also would need to be sent back to the Recreational Trails Board and the Planning Commission for review

and recommendation to the City Council. The Tentative Parcel Map south boundary, currently at the south Eucalyptus Avenue right of way, may need to be adjusted to the south to include the trail.

Modify various conditions of approval Related to the dedication and improvement of public improvements

The applicant has requested that all pertinent conditions of approval requiring the dedication and improvement of public facilities be modified to only require fair-share contribution by the project for the dedication and improvement of all public infrastructures. They further requested that improvement credits and reimbursement agreements be developed and entered into between the City and the project proponent for any amount the project contributes in excess of its pro-rata share for such improvements. This request primarily includes Land Development and Transportation Division's conditions of approval.

Municipal Code Section 9.14.100 clearly states that developments are required to construct full half-width street improvements plus one lane in the opposite direction along the project frontage. The developer's request to only be financially responsible for its "fair share" is not in keeping with the intent of the Municipal Code. All perimeter streets associated with the project are Development Impact Fee (DIF) program streets for which the developer may be eligible to receive credits and reimbursements for those ultimate, qualifying improvements. The DIF program spreads the cost of arterial street and traffic signal improvements City wide such that there is a nexus between the trips generated by a project (the impact on the City wide system of arterial streets and traffic signals) and the cost of transportation improvements needed to mitigate the impact. That nexus translates into development impact fees paid by the developer. Highland Fairview is not conditioned to construct ultimate improvements on Redlands Boulevard nor Theodore Street; only along Eucalyptus Avenue. Therefore, the developer is eligible for credits and reimbursements for qualifying improvements on Eucalyptus Avenue only. The Land Development Division does not support additional reimbursements be given to the developer beyond that which the developer is eligible to receive through the DIF program.

The developer may choose to pursue reimbursement for other public improvements not covered by the DIF program (i.e. sewer/water and master storm drain), and may contact Eastern Municipal Water District and Riverside County Flood Control and Water Conservation District respectively for any available reimbursements for the over-sizing of certain utilities associated with the construction of trunk sewer lines, water main lines, reclaimed water lines and flood control facilities.

The Land Development Division, based on a memorandum submitted as part of the Project Review Staff Committee (PRSC) minutes provided to Highland Fairview on June 10, 2009, indicated that originally approved Public Work's conditions of approval for both the tentative parcel map and plot plan meet the requirements of the City's Municipal Code. Furthermore, the existing project conditions of approval as approved

previously meet the nexus requirement of the law because the street improvements conditioned are consistent with the EIR. The requested changes would require a separate nexus study from the approved City-wide nexus study for the DIF program and would not be equitable to other developers nor provide a viable funding program for the City-wide circulation system. Therefore, both the Land Development and Transportation Divisions do not support Highland Fairview's proposal to modify or make additions to wording of certain, specified Public Works conditions of approval.

The Land Development and Transportation Divisions have included a synopsis of the applicant's request to modify conditions of approval and the City's response to these proposed modifications in a memorandum format. Since the request by the applicant to amend project conditions is extensive in nature, for Council's information, this document is attached to the staff report to highlight the City's approach to each condition being requested for modification.

ALTERNATIVES

1. Consider the proposed amendments to approved project conditions of approval, and approve all modified condition language as included in Exhibits A and B to the attached resolutions.

2. Consider the proposed amendments to approved project conditions of approval, and deny or amend modified condition language as included in Exhibits A and B to the attached resolutions.

3. Consider the proposed amendments to approved project conditions of approval included in the attached applicant request letter dated February 8, 2010, and include additional amendments to conditions not included within the attached resolutions.

4. Refer the proposed amendments to the Planning Commission for further review. Recommendation of any location changes to the required multi-use trail would require a General Plan amendment to be forwarded to the Recreational Trails Board and the Planning Commission for review and consideration prior to a final decision by the City Council.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

Based on review of the various applicant requested project condition modifications for the Highland Fairview Corporate Park/Skechers project, the Land Development and Planning Divisions have agreed to modify a few of the approved conditions related to Highway 60 landscape and the multi-use trail, only to clarify the developer's responsibility to dedicate an easement and construct the trail,. The Highway 60 Corridor Specific Plan requires that landscape be provided in the entire Highway 60 freeway right of way area adjacent to the site. A compromise to typical landscape and irrigation required within Highway 60 Corridor Specific Plan standards would be an allowance of an interim hydroseed mix planted, maintained to provide both an appealing visual landscape and erosion control mechanism along the freeway until such time that the parcels are transferred over to the City or Caltrans. The Trails Board has recommended that all conditions of approval regarding the multi-use trail not be modified, with the applicant to provide the easement and provide related trail improvements as is required with all other private projects.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site sign postings.

ATTACHMENTS

1. Public Hearing Notice
2. Letter dated February 8, 2010, from Highland Fairview Properties requesting modification of project approved conditions.
3. Internal Land Development memorandum dated February 11, 2010 on various proposed conditions of approval.
4. Letter dated March 18, 2010, from Highland Fairview Properties regarding proposed hydroseed landscape for Highway 60 right of way areas.
5. Internal Transportation Division memorandum dated April 19, 2010 on various proposed conditions of approval.
6. Letter dated April 22, 2010, from Michael Brandman Associates regarding an environmental analysis of modification of project conditions.
7. Approved Highland Fairview Corporate Park - Planning, Land Development and Parks Map Conditions of Approval.
8. Approved Highland Fairview Corporate Park - Planning, Land Development and Parks Plot Plan Conditions of Approval
9. Modification of Conditions Resolution – Tentative Parcel Map, with attached modified conditions of approval included within Exhibits A through B.
10. Modification of Conditions Resolution – Plot Plan, with attached modified conditions of approval, included within Exhibits A and B

Prepared By:
Mark Gross, AICP, Senior Planner

Department Head Approval:
Kyle A. Kollar, Interim CDD Director

Concurred By:
John C. Terell, AICP, Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00056617

Notice of
PUBLIC HEARING

This may affect your property. Please read.
Notice is hereby given that a Public Hearing will be held at a regular meeting of the City Council of the City of Moreno Valley on the following item(s):

CASE: P09-038 and P09-039 (Modification of Project Conditions of Approval)

APPLICANT: Highland Fairview Properties

OWNER: Highland Fairview Properties

REPRESENTATIVE: Wayne Peterson

LOCATION: North side of future Eucalyptus Ave. (Fir Ave.), east of Redlands Blvd., west of Theodore St. and south of Highway 60.

PROPOSAL: A public hearing for two applications to modify various conditions of approval (P09-038 and P09-039) for the approved Highland Fairview Corporate Park project Tentative Parcel Map No. 35629 (PA07-0090) and plot plan (PA07-0091) including the modification of Highway 60 landscape requirements, the timing and responsibility for an easement and construction of a required multi-use trail along the project frontage and future Eucalyptus Avenue and various Public Works conditions related to the dedication and improvement of public improvements.

ENVIRONMENTAL DETERMINATION: An Environmental Impact Report (P07-157), including a Statement of Overriding Considerations and Mitigation Monitoring Program was originally certified and approved for the project. Pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines).

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council or City Clerk at, or prior to, the Public Hearing.

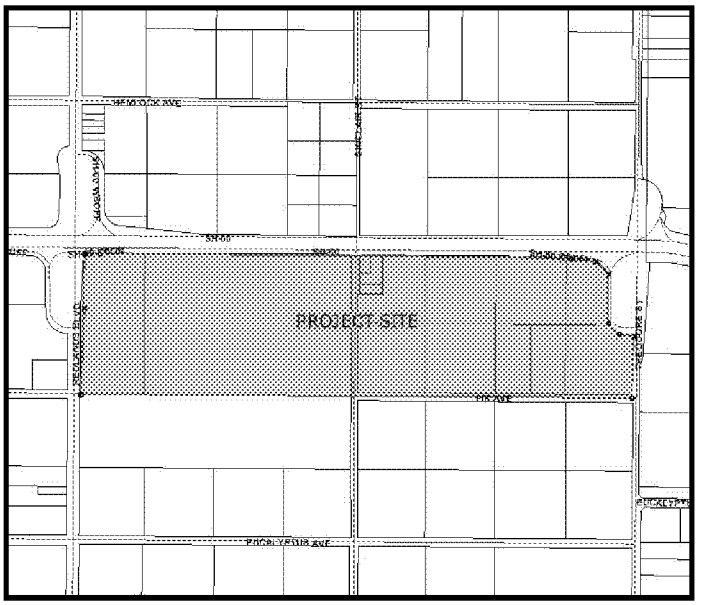

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: May 11, 2010 at 6:30 PM
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

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MV00056619

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

February 8, 2010

Mark Gross
Senior Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

SUBJECT: Highland Fairview Corporate Park – Proposed Revisions to Conditions of Approval

Dear Mark:

In May 2009, Highland Fairview officially submitted a request (PA09-0013) to modify certain Conditions of Approval which were imposed on the Highland Fairview Corporate Park project. Highland Fairview would like to hereby modify our previous application to request changes to conditions relating to the following three important issues:

1. **SR60 Landscaping**
   Existing Condition: Condition of Approval P14 on Tentative Parcel Map TPM 35629 (Resolution 2009-10) requires the preparation and processing of plans for the installation of landscaping and irrigation within the SR60 right-of-way adjacent to the project site in compliance with the SR60 Design Manual.

   Requested Action: Highland Fairview requests the removal of this condition.

   Justification: This condition has been inconsistently applied along SR60 within the city. In those instances where it has been applied, it has provided only marginal landscaping that struggles from sparse installation, little or no maintenance and inadequate irrigation. Over the years, the City's SR60 Design Manual has been arbitrarily applied and inconsistently enforced, resulting in a haphazard landscape treatment along SR60 throughout the City. Today, the freeway frontage is a random mixture of sparse, struggling landscaping, mixed with long stretches of barren, unmaintained land. Clearly there has not been a consistent application of the SR60 Design Manual criteria. In addition, and perhaps most importantly, Caltrans staff has indicated informally that they will not allow such improvements in the freeway right-of-way nor will they commit to any maintenance whatsoever.

ATTACHMENT 2

However, to the great benefit to the motoring public and the City, the approved HFCP project includes a high level of landscape treatment along SR60 that has never been seen in Moreno Valley. Millions of dollars are being spent to create an attractive edge to the project which will feature trees, shrubs and ground cover that has been designed to work in concert with the architecture of the future buildings to create a pleasant experience for the motoring public as they pass by the Highland Fairview Corporate Park site. This project landscaping will produce an edge treatment for SR60 far beyond that which was envisioned in the Design Manual.

The condition should be deleted.

2. **Multi-Use Trails**
   Existing Condition: Several conditions imposed on the TPM and the Plot Plan require the dedication and improvement of multi-use trails on the project site.

   Requested Action: Delete and/or modify all trail-related conditions to require that: 1) the project reserve the necessary land for potential future multi-use trails, 2) site grading provide for the future multi-use trails, 3) the multi-use trail areas be landscaped and maintained in a manner consistent with immediately adjacent areas until such time as the City purchases the land and constructs the multi-use trails, and 4) the on-going maintenance of the multi-use trails, when built, be borne by the City for the benefit of the public.

   Justification: There is a complete lack of nexus between the project and the requirement to dedicate and improve multi-use trails on the project site. The project creates absolutely no demand for these trails, therefore there is no nexus. The trails can be accommodated in the project design but the impacted land (or appropriate easements) should be acquired by the City, the trails should be constructed by the City and the trails should be maintained by the City. Further, there should be a sunset clause in the conditions such that if the City does not acquire the impacted land or easements within five years of the recordation of the Final Map for the project, the City's option to acquire the land or easements will expire.

3. **Dedication and Improvement of Public Improvements**
   Existing Conditions: The project approval contains dozens of conditions requiring the dedication and improvement of public facilities (streets, parkways, trails, etc.) far in excess of the demand which the project creates for such facilities.

   Requested Action: Modify all related conditions to require a fair-share contribution by the project for the dedication and improvement of all public infrastructure improvements. Improvement credits and Reimbursement Agreements should be entered into between the City and HF for any amount contributed in excess of its actual pro-rata share of such improvements.

Justification: These conditions fail to meet the requirement for a direct nexus between the project and required public improvements as required by law. Such conditions impose an unjust and decidedly unequal burden on some projects while other projects and the city benefit unfairly at the expense of one taxpayer.

Attached is a list of the conditions which are related to the changes requested above. Other conditions may be impacted as a result of our detailed discussions with staff.

We look forward to discussing these issues with staff, the Planning Commission and the City Council at the earliest possible opportunity. If questions arise during the City's review of this request, please do not hesitate to contact me directly.

Sincerely,

Iddo Benzeevi
President and CEO

Requested Changes to Conditions of Approval for TPM 35629
City Council Resolution 2009-10

SR 60 Landscaping

a) Delete Condition P14

Multi-Use Trails

a) Modify Condition LD68(b) to add: "Said multi-use trail easement shall be labeled 'future,' and is contingent upon City acquisition of said easement from the landowner."
b) Modify Condition LD68(c) to add, "The City will maintain all multi-use trails."
c) Modify Condition LD70(a)(viii) to add, "The future trail area shall be designed and graded with the project and shall be landscaped consistent with adjacent land. The City may acquire an easement for a multi-use trail from the property owner and construct and maintain a multi-use trail."
d) Modify Condition LD91 to add "(optional)" after the words "multi-use trail."
e) The entire set of Conditions of Approval from the Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired from the landowner by the City. The City shall be responsible for the construction and the maintenance of the multi-use trails.

Dedication and Improvement of Public Improvements

a) Modify Conditions LD2, LD4, LD27, LD46, LD65, LD66, LD68, LD70, LD78, LD90, LD91, LD93, TE17, TE18 and the Parks and Community Services Department conditions to add, "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedication and/or improvement obligations."

Requested Changes to Conditions of Approval for Plot Plan PA07-0091
City Council Resolution 2009-11

SR 60 Landscaping

a) Delete Condition P10

Multi-Use Trails

a) The entire set of Conditions of Approval from Parks and Community Services Department needs to be re-written to differentiate between bike trails and multi-use trails. Future multi-use trails will be graded with the project. Easements for the multi-use trails will be acquired by the City from the landowner. The City shall be responsible for the construction and the maintenance of the multi-use trails.

Dedication and Improvements of Public Infrastructure

a) Modify Condition PD80, PD81, PD82, PD83, PD84, PD85, LD43, LD44, LD66, TE3, TE11, TE13, TE14, TE15 TE18, and the Parks and Community Services Department conditions to add "All dedications and improvements to public infrastructure shall be on a fair-share basis. The value of required dedications and/or improvements beyond the project's fair-share obligation shall be established as a credit against which the Subdivider may draw to offset other public infrastructure dedications and/or improvements."

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MV00056625

CITY OF MORENO VALLEY
Public Works Department
Land Development

MEMORANDUM

To: Mark Gross, Case Planner

From: Clement Jimenez, Senior Engineer, 951.413.3121, clementj@moval.org

Date: February 11, 2010

Subject: PA09-0013; Second Review Comments

Project Information

Case Number:	PA09-0013	Related Case No:	PA07-0088 thru PA07-0091, P07-157 and P08-057
APN:	488-350-001 through 002 and 488-360-001 through 012		
Case Type:	GPA, Amended PP and Amended TM 35629 (Modification of Conditions)		
Environmental:	EIR		
Applicant:	Highland Fairview		
Owner:	Highland Fairview		
Representative:	Wayne Peterson		
Location:	N side of Eucalyptus, E of Redlands, W of Theodore and S of Highway 60		
Proposal:	A request to modify conditions of approval from the recently approved Highland Fairview Corporate Park Project and Tentative Parcel Map (PA07-0090) as well as Plot Plan (PA07-0091) to cover such items as the removal of Highway 60 landscape, removing a required multi-use trail along the project frontage and the modification of conditions related to the dedication and improvement of public improvements. A General Plan Amendment is required for removal of any multi-use trail.		

The following is the Land Development Division's response to Highland Fairview's letter dated February 8, 2010 addressed to Mark Gross, Senior Planner. Highland Fairview's letter states that some conditions, including some of those from Land Development, "fail to meet the requirements for a direct nexus between the project and required public improvements as required by law":

The Land Development Division is confident that the conditions of approval for both the tentative parcel map and plot plan meet the requirements of the City's Municipal Code. Furthermore, the conditions of approval as approved meet the nexus requirement of the law because the street improvements conditioned are consistent with the EIR Traffic Study and the Subdivision Map Act.

ATTACHMENT 3

Therefore, the Land Development Division does not support Highland Fairview's proposal to modify

or make additions to wording of certain, specified Land Development conditions of approval.

Municipal Code Section 9.14.100 clearly states that developments are required to construct full half-width street improvements plus one lane in the opposite direction along the project frontage. The developer's request to only be financially responsible for his "fair share" is not in keeping with the intent of the Municipal Code. This would also create a significant amount of additional effort to determine and split associated costs, which are subjective and open to interpretation by all parties involved. All perimeter streets associated with the project are Development Impact Fee (DIF) program streets for which the developer may be eligible to receive credits and reimbursements for those ultimate, qualifying improvements. The Developer is not conditioned to construct ultimate improvements on Redlands Boulevard nor Theodore Street; only along Eucalyptus Avenue. It is important to note that the developer chose to create the tentative parcel map such that the entire width of Eucalyptus Avenue lies within the tentative parcel map boundary, that is to say that the south right-of-way line of Eucalyptus Avenue coincides with the south map boundary. Therefore, the developer was conditioned to construct full-width improvements on Eucalyptus Avenue. The developer is eligible for credits and reimbursements for qualifying improvements on Eucalyptus Avenue. The Land Development Division does not support additional reimbursements be given to the developer beyond that which the developer is eligible to receive through the DIF program.

However, the developer may choose to pursue reimbursement for other public improvements not covered by the DIF program (i.e. sewer/water and master storm drain), and suggests the developer contact Eastern Municipal Water District and Riverside County Flood Control and Water Conservation District respectively for any reimbursements available for the over-sizing of certain utilities associated with the construction of trunk sewer lines, water main lines, reclaimed water lines and flood control facilities.

For completeness, the following is a list of Land Development conditions of approval that Highland Fairview has requested to revise:

TPM 35629

SR 60 Landscaping

(a) P14: Land Development defers the response to this item to the Panning Division. Please note that COA LD65 and LD66 require that the developer establish and maintain a minimal level of landscaping sufficient to achieve adequate erosion and sediment control, and slope stabilization.

Multi-Use Trails

(a) LD68(b): The Land Development Division conditions of approval pertaining to the multi-use trail are consistent with Section 66475.1 of the Subdivision Map Act and the Parks and Community Services Department conditions of approval. Land Development does not recommend revising the conditions of approval to reference the trail as "future" unless otherwise agreed to by the Parks and Community Services Department. It is important to note that the 20-foot wide easement area includes a multi-use trail and sidewalk. Regardless of the disposition of the trail, an easement will be required for the sidewalk which is to be constructed by the developer and maintained by the City.

(b) LD68(c): The Land Development Division agrees to the requested additional language to include the statement "The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c), with the concurrence of the Parks and Community Services Department.

(c) LD70(a)(viii): The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

(d) LD91: The Land Development Division does not agree with the addition of the word "optional" after the word "trail", as construction of the trail is not optional, unless the Condition of Approval is otherwise revised by the Parks and Community Services Department.

(e) All Parks COAs: The Land Development Division feels that the approved conditions of approval are consistent with Section 66475.1 of the Subdivision Map Act, but will yield to the direction provided by the Parks and Community Services Department on the matter of differentiating between bike trail and multi-use trail. The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including a multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail consistent with the conditions of approval from the Parks and Community Services Department. The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

Dedication and Improvement of Public Improvements

(a) LD2, LD4, LD27, LD46, LD65, LD66, LD68, LD70, LD78, LD90, LD91, LD93, TE17, TE18 and All Parks COAs: The noted conditions of approval pertaining to the dedication necessary for roadway and public trails are consistent with Sections 66475 and 66479 of the Subdivision Map Act, the City of Moreno Valley Municipal Code, General Plan Circulation Element and the typical conditions placed upon any development frontage within the City. Land Development does not recommend modifying these conditions of approval.

Plot Plan PA07-0091

SR 60 Landscaping

(a) P10: Land Development defers the response to this item to the Panning Division. Please note that COA for TPM 35629 LD65 and LD66 require that the developer establish and maintain a minimal level of landscaping sufficient to achieve adequate erosion and sediment control, and slope stabilization.

Multi-Use Trails

(a) All Parks COAs: The Land Development Division feels that the approved conditions of approval are consistent with Section 66475.1 of the Subdivision Map Act, but will yield to the direction provided by the Parks and Community Services Department on the matter of differentiating between bike trail and multi-use trail. The Land Development Division agrees to the addition of certain language to the condition, but with some modifications as follows: "The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and

Community Services Department and Land Development LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping per LD68(c)."

Dedication and Improvement of Public Improvements

(a) LD43, LD44, LD66, TE3, TE11, TE13, TE14, TE15, TE18 and All Parks COAs: The noted conditions of approval pertaining to the dedication necessary for roadway and public trails is consistent with Sections 66475 and 66479 of the Subdivision Map Act, the City of Moreno Valley Municipal Code, General Plan Circulation Element and the typical conditions placed upon any development frontage within the City. Land Development does not recommend modifying these conditions of approval.

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

March 18, 2010

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92553

SUBJECT: Highland Fairview Corporate Park – TPM 35629, Condition P14

Dear John,

When Brian and I met with you and Mark Gross on February 17th to discuss a Lot Line Adjustment proposal for the Highland Fairview Corporate Park (HFCP) project, we also discussed the proposed landscaping along the future SR60 right-of-way (TPM Condition P14). We discussed the details of the grading of the future right-of-way and Caltrans' refusal to allow any landscaping, irrigation or maintenance within its right-of-way. We discussed the concept of installing a decorative, low-maintenance hydroseeded landscape treatment within the future dedication area and Highland Fairview (HF) agreed to present a proposal along those lines to satisfy the intent of Condition P14.

Attached for your review is an exhibit that illustrates the location of the future freeway dedication area in relation to existing SR60 and the future HFCP project. The exhibit also includes a typical section indicating post-grading elevations and the area to be hydroseeded.

Also attached is information from S & S Seeds, Inc., a California seed supplier that specializes in native plants materials for landscape and erosion control purposes. HF proposes to apply the "Southwest Desert Wildflower Seed Mix" to the future dedication area, resulting in "bright, showy, spring flowers that will re-seed year after year, with or without irrigation." We are confident that this proposal meets the intent of TPM Condition P14 and would request your concurrence.

Thank you for your continued assistance.

Sincerely,

Wayne

Wayne Peterson
Vice President, Community Planning

ATTACHMENT 4

S&S Seeds, Inc.
P.O. Box 1275
Carpinteria, CA
93014-1275

(805) 684-0436
(805) 684-2798 fax

We are a wholesale company providing wildflower, grass and California native plant seeds for Reclamation, Erosion Control and Landscape projects.

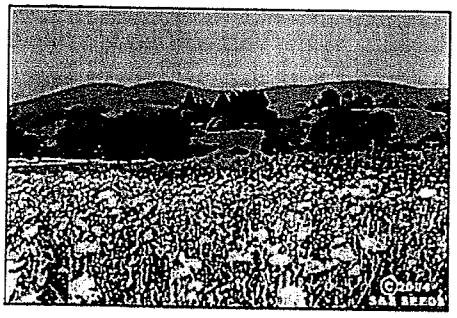

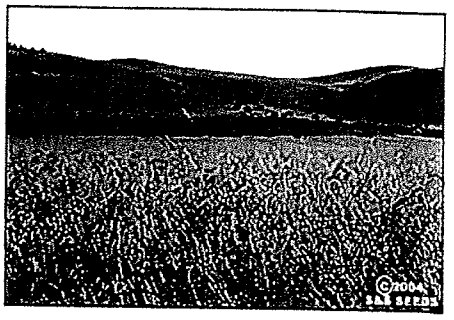

Site specific or regional mixes are available. Our professional staff can work with you in order to provide the best possible seed mix for your site.

Wholesale seeds for:

- Reclamation, Erosion Control and Landscaping
- Wildflowers, Grasses, Native California Plants
- Trees, Shrubs and Ground Covers

Download our complete **Seed Selection Guide** now. (Adobe pdf, 3.5 MB)

Get a Seeding design from the Experts. We specialize in custom seed mixes for any project. Please submit the SEED MIX DESIGN CRITERIA form and our Professional Staff will get back to you with a customized mix for the site specific needs of your project.

We are now a distributor of Terra Novo, Inc.'s **EARTHGUARD®** and **ULTRATACK™** soil erosion control products

Greenfix America® Erosion Control Blankets
We are now a distributor for Greenfix America! Their products are designed to meet a complex variety of erosion control and vegetation problems. For slope protection, channel lining, reclamation, turf reinforcement and specialized landscaping, Greenfix America has a product that provides the solutions.

View product information and technical data for the Green Spec line of rolled erosion control products.

Looking for a plant with specific characteristics? Check out the S & S Seeds Online Plant Database.

Click here for our upcoming trade show schedule!

Seed Mixes: Wildflowers | Turfgrasses | Reclamation / Erosion

S&S Seeds, Inc.
P.O. Box 1275
Carpinteria, CA
93014-1275

(805) 684-0436
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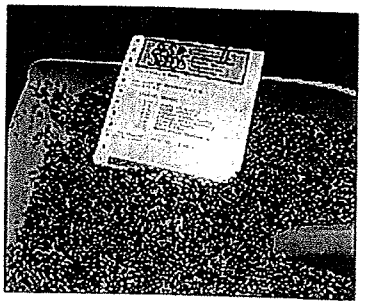

Get a Seeding design from the Experts. We specialize in custom seed mixes for any project. Please submit the SEED MIX DESIGN CRITERIA form and our Professional Staff will get back to you with a customized mix for the site specific needs of your project.

For all projects over 2 acres our Professional Staff will review your soils reports, microclimates and water requirements, bringing our 30+ YEARS of EXPERIENCE to bear to complete your project perfectly. Let S&S Consultancy Services take care of all your growing problems.

View details on S&S Services available.

Ornamental, Flowering, Ground Cover & Shrubs Mix

A mixture of annual and perennial species well adapted to coastal and coastal inland conditions. Will provide many months of spring color with or without irrigation. Grows 2' - 3' tall.

California Native Seed Mix

A mixture of annual and perennial wildflowers and native shrubs. May be used for irrigated or non-irrigated sites. Will flower most of the year when irrigated. Grows 2' - 3' tall with shrubs up to 4' tall.

Intermountain Wildflower Seed Mix

A mixture of annual and perennial species. Can be used by itself or in conjunction with grasses and shrubs. Best in full sun or light. Grows 2' - 3' tall.

Low Profile Seed Mix

A mixture of low growing annual and perennial flowers. Will provide bright spring color in non-irrigated settings or flower color year round when irrigated. Grows 1' - 2' tall.

Shady Wildflower Seed Mix

A mixture of annual and perennial wildflowers which provides bright spring colr in shady or partially sunny sites. Flowering will be nearly continuous if irrigated. Grows 2' - 3' tall.

Southwest Desert Wildflower Seed Mix

A hardy mixture of annual species. Will grow bright, showy, spring flowers that will reseed year after year, with or without irrigation. Grows 1' - 2' tall.

Seed Mixes: Wildflowers | Turfgrasses | Reclamation / Erosion

Other Products | New! Erosion Control Blankets

Plant Database | BMPs - Cost vs. Benefit | Inventory | Request Information
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S&S Seeds, Inc.
6155 Carpinteria Ave
P.O. Box 1275
Carpinteria, CA 93014 US
info@ssseeds.com
Tel: 805-684-0436
Fax: 805-684-2798

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«Back

Southwest Desert Wildflower Mix

Southwest Desert Wildflower Mix

This hardy mixture of 12 annual species will provide bright, showy spring flowers that will reseeds year after year, with or without irrigation. Numerous perennial species are available to add to this mixture, if desired.

Mix contains:

- *Castilleja exserta* (Owl's Clover)
- *Centaurea cyanus Dwarf* (Corn Flower)
- *Clarkia amoena* (Farewell to Spring)
- *Dimorphotheca sinuata* (Africa Daisy)
- *Eschscholzia californica* (California Poppy)
- *Lasthenia californica* (Dwarf Goldfields)
- *Layia platyglossa* (Tidytips)
- *Linum grandiflorum rubrum* (Scarlet Flax)
- *Lupinus bicolor* (Pigmy-leaved Lupine)
- *Nemophila menziesii* (Baby Blue Eyes)
- *Papaver rhoeas* (Flanders Poppy)
- *Phacelia campanularia* (California Bluebells)

Seeding rate: 20 lbs per acre

Height range: 12-24 inches

Price is for one pound.

Product ID: sou_des_wil

1 [redacted]

Price: $ 45.00

Catalog Front Page View Cart

Contact Information
S&S Seeds, Inc.
6155 Carpinteria Ave
Carpinteria, CA 93013 US
info@ssseeds.com

Customer Care
S&S Seeds, Inc.
P.O. Box 1275
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Terms and Conditions

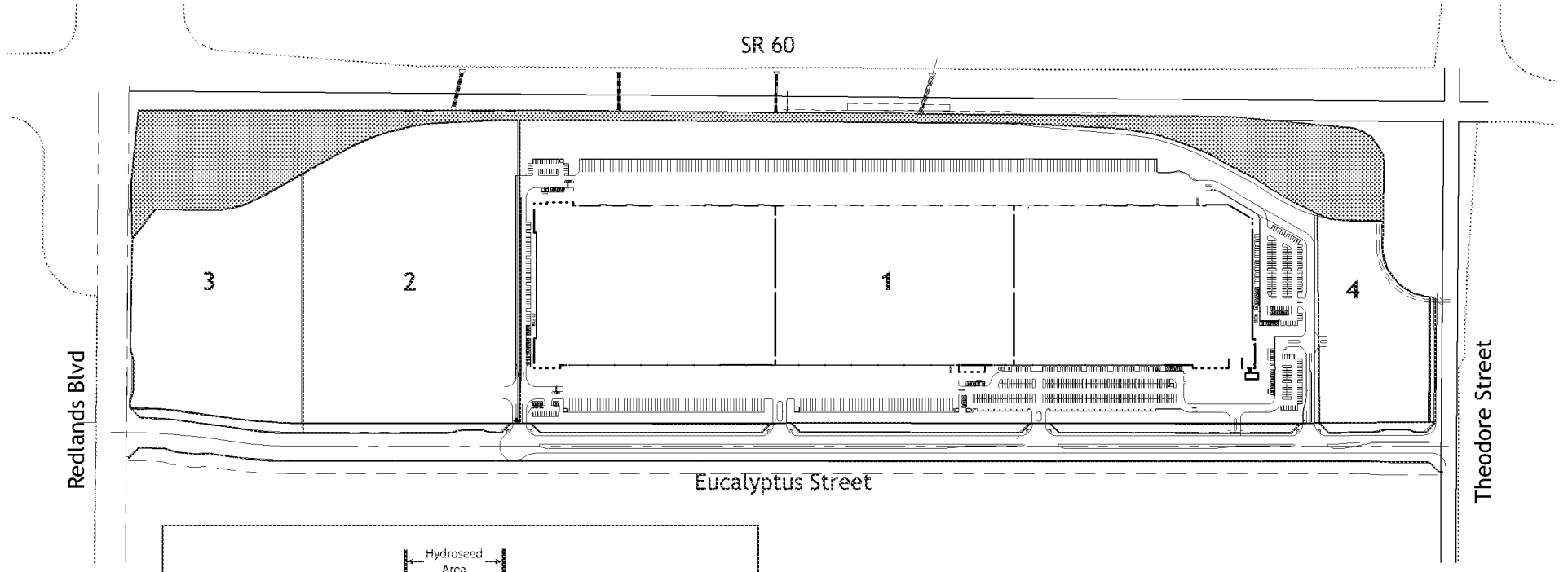

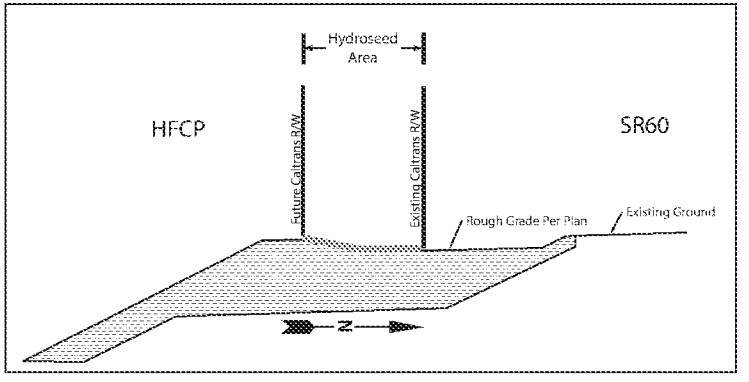

Hydro Seed Notes:

- Proposed seed to provide a mix of flowers, require no irrigation and regenerate each year.
- Proposed application rate per acre:
  - 2000 lb fiber mulch
  - 400 lb commercial fertilizer
  - 180 lb binder
  - 25 lb low profile wild flowers

Not to scale
March 5, 2010

Caltrans Right-of-Way Landscape Exhibit

Highland Fairview Corporate Park
Rancho Belago, Ca 92555

ghland Fairview Corporate Park/Design/HF Work/Caltrans Right-of-Way Landscape Exhibit

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MV00056635

MORENO VALLEY
WHERE DREAMS SOAR

Public Works
Transportation Engineering Division

MEMORANDUM

To: Mark Gross, Senior Planner

From: Michael Lloyd, Senior Engineer

Date: April 19, 2010

Subject: **Review Comments for PA09-0013 – Request to Revise Conditions of Approval for Project PA07-0088 through 0091, P07-157, and P08-057.**

Transportation Engineering Division - Review Comments

Per the April 19, 2010 meeting with Highland Fairview regarding the conditions of approval for PA07-0088 through 0091, P07-157, and P08-057, the Transportation Engineering Division has reviewed the request to add "fair share" language to conditions P80 through P85. As you are aware, conditions P80 through P85 are the Mitigation Measures MM TT-1 through MM TT(C)-3 from the EIR. The following is our response to each condition:

- P80: MM TT-1 was included in the EIR to mitigate the direct impacts of additional truck traffic due to Phase 1 of the proposed project. A "fair share" contribution in substitution of the project applicant constructing the turn lane additions would contradict the findings of the EIR and not satisfy the intent of the mitigation measure.
- P81: MM TT-2 addresses future phase impacts at the SR-60 interchanges with Theodore Street and Redlands Boulevard. Both the mitigation measure and the condition specifically states "the project applicant shall contribute to the costs of the interim intersection improvements…said contribution shall be on a fair-share basis."
- P82: MM TT-3 addresses the intersection of Redlands Boulevard at Eucalyptus Avenue. The improvements required shall be determined based upon the findings of the supplemental traffic study identified in MM TT-2. The improvements that will be necessary at the Redlands Boulevard and Eucalyptus Avenue intersection are a direct result of the project and are therefore mitigation to a direct impact. A "fair share" contribution in substitution of the project applicant constructing the intersection improvements would contradict the findings of the EIR and not satisfy the intent of the mitigation measure.
- P83: MM TT(C)-1 is a repeat of MM TT-1.

ATTACHMENT 5

- P84: MM TT (C)-2 addresses cumulative impacts along Redlands Boulevard. The condition states "the project shall participate on a fair share basis."
- P85: MM TT(C)-3 addresses cumulative impacts at the SR-60 ramps to/from Redlands Boulevard and Theodore Street. The condition states "the developer shall contribute to the costs on a fair share basis."

Therefore, it is the Transportation Engineering Division's recommendation that conditions P80 through P85 **not** be modified. Conditions P81, P84, and P85 already contain fair share language as appropriate. Conditions P80, P82, and P83 are a result of direct impacts due to the project, and a fair share contribution in place of the applicant providing the specified improvements would contradict the findings of the EIR and not satisfy the intent of the mitigation measures.

W:\TrafficEng\Land Development\Development Review\Comments\PA09\0013 2nd.DOC

Michael Brandman Associates

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

April 22, 2010

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: **Highland Fairview Corporate Park – CEQA Evaluation of Proposed Revisions to Conditions of Approval**

Dear Mr. Terell:

Michael Brandman Associates (MBA) has reviewed Highland Fairview's request to delete or revise various Conditions of Approval as applied to the Highland Fairview Corporate Park project. Pursuant to the City's request, we offer the following comments regarding the implications of this request with respect to the certified EIR for Highland Fairview Corporate Park.

SR60 Landscaping

Condition of Approval P14 on Tentative Parcel Map TPM 35629 (Resolution 2009-10) requires the preparation and processing of plans for the installation of landscaping and irrigation within the SR60 right-of-way adjacent to the project site in compliance with the SR60 Design Manual. Highland Fairview has requested the deletion of this condition for reasons cited in their February 8, 2010 letter to the City.

To reduce the project impact on scenic vistas and visual character, the EIR included the following mitigation measure:

Mitigation Measure MM A-2.

> *Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften views of long expanses of the upper elevations of buildings. Examples of alternate treatment measures may include, but not be limited to the following:*
> - *Use of color; or*
> - *Texture variation; or*
> - *Roof line variation.*

The EIR at Exhibits 5.1-10 and 5.1-11 included view sections and elevations to illustrate conceptual treatments that would effectively implement MM A-2. MM A-2 does not require installation of landscaping consistent with the "State Highway 60 Corridor Design Manual". The removal of Condition of Approval P14 on TPM 35629 would not raise any substantial new scenic or visual issues and would not conflict with the EIR. Once implemented by the City through the adopted Mitigation Monitoring Program, on-site landscaping included with the project will satisfy MM A-2. No changes to the EIR are needed.

ATTACHMENT 6

Multi-Use Trails

Several conditions imposed on the TPM and the Plot Plan requires the dedication and improvement of multi-use trails on the project site. Highland Fairview has requested that those conditions be modified to require the project to set aside the land and do the grading for the trails, and have the City install and maintain the actual trail improvements. Highland Fairview has requested this change for reasons cited in their February 8, 2010 letter to the City. The EIR references the provision of a multi-use trail on the project site in two locations as follows:

1) The EIR at Project Design Features for Green Building Section 3.3.4 (page 3-26) references a multi-use trail as follows:

- "The project's circulation system will include a multi-use trail on the northern portion of the future Eucalyptus Avenue."

2) The EIR in Land Use and Planning, Project Impacts Section 5.9.4 (p.5.9-17, last paragraph), references this same multi-use trail as a design feature to offset impacts as follows:

> "To offset the removal of the Sinclair Avenue crossing segment from the Master Plan of Trails, the proposed project includes as a design feature a multi-use trail along the north side of new Eucalyptus Avenue from Redlands Boulevard to Theodore Street."

The analysis that follows in the EIR relies upon the implementation of this trail to establish consistency with the adopted Master Plan of Trails. Highland Fairview's proposed change has to do with responsibility for the physical construction of the trail and its on-going maintenance, and the proposed change would not have an impact on the physical environment in that the land area for the trail would still be dedicated and graded by Highland Fairview. Provided that this trail is ultimately built, no conflict with the findings of the EIR is apparent.

Other Dedications and Public Improvements

It is our understanding that Highland Fairview also requests modifications to various conditions requiring dedication and improvement of public facilities (streets, parkways, trails, etc.). The request involves modifying such conditions to require a fair-share contribution by the project for dedication and improvement of public infrastructure. Provided that the language in EIR Traffic Mitigation Measures MM TT-1 through MM TT-3, and MM TT(C)-1 through MM TT(C)-3, does not change with respect to improvement responsibilities, we see no inconsistencies with the EIR associated with Highland Fairview's request. As there are no other infrastructure provision mitigation measures in the EIR and Mitigation Monitoring Program, the identification of responsibility for other public improvements is moot and falls back to the Conditions of Approval completely. No changes to the EIR are needed.

In summary, MBA concludes that the certified EIR remains adequate for the overall project and the proposed changes to the conditions that apply to SR 60 landscaping, multi-use trails and all proposed changes related to dedications and improvements conditions.

If you have any questions in this regard, please contact me directly at 714.508.4100.

Sincerely,

Thomas F. Holm, AICP, Principal/Vice President Environmental Services
Michael Brandman Associates
220 Commerce, Suite 200
Irvine, CA 92602

TFH:jwi
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MV00056641

CITY OF MORENO VALLEY
FINAL CONDITIONS OF APPROVAL
FOR
TENTATIVE PARCEL MAP No. 35629
Case No: PA07-0090 - To include P08-057 (Phasing Plan)
A.P.N.: 488-350-001 through 002 and 488-360-001 through 012.

Approval Date: **February 10, 2009**
Expiration Date: **February 10, 2112**

The following conditions are attached for the following departments:

_x_ Planning (P), including School District (S), Post Office (PO), Building (B)
_x_ Fire Prevention Bureau (F)
_x_ Public Works, Land Development (LD)
_x_ Public Works, Special Districts (SD)
_x_ Public Works – Transportation (TE)
_x_ Parks & Community Services (PCS)
_x_ Police (PD)
_x_ Moreno Valley Utilities
___ Other (Specify or Delete)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. (Include only those that apply). All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code. (Advisory)

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

P2. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080) (Advisory)

P3. The site shall be developed in accordance with the approved tentative map on file in the Community Development Department -Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. (MC 9.14.020) (Advisory)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the site.

P5. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P6. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P7. All site plans, grading plans, landscape and irrigation plans, and street improvement plans shall be coordinated for consistency with this approval. (Advisory)

PRIOR TO GRADING

P8. (GP) Prior to approval of any grading permit, the developer shall submit a tree plan to the Planning Division for review and approval. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigtion plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director or designee. (GP Objective 4.4, 4.5, DG)

P9. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord) (Advisory)

P10. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG) (Advisory)

P11. Prior to approval of a precise grading plan, landscape and irrigation plans shall be submitted to the Planning Division for review. The plans shall be prepared in accordance with the City's Municipal Code and landscape specifications, and include required street trees. (Advisory)

P12. ((GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area. (Advisory)

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.
(GP Objective 23.3, DG, CEQA).

P13. (GP) Prior to the issuance of grading permits, a pre-construction Burrowing Owl survey shall be completed with written documentation provided to the Planning Division. The survey shall be completed in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Area.

P14. **(GP) Prior to issuance of grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval. (MC 9.14.100)**

P15. **A qualified archaeologist and or tribal monitors from any affected Native American Indian tribes shall be present during grading to evaluate and recommend appropriate actions for any archaeological deposits exposed by construction activity. The monitoring archaeologist shall be empowered to halt grading in the vicinity of an exposed archaeological deposit until that deposit can be fully evaluated. The consultant (i.e. archaeologist) shall consult with any and all affected Native American Indian tribes in the area on any Treatment Plan prepared for the project.**

P16. **(GP) Prior to the issuance of precise grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.**

P17. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps, or alternative design as approved by the Community Development Director. (MC 9.08.070)**

P18. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an Property Owners Association (POA) or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix w/irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

PRIOR TO RECORDATION OF FINAL MAP

P19. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080) (Advisory)

P20. (R) Prior to recordation of the final map, final median enhancement/landscape/irrigation plans shall be reviewed and approved by the Planning Division, and Public Works Department - Special Districts Administration for review and approval by each division. (GP - Circulation Master Plan)

P21. (R) Prior to final map recordation any required trail easements shall be provided. (Advisory)

P22. (R) Prior to recordation of the final subdivision map, the developer shall submit for review and approval the following documents to the Planning Division which shall demonstrate that the project will be developed and maintained in accordance with the intent and purpose of the approval:

a. The document to convey title
b. Deed restrictions, easements, or Covenants, Conditions and Restrictions to be recorded

The approved documents shall be recorded at the same time that the subdivision map is recorded. The documents shall contain provisions for general maintenance of the site, joint access to proposed parcels, open space use restrictions, conservation easements, guest parking, feeder trails, water quality basins, lighting, landscaping and common area use. The approved documents shall also contain a provision, which provides that they may not be terminated and/or substantially amended without the consent of the City and the developer's successor-in-interest. (MC 9.14.090)

In addition, the following deed restrictions and disclosures shall be included within the document and grant deed of the properties:

- **The developer shall promote the use of native plants and trees and drought tolerant species to the extent feasible.**

- **(R) All lots designated for open space and or detention basins, shall be included as an easement to or transfer title to; and maintained by a Property Owners Association (POA) or other private maintenance entity. All reverse frontage landscape areas shall also be maintained by the onsite POA. Language to this effect shall be included and reviewed within the required Covenant Conditions and Restrictions (CC&Rs) prior to the approval of the final map.**

- **Maintenance of any and all common facilities.**

PRIOR TO BUILDING PERMIT

P23. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P24. (BP) Prior to issuance of building permits for applicable lettered lots, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA, or other private entity, shall be approved for the sides and or slopes of all water quality basins and drainage areas. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P25. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require additional plot plan review and approval from the Planning Commission.

Building and Safety Division

B-1 The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal (Advisory)

markg/PA07-0088 through PA07-0091/MapCoa's

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0090 Tentative Parcel Map No. 35629
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the tentative map correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions. (Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the tentative parcel map by the Planning Commission, the Developer shall submit the approved tentative parcel map on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

(Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Map Approval or Recordation

LD26. (MA) Prior to approval of the final map, the developer shall submit a copy of the Covenants, Conditions and Restrictions (CC&Rs) to the Land Development Division for review and approval. The CC&Rs shall include, but not be limited to, access easements, reciprocal access, private and/or public utility easements as may be relevant to the project. (Advisory)

LD27. (MA) Prior to approval of the final map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer. (Advisory)

LD28. (MA) Prior to approval of the final map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A Public Improvement Agreement (PIA) will be required to be executed. (Advisory)

LD29. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.

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i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

(Advisory)

LD30. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public works Department. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD31. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD32. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD33. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD34. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.
(Advisory)

LD35. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD36. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD37. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD38. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD39. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD40. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD41. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD42. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

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LD43. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD44. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

Prior to Certificate of Occupancy

LD45. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD47. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD48. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be

constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD49. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD50. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD51. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD52. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD53. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency

overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD54. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review and approval. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD55. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD56. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to Parcels G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) to provide maintenance access to these parcels until such time that the City accepts the dedication. Surrounding grading shall not prohibit runoff from leaving these parcels.

LD57. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD58. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD59. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and

road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD60. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

b. Along the frontage of Parcel 4 of PM 35629, east side of Theodore Street, east edge of the northbound travel lane to be constructed in Phase 2.

c. Along the frontage of Parcel 3 of PM 35629, west side of Redlands Boulevard, west edge of the southbound travel lane to be constructed in Phase 3.

d. Along the frontage of Parcel 3 of PM 35629, south side of Eucalyptus Avenue, south edge of the eastbound travel lane to be constructed in Phase 3.

e. At proposed pavement transitions at edge of pavement.

f. As required by the City Public Works Inspector(s).

LD61. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD62. (IPA) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD63. (IPA) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across

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Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD64. (IPA) Prior to approval of improvement plans for any master drainage plan facilities, a right-of-entry agreement shall be executed with Riverside County Flood Control and Water Conservation District (RCFC&WCD) for said facilities.

LD65. (MA) Prior to parcel map approval, the map shall show a varying width lettered parcel along the project's north boundary and adjacent to SR-60, shown as Parcel G on the tentative parcel map, to be irrevocably offered for dedication to the City for highway and road purposes. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the developer shall keep the parcel clear of permanent and/or temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer. Existing utilities shall be relocated outside of the dedicated parcel as conditioned hereon. New utilities shall not be placed within the dedicated parcel without City Engineer approval except for extension of existing storm drain culverts and proposed water line from north of the SR-60 in the Sinclair Street alignment. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated parcel, without prior City approval, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plans.

LD66. (MA) Prior to parcel map approval, the map shall show an irrevocable offer of dedication to the City for highway and road purposes, identified as Parcel 5 and Parcel 6 on the tentative parcel map (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map) for an eastbound on-ramp at the Redlands Boulevard interchange and an eastbound off-ramp at the Theodore Street interchange, respectively. The map shall reflect Parcels 5 and 6 as lettered parcels prior to map approval. Until such time the City accepts the irrevocable offer of dedication for the lettered parcel, the parcel shall be kept clear of permanent and temporary improvements, features, and obstructions, including but not limited to, those resulting from grading or water quality treatment, other than those needed to conform to the grades and improvements shown on the approved tentative parcel map. Minimal level of landscaping sufficient to achieve adequate erosion and sediment control consisting of native plants or other plant material as approved by the Planning Division shall be planted and maintained by the developer as conditioned hereon. Existing utilities shall be relocated outside of the dedicated parcel. New utilities shall not be placed within the dedicated parcel without prior City Engineer approval. If permanent or temporary improvements, features, plant material, hardscape, or obstructions are placed within the dedicated

parcel, the developer shall pay any and all costs associated with the removal and restoration to conform to the approved grading plan.

LD67. (MA) Prior to parcel map approval, if the developer proposes to grade the site such that a slope is created for future freeway on- and/or off-ramp improvements within Parcels G, 5 and/or 6 (Parcels 5 and 6 to be shown as lettered parcels on the final parcel map), the developer shall obtain City approval such that the slope will coordinate closely with the future ramp improvements. It may be required that the developer grant a construction easement to the City, ultimately to Caltrans, at no cost to the City or Caltrans, in the future to facilitate the interchange improvements in order to make any necessary adjustments to the slope, drainage, and related features located within and/or outside of Parcels G, 5 and/or 6. In no event shall the exercise of this easement disrupt any existing development or damage any site improvements.

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

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e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD69. (MA) Prior to parcel map approval, a reciprocal access agreement between adjacent development parcels shall be submitted to the City for review and approval processing for concurrent recording with the final parcel map. Alternatively, the reciprocal access among parcels can be established in the covenants, conditions, and restrictions (CCRs) if any, and recorded concurrent with the map.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be

completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

   i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

   ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

   iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

   iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

   v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

   vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

   vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above.

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

LD71. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer.

LD72. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD73. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD74. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD75. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD76. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all

MV00056665

required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD77. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD78. (CO) Prior to occupancy of the proposed building in Phase 1, the parcel map shall record along with all the offers of dedication for right-of-way and easements made on the map.

LD79. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD80. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD81. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD82. (CO) Prior to occupancy of any buildings, a cooperative (tri-party) agreement among the developer, the City and RCFC&WCD regarding the operation and maintenance of said facilities shall be executed.

LD83. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be

utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD84. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD85. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients, organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD86. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD87. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD88. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;

MV00056667

c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

Phase 2 – Development Associated with Parcels 2 and 4 of PM 35629

In the future, when planning applications for development of Parcels 2 and 4 are submitted to the City, additional conditions of approval for on-site development of those parcels will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcels 2 and 4.

LD89. (PPA) Prior to approval of a plot plan for any project on Parcel 4 of PM 35629, proposed pad and site elevations shall be coordinated with the most current design available for the Theodore Street interchange improvement plans. The plot plan shall show the proposed relocation corridor within the future right-of-way of Theodore Street for the overhead electrical power poles along Theodore Street for overhead utility lines larger than 115,000 volts.

LD90. (CO) Theodore Street improvements shall be coordinated with the City's Capital Project Theodore/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 2. The project design shall accommodate the future ultimate improvements on Theodore Street which include half-width plus an additional 30 feet east of the centerline, along Parcel 4 of PM 35629 east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be provided within the 20-foot wide open space Parcel F shown on the tentative parcel map: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

LD91. (CO) Prior to occupancy of any building in Phase 2, ultimate street improvements shall be constructed on Eucalyptus Avenue along project frontage, connecting to those improvements constructed in Phase 1. Improvements shall consist of, but not be limited to, pavement, base, raised landscape median, trail, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities. In addition, the following improvements shall be constructed

within a minimum 20-foot wide multi-use trail and pedestrian access easement: a 6-foot wide sidewalk directly behind the proposed right-of-way, followed by a 4-foot wide landscaped area behind sidewalk, and then a 10-foot wide multi-use trail.

Phase 3 – Development Associated with Parcel 3 of PM 35629

In the future, when a planning application for development of Parcel 3 is submitted to the City, additional conditions of approval for on-site development of that parcel will be added to these special conditions of approval associated with off-site and perimeter infrastructure improvements that apply to the development of Parcel 3.

LD92. (PPA) Prior to approval of a plot plan for any project on Parcel 3 of PM 35629, proposed pad and site elevations shall be coordinated with the most current available Redlands Boulevard interchange improvement plans.

LD93. (CO) Redlands Boulevard improvements shall be coordinated with the City's Capital Project Redlands Boulevard/SR60 Interchange Project. Interim improvements shall be at the discretion of the City Engineer and shall be constructed prior to the occupancy of any building in Phase 3. The project design shall accommodate the future ultimate improvements on Redlands Boulevard Divided Arterial, City Standard 103A (131' RW / 107' CC Modified) to half-width plus an additional 21 feet west of the centerline, along the entire project's east frontage. Future ultimate improvements shall consist of, but not be limited to, pavement, base, redwood header, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities. In addition, the following improvements shall be provided within an 18-foot wide bike trail and pedestrian access easement: a 2-foot wide portion of sidewalk located outside of the proposed sidewalk, a 4-foot wide landscaped area behind sidewalk, a 10-foot wide bike trail behind the 4-foot wide landscaped area, and a 2-foot wide flat landscape area. In addition, intersection improvements at Eucalyptus Avenue shall be made to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project. Additional improvements will be identified within the supplemental traffic study required for Phases 2 and 3 planning application development plans. Ultimate improvements shall be coordinated with the City's Capital Project Theodore Street/SR-60 Interchange Project and/or interim improvements shall be at the discretion of the City Engineer.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Tentative Parcel Map

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0090 (Map).** This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

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CITY OF MORENO VALLEY
FINAL CONDITIONS OF APPROVAL
PLOT PLAN (PA07-0091)
APN: 488-350-001 through 002 and 488-360-001 through 012.

APPROVAL DATE: **February 10, 2009**
EXPIRATION DATE: **February 10, 2012**

_x_ **Planning (P), including School District (S), Post Office (PO), Building (B)**
_x_ **Fire Prevention Bureau (F)**
_x_ **Public Works, Land Development (LD)**
_x_ **Public Works, Special Districts (SD)**
_x_ **Public Works – Transportation Engineering (TE)**
_x_ **Parks & Community Services (PCS)**
_x_ **Police (PD)**
_x_ **Moreno Valley Utilities**
___ **Other (Specify or Delete)**

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects. All conditions identified as Advisory restate existing codes, ordinances, regulations or policies that apply to the project.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230) (Advisory)

P2. The site shall be developed in accordance with the approved plans on file in the Community Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation
WP - Water Improvement Plans
GP - Grading Permits
BP - Building Permits
CO - Certificate of Occupancy or building final
P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan
Ord - Ordinance
Res - Resolution
MC - Municipal Code
DG - Design Guidelines
UFC - Uniform Fire Code
SBM - Subdivision Map Act
CEQA - California Environmental Quality Act
Ldscp - Landscape Development Guidelines and Specs
UBC - Uniform Building Code

the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020) (Advisory)

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030) (Advisory)

P4. **A drought tolerant, low water using landscape palette shall be utilized throughout the project.**

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030) (Advisory)

P6. **Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)**

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be consistent with this approval. (Advisory)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property and City right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the landscape/irrigation plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P9. **(GP) Prior to approval of any precise grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.**

P10. **(GP) Prior to approval of any grading permits, the developer shall submit final landscape and irrigation plans within the State Highway 60 right-of-way**

adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Community Development Department - Planning Division for review and approval. (MC 9.14.100)

P11. **(GP) Prior to the issuance of any grading permits and prior to any physical disturbance of any natural drainage course, for any area determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P12. **(GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)**

P13. **(GP) Decorative pedestrian pathways shall be shown on the precise grading plan. (Advisory) (GP Objective 46.8, DG)**

P14. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval for all fences and walls required or proposed on site, included, but not limited to the 11 foot screening wall along the perimeter of the site including pilasters and caps or alternative design as approved by the Community Development Director. (MC 9.08.070)

P15. (GP) Prior to approval of a precise grading plan, final landscaping and irrigation plans shall be submitted to the Community Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.
E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of all trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.
L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement .

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

PRIOR TO BUILDING PERMITS

P16. (BP) Prior to issuance of building permits, the Community Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas

meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG) (Advisory)

P17. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG) (Advisory)

P18. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG) (Advisory)

P19. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord) (Advisory)

P20. (P) Prior to issuance of building permits, final landscaping and irrigation plans shall be approved by the Planning Division prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along all public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12

parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided.

E. Trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan).

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of all trash enclosures shall be provided.

J. Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.

K. A minimum size of 36" box mature trees shall be placed along the freeway or northern elevations of the building.

L. Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be possible for areas outside of the line of sight. An alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas.

M. Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

P21. Prior to the issuance of building permits, landscape and irrigation plans for common areas maintained by the Property Owner's Association shall be submitted to the Community Development Department – Planning Division. All landscape plans shall be approved prior to the release of any building permits for the site. The plans shall be prepared in accordance with the City's

Landscape Development Guidelines. Landscaping is required for the sides and or slopes of all water quality basin and drainage areas, while a hydroseed mix w/irrigation is acceptable for the bottom of the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins.

P22. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development Director.

P23. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community Development Director. (MC 9.08.070)

P24. (BP) Prior to issuance of a building permit for Phase 1, proof of a driveway reciprocal access easement between Parcels 1 and 4 shall be provided to the Public Works and Community Development Department.

P25. (BP) Downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community Development Director. This item shall be noted on the final plot plan drawings.

P26. (BP) Prior to the issuance of building permits, evidence of a reciprocal access easement agreement for Parcel 4, including the maintenance of trees and other landscape materials would be required.

P27. (BP) Prior to the issuance of building permits, a full elevation set, including the northeast focal point of the building adjacent to Highway 60 and Theodore Street, shall be submitted. Said elevations shall be reviewed and approved by the Planning Commission prior to the release of any building permits.

P28. (BP) Prior to the issuance of building permits, the precise grade or final landscape plans shall include decorative paving at all driveway locations.

PRIOR TO CERTIFICATE OF OCCUPANCY

P29. (CO) Prior to issuance of Certificates of Occupancy or building final, all required landscaping, buildings, lighting, parking lot improvements including, but limited to paving and striping, and irrigation shall be installed for the required phase. (DC 9.03.040) (Advisory)

P30. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed and installed for the required phase according to the approved plans on file in the Community Development Department – Planning Division. (MC 9.080.070) (Advisory).

P31. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, all required landscaping and irrigation, including basins, shall be reviewed by the Community Development Department - Planning Division. The landscaping shall be installed for the required phase in accordance with the City's Landscape Standards the approved landscape plans, and conditions of approval included in the grading and building sections above. (Advisory)

P32. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 right of way.

OTHER CONDITIONS NOT TIED TO GRADING, BUILDING OR OCCUPANCY

P33. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA) (Advisory)

P34. Three building phases are included under Tentative Parcel Map No. 35629, while a plot plan (PA07-0091) has been included for Phase 1. All development under Phases 2 and 3 (Parcels 2, 3 and 4) would require submittal of separate plot plans and review and approval from the Planning Commission.

MITIGATION MEASURES

P35. MM A-1 - During project construction, the construction site manager or supervisor shall ensure that construction lighting shall be limited to lighting within the work area and light trespass shall be avoided though directional lighting, shielding, and other similar control measures.

P36. MM A-2. Enhanced architectural and landscaping treatment shall be utilized along the building frontage with State Route (SR) 60 to minimize or soften

views of long expanses of the upper elevations of buildings. Examples of alternative treatment measures may include, but not be limited to the following:

- Use of color; or
- Texture variation; or
- Roof line variation.

P37. MM AQ-1. Prior to construction of the project, the project applicant shall comply with SCAQMD Rule 403 by providing a Fugitive Dust Control Plan that describes the application of best management practices to control fugitive dust during construction. Best management practices shall include:

- Application of water on disturbed soils a minimum of three times per day;
- Covering haul vehicles;
- Replanting disturbed areas as soon as practical;
- Restricting vehicle speeds on unpaved roads to 15 mph;
- Suspension of all grading activities during high wind speeds in excess of 25 mph.
- A Large Operation notification shall be submitted to the SCAQMD prior to construction.
- Project applicant to designate a person(s) to monitor the dust control program and to order increased watering, as necessary.
- Post a sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.
- Complete all roadways, driveways, sidewalks, etc. as soon as possible; building pads should be developed as soon as possible after grading unless seeding, polymer, water, landscaping, soil binders, or similar means are applied within five working days after grading completion to minimize fugitive dust.
- Street sweeping shall be accomplished as needed to remove soil transport to adjacent areas; sweeping shall require use of equipment certified under SCAQMD Rule 1186.1.

P38. MM AQ-2. The project applicant shall meet CARB standards by assuring use of lowest emission construction equipment reasonably available for use on this project. The construction fleet average shall meet or exceed Tier II level and the applicant shall provide incentives in the bidding process in selecting construction contractors that propose the lowest-emission construction equipment (i.e., high pressure injectors; smaller engine sizes; electric equipment; gasoline powered equipment with catalytic converters; and alternatively fueled construction equipment).

The applicant shall also provide incentives in the bidding process in selecting

grading and construction contractors that propose the use of equipment using Level III diesel particulate filters.

P39. MM AQ-3. During project construction, construction equipment shall be properly maintained in accordance with manufacturer's specifications; maintenance shall include proper tuning and timing of engines. During maintenance, precautions shall be taken to ensure that fuel is not leaked onto the ground. Equipment maintenance records and equipment design specification data sheets shall be kept onsite during construction and subject to inspection by the SCAQMD.

P40. MM AQ-4. During project construction, the project applicant shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of five (5) minutes.

P41. MM AQ-5. Prior to issuance of a grading permit, the project applicant shall provide a traffic control plan to the City of Moreno Valley that will describe in detail safe detours around the project construction site with temporary traffic control (e.g., flag person) during construction-related truck hauling activities, as required by the City. Construction activities that affect traffic flow on the arterial system shall be minimized by scheduling such activities to off-peak hours. Construction truck travel shall be routed to minimize travel on congested streets and near to sensitive receptor areas. Construction traffic shall gain access to the project site via Theodore Street and Eucalyptus Avenue to the greatest extent possible to minimize traffic and dust along Redlands Boulevard. The traffic control plan is primarily intended as a safety measure but also can minimize traffic congestion and delays that increase idling and acceleration emissions. The traffic control plan shall be prepared in accordance with U.S. Department of Transportation Federal Highways Administration Rule on Work Zone Safety 23 CFR 630 Subpart J, Developing and Implementing Traffic Management Plans for Work Zones.

P42. MM AQ-6. All paints shall be low VOC paints and applied using either high volume low-pressure (HVLP) spray equipment or by hand application. For a list of low VOC paints, refer to the website www.aqmd.gov/prdas/brochures/paintguide.html.

P43. MM AQ-7A. Construction Phases. Prior to the issuance of grading permits, the developer shall provide documentation to the City of Moreno Valley indicating that construction workers will be encouraged to carpool to the greatest extent practical, including providing information on park and ride programs available to workers. The project shall also provide for lunch

services onsite during construction to minimize the need for offsite vehicle trips. Workers shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P44. MM AQ-7B. Occupancy. Prior to the issuance of occupancy permits, the project applicant shall provide documentation to the City of Moreno Valley indicating that tenant workers will be encouraged to carpool to the greatest extent practical including providing information on park and ride programs available to employees. Employees shall be informed in writing and a letter placed on file at the City of Moreno Valley documenting the efforts to encourage carpooling.

P45. MM AQ-8. During project construction, onsite electrical hook-ups shall be provided for electric construction tools including saws, drills and compressors, to minimize the need for diesel powered electric generators.

P46. MM AQ-9. During construction, rumble or bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads, or wash off trucks or any equipment leaving the site with each trip.

P47. MM-AQ-10. Offsite construction improvements shall be limited to an 8-hour day during daylight hours.

P48. Operations- MM AQ-11. All project entrances shall be posted with signs which state:

a) Diesel trucks servicing the project shall not idle for more than 3 minutes; and

b) Telephone numbers of the building facilities manager and the California Air Resources Board to report violations.

P49. MM AQ-12. Electricity shall be provided in the loading dock areas for transportation refrigeration units visiting the site, if any.

P50. MM AQ-13. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner

acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area.

P51. MM AQ-14. Electrical hookups shall be provided for transport refrigeration units within the Commercial component (Phases II and III) to eliminate the need for idling of diesel-powered transport refrigeration units.

P52. MM AQ-15. The project applicant shall include in all new lease documents the requirement that the tenants shall utilize only trucks using refrigeration units capable of utilizing electrical hook-ups for deliveries to the tenant.

P53. MM AQ-16. The project applicant shall encourage its tenants to do the following: have a compressed workweek schedule for its employees; include electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets; require or provide incentives to use California Air Resources Board certified particulate filters that meet level III requirements; use "clean" trucks, such as 2007 or newer model year or 2010 compliant; use electric yard trucks; use trucks with a SmartWay 1.25 rating; and electrify auxiliary power units. The applicant shall provide documentation of its efforts to the satisfaction of the City.

P54. MM AQ-17. The project shall be designed such that the check-in point for trucks is inside the facility property to ensure that there are no trucks queuing outside the facility.

P55. MM AQ-18. Food services shall be provided onsite.

P56. MM AQ-19. Prior to the Issuance of Occupancy Permits, written evidence shall be provided to the Planning and Transportation Engineering Divisions that the project applicant shall include in all new lease documents the requirement that the tenant shall provide employees with incentives for carpooling or impose a parking fee.

P57. MM AQ-20. The property owners association shall maximize use of electrical equipment for landscape maintenance.

P58. MM AQ-21. Prior to the issuance of a certificate of occupancy for Phase 3, traffic signals, including interconnect hardware installed, or paid for, in whole or in part, by the project applicant shall be synchronized by the applicant, to the satisfaction of the City Engineer.

P59. MM BR-1. To avoid impacts to nesting birds covered under the MBTA, vegetation removal activities involving established perennial vegetation located in the urban/developed plant community shall be avoided during avian nesting season (February 15 through August 31). If the nesting season cannot be avoided, a nesting bird survey shall be provided no more than thirty (30) days prior to vegetation removal activities. If no active nests are observed, construction activity may proceed with no further monitoring. If active nests are observed, a biological monitor shall be present during any construction activity within the vicinity of the nest. Construction activity may encroach within the vicinity of the nesting birds at the discretion of the biological monitor. Construction activity may proceed once the nestlings have fledged the nest.

P60. MM BR-2. (GP) Prior to issuance of a grading permit, the applicant shall pay the mandatory mitigation fee for the SKRHCP. The mitigation fee is a per/acre fee based on the entire property footprint and is used to purchase land that contains occupied Stephens' kangaroo rat habitat for the purpose of conserving a large core population.

P61. MM BR-3. (GP) A pre-construction clearance survey for burrowing owl shall be provided. The pre-construction survey shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the study area during the 30-day pre-construction survey, consultation with the CDFG and USFWS shall take place and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the MBTA and/or CDFG.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, passive relocation may be conducted following consultation with the CDFG and USFWS. Construction activity may occur within 500 feet of the active nests at the discretion of the biological monitor.

P62. MM BR-4. (GP) Prior to issuance of a building permit, the applicant shall pay the mandatory mitigation fee for the MSHCP. The mitigation fee is a per unit fee based on the residential development and a per square feet fee based on commercial or industrial development. This will satisfy mitigation required

for Impact 5.4-5 and 5.4-6.

P63. MM CR-1. (GP) Prior to the issuance of a grading permit, a City-approved Project Archaeologist shall be retained to initiate and supervise cultural resource mitigation-monitoring during project-related earthmoving in all areas of the project, subject to certain constraints found in MM CR-2.

P64. MM CR-2. Project-related archaeological monitoring shall include the following constraints:

1. All construction-related earthmoving shall be monitored to a depth of ten (10) feet below grade by the Project Archaeologist or his/her designated representative;
2. Once 50 percent of the earth to be moved has been examined by the Project Archaeologist, the Project Archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected;
3. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the study area has been disturbed and inspected by the Project Archaeologist or his/her designated representative.
4. Grading shall cease in the area of a cultural artifact or potential cultural artifact as delineated by the Project Archaeologist or his/her designated representative. Grading should continue in other areas of the site while particular find are investigated; and
5. If cultural artifacts are uncovered during grading, they shall be examined by a professional archaeologist subject to MM CR-3, and decisions shall be made as to mitigation, treatment and/or disposition in consultation with the culturally affiliated Tribe(s), as determined by the City. A mitigation-monitoring report must accompany the artifacts.

P65. MM CR-3. Should buried prehistoric cultural resources be encountered during monitoring, the resources shall be evaluated for significance in consultation with the culturally affiliated Tribe(s), as determined by the City, following CEQA Guidelines prior to continuance of grading in the area.

P66. MM CR-4. The City of Moreno Valley shall designate culturally affiliated Tribe(s) to monitor the project. Qualified representatives of the Tribal Group(s) shall be granted access to the project site to monitor all activities

monitored by the Project Archaeologist.

P67. MM CR-5. (GP) Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the project, subject to certain constraints found below:

1. Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place.
2. Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates.
3. Monitors shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens, and,
4. Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

P68. MM CR-6. Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, California Health & Safety Code 7050.5 and California Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until a determination as to disposition and treatment is made. The Riverside County Coroner shall be contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours to allow the NAHC to identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations and enter into consultation with the

landowner, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

P69. The project will be subject to the City's Grading Ordinance and all applicable California Building Codes. MM GEO-1. During excavation and grading activities a qualified engineering geologist shall observe the in-grading excavation to confirm the absence of any fault features within the building site. If any currently unknown fault features are observed, such features shall be evaluated by the geologist and, if determined necessary, remediation measures or other measures as appropriate shall be implemented to address such features in accordance with applicable City and State requirements. The geologist's record of observations shall be summarized in a final report to be submitted to the City at the conclusion of excavation/grading activities.

P70. MM HH-1. The fire protection system shall be designed per National Fire Protection Agency (NFPA) 13 to provide an Early Suppression Fast Response (ESFR) sprinkler system protection. Temperature rating of sprinkler heads to be per the Fire Department's requirements.

P71. MM HH-2. A complete on-site fire protection underground system shall be provided per NFPA 24 and specific requirements of the local authorities. This system shall include hydrants, sectional valves, backflow prevention, and Fire Department connections.

P72. MM HH-3. Riser assemblies shall include mechanical alarm valves. System control valves shall either be riser mounted with wall post extensions or exterior post indicator valves as required by the local authority. All required devices for central station alarm system interface shall be provided.

P73. MM HH-4. System design, material, and installation shall comply with NFPA 13 and the other previous NFPA standards. It shall also comply with CBC and UFC standards. Approvals will also be obtained from the owner's insurance authority.

P74. MM LU-1. A deed restricted area to the south of the project property line, precluding the establishment of sensitive receptors, is required. The documents necessary to execute the deed restriction shall be submitted to the City of Moreno Valley prior to the issuance of a building permit. Prior to the issuance of a Certificate of Occupancy, the area depicted on Exhibit 5.3-1 'Proposed Buffer Area' from the southern property line of the project between Redlands Boulevard and Theodore Street shall be deed-restricted in a manner

acceptable to the City of Moreno Valley to preclude the establishment of sensitive receptors including residences, hospitals, convalescent homes, day-care centers, and schools within this area. (MM AQ-13)

P75. MM N-1. No Construction Vehicles on Redlands Boulevard south of Future Eucalyptus Avenue. Other than construction vehicles necessary for identified offsite improvements within Redlands Boulevard, no construction vehicles shall be allowed in the vicinity of any residences on Redlands Boulevard south of existing Fir/future Eucalyptus Avenue. The prohibition for construction traffic shall apply to all phases of the proposed project.

*P76. MM N-2. No nighttime grading or construction within 1,200 Feet of Residences south of Future Eucalyptus Avenue. City grading hours are from 7 a.m. to 8 p.m., Monday through Friday. No grading or construction activities shall occur at night (8 p.m. to 7 a.m.) within 1,200 feet from any noise-sensitive land uses (i.e. occupied residences including yard areas, schools, etc.) located south of SR-60 (Exhibit 5.11-6 shows the current location of occupied residences). Prior to the issuance of a grading permit, the project applicant shall submit a Noise Reduction Compliance Plan (NRCP) to the City as part of the grading permit submittal showing the limits of nighttime construction based on the location of occupied residential dwellings and their associated parcels, and other noise sensitive uses. The limits of nighttime grading or construction shall be shown on the NRCP and grading plan submitted to the City.

The limits of construction allowed at night shall be staked or posted on site, and contractors will be provided with a copy of the plan showing the limits of nighttime construction.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, nighttime construction and grading activities shall be prohibited within 1,200 feet of such residences. Compliance shall be demonstrated through a modification of the NRCP.

With the implementation of this mitigation measure, the loudest noise level that would be experienced at any developed residential parcel would be less than 55 dBA (Leq) during the nighttime, and this level would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the Noise Reduction Compliance Plan (NRCP) and periodic monitoring of noise levels at developed residential parcels within 1,200 feet of the project site.

P77. MM N-3. Daytime Construction Noise. City grading hours are from 7 a.m. to 8 p.m., Monday through Friday. If project site grading activities must occur within 560 feet of noise-sensitive land uses during the daytime (7 a.m. to 8 p.m.), then temporary sound barriers of sufficient height and density to reduce daytime noise levels to 60 dBA (Leq) or less shall be placed between the grading activities and the noise-sensitive land uses. Prior to the issuance of a grading permit, the developer shall submit a NRCP to the City as part of the grading permit submittal showing the limits of daytime construction based on the 560 foot setback in relation to the location of occupied residential dwellings and their associated parcels and other noises sensitive uses.

In the event any new residential units or other noise sensitive land uses are built and occupied in the vicinity of the project site prior to completion of Phase 1 construction, the NRCP shall be modified to show a the revised new 560 foot setback for day time construction and grading activities in relation to the new residences.

With the implementation of this mitigation measure the loudest noise level that would be experienced at any developed residential parcel would be less than 60 dBA (Leq) during the daytime, and these levels would be consistent with the limits established in the City's Noise Ordinance. Compliance with these standards during Phase 1 construction of the project should be assured through the NRCP and periodic monitoring of noise levels at developed residential parcels within 560 feet of the project site. This mitigation measure does not apply to off-site construction.

P78. MM N-4. Require Equipment Maintenance. All construction equipment shall be maintained in good working order and fitted with the appropriate silencers, mufflers or acoustic covers where applicable.

P79. MM N-5. Locate Material Stockpiles 1,200 Feet from Residences south of the Freeway. Material stockpiles shall be located at least 1,200 feet from residences south of future Eucalyptus Avenue along Theodore Street and Redlands Boulevard. Remotely locating the stockpiles reduces the noise at the residences from equipment traveling to and from the stockpiles and the noise that is sometimes associated with handling of material.

P80. MM TT-1. (CO)Prior to issuance of Certificate of Occupancy for Phase 1, turn lanes shall be improved along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street

to accommodate truck turning movements. These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P81. MM TT-2. Concurrent with the submittal of the plot plan for Phase 3 of the proposed project, the project applicant shall submit a supplemental traffic study assessing the project's contribution to the traffic impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. Approval of the supplemental traffic study must occur prior to the approval of entitlements for the Phase 3 Plot Plan. The project applicant shall contribute to the costs of the interim intersection improvements required to provide adequate capacity for all phases of the project. Said contribution shall be on a fair-share basis considering the buildout of adjacent areas. Payment of such costs shall be provided prior to the issuance of a building permit for Phase 3. If the timing of Phase 3 of the project precedes the planned interim improvements, the project shall be required to construct interim improvements needed to provide adequate capacity to serve the project.

P82. MM TT-3. The project applicant shall construct the easterly leg of the intersection located at Redlands Boulevard and Eucalyptus Avenue at the ultimate design required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. The design tentatively consists of a dedicated westbound left turn lane, two westbound through lanes and a dedicated westbound right turn lane. Final geometrics shall be determined after receiving the supplemental traffic study identified in MM TT 2. Construction of required improvements shall be completed prior to the issuance of occupancy permits for Phase 3 of the project.

P83. MM TT(C)-1. (CO) Prior to issuance of certificate of occupancy for Phase 1 of the project, turn lanes shall be provided along Theodore Street at SR-60 and at Eucalyptus Avenue. In addition, minor pavement shall be added to the Eastbound and West bound State Route 60 Freeway ramp intersections with Theodore Street to accommodate truck turning movements These proposed improvements should enhance safety and improve mobility between the freeway and Eucalyptus Avenue.

P84. MM TT(C)-2. The short-range analysis shows project impacts at the Redlands Boulevard interchange and at the Redlands Boulevard/Eucalyptus Avenue intersection. At the interchange, improvements are planned and the project shall participate on a fair share basis if private funding is needed. If the timing of Phase 3 of the project precedes the planned interchange

improvements, the project shall contribute to interim improvement to provide adequate capacity until the ultimate improvements are completed. These interim improvements include additions of left and right turn lanes at Redlands Boulevard, SR 60 Ramps, and Eucalyptus Avenue. The interim improvements would be the shared responsibility of the proposed project and cumulative projects. Fair share participation and/or contribution to interim improvements, as applicable, shall be required prior to the issuance of a building permit for Phase 3 of the project

P85. MM TT(C)-3. At the time of the submittal of the plot plan for Phase 3 of the proposed project, the applicant shall submit a supplemental traffic study assessing the project's contribution to the impacts at the Redlands Boulevard intersection with SR-60 ramps, as well as Theodore Street at SR-60. The developer shall contribute to the costs on a fair share basis of the intersection improvements required to provide adequate capacity for all phases of the project and buildout of the adjacent areas. If the timing of Phase 3 of the project precedes the planned improvements, the project shall be required to construct interim improvements to provide adequate capacity until the ultimate improvements are completed.

P86. MM W-1. Prior to issuance of a Precise Grading Permit, Planting and Irrigation Plans shall be submitted for review and prior to the issuance of a building permit, approved by the City. Such plans shall contain the following components:

- The plans shall incorporate water conservation principles as detailed in the Moreno Valley Municipal Code § 9.17.030 Landscape and irrigation design standards.
- Plant types shall be grouped together according to their water, soil, sun and shade requirements and in relationship to the buildings. Plants with different water needs shall be irrigated separately.
- Plans shall be designed in accordance with soil tests to determine appropriate specifications of soil amendments and to facilitate selection of water-efficient plant species suitable for the site. Soil amendments such as compost shall be provided to improve water-holding capacity of soil, where soil conditions warrant.
- All exposed surfaces of non-turf areas within the developed landscape area shall be mulched with a minimum three inch (3") layer of material, except in areas with groundcover planted from flats where mulch depth shall be one and one half inches (1.5").
- Turf areas shall be limited to public gathering areas and used in compliance with City approved water budget formula(s) and specifications.

- All irrigation systems shall be designed to prevent runoff, over-spray, low head drainage (occurs where sprinkler systems are installed in sloped areas) and other similar conditions where water flows offsite on to adjacent property, non-irrigated areas, walk, roadways, or structures. Irrigation systems shall be designed, constructed, managed, and maintained to achieve as high an overall efficiency as possible.
- Landscaped areas shall be provided with a) smart irrigation controllers which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions; b) rain-sensing devices to prevent irrigation during rainy weather; c) anti-drain check valves installed at strategic points to minimize or prevent low-head drainage; and d) pressure regulators when the static water pressure exceeds the maximum recommended operating pressure of the irrigation system.
- The planting areas shall be grouped in relation to moisture control zones based on similarity of water requirements (i.e., turf separate from shrub and groundcover, full sun exposure areas separate from shade areas; top of slope separate from toe of slope).

P87. MM GCC-1. The project shall be designed to meet applicable 2008 Title 24 energy efficiency requirements, or any more stringent requirements that may be adopted prior to the issuance of building permits for the project.

P88. MM GCC-2. All buildings shall be designed with "cool roofs" using products certified by the Cool Roof Rating Council, and exposed roof surfaces shall use "cool paints."

P89. MM GCC-3. The project shall install a photovoltaic array (solar panels) or other source of renewable energy generation on-site, or otherwise acquire energy from the local utility that has been generated by renewable sources, to meet the project's Phase 1 office electricity needs.

P90. MM GCC-4. The design and operation of the project shall use ENERGY STAR-qualified energy efficient products for heating and cooling systems, and for built-in appliances and lighting.

P91. MM GCC-5. To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented to the satisfaction of the Community Development Director, Public Works Director, Building Official and Transportation Division Manager:

a) Onsite secure, weather-protected bicycle storage parking shall be provided. Onsite showers (one for males and one for females) and lockers for employees shall be provided in each building. Onsite convenient bicycle parking shall be provided for retail customers.

b) Any traffic lights installed as part of this project shall use Light Emitting Diodes.

c) Pedestrian and bicycle connections shall be provided to surrounding areas consistent with the Existing General Plan.

d) A Transportation Management Association (TMA) shall be established for the project by the applicant. The TMA shall coordinate its efforts with other TMAs in the City and encourage and coordinate carpooling by occupants of the project. The TMA shall advertise its services to the building occupants. The TMA shall offer transit or other incentives to the employees to reduce greenhouse gas emissions. A shuttle shall be provided during any one hour period where the number of employees using public transit exceeds 20 during the period. The TMA shall distribute public transportation information to its employees. The TMA shall provide electronic message board space for coordinating rides. Within two months after project completion, the TMA shall submit a plan to the City that outlines the measures the TMA has implemented and contact information.

e) There shall be preferential parking for carpools, vanpools, and alternatively fueled vehicles.

P92. MM GCC-6. The project shall provide a minimum of two electric vehicle-charging stations.

P93. MM GCC-7. During onsite construction phases of mass grading, fine grading, and building (excluding asphalt paving, trenching, and offsite improvements), off-road construction equipment shall use biodiesel fuel (a minimum of B20, or 20 percent of biodiesel). Construction equipment exempt from this measure include those with warranties that would be voided if B20 biodiesel fuel is used. Prior to issuance of grading permits, the applicant shall provide documentation to the City that verifies that certain equipment are exempt; that a biodiesel supply has been secured; and that the construction contractor is aware that the use of biodiesel is required.

P94 .MM GCC-8. Prior to issuance of a grading permit, the project shall have in place a City-approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during project construction. A

similar Plan shall be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during on-going operation of the warehouse and office portions of the project. The Plans shall include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.

P95. MM GCC-9. The project shall be certifiable under Leadership in Energy and Environmental Design (LEED). The project shall obtain the following credits from the LEED for New Construction & Major Renovations, version 2.2 (or equivalent): Sustainable Sites Credit 7.1: Heat Island Effect, Non-Roof; LEED Energy & Atmosphere Credit 1, Optimize Energy Performance, in part through installing skylights and utilizing energy efficient lighting. Demonstration of certifiability shall be provided to the satisfaction of the City, prior to the issuance of building permits.

P96. MM GCC-10. The project shall be designed to accommodate trucks utilizing "SmartWay Truck Efficiency" emission reduction features. Trailer tails (extenders) are incompatible with loading docks and are exempt from this measure.

P97. MM GCC-11. Every truck that enters the site with a gross vehicle weight rating over 10,000 pounds shall have an Engine Certification Label. If it does not have the label, it shall be prohibited from entering the project site.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING.

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building

occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required. (Advisory)

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process. (Advisory)

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project. (Advisory)

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes. (Advisory)

*** Modified by the City Council at their meeting on 2/10/09**

Markg/2007/PA07-0088 thorough PA07-0091

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA07-0088 Change of Zone
PA07-0089 General Plan Amendment
PA07-0091 Plot Plan
APN 488-350-001, 002 and APN 488360-001 thru -012

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010) (Advisory)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (Advisory)

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040) (Advisory)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a

good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition per the Subdivision Map Act. (GC 66462.5) (Advisory)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit. (Advisory)

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

a. Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

b. Observance of working hours as stipulated on permits issued by the Public Works Department.

c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

d. All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.
(Advisory)

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110) (Advisory)

LD8. (G) Public drainage easements, when required, shall be a minimum of 25 feet wide and shall be shown on the map and plan, and noted as follows: "Drainage Easement – no structures, obstructions, or encroachments by land fills are

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allowed." In addition, the grade within the easement area shall not exceed a 3:1 (H:V) slope, unless approved by the City Engineer. (Advisory)

LD9. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110) (Advisory)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction. (Advisory)

LD11. (G) Upon approval of the plot plan by the Planning Commission, the Developer shall submit the approved plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) The grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD13. (GPA) Grading plans shall comply with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site. (Advisory)

LD14. (GPA) Prior to grading plan approval, the developer shall select treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer. (Advisory)

LD15. (GPA, IP) Prior to approval of the grading plans or improvement plans for project sites which are one acre or larger, the developer shall obtain the WQMP number from the City's Land Development Division, if a WQMP is required, and as a condition of the State Water Quality Control Board, a Notice of Intent (NOI) for an NPDES permit must be filed and a Waste Discharge Identification (W.D.I.D.) permit number obtained from the State Water Quality Control Board. (Clean Water Act) (Advisory)

LD16. (GPA) Prior to the rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall:

a. Submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that:

   i. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
   ii. Incorporates Source Control BMPs and provides a detailed description of their implementation;

   iii. Incorporates Treatment Control BMPs and provides information regarding design considerations;

   iv. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and

   v. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

b. Record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP. A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department.

(Advisory)

LD17. (GPA) Prior to rough grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. (Advisory)

LD18. (GPA) Prior to rough grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan. (Advisory)

LD19. (GPA) Prior to grading permit issuance, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the City's Storm Water Program Manager on compact disk(s) in Microsoft Word format. The developer is required to bring the SWPPP to the grading pre-construction meeting. (Advisory)

LD20. (GPA) Prior to the approval of the grading plans, the developer shall pay any applicable remaining grading plan check fee. (Advisory)

LD21. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer. (Advisory)

LD22. (GP) Prior to the issuance of a grading permit, the developer shall submit a letter of permission to grade for a specific duration recorded against each offsite parcel and an easement for slope purposes at final map recordation. (Advisory)

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, the following securities shall be submitted to the City:

a. Security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project (MC 8.21.070)

b. Erosion control security as a guarantee of the completion and maintenance of the erosion control systems required as a condition of approval of the project. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the

erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available form the city and shall be subject to the review and approval of the city engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the city engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and City Attorney, and consist of one or more of the following:

i. Cash deposit;
ii. Bond
iii. Certificate of Deposit
iv. Letter of Credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government. (MC 8.21.150)

(Advisory)

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees. (Advisory)

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required. (Advisory)

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210) (Advisory)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. Securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements. (Advisory)

LD29. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

d. All street intersections shall be at ninety (90) degrees plus or minus five (5) degrees or as approved by the City Engineer per City Standard No. 706A. (MC 9.14.020)

e. All reverse curves shall include a minimum tangent of one hundred (100) feet in length.

(Advisory)

LD30. (IPA) Improvement plans, including design plan and profile information, shall be based upon a centerline profile, extending beyond the project boundaries approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries. (Advisory)

LD31. (IPA) Improvement plans, shall reflect the City's moratorium on trench repair pavement cuts on any streets less than three years old or on slurry sealed streets less than one year old unless specifically approved by the City Engineer. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved by the City Engineer. (Advisory)

LD32. (IPA) Drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110) (Advisory)

LD33. (IPA) If the project's hydrology study proposes to use any portion of a public street right-of-way to accommodate storm flows, said study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow will be contained within the street right-of-way. On major streets (Minor Arterial or larger), at least one lane in each direction shall remain open and not be used to carry surface flows. When any of these criteria is exceeded, additional drainage facilities shall be installed as approved by the Public Works Department Land Development Division. (MC 9.14.110) (Advisory)

LD34. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. (Advisory)

LD35. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100) (Advisory)

LD36. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer. (Advisory)

LD37. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department. (Advisory)

LD38. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees. (Advisory)

Prior to Building Permit

LD39. (BP) The developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction sequencing as approved by the City Engineer. (Advisory)

LD40. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) per City code and Land Development Division requirements. (AB939, MC 8.80) (Advisory)

LD41. (BP) Prior to issuance of a building permit, Parcel Map 35629 shall record.

Prior to Certificate of Occupancy

LD42. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD43. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, unless otherwise approved by the City Engineer, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

(Advisory)

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130) (Advisory)

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, the Developer must comply with the following:

a. Any required water quality basins, associated treatment control BMPs, and associated hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack.

b. An Engineer's Line and Grade Certification shall be provided to the City.

c. Said facilities shall pass a flow test per City test procedures. (Advisory)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board. (Advisory)

Prior to Acceptance of Streets into the City Maintained Road System

LD47. (AOS) Aggregate slurry, per Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance street(s) into the City maintained road system at the discretion of the City Engineer. (Advisory)

SPECIAL CONDITIONS

Phase 1 – Development Associated with Parcel 1 of PM 35629

LD48. (RGPA) Prior to rough grading plan approval, the developer shall obtain written concurrence from Riverside County Flood Control and Water Conservation District (RCFC&WCD) for any proposed modifications to the Moreno Area Drainage Plan as well as for the acceptance of a small new additional tributary area resulting from the project's proposed grading.

LD49. (RGPA) Prior to rough grading plan approval, it shall be clearly demonstrated on the final drainage study that the potential increased rate of runoff resulting from the development of this site is mitigated. During identified storm events peak flow rates and velocity leaving the site in the developed condition shall be no larger than that of the pre-developed condition. The following shall be analyzed in the final drainage study: 1, 3, 6 and 24-hour storm duration for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures or other

mitigation, beyond those shown on the tentative parcel map and preliminary drainage study, may be required and shall include those into the design and construction of appropriate drainage facilities.

LD50. (RGPA) Prior to rough grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. Emergency overflow area elevations shall be a minimum of 1' below the proposed building pad elevation in close proximity. This may include, but not be limited to, an emergency spillway in the basin and an emergency overflow at any sump catch basin location. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD51. (RGPA) Prior to rough grading plan approval, all easements, existing, proposed, temporary, and those to be quitclaimed shall be shown on the plan complete with type of easement, easement width, as applicable, instrument number and date of recordation. Copies of the existing easement documents shall be submitted to the City (upon request) for review. Those easements to be quitclaimed shall be coordinated with the appropriate easement holder, including but not limited to, those associated with the electrical utility lines traversing Parcel 1 and the water line running along the entire map's north boundary adjacent to SR-60 and its on-/off-ramps, as shown and labeled on the tentative parcel map. The above referenced water line shall be relocated outside the existing and ultimate SR-60 right-of-way and preferably within Eucalyptus Avenue.

LD52. (RGPA) Not withstanding what is shown on the tentative parcel map and grading plan, no grading on Caltrans property shall be permitted without an encroachment permit.

LD53. (RGPA) Prior to rough grading plan approval, the plan shall show a minimum 15-foot wide maintenance access road from a public street to all graded areas resulting from the grading associated with the project.

LD54. (PGPA) Prior to precise grading plan approval, the precise grading plan shall be consistent with the rough grading plan and approved plot plan, in terms of, but not limited to, pad and grade elevations, proposed water quality treatment control best management practices and locations including detention and infiltration basins, proposed building, parking lot, landscape area, slope, and project entrance locations. (Advisory)

LD55. (PGPA) Prior to precise grading plan or improvement plan approval, as applicable, the plans shall show any driveway approach up to 40' in width to be constructed per City Standard Plan 118C, Option 2, modified. The driveways shall have a minimum radius of 50' if the entrance is to accommodate truck traffic, 35' otherwise, and transition from an 8" curb height to a 0" curb height at the conventional right-of-way 12' behind the curb line, or as approved by the City Engineer. There shall be a 4-foot wide pedestrian sidewalk area at 2% maximum cross slope behind the conventional right-of-way. A 4-foot pedestrian right-of-way dedication

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shall be made on PM 35629. Any entrance greater than 40' in width shall be designed as a street intersection. (Advisory)

LD56. (IPA) If it is necessary to adjust the boundary of Parcel G, 5, and 6 (Parcels 5 and 6 to be designated as lettered parcels on the final parcel map) resulting in the need for additional right-of-way for highway and road purposes, it shall be dedicated to the City at no cost to the City. If it is necessary to adjust the boundary resulting in excess right-of-way not needed for highway and road purposes, the City and the developer shall pursue the appropriate mechanism to transfer or convey public property back to the developer.

LD57. (IPA) Prior to improvement plan approval, the plans shall show redwood headers, or other pavement edge treatment as approved by the City Engineer, at all edge-of-pavement locations in the public right-of-way. If redwood header board is approved, the redwood header shall be installed per the City Standard, using a nominal minimum of 2" wide by 6" deep board. This shall include, but not be limited to, the following locations:

a. Along the frontage of Parcels 1, 2 and 4 of PM 35629, south side of Eucalyptus Avenue, south edge of the east bound travel lane to be constructed in Phase 1.

LD58. (IPA) Storm drain improvement plans shall show the connection of the proposed private storm drain system to the proposed public storm drain system at the public street right-of-way. A storm drain manhole shall be placed at the right-of-way to mark the beginning of the publicly maintained portion of this storm drain.

LD59. (IP) Prior to commencing any work within Caltrans right-of-way, the developer shall obtain an encroachment permit from Caltrans. Work within Caltrans right-of-way may include that work associated with storm drain connections to existing freeway culverts, water line removal, water line extension from north of the freeway including jack and bore operation, power pole relocation and/or undergrounding, and any grading.

LD60. (IP) Prior to approval of improvement plans, the developer shall secure any off-site easements from the off-site property owner(s). This includes but is not limited to the drainage easement for the proposed spreading basin south of the project, the slope easement along the south side of Eucalyptus Avenue, the drainage easement for the culvert outlet across Eucalyptus Avenue near Theodore Street, the utility easement for the temporary overhead electrical lines, and any others that may be necessary for the construction and maintenance of offsite utility and infrastructure improvements.

LD61. (BP) Prior to issuance of a building permit, final line and grade certification shall be provided by the licensed engineer of record stating the building pad is in substantial conformance with the approved grading plan. For Parcel 1, the developer shall coordinate with Land Development staff to facilitate partial pad certification in conjunction with construction

sequencing as approved by the City Engineer. The relocation and/or abandonment of existing utilities and quitclaim of existing easements shall be coordinated with the sequencing of the Parcel 1 development such that these do not interfere or encumber the particular building area being developed at any given time.

LD62. (BP) Prior to building permit issuance this project shall cause the quitclaim of all existing easements, especially those easements underneath proposed building footprints shall be quitclaimed. This shall include, but not be limited to, the water line easement and power line easement. All utilities shall be relocated, as necessary, prior to quitclaiming the easements. All new easements shall be granted prior to utility relocations and quitclaims of existing easements.

LD63. (BP) Prior to building permit issuance, the developer shall remove, or cause the removal, of any sign or other structure, as applicable, on the project site, including that portion within Parcels G, 5 and 6, as shown on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered parcels on the final parcel map), to be dedicated to the City for the future freeway expansion, unless other arrangements are made with and approved by the City Engineer. The developer shall record easements for, provide access to, etc. any sign or structure that might remain, as approved by the City Engineer.

LD64. (BP) Prior to building permit issuance, the developer shall submit to the City a recorded agreement pertaining to the maintenance of and access to the temporary spreading basin to be constructed on the land south and adjacent to this project map, identified as APN# 488-350-002.

LD65. (BP) Prior to building permit issuance of the proposed building in Phase 1, the developer shall submit to the City for review and approval all required off-site (outside of the map boundary) easements, including but not limited to, a roadway slope easement along the south side of Eucalyptus Avenue, drainage easements at low points along the south side of Eucalyptus Avenue where rip rap and other drainage improvements are proposed, a drainage easement for the culvert headwall, rip rap and grading on the south side of Eucalyptus Avenue, just west of Theodore Street, an easement for any work outside of the Sinclair Street right-of-way north of SR-60 for work associated with the construction of the water line. These easements shall record prior to occupancy, after the City has reviewed and approved them prior to building permit issuance.

LD66. (BP) Prior to issuance of a building permit, PM 35629 shall record along with all the offers of dedication for right-of-way and easements made on the map. Alternatively, offers of dedication for right-of-way and easements may record by separate instrument.

LD67. (CO) Prior to occupancy for the proposed building in Phase 1, the developer shall obtain an encroachment permit from Caltrans and complete the following jack and bore operation for the installation of a

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proposed water line underneath SR-60 to be located within Sinclair Street right-of-way north of the freeway. The developer shall apply Caltrans crossing requirements to the portion of the water line that will lie within Parcel G of the tentative parcel map.

LD68. (CO) Prior to occupancy of the proposed building in Phase 1, all overhead utility lines less than 115,000 volts fronting or within the entire map boundary shall be placed underground per Section 9.14.030C of the City Municipal Code except those along the west side of Theodore Street, the terminus of the facility over SR-60 at Sinclair Street, and the interim service from Redlands Boulevard and Dracaea Avenue northerly to the project site.

LD69. (CO) Prior to occupancy of the proposed building in Phase 1, existing utilities shall be relocated outside of Parcels G, 5, and 6, as identified on the tentative parcel map (Parcels 5 and 6 to be dedicated as lettered lots on the final parcel map), being offered for dedication for highway and road purposes.

LD70. (CO) Prior to occupancy of the proposed building in Phase 1, the developer shall bring overhead electrical service to the building from the nearest source identified by the developer to be located on the west side of Redlands Boulevard near Dracaea Avenue. This will require the developer to bore under Redlands Boulevard to the east side of Redlands Boulevard.

LD71. (RGPA) In accordance with the City of Moreno Valley standards, the Double Ring Infiltrometer field testing method per ASTM D3385 shall be utilized to perform in-situ percolation testing in the location of proposed infiltration area treatment control Best Management Practice (BMP) and the results included as an amendment to the Final WQMP prior to issuance of the first occupancy. (Advisory)

LD72. (RGPA) The Applicant shall prepare and submit for approval a Project Specific Final Water Quality Management Plan (F-WQMP) for PA07-0090 - Highlands -Parcel 1 of TPM 35629 Logistics Building. The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to rough grading plan approval. At a minimum, the F-WQMP shall include the following: Site Design BMPs; Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation. (Advisory)

LD73. (RGPA) The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project pollutants of concern include: sediment/turbidity, nutrients,

organic compounds, oxygen demanding substances, and pathogens. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs. (Advisory)

LD74. (RGPA) Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The Applicant has proposed to incorporate the use of combined detention and infiltration basins with underdrain systems. Final design details of these detention and infiltration systems must be provided in the first submittal of the F-WQMP. The size of the treatment control BMP is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP Guidance Document. (Advisory)

LD75. (RGPA) The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD76. (GP) The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications;
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications;
c. That the Applicant is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

(Advisory)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
Case No. PA07-0091 Plot Plan

PARKS AND COMMUNITY SERVICES DEPARTMENT

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project **PA07-0091 (Plot Plan).** This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

A multi-use trail and Class-I bikeway shall be designated for TPM 35629.
As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the Community Services district (CSD) shall be located along the west side of Theodore Street. The construction of the multi-use trail on Theodore Street along the frontage of the property shall be completed with the future widening of said Street. The developer shall make financial arrangements with the City to fund the multi-use trail construction prior to the issuance of any Certificate of Occupancy on Parcel 1. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued will be returned to the developer.

As approved on TPM 35629, a multi-use trail within an approximate 10' - 11' wide easement to the CSD shall be located along the north side of Eucalyptus Street (currently Fir Avenue), within the development. Development of multi-use trail segments shall occur when Eucalyptus Street is constructed connecting Redlands Boulevard and Theodore Street or at the discretion of the Parks and Community Services Director, an in-lieu fee or acceptable financial arrangement will be provided to the City in an amount equal to the cost of constructing the improvements. Should the multi-use trail be subsequently eliminated from the City's General Plan, the developer shall have no further obligation to construct the multi-use trail and the security issued or fee imposed will be returned to the developer. The Final Map and Grading Plans shall show each segment as well as the overall multi-use trail plan. The developer shall make financial arrangements with the City to fund the multi-use trail construction for the segment along the frontage of Parcel 1 prior to the issuance of any Certificate of Occupancy on Parcel 1. Each multi-use trail segment will follow the same requirement for the remaining parcels.

As approved on TPM 35629, a Class-I bikeway shall be provided on the east side of Redlands Boulevard. The bikeway shall be constructed with the future reconstruction of the Redlands Boulevard/State Route 60 Interchange. Prior to recordation of the Final Map, the developer shall make financial arrangements with the City to fund the bikeway construction.

Per endorsement of the Trails Board on July 23, 2008, the trail was eliminated from Sinclair Street (north of Eucalyptus Ave. to S.R. 60), and the trail along Eucalyptus Ave. (previously Fir Ave.) was relocated to the north side of the street. With the elimination of the Sinclair Street trail, additional trail was located along the north side of Eucalyptus Ave., between Sinclair Street and Theodore Street. Therefore, the trail on the north side of Eucalyptus Ave. shall now be located from Redlands Blvd. to Theodore Street. A General Plan Amendment (GPA) and

modification of the Master Plan of Trails will be required to show modified trail alignments. The Eucalyptus Ave trail shall be dedicated as an easement to the CSD from the industrial project. The Eucalyptus Ave. trail easement segment shall be approximately 11' in width. The planter behind the trail may exceed 3' in width.

PA07-0091
Parks and Community Services Department
Standard Trail Conditions:

a. Trail and bikeway construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide. (Advisory Condition)
b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project. (Advisory Condition)
c. Trails and bikeways shall not be shared with any above ground utilities, blocking total width access. (Advisory)
d. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans. (Advisory)
e. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Parks and Community Services Director or his/her designee prior to the issuance of grading permits. (Advisory)
f. Grading certification and compaction tests for trails and bikeways are required, prior to any trail or bikeway improvements being installed. (Advisory)
g. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas. (Advisory)
h. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the trail or bikeway shall be designed to prevent water on the trail or bikeway. (Advisory)
i. Two sets of complete trail and bikeway improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails and bikeways have the same requirements as final plan submittals. (Advisory)
j. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have 6' high mounted push buttons. These shall be coordinated through the Transportation Division. (Advisory)
k. CSD Zone 'A' plan check fees shall be paid prior to the second plan check. (Advisory)
l. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars. (Advisory)
m. The trail and bikeway shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Parks and Community Services Director or his/her designee prior to the commencement of related work. (Advisory)

n. Any damage to bikeways, trails, or fencing during construction shall be repaired by the developer and inspected by the Parks and Community Services Director or his/her designee; prior to Certificate of Occupancy. (Advisory)

o. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically tine finish). The access shall extend to the main trail flat surface. (Advisory)

p. In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Parks and Community Services Director or his/her designee and approved in writing 60-days prior to the commencement of trail construction. (Advisory)

q. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements. (Advisory)

r. *Where required*, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Parks and Community Services Director or his/her designee. (Advisory)

s. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District. (Advisory)

t. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection. (Advisory)

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MV00056715

RESOLUTION NO. 2010-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING APPROVAL OF MODIFICATIONS OF VARIOUS CONDITIONS OF APPROVAL (P09-038) FOR PA07-0090 (TENTATIVE PARCEL MAP NO. 35629) GENERALLY LOCATED NORTH OF FUTURE EUCALYPTUS AVENUE (FIR AVENUE) ADJACENT TO AND SOUTH OF HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, had filed an application for Tentative Parcel Map No. 35629 consisting of three building phases and the subdivision of a 158 acre site (265.3 acres including offsite improvements and drainage), with a first phase (Parcel 1) of 1,820,000 square foot warehouse industrial building, a second phase (Parcels 2 and 4) to include a 600,000 square foot warehouse industrial building (Parcel 2) and an 80,000 square foot commercial/retail component (Parcel 4), and a third phase to include a 120,000 square foot retail/commercial component (Parcel 3). The project included four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) The project site is located north of future Eucalyptus Avenue (Fir Avenue) adjacent to and south of Highway 60, between Redlands Boulevard and Theodore Street;

WHEREAS, on February 10, 2009, the City Council approved the applicant's request for the abovementioned project;

WHEREAS, also on February 10, 2009, a Project Environmental Impact Report (EIR) was certified by the City Council subject to the provisions of Section 15161 of the California Environmental Quality Act (CEQA) Guidelines. Based on a recent request by the applicant to modify conditions of approval related to Highway 60 landscape, timing and responsibility of a required General Plan multi-use trail and modification of various conditions of approval for the dedication and construction of public improvements, staff has determined that the project is within the scope of the original project EIR, and a subsequent project EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines). The proposed modification of project conditions will not create any further physical changes to the site or environment.

ATTACHMENT 9

WHEREAS, on February 8, 2010, the applicant submitted a revised request for various proposed modifications of conditions to the originally approved project by City Council;

WHEREAS, on May 11, 2010, the City Council reviewed and conducted a public hearing on the request.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting May 11, 2010, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed modification of original project conditions of approval is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: Tentative Parcel Map No. 35629 was approved on February 10, 2009 to subdivide a 158-acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes (thirteen parcels overall to include lettered lots for public access and dedication purposes.) for industrial and commercial/retail development. The map was consistent with a proposed General Pan amendment to eliminate a General Plan designated multi-use trail (Sinclair extension) through the center of the property, move and extend the proposed General Plan trail along future Eucalyptus Avenue (Fir Avenue) from the south side of the street to the north side of the street from Quincy Street to

Theodore Street, modify the General Plan circulation plan to change the designation of future Eucalyptus Avenue (Fir Avenue), from an arterial to a divided arterial, and the adjustment of small portions of the land between proposed Parcels 2 and 3.

The proposed modification of conditions for an interim landscape pallet to allow an erosion control hydroseed mix until such time as the parcels are transferred to the City or Caltrans, timing and responsibility of the required multi-use trail and modification of various Public Works conditions of approval for dedication and improvement of public improvements are consistent with General Plan policies.

2. The modified project conditions of approval for the approved land division are physically suitable for the type of development and proposed density of development.

FACT: The proposed subdivision was designed in accordance with the City Zoning Ordinance and the State Subdivision Map Act and complied with the Specific Plan and Map Act in that all lots meet the minimum buildable size, all lots upon which development will take place will provide access to and from dedicated public streets and all lots conform to development standards within the Municipal Code. All proposed modification of approved project conditions would not change the approved land division.

3. Health, Safety and Welfare – The proposed modification of original project conditions of approval will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR), findings and a Statement of Overriding Considerations were originally approved and certified for the project. A Mitigation Monitoring Program was also adopted, which ensured the completion of required mitigation measures for the project.

The proposed modification of conditions for modification of Highway 60 landscape to include a hydroseed mix, timing and responsibility of a required multi-use trail and other modifications to various Land Development conditions of approval for dedication and improvement of public improvements is consistent and within the scope of the previous certified project Environmental Impact Report (EIR).

The proposed modification of project conditions would also not be detrimental to the public health safety or welfare or materially injurious to properties or improvements in the vicinity.

4. The proposed modification of conditions for the originally approved project will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed land division.

   FACT: The City Engineer originally placed conditions of approval for Tentative Parcel Map No. 35629 regarding various project improvements, while proposed project modification of conditions would not conflict with any easements.

5. The proposed modification of conditions for the originally approved project is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems.

   FACT: Pursuant to the California Environmental Quality Act (CEQA) guidelines, an Environmental Impact Report (EIR) was certified for the original Highland Fairview Corporate project while findings and a Statement of Overriding Considerations was also approved for said project. A Mitigation Monitoring Program was also approved, which had and will ensure the completion of required mitigation measures for the project.

   The proposed modification of conditions for an interim landscape pallet to include an erosion control hydroseed mix, timing and responsibility of a multi-use trail and modification to various Land Development conditions of approval for dedication and improvement of public improvements is consistent with the original EIR. The proposed modification of project conditions would not be detrimental to the public health safety or welfare or cause environmental damage or substantially and unavoidably injure fish or wildlife or their habitat or cause serious health problems and are within the scope of the previous certified project Environmental Impact Report.

6. The effect of the proposed housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The originally approved map met the intent of the General Plan with the approved General Plan Amendment (PA08-0089). The map approval provided for a variety of industrial and commercial/retail land uses, supporting the economic base of the City. Proximity to existing residential and commercial land use allows for contiguous development and infrastructure. The proposed modification of project conditions will not exceed the planned density or the associated public service demand as envisioned by the Moreno Valley General Plan and will not exceed a threshold, which would create potential significant impacts to fiscal resources.

7. The proposed modification of conditions for the originally approved project design and subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The proposed modification of project conditions of approval will not affect size, configuration and orientation of the lots in this land division and will allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

8. The proposed modification to original project conditions of approval conforms to any applicable provisions of the City's redevelopment plan.

FACT: The proposed project site is not located in a redevelopment area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions for the original project. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF),Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities

in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future).. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The approved Conditions of Approval for PA07-0090, and the modification of conditions under P09-039 (Modification of conditions) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2010-_____, **APPROVING** P09-038 for the modification of various project conditions of approval for the originally approved project tentative map PA07-0090 (Tentative Tract Map No. 35629) consisting of a 158 acre site into four (4) separate buildable parcels and two primary parcels dedicated for freeway improvement purposes for warehouse industrial, retail, and freeway dedication purposes, while the proposed condition modifications are consistent and within the scope of the previous certified project Environmental Impact Report, subject to the attached modified conditions of approval included as Exhibits A (Strikeout/Underlined) and B (Clean Copy) to this resolution.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Exhibit A

P09-038

Modification of Conditions of Approval for PA07-0090 Tentative Parcel Map No. 35629-(Strikeout/Underline Version)

Land Development Division modified conditions of approval

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels. <u>The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping as aforementioned, with the concurrence of the Parks and Community Services Department.</u>

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above. <u>The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development Condition LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and</u>

acceptance of all improvements, with the exception of the landscaping per LD68(c).

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

Planning Division modified conditions of approval

P14. Prior to the approval of any precise grading permits, the developer shall submit ~~final landscape and irrigation plans within State Route 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval (MC.14.100)~~ written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00056729

Exhibit B

P09-038

Modification of Conditions of Approval for PA07-0090, Tentative Parcel Map No. 35629 (Clean Copy Version)

<u>Land Development Division modified conditions of approval</u>

LD68. (MA) Prior to parcel map approval, the map shall show the appropriate right-of-way to be dedicated as well as all existing and proposed easements.

a. The map shall show a right-of-way dedication on Eucalyptus Avenue to secure a full width right-of-way distance of 110' for a Divided Arterial, City Standard 103A, modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. Additional right-of-way shall be dedicated at the intersection of Eucalyptus Avenue and Redlands Boulevard to accommodate southbound dual left turn lanes and a dedicated northbound right-turn lane as well as at the intersection of Eucalyptus Avenue and Theodore Street to accommodate dual left turn lanes.

b. The map shall show a minimum 20-foot wide multi-use trail and pedestrian access easement along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way.

c. The map shall show 37-foot wide open space parcels, Parcels A through E as shown on the tentative parcel map, along the north side of Eucalyptus Avenue directly behind and adjacent to the proposed right-of-way. The proposed multi-use trail and pedestrian access easement is to be located within the 37-foot wide open space parcels. The City will not maintain landscaping located within said 37-foot wide open space parcels. The City will maintain the multi-use trail and sidewalk upon completion and acceptance of all improvements, with the exception of the landscaping as aforementioned, with the concurrence of the Parks and Community Services Department.

d. The map shall show an additional 10-foot street right-of-way dedication on the east side of Redlands Boulevard along the map west boundary to secure a centerline to east right-of-way distance of 70 feet for a Divided Arterial, City Standard 103A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

e. The map shall show an 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Redlands Boulevard east right-of-way.

f. The map shall show an additional 31-foot street right-of-way dedication on the west side of Theodore Street along the map east boundary to secure a centerline to west right-of-way distance of 61 feet for a Minor Arterial, City Standard 105A, modified to accommodate curb-separated sidewalk as well as additional lanes required at the Eucalyptus Avenue intersection.

g. The map shall show a minimum 18-foot wide bike trail and pedestrian access easement directly behind and adjacent to the proposed Theodore Street west right-of-way.

h. The map shall show a varying width lettered parcel, shown as Parcel G on the tentative parcel map, for highway and road purposes.

i. The map shall show a 4-foot pedestrian right-of-way dedication behind the driveway approach at any project entrance with a width up to 40 feet to be constructed per City Standard 118C.

j. The map shall show additional right-of-way at intersections to accommodate additional turning movements required by the Transportation Division, in conformance with the final traffic report.

k. The map shall demonstrate, to the satisfaction of the City Engineer, adequate right-of-way is being dedicated at the eastbound off-ramp at Theodore Street and the eastbound on-ramp at Redlands Boulevard to cover its ultimate alignment, consistent with the final traffic report and Caltrans standards.

l. The map shall show additional right-of-way at corner cutbacks per City Standard 208.

LD70. (MA) Prior to parcel map approval, the Developer shall guarantee the construction of all improvements for all phases of development by entering into a public improvement agreement and posting security. The improvements required during each phase of development are described under that phase heading. The developer is required to complete those improvements listed under each phase by the occupancy of the first building of each phase, or as otherwise determined by the City Engineer. The improvements for Phase 1 are described below and shall be completed prior to occupancy of the building for Phase 1, or as otherwise determined by the City Engineer.

a. Eucalyptus Avenue, Divided Arterial, City Standard 103A (110' RW / 86' CC) modified to accommodate enhanced 12-foot wide landscape areas within the street parkway. The full 110-foot right-of-way dedication shall occur as part of Phase 1. The following shall be constructed with the development of Phase 1.

i. Street improvements to half-width, including the full-width median, plus an additional 18 feet south of the street median curb from the proposed interim cul-de-sac to Theodore Street. Improvements shall consist of, but not be limited to, pavement, base, redwood header, raised landscape median, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities, including sewer and water main line construction, reclaimed water line construction, and electrical utility lines.

ii. A minimum 24-foot wide emergency access, paved to City Standard 108E, or better, from Redlands Boulevard to just west of the west property line of Parcel 2 of PM 35629. The emergency access road shall be constructed on the north side of Eucalyptus Avenue with a cross fall to one side at 2%.

iii. An interim cul-de-sac, if needed, to allow for truck turn-around movements located just west of the west property line of Parcel 2 of PM 35629. Full 86-foot curb-to-curb paved width in lieu of a cul-de-sac may suffice, as approved by the City Engineer.

iv. Intersection improvements at Eucalyptus Avenue and Theodore Street to allow for truck turning movements required in the Traffic Study for Phase 1 of the project.

v. Relocation of an existing water line that runs along the north map boundary adjacent to the SR-60 existing right-of-way to within Eucalyptus Avenue.

vi. A 6-foot wide curb-separated sidewalk to be located directly behind the 12-foot wide parkway landscape area adjacent to and outside of the street right-of-way.

vii. A 4-foot wide landscape area adjacent to and behind the curb-separated sidewalk.

viii. A 10-foot wide multi-use trail adjacent to and behind the 4-foot wide landscape area mentioned above. The multi-use trail area shall be designed, graded and constructed with the project, including the actual multi-use trail, and shall be consistent with the adjacent land. The developer shall provide the necessary easement for the trail and pedestrian sidewalk consistent with the conditions of approval from the Parks and Community Services Department and Land Development Condition LD68(c). The City will maintain the multi-use trail and sidewalk upon completion and

acceptance of all improvements, with the exception of the landscaping per LD68(c).

ix. A 17-foot wide landscape area adjacent to and behind the 10-foot trail. All improvements and landscaping beyond the street right-of-way shall be located within a 37-foot wide open space area designated as lettered Parcels A through E, as shown on the tentative parcel map, along the north side of Eucalyptus Avenue. The 6-foot wide sidewalk, the 10-foot trail, and the 4-foot landscape area between the sidewalk and trail, shall be within a proposed minimum 20-foot wide multi-use trail and pedestrian access easement. The easement may be dedicated over the entire open space parcel width (37 feet) of Parcels A through E, as approved by the City Engineer. The City will not maintain landscaping located within said 37-foot wide open space parcels.

b. Theodore Street, Minor Arterial, City Standard 105A (131' RW / 107' CC Modified) to accommodate additional lanes required for vehicular turning movements per the project's approved Traffic Study. An additional 31-foot right-of-way dedication on the west side of the street, along the map's east property line, shall be shown on the parcel map. Phase 1 limits of improvements consist of the following improvements:

i. Intersection improvements at Eucalyptus Avenue to allow for truck turning movements required in the project's approved Traffic Study for Phase 1 of the project.

ii. 30-foot wide paved access which meets current City standards or as otherwise approved by the City Engineer, from Eucalyptus Avenue to the SR-60 overpass. Improvements shall consist of, but not be limited to, pavement, base, asphalt concrete berm, any necessary offsite improvement transition/joins to existing.

c. Additional pavement for Theodore Street interchange on-and off-ramps as may be required to accommodate truck traffic turning movements in accordance with the Final Traffic Report and Transportation Division approval.

d. Project entrances up to 40-foot wide shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way. Any entrance greater than 40 feet in width shall be designed as a street intersection.

e. Restoration of pavement per City trench standards resulting from bringing water line and sewer service lines to the project.

f. Pavement core samples of existing pavement on Theodore Street may be taken and findings submitted to the City for review and consideration of using an existing structural section of a lesser thickness of pavement improvements. The City will determine the adequacy of the existing pavement structural section. If the existing pavement section is found to be adequate, then a lesser thickness than that specified above for street pavement improvements may be allowed, as approved by the City Engineer. If the existing pavement section is found to be inadequate, the Developer shall construct the streets to the limits as listed above.

Planning Division modified conditions of approval

P14. Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00056735

RESOLUTION NO. 2010-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING VARIOUS MODIFICATION OF PROJECT CONDITIONS OF APPROVAL (P09-039) FOR PA07-0091 (PLOT PLAN) GENERALLY LOCATED NORTH OF FUTURE EUCALYPTUS AVENUE (FIR AVENUE) ADJACENT TO AND SOUTH OF HIGHWAY 60 BETWEEN REDLANDS BOULEVARD AND THEODORE STREET

WHEREAS, the applicant, Highland Fairview, had originally filed an application for the approval of PA07-0091 (Plot Plan) consisting of an approximately 1,820,000 square foot warehouse industrial building, with ancillary commercial/retail and office uses, on an approximately 83 acre parcel located generally north of future Eucalyptus Avenue (Fir Avenue) adjacent to and south of Highway 60 between Redlands Boulevard and Theodore Street;

WHEREAS, on February 10, 2009, the City Council approved the application;

WHEREAS, also on February 10, 2009, a Project Environmental Impact Report (EIR) was certified by the City Council subject to the provisions of Section 15161 of the California Environmental Quality Act (CEQA) Guidelines. Based on a recent request by the applicant to modify conditions of approval related to Highway 60 landscape, timing and responsibility of a required General Plan multi-use trail and modification of various conditions of approval for the dedication and improvement of public improvements, staff has determined that the project is within the scope of the original project EIR, and a subsequent project EIR or addendum to the original environmental document would not be required (Section 15162 and 15164 of the CEQA Guidelines). The proposed modification of project conditions will not create any further physical changes to the site or environment.

WHEREAS, on February 8, 2010, the applicant submitted a revised request for various proposed modifications of conditions to the originally approved project by City Council;

WHEREAS, on May 11, 2010, the City Council reviewed and conducted a public hearing on the request.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred;

ATTACHMENT 10

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances; and

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the City Council of the City of Moreno Valley as follows:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to the City Council during the meeting on May 11, 2010, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modification of original project conditions of approval is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project was approved for an approximate 1,820,000 square foot warehouse industrial building on Parcel 1 (Phase 1) with related commercial/retail and office uses. The proposed modification of conditions for an interim landscape pallet to allow an erosion control hydroseed mix until such time as the parcels are transferred to the City or Caltrans, timing and responsibility of the required multi-use trail and modification of various Public Works conditions of approval for dedication and improvement of public improvements are consistent with General Plan policies.

2. **Conformance with Zoning Regulations –** The proposed modification of the original project conditions of approval complies with all applicable zoning and other regulations.

   FACT:. The proposed modification of conditions for an interim landscape pallet to include an erosion control hydroseed mix, possible timing and responsibility of an easement and construction of a required multi-use trail along the project frontage and modification of various Public Works conditions of approval for dedication and improvement of public improvements is consistent with current zoning of LI (Light Industrial) at the site.

3. **Health, Safety and Welfare –** The proposed modification of the original project conditions of approval will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

FACT: An Environmental Impact report (EIR), findings and a Statement of Overriding Considerations were originally approved and certified for the project. A Mitigation Monitoring Program was also adopted, which ensured the completion of required mitigation measures for the project.

The proposed modification of conditions for modification of Highway 60 landscape to include a hydroseed mix, timing and responsibility of a required multi-use trail and other modifications to various Land Development conditions of approval for dedication and improvement of public improvements is consistent and within the scope of the previous certified project Environmental Impact Report (EIR).

The proposed modification of project conditions would also not be detrimental to the public health safety or welfare or materially injurious to properties or improvements in the vicinity.

4. **Location, Design and Operation –** The modification of the original project conditions of approval will be compatible with existing and planned land uses in the vicinity.

FACT: Surrounding land uses include primarily Highway 60 to the north, vacant commercial land uses to the west along Highway 60, vacant business park uses to the east along Highway 60 and scattered built and vacant R3 (Residential 3) single-family residential properties to the east, southwest and south of the site. The location, design and operation of the original project as well as the proposed modification of project conditions will be compatible with existing and planned land uses in the general vicinity and with design of the plot plan and architecture of the buildings.

5. The proposed modification of original project conditions of approval conforms to any applicable provisions of the City's redevelopment plan.

FACT: The project site does not reside in a redevelopment area or within the designated plan area.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions for the original project. These fees may include but are not limited to: Development impact fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future). The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The approved Conditions of Approval for PA07-0091 (Master Plot Plan) and modification of conditions under P09-039 (Modification of conditions) incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

Your right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which you have been given a notice similar to this nor does it

revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council **HEREBY APPROVES** Resolution No. 2010-____, **APPROVING** P09-039 amending various conditions of approval of PA07-0091 (Plot Plan) for an originally approved 1,820,000 square foot industrial warehouse building with minor interior ancillary commercial/retail and office uses, while the proposed modifications are consistent and within the scope of the previous certified project Environmental Impact Report, subject to the attached modified conditions of approval included as Exhibit A (Strikeout/Underlined) and B (Clean Copy) to this resolution.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this ordinance should follow this jurat.]

Exhibit A

P09-039

Modification of Conditions of Approval for PA07-0090, Plot Plan- (Strikeout/Underline Version)

Planning Division modified conditions of approval

P10. Prior to the approval of any precise grading permits, the developer shall submit ~~final landscape and irrigation plans within State Route 60 right-of-way adjacent to the project site consistent with the State Highway 60 Corridor Design Manual. The plans shall be submitted to the Planning Division for review and approval (MC.14.100)~~ written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00056743

Exhibit B

P09-039

Modification of Conditions of Approval for PA07-0091, Plot Plan (Clean Copy Version)

Planning Division modified conditions of approval

P10. Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

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MV00056745

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Elam, Interim Financial & Administrative Services Director

AGENDA DATE: May 11, 2010 (Continued from April 27, 2010)

TITLE: PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

BACKGROUND

The guiding principle behind user fee cost recovery, as established in the California Government Code, is that a jurisdiction is entitled to recover the estimated reasonable cost of providing a service for which a fee is charged, but not to recover more than its estimated reasonable cost. The City's Fee Schedule is based upon this principle.

In 2005, a comprehensive review of the City's user fee structure and cost recovery policies was conducted with the assistance of the consulting firm DMG-Maximus. Building & Safety fees were excluded from this review and are based on an earlier study conducted by DMG-Maximus in 1999. One of the major policy decisions approved by the City Council in 1999, and which has continued to the present, is to adjust user fees each year based on the year-over-year change in February Consumer Price Index (CPI), All Items, for Los Angeles-Riverside-Orange County. This policy of adjusting fees based on the annual change in CPI provides a mechanism for user fees to be adjusted annually to keep pace with inflationary cost increases incurred by the City without the need for a comprehensive review of fees each year.

DISCUSSION

Although the City's user fees, in general, are adjusted based on the annual change in CPI, the annual process for establishing the recommended Fee Schedule provides City departments the opportunity to recommend other actions, as appropriate, with respect to their fees. Department fee recommendations may include a number of different actions including the following:

1. Adding new fees as recommended;
2. Deleting certain fees that are no longer applicable;
3. Moving a certain fee from one department/program to another to reflect changes in program oversight;
4. Revising a fee description to more accurately reflect the nature of the service provided;
5. Recommending a fee adjustment different than CPI if the cost of providing the service has materially changed in the past year; and
6. Recommending a different methodology for charging a given fee to achieve more equitable cost recovery.

In order to ensure consistency among departments, all new fees or fees that are proposed to increase are based on a uniform cost analysis methodology. All proposed fee additions, deletions or revisions have been identified in red text in the proposed Fee Schedule to make them more easily identifiable.

In an effort to support the local economy during the current economic recession, the proposed Fees Schedule reflects no across-the-board inflationary adjustment, even though the CPI supports a small increase in fees. Data released from the Bureau of Labor Statistics (BLS) indicate an increase in the Los Angeles-Riverside-Orange County CPI from February 2009 (221.439) to February 2010 (224.620) of 1.44%. In those cases in which a fee increase is recommended, it is for reasons other than general inflation, with justification provided below.

Community Development Department / Code & Neighborhood Services Division

At the request of the City Council, staff developed basic regulations for the operation of an official Rotational Tow Service Program in police emergency situations, removal of illegally parked vehicles, vehicles that are being operated contrary to law; and/or in the removal of vehicles which are apparently abandoned, or involved in an accident, or which constitute an obstruction to traffic because of mechanical failure. The Program also establishes regulations and procedures for the abatement of abandoned, inoperative and dismantled vehicles as set forth in the Moreno Valley Municipal Code.

The direction from the City Council in creating such a Program is to provide a fair and impartial means of distributing requests for towing services among qualified firms, and to ensure that such service is prompt and reasonably priced, and in the best interests of the public as well as the interest of efficient policing operations for the removal of such vehicles from public streets.

The proposed official Rotational Tow Service Program will require a towing business to file an application in response to a City Request for Proposals (RFP). Those towing businesses submitting an application for consideration by the City Council will pay an application fee to cover staff's time in evaluating its proposal. Since this is a new Program, staff is without supporting data as to the time and effort it will take to evaluate Rotational Tow Service Program applications.

The Program would require staff of the City Manager's and City Attorney's Offices and the Community Development, Human Resources, Police, and Financial & Administrative Services Departments to evaluate an application. The estimated time staff would spend to review an application was multiplied by a fully-burdened blended hourly rate to establish an application fee of $2,828.

If a contract is approved by the City Council permitting a towing business to participate in the City's official Rotational Tow Service Program, it will be for five years. During the contract period, staff will be responsible to: (1) monitor the contracts; (2) perform site visits/inspections; (3) review monthly reports; (4) investigate complaints; (5) conduct annual meetings; and (6) coordinate special programs and scheduled checkpoints. A $5,000 deposit will be posted by a tow business to cover the City's cost in administering the contracts. Staff from the aforementioned City departments will charge their actual fully-burdened rate to the deposit for full cost recovery. If the balance of the deposit drops below $500, staff will require the applicable tow business, per City Council agreement, to replenish the fund. Failure to replenish the deposit would be grounds for suspension or removal from the Program. The Code & Neighborhood Services Division of the Community Development Department will be charged with the responsibility of the Program's management and oversight.

Unlike the Police Department, the Code & Neighborhood Services Division does not charge a "Vehicle Release Fee" when an owner of a vehicle or his/her authorized representative requests the vehicle be returned. Staff is recommending that a fee of $74 be charged when a vehicle is released. Since staff has not charged such a fee in the past, the fee is based on the estimated time City staff would take to release the vehicle. Staff will monitor the actual time required and, in future updates of the Fee Schedule, will adjust the fee based on an analysis of actual costs incurred during the preceding period.

The proposed new Rotational Tow Service Program and its associated fees have been reviewed and are supported by the Public Safety Subcommittee.

Community Development Department / Planning Division

The Community Development Department proposes the following changes in the Planning Division fees:

Fee Title	Proposed Change	Justification
Change of Zone	Increase Deposit from $2,700 to $3,000	Better reflects average time and materials

Fee Title	Proposed Change	Justification
Expanded Initial Study	Change to "Expanded Initial Study/Environmental Study Review"	Better reflects purpose of fee
	Change Deposit from $500 to "$500 per Study"	Better reflects purpose and scale of fee
General Plan Amendment	Increase Deposit from $2,500 to $3,000	Better reflects average time and materials
Land Development Grading Revision/4th and Subsequent Reviews	New fee – add under Plan Check and Inspection category – "$71 per sheet"	Covers service currently provided without cost recovery
Planning Letter – Interpretation and Research Required	Increase Deposit from $203 to $250	Better reflects average time and materials
Planning Review of Building Permits (Land Development Approval)	Delete "(Land Development approval)"	Better reflects purpose of the fee
Property Posting	Change fee from $105 to "$140 per street frontage + $75 per project"	Better reflects actual direct cost and adds administrative support cost
Sign Program	Increase Deposit from $500 to $650	Better reflects average time and materials
Sign Program Amendment	Increase Deposit from $250 to $325	Better reflects average time and materials

Financial & Administrative Services Department

There are no proposed changes in actual fees; only clarifications in fee descriptions and units of measure in the Animal Services Division's fees.

Fire Department

The Fire Department is requesting to raise the CPR and First Aid Class fees from $30 per student to $65 per student in order to recover a majority of the costs associated with this program. In the past, City Council has elected to subsidize the cost of the CPR and First Aid Program so that the community would be encouraged to take this course in order to help emergency responders save lives by having citizens initiate CPR and First Air prior to the arrival of the emergency responders. The increase in CPR fees would cover the personnel costs and other direct costs associated with this program, which include the cost for staff time to administer and teach the classes; the cost of the contract CPR instructors, as only one instructor is allowed to teach eight students at one time; CPR and First Aid books that are required by the American Heart Association to be given to the students to take home; the CPR cards; the cost of the Security Guard to be present while City Hall is open on Saturdays; and the cost for Facilities Maintenance staff to set up the Council Chambers. (This last cost component will no longer be incurred once the Emergency Operations Center is opened later this year; therefore, it has not been included in the proposed $65 per person fee.)

By increasing the CPR fee to $65 per person, the program will become self sufficient in generating enough revenue to cover the actual costs associated with administrating this program. This fee is also in line with what neighboring jurisdictions charge for similar courses. The Center for Healthcare Education in Riverside charges $62 for both the Basic Healthcare Provider Course and the Heartsaver and First Aid Course. The American Red Cross, which utilizes a different curriculum from the American Heart Association, charges $75 for a Basic Healthcare Provider Course and $85 for a Heartsaver and First Aid Course. The City of Temecula charges $40 for both their Heartsaver and BLS Healthcare Provider courses. In order to keep the City's CPR and First Aid Class fees in line with neighboring jurisdictions, the Fire Department is requesting to only recover the personnel and other direct costs associated with this program, and not the indirect costs, as this would cause the class fee to increase to $109 per student. It is not expected that Moreno Valley residents will opt to take this course elsewhere based on the cost comparison that has been provided.

The Fire Department is also requesting to establish fees for all open space parcels that are regulated under the City's Hazard Reduction Inspection Program. This program was established to mitigate the threat that unmaintained open space land presents to the community. Failure to adequately clear open space land of native fuels and noxious weeds presents an increased risk to community safety, property and the environment. By conducting site inspections on all open space parcels, the Fire Department is able to ensure that all reasonable steps necessary to safeguard the City against the threat of wildfire have been achieved. These inspections are scheduled annually beginning April 1st and continuing through July 1st. There are three different fees being proposed based on the size of the parcel to be inspected as follows:

- $50 for parcels less than one acre;
- $75 for parcels more than one acre and less than 5 acres;
- $100 for parcels greater than 5 acres.

The fees would be assessed to all parcels defined as open space land and where legally permitted. Any fees associated with failure to comply and Fire Department ordered abated land would be pursued separately from this inspection fee. These proposed fees would be collected as part of the annual property tax bill through the County of Riverside.

By establishing an inspection fee for the Hazard Reduction Program, the program costs would be spread over all parcels subject to inspection rather than just those parcels that are non-compliant, which has been the past practice. Additionally, the program would become self sufficient in generating enough revenue to cover the costs associated with administrating this program. These fees would allow the City to hire entry-level staff to conduct these important inspections, while keeping the professional Fire Inspectors available to conduct technical new construction inspections, annual fire and life safety inspections, issue permits, perform citizen complaint follow-up, and plan check services. This fee is also consistent with how other counties administer their Hazard Reduction/Weed Abatement programs. In order to keep the City's Hazard Reduction Inspection fees in line with actual costs, the Fire Department believes that the establishment of multiple fees based on parcel size is the best means of ensuring that fair and equitable cost recovery is achieved and that costs remain as low as possible for the City's landowners.

The proposed new Hazard Abatement fee has been reviewed and is supported by the Public Safety Subcommittee.

At its meeting of April 12, 2010, the Public Safety Subcommittee discussed imposing annual Fire and Life Safety Inspections. The Subcommittee was of the opinion that Fire and Life Safety Inspection fees should apply or not apply to all such inspections conducted by the Moreno Valley Fire Department, whether the inspections are conducted by Fire Operations (contract) or Fire Prevention (City) personnel. The fee is presently charged when Fire Prevention staff conducts the inspection but not when an engine company conducts the inspection. **The Subcommittee and staff are seeking City Council policy direction on this matter to charge the fee to all businesses or to no businesses.**

Parks & Community Services Department

Although included in the existing Fee Schedule under the Recreation Program category, the proposed Park Reservation fees have been revised to explicitly state the policy of charging a mark-up for non-residents and raising the mark-up from 25% to 30%, as well as to delete the unused Athletic Field Reservation categories. Unused Snack Bar fees have also been deleted.

Athletic Field Lighting categories in which the fees are the same have been consolidated into a single fee. The Over 4 Hour Play section has several fees that are proposed for increase, as well as description changes that clarify how facilities are actually used. The increased costs more accurately reflect actual personnel costs.

A new Park Fee is proposed for reserving a Park Area. This fee reflects the staff and Park Ranger time required to ensure that residents can reserve an area of a park as opposed to a shelter.

Several fees are proposed for addition to the Conference and Recreation Center (CRC) section of the Fee Schedule. The first two new fees enable the Parks & Community Services Department to recuperate expenses related to CRC usage by City-sponsored events after 5:00 pm on weekdays or on weekends. This fee did not previously exist and caused the Parks & Community Services Department to underwrite all such events.

A second User Group is proposed in response to the City Council's direction that reduced fees be made available for other governmental and educational institutions. The range of the security deposits was adjusted to require smaller security deposits in an effort to attract additional users to the CRC; no security deposits are proposed for the new User Group.

Public Works Department

Moreno Valley Electric Utility fees have historically been identified in the *City of Moreno Valley Electric Service Rules, Fees and Charges* document. The applicable fees from this 63-page document have been added to the proposed Fee Schedule so that the proposed Fee Schedule is the comprehensive source for all City fees. No fee changes are proposed to Electric Utility at this time.

Land Development is not proposing new fees or increasing existing fees. However, revisions have been made to text in order to clarify the fee description and revisions to fee amounts that are additive and part of a tiered system in order for a subsequent tier to be mathematically correct. Meeting and teleconference costs associated with preliminary and final Water Quality Management Plans are made consistent with each other.

The Special District Formation Application fee is proposed to be divided into two fees--the Special District Formation Application fee and the Special District Formation/Bond Issuance fee. The application fee is proposed to be set at $5,000 to be consistent with the Special Districts Financing Policy, Fiscal Policy #3.7, adopted May 13, 2008. The Special District Formation/Bond Issuance fee is recommended at 1% of the bond issue, with a $50,000 minimum, which is necessary to recover the costs associated with staff time to process the application and to recover the costs associated with staff time relating to forming the district and issuing bonds.

The Fixed Charge Tax Bill Revisions fee is proposed to be adjusted from $47 plus County Fee to just the amount of the County Fee. Also, the previous note has been removed regarding the $6.98 fee from the County. To avoid conflicts with the County fee schedule, this fee category should only reference the County and not provide a dollar amount.

Fee Schedule Implementation

The proposed updates to the Fee Schedule are scheduled to become effective July 15, 2010 due to the 60-day waiting period required for increases to development-related fees by Government Code Section 660016-17.

Other Fees Included as Reference Only

Development Impact Fees and Conduit Financing Fees are included in the proposed Fee Schedule as a convenient reference, even though they are not adjusted through the annual user fee adoption process.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Following the public hearing, adopt Resolution No. 2010-23, approving the proposed Fee Schedule for FY 2010-11.

2. Following the public hearing, modify the proposed Fee Schedule prior to adopting Resolution No. 2010-23.

3. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

User fees included in the City's Fee Schedule generate revenues that enable the City to provide a wide variety of services requested by our constituents. For FY 2010-11, these revenues are projected to be approximately $13 million, which includes the General Fund and various zones in the Community Services District (CSD).

CITY COUNCIL GOALS

Revenue Diversification and Preservation: Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

It has been City Council's policy to adjust user fees annually to reflect changes in the February Consumer Price Index (CPI) for the Los Angeles-Riverside-Orange County region. The applicable CPI has increased slightly (1.44%) in the past year; however, staff is recommending no across-the-board inflationary adjustment in an effort to support the local economy. Other fee adjustments are recommended, where appropriate, to better reflect the City's actual cost of providing the applicable service, to achieve more equitable cost recovery, or to clarify how fees are applied. It is recommended that City Council adopt Resolution No. 2010-23 approving the Fee Schedule for FY 2010-11.

NOTIFICATION

The City Council meeting of April 27, 2010, which was then continued to May 11, 2010, has been properly noticed as a Public Hearing to consider the proposed FY 2010-11 Fee Schedule.

ATTACHMENTS/EXHIBITS

Resolution No. 2010-23
Exhibit "A" - Proposed Schedule of City Fees, Charges and Rates, Fiscal Year 2010-11

Prepared By:
Steve Hargis
Acting Treasury Operations Division Manager

Department Head Approval:
Steve Elam
Interim Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00056755

RESOLUTION NO. 2010-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING SPECIFIED FEES FOR VARIOUS SERVICES FOR FISCAL YEAR 2010-11 AND REPEALING PRIOR RESOLUTIONS THAT MAY BE IN CONFLICT

WHEREAS, the City Council has in the past approved and adopted fee schedules for various services provided by the City for the benefit of a limited number of persons; and

WHEREAS, the cost of rendering such services should be borne by the beneficiaries of such service; and

WHEREAS, data supporting the estimated cost of providing said services has been made available to the City Council and to the public; and

WHEREAS, the City Council has duly considered at a duly noticed public hearing the question of whether or not to modify existing fees and establish new fees for such services, to provide more equitable cost recovery for such services; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The fee schedule attached as Exhibit "A" hereto is hereby approved and adopted.

2. Where services are performed for the City by another governmental agency, the fees charged by the City shall be adjusted upward or downward to reflect fluctuations, if any, in the price which the City pays to the other government agency for such services. Such adjustments shall be made as the fluctuations occur if imposed upon the City without recourse.

3. All prior enactments of the City Council establishing fees for services, materials, impact and mitigation are hereby repealed to the extent that such enactments establish fees for services, materials and mitigation which are different than the fees established therefore by this Resolution, but shall otherwise remain in full force and effect.

4. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General Fund of the City or into such special funds as may be otherwise required by law.

5. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are hereby declared to be severable.

6. Each fee or charge set by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

7. When a fee or charge is indicated on a unit basis, a fee or charge for each such unit or portion of a unit associated with the requested or required process or service shall be imposed and collected.

8. If a deposit has been made on account of a fee or charge, and where the deposit is insufficient to pay the later-determined actual fee or charge, the balance due shall be paid to the City before any associated entitlement or permit is issued to the applicant. If the amount of the deposit exceeds the later-determined actual fee or charge, the overage shall be refunded to the applicant, except that an overage of one dollar or less shall not be refunded but shall be transferred to the General Fund of the City.

9. The fees approved, increased and established herein shall become effective July 15, 2010.

APPROVED AND ADOPTED this 11th day of May, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

MORENO VALLEY
WHERE DREAMS SOAR

City of Moreno Valley

Schedule of City Fees, Charges and Rates

Fiscal Year 2010-11

Resolution No. 2010-23
Date Adopted: May 11, 2010

City of Moreno Valley

Exhibit "A"

Schedule of City Fees, Charges and Rates

Fiscal Year 2010-11

	Department / Division	Page No.
Section 1 -	**City Clerk**	1
Section 2 -	**City Manager**	
	Cable TV Administration and Programming	2
Section 3 -	**Community Development**	
	Building and Safety	3
	Code and Neighborhood Services	9
	Planning	10
Section 4 -	**Financial & Administrative Services**	
	Animal Services	17
	Financial Operations	22
	Treasury Operations	22
Section 5 -	**Fire**	23
	Emergency Operations and Volunteer Services	34
Section 6 -	**Library Services**	35
Section 7 -	**Parks and Community Services**	
	Parks	37
	Recreation Programs	39
	Park Reservations	46
	Facility Rental	51
Section 8 -	**Police**	58
Section 9 -	**Public Works**	
	Administration	61
	Electric Utility	62
	Land Development	63
	Maintenance and Operations	76
	Special Districts	77
	Transportation Engineering	79
Section 10 -	**Miscellaneous Fees and Charges**	81
Section 11 -	**Penalties and Delinquent Fee Schedule for Parking Violations**	82
Section 12 -	**Development Impact Fees**	85
Section 13 -	**Conduit Financing Fees**	87

Resolution No. 2010-23
Date Adopted: May 11, 2010

MV00056759

Section 1 - City Clerk

Exhibit "A"

	Unit	Fee	
Agenda Subscription	per Year	$ 102.00	
Certification of Public Records	Each	$ 6.00	
Minutes Subscription	per Year	$ 102.00	
Municipal Code and Code Supplements	per Page	$ 0.20	+mailing costs
Nomination Papers Filing Fee	Each	$ 25.00	Pursuant to §10228 of the CA Elections Code
Notice of Intent Filing Fee	Each	$ 200.00	Pursuant to § 9202 of the CA Elections Code
Audio Tape Recordings of Council Meetings	per Tape	$ 2.00	
Fair Political Practices Commission (FPPC)	per Page	$ 0.10	

Section 2 - City Manager

Exhibit "A"

Cable TV Administration and Production

	Unit	Fee
Video Recordings of Council Meetings	per Tape	$ 1.00
Recordings of Council Meetings on DVD	per DVD	$ 2.00
Recording of Council Meetings on CD (Audio only MP3 file)	per CD	$ 1.00

Section 3 - Community Development

Building and Safety

	Unit	Fee
~~[Revised statement moved to Section 10 - Miscellaneous Fees and Charges.~~ ~~Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time and Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.~~		
Water Heater Permit	Each	$ 60.00
Water Heater Permit Re-inspection	Each	$ 60.00

Residential Tract Unit

Note: Residential tract plan check fees and residential tract housing inspection fees are based on the following tables:

1 Story Permit		
<= 1,400 sq ft		$ 454.00
> 1,400 sq ft	per 50 sq ft	$ 7.10
1 Story Plan Check		
<= 1,400 sq ft		$ 641.00
> 1,400 sq ft	per 50 sq ft	$ 6.52
1.5 Story Permit		
<= 1,400 sq ft		$ 525.00
> 1,400 sq ft	per 50 sq ft	$ 8.00

Section 3 - Community Development

Exhibit "A"

Building and Safety

	Unit	Fee
1.5 Story Plan Check		
<= 1,400 sq ft		$ 792.00
> 1,400 sq ft	per 50 sq ft	$ 8.60
2 Story Permit		
<= 1,400 sq ft		$ 637.00
> 1,400 sq ft	per 50 sq ft	$ 8.89
2 Story Plan Check		
<= 1,400 sq ft		$ 792.00
> 1,400 sq ft	per 50 sq ft	$ 8.60
Identical Unit Plan Check	per Unit	$ 88.00
Structural Alterations		
1 Story		
<= 1,400 sq ft		$ 372.00
> 1,400 sq ft	per 50 sq ft	$ 2.98
1.5 Story		
<= 1,400 sq ft		$ 391.00
> 1,400 sq ft	per 50 sq ft	$ 4.45
2 Story		
<= 1,400 sq ft		$ 391.00
> 1,400 sq ft	per 50 sq ft	$ 4.45

Building and Safety

	Unit	Fee
Non-Structural Alterations		
1 Story		
<= 1,400 sq ft		$ 156.00
> 1,400 sq ft	per 50 sq ft	$ 1.48
1.5 Story		
<= 1,400 sq ft		$ 194.00
> 1,400 sq ft	per 50 sq ft	$ 2.07
2 Story		
<= 1,400 sq ft		$ 194.00
> 1,400 sq ft	per 50 sq ft	$ 2.07

Building Permit Fees

1997 Uniform Administrative Code fees

Building Plan Check Fees

When building plans are required by the Building Official, plan check fees shall be equal to the building permit fee (100%) and shall be paid at the time of submitting plans, excluding the permit issuance fee.

Section 3 - Community Development

	Unit	Fee

Building and Safety

Electrical Permit Fees

1997 Uniform Administrative Code fees

Note: An Electrical Permit Fee is separate from, and in addition to, the fee for any other permit which may be required by other code provisions.

Electrical Plan Check Fees

Whenever electrical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Mechanical Permit Fees

1997 Uniform Administrative Code fees

Note: A mechanical permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Mechanical Plan Check Fees

Whenever mechanical plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Plumbing Permit Fees

1997 Uniform Administrative Code fees

Note: A plumbing permit fee is separate from, and in addition to, the fee for any other permit, which may be required by other code provisions.

Building and Safety

	Unit	Fee

Plumbing Plan Check Fees

Whenever plumbing plans are required by the Building Official, plan check fees shall be (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Pool and Spa Permit Fees

1997 Uniform Administrative Code

Pool and Spa Plan Check Fees

Whenever specific plans are required by the Building Official, plan check fees shall be equal to the electrical permit (100%) and shall be paid at the time of submitting plans, excluding the permit fee.

Note: These fees do not include the permit fees for any parts of the pool and spa system which are subject to the requirements of other applicable codes.

Miscellaneous Fees

Minimum Permit Fee	Each	$ 122.00
Permit Issuance	Fee	$ 32.00

Section 3 - Community Development

Exhibit "A"

Building and Safety

	Unit	Fee
Investigation Fees		
For work that is under construction for which no permit has been obtained, the investigation fee shall be equal to the value set forth in this Resolution for permit fees (building, electrical, mechanical, plumbing, etc). Plan check fees may be assessed as directed by the Building Official.		
Research/Administration Fee		
First 15 minutes		No charge
Each additional 30 minutes or fraction thereof		$ 32.00
Re-inspection fees approved by the Building Official	per Hour	$ 122.00
Inspections for which no fee is specifically identified	per Hour	$ 122.00
Additional plan review required by changes, additions or revisions to approved plans or incomplete plan check re-submittal after 3 reviews	per Hour	$ 122.00
Inspection outside of normal business hours (2 hr min)	per Hour	$ 122.00 *
* Or the fully burdened hourly rate cost to the City, whichever is greater		
Premium Inspection - During business hours (Inspection provided within 2 hours after payment)		$ 122.00
Certificate of Occupancy Inspection	Each	$ 178.00

Section 3 - Community Development

Code and Neighborhood Services

	Unit	Fee	
Re-inspection Fee for Failed Compliance	Each	$ 181.00	
Nuisance Abatement Administrative Fee			
Level 1 (4 hrs or less)	Each	$ 240.00	
Level 2 (more than 4 hrs)	Hourly	$ 89.00	
Removal of Signs in Right-of-Way			
Sign Removal	Each	$ 25.00	
Surcharge on signs requiring special equipment or additional labor to remove	Each	$ 53.00	or actual cost of removal whichever is greater
Lost or Stolen Parking Ticket Recovery	Each	$ 11.00	
Drive-off Parking Violation	Each	$ 18.00	
Department of Motor Vehicle (DMV) Hold	Each	$ 10.00	or current DMV rate
Certificate of Correction		$ 141.00	
Rotational Tow Service Program			
Application	Each	$2,828.00	
Agreement	Deposit	$5,000.00	Actual charge is "fully burdened" rate charge
Rotational Tow Vehicle Release Fee	Each	$ 74.00	

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Agenda Subscription	Annual	$ 100.00	
Annexation Process and Environmental Review	Deposit	$ 5,000.00	Actual charge is "fully burdened" rate charge
Appeal		$ 750.00	
Change of Zone	Deposit	~~$ 2,700.00~~ $ 3,000.00	Actual charge is "fully burdened" rate charge
Conditional Use Permit		$ 7,864.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
Conditional Use Permit: Admin & Existing Structure		$ 4,616.00	Plus applicable notice and posting fees
Conditional Use Permit (Com/Ind)	per Acre	$ 65.00	
Conditional Use Permit: Amended CUP/Substantial Conformance		$ 4,168.00	Plus applicable notice and posting fees
Custom Home Review		$ 860.00	
Development Agreement	Deposit	$ 7,400.00	Actual charge is "fully burdened" rate charge

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Development Agreement Amendment	Deposit	$ 3,225.00	Actual charge is "fully burdened" rate charge
Development Agreement Annual Review	Deposit	$ 1,000.00	Actual charge is "fully burdened" rate charge
Development Code Amendment	Deposit	$ 5,000.00	Actual charge is "fully burdened" rate charge
Environmental Review			
EIR Report Preparation	Deposit	$ 7,000.00	Actual charge is "fully burdened" rate charge
Expanded Initial Study / Environmental Study Review	Deposit	$500 per Study	Actual charge is "fully burdened" rate charge
Environmental Assessment		$ 753.00	
Environmental Mitigation Monitoring	Deposit	$ 3,500.00	Actual charge is "fully burdened" rate charge
Extension of Time		$ 2,609.00	
General Plan Amendment	Deposit	~~$ 2,500.00~~ $3,000.00	Actual charge is "fully burdened" rate charge
Home Occupation Permit		$ 68.00	

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Plan Check and Inspection			
Residential (1st through 3rd Review)		$ 486.00	
Non-Residential (1st through 3rd Review)		$ 727.00	
Re-inspection		$ 142.00	
4th and subsequent (Land Development Reviews)	Per Sheet	$ 71.00	
4th and subsequent (All Other Reviews)		100% of original fee	
Newspaper Notice		$ 285.00	
Phasing Map		$ 1,955.00	
Planning Letter			
Basic		$ 84.00	
Interpretation and Research Required	Deposit	~~$ 203.00~~	Actual charge is "fully burdened" rate charge
		$ 250.00	
Planning Review of Building Permits ~~(Land Development approval)~~		$ 178.00	+5% of plan check fee

Section 3 - Community Development

Planning

Plot Plan

	Unit	Fee	
With hearing		$ 8,274.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
(Note: More than one may be charged for projects with multiple buildings or parcels)			
Without hearing (notice)		$ 5,652.00	Plus applicable environmental review, notice, posting and acreage/per unit fees
Without hearing (no notice)		$ 2,702.00	
Amended plot plan/substantial conformance		$ 2,940.00	
Multi-Family	per Unit	$ 30.00	
Plot Plan Conditional Use Permit (Com/Ind)	per Acre	$ 65.00	
Administrative (Includes second units and granny flats)		$ 607.00	
Property Posting		~~$ 105.00~~ $140 per street frontage + $75 per project	
Pre-application Review		$ 561.00	

Section 3 - Community Development

Exhibit "A"

Planning

	Unit	Fee	
Renewal Fee		50% of original fee	
Reversion to Acreage	Deposit	$ 1,500.00	Actual charge is "fully burdened" rate charge
Signs			
Banner		$ 31.00	
Permit: Wall		$ 87.00	
Permit: Monument		$ 346.00	
Permit: Pole and Freeway		$ 578.00	
Review Program	Deposit	~~$ 500.00~~ $ 650.00	Actual charge is "fully burdened" rate charge
Program Amendment Review	Deposit	~~$ 250.00~~ $ 325.00	Actual charge is "fully burdened" rate charge
Special Event Permit		$ 34.00	
Specific Plan	Deposit	$ 17,000.00	Actual charge is "fully burdened" rate charge
Specific Plan Amendment	Deposit	$ 8,000.00	Actual charge is "fully burdened" rate charge

Section 3 - Community Development

Planning

	Unit	Fee	
Subdivision Sales Office (Trailer) and Model Home Complexes-Temporary		$ 862.00	
Temporary Use Permits		$ 241.00	
Tentative Parcel Map			
Residential		$ 6,709.00	+
additional lot	per Lot	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	
Commercial		$ 7,422.00	+
additional lot	per Lot	$ 87.00	
		+ applicable environmental review and applicable notice and posting fees.	
Waiver	Deposit	$ 1,000.00	Actual charge is "fully burdened" rate charge plus applicable notice and posting fees.
Tentative Tract or Condo Map		$ 8,497.00	+
additional lot	per Lot	$ 72.00	
		+ applicable environmental review and applicable notice and posting fees.	
Tentative Tract or Parcel Map Revised		$ 4,229.00	Plus applicable notice and posting fees

Section 3 - Community Development

Planning

	Unit	Fee	
Variance from Standards			
Public Hearing Variance		$ 2,618.00	Plus applicable notice and posting fees
Administrative Variance		$ 474.00	

Notes:

The environmental review fee shall be charged only one time for concurrently filed major developmental review applications. For example, the fee for a concurrently filed Parcel Map and Plot Plan will be the sum of the respective fees minus one environmental review fee.

Fees for quasi-public uses shall be reduced by 25%.

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Section 4 - Financial & Administrative Services

Animal Services

	Unit	Fee
Adoption Fee (Does not include the cost for spay/neuter)		
Dogs	Each	$ 30.00
Cats	Each	$ 19.00
Rabbit, Hamsters and Guinea Pigs	Each	$ 10.00
Other Animals *	Each	$ 10.00
* Fee for "Other Animals" not to exceed the fair market price		
Deposits (Refundable)		
Rabies Vaccination	Each	$ 20.00
Spay & Neuter	Each	$ 75.00
Owner Relinquishment		
Dog/Cat*	Each	$ 22.00
Dog/Cat-Litter*	Each	$ 22.00
Other Domestic*	Each	$ 10.00
* Owner may be asked to pay for the cost of spay/neuter and/or vaccines		
** Out of area animals are accepted at the discretion of shelter staff based on adoptability and shelter population		
Owner Requested Companion Pet Euthanasia		
Small/Medium (0-50 lbs)	Each	$ 22.00
Medium/Large (> 50 lbs)	Each	$ 26.00
Litter (up to 8)	Each	$ 22.00
Litter (each add'l >8)	Each	$ 2.00
Deceased Animal Disposal		
Small/Medium (0-50 lbs)	Each	$ 18.00
Medium/Large (51+ lbs)	Each	$ 22.00
Cremation of Deceased Companion Pets		
Base Fee (Includes container)	Each	$ 90.00
Additional pounds > 60lbs	per Pound	$ 1.00

Section 4 - Financial & Administrative Services

Exhibit "A"

mal Services

	Unit	Fee
Animal Redemption		
1st Impound	Per Animal	$ 20.00
2nd Impound	Per Animal	$ 40.00
3rd Impound	Per Animal	$ 56.00
More than 3 (each occurrence)*	Per Animal	See Note *
Small Livestock **	Per Animal	$ 29.00
Large Livestock **	Per Animal	$ 58.00
Other (birds, reptiles, etc)	Per Animal	$ 19.00

* Impound fee will increase by $50 for each additional occurrence. For example the 4th occurrence would be $106, the 5th occurrence would be $156 etc.

** Trailering Fee		$ 57.00
		+ actual cost for ACO
Boarding		
Dogs, Cats & Other	Per Day	$ 6.00
Small Livestock	Per Day	$ 8.00
Large Livestock	Per Day	$ 11.00
Other Small Animals	Per Day	$ 5.00
Special handling fee	Per Animal	$ 20.00

(Special handling relates to call that require additional Animal Control Officers or extraordinary circumstances such as badly decomposed, owned, deceased animals or transportation to a Veterinarian for sick/injured animals.)

Re-inspection Fee	Per Inspection	$ 18.00

(Failed compliance on confinement/property inspections)

Section 4 - Financial & Administrative Services

Animal Services

			Unit	Fee
Licensing				
	Dog (altered)			
		1 year	Each	$ 10.00
		2 year	Each	$ 19.00
		3 year	Each	$ 26.00
	Dog (unaltered)			
		1 year	Each	$ 41.00
		2 year	Each	$ 60.00
		3 year	Each	$ 78.00
	Potentially Dangerous/Vicious		Each	$ 77.00
	Economic Hardship* (altered only)		Each	$ 6.00
	*Residents must provide proof that they earn 65% of the median income as set by HUD for the County of Riverside.			
	Late Fee		Each	$ 19.00
	Transfer Fee		Each	$ 6.00
	Lost Tag Replacement		Each	$ 6.00
Kennel				
	Class I Dog			
		1 year	Each	$ 128.00
		2 year	Each	$ 189.00
	Class II Dog			
		1 year	Each	$ 194.00
		2 year	Each	$ 251.00
	Cattery			
		1 year	Each	$ 128.00
		2 year	Each	$ 189.00
	Late Fee			$ 61.00

Section 4 - Financial & Administrative Services

Exhibit "A"

mal Services

	Unit	Fee
Other Services		
Dog DA2PP Vaccination *	Each	$ 10.00
Cat FVRCP Vaccination **	Each	$ 10.00
Microchip (Owner to pay AKC registration fee)	Each	$ 16.00

* DA2PP Vaccination- Distemper, Adeno-2, Parvo and Oanfluenza (commonly known as a 5 in 1)
** FVRCP Vaccination - Feline Viral Rhinotracheitus (FHV-1), Calicivirus and Panleukopenia (commonly known as a 4 in 1)

Trap Rental		
Cat		
Trap Rental	per Week	$ 12.00
Refundable Deposit		$ 50.00
Dog		
Trap Rental	per Week	$ 20.00
Refundable Deposit		$ 150.00
Requests for Information	per Page	$ 0.20
Pet Identification Tags	Each	$5.50 - $7.50
Surcharges		
Unlicensed Animal	Each	$ 15.00
Un-altered Animal	Each	$ 15.00
Out-of-area Service Request (for non-residents)	Each	$ 25.00
Un-altered Kennel/Cattery	Each	$ 50.00
Owner Field Service Request	Each	$ 15.00
After Hours Emergency Field Response	Each	$ 20.00

Section 4 - Financial & Administrative Services

Unit Fee

Animal Services

Municipal Code Reference	Violation	Offenses within a 36 month period		
		1st	2nd	3rd
10.02.020 A	Failure to License Dog/Wear License Tag	$50.00	$100.00	$200.00
10.02.020 B	Failure to Vaccinate for Rabies	$50.00	$100.00	$200.00
10.02.040	Failure to License Kennel/Cattery	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Minor Offense	$100.00	$200.00	$500.00
10.02.130 A-G	Animal Cruelty-Major Offense	$200.00	$500.00	
10.02.090 N	Animal Abandonment	$100.00	$200.00	$500.00
10.02.080 A,B	Animal at Large-Altered	$50.00	$100.00	$200.00
10.02.080 A,B	Animal at Large-Unaltered	$100.00	$200.00	$500.00
10.02.080 E	Animal at Large-Threat to Public Safety	$200.00	$500.00	$500.00 (plus removal from City*)
10.02.100	Failure to Provide Proof of Spay/Neuter (spay/neuter deposit forfeited)	$150.00		
10.02.160	Failure to Comply with Public Nuisance Remedial Requirements	$100.00	$200.00	$500.00
10.02.240-270	Failure to Comply with Requirements for Potentially Dangerous or Vicious Animals	$500.00	$500.00	(plus removal from City*)
10.02.120	Failure to Quarantine/Produce the Animal/Concealing Information	$100.00	$200.00	$500.00
10.02.110	Barking Dog	$100.00	$200.00	$500.00
10.02.140 C,D	Interference with ACE or Tampering with Animal/Equipment	$100.00	$200.00	$500.00
10.02.010	Failure to Pay for Services Rendered or Outstanding Fees	$50.00	(plus outstanding balance)	
H&S 122335	Dog Tethering Violation	$50.00	$100.00	$200.00
122220	Violation of Pet Protection Act (Businesses/Commercial Breeding)	$50.00	$200.00	$500.00

* 10.20.160 B.8 Public Nuisance-Prohibit or regulate the acquiring and keeping within the city specified animals for a period of up to five years.

Section 4 - Financial & Administrative Services

Exhibit "A"

Financial Operations

	Unit	Fee
Annual City Budget	Each	$10.00
Comprehensive Annual Financial Report (CAFR)	Each	$10.00

The Annual City Budget and the CAFR are also available on the City's website at the following links:

Budget http://www.moval.org/city_hall/departments/admin/budgetoffice.shtml

CAFR http://www.moval.org/city_hall/departments/admin/financial-ops.shtml

Treasury Operations

Collection of Returned Check	Each	$31.00
Business License		
Application	per License	$57.00
Vehicle Tag	per Tag	$6.00
License for Farmers Market at Towngate Mall	Per Vendor Per Day	$5.00
License for single day events	Per Vendor Per Day	$5.00

(Note: Licenses for single day events must be reviewed and approved by the Financial & Administrative Services Director)

Reprint of License	Each	$5.00
Business Listing	Each	$20.00
Photo Identification Card	Each	$5.00

Section 5 - Fire

Exhibit "A"

	Unit	Fee	
Pre-Development			
Annexation Agreement	Deposit	$ 94.00	
Community Care Facility (Pre-inspection)			
25 or less		$ 50.00	State Mandated
26 or more		$ 100.00	State Mandated
Revised Tentative Parcel Map		$ 425.00	
Fuel Modification Plan		$ 100.00	
Fire Protection Plan		$ 326.00	
Alternate methods and materials		$ 100.00	
3rd review and subsequent submittals		$ 100.00	
OTC/Misc Plan Review		$ 100.00	

Architectural / Development

Plan Check and Inspections	Unit	Plan Check	Inspection
A-1 <=10,000 SF		$ 623.00	$ 599.00
A-1 > 10,000 SF		$ 773.00	$ 798.00
A-2, 2.1 <= 10,000 SF		$ 524.00	$ 499.00
A-2, 2.1 > 10,000 SF		$ 674.00	$ 699.00
A-3 <= 10,000 SF		$ 524.00	$ 550.00
A-3 >10,000 SF		$ 623.00	$ 599.00
A-4 <= 5000 SF		$ 424.00	$ 499.00
A-4 > 5000 SF		$ 475.00	$ 550.00
A-5<=5000 SF		$ 411.00	$ 484.00
A-5>5000 SF		$ 461.00	$ 533.00

Section 5 - Fire

Exhibit "A"

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
A TI 0-5000 SF		$ 325.00	$ 399.00
A TI 5001 - 25,000 SF		$ 424.00	$ 499.00
A TI > 25,001 SF		$ 524.00	$ 550.00
B 0-5000 SF		$ 175.00	$ 233.00
B 5001 - 50,000 SF		$ 274.00	$ 399.00
B >50,000 SF		$ 374.00	$ 550.00
B TI 0-5000 SF		$ 151.00	$ 207.00
B TI 5001 - 50,000 SF		$ 200.00	$ 300.00
B TI >50,000 SF		$ 274.00	$ 374.00
E-1,2 0-2000 SF (private schools only)		$ 224.00	$ 350.00
E-1,2 2001 - 20,000 SF (private schools only)		$ 274.00	$ 399.00
E-1,2 > 20,000 SF (private schools only)		$ 424.00	$ 475.00
E-1,2 TI 0-2000 SF (private schools only)		$ 100.00	$ 207.00
E-1,2 TI 2001 - 20,000 SF (private schools only)		$ 151.00	$ 233.00
E-1,2 TI > 20,000 SF (private schools only)		$ 200.00	$ 258.00
E-3 0-1000 SF (private schools only)		$ 125.00	$ 207.00
E-3 1001 - 20,000 SF (private schools only)		$ 224.00	$ 424.00
E-3 > 20,000 SF (private schools only)		$ 274.00	$ 475.00
E-3 TI 0-1000 SF (private schools only)		$ 100.00	$ 182.00
E-3 TI 1001 - 20,000 SF (private schools only)		$ 125.00	$ 207.00
E-3 TI > 20,000 SF (private schools only)		$ 151.00	$ 233.00
F,M,S 0-5000 SF		$ 224.00	$ 350.00
F,M,S 5001 - 12,500 SF		$ 325.00	$ 399.00
F,M,S 12,501 - 100,000 SF		$ 374.00	$ 499.00
F,M,S > 100,000 SF		$ 424.00	$ 599.00
F,M,S TI 0-5000 SF		$ 151.00	$ 233.00
F,M,S TI 5001 - 12,500 SF		$ 175.00	$ 300.00
F,M,S TI 12,501 - 100,000 SF		$ 224.00	$ 325.00

Section 5 - Fire

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
F,M,S TI > 100,000 SF		$ 274.00	$ 350.00
H-1,2,3, 7 0-1000 SF		$ 325.00	$ 374.00
H-1,2,3, 7 1001- 2,500 SF		$ 374.00	$ 399.00
H-1,2,3, 7 2,501 - 10,000 SF		$ 475.00	$ 499.00
H-1,2,3, 7 > 10,000 SF		$ 599.00	$ 599.00
H-1,2,3, 7 TI 0-1000 SF		$ 224.00	$ 325.00
H-1,2,3, 7 TI 1001- 2,500 SF		$ 274.00	$ 350.00
H-1,2,3, 7 TI 2,501 - 10,000 SF		$ 325.00	$ 374.00
H-1,2,3, 7 TI > 10,000 SF		$ 374.00	$ 399.00
H-4,5,6 0-1000 SF		$ 250.00	$ 374.00
H-4,5,6 1001- 2,500 SF		$ 350.00	$ 399.00
H-4,5,6 2,501 - 10,000 SF		$ 450.00	$ 450.00
H-4,5,6 > 10,000 SF		$ 574.00	$ 499.00
H-4,5,6 TI 0-1000 SF		$ 200.00	$ 325.00
H-4,5,6 TI 1001- 2,500 SF		$ 250.00	$ 350.00
H-4,5,6 TI 2,501 - 10,000 SF		$ 300.00	$ 374.00
H-4,5,6 TI > 10,000 SF		$ 350.00	$ 399.00
L-0-1,000 SF		$ 315.00	$ 361.00
L-1,001-2,500 SF		$ 363.00	$ 387.00
L-2,501-10,000 SF		$ 461.00	$ 484.00
L->10,000 SF		$ 581.00	$ 581.00
L-T.I. 0-1,000 SF		$ 217.00	$ 315.00
L-T.I. 1,001-2,500 SF		$ 266.00	$ 339.00
L-T.I. 2,501-10,000 SF		$ 315.00	$ 363.00
L-T.I. >10,000 SF		$ 363.00	$ 387.00
I Occupancies	Deposit	$ 350.00	$ 393.00
R-1, 2 0-5000 SF		$ 224.00	$ 325.00
R-1, 2 5001 - 25,000 SF		$ 274.00	$ 350.00
R-1, 2 >25,001 SF		$ 325.00	$ 399.00

Section 5 - Fire

Exhibit "A"

Plan Check and Inspections (Cont)	Unit	Plan Check	Inspection
R-3 Model 1-5 homes		$ 175.00	$ 233.00
R-3 Model > 6 homes		$ 224.00	$ 282.00
R-3 Custom (1-2 units)		$ 151.00	$ 225.00
U - Occupancy		$ 151.00	$ 200.00
Shell 0-50,000 SF		$ 998.00	$ 874.00
Shell > 50,000 SF	Deposit	$ 350.00	$ 350.00
High-rise (4 floors or greater)	Deposit	$ 350.00	$ 362.00

	Occupancy Classifications
A	Facilities for Assemblies
B	Professional or Service Facilities
E	Educational Facilities
F	Factory and Industrial (non H)
H	Factory and Industrial (high fire, explosion or health hazard)
I	Hospitals, Nursing Homes
L	Laboratories
M	Sale of Merchandise
R	Hotels, Apartments and Congregate Residences
S	Storage (non hazardous)
U	Garages, Carports, Sheds and Agricultural Buildings

Section 5 - Fire

Exhibit "A"

Fire Development

Development Plan Check and Inspection

	Unit	Plan Check	Inspection
Sprinkler System New 1-100 heads		$ 225.00	$ 526.00
Sprinkler System New > 100 heads		$ 352.00	NA
Sprinkler System New 101-300 heads		NA	$ 575.00
Sprinkler System New 301-700 heads		NA	$ 626.00
Sprinkler System New > 700 heads		NA	$ 676.00
Sprinkler TI 1-10 heads		$ 151.00	$ 225.00
Sprinkler TI 11-25 heads		$ 175.00	$ 425.00
Sprinkler TI 51-100 heads		$ 225.00	$ 476.00
Sprinkler TI > 100 heads		$ 250.00	$ 526.00
Alarm New 1-10 Initiating Devises with notification		$ 151.00	$ 326.00
Alarm New 11-50 Initiating Devises with notification		$ 225.00	$ 352.00
Alarm New 51-100 Initiating Devises with notification		$ 276.00	$ 400.00
Alarm New > 100 Initiating Devises with notification		$ 326.00	$ 476.00
Alarm TI 1-10 Initiating Devices with notification		$ 126.00	$ 276.00
Alarm TI 11-50 Initiating Devices with notification		$ 151.00	$ 301.00
Alarm TI 51-100 Initiating Devices with notification		$ 201.00	$ 352.00
Alarm TI > 100 Initiating Devices with notification		$ 276.00	$ 400.00
ESFR	per Riser	$ 151.00	NA
Underground Sprinkler	per Riser	$ 225.00	$ 609.00
Underground Hydrant		$ 175.00	$ 609.00
Underground Combo Up to 4 Connections		$ 326.00	$ 684.00
Aboveground Hydrant		$ 250.00	$ 500.00
Residential Sprinkler 13R Family 1-2 units		$ 225.00	$ 500.00
Residential Sprinkler 13D Single Family 1-2 units		$ 175.00	$ 500.00
Residential Sprinkler 13R Multi Family up to 4 stories	per System	$ 301.00	$ 626.00
Hood and Duct	per System	$ 151.00	$ 208.00

Section 5 - Fire

Exhibit "A"

Development Plan Check and Inspection (Cont)	Unit	Plan Check	Inspection
Fire Pump	per Pump	$ 276.00	$ 276.00
Standpipes		$ 375.00	$ 284.00
Special Extinguishing Systems		$ 175.00	NA
Vapor Recovery Special Equipment		$ 151.00	NA
Medical Gases Special System		$ 175.00	$ 182.00
Industrial Gases Special System		$ 225.00	$ 284.00
Liquefied Petroleum Gases Special System > 500 gal		$ 225.00	$ 333.00
Tank/Piping Installation	per Tank	$ 234.00	$ 234.00
Tank/Piping Removal	per Tank	$ 158.00	$ 276.00
Ovens, industrial baking or drying per oven, furnace or kiln Special Equip. (New Construction)		$ 126.00	$ 182.00
Smoke Control		$ 225.00	$ 333.00
Dust Collection Special Equipment		$ 151.00	$ 182.00
Hazmat Storage		$ 276.00	$ 284.00
High Piled/Solid Piled Storage Class III, IV, High Hazard		$ 326.00	$ 434.00
Racking System		$ 375.00	$ 434.00
Regulated Refrigeration per system		$ 151.00	$ 284.00
Miscellaneous Industrial Equipment Install		$ 151.00	$ 182.00
FPE Technical Report Major Review		$ 425.00	NA
FPE Technical Report Minor Review		$ 225.00	NA
Spray Booth Inspection		NA	$ 284.00
Foam/Liquid System Inspection		NA	$ 333.00
ESFR Inspection		NA	$ 74.00
Dry Chemical System Inspection		NA	$ 234.00
CO2 System Inspection		NA	$ 234.00
Inert Gas System Inspection		NA	$ 234.00
FM200 Clean Agent System		NA	$ 234.00
Adult Care Facility Inspection		NA	$ 375.00
Child Care Facility Inspection		NA	$ 375.00

Section 5 - Fire

Development Plan Check and Inspection (Cont)	Unit	Plan Check	Inspection
Residential Care Facilities 1 - 6		NA	$ 352.00
Residential Care Facilities >6	per Story	NA	$ 143.00
K-12 Public School Inspection		NA	$ 190.00
K-12 Private School Inspection		NA	$ 425.00
High-rise Inspection	per Hour	NA	$ 100.00
Asbestos removal		NA	$ 234.00
Work without Approval or Permit		NA	$ 201.00
Inspection following Failure to Maintain Fire Protection Systems		NA	$ 201.00
Fire Prevention Inspection/Re-inspection/Phasing		NA	$ 142.00

Renewable Permit Fees	Unit	Initial Plan Check	Annual Inspection
Aerosol Products		$ 224.00	$ 63.00
Aircraft Refueling Vehicles		$ 175.00	$ 88.00
Automobile Wrecking Yard		$ 175.00	$ 188.00
Battery System		$ 224.00	$ 63.00
Candles and Open Flame in Assembly Occupancy Areas		$ 125.00	$ 63.00
Cellulose Nitrate Film		$ 125.00	$ 63.00
Cellulose Nitrate Storage		$ 175.00	$ 188.00
Combustible fiber Storage		$ 175.00	$ 188.00
Combustible materials Storage		$ 175.00	$ 188.00
Commercial Rubbish Handling Operation		$ 175.00	$ 188.00
Compressed Gases		$ 200.00	$ 188.00
Cryogens		$ 200.00	$ 188.00
Dry Cleaning Plant		$ 224.00	$ 288.00
Dust-Producing Operations		$ 125.00	$ 88.00
Explosives or Blasting agents, Use or Transportation		$ 274.00	$ 312.00
Flammable or Combustible Liquids pipelines, store, handle, use		$ 274.00	$ 288.00
High Piled/Solid Piled Combustible Storage Class I, II		$ 74.00	$ 138.00
Hot Works Operations		$ 125.00	$ 63.00

Section 5 - Fire

Exhibit "A"

ewable Permit Fees (Cont)	Unit	Initial Plan Check	Annual Inspection
Liquefied Petroleum Gases store, use, handle, dispense-Plan Check 125-500 gals		$ 74.00	$ 138.00
Ovens - Industrial Baking or drying		$ 74.00	$ 88.00
Places of Assembly		$ 175.00	$ 63.00
Refrigeration Equipment		$ 74.00	$ 88.00
Repair Garages		$ 151.00	$ 88.00
Spraying or Dipping		$ 74.00	$ 63.00
Wood Products		$ 74.00	$ 88.00
Motor Vehicle fuel dispensing		$ 74.00	$ 88.00
Tire Storage		$ 175.00	$ 88.00
Lumber Yard		$ 175.00	$ 188.00
Fireworks, manufacture, compound, store		$ 325.00	$ 288.00
Fruit ripening		$ 175.00	$ 88.00
Magnesium Working		$ 175.00	$ 88.00
Radioactive materials		$ 325.00	$ 188.00

ivity Permits	Fee
Bowling pin or alley refinishing	$ 158.00
Candles and open flames in assembly areas	$ 158.00
Carnivals and fairs	$ 234.00
Explosives or blasting agents, use, dispose	$ 333.00
Fireworks, displays	$ 308.00
Hot works operations	$ 158.00
Liquefied petroleum gases, install containers	$ 234.00
Liquid or gas fueled vehicles or equipment in assembly areas	$ 208.00
Mall, covered	$ 208.00
Open Burning	$ 158.00
Parade floats (per event)	$ 234.00
Pyrotechnical special effects material / model rockets	$ 333.00

Section 5 - Fire

Activity Permits (Cont)	Unit	Fee	
Temporary membrane structures, tents and canopies		$ 284.00	
Christmas Tree sales		$ 158.00	
Pumpkin Patch		$ 158.00	
Haunted Houses		$ 158.00	
Hazardous Area Fire Permit		$ 308.00	

Post Development	Unit	Fee	
Fire and Life Safety Inspection			
Annual inspection (includes one re-inspection)		$ 151.00	
2nd re-inspection		$ 301.00	
3rd and subsequent re-inspections		$ 452.00	
Fire Watch Inspection	per Hour	$ 100.00	
Fire Hydrant Inspection		$ 100.00	
Fire Inspection			
State Mandated		$ 89.00	
Community Care Facility			
25 or less (not including elderly 1-6)		$ 89.00	State Mandated
26 or more		$ 134.00	State Mandated
Special Event		$ 89.00	

Section 5 - Fire

Exhibit "A"

	Unit	Fee	
Records Request			
Photographs, color print (4"x6")		$ 5.00	
Fire Incident Reports (paid to County of Riverside)		$ 19.00	
Fire Inspection Reports (up to 8 1/2"x14")			
First 10 pages	per Report	$ 6.00	
Additional pages	per Page	$ 1.00	
Hourly Rates			
Fire Marshal		$ 140.00	The fully-burdened wage rate including overhead; not to exceed actual City costs.
Deputy Fire Marshal		$ 105.00	
Fire Safety Specialists		$ 106.00	
Fire Safety Inspector		$ 106.00	
Overtime		Position time + 50%	
Consultant Fire Plan Review		Actual Consultant Cost + 20% Admin Fee	
Other Fees			
False Alarm			
Residential		$ 100.00	
Commercial		$ 200.00	
Fire Permit Issuance Fee		$ 21.00	

Section 5 - Fire

Other Fees (Cont)	Unit	Fee
Hazard Reduction Inspection		
This fee will be assessed to all parcels defined as open space land and where legally permitted. Any fees associated with failure to comply and fire department ordered abated land will be pursued separately from this inspection fee. This fee will be collected as part of the annual property tax bill through the County of Riverside.		
Parcels < 1 acre		$ 50.00
Parcels 1 acre to < 5 acres		$ 75.00
Parcels > 5 acres		$ 100.00
Hazard Reduction Abatement Administrative Fee		$ 240.00
Hazard Reduction Abatement Cost Recovery		Actual cost charged by the City's abatement contractor.
~~Weed Abatement~~		~~Actual time and materials at fully burdened wage rate including overhead not to exceed actual City costs.~~
~~Abatement of Non-Compliance Order~~		~~$100 plus actual time and materials at fully burdened wage rate including overhead plus the cost of any contract work; not to exceed actual City costs.~~

Section 5 - Fire

Exhibit "A"

Emergency Operations and Volunteer Services

	Unit	Fee
CPR Training	per Class	~~$ 30.00~~
		$ 65.00
Community Emergency Response (CERT)	per Class	$ 15.00
On-Line Registration Processing Fee (This fee is charged by the on-line provider)		
On-Line Registration has no applicable category association.		
Transactions < $150		
Percentage of Transaction cost plus		6.50% *
Fixed Fee per Transaction		$ 0.50 *
Transactions from $150 to $500		
Percentage of Transaction cost plus		3.50%
Fixed Fee per Transaction		$ 5.00
Transactions over $500		
Percentage of Transaction cost plus		2.50%
Fixed Fee per Transaction		$ 10.00

* $2.00 minimum

Section 6 - Library Services

	Unit	Fee
Replacement Library Card	Each	$ 2.00
Inter-Library Loan Overdue	per Day	$ 2.00
Reserve Materials Overdue	per Day	$ 2.00
Floppy Disks (blank)	Each	$ 1.00
Replacement Bar Code	Each	$ 1.00
Account Printout	per Page	$ 0.20
Printing - Black & White	per Page	$ 0.20
Printing - Color	per Page	$ 0.75
Copies - Black & White	per Page	$ 0.15
Faxes		
Send/Receive Public Faxes - Local	per Page	$ 1.00
Domestic Long Distance Faxes	per Page	$ 2.00
International Long Distance Faxes	per Page	$ 3.00
Exam Proctoring	per Exam	$ 15.00
Lost Materials	per Item	Actual Cost +
Lost Material Processing	per Item*	$ 10.00

* Except for uncataloged paperbacks, no processing fee

Section 6 - Library Services

Exhibit "A"

	Unit	Fee
Fines		
Overdue Books		
Adult	per Item per Day	$ 0.25
Children	per Item per Day	$ 0.10
Overdue Videos	per Item per Day	$ 1.00
Overdue CDs	per Item per Day	$ 0.25
Overdue Audiocassettes	per Item per Day	$ 0.25

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Plan Check Fees (1 - 3 submittals)		
Project Cost:		
$0-$20,000		3.50%
$20,001-$100,000		3.25%
> $100,000		3.00%
4th and subsequent submittals		$ 140.00
Revisions		
Minor (detail changes only)		$ 256.00
Major		Same as initial submittal
Inspection and Testing		
Project Cost:		
$0-$20,000		7.00%
$20,001-$100,000		6.00%
> $100,000		5.00%
Research of Records, Files, etc		Actual City Cost

Section 7 - Parks and Community Services

Exhibit "A"

Parks

Penalty Fees

	Unit	Fee	
Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with Parks and Community Services	per Offense	$ 561.00	plus actual damages
Applicant's failure to schedule inspection prior to performing work	per Offense	$ 112.00	
Applicant's failure to attend or be prepared for a scheduled inspection	per Offense	$ 112.00	

Fee Description	Policy Category	Unit		Resident Fee

Recreation Programs

Non-Resident Fees: Fees for Non-Residents to participate in Recreation Programs will be charged at the Resident Fee plus

Adult Sports (18 Years or Older)

Category 4 includes Adult Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.

Program Registration Fee		Per Program	$	2.00
Basketball League *	Category 4	Per Team	$	300.00
Basketball Open Play **	Category 4	Per Person	$	3.00
Bowling Class and League	Category 4	Per Person	$	78.00 - 85.00
Father's Day Over-The-Line Softball Tournament *	Category 4	Per Team	$	65.00 - 100.00
Flag Football League *	Category 4	Per Team	$	300.00
Flag Football Tournament *	Category 4	Per Team	$	150.00 - 200.00
Official's Clinic	Category 4	Per Person	$	15.00
Protest Fee	Category 4	Per Team	$	25.00
Softball League - Competitive *	Category 4	Per Team	$	345.00
Softball League - Non-Competitive *	Category 4	Per Team	$	260.00
Softball Tournament *	Category 4	Per Team	$	185.00 - 310.00
Tennis Tournament *	Category 4	Per Person	$	20.00 - 50.00
Volleyball League *	Category 4	Per Team	$	260.00
Volleyball Tournament *	Category 4	Per Team	$	175.00 - 225.00
Volleyball Open Play **	Category 4	Per Person	$	3.00
New Program	Category 4	Per Person	$	Cost Recovery
Cancellation /Transfer Fee	Category 4	Per Person		20%
* Denotes Fee for Late Registration	Category 4	Per Team	$	18.00

** Excludes Program Registration Fee

Section 7 - Parks and Community Services

Exhibit "A"

Adult Contract Classes (18 Years or Older)

Category 5 includes Adult Contract Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.

Fee Description	Policy Category	Unit		Resident Fee
Program Registration Fee		Per Program	$	2.00
Belly Dancing For Fun and Fitness	Category 5	Per Person	$	32.00 - 45.00
Boxing	Category 5	Per Person	$	60.00 - 80.00
Bryan's Dog Training	Category 5	Per Person	$	65.00 - 75.00
Golf Lessons	Category 5	Per Person	$	92.00 - 105.00
Hip Hop / Funky Jazz	Category 5	Per Person	$	35.00 - 45.00
Instant Piano For Extremely Busy People	Category 5	Per Person	$	25.00 - 35.00
Kickboxing Aerobics	Category 5	Per Person	$	42.00 - 70.00
Kung Fu Art of Self-Defense	Category 5	Per Person	$	65.00 - 85.00
Swing Dance	Category 5	Per Person	$	55.00 - 65.00
Yoga - 1 Day	Category 5	Per Person	$	36.00 - 50.00
Cancellation /Transfer Fee**	Category 5	Per Person		20%
New Adult Contract Classes	Category 5	Per Person		Full Cost Recovery

** Exclude Program Registration Fee

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Youth Sports				
Category 6 includes Youth Sports Programs provided by the City which are Council approved fees to cover the direct program cost plus 20% for administrative and overhead related costs.				
Program Registration Fee		Per Program	$	2.00
Basketball League * #	Category 6	Per Person	$	65.00 - 86.00
Basketball Pee Wee * #	Category 6	Per Person	$	50.00
Sports Camp #	Category 6	Per Person	$	60.00-110.00
Flag Football League * #	Category 6	Per Person	$	59.00
Middle School Sports Program #	Category 6	Per Person	$	25.00
Spudball * #	Category 6	Per Person	$	50.00
Tennis Lessons #	Category 6	Per Person	$	37.00-65.00
Pee Wee Flag Football #	Category 6	Per Person	$	50.00
General Sports Skills Contests #	Category 6	Per Person		Cost Recovery
Open Play Basketball / Volleyball # **	Category 6	Per Person	$	1.00
Jr. Basketball #	Category 6	Per Person	$	60.00
New Youth Sports Programs #	Category 6	Per Person		Cost Recovery
Cancellation /Transfer Fee	Category 6	Per Person		20%
* Denotes Fee for Late Registration	Category 6	Per Person	$	5.00-10.00

** Excludes Program Registration Fee

# Denotes Family Discount available. See note below.

Section 7 - Parks and Community Services

Exhibit "A"

Fee Description	Policy Category	Unit		Resident Fee
Youth/Teen Activities and Programs				
Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.				
Program Registration Fee		Per Program	$	2.00
Breakfast with Santa #	Category 7	Per Person	$	6.00 - 10.00
Bunny Brunch #	Category 7	Per Person	$	6.00 - 10.00
Holiday Chef #	Category 7	Per Person	$	8.00 - 10.00
Holiday Craft #	Category 7	Per Person	$	8.00 - 10.00
Camp * (Weekly) #	Category 7	Per Person	$	85.00
Spring Chef Workshop #	Category 7	Per Person	$	8.00 - 10.00
Spring Craft #	Category 7	Per Person	$	8.00 - 10.00
Time for Tots - 2 Days (2 Weeks) #	Category 7	Per Person	$	40.00
Time for Tots - 3 Days (2 Weeks) #	Category 7	Per Person	$	45.00
Time for Tots - 5 Days (2 Weeks) #	Category 7	Per Person	$	65.00
Babysitting (hourly)	Category 7	Per Person	$	3.00
T-Shirts **	Category 7	Per Shirt	$	10.00
Sunshine Social #	Category 7	Per Person	$	20.00
Bowling Class/League #	Category 7	Per Person	$	50.00 - 65.00
New Youth/Teen Activities and Programs #	Category 7	Per Person	$	Cost Recovery
Cancellation /Transfer Fee	Category 7	Per Person		20%
* Denotes Fee for Late Registration	Category 7	Per Person	$	5.00

** Excludes Program Registration Fee

# Denotes Family Discount available. See note below.

 # -FAMILY DISCOUNT

A family discount applies when siblings are registered in the same program. The family discount only applies to non-contract programs as identified with an #. The following family discount rates apply:

1st child = Full rate
2nd Child = Receives a 15% discount
3rd Child += Receives a 10% discount

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Youth/Teen Classes				
Category 7 includes Youth Contract Classes and Youth Programs provided by the City which are Council approved fees to cover the direct program cost plus 15% for administrative and overhead related costs.				
Program Registration Fee		Per Program	$	2.00
Ballet Folklorico - Youth	Category 7	Per Person	$	22.00 - 35.00
Boxing - Youth	Category 7	Per Person	$	60.00 - 70.00
Drawing for Kids - Youth	Category 7	Per Person	$	30.00 - 40.00
Hip Hop Jazz	Category 7	Per Person	$	32.00 - 45.00
Instant Piano	Category 7	Per Person	$	25.00 - 35.00
Golf Clinic - Youth	Category 7	Per Person	$	42.00 - 55.00
Kickboxing - Teen	Category 7	Per Person	$	70.00
Kung Fu Art of Self Defense - Youth	Category 7	Per Person	$	42.00 - 55.00
Parent And Me Gymnastics - Youth	Category 7	Per Person	$	40.00 - 50.00
Salsa/Latin Dance - Teen	Category 7	Per Person	$	55.00 - 85.00
Tumbling Toddlers - Youth	Category 7	Per Person	$	40.00 - 50.00
Cancellation /Transfer Fee	Category 7	Per Person		20%
New Youth/Teen Contract Classes	Category 7	Per Person		Cost Recovery
~~1 Denotes Fee for Late Registration~~	~~Category 7~~	~~Per Person~~	~~$~~	~~5.00~~
~~** Excludes Program Registration Fee~~				

Section 7 - Parks and Community Services

Exhibit "A"

Fee Description	Policy Category	Unit	Resident Fee
Senior Programs			
Category 1 includes Senior Programs provided by outside agencies at no charge to the participant, and there is no direct cost to the City. All indirect costs will be subsidized by the City.			
Bingo	Category 3	Per Person	$ 1.00 = 2 Cards add Cards = $.50 ea
Breakfast, Lunch, Pizza, Picnic	Category 3	Per Person	Cost Recovery
Bunco	Category 3	Per Person	$ 2.00
Dances	Category 3	Per Person	$ 8.00
Line Dancing	Category 11	Per Person	Contracted
Swap Meet	Category 3	Per Table	$ 5.00
New Senior Contract Program - Administered by	Category 11	Per Person	Contracted
New Senior Program Provided by Outside Agencies	Category 1	Per Person	$ 0
New Senior Program Assisted by City Staff	Category 3	Per Person	Cost Recovery
New Senior Programs Assisted By Volunteers	Category 2	Per Person	$ 0
Trips / Tours - Administered by Contract	Category 11	Per Person	Contracted

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Special Events				
Category 8 includes Family and Community Seasonal Non-Fee Programs approved and directed by City Council to seek potential private sector sponsorship for programs in this category to cover direct program cost where possible. This may include charging a fee				
Program Registration Fee		Per Program	$	2.00
Easter Egg Hunt**	Category 8	Per Person		FREE
Fourth of July Parade Entry **	Category 8	Per Entry	$	30.00
Fourth of July Parade Vendor **	Category 8	Per Booth	$	50.00
Fourth of July Festival Arts & Crafts Booth **	Category 8	Per Booth	$	75.00
Fourth of July Festival Food Booth (Commercial) **	Category 8	Per Booth	$	250.00
Fourth of July Festival Food Booth (Non-Profit) **	Category 8	Per Booth	$	150.00
Fourth of July Festival Service Info Booth (Non-Profit) **	Category 8	Per Booth	$	25.00
Fourth of July Food Booth Deposit **	Category 8	Per Booth	$	50.00
Youth Fest*	Category 8	Per Booth		FREE
Artober Fest	Category 8	Per Booth	$	15.00 - 25.00

** Excludes Program Registration Fee

On-Line Registration Processing Fee (This fee is charged by the on-line provider)			
On-Line Registration has no applicable category association.			
Transactions < $150			
Percentage of Transaction cost plus			6.50% *
Fixed Fee per Transaction		$	0.50 *
Transactions from $150 to $500			
Percentage of Transaction cost plus			3.50%
Fixed Fee per Transaction		$	5.00
Transactions over $500			
Percentage of Transaction cost plus			2.50%
Fixed Fee per Transaction		$	10.00

* $2.00 minimum

Section 7 - Parks and Community Services

Exhibit "A"

Park Reservations

Non-Resident Fees: Fees for Non-Residents to utilize Parks will be charged at the Resident Fee plus 30%.

Athletic Field Reservation

Fee Description	Policy Category	Unit		Resident Fee
~~Facilities have no applicable category association.~~				
~~Approved Moreno Valley~~ Non-Profit Youth Groups per field ~~and Unorganized Resident Group Play per field~~	N/A	2 Hour min.	$	2.00
~~Approved Moreno Valley~~ Adult Non-Profit Groups ~~and Unorganized Group Play per field~~	N/A	Per Hour	$	5.00
~~Unorganized Adult & Youth~~ Sports play by Private Groups ~~and/or Non-Residents~~ per field	N/A	Per Hour	$	10.00
Organized Commercial (For Profit) Groups (per field)	N/A	Per Hour	$	50.00
Field Preparation - not included - cost recovery of staff overtime	N/A	Per Hour	$	50.00
~~Long Term Use — Contract Changes~~	~~N/A~~	~~Per Visit~~	~~$~~	~~25.00~~
~~Community Park Damage Deposit~~	~~N/A~~	~~N/A~~	~~$~~	~~750.00~~
~~Long Term Use — Annual Maintenance fee~~	~~N/A~~	~~N/A~~	~~$~~	~~750.00~~
Cancellation /Transfer Fee	N/A	N/A		20%
~~Athletic Field Security~~				

Athletic Field Lighting

~~Facilities have no applicable category association.~~				
~~Adult All Users Groups/City Facility~~	N/A	Per Hour	$	15.00
~~Youth Groups/City Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Adult Groups/Joint Use Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Youth Groups/Joint Use Facility~~	~~N/A~~	~~Per Hour~~	~~$~~	~~15.00~~
~~Cancellation /Transfer Fee~~	~~N/A~~	~~N/A~~		~~20%~~

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Snack Bar (4 Hours or Less Play)				
~~Facilities have no applicable category association~~				
Moreno Valley Youth and Non-Profit Groups	N/A	Per Day	$	20.00
Moreno Valley Youth and Non-Profit Groups	N/A	Per Evening *	$	10.00
~~Private Groups and/or Non-Residents~~	~~N/A~~	~~Per Hour~~	~~$~~	~~30.00~~
~~Commercial Groups~~	~~N/A~~	~~Per Hour~~	~~$~~	~~50.00~~
Cleaning Deposit Fee (required for all groups)	N/A	Per Rental	$	125.00
Key Deposit (required for all groups)	N/A	Per Group	$	25.00
** Evening hours 4:00 p.m. to 10:00 p.m.*				
Storage Unit Rental				
~~Facilities have no applicable category association~~				
Storage Units	N/A	Per Month	$	35.00

Section 7 - Parks and Community Services

Exhibit "A"

Fee Description	Policy Category	Unit		Resident Fee
Over 4 Hour Play				
~~Facilities have no applicable category association.~~				
Field Reservation/Non-Profit ~~Non-Lighted Fields~~	N/A	Per Field	$	~~100.00 75.00~~
~~Field Reservation/Non-Lighted Fields for approved non-profit youth organizations~~	~~N/A~~	~~Per Field~~	~~$~~	~~40.00~~
Field Reservation/ Private Group ~~Lighted Fields~~	N/A	Per Field	$	~~175.00 350.00~~
~~Field Reservation/Lighted Fields for approved non-profit youth organizations~~	~~N/A~~	~~Per Field~~	~~$~~	~~75.00~~
Staff on Standby (minimum 2 hours)	N/A	Per Hour	$	~~50.00 35.00~~
Booking Fee Non-Lighted Fields	N/A	Per Event	$	75.00
Booking Fee Lighted Fields	N/A	Per Event	$	150.00
Field Preparation-Cost Recovery	N/A	Per Field	$	50.00
Mound Drop and Removal	N/A	Per Event	$	175.00- 300.00
Admission Gate (Pre-Approved by Director)	N/A	Per Event		25% of gate revenue
Snackbar Cleaning Deposit Fee	N/A	Per Event	$	200.00
Snackbar	N/A	Per Day	$	~~$50.00 $35.00~~
Vendor Fee	N/A	Per Event	$	100.00
Facility Deposit	N/A	N/A	$	100.00
Cancellation/Transfer Fee	N/A	N/A		20%
Gate Admission Must be Pre-Approved by Director Per Event				
Park Fees				
~~Facilities have no applicable category association.~~				
Park Reservation for Special Events	N/A	Per Day	$	50.00
~~Park Reservation for Park Area~~	~~N/A~~	~~Per Day~~	~~$~~	~~25.00~~
Picnic Shelter Small (1-2 Tables)	N/A	Per Day	$	37.00
Picnic Shelter Medium (3-6 Tables)	N/A	Per Day	$	80.00
Picnic Shelter Large (Over 6 Tables)	N/A	Per Day	$	156.00
Cleaning/Security Deposit	N/A	Per Day	$	75.00
Special Event Permit	N/A	Per Day	$	205.00
Cancellation/Transfer Fee	N/A	N/A		20%

Section 7 - Parks and Community Services

Fee Description	Policy Category	Unit		Resident Fee
Valley Skate Park				
This program has no applicable category association				
Skate Park Membership fee per year	N/A	Per Person	$	20.00
Skate Park Member Session entry fee	N/A	Youth	$	2.00
		Adult	$	4.00
Non-member Session entry fee	N/A	Per Person	$	4.00-5.00
Package Protective Gear Rental	N/A	Per Person	$	5.00
Helmet Rental	N/A	Per Person	$	3.00
Helmet Deposit (ID Required or $20 Deposit)	N/A	Per Person	$	20.00
Knee Pad Rental	N/A	Per Person	$	2.00
Elbow Pad Rental	N/A	Per Person	$	2.00
Instructional Clinics/Lessons Per Session	N/A	Per Person	$	5.00-20.00
Hockey Rink Rental	N/A	Per Hour	$	75.00
Open Skate & Puck and Stick Session (Roller Hockey	N/A	Per Person	$	2.00-4.00
Roller Hockey Youth League	N/A	Per Person	$	89.00
Roller Hockey Adult League	N/A	Per Team	$	1,000.00
School District Rink Rental	N/A	Per Team		Cost Recovery for Staff

Section 7 - Parks and Community Services

Exhibit "A"

Fee Description	Policy Category	Unit		Resident Fee
Golf Course				
~~This program has no applicable category association~~				
Adult - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	11.00
Adult - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	8.00
Seniors 55 & Over - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	9.00
Seniors 55 & Over - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	6.50
Students Under 18 - 18 Holes (Mon. - Fri.)	N/A	Per Person	$	9.00
Students Under 18 - 9 Holes (Mon. - Fri.)	N/A	Per Person	$	6.50
18 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$	14.00
9 Holes - Weekends, Holidays, Tournament Play	N/A	Per Person	$	9.50
Monthly Cards: Seniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	65.00
Monthly Cards: Juniors (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	65.00
Monthly Cards: Adults (Mon.-Fri.) Unlimited Play	N/A	Per Person	$	90.00
Monthly Cards: Family of 4 (Mon.-Fri.) Unlimited Play	N/A	Per Group	$	170.00
Punch Cards: Seniors = Ten 9-Hole Rounds	N/A	Per Card	$	50.00
Punch Cards: Adults = Ten 9-Hole Rounds	N/A	Per Card	$	75.00
Punch Cards: Juniors = Ten 9-Hole Rounds	N/A	Per Card	$	50.00
Youth After School Cards = 3 months (Local schools + up to 17 yrs old) M - F = 3 pm until dusk	N/A	Per Person	$	90.00
Cart Rental	N/A	Per Cart	$	2.50
Club Rental	N/A	Per Set	$	5.00
Locker Rentals = with Monthly Card	N/A	Per Person	$	5.00
Locker Rentals = without Monthly Card	N/A	Per Person	$	10.00

Facility Rental

Senior Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Banquet Room	4 hours	Monday through Thursday (with Kitche	Per Hour	$ 10.00
		Banquet Room	2 hours	Friday through Sunday (with Kitchen)	Per Hour	$ 20.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ -
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ -
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ -
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ -
					Service/Facility fees may apply	
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 45.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 100.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 55.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 40.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 45.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 30.00
					Service/Facility fees may apply	
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Banquet Room	4 hours	Monday through Thursday	Per Hour	$ 100.00
		Banquet Room	2 hours	Friday through Sunday	Per Hour	$ 175.00
		Classroom I and II	2 hours	Monday through Thursday	Per Hour	$ 125.00
		Classroom I or II	2 hours	Monday through Thursday	Per Hour	$ 68.00
		Arts & Crafts I and II	2 hours	Monday through Thursday	Per Hour	$ 100.00
		Arts & Crafts I or II	2 hours	Monday through Thursday	Per Hour	$ 58.00
					Service/Facility fees may apply	

Service/Facility		Current Fee
Refundable Cleaning / Security Deposit		$ 300.00
Setup / Reset Charge (if applicable)		$ 75.00
Main Kitchen (Only)		$ 100.00
Cleaning		$130.00 - $150.00
Decorating	Per Hour	$ 25.00
Overtime Staff Charge	Per Hour	Cost Recovery
Staff Time	Per Hour	$20.00 - $30.00
Security Services	Per Hour	$20.00 - $25.00
False Fire / Police Alarm penalty (per each false alarm)	Per False Alarm	$ 200.00
False Alarm - Fire penalty	Per False Alarm	$ 28.00
False Alarm - Police penalty	Per Hour	$ 150.00
Insurance		Cost Recovery
Cancellation Fee		$ 300.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 7 - Parks and Community Services

Exhibit "A"

Towngate Community Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
Group 1	City sponsored/conducted events, governmental agencies (Federal, State, County) and educational institutions with reciprocal arrangements (defined below)	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 15.00
			4 hours	Friday through Sunday	Per Hour	$ 15.00
						Service/Facility fees may apply
Group 2	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities, government agencies (Federal, State, County) and educational institutions. Proof of residency may be required.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 60.00
			4 Hours	Friday through Sunday	Per Hour	$ 70.00
						Service/Facility fees may apply
Group 3	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday	Per Hour	$ 80.00
			4 Hours	Friday through Sunday	Per Hour	$ 90.00
						Service/Facility fees may apply
Group 4	Resident of Renaissance Park Housing Development	Multipurpose Room (with Kitchen)	2 Hours	Monday through Thursday		
				First two hours	Per Hour	$ 25.00
				Thereafter	Per Hour	$ 60.00
			4 Hours	Friday through Sunday		
				First two hours	Per Hour	$ 18.00
				Thereafter	Per Hour	$ 70.00
						Service/Facility fees may apply

Service/Facility	Unit	Current Fee
Refundable Security Deposit	Per Hour	$ 200.00
Setup/Reset Charge (if applicable)		$ 25.00
Cleaning Fee		$130.00 - $150.00
Cancellation Fee		$ 200.00
Staff Regular Time	Per Hour	$20.00 - $30.00
Staff Overtime		Cost Recovery
Decorating	Per Hour	$ 25.00
Set-up Time and Tear Down of Event	Per Hour	$ 25.00
False Alarm - Fire	Per Alarm	$ 200.00
False Alarm - Police	Per Alarm	$ 28.00
Unscheduled Program Use	Per Hour	$ 100.00
Security Services	Per Hour	$20.00 - $25.00

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Conference and Recreation Center

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
Group 1	City sponsored/conducted events	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Grand Valley Ballroom with small patio or large patio	3 Hours	Friday evening beginning at 5:00 pm and Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio or large patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 35.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 35.00
		Alessandro Room	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 12.00
		Alessandro Room	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 12.00
		Dance Studio	2 Hours	Monday through Sunday	Per Hour	$ 12.00
		Gymnasium	2 Hours	Monday through Sunday	Per Hour	$ 12.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
						Service/Facility fees may apply
2	Federal, State, County and Educational Institutions	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 160.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 210.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 350.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 30.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 45.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply
Group 3	City of Moreno Valley resident, non-profit resident organization, Moreno Valley commercial groups for social activities. Federal, State, County and educational institutions. Proof of residency may be required.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 160.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 210.00
		Grand Valley Ballroom with small patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 350.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 25.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 25.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 30.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 45.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 50.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 25.00

Section 7 - Parks and Community Services

Exhibit "A"

User Group	Classification	Room	Minimum Time	Comments	Unit	Current Fee
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply
Group	Non-Resident and non-resident non-profit agencies. Proof of non-profit status may be required. Commercial use.	Grand Valley Ballroom with small patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 200.00
		Grand Valley Ballroom with large patio	3 Hours	Monday through Friday 4:59pm	Per Hour	$ 250.00
		Grand Valley Ballroom with small patio	2 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 300.00
		Grand Valley Ballroom with small patio	3 Hours	Saturday	Per Hour	$ 400.00
		Grand Valley Ballroom with large patio	3 Hours	Friday 5:00 pm & All Day Sunday	Per Hour	$ 350.00
		Grand Valley Ballroom with large patio	3 Hours	Saturday	Per Hour	$ 400.00
		Alessandro Room (Full)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00
		Alessandro Room (Half)	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 40.00
		Alessandro Room (Half)	2 Hours	Long Term Rental 2-12 months	Per Hour	$ 20.00
		Alessandro Room (Full)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 75.00
		Alessandro Room (Half)	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 40.00
		Frank E. Brown Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
		Dance Studio	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 75.00
		Dance Studio	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 110.00
		Entire Gymnasium	2 Hours	Monday through Friday 4:59pm	Per Hour	$ 100.00
		Half Gymnasium	2 Hours	Friday 5:00 pm through Sunday	Per Hour	$ 50.00
		Little Rascals Room	2 Hours	Monday through Sunday	Per Hour	$ 40.00
						Service/Facility fees may apply

Conference and Recreation Center (Cont.)

Service/Facility		Unit	Current Fee
Grand Valley Ballroom Refundable Security Deposit for Groups 3 and 4			$750.00 $200.00 - $750.00
Grand Valley Ballroom Refundable Security Deposit for Group 2 (Dependent on Event Liability)			$0
Alessandro Room Refundable Security Deposit			$ 100.00
Frank E. Brown Room Refundable Security Deposit			$ 100.00
Dance Studio Refundable Security Deposit			$250.00 - $500.00
Gymnasium Refundable Security Deposit			$250.00 - $500.00
Grand Valley Ballroom Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 31.00
Alessandro Room Set-up Time and Tear Down of Event Minimum of one hour prior and one hour following event. Maximum of two hours.		Per Hour	$ 25.00
Scoreboard and Controller		Per Day	$ 20.00
Extended Facility Use	Entire Gymnasium	Per Hour	$ 100.00
	Half Gymnasium	Per Hour	$ 50.00
	Grand Valley Ballroom	Per Hour	$ 450.00
False Alarm - Fire		Per Alarm	$ 200.00
False Alarm - Police		Per Alarm	$ 28.00
Cleaning Fee			$200.00 - $230.00
Unscheduled Program Use		Per Hour	$ 100.00
Insurance			Cost Recovery
Decorating		Per Hour	$ 31.00
Audio Visual Technician		Per Hour	$35.00 - $45.00
Staff Time		Per Hour	$20.00 - $30.00
Staff Overtime (per hour)			Cost Recovery
Security Services		Per Hour/Per Guard	$20.00 - $25.00

Equipment Rental	Current Fee
TV/VCR/DVD	$25
Coffee Pot (12 cup)	$6
Coffee Pot (55 cup)	$20
Coffee Pot (100 cup)	$40
Linen Rental	$5
AV Projector	$25
Overhead Projector	$20
Microphone (cordless)	$25
Deluxe Sound System (small system available at no charge)	$100
Dance Floor - 500 sq.ft. thru 1000 sq. ft. (includes set-up)	$200
Easel	$10
Portable Bar	$50
Projection Screen	No charge
Flags	No charge
Podium with microphone	No charge

* Tables and chairs are included in the room rental fee.
* Linens, cutlery, decorations, and patio furniture are not included with the room rental fee.
* Replacement fee will be assessed if equipment is damaged or destroyed.
* Rental equipment fees are subject to change without notice.
* Fees are subject to cost recovery charges.

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 7 - Parks and Community Services

Exhibit "A"

Mobile Stage Unit

Categories	Mandatory Staff Fee: Stage Unit with Platforms (3 staff)	Mandatory Staff Fee: (2 staff)	Refundable Cleaning Deposit	Unit	Current Fee
Category I	Cost Recovery	Cost Recovery			
			No Charge		No Charge
Category II					
Within Moreno Valley City Boundaries	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 135.00
Boundaries Outside of Moreno Valley	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 575.00
Category III					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 125.00
Category IV					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 335.00
Category V					
	Cost Recovery	Cost Recovery	$ 100.00	Per Day	$ 560.00

CATEGORY DEFINITIONS	
Category I:	Parks and Community Services Department, City sponsored and/or city co-sponsored events.
Category II:	Other governmental agencies (city, county, federal or state) and educational institutions (school districts).
Category III:	A Moreno Valley based non-profit service organization that holds monthly meetings within the City of Moreno Valley's city boundaries. Organization must have a City of Moreno Valley mailing address. Organization's primary purpose must be charity, youth development, cultural enrichment, or civic improvement; and must show proof of non-profit status (Section 501(c)(3) and 501(c)(4) of Internal Revenue Code). Organization must show a viable organizational structure including with the application a listing of board officers' names, addresses and telephone numbers.
Category IV:	Moreno Valley businesses located within the City of Moreno Valley's city boundaries.
Category V:	Non-Moreno Valley based businesses and non-profit organizations for use only within the City of Moreno Valley's city boundaries.

MOBILE STAGE UNIT MISCELLANEOUS INFORMATION

DIMENSIONS Stage When Extended	
Interior Length	36'
Interior Depth	13', 6"
Body of Mobile Stage Unit	
Width	8 feet
Length	40', 45' hitch
Height of Back Wall	92" or 7'-8'
Platforms	
Extra Stage - Total of 9 Each	4' X 8'

AMENITIES INCLUDED IN MOBILE STAGE UNIT COST

Skirting around mobile stage unit

Generator

OPTIONAL AMENITIES

Sound System available at an additional cost of $50.00 per day plus $100.00 refundable security / deposit.

Sound System include Amplifier - Includes 8 Channels

Two (2) Large speakers with stands

Two (2) microphones with stands

Tape deck

Equestrian Center

User Group	Classification		Current Fee	
Group 1	City sponsored/conducted events, non-profit organizations, governmental agencies (Federal, State, County) and Educational Institutions with reciprocal arrangements (defined below).		$ 0	*
Group 2	City of Moreno Valley resident (proof of residency may be required), resident non-profit organization (proof of residency may be required), governmental agencies (Federal, State, County) and Education Institutions.		$ 100.00	*
Group 3	Moreno Valley commercial groups - social activities.	Per Day	$ 125.00	*
Group 4	Non-Resident, non-profit, (proof of non-profit status may be required).	Per Day	$ 125.00	*
Group 5	Resident, commercial use for profit.	Per Day	$ 125.00	*
Group 6	Non-Resident, commercial use for profit.	Per Day	$ 125.00	*

* Service/Facility Use Fees may apply

SERVICE/FACILITY USE FEES

Service/Facility	Current Fee
Refundable Security Deposit	$ 300.00
Tractoring Fee (if applicable), each	$ 100.00
Standby Tractoring Fee	$ 50.00
Water Key Deposit	$ 25.00
Lighting	$ 15.00
Cancellation	$ 25.00
Staff Overtime (per hour)	Cost Recovery

RECIPROCAL ARRANGEMENTS

Reciprocal arrangements are defined as a relationship of mutual facility use between the City of Moreno Valley and/or Moreno Valley Community Services District and governmental, educational agencies or resident non-profit organizations. Where reciprocal arrangements exist, no rental fee will be charged. However, cost recovery for staff and/or extraordinary expenses will be passed on to the user.

Section 8 - Police

Exhibit "A"

	Unit	Fee	
ABC Letter (Alcohol Beverage Control Letter)	Each	$ 19.00	
Administrative Citations			
1st Offense		$ 100.00	MC 1.01.230
2nd Offense		$ 200.00	MC 1.01.230
3rd Offense		$ 500.00	MC 1.01.230
Bingo Permit	Annual	$ 50.00	Fee set by PC 326.5/Ord 611 11.50.050
Certification of Police Records	Each	$ 5.00	
Clearance Letter	Each	$ 10.00	GC6253(b)
Citation Sign-off for Non-Resident	Each	$ 15.00	GC26746.1
Concealed Weapons Permit	Processed by the Riverside County Sheriff's Department		
Explosive Permit (fingerprinting)	See Fingerprinting: Live Scan		
False Alarm Response			
Burglary	per Occurrence	$ 30.00	
Robbery	per Occurrence	$ 120.00	
Fingerprinting (Live Scan)			
Processing through DOJ and FBI	per Set	$ 51.00	Fee set by DOJ and FBI
Processing through DOJ	per Set	$ 32.00	Fee set by DOJ
Processing fee	per Set	$ 10.00	PC 13300(e)

Section 8 - Police

Exhibit "A"

	Unit	Fee	
Juvenile Daytime Curfew Ordinance Police Service Fee (plus fine amount)		$ 30.00	MC 11.05.080
Photographs			
Photographs: Traffic Collisions (3"x5" or 8"x10")*	Each	$ 21.00	
Taking of Polaroid photograph and providing photo/slide and negative (3"x5" or 8"x10")	Each	$ 21.00	
Taking of Polaroid photograph or reprint	Each	$ 12.00	
Color Copy of Digital Photo	Each	$ 5.00	
Mug Shot/Booking Photo	Each	$ 5.00	
ice Services at Public Event			
Police Sergeant	per Hour	$ 84.29	Fully burdened City cost per contract
Police Officer	per Hour	$ 66.19	Fully burdened City cost per contract
Community Services Officer	per Hour	$ 46.20	Fully burdened City cost per contract
Reports			
Collision and Crime	up to 10 pages	$ 5.00	
	each additional page	$ 0.20	
Repossession Fee		$ 15.00	Fee set by GC26751 & GC41612

Section 8 - Police

Exhibit "A"

	Unit	Fee	
Second Hand Dealers License			
State Initial License		$ 195.00	Bus & Prof Code 21641
Renewal		$ 12.00	Bus & Prof Code 21642
Fingerprinting (Live Scan)		$ 32.00	Fee set by DOJ
Live Scan processing fee		$ 10.00	PC 13300(e)
Security Clearance Information Act (SCIA) - Local Records Check		$ 5.00	Federal Statute Title 5 Chapter 91 Section 9101
Taxicab			
Application Processing	Annual	$ 152.00	
Taxicab Driver Permit	Annual / per Driver	$ 11.00	
Taxicab Permit	Annual / per Taxicab	$ 11.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan	
Truck			
Driver Fee	Annual	$ 24.00	
Fingerprinting/Background Check		See Fingerprinting: Live Scan	
Vehicle Release		$ 120.00	
Massage			
Appeal Fee (Operator and technician)		$ 139.00	
Application Fee and Renewal		$ 13.00	
Inspection Fee		$ 135.00	
Background Check, Fingerprinting and photo			
Initial		$ 167.00	
Renewal		$ 67.00	
Testing Fee (Operator and technician)		$ 93.00	

Section 9 - Public Works

Exhibit "A"

	Unit	Fee
Administration		
Plans and Specification Fee (non-refundable)		Actual cost ($10 min)
Copy of Capital Improvement Plan	Each	Actual City Cost
Self Haul Permit (Solid Waste)	Each	$ 41.00

Electric Utility

	Fee
PLAN CHECKING AND INSPECTION/TESTING FEES	
Upon submittal of improvement plan(s) for a project's electrical distribution system, line extension facilities and/or structures for plan review, the submittal shall be accompanied with a deposit of an amount equal to 3.25% of the engineer's estimated construction costs for improvements. Prior to second submittal of improvement plans, the City Engineer will approve a final cost for improvements and a plan review fee will be established. From this final fee, the deposit will be deducted. This fee shall be paid prior to the second submittal of the improvement plan(s).	
Improvement Plans (Total cost of construction)	
Off-Site & On-Site 1-3 submittals	
First $20,000	4.00%
Next $80,000	3.50%
Over $100,000	3.25%
4th and subsequent submittals per sheet	$248/sheet
Revisions (Improvement Plans)	
Minor per sheet	$ 263.00
Major per sheet (minimum fee)	$ 269.00
Inspection and Testing (Total cost of construction)	
Off-Site & On-Site	
First $20,000	4.00%
Next $80,000	3.50%
Over $100,000	3.25%

RATE SCHEDULE & CHART OF CHARGES AND FEES

The chart of Moreno Valley Electric Utility charges and fees are located in the *City of Moreno Valley Electric Service Rules, Fees and Charges* document. Moreno Valley Electric Utility rates are located in the *Moreno Valley Electric Rates* document. Both documents are approved by the City Council under separate consideration and are available online at http://www.moval.org/resident_services/utilities/rate-tariff.shtml or from the MVU Office.

Land Development

	Unit	Fee

~~[Revised statement moved to Section 10 - Miscellaneous Fees and Charges.~~
~~Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.~~

~~Deposit, which will be valued at one quarter of the fee that would typically be charged for plan check or inspection services.~~

LEGAL AND OTHER DOCUMENTS

~~*Initial*~~ ***Fee Includes Three (3) Reviews, Unless Otherwise Noted***

Lot Line Adjustment	Each	$ 936.00
Certificate of Parcel Merger	Each	$ 936.00
Certificate of Correction	Each	$ 469.00
Certificate of Compliance	Each	$ 758.00
Conditional Certificate of Compliance	Each	$ 1,178.00
Street Vacation		
Summary	Each	$ 1,139.00
Full	Each	$ 3,782.00
Condemnation		
Initial Processing Deposit	Deposit	$ 5,000.00 +
Right-of-Way Acquisition and Processing (minimum ~~fee~~)	Deposit (per lot)	$ 5,000.00

Amount determined by City Engineer. Not to exceed total City cost.

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee
Document Review and Processing		
Minor Documents (Staff Reports, Offers of Dedication, Easement Deeds, Grant Deeds, Centerline Tie Sheets, Public Improvement Agreements, etc) (For 2 Reviews)	Each	$ 752.00
Major Documents ~~(Where Minor Document review fees are indeterminate)~~	Each	Amount determined by City Engineer. Not to exceed total City cost.
Public Improvement Agreement (Extension)	Each	$ 879.00
Partial Bond Release	Each	$ 1,694.00
Assurance of Construction (Grading, Damage and Minor Construction Securities)	Deposit	Security amount determined by City Engineer
MAP CHECKING		
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted		
Parcel Map and Tract Map	Each	$ 3,860.00 +
	per Lot	$ 41.00
4th and Subsequent Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00
Amended Map (Parcel and Tract)	Each	$ 2,156.00
4th and Subsequent Reviews (Parcel and Tract)	per Sheet, per Review	$ 190.00
Reversion to Acreage	Each	$ 1,634.00
Monument Review Field		5% of Bond or $415 min
Survey Monument Restoration (Two Reviews, Per Set)	Each	$ 257.00

Land Development

	Unit	Fee	
IMPROVEMENT PLAN CHECK (Includes but is not limited to Street Improvements, Storm Drain, Water, Sewer, etc Plans)			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
<= $100,000 of Engineer's estimate Plus		4.00%	+
$100,001-$250,000 of Engineer's estimate Plus		3.00%	+
> $250,001 of Engineer's estimate		2.50%	
On-site Improvements (For non-single family residential, based on Engineer's estimate)		1.00%	
4th and Subsequent Reviews (Improvement Plans minimum fee)	per Sheet, per Review	$ 248.00	~~On-site mod by the City Engineer. Not to exceed total City cost.~~ or amount determined by the City Engineer. Fee not to exceed total City cost.
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for plan check services.		
Revisions (Improvement Plans)			
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 261.00	
Major (minimum fee)	per Sheet, per Review	$ 269.00	Amount determined by the City Engineer. Fee not to exceed total City cost.

* For As-Builts with no changes, a one sheet fee is required.

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee	
MASS/ROUGH GRADING PLAN CHECK			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
Subdivisions and Custom Homes			
0-5,000 CY		$ 1,928.00	
5,001-100,000 CY Plus		$ 1,928.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 318.00	
> 100,000 CY Plus		$ 7,970.00	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 107.00	
Non Subdivisions			
0-5,000 CY		$ 1,928.00	
5,001-100,000 CY Plus		$ 1,928.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 284.00	
> 100,000 CY Plus	$7,324	~~$ 7,315.00~~	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 70.00	
4th and Subsequent Reviews (Mass/Rough Grading Plans)	per Sheet, per Review	$ 207.00	
Revisions (Mass/Rough Grading Plans)			
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00	
Major (minimum fee)	per Sheet, per Review	$ 294.00	

* For As-Builts with no changes, a one sheet fee is required.

Land Development

	Unit	Fee	
STOCKPILE/BORROW SITE PLAN			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
0-5,000CY		$ 584.00	
5,001-100,000 CY		$ 1,009.00	
> 100,000 CY		$ 1,401.00	
4th and Subsequent Reviews (Stockpile/Borrow Plans)	per Sheet, per Review	$ 207.00	
Revisions (Stockpile/Borrow Plans)			
Minor	per Sheet, per Review	$ 247.00	
Major (minimum fee)	per Sheet, per Review	$ 294.00	
		Actual amount determined by the City Engineer. Fee not to exceed total City cost.	
PRECISE GRADING PLAN CHECK			
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted			
Subdivisions and Custom Homes Plus	Each	$ 1,837.00	+
	per Lot	$ 70.00	
Non Subdivisions			
On-site Improvement Plan Check Fee			
0-5,000CY		$ 1,838.00	
5,001-100,000 CY Plus		$ 1,838.00	+
Each Additional 5,000 CY or portion thereof over 5,000 CY (prorated per cubic yard)		$ 284.00	
> 100,000 CY Plus		$ 7,234.00	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 70.00	
4th and Subsequent Reviews (Precise Grading Plans)	per Sheet, per Review	$ 218.00	

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee
Revisions (Precise Grading Plans)		
Minor (Including As-Builts, minimum fee*)	per Sheet, per Review	$ 247.00
Major (minimum fee)	per Sheet, per Review	$ 294.00
* For As-Builts with no changes, a one sheet fee is required.		Actual amount determined by the City Engineer. Fee not to exceed total City cost.

STORM WATER MANAGEMENT PLAN CHECK

Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted

Water Quality Basins (SFR Projects) (Civil Drawings)	Per Sheet	$ 1,443.00
Water Quality Treatment (Non SFR Projects) (Civil Drawings)	Per Sheet	$ 1,443.00
4th and Subsequent Reviews (Civil Drawings)	per Sheet, per Review	$ 247.00
Water Quality Basin Landscaping (Landscape Drawings) ~~(Landscape Drawings)~~		
Base Fee (7 sheets Maximum)		$ 5,925.00
Each Additional Sheet		$ 830.00
4th and Subsequent Reviews (Landscape Drawings)	per Sheet, per Review	$ 178.00
Hydrology & Hydraulic Calculations for Treatment Control Devices	Each	$ 464.00
Storm Water Pollution Prevention Plan (SWPPP) Document Review	Each	$ 655.00

Land Development

	Unit		Fee		
STUDIES					
Initial Fee Includes Three (3) Reviews, Unless Otherwise Noted					
Flood Plain (CLOMR/LOMR)					
1-10 Acres (Tributary)	Each		$ 3,385.00		
Over 10 Acres	Each		$ 3,385.00	+	
Each Acre over 10 Acres	per Acre		$ 20.00		
Drainage (Hydrology/Hydraulics)					
0-50 Acres (Tributary)	per Acre		$ 48.00		$450 minimum
51-100 Acres Plus	Each	$2,400	~~$ 2,423.00~~	+	
Each Additional Acre over 50	per Acre		$ 6.00		
101-1,000 Acres Plus	Each	$2,700	~~$ 2,723.00~~	+	
Each Additional Acre over 100	per Acre		$ 4.00		
Over 1,000 Acres Plus	Each	$6,300	~~$ 6,323.00~~	+	
Each Additional Acre over 1,000	per Acre		$ 1.00		
4th and Subsequent Review	Each Review		Total City Cost		
Preliminary Drainage Study (Entitlement Stage)	Each		$ 464.00		
Preliminary Water Quality Management Plan (P-WQMP)					
WQMP Preliminary Document Review					
First Two Reviews Only (Consultant and Admin)			$ 934.00		
Third and Subsequent Reviews (Fee for Consultant Only)	Each Review		$ 321.00		
All Meetings	per Hour	$250	~~$ 306.00~~		
All Teleconferences	per Hour	$150	~~$ 306.00~~		

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit	Fee
Final Water Quality Management Plan (F-WQMP)		
WQMP Final Document Review		
(Initial fee includes Document Review, Teleconferences and Meetings)		
Basic Review (Maximum 2 Reviews and 2 Meetings)		$ 1,098.00
(Applies to Hillside Residential ≤ 9 Units)		
Subsequent Reviews	Each Review	$ 750.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
Standard Review (Maximum 2 Reviews and 2 Meetings)		$ 4,290.00
(Applies to Residential ≤ 50 Units; Commercial ≤ 2 Acres; Industrial ≤ 1 Acre; Automotive ≤1 Acre; Restaurants ≤ 1 Acre; Hillside Development ≤ 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots ≤ 2 Acres)		
Subsequent Reviews	Each Review	$ 1,440.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
Complex Review (Maximum 3 Reviews and 3 Meetings)		$ 6,179.00
(Applies to MFR or SFR > 50 Units; Commercial > 2 Acres; Industrial > 1 Acre; Automotive > 1 Acre; Restaurants > 1 Acre; Hillside Development > 1 Acre (Except Hillside Residential ≤ 9 Units); and Parking Lots > 2 Acres)		
Subsequent Reviews	Each Review	$ 1,824.00
Subsequent Meetings	per Hour	$ 250.00
Subsequent Teleconferences	per Hour	$ 150.00
OTHER PLAN CHECK FEES		
~~Developer Requested Expedition of Plan, Map and Document Review~~		~~Regular plan, map and document review fee + 25%~~

Land Development

	Unit	Fee	
Underground Overhead Utilities			
Underground of Utilities Administration Fee Plus		$ 70.00	+
Underground of Utilities In-Lieu Fee (In accordance with Development Code 9.14.130)	per Linear Foot	$ 196.00	
IMPROVEMENT PLAN INSPECTION			
Grading			
Mass, Rough, or Precise, Stockpile or Borrow Grading Inspection (All projects)			
0-100 CY		$ 637.00	
101-1,000 CY Plus		$ 637.00	+
Each Additional 100 CY or portion thereof over 100 CY (prorated per cubic yard)		$ 120.00	
1,001-10,000 CY Plus	$1,717	~~$ 1,244.00~~	+
Each Additional 1,000 CY or portion thereof over 1,000 CY (prorated per cubic yard)		$ 390.00	
10,001-100,000 CY Plus	$3,227	~~$ 3,334.00~~	+
Each Additional 10,000 CY or portion thereof over 10,000 CY (prorated per cubic yard)		$ 355.00	
> 100,000 CY Plus	$8,422	~~$ 8,413.00~~	+
Each Additional 10,000 CY or portion thereof over 100,000 CY (prorated per cubic yard)		$ 318.00	
~~Offsite (Public Right-of-Way) Improvements~~			
Improvement Plan (Offsite Public Improvements, Per Project)			
< $100,000 of Engineers estimate Plus		4.00%	+
$100,000-$250,000 of Engineers estimate Plus		3.00%	+
> $250,000 of Engineers estimate		2.50%	
Onsite Improvements (Based on Engineer's estimate)		1.00%	
For Multi-Agency Improvement Plans for facilities to be maintained by agencies other than the City of Moreno Valley	Deposit, which will be valued at one-half of the fee that would typically be charged for inspection services.		

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit		Fee	
Re-inspection	Each		$ 432.00	
Holidays, Weekends and Night Inspections (Based on staff availability)	per Hour* *minimum of 2 hour	$79.00	$ ~~198.00~~ $96.00	Straight Time Over Time

STORM WATER MANAGEMENT INSPECTION

Storm Water Pollution Abatement Program

Projects Under Construction		
Construction Site Inspection		$ 402.00
Existing Businesses		
NPDES Industrial Site Initial Inspection	Each	$ 451.00
Follow-up Compliance Inspection	Each	$ 211.00
NPDES Commercial Site Initial Inspection	Each	$ 331.00
Follow-up Compliance Inspection	Each	$ 211.00
NPDES Restaurant Initial Inspection (CAP)	Each	$ 271.00
Follow-up Compliance Inspection	Each	$ 211.00

Water Quality Basin Landscape Inspection

0-1 Acre		$ 11,853.00
1-1.5 Acres		$ 13,631.00
1.5-2 Acres		$ 15,408.00
2-2.5 Acres		$ 17,187.00
Each additional 1/2 Acre > 2.5 Acres	per 1/2 Acre	$ 1,777.00

PENALTY FEES

Inspection and Testing work in Right-of-Way without Encroachment Permit	$ 603.00
Failure to Schedule Inspection Prior to Performing Work *	$ 122.00

* Penalty Fee to be determined by the City Engineer. Listed amount for the first offense and not to exceed $500 for each subsequent offense.

Land Development

	Unit	Fee	
PERMITS - ADMINISTRATION FEES			
Grading or Inspection: Permit Issuance	Each	$ 82.00	
Construction Permit Issuance	Each	$ 82.00	
Newspaper Rack Annual Permit Issuance	Each	$ 82.00	
Annual Utility Blanket Permit Administration	Each	$ 82.00	
Second Driveway Approach Application	Each	$ 82.00	
PERMITS - INSPECTION FEES			
Concrete Sidewalk			
0-100 Linear Feet	Each	$ 66.00 +	
> 100 Linear Feet	per Linear Foot	$ 1.00	
Parkway Drains	Each	$ 144.00	
Residential Curb Core (2 maximum per lot)	per Lot	$ 78.00	
Driveways			
Commercial	Each	$ 144.00	
Residential	Each	$ 203.00	
Excavation-Street Crossing	per Linear Foot	$ 2.00	$232 min
Excavation Parallel Trench	per Linear Foot	$ 0.50	$232 min
Small Bore Potholes (12" Diameter Maximum)	Each	$ 26.00	
All Other Potholes	Each	$ 77.00	
Bores/Splice Pits	Each	$ 52.00	

Section 9 - Public Works

Exhibit "A"

Land Development

	Unit		Fee	
Non-Retaining Wall	Each		$ 144.00	
Fence	Each		$ 144.00	
Newspaper Rack Installation	Each		$ 52.00	
Utility Blanket Permit Individual Location Inspection	Each		$ 15.00	
				Straight Time
Miscellaneous Inspections (Based on staff availability)	per Hour*	$79.00	~~Amount determined by the City Engineer, fee not to exceed total City cost~~	
	*minimum of 1 hour		$96.00	Over Time
OTHER PERMITS				
Application Fee for Special Events, (Including Permit to Conduct a Parade or other event within Public Property or Street Right-of-Way.)	Each		$ 205.00	
Block Party Permit Processing	Each		$ 82.00	
Flood Plain Determination (Community Rating System)	per Lot		$ 20.00	
Elevation Certification (Mobile Home Park)	Each		$ 155.00	

Land Development

OTHER FEES

Advanced Energy Fees

	Unit	Fee	
Administration Fee		$ 404.00	
Zone B (9,500 Lumens)	Each	$ 261.00	
Zone C (22,000 Lumens)	Each	$ 347.00	
Single Family Residence Review	per Project	$ 390.00	
Area Drainage Plan Fee	Established by and payable to the County of Riverside Flood Control District		

MISCELLANEOUS LAND DEVELOPMENT FEES

City of Moreno Valley Book of Standard Drawings	Each	$ 45.00	
Research of Records, Files, etc.			
Technical	per Hour *	$ 84.00	+reproduction costs
Professional	per Hour *	$ 136.00	+reproduction costs
	* minimum of 1/2 hour		
In-house Reproduction costs of Engineered Plan Sheets (Large Format)	per Sq Ft	$ 1.00	

Section 9 - Public Works

Exhibit "A"

Maintenance and Operations

	Unit	Fee
~~Tree Planting~~		
~~15 Gallon~~	~~Each~~	~~$ 190.00~~
~~24" Box~~	~~Each~~	~~$ 270.00~~
Private Residence Tree Removal (Service not available on request; service will only be performed when required as determined by Public Works, Maintenance and Operations Division)	Each	$ 270.00

Section 9 - Public Works

Special Districts

	Unit	Fee	
Land and Assessment Division Applications			
with amended assessment diagram		$ 900.00	+
	per Parcel	$ 25.00	
without amended assessment diagram		$ 1,500.00	+
	per Parcel	$ 35.00	
Special District Formation Application	Each	$ 5,000.00	
Special District Formation/Bond Issuance	Each	1% of bond issue	$50,000 min
Special Tax Report	Each	City Cost	$10 min
Annual Levy Report	Each	City Cost	$10 min
Parcel Payoff/Amortization Schedule	per Parcel	$ 46.00	
Note: Bond payoff/amortization schedule information is given to property owners free of charge. Others requesting information will be charged per parcel.			
Fixed Charge Tax Bill Revisions	per Parcel	County Cost	
Plans and Specifications (Non-refundable) (Landscape and Street Light documents)		City Cost	$10 min
Mail Ballot Processing			
Administrative Fee	per Proceeding	$ 1,574.00	
Ballot Fee	per Ballot	$ 3.00	

Section 9 - Public Works

Exhibit "A"

pecial Districts

	Unit	Fee
Parkway Landscape Plan Check		
Base Fee (7 sheets & 3 total submittals)		$ 5,925.00
Each Additional Sheet & 3 submittals		$ 830.00
Each Additional submittal	per Sheet	$ 178.00
Landscape Inspection		
0-1 Acre		$ 11,853.00
1-1.5 Acres		$ 13,631.00
1.5-2 Acres		$ 15,408.00
2-2.5 Acres		$ 17,187.00
Each additional 1/2 acre > 2.5	per 1/2 acre	$ 1,777.00
Public Works Landscape Design Guidelines	Each	$ 15.00

Section 9 - Public Works

Transportation Engineering

	Unit	Fee	
Permit Parking Program			
Application Fee	Each	$ 90.00	
Initial Permit Fee	per household or business	$ 57.00	
Annual Renewal Fee	per household or business	$ 19.00	
Special Traffic Count			
Daily Directional	per Count	$ 135.00	
Daily Non-Directional	per Count	$ 67.00	
Peak Hour Intersectional	per Count	$ 47.00	
Speed Study			
Radar		$ 51.00	
Speed Profile (2 tubes, 1 machine)		$ 190.00	
Special Traffic Curb Painting	Deposit	$ 178.00	Actual charge is "fully burdened" rate charge
Signs			
Miscellaneous Traffic Control Signs (Stop, Yield, Bus Stop, etc)	Each	$ 270.00	
Neighborhood Watch Signs (Installed)	Each	$ 13.00	
Street Name Sign	Each	$ 405.00	

Section 9 - Public Works

Exhibit "A"

Transportation Engineering

	Unit	Fee
Signal Construction Inspection and Turn-on		
<= $100,000 of Engineer's estimate		4.00%
$100,001-$250,000 of Engineer's estimate		3.00%
> $250,000 of Engineer's estimate		2.50%
Controller Testing		$ 1,929.00
Signing and Striping Plan Review (1-3 submittals)	Per Sheet	$ 350.00
4th and subsequent submittals	Per Sheet	
Temporary Parking Permit		
Type I		$ 135.00
(Allow temporary parking on a restricted street section with curb lane width of less than 18 ft)		
Type II		$ 67.00
(Allow temporary parking on a restricted street section with curb lane width of 18 ft or more)		
Traffic Impact Analysis		
Minor	Each	$ 1,132.00
Major	Each	$ 3,000.00
Traffic Control Plan Review (1-3 submittals)	per Sheet	$ 350.00
4th and subsequent submittals	Per Sheet	

Section 10 - Miscellaneous Fees and Charges

	Unit	Fee
Council Chamber Room Rental	per Day	$ 132.00
Neighborhood Preservation Revitalization Program Housing Inspection Minimum Permit Fees (all types of permits)	Each	$ 122.00
Housing Assistance Financial Analysis Charge		City Cost
Mileage for City employee appearances	per Mile	IRS allowable rate
Motion Picture Permit	Each	$ 393.00
Copies *		
Black & White	per Page	$ 0.20
Color	per Page	$ 0.75

* All government agencies and their official representatives shall be exempt from paying these charges for single copies for official use.

Copies and Research in response to subpoena	per Occurrence	City cost as provided for in California Evidence Code Section 1563

Copies of maps, documents, graphs or special work may be furnished upon the payment of the cost of printing and preparation. For such items for which a regular established price is unavailable, the Department Head, in collaboration with the Financial & Administrative Services Director, may establish a price consistent with the cost of printing and preparation thereof. The Financial & Administrative Services Director shall report such exceptions to the City Manager. It shall be the responsibility of the City Manager to review such costs annually and make such recommendations to the City Council as required to keep charges consistent with actual costs.

The City Council may waive processing or appeal fees for any private or public agency on a case-by-case basis. In the case of an appeal by a public agency or school district, no fee shall be charged until the City Council considers the appeal matter itself and renders a decision on the waiver of the fee after the entire appeal matter has been heard.

Note: Projects equal to or in excess of $50,000,000 in total value will qualify to be considered for inclusion in the City's pilot program utilizing Time-and-Material charging/billing methodology for Development Services activities plan checks and inspections. For more information on this pilot program please contact the City Manager's Office.

Land Development Division Deposits will be valued at one-quarter of the fee that would typically be charged for plan check or inspection services.

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.12.130	Parked in violation of designated curb color	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.12.130	No standing/stopping/parking anytime (posted)	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.12.130	Posted time 6 p.m. to 6 a.m. (commercial vehicle)	$ 28.50	$ 9.50	$ 38.00	$ 66.50	$ 9.50	$ 76.00
12.38.040	Vehicle parked on street in excess of 72 hours	$ 28.20	$ 9.50	$ 37.70	$ 66.50	$ 9.50	$ 76.00
12.42	No parking (street sweeping)	$ 45.00	$ 9.50	$ 54.50	$ 106.00	$ 9.50	$ 115.50
6.04.030p5c	Parking on unimproved surface	$ 20.00	$ 9.50	$ 29.50	$ 56.00	$ 9.50	$ 65.50
11.24.200	Inoperative vehicle in view in excess of 72 hours	$ 20.00	$ 9.50	$ 29.50	$ 56.00	$ 9.50	$ 65.50

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.38.020A	It is unlawful to park or leave standing any of the following:						
12.383020A1	Any vehicle or trailer which is used to transport animals or which harbors vermin or pestilence or which emits noxious or nuisance odors on any highway, street, road alley or on any public or private property within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A2	Any vehicle or trailer which contains any hazardous substances as defined in section 2452 of the California Vehicle Code on any highway, street, road, alley or on any public or private property within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A3	Any trailer, utility trailer, boat trailer, boat, camper, camper shell, camp trailer, trailer coach or semi-trailer that is non-self propelled, non-motorized or not capable of movement under its own power and which is unattached to a vehicle on any highway, street, road or alley within the city.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00
12.38.020A4	Any vehicle on any highway, street, road or alley within the city for the purpose of servicing or repairing such vehicle except when necessitated by an emergency.	$ 75.50	$ 9.50	$ 85.00	$ 156.50	$ 9.50	$ 166.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

M.V.M.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
12.38.020B	It is unlawful to park or leave standing any commercial vehicle, truck, trailer or semi-trailer having a manufacturer' s gross vehicle weight rating (Vehicle Code Section 390) of ten thousand (10,000) pounds or more as described in the following:						
12.38.020B1	On any highway, street, road, alley or private property within the residential district within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B2	On any vacant or unimproved non-residential property in the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B3	On any residential property so that any part of such vehicle is within one hundred (100) feet of any human dwelling.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B4	Within one hundred fifty (150) feet of any driveway opening.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B5	Within any commercially zoned property for the purpose other than doing business at the site, or for the purpose not related to such business operation, or remaining parked or standing for longer than reasonably appropriate to do such business or acts related to such business operations.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B6	On any residential property so that any part of such vehicle is within fifteen (15) feet of the property line, a public sidewalk or a public or private roadway edge.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B7	On any alley within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B7	On any highway, street or road which is adjacent to a parcel upon which there exists a public facility. Within the meaning of this subsection, " public facility" includes, but is not limited to, parks, schools and civic buildings.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020B9	Any unattached semi-trailer on a public highway, street, road or alley within the city.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00
12.38.020C	While adjacent to a developed residential area within the city, the operator shall not idle the vehicle' s engine for longer than fifteen (15) minutes.	$ 73.50	$ 9.50	$ 83.00	$ 156.50	$ 9.50	$ 166.00

Section 11 - Penalties and Delinquent Fee Schedule for Parking Violations

Exhibit "A"

C.V.C.	Description	Bail			Bail with Penalty (Delinquent)		
		City Portion	State Portion	Total Bail	City Portion	State Portion	Total Bail
5204	Improper display of tabs	$ 45.00	$ 9.50	$ 54.50	NA	NA	NA
	Improper display of tabs with correction	$ 5.00	$ 9.50	$ 14.50	NA	NA	NA
21113(a)	Unauthorized parking upon public grounds	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
21211(a)	Stopping in bicycle lane	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(a)	Parking unlawfully, within intersection	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(b)	Parking unlawfully, on crosswalk	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(c)	Parking unlawfully, adjacent to safety zone	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(d)	Parking unlawfully, within 15 feet of fire station driveway	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(e)	Parking unlawfully, blocking any driveway	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(f)	Parking unlawfully, on a sidewalk	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(g)	Parking unlawfully, blocking excavation	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(h)	Parking unlawfully, double parking	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(i)	Parking unlawfully, in posted bus loading zone	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(k)	Parking on a bridge, unless otherwise permitted or authorized	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22500(l)	Parking unlawfully, blocking sidewalk wheelchair access	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22500.1	Parking unlawfully, in posted fire area	$ 50.00	$ 9.50	$ 59.50	$ 109.50	$ 9.50	$ 119.00
22502(a)	Vehicle parked with right wheels in excess of 18″ from right hand curb (exception: Motorcycles shall be parked with at least one wheel touching the right hand curb).	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22507.8(a)	Parking in space designated for disabled	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22507.8(b)	Obstruct or block disabled parking space	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22507.8(c)	Parking in cross-hatch area designated for disabled	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22514	Parking within 15 feet of fire hydrant	$ 50.00	$ 9.50	$ 59.50	$ 109.50	$ 9.50	$ 119.00
22515(b)	Unattended vehicle wheels not blocked, and/or parking brake not set	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
22522	Parking within 3 feet of a sidewalk access ramp	$ 420.00	$ 9.50	$ 429.50	NA	NA	NA
22658	Unauthorized parking	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
40226	Failure to display handicapped placard	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00
	Other	$ 20.00	$ 9.50	$ 29.50	$ 49.50	$ 9.50	$ 59.00

Section 12 - Development Impact Fees

Exhibit "A"

	---------- Residential ----------				----- Commercial -----			-------Office-------	
	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional	Industrial General	Class A	Non-Class A
	Current	Current	Current	Current	Current	Current	Current	Current	Current
Unit	DU	DU	DU	DU	KSF	KSF	KSF	KSF	KSF
Transportation Uniform Mitigation Fees (TUMF)	$ 10,046	$ -	$ 7,054	$ -	$ 9,990	$ 9,990	$ 1,840	$ 2,190	$ 5,710
Arterial Streets	$ 4,531	$ 1,275	$ 3,171	$ 892	$ 4,482	$ 2,231	$ 1,281	$ 1,275	$ 1,921
Traffic Signals	$ 567	$ 421	$ 397	$ 294	$ 678	$ 443	$ 194	$ 253	$ 290
Interchange Improvements	$ 524	$ -	$ 367	$ -	$ 684	$ -	$ 195	$ -	$ 293
Fire Facilities	$ 650	$ 252	$ 261	$ 101	$ 80	$ 36	$ 58	$ 38	$ 67
Police Facilities	$ 464	$ 126	$ 368	$ 101	$ 232	$ 64	$ 42	$ 51	$ 114
Park Improvements	$ 3,109	$ 1,598	$ 2,723	$ 1,193	$ -	$ -	$ -	$ -	$ -
Recreation Centers	$ 193	$ 1,198	$ 169	$ 1,049	$ -	$ -	$ -	$ -	$ -
Libraries and Materials	$ 813	$ 668	$ 712	$ 499	$ -	$ -	$ -	$ -	$ -
F Land (Quimby In-Lieu Fees)	$ 1,865	$ 573	$ 1,634	$ 428	$ -	$ -	$ -	$ -	$ -
A nal Shelter	$ 152	$ -	$ 133	$ -	$ -	$ -	$ -	$ -	$ -
Maintenance Equipment	$ 50	$ -	$ 20	$ -	$ 4	$ -	$ 3	$ -	$ 4
City Hall	$ 529	$ 292	$ 212	$ 118	$ 74	$ 42	$ 52	$ 45	$ 62
Corporate Yard	$ 298	$ 283	$ 119	$ 113	$ 53	$ 41	$ 37	$ 43	$ 43
Total	$ 23,790	$ 6,686	$ 17,340	$ 4,788	$ 16,277	$ 12,847	$ 3,702	$ 3,895	$ 8,504

NOTES:

1. The general policy is that all impact fees will be adjusted annually. However, in FY 2008 the City Council froze impact fees at their current level due to the slowdown in development activity.

2. The fees will be adjusted to reflect the annual increase using the Council approved 20-City Average Building Cost Index of the Engineering News Record.

3. TUMF fees are set by the Western Riverside County Organization of Governments (WRCOG).

U S LEGEND
D Dwelling Unit for residential development types
K 1,000 gross square feet of building area for commercial, industrial and office development types

I EMENTATION NOTES:

W espect to each second dwelling unit on a single family residential lot qualifying as a "granny flat" housing unit, the fees shall equal one-half of the fees applicable to each multi-family dwelling unit.

W espect to commercial and industrial and non-class A office development impact fees, there will be a continuation of existing fees with the intent of charging one-half of the fees as calculated in the D opment Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, through a two-year phase-in beginning on January 16, 2007.

With respect to Class A office development impact fees, these shall be frozen at the pre-January 12, 2006 fees, or $1,705 per 1,000 square feet.

With respect to Residential Single Family and Residential Multi-Family development impact fees, the fees shall be charged at 100% of the fees as calculated in the Development Impact Fee Update Study Report (nexus study) as approved by City Council on October 11, 2005, and shall take effect on January 12, 2006.

With respect to Residential Affordable Single-Family and Residential Affordable Multi-Family, these fees shall be frozen at the pre-January 12, 2006 fees until such time that the City Council deems it appropriate to amend the Impact Fee Resolution.

Hence:

Impact Fee Type	---------- Residential ----------				----- Commercial -----		Industrial General	------ Office ------	
	Single Family	Affordable-Single Family	Multi Family	Affordable Multi Family	General	Regional		Class A	Non-Class A
Fee Basis	Dwelling Unit	Dwelling Unit	Dwelling Unit	Dwelling Unit	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft	1,000 sq ft
Current Fee (2)	$6,686.00	$6,686.00	$4,788.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
Calculated Fee per Nexus Study (2	$13,241.00	$13,625.00	$9,909.00	$10,178.00	$17,503.00	$13,174.00	$5,156.00	$7,762.00	$7,762.00
Recommended Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	100% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee	50% of Nexus Fee	50% of Nexus Fee	Freeze @ 100% of Pre 1/12/06 Fee	50% of Nexus Fee
F at 1/12/06 (2)	$13,241.00	$6,686.00	$9,909.00	$4,788.00	$3,823.00	$2,857.00	$1,148.00	$1,705.00	$1,705.00
F at 1/16/07 (2)	$13,241+ 1 yr. CPI	$6,686.00	$9,909 + 1 yr CPI	$4,788.00	$6,287.00	$2,857.00	$1,863.00	$1,705.00	$2,793.00
Fees at 1/16/08 (2)	$13,241 + 2 yr. CPI	$6,686.00	$9,909+ 2 yr CPI	$4,788.00	$8,752.00	$2,857.00	$2,578.00	$1,705.00	$3,881.00
Fees at 1/16/09 (2)	$13,241 + 3 yr. CPI	$6,686.00	$9,909+ 3 yr CPI	$4,788.00	$8752+1 yr. CPI	$6,587.00	$2578+ 1 yr. CPI	$1,705.00	$3881+ 1 yr. CPI

Note: 1) Fees are rounded to the nearest whole dollar. Fees will vary from what is shown for 1/16/07 and 1/16/08 based on annual July 1st adjustments for inflation, which are not included in the above examples.

2) Fees shown in example do not include TUMF

Section 13 - Conduit Financing Fees

Exhibit "A"

Type of Financing	Issue Size			Initial Application Fee	Required Deposit	Annual Fee
	< $5.0 million	$5.0 to $10.0 million	> $10.0 million			
Non-Profit Less than "A" rated	$ 5,000	$5,000 plus 0.25% in excess of $5.0 million	$17,500+0.2% in excess of $5.0 million	$ 4,000	$20,000+1/2 of issue fee	0.125% of initial par value
Multi-family housing credit enhanced	$ 5,000	$5,000+0.15% in excess of $5.0 million	$12,500+0.15% in excess of $5.0 million	$ 2,000	$20,000+1/3 of issue fee	0.125% of initial par value
Non-Profit "A" rated or better	$ 5,000	$5,000+0.10% in excess of $5.0 million	$10,000+0.10% in excess of $5.0 million	$ 2,000	$20,000+1/4 of issue fee	0.125% of initial par value

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MV00056847

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: May 11, 2010

TITLE: FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects.

BACKGROUND

The purpose of the CIP is to identify needed improvements and establish long-term funding priorities. The CIP is presented to the City Council each year for review and discussion in order to affirm or provide direction for reprioritizing planned improvements for the benefit of the community.

City staff has completed a full review of all project needs through "build-out" of the City. The priorities, as proposed, are based on status and funding of existing projects, and anticipated development trends within the City.

DISCUSSION

The CIP is a tool used to track the accumulation and use of resources for designing, acquiring, constructing, and rehabilitating City infrastructure, such as buildings and roads. The CIP also provides a framework for funding capital projects and helps the City forecast and coordinate long-term needs. Capital planning ensures the timely repair and replacement of aging infrastructure and the implementation of community priorities to meet the demands of a growing and changing population. The CIP provides expenditure and funding source detail for the following types of capital projects budgeted and funded for FY 2010-11, as well as projects anticipated through build-out of the City:

Category	Proposed Budget for FY 2010-11 Funding
• Street Improvements	$36,498,000
• Bridges	$20,208,000
• Buildings	$15,081,000
• Drainage, Sewers, and Waterlines	$5,728,000
• Electric Utility	$3,855,000
• Landscaping	$0
• Parks	$4,100,000
• Traffic Signals	$1,916,000
• Underground Utilities	$201,000

Projects proposed for FY 2010-11 total $87,587,000. The cost estimate for all identified projects through build-out total is approximately $1.69 billion, which includes funded, partially funded, and unfunded projects.

With regard to revenue, Measure "A" (Fund 125) is a major funding source for transportation infrastructure improvements. Because Measure "A" funds are used to provide required City matching funds for federal, state, and county transportation grant awards, the reimbursement from these grants is deposited into the Measure "A" fund balance. The Measure "A" fund accounts for approximately 46 percent of new capital spending requests for FY 2010-11.

Development Impact Fee for Arterial Streets and Traffic Signals (DIF – Funds 416 and 417) savings realized by completed projects for FY 2009-10 are being reappropriated for FY 2010-11 CIP projects. No new DIF revenues for FY 2010-11 are programmed for CIP projects.

Gas Tax (Fund 121) is not programmed for CIP projects, and therefore any state-imposed Gas Tax reduction would not directly impact the CIP. It is important to recognize, however, that the Gas Tax does contribute to funding the operating budgets of various Public Works Department Divisions.

The Financial & Administrative Services Department is in the process of implementing an indirect cost rate (ICR) that would be applied to projects in order to minimize Gas Tax operating budget cost impacts by distributing overhead costs to CIP projects.

This report offers an opportunity for the City Council to review the CIP and to provide commentary and concurrence or new direction on projects planned for the next fiscal year, as well as subsequent years. Should the City Council make changes in the prioritization of projects, other projects may be deferred.

Staff will bring the CIP back to the City Council for review each year to add, delete, and change priorities as needed.

ALTERNATIVES

1. Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects. *This alternative will allow needed improvements.*

2. Do not review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and do not provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects. *This alternative will result in the delaying of needed improvements.*

FISCAL IMPACT

The CIP budget strives to meet the City's growing infrastructure needs, not only for new projects, but for maintenance of existing infrastructure as well. This year, perhaps even more so than last, the reality of shrinking revenues from all revenue sources, such as Measure "A", DIF, Transportation Uniform Mitigation Fee (TUMF), and Gas Tax, make this effort even more challenging. The fiscal impact is dependent on the outcome of the budget process, which takes place over the next two months.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.

ATTACHMENT

Attachment "A" – FY 2010-2011 Proposed Capital Improvement Plan PowerPoint Presentation

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - CIP\2010-2011 CIP\CC Reports\051110 CC Presentation\FY 10-11 CIP CC Staff Report 051110 Final.doc

FY 2010-2011 Proposed Capital Improvement Plan

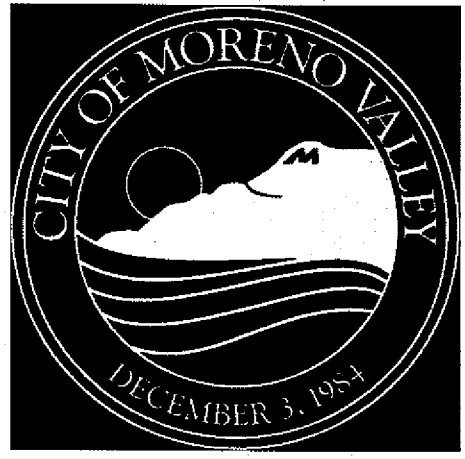

City of Moreno Valley
May 11, 2010

Attachment "A"

FY 2010-2011 Proposed Capital Improvement Plan Objectives

- City Council to Review, Comment, and Provide Concurrence or Provide New Priorities
- Recognize That Reprioritization of Projects May Defer Some Projects to a Later Time
- Bring Back to City Council Each Year to Add, Delete, and Change Priorities as Needed

MV00056853

Completed Projects FY 2009-2010

Street Improvements

1. Sunnymead Boulevard from Frederick Street to Perris Boulevard
2. Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard
3. Citywide Annual Pavement Resurfacing Program (Phase I)
   - Eucalyptus Avenue from Towngate Boulevard to Heacock Street
   - Heritage Way from Town Circle to Towngate Boulevard
   - Indian Street from Saint Thomas Avenue to Katrina Avenue
   - Towngate Circle from Heritage Way to Centerpoint Drive
4. Citywide Annual Pavement Resurfacing Program (Phase II)
   - Bay Avenue from Indian Street to Perris Boulevard
   - Delphinium Avenue from Indian Street to Perris Boulevard
   - Dracaea Avenue from Frederick Street to Graham Street
   - Heacock Street from Gregory Lane to 500 Ft ± South of Gregory Lane
   - Krameria Avenue from Perris Boulevard to Lasselle Street
5. Iris Avenue from Indian Street to Perris Boulevard
6. Surface Recycling Program
7. Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
8. Residential Traffic Management Program (Speed Hump Program)
   - Apple Blossom Lane Speed Hump
   - Superior Avenue Speed Hump
9. Bicycle Lane

Completed Projects FY 2009-2010

Street Improvements

10. Developer Street and Storm Drain Improvements
    - Alessandro Boulevard and Morrison Street (Northwest Corner)
    - Cottonwood Avenue from 275 Ft West of Darwin Drive to 225 Ft East of Collie Court
    - Cottonwood Avenue from 550 Ft West of Prancer Lane to 200 Ft East of Prancer Lane
    - Eucalyptus Avenue from 400 Ft West of Essen Lane to 270 Ft East of Essen Lane
    - Lasselle Street from 500 Ft South to 1,125 Ft South of Iris Avenue
    - Lasselle Street from South City Limits to 109 Ft North
    - Moreno Beach Drive / Cactus Avenue Intersection (Northwest Corner)
    - Morrison Street / Cottonwood Avenue Intersection (Southeast Corner)
      - Cottonwood Avenue from Morrison Street to 1,260 Ft East of Morrison Street
      - Morrison Street from Bay Avenue to Cottonwood Avenue
      - Bay Avenue from Morrison Street to 1,320 Ft East of Morrison Street
    - South side of Nandina Avenue West of Indian Street

MV00056855

Completed Projects FY 2009-2010

Street Improvements

10. Developer Street and Storm Drain Improvements (Cont.)
    - Nason Street / Fir Avenue
      - Nason Street from Fir Avenue to Dracaea Avenue
      - Fir Avenue from Nason Street to Eucalyptus Avenue
      - Eucalyptus Avenue from Nason Street to 3,550 Ft East of Nason Street
    - Perris Boulevard 350 Ft South of Alessandro Boulevard
    - Perris Boulevard / Eucalyptus Avenue
      - Eucalyptus Avenue from Perris Boulevard to 520 Ft West of Bridal Trail Road
      - Perris Boulevard from 200 Ft South of Myers Avenue to Eucalyptus Avenue
    - Redlands Boulevard / Cottonwood Avenue (Southeast Corner)
    - San Michele Road from 650 Ft East of Indian Street to 1,325 East of Indian Street

Cost = $ 38,910,159

Completed Projects FY 2009-2010

Underground Utilities

11. City Hall to Animal Shelter Fiber Extension

Cost = $ 179,000

Bridges

12. Bridge Repair Maintenance Program

Cost = $ 258,000

Traffic Signals

13. Lasselle Street / Cottonwood Avenue Traffic Signal
14. Lasselle Street / Bay Avenue Traffic Signal
15. SR-60 Eastbound Ramps / Redlands Boulevard Traffic Signal
16. Cottonwood Avenue / Pattilynn Drive School Crossing Traffic Signal
17. Developer Traffic Signal Improvements
    - Traffic Signal Modification at Old 215 / Alessandro Boulevard

Cost = $ 1,575,032

MV00056857

Completed Projects FY 2009-2010

Parks

18. Patriot Park (formerly Sheila Street Park)
19. Parks and Recreation Master Plan
20. Bay Avenue / Frederick Street Corner Improvements
21. Developer Park Improvements
    - Cold Creek Trail Head
    - Rockridge Park (formerly Stoneridge Park)

Cost = $ 3,518,015

Electric Utility

22. MVU-0004 Indian / San Michele / Grove View BB (11)
23. MVU-0006 Alessandro 12KV Feeder, Phase I
24. MVU-0007 Goldencrest / Elsworth – 12 KV Line Extension
25. MVU-0009 Perris 12KV Feeder, Phase I

Cost = $ 2,446,746

Buildings

26. Slurry Seal Library Parking Lot
27. City Maintenance Yard Improvements / Renovation

Cost = $ 232,138

Completed Projects Total = $ 47,119,090

COMPLETED PROJECTS
FY 2009-2010

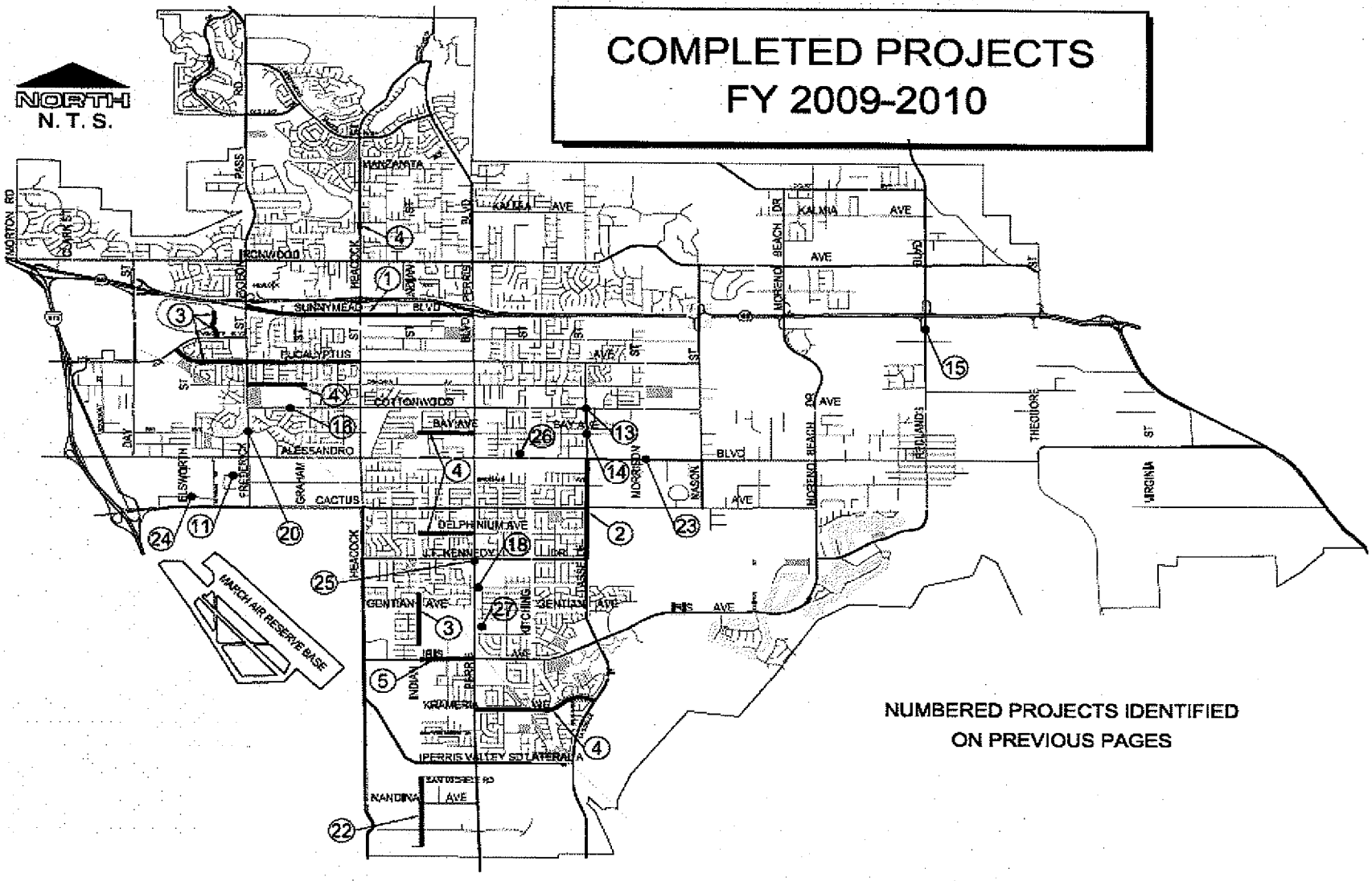

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Completed Projects FY 2009-2010

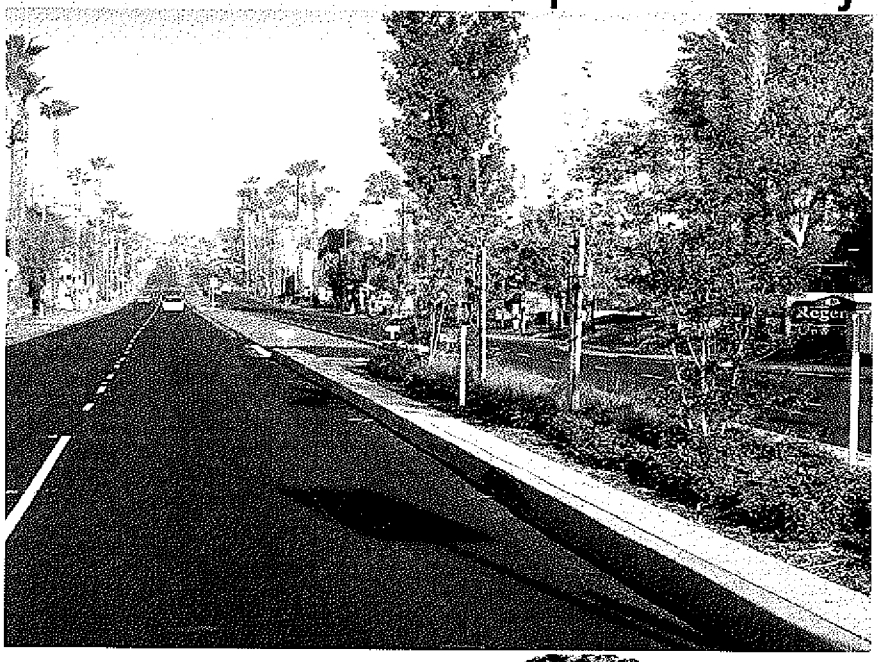

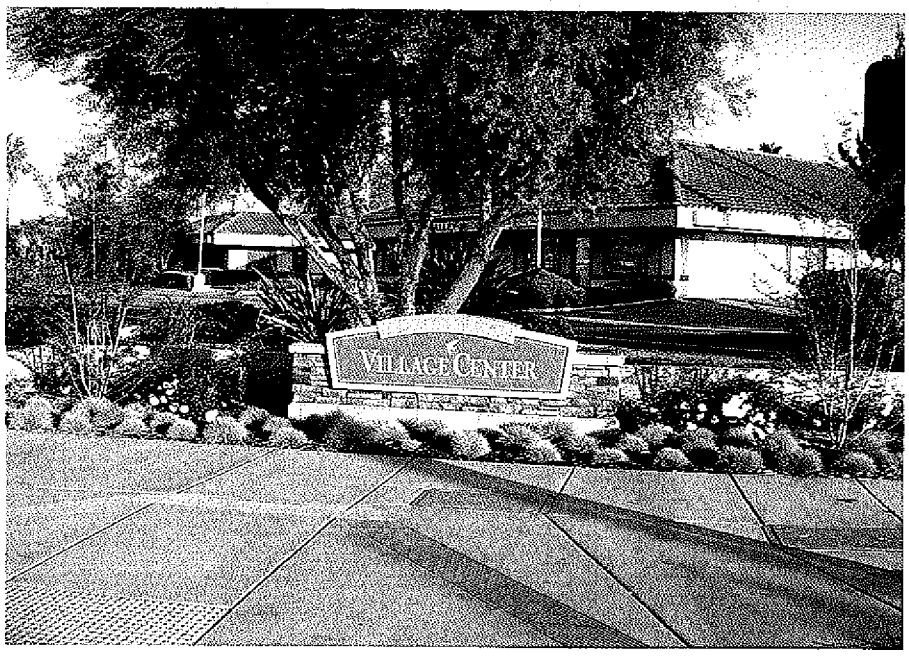

Sunnymead Boulevard from Frederick Street to Perris Boulevard

Completed Projects FY 2009-2010

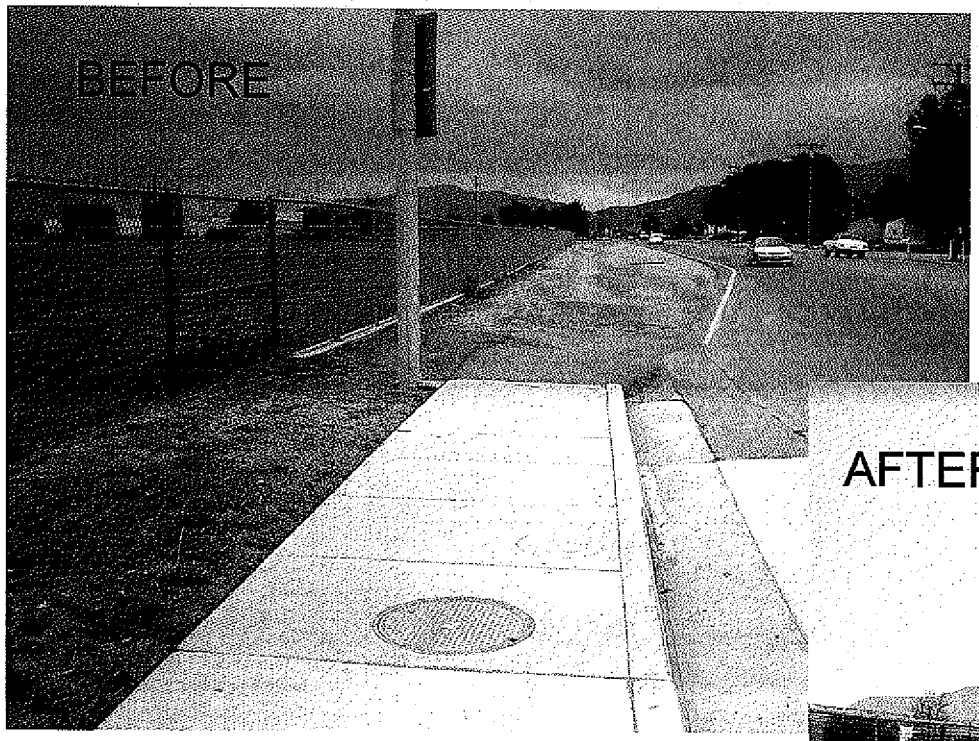

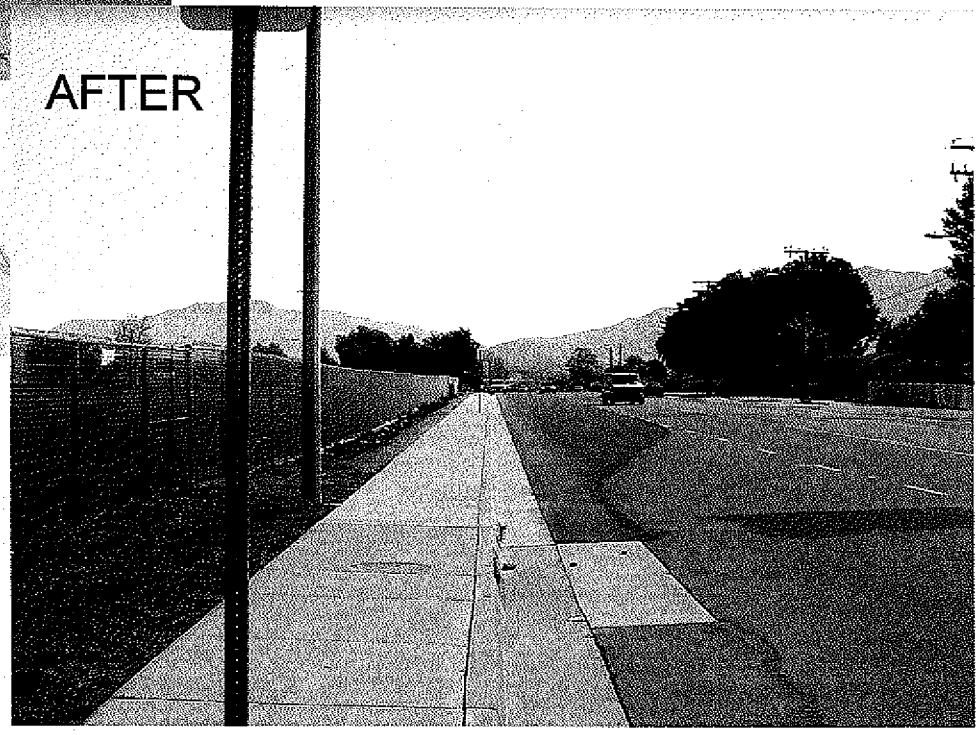

Iris Avenue from Indian Street to Perris Boulevard

MV00056861

Completed Projects FY 2009-2010

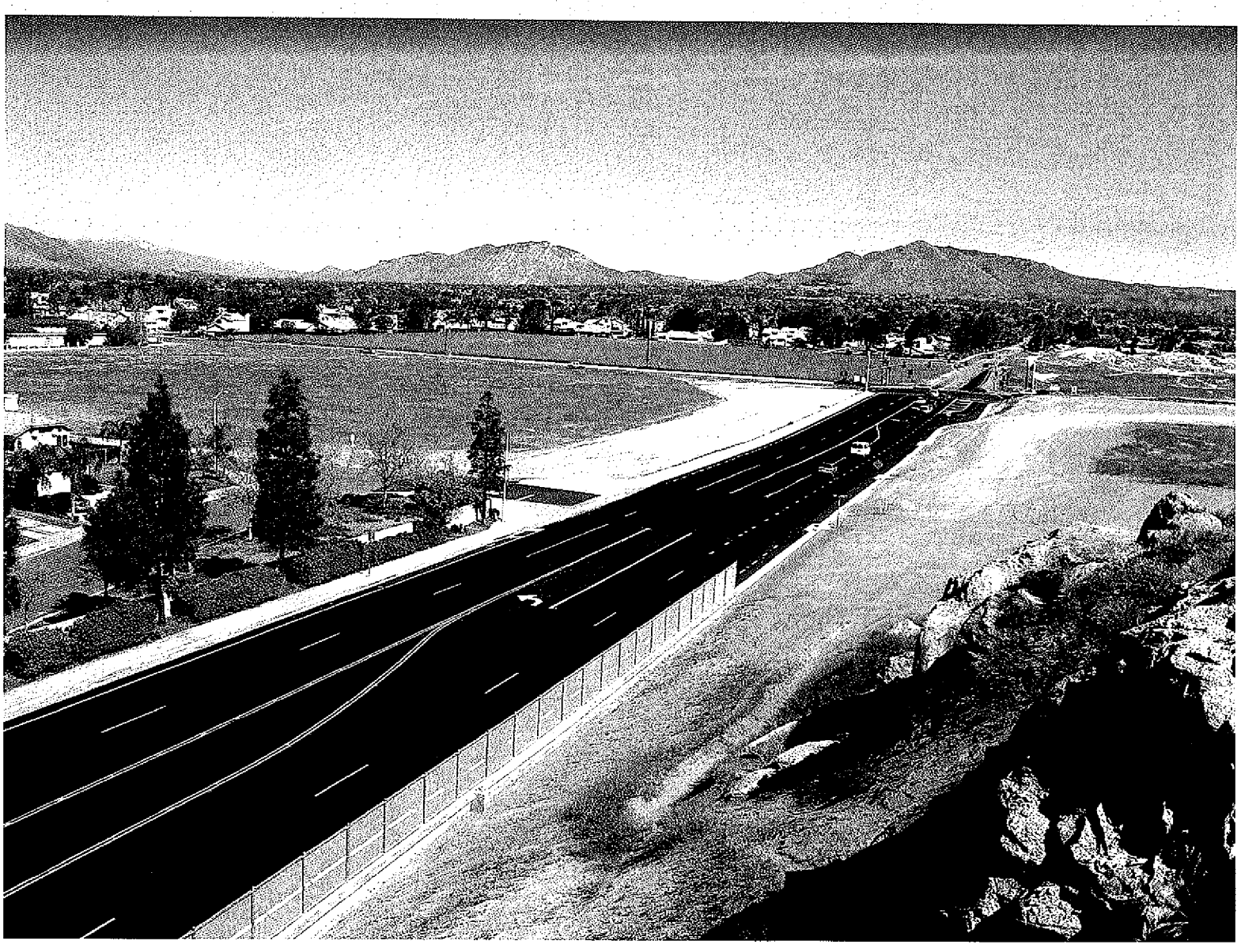

Lasselle Street from John F. Kennedy Drive to Alessandro Boulevard

Completed Projects FY 2009-2010

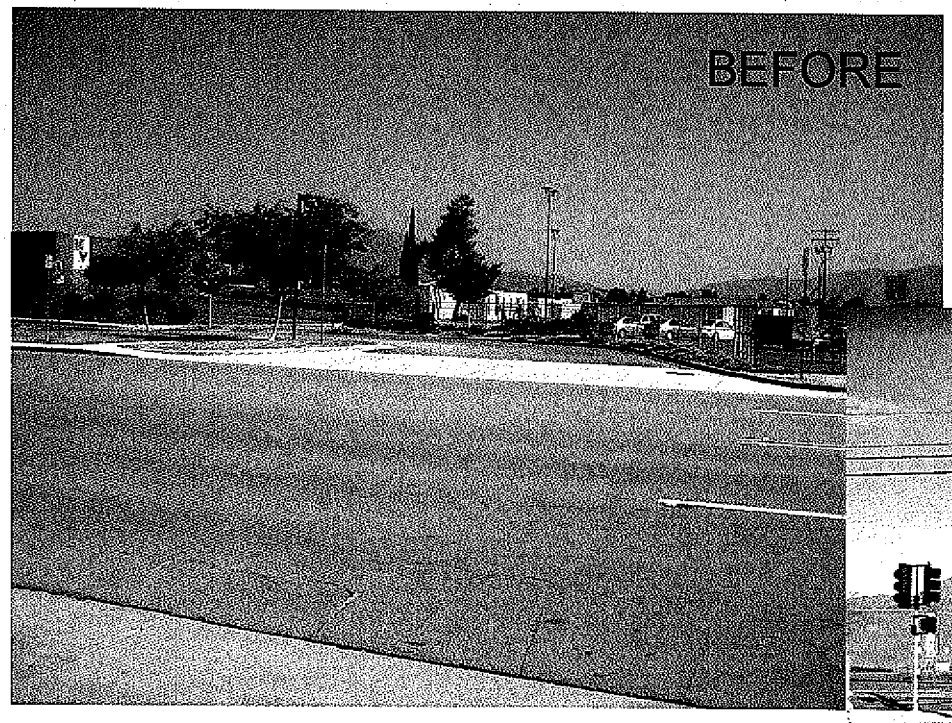

Cottonwood Avenue / Pattilynn Drive School Crossing Traffic Signal

MV00056863

Completed Projects FY 2009-2010

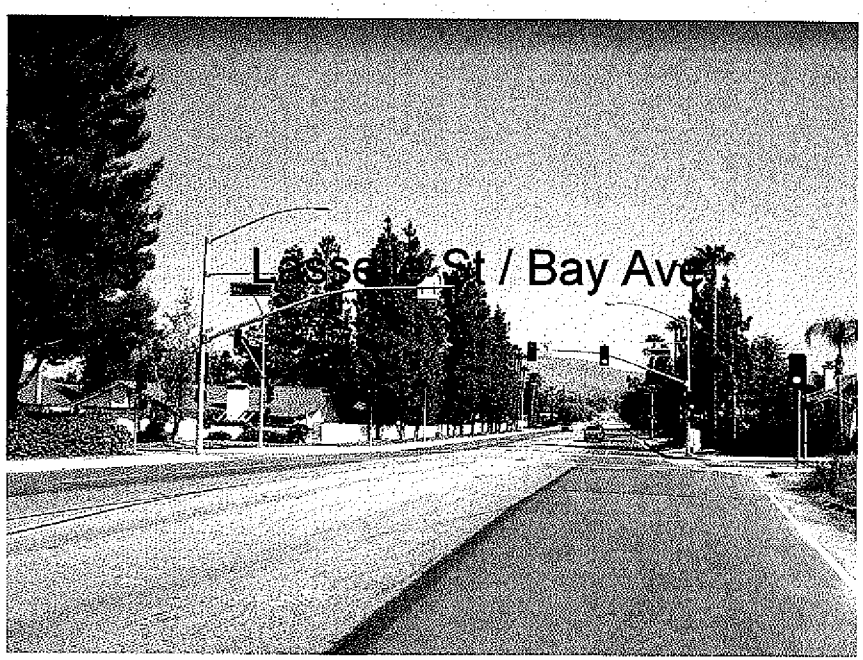

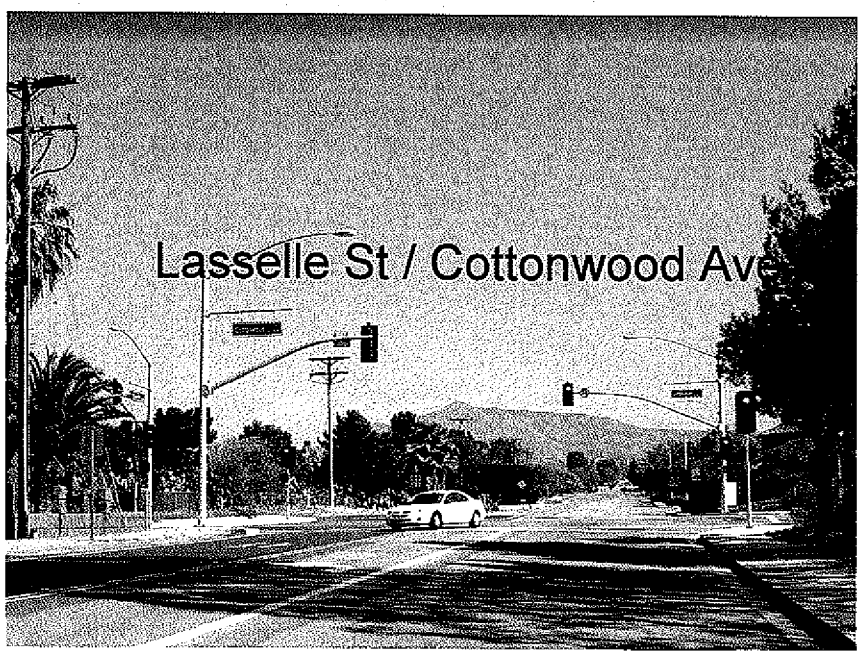

Lasselle Street / Cottonwood Avenue and
Lasselle Street / Bay Avenue Traffic Signals

Completed Projects FY 2009-2010

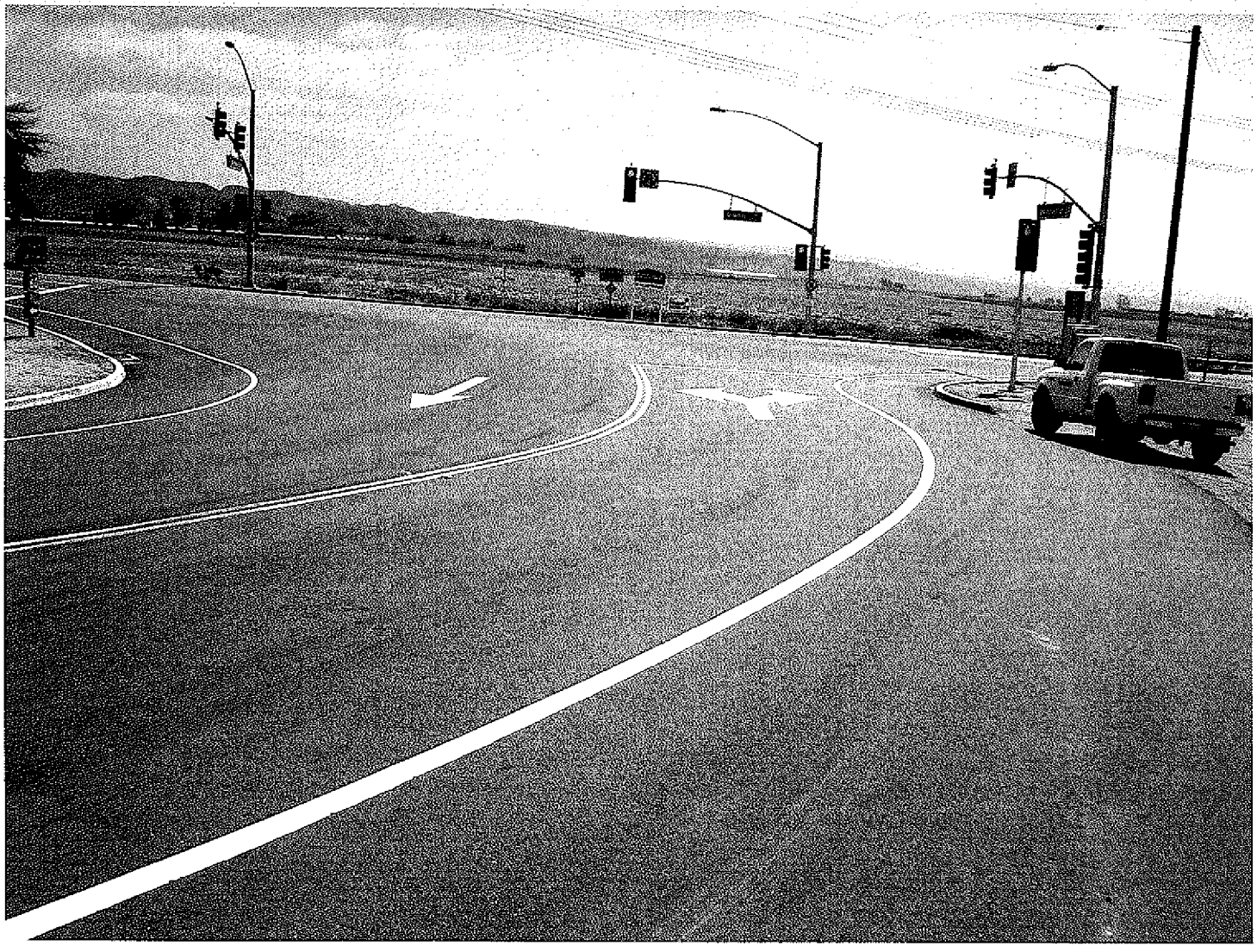

SR-60 Eastbound Ramps / Redlands Boulevard Traffic Signal

MV00056865

Active Projects FY 2010-2011

Street Improvements

1. Auto Mall Street Upgrades (Construction)
2. Boeing Street and McDonnel Street Sidewalks from Bay Avenue to Vought Street (Construction)
3. Day Street Improvements from Alessandro Boulevard to Cottonwood Avenue (Construction)
4. Dracaea Avenue Sidewalk from Morrison Street to Mascot Lane (Design & Construction)
5. Heacock Street Improvements from Hemlock Avenue to Ironwood Avenue (Right of Way & Construction)
6. Indian Street / Alessandro Boulevard Sidewalk Improvements (Construction)
7. Ironwood Avenue Improvements from Day Street to Barclay Drive (Construction)
8. SR-60 / Nason Street Interchange (Construction)
9. Temco Street Sidewalk from Boeing Street to Pan Am Boulevard (Construction)
10. Vought Street Sidewalk from Boeing Street to Pan Am Boulevard and Boeing Street Sidewalk from Vought Street to Temco Street (Construction)
11. Annual ADA Compliant Curb Ramp Upgrades (Design & Construction)
12. Cactus Avenue Eastbound 3rd Lane Improvements from I-215 to Veterans Way (Right of Way)
13. Cactus Avenue Eastbound 3rd Lane Improvements from Veterans Way to Heacock Street (Right of Way)
14. Citywide Annual Pavement Resurfacing Program (Design & Construction)
    - Kitching Street from Fir Avenue to Cottonwood Avenue
    - Manzanita Avenue from Heacock Street to Perris Boulevard
    - Cactus Avenue from Commerce Center Drive to Elsworth Street
    - Indian Street from Ironwood Avenue to Sunnymead Boulevard
    - Fir Avenue from Perris Boulevard to Lasselle Street

Active Projects FY 2010-2011

Street Improvements

15. Heacock Street from Perris Valley Storm Drain Lateral "A" to Cactus Avenue (Right of Way)
16. Heacock Street from San Michele Road to Perris Valley Storm Drain Lateral "A" (Right of Way)
17. Heacock Street South Extension (Alignment Study)
18. Ironwood Avenue from Heacock Street to Perris Boulevard (Utility Relocation & Storm Drain Construction)
19. Ironwood Avenue from Perris Boulevard to Nason Street (Preliminary Design)
20. Kitching Street from Alessandro Boulevard to Gentian Avenue (Construction)
21. Moreno Beach Drive Widening from Cactus Avenue to Auto Mall Drive (Preliminary Alignment Study & Preliminary Study Report)
22. Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
23. Perris Boulevard Southbound Lane to SR-60 Westbound On-Ramp (Right of Way & Construction)
24. Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue (Right of Way)
25. Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue (Design & Right of Way)
26. Reche Vista Drive Realignment / Perris Boulevard from Heacock Street to North City Limits (Design & Right of Way)
27. Redlands Boulevard / SR-60 Interchange; Theodore Street / SR-60 Interchange; Gilman Springs Road / SR-60 Interchange (Preliminary Design)

MV00056867

Active Projects FY 2010-2011

28. Residential Traffic Management Program (Speed Hump Program) (Design & Construction)
29. SR-60 / Moreno Beach Drive Interchange (Design, Environmental, & Right of Way)
30. Street Improvement Program (SIP) (Design & Construction)
31. Surface Recycling (Construction)

Cost = $ 36,091,000

Bridges

32. Bridge Repair Maintenance Program (Design & Construction)
33. Heacock Street Bridge / Perris Valley Strom Drain Lateral "A" (Design & Construction)
34. SR-60 / Nason Street Overcrossing Bridge (Design & Utility Relocation)

Cost = $ 20,208,000

Buildings

35. 800 MHz Radio Repeater System Centralization (Construction)
36. Box Springs Communications Site (Construction)
37. Emergency Operations Center (EOC) (Construction)
38. Morrison Park Fire Station (formerly Fire Station #107) (Design)
39. Renovation of City Hall Annex Building #1 (Construction)
40. Roof Replacement at Gateway and Westbluff Parks (Construction)
41. Civic Center Site Improvements (Exterior) (Design)
42. Corporate Yard Facility (Design & Construction)

Active Projects FY 2010-2011

43. Fire Station #65 (formerly Fire Station #65 Replacement) (Land Acquisition)
44. Public Safety Building Conversion (Construction)

Cost = $ 13,616,000

Drainage, Sewers, and Waterlines

45. Edgemont Water System Phase I (Design)
46. Heacock Street and Cactus Avenue Channel Improvements (Design)
47. Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements (Construction)

Cost = $ 5,728,000

Electric Utility

48. LRB Funded Utility Projects (Construction)
49. MVU-0003 Cottonwood / Moreno Beach / Quincy BB (6) (Design & Construction)
50. MVU-0004 Indian / San Michele / Grove View BB (11) (Design & Construction)
51. MVU-0005 Circuit #5 Substation / Nason / Iris (Design & Construction)
52. MVU-0008 Globe Channel Crossing (12) (Design & Construction)
53. MVU-0010 Heacock 12KV Feeder, Phase 1 (Design & Construction)
54. MVU-0011 Alessandro 12KV Feeder, Phase 2 (Design & Construction)
55. MVU-0012 Heacock 12KV Feeder, Phase 2 (Design & Construction)
56. MVU-0014 Perris 12KV Feeder, Phase 2 – Krameria / Cardinal (Design & Construction)

Cost = $ 3,855,000

MV00056869

Active Projects FY 2010-2011

Parks

57. Celebration Park Splash Pad Surfacing (Design & Construction)
58. Install Access Gate at March Middle School Field (Construction)
59. Install Musco Control Link Automated Lighting Systems (Construction)
60. Shadow Mountain Park Ball Field Lighting (Design)
61. College Park Phase II Amphitheater (Design / Environmental)
62. Future Park Site Land Acquisition (Land Acquisition)
63. March Field Park Master Plan (Preliminary Design)
64. Replacement Playground Equipment (Design & Construction)

Cost = $ 3,649,000

Active Projects FY 2010-2011

Traffic Signals

65. City of Moreno Valley / City of Riverside Intertie (Design & Construction)
66. Emergency Vehicle Pre-emption at 117 Traffic Signals (Design & Construction)
67. Nason Street / Riverside County Regional Medical Center Main Driveway Traffic Signal (Design, Right of Way, & Construction)
68. Sunnymead Ranch Parkway / Village Road East Traffic Signal (Construction)
69. Transportation Management Center (Design & Construction)
70. Traffic Signal Coordination Program (Ongoing)

Cost = $ 1,881,000

Active Projects Total Cost = $ 85,028,000

MV00056871

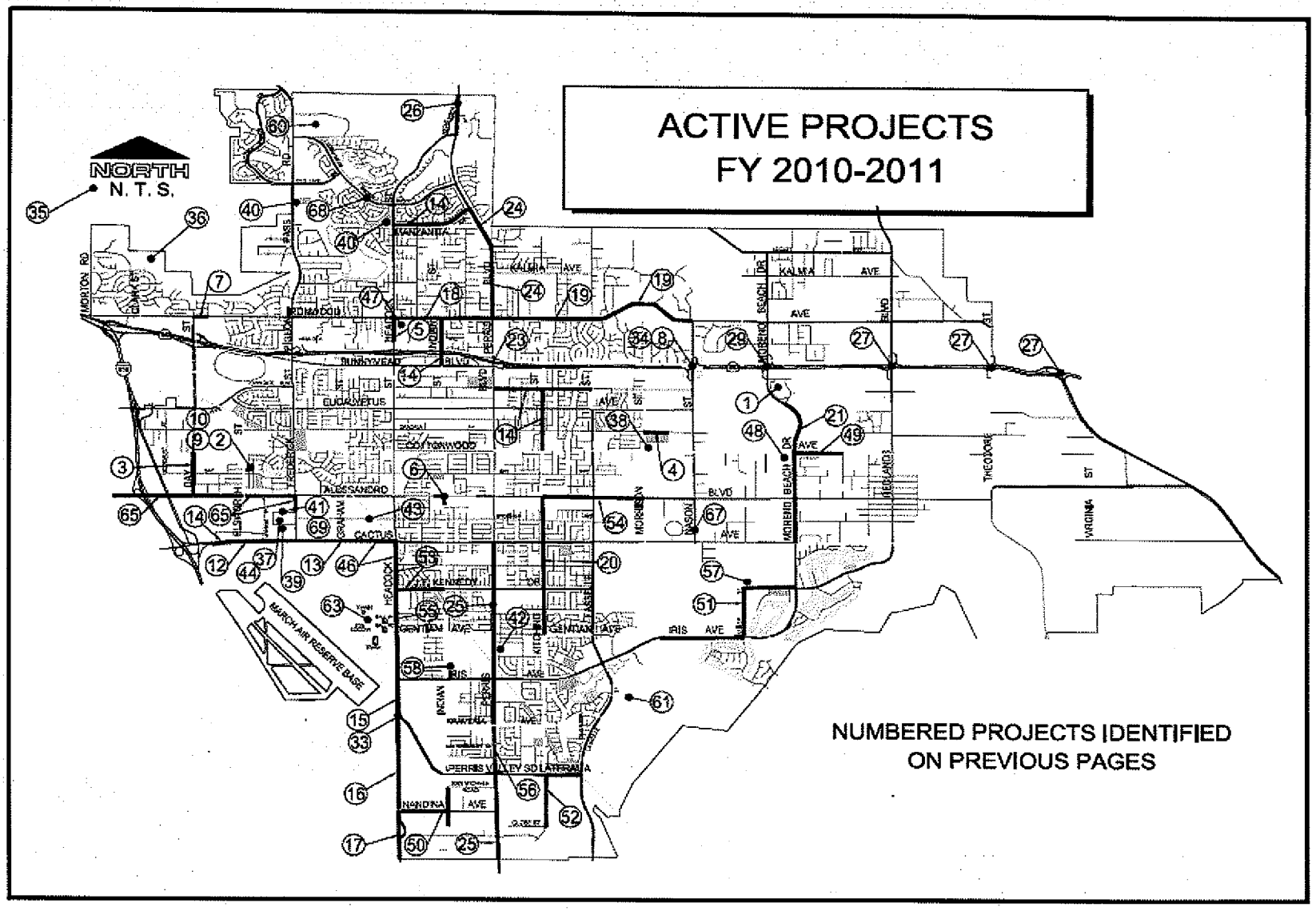

Item No. G.3

MV00056872

Active Projects FY 2010-2011

Temco Street, Boeing Street, and Vought Street Sidewalk Improvements

MV00056873

Active Projects FY 2010-2011

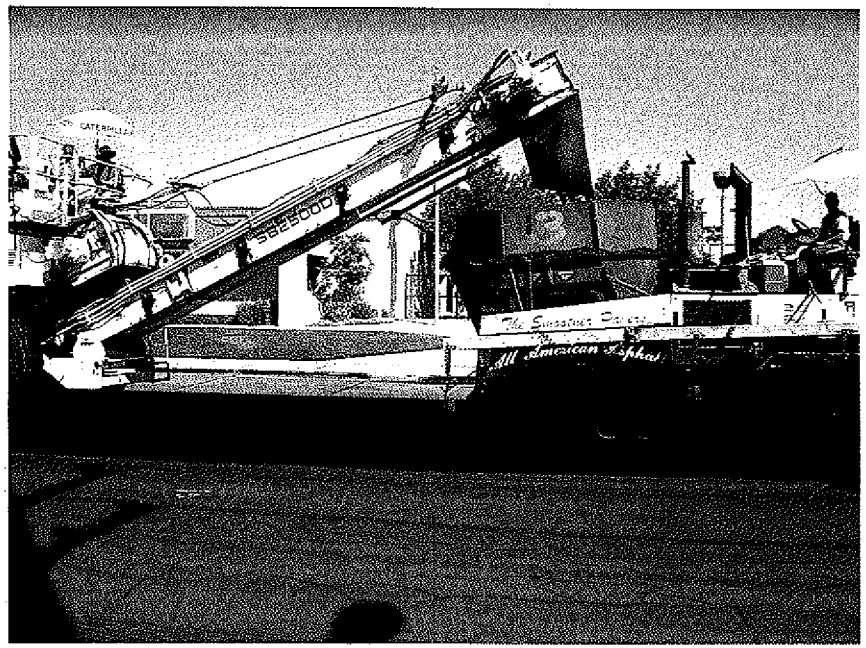

Citywide Annual Pavement Resurfacing Program

Active Projects FY 2010-2011

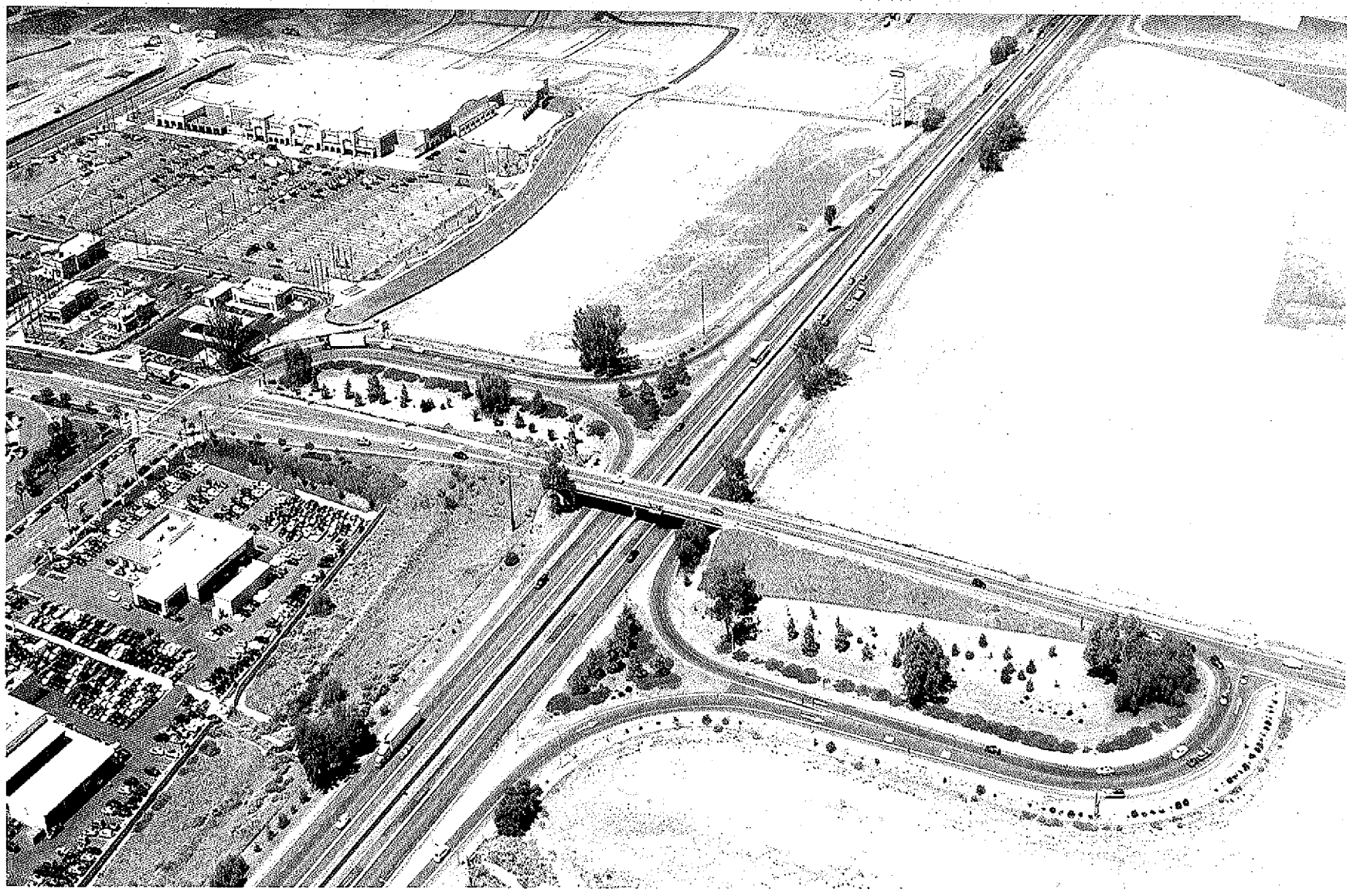

SR-60 / Moreno Beach Drive Interchange

MV00056875

Active Projects FY 2010-2011

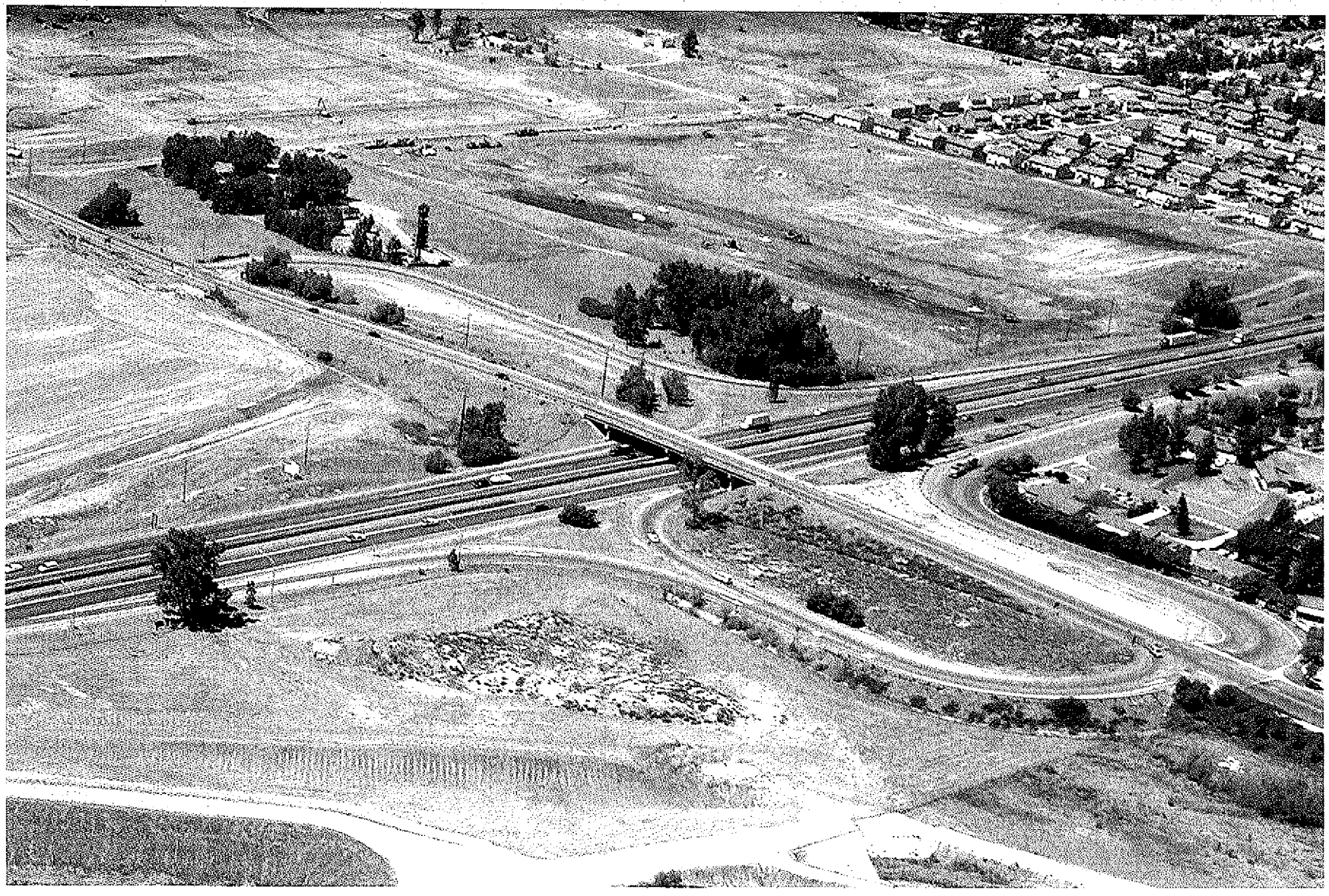

SR-60 / Nason Street Interchange

Active Projects FY 2010-2011

SR-60 / Nason Street Interchange Utility Relocation Construction

MV00056877

Assumptions Used to Prioritize New Proposed Projects

- Availability of Matching Federal or State Grant Funds
- Allocation of Dedicated Transportation Uniform Mitigation Fee (TUMF) Funding
- Funding Criteria and Deadlines (Bonds, Grants, and Outside Agency Agreements)
- No Anticipated New Development Impact Fee (DIF) Revenues
- Potential Reduced New Gas Tax Revenue (Impacts Public Works Staff Operating Budget)
- Logical Sequential Order to Previous City Council Approved Funding for Projects
- Street Improvement Program (SIP) Program – Approved City Council List
- Pavement Rehabilitation Program (formerly Slurry Seal Program) (Crack Seal)
- Citywide Annual Pavement Resurfacing Program – Based on Pavement Management System
- Developer / Development Driven
- Warrant Requirement (e.g., Traffic Signals)

New Proposed Projects FY 2010-2011

Street Improvements

1. Day Street Widening from Eucalyptus Avenue to 660 Feet North (Design)

Cost = $ 350,000

Buildings

2. Highland Fire Station (Land Acquisition)
3. Industrial Fire Station (Land Acquisition)

Cost = $ 1,460,000

Parks

4. Park Monument Signs (Design & Construction)
5. Shadow Mountain Park Restrooms (Design & Construction)

Cost = $ 310,000

MV00056879

New Proposed Projects FY 2010-2011

Traffic Signals

6. Lasselle Street / Margaret Avenue Traffic Signal (Design)

Cost = $ 20,000

Underground Utilities

7. Citywide Fiber Optic Communications Expansion (Design & Construction)

Cost = $ 199,000

New Proposed Projects Total Cost = $ 2,339,000

NEW PROPOSED PROJECTS
FY 2010-2011

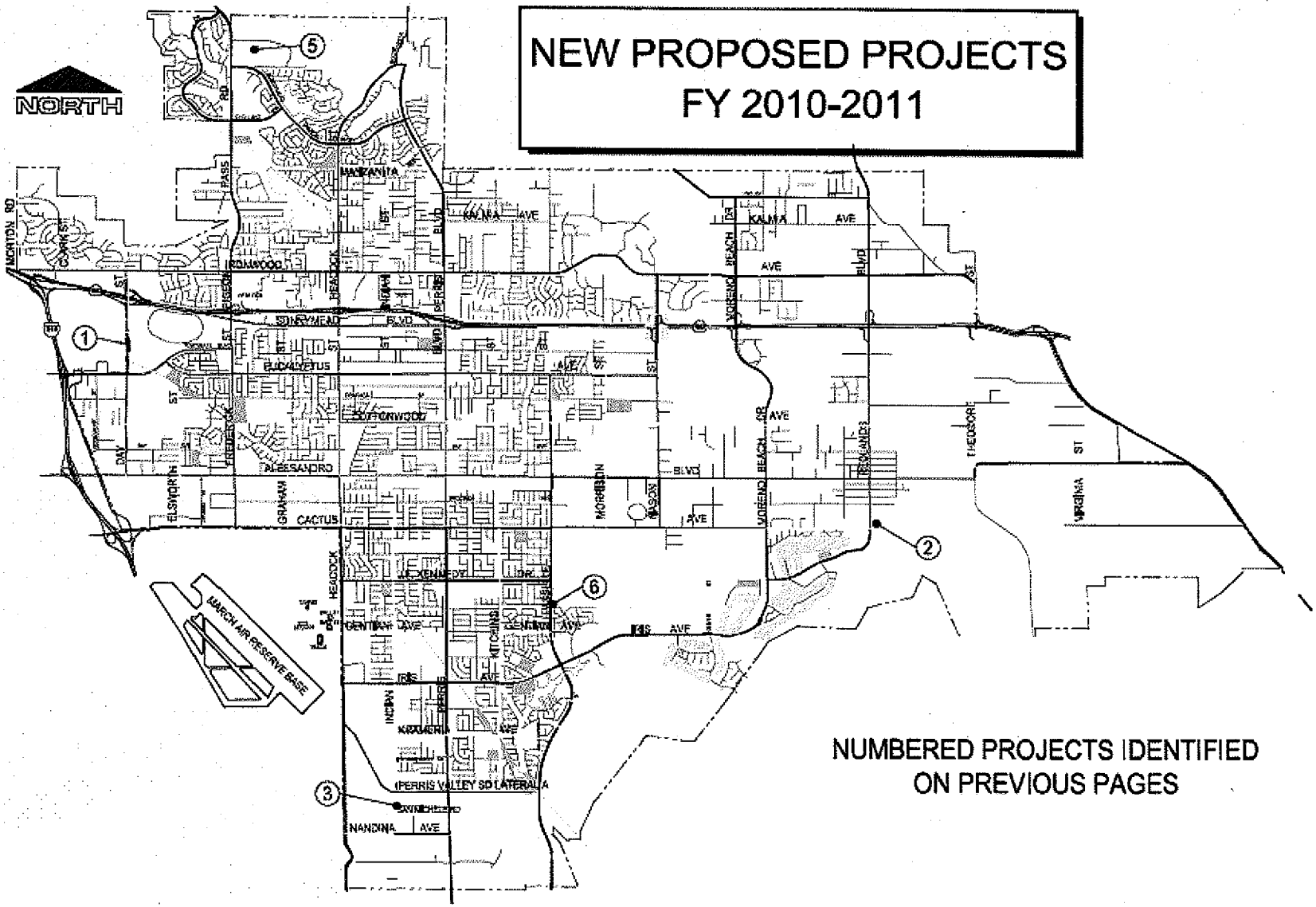

NUMBERED PROJECTS IDENTIFIED
ON PREVIOUS PAGES

MV00056881

FY 2010-2011 PROJECT COSTS BY CATEGORY

(Amount in $1,000's)

• STREET IMPROVEMENTS	$	36,498
• BRIDGES	$	20,208
• BUILDINGS	$	15,081
• DRAINAGE, SEWERS, AND WATERLINES	$	5,728
• ELECTRIC UTILITY	$	3,855
• LANDSCAPING	$	0
• PARKS	$	4,100
• TRAFFIC SIGNALS	$	1,916
• UNDERGROUND UTILITIES	$	201
ESTIMATED TOTAL	$	87,587

STREET IMPROVEMENTS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$25,083	$11,415	$52,102	$57,000	$69,039	$662,770	$877,409

MV000056883

Zones for Pavement Rehabilitation Program (formerly Slurry Seal Program)

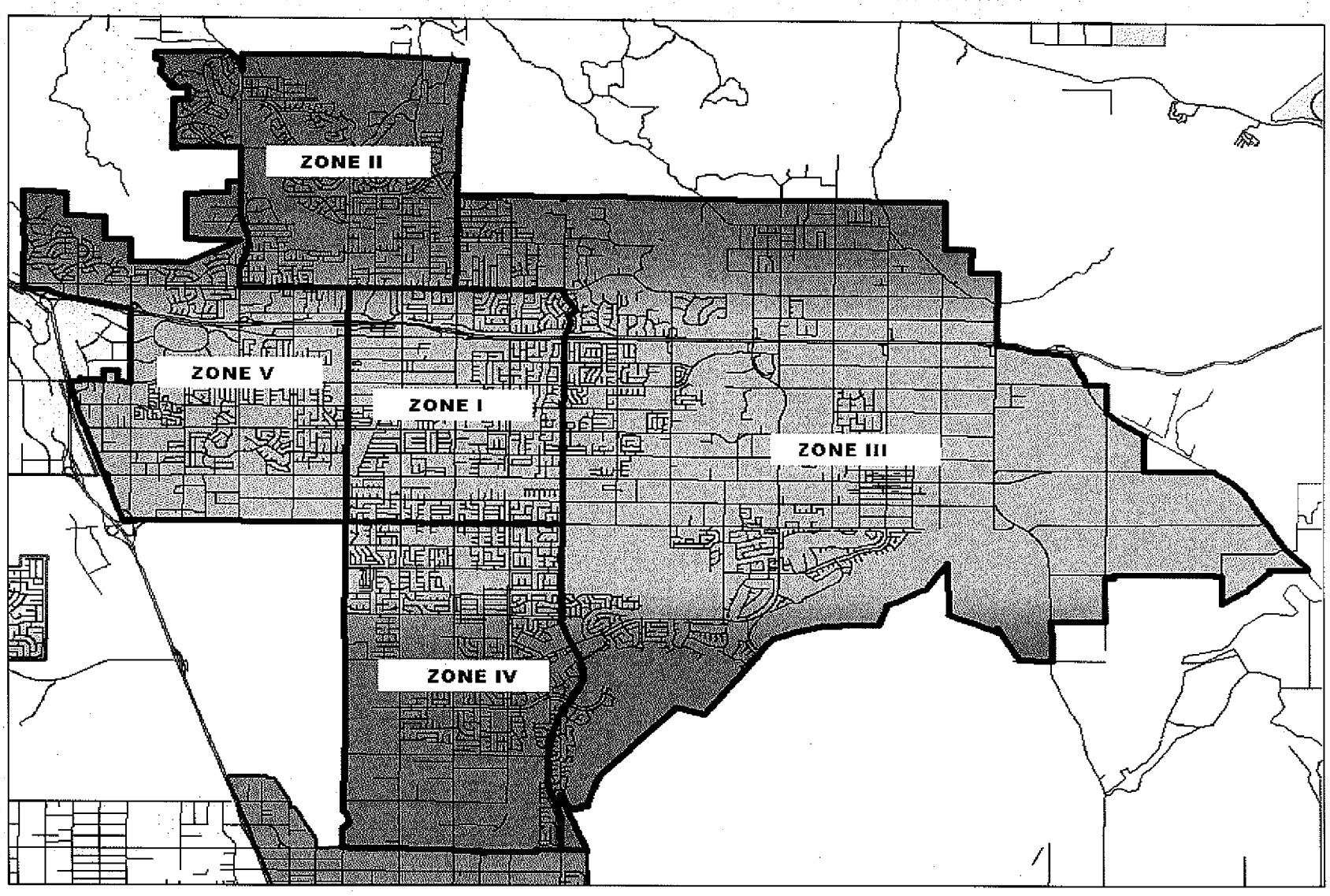

BRIDGES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$17,388	$2,820	$0	$0	$0	$100,244	$120,452

MV00056885

BUILDINGS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$13,051	$2,030	$1,621	$3,655	$5,147	$229,388	$254,892

DRAINAGE, SEWERS, AND WATERLINES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$5,728	$0	$0	$230	$1,833	$36,011	$43,802

MV00056887

ELECTRIC UTILITY

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$3,855	$0	$0	$2,000	$5,507	$4,388	$15,750

LANDSCAPING

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$0	$0	$120	$120	$120	$120	$480

MV00056889

PARKS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$3,550	$550	$3,406	$1,417	$552	$321,003	$330,478

TRAFFIC SIGNALS

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$1,659	$257	$1,268	$30	$302	$43,546	$47,062

MV00056891

UNDERGROUND UTILITIES

Cost By Fiscal Year

(Amount in $1,000's)

FY 09/10 Carryover to FY 10/11	New Request FY 10/11	Plan 11/12	Plan 12/13	Plan 13/14	Plan 14/15 & Beyond	Grand Total
$2	$199	$0	$0	$155	$2,801	$3,157

SUMMARY COSTS BY CATEGORY

Total Build-Out

(Amount in $1,000's)

• STREET IMPROVEMENTS	$	877,409
• BRIDGES	$	120,452
• BUILDINGS	$	254,892
• DRAINAGE, SEWERS, AND WATERLINES	$	43,802
• ELECTRIC UTILITY	$	15,750
• LANDSCAPING	$	480
• PARKS	$	330,478
• TRAFFIC SIGNALS	$	47,062
• UNDERGROUND UTILITIES	$	3,157
TOTAL	$	1,693,482

MV00056893

FY 2010-2011 Proposed Capital Improvement Plan Summary

- The projects recommended for FY 2010-2011 are based on development, funding availabilities, and individual project status
- City Council to review, comment, and provide concurrence or provide new priorities
- Recognize that reprioritization of projects may defer some projects to a later time
- Bring back to City Council each year to add, delete, and change priorities as needed

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MV00056895

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Robert Hansen, City Attorney

AGENDA DATE: May 11, 2010

TITLE: ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE MORENO VALLEY MUNICPAL CODE RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS

RECOMMENDED ACTION

Staff recommends that the City Council:

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing offenses and amending Section 6.04.080 relating to notice of nuisance violations.

BACKGROUND

Staff has reported an increase over the past two years of incidents related to trespassing and drinking in public. Trespass is currently regulated by Section 602 of the California Penal Code. However, the various sections of the penal code do not provide a comprehensive approach to general trespass on private property. As a result of the fact specific nuances of state trespassing laws, very few instances of what is commonly thought to be trespassing actually is enforceable under state law.

Likewise, state law deals with intoxication in public but requires a very specific set of facts in order to convict for public intoxication. Moreno Valley currently does not have

any laws to prevent or restrict the consumption of alcohol in public, even when such consumption does not rise to the level of public intoxication.

Reports of increased public nuisance activity related to trespass and drinking have increased. These reports include trespassing and holding parties in vacant, abandoned or foreclosed properties, skateboarding in business parking lots, loitering and drinking at liquor stores, especially those associated with an attached or nearby recycling center.

DISCUSSION

In order to combat some of these nuisance conditions, the City Attorney's Office was asked to create new ordinance addressing trespassing and drinking in public. The proposed ordinance is laid out in three sections. The first section prohibits the drinking of an alcoholic beverage on or within public places, including streets and sidewalks. The penalties for drinking in public can range from a $100 Administrative Citation up to a misdemeanor violation for repeat offenders with maximum penalties of a $1,000.00 fine and up to six months in jail. The act of possessing an open container of alcohol (without drinking) constitutes a lesser charge with a maximum penalty of $500 and no jail time.

The second proposed section addresses trespassing on private property. A violation of this section constitutes a misdemeanor as well and may be enforced through Administrative Citations of a criminal complaint. Trespassing is prohibited on properly posted property or upon property where the owner, or the owner's agent, has asked an individual to remove himself therefrom and that person refuses to leave. A property owner can provide a written authorization to the police department to act as there agent to remove trespassers from their property. This could be used by banks to allow officers to remove and/or arrest individuals trespassing in vacant homes as well as by business entities that have recurring problems with unauthorized persons using their facilities or parking lots.

The third section relates to trespassing on publicly owned property. It allows for the "banning" of certain individuals who violate the law, rule or policy of a public park or facility for up to one year. The failure of a banned individual to remove himself from the property or his subsequent return would constitute a trespass violation. Both trespass sections provide exceptions for statutorily or constitutionally protected activity such as labor picketing or anti-discrimination provisions.

Additionally, it has been discovered that current code provisions relating to providing notice of code violations require service of the notice personally or by mailing and posting the subject property where the nuisance is occurring. The proposed ordinance changes this language to provide that notice may be service personally, mailed to the property owner, or posted on the subject property. This provides a more economical approach and ensures that affected property owners will receive the proper notice.

These new tools will provide the police department the ability to quickly and easily enforce these local crimes without the burdens imposed by the state law. Furthermore, these violations will be prosecuted and tracked by the City Attorney's Office. This allows the City to track repeat violators and ensure that proper penalties, restitution, stay away orders and other terms of probation are in effect against repeat offenders.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Introduce the new ordinance for adoption. The ordinance would take effect thirty-one (31) days after adoption.

2. Direct staff to make changes to the ordinance and return to City Council on a later date with a revised Ordinance.

3. Take no action.

FISCAL IMPACT

No significant fiscal impacts are projected although some additional revenue will be realized through fine collection.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to trespass and drinking in public.

ATTACHMENTS/EXHIBITS

1. Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to trespass and drinking in public.

Prepared by: Paul J. Early, Deputy City Attorney III

Department Head Approval, Robert L. Hansen, City Attorney

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00056899

ORDINANCE NO. 811

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.065 to read as follows:

"Section 11.04.062 – Drinking in Public.

A. No person shall drink any beverage containing an alcoholic content in excess of one percent by volume upon any public street, sidewalk, alley, park, playground, recreation area or other public place within the City where such premises have not been licensed by the Alcohol, Beverage and Control Department of the State of California, for sale of alcoholic beverages to be consumed on the premises; or upon any private property which is open to the public view without the consent of the owner or person in lawful possession or control of said property.

B. Pursuant to California Business and Professions Code Section 25620, no person shall be in possession of any bottle, can or other receptacle containing an alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed upon any public street, sidewalk, alley, park, playground, recreation area or other public place within the City where such premises have not been licensed by the Alcohol, Beverage and Control Department of the State of California, for sale of alcoholic beverages to be consumed on the premises; or upon any private property which is open to the public view without the consent of the owner or person in lawful possession or control of said property. A violation of this section shall be an infraction.

C. Pursuant to California Penal Code Section 647e, no person shall be in possession of any bottle, can or other receptacle containing an alcoholic beverage

which has been opened, or a seal broken, or the contents of which have been partially removed upon the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 of the California Business and Professions Code, or upon any public sidewalk immediately adjacent to the licensed and posted premises. A violation of this section shall be an infraction.

D. A violation of this section may be enforced by the filing of a criminal misdemeanor or infraction citation, or through the issuance of civil citations pursuant to Chapter 1.10 of this Code."

SECTION 2. MUNICIPAL CODE AMENDED:

2.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.090 to read as follows:

"Section 11.04.090 – Trespass Upon Private Property.

A. Definitions.

1. As used in this Section, "Posted Property" means any property at each corner of which, and at each identifiable road, trail or driveway entering the property, and at intervals of not less than three per mile, a sign of not less than 1 square foot in size is posted and visible containing in legible print not less than two inches in height, the words "PRIVATE PROPERTY – NO TRESPASSING" or words of similar meaning or effect.

2. As used in this Section, "Owner" shall mean the owner of record, the owner's agent, or a lessee or tenant in lawful possession.

B. No person shall remain upon any private property or business premises, after being notified by the owner or by a peace officer acting at the request of the owner to remove therefrom. The owner may make a written request for peace officer assistance in the enforcement of this Section. Such a request shall cover a period of not more than one year and shall specify specific dates, times and locations for which enforcement is requested. Furthermore, the request shall identify any individuals authorized by Owner to be on the premises. During such times and dates, a peace officer may act to remove a trespasser without the necessity of the Owner making a separate request on each occasion when peace officer assistance in dealing with a trespasser is requested.

C. No person, without permission, expressed or implied, from the Owner, shall enter upon private property or business premises after having been notified by the Owner to keep off or keep away therefrom.

D. No person shall enter or remain upon posted property without the permission, expressed or implied, of the Owner of such posted property or premises.

E. This Section shall not apply in any of the following circumstances:

1. Where its application results in or is coupled with any acts prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, sexual orientation, creed, ancestry or national origin;

2. Where its application results in, or is coupled with, any act prohibited by Section 356 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

3. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

4. Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech; or,

5. Where the person who is upon another's private property or business premises is there under claim or color of legal right."

SECTION 3. MUNICIPAL CODE AMENDED:

2.1 Chapter 11.04 of the Moreno Valley Municipal code is hereby amended by adding new Section 11.04.100 to read as follows:

"Section 11.04.100 – Trespass Upon Public Property.

A. As used in this Section, "City" shall mean the City of Moreno Valley, the Moreno Valley Redevelopment Agency, Community Service Districts and any other public agency formed and/or by the City of Moreno Valley.

B. No person shall remain upon any public park, playground, recreation facility, open space, library, or any other property owned, operated or maintained by the City, after having been found to have violated any City ordinance, resolution, policy, rule or regulation, where that person has been given a warning by authorized City personnel or a peace officer to cease the violation, and where that person continues the violation and has been asked to leave the premises.

B. Any person who has been found by authorized City personnel or a peace officer to have violated any ordinance, resolution, rule or regulation of the City may be banned by said personnel, or a peace officer provided that the violation relates to the facility from which the person has been banned. The violator must be personally served with a letter advising of the ban. The letter shall contain notice of the rule or regulation that was broken and state a specific location from which the individual shall be banned and state a time period, not exceeding one year that the ban will be in effect.

C. No person shall enter or remain upon any City owned or controlled public park, playground, recreation facility, open space, library, or any other property owned, operated or maintained by the City after having been banned therefrom.

D. This Section shall not apply in the following circumstances:

1. Where its application results in or is coupled with any acts prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person on account of color, race, religion, sexual orientation, creed, ancestry or national origin;

2. Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

3. Where its application would result in an interference with or inhibition of any other exercise of a statutory or constitutional right' or,

4. Where it is necessary for the person to enter City owned or controlled property from which that person has been banned in order to conduct City business but only for as long as necessary to conduct said City business."

SECTION 4. MUNICIPAL CODE AMENDED:

4.1 Chapter 6.04 of the Moreno Valley Municipal code is hereby amended by amending Section 6.04.080 to read as follows:

"Section 6.04.080 - Notification of nuisance.

A. When the city manager or authorized representative thereof determines that any condition on property within the city constitutes a nuisance as declared in Section 6.04.040, such person shall give written notice to abate to responsible person(s), as identified on public records or tax rolls, ordering the abatement of said nuisance.

B. The notice to abate shall contain the following information:

1. The name of the record owner of the property;

2. The date of the inspection;

3. The date of the violation(s);

4. The street address, assessor's parcel number or other definite description of the location where the violation(s) exist;

5. The code sections violated;

6. A description of the condition of the property creating the nuisance;

7. A list of necessary corrections to bring the property into compliance;

8. A reasonable time limit for correction based upon the nature of the nuisance;

9. A reference to the potential consequences for failure to abate the nuisance by the specified time period;

10. An order prohibiting the continuation or repeated occurrence of the nuisance;

11. The name and signature of the enforcement officer; and,

12. Notice of the right to appeal.

C. Notice required by this chapter may be served in any of the following manners:

1. Personal service on the responsible person;

2. Regular mail addressed to the responsible person, at the address shown on the last available assessment roll, or as otherwise known or posting in a conspicuous place on the premises or abutting the right-of-way;

3. Insertion of a legal advertisement at least once a week for a period of two weeks in a newspaper of general circulation in the city. The newspaper advertisement shall be a general notice that property in the city has been posted and contain a general statement of the effect of such postings.

D. Failure of any person to receive a copy of any notice issued pursuant to this chapter shall not affect the validity of any proceedings or actions taken under this chapter.

E. Nothing in this chapter shall be construed or interpreted to require the issuance of a notice to abate as a prerequisite to the issuance of an administrative citation or the filing of any civil action or criminal complaint."

SECTION 5. EFFECT OF ENACTMENT:

5.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 6. NOTICE OF ADOPTION:

6.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be publicly posted in three places within the city.

SECTION 7. EFFECTIVE DATE:

7.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this day of, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Director of Community Development

AGENDA DATE: May 11, 2010

TITLE: Proposed Rancho Belago Sign Program (aka "Rancho Belago Community Signage Design Submittal)

RECOMMENDED ACTION

Staff recommends that the City Council: 1) consider the Rancho Belago Sign Program and take action as deemed appropriate; and 2) consider appropriating $85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

BACKGROUND

At its regular meeting of April 27, 2010, the City Council engaged in some discussion about the proposed Rancho Belago Sign Program, but was advised by the City Attorney that because consideration/adoption of said program was not a listed action item on that meeting's agenda, any action toward adopting the Program should await the matter's being formally agendized.

The Rancho Belago Sign Program (aka the document "Rancho Belago Community Signage Design Submittal) is provided as an attachment to this staff report and is available for Council's adoption via a resolution, also attached.

DISCUSSION

The proposed Sign Program proposes up to thirty (30) community identification signs and nine (9) community amenity directional signs mounted on new freestanding poles, sixteen (16) community identification signs and nine (9) community amenity directional signs mounted on existing City or Southern California Edison streetlight poles, and fifty-one (51) community identification banners mounted on existing streetlight poles.

Tentative locations for the one hundred fifteen (115) proposed signs are identified in the proposed Program.

Also proposed is a new design for residential tract directional signs (these signs are installed by the Building Industry Association under separate agreement with the City). No specific locations for these signs are indicated, since such is driven by builder requests for signs advertising their projects.

Adoption of the proposed sign program would create a framework for installation, over time, of the signs described above. An issue highlighted by the City Attorney concerning potential trademark infringement with respect to the specific sign design reflected in the proposed sign program awaits further assessment not concluded at the time of this report's preparation.

FISCAL IMPACT

At its regular meeting of April 27, 2010, the City Council voted to allocate up to $85,000 for the manufacture, installation and maintenance of the signs included in the proposed Rancho Belago Sign Program. As follow-through to that action, a 'formal' appropriation of these monies--provided by the General Fund--is necessary (see recommended action, above).

ATTACHMENTS/EXHIBITS

1) Rancho Belago Sign Program (aka "Rancho Belago Community Signage Design Submittal")
2) Proposed Resolution Adopting the Rancho Belago Sign Program

Prepared By:

Kyle Kollar
Interim Director of Community Development

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT 1

Table of Contents

Sheet Number	Sheet Title
RB - INT	Introduction
RB - 1.0	Sign Type 1; Freestanding Community Identification Sign
RB - 1.1	Sign Type 1; Freestanding Community Identification Sign - Photo Simulation
RB - 2.0	Sign Type 2; Light Pole Mounted Community Identification Sign
RB - 2.1	Sign Type 2; Light Pole Mounted Community Identification Sign - Photo Simulation
RB - 3.0	Sign Type 3; Light Pole Mounted Community Identification Banners
RB - 3.1	Sign Type 3; Light Pole Mounted Community Identification Banners - Photo Simulation
RB - SP 1	Community Identification Sign Location Plan
RB - 4.0	Sign Type 4; Freestanding Community Amenity Directional Sign
RB - 4.1	Sign Type 4; Freestanding Community Amenity Directional Sign - Photo Simulation
RB - 5.0	Sign Type 5; Light Pole Mounted Community Amenity Directional Sign
RB - 5.1	Sign Type 5; Light Pole Mounted Community Amenity Directional Sign - Photo Simulation
RB - 6.0	Sign Type 6; Residential Product Directional Sign
RB - 6.1	Sign Type 6; Residential Product Directional Sign - Photo Simulation
RB - SP 2	Community Directional Sign Location Plan

The Design Factor
26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2063

Project
Rancho Belago
Community Signage

Sheet Title
Table of Contents

Sheet Number
RB-TC

Date
08-10-07

Introduction

Statement of Purpose

As Rancho Belago unveils itself, sign components will play a crucial role. This new community will be identified by a series of sign images that set it apart from neighboring areas. The scale, placement and design of these images have been carefully planned to create a clear sense of style for residents and visitors alike. In the pages that follow, you will be introduced to sign imagery that gives Rancho Belago a unique character that speaks strongly of the quality that awaits within. The data contained here will clearly define and depict our intended scope of work. As a general introduction, the following notes will aid in outlining the working methodology that contributed to the creation of each sign type.

Community Identification Signs

These markers have been strategically located at entry points to Rancho Belago as well as at key locations within the community. The design, colors and material composition of these signs speak of a classic and stylish permanence. These signs are either freestanding units or logo panels mounted to existing light poles, depending upon the site conditions at each proposed location.

Community Identification Banners

Throughout the community at rhythmic intervals, decorative banners will be affixed to existing light poles. The banners may appear as single units, or as multiple pieces in sequence. Their primary role is to portray Rancho Belago as a desirable and vital destination through the use of lifestyle images.

Community Amenity Directional Signs

In order to enhance the presence of key public amenities within Rancho Belago, wayfinding signs will be installed. The signs will be located along vehicular approaches to each amenity from a variety of directions. In addition to providing a practical wayfinding service, these signs will also reinforce the existence of the amenities to those traveling throughout the community.

Residential Product Directional Signs

We are proposing a new design configuration for these directional signs. We will perform a full survey of the existing signs and install new signs where appropriate based upon the current marketing needs of existing residential subdivisions.

General Comments

A community identification change requires a detailed evaluation of the physical conditions of the site. Having performed this evaluation, our proposal reflects an honest attempt to integrate our sign components into their surroundings. Locations, scale, and design details have been established to effectively identify Rancho Belago while also promoting fluid vehicular movement. We believe that our proposal will effectively achieve these goals.

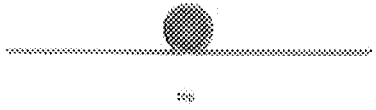

top

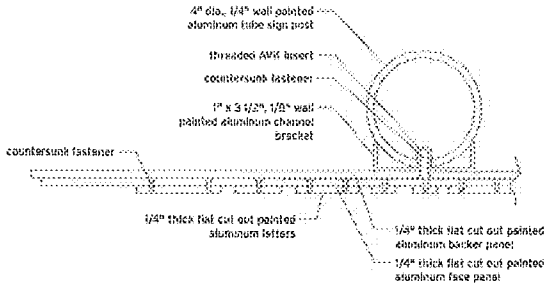

A Details

Scale: 3" = 1'-0"

Freestanding Community Identification Sign

Layered flat cut out sign panel secured to project themed post. Base panel to be 1/4" thick flat cut out painted aluminum with decorative scrolls secured to bracket. Face panel to be 1/4" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat. Post to be 4" round painted aluminum with cast aluminum decorative finial and base cladding.

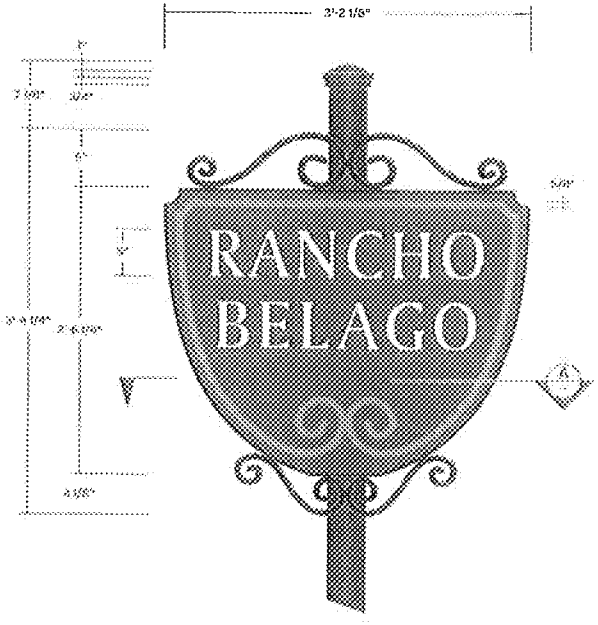

front

side

2 Details

Scale: 1" = 1'-0"

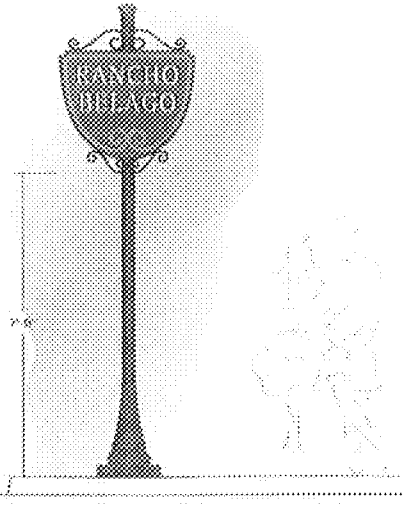

1 Location Elevation

Scale: 3/8" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643 2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type I:
Freestanding Community
Identification Sign

Sheet Number
RB - 1.0

Date
08-10-07

MV00056913

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2053

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 1:
Freestanding Community
Identification Sign - Photo Simulation

Sheet Number
RB - 1.1

Date
08-10-07

Light Pole Mounted Community Identification Sign

Layered flat cut out sign panel secured to existing street light pole with painted aluminum bracket and stainless steel straps. Base panel to be 1/4" thick flat cut out painted aluminum with decorative scrolls secured to bracket. Face panel to be 1/4" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat.

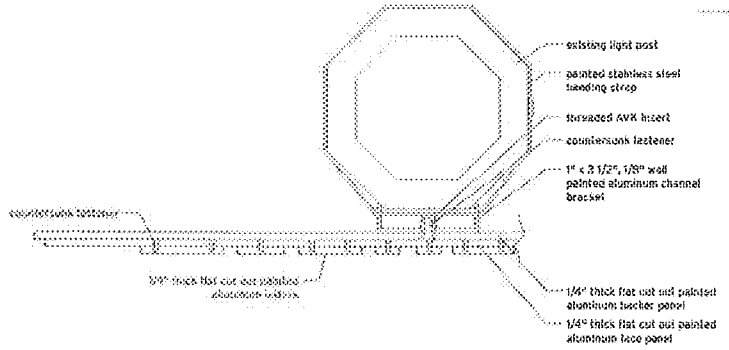

A Details

Scale: 3" = 1'-0"

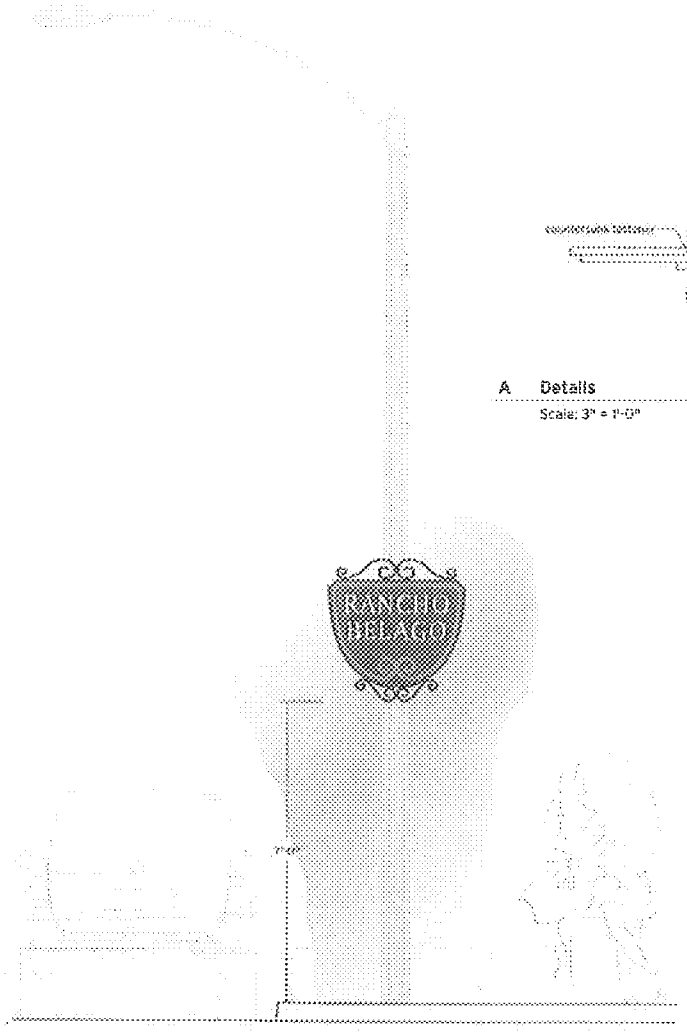

1 Elevation

Scale: 3/8" = 1'-0"

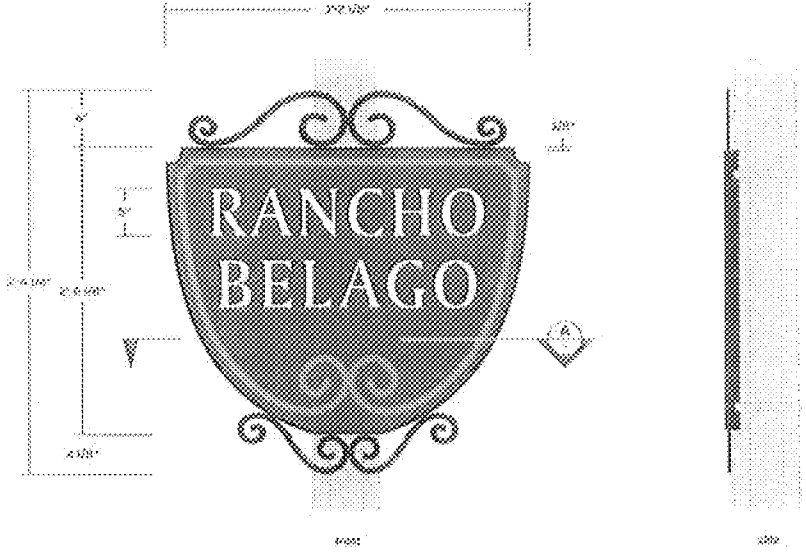

2 Details

Scale: 1" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 2:
Light Pole Mounted Community Identification Sign

Sheet Number
RB - 2.0

Date
08-10-07

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alisras Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643-2663

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 2:
Light Pole Mounted Community
Identification Sign - Photo Simulation

Sheet Number
RB - 2.1

Date
06-10-07

Light Pole Mounted Community Identification Banners

Two sided digitally printed vinyl banners secured to fabricated painted aluminum armatures. Armatures secured to existing street light pole with stainless steel straps.

Note: The images shown are typical. Actual images are in the process of being selected.

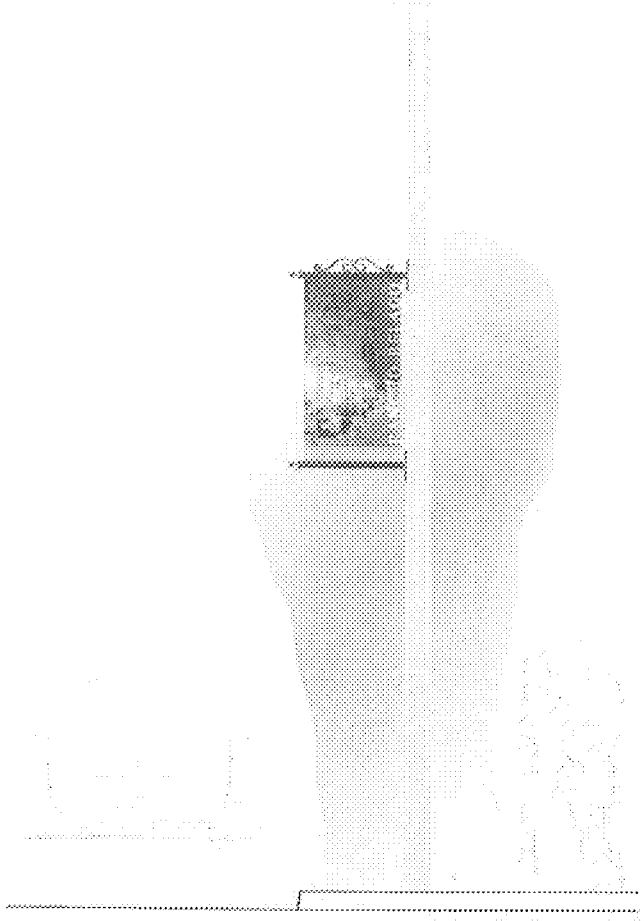

1 Elevation

Scale: 3/8" = 1'-0"

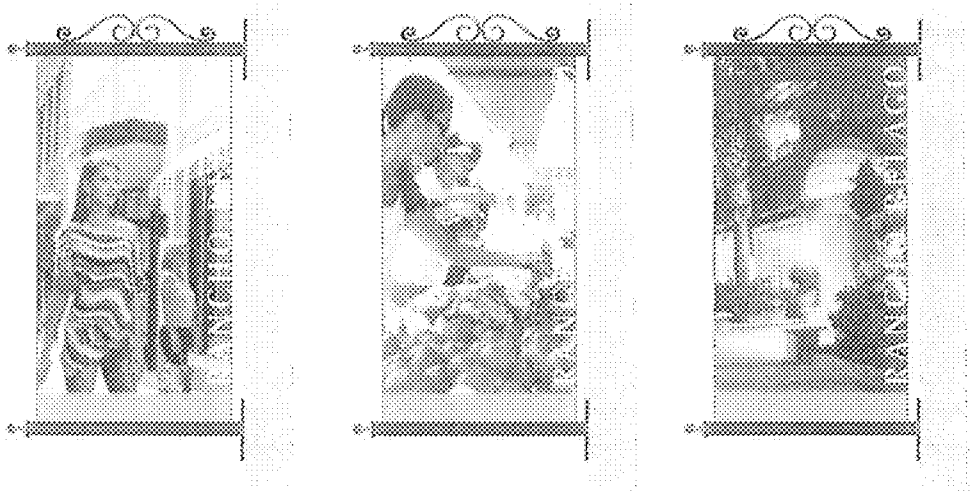

2 Detail

Scale: 3/4" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax: (949) 643-2862

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 3;
Light Pole Mounted Community Identification Banners

Sheet Number
RB - 3.0

Date
06-16-07

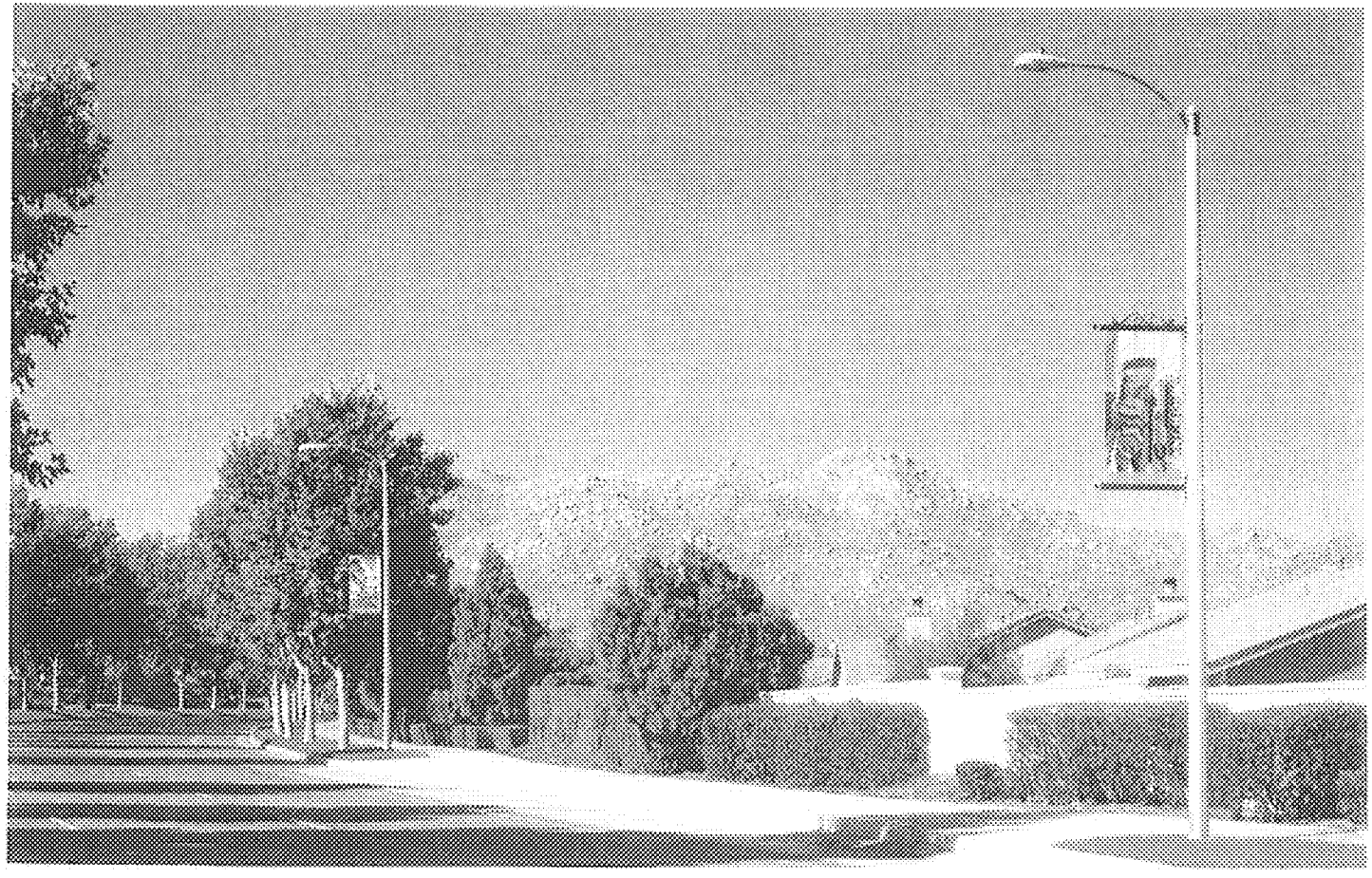

1 **Typical Photo Simulation**
Scale: n.t.s.

The Design Factor
26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax (949) 643-2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 3:
Light Pole Mounted Community
Identification Banners -
Photo Simulation

Sheet Number
RB - 3.1
date
08-10-07

Community Identification Signs

No.	Sign Type	Quantity
1	Freestanding Community Identification Sign	30
2	Light Pole Mounted Community Identification Sign	36
3	Light Pole Mounted Community Identification Banners	51

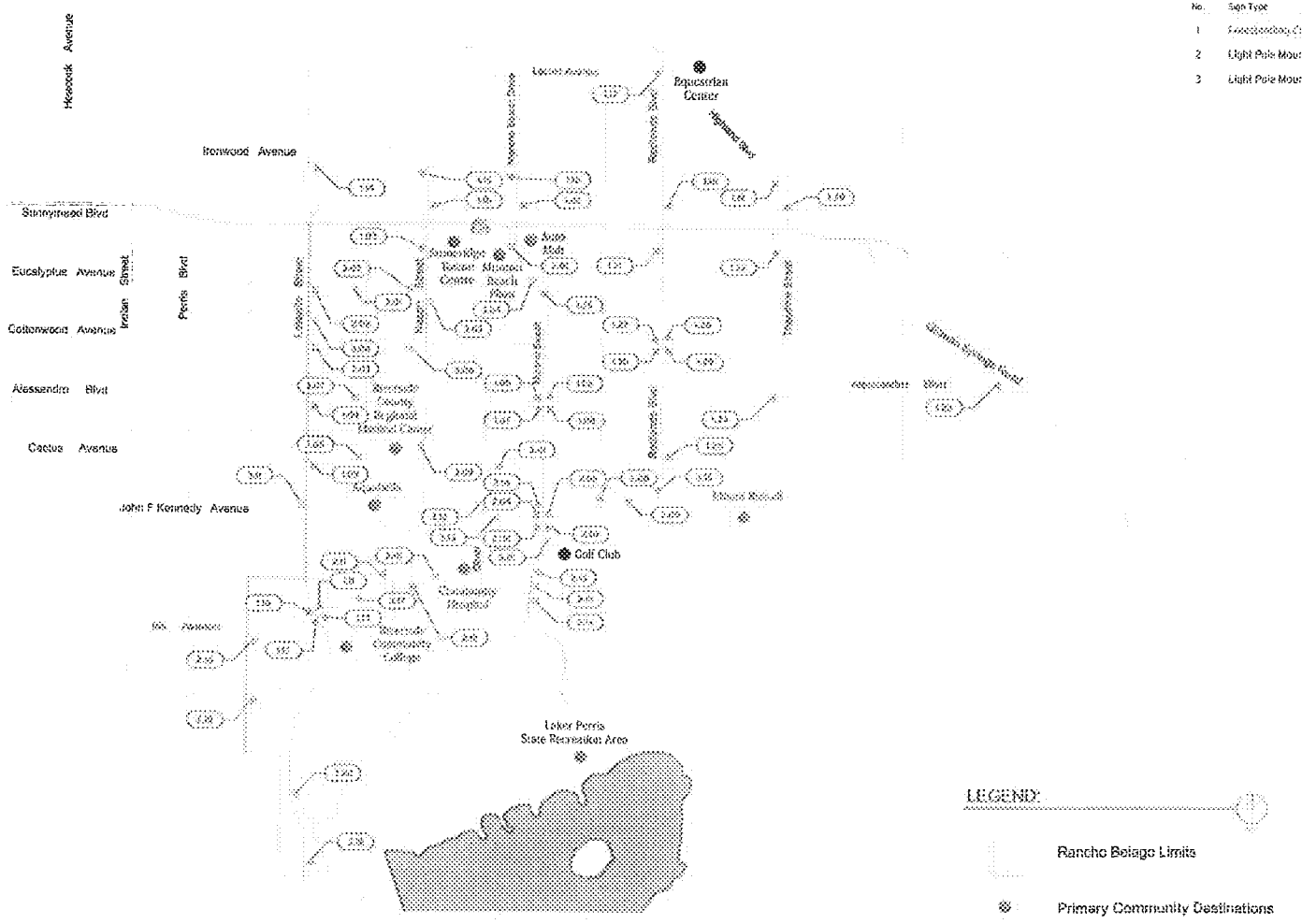

1 Sign Locations

Scale: n.t.s.

The Design Factor
26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2863

Project: Rancho Belago Community Signage

Sheet Title: Community Identification Sign Location Plan

Sheet Number: RB-SP1

Date: 08-10-07

Freestanding Community Amenity Directional Sign

Single sided sign with layered flat cut out sign panel secured to project thinset post. Base panels with decorative scrolls to be 1/4" thick flat cut out painted aluminum secured to bracket. Face panel to be 1/8" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat. Post to be 4" round painted aluminum with cast aluminum decorative finial and base cladding.

2 Details

Scale: 1" = 1'-0"

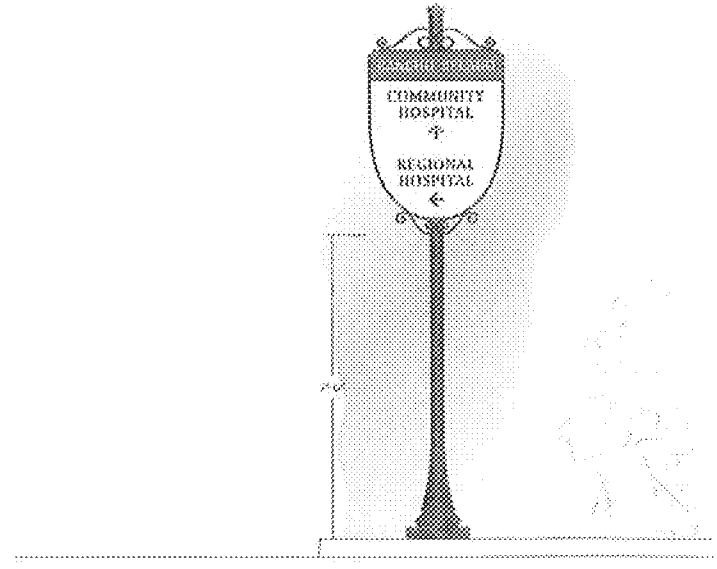

1 Location Elevation

Scale: 3/8" = 1'-0"

The Design Factor

26432 Los Alisos Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2652

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 4:
Freestanding Community
Amenity Directional Sign

Sheet Number
RB - 4.0

Date
08-10-07

1 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax: (949) 843 2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 4:
Freestanding Community
Amenity Directional Sign
Photo Simulation

Sheet Number
RB - 4.1

Date
08-10-07

MV00056921

Light Pole Mounted Community Amenity Directional Sign

Single sided sign with layered flat cut out sign panel secured to existing street light pole. Base panels with decorative scrolls to be 1/4" thick flat cut out painted aluminum secured to bracket. Face panel to be 1/8" thick painted aluminum with 1/4" thick flat cut out painted aluminum letters, applied die cut vinyl border and protective clearcoat.

1 Elevation

Scale: 3/8" = 1'-0"

2 Details

Scale: 1" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2863

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 5:
Light Pole Mounted Community
Amenity Directional Sign

Sheet Number
RB - 5.0

Date
08-10-07

1 | Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax (949) 643-2063

Project
Rancho Belago
Community Signage

Sheet 1 of
Sign Type 5:
Light Pole Mounted Community
Amenity Directional Sign -
Photo Simulation

Sign number
RB - 5.1

Date
08-10-07

MV000056923

Residential Product Directional Sign

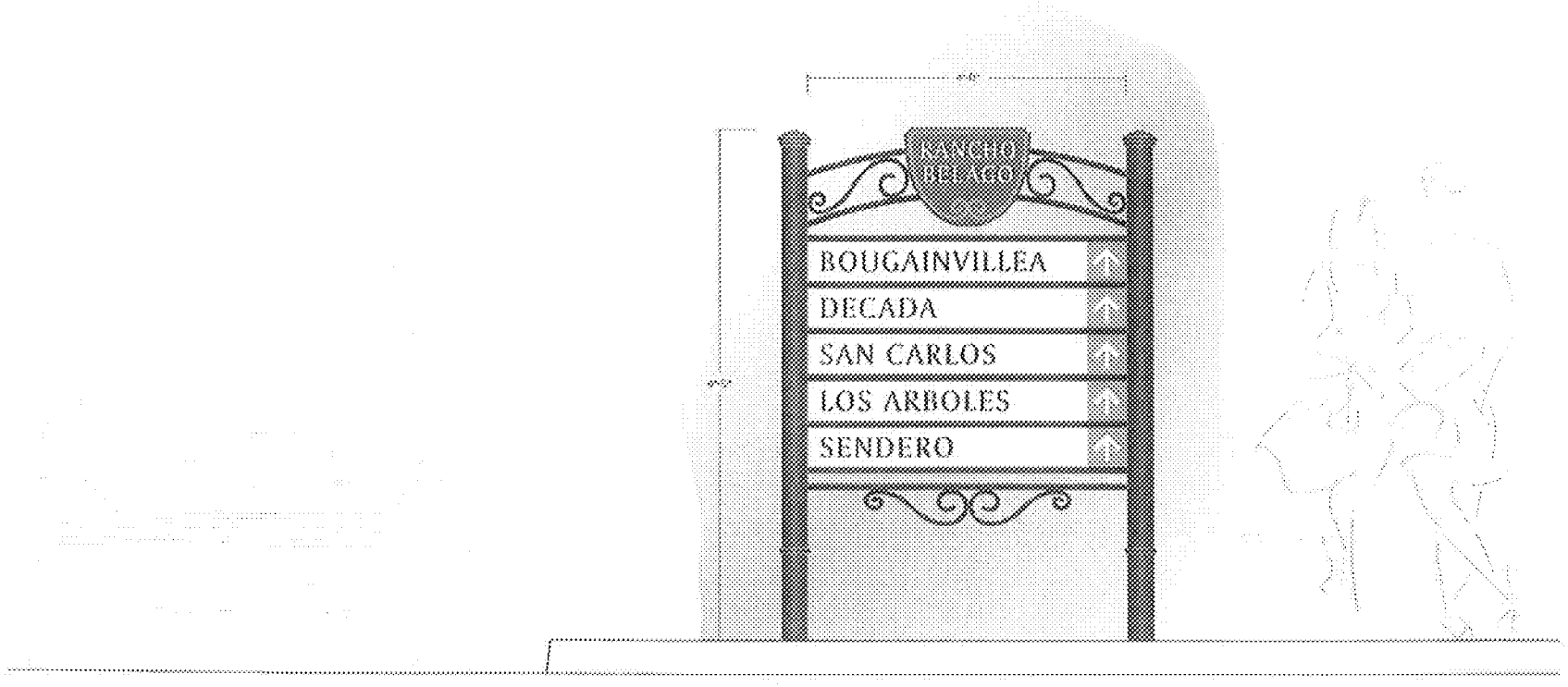

1 Elevation
Scale: 3/4" = 1'-0"

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360-5750
Fax: (949) 643-2863

Project
Rancho Belago
Community Signage

Sign Type:
Residential Product Directional Sign

Sheet Number
RB - 6.0

Date
08-10-07

3 Typical Photo Simulation

Scale: n.t.s.

The Design Factor

26432 Las Alturas Avenue
Laguna Hills, CA 92653
(949) 360 5750
Fax: (949) 643-2663

Project
Rancho Belago
Community Signage

Sheet Title
Sign Type 6:
Residential Product Directional Sign
Photo Simulation

Sheet number
RB - 6.1

Date
08-10-07

MV000056925

RESOLUTION NO. 2010-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE RANCHO BELAGO SIGN PROGRAM

WHEREAS, the City Council adopted a resolution in February, 2007, to designate the neighborhood/community name of Rancho Belago to a portion of eastern Moreno Valley; and,

WHEREAS, the City is in receipt of a document entitled 'Rancho Belago Community Signage Design Submittal', which proposes a variety of sign types at various locations, intended to promote a sense of "…unique character…" for the Rancho Belago "…new community…"; and,

WHEREAS, the 'Rancho Belago Community Signage Design Submittal' has been recommended for Council adoption by the Rancho Belago Economic Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the Rancho Belago Sign Program (aka 'Rancho Belago Community Signage Design Submittal') is approved and adopted.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ATTACHMENT 2

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 11, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Employee of the Quarter - Paul Early, Deputy City Attorney III

2. Officer of the Quarter - Officer Kevin Couch

3. Officer of the Year - Officer Kent Eckenrode

4. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
May 11, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Flickinger

INVOCATION - Council Richard Stewart

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Steve Elam	Interim Financial & Admin. Director
Robert Hansen	City Attorney
William Bopf	Interim City Manager
Rick Hartmann	Interim Assistant City Manager
Cheryl Evans	Lieutenant Admin.
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director/City Engineer
Kyle Kollar	Interim Community Development Director
Barry Foster	Economic Development Director
John Ruiz	Interim Human Resources Director
Paula Smus	Acting Principal Librarian
Mike McCarty	Parks & Community Services Director

MV00066645

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

AGENDA ORDER

G.4 ORDINANCE NO. 811, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING CHAPTER 11.04 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO DRINKING IN PUBLIC AND TRESPASSING OFFENSES AND AMENDING SECTION 6.04.080 RELATING TO NOTICE OF NUISANCE VIOLATIONS (Report of: City Attorney)

Recommendation: That the City Council:

Introduce Ordinance No. 811, an ordinance amending Chapter 11.04 to add new sections relating to drinking in public and trespassing and amending Section 6.04.080 relating to notice of nuisance violations.

Ordinance No. 811

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Chapter 11.04 of the City of Moreno Valley Municipal Code, Relating to Drinking in Public and Trespassing Offenses and Amending Section 6.04.080 Relating to Notice of Nuisance Violations

Motion to Continue Item G4 to a date uncertain by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Motion to waive the attorney-client privilege for the "Legal Advice Regarding Trademark Issues Pertaining to the Rancho Belago Sign Program," thus making it a public document (pertaining to Item G5) by Council Member Richard A. Stewart, s/ Council Member William H. Batey II
Approved by a vote of 5-0.

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Item A10), and Deanna Reeder (Item A10; e-mails issue - Item D2).

MV00066646

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 21 - May 4, 2010.

A.4 TRACT MAP 32142 - CONDOMINIUM PROJECT - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTIONS OF LASSELLE STREET AND AVENIDA DE CIRCO ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: EMPIRE LAND, LLC, ONTARIO, CA 91764 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-28 authorizing the acceptance of the public improvements within Tract Map 32142 as complete and accepting the portions of Lasselle Street and Avenida de Circo associated with the project into the City's maintained street system; and

Resolution No. 2010-28

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32142 and Accepting the Portions of Lasselle Street and Avenida De Circo Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor

MV00066647

Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-29 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/NASON STREET OVERCROSSING IMPROVEMENTS PROJECT (NASON BRIDGE PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-29

A Resolution of the City Council of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Nason Street Overcrossing Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 AUTHORIZE A CHANGE ORDER TO INCREASE PURCHASE ORDER WITH OVERLAND PACIFIC & CUTLER FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with Overland Pacific & Cutler (OPC) in the amount of $50,400 for additional right-of-way support services for SR-60/Nason Street Interchange Improvements project (Account No. 125.89720); and

2. Authorize the City Manager to execute an amendment to the Professional Consultant Services Agreement with OPC extending the agreement expiration date to May 30, 2012, subject to City Attorney review and approval.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF CITYWIDE BRIDGE MAINTENANCE PROGRAM - PROJECT NO. 09-22679828 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Citywide Bridge Maintenance Program, constructed by Peterson-Chase General Engineering Construction, Inc. (Peterson-Chase), 1792 Kaiser Avenue, Irvine, CA 92614-5706;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Peterson-Chase, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.9 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE STREET IMPROVEMENT PROGRAM FOR CONSTRUCTION OF PARTIDA DRIVE, CARILLO COURT, AND KIMBERLY AVENUE - PROJECT NO. 08-12585523 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Street Improvement Program (SIP) for construction of Partida Drive, Carillo Court, and Kimberly Avenue to C & C Grading & Paving, Inc., 28373 Felix Valdez, Suite A-1, Temecula, CA 92593, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with C & C Grading & Paving, Inc.;

3. Authorize the issuance of a Purchase Order to C & C Grading & Paving, Inc. for a total amount of $223,863.49 ($194,663.90 base bid amount plus 15% contingency) when the contract has

been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with C & C Grading & Paving, Inc., up to but not to exceed the Purchase Order's total contingency of $29,199.59, subject to the approval of the City Attorney.

A.10 ENCO UTILITY SERVICES MORENO VALLEY, LLC, VS. CITY OF MORENO VALLEY - APPROVAL OF SETTLEMENT AGREEMENT (PROVIDED UNDER SEPARATE COVER) (Report of: City Attorney)

Recommendation:
Approve as submitted.

Item continued to the next City Council meeting

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 27, 2010 (Report of: City Clerk)

MV00066650

Recommendation:
Approve as submitted.

Motion to continue Item A10 to the next City Council Meeting by Council Member Jesse L. Molina, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

Motion to Approve Joint Consent Calendar Items A1 – D2, except Item A8 and Item A10 which were pulled for a separate vote, by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2010/11 (Report of: Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2010/11 Annual Action Plan; and

2. Approve the proposed 2010/11 Annual Action Plan.

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Motion to Approve by m/Council Member Jesse L. Molina, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

E.2 A PUBLIC HEARING FOR TWO APPLICATIONS TO MODIFY VARIOUS CONDITIONS OF APPROVAL (P09-038 AND P09-039) FOR THE APPROVED HIGHLAND FAIRVIEW CORPORATE PARK PROJECT TENTATIVE PARCEL MAP NO. 35629 (PA07-0090) AND PLOT PLAN (PA07-0091) INCLUDING THE MODIFICATION OF HIGHWAY 60 LANDSCAPE REQUIREMENTS, THE TIMING AND RESPONSIBILITY FOR AN EASEMENT AND CONSTRUCTION OF A REQUIRED MULTI-USE TRAIL ALONG THE PROJECT FRONTAGE AND FUTURE

MV00066651

EUCALYPTUS AVENUE AND VARIOUS PUBLIC WORKS CONDITIONS RELATED TO THE DEDICATION AND IMPROVEMENT OF PUBLIC IMPROVEMENTS. THE PROJECT SITE IS LOCATED ADJACENT TO AND SOUTH OF HIGHWAY 60 ALONG FUTURE EUCALYPTUS AVENUE (FIR AVENUE) BETWEEN REDLANDS BOULEVARD AND THEODORE STREET. THE APPLICANT IS HIGHLAND FAIRVIEW PROPERTIES. (Report of: Community Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that pursuant to California Environmental Quality Act (CEQA) Guidelines, the proposed modification of project conditions of approval are within the scope of the originally approved project Environmental Impact Report (EIR) as required within Section 15161, "Project EIR", and either the preparation of a subsequent EIR or addendum to the original environmental document would not be required subject to Sections 15162 or 15164 of the CEQA Guidelines;

2. APPROVE Resolution Nos. 2010-31 and 2010-32 for various modifications (PA09-0038 and PA09-0039) to approved conditions of approval for PA07-0090 (Tentative Parcel Map No. 35629) and PA07-0091 (Plot Plan) for placement of landscape within the future Highway 60/Caltrans right of way area, and changes related to the dedication and construction of public improvements, with findings included within the resolutions and modified conditions of approval attached as Exhibits A and B to the resolutions; and

Resolution No. 2010-31

A Resolution of the City Council of the City of Moreno Valley, California Recommending Approval of Modifications of various Conditions of Approval (P09-038) for PA07-0090 (Tentative Parcel Map No. 35629) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

Resolution No. 2010-32

A Resolution of the City Council of the City of Moreno Valley, California Approving Various Modification of project Conditions of Approval (P09-039) for PA07-0091 (Plot Plan) generally located North of future Eucalyptus Avenue (Fir Avenue) adjacent to and South of Highway 60 between Redlands Boulevard and Theodore Street

3. RECOMMEND that if the General Plan required and approved multi-use trail is modified in location, the item would be referred to the Planning Commission for review and consideration of a General Plan Amendment (PA09-0013) and possible modifications to the approved Environmental Impact Report (EIR).

The presentation was given by an applicant Iddo Benzeevi.

Mayor Flickinger opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes DIF fee; supports modifying COA), Raul Wilson (against trails), Louise Palomarez (against trails), Nina Ramos Hiers (supports trails), Radene Ramos Hiers (supports trails), Kim Nelson (for denying request to modify the conditions; for trails), Marcelo Co (for jobs; against trails), Pete Bleckert (against horse trails), Daryl Terrell (for Fairview proposal), and Sam Martinez (for jobs).

Recess;
Reconvened

Motion to convert the existing landscaping to hydro seeding wildflowers by Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

Motion not to change the conditions for trails, leave them as it is, by Mayor Bonnie Flickinger, s/Mayor Pro Tem Robin N. Hastings
Motion failed by a vote of 2-3, Council Member William H. Batey II, Council Member L. Molina and Council Member Richard A. Stewart opposed.

Council Member Richard A. Stewart made the following motion regarding building a trail, s/Mayor Bonnie Flickinger: accept the full irrevocable dedication; the construction shall be done by Mr. Benzeevi, but it will be deferred until the completion of the certificate of occupancy for Phase III;
Council Member Richard A. Stewart amended the motion adding that the developer be relieved from this condition (building a trail) if the trail is eliminated from the frontage of this project (relocate off his property)

Council Member Richard A. Stewart withdrew his previous motion.
Mayor Flickinger withdrew the second.

Council Member Richard A. Stewart made the following motion, s/Mayor Bonnie Flickinger:
That the final map will show an irrevocable offer of dedication for the

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trail along the entire frontage of the project, for all 3 phases, and that this condition, the construction, completion and dedication of the completed trail be deferred until occupancy of Phase III (that way the conditions remain worded the same; just construction and completion of the entire trail will be deferred until Phase III, but the final map will show the irrevocable offer of dedication of the right-of-way)
Approved by a vote of 5-0.

Mayor Bonnie Flickinger made a motion to agendize revising a DIF policy to create the open-ended time element.
Mayor Bonnie Flickinger amended the motion to leave the condition in place as is; Motion failed for lack of a second.

Motion to continue the decision on the DIF issue giving staff and Mr. Benzeevi opportunity to conduct research and analysis by Mayor Bonnie Flickinger, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Motion to bring back draft resolutions on motions made at the meeting for the City Council approval by Council Member Richard A. Steward, s/Mayor Pro Tem Hastings
Approved by a vote of 5-0.

Motion to continue the meeting past 11 p.m. by Council Member William H. Batey II, s/Mayor Pro Tem Hastings
Approve by a vote of 5-0.

Council's direction to staff: televise May 18, 2010 Study Session (because of budget)

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Raul Wilson
1) Spanish interpreter
2) Independent audit

Deanna Reeder
1) Encouraged voting

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Valerie Yowell
1) Standards for the rest of development of tract on Nason and Eucalyptus

Marcelo Co
1) Impressed with the decision regarding Item E2; Concerned with time in bringing businesses in
2) Attracting businesses and jobs to the City

Louise Palomarez
1) Public comments
2) Spending tax money

Librada Murillo
1) Priorities for allocating/spending money

Emil Dragovich Jr.
1) DUI checkpoints
2) Expressed appreciation for the City Council members

Tom Jerele Sr. (speaking on behalf of himself and Sundance Center)
1) Acknowledged persons involved in Sunnymead Blvd. improvements
2) Sign modification
3) Trails issue
4) Acknowledged residents contributing to the betterment of the community

Pete Bleckert
1) Proposition 16 & balloting electrical rates

Radene Ramos Hiers
1) Deviation from the General Plan
2) Developers coming to the community
3) Recreational trails
4) Invited residents to joint the rally on Day Street on June 19, 5-6 p.m. to encourage people to spend tax dollars in the City of Moreno Valley

Motion to continue all remaining items to the next Council Meeting by Council Member William H. Batey II, s/Mayor Pro Tem Hastings Approved by a 5-0 vote.

E.3 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2010-11 (CONTINUED FROM APRIL 27, 2010) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the

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proposed Fee Schedule for Fiscal Year (FY) 2010-11; and

2. Adopt Resolution No. 2010-23, approving the Fee Schedule for FY 2010-11.

Resolution No. 2010-23

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2010-11 and Repealing Prior Resolutions that may be in Conflict

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

A.8 RESOLUTION TO JOIN ICLEI AS A FULL MEMBER AND PLEDGE TO TAKE A LEADERSHIP ROLE IN PROMOTING PUBLIC AWARENESS ABOUT THE CAUSES AND IMPACTS OF CLIMATE CHANGE (Report of: Community Development Department)

Recommendation:

Approve Resolution No. 2010-30, thereby agreeing to join (ICLEI) Local Governments for Sustainability and pursue efforts to address goals and objectives of ICLEI

Resolution No. 2010-30

A Resolution of the City Council of the City of Moreno Valley, California, to join ICLEI as a Full Member and Pledge to take a Leadership Role in Promoting Public Awareness about the Causes and Impacts of Climate Change

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

b) Council Member Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 FISCAL YEAR 2010-11 PRELIMINARY BASE OPERATING BUDGET AND DEFICIT REDUCTION PLAN (Report of: Financial & Administrative Services Department)

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Recommendation: That the City Council:
Receive the Fiscal Year 2010-11 Preliminary Base Operating Budget and Deficit Reduction Plan to begin the deliberation process that will lead to budget adoption.

G.3 FY 2010-11 PROPOSED CAPITAL IMPROVEMENT PLAN REVIEW (Report of: Public Works Department)

Recommendation: That the City Council:
Review and discuss the FY 2010-11 Proposed Capital Improvement Plan (CIP) and provide concurrence with the proposed priorities or direction for new priorities for implementation of capital projects.

G.5 PROPOSED RANCHO BELAGO SIGN PROGRAM (AKA "RANCHO BELAGO COMMUNITY SIGNAGE DESIGN SUBMITTAL) (CONTINUED FROM APRIL 27, 2010) (Report of: Community Development Department)

Recommendation: That the City Council:

1. Consider the Rancho Belago Sign Program and take action as deemed appropriate; and

2. Consider appropriating $85,000 from the General Fund—Account Number 00010.66010—toward the manufacture, installation, or maintenance of signs included in the Rancho Belago Sign Program and take action as necessary.

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

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CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:27 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

August 24, 2010

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

Robin N. Hastings, Mayor Pro Tem
Jesse L. Molina, Council Member
Richard A. Stewart, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
August 24, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2010 Summer Reading Program Super Readers by the Moreno Valley Friends of the Library

2. Proclamation Recognizing Rancho Verde Mustangs Girls' 400 Meter Relay Track Team

3. 2009 Volunteer of the Year – Alma Mittleider

4. Presentation of Habitat for Humanity Riverside Poster Recognizing City of Moreno Valley Volunteers

5. Employees of the Quarter - Tim Carroll - Media and Production Coordinator, Bob Lorch & Rob Roseen - Cable TV Producers

6. "Spotlight on Moreno Valley Business"

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AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
AUGUST 24, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor O.J. Philpot, Christ Community Church

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00073262

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTIONS OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-75

A Resolution of the City Council of the City of Moreno Valley Electing To Hear Future Resolutions Of Necessity For The State Route 60/Moreno Beach Drive Improvements Project And Designation Of The City's Special Eminent Domain Counsel To Process Resolution Of Necessity Packages For The Project

MV00073263

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 TRACT MAP 32625 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA 92617 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2010-76

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32625 and Accepting Mcabee Avenue, Molson Court, Altivo Street, Kenda Court and the Portions of Cottonwood Avenue and Redlands Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements;

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM;

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

A.8 ADOPT ORDINANCE NO. 814 - AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

A.9 ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS, LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

Resolution No. 2010-77

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Relocation Plan for Eligible Occupants of Mobile Home Units Located at 14890 Perris Boulevard (APN 484-242-017) for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue

A.10 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED JUNE 30, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:
Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.11 ADOPT ORDINANCE 813 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 813.

Ordinance No. 813

Adopt Ordinance No. 813 of the City Council of the City of Moreno Valley, California, Approving PA06-0184 (Zone Change) to change the Land Use District from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

A.12 AQUABELLA DEVELOPMENT AGREEMENT - ANNUAL REVIEW (P10-044) (Report of: Community Development Department)

Recommendation:
Accept the Annual Report and determine that the property owner has

MV00073266

complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

A.13 PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Authorize the City Attorney to execute the Bonds;

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

A.14 PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland

MV00073267

Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements;

2. Authorize the Mayor to execute the Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A.15 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

A.16 PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map No. 35629; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.17 SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT

MV00073268

CONTRACTOR AGREEMENT (Report of: Community Development Department)

Recommendation:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services; and

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

A.18 PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010; DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (Report of: Public Works Department)

Recommendation:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010; and

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

MV00073269

B.4 NEW LEASE AGREEMENT FOR CARETAKERS OF THE MORENO VALLEY EQUESTRIAN PARK AND NATURE CENTER (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center; and

2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

B.5 ADOPT ORDINANCE NO. CSD 54 - AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:

Approve as submitted.

C.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 SOUTHERN CALIFORNIA EDISON STATE OF THE UTILITY (Informational Oral Presentation - not for Council action)

G.3 MILITARY APPRECIATION BANNER PROGRAM (Report of: City Manager's Office)

Recommendation: That the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 amending Resolution 2010-23 to establish a fee for the Military Banner

MV00073271

Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

Resoution No. 2010-78

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution 2010-23 to Establish Fees for the Military Appreciation Banner Program in Order to Recover the Costs Associated with the Implementation of the Military Banner Program

G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

G.5 APPROVE BUDGET APPROPRIATION TO FUND ADDITIONAL POLICE OFFICERS (MATERIALS PROVIDED UNDER SEPARATE COVER) (Report of: Police Department)

Recommendation: That the City Council:
Approve Budget Appropriation to Fund Additional Police Officers

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any

MV00073272

individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00073273

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SPECIAL MEETING – 6:00 PM
July 6, 2010

CALL TO ORDER

Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 6:03 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Flickinger

INVOCATION – Mayor Flickinger

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Cindy Miller	Executive Assistant to Mayor/City Council
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director

G. REPORTS

Mayor Flickinger opened the agenda item for public comments, which were received from Pete Bleckert.

G.1 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS and Theodore Street; Developer: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Security for the Redlands Sewer Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement and the Escrow Instructions contingent upon the cash security being placed into the escrow account;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required sanitary sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 6:12 p.m. to Regular City Council Closed Session by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

_____

Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 13, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Family FunFest 2010 Moreno Valley Idol Competition Winners

2. Presentation of 4th of July Parade Awards

3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
July 13, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:40 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Jesse Molina

INVOCATION - Pastor Charles Gibson, Breakthrough Church of God in Christ

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Hargis	Acting Financial and Admin. Services Director
William Bopf	Interim City Manager
John Ruiz	Interim Human Resources Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Economic Development Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 16 - July 6, 2010.

A.4 PERMIT PARKING FOR THE RESIDENTS ON LORAINE TERRACE (Report of: Public Works Department)

Recommendation:

Approve and adopt proposed Resolution No. 2010-66 and direct staff to implement permit parking on Loraine Terrace.

Resolution No. 2010-66

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Installation of Permit Parking on Loraine Terrace

A.5 RESOLUTION RESCINDING THE PROVISIONS OF RESOLUTION 2007-55 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AND AUTHORIZING THE SUBMITTAL OF APPLICATION FOR THE USED OIL PAYMENT PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) (Report of: Public Works Department)

Recommendation:

Adopt the proposed resolution (Resolution No. 2010-67) rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for the Used Oil Payment Program grant under the California Department of Resources Recycling and Recovery (CalRecycle).

Resolution No. 2010-67

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding and Restating the Provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California Authorizing Application for the Used Oil Grant Payment Program Funds Under the Department of Resources Recycling and Recovery (CalRecycle)

A.6 APPROVAL OF CHECK REGISTER FOR MAY, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-68, approving the Check Register for the month of May, 2010 in the amount of $19,967,907.47.

Resolution No. 2010-68

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of May, 2010

A.7 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, and to subsequently assign said Agreement to the Community Redevelopment Agency.

A.8 SIXTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE IRONWOOD AVENUE WIDENING PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD - PROJECT NO. 06-50182625-2 (Report of: Public Works Department)

Recommendation:

1. Approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660;

2. Authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc.; and

3. Authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for $99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

A.9 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH PALP INC. DBA EXCEL PAVING COMPANY FOR THE SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of $50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221); and

2. Authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company.

A.10 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

A.11 AUTHORIZE A PROJECT AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division; and

2. Authorize a purchase order for OPC, in the amount of $99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.12 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE SUNNYMEAD BOULEVARD IMPROVEMENTS PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD, PROJECT NO. 04-89280221 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard;

2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc.;

3. Authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of $176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney.

A.13 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

A.14 AUTHORIZE CHANGE ORDERS TO INCREASE THE PURCHASE ORDERS WITH FS CONSTRUCTION FOR THE SIDEWALK IMPROVEMENT PROJECTS ON TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNEL STREET, PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 (Report of: Public Works Department)

Recommendation:

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of $80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnel Street (Account Nos. 283.68428, 283.68528 and 283.68728);

2. Authorize the City Manager to execute the Change Orders for FS Construction;

3. Authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements;

4. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code; and

5. Authorize the Financial & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects.

A.15 ADOPT RESOLUTION NO. 2010-69, APPOINTING DEPUTY CITY ATTORNEY III SUZANNE BRYANT AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING - SEPTEMBER 15-17, 2010 (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2010-69, Appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities 2010 Annual Conference Business Meeting.

Resolution No. 2010-69

A Resolution of the City Council of the City of Moreno Valley, California, Designating a Voting Delegate to the League of California Cities 2010 Annual Conference

A.16 TRACT MAP 31414 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENT AGREEMENT, SOUTHEAST CORNER OF PIGEON PASS ROAD AND SUNNYMEAD RANCH PARKWAY - DEVELOPER: ZAPER, CORP., RIVERSIDE, CA 92504 (Report of: Public Works Department)

Recommendation:
Authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

A.17 PROJECT PA04-0215 (TR 33256) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET - DEVELOPER: VALLEY OAK, LP, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA04-0215;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.18 APPROVAL OF RESOLUTION AND FIRST AMENDMENT TO THE IMPLEMENTATION AGREEMENT (THE AB 811 PROGRAM) WITH

WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS (WRCOG) TO EXPAND THE PROGRAM TO PERMIT FUNDING FOR WATER CONSERVATION IMPROVEMENTS (Report of: Community Development Department)

Recommendation:

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and

2. Adopt Resolution 2010-70, consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

Resolution No. 2010-70

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment Modifying Its Consent to the Inclusion of Properties Within the City's Incorporated Area in the Western Riverside Council of Governments (WRCOG) Contractual Assessment Program to Consent to the Addition of Water Efficiency Improvements to the Improvements Authorized to Be Financed Through Such Program

A.19 PROJECT PA02-0133 (TR 31089) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF IRONWOOD AVENUE BETWEEN KITCHING STREET AND TUSCOLA STREET - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA02-0133;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate

the Faithful Performance Bond and Material and Labor Bond previously submitted by DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.20 RESOLUTION AUTHORIZING THE CITY OF MORENO VALLEY TO CONTINUE TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP" (Report of: Public Works Department)

Recommendation:

Adopt Resolution 2010-71 authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company.

Resolution No. 2010–71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City to Participate in the "Community Energy Partnership", an Energy Efficiency Program Among Southern California Cities, with the Energy Coalition, a California Non-Profit Corporation, Southern California Edison and Southern California Gas Company

A.21 NOTICE OF COMPLETION AND ACCEPTANCE FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS - PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to

release the retention to Wheeler Paving, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.22 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

A.23 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT

AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM C.7) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

A.24 FUNDING FOR ELSWORTH STREET UTILITY IMPROVEMENTS AND MVP EV ONSITE UTILITY CONNECTION: COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY AND 2007 LEASE REVENUE BOND FUNDS (Report of: Economic Development Department)

Recommendation:

1. Review and approve the designation of $107,841 in Community Development Block Grant – Recovery funds for the installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center Drive;

2. Return to an undesignated status the commitment of $107,000 in CDBG-R funds from the Participation Agreement with MVP EV; and

3. Secure an appropriation of $107,841 from the 2007 Lease Revenue Bond Funds in support of the Participation Agreement with MVP EV.

A.25 PA09-0025/PA09-0043 – APPROVE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD WEST OF MORENO BEACH DRIVE, SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE - DEVELOPER: FRANK & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA 92270 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2010-72, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009,

located on the south side of Alessandro Boulevard, west of Moreno Beach Drive as a condition of approval for PA09-0043; and

Resolution No. 2010-72

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Alessandro Boulevard, South Side of Alessandro Boulevard, West of Moreno Beach Drive

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

B.3 ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize the acceptance of grant money in the amount of $747,338 for Fiscal Year (FY) 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and

2. Adopt Resolution No. CSD 2010-22 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2010/2011.

Resolution No. CSD 2010-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter Into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2010/11

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City;

2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and

3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of $50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

C.4 APPROVE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK

STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.10) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

C.5 APPROVE THE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is

located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

C.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.22) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval

of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

C.7 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM A.23) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

Mayor Flickinger announced the ballot tabulation would be held in the public lobby of the Council Chamber in the interest of open government.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

Motion to Approve by m/Board Member Richard A. Stewart, s/Board Member William H. Batey II
Approved by a vote of 5-0.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet; and

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882,

31257, 31269-1, and 32018.

Rescind Motion to Approve Joint Consent Calendar Items A1 – D2 so as to allow for Public Comments by m/Council Member William H. Batey II, s/Council Member Jesse Molina
Approved by a vote of 5-0.

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from David Marshall (A4) and Pete Bleckert (A9, 12, 22)

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/William H. Batey II, s/Richard A. Stewart
Approved by a vote of 5-0.

E.2 A PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT (PA06-0185) AND CHANGE OF ZONE (PA06-0184) TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL 5 (R5), TENTATIVE TRACT MAP 34748 (PA06-0183); A PROPOSAL FOR A 135 SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON 40 ACRES, AND A VARIANCE (P09-102) COVERING RETAINING WALLS ON FOUR LOTS (LOT NUMBERS 37, 38, 39 AND 40) THAT ARE OVER THREE FEET IN HEIGHT. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE. APPLICANT IS RADOS TENANTS IN COMMON (Report of: Community Development Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

2. APPROVE Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

Resolution No 2010-73

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Land Use Element (PA06-0185) to change the Land Use Designation from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

3. INTRODUCE Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A; and

Ordinance No. 813

An Ordinance of the City Council of the City of Moreno Valley, California, approving PA06-0184 (Zone Change) to change the Land Use District for approximately 40 acres from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

4. APPROVE Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No 2010-74

A Resolution of the City Council of the City of Moreno Valley, California, approving Tentative Parcel Map 34748 (PA06-0183) and Variance (P09-102). The project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026)

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

E.3 PUBLIC HEARING FOR THE REVIEW OF THE 2010-2015 IMPLEMENTATION PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Economic Development Department)

Chairperson Flickinger opened the public testimony portion of the public hearing; which was received from Deanna Reader.

Recommendation: That the RDA:

1. Conduct a public hearing for the review of the 2010-2015 Implementation Plan; and

2. Approve the proposed 2010-2015 Implementation Plan.

Motion to Approve by m/Agency Member Richard A. Stewart, s/Agency Member William H. Batey II
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

Chairperson Flickinger opened the agenda item for Item G1 for public comments, which were received from Pete Bleckert.

Recommendation: That the RDA:

Approve the Third Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

(CONTINUED FROM EARLIER IN THE MEETING)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

The ballots have been counted, and the following are the results:

Final Results for Each Tract						
Council District	Tract	Zone	Amt of Valid WBC - Yes	Amt of Valid WBC - No	Amt of Invalid WBCs	PASS/FAIL
3	12773	D	11	32	3	FAILED
4	19210	D	5	23	0	FAILED
4	19937	D	13	19	0	FAILED
4	20404	D	13	34	2	FAILED
2	20579	D	9	33	0	FAILED
4	20718	D	9	21	0	FAILED
4	21113	D	16	28	0	FAILED
2	21333	D	13	28	0	FAILED
4	21597	D	7	13	1	FAILED
4	22889	D	0	10	1	FAILED
1	28882	D	3	17	0	FAILED
2	31257	D	1	7	0	FAILED
3	31269-1	D	5	19	0	FAILED
1	32018	D	1	19	0	FAILED

G.2 AMENDMENT TO CHAPTER 11.40 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, ORDINANCE NO. 741 AND ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS

AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (Report of: Parks and Community Services Department)

Mayor Flickinger opened the agenda item for Item G2 for public comments, which were received from Jan Beyers, Ruth Corrao-Harris, Margie Breitkreuz, Kim Nelson, Elaine Hill, Cathy Hendrick, John Miller, Kathleen Dale, Johnnie Hendrick, John Farquharson, Greg Worley, Marcia Narog, John Schoettler, and Pete Bleckert.

Recommendation: That the City Council:

Introduce Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center; and

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Recommendation: That the CSD:

Introduce Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II

Approved by a vote of 5-0.

After a brief recess, the meeting resumed at 9:24 p.m.

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

June Patterson
1. Relay for Life

Jose Chavez
1. Protecting the community
2. Taxes
3. Moreno Valley Community Park

Raul Wilson
1. Congratulate Jesse Molina
2. Skechers
3. Equestrian Park
4. Budget

Pete Bleckert
1. Glad Districts all failed
2. Why people don't vote
3. Intersections
4. Eastbound ramp on Hwy 60
5. Where is the $2,000,000 coming from
6. Signs

Erica Hopkins
1. Unity Fest

James Dudley
1. 12,563 votes were counted
2. Unions create good paying jobs

G.3 PARTICIPATION AGREEMENT WITH PACIFIC WINGS INC. (Report of: Economic Development Department)

Mayor Flickinger opened the agenda item for Item G3 for public comments, which were received from Pete Bleckert.

Recommendation: That the City Council:
Approve a Participation Agreement with Pacific Wings Inc. to assist in

the development of a Buffalo Wild Wings Grill & Bar as part of the CDBG-Recovery program.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.4 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS ELECTRICAL AND ROUGH GRADING RELATED TO THE INSTALLATION OF THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G4 for public comments; there being none, public comments were closed.

Recommendation:

1. Accept the Agreement and Bond Securities for the Redlands Electrical Improvements and Rough Grading related to the installation of the Redlands sewer improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement contingent upon the developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading related to the installation of the Redlands sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.5 PA07-0090 – ACCEPT THE SUBSTITUTION AGREEMENT AND REPLACEMENT BONDS FOR LINE 'F' STORM DRAIN SECURITY ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G5 for public comments, which were received from Deanna Reader.

Recommendation:

1. Accept the Substitution Agreement and replacement bonds for the Line 'F' Storm Drain Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Substitution Agreement and the replacement bonds contingent upon the Developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Substitution Agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the cash security previously placed into an escrow account and submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required storm drain improvements are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.6 AMENDMENT TO THE JUNE 22, 2010, MOTION OF THE CITY COUNCIL AUTHORIZING AN AGREEMENT WITH HIGHLAND FAIRVIEW FOR ISSUANCE OF A LIMITED PURPOSE BUILDING PERMIT (Report of: Council Members Stewart and Molina)

Mayor Flickinger opened the agenda item for Item G6 for public comments,

which were received from Iddo Benzeevi, Kathleen Dale, Kenneth Bley, Joe Hopper, Mike Calhoun, Robert Walker, Roger Roper, William Pearcy, Deanna Reader, and Raul Wilson.

After a brief recess, the meeting resumed at 10:22 p.m.

Motion to Approve continuing the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a voice vote.

Motion to amend action taken by the City Council on June 22, 2010 approving and accepting Highland Fairview's Covenant to hold as one parcel subject to certain conditions as follows: by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Pro Tem Robin N. Hastings absent.

1. That this activity is not a "project" under CEQA Guidelines Section 15378, and none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would warrant a subsequent Environmental Impact Report or an addendum to the Environmental Impact Report. Further, the City Council finds that the absence of any change in the project, the absence of any change in the circumstances under which the project is being undertaken, the absence of any new information which would bring into question the adequacy of the Environmental Impact Report, the fact that all of the project impacts were analyzed fully in the Environmental Impact Report and the fact that all mitigation measures must be satisfied prior to the building's completion means that there is no need for further environmental review.

2. That the terms and conditions are amended to provide that, prior to issuance of a limited purpose building permit for foundation, slab and pouring of wall panels only, Highland Fairview shall comply with all conditions of approval for issuance of a building permit except as follows, which excepted conditions shall be complied with as provided for in applicable City Council Resolutions, Approval and/or Recording of the final Parcel Map, or issuance of the general building permit, whichever is applicable. The excepted conditions are:

   a. Final approval and recording of the Parcel Map,

   b. Public Improvement Agreements and security for same for any public improvement occurring solely on private property owned or controlled by Highland Fairview,

c. Payment of Development Impact Fees and Transportation Uniform Mitigation Fees are deferred until issuance of any temporary, conditional or unconditional certificate of occupancy for the Skechers building as provided for in City Council Resolutions 2009-37 and 2009-38,

d. Payment of Multiple Species Habitat Conservation Plan fees,

e. Approval of Building Plans for vertical construction,

f. Public Drainage easements,

g. Slope easements,

h. Reciprocal Access easements,

i. Spreading Basin easement,

j. Off-site easements,

k. Median Landscape Plans approval,

l. Final Trail Plan approval,

m. Site Lighting Plan,

n. Title 24 Plans,

o. Solar Panels for Phase 1 Office,

p. Payment of School fees, contingent upon Highland Fairview providing the City with written agreement from the Moreno Valley Unified School District for deferral of school fees until issuance of the general building permit, and

q. Fire Access Plan.

3. All other terms, conditions and actions pursuant to this matter taken by the City Council on June 22, 2010, shall remain unchanged and in full force and effect.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Defer and printed in the City Manager's Report.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION – NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1) Habitat for Humanity raised the walls on a house on Saturday, July 10. Commended John Terell and the city employees for giving up their Saturday to help a family in need.

Council Member Richard A. Stewart

1) Need to do a top to bottom review of our policies. Need to look at the changes the County made.
2) Large projects need to be put in a different category.
3) The City staff is appreciated.
4) Council is not doing anything untoward to get the Highland Fairview project done.

Mayor Bonnie Flickinger

1) The July 4 celebration was very exciting and looking forward to working on Plans B and C to hold it next year. Council is open to any suggestions.
2) For people who are struggling with the economy, there is a low income utility tax exemption so there is no tax on any of your utility bills. Contact Michelle Vega.
3) ERC is open 4 days a week.
4) This is an election year. Two council seats are open. If you are interested in running, pull papers and return them by August 5. There are three ballot measures.

Council Member Jesse Molina

1) Things have been hard on everyone. It's nothing personal. If you think I'm out of line let me know.

2) Las Cruces had their July 4 parade in the evening.

3) Keep up the good work.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

No reportable action.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:19 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: August 24, 2010

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of July 7, 2010 – August 17, 2010.

Reports on Reimbursable Activities July 7, 2010 – August 17, 2010		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger	7/12/10	League of California Cities Riverside County Division General Meeting
	8/3/10	Moreno Valley Hispanic Chamber of Commerce Adelante
Robin N. Hastings		None
Jesse L. Molina	7/12/10	League of California Cities Riverside County Division General Meeting
	7/28/10	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Richard A. Stewart	7/12/10	League of California Cities Riverside County Division General Meeting

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project.

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

BACKGROUND

The overall purpose of the SR-60/Moreno Beach Drive Improvements Project is to provide operational improvements to facilitate movement at and near the SR-60/Moreno Beach Drive Interchange, alleviate existing traffic congestion, increase storage capacity and to address the existing roadway and bridge deficiencies at this interchange. This project is needed to improve safety, bring the bridge features up to current standards, and provide acceptable levels of service along the facility.

On March 14, 2006, the City Council approved an Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Moreno Beach Drive/SR-60 Interchange.

On September 25, 2007, the City Council authorized execution of a Project Development Cooperative Agreement with the State of California for project development activities including final design, utility relocation engineering, and right-of-way acquisition.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons Transportation Group for design, right-of-way engineering, and construction support services.

DISCUSSION

The City has been progressing in the steps necessary for the acquisition of right-of-way, utility relocation and other necessary steps to complete the design of the SR-60/Moreno Beach Drive Improvements Project. Project plans are 95% complete, and right-of-way engineering and appraisals are under way. The goal is to continue right-of-way acquisition using all available TUMF funds.

Caltrans, pursuant to the Project Development Cooperative Agreement and the Caltrans Right- of-Way Manual, Section 17.04.09.01, requires that the City Council of Moreno Valley adopt a resolution to later hear Resolutions of Necessity for the project and subsequently submit them to Caltrans for approval. A Resolution of Necessity is a required resolution authorizing condemnation of property necessary for the project and the filing an eminent domain action to acquire said property through condemnation. Caltrans requires the local entity (the City) to obtain prior approval on a project-by-project basis from Caltrans before proceeding to hear Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project. Adoption of the proposed resolution does not commit the City Council to hear future Resolutions of Necessity to acquire property necessary for the project or to adopt future Resolutions of Necessity to acquire property necessary for the project by condemnation. Appraisals are under way and negotiations have not begun. Therefore, at this time, staff does not anticipate any condemnation actions. Due to the lead time required for Caltrans approval of this action, staff recommends adopting this resolution at this time in the event that Resolutions of Necessity become necessary.

The City has retained the law firm of Singer & Coffin, APC to act as its Special Eminent Domain Counsel to prepare, review, process and approve Resolution of Necessity packages for the project in the event that Resolutions of Necessity become necessary in the future.

ALTERNATIVES

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative will allow necessary approvals to be in place so the project continues to proceed without interruption.*

2. Do not approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and do not authorize and do not direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative may delay the construction of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to the adoption of this resolution. The project is currently funded by Transportation Uniform Mitigation Fees (Fund 415 – TUMF). These funds have been allocated for the SR-60/Moreno Beach Drive Improvements project and cannot be utilized for operational activities. There is no impact to the General Fund.

FY 2010/2011 AVAILABLE FUNDS

TUMF Funds for SR-60/Moreno Beach Interchange (Account 415.70024).... $ 4,096,000
Available Funds..... $ 4,096,000

FY 2010/2011 ESTIMATED COST

SR-60/Moreno Beach Interchange Design and Right-of-Way..... $4,000,000
Estimated Total $4,000,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way**.....October 2011
Begin Construction**.....October 2012
*** Contingent upon available funding*

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The City Council is asked to adopt the proposed Resolution in order to later hear Resolutions of Necessity should acquisition through condemnation become necessary for the SR 60/Moreno Beach Drive Improvements Project.

ATTACHMENTS/EXHIBITS

Attachment "A" – Proposed Resolution of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2010-75

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT

WHEREAS, the City of Moreno Valley ("City") is empowered to acquire by eminent domain any property to carry out its powers or functions pursuant to Government Code Sections 37350, 37350.5 and 40404 and Code of Civil Procedure Section 1240.110; and

WHEREAS, property may properly be acquired by eminent domain for state highway purposes pursuant to Streets and Highways Code Section 102; and

WHEREAS, City has approved the design of State Route 60/Moreno Beach Drive Improvements and also previously approved a Project Development Cooperative Agreement with the State of California for said project, a project on the State of California Highway System. The Cooperative Agreement with the State of California Department of Transportation ("Caltrans") provides that City will perform right-of-way activities as set forth in the Cooperative Agreement for said project; and

WHEREAS, all local public agency projects on the State of California Highway System, within the existing or proposed State of California rights-of-way, are subject to the requirements of the Caltrans Right-of-Way Manual, and recently adopted provisions of the Caltrans Right-of-Way Manual now require a City Council to pass a resolution by a two-thirds vote, making an election to hear all the Resolutions of Necessity for the project; and

WHEREAS, City will follow State statute requirements and the Caltrans Right-of-Way Manual processes in the issuance of the Notice of Intent to adopt a Resolution of Necessity and in the adoption of a Resolution of Necessity, and the City's Special Eminent Domain Counsel is designated to process and approve the resolution package(s).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, by a two-thirds vote, will hear the Resolutions of Necessity associated with the construction of the State Route 60/Moreno Beach Drive Improvements Project.

Attachment "A"

Resolution No. 2010-_____

Date Adopted: _____

BE IT FURTHER RESOLVED that City designates the law firm of Singer & Coffin, APC, as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for this project.

APPROVED AND ADOPTED this ____ day of _____, 2010.

By: _____
Bonnie Flickinger, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

APPROVED AS TO FORM:

By: _____
Bob Hansen, City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: TRACT MAP 32625 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – MERITAGE HOMES OF CALIFORNIA, INC.
5161 CALIFORNIA, SUITE 200
IRVINE, CA 92617

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32625 is a 20-lot single family residential development at the southwest corner of Cottonwood Avenue and Redlands Boulevard that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, trail, storm drain, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $3,084,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed*

according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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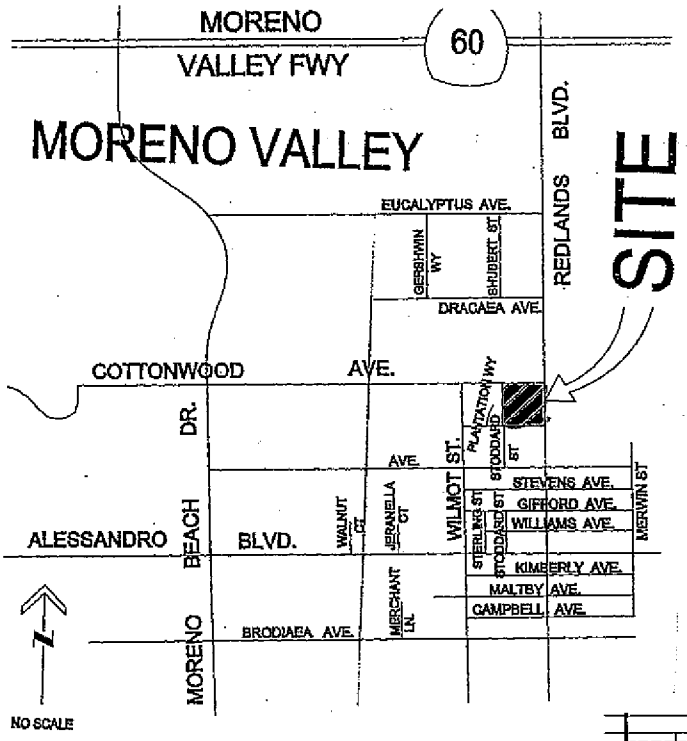

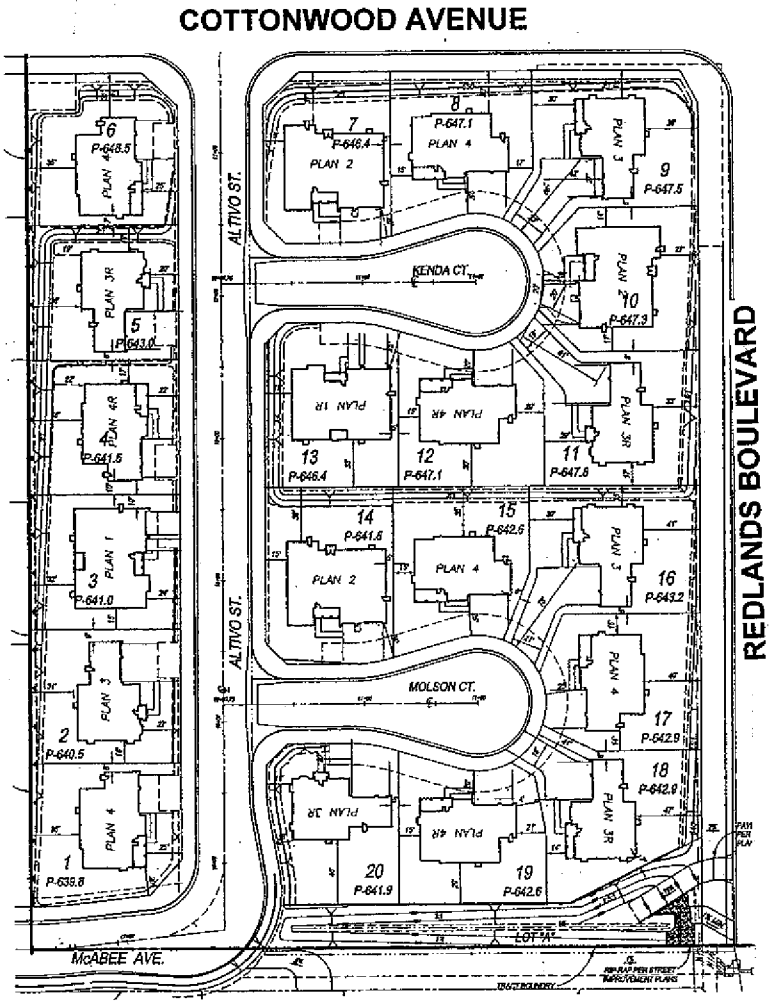

CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
Exhibit A

TRACT 32625
VICINITY MAP

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MV00073325

RESOLUTION NO. 2010-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32625 AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Meritage Homes of California, Inc. on McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32625 and accept McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 32625 are complete, and McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 24th day of August, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT – PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements.

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012.

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

BACKGROUND

The overall purpose of the SR-60/Nason Street Interchange Improvements Project is to improve the SR-60/Nason Street interchange ramps through reconstruction and realignment, while providing a design that accommodates future bridge improvements.

This project is within the State of California's (Caltrans) jurisdiction and, therefore, is subject to Caltrans procedures and requirements. On October 30, 2003, the environmental document, which is a Categorical Exemption/Categorical Exclusion (CE/CE), was approved by Caltrans and the Federal Highway Administration (FHWA).

In closed sessions on October 7, 2008 and November 4, 2008, the City Council approved appraisals for the fair market value of the right of way for all properties to be acquired, and the City Council authorized staff to proceed with negotiations to purchase the fee and easement interests. On August 25, 2009, the Council authorized a Resolution of Necessity should condemnation become necessary. On January 13, 2010, Caltrans certified that all right-of-way needed to construct the project had been obtained.

In 2008 the City solicited proposals for professional program management and construction management services to assist with utility negotiations, advance utility relocations, and other program management-related activities and to provide construction management and inspection services. The RFP required firms to submit proposals on the program management (Phase 1), utility relocation (Phase 2), and construction (Phase 3) phases with the intent that one firm would execute the project from start to finish. On October 14, 2008, the City Council awarded a contract to TCM Group and authorized the issuance of a purchase order for Phases 1 and 2 (program management and utility relocation). Phase 3 would be awarded at a later time upon the successful completion of Phase 1 and 2 work and the availability of funds.

On February 24, 2009, the City entered into a Construction Cooperative Agreement that establishes the City's and Caltrans' responsibilities during the construction phase of the project. On February 23, 2010, the City Council authorized the City Manager and Public Works Director to approve future amendments to the Agreement.

In April 2009, the agreement with TCM was amended to reduce TCM's scope of work associated with the relocation of Eastern Municipal Water District's waterline along State Route 60 to Fir Avenue. EMWD administered the construction work instead of the City, thereby saving time and money for the project.

On June 22, 2010, the City Council approved the FY 2010/2011 CIP budget, which also included the necessary appropriations to fund the construction of the SR-60/Nason Street Interchange Improvements Project.

DISCUSSION

Design, right-of-way acquisition, and advance relocation of utility facilities are now complete. Caltrans is completing the federal fund authorization process. It is anticipated the City will be authorized to advertise for bids by August 2010. Construction is anticipated to begin by December 2010 and be completed by December 2011.

TCM Group has successfully completed Phases 1 (program management) and 2 (utility relocation) of their scope of work. The contract with TCM needs to be amended to add the third phase of the proposed work for construction support services (construction management and inspection services) in order to be ready for the construction phase as soon as the phase is authorized by Caltrans.

The Construction Cooperative Agreement with Caltrans requires the City to provide a qualified Resident Engineer and inspection staff who have been approved by Caltrans. TCM received that approval for this project in September 2008. City staff and inspectors will oversee TCM's work.

Additionally, staff is requesting the contract termination date be extended from December 31, 2011 to December 31, 2012 to cover the construction warranty period. The revised contract total, including the Second Amendment, is $2,032,460.

ALTERNATIVES

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will allow for the construction of the needed improvements.*

2. Do not approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, do not authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, do not authorize a Change Order to increase the Purchase Order with TCM by the amount of

$1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and do not authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will delay construction of the needed improvements.*

FISCAL IMPACT

The project is currently funded using federal funds and matching Measure "A" funds (Fund 125). The City has successfully obtained approximately $8.9 million of federal funds for construction. Remaining construction funding consists of DIF Interchange funds and Measure "A" funds. There are sufficient funds in the budget for the amendment.

All funding sources for this project (Measure "A," Surface Transportation Program, Transportation Efficiency Act of the 21st Century, and DIF Interchange funds) are restricted for capital improvements related to transportation projects or for the SR-60/Nason Interchange and cannot be utilized for operational activities. The allocated amounts below are specifically designated for the SR-60/Nason Interchange Improvements Project. There is no impact to the General Fund.

FY 2010/2011 BUDGETED FUNDS

TEA 21 Demonstration Funds (125.66929)	$ 4,222,000
STPL Discretionary Funds (125.67029)	$ 4,737,000
Measure "A" Funds (125.89720)	$ 1,710,000
DIF Interchange Improvement Funds (418.83630)	$ 1,740,000
Total Available Funds	$12,409,000

FY 2010/2011 ESTIMATED CONSTRUCTION COSTS

Estimated Interchange Construction Costs	$10,000,000
Construction Management & Inspection Services	$ 1,415,000
Construction Support Services (Geotechnical & Survey)	$ 400,000
Administrative Costs (Staff & Miscellaneous)	$ 100,000
Total Estimated Costs	$11,915,000

ANTICIPATED PROJECT SCHEDULE

Caltrans Approval to Advertise Construction	August 2010
Interchange Construction Start Date*	December 2010
Interchange Construction End Date	December 2011

pending Caltrans approval

CITY COUNCIL GOALS

ADVOCACY:

Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff recommends awarding the third phase of work for the provision of construction management and inspection services to the TCM Group for the SR-60/Nason Street Interchange Improvement Project by approving the Second Amendment to Agreement for Professional Consultant Services and increasing the purchase order by $1,414,807.

ATTACHMENT

Attachment "A" – Second Amendment to Agreement for Professional Consultant Services

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/ City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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SECOND AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 98-25897

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and TCM Group, a California corporation, hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services," hereinafter referred to as "Agreement," dated October 21, 2008.

Whereas, the Consultant is providing consultant program management and construction management services for State Route 60/Nason Street Interchange Improvements.

Whereas said Agreement was amended by the "First Amendment to Agreement for Professional Consultant Services" dated April 30, 2009.

Whereas, the Consultant submitted a Proposal dated June 23, 2008, to provide program and construction management services in three phases (Phase I - Program Management, Phase 2 - Utility Relocation and Phase 3 - Construction Management). A copy of said Proposal, attached to the original agreement as 'Exhibit "B," is incorporated herein by reference.

Whereas, Phases 1 and 2 have been awarded to and successfully completed by Consultant; and

Whereas, it is desirable to further amend the Agreement to expand the scope of the work to include construction management services (Phase 3) to be performed by the Consultant as is

Attachment "A"

more particularly described in Section 1 of this Second Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **December 31, 2011,** is extended to **December 31, 2012**.

1.2 Exhibit "B" to the Agreement is hereby amended to expand the scope of work to include Phase 3 construction management and inspection services as described in the original proposal dated June 23, 2008.

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof "Exhibit A -- Second Amendment," entitled "Cost Proposal – Phase 3 Construction Management Services."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $1,414,807, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Second Amendment."

1.5 The total "Not to Exceed" fee for this contract is $2,032,460 ($823,894 for the original Agreement less $205,641 for the First Amendment to Agreement plus $1,414,807 for the Second Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 98-25897

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

TCM Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

Attachments: Exhibit "A" – Phase 3 Cost Proposal

W:\CapProj\CapProj\PROJECTS\Marge - 98-25897 Route 60-Nason Interchange\Design\Program Mgmt & Const Mgmt Consultant\Agreement\2nd Amendment\Second Amendment - TCM Group.doc

TCM GROUP

July 12, 2010

To: City of Moreno Valley
Public Works Department
14177 Frederick St.
Moreno Valley, CA 92553
Attn: Margery Lazarus
Project Manager

Project: Nason St.
Cat: 3.1

From: Ivan S. Benavidez Jr.
Project Manager
TCM Group
3130-B Inland Empire Blvd.
Ontario, CA 91764

Re: Revised Cost Proposal for Construction Management

Attached for your review and approval is our revised cost proposal for construction management services on the SR-60 / Nason Street Interchange Improvement Project.

Scope Changes include:

- Reduced inspection of the wetland area that has been eliminated from the original construction documents (-$146,951.00)
- Increase for as needed service during construction as directed by the City Manger (+124,230.00).

Our original estimate for the construction management services during the construction and post-construction phases was $1,430,599.00, our total revised estimate is $1,414,807.00; resulting in a reduction of $15,792.00.

The revised cost proposal uses the same staff rates and firm overhead rates proposed in 2008.

Please let me know if the reduced dollar value for the scope changes is acceptable to you. If you have any questions please feel free to contact me at 909-203-3589.

Sincerely,
Ivan S. Benavidez Jr.
Ivan S. Benavidez Jr.

Exhibit "A" – Second Amendment

TCM Group
Construction Management Services
Cost Proposal-July 08, 2010

City of Moreno Valley
SR 60/Nason St. Interchange Improvements
Construction & Post Construction

Classification	Staff Member	Hours	Payrate	Overhead Rate	Fee	Billing Rate	Cost
Pre-construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	0	75	159%	10%	$ 213.68	$ -
Assistant RE	Jose Burbano	0	60	159%	10%	$ 170.94	$ -
Office Engr.	Vanessa Barrientos	0	40	159%	10%	$ 113.96	$ -
Subtotal		**0**					**$ -**
Construction Phase (240 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	1920	75	159%	10%	$ 213.68	$ 410,256
Asst. RE	Jose Burbano	1440	60	159%	10%	$ 170.94	$ 246,154
Inspector-Nason	Chuck Snell	1920	43	159%	10%	$ 122.51	$ 235,213
Inspector-Nason	Gary Cavafian	400	50	159%	10%	$ 142.45	$ 56,980
Inspector-SCE	Lawerence Taylor	0	40	159%	10%	$ 113.96	$ -
Office Engr.	Vanessa Barrientos	1920	40	159%	10%	$ 113.96	$ 218,803
Subtotal		**7,600**					**$ 1,167,406**
Post-Construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	72	75	159%	10%	$ 213.68	$ 15,385
Asst RE	Jose Burbano	72	60	159%	10%	$ 170.94	$ 12,308
Office Engr.	Vanessa Barrientos	72	40	159%	10%	$ 113.96	$ 8,205
Subtotal		**216**					**$ 35,897**
Construction Support As-Needed							
Project Manager/Resident Engineer	Ivan Benavidez, PE	160	79.57	159%	10%	$ 226.69	$ 36,271
Asst. RE	Jose Burbano	160	63.65	159%	10%	$ 181.34	$ 29,014
Inspector-Nason	Chuck Snell	150	42.46	159%	10%	$ 120.97	$ 18,145
Inspector-Nason	Gary Cavafian	150	53.04	159%	10%	$ 151.11	$ 22,667
Inspector-SCE	Lawerence Taylor	0	42.43	159%	10%	$ 120.88	$ -
Office Engr.	Vanessa Barrientos	150	42.43	159%	10%	$ 120.88	$ 18,132
Subtotal		**770**					**$ 124,230**
Misc. Expenses							
Vehicles		8586				$ 7	$ 60,102
Labtops		8586				$ 1	$ 8,586
Cellphones		8586				$ 1	$ 8,586
Office Supplies/Mailings/Shipping/...etc							$ 10,000
Subtotal							**$ 87,274**
						Total Cost	**$ 1,414,807**

Limitations & Conditions:

Construction duration is estimated at 240 working days with 0 days for preconstruction & 9 days for closeout.
Inspector will be fully equipped with vehicles, computers, tools, and equipment required to perform their tasks.
Construction office to be provided by City or Contractor.
Overtime is to be charged at 1.5 the above rate per pervailing wage requirements.
Cost proposal is subject to pervailing wage rates and pervailing wage rate changes for inspection.
Misceleanous expenses includes stationeries and other items needed for CM team.

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MV00073339

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley ordains as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code is amended in its entirety to read as follows:

"**11.40.040 Regulations.** Unless specifically provided otherwise in this Chapter, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the City Council.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the City Council.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris

promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzine, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting

within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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MV00073349

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS, LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE
PROJECT NO. 11-41570125

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

BACKGROUND

The Perris Boulevard Widening project will result in a total of six (6) full lanes of street improvements on Perris Boulevard from Perris Valley Storm Drain Lateral "B" to Cactus Avenue. Right of way (ROW) is required from several parcels, one of which is a residential mobile home park, located at 14890 Perris Boulevard.

DISCUSSION

The parcel that is a residential mobile home park site has six (6) mobile home units that will be displaced by the project. Five (5) of the six (6) mobile homes may need to be acquired. The sixth mobile home does not require appraisal (it is vacant and owned by the mobile home park) and will simply be relocated within the mobile home park.

No acquisition of whole properties is proposed. As mentioned above, however, six (6) mobile homes in the mobile home park will be impacted, requiring the relocation or removal of five (5) mobile homes and the occupants. The proposed displacement

triggers relocation assistance obligations under State Relocation Law and the State Relocation Guidelines. Among the various obligations of the Law is the requirement to prepare a Relocation Plan addressing the circumstances and needs of those persons potentially displaced by the project, as well as a mandatory 30 day public review of the document.

Overland, Pacific and Cutler (OPC), ROW consultants for the project, has met with the occupants of the five (5) mobile home units and prepared the Relocation Plan (Attachment "B"). The 30 day public review period has expired and based on the Relocation Plan, the estimated cost to relocate the occupants is $241,000 (including 20% contingency).

ALTERNATIVES

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will allow the City to begin negotiations to acquire right of way.*

2. Do not adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will not allow the City to begin negotiations to acquire right of way and will delay construction of the roadway improvements.*

FISCAL IMPACT

Funding for the proposed ROW acquisition is included in the current Fiscal Year 2010/2011 budget. Transportation Uniform Mitigation Fee (Fund 415 – TUMF) provides a 68.6% reimbursement to the City's 31.4% matching funds from Fund 416 – DIF Arterial Streets for this project. These funds have been allocated for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue and cannot be utilized for operational activities. There is no impact on the City's General Fund.

Available Funding:

TUMF (Fund 415)	$1,688,000
DIF Arterial Streets (Fund 416)	$644,000
Total Funding	$2,332,000

Estimated ROW Related Expenditures:

ROW Acquisitions	$495,120
Relocation Plan Costs	$241,000
ROW Agent, Administration, and Escrow Costs	$70,000
Utility Relocation Costs	$0
Total Estimated ROW Related Expenditures	$806,120

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Public Facilities and Capital Projects:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

City staff recommends that the City Council adopt the proposed Resolution approving the Relocation Plan.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution
Attachment "C" – Relocation Plan

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 11-41570125 Perris Blvd. from PVSD Lateral B to Cactus Ave\CC Reports\082410 CC - Relocation Plan Approval\Relocation Plan Approval Staff Report (082410).doc

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MV00073353

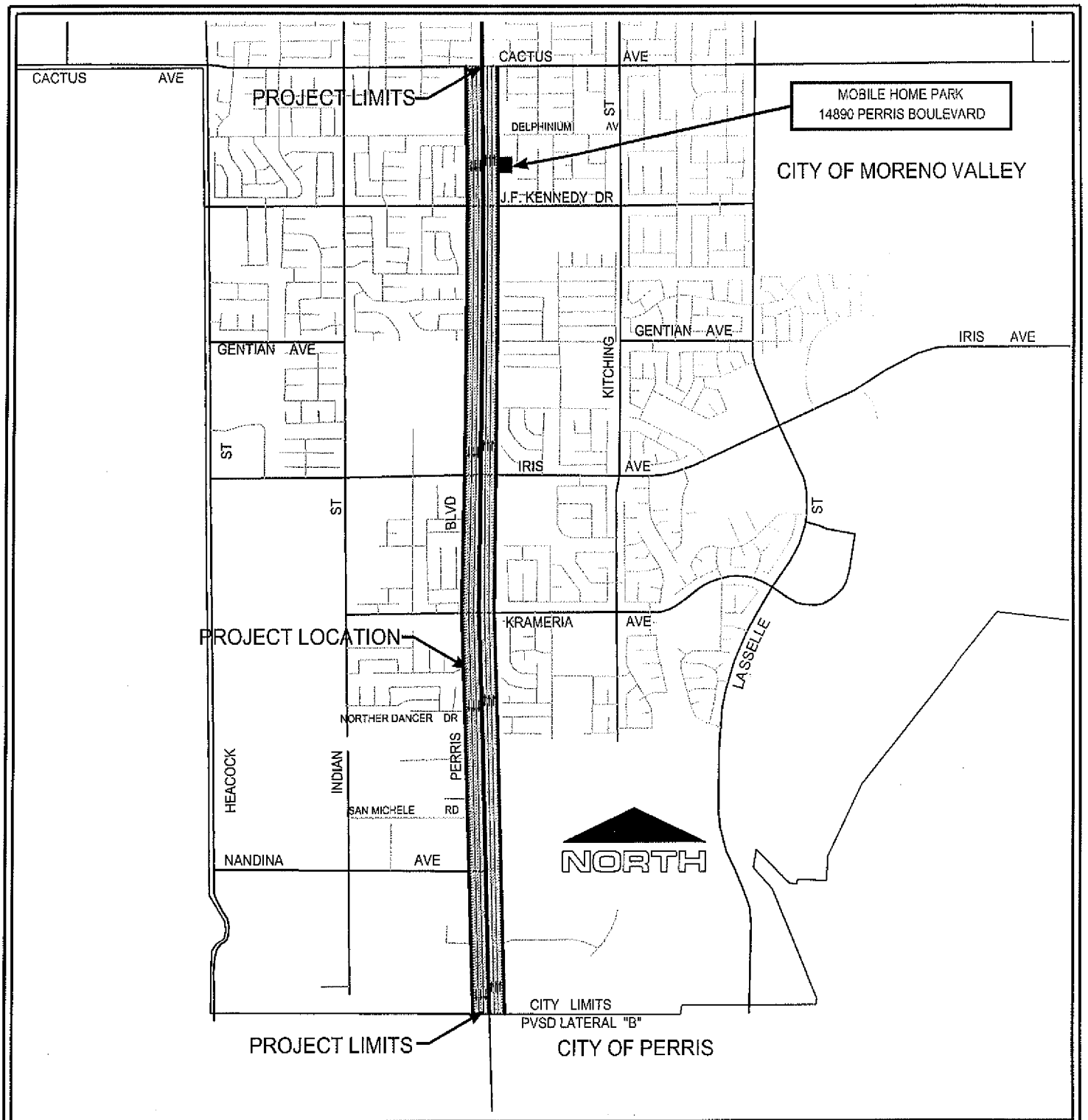

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP

Public Works Department
Capital Projects Division

Scale: Not to scale

ATTACHMENT "A"

PERRIS BOULEVARD WIDENING
FROM
PVSD LATERAL "B" TO CACTUS AVE

Date: 14 Jul 10 -- 4:41 pm
File: W:\CapProj\CapProj\PROJECTS\Larry -- 11-4:5701125 Perris Blvd. from PVSD Lateral B to Cactus Ave\Design Phase\Auto CAD\Perris Widening from Cactus to PVSD Lat B Location Map for RCTC.dwg
User: deepoks

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MV00073355

RESOLUTION NO. 2010-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

WHEREAS, the State Relocation Law (California Government Code Section 7260 et seq.) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) require the City to approve a relocation plan and provide relocation assistance and benefits to eligible residential and business occupants that are either permanently or temporarily displaced; and

WHEREAS, the City, pursuant to the State Relocation Law and the State Relocation Guidelines, has prepared a Relocation Plan, which is attached to this resolution; and

WHEREAS, the proposed action to approve the Relocation Plan is an administrative action and does not constitute a project under the California Environmental Quality Act per Guidelines Section 15262.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Relocation Plan for eligible occupants of the Site is approved.

2. The City Manager and/or his designee is hereby authorized and directed to act on the City's behalf on all matters pertaining to the approved Relocation Plan including entering into agreement(s) with eligible occupants and payment of benefits to eligible occupants.

3. This resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00073359

OVERLAND PACIFIC & CUTLER, INC.

RELOCATION PLAN

FOR THE

PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

PREPARED FOR:

CITY OF MORENO VALLEY, PUBLIC WORKS DEPARTMENT/CAPITAL PROJECTS DIVISION

PREPARED BY:

OVERLAND, PACIFIC & CUTLER, INC.
2280 MARKET STREET, SUITE 340
RIVERSIDE, CA 92501
PHONE: (951) 683-2353

JUNE 30, 2010

Attachment "C"

TABLE OF CONTENTS

INTRODUCTION 1

A. PROJECT LOCATION 1

B. ASSESSMENT OF NEEDS 2

C. REPLACEMENT HOUSING RESOURCES 5

D. CONCURRENT RESIDENTIAL DISPLACEMENT 6

E. TEMPORARY HOUSING 6

F. PROGRAM ASSURANCES AND STANDARDS 6

G. RELOCATION ASSISTANCE PROGRAM 7

H. RELOCATION BENEFIT CATEGORIES 8

I. PAYMENT OF RELOCATION BENEFITS 11

J. EVICTION POLICY 11

K. APPEALS POLICY 11

L. PROJECTED DATES OF DISPLACEMENT 12

M. ESTIMATED RELOCATION COSTS 12

N. CITIZEN PARTICIPATION/PLAN REVIEW 12

TABLE OF ATTACHMENTS 14

INTRODUCTION

The City of Moreno Valley Public Works Department/Capital Projects Division (the Agency) is proposing to widen and improve Perris Boulevard between Perris Valley Storm Drain Lateral "B" (Southerly City Limits) and Cactus Avenue (the Project) to an arterial highway standard with a curb-to-curb width of 86 feet within a 110-foot right-of-way. The proposed Perris Boulevard improvements will include curb and gutter, pavement, sidewalk, street light relocation, traffic signal modifications, signing and striping, and related road improvements. The Project will require the acquisition of property from The Sky Trails Mobile Home Park, which will impact five individually owned mobile home units. The Agency's intent is to utilize the available spaces within the Sky Trails Mobile Village and relocate the mobile homes within the park when possible, thus minimizing the relocation outside of the community. The proposed displacement triggers relocation assistance obligations under State Relocation Law (California Government Code Section 7260 et seq.) (the Law) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) (the Guidelines). Among the various obligations of the Law is the requirement to prepare a relocation plan addressing the circumstances and needs of those persons potentially displaced by the Project.

The following Relocation Plan (the Plan) has been prepared for the Agency by Overland, Pacific & Cutler (OPC) in accordance with the specific requirements set out in Section 6038 of the Guidelines concerning projects that involve the displacement of fewer than 15 households. This Plan provides a project description, the results of a needs assessment survey conducted among residents, a housing resource study, and details of the Agency's proposed relocation program. No activities that would cause displacement will take place prior to the required reviews and approval of this Plan.

A. PROJECT LOCATION

The proposed Project will take place in the central portion of the City of Moreno Valley. The City of Moreno Valley is in Riverside County, approximately seven miles southeast from the City of Riverside and approximately 55 miles southeast of downtown Los Angeles. The Project is located within 30 miles, generally, of the Ontario International Airport and two miles south of the SR-60 Moreno Valley Freeway (see **Attachment 1**, Map 1).

The specific Project site is located along Perris Boulevard and is generally bounded by Cactus Avenue on the north and Perris Valley Storm Drain Lateral "B" (Southerly City Limits) on the south (see **Attachment 1**, Map 2).

B. ASSESSMENT OF NEEDS

Survey information for the Plan was obtained from individual, on-site interviews conducted with the residents in January 2010 and interviewers were successful in contacting all residential households. The Project will impact one tenant occupied mobile home dwelling and four owner-occupied mobile home dwellings. For inclusionary purposes the data from public records about the properties were used as well as anecdotal responses from surveyed individuals to prepare this Plan.

1. Housing Mix

The housing mix consists of five mobile home units, two with one bedroom and three with two bedrooms; four owner- and one tenant-occupied.

2. Project Area Rents

The tenant household is renting their one bedroom mobile home from relatives for $400 per month. Pad space rents for mobile home owners range from $455 to $479.

3. Occupancy/Overcrowding

There is a total Project population of 10 individuals, consisting of nine adults and one child. The average household size is two persons per dwelling unit. The distribution of household sizes within the Project is provided in **Table 1**, following.

TABLE 1: Household Size (5 households)			
# in Household	One	Two	Three
# Households	1	3	1

The standard for housing density adopted by the Agency allows two persons per bedroom and one person in a common living area up to four bedrooms. The Agency adheres to the state building code occupancy standard based on the square footage of the dwelling for households larger than nine members. Based on these criteria as compared to available tenant data, there is no overcrowding among Project properties.

4. Replacement Housing Needs

Replacement housing needs, as expressed in this Plan, are defined by the total number of required replacement units and the distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing survey data relative to household size with the Agency's replacement housing occupancy standards. These standards, generally, allow for up to three persons in a one-bedroom unit, five persons in a two-bedroom unit, and seven persons in a three-bedroom unit.

The Project's replacement housing requirements are two one-bedroom mobile homes and three two-bedroom mobile homes; four for sale and one for rent.

The Agency will, through its relocation representatives, assure that sufficient replacement housing units exist in compliance with the decent, safe, and sanitary requirements, prior to displacing any residential households.

5. Income

Income information was provided by all five Project households. According to income standards for the County of Riverside, adjusted for family size as published

by the United States Department of Housing and Urban Development (HUD) in May 2010, two respondent Project households qualify as extremely low income (less than 30% of area median) and three qualify as low income (51%-80% of area median). **Table 2** below outlines this information.

TABLE 2: Income Levels of Project Households (5 respondents)

Extremely Low	Very Low	Low	Moderate
2	0	3	0

6. Ethnicity/Language

Two households in the Project reported their ethnicity as White and three as Hispanic. English is the primary household language in all households.

7. Senior/Handicapped Households

There are no senior households (head of household or spouse 62 years or older) in the Project and four households reported disabilities that may require special accommodations as far as replacement units are concerned.

8. Preferred Relocation Areas

All Project residents expressed a preference to remain in the same park or community in order to maintain current access to employment, medical or religious facilities, recreational resources, and public transportation.

For illustrative purposes **Attachments 2 and 3** present the prevailing HUD income standards as well as general demographic information for the City of Moreno Valley.

C. REPLACEMENT HOUSING RESOURCES

A housing resource survey was conducted during the month of February 2010 to determine the availability of replacement housing to meet the needs of the five Project area households. Mobile homes for sale and available space in nearby parks that would accept a used mobile home were researched and considered as appropriate replacement options. Most residents may be able to remain at the park by moving their coach to the available spaces. One does not qualify due to the size and additions to the mobile home.

The mobile homes for sale survey, summarized in **Table 3**, identified a total of 38 available single-, double- and triple-wide mobile homes for sale. The individual figures for number of units found by coach size are presented in the table alongside the number of units needed (shown in parentheses) to meet re-housing obligations.

TABLE 3: Availability and Cost of Mobile Homes for Sale

Size	Single-wide	Double-wide	Triple-wide
# Found (# Needed)	4 (1)	32 (3)	2 (0)
Asking Price Range	$15,000 - $25,000	$12,500 - $68,000	$40,000 - $45,000
Pad Rent Range	$350 - $620	$350 - $680	$500 - $550
Median Asking Price	$18,700	$31,500	$42,500
Median Pad Rent	$527	$524	$525

Project pad rents are currently approximately 11% less than median pad rents for surveyed nearby parks. The median rent amounts shown in the table above are the figures used to make benefit and budget projections for the Plan. These amounts are, naturally, subject to change according to the market rates prevailing at the time of displacement.

In addition to the available mobile homes for sale the survey identified 10 nearby mobile home parks with available spaces for used mobile homes. A total of 51 available spaces were identified with pad rents ranging from $251 to $755. **Attachment 4** lists available replacement housing resources.

For one tenant household the survey of nearby one-bedroom apartments was conducted and there are currently 11 available units on the market with rents ranging from $695 to $795 per month. Median rent for one-bedroom units is $765.

D. CONCURRENT RESIDENTIAL DISPLACEMENT

There are, currently, no projects underway within the City of Moreno Valley, that would negatively affect the pool of available replacement housing of mobile homes for sale. No residential displacee will be required to move without both adequate notice and access to available affordable, decent, safe, and sanitary housing.

E. TEMPORARY HOUSING

There is no anticipated need for temporary housing. Should such a need arise, the displacing entity will respond appropriately and in conformance with all applicable laws and requirements.

F. PROGRAM ASSURANCES AND STANDARDS

There are adequate funds available to relocate all households subject to displacement. Services will be provided to ensure that displacement does not result in different, or separate treatment of the household based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability, or any other basis protected by the Federal Fair Housing Amendments Act; the Americans with Disabilities Act; Title VI of The Civil Rights Act of 1964; Title VII of The Civil Rights Act of 1964; Title VIII of The Civil Rights Act of 1968; and, the California Fair Employment & Housing Act; and the Unruh Act.

No residential household will be displaced without at least 90 days notice and unless comparable replacement housing can be located. Comparable housing includes standards such as: decent, safe and sanitary (as defined in § 6008[d] of the Guidelines); comparable as to the number of bedrooms, living space, and type and quality of construction of the

acquired unit, but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to proximity to schools, employment, health and medical facilities, and other public and commercial facilities and services; and within the financial means of the displaced household as defined in Section 6008, subdivision (c)(5) of the Guidelines.

The relocation program to be implemented by the Agency conforms with the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines and all other applicable regulations and requirements.

G. RELOCATION ASSISTANCE PROGRAM

A relocation representative from *Overland, Pacific & Cutler, Inc.* (OPC) will assist all persons to be displaced as a consequence of the Project. OPC staff will maintain personal contact with all individuals until the relocation process has been completed. OPC maintains an open phone number (951) 683-2353 which is attended to from 8:00 a.m. to 5:00 p.m., Monday through Friday.

The relocation offices are located at:

2280 Market Street, Suite 340
Riverside, CA 92501

A comprehensive relocation assistance program, offering both advisory assistance and financial benefits will be provided to all households subject to displacement. Specific services will include:

A. Distribution of informational brochure to residential occupants **(Attachment 5)**;

B. Timely referrals for residential occupants to at least three comparable replacement units and, if necessary, transportation will be provided to inspect potential replacement units; and

C. Assistance with the completion, and filing of relocation claims, rental applications, purchase offers and appeal forms, if necessary.

H. RELOCATION BENEFIT CATEGORIES

Relocation benefits will be provided in accordance with the California Relocation Assistance Law; the Guidelines; and, other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The Agency will provide appropriate benefits for each displaced household as required by the above-referenced laws and requirements.

1. Residential Moving Expense Payments

The subject households will be eligible to receive a payment for moving expenses. Payments will be made based upon either a fixed room count schedule, or an invoice for actual reasonable moving expenses from a licensed professional mover.

a. Fixed Payment - A fixed payment for moving expenses based on the number of rooms containing furniture or other personal property to be moved. The fixed moving payment will be based upon the most recent Federal Highway Administration (FHWA) schedules maintained by the California Department of Transportation **(See Fixed Payment Moving Schedule - Attachment 6)**.

- OR -

b. Actual Reasonable Moving Expense Payments - A displaced household may elect to have a licensed, professional mover perform the move; if so, the displacing entity will pay for the actual cost of the move, up to 50 miles, and all reasonable charges for packing, unpacking, insurance, and utility connection charges at the

replacement location. The payment for moving will be made directly to the mover, or as reimbursement to the displaced household.

2. Rental Assistance/Downpayment Assistance

Residential tenants who have established residency at the Project site for a minimum of 90 days prior to the initiation of negotiations to purchase the property and who choose to re-rent, may be eligible to receive a Rental Assistance Payment in addition to compensation for moving expenses. "Initiation of Negotiations" is defined as the first written offer by the Agency to buy the property from which the households will be displaced.

Rental Assistance Payments will be limited to a maximum of $5,250, based upon the monthly housing need over a 42 month period, prior to consideration of Last Resort Housing needs. Eligible households may opt to apply the full amount of their rental assistance eligibility toward the purchase of a replacement dwelling.

3. Payments to Mobile Home Owners

Mobile home owner-occupants will have four options with respect to relocation arrangements:

1) If the mobile home can be moved to a replacement site, the owner may elect to move and set up the unit, including any existing improvements, in a new location, provided the total cost of moving the coach does not exceed the replacement cost of a comparable unit.

Benefits will include the cost of moving and setting up the existing mobile home, within 50 miles from the Project, and Rental Assistance for space rent.

2) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place, and purchase a comparable replacement coach in another location;

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

3) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and apply their entitlement toward the purchase of another type of residential dwelling, including the amount determined for Rental Assistance for space rent.

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

4) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and rent an alternate type of residential unit.

The owner will be entitled to utilize up to the total of the replacement housing eligibility in the form of rental assistance. Actual rental assistance eligibility will be determined by subtracting the difference between the economic rent of the mobile home residence from the market rent for an apartment unit of comparable size (e.g. number of bedrooms) multiplied by 42 months.

4. Last Resort Housing Payments

In order to provide the tenants and owners with comparable replacement housing, the Agency may, if there is a need, exceed statutory maximums for rental assistance of $5,250 for tenants and replacement housing of $22,500 for owners, by authorizing the payment of Last Resort Housing benefits. A displaced person will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed total of his or her rental or replacement housing assistance eligibility exceeds either $5,250 in the case of tenants or $22,500 for owner-occupants or when a tenant does not meet applicable occupancy requirements. Calculation of Last Resort rental assistance benefits for tenants who fail to meet 90-day occupancy requirements will be based solely on household

income. Non 90-day qualifiers must meet basic eligibility requirements applied to all other displacees.

I. PAYMENT OF RELOCATION BENEFITS

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

i) the date the claimant moves from the acquired property; **or**,

ii) the date on which final payment for the acquisition of real property is made, whichever is later.

Procedures for preparing, and filing of claims and processing and delivering of payments are attached **(Attachment 7)**.

J. EVICTION POLICY

Eviction will only be undertaken as a last resort measure in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous, or illegal act in the unit, or if the household refuses to act after having received reasonable referrals to comparable replacement housing. Eviction may affect the eligibility of a person otherwise entitled to relocation benefits.

K. APPEALS POLICY

The appeals policy will follow the standards described in Section 6150 of the Guidelines. Pursuant to this Section, displacees have the right to appeal determinations of eligibility,

payment amounts and general relocation assistance services. A copy of the Agency's appeals policy and procedures is attached **(Attachment 8)**.

L. PROJECTED DATES OF DISPLACEMENT

Occupants will receive either a written 90-Day Informational Notice or a date specific 90-Day Notice to Vacate before they are required to move. This notice is anticipated to be issued around August of 2010.

M. ESTIMATED RELOCATION COSTS

The Agency will use its own funds to underwrite the Project. Estimated relocation costs for the Project are $241,000 including a 20% contingency. This figure does not include any provision for relocation administrative costs or other services which may be necessary to carry out the Project.

If the Project is implemented and circumstances arise that increase the Project budget, the Agency will authorize the expenditure of those additional funds necessary to meet its statutory relocation assistance obligations.

N. CITIZEN PARTICIPATION/PLAN REVIEW

This Plan will be provided to the public for the mandatory 30 day review period. Comments regarding this Plan will be included as a Plan Addendum (**Attachment 9**) prior to submission for approval before the City of Moreno Valley City Council. A copy of the

approved Plan will be forwarded to the California Department of Housing and Community Development (HCD).

TABLE OF ATTACHMENTS

Attachment 1: Project Site Maps

Attachment 2: Demographic Characteristics

Attachment 3: Annual Income Limitations - Year 2010, County of Riverside

Attachment 4: Replacement Housing Survey

Attachment 5: Sample Informational Brochure for Displaced Households

Attachment 6: Fixed Payment Moving Schedule

Attachment 7: Procedures for Relocation Payments and Assistance

Attachment 8: Appeals Policy and Procedures

Attachment 9: Plan Addendum (Public Comments and Agency Response)

ATTACHMENT 1
PROJECT SITE MAPS

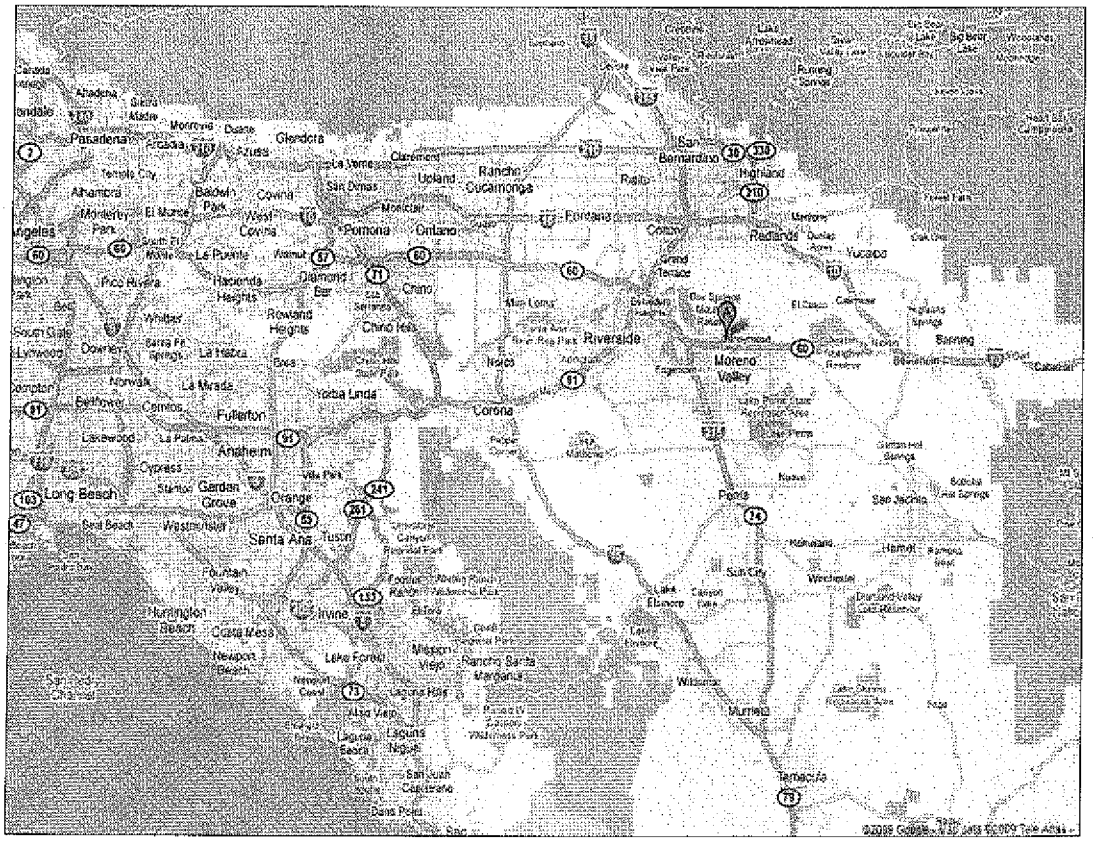

Map 1: Regional Project Location

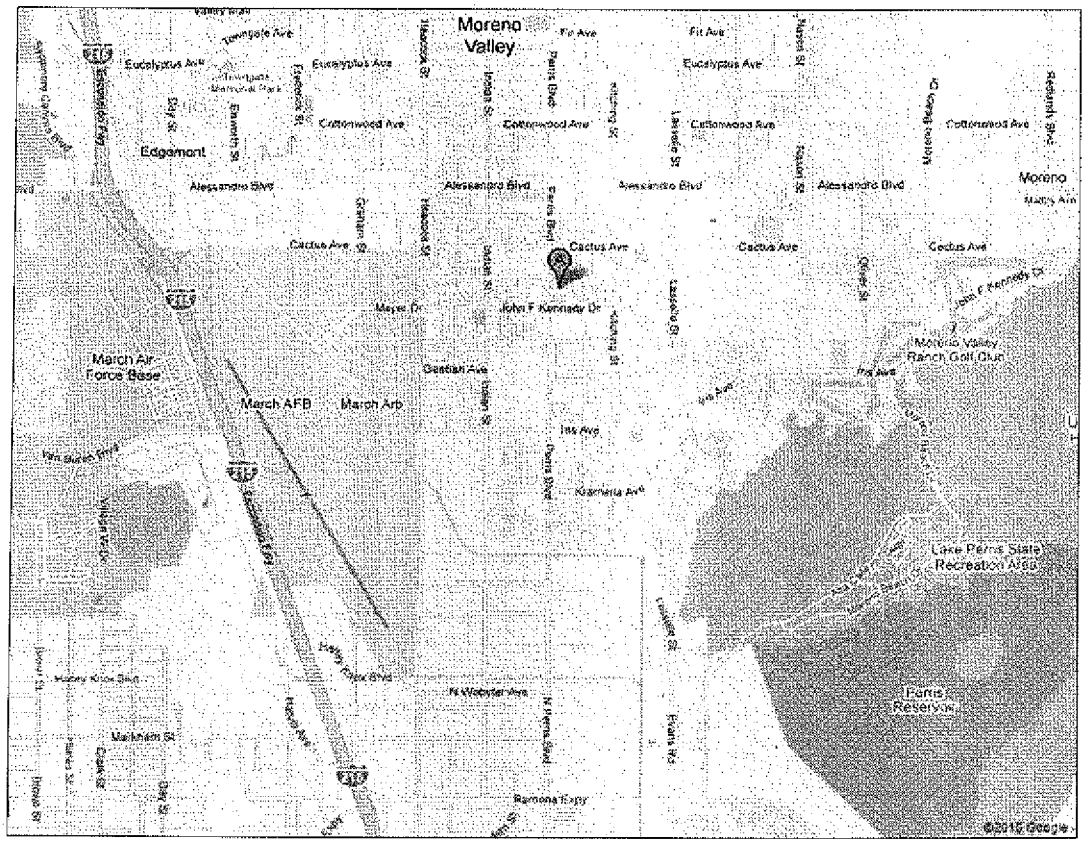

Map 2: Project Site Location

ATTACHMENT 2
DEMOGRAPHIC CHARACTERISTICS

TABLE 1: 2000 Census Population - City of Moreno Valley & Tract 426.05				
Population	Tract 426.05	%	City	%
Total Population	18,387	100.0%	142,381	100.0%
White	7,926	43.1%	66,689	46.8%
Black or African American	4,362	23.7%	28,310	19.9%
American Indian and Alaska Native	166	0.9%	1,343	0.9%
Asian	1,151	6.3%	8,427	5.9%
Native Hawaiian and Other Pacific Islander	97	0.5%	733	0.5%
Some Other Race	3,644	19.8%	28,584	20.1%
Two or More Races	1,041	5.7%	8,295	5.8%
Hispanic or Latino (of Any Race)	7,070	38.5%	54,689	38.4%

Source: U.S. Census Bureau

TABLE 2: 2000 Census Housing Units - City of Moreno Valley & Tract 426.05				
Type	Tract 426.05	%	City	%
Total Units	5,472	100.0%	41,431	100.0%
Owner-Occupied	4,174	76.3%	27,873	67.3%
Renter-Occupied	784	14.3%	11,352	27.4%
Vacant Housing Units	514	9.4%	2,206	5.3%
Available for Sale Only (of Total Vacant Units)	158	30.7%	800	36.3%
Available for Rent - Full Time Occupancy (of Total Vacant Units)	159	30.9%	709	32.1%
Sold or Rented - Not Occupied	53	10.3%	221	10.0%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	65	12.6%	104	4.7%
Other Vacant	79	15.4%	372	16.9%

Source: U.S. Census Bureau

ATTACHMENT 3

HUD ANNUAL INCOME LIMITATIONS - YEAR 2010
COUNTY OF RIVERSIDE, CA

The following figures are approved by the U.S. Department of Housing and Urban Development (HUD) and California State Department of Housing & Community Development for use in the **County of Riverside** to define, and determine housing eligibility by income level, for the year 2010.

Area Median: $65,000					
Family Size	**Extremely Low Income**	**Very Low Income**	**Low Income**	**Median Income**	**Moderate Income**
1 Person	13,650	22,750	36,400	45,500	54,600
2 Person	15,600	26,000	41,600	52,000	62,400
3 Person	17,550	29,250	46,800	58,500	70,200
4 Person	19,500	32,500	52,000	65,000	78,000
5 Person	21,100	35,100	56,200	70,200	84,250
6 Person	22,650	37,700	60,350	75,400	90,500
7 Person	24,200	40,300	64,500	80,600	96,700
8 Person	25,750	42,900	68,650	85,800	102,950

Figures are per the California State Department of Housing & Community Development, Division of Housing Policy Development, promulgated **June 17, 2010.**

ATTACHMENT 4

REPLACEMENT HOUSING SURVEY

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
JFK Mobile Home Park 951-242-5437	15040 Heacock Street, Moreno Valley	None	$515.00 plus utilities	Not at this time	6 miles
Santiago Estates Sunnymead Ltd 951-242-6158	23530 Santiago Drive Moreno Valley	1 space available	$425.00 - $515.00	Yes, no model older than year 2000	5.7 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood Avenue Moreno Valley	3 spaces available	$515.00 - $565.00	Yes, Must be 5 years or newer	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard Moreno Valley	6 spaces	620.00 plus utilities	Yes, Corporate must approve the home	2 miles
Cadena Creek Mobile Home Park 909-783-2700	2851 S. La Cadena Drive Colton	30 spaces	698.00	Yes	7 miles
Big Oak Gardens Mobile Senior Home Park 909-795-2213	35080 Chandler Avenue Calimesa	3 spaces	$251.00	1977 or newer 30 amp coach only	7.9 miles
King Arthur's Mobile Home Park 951-682-5885	1560 Massachusetts Ave Riverside	None	$595.00	Not Allowed	10 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
Mission Mobile Manor 951-685-6580	8110 Mission Blvd Riverside	1 space	$518.00	Yes, 1990 or newer	21 miles
Ranco Caballero Mobile Community 951-780-9272	15181 Van Buren Boulevard Riverside	1 space	$681.69	Yes, did not know if any restrictions	16 miles
Elm Trailer Park 951-781-3938	5741 Mission Boulevard Riverside	None	$395.00	Not Allowed	18 miles
Jurupa Hills Cascade Mobile Home 951-685-1557	6130 Camino Real Riverside	Possibly 1 space	$755.00	Yes, must be 5 years or newer	21 miles
Mission Village Mobile Home Park Senior Park 951-687-4447	3700 Buchanan Avenue Riverside	2 spaces	$525.00-$550.00	Yes, no model older than year 2000	26 miles
Palm Terrace Mobile Village 951-689-4650	12149 Indiana Street Riverside	3 spaces	$617.00-$643.00	Yes, must be year 1990 or newer	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #201 Moreno Valley	Single	$530.00	2 bed/1 bath	$17,500	6 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #33 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$25,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #124 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$40,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood # 232 Moreno Valley	Triple	$500.00	2 bed/ 2 bath	$45,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #47 Moreno Valley	Triple	$550.00	2 bed/ 2 bath	$40,000	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #35 Moreno Valley	Double	620.00	2 bed/2 bath	$14,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #92 Moreno Valley	Double	620.00	2 bed/2 bath	$25,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #64 Moreno Valley	Double	620.00	3 bed/2 bath	$29,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #88 Moreno Valley	Double	620.00	3 bed/2 bath	$45,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #21 Moreno Valley	Single	620.00	2 bed/1 bath	$15,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #50 Moreno Valley	Double	620.00	3 bed/2 bath	$55,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #51 Moreno Valley	Double	620.00	3 bed/2 bath	$20,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #62 Moreno Valley	Double	620.00	2 bed/1 bath	$40,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #8 Moreno Valley	Double	620.00	2 bed/2 bath	$36,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Dat

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Santiago Estates 951-242-6158	23530 Santiago Drive #33 Moreno Valley	Double	$425.00	3 bed/ 2 baths	$50,000	5.7 miles
Santiago Estates	23530 Santiago Drive #53 Moreno Valley	Double	$350.00	3 bed/ 2 bath	$68,000	5.7 miles
King Arthur's Mobile Home Park	177 Sir Bedivere Dr #177 Riverside	Double	$595.00	2 bed/2/bath	$29,000	10 miles
King Arthur's Mobile Home Park	144 Sir Damas Dr # 144 Riverside	Double	$595.00	2 bed/2 bath	$25,000	10miles
King Arthur's Mobile Home Park	183 Sir Bedivere Dr #183 Riverside	Double	$603.00	2 bed/2 bath	$54,000	10 miles
Lake Perris Village	350 San Jacinto Ave #62 Perris	Single	$525.00	2 be/ 1 bath	$25,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #51 Perris	Double	$475.00	2 bed/ 2 bath	$44,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #20 Perris	Double	$470.00	3 bed/2 bath	$48,330	8.92 miles
Lakeview Family Park	11050 Bryant #198 Yucaipa	Double	$457.00	2 be/ 2 bath	$49,000	20 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Lakeview Family Park	11050 Bryant #47 Yucaipa	Double	$380.00	2 bed/ 1.5 bath	$39,800	20 miles
Lakeview Family Park	11050 Bryant #229 Yucaipa	Double	$440.00	2 bed/2 bath	$36,000	20 miles
Lakeview Family Park	11050 Bryant #90 Yucaipa	Double	$450.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #126 Yucaipa	Double	$428.00	2 bed/2 bath	$34,000	20 miles
Lakeview Family Park	11050 Bryant #145 Yucaipa	Double	$428.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #293 Yucaipa	Single	$350.00	2 bed/2 bath	$19,900	20 miles
Lakeview Family Park	11050 Bryant # 205 Yucaipa	Double	$450.00	2 bed/2 bath	$22,000	20 miles
Lakeview Family Park	11050 Bryant #122 Yucaipa	Double	$350.00	2 bed/2 bath	$24,000	20 miles
Mission Village	3600 Buchanan #26 Riverside	Double	$550.00	2 bed/2 bath	$12,500	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Mission Village	3600 Buchanan #126 Riverside	Double	$411.00	2 bed/2 bath	$20,000	26 miles
Mission Village	3600 Buchanan #118 Riverside	Double	$576.00	2 bed/2 bath	$25,000	26 miles
Mission Village	3600 Buchanan #89 Riverside	Double	$518.00	2 bed/2 bath	$24,500	26 miles
Pembroke Downs	12400 Cypress Ave #88 Chino	Double	$541.00	2 bed/2 bath	$45,000	30 miles
Lamplighter	4400 Philadelphia #2 Chino	Double	$464.00	2 bed/2 bath	$61,000	32 miles
Park Vista	1601 S. Garey Ave #81 Pomona	Double	$680.00	2 bed/2 bath	$45,000	35 miles

ATTACHMENT 5

SAMPLE INFORMATIONAL BROCHURE
FOR
DISPLACED HOUSEHOLDS

Relocation Assistance Informational Statement for Families and Individuals

(CA State)

Displacing Agency:

City of Moreno Valley – Public Works Department/Capital Projects Division

Project Name:

Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" (Southerly City Limits) to Cactus Avenue

Displacing Agency Representative:

Overland, Pacific & Cutler, Inc.
2280 Market St., Suite 340
Riverside, CA 92501
Phone: (951)683-2353

Informational Statement Content:

1. General Information
2. Assistance In Locating A Replacement Dwelling
3. Moving Benefits
4. Replacement Housing Payment - Tenants And Certain Others
5. Section 8 Tenants
6. Replacement Housing Payment – Homeowners
7. Qualification For And Filing Of Relocation Claims
8. Last Resort Housing Assistance
9. Rental Agreement
10. Evictions
11. Appeal Procedures – Grievance
12. Tax Status of Relocation Benefits
13. Additional Information And Assistance Available

Spanish speaking representatives are available. Si necesita esta información en español, por favor llame a su representante.

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1. GENERAL INFORMATION

The dwelling in which you now live is in a project area to be improved by, or financed through, the Displacing Agency using state and/or local funds. If and when the project proceeds, and it is necessary for you to move from your dwelling, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under the state law. We suggest you save this informational statement for reference.

The Displacing Agency has retained the professional firm of **Overland, Pacific & Cutler, Inc. (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING. However, if you desire to move sooner than required, you must contact your representative with Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Displacing Agency's relocation assistance program.

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive. Once the Displacing Agency acquires the property, you will also be required to pay rent to the Displacing Agency.

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

3. MOVING BENEFITS

If you must move as a result of displacement by the Displacing Agency, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

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- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills; **or**
- A combination of both.

For example, you may chose a Self Move, receiving a payment based on the Fixed Residential Moving Cost Schedule shown below, plus contract with a professional mover to transport your grand piano and /or other items that require special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Residential Moving Cost Schedule.

A. **Fixed Moving Payment**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from $400.00 for one furnished room to $2,150.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation representative will inform you of the amount you are eligible to receive, if you choose this type of payment.

If you select a fixed payment, you will be responsible for arranging for your own move, and the Displacing Agency will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up, credit check and other related moving fees.

Fixed Moving Schedule CALIFORNIA Effective 6-15-2005	
Occupant Owns Furniture:	
1 room	$625
2 rooms	$800
3 rooms	$1,000
4 rooms	$1,175
5 rooms	$1,425
6 rooms	$1,650
7 rooms	$1,900
8 rooms	$2,150
Each additional room	$225
Occupant does NOT Own Furniture:	
1 room	$400
Each additional room	$65

B. **Actual Moving Expense (Professional Move)**

If you wish to engage the services of a licensed commercial mover and have the Displacing Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a "mover" scope of services for Displacing Agency approval.

4. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to $5,250.00 to assist you in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant who has occupied your present dwelling for at least 90 days prior to the initiation of negotiations or an owner who has occupied your dwelling between 90 and 180 days prior to the initiation of negotiations.

A. **Rental Assistance.** If you qualify, and **wish to rent** your replacement dwelling, your rental assistance benefits will be based upon the difference over a forty-two (42) month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent and estimated utilities or thirty percent (30%) of your gross monthly household income. You will be required to

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provide your relocation representative with monthly rent and household income verification prior to the determination of your eligibility for this payment.

- OR -

B. **Down-payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the down-payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

5. SECTION 8 TENANTS

When you do move, you may be eligible to transfer your Section 8 eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits.

6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

A. If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 180 days** prior to the initiation of negotiations, you may be eligible to receive a payment of up to $22,500.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.
3. **Incidental Expenses** - Those one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that could have been received under the Purchase Price Differential, explained above. The payment will be based on the difference between an economic rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received, if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

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7. QUALIFICATION FOR, AND FILING OF, RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the following**:

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:

  a. The date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court,: **or**

  b. The date you move from the displacement dwelling.

All claims for relocation benefits must be filed with the Displacing Agency **within eighteen (18) months** from the date on which you receive final payment for your property, or the date on which you move, whichever is later.

8. LAST RESORT HOUSING ASSISTANCE

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the Displacing Agency will provide Last Resort Housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort Housing assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and Last Resort eligibility must be applied toward the down-payment and eligible incidental expenses of the home you intend to purchase.

9. RENTAL AGREEMENT

As a result of the Displacing Agency 's action to purchase the property where you live, you may become a tenant of the Displacing Agency. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

10. EVICTIONS

Any person, who occupies the real property and is not in unlawful occupancy, is presumed to be entitled to relocation benefits. Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following reasons:

- Failure to pay rent; except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act in the unit;

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- Material breach of the rental agreement and failure to correct breach within the legally prescribed notice period;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

11. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have the claim reviewed or reconsidered in accordance with the Displacing Agency's appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

12. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein).

13. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative at Overland, Pacific & Cutler.

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ATTACHMENT 6

Fixed Payment Moving Schedule	
Occupant Owns Furniture	
One room	$625.00
Two rooms	$800.00
Three rooms	$1,000.00
Four rooms	$1,175.00
Five rooms	$1,425.00
Six rooms	$1,650.00
Seven rooms	$1,900.00
Eight rooms	$2,150.00
each additional room	$225.00
Occupant Does NOT Own Furniture	
First Room	$400.00
each additional room	$65.00

Source: Federal Highway Administration (effective 8-22-08)

ATTACHMENT 7

PROCEDURES
FOR
RELOCATION PAYMENTS AND ASSISTANCE

Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

- The date the claimant moves from the acquired property; **or,**
- The date on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims, and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined in accordance with the provisions of California Relocation Law.
3. Required claim forms will be prepared by relocation personnel in conjunction with claimant(s). Signed claims and supporting documentation will be submitted by relocation personnel to the Agency.
4. The Agency will review and approve claims for payment or request additional information.
5. The Agency will issue benefit checks which will be available at the Agency offices for pick-up by OPC, unless circumstances dictate otherwise.
6. Final payments will be issued after confirmation that the Project area premises have been completely vacated, and actual residency at the replacement unit is verified.
7. Receipts of payment will be maintained in the relocation case file.

ATTACHMENT 8

APPEALS POLICY AND PROCEDURES

The Agency's Policy and Procedures for appeals will follow the standards described in Article 5, Section 6150, Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines.

Briefly stated, displacees will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to:

1. eligibility;
2. the amount of payment;
3. the failure to provide comparable replacement housing referrals; or
4. the Agency's property management practices.

Requests for review will be directed first to Mr. Larry Gonzales, Senior Engineer, City of Moreno Valley or other authorized designee of the Agency. Details concerning the entire appeals process will be provided upon request.

ATTACHMENT 9

PLAN ADDENDUM
(PUBLIC COMMENTS AND AGENCY RESPONSE)

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MV00073399

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Hargis, Acting Financial & Administrative Services Director

AGENDA DATE: August 24, 2010

TITLE: RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2010

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the attached Quarterly Investment Report, in compliance with the City's Investment Policy.

BACKGROUND

In response to the Orange County bankruptcy and investment problems, and in order to deal with tightening regulations and controls over local investment of public funds, Senate Bills 866 and 564 were signed into law and became effective January 1, 1996, creating California Government Code Sections 53601 and 53646 respectively. The City's Investment Policy, adopted December 17, 1996 (and revised most recently on March 23, 2010), is in full compliance with the requirements of both of the above-mentioned Code Sections in addressing the types of investments allowed, the governing restrictions on these investments, the third-party custodian arrangement for certain investments, and the quarterly reporting requirements.

DISCUSSION

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This is the fourth quarterly report submitted for the 2009-10 fiscal year and is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's

Investment Policy and Government Code Section 53601 as to the types of investments allowed. As stated in the attached report, there is more than adequate liquidity within the portfolio for the City to meet its budgeted expenditures over the next six months.

The City has now transitioned the management of its general investment portfolio to Chandler Asset Management. As a result, the City's investment approach has changed from *passive* to *active*, as discussed in past meetings with the Finance Sub-Committee and the City Council. Utilizing an *active* approach, securities purchased for investment are not necessarily held to maturity but may be actively traded based on market conditions and the City's investment goals. The City's cash flow requirements are evaluated on an ongoing basis, with short-term needs accommodated through the City's pooled investment funds with the State Local Agency Investment Fund (LAIF). LAIF is a pool of public funds managed by the State Treasurer of California, providing 24-hour liquidity while yielding a rate of return approximately equivalent to a one-year treasury bill. With the combined use of a conservative approach to evaluating cash flow needs and LAIF liquidity, the City will not have to liquidate securities at current market rates that are intended to be held for longer-term investment. This is especially important considering that the average maturity of the general portfolio is 2.32 years.

In accordance with California Government Code Section 53646, the City is properly reporting investments of all bond proceeds and Deferred Compensation Plan funds. These funds are not managed by the City Treasurer as part of the pooled investment program and were not included in the City's investment reports prior to the current legislation. Bond proceeds are held and invested by a Trustee; Deferred Compensation Plan funds are held and invested by the respective plan administrators.

FISCAL IMPACT

None

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This report is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's Investment Policy and Government Code Section 53601 as to the types of investments allowed. It is recommended that the City Council receive and file the attached Quarterly Investment Report.

ATTACHMENTS/EXHIBITS

Attachment 1 - Treasurer's Cash and Investments Report – June 2010

Prepared By:
Brooke McKinney
Treasury Operations Division Manager
Acting City Treasurer

Department Head Approval:
Steve Hargis
Acting Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00073403

CITY OF MORENO VALLEY

Treasurer's Cash and Investments Report

June 2010

General Portfolio	Cost Value	Market Value	Par Value	Average Maturity	Average Duration
Bank Accounts	1,996,398	1,996,398	1,996,398		
State of California LAIF Pool	48,497,791	48,497,791	48,497,791		
Investments	172,781,218	173,617,381	167,769,635	2.32	1.93
Total General Portfolio	**223,275,407**	**224,111,570**	**218,263,824**	Years	Years

Bond Proceeds with Fiscal Agents	Market Value
Construction Funds	14,518,020
Principal & Interest Accounts	1,256,917
Debt Service Reserve Funds	7,890,608
Custody Accounts	0
Arbitrage Rebate Accounts	14,481
Other Accounts	643,477
Total Bond Proceeds	**24,323,503**

Deferred Compensation Funds	Market Value
Nationwide	8,064,586
ICMA	3,820,694
Total Deferred Compensation Funds	**11,885,280**

Total Investment Portfolio	**260,320,353**

1. I hereby certify that the investments are in compliance with the investment policy adopted by the City Council. There are no items of non-compliance for this period.
2. The market values for the specific investments in the General Portfolio are provided by the City's investment custodian.
3. The market value for LAIF is provided by the State Treasurer.
4. The market values for investments held by fiscal agents and the deferred compensation plans are provided by each respective trustee or fiscal agent.
5. The City has the ability to meet its budgeted expenditures for the next six months pending any future action by City Council or any unforeseen catastrophic event.

Brooke McKinney
Acting City Treasurer

Attachment 1

City of Moreno Valley
Treasurer's Cash and Investments Report

Portfolio Summary

As of 6/30/2010

PORTFOLIO CHARACTERISTICS

Average Duration	1.93
Average Coupon	2.57 %
Average Purchase YTM	1.80 %
Average Market YTM	1.07 %
Average S&P Rating	AAA
Average Final Maturity	2.32 yrs
Average Life	2.02 yrs

ACCOUNT SUMMARY

	Beg. Values as of 5/31/10	End Values as of 6/30/10
Market Value	222,560,233	224,111,570
Accrued Interest	1,353,493	1,298,071
Total Market Value	**223,913,726**	**225,409,641**
Income Earned	336,937	327,036
Cont/WD		
Par	217,812,364	218,263,824
Book Value	222,346,418	222,839,437
Cost Value	222,652,020	223,275,407

TOP ISSUERS

Issuer	% Portfolio
Local Agency Investment Fund	21.5 %
Government of United States	11.0 %
Federal National Mortgage Assoc	10.8 %
Federal Home Loan Mortgage Corp	10.4 %
Federal Home Loan Bank	9.0 %
Federal Farm Credit Bank	8.4 %
Tennessee Valley Authority	3.8 %
US Bank Corp FDIC Insured	2.3 %
	77.3 %

SECTOR ALLOCATION

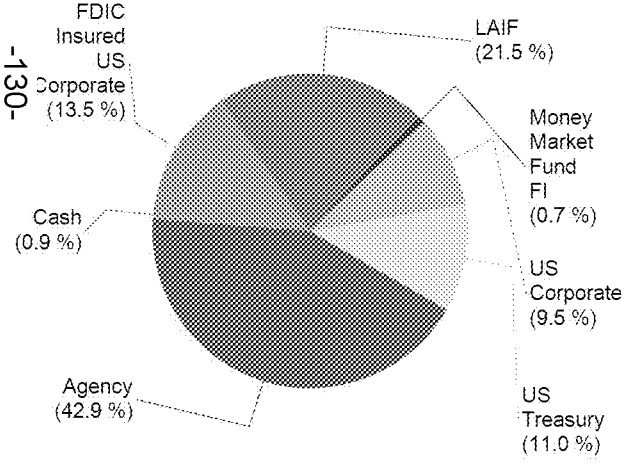

MATURITY DISTRIBUTION

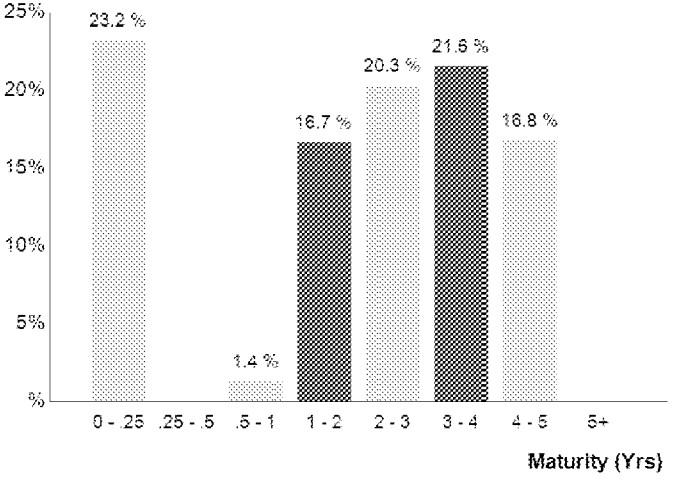

CREDIT QUALITY

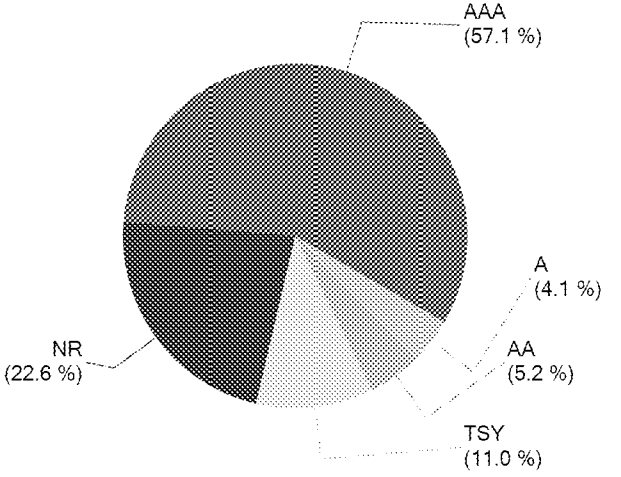

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
307692AA1	FAMCA Note 4.875% Due 1/14/2011	1,000,000.00	06/05/2006 5.47 %	976,000.00 997,192.40	102.44 0.34 %	1,024,375.00 22,614.58	0.46 % 27,182.60	Aa3 AAA	0.54 0.53
31331YK82	FFCB Note 3.25% Due 5/2/2011	1,000,000.00	05/19/2008 3.38 %	996,360.00 998,970.13	102.34 0.45 %	1,023,438.00 5,326.39	0.46 % 24,467.87	Aaa AAA	0.84 0.83
3133XTRU2	FHLB Note 1.3% Due 6/1/2011	1,000,000.00	06/01/2009 1.30 %	1,000,000.00 1,000,000.00	100.69 0.55 %	1,006,875.00 1,083.33	0.45 % 6,875.00	Aaa AAA	0.92 0.91
3133XUHK2	FHLB Callable Note 1X 8/24/2010 1.375% Due 8/24/2011	1,000,000.00	08/24/2009 1.38 %	1,000,000.00 1,000,000.00	100.13 0.54 %	1,001,250.00 4,850.69	0.45 % 1,250.00	Aaa AAA	0.15 0.15
3133XRW30	FHLB Callable Note 1X 7/28/10 4% Due 10/28/2011	1,000,000.00	10/28/2008 4.00 %	1,000,000.00 1,000,000.00	100.28 0.38 %	1,002,813.00 17,000.00	0.45 % 2,813.00	Aaa AAA	0.08 0.08
3136FH4A0	FNMA Callable Note 1X 8/17/10 1.55% Due 11/17/2011	1,000,000.00	08/17/2009 1.58 %	999,375.00 999,616.79	100.16 0.35 %	1,001,563.00 1,894.44	0.45 % 1,946.21	Aaa AAA	0.13 0.13
3133XSWM6	FHLB Note 2.1% Due 1/23/2012	1,000,000.00	01/23/2009 2.10 %	1,000,000.00 1,000,000.00	102.25 0.65 %	1,022,500.00 9,216.67	0.46 % 22,500.00	Aaa AAA	1.57 1.53
3133XT2T2	FHLB Note 2.25% Due 2/10/2012	1,000,000.00	02/10/2009 2.25 %	1,000,000.00 1,000,000.00	102.56 0.65 %	1,025,625.00 8,812.50	0.46 % 25,625.00	Aaa AAA	1.62 1.57
3128X8MS8	FHLMC Callable Note 1X 9/2/10 2.35% Due 3/2/2012	1,000,000.00	03/02/2009 2.43 %	997,800.00 998,775.55	100.28 0.72 %	1,002,797.00 7,768.06	0.45 % 4,021.45	Aaa AAA	0.18 0.17
36FHNF8	FNMA Callable Note 1X 11/04/2010 1.625% Due 5/4/2012	1,000,000.00	06/07/2009 1.62 %	1,000,000.00 1,000,000.00	100.22 0.99 %	1,002,188.00 2,572.92	0.45 % 2,188.00	Aaa AAA	0.35 0.34
31331XG30	FFCB Note 5.45% Due 6/21/2012	1,000,000.00	06/29/2007 5.33 %	1,005,380.00 1,002,132.48	109.19 0.75 %	1,091,875.00 1,513.89	0.49 % 89,742.52	Aaa AAA	1.98 1.89
31331GZ36	FFCB Callable Note 1X 10/19/10 1.55% Due 7/19/2012	1,000,000.00	10/19/2009 1.55 %	1,000,000.00 1,000,000.00	100.34 0.41 %	1,003,438.00 6,975.00	0.45 % 3,438.00	Aaa AAA	0.30 0.30
3136F9YP2	FNMA Callable Note 1X 07/23/2010 4.22% Due 7/23/2012	1,000,000.00	07/23/2008 4.22 %	1,000,000.00 1,000,000.00	100.22 0.78 %	1,002,188.00 18,521.11	0.45 % 2,188.00	Aaa AAA	0.06 0.06
31331XT36	FFCB Note 5.25% Due 8/1/2012	1,000,000.00	08/01/2007 5.25 %	1,000,000.00 1,000,000.00	109.19 0.80 %	1,091,875.00 21,875.00	0.49 % 91,875.00	Aaa AAA	2.09 1.96
3133XT4J2	FHLB Note 2.45% Due 8/13/2012	1,000,000.00	02/13/2009 2.45 %	1,000,000.00 1,000,000.00	103.41 0.83 %	1,034,063.00 9,391.67	0.46 % 34,063.00	Aaa AAA	2.12 2.05
3136FHAK1	FNMA Callable Note 1X 08/27/2010 2.625% Due 8/27/2012	1,000,000.00	02/27/2009 2.63 %	1,000,000.00 1,000,000.00	100.28 0.84 %	1,002,813.00 9,041.67	0.45 % 2,813.00	Aaa AAA	0.16 0.16
31331GZ44	FFCB Note 1.55% Due 10/15/2012	1,000,000.00	10/15/2009 1.55 %	1,000,000.00 1,000,000.00	101.47 0.90 %	1,014,688.00 3,272.22	0.45 % 14,688.00	Aaa AAA	2.30 2.24
6FHJU0	FNMA Callable Note 1X 4/29/11 2.25% Due 10/29/2012	1,000,000.00	04/29/2009 2.28 %	999,150.00 999,434.44	101.31 0.66 %	1,013,125.00 3,875.00	0.45 % 13,690.56	Aaa AAA	0.83 1.14
3XSKL1	FHLB Callable Note 1X 11/5/10 4.125% Due 11/5/2012	1,000,000.00	11/05/2008 4.13 %	1,000,000.00 1,000,000.00	101.22 0.60 %	1,012,188.00 6,416.67	0.45 % 12,188.00	Aaa AAA	0.35 0.35
8X7SV7	FHLMC Callable Note 1X 11/23/2010 3.7% Due 11/23/2012	2,000,000.00	05/23/2008 3.79 %	1,992,500.00 1,996,006.08	101.23 0.59 %	2,024,620.00 7,811.11	0.90 % 28,613.92	Aaa AAA	0.40 0.40

City of Moreno Valley
Treasurer's Cash and Investments Report

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31GKF5	FFCB Note 2.5% Due 1/14/2013	1,000,000.00	01/14/2009 2.30 %	1,007,520.00 1,004,776.56	103.66 1.04 %	1,036,563.00 11,597.22	0.47 % 31,786.44	Aaa AAA	2.55 2.44
31398ALB6	FNMA Callable Note 1X 01/18/2011 4% Due 1/18/2013	1,000,000.00	01/18/2008 4.00 %	1,000,000.00 1,000,000.00	101.69 0.92 %	1,016,875.00 18,111.11	0.46 % 16,875.00	Aaa AAA	0.55 0.54
3133XUDM2	FHLB Callable Note 1X 2/14/11 2.4% Due 2/14/2013	1,000,000.00	08/14/2009 2.40 %	1,000,000.00 1,000,000.00	101.06 0.69 %	1,010,625.00 9,133.33	0.45 % 10,625.00	Aaa AAA	0.63 0.61
880591CW0	Tennessee Valley Authority Note 6% Due 3/15/2013	3,725,000.00	Various 1.87 %	4,194,744.63 4,126,370.46	112.91 1.15 %	4,205,804.38 65,808.34	1.90 % 79,433.92	Aaa AAA	2.71 2.50
3128X8TZ5	FHLMC Callable Note 1X 04/08/2011 2.5% Due 4/8/2013	1,000,000.00	04/08/2009 2.50 %	1,000,000.00 1,000,000.00	101.53 0.51 %	1,015,328.00 5,763.89	0.45 % 15,328.00	Aaa AAA	0.77 1.08
31331GVD8	FFCB Note 2.2% Due 4/8/2013	1,000,000.00	05/08/2009 2.20 %	1,000,000.00 1,000,000.00	102.84 1.15 %	1,028,438.00 5,072.22	0.46 % 28,438.00	Aaa AAA	2.78 2.68
3128X8B84	FHLMC Callable Note 1X 05/13/2011 2.4% Due 5/13/2013	1,000,000.00	05/13/2009 2.40 %	1,000,000.00 1,000,000.00	101.64 0.51 %	1,016,366.00 3,200.00	0.45 % 16,366.00	Aaa AAA	0.87 1.42
31331GXN4	FFCB Callable Note Cont 6/3/11 2.7% Due 6/3/2013	1,000,000.00	06/03/2009 2.70 %	1,000,000.00 1,000,000.00	101.78 0.76 %	1,017,813.00 2,100.00	0.45 % 17,813.00	Aaa AAA	0.93 0.91
3134A4TZ7	FHLMC Note 4.5% Due 7/15/2013	3,900,000.00	05/12/2010 1.59 %	4,250,028.90 4,235,230.44	110.00 1.15 %	4,290,000.00 80,925.00	1.94 % 54,769.56	Aaa AAA	3.04 2.82
0591DW9	Tennessee Valley Authority Note 4.75% Due 8/1/2013	3,750,000.00	03/15/2010 1.90 %	4,097,325.00 4,067,208.49	109.91 1.45 %	4,121,591.25 74,218.75	1.86 % 54,382.76	Aaa AAA	3.09 2.85
3133XUEC3	FHLB Callable Note Cont 8/12/11 2.65% Due 8/12/2013	1,000,000.00	08/12/2009 2.65 %	1,000,000.00 1,000,000.00	102.06 0.79 %	1,020,625.00 10,231.94	0.46 % 20,625.00	Aaa AAA	1.12 1.09
3136FJGM7	FNMA Callable Note 1X 10/22/10 2.5% Due 10/22/2013	1,000,000.00	10/22/2009 2.50 %	1,000,000.00 1,000,000.00	100.63 0.49 %	1,006,250.00 4,791.67	0.45 % 6,250.00	Aaa AAA	0.31 0.31
3133XSLV8	FHLB Callable Note 1X 11/26/10 3.5% Due 11/26/2013	1,000,000.00	11/26/2008 3.50 %	1,000,000.00 1,000,000.00	101.28 0.34 %	1,012,813.00 3,402.78	0.45 % 12,813.00	Aaa AAA	0.41 0.40
3133XHW57	FHLB Note 4.875% Due 12/13/2013	1,000,000.00	06/18/2009 2.96 %	1,080,060.00 1,061,595.89	111.44 1.47 %	1,114,375.00 2,437.50	0.50 % 52,779.11	Aaa AAA	3.46 3.20
3137EABX6	FHLMC Note 2.5% Due 1/7/2014	4,000,000.00	03/17/2010 2.09 %	4,059,384.00 4,054,901.38	103.69 1.42 %	4,147,488.00 48,333.33	1.86 % 92,586.62	Aaa AAA	3.53 3.33
3136F93Z4	FNMA Callable Note 1X 1/28/11 2% Due 1/28/2014	1,000,000.00	01/28/2009 2.00 %	1,000,000.00 1,000,000.00	100.75 0.70 %	1,007,500.00 8,500.00	0.45 % 7,500.00	Aaa AAA	0.58 0.57
3136FHDF9	FNMA Callalbe Note 1X 3/18/11 3.2% Due 3/18/2014	1,000,000.00	03/18/2009 3.20 %	1,000,000.00 1,000,000.00	101.97 0.44 %	1,019,688.00 9,155.56	0.46 % 19,688.00	Aaa AAA	0.72 1.01
3128X8QM7	FHLMC Callable Note 1X 03/24/2011 2.375% Due 3/24/2014	1,000,000.00	03/24/2009 2.40 %	999,000.00 999,254.11	101.61 0.18 %	1,016,064.00 6,399.31	0.45 % 16,809.89	Aaa AAA	0.73 0.73
3136FHHH1	FNMA Callable Note 1X 4/14/11 2% Due 4/14/2014	1,000,000.00	04/14/2009 2.00 %	1,000,000.00 1,000,000.00	100.66 1.16 %	1,006,563.00 4,277.78	0.45 % 6,563.00	Aaa AAA	0.79 0.78
3136FHGK5	FNMA Callable Note 1X 04/16/2012 3% Due 4/16/2014	1,000,000.00	04/16/2009 3.00 %	1,000,000.00 1,000,000.00	103.59 0.97 %	1,035,938.00 6,250.00	0.46 % 35,938.00	Aaa AAA	1.80 2.87

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31331GTJ8	FFCB Note 2.625% Due 4/17/2014	2,000,000.00	04/22/2010 2.25 %	2,028,120.00 2,026,786.47	103.94 1.55 %	2,078,750.00 10,791.67	0.93 % 51,963.53	Aaa AAA	3.80 3.60
3136FHMK8	FNMA Callable Note 1X 5/1/12 2.25% Due 5/1/2014	1,000,000.00	05/01/2009 2.25 %	1,000,000.00 1,000,000.00	102.81 0.71 %	1,028,125.00 3,750.00	0.46 % 28,125.00	Aaa AAA	1.84 2.50
3136FHPX7	FNMA Callable Note 1X 11/14/2011 2.125% Due 5/14/2014	1,000,000.00	05/14/2009 2.13 %	1,000,000.00 1,000,000.00	101.63 0.93 %	1,016,250.00 2,774.31	0.45 % 16,250.00	Aaa AAA	1.38 1.96
31398AXJ6	FNMA Note 2.5% Due 5/15/2014	3,100,000.00	Various 2.31 %	3,122,268.70 3,121,240.47	103.22 1.64 %	3,199,782.80 9,902.77	1.42 % 78,542.33	Aaa AAA	3.88 3.68
31331JQA4	FFCB Note 1.9% Due 6/2/2014	4,300,000.00	06/08/2010 1.96 %	4,289,551.00 4,289,673.59	101.16 1.59 %	4,349,720.90 6,581.39	1.93 % 60,047.31	Aaa AAA	3.93 3.76
3133X7FK5	FHLB Note 5.25% Due 6/18/2014	3,350,000.00	03/15/2010 2.34 %	3,742,991.85 3,715,949.97	113.97 1.60 %	3,817,954.80 6,351.04	1.70 % 102,004.83	Aaa AAA	3.97 3.62
3133XTXW1	FHLB Callable Note 1X 1/9/12 2.5% Due 7/9/2014	1,000,000.00	07/09/2009 2.50 %	1,000,000.00 1,000,000.00	103.00 0.52 %	1,030,000.00 11,944.44	0.46 % 30,000.00	Aaa AAA	1.53 1.49
31398AYN6	FNMA Callable Note 1X 07/28/2011 3% Due 7/28/2014	1,000,000.00	07/28/2009 3.00 %	1,000,000.00 1,000,000.00	101.91 1.21 %	1,019,063.00 12,750.00	0.46 % 19,063.00	Aaa AAA	1.08 2.18
3137EACD9	FHLMC Note 3% Due 7/28/2014	4,000,000.00	03/15/2010 2.41 %	4,097,476.00 4,090,936.86	105.28 1.66 %	4,211,252.00 51,000.00	1.89 % 120,315.14	Aaa AAA	4.08 3.80
398AYY2	FNMA Note 3% Due 9/16/2014	1,500,000.00	04/15/2010 2.50 %	1,531,365.00 1,529,888.09	104.94 1.78 %	1,574,062.50 13,125.00	0.70 % 44,174.41	Aaa AAA	4.22 3.93
31331GL80	FFCB Note 3% Due 9/22/2014	4,000,000.00	03/17/2010 2.47 %	4,090,640.00 4,084,868.50	104.97 1.77 %	4,198,752.00 33,000.00	1.88 % 113,883.50	Aaa AAA	4.23 3.94
3136FJKD2	FNMA Callable Note 1X 10/27/2011 2.8% Due 10/27/2014	1,000,000.00	10/27/2009 2.80 %	1,000,000.00 1,000,000.00	102.47 0.92 %	1,024,688.00 4,977.78	0.46 % 24,688.00	Aaa AAA	1.33 2.94
31398AZV7	FNMA Note 2.625% Due 11/20/2014	4,100,000.00	03/12/2010 2.54 %	4,114,723.10 4,113,793.76	103.34 1.83 %	4,237,095.80 12,257.29	1.89 % 123,302.04	Aaa AAA	4.39 4.13
3137EACH0	FHLMC Note 2.875% Due 2/9/2015	4,250,000.00	04/15/2010 2.71 %	4,280,515.00 4,279,197.31	104.19 1.92 %	4,427,968.75 59,057.29	1.99 % 148,771.44	Aaa AAA	4.62 4.26
3133XWX95	FHLB Note 2.75% Due 3/13/2015	3,900,000.00	05/13/2010 2.52 %	3,940,950.00 3,939,835.71	103.06 2.06 %	4,019,437.50 44,091.67	1.80 % 79,601.79	Aaa AAA	4.70 4.36
Total Agency		**91,875,000.00**	**2.49 %**	**93,893,228.18 93,733,635.93**	**1.21 %**	**95,783,907.68 831,897.30**	**42.86 % 2,050,271.75**	**Aaa AAA**	**2.60 2.51**
CASH									
ASH$00	Cash Custodial Cash Account	1,996,398.31	05/31/2010 0.00 %	1,996,398.31 1,996,398.31	1.00 0.00 %	1,996,398.31 0.00	0.89 % 0.00	NR NR	0.00 0.00
al Cash		**1,996,398.31**	**N/A**	**1,996,398.31 1,996,398.31**	**0.00 %**	**1,996,398.31 0.00**	**0.89 % 0.00**	**NR NR**	**0.00 0.00**

City of Moreno Valley
Treasurer's Cash and Investments Report

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
C INSURED US CORPORATE									
57UAF7	Morgan Stanley FDIC Guaranteed Note 2% Due 9/22/2011	4,825,000.00	Various 0.91 %	4,909,264.93 4,888,824.35	101.73 0.58 %	4,908,520.75 26,537.50	2.19 % 19,696.40	Aaa AAA	1.23 1.21
949744AA4	Wells Fargo & Company FDIC Guaranteed Note 3% Due 12/9/2011	4,750,000.00	Various 1.07 %	4,919,063.75 4,880,247.99	103.36 0.66 %	4,909,514.50 8,708.33	2.18 % 29,266.51	Aaa AAA	1.44 1.42
06050BAG6	Bank of America Corp FDIC Guaranteed Note 2.1% Due 4/30/2012	5,035,000.00	Various 1.30 %	5,121,762.96 5,107,458.04	102.41 0.78 %	5,156,142.10 17,916.20	2.30 % 48,684.06	Aaa AAA	1.84 1.80
91160HAC1	US Bancorp FDIC Guaranteed Note 1.8% Due 5/15/2012	5,070,000.00	Various 1.39 %	5,111,546.49 5,108,437.04	101.91 0.77 %	5,166,613.92 11,661.00	2.30 % 58,176.88	Aaa AAA	1.88 1.84
38146FAA9	Goldman Sachs FDIC Guaranteed Note 3.25% Due 6/15/2012	4,855,000.00	Various 1.27 %	5,066,852.42 5,039,958.72	104.71 0.82 %	5,083,811.30 7,012.78	2.26 % 43,852.58	Aaa AAA	1.96 1.90
36967HAV9	GE Capital Corp FDIC Guaranteed Note 2.125% Due 12/21/2012	5,000,000.00	05/19/2010 1.27 %	5,107,970.00 5,103,614.52	102.81 0.97 %	5,140,440.00 2,951.39	2.28 % 36,825.48	Aaa AAA	2.48 2.41
Total FDIC Insured US Corporate		**29,535,000.00**	**1.20 %**	**30,236,460.55 30,128,540.66**	**0.77 %**	**30,365,042.57 74,787.20**	**13.50 % 236,501.91**	**Aaa AAA**	**1.81 1.77**
IF									
AIF$00	Local Agency Investment Fund State Pool	48,497,790.67	Various 0.55 %	48,497,790.67 48,497,790.67	1.00 0.55 %	48,497,790.67 58,370.52	21.54 % 0.00	NR NR	0.00 0.00
Total LAIF		**48,497,790.67**	**0.55 %**	**48,497,790.67 48,497,790.67**	**0.55 %**	**48,497,790.67 58,370.52**	**21.54 % 0.00**	**NR NR**	**0.00 0.00**
MONEY MARKET FUND FI									
431114701	Highmark Govt Money Market Fund	1.00	05/15/2010 0.05 %	1.00 1.00	1.00 0.05 %	1.00 0.00	0.00 % 0.00	Aaa AAA	0.00 0.00
431114701	Highmark Govt Money Market Fund	1,564,633.77	Various 0.05 %	1,564,633.77 1,564,633.77	1.00 0.05 %	1,564,633.77 0.00	0.69 % 0.00	Aaa AAA	0.00 0.00
Total Money Market Fund FI		**1,564,634.77**	**0.05 %**	**1,564,634.77 1,564,634.77**	**0.05 %**	**1,564,634.77 0.00**	**0.69 % 0.00**	**Aaa AAA**	**0.00 0.00**
US CORPORATE									
52517PA35	Lehman Brothers Holdings Note 4.5% Due 7/26/2010	1,000,000.00	08/25/2006 5.29 %	972,450.00 972,450.00	19.75 0.00 %	197,500.00 0.00	0.09 % (774,950.00)	NR NR	0.07 0.00
52517PR60	Lehman Brothers Holdings Note 5.25% Due 2/6/2012	1,000,000.00	02/06/2007 5.34 %	996,000.00 996,000.00	19.75 0.00 %	197,500.00 0.00	0.09 % (798,500.00)	NR NR	1.61 0.00
931142CL5	Wal-Mart Stores Note 4.25% Due 4/15/2013	2,100,000.00	05/07/2010 1.75 %	2,249,100.00 2,242,126.19	107.58 1.47 %	2,259,096.00 18,841.67	1.01 % 16,969.81	Aa2 AA	2.79 2.63
36962G4C5	General Electric Capital Corp Note 5.9% Due 5/13/2014	2,325,000.00	05/19/2010 3.14 %	2,562,336.00 2,556,116.16	110.38 3.03 %	2,566,372.20 18,290.00	1.15 % 10,256.04	Aa2 AA+	3.87 3.46

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
US CORPORATE									
61747YCF0	Morgan Stanley Note 6% Due 5/13/2014	1,640,000.00	06/23/2010 4.42 %	1,731,430.00 1,731,236.16	105.96 4.31 %	1,737,721.04 13,120.00	0.78 % 6,484.88	A2 A	3.87 3.42
06406HBL2	Bank of New York Note 4.3% Due 5/15/2014	2,250,000.00	Various 2.93 %	2,368,375.40 2,361,272.35	107.40 2.29 %	2,416,574.25 12,362.50	1.08 % 55,301.90	Aa2 AA-	3.88 3.56
079860AG7	Bellsouth Corp Note 5.2% Due 9/15/2014	1,550,000.00	05/19/2010 2.60 %	1,713,261.50 1,709,322.49	111.12 2.40 %	1,722,358.45 23,732.22	0.77 % 13,035.96	A2 A	4.21 3.76
09247XAD3	Blackrock Inc Note 3.5% Due 12/10/2014	1,630,000.00	Various 2.84 %	1,674,920.75 1,674,373.85	103.71 2.61 %	1,690,479.52 3,327.92	0.75 % 16,105.67	A1 A+	4.45 4.10
713448BM9	Pepsico Inc. Note 3.1% Due 1/15/2015	1,665,000.00	Various 2.44 %	1,712,746.65 1,712,134.42	104.12 2.14 %	1,733,581.35 23,943.63	0.78 % 21,446.93	Aa3 A-	4.55 4.18
46625HHP8	JP Morgan Chase Note 3.7% Due 1/20/2015	1,575,000.00	03/25/2010 3.61 %	1,581,000.75 1,580,683.12	102.28 3.16 %	1,610,980.88 26,061.88	0.73 % 30,297.76	Aa3 A+	4.56 4.11
94980VAA6	Wells Fargo Bank Note 4.75% Due 2/9/2015	1,625,000.00	03/25/2010 3.94 %	1,682,687.50 1,679,668.40	104.66 3.64 %	1,700,738.00 30,446.18	0.77 % 21,069.60	Aa3 AA-	4.62 4.06
084670AV0	Berkshire Hathaway Note 3.2% Due 2/11/2015	2,485,000.00	06/09/2010 2.65 %	2,545,012.75 2,544,413.68	102.98 2.51 %	2,559,080.34 30,924.44	1.15 % 14,666.66	Aa2 AA+	4.62 4.23
74005PAR5	Praxair Note 4.625% Due 3/30/2015	675,000.00	06/07/2010 2.63 %	735,297.75 734,575.83	109.64 2.46 %	740,057.18 7,891.41	0.33 % 5,481.35	A2 A	4.75 4.25
Total US Corporate		**21,520,000.00**	**3.17 %**	**22,524,619.05 22,494,372.65**	**2.65 %**	**21,132,039.21 208,941.85**	**9.47 % (1,362,333.44)**	**Aa3 AA-**	**4.07 3.67**
US TREASURY									
912828GQ7	US Treasury Note 4.5% Due 4/30/2012	3,775,000.00	03/12/2010 1.00 %	4,051,944.29 4,013,450.10	107.24 0.53 %	4,048,245.83 28,620.24	1.81 % 34,795.73	TSY TSY	1.84 1.77
912828HE3	US Treasury Note 4.25% Due 9/30/2012	3,775,000.00	03/12/2010 1.22 %	4,061,086.87 4,027,863.88	108.13 0.61 %	4,081,718.75 40,328.55	1.83 % 53,854.87	TSY TSY	2.25 2.15
912828HK9	US Treasury Note 3.375% Due 11/30/2012	3,875,000.00	03/12/2010 1.29 %	4,089,651.65 4,066,258.74	106.38 0.71 %	4,122,031.25 11,077.10	1.83 % 55,772.51	TSY TSY	2.42 2.33
912828HM5	US Treasury Note 3.625% Due 12/31/2012	3,850,000.00	03/12/2010 1.35 %	4,089,735.55 4,064,401.46	107.24 0.70 %	4,128,824.70 379.25	1.83 % 64,423.24	TSY TSY	2.51 2.41
912828HV5	US Treasury Note 2.5% Due 3/31/2013	4,000,000.00	03/12/2010 1.48 %	4,121,575.90 4,109,768.17	104.53 0.83 %	4,181,248.00 25,136.61	1.87 % 71,479.83	TSY TSY	2.75 2.65
912828JQ4	US Treasury Note 2.75% Due 10/31/2013	4,000,000.00	05/10/2010 1.65 %	4,148,281.25 4,142,321.96	105.24 1.14 %	4,209,688.00 18,532.61	1.88 % 67,366.04	TSY TSY	3.34 3.18
al US Treasury		**23,275,000.00**	**1.33 %**	**24,562,275.51 24,424,064.31**	**0.76 %**	**24,771,756.53 124,074.36**	**11.04 % 347,692.22**	**TSY TSY**	**2.52 2.42**
TAL PORTFOLIO		**218,263,823.75**	**1.80 %**	**223,275,407.04 222,839,437.30**	**1.07 %**	**224,111,569.74 1,298,071.23**	**100.00 % 1,272,132.44**	**Aaa AAA**	**2.02 1.93**
TAL MARKET VALUE PLUS ACCRUED						**225,409,640.97**			

Holdings Report Glossary

CUSIP (Committee on Uniform Securities Identification Procedures) – A unique identification number assigned to all securities.

Security Description - The issuer name, coupon (periodic interest payment rate) and maturity.

Par Value/Units - The face value or number of units held in the portfolio.

Purchase Date - The settlement date on which the security was purchased.

Book Yield - The YTM that equates the current amortized value of the security to its periodic future cash flows.

Cost Value - The value at which the securities were purchased, excluding purchased interest.

Book Value - The value at which an asset is carried on a balance sheet. To calculate, take the cost of an asset +/- net accretion/amortization.

Mkt Price - The current fair value market price.

Mkt YTM – The internal rate of return that equates the periodic future cash flows (interest payments and redemption value) to the market price, assuming that all cash flows are invested at the YTM rate.

Market Value - The current fair value of an investment as determined by transactions between willing buyers and sellers.

Accrued Int. - The interest that has accumulated on a bond since the last interest payment up to, but not including, the settlement date.

% of Port. - The % of the portfolio that the security represents based on market value, including accrued interest.

Gain/Loss – The unrealized gain or loss on the security, compared to either cost or amortized value, as of the date of the report.

Moody - The Moody's rating for the security.

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Holdings Report Glossary (continued)

S&P - The Standard and Poor's rating for the security.

Term (yrs) - The time, in years, until maturity.

Duration - The weighted average time to maturity of a bond where the weights are the present values of future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates.

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City of Moreno Valley

June 30, 2010

COMPLIANCE WITH INVESTMENT POLICY

Assets managed on by Chandler Asset Management are in full compliance with State law and with the City's investment policy.

Category	Standard	Comment
Local Agency Bonds	No Limitation	Complies
Treasury Issues	No Limitation	Complies
Agency Issues	No Limitation	Complies
Banker's Acceptances	40% maximum; <180 days maturity	Complies
Commercial Paper	25% maximum; <270 days maturity; A-1/P-1/F-1 minimum ratings	Complies
Negotiable Certificates of Deposit	30% maximum; 5 years maximum maturity	Complies
Repurchase Agreements	No limitation; 1-year maximum maturity	Complies
Reverse Repurchase Agreements	20% maximum; <92 days maturity	Complies
Medium Term Notes	30% maximum; 5 years maximum maturity; A-rated or better	Complies
Money Market Mutual Funds	20% maximum; AAAf/Aaaf, minimum rating	Complies
Collateralized Certificates of Deposits	5 years maximum maturity	Complies
Time Deposits	5 years maximum maturity	Complies
Mortgage Pass-throughs, CMOs and Asset Backed Securities	20% maximum; AA-rated issue; A-rated issuer	Complies
Local Agency Investment Fund - L.A.I.F.	Maximum program limitation	Complies
Prohibited Securities	Inverse floaters; Ranges notes, Interest-only strips from mortgaged backed securities; Zero interest accrual securities	Complies
Maximum maturity	5 years	Complies

BOND PROCEEDS WITH FISCAL AGENTS

Account Name	Account Number	Investment	Issuer	Purchase Date	Maturity Date	Market Value	Stated Rate	Yield	Price	% of of Portfolio
Wells Fargo	**Community Facilities District 32 (CFD 3)**									
special tax funds	22631800	money market fund	WF Govt Fund	06/30/10	07/01/10	1,008,997	0.01%	0.01%	1.00000	4.148%
interest acct	22631801	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631804	money market fund	WF Govt Fund	06/30/10	07/01/10	1,028,785	0.01%	0.01%	1.00000	4.230%
admin exp acct	22631805	money market fund	WF Govt Fund	06/30/10	07/01/10	376	0.01%	0.01%	1.00000	0.002%
debt service acct	22631809	money market fund	WF Govt Fund	06/30/10	07/01/10	35,835	0.01%	0.01%	1.00000	0.147%
special tax funds	22631900	money market fund	WF Govt Fund	06/30/10	07/01/10	385,276	0.01%	0.01%	1.00000	1.584%
interest acct	22631901	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631904	money market fund	WF Govt Fund	06/30/10	07/01/10	366,275	0.01%	0.01%	1.00000	1.506%
admin exp acct	22631905	money market fund	WF Govt Fund	06/30/10	07/01/10	15,657	0.01%	0.01%	1.00000	0.064%
cost of issuance	22631906	money market fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						2,841,202				
Wells Fargo	**CFD 2**									
Series B Revenue	22333500	money mkt fund	WF Govt Fund	06/30/10	07/01/10	170,420	0.01%	0.01%	1.00000	0.701%
Series A Principal	22333501	money mkt fund	WF Govt Fund	06/30/10	07/01/10	300	0.01%	2.71%	1.00000	0.001%
Series B reserve	22333503	money mkt fund	WF Govt Fund	06/30/10	07/01/10	522,526	0.01%	0.01%	1.00000	2.148%
Series A interest	22333504	money mkt fund	WF Govt Fund	06/30/10	07/01/10	27,125	0.01%	0.01%	1.00000	0.112%
						720,371				
Wells Fargo	**Hemet Lease Revenue Bonds (Fire Station)**									
expense fund	12526107	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,068	0.01%	0.01%	1.00000	0.058%
reserve account	12526103	money mkt fund	WF Govt Fund	06/30/10	07/01/10	407,451	0.01%	0.01%	1.00000	1.675%
lease revenue	12526100	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
rebate account	12526104	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,481	0.01%	0.01%	1.00000	0.060%
						436,000				
Wells Fargo	**Auto Plaza Development Agency Tax Allocation Bond Refunding**									
debt service fund	22631700	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						1				
Wells Fargo	**Auto Plaza Revenue Bonds**									
bond fund	18042800	money mkt fund	WF Govt Fund	06/30/10	07/01/10	129	0.01%	0.01%	1.00000	0.001%
reserve fund	18042804	money mkt fund	WF Govt Fund	06/30/10	07/01/10	2,992,752	0.01%	0.01%	1.00000	12.304%
construction fund	18042806	money mkt fund	WF Govt Fund	06/30/10	07/01/10	7,671,733	0.01%	0.01%	1.00000	31.540%
						10,664,614				43.845%
Wells Fargo	**Auto Plaza Sales Tax Revenue Bonds, Series A (Refunding)**									
bond fund	22277600	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
interest fund	22277601	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
construction fund	22277604	money mkt fund	WF Govt Fund	06/30/10	07/01/10	6,846,287	0.01%	0.01%	1.00000	28.147%
capital interest fund	22277605	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
cost of issuance	22277606	money mkt fund	WF Govt Fund	06/30/10	07/01/10	368,033	0.01%	0.01%	1.00000	1.513%
						7,214,321				
Wells Fargo	**Automall Refunding**									
revenue fund	20350300	revenue	WF Govt Fund	06/30/10	07/01/10	1,193,827	0.01%	0.01%	1.00000	4.908%
reserve fund	20350303	reserve	WF Govt Fund	06/30/10	07/01/10	1,178,244	0.01%	0.01%	1.00000	4.844%
admin expenses	20350304	admin expenses	WF Govt Fund	06/30/10	07/01/10	74,923	0.01%	0.01%	1.00000	0.308%
						2,446,994				10.060%
			Totals			**24,323,503**				**100.000%**

Item	Summary of Bond Proceeds with Fiscal Agents	
1	Construction Funds	14,518,020
2	**Principal & Interest Accounts**	**1,256,917**
3	Debt Service Reserve Funds	7,890,608
4	**Custody Accounts**	**0**
5	Arbitrage Rebate Accounts	14,481
6	**Other Accounts**	**643,477**
	Total Fiscal Agent Funds	**24,323,503**

City of Moreno Valley
Treasurer's Cash and Investments Report

DEFERRED COMPENSATION FUNDS

Nationwide

Fund	Market Value	Fund	Market Value	Fund	Market Value
Liquid Savings	**$1,117,937**	**Drey SmCap I**	**5**	**N B Socially Responsive Fund**	**8,153**
Nationwide Fixed (Part Time Employee)	812,514	American Century Balanced	25	DFA US Micro Cap Port	104,358
Liquid Savings (Part Time Employees)	**128,711**	**Am Century Growth**	**44,573**	**Federated Kaufmann Fund**	**453,072**
Certificates of Deposit 3 years	15,413	Am Century Select	78,857	AIM Mid Cap Core Equity	13,731
JP Morgan Mid Cap Value A	**84,139**	**Am Century Ultra**	**0**	**Washington Mutual Inv**	**42,263**
Bond Fund Of America	67,275	Vanguard Index 500	65,279	Nationwide InvDes Mod Cons Fund SC	9,720
Growth Fund of America	**52,907**	**Vanguard Institutional Index**	**312,628**	**Nationwide InvDes Mod Aggr Fund**	**589,670**
Investment Co. of America	10,732	Vanguard Wellington	13,990	Nationwide InvDes Aggr Fund	93,883
Income Fund of America	**110,204**	**Vanguard Windsor II**	**62,350**	**Nationwide InvDes Mod Fd**	**330,279**
Brown Cap Mgmt Inc SM Co	62,451	Vanguard Total Bond Index	108,028	Nationwide Inv Des Cons	81,128
Fidelity Independence	**20,461**	**Putnam Voyager**	**0**	**Nationwide Large Cap Growth**	**67,253**
Fidelity Equity Income	19,513	Templeton Foreign I	0	Nationwide Inter Val Inst Svc	21,653
Fidelity Magellan	**303,795**	**EuroPacific Growth**	**226,967**	**Nationwide US Sm Cap Val Ins Svc**	**550**
Certificates of Deposit 5 years	29,246	Stable Fund C	1,686,963	Nationwide Dest 2015 Inst Svc	11,121
Fidelity Puritan	**109,520**	**PBHG Growth Fund**	**0**	**YL Account**	**146,412**
Fidelity Contrafund	232,459	DWS High Income Fund A	43,075	Nationwide Dest 2025 Inst Svc	21,391
Janus Fund	**59,176**	**DWS Strategic Value**	**35,410**	**Nationwide Dest 2020 Inst Svc**	**1,633**
Janus Advisor Forty	57,375	Oppenheimer Global Fund A	96,338	**Total Nationwide Deferred**	**$8,064,586**

ICMA

Fund	Market Value	Fund	Market Value
Aggressive Oppor.	**$142,895**	VT Royce Premeir	1,569
International	142,050	**VT Ranier Small/Mid Cap Eq**	**25,521**
All Equity Growth	**75,840**	VT Fidelity Contrafund	130,761
Growth and Income	175,644	**VT Fidelity Magellan**	**0**
Broad Market	**45,514**	VT Fidelity Diversified International	51,911
500 Stock Index	58,767	**VT Allianz NFJ Div Value**	**37,846**
Equity Income	**250,148**	VT Legg Mason Value	1,711
Asset Allocation	103,430	**VT Fidelity Puritan**	**3,653**
Core Bond	**15,270**	VT Royce Value Plus Service	4,807
Cash Management	31,665	**VT TR Price Growth Stock Adv**	**13,865**
Plus Fund	**1,384,358**	VT First Amer. Real Estate Secs	4,244
Savings Oriented	5,583	**VT TR Price Small Cap Value**	**102,249**
Conservative Growth	**75,740**	VT Third Ave Value	7,135
Traditional Growth	214,109	**Inflation Protected Securities**	**48,469**
Long-Term Growth	**262,559**	Growth Fund	198,844
Mid/Small Co Index	0	**VT PIMCO Total Return**	**36,371**
Milestone 2030	**9,055**	VT PIMCO High Yield	94,730
Milestone 2035	7,490	**VT Eaton Vance Lage Cap Value**	**4,364**
Overseas Equity Index fund	**52,527**		
Vantage Trust 1yr CD	0	**Total ICMA**	**$3,820,694**

Summary by Plan

	Market Value
Total Nationwide	$8,064,586
Total ICMA	3,820,694
Total Deferred Compensation Plans	**$11,885,280**

Summary by Investment Type

	Market Value
Savings Deposits and CD's	$2,059,162
Mutual Funds	9,826,118
Total Deferred Compensation Plans	**$11,885,280**

MV00073415

ORDINANCE NO. 813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Pages 126 and 140 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA06-0184).

1.4. An Initial Study has been completed for PA06-0184 (Zone Change). Based upon the Initial Study, a determination has been made that, as designed and conditioned, this project will not result in the potential for significant impacts to the environment. Therefore, adoption of a Negative Declaration is appropriate.

SECTION 2: FINDINGS

2.1 With respect to the proposed change to pages 125 and 140 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on July 13, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: This project is comprised of four applications, a General Plan Amendment (PA06-0185), Change of Zone (PA06-0184), Tentative Tract Map (PA06-0183) and a Variance (P09-102), which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).
   The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the

General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips that the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

   FACT: The project site is not within a specific plan area.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 5 (R5) is consistent with the purposes and intent of Title 9.

<u>SECTION 3: ZONE CHANGE</u>

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 5 (R5) for the approximately 40 acres located at the southeast corner of Heacock Street and Gentian Avenue, subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 13th day of July 2010.

_____
Bonnie Flickinger, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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MV00073419

CHANGE OF ZONE

Application No. PA06-0184
ADOPTED BY ORDINANCE NO. 813

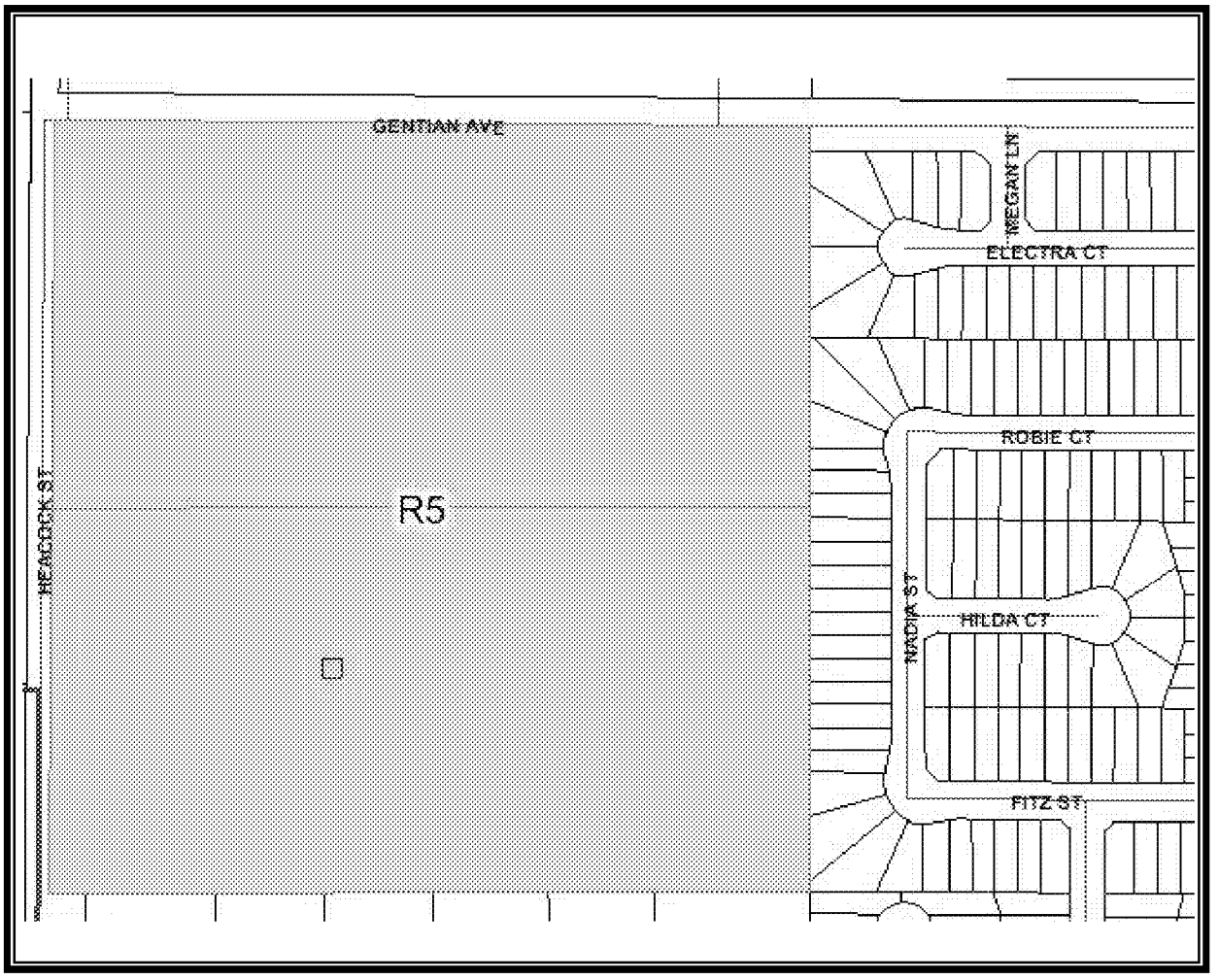

ADOPTED

EFFECTIVE _____

N

LEGEND
R5

R5

EXHIBIT A

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MV00073421

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Aquabella Development Agreement - Annual Review (P10-044)

RECOMMENDED ACTION

Staff recommends that the City Council accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

This review does not require an advisory committee recommendation.

BACKGROUND

A Development Agreement is a negotiated instrument that allows a developer or property owner to protect project approvals for a fixed period of years. In exchange for long term vested rights, the City can require certain negotiated exactions.

On December 13, 2005, the City Council approved an amendment to Specific Plan No. 218 (formerly known as the Moreno Valley Field Station Specific Plan), creating the Aquabella Specific Plan, and approving the Aquabella Development Agreement (an Agreement by and between the City of Moreno Valley and Moreno Valley Properties, LP). The Agreement was subsequently recorded on February 16, 2006.

The term of the agreement began on the effective date of adoption of Ordinance 704, which was on December 13, 2005. The initial agreement was approved for ten years with the provision for three extensions of time, with each extension of time not to exceed a maximum of five years.

The Agreement addresses 685 acres of the 760-acre Aquabella Specific Plan. The 685 acres provides for a gated active-adult community of 2,702 dwelling units and 220 units outside of the gated community that are un-restricted multi-family units, for a total of 2,922 dwelling units.

DISCUSSION

The Agreement provides that the developer shall submit to the City written documentation demonstrating good-faith compliance with the terms of the Agreement. City staff shall review the developer's written documentation and any other applicable evidence and make a recommendation to the City Council as to whether the developer is in compliance with the obligations of the Agreement.

Highland Fairview Properties (the entity developing property owned by Moreno Valley Properties, LP) submitted a letter to the City (Exhibit 1) dated April 5, 2010, which identifies the obligations of the Agreement, the general status of the project and the developer's statements of good-faith compliance. The letter is not all inclusive, and the attached Agreement (Exhibit 2) should be referenced for the full list of obligations. This is the fourth annual review of the Agreement.

This Agreement is performance based; as certain triggers or levels of development activity are reached, certain improvements or provisions are required. For example, prior to construction of the 585th dwelling unit, the Agreement provides for the completion of the entry statement, clubhouse facility and certain street and intersection improvements. At this time, the project development activity has not reached the criteria necessary to require the Developer to perform any of the obligations of the Agreement.

Tentative Tract Map No. 34950, a finance map for the AquaBella Specific Plan, was approved by the Planning Commission on August 23, 2007.

At present, approximately one half of the project site has been mass graded, and the erosion control and site stabilization features are in place. The grading operation has ceased as of December, 2007 and the developer has surrendered the mass grading permit. Staff has returned the grading and erosion control security to the developer with the understanding that when the grading operations continue sometime in the future, the developer will provide a new security for grading and erosion control prior to commencement of work.

Various infrastructure improvement plans are in the plan check process, inclusive of water and sewer, drainage, and street and traffic signal improvements, though no plans have been received since around October 2008. The Line "F" channel storm drain improvement plans were approved by both the City of Moreno Valley and Riverside Flood Control and Water Conservation District on November 9, 2007. Several easement documents for the channel have been processed for Line "F", but no work has started on the drainage infrastructure to date.

A Cooperative (Tri-Party) Agreement had been processed and approved by the Flood Control District and the City of Moreno Valley for Line "F", but on October 27, 2009 the City Council rescinded the Cooperative Agreement at the developer's request. Furthermore, on April 13, 2010, the City Council executed a Termination Agreement which formally nullified the Cooperative Agreement for Line "F", Stage 2 recorded June 30, 2008 as Document No. 2008-0355993. The District was also in agreement to formally terminate the Cooperative Agreement.

Section 5.2 of the Agreement references potential public financing in the form of a Community Facilities District (CFD) which would be repaid by future property owners. In a January 14, 2010 letter, Highland Fairview requested the City abandon CFD formation proceedings and rescind the application to form CFD #6. A new application will be necessary in order to reinitiate the CFD formation process.

Section 6.3 of the Agreement requires that the developer provide two million dollars to the City of Moreno Valley. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility. In accordance with the Agreement, the funds were to be placed in an interest bearing escrow account within thirty (30) days of the effective date of the Agreement, and the City was not to withdraw the funds until one-hundred twenty (120) days after the effective date of the Agreement, or until the conclusion of any legal proceedings. The monies were placed in escrow and there were no legal proceedings initiated. Consequently, the funds were withdrawn from escrow and placed in a Moreno Valley Electric Utility revenue account in October 2006.

A second one million dollar ($1,000,000) payment for a Moreno Valley Electric Utility and/or other eligible City Capital Project is required at the time of recordation of the first residential subdivision map. A residential subdivision map has not been recorded yet.

Section 6.7 of the Agreement, provides that a main clubhouse of at least thirty-five thousand (35,000) square feet shall be provided with a construction cost of at least twenty million dollars ($20,000,000). On July 27, 2006, the Planning Commission approved a Conditional Use Permit for a clubhouse facility within Planning Area #5, which exceeded the criteria of the Agreement. Building plans for the clubhouse were submitted to the City for plan check in June 2006. The building permit for this plan check was voided in July 2009 at the request of the applicant following receipt of a written request to withdraw the building plans.

An application to amend the Conditional Use Permit for the clubhouse was submitted in 2007 in order to make minor changes to the clubhouse site plan. This application was subsequently withdrawn by the applicant.

Section 6.8 - State Route 60/Nason Street Interchange. An application will be necessary to intitiate formation of CFD #8 for the Nason Street interchange improvements. No appliction or correspondence has been received at this time.

No residential units have been constructed at this time. The development is no longer on the original schedule as noted in Exhibit "B" of the Development Agreement (Phase 1 was to be completed sometime in February 2008). The schedule identifies the intent of Highland Fairview at the time of the adoption of the Agreement and is not binding.

There are no outstanding obligations of the Agreement. Therefore, staff has determined that the property owner has complied in good faith with the terms, obligations and conditions of the Agreement.

ALTERNATIVES

1. Accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement. (Staff's recommendation.)

2. Reject the Annual Report based on evidence that the developer is in default. If the City Council elects to reject the Annual Report due to a default, written notice of the proposed termination or modification of the Development Agreement must be given describing the alleged nature of the default and suggested or potential actions and timing to cure the default, where applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of the Agenda.

ATTACHMENTS/EXHIBITS

Exhibit 1 – Letter/Annual Report from Highland Fairview Properties, dated April 5, 2010

Exhibit 2 – Aquabella Development Agreement

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Concurred By:
John C. Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00073427

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.242.9180 Fax: 951.867.9165

April 5, 2010

RECEIVED
MAY 25 2010
CITY OF MORENO VALLEY

Mr. John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

SUBJECT: Aquabella Development Agreement – 2010 Annual Report

Dear Mr. Terell,

On December 13, 2005, the Aquabella Development Agreement was approved by the City of Moreno Valley (Ordinance #704). The Agreement was subsequently signed by the parties and recorded on February 16, 2006. Pursuant to Section 15 of the Agreement, an Annual Report is required to be prepared and submitted to the City demonstrating Highland Fairview's good-faith compliance with the terms of the Agreement. Section 15.2 of the Agreement requires that this Annual Report "describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review." This report provides the required information.

The continuing economic downturn and its direct impact on international, national and local financial markets continued to have a dramatic negative effect on the southern California residential market. Moreno Valley has been particularly hit hard with thousands of bank foreclosures plaguing the residential market. Unemployment in our area still hovers at over 15% having a tremendous negative impact on residential values, which are still below replacement cost. As a result, new residential development is not practical or viable in today's environment. Aquabella has not been immune to these market conditions. Grading operations at Aquabella were suspended in February 2008 and work on infrastructure design, permitting and construction was suspended in 2008-2009. The Aquabella project has moved into a maintenance mode for the property and the project entitlements.

GENERAL PROJECT STATUS

Pursuant to Section 2.1 of the Development Agreement, all project approvals for Aquabella remain in full force and effect throughout the duration of the Agreement. No project-specific actions are required on the part of the Developer or the City for this extended period of validity to apply to all project approvals.

A permit for the mass grading of the Aquabella site was issued by the City (Permit # MV-0826). To date, approximately 5,700,000 cubic yards of grading has been completed, representing approximately 56% of the permitted earthwork volume. Grading operations

EXHIBIT 1

were suspended in 2008. Since that time, Highland Fairview has undertaken a comprehensive program of property maintenance including full property fencing and signage, extensive erosion control, weed abatement in compliance with all applicable City regulations, and immediate refuse removal and site security. Highland Fairview has relinquished the above-referenced grading permit and the erosion control bond for the project site is scheduled to be exonerated by the City Council at its meeting on April 13, 2010. Highland Fairview also relinquished the Cooperative Agreement for Line F improvements.

A proposal to amend the Aquabella Specific Plan and the Development Agreement is underway in cooperation with the Riverside County Regional Medical Center located immediately north of Aquabella. The proposal would remove Planning Areas 1 and 2 (±72.6 acres north of Cactus Avenue) from the Specific Plan in order to facilitate development of a potential mixed-use project which would reinforce the County's long-range plan to create a major campus environment centered on the Regional Medical Center. The residential units in Planning Areas 1 and 2 will be re-allocated within Aquabella.

OBLIGATIONS OF MASTER DEVELOPER

The Agreement identifies specific actions required to be accomplished by the Master Developer. Following is a brief status update on each of these required actions:

Section 6.2 – Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Plan

The status of each of the improvements listed in Exhibit "B" is provided in the following chart which utilizes the format of Exhibit "B" as it appeared in the Development Agreement for clarity and convenience.

Phasing Improvement Details

Location	Direction	Improvement	Status
Nason St. from Iris to Delphinium	NB / SB	Widen to half-width (one lane per direction)	Plans on hold
Nason Street at Iris Avenue	I	Install traffic signal	Plans approved
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Plans on hold
Nason Street at Iris Avenue	EB	Construct one additional left turn lane	Plans approved
Nason Street at Iris Avenue	WB	Construct one left turn lane	Plans approved

Nason Avenue at Iris Avenue	WB	Construct one right turn lane	Plans approved
Nason Avenue at Dracaea Avenue	I	Install traffic signal	Complete
Location	**Direction**	**Improvement**	**Status**
Lasselle Street at Margaret Avenue	I	Install traffic signal	Not started
Nason Street at Fir Avenue	I	Install traffic signal	Complete
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Complete
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left turn lane	Complete
Nason Street at Fir Avenue	EB	Construct one left turn lane	Completed
Nason Street at Fir Avenue	WB	Construct one left turn lane	Completed
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Not started
Nason Street at Eucalyptus Avenue	I	Modify traffic signal	Completed
Nason Street at Eucalyptus Avenue	NB	Widen Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Completed
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Completed
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Completed
Delphinium Avenue		Traffic calming on Delphinium	Not started
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement phase signal timing)	Concept Report completed
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Concept Report completed
Lasselle Street at Gentian Avenue		Re-striping lane configuration/signal modification	Not started

Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Not started
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	On hold
Location	**Direction**	**Improvement**	**Status**
Clubhouse Drive at Cactus Avenue	NB	Construct one shared right turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	On hold
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	On hold
Cactus Ave from Lasselle to Nason	EB, WB	Widen to half-width (one lane per direction)	On hold
Nason Street from Cottonwood to Dracaea	NB	Construct one NB lane	Not started
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Not started
Nason Street at Delphinium Avenue	I	Modify traffic signal	Not started
Nason Street at Cactus Avenue	I	Modify traffic signal	Approved plan by others
Nason Street from Delphinium to Cactus	SB	Construct one SB lane	On hold
Nason Street from Brodiaea to Alessandro	SB	Construct one SB lane	Not started
Nason Street from Alessandro to Cottonwood	NB / SB	Construct one lane per direction	Not started
Cactus Avenue from Nason to Oliver	WB	Construct one WB lane	Not started
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Not started
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Not started
Morrison Street at Cactus Avenue	I	Install traffic signal	Not started
Oliver Street at Cactus Avenue	I	Modify traffic signal	Not started
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) signing striping	Not started
Oliver Street at Iris Avenue	I	Modify traffic signal	Not started

Oliver Street at Iris Avenue	SB	Construct one right turn lane	Not started
Iris Ave from Lasselle to Camino Flores		Modification of Median ($70 per LF)	Not started
Location	**Direction**	**Improvement**	**Status**
Iris Avenue		Coordination of traffic signals ($3500 per intersection)	Not started
Lasselle Street		Coordination of traffic signals ($3,500 per intersection)	Not started
Lasselle Street at Cactus Avenue	I	Modify traffic signal	Complete
Lasselle Street at Cactus Avenue	NB	Construct one free left turn lane	Complete
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Complete
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Not started
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Not started
Brodiaea Avenue from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Not started
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left turn in/out movements from apartment access	Not started
Lasselle Street at Apartment Access	I	Construct raised median to restrict left turn out movement from apartment access	Not started
Nason Street at Bay Avenue	I	Install traffic signal	Not started
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Brodiaea Avenue	I	Install traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane	Not started

Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Not started
Location	**Direction**	**Improvement**	**Status**
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Not started
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening and re-striping and signing for additional left turn lane	Not started
Cactus Avenue		Coordination of traffic signals on Cactus ($3,500 per intersections)	Not started
Nason Street at SR-60 WB ramps / Elder Avenue	I	Participate in interchange improvements through payment of TUMF program fees	Not started
Nason Street at SR-60 EB ramps	I	Participate in interchange improvements through payment of TUMF program fees	Not started

Section 6.3 – Moreno Valley Electric Utility and/or City Capital Project

A deposit in the amount of $1,000,000 was placed in escrow with the City of Moreno Valley in February 2006 and was released to the City in October 2006. No further activity is required on this item until a final tract map is recorded.

Section 6.4 – Covenants, Conditions and Restrictions (CC&Rs)

Drafts of a CC&R document for the Aquabella project have been through multiple reviews by the City. Prior to recordation of a development map, a final review by the City will occur and the CC&Rs will be recorded.

Section 6.5 – Operation and Maintenance of Common Areas by Master Developer

The entirety of the Aquabella property is currently being maintained by Highland Fairview. No "common area" exists within Aquabella as no property has been transferred to a homeowners' association. There has been no recent activity on this item.

Section 6.6 – Master Homeowners' Association (Master HOA)

Draft CC&R documents, including provisions for a Master Homeowners' Association, are addressed in Section 6.4 above.

Section 6.7 - Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail Systems

Plans for these facilities and programs are on hold. A Conditional Use Permit (CUP) for the Aquabella Clubhouse (City file # PA05-0188) was approved by the City on July 27, 2006. These plans were found to be consistent with the requirements of the Specific Plan and the Development Agreement. Per Section

2.1 of the Development Agreement these project approvals are valid for the duration of the Agreement.

Section 6.8 – State Route 60/Nason Street Interchange

Highland Fairview has discussed with the City the need for an SR60 corridor-wide implementation program for all remaining SR60 interchanges located in the City. These discussions are on-going.

Section 6.9 – Entry Statement

The concept for the Entry Statement was incorporated into the plans for the Aquabella Clubhouse, approved by the City on July 27, 2006 (CUP # 05-0188). See Section 6.7 above.

Section 6.10 – Perimeter Walls and Landscaping

A variety of project details, including walls and landscaping, are the subject of on-going discussions with City staff. These discussions have been on hold.

Section 6.11 – Age Restricted Project

Draft CC&R documents establishing the age-restricted nature of the Aquabella project were submitted to the City in October 2005. Discussions regarding this issue are on hold.

Section 6.12 – Master Design Guidelines

Master Design Guidelines for the Aquabella project are included in the Aquabella Specific Plan which was approved by the City of Moreno Valley on November 22, 2005 (Ord. 703).

Highland Fairview continues to closely monitor the status of the local housing market and future actions will be predicated on responding to opportunities to capture market advantages as they arise.

Please review this Annual Report at your convenience and contact me if you have any questions or need any additional information.

Sincerely,

Iddo Benzeevi
President

cc: City Council
Planning Commission
City Manager

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MV00073435

ORDINANCE NO. 704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE AQUABELLA DEVELOPMENT AGREEMENT (PA04-0005) FOR 685 ACRES OF LAND WITHIN THE AQUABELLA SPECIFIC PLAN, GENERALLY LOCATED BETWEEN BRODIAEA AND IRIS AVENUES, AND BETWEEN LASSELLE AND OLIVER STREETS

The City Council of the City of Moreno Valley, California, does ordain as follows:

SECTION 1 GENERAL:

1.1 Highland Fairview Properties filed Application PA04-0005, a development agreement for 685 acres of the AquaBella Specific Plan (Specific Plan No. 218, as amended) as described in the title of this ordinance.

1.2 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.3 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.4 Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council during the meeting on November 22, 2005 including written and oral staff reports and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and providing additional provisions for implementation of the entitlements will further support the project's

EXHIBIT 2

implementation which is compatible with the goals, objectives, policies, and programs of the General Plan.

3. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity.

4. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding area. Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 3.

4.1 Based on the Findings contained in Section 2 of this ordinance, the development agreement entitled "AquaBella Development Agreement" is hereby approved between the City of Moreno Valley and Moreno Valley Properties, LLC. A copy of said Development Agreement, Exhibit A, is attached hereto and incorporated herein by this reference.

SECTION 4.

2.1 Provided all other conditions precedent to the execution thereof have been satisfied, the agreement may be executed on behalf of the City at any time after this Ordinance becomes effective.

SECTION 5.

1.1 Within ten (10) days after the City enters into the agreement, the City Clerk of the City of Moreno Valley shall have a copy of the agreement recorded in the office of the County Recorder for the County of Riverside, which shall describe the land subject

thereto.

SECTION 6 EFFECT OF ENACTMENT:

6.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 7 NOTICE OF ADOPTION:

7.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 8 EFFECTIVE DATE:

8.1 This ordinance shall take effect thirty days after the date of its adoption.

[INTENTIONALLY LEFT BLANK]

APPROVED AND ADOPTED this 13 day of December, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, ALICE REED, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 704 had its first reading on November 22, 2005 and had its second reading on December 13, 2005, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 13th day of December, 2005 by the following vote:

AYES: Council Members Batey, West, White, Mayor Pro Tem Flickinger and Mayor Stewart

NOES: None

ABSENT: None

ABSTAIN: None

Alice Reed

CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

AQUABELLA DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO

January 12, 2006

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 12th day of January, 2006 (the "Effective Date"), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the "Master Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Master Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises approximately six hundred eighty-five (685) acres (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Master Developer includes certain key Principals and personnel who are sophisticated and experienced real estate developers with substantial experience in the development and management of high quality residential neighborhoods.

E. The City, on September 20, 1988, adopted Resolution No. 88-75 approving the Moreno Valley General Plan (the "General Plan").

F. The City, on February 23, 1999, introduced Ordinance No. 548 approving Specific Plan 218, and adopted Resolution No. 99-13, approving a General Plan Amendment (GPA 1) and certifying the Final Environmental Impact Report, including findings and a statement of overriding considerations relating to the Specific Plan and findings of consistency with the General Plan, and approved mitigation measures for the Specific Plan (together, the "EIR"). On March 9, 1999, the City adopted Ordinance No. 548, approving Specific Plan 218 and related conditions of approval (the "Specific Plan").

G. The City, on May 27, 2003, approved the Supplemental EIR adopted by Resolution No. 2003-38 supporting the aforementioned entitlements for the Property.

H. The City, on November 22, 2005, adopted Ordinance No. 703, amending Specific Plan 218 and related conditions of approval ("SPA"); Resolution No. 2004-11, approving General Plan Amendment No. PA04-0070 (the "GPA 2"); and Resolutions No. 2004-11 and 2004-12, and Ordinance No. 703 approving an addendum to the certified EIR and Supplemental EIR (the "Addendum").

I. The Master Developer intends to make application to the City for one or more subdivision maps (the "Map" or the "Maps").

J. The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, and the Addendum to the EIR as heretofore approved, and the Maps which collectively comprise the "Project Approvals," are incorporated herein by this reference. The Master Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the "Project."

K. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 6 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

L. The City Council, on November 22, 2005, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and by its introduction of Ordinance No. 704, and approved this Agreement by its adoption Of Ordinance No. 704 on December 13, 2005. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

M. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an upscale, high-quality active adult community; (v) will encourage the development of the Project by providing a reasonable level of certainty to the Master Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1. DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Amended Specific Plan" means Specific Plan 218 as amended by the Specific Plan Amendment (SPA).

1.3 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.4 "Builder" means a merchant homebuilder who has or may acquire portions of the Property consistent with this Agreement for purposes of constructing residential housing units, but to whom no direct Assignment, in whole or in part, of this Agreement has been made.

1.5 "Circulation Phasing Improvement Program" means the City approved plan for the phasing of public traffic circulation improvements for the Project addressed in Section 6.2, below and attached hereto and incorporated herein as Exhibit "B".

1.6 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.7 "City Council" means the City Council of the City of Moreno Valley.

1.8 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.9 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the

Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.10 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by City in connection with development of the Property including, but not limited to:

1.10.1.1 The City's General Plan and amendments thereto;

1.10.1.2 Specific Plans and Amendments;

1.10.1.3 Planning Area Development Implementation Plans;

1.10.1.4 Tentative and final subdivision and parcel maps;

1.10.1.5 Conditional use permits, variances, site plot plans;

1.10.1.6 Zoning amendments;

1.11 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement.

1.12 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.13 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.14 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.15 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.16 "Homeowners' Association" (HOA) shall mean a master association of homeowners, and any associations of homeowners subsidiary to the master association, in the Project area organized and existing pursuant to the laws of the State of California for the purposes stated in the association's articles of incorporation and/or bylaws to provide, operate and maintain common or community facilities for the enjoyment of the Project's residents to include at a minimum streets, curbs, gutters, sidewalks, street lighting, signage, drainage and flood control facilities, any other private supporting infrastructure, landscaping, walls, lakes, the Main Clubhouse and its amenities, and other recreational facilities throughout the Project, including, but not limited to, community buildings and amenities, private parks, trails, and greenbelts.

1.17 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.17.1 The conduct of businesses, professions, and occupations;

1.17.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.17.3 The control and abatement of nuisances;

1.17.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.17.5 The exercise of the power of eminent domain.

1.18 "Master Design Guidelines" means the overall vision of the thematic and qualitative characteristics for the Project, as mutually agreed upon by the Master Developer and City and memorialized in the SPA and elsewhere in the Project Approvals. Subsequent Development Approvals shall be consistent with the Master Design Guidelines.

1.19 "Master Developer" means MORENO VALLEY PROPERTIES, LP, any City approved Assignee or successor in interest to MORENO VALLEY PROPERTIES, LP, and/or any City approved Assignee or successor in interest to the obligations of the Master Developer set forth in Section 6 of this Agreement.

1.20 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, Master Developer, or both, and as well as such entities' successors and assigns.

1.21 "Planning Area Development Implementation Plan" ("PADIP") means a development plan for the implementation of defined areas within the SPA. The PADIP will include: a detailed architectural and landscaping theme consistent with the Master Design Guidelines; infrastructure and common area improvements to support a self-sustaining development; and the requirements established through the Project Approvals and Development Approvals.

1.22 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.23 "Project" means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to six hundred eighty-five (685) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The 685 acres will be developed as a gated age-restricted community with common amenities to be maintained by one or more Homeowner's Association(s). The Project contemplates a maximum of two thousand nine hundred twenty-two (2922) dwelling units and other uses as defined in the Project Approvals, with the exception of two hundred twenty (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.

1.24 "Project Approvals" means The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, the Addendum EIR and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.25 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.26 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.27 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2. GENERAL PROVISIONS

2.1 Duration of Project Approvals. The Project Approvals shall remain valid and in effect for the entire term of this Agreement, and the City shall take no action to rescind, revise or otherwise modify the Project Approvals, except with the prior written consent or upon the request of the Master Developer (provided that such request shall not obligate the City to rescind, revise or otherwise modify the Project Approvals or this Agreement). Other than for modifications of this Development Agreement, the City's General Plan as applied to the Project, the GPA and GPA2, the Specific Plan and the SPA, individual Builders or property owners may apply for modification of the Project Approvals applicable to their own land without consent or approval of other parties holding interests in the Project, provided that any such modification does not materially affect other land or obligations of any party under this Agreement or the Project Approvals. Individual Builders or property owners may apply for modification of the Development Agreement, the General Plan and the Specific Plan only with the consent of the Master Developer and all approved Assignees of the Master Developer. Nothing in this Agreement shall be interpreted to supersede or conflict with any applicable State or Federal law, rule or regulation pertaining to any specific Project Approval.

2.2 Duration of Permits. Permits issued for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such permit.

2.3 Term of Agreement.

2.3.1 Normal Term. The Term of this Agreement shall commence on the Effective Date of the ordinance approving this Agreement (the "Effective Date"), and shall extend for a period of ten (10) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.3.2 Extension. The ten-year Term of this Agreement may be extended three times. Each extension shall be separately considered by the City according to the provisions in this Agreement. Each extension shall be for a maximum of five (5) years. An extension of the Term of this Agreement shall be upon the same terms and conditions contained in this Agreement and any modifications thereto.

2.3.3 Extension Application. Master Developer shall submit its application for an extension of this Agreement no later than six (6) months prior to its expiration. City may, at its sole discretion, accept a late application for an extension of this Agreement, but under no circumstances shall the City be

obligated by law or in equity to accept or consider an application for extension of this Agreement after the date of expiration of its then current Term.

2.3.4 Extension Granted. Each of the five (5) year extensions of the Term of this Agreement provided for in Subsection 2.3.2 above shall be granted upon determination by the City of the following:

2.3.4.1 All obligations of the Master Developer under Section 6 of this Agreement have been or are being completed in conformance with the standards and timing required by this Agreement, the Circulation Phasing Improvement Program, (Exhibit "B" to this Agreement which is incorporated herein by this reference), and the Project Approvals.

2.3.4.2 The architecture, construction and amenities of the portions of the Project that have been completed meet the standards set forth in Section 6.12 of this Agreement, the related Project Approvals and the Master Design Guidelines.

2.3.4.3 For purposes of determining consistency with the Master Design Guidelines, approval of discrete portions of the Project in the normal course of development by the appropriate entity (e.g. Planning Commission) and certification of passing the City final inspection shall satisfy this requirement.

2.3.4.4 The Master Developer has completed to the reasonable satisfaction of the City Engineer, and offered for dedication, that portion of the public infrastructure set forth in the Circulation Phasing Improvement Program (Exhibit "B") required for each extension as follows:

2.3.4.4.1 Prior to the granting of the first extension, all improvements listed as Phase 1.

2.3.4.4.2 Prior to the granting of the second extension, all improvements listed as Phase 2.

2.3.4.4.3 Prior to the granting of the third extension, all improvements listed as Phase 3.

2.3.4.5 The Master Developer has not abandoned the Project. If the Master Developer has abandoned the Project as set forth herein, this Agreement shall be deemed automatically terminated and of no further force and effect. The Master Developer shall be deemed to have abandoned the Project if any of the following occur at any time:

2.3.4.5.1 The Master Developer is dissolved or has filed a voluntary petition for dissolution in bankruptcy or been adjudicated bankrupt in an involuntary dissolution proceeding. Provided however, that if a voluntary petition for dissolution is filed and the affected Mortgagee notifies the City in writing within thirty-five (35) days of service of notice of the petition to the

Mortgagee as shown in the bankruptcy court's records that the Mortgagee intends to pursue possession of the Property and assumption of this Agreement and thereafter diligently pursues such rights, the Master Developer shall not be deemed to have abandoned the Project.

2.3.4.5.2 The Master Developer notifies the City in writing that it no longer intends to pursue development of the Project.

2.3.4.5.3 The Master Developer has not submitted public improvement agreements, construction plans and required security for public improvements, all in form and substance reasonably acceptable to the City using its normal review processes, for all public improvements required hereinabove for each extension at least two years prior to the expiration of the then current Term of this Agreement.

2.3.4.5.4 Abandonment of the Project shall be a material breach of this Agreement.

2.3.4.6 There are no outstanding material breaches of this Agreement, or material defaults under the Project Approvals, public improvement agreements or bonds issued in connection with the Property or Project which are not being diligently cured within any time permitted for such cure under the applicable document. Approval of any extension may be withheld under this provision until such cure is completed within the allotted cure period. The City's ability to grant an extension of the term of this Agreement shall not terminate during the pendency of such cure period so long as the Master Developer, or its City approved Assignee, is taking reasonable steps to effect such cure to the reasonable satisfaction of the City Manager.

2.3.4.7 For purposes of considering an extension of the term of this Agreement, the estoppel and waiver provisions of Section 15 (Subsections 15.6 and 15.7) shall apply.

2.3.5 Maximum Term. If the granting of an extension of the term of this Agreement occurs after the expiration of the Term of this Agreement, or any prior extension thereof, the extension of five (5) years shall be reduced by the total number of days that have elapsed after the original date of expiration of Term. Except as otherwise specifically allowed herein, this Agreement, shall not be effective for more than twenty-five (25) years from its Effective Date.

2.3.6 Termination Upon Completion.

2.3.6.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public

improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.3.6.2 Similarly, where all such conditions have been satisfied with respect to any Planning Area designated in the Specific Plan, provided that all fees have been paid or credited and provided that the Master Developer obligations required by that time have been completed as set forth in Section 6 of this Agreement and the Project Approvals, then the Master Developer may make a written request, and the City Manager shall review and act upon the written request, to terminate this Agreement as to the affected Planning Area. The City Manager shall act upon said request within thirty (30) days of receipt. If the request is not granted, the City Manager shall specify in writing all reasons for denying the request.

2.3.6.3 For purposes of Termination Upon Completion hereunder, "total build-out" shall mean the completion of all construction in the Project, or in any Planning Area of the Project, of all buildings, structures, infrastructure, improvements, landscaping and associated amenities contemplated, required or permitted by the Specific Plan, all other infrastructure required by this Agreement or the Project Approvals, and performance by the Master Developer and the City of all of their respective obligations hereunder.

2.3.6.4 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.4 Binding Effect of Agreement.

2.4.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.4.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3. PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. Master Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. Master Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and conditions of development of the Project shall be those set forth in the Project Approvals. Except as specifically provided for in the Project Approvals and/or this Agreement, the Project shall be developed and maintained as an age-restricted active adult community as more fully set forth in Section 6.8.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Master Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that Master Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of Master Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that Master Developer shall have the right to develop the Property in such order and at such rate and at such time as Master Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals. Master Developer expects to accomplish street and traffic signal improvements in conformity with the Circulation Phasing Improvement Program (Exhibit "B").

SECTION 4. RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent

Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide Master Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided,

however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5. PUBLIC FINANCING

5.1 The Master Developer is not obligated to request public financing. However, if Master Developer does request the initiation of proceedings to form a community facilities district, benefit assessment district, community services district or other similar public financing mechanism (hereinafter individually, alternatively and/or collectively referred to as "Public Financing District"), Master Developer agrees that it will make application first and solely to the City, and the City agrees to accept and consider such application according to the City's ordinances, resolutions, standards and practices generally applied to Public Financing District applications throughout the City including, without limitation, the City's Special Districts Financing Policy. If the City declines to provide such public financing, then the Master Developer may elect to initiate proceedings for public financing through any other public agency.

5.2 Consistent with Section 5.1 above, the City agrees to consider the initiation of proceedings for the establishment of one or more Public Financing Districts upon receipt of a completed written application by Master Developer. The Master Developer agrees to cast its votes in favor of, and/or to refrain from protesting the formation of, any such Public Financing District which the Master Developer has requested the City to initiate and to pay City's costs and expenses, and an issuer's fee to be established by City, in connection with each issuer. The Master Developer agrees and acknowledges that it will only support and participate in Public Financing Districts undertaken by the City (or one of City's subsidiary or affiliated entities), unless and until the City declines to provide such public financing.

5.3 If a Community Facilities District is formed at the request of the Master Developer, the proceeds from such financing shall be used as follows:

5.3.1 As first priority: public streets and traffic signals, City electric utility or other City capital project referred to in Section 6.3 below, and Riverside County Transportation Uniform Mitigation Fees (TUMF) paid by the Project to the extent they are allowed by Western Regional Council of Governments (WRCOG) and any other agency having jurisdiction thereof to be dedicated to State Route 60/Nason Street interchange improvements (including any improvements on Nason Street associated with or required as part of such interchange improvements);

5.3.2 As second priority: water and sewer infrastructure construction; and

5.3.3 As last priority: City DIF, but only to the extent such DIF is not subject to credit or reimbursement. The priority among City DIF shall be subject to City approval.

SECTION 6. OBLIGATIONS OF AND CONTRIBUTIONS BY MASTER DEVELOPER

6.1 Acknowledgement. The Master Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Master Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process, including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Master Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Master Developer shall provide to City the public benefits set forth herein.

6.2 Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Program. Master Developer agrees to build all required public street and traffic signal improvements in accordance with the Circulation Phasing Improvement Program (Exhibit "B"). The parties acknowledge, and a traffic phasing study has confirmed, that the improvements listed on Exhibit "B" exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

6.3 Moreno Valley Electric Utility and/or City Capital Project. Master Developer agrees to pay two million dollars ($2,000,000) to the City. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility at the sole discretion of the City. Said payment is in addition to any other obligation the Master Developer may incur as a condition of approval, or otherwise, for the Project, or any portion thereof, concerning the Moreno Valley Electric Utility. Payment of this first one million dollars ($1,000,000) shall be made within thirty (30) days of the Effective Date of this Agreement; provided, however, that said payment shall be placed in escrow in an interest bearing account, with interest payable to City, and City agrees not to withdraw the money until one hundred twenty (120) days after the Effective Date of this Agreement, or the conclusion of any legal proceedings challenging the validity of this Agreement or Project Approvals, whichever occurs later. Should any legal proceedings challenging the validity of this Agreement or the Project Approvals result in the invalidation of this Agreement or the Project Approvals and the decision of the

Master Developer to not proceed with the Project, all sums within the escrow account shall be returned by the escrow company to Master Developer within ten (10) calendar days of any court ruling invalidating this Agreement. The second one million dollar ($1,000,000) payment shall be for a Moreno Valley Electric Utility and/or other City Capital Project that is eligible for inclusion in, or reimbursement from, a Community Facilities District as provided for in Section 5 of this Agreement. This second payment of one million dollars ($1,000,000) to City shall occur at the time of recordation of the first (1st) residential subdivision map.

6.4 Covenants, Conditions and Restrictions (CC&Rs).

6.4.1 The Master Developer shall prepare CC&Rs for all Property within the Project to be recorded in the Riverside County Recorder's Office and made to run with the land.

6.4.2 Prior to recordation, the Master Developer shall submit the proposed CC&Rs to the City for review, approval and consent to record. The Master Developer shall not record any CC&Rs unless and until it has received City's consent thereto in writing. The City shall have the right to review, approve and consent to the recording of any amendments to the CC&Rs and Master Developer shall not record any amendments to the CC&Rs prior to obtaining the City's consent thereto in writing. The City shall not unreasonably withhold such consent and shall act upon any request for its consent within thirty (30) days of its receipt of the request and all information reasonably needed to make such a determination. It is understood that the City's interest in the CC&Rs is to protect the public interest, including, without limitation, assuring that common areas and facilities are properly maintained for protection of surrounding properties, protection of City facilities from impacts purportedly mitigated by private amenities (including those recreational amenities for which DIF credits have been provided), and protection from City liability or cost for water quality or other environmental impacts of the Project. Therefore, the reasonableness of the City's review and consent or denial of consent to any amendments shall be construed in light of the public interest, but review of any City decision hereunder shall be given the normal deference given to public agencies in determining the public interest.

6.4.3 The City shall be a named third party beneficiary pursuant to California Civil Code Section 1559 of all recorded CC&Rs, and any amendments thereto, with a separate and independent right, but not the obligation, to enforce the CC&Rs. This right of enforcement is in addition to all other legal and equitable remedies available to the City.

6.5 Operation and Maintenance of Common Areas by Master Developer.

6.5.1 The Master Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. Master Developer shall operate and maintain all common area facilities including, but not limited to, the Main Clubhouse facilities and the lake system, during the course of construction of the Project and until such time as a Master Homeowner's Association (Master HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the Master HOA (hereinafter referred to as the "Transfer Date").

6.5.2 The Master Developer shall maintain a dedicated funding source in an amount reasonably acceptable to the City Manager for the operation and maintenance of all common area facilities during the course of construction of the Project and until the Transfer Date.

6.5.3 The Master Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until a Master HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the Master HOA. Upon the Transfer Date, the Master HOA shall have the obligations described below.

6.6 Master Homeowners' Association (Master HOA).

6.6.1 The Master Developer shall form and capitalize a Master HOA for the Project. The Master HOA shall, at a minimum, have the responsibility and legal obligation to operate and maintain all common area facilities in the Project or on the Property which have been legally conveyed to and accepted by the Master HOA.

6.6.2 Until the Transfer Date, the Master Developer shall remain legally liable and responsible for the operation and maintenance of all common area facilities in the Project or on the Property. The Master Developer shall not transfer any common facilities to the Master HOA unless and until a budget approved by the California Department of Real Estate (DRE) provides for either the levy of assessments which will be adequate to fund all of the costs of operation, maintenance, repair and reserves for the common area facilities, or financial assurances deemed adequate by the DRE are posted in accordance with the regulations of the DRE. In connection with the governance of the Master HOA, the Master Developer shall, unless otherwise prevented from doing so by a court order or judgment, exercise its rights provided under Title 10 of the California Code of Regulations to appoint a majority of the Board for so long as permitted under the Master CC&Rs. As members of the Board, the Master Developer shall comply with the requirements established under the Common

Interest Development Act for preparation of budgets, the establishment of reserves and collection of assessments.

6.6.3 The CC&Rs shall require the Master HOA, upon request by the City, to provide all documentation reasonably requested by the City regarding the budgets and financial condition of the Master HOA. The City may utilize expert consultants to analyze and opine on the submitted documentation as necessary in the City's sole discretion to determine whether the Master HOA is adequately financed. The Master HOA shall bear all costs for any and all expert consultants utilized by the City in making this determination. The City shall make such determination according to accepted principles for HOA capitalization, operation and maintenance of the types and kinds of common area facilities for the Project, including any necessary reserves.

6.6.4 The CC&Rs shall include a provision which states that, if the City determines that the Master HOA has failed to maintain the common area facilities in accordance with the requirements of this Agreement and the Project Approvals, and as necessary to protect the public health, safety and general welfare, the City shall have the right, but not the obligation, to notify the Master HOA in writing of such maintenance deficiency. If within thirty (30) days after the Master HOA receives the notice from the City, the Master HOA fails to (i) correct such maintenance deficiency, or (ii) if such maintenance deficiency is of a type that cannot reasonably be corrected within thirty (30) days, fails to commence such maintenance correction and diligently pursue such correction to completion, the City may, but is not obligated to, enter onto the Property to perform all corrective maintenance at the expense of the Master HOA. All costs incurred by the City in connection with performing corrective maintenance as provided herein shall be paid for as common expenses out of the Master HOA maintenance funds as provided in the Master HOA Documentation, and if requested by the City to do so, the Master HOA shall levy a supplemental annual assessment against all Property owners or Properties in the Project area as an emergency assessment.

6.7 Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail System.

6.7.1 Master Developer is developing the Project as an age-restricted, active adult Project. Master Developer represents it will build a Main Clubhouse of at least thirty-five thousand (35,000) square feet during phase one of the Project with a total construction cost of not less than twenty million dollars ($20,000,000.00), including the cost of furniture, fixtures and equipment, but not including the value of the real property. Master Developer represents that Main Clubhouse amenities will include a swimming pool, tennis courts, and a spa/Jacuzzi. Master Developer also represents that active programming for Project residents will be provided in conjunction with the Main Clubhouse facilities. Based upon the needs and desires of the residents, such programming may include a staff activities director, exercise programs (e.g., yoga, aerobics,

pilates, etc.), aquatic exercise programs, tennis league and instruction, diet and nutrition programs, walking club, dance program/club, writing program/club, book club, education programs (e.g., computer classes, poetry, literature, etc.), games programs, arts and crafts programs, garden club, organized trips/excursions, and speaker series (current events, topics of the day, etc.). Master Developer also represents it will provide other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing. The standards for these other recreational facilities and amenities, including timing, acreage, number, types and quality of amenities and facilities, etc. shall be fully set forth in the SPA and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the PADIPs. The Developer's right to the credits set forth in this Agreement for park land and facilities shall be subject to the Master Developer's providing all such recreational facilities and amenities in accordance with the standards and requirements of the SPA.

6.7.2 The Project's Master HOA documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities and provision of appropriate programming and activities.

6.7.3 Master Developer agrees that it will commence construction of the Main Clubhouse prior to issuance of the one hundredth (100th) building permit issued anywhere in the Project, and complete construction prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Master Developer agrees that the construction cost of the Main Clubhouse and its amenities shall be at least twenty million dollars ($20,000,000), inclusive of furniture, fixtures and equipment, but exclusive of the value of the underlying real property.

6.7.4 Master Developer agrees to provide the recreational facilities, amenities and programming stated hereinabove to residents of the Project according to the Project Approvals and this Agreement. Master Developer agrees to comply with the Project Approvals pertaining to the other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing.

6.7.5 Master Developer agrees to provide legal and equitable assurance in the form of Master HOA documentation, CC&Rs, bonds, letters of credit, or other legally enforceable instruments to guarantee that the herein described facilities, amenities and programs will be constructed and perpetually maintained in a manner that meets or exceeds the City's standards for its own parks and facilities, and that recreational programs and amenities will be perpetually provided.

6.7.6 Master Developer agrees to, and shall ensure through Master HOA documentation that the Master HOA shall provide eight (8) days

annually, not more than two (2) of which shall be weekend days, for the Term of this Agreement, and any extension thereof, for non-exclusive use of the Main Clubhouse by the City, which dates are to be agreed upon in writing by the Parties each year. Master Developer or the Master HOA shall respond to the City's request for scheduled days within 30 days of receipt. The City's rights to such days of usage shall not be waived by failure to use or request any or all such days. All costs of such events other than use of the facility (e.g., insurance liability coverage, set-up and clean-up, food, food preparation and service, etc.) shall be born by City. In the event that this provision is found to be in conflict with any regulation of such private facilities by the California Department of Real Estate, or its inclusion would result in conditions or application of regulations that would significantly and unduly burden the Project, the parties shall meet and confer and agree to a different consideration to the City reasonably acceptable to the City and which provides similar public benefits.

6.8 State Route 60/Nason Street Interchange. Master Developer agrees to use its best efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having jurisdiction or authority to dedicate and use the Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

6.9 Entry Statement. Master Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a distinctive and quality entry statement reasonably acceptable to City, which may include arches or other structures, walls, landscaping, decorative pavement, street design and streetscape elements, water features and/or other design elements. Such entry statement shall be located at the Project's main entry on Nason Street. The SPA shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of the one hundredth (100th) and be completed prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Further, the Master HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

6.10 Perimeter Walls and Landscaping. Master Developer agrees to construct perimeter walls and landscaping consistent with the SPA and Project Approvals and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping by the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. It is acknowledged that such walls will be constructed with various phases and maps

and that security for each section of perimeter wall will be provided as appropriate with PADIPs, maps and/or other subsequent approvals.

6.11 Age Restricted Project. The Project is designed and conditioned to be an age restricted community requiring ownership and occupancy by adults aged 55 and over pursuant to State and Federal law. This age restriction is a material inducement for the City to enter into this Agreement. The parties acknowledge that, absent such age restriction, certain environmental and public facility impacts of the Project would far exceed those shown in the studies upon which the Project Approvals are predicated. A removal of, or failure to effectively enforce, the age restrictions would result in significant impacts to the surrounding community including, but not limited to, traffic, noise, air quality, excessive usage of public buildings, facilities and parks, and school overcrowding. Therefore, the Master Developer shall cause to be recorded Covenants, Conditions and Restrictions ("CC&Rs") applying such age restriction to the entire Property, with the exception of the Planning Area designated as apartment units located outside the private, gated community. Should the City and Master Developer determine that the apartments should also be age restricted, or that apartments are an inappropriate use for that Planning Area, nothing herein shall preclude application of the age restriction to that Planning Area as well. The age restriction in the CC&Rs shall be for a period of not less than fifty (50) years. The CC&Rs shall provide the City with a separate and independent right of enforcement as to each Property in the Project and shall run with the land. The age restriction in the CC&Rs shall be in form and substance reasonably acceptable to the City Manager and City Attorney, as well as the DRE.

6.12 Master Design Guidelines. The Master Developer has represented to the City its intent to build an upscale Project with quality of architecture, construction and amenities substantially higher than those normally built in the City or required by City rules and standards. This representation is a major consideration for the City's willingness to enter into this Agreement. An upscale development will provide public benefit to the community by attracting business owners and executives who are seeking an active adult lifestyle and who may relocate their businesses and attendant jobs to the City. Further, an upscale project environment could raise property values and enhance the image and aesthetics of the City. The Parties therefore agree that the Project will be subject to a set of guidelines (the "Master Design Guidelines") that will assure the targeted quality while providing reasonable flexibility to the Developer to address market conditions related to architectural style. The Master Design Guidelines shall be subject to the approval of the City and shall be incorporated into the SPA. Once so approved and incorporated, they shall be incorporated by this reference into this Agreement. This Agreement will be interpreted to be consistent with these twin goals of upscale quality and reasonable flexibility.

6.13 Nexus/Reasonable Relationship Challenges. The Master Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements,

exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals, the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of Master Developer's right to challenge future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Master Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

6.14 Cooperation By Master Developer. Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

6.15 Other Governmental Permits. Master Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

6.16 Reimbursement For City's Efforts On Behalf Of Master Developer. To the extent that City, on behalf of the Master Developer, attempts to enter into binding agreements with other entities in order to assure the availability of certain permits and approvals or services necessary for development of the Project as described in this Agreement, Master Developer shall reimburse City for all costs, expenses and fully burdened staff time incurred in connection with seeking and entering into any such agreement. Any fees, assessments or other amounts payable by City pursuant to any such agreement described herein shall be borne by Master Developer except where Master Developer has notified City in writing, prior to City committing to enter into such agreement, that it does not desire for City to execute such agreement.

6.17 Defense, Indemnity, and Reimbursement For Multi-Agency Agreements. Master Developer shall defend, indemnify and reimburse City for any costs and expenses incurred by City in enforcing, executing, carrying out or defending any multi-agency agreement entered into on Master Developer's behalf.

6.18 Prevailing Wage. The Master Developer acknowledges that provisions of this Agreement, including without limitation, allowance of fee credits or caps, provision of public financing, and any other benefit to the Master

Developer, may cause the Project or portions thereof to become subject to prevailing wage and/or public contract bidding requirements under existing or future state or federal law and/or court decisions. The Master Developer acknowledges that the City has made no representations as to the applicability or non-applicability of such requirements to the Project. The Master Developer hereby assumes any and all responsibility for such determinations and any all risk and responsibility related thereto. Master Developer hereby expressly indemnifies, defends and holds City harmless from any cost, claim or liability related to prevailing wage or public bidding requirements for any public work related to the Project that the Master Developer, Assignee Developer or Builder is conditioned and/or agrees to provide.

6.19 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 7 OBLIGATIONS OF CITY

7.1 Processing. Upon satisfactory completion by Master Developer of all required preliminary actions and payments of appropriate processing fees, City shall promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Master Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

7.1.1 The holding of all required public hearings; and

7.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

7.2 Regional Traffic Improvements. The City agrees to cooperate with and support Master Developer in its efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having authority to dedicate and use the

Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

7.3 Improvement Security. Subdivision improvement security posted by the Master Developer, Assignee Developer or Builder pursuant to the requirements of the Subdivision Map Act shall be released by the City in accordance with Government Code section 66499.7. The City agrees to provide for partial release of security pursuant to the provisions of subdivision (a) of section 66499.7.

SECTION 8 FEES, FEE CREDITS AND REIMBURSEMENT

8.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

8.2 Processing Fees. The Master Developer, Assignee Developer or Builder shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval subject to the following adjustments:

8.2.1 Expedited Development Services. The City acknowledges Master Developer's intention to expedite the development of the Project. City agrees to cooperate with Master Developer in developing specific timeframes for City review and processing of particular submittals by Master Developer. When Master Developer desires to receive a higher level of service than is ordinarily available through existing budgeted staffing and consulting resources, City agrees to expeditiously negotiate and enter into specific written agreements with Master Developer that provide for Project-dedicated development services working under the direction of the City, including, but not limited to: Project management, transportation planning, land use planning, land development, Project inspections and legal services. It is agreed that the Master Developer shall be responsible for the full cost of the higher service levels, with the specific details to be addressed in each such written agreement.

8.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Master Developer, Assignee Developer or Builder shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development

agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are credits and exemptions against otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

8.3.1 DIF Exemption – Circulation Improvements. A comprehensive Traffic Study and Phasing Study evaluated the improvements necessary to fully mitigate the Project's impacts on offsite circulation. The Circulation Phasing Improvement Program (Exhibit "B"), defines a comprehensive package of improvements which exceeds those minimum mitigation obligations, both in scope and timing. Additionally, the City has confirmed that the improvements identified in Exhibit "B" exceed the traffic-related DIF for which the Project otherwise would be liable. Accordingly, the Project is exempted from the arterial street fees, traffic signal fees, City interchange fees, and any other future DIF enacted by the City for City circulation improvements. Failure to comply with the following shall constitute a material breach of this Agreement:

8.3.1.1 Prior to the issuance of the first residential building permit for any phase identified in the Circulation Phasing Improvement Program (Exhibit "B"), and/or the Project Approvals, the Master Developer shall:

8.3.1.1.1 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City for construction of all such improvements for that phase; and

8.3.1.1.2 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City securing all labor, materials, and Master Developer's performance of all obligations for construction of such improvements for that phase; and

8.3.1.1.3 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

8.3.1.2 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

8.3.2 DIF Credit – Parks. The Master Developer, Assignee Developer or Builder shall not receive any Park DIF credit for the Planning Areas or portions thereof in the Project or on the Property that are not age restricted and/or not included in the private, gated community and shall pay one hundred percent (100%) of the Park DIF when due. Contingent upon the Master Developer complying with Section 6.7 of this Agreement, the Master Developer

will become eligible to receive a DIF credit of not more than eighty-seven and one-half percent (87.5%) of the otherwise payable park land (Quimby) and park improvements DIF, and a credit of one hundred percent (100%) for community center DIF for the age restricted portion only of the Project on a per unit, pro rata basis. Said credits shall be contingent upon the Master Developer constructing and completing all clubhouse and park facilities and providing all amenities identified in Section 6.7 of this Agreement and as conditioned in the Project Approvals. Said credits for Park DIF shall be the Master Developer's sole entitlement under this Section. The Master Developer will become eligible for the Park DIF credit upon satisfaction to the City Manager that Master Developer has constructed and completed the identified clubhouse and park facilities and is providing the identified amenities for the Planning Area or portion thereof conditioned for those facilities and amenities. The portion of park land, park improvement, and community/recreation center DIF subject to credit under this Agreement for a Planning Area or portion thereof shall be deferred for collection by the City until the completion of that Planning Area, Tract or other portion thereof, but only if bonds, letters of credit or other security for the full amount of the fee subject to the credit is delivered to the City in form and substance and from a surety reasonably acceptable to the City. The Park DIF amount not subject to such credit is payable by the Master Developer, City approved Assignee Developer or Builder, as appropriate, when due. This Park DIF credit is contingent upon the Master Developer completing all clubhouse and park and recreation facilities and amenities no later than the end of construction of the Planning Area or portion thereof conditioned for that improvement. If the clubhouse and park and recreation facilities and/or amenities for the conditioned Planning Area or portion thereof are not constructed and completed prior to the end of construction of the Planning Area or portion thereof conditioned for said improvement, the Master Developer shall not be entitled to any Park DIF credit for that Planning Area or portion thereof and shall pay the full amount of Park DIF for that Planning Area or portion thereof within thirty (30) days of the final inspection of the last unit in that Planning Area or portion thereof. If Master Developer fails to pay such Park DIF when due, City shall have the right, but not the obligation, to draw upon the security posted for such fees to assure payment to the City of one hundred percent (100%) of the Park DIF for the conditioned Planning Area or portion thereof.

SECTION 9 ASSIGNMENT

9.1 Acknowledgement. Master Developer and Master Developer's Principals have demonstrated, and the City finds, that Master Developer and Master Developer's Principals possess the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Master Developer and Master Developer's Principals to assign the rights and privileges

contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

9.2 Master Developer's Principals. Master Developer is a partnership owned directly or indirectly by Julius Trump and Eddie Trump and members of their families (or trusts therefore), Iddo Benzeevi and members of his family (or trusts therefore), and a trust, the beneficiaries of which may include members of the families of Julius Trump and Eddie Trump and/or charitable institutions (collectively, the "Partners"). Notwithstanding Section 9.7, a change in the ownership of the Master Developer which does not result in the Partners no longer having control of the Master Developer shall not constitute an assignment. Though not an assignment under this Agreement, should any of the Partners become no longer associated with the Master Developer, Master Developer agrees to provide City with notice thereof within thirty (30) calendar days of such event.

9.3 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, Master Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section 9.

9.4 Non-assignment Sales or Leases to Builders. Notwithstanding any other provision in this Section, a sale or lease of a portion of the Property (whether or not a "bulk" sale of lots) to Builders without an assignment of any of the rights or obligations of this Agreement shall not constitute an assignment or other conveyance sufficient to trigger this Section 9. Any such sale or lease shall be exempt from oversight or approval procedures by City. Further, any such sale or lease shall in no way lessen or compromise the rights and obligations of the Parties to this Agreement.

9.5 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by Master Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Master Developer shall remain legally liable to the City for all such rights, duties and obligations. For purposes of this Section, contracting by the Master Developer or City Approved Assignee Developer for the construction of all or part of the Master Developer's obligations under Subsections 6.2, 6.7, 6.9, and/or 6.10 shall not constitute an assignment and the Master Developer or City approved Assignee

Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

9.6 Restriction on Assignment Not an Unreasonable Restraint on Alienation. Master Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that Master Developer will provide those public benefits identified in Section 6 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

9.7 Assignment. The management control and responsibility of Master Developer and the expertise, competence, reputation and financial strength of Master Developer are integral components of the consideration for City entering into this Agreement. In order to preserve such consideration for City and for City to receive full value, the Parties agree that the occurrence of any of the following events constitute, for the purposes of this Agreement, an assignment:

9.7.1 A change in the composition of ownership interests in or control of the Master Developer.

9.7.1.1 For purposes of this section, however, "change in the composition of ownership interests in or control of" shall not include uncontrolled changes in ownership based upon the death or disability of one or more of the ultimate owners (e.g., transfer to heirs or conservatorship).

9.7.2 A change in the composition of ownership interests in or control of the Property, including a sale of all or a portion of the Property (other than portions of the Property sold to an Assignee Developer or Builder).

9.7.3 Any express assignment or transfer of any of Master Developer's rights, duties, or obligations under this Agreement.

9.8 City Council Approval. Upon written request of the Master Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Master Developer, and Master Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Master Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Master Developer under Section 6 of this Agreement and/or the Project Approvals that was required to be completed under

the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

9.9 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

9.9.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

9.9.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

9.9.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

9.10 City Manager Approved Assignee Developers. Notwithstanding any other provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Master Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

9.10.1 The proposed Assignee Developer has developed to completion at least three (3) master planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

9.10.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

9.10.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

9.10.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

9.10.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section 9.10 at the time of the request for assignment; and

9.10.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the

assignment shall be deemed approved.

9.11 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City, provided the City receives prior notice of such financing (including the name and address of the lender and the person or entities acquiring any such secured interest) and Master Developer retains the legal and equitable interest in the Property and remains fully responsible hereunder. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers. City recognizes that initial (though not exclusive) financing for the Project has already been secured by the Master Developer and presently encumbers the Property and that this financing is included in this exemption.

9.12 Notice of Assignment. Upon receiving approval of an assignment, Master Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

9.13 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and Master Developer assigns this Agreement to a third party, in whole or in part, Master Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

9.14 Approved Assignments. If City consents to the assignment, Master Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Master Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Master Developer shall remain legally liable therefore to the City.

9.15 Notice of Sale of Property. Master Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale

or transfer of any portion of the Property, specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

9.16 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract or parcel map. Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any such lot or parcel without the execution or recordation of any further document upon satisfaction of the following conditions:

9.16.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

9.16.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

9.17 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 10 DELAYS IN PERFORMANCE

10.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Master Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not Master Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section. However, it is expressly understood that the provision of the third five year extension of the Term of this Agreement is the sole remedy regarding extension of the Term for

any cause whatsoever. Therefore, while the delays defined in this Section 10.1 may excuse or toll breaches of obligations during the Term of this Agreement and its extensions, in no event shall the Term of this Agreement extend beyond 25 years regardless of any such delays.

10.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 11 DEFAULT

11.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

11.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

11.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Master Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Master Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

11.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

11.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

11.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

11.7 Specific Default Remedies. In the Event of Default by Master Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to Master Developer's default without recourse.

11.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

11.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

11.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from Master Developer for any breach thereof. As such, the parties agree that in no event shall Master Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court.

11.11 Master Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after Master Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Master Developer or is waived by

City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Master Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

11.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

11.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

11.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 12 TERMINATION

12.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

12.2 Termination by City. If City terminates this Agreement because of Master Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 13 RELATIONSHIP OF PARTIES

13.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

13.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

13.3 No Joint Venture or Partnership. City and Master Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Master Developer joint ventures or partners.

13.4 No Third Party Beneficiaries. The only Parties to this Agreement are Master Developer and City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

13.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Development Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 14 AMENDMENT OF AGREEMENT

14.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

14.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event Master Developer finds that a change in the Existing Project Approvals is necessary or appropriate, Master Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

14.2.1 Alter the permitted uses, including the age-restriction, of the Property as a whole; or

14.2.2 Increase the density or intensity of use of the Property as a whole; or

14.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

14.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

14.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 15 PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

15.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Master Developer shall submit to the Planning Official of the City written documentation demonstrating good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Master Developer for failing to perform any of its obligations under this Agreement.

15.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Master Developer's good faith compliance with this Agreement.

15.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

15.3.1 During either an annual review or a special review, Master Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on Master Developer.

15.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Master Design Guidelines, Project Approvals or this Agreement as evidence of a pattern of non-compliance.

15.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by Master Developer with the terms of this Agreement and his or her recommended finding on that issue.

15.3.4 If the City Council finds on the basis of substantial evidence that Master Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

15.3.5 If the City Council makes a preliminary finding that Master Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to Master Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by Master Developer, Master Developer may demand in writing a response from City. Should City fail to respond to Master Developer's written demand within fifteen (15) days of such demand, Master Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

15.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to Master Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

15.4.1 The time and place of the hearing; and

15.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

15.4.3 Such other information as is reasonably necessary to inform Master Developer of the nature of the proceeding.

15.5 Hearing on Termination. At the time and place set for the hearing on termination, Master Developer shall be given an opportunity to be heard. Master Developer shall be required to demonstrate good faith compliance with

the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that Master Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

15.6 Estoppel. If City determines that Master Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that Master Developer does not timely file an Annual Report, City may request at any time, and Master Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that Master Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

15.7 Waiver. The City does not waive any claim of defect in performance by the Master Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 16 NOTICE

16.1 Form of Notice. All notices between the City and either the Master Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City:
City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to:
City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005

Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Master Developer: Highland Fairview Properties, LLC
24525 Alessandro Boulevard
Moreno Valley, CA 92552
Facsimile: (951) 242-9165
Attn: Iddo Benzeevi

With copies to: The Trump Group
4000 Island Boulevard
Williams Island, FL 33160
Facsimile: (305) 466-3570
Attn: Jules Trump

Mark Hirsch
The Trump Group
200 W. 57th Street
New York, NY 10019
Facsimile: (646) 871-8796

TG Services, Inc.
Attn: Jim Lieb, Executive Vice President
4 Stage Coach Run
East Brunswick, NJ 08816
Facsimile: (732) 390-3319

16.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 17 INDEMNITY

17.1 Indemnity. Master Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors free and harmless from any claims or liability based or asserted upon any act or omission of Master Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (Master Developer's employees included) or any other element or damage of any kind or nature, relating to or in any way connected with or arising from the activities provided in this Agreement. Master Developer shall defend, at its expense, including payment of attorneys' fees, City, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. City may, in its discretion, participate in the defense of any such legal action, and may choose its own legal counsel, the costs of which

shall be subject to this indemnification by Master Developer

17.2 Defense of Agreement & Project Approvals. Master Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

17.3 Environmental Indemnity. Master Developer shall defend, indemnify and hold City, its officers, agents, affiliated agencies, employees, and independent contractors free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Master Developer acquired the Property pursuant to a Real Property Purchase and Sales Agreement entered into with the Regents of the University of California ("Prior Property Owner") as the Seller dated as of January 6, 2004 ("the Purchase Agreement"). To the extent that Master Developer is or may be entitled to defense or indemnification from Prior Property Owner in connection with the presence of any such Hazardous Substances on the Property as provided in the Purchase Agreement, Master Developer shall assert any such defenses or indemnification rights on behalf of City, its officers, agents, employees, and independent contractors at City's option. If Master Developer chooses not to assert any such defenses or indemnification rights on behalf of City, Master Developer shall assign such rights to City. However, Master

Developer's obligation to defend, indemnify and hold harmless City and its officers, employees, agents or independent contractors from any claims or liability in connection with or arising from the presence of any Hazardous Substance on the Property or any portion thereof shall not be in any way limited or eliminated by the terms of the Purchase Agreement, and Master Developer's obligation hereunder shall survive the termination of this Development Agreement, no matter how caused. Notwithstanding anything herein to the contrary, Master Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by Master Developer to have been first brought onto the Property subsequent to the sale by the Master Developer of the Property, or the affected portions thereof.

SECTION 18 MORTGAGEE PROTECTIONS

18.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Master Developer, an Assignee Developer, or a Builder, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Master Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

18.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

18.3 Mortgagee Not Obligated. No Mortgagee of the Master Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Master Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

18.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Master Developer, Assignee Developer or Builder requesting a copy of any notice of default given to Master Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Master

Developer or Assignee Developer, any notice given to Master Developer or Assignee Developer with respect to any claim by City that Master Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

18.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Master Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Master Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

18.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

18.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the master Developer's or Assignee Developer's obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

18.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

18.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of Master Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

18.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

18.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

18.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

18.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Master Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Master Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section 18.5 prior to the City consenting to such assignment. Master Developer shall remain liable, however, for any obligations under the Amended Agreement unless Master Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 9 of this Agreement, provided that such Mortgagee or other purchaser assumes Master Developer's obligations under this Agreement.

18.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section 18.5, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

18.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Master Developer or Assignee Developer under this Agreement.

18.6 Master Developer Remains Liable. Unless expressly released by the City in writing, the Master Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Master Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Master Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

18.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of The Master Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving Master Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

18.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Master Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

18.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Master Developer or Assignee Developer who complies with the requirements of Section 18.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

18.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 14 of this Agreement governing amendments.

SECTION 19 INTERPRETATION AND ENFORCEMENT OF AGREEMENT

19.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

19.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and Master Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

19.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

19.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

19.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

19.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

19.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

19.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

19.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

19.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Master Developer

in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

19.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

19.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

19.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

19.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"MASTER DEVELOPER"

MORENO VALLEY PROPERTIES, LLC,

a California limited liability company

By:_____

_____, Manager

"CITY"

CITY OF MORENO VALLEY,

a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

DESCRIPTION

Page 1
Order No. 42015016

ALL OF BLOCKS 129, 138, 139, 148, 149, 152 AND 153 AS SHOWN BY MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAP, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, ALSO LOTS 2 TO 7 INCLUSIVE OF BLOCK 150, LOTS 2 TO 8, INCLUSIVE IN BLOCK 151, LOTS 1, 2, 7 AND 8 IN BLOCK 157 AND LOTS 3, 4 AND 5 IN BLOCK 158, AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY.

TOGETHER WITH THOSE PORTIONS OF THE STREETS AND AVENUES VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, A CERTIFIED COPY OF WHICH WAS RECORDED AUGUST 11, 1966 AS INSTRUMENT NO. 81996, OFFICIAL RECORDS, WHICH WOULD PASS WITH A CONVEYANCE OF SAID LAND.

EXCEPTING FROM BLOCK 138 THOSE PORTIONS DESCRIBED IN THE DEED TO THE COUNTY OF RIVERSIDE RECORDED AUGUST 31, 1992 AS INSTRUMENT NO. 324866.

ALSO EXCEPTING FROM BLOCKS 148 AND 153 THOSE PORTIONS DESCRIBED IN THE DEED TO THE MORENO VALLEY UNIFIED SCHOOL DISTRICT RECORDED JULY 19, 1994 AS INSTRUMENT NO. 286514.

ALSO EXCEPTING AND RESERVING WITHOUT RIGHT OF SURFACE ENTRY, AS A MINERAL INTEREST AND NOT AS A ROYALTY INTEREST, ALL OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND ACCOMPANYING FLUIDS, INCLUDING BUT NOT BY WAY OF LIMITATION, ALL GEOTHERMAL RESOURCES IN, UNDER, OR PRODUCED AND SAVED FROM THE REAL PROPERTY GRANTED HEREIN, TOGETHER WITH ANY OF THE FOREGOING THAT MAY BE ALLOCATED THERETO PURSUANT TO ANY POOLING OR UNITIZATION AGREEMENT OR RATABLE TAKINGS PROGRAM TO WHICH GRANTOR MAY SUBSCRIBE, AND TOGETHER WITH THE SOLE AND EXCLUSIVE RIGHT TO PROSPECT FOR, DRILL FOR, PRODUCE, AND REMOVE SUCH OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND GEOTHERMAL RESOURCES, FROM SAID REAL PROPERTY BELOW THE DEPTH OF FIVE HUNDRED (500') FROM THE SURFACE OF SAID REAL PROPERTY, INCLUDING THE RIGHT TO SLANT DRILL FROM ADJACENT PROPERTY, THE RIGHT TO UTILIZE SUBSURFACE STORAGE FOR NATURAL SUBSTANCES, AND THE RIGHT TO MAINTAIN SUBSURFACE PRESSURES, AS RESERVED IN THE DEED RECORDED JANUARY 7, 2004 AS INSTRUMENT NO. 010169, OFFICIAL RECORDS.

EXHIBIT "A"

EXHIBIT "B" – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	**Active Adult (+55) Housing** Detached Attached	 351 234	 DU DU	July 06 – Jan 08	Jan 07 – Feb 08
2	**Active Adult (+55) Housing** Detached Attached	 289 193	 DU DU	July 07 – July 08	Jan 08 – Aug 08
3	**Active Adult (+55) Housing** Detached Attached	 301 201	 DU DU	Feb 08 – Mar 08	Aug 08 – Apr 09
4	**Active Adult (+55) Housing** Detached Attached	 460 306	 DU DU	Sept 08 – Feb 10	Mar 09 – Mar 10
5	**Active Adult (+55) Housing** Detached Attached	 220 147	 DU DU	Aug 09 – Aug 10	Feb 10 – Oct 10
6	**Apartment Complex** **Hotel**	220 300	DU Room	Aug 09 – Aug 10 Mar 11 – Apr 12	Oct 10 – July 10 ----------

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median ($70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris ($3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle ($3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

Location	Direction	Improvement	Phase	Footnotes
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 6	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 6	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 6	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 6	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 6	
Cactus Avenue		Coordination of traffic signals on Cactus ($3500 per intersection)	Phase 6	

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

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END OF EXHIBIT "B"

AFFIDAVIT OF POSTING
CITY OF MORENO VALLEY

I, Alice Reed, City Clerk of the City of Moreno Valley, California, certify that on the 22nd day of December, 2005, I caused Ordinance No. 704 to be posted in the following places pursuant to City of Moreno Valley Resolution No. 2003-20:

Moreno Valley Senior/Community Center
25075 Fir Avenue

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessando Boulevard

Dated: January 3, 2006

Alice Reed

Alice Reed, City Clerk

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Authorize the City Attorney to execute the Bonds in the form attached hereto.

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation.

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for Phase 1 and provide the City with bond documents for all improvements. Separately, the developer requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with a real property Deed of Trust having a valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements.

The developer has completed and submitted a Public Improvement Agreement and bond securities for the Phase 1 public improvements. The developer has provided City staff with a separate bond for each of the nine tasks noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the agreement is executed. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are between Redlands Boulevard, Theodore Street, State Route 60 and Eucalyptus Avenue, and include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

Accompanying the agreement are Faithful Performance Bonds and Material & Labor Bonds in the amounts noted below for each of the following tasks, issued by Safeco Insurance Company of America:

- Eucalyptus Avenue – Phase 1 Street Improvements - $2,778,000 and $1,389,000
- Theodore Street – Phase I Street Improvements - $821,000 and $410,500

- Eucalyptus Avenue – Phase 1 Sewer Improvements - $467,000 and $233,500
- Eucalyptus Avenue – Phase 1 Water Improvements - $1,050,000 and $525,000
- Eucalyptus Avenue – Phase 1 Recycled Water Improvements - $434,000 and $217,000
- Parcel Map 35629 – Sinclair Off-site Water Improvements - $725,000 and $362,500
- Redlands Boulevard – Phase 1 Water Improvements - $171,000 and $85,500
- Parcel Map 35629 – Monumentation - $42,000 and $21,000
- Eucalyptus Avenue – Phase 1 Electrical Improvements - $849,000 and $424,500

Given the present economy as well as the size and uniqueness of the project, allowing the use of multiple securities and multiple partial reductions seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A-1” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Street Work
Exhibit “A-2” - Vicinity Map for Limits of Theodore Street Phase I Street Work
Exhibit “A-3” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Sewer Work
Exhibit “A-4” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Water Work
Exhibit “A-5” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Recycled Water Work
Exhibit “A-6” - Vicinity Map for Limits of Sinclair Off-site Water Work
Exhibit “A-7” - Vicinity Map for Limits of Redlands Boulevard Phase 1 Water Work
Exhibit “A-8” – (This Page Intentionally Left Blank)
Exhibit “A-9” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Electrical Work
Exhibit “B” - Agreement for Public Improvements

Exhibit “C” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Street Improvements

Exhibit “D” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Street Improvements
Exhibit “E” - Faithful Performance Bond for Theodore Street Phase I Street Improvements
Exhibit “F” - Material and Labor Bond for Theodore Street Phase I Street Improvements
Exhibit “G” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “H” - Material and Labor Bond Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “I” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “J” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “K” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “L” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “M” - Faithful Performance Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “N” - Material and Labor Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “O” - Faithful Performance Bond for Redlands Boulevard Phase 1 Water Improvements
Exhibit “P” - Material and Labor Bond Redlands Boulevard Phase 1 Water Improvements
Exhibit “Q” - Faithful Performance Bond for Parcel Map 35629 Monumentation
Exhibit “R” - Material and Labor Bond for Parcel Map 35629 Monumentation
Exhibit “S” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Electrical Improvements
Exhibit “T” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Electrical Improvements

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00073501

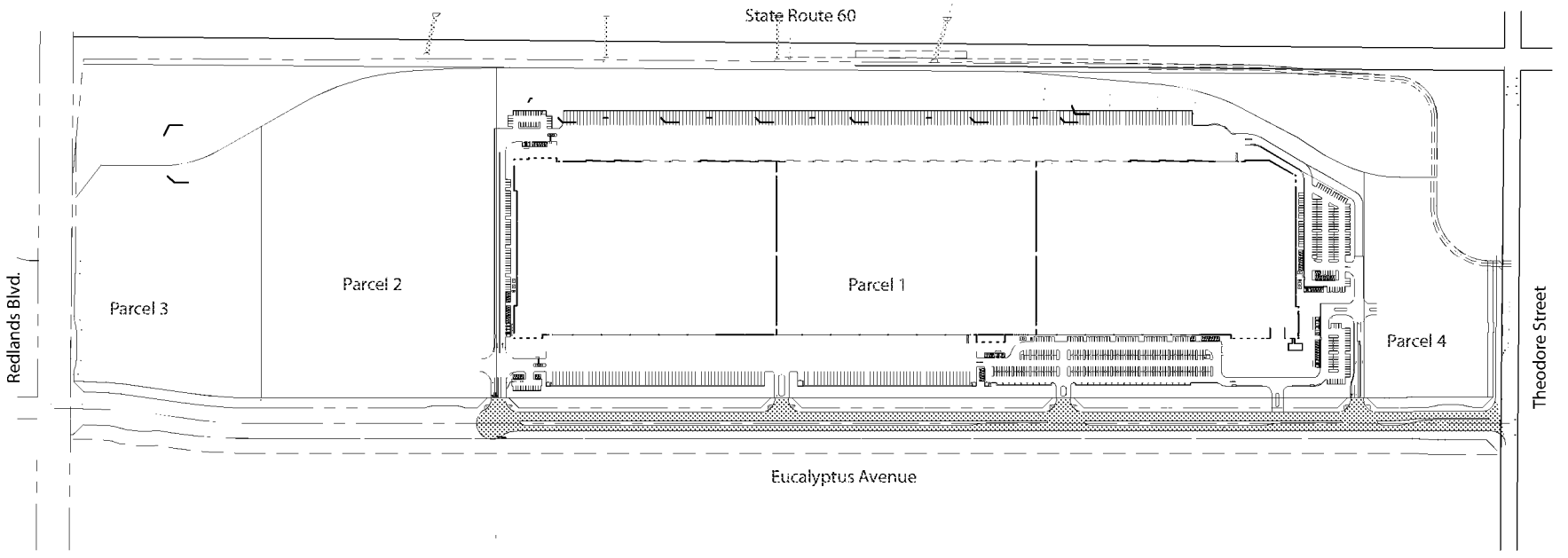

HFCP-Eucalyptus Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-1"

PA07-0090
VICINITY MAP

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MV00073503

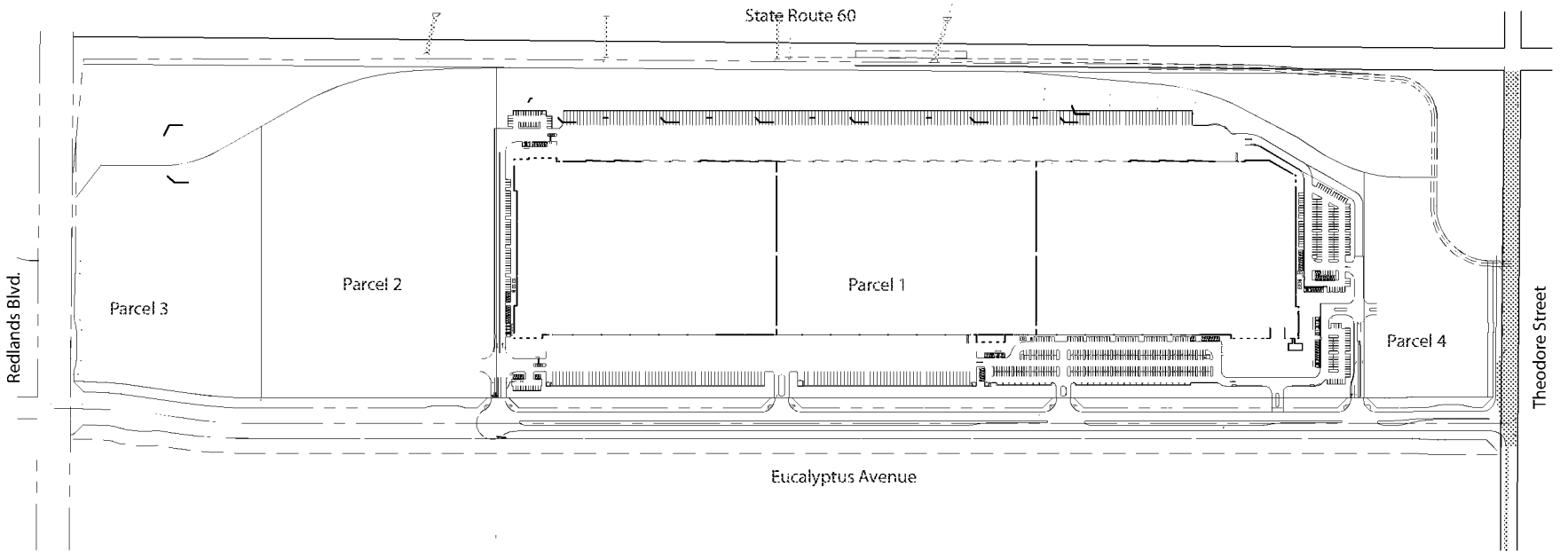

HFCP-Theodore Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-2"

PA07-0090
VICINITY MAP

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MV00073505

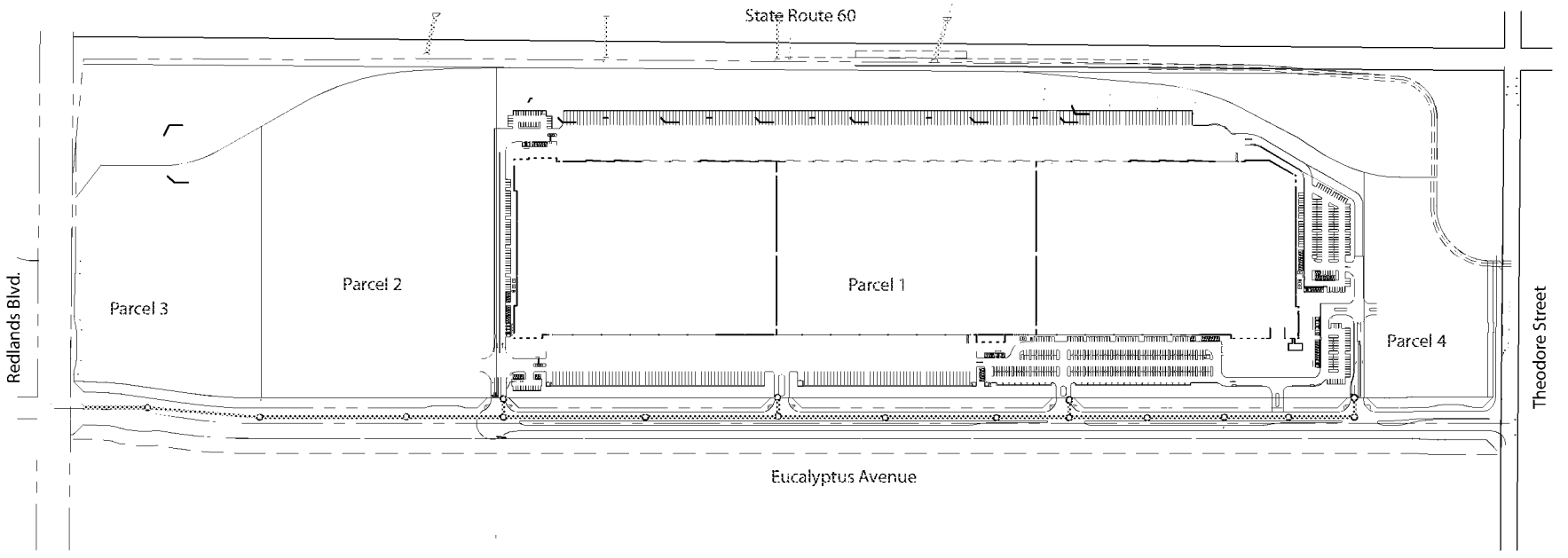

HFCP-Eucalyptus Sewer Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-3"

PA07-0090
VICINITY MAP

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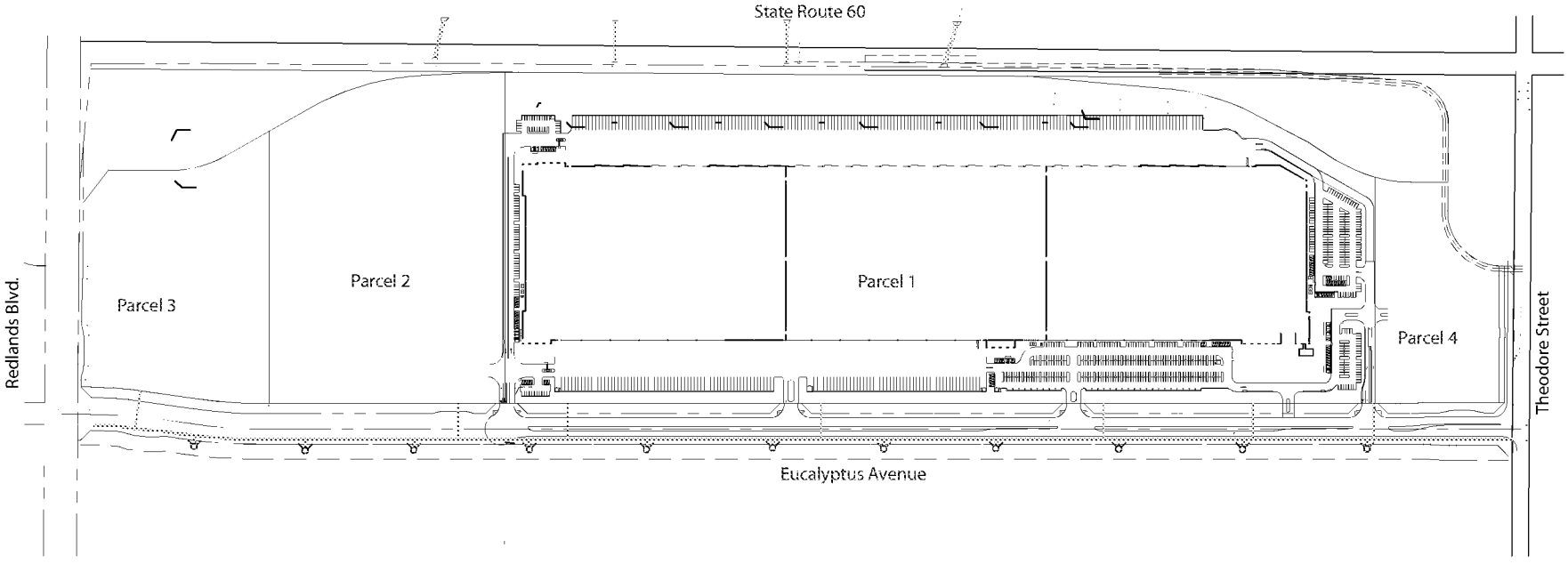

HFCP-Eucalyptus Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-4"

PA07-0090
VICINITY MAP

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MV00073509

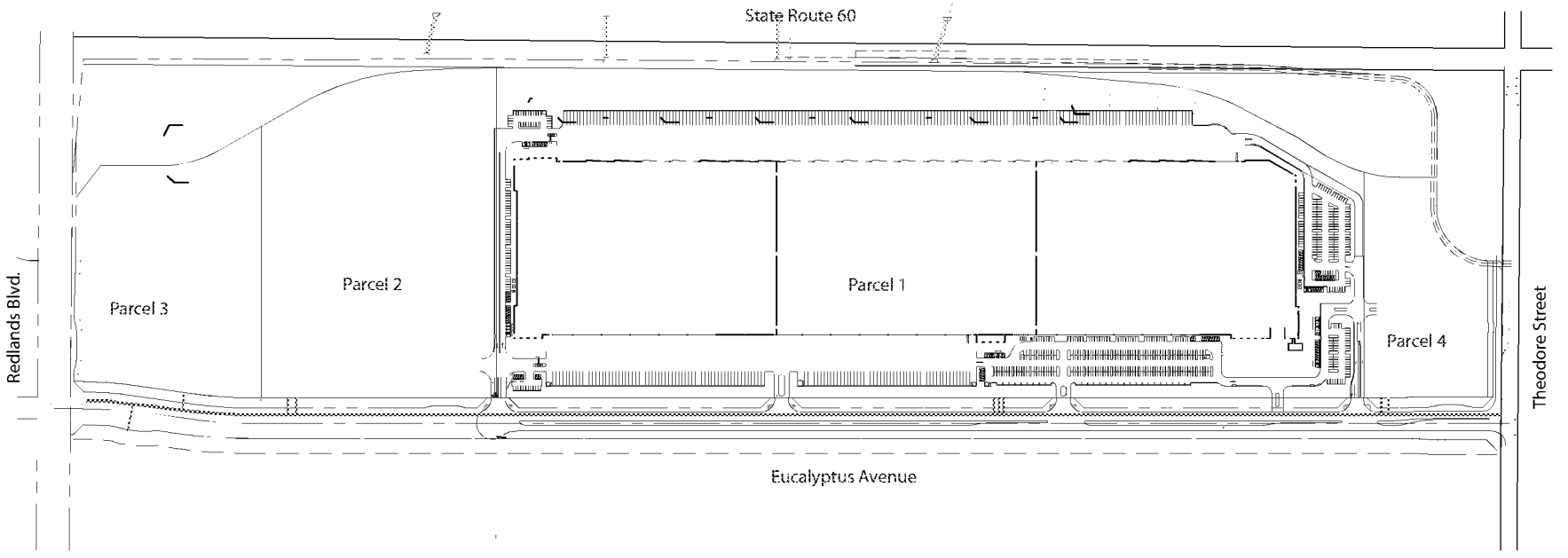

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-5"

PA07-0090
VICINITY MAP

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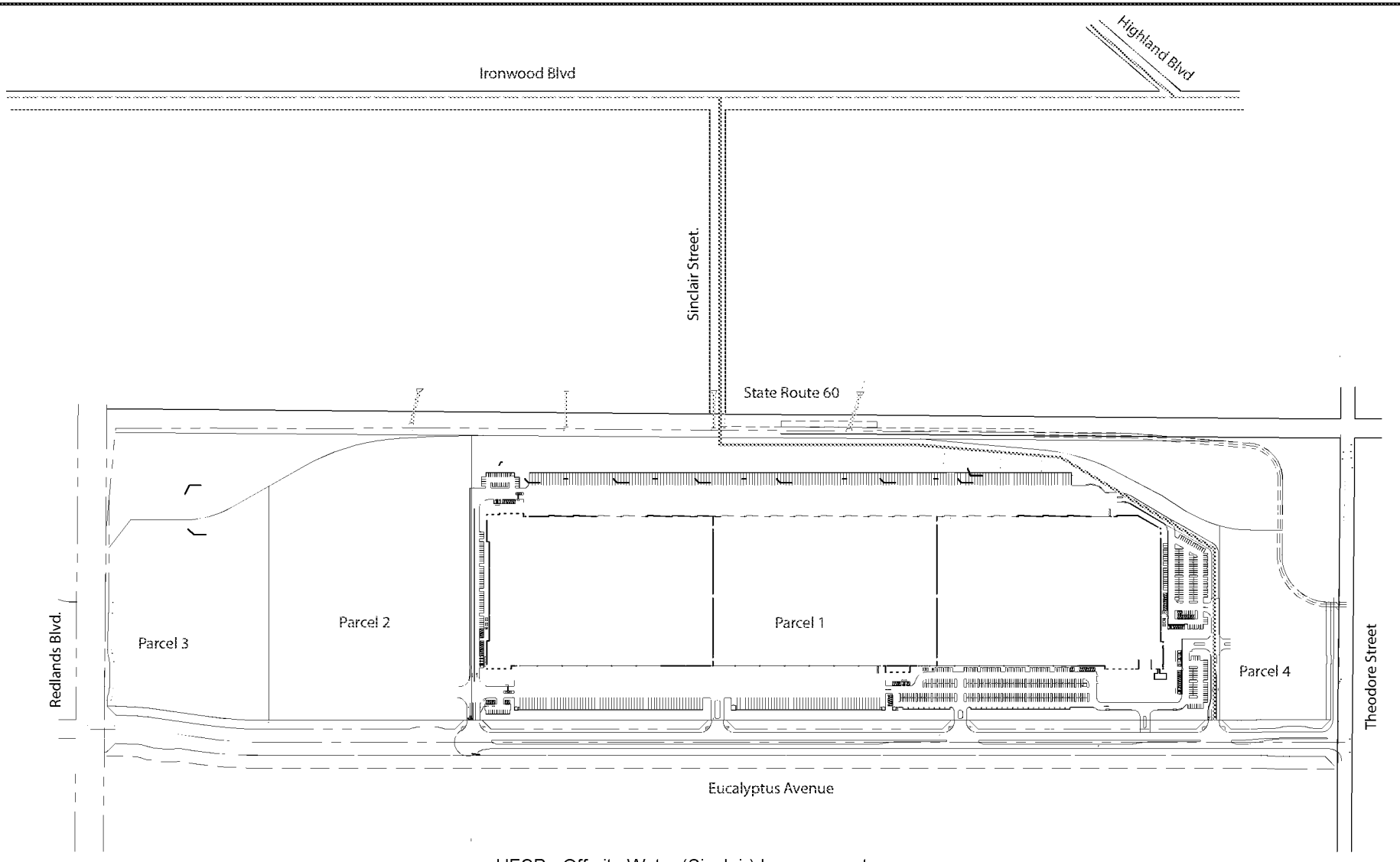

HFCP - Off-site Water (Sinclair) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-6"

PA07-0090
VICINITY MAP

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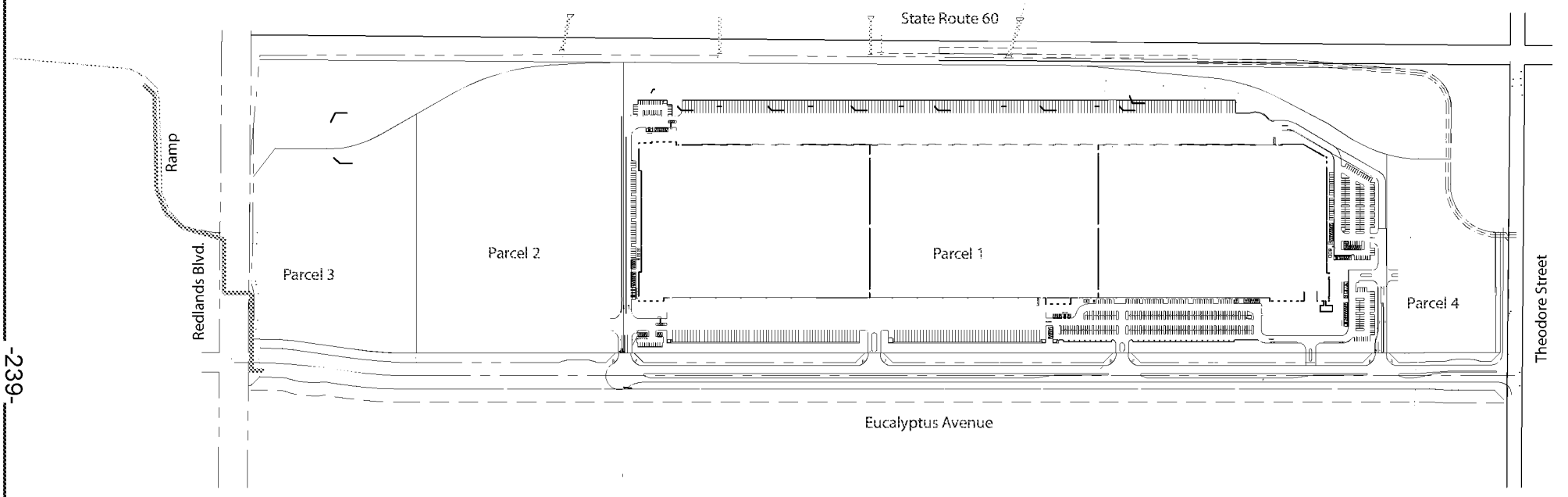

HFCP - Off-site Water (Redlands) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-7"

PA07-0090
VICINITY MAP

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MV00073515

No Exhibit for Parcel Map Monumentation

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CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A-8"	**PA07-0090** **Vicinity Map**

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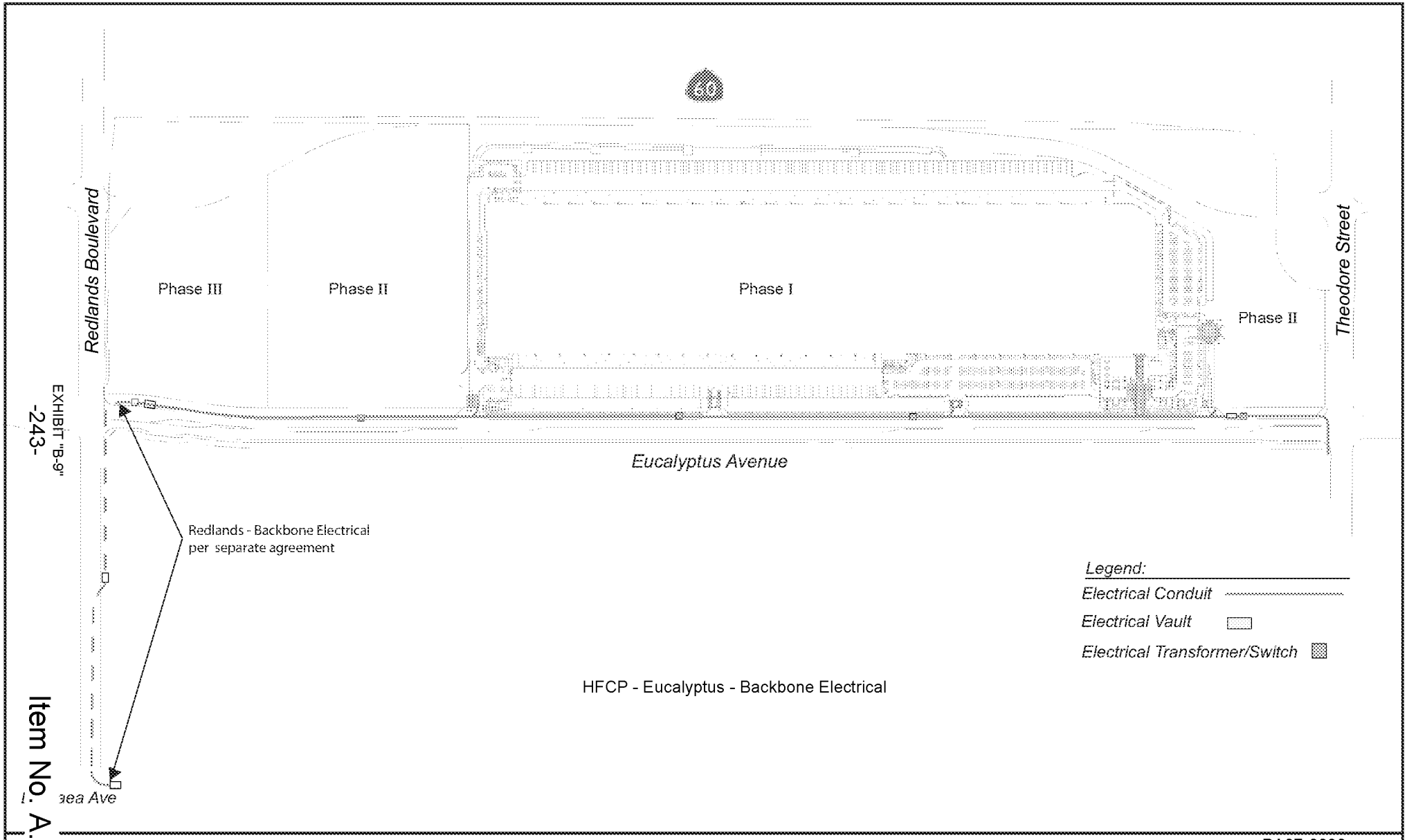

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-9"

PA07-0090
VICINITY MAP

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MV00073519

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR A PORTION OF PHASE 1 PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T1, LLC** herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for the portion of Phase 1 as listed below which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Eucalyptus Avenue – Phase 1 Street Improvement Plans (A-1)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-1 and location map labeled Exhibit B-1 attached hereto, is the sum of TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND AND NO/100 Dollars (*****$2,778,000.00 *****).

Theodore Street – Phase I Street Improvement Plans (A-2)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-2 and location map labeled Exhibit B-2 attached hereto, is the sum of EIGHT HUNDRED TWENTY-ONE THOUSAND AND NO/100 Dollars (*****$821,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Sewer Improvement Plans (A-3)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-3 and location map labeled Exhibit B-3 attached hereto, is the sum of FOUR HUNDRED SIXTY-SEVEN THOUSAND AND NO/100 Dollars (*****$467,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Water Improvement Plans (A-4)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-4 and location map labeled Exhibit B-4 attached hereto, is the sum of ONE MILLION FIFTY THOUSAND AND NO/100 Dollars (*****$1,050,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Recycled Water Improvement Plans (A-5)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-5 and location map labeled Exhibit B-5 attached hereto, is the sum of FOUR HUNDRED THIRTY-FOUR THOUSAND AND NO/100 Dollars (*****$434,000.00 *****).

Parcel Map 35629 – Sinclair Off-site Water Improvement Plans (A-6)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-6 and location map labeled Exhibit B-6 attached hereto, is the sum of SEVEN HUNDRED TWENTY-FIVE THOUSAND AND NO/100 Dollars (***$725,000.00 ***).

Redlands Boulevard – Phase 1 Water Improvement Plans (A-7)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-7 and location map labeled Exhibit B-7 attached hereto, is the sum of ONE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 Dollars (***$171,000.00 ***).

Parcel Map 35629 – Monumentation (A-8)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-8 attached hereto, is the sum of FORTY TWO THOUSAND AND NO/100 Dollars (***$42,000.00 ***).

Eucalyptus Avenue – Phase 1 Electrical Improvement (A-9)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-9 attached hereto, is the sum of EIGHT HUNDRED FORTY-NINE THOUSAND AND NO/100 Dollars (***$849,000.00 ***).

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the Improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the Improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work for Improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bond(s) with good and sufficient sureties or increase the amounts of said bond or bond(s), or both, within ten (10) days after being notified by the City Engineer that the amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required Improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of said bonds. Developer reserves the right to

substitute the form of security, in accordance with the Moreno Valley Municipal Code, at anytime during the term of this agreement, subject to approval of the City Engineer and City Attorney. As this project is very unique in both the size and the timing of construction activities, as well as being considered eligible for Time and Material (T&M) fee collection, it has been determined by the City Engineer that the project may receive incremental reductions to each of the securities ensuring the construction of the associated public improvements. At twenty percent (20%) completion, forty percent (40%) completion, sixty percent (60%) completion and eighty percent (80%) completion of the public improvements as measured by the dollar value of said improvements as set forth in the Engineer's Preliminary Estimate of Cost and associated unit costs (Exhibits A-1 through A-8) and upon written request by the Developer for a partial reduction of the security, the bonding company shall be instructed by the City Engineer in writing to reduce an amount in the bond not to exceed twenty percent (20 %) increments of the original amount established for the bond, provided that all such work has been reviewed, verified, inspected and approved by the City Engineer, Land Development engineering staff and applicable City inspectors. The remaining percentage of the bond securing the estimated cost of labor and materials shall be released to the Developer no sooner than 90 days after acceptance of the improvements by the City. After one hundred percent (100%) completion of the public improvements and formal acceptance of the improvements by the City Council, ten percent (10%) of the original bond amount for the faithful performance shall be retained until expiration of the twelve (12) month warranty period pursuant to Government Code Section 66499 to secure required warranty work.

EIGHTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time may be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the security or securities. Developer further agrees to maintain the aforesaid securities in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developer:
HF LOGISTICS-SKX T1, LLC,
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

HF LOGISTICS-SKX/T1, LLC:
Developer

BY: _____
Signature

Iddo Benzeevi
Print/Type Name

President + CEO
Title

BY: _____
Signature

_____
Print/Type Name

_____
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATES OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8.2.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Aldo Benzoni (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: AGRMT - PRATION OF PH. I PUBLIC IMPRV.

Document Date: NONE AT THIS TIME Number of Pages: ____

Signer(s) Other Than Named Above: ____

Capacity(ies) Claimed by Signer(s)

Signer's Name: ALDO BENZONI	Signer's Name: ____
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s): ____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: ____	☐ Other: ____
Signer Is Representing: ____	Signer Is Representing: ____
Top of thumb here	Top of thumb here

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8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PA07-0090

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	1	Thickness (ft.)				
	268225	S.F.	19448	Ton	33.00	641,718
A.C. - Street 1	0.5	Thickness (ft.)				
	268225	S.F.	9723	Ton	80.00	777,840
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	1,419,558

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/15
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	75	S.F.	3.25	244
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	75	L.F.	3.00	225
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	14	EA.	800.00	11,200
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	38.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	3490	L.F.	30.00	104,700
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	5117	L.F.	25.00	127,925
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	534	L.F.	12.00	6,408
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.35	0
Sidewalk	22023	S.F.	4.25	93,598
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	1080	S.F.	6.50	7,020
Driveway Approach - 8"	792	S.F.	10.50	8,311
Wheelchair Ramp	8	EA.	2,600.00	20,800
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Emergency Vehicle Median Access	0	S.F.	11.00	0
10' Recreational Trail	0	S.F.	2.50	0
			SUBTOTAL	380,331
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	3247	L.F.	30.00	97,410
Traffic Striping/raised pavement markers	1	L.S.	-	28,386
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	-	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	1	EA.	200.00	200
Signs and Posts	27	EA.	200.00	5,400
Signs and Posts (DIF Street -)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pb-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	80.00	0
Standard Pipe Gate	3	EA.	3,000.00	9,000
			SUBTOTAL:	140,896
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	1,500.00	0
			SUBTOTAL:	0

Item No. A.13

MV00073526

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	33825	S.F.	6.00	202,936
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	6,000.00	0
Street Lights (22000 lumen)	24	EA.	6,000.00	144,000
			SPECIAL DISTRICTS SUBTOTAL:	346,936
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	28.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Diff Street Name)	0	L.F.	165.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	195.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	330.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	456.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	28.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	134	L.F.	30.00	4,020
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5600.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5600.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Off St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	7	EA.	535.00	3,745
Catch Basin (3.5') (Diff Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Diff Street Name)	0	EA.	5600.00	0
Catch Basin (14') (Diff Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Diff Street Name)	0	EA.	12500.00	0
Local Depressions (Diff Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	5	EA.	2100.00	10,500
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	5000.00	0
Headwall	0	EA.	5500.00	0
12"x12" Grate Basin	5	EA.	1800.00	9,000

Item No. A.13

MV00073528

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	7500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5000.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	15.00	0
Down Drain	0	S.F.	15.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	27,285

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,850.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,250.00	0
12" Butterfly Valve	0	EA.	1,850.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevention, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		625.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

Item No. A.13

MV00073530

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	300.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,800.00	0
Join Existing 8" Pipe	0	EA.	1,800.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$1,418,556
OFFSITE STREET WORK	:	$380,331
SPECIAL DISTRICTS	:	$346,936
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$27,285
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,906
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$2,314,995
+20% CONTINGENCY:		$463,000
GRAND TOTAL:		$2,777,997

BOND AMOUNT: $2,778,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 62824
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

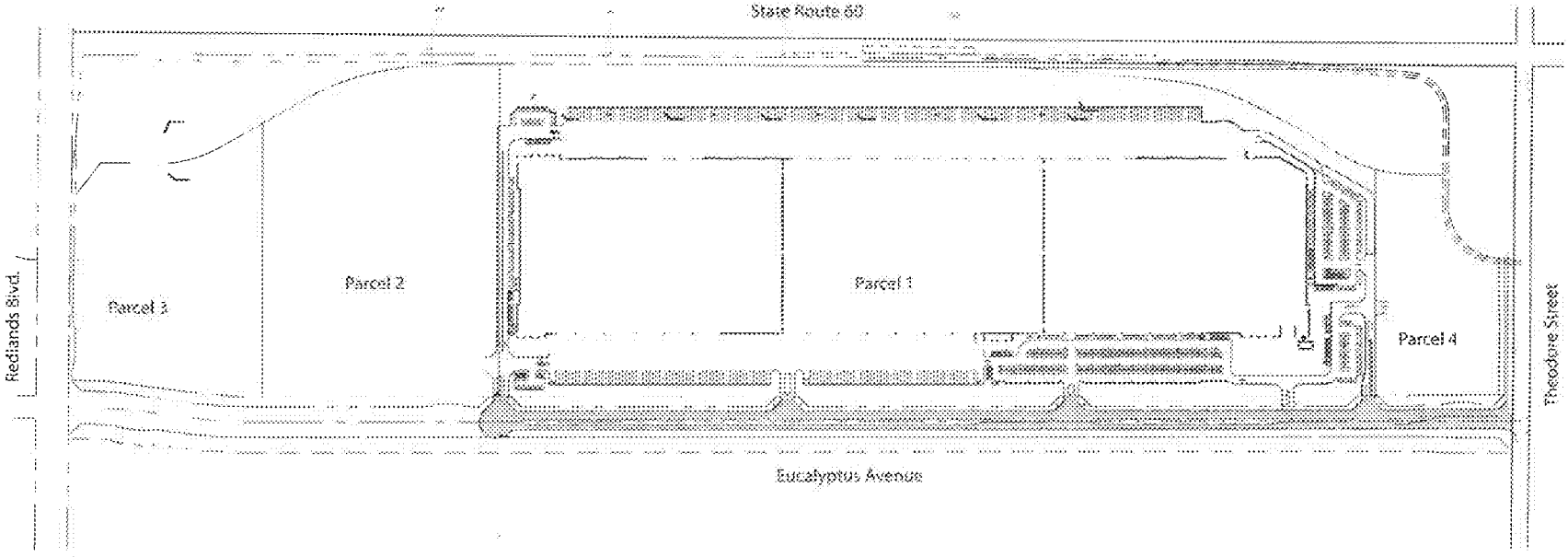

EXHIBIT "B-1"

HFCP-Eucalyptus Phase 1 Street Improvements

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			1094	C.Y.	29.00	30,856
A.B. Class II - Street 1	0.65	Thickness (ft.)				
	44222	S.F.	2083	Ton	33.00	68,739
A.C. - Street 1	0.5	Thickness (ft.)				
	78026	S.F.	2785	Ton	80.00	220,400
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL	319,995

Item No. A.13

MV00073534

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.10'	1006	S.F.	3.00	3,018
Grind & Pave 0.20'	0	S.F.	3.50	0
Cold Mill Existing Pavement (.35')	51700	SF	1.25	64,625
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	1743	S.Y.	2.25	3,922
Paving Fabric	0	S.Y.	1.20	0
Sawcut	1006	L.F.	3.00	3,018
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 6" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 6" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	3087	L.F.	12.00	37,044
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,000.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	1	EA.	30,000.00	30,000
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	3	AC	5,000.00	15,000
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	420	L.F.	150.00	63,000
				0
			SUBTOTAL	318,627
Traffic Improvements (Plan Checked by Trans. Eng'g staff/Inspected by LDD staff)				
Traffic Signal (Interconnect), Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	1	L.S.	--	5,922
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	0	EA.	300.00	0
Signs and Posts	4	EA.	200.00	800
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	10000	L.S.	1	10,000
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	1370	L.F.	90.00	123,300
			SUBTOTAL:	140,522
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	186.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,000.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
DATE: 07/29/19
PREPARED BY: Pacifica Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	8.00	0
Landscaping - Parkways	0	S.F.	8.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	8.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/29/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	567.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	60.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	600.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	6000.00	0
Manhole No. 2	0	EA.	7000.00	0
Manhole No. 3	0	EA.	8000.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	10000.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
23" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA.	5500.00	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement

DATE: 07/29/19

PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	8500.00	0
Junction Structure	0	EA.	8500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	9500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
Overside Drain	4	EA.	1000.00	4,000
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	4,000

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	85.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	950.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,500.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		400.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		225.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	180.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	18.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	900.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	650.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
DATE: 07/26/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$319,995
OFFSITE STREET WORK	:	$219,627
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$4,000
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,522
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$684,143
+20% CONTINGENCY:		$136,829
GRAND TOTAL:		$820,972

BOND AMOUNT: **$821,000**

MV00073541

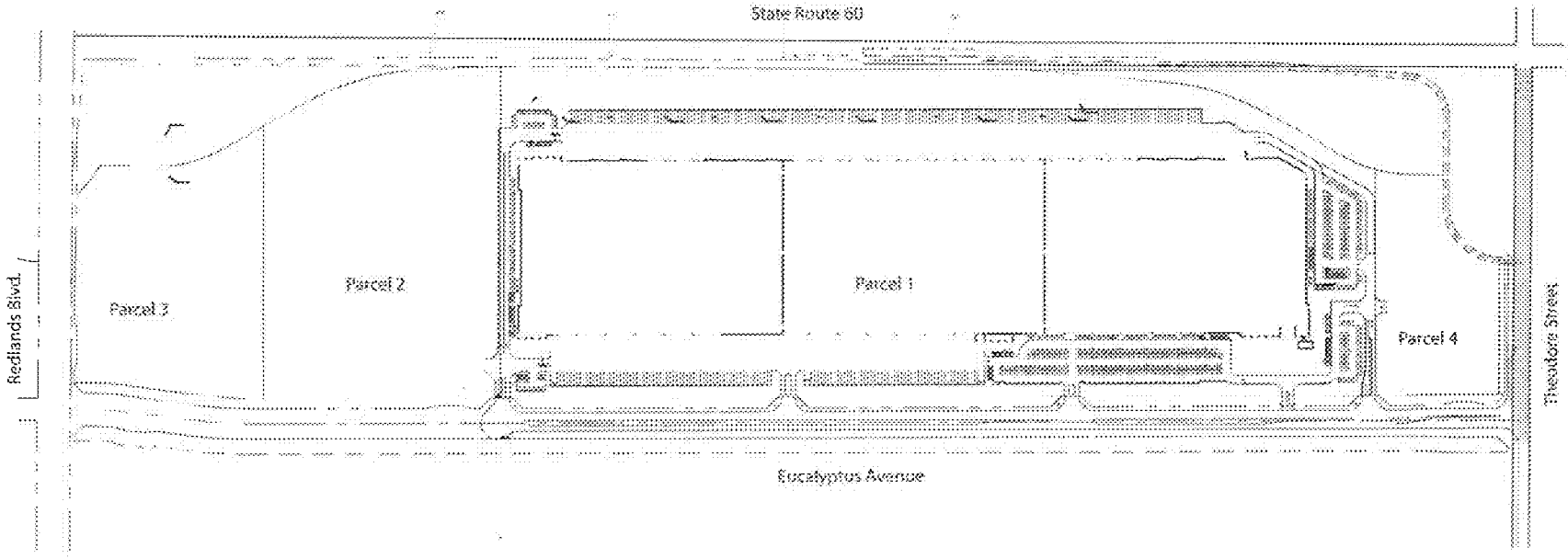

EXHIBIT "B-2"

HFCP-Theodore Phase 1 Street Improvements

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/30/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	300.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,500.00	0
Alley Approach - 6"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LOD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd.)	0	EA.	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	198.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	8500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,600.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevenior, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
5" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	156	L.F.	40.00	6,240
8" V.C. Pipe	635	L.F.	55.00	34,925
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	2424	L.F.	70.00	169,680
15" V.C. Pipe	1518	L.F.	80.00	121,280
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	2	EA.	730.00	1,460
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	4	EA.	3,140.00	12,560
Standard Manhole 48" Extra Depth	10	EA.	3,500.00	35,000
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	1	EA.	2,000.00	2,000
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	4731	L.F.	1.20	5,677
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	388,822

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/06/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$388,822
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$388,822
+20% CONTINGENCY:		$77,764
GRAND TOTAL:		$466,587

BOND AMOUNT: $467,000

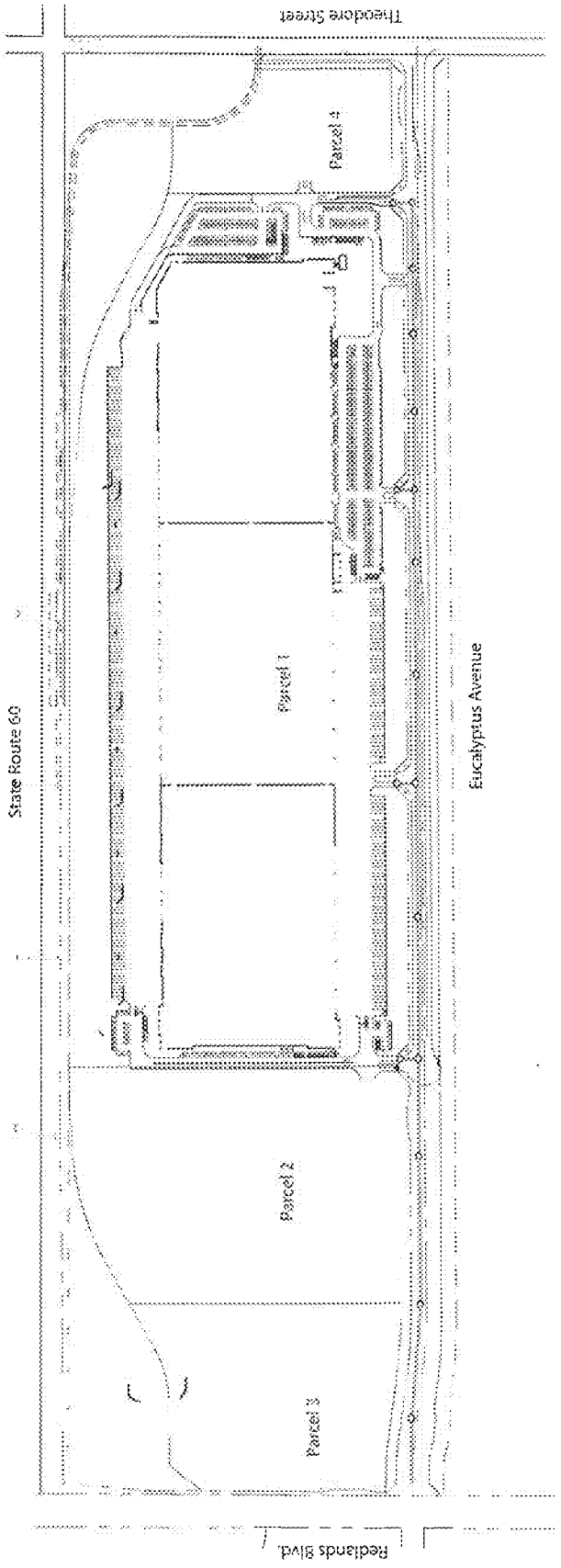

EXHIBIT "B-3"

HFCP-Eucalyptus Sewer Phase 1 Improvements

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'				
A.C. Cap/Overlay	0	S.F.	3.25	0
Slurry Seal (Based on $150/Ton Type II)	0	Ton	80.00	0
Paving Fabric	0	S.Y.	2.25	0
Sawcut	0	S.Y.	1.20	0
Utility Trench	0	L.F.	3.00	0
Trench Repaving	0	L.F.	17.00	0
Redwood Header	0	S.F.	12.00	0
Curb Only - 8"	0	L.F.	6.00	0
Curb Only - 8"	0	L.F.	20.00	0
Adjust M.H. to Grade	0	L.F.	35.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	SF	28.00	0
	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 8"				
P.C.C. Paving - 8"	0	S.F.	6.50	0
Curb and Gutter - 8"	0	S.F.	10.50	0
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	35.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	0	L.F.	28.00	0
A.C. Curb 8"	0	L.F.	12.00	0
Cross Gutter and Spandrel	0	L.F.	15.00	0
Sidewalk	0	S.F.	10.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	4.25	0
Driveway Approach - 6"	0	S.F.	14.00	0
Driveway Approach - 8"	0	S.F.	8.50	0
Wheelchair Ramp	0	S.F.	10.50	0
Alley Approach - 8"	0	EA.	2,600.00	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	S.F.	10.25	0
Bus Bay	0	L.F.	100.00	0
	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles				
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	30,000.00	0
Erosion Control	0	EA.	4,500.00	0
Walls - Masonry: 6' Maximum	0	AC	5,000.00	0
Walls - Retaining: 6' Maximum	0	L.F.	100.00	0
	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)				
Traffic Signal Modification	0	EA.	272,000.00	0
Traffic Signal Interconnect	0	L.S.	0	0
Traffic Striping/raised pavement markers	0	L.F.	30.00	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	L.S.	--	0
Stop Sign	0	EA.	500.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	300.00	0
Traffic Control	0	EA.	100.00	0
Traffic Control (DIF Street Name)	0	L.S.	0	0
Traffic Signal PB-Adjust to Grade	0	L.S.	10000	0
Metal Guard Rail	0	EA.	800.00	0
	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities				
Cluster Mail Boxes	0	L.F.	196.00	0
Relocate Mailbox	0	EA.	4,500.00	0
Relocate Cluster Mailbox	0	EA.	350.00	0
Monuments	0	EA	1,200.00	0
Relocate Trees	0	EA.	300.00	0
	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatior	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 8/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	734.00	0
114" Reinforced Concrete Pipe	0	L.F.	765.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1250.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (DIF St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA	6000.00	0
Headwall	0	EA.	5000.00	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	6500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	412	L.F.	55.00	22,660
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	6104	L.F.	135.00	889,040
20" PVC C-900	0	L.F.	160.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,560.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	1	EA.	14,300.00	14,300
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	7	EA.	2,800.00	19,600
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	5	EA	4,000.00	20,000
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
8" Blow Off	3	EA.	4,000.00	12,000
6" Backflow Preventor, Pad & Cover	0	EA	6,300.00	0
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	12	EA	4,500.00	54,000
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	3	EA.	1,600.00	4,800
4" Service	3	EA.	2,100.00	6,300
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0	EA.	750.00	0
Misc. Fittings 18"	18	EA.	1,000.00	18,000
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
4" Meter	3		1,000.00	3,000
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F	3.00	0
Concrete Cap-18" Water: 7.25 SF x 66 LF = 479 CF = 17.7 CY	18	CY	300.00	5,310
			SUBTOTAL	874,950

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	180.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	600.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,800.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	60.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$874,950
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$874,950
+20% CONTINGENCY:		$174,990
GRAND TOTAL:		$1,049,940

BOND AMOUNT: $1,050,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 62921
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

HFCP-Eucalyptus Water Phase 1 Improvements

EXHIBIT "B-4"

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/15
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

DATE: 07/30/10
PROJECT: Eucalyptus Recycled Water Improvements
PREPARED BY: Patrick Revere
PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	500.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,800.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	18,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pull-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinator	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8' Wide Strip Basin	0	EA	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	50.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-8"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	5074	L.F.	55.00	279,070
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	1	EA.	530.00	530
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	4	EA.	2,300.00	9,200
16" Gate Valve	0	EA.	6,275.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA	330.00	0
6" Butterfly Valve	1	EA.	920.00	920
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	4	EA.	2,400.00	9,600
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	7	EA.	4,000.00	28,000
6" Backflow Preventor, Pad & Cover	1	EA.	8,300.00	8,300
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	6	EA.	1,600.00	9,600
4" Service	1		2,100.00	2,100
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		150.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	14	EA.	750.00	10,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	1		320.00	320
1 1/2" Meter	0		420.00	0
2" Meter	1		525.00	525
Adjust Water Meter Box	3		235.00	705
3" Meter	1		800.00	800
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F.	3.00	0
Concrete Cap-12" Water, 3.50 SF x 39 LF = 137 CF = 5.1 CY	5	CY	300.00	1,530
			SUBTOTAL:	360,940

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$360,940
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$360,940
+20% CONTINGENCY:		$72,188
GRAND TOTAL:		$433,128

BOND AMOUNT: $434,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK C. REVERE
No. 74911
Exp. 6-30-21
CIVIL
STATE OF CALIFORNIA

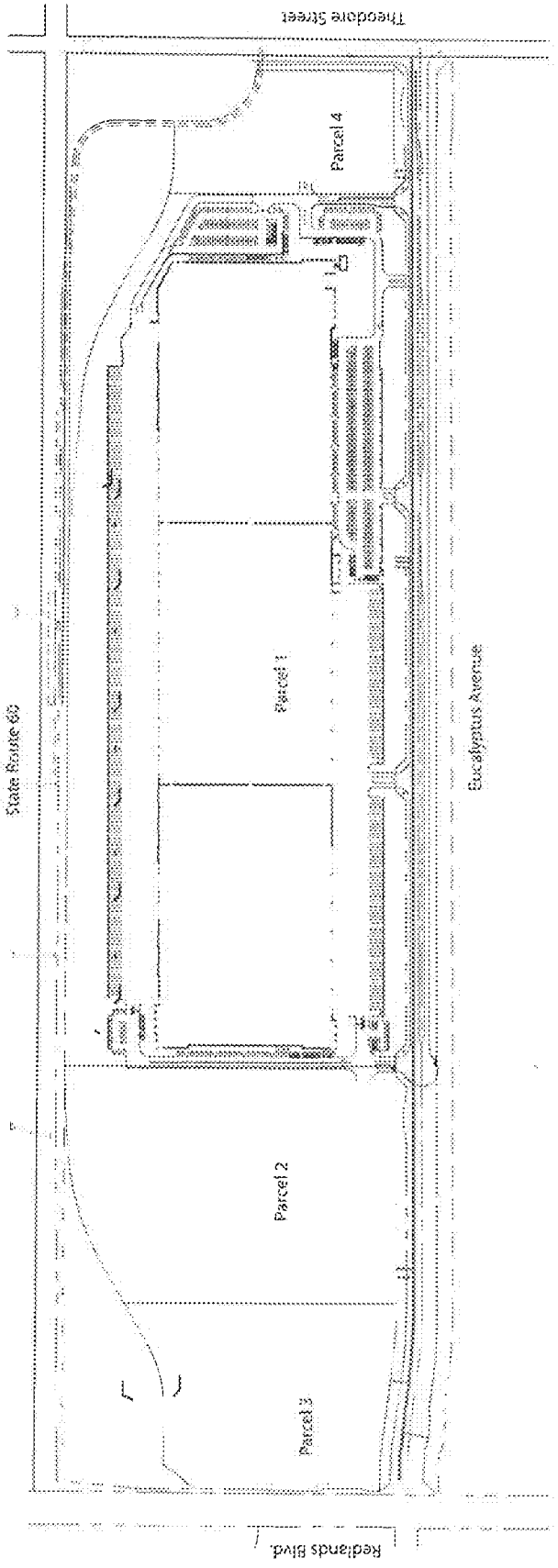

EXHIBIT "B-5"

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0.25	Thickness (ft.)				
	37180	S.F.	874	Ton	33.00	22,242
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	22,242

Item No. A.13

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.35	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry, 6' Maximum	0	L.F.	150.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	250.00	0
Signs and Posts	0	EA	250.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	250.00	0
Street Sweeping Sign	0	EA.	250.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	500.00	0
Metal Guard Rail	0	L.F.	80.00	0
			SUBTOTAL	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA	350.00	0
Relocate Cluster Mailbox	0	EA	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	150.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	105.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1300.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	481.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	6000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	10500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	500.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/08/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	6737	L.F.	55.00	370,535
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	9	EA.	2,300.00	20,700
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	380.00	0
6" Butterfly Valve	0	EA.	530.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	1	EA.	1,800.00	1,800
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,300.00	0
24" Butterfly Valve	0	EA.	5,000.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	3	EA.	4,000.00	12,000
12" PRV	2	EA.	10,000.00	20,000
CTS Station	1	EA.	3,000.00	3,000
Fire Hydrants - Water System				
6" Standard Fire Hydrants	1	EA.	4,000.00	4,000
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	18		750.00	13,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		325.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		535.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	349	L.F.	300.00	104,700
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	1750	LF	12.00	21,000
Pavement Replacement	2501	S.F.	3.00	7,503
			SUBTOTAL:	581,438

EXHIBIT "A-8"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	80.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-out	0	EA.	790.00	0
Clean Out Lateral	0	EA.	250.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$22,242
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$581,438
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$603,680
+20% CONTINGENCY:		$120,736
GRAND TOTAL:		$724,416

BOND AMOUNT: $725,000

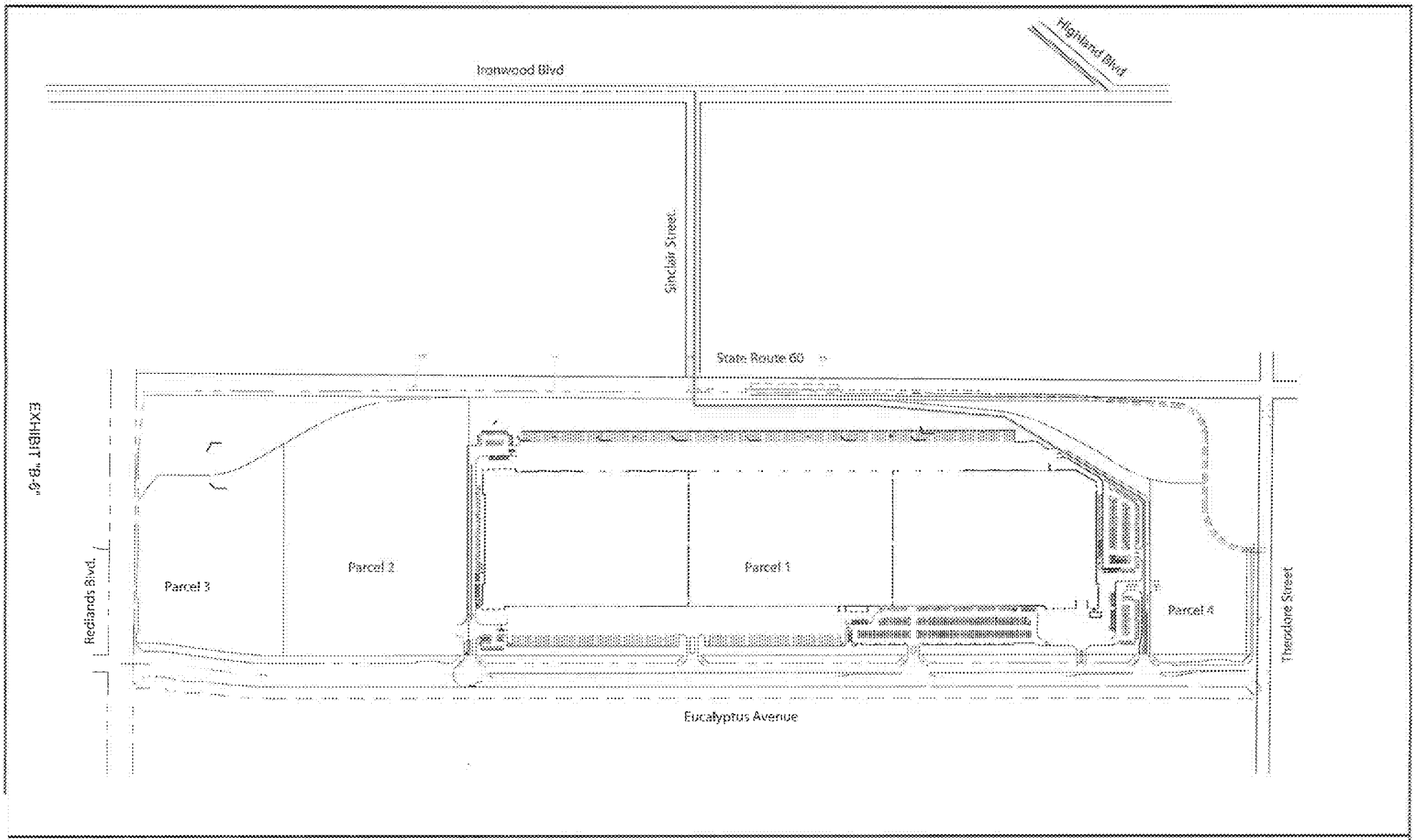

EXHIBIT "B-6"

HFCP-Offsite Water (Sinclair) Improvements

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

DATE: 07/28/10 CMG
PROJECT: Redlands Blvd – Domestic Water Improvement Plans PREPARED BY: Patrick Revere
PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $180/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	25.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	372,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	250.00	0
Signs and Posts	0	EA.	250.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pull-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,250.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 8' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7300.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (DIF St-Paris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA	3500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA	5500.00	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	350.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	35.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F	40.00	0
12" PVC C-900	1523	L.F.	55.00	83,765
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	105.00	0
30" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	5,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,600.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA	5,200.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	1	EA.	4,000.00	4,000
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		340.00	0
Misc. Fittings 12"	15		750.00	11,250
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		330.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		335.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,300.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	350.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	87	L.F.	300.00	26,100
Joint at Existing 6"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	613	L.F.	12.00	7,356
FxH Adaptor	4	EA.	750.00	3,000
			SUBTOTAL:	142,471

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	500.00	0
Tie Into Existing Manhole	0	EA.	3,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Redlands Blvd ~ Domestic Water Improvement Plans
DATE: 07/28/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$142,471
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$142,471
+20% CONTINGENCY:		$28,494
GRAND TOTAL:		$170,965

BOND AMOUNT: **$171,000**

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 60321
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

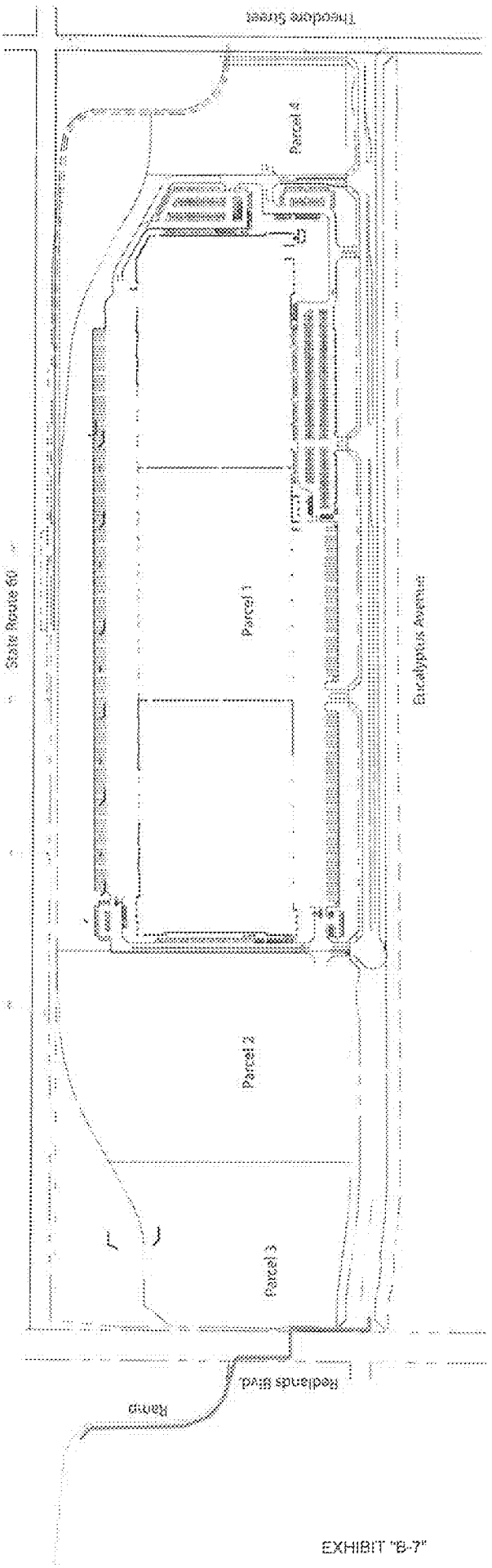

EXHIBIT "B-7"

HFCP-Offsite Water (Redlands) Improvements

EXHIBIT "A- 8"
ENGINEER'S ESTIMATE

DATE: 06/22/16 CWG
PROJECT: Parcel Map 35629 – Monumentation
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

Item No. A.13

MV00073588

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	13.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 6" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry, 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LOD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	10000	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	116	EA.	300.00	34,800
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	34,800

PROJECT: Parcel Map 35629 – Monumentation
DATE: 08/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9800 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	8,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinator	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 36529 -- Monumentation

DATE: 08/22/18
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Off Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
3 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Off St-Paris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Off Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Off Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Off Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Off Street Name)	0	EA.	12500.00	0
Local Depressions (Off Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35639 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-18"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 36529 -- Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	880.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,880.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,300.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	650.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0			0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Parcel Map 35629 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$34,800
TOTAL COST (VALUE) OF IMPROVEMENTS:		$34,800
+20% CONTINGENCY:		$6,960
GRAND TOTAL:		$41,760

BOND AMOUNT: $42,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK E. REVERE
No. 62621
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B-8"

No Exhibit for Parcel Map Monumentation

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Exhibit "A-9"

Highland Fairview Corporate Park
Preliminary Dry Utility
Engineer's Estimate
Eucalyptus Avenue

TRENCHING	QTY		UNIT COST	TOTAL
Provide and Install:				
Trench - Electric Only (Includes all saw cut, removals, shading, backfill, and surface restoration)	5,200	ft	$ 32.00	$ 166,400.00
Concrete Encasement (Full)	4,725	ft	$ 16.00	$ 75,600.00
TRENCHING SUB-TOTAL				$ **242,000.00**

ELECTRIC CONDUIT & SUBSTRUCTURES	QTY		UNIT COST	TOTAL
Provide and Install:				
Transformer Pad RPM 48"x54"	3	ea	$ 1,600.00	$ 4,800.00
6'X7'X12' Vault (w 12" grade ring)	1	ea	$ 18,450.00	$ 18,450.00
5'X10'X7' PME	3	ea	$ 10,200.00	$ 30,600.00
Capacitor Pad 66" x 72"	2	ea	$ 1,600.00	$ 3,200.00
Handhole - 13" x 24" x 24" Concrete	24	ea	$ 105.00	$ 2,520.00
Grounding/Racking and Miscellaneous Materials	32	ea	$ 625.00	$ 20,000.00
1-5" Conduit DB100	26,960	ft	$ 3.50	$ 94,360.00
1-4" Conduit DB100	5,509	ft	$ 3.15	$ 17,353.35
1-3" Conduit DB100	5,587	ft	$ 2.80	$ 15,643.60
1-2" Conduit DB100	0	ft	$ 2.35	$ -
1-1 1/2" Conduit DB100	3,387	ft	$ 1.95	$ 6,604.65
SUBTOTAL - ELECTRIC CONDUIT & SUBSTRUCTURES				$ **213,531.60**

ELECTRIC CABLING (12KV DISTRIBUTION)	QTY		UNIT COST	TOTAL
Provide and Install:				
PME-10 Switch	3	ea	$ 19,000.00	$ 57,000.00
1800 KVAR Capacitor	2	ea	$ 26,000.00	$ 52,000.00
25 KVA/120-240/ 12 KV Fused	3	ea	$ 3,900.00	$ 11,700.00
4W Secondary Bar	72	ea	$ 110.00	$ 7,920.00
600AMP Elbow	6	ea	$ 570.00	$ 3,420.00
600AMP Dead End w/Test Point	13	ea	$ 430.00	$ 5,590.00
600AMP TEE'S (Elbow w/ 200AMP Tap)	14	ea	$ 690.00	$ 9,660.00
600A 2W Splice, 15KV w/200A Tap	2	ea	$ 690.00	$ 1,380.00
600A 2W Splice, 15KV	10	ea	$ 570.00	$ 5,700.00
200A 1/0 Elbow	12	ea	$ 220.00	$ 2,640.00
3 1/C 1000 JCN-12KV	2,482	ft	$ 28.00	$ 69,496.00
3 1/C 750 JCN-12KV	7,424	ft	$ 21.00	$ 155,904.00
2/C 1/0 JCN 12KV	1,071	ft	$ 9.00	$ 9,639.00
2/C #8 Al CLP	590	ft	$ 1.70	$ 1,003.00
SUBTOTAL - ELECTRIC CABLE (12KV DISTRIBUTION)				$ **393,052.00**

Total Estimate $ **848,583.60**

Bond Amount $ **849,000.00**

Reviewed and Accepted
[illegible] 07/28/10
MVU

7/28/10
Butsko Utility Design, Inc.
EP

Page 1 of 1

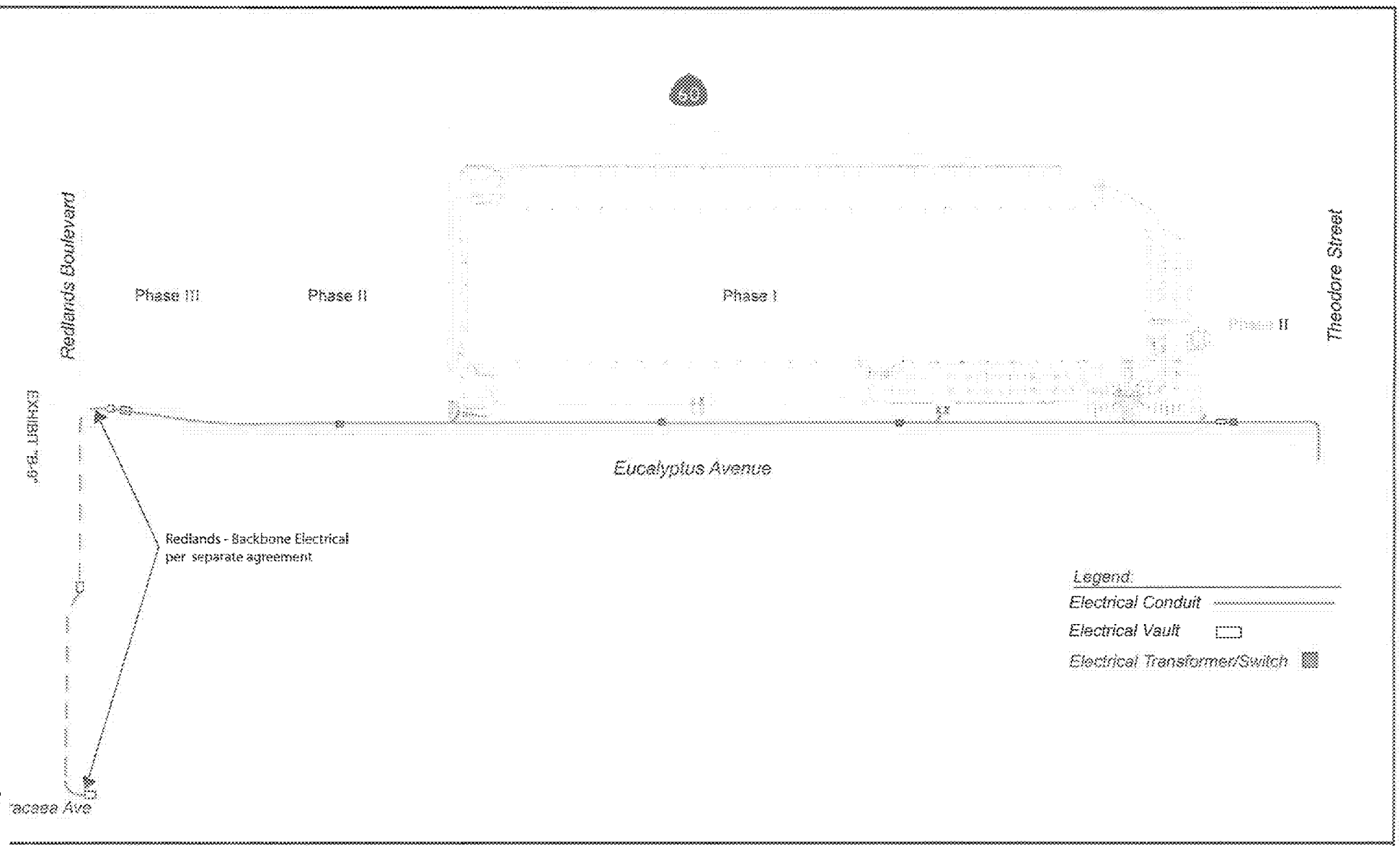

EXHIBIT "B-9"

July 16, 2010

Eucalyptus - Backbone Electrical Exhibit

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MV00073599

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FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 2,778,000	Project No.	PA07-0090
Bond No.	6711632	Premium	$50,004
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 2,778,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "C"

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

CONTRACTOR'S COPY

Public Improvements $ 1,389,000

Project No. PA07-0090

Bond No. 6711632

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 1,389,000 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** ONE MILLION THREE HUNDRED EIGHTY-NINE THOUSAND & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "D"

(2)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 821,000	Project No.	PA07-0090
Bond No.	6711633	Premium	$14,778
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 821,000 **.00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED TWENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "E"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 410,500

Bond No. 6711633

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FOUR HUNDRED TEN THOUSAND FIVE HUNDRED Dollars (***$410,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "F"

(3)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 467,000	Project No.	PA07-0090
Bond No.	6711634	Premium	$8,406
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 467,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED SIXTY-SEVEN THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "G"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 233,500

Bond No. 6711634

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 233,500.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** TWO HUNDRED THIRTY-THREE THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "H"

(1)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 1,050,000

Project No. PA07-0090

Bond No. 6711635

Premium $18,900

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 1,050,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE MILLION FIFTY THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "I"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 525,000

Bond No. 6711635

Surety SAFECO INSURANCE COMPANY OF AMERICAN

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FIVE HUNDRED TWENTY-FIVE THOUSAND Dollars (***$ 525,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "J"

5

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 434,000	Project No.	PA07-0090
Bond No.	6711636	Premium	$7,812
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 434,000 **.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED THIRTY-FOUR THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "K"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 217,000

Bond No. 6711636

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWO HUNDRED SEVENTEEN THOUSAND Dollars (***$ 217,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "L"

(6)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 725,000

Project No. PA07-0090

Bond No. 6711637

Premium $13,050

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS.

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 725,000 **.00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** SEVEN HUNDRED TWENTY-FIVE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "M"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 362,500

Project No. PA07-0090

Bond No. 6711637

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$362,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** THREE HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "N"

(1)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements $ 171,000

Project No. PA07-0090

Bond No. 6711638

Premium $3,078

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 171,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE HUNDRED SEVENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "O"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 85,500

Bond No. 6711638

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of EIGHTY-FIVE THOUSAND FIVE HUNDRED Dollars (***$85,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "P"

(5)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 42,000	Project No.	PA07-0090
Bond No.	6711639	Premium	$756
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of FORTY-TWO THOUSAND **AND NO/100** Dollars (***$ 42,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "Q"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 21,000

Project No. PA07-0090

Bond No. 6711639

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWENTY-ONE THOUSAND & NO/100 Dollars (***$21,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "R"

(9)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 849,000	Project No.	PA07-0090
Bond No.	6711640	Premium	$15,282
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 849,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED FORTY-NINE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "S"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 424,500

Project No. PA07-0090

Bond No. 6711640

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$424,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** FOUR HUNDRED TWENTY-FOUR THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "T"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements.

2. Authorize the Mayor to execute the Cooperative Agreement.

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The project conditions of approval require the developer to complete certain master storm drain improvements within the Moreno Area Drainage Plan. The improvements consist of construction of the following storm drain lines: Line F, Stage 3; Line D; Line D-5; Line D-6; and Line F Sinclair Street Storm Drain.

On June 8, 2010, the City Council for the City of Moreno Valley approved HF Logistics – SKX T1, LLC Public Improvement Agreement and cash security for Moreno Master Drainage Plan Line F Improvements.

On July 13, 2010, the City Council for the City of Moreno Valley approved replacement security and Public Improvement Agreement for Moreno Master Drainage Plan Line F Improvements.

DISCUSSION

As a condition of approval of Parcel Map No. 35629, the City requires the developer to construct certain storm drain facilities in order to provide flood protection and drainage for the developer's planned development. The Cooperative Agreement is the District's mechanism by which the District, the City, and the developer coordinate the construction and maintenance of master storm drain facilities.

The required facilities for this project include construction of approximately 5,116 linear feet of underground storm drain system within proposed drainage easements and City right-of-way, which once accepted will be the District's drainage facilities. These storm drains will intercept flows from culverts under SR-60, route them through the project site with proposed drainage easements and discharge into a proposed spreading basin just south of Eucalyptus Avenue. The City's drainage facilities will consist of inlets, catch basins, laterals and connector pipes within City-held easements or right-of-way.

The developer is responsible for the design and construction of the project. The plans and specifications have been approved in accordance with the District's and City's standards.

The District is providing inspection for the construction under an existing Right of Entry and Inspection Agreement, and will accept ownership and responsibility for the maintenance of the District's drainage facilities, if the developer meets all requirements of the Cooperative Agreement.

The City has reviewed the plans and specifications, and will provide necessary inspection for storm drain construction, and accept ownership and responsibility for the operation and maintenance of the City's drainage facilities, if the developer meets all requirements of the Cooperative Agreement. The City is holding a Faithful Performance Bond and Material and Labor Bond for both the District's drainage facilities and the City's drainage facilities.

ALTERNATIVES

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Authorize the Mayor to execute the Cooperative Agreement. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

2. Do not approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Do not authorize the Mayor to execute the Cooperative Agreement. Do not direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District. *Not approving staff's recommendation would result in the developer constructing the said storm drain improvements and the City maintaining the entire improvements.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” – Location Map
Exhibit “C” – Cooperative Agreement with Exhibits

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Highland Fairview Cooperative Agreement for Line F et al.doc

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MV00073623

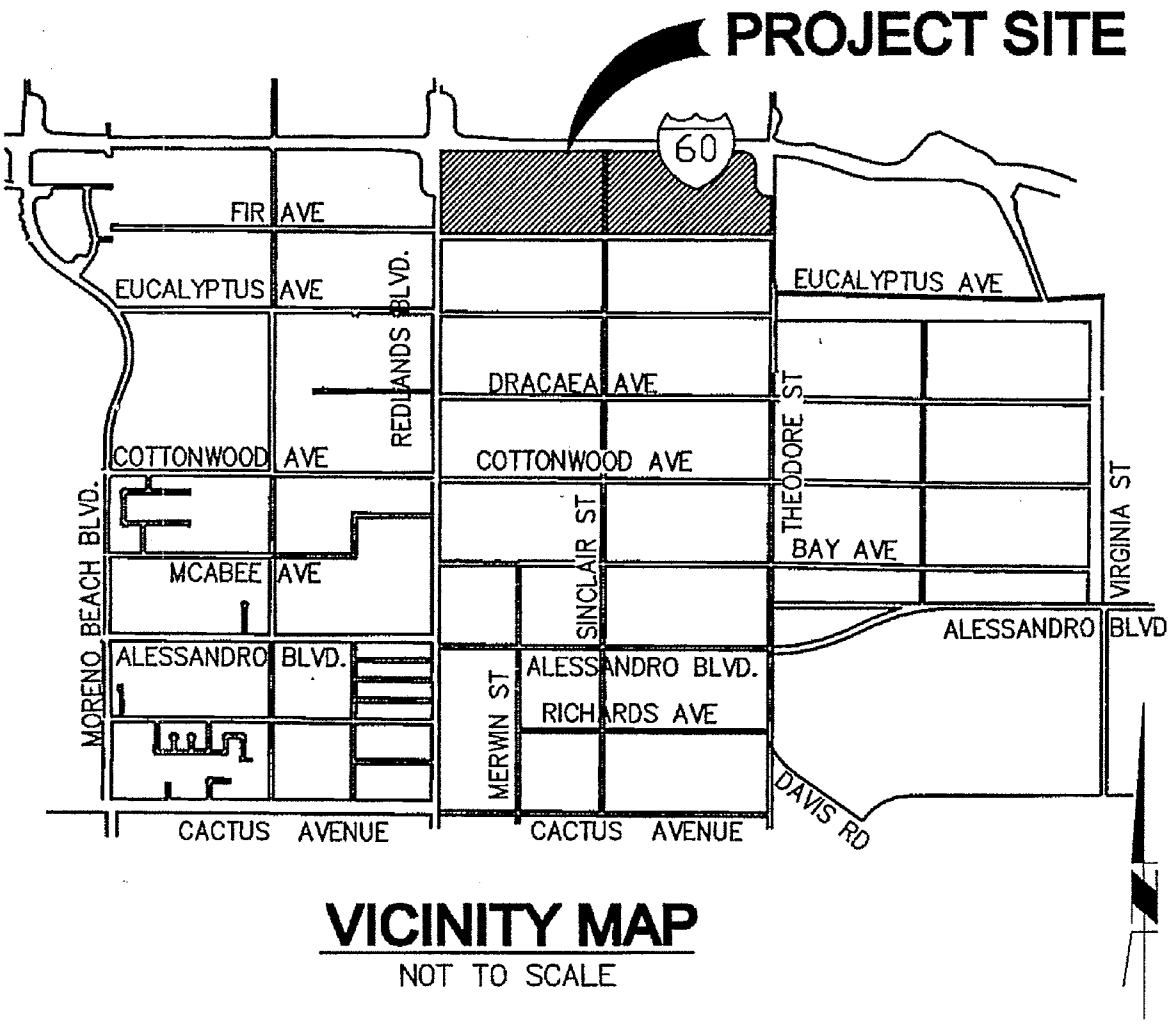

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **VICINITY MAP**

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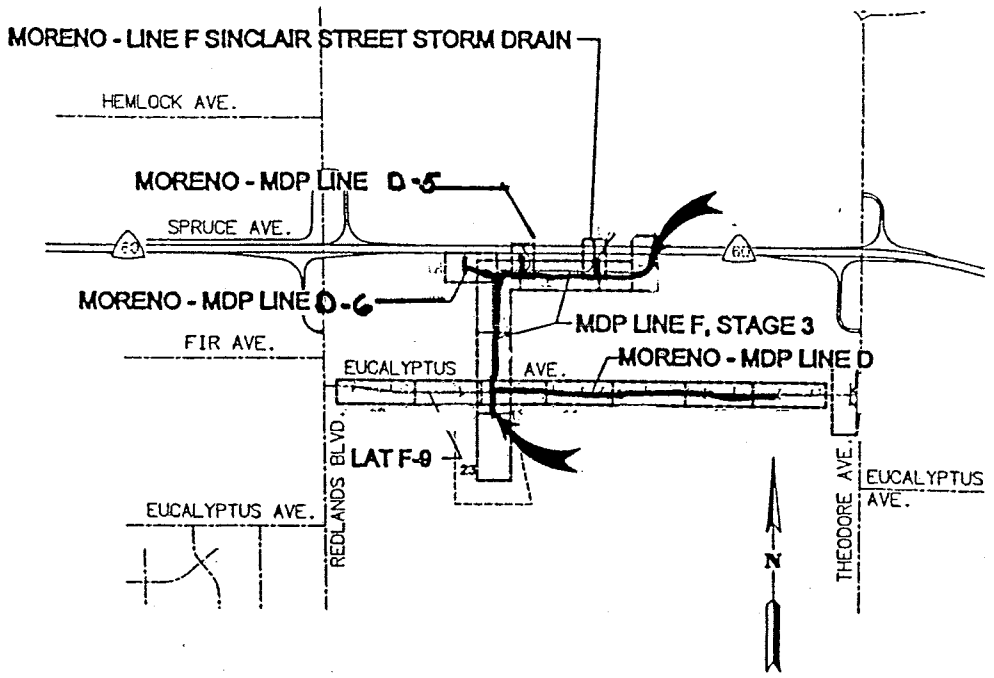

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "B"	PA07-0090 LOCATION MAP

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MV00073627

Exhibit "C"
Cooperative Agreement
Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno Line F Sinclair Street Storm Drain

COOPERATIVE AGREEMENT

Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno – Line F Sinclair Street Storm Drain
(Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743)
(Parcel Map No. 35629)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MORENO VALLEY, hereinafter called "CITY", and HF LOGISTICS-SKX T1, LLC, a Delaware limited liability company, HF LOGISTICS-SKX T2, LLC, a Delaware limited liability company, HIGHLAND FAIRVIEW PARTNERS I, a California general partnership, HIGHLAND FAIRVIEW PARTNERS II, a California general partnership, HIGHLAND FAIRVIEW PARTNERS III, a California general partnership, and HIGHLAND FAIRVIEW PARTNERS IV, a California general partnership, hereinafter together called "DEVELOPERS", hereby agree as follows:

RECITALS

A. DEVELOPERS have submitted for approval Parcel Map No. 35629 in the City of Moreno Valley and as a condition for approval DEVELOPERS must construct certain flood control facilities in order to provide flood protection and drainage for DEVELOPERS' planned development; and

B. The required flood control facilities include construction of approximately 5,116 lineal feet of underground storm drain system, hereinafter called "DISTRICT DRAINAGE FACILITIES, as shown in concept in red on Exhibit "A" attached hereto and made a part hereof; and

C. Also associated with the construction of DISTRICT DRAINAGE FACILITIES is the construction of inlets, catch basins, laterals and connector pipes located within CITY'S right of way, hereinafter called "APPURTENANCES". Together, DISTRICT DRAINAGE FACILITIES and APPURTENANCES are hereinafter called "PROJECT"; and

D. DEVELOPERS and CITY desire DISTRICT to accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES. Therefore, DISTRICT must review and approve DEVELOPERS' plans and specifications for PROJECT and subsequently inspect the construction of DISTRICT DRAINAGE FACILITIES; and

E. DEVELOPERS and DISTRICT desire CITY to accept ownership and responsibility for the operation and maintenance of APPURTENANCES. Therefore, CITY must review and approve DEVELOPERS' plans and specifications and subsequently inspect the construction of PROJECT; and

F. DISTRICT is willing to (i) review and approve DEVELOPERS' plans and specifications for PROJECT, (ii) inspect the construction of DISTRICT DRAINAGE FACILITIES, and (iii) accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, provided DEVELOPERS (i) comply with this Agreement, (ii) pay DISTRICT the amounts specified herein to cover DISTRICT'S plan review and construction inspection costs, (iii) construct PROJECT in accordance with plans and specifications approved by DISTRICT and CITY, (iv) obtain all necessary permits, regulatory permits, licenses and rights of entry as set forth herein, (v) accept ownership and responsibility for the operation and maintenance of PROJECT following completion of PROJECT construction until such time as DISTRICT accepts ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts

ownership and responsibility for the operation and maintenance of APPURTENANCES, and (vi) obtain and convey to DISTRICT the necessary rights of way for the inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES as set forth herein; and

G. CITY is willing to (i) review and approve plans and specifications prepared by DEVELOPERS for PROJECT, (ii) inspect the construction of APPURTENANCES, (iii) accept and hold faithful performance and payment bonds submitted by DEVELOPERS for DISTRICT DRAINAGE FACILITIES, (iv) grant DISTRICT the right to inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way, (v) consent to the recordation and conveyance of Irrevocable Offer(s) of Dedication furnished by DEVELOPERS as provided herein, and (vi) accept ownership and responsibility for the operation and maintenance of APPURTENANCES, provided PROJECT is constructed in accordance with plans and specifications approved by DISTRICT and CITY.

NOW, THEREFORE, the parties hereto mutually agree as follows:

SECTION I

DEVELOPERS shall:

1. Prepare PROJECT plans and specifications, as shown in DISTRICT Drawing No. 4-1007 hereinafter called "IMPROVEMENT PLANS", in accordance with DISTRICT and CITY standards, and submit to DISTRICT and CITY for their review and approval.

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement. Additionally, deposit

with CITY, any and all such amounts as are deemed reasonably necessary by CITY to cover CITY'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement.

3. Deposit with DISTRICT (Attention: Business Office – Accounts Receivable), at the time of providing written notice to DISTRICT of the start of DISTRICT DRAINAGE FACILITIES construction as set forth in Section I.8., the estimated cost of providing construction inspection for DISTRICT DRAINAGE FACILITIES, in an amount as determined and approved by DISTRICT in accordance with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto, based upon the bonded value of DISTRICT DRAINAGE FACILITIES to be inspected, operated and maintained by DISTRICT. Additionally, deposit with CITY (Attention: Public Works/Land Development), at the time of providing written notice to DISTRICT of the start of PROJECT construction as set forth in Section I.8., the estimated cost of providing construction inspection in an amount as determined and approved by CITY in accordance with the most recent City Code and Fee Resolution of CITY, including any amendments thereto.

4. [This Section Intentionally Left Blank.]

5. Secure, at its sole cost and expense, all necessary licenses, agreements, permits and rights of entry as may be needed for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES. DEVELOPERS shall furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with sufficient evidence of DEVELOPERS having secured such necessary licenses, agreements, permits and rights of entry, as determined and approved by DISTRICT.

6. Furnish DISTRICT with copies of all permits, approvals or agreements required by any Federal or State resource and/or regulatory agency for the construction, operation and maintenance of DISTRICT DRAINAGE FACILITIES. Such documents include but are not limited to those issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Department of Fish and Game and State Water Resources Control Board.

7. Provide CITY, prior to providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a faithful performance bond in the amount of one hundred percent (100%) of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT and a material and labor payment bond in the amount of fifty percent (50%) of the estimated cost for construction of the DISTRICT DRAINAGE FACILITIES as determined by DISTRICT. The surety, amount and form of the bonds shall be subject to the approval of DISTRICT and CITY. The bonds shall remain in full force and effect until DISTRICT DRAINAGE FACILITIES are accepted by DISTRICT as complete; at which time the faithful performance bond amount may be reduced to ten percent (10%) for a period of one year to guarantee against any defective work, and the Material and Labor security will be released after a period of ninety (90) days if there are no liens against the project for payment of materials or labor.

8. Notify DISTRICT in writing (Attention: Administrative Services Section), at least twenty (20) days prior to the start of construction of DISTRICT DRAINAGE FACILITIES. Construction shall not begin on any element of DISTRICT DRAINAGE FACILITIES for any reason whatsoever, until DISTRICT has issued to DEVELOPERS a written Notice to Proceed authorizing DEVELOPERS to commence construction of DISTRICT DRAINAGE FACILITIES.

9. Grant DISTRICT and CITY, by execution of this Agreement, the right to enter upon DEVELOPERS' property where necessary and convenient for the purpose of gaining

access to, and performing inspection service for, the construction of DISTRICT DRAINAGE FACILITIES and APPURTENANCES, respectively, as set forth herein.

10. Obtain and provide DISTRICT, at the time of providing written notice to DISTRICT of the start of construction of DISTRICT DRAINAGE FACILITIES as set forth in Section I.8., with duly executed Irrevocable Offers(s) of Dedication to the public for flood control and drainage purposes, including ingress and egress, for the rights of way deemed necessary by DISTRICT for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, as shown in concept shaded in green on Exhibit "B" attached hereto and made a part hereof. The Irrevocable Offer(s) of Dedication shall be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of the property described in the offer(s).

11. Furnish DISTRICT, when submitting the Irrevocable Offer(s) of Dedication as set forth in Section I.10., with Preliminary Reports on Title dated not more than thirty (30) days prior to date of submission of all the property described in the Irrevocable Offer(s) of Dedication.

12. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a complete list of all contractors and subcontractors to be performing work on DISTRICT DRAINAGE FACILITIES, including the corresponding license number and license classification of each. At such time, DEVELOPERS shall further identify in writing their designated superintendent for DISTRICT DRAINAGE FACILITIES construction.

13. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., a construction schedule which shall show the order and dates in which the DEVELOPERS or DEVELOPERS' contractor proposes to carry on

the various parts of work, including estimated start and completion dates. As construction of DISTRICT DRAINAGE FACILITIES progresses, DEVELOPERS shall update said construction schedule as requested by DISTRICT.

14. Furnish DISTRICT with final mylar IMPROVEMENT PLANS and assign their ownership to DISTRICT at the time DISTRICT approves and signs said final mylar IMPROVEMENT PLANS, and prior to the start of DISTRICT DRAINAGE FACILITIES construction.

15. Not permit any change to or modification of the IMPROVEMENT PLANS without the prior written permission and consent of DISTRICT.

16. Comply with all Cal/OSHA safety regulations including regulations concerning confined space and maintain a safe working environment for DEVELOPERS' and DISTRICT employees on the site.

17. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a confined space entry procedure specific to DISTRICT DRAINAGE FACILITIES. The procedure shall comply with requirements contained in California Code of Regulations, Title 8 Section 5158, Other Confined Space Operations, Section 5157, Permit Required Confined Space and DISTRICT Confined Space Procedures, SOM-18. The procedure shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed.

18. During the construction period of DISTRICT DRAINAGE FACILITIES, provide Workers' Compensation Insurance in an amount required by law. A certificate of said insurance policy shall be provided to DISTRICT, the County of Riverside and CITY at the time of providing written notice pursuant to Section I.8.

19. Commencing on the date notice is given pursuant to Section I.8. and continuing until DISTRICT accepts DISTRICT DRAINAGE FACILITIES for operation and maintenance:

(a) Provide and maintain or cause its contractor(s) to provide and maintain comprehensive liability insurance coverage which shall protect DEVELOPERS from claim from damages for personal injury, including accidental and wrongful death, as well as from claims for property damage which may arise from DEVELOPERS' construction of PROJECT or the performance of its obligations hereunder, whether such construction or performance be by DEVELOPERS, by any of its contractors, subcontractors, or by anyone employed directly or indirectly by any of them. Such insurance shall name DISTRICT, the County of Riverside and CITY as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Such insurance shall provide for limits of not less than two million dollars ($2,000,000) per occurrence.

(b) Cause its insurance carrier(s) or its contractor's insurance carrier(s), who shall be authorized by the California Department of Insurance to transact the business of insurance in the State of California, to furnish DISTRICT, the County of Riverside and CITY, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with certificate(s) of insurance and applicable policy endorsements showing that such insurance is in full force and

effect and that DISTRICT, the County of Riverside and CITY are named as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Further, said certificate(s) shall state that the issuing company shall give DISTRICT, the County of Riverside and CITY sixty (60) days written notice in the event of any cancellation, termination, non-renewal or reduction in coverage of the policies evidenced by the certificate(s). In the event of any such cancellation, termination, non-renewal or reduction in coverage, DEVELOPERS shall, forthwith, secure replacement insurance meeting the provisions of this paragraph.

Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to proceed to perform the remaining work pursuant to Section IV.3.

20. Construct or cause to be constructed, PROJECT at DEVELOPERS' sole cost and expense in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

21. Accept sole responsibility for the adjustment of all DISTRICT DRAINAGE FACILITIES' manhole rings and covers located within DISTRICT EASEMENTS which must be performed at such time(s) that the finished grade along and above the underground portions of DISTRICT DRAINAGE FACILITIES are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

22. Within two (2) weeks of completing PROJECT construction, provide DISTRICT with written notice (Attention: Contract Administration Section) that PROJECT construction is substantially complete and requesting that DISTRICT conduct a final inspection of DISTRICT DRAINAGE FACILITIES.

23. Upon completion of PROJECT construction, and upon acceptance by CITY of all street rights of way deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, convey, or cause to be conveyed to DISTRICT flood control easement(s), including ingress and egress, in a form approved by DISTRICT, for the rights of way as shown in concept shaded in green on Exhibit "B".

24. [This Section Intentionally Left Blank.]

25. At the time of recordation of the conveyance document(s) as set forth in Section I.23.(ii), furnish DISTRICT with policies of title insurance, each in the amount of not less than fifty percent (50%) of the estimated fee value, as determined by DISTRICT, for each easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S interest in said property as being free and clear of all liens, encumbrances, assessments, easements, taxes and leases (recorded or unrecorded), except those which, in the sole discretion of DISTRICT, are deemed acceptable.

26. Accept ownership and sole responsibility for the operation and maintenance of PROJECT until such time as DISTRICT accepts ownership and responsibility for operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts ownership and responsibility for operation and maintenance of APPURTENANCES. Further, it is mutually understood by the parties hereto that prior to DISTRICT acceptance of ownership and

responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, PROJECT shall be in a satisfactorily maintained condition as solely determined by DISTRICT.

27. Pay, if suit is brought upon this Agreement or any bond guaranteeing the completion of DISTRICT DRAINAGE FACILITIES, all costs and reasonable expenses and fees, including reasonable attorneys' fees, and acknowledge that, upon entry of judgment, all such costs, expenses and fees shall be computed as costs and included in any judgment rendered.

28. Upon completion of construction of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, DEVELOPERS' civil engineer of record or construction civil engineer of record, duly registered in the State of California, shall provide DISTRICT a redlined "record drawing" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined "record drawing" drawings, DEVELOPERS' engineer shall schedule with DISTRICT a time to transfer the redlined changes onto DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp and sign the original IMPROVEMENT PLANS "RECORD DRAWING".

29. Ensure that all work performed pursuant to this Agreement by DEVELOPERS, their agents or contractors is done in accordance with all applicable laws and regulations, including but not limited to all applicable provisions of the Labor Code, Business and Professions Code, and Water Code. DEVELOPERS shall be solely responsible for all costs associated with compliance with applicable laws and regulations.

SECTION II

DISTRICT shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of DISTRICT DRAINAGE FACILITIES construction.

2. Provide CITY an opportunity to review and approve IMPROVEMENT PLANS prior to DISTRICT'S final approval.

3. Upon execution of this Agreement, record or cause to be recorded, a copy of this Agreement in the Official Records of the Riverside County Recorder.

4. Record or cause to be recorded, the Irrevocable Offer(s) of Dedication provided by DEVELOPERS pursuant to Section I.10.

5. Inspect DISTRICT DRAINAGE FACILITIES construction.

6. Keep an accurate accounting of all DISTRICT costs associated with the review and approval of IMPROVEMENT PLANS, the review and approval of right of way and conveyance documents and the processing and administration of this Agreement.

7. Keep an accurate accounting of all DISTRICT construction inspection costs, and within forty-five (45) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete, submit a final cost statement to DEVELOPERS. If the deposit, as set forth in Section I.3. exceeds such costs, DISTRICT shall reimburse DEVELOPERS the excess amount within sixty (60) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete. If at any time the costs exceed the deposit or are anticipated by DISTRICT to exceed the deposit, DEVELOPERS shall pay such additional amount(s), as deemed reasonably necessary by DISTRICT to complete inspection of DISTRICT DRAINAGE FACILITIES, within thirty (30) days after receipt of billing from DISTRICT.

8. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES upon (i) DISTRICT acceptance of PROJECT construction as being complete, (ii) recordation of all conveyance documents described in Section I.23., and (iii) acceptance by CITY of all necessary street rights of way as deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT.

9. Provide CITY with a reproducible duplicate copy of "as-built" IMPROVEMENT PLANS upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

SECTION III

CITY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction.

2. Accept the CITY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPERS as set forth in Section I.7., and hold said bonds as provided herein.

3. Inspect construction of APPURTENANCES.

4. Consent, by execution of this Agreement, to the recording of any Irrevocable Offer(s) of Dedication furnished by DEVELOPERS pursuant to this Agreement.

5. As requested by DISTRICT, accept the Irrevocable Offer(s) of Dedication as set forth herein, and any other outstanding offers of dedication necessary for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, and, convey sufficient rights of way to DISTRICT to allow DISTRICT to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES.

6. Grant DISTRICT, by execution of this Agreement, the right to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way.

7. Accept ownership and sole responsibility for the operation and maintenance of APPURTENANCES upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

8. Upon DISTRICT acceptance of PROJECT construction as being complete, accept sole responsibility for the adjustment of all PROJECT manhole rings and covers located within CITY rights of way which must be performed at such time(s) that the finished grade along and above the underground portions of PROJECT are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

SECTION IV

It is further mutually agreed:

1. All work involved with DISTRICT DRAINAGE FACILITIES shall be inspected by DISTRICT and shall not be deemed complete until approved and accepted in writing as complete by DISTRICT.

2. CITY and DEVELOPERS' personnel may observe and inspect all work being done on DISTRICT DRAINAGE FACILITIES, but shall provide any comments to DISTRICT personnel who shall be solely responsible for all quality control communications with the DEVELOPERS' contractor(s) during the construction of DISTRICT DRAINAGE FACILITIES.

3. DEVELOPERS shall complete construction of DISTRICT DRAINAGE FACILITIES within twelve (12) consecutive months after execution of this Agreement and within one hundred eighty (180) consecutive calendar days after commencing work on

DISTRICT DRAINAGE FACILITIES. It is expressly understood that since time is of the essence in this Agreement, failure of DEVELOPERS to perform the work within the agreed upon time shall constitute authority for DISTRICT to perform the remaining work and require DEVELOPERS' surety to pay to CITY the penal sum of any and all bonds. In which case, CITY shall subsequently reimburse DISTRICT for DISTRICT costs incurred.

4. DEVELOPERS shall not request DISTRICT to accept any portion or portions of DISTRICT DRAINAGE FACILITIES or CITY to accept any portion or portions of APPURTENANCES prior to the completion of PROJECT construction.

5. DISTRICT shall endeavor to issue DEVELOPERS a Notice to Proceed within twenty (20) days of receipt of DEVELOPERS' complete written notice as set forth in Section I.8.; however, DISTRICT'S construction inspection staff is limited and, therefore, the issuance of a Notice to Proceed is subject to staff availability.

In the event DEVELOPERS wish to expedite issuance of a Notice to Proceed, DEVELOPERS may elect to furnish an independent qualified construction inspector at DEVELOPERS' sole cost and expense. DEVELOPERS shall furnish appropriate documentation of the individual's credentials and experience to DISTRICT for review and, if appropriate, approval. DISTRICT shall review the individual's qualifications and experience and, upon approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be authorized to act on DISTRICT'S behalf on all DISTRICT DRAINAGE FACILITIES construction and quality control matters. If DEVELOPERS' initial construction inspection deposit furnished pursuant to Section I.3. exceeds ten thousand dollars ($10,000.00), DISTRICT shall refund to DEVELOPERS up to eighty percent (80%) of DEVELOPERS' initial inspection deposit within forty-five (45) days of DISTRICT'S approval of DEPUTY INSPECTOR; however, a minimum balance of ten thousand dollars ($10,000.00) shall be retained on account.

6. DISTRICT DRAINAGE FACILITIES construction work shall be on a five (5) day, forty (40) hour work week with no work on Saturdays, Sundays or DISTRICT designated legal holidays, unless otherwise approved in writing by DISTRICT. If DEVELOPERS feel it necessary to work more than the normal forty (40) hour work week or on holidays, DEVELOPERS shall make a written request for permission from DISTRICT to work the additional hours. The request shall be submitted to DISTRICT at least seventy-two (72) hours prior to the requested additional work hours and state the reasons for the overtime and the specific time frames required. The decision of granting permission for overtime work shall be made by DISTRICT at its sole discretion and shall be final. If permission is granted by DISTRICT, DEVELOPERS will be charged the cost incurred at the overtime rates for additional inspection time required in connection with the overtime work in accordance with Ordinance Nos. 671 and 749, including any amendments thereto, of the County of Riverside.

7. DEVELOPERS shall indemnify and hold harmless DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) from any liability, claim, damage, proceeding or action, present or future, based upon, arising out of or in any way relating to DEVELOPERS' (including its officers, employees, subcontractors and agents) actual or alleged acts or omissions related to this Agreement, performance under this Agreement, or failure to comply with the requirements of this Agreement, including but not limited to: (a) property damage; (b) bodily injury or death; (c) liability or damage pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution or any other law, ordinance or regulation caused by the diversion of waters from the natural drainage patterns or the discharge of drainage within or from PROJECT; or (d) any other element of any kind or nature whatsoever.

DEVELOPER shall defend, at its sole expense, including all costs and fees (including but not limited to attorney fees, cost of investigation, defense and settlements or awards), DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) in any claim, proceeding or action for which indemnification is required.

With respect to any of DEVELOPERS' indemnification requirements, DEVELOPERS shall, at its sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle or compromise any such claim, proceeding or action without the prior consent of DISTRICT and CITY; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes DEVELOPERS' indemnification obligations to DISTRICT or CITY.

DEVELOPERS' indemnification obligations shall be satisfied when DEVELOPERS have provided to DISTRICT and CITY the appropriate form of dismissal (or similar document) relieving DISTRICT or CITY from any liability for the claim, proceeding or action involved.

The specified insurance limits required in this Agreement shall in no way limit or circumscribe DEVELOPERS' obligations to indemnify and hold harmless DISTRICT and CITY from third party claims.

In the event there is conflict between this section and California Civil Code Section 2782, this section shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the DEVELOPERS from indemnifying DISTRICT or CITY to the fullest extent allowed by law.

8. Any waiver by DISTRICT or by CITY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other

breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to require exact, full and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from enforcement hereof.

9. DISTRICT and CITY each pledge to cooperate in regard to the operation and maintenance of their respective facilities as set forth herein and to discharge their respective maintenance responsibilities in an expeditious fashion so as to avoid the creation of any nuisance condition or undue maintenance impact upon the others' facilities.

10. This Agreement is to be construed in accordance with the laws of the State of California.

11. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: Administrative Services

CITY OF MORENO VALLEY
Post Office Box 88005
Moreno Valley, CA 92552-0805
Attn: Public Works Director

HF LOGISTICS-SKX T1, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

HF LOGISTICS-SKX T2, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

12. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other county.

13. This Agreement is the result of negotiations between the parties hereto, and the advice and assistance of their respective counsel. The fact that this Agreement was prepared as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT prepared this Agreement in its final form.

14. The rights and obligations of DEVELOPERS shall inure to and be binding upon all heirs, successors and assignees.

15. DEVELOPERS shall not assign or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of the other parties hereto being first obtained. In the event of any such transfer or assignment, DEVELOPERS expressly understand and agree that they shall remain liable with respect to any and all of the obligations and duties contained in this Agreement.

16. The individual(s) executing this Agreement on behalf of DEVELOPERS hereby certify they have the authority within their respective company(ies) to enter into and execute this Agreement, and have been authorized to do so by any and all boards of directors, legal counsel, and or any other board, committee or other entity within their respective company(ies) which have the authority to authorize or deny entering this Agreement.

17. This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be changed or modified only upon the written consent of the parties hereto.

//

//

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

_____.
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

PAMELA J. WALLS
County Counsel

By _____
NEAL KIPNIS
Deputy County Counsel

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By _____
Deputy

(SEAL)

Cooperative Agreement: TR 35629
KEC:blj
5/20/10

RECOMMENDED FOR APPROVAL:

By _____
Public Works Director/City Engineer

CITY OF MORENO VALLEY

By _____
Mayor

APPROVED AS TO FORM:

By_____
City Attorney

ATTEST:

City Clerk

By _____

(SEAL)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

HIGHLAND FAIRVIEW PARTNERS I
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS II
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS III
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS IV
a California general partnership

By_____
IDDO BENZEEVI, President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6·1·10 (Date) before me: Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Iddo Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868855
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6·1·10 Number of Pages: 234 EXH. A (11) EXH. B (4)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDDO BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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HF LOGISTICS-SKX T1, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By:_____
IDDO BENZEEVI, President and Chief
Executive Officer

HF LOGISTICS-SKX T2, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC,
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By:_____
IDDO BENZEEVI, President and Chief
Executive Officer

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6.1.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Idoo Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6.1.10 Number of Pages: 23+ EXH.A(1) EXH.B(2)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDOO BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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Exhibit A

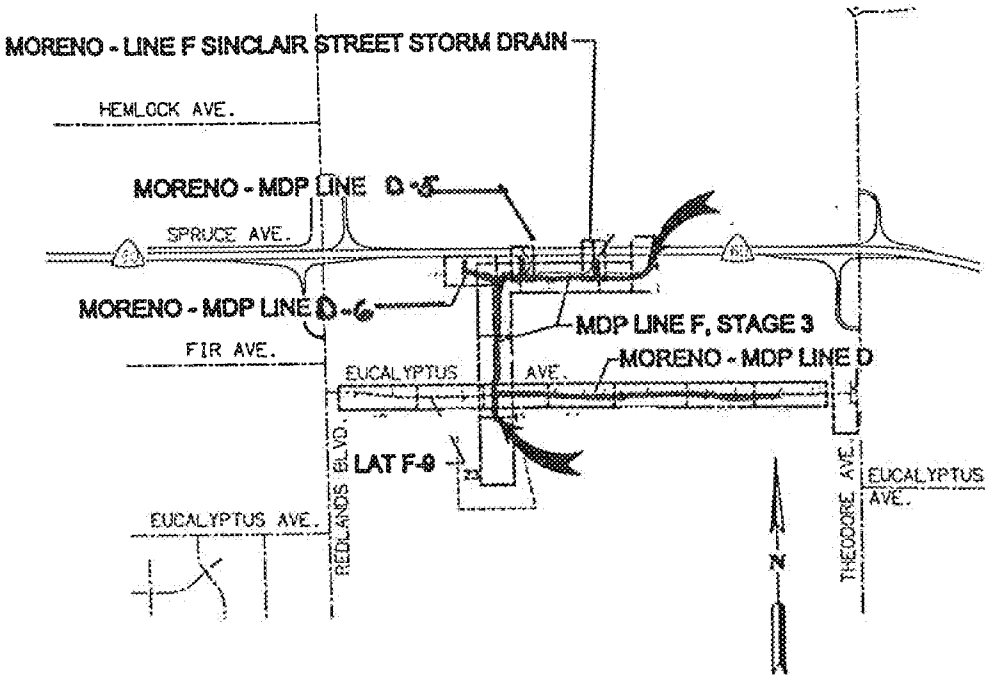

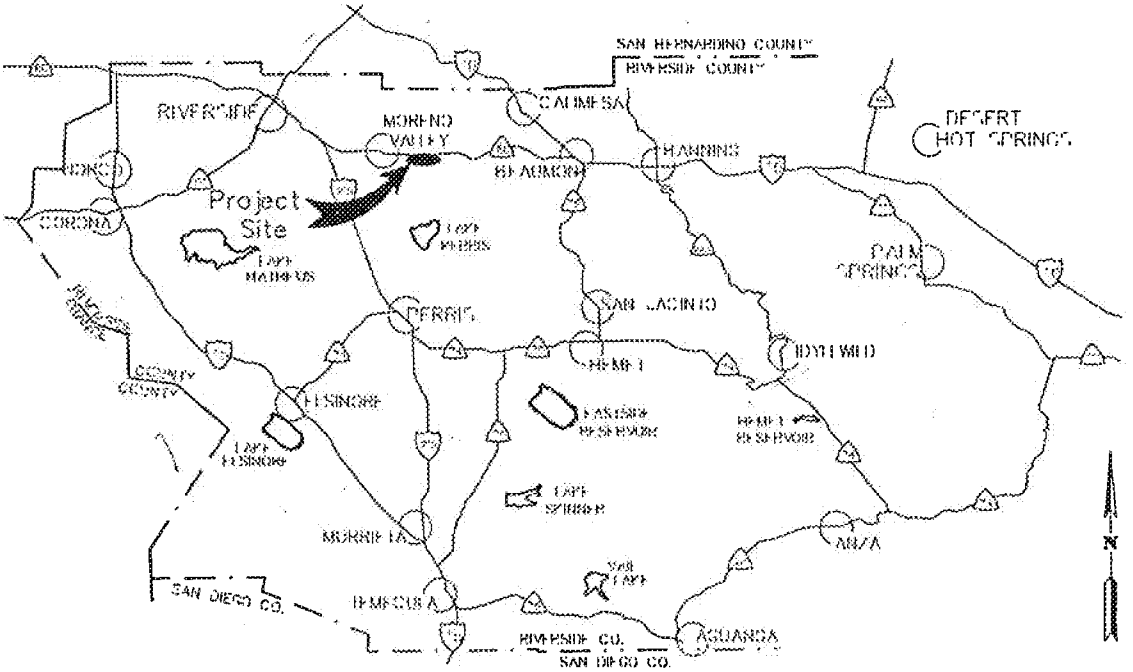

Item No. A.14

MV00073654

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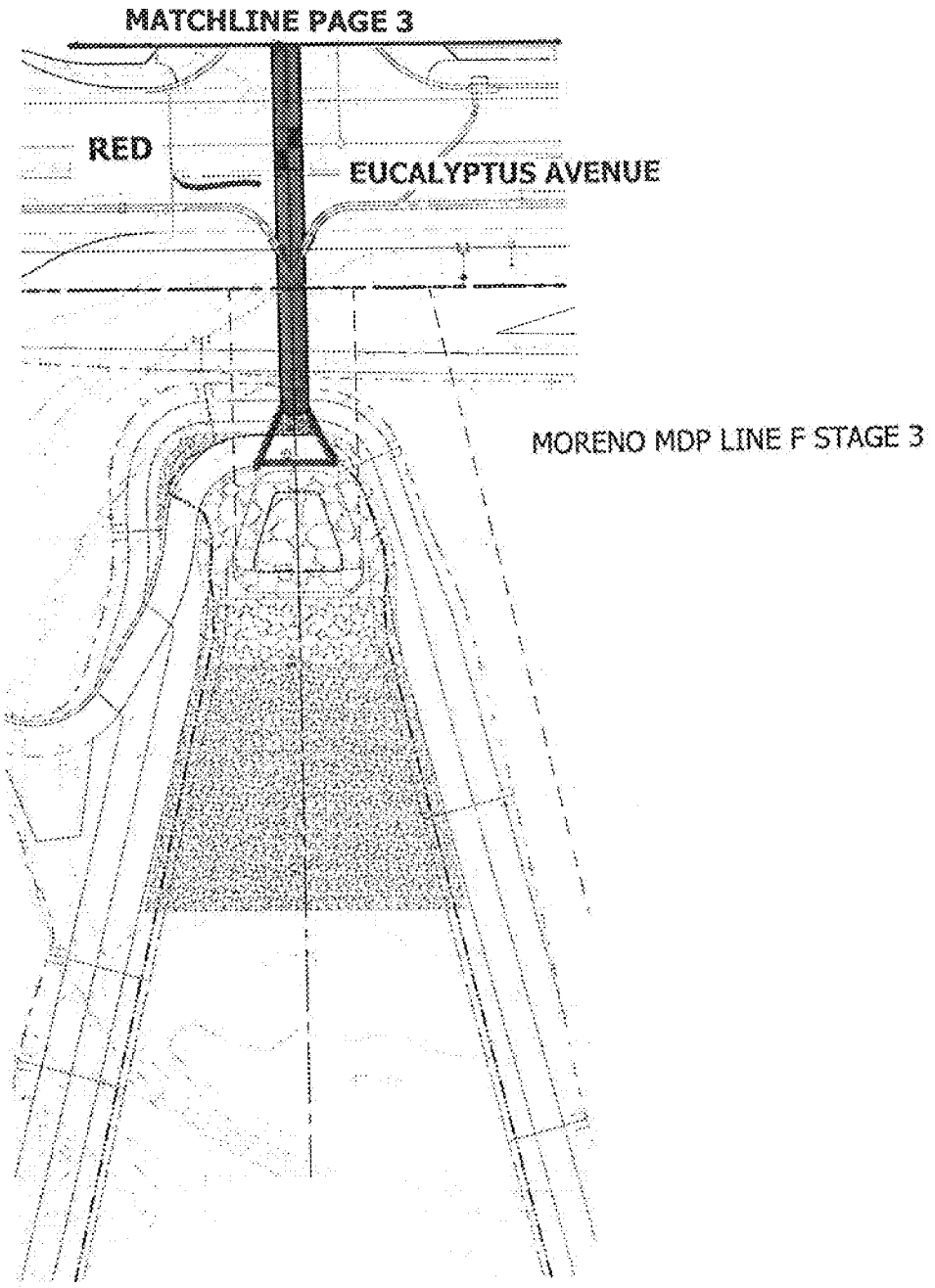
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RED
EUCALYPTUS AVENUE
MORENO MDP LINE F STAGE 3

Exhibit A

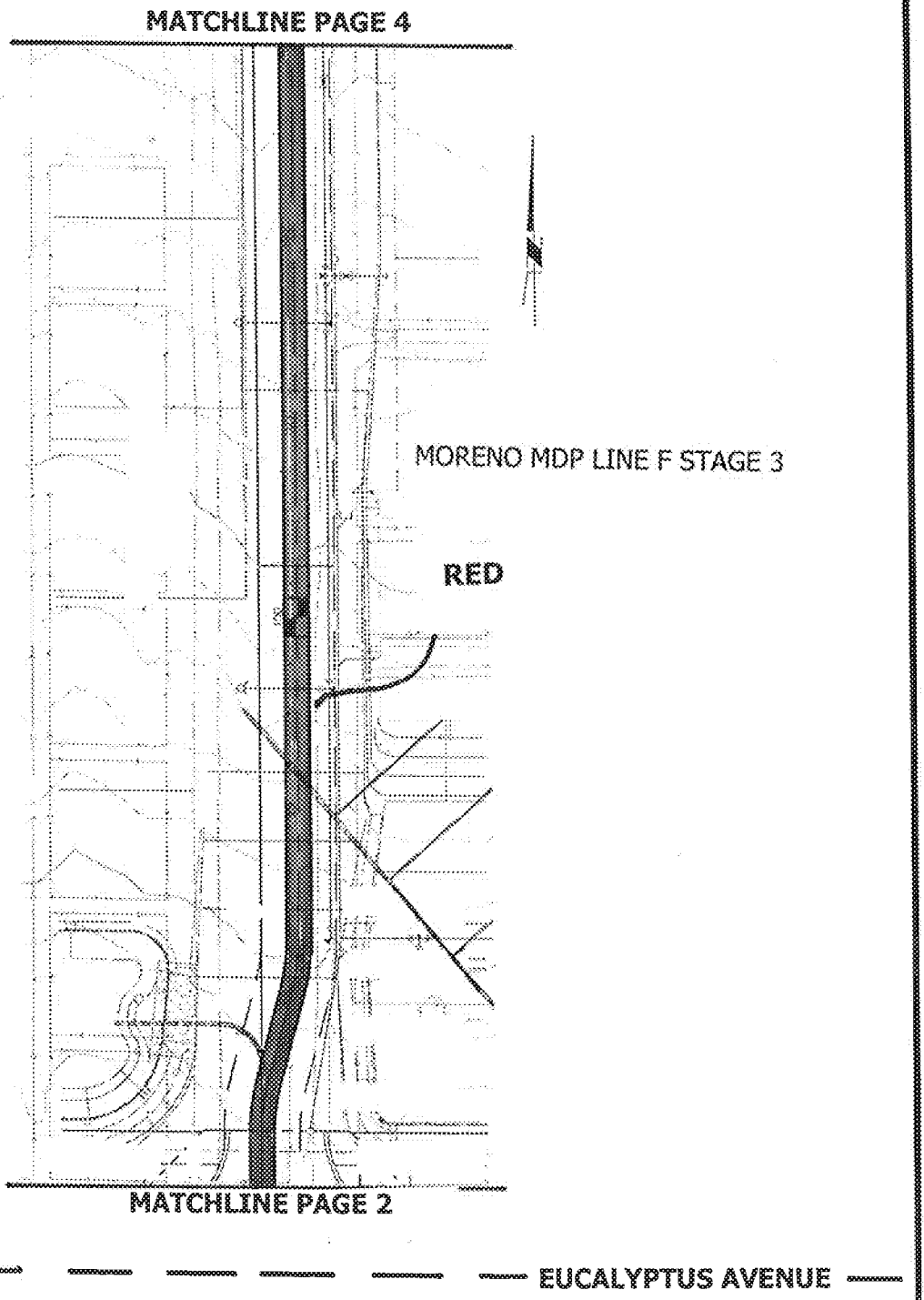
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RED
MATCHLINE PAGE 2
EUCALYPTUS AVENUE

Exhibit A

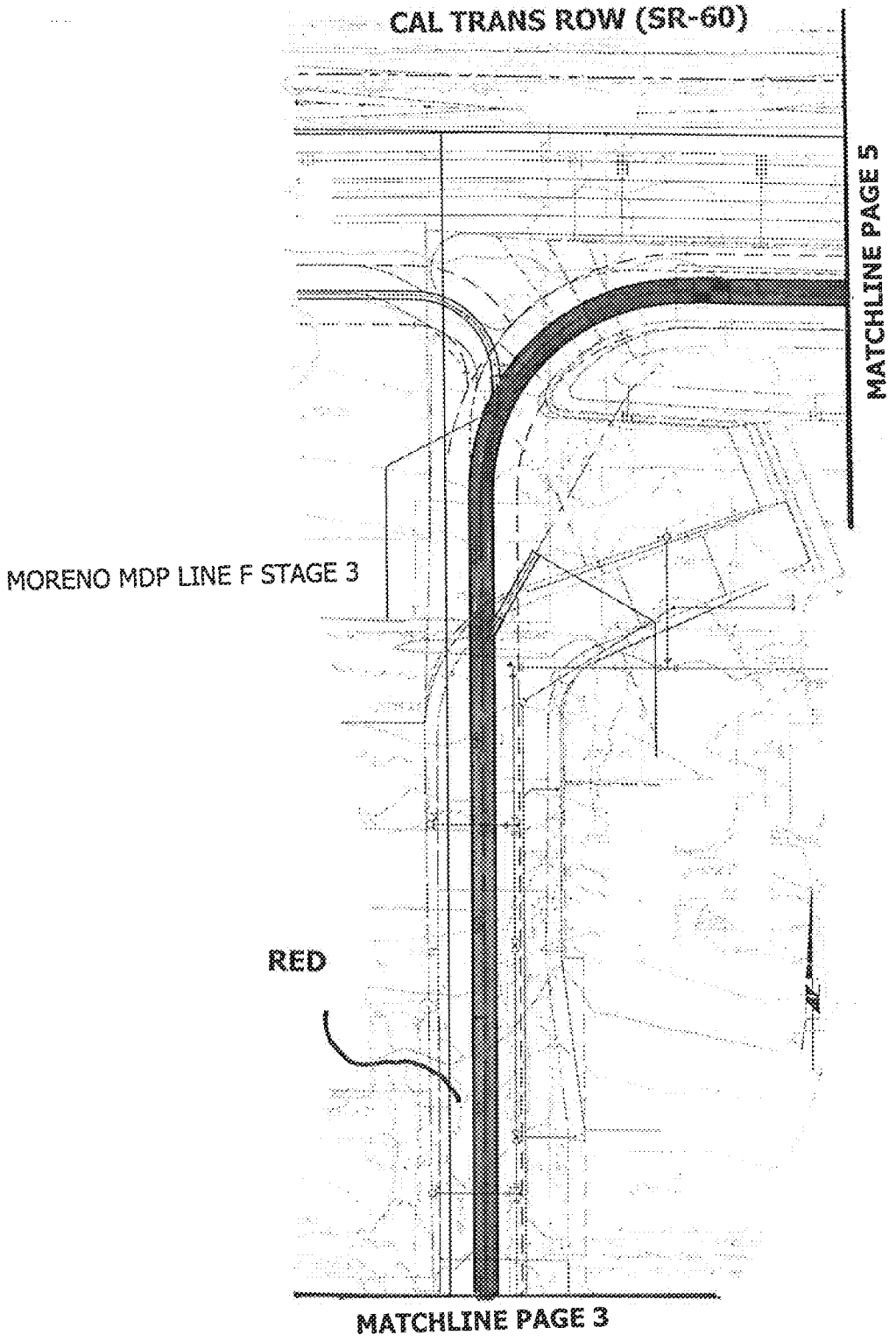
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MORENO MDP LINE F STAGE 3
RED
MATCHLINE PAGE 3

Exhibit A

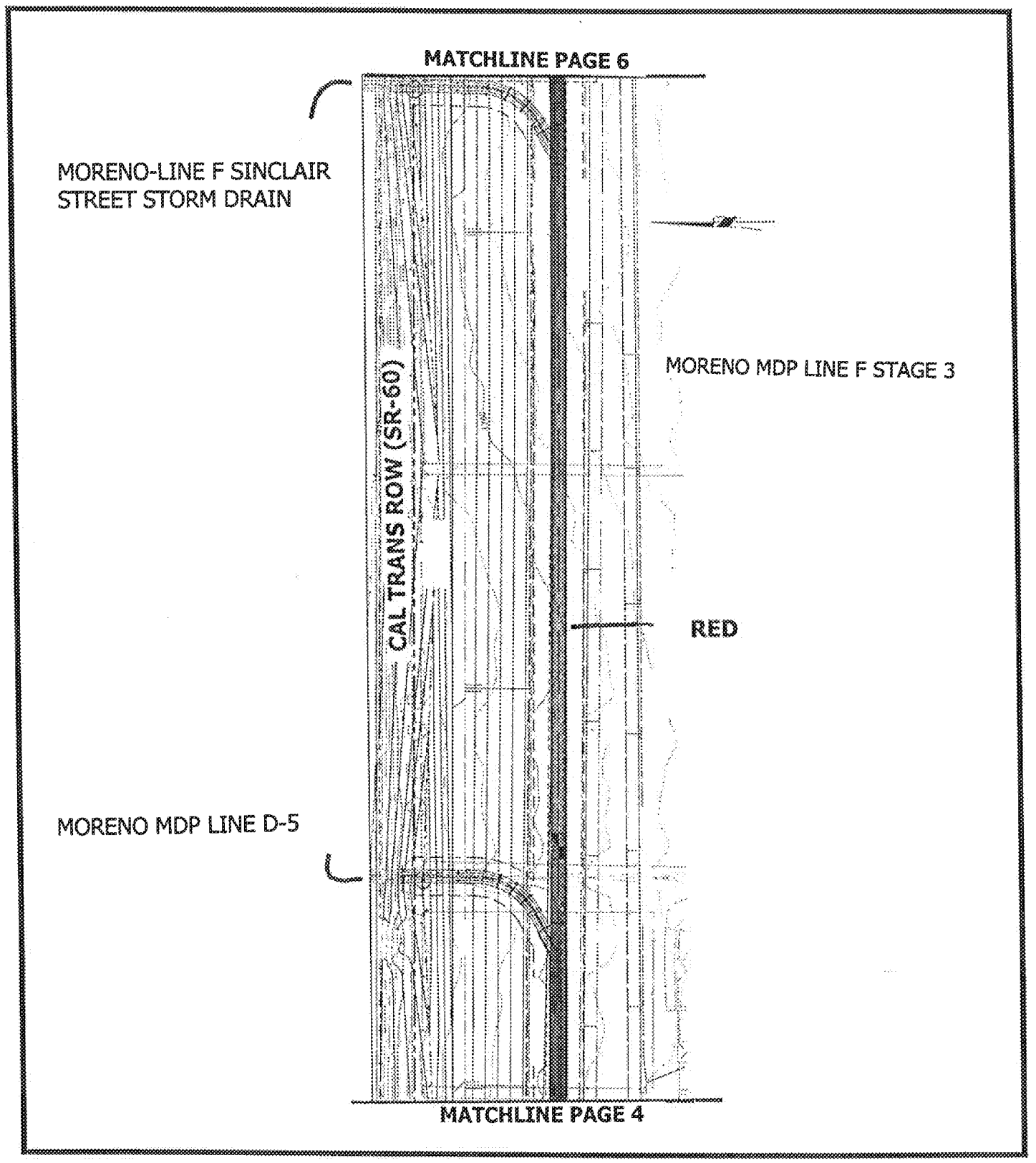
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MORENO-LINE F SINCLAIR STREET STORM DRAIN
MORENO MDP LINE F STAGE 3
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RED
MORENO MDP LINE D-5
MATCHLINE PAGE 4

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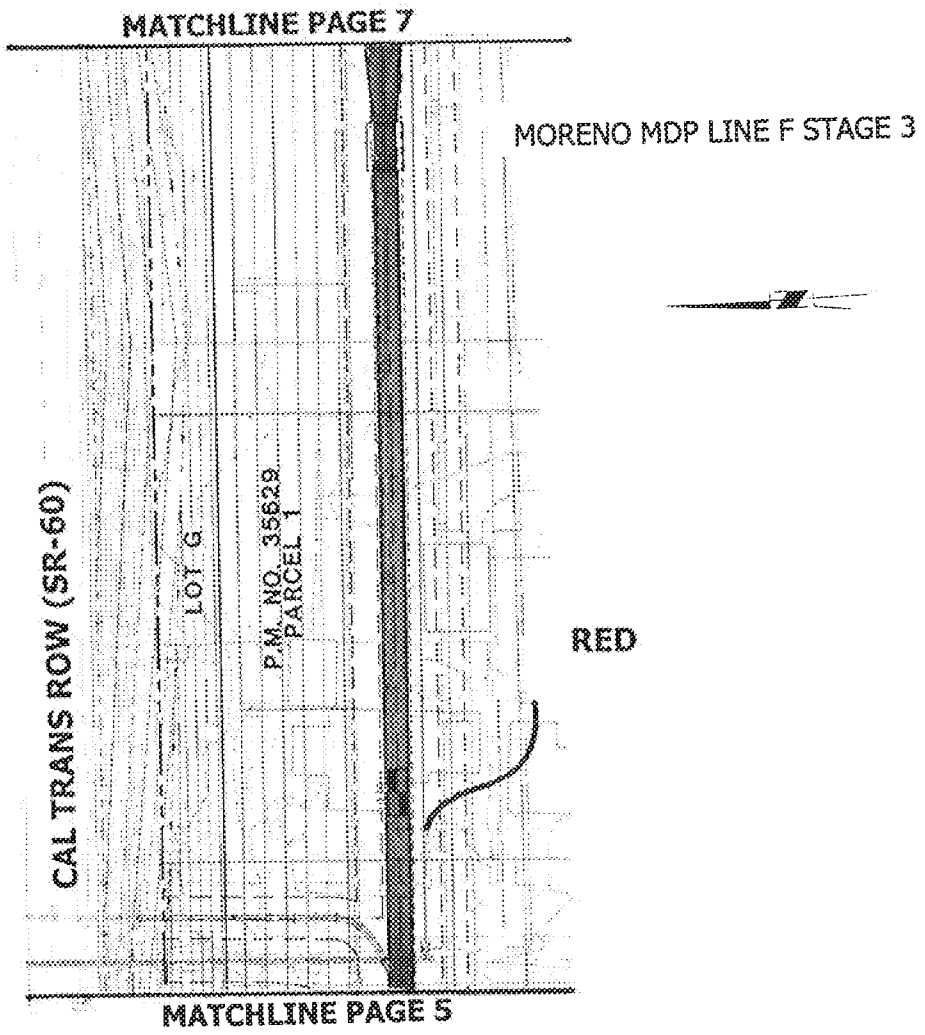
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LOT G
P.M. NO. 35629
PARCEL 1
RED
MATCHLINE PAGE 5

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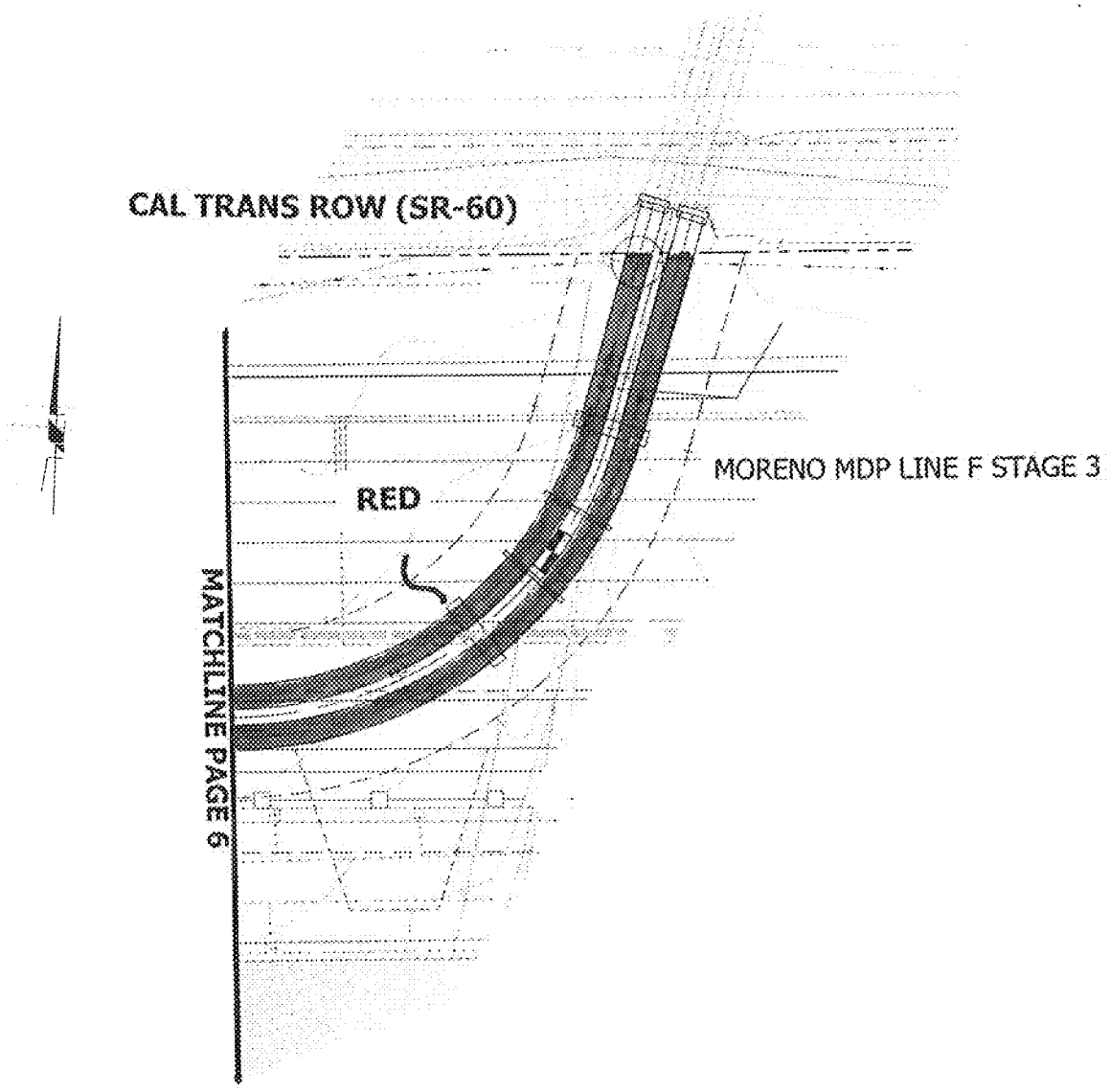
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CAL TRANS ROW (SR-60)
RED
MATCHLINE PAGE 6

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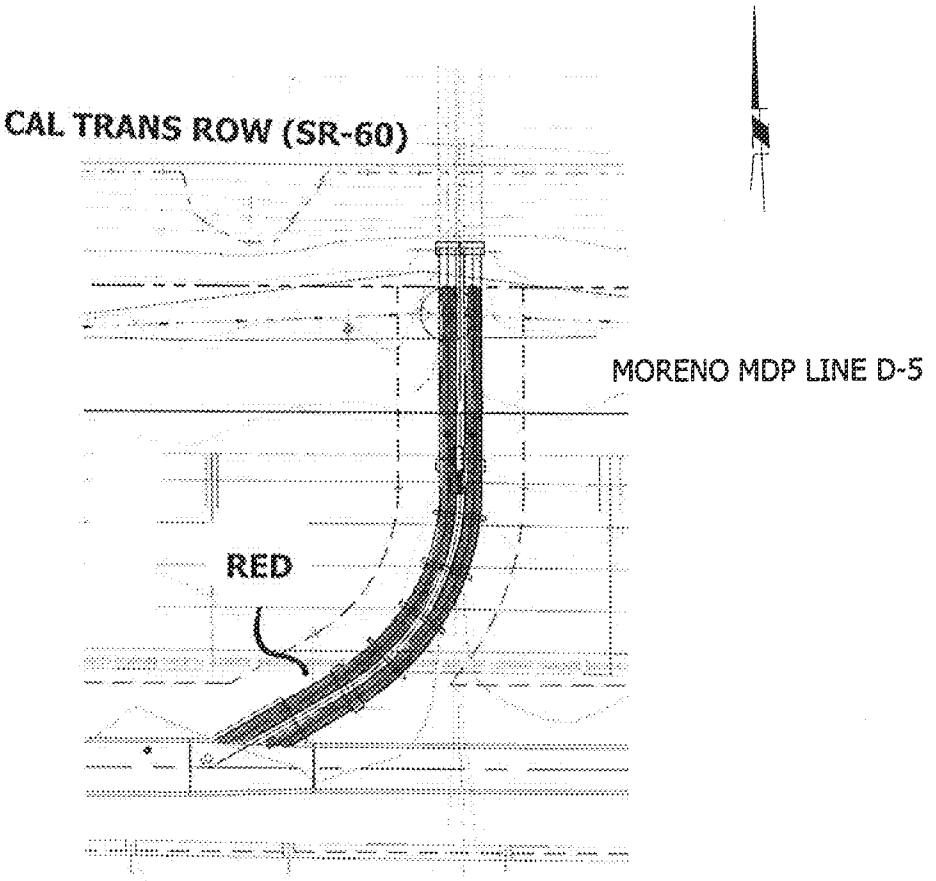

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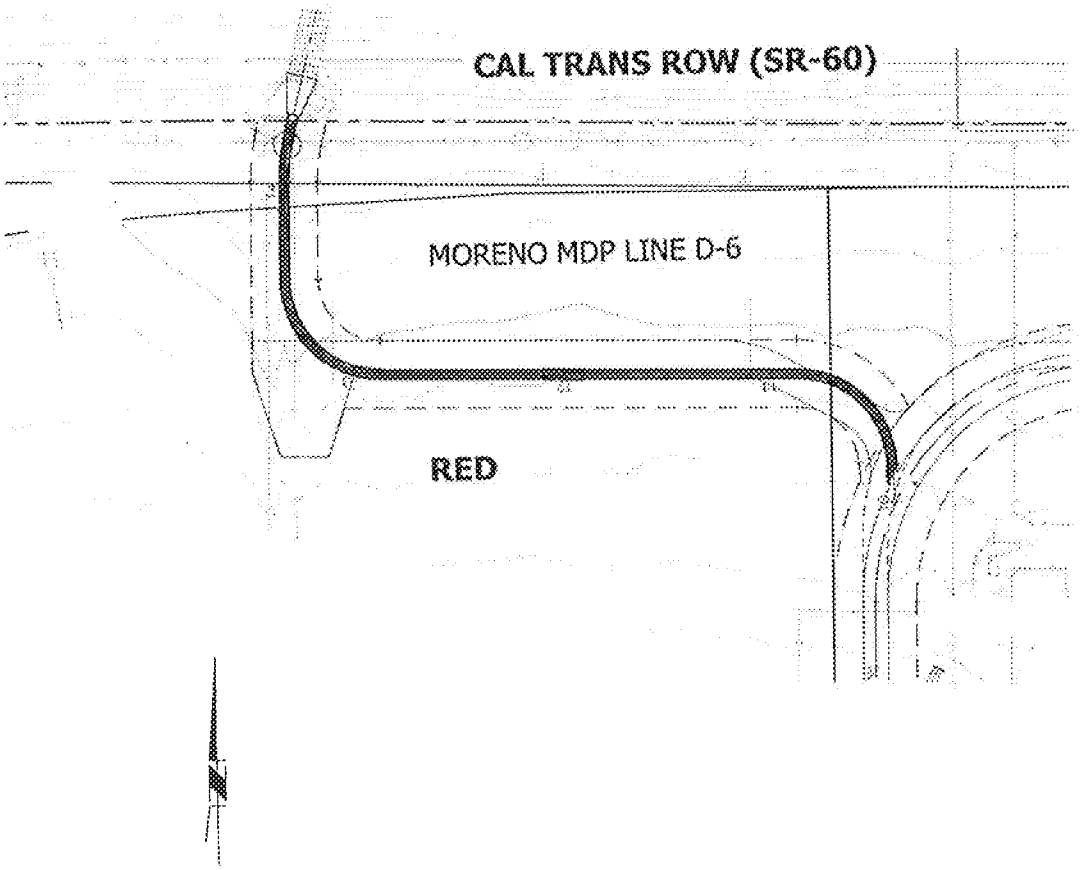

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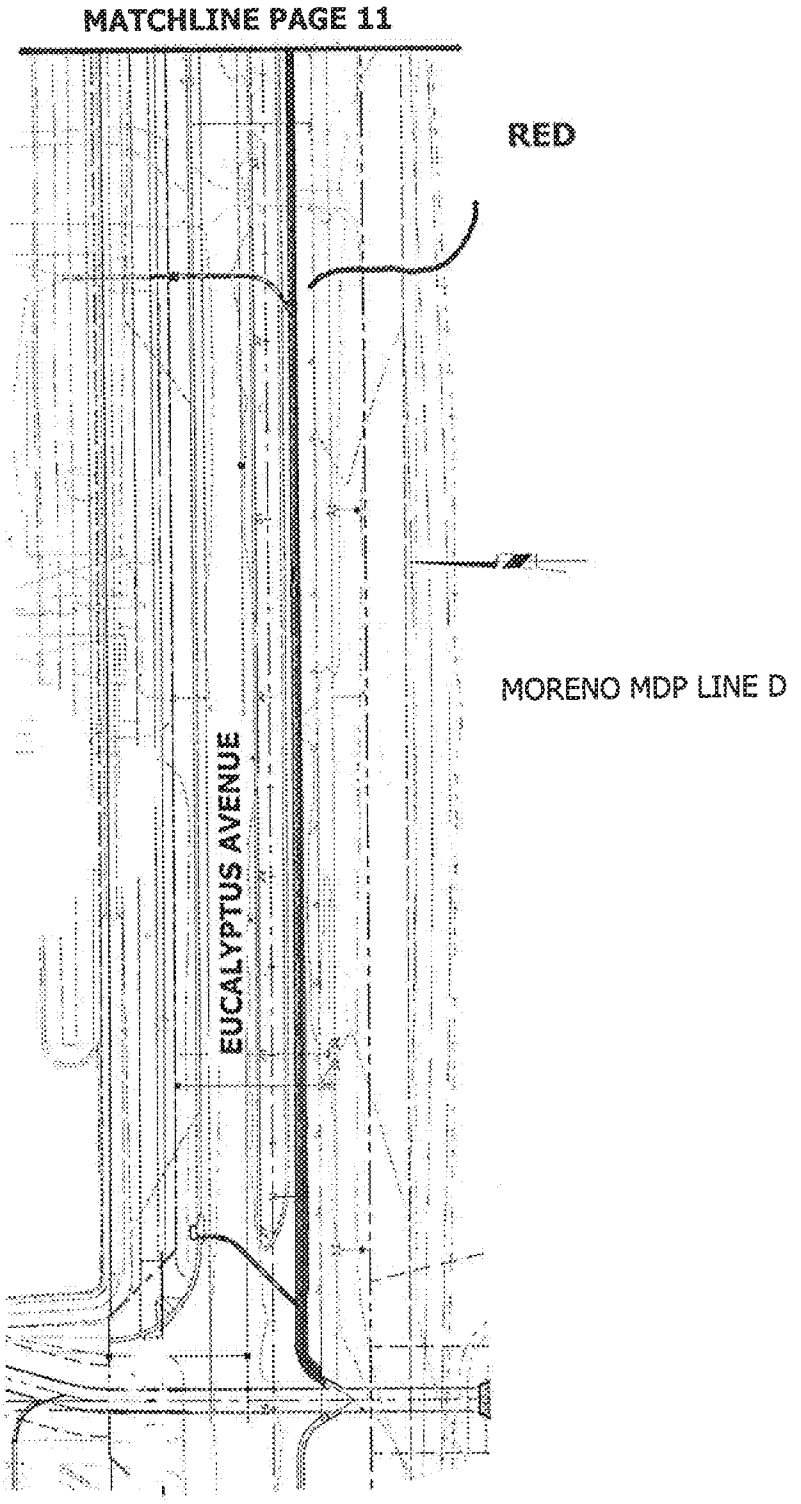

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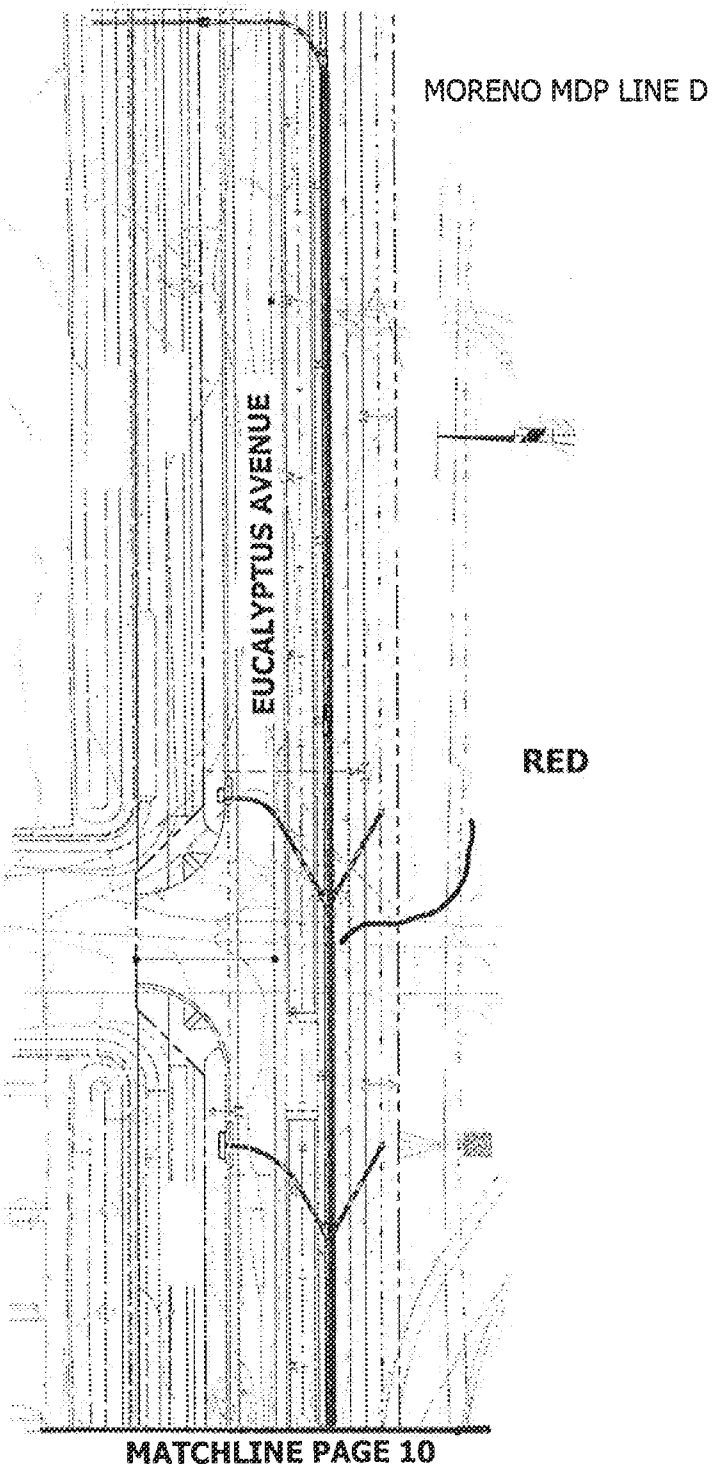

Item No. A.14

MV00073664

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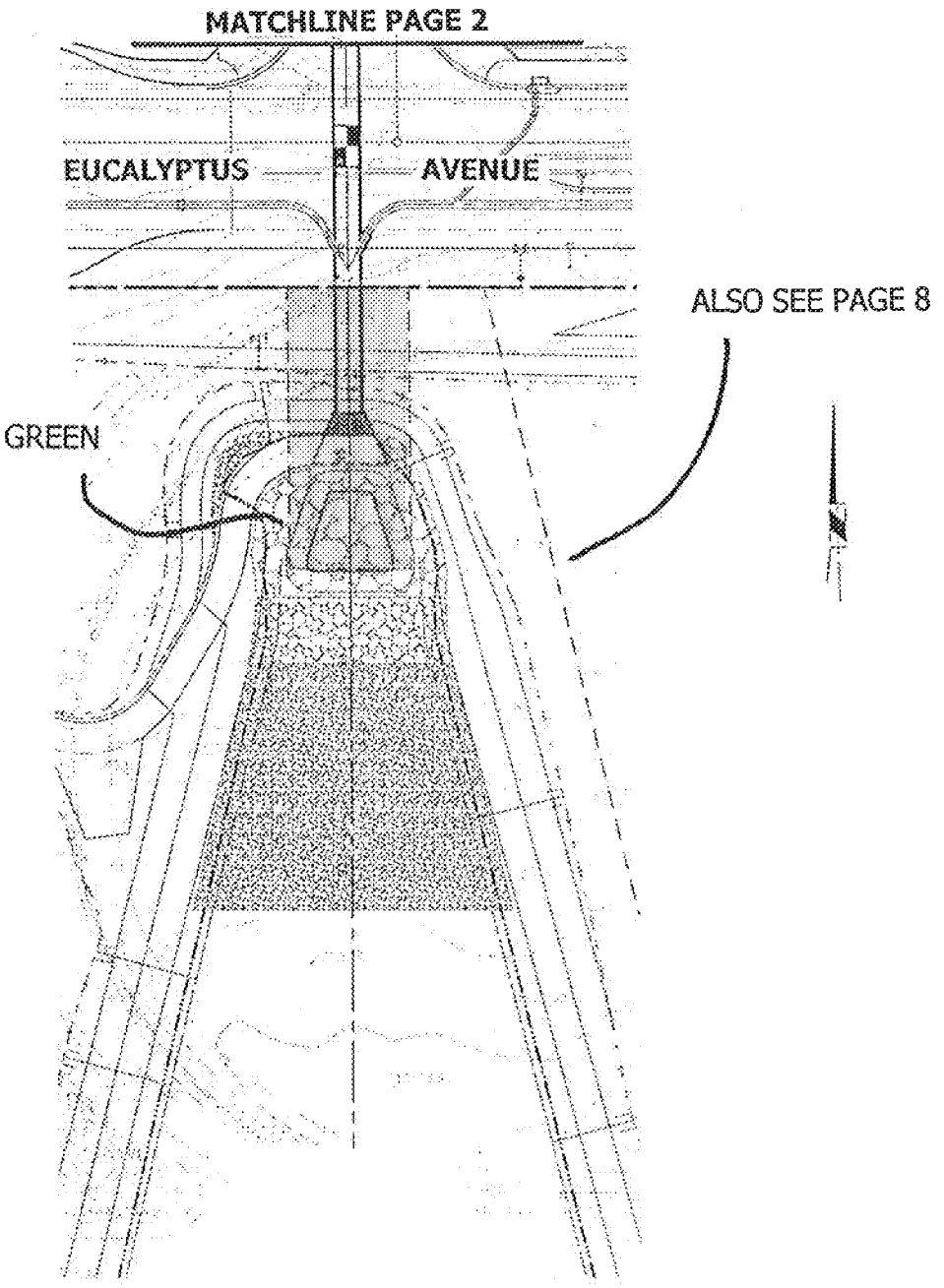

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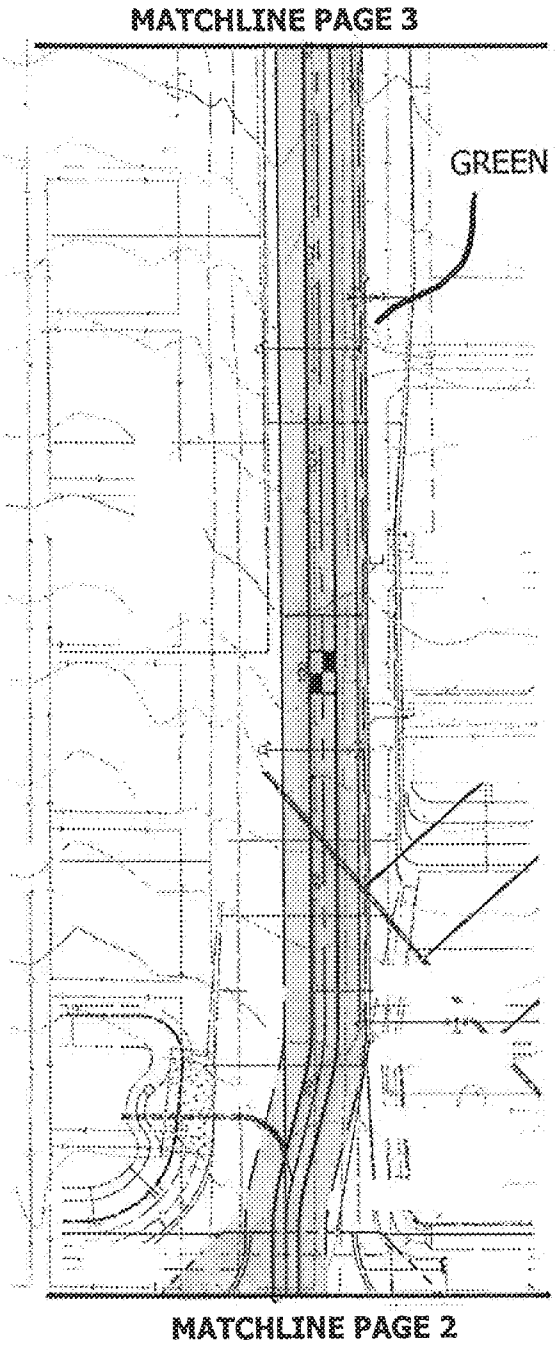

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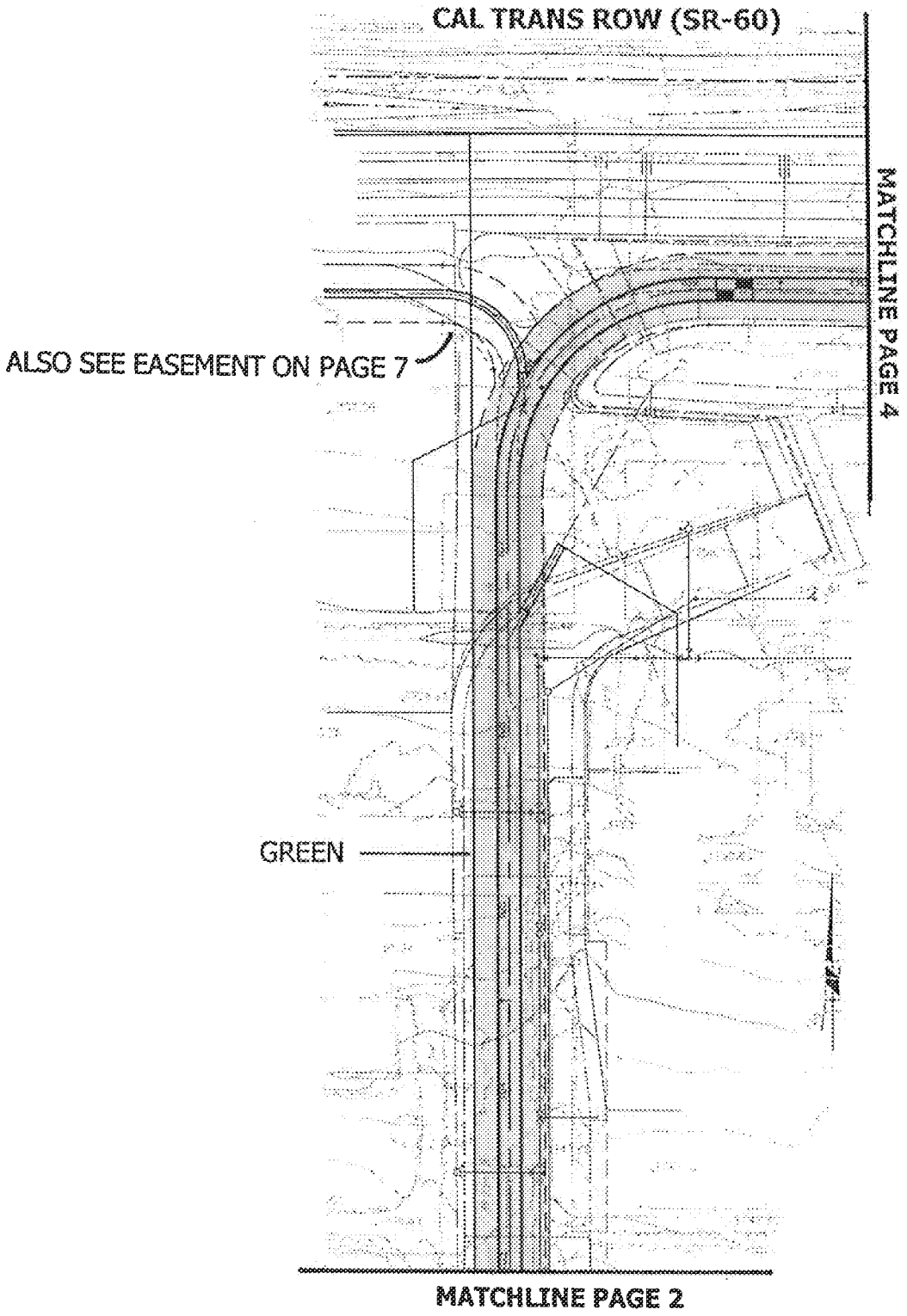
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MATCHLINE PAGE 4
ALSO SEE EASEMENT ON PAGE 7
GREEN
MATCHLINE PAGE 2

Exhibit B

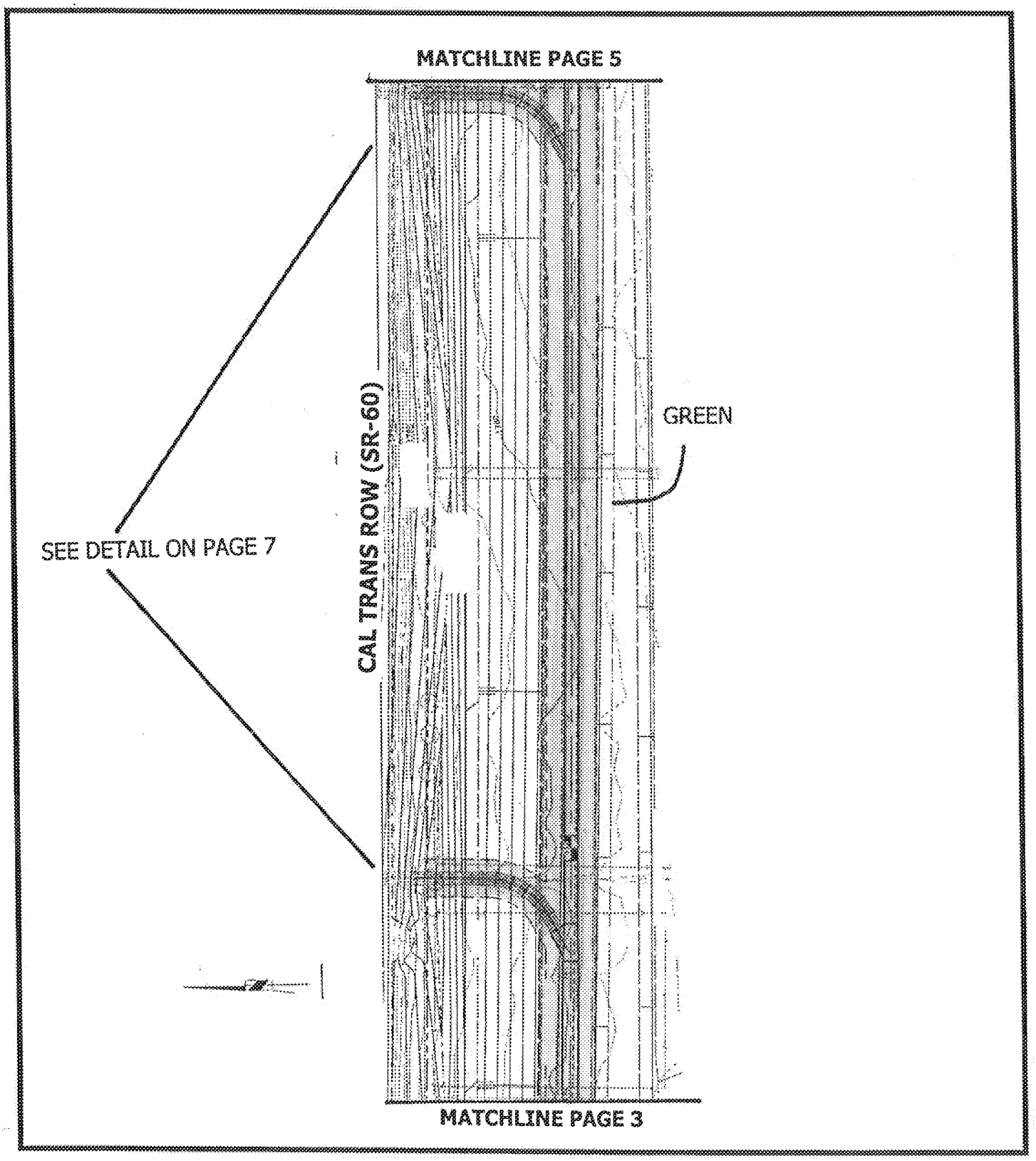
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GREEN
SEE DETAIL ON PAGE 7
MATCHLINE PAGE 3

Exhibit B

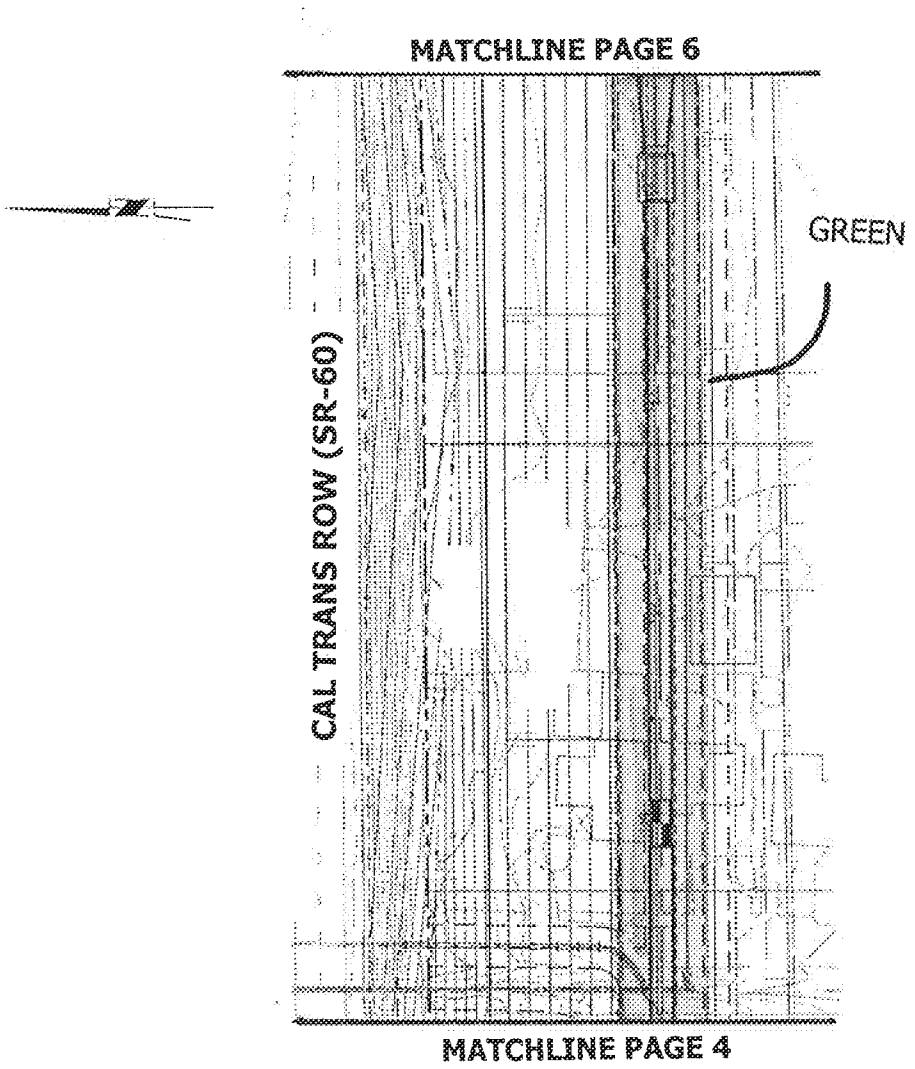

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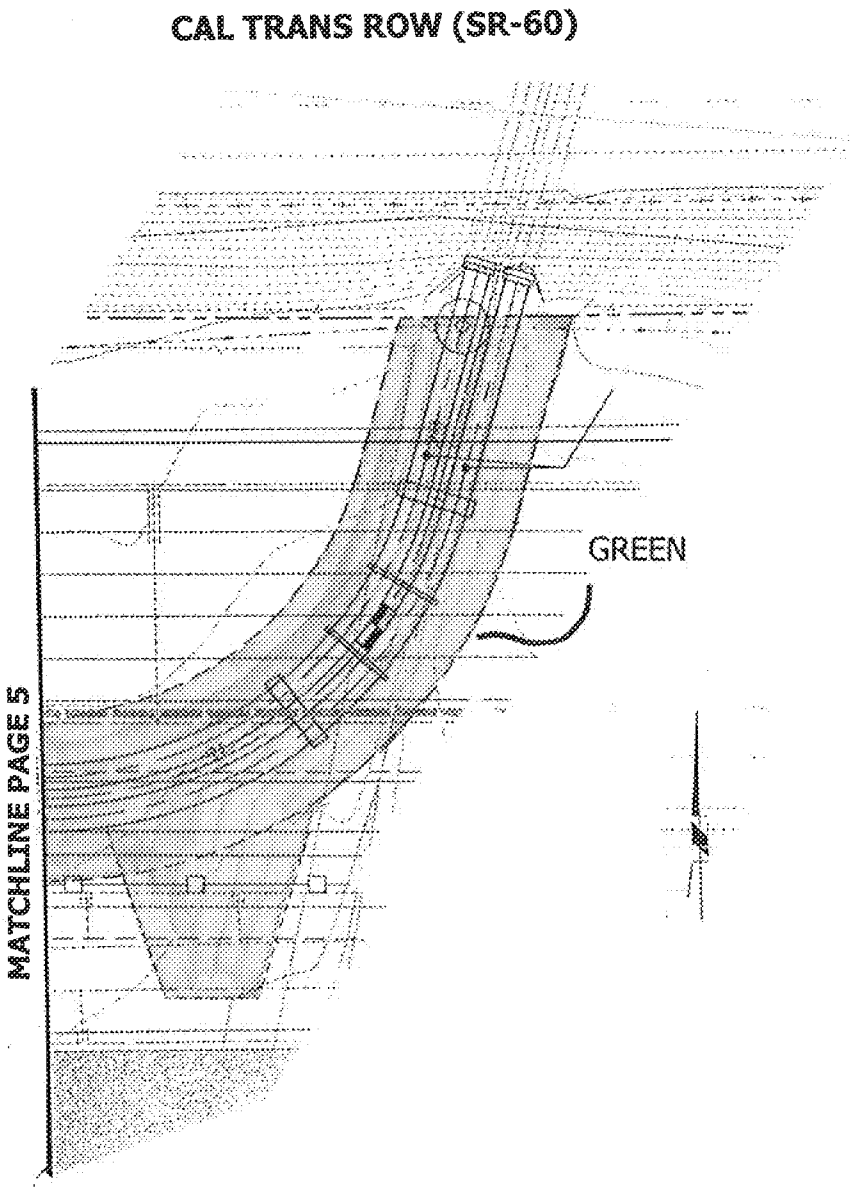

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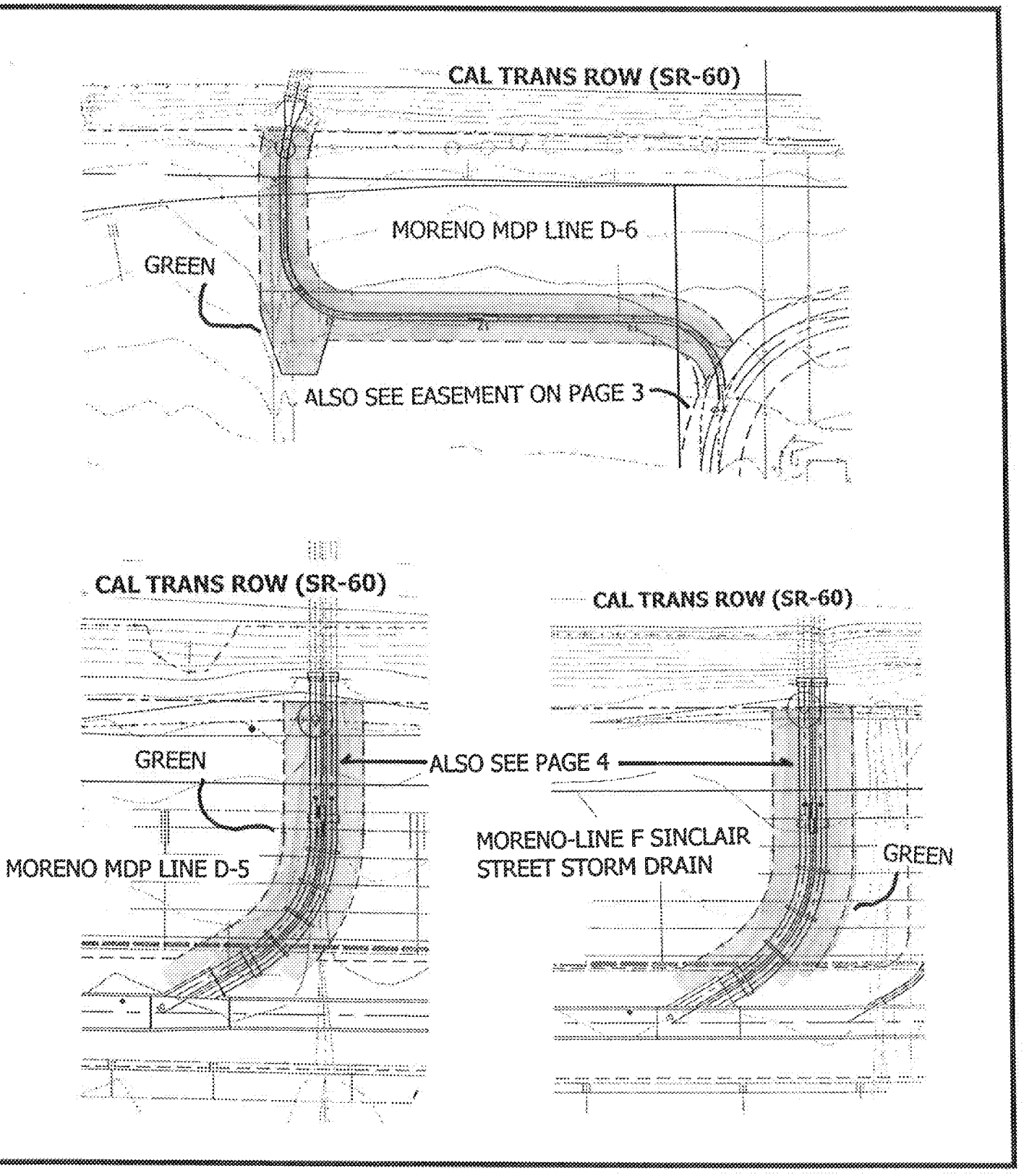
CAL TRANS ROW (SR-60)
MORENO MDP LINE D-6
GREEN
ALSO SEE EASEMENT ON PAGE 3
CAL TRANS ROW (SR-60)
GREEN
MORENO MDP LINE D-5
ALSO SEE PAGE 4
CAL TRANS ROW (SR-60)
MORENO-LINE F SINCLAIR
STREET STORM DRAIN
GREEN

Exhibit B

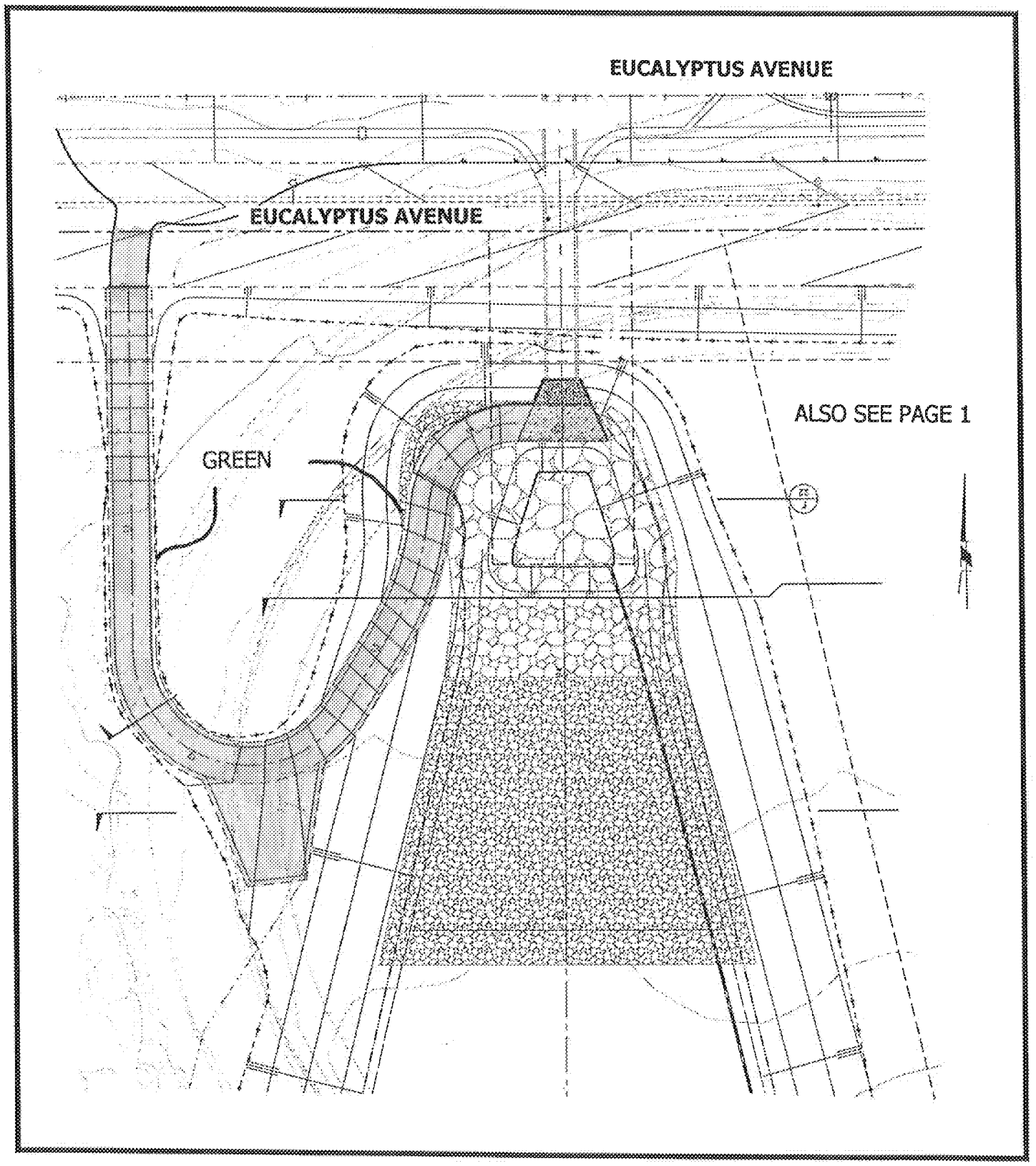

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MV00073673

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with real property Deeds of Trust having a total valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

The developer has completed and submitted a Public Improvement Agreement and securities for the Phase 2 & 3 public improvements. The developer has provided City staff with a separate Deed of Trust for Parcels 2, 3 and 4 of Parcel Map 35629 as noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months from the date the Plot Plan associated with each Phase 2 & 3 parcel is approved. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are within Redlands Boulevard, Theodore Street, State Route 60, and Eucalyptus Avenue. The improvements include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve said parcel, and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public

improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations.

Accompanying the agreement is a current property appraisal and a deed of trust for each of the three (3) parcels, to secure Developers'obligation in the estimated amount of two million nine hundred thousand dollars ($2,900,000.00) for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629.

Given the present economy as well as the size and uniqueness of the project, allowing the use of a separate Public Improvement Agreement and use of real property as security for Phase 2 & 3 seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map for Site and Parcel Identification
Exhibit "B" - Agreement for Public Improvements
Exhibit "C" - Self-Contained Appraisal Report Dated July 30, 2010
Exhibit "D" - Deed of Trust for Parcel 2
Exhibit "E" - Deed of Trust for Parcel 3
Exhibit "F" - Deed of Trust for Parcel 4

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Phase 2-3 Agree and Security.doc

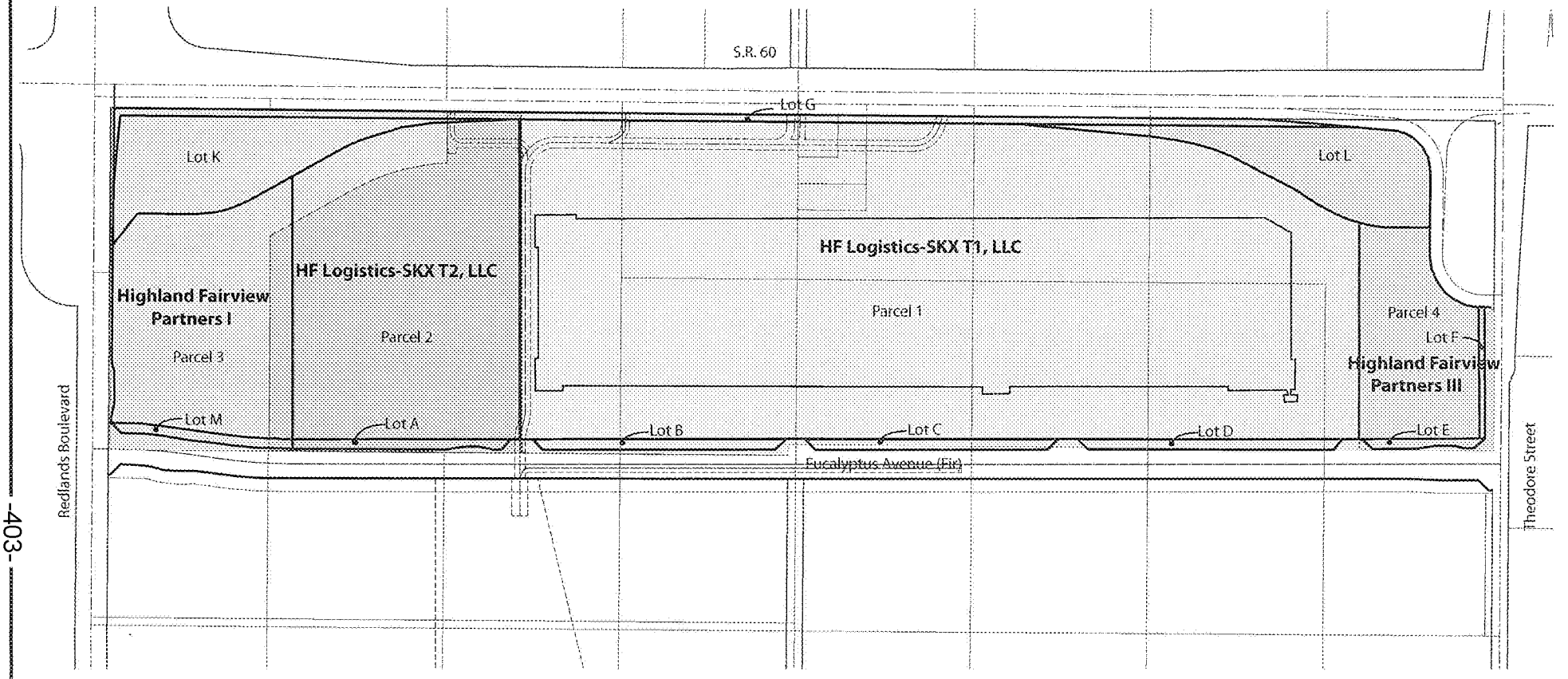

City of Moreno Valley
Public Works - Land Development

Highland Fairview Corporate Park - TPM 35629 Ownership Exhibit

PA07-0090
Vicinity Map

Exhibit "A"

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MV00073679

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR THE PHASE 2 AND 3 PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA07-0090 PARCEL MAP 35629

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T2, LLC, Highland Fairview Partners I, and Highland Fairview Partners III**, hereinafter called Developers, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date the Plot Plan associated with each parcel is approved, to perform and complete in a good and workmanlike manner, all of the required improvements for that Plot Plan (Parcels 2, 3 and/or 4 of Parcel Map 35629) in accordance with those improvement plans which will have been approved by the City Engineer, and will be on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all estimated costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code. Developers shall also complete any offsite public improvements required for each parcel at such time as the City acquires an interest in the land which will permit the public improvements to be made and Developers waive the 120 day time limitation set forth in Section 66462.5, Government Code. The total cost of the required public improvements for Phase 2 and 3 (Parcels 2, 3 and 4 of Parcel Map 35629) is estimated to be **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00).**

SECOND: Developers agree to pay to the City the actual cost of such inspection of the public works and public improvements as may be required by the City Engineer. Developers further agree that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required public improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developers and that, upon entry of judgment, such costs, expenses, and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the public improvements for Phases 2 and 3 (Parcels 2, 3 or 4 of Parcel Map 35629) prior to the completion or approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developers, their agents or employees, in the performance of the work, and all of said liabilities are assumed by Developers. Developers agree to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developers, their agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

Exhibit "B"

FOURTH: Developers hereby grant to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the public improvements. This permission shall terminate in the event that the Developers have completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developers agree at all times, up to the completion and acceptance of the public improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the public improvements, and to protect the traveling public from such defective or dangerous conditions. Developers shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. Developers' obligation under this provision shall be secured by the deed of trust securing performance of this Agreement.

SIXTH: Developers, their agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If Developers, or their agents or employees, neglect, refuse, or fail to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if Developers violate, neglect, refuse, or fail to perform satisfactorily any of the provisions of the plans and specifications, they shall be in default of this Agreement and notice in writing of such default shall be served upon them. Whereupon, the City Engineer shall unilaterally have the ability to foreclose on the deed of trust securing Developers' obligations under this Agreement. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of Developers because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon Developers, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Developers hereby provide the City with a deed of trust for each Parcel 2, 3 and 4 of Parcel Map 35629, in the form of Exhibit "A" to secure Developers'obligation for the amount of **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00)** for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629. After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve each parcel and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developers agree to renew or increase each and every security within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Developers reserve the right to substitute the security in accordance with the City of Moreno Valley Municipal Code at any time during the term of this Agreement subject to the approval of the City Engineer. Notwithstanding any other provision herein, if Developers fail to take such action as is necessary to comply with said notice, they shall be in default of this Agreement unless all required public improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developers of the insufficiency of the security. Upon the provision of such security for each parcel, the lien created by the deed of trust shall be released as to that parcel and the City shall execute all documents to reconvey its interest in that parcel to Developers. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

NINTH: It is further agreed by and between the parties hereto, that, in the event it is deemed necessary to extend the time of completion of the work on Parcels 2, 3 and 4 of Parcel Map 35629, contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon Developers' request, and such extensions shall in no way affect the validity of this Agreement or release the security. Developers further agree to maintain the aforesaid security in full force and effect after the provision during the term of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that, if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:

City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developers:

HF Logistics-SKX, T2, LLC,
Highland Fairview Partners I,
Highland Fairview Partners III
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developers have affixed their names, addresses.

Date approved by the City: _____

HF LOGISTICS-SKX, T2, LLC
(OWNER OF PARCEL 2)

By: Ido Ronzer

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS I, LLC
(OWNER OF PARCEL 3)

By: Ido Ronzer

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS III, LLC
(OWNER OF PARCEL 4)

By: Ido Ronzer

Its: President + CEO

By: _____

Its: _____

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPERS MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPERS ; GREEN - PUBLIC WORKS/LAND DEVELOPMENT; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8/5/10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Ida Bergan (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 8, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agmt for Pr. 243 Publicly approved

Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ida Bergan	Signer's Name:
☒ Corporate Officer — Title(s): CEO & CFO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "A"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adolfo Bengoa (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1868965
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-19 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Bengzon (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2019

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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HIGHLAND FAIRVIEW CORPORATE PARK - PARCELS 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No. 10-242NB-0862

Self-Contained Appraisal Report

Prepared For:

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

VALUATION & ADVISORY SERVICES

CBRE
CB RICHARD ELLIS

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CBRE
CB RICHARD ELLIS

3501 Jamboree Road, Suite 100
Newport Beach, CA 92660

www.cbre.com

July 30, 2010

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

RE: Appraisal of Highland Fairview Corporate Park - Parcels 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No 10-242NB-0862

Dear Mr. Benveezi:

At your request and authorization, CB Richard Ellis (CBRE) has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following Self-Contained Appraisal Report.

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites are situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	**Interest Appraised**	**Date of Value**	**Value Conclusion**
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
Parcel 4 (7.2 acres)	Fee Simple Estate	July 27, 2010	$2,020,000
Upon Completion of Street Improvements			
Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
Parcel 3 (12.9 acres)	Fee Simple Estate	March 1, 2011	$5,060,000
Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000
Compiled by CBRE			

Data, information, and calculations leading to the value conclusion are incorporated in the report following this letter. The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It also conforms to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and Title XI Regulations.

The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. The appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.

CBRE
CB RICHARD ELLIS

© 2010 CB Richard Ellis, Inc.

CBRE hereby expressly grants to Client the right to copy this report and distribute it to other parties in the transaction for which this report has been prepared, including employees of Client, other lenders in the transaction, and the borrower, if any. It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE can be of further service, please contact us.

Respectfully submitted,

CBRE - VALUATION & ADVISORY SERVICES

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CERTIFICATION OF THE APPRAISAL

We certify to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in or bias with respect to the property that is the subject of this report and have no personal interest in or bias with respect to the parties involved with this assignment.
4. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice of The Appraisal Foundation and the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute, as well as the requirements of the State of CA relating to review by its duly authorized representatives. This report also conforms to the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. William K. Bebernes, MAI has completed the requirements of the continuing education program of the Appraisal Institute.
10. William K. Bebernes, MAI has made a personal inspection of the property that is the subject of this report.
11. No one provided significant real property appraisal assistance to the persons signing this report.
12. William K. Bebernes, MAI has extensive experience in the appraisal/review of similar property types.
13. William K. Bebernes, MAI is currently certified in the state where the subject is located.
14. Valuation & Advisory Services operates as an independent economic entity within CBRE. Although employees of other CBRE divisions may be contacted as a part of our routine market research investigations, absolute client confidentiality and privacy are maintained at all times with regard to this assignment without conflict of interest.
15. William K. Bebernes, MAI has not provided real estate appraisal services on this property within the three years prior to accepting this assignment.

William K. Bebernes, MAI
California State Certification No. AG003287

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SUBJECT PHOTOGRAPHS

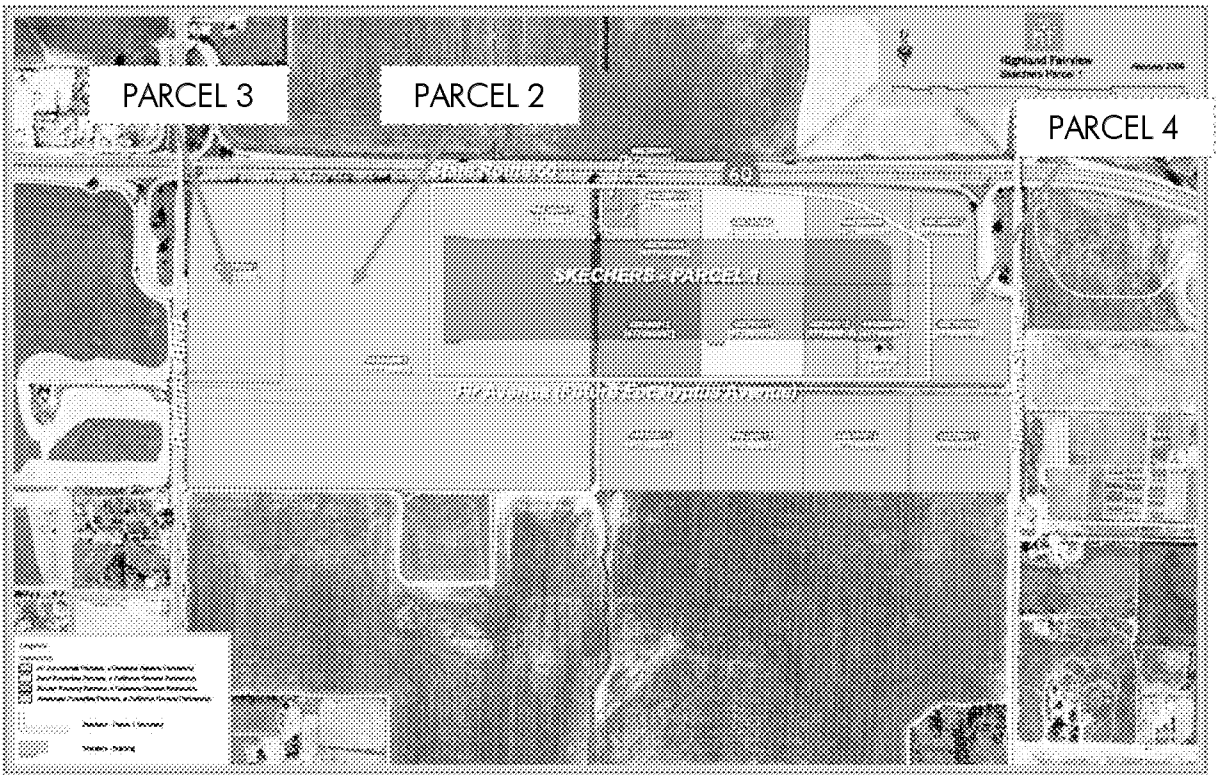

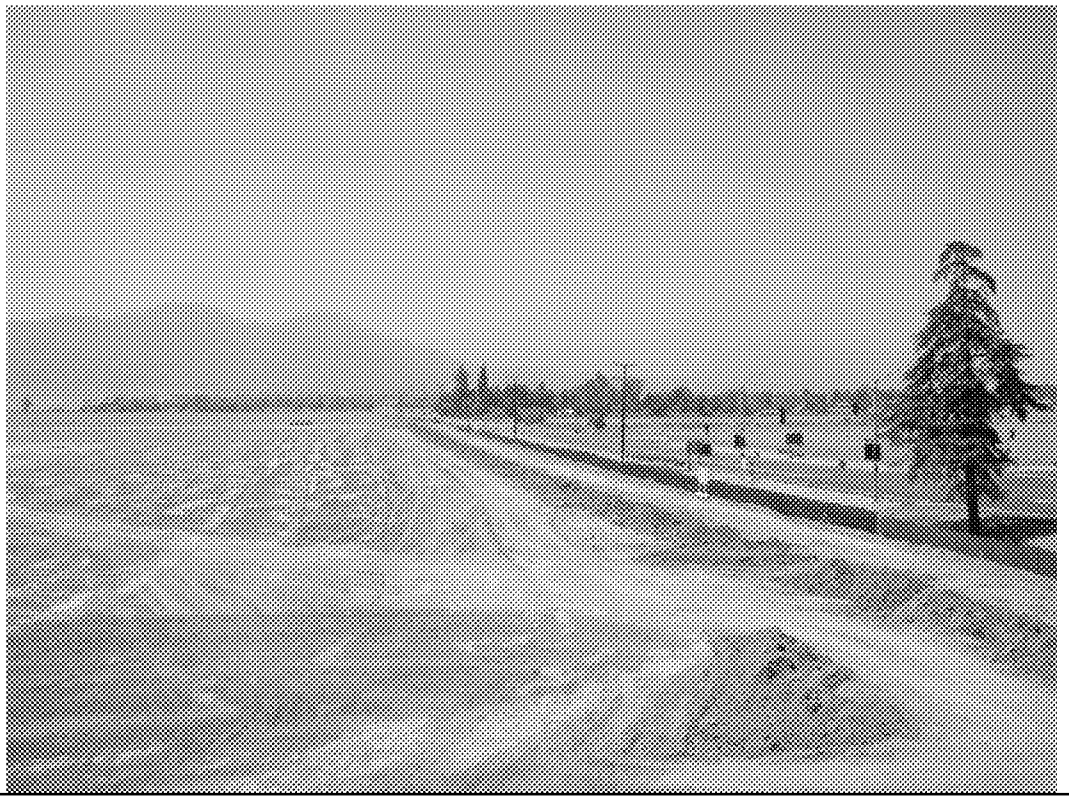

VIEW OF SUBJECT FROM EAST

VIEW OF PARCELS 2 & 3 FROM SOUTHEAST

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SUMMARY OF SALIENT FACTS

Property Name	Highland Fairview Corporate Park - Parcels 2-4	
Location	South of 60 Freeway between Redlands Boulevard & Theodore Street, Moreno Valley, Riverside County, CA 92555	
Assessor's Parcel Number	Multiple	
Highest and Best Use		
As If Vacant	Industrial - Commercial	
As Improved	N/A	
Property Rights Appraised	Fee Simple Estate	
Land Area - Net		
Parcel 2	22.40 AC	975,744 SF
Parcel 3	12.90 AC	561,924 SF
Parcel 4	7.20 AC	313,632 SF
Estimated Exposure Time	6 Months	

CONCLUDED MARKET VALUE

Appraisal Premise	Interest Appraised	Date of Value	Value
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
Parcel 4 (7.2 acres)	Fee Simple Estate	July 27, 2010	$2,020,000
Upon Completion of Street Improvements			
Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
Parcel 3 (12.9 acres)	Fee Simple Estate	March 1, 2011	$5,060,000
Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000

Compiled by CBRE

SPECIAL ASSUMPTIONS

1. The gross and net site areas used in this report are based on figures from Tentative Parcel Map No. 35629, which is included in the Addenda and information provided by the owners. It is our understanding that this map will be recorded on August 24, 2010.

TABLE OF CONTENTS

CERTIFICATION OF THE APPRAISAL i
SUBJECT PHOTOGRAPHS ii
SUMMARY OF SALIENT FACTS iv
TABLE OF CONTENTS v
INTRODUCTION 1
AREA ANALYSIS 5
NEIGHBORHOOD ANALYSIS 19
MARKET ANALYSIS 23
SITE ANALYSIS 30
ZONING 33
TAX AND ASSESSMENT DATA 34
HIGHEST AND BEST USE 35
APPRAISAL METHODOLOGY 37
LAND VALUE 38
ASSUMPTIONS AND LIMITING CONDITIONS 49

ADDENDA
A Glossary of Terms
B Additional Subject Photographs
C Comparable Land Sales - Commercial
D Comparable Land Sales - Industrial
E Tentative Tract Map
F Land Improvement Costs
G Qualifications

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INTRODUCTION

PROPERTY IDENTIFICATION

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

OWNERSHIP AND PROPERTY HISTORY

According to our review of public records and information provided by the owners, title to the parcels that are included in this report is currently vested in entities that are affiliates of Highland Fairview, the developer of the Skechers building. Parcels 2 and 3 are owned by Westcoast Properties Partners, a California General Partnership. Parcel 4 is owned by HF Educational Partners, a Delaware General Partnership. The sites have been under the current ownership for several years.

PREMISE OF THE APPRAISAL

The following table illustrates the various dates associated with the valuation of the subject, the valuation premises and the rights appraised for each premise/date:

PREMISE OF THE APPRAISAL		
Item	Date	Interest Appraised
Date of Report:	July 30, 2010	
Date of Inspection:	July 27, 2010	
Date of Value As Is:	July 27, 2010	Fee Simple Estate
Compiled by CBRE		

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the subject property. The current economic definition of market value agreed upon by agencies that regulate federal financial institutions in the U.S. (and used herein) is as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and

assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. [1]

TERMS AND DEFINITIONS

The Glossary of Terms in the Addenda provides definitions for additional terms that are, and may be used in this appraisal.

INTENDED USE AND USER OF REPORT

This report is intended for use by the client for internal purposes.

SCOPE OF WORK

The scope of the assignment relates to the extent and manner in which research is conducted, data is gathered and analysis is applied, all based upon the following problem-identifying factors stated elsewhere in this report:

- Client
- Intended use
- Intended user
- Type of opinion
- Effective date of opinion
- Relevant characteristics about the subject
- Assignment conditions

This appraisal of the subject has been presented in the form of a Self-Contained Appraisal Report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of USPAP. That is, this report incorporates, to the fullest extent possible, practical explanation of the data, reasoning and analysis that were used to develop the opinion of value. This report also includes thorough descriptions of the subject and the market for the property type. CBRE completed the following steps for this assignment:

[1] Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

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Extent to Which the Property is Identified

CBRE collected the relevant information about the subject from the owner (or representatives), public records and through an inspection of the subject. The property was legally identified through its postal address, assessor's records, legal description and title report.

Extent to Which the Property is Inspected

CBRE inspected the subject, as well as its surrounding environs on the effective date of appraisal.

Type and Extent of the Data Researched

CBRE reviewed the micro and/or macro market environments with respect to physical and economic factors relevant to the valuation process. This process included interviews with regional and/or local market participants, available published data, and other various resources. CBRE also conducted regional and/or local research with respect to applicable tax data, zoning requirements, flood zone status, demographics, income and expense data, and comparable listing and sale information.

Type and Extent of Analysis Applied

CBRE analyzed the data gathered through the use of appropriate and accepted appraisal methodology to arrive at a probable value indication via each applicable approach to value. Approaches to value used include cost, sales and income. The steps required to complete each approach are discussed in the methodology section. CBRE then correlated and reconciled the results into a reasonable and defensible value conclusion, as defined herein. A reasonable exposure time and marketing time associated with the value estimate presented has also been concluded.

EXPOSURE/MARKETING TIME

Current appraisal guidelines require an estimate of a reasonable time period in which the subject could be brought to market and sold. This reasonable time frame can either be examined historically or prospectively. In a historical analysis, this is referred to as exposure time. Exposure time always precedes the date of value, with the underlying premise being the time a property would have been on the market prior to the date of value, such that it would sell at its appraised value as of the date of value. On a prospective basis, the term marketing time is most often used. The exposure/marketing time is a function of price, time, and use. It is not an isolated estimate of time alone.

EXPOSURE TIME INFORMATION		
	Exposure Time (Months)	
Investment Type	Range	Average
Comparable Sales Data	3.0 - 28.0	6.8
CBRE Warehouse/Distribution		
Class A	3.0 - 12.0	5.5
Class B	4.0 - 12.0	7.8
Class C	4.0 - 12.0	7.6
Korpacz Warehouse		
National Data	3.0 - 18.0	9.3
Local Market Professionals	3.0 - 9.0	6.0
CBRE Estimate	**6 Months**	
Source: CBRE National Investor Survey & Korpacz Real Estate Investor Survey		

CBRE has concluded an exposure/marketing time of 6 months to be reasonable for the subject. This exposure/marketing time reflects current economic conditions, current real estate investment market conditions, the terms and availability of financing for real estate acquisitions, and property and market-specific factors. It assumes that the subject is (or has been) actively and professionally marketed. The marketing/exposure time would apply to all valuation premises included in this report.

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AREA ANALYSIS

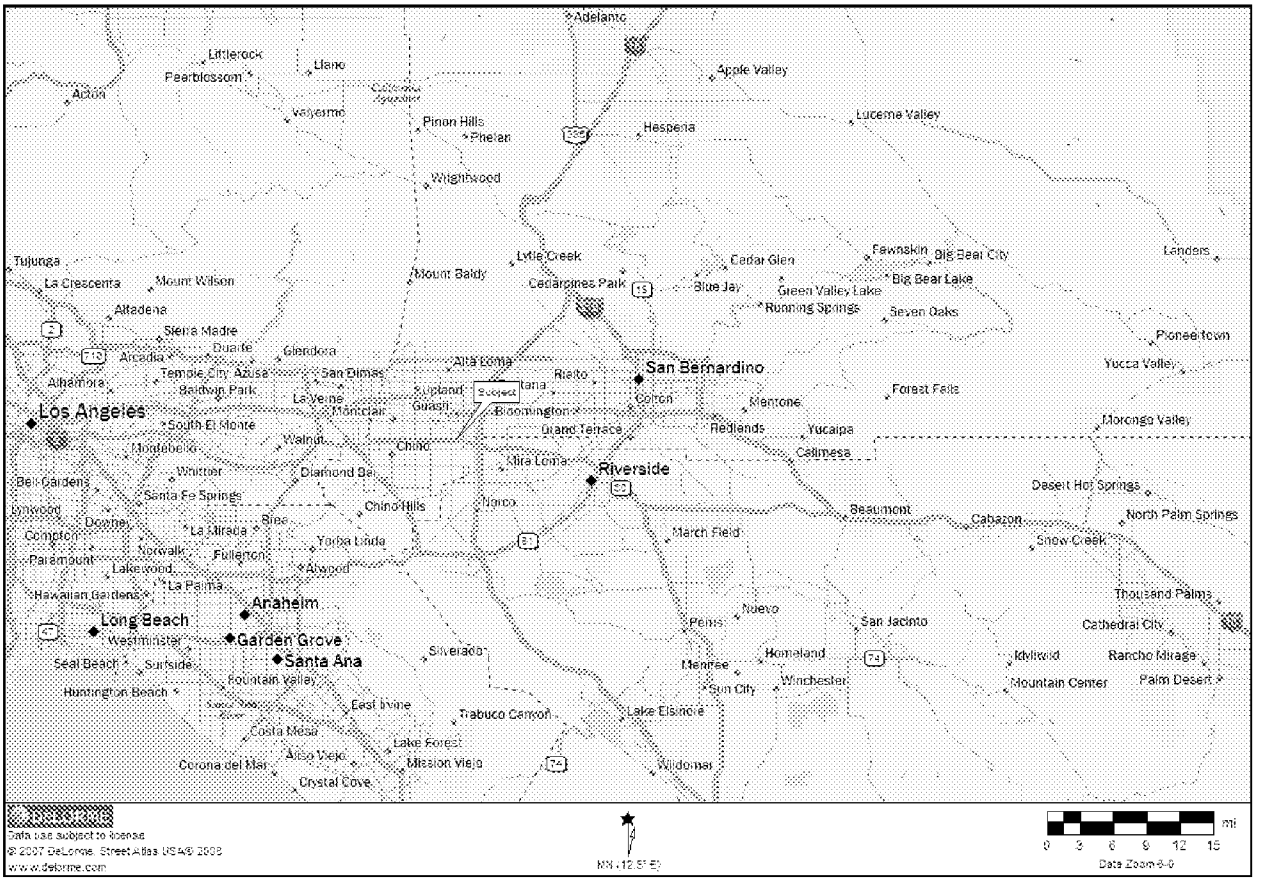

REGIONAL (COUNTY) INFLUENCES

Location

The subject is located in the Rancho Belago district of the city of Moreno Valley within Riverside County, California. The San Bernardino/Riverside County area (Inland Empire) is located in the southern portion of the state. A regional map indicating the location of the subject is presented on the previous page.

Population/Demographics

The Inland Empire represents approximately 11 percent of California's population. The population of the Inland Empire is estimated by Claritas to be 4,216,852 for 2009. The county's population is expected to reach approximately 4,808,880 by the year 2014 for an annual growth rate of 2.66 percent.

Demographic statistics for the Inland Empire are shown in the following table.

SELECTED METROPOLITAN DEMOGRAPHICS			
	Riverside County	San Bernardino County	Total Inland Empire
Population			
2014 Projection	2,513,707	2,295,173	4,808,880
2009 Estimate	2,149,382	2,067,470	4,216,852
2000 Census	1,545,387	1,709,434	3,254,821
1990 Census	1,170,413	1,418,380	2,588,793
2009 - 2014 % Change	17.0%	11.0%	14.0%
2000 - 2009 % Change	39.1%	20.9%	29.6%
1990 - 2000 % Change	32.0%	20.5%	25.7%
Households			
2014 Projection	677,480	792,521	1,470,001
2009 Estimate	617,191	684,200	1,301,391
2000 Census	528,594	506,218	1,034,812
1990 Census	464,737	402,067	866,804
2009 - 2014 % Change	9.8%	15.8%	13.0%
2000 - 2009 % Change	16.8%	35.2%	25.8%
1990 - 2000 % Change	13.7%	25.9%	19.4%
2009 Median Household Income	$55,504	$57,241	$56,373
2009 Average Household Income	$70,589	$74,896	$72,743
Source: Claritas			

The population increases in San Bernardino and Riverside counties were primarily due to a spillover from Los Angeles and Orange counties. However, more recent and projected growth is attributed to an internal expansion and diversification of the counties' employment base. This development of employment opportunities has enabled the individual counties to develop as quasi-independent economic centers. This is reflected in regional economic data, which indicates that the Inland Empire has been leading the region in terms of new job creation.

Education

College campuses in San Bernardino County include Cal State University San Bernardino, Chaffey College, Loma Linda University, and University of Redlands. Major colleges in Riverside County include the University of California Riverside, which is building a satellite campus in the Coachella Valley, California State University in Palm Desert, College of the Desert, and Riverside Community College.

Economic Forces

General Economic Overview

California has historically been the dominant economic state in the Western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the

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economic cycles. The State of California, Southern California region, and Los Angeles County economies are all expected to contract in 2010. Strong growth is not projected until 2011 or later. The future impact on commercial and residential real estate is unknown, which is impacting current investment decisions. Specific locations within the region are experiencing varying levels of decline and these adverse economic conditions have been considered.

Development in the Inland Empire reflects a continuing suburbanization of the Southern California region. It has occurred as a direct result of increasing urbanization and associated high business costs (including real estate) in Los Angeles and Orange counties. Large-scale growth in the Inland Empire began in the 1970s as the area developed as a series of affordable housing communities serving the adjoining employment centers. The construction of housing was facilitated by low land costs and pro-growth local governments. The increased population base supported growth in retail trade and services.

The expanding population and economic base in the Southern California region, coupled with a lack of developable land, also resulted in significant new industrial development in the Inland Empire. This development consists primarily of warehouse/distribution buildings, with limited manufacturing. Development of warehouse/distribution buildings in the Inland Empire is attractive due to its good transportation infrastructure (both vehicular and rail) and its central location relative to serving the Southern California region and the western United States. Similar to residential land uses, new industrial development was also facilitated by low land costs and pro-growth local governments.

Historical Inland Empire Employment

In order to determine economic trends in the Inland Empire, we reviewed employment estimates published by the State of California Employment Development Department (EDD). A summary of historical average annual employment figures in the Inland Empire, by sector for 1990 through 2009, is shown in the table on the following pages.

In 2005 the Employment Development Department (EDD) began implementing a new labor force data methodology. The revised methodology includes new time-series estimating models, improved estimation of new and reentrants into the labor force, and newly-defined Metropolitan Statistical Areas (MSAs).

Employment in the Inland Empire has steadily increased, reflecting a compound annual job growth rate of 2.22 percent over the past 19 years (31,915 new jobs per year). Employment growth has occurred continually despite recessionary periods experienced by the Southern California region in the 1990's and the early 2000 years. The Inland Empire's improving employment is reflective of its consistent economic development and increases in population.

Over the last 19 years, employment sectors that noticeably outperformed total employment growth include: Trade, Transportation and Utilities at 5.6 percent and Professional and Business Services at

3.8 percent per year. Total farm, mining and federal government have shown slight decreases. More recently, the Construction sector within Goods Producing has dropped 33.6 percent from 2008 and the overall Goods Producing Industry has declined 24.9 percent. The decrease in employment within this industry is a reflection of the continued decline in residential and commercial expansion in the Inland Empire region. Overall employment in the Inland Empire showed a moderate decline from the previous year, with a decrease in 49,100 jobs year-over-year.

HISTORICAL EMPLOYMENT TRENDS
Riverside - San Bernardino Metropolitan Statistical Area

Title	1990	2000	2008	2009	2008 % of Total	2009 % of Total	Annual Growth 2008-2009 Total	Annual Growth 2008-2009 %	Compounded Annual Growth 1990-2009 Avg.	Compounded Annual Growth 1990-2009 %
Civilian Labor Force	1,172,400	1,419,400	1,827,900	1,778,800	-				-	-
Civilian Employment	1,097,900	1,347,500	1,662,400	1,530,400	-				-	-
Civilian Unemployment	74,500	71,900	165,500	248,400	-				-	-
Change in Total Employment	-	37.4%	-2.2%	-7.6%	-				-	-
Total, All Industries	735,200	1,010,100	1,257,100	1,161,100	100.0%	100.0%	-96,000	-7.6%	22,416	2.4%
Total Farm	22,600	21,700	14,800	16,300	1.2%	1.4%	1,500	10.1%	-332	-1.7%
Total Nonfarm	712,600	988,400	1,242,300	1,144,800	98.8%	98.6%	-97,500	-7.8%	22,747	2.5%
Goods Producing	138,000	201,500	210,700	158,200	16.8%	13.6%	-52,500	-24.9%	1,063	0.7%
Mining	1,400	1,300	1,400	900	0.1%	0.1%	-500	-35.7%	-26	-2.3%
Construction	58,800	80,100	98,300	65,300	7.8%	5.6%	-33,000	-33.6%	342	0.6%
Manufacturing	77,900	120,100	111,000	92,000	8.8%	7.9%	-19,000	-17.1%	742	0.9%
Service Providing	574,600	786,900	1,031,600	986,600	82.1%	85.0%	-45,000	-4.4%	21,684	2.9%
Transportation & Public Utilities	24,000	46,400	67,700	67,700	5.4%	5.8%	0	0.0%	2,300	5.6%
Wholesale Trade	24,400	38,300	56,100	51,400	4.5%	4.4%	-4,700	-8.4%	1,421	4.0%
Retail Trade	99,200	127,400	168,800	159,000	13.4%	13.7%	-9,800	-5.8%	3,147	2.5%
Finance & Insurance	21,300	20,600	28,500	26,000	2.3%	2.2%	-2,500	-8.8%	247	1.1%
Real Estate and Rental and Leasing	11,700	14,200	18,200	17,300	1.4%	1.5%	-900	-4.9%	295	2.1%
Professional and Business Services	62,800	97,000	146,300	128,300	11.6%	11.0%	-18,000	-12.3%	3,447	3.8%
Government	150,200	192,100	227,200	226,600	18.1%	19.5%	-600	-0.3%	4,021	2.2%
Federal Government	21,600	18,200	20,500	19,800	1.6%	1.7%	-700	-3.4%	-95	-0.5%
State Government	18,900	24,600	28,200	29,900	2.2%	2.6%	1,700	6.0%	579	2.4%
Local Government	109,700	149,300	178,500	176,900	14.2%	15.2%	-1,600	-0.9%	3,537	2.5%

Source: California Employment Development Department

County Employment

The Riverside-San Bernardino MSA unemployment rate was 14.4 percent in June 2010, up from the revised 13.9 percent in May 2010 and above the estimate of 13.6 percent in June 2009. This compares to the State's average of 12.2 percent and the national rate 9.6 percent. Year-over total non-farm employment in Riverside and San Bernardino counties declined by 32,200 jobs from 1,138,800 in June 2009 to 1,106,600 in June 2010, a growth rate of -2.8 percent. Construction, retail, manufacturing, financial activities and trade, transportation and utilities had the greatest decline in employment over the past year.

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In addition to the growing pool of available workers, the SMSA has a wide range of skill levels coming from the influx of homebuyers. The following table outlines the profile of the work force by employment sector.

RIVERSIDE - SAN BERNARDINO MSA
WORK FORCE
JUNE 2010

Industry	Number Employed (in thousands)	Percent Employed
All Industries	1,127.3	100.0
Total Agriculture	20.7	1.8
Non-Agriculture Industries	1,106.6	98.2
Goods Producing	145.3	12.9
Mining	1.2	0.1
Construction	58.8	5.2
Manufacturing – Total	85.3	7.6
Nondurable Goods	29.0	2.6
Durable Goods	56.3	5.0
Service Providing – Total	961.3	85.3
Trade Transportation and Utilities	262.9	23.3
Information	14.4	1.3
Financial Activities	41.8	3.7
Professional and Business Services	124.8	11.1
Education and Health Services	132.1	11.7
Leisure and Hospitality	119.9	10.6
Other Services	36.3	3.2
Government	229.1	20.3

Source: California EDD

The most influential aspect of the above breakdown is that it illustrates the diversity in the regional labor force. The entire Los Angeles metropolitan area, including the Inland Empire, has a very diverse economic makeup that has buffered Southern California's economy from cyclical fluctuations in particular industries such as defense and energy. The impact of this is a relatively strong real estate investment market, from local, national, and international concerns. The economic makeup developing in the subject's region is following a similar pattern.

For the long term, Riverside and San Bernardino Counties will continue to be bedroom communities and an exporter of employees. The area's attractive climate and surroundings are expected to continue to attract home price conscious employees and retirees alike.

Unemployment Trends

The following table summarizes the average annual unemployment rates for the Inland Empire from 1990.

INLAND EMPIRE UNEMPLOYMENT RATES 1990 - JUNE 2010

Year	Unemployment Rate
1990	6.4%
1991	9.1%
1992	10.7%
1993	11.0%
1994	9.6%
1995	8.6%
1996	7.9%
1997	7.0%
1998	6.1%
1999	5.2%
2000	5.1%
2001	5.3%
2002	6.3%
2003	6.4%
2004	5.9%
2005	5.3%
2006	4.9%
2007	5.9%
2008	10.3%
2009	14.1%
June 2010	14.4%

Source: California Employment Development Department

As shown, the unemployment rate increased between 1990 and 1993 due to a recession. The unemployment rate declined from 1994 to 1999 as the regional economy expanded. It increased moderately in 2002, and maintained that level in 2003, due to lingering effects of the national recession as well as continued growth in the labor force. It declined significantly in 2004, and maintained the same level in 2005. Unemployment decreased to 4.9 percent in 2006, and rose to 5.9 percent in 2007. In 2008, the unemployment rate rose significantly to 10.3 percent and again in 2009 to 14.1 percent due to a slowing economy. As of June 2010, the unemployment rate has continued to increase to a rate of 14.4 percent.

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Largest Employers

A list of the largest employers in the Inland Empire, compiled by the Inland Empire Business Journal in the 2010 Book of Lists and CB Richard Ellis, Inc. is presented in the two following tables.

MAJOR EMPLOYERS
Riverside County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of Riverside	18,456	18,456	County Government
2	March Aire Reserve Base	8,600	8,600	Military
3	U.C. Riverside	7,321	7,321	University
4	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
5	Wal-Mart Stores, Inc	6,550	1,900,000	Retail
6	Riverside Unified School District	5,099	5,099	Education
7	Abbott Vascular	4,500	65,000	Health Care
8	Pechanga Resort and Casino	4,000	4,000	Casino/Resort
9	Kaiser Permanente Riverside Medical Center	3,600	149,000	Health Care
10	Temecula Valley Unified School District	2,752	2,752	Education
11	City of Riverside	2,700	2,700	City Government
12	Hemet Unified School District	2,590	2,590	Education
13	Riverside County Regional Medical Center	2,400	N/A	Health Care
14	Eisenhower Medical Center	2,223	2,223	Health Care
15	Morongo Casino, Resort and Spa	2,148	2,148	Casino/Resort
16	Palm Springs Unified School District	2,135	2,135	Education
17	Alvord Unified School District	2,100	2,100	Education
18	Desert Regional Medical Center	1,900	N/A	Health Care
19	Riverside County Office of Education	1,800	1,800	Education
20	Murrieta Valley Unified School District	1,777	1,900	Education

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

MAJOR EMPLOYERS
San Bernardino County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of San Bernardino	18,000	18,000	County Government
2	U.S. Marine Corps Air Ground Combat Center	12,486	12,486	Military
3	U.S. Army, Fort Irwin & National Training Center	10,000	10,000	Military
4	San Bernardino City Unified School District	7,722	7,722	Education
5	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
6	Wal-Mart Stores, Inc.	6,125	1,900,000	Retail
7	Kasier Permanente	5,808	5,808	Health Care
8	UPS	4,990	407,200	Parcel Shipment
9	Fontana Unified School District	4,808	4,808	Education
10	Target Corporation	4,800	350,000	Retail
11	Colton Joint Unified School District	3,737	3,737	Education
12	San Manuel Band of Mission Indians	3,691	3,691	Casino/Resort
13	Loma Linda University	3,000	3,000	University
14	Chino Valley Unified School District	2,815	2,815	Education
15	Cardenas Markets, Inc.	2,500	2,500	Grocery/Retailer
16	VA Loma Linda Healthcare System	2,268	2,436	Health Care
17	Ontario-Montclair School District	2,239	2,239	Education
18	Arrowhead Regional Medical Center	2,231	3,100	Health Care
19	Marine Corps Logistics Base	2,200	2,200	Military
20	University of Redlands	2,128	2,128	University

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

Environmental Forces

Land Use/Development Trends

The Inland Empire originally developed as a residential bedroom community serving employment centers in Los Angeles and Orange counties. As a result, most early development paralleled the San Bernardino, Pomona, and Corona freeways. Residents were drawn to the area by the availability of affordable housing. With the existing network of freeways serving the Southern California region, access to most employment centers was easily facilitated. The western portion of San Bernardino County was the first area to experience significant residential development. This included the cities and communities of Montclair, Upland, Chino, and Ontario. With the rapid expansion of the Southern California economy in the 1980s, residential development in the Inland Empire continued its expansion along existing freeways. Residential development followed an easterly path, to the cities of Rancho Cucamonga and Fontana. More significantly, increased development occurred along the Riverside Freeway in the cities and communities of Corona, La Sierra, Arlington, and Moreno Valley. To a lesser extent, residential development moved northward along the Ontario Freeway to the cities of Victorville, Apple Valley, and Hesperia in the High Desert region and farther eastward in the Low Desert region near Palm Springs and Cathedral City. Provided in the following pages is a more detailed discussion of the housing, retail, industrial and office land uses in this region.

County Housing

The single most likely factor that will continue to fuel the population growth in Riverside and San Bernardino Counties is its housing affordability compared to other nearby counties. The following table compares San Bernardino and Riverside Counties with neighboring counties for the median price and number sold for all homes, and the percentage changes, as of June 2010.

	NO. SOLD – ALL HOMES			MEDIAN PRICE - ALL HOMES		
	June 2009	June 2010	Percent Change	June 2009	June 2010	Percent Change
Los Angeles	7,636	7,849	2.80%	$320,000	$335,000	4.70%
Orange	2,958	3,423	15.70%	$418,000	$445,000	6.50%
San Diego	3,692	3,885	5.20%	$314,250	$335,500	6.80%
Riverside	4,694	4,645	-1.00%	$185,000	$210,000	13.50%
San Bernardino	3,438	3,179	-7.50%	$140,000	$160,000	14.30%
Ventura	844	890	5.50%	$365,000	$384,000	5.20%
Southern California	23,262	23,871	2.60%	$265,000	$300,000	13.20%

Source: DataQuick
Complied by: CB Richard Ellis, Inc.

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The totals for home sales include new and resale houses and condominiums. The price changes reflect shifts in market mix as well as changes in price. The reported median prices have been rounded to the nearest thousand and do not always correspond to the precise percentage change.

The data in the table above reflects an upward trend in sales volume in Southern California with an upward trend in home prices. According to DataQuick, a total of 23,871 homes were sold in Southern California during June, an increase of 2.60 percent from the year before, and the median price was $300,000, a 13.50 percent increase from last year.

Sales in Riverside County accounted for 19.46 percent of all southland sales. San Bernardino accounted for 13.32 percent of all southland sales. The median price paid for a home in Riverside County increased 13.50 percent to $210,000 and sales volume decreased by 1.00 percent to 4,645 units sold, compared to 4,694 units sold one year ago. The median price paid for a home in San Bernardino County was $160,000, up 14.30 percent from June 2009. Sales volume in San Bernardino County decreased by 7.50 percent to 3,179 units sold, compared to 3,438 units sold one year ago.

The table indicates that the Counties of San Bernardino and Riverside, collectively referred to as the Inland Empire, offer the most affordable housing in the Southern California area. These figures show that the primary reason San Bernardino and Riverside Counties receive demand from commuters that work in nearby counties is the lower cost of housing, even after considering commuting costs.

Building Permits

Presented in the following chart is a summary of total building permits from 1995 through 2009 (single-family and multi-family).

BUILDING PERMITS - SINGLE-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	5,400	5,663	6,803	3,852	1,954	4,736	28,408
1996	5,370	7,070	7,021	4,703	2,130	5,816	32,110
1997	6,788	8,219	8,678	5,124	2,071	8,338	39,218
1998	6,887	7,366	10,758	5,602	2,811	9,160	42,584
1999	7,858	7,686	12,659	6,593	3,662	9,993	48,451
2000	8,417	6,794	13,630	5,865	2,995	9,167	46,868
2001	8,184	5,925	16,556	6,825	3,157	9,312	49,959
2002	8,217	6,423	20,591	9,179	2,228	9,749	56,387
2003	10,217	5,565	25,137	10,820	2,342	9,455	63,536
2004	11,752	4,395	29,478	13,991	1,721	9,555	70,892
2005	11,911	4,058	29,994	15,305	2,593	7,904	71,765
2006	10,097	3,735	20,692	12,599	1,560	4,753	53,436
2007	7,509	2,182	9,763	6,239	736	3,503	29,932
2008	3,539	1,295	3,815	1,981	354	2,352	13,336
2009	2,095	1,335	3,386	1,430	209	1,785	10,240
Percent Change 2008 to 2009	-40.80%	3.09%	-11.25%	-27.81%	-40.96%	-24.11%	-23.22%
Average	7,616	5,181	14,597	7,341	2,035	7,039	43,808

Source: Real Estate and Construction Report

BUILDING PERMITS - MULTI-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	3,005	2,637	143	101	212	1,872	7,970
1996	3,237	3,137	478	311	223	1,052	8,438
1997	3,636	4,032	1,106	469	245	3,064	12,552
1998	4,805	2,735	1,735	511	371	3,013	13,170
1999	6,525	4,662	1,920	479	780	6,434	20,800
2000	8,654	5,573	1,780	715	976	6,760	24,458
2001	10,069	2,721	2,458	1,702	289	6,326	23,565
2002	11,147	5,597	2,073	1,437	279	5,989	26,522
2003	11,096	3,746	5,224	1,820	1,293	8,859	32,038
2004	15,183	4,927	4,748	4,479	882	7,751	37,970
2005	13,736	3,148	4,140	1,379	1,923	7,354	31,680
2006	16,251	4,636	4,519	1,273	901	6,024	33,604
2007	12,854	4,890	2,690	1,765	1,111	3,942	27,252
2008	10,165	1,864	2,104	1,201	488	2,802	18,624
2009	3,515	842	802	1,063	132	1,204	7,558
Percent Change 2008 to 2009	-65.42%	-54.83%	-61.88%	-11.49%	-72.95%	-57.03%	-59.42%
Average	8,925	3,676	2,395	1,247	674	4,830	21,747

Source: Real Estate and Construction Report

Total single-family building permits generally increased on an annual basis from 1995 through 2005 (they only declined in 2000), and then dropped precipitously in 2006 thru 2009. The year end figure for 2009 was 85 percent below the 2005 peak.

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Trends in multi-family building permits have fluctuated significantly. However, there has been a general upward trend from less than 10,000 units in the early time frame (1995 and 1996) versus 20,000 units or more from 1999 to 2007. Total multi-family permits have declined significantly within the last two years as the year end 2009 figure was 80 percent below 2004 peak.

Transportation

A well-integrated freeway system serves as the basis for surface transportation in the Inland Empire and Southern California region. The primary freeway serving the region is the San Bernardino Freeway (Interstate 10), a transcontinental highway connecting Los Angeles to the rest of the nation. Additional freeways include the Ontario Freeway (Interstate 15), connecting San Diego County and the Nevada State Line; Interstate 215, a north-south business loop connecting the San Bernardino and Ontario freeways; the Pomona Freeway (State Route 60), connecting the cities of Los Angeles and Riverside; the Moreno Freeway (State Route 60), an extension of the Pomona Freeway running between Riverside and Banning; and the Corona Expressway (State Route 71), connecting the Riverside Freeway (State Route 91), the Pomona Freeway (State Route 60), the San Bernardino Freeway (Interstate 10), and the Foothill Freeway (Interstate 210). The Foothill (210) Freeway now extends east from the city of La Verne to the 30 Freeway in the city of San Bernardino.

The Mid County Parkway project is a proposed 32-mile transportation corridor designed to relieve local and regional traffic congestion in the San Jacinto, Perris and Corona areas, and surrounding communities. The Mid County Parkway project began in 2004 with meetings and studies to analyze project impacts and to identify possible routes. The preferred route is known as Alternative 9, also called the Far South Alternative. This proposed route extends from Cajalco Road in Corona to Highway 79 in San Jacinto. The majority of this route parallels south of the Cajalco Expressway between I-15 and I-215 and then overlays the current Ramona Expressway route from I-215 to San Jacinto. Study findings on Alternative 9 and other Mid County Parkway alternatives were presented in a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) which was circulated for public review in early 2008.

Citing environmental concerns, opposition from residents and more pressing priorities, the Riverside County Transportation Commission's staff is proposing to scale back by half the 32-mile, $3 billion Mid-County Parkway. Rather than connecting San Jacinto and Corona, the shorter route will go no farther than San Jacinto-to-Interstate 215. The decision is also based on Riverside County improving Cajalco Road, which the County has wished to widen to four lanes from Perris to Corona and straighten so the curvy road is safer.

The Inland Empire is served by the Santa Fe and Southern Pacific railroads. These railroads act primarily in a freight hauling capacity, providing access between the ports of Los Angeles and Long Beach and the Inland Empire. Via the existing network of national rail lines, freight can be moved throughout the entire country.

Passenger rail service is available via MetroLink, a rail service that serves Southern California. Union Station in downtown Los Angeles is the hub. Service extends through the San Gabriel Valley and the western Inland Empire to the city of San Bernardino on the east. Stations serving the Inland Empire include Claremont, Montclair, Rancho Cucamonga, Rialto, and San Bernardino. Another MetroLink line extends east to the city of Riverside, with stops in the City of Industry, Ontario, and Riverside.

Ontario International Airport

A primary catalyst of growth in the Inland Empire is the Ontario International Airport. In 1998, a major expansion and renovation was completed. The airport now includes two passenger terminals with 35 gates that total 530,000 square feet (eight times larger than the former facility). It has a capacity to serve 10 million passengers annually, with plans for expansion to a third terminal when this threshold is achieved in consecutive years. Parking was increased by 4,900 spaces to the current level of 13,968 stalls. In 2009, 4.8 million passengers used the airport and 390,932 tons of air freight was shipped, which both numbers were down significantly from the numbers posted in 2007 and again in 2008. A summary of historical statistics for the airport are summarized in the following table.

ONTARIO INTERNATIONAL AIRPORT
PASSENGER AND AIR FREIGHT VOLUMES
1987-2009

	Passengers					
Year	**Departures**	**Arrivals**	**Total**	**Percent Change**	**Freight (Tons)**	**Percent Change**
1987	2,292,606	2,282,391	4,574,997		218,196	
1988	2,409,598	2,388,634	4,798,232	4.9%	286,411	31.3%
1989	2,661,026	2,638,237	5,299,263	10.4%	284,988	-0.5%
1990	2,717,968	2,702,367	5,420,335	2.3%	272,638	-4.3%
1991	2,906,405	2,885,413	5,791,818	6.9%	282,558	3.6%
1992	3,067,671	3,053,952	6,121,623	5.7%	306,973	8.6%
1993	3,105,181	3,086,854	6,192,035	1.2%	353,302	15.1%
1994	3,200,836	3,185,164	6,386,000	3.1%	379,911	7.5%
1995	3,210,582	3,194,515	6,405,097	0.3%	386,953	1.9%
1996	3,132,803	3,120,035	6,252,838	-2.4%	437,139	13.0%
1997	3,153,825	3,147,037	6,300,862	0.8%	461,747	5.6%
1998	3,212,487	3,222,371	6,434,858	2.1%	454,231	-1.6%
1999	3,268,661	3,309,344	6,578,005	2.2%	488,774	7.6%
2000	3,396,764	3,360,634	6,757,398	2.7%	511,758	4.7%
2001	3,354,400	3,348,000	6,702,400	-0.8%	462,758	-9.6%
2002	3,262,300	3,285,577	6,547,877	-2.3%	547,461	18.3%
2003	3,285,577	3,262,300	6,547,877	0.0%	571,892	4.5%
2004	3,462,361	3,473,352	6,935,713	5.9%	605,211	5.8%
2005	3,611,978	3,601,550	7,213,528	4.0%	575,369	-4.9%
2006	3,533,858	3,516,046	7,049,904	-2.3%	544,600	-5.3%
2007	3,607,184	3,599,966	7,207,150	2.2%	532,865	-2.2%
2008	3,112,112	3,120,649	6,232,761	-13.5%	481,284	-9.7%
2009	2,444,643	2,442,052	4,886,695	-21.6%	390,932	-18.8%
Compound Annual Growth 1987-2009				0.3%		2.7%

Source: Ontario International Airport

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As a result of the increasing regional population base, limited growth or a reduction in flights at other regional airports, and increased commercial and industrial development, both passenger and freight volume have increased significantly since 1987. Passenger volume declined in 2000 and 2001 due to the events of September 11, 2001. Passenger volume significantly increased in 2004, following three years of negative to limited growth. The 5.9 percent increase in passenger growth from 2003 also represents the largest increase in 13 years. The 2.3 percent decrease in 2006 was the first year of decreased passenger volume in four years. However, the largest decrease came in 2009 due to market conditions. The amount of annual freight volume, however, rose by 2.7 percent. Since 1987, the annual rate of growth in freight volume has generally outperformed the rate of growth in passenger volume. This reflects the Ontario Airport's growing appeal as a distribution center. Despite being overshadowed by Los Angeles International Airport, Ontario International Airport is ranked among the 100 busiest in the world. Ontario International Airport is currently served by 12 passenger airlines and 11 airfreight carriers. The United Parcel Service (UPS) operates a regional freight hub at the Ontario International Airport. The hub ships cargo weighing more than 150 pounds to cities across North America.

The city of Los Angeles and the Federal Aviation Administration (FAA) are projecting significant growth in demand for the Ontario airport, predicting that regional passenger demand will double, and air cargo demand will triple by 2030. The agencies are preparing a joint Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for the proposed expansion of the Ontario Airport to guide the development of the airport through 2030.

Governmental Forces

Recreation and Culture

The Inland Empire region has extensive public recreational facilities. There are numerous public golf courses and country clubs, with additional facilities planned and under construction. Also, the resort communities in Big Bear and Lake Arrowhead provide nature trails, hiking, snow skiing, water skiing, and many other outdoor activities. The low desert region (centered around Palm Springs) has several retirement and weekend resort communities.

One significant public facility is the Diamond Valley Lake, a 260-billion-gallon lake located just south of the city of Hemet. This facility was constructed by the Metropolitan Water District to double Southern California's surface water retention and provide six months worth of emergency storage. Camping, hiking, fishing and other outdoor activities are permitted at the lake.

Real Estate Taxes

In 1978, the residents of California voiced their opposition to increasing taxes through the legislative process. This major consumer "tax revolt" culminated in the passage of Proposition 13, also known as

the Jarvis-Gann Initiative, which was later made into law under the provisions of Article XIIIA of the California Tax and Revenue Code. In essence, Proposition 13 determined a maximum tax rate of one percent of market value plus an increment for pre-existing bonded indebtedness. The maximum allowable increase on property assessments, and hence taxes, was set at two percent per year, except when a property sells or undergoes major construction.

CONCLUSION

California has historically been the dominant economic state in the western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the economic cycles. The state of California, Southern California region, and Inland Empire economies all contracted in 2009. Resumed growth is not projected until 2011, or later. Specific locations within the region are experiencing varying levels of decline, and these adverse economic conditions have been considered in this analysis.

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NEIGHBORHOOD ANALYSIS

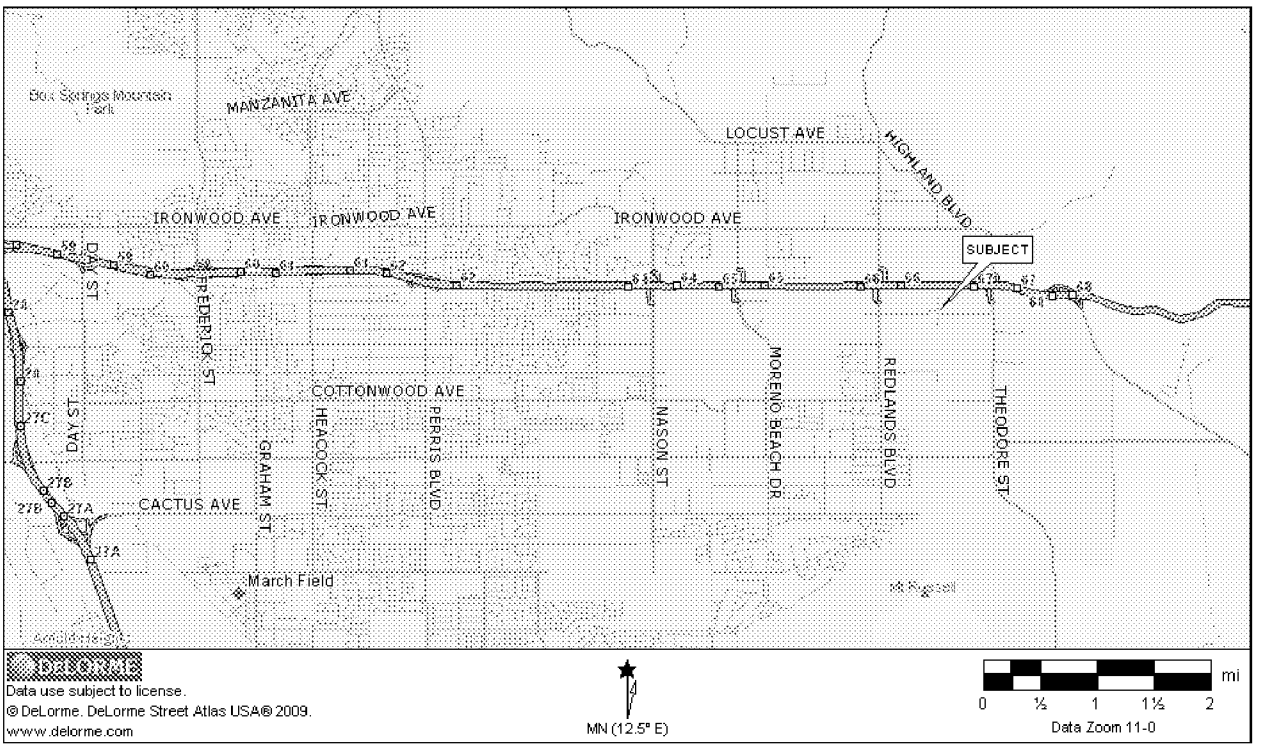

LOCATION

The neighborhood is located in the city of Moreno Valley. The city of Moreno Valley is located in the northwest portion of Riverside County. The city of Moreno Valley and the subject's immediate surroundings are discussed below. Please reference the subject's location in the surrounding neighborhood on the accompanying page.

CITY OF MORENO VALLEY

The city of Moreno Valley, located in the northwestern section of Riverside County, was incorporated in December of 1984. The city totals 50 square miles and is generally located at the juncture of the Moreno Valley Freeway (State Highway 60) and the Escondido Expressway (Interstate 215). The city is bordered by unincorporated portions of Riverside County on the north and east, by the Lake Perris State Recreational Area and the city of Perris to the south, and by the March Air Base Reserve and the city of Riverside to the west.

Government

Moreno Valley is a general law city. It is governed by a city council that is comprised of five elected officials. Public schools within the city are controlled by two separate districts: Moreno Valley Unified School District and the Val Verde Unified School District. Police services are provided by a contract between the city and Riverside County Sheriff's Department. Fire services are provided by the

Riverside County Fire Department through a contract with the California Department of Forestry. The city of Moreno Valley governs development/land use controls.

Transportation

Two freeways provide regional access to Moreno Valley: the Escondido Expressway (Interstate 215) and the Moreno Valley Freeway (Highway 60). Interstate 215 is a major north/south freeway that links the city to the San Bernardino Freeway (Interstate 10) to the north and to the Corona Freeway (Interstate 15) to the south. State Highway 60 runs through the northern portion of the city in an east/west direction. This freeway provides access to San Bernardino and Los Angeles Counties to the west, and to the Interstate 10 freeway to the east.

The city is also serviced by rail with freight stops within Moreno Valley. The Ontario International Airport provides commercial air transportation approximately 20 miles to the northwest.

RANCHO BELAGO

The subject property is located within the Rancho Belago district within the city of Moreno Valley. This district is located in the eastern portion of the city, with the following map depicting the general boundaries.

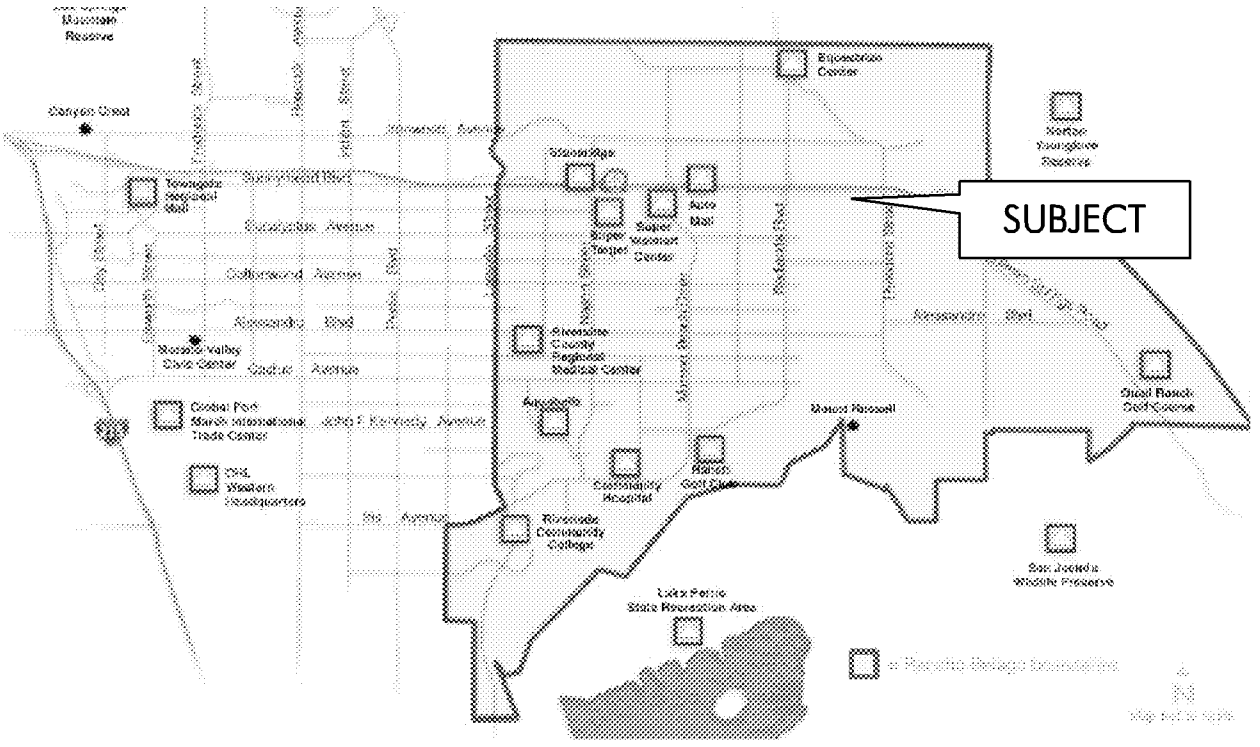

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Rancho Belago includes a current population of about 30,000 within 10,000 households. Included in the boundaries are the Riverside County Regional Medical Center, Moreno Valley Community Hospital, Moreno Valley Ranch Golf Club, Moreno Valley Auto Mall, and Stoneridge Towne Centre, which includes Super Target, Best Buy, Kohls and Wal-Mart.

IMMEDIATE SURROUNDINGS

The subject is located on the south side of the 60 Freeway, between Redlands Boulevard and Theodore Avenue in the eastern portion of the city. The immediate surrounding area is largely undeveloped, with the nearest housing development about one-half mile to the southwest across Redlands Boulevard. Scattered individual homes and vacant land are located to the east of Theodore Avenue. Across the freeway to the north is vacant land. Super Target, Wal-Mart and Kohls are located along the south side of the freeway within two miles to the west, adjacent to the Moreno Valley Auto Mall.

The subject parcels are located on the west and east sides of the Skechers distribution facility, which will be the largest building of its kind in the Inland Empire upon its completion in early 2011. The parcels are situated near the Redlands Boulevard and Theodore Street exits that will provide access to this facility

Access

The subject sites will have excellent access from the freeway at the Theodore Avenue and Redlands Boulevard exits. The 60 Freeway intersects the 215 Freeway within 8 miles to the west and connects with Interstate 10 in Beaumont within 10 miles to the east. Alessandro Boulevard is a major east-west route through the city that runs about one mile south of the subject, providing access to central Moreno Valley. Gilman Springs Road connects the area with San Jacinto and Hemet, within 15 miles to the southeast.

DEMOGRAPHICS

Selected neighborhood demographics in a one-, three-, and five-mile radius from the subject are shown in the following table:

SELECTED NEIGHBORHOOD DEMOGRAPHICS

	Radius 1.0	Radius 3.0	Radius 5.0
Population			
2014 Population	1,020	16,207	96,227
2009 Population	781	12,794	80,567
2000 Population	334	6,589	53,623
1990 Population	234	5,092	44,790
Growth 2009 - 2014	30.60%	26.68%	19.44%
Growth 2000 - 2009	133.83%	94.17%	50.25%
Growth 1990 - 2000	42.74%	29.40%	19.72%
Households			
2014 Households	297	4,844	25,445
2009 Households	228	3,834	21,543
2000 Households	99	1,959	14,656
1990 Households	69	1,496	12,906
Growth 2009 - 2014	30.26%	26.34%	18.11%
Growth 2000 - 2009	130.30%	95.71%	46.99%
Growth 1990 - 2000	43.48%	30.95%	13.56%
Income			
2009 Median HH Inc	$80,210	$78,491	$63,312
2009 Estimated Average Household Income	$97,085	$94,622	$73,167
2009 Estimated Per Capita Income	$28,861	$28,033	$19,711

Source: CBRE

CONCLUSION

The subject parcel locations along the freeway will provide excellent accessibility and exposure for the sites. The commercial zoned parcels are located at the freeway exits surrounding the new Skechers facility. As shown above, the surrounding Rancho Belago district has substantially higher income levels than the entire Riverside County and Inland Empire figures. The master-planned area surrounding the subject is expected to experience significant growth over the next five years.

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MARKET ANALYSIS

The subject parcels include commercial and light industrial zones that could accommodate a variety of retail, office or business park type properties. The following sections include a general overview of the Inland Empire trends from the second quarter CBRE MarketView reports.

Industrial Trends

Prior to becoming a bedroom community, the Inland Empire housed only large, relatively undesirable, manufacturing plants such as Kaiser Steel. In the 1980s, large warehouse/distribution buildings dominated new industrial development. Most of this new construction occurred near the intersection of the San Bernardino and Ontario Freeways, just east of the Ontario International Airport. These trends continued in the second half of the 1990's and into the 2000's as a substantial amount of distribution space has been completed since 1995. The Inland Empire was able to meet this demand due to the availability of relatively inexpensive land and the area's excellent air freight and surface access (both vehicular and rail). Its location in the eastern section of development in the Southern California region also allowed for both good regional and national access.

Based on statistics in the second quarter 2010 Market View, prepared by CB Richard Ellis, Inc., the Inland Empire Industrial Market consists of two distinct markets: Inland Empire East and Inland Empire West. The Inland Empire East region is the smaller of the two submarkets, containing 156,374,580 square feet and accounting for 39.32% of the industrial space in the Inland Empire region. Combined the two markets contain 397,667,625 square feet. The growth of the industrial base for the Inland Empire region has generally been on an upward trend over the last three years. The rapid growth of the industrial market is due to the substantial availability of vacant land in the Inland Empire, the lower land prices relative to Los Angeles County, improving distribution systems out of the ports of Los Angeles and Long Beach, as well as the region's proximity to the Ontario International Airport. The Inland Empire region currently has 243,000 square feet of space under construction.

As of the second quarter 2010, approximately 29,268,084 square feet was vacant, indicating a vacancy rate of 7.40%. As the vacancy rate decreased from the previous quarter, net absorption showed a positive 3,564,516 square feet of vacant space was absorbed. The availability rate, which includes space available for sale/lease that is not vacant, is at 15.70%, decreasing from 15.90% the previous quarter. The second quarter 2010 gross lease and sale activity totaled approximately 8.10 million square feet, which is up from the 6.83 million square feet from the previous quarter. Year end gross activity figures for the past seven years were 23.4, 19.8, 28.7, 32.5, 34.8, 32.5, and 26.9 million square feet, for 2009, 2008, 2007, 2006, 2005, 2004, and 2003, respectively.

The Inland Empire Market Trends Forecast from the CBRE-EA Summer 2010 Outlook includes historical trends and projections for 2010 and beyond. The underlying source data is from the first quarter of 2010.

INLAND EMPIRE INDUSTRIAL MARKET						
Year	Stock (SF x 1000)	Completions (SF x 1000)	Vacancy Rate (%)	Net Absorption (SF x 1,000)	TWR Rent Index ($/SF/Mo)	TWR Rent Inflation (%)
1990	191,273	14,888	17.7%	6,906	$0.33	-5.7%
1991	196,046	4,773	17.3%	4,778	$0.31	-5.8%
1992	198,773	2,727	15.8%	5,131	$0.31	-1.6%
1993	200,095	1,322	13.0%	6,838	$0.31	-0.3%
1994	201,299	1,204	10.7%	5,641	$0.31	-0.8%
1995	208,666	7,367	9.0%	10,089	$0.31	1.6%
1996	215,138	6,472	9.0%	5,916	$0.32	4.3%
1997	225,009	9,871	8.6%	9,763	$0.36	9.5%
1998	234,694	9,685	8.9%	8,208	$0.38	7.7%
1999	250,640	15,946	9.3%	13,404	$0.42	10.0%
2000	272,764	22,124	8.2%	23,123	$0.47	11.9%
2001	292,347	19,583	10.9%	10,099	$0.47	0.0%
2002	307,337	14,990	9.9%	16,262	$0.44	-6.9%
2003	320,216	12,879	8.3%	16,740	$0.45	2.7%
2004	336,451	16,235	6.9%	19,724	$0.47	5.2%
2005	354,760	18,309	6.0%	20,210	$0.51	8.6%
2006	387,204	32,444	7.7%	23,719	$0.58	12.8%
2007	407,697	20,493	9.2%	12,776	$0.62	6.9%
2008	434,096	26,399	14.8%	(230)	$0.56	-9.7%
2009	438,138	4,042	15.8%	(920)	$0.42	-25.1%
2010	*440,176*	*2,038*	*15.9%*	*1,476*	*$0.37*	*-12.7%*
2011	*443,568*	*3,393*	*15.4%*	*5,155*	*$0.38*	*2.5%*
2012	*445,658*	*2,089*	*14.1%*	*7,330*	*$0.42*	*10.9%*
2013	*448,252*	*2,595*	*12.7%*	*8,551*	*$0.47*	*12.0%*
2014	*452,796*	*4,544*	*11.7%*	*8,291*	*$0.51*	*10.2%*
2015	*459,761*	*6,965*	*11.4%*	*7,848*	*$0.55*	*7.6%*

Source: TWR Outlook Summer 2010

Statistics from the CBRE – MarketView reports from 2nd quarter 2010 are summarized in the following chart.

Submarket	Rentable Area	Vacancy Rate %	Net Absorption SF	Under Construction SF	Average Asking Lease Rate	Availability Rate %
Inland Empire East	156,374,580	11.1%	820,996	190,000	$0.33	18.7%
Inland Empire West	241,293,045	4.9%	2,743,520	53,000	$0.35	13.5%
Market Total	**397,667,625**	**7.4%**	**3,564,516**	**243,000**	**$0.34**	**15.7%**

As indicated above, the Inland Empire West submarket features a significantly lower vacancy rate than the Inland Empire East submarket. This is the result of the Inland Empire West submarket including the cities of Ontario, Rancho Cucamonga, Fontana, Mira Loma and Chino, which are the closest to Los Angeles County and the Ports of Los Angeles and are therefore more desirable in the market.

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The overall Inland Empire vacancy rate decreased to 7.4%, denoting a 13% decline from the first quarter's rate of 8.5%. Both the Inland Empire East and West recorded lowered vacancy levels. The Inland Empire East submarket vacancy decreased from 12.2% in the previous quarter to 11.1% this quarter. In the Inland Empire West submarket, the vacancy rate now stands at 4.9%, representing a 20% decline from 6.1% recorded in the first quarter 2010.

The overall Inland Empire availability rate experienced a minimal decline of less than 2% this quarter, dropping to a rate of 15.7%. The Inland Empire East availability rate decreased to 18.7%, while the availability rate in the Inland Empire West increased from 13.3% in the previous quarter to 13.8% this quarter.

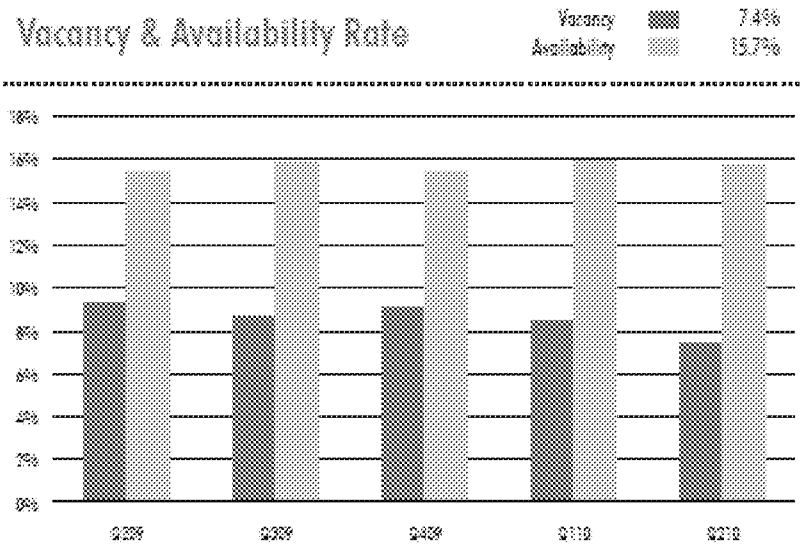

Retail Trends

The Inland Empire retail market continues to struggle while the rest of Nation is experiencing a "recovery". Over the past year, the Inland Empire region faced one of the worst-ever economic crisis due to the high volume of foreclosures and plummeting home values. Moving forward into the second quarter of 2010, optimism can be felt as signs of increased trade volumes and improvements in the housing market are being witnessed. As with the first quarter, news of improved home values coupled with reports of employment growth appear to be evidence that while the region's economy is on a slow, steady path to a full recovery, the worst is officially behind us.

Quick Stats

	Current	Change from last Yr.	Change from last Qtr.
Vacancy	11.7%	↓	↑
Lease Rates	$2.12	↓	↔
Net Absorption*	(36,811)	↑	↓
Construction	0 SF	↓	↓

* The arrows are trend indicators over the specified time period and do not represent a positive or negative value. (e.g., absorption could be negative, but still represent a positive trend over a specified period.)

Hot Topics

- New housing incentives for buyers and lenders are expected to help decrease the number of foreclosure reporting's and help the region's housing economy to stabilize.
- Overall unemployment rate continues to decrease. Second quarter 2010 ends with a rate of 13.9 percent in the Inland Empire.
- Average asking lease rates remained stable for the third quarter in a row and ended with a rate of $2.12 per square foot per month.

According to the U.S. Commerce Department, total retail sales in the month of May saw a 1.2% decline over April – still, this represents a 6.3% year-over-year increase. Despite the drop of sales from the prior month, retail sales in some sectors did report slight increases, including furniture and home furnishing stores which increased 1.0% since the month of April, and represent a 4.6% year-over-year increase. Sporting goods, hobby, book and music stores sales also experienced increases of just under 1.0% and 3.3% unadjusted over last year. Finally, electronics and appliance stores sales increased 0.6% seasonally adjusted from last month, and 4.6% percent unadjusted over last year. Consumer confidence experienced a sharp decline in June according to the Conference Board Consumer Confidence Index. The index now stands at 52.9, down from 62.7 recorded the month prior.

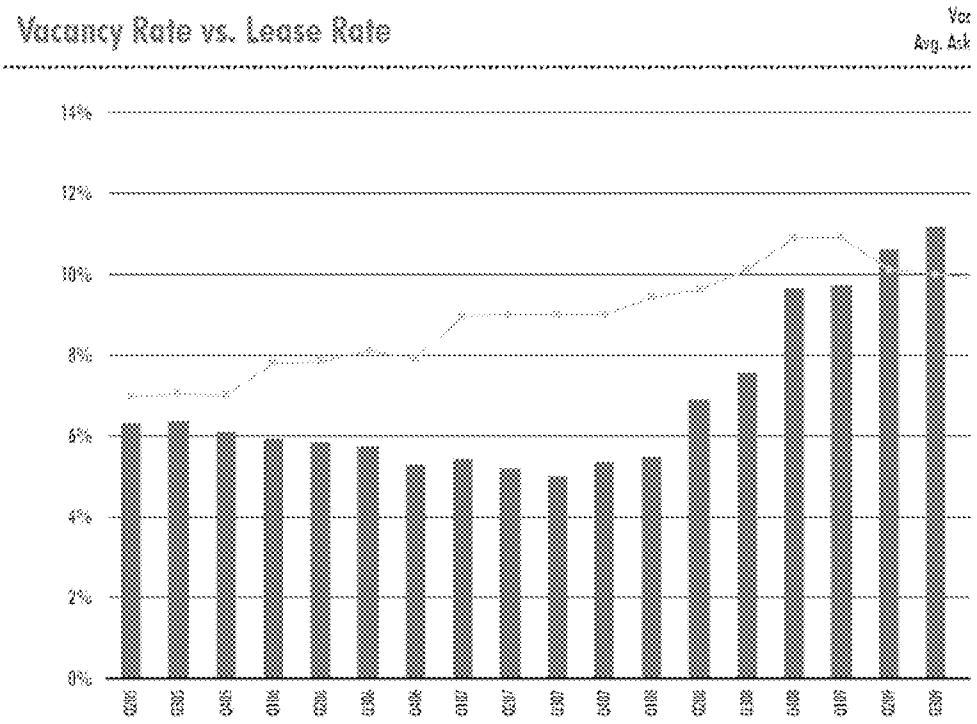

The Inland Empire retail market experienced a slight increase to the overall vacancy rate which currently stands at 11.7 percent. The rise in vacancy can be attributed to declining demand by retailers which resulted in a relatively flat 36,811 square feet of negative net absorption. As expected, this figure reflects the continued closure of stores and space being put back on the market. Average

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asking retail lease rates, however, remained stable for the third quarter in a row. The quarter closed with a high average asking lease rate of $2.12 per square foot per month and the low average asking lease rate posting $1.68 per square foot per month.

Construction of new retail centers in the Inland Empire remains non-existent. A steady trend of positive momentum in the local economy must be achieved before developers move forward with plans for new centers. There has been only one new property added to the Inland Empire's retail inventory this year, while all formerly active development projects have been halted indefinitely.

Market Statistics

Submarket	Building SF	Vacancy Rate %	Net Absorption SF	Under Construction SF	Avg. High Asking NNN $/PSF/MTH
EAST END	31,271,412	21.3%	(105,388)	-----	$1.91
HIGH DESERT	7,248,523	6.8%	(340)	-----	$2.18
LOW DESERT	14,240,891	9.8%	69,241	-----	$2.11
SO. RIV COUNTY	16,724,737	7.7%	(23,917)	-----	$2.19
WEST END	36,389,566	7.3%	23,593	-----	$2.28
Inland Empire Total	**105,875,129**	**11.7%**	**(36,811)**	-----	**$2.12**

Office Trends

Based on statistics in the CB Richard Ellis, Inc. – second quarter 2010 Market View, the Inland Empire office market totals 24,474,375 square feet in 687 buildings. As of the second quarter of 2010, approximately 5,814,585 square feet was vacant, indicating a vacancy rate of 23.80%, which is slightly lower than the 24.00% in the first quarter of 2010, and higher than one year ago. Inland Empire East experienced negative net absorption while the West submarket experienced positive net absorption levels for a combined result of negative 4,782 square feet.

The average asking rental rate is $1.80 per square foot per month, full service gross. This rate is nine cents lower than the previous quarter. Over the past eight years, the Inland Empire office market average asking lease rate has risen 23.29% from $1.46 per square foot during the third quarter of 2001.

The largest office markets are in the cities of Riverside and San Bernardino, with 6.53 and 4.23 million square feet, respectively. These are the two most mature markets; however, they have evolved to be in somewhat secondary locations with regards to tenants relocating from Los Angeles County due to more outlying locations. Specifically, Riverside is closer to the Orange County office markets, while Ontario and Rancho Cucamonga are closer to Los Angeles County. Ontario has a predominantly Class A base, while Rancho Cucamonga has primarily Class B office space.

The city of Moreno Valley includes 21 office buildings totaling 629,064 square feet. As of the second quarter of 2010, the vacancy rate was 7.0% with an availability rate of 10.8%. Year-to-date net absorption was a negative 14,262 square feet.

Conclusions

The subject property consists of three parcels located along the 60 Freeway in Moreno Valley, adjacent to a large distribution facility under construction for Skechers. Parcels 3 and 4 are zoned for commercial use and located at the freeway off-ramps. These properties will benefit from the traffic generated by the new Skechers facility and infra-structure being completed in the neighborhood, including renovation of the freeway ramps and completion of Eucalyptus Avenue between Redlands Boulevard and Theodore Avenue. Parcel 2 is zoned for light industrial use and has good freeway access and exposure for the potential expansion of the Skechers project or other future business park related development.

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PLAT MAP

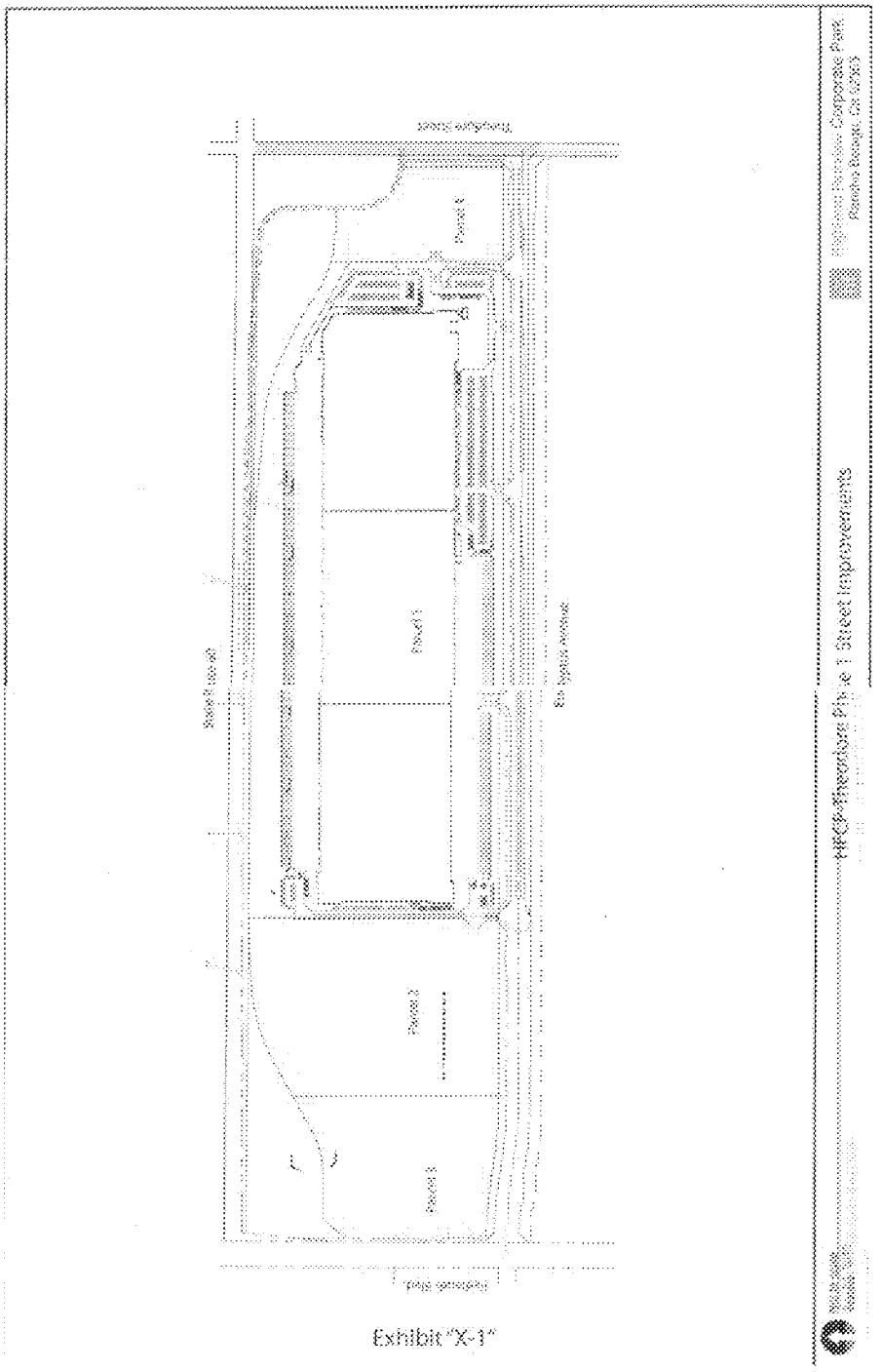

SITE ANALYSIS

The following chart summarizes the salient characteristics of the subject site.

SITE SUMMARY		
Physical Description		
Site Areas - Gross		
Parcel 2	24.33 Acres	1,059,815 Sq. Ft.
Parcel 3	13.87 Acres	604,177 Sq. Ft.
Parcel 4	7.70 Acres	335,412 Sq. Ft.
Site Areas - Net		
Parcel 2	22.40 Acres	975,744 Sq. Ft.
Parcel 3	12.90 Acres	561,924 Sq. Ft.
Parcel 4	7.20 Acres	313,632 Sq. Ft.
Primary Road Frontage	Eucalyptus Avenue	
Secondary Road Frontage	Redlands Boulevard	
Additional Road Frontage	Theodore Avenue	± 513 Feet
Excess Land Area	None	
Surplus Land Area	None	
Zoning District	CC - Parcels 3 and 4	
	IL - Parcel 2	
Flood Map Panel No. & Date	06065C 0070G	28-Aug-08
Flood Zone	Zone X	

Source: Various sources compiled by CBRE

LAND AREAS

The gross site areas were obtained from Tentative Parcel Map No. 35629, which is included in the Addenda. Based on a review of the site plan, the difference between the gross and net areas is based on detention basins and a maintenance access road along the north property line and street dedications.

ASSESSOR'S PARCEL NUMBER

Parcel 2 is currently a portion of APN No. 488-350-002. Parcel 3 is currently included within APN No. 488-350-001. Parcel 4 is currently a portion of APN Nos. 488-360-007 and 488-360-008.

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SHAPE AND FRONTAGE

The site are irregular and have frontage along the adjacent streets. All of the parcels will have frontage along Eucalyptus Avenue. Parcels 2 and 3 will also have frontage along the new east-bound freeway onramp from Redlands Boulevard to the 60 Freeway. Parcel 4 will have frontage along the exit ramp for eastbound traffic to Theodore Avenue.

TOPOGRAPHY AND DRAINAGE

Parcels 2 and 3 have been graded to level "blue-top" pads. Parcel 4 is currently used for construction trailers for the Skechers facility and is generally level. This site will be finished graded upon completion of the building construction.

Storm drains are currently under construction between the Skechers parcel and Parcel 2. The completion of the site improvements are assumed to cure any drainage problems.

SOILS

A soil analysis for the site has not been provided for the preparation of this appraisal. In the absence of a soil report, it is a specific assumption that the site has adequate soils to support the highest and best use.

EASEMENTS AND ENCROACHMENTS

We have not reviewed a current title report for the subject property. The Tentative Parcel Map No. 35629 listed several easements impacting the subject and surrounding parcels. These include easements for pole lines, conduits, underground facilities, and utilities. We assume that the subject is not impacted by easements that would negatively impact the value. It is recommended that the client obtain a qualified legal opinion with regards to the reports before making a business decision with regards to the subject property.

COVENANTS, CONDITIONS AND RESTRICTIONS

There are no known covenants, conditions and restrictions impacting the site that are considered to affect the marketability or highest and best use, other than zoning restrictions.

UTILITIES AND SERVICES

The site is within the jurisdiction of the City of Moreno Valley and is provided all municipal services, including police, fire and garbage collection. All utilities are available to the site in adequate quality and quantity to service the highest and best use.

FLOOD ZONE

According to flood hazard maps published by the Federal Emergency Management Agency (FEMA), the site is within Zone X as indicated on the indicated Community Map Panel No. 06065C0770G, August 28, 2008.

FEMA Zone X: Areas determined to be outside the 500-year flood plain.

ENVIRONMENTAL ISSUES

CB Richard Ellis, Inc. has not observed, yet is not qualified to detect, the existence of potentially hazardous material or underground storage tanks, which may be present on or near the site. The existence of hazardous materials or underground storage tanks may have an affect on the value of the property. For this appraisal, CB Richard Ellis, Inc. has specifically assumed that the property is not affected by any hazardous materials and/or underground storage tanks that may be present on or near the property.

EARTHQUAKE

All properties in California are subject to some degree of seismic risk. The Alquist-Priolo Special Studies Zone Act of 1972 was enacted by the State of California to regulate development near active earthquake faults. The Act required the State Geologist to delineate "special studies zones" along known active faults in California. Cities and Counties affected by the identified zones must limit certain development projects within the zones unless geologic investigation demonstrates that the sites are not threatened by surface displacement from future faulting.

According to "Fault-Rupture Hazard Zones in California" published in 1992 by the California Department of Conservation, Department of Mines and Geology, the subject is not within an area affected by the Alquist-Priolo Special Studies Zone Act. Related development limitations, therefore, do not apply.

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ZONING

The following chart summarizes the subject's zoning requirements.

ZONING SUMMARY - PARCEL 2	
Current Zoning	LI (Light Industrial)
Specific Plan	Yes
Specific Plan Land Use	Light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ZONING SUMMARY - PARCELS 3 & 4	
Current Zoning	CC (Community Commercial)
Specific Plan	Yes
Specific Plan Land Use	To provide for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ANALYSIS AND CONCLUSION

Additional information may be obtained from the appropriate governmental authority.

TAX AND ASSESSMENT DATA

In California, privately held real property is typically assessed at 100% of full cash value (which is interpreted to mean market value of the fee simple estate) as determined by the County Assessor. Generally, a reassessment occurs only when a property is sold (or transferred) or when new construction occurs (as differentiated from replacing existing construction). In the case of long-term ground leases, the general rule is that a reassessment is made at the time of assigning or terminating a lease where the remaining term is more than 35 years. For reassessment purposes, the lease term includes all options to extend. Assessments for properties that were acquired before the tax year 1975-1976 were stabilized as of the tax year 1975-1976. Property taxes are limited by state law to 1% of the assessed value plus voter-approved obligations and special assessments. If no sale (or transfer) occurs or no new building takes place, assessments may not increase by more than 2% annually. Taxes are payable in two equal installments, which become delinquent after December 10 and April 10, respectively.

The following table summarizes the most recent assessments and taxes for the parcels that include the subject sites.

2000-2010 ASSESSMENTS & TAXES

Parcel No.	Assessments	Tax Rate	Taxes on Value	Sp. Assessments	Total Taxes	Eff. Tax Rate
488-350-001	$1,081,997	1.04765%	$11,336	$347	$11,683	1.080%
488-350-002	6,054,778	1.04765%	63,433	1,467	64,900	1.072%
488-360-007	957,208	1.04765%	10,028	144	10,172	1.063%
488-360-008	1,636,381	1.04765%	17,144	177	17,321	1.058%

Source: Riverside County Assessor

CONCLUSION

For purposes of this analysis we are assuming any outstanding property tax liability has been paid and CBRE assumes that all taxes are current. If the subject sold for the value estimate in this report, a reassessment at that value would most likely occur, with tax increases limited to two percent annually thereafter until the property is sold again. The consequences of this reassessment have been considered in the appropriate valuation sections.

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HIGHEST AND BEST USE

In appraisal practice, the concept of highest and best use represents the premise upon which value is based. The four criteria the highest and best use must meet are:

- legal permissibility;
- physical possibility;
- financial feasibility; and
- maximum profitability.

The highest and best use analysis of the subject is discussed on the following pages. This analysis incorporates the information presented in the Market Analysis section, as well as any unique characteristics of the subject described previously.

AS VACANT

Legal Permissibility

The legally permissible uses were discussed in the Site Analysis and Zoning Sections.

Physical Possibility

The subject parcels are adequately served by utilities, and have adequate shapes and sizes, sufficient access, etc., to be separately developable sites. There are no known physical reasons why the subject sites would not support any legally probable development.

Financial Feasibility

The determination of financial feasibility is dependent primarily on the relationship of supply and demand for the legally probable land uses versus the cost to create the uses. Development of new industrial and retail properties has occurred in the past few years. However, many proposed developments are no longer moving forward due to inadequate construction financing and market conditions (increasing vacancy, declining effective rental rates, higher cap rates, etc.). The adjacent building under construction is a build-to-suit for Skechers, who will contribute a significant capital investment. However, the completion of this project will enhance the marketability of the subject parcels for potential complementary commercial or industrial uses.

Maximum Profitability

The final test of highest and best use of the site as if vacant is that the use be maximally productive, yielding the highest return to the land. In the case of the subject parcels as if vacant, the analysis has indicated that future development of commercial properties on Parcels 3 and 4 and an industrial project on Parcel 2 would be most appropriate.

CONCLUSION: HIGHEST AND BEST USE AS VACANT

Based on the information presented above and upon information contained in the market and neighborhood analysis, we conclude that the highest and best use of the subject parcels would be to hold for future retail and industrial development when economic conditions improve.

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APPRAISAL METHODOLOGY

In appraisal practice, an approach to value is included or omitted based on its applicability to the property type being valued and the quality and quantity of information available.

COST APPROACH

The cost approach is based on the proposition that the informed purchaser would pay no more for the subject than the cost to produce a substitute property with equivalent utility. This approach is particularly applicable when the property being appraised involves relatively new improvements that represent the highest and best use of the land, or when it is improved with relatively unique or specialized improvements for which there exist few sales or leases of comparable properties.

SALES COMPARISON APPROACH

The sales comparison approach utilizes sales of comparable properties, adjusted for differences, to indicate a value for the subject. Valuation is typically accomplished using physical units of comparison such as price per square foot, price per unit, price per floor, etc., or economic units of comparison such as gross rent multiplier. Adjustments are applied to the physical units of comparison derived from the comparable sale. The unit of comparison chosen for the subject is then used to yield a total value. Economic units of comparison are not adjusted, but rather analyzed as to relevant differences, with the final estimate derived based on the general comparisons.

INCOME CAPITALIZATION APPROACH

The income capitalization approach reflects the subject's income-producing capabilities. This approach is based on the assumption that value is created by the expectation of benefits to be derived in the future. Specifically estimated is the amount an investor would be willing to pay to receive an income stream plus reversion value from a property over a period of time. The two common valuation techniques associated with the income capitalization approach are direct capitalization and the discounted cash flow (DCF) analysis.

METHODOLOGY APPLICABLE TO THE SUBJECT

In valuing the subject, only the sales comparison approach to land value has been used.

LAND VALUE

PARCEL 2 - INDUSTRIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcel 2. A detailed description of each transaction is included in the Addenda.

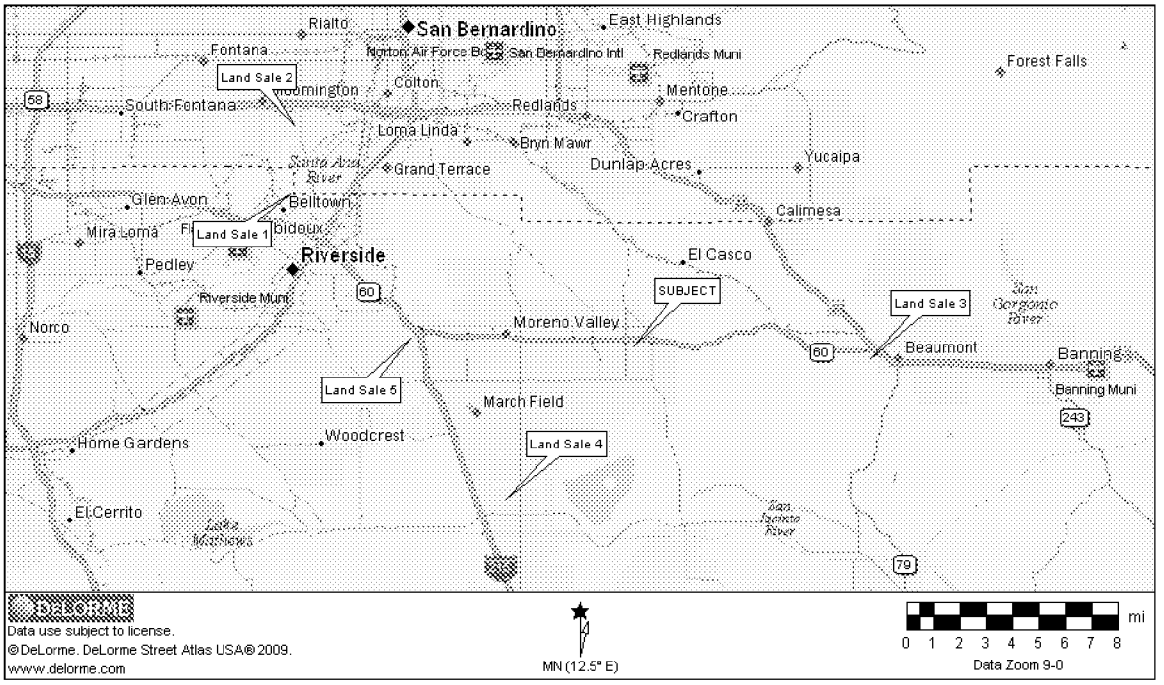

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SUMMARY OF COMPARABLE INDUSTRIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	5425 Wilson Street, Unincorp. Riverside, CA	Sale	Apr-10	M-H	$4,976,861	18.73	$6.10
2	NWC Santa Ana Avenue and Willow Avenue, Rialto, CA	Sale	Jan-10	Industrial	$6,450,000	17.78	$8.33
3	NWC 4th & Nicholas, Beaumont, CA	Sale	Mar-10	Light Industrial	$35,108,000	132.13	$6.10
4	Btwn Markham/Nance, W. of Indian Avenue, Perris, CA	Listing	Jul-10	Industrial	$4,392,000	19.08	$5.28
5	SEC Sycamore Canyon Blvd. & Box Springs Blvd., Riverside, CA	Listing	Jul-10	Industrial	$2,103,948	8.05	$6.00
Subject	Parcel 2	---	---	LI (Light Industrial)	---	22.40	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

Land Sale One

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

This comparable is inferior to the subject in location based on its secondary street exposure and inferior accessibility. This site is similar to Parcel 2 in size and shape.

Land Sale Two

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site.

This comparable is judged to be slightly inferior to the subject in location, with inferior exposure and accessibility. This property is similar to Parcel 2 in size and shape.

Land Sale Three

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis. The buyer will build a warehouse/distribution to their specifications on the site.

This comparable is judged to be similar to the subject in location, with freeway exposure near the intersection of Interstate 10 and the 60 Freeway versus its inferior access from the freeway. An upward adjustment is made for the subject's smaller size.

Land Sale Four

This is the listing of a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

This comparable is adjusted downward for its listing status. An upward adjustment is made for the subject's superior location with freeway exposure and superior access.

Land Sale Five

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on

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the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

This comparable is judged to be slightly inferior to the subject in location. Downward adjustments are made for smaller size and superior street improvements.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCEL 2

Comparable Number	1	2	3	4	5
Transaction Type	Sale	Sale	Sale	Listing	Listing
Transaction Date	Apr-10	Jan-10	Mar-10	Jul-10	Jul-10
Zoning	M-H	Industrial	Light Industrial	Industrial	Industrial
Adjusted Sale Price [1]	$4,976,861	$6,450,000	$35,108,000	$4,392,000	$2,103,948
Size (Acres)	18.73	17.78	132.13	19.08	8.05
Size (SF)	815,879	774,666	5,755,410	831,125	350,658
Price Per Acre	$265,716	$362,688	$265,716	$230,189	$261,360
Price ($ PSF)	$6.10	$8.33	$6.10	$5.28	$6.00
Property Rights Conveyed	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	-20%	-20%
Market Conditions (Time)	0%	0%	0%	0%	0%
Subtotal	$6.10	$8.33	$6.10	$4.23	$4.80
Size	0%	0%	10%	0%	-5%
Shape	0%	0%	0%	0%	0%
Frontage	0%	0%	0%	0%	0%
Topography	0%	0%	0%	0%	0%
Location	10%	5%	0%	20%	10%
Zoning/Density	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%
Total Other Adjustments	10%	5%	10%	20%	5%
Value Indication for Subject	$6.71	$8.74	$6.71	$5.07	$5.04

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

CONCLUSION – PARCEL 2

Our interviews with area brokers indicates that no interest from developers exists for vacant land in the Inland Empire East based on the falling rental rates, availability of existing product and lack of feasibility in new speculative developments. However, the completion of the adjacent Skechers building and infrastructure surrounding the subject parcels should enhance the marketability of Parcel

2 for future industrial development. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $6 per square foot for Parcel 2 upon completion of the street improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251

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CONCLUDED LAND VALUE - PARCEL 2				
$ PSF		Subject SF		Total
$6.00	x	975,744	=	$5,854,464
Indicated Value - Finished Site:				**$5,850,000**
Less: Remaining Land Improvement Costs				2,483,447
"As Is" Value				$3,366,553
Rounded				**$3,370,000**

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PARCELS 3 & 4 - COMMERCIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcels 3 and 4. A detailed description of each transaction is included in the Addenda.

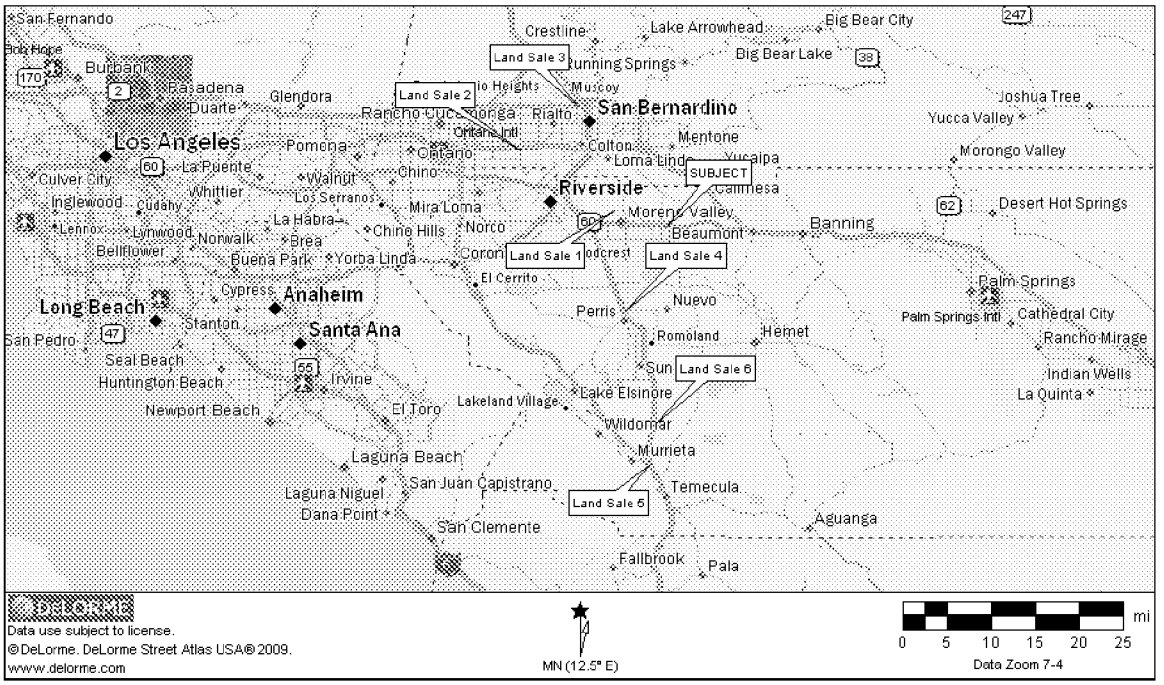

SUMMARY OF COMPARABLE COMMERCIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	N/S Village Road, W/O Sunnymead Ranch Pk, Moreno Valley, CA	Sale	Jul-09	C-24	$600,000	2.31	$5.96
2	SWC Slover Ave & Sierra Ave, Fontana, CA	Sale	Aug-09	C-1	$1,500,000	2.02	$17.05
3	2120 Medical Center Drive, San Bernardino, CA	Sale	Nov-09	C0-1 commercial	$1,050,000	2.19	$11.01
4	SEC 215 Freeway & Nuevo Road, Perris, CA	Listing	Jun-10	Commercial	$3,415,100	7.84	$10.00
5	E/S of Monroe Avenue North of Fig Street, Murrieta, CA	Sale	Jun-09	MU-2	$6,225,000	10.55	$13.55
6	34965 Walt Road, Murrieta, CA	Sale	Apr-09	Commercial	$1,002,054	2.16	$10.65
Subject	Parcels 3 & 4	---	---	CC (Commercial)	---	12.9 & 7.2	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
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Analysis of Land Sales

The adjustment grid used in this section is based on the average size of the two subject parcels (10 acres). Both of the subject parcels have similar accessibility and exposure from the adjacent freeway, surrounding the Skechers site.

Land Sale One

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3% decline in value.

This comparable is adjusted downward for its date of sale in mid-2009 and its comparatively smaller size. A large upward adjustment is made for the subject's superior location along the freeway and street frontage.

Land Sale Two

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a .50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the .50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

This comparable is adjusted downward for its smaller size, superior location and date of sale.

Land Sale Three

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The

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Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage. The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

This comparable is adjusted downward for its smaller size and slightly superior location in relation to the subject parcels. Upward adjustments are made for its inferior street frontage and shape.

Land Sale Four

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank-owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

This comparable is adjusted upward for its conditions of sale based on the motivations of the seller, which is offset by the winning bid being below the asking price. The subject location along the freeway in Moreno Valley is superior to this property. The subject sites also have superior street frontage.

Land Sale Five

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography, and was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

This comparable is adjusted downward for market conditions based on the long escrow price. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway. The subject sites have superior corner street frontage.

Land Sale Six

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

This comparable is adjusted downward for market conditions and its comparatively smaller size. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCELS 3 & 4

Comparable Number	1	2	3	4	5	6
Transaction Type	Sale	Sale	Sale	Listing	Sale	Sale
Transaction Date	Jul-09	Aug-09	Nov-09	Jun-10	Jun-09	Apr-09
Zoning	C-24	C-1	C0-1 commercial	Commercial	MU-2	Commercial
Adjusted Sale Price [1]	$600,000	$1,500,000	$1,050,000	$3,415,100	$6,225,000	$1,002,054
Size (Acres)	2.31	2.02	2.19	7.84	10.55	2.16
Size (SF)	100,624	87,991	95,396	341,510	459,558	94,090
Price ($ PSF)	$5.96	$17.05	$11.01	$10.00	$13.55	$10.65
Property Rights Conveyed	0%	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	0%	0%	0%
Market Conditions	-5%	-5%	0%	0%	-20%	-10%
Subtotal	$5.66	$16.19	$11.01	$10.00	$10.84	$9.58
Size	-5%	-5%	-5%	0%	0%	-5%
Shape	0%	0%	5%	0%	0%	0%
Frontage	15%	0%	10%	10%	5%	0%
Topography	0%	0%	0%	0%	0%	0%
Location	25%	-15%	-10%	5%	-10%	-10%
Zoning/Density	0%	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%	0%
Total Other Adjustments	35%	-20%	0%	15%	-5%	-15%
Value Indication for Subject	$7.65	$12.96	$11.01	$11.50	$10.29	$8.15

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
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CONCLUSION – PARCELS 3 & 4

These parcels have good accessibility and exposure from the adjacent freeway and will benefit from the completion of the adjacent Skechers building and street improvements. However, few commercial

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land sales have occurred in the surrounding market in the last year based on the economic conditions. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $9 per square foot for Parcels 3 and 4 upon completion of the street improvements. Although Parcel 4 is slightly smaller and located adjacent to the Skechers main entrance, Parcel 3 is situated at Redlands Boulevard, which is closer to the existing major retail developments to the west and should have higher traffic counts upon completion of the interchange and Skechers improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251
Compiled by CBRE	

CONCLUDED LAND VALUE - PARCEL 3				
$ PSF		Subject SF		Total
$9.00	x	561,924	=	$5,057,316
Indicated Value - Finished Site:				**$5,060,000**
Less: Remaining Land Improvement Costs				1,430,199
"As Is" Value				$3,629,801
Rounded				**$3,630,000**
Compiled by CBRE				

CONCLUDED LAND VALUE - PARCEL 4				
$ PSF		Subject SF		Total
$9.00	x	313,632	=	$2,822,688
Indicated Value - Finished Site:				**$2,820,000**
Less: Remaining Land Improvement Costs				798,251
"As Is" Value				$2,021,749
Rounded				**$2,020,000**
Compiled by CBRE				

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ASSUMPTIONS AND LIMITING CONDITIONS

1. Unless otherwise specifically noted in the body of the report, it is assumed that title to the property or properties appraised is clear and marketable and that there are no recorded or unrecorded matters or exceptions to title that would adversely affect marketability or value. CBRE is not aware of any title defects nor has it been advised of any unless such is specifically noted in the report. CBRE, however, has not examined title and makes no representations relative to the condition thereof. Documents dealing with liens, encumbrances, easements, deed restrictions, clouds and other conditions that may affect the quality of title have not been reviewed. Insurance against financial loss resulting in claims that may arise out of defects in the subject's title should be sought from a qualified title company that issues or insures title to real property.
2. Unless otherwise specifically noted in the body of this report, it is assumed: that the existing improvements on the property or properties being appraised are structurally sound, seismically safe and code conforming; that all building systems (mechanical/electrical, HVAC, elevator, plumbing, etc.) are in good working order with no major deferred maintenance or repair required; that the roof and exterior are in good condition and free from intrusion by the elements; that the property or properties have been engineered in such a manner that the improvements, as currently constituted, conform to all applicable local, state, and federal building codes and ordinances. CBRE professionals are not engineers and are not competent to judge matters of an engineering nature. CBRE has not retained independent structural, mechanical, electrical, or civil engineers in connection with this appraisal and, therefore, makes no representations relative to the condition of improvements. Unless otherwise specifically noted in the body of the report: no problems were brought to the attention of CBRE by ownership or management; CBRE inspected less than 100% of the entire interior and exterior portions of the improvements; and CBRE was not furnished any engineering studies by the owners or by the party requesting this appraisal. If questions in these areas are critical to the decision process of the reader, the advice of competent engineering consultants should be obtained and relied upon. It is specifically assumed that any knowledgeable and prudent purchaser would, as a precondition to closing a sale, obtain a satisfactory engineering report relative to the structural integrity of the property and the integrity of building systems. Structural problems and/or building system problems may not be visually detectable. If engineering consultants retained should report negative factors of a material nature, or if such are later discovered, relative to the condition of improvements, such information could have a substantial negative impact on the conclusions reported in this appraisal. Accordingly, if negative findings are reported by engineering consultants, CBRE reserves the right to amend the appraisal conclusions reported herein.
3. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property was not observed by the appraisers. CBRE has no knowledge of the existence of such materials on or in the property. CBRE, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, contaminated groundwater or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

   We have inspected, as thoroughly as possible by observation, the land; however, it was impossible to personally inspect conditions beneath the soil. Therefore, no representation is made as to these matters unless specifically considered in the appraisal.
4. All furnishings, equipment and business operations, except as specifically stated and typically considered as part of real property, have been disregarded with only real property being considered in the report unless otherwise stated. Any existing or proposed improvements, on or off-site, as well as any alterations or repairs considered, are assumed to be completed in a workmanlike manner according to standard practices based upon the information submitted to CBRE This report may be subject to amendment upon re-inspection of the subject subsequent to repairs, modifications, alterations and completed new construction. Any estimate of Market Value is as of the date indicated; based upon the information, conditions and projected levels of operation.
5. It is assumed that all factual data furnished by the client, property owner, owner's representative, or persons designated by the client or owner to supply said data are accurate and correct unless otherwise specifically noted in the appraisal report. Unless otherwise specifically noted in the appraisal report, CBRE has no reason to believe that any of the data furnished contain any material error. Information and data referred to in this paragraph include, without being limited to, numerical street addresses, lot and block numbers, Assessor's Parcel Numbers, land dimensions, square footage area of the land, dimensions of the improvements, gross building areas, net rentable areas, usable areas, unit count, room count, rent schedules, income data, historical operating expenses, budgets, and related data. Any material error in any of the above data could have a substantial impact on the conclusions reported. Thus, CBRE reserves the right to amend conclusions reported if made aware of any such error. Accordingly, the client-addressee should carefully review all assumptions, data, relevant calculations, and conclusions within 30 days after the date of delivery of this report and should immediately notify CBRE of any questions or errors.

6. The date of value to which any of the conclusions and opinions expressed in this report apply, is set forth in the Letter of Transmittal. Further, that the dollar amount of any value opinion herein rendered is based upon the purchasing power of the American Dollar on that date. This appraisal is based on market conditions existing as of the date of this appraisal. Under the terms of the engagement, we will have no obligation to revise this report to reflect events or conditions which occur subsequent to the date of the appraisal. However, CBRE will be available to discuss the necessity for revision resulting from changes in economic or market factors affecting the subject.
7. CBRE assumes no private deed restrictions, limiting the use of the subject in any way.
8. Unless otherwise noted in the body of the report, it is assumed that there are no mineral deposit or subsurface rights of value involved in this appraisal, whether they be gas, liquid, or solid. Nor are the rights associated with extraction or exploration of such elements considered unless otherwise stated in this appraisal report. Unless otherwise stated it is also assumed that there are no air or development rights of value that may be transferred.
9. CBRE is not aware of any contemplated public initiatives, governmental development controls, or rent controls that would significantly affect the value of the subject.
10. The estimate of Market Value, which may be defined within the body of this report, is subject to change with market fluctuations over time. Market value is highly related to exposure, time promotion effort, terms, motivation, and conclusions surrounding the offering. The value estimate(s) consider the productivity and relative attractiveness of the property, both physically and economically, on the open market.
11. Any cash flows included in the analysis are forecasts of estimated future operating characteristics are predicated on the information and assumptions contained within the report. Any projections of income, expenses and economic conditions utilized in this report are not predictions of the future. Rather, they are estimates of current market expectations of future income and expenses. The achievement of the financial projections will be affected by fluctuating economic conditions and is dependent upon other future occurrences that cannot be assured. Actual results may vary from the projections considered herein. CBRE does not warrant these forecasts will occur. Projections may be affected by circumstances beyond the current realm of knowledge or control of CBRE
12. Unless specifically set forth in the body of the report, nothing contained herein shall be construed to represent any direct or indirect recommendation of CBRE to buy, sell, or hold the properties at the value stated. Such decisions involve substantial investment strategy questions and must be specifically addressed in consultation form.
13. Also, unless otherwise noted in the body of this report, it is assumed that no changes in the present zoning ordinances or regulations governing use, density, or shape are being considered. The property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, nor national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report is based, unless otherwise stated.
14. This study may not be duplicated in whole or in part without the specific written consent of CBRE nor may this report or copies hereof be transmitted to third parties without said consent, which consent CBRE reserves the right to deny. Exempt from this restriction is duplication for the internal use of the client-addressee and/or transmission to attorneys, accountants, or advisors of the client-addressee. Also exempt from this restriction is transmission of the report to any court, governmental authority, or regulatory agency having jurisdiction over the party/parties for whom this appraisal was prepared, provided that this report and/or its contents shall not be published, in whole or in part, in any public document without the express written consent of CBRE which consent CBRE reserves the right to deny. Finally, this report shall not be advertised to the public or otherwise used to induce a third party to purchase the property or to make a "sale" or "offer for sale" of any "security", as such terms are defined and used in the Securities Act of 1933, as amended. Any third party, not covered by the exemptions herein, who may possess this report, is advised that they should rely on their own independently secured advice for any decision in connection with this property. CBRE shall have no accountability or responsibility to any such third party.
15. Any value estimate provided in the report applies to the entire property, and any pro ration or division of the title into fractional interests will invalidate the value estimate, unless such pro ration or division of interests has been set forth in the report.
16. The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. Component values for land and/or buildings are not intended to be used in conjunction with any other property or appraisal and are invalid if so used.
17. The maps, plats, sketches, graphs, photographs and exhibits included in this report are for illustration purposes only and are to be utilized only to assist in visualizing matters discussed within this report. Except as specifically stated, data relative to size or area of the subject and comparable properties has been obtained from sources deemed accurate and reliable. None of the exhibits are to be removed, reproduced, or used apart from this report.
18. No opinion is intended to be expressed on matters which may require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers. Values and opinions expressed presume that

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environmental and other governmental restrictions/conditions by applicable agencies have been met, including but not limited to seismic hazards, flight patterns, decibel levels/noise envelopes, fire hazards, hillside ordinances, density, allowable uses, building codes, permits, licenses, etc. No survey, engineering study or architectural analysis has been made known to CBRE unless otherwise stated within the body of this report. If the Consultant has not been supplied with a termite inspection, survey or occupancy permit, no responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained. No representation or warranty is made concerning obtaining these items. CBRE assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

19. Acceptance and/or use of this report constitutes full acceptance of the Contingent and Limiting Conditions and special assumptions set forth in this report. It is the responsibility of the Client, or client's designees, to read in full, comprehend and thus become aware of the aforementioned contingencies and limiting conditions. Neither the Appraiser nor CBRE assumes responsibility for any situation arising out of the Client's failure to become familiar with and understand the same. The Client is advised to retain experts in areas that fall outside the scope of the real estate appraisal/consulting profession if so desired.
20. CBRE assumes that the subject analyzed herein will be under prudent and competent management and ownership; neither inefficient or super-efficient.
21. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.
22. No survey of the boundaries of the property was undertaken. All areas and dimensions furnished are presumed to be correct. It is further assumed that no encroachments to the realty exist.
23. The Americans with Disabilities Act (ADA) became effective January 26, 1992. Notwithstanding any discussion of possible readily achievable barrier removal construction items in this report, CBRE has not made a specific compliance survey and analysis of this property to determine whether it is in conformance with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the ADA. If so, this fact could have a negative effect on the value estimated herein. Since CBRE has no specific information relating to this issue, nor is CBRE qualified to make such an assessment, the effect of any possible non-compliance with the requirements of the ADA was not considered in estimating the value of the subject.
24. Client shall not indemnify Appraiser or hold Appraiser harmless unless and only to the extent that the Client misrepresents, distorts, or provides incomplete or inaccurate appraisal results to others, which acts of the Client approximately result in damage to Appraiser. Notwithstanding the foregoing, Appraiser shall have no obligation under this Section with respect to any loss that is caused solely by the active negligence or willful misconduct of a Client and is not contributed to by any act or omission (including any failure to perform any duty imposed by law) by Appraiser. Client shall indemnify and hold Appraiser harmless from any claims, expenses, judgments or other items or costs arising as a result of the Client's failure or the failure of any of the Client's agents to provide a complete copy of the appraisal report to any third party. In the event of any litigation between the parties, the prevailing party to such litigation shall be entitled to recover, from the other, reasonable attorney fees and costs.
25. The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. Appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.
26. As part of the client's requested scope of work, an estimate of insurable value is provided herein. CBRE has followed traditional appraisal standards to develop a reasonable calculation based upon industry practices and industry accepted publications such as the Marshal Valuation Service handbook. The methodology employed is a derivation of the cost approach which is primarily used as an academic exercise to help support the market value estimate and therefore is not reliable for Insurable Value estimates. Actual construction costs and related estimates can vary greatly from this estimate.

    This analysis should not be relied upon to determine proper insurance coverage which can only be properly estimated by consultants considered experts in cost estimation and insurance underwriting. It is provided to aid the client/reader/user as part of their overall decision making process and no representations or warranties are made by

CBRE regarding the accuracy of this estimate and it is strongly recommend that other sources be utilized to develop any estimate of insurable value.

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ADDENDA

ADDENDUM A

GLOSSARY OF TERMS

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assessed value Assessed value applies in ad valorem taxation and refers to the value of a property according to the tax rolls. Assessed value may not conform to market value, but it is usually calculated in relation to a market value base. †

cash equivalency The procedure in which the sale prices of comparable properties sold with atypical financing are adjusted to reflect typical market terms.

contract rent The actual rental income specified in a lease. ‡

disposition value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer and seller is each acting prudently and knowledgeably; 4) The seller is under compulsion to sell; 5) The buyer is typically motivated; 6) Both parties are acting in what they consider their best interests; 7) An adequate marketing effort will be made in the limited time allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.‡

effective rent The rental rate net of financial concessions such as periods of no rent during the lease term; may be calculated on a discounted basis, reflecting the time value of money, or on a simple, straight-line basis. ‡

excess land In regard to an improved site, the land not needed to serve or support the existing improvement. In regard to a vacant site or a site considered as though vacant, the land not needed to accommodate the site's primary highest and best use. Such land may be separated from the larger site and have its own highest and best use, or it may allow for future expansion of the existing or anticipated improvement. *See also* surplus land. ‡

extraordinary assumption An assumption directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. *See also* hypothetical condition. ‡

fee simple estate Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. ‡

floor area ratio (FAR) The relationship between the above-ground floor area of a building, as described by the building code, and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the permissible floor area of a building is twice the total land area; also called *building-to-land ratio*. ‡

full service lease A lease in which rent covers all operating expenses. Typically, full service leases are combined with an *expense stop*, the expense level covered by the contract lease payment. Increases in expenses above the expense stop level are passed through to the tenant and are known as *expense pass-throughs*.

going concern value Going concern value is the value of a proven property operation. It includes the incremental value associated with the business concern, which is distinct from the value of the real estate only. Going concern value includes an intangible enhancement of the value of an operating business enterprise which is produced by the assemblage of the land, building, labor, equipment, and marketing operation. This process creates an economically viable business that is expected to continue. Going concern value refers to the total value of a property, including both real property and intangible personal property attributed to the business value. †

gross building area (GBA) The total floor area of a building, including below-grade space but excluding unenclosed areas, measured from the exterior of the walls. Gross building area for office buildings is computed by measuring to the outside finished surface of permanent outer building walls without any deductions. All enclosed floors of the building including basements, mechanical equipment floors, penthouses, and the like are included in the measurement. Parking spaces and parking garages are excluded. ‡

hypothetical condition That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. *See also* extraordinary assumption. ‡

investment value Investment value is the value of an investment to a particular investor based on his or her investment requirements. In contrast to market value, investment value is value to an individual, not value in the marketplace. Investment value reflects the subjective relationship between a particular investor and a given investment. When measured in dollars, investment value is the price an investor would pay for an investment in light of its perceived capacity to satisfy his or her desires,

needs, or investment goals. To estimate investment value, specific investment criteria must be known. Criteria to evaluate a real estate investment are not necessarily set down by the individual investor; they may be established by an expert on real estate and its value, that is, an appraiser. †

leased fee
See leased fee estate

leased fee estate An ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the leased fee are specified by contract terms contained within the lease.‡

leasehold
See leasehold estate

leasehold estate The interest held by the lessee (the tenant or renter) through a lease conveying the rights of use and occupancy for a stated term under certain conditions.‡

liquidation value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a severely limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer is acting prudently and knowledgeably; 4) The seller is under extreme compulsion to sell; 5) The buyer is typically motivated; 6) The buyer is acting in what he or she considers his or her best interests; 7) A limited marketing effort and time will be allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. ‡

market rent The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby: 1) lessee and lessor are typically motivated; 2) both parties are well informed or well advised, and acting in what they consider their best interests; 3) a reasonable time is allowed for exposure in the open market; 4) the rent payment is made in terms of cash in U.S. dollars and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and 5) the rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction. ‡

market value Market value is one of the central concepts of the appraisal practice. Market value is differentiated from other types of value in that it is created by the collective patterns of the market. Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: 1) A reasonable time is allowed for exposure in the open market; 2) Both parties are well informed or well advised, and acting in what they consider their own best interests; 3) Buyer and seller are typically motivated; 4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.§

marketing period The time it takes an interest in real property to sell on the market subsequent to the date of an appraisal. ‡

net lease Lease in which all or some of the operating expenses are paid directly by the tenant. The landlord never takes possession of the expense payment. In a *Triple Net Lease* all operating expenses are the responsibility of the tenant, including property taxes, insurance, interior maintenance, and other miscellaneous expenses. However, management fees and exterior maintenance are often the responsibility of the lessor in a triple net lease. A *modified net lease* is one in which some expenses are paid separately by the tenant and some are included in the rent.

net rentable area (NRA) 1) The area on which rent is computed. 2) The Rentable Area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building. Include space such as mechanical room, janitorial room, restrooms, and lobby of the floor. *

occupancy rate The relationship or ratio between the income received from the rented units in a property and the income that would be received if all the units were occupied.‡

prospective value opinion A forecast of the value expected at a specified future date. A prospective value opinion is most frequently sought in connection with real estate projects that are proposed, under construction, or under conversion to a new us, or those that have not

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achieved sellout or a stabilized level of long-term occupancy at the time the appraisal report is written. ‡

reasonable exposure time The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based upon an analysis of past events assuming a competitive and open market. ††

rent
See
full service lease
net lease
market rent
contract, coupon, face, or nominal rent
effective rent

shell rent The typical rent paid for retail, office, or industrial tenant space based on minimal "shell" interior finishes (called plain vanilla finish in some areas). Usually the landlord delivers the main building shell space or some minimum level of interior build-out, and the tenant completes the interior finish, which can include wall, ceiling, and floor finishes; mechanical systems, interior electric, and plumbing. Typically these are long-term leases with tenants paying all or most property expenses. ‡

surplus land Land not necessary to support the highest and best use of the existing improvement but, because of physical limitations, building placement, or neighborhood norms, cannot be sold off separately. Such land may or may not contribute positively to value and may or may not accommodate future expansion of an existing or anticipated improvement. *See also* excess land. ‡

usable area 1) The area actually used by individual tenants. 2) The Usable Area of an office building is computed by measuring to the finished surface of the office side of corridor and other permanent walls, to the center of partitions that separate the office from adjoining usable areas, and to the inside finished surface of the dominant portion of the permanent outer building walls. Excludes areas such as mechanical rooms, janitorial room, restrooms, lobby, and any major vertical penetrations of a multi-tenant floor. *

use value Use value is a concept based on the productivity of an economic good. Use value is the value a specific property has for a specific use. Use value focuses on the value the real estate contributes to the enterprise of which it is a part, without regard to the property's highest and best use or the monetary amount that might be realized upon its sale. †

value indication An opinion of value derived through application of the appraisal process. ‡

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† *The Appraisal of Real Estate*, Thirteenth Edition, Appraisal Institute, 2008.

‡ *The Dictionary of Real Estate Appraisal*, Fourth Edition, Appraisal Institute, 2002.

§ Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

* 2000 BOMA Experience Exchange Report, Income/Expense Analysis for Office Buildings (Building Owners and Managers Association, 2000)

†† *Statement on Appraisal Standard No. 6*, Appraisal Standards Board of The Appraisal Foundation, September 16, 1993, revised June 15, 2004.

ADDENDUM B

ADDITIONAL SUBJECT PHOTOGRAPHS

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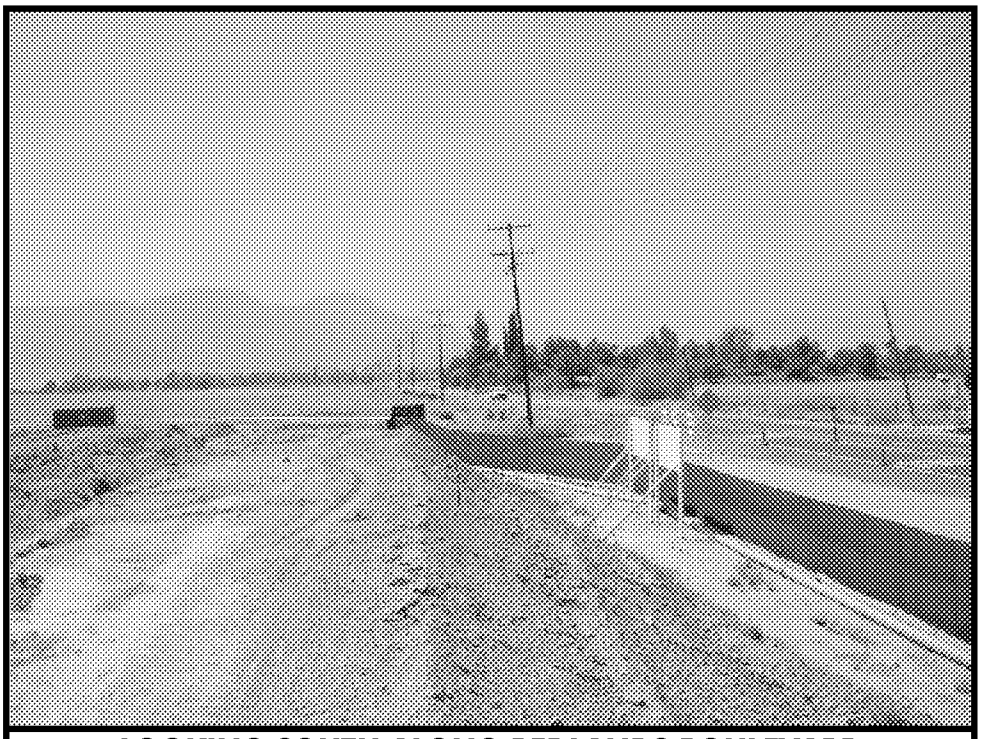

LOOKING SOUTH ALONG REDLANDS BOULEVARD

VIEW OF PARCEL 2 FROM SOUTHWEST

LOOKING NORTH ALONG REDLANDS BOULEVARD

LOOKING NORTH ALONG THEODORE AVENUE

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VIEW OF PARCEL 4 FROM THEODORE AVENUE

STORM DRAIN UNDER CONSTRUCTION

ADDENDUM C

COMPARABLE LAND SALES - INDUSTRIAL

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Fleetwood Motor Homes of Calif. Inc. Excess

Location Data

Location:	5425 Wilson Street Unincorp. Riverside,CA 92509
County:	Riverside
Assessor's Parcel No:	175-180-013;175-190-021,-025
Atlas Ref:	645-G6

Physical Data

Type:	Industrial	
Land Area:	Gross	Usable
Acres:	18.7300	18.7300
Square Feet:	815,879	815,879

Topography:	Level, At Street Grade
Shape:	Rectangular
Utilities:	All to site
Zoning:	M-H
Allowable Bldg Area:	N/A
Floor Area Ratio:	N/A
No. of units:	N/A
Max FAR:	N/A
Frontage:	N. side of Wilson St. - 1470';

Sale Data

Transaction Type:	Sale
Date:	4/2010
Marketing Time:	9 months
Grantor:	Fleetwood Motor Homes of Calif
Grantee:	Crst Van Expedited Inc.
Document No.:	0188648
Sale Price:	$4,976,861
Financing:	Cash to Seller
Cash Eq.Price:	$4,976,861
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$4,976,861
Verification:	Confidential

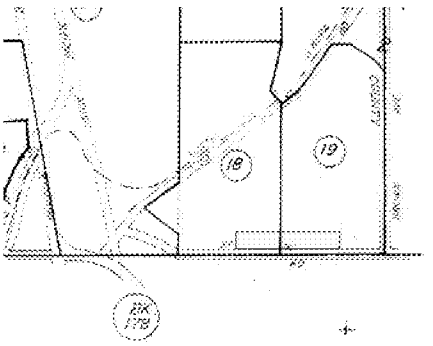

MAP INDEX

Analysis

Use At Sale:	Vacant Land
Proposed Use or Dev.	Industrial
Price Per Acre:	$265,716
Price Per SF of Land:	$6.10
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Comments

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

NWC Santa Ana & Willow Dominion Re-Sale

Location Data

Location:	NWC Santa Ana Avenue and Willow Rialto,CA 92316
County:	San Bernardino
Assessor's Parcel No:	0258-031-10 & 11
Atlas Ref:	645-G1

Physical Data

Type:	Industrial	
Land Area:	Gross	Usable
Acres:	17.7839	17.7839
Square Feet:	774,666	774,666
Topography:	Level, At Street Grade	
Shape:	Rectangular	
Utilities:	All to Site	
Zoning:	Industrial	
Allowable Bldg Area:	N/A	
Floor Area Ratio:	N/A	
No. of units:	N/A	
Max FAR:		
Frontage:	1024 ft - Santa Ana Avenue; 411 ft - Willow Avenue, 616 ft - Lilac	

Analysis

Use At Sale:	Vacant
Proposed Use or Dev.	Industrial
Price Per Acre:	$362,687
Price Per SF of Land:	$8.33
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Sale Data

Transaction Type:	Sale
Date:	1/2010
Marketing Time:	N/A
Grantor:	CRST Van Expidted, Inc. (CRST
Grantee:	STRETCH ACQUISITIONS LLC
Document No.:	8691
Sale Price:	$6,450,000
Financing:	Cash to Seller
Cash Eq.Price:	$6,450,000
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$6,450,000
Verification:	Broker: Tal Siglar 909-980-1234 & Public Record

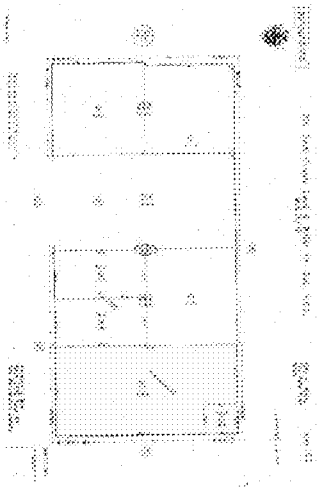

Comments

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site. The October 2007 sale to August 2009 sales price implies a 57.4 percent decline in the value over the approximate two-year period.

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Winco Beaumont

Location Data

Location:	**NWC 4th & Nicholas Beaumont,CA 92223**
County:	**Riverside**
Assessor's Parcel No:	**421-060-006,7**
Atlas Ref:	**720 F3**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**157.3100**	**132.1260**
Square Feet:	**6,852,424**	**5,755,410**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**Light Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Build to suit warehouse**
Price Per Acre:	**$265,716**
Price Per SF of Land:	**$6.10**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**3/2010**
Marketing Time:	**N/A**
Grantor:	**Fourth and B, LLC (Prologis)**
Grantee:	**High Desert Partners LLC (Winco)**
Document No.:	**0127844**
Sale Price:	**$35,108,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$35,108,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$35,108,000**
Verification:	**Cushman & Wakefield: Chuck Belden 909-980-7788**

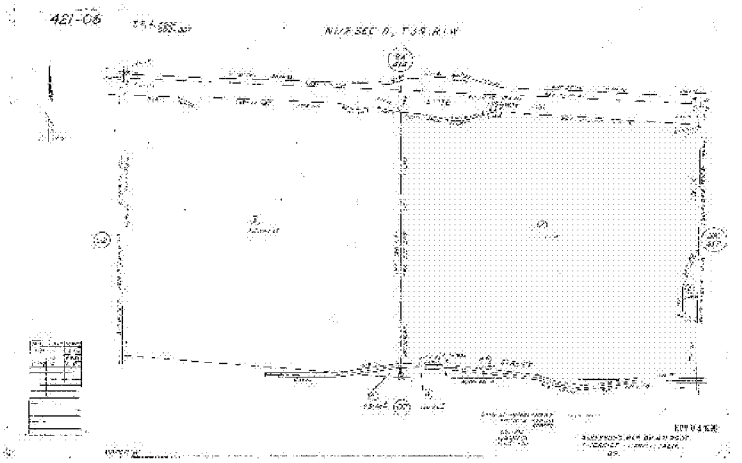

Comments

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis, reportedly took a loss based on their cost basis of $2.25 per square foot of site area. The buyer will build a warehouse/distribution to their specifications on the site.

Listing - General Industrial (Heavy Use)

Location Data

Location:	**Btwn Markham/Nance, W. of Indian Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**302-030-003, 006**
Atlas Ref:	**747-G7**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**19.0800**	**19.0800**
Square Feet:	**831,125**	**831,125**

Topography:	**Generally Level**
Shape:	**Rectangular**
Utilities:	**Some to the site**
Zoning:	**Industrial**
Allowable Bldg Area:	**N/A**
Floor Area Ratio:	**N/A**
No. of units:	**N/A**
Max FAR:	
Frontage:	**600' Markham Street; 600' Nance Street**

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$230,188**
Price Per SF of Land:	**$5.28**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**2 months**
Grantor:	**Doka USA**
Grantee:	**TBD**
Document No.:	**N/A**
Sale Price:	**$4,392,000**
Financing:	**Not Available**
Cash Eq.Price:	**$4,392,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$4,392,000**
Verification:	**Herrick Johnson - Broker**

Comments

This is the listing of a a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

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Listing - Industrial Site

Location Data

Location:	**SEC Sycamore Canyon Blvd. & Box Riverside,CA 92507**
County:	**Riverside**
Assessor's Parcel No:	**263-020-053**
Atlas Ref:	**716-H2**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**8.0500**	**8.0500**
Square Feet:	**350,658**	**350,658**
Topography:	**Generally Level**	
Shape:	**Rectangular**	
Utilities:	**All to the site**	
Zoning:	**Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**Sycamore Canyon Boulevard; Box Springs Boulevard**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$261,360**
Price Per SF of Land:	**$6.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**18 months**
Grantor:	**N/A**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$2,103,948**
Financing:	**Not Available**
Cash Eq.Price:	**$2,103,948**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$2,103,948**
Verification:	**Erik Wanland - Broker**

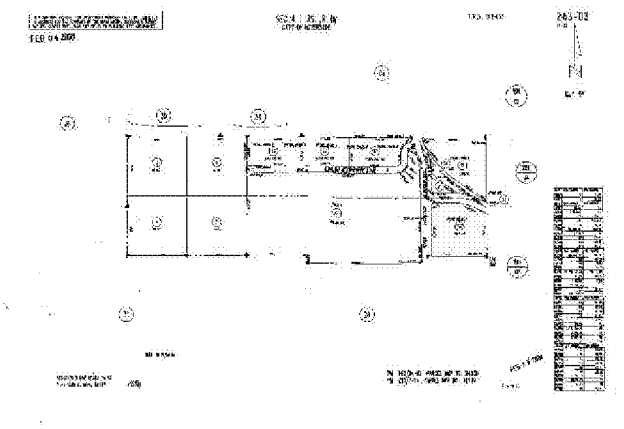

Comments

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

ADDENDUM D

COMPARABLE LAND SALES – COMMERCIAL

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2.31-Acre Commercial Site

Location Data

Location:	**N/S Village Road, W/O Sunnymead Moreno Valley,CA 92557**
County:	**Riverside**
Assessor's Parcel No:	**260-460-006**
Atlas Ref:	**687-D5**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.3100**	**2.3100**
Square Feet:	**100,624**	**100,624**
Topography:	**Hilly**	
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**C-24**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:	**N/A**	
Frontage:	**Village Road;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Hold for future retail**
Price Per Acre:	**$259,740**
Price Per SF of Land:	**$5.96**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**7/2009**
Marketing Time:	**N/A**
Grantor:	**SVH Moreno Valley LLC**
Grantee:	**ADR/Preferred Business**
Document No.:	**0392094**
Sale Price:	**$600,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$600,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$600,000**
Verification:	**Katherine Hunt - Lee & Assoc - 951-276-3645**

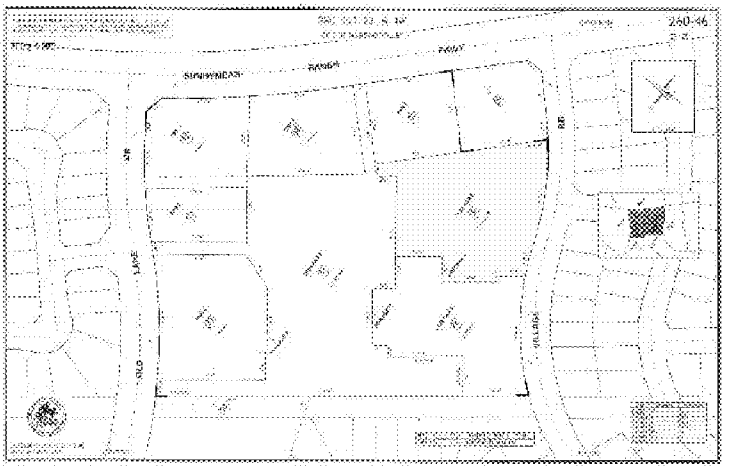

Comments

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3 percent decline in value.

Commercial Site

Location Data

Location:	**SWC Slover Ave & Sierra Ave Fontana,CA 92335**
County:	**San Bernardino**
Assessor's Parcel No:	**0255-041-26**
Atlas Ref:	**604-J7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.5200**	**2.0200**
Square Feet:	**109,771**	**87,991**

Topography:	**Generally Level**
Shape:	**Rectangular**
Utilities:	**All Available**
Zoning:	**C-1**
Allowable Bldg Area:	**N/A**
Floor Area Ratio:	**N/A**
No. of units:	**N/A**
Max FAR:	
Frontage:	**Slover Avenue - 446 Feet; Sierra Avenue - 244 Feet**

Sale Data

Transaction Type:	**Sale**
Date:	**8/2009**
Marketing Time:	**9 months**
Grantor:	**Sierra Center South Fontana, LLC**
Grantee:	**Sierra Corner LLC**
Document No.:	**0435296**
Sale Price:	**$1,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,500,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,500,000**
Verification:	**Grant Deed, Buyer**

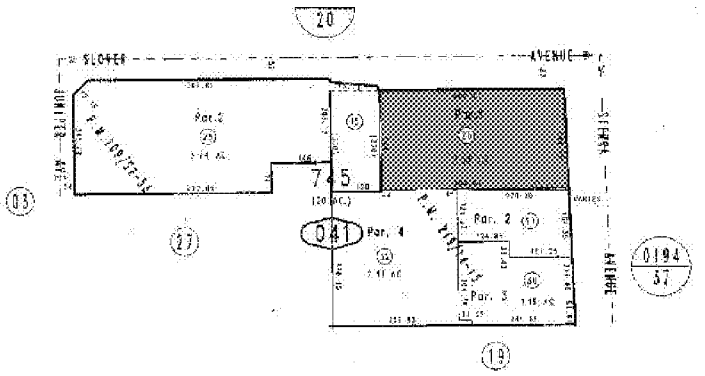

Analysis

Use At Sale:	**Raw Land**
Proposed Use or Dev.	**Commercial Development**
Price Per Acre:	**$742,574**
Price Per SF of Land:	**$17.05**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Comments

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a 0.50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the 0.50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

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Med-Office Development Site

Location Data

Location:	**2120 Medical Center Drive**
	San Bernardino,CA 92411
County:	**San Bernardino**
Assessor's Parcel No:	**0143-191-63**
Atlas Ref:	**576-C4**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.1900**	**2.1900**
Square Feet:	**95,396**	**95,396**
Topography:	**Level, At Street Grade**	
Shape:	**Rectangular**	
Utilities:	**All to site**	
Zoning:	**C0-1 commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**305' Medical Center Dr.;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Medical Office**
Price Per Acre:	**$479,452**
Price Per SF of Land:	**$11.01**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**11/2009**
Marketing Time:	**20 months**
Grantor:	**John S Edmunds**
Grantee:	**Redevelopment Agency of San**
Document No.:	**523322**
Sale Price:	**$1,050,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,050,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,050,000**
Verification:	**Broker, Shiva Monify @ Sperry - 310 500-3329**

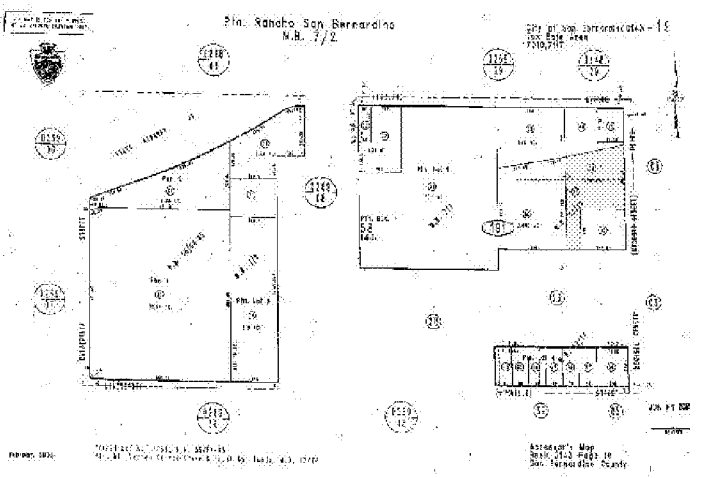

Comments

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage.
The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

Nuevo Crossing - Failed Escrow

Location Data

Location:	**SEC 215 Freeway & Nuevo Road Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**311-050-002/037**
Atlas Ref:	**777-G7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**7.8400**	**7.8400**
Square Feet:	**341,510**	**341,510**
Topography:		
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**Commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**215 Freeway; Nuevo**	

Analysis

Use At Sale:	**Entitled/Proposed Retail**
Proposed Use or Dev.	**Future Retail Development**
Price Per Acre:	**$435,599**
Price Per SF of Land:	**$10.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**6/2010**
Marketing Time:	**12 months**
Grantor:	**Nuevo South FSB (Bank Owned)**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$3,415,100**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$3,415,100**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$3,415,100**
Verification:	**Confidential**

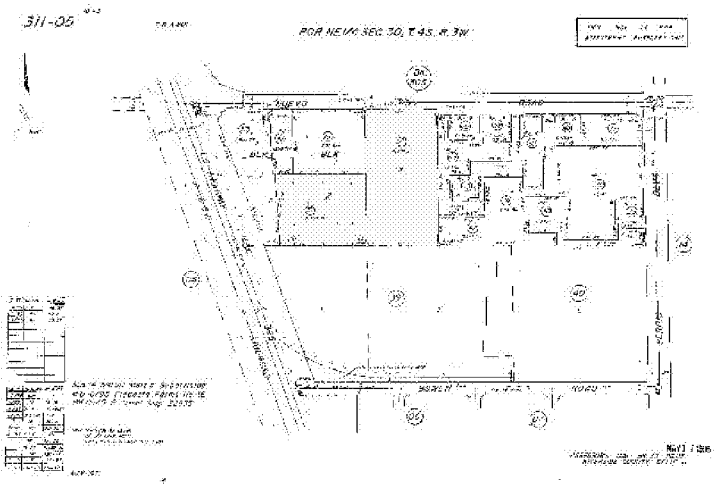

Comments

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

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Vacant Murrieta Land

Location Data

Location:	**E/S of Monroe Avenue**
	Murrieta,CA 92562
County:	**Riverside**
Assessor's Parcel No:	**910-020-014**
Atlas Ref:	**928-D7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**10.5500**	**10.5500**
Square Feet:	**459,558**	**459,558**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**MU-2**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Private Education Center**
Price Per Acre:	**$590,047**
Price Per SF of Land:	**$13.55**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**6/2009**
Marketing Time:	**N/A**
Grantor:	**RSC &C, LLC**
Grantee:	**Murrieta Education Center, LLC**
Document No.:	**0316279**
Sale Price:	**$4,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$4,500,000**
Onsite/Offsite Costs:	**$1,725,000**
Adj. Sale Price:	**$6,225,000**
Verification:	**Broker, Fred Grimes-G&E**
	951.491.6300

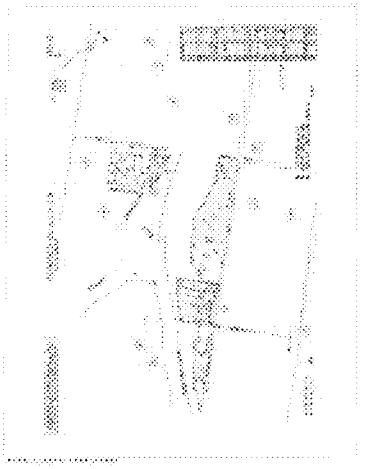

Comments

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography It was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

Physician's Hospital Site

Location Data

Location:	34965 Walt Road Murrieta,CA 92563
County:	Riverside
Assessor's Parcel No:	384-240-006
Atlas Ref:	898 F4

Physical Data

Type:	Retail/Commercial	
Land Area:	Gross	Usable
Acres:	2.1600	2.1600
Square Feet:	94,090	94,090
Topography:	Level, At Street Grade	
Shape:	Rectangular	
Utilities:	All to Site	
Zoning:	Commercial	
Allowable Bldg Area:	N/A	
Floor Area Ratio:	N/A	
No. of units:	N/A	
Max FAR:		
Frontage:	Walt Road; Joan Dunn Lane	

Sale Data

Transaction Type:	Sale
Date:	4/2009
Marketing Time:	3 months
Grantor:	Mark E. & Marcelina A. Balden
Grantee:	Physicians Hospital of Murrieta,
Document No.:	164266
Sale Price:	$1,002,054
Financing:	Not Available
Cash Eq.Price:	$1,002,054
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$1,002,054
Verification:	Costar, Public Records, broker, Fred Grimes G&E 951-491-6300

Analysis

Use At Sale:	Vacant
Proposed Use or Dev.	Hospital
Price Per Acre:	$463,913
Price Per SF of Land:	$10.65
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Comments

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

CBRE © 2010 CB Richard Ellis, Inc.

ADDENDUM E

TENTATIVE PARCEL MAP

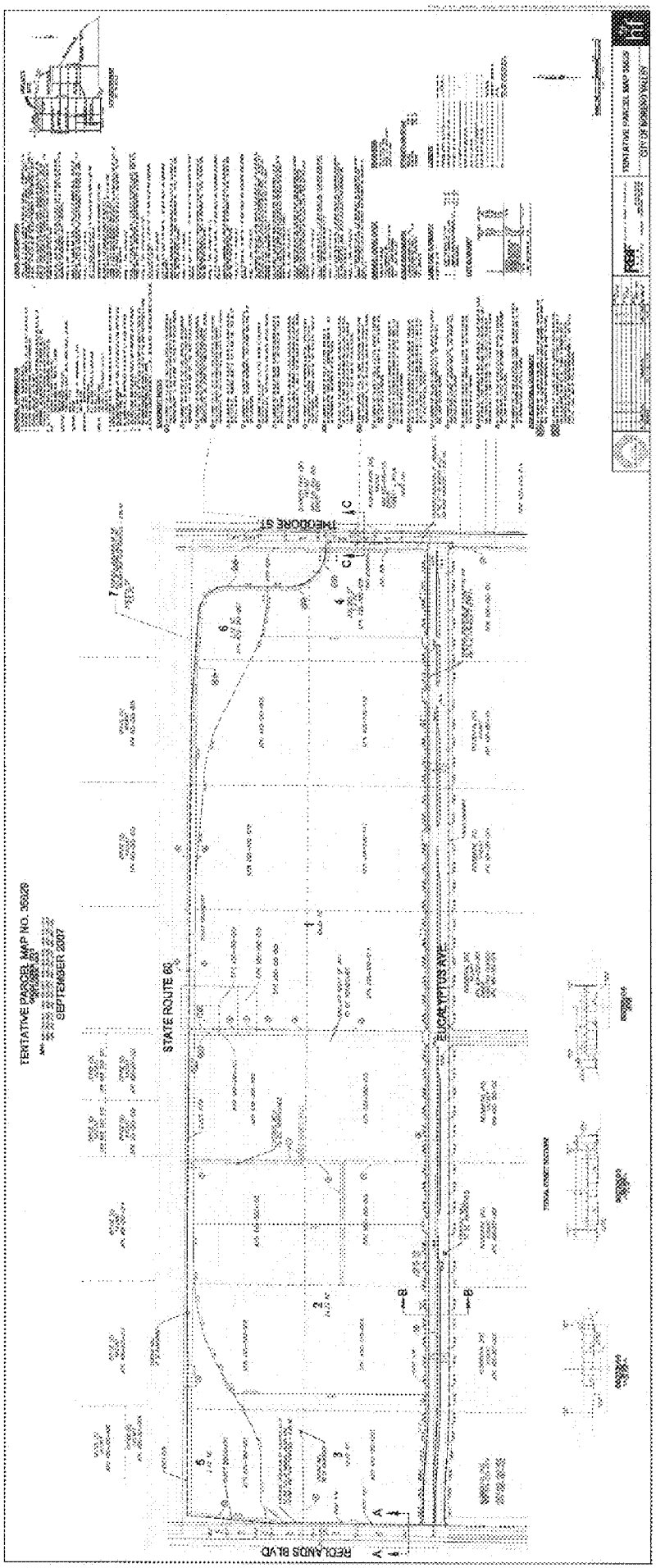

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ADDENDUM F

LAND IMPROVEMENT COSTS

HFCP Land Improvement Costs

		Parcel 1	Parcels 2 - 4	Total
Parcel Acreage		83	42	125
Infrastructure Costs				
	Avg. Cost per Acre			
Hard Costs				
Site Clearing	*3,432*	283,456	145,692	429,149
Rough Grading	*21,314*	1,760,289	904,762	2,665,051
Sewer	*6,436*	531,573	273,220	804,793
Domestic Water	*9,392*	775,656	398,675	1,174,331
Recycled Water	*2,203*	181,928	93,508	275,436
Storm Drain	*28,561*	2,358,823	1,212,399	3,571,222
Streets	*24,031*	1,984,757	1,020,135	3,004,891
Walls	*1,023*	84,457	43,409	127,866
Dry Utilities	*20,696*	1,709,311	878,560	2,587,870
Landscape	*19,405*	1,602,677	823,752	2,426,429
Repair & Replace	*424*	34,985	17,982	52,967
Subtotal	*136,916*	11,307,911	5,812,094	17,120,005
Soft Costs and Contingency				
Engineering & Design (25%)	*34,229*	2,826,978	1,453,023	4,280,001
Fees (10%)	*13,692*	1,130,791	581,209	1,712,001
Contingency (10%)	*13,692*	1,130,791	581,209	1,712,001
Subtotal	*61,612*	5,088,560	2,615,442	7,704,002
Total	*198,529*	16,396,471	8,427,536	24,824,007
*Incurred thru 8/24/10 **		*8,062,482*	*4,143,993*	*12,206,474*
Cash Outlays				
Total		20,099,590	4,724,418	24,824,007

* 100% of site clearing and rough grading, 67% of sewer, 50% of domestic water, 75% of storm drain, 28% of dry utilities, 83% of engineering design and 62% of fees. All work required for occupancy of the Skechers building will be completed by March 2011.

ADDENDUM G

QUALIFICATIONS

QUALIFICATIONS OF WILLIAM K. BEBERNES, MAI
FIRST VICE PRESIDENT

CB RICHARD ELLIS
Valuation & Advisory Services
3501 Jamboree Road, Suite 100
Newport Beach, California 92660-2940
(949) 725-8413
william.bebernes@cbre.com

GENERAL EDUCATION

Bachelor of Science, Accounting - San Diego State University, San Diego 1977

REAL ESTATE EDUCATION

All required courses for the MAI designation
Attended numerous seminars sponsored by the Appraisal Institute

PROFESSIONAL ASSOCIATIONS

Member, Appraisal Institute (MAI)
California OREA General Certification No. AG003287

EMPLOYMENT

CB Richard Ellis, Inc. - Appraisal 1986-Present
Senior Real Estate Analyst

Lloyds Bank California - Senior Appraiser, Income Properties 1985

Bank of America - Senior Appraiser 1983-1985

Lewis Homes California
Financial Analyst, Cost Accountant 1980-1983

PROFESSIONAL EXPERIENCE

Appraisal and consulting experience includes the following types of properties:

Office buildings	Shopping centers
Industrial buildings	Hotels
Golf courses	Land – all types
Apartment projects	Special purpose properties

Qualified as an expert witness

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STATE OF CALIFORNIA

Business, Transportation & Housing Agency

OFFICE OF REAL ESTATE APPRAISERS

REAL ESTATE APPRAISER LICENSE

OREA APPRAISER IDENTIFICATION NUMBER AG003287

WILLIAM K. BEBERNES

has successfully met the requirements for a license as a general real estate appraiser in the State of California and is, therefore, entitled to use the title "Certified General Real Estate Appraiser".

This license has been issued in accordance with the provisions of the Real Estate Appraisers' Licensing and Certification Law.

OFFICE OF REAL ESTATE APPRAISERS

Bob Clark

Date Issued: June 17, 2010

Date Expires: June 16, 2012

Audit No. 126203

© 2010 CB Richard Ellis, Inc.
THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO SEE. SAFE AND VERIFY FIRST

MV00073783

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "D"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Bergasa (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00073787

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

Exhibit "E"

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s),~~ or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1888965
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00073791

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

Exhibit "F"

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6.5.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Bengzon (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00073795

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Parcel Map No. 35629

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map No. 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The plot plan provides for establishment of a business park development consisting of buildings, internal circulation, parking and various site amenities.

Also on the August 24, 2010 Agenda, before the City Council for the City of Moreno Valley by separate staff report, is staff's recommended approval for two Public Improvement Agreements and securities for the remaining public improvements. The Public Improvement Agreements and securities are broken down by Phase 1 and Phase 2 and 3.

DISCUSSION

Parcel Map No. 35629 is in conformance with the tentative parcel map, and the developer has requested that the parcel map be approved for recordation. The developer has entered into Public Improvement Agreements and posted security for public improvements in accordance with the project conditions of approval. The developer has agreed to perform and complete all of the required improvements within twenty-four (24) months of the date the Public Improvement Agreements are executed. The City Engineer is authorized to execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Highland Fairview Final Parcel Map.doc

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MV00073799

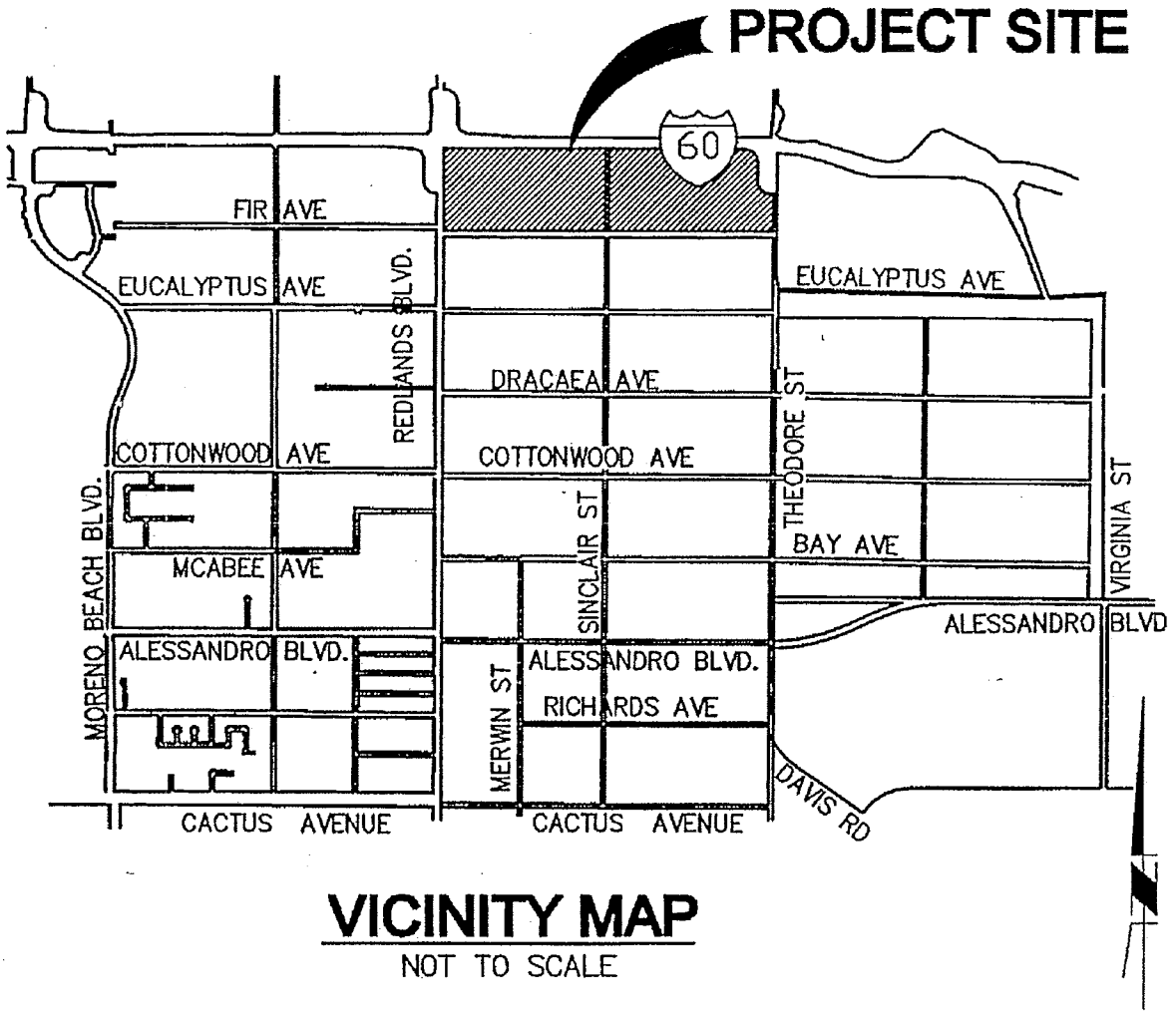

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	Parcel Map No. 35629 VICINITY MAP

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

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MV00073801

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Second Amendment and Reinstatement Independent Contractor Agreement

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

The City executed a contract for service in July 2007 with Willdan for Plan Check and Inspection Services to be provided for the Building & Safety Division. The term of the contract was for three years, with provisions for two one-year extensions. The initial contract was effective July 2007 through June 30, 2010.

DISCUSSION

The executed contract allows for the extension of the contract twice for one year each beyond the initial three year contracting period. This would be the first extension to the contract for a one year period to end concurrent with the fiscal year ending June 30, 2011.

ALTERNATIVES

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement

2. Elect not to approve the Second Amendment and Reinstatement Independent Contractor Agreement which would leave the Division without a vendor for Plan Check and Inspection Services.

FISCAL IMPACT

The approved budget for Fiscal Year 2010/11 includes $220,000 for contract services. All services provided under this agreement are fully recovered from the applicant for the construction permit

CITY COUNCIL GOALS

The Building & Safety Division is integral to the City Councils' Public Safety Goal as described "Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

SUMMARY

The City has utilized outside vendors for Plan Check and Inspection Service to better meet the variable work load currently experienced. By continuing the agreement for as needed services the Division is better able to control costs and provide prompt professional service to our customers

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Attachment A Second Amendment and Reinstatement Independent Contractor Agreement

Prepared By:
Anne Schneider, PE
Building & Safety Division Manger/ Building Official

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00073805

City of Moreno Valley

SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT CONTRACTOR AGREEMENT

RECITALS:

Whereas, the City and Contractor entered into an Agreement entitled "INDEPENDENT CONTRACTOR AGREEMENT," hereinafter referred to as "Agreement," dated July 1, 2007.

Whereas, the Contractor is providing services as more specifically described in the Agreement.

Whereas, the Agreement ending date is June 30, 2010. This amendment and reinstatement will extend the agreement into the fourth year to June 30, 2011.

This Agreement is made by and between the City of Moreno Valley, California, a municipal corporation, hereinafter referred to as the "City", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon City policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

This Agreement is made and entered into effective the date the City signs this Agreement.

1. CONTRACTOR INFORMATION

Contractor's Name:	Willdan				
Address:	650 Hospitality Lane, Suite 400				
City:	San Bernardino	State:	CA	Zip:	92408
Business Phone:	(909) 386-0200	Fax No.	(909) 888-5107		

2. CONTRACTOR SERVICE, FEES, AND RELEVANT DATES

A. The Contractor's scope of service are described in Exhibit "A" (Contractor's proposal) attached hereto and incorporated herein by this reference.

B. Payment terms are provided in Exhibit "B" attached hereto and incorporated herein by this reference.

C. The Contractor starting Date is July 1, 2007, and the Contractor Ending Date is June 30, 2011. If mutually agreeable, the City and Contractor may extend this agreement in increments of one year, not to exceed a total contract period of five (5) years. The City acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

3. STANDARD TERMS AND CONDITIONS

A. Control of Work. Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The City will not provide any training to Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services is paid by the Contractor, an agent or employee of the City, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the City, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the City.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the City. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Agreement, with the exception that the City shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law (See California Labor Code Sections 1770 through 1777.7).

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Agreement.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable

attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Agreement to the extent resulting from Contractor's negligence, recklessness or willful misconduct. Acceptance of this Agreement signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible or such coverage.

F. City Indemnification. The City agrees to indemnify, defend and save the Contractor and its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the service or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided; however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the City, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII – Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

■ General Liability Insurance – to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, sub-Contractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/$2,000,000 aggregate
Property Damage	$500,000 per occurrence/$500,000 aggregate

■ Professional Errors and Omission Insurance – such coverage shall not be less than $1,000,000 per claim and aggregate.

■ Worker's Compensation Insurance – in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the City, RDA, and CSD against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage

may be waived if the Contractor is determined to be functioning as a sole proprietor and the City provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Agreement.

■ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/CSD/RDA premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

□ Insurance requirements waived with Risk Manager's approval.

□ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "D" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City or Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Agreement, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the City unless explicitly stated otherwise in this Agreement. The Contractor may retain copies of any and all material, including drawings, documents, and

specifications produced by the Contractor in performance of this Agreement. The City and the Contractor agree that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties. Assignment of this Agreement is prohibited without prior written consent.

J. Termination. Either party may terminate this Agreement upon breach of the Agreement by the other party. In the event the City terminates the Agreement, the Contractor shall perform no further services under the Agreement unless the notice of termination authorizes such further work.

K. Payment. Payments to the Contactor pursuant to this Agreement will be reported to Federal and State taxing authorities as required. The City will not withhold any sums from compensation payable to Contractor. Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contactors time and materials charges under the Agreement. Upon reasonable notice, such records must be made available to the City's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Agreement.

L. Restrictions on City Employees. The Contractor shall not employ any City employee or official in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state or local Law.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall govern the interpretation of this Agreement. Any legal proceeding arising from this Agreement shall be brought in the appropriate court located in Riverside County, State of California.

SIGNATURE PAGE TO FOLLOW

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

City of Moreno Valley

By: _____
Mayor

Date: _____

Attest:

_____
City Clerk

Contractor: Willdan Engineering

By: _____
Ronald L. Espalin, PE

Title: Director of Building & Safety

Date: August 9, 2010

Approved as to Legal Form:

By: _____
City Attorney

Date: 8.9.10

RECOMMENDED FOR APPROVAL:

By: _____
Kyle Kollar
Interim Community
Development Director

Date: 8/10/11

Attachments:
Exhibit A: Proposal for Building & Safety Plan Check Services
Exhibit B: Terms of Payment

EXHIBIT A

PROPOSAL

Building & Safety Plan Check Services

MORENO VALLEY

City of Moreno Valley

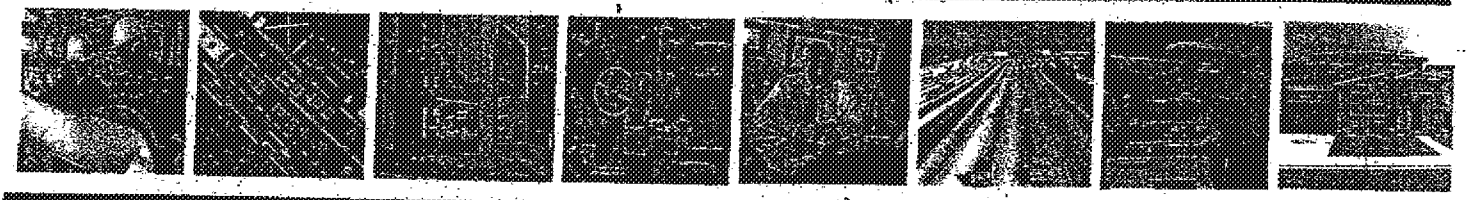

650 Hospitality Lane, Suite 400 ■ San Bernardino, CA 92408 ■ 909.386.0200 ■ 909.888.5107 Fax
www.willdan.com

Submitted by:

WILLDAN
Serving Public Agencies

April 3, 2007

Item No. A.17

WILLDAN
Serving Public Agencies

650 Hospitality Lane, Suite 400
San Bernardino, California 92408-3317
909/386-0200 fax 909/888-5107
www.willdan.com

April 3, 2007

Ms. Ruth Nelson, CPPB
Buyer II
CITY OF MORENO VALLEY
15670 Perris Boulevard
Moreno Valley, CA 92552

Subject: Proposal to Provide Building and Safety Plan Review Services RFP # 06/07 - 05

Dear Ms. Nelson:

Willdan welcomes the opportunity to present this proposal to continue to provide building and safety plan check services for the City of Moreno Valley. While our exceptional services are presented in the proposal, listed below are reasons why Willdan is qualified to perform this service to the City.

- Willdan currently provides building and safety plan check services to the City of Moreno Valley; therefore our local staff is familiar with the City's standards of performance and procedures.
- Willdan offers all disciplines the City may require with on-staff personnel. No subconsultants will be needed for any required services.
- Willdan provides no private sector engineering services, therefore there is no conflict of interest.
- Willdan staff will be prepared to attend all required meetings at City Hall either the same day, or within 24 hours notice.

Our approach to each assignment is to furnish the client with technical assistance and strong project management in a professional, efficient and economical manner. We are looking forward to continuing to provide these services to the City of Moreno Valley. This proposal shall remain valid and binding for ninety (90) days from the date of submittal.

Respectfully submitted,
WILLDAN

Ronald L. Espalin, PE
Senior Vice President

TABLE OF CONTENTS

PAGE

EXECUTIVE SUMMARY 3

STATEMENT of QUALIFICATIONS 4

SCOPE OF SERVICES 5

RELATED EXPERIENCE/REFERENCES 7

STAFF 9
Organization Chart 10
Resumes 11

COMPENSATION 17

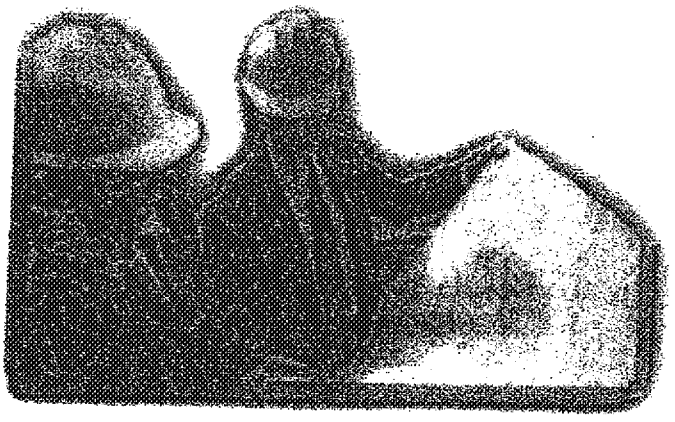

Willdan can offer the City of Moreno Valley significant experience in providing Building and Safety Plan Check services. Our Building and Safety experience includes plan review and inspection of major structures for numerous cities in Southern California and, in addition, the majority of our staff were previous employees of public agencies in Southern California. This public sector consulting orientation provides our staff with insight into the needs and problems of public agencies and their constituents, resulting in a high level of responsiveness to members of the public.

Willdan differs from most other engineering consulting firms in that we specialize in offering consulting services primarily to city, county and other governmental entities, thereby alleviating any possibility for conflict of interest. Each Willdan office is staffed with highly qualified professionals representing a broad range of disciplines who are fully cognizant of National, State and local codes and regulations and who are in a position to respond to the particular needs of specific geographic areas. All of our key staff members were previously employed by public agencies and have strong backgrounds in all aspects of building and safety services.

The firm's complete list of services includes: building and safety, public works, construction management, inspection, civil engineering, urban and environmental planning, traffic engineering and transportation planning, bridge and structure design, highway and rail engineering, drainage and flood control, real property services, computer-aided analysis and design, landscape architecture, facility financing, geotechnical engineering services, and surveying.

THE WILLDAN GROUP OF COMPANIES

Willdan, Arroyo Geotechnical, and MuniFinancial are the three-company public service team that has grown from the 1964 establishment of Willdan Engineering, known today as *The WILLDAN Group of Companies*. This "group of companies" provides civil and structural engineering, planning, financial and economic consulting, and geology and geotechnical engineering services for more than 400 public sector clients throughout Arizona, California, and Nevada.

WILLDAN Serving Public Agencies is a full-service civil engineering and planning firm. Whether on a full-time basis, an interim part-time basis, or in consultation, project-by-project, Willdan's broad professional range and depth of staffing allows the company to economically streamline projects from concept through design, inspection and management. Willdan is also a well-established provider of building and safety and plan check services for city, county, and state governments.

ARROYO GEOTECHNICAL offers a full complement of geology/geotechnical engineering capabilities, including soils engineering, earthquake and seismic hazard studies, geology and hydrogeology engineering. Arroyo Geotechnical also maintains a full-service geotechnical laboratory.

MuniFinancial A WILLDAN COMPANY provides financial and economic consulting for growth planning, revenue generation, debt administration and municipal services, with specialties such as ongoing municipal disclosure and arbitrage rebate compliance. Established in 1988, MuniFinancial has worked with more than 500 public agencies throughout the United States.

Since its establishment in 1964, Willdan has expanded in size, location, and service capabilities through its system of regional offices. Each office is staffed with highly qualified professionals who are fully aware of local influences and regulations and are in a position to respond to particular needs of specific geographic areas.

Today, the firm provides a full range of engineering and planning services. A staff of 400 professional and technical experts include specialists in municipal engineering, highway and freeway engineering, structural engineering, drainage and flood control, traffic and transportation engineering, construction management, building and safety services, urban and regional planning, environmental planning, water resources, water and wastewater engineering, growth management planning, surveying, assessment engineering, landscape architecture, computer-aided analysis and design, and other technical fields. Services are provided on an "as-needed" basis; a full-time, in-house basis; and on a specific project basis.

Willdan specializes in providing professional building, engineering, and planning services to municipalities. The firm has been providing building and safety services to cities and counties on a contract basis since 1979.

Willdan presently serves in the capacity of Building Official in more than 20 cities throughout California. In this capacity, we provide a full range of services including plan review, permit issuance, inspection and code enforcement. We service client needs from an occasional overload plan review to staffing an entire Building Department. Willdan has gained a great deal of municipal insight and expertise in serving our extensive clientele over the years. We have performed plan review and inspection on projects ranging from single family residential additions to complex high rise towers, medical facilities and industrial centers.

Willdan's experience and strength in building and safety plan check encompasses the complete range of technical disciplines, that is, structural engineering plan check, fire-life safety, electrical, plumbing and mechanical codes, the Title 24 codes, as well as local amendments to the adopted codes.

SCOPE OF SERVICES

Plan Check Services

Willdan will examine building plans for compliance with the adopted version of the California Building Code, California Mechanical Code, California Plumbing Code, National Electrical Code, and the Accessibility, Noise and Energy Conservation requirements as mandated by State Title 24 and all applicable Ordinances. Our approach to the plan check process includes attention to code requirements as well as an overview of the application package for other applicable requirements such as approvals from other local agencies and districts. Willdan's plan checkers are registered engineers and certified plans examiners. All plan review will comply with the City's directives, codes and policies. Plan check will include a review of any or all of the following design elements as determined by the City:

- Architectural and life-safety
- Structural
- Electrical
- Plumbing
- Mechanical
- Energy Conservation Regulations (Title 24)
- Disabled Access Regulations (C.B.C. - T-24)

Turn-Around Schedule

Typical turn-around time for the initial plan check is ten working days (15 days for projects of $3,000,000 or greater valuation), 5 days for rechecks. This schedule is applicable for all types of construction and can be adjusted to serve the City in the most efficient manner. Willdan will provide expedited plan review if requested at no additional cost to the City.

Willdan staff will either pick up the plans from the City, or have them overnighted to our office at no cost to the City. All plans will be returned to the City either by messenger or overnight delivery at no cost to the City.

Willdan will notify each applicant with two complete sets of typewritten plan check letters outlining the documents reviewed, instructions to the applicant regarding the processing of documents, and a listing of plan check comments. The plan check comments will refer to appropriate sheets, details or calculations pages and the code section of concern. Comments shall specify the apparent code violation.

Plan checkers will be available during work hours to discuss and clarify plan check issues with designers, owners and contractors. Plan checkers will be prepared to attend all required meetings at a location determined by the City and/or applicant, either the same day as requested, or within 24 hours notice.

Resolutions of code issues may be accomplished by telephone, or meetings prior to resubmitting corrected plans and documents. Plan checkers will attend all required meetings as deemed necessary by the City Building Official. During unforeseen high work load periods, Willdan will employ company-wide resources to ensure that all plan review is being performed in the specific time allowed.

Grading Plan Review and Inspection
If requested by the City, Willdan can provide grading plan review and inspection services. Grading plan review includes:

- **Rough Grading Plans** will be reviewed to assure conformance with City codes, written policies and standard specifications. The review will also assure conformance with the approved tentative map and conditions of approval for the project.

- **Grading Plans** will be reviewed for compliance with the recommendations, specifications and details contained in the submitted soils report and to assure that all appropriate details are shown on the plans. Quantity calculations will be reviewed to assure accuracy and completeness.

- **Precise Grading Plans** will be reviewed to verify positive drainage to an approved outlet. Where deepened footings are required due to the lot grading, the extent and depth of the needed deepened footing will be clearly noted on each footprint. Erosion control measures for manufactured slopes will be reviewed to verify that the landscaping and irrigation measures are adequate. In addition, we will assure any interim measures to control erosion until such time as the landscaping is viable and shown on the plan.

RELATED EXPERIENCE/REFERENCES

Client: **City of Riverside**
Mr. Dan Chudy, Building Official
3900 Main Street
Riverside, CA 92522
951.826.5915

Services: Building and Safety plan check and inspection services.

Client: **City of Indian Wells**
Mr. Corrie Kates, Building Official/Community Development Director
44-950 El Dorado Drive
Indian Wells, CA 92210
760.776.0230

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check services.

Client: **City of Loma Linda**
Ms. Deborah Woldroff, Community Development Director
25541 Barton Road
Loma Linda, CA 92354
909.799.2810

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: **City of Calimesa**
Mr. David Lane, City Manager
908 Park Avenue
Calimesa, CA 92320
909.795.9801

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: **City of Highland**
Mr. John Jaques, Community Development Director
27215 Baseline
Highland, CA 92346
909.864.2136

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: **Morongo Band of Mission Indians**
Mr. Tom Linton, Director, Planning and Development
245 N. Murray Street, Suite C
Banning, CA 92220
909.849.4697

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

The following organization chart and resumes represent just a portion of the qualified Willdan staff to provide the services as delineated in this proposal.

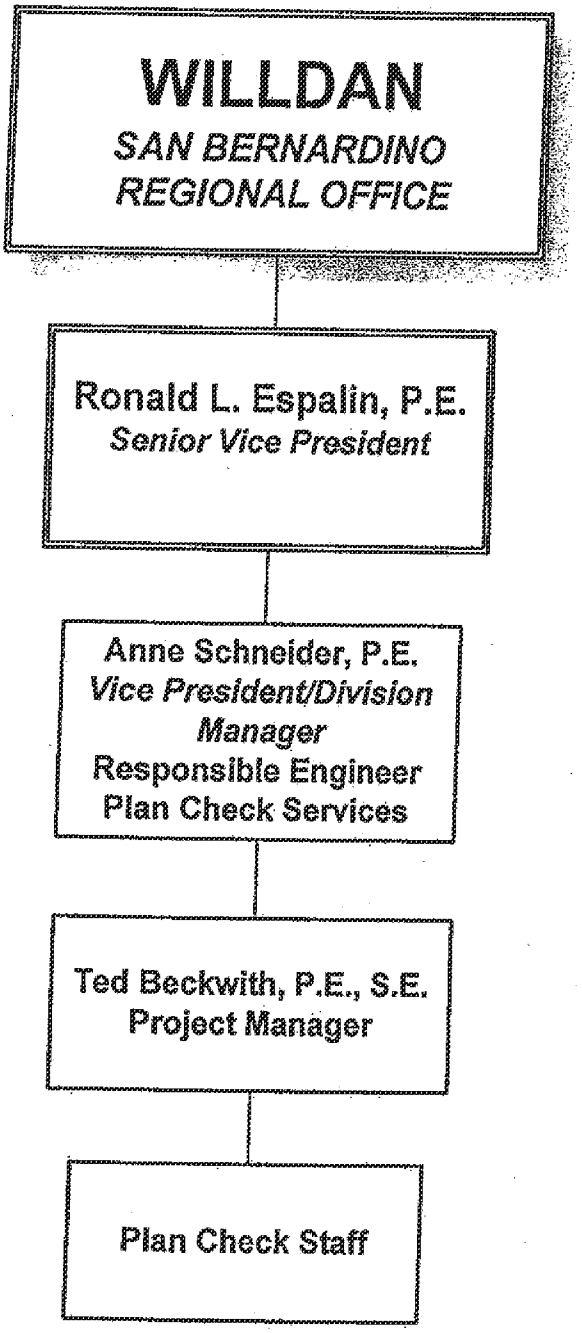
WILLDAN
SAN BERNARDINO
REGIONAL OFFICE
Ronald L. Espalin, P.E.
Senior Vice President
Anne Schneider, P.E.
Vice President/Division Manager
Responsible Engineer
Plan Check Services
Ted Beckwith, P.E., S.E.
Project Manager
Plan Check Staff

Ronald Espalin, P.E.
Senior Vice President

Education
California State Polytechnic University-Pomona Master of Engineering - Structural Engineering
California State Polytechnic University-Pomona Bachelor of Science - Civil Engineering

Associations/ Affiliations
International Code Council
Coachella Valley Chapter - President, 2002
Inland Empire Chapter - President, 1997
Citrus Belt Chapter - "Building Official of the Year" 1995
Riverside County Chapter - President 1986
California Building Officials
CALBO Disaster Response Team

Professional Registrations
California, RCE 26187
Certified Building Official, No. 560
35 Years Experience

Mr. Espalin is a Senior Vice President and the Regional Office Manager of the San Bernardino Office. Mr. Espalin has extensive experience in managing engineering and technical staff and has served as the responsible engineer for plan check and inspection services for numerous cities and counties. He has served as on-site Building official overseeing all aspects of building and safety operations for cities in the Inland Empire, Coachella Valley and other regions in Southern California. Mr. Espalin has served as interim Building Official for local cities in San Bernardino and Riverside Counties. His duties in this capacity include reviewing proposed legislation affecting Building Code enforcement, arbitrating disputes on code interpretations, and resolving the more difficult and complex engineering and code problems.

Prior to joining Willdan, Mr. Espalin was the Assistant Director of Building and Safety for the County of Riverside. He was responsible for the day-to-day operations of the department and was responsible for 130 employees providing services in plan review, permit issuance, inspection services, rehabilitation and code enforcement and land use zoning enforcement.

In the private sector, Mr. Espalin was a structural design engineer. His design responsibilities included calculations and design for structural steel and reinforced concrete moment frame structures, industrial structures, dynamic and static analysis, soil-structure interaction analysis and seismic qualification of equipment and systems in essential facilities. Mr. Espalin maintains a lifetime teaching credential in Engineering with the California Community College system.

Anne Schneider, P.E.
Division Manager/Vice President

Education
California State Polytechnic University-San Luis Obispo
Bachelor of Science - Architectural Engineering

Associations/ Affiliations

Ms. Schneider, a registered Civil Engineer in California, is a Division Manager/Vice President for the San Bernardino Office. She has over 15 years professional experience in building and safety enforcement of model codes, State and local building regulations. Her plan review experience includes commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in structural and life safety review of plans. Ms. Schneider has worked on assignment for Willdan in the offices of San Diego County and Riverside County Building Departments providing plan check services.

Prior to joining Willdan, Ms. Schneider held the position of Tribal Engineer for the Cabazon Band of Mission Indians in Indio, California. In this capacity she supervised construction and design work for the Reservation and was primarily responsible for a $3 million Federal Highway Administration road construction project.

Her past experience includes the responsibility of Plans Examiner for the City of Lancaster where she evaluated commercial and residential plans for code compliance and coordinated City response to applications for construction permits.

Professional Registrations
California, RCE 46183
ICBO Certified Plans Examiner
ICBO Certified Building Inspector

15 Years Experience

Ted Beckwith, P.E., S.E.
Supervising Plan Check Engineer

Education
California State University, Fullerton
Bachelor of Science, Structural Engineering

Riverside Community College
Certificate in Construction Technology

Associations/ Affiliations
International Conference of Building Officials
Structural Engineers Association of California

Professional Registrations
California, CE#48798, SE#4294
ICC Building Plans Examiner, UBC#1043425-60
ICC Building Plans Examiner, IBC#1043425-06

19 Years Experience

Mr. Beckwith, a registered Civil and Structural Engineer in California, is a Supervising Plan Check Engineer for the San Bernardino Office. He has 19 years professional experience in structural design and enforcement of state and local building regulations. His design and plan review experience includes educational, commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in design and review of structural plans.

During his tenure with Willdan, Mr. Beckwith has performed the structural review of several projects at California State University, San Bernardino. These projects include the OTTC Building, the three-story College of Education Building and the seismic retrofit and repair of both the Biological Science Building and the Physical Science Building.

Mr. Beckwith's previous experience includes the position of Assistant Engineer with the County of Riverside. In this capacity, he performed structural plan review of various structures including steel, concrete, wood, and masonry buildings. He has specialized in major structures of four or more stories. He has also worked for RM Byrd and Associates, a structural design office located in Ontario, CA. This firm specializes in public schools under the purview of the Structural Safety Section of the Division of the State Architect. An example of public school projects that he has designed include a new middle school in Los Banos, a new middle school in Laguna Niguel, a new high school in Fontana and several school modernization programs throughout Southern California. Mr. Beckwith is very familiar with the particular requirements of chapters 16A, through 23A of the state building code and detail orientated in his structural review of plans.

Patrick Johnson, P.E.
Plan Check Engineer

Education
University of Iowa, Iowa City, IA
Bachelor and Science, Structural Engineering

Associations/ Affiliations
ASCE (American Society of Civil Engineers)

Professional Registrations
California Professional Engineer, CE#6796

10 Years Experience

Mr. Johnson, a registered Civil Engineer in California, is a Plan Check Engineer for the San Bernardino Office. He has 10 years experience in the construction field specializing in carpentry, plumbing, heating and air conditioning, and electrical work. As a 2001 graduate of University of Iowa his primary focus has been on structural engineering of lightweight commercial and residential structures. Since employed with Willdan, he as attended a number of code enforcement and seismic application seminars.

Mr. Johnson's previous engineering experience includes the position of a Design Engineer with KLP Consulting Engineers of Centennial, Colorado. In this capacity, he specialized in the design of lightweight commercial, multi and single-family housing. At times he would be called out to the field as a forensic engineer to justify the probable cause of structural damages caused by expensive soils. Mr. Johnson also as engineering experience in the design of variety of transportation projects including single and multi-span bridges, pedestrian tunnels, retaining walls, and concrete box culverts.

Arne Lovnaseth, Architect
Plan Check Architect

Education
Cal Poly Pomona, Bachelor of Science, Bachelor of Architecture

Mr. Lovnaseth, a registered Architect in California, is a Plan Check Architect for the San Bernardino Office. He has 20 years experience in the construction field specializing in design work. As a 1983 graduate of Cal Poly Pomona his primary focus has been on architectural design of lightweight commercial and residential structures. He has attended a number of code enforcement seminars.

Professional Registrations
California Licensed Architect,, #C18833
I.C.C. Plans Examiner #0877794-B3

Mr. Lovnaseth's previous architectural and plan checking experience includes the position of Senior Plans Examiner for the City of San Bernardino for over 5 years. In this capacity, he specialized in the plan checking of lightweight commercial, multi and single-family housing. Prior to that he was a project manager at John McInnes Architect in Laguna Beach, Ca. for 5 years.

20 Years Experience

COMPENSATION

We propose to provide these services for a fee equal to seventy-five percent (75%) of the fees collected by the City. For grading plans and inspection; miscellaneous plans, such as, room additions, tenant improvements, etc., we propose an hourly time and material fee per Willdan's Schedule of Hourly Rates dated July 2003, attached herein. This fee schedule shall remain valid for at least one year from the effective date of the contract.

WILLDAN
Serving Public Agencies

WILLDAN
Schedule of Hourly Rates
July 1, 2003

ENGINEERING

Principal Engineer	$160.00
Division Manager	150.00
City Engineer	150.00
Project Manager	150.00
Supervising Engineer	135.00
Senior Engineer	120.00
Senior Design Manager	120.00
Design Manager	110.00
Associate Engineer	110.00
Senior Designer	105.00
Senior Design Engineer II	105.00
Senior Design Engineer I	100.00
Designer II	100.00
Designer I	95.00
Design Engineer II	95.00
Design Engineer I	90.00
Senior Drafter	90.00
Drafter II	80.00
Drafter I	75.00
Technical Aide	65.00

CONSTRUCTION MANAGEMENT

Division Manager	150.00
Project Manager	150.00
Senior Construction Manager	130.00
Construction Manager	120.00
Assistant Construction Manager	100.00
Utility Coordinator	105.00
Supervising Public Works Observer	105.00
Senior Public Works Observer	90.00
Public Works Observer	**80.00 / 90.00
Assistant Public Works Observer	**70.00 / 90.00
Labor Compliance Manager	105.00
Labor Compliance Specialist	80.00

SURVEYING

Division Manager	150.00
Supervisor - Survey & Mapping	135.00
Senior Survey Analyst	105.00
Senior Calculator	105.00
Calculator II	90.00
Calculator I	80.00
Survey Analyst II	90.00
Survey Analyst I	80.00
Survey Party Chief	100.00
Two-Man Field Party	200.00
Three-Man Field Party	250.00

LANDSCAPE ARCHITECTURE

Division Manager	150.00
Principal Landscape Architect	120.00
Senior Landscape Architect	100.00
Associate Landscape Architect	95.00
Assistant Landscape Architect	80.00

BUILDING AND SAFETY

Division Manager	150.00
Supervising Plan Check Engineer	120.00
Building Official	120.00
Plan Check Engineer	110.00
Deputy Building Official	110.00
Inspector of Record	110.00
Senior Plans Examiner	100.00
Supervising Building Inspector	100.00
Plans Examiner	90.00
Senior Building Inspector	90.00
Building Inspector	**80.00 / 90.00
Supervising Construction Permit Specialist	80.00
Senior Construction Permit Specialist	75.00
Assistant Building Inspector	**70.00 / 90.00
Code Enforcement Officer	65.00
Construction Permit Specialist	60.00
Assistant Construction Permit Specialist	55.00
Plans Examiner Aide	55.00
Assistant Code Enforcement Officer	55.00

PLANNING

Division Manager	150.00
Principal Planner	120.00
Principal Community Development Planner	120.00
Senior Planner	110.00
Senior Community Development Planner	110.00
Associate Planner	95.00
Associate Community Development Planner	95.00
Assistant Community Development Planner	85.00
Assistant Planner	85.00
Planning Technician	65.00
Community Development Technician	65.00

ADMINISTRATIVE

Computer Data Entry	50.00
Clerical	50.00
Word Processing	50.00
Personal Computer Time	15.00

**Prevailing Wage Project, Use $90.00/Hour

Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.25 times, and Sundays and holidays, 1.70 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A subconsultant management fee of fifteen percent (15%) will be added to the direct cost of all subconsultant services to provide for the cost of administration, consultation, and coordination.

EXHIBIT B

TERMS OF PAYMENT

1. The contractor's compensation shall be 75% of the City's collected plan check fee, per project.

2. The contractor will submit an invoice to the city once a month for progress payments along with documentation evidencing services comple4ted to ate. The progress payment is based on the amount of plan review completed. At no time will the City pay for more services than have been satisfactorily completed or in excess of the amount noted in paragraph one (1) above.

3. The City shall pay the contractor for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

Client#: 6540 WILLDAN

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) 12/17/09

PRODUCER
Dealey, Renton & Associates
P. O. Box 10550
Santa Ana, CA 92711-0550
714 427-6810

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
Willdan Engineering
2401 E. Katella Avenue, Ste. 300
Anaheim, CA 92806

INSURER A: Travelers Property Casualty Co of Am
INSURER B: Travelers Casualty Ins. Co. of Ameri
INSURER C: Catlin Insurance Company, Inc.
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR X CONTRACTUAL X BFPD, XCU GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC	6301158P020 INDP. CONTRACTORS INCLUDED	11/09/09	11/09/10	EACH OCCURRENCE	$1,000,000
					FIRE DAMAGE (Any one fire)	$1,000,000
					MED EXP (Any one person)	$10,000
					PERSONAL & ADV INJURY	$1,000,000
					GENERAL AGGREGATE	$2,000,000
					PRODUCTS - COMP/OP AGG	$2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	8101158P020	11/09/09	11/09/10	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE (Per accident)	$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
					OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
					AGGREGATE	$
						$
						$
						$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	UB1302P790	11/09/09	11/09/10	X WC STATU-TORY LIMITS OTH-ER	
					E.L. EACH ACCIDENT	$1,000,000
					E.L. DISEASE - EA EMPLOYEE	$1,000,000
					E.L. DISEASE - POLICY LIMIT	$1,000,000
C	OTHER Professional Liability	AED977441110	11/09/09	11/09/10	$1,000,000 per claim $1,000,000 annl aggr.	

RISK MANAGEMENT
Approved
By Date

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
General Liability policy excludes claims arising out of the performance of professional services
Re: Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330
(See Attached Descriptions)

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER:

City of Moreno Valley
Attn: Gary Kyle, Bldg Official
PO Box 88005
Moreno Valley, CA 92552

CANCELLATION Ten Day Notice for Non-Payment of Premium

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Rosanna Sowal

DESCRIPTIONS (Continued from Page 1)

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District are Additional Insured as respects to General and Auto Liability as required by written contract. Primary and Non-Contributing coverage applies to GL as required by written contract.
(SAN BERNARDINO)

POLICY NUMBER: 6301158P020

COMMERCIAL GENERAL LIABILITY
ISSUE DATE: 12/17/09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SCHEDULED ADDITIONAL INSURED WRITTEN CONTRACT (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

NAME OF PERSON(S) OR ORGANIZATION(S):

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District

PROJECT/LOCATION OF COVERED OPERATIONS:

Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330

PROVISIONS

1. The following is added to **SECTION II - WHO IS AN INSURED:**

   The person or organization shown in the Schedule above is an additional insured on this Coverage Part, but:

   a. Only with respect to liability for "bodily injury", "property damage" or "personal injury"; and

   b. If, and only to the extent that, the injury or damage is caused by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies. The person or organization does not qualify as an additional insured with respect to the independent acts or omissions of such person or organization.

   The insurance provided to such additional insured is limited as follows:

   c. In the event that the Limits of Insurance of this Coverage Part shown in the Declarations exceed the limits of liability required by the "written contract requiring insurance", the insurance provided to the additional insured shall be limited to the limits of liability required by that "written contract requiring insurance". This endorsement shall not increase the limits of I nsurance described in Section III — Limits Of Insurance.

   d. This insurance does not apply to the rendering of or failure to render any "professional services" or construction management errors or omissions.

   e. This insurance does not apply to "bodily in jury" or "property damage" caused by "your work" and included in the "products-completed operations hazard" unless the "written contract requiring insurance" specifically requires you to provide such coverage for that additional insured, and then the insurance provided to that additional insured applies only to such "bodily injury" or "property damage" that occurs before the end of the pe riod of time for which the "written contract requiring insurance" requires you to provide such coverage or the end of the policy period, whichever is earlier.

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2. The following is added to Paragraph 4.a. of **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   The insurance provided to the additional insured shown in the Schedule above is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured for a loss we cover. However, if you specifically agree in the "written contract requiring insurance" that this insurance provided to the additional insured under this Coverage Part must apply on a primary basis or a primary and non-contributory basis, this insurance is primary to "other insurance" available to the additional insured which covers that person or organization as a named insured for such loss, and we will not share with that "other insurance". But this insurance provided to the additional insured still is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured when that person or organization is an additional insured under any "other insurance".

3. The following is added to **SECTION IV — COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   Duties Of An Additional Insured

   As a condition of coverage provided to the additional insured:

   The additional insured must give us written notice as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, such notice should include:

   i. How, when and where the "occurrence" or offense took place;

   ii. The names and addresses of any injured persons and witnesses; and

   iii. The nature and location of any injury or damage arising out of the "occurrence" or offense.

   b. If a claim is made or "suit" is brought against the additional insured, the additional insured must:

      i. Immediately record the specifics of the claim or "suit" and the date received; and

      ii. Notify us as soon as practicable.

      The additional insured must see to it that we receive written notice of the claim or "suit" as soon as practicable.

   c. The additional insured must immediately send us copies of all legal papers received in connection with the claim or "suit", cooperate with us in the investigation or settlement of the claim or defense against the "suit", and otherwise comply with all policy conditions.

   d. The additional insured must tender the defense and indemnity of any claim or "suit" to any provider of other insurance which would cover the additional insured for a loss we cover. However, this condition does not affect whether this insurance provided to the additional insured is primary to that other insurance available to the additional insured which covers that person or organization as a named insured.

4. The following is added to the **DEFINITIONS** Section:

   "Written contract requiring insurance" means that part of any written contract or agreement with the person or organization shown in the Schedule above, under which you are required to include that person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs and the "personal injury" is caused by an offense committed:

   a. After the signing and execution of the contract or agreement by you;

   b. While that part of the contract or agreement is in effect; and

   c. Before the end of the policy period.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BUSINESS AUTO EXTENSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

GENERAL DESCRIPTION OF COVERAGE – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

A. BROAD FORM NAMED INSURED

B. BLANKET ADDITIONAL INSURED

C. EMPLOYEE HIRED AUTO

D. EMPLOYEES AS INSURED

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

G. WAIVER OF DEDUCTIBLE – GLASS

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

J. PERSONAL EFFECTS

K. AIRBAGS

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

M. BLANKET WAIVER OF SUBROGATION

N. UNINTENTIONAL ERRORS OR OMISSIONS

PROVISIONS

A. BROAD FORM NAMED INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any organization you newly acquire or form during the policy period over which you maintain 50% or more ownership interest and that is not separately insured for Business Auto Coverage. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier.

B. BLANKET ADDITIONAL INSURED

The following is added to Paragraph c. in A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any person or organization who is required under a written contract or agreement between you and that person or organization, that is signed and executed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to be named as an additional insured is an "insured" for Liability Coverage, but only for damages to which this insurance applies and only to the extent that person or organization qualifies as an "insured" under the Who is An Insured provision contained in Section II.

C. EMPLOYEE HIRED AUTO

1. The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while performing duties related to the conduct of your business.

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2. The following replaces Paragraph b. in B.5., Other Insurance, of SECTION IV – BUSINESS AUTO CONDITIONS:

   b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

      (1) Any covered "auto" you lease, hire, rent or borrow; and

      (2) Any covered "auto" hired or rented by your "employee" under a contract in that individual "employee's" name, with your permission, while performing duties related to the conduct of your business.

   However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

D. EMPLOYEES AS INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

1. The following replaces Paragraph A.2.a.(2), of SECTION II – LIABILITY COVERAGE:

   (2) Up to $3,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.

2. The following replaces Paragraph A.2.a.(4), of SECTION II – LIABILITY COVERAGE:

   (4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to $500 a day because of time off from work.

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

The following replaces Subparagraph e. in Paragraph B.7., Policy Term, Coverage Territory, of SECTION IV – BUSINESS AUTO CONDITIONS:

e. Anywhere in the world, except any country or jurisdiction while any trade sanction, embargo, or similar regulation imposed by the United States of America applies to and prohibits the transaction of business with or within such country or jurisdiction, for Liability Coverage for any covered "auto" that you lease, hire, rent or borrow without a driver for a period of 30 days or less and that is not an "auto" you lease, hire, rent or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households.

   (1) With respect to any claim made or "suit" brought outside the United States of America, the territories and possessions of the United States of America, Puerto Rico and Canada:

      (a) You must arrange to defend the "insured" against, and investigate or settle any such claim or "suit" and keep us advised of all proceedings and actions.

      (b) Neither you nor any other involved "insured" will make any settlement without our consent.

      (c) We may, at our discretion, participate in defending the "insured" against, or in the settlement of, any claim or "suit".

      (d) We will reimburse the "insured":

         (i) For sums that the "insured" legally must pay as damages because of "bodily injury" or "property damage" to which this insurance applies, that the "insured" pays with our consent, but only up to the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE;

         (ii) For the reasonable expenses incurred with our consent for your investigation of such claims and your defense of the "insured" against any such "suit", but only up to and included within the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE.

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and not in addition to such limit. Our duty to make such payments ends when we have used up the applicable limit of insurance in payments for damages, settlements or defense expenses.

(2) This insurance is excess over any valid and collectible other insurance available to the "insured" whether primary, excess contingent or on any other basis.

(3) This insurance is not a substitute for required or compulsory insurance in any country outside the United States, its territories and possessions, Puerto Rico and Canada.

You agree to maintain all required or compulsory insurance in any such country up to the minimum limits required by local law. Your failure to comply with compulsory insurance requirements will not invalidate the coverage afforded by this policy, but we will only be liable to the same extent we would have been liable had you complied with the compulsory insurance requirements.

(4) It is understood that we are not an admitted or authorized insurer outside the United States of America, its territories and possessions, Puerto Rico and Canada. We assume no responsibility for the furnishing of certificates of insurance, or for compliance in any way with the laws of other countries relating to insurance.

G. WAIVER OF DEDUCTIBLE – GLASS

The following is added to Paragraph D., **Deductible**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

The following replaces the last sentence of Paragraph A.4.b., **Loss Of Use Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

However, the most we will pay for any expenses for loss of use is $65 per day, to a maximum of $750 for any one "accident".

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

The following replaces the first sentence in Paragraph A.4.a., **Transportation Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

We will pay up to $50 per day to a maximum of $1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

J. PERSONAL EFFECTS

The following is added to Paragraph A.4., **Coverage Extensions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Personal Effects

We will pay up to $400 for "loss" to wearing apparel and other personal effects which are:

(1) Owned by an "insured"; and

(2) In or on your covered "auto".

This coverage applies only in the event of a total theft of your covered "auto".

No deductibles apply to this Personal Effects coverage.

K. AIRBAGS

The following is added to Paragraph B.3., **Exclusions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Exclusion 3.a. does not apply to "loss" to one or more airbags in a covered "auto" you own that inflate due to a cause other than a cause of "loss" set forth in Paragraphs A.1.b. and A.1.c., but only:

a. If that "auto" is a covered "auto" for Comprehensive Coverage under this policy;

b. The airbags are not covered under any warranty; and

c. The airbags were not intentionally inflated.

We will pay up to a maximum of $1,000 for any one "loss".

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

The following is added to Paragraph A.2.a., of **SECTION IV – BUSINESS AUTO CONDITIONS:**

Your duty to give us or our authorized representative prompt notice of the "accident" or "loss" applies only when the "accident" or "loss" is known to:

(a) You (if you are an individual);

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(b) A partner (if you are a partnership);

(c) A member (if you are a limited liability company);

(d) An executive officer, director or insurance manager (if you are a corporation or other organization); or

(e) Any "employee" authorized by you to give notice of the "accident" or "loss".

M. BLANKET WAIVER OF SUBROGATION

The following replaces Paragraph A.5., **Transfer Of Rights Of Recovery Against Others To Us**, of SECTION IV – BUSINESS AUTO CONDITIONS:

5. **Transfer Of Rights Of Recovery Against Others To Us**

We waive any right of recovery we may have against any person or organization to the extent required of you by a written contract signed and executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by such contract. The waiver applies only to the person or organization designated in such contract.

N. UNINTENTIONAL ERRORS OR OMISSIONS

The following is added to Paragraph **B.2., Concealment, Misrepresentation, Or Fraud**, of SECTION IV – BUSINESS AUTO CONDITIONS:

The unintentional omission of, or unintentional error in, any information given by you shall not prejudice your rights under this insurance. However this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

Name of Person or Organization:

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency and community service District

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MV00073839

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010

Developer: ANDLAND PROPERTIES, LLC
22629 FELBAR AVENUE
TORRANCE, CA 90505

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010.

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On March 4, 2009, the Planning Commission of the City of Moreno Valley approved an Administrative Plot Plan to phase the project and create Parcel Map 33152-1, and accept phase-specific Conditions of Approval. Construction of the street improvements is being performed to prepare for future development in the surrounding area and as a Condition of Approval for PM 33152-1.

On July 14, 2009, the City Council of the City of Moreno Valley was asked to approve the modified Public Improvement Agreement and securities. The Agreement and securities include the construction of the street improvements.

DISCUSSION

On February 23, 2010, Andland Properties LLC requested an extension of the full road closure of Old 215 Frontage Road Street between Alessandro Boulevard and Day Street to facilitate the construction of the street improvements on Old 215 Frontage Road. This request also included the approval to authorize the City Engineer to allow for an additional 30-day extension, which was granted and was scheduled to expire on July 17, 2010.

Due to continued unforeseen delays in the coordination with several utility companies, Andland Properties LLC approached the City Traffic Engineer and the City Engineer for an emergency extension due to the City Council being on recess. Staff conducted an assessment of the site and it was determined that there were numerous issues with the current state of the roadway thereby potentially generating unsafe driving conditions if the street were to be re-opened. Based upon the current field conditions and in the interest of public safety, the City Engineer recommended to extend the closure date to September 30, 2010 in his e-mail to Council dated July 19, 2010. Public Works staff is now seeking Council's approval to ratify the additional 68-day extension recommended by the City Engineer to complete the work.

The original request for the road closure was due to major improvement work including, but not limited to, removal of existing asphalt pavement, installation of asphalt paving, curb, gutter, sidewalk, medians, driveway approaches, street lights, landscaping, storm drain culverts, dry utilities, traffic signal modifications, and associated signing and striping. After the new pavement is installed, the remaining street improvements required of the project will be constructed, and the road will be re-opened to traffic.

There are five parcels in the area of construction. The road closure will continue to impact the ingress or egress of all of the parcels, and detouring for the traveling public. City staff was advised by the developer that all potentially affected property owners have been contacted/notified. The original road closure/detour/traffic control plan approved for this closure by the City Traffic Engineer will remain in force. The current road closure has generated no traffic problems or complaints from the motoring public or surrounding community.

ALTERNATIVES

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

2. Do not authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Do not authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. *This alternative would force the developer to re-open the roadway, thereby generating additional construction delays and expense, and potentially create an unsafe roadway for the motoring public.*

FISCAL IMPACT

The Developer will be responsible for all costs associated with this proposal.

CITY COUNCIL GOALS

PUBLIC SAFETY
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

The approved traffic control/detour plan requires the contractor to give notification to the Post Office, Police, Fire Department, Ambulance Services, Riverside Transit Authority, Waste Management, and affected businesses and residents. The public will be notified by special roadside signage showing the modified dates of closure and detour signs.

EXHIBITS

Exhibit “A” – Vicinity Map
Exhibit “B” – Road Closure Detour Map
Exhibit “C” – GIS Orthography Map

Prepared By
Mark W. Sambito, P.E.
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Eric Lewis
Transportation Division Manager/
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 PM 33152-1 - Old 215 Road Closure Extension.doc

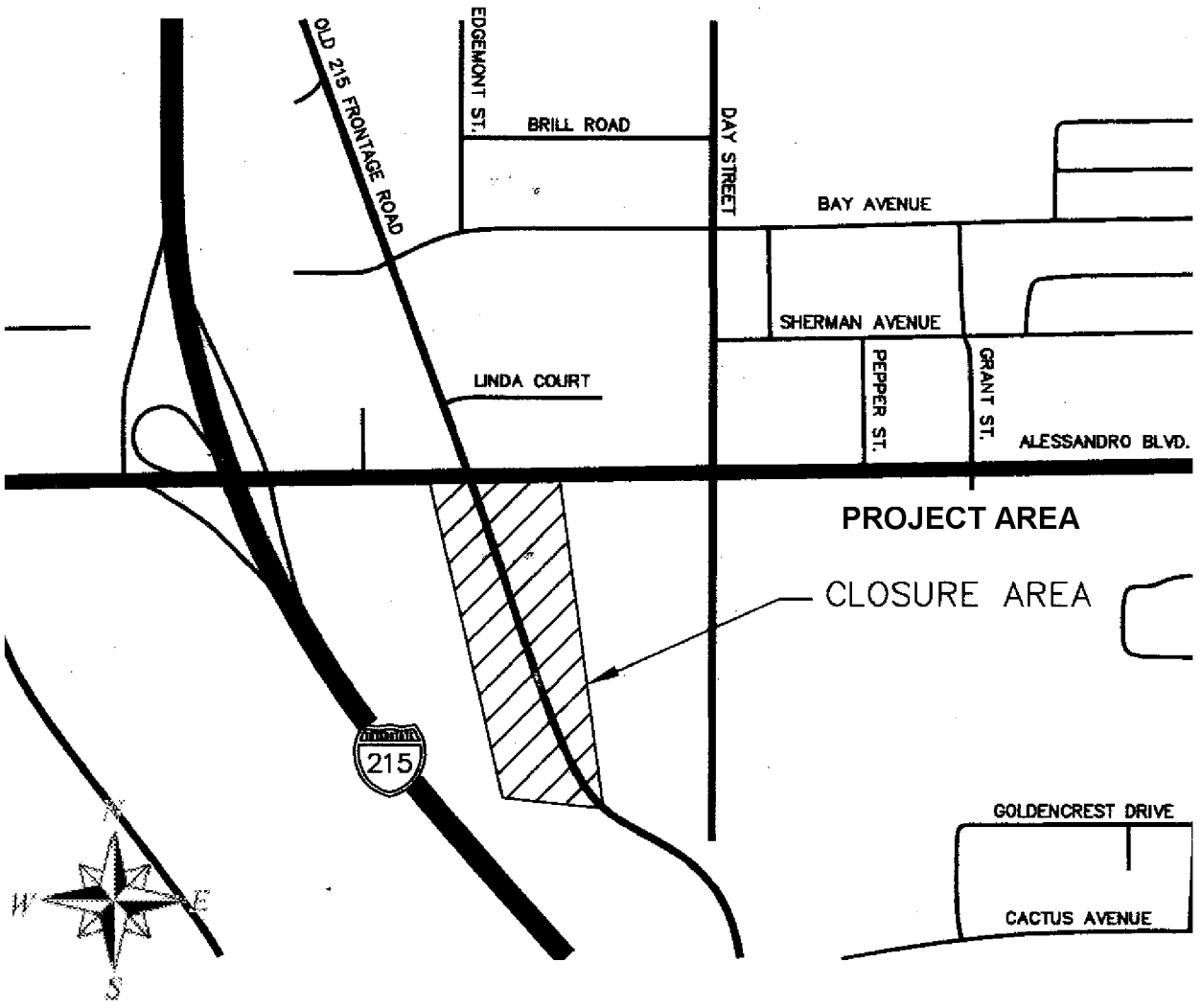

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit A	**PM 33152-1** **VICINITY MAP**

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MV00073845

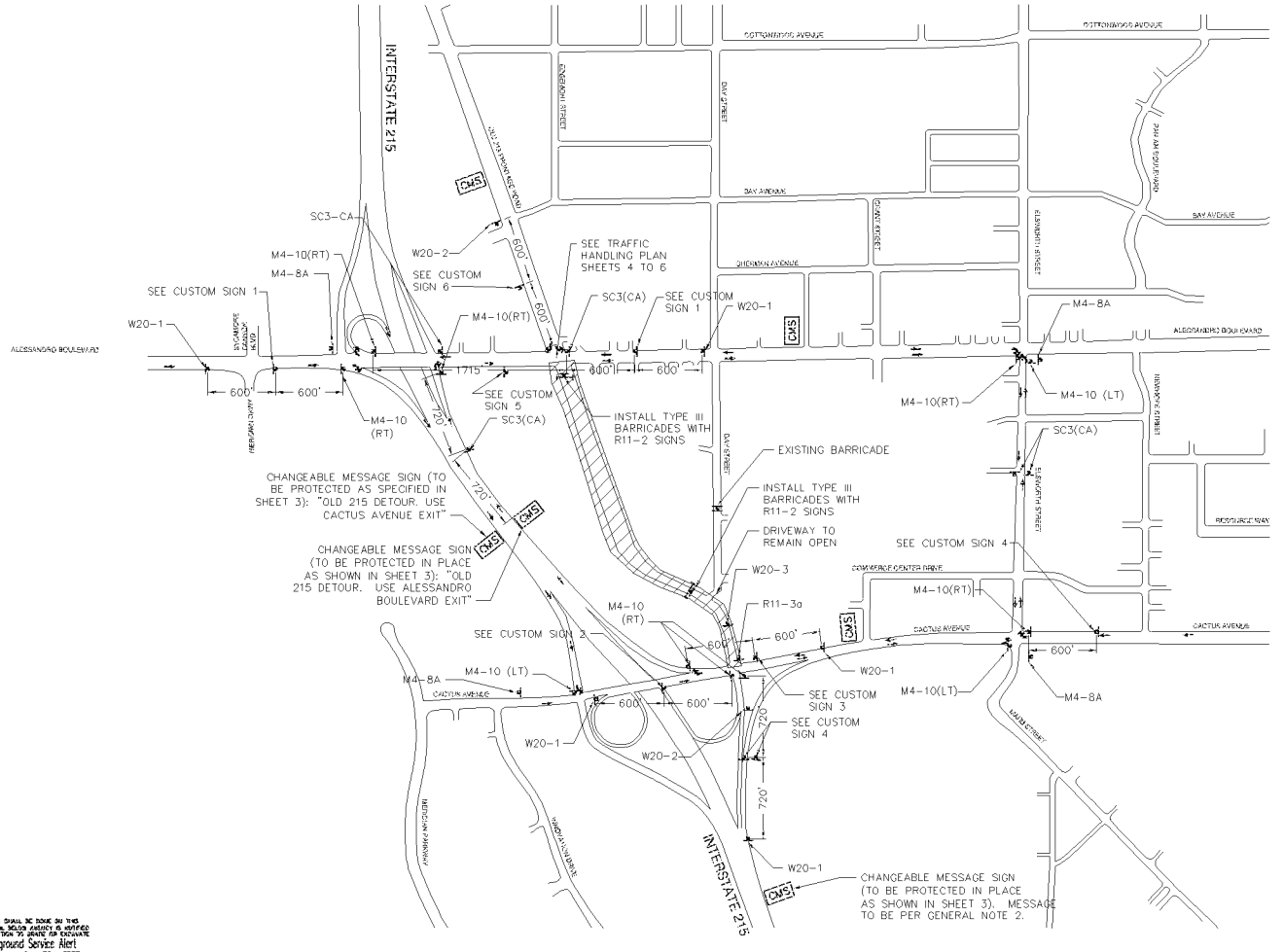

STANDARD DETOUR SIGNING:

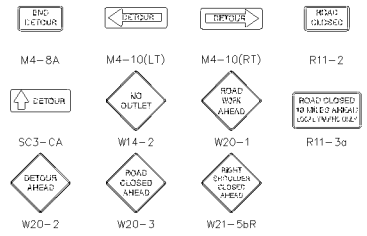

GENERAL NOTES:

1. THIS SHEET IS FOR DETOUR PLAN ONLY. SEE SHEETS 4-6 FOR TRAFFIC HANDLING PLAN.
2. CONTRACTOR TO PLACE CMS AS SHOWN AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION. CMS TO DISPLAY "OLD 215 CLOSED FROM XX/XX/XX TO XX/XX/XX. USE ALT ROUTE". CMS TO REMAIN IN PLACE AND OPERABLE DURING ROAD CLOSURE.
3. CUSTOM SIGNS SHALL BE AS FOLLOWS: DOUBLE POSTED 4"x6" BREAKAWAY POST, 6" BLACK LETTERS ON ORANGE BACKGROUND PER CITY STANDARD.
4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHAIN TOGETHER TYPE III BARRICADE WHENEVER THERE ARE TWO OR MORE IN USE.

LEGEND:

- DETOUR SIGN
- DETOUR PATH
- CONSTRUCTION LIMITS
- CMS — CHANGEABLE MESSAGE SIGN
- TYPE III BARRICADE

CUSTOM DESIGN DETAILS:

LENGTH SHALL BE MULTIPLES OF 6 INCHES

LETTERING HEIGHT SHALL BE AT LEAST 6 INCHES. LETTER TYPE SHALL BE APPROVED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

OLD 215 SOUTH OF
ALESSANDRO BLVD CLOSED.
USE I- 215 DETOUR.

WIDTH SHALL BE MULTIPLES OF 6 INCHES.

NOTE: LIMITED TO THREE ROWS OF TEXT.

CUSTOM SIGNING SHALL BE DESIGNED TO THE GUIDELINES PRESENTED BELOW AND IN ACCORDANCE WITH TABLES 2E-1 THROUGH 2E-4 OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (CA MUTCD 2006 ED). LETTER-TYPE WILL BE DEFINED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

CUSTOM SIGN 1:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 SOUTH DETOUR."

CUSTOM SIGN 2:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 3:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 4:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE ELSWORTH ST DETOUR."

CUSTOM SIGN 5:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE ELSWORTH ST DETOUR"

CUSTOM SIGN 6:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 OR ELSWORTH ST DETOUR."

MAP SCALE: 1"=500' PA 85-0165 & PA 85-0168 CALTRANS PERMIT NUMBER: 08-09-6-TK-0358

Underground Service Alert
Call TOLL FREE
1-800 227-2600
48 HOURS PRIOR TO YOU DIG

BENCH MARK	BASIS OF BEARING	REVIEW BY CITY STAFF								
		OFFICE	INITIAL	DATE	MARK	DATE	INITIAL	DESCRIPTION	REV.	APPR	DATE
		PRINCIPAL ENGINEER									
		ENTERPRISE SERVICES									
		PLANNING									
		TRANSPORTATION									
		PARKS AND RECREATION						REVISION			
		LAND DEVELOPMENT									

CITY OF MORENO VALLEY APPROVALS

ENG. CLERK
CITY TRAFFIC ENGINEER
R.C.E. #C60819 EXP. 06/30/2006 — DATE

MOON ELMER
ASST. PW DIR. / ASST. CITY ENGINEER
R.C.E. #C53463 EXP. 12/31/2010 — DATE

CHRIS A. ORTH
PUBLIC WORKS DIRECTOR/CITY ENGINEER
R.C.E. #C61250 EXP. 06/30/2008 — DATE

ENGINEER OF RECORD'S SEAL
C61321
EXP. 6/30/10

DKS Associates
TRANSPORTATION SOLUTIONS
2420 Bush Drive, Suite 150
Davis, California 95617
Tel: 530-757-1901
UNDER THE SUPERVISION OF:
THOMAS J. KRAYER
R.C.E. #C61321 EXP. 06/30/2010 — DATE

CITY OF MORENO VALLEY

TRAFFIC DETOUR AND HANDLING PLAN

DETOUR PLAN ONLY

ACCT. NO.

SHEET 2 NO. 6

CITY I.D. NO. 4375

Saved By: MNL 4-28-09 08:31am

Exhibit B

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MV00073847

Old 215 Frontage Road

Road Closure Site Map

Legend

- Parcels
- Roads
- Waterbodies
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

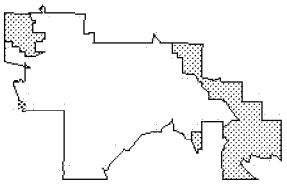

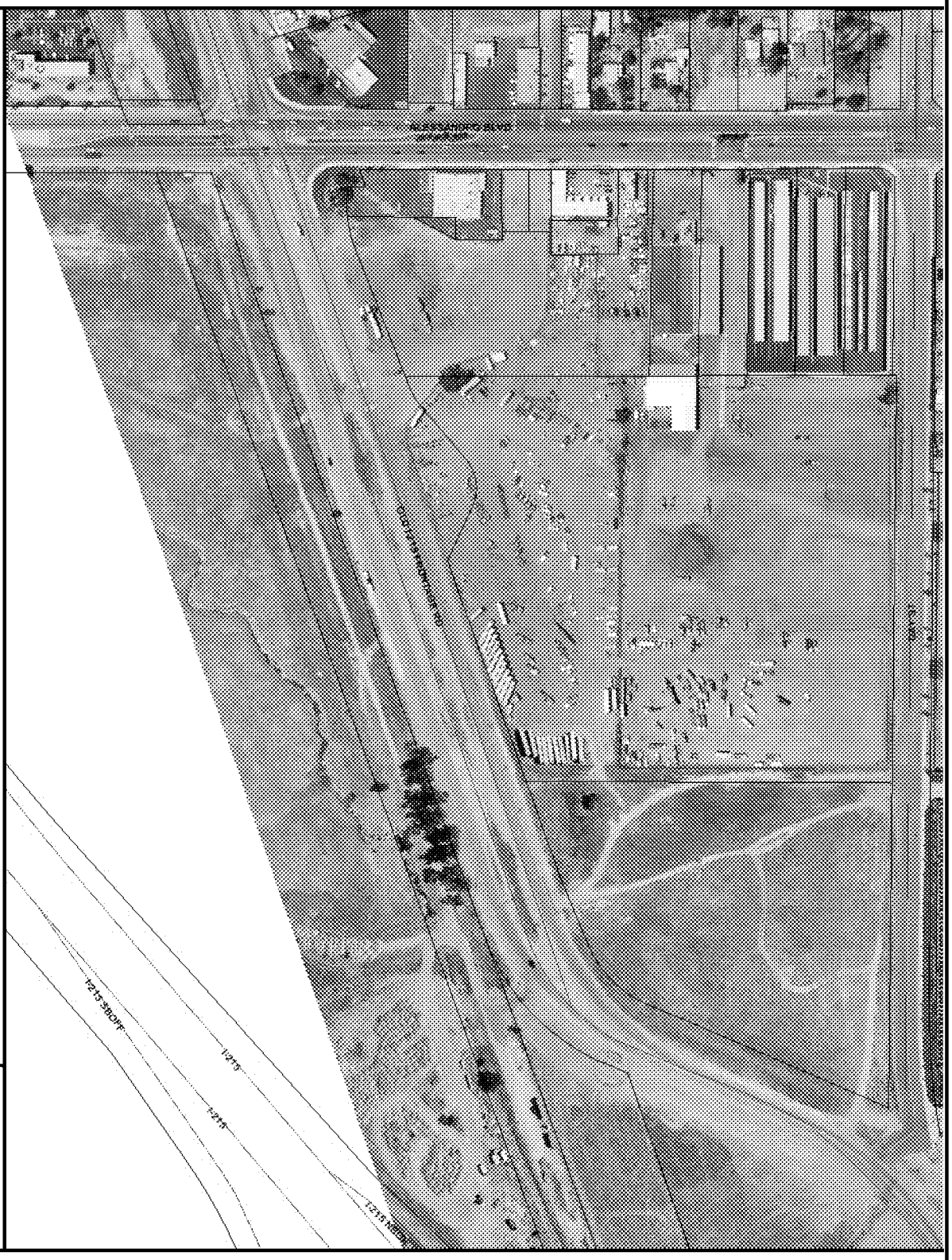

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

N

0 100 200 400ft

Printed: 7/7/2009 10:56:58 AM

Exhibit "C"

MORENO VALLEY
WHERE DREAMS TOWER

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MV00073849

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00073851

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00073853

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Michael J. McCarty, Director of Parks and Community Services

AGENDA DATE: August 24, 2010

TITLE: New Lease Agreement for Caretakers of the Moreno Valley Equestrian Park and Nature Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center.
2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

BACKGROUND

The Moreno Valley Equestrian Park and Nature Center, located at 11150 Redlands Boulevard, is in the northeast portion of the City. The site includes a lighted equestrian arena, warm-up and holding pens, dog park, and a three-bedroom mobile home.

On March 25, 2003, Council approved staff entering into a lease agreement with Robert and Christina Humbarger to be the Caretakers of the Moreno Valley Equestrian Park and Nature Center. The Caretakers moved into the mobile home in June 2003 and have performed small duties and provided daily security of the Equestrian Center to staff's satisfaction. While the Caretakers have been diligent in maintaining the interior and exterior of the mobile home, use of the facility did not increase as expected, so the Caretakers' duties were much lighter than originally anticipated.

To maintain equity, since July 1, 2005, a nominal rent of $400.00 per month was implemented and is currently being charged to the Caretakers. Staff now proposes to increase the rent to $500.00 per month, beginning September 1, 2010.

DISCUSSION

Staff has determined that the property requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have available employees or other resources to perform the services for the property. Staff recommends retaining the services of the Caretaker, but is recommending that the rent be increased to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

ALTERNATIVES

1. Elect to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010. **Staff recommends this alternative.**
2. Elect not to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010, and provide staff direction on how to fund future repairs at this site. **Staff does not recommend this alternative.**

FISCAL IMPACT

Should Council approve charging the current Caretakers rent in the amount of $500.00 per month, annual revenues of $6,000.00 will be realized. Funds will be deposited into account 161.1610.4548.03 (Mobile Home Rentals).

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

The Moreno Valley Equestrian and Nature Center requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have

available employees or other resources to perform the services for the property. To meet this need, staff is recommending that the services of the Caretaker be retained, along with increasing the Caretakers rent to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

Lease for Moreno Valley Equestrian Park and Nature Center Mobile Home

Prepared By:
Steve Kupsak
Parks Maintenance Division Manager

Department Head Approval:
Michael J. McCarty, Director
Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00073857

LEASE FOR MORENO VALLEY EQUESTRIAN PARK
AND NATURE CENTER MOBILE HOME

This Agreement is made and entered into this 1st day of September 2010, by and between the Moreno Valley Community Services District, a district organized and existing pursuant to the community services district laws of the State of California ("CSD"), and Robert and Christina Humbarger hereinafter described as "Tenant."

WHEREAS, the CSD desires to lease to Tenant and Tenant desires to lease from CSD the premises generally described as the Mobile Home located within the Moreno Valley Equestrian Park and Nature Center and the real property upon which the Mobile Home directly rests, together with the right to use the real property immediately surrounding the Mobile Home as designated by the Parks and Community Services Director ("Director") for reasonable and customary residential purposes (the "premises"), it is herein agreed as follows:

1. CSD hereby leases to Tenant the premises on a month-to-month tenancy basis. Prior to taking possession of the leased premises, Tenant shall deliver to CSD a cleaning and security deposit in the amount of One Hundred and no/100 Dollars ($100.00). Said deposit shall be refunded to Tenant at the time Tenant vacates the premises, less the cost of any cleaning or repairs necessitated by Tenant's failure to properly care for the premises. At the termination of tenancy, Tenant shall return the premises to the CSD in good repair and clean condition, normal wear and tear excepted.

2. CSD and Tenant agree to rental payments in the amount of Five Hundred and No/100 Dollars ($500.00) per month and that Tenant shall also provide the services described in Exhibit A (the "rental services"). Failure to pay the $500.00 per month rental fee and to provide such services in a reasonable and diligent manner shall constitute a material breach and entitle CSD to terminate this lease in accordance with paragraph 16 below. However, in the event that Tenant fails to provide such rental fees and services, CSD shall have the option, but not the obligation, in lieu of termination of the lease, to assess additional monetary rent to Tenant in the amount of $25.00 for each day Tenant fails to provide the agreed upon rental fee and services or fails to provide such rental services in a reasonable and diligent manner. Such monetary rent shall not be assessed for those times where CSD has been notified in advance of Tenant's proposed absence under paragraph 26 below, provided that such absences not exceed three days in any thirty-day period, nor fourteen days in any twelve-month period. Any monetary rent assessed hereunder shall be due and payable within five business days after notice of such assessment. Failure to make any such payment when due shall be a material breach of this lease. The CSD has the option to increase rental rates annually by ten percent (10%).

3. Tenant shall immediately commence occupation of the Mobile Home described above and perform the rental services described in Exhibit A within five calendar days after the effective date of this Lease.

4. Tenant shall perform the rental services as described in Exhibit A, using reasonable care and diligence.

5. The CSD shall be responsible for the following utility payments: electricity, trash, and water. The Tenant shall be responsible for payment of any other utilities, including, but not limited to: propane, telephone, and cable television service.

6. Tenant shall not take in boarders or sublet the Mobile Home in any fashion.

7. Tenant shall use the leased premises exclusively for a private residence for occupancy by no more than two persons. CSD covenants that the Tenant shall have, hold and enjoy the leased Mobile Home for the term of this Lease, subject to the conditions set forth herein.

8. Tenant shall repair or replace, at Tenant's expense, all loss or damage to any of the carpets, draperies, appliances and other household goods whenever such damage or loss shall have resulted from Tenant's misuse, waste or neglect of said furnishings (not to include normal wear and tear).

9. Tenant shall cause to be made, at Tenant's expense, all required repairs to heating and air conditioning apparatus, electric and gas fixtures and plumbing work whenever such damage shall have resulted from misuse, waste or neglect of Tenant, it being understood that CSD is to have same in good order and repair when giving possession.

10. Tenant shall keep the premises in good order and repair and shall advise CSD or CSD's agent of any needed repairs or maintenance reasonably expected to cost $50.00 or more. Tenant shall not make alterations, additions, or improvements to the property without prior consent to the CSD.

11. Tenant shall give prompt notice to CSD of any dangerous, defective, unsafe or emergency condition in or on the leased premises, said notice being by any suitable means. CSD or its agent shall repair and correct said conditions promptly upon receiving notice thereof from Tenant.

12. Tenant shall not change or alter in any manner any of the locks on the gates, doors, fences, etc. located on the property without prior approval of the CSD.

13. Tenant shall be considered for all purposes only a Tenant of real property and/or an independent contractor. It is understood and agreed that nothing contained herein shall be construed as making the Tenant or any individual who performs services under this Lease an agent or employee of the CSD and/or the City of Moreno Valley ("City"), or authorize the Tenant to create or assume any obligation or liability for or on behalf of the CSD and/or the City. Tenant expressly waives any rights to be considered an employee of CSD, the City or any affiliated public agency by virtue of the rental services, and acknowledges that Tenant shall not be entitled to any benefits of

employment, including without limitation, workers compensation coverage, retirement benefits, wages or overtime payments.

14. The Tenant and the CSD agree to use reasonable care and diligence in performance of their respective obligations under this Lease.

15. The Tenant shall comply with all applicable federal, state, and local laws in the performance of rental services under this Lease. Tenant agrees to comply with all sanitary laws, ordinances and rules affecting the cleanliness, occupancy and preservation of the premises during the term of this Lease.

16. Termination of Lease.

A. CSD or Tenant may terminate this lease without breach or fault on the part of the other upon sixty days written notice.

B. In the event of any breach by the Tenant of any of the Tenant's covenants, or agreements herein, CSD or its agents may give Tenant a three-day notice to cure said breach or quit the premises. Such notice shall set forth in writing which covenants or agreements have been breached and shall be deemed to be, for all purposes, the three-day notice to pay rent or quit required by California landlord-tenant laws. If any breach is not cured within said three-day period, CSD or its agents may terminate this lease. Upon terminating this lease as provided herein, CSD or its agent may commence proceedings against Tenant for his removal as provided for by law, as well as for collection of any unpaid monetary rent assessed under paragraph 2 above.

C. Upon termination of the lease, Tenant shall vacate the premises, leaving it in good repair and clean condition.

17. The Director or his/her designated representative shall be the primary contact person regarding performance of this Lease. The Director or his/her designated representative shall cooperate with the Tenant, and the Tenant shall cooperate with the CSD in all matters regarding this Lease and in such a manner as will result in the performance of the rental services in a timely and expeditious fashion.

18. The Tenant shall employ no CSD or City official or employee in the rental services performed pursuant to this Lease. No officer or employee of the CSD or City shall have any financial interest in this Lease in violation of federal, state or local law. Any employee Tenant retains to perform rental services shall be subject to prior approval by the CSD and shall acknowledge this Lease and agree in writing that he/she is not an employee of the CSD, the City, or any affiliated public agency, prior to undertaking any duties.

19. The Tenant understands and agrees that the appliances, curtains, and other attached items are the property of the CSD and shall remain in the Mobile Home when this Lease is terminated.

20. The CSD covenants that the leased premises are, to the best of its knowledge, clean, safe, sound and healthful and that there exist no violations of any applicable housing code, law or regulation of which it is aware.

21. No animal, bird, or pet shall be kept in or about the premises without written permission of the CSD.

22. Tenant's personal property is not insured by the CSD. Tenant is required to provide his or her own renter's insurance. The CSD is not responsible for theft or loss of Tenant's personal possessions.

23. Tenant shall not keep or have in or on the leased premises any article or thing that might be pronounced "hazardous" or "extra hazardous" by any responsible insurance company.

24. Tenant shall, at reasonable times, give access to CSD or its agents for any reasonable and lawful purpose. In an emergency, the CSD, its agents or authorized representative may enter the premises at any time without securing prior permission from the Tenant, for the purpose of making corrections or repairs to alleviate such emergency.

25. If the Tenant abandons or vacates the premises, the CSD may terminate this Lease and retain possession in the manner prescribed by law.

26. The Tenant agrees to provide thirty-day advance notice to the CSD when planning to be away from the premises or otherwise unable to provide the rental services more than two consecutive days and one week's prior notice when planning to be away from the premises overnight. Tenant may be away from the premises under this paragraph without breach of lease for failure to provide the rental services for those periods set forth in paragraph 2 above.

27. The Tenant agrees to indemnify, defend, and save the CSD, City and the Community Redevelopment Agency of the City of Moreno Valley ("RDA"), its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including the Tenant and any and all residents of the premises, and all claims which arise from or are connected with the negligent performance of or failure to perform the rental services or other obligations of this Lease, or are caused or claimed to be caused by the negligent acts of the Tenant, his/her minor children, spouse, or other individual residing on the premises, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the CSD, City, and/or RDA, its officers, agents, and/or employees. The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended or held harmless, whether in a judicial or administrative action or in arbitration, and

whether the issue is between the parties or involves one or more third parties. The CSD, City and RDA shall be added as additional insureds on all insurance policies that the Tenant chooses to obtain regarding the premises. The Tenant shall provide his own auto insurance. The Tenant shall, under no circumstances, hire others to work on the premises.

28. The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Lease, and shall also govern the interpretation of this Lease.

29. Unless otherwise provided for elsewhere in this Lease, any notice required or authorized herein shall be given in writing and mailed via U.S. first-class mail.

30. This Lease represents the entire and integrated agreement between the CSD and the Tenant, and supersedes all prior negotiations, representations or agreements, either written or oral. This Lease may be modified or amended only by a subsequent written addendum signed by both parties.

31. CSD and Tenant agree that this Lease, when filled out and signed, is a binding legal obligation.

32. This Lease supersedes any prior lease agreement on the property.

City of Moreno Valley

_____
Mayor, Acting in the Capacity as
President of the Board of Directors of the
Moreno Valley Community services District

Date: _____

APPROVED AS TO FORM THIS

_____ day of _____, 2010

_____
City Attorney

Tenant

_____
Robert Humbarger

Social Security Number:_____

Date: _____

_____
Christina Humbarger

Social Security Number: _____

Date:_____

Attachment
Exhibit A

EXHIBIT A
SERVICES TO BE PROVIDED BY TENANT

It is understood that the term "property" described below includes all areas of the Moreno Valley Equestrian Park and Nature Center, including without limitation, the following areas: All parking lots, fenced mobile home site, construction trailer, arena, and area above the arena. The Tenant will report anything unusual to the CSD's representative as soon as possible. The Tenant shall:

1. Maintain security of the property by patrolling all areas at least twice a day, seven days a week. Ensure that all gates, restrooms, etc. are locked up and lights are turned off not later than 10:00 p.m. each evening, unless specifically informed otherwise by the CSD.
2. Be present on the property and alert for security or maintenance problems, for such hours as shall be agreed upon by the Tenant and CSD.
3. Report any security, park use or maintenance problems or issues to CSD or the police, as may be appropriate, promptly upon discovery.
4. Maintain a pleasant manner and good relations with members of the public and persons lawfully using the Moreno Valley Equestrian Park and Nature Center.
5. Assist in keeping all areas of the property free of trash and debris on a daily basis. Remove graffiti as needed within 24 hours of being discovered (materials for graffiti removal are available from the CSD).
6. Inspect all plant material and report any findings of distress as soon as possible to the CSD.
7. Report any malfunctioning lights and irrigation/sprinklers as soon as possible to the CSD.
8. Clean, maintain and restock restroom facility on a daily basis (supplies to be provided by the CSD).
9. Report any light outages to the CSD as soon as possible.
10. Maintain the mobile home and surrounding yard in an attractive appearance that enhances the value of the property.
11. Allow periodic inspections of the Tenant's residence and assist CSD staff with any repairs to the residence as needed.

ORDINANCE NO. CSD 54

AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley, acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, does ordain as follows:

1.1 AMENDMENT: Section 5. Regulations of CSD Ordinance No. CSD 52 is amended in its entirety to read as follows:

"SECTION 5. REGULATIONS:

Unless specifically provided otherwise in this Ordinance, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the Board of Directors.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the Board of Directors.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted “leash optional” area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to

maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzene, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code

without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

2.1 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the Board of Directors which addresses the same subject addressed herein.

3.1 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the Secretary of the District shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

4.1 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley, acting in the capacity as the President of the Moreno Valley Community Services District

ATTEST:

_____
City Clerk of the City of Moreno Valley acting in the capacity as Secretary of the Moreno Valley Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity as General Counsel of the Moreno Valley Community Services District

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MV00073873

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00073875

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00073877

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00073879

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

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MV00073881

Southern California Edison 2010 State of the Utility

Ray Hicks
SCE Local Public Affairs
Eastern Region

August 24, 2010

SCE at a Glance

- Southern California Edison (SCE) is one of the nation's largest electric utilities
- SCE provides electricity to nearly14 million people living and working within its 50,000 square-mile service area of Southern California
- SCE's service territory includes more than 180 cities in ten counties, excluding Los Angeles, Pasadena, Glendale, Anaheim, Vernon and a few other Southern California cities and electric cooperatives

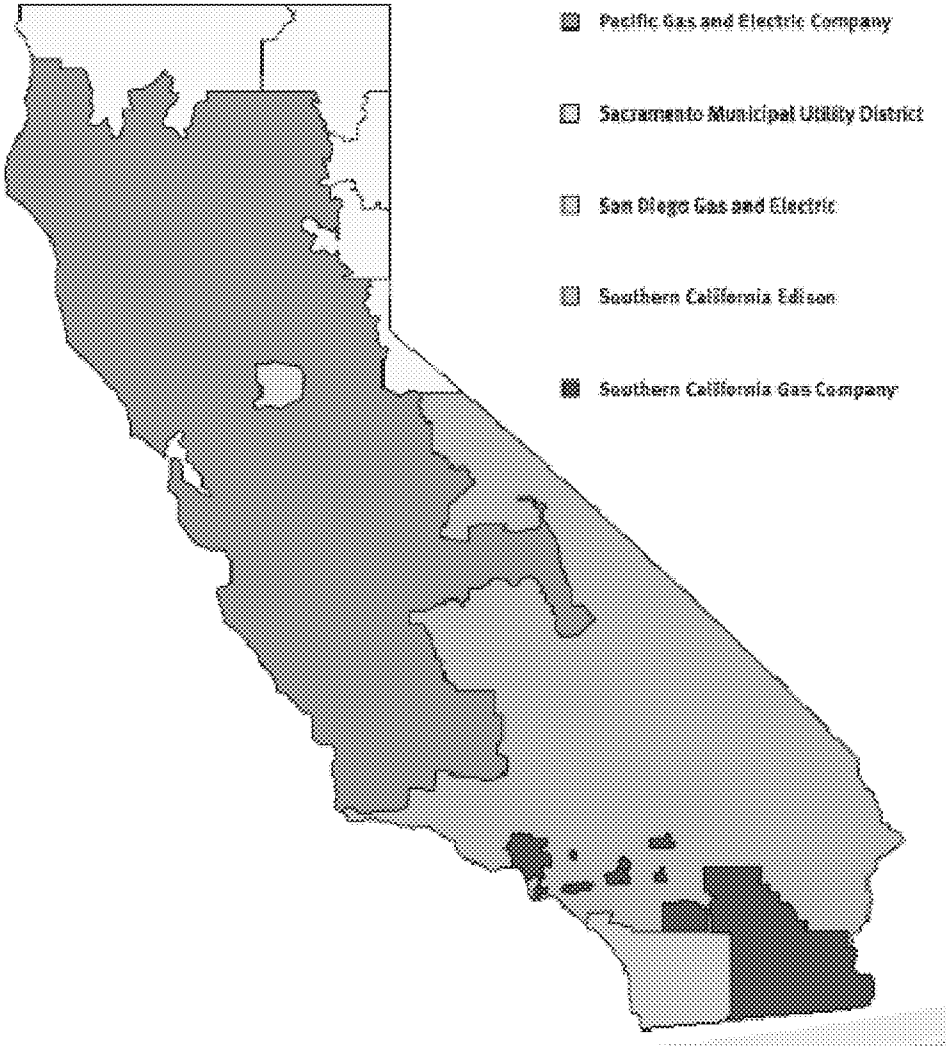

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Southern California Edison...more than a century of service

Based in Rosemead, today's Southern California Edison is the product of more than 120 years of providing safe, reliable electric service to central, coastal and Southern California.

SCE is planning for the future to help meet the region's growing energy demands

Advanced Technologies

- SCE is a leading player in the development of advanced technologies including electric transportation and energy storage

Environmental

- SCE is committed to new technologies that will make electric power more environmentally friendly and energy-efficient

Smart Homes

- SCE is working to support the development of "smart homes" that will empower customers to use energy in increasingly efficient ways

Generation

- SCE is committed to advancing generation technologies that create power in an environmentally friendly manner

SCE is Building a Smarter, More Efficient Electric Grid

SCE is making significant financial investments to enhance its power grid in order to improve service reliability and reduce our dependency on foreign oil

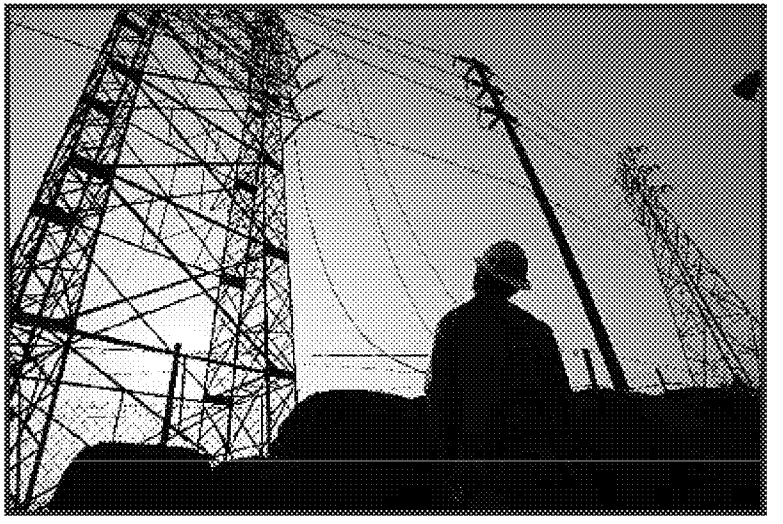

Grid improvements include:

- Installing new poles and wires
- Constructing new substations
- Installing more than five million new technologically advanced meters

What will SCE's Smart Grid do?

Adding more sophisticated intelligence and control to SCE's grid will allow for:

- Higher capacity for power transmission
- Integration of more renewable generation
- Safer, more efficient and effective maintenance practices
- Faster restoration of unavoidable power outages
- More customer choice and energy determination

A smarter grid will:

- Prevent catastrophic system failures
- Minimize customer power disruptions due to distribution system failures
- Improve workforce safety and asset efficiency

MV000073887

Helping Customers to Use Energy More Efficiently and Reduce Costs

Engaging Customers in the Supply Chain

Zero Net Energy Home

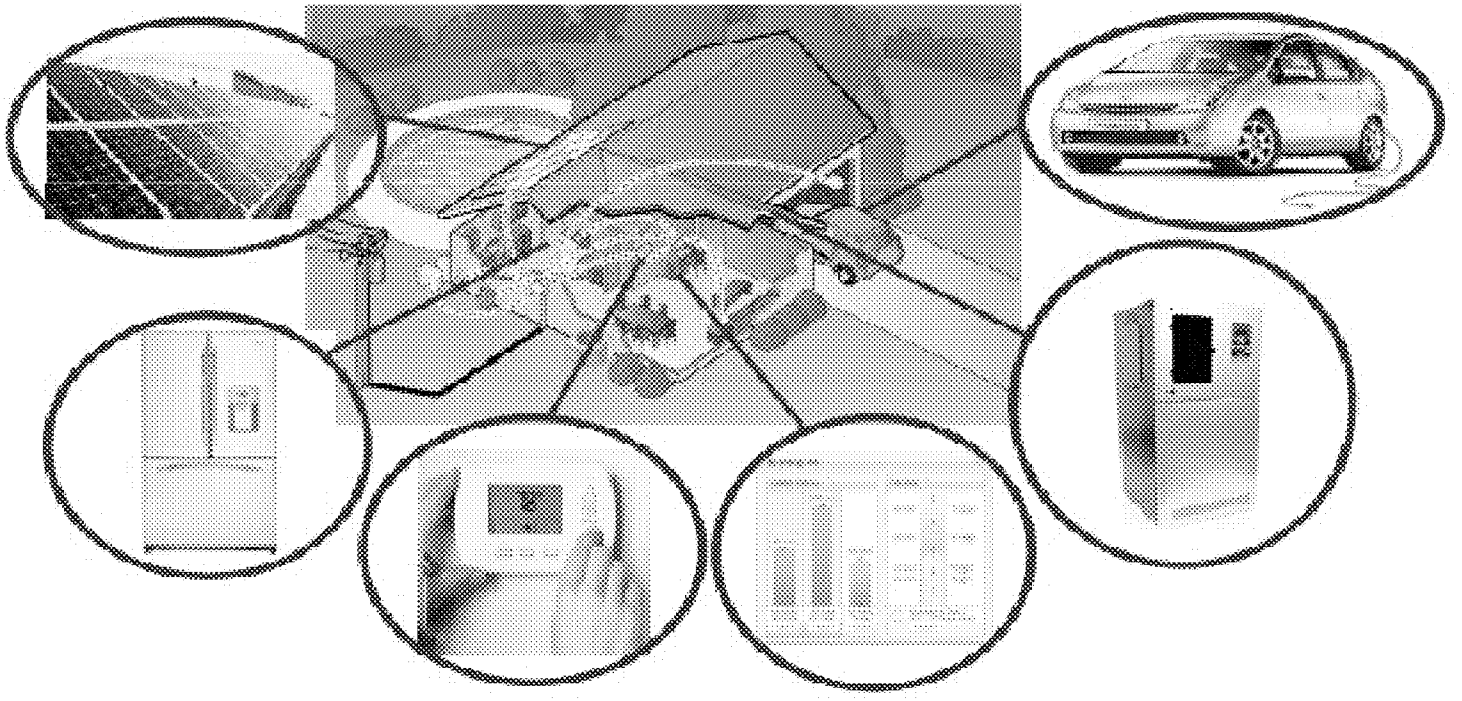

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Item No. G.2

SCE is Leads the Nation in Purchasing Environmentally Friendly, Clean Energy from Renewable Generation Sources

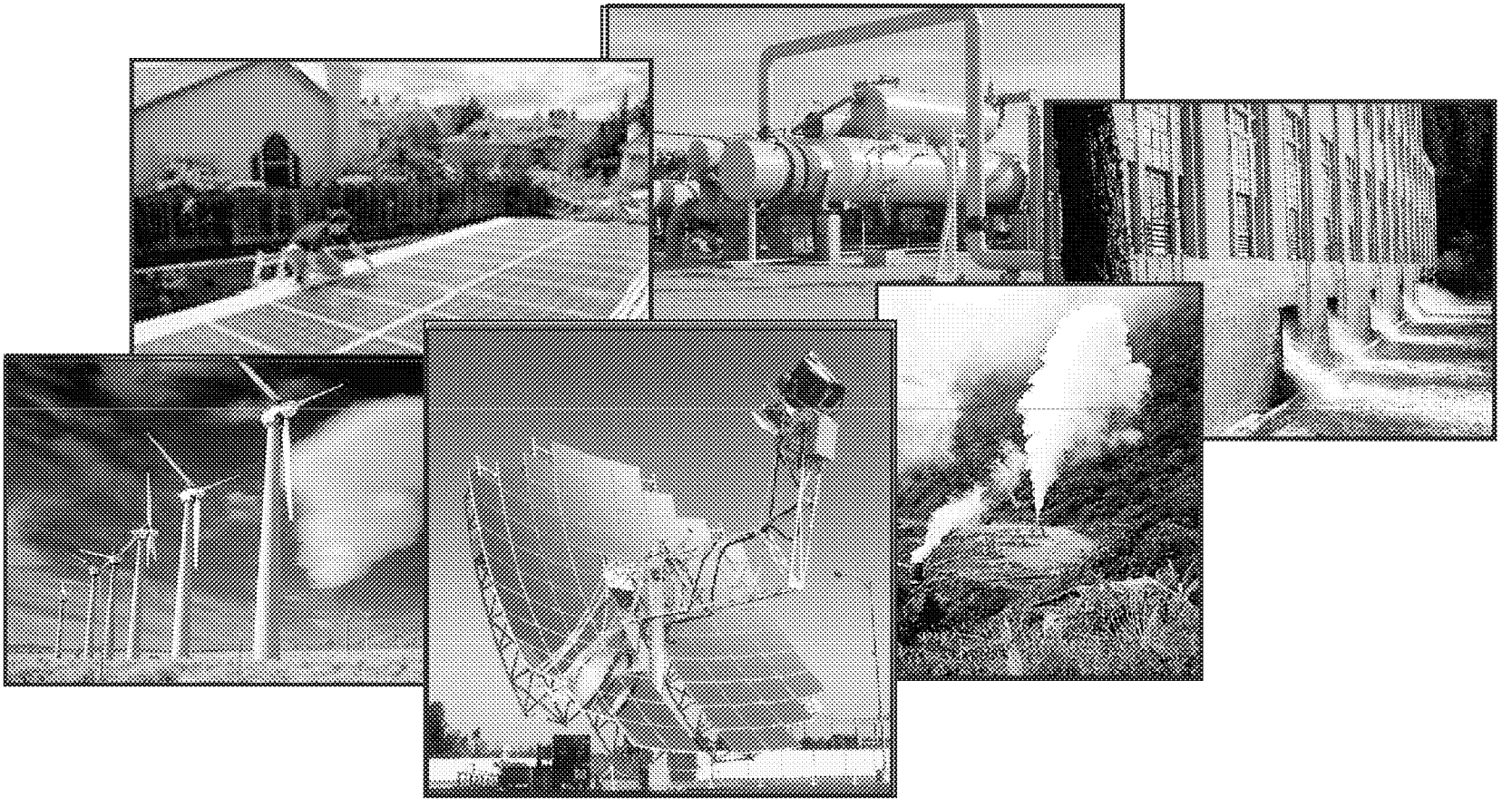

SCE has the largest portfolio of renewable generation in the nation

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Empowering Customers to Save Energy and Save Money via SCE's Special Programs and Services

- **CARE** (California Alternate Rates for Energy) is a customer energy program created by the California Public Utilities Commission to help provide financial relief to SCE residential customers with limited income.
  - CARE program reduces rates for income-qualified customer rates an average of 20%
- **FERA** (Family Electric Rate Assistance) program can help those SCE customers who don't qualify for CARE
- Available energy-efficiency rebates for pool equipment, heating and air conditioning, lighting and appliances
- Local government energy partnerships

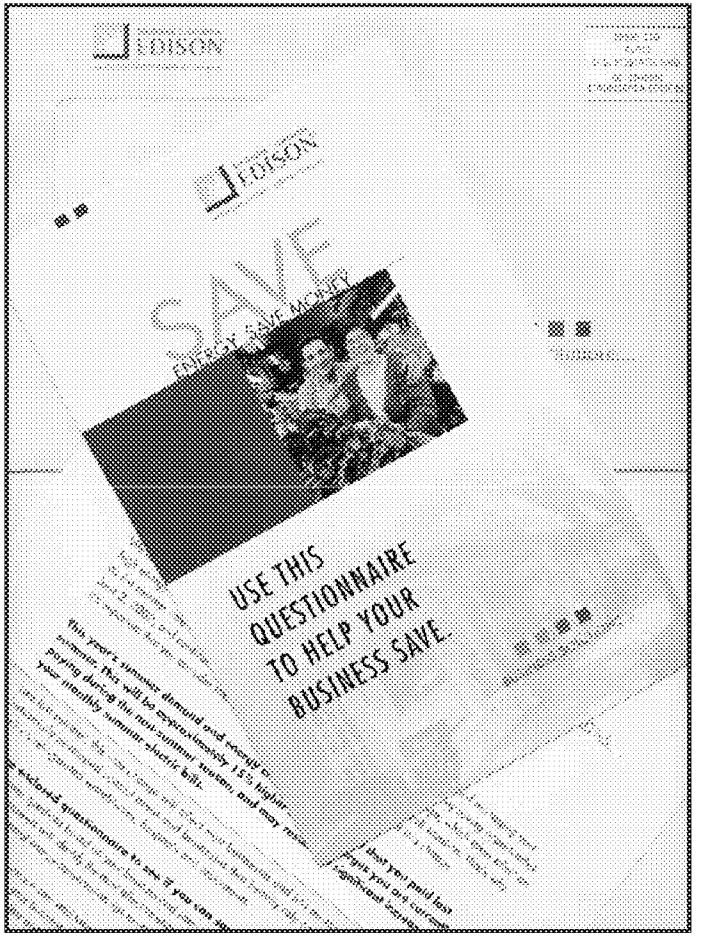

SCE's Leadership in Purchasing Solar Energy

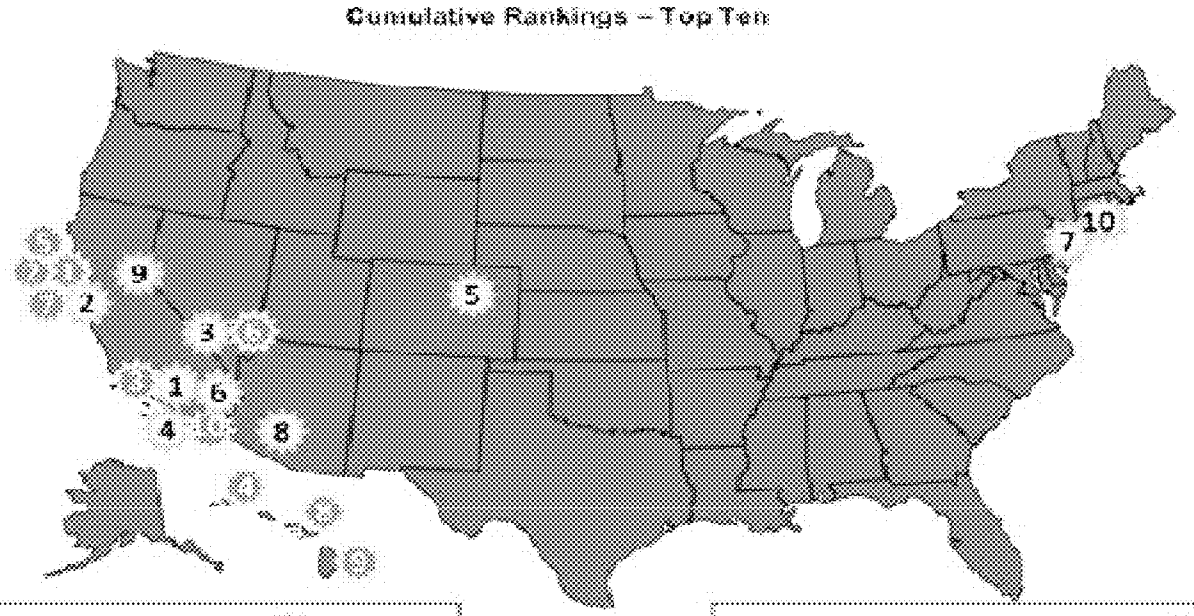

Total Solar Megawatts

Cumulative

#1 Southern California Edison – CA (441.4)
#2 Pacific Gas & Electric Co. – CA (229.5)
#3 NV Energy – NV (77.8)
#4 San Diego Gas & Electric Co. – CA (49.3)
#5 Public Serv. Co. of CO (Xcel Energy) – CO (28.5)
#6 LA Department of Water & Power – CA (13.6)
#7 Public Service Electric & Gas Co. – NJ (13.2)
#8 Arizona Public Service Co. – AZ (10.6)
#9 Sacramento Municipal Utility District – CA (10.2)
#10 Long Island Power Authority – NY (2.7)

Total Solar Watts per Customer

Cumulative

#1 San Francisco PUC – CA (4739.3)
#2 Port of Oakland – CA (3814.7)
#3 Southern California Edison – CA (91.7)
#4 Kauai Island Utility Coop. – HI (70.6)
#5 Palo Alto Utilities – CA (70.4)
#6 NV Energy – NV (68.6)
#7 Pacific Gas & Electric Co. – CA (44.3)
#8 Maui Electric Co. – HI (43.8)
#9 Hawaii Electric Light Co. – HI (41.0)
#10 San Diego Gas & Electric Co. – CA (36.3)

Source: Wired Science May 2009

Edison SmartConnect™ Advanced "Smart Meters"

- SCE is rolling out its Edison SmartConnect program across its 50,000 square-mile service territory.

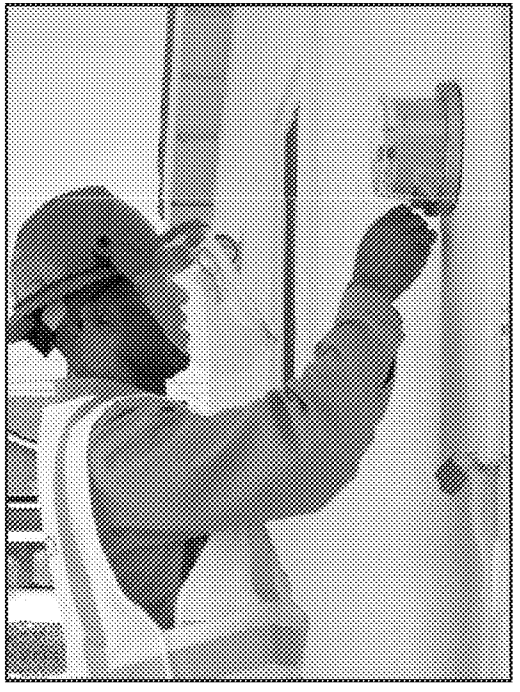

- By 2012, the utility will have installed 5 million smart meters to help customers save energy and money.

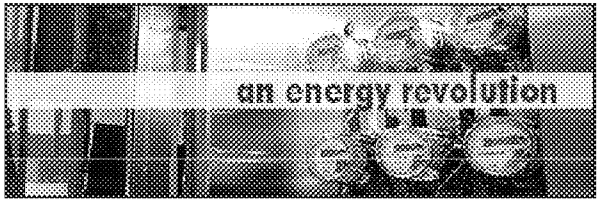

- These new digital, secure, two-way communicating meters will measure electricity usage up-to-the minute and enable customers to track how much they use, and how much it costs them.

Edison SmartConnect™ Customer Benefits

Edison SmartConnect™ will empower customers to more effectively manage their electricity, helping them save energy, money, and the environment.

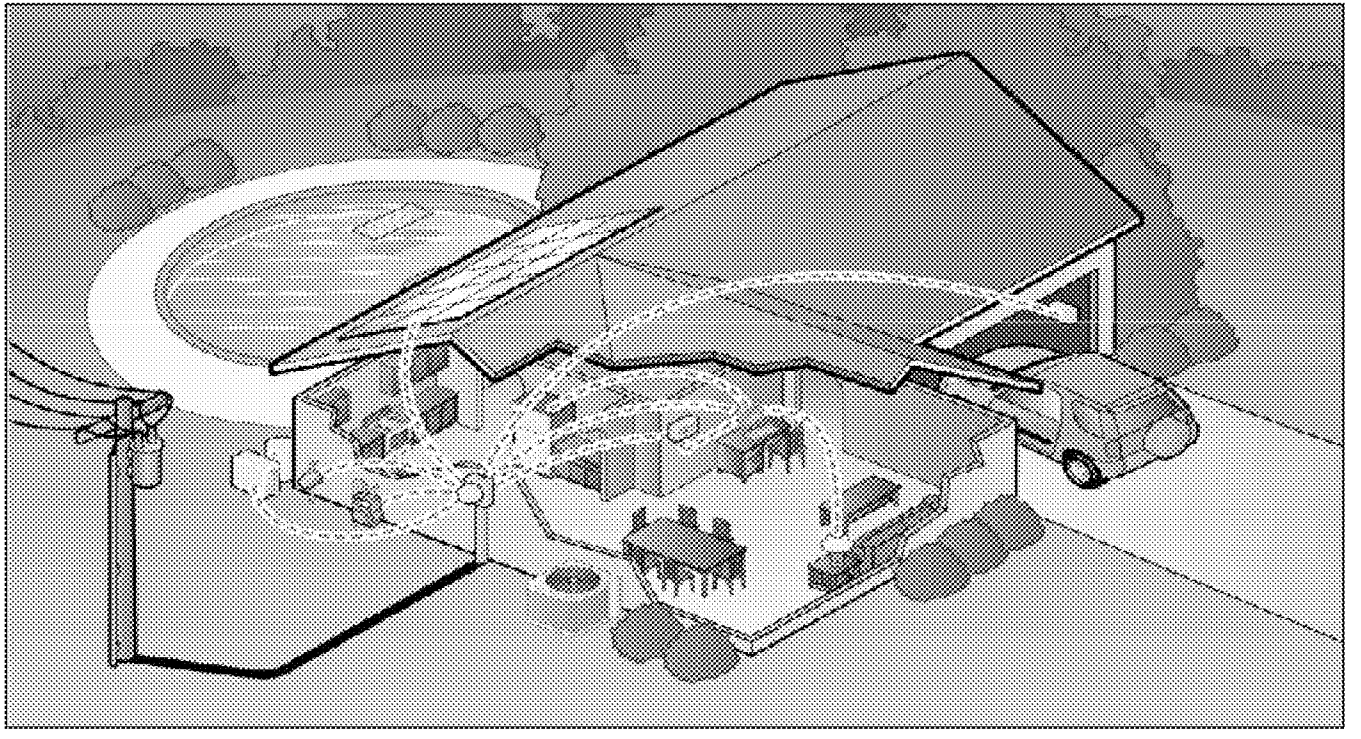

Plug-in Electric Vehicles (PEV)

Cumulative Vehicles in SCE Service Area
(in thousands)

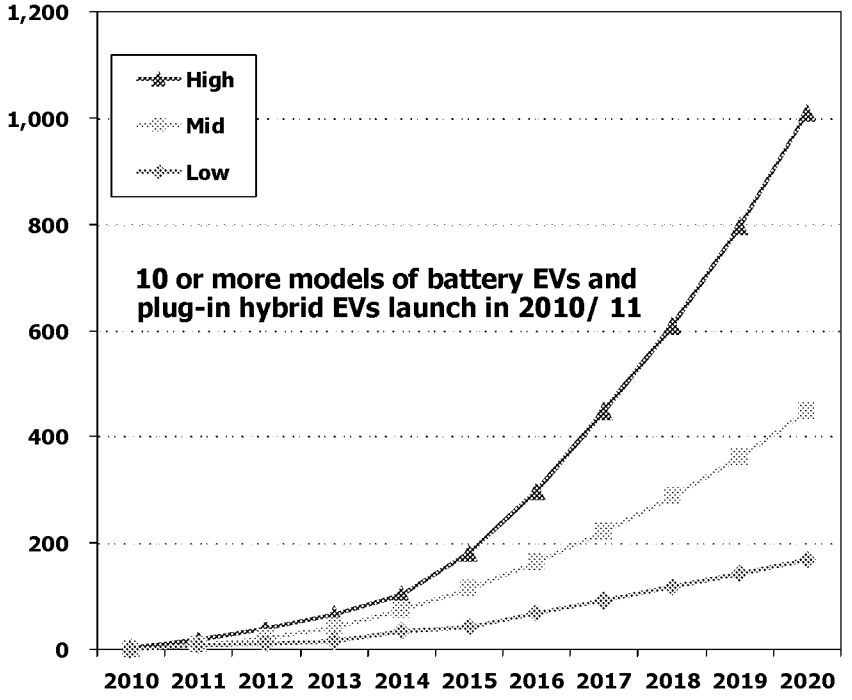

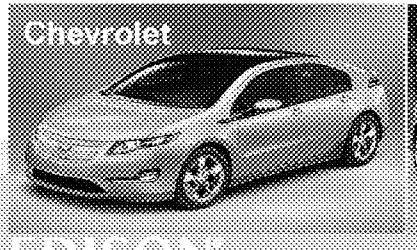

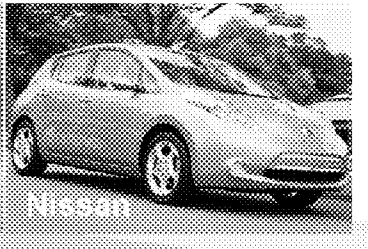

Readiness / Collaboration

- SCE has been an industry leader with PEVs since 1988 and is now preparing for their launch in 2011
- SCE and many utilities nationwide are working with automakers, cities and other stakeholders to help:
  - Streamline the 240 V home charging installation process
  - Develop public charging infrastructure plans
  - Collaborate on education and outreach
  - Seek vehicle and infrastructure incentives

EDISON INTERNATIONAL

SCE Supporting the Community of **Moreno Valley**

Community Involvement

- SCE company has a long-standing tradition of helping those in need through its corporate giving efforts, including providing grants to educational, environmental and other nonprofit organizations. We partnered with the city during your birthday festivities.

- SCE has employee giving initiatives that encourages employees to get involved in the communities in which they live and work. Employees reported 1,753 volunteer hours in the city of Moreno Valley in 2009.

SCE: Your Trusted Energy Partner

Emergencies: [Power outages and downed power lines]

- **1-800-611-1911**

General Information:

- **1-800-655-4555**

Ray Hicks (951) 928-8238

Public Affairs Region Manager

Gerald Wilson (909) 421-6451

Energy Efficiency Account Manager

Southern California Edison

- www.sce.com

CA Energy Commission

- www.energy.ca.gov

CA Public Utilities Commission

- www.cpuc.ca.gov/

CA Independent System Operator

- www.CAISO.Com

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MV00073897

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: August 24, 2010

TITLE: Military Appreciation Banner Program

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

BACKGROUND

Moreno Valley resident PFC Marcus Tynes was killed on November 22, 2009 while serving our country in Afghanistan. PFC Tynes' family contacted the City Council in November 2009 with a request that the City consider implementing a banner program recognizing Moreno Valley servicemen and women.

At a City Council Study Session on February 16, 2010, the City Manager's Office presented information on several military banner programs that exist in other local jurisdictions that pay tribute to their residents serving in the military. Council provided direction to the City Manager's Office to establish a Military Banner Program Committee in order to develop a Military Banner Program to honor the City's active duty military service personnel.

DISCUSSION

The Military Banner Program Committee consists of Mayor Bonnie Flickinger, Mayor Pro Tem Robin Hastings, Major Don Traud, resident Bruce Atlas, Moreno Valley

Chamber President/CEO Oscar Valdepena, Chamber Military Affairs Committee Co-Chairs Laura Froehlich and Wendy McCool, and City staff. The Committee met on April 22nd to discuss the development of a Military Banner Program. The Committee discussed eligibility criteria for inclusion in the Military Banner Program, banner design and location, cost of the banners, program implementation, and administration of the program.

From the information gathered at the April 22nd meeting, City Staff developed a Military Appreciation Banner Program Policy (Attachment B). The City's Graphics section designed banners for both active duty military service personnel (Attachment C) and for those killed in action (Attachment D). Additionally, an application for a military banner for active duty military servicemen and women (Attachment E) and a Certificate of Appreciation (Attachment F) were developed. Finally, the existing Veterans Memorial Application Form was modified to include information for a special military banner to honor those Moreno Valley residents that have been killed in action while serving our country (Attachment G). The Military Banner Program Committee met on August 5th and approved Attachments B – G. A summary of the pertinent details of the policy are listed below.

Eligibility: The designated honoree must meet one of the following criteria:

- An active duty member of the United States Military and a City resident
- An active duty member of the United States Military who graduated from a high school located in Moreno Valley
- An active duty member of the United States Military who is an immediate family member of a current City resident
- An active duty member of the United States Military whose home of record states the City of Moreno Valley.

Special Provision: Moreno Valley residents who were killed in action while serving in the military will have a special banner produced and displayed by the City. These special banners will have a similar but distinct appearance that will designate them as killed in action honorees.

Cost: The cost of a military banner for active duty military service personnel will be paid for by the applicant as established in the attached Fee Resolution. The cost for the military banner will not exceed the actual cost to produce a personalized banner. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00.

The cost of the banner for a military serviceperson who has been killed in action will be borne by the City, which is reflective of an established City Council policy. This policy was first established with the engraving of names on the City's Veterans Memorial to honor those Moreno Valley residents who were killed in action. The estimated cost for the initial installation of ten banners to honor the military servicemen and women killed

in action whose names are currently engraved on the Memorial, is approximately $2,100.

Locations: The display of the banners for active duty military servicemen and women will begin on Veterans Way at Alessandro Blvd and proceed south to Cactus Avenue. Banners will then be displayed on Cactus Avenue beginning at the entrance to March Air Reserve Base and proceed east on Cactus. As the program expands, other streets for banner installation may include Frederick north of Cactus, Graham/Riverside Drive, Heacock, or John F. Kennedy. Banner installation will be done by the City's Traffic Signal Maintenance staff who will be responsible for the twice-yearly installation.

The proposed location for the special military banners honoring the lives of those military servicemen and women killed in action is on the street light poles that illuminate the driveway of Avenida Romelio Ruiz, which is the east entrance driveway for the Veterans Memorial, as well as on the street light poles at the Veterans Memorial, the south driveway exit from the Memorial, and Calle San Juan de Los Lagos.

Implementation and Administration: It is anticipated that the initial installation for the military banners will occur in October/November 2010 prior to Veterans Day and will only be for those military servicepersons killed in action. Following the initial installation, banners will be installed twice each calendar year for both active duty military service personnel and for those killed in action if applicable. Banner installations will take place in April/May in advance of Memorial Day and in October/November prior to Veterans Day as long as the Military Appreciation Banner Program remains active. Administration of the program will be conducted by the City's Parks and Community Services Department in conjunction with the current Veterans memorial Paver Program.

The attached Military Appreciation Banner Policy will ensure that the program's goals are maintained. As this is a new program, staff requests the authority to make administrative changes to the policy after implementation in order to effectively and efficiently manage the program.

ALTERNATIVES

1. Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation. ***Staff recommends this alternative.*** *The approval of this program will demonstrate the City's dedication to honoring our Military servicemen and women and will promote a sense of community pride.*

2. Do not approve the Military Banner Appreciation Program, do not adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and do not appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that

have been killed in action while serving our Nation. ***Staff does not recommend this alternative.*** *The City would continue recognizing military veterans through the existing Veterans Memorial and Paver Programs.*

FISCAL IMPACT

The military banners that will be displayed for active duty military servicemen and women will be funded by the applicant per the established fee schedule. This cost will not exceed the actual cost to produce a personalized banner as well as the cost of the hardware. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00

The special military banners that will be displayed in remembrance of those Moreno Valley military servicemen and women who gave their lives for our country will be paid for by the City. The expected cost for the initial installment of military banners honoring those military service personnel killed in action is estimated at $2,100. Funding for the purchase of these banners will come from the City Manager's budget, fund 99110. Staff is requesting an appropriation in the amount of $2,100 be transferred from fund 99110 to 00359.359.22410.17.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

A Military Banner Program will allow the City to recognize and celebrate Moreno Valley residents, or their immediate family members, who are currently serving in the United States Military. A special military banner will be displayed in remembrance of Moreno Valley residents that were killed in action while serving our Nation.

ATTACHMENTS

Attachment A:	Proposed Resolution
Exhibit "A":	Proposed Schedule of Fees
Attachment B:	Military Appreciation Banner Program Policy
Attachment C:	Active Duty Military Banner
Attachment D:	Killed in Action Military Banner

Attachment E: Application Form for a Military Banner for Active Duty Military Service Personnel
Attachment F: Certificate of Appreciation
Attachment G: Application Form for Veterans Memorial and a Military Banner for Military Service Personnel Killed in Action

Prepared By:
Cynthia Owens
Acting Assistant to the City Manager

Department Head Approval:
Michelle Dawson
Acting Assistant City Manager

Concurred By:
Michael McCarty
Parks & Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00073903

RESOLUTION NO. 2010-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION 2010-23 TO ESTABLISH FEES FOR THE MILITARY APPRECIATION BANNER PROGRAM IN ORDER TO RECOVER THE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE MILITARY BANNER PROGRAM

WHEREAS, the City Council has approved the Military Appreciation Banner Program; and

WHEREAS, the City Council has established the Veterans Memorial Paver Program at the Veterans Memorial; and

WHEREAS, the cost of rendering these programs should be borne by the beneficiaries of said programs; and

WHEREAS, data supporting the estimated cost for providing said program has been made available to the City Council and to the public; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Section 7 – Parks and Community Services of Exhibit A of Resolution 2010-23 is hereby amended to add new fees as follows:

Military Banner Program	**Fee**
Military Banner for Active Duty Military Service Personnel	$100.00
Veterans Memorial Paver Program	
Veterans Memorial Paver	$200.00

2. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General fund of the City or into such special funds as may be otherwise required by law.

3. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or

application, and to this end the provisions of this Resolution are hereby declared to be severable.

4. Each fee or charge set forth by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

5. The fees approved and established herein shall become effective on Wednesday, August 25, 2010.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00073907

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Plan Check Fees (1 - 3 submittals)		
Project Cost:		
$0-$20,000		3.50%
$20,001-$100,000		3.25%
> $100,000		3.00%
4th and subsequent submittals		$ 140.00
Revisions		
Minor (detail changes only)		$ 256.00
Major		Same as initial submittal
Inspection and Testing		
Project Cost:		
$0-$20,000		7.00%
$20,001-$100,000		6.00%
> $100,000		5.00%
Research of Records, Files, etc		Actual City Cost
Military Banner Program		
Military Banner for Active Duty Military Service Personnel		$100.00
Military Banner for Military Service Personnel Killed in Action		Waived

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Veterans Memorial Paver Program		
Veterans Memorial Paver		$200.00

Section 7 - Parks and Community Services

Parks

	Unit	Fee
Veterans Memorial - Engraving for Military Service Personnel Killed in Action		Waived

Penalty Fees

Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with Parks and Community Services	per Offense	$ 561.00 plus actual damages
Applicant's failure to schedule inspection prior to performing work	per Offense	$ 112.00
Applicant's failure to attend or be prepared for a scheduled inspection	per Offense	$ 112.00

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MV00073911

Military Appreciation Banner Policy

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard) or have been killed in action.

DEFINITIONS:

"Active Duty" for the purposes of this program is defined as six (6) months of continuous service in the United States Military, including the National Guard and Reserve for each military service division.

"Immediate Family" for the purpose of this policy shall be defined as mother, father, son, daughter, wife, husband, brother, sister, or grandchild.

"Military service division" shall be defined as Army, Navy, Air Force, Marines and Coast Guard, including the respective National Guard and Reserve for each division.

I. Introduction

The City of Moreno Valley ("City") permits the display of banners at specified locations, on City-owned property, within City rights of way, and/or within other public rights of way subject to the City's control pursuant to established policies. The display of military banners is permitted solely in conformance with this policy. In establishing this policy, the City does not intend in any manner to create a public forum or other means by which non-commercial, social, religious or political messages may be conveyed, or by which public discourse, exchange of opinions or discussion on issues of any nature may occur. Rather, the limited purpose of the Military Appreciation Banner Program is to recognize and honor the contribution of Moreno Valley's active duty military personnel by permitting the uniform display of banners containing the serviceperson's photo, name and military service division.

II. Military Banner Policy

Consistent with the intent of the City, as expressed above, the City permits the display of the military banners solely in accordance with the following policy:

A. Banner Printing – Military Serviceperson's Name and Division

The name (first and last and suffix, if any) and military service division will be printed on the banner. A military serviceperson's name cannot appear on more than one banner.

B. Eligibility Criteria

The designated honoree must be:

1. an active duty member of the military and a City resident; or
2. an active duty member of the military whose home of record states the City of Moreno Valley; or
3. an active duty member of the military who graduated from a high school that is located within the City; or
4. an immediate family member of a current City resident.

C. Determination of Eligibility

Military Appreciation Banner Policy

The application must include a copy of a driver's license or other picture identification, satisfactory to the City, which shows the address of the military service person, or his or her immediate family member's address as being in the City. If the applicant is applying on behalf of a military serviceperson as a graduate from a high school located within the City a copy of the high school diploma and/or a certified copy of the school transcript shall be submitted. The application must also include satisfactory documentation (e.g., military identification) establishing the name, military services division, and active duty status of the person whose name is to appear on the banner.

Parks and Community Services staff will convene a Review Committee twice each year to review all applications for compliance with the eligibility criteria. The final determination of eligibility is at the discretion of the committee.

D. Installation

The installation of the military banners shall occur twice each calendar year (April/May and October/November in advance of Memorial Day and Veterans Day respectively) so long as the military banner program remains active.

E. Display Term

A banner will be displayed continuously once it has been installed and will be removed when:

1. the banner becomes damaged due to wind, age, or other reasons as solely determined by the City; or
2. the military service person no longer meets the eligibility criteria; or
3. the applicant for the banner fails to submit the required annual verification paperwork verifying that the military service person continues to meet the Eligibility Criteria; or
4. the Military Appreciation Banner Program is discontinued for any reason at the discretion of the City Council.

Once the military banner is removed from its location, the banner applicant will be notified that the banner can be obtained from the Parks and Community Services Department.

F. Application Process

Anyone requesting a military banner shall submit a complete banner application to the City's Parks and Community Services Department on the form provided by the City, together with the then current application fee made payable to the City. The required fee has been calculated to offset a portion of, but not exceeding, the costs of the personalized banner. All banner locations are assigned by the City. The number of banners as well as the specific locations of the banners shall be determined solely by the City, and may be revised without prior notice. The requestor of the banner cannot select a specific location.

Each applicant must provide information on the application form sufficient to investigate and verify the facts stated and to determine whether the applicant satisfies the requirements of the policy. The City's Parks and Community Services Department will administer the Military Appreciation Banner Program and the Department Director (or his/her designee) shall approve the applications. Each completed application shall be approved or denied within ten (10) business days of receipt. The City shall approve a banner application upon completion of the review, provided: (1) the military serviceperson meets all of the criteria set forth in this policy, (2) the applicant has provided all required information and (3) the applicant has been completely truthful.

When an application is approved, the military serviceperson's name and military services division will be printed on both sides of the banner. The banner will be ordered by the City, however, it will be paid for by the applicant. The completed application must include either a five (5) inch by seven (7) inch photograph of the military serviceperson in their dress uniform or provide a digital image of not less than 300 d.p.i. If the City determines the digital image is not of sufficient quality for printing the banner then the applicant will be given the option of submitting either a (5) inch by seven (7) inch photograph or having the logo/seal of the military services division placed on the banner. Should an applicant desire to not have a photograph on the banner, the appropriate military services division logo/seal will be used.

G. Annual Eligibility Determination

On an annual basis, the City will require that all applicants for military banners for active duty military personnel provide written verification that the active duty military serviceperson still meets the Eligibility Criteria. The person who applied for the military banner will be contacted at their last known address listed on their application form. It shall be the responsibility of each applicant for a military banner to promptly update his or her information on file with the City's Parks and Community Service Department as needed. The City shall not be responsible in the event the City does not receive any updated information that is not personally delivered to the City's Parks and Community Services Department. All banners for military servicepersons no longer meeting the Eligibility Criteria shall be removed and the location reassigned. Any banner that is removed, whether from lack of eligibility or from being weathered, shall be provided to the applicant.

H. Replacement of Banner

In the event a banner must be replaced for any reason (e.g. weathered, vandalism, stolen, wind event), and so long as the Eligibility Criteria remains satisfied as established by documentation provided by the applicant, then upon payment of the City's banner fee a new banner will be ordered. The banner will be installed in accordance with the City's installation policy set forth in Section D.

III. General Provisions

The City shall not be responsible for damage to or thefts of banners. Furthermore, by applying for and receiving approval for a military banner to be displayed, the applicant agrees to indemnify and hold the City of Moreno Valley, the Moreno Valley Redevelopment Agency, the Moreno Valley Community Services District, and each of the City's and Agency's elected officials, officers, employees, agents, and volunteers free and harmless with respect to any and all liabilities, claims, lawsuits and/or damages of any nature whatsoever that allegedly arise from or are connected to the approval of the applicants banner application, including the display of, and/or damage to or loss of any banner or banners.

The City reserves the right to revise this policy, discontinue the Military Appreciation Banner Program, and/or revise applicable fees without prior notice. If the program is discontinued, each banner will be returned to the applicant thereof or to the military serviceperson named on the banner.

IV. Special Provisions

It is the intent of the City Council to provide banners honoring those Moreno Valley residents who were killed in action while serving in the military. Banners similar to the military banners for active duty personnel will be produced and displayed by the City and hereinafter will be included as part of the killed

Military Appreciation Banner Policy

in action application process for the Veterans Memorial administered by the City. These special banners will have a similar but distinct appearance designating them as killed in action honorees. The cost of the banners will be borne by the City and the banners will be replaced by the City when damaged. Banners honoring the killed in action soldiers already included on the City's Veterans Memorial will be installed with the initial implementation of the banner program.

Moreno Valley Honors

John Smith

Army

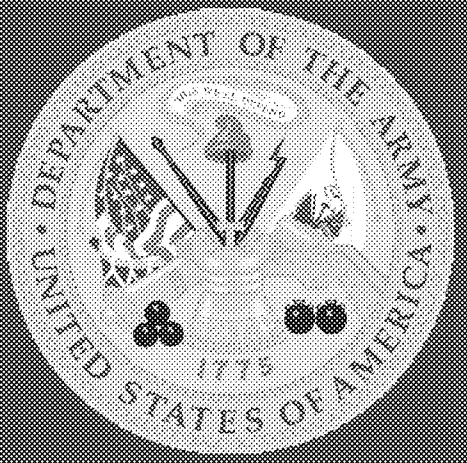

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MV00073917

Moreno Valley Remembers

John Smith

Army

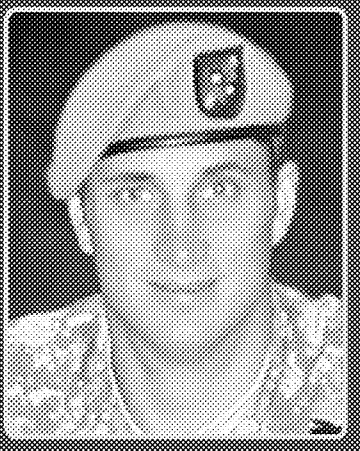

ATTACHMENT D

Item No. G.3

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MV00073919

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

APPLICATION FOR MILITARY APPRECIATION BANNER PROGRAM
ACTIVE DUTY MILITARY PERSONNEL

The City of Moreno Valley wishes to honor Moreno Valley servicemen and women by celebrating their service with the Military Appreciation Banner Program. The City is accepting nominations from the community for active duty military service personnel who are residents of Moreno Valley, who have immediate family residing in Moreno Valley, or graduated from a Moreno Valley high school. If you know of someone that you feel would be worthy of this honor, please complete the attached nomination form, provide any required documentation and your payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00), and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services at (951) 413-3701.

MILITARY BANNER REQUEST FOR RECOGNITION – ACTIVE DUTY MILITARY SERVICE PERSONNEL

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard)

POLICY:

I. Procedure for Submitting Names to Request a Military Banner to be Displayed

A. Nomination form including full name, rank and branch of service; proof of active duty Military status; proof of residency for the Military serviceperson or immediate family member; proof of graduation from a high school located in Moreno Valley if applicable; a 5" x 7" photograph or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform; and payment (check or money order) should be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to have a Military Banner displayed.

A. Once nominations are received, the information will be reviewed and approved by the City.

B. Banners will be installed twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day. Once the banner is in place, the applicant will be mailed a certificate honoring the Military service person.

C. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

D. Only one banner per Military serviceperson is allowed.

II. Nominee Qualifications:

In order to be nominated for a Military Banner the Nominee must meet the following qualifications:

A. Nominee must be currently serving in the United States Military.

B. The active duty Military serviceperson, or their immediate family member, must be a resident of Moreno Valley or the Military serviceperson must have graduated from a Moreno Valley high school.

C. Active duty status will need to be verified annually in order for the Military Banner to continue to be displayed.

NOMINATION FORM FOR MILITARY BANNER
ACTIVE DUTY MILITARY SERVICE PERSONNEL

Please Print

NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Graduate from a Moreno Valley High School	(circle one) **Yes** **No**
Please attach a birth certificate, Home of Record or proof of residency for the nominee or proof of residence for the immediate family member; proof of current active duty Military status; proof of graduation for the nominee from a Moreno Valley high school if applicable; and a 5" x 7" photograph or a digital image of not less than 300 d.p.i.	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Mail the completed nomination form, any required documentation and payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00) to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Proof of Military Service:	
Payment (check or money order):	
Date Approved by Review Committee:	
Recommended Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

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MV00073923

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

Certificate of Appreciation presented to:

Mrs. Smith

November 11, 2010

On Veterans Day 2010 a banner was installed on your behalf at _____ and _____ honoring your loved one's service to our Nation.

_____

BONNIE FLICKINGER, MAYOR

Military Appreciation Banner Program

ATTACHMENT F

MV00073924

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MV00073925

CITY OF MORENO VALLEY

APPLICATION FOR THE NOMINATION OF KILLED IN ACTION MILITARY PERSONNEL: VETERANS MEMORIAL AND MILITARY BANNER APPRECIATION PROGRAM

The City of Moreno Valley is dedicated to honoring our Military servicemen and women who were killed in action while serving our Country. The memories of our Moreno Valley residents who have made this ultimate sacrifice are honored by having their names permanently engraved on the Veterans Memorial located at the Moreno Valley Civic Center. Additionally, a special Military Banner will be displayed in remembrance of these veterans. To nominate a Moreno Valley resident killed in action, please complete the attached nomination form, provide any required documentation and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services Department at (951) 413-3701.

VETERANS MEMORIAL AND MILITARY BANNER REQUEST
FOR RECOGNITION - KILLED IN ACTION

PURPOSE: To solicit from the community nominations for recognition at the Veterans Memorial, located at the Moreno Valley Civic Center, as well as to have a special Military Banner displayed for servicemen and women killed in action (KIA).

POLICY:

I. Procedure for Submitting Names for Inclusion on the Veterans Memorial (Killed in Action) and the Display of a Military Banner:

A. Nomination form including full name; rank; branch of service; Report of Incident (provided by the military); a birth certificate, Home of Record or proof of residency; and a 5" x 7" photo or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform must be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to be listed on the monument and to have a Military Banner displayed. *There is no charge to list KIAs on the Veterans Memorial and to have a banner displayed.*

B. Once nominations are received, the information will be reviewed and approved by the City.

C. Names will be added to the Veterans Memorial twice a year; just prior to Memorial Day and Veterans Day.

D. Banners will be installed for display twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day

E. Only the Nominee Name, Rank and Branch of Service will appear on the Monument.

F. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

II. Nominee Qualifications:

In order for a deceased veteran to be nominated for inclusion on the Veterans Memorial and to have a special Military Banner displayed, the Nominee must meet the following criteria:

A. Killed in Action as determined by the military. A certified Report of Incident, which is issued for all KIA by the military, must be submitted.

B. Died during a period of action/invasion/conflict. This includes the following, but is not limited to: World War I, World War II, Korea, Vietnam, Desert Storm, Enduring Freedom, Desert Shield, Somalia, Granada, Operation Just Cause, and Operation Iraqi Freedom. Friendly Fire is recognized as KIA (i.e., accidents such as helicopter or motor vehicle accident).

C. A certified Home of Record, birth certificate or proof of residence must list Moreno Valley, California. This includes the communities of Sunnymead, Edgemont, and Moreno prior to incorporation. Exception may be made if Nominee was born on March Air Force Base and attended Moreno Valley schools.

Nominee would be recognized on *pavers,* not the memorial, if one of the following applies:

- Nominee died while in the States and not during transportation to/from action, unless declared KIA by the military.
- Nominee died after conflict concluded.
- Nominee died from injuries sustained in conflict but died after returning to the States, unless declared KIA by military.

NOMINATION FORM FOR VETERANS MEMORIAL AND MILITARY BANNER

Please Print

KILLED IN ACTION NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Please attach a certified Report of Incident provided by the military, a birth certificate, Home of Record or proof of residency, and a 5" x 7" photo or a digital image of not less than 300 d.p.i.,	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Please provide any additional information that you would like for the Committee to consider.

Mail the completed nomination form, any required documentation to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Report of Incident Provided:	
Home of Record/Birth Certificate/Proof of Residency Provided:	
Date Approved by Review Committee:	
Anticipated Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

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MV00073929

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The CSD was formed simultaneously with the City's incorporation and zones of benefit were established, such as the CSD Zone B (Residential Street Lighting) program, to allocate the program costs to those parcels receiving benefit from the services provided by the CSD. The Zone B parcel charges fund the costs for approximately 8,500 streetlights along City maintained residential streets.

In 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act", which created state-mandated legislation requiring local government to provide record

owners of property sufficient notice and an opportunity to approve or oppose any new, extended or increased tax, assessment, fee or charge. In accordance with Proposition 218, record owners of properties subject to new, extended or increased property charges, such as those associated with CSD programs, are provided an opportunity to submit a ballot on the proposed service and charge through the process of a mail ballot proceeding.

Over the past few years, electrical utility costs for streetlights have significantly increased and currently exceed the annual CSD Zone B program revenue. To continue to provide the same level of residential street lighting services, a Proposition 218 mail ballot proceeding was conducted in June of 2009. The mail ballot provided property owners participating in the CSD Zone B program an opportunity to either approve or oppose an increase in their annual CSD Zone B charge from $23 or $24 per parcel to $39 per parcel, which included an annual inflation adjustment. Of the 40,092 ballots mailed to property owners, 6,359 ballots (16%) were returned with 4,076 ballots marked as not approving, 2,025 ballots marked as approving, and 258 invalid. Based on the results of the mail ballot proceeding, the proposed increase in the CSD Zone B charge was not approved. To continue to fund the CSD Zone B (Residential Street Lighting) program for fiscal year (FY) 2009/10, all remaining CSD Zone B fund balances were used and a temporary loan was acquired. The loan will require repayment from future CSD Zone B charges.

DISCUSSION

The CSD Zone B (Residential Street Lighting) program funds the cost of residential street lighting services through an annual levy of charges collected on the Riverside County property tax bills on those properties that receive residential street lighting services. Since FY 1996/97 the annual CSD Zone B charge has remained consistent at $23 per parcel with exception to those properties which, beginning in 1999, balloted and approved an annual inflation adjustment, which adjusted the charge to $24 per parcel per year in FY 2008/09.

In recent years the California Public Utilities Commission (CPUC) has approved multiple rate increases for electrical utility costs that utility providers may charge for street lighting services. These rate increases have been passed on to the rate payers, which has caused an increase in the cost of street lighting by more than 47% since 2006. A mail ballot proceeding was conducted in June 2009 for an increase in the CSD Zone B charge; however of the more than 40,000 property owners balloted, only 6,359 ballots (16%) responded with the majority not approving the increase in the Zone B charge.

To address the increases in electrical utility costs for residential streetlights in compliance with Proposition 218, a mail ballot proceeding is being conducted for a proposed increase in the CSD Zone B annual charge. Ballot materials (Attachments 1 and 2) were mailed on July 9, 2010, to property owners within the boundaries of CSD Zone B to provide an opportunity to approve or oppose the proposed increase. If approved by a simple majority (50%+1) of the returned valid ballots, properties currently

charged $23 per parcel or $24 per parcel would be increased to $39 per parcel (equivalent to a $16 or $15 increase) for FY 2010/11 and may be subject to an annual inflation adjustment. The City would only increase the annual streetlight charge if the costs for streetlights increase and only by the amount necessary to cover the increased costs. If property owners oppose the proposed increase by a simple majority of the returned valid ballots or there is a tie in the results, the existing CSD Zone B charges shall continue to be levied on the property tax bills and street lighting services will be reduced to a level consistent with available funding in accordance with general management policy #2.34, Community Services District Zone B (Residential Street Lighting) Policy and Zone C (Arterial Street Lighting) Policy, as previously approved by the CSD Board.

To provide information concerning the CSD Zone B program costs and mail ballot proceeding, the CSD began conducting public outreach efforts in April 2010. The following provides a summary of some of these activities:

- Article included in the City Link May – August 2010, publication for summer.
- Since April, advertisements have been shown before each feature film at both Harkins and Regency Theaters.
- Multiple Public Service Announcements (slides and videos) have been posted on MVTV 3 and will continue to run through the end of September 2010.
- "Questions & Answers" are posted on the City's website in English and Spanish.
- Distributed informational door hangers to over 40,000 single family homes the week of July 5, 2010.
- Informational flyers distributed at the City's Fourth of July event. Additional flyers were posted and made available at City facilities and Chambers of Commerce. Copies were also emailed to Home Owner Associations.
- At the end of July, posted temporary informational signs on 2,500 streetlights within Zone B residential streetlight areas.
- On July 9, the required Notice and Mail Ballots were mailed to over 40,000 property owners.
- Advertisements were published in The Press-Enterprise on July 28, July 30, and August 1 and in La Prensa on July 30, 2010. Additionally, an advertisement was also placed in the The Press-Enterprise's Weekly publication on August 12, 2010.
- Distributed over 40,000 door hangers to remind property owners to submit their mail ballot responses and to inform them of additional opportunities to receive information concerning the mail ballot process.
- Conducted two Townhall Meetings held the morning of August 17 and the evening of August 18, 2010. An additional meeting is scheduled for the afternoon of September 1, 2010.

Property owners subject to CSD Zone B are also given two opportunities to address the CSD Board. These two opportunities are the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing. Following the close of the Public Hearing, the City

Clerk (Secretary to the CSD Board) will provide instructions regarding tallying, verifying, and announcing the results of the mail ballot proceeding.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *By accepting public comment, the CSD Board complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*

2. **Do not accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *This alternative would run counter to state statute requirements.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone B (Residential Street Lighting), which are full-cost recovery programs. The cost to fund streetlight operations exceeds the current CSD Zone B charges. Properties subject to CSD Zone B are being balloted for an increase from either $23 or $24 per parcel per year to $39 per parcel per year, along with an annual inflation adjustment. **The collection of the CSD Zone B annual charge is restricted for residential street lighting services and administration of the CSD Zone B program. There is currently no fiscal impact on the General Fund for the operation of the CSD Zone B program.**

CITY COUNCIL GOALS

Revenue Diversification and Preservation
The CSD Zone B charge funds program costs for residential streetlight services, which aid in the illumination of roadway and sidewalk areas.

SUMMARY

The action before the CSD Board is to accept public comments regarding the proposed increase in the CSD Zone B charge.

NOTIFICATION

Mail ballot packets were mailed on July 9, 2010 to the property owners subject to the CSD Zone B charge. The mail ballot packet included a notice to the property owner, instructions for marking the ballot, official mail ballot, and a postage-paid envelope for returning the ballot. Two sample mail ballot packages are included as Attachments 1 and 2.

Legal notification for the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing was published in The Press-Enterprise on August 5, 2010. Legal

notification for the Public Hearing will also be published on August 26, 2010 and again on September 2, 2010.

ATTACHMENTS/EXHIBITS

Attachment 1 – CSD Zone B sample mail ballot packet for properties currently paying $23 per parcel per year.

Attachment 2 - CSD Zone B sample mail ballot packet for properties currently paying $24 per parcel per year.

Attachment 3 - CSD Zone B boundary map

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00073935

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 1

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
1985-86	$22.00	1998-99	$23.00
1986-87	$18.00	1999-00	$23.00
1987-88	$21.00	2000-01	$23.00
1988-89	$21.00	2001-02	$23.00
1990-91	$20.00	2002-03	$23.00
1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $16 increase in the annual parcel charge (equivalent to $1.33 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $23 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $16 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $23 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

Item No. G.4

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 6 MORENO VALLEY, CA

POSTAGE WILL BE PAID BY ADDRESSEE

CITY CLERK'S OFFICE
MORENO VALLEY CSD
ZONE B BALLOT - 9/14/2010
P.O. BOX 88005
MORENO VALLEY, CA 92552-9909

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

FIRST-CLASS MAIL
PRESORTED
US POSTAGE PAID
MORENO VALLEY, CA
PERMIT NO. 153

OFFICIAL BALLOT ENCLOSED
BOLETA ELECTORAL

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MV00073943

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 2

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
1985-86	$22.00	1998-99	$23.00
1986-87	$18.00	1999-00	$23.00
1987-88	$21.00	2000-01	$23.00
1988-89	$21.00	2001-02	$23.00
1990-91	$20.00	2002-03	$23.00
1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $15 increase in the annual parcel charge (equivalent to $1.25 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $24 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $15 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $24 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

FIRST-CLASS MAIL
PRESORTED
US POSTAGE PAID
MORENO VALLEY, CA
PERMIT NO. 153

OFFICIAL BALLOT ENCLOSED
BOLETA ELECTORAL

MORENO VALLEY
WHERE DREAMS SOAR

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVA.ORG

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 6 MORENO VALLEY, CA
POSTAGE WILL BE PAID BY ADDRESSEE

CITY CLERK'S OFFICE
MORENO VALLEY CSD
ZONE B BALLOT - 9/14/2010
P.O. BOX 88005
MORENO VALLEY, CA 92552-9909

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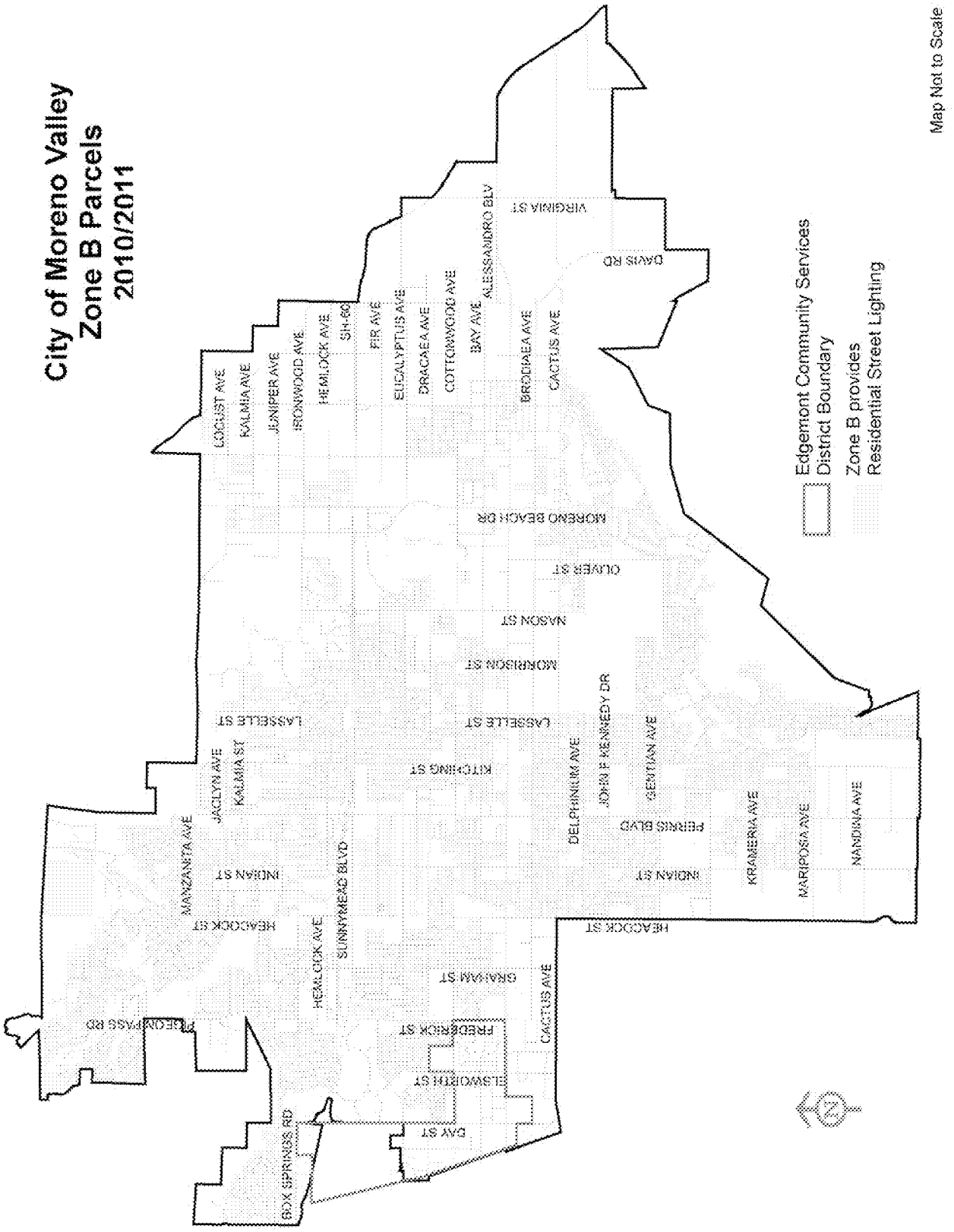

ATTACHMENT 3

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AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

August 24, 2010

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

Robin N. Hastings, Mayor Pro Tem
Jesse L. Molina, Council Member
Richard A. Stewart, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
August 24, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2010 Summer Reading Program Super Readers by the Moreno Valley Friends of the Library

2. Proclamation Recognizing Rancho Verde Mustangs Girls' 400 Meter Relay Track Team

3. 2009 Volunteer of the Year – Alma Mittleider

4. Presentation of Habitat for Humanity Riverside Poster Recognizing City of Moreno Valley Volunteers

5. Employees of the Quarter - Tim Carroll - Media and Production Coordinator, Bob Lorch & Rob Roseen - Cable TV Producers

6. "Spotlight on Moreno Valley Business"

MV00073955

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
AUGUST 24, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor O.J. Philpot, Christ Community Church

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00073956

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTIONS OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-75

A Resolution of the City Council of the City of Moreno Valley Electing To Hear Future Resolutions Of Necessity For The State Route 60/Moreno Beach Drive Improvements Project And Designation Of The City's Special Eminent Domain Counsel To Process Resolution Of Necessity Packages For The Project

MV00073957

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 TRACT MAP 32625 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA 92617 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2010-76

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32625 and Accepting Mcabee Avenue, Molson Court, Altivo Street, Kenda Court and the Portions of Cottonwood Avenue and Redlands Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements;

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM;

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

A.8 ADOPT ORDINANCE NO. 814 - AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

A.9 ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS, LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

Resolution No. 2010-77

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Relocation Plan for Eligible Occupants of Mobile Home Units Located at 14890 Perris Boulevard (APN 484-242-017) for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue

A.10 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED JUNE 30, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:
Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.11 ADOPT ORDINANCE 813 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 813.

Ordinance No. 813

Adopt Ordinance No. 813 of the City Council of the City of Moreno Valley, California, Approving PA06-0184 (Zone Change) to change the Land Use District from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

A.12 AQUABELLA DEVELOPMENT AGREEMENT - ANNUAL REVIEW (P10-044) (Report of: Community Development Department)

Recommendation:
Accept the Annual Report and determine that the property owner has

MV00073960

complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

A.13 PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Authorize the City Attorney to execute the Bonds;

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

A.14 PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland

MV00073961

Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements;

2. Authorize the Mayor to execute the Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A.15 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

A.16 PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map No. 35629; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.17 SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT

MV00073962

CONTRACTOR AGREEMENT (Report of: Community Development Department)

Recommendation:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services; and

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

A.18 PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010; DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (Report of: Public Works Department)

Recommendation:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010; and

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

MV00073963

B.4 NEW LEASE AGREEMENT FOR CARETAKERS OF THE MORENO VALLEY EQUESTRIAN PARK AND NATURE CENTER (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center; and

2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

B.5 ADOPT ORDINANCE NO. CSD 54 - AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:

MV00073964

Approve as submitted.

C.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 SOUTHERN CALIFORNIA EDISON STATE OF THE UTILITY (Informational Oral Presentation - not for Council action)

G.3 MILITARY APPRECIATION BANNER PROGRAM (Report of: City Manager's Office)

Recommendation: That the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 amending Resolution 2010-23 to establish a fee for the Military Banner

MV00073965

Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

Resoution No. 2010-78

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution 2010-23 to Establish Fees for the Military Appreciation Banner Program in Order to Recover the Costs Associated with the Implementation of the Military Banner Program

G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

G.5 APPROVE BUDGET APPROPRIATION TO FUND ADDITIONAL POLICE OFFICERS (MATERIALS PROVIDED UNDER SEPARATE COVER) (Report of: Police Department)

Recommendation: That the City Council:
Approve Budget Appropriation to Fund Additional Police Officers

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any

MV00073966

individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00073967

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SPECIAL MEETING – 6:00 PM
July 6, 2010

CALL TO ORDER

Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 6:03 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Flickinger

INVOCATION – Mayor Flickinger

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Cindy Miller	Executive Assistant to Mayor/City Council
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director

G. REPORTS

Mayor Flickinger opened the agenda item for public comments, which were received from Pete Bleckert.

G.1 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS and Theodore Street; Developer: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Security for the Redlands Sewer Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement and the Escrow Instructions contingent upon the cash security being placed into the escrow account;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required sanitary sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 6:12 p.m. to Regular City Council Closed Session by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

_____

Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 13, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Family FunFest 2010 Moreno Valley Idol Competition Winners

2. Presentation of 4th of July Parade Awards

3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
July 13, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:40 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Jesse Molina

INVOCATION - Pastor Charles Gibson, Breakthrough Church of God in Christ

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Hargis	Acting Financial and Admin. Services Director
William Bopf	Interim City Manager
John Ruiz	Interim Human Resources Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Economic Development Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 16 - July 6, 2010.

A.4 PERMIT PARKING FOR THE RESIDENTS ON LORAINE TERRACE (Report of: Public Works Department)

Recommendation:

Approve and adopt proposed Resolution No. 2010-66 and direct staff to implement permit parking on Loraine Terrace.

Resolution No. 2010-66

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Installation of Permit Parking on Loraine Terrace

A.5 RESOLUTION RESCINDING THE PROVISIONS OF RESOLUTION 2007-55 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AND AUTHORIZING THE SUBMITTAL OF APPLICATION FOR THE USED OIL PAYMENT PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) (Report of: Public Works Department)

Recommendation:

Adopt the proposed resolution (Resolution No. 2010-67) rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for the Used Oil Payment Program grant under the California Department of Resources Recycling and Recovery (CalRecycle).

Resolution No. 2010-67

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding and Restating the Provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California Authorizing Application for the Used Oil Grant Payment Program Funds Under the Department of Resources Recycling and Recovery (CalRecycle)

A.6 APPROVAL OF CHECK REGISTER FOR MAY, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-68, approving the Check Register for the month of May, 2010 in the amount of $19,967,907.47.

Resolution No. 2010-68

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of May, 2010

A.7 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, and to subsequently assign said Agreement to the Community Redevelopment Agency.

A.8 SIXTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE IRONWOOD AVENUE WIDENING PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD - PROJECT NO. 06-50182625-2 (Report of: Public Works Department)

Recommendation:

1. Approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660;

2. Authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc.; and

3. Authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for $99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

A.9 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH PALP INC. DBA EXCEL PAVING COMPANY FOR THE SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of $50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221); and

2. Authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company.

A.10 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

A.11 AUTHORIZE A PROJECT AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division; and

2. Authorize a purchase order for OPC, in the amount of $99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.12 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE SUNNYMEAD BOULEVARD IMPROVEMENTS PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD, PROJECT NO. 04-89280221 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard;

2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc.;

3. Authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of $176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney.

A.13 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

A.14 AUTHORIZE CHANGE ORDERS TO INCREASE THE PURCHASE ORDERS WITH FS CONSTRUCTION FOR THE SIDEWALK IMPROVEMENT PROJECTS ON TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNEL STREET, PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 (Report of: Public Works Department)

Recommendation:

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of $80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnel Street (Account Nos. 283.68428, 283.68528 and 283.68728);

2. Authorize the City Manager to execute the Change Orders for FS Construction;

3. Authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements;

4. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code; and

5. Authorize the Financial & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects.

A.15 ADOPT RESOLUTION NO. 2010-69, APPOINTING DEPUTY CITY ATTORNEY III SUZANNE BRYANT AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING - SEPTEMBER 15-17, 2010 (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2010-69, Appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities 2010 Annual Conference Business Meeting.

Resolution No. 2010-69

A Resolution of the City Council of the City of Moreno Valley, California, Designating a Voting Delegate to the League of California Cities 2010 Annual Conference

A.16 TRACT MAP 31414 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENT AGREEMENT, SOUTHEAST CORNER OF PIGEON PASS ROAD AND SUNNYMEAD RANCH PARKWAY - DEVELOPER: ZAPER, CORP., RIVERSIDE, CA 92504 (Report of: Public Works Department)

Recommendation:
Authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

A.17 PROJECT PA04-0215 (TR 33256) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET - DEVELOPER: VALLEY OAK, LP, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA04-0215;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.18 APPROVAL OF RESOLUTION AND FIRST AMENDMENT TO THE IMPLEMENTATION AGREEMENT (THE AB 811 PROGRAM) WITH

WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS (WRCOG) TO EXPAND THE PROGRAM TO PERMIT FUNDING FOR WATER CONSERVATION IMPROVEMENTS (Report of: Community Development Department)

Recommendation:

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and

2. Adopt Resolution 2010-70, consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

Resolution No. 2010-70

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment Modifying Its Consent to the Inclusion of Properties Within the City's Incorporated Area in the Western Riverside Council of Governments (WRCOG) Contractual Assessment Program to Consent to the Addition of Water Efficiency Improvements to the Improvements Authorized to Be Financed Through Such Program

A.19 PROJECT PA02-0133 (TR 31089) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF IRONWOOD AVENUE BETWEEN KITCHING STREET AND TUSCOLA STREET - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA02-0133;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate

the Faithful Performance Bond and Material and Labor Bond previously submitted by DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.20 RESOLUTION AUTHORIZING THE CITY OF MORENO VALLEY TO CONTINUE TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP" (Report of: Public Works Department)

Recommendation:

Adopt Resolution 2010-71 authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company.

Resolution No. 2010–71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City to Participate in the "Community Energy Partnership", an Energy Efficiency Program Among Southern California Cities, with the Energy Coalition, a California Non-Profit Corporation, Southern California Edison and Southern California Gas Company

A.21 NOTICE OF COMPLETION AND ACCEPTANCE FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS - PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to

release the retention to Wheeler Paving, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.22 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

A.23 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT

AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM C.7) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

A.24 FUNDING FOR ELSWORTH STREET UTILITY IMPROVEMENTS AND MVP EV ONSITE UTILITY CONNECTION: COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY AND 2007 LEASE REVENUE BOND FUNDS (Report of: Economic Development Department)

Recommendation:

1. Review and approve the designation of $107,841 in Community Development Block Grant – Recovery funds for the installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center Drive;

2. Return to an undesignated status the commitment of $107,000 in CDBG-R funds from the Participation Agreement with MVP EV; and

3. Secure an appropriation of $107,841 from the 2007 Lease Revenue Bond Funds in support of the Participation Agreement with MVP EV.

A.25 PA09-0025/PA09-0043 – APPROVE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD WEST OF MORENO BEACH DRIVE, SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE - DEVELOPER: FRANK & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA 92270 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2010-72, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009,

located on the south side of Alessandro Boulevard, west of Moreno Beach Drive as a condition of approval for PA09-0043; and

Resolution No. 2010-72

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Alessandro Boulevard, South Side of Alessandro Boulevard, West of Moreno Beach Drive

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

B.3 ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of: Parks and Community Services Department)

Recommendation:
1. Authorize the acceptance of grant money in the amount of $747,338 for Fiscal Year (FY) 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and

2. Adopt Resolution No. CSD 2010-22 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2010/2011.

Resolution No. CSD 2010-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter Into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2010/11

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City;

2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and

3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of $50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

C.4 APPROVE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK

STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.10) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

C.5 APPROVE THE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is

located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

C.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.22) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval

of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

C.7 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM A.23) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

Mayor Flickinger announced the ballot tabulation would be held in the public lobby of the Council Chamber in the interest of open government.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

Motion to Approve by m/Board Member Richard A. Stewart, s/Board Member William H. Batey II
Approved by a vote of 5-0.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet; and

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882,

31257, 31269-1, and 32018.

Rescind Motion to Approve Joint Consent Calendar Items A1 – D2 so as to allow for Public Comments by m/Council Member William H. Batey II, s/Council Member Jesse Molina
Approved by a vote of 5-0.

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from David Marshall (A4) and Pete Bleckert (A9, 12, 22)

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/William H. Batey II, s/Richard A. Stewart
Approved by a vote of 5-0.

E.2 A PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT (PA06-0185) AND CHANGE OF ZONE (PA06-0184) TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL 5 (R5), TENTATIVE TRACT MAP 34748 (PA06-0183); A PROPOSAL FOR A 135 SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON 40 ACRES, AND A VARIANCE (P09-102) COVERING RETAINING WALLS ON FOUR LOTS (LOT NUMBERS 37, 38, 39 AND 40) THAT ARE OVER THREE FEET IN HEIGHT. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE. APPLICANT IS RADOS TENANTS IN COMMON (Report of: Community Development Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

2. APPROVE Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

Resolution No 2010-73

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Land Use Element (PA06-0185) to change the Land Use Designation from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

3. INTRODUCE Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A; and

Ordinance No. 813

An Ordinance of the City Council of the City of Moreno Valley, California, approving PA06-0184 (Zone Change) to change the Land Use District for approximately 40 acres from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

4. APPROVE Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No 2010-74

A Resolution of the City Council of the City of Moreno Valley, California, approving Tentative Parcel Map 34748 (PA06-0183) and Variance (P09-102). The project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026)

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

E.3 PUBLIC HEARING FOR THE REVIEW OF THE 2010-2015 IMPLEMENTATION PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Economic Development Department)

Chairperson Flickinger opened the public testimony portion of the public hearing; which was received from Deanna Reader.

Recommendation: That the RDA:

1. Conduct a public hearing for the review of the 2010-2015 Implementation Plan; and

2. Approve the proposed 2010-2015 Implementation Plan.

Motion to Approve by m/Agency Member Richard A. Stewart, s/Agency Member William H. Batey II
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

Chairperson Flickinger opened the agenda item for Item G1 for public comments, which were received from Pete Bleckert.

Recommendation: That the RDA:

Approve the Third Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

(CONTINUED FROM EARLIER IN THE MEETING)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

The ballots have been counted, and the following are the results:

Final Results for Each Tract						
Council District	Tract	Zone	Amt of Valid WBC - Yes	Amt of Valid WBC - No	Amt of Invalid WBCs	PASS/FAIL
3	12773	D	11	32	3	FAILED
4	19210	D	5	23	0	FAILED
4	19937	D	13	19	0	FAILED
4	20404	D	13	34	2	FAILED
2	20579	D	9	33	0	FAILED
4	20718	D	9	21	0	FAILED
4	21113	D	16	28	0	FAILED
2	21333	D	13	28	0	FAILED
4	21597	D	7	13	1	FAILED
4	22889	D	0	10	1	FAILED
1	28882	D	3	17	0	FAILED
2	31257	D	1	7	0	FAILED
3	31269-1	D	5	19	0	FAILED
1	32018	D	1	19	0	FAILED

G.2 AMENDMENT TO CHAPTER 11.40 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, ORDINANCE NO. 741 AND ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS

AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (Report of: Parks and Community Services Department)

Mayor Flickinger opened the agenda item for Item G2 for public comments, which were received from Jan Beyers, Ruth Corrao-Harris, Margie Breitkreuz, Kim Nelson, Elaine Hill, Cathy Hendrick, John Miller, Kathleen Dale, Johnnie Hendrick, John Farquharson, Greg Worley, Marcia Narog, John Schoettler, and Pete Bleckert.

Recommendation: That the City Council:

Introduce Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center; and

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Recommendation: That the CSD:

Introduce Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II

Approved by a vote of 5-0.

After a brief recess, the meeting resumed at 9:24 p.m.

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

June Patterson
1. Relay for Life

Jose Chavez
1. Protecting the community
2. Taxes
3. Moreno Valley Community Park

Raul Wilson
1. Congratulate Jesse Molina
2. Skechers
3. Equestrian Park
4. Budget

Pete Bleckert
1. Glad Districts all failed
2. Why people don't vote
3. Intersections
4. Eastbound ramp on Hwy 60
5. Where is the $2,000,000 coming from
6. Signs

Erica Hopkins
1. Unity Fest

James Dudley
1. 12,563 votes were counted
2. Unions create good paying jobs

G.3 PARTICIPATION AGREEMENT WITH PACIFIC WINGS INC. (Report of: Economic Development Department)

Mayor Flickinger opened the agenda item for Item G3 for public comments, which were received from Pete Bleckert.

Recommendation: That the City Council:
Approve a Participation Agreement with Pacific Wings Inc. to assist in

the development of a Buffalo Wild Wings Grill & Bar as part of the CDBG-Recovery program.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.4 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS ELECTRICAL AND ROUGH GRADING RELATED TO THE INSTALLATION OF THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G4 for public comments; there being none, public comments were closed.

Recommendation:

1. Accept the Agreement and Bond Securities for the Redlands Electrical Improvements and Rough Grading related to the installation of the Redlands sewer improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement contingent upon the developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading related to the installation of the Redlands sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.5 PA07-0090 – ACCEPT THE SUBSTITUTION AGREEMENT AND REPLACEMENT BONDS FOR LINE 'F' STORM DRAIN SECURITY ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G5 for public comments, which were received from Deanna Reader.

Recommendation:

1. Accept the Substitution Agreement and replacement bonds for the Line 'F' Storm Drain Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Substitution Agreement and the replacement bonds contingent upon the Developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Substitution Agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the cash security previously placed into an escrow account and submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required storm drain improvements are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.6 AMENDMENT TO THE JUNE 22, 2010, MOTION OF THE CITY COUNCIL AUTHORIZING AN AGREEMENT WITH HIGHLAND FAIRVIEW FOR ISSUANCE OF A LIMITED PURPOSE BUILDING PERMIT (Report of: Council Members Stewart and Molina)

Mayor Flickinger opened the agenda item for Item G6 for public comments,

which were received from Iddo Benzeevi, Kathleen Dale, Kenneth Bley, Joe Hopper, Mike Calhoun, Robert Walker, Roger Roper, William Pearcy, Deanna Reader, and Raul Wilson.

After a brief recess, the meeting resumed at 10:22 p.m.

Motion to Approve continuing the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a voice vote.

Motion to amend action taken by the City Council on June 22, 2010 approving and accepting Highland Fairview's Covenant to hold as one parcel subject to certain conditions as follows: by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Pro Tem Robin N. Hastings absent.

1. That this activity is not a "project" under CEQA Guidelines Section 15378, and none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would warrant a subsequent Environmental Impact Report or an addendum to the Environmental Impact Report. Further, the City Council finds that the absence of any change in the project, the absence of any change in the circumstances under which the project is being undertaken, the absence of any new information which would bring into question the adequacy of the Environmental Impact Report, the fact that all of the project impacts were analyzed fully in the Environmental Impact Report and the fact that all mitigation measures must be satisfied prior to the building's completion means that there is no need for further environmental review.

2. That the terms and conditions are amended to provide that, prior to issuance of a limited purpose building permit for foundation, slab and pouring of wall panels only, Highland Fairview shall comply with all conditions of approval for issuance of a building permit except as follows, which excepted conditions shall be complied with as provided for in applicable City Council Resolutions, Approval and/or Recording of the final Parcel Map, or issuance of the general building permit, whichever is applicable. The excepted conditions are:

   a. Final approval and recording of the Parcel Map,

   b. Public Improvement Agreements and security for same for any public improvement occurring solely on private property owned or controlled by Highland Fairview,

c. Payment of Development Impact Fees and Transportation Uniform Mitigation Fees are deferred until issuance of any temporary, conditional or unconditional certificate of occupancy for the Skechers building as provided for in City Council Resolutions 2009-37 and 2009-38,

d. Payment of Multiple Species Habitat Conservation Plan fees,

e. Approval of Building Plans for vertical construction,

f. Public Drainage easements,

g. Slope easements,

h. Reciprocal Access easements,

i. Spreading Basin easement,

j. Off-site easements,

k. Median Landscape Plans approval,

l. Final Trail Plan approval,

m. Site Lighting Plan,

n. Title 24 Plans,

o. Solar Panels for Phase 1 Office,

p. Payment of School fees, contingent upon Highland Fairview providing the City with written agreement from the Moreno Valley Unified School District for deferral of school fees until issuance of the general building permit, and

q. Fire Access Plan.

3. All other terms, conditions and actions pursuant to this matter taken by the City Council on June 22, 2010, shall remain unchanged and in full force and effect.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Defer and printed in the City Manager's Report.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION – NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1) Habitat for Humanity raised the walls on a house on Saturday, July 10. Commended John Terell and the city employees for giving up their Saturday to help a family in need.

Council Member Richard A. Stewart

1) Need to do a top to bottom review of our policies. Need to look at the changes the County made.
2) Large projects need to be put in a different category.
3) The City staff is appreciated.
4) Council is not doing anything untoward to get the Highland Fairview project done.

Mayor Bonnie Flickinger

1) The July 4 celebration was very exciting and looking forward to working on Plans B and C to hold it next year. Council is open to any suggestions.
2) For people who are struggling with the economy, there is a low income utility tax exemption so there is no tax on any of your utility bills. Contact Michelle Vega.
3) ERC is open 4 days a week.
4) This is an election year. Two council seats are open. If you are interested in running, pull papers and return them by August 5. There are three ballot measures.

Council Member Jesse Molina

1) Things have been hard on everyone. It's nothing personal. If you think I'm out of line let me know.

2) Las Cruces had their July 4 parade in the evening.

3) Keep up the good work.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

No reportable action.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:19 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: August 24, 2010

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of July 7, 2010 – August 17, 2010.

Reports on Reimbursable Activities July 7, 2010 – August 17, 2010		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger	7/12/10	League of California Cities Riverside County Division General Meeting
	8/3/10	Moreno Valley Hispanic Chamber of Commerce Adelante
Robin N. Hastings		None
Jesse L. Molina	7/12/10	League of California Cities Riverside County Division General Meeting
	7/28/10	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Richard A. Stewart	7/12/10	League of California Cities Riverside County Division General Meeting

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project.

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

BACKGROUND

The overall purpose of the SR-60/Moreno Beach Drive Improvements Project is to provide operational improvements to facilitate movement at and near the SR-60/Moreno Beach Drive Interchange, alleviate existing traffic congestion, increase storage capacity and to address the existing roadway and bridge deficiencies at this interchange. This project is needed to improve safety, bring the bridge features up to current standards, and provide acceptable levels of service along the facility.

On March 14, 2006, the City Council approved an Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Moreno Beach Drive/SR-60 Interchange.

On September 25, 2007, the City Council authorized execution of a Project Development Cooperative Agreement with the State of California for project development activities including final design, utility relocation engineering, and right-of-way acquisition.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons Transportation Group for design, right-of-way engineering, and construction support services.

DISCUSSION

The City has been progressing in the steps necessary for the acquisition of right-of-way, utility relocation and other necessary steps to complete the design of the SR-60/Moreno Beach Drive Improvements Project. Project plans are 95% complete, and right-of-way engineering and appraisals are under way. The goal is to continue right-of-way acquisition using all available TUMF funds.

Caltrans, pursuant to the Project Development Cooperative Agreement and the Caltrans Right- of-Way Manual, Section 17.04.09.01, requires that the City Council of Moreno Valley adopt a resolution to later hear Resolutions of Necessity for the project and subsequently submit them to Caltrans for approval. A Resolution of Necessity is a required resolution authorizing condemnation of property necessary for the project and the filing an eminent domain action to acquire said property through condemnation. Caltrans requires the local entity (the City) to obtain prior approval on a project-by-project basis from Caltrans before proceeding to hear Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project. Adoption of the proposed resolution does not commit the City Council to hear future Resolutions of Necessity to acquire property necessary for the project or to adopt future Resolutions of Necessity to acquire property necessary for the project by condemnation. Appraisals are under way and negotiations have not begun. Therefore, at this time, staff does not anticipate any condemnation actions. Due to the lead time required for Caltrans approval of this action, staff recommends adopting this resolution at this time in the event that Resolutions of Necessity become necessary.

The City has retained the law firm of Singer & Coffin, APC to act as its Special Eminent Domain Counsel to prepare, review, process and approve Resolution of Necessity packages for the project in the event that Resolutions of Necessity become necessary in the future.

ALTERNATIVES

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative will allow necessary approvals to be in place so the project continues to proceed without interruption.*

2. Do not approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and do not authorize and do not direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative may delay the construction of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to the adoption of this resolution. The project is currently funded by Transportation Uniform Mitigation Fees (Fund 415 – TUMF). These funds have been allocated for the SR-60/Moreno Beach Drive Improvements project and cannot be utilized for operational activities. There is no impact to the General Fund.

FY 2010/2011 AVAILABLE FUNDS

TUMF Funds for SR-60/Moreno Beach Interchange (Account 415.70024).... $ 4,096,000
Available Funds..... $ 4,096,000

FY 2010/2011 ESTIMATED COST

SR-60/Moreno Beach Interchange Design and Right-of-Way..... $4,000,000
Estimated Total $4,000,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way**.....October 2011
Begin Construction**.....October 2012
*** Contingent upon available funding*

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The City Council is asked to adopt the proposed Resolution in order to later hear Resolutions of Necessity should acquisition through condemnation become necessary for the SR 60/Moreno Beach Drive Improvements Project.

ATTACHMENTS/EXHIBITS

Attachment "A" – Proposed Resolution of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2010-75

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT

WHEREAS, the City of Moreno Valley ("City") is empowered to acquire by eminent domain any property to carry out its powers or functions pursuant to Government Code Sections 37350, 37350.5 and 40404 and Code of Civil Procedure Section 1240.110; and

WHEREAS, property may properly be acquired by eminent domain for state highway purposes pursuant to Streets and Highways Code Section 102; and

WHEREAS, City has approved the design of State Route 60/Moreno Beach Drive Improvements and also previously approved a Project Development Cooperative Agreement with the State of California for said project, a project on the State of California Highway System. The Cooperative Agreement with the State of California Department of Transportation ("Caltrans") provides that City will perform right-of-way activities as set forth in the Cooperative Agreement for said project; and

WHEREAS, all local public agency projects on the State of California Highway System, within the existing or proposed State of California rights-of-way, are subject to the requirements of the Caltrans Right-of-Way Manual, and recently adopted provisions of the Caltrans Right-of-Way Manual now require a City Council to pass a resolution by a two-thirds vote, making an election to hear all the Resolutions of Necessity for the project; and

WHEREAS, City will follow State statute requirements and the Caltrans Right-of-Way Manual processes in the issuance of the Notice of Intent to adopt a Resolution of Necessity and in the adoption of a Resolution of Necessity, and the City's Special Eminent Domain Counsel is designated to process and approve the resolution package(s).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, by a two-thirds vote, will hear the Resolutions of Necessity associated with the construction of the State Route 60/Moreno Beach Drive Improvements Project.

Attachment "A"

Resolution No. 2010-_____

Date Adopted: _____

BE IT FURTHER RESOLVED that City designates the law firm of Singer & Coffin, APC, as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for this project.

APPROVED AND ADOPTED this ____ day of _____, 2010.

By: _____
Bonnie Flickinger, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

APPROVED AS TO FORM:

By: _____
Bob Hansen, City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: TRACT MAP 32625 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – MERITAGE HOMES OF CALIFORNIA, INC.
5161 CALIFORNIA, SUITE 200
IRVINE, CA 92617

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32625 is a 20-lot single family residential development at the southwest corner of Cottonwood Avenue and Redlands Boulevard that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, trail, storm drain, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $3,084,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed*

according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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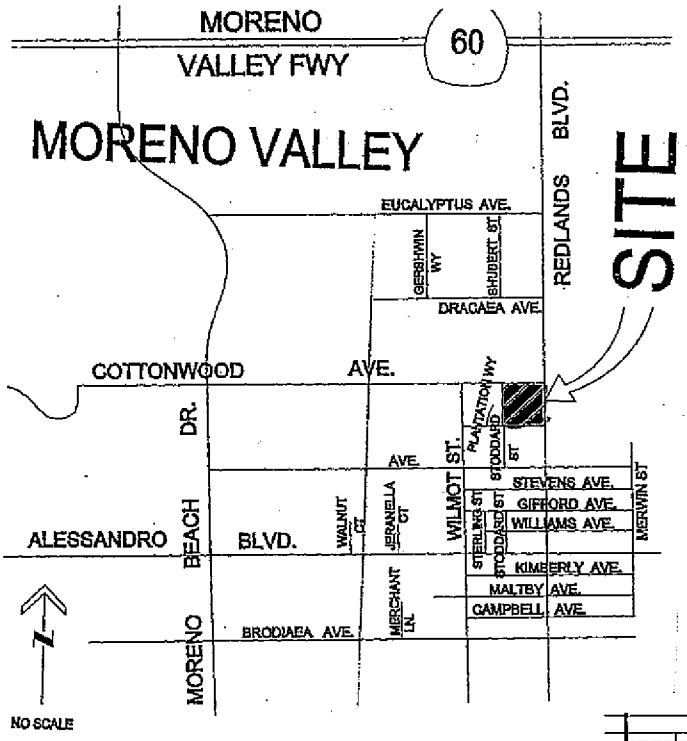

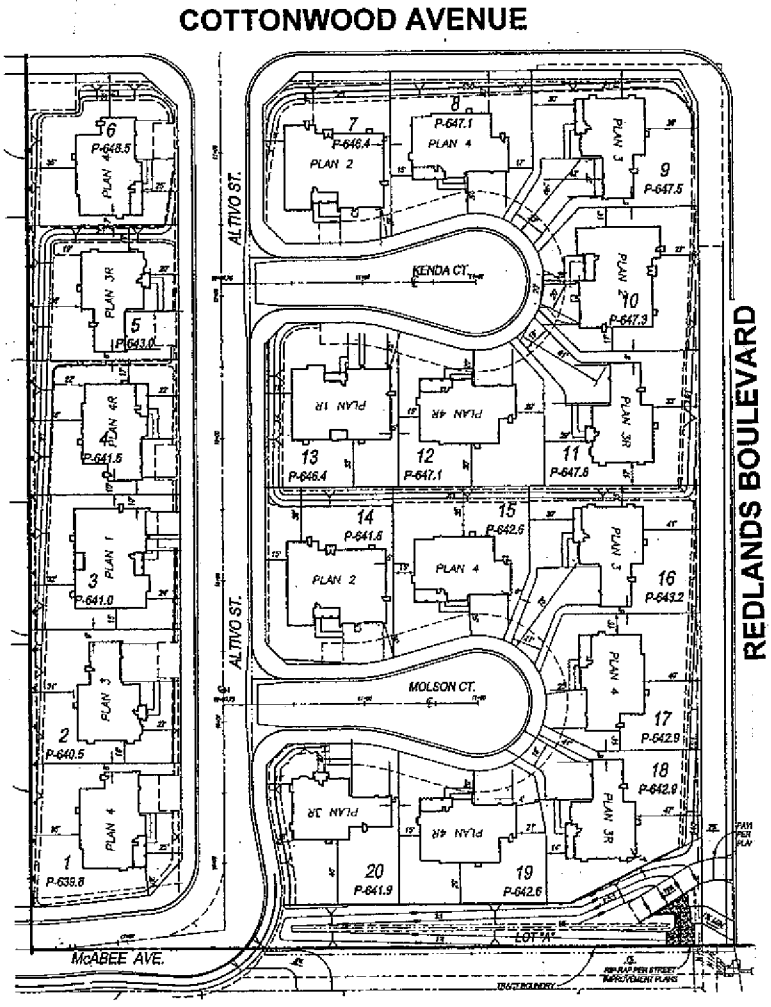

CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
Exhibit A

TRACT 32625
VICINITY MAP

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MV00074019

RESOLUTION NO. 2010-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32625 AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Meritage Homes of California, Inc. on McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32625 and accept McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 32625 are complete, and McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 24th day of August, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT – PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements.

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012.

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

BACKGROUND

The overall purpose of the SR-60/Nason Street Interchange Improvements Project is to improve the SR-60/Nason Street interchange ramps through reconstruction and realignment, while providing a design that accommodates future bridge improvements.

This project is within the State of California's (Caltrans) jurisdiction and, therefore, is subject to Caltrans procedures and requirements. On October 30, 2003, the environmental document, which is a Categorical Exemption/Categorical Exclusion (CE/CE), was approved by Caltrans and the Federal Highway Administration (FHWA).

In closed sessions on October 7, 2008 and November 4, 2008, the City Council approved appraisals for the fair market value of the right of way for all properties to be acquired, and the City Council authorized staff to proceed with negotiations to purchase the fee and easement interests. On August 25, 2009, the Council authorized a Resolution of Necessity should condemnation become necessary. On January 13, 2010, Caltrans certified that all right-of-way needed to construct the project had been obtained.

In 2008 the City solicited proposals for professional program management and construction management services to assist with utility negotiations, advance utility relocations, and other program management-related activities and to provide construction management and inspection services. The RFP required firms to submit proposals on the program management (Phase 1), utility relocation (Phase 2), and construction (Phase 3) phases with the intent that one firm would execute the project from start to finish. On October 14, 2008, the City Council awarded a contract to TCM Group and authorized the issuance of a purchase order for Phases 1 and 2 (program management and utility relocation). Phase 3 would be awarded at a later time upon the successful completion of Phase 1 and 2 work and the availability of funds.

On February 24, 2009, the City entered into a Construction Cooperative Agreement that establishes the City's and Caltrans' responsibilities during the construction phase of the project. On February 23, 2010, the City Council authorized the City Manager and Public Works Director to approve future amendments to the Agreement.

In April 2009, the agreement with TCM was amended to reduce TCM's scope of work associated with the relocation of Eastern Municipal Water District's waterline along State Route 60 to Fir Avenue. EMWD administered the construction work instead of the City, thereby saving time and money for the project.

On June 22, 2010, the City Council approved the FY 2010/2011 CIP budget, which also included the necessary appropriations to fund the construction of the SR-60/Nason Street Interchange Improvements Project.

DISCUSSION

Design, right-of-way acquisition, and advance relocation of utility facilities are now complete. Caltrans is completing the federal fund authorization process. It is anticipated the City will be authorized to advertise for bids by August 2010. Construction is anticipated to begin by December 2010 and be completed by December 2011.

TCM Group has successfully completed Phases 1 (program management) and 2 (utility relocation) of their scope of work. The contract with TCM needs to be amended to add the third phase of the proposed work for construction support services (construction management and inspection services) in order to be ready for the construction phase as soon as the phase is authorized by Caltrans.

The Construction Cooperative Agreement with Caltrans requires the City to provide a qualified Resident Engineer and inspection staff who have been approved by Caltrans. TCM received that approval for this project in September 2008. City staff and inspectors will oversee TCM's work.

Additionally, staff is requesting the contract termination date be extended from December 31, 2011 to December 31, 2012 to cover the construction warranty period. The revised contract total, including the Second Amendment, is $2,032,460.

ALTERNATIVES

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will allow for the construction of the needed improvements.*

2. Do not approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, do not authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, do not authorize a Change Order to increase the Purchase Order with TCM by the amount of

$1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and do not authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will delay construction of the needed improvements.*

FISCAL IMPACT

The project is currently funded using federal funds and matching Measure "A" funds (Fund 125). The City has successfully obtained approximately $8.9 million of federal funds for construction. Remaining construction funding consists of DIF Interchange funds and Measure "A" funds. There are sufficient funds in the budget for the amendment.

All funding sources for this project (Measure "A," Surface Transportation Program, Transportation Efficiency Act of the 21st Century, and DIF Interchange funds) are restricted for capital improvements related to transportation projects or for the SR-60/Nason Interchange and cannot be utilized for operational activities. The allocated amounts below are specifically designated for the SR-60/Nason Interchange Improvements Project. There is no impact to the General Fund.

FY 2010/2011 BUDGETED FUNDS

TEA 21 Demonstration Funds (125.66929)	$ 4,222,000
STPL Discretionary Funds (125.67029)	$ 4,737,000
Measure "A" Funds (125.89720)	$ 1,710,000
DIF Interchange Improvement Funds (418.83630)	$ 1,740,000
Total Available Funds	$12,409,000

FY 2010/2011 ESTIMATED CONSTRUCTION COSTS

Estimated Interchange Construction Costs	$10,000,000
Construction Management & Inspection Services	$ 1,415,000
Construction Support Services (Geotechnical & Survey)	$ 400,000
Administrative Costs (Staff & Miscellaneous)	$ 100,000
Total Estimated Costs	$11,915,000

ANTICIPATED PROJECT SCHEDULE

Caltrans Approval to Advertise Construction	August 2010
Interchange Construction Start Date*	December 2010
Interchange Construction End Date	December 2011

pending Caltrans approval

CITY COUNCIL GOALS

ADVOCACY:

Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff recommends awarding the third phase of work for the provision of construction management and inspection services to the TCM Group for the SR-60/Nason Street Interchange Improvement Project by approving the Second Amendment to Agreement for Professional Consultant Services and increasing the purchase order by $1,414,807.

ATTACHMENT

Attachment "A" – Second Amendment to Agreement for Professional Consultant Services

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/ City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074027

SECOND AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 98-25897

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and TCM Group, a California corporation, hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services," hereinafter referred to as "Agreement," dated October 21, 2008.

Whereas, the Consultant is providing consultant program management and construction management services for State Route 60/Nason Street Interchange Improvements.

Whereas said Agreement was amended by the "First Amendment to Agreement for Professional Consultant Services" dated April 30, 2009.

Whereas, the Consultant submitted a Proposal dated June 23, 2008, to provide program and construction management services in three phases (Phase I - Program Management, Phase 2 - Utility Relocation and Phase 3 - Construction Management). A copy of said Proposal, attached to the original agreement as 'Exhibit "B," is incorporated herein by reference.

Whereas, Phases 1 and 2 have been awarded to and successfully completed by Consultant; and

Whereas, it is desirable to further amend the Agreement to expand the scope of the work to include construction management services (Phase 3) to be performed by the Consultant as is

Attachment "A"

more particularly described in Section 1 of this Second Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **December 31, 2011,** is extended to **December 31, 2012**.

1.2 Exhibit "B" to the Agreement is hereby amended to expand the scope of work to include Phase 3 construction management and inspection services as described in the original proposal dated June 23, 2008.

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof "Exhibit A -- Second Amendment," entitled "Cost Proposal – Phase 3 Construction Management Services."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $1,414,807, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Second Amendment."

1.5 The total "Not to Exceed" fee for this contract is $2,032,460 ($823,894 for the original Agreement less $205,641 for the First Amendment to Agreement plus $1,414,807 for the Second Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 98-25897

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

TCM Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

Attachments: Exhibit "A" – Phase 3 Cost Proposal

W:\CapProj\CapProj\PROJECTS\Marge - 98-25897 Route 60-Nason Interchange\Design\Program Mgmt & Const Mgmt Consultant\Agreement\2nd Amendment\Second Amendment - TCM Group.doc

TCM GROUP

July 12, 2010

To: City of Moreno Valley
Public Works Department
14177 Frederick St.
Moreno Valley, CA 92553
Attn: Margery Lazarus
Project Manager

Project: Nason St.
Cat: 3.1

From: Ivan S. Benavidez Jr.
Project Manager
TCM Group
3130-B Inland Empire Blvd.
Ontario, CA 91764

Re: Revised Cost Proposal for Construction Management

Attached for your review and approval is our revised cost proposal for construction management services on the SR-60 / Nason Street Interchange Improvement Project.

Scope Changes include:

- Reduced inspection of the wetland area that has been eliminated from the original construction documents (-$146,951.00)
- Increase for as needed service during construction as directed by the City Manger (+124,230.00).

Our original estimate for the construction management services during the construction and post-construction phases was $1,430,599.00, our total revised estimate is $1,414,807.00; resulting in a reduction of $15,792.00.

The revised cost proposal uses the same staff rates and firm overhead rates proposed in 2008.

Please let me know if the reduced dollar value for the scope changes is acceptable to you. If you have any questions please feel free to contact me at 909-203-3589.

Sincerely,
Ivan S. Benavidez Jr.
Ivan S. Benavidez Jr.

Exhibit "A" – Second Amendment

TCM Group
Construction Management Services
Cost Proposal-July 08, 2010

City of Moreno Valley
SR 60/Nason St. Interchange Improvements
Construction & Post Construction

Classification	Staff Member	Hours	Payrate	Overhead Rate	Fee	Billing Rate	Cost
Pre-construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	0	75	159%	10%	$ 213.68	$ -
Assistant RE	Jose Burbano	0	60	159%	10%	$ 170.94	$ -
Office Engr.	Vanessa Barrientos	0	40	159%	10%	$ 113.96	$ -
Subtotal		**0**					**$ -**
Construction Phase (240 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	1920	75	159%	10%	$ 213.68	$ 410,256
Asst. RE	Jose Burbano	1440	60	159%	10%	$ 170.94	$ 246,154
Inspector-Nason	Chuck Snell	1920	43	159%	10%	$ 122.51	$ 235,213
Inspector-Nason	Gary Cavafian	400	50	159%	10%	$ 142.45	$ 56,980
Inspector-SCE	Lawerence Taylor	0	40	159%	10%	$ 113.96	$ -
Office Engr.	Vanessa Barrientos	1920	40	159%	10%	$ 113.96	$ 218,803
Subtotal		**7,600**					**$ 1,167,406**
Post-Construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	72	75	159%	10%	$ 213.68	$ 15,385
Asst RE	Jose Burbano	72	60	159%	10%	$ 170.94	$ 12,308
Office Engr.	Vanessa Barrientos	72	40	159%	10%	$ 113.96	$ 8,205
Subtotal		**216**					**$ 35,897**
Construction Support As-Needed							
Project Manager/Resident Engineer	Ivan Benavidez, PE	160	79.57	159%	10%	$ 226.69	$ 36,271
Asst. RE	Jose Burbano	160	63.65	159%	10%	$ 181.34	$ 29,014
Inspector-Nason	Chuck Snell	150	42.46	159%	10%	$ 120.97	$ 18,145
Inspector-Nason	Gary Cavafian	150	53.04	159%	10%	$ 151.11	$ 22,667
Inspector-SCE	Lawerence Taylor	0	42.43	159%	10%	$ 120.88	$ -
Office Engr.	Vanessa Barrientos	150	42.43	159%	10%	$ 120.88	$ 18,132
Subtotal		**770**					**$ 124,230**
Misc. Expenses							
Vehicles		8586				$ 7	$ 60,102
Labtops		8586				$ 1	$ 8,586
Cellphones		8586				$ 1	$ 8,586
Office Supplies/Mailings/Shipping/...etc							$ 10,000
Subtotal							**$ 87,274**
						Total Cost	**$ 1,414,807**

Limitations & Conditions:

Construction duration is estimated at 240 working days with 0 days for preconstruction & 9 days for closeout.
Inspector will be fully equipped with vehicles, computers, tools, and equipment required to perform their tasks.
Construction office to be provided by City or Contractor.
Overtime is to be charged at 1.5 the above rate per pervailing wage requirements.
Cost proposal is subject to pervailing wage rates and pervailing wage rate changes for inspection.
Misceleanous expenses includes stationeries and other items needed for CM team.

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MV00074033

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley ordains as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code is amended in its entirety to read as follows:

"**11.40.040 Regulations.** Unless specifically provided otherwise in this Chapter, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the City Council.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the City Council.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris

promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzine, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting

within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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MV00074043

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS, LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE
PROJECT NO. 11-41570125

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

BACKGROUND

The Perris Boulevard Widening project will result in a total of six (6) full lanes of street improvements on Perris Boulevard from Perris Valley Storm Drain Lateral "B" to Cactus Avenue. Right of way (ROW) is required from several parcels, one of which is a residential mobile home park, located at 14890 Perris Boulevard.

DISCUSSION

The parcel that is a residential mobile home park site has six (6) mobile home units that will be displaced by the project. Five (5) of the six (6) mobile homes may need to be acquired. The sixth mobile home does not require appraisal (it is vacant and owned by the mobile home park) and will simply be relocated within the mobile home park.

No acquisition of whole properties is proposed. As mentioned above, however, six (6) mobile homes in the mobile home park will be impacted, requiring the relocation or removal of five (5) mobile homes and the occupants. The proposed displacement

triggers relocation assistance obligations under State Relocation Law and the State Relocation Guidelines. Among the various obligations of the Law is the requirement to prepare a Relocation Plan addressing the circumstances and needs of those persons potentially displaced by the project, as well as a mandatory 30 day public review of the document.

Overland, Pacific and Cutler (OPC), ROW consultants for the project, has met with the occupants of the five (5) mobile home units and prepared the Relocation Plan (Attachment "B"). The 30 day public review period has expired and based on the Relocation Plan, the estimated cost to relocate the occupants is $241,000 (including 20% contingency).

ALTERNATIVES

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will allow the City to begin negotiations to acquire right of way.*

2. Do not adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will not allow the City to begin negotiations to acquire right of way and will delay construction of the roadway improvements.*

FISCAL IMPACT

Funding for the proposed ROW acquisition is included in the current Fiscal Year 2010/2011 budget. Transportation Uniform Mitigation Fee (Fund 415 – TUMF) provides a 68.6% reimbursement to the City's 31.4% matching funds from Fund 416 – DIF Arterial Streets for this project. These funds have been allocated for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue and cannot be utilized for operational activities. There is no impact on the City's General Fund.

Available Funding:

TUMF (Fund 415)	$1,688,000
DIF Arterial Streets (Fund 416)	$644,000
Total Funding	$2,332,000

Estimated ROW Related Expenditures:

ROW Acquisitions	$495,120
Relocation Plan Costs	$241,000
ROW Agent, Administration, and Escrow Costs	$70,000
Utility Relocation Costs	$0
Total Estimated ROW Related Expenditures	$806,120

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Public Facilities and Capital Projects:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

City staff recommends that the City Council adopt the proposed Resolution approving the Relocation Plan.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution
Attachment "C" – Relocation Plan

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 11-41570125 Perris Blvd. from PVSD Lateral B to Cactus Ave\CC Reports\082410 CC - Relocation Plan Approval\Relocation Plan Approval Staff Report (082410).doc

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MV00074047

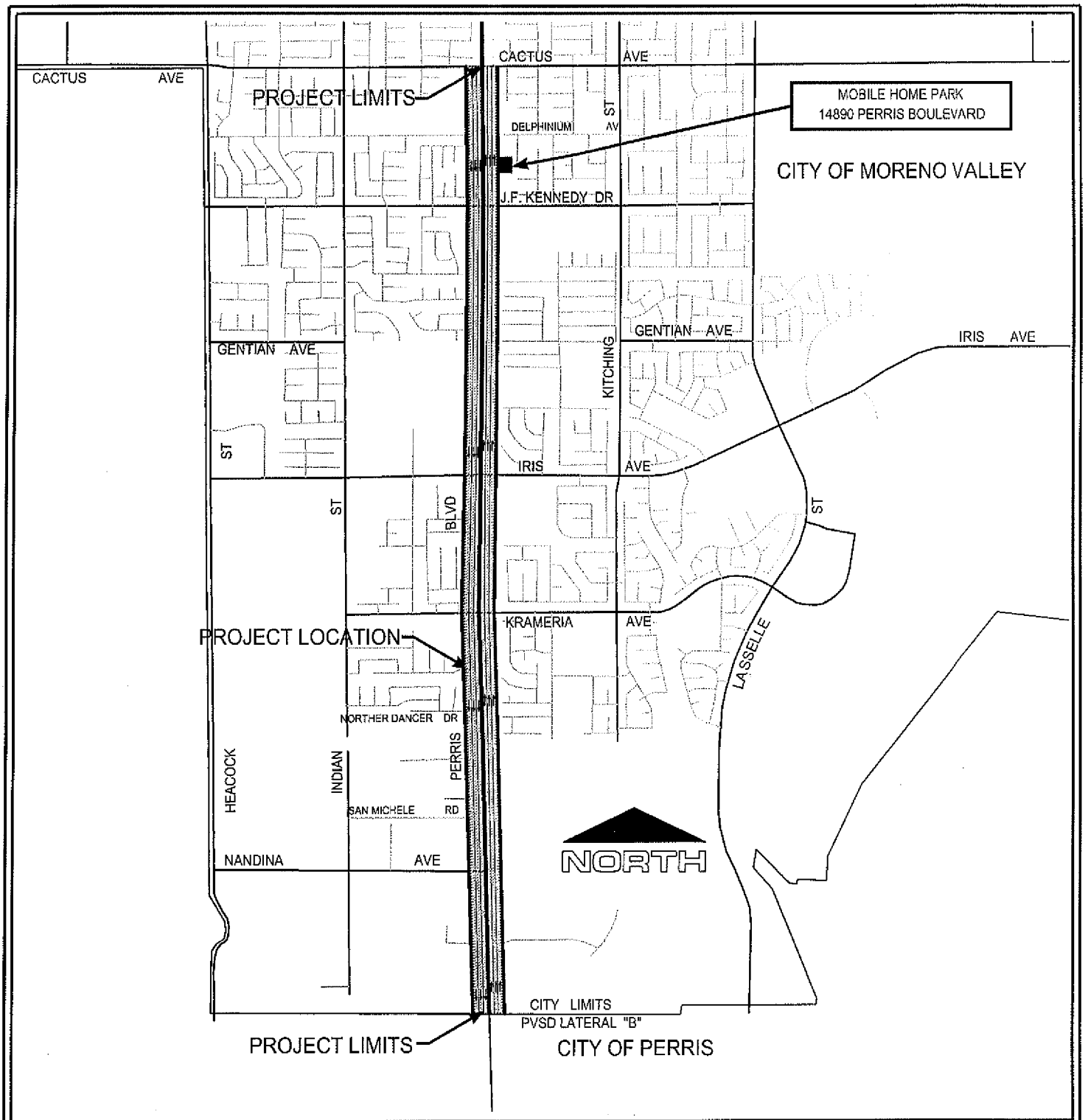

LOCATION MAP

Public Works Department
Capital Projects Division

Scale: Not to scale

ATTACHMENT "A"

PERRIS BOULEVARD WIDENING
FROM
PVSD LATERAL "B" TO CACTUS AVE

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Date: 14 Jul 10 -- 4:41 pm
File: W:\CapProj\PROJECTS\Larry -- 11-4:5701125 Perris Blvd. from PVSD Lateral B to Cactus Ave\Design Phase\Auto CAD\Perris Widening from Cactus to PVSD Lat B Location Map for RCTC.dwg
User: deepoks

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MV00074049

RESOLUTION NO. 2010-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

WHEREAS, the State Relocation Law (California Government Code Section 7260 et seq.) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) require the City to approve a relocation plan and provide relocation assistance and benefits to eligible residential and business occupants that are either permanently or temporarily displaced; and

WHEREAS, the City, pursuant to the State Relocation Law and the State Relocation Guidelines, has prepared a Relocation Plan, which is attached to this resolution; and

WHEREAS, the proposed action to approve the Relocation Plan is an administrative action and does not constitute a project under the California Environmental Quality Act per Guidelines Section 15262.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Relocation Plan for eligible occupants of the Site is approved.

2. The City Manager and/or his designee is hereby authorized and directed to act on the City's behalf on all matters pertaining to the approved Relocation Plan including entering into agreement(s) with eligible occupants and payment of benefits to eligible occupants.

3. This resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley

Attachment "B" Resolution No. 2010-_____
Date Adopted: August 24, 2010

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00074053

OVERLAND PACIFIC & CUTLER, INC.

RELOCATION PLAN

FOR THE

PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

PREPARED FOR:

CITY OF MORENO VALLEY, PUBLIC WORKS DEPARTMENT/CAPITAL PROJECTS DIVISION

PREPARED BY:

OVERLAND, PACIFIC & CUTLER, INC.
2280 MARKET STREET, SUITE 340
RIVERSIDE, CA 92501
PHONE: (951) 683-2353

JUNE 30, 2010

Attachment "C"

TABLE OF CONTENTS

INTRODUCTION 1

A. PROJECT LOCATION 1

B. ASSESSMENT OF NEEDS 2

C. REPLACEMENT HOUSING RESOURCES 5

D. CONCURRENT RESIDENTIAL DISPLACEMENT 6

E. TEMPORARY HOUSING 6

F. PROGRAM ASSURANCES AND STANDARDS 6

G. RELOCATION ASSISTANCE PROGRAM 7

H. RELOCATION BENEFIT CATEGORIES 8

I. PAYMENT OF RELOCATION BENEFITS 11

J. EVICTION POLICY 11

K. APPEALS POLICY 11

L. PROJECTED DATES OF DISPLACEMENT 12

M. ESTIMATED RELOCATION COSTS 12

N. CITIZEN PARTICIPATION/PLAN REVIEW 12

TABLE OF ATTACHMENTS 14

INTRODUCTION

The City of Moreno Valley Public Works Department/Capital Projects Division (the Agency) is proposing to widen and improve Perris Boulevard between Perris Valley Storm Drain Lateral "B" (Southerly City Limits) and Cactus Avenue (the Project) to an arterial highway standard with a curb-to-curb width of 86 feet within a 110-foot right-of-way. The proposed Perris Boulevard improvements will include curb and gutter, pavement, sidewalk, street light relocation, traffic signal modifications, signing and striping, and related road improvements. The Project will require the acquisition of property from The Sky Trails Mobile Home Park, which will impact five individually owned mobile home units. The Agency's intent is to utilize the available spaces within the Sky Trails Mobile Village and relocate the mobile homes within the park when possible, thus minimizing the relocation outside of the community. The proposed displacement triggers relocation assistance obligations under State Relocation Law (California Government Code Section 7260 et seq.) (the Law) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) (the Guidelines). Among the various obligations of the Law is the requirement to prepare a relocation plan addressing the circumstances and needs of those persons potentially displaced by the Project.

The following Relocation Plan (the Plan) has been prepared for the Agency by Overland, Pacific & Cutler (OPC) in accordance with the specific requirements set out in Section 6038 of the Guidelines concerning projects that involve the displacement of fewer than 15 households. This Plan provides a project description, the results of a needs assessment survey conducted among residents, a housing resource study, and details of the Agency's proposed relocation program. No activities that would cause displacement will take place prior to the required reviews and approval of this Plan.

A. PROJECT LOCATION

The proposed Project will take place in the central portion of the City of Moreno Valley. The City of Moreno Valley is in Riverside County, approximately seven miles southeast from the City of Riverside and approximately 55 miles southeast of downtown Los Angeles. The Project is located within 30 miles, generally, of the Ontario International Airport and two miles south of the SR-60 Moreno Valley Freeway (see **Attachment 1**, Map 1).

The specific Project site is located along Perris Boulevard and is generally bounded by Cactus Avenue on the north and Perris Valley Storm Drain Lateral "B" (Southerly City Limits) on the south (see **Attachment 1**, Map 2).

B. ASSESSMENT OF NEEDS

Survey information for the Plan was obtained from individual, on-site interviews conducted with the residents in January 2010 and interviewers were successful in contacting all residential households. The Project will impact one tenant occupied mobile home dwelling and four owner-occupied mobile home dwellings. For inclusionary purposes the data from public records about the properties were used as well as anecdotal responses from surveyed individuals to prepare this Plan.

1. Housing Mix

The housing mix consists of five mobile home units, two with one bedroom and three with two bedrooms; four owner- and one tenant-occupied.

2. Project Area Rents

The tenant household is renting their one bedroom mobile home from relatives for $400 per month. Pad space rents for mobile home owners range from $455 to $479.

3. Occupancy/Overcrowding

There is a total Project population of 10 individuals, consisting of nine adults and one child. The average household size is two persons per dwelling unit. The distribution of household sizes within the Project is provided in **Table 1**, following.

TABLE 1: Household Size (5 households)			
# in Household	One	Two	Three
# Households	1	3	1

The standard for housing density adopted by the Agency allows two persons per bedroom and one person in a common living area up to four bedrooms. The Agency adheres to the state building code occupancy standard based on the square footage of the dwelling for households larger than nine members. Based on these criteria as compared to available tenant data, there is no overcrowding among Project properties.

4. Replacement Housing Needs

Replacement housing needs, as expressed in this Plan, are defined by the total number of required replacement units and the distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing survey data relative to household size with the Agency's replacement housing occupancy standards. These standards, generally, allow for up to three persons in a one-bedroom unit, five persons in a two-bedroom unit, and seven persons in a three-bedroom unit.

The Project's replacement housing requirements are two one-bedroom mobile homes and three two-bedroom mobile homes; four for sale and one for rent.

The Agency will, through its relocation representatives, assure that sufficient replacement housing units exist in compliance with the decent, safe, and sanitary requirements, prior to displacing any residential households.

5. Income

Income information was provided by all five Project households. According to income standards for the County of Riverside, adjusted for family size as published

by the United States Department of Housing and Urban Development (HUD) in May 2010, two respondent Project households qualify as extremely low income (less than 30% of area median) and three qualify as low income (51%-80% of area median). **Table 2** below outlines this information.

TABLE 2: Income Levels of Project Households (5 respondents)

Extremely Low	Very Low	Low	Moderate
2	0	3	0

6. Ethnicity/Language

Two households in the Project reported their ethnicity as White and three as Hispanic. English is the primary household language in all households.

7. Senior/Handicapped Households

There are no senior households (head of household or spouse 62 years or older) in the Project and four households reported disabilities that may require special accommodations as far as replacement units are concerned.

8. Preferred Relocation Areas

All Project residents expressed a preference to remain in the same park or community in order to maintain current access to employment, medical or religious facilities, recreational resources, and public transportation.

For illustrative purposes **Attachments 2 and 3** present the prevailing HUD income standards as well as general demographic information for the City of Moreno Valley.

C. REPLACEMENT HOUSING RESOURCES

A housing resource survey was conducted during the month of February 2010 to determine the availability of replacement housing to meet the needs of the five Project area households. Mobile homes for sale and available space in nearby parks that would accept a used mobile home were researched and considered as appropriate replacement options. Most residents may be able to remain at the park by moving their coach to the available spaces. One does not qualify due to the size and additions to the mobile home.

The mobile homes for sale survey, summarized in **Table 3**, identified a total of 38 available single-, double- and triple-wide mobile homes for sale. The individual figures for number of units found by coach size are presented in the table alongside the number of units needed (shown in parentheses) to meet re-housing obligations.

TABLE 3: Availability and Cost of Mobile Homes for Sale

Size	Single-wide	Double-wide	Triple-wide
# Found (# Needed)	4 (1)	32 (3)	2 (0)
Asking Price Range	$15,000 - $25,000	$12,500 - $68,000	$40,000 - $45,000
Pad Rent Range	$350 - $620	$350 - $680	$500 - $550
Median Asking Price	$18,700	$31,500	$42,500
Median Pad Rent	$527	$524	$525

Project pad rents are currently approximately 11% less than median pad rents for surveyed nearby parks. The median rent amounts shown in the table above are the figures used to make benefit and budget projections for the Plan. These amounts are, naturally, subject to change according to the market rates prevailing at the time of displacement.

In addition to the available mobile homes for sale the survey identified 10 nearby mobile home parks with available spaces for used mobile homes. A total of 51 available spaces were identified with pad rents ranging from $251 to $755. **Attachment 4** lists available replacement housing resources.

For one tenant household the survey of nearby one-bedroom apartments was conducted and there are currently 11 available units on the market with rents ranging from $695 to $795 per month. Median rent for one-bedroom units is $765.

D. CONCURRENT RESIDENTIAL DISPLACEMENT

There are, currently, no projects underway within the City of Moreno Valley, that would negatively affect the pool of available replacement housing of mobile homes for sale. No residential displacee will be required to move without both adequate notice and access to available affordable, decent, safe, and sanitary housing.

E. TEMPORARY HOUSING

There is no anticipated need for temporary housing. Should such a need arise, the displacing entity will respond appropriately and in conformance with all applicable laws and requirements.

F. PROGRAM ASSURANCES AND STANDARDS

There are adequate funds available to relocate all households subject to displacement. Services will be provided to ensure that displacement does not result in different, or separate treatment of the household based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability, or any other basis protected by the Federal Fair Housing Amendments Act; the Americans with Disabilities Act; Title VI of The Civil Rights Act of 1964; Title VII of The Civil Rights Act of 1964; Title VIII of The Civil Rights Act of 1968; and, the California Fair Employment & Housing Act; and the Unruh Act.

No residential household will be displaced without at least 90 days notice and unless comparable replacement housing can be located. Comparable housing includes standards such as: decent, safe and sanitary (as defined in § 6008[d] of the Guidelines); comparable as to the number of bedrooms, living space, and type and quality of construction of the

acquired unit, but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to proximity to schools, employment, health and medical facilities, and other public and commercial facilities and services; and within the financial means of the displaced household as defined in Section 6008, subdivision (c)(5) of the Guidelines.

The relocation program to be implemented by the Agency conforms with the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines and all other applicable regulations and requirements.

G. RELOCATION ASSISTANCE PROGRAM

A relocation representative from *Overland, Pacific & Cutler, Inc.* (OPC) will assist all persons to be displaced as a consequence of the Project. OPC staff will maintain personal contact with all individuals until the relocation process has been completed. OPC maintains an open phone number (951) 683-2353 which is attended to from 8:00 a.m. to 5:00 p.m., Monday through Friday.

The relocation offices are located at:

2280 Market Street, Suite 340
Riverside, CA 92501

A comprehensive relocation assistance program, offering both advisory assistance and financial benefits will be provided to all households subject to displacement. Specific services will include:

A. Distribution of informational brochure to residential occupants **(Attachment 5)**;

B. Timely referrals for residential occupants to at least three comparable replacement units and, if necessary, transportation will be provided to inspect potential replacement units; and

C. Assistance with the completion, and filing of relocation claims, rental applications, purchase offers and appeal forms, if necessary.

H. RELOCATION BENEFIT CATEGORIES

Relocation benefits will be provided in accordance with the California Relocation Assistance Law; the Guidelines; and, other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The Agency will provide appropriate benefits for each displaced household as required by the above-referenced laws and requirements.

1. Residential Moving Expense Payments

The subject households will be eligible to receive a payment for moving expenses. Payments will be made based upon either a fixed room count schedule, or an invoice for actual reasonable moving expenses from a licensed professional mover.

a. Fixed Payment - A fixed payment for moving expenses based on the number of rooms containing furniture or other personal property to be moved. The fixed moving payment will be based upon the most recent Federal Highway Administration (FHWA) schedules maintained by the California Department of Transportation **(See Fixed Payment Moving Schedule - Attachment 6)**.

- OR -

b. Actual Reasonable Moving Expense Payments - A displaced household may elect to have a licensed, professional mover perform the move; if so, the displacing entity will pay for the actual cost of the move, up to 50 miles, and all reasonable charges for packing, unpacking, insurance, and utility connection charges at the

replacement location. The payment for moving will be made directly to the mover, or as reimbursement to the displaced household.

2. Rental Assistance/Downpayment Assistance

Residential tenants who have established residency at the Project site for a minimum of 90 days prior to the initiation of negotiations to purchase the property and who choose to re-rent, may be eligible to receive a Rental Assistance Payment in addition to compensation for moving expenses. "Initiation of Negotiations" is defined as the first written offer by the Agency to buy the property from which the households will be displaced.

Rental Assistance Payments will be limited to a maximum of $5,250, based upon the monthly housing need over a 42 month period, prior to consideration of Last Resort Housing needs. Eligible households may opt to apply the full amount of their rental assistance eligibility toward the purchase of a replacement dwelling.

3. Payments to Mobile Home Owners

Mobile home owner-occupants will have four options with respect to relocation arrangements:

1) If the mobile home can be moved to a replacement site, the owner may elect to move and set up the unit, including any existing improvements, in a new location, provided the total cost of moving the coach does not exceed the replacement cost of a comparable unit.

Benefits will include the cost of moving and setting up the existing mobile home, within 50 miles from the Project, and Rental Assistance for space rent.

2) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place, and purchase a comparable replacement coach in another location;

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

3) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and apply their entitlement toward the purchase of another type of residential dwelling, including the amount determined for Rental Assistance for space rent.

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

4) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and rent an alternate type of residential unit.

The owner will be entitled to utilize up to the total of the replacement housing eligibility in the form of rental assistance. Actual rental assistance eligibility will be determined by subtracting the difference between the economic rent of the mobile home residence from the market rent for an apartment unit of comparable size (e.g. number of bedrooms) multiplied by 42 months.

4. Last Resort Housing Payments

In order to provide the tenants and owners with comparable replacement housing, the Agency may, if there is a need, exceed statutory maximums for rental assistance of $5,250 for tenants and replacement housing of $22,500 for owners, by authorizing the payment of Last Resort Housing benefits. A displaced person will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed total of his or her rental or replacement housing assistance eligibility exceeds either $5,250 in the case of tenants or $22,500 for owner-occupants or when a tenant does not meet applicable occupancy requirements. Calculation of Last Resort rental assistance benefits for tenants who fail to meet 90-day occupancy requirements will be based solely on household

income. Non 90-day qualifiers must meet basic eligibility requirements applied to all other displacees.

I. PAYMENT OF RELOCATION BENEFITS

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

i) the date the claimant moves from the acquired property; **or**,

ii) the date on which final payment for the acquisition of real property is made, whichever is later.

Procedures for preparing, and filing of claims and processing and delivering of payments are attached **(Attachment 7)**.

J. EVICTION POLICY

Eviction will only be undertaken as a last resort measure in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous, or illegal act in the unit, or if the household refuses to act after having received reasonable referrals to comparable replacement housing. Eviction may affect the eligibility of a person otherwise entitled to relocation benefits.

K. APPEALS POLICY

The appeals policy will follow the standards described in Section 6150 of the Guidelines. Pursuant to this Section, displacees have the right to appeal determinations of eligibility,

payment amounts and general relocation assistance services. A copy of the Agency's appeals policy and procedures is attached **(Attachment 8)**.

L. PROJECTED DATES OF DISPLACEMENT

Occupants will receive either a written 90-Day Informational Notice or a date specific 90-Day Notice to Vacate before they are required to move. This notice is anticipated to be issued around August of 2010.

M. ESTIMATED RELOCATION COSTS

The Agency will use its own funds to underwrite the Project. Estimated relocation costs for the Project are $241,000 including a 20% contingency. This figure does not include any provision for relocation administrative costs or other services which may be necessary to carry out the Project.

If the Project is implemented and circumstances arise that increase the Project budget, the Agency will authorize the expenditure of those additional funds necessary to meet its statutory relocation assistance obligations.

N. CITIZEN PARTICIPATION/PLAN REVIEW

This Plan will be provided to the public for the mandatory 30 day review period. Comments regarding this Plan will be included as a Plan Addendum (**Attachment 9**) prior to submission for approval before the City of Moreno Valley City Council. A copy of the

approved Plan will be forwarded to the California Department of Housing and Community Development (HCD).

TABLE OF ATTACHMENTS

Attachment 1: Project Site Maps

Attachment 2: Demographic Characteristics

Attachment 3: Annual Income Limitations - Year 2010, County of Riverside

Attachment 4: Replacement Housing Survey

Attachment 5: Sample Informational Brochure for Displaced Households

Attachment 6: Fixed Payment Moving Schedule

Attachment 7: Procedures for Relocation Payments and Assistance

Attachment 8: Appeals Policy and Procedures

Attachment 9: Plan Addendum (Public Comments and Agency Response)

ATTACHMENT 1
PROJECT SITE MAPS

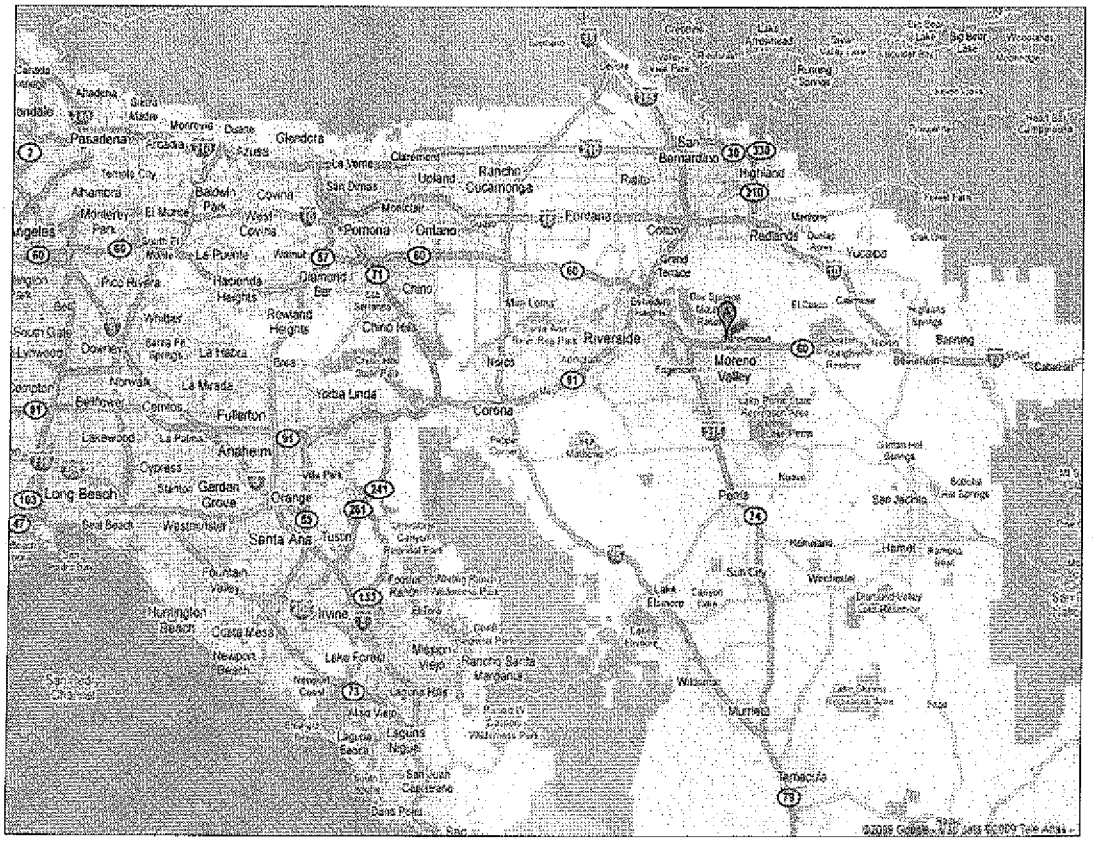

Map 1: Regional Project Location

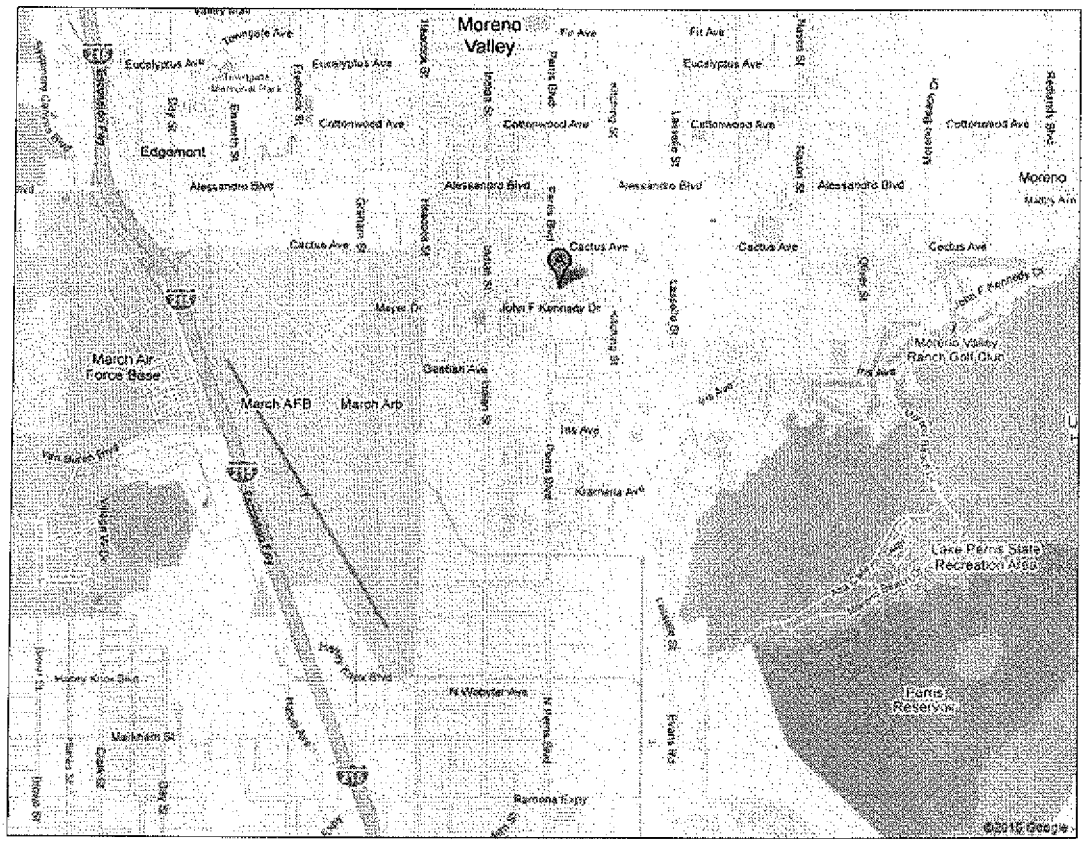

Map 2: Project Site Location

ATTACHMENT 2
DEMOGRAPHIC CHARACTERISTICS

TABLE 1: 2000 Census Population - City of Moreno Valley & Tract 426.05				
Population	Tract 426.05	%	City	%
Total Population	18,387	100.0%	142,381	100.0%
White	7,926	43.1%	66,689	46.8%
Black or African American	4,362	23.7%	28,310	19.9%
American Indian and Alaska Native	166	0.9%	1,343	0.9%
Asian	1,151	6.3%	8,427	5.9%
Native Hawaiian and Other Pacific Islander	97	0.5%	733	0.5%
Some Other Race	3,644	19.8%	28,584	20.1%
Two or More Races	1,041	5.7%	8,295	5.8%
Hispanic or Latino (of Any Race)	7,070	38.5%	54,689	38.4%

Source: U.S. Census Bureau

TABLE 2: 2000 Census Housing Units - City of Moreno Valley & Tract 426.05				
Type	Tract 426.05	%	City	%
Total Units	5,472	100.0%	41,431	100.0%
Owner-Occupied	4,174	76.3%	27,873	67.3%
Renter-Occupied	784	14.3%	11,352	27.4%
Vacant Housing Units	514	9.4%	2,206	5.3%
Available for Sale Only (of Total Vacant Units)	158	30.7%	800	36.3%
Available for Rent - Full Time Occupancy (of Total Vacant Units)	159	30.9%	709	32.1%
Sold or Rented - Not Occupied	53	10.3%	221	10.0%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	65	12.6%	104	4.7%
Other Vacant	79	15.4%	372	16.9%

Source: U.S. Census Bureau

ATTACHMENT 3

HUD ANNUAL INCOME LIMITATIONS - YEAR 2010
COUNTY OF RIVERSIDE, CA

The following figures are approved by the U.S. Department of Housing and Urban Development (HUD) and California State Department of Housing & Community Development for use in the **County of Riverside** to define, and determine housing eligibility by income level, for the year 2010.

Area Median: $65,000					
Family Size	**Extremely Low Income**	**Very Low Income**	**Low Income**	**Median Income**	**Moderate Income**
1 Person	13,650	22,750	36,400	45,500	54,600
2 Person	15,600	26,000	41,600	52,000	62,400
3 Person	17,550	29,250	46,800	58,500	70,200
4 Person	19,500	32,500	52,000	65,000	78,000
5 Person	21,100	35,100	56,200	70,200	84,250
6 Person	22,650	37,700	60,350	75,400	90,500
7 Person	24,200	40,300	64,500	80,600	96,700
8 Person	25,750	42,900	68,650	85,800	102,950

Figures are per the California State Department of Housing & Community Development, Division of Housing Policy Development, promulgated **June 17, 2010.**

ATTACHMENT 4

REPLACEMENT HOUSING SURVEY

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
JFK Mobile Home Park 951-242-5437	15040 Heacock Street, Moreno Valley	None	$515.00 plus utilities	Not at this time	6 miles
Santiago Estates Sunnymead Ltd 951-242-6158	23530 Santiago Drive Moreno Valley	1 space available	$425.00 - $515.00	Yes, no model older than year 2000	5.7 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood Avenue Moreno Valley	3 spaces available	$515.00 - $565.00	Yes, Must be 5 years or newer	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard Moreno Valley	6 spaces	620.00 plus utilities	Yes, Corporate must approve the home	2 miles
Cadena Creek Mobile Home Park 909-783-2700	2851 S. La Cadena Drive Colton	30 spaces	698.00	Yes	7 miles
Big Oak Gardens Mobile Senior Home Park 909-795-2213	35080 Chandler Avenue Calimesa	3 spaces	$251.00	1977 or newer 30 amp coach only	7.9 miles
King Arthur's Mobile Home Park 951-682-5885	1560 Massachusetts Ave Riverside	None	$595.00	Not Allowed	10 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
Mission Mobile Manor 951-685-6580	8110 Mission Blvd Riverside	1 space	$518.00	Yes, 1990 or newer	21 miles
Ranco Caballero Mobile Community 951-780-9272	15181 Van Buren Boulevard Riverside	1 space	$681.69	Yes, did not know if any restrictions	16 miles
Elm Trailer Park 951-781-3938	5741 Mission Boulevard Riverside	None	$395.00	Not Allowed	18 miles
Jurupa Hills Cascade Mobile Home 951-685-1557	6130 Camino Real Riverside	Possibly 1 space	$755.00	Yes, must be 5 years or newer	21 miles
Mission Village Mobile Home Park Senior Park 951-687-4447	3700 Buchanan Avenue Riverside	2 spaces	$525.00-$550.00	Yes, no model older than year 2000	26 miles
Palm Terrace Mobile Village 951-689-4650	12149 Indiana Street Riverside	3 spaces	$617.00-$643.00	Yes, must be year 1990 or newer	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #201 Moreno Valley	Single	$530.00	2 bed/1 bath	$17,500	6 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #33 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$25,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #124 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$40,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood # 232 Moreno Valley	Triple	$500.00	2 bed/ 2 bath	$45,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #47 Moreno Valley	Triple	$550.00	2 bed/ 2 bath	$40,000	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #35 Moreno Valley	Double	620.00	2 bed/2 bath	$14,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #92 Moreno Valley	Double	620.00	2 bed/2 bath	$25,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #64 Moreno Valley	Double	620.00	3 bed/2 bath	$29,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #88 Moreno Valley	Double	620.00	3 bed/2 bath	$45,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #21 Moreno Valley	Single	620.00	2 bed/1 bath	$15,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #50 Moreno Valley	Double	620.00	3 bed/2 bath	$55,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #51 Moreno Valley	Double	620.00	3 bed/2 bath	$20,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #62 Moreno Valley	Double	620.00	2 bed/1 bath	$40,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #8 Moreno Valley	Double	620.00	2 bed/2 bath	$36,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Dat

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Santiago Estates 951-242-6158	23530 Santiago Drive #33 Moreno Valley	Double	$425.00	3 bed/ 2 baths	$50,000	5.7 miles
Santiago Estates	23530 Santiago Drive #53 Moreno Valley	Double	$350.00	3 bed/ 2 bath	$68,000	5.7 miles
King Arthur's Mobile Home Park	177 Sir Bedivere Dr #177 Riverside	Double	$595.00	2 bed/2/bath	$29,000	10 miles
King Arthur's Mobile Home Park	144 Sir Damas Dr # 144 Riverside	Double	$595.00	2 bed/2 bath	$25,000	10miles
King Arthur's Mobile Home Park	183 Sir Bedivere Dr #183 Riverside	Double	$603.00	2 bed/2 bath	$54,000	10 miles
Lake Perris Village	350 San Jacinto Ave #62 Perris	Single	$525.00	2 be/ 1 bath	$25,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #51 Perris	Double	$475.00	2 bed/ 2 bath	$44,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #20 Perris	Double	$470.00	3 bed/2 bath	$48,330	8.92 miles
Lakeview Family Park	11050 Bryant #198 Yucaipa	Double	$457.00	2 be/ 2 bath	$49,000	20 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Lakeview Family Park	11050 Bryant #47 Yucaipa	Double	$380.00	2 bed/ 1.5 bath	$39,800	20 miles
Lakeview Family Park	11050 Bryant #229 Yucaipa	Double	$440.00	2 bed/2 bath	$36,000	20 miles
Lakeview Family Park	11050 Bryant #90 Yucaipa	Double	$450.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #126 Yucaipa	Double	$428.00	2 bed/2 bath	$34,000	20 miles
Lakeview Family Park	11050 Bryant #145 Yucaipa	Double	$428.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #293 Yucaipa	Single	$350.00	2 bed/2 bath	$19,900	20 miles
Lakeview Family Park	11050 Bryant # 205 Yucaipa	Double	$450.00	2 bed/2 bath	$22,000	20 miles
Lakeview Family Park	11050 Bryant #122 Yucaipa	Double	$350.00	2 bed/2 bath	$24,000	20 miles
Mission Village	3600 Buchanan #26 Riverside	Double	$550.00	2 bed/2 bath	$12,500	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Mission Village	3600 Buchanan #126 Riverside	Double	$411.00	2 bed/2 bath	$20,000	26 miles
Mission Village	3600 Buchanan #118 Riverside	Double	$576.00	2 bed/2 bath	$25,000	26 miles
Mission Village	3600 Buchanan #89 Riverside	Double	$518.00	2 bed/2 bath	$24,500	26 miles
Pembroke Downs	12400 Cypress Ave #88 Chino	Double	$541.00	2 bed/2 bath	$45,000	30 miles
Lamplighter	4400 Philadelphia #2 Chino	Double	$464.00	2 bed/2 bath	$61,000	32 miles
Park Vista	1601 S. Garey Ave #81 Pomona	Double	$680.00	2 bed/2 bath	$45,000	35 miles

ATTACHMENT 5

SAMPLE INFORMATIONAL BROCHURE
FOR
DISPLACED HOUSEHOLDS

Relocation Assistance Informational Statement for Families and Individuals

(CA State)

Displacing Agency:

City of Moreno Valley – Public Works Department/Capital Projects Division

Project Name:

Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" (Southerly City Limits) to Cactus Avenue

Displacing Agency Representative:

Overland, Pacific & Cutler, Inc.
2280 Market St., Suite 340
Riverside, CA 92501
Phone: (951)683-2353

Informational Statement Content:

1. General Information
2. Assistance In Locating A Replacement Dwelling
3. Moving Benefits
4. Replacement Housing Payment - Tenants And Certain Others
5. Section 8 Tenants
6. Replacement Housing Payment – Homeowners
7. Qualification For And Filing Of Relocation Claims
8. Last Resort Housing Assistance
9. Rental Agreement
10. Evictions
11. Appeal Procedures – Grievance
12. Tax Status of Relocation Benefits
13. Additional Information And Assistance Available

Spanish speaking representatives are available. Si necesita esta información en español, por favor llame a su representante.

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1. GENERAL INFORMATION

The dwelling in which you now live is in a project area to be improved by, or financed through, the Displacing Agency using state and/or local funds. If and when the project proceeds, and it is necessary for you to move from your dwelling, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under the state law. We suggest you save this informational statement for reference.

The Displacing Agency has retained the professional firm of **Overland, Pacific & Cutler, Inc. (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING. However, if you desire to move sooner than required, you must contact your representative with Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Displacing Agency's relocation assistance program.

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive. Once the Displacing Agency acquires the property, you will also be required to pay rent to the Displacing Agency.

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

3. MOVING BENEFITS

If you must move as a result of displacement by the Displacing Agency, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

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- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills; **or**
- A combination of both.

For example, you may chose a Self Move, receiving a payment based on the Fixed Residential Moving Cost Schedule shown below, plus contract with a professional mover to transport your grand piano and /or other items that require special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Residential Moving Cost Schedule.

A. **Fixed Moving Payment**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from $400.00 for one furnished room to $2,150.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation representative will inform you of the amount you are eligible to receive, if you choose this type of payment.

If you select a fixed payment, you will be responsible for arranging for your own move, and the Displacing Agency will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up, credit check and other related moving fees.

Fixed Moving Schedule CALIFORNIA Effective 6-15-2005	
Occupant Owns Furniture:	
1 room	$625
2 rooms	$800
3 rooms	$1,000
4 rooms	$1,175
5 rooms	$1,425
6 rooms	$1,650
7 rooms	$1,900
8 rooms	$2,150
Each additional room	$225
Occupant does NOT Own Furniture:	
1 room	$400
Each additional room	$65

B. **Actual Moving Expense (Professional Move)**

If you wish to engage the services of a licensed commercial mover and have the Displacing Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a "mover" scope of services for Displacing Agency approval.

4. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to $5,250.00 to assist you in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant who has occupied your present dwelling for at least 90 days prior to the initiation of negotiations or an owner who has occupied your dwelling between 90 and 180 days prior to the initiation of negotiations.

A. **Rental Assistance.** If you qualify, and **wish to rent** your replacement dwelling, your rental assistance benefits will be based upon the difference over a forty-two (42) month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent and estimated utilities or thirty percent (30%) of your gross monthly household income. You will be required to

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provide your relocation representative with monthly rent and household income verification prior to the determination of your eligibility for this payment.

- OR -

B. **Down-payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the down-payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

5. SECTION 8 TENANTS

When you do move, you may be eligible to transfer your Section 8 eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits.

6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

A. If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 180 days** prior to the initiation of negotiations, you may be eligible to receive a payment of up to $22,500.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.
3. **Incidental Expenses** - Those one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that could have been received under the Purchase Price Differential, explained above. The payment will be based on the difference between an economic rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received, if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

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7. QUALIFICATION FOR, AND FILING OF, RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the following**:

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:

  a. The date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court,: **or**

  b. The date you move from the displacement dwelling.

All claims for relocation benefits must be filed with the Displacing Agency **within eighteen (18) months** from the date on which you receive final payment for your property, or the date on which you move, whichever is later.

8. LAST RESORT HOUSING ASSISTANCE

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the Displacing Agency will provide Last Resort Housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort Housing assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and Last Resort eligibility must be applied toward the down-payment and eligible incidental expenses of the home you intend to purchase.

9. RENTAL AGREEMENT

As a result of the Displacing Agency 's action to purchase the property where you live, you may become a tenant of the Displacing Agency. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

10. EVICTIONS

Any person, who occupies the real property and is not in unlawful occupancy, is presumed to be entitled to relocation benefits. Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following reasons:

- Failure to pay rent; except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act in the unit;

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- Material breach of the rental agreement and failure to correct breach within the legally prescribed notice period;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

11. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have the claim reviewed or reconsidered in accordance with the Displacing Agency's appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

12. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein).

13. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative at Overland, Pacific & Cutler.

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ATTACHMENT 6

Fixed Payment Moving Schedule	
Occupant Owns Furniture	
One room	$625.00
Two rooms	$800.00
Three rooms	$1,000.00
Four rooms	$1,175.00
Five rooms	$1,425.00
Six rooms	$1,650.00
Seven rooms	$1,900.00
Eight rooms	$2,150.00
each additional room	$225.00
Occupant Does NOT Own Furniture	
First Room	$400.00
each additional room	$65.00

Source: Federal Highway Administration (effective 8-22-08)

ATTACHMENT 7

PROCEDURES
FOR
RELOCATION PAYMENTS AND ASSISTANCE

Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

- The date the claimant moves from the acquired property; **or,**
- The date on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims, and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined in accordance with the provisions of California Relocation Law.
3. Required claim forms will be prepared by relocation personnel in conjunction with claimant(s). Signed claims and supporting documentation will be submitted by relocation personnel to the Agency.
4. The Agency will review and approve claims for payment or request additional information.
5. The Agency will issue benefit checks which will be available at the Agency offices for pick-up by OPC, unless circumstances dictate otherwise.
6. Final payments will be issued after confirmation that the Project area premises have been completely vacated, and actual residency at the replacement unit is verified.
7. Receipts of payment will be maintained in the relocation case file.

ATTACHMENT 8

APPEALS POLICY AND PROCEDURES

The Agency's Policy and Procedures for appeals will follow the standards described in Article 5, Section 6150, Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines.

Briefly stated, displacees will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to:

1. eligibility;
2. the amount of payment;
3. the failure to provide comparable replacement housing referrals; or
4. the Agency's property management practices.

Requests for review will be directed first to Mr. Larry Gonzales, Senior Engineer, City of Moreno Valley or other authorized designee of the Agency. Details concerning the entire appeals process will be provided upon request.

ATTACHMENT 9

PLAN ADDENDUM
(PUBLIC COMMENTS AND AGENCY RESPONSE)

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MV00074093

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Hargis, Acting Financial & Administrative Services Director

AGENDA DATE: August 24, 2010

TITLE: RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2010

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the attached Quarterly Investment Report, in compliance with the City's Investment Policy.

BACKGROUND

In response to the Orange County bankruptcy and investment problems, and in order to deal with tightening regulations and controls over local investment of public funds, Senate Bills 866 and 564 were signed into law and became effective January 1, 1996, creating California Government Code Sections 53601 and 53646 respectively. The City's Investment Policy, adopted December 17, 1996 (and revised most recently on March 23, 2010), is in full compliance with the requirements of both of the above-mentioned Code Sections in addressing the types of investments allowed, the governing restrictions on these investments, the third-party custodian arrangement for certain investments, and the quarterly reporting requirements.

DISCUSSION

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This is the fourth quarterly report submitted for the 2009-10 fiscal year and is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's

Investment Policy and Government Code Section 53601 as to the types of investments allowed. As stated in the attached report, there is more than adequate liquidity within the portfolio for the City to meet its budgeted expenditures over the next six months.

The City has now transitioned the management of its general investment portfolio to Chandler Asset Management. As a result, the City's investment approach has changed from *passive* to *active*, as discussed in past meetings with the Finance Sub-Committee and the City Council. Utilizing an *active* approach, securities purchased for investment are not necessarily held to maturity but may be actively traded based on market conditions and the City's investment goals. The City's cash flow requirements are evaluated on an ongoing basis, with short-term needs accommodated through the City's pooled investment funds with the State Local Agency Investment Fund (LAIF). LAIF is a pool of public funds managed by the State Treasurer of California, providing 24-hour liquidity while yielding a rate of return approximately equivalent to a one-year treasury bill. With the combined use of a conservative approach to evaluating cash flow needs and LAIF liquidity, the City will not have to liquidate securities at current market rates that are intended to be held for longer-term investment. This is especially important considering that the average maturity of the general portfolio is 2.32 years.

In accordance with California Government Code Section 53646, the City is properly reporting investments of all bond proceeds and Deferred Compensation Plan funds. These funds are not managed by the City Treasurer as part of the pooled investment program and were not included in the City's investment reports prior to the current legislation. Bond proceeds are held and invested by a Trustee; Deferred Compensation Plan funds are held and invested by the respective plan administrators.

FISCAL IMPACT

None

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This report is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's Investment Policy and Government Code Section 53601 as to the types of investments allowed. It is recommended that the City Council receive and file the attached Quarterly Investment Report.

ATTACHMENTS/EXHIBITS

Attachment 1 - Treasurer's Cash and Investments Report – June 2010

Prepared By:
Brooke McKinney
Treasury Operations Division Manager
Acting City Treasurer

Department Head Approval:
Steve Hargis
Acting Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074097

CITY OF MORENO VALLEY

Treasurer's Cash and Investments Report

June 2010

General Portfolio	Cost Value	Market Value	Par Value	Average Maturity	Average Duration
Bank Accounts	1,996,398	1,996,398	1,996,398		
State of California LAIF Pool	48,497,791	48,497,791	48,497,791		
Investments	172,781,218	173,617,381	167,769,635	2.32	1.93
Total General Portfolio	**223,275,407**	**224,111,570**	**218,263,824**	Years	Years

Bond Proceeds with Fiscal Agents	Market Value
Construction Funds	14,518,020
Principal & Interest Accounts	1,256,917
Debt Service Reserve Funds	7,890,608
Custody Accounts	0
Arbitrage Rebate Accounts	14,481
Other Accounts	643,477
Total Bond Proceeds	**24,323,503**

Deferred Compensation Funds	Market Value
Nationwide	8,064,586
ICMA	3,820,694
Total Deferred Compensation Funds	**11,885,280**

Total Investment Portfolio **260,320,353**

1. I hereby certify that the investments are in compliance with the investment policy adopted by the City Council. There are no items of non-compliance for this period.
2. The market values for the specific investments in the General Portfolio are provided by the City's investment custodian.
3. The market value for LAIF is provided by the State Treasurer.
4. The market values for investments held by fiscal agents and the deferred compensation plans are provided by each respective trustee or fiscal agent.
5. The City has the ability to meet its budgeted expenditures for the next six months pending any future action by City Council or any unforeseen catastrophic event.

Brooke McKinney
Acting City Treasurer

Attachment 1

City of Moreno Valley
Treasurer's Cash and Investments Report

Portfolio Summary

As of 6/30/2010

PORTFOLIO CHARACTERISTICS

Average Duration	1.93
Average Coupon	2.57 %
Average Purchase YTM	1.80 %
Average Market YTM	1.07 %
Average S&P Rating	AAA
Average Final Maturity	2.32 yrs
Average Life	2.02 yrs

ACCOUNT SUMMARY

	Beg. Values as of 5/31/10	End Values as of 6/30/10
Market Value	222,560,233	224,111,570
Accrued Interest	1,353,493	1,298,071
Total Market Value	**223,913,726**	**225,409,641**
Income Earned	336,937	327,036
Cont/WD		
Par	217,812,364	218,263,824
Book Value	222,346,418	222,839,437
Cost Value	222,652,020	223,275,407

TOP ISSUERS

Issuer	% Portfolio
Local Agency Investment Fund	21.5 %
Government of United States	11.0 %
Federal National Mortgage Assoc	10.8 %
Federal Home Loan Mortgage Corp	10.4 %
Federal Home Loan Bank	9.0 %
Federal Farm Credit Bank	8.4 %
Tennessee Valley Authority	3.8 %
US Bank Corp FDIC Insured	2.3 %
	77.3 %

SECTOR ALLOCATION

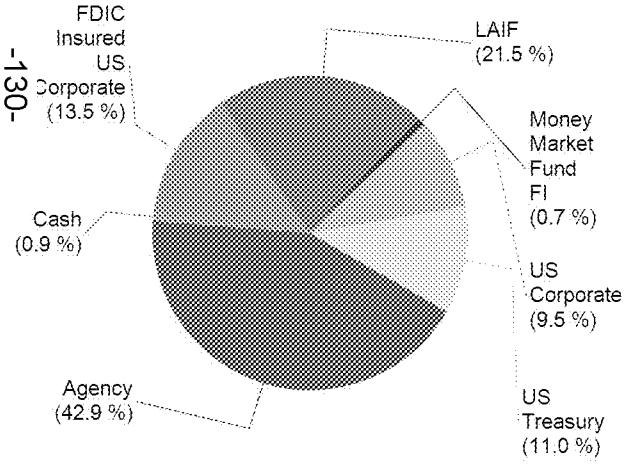

MATURITY DISTRIBUTION

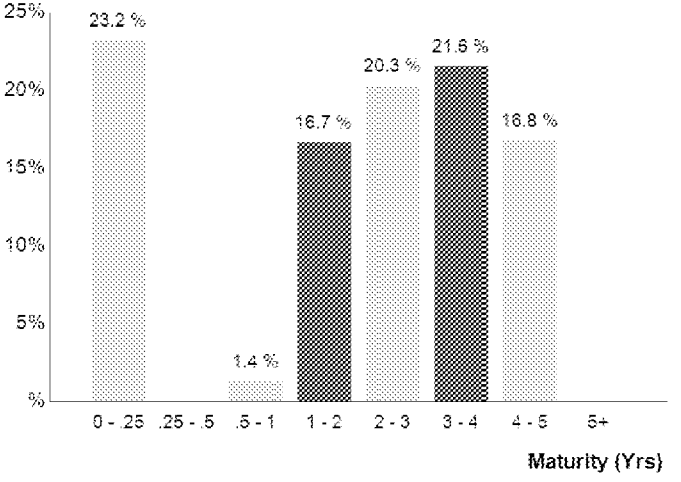

CREDIT QUALITY

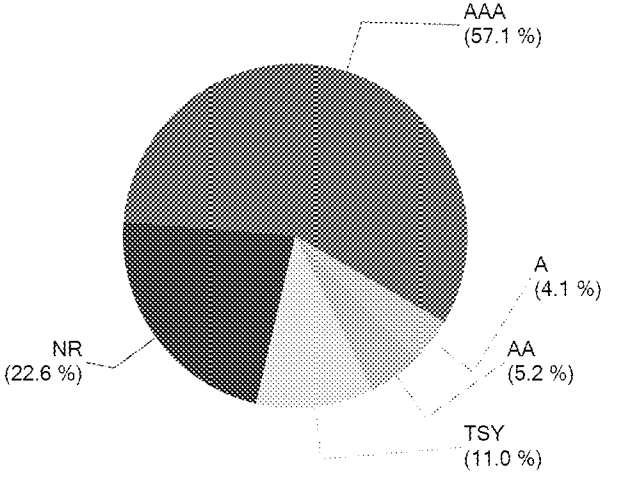

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
307692AA1	FAMCA Note 4.875% Due 1/14/2011	1,000,000.00	06/05/2006 5.47 %	976,000.00 997,192.40	102.44 0.34 %	1,024,375.00 22,614.58	0.46 % 27,182.60	Aa3 AAA	0.54 0.53
31331YK82	FFCB Note 3.25% Due 5/2/2011	1,000,000.00	05/19/2008 3.38 %	996,360.00 998,970.13	102.34 0.45 %	1,023,438.00 5,326.39	0.46 % 24,467.87	Aaa AAA	0.84 0.83
3133XTRU2	FHLB Note 1.3% Due 6/1/2011	1,000,000.00	06/01/2009 1.30 %	1,000,000.00 1,000,000.00	100.69 0.55 %	1,006,875.00 1,083.33	0.45 % 6,875.00	Aaa AAA	0.92 0.91
3133XUHK2	FHLB Callable Note 1X 8/24/2010 1.375% Due 8/24/2011	1,000,000.00	08/24/2009 1.38 %	1,000,000.00 1,000,000.00	100.13 0.54 %	1,001,250.00 4,850.69	0.45 % 1,250.00	Aaa AAA	0.15 0.15
3133XRW30	FHLB Callable Note 1X 7/28/10 4% Due 10/28/2011	1,000,000.00	10/28/2008 4.00 %	1,000,000.00 1,000,000.00	100.28 0.38 %	1,002,813.00 17,000.00	0.45 % 2,813.00	Aaa AAA	0.08 0.08
3136FH4A0	FNMA Callable Note 1X 8/17/10 1.55% Due 11/17/2011	1,000,000.00	08/17/2009 1.58 %	999,375.00 999,616.79	100.16 0.35 %	1,001,563.00 1,894.44	0.45 % 1,946.21	Aaa AAA	0.13 0.13
3133XSWM6	FHLB Note 2.1% Due 1/23/2012	1,000,000.00	01/23/2009 2.10 %	1,000,000.00 1,000,000.00	102.25 0.65 %	1,022,500.00 9,216.67	0.46 % 22,500.00	Aaa AAA	1.57 1.53
3133XT2T2	FHLB Note 2.25% Due 2/10/2012	1,000,000.00	02/10/2009 2.25 %	1,000,000.00 1,000,000.00	102.56 0.65 %	1,025,625.00 8,812.50	0.46 % 25,625.00	Aaa AAA	1.62 1.57
3128X8MS8	FHLMC Callable Note 1X 9/2/10 2.35% Due 3/2/2012	1,000,000.00	03/02/2009 2.43 %	997,800.00 998,775.55	100.28 0.72 %	1,002,797.00 7,768.06	0.45 % 4,021.45	Aaa AAA	0.18 0.17
36FHNF8	FNMA Callable Note 1X 11/04/2010 1.625% Due 5/4/2012	1,000,000.00	06/07/2009 1.62 %	1,000,000.00 1,000,000.00	100.22 0.99 %	1,002,188.00 2,572.92	0.45 % 2,188.00	Aaa AAA	0.35 0.34
31331XG30	FFCB Note 5.45% Due 6/21/2012	1,000,000.00	06/29/2007 5.33 %	1,005,380.00 1,002,132.48	109.19 0.75 %	1,091,875.00 1,513.89	0.49 % 89,742.52	Aaa AAA	1.98 1.89
31331GZ36	FFCB Callable Note 1X 10/19/10 1.55% Due 7/19/2012	1,000,000.00	10/19/2009 1.55 %	1,000,000.00 1,000,000.00	100.34 0.41 %	1,003,438.00 6,975.00	0.45 % 3,438.00	Aaa AAA	0.30 0.30
3136F9YP2	FNMA Callable Note 1X 07/23/2010 4.22% Due 7/23/2012	1,000,000.00	07/23/2008 4.22 %	1,000,000.00 1,000,000.00	100.22 0.78 %	1,002,188.00 18,521.11	0.45 % 2,188.00	Aaa AAA	0.06 0.06
31331XT36	FFCB Note 5.25% Due 8/1/2012	1,000,000.00	08/01/2007 5.25 %	1,000,000.00 1,000,000.00	109.19 0.80 %	1,091,875.00 21,875.00	0.49 % 91,875.00	Aaa AAA	2.09 1.96
3133XT4J2	FHLB Note 2.45% Due 8/13/2012	1,000,000.00	02/13/2009 2.45 %	1,000,000.00 1,000,000.00	103.41 0.83 %	1,034,063.00 9,391.67	0.46 % 34,063.00	Aaa AAA	2.12 2.05
3136FHAK1	FNMA Callable Note 1X 08/27/2010 2.625% Due 8/27/2012	1,000,000.00	02/27/2009 2.63 %	1,000,000.00 1,000,000.00	100.28 0.84 %	1,002,813.00 9,041.67	0.45 % 2,813.00	Aaa AAA	0.16 0.16
31331GZ44	FFCB Note 1.55% Due 10/15/2012	1,000,000.00	10/15/2009 1.55 %	1,000,000.00 1,000,000.00	101.47 0.90 %	1,014,688.00 3,272.22	0.45 % 14,688.00	Aaa AAA	2.30 2.24
6FHJU0	FNMA Callable Note 1X 4/29/11 2.25% Due 10/29/2012	1,000,000.00	04/29/2009 2.28 %	999,150.00 999,434.44	101.31 0.66 %	1,013,125.00 3,875.00	0.45 % 13,690.56	Aaa AAA	0.83 1.14
3XSKL1	FHLB Callable Note 1X 11/5/10 4.125% Due 11/5/2012	1,000,000.00	11/05/2008 4.13 %	1,000,000.00 1,000,000.00	101.22 0.60 %	1,012,188.00 6,416.67	0.45 % 12,188.00	Aaa AAA	0.35 0.35
8X7SV7	FHLMC Callable Note 1X 11/23/2010 3.7% Due 11/23/2012	2,000,000.00	05/23/2008 3.79 %	1,992,500.00 1,996,006.08	101.23 0.59 %	2,024,620.00 7,811.11	0.90 % 28,613.92	Aaa AAA	0.40 0.40

City of Moreno Valley
Treasurer's Cash and Investments Report

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31GKF5	FFCB Note 2.5% Due 1/14/2013	1,000,000.00	01/14/2009 2.30 %	1,007,520.00 1,004,776.56	103.66 1.04 %	1,036,563.00 11,597.22	0.47 % 31,786.44	Aaa AAA	2.55 2.44
31398ALB6	FNMA Callable Note 1X 01/18/2011 4% Due 1/18/2013	1,000,000.00	01/18/2008 4.00 %	1,000,000.00 1,000,000.00	101.69 0.92 %	1,016,875.00 18,111.11	0.46 % 16,875.00	Aaa AAA	0.55 0.54
3133XUDM2	FHLB Callable Note 1X 2/14/11 2.4% Due 2/14/2013	1,000,000.00	08/14/2009 2.40 %	1,000,000.00 1,000,000.00	101.06 0.69 %	1,010,625.00 9,133.33	0.45 % 10,625.00	Aaa AAA	0.63 0.61
880591CW0	Tennessee Valley Authority Note 6% Due 3/15/2013	3,725,000.00	Various 1.87 %	4,194,744.63 4,126,370.46	112.91 1.15 %	4,205,804.38 65,808.34	1.90 % 79,433.92	Aaa AAA	2.71 2.50
3128X8TZ5	FHLMC Callable Note 1X 04/08/2011 2.5% Due 4/8/2013	1,000,000.00	04/08/2009 2.50 %	1,000,000.00 1,000,000.00	101.53 0.51 %	1,015,328.00 5,763.89	0.45 % 15,328.00	Aaa AAA	0.77 1.08
31331GVD8	FFCB Note 2.2% Due 4/8/2013	1,000,000.00	05/08/2009 2.20 %	1,000,000.00 1,000,000.00	102.84 1.15 %	1,028,438.00 5,072.22	0.46 % 28,438.00	Aaa AAA	2.78 2.68
3128X8B84	FHLMC Callable Note 1X 05/13/2011 2.4% Due 5/13/2013	1,000,000.00	05/13/2009 2.40 %	1,000,000.00 1,000,000.00	101.64 0.51 %	1,016,366.00 3,200.00	0.45 % 16,366.00	Aaa AAA	0.87 1.42
31331GXN4	FFCB Callable Note Cont 6/3/11 2.7% Due 6/3/2013	1,000,000.00	06/03/2009 2.70 %	1,000,000.00 1,000,000.00	101.78 0.76 %	1,017,813.00 2,100.00	0.45 % 17,813.00	Aaa AAA	0.93 0.91
3134A4TZ7	FHLMC Note 4.5% Due 7/15/2013	3,900,000.00	05/12/2010 1.59 %	4,250,028.90 4,235,230.44	110.00 1.15 %	4,290,000.00 80,925.00	1.94 % 54,769.56	Aaa AAA	3.04 2.82
0591DW9	Tennessee Valley Authority Note 4.75% Due 8/1/2013	3,750,000.00	03/15/2010 1.90 %	4,097,325.00 4,067,208.49	109.91 1.45 %	4,121,591.25 74,218.75	1.86 % 54,382.76	Aaa AAA	3.09 2.85
3133XUEC3	FHLB Callable Note Cont 8/12/11 2.65% Due 8/12/2013	1,000,000.00	08/12/2009 2.65 %	1,000,000.00 1,000,000.00	102.06 0.79 %	1,020,625.00 10,231.94	0.46 % 20,625.00	Aaa AAA	1.12 1.09
3136FJGM7	FNMA Callable Note 1X 10/22/10 2.5% Due 10/22/2013	1,000,000.00	10/22/2009 2.50 %	1,000,000.00 1,000,000.00	100.63 0.49 %	1,006,250.00 4,791.67	0.45 % 6,250.00	Aaa AAA	0.31 0.31
3133XSLV8	FHLB Callable Note 1X 11/26/10 3.5% Due 11/26/2013	1,000,000.00	11/26/2008 3.50 %	1,000,000.00 1,000,000.00	101.28 0.34 %	1,012,813.00 3,402.78	0.45 % 12,813.00	Aaa AAA	0.41 0.40
3133XHW57	FHLB Note 4.875% Due 12/13/2013	1,000,000.00	06/18/2009 2.96 %	1,080,060.00 1,061,595.89	111.44 1.47 %	1,114,375.00 2,437.50	0.50 % 52,779.11	Aaa AAA	3.46 3.20
3137EABX6	FHLMC Note 2.5% Due 1/7/2014	4,000,000.00	03/17/2010 2.09 %	4,059,384.00 4,054,901.38	103.69 1.42 %	4,147,488.00 48,333.33	1.86 % 92,586.62	Aaa AAA	3.53 3.33
3136F93Z4	FNMA Callable Note 1X 1/28/11 2% Due 1/28/2014	1,000,000.00	01/28/2009 2.00 %	1,000,000.00 1,000,000.00	100.75 0.70 %	1,007,500.00 8,500.00	0.45 % 7,500.00	Aaa AAA	0.58 0.57
3136FHDF9	FNMA Callalbe Note 1X 3/18/11 3.2% Due 3/18/2014	1,000,000.00	03/18/2009 3.20 %	1,000,000.00 1,000,000.00	101.97 0.44 %	1,019,688.00 9,155.56	0.46 % 19,688.00	Aaa AAA	0.72 1.01
3128X8QM7	FHLMC Callable Note 1X 03/24/2011 2.375% Due 3/24/2014	1,000,000.00	03/24/2009 2.40 %	999,000.00 999,254.11	101.61 0.18 %	1,016,064.00 6,399.31	0.45 % 16,809.89	Aaa AAA	0.73 0.73
3136FHHH1	FNMA Callable Note 1X 4/14/11 2% Due 4/14/2014	1,000,000.00	04/14/2009 2.00 %	1,000,000.00 1,000,000.00	100.66 1.16 %	1,006,563.00 4,277.78	0.45 % 6,563.00	Aaa AAA	0.79 0.78
3136FHGK5	FNMA Callable Note 1X 04/16/2012 3% Due 4/16/2014	1,000,000.00	04/16/2009 3.00 %	1,000,000.00 1,000,000.00	103.59 0.97 %	1,035,938.00 6,250.00	0.46 % 35,938.00	Aaa AAA	1.80 2.87

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31331GTJ8	FFCB Note 2.625% Due 4/17/2014	2,000,000.00	04/22/2010 2.25 %	2,028,120.00 2,026,786.47	103.94 1.55 %	2,078,750.00 10,791.67	0.93 % 51,963.53	Aaa AAA	3.80 3.60
3136FHMK8	FNMA Callable Note 1X 5/1/12 2.25% Due 5/1/2014	1,000,000.00	05/01/2009 2.25 %	1,000,000.00 1,000,000.00	102.81 0.71 %	1,028,125.00 3,750.00	0.46 % 28,125.00	Aaa AAA	1.84 2.50
3136FHPX7	FNMA Callable Note 1X 11/14/2011 2.125% Due 5/14/2014	1,000,000.00	05/14/2009 2.13 %	1,000,000.00 1,000,000.00	101.63 0.93 %	1,016,250.00 2,774.31	0.45 % 16,250.00	Aaa AAA	1.38 1.96
31398AXJ6	FNMA Note 2.5% Due 5/15/2014	3,100,000.00	Various 2.31 %	3,122,268.70 3,121,240.47	103.22 1.64 %	3,199,782.80 9,902.77	1.42 % 78,542.33	Aaa AAA	3.88 3.68
31331JQA4	FFCB Note 1.9% Due 6/2/2014	4,300,000.00	06/08/2010 1.96 %	4,289,551.00 4,289,673.59	101.16 1.59 %	4,349,720.90 6,581.39	1.93 % 60,047.31	Aaa AAA	3.93 3.76
3133X7FK5	FHLB Note 5.25% Due 6/18/2014	3,350,000.00	03/15/2010 2.34 %	3,742,991.85 3,715,949.97	113.97 1.60 %	3,817,954.80 6,351.04	1.70 % 102,004.83	Aaa AAA	3.97 3.62
3133XTXW1	FHLB Callable Note 1X 1/9/12 2.5% Due 7/9/2014	1,000,000.00	07/09/2009 2.50 %	1,000,000.00 1,000,000.00	103.00 0.52 %	1,030,000.00 11,944.44	0.46 % 30,000.00	Aaa AAA	1.53 1.49
31398AYN6	FNMA Callable Note 1X 07/28/2011 3% Due 7/28/2014	1,000,000.00	07/28/2009 3.00 %	1,000,000.00 1,000,000.00	101.91 1.21 %	1,019,063.00 12,750.00	0.46 % 19,063.00	Aaa AAA	1.08 2.18
3137EACD9	FHLMC Note 3% Due 7/28/2014	4,000,000.00	03/15/2010 2.41 %	4,097,476.00 4,090,936.86	105.28 1.66 %	4,211,252.00 51,000.00	1.89 % 120,315.14	Aaa AAA	4.08 3.80
398AYY2	FNMA Note 3% Due 9/16/2014	1,500,000.00	04/15/2010 2.50 %	1,531,365.00 1,529,888.09	104.94 1.78 %	1,574,062.50 13,125.00	0.70 % 44,174.41	Aaa AAA	4.22 3.93
31331GL80	FFCB Note 3% Due 9/22/2014	4,000,000.00	03/17/2010 2.47 %	4,090,640.00 4,084,868.50	104.97 1.77 %	4,198,752.00 33,000.00	1.88 % 113,883.50	Aaa AAA	4.23 3.94
3136FJKD2	FNMA Callable Note 1X 10/27/2011 2.8% Due 10/27/2014	1,000,000.00	10/27/2009 2.80 %	1,000,000.00 1,000,000.00	102.47 0.92 %	1,024,688.00 4,977.78	0.46 % 24,688.00	Aaa AAA	1.33 2.94
31398AZV7	FNMA Note 2.625% Due 11/20/2014	4,100,000.00	03/12/2010 2.54 %	4,114,723.10 4,113,793.76	103.34 1.83 %	4,237,095.80 12,257.29	1.89 % 123,302.04	Aaa AAA	4.39 4.13
3137EACH0	FHLMC Note 2.875% Due 2/9/2015	4,250,000.00	04/15/2010 2.71 %	4,280,515.00 4,279,197.31	104.19 1.92 %	4,427,968.75 59,057.29	1.99 % 148,771.44	Aaa AAA	4.62 4.26
3133XWX95	FHLB Note 2.75% Due 3/13/2015	3,900,000.00	05/13/2010 2.52 %	3,940,950.00 3,939,835.71	103.06 2.06 %	4,019,437.50 44,091.67	1.80 % 79,601.79	Aaa AAA	4.70 4.36
Total Agency		**91,875,000.00**	**2.49 %**	**93,893,228.18 93,733,635.93**	**1.21 %**	**95,783,907.68 831,897.30**	**42.86 % 2,050,271.75**	**Aaa AAA**	**2.60 2.51**
CASH									
ASH$00	Cash Custodial Cash Account	1,996,398.31	05/31/2010 0.00 %	1,996,398.31 1,996,398.31	1.00 0.00 %	1,996,398.31 0.00	0.89 % 0.00	NR NR	0.00 0.00
al Cash		**1,996,398.31**	**N/A**	**1,996,398.31 1,996,398.31**	**0.00 %**	**1,996,398.31 0.00**	**0.89 % 0.00**	**NR NR**	**0.00 0.00**

City of Moreno Valley
Treasurer's Cash and Investments Report

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
C INSURED US CORPORATE									
57UAF7	Morgan Stanley FDIC Guaranteed Note 2% Due 9/22/2011	4,825,000.00	Various 0.91 %	4,909,264.93 4,888,824.35	101.73 0.58 %	4,908,520.75 26,537.50	2.19 % 19,696.40	Aaa AAA	1.23 1.21
949744AA4	Wells Fargo & Company FDIC Guaranteed Note 3% Due 12/9/2011	4,750,000.00	Various 1.07 %	4,919,063.75 4,880,247.99	103.36 0.66 %	4,909,514.50 8,708.33	2.18 % 29,266.51	Aaa AAA	1.44 1.42
06050BAG6	Bank of America Corp FDIC Guaranteed Note 2.1% Due 4/30/2012	5,035,000.00	Various 1.30 %	5,121,762.96 5,107,458.04	102.41 0.78 %	5,156,142.10 17,916.20	2.30 % 48,684.06	Aaa AAA	1.84 1.80
91160HAC1	US Bancorp FDIC Guaranteed Note 1.8% Due 5/15/2012	5,070,000.00	Various 1.39 %	5,111,546.49 5,108,437.04	101.91 0.77 %	5,166,613.92 11,661.00	2.30 % 58,176.88	Aaa AAA	1.88 1.84
38146FAA9	Goldman Sachs FDIC Guaranteed Note 3.25% Due 6/15/2012	4,855,000.00	Various 1.27 %	5,066,852.42 5,039,958.72	104.71 0.82 %	5,083,811.30 7,012.78	2.26 % 43,852.58	Aaa AAA	1.96 1.90
36967HAV9	GE Capital Corp FDIC Guaranteed Note 2.125% Due 12/21/2012	5,000,000.00	05/19/2010 1.27 %	5,107,970.00 5,103,614.52	102.81 0.97 %	5,140,440.00 2,951.39	2.28 % 36,825.48	Aaa AAA	2.48 2.41
Total FDIC Insured US Corporate		**29,535,000.00**	**1.20 %**	**30,236,460.55 30,128,540.66**	**0.77 %**	**30,365,042.57 74,787.20**	**13.50 % 236,501.91**	**Aaa AAA**	**1.81 1.77**
IF									
AIF$00	Local Agency Investment Fund State Pool	48,497,790.67	Various 0.55 %	48,497,790.67 48,497,790.67	1.00 0.55 %	48,497,790.67 58,370.52	21.54 % 0.00	NR NR	0.00 0.00
Total LAIF		**48,497,790.67**	**0.55 %**	**48,497,790.67 48,497,790.67**	**0.55 %**	**48,497,790.67 58,370.52**	**21.54 % 0.00**	**NR NR**	**0.00 0.00**
MONEY MARKET FUND FI									
431114701	Highmark Govt Money Market Fund	1.00	05/15/2010 0.05 %	1.00 1.00	1.00 0.05 %	1.00 0.00	0.00 % 0.00	Aaa AAA	0.00 0.00
431114701	Highmark Govt Money Market Fund	1,564,633.77	Various 0.05 %	1,564,633.77 1,564,633.77	1.00 0.05 %	1,564,633.77 0.00	0.69 % 0.00	Aaa AAA	0.00 0.00
Total Money Market Fund FI		**1,564,634.77**	**0.05 %**	**1,564,634.77 1,564,634.77**	**0.05 %**	**1,564,634.77 0.00**	**0.69 % 0.00**	**Aaa AAA**	**0.00 0.00**
US CORPORATE									
52517PA35	Lehman Brothers Holdings Note 4.5% Due 7/26/2010	1,000,000.00	08/25/2006 5.29 %	972,450.00 972,450.00	19.75 0.00 %	197,500.00 0.00	0.09 % (774,950.00)	NR NR	0.07 0.00
52517PR60	Lehman Brothers Holdings Note 5.25% Due 2/6/2012	1,000,000.00	02/06/2007 5.34 %	996,000.00 996,000.00	19.75 0.00 %	197,500.00 0.00	0.09 % (798,500.00)	NR NR	1.61 0.00
931142CL5	Wal-Mart Stores Note 4.25% Due 4/15/2013	2,100,000.00	05/07/2010 1.75 %	2,249,100.00 2,242,126.19	107.58 1.47 %	2,259,096.00 18,841.67	1.01 % 16,969.81	Aa2 AA	2.79 2.63
36962G4C5	General Electric Capital Corp Note 5.9% Due 5/13/2014	2,325,000.00	05/19/2010 3.14 %	2,562,336.00 2,556,116.16	110.38 3.03 %	2,566,372.20 18,290.00	1.15 % 10,256.04	Aa2 AA+	3.87 3.46

Holdings Report

As of 6/30/10

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US CORPORATE									
61747YCF0	Morgan Stanley Note 6% Due 5/13/2014	1,640,000.00	06/23/2010 4.42 %	1,731,430.00 1,731,236.16	105.96 4.31 %	1,737,721.04 13,120.00	0.78 % 6,484.88	A2 A	3.87 3.42
06406HBL2	Bank of New York Note 4.3% Due 5/15/2014	2,250,000.00	Various 2.93 %	2,368,375.40 2,361,272.35	107.40 2.29 %	2,416,574.25 12,362.50	1.08 % 55,301.90	Aa2 AA-	3.88 3.56
079860AG7	Bellsouth Corp Note 5.2% Due 9/15/2014	1,550,000.00	05/19/2010 2.60 %	1,713,261.50 1,709,322.49	111.12 2.40 %	1,722,358.45 23,732.22	0.77 % 13,035.96	A2 A	4.21 3.76
09247XAD3	Blackrock Inc Note 3.5% Due 12/10/2014	1,630,000.00	Various 2.84 %	1,674,920.75 1,674,373.85	103.71 2.61 %	1,690,479.52 3,327.92	0.75 % 16,105.67	A1 A+	4.45 4.10
713448BM9	Pepsico Inc. Note 3.1% Due 1/15/2015	1,665,000.00	Various 2.44 %	1,712,746.65 1,712,134.42	104.12 2.14 %	1,733,581.35 23,943.63	0.78 % 21,446.93	Aa3 A-	4.55 4.18
46625HHP8	JP Morgan Chase Note 3.7% Due 1/20/2015	1,575,000.00	03/25/2010 3.61 %	1,581,000.75 1,580,683.12	102.28 3.16 %	1,610,980.88 26,061.88	0.73 % 30,297.76	Aa3 A+	4.56 4.11
94980VAA6	Wells Fargo Bank Note 4.75% Due 2/9/2015	1,625,000.00	03/25/2010 3.94 %	1,682,687.50 1,679,668.40	104.66 3.64 %	1,700,738.00 30,446.18	0.77 % 21,069.60	Aa3 AA-	4.62 4.06
084670AV0	Berkshire Hathaway Note 3.2% Due 2/11/2015	2,485,000.00	06/09/2010 2.65 %	2,545,012.75 2,544,413.68	102.98 2.51 %	2,559,080.34 30,924.44	1.15 % 14,666.66	Aa2 AA+	4.62 4.23
74005PAR5	Praxair Note 4.625% Due 3/30/2015	675,000.00	06/07/2010 2.63 %	735,297.75 734,575.83	109.64 2.46 %	740,057.18 7,891.41	0.33 % 5,481.35	A2 A	4.75 4.25
Total US Corporate		**21,520,000.00**	**3.17 %**	**22,524,619.05 22,494,372.65**	**2.65 %**	**21,132,039.21 208,941.85**	**9.47 % (1,362,333.44)**	**Aa3 AA-**	**4.07 3.67**
US TREASURY									
912828GQ7	US Treasury Note 4.5% Due 4/30/2012	3,775,000.00	03/12/2010 1.00 %	4,051,944.29 4,013,450.10	107.24 0.53 %	4,048,245.83 28,620.24	1.81 % 34,795.73	TSY TSY	1.84 1.77
912828HE3	US Treasury Note 4.25% Due 9/30/2012	3,775,000.00	03/12/2010 1.22 %	4,061,086.87 4,027,863.88	108.13 0.61 %	4,081,718.75 40,328.55	1.83 % 53,854.87	TSY TSY	2.25 2.15
912828HK9	US Treasury Note 3.375% Due 11/30/2012	3,875,000.00	03/12/2010 1.29 %	4,089,651.65 4,066,258.74	106.38 0.71 %	4,122,031.25 11,077.10	1.83 % 55,772.51	TSY TSY	2.42 2.33
912828HM5	US Treasury Note 3.625% Due 12/31/2012	3,850,000.00	03/12/2010 1.35 %	4,089,735.55 4,064,401.46	107.24 0.70 %	4,128,824.70 379.25	1.83 % 64,423.24	TSY TSY	2.51 2.41
912828HV5	US Treasury Note 2.5% Due 3/31/2013	4,000,000.00	03/12/2010 1.48 %	4,121,575.90 4,109,768.17	104.53 0.83 %	4,181,248.00 25,136.61	1.87 % 71,479.83	TSY TSY	2.75 2.65
912828JQ4	US Treasury Note 2.75% Due 10/31/2013	4,000,000.00	05/10/2010 1.65 %	4,148,281.25 4,142,321.96	105.24 1.14 %	4,209,688.00 18,532.61	1.88 % 67,366.04	TSY TSY	3.34 3.18
al US Treasury		**23,275,000.00**	**1.33 %**	**24,562,275.51 24,424,064.31**	**0.76 %**	**24,771,756.53 124,074.36**	**11.04 % 347,692.22**	**TSY TSY**	**2.52 2.42**
TAL PORTFOLIO		**218,263,823.75**	**1.80 %**	**223,275,407.04 222,839,437.30**	**1.07 %**	**224,111,569.74 1,298,071.23**	**100.00 % 1,272,132.44**	**Aaa AAA**	**2.02 1.93**
TAL MARKET VALUE PLUS ACCRUED						**225,409,640.97**			

Holdings Report Glossary

CUSIP (Committee on Uniform Securities Identification Procedures) – A unique identification number assigned to all securities.

Security Description - The issuer name, coupon (periodic interest payment rate) and maturity.

Par Value/Units - The face value or number of units held in the portfolio.

Purchase Date - The settlement date on which the security was purchased.

Book Yield - The YTM that equates the current amortized value of the security to its periodic future cash flows.

Cost Value - The value at which the securities were purchased, excluding purchased interest.

Book Value - The value at which an asset is carried on a balance sheet. To calculate, take the cost of an asset +/- net accretion/amortization.

Mkt Price - The current fair value market price.

Mkt YTM – The internal rate of return that equates the periodic future cash flows (interest payments and redemption value) to the market price, assuming that all cash flows are invested at the YTM rate.

Market Value - The current fair value of an investment as determined by transactions between willing buyers and sellers.

Accrued Int. - The interest that has accumulated on a bond since the last interest payment up to, but not including, the settlement date.

% of Port. - The % of the portfolio that the security represents based on market value, including accrued interest.

Gain/Loss – The unrealized gain or loss on the security, compared to either cost or amortized value, as of the date of the report.

Moody - The Moody's rating for the security.

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Holdings Report Glossary (continued)

S&P - The Standard and Poor's rating for the security.

Term (yrs) - The time, in years, until maturity.

Duration - The weighted average time to maturity of a bond where the weights are the present values of future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates.

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City of Moreno Valley

June 30, 2010

COMPLIANCE WITH INVESTMENT POLICY

Assets managed on by Chandler Asset Management are in full compliance with State law and with the City's investment policy.

Category	Standard	Comment
Local Agency Bonds	No Limitation	Complies
Treasury Issues	No Limitation	Complies
Agency Issues	No Limitation	Complies
Banker's Acceptances	40% maximum; <180 days maturity	Complies
Commercial Paper	25% maximum; <270 days maturity; A-1/P-1/F-1 minimum ratings	Complies
Negotiable Certificates of Deposit	30% maximum; 5 years maximum maturity	Complies
Repurchase Agreements	No limitation; 1-year maximum maturity	Complies
Reverse Repurchase Agreements	20% maximum; <92 days maturity	Complies
Medium Term Notes	30% maximum; 5 years maximum maturity; A-rated or better	Complies
Money Market Mutual Funds	20% maximum; AAAf/Aaaf, minimum rating	Complies
Collateralized Certificates of Deposits	5 years maximum maturity	Complies
Time Deposits	5 years maximum maturity	Complies
Mortgage Pass-throughs, CMOs and Asset Backed Securities	20% maximum; AA-rated issue; A-rated issuer	Complies
Local Agency Investment Fund - L.A.I.F.	Maximum program limitation	Complies
Prohibited Securities	Inverse floaters; Ranges notes, Interest-only strips from mortgaged backed securities; Zero interest accrual securities	Complies
Maximum maturity	5 years	Complies

BOND PROCEEDS WITH FISCAL AGENTS

Account Name	Account Number	Investment	Issuer	Purchase Date	Maturity Date	Market Value	Stated Rate	Yield	Price	% of of Portfolio
Wells Fargo	**Community Facilities District 3-2 (CFD 3)**									
special tax funds	22631800	money market fund	WF Govt Fund	06/30/10	07/01/10	1,008,997	0.01%	0.01%	1.00000	4.148%
interest acct	22631801	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631804	money market fund	WF Govt Fund	06/30/10	07/01/10	1,028,785	0.01%	0.01%	1.00000	4.230%
admin exp acct	22631805	money market fund	WF Govt Fund	06/30/10	07/01/10	376	0.01%	0.01%	1.00000	0.002%
debt service acct	22631809	money market fund	WF Govt Fund	06/30/10	07/01/10	35,835	0.01%	0.01%	1.00000	0.147%
special tax funds	22631900	money market fund	WF Govt Fund	06/30/10	07/01/10	385,276	0.01%	0.01%	1.00000	1.584%
interest acct	22631901	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631904	money market fund	WF Govt Fund	06/30/10	07/01/10	366,275	0.01%	0.01%	1.00000	1.506%
admin exp acct	22631905	money market fund	WF Govt Fund	06/30/10	07/01/10	15,657	0.01%	0.01%	1.00000	0.064%
cost of issuance	22631906	money market fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						2,841,202				
Wells Fargo	**CFD 2-2**									
Series B Revenue	22333500	money mkt fund	WF Govt Fund	06/30/10	07/01/10	170,420	0.01%	0.01%	1.00000	0.701%
Series A Principal	22333501	money mkt fund	WF Govt Fund	06/30/10	07/01/10	300	0.01%	2.71%	1.00000	0.001%
Series B reserve	22333503	money mkt fund	WF Govt Fund	06/30/10	07/01/10	522,526	0.01%	0.01%	1.00000	2.148%
Series A interest	22333504	money mkt fund	WF Govt Fund	06/30/10	07/01/10	27,125	0.01%	0.01%	1.00000	0.112%
						720,371				
Wells Fargo	**Hemet Lease Revenue Bonds (Fire Station)**									
expense fund	12526107	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,068	0.01%	0.01%	1.00000	0.058%
reserve account	12526103	money mkt fund	WF Govt Fund	06/30/10	07/01/10	407,451	0.01%	0.01%	1.00000	1.675%
lease revenue	12526100	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
rebate account	12526104	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,481	0.01%	0.01%	1.00000	0.060%
						436,000				
Wells Fargo	**Auld Valley Development Agency Tax Allocation Bond Series A**									
debt service fund	22631700	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						1				
Wells Fargo	**Auld Valley Revenue Bonds**									
bond fund	18042800	money mkt fund	WF Govt Fund	06/30/10	07/01/10	129	0.01%	0.01%	1.00000	0.001%
reserve fund	18042804	money mkt fund	WF Govt Fund	06/30/10	07/01/10	2,992,752	0.01%	0.01%	1.00000	12.304%
construction fund	18042806	money mkt fund	WF Govt Fund	06/30/10	07/01/10	7,671,733	0.01%	0.01%	1.00000	31.540%
						10,664,614				43.845%
Wells Fargo	**Auld Revenue Bonds Reserve Funds & Electric Utility**									
bond fund	22277600	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
interest fund	22277601	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
construction fund	22277604	money mkt fund	WF Govt Fund	06/30/10	07/01/10	6,846,287	0.01%	0.01%	1.00000	28.147%
capital interest fund	22277605	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
cost of issuance	22277606	money mkt fund	WF Govt Fund	06/30/10	07/01/10	368,033	0.01%	0.01%	1.00000	1.513%
						7,214,321				
Wells Fargo	**Auburn Heights Bonds**									
revenue fund	20350300	revenue	WF Govt Fund	06/30/10	07/01/10	1,193,827	0.01%	0.01%	1.00000	4.908%
reserve fund	20350303	reserve	WF Govt Fund	06/30/10	07/01/10	1,178,244	0.01%	0.01%	1.00000	4.844%
admin expenses	20350304	admin expenses	WF Govt Fund	06/30/10	07/01/10	74,923	0.01%	0.01%	1.00000	0.308%
						2,446,994				10.060%
			Totals			**24,323,503**				**100.000%**

Item	Summary of Bond Proceeds with Fiscal Agents	
1	Construction Funds	14,518,020
2	**Principal & Interest Accounts**	**1,256,917**
3	Debt Service Reserve Funds	7,890,608
4	**Custody Accounts**	**0**
5	Arbitrage Rebate Accounts	14,481
6	**Other Accounts**	**643,477**
	Total Fiscal Agent Funds	**24,323,503**

City of Moreno Valley
Treasurer's Cash and Investments Report

DEFERRED COMPENSATION FUNDS

Nationwide

Fund	Market Value	Fund	Market Value	Fund	Market Value
Liquid Savings	**$1,117,937**	**Drey SmCap I**	**5**	**N B Socially Responsive Fund**	**8,153**
Nationwide Fixed (Part Time Employee)	812,514	American Century Balanced	25	DFA US Micro Cap Port	104,358
Liquid Savings (Part Time Employees)	**128,711**	**Am Century Growth**	**44,573**	**Federated Kaufmann Fund**	**453,072**
Certificates of Deposit 3 years	15,413	Am Century Select	78,857	AIM Mid Cap Core Equity	13,731
JP Morgan Mid Cap Value A	**84,139**	**Am Century Ultra**	**0**	**Washington Mutual Inv**	**42,263**
Bond Fund Of America	67,275	Vanguard Index 500	65,279	Nationwide InvDes Mod Cons Fund SC	9,720
Growth Fund of America	**52,907**	**Vanguard Institutional Index**	**312,628**	**Nationwide InvDes Mod Aggr Fund**	**589,670**
Investment Co. of America	10,732	Vanguard Wellington	13,990	Nationwide InvDes Aggr Fund	93,883
Income Fund of America	**110,204**	**Vanguard Windsor II**	**62,350**	**Nationwide InvDes Mod Fd**	**330,279**
Brown Cap Mgmt Inc SM Co	62,451	Vanguard Total Bond Index	108,028	Nationwide Inv Des Cons	81,128
Fidelity Independence	**20,461**	**Putnam Voyager**	**0**	**Nationwide Large Cap Growth**	**67,253**
Fidelity Equity Income	19,513	Templeton Foreign I	0	Nationwide Inter Val Inst Svc	21,653
Fidelity Magellan	**303,795**	**EuroPacific Growth**	**226,967**	**Nationwide US Sm Cap Val Ins Svc**	**550**
Certificates of Deposit 5 years	29,246	Stable Fund C	1,686,963	Nationwide Dest 2015 Inst Svc	11,121
Fidelity Puritan	**109,520**	**PBHG Growth Fund**	**0**	**YL Account**	**146,412**
Fidelity Contrafund	232,459	DWS High Income Fund A	43,075	Nationwide Dest 2025 Inst Svc	21,391
Janus Fund	**59,176**	**DWS Strategic Value**	**35,410**	**Nationwide Dest 2020 Inst Svc**	**1,633**
Janus Advisor Forty	57,375	Oppenheimer Global Fund A	96,338	**Total Nationwide Deferred**	**$8,064,586**

ICMA

Fund	Market Value	Fund	Market Value
Aggressive Oppor.	**$142,895**	VT Royce Premeir	1,569
International	142,050	**VT Ranier Small/Mid Cap Eq**	**25,521**
All Equity Growth	**75,840**	VT Fidelity Contrafund	130,761
Growth and Income	175,644	**VT Fidelity Magellan**	**0**
Broad Market	**45,514**	VT Fidelity Diversified International	51,911
500 Stock Index	58,767	**VT Allianz NFJ Div Value**	**37,846**
Equity Income	**250,148**	VT Legg Mason Value	1,711
Asset Allocation	103,430	**VT Fidelity Puritan**	**3,653**
Core Bond	**15,270**	VT Royce Value Plus Service	4,807
Cash Management	31,665	**VT TR Price Growth Stock Adv**	**13,865**
Plus Fund	**1,384,358**	VT First Amer. Real Estate Secs	4,244
Savings Oriented	5,583	**VT TR Price Small Cap Value**	**102,249**
Conservative Growth	**75,740**	VT Third Ave Value	7,135
Traditional Growth	214,109	**Inflation Protected Securities**	**48,469**
Long-Term Growth	**262,559**	Growth Fund	198,844
Mid/Small Co Index	0	**VT PIMCO Total Return**	**36,371**
Milestone 2030	**9,055**	VT PIMCO High Yield	94,730
Milestone 2035	7,490	**VT Eaton Vance Lage Cap Value**	**4,364**
Overseas Equity Index fund	**52,527**		
Vantage Trust 1yr CD	0	**Total ICMA**	**$3,820,694**

Summary by Plan

	Market Value
Total Nationwide	$8,064,586
Total ICMA	3,820,694
Total Deferred Compensation Plans	**$11,885,280**

Summary by Investment Type

	Market Value
Savings Deposits and CD's	$2,059,162
Mutual Funds	9,826,118
Total Deferred Compensation Plans	**$11,885,280**

MV00074109

ORDINANCE NO. 813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Pages 126 and 140 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA06-0184).

1.4. An Initial Study has been completed for PA06-0184 (Zone Change). Based upon the Initial Study, a determination has been made that, as designed and conditioned, this project will not result in the potential for significant impacts to the environment. Therefore, adoption of a Negative Declaration is appropriate.

SECTION 2: FINDINGS

2.1 With respect to the proposed change to pages 125 and 140 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on July 13, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: This project is comprised of four applications, a General Plan Amendment (PA06-0185), Change of Zone (PA06-0184), Tentative Tract Map (PA06-0183) and a Variance (P09-102), which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).
   The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the

General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips that the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

   FACT: The project site is not within a specific plan area.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 5 (R5) is consistent with the purposes and intent of Title 9.

<u>SECTION 3: ZONE CHANGE</u>

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 5 (R5) for the approximately 40 acres located at the southeast corner of Heacock Street and Gentian Avenue, subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 13th day of July 2010.

_____
Bonnie Flickinger, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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MV00074113

CHANGE OF ZONE

Application No. PA06-0184
ADOPTED BY ORDINANCE NO. 813

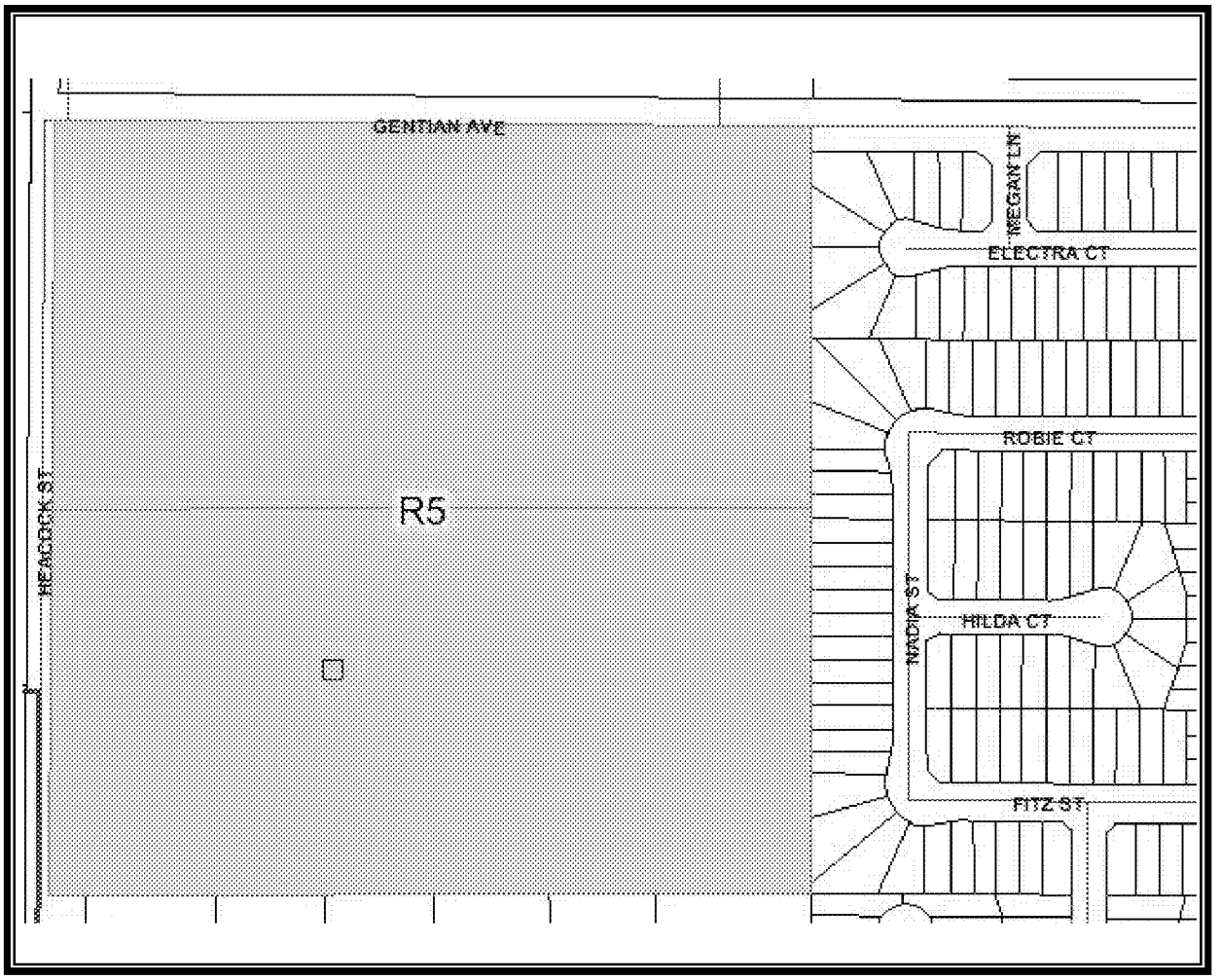

ADOPTED

EFFECTIVE _____

N

LEGEND
R5

R5

EXHIBIT A

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MV00074115

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Aquabella Development Agreement - Annual Review (P10-044)

RECOMMENDED ACTION

Staff recommends that the City Council accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

This review does not require an advisory committee recommendation.

BACKGROUND

A Development Agreement is a negotiated instrument that allows a developer or property owner to protect project approvals for a fixed period of years. In exchange for long term vested rights, the City can require certain negotiated exactions.

On December 13, 2005, the City Council approved an amendment to Specific Plan No. 218 (formerly known as the Moreno Valley Field Station Specific Plan), creating the Aquabella Specific Plan, and approving the Aquabella Development Agreement (an Agreement by and between the City of Moreno Valley and Moreno Valley Properties, LP). The Agreement was subsequently recorded on February 16, 2006.

The term of the agreement began on the effective date of adoption of Ordinance 704, which was on December 13, 2005. The initial agreement was approved for ten years with the provision for three extensions of time, with each extension of time not to exceed a maximum of five years.

The Agreement addresses 685 acres of the 760-acre Aquabella Specific Plan. The 685 acres provides for a gated active-adult community of 2,702 dwelling units and 220 units outside of the gated community that are un-restricted multi-family units, for a total of 2,922 dwelling units.

DISCUSSION

The Agreement provides that the developer shall submit to the City written documentation demonstrating good-faith compliance with the terms of the Agreement. City staff shall review the developer's written documentation and any other applicable evidence and make a recommendation to the City Council as to whether the developer is in compliance with the obligations of the Agreement.

Highland Fairview Properties (the entity developing property owned by Moreno Valley Properties, LP) submitted a letter to the City (Exhibit 1) dated April 5, 2010, which identifies the obligations of the Agreement, the general status of the project and the developer's statements of good-faith compliance. The letter is not all inclusive, and the attached Agreement (Exhibit 2) should be referenced for the full list of obligations. This is the fourth annual review of the Agreement.

This Agreement is performance based; as certain triggers or levels of development activity are reached, certain improvements or provisions are required. For example, prior to construction of the 585th dwelling unit, the Agreement provides for the completion of the entry statement, clubhouse facility and certain street and intersection improvements. At this time, the project development activity has not reached the criteria necessary to require the Developer to perform any of the obligations of the Agreement.

Tentative Tract Map No. 34950, a finance map for the AquaBella Specific Plan, was approved by the Planning Commission on August 23, 2007.

At present, approximately one half of the project site has been mass graded, and the erosion control and site stabilization features are in place. The grading operation has ceased as of December, 2007 and the developer has surrendered the mass grading permit. Staff has returned the grading and erosion control security to the developer with the understanding that when the grading operations continue sometime in the future, the developer will provide a new security for grading and erosion control prior to commencement of work.

Various infrastructure improvement plans are in the plan check process, inclusive of water and sewer, drainage, and street and traffic signal improvements, though no plans have been received since around October 2008. The Line "F" channel storm drain improvement plans were approved by both the City of Moreno Valley and Riverside Flood Control and Water Conservation District on November 9, 2007. Several easement documents for the channel have been processed for Line "F", but no work has started on the drainage infrastructure to date.

A Cooperative (Tri-Party) Agreement had been processed and approved by the Flood Control District and the City of Moreno Valley for Line "F", but on October 27, 2009 the City Council rescinded the Cooperative Agreement at the developer's request. Furthermore, on April 13, 2010, the City Council executed a Termination Agreement which formally nullified the Cooperative Agreement for Line "F", Stage 2 recorded June 30, 2008 as Document No. 2008-0355993. The District was also in agreement to formally terminate the Cooperative Agreement.

Section 5.2 of the Agreement references potential public financing in the form of a Community Facilities District (CFD) which would be repaid by future property owners. In a January 14, 2010 letter, Highland Fairview requested the City abandon CFD formation proceedings and rescind the application to form CFD #6. A new application will be necessary in order to reinitiate the CFD formation process.

Section 6.3 of the Agreement requires that the developer provide two million dollars to the City of Moreno Valley. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility. In accordance with the Agreement, the funds were to be placed in an interest bearing escrow account within thirty (30) days of the effective date of the Agreement, and the City was not to withdraw the funds until one-hundred twenty (120) days after the effective date of the Agreement, or until the conclusion of any legal proceedings. The monies were placed in escrow and there were no legal proceedings initiated. Consequently, the funds were withdrawn from escrow and placed in a Moreno Valley Electric Utility revenue account in October 2006.

A second one million dollar ($1,000,000) payment for a Moreno Valley Electric Utility and/or other eligible City Capital Project is required at the time of recordation of the first residential subdivision map. A residential subdivision map has not been recorded yet.

Section 6.7 of the Agreement, provides that a main clubhouse of at least thirty-five thousand (35,000) square feet shall be provided with a construction cost of at least twenty million dollars ($20,000,000). On July 27, 2006, the Planning Commission approved a Conditional Use Permit for a clubhouse facility within Planning Area #5, which exceeded the criteria of the Agreement. Building plans for the clubhouse were submitted to the City for plan check in June 2006. The building permit for this plan check was voided in July 2009 at the request of the applicant following receipt of a written request to withdraw the building plans.

An application to amend the Conditional Use Permit for the clubhouse was submitted in 2007 in order to make minor changes to the clubhouse site plan. This application was subsequently withdrawn by the applicant.

Section 6.8 - State Route 60/Nason Street Interchange. An application will be necessary to intitiate formation of CFD #8 for the Nason Street interchange improvements. No appliction or correspondence has been received at this time.

No residential units have been constructed at this time. The development is no longer on the original schedule as noted in Exhibit "B" of the Development Agreement (Phase 1 was to be completed sometime in February 2008). The schedule identifies the intent of Highland Fairview at the time of the adoption of the Agreement and is not binding.

There are no outstanding obligations of the Agreement. Therefore, staff has determined that the property owner has complied in good faith with the terms, obligations and conditions of the Agreement.

ALTERNATIVES

1. Accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement. (Staff's recommendation.)

2. Reject the Annual Report based on evidence that the developer is in default. If the City Council elects to reject the Annual Report due to a default, written notice of the proposed termination or modification of the Development Agreement must be given describing the alleged nature of the default and suggested or potential actions and timing to cure the default, where applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of the Agenda.

ATTACHMENTS/EXHIBITS

Exhibit 1 – Letter/Annual Report from Highland Fairview Properties, dated April 5, 2010

Exhibit 2 – Aquabella Development Agreement

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Concurred By:
John C. Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074121

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.242.9180 Fax: 951.867.9165

April 5, 2010

RECEIVED
MAY 25 2010
CITY OF MORENO VALLEY

Mr. John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

SUBJECT: Aquabella Development Agreement – 2010 Annual Report

Dear Mr. Terell,

On December 13, 2005, the Aquabella Development Agreement was approved by the City of Moreno Valley (Ordinance #704). The Agreement was subsequently signed by the parties and recorded on February 16, 2006. Pursuant to Section 15 of the Agreement, an Annual Report is required to be prepared and submitted to the City demonstrating Highland Fairview's good-faith compliance with the terms of the Agreement. Section 15.2 of the Agreement requires that this Annual Report "describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review." This report provides the required information.

The continuing economic downturn and its direct impact on international, national and local financial markets continued to have a dramatic negative effect on the southern California residential market. Moreno Valley has been particularly hit hard with thousands of bank foreclosures plaguing the residential market. Unemployment in our area still hovers at over 15% having a tremendous negative impact on residential values, which are still below replacement cost. As a result, new residential development is not practical or viable in today's environment. Aquabella has not been immune to these market conditions. Grading operations at Aquabella were suspended in February 2008 and work on infrastructure design, permitting and construction was suspended in 2008-2009. The Aquabella project has moved into a maintenance mode for the property and the project entitlements.

GENERAL PROJECT STATUS

Pursuant to Section 2.1 of the Development Agreement, all project approvals for Aquabella remain in full force and effect throughout the duration of the Agreement. No project-specific actions are required on the part of the Developer or the City for this extended period of validity to apply to all project approvals.

A permit for the mass grading of the Aquabella site was issued by the City (Permit # MV-0826). To date, approximately 5,700,000 cubic yards of grading has been completed, representing approximately 56% of the permitted earthwork volume. Grading operations

EXHIBIT 1

were suspended in 2008. Since that time, Highland Fairview has undertaken a comprehensive program of property maintenance including full property fencing and signage, extensive erosion control, weed abatement in compliance with all applicable City regulations, and immediate refuse removal and site security. Highland Fairview has relinquished the above-referenced grading permit and the erosion control bond for the project site is scheduled to be exonerated by the City Council at its meeting on April 13, 2010. Highland Fairview also relinquished the Cooperative Agreement for Line F improvements.

A proposal to amend the Aquabella Specific Plan and the Development Agreement is underway in cooperation with the Riverside County Regional Medical Center located immediately north of Aquabella. The proposal would remove Planning Areas 1 and 2 (±72.6 acres north of Cactus Avenue) from the Specific Plan in order to facilitate development of a potential mixed-use project which would reinforce the County's long-range plan to create a major campus environment centered on the Regional Medical Center. The residential units in Planning Areas 1 and 2 will be re-allocated within Aquabella.

OBLIGATIONS OF MASTER DEVELOPER

The Agreement identifies specific actions required to be accomplished by the Master Developer. Following is a brief status update on each of these required actions:

Section 6.2 – Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Plan

The status of each of the improvements listed in Exhibit "B" is provided in the following chart which utilizes the format of Exhibit "B" as it appeared in the Development Agreement for clarity and convenience.

Phasing Improvement Details

Location	Direction	Improvement	Status
Nason St. from Iris to Delphinium	NB / SB	Widen to half-width (one lane per direction)	Plans on hold
Nason Street at Iris Avenue	I	Install traffic signal	Plans approved
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Plans on hold
Nason Street at Iris Avenue	EB	Construct one additional left turn lane	Plans approved
Nason Street at Iris Avenue	WB	Construct one left turn lane	Plans approved

Nason Avenue at Iris Avenue	WB	Construct one right turn lane	Plans approved
Nason Avenue at Dracaea Avenue	I	Install traffic signal	Complete
Location	**Direction**	**Improvement**	**Status**
Lasselle Street at Margaret Avenue	I	Install traffic signal	Not started
Nason Street at Fir Avenue	I	Install traffic signal	Complete
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Complete
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left turn lane	Complete
Nason Street at Fir Avenue	EB	Construct one left turn lane	Completed
Nason Street at Fir Avenue	WB	Construct one left turn lane	Completed
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Not started
Nason Street at Eucalyptus Avenue	I	Modify traffic signal	Completed
Nason Street at Eucalyptus Avenue	NB	Widen Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Completed
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Completed
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Completed
Delphinium Avenue		Traffic calming on Delphinium	Not started
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement phase signal timing)	Concept Report completed
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Concept Report completed
Lasselle Street at Gentian Avenue		Re-striping lane configuration/signal modification	Not started

Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Not started
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	On hold
Location	**Direction**	**Improvement**	**Status**
Clubhouse Drive at Cactus Avenue	NB	Construct one shared right turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	On hold
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	On hold
Cactus Ave from Lasselle to Nason	EB, WB	Widen to half-width (one lane per direction)	On hold
Nason Street from Cottonwood to Dracaea	NB	Construct one NB lane	Not started
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Not started
Nason Street at Delphinium Avenue	I	Modify traffic signal	Not started
Nason Street at Cactus Avenue	I	Modify traffic signal	Approved plan by others
Nason Street from Delphinium to Cactus	SB	Construct one SB lane	On hold
Nason Street from Brodiaea to Alessandro	SB	Construct one SB lane	Not started
Nason Street from Alessandro to Cottonwood	NB / SB	Construct one lane per direction	Not started
Cactus Avenue from Nason to Oliver	WB	Construct one WB lane	Not started
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Not started
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Not started
Morrison Street at Cactus Avenue	I	Install traffic signal	Not started
Oliver Street at Cactus Avenue	I	Modify traffic signal	Not started
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) signing striping	Not started
Oliver Street at Iris Avenue	I	Modify traffic signal	Not started

Oliver Street at Iris Avenue	SB	Construct one right turn lane	Not started
Iris Ave from Lasselle to Camino Flores		Modification of Median ($70 per LF)	Not started
Location	**Direction**	**Improvement**	**Status**
Iris Avenue		Coordination of traffic signals ($3500 per intersection)	Not started
Lasselle Street		Coordination of traffic signals ($3,500 per intersection)	Not started
Lasselle Street at Cactus Avenue	I	Modify traffic signal	Complete
Lasselle Street at Cactus Avenue	NB	Construct one free left turn lane	Complete
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Complete
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Not started
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Not started
Brodiaea Avenue from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Not started
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left turn in/out movements from apartment access	Not started
Lasselle Street at Apartment Access	I	Construct raised median to restrict left turn out movement from apartment access	Not started
Nason Street at Bay Avenue	I	Install traffic signal	Not started
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Brodiaea Avenue	I	Install traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane	Not started

Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Not started
Location	**Direction**	**Improvement**	**Status**
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Not started
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening and re-striping and signing for additional left turn lane	Not started
Cactus Avenue		Coordination of traffic signals on Cactus ($3,500 per intersections)	Not started
Nason Street at SR-60 WB ramps / Elder Avenue	I	Participate in interchange improvements through payment of TUMF program fees	Not started
Nason Street at SR-60 EB ramps	I	Participate in interchange improvements through payment of TUMF program fees	Not started

Section 6.3 – Moreno Valley Electric Utility and/or City Capital Project

A deposit in the amount of $1,000,000 was placed in escrow with the City of Moreno Valley in February 2006 and was released to the City in October 2006. No further activity is required on this item until a final tract map is recorded.

Section 6.4 – Covenants, Conditions and Restrictions (CC&Rs)

Drafts of a CC&R document for the Aquabella project have been through multiple reviews by the City. Prior to recordation of a development map, a final review by the City will occur and the CC&Rs will be recorded.

Section 6.5 – Operation and Maintenance of Common Areas by Master Developer

The entirety of the Aquabella property is currently being maintained by Highland Fairview. No "common area" exists within Aquabella as no property has been transferred to a homeowners' association. There has been no recent activity on this item.

Section 6.6 – Master Homeowners' Association (Master HOA)

Draft CC&R documents, including provisions for a Master Homeowners' Association, are addressed in Section 6.4 above.

Section 6.7 - Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail Systems

Plans for these facilities and programs are on hold. A Conditional Use Permit (CUP) for the Aquabella Clubhouse (City file # PA05-0188) was approved by the City on July 27, 2006. These plans were found to be consistent with the requirements of the Specific Plan and the Development Agreement. Per Section

2.1 of the Development Agreement these project approvals are valid for the duration of the Agreement.

Section 6.8 – State Route 60/Nason Street Interchange

Highland Fairview has discussed with the City the need for an SR60 corridor-wide implementation program for all remaining SR60 interchanges located in the City. These discussions are on-going.

Section 6.9 – Entry Statement

The concept for the Entry Statement was incorporated into the plans for the Aquabella Clubhouse, approved by the City on July 27, 2006 (CUP # 05-0188). See Section 6.7 above.

Section 6.10 – Perimeter Walls and Landscaping

A variety of project details, including walls and landscaping, are the subject of on-going discussions with City staff. These discussions have been on hold.

Section 6.11 – Age Restricted Project

Draft CC&R documents establishing the age-restricted nature of the Aquabella project were submitted to the City in October 2005. Discussions regarding this issue are on hold.

Section 6.12 – Master Design Guidelines

Master Design Guidelines for the Aquabella project are included in the Aquabella Specific Plan which was approved by the City of Moreno Valley on November 22, 2005 (Ord. 703).

Highland Fairview continues to closely monitor the status of the local housing market and future actions will be predicated on responding to opportunities to capture market advantages as they arise.

Please review this Annual Report at your convenience and contact me if you have any questions or need any additional information.

Sincerely,

Iddo Benzeevi
President

cc: City Council
Planning Commission
City Manager

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MV00074129

ORDINANCE NO. 704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE AQUABELLA DEVELOPMENT AGREEMENT (PA04-0005) FOR 685 ACRES OF LAND WITHIN THE AQUABELLA SPECIFIC PLAN, GENERALLY LOCATED BETWEEN BRODIAEA AND IRIS AVENUES, AND BETWEEN LASSELLE AND OLIVER STREETS

The City Council of the City of Moreno Valley, California, does ordain as follows:

SECTION 1 GENERAL:

1.1 Highland Fairview Properties filed Application PA04-0005, a development agreement for 685 acres of the AquaBella Specific Plan (Specific Plan No. 218, as amended) as described in the title of this ordinance.

1.2 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.3 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.4 Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council during the meeting on November 22, 2005 including written and oral staff reports and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and providing additional provisions for implementation of the entitlements will further support the project's

EXHIBIT 2

implementation which is compatible with the goals, objectives, policies, and programs of the General Plan.

3. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity.

4. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding area. Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 3.

4.1 Based on the Findings contained in Section 2 of this ordinance, the development agreement entitled "AquaBella Development Agreement" is hereby approved between the City of Moreno Valley and Moreno Valley Properties, LLC. A copy of said Development Agreement, Exhibit A, is attached hereto and incorporated herein by this reference.

SECTION 4.

2.1 Provided all other conditions precedent to the execution thereof have been satisfied, the agreement may be executed on behalf of the City at any time after this Ordinance becomes effective.

SECTION 5.

1.1 Within ten (10) days after the City enters into the agreement, the City Clerk of the City of Moreno Valley shall have a copy of the agreement recorded in the office of the County Recorder for the County of Riverside, which shall describe the land subject

thereto.

SECTION 6 EFFECT OF ENACTMENT:

6.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 7 NOTICE OF ADOPTION:

7.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 8 EFFECTIVE DATE:

8.1 This ordinance shall take effect thirty days after the date of its adoption.

[INTENTIONALLY LEFT BLANK]

APPROVED AND ADOPTED this 13 day of December, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, ALICE REED, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 704 had its first reading on November 22, 2005 and had its second reading on December 13, 2005, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 13th day of December, 2005 by the following vote:

AYES: Council Members Batey, West, White, Mayor Pro Tem Flickinger and Mayor Stewart

NOES: None

ABSENT: None

ABSTAIN: None

Alice Reed

CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

AQUABELLA DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO

January 12, 2006

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 12th day of January, 2006 (the "Effective Date"), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the "Master Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Master Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises approximately six hundred eighty-five (685) acres (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Master Developer includes certain key Principals and personnel who are sophisticated and experienced real estate developers with substantial experience in the development and management of high quality residential neighborhoods.

E. The City, on September 20, 1988, adopted Resolution No. 88-75 approving the Moreno Valley General Plan (the "General Plan").

F. The City, on February 23, 1999, introduced Ordinance No. 548 approving Specific Plan 218, and adopted Resolution No. 99-13, approving a General Plan Amendment (GPA 1) and certifying the Final Environmental Impact Report, including findings and a statement of overriding considerations relating to the Specific Plan and findings of consistency with the General Plan, and approved mitigation measures for the Specific Plan (together, the "EIR"). On March 9, 1999, the City adopted Ordinance No. 548, approving Specific Plan 218 and related conditions of approval (the "Specific Plan").

G. The City, on May 27, 2003, approved the Supplemental EIR adopted by Resolution No. 2003-38 supporting the aforementioned entitlements for the Property.

H. The City, on November 22, 2005, adopted Ordinance No. 703, amending Specific Plan 218 and related conditions of approval ("SPA"); Resolution No. 2004-11, approving General Plan Amendment No. PA04-0070 (the "GPA 2"); and Resolutions No. 2004-11 and 2004-12, and Ordinance No. 703 approving an addendum to the certified EIR and Supplemental EIR (the "Addendum").

I. The Master Developer intends to make application to the City for one or more subdivision maps (the "Map" or the "Maps").

J. The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, and the Addendum to the EIR as heretofore approved, and the Maps which collectively comprise the "Project Approvals," are incorporated herein by this reference. The Master Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the "Project."

K. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 6 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

L. The City Council, on November 22, 2005, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and by its introduction of Ordinance No. 704, and approved this Agreement by its adoption Of Ordinance No. 704 on December 13, 2005. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

M. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an upscale, high-quality active adult community; (v) will encourage the development of the Project by providing a reasonable level of certainty to the Master Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1. DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Amended Specific Plan" means Specific Plan 218 as amended by the Specific Plan Amendment (SPA).

1.3 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.4 "Builder" means a merchant homebuilder who has or may acquire portions of the Property consistent with this Agreement for purposes of constructing residential housing units, but to whom no direct Assignment, in whole or in part, of this Agreement has been made.

1.5 "Circulation Phasing Improvement Program" means the City approved plan for the phasing of public traffic circulation improvements for the Project addressed in Section 6.2, below and attached hereto and incorporated herein as Exhibit "B".

1.6 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.7 "City Council" means the City Council of the City of Moreno Valley.

1.8 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.9 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the

Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.10 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by City in connection with development of the Property including, but not limited to:

1.10.1.1 The City's General Plan and amendments thereto;

1.10.1.2 Specific Plans and Amendments;

1.10.1.3 Planning Area Development Implementation Plans;

1.10.1.4 Tentative and final subdivision and parcel maps;

1.10.1.5 Conditional use permits, variances, site plot plans;

1.10.1.6 Zoning amendments;

1.11 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement.

1.12 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.13 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.14 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.15 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.16 "Homeowners' Association" (HOA) shall mean a master association of homeowners, and any associations of homeowners subsidiary to the master association, in the Project area organized and existing pursuant to the laws of the State of California for the purposes stated in the association's articles of incorporation and/or bylaws to provide, operate and maintain common or community facilities for the enjoyment of the Project's residents to include at a minimum streets, curbs, gutters, sidewalks, street lighting, signage, drainage and flood control facilities, any other private supporting infrastructure, landscaping, walls, lakes, the Main Clubhouse and its amenities, and other recreational facilities throughout the Project, including, but not limited to, community buildings and amenities, private parks, trails, and greenbelts.

1.17 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.17.1 The conduct of businesses, professions, and occupations;

1.17.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.17.3 The control and abatement of nuisances;

1.17.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.17.5 The exercise of the power of eminent domain.

1.18 "Master Design Guidelines" means the overall vision of the thematic and qualitative characteristics for the Project, as mutually agreed upon by the Master Developer and City and memorialized in the SPA and elsewhere in the Project Approvals. Subsequent Development Approvals shall be consistent with the Master Design Guidelines.

1.19 "Master Developer" means MORENO VALLEY PROPERTIES, LP, any City approved Assignee or successor in interest to MORENO VALLEY PROPERTIES, LP, and/or any City approved Assignee or successor in interest to the obligations of the Master Developer set forth in Section 6 of this Agreement.

1.20 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, Master Developer, or both, and as well as such entities' successors and assigns.

1.21 "Planning Area Development Implementation Plan" ("PADIP") means a development plan for the implementation of defined areas within the SPA. The PADIP will include: a detailed architectural and landscaping theme consistent with the Master Design Guidelines; infrastructure and common area improvements to support a self-sustaining development; and the requirements established through the Project Approvals and Development Approvals.

1.22 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.23 "Project" means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to six hundred eighty-five (685) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The 685 acres will be developed as a gated age-restricted community with common amenities to be maintained by one or more Homeowner's Association(s). The Project contemplates a maximum of two thousand nine hundred twenty-two (2922) dwelling units and other uses as defined in the Project Approvals, with the exception of two hundred twenty (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.

1.24 "Project Approvals" means The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, the Addendum EIR and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.25 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.26 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.27 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2. GENERAL PROVISIONS

2.1 Duration of Project Approvals. The Project Approvals shall remain valid and in effect for the entire term of this Agreement, and the City shall take no action to rescind, revise or otherwise modify the Project Approvals, except with the prior written consent or upon the request of the Master Developer (provided that such request shall not obligate the City to rescind, revise or otherwise modify the Project Approvals or this Agreement). Other than for modifications of this Development Agreement, the City's General Plan as applied to the Project, the GPA and GPA2, the Specific Plan and the SPA, individual Builders or property owners may apply for modification of the Project Approvals applicable to their own land without consent or approval of other parties holding interests in the Project, provided that any such modification does not materially affect other land or obligations of any party under this Agreement or the Project Approvals. Individual Builders or property owners may apply for modification of the Development Agreement, the General Plan and the Specific Plan only with the consent of the Master Developer and all approved Assignees of the Master Developer. Nothing in this Agreement shall be interpreted to supersede or conflict with any applicable State or Federal law, rule or regulation pertaining to any specific Project Approval.

2.2 Duration of Permits. Permits issued for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such permit.

2.3 Term of Agreement.

2.3.1 Normal Term. The Term of this Agreement shall commence on the Effective Date of the ordinance approving this Agreement (the "Effective Date"), and shall extend for a period of ten (10) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.3.2 Extension. The ten-year Term of this Agreement may be extended three times. Each extension shall be separately considered by the City according to the provisions in this Agreement. Each extension shall be for a maximum of five (5) years. An extension of the Term of this Agreement shall be upon the same terms and conditions contained in this Agreement and any modifications thereto.

2.3.3 Extension Application. Master Developer shall submit its application for an extension of this Agreement no later than six (6) months prior to its expiration. City may, at its sole discretion, accept a late application for an extension of this Agreement, but under no circumstances shall the City be

obligated by law or in equity to accept or consider an application for extension of this Agreement after the date of expiration of its then current Term.

2.3.4 Extension Granted. Each of the five (5) year extensions of the Term of this Agreement provided for in Subsection 2.3.2 above shall be granted upon determination by the City of the following:

2.3.4.1 All obligations of the Master Developer under Section 6 of this Agreement have been or are being completed in conformance with the standards and timing required by this Agreement, the Circulation Phasing Improvement Program, (Exhibit "B" to this Agreement which is incorporated herein by this reference), and the Project Approvals.

2.3.4.2 The architecture, construction and amenities of the portions of the Project that have been completed meet the standards set forth in Section 6.12 of this Agreement, the related Project Approvals and the Master Design Guidelines.

2.3.4.3 For purposes of determining consistency with the Master Design Guidelines, approval of discrete portions of the Project in the normal course of development by the appropriate entity (e.g. Planning Commission) and certification of passing the City final inspection shall satisfy this requirement.

2.3.4.4 The Master Developer has completed to the reasonable satisfaction of the City Engineer, and offered for dedication, that portion of the public infrastructure set forth in the Circulation Phasing Improvement Program (Exhibit "B") required for each extension as follows:

2.3.4.4.1 Prior to the granting of the first extension, all improvements listed as Phase 1.

2.3.4.4.2 Prior to the granting of the second extension, all improvements listed as Phase 2.

2.3.4.4.3 Prior to the granting of the third extension, all improvements listed as Phase 3.

2.3.4.5 The Master Developer has not abandoned the Project. If the Master Developer has abandoned the Project as set forth herein, this Agreement shall be deemed automatically terminated and of no further force and effect. The Master Developer shall be deemed to have abandoned the Project if any of the following occur at any time:

2.3.4.5.1 The Master Developer is dissolved or has filed a voluntary petition for dissolution in bankruptcy or been adjudicated bankrupt in an involuntary dissolution proceeding. Provided however, that if a voluntary petition for dissolution is filed and the affected Mortgagee notifies the City in writing within thirty-five (35) days of service of notice of the petition to the

Mortgagee as shown in the bankruptcy court's records that the Mortgagee intends to pursue possession of the Property and assumption of this Agreement and thereafter diligently pursues such rights, the Master Developer shall not be deemed to have abandoned the Project.

2.3.4.5.2 The Master Developer notifies the City in writing that it no longer intends to pursue development of the Project.

2.3.4.5.3 The Master Developer has not submitted public improvement agreements, construction plans and required security for public improvements, all in form and substance reasonably acceptable to the City using its normal review processes, for all public improvements required hereinabove for each extension at least two years prior to the expiration of the then current Term of this Agreement.

2.3.4.5.4 Abandonment of the Project shall be a material breach of this Agreement.

2.3.4.6 There are no outstanding material breaches of this Agreement, or material defaults under the Project Approvals, public improvement agreements or bonds issued in connection with the Property or Project which are not being diligently cured within any time permitted for such cure under the applicable document. Approval of any extension may be withheld under this provision until such cure is completed within the allotted cure period. The City's ability to grant an extension of the term of this Agreement shall not terminate during the pendency of such cure period so long as the Master Developer, or its City approved Assignee, is taking reasonable steps to effect such cure to the reasonable satisfaction of the City Manager.

2.3.4.7 For purposes of considering an extension of the term of this Agreement, the estoppel and waiver provisions of Section 15 (Subsections 15.6 and 15.7) shall apply.

2.3.5 Maximum Term. If the granting of an extension of the term of this Agreement occurs after the expiration of the Term of this Agreement, or any prior extension thereof, the extension of five (5) years shall be reduced by the total number of days that have elapsed after the original date of expiration of Term. Except as otherwise specifically allowed herein, this Agreement, shall not be effective for more than twenty-five (25) years from its Effective Date.

2.3.6 Termination Upon Completion.

2.3.6.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public

improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.3.6.2 Similarly, where all such conditions have been satisfied with respect to any Planning Area designated in the Specific Plan, provided that all fees have been paid or credited and provided that the Master Developer obligations required by that time have been completed as set forth in Section 6 of this Agreement and the Project Approvals, then the Master Developer may make a written request, and the City Manager shall review and act upon the written request, to terminate this Agreement as to the affected Planning Area. The City Manager shall act upon said request within thirty (30) days of receipt. If the request is not granted, the City Manager shall specify in writing all reasons for denying the request.

2.3.6.3 For purposes of Termination Upon Completion hereunder, "total build-out" shall mean the completion of all construction in the Project, or in any Planning Area of the Project, of all buildings, structures, infrastructure, improvements, landscaping and associated amenities contemplated, required or permitted by the Specific Plan, all other infrastructure required by this Agreement or the Project Approvals, and performance by the Master Developer and the City of all of their respective obligations hereunder.

2.3.6.4 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.4 Binding Effect of Agreement.

2.4.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.4.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3. PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. Master Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. Master Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and conditions of development of the Project shall be those set forth in the Project Approvals. Except as specifically provided for in the Project Approvals and/or this Agreement, the Project shall be developed and maintained as an age-restricted active adult community as more fully set forth in Section 6.8.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Master Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that Master Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of Master Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that Master Developer shall have the right to develop the Property in such order and at such rate and at such time as Master Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals. Master Developer expects to accomplish street and traffic signal improvements in conformity with the Circulation Phasing Improvement Program (Exhibit "B").

SECTION 4. RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent

Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide Master Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided,

however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5. PUBLIC FINANCING

5.1 The Master Developer is not obligated to request public financing. However, if Master Developer does request the initiation of proceedings to form a community facilities district, benefit assessment district, community services district or other similar public financing mechanism (hereinafter individually, alternatively and/or collectively referred to as "Public Financing District"), Master Developer agrees that it will make application first and solely to the City, and the City agrees to accept and consider such application according to the City's ordinances, resolutions, standards and practices generally applied to Public Financing District applications throughout the City including, without limitation, the City's Special Districts Financing Policy. If the City declines to provide such public financing, then the Master Developer may elect to initiate proceedings for public financing through any other public agency.

5.2 Consistent with Section 5.1 above, the City agrees to consider the initiation of proceedings for the establishment of one or more Public Financing Districts upon receipt of a completed written application by Master Developer. The Master Developer agrees to cast its votes in favor of, and/or to refrain from protesting the formation of, any such Public Financing District which the Master Developer has requested the City to initiate and to pay City's costs and expenses, and an issuer's fee to be established by City, in connection with each issuer. The Master Developer agrees and acknowledges that it will only support and participate in Public Financing Districts undertaken by the City (or one of City's subsidiary or affiliated entities), unless and until the City declines to provide such public financing.

5.3 If a Community Facilities District is formed at the request of the Master Developer, the proceeds from such financing shall be used as follows:

5.3.1 As first priority: public streets and traffic signals, City electric utility or other City capital project referred to in Section 6.3 below, and Riverside County Transportation Uniform Mitigation Fees (TUMF) paid by the Project to the extent they are allowed by Western Regional Council of Governments (WRCOG) and any other agency having jurisdiction thereof to be dedicated to State Route 60/Nason Street interchange improvements (including any improvements on Nason Street associated with or required as part of such interchange improvements);

5.3.2 As second priority: water and sewer infrastructure construction; and

5.3.3 As last priority: City DIF, but only to the extent such DIF is not subject to credit or reimbursement. The priority among City DIF shall be subject to City approval.

SECTION 6. OBLIGATIONS OF AND CONTRIBUTIONS BY MASTER DEVELOPER

6.1 Acknowledgement. The Master Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Master Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process, including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Master Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Master Developer shall provide to City the public benefits set forth herein.

6.2 Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Program. Master Developer agrees to build all required public street and traffic signal improvements in accordance with the Circulation Phasing Improvement Program (Exhibit "B"). The parties acknowledge, and a traffic phasing study has confirmed, that the improvements listed on Exhibit "B" exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

6.3 Moreno Valley Electric Utility and/or City Capital Project. Master Developer agrees to pay two million dollars ($2,000,000) to the City. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility at the sole discretion of the City. Said payment is in addition to any other obligation the Master Developer may incur as a condition of approval, or otherwise, for the Project, or any portion thereof, concerning the Moreno Valley Electric Utility. Payment of this first one million dollars ($1,000,000) shall be made within thirty (30) days of the Effective Date of this Agreement; provided, however, that said payment shall be placed in escrow in an interest bearing account, with interest payable to City, and City agrees not to withdraw the money until one hundred twenty (120) days after the Effective Date of this Agreement, or the conclusion of any legal proceedings challenging the validity of this Agreement or Project Approvals, whichever occurs later. Should any legal proceedings challenging the validity of this Agreement or the Project Approvals result in the invalidation of this Agreement or the Project Approvals and the decision of the

Master Developer to not proceed with the Project, all sums within the escrow account shall be returned by the escrow company to Master Developer within ten (10) calendar days of any court ruling invalidating this Agreement. The second one million dollar ($1,000,000) payment shall be for a Moreno Valley Electric Utility and/or other City Capital Project that is eligible for inclusion in, or reimbursement from, a Community Facilities District as provided for in Section 5 of this Agreement. This second payment of one million dollars ($1,000,000) to City shall occur at the time of recordation of the first (1st) residential subdivision map.

6.4 Covenants, Conditions and Restrictions (CC&Rs).

6.4.1 The Master Developer shall prepare CC&Rs for all Property within the Project to be recorded in the Riverside County Recorder's Office and made to run with the land.

6.4.2 Prior to recordation, the Master Developer shall submit the proposed CC&Rs to the City for review, approval and consent to record. The Master Developer shall not record any CC&Rs unless and until it has received City's consent thereto in writing. The City shall have the right to review, approve and consent to the recording of any amendments to the CC&Rs and Master Developer shall not record any amendments to the CC&Rs prior to obtaining the City's consent thereto in writing. The City shall not unreasonably withhold such consent and shall act upon any request for its consent within thirty (30) days of its receipt of the request and all information reasonably needed to make such a determination. It is understood that the City's interest in the CC&Rs is to protect the public interest, including, without limitation, assuring that common areas and facilities are properly maintained for protection of surrounding properties, protection of City facilities from impacts purportedly mitigated by private amenities (including those recreational amenities for which DIF credits have been provided), and protection from City liability or cost for water quality or other environmental impacts of the Project. Therefore, the reasonableness of the City's review and consent or denial of consent to any amendments shall be construed in light of the public interest, but review of any City decision hereunder shall be given the normal deference given to public agencies in determining the public interest.

6.4.3 The City shall be a named third party beneficiary pursuant to California Civil Code Section 1559 of all recorded CC&Rs, and any amendments thereto, with a separate and independent right, but not the obligation, to enforce the CC&Rs. This right of enforcement is in addition to all other legal and equitable remedies available to the City.

6.5 Operation and Maintenance of Common Areas by Master Developer.

6.5.1 The Master Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. Master Developer shall operate and maintain all common area facilities including, but not limited to, the Main Clubhouse facilities and the lake system, during the course of construction of the Project and until such time as a Master Homeowner's Association (Master HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the Master HOA (hereinafter referred to as the "Transfer Date").

6.5.2 The Master Developer shall maintain a dedicated funding source in an amount reasonably acceptable to the City Manager for the operation and maintenance of all common area facilities during the course of construction of the Project and until the Transfer Date.

6.5.3 The Master Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until a Master HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the Master HOA. Upon the Transfer Date, the Master HOA shall have the obligations described below.

6.6 Master Homeowners' Association (Master HOA).

6.6.1 The Master Developer shall form and capitalize a Master HOA for the Project. The Master HOA shall, at a minimum, have the responsibility and legal obligation to operate and maintain all common area facilities in the Project or on the Property which have been legally conveyed to and accepted by the Master HOA.

6.6.2 Until the Transfer Date, the Master Developer shall remain legally liable and responsible for the operation and maintenance of all common area facilities in the Project or on the Property. The Master Developer shall not transfer any common facilities to the Master HOA unless and until a budget approved by the California Department of Real Estate (DRE) provides for either the levy of assessments which will be adequate to fund all of the costs of operation, maintenance, repair and reserves for the common area facilities, or financial assurances deemed adequate by the DRE are posted in accordance with the regulations of the DRE. In connection with the governance of the Master HOA, the Master Developer shall, unless otherwise prevented from doing so by a court order or judgment, exercise its rights provided under Title 10 of the California Code of Regulations to appoint a majority of the Board for so long as permitted under the Master CC&Rs. As members of the Board, the Master Developer shall comply with the requirements established under the Common

Interest Development Act for preparation of budgets, the establishment of reserves and collection of assessments.

6.6.3 The CC&Rs shall require the Master HOA, upon request by the City, to provide all documentation reasonably requested by the City regarding the budgets and financial condition of the Master HOA. The City may utilize expert consultants to analyze and opine on the submitted documentation as necessary in the City's sole discretion to determine whether the Master HOA is adequately financed. The Master HOA shall bear all costs for any and all expert consultants utilized by the City in making this determination. The City shall make such determination according to accepted principles for HOA capitalization, operation and maintenance of the types and kinds of common area facilities for the Project, including any necessary reserves.

6.6.4 The CC&Rs shall include a provision which states that, if the City determines that the Master HOA has failed to maintain the common area facilities in accordance with the requirements of this Agreement and the Project Approvals, and as necessary to protect the public health, safety and general welfare, the City shall have the right, but not the obligation, to notify the Master HOA in writing of such maintenance deficiency. If within thirty (30) days after the Master HOA receives the notice from the City, the Master HOA fails to (i) correct such maintenance deficiency, or (ii) if such maintenance deficiency is of a type that cannot reasonably be corrected within thirty (30) days, fails to commence such maintenance correction and diligently pursue such correction to completion, the City may, but is not obligated to, enter onto the Property to perform all corrective maintenance at the expense of the Master HOA. All costs incurred by the City in connection with performing corrective maintenance as provided herein shall be paid for as common expenses out of the Master HOA maintenance funds as provided in the Master HOA Documentation, and if requested by the City to do so, the Master HOA shall levy a supplemental annual assessment against all Property owners or Properties in the Project area as an emergency assessment.

6.7 Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail System.

6.7.1 Master Developer is developing the Project as an age-restricted, active adult Project. Master Developer represents it will build a Main Clubhouse of at least thirty-five thousand (35,000) square feet during phase one of the Project with a total construction cost of not less than twenty million dollars ($20,000,000.00), including the cost of furniture, fixtures and equipment, but not including the value of the real property. Master Developer represents that Main Clubhouse amenities will include a swimming pool, tennis courts, and a spa/Jacuzzi. Master Developer also represents that active programming for Project residents will be provided in conjunction with the Main Clubhouse facilities. Based upon the needs and desires of the residents, such programming may include a staff activities director, exercise programs (e.g., yoga, aerobics,

pilates, etc.), aquatic exercise programs, tennis league and instruction, diet and nutrition programs, walking club, dance program/club, writing program/club, book club, education programs (e.g., computer classes, poetry, literature, etc.), games programs, arts and crafts programs, garden club, organized trips/excursions, and speaker series (current events, topics of the day, etc.). Master Developer also represents it will provide other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing. The standards for these other recreational facilities and amenities, including timing, acreage, number, types and quality of amenities and facilities, etc. shall be fully set forth in the SPA and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the PADIPs. The Developer's right to the credits set forth in this Agreement for park land and facilities shall be subject to the Master Developer's providing all such recreational facilities and amenities in accordance with the standards and requirements of the SPA.

6.7.2 The Project's Master HOA documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities and provision of appropriate programming and activities.

6.7.3 Master Developer agrees that it will commence construction of the Main Clubhouse prior to issuance of the one hundredth (100th) building permit issued anywhere in the Project, and complete construction prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Master Developer agrees that the construction cost of the Main Clubhouse and its amenities shall be at least twenty million dollars ($20,000,000), inclusive of furniture, fixtures and equipment, but exclusive of the value of the underlying real property.

6.7.4 Master Developer agrees to provide the recreational facilities, amenities and programming stated hereinabove to residents of the Project according to the Project Approvals and this Agreement. Master Developer agrees to comply with the Project Approvals pertaining to the other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing.

6.7.5 Master Developer agrees to provide legal and equitable assurance in the form of Master HOA documentation, CC&Rs, bonds, letters of credit, or other legally enforceable instruments to guarantee that the herein described facilities, amenities and programs will be constructed and perpetually maintained in a manner that meets or exceeds the City's standards for its own parks and facilities, and that recreational programs and amenities will be perpetually provided.

6.7.6 Master Developer agrees to, and shall ensure through Master HOA documentation that the Master HOA shall provide eight (8) days

annually, not more than two (2) of which shall be weekend days, for the Term of this Agreement, and any extension thereof, for non-exclusive use of the Main Clubhouse by the City, which dates are to be agreed upon in writing by the Parties each year. Master Developer or the Master HOA shall respond to the City's request for scheduled days within 30 days of receipt. The City's rights to such days of usage shall not be waived by failure to use or request any or all such days. All costs of such events other than use of the facility (e.g., insurance liability coverage, set-up and clean-up, food, food preparation and service, etc.) shall be born by City. In the event that this provision is found to be in conflict with any regulation of such private facilities by the California Department of Real Estate, or its inclusion would result in conditions or application of regulations that would significantly and unduly burden the Project, the parties shall meet and confer and agree to a different consideration to the City reasonably acceptable to the City and which provides similar public benefits.

6.8 State Route 60/Nason Street Interchange. Master Developer agrees to use its best efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having jurisdiction or authority to dedicate and use the Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

6.9 Entry Statement. Master Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a distinctive and quality entry statement reasonably acceptable to City, which may include arches or other structures, walls, landscaping, decorative pavement, street design and streetscape elements, water features and/or other design elements. Such entry statement shall be located at the Project's main entry on Nason Street. The SPA shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of the one hundredth (100th) and be completed prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Further, the Master HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

6.10 Perimeter Walls and Landscaping. Master Developer agrees to construct perimeter walls and landscaping consistent with the SPA and Project Approvals and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping by the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. It is acknowledged that such walls will be constructed with various phases and maps

and that security for each section of perimeter wall will be provided as appropriate with PADIPs, maps and/or other subsequent approvals.

6.11 Age Restricted Project. The Project is designed and conditioned to be an age restricted community requiring ownership and occupancy by adults aged 55 and over pursuant to State and Federal law. This age restriction is a material inducement for the City to enter into this Agreement. The parties acknowledge that, absent such age restriction, certain environmental and public facility impacts of the Project would far exceed those shown in the studies upon which the Project Approvals are predicated. A removal of, or failure to effectively enforce, the age restrictions would result in significant impacts to the surrounding community including, but not limited to, traffic, noise, air quality, excessive usage of public buildings, facilities and parks, and school overcrowding. Therefore, the Master Developer shall cause to be recorded Covenants, Conditions and Restrictions ("CC&Rs") applying such age restriction to the entire Property, with the exception of the Planning Area designated as apartment units located outside the private, gated community. Should the City and Master Developer determine that the apartments should also be age restricted, or that apartments are an inappropriate use for that Planning Area, nothing herein shall preclude application of the age restriction to that Planning Area as well. The age restriction in the CC&Rs shall be for a period of not less than fifty (50) years. The CC&Rs shall provide the City with a separate and independent right of enforcement as to each Property in the Project and shall run with the land. The age restriction in the CC&Rs shall be in form and substance reasonably acceptable to the City Manager and City Attorney, as well as the DRE.

6.12 Master Design Guidelines. The Master Developer has represented to the City its intent to build an upscale Project with quality of architecture, construction and amenities substantially higher than those normally built in the City or required by City rules and standards. This representation is a major consideration for the City's willingness to enter into this Agreement. An upscale development will provide public benefit to the community by attracting business owners and executives who are seeking an active adult lifestyle and who may relocate their businesses and attendant jobs to the City. Further, an upscale project environment could raise property values and enhance the image and aesthetics of the City. The Parties therefore agree that the Project will be subject to a set of guidelines (the "Master Design Guidelines") that will assure the targeted quality while providing reasonable flexibility to the Developer to address market conditions related to architectural style. The Master Design Guidelines shall be subject to the approval of the City and shall be incorporated into the SPA. Once so approved and incorporated, they shall be incorporated by this reference into this Agreement. This Agreement will be interpreted to be consistent with these twin goals of upscale quality and reasonable flexibility.

6.13 Nexus/Reasonable Relationship Challenges. The Master Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements,

exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals, the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of Master Developer's right to challenge future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Master Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

6.14 Cooperation By Master Developer. Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

6.15 Other Governmental Permits. Master Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

6.16 Reimbursement For City's Efforts On Behalf Of Master Developer. To the extent that City, on behalf of the Master Developer, attempts to enter into binding agreements with other entities in order to assure the availability of certain permits and approvals or services necessary for development of the Project as described in this Agreement, Master Developer shall reimburse City for all costs, expenses and fully burdened staff time incurred in connection with seeking and entering into any such agreement. Any fees, assessments or other amounts payable by City pursuant to any such agreement described herein shall be borne by Master Developer except where Master Developer has notified City in writing, prior to City committing to enter into such agreement, that it does not desire for City to execute such agreement.

6.17 Defense, Indemnity, and Reimbursement For Multi-Agency Agreements. Master Developer shall defend, indemnify and reimburse City for any costs and expenses incurred by City in enforcing, executing, carrying out or defending any multi-agency agreement entered into on Master Developer's behalf.

6.18 Prevailing Wage. The Master Developer acknowledges that provisions of this Agreement, including without limitation, allowance of fee credits or caps, provision of public financing, and any other benefit to the Master

Developer, may cause the Project or portions thereof to become subject to prevailing wage and/or public contract bidding requirements under existing or future state or federal law and/or court decisions. The Master Developer acknowledges that the City has made no representations as to the applicability or non-applicability of such requirements to the Project. The Master Developer hereby assumes any and all responsibility for such determinations and any all risk and responsibility related thereto. Master Developer hereby expressly indemnifies, defends and holds City harmless from any cost, claim or liability related to prevailing wage or public bidding requirements for any public work related to the Project that the Master Developer, Assignee Developer or Builder is conditioned and/or agrees to provide.

6.19 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 7 OBLIGATIONS OF CITY

7.1 Processing. Upon satisfactory completion by Master Developer of all required preliminary actions and payments of appropriate processing fees, City shall promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Master Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

7.1.1 The holding of all required public hearings; and

7.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

7.2 Regional Traffic Improvements. The City agrees to cooperate with and support Master Developer in its efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having authority to dedicate and use the

Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

7.3 Improvement Security. Subdivision improvement security posted by the Master Developer, Assignee Developer or Builder pursuant to the requirements of the Subdivision Map Act shall be released by the City in accordance with Government Code section 66499.7. The City agrees to provide for partial release of security pursuant to the provisions of subdivision (a) of section 66499.7.

SECTION 8 FEES, FEE CREDITS AND REIMBURSEMENT

8.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

8.2 Processing Fees. The Master Developer, Assignee Developer or Builder shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval subject to the following adjustments:

8.2.1 Expedited Development Services. The City acknowledges Master Developer's intention to expedite the development of the Project. City agrees to cooperate with Master Developer in developing specific timeframes for City review and processing of particular submittals by Master Developer. When Master Developer desires to receive a higher level of service than is ordinarily available through existing budgeted staffing and consulting resources, City agrees to expeditiously negotiate and enter into specific written agreements with Master Developer that provide for Project-dedicated development services working under the direction of the City, including, but not limited to: Project management, transportation planning, land use planning, land development, Project inspections and legal services. It is agreed that the Master Developer shall be responsible for the full cost of the higher service levels, with the specific details to be addressed in each such written agreement.

8.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Master Developer, Assignee Developer or Builder shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development

agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are credits and exemptions against otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

8.3.1 DIF Exemption – Circulation Improvements. A comprehensive Traffic Study and Phasing Study evaluated the improvements necessary to fully mitigate the Project's impacts on offsite circulation. The Circulation Phasing Improvement Program (Exhibit "B"), defines a comprehensive package of improvements which exceeds those minimum mitigation obligations, both in scope and timing. Additionally, the City has confirmed that the improvements identified in Exhibit "B" exceed the traffic-related DIF for which the Project otherwise would be liable. Accordingly, the Project is exempted from the arterial street fees, traffic signal fees, City interchange fees, and any other future DIF enacted by the City for City circulation improvements. Failure to comply with the following shall constitute a material breach of this Agreement:

8.3.1.1 Prior to the issuance of the first residential building permit for any phase identified in the Circulation Phasing Improvement Program (Exhibit "B"), and/or the Project Approvals, the Master Developer shall:

8.3.1.1.1 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City for construction of all such improvements for that phase; and

8.3.1.1.2 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City securing all labor, materials, and Master Developer's performance of all obligations for construction of such improvements for that phase; and

8.3.1.1.3 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

8.3.1.2 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

8.3.2 DIF Credit – Parks. The Master Developer, Assignee Developer or Builder shall not receive any Park DIF credit for the Planning Areas or portions thereof in the Project or on the Property that are not age restricted and/or not included in the private, gated community and shall pay one hundred percent (100%) of the Park DIF when due. Contingent upon the Master Developer complying with Section 6.7 of this Agreement, the Master Developer

will become eligible to receive a DIF credit of not more than eighty-seven and one-half percent (87.5%) of the otherwise payable park land (Quimby) and park improvements DIF, and a credit of one hundred percent (100%) for community center DIF for the age restricted portion only of the Project on a per unit, pro rata basis. Said credits shall be contingent upon the Master Developer constructing and completing all clubhouse and park facilities and providing all amenities identified in Section 6.7 of this Agreement and as conditioned in the Project Approvals. Said credits for Park DIF shall be the Master Developer's sole entitlement under this Section. The Master Developer will become eligible for the Park DIF credit upon satisfaction to the City Manager that Master Developer has constructed and completed the identified clubhouse and park facilities and is providing the identified amenities for the Planning Area or portion thereof conditioned for those facilities and amenities. The portion of park land, park improvement, and community/recreation center DIF subject to credit under this Agreement for a Planning Area or portion thereof shall be deferred for collection by the City until the completion of that Planning Area, Tract or other portion thereof, but only if bonds, letters of credit or other security for the full amount of the fee subject to the credit is delivered to the City in form and substance and from a surety reasonably acceptable to the City. The Park DIF amount not subject to such credit is payable by the Master Developer, City approved Assignee Developer or Builder, as appropriate, when due. This Park DIF credit is contingent upon the Master Developer completing all clubhouse and park and recreation facilities and amenities no later than the end of construction of the Planning Area or portion thereof conditioned for that improvement. If the clubhouse and park and recreation facilities and/or amenities for the conditioned Planning Area or portion thereof are not constructed and completed prior to the end of construction of the Planning Area or portion thereof conditioned for said improvement, the Master Developer shall not be entitled to any Park DIF credit for that Planning Area or portion thereof and shall pay the full amount of Park DIF for that Planning Area or portion thereof within thirty (30) days of the final inspection of the last unit in that Planning Area or portion thereof. If Master Developer fails to pay such Park DIF when due, City shall have the right, but not the obligation, to draw upon the security posted for such fees to assure payment to the City of one hundred percent (100%) of the Park DIF for the conditioned Planning Area or portion thereof.

SECTION 9 ASSIGNMENT

9.1 Acknowledgement. Master Developer and Master Developer's Principals have demonstrated, and the City finds, that Master Developer and Master Developer's Principals possess the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Master Developer and Master Developer's Principals to assign the rights and privileges

contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

9.2 Master Developer's Principals. Master Developer is a partnership owned directly or indirectly by Julius Trump and Eddie Trump and members of their families (or trusts therefore), Iddo Benzeevi and members of his family (or trusts therefore), and a trust, the beneficiaries of which may include members of the families of Julius Trump and Eddie Trump and/or charitable institutions (collectively, the "Partners"). Notwithstanding Section 9.7, a change in the ownership of the Master Developer which does not result in the Partners no longer having control of the Master Developer shall not constitute an assignment. Though not an assignment under this Agreement, should any of the Partners become no longer associated with the Master Developer, Master Developer agrees to provide City with notice thereof within thirty (30) calendar days of such event.

9.3 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, Master Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section 9.

9.4 Non-assignment Sales or Leases to Builders. Notwithstanding any other provision in this Section, a sale or lease of a portion of the Property (whether or not a "bulk" sale of lots) to Builders without an assignment of any of the rights or obligations of this Agreement shall not constitute an assignment or other conveyance sufficient to trigger this Section 9. Any such sale or lease shall be exempt from oversight or approval procedures by City. Further, any such sale or lease shall in no way lessen or compromise the rights and obligations of the Parties to this Agreement.

9.5 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by Master Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Master Developer shall remain legally liable to the City for all such rights, duties and obligations. For purposes of this Section, contracting by the Master Developer or City Approved Assignee Developer for the construction of all or part of the Master Developer's obligations under Subsections 6.2, 6.7, 6.9, and/or 6.10 shall not constitute an assignment and the Master Developer or City approved Assignee

Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

9.6 Restriction on Assignment Not an Unreasonable Restraint on Alienation. Master Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that Master Developer will provide those public benefits identified in Section 6 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

9.7 Assignment. The management control and responsibility of Master Developer and the expertise, competence, reputation and financial strength of Master Developer are integral components of the consideration for City entering into this Agreement. In order to preserve such consideration for City and for City to receive full value, the Parties agree that the occurrence of any of the following events constitute, for the purposes of this Agreement, an assignment:

9.7.1 A change in the composition of ownership interests in or control of the Master Developer.

9.7.1.1 For purposes of this section, however, "change in the composition of ownership interests in or control of" shall not include uncontrolled changes in ownership based upon the death or disability of one or more of the ultimate owners (e.g., transfer to heirs or conservatorship).

9.7.2 A change in the composition of ownership interests in or control of the Property, including a sale of all or a portion of the Property (other than portions of the Property sold to an Assignee Developer or Builder).

9.7.3 Any express assignment or transfer of any of Master Developer's rights, duties, or obligations under this Agreement.

9.8 City Council Approval. Upon written request of the Master Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Master Developer, and Master Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Master Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Master Developer under Section 6 of this Agreement and/or the Project Approvals that was required to be completed under

the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

9.9 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

9.9.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

9.9.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

9.9.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

9.10 City Manager Approved Assignee Developers. Notwithstanding any other provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Master Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

9.10.1 The proposed Assignee Developer has developed to completion at least three (3) master planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

9.10.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

9.10.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

9.10.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

9.10.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section 9.10 at the time of the request for assignment; and

9.10.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the

assignment shall be deemed approved.

9.11 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City, provided the City receives prior notice of such financing (including the name and address of the lender and the person or entities acquiring any such secured interest) and Master Developer retains the legal and equitable interest in the Property and remains fully responsible hereunder. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers. City recognizes that initial (though not exclusive) financing for the Project has already been secured by the Master Developer and presently encumbers the Property and that this financing is included in this exemption.

9.12 Notice of Assignment. Upon receiving approval of an assignment, Master Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

9.13 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and Master Developer assigns this Agreement to a third party, in whole or in part, Master Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

9.14 Approved Assignments. If City consents to the assignment, Master Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Master Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Master Developer shall remain legally liable therefore to the City.

9.15 Notice of Sale of Property. Master Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale

or transfer of any portion of the Property, specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

9.16 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract or parcel map. Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any such lot or parcel without the execution or recordation of any further document upon satisfaction of the following conditions:

9.16.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

9.16.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

9.17 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 10 DELAYS IN PERFORMANCE

10.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Master Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not Master Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section. However, it is expressly understood that the provision of the third five year extension of the Term of this Agreement is the sole remedy regarding extension of the Term for

any cause whatsoever. Therefore, while the delays defined in this Section 10.1 may excuse or toll breaches of obligations during the Term of this Agreement and its extensions, in no event shall the Term of this Agreement extend beyond 25 years regardless of any such delays.

10.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 11 DEFAULT

11.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

11.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

11.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Master Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Master Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

11.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

11.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

11.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

11.7 Specific Default Remedies. In the Event of Default by Master Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to Master Developer's default without recourse.

11.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

11.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

11.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from Master Developer for any breach thereof. As such, the parties agree that in no event shall Master Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court.

11.11 Master Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after Master Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Master Developer or is waived by

City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Master Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

11.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

11.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

11.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 12 TERMINATION

12.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

12.2 Termination by City. If City terminates this Agreement because of Master Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 13 RELATIONSHIP OF PARTIES

13.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

13.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

13.3 No Joint Venture or Partnership. City and Master Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Master Developer joint ventures or partners.

13.4 No Third Party Beneficiaries. The only Parties to this Agreement are Master Developer and City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

13.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Development Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 14 AMENDMENT OF AGREEMENT

14.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

14.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event Master Developer finds that a change in the Existing Project Approvals is necessary or appropriate, Master Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

14.2.1 Alter the permitted uses, including the age-restriction, of the Property as a whole; or

14.2.2 Increase the density or intensity of use of the Property as a whole; or

14.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

14.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

14.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 15 PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

15.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Master Developer shall submit to the Planning Official of the City written documentation demonstrating good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Master Developer for failing to perform any of its obligations under this Agreement.

15.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Master Developer's good faith compliance with this Agreement.

15.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

15.3.1 During either an annual review or a special review, Master Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on Master Developer.

15.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Master Design Guidelines, Project Approvals or this Agreement as evidence of a pattern of non-compliance.

15.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by Master Developer with the terms of this Agreement and his or her recommended finding on that issue.

15.3.4 If the City Council finds on the basis of substantial evidence that Master Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

15.3.5 If the City Council makes a preliminary finding that Master Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to Master Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by Master Developer, Master Developer may demand in writing a response from City. Should City fail to respond to Master Developer's written demand within fifteen (15) days of such demand, Master Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

15.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to Master Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

15.4.1 The time and place of the hearing; and

15.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

15.4.3 Such other information as is reasonably necessary to inform Master Developer of the nature of the proceeding.

15.5 Hearing on Termination. At the time and place set for the hearing on termination, Master Developer shall be given an opportunity to be heard. Master Developer shall be required to demonstrate good faith compliance with

the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that Master Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

15.6 Estoppel. If City determines that Master Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that Master Developer does not timely file an Annual Report, City may request at any time, and Master Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that Master Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

15.7 Waiver. The City does not waive any claim of defect in performance by the Master Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 16 NOTICE

16.1 Form of Notice. All notices between the City and either the Master Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City:
City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to:
City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005

Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Master Developer: Highland Fairview Properties, LLC
24525 Alessandro Boulevard
Moreno Valley, CA 92552
Facsimile: (951) 242-9165
Attn: Iddo Benzeevi

With copies to: The Trump Group
4000 Island Boulevard
Williams Island, FL 33160
Facsimile: (305) 466-3570
Attn: Jules Trump

Mark Hirsch
The Trump Group
200 W. 57th Street
New York, NY 10019
Facsimile: (646) 871-8796

TG Services, Inc.
Attn: Jim Lieb, Executive Vice President
4 Stage Coach Run
East Brunswick, NJ 08816
Facsimile: (732) 390-3319

16.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 17 INDEMNITY

17.1 Indemnity. Master Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors free and harmless from any claims or liability based or asserted upon any act or omission of Master Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (Master Developer's employees included) or any other element or damage of any kind or nature, relating to or in any way connected with or arising from the activities provided in this Agreement. Master Developer shall defend, at its expense, including payment of attorneys' fees, City, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. City may, in its discretion, participate in the defense of any such legal action, and may choose its own legal counsel, the costs of which

shall be subject to this indemnification by Master Developer

17.2 Defense of Agreement & Project Approvals. Master Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

17.3 Environmental Indemnity. Master Developer shall defend, indemnify and hold City, its officers, agents, affiliated agencies, employees, and independent contractors free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Master Developer acquired the Property pursuant to a Real Property Purchase and Sales Agreement entered into with the Regents of the University of California ("Prior Property Owner") as the Seller dated as of January 6, 2004 ("the Purchase Agreement"). To the extent that Master Developer is or may be entitled to defense or indemnification from Prior Property Owner in connection with the presence of any such Hazardous Substances on the Property as provided in the Purchase Agreement, Master Developer shall assert any such defenses or indemnification rights on behalf of City, its officers, agents, employees, and independent contractors at City's option. If Master Developer chooses not to assert any such defenses or indemnification rights on behalf of City, Master Developer shall assign such rights to City. However, Master

Developer's obligation to defend, indemnify and hold harmless City and its officers, employees, agents or independent contractors from any claims or liability in connection with or arising from the presence of any Hazardous Substance on the Property or any portion thereof shall not be in any way limited or eliminated by the terms of the Purchase Agreement, and Master Developer's obligation hereunder shall survive the termination of this Development Agreement, no matter how caused. Notwithstanding anything herein to the contrary, Master Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by Master Developer to have been first brought onto the Property subsequent to the sale by the Master Developer of the Property, or the affected portions thereof.

SECTION 18 MORTGAGEE PROTECTIONS

18.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Master Developer, an Assignee Developer, or a Builder, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Master Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

18.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

18.3 Mortgagee Not Obligated. No Mortgagee of the Master Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Master Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

18.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Master Developer, Assignee Developer or Builder requesting a copy of any notice of default given to Master Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Master

Developer or Assignee Developer, any notice given to Master Developer or Assignee Developer with respect to any claim by City that Master Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

18.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Master Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Master Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

18.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

18.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the master Developer's or Assignee Developer's obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

18.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

18.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of Master Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

18.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

18.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

18.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

18.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Master Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Master Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section 18.5 prior to the City consenting to such assignment. Master Developer shall remain liable, however, for any obligations under the Amended Agreement unless Master Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 9 of this Agreement, provided that such Mortgagee or other purchaser assumes Master Developer's obligations under this Agreement.

18.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section 18.5, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

18.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Master Developer or Assignee Developer under this Agreement.

18.6 Master Developer Remains Liable. Unless expressly released by the City in writing, the Master Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Master Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Master Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

18.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of The Master Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving Master Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

18.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Master Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

18.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Master Developer or Assignee Developer who complies with the requirements of Section 18.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

18.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 14 of this Agreement governing amendments.

SECTION 19 INTERPRETATION AND ENFORCEMENT OF AGREEMENT

19.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

19.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and Master Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

19.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

19.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

19.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

19.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

19.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

19.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

19.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

19.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Master Developer

in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

19.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

19.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

19.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

19.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"MASTER DEVELOPER"

MORENO VALLEY PROPERTIES, LLC,

a California limited liability company

By:_____

_____, Manager

"CITY"

CITY OF MORENO VALLEY,

a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

DESCRIPTION

Page 1
Order No. 42015016

ALL OF BLOCKS 129, 138, 139, 148, 149, 152 AND 153 AS SHOWN BY MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAP, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, ALSO LOTS 2 TO 7 INCLUSIVE OF BLOCK 150, LOTS 2 TO 8, INCLUSIVE IN BLOCK 151, LOTS 1, 2, 7 AND 8 IN BLOCK 157 AND LOTS 3, 4 AND 5 IN BLOCK 158, AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY.

TOGETHER WITH THOSE PORTIONS OF THE STREETS AND AVENUES VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, A CERTIFIED COPY OF WHICH WAS RECORDED AUGUST 11, 1966 AS INSTRUMENT NO. 81996, OFFICIAL RECORDS, WHICH WOULD PASS WITH A CONVEYANCE OF SAID LAND.

EXCEPTING FROM BLOCK 138 THOSE PORTIONS DESCRIBED IN THE DEED TO THE COUNTY OF RIVERSIDE RECORDED AUGUST 31, 1992 AS INSTRUMENT NO. 324866.

ALSO EXCEPTING FROM BLOCKS 148 AND 153 THOSE PORTIONS DESCRIBED IN THE DEED TO THE MORENO VALLEY UNIFIED SCHOOL DISTRICT RECORDED JULY 19, 1994 AS INSTRUMENT NO. 286514.

ALSO EXCEPTING AND RESERVING WITHOUT RIGHT OF SURFACE ENTRY, AS A MINERAL INTEREST AND NOT AS A ROYALTY INTEREST, ALL OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND ACCOMPANYING FLUIDS, INCLUDING BUT NOT BY WAY OF LIMITATION, ALL GEOTHERMAL RESOURCES IN, UNDER, OR PRODUCED AND SAVED FROM THE REAL PROPERTY GRANTED HEREIN, TOGETHER WITH ANY OF THE FOREGOING THAT MAY BE ALLOCATED THERETO PURSUANT TO ANY POOLING OR UNITIZATION AGREEMENT OR RATABLE TAKINGS PROGRAM TO WHICH GRANTOR MAY SUBSCRIBE, AND TOGETHER WITH THE SOLE AND EXCLUSIVE RIGHT TO PROSPECT FOR, DRILL FOR, PRODUCE, AND REMOVE SUCH OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND GEOTHERMAL RESOURCES, FROM SAID REAL PROPERTY BELOW THE DEPTH OF FIVE HUNDRED (500') FROM THE SURFACE OF SAID REAL PROPERTY, INCLUDING THE RIGHT TO SLANT DRILL FROM ADJACENT PROPERTY, THE RIGHT TO UTILIZE SUBSURFACE STORAGE FOR NATURAL SUBSTANCES, AND THE RIGHT TO MAINTAIN SUBSURFACE PRESSURES, AS RESERVED IN THE DEED RECORDED JANUARY 7, 2004 AS INSTRUMENT NO. 010169, OFFICIAL RECORDS.

EXHIBIT "A"

EXHIBIT "B" – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	**Active Adult (+55) Housing** Detached Attached	 351 234	 DU DU	July 06 – Jan 08	Jan 07 – Feb 08
2	**Active Adult (+55) Housing** Detached Attached	 289 193	 DU DU	July 07 – July 08	Jan 08 – Aug 08
3	**Active Adult (+55) Housing** Detached Attached	 301 201	 DU DU	Feb 08 – Mar 08	Aug 08 – Apr 09
4	**Active Adult (+55) Housing** Detached Attached	 460 306	 DU DU	Sept 08 – Feb 10	Mar 09 – Mar 10
5	**Active Adult (+55) Housing** Detached Attached	 220 147	 DU DU	Aug 09 – Aug 10	Feb 10 – Oct 10
6	**Apartment Complex** **Hotel**	220 300	DU Room	Aug 09 – Aug 10 Mar 11 – Apr 12	Oct 10 – July 10 ----------

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median ($70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris ($3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle ($3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

Location	Direction	Improvement	Phase	Footnotes
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 6	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 6	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 6	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 6	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 6	
Cactus Avenue		Coordination of traffic signals on Cactus ($3500 per intersection)	Phase 6	

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

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END OF EXHIBIT "B"

AFFIDAVIT OF POSTING
CITY OF MORENO VALLEY

I, Alice Reed, City Clerk of the City of Moreno Valley, California, certify that on the 22nd day of December, 2005, I caused Ordinance No. 704 to be posted in the following places pursuant to City of Moreno Valley Resolution No. 2003-20:

Moreno Valley Senior/Community Center
25075 Fir Avenue

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessando Boulevard

Dated: January 3, 2006

Alice Reed

Alice Reed, City Clerk

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Authorize the City Attorney to execute the Bonds in the form attached hereto.

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation.

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for Phase 1 and provide the City with bond documents for all improvements. Separately, the developer requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with a real property Deed of Trust having a valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements.

The developer has completed and submitted a Public Improvement Agreement and bond securities for the Phase 1 public improvements. The developer has provided City staff with a separate bond for each of the nine tasks noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the agreement is executed. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are between Redlands Boulevard, Theodore Street, State Route 60 and Eucalyptus Avenue, and include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

Accompanying the agreement are Faithful Performance Bonds and Material & Labor Bonds in the amounts noted below for each of the following tasks, issued by Safeco Insurance Company of America:

- Eucalyptus Avenue – Phase 1 Street Improvements - $2,778,000 and $1,389,000
- Theodore Street – Phase I Street Improvements - $821,000 and $410,500

- Eucalyptus Avenue – Phase 1 Sewer Improvements - $467,000 and $233,500
- Eucalyptus Avenue – Phase 1 Water Improvements - $1,050,000 and $525,000
- Eucalyptus Avenue – Phase 1 Recycled Water Improvements - $434,000 and $217,000
- Parcel Map 35629 – Sinclair Off-site Water Improvements - $725,000 and $362,500
- Redlands Boulevard – Phase 1 Water Improvements - $171,000 and $85,500
- Parcel Map 35629 – Monumentation - $42,000 and $21,000
- Eucalyptus Avenue – Phase 1 Electrical Improvements - $849,000 and $424,500

Given the present economy as well as the size and uniqueness of the project, allowing the use of multiple securities and multiple partial reductions seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A-1” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Street Work
Exhibit “A-2” - Vicinity Map for Limits of Theodore Street Phase I Street Work
Exhibit “A-3” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Sewer Work
Exhibit “A-4” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Water Work
Exhibit “A-5” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Recycled Water Work
Exhibit “A-6” - Vicinity Map for Limits of Sinclair Off-site Water Work
Exhibit “A-7” - Vicinity Map for Limits of Redlands Boulevard Phase 1 Water Work
Exhibit “A-8” – (This Page Intentionally Left Blank)
Exhibit “A-9” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Electrical Work
Exhibit “B” - Agreement for Public Improvements

Exhibit “C” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Street Improvements

Exhibit “D” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Street Improvements
Exhibit “E” - Faithful Performance Bond for Theodore Street Phase I Street Improvements
Exhibit “F” - Material and Labor Bond for Theodore Street Phase I Street Improvements
Exhibit “G” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “H” - Material and Labor Bond Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “I” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “J” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “K” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “L” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “M” - Faithful Performance Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “N” - Material and Labor Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “O” - Faithful Performance Bond for Redlands Boulevard Phase 1 Water Improvements
Exhibit “P” - Material and Labor Bond Redlands Boulevard Phase 1 Water Improvements
Exhibit “Q” - Faithful Performance Bond for Parcel Map 35629 Monumentation
Exhibit “R” - Material and Labor Bond for Parcel Map 35629 Monumentation
Exhibit “S” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Electrical Improvements
Exhibit “T” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Electrical Improvements

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074195

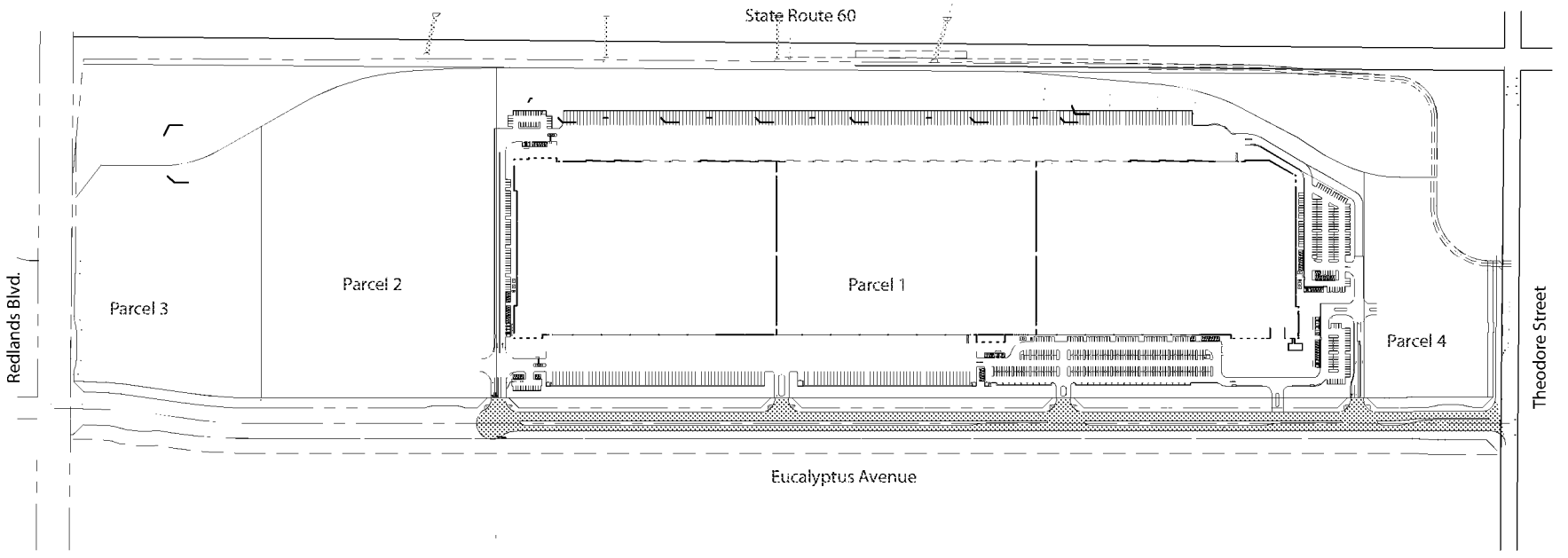

HFCP-Eucalyptus Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-1"

PA07-0090
VICINITY MAP

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MV00074197

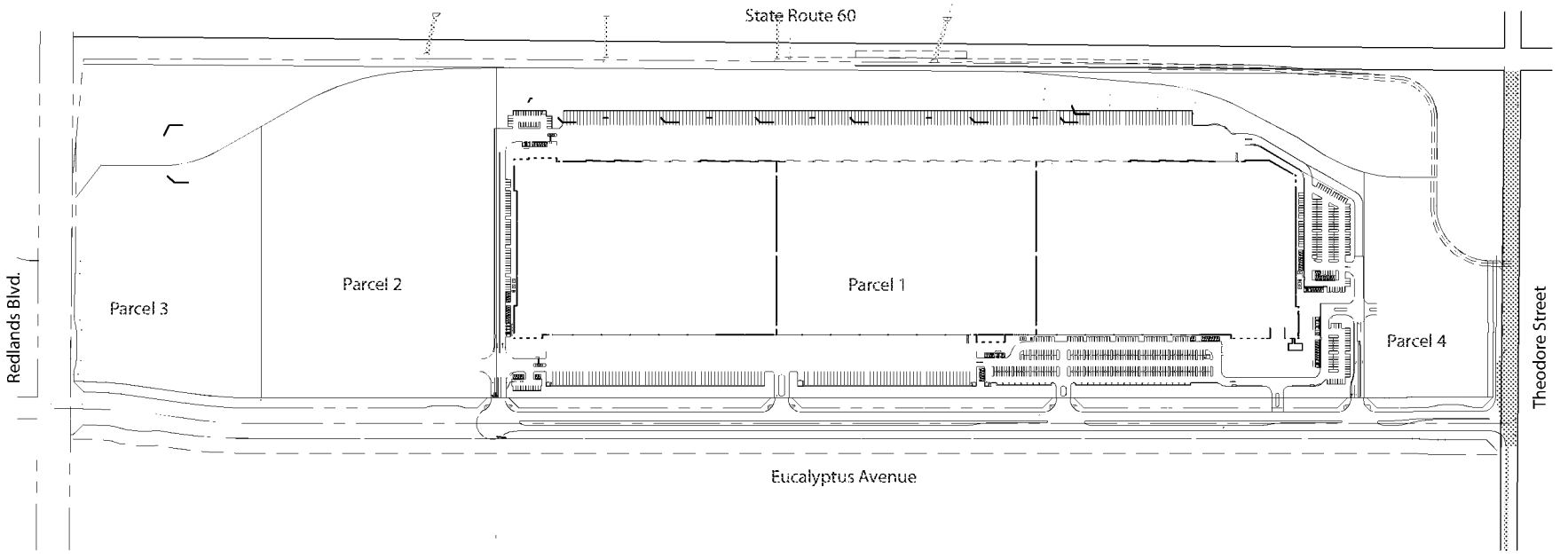

HFCP-Theodore Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-2"

PA07-0090
VICINITY MAP

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MV00074199

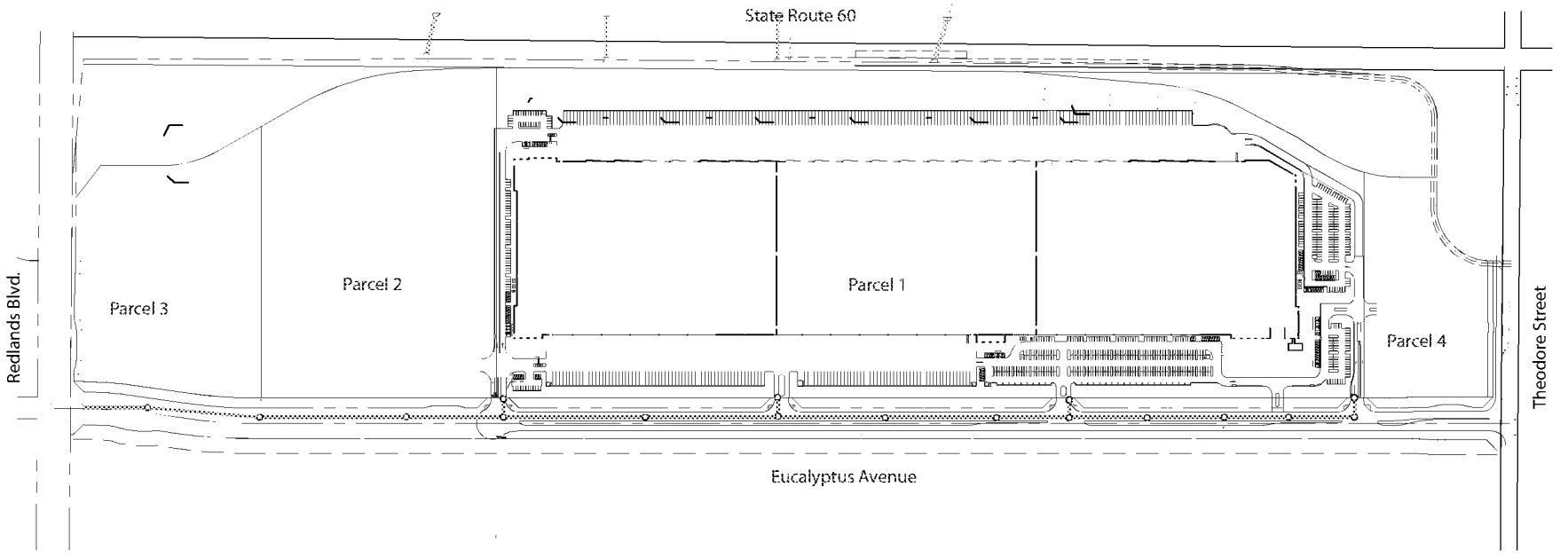

HFCP-Eucalyptus Sewer Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-3"

PA07-0090
VICINITY MAP

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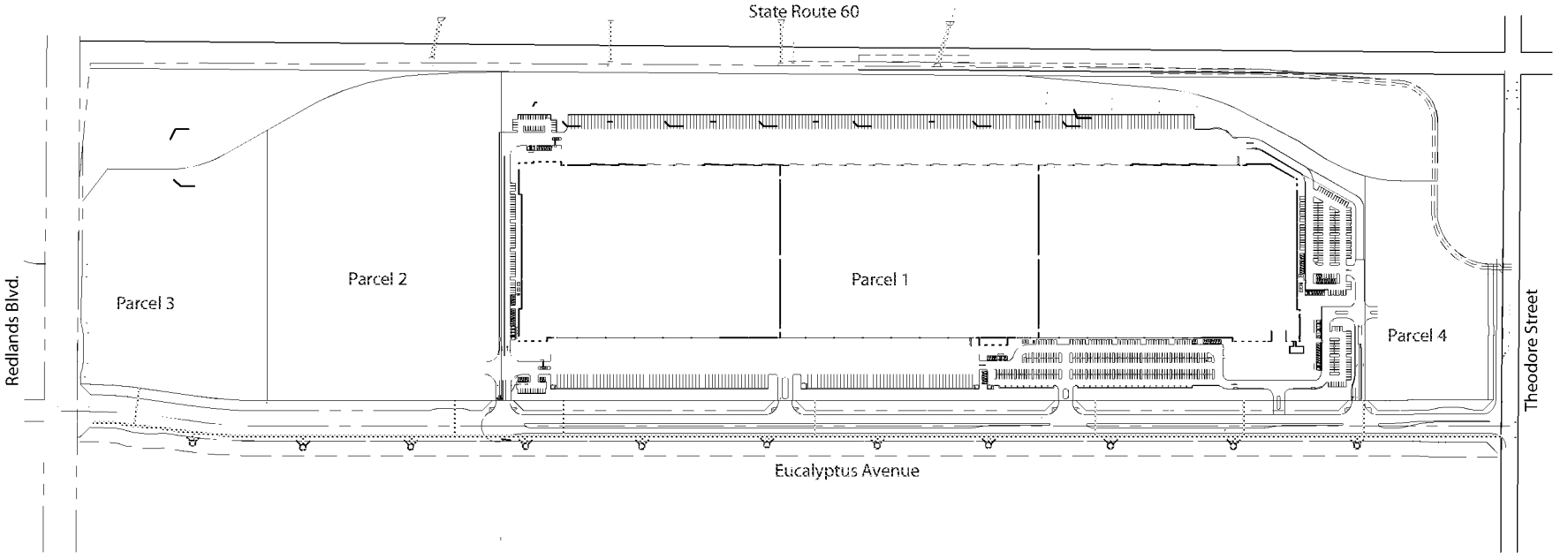

HFCP-Eucalyptus Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-4"

PA07-0090
VICINITY MAP

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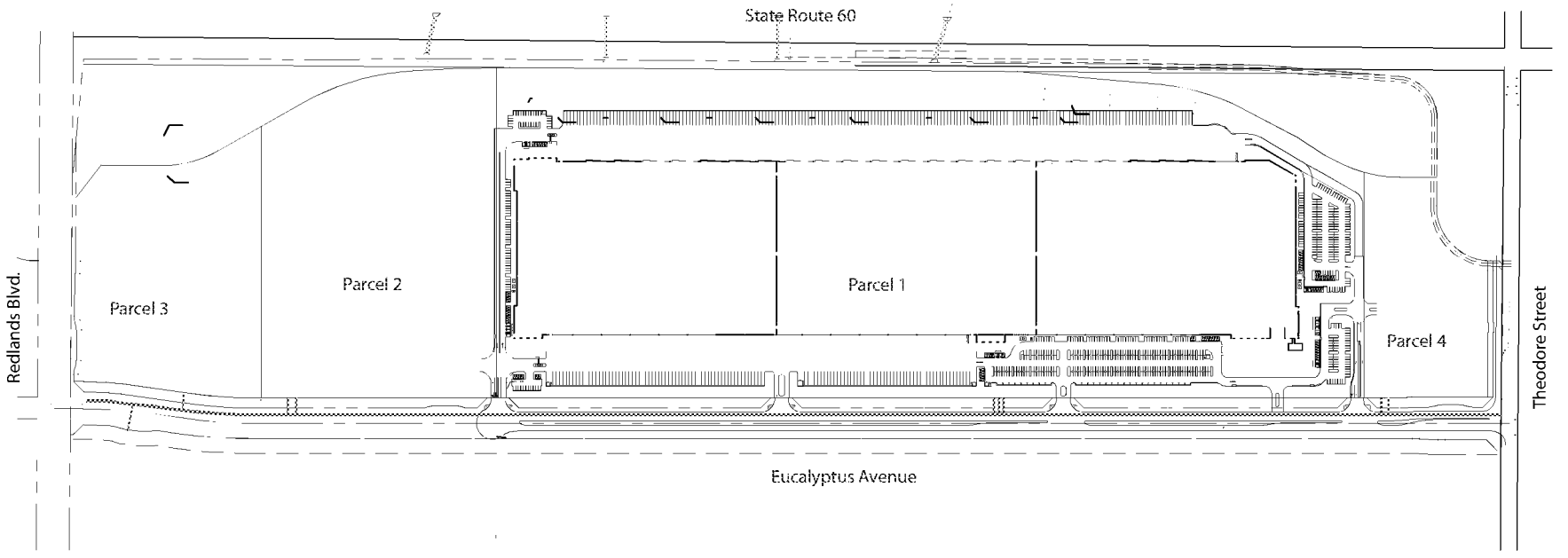

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-5"

PA07-0090
VICINITY MAP

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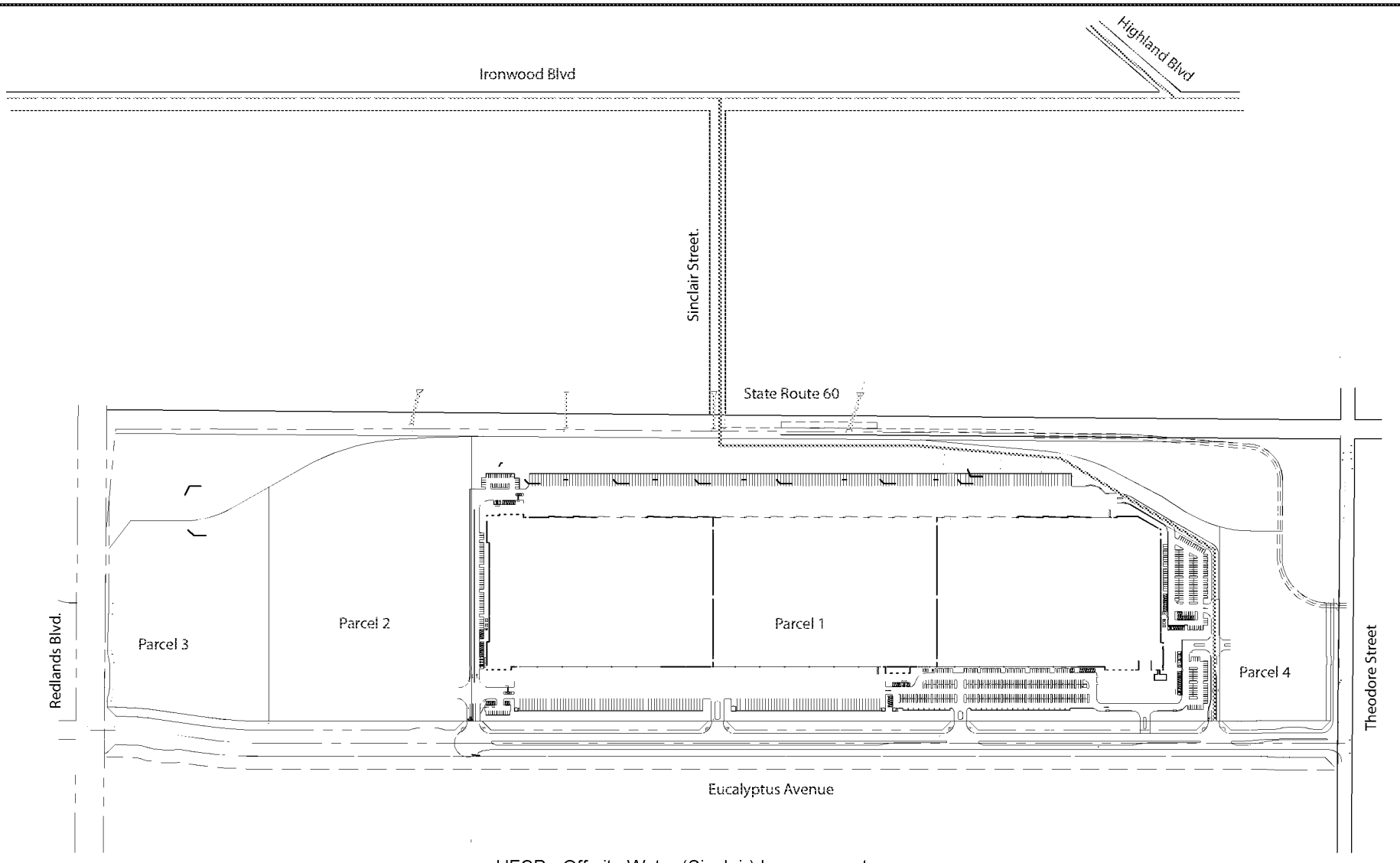

HFCP - Off-site Water (Sinclair) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-6"

PA07-0090
VICINITY MAP

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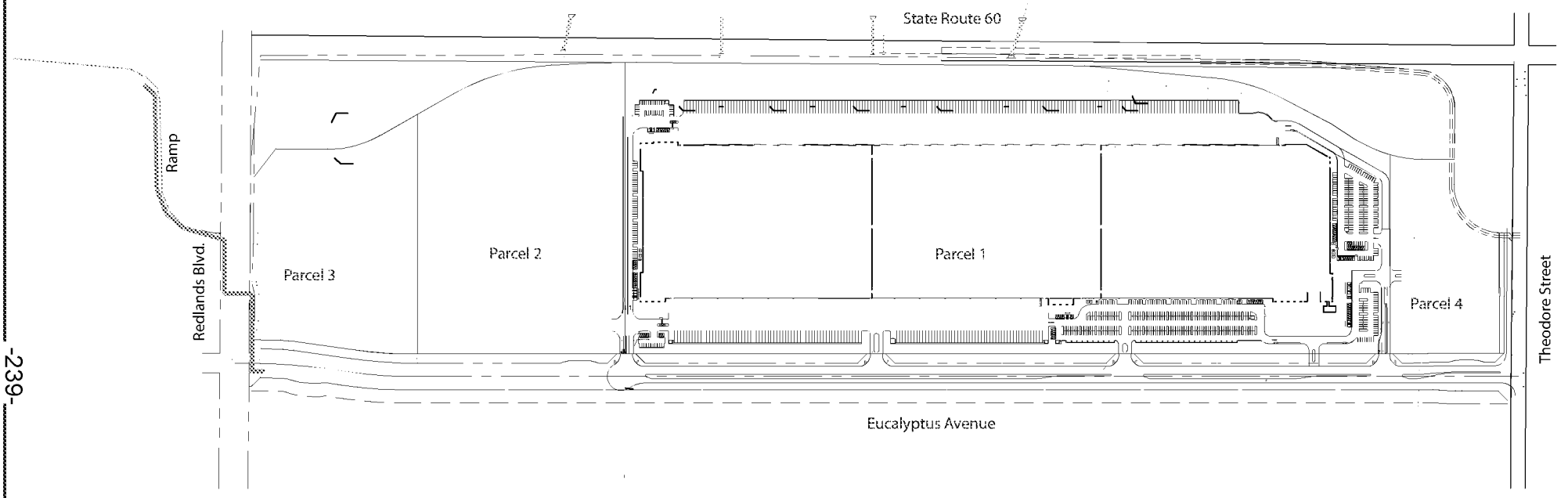

HFCP - Off-site Water (Redlands) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-7"

PA07-0090
VICINITY MAP

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MV00074209

No Exhibit for Parcel Map Monumentation

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CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A-8"	**PA07-0090** **Vicinity Map**

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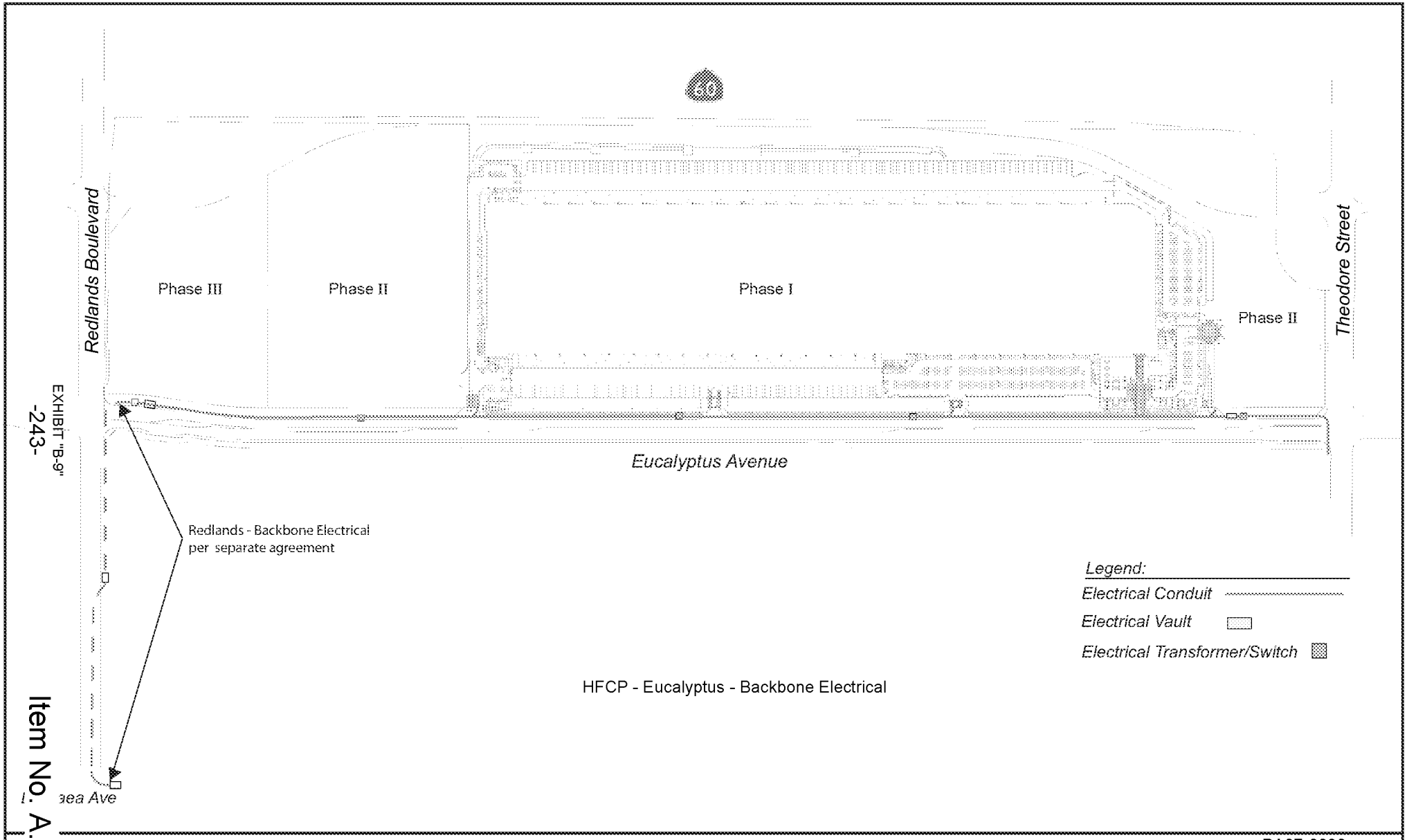

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-9"

PA07-0090
VICINITY MAP

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MV00074213

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR A PORTION OF PHASE 1 PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T1, LLC** herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for the portion of Phase 1 as listed below which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Eucalyptus Avenue – Phase 1 Street Improvement Plans (A-1)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-1 and location map labeled Exhibit B-1 attached hereto, is the sum of TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND AND NO/100 Dollars (*****$2,778,000.00 *****).

Theodore Street – Phase I Street Improvement Plans (A-2)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-2 and location map labeled Exhibit B-2 attached hereto, is the sum of EIGHT HUNDRED TWENTY-ONE THOUSAND AND NO/100 Dollars (*****$821,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Sewer Improvement Plans (A-3)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-3 and location map labeled Exhibit B-3 attached hereto, is the sum of FOUR HUNDRED SIXTY-SEVEN THOUSAND AND NO/100 Dollars (*****$467,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Water Improvement Plans (A-4)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-4 and location map labeled Exhibit B-4 attached hereto, is the sum of ONE MILLION FIFTY THOUSAND AND NO/100 Dollars (*****$1,050,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Recycled Water Improvement Plans (A-5)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-5 and location map labeled Exhibit B-5 attached hereto, is the sum of FOUR HUNDRED THIRTY-FOUR THOUSAND AND NO/100 Dollars (*****$434,000.00 *****).

Parcel Map 35629 – Sinclair Off-site Water Improvement Plans (A-6)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-6 and location map labeled Exhibit B-6 attached hereto, is the sum of SEVEN HUNDRED TWENTY-FIVE THOUSAND AND NO/100 Dollars (***$725,000.00 ***).

Redlands Boulevard – Phase 1 Water Improvement Plans (A-7)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-7 and location map labeled Exhibit B-7 attached hereto, is the sum of ONE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 Dollars (***$171,000.00 ***).

Parcel Map 35629 – Monumentation (A-8)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-8 attached hereto, is the sum of FORTY TWO THOUSAND AND NO/100 Dollars (***$42,000.00 ***).

Eucalyptus Avenue – Phase 1 Electrical Improvement (A-9)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-9 attached hereto, is the sum of EIGHT HUNDRED FORTY-NINE THOUSAND AND NO/100 Dollars (***$849,000.00 ***).

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the Improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the Improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work for Improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bond(s) with good and sufficient sureties or increase the amounts of said bond or bond(s), or both, within ten (10) days after being notified by the City Engineer that the amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required Improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of said bonds. Developer reserves the right to

substitute the form of security, in accordance with the Moreno Valley Municipal Code, at anytime during the term of this agreement, subject to approval of the City Engineer and City Attorney. As this project is very unique in both the size and the timing of construction activities, as well as being considered eligible for Time and Material (T&M) fee collection, it has been determined by the City Engineer that the project may receive incremental reductions to each of the securities ensuring the construction of the associated public improvements. At twenty percent (20%) completion, forty percent (40%) completion, sixty percent (60%) completion and eighty percent (80%) completion of the public improvements as measured by the dollar value of said improvements as set forth in the Engineer's Preliminary Estimate of Cost and associated unit costs (Exhibits A-1 through A-8) and upon written request by the Developer for a partial reduction of the security, the bonding company shall be instructed by the City Engineer in writing to reduce an amount in the bond not to exceed twenty percent (20 %) increments of the original amount established for the bond, provided that all such work has been reviewed, verified, inspected and approved by the City Engineer, Land Development engineering staff and applicable City inspectors. The remaining percentage of the bond securing the estimated cost of labor and materials shall be released to the Developer no sooner than 90 days after acceptance of the improvements by the City. After one hundred percent (100%) completion of the public improvements and formal acceptance of the improvements by the City Council, ten percent (10%) of the original bond amount for the faithful performance shall be retained until expiration of the twelve (12) month warranty period pursuant to Government Code Section 66499 to secure required warranty work.

EIGHTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time may be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the security or securities. Developer further agrees to maintain the aforesaid securities in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developer:
HF LOGISTICS-SKX T1, LLC,
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

HF LOGISTICS-SKX/T1, LLC:
Developer

BY: _____
Signature

Iddo Benzeevi
Print/Type Name

President + CEO
Title

BY: _____
Signature

_____
Print/Type Name

_____
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATES OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8.2.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Aldo Benzoni (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: AGRMT - PRATION OF PH. I PUBLIC IMPRV.

Document Date: NONE AT THIS TIME Number of Pages: ____

Signer(s) Other Than Named Above: ____

Capacity(ies) Claimed by Signer(s)

Signer's Name: ALDO BENZONI	Signer's Name: ____
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s): ____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: ____	☐ Other: ____
Signer Is Representing: ____	Signer Is Representing: ____
Top of thumb here	Top of thumb here

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8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PA07-0090

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	1	Thickness (ft.)				
	268225	S.F.	19448	Ton	33.00	641,718
A.C. - Street 1	0.5	Thickness (ft.)				
	268225	S.F.	9723	Ton	80.00	777,840
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	1,419,558

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/15
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	75	S.F.	3.25	244
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	75	L.F.	3.00	225
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	14	EA.	800.00	11,200
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	38.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	3490	L.F.	30.00	104,700
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	5117	L.F.	25.00	127,925
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	534	L.F.	12.00	6,408
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.35	0
Sidewalk	22023	S.F.	4.25	93,598
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	1080	S.F.	6.50	7,020
Driveway Approach - 8"	792	S.F.	10.50	8,311
Wheelchair Ramp	8	EA.	2,600.00	20,800
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Emergency Vehicle Median Access	0	S.F.	11.00	0
10' Recreational Trail	0	S.F.	2.50	0
			SUBTOTAL	380,331
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	3247	L.F.	30.00	97,410
Traffic Striping/raised pavement markers	1	L.S.	-	28,386
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	-	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	1	EA.	200.00	200
Signs and Posts	27	EA.	200.00	5,400
Signs and Posts (DIF Street -)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pb-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	80.00	0
Standard Pipe Gate	3	EA.	3,000.00	9,000
			SUBTOTAL:	140,896
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	1,500.00	0
			SUBTOTAL:	0

Item No. A.13

MV00074220

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	33825	S.F.	6.00	202,936
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	6,000.00	0
Street Lights (22000 lumen)	24	EA.	6,000.00	144,000
			SPECIAL DISTRICTS SUBTOTAL:	346,936
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	28.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Diff Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	330.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	456.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	28.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	134	L.F.	30.00	4,020
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5600.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5600.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Off St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	7	EA.	535.00	3,745
Catch Basin (3.5') (Diff Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Diff Street Name)	0	EA.	5600.00	0
Catch Basin (14') (Diff Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Diff Street Name)	0	EA.	12500.00	0
Local Depressions (Diff Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	5	EA.	2100.00	10,500
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	5000.00	0
Headwall	0	EA.	5500.00	0
12"x12" Grate Basin	5	EA.	1800.00	9,000

Item No. A.13

MV00074222

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	7500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5000.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	15.00	0
Down Drain	0	S.F.	15.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	27,285

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,850.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,250.00	0
12" Butterfly Valve	0	EA.	1,850.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevention, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		625.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

Item No. A.13

MV00074224

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	300.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,800.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$1,418,556
OFFSITE STREET WORK	:	$380,331
SPECIAL DISTRICTS	:	$346,936
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$27,285
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,906
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$2,314,995
+20% CONTINGENCY:		$463,000
GRAND TOTAL:		$2,777,997

BOND AMOUNT: $2,778,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 62824
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

Item No. A.13

MV00074226

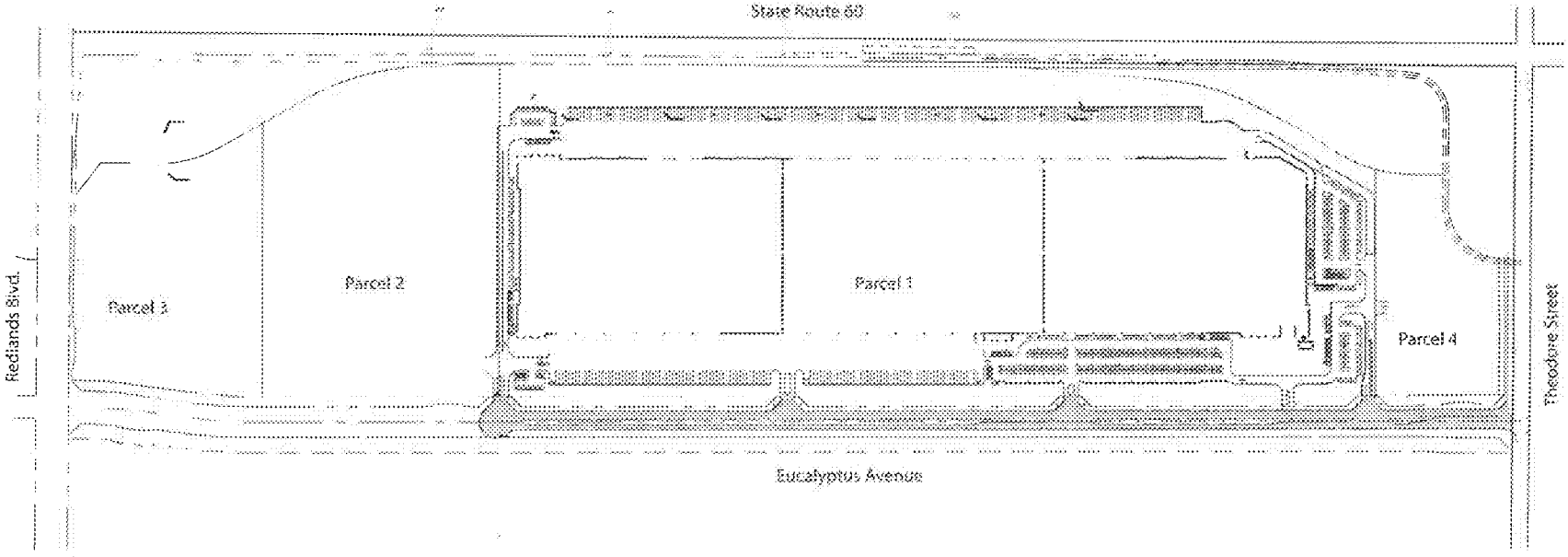

EXHIBIT "B-1"

HFCP-Eucalyptus Phase 1 Street Improvements

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			1094	C.Y.	29.00	30,856
A.B. Class II - Street 1	0.65	Thickness (ft.)				
	44222	S.F.	2083	Ton	33.00	68,739
A.C. - Street 1	0.5	Thickness (ft.)				
	78026	S.F.	2785	Ton	80.00	220,400
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL	319,995

Item No. A.13

MV00074228

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.10'	1006	S.F.	3.00	3,018
Grind & Pave 0.20'	0	S.F.	3.50	0
Cold Mill Existing Pavement (.35')	51700	SF	1.25	64,625
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	1743	S.Y.	2.25	3,922
Paving Fabric	0	S.Y.	1.20	0
Sawcut	1006	L.F.	3.00	3,018
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 6" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 6" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	3087	L.F.	12.00	37,044
A.C. Curb 8"	0	L.F.	13.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,000.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	1	EA.	30,000.00	30,000
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	3	AC	5,000.00	15,000
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	420	L.F.	150.00	63,000
				0
			SUBTOTAL	318,627
Traffic Improvements (Plan Checked by Trans. Eng'g staff/Inspected by LDD staff)				
Traffic Signal (Interconnect), Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	1	L.S.	--	5,922
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	0	EA.	300.00	0
Signs and Posts	4	EA.	200.00	800
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	10000	L.S.	1	10,000
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	1370	L.F.	90.00	123,300
			SUBTOTAL:	140,522
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	186.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,000.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/29/19
PREPARED BY: Pasilak Revera

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	8.00	0
Landscaping - Parkways	0	S.F.	8.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	8.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/29/10

PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	567.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	60.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	600.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	6000.00	0
Manhole No. 2	0	EA.	7000.00	0
Manhole No. 3	0	EA.	8000.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	10000.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
23" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	3000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA.	5500.00	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvema

DATE: 07/29/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	8500.00	0
Junction Structure	0	EA.	8500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	9500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
Overside Drain	4	EA.	1000.00	4,000
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	4,000

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	85.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	950.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,500.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		400.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		225.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	180.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	18.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	900.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	650.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
DATE: 07/26/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$319,995
OFFSITE STREET WORK	:	$219,627
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$4,000
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,522
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$684,143
+20% CONTINGENCY:		$136,829
GRAND TOTAL:		$820,972

BOND AMOUNT: **$821,000**

MV00074235

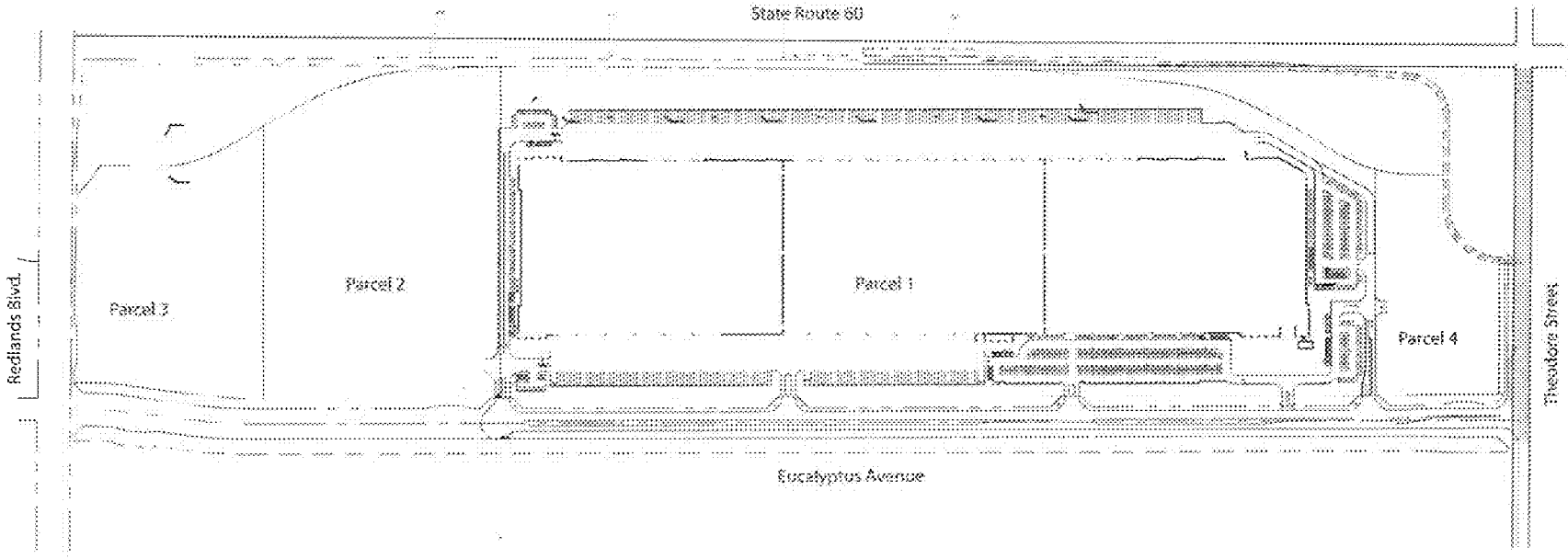

EXHIBIT "B-2"

HFCP-Theodore Phase 1 Street Improvements

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/30/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	300.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,500.00	0
Alley Approach - 6"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LOD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd.)	0	EA.	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	198.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	8500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,600.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevenior, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	156	L.F.	40.00	6,240
8" V.C. Pipe	635	L.F.	55.00	34,925
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	2424	L.F.	70.00	169,680
15" V.C. Pipe	1518	L.F.	80.00	121,280
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	2	EA.	730.00	1,460
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	4	EA.	3,140.00	12,560
Standard Manhole 48" Extra Depth	10	EA.	3,500.00	35,000
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	1	EA.	2,000.00	2,000
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	4731	L.F.	1.20	5,677
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	388,822

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/06/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$388,822
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$388,822
+20% CONTINGENCY:		$77,764
GRAND TOTAL:		$466,587

BOND AMOUNT: $467,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. [illegible]
Exp. [illegible]
CIVIL
STATE OF CALIFORNIA

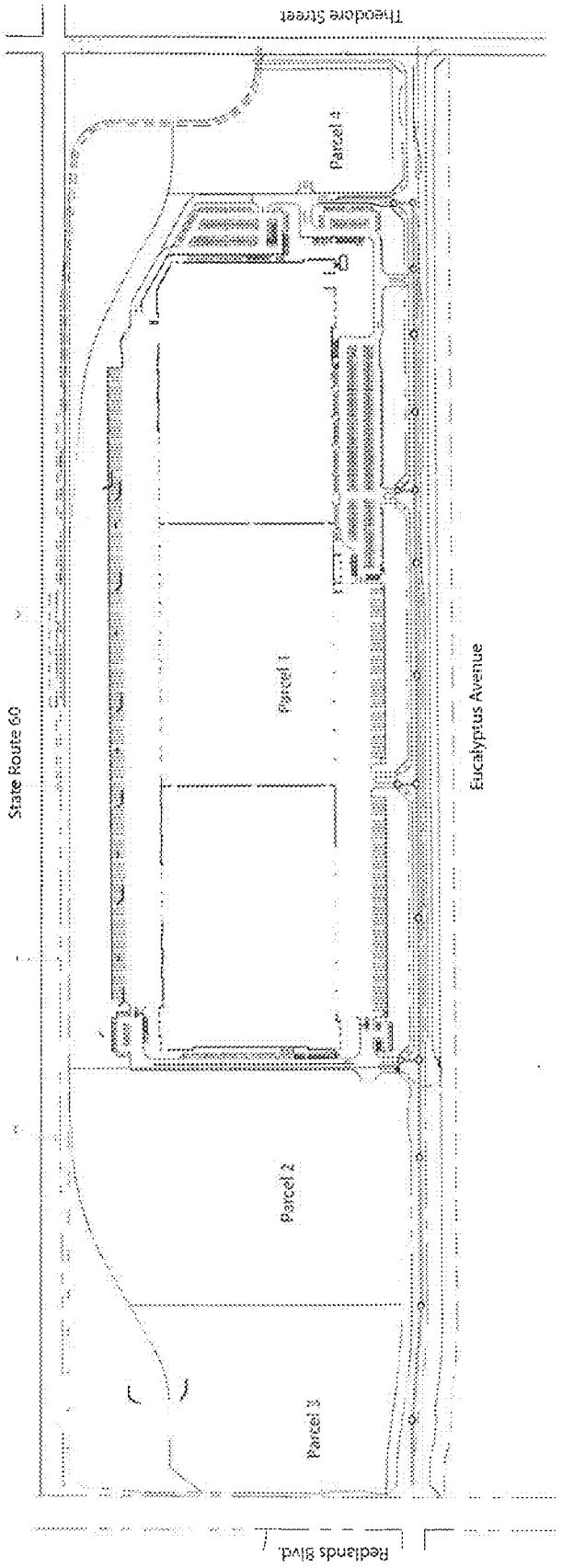

EXHIBIT "B-3"

HFCP-Eucalyptus Sewer Phase 1 Improvements

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'				
A.C. Cap/Overlay	0	S.F.	3.25	0
Slurry Seal (Based on $150/Ton Type II)	0	Ton	80.00	0
Paving Fabric	0	S.Y.	2.25	0
Sawcut	0	S.Y.	1.20	0
Utility Trench	0	L.F.	3.00	0
Trench Repaving	0	L.F.	17.00	0
Redwood Header	0	S.F.	12.00	0
Curb Only - 8"	0	L.F.	6.00	0
Curb Only - 8"	0	L.F.	20.00	0
Adjust M.H. to Grade	0	L.F.	35.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	SF	28.00	0
	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"				
P.C.C. Paving - 8"	0	S.F.	6.50	0
Curb and Gutter - 8"	0	S.F.	10.50	0
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	35.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	0	L.F.	28.00	0
A.C. Curb 8"	0	L.F.	12.00	0
Cross Gutter and Spandrel	0	L.F.	15.00	0
Sidewalk	0	S.F.	10.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	4.25	0
Driveway Approach - 6"	0	S.F.	14.00	0
Driveway Approach - 8"	0	S.F.	8.50	0
Wheelchair Ramp	0	S.F.	10.50	0
Alley Approach - 8"	0	EA.	2,600.00	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	S.F.	10.25	0
Bus Bay	0	L.F.	100.00	0
	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles				
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	30,000.00	0
Erosion Control	0	EA.	4,500.00	0
Walls - Masonry: 6' Maximum	0	AC	5,000.00	0
Walls - Retaining: 6' Maximum	0	L.F.	100.00	0
	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)				
Traffic Signal Modification	0	EA.	272,000.00	0
Traffic Signal Interconnect	0	L.S.	0	0
Traffic Striping/raised pavement markers	0	L.F.	30.00	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	L.S.	--	0
Stop Sign	0	EA.	500.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	300.00	0
Traffic Control	0	EA.	100.00	0
Traffic Control (DIF Street Name)	0	L.S.	0	0
Traffic Signal PB-Adjust to Grade	0	L.S.	10000	0
Metal Guard Rail	0	EA.	800.00	0
	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities				
Cluster Mail Boxes	0	L.F.	196.00	0
Relocate Mailbox	0	EA.	4,500.00	0
Relocate Cluster Mailbox	0	EA.	350.00	0
Monuments	0	EA	1,200.00	0
Relocate Trees	0	EA.	300.00	0
	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatior	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	734.00	0
114" Reinforced Concrete Pipe	0	L.F.	765.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1250.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (DIF St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA	6000.00	0
Headwall	0	EA.	5000.00	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	6500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	412	L.F.	55.00	22,660
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	6104	L.F.	135.00	889,040
20" PVC C-900	0	L.F.	160.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,560.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	1	EA.	14,300.00	14,300
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	7	EA.	2,800.00	19,600
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	5	EA	4,000.00	20,000
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
8" Blow Off	3	EA.	4,000.00	12,000
6" Backflow Preventor, Pad & Cover	0	EA	6,300.00	0
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	12	EA	4,500.00	54,000
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	3	EA.	1,600.00	4,800
4" Service	3	EA.	2,100.00	6,300
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0	EA.	750.00	0
Misc. Fittings 18"	18	EA.	1,000.00	18,000
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
4" Meter	3		1,000.00	3,000
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F	3.00	0
Concrete Cap-18" Water: 7.25 SF x 66 LF = 479 CF = 17.7 CY	18	CY	300.00	5,310
			SUBTOTAL	874,950

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	180.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	600.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,800.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	60.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$874,950
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$874,950
+20% CONTINGENCY:		$174,990
GRAND TOTAL:		$1,049,940

BOND AMOUNT: $1,050,000

HFCP-Eucalyptus Water Phase 1 Improvements

EXHIBIT "B-4"

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/15
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

DATE: 07/30/10
PROJECT: Eucalyptus Recycled Water Improvements
PREPARED BY: Patrick Revere
PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	500.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,800.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	16.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	16,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	30.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-9"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinator	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8' Wide Strip Basin	0	EA	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	50.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-8"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	5074	L.F.	55.00	279,070
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	1	EA.	530.00	530
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	4	EA.	2,300.00	9,200
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA	330.00	0
6" Butterfly Valve	1	EA.	920.00	920
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	4	EA.	2,400.00	9,600
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	7	EA.	4,000.00	28,000
6" Backflow Preventor, Pad & Cover	1	EA.	8,300.00	8,300
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	6	EA.	1,600.00	9,600
4" Service	1		2,100.00	2,100
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		150.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	14	EA.	750.00	10,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	1		320.00	320
1 1/2" Meter	0		420.00	0
2" Meter	1		525.00	525
Adjust Water Meter Box	3		235.00	705
3" Meter	1		800.00	800
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F.	3.00	0
Concrete Cap-12" Water, 3.50 SF x 39 LF = 137 CF = 5.1 CY	5	CY	300.00	1,530
			SUBTOTAL:	360,940

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$360,940
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$360,940
+20% CONTINGENCY:		$72,188
GRAND TOTAL:		$433,128

BOND AMOUNT: $434,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK E. REVERE
No. 74611
Exp. 6-30-21
CIVIL
STATE OF CALIFORNIA

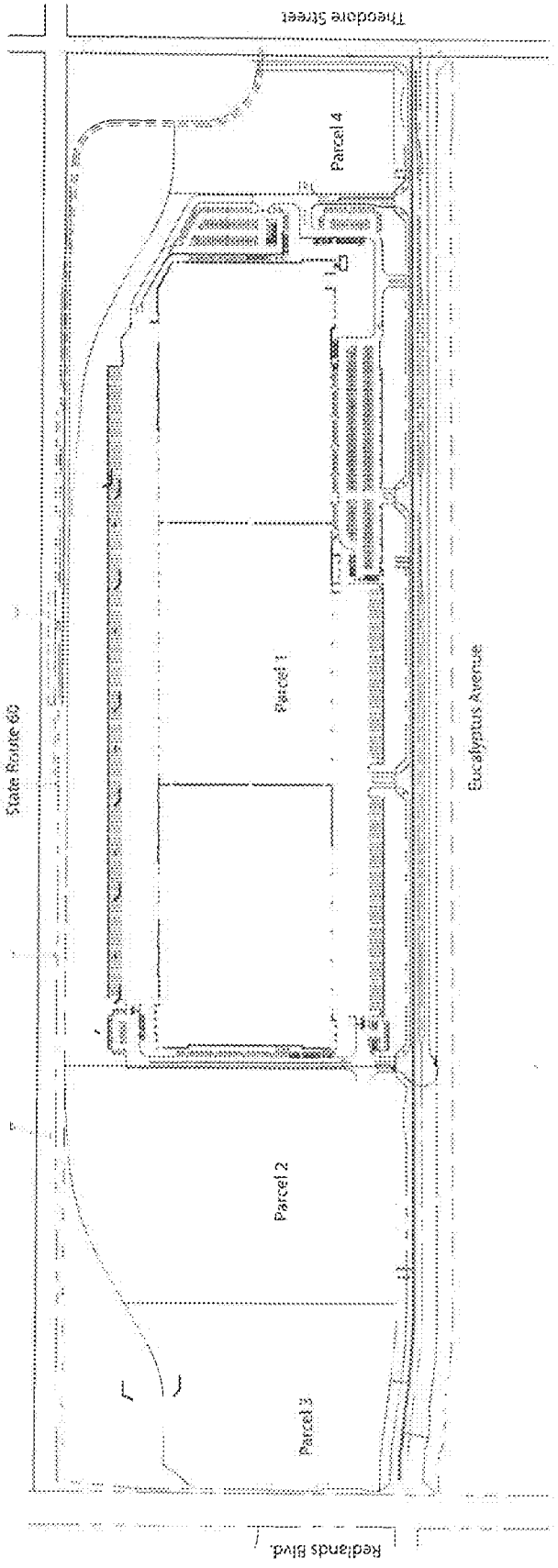

EXHIBIT "B-5"

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0.25	Thickness (ft.)				
	37180	S.F.	874	Ton	33.00	22,242
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	22,242

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.35	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	150.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	250.00	0
Signs and Posts	0	EA	250.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	250.00	0
Street Sweeping Sign	0	EA.	250.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	500.00	0
Metal Guard Rail	0	L.F.	80.00	0
			SUBTOTAL	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA	350.00	0
Relocate Cluster Mailbox	0	EA	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	150.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	105.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1300.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	481.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	10500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	500.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/08/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	6737	L.F.	55.00	370,535
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	9	EA.	2,300.00	20,700
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	380.00	0
6" Butterfly Valve	0	EA.	530.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	1	EA.	1,800.00	1,800
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,300.00	0
24" Butterfly Valve	0	EA.	5,000.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	3	EA.	4,000.00	12,000
12" PRV	2	EA.	10,000.00	20,000
CTS Station	1	EA.	3,000.00	3,000
Fire Hydrants - Water System				
6" Standard Fire Hydrants	1	EA.	4,000.00	4,000
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	18		750.00	13,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		325.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	349	L.F.	300.00	104,700
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	1750	LF	12.00	21,000
Pavement Replacement	2501	S.F.	3.00	7,503
			SUBTOTAL:	581,438

EXHIBIT "A-8"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	80.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-out	0	EA.	790.00	0
Clean Out Lateral	0	EA.	250.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$22,242
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$581,438
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$603,680
+20% CONTINGENCY:		$120,736
GRAND TOTAL:		$724,416

BOND AMOUNT: $725,000

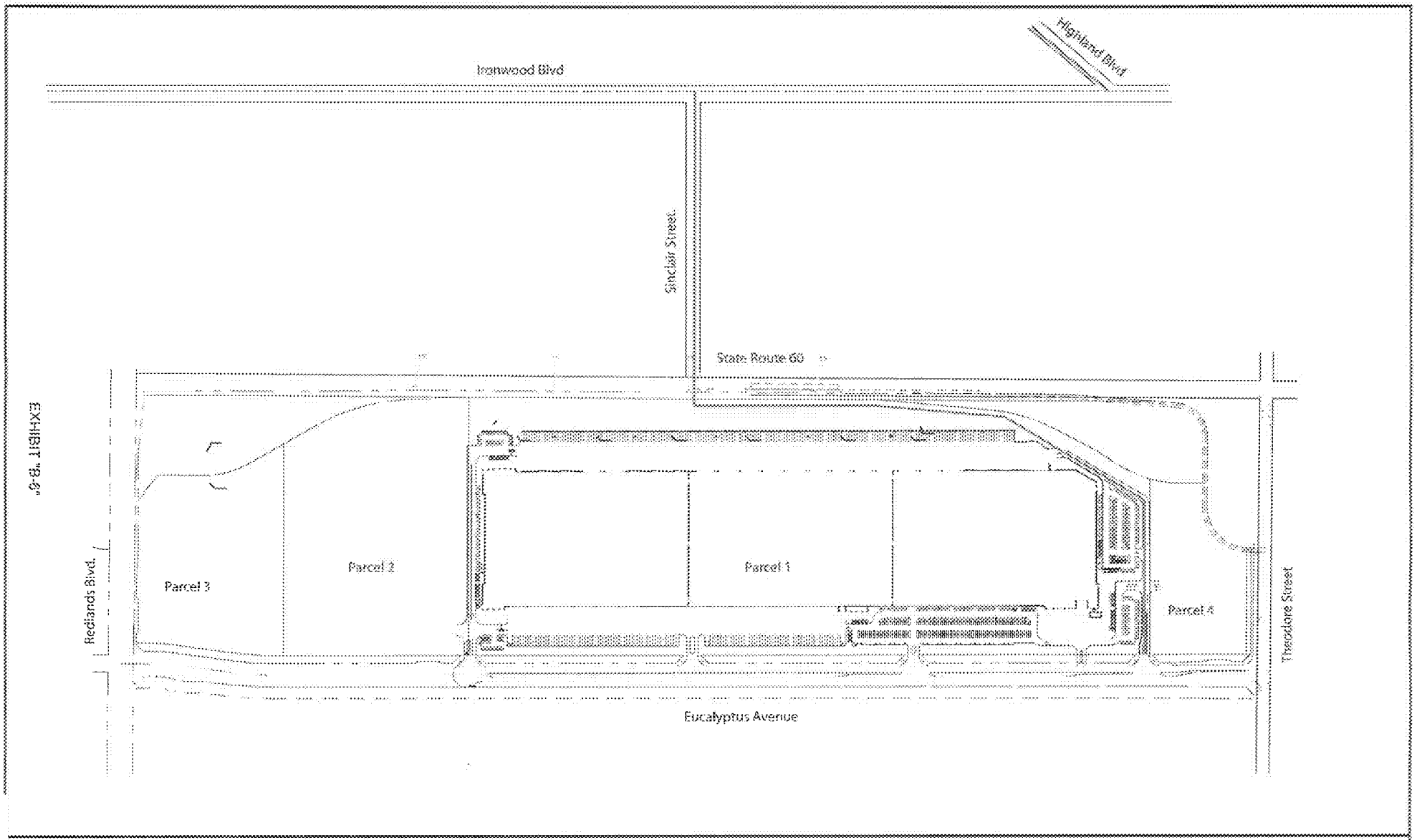

EXHIBIT "B-6"

HFCP-Offsite Water (Sinclair) Improvements

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $180/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	25.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	372,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	250.00	0
Signs and Posts	0	EA.	250.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pull-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,250.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 8' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7300.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA	3500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA	5500.00	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	350.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	35.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F	40.00	0
12" PVC C-900	1523	L.F.	55.00	83,765
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	105.00	0
30" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	5,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,600.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA	5,200.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	1	EA.	4,000.00	4,000
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		340.00	0
Misc. Fittings 12"	15		750.00	11,250
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		330.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		335.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,300.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	350.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	87	L.F.	300.00	26,100
Joint at Existing 6"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	613	L.F.	12.00	7,356
FxH Adaptor	4	EA.	750.00	3,000
			SUBTOTAL:	142,471

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	500.00	0
Tie Into Existing Manhole	0	EA.	3,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Redlands Blvd ~ Domestic Water Improvement Plans
DATE: 07/28/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$142,471
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$142,471
+20% CONTINGENCY:		$28,494
GRAND TOTAL:		$170,965

BOND AMOUNT: **$171,000**

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 60121
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

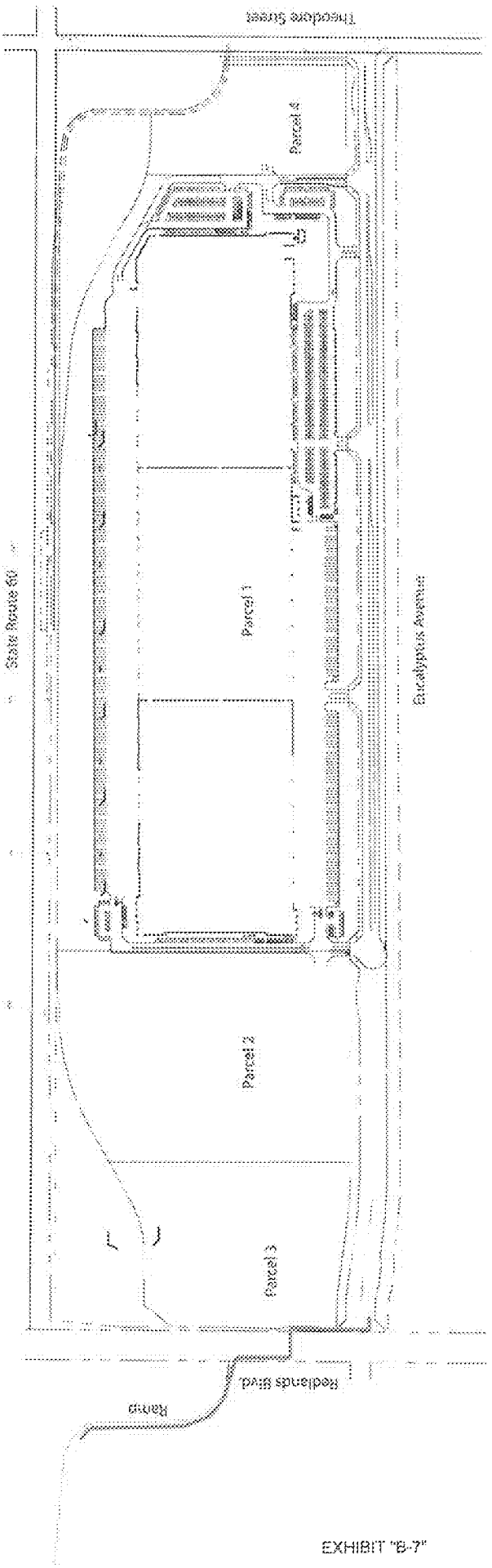

EXHIBIT "B-7"

HFCP-Offsite Water (Redlands) Improvements

EXHIBIT "A- 8"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35629 – Monumentation

DATE: 06/22/16
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

Item No. A.13

MV00074282

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	13.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 6" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry, 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LOD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	10000	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	116	EA.	300.00	34,800
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	34,800

PROJECT: Parcel Map 35629 – Monumentation
DATE: 08/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9800 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	8,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinator	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 36529 -- Monumentation

DATE: 08/22/18
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE:	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Off Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
3 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Off St-Paris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Off Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Off Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Off Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Off Street Name)	0	EA.	12500.00	0
Local Depressions (Off Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35639 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-18"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 36529 -- Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	880.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,880.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,300.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	650.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0			0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Parcel Map 35629 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$34,800
TOTAL COST (VALUE) OF IMPROVEMENTS:		$34,800
+20% CONTINGENCY:		$6,960
GRAND TOTAL:		$41,760

BOND AMOUNT: $42,000

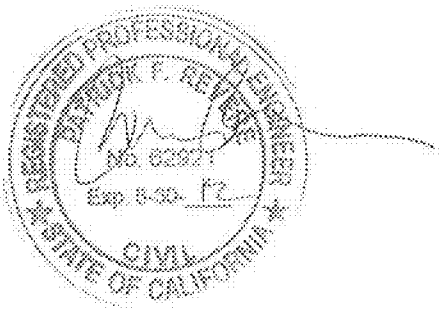

EXHIBIT "B-8"

No Exhibit for Parcel Map Monumentation

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Exhibit "A-9"

Highland Fairview Corporate Park
Preliminary Dry Utility
Engineer's Estimate
Eucalyptus Avenue

TRENCHING	QTY		UNIT COST	TOTAL
Provide and Install:				
Trench - Electric Only (Includes all saw cut, removals, shading, backfill, and surface restoration)	5,200	ft	$ 32.00	$ 166,400.00
Concrete Encasement (Full)	4,725	ft	$ 16.00	$ 75,600.00
TRENCHING SUB-TOTAL				$ 242,000.00

ELECTRIC CONDUIT & SUBSTRUCTURES	QTY		UNIT COST	TOTAL
Provide and Install:				
Transformer Pad RPM 48"x54"	3	ea	$ 1,600.00	$ 4,800.00
6'X7'X12' Vault (w 12" grade ring)	1	ea	$ 18,450.00	$ 18,450.00
5'X10'X7' PME	3	ea	$ 10,200.00	$ 30,600.00
Capacitor Pad 66" x 72"	2	ea	$ 1,600.00	$ 3,200.00
Handhole - 13" x 24" x 24" Concrete	24	ea	$ 105.00	$ 2,520.00
Grounding/Racking and Miscellaneous Materials	32	ea	$ 625.00	$ 20,000.00
1-5" Conduit DB100	26,960	ft	$ 3.50	$ 94,360.00
1-4" Conduit DB100	5,509	ft	$ 3.15	$ 17,353.35
1-3" Conduit DB100	5,587	ft	$ 2.80	$ 15,643.60
1-2" Conduit DB100	0	ft	$ 2.35	$ -
1-1 1/2" Conduit DB100	3,387	ft	$ 1.95	$ 6,604.65
SUBTOTAL - ELECTRIC CONDUIT & SUBSTRUCTURES				$ 213,531.60

ELECTRIC CABLING (12KV DISTRIBUTION)	QTY		UNIT COST	TOTAL
Provide and Install:				
PME-10 Switch	3	ea	$ 19,000.00	$ 57,000.00
1800 KVAR Capacitor	2	ea	$ 26,000.00	$ 52,000.00
25 KVA/120-240/ 12 KV Fused	3	ea	$ 3,900.00	$ 11,700.00
4W Secondary Bar	72	ea	$ 110.00	$ 7,920.00
600AMP Elbow	6	ea	$ 570.00	$ 3,420.00
600AMP Dead End w/Test Point	13	ea	$ 430.00	$ 5,590.00
600AMP TEE'S (Elbow w/ 200AMP Tap)	14	ea	$ 690.00	$ 9,660.00
600A 2W Splice, 15KV w/200A Tap	2	ea	$ 690.00	$ 1,380.00
600A 2W Splice, 15KV	10	ea	$ 570.00	$ 5,700.00
200A 1/0 Elbow	12	ea	$ 220.00	$ 2,640.00
3 1/C 1000 JCN-12KV	2,482	ft	$ 28.00	$ 69,496.00
3 1/C 750 JCN-12KV	7,424	ft	$ 21.00	$ 155,904.00
2/C 1/0 JCN 12KV	1,071	ft	$ 9.00	$ 9,639.00
2/C #8 Al CLP	590	ft	$ 1.70	$ 1,003.00
SUBTOTAL - ELECTRIC CABLE (12KV DISTRIBUTION)				$ 393,052.00
Total Estimate				$ 848,583.60
Bond Amount				$ 849,000.00

Reviewed and Accepted
MVU

7/28/10
Butsko Utility Design, Inc.
EP

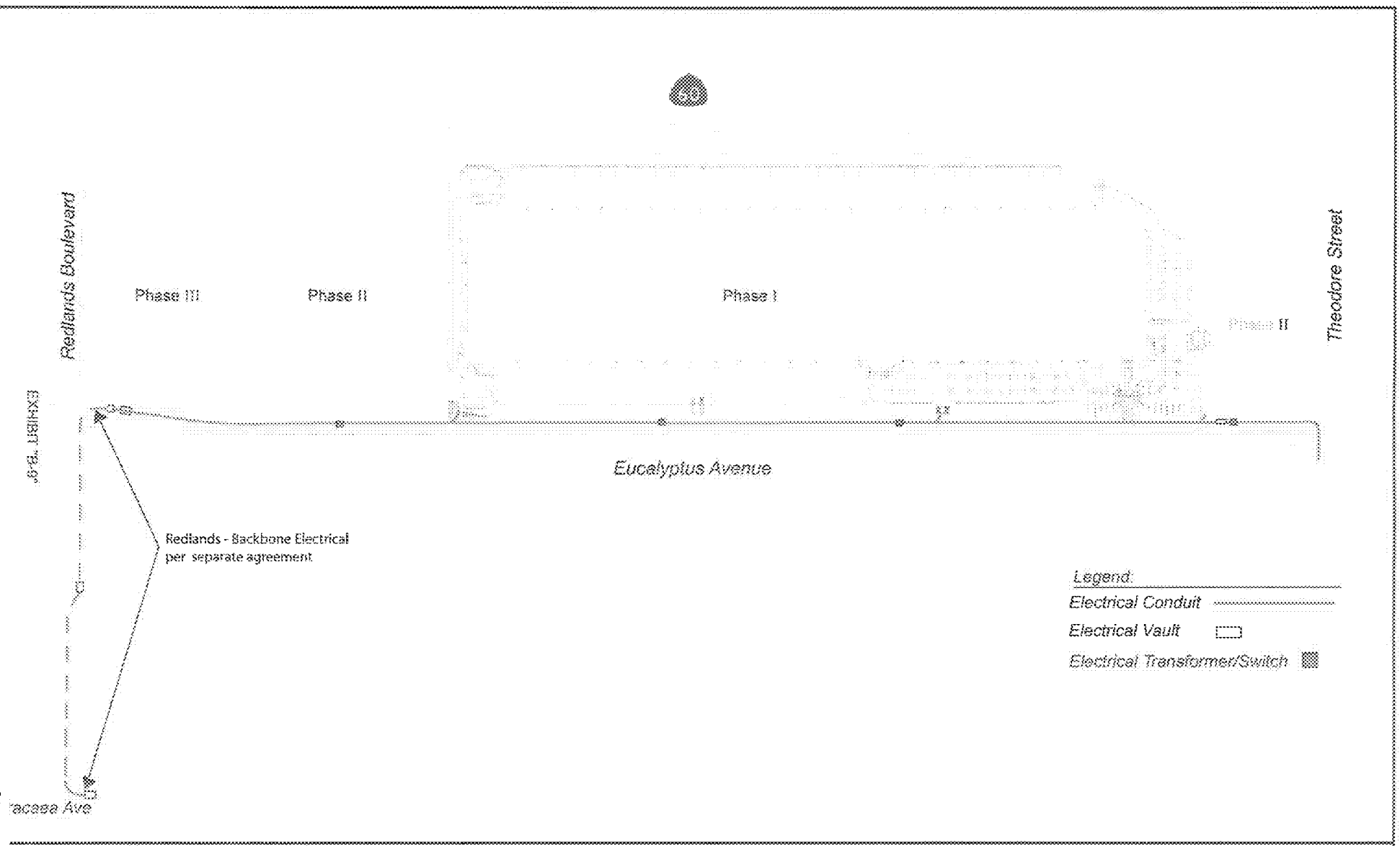

EXHIBIT "B-9"

July 16, 2010

Eucalyptus - Backbone Electrical Exhibit

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MV00074293

(1)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 2,778,000	Project No.	PA07-0090
Bond No.	6711632	Premium	$50,004
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 2,778,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "C"

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

CONTRACTOR'S COPY

Public Improvements $ 1,389,000

Project No. PA07-0090

Bond No. 6711632

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 1,389,000 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** ONE MILLION THREE HUNDRED EIGHTY-NINE THOUSAND & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "D"

(2)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 821,000	Project No.	PA07-0090
Bond No.	6711633	Premium	$14,778
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 821,000 **.00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED TWENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "E"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 410,500

Bond No. 6711633

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FOUR HUNDRED TEN THOUSAND FIVE HUNDRED Dollars (***$410,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "F"

(3)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 467,000	Project No.	PA07-0090
Bond No.	6711634	Premium	$8,406
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 467,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED SIXTY-SEVEN THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "G"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 233,500

Bond No. 6711634

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 233,500.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** TWO HUNDRED THIRTY-THREE THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "H"

(1)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 1,050,000

Project No. PA07-0090

Bond No. 6711635

Premium $18,900

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 1,050,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE MILLION FIFTY THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "I"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 525,000

Bond No. 6711635

Surety SAFECO INSURANCE COMPANY OF AMERICAN

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FIVE HUNDRED TWENTY-FIVE THOUSAND Dollars (***$ 525,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "J"

5

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 434,000	Project No.	PA07-0090
Bond No.	6711636	Premium	$7,812
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 434,000 **.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED THIRTY-FOUR THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "K"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 217,000

Project No. PA07-0090

Bond No. 6711636

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWO HUNDRED SEVENTEEN THOUSAND Dollars (***$ 217,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "L"

(6)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 725,000	Project No.	PA07-0090
Bond No.	6711637	Premium	$13,050
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS.

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 725,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** SEVEN HUNDRED TWENTY-FIVE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "M"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 362,500

Project No. PA07-0090

Bond No. 6711637

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$362,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** THREE HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "N"

(1)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements $ 171,000

Project No. PA07-0090

Bond No. 6711638

Premium $3,078

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 171,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE HUNDRED SEVENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "O"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 85,500

Bond No. 6711638

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of EIGHTY-FIVE THOUSAND FIVE HUNDRED Dollars (***$85,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "P"

(5)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 42,000	Project No.	PA07-0090
Bond No.	6711639	Premium	$756
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of FORTY-TWO THOUSAND **AND NO/100** Dollars (***$ 42,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "Q"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 21,000

Project No. PA07-0090

Bond No. 6711639

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWENTY-ONE THOUSAND & NO/100 Dollars (***$21,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "R"

(9)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 849,000

Project No. PA07-0090

Bond No. 6711640

Premium $15,282

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 849,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED FORTY-NINE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "S"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 424,500

Project No. PA07-0090

Bond No. 6711640

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$424,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** FOUR HUNDRED TWENTY-FOUR THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "T"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements.

2. Authorize the Mayor to execute the Cooperative Agreement.

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The project conditions of approval require the developer to complete certain master storm drain improvements within the Moreno Area Drainage Plan. The improvements consist of construction of the following storm drain lines: Line F, Stage 3; Line D; Line D-5; Line D-6; and Line F Sinclair Street Storm Drain.

On June 8, 2010, the City Council for the City of Moreno Valley approved HF Logistics – SKX T1, LLC Public Improvement Agreement and cash security for Moreno Master Drainage Plan Line F Improvements.

On July 13, 2010, the City Council for the City of Moreno Valley approved replacement security and Public Improvement Agreement for Moreno Master Drainage Plan Line F Improvements.

DISCUSSION

As a condition of approval of Parcel Map No. 35629, the City requires the developer to construct certain storm drain facilities in order to provide flood protection and drainage for the developer's planned development. The Cooperative Agreement is the District's mechanism by which the District, the City, and the developer coordinate the construction and maintenance of master storm drain facilities.

The required facilities for this project include construction of approximately 5,116 linear feet of underground storm drain system within proposed drainage easements and City right-of-way, which once accepted will be the District's drainage facilities. These storm drains will intercept flows from culverts under SR-60, route them through the project site with proposed drainage easements and discharge into a proposed spreading basin just south of Eucalyptus Avenue. The City's drainage facilities will consist of inlets, catch basins, laterals and connector pipes within City-held easements or right-of-way.

The developer is responsible for the design and construction of the project. The plans and specifications have been approved in accordance with the District's and City's standards.

The District is providing inspection for the construction under an existing Right of Entry and Inspection Agreement, and will accept ownership and responsibility for the maintenance of the District's drainage facilities, if the developer meets all requirements of the Cooperative Agreement.

The City has reviewed the plans and specifications, and will provide necessary inspection for storm drain construction, and accept ownership and responsibility for the operation and maintenance of the City's drainage facilities, if the developer meets all requirements of the Cooperative Agreement. The City is holding a Faithful Performance Bond and Material and Labor Bond for both the District's drainage facilities and the City's drainage facilities.

ALTERNATIVES

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Authorize the Mayor to execute the Cooperative Agreement. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

2. Do not approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Do not authorize the Mayor to execute the Cooperative Agreement. Do not direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District. *Not approving staff's recommendation would result in the developer constructing the said storm drain improvements and the City maintaining the entire improvements.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” – Location Map
Exhibit “C” – Cooperative Agreement with Exhibits

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Highland Fairview Cooperative Agreement for Line F et al.doc

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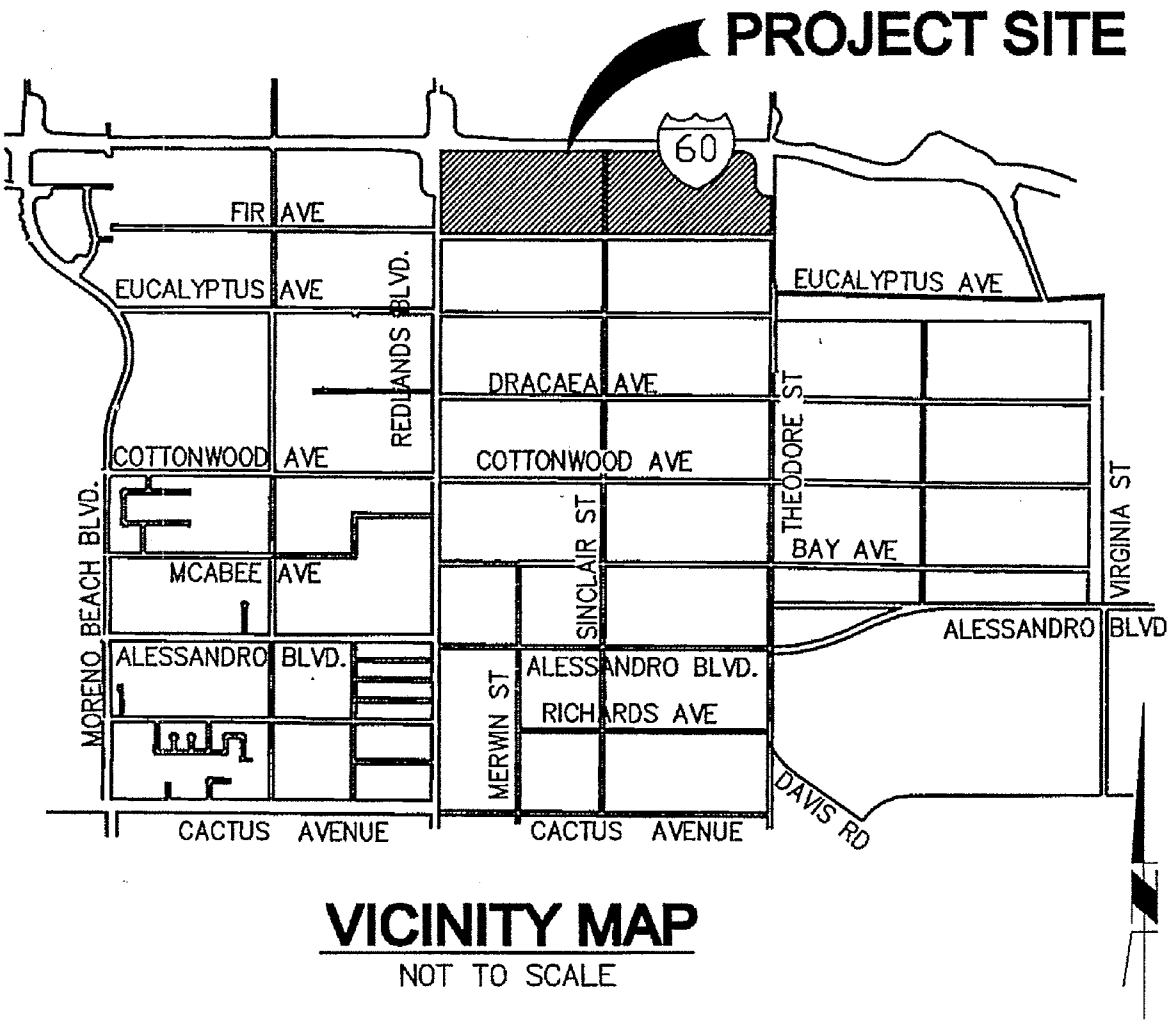

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **VICINITY MAP**

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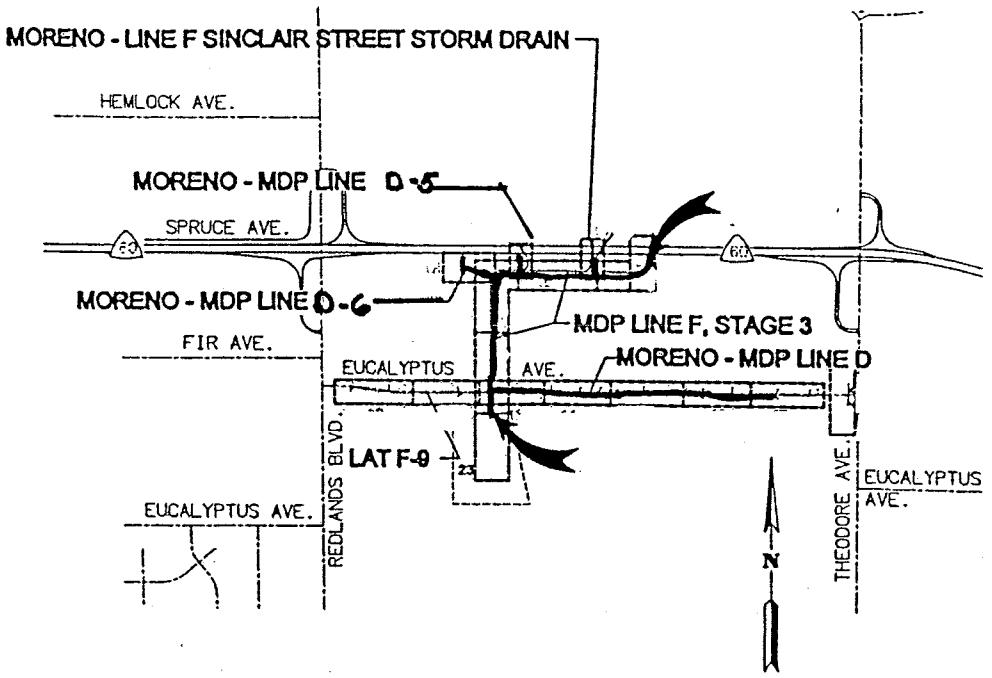

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "B"	PA07-0090 LOCATION MAP

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MV00074321

Exhibit "C"
Cooperative Agreement
Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno Line F Sinclair Street Storm Drain

COOPERATIVE AGREEMENT

Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno – Line F Sinclair Street Storm Drain
(Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743)
(Parcel Map No. 35629)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MORENO VALLEY, hereinafter called "CITY", and HF LOGISTICS-SKX T1, LLC, a Delaware limited liability company, HF LOGISTICS-SKX T2, LLC, a Delaware limited liability company, HIGHLAND FAIRVIEW PARTNERS I, a California general partnership, HIGHLAND FAIRVIEW PARTNERS II, a California general partnership, HIGHLAND FAIRVIEW PARTNERS III, a California general partnership, and HIGHLAND FAIRVIEW PARTNERS IV, a California general partnership, hereinafter together called "DEVELOPERS", hereby agree as follows:

RECITALS

A. DEVELOPERS have submitted for approval Parcel Map No. 35629 in the City of Moreno Valley and as a condition for approval DEVELOPERS must construct certain flood control facilities in order to provide flood protection and drainage for DEVELOPERS' planned development; and

B. The required flood control facilities include construction of approximately 5,116 lineal feet of underground storm drain system, hereinafter called "DISTRICT DRAINAGE FACILITIES, as shown in concept in red on Exhibit "A" attached hereto and made a part hereof; and

C. Also associated with the construction of DISTRICT DRAINAGE FACILITIES is the construction of inlets, catch basins, laterals and connector pipes located within CITY'S right of way, hereinafter called "APPURTENANCES". Together, DISTRICT DRAINAGE FACILITIES and APPURTENANCES are hereinafter called "PROJECT"; and

D. DEVELOPERS and CITY desire DISTRICT to accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES. Therefore, DISTRICT must review and approve DEVELOPERS' plans and specifications for PROJECT and subsequently inspect the construction of DISTRICT DRAINAGE FACILITIES; and

E. DEVELOPERS and DISTRICT desire CITY to accept ownership and responsibility for the operation and maintenance of APPURTENANCES. Therefore, CITY must review and approve DEVELOPERS' plans and specifications and subsequently inspect the construction of PROJECT; and

F. DISTRICT is willing to (i) review and approve DEVELOPERS' plans and specifications for PROJECT, (ii) inspect the construction of DISTRICT DRAINAGE FACILITIES, and (iii) accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, provided DEVELOPERS (i) comply with this Agreement, (ii) pay DISTRICT the amounts specified herein to cover DISTRICT'S plan review and construction inspection costs, (iii) construct PROJECT in accordance with plans and specifications approved by DISTRICT and CITY, (iv) obtain all necessary permits, regulatory permits, licenses and rights of entry as set forth herein, (v) accept ownership and responsibility for the operation and maintenance of PROJECT following completion of PROJECT construction until such time as DISTRICT accepts ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts

ownership and responsibility for the operation and maintenance of APPURTENANCES, and (vi) obtain and convey to DISTRICT the necessary rights of way for the inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES as set forth herein; and

G. CITY is willing to (i) review and approve plans and specifications prepared by DEVELOPERS for PROJECT, (ii) inspect the construction of APPURTENANCES, (iii) accept and hold faithful performance and payment bonds submitted by DEVELOPERS for DISTRICT DRAINAGE FACILITIES, (iv) grant DISTRICT the right to inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way, (v) consent to the recordation and conveyance of Irrevocable Offer(s) of Dedication furnished by DEVELOPERS as provided herein, and (vi) accept ownership and responsibility for the operation and maintenance of APPURTENANCES, provided PROJECT is constructed in accordance with plans and specifications approved by DISTRICT and CITY.

NOW, THEREFORE, the parties hereto mutually agree as follows:

SECTION I

DEVELOPERS shall:

1. Prepare PROJECT plans and specifications, as shown in DISTRICT Drawing No. 4-1007 hereinafter called "IMPROVEMENT PLANS", in accordance with DISTRICT and CITY standards, and submit to DISTRICT and CITY for their review and approval.

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement. Additionally, deposit

with CITY, any and all such amounts as are deemed reasonably necessary by CITY to cover CITY'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement.

3. Deposit with DISTRICT (Attention: Business Office – Accounts Receivable), at the time of providing written notice to DISTRICT of the start of DISTRICT DRAINAGE FACILITIES construction as set forth in Section I.8., the estimated cost of providing construction inspection for DISTRICT DRAINAGE FACILITIES, in an amount as determined and approved by DISTRICT in accordance with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto, based upon the bonded value of DISTRICT DRAINAGE FACILITIES to be inspected, operated and maintained by DISTRICT. Additionally, deposit with CITY (Attention: Public Works/Land Development), at the time of providing written notice to DISTRICT of the start of PROJECT construction as set forth in Section I.8., the estimated cost of providing construction inspection in an amount as determined and approved by CITY in accordance with the most recent City Code and Fee Resolution of CITY, including any amendments thereto.

4. [This Section Intentionally Left Blank.]

5. Secure, at its sole cost and expense, all necessary licenses, agreements, permits and rights of entry as may be needed for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES. DEVELOPERS shall furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with sufficient evidence of DEVELOPERS having secured such necessary licenses, agreements, permits and rights of entry, as determined and approved by DISTRICT.

6. Furnish DISTRICT with copies of all permits, approvals or agreements required by any Federal or State resource and/or regulatory agency for the construction, operation and maintenance of DISTRICT DRAINAGE FACILITIES. Such documents include but are not limited to those issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Department of Fish and Game and State Water Resources Control Board.

7. Provide CITY, prior to providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a faithful performance bond in the amount of one hundred percent (100%) of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT and a material and labor payment bond in the amount of fifty percent (50%) of the estimated cost for construction of the DISTRICT DRAINAGE FACILITIES as determined by DISTRICT. The surety, amount and form of the bonds shall be subject to the approval of DISTRICT and CITY. The bonds shall remain in full force and effect until DISTRICT DRAINAGE FACILITIES are accepted by DISTRICT as complete; at which time the faithful performance bond amount may be reduced to ten percent (10%) for a period of one year to guarantee against any defective work, and the Material and Labor security will be released after a period of ninety (90) days if there are no liens against the project for payment of materials or labor.

8. Notify DISTRICT in writing (Attention: Administrative Services Section), at least twenty (20) days prior to the start of construction of DISTRICT DRAINAGE FACILITIES. Construction shall not begin on any element of DISTRICT DRAINAGE FACILITIES for any reason whatsoever, until DISTRICT has issued to DEVELOPERS a written Notice to Proceed authorizing DEVELOPERS to commence construction of DISTRICT DRAINAGE FACILITIES.

9. Grant DISTRICT and CITY, by execution of this Agreement, the right to enter upon DEVELOPERS' property where necessary and convenient for the purpose of gaining

access to, and performing inspection service for, the construction of DISTRICT DRAINAGE FACILITIES and APPURTENANCES, respectively, as set forth herein.

10. Obtain and provide DISTRICT, at the time of providing written notice to DISTRICT of the start of construction of DISTRICT DRAINAGE FACILITIES as set forth in Section I.8., with duly executed Irrevocable Offers(s) of Dedication to the public for flood control and drainage purposes, including ingress and egress, for the rights of way deemed necessary by DISTRICT for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, as shown in concept shaded in green on Exhibit "B" attached hereto and made a part hereof. The Irrevocable Offer(s) of Dedication shall be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of the property described in the offer(s).

11. Furnish DISTRICT, when submitting the Irrevocable Offer(s) of Dedication as set forth in Section I.10., with Preliminary Reports on Title dated not more than thirty (30) days prior to date of submission of all the property described in the Irrevocable Offer(s) of Dedication.

12. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a complete list of all contractors and subcontractors to be performing work on DISTRICT DRAINAGE FACILITIES, including the corresponding license number and license classification of each. At such time, DEVELOPERS shall further identify in writing their designated superintendent for DISTRICT DRAINAGE FACILITIES construction.

13. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., a construction schedule which shall show the order and dates in which the DEVELOPERS or DEVELOPERS' contractor proposes to carry on

the various parts of work, including estimated start and completion dates. As construction of DISTRICT DRAINAGE FACILITIES progresses, DEVELOPERS shall update said construction schedule as requested by DISTRICT.

14. Furnish DISTRICT with final mylar IMPROVEMENT PLANS and assign their ownership to DISTRICT at the time DISTRICT approves and signs said final mylar IMPROVEMENT PLANS, and prior to the start of DISTRICT DRAINAGE FACILITIES construction.

15. Not permit any change to or modification of the IMPROVEMENT PLANS without the prior written permission and consent of DISTRICT.

16. Comply with all Cal/OSHA safety regulations including regulations concerning confined space and maintain a safe working environment for DEVELOPERS' and DISTRICT employees on the site.

17. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a confined space entry procedure specific to DISTRICT DRAINAGE FACILITIES. The procedure shall comply with requirements contained in California Code of Regulations, Title 8 Section 5158, Other Confined Space Operations, Section 5157, Permit Required Confined Space and DISTRICT Confined Space Procedures, SOM-18. The procedure shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed.

18. During the construction period of DISTRICT DRAINAGE FACILITIES, provide Workers' Compensation Insurance in an amount required by law. A certificate of said insurance policy shall be provided to DISTRICT, the County of Riverside and CITY at the time of providing written notice pursuant to Section I.8.

19. Commencing on the date notice is given pursuant to Section I.8. and continuing until DISTRICT accepts DISTRICT DRAINAGE FACILITIES for operation and maintenance:

(a) Provide and maintain or cause its contractor(s) to provide and maintain comprehensive liability insurance coverage which shall protect DEVELOPERS from claim from damages for personal injury, including accidental and wrongful death, as well as from claims for property damage which may arise from DEVELOPERS' construction of PROJECT or the performance of its obligations hereunder, whether such construction or performance be by DEVELOPERS, by any of its contractors, subcontractors, or by anyone employed directly or indirectly by any of them. Such insurance shall name DISTRICT, the County of Riverside and CITY as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Such insurance shall provide for limits of not less than two million dollars ($2,000,000) per occurrence.

(b) Cause its insurance carrier(s) or its contractor's insurance carrier(s), who shall be authorized by the California Department of Insurance to transact the business of insurance in the State of California, to furnish DISTRICT, the County of Riverside and CITY, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with certificate(s) of insurance and applicable policy endorsements showing that such insurance is in full force and

effect and that DISTRICT, the County of Riverside and CITY are named as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Further, said certificate(s) shall state that the issuing company shall give DISTRICT, the County of Riverside and CITY sixty (60) days written notice in the event of any cancellation, termination, non-renewal or reduction in coverage of the policies evidenced by the certificate(s). In the event of any such cancellation, termination, non-renewal or reduction in coverage, DEVELOPERS shall, forthwith, secure replacement insurance meeting the provisions of this paragraph.

Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to proceed to perform the remaining work pursuant to Section IV.3.

20. Construct or cause to be constructed, PROJECT at DEVELOPERS' sole cost and expense in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

21. Accept sole responsibility for the adjustment of all DISTRICT DRAINAGE FACILITIES' manhole rings and covers located within DISTRICT EASEMENTS which must be performed at such time(s) that the finished grade along and above the underground portions of DISTRICT DRAINAGE FACILITIES are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

22. Within two (2) weeks of completing PROJECT construction, provide DISTRICT with written notice (Attention: Contract Administration Section) that PROJECT construction is substantially complete and requesting that DISTRICT conduct a final inspection of DISTRICT DRAINAGE FACILITIES.

23. Upon completion of PROJECT construction, and upon acceptance by CITY of all street rights of way deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, convey, or cause to be conveyed to DISTRICT flood control easement(s), including ingress and egress, in a form approved by DISTRICT, for the rights of way as shown in concept shaded in green on Exhibit "B".

24. [This Section Intentionally Left Blank.]

25. At the time of recordation of the conveyance document(s) as set forth in Section I.23.(ii), furnish DISTRICT with policies of title insurance, each in the amount of not less than fifty percent (50%) of the estimated fee value, as determined by DISTRICT, for each easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S interest in said property as being free and clear of all liens, encumbrances, assessments, easements, taxes and leases (recorded or unrecorded), except those which, in the sole discretion of DISTRICT, are deemed acceptable.

26. Accept ownership and sole responsibility for the operation and maintenance of PROJECT until such time as DISTRICT accepts ownership and responsibility for operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts ownership and responsibility for operation and maintenance of APPURTENANCES. Further, it is mutually understood by the parties hereto that prior to DISTRICT acceptance of ownership and

responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, PROJECT shall be in a satisfactorily maintained condition as solely determined by DISTRICT.

27. Pay, if suit is brought upon this Agreement or any bond guaranteeing the completion of DISTRICT DRAINAGE FACILITIES, all costs and reasonable expenses and fees, including reasonable attorneys' fees, and acknowledge that, upon entry of judgment, all such costs, expenses and fees shall be computed as costs and included in any judgment rendered.

28. Upon completion of construction of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, DEVELOPERS' civil engineer of record or construction civil engineer of record, duly registered in the State of California, shall provide DISTRICT a redlined "record drawing" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined "record drawing" drawings, DEVELOPERS' engineer shall schedule with DISTRICT a time to transfer the redlined changes onto DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp and sign the original IMPROVEMENT PLANS "RECORD DRAWING".

29. Ensure that all work performed pursuant to this Agreement by DEVELOPERS, their agents or contractors is done in accordance with all applicable laws and regulations, including but not limited to all applicable provisions of the Labor Code, Business and Professions Code, and Water Code. DEVELOPERS shall be solely responsible for all costs associated with compliance with applicable laws and regulations.

SECTION II

DISTRICT shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of DISTRICT DRAINAGE FACILITIES construction.

2. Provide CITY an opportunity to review and approve IMPROVEMENT PLANS prior to DISTRICT'S final approval.

3. Upon execution of this Agreement, record or cause to be recorded, a copy of this Agreement in the Official Records of the Riverside County Recorder.

4. Record or cause to be recorded, the Irrevocable Offer(s) of Dedication provided by DEVELOPERS pursuant to Section I.10.

5. Inspect DISTRICT DRAINAGE FACILITIES construction.

6. Keep an accurate accounting of all DISTRICT costs associated with the review and approval of IMPROVEMENT PLANS, the review and approval of right of way and conveyance documents and the processing and administration of this Agreement.

7. Keep an accurate accounting of all DISTRICT construction inspection costs, and within forty-five (45) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete, submit a final cost statement to DEVELOPERS. If the deposit, as set forth in Section I.3. exceeds such costs, DISTRICT shall reimburse DEVELOPERS the excess amount within sixty (60) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete. If at any time the costs exceed the deposit or are anticipated by DISTRICT to exceed the deposit, DEVELOPERS shall pay such additional amount(s), as deemed reasonably necessary by DISTRICT to complete inspection of DISTRICT DRAINAGE FACILITIES, within thirty (30) days after receipt of billing from DISTRICT.

8. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES upon (i) DISTRICT acceptance of PROJECT construction as being complete, (ii) recordation of all conveyance documents described in Section I.23., and (iii) acceptance by CITY of all necessary street rights of way as deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT.

9. Provide CITY with a reproducible duplicate copy of "as-built" IMPROVEMENT PLANS upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

SECTION III

CITY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction.

2. Accept the CITY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPERS as set forth in Section I.7., and hold said bonds as provided herein.

3. Inspect construction of APPURTENANCES.

4. Consent, by execution of this Agreement, to the recording of any Irrevocable Offer(s) of Dedication furnished by DEVELOPERS pursuant to this Agreement.

5. As requested by DISTRICT, accept the Irrevocable Offer(s) of Dedication as set forth herein, and any other outstanding offers of dedication necessary for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, and, convey sufficient rights of way to DISTRICT to allow DISTRICT to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES.

6. Grant DISTRICT, by execution of this Agreement, the right to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way.

7. Accept ownership and sole responsibility for the operation and maintenance of APPURTENANCES upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

8. Upon DISTRICT acceptance of PROJECT construction as being complete, accept sole responsibility for the adjustment of all PROJECT manhole rings and covers located within CITY rights of way which must be performed at such time(s) that the finished grade along and above the underground portions of PROJECT are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

SECTION IV

It is further mutually agreed:

1. All work involved with DISTRICT DRAINAGE FACILITIES shall be inspected by DISTRICT and shall not be deemed complete until approved and accepted in writing as complete by DISTRICT.

2. CITY and DEVELOPERS' personnel may observe and inspect all work being done on DISTRICT DRAINAGE FACILITIES, but shall provide any comments to DISTRICT personnel who shall be solely responsible for all quality control communications with the DEVELOPERS' contractor(s) during the construction of DISTRICT DRAINAGE FACILITIES.

3. DEVELOPERS shall complete construction of DISTRICT DRAINAGE FACILITIES within twelve (12) consecutive months after execution of this Agreement and within one hundred eighty (180) consecutive calendar days after commencing work on

DISTRICT DRAINAGE FACILITIES. It is expressly understood that since time is of the essence in this Agreement, failure of DEVELOPERS to perform the work within the agreed upon time shall constitute authority for DISTRICT to perform the remaining work and require DEVELOPERS' surety to pay to CITY the penal sum of any and all bonds. In which case, CITY shall subsequently reimburse DISTRICT for DISTRICT costs incurred.

4. DEVELOPERS shall not request DISTRICT to accept any portion or portions of DISTRICT DRAINAGE FACILITIES or CITY to accept any portion or portions of APPURTENANCES prior to the completion of PROJECT construction.

5. DISTRICT shall endeavor to issue DEVELOPERS a Notice to Proceed within twenty (20) days of receipt of DEVELOPERS' complete written notice as set forth in Section I.8.; however, DISTRICT'S construction inspection staff is limited and, therefore, the issuance of a Notice to Proceed is subject to staff availability.

In the event DEVELOPERS wish to expedite issuance of a Notice to Proceed, DEVELOPERS may elect to furnish an independent qualified construction inspector at DEVELOPERS' sole cost and expense. DEVELOPERS shall furnish appropriate documentation of the individual's credentials and experience to DISTRICT for review and, if appropriate, approval. DISTRICT shall review the individual's qualifications and experience and, upon approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be authorized to act on DISTRICT'S behalf on all DISTRICT DRAINAGE FACILITIES construction and quality control matters. If DEVELOPERS' initial construction inspection deposit furnished pursuant to Section I.3. exceeds ten thousand dollars ($10,000.00), DISTRICT shall refund to DEVELOPERS up to eighty percent (80%) of DEVELOPERS' initial inspection deposit within forty-five (45) days of DISTRICT'S approval of DEPUTY INSPECTOR; however, a minimum balance of ten thousand dollars ($10,000.00) shall be retained on account.

6. DISTRICT DRAINAGE FACILITIES construction work shall be on a five (5) day, forty (40) hour work week with no work on Saturdays, Sundays or DISTRICT designated legal holidays, unless otherwise approved in writing by DISTRICT. If DEVELOPERS feel it necessary to work more than the normal forty (40) hour work week or on holidays, DEVELOPERS shall make a written request for permission from DISTRICT to work the additional hours. The request shall be submitted to DISTRICT at least seventy-two (72) hours prior to the requested additional work hours and state the reasons for the overtime and the specific time frames required. The decision of granting permission for overtime work shall be made by DISTRICT at its sole discretion and shall be final. If permission is granted by DISTRICT, DEVELOPERS will be charged the cost incurred at the overtime rates for additional inspection time required in connection with the overtime work in accordance with Ordinance Nos. 671 and 749, including any amendments thereto, of the County of Riverside.

7. DEVELOPERS shall indemnify and hold harmless DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) from any liability, claim, damage, proceeding or action, present or future, based upon, arising out of or in any way relating to DEVELOPERS' (including its officers, employees, subcontractors and agents) actual or alleged acts or omissions related to this Agreement, performance under this Agreement, or failure to comply with the requirements of this Agreement, including but not limited to: (a) property damage; (b) bodily injury or death; (c) liability or damage pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution or any other law, ordinance or regulation caused by the diversion of waters from the natural drainage patterns or the discharge of drainage within or from PROJECT; or (d) any other element of any kind or nature whatsoever.

DEVELOPER shall defend, at its sole expense, including all costs and fees (including but not limited to attorney fees, cost of investigation, defense and settlements or awards), DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) in any claim, proceeding or action for which indemnification is required.

With respect to any of DEVELOPERS' indemnification requirements, DEVELOPERS shall, at its sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle or compromise any such claim, proceeding or action without the prior consent of DISTRICT and CITY; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes DEVELOPERS' indemnification obligations to DISTRICT or CITY.

DEVELOPERS' indemnification obligations shall be satisfied when DEVELOPERS have provided to DISTRICT and CITY the appropriate form of dismissal (or similar document) relieving DISTRICT or CITY from any liability for the claim, proceeding or action involved.

The specified insurance limits required in this Agreement shall in no way limit or circumscribe DEVELOPERS' obligations to indemnify and hold harmless DISTRICT and CITY from third party claims.

In the event there is conflict between this section and California Civil Code Section 2782, this section shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the DEVELOPERS from indemnifying DISTRICT or CITY to the fullest extent allowed by law.

8. Any waiver by DISTRICT or by CITY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other

breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to require exact, full and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from enforcement hereof.

9. DISTRICT and CITY each pledge to cooperate in regard to the operation and maintenance of their respective facilities as set forth herein and to discharge their respective maintenance responsibilities in an expeditious fashion so as to avoid the creation of any nuisance condition or undue maintenance impact upon the others' facilities.

10. This Agreement is to be construed in accordance with the laws of the State of California.

11. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: Administrative Services

CITY OF MORENO VALLEY
Post Office Box 88005
Moreno Valley, CA 92552-0805
Attn: Public Works Director

HF LOGISTICS-SKX T1, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

HF LOGISTICS-SKX T2, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

12. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other county.

13. This Agreement is the result of negotiations between the parties hereto, and the advice and assistance of their respective counsel. The fact that this Agreement was prepared as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT prepared this Agreement in its final form.

14. The rights and obligations of DEVELOPERS shall inure to and be binding upon all heirs, successors and assignees.

15. DEVELOPERS shall not assign or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of the other parties hereto being first obtained. In the event of any such transfer or assignment, DEVELOPERS expressly understand and agree that they shall remain liable with respect to any and all of the obligations and duties contained in this Agreement.

16. The individual(s) executing this Agreement on behalf of DEVELOPERS hereby certify they have the authority within their respective company(ies) to enter into and execute this Agreement, and have been authorized to do so by any and all boards of directors, legal counsel, and or any other board, committee or other entity within their respective company(ies) which have the authority to authorize or deny entering this Agreement.

17. This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be changed or modified only upon the written consent of the parties hereto.

//

//

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

_____.
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

PAMELA J. WALLS
County Counsel

By _____
NEAL KIPNIS
Deputy County Counsel

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By _____
Deputy

(SEAL)

Cooperative Agreement: TR 35629
KEC:blj
5/20/10

RECOMMENDED FOR APPROVAL:

By _____
Public Works Director/City Engineer

CITY OF MORENO VALLEY

By _____
Mayor

APPROVED AS TO FORM:

By_____
City Attorney

ATTEST:

City Clerk

By _____

(SEAL)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

HIGHLAND FAIRVIEW PARTNERS I
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS II
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS III
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS IV
a California general partnership

By_____
IDDO BENZEEVI, President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6·1·10 (Date) before me: Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Iddo Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868855
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6·1·10 Number of Pages: 234 EXH. A (11) EXH. B (8)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDDO BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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HF LOGISTICS-SKX T1, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By:_____
IDDO BENZEEVI, President and Chief
Executive Officer

HF LOGISTICS-SKX T2, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC,
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By:_____
IDDO BENZEEVI, President and Chief
Executive Officer

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6.1.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Idda Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6.1.10 Number of Pages: 23+ EXH.A(1) EXH.B(8)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDDO BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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Exhibit A

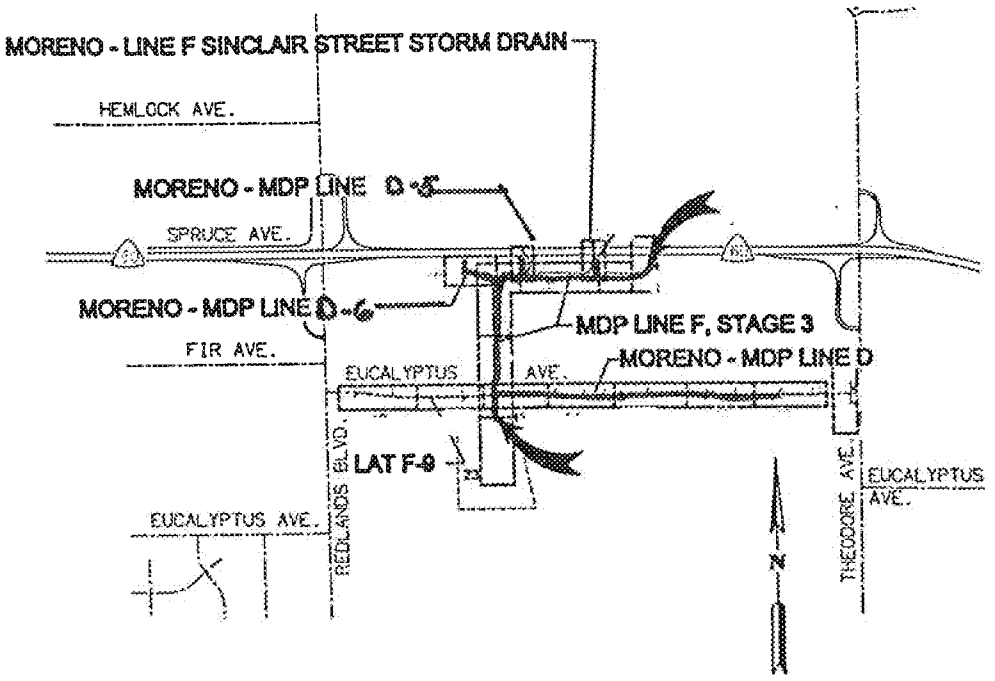

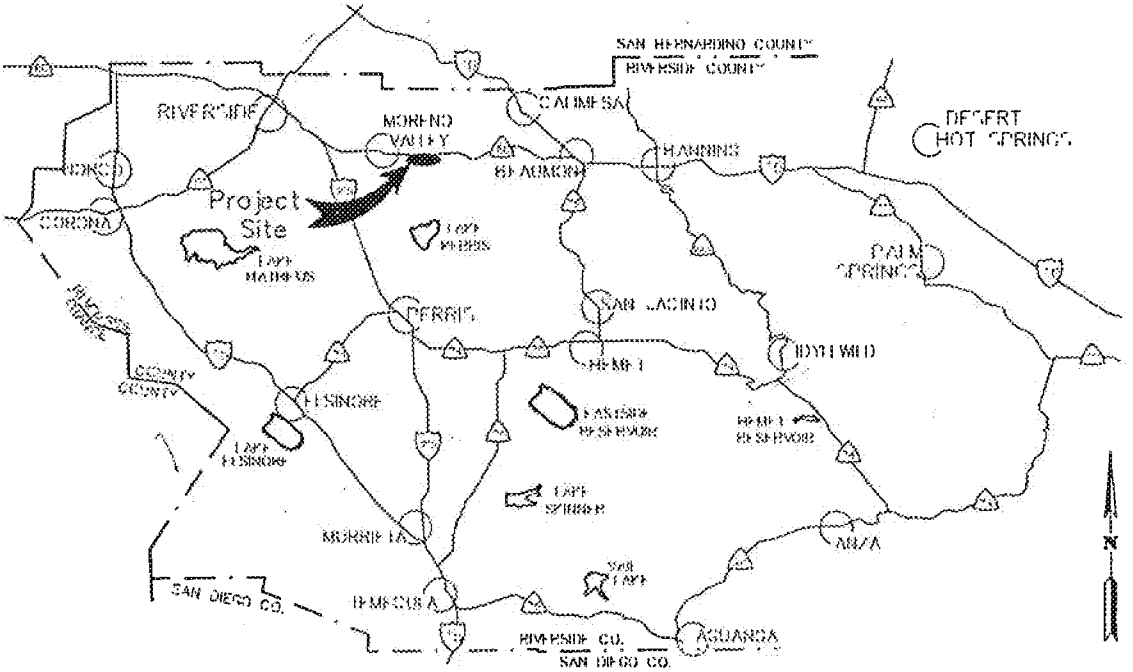

Item No. A.14

MV00074348

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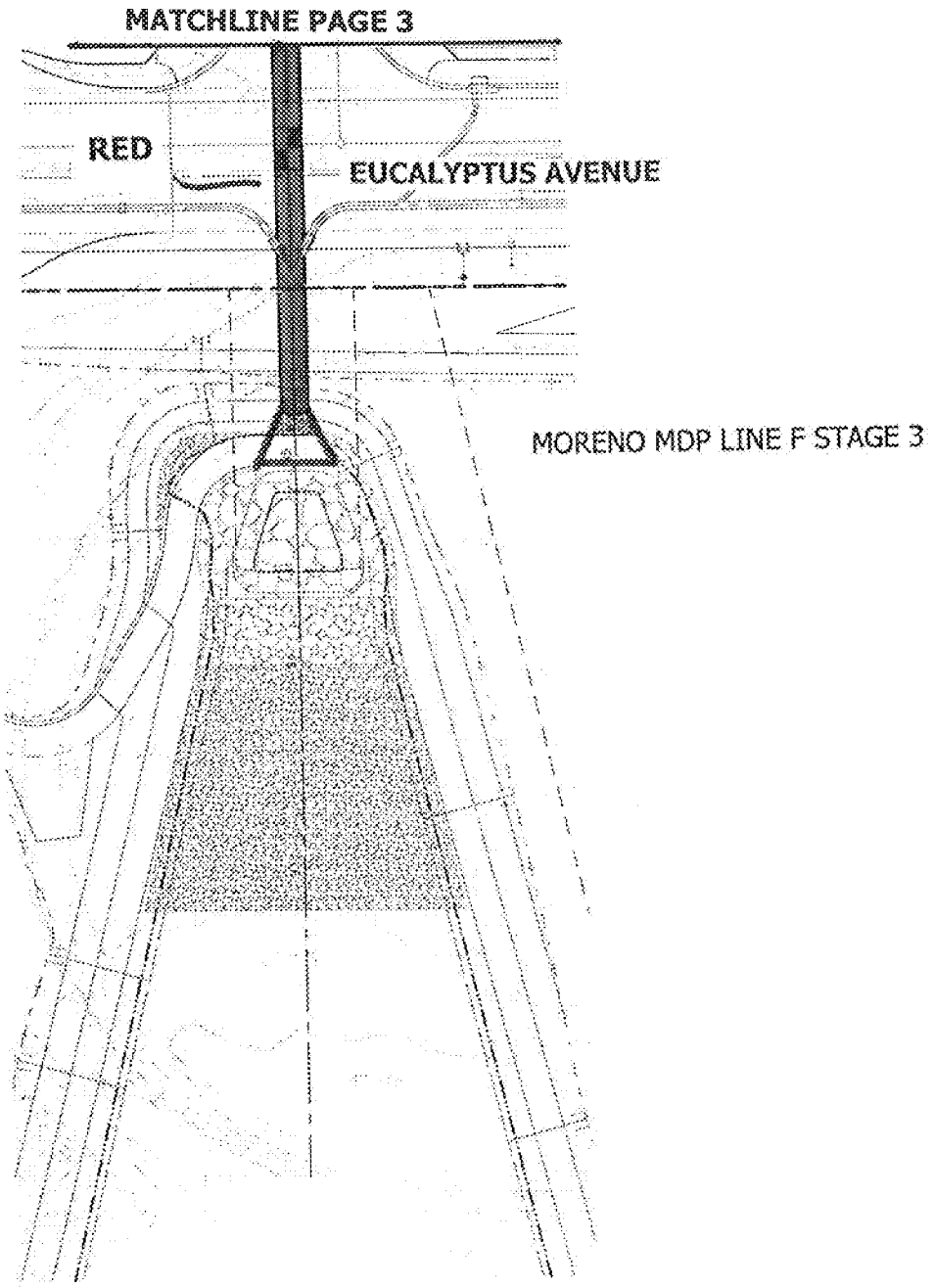
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RED
EUCALYPTUS AVENUE
MORENO MDP LINE F STAGE 3

Exhibit A

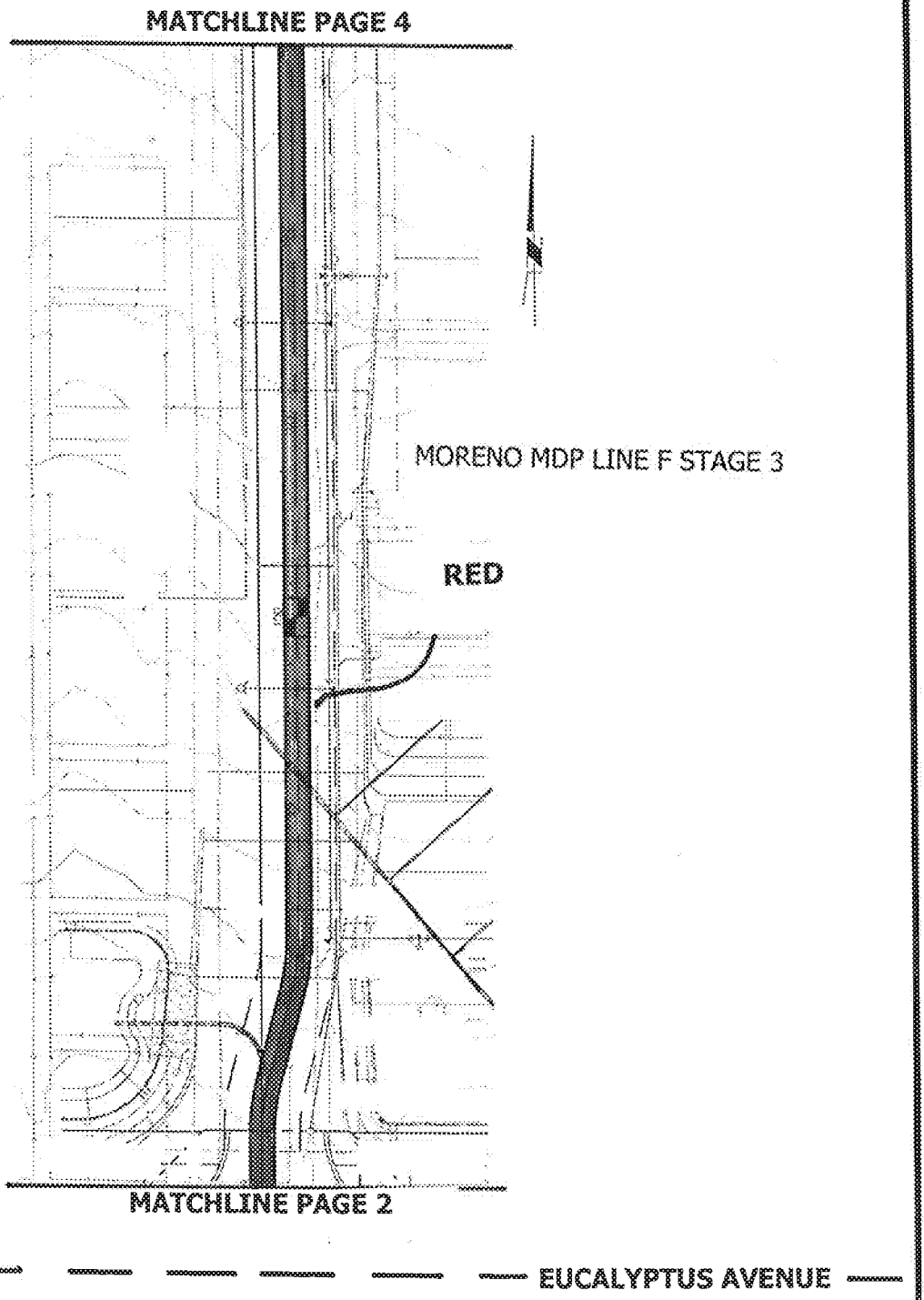
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RED
MATCHLINE PAGE 2
EUCALYPTUS AVENUE

Exhibit A

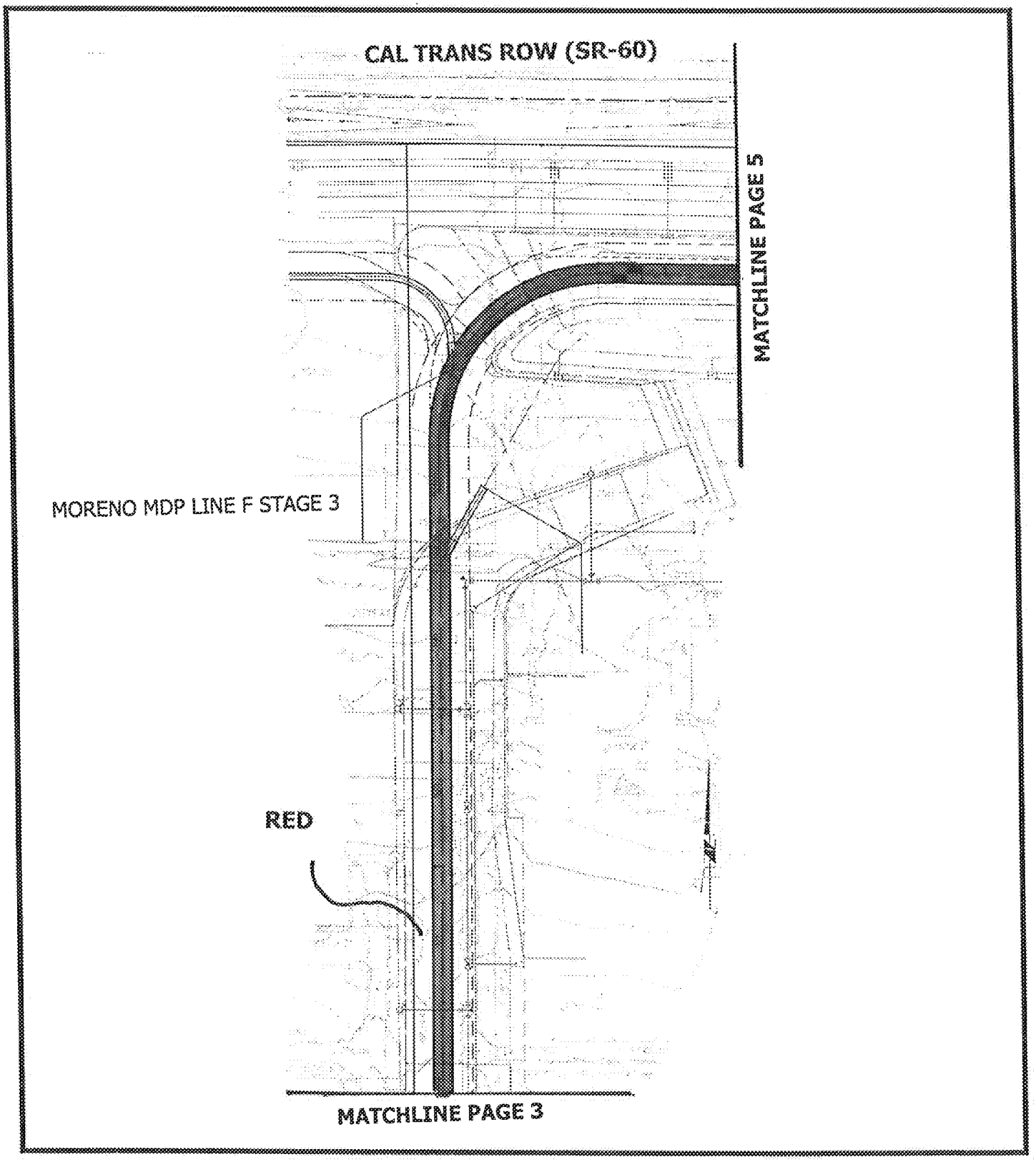
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RED
MATCHLINE PAGE 3

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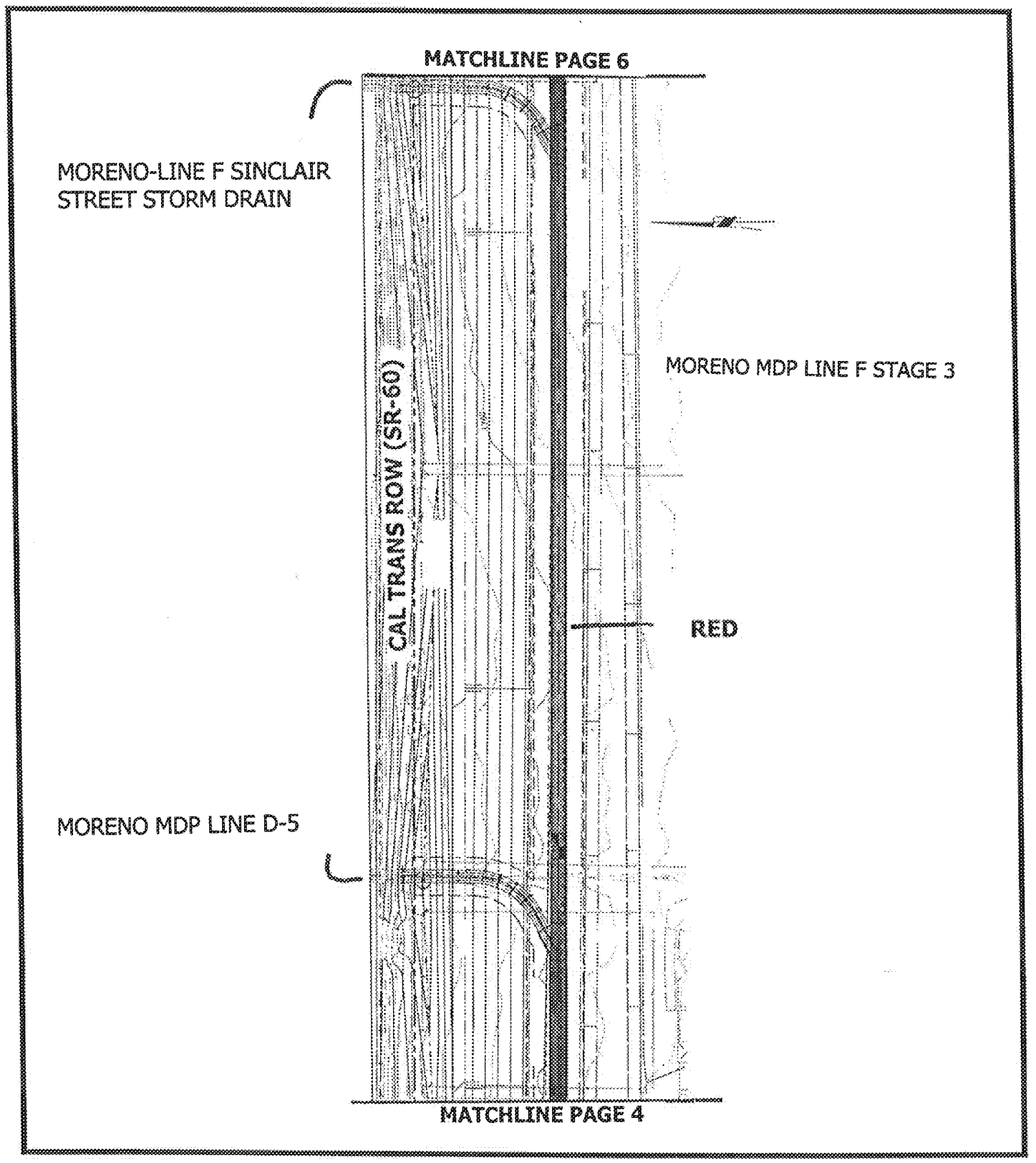
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MORENO-LINE F SINCLAIR STREET STORM DRAIN
MORENO MDP LINE F STAGE 3
CAL TRANS ROW (SR-60)
RED
MORENO MDP LINE D-5
MATCHLINE PAGE 4

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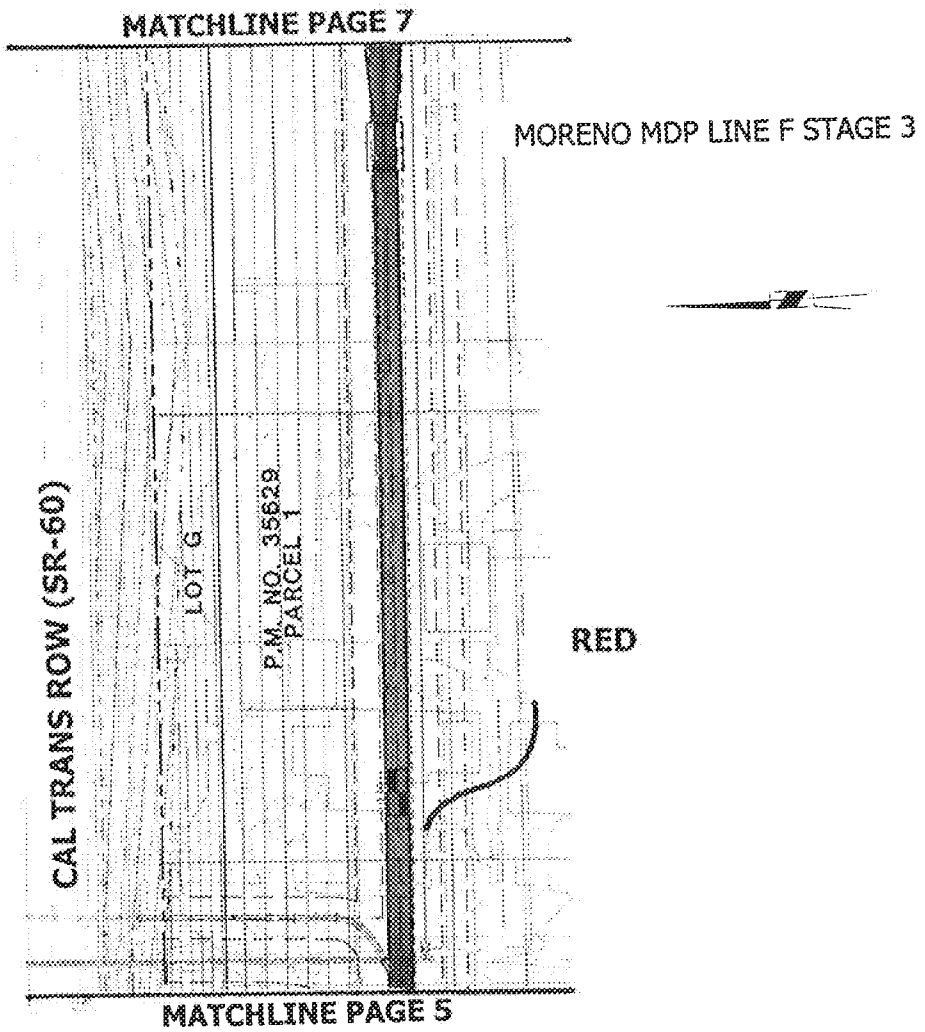
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LOT G
P.M. NO. 35629
PARCEL 1
RED
MATCHLINE PAGE 5

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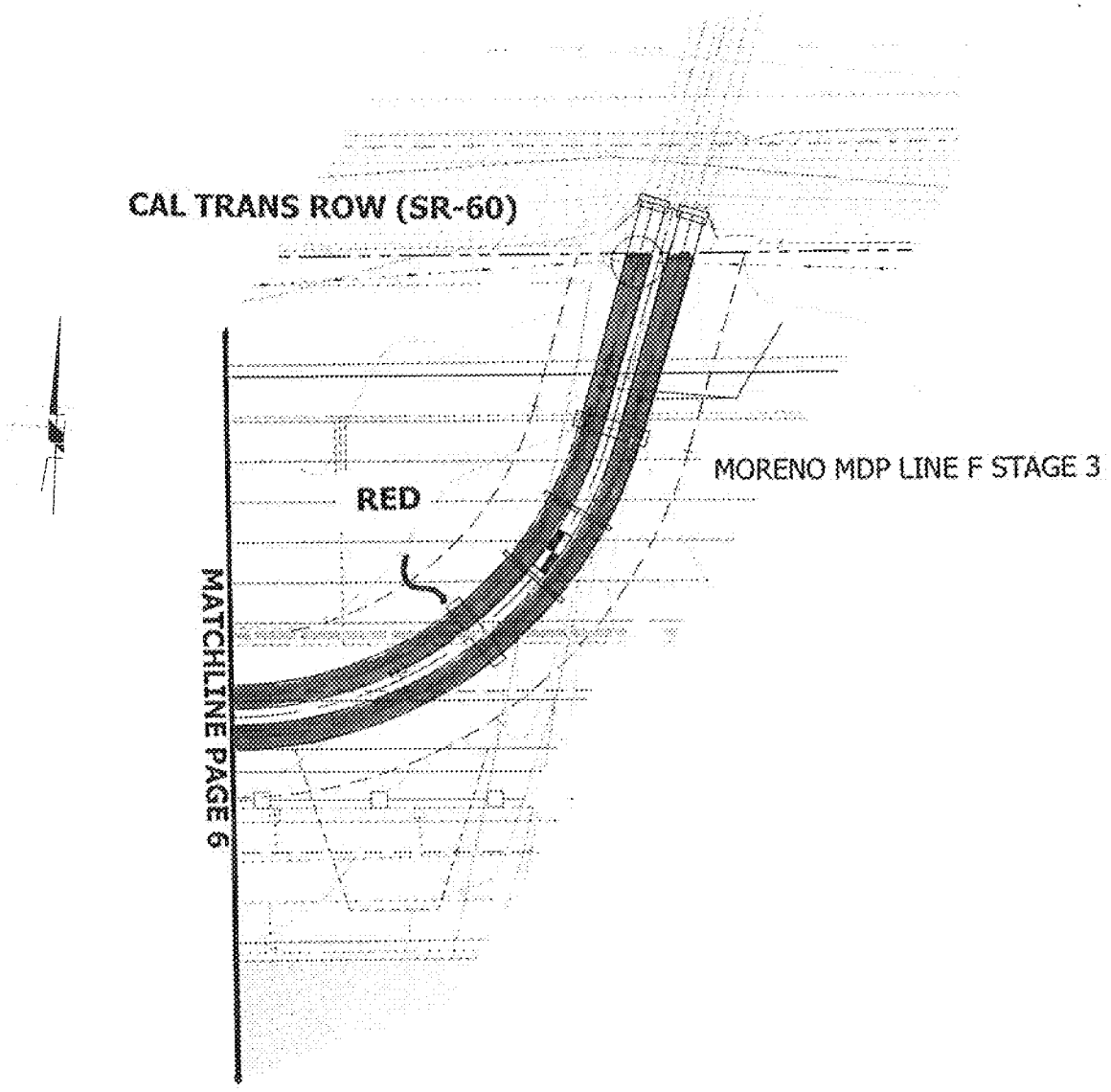
MORENO MDP LINE F STAGE 3
CAL TRANS ROW (SR-60)
RED
MATCHLINE PAGE 6

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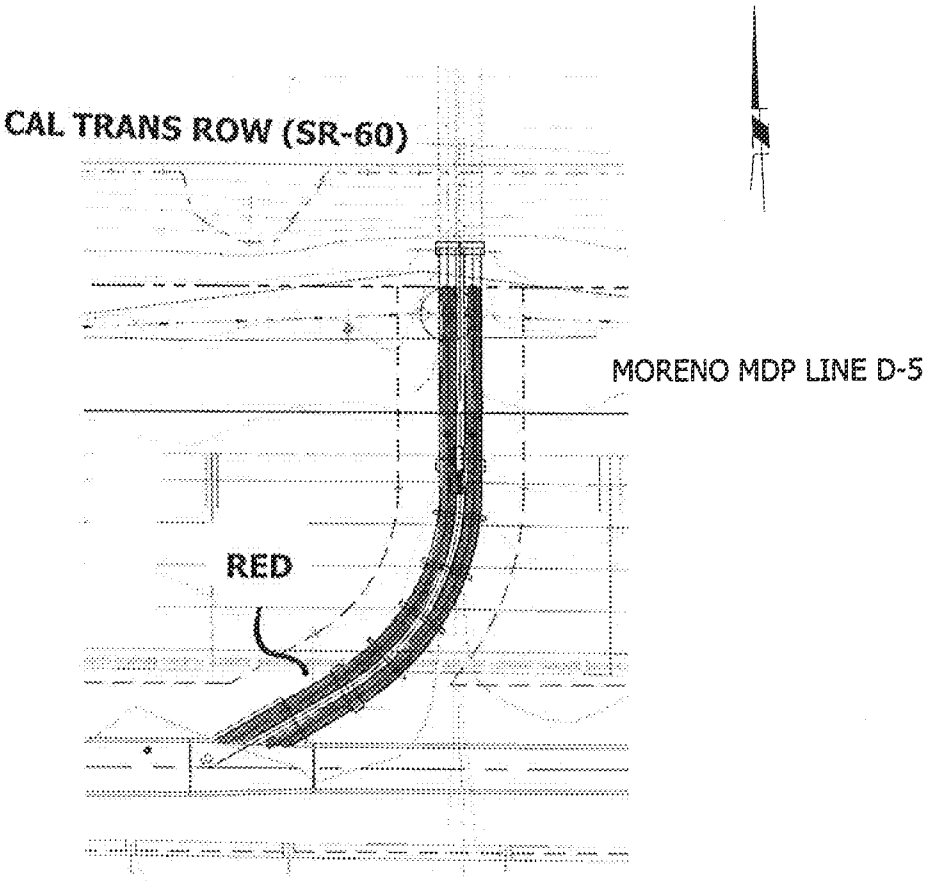

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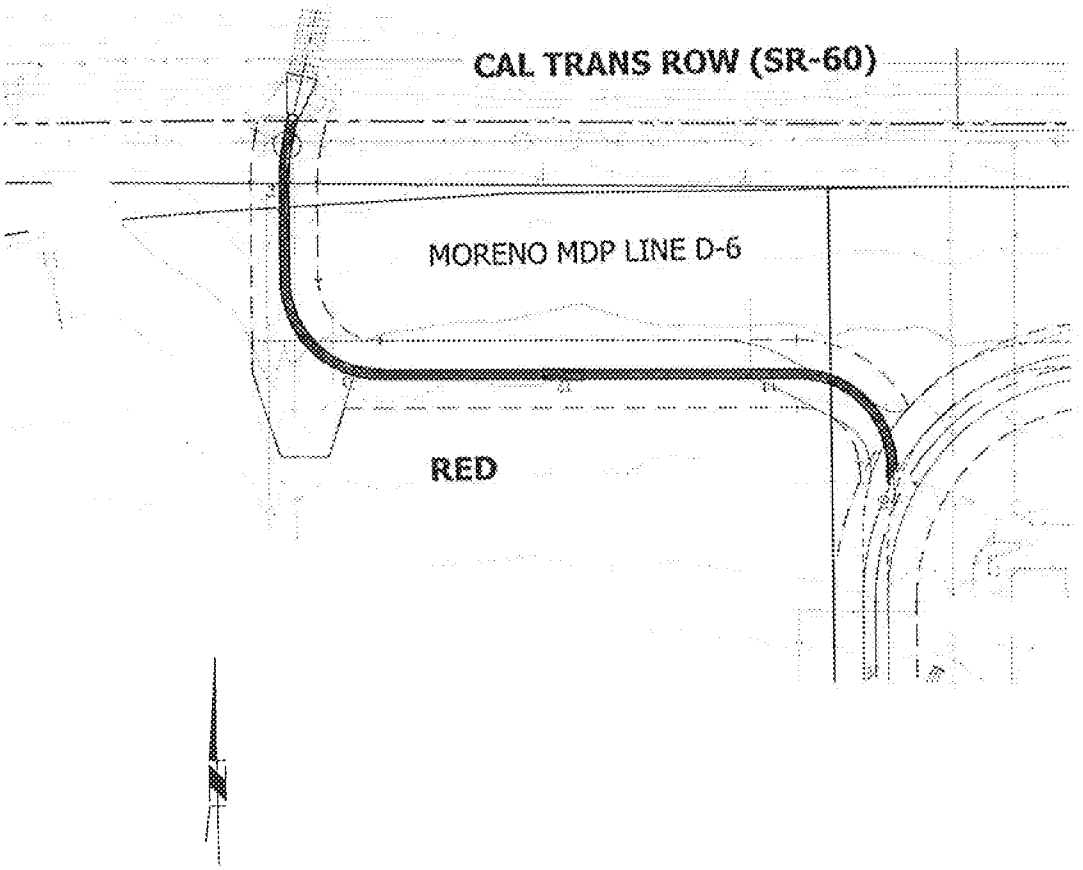

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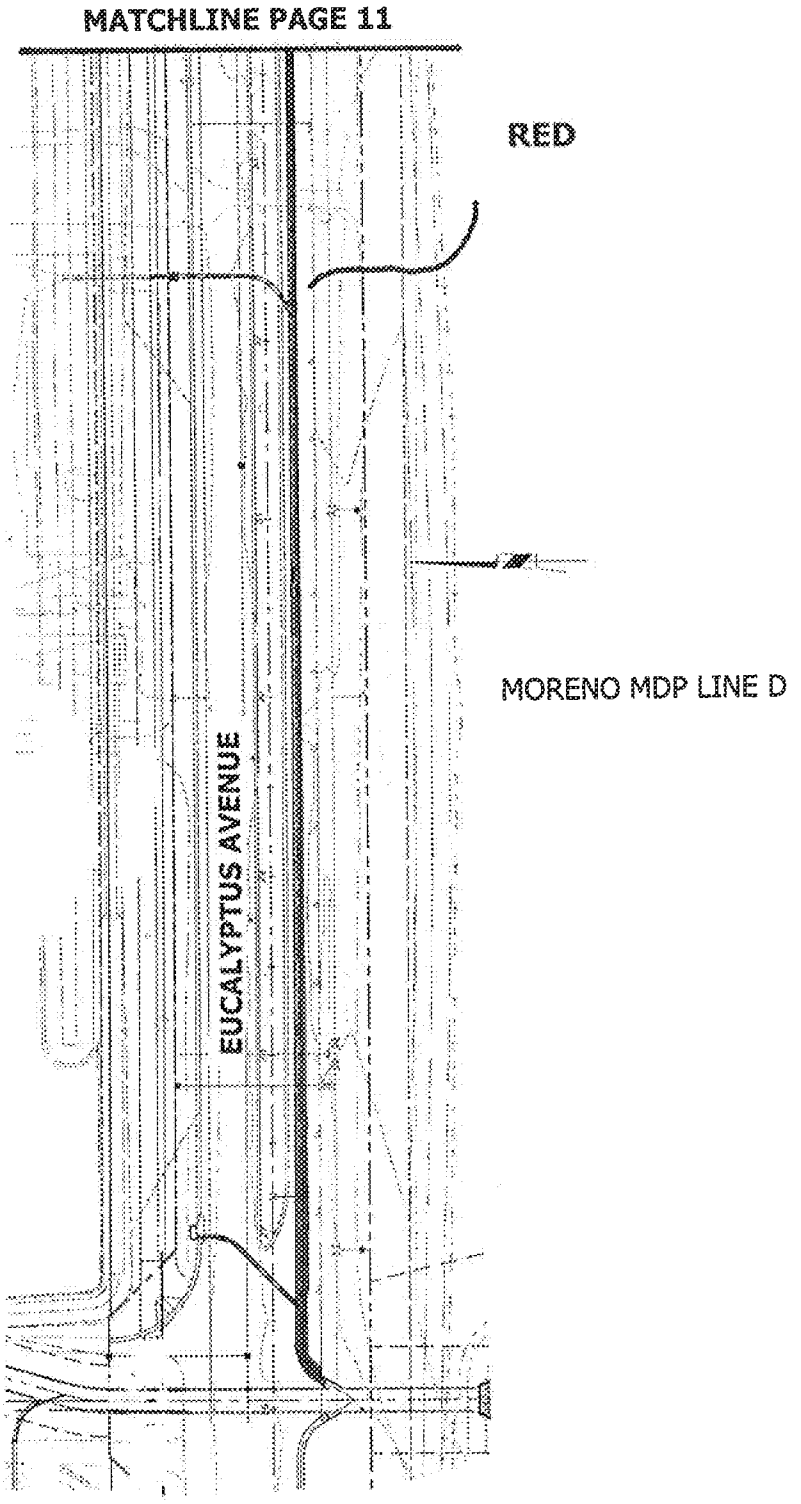

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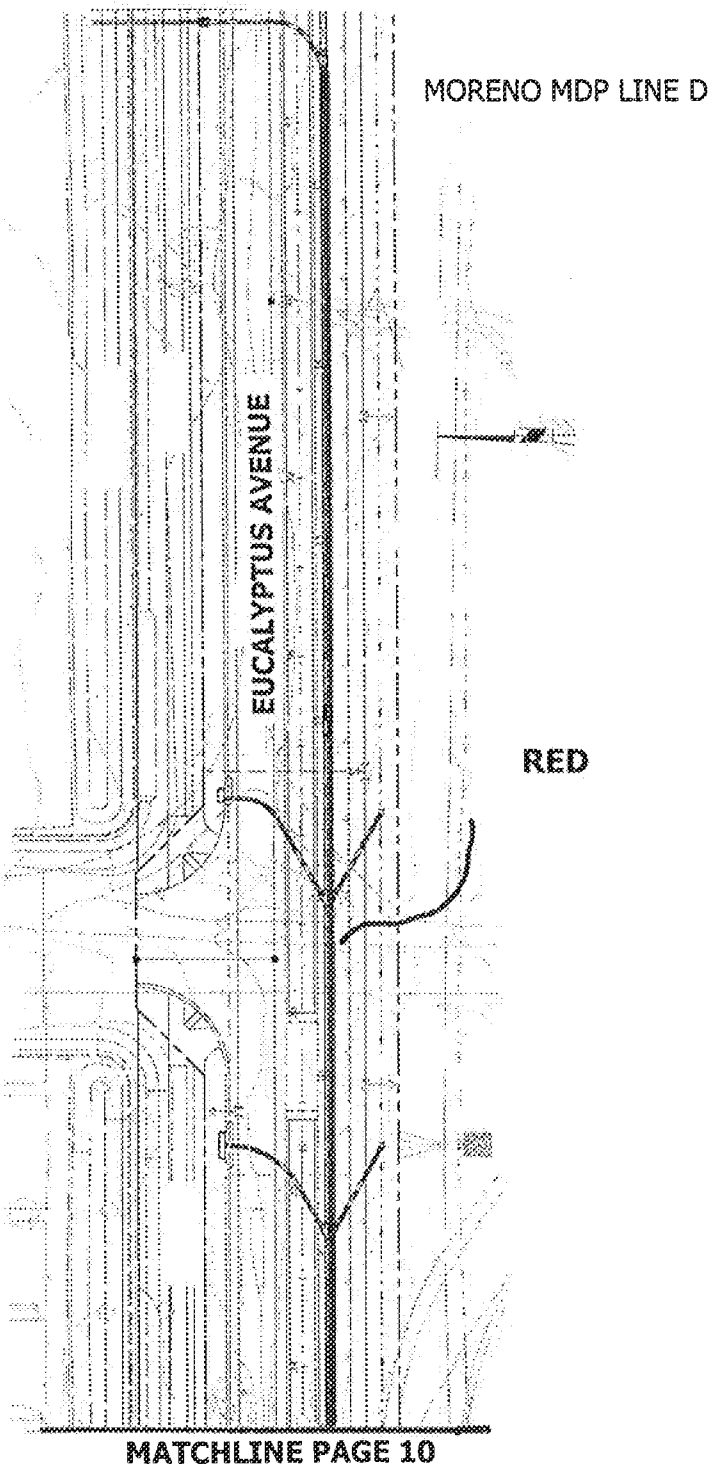

Item No. A.14

MV00074358

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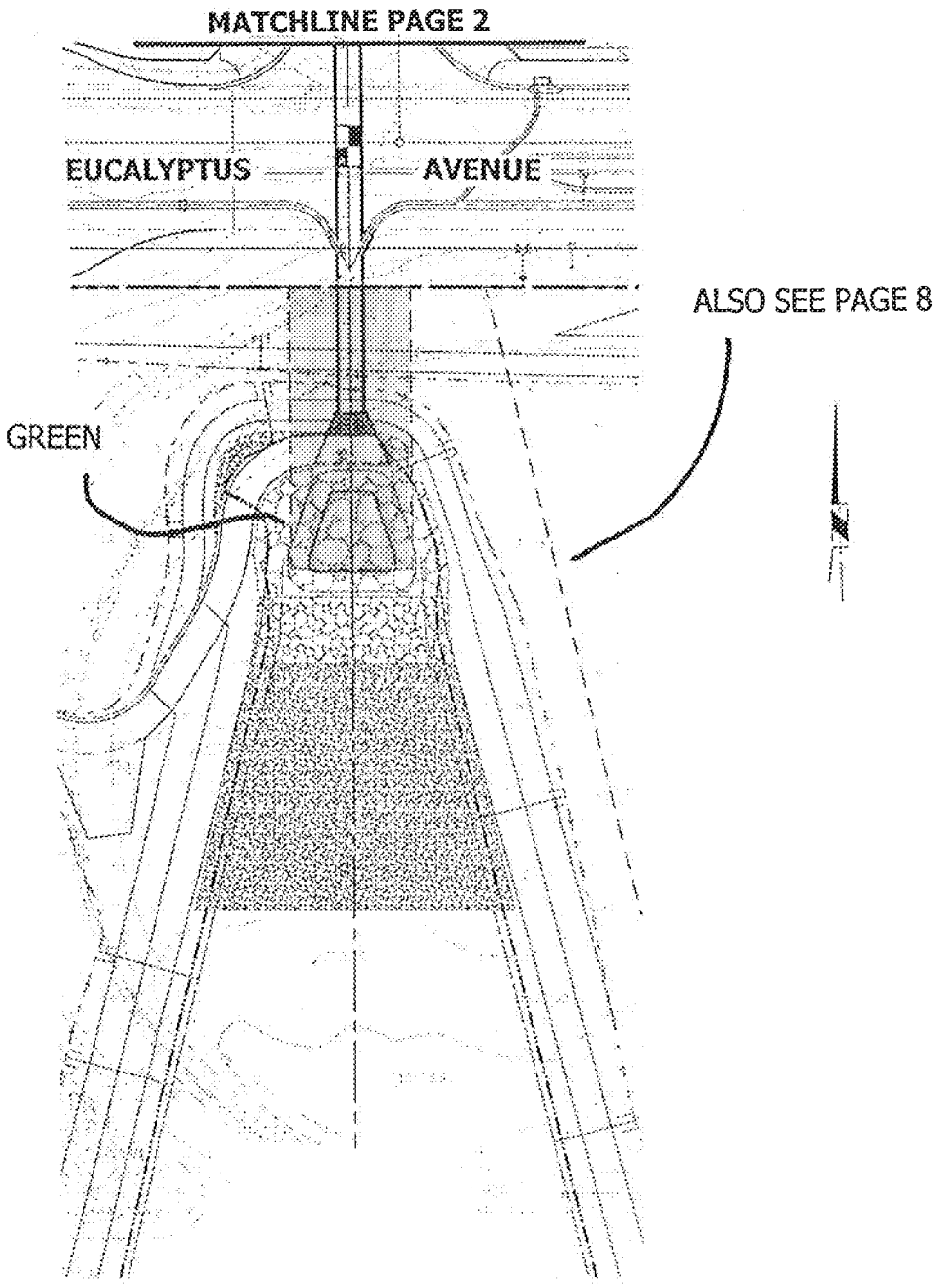

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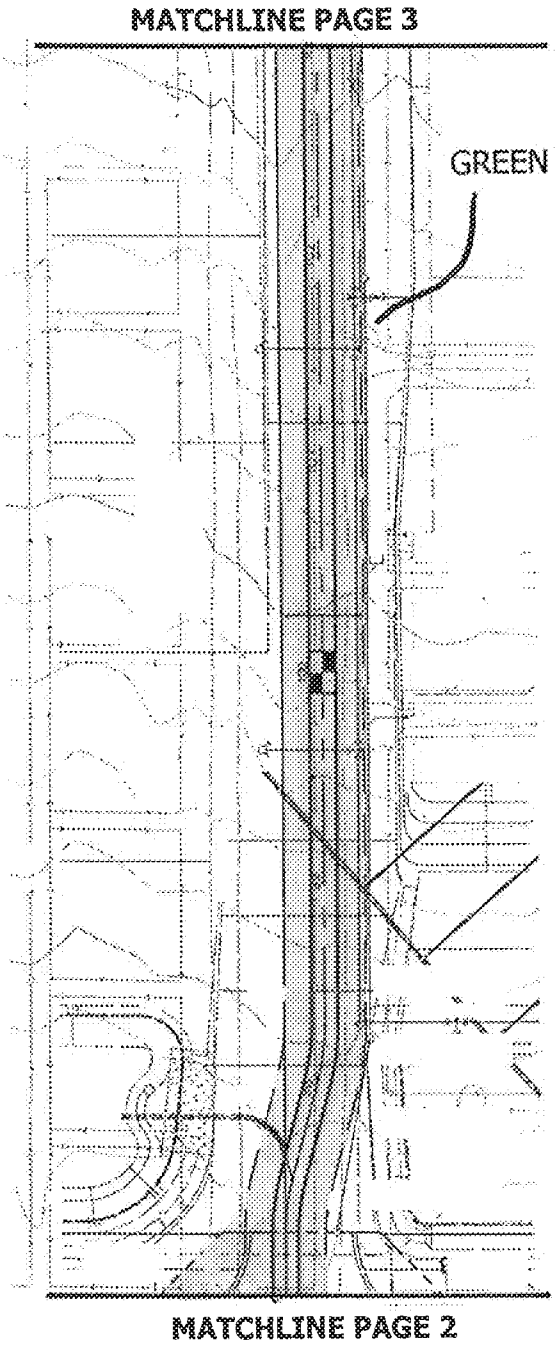

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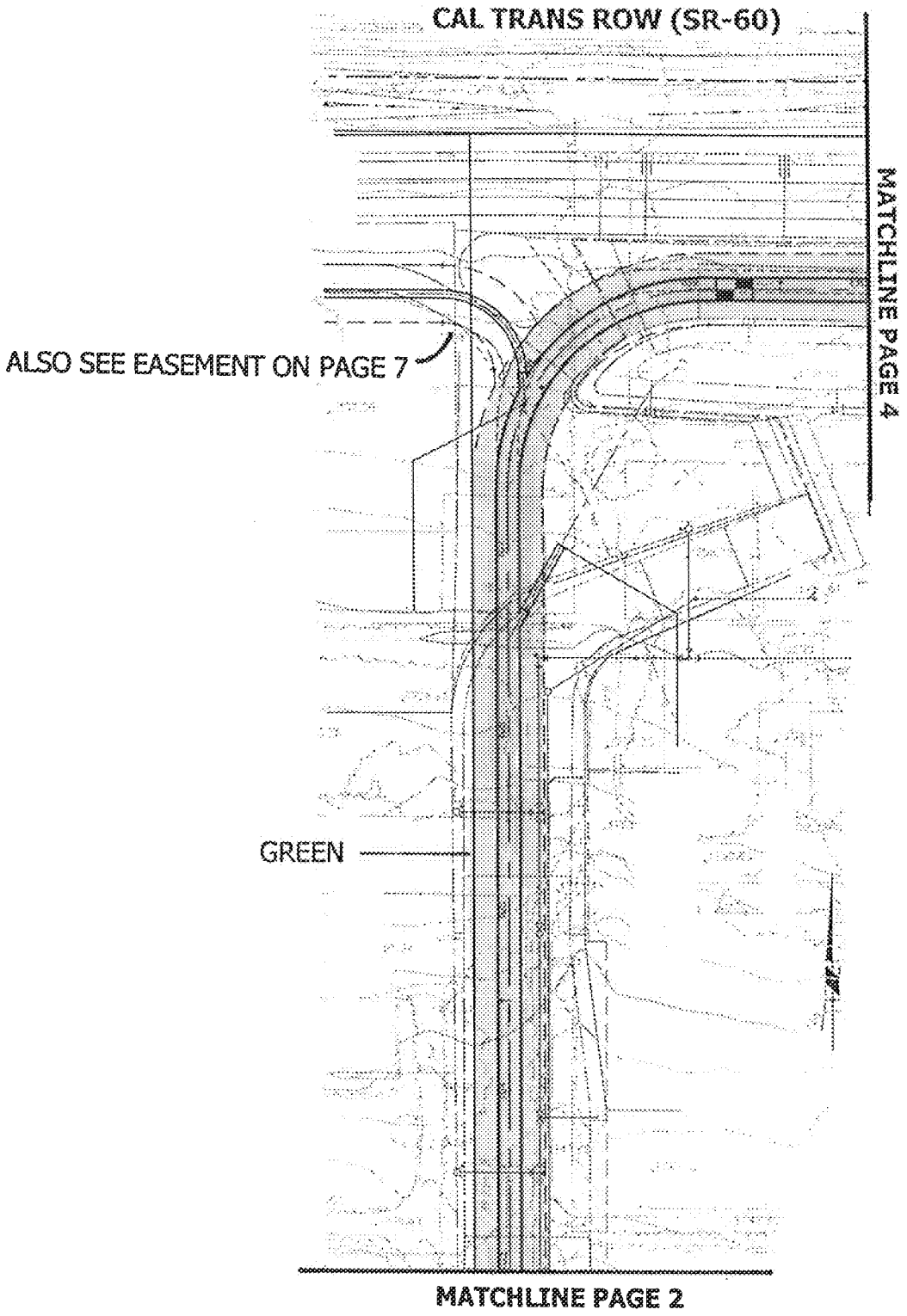
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MATCHLINE PAGE 4
ALSO SEE EASEMENT ON PAGE 7
GREEN
MATCHLINE PAGE 2

Exhibit B

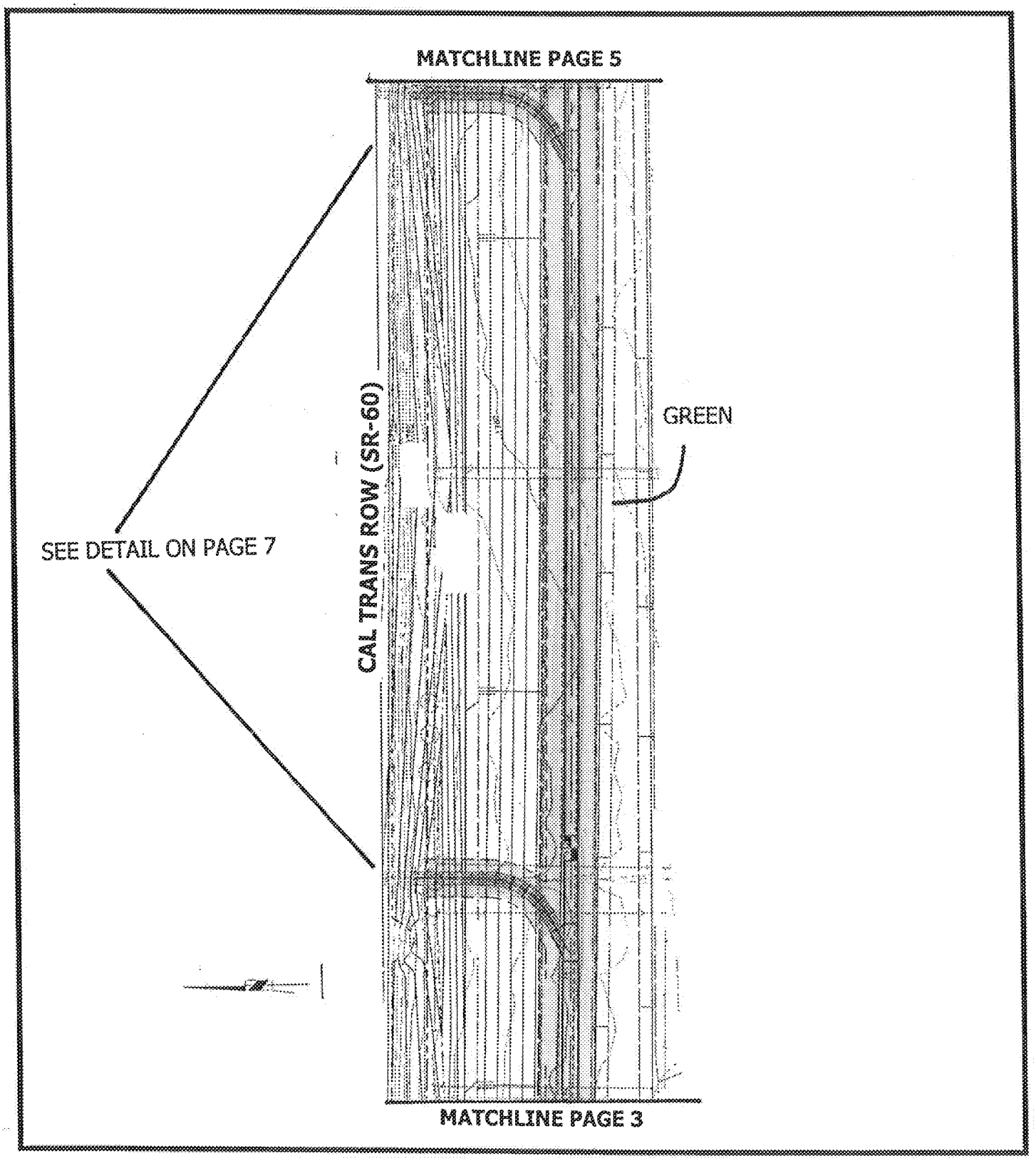
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GREEN
SEE DETAIL ON PAGE 7
MATCHLINE PAGE 3

Exhibit B

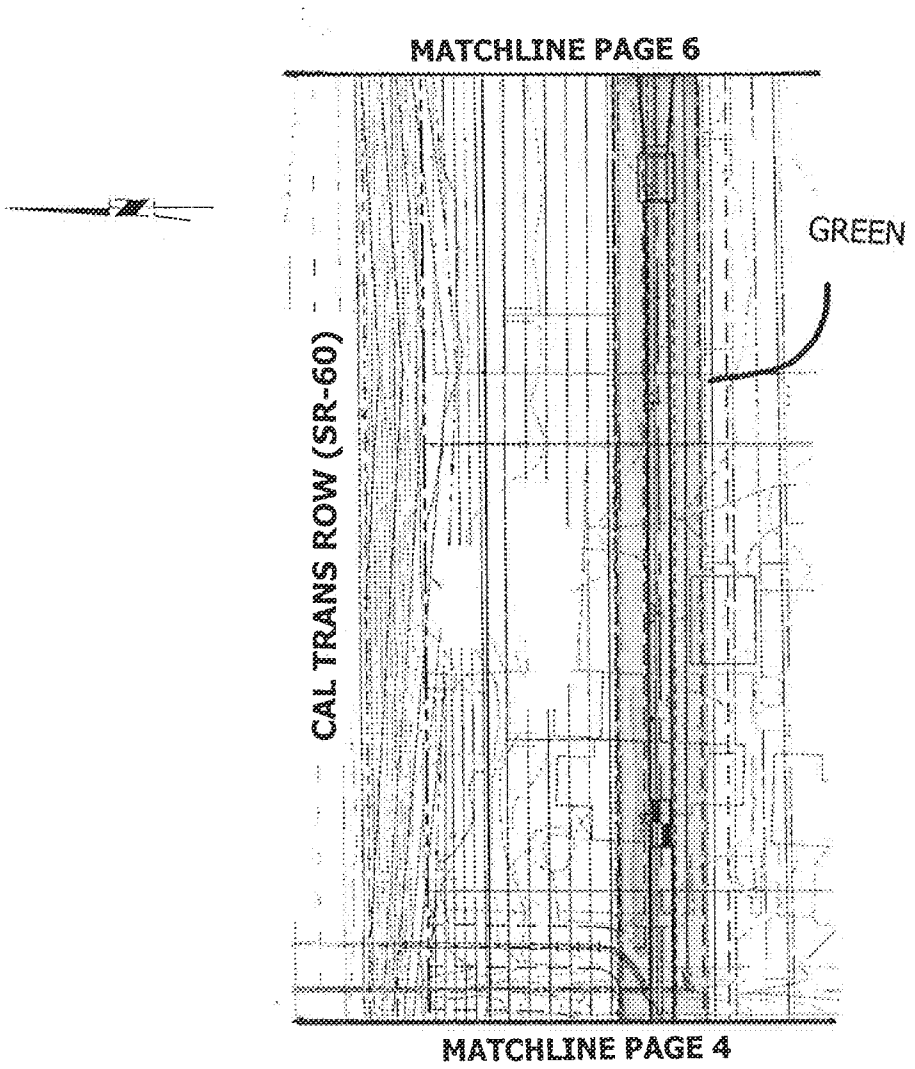

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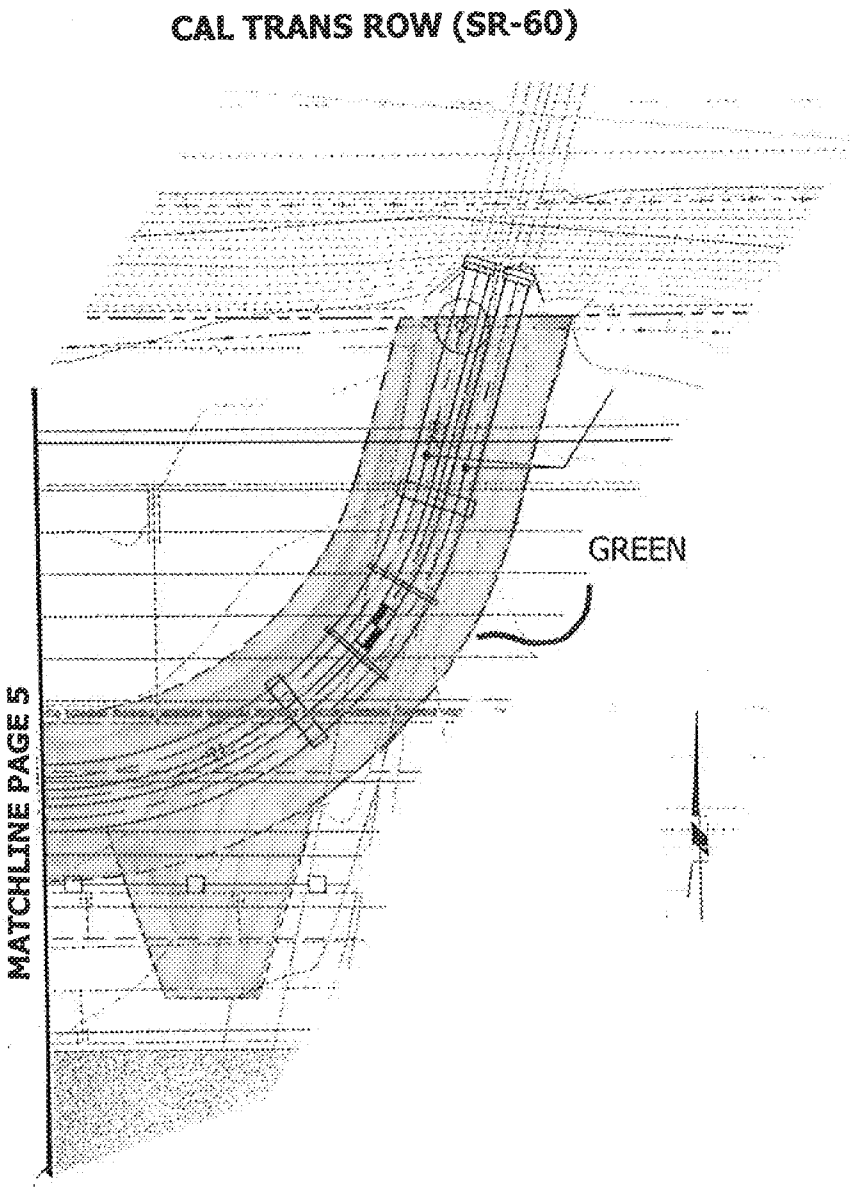

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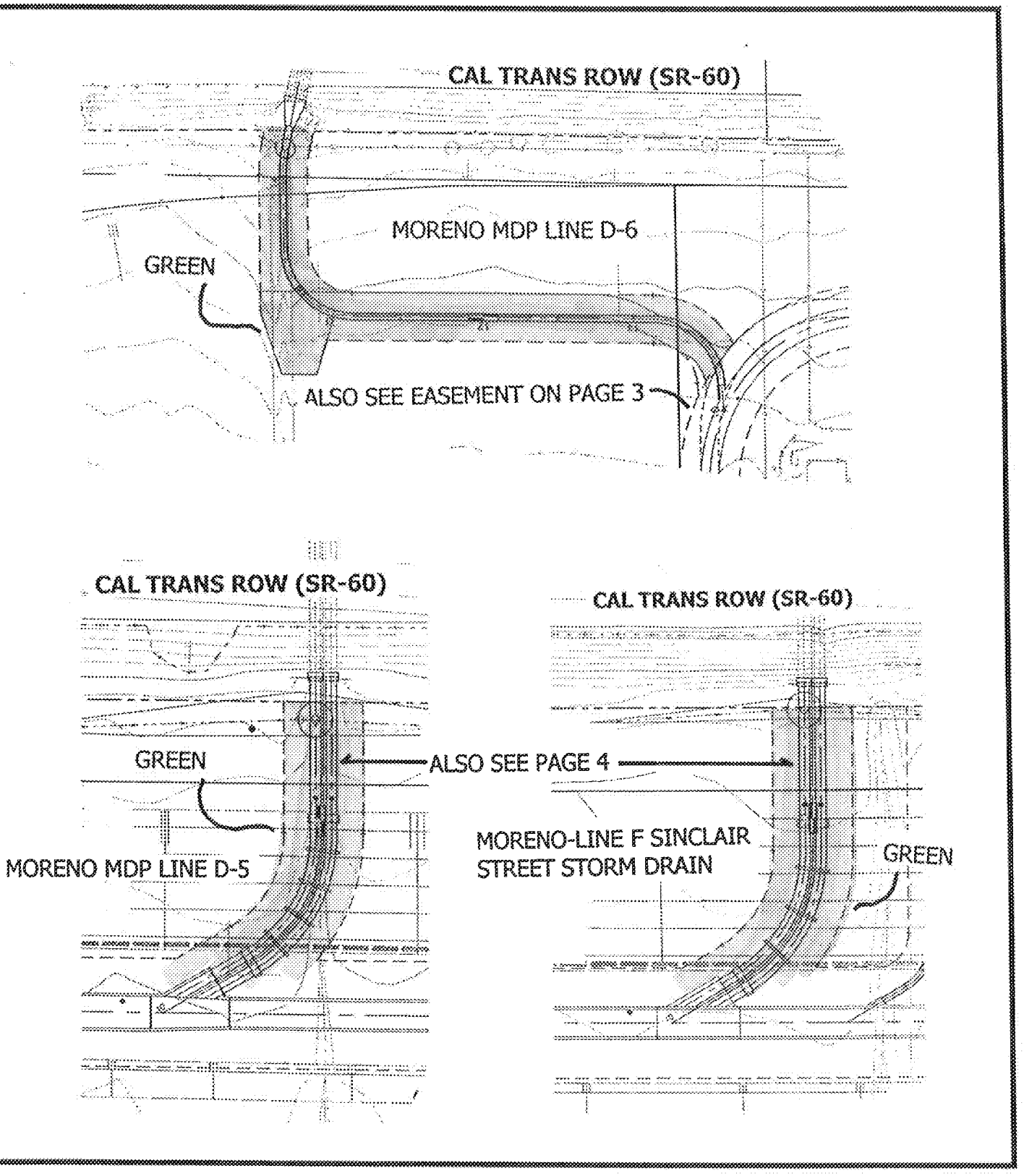
CAL TRANS ROW (SR-60)
MORENO MDP LINE D-6
GREEN
ALSO SEE EASEMENT ON PAGE 3
CAL TRANS ROW (SR-60)
GREEN
MORENO MDP LINE D-5
ALSO SEE PAGE 4
CAL TRANS ROW (SR-60)
MORENO-LINE F SINCLAIR
STREET STORM DRAIN
GREEN

Exhibit B

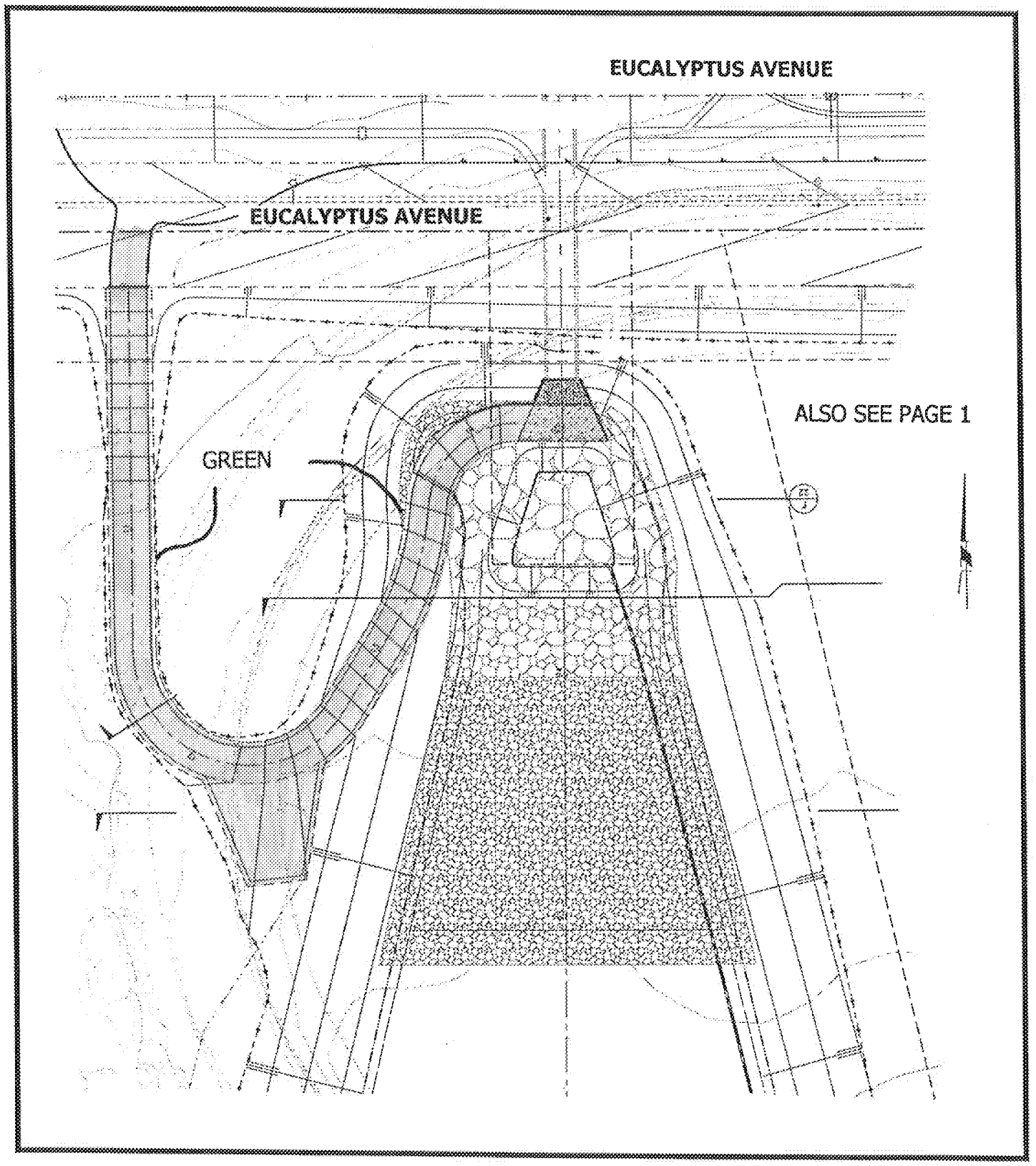

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MV00074367

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with real property Deeds of Trust having a total valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

The developer has completed and submitted a Public Improvement Agreement and securities for the Phase 2 & 3 public improvements. The developer has provided City staff with a separate Deed of Trust for Parcels 2, 3 and 4 of Parcel Map 35629 as noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months from the date the Plot Plan associated with each Phase 2 & 3 parcel is approved. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are within Redlands Boulevard, Theodore Street, State Route 60, and Eucalyptus Avenue. The improvements include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve said parcel, and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public

improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations.

Accompanying the agreement is a current property appraisal and a deed of trust for each of the three (3) parcels, to secure Developers'obligation in the estimated amount of two million nine hundred thousand dollars ($2,900,000.00) for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629.

Given the present economy as well as the size and uniqueness of the project, allowing the use of a separate Public Improvement Agreement and use of real property as security for Phase 2 & 3 seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map for Site and Parcel Identification
Exhibit "B" - Agreement for Public Improvements
Exhibit "C" - Self-Contained Appraisal Report Dated July 30, 2010
Exhibit "D" - Deed of Trust for Parcel 2
Exhibit "E" - Deed of Trust for Parcel 3
Exhibit "F" - Deed of Trust for Parcel 4

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Phase 2-3 Agree and Security.doc

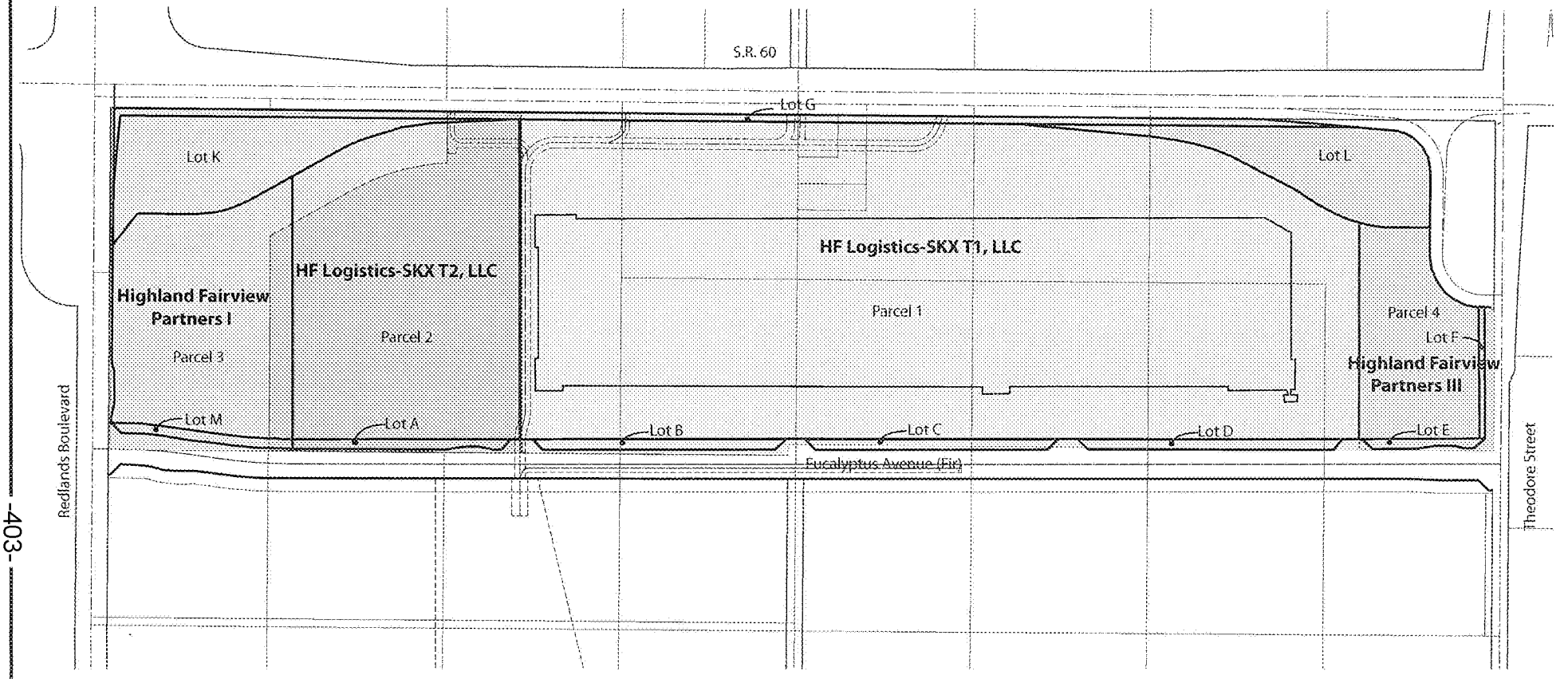

City of Moreno Valley
Public Works - Land Development

Highland Fairview Corporate Park - TPM 35629 Ownership Exhibit

PA07-0090
Vicinity Map

Exhibit "A"

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MV00074373

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR THE PHASE 2 AND 3 PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA07-0090 PARCEL MAP 35629

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T2, LLC, Highland Fairview Partners I, and Highland Fairview Partners III**, hereinafter called Developers, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date the Plot Plan associated with each parcel is approved, to perform and complete in a good and workmanlike manner, all of the required improvements for that Plot Plan (Parcels 2, 3 and/or 4 of Parcel Map 35629) in accordance with those improvement plans which will have been approved by the City Engineer, and will be on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all estimated costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code. Developers shall also complete any offsite public improvements required for each parcel at such time as the City acquires an interest in the land which will permit the public improvements to be made and Developers waive the 120 day time limitation set forth in Section 66462.5, Government Code. The total cost of the required public improvements for Phase 2 and 3 (Parcels 2, 3 and 4 of Parcel Map 35629) is estimated to be **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00).**

SECOND: Developers agree to pay to the City the actual cost of such inspection of the public works and public improvements as may be required by the City Engineer. Developers further agree that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required public improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developers and that, upon entry of judgment, such costs, expenses, and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the public improvements for Phases 2 and 3 (Parcels 2, 3 or 4 of Parcel Map 35629) prior to the completion or approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developers, their agents or employees, in the performance of the work, and all of said liabilities are assumed by Developers. Developers agree to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developers, their agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

Exhibit "B"

FOURTH: Developers hereby grant to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the public improvements. This permission shall terminate in the event that the Developers have completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developers agree at all times, up to the completion and acceptance of the public improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the public improvements, and to protect the traveling public from such defective or dangerous conditions. Developers shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. Developers' obligation under this provision shall be secured by the deed of trust securing performance of this Agreement.

SIXTH: Developers, their agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If Developers, or their agents or employees, neglect, refuse, or fail to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if Developers violate, neglect, refuse, or fail to perform satisfactorily any of the provisions of the plans and specifications, they shall be in default of this Agreement and notice in writing of such default shall be served upon them. Whereupon, the City Engineer shall unilaterally have the ability to foreclose on the deed of trust securing Developers' obligations under this Agreement. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of Developers because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon Developers, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Developers hereby provide the City with a deed of trust for each Parcel 2, 3 and 4 of Parcel Map 35629, in the form of Exhibit "A" to secure Developers'obligation for the amount of **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00)** for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629. After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve each parcel and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developers agree to renew or increase each and every security within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Developers reserve the right to substitute the security in accordance with the City of Moreno Valley Municipal Code at any time during the term of this Agreement subject to the approval of the City Engineer. Notwithstanding any other provision herein, if Developers fail to take such action as is necessary to comply with said notice, they shall be in default of this Agreement unless all required public improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developers of the insufficiency of the security. Upon the provision of such security for each parcel, the lien created by the deed of trust shall be released as to that parcel and the City shall execute all documents to reconvey its interest in that parcel to Developers. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

NINTH: It is further agreed by and between the parties hereto, that, in the event it is deemed necessary to extend the time of completion of the work on Parcels 2, 3 and 4 of Parcel Map 35629, contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon Developers' request, and such extensions shall in no way affect the validity of this Agreement or release the security. Developers further agree to maintain the aforesaid security in full force and effect after the provision during the term of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that, if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:

City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developers:

HF Logistics-SKX, T2, LLC,
Highland Fairview Partners I,
Highland Fairview Partners III
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developers have affixed their names, addresses.

Date approved by the City: _____

HF LOGISTICS-SKX, T2, LLC
(OWNER OF PARCEL 2)

By: Ido Ronzer

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS I, LLC
(OWNER OF PARCEL 3)

By: Ido Ronzer

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS III, LLC
(OWNER OF PARCEL 4)

By: Ido Ronzer

Its: President + CEO

By: _____

Its: _____

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPERS MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPERS ; GREEN - PUBLIC WORKS/LAND DEVELOPMENT; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8/5/10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Ida Bergan (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 8, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agmt for Pr. 243 Publicly approved

Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ida Bergan	Signer's Name: _____
☒ Corporate Officer — Title(s): CEO & CFO	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "A"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Ildo Bergasa (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1868965
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6.5.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Bengzon (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: ____

Document Date: ____ Number of Pages: ____

Signer(s) Other Than Named Above: ____

Capacity(ies) Claimed by Signer(s)

Signer's Name: ____	Signer's Name: ____
☐ Corporate Officer — Title(s): ____	☐ Corporate Officer — Title(s): ____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: ____	☐ Other: ____
Signer Is Representing: ____	Signer Is Representing: ____
Top of thumb here	Top of thumb here

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HIGHLAND FAIRVIEW CORPORATE PARK - PARCELS 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No. 10-242NB-0862

Self-Contained Appraisal Report

Prepared For:

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

VALUATION & ADVISORY SERVICES

CBRE
CB RICHARD ELLIS

© 2010 CB Richard Ellis, Inc.

CBRE
CB RICHARD ELLIS

3501 Jamboree Road, Suite 100
Newport Beach, CA 92660

www.cbre.com

July 30, 2010

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

RE: Appraisal of Highland Fairview Corporate Park - Parcels 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No 10-242NB-0862

Dear Mr. Benveezi:

At your request and authorization, CB Richard Ellis (CBRE) has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following Self-Contained Appraisal Report.

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites are situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	**Interest Appraised**	**Date of Value**	**Value Conclusion**
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
Parcel 4 (7.2 acres)	Fee Simple Estate	July 27, 2010	$2,020,000
Upon Completion of Street Improvements			
Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
Parcel 3 (12.9 acres)	Fee Simple Estate	March 1, 2011	$5,060,000
Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000
Compiled by CBRE			

Data, information, and calculations leading to the value conclusion are incorporated in the report following this letter. The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It also conforms to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and Title XI Regulations.

The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. The appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.

CBRE
CB RICHARD ELLIS

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CBRE hereby expressly grants to Client the right to copy this report and distribute it to other parties in the transaction for which this report has been prepared, including employees of Client, other lenders in the transaction, and the borrower, if any. It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE can be of further service, please contact us.

Respectfully submitted,

CBRE - VALUATION & ADVISORY SERVICES

William K. Bebernes, MAI
First Vice President
California State Certification No. AG003287
Phone: (949) 725-8413
Fax: (949) 725-8440
Email: William.Bebernes@CBRE.com

CERTIFICATION OF THE APPRAISAL

We certify to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in or bias with respect to the property that is the subject of this report and have no personal interest in or bias with respect to the parties involved with this assignment.
4. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice of The Appraisal Foundation and the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute, as well as the requirements of the State of CA relating to review by its duly authorized representatives. This report also conforms to the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. William K. Bebernes, MAI has completed the requirements of the continuing education program of the Appraisal Institute.
10. William K. Bebernes, MAI has made a personal inspection of the property that is the subject of this report.
11. No one provided significant real property appraisal assistance to the persons signing this report.
12. William K. Bebernes, MAI has extensive experience in the appraisal/review of similar property types.
13. William K. Bebernes, MAI is currently certified in the state where the subject is located.
14. Valuation & Advisory Services operates as an independent economic entity within CBRE. Although employees of other CBRE divisions may be contacted as a part of our routine market research investigations, absolute client confidentiality and privacy are maintained at all times with regard to this assignment without conflict of interest.
15. William K. Bebernes, MAI has not provided real estate appraisal services on this property within the three years prior to accepting this assignment.

William K. Bebernes, MAI
California State Certification No. AG003287

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SUBJECT PHOTOGRAPHS

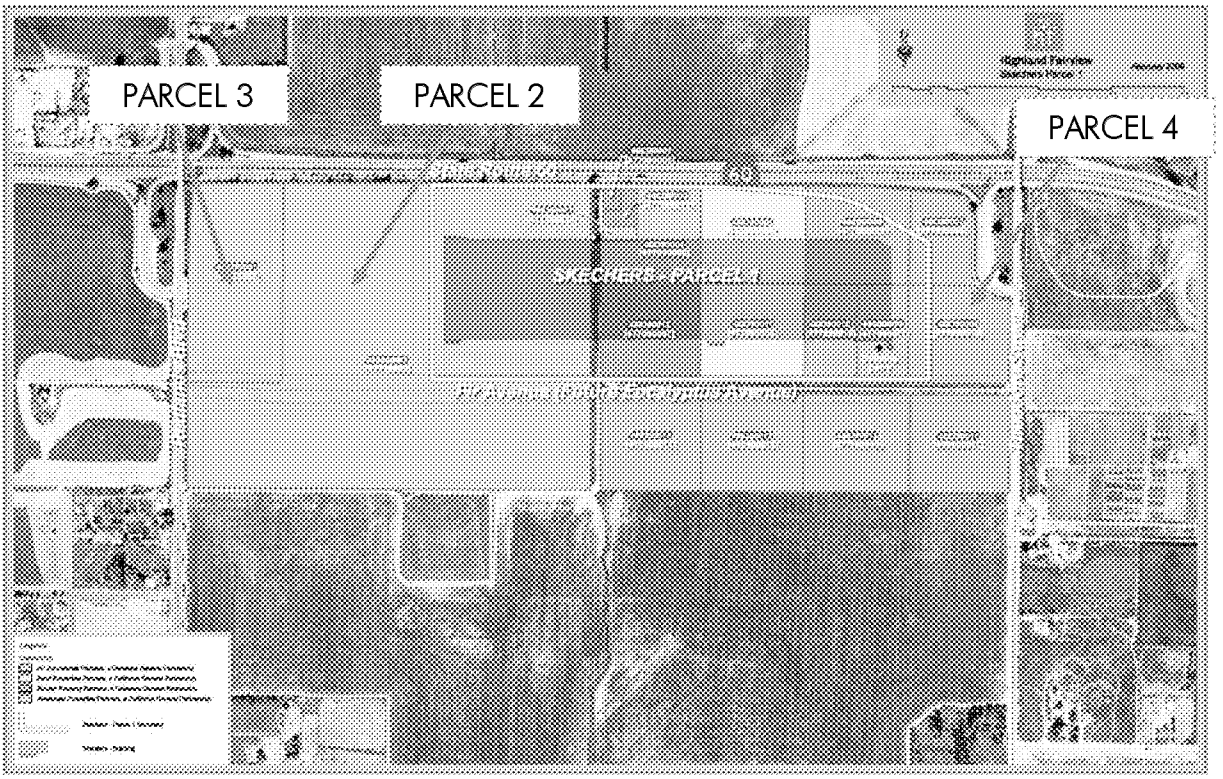

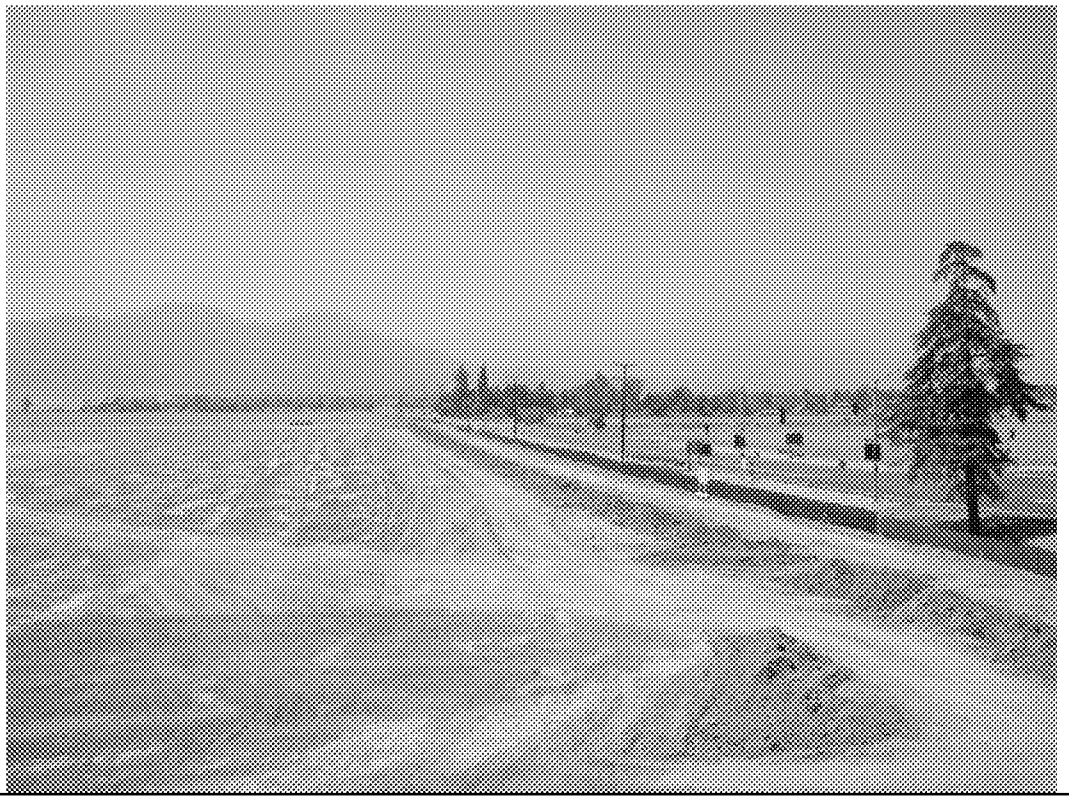

VIEW OF SUBJECT FROM EAST

VIEW OF PARCELS 2 & 3 FROM SOUTHEAST

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SUMMARY OF SALIENT FACTS

Property Name	Highland Fairview Corporate Park - Parcels 2-4	
Location	South of 60 Freeway between Redlands Boulevard & Theodore Street, Moreno Valley, Riverside County, CA 92555	
Assessor's Parcel Number	Multiple	
Highest and Best Use		
As If Vacant	Industrial - Commercial	
As Improved	N/A	
Property Rights Appraised	Fee Simple Estate	
Land Area - Net		
Parcel 2	22.40 AC	975,744 SF
Parcel 3	12.90 AC	561,924 SF
Parcel 4	7.20 AC	313,632 SF
Estimated Exposure Time	6 Months	

CONCLUDED MARKET VALUE

Appraisal Premise	Interest Appraised	Date of Value	Value
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
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Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
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Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000

Compiled by CBRE

SPECIAL ASSUMPTIONS

1. The gross and net site areas used in this report are based on figures from Tentative Parcel Map No. 35629, which is included in the Addenda and information provided by the owners. It is our understanding that this map will be recorded on August 24, 2010.

TABLE OF CONTENTS

CERTIFICATION OF THE APPRAISAL i
SUBJECT PHOTOGRAPHS ii
SUMMARY OF SALIENT FACTS iv
TABLE OF CONTENTS v
INTRODUCTION 1
AREA ANALYSIS 5
NEIGHBORHOOD ANALYSIS 19
MARKET ANALYSIS 23
SITE ANALYSIS 30
ZONING 33
TAX AND ASSESSMENT DATA 34
HIGHEST AND BEST USE 35
APPRAISAL METHODOLOGY 37
LAND VALUE 38
ASSUMPTIONS AND LIMITING CONDITIONS 49

ADDENDA
A Glossary of Terms
B Additional Subject Photographs
C Comparable Land Sales - Commercial
D Comparable Land Sales - Industrial
E Tentative Tract Map
F Land Improvement Costs
G Qualifications

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INTRODUCTION

PROPERTY IDENTIFICATION

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

OWNERSHIP AND PROPERTY HISTORY

According to our review of public records and information provided by the owners, title to the parcels that are included in this report is currently vested in entities that are affiliates of Highland Fairview, the developer of the Skechers building. Parcels 2 and 3 are owned by Westcoast Properties Partners, a California General Partnership. Parcel 4 is owned by HF Educational Partners, a Delaware General Partnership. The sites have been under the current ownership for several years.

PREMISE OF THE APPRAISAL

The following table illustrates the various dates associated with the valuation of the subject, the valuation premises and the rights appraised for each premise/date:

PREMISE OF THE APPRAISAL		
Item	Date	Interest Appraised
Date of Report:	July 30, 2010	
Date of Inspection:	July 27, 2010	
Date of Value As Is:	July 27, 2010	Fee Simple Estate
Compiled by CBRE		

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the subject property. The current economic definition of market value agreed upon by agencies that regulate federal financial institutions in the U.S. (and used herein) is as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and

assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. [1]

TERMS AND DEFINITIONS

The Glossary of Terms in the Addenda provides definitions for additional terms that are, and may be used in this appraisal.

INTENDED USE AND USER OF REPORT

This report is intended for use by the client for internal purposes.

SCOPE OF WORK

The scope of the assignment relates to the extent and manner in which research is conducted, data is gathered and analysis is applied, all based upon the following problem-identifying factors stated elsewhere in this report:

- Client
- Intended use
- Intended user
- Type of opinion
- Effective date of opinion
- Relevant characteristics about the subject
- Assignment conditions

This appraisal of the subject has been presented in the form of a Self-Contained Appraisal Report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of USPAP. That is, this report incorporates, to the fullest extent possible, practical explanation of the data, reasoning and analysis that were used to develop the opinion of value. This report also includes thorough descriptions of the subject and the market for the property type. CBRE completed the following steps for this assignment:

[1] Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

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Extent to Which the Property is Identified

CBRE collected the relevant information about the subject from the owner (or representatives), public records and through an inspection of the subject. The property was legally identified through its postal address, assessor's records, legal description and title report.

Extent to Which the Property is Inspected

CBRE inspected the subject, as well as its surrounding environs on the effective date of appraisal.

Type and Extent of the Data Researched

CBRE reviewed the micro and/or macro market environments with respect to physical and economic factors relevant to the valuation process. This process included interviews with regional and/or local market participants, available published data, and other various resources. CBRE also conducted regional and/or local research with respect to applicable tax data, zoning requirements, flood zone status, demographics, income and expense data, and comparable listing and sale information.

Type and Extent of Analysis Applied

CBRE analyzed the data gathered through the use of appropriate and accepted appraisal methodology to arrive at a probable value indication via each applicable approach to value. Approaches to value used include cost, sales and income. The steps required to complete each approach are discussed in the methodology section. CBRE then correlated and reconciled the results into a reasonable and defensible value conclusion, as defined herein. A reasonable exposure time and marketing time associated with the value estimate presented has also been concluded.

EXPOSURE/MARKETING TIME

Current appraisal guidelines require an estimate of a reasonable time period in which the subject could be brought to market and sold. This reasonable time frame can either be examined historically or prospectively. In a historical analysis, this is referred to as exposure time. Exposure time always precedes the date of value, with the underlying premise being the time a property would have been on the market prior to the date of value, such that it would sell at its appraised value as of the date of value. On a prospective basis, the term marketing time is most often used. The exposure/marketing time is a function of price, time, and use. It is not an isolated estimate of time alone.

EXPOSURE TIME INFORMATION		
	Exposure Time (Months)	
Investment Type	Range	Average
Comparable Sales Data	3.0 - 28.0	6.8
CBRE Warehouse/Distribution		
Class A	3.0 - 12.0	5.5
Class B	4.0 - 12.0	7.8
Class C	4.0 - 12.0	7.6
Korpacz Warehouse		
National Data	3.0 - 18.0	9.3
Local Market Professionals	3.0 - 9.0	6.0
CBRE Estimate	**6 Months**	
Source: CBRE National Investor Survey & Korpacz Real Estate Investor Survey		

CBRE has concluded an exposure/marketing time of 6 months to be reasonable for the subject. This exposure/marketing time reflects current economic conditions, current real estate investment market conditions, the terms and availability of financing for real estate acquisitions, and property and market-specific factors. It assumes that the subject is (or has been) actively and professionally marketed. The marketing/exposure time would apply to all valuation premises included in this report.

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AREA ANALYSIS

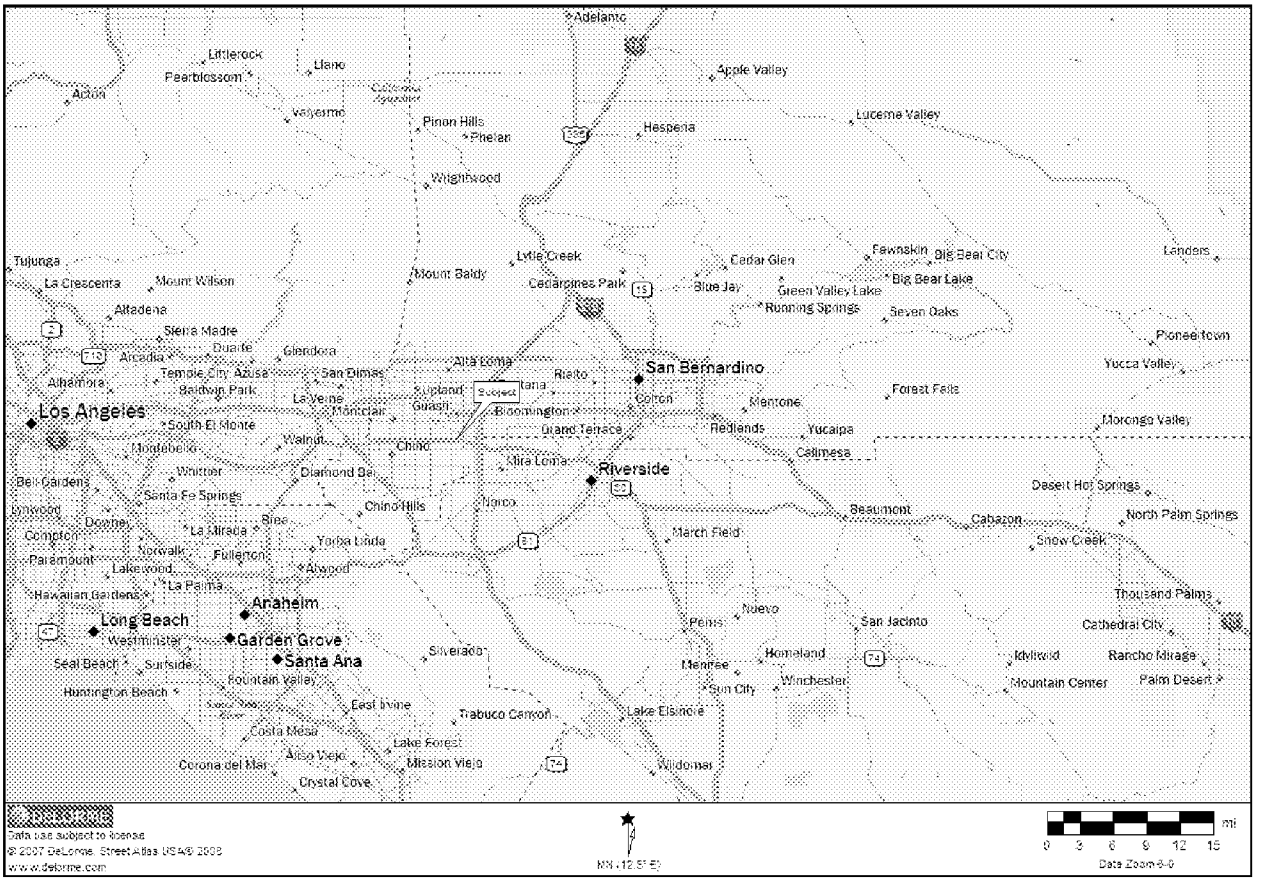

REGIONAL (COUNTY) INFLUENCES

Location

The subject is located in the Rancho Belago district of the city of Moreno Valley within Riverside County, California. The San Bernardino/Riverside County area (Inland Empire) is located in the southern portion of the state. A regional map indicating the location of the subject is presented on the previous page.

Population/Demographics

The Inland Empire represents approximately 11 percent of California's population. The population of the Inland Empire is estimated by Claritas to be 4,216,852 for 2009. The county's population is expected to reach approximately 4,808,880 by the year 2014 for an annual growth rate of 2.66 percent.

Demographic statistics for the Inland Empire are shown in the following table.

SELECTED METROPOLITAN DEMOGRAPHICS			
	Riverside County	San Bernardino County	Total Inland Empire
Population			
2014 Projection	2,513,707	2,295,173	4,808,880
2009 Estimate	2,149,382	2,067,470	4,216,852
2000 Census	1,545,387	1,709,434	3,254,821
1990 Census	1,170,413	1,418,380	2,588,793
2009 - 2014 % Change	17.0%	11.0%	14.0%
2000 - 2009 % Change	39.1%	20.9%	29.6%
1990 - 2000 % Change	32.0%	20.5%	25.7%
Households			
2014 Projection	677,480	792,521	1,470,001
2009 Estimate	617,191	684,200	1,301,391
2000 Census	528,594	506,218	1,034,812
1990 Census	464,737	402,067	866,804
2009 - 2014 % Change	9.8%	15.8%	13.0%
2000 - 2009 % Change	16.8%	35.2%	25.8%
1990 - 2000 % Change	13.7%	25.9%	19.4%
2009 Median Household Income	$55,504	$57,241	$56,373
2009 Average Household Income	$70,589	$74,896	$72,743
Source: Claritas			

The population increases in San Bernardino and Riverside counties were primarily due to a spillover from Los Angeles and Orange counties. However, more recent and projected growth is attributed to an internal expansion and diversification of the counties' employment base. This development of employment opportunities has enabled the individual counties to develop as quasi-independent economic centers. This is reflected in regional economic data, which indicates that the Inland Empire has been leading the region in terms of new job creation.

Education

College campuses in San Bernardino County include Cal State University San Bernardino, Chaffey College, Loma Linda University, and University of Redlands. Major colleges in Riverside County include the University of California Riverside, which is building a satellite campus in the Coachella Valley, California State University in Palm Desert, College of the Desert, and Riverside Community College.

Economic Forces

General Economic Overview

California has historically been the dominant economic state in the Western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the

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economic cycles. The State of California, Southern California region, and Los Angeles County economies are all expected to contract in 2010. Strong growth is not projected until 2011 or later. The future impact on commercial and residential real estate is unknown, which is impacting current investment decisions. Specific locations within the region are experiencing varying levels of decline and these adverse economic conditions have been considered.

Development in the Inland Empire reflects a continuing suburbanization of the Southern California region. It has occurred as a direct result of increasing urbanization and associated high business costs (including real estate) in Los Angeles and Orange counties. Large-scale growth in the Inland Empire began in the 1970s as the area developed as a series of affordable housing communities serving the adjoining employment centers. The construction of housing was facilitated by low land costs and pro-growth local governments. The increased population base supported growth in retail trade and services.

The expanding population and economic base in the Southern California region, coupled with a lack of developable land, also resulted in significant new industrial development in the Inland Empire. This development consists primarily of warehouse/distribution buildings, with limited manufacturing. Development of warehouse/distribution buildings in the Inland Empire is attractive due to its good transportation infrastructure (both vehicular and rail) and its central location relative to serving the Southern California region and the western United States. Similar to residential land uses, new industrial development was also facilitated by low land costs and pro-growth local governments.

Historical Inland Empire Employment

In order to determine economic trends in the Inland Empire, we reviewed employment estimates published by the State of California Employment Development Department (EDD). A summary of historical average annual employment figures in the Inland Empire, by sector for 1990 through 2009, is shown in the table on the following pages.

In 2005 the Employment Development Department (EDD) began implementing a new labor force data methodology. The revised methodology includes new time-series estimating models, improved estimation of new and reentrants into the labor force, and newly-defined Metropolitan Statistical Areas (MSAs).

Employment in the Inland Empire has steadily increased, reflecting a compound annual job growth rate of 2.22 percent over the past 19 years (31,915 new jobs per year). Employment growth has occurred continually despite recessionary periods experienced by the Southern California region in the 1990's and the early 2000 years. The Inland Empire's improving employment is reflective of its consistent economic development and increases in population.

Over the last 19 years, employment sectors that noticeably outperformed total employment growth include: Trade, Transportation and Utilities at 5.6 percent and Professional and Business Services at

3.8 percent per year. Total farm, mining and federal government have shown slight decreases. More recently, the Construction sector within Goods Producing has dropped 33.6 percent from 2008 and the overall Goods Producing Industry has declined 24.9 percent. The decrease in employment within this industry is a reflection of the continued decline in residential and commercial expansion in the Inland Empire region. Overall employment in the Inland Empire showed a moderate decline from the previous year, with a decrease in 49,100 jobs year-over-year.

HISTORICAL EMPLOYMENT TRENDS
Riverside - San Bernardino Metropolitan Statistical Area

Title	1990	2000	2008	2009	2008 % of Total	2009 % of Total	Annual Growth 2008-2009 Total	Annual Growth 2008-2009 %	Compounded Annual Growth 1990-2009 Avg.	Compounded Annual Growth 1990-2009 %
Civilian Labor Force	1,172,400	1,419,400	1,827,900	1,778,800	-				-	-
Civilian Employment	1,097,900	1,347,500	1,662,400	1,530,400	-				-	-
Civilian Unemployment	74,500	71,900	165,500	248,400	-				-	-
Change in Total Employment	-	37.4%	-2.2%	-7.6%	-				-	-
Total, All Industries	735,200	1,010,100	1,257,100	1,161,100	100.0%	100.0%	-96,000	-7.6%	22,416	2.4%
Total Farm	22,600	21,700	14,800	16,300	1.2%	1.4%	1,500	10.1%	-332	-1.7%
Total Nonfarm	712,600	988,400	1,242,300	1,144,800	98.8%	98.6%	-97,500	-7.8%	22,747	2.5%
Goods Producing	138,000	201,500	210,700	158,200	16.8%	13.6%	-52,500	-24.9%	1,063	0.7%
Mining	1,400	1,300	1,400	900	0.1%	0.1%	-500	-35.7%	-26	-2.3%
Construction	58,800	80,100	98,300	65,300	7.8%	5.6%	-33,000	-33.6%	342	0.6%
Manufacturing	77,900	120,100	111,000	92,000	8.8%	7.9%	-19,000	-17.1%	742	0.9%
Service Providing	574,600	786,900	1,031,600	986,600	82.1%	85.0%	-45,000	-4.4%	21,684	2.9%
Transportation & Public Utilities	24,000	46,400	67,700	67,700	5.4%	5.8%	0	0.0%	2,300	5.6%
Wholesale Trade	24,400	38,300	56,100	51,400	4.5%	4.4%	-4,700	-8.4%	1,421	4.0%
Retail Trade	99,200	127,400	168,800	159,000	13.4%	13.7%	-9,800	-5.8%	3,147	2.5%
Finance & Insurance	21,300	20,600	28,500	26,000	2.3%	2.2%	-2,500	-8.8%	247	1.1%
Real Estate and Rental and Leasing	11,700	14,200	18,200	17,300	1.4%	1.5%	-900	-4.9%	295	2.1%
Professional and Business Services	62,800	97,000	146,300	128,300	11.6%	11.0%	-18,000	-12.3%	3,447	3.8%
Government	150,200	192,100	227,200	226,600	18.1%	19.5%	-600	-0.3%	4,021	2.2%
Federal Government	21,600	18,200	20,500	19,800	1.6%	1.7%	-700	-3.4%	-95	-0.5%
State Government	18,900	24,600	28,200	29,900	2.2%	2.6%	1,700	6.0%	579	2.4%
Local Government	109,700	149,300	178,500	176,900	14.2%	15.2%	-1,600	-0.9%	3,537	2.5%

Source: California Employment Development Department

County Employment

The Riverside-San Bernardino MSA unemployment rate was 14.4 percent in June 2010, up from the revised 13.9 percent in May 2010 and above the estimate of 13.6 percent in June 2009. This compares to the State's average of 12.2 percent and the national rate 9.6 percent. Year-over total non-farm employment in Riverside and San Bernardino counties declined by 32,200 jobs from 1,138,800 in June 2009 to 1,106,600 in June 2010, a growth rate of -2.8 percent. Construction, retail, manufacturing, financial activities and trade, transportation and utilities had the greatest decline in employment over the past year.

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In addition to the growing pool of available workers, the SMSA has a wide range of skill levels coming from the influx of homebuyers. The following table outlines the profile of the work force by employment sector.

RIVERSIDE - SAN BERNARDINO MSA
WORK FORCE
JUNE 2010

Industry	Number Employed (in thousands)	Percent Employed
All Industries	1,127.3	100.0
Total Agriculture	20.7	1.8
Non-Agriculture Industries	1,106.6	98.2
Goods Producing	145.3	12.9
Mining	1.2	0.1
Construction	58.8	5.2
Manufacturing – Total	85.3	7.6
Nondurable Goods	29.0	2.6
Durable Goods	56.3	5.0
Service Providing – Total	961.3	85.3
Trade Transportation and Utilities	262.9	23.3
Information	14.4	1.3
Financial Activities	41.8	3.7
Professional and Business Services	124.8	11.1
Education and Health Services	132.1	11.7
Leisure and Hospitality	119.9	10.6
Other Services	36.3	3.2
Government	229.1	20.3

Source: California EDD

The most influential aspect of the above breakdown is that it illustrates the diversity in the regional labor force. The entire Los Angeles metropolitan area, including the Inland Empire, has a very diverse economic makeup that has buffered Southern California's economy from cyclical fluctuations in particular industries such as defense and energy. The impact of this is a relatively strong real estate investment market, from local, national, and international concerns. The economic makeup developing in the subject's region is following a similar pattern.

For the long term, Riverside and San Bernardino Counties will continue to be bedroom communities and an exporter of employees. The area's attractive climate and surroundings are expected to continue to attract home price conscious employees and retirees alike.

Unemployment Trends

The following table summarizes the average annual unemployment rates for the Inland Empire from 1990.

INLAND EMPIRE UNEMPLOYMENT RATES 1990 - JUNE 2010

Year	Unemployment Rate
1990	6.4%
1991	9.1%
1992	10.7%
1993	11.0%
1994	9.6%
1995	8.6%
1996	7.9%
1997	7.0%
1998	6.1%
1999	5.2%
2000	5.1%
2001	5.3%
2002	6.3%
2003	6.4%
2004	5.9%
2005	5.3%
2006	4.9%
2007	5.9%
2008	10.3%
2009	14.1%
June 2010	14.4%

Source: California Employment Development Department

As shown, the unemployment rate increased between 1990 and 1993 due to a recession. The unemployment rate declined from 1994 to 1999 as the regional economy expanded. It increased moderately in 2002, and maintained that level in 2003, due to lingering effects of the national recession as well as continued growth in the labor force. It declined significantly in 2004, and maintained the same level in 2005. Unemployment decreased to 4.9 percent in 2006, and rose to 5.9 percent in 2007. In 2008, the unemployment rate rose significantly to 10.3 percent and again in 2009 to 14.1 percent due to a slowing economy. As of June 2010, the unemployment rate has continued to increase to a rate of 14.4 percent.

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Largest Employers

A list of the largest employers in the Inland Empire, compiled by the Inland Empire Business Journal in the 2010 Book of Lists and CB Richard Ellis, Inc. is presented in the two following tables.

MAJOR EMPLOYERS
Riverside County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of Riverside	18,456	18,456	County Government
2	March Aire Reserve Base	8,600	8,600	Military
3	U.C. Riverside	7,321	7,321	University
4	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
5	Wal-Mart Stores, Inc	6,550	1,900,000	Retail
6	Riverside Unified School District	5,099	5,099	Education
7	Abbott Vascular	4,500	65,000	Health Care
8	Pechanga Resort and Casino	4,000	4,000	Casino/Resort
9	Kaiser Permanente Riverside Medical Center	3,600	149,000	Health Care
10	Temecula Valley Unified School District	2,752	2,752	Education
11	City of Riverside	2,700	2,700	City Government
12	Hemet Unified School District	2,590	2,590	Education
13	Riverside County Regional Medical Center	2,400	N/A	Health Care
14	Eisenhower Medical Center	2,223	2,223	Health Care
15	Morongo Casino, Resort and Spa	2,148	2,148	Casino/Resort
16	Palm Springs Unified School District	2,135	2,135	Education
17	Alvord Unified School District	2,100	2,100	Education
18	Desert Regional Medical Center	1,900	N/A	Health Care
19	Riverside County Office of Education	1,800	1,800	Education
20	Murrieta Valley Unified School District	1,777	1,900	Education

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

MAJOR EMPLOYERS
San Bernardino County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of San Bernardino	18,000	18,000	County Government
2	U.S. Marine Corps Air Ground Combat Center	12,486	12,486	Military
3	U.S. Army, Fort Irwin & National Training Center	10,000	10,000	Military
4	San Bernardino City Unified School District	7,722	7,722	Education
5	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
6	Wal-Mart Stores, Inc.	6,125	1,900,000	Retail
7	Kasier Permanente	5,808	5,808	Health Care
8	UPS	4,990	407,200	Parcel Shipment
9	Fontana Unified School District	4,808	4,808	Education
10	Target Corporation	4,800	350,000	Retail
11	Colton Joint Unified School District	3,737	3,737	Education
12	San Manuel Band of Mission Indians	3,691	3,691	Casino/Resort
13	Loma Linda University	3,000	3,000	University
14	Chino Valley Unified School District	2,815	2,815	Education
15	Cardenas Markets, Inc.	2,500	2,500	Grocery/Retailer
16	VA Loma Linda Healthcare System	2,268	2,436	Health Care
17	Ontario-Montclair School District	2,239	2,239	Education
18	Arrowhead Regional Medical Center	2,231	3,100	Health Care
19	Marine Corps Logistics Base	2,200	2,200	Military
20	University of Redlands	2,128	2,128	University

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

Environmental Forces

Land Use/Development Trends

The Inland Empire originally developed as a residential bedroom community serving employment centers in Los Angeles and Orange counties. As a result, most early development paralleled the San Bernardino, Pomona, and Corona freeways. Residents were drawn to the area by the availability of affordable housing. With the existing network of freeways serving the Southern California region, access to most employment centers was easily facilitated. The western portion of San Bernardino County was the first area to experience significant residential development. This included the cities and communities of Montclair, Upland, Chino, and Ontario. With the rapid expansion of the Southern California economy in the 1980s, residential development in the Inland Empire continued its expansion along existing freeways. Residential development followed an easterly path, to the cities of Rancho Cucamonga and Fontana. More significantly, increased development occurred along the Riverside Freeway in the cities and communities of Corona, La Sierra, Arlington, and Moreno Valley. To a lesser extent, residential development moved northward along the Ontario Freeway to the cities of Victorville, Apple Valley, and Hesperia in the High Desert region and farther eastward in the Low Desert region near Palm Springs and Cathedral City. Provided in the following pages is a more detailed discussion of the housing, retail, industrial and office land uses in this region.

County Housing

The single most likely factor that will continue to fuel the population growth in Riverside and San Bernardino Counties is its housing affordability compared to other nearby counties. The following table compares San Bernardino and Riverside Counties with neighboring counties for the median price and number sold for all homes, and the percentage changes, as of June 2010.

	NO. SOLD – ALL HOMES			MEDIAN PRICE - ALL HOMES		
	June 2009	June 2010	Percent Change	June 2009	June 2010	Percent Change
Los Angeles	7,636	7,849	2.80%	$320,000	$335,000	4.70%
Orange	2,958	3,423	15.70%	$418,000	$445,000	6.50%
San Diego	3,692	3,885	5.20%	$314,250	$335,500	6.80%
Riverside	4,694	4,645	-1.00%	$185,000	$210,000	13.50%
San Bernardino	3,438	3,179	-7.50%	$140,000	$160,000	14.30%
Ventura	844	890	5.50%	$365,000	$384,000	5.20%
Southern California	23,262	23,871	2.60%	$265,000	$300,000	13.20%

Source: DataQuick
Complied by: CB Richard Ellis, Inc.

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The totals for home sales include new and resale houses and condominiums. The price changes reflect shifts in market mix as well as changes in price. The reported median prices have been rounded to the nearest thousand and do not always correspond to the precise percentage change.

The data in the table above reflects an upward trend in sales volume in Southern California with an upward trend in home prices. According to DataQuick, a total of 23,871 homes were sold in Southern California during June, an increase of 2.60 percent from the year before, and the median price was $300,000, a 13.50 percent increase from last year.

Sales in Riverside County accounted for 19.46 percent of all southland sales. San Bernardino accounted for 13.32 percent of all southland sales. The median price paid for a home in Riverside County increased 13.50 percent to $210,000 and sales volume decreased by 1.00 percent to 4,645 units sold, compared to 4,694 units sold one year ago. The median price paid for a home in San Bernardino County was $160,000, up 14.30 percent from June 2009. Sales volume in San Bernardino County decreased by 7.50 percent to 3,179 units sold, compared to 3,438 units sold one year ago.

The table indicates that the Counties of San Bernardino and Riverside, collectively referred to as the Inland Empire, offer the most affordable housing in the Southern California area. These figures show that the primary reason San Bernardino and Riverside Counties receive demand from commuters that work in nearby counties is the lower cost of housing, even after considering commuting costs.

Building Permits

Presented in the following chart is a summary of total building permits from 1995 through 2009 (single-family and multi-family).

BUILDING PERMITS - SINGLE-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	5,400	5,663	6,803	3,852	1,954	4,736	28,408
1996	5,370	7,070	7,021	4,703	2,130	5,816	32,110
1997	6,788	8,219	8,678	5,124	2,071	8,338	39,218
1998	6,887	7,366	10,758	5,602	2,811	9,160	42,584
1999	7,858	7,686	12,659	6,593	3,662	9,993	48,451
2000	8,417	6,794	13,630	5,865	2,995	9,167	46,868
2001	8,184	5,925	16,556	6,825	3,157	9,312	49,959
2002	8,217	6,423	20,591	9,179	2,228	9,749	56,387
2003	10,217	5,565	25,137	10,820	2,342	9,455	63,536
2004	11,752	4,395	29,478	13,991	1,721	9,555	70,892
2005	11,911	4,058	29,994	15,305	2,593	7,904	71,765
2006	10,097	3,735	20,692	12,599	1,560	4,753	53,436
2007	7,509	2,182	9,763	6,239	736	3,503	29,932
2008	3,539	1,295	3,815	1,981	354	2,352	13,336
2009	2,095	1,335	3,386	1,430	209	1,785	10,240
Percent Change 2008 to 2009	-40.80%	3.09%	-11.25%	-27.81%	-40.96%	-24.11%	-23.22%
Average	7,616	5,181	14,597	7,341	2,035	7,039	43,808

Source: Real Estate and Construction Report

BUILDING PERMITS - MULTI-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	3,005	2,637	143	101	212	1,872	7,970
1996	3,237	3,137	478	311	223	1,052	8,438
1997	3,636	4,032	1,106	469	245	3,064	12,552
1998	4,805	2,735	1,735	511	371	3,013	13,170
1999	6,525	4,662	1,920	479	780	6,434	20,800
2000	8,654	5,573	1,780	715	976	6,760	24,458
2001	10,069	2,721	2,458	1,702	289	6,326	23,565
2002	11,147	5,597	2,073	1,437	279	5,989	26,522
2003	11,096	3,746	5,224	1,820	1,293	8,859	32,038
2004	15,183	4,927	4,748	4,479	882	7,751	37,970
2005	13,736	3,148	4,140	1,379	1,923	7,354	31,680
2006	16,251	4,636	4,519	1,273	901	6,024	33,604
2007	12,854	4,890	2,690	1,765	1,111	3,942	27,252
2008	10,165	1,864	2,104	1,201	488	2,802	18,624
2009	3,515	842	802	1,063	132	1,204	7,558
Percent Change 2008 to 2009	-65.42%	-54.83%	-61.88%	-11.49%	-72.95%	-57.03%	-59.42%
Average	8,925	3,676	2,395	1,247	674	4,830	21,747

Source: Real Estate and Construction Report

Total single-family building permits generally increased on an annual basis from 1995 through 2005 (they only declined in 2000), and then dropped precipitously in 2006 thru 2009. The year end figure for 2009 was 85 percent below the 2005 peak.

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Trends in multi-family building permits have fluctuated significantly. However, there has been a general upward trend from less than 10,000 units in the early time frame (1995 and 1996) versus 20,000 units or more from 1999 to 2007. Total multi-family permits have declined significantly within the last two years as the year end 2009 figure was 80 percent below 2004 peak.

Transportation

A well-integrated freeway system serves as the basis for surface transportation in the Inland Empire and Southern California region. The primary freeway serving the region is the San Bernardino Freeway (Interstate 10), a transcontinental highway connecting Los Angeles to the rest of the nation. Additional freeways include the Ontario Freeway (Interstate 15), connecting San Diego County and the Nevada State Line; Interstate 215, a north-south business loop connecting the San Bernardino and Ontario freeways; the Pomona Freeway (State Route 60), connecting the cities of Los Angeles and Riverside; the Moreno Freeway (State Route 60), an extension of the Pomona Freeway running between Riverside and Banning; and the Corona Expressway (State Route 71), connecting the Riverside Freeway (State Route 91), the Pomona Freeway (State Route 60), the San Bernardino Freeway (Interstate 10), and the Foothill Freeway (Interstate 210). The Foothill (210) Freeway now extends east from the city of La Verne to the 30 Freeway in the city of San Bernardino.

The Mid County Parkway project is a proposed 32-mile transportation corridor designed to relieve local and regional traffic congestion in the San Jacinto, Perris and Corona areas, and surrounding communities. The Mid County Parkway project began in 2004 with meetings and studies to analyze project impacts and to identify possible routes. The preferred route is known as Alternative 9, also called the Far South Alternative. This proposed route extends from Cajalco Road in Corona to Highway 79 in San Jacinto. The majority of this route parallels south of the Cajalco Expressway between I-15 and I-215 and then overlays the current Ramona Expressway route from I-215 to San Jacinto. Study findings on Alternative 9 and other Mid County Parkway alternatives were presented in a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) which was circulated for public review in early 2008.

Citing environmental concerns, opposition from residents and more pressing priorities, the Riverside County Transportation Commission's staff is proposing to scale back by half the 32-mile, $3 billion Mid-County Parkway. Rather than connecting San Jacinto and Corona, the shorter route will go no farther than San Jacinto-to-Interstate 215. The decision is also based on Riverside County improving Cajalco Road, which the County has wished to widen to four lanes from Perris to Corona and straighten so the curvy road is safer.

The Inland Empire is served by the Santa Fe and Southern Pacific railroads. These railroads act primarily in a freight hauling capacity, providing access between the ports of Los Angeles and Long Beach and the Inland Empire. Via the existing network of national rail lines, freight can be moved throughout the entire country.

Passenger rail service is available via MetroLink, a rail service that serves Southern California. Union Station in downtown Los Angeles is the hub. Service extends through the San Gabriel Valley and the western Inland Empire to the city of San Bernardino on the east. Stations serving the Inland Empire include Claremont, Montclair, Rancho Cucamonga, Rialto, and San Bernardino. Another MetroLink line extends east to the city of Riverside, with stops in the City of Industry, Ontario, and Riverside.

Ontario International Airport

A primary catalyst of growth in the Inland Empire is the Ontario International Airport. In 1998, a major expansion and renovation was completed. The airport now includes two passenger terminals with 35 gates that total 530,000 square feet (eight times larger than the former facility). It has a capacity to serve 10 million passengers annually, with plans for expansion to a third terminal when this threshold is achieved in consecutive years. Parking was increased by 4,900 spaces to the current level of 13,968 stalls. In 2009, 4.8 million passengers used the airport and 390,932 tons of air freight was shipped, which both numbers were down significantly from the numbers posted in 2007 and again in 2008. A summary of historical statistics for the airport are summarized in the following table.

ONTARIO INTERNATIONAL AIRPORT
PASSENGER AND AIR FREIGHT VOLUMES
1987-2009

	Passengers					
Year	**Departures**	**Arrivals**	**Total**	**Percent Change**	**Freight (Tons)**	**Percent Change**
1987	2,292,606	2,282,391	4,574,997		218,196	
1988	2,409,598	2,388,634	4,798,232	4.9%	286,411	31.3%
1989	2,661,026	2,638,237	5,299,263	10.4%	284,988	-0.5%
1990	2,717,968	2,702,367	5,420,335	2.3%	272,638	-4.3%
1991	2,906,405	2,885,413	5,791,818	6.9%	282,558	3.6%
1992	3,067,671	3,053,952	6,121,623	5.7%	306,973	8.6%
1993	3,105,181	3,086,854	6,192,035	1.2%	353,302	15.1%
1994	3,200,836	3,185,164	6,386,000	3.1%	379,911	7.5%
1995	3,210,582	3,194,515	6,405,097	0.3%	386,953	1.9%
1996	3,132,803	3,120,035	6,252,838	-2.4%	437,139	13.0%
1997	3,153,825	3,147,037	6,300,862	0.8%	461,747	5.6%
1998	3,212,487	3,222,371	6,434,858	2.1%	454,231	-1.6%
1999	3,268,661	3,309,344	6,578,005	2.2%	488,774	7.6%
2000	3,396,764	3,360,634	6,757,398	2.7%	511,758	4.7%
2001	3,354,400	3,348,000	6,702,400	-0.8%	462,758	-9.6%
2002	3,262,300	3,285,577	6,547,877	-2.3%	547,461	18.3%
2003	3,285,577	3,262,300	6,547,877	0.0%	571,892	4.5%
2004	3,462,361	3,473,352	6,935,713	5.9%	605,211	5.8%
2005	3,611,978	3,601,550	7,213,528	4.0%	575,369	-4.9%
2006	3,533,858	3,516,046	7,049,904	-2.3%	544,600	-5.3%
2007	3,607,184	3,599,966	7,207,150	2.2%	532,865	-2.2%
2008	3,112,112	3,120,649	6,232,761	-13.5%	481,284	-9.7%
2009	2,444,643	2,442,052	4,886,695	-21.6%	390,932	-18.8%
Compound Annual Growth 1987-2009				0.3%		2.7%

Source: Ontario International Airport

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As a result of the increasing regional population base, limited growth or a reduction in flights at other regional airports, and increased commercial and industrial development, both passenger and freight volume have increased significantly since 1987. Passenger volume declined in 2000 and 2001 due to the events of September 11, 2001. Passenger volume significantly increased in 2004, following three years of negative to limited growth. The 5.9 percent increase in passenger growth from 2003 also represents the largest increase in 13 years. The 2.3 percent decrease in 2006 was the first year of decreased passenger volume in four years. However, the largest decrease came in 2009 due to market conditions. The amount of annual freight volume, however, rose by 2.7 percent. Since 1987, the annual rate of growth in freight volume has generally outperformed the rate of growth in passenger volume. This reflects the Ontario Airport's growing appeal as a distribution center. Despite being overshadowed by Los Angeles International Airport, Ontario International Airport is ranked among the 100 busiest in the world. Ontario International Airport is currently served by 12 passenger airlines and 11 airfreight carriers. The United Parcel Service (UPS) operates a regional freight hub at the Ontario International Airport. The hub ships cargo weighing more than 150 pounds to cities across North America.

The city of Los Angeles and the Federal Aviation Administration (FAA) are projecting significant growth in demand for the Ontario airport, predicting that regional passenger demand will double, and air cargo demand will triple by 2030. The agencies are preparing a joint Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for the proposed expansion of the Ontario Airport to guide the development of the airport through 2030.

Governmental Forces

Recreation and Culture

The Inland Empire region has extensive public recreational facilities. There are numerous public golf courses and country clubs, with additional facilities planned and under construction. Also, the resort communities in Big Bear and Lake Arrowhead provide nature trails, hiking, snow skiing, water skiing, and many other outdoor activities. The low desert region (centered around Palm Springs) has several retirement and weekend resort communities.

One significant public facility is the Diamond Valley Lake, a 260-billion-gallon lake located just south of the city of Hemet. This facility was constructed by the Metropolitan Water District to double Southern California's surface water retention and provide six months worth of emergency storage. Camping, hiking, fishing and other outdoor activities are permitted at the lake.

Real Estate Taxes

In 1978, the residents of California voiced their opposition to increasing taxes through the legislative process. This major consumer "tax revolt" culminated in the passage of Proposition 13, also known as

the Jarvis-Gann Initiative, which was later made into law under the provisions of Article XIIIA of the California Tax and Revenue Code. In essence, Proposition 13 determined a maximum tax rate of one percent of market value plus an increment for pre-existing bonded indebtedness. The maximum allowable increase on property assessments, and hence taxes, was set at two percent per year, except when a property sells or undergoes major construction.

CONCLUSION

California has historically been the dominant economic state in the western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the economic cycles. The state of California, Southern California region, and Inland Empire economies all contracted in 2009. Resumed growth is not projected until 2011, or later. Specific locations within the region are experiencing varying levels of decline, and these adverse economic conditions have been considered in this analysis.

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NEIGHBORHOOD ANALYSIS

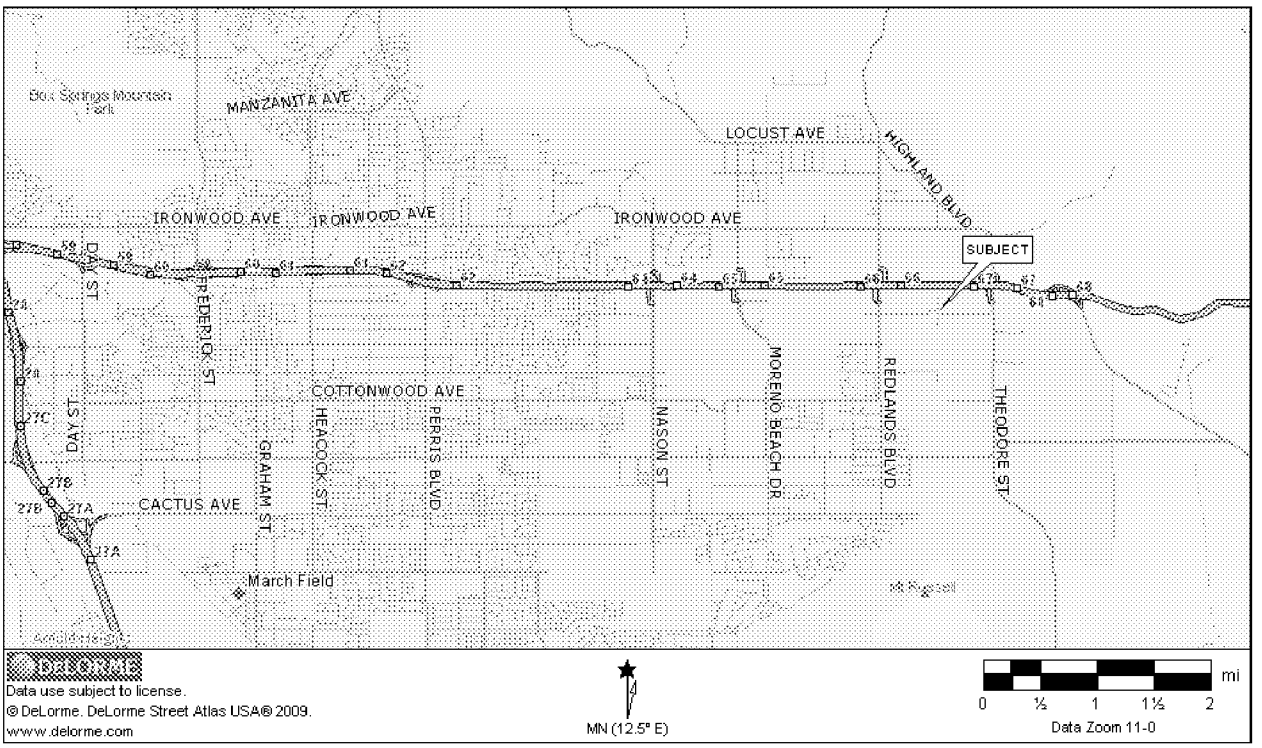

LOCATION

The neighborhood is located in the city of Moreno Valley. The city of Moreno Valley is located in the northwest portion of Riverside County. The city of Moreno Valley and the subject's immediate surroundings are discussed below. Please reference the subject's location in the surrounding neighborhood on the accompanying page.

CITY OF MORENO VALLEY

The city of Moreno Valley, located in the northwestern section of Riverside County, was incorporated in December of 1984. The city totals 50 square miles and is generally located at the juncture of the Moreno Valley Freeway (State Highway 60) and the Escondido Expressway (Interstate 215). The city is bordered by unincorporated portions of Riverside County on the north and east, by the Lake Perris State Recreational Area and the city of Perris to the south, and by the March Air Base Reserve and the city of Riverside to the west.

Government

Moreno Valley is a general law city. It is governed by a city council that is comprised of five elected officials. Public schools within the city are controlled by two separate districts: Moreno Valley Unified School District and the Val Verde Unified School District. Police services are provided by a contract between the city and Riverside County Sheriff's Department. Fire services are provided by the

Riverside County Fire Department through a contract with the California Department of Forestry. The city of Moreno Valley governs development/land use controls.

Transportation

Two freeways provide regional access to Moreno Valley: the Escondido Expressway (Interstate 215) and the Moreno Valley Freeway (Highway 60). Interstate 215 is a major north/south freeway that links the city to the San Bernardino Freeway (Interstate 10) to the north and to the Corona Freeway (Interstate 15) to the south. State Highway 60 runs through the northern portion of the city in an east/west direction. This freeway provides access to San Bernardino and Los Angeles Counties to the west, and to the Interstate 10 freeway to the east.

The city is also serviced by rail with freight stops within Moreno Valley. The Ontario International Airport provides commercial air transportation approximately 20 miles to the northwest.

RANCHO BELAGO

The subject property is located within the Rancho Belago district within the city of Moreno Valley. This district is located in the eastern portion of the city, with the following map depicting the general boundaries.

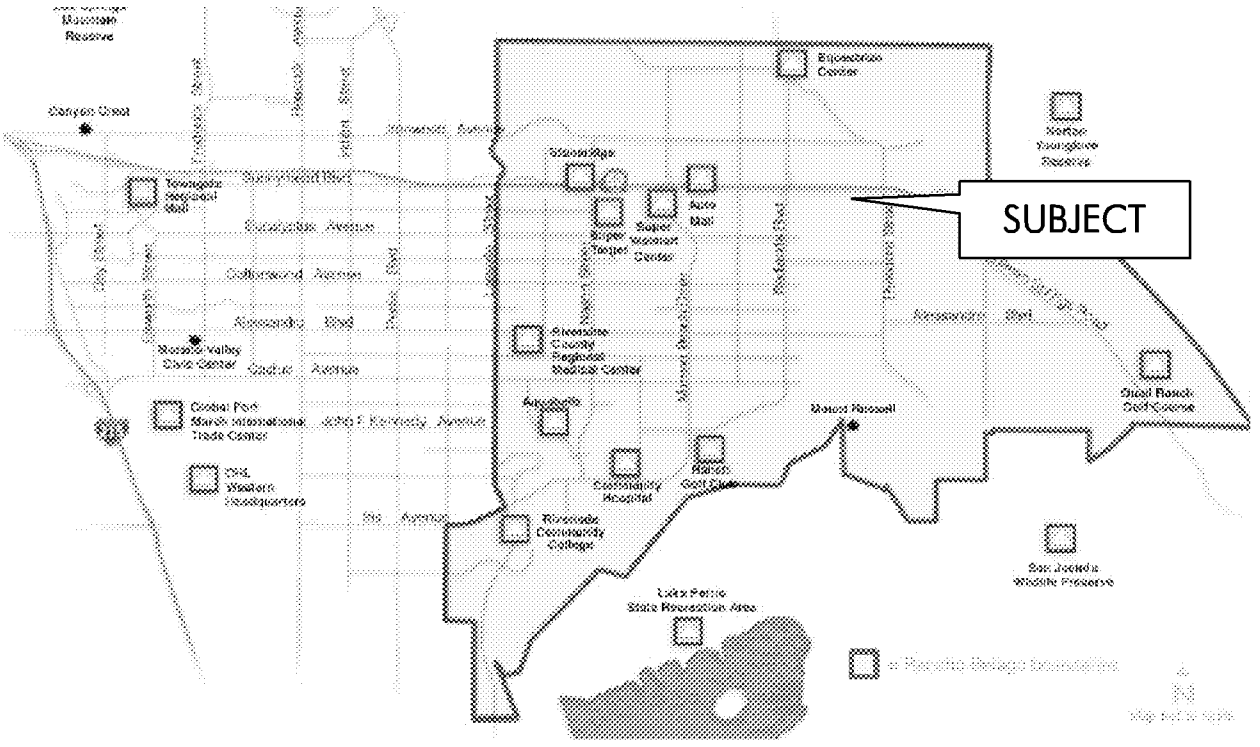

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Rancho Belago includes a current population of about 30,000 within 10,000 households. Included in the boundaries are the Riverside County Regional Medical Center, Moreno Valley Community Hospital, Moreno Valley Ranch Golf Club, Moreno Valley Auto Mall, and Stoneridge Towne Centre, which includes Super Target, Best Buy, Kohls and Wal-Mart.

IMMEDIATE SURROUNDINGS

The subject is located on the south side of the 60 Freeway, between Redlands Boulevard and Theodore Avenue in the eastern portion of the city. The immediate surrounding area is largely undeveloped, with the nearest housing development about one-half mile to the southwest across Redlands Boulevard. Scattered individual homes and vacant land are located to the east of Theodore Avenue. Across the freeway to the north is vacant land. Super Target, Wal-Mart and Kohls are located along the south side of the freeway within two miles to the west, adjacent to the Moreno Valley Auto Mall.

The subject parcels are located on the west and east sides of the Skechers distribution facility, which will be the largest building of its kind in the Inland Empire upon its completion in early 2011. The parcels are situated near the Redlands Boulevard and Theodore Street exits that will provide access to this facility

Access

The subject sites will have excellent access from the freeway at the Theodore Avenue and Redlands Boulevard exits. The 60 Freeway intersects the 215 Freeway within 8 miles to the west and connects with Interstate 10 in Beaumont within 10 miles to the east. Alessandro Boulevard is a major east-west route through the city that runs about one mile south of the subject, providing access to central Moreno Valley. Gilman Springs Road connects the area with San Jacinto and Hemet, within 15 miles to the southeast.

DEMOGRAPHICS

Selected neighborhood demographics in a one-, three-, and five-mile radius from the subject are shown in the following table:

SELECTED NEIGHBORHOOD DEMOGRAPHICS

	Radius 1.0	Radius 3.0	Radius 5.0
Population			
2014 Population	1,020	16,207	96,227
2009 Population	781	12,794	80,567
2000 Population	334	6,589	53,623
1990 Population	234	5,092	44,790
Growth 2009 - 2014	30.60%	26.68%	19.44%
Growth 2000 - 2009	133.83%	94.17%	50.25%
Growth 1990 - 2000	42.74%	29.40%	19.72%
Households			
2014 Households	297	4,844	25,445
2009 Households	228	3,834	21,543
2000 Households	99	1,959	14,656
1990 Households	69	1,496	12,906
Growth 2009 - 2014	30.26%	26.34%	18.11%
Growth 2000 - 2009	130.30%	95.71%	46.99%
Growth 1990 - 2000	43.48%	30.95%	13.56%
Income			
2009 Median HH Inc	$80,210	$78,491	$63,312
2009 Estimated Average Household Income	$97,085	$94,622	$73,167
2009 Estimated Per Capita Income	$28,861	$28,033	$19,711

Source: CBRE

CONCLUSION

The subject parcel locations along the freeway will provide excellent accessibility and exposure for the sites. The commercial zoned parcels are located at the freeway exits surrounding the new Skechers facility. As shown above, the surrounding Rancho Belago district has substantially higher income levels than the entire Riverside County and Inland Empire figures. The master-planned area surrounding the subject is expected to experience significant growth over the next five years.

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MARKET ANALYSIS

The subject parcels include commercial and light industrial zones that could accommodate a variety of retail, office or business park type properties. The following sections include a general overview of the Inland Empire trends from the second quarter CBRE MarketView reports.

Industrial Trends

Prior to becoming a bedroom community, the Inland Empire housed only large, relatively undesirable, manufacturing plants such as Kaiser Steel. In the 1980s, large warehouse/distribution buildings dominated new industrial development. Most of this new construction occurred near the intersection of the San Bernardino and Ontario Freeways, just east of the Ontario International Airport. These trends continued in the second half of the 1990's and into the 2000's as a substantial amount of distribution space has been completed since 1995. The Inland Empire was able to meet this demand due to the availability of relatively inexpensive land and the area's excellent air freight and surface access (both vehicular and rail). Its location in the eastern section of development in the Southern California region also allowed for both good regional and national access.

Based on statistics in the second quarter 2010 Market View, prepared by CB Richard Ellis, Inc., the Inland Empire Industrial Market consists of two distinct markets: Inland Empire East and Inland Empire West. The Inland Empire East region is the smaller of the two submarkets, containing 156,374,580 square feet and accounting for 39.32% of the industrial space in the Inland Empire region. Combined the two markets contain 397,667,625 square feet. The growth of the industrial base for the Inland Empire region has generally been on an upward trend over the last three years. The rapid growth of the industrial market is due to the substantial availability of vacant land in the Inland Empire, the lower land prices relative to Los Angeles County, improving distribution systems out of the ports of Los Angeles and Long Beach, as well as the region's proximity to the Ontario International Airport. The Inland Empire region currently has 243,000 square feet of space under construction.

As of the second quarter 2010, approximately 29,268,084 square feet was vacant, indicating a vacancy rate of 7.40%. As the vacancy rate decreased from the previous quarter, net absorption showed a positive 3,564,516 square feet of vacant space was absorbed. The availability rate, which includes space available for sale/lease that is not vacant, is at 15.70%, decreasing from 15.90% the previous quarter. The second quarter 2010 gross lease and sale activity totaled approximately 8.10 million square feet, which is up from the 6.83 million square feet from the previous quarter. Year end gross activity figures for the past seven years were 23.4, 19.8, 28.7, 32.5, 34.8, 32.5, and 26.9 million square feet, for 2009, 2008, 2007, 2006, 2005, 2004, and 2003, respectively.

The Inland Empire Market Trends Forecast from the CBRE-EA Summer 2010 Outlook includes historical trends and projections for 2010 and beyond. The underlying source data is from the first quarter of 2010.

INLAND EMPIRE INDUSTRIAL MARKET						
Year	Stock (SF x 1000)	Completions (SF x 1000)	Vacancy Rate (%)	Net Absorption (SF x 1,000)	TWR Rent Index ($/SF/Mo)	TWR Rent Inflation (%)
1990	191,273	14,888	17.7%	6,906	$0.33	-5.7%
1991	196,046	4,773	17.3%	4,778	$0.31	-5.8%
1992	198,773	2,727	15.8%	5,131	$0.31	-1.6%
1993	200,095	1,322	13.0%	6,838	$0.31	-0.3%
1994	201,299	1,204	10.7%	5,641	$0.31	-0.8%
1995	208,666	7,367	9.0%	10,089	$0.31	1.6%
1996	215,138	6,472	9.0%	5,916	$0.32	4.3%
1997	225,009	9,871	8.6%	9,763	$0.36	9.5%
1998	234,694	9,685	8.9%	8,208	$0.38	7.7%
1999	250,640	15,946	9.3%	13,404	$0.42	10.0%
2000	272,764	22,124	8.2%	23,123	$0.47	11.9%
2001	292,347	19,583	10.9%	10,099	$0.47	0.0%
2002	307,337	14,990	9.9%	16,262	$0.44	-6.9%
2003	320,216	12,879	8.3%	16,740	$0.45	2.7%
2004	336,451	16,235	6.9%	19,724	$0.47	5.2%
2005	354,760	18,309	6.0%	20,210	$0.51	8.6%
2006	387,204	32,444	7.7%	23,719	$0.58	12.8%
2007	407,697	20,493	9.2%	12,776	$0.62	6.9%
2008	434,096	26,399	14.8%	(230)	$0.56	-9.7%
2009	438,138	4,042	15.8%	(920)	$0.42	-25.1%
2010	*440,176*	*2,038*	*15.9%*	*1,476*	*$0.37*	*-12.7%*
2011	*443,568*	*3,393*	*15.4%*	*5,155*	*$0.38*	*2.5%*
2012	*445,658*	*2,089*	*14.1%*	*7,330*	*$0.42*	*10.9%*
2013	*448,252*	*2,595*	*12.7%*	*8,551*	*$0.47*	*12.0%*
2014	*452,796*	*4,544*	*11.7%*	*8,291*	*$0.51*	*10.2%*
2015	*459,761*	*6,965*	*11.4%*	*7,848*	*$0.55*	*7.6%*

Source: TWR Outlook Summer 2010

Statistics from the CBRE – MarketView reports from 2nd quarter 2010 are summarized in the following chart.

Submarket	Rentable Area	Vacancy Rate %	Net Absorption SF	Under Construction SF	Average Asking Lease Rate	Availability Rate %
Inland Empire East	156,374,580	11.1%	820,996	190,000	$0.33	18.7%
Inland Empire West	241,293,045	4.9%	2,743,520	53,000	$0.35	13.5%
Market Total	**397,667,625**	**7.4%**	**3,564,516**	**243,000**	**$0.34**	**15.7%**

As indicated above, the Inland Empire West submarket features a significantly lower vacancy rate than the Inland Empire East submarket. This is the result of the Inland Empire West submarket including the cities of Ontario, Rancho Cucamonga, Fontana, Mira Loma and Chino, which are the closest to Los Angeles County and the Ports of Los Angeles and are therefore more desirable in the market.

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The overall Inland Empire vacancy rate decreased to 7.4%, denoting a 13% decline from the first quarter's rate of 8.5%. Both the Inland Empire East and West recorded lowered vacancy levels. The Inland Empire East submarket vacancy decreased from 12.2% in the previous quarter to 11.1% this quarter. In the Inland Empire West submarket, the vacancy rate now stands at 4.9%, representing a 20% decline from 6.1% recorded in the first quarter 2010.

The overall Inland Empire availability rate experienced a minimal decline of less than 2% this quarter, dropping to a rate of 15.7%. The Inland Empire East availability rate decreased to 18.7%, while the availability rate in the Inland Empire West increased from 13.3% in the previous quarter to 13.8% this quarter.

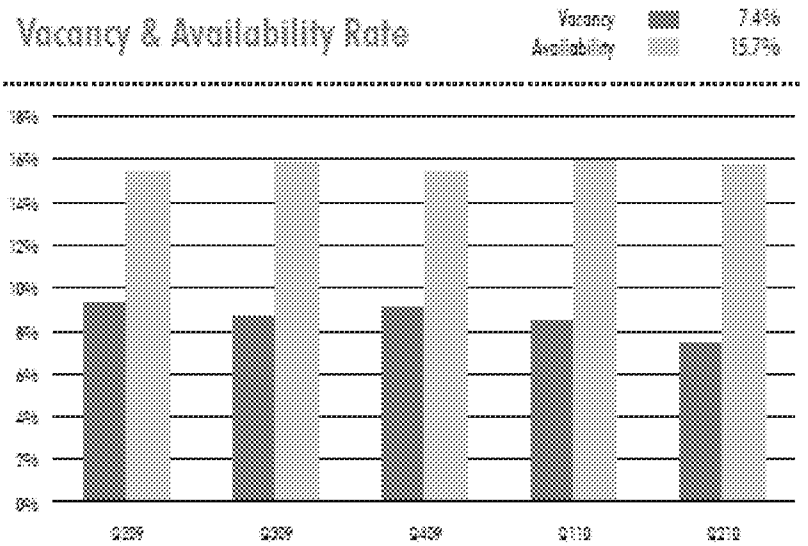

Retail Trends

The Inland Empire retail market continues to struggle while the rest of Nation is experiencing a "recovery". Over the past year, the Inland Empire region faced one of the worst-ever economic crisis due to the high volume of foreclosures and plummeting home values. Moving forward into the second quarter of 2010, optimism can be felt as signs of increased trade volumes and improvements in the housing market are being witnessed. As with the first quarter, news of improved home values coupled with reports of employment growth appear to be evidence that while the region's economy is on a slow, steady path to a full recovery, the worst is officially behind us.

Quick Stats

	Current	Change from last Yr.	Change from last Qtr.
Vacancy	11.7%	↓	↑
Lease Rates	$2.12	↓	↔
Net Absorption*	(36,811)	↑	↓
Construction	0 SF	↓	↓

* The arrows are trend indicators over the specified time period and do not represent a positive or negative value. (e.g., absorption could be negative, but still represent a positive trend over a specified period.)

Hot Topics

- New housing incentives for buyers and lenders are expected to help decrease the number of foreclosure reporting's and help the region's housing economy to stabilize.
- Overall unemployment rate continues to decrease. Second quarter 2010 ends with a rate of 13.9 percent in the Inland Empire.
- Average asking lease rates remained stable for the third quarter in a row and ended with a rate of $2.12 per square foot per month.

According to the U.S. Commerce Department, total retail sales in the month of May saw a 1.2% decline over April – still, this represents a 6.3% year-over-year increase. Despite the drop of sales from the prior month, retail sales in some sectors did report slight increases, including furniture and home furnishing stores which increased 1.0% since the month of April, and represent a 4.6% year-over-year increase. Sporting goods, hobby, book and music stores sales also experienced increases of just under 1.0% and 3.3% unadjusted over last year. Finally, electronics and appliance stores sales increased 0.6% seasonally adjusted from last month, and 4.6% percent unadjusted over last year. Consumer confidence experienced a sharp decline in June according to the Conference Board Consumer Confidence Index. The index now stands at 52.9, down from 62.7 recorded the month prior.

Vacancy Rate vs. Lease Rate

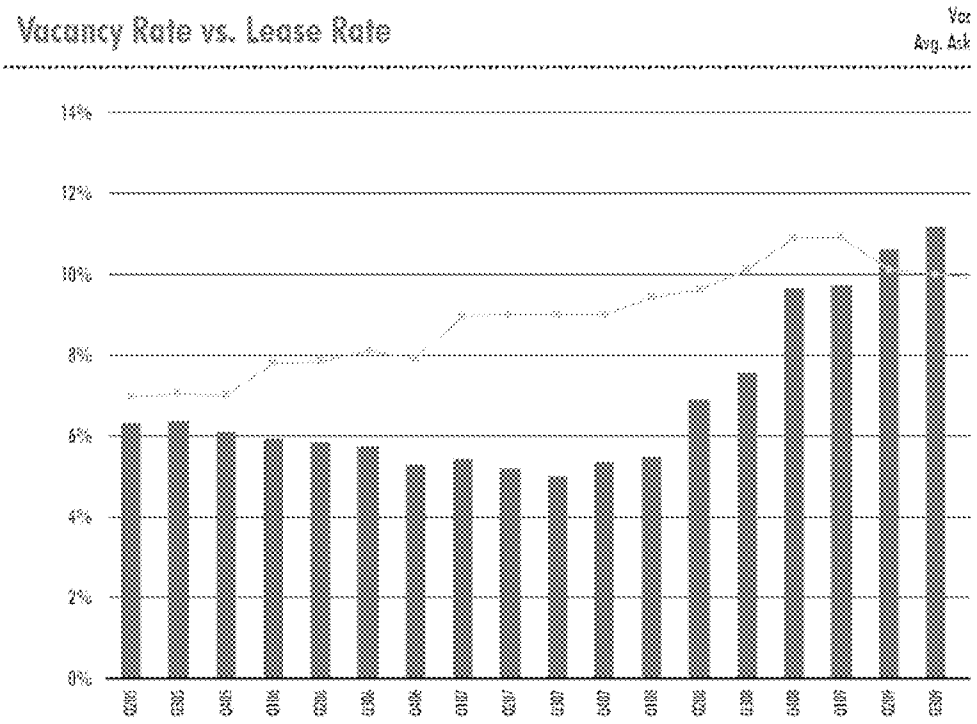

The Inland Empire retail market experienced a slight increase to the overall vacancy rate which currently stands at 11.7 percent. The rise in vacancy can be attributed to declining demand by retailers which resulted in a relatively flat 36,811 square feet of negative net absorption. As expected, this figure reflects the continued closure of stores and space being put back on the market. Average

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asking retail lease rates, however, remained stable for the third quarter in a row. The quarter closed with a high average asking lease rate of $2.12 per square foot per month and the low average asking lease rate posting $1.68 per square foot per month.

Construction of new retail centers in the Inland Empire remains non-existent. A steady trend of positive momentum in the local economy must be achieved before developers move forward with plans for new centers. There has been only one new property added to the Inland Empire's retail inventory this year, while all formerly active development projects have been halted indefinitely.

Market Statistics

Submarket	Building SF	Vacancy Rate %	Net Absorption SF	Under Construction SF	Avg. High Asking NNN $/PSF/MTH
EAST END	31,271,412	21.3%	(105,388)	-----	$1.91
HIGH DESERT	7,248,523	6.8%	(340)	-----	$2.18
LOW DESERT	14,240,891	8.8%	69,241	-----	$2.11
SO. RIV COUNTY	16,724,737	7.7%	(23,917)	-----	$2.19
WEST END	36,389,566	7.3%	23,593	-----	$2.28
Inland Empire Total	**105,875,129**	**11.7%**	**(36,811)**	-----	**$2.12**

Office Trends

Based on statistics in the CB Richard Ellis, Inc. – second quarter 2010 Market View, the Inland Empire office market totals 24,474,375 square feet in 687 buildings. As of the second quarter of 2010, approximately 5,814,585 square feet was vacant, indicating a vacancy rate of 23.80%, which is slightly lower than the 24.00% in the first quarter of 2010, and higher than one year ago. Inland Empire East experienced negative net absorption while the West submarket experienced positive net absorption levels for a combined result of negative 4,782 square feet.

The average asking rental rate is $1.80 per square foot per month, full service gross. This rate is nine cents lower than the previous quarter. Over the past eight years, the Inland Empire office market average asking lease rate has risen 23.29% from $1.46 per square foot during the third quarter of 2001.

The largest office markets are in the cities of Riverside and San Bernardino, with 6.53 and 4.23 million square feet, respectively. These are the two most mature markets; however, they have evolved to be in somewhat secondary locations with regards to tenants relocating from Los Angeles County due to more outlying locations. Specifically, Riverside is closer to the Orange County office markets, while Ontario and Rancho Cucamonga are closer to Los Angeles County. Ontario has a predominantly Class A base, while Rancho Cucamonga has primarily Class B office space.

The city of Moreno Valley includes 21 office buildings totaling 629,064 square feet. As of the second quarter of 2010, the vacancy rate was 7.0% with an availability rate of 10.8%. Year-to-date net absorption was a negative 14,262 square feet.

Conclusions

The subject property consists of three parcels located along the 60 Freeway in Moreno Valley, adjacent to a large distribution facility under construction for Skechers. Parcels 3 and 4 are zoned for commercial use and located at the freeway off-ramps. These properties will benefit from the traffic generated by the new Skechers facility and infra-structure being completed in the neighborhood, including renovation of the freeway ramps and completion of Eucalyptus Avenue between Redlands Boulevard and Theodore Avenue. Parcel 2 is zoned for light industrial use and has good freeway access and exposure for the potential expansion of the Skechers project or other future business park related development.

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PLAT MAP

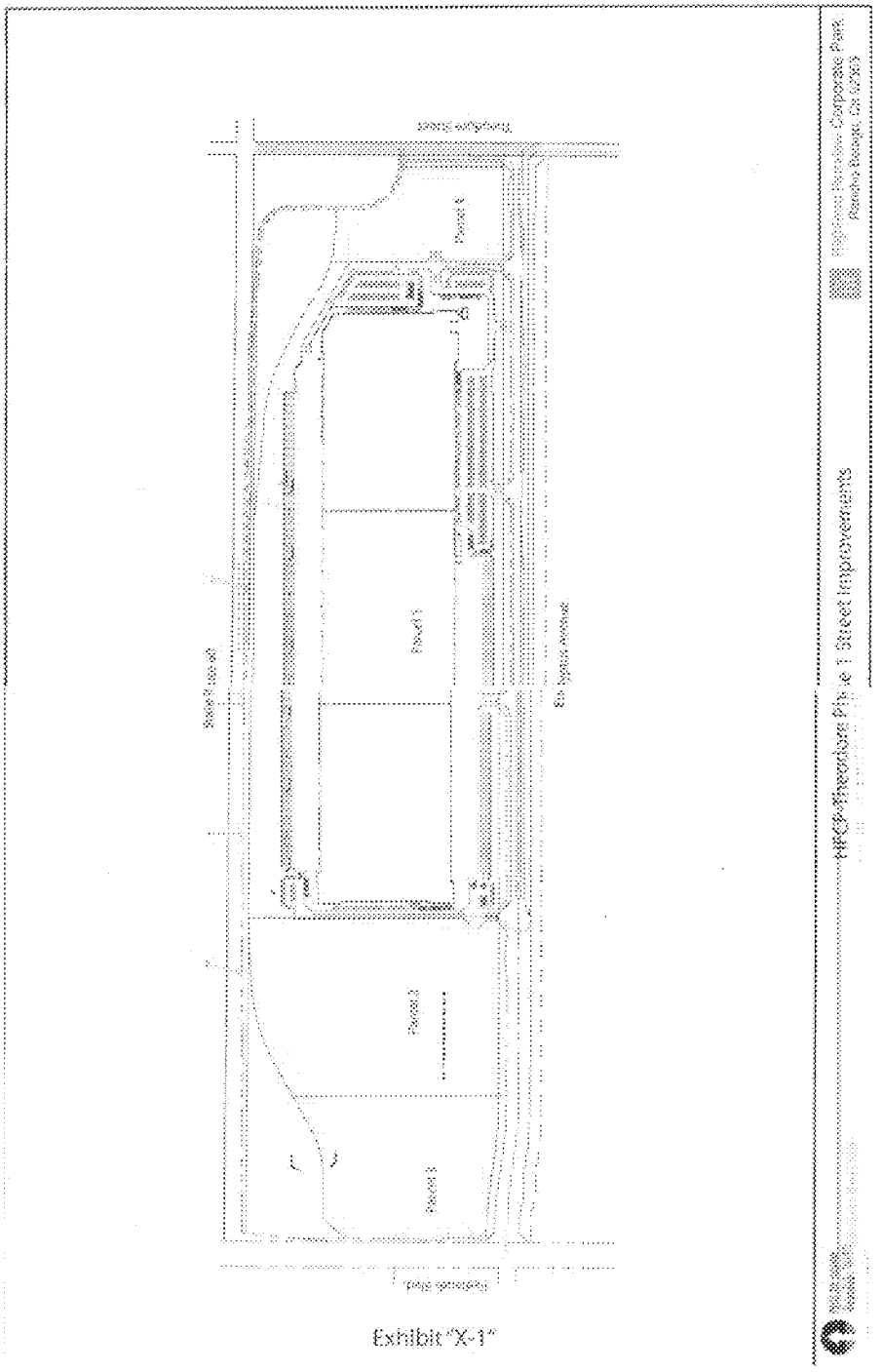

SITE ANALYSIS

The following chart summarizes the salient characteristics of the subject site.

SITE SUMMARY		
Physical Description		
Site Areas - Gross		
Parcel 2	24.33 Acres	1,059,815 Sq. Ft.
Parcel 3	13.87 Acres	604,177 Sq. Ft.
Parcel 4	7.70 Acres	335,412 Sq. Ft.
Site Areas - Net		
Parcel 2	22.40 Acres	975,744 Sq. Ft.
Parcel 3	12.90 Acres	561,924 Sq. Ft.
Parcel 4	7.20 Acres	313,632 Sq. Ft.
Primary Road Frontage	Eucalyptus Avenue	
Secondary Road Frontage	Redlands Boulevard	
Additional Road Frontage	Theodore Avenue	± 513 Feet
Excess Land Area	None	
Surplus Land Area	None	
Zoning District	CC - Parcels 3 and 4	
	IL - Parcel 2	
Flood Map Panel No. & Date	06065C 0070G	28-Aug-08
Flood Zone	Zone X	

Source: Various sources compiled by CBRE

LAND AREAS

The gross site areas were obtained from Tentative Parcel Map No. 35629, which is included in the Addenda. Based on a review of the site plan, the difference between the gross and net areas is based on detention basins and a maintenance access road along the north property line and street dedications.

ASSESSOR'S PARCEL NUMBER

Parcel 2 is currently a portion of APN No. 488-350-002. Parcel 3 is currently included within APN No. 488-350-001. Parcel 4 is currently a portion of APN Nos. 488-360-007 and 488-360-008.

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SHAPE AND FRONTAGE

The site are irregular and have frontage along the adjacent streets. All of the parcels will have frontage along Eucalyptus Avenue. Parcels 2 and 3 will also have frontage along the new east-bound freeway onramp from Redlands Boulevard to the 60 Freeway. Parcel 4 will have frontage along the exit ramp for eastbound traffic to Theodore Avenue.

TOPOGRAPHY AND DRAINAGE

Parcels 2 and 3 have been graded to level "blue-top" pads. Parcel 4 is currently used for construction trailers for the Skechers facility and is generally level. This site will be finished graded upon completion of the building construction.

Storm drains are currently under construction between the Skechers parcel and Parcel 2. The completion of the site improvements are assumed to cure any drainage problems.

SOILS

A soil analysis for the site has not been provided for the preparation of this appraisal. In the absence of a soil report, it is a specific assumption that the site has adequate soils to support the highest and best use.

EASEMENTS AND ENCROACHMENTS

We have not reviewed a current title report for the subject property. The Tentative Parcel Map No. 35629 listed several easements impacting the subject and surrounding parcels. These include easements for pole lines, conduits, underground facilities, and utilities. We assume that the subject is not impacted by easements that would negatively impact the value. It is recommended that the client obtain a qualified legal opinion with regards to the reports before making a business decision with regards to the subject property.

COVENANTS, CONDITIONS AND RESTRICTIONS

There are no known covenants, conditions and restrictions impacting the site that are considered to affect the marketability or highest and best use, other than zoning restrictions.

UTILITIES AND SERVICES

The site is within the jurisdiction of the City of Moreno Valley and is provided all municipal services, including police, fire and garbage collection. All utilities are available to the site in adequate quality and quantity to service the highest and best use.

FLOOD ZONE

According to flood hazard maps published by the Federal Emergency Management Agency (FEMA), the site is within Zone X as indicated on the indicated Community Map Panel No. 06065C0770G, August 28, 2008.

FEMA Zone X: Areas determined to be outside the 500-year flood plain.

ENVIRONMENTAL ISSUES

CB Richard Ellis, Inc. has not observed, yet is not qualified to detect, the existence of potentially hazardous material or underground storage tanks, which may be present on or near the site. The existence of hazardous materials or underground storage tanks may have an affect on the value of the property. For this appraisal, CB Richard Ellis, Inc. has specifically assumed that the property is not affected by any hazardous materials and/or underground storage tanks that may be present on or near the property.

EARTHQUAKE

All properties in California are subject to some degree of seismic risk. The Alquist-Priolo Special Studies Zone Act of 1972 was enacted by the State of California to regulate development near active earthquake faults. The Act required the State Geologist to delineate "special studies zones" along known active faults in California. Cities and Counties affected by the identified zones must limit certain development projects within the zones unless geologic investigation demonstrates that the sites are not threatened by surface displacement from future faulting.

According to "Fault-Rupture Hazard Zones in California" published in 1992 by the California Department of Conservation, Department of Mines and Geology, the subject is not within an area affected by the Alquist-Priolo Special Studies Zone Act. Related development limitations, therefore, do not apply.

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ZONING

The following chart summarizes the subject's zoning requirements.

ZONING SUMMARY - PARCEL 2	
Current Zoning	LI (Light Industrial)
Specific Plan	Yes
Specific Plan Land Use	Light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ZONING SUMMARY - PARCELS 3 & 4	
Current Zoning	CC (Community Commercial)
Specific Plan	Yes
Specific Plan Land Use	To provide for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ANALYSIS AND CONCLUSION

Additional information may be obtained from the appropriate governmental authority.

TAX AND ASSESSMENT DATA

In California, privately held real property is typically assessed at 100% of full cash value (which is interpreted to mean market value of the fee simple estate) as determined by the County Assessor. Generally, a reassessment occurs only when a property is sold (or transferred) or when new construction occurs (as differentiated from replacing existing construction). In the case of long-term ground leases, the general rule is that a reassessment is made at the time of assigning or terminating a lease where the remaining term is more than 35 years. For reassessment purposes, the lease term includes all options to extend. Assessments for properties that were acquired before the tax year 1975-1976 were stabilized as of the tax year 1975-1976. Property taxes are limited by state law to 1% of the assessed value plus voter-approved obligations and special assessments. If no sale (or transfer) occurs or no new building takes place, assessments may not increase by more than 2% annually. Taxes are payable in two equal installments, which become delinquent after December 10 and April 10, respectively.

The following table summarizes the most recent assessments and taxes for the parcels that include the subject sites.

2000-2010 ASSESSMENTS & TAXES

Parcel No.	Assessments	Tax Rate	Taxes on Value	Sp. Assessments	Total Taxes	Eff. Tax Rate
488-350-001	$1,081,997	1.04765%	$11,336	$347	$11,683	1.080%
488-350-002	6,054,778	1.04765%	63,433	1,467	64,900	1.072%
488-360-007	957,208	1.04765%	10,028	144	10,172	1.063%
488-360-008	1,636,381	1.04765%	17,144	177	17,321	1.058%

Source: Riverside County Assessor

CONCLUSION

For purposes of this analysis we are assuming any outstanding property tax liability has been paid and CBRE assumes that all taxes are current. If the subject sold for the value estimate in this report, a reassessment at that value would most likely occur, with tax increases limited to two percent annually thereafter until the property is sold again. The consequences of this reassessment have been considered in the appropriate valuation sections.

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HIGHEST AND BEST USE

In appraisal practice, the concept of highest and best use represents the premise upon which value is based. The four criteria the highest and best use must meet are:

- legal permissibility;
- physical possibility;
- financial feasibility; and
- maximum profitability.

The highest and best use analysis of the subject is discussed on the following pages. This analysis incorporates the information presented in the Market Analysis section, as well as any unique characteristics of the subject described previously.

AS VACANT

Legal Permissibility

The legally permissible uses were discussed in the Site Analysis and Zoning Sections.

Physical Possibility

The subject parcels are adequately served by utilities, and have adequate shapes and sizes, sufficient access, etc., to be separately developable sites. There are no known physical reasons why the subject sites would not support any legally probable development.

Financial Feasibility

The determination of financial feasibility is dependent primarily on the relationship of supply and demand for the legally probable land uses versus the cost to create the uses. Development of new industrial and retail properties has occurred in the past few years. However, many proposed developments are no longer moving forward due to inadequate construction financing and market conditions (increasing vacancy, declining effective rental rates, higher cap rates, etc.). The adjacent building under construction is a build-to-suit for Skechers, who will contribute a significant capital investment. However, the completion of this project will enhance the marketability of the subject parcels for potential complementary commercial or industrial uses.

Maximum Profitability

The final test of highest and best use of the site as if vacant is that the use be maximally productive, yielding the highest return to the land. In the case of the subject parcels as if vacant, the analysis has indicated that future development of commercial properties on Parcels 3 and 4 and an industrial project on Parcel 2 would be most appropriate.

CONCLUSION: HIGHEST AND BEST USE AS VACANT

Based on the information presented above and upon information contained in the market and neighborhood analysis, we conclude that the highest and best use of the subject parcels would be to hold for future retail and industrial development when economic conditions improve.

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APPRAISAL METHODOLOGY

In appraisal practice, an approach to value is included or omitted based on its applicability to the property type being valued and the quality and quantity of information available.

COST APPROACH

The cost approach is based on the proposition that the informed purchaser would pay no more for the subject than the cost to produce a substitute property with equivalent utility. This approach is particularly applicable when the property being appraised involves relatively new improvements that represent the highest and best use of the land, or when it is improved with relatively unique or specialized improvements for which there exist few sales or leases of comparable properties.

SALES COMPARISON APPROACH

The sales comparison approach utilizes sales of comparable properties, adjusted for differences, to indicate a value for the subject. Valuation is typically accomplished using physical units of comparison such as price per square foot, price per unit, price per floor, etc., or economic units of comparison such as gross rent multiplier. Adjustments are applied to the physical units of comparison derived from the comparable sale. The unit of comparison chosen for the subject is then used to yield a total value. Economic units of comparison are not adjusted, but rather analyzed as to relevant differences, with the final estimate derived based on the general comparisons.

INCOME CAPITALIZATION APPROACH

The income capitalization approach reflects the subject's income-producing capabilities. This approach is based on the assumption that value is created by the expectation of benefits to be derived in the future. Specifically estimated is the amount an investor would be willing to pay to receive an income stream plus reversion value from a property over a period of time. The two common valuation techniques associated with the income capitalization approach are direct capitalization and the discounted cash flow (DCF) analysis.

METHODOLOGY APPLICABLE TO THE SUBJECT

In valuing the subject, only the sales comparison approach to land value has been used.

LAND VALUE

PARCEL 2 - INDUSTRIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcel 2. A detailed description of each transaction is included in the Addenda.

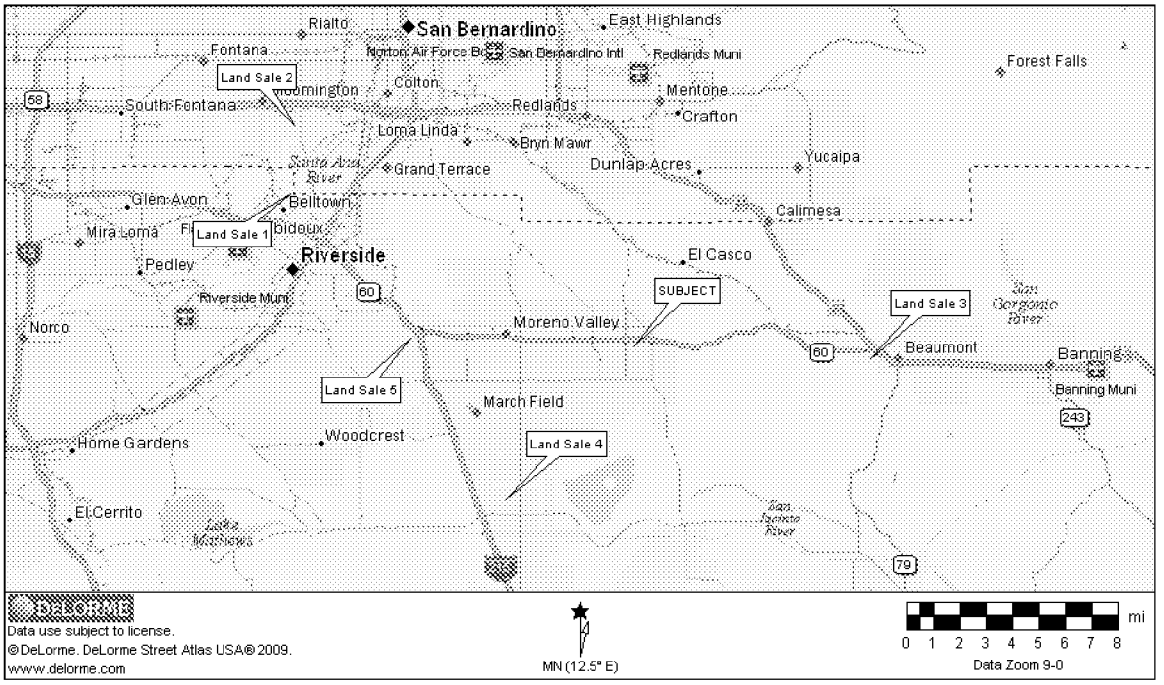

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SUMMARY OF COMPARABLE INDUSTRIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	5425 Wilson Street, Unincorp. Riverside, CA	Sale	Apr-10	M-H	$4,976,861	18.73	$6.10
2	NWC Santa Ana Avenue and Willow Avenue, Rialto, CA	Sale	Jan-10	Industrial	$6,450,000	17.78	$8.33
3	NWC 4th & Nicholas, Beaumont, CA	Sale	Mar-10	Light Industrial	$35,108,000	132.13	$6.10
4	Btwn Markham/Nance, W. of Indian Avenue, Perris, CA	Listing	Jul-10	Industrial	$4,392,000	19.08	$5.28
5	SEC Sycamore Canyon Blvd. & Box Springs Blvd., Riverside, CA	Listing	Jul-10	Industrial	$2,103,948	8.05	$6.00
Subject	Parcel 2	---	---	LI (Light Industrial)	---	22.40	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

Land Sale One

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

This comparable is inferior to the subject in location based on its secondary street exposure and inferior accessibility. This site is similar to Parcel 2 in size and shape.

Land Sale Two

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site.

This comparable is judged to be slightly inferior to the subject in location, with inferior exposure and accessibility. This property is similar to Parcel 2 in size and shape.

Land Sale Three

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis. The buyer will build a warehouse/distribution to their specifications on the site.

This comparable is judged to be similar to the subject in location, with freeway exposure near the intersection of Interstate 10 and the 60 Freeway versus its inferior access from the freeway. An upward adjustment is made for the subject's smaller size.

Land Sale Four

This is the listing of a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

This comparable is adjusted downward for its listing status. An upward adjustment is made for the subject's superior location with freeway exposure and superior access.

Land Sale Five

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on

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the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

This comparable is judged to be slightly inferior to the subject in location. Downward adjustments are made for smaller size and superior street improvements.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCEL 2

Comparable Number	1	2	3	4	5
Transaction Type	Sale	Sale	Sale	Listing	Listing
Transaction Date	Apr-10	Jan-10	Mar-10	Jul-10	Jul-10
Zoning	M-H	Industrial	Light Industrial	Industrial	Industrial
Adjusted Sale Price [1]	$4,976,861	$6,450,000	$35,108,000	$4,392,000	$2,103,948
Size (Acres)	18.73	17.78	132.13	19.08	8.05
Size (SF)	815,879	774,666	5,755,410	831,125	350,658
Price Per Acre	$265,716	$362,688	$265,716	$230,189	$261,360
Price ($ PSF)	$6.10	$8.33	$6.10	$5.28	$6.00
Property Rights Conveyed	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	-20%	-20%
Market Conditions (Time)	0%	0%	0%	0%	0%
Subtotal	$6.10	$8.33	$6.10	$4.23	$4.80
Size	0%	0%	10%	0%	-5%
Shape	0%	0%	0%	0%	0%
Frontage	0%	0%	0%	0%	0%
Topography	0%	0%	0%	0%	0%
Location	10%	5%	0%	20%	10%
Zoning/Density	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%
Total Other Adjustments	10%	5%	10%	20%	5%
Value Indication for Subject	$6.71	$8.74	$6.71	$5.07	$5.04

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

CONCLUSION – PARCEL 2

Our interviews with area brokers indicates that no interest from developers exists for vacant land in the Inland Empire East based on the falling rental rates, availability of existing product and lack of feasibility in new speculative developments. However, the completion of the adjacent Skechers building and infrastructure surrounding the subject parcels should enhance the marketability of Parcel

2 for future industrial development. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $6 per square foot for Parcel 2 upon completion of the street improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251

Compiled by CBRE

CONCLUDED LAND VALUE - PARCEL 2				
$ PSF		Subject SF		Total
$6.00	x	975,744	=	$5,854,464
Indicated Value - Finished Site:				**$5,850,000**
Less: Remaining Land Improvement Costs				2,483,447
"As Is" Value				$3,366,553
Rounded				**$3,370,000**

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PARCELS 3 & 4 - COMMERCIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcels 3 and 4. A detailed description of each transaction is included in the Addenda.

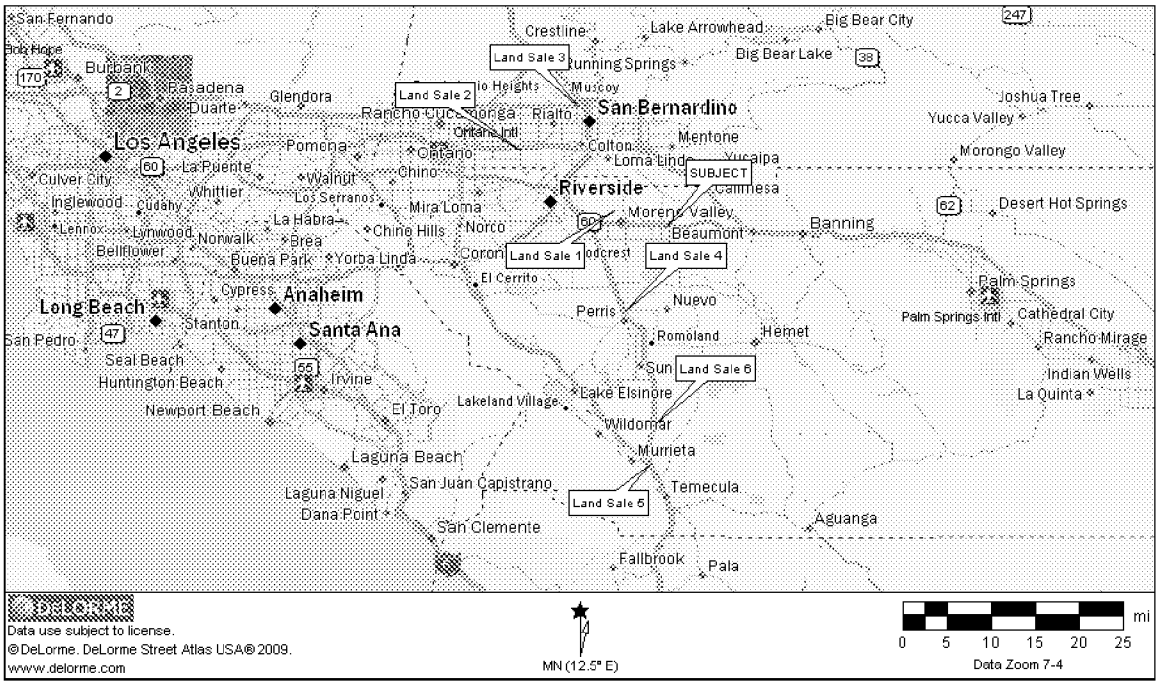

SUMMARY OF COMPARABLE COMMERCIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	N/S Village Road, W/O Sunnymead Ranch Pk, Moreno Valley, CA	Sale	Jul-09	C-24	$600,000	2.31	$5.96
2	SWC Slover Ave & Sierra Ave, Fontana, CA	Sale	Aug-09	C-1	$1,500,000	2.02	$17.05
3	2120 Medical Center Drive, San Bernardino, CA	Sale	Nov-09	C0-1 commercial	$1,050,000	2.19	$11.01
4	SEC 215 Freeway & Nuevo Road, Perris, CA	Listing	Jun-10	Commercial	$3,415,100	7.84	$10.00
5	E/S of Monroe Avenue North of Fig Street, Murrieta, CA	Sale	Jun-09	MU-2	$6,225,000	10.55	$13.55
6	34965 Walt Road, Murrieta, CA	Sale	Apr-09	Commercial	$1,002,054	2.16	$10.65
Subject	Parcels 3 & 4	---	---	CC (Commercial)	---	12.9 & 7.2	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

Analysis of Land Sales

The adjustment grid used in this section is based on the average size of the two subject parcels (10 acres). Both of the subject parcels have similar accessibility and exposure from the adjacent freeway, surrounding the Skechers site.

Land Sale One

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3% decline in value.

This comparable is adjusted downward for its date of sale in mid-2009 and its comparatively smaller size. A large upward adjustment is made for the subject's superior location along the freeway and street frontage.

Land Sale Two

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a .50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the .50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

This comparable is adjusted downward for its smaller size, superior location and date of sale.

Land Sale Three

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The

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Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage. The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

This comparable is adjusted downward for its smaller size and slightly superior location in relation to the subject parcels. Upward adjustments are made for its inferior street frontage and shape.

Land Sale Four

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank-owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

This comparable is adjusted upward for its conditions of sale based on the motivations of the seller, which is offset by the winning bid being below the asking price. The subject location along the freeway in Moreno Valley is superior to this property. The subject sites also have superior street frontage.

Land Sale Five

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography, and was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

This comparable is adjusted downward for market conditions based on the long escrow price. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway. The subject sites have superior corner street frontage.

Land Sale Six

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

This comparable is adjusted downward for market conditions and its comparatively smaller size. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCELS 3 & 4

Comparable Number	1	2	3	4	5	6
Transaction Type	Sale	Sale	Sale	Listing	Sale	Sale
Transaction Date	Jul-09	Aug-09	Nov-09	Jun-10	Jun-09	Apr-09
Zoning	C-24	C-1	C0-1 commercial	Commercial	MU-2	Commercial
Adjusted Sale Price [1]	$600,000	$1,500,000	$1,050,000	$3,415,100	$6,225,000	$1,002,054
Size (Acres)	2.31	2.02	2.19	7.84	10.55	2.16
Size (SF)	100,624	87,991	95,396	341,510	459,558	94,090
Price ($ PSF)	$5.96	$17.05	$11.01	$10.00	$13.55	$10.65
Property Rights Conveyed	0%	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	0%	0%	0%
Market Conditions	-5%	-5%	0%	0%	-20%	-10%
Subtotal	$5.66	$16.19	$11.01	$10.00	$10.84	$9.58
Size	-5%	-5%	-5%	0%	0%	-5%
Shape	0%	0%	5%	0%	0%	0%
Frontage	15%	0%	10%	10%	5%	0%
Topography	0%	0%	0%	0%	0%	0%
Location	25%	-15%	-10%	5%	-10%	-10%
Zoning/Density	0%	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%	0%
Total Other Adjustments	35%	-20%	0%	15%	-5%	-15%
Value Indication for Subject	$7.65	$12.96	$11.01	$11.50	$10.29	$8.15

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
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CONCLUSION – PARCELS 3 & 4

These parcels have good accessibility and exposure from the adjacent freeway and will benefit from the completion of the adjacent Skechers building and street improvements. However, few commercial

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land sales have occurred in the surrounding market in the last year based on the economic conditions. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $9 per square foot for Parcels 3 and 4 upon completion of the street improvements. Although Parcel 4 is slightly smaller and located adjacent to the Skechers main entrance, Parcel 3 is situated at Redlands Boulevard, which is closer to the existing major retail developments to the west and should have higher traffic counts upon completion of the interchange and Skechers improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251
Compiled by CBRE	

CONCLUDED LAND VALUE - PARCEL 3				
$ PSF		Subject SF		Total
$9.00	x	561,924	=	$5,057,316
Indicated Value - Finished Site:				**$5,060,000**
Less: Remaining Land Improvement Costs				1,430,199
"As Is" Value				$3,629,801
Rounded				**$3,630,000**
Compiled by CBRE				

CONCLUDED LAND VALUE - PARCEL 4				
$ PSF		Subject SF		Total
$9.00	x	313,632	=	$2,822,688
Indicated Value - Finished Site:				**$2,820,000**
Less: Remaining Land Improvement Costs				798,251
"As Is" Value				$2,021,749
Rounded				**$2,020,000**
Compiled by CBRE				

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ASSUMPTIONS AND LIMITING CONDITIONS

1. Unless otherwise specifically noted in the body of the report, it is assumed that title to the property or properties appraised is clear and marketable and that there are no recorded or unrecorded matters or exceptions to title that would adversely affect marketability or value. CBRE is not aware of any title defects nor has it been advised of any unless such is specifically noted in the report. CBRE, however, has not examined title and makes no representations relative to the condition thereof. Documents dealing with liens, encumbrances, easements, deed restrictions, clouds and other conditions that may affect the quality of title have not been reviewed. Insurance against financial loss resulting in claims that may arise out of defects in the subject's title should be sought from a qualified title company that issues or insures title to real property.
2. Unless otherwise specifically noted in the body of this report, it is assumed: that the existing improvements on the property or properties being appraised are structurally sound, seismically safe and code conforming; that all building systems (mechanical/electrical, HVAC, elevator, plumbing, etc.) are in good working order with no major deferred maintenance or repair required; that the roof and exterior are in good condition and free from intrusion by the elements; that the property or properties have been engineered in such a manner that the improvements, as currently constituted, conform to all applicable local, state, and federal building codes and ordinances. CBRE professionals are not engineers and are not competent to judge matters of an engineering nature. CBRE has not retained independent structural, mechanical, electrical, or civil engineers in connection with this appraisal and, therefore, makes no representations relative to the condition of improvements. Unless otherwise specifically noted in the body of the report: no problems were brought to the attention of CBRE by ownership or management; CBRE inspected less than 100% of the entire interior and exterior portions of the improvements; and CBRE was not furnished any engineering studies by the owners or by the party requesting this appraisal. If questions in these areas are critical to the decision process of the reader, the advice of competent engineering consultants should be obtained and relied upon. It is specifically assumed that any knowledgeable and prudent purchaser would, as a precondition to closing a sale, obtain a satisfactory engineering report relative to the structural integrity of the property and the integrity of building systems. Structural problems and/or building system problems may not be visually detectable. If engineering consultants retained should report negative factors of a material nature, or if such are later discovered, relative to the condition of improvements, such information could have a substantial negative impact on the conclusions reported in this appraisal. Accordingly, if negative findings are reported by engineering consultants, CBRE reserves the right to amend the appraisal conclusions reported herein.
3. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property was not observed by the appraisers. CBRE has no knowledge of the existence of such materials on or in the property. CBRE, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, contaminated groundwater or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

   We have inspected, as thoroughly as possible by observation, the land; however, it was impossible to personally inspect conditions beneath the soil. Therefore, no representation is made as to these matters unless specifically considered in the appraisal.
4. All furnishings, equipment and business operations, except as specifically stated and typically considered as part of real property, have been disregarded with only real property being considered in the report unless otherwise stated. Any existing or proposed improvements, on or off-site, as well as any alterations or repairs considered, are assumed to be completed in a workmanlike manner according to standard practices based upon the information submitted to CBRE This report may be subject to amendment upon re-inspection of the subject subsequent to repairs, modifications, alterations and completed new construction. Any estimate of Market Value is as of the date indicated; based upon the information, conditions and projected levels of operation.
5. It is assumed that all factual data furnished by the client, property owner, owner's representative, or persons designated by the client or owner to supply said data are accurate and correct unless otherwise specifically noted in the appraisal report. Unless otherwise specifically noted in the appraisal report, CBRE has no reason to believe that any of the data furnished contain any material error. Information and data referred to in this paragraph include, without being limited to, numerical street addresses, lot and block numbers, Assessor's Parcel Numbers, land dimensions, square footage area of the land, dimensions of the improvements, gross building areas, net rentable areas, usable areas, unit count, room count, rent schedules, income data, historical operating expenses, budgets, and related data. Any material error in any of the above data could have a substantial impact on the conclusions reported. Thus, CBRE reserves the right to amend conclusions reported if made aware of any such error. Accordingly, the client-addressee should carefully review all assumptions, data, relevant calculations, and conclusions within 30 days after the date of delivery of this report and should immediately notify CBRE of any questions or errors.

6. The date of value to which any of the conclusions and opinions expressed in this report apply, is set forth in the Letter of Transmittal. Further, that the dollar amount of any value opinion herein rendered is based upon the purchasing power of the American Dollar on that date. This appraisal is based on market conditions existing as of the date of this appraisal. Under the terms of the engagement, we will have no obligation to revise this report to reflect events or conditions which occur subsequent to the date of the appraisal. However, CBRE will be available to discuss the necessity for revision resulting from changes in economic or market factors affecting the subject.
7. CBRE assumes no private deed restrictions, limiting the use of the subject in any way.
8. Unless otherwise noted in the body of the report, it is assumed that there are no mineral deposit or subsurface rights of value involved in this appraisal, whether they be gas, liquid, or solid. Nor are the rights associated with extraction or exploration of such elements considered unless otherwise stated in this appraisal report. Unless otherwise stated it is also assumed that there are no air or development rights of value that may be transferred.
9. CBRE is not aware of any contemplated public initiatives, governmental development controls, or rent controls that would significantly affect the value of the subject.
10. The estimate of Market Value, which may be defined within the body of this report, is subject to change with market fluctuations over time. Market value is highly related to exposure, time promotion effort, terms, motivation, and conclusions surrounding the offering. The value estimate(s) consider the productivity and relative attractiveness of the property, both physically and economically, on the open market.
11. Any cash flows included in the analysis are forecasts of estimated future operating characteristics are predicated on the information and assumptions contained within the report. Any projections of income, expenses and economic conditions utilized in this report are not predictions of the future. Rather, they are estimates of current market expectations of future income and expenses. The achievement of the financial projections will be affected by fluctuating economic conditions and is dependent upon other future occurrences that cannot be assured. Actual results may vary from the projections considered herein. CBRE does not warrant these forecasts will occur. Projections may be affected by circumstances beyond the current realm of knowledge or control of CBRE
12. Unless specifically set forth in the body of the report, nothing contained herein shall be construed to represent any direct or indirect recommendation of CBRE to buy, sell, or hold the properties at the value stated. Such decisions involve substantial investment strategy questions and must be specifically addressed in consultation form.
13. Also, unless otherwise noted in the body of this report, it is assumed that no changes in the present zoning ordinances or regulations governing use, density, or shape are being considered. The property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, nor national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report is based, unless otherwise stated.
14. This study may not be duplicated in whole or in part without the specific written consent of CBRE nor may this report or copies hereof be transmitted to third parties without said consent, which consent CBRE reserves the right to deny. Exempt from this restriction is duplication for the internal use of the client-addressee and/or transmission to attorneys, accountants, or advisors of the client-addressee. Also exempt from this restriction is transmission of the report to any court, governmental authority, or regulatory agency having jurisdiction over the party/parties for whom this appraisal was prepared, provided that this report and/or its contents shall not be published, in whole or in part, in any public document without the express written consent of CBRE which consent CBRE reserves the right to deny. Finally, this report shall not be advertised to the public or otherwise used to induce a third party to purchase the property or to make a "sale" or "offer for sale" of any "security", as such terms are defined and used in the Securities Act of 1933, as amended. Any third party, not covered by the exemptions herein, who may possess this report, is advised that they should rely on their own independently secured advice for any decision in connection with this property. CBRE shall have no accountability or responsibility to any such third party.
15. Any value estimate provided in the report applies to the entire property, and any pro ration or division of the title into fractional interests will invalidate the value estimate, unless such pro ration or division of interests has been set forth in the report.
16. The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. Component values for land and/or buildings are not intended to be used in conjunction with any other property or appraisal and are invalid if so used.
17. The maps, plats, sketches, graphs, photographs and exhibits included in this report are for illustration purposes only and are to be utilized only to assist in visualizing matters discussed within this report. Except as specifically stated, data relative to size or area of the subject and comparable properties has been obtained from sources deemed accurate and reliable. None of the exhibits are to be removed, reproduced, or used apart from this report.
18. No opinion is intended to be expressed on matters which may require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers. Values and opinions expressed presume that

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environmental and other governmental restrictions/conditions by applicable agencies have been met, including but not limited to seismic hazards, flight patterns, decibel levels/noise envelopes, fire hazards, hillside ordinances, density, allowable uses, building codes, permits, licenses, etc. No survey, engineering study or architectural analysis has been made known to CBRE unless otherwise stated within the body of this report. If the Consultant has not been supplied with a termite inspection, survey or occupancy permit, no responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained. No representation or warranty is made concerning obtaining these items. CBRE assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

19. Acceptance and/or use of this report constitutes full acceptance of the Contingent and Limiting Conditions and special assumptions set forth in this report. It is the responsibility of the Client, or client's designees, to read in full, comprehend and thus become aware of the aforementioned contingencies and limiting conditions. Neither the Appraiser nor CBRE assumes responsibility for any situation arising out of the Client's failure to become familiar with and understand the same. The Client is advised to retain experts in areas that fall outside the scope of the real estate appraisal/consulting profession if so desired.
20. CBRE assumes that the subject analyzed herein will be under prudent and competent management and ownership; neither inefficient or super-efficient.
21. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.
22. No survey of the boundaries of the property was undertaken. All areas and dimensions furnished are presumed to be correct. It is further assumed that no encroachments to the realty exist.
23. The Americans with Disabilities Act (ADA) became effective January 26, 1992. Notwithstanding any discussion of possible readily achievable barrier removal construction items in this report, CBRE has not made a specific compliance survey and analysis of this property to determine whether it is in conformance with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the ADA. If so, this fact could have a negative effect on the value estimated herein. Since CBRE has no specific information relating to this issue, nor is CBRE qualified to make such an assessment, the effect of any possible non-compliance with the requirements of the ADA was not considered in estimating the value of the subject.
24. Client shall not indemnify Appraiser or hold Appraiser harmless unless and only to the extent that the Client misrepresents, distorts, or provides incomplete or inaccurate appraisal results to others, which acts of the Client approximately result in damage to Appraiser. Notwithstanding the foregoing, Appraiser shall have no obligation under this Section with respect to any loss that is caused solely by the active negligence or willful misconduct of a Client and is not contributed to by any act or omission (including any failure to perform any duty imposed by law) by Appraiser. Client shall indemnify and hold Appraiser harmless from any claims, expenses, judgments or other items or costs arising as a result of the Client's failure or the failure of any of the Client's agents to provide a complete copy of the appraisal report to any third party. In the event of any litigation between the parties, the prevailing party to such litigation shall be entitled to recover, from the other, reasonable attorney fees and costs.
25. The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. Appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.
26. As part of the client's requested scope of work, an estimate of insurable value is provided herein. CBRE has followed traditional appraisal standards to develop a reasonable calculation based upon industry practices and industry accepted publications such as the Marshal Valuation Service handbook. The methodology employed is a derivation of the cost approach which is primarily used as an academic exercise to help support the market value estimate and therefore is not reliable for Insurable Value estimates. Actual construction costs and related estimates can vary greatly from this estimate.

    This analysis should not be relied upon to determine proper insurance coverage which can only be properly estimated by consultants considered experts in cost estimation and insurance underwriting. It is provided to aid the client/reader/user as part of their overall decision making process and no representations or warranties are made by

CBRE regarding the accuracy of this estimate and it is strongly recommend that other sources be utilized to develop any estimate of insurable value.

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ADDENDA

ADDENDUM A

GLOSSARY OF TERMS

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assessed value Assessed value applies in ad valorem taxation and refers to the value of a property according to the tax rolls. Assessed value may not conform to market value, but it is usually calculated in relation to a market value base. †

cash equivalency The procedure in which the sale prices of comparable properties sold with atypical financing are adjusted to reflect typical market terms.

contract rent The actual rental income specified in a lease. ‡

disposition value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer and seller is each acting prudently and knowledgeably; 4) The seller is under compulsion to sell; 5) The buyer is typically motivated; 6) Both parties are acting in what they consider their best interests; 7) An adequate marketing effort will be made in the limited time allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.‡

effective rent The rental rate net of financial concessions such as periods of no rent during the lease term; may be calculated on a discounted basis, reflecting the time value of money, or on a simple, straight-line basis. ‡

excess land In regard to an improved site, the land not needed to serve or support the existing improvement. In regard to a vacant site or a site considered as though vacant, the land not needed to accommodate the site's primary highest and best use. Such land may be separated from the larger site and have its own highest and best use, or it may allow for future expansion of the existing or anticipated improvement. *See also* surplus land. ‡

extraordinary assumption An assumption directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. *See also* hypothetical condition. ‡

fee simple estate Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. ‡

floor area ratio (FAR) The relationship between the above-ground floor area of a building, as described by the building code, and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the permissible floor area of a building is twice the total land area; also called *building-to-land ratio*. ‡

full service lease A lease in which rent covers all operating expenses. Typically, full service leases are combined with an *expense stop*, the expense level covered by the contract lease payment. Increases in expenses above the expense stop level are passed through to the tenant and are known as *expense pass-throughs*.

going concern value Going concern value is the value of a proven property operation. It includes the incremental value associated with the business concern, which is distinct from the value of the real estate only. Going concern value includes an intangible enhancement of the value of an operating business enterprise which is produced by the assemblage of the land, building, labor, equipment, and marketing operation. This process creates an economically viable business that is expected to continue. Going concern value refers to the total value of a property, including both real property and intangible personal property attributed to the business value. †

gross building area (GBA) The total floor area of a building, including below-grade space but excluding unenclosed areas, measured from the exterior of the walls. Gross building area for office buildings is computed by measuring to the outside finished surface of permanent outer building walls without any deductions. All enclosed floors of the building including basements, mechanical equipment floors, penthouses, and the like are included in the measurement. Parking spaces and parking garages are excluded. ‡

hypothetical condition That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. *See also* extraordinary assumption. ‡

investment value Investment value is the value of an investment to a particular investor based on his or her investment requirements. In contrast to market value, investment value is value to an individual, not value in the marketplace. Investment value reflects the subjective relationship between a particular investor and a given investment. When measured in dollars, investment value is the price an investor would pay for an investment in light of its perceived capacity to satisfy his or her desires,

needs, or investment goals. To estimate investment value, specific investment criteria must be known. Criteria to evaluate a real estate investment are not necessarily set down by the individual investor; they may be established by an expert on real estate and its value, that is, an appraiser. †

leased fee
See leased fee estate

leased fee estate An ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the leased fee are specified by contract terms contained within the lease.‡

leasehold
See leasehold estate

leasehold estate The interest held by the lessee (the tenant or renter) through a lease conveying the rights of use and occupancy for a stated term under certain conditions.‡

liquidation value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a severely limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer is acting prudently and knowledgeably; 4) The seller is under extreme compulsion to sell; 5) The buyer is typically motivated; 6) The buyer is acting in what he or she considers his or her best interests; 7) A limited marketing effort and time will be allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. ‡

market rent The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby: 1) lessee and lessor are typically motivated; 2) both parties are well informed or well advised, and acting in what they consider their best interests; 3) a reasonable time is allowed for exposure in the open market; 4) the rent payment is made in terms of cash in U.S. dollars and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and 5) the rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction. ‡

market value Market value is one of the central concepts of the appraisal practice. Market value is differentiated from other types of value in that it is created by the collective patterns of the market. Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: 1) A reasonable time is allowed for exposure in the open market; 2) Both parties are well informed or well advised, and acting in what they consider their own best interests; 3) Buyer and seller are typically motivated; 4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.§

marketing period The time it takes an interest in real property to sell on the market subsequent to the date of an appraisal. ‡

net lease Lease in which all or some of the operating expenses are paid directly by the tenant. The landlord never takes possession of the expense payment. In a *Triple Net Lease* all operating expenses are the responsibility of the tenant, including property taxes, insurance, interior maintenance, and other miscellaneous expenses. However, management fees and exterior maintenance are often the responsibility of the lessor in a triple net lease. A *modified net lease* is one in which some expenses are paid separately by the tenant and some are included in the rent.

net rentable area (NRA) 1) The area on which rent is computed. 2) The Rentable Area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building. Include space such as mechanical room, janitorial room, restrooms, and lobby of the floor. *

occupancy rate The relationship or ratio between the income received from the rented units in a property and the income that would be received if all the units were occupied.‡

prospective value opinion A forecast of the value expected at a specified future date. A prospective value opinion is most frequently sought in connection with real estate projects that are proposed, under construction, or under conversion to a new us, or those that have not

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achieved sellout or a stabilized level of long-term occupancy at the time the appraisal report is written. ‡

reasonable exposure time The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based upon an analysis of past events assuming a competitive and open market. ††

rent
See
full service lease
net lease
market rent
contract, coupon, face, or nominal rent
effective rent

shell rent The typical rent paid for retail, office, or industrial tenant space based on minimal "shell" interior finishes (called plain vanilla finish in some areas). Usually the landlord delivers the main building shell space or some minimum level of interior build-out, and the tenant completes the interior finish, which can include wall, ceiling, and floor finishes; mechanical systems, interior electric, and plumbing. Typically these are long-term leases with tenants paying all or most property expenses. ‡

surplus land Land not necessary to support the highest and best use of the existing improvement but, because of physical limitations, building placement, or neighborhood norms, cannot be sold off separately. Such land may or may not contribute positively to value and may or may not accommodate future expansion of an existing or anticipated improvement. *See also* excess land. ‡

usable area 1) The area actually used by individual tenants. 2) The Usable Area of an office building is computed by measuring to the finished surface of the office side of corridor and other permanent walls, to the center of partitions that separate the office from adjoining usable areas, and to the inside finished surface of the dominant portion of the permanent outer building walls. Excludes areas such as mechanical rooms, janitorial room, restrooms, lobby, and any major vertical penetrations of a multi-tenant floor. *

use value Use value is a concept based on the productivity of an economic good. Use value is the value a specific property has for a specific use. Use value focuses on the value the real estate contributes to the enterprise of which it is a part, without regard to the property's highest and best use or the monetary amount that might be realized upon its sale. †

value indication An opinion of value derived through application of the appraisal process. ‡

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† *The Appraisal of Real Estate*, Thirteenth Edition, Appraisal Institute, 2008.

‡ *The Dictionary of Real Estate Appraisal*, Fourth Edition, Appraisal Institute, 2002.

§ Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

* 2000 BOMA Experience Exchange Report, Income/Expense Analysis for Office Buildings (Building Owners and Managers Association, 2000)

†† *Statement on Appraisal Standard No. 6*, Appraisal Standards Board of The Appraisal Foundation, September 16, 1993, revised June 15, 2004.

ADDENDUM B

ADDITIONAL SUBJECT PHOTOGRAPHS

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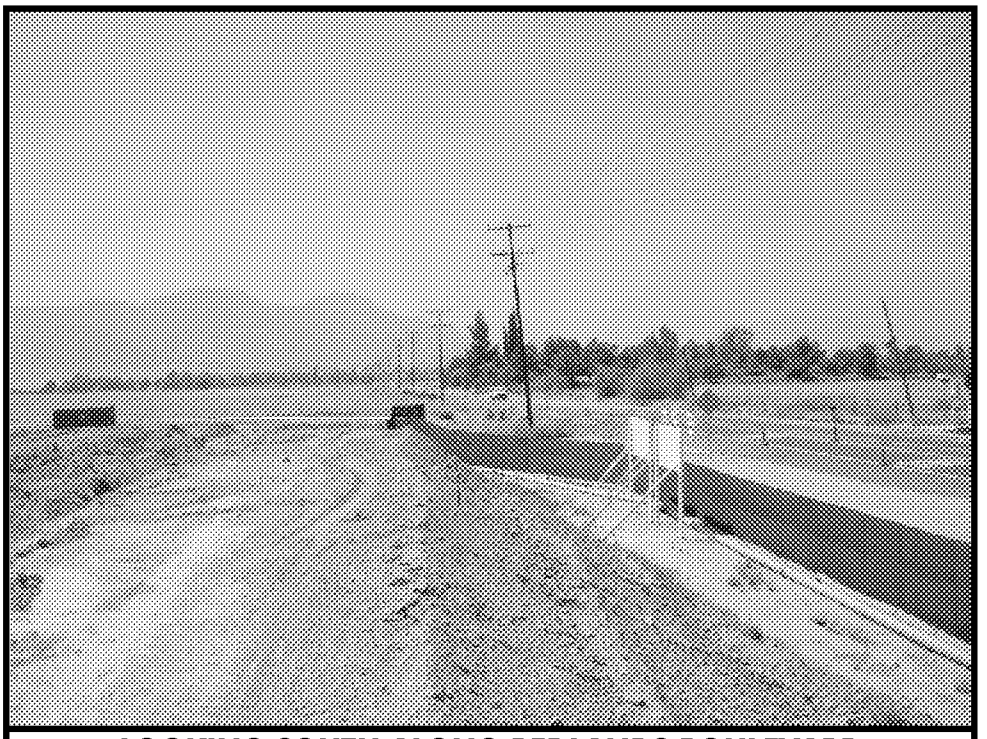

LOOKING SOUTH ALONG REDLANDS BOULEVARD

VIEW OF PARCEL 2 FROM SOUTHWEST

LOOKING NORTH ALONG REDLANDS BOULEVARD

LOOKING NORTH ALONG THEODORE AVENUE

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VIEW OF PARCEL 4 FROM THEODORE AVENUE

STORM DRAIN UNDER CONSTRUCTION

ADDENDUM C

COMPARABLE LAND SALES - INDUSTRIAL

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Fleetwood Motor Homes of Calif. Inc. Excess

Location Data

Location:	5425 Wilson Street Unincorp. Riverside,CA 92509
County:	Riverside
Assessor's Parcel No:	175-180-013;175-190-021,-025
Atlas Ref:	645-G6

Physical Data

Type:	Industrial	
Land Area:	Gross	Usable
Acres:	18.7300	18.7300
Square Feet:	815,879	815,879

Topography:	Level, At Street Grade
Shape:	Rectangular
Utilities:	All to site
Zoning:	M-H
Allowable Bldg Area:	N/A
Floor Area Ratio:	N/A
No. of units:	N/A
Max FAR:	N/A
Frontage:	N. side of Wilson St. - 1470';

Sale Data

Transaction Type:	Sale
Date:	4/2010
Marketing Time:	9 months
Grantor:	Fleetwood Motor Homes of Calif
Grantee:	Crst Van Expedited Inc.
Document No.:	0188648
Sale Price:	$4,976,861
Financing:	Cash to Seller
Cash Eq.Price:	$4,976,861
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$4,976,861
Verification:	Confidential

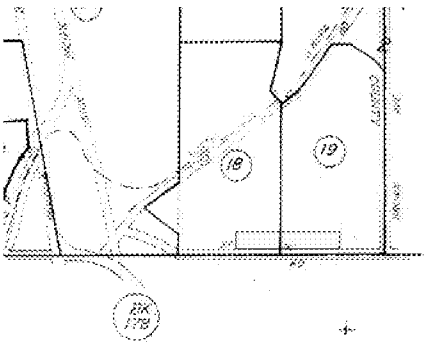

MAP INDEX

Analysis

Use At Sale:	Vacant Land
Proposed Use or Dev.	Industrial
Price Per Acre:	$265,716
Price Per SF of Land:	$6.10
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Comments

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

NWC Santa Ana & Willow Dominion Re-Sale

Location Data

Location:	NWC Santa Ana Avenue and Willow Rialto,CA 92316
County:	San Bernardino
Assessor's Parcel No:	0258-031-10 & 11
Atlas Ref:	645-G1

Physical Data

Type:	Industrial	
Land Area:	Gross	Usable
Acres:	17.7839	17.7839
Square Feet:	774,666	774,666
Topography:	Level, At Street Grade	
Shape:	Rectangular	
Utilities:	All to Site	
Zoning:	Industrial	
Allowable Bldg Area:	N/A	
Floor Area Ratio:	N/A	
No. of units:	N/A	
Max FAR:		
Frontage:	1024 ft - Santa Ana Avenue; 411 ft - Willow Avenue, 616 ft - Lilac	

Analysis

Use At Sale:	Vacant
Proposed Use or Dev.	Industrial
Price Per Acre:	$362,687
Price Per SF of Land:	$8.33
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Sale Data

Transaction Type:	Sale
Date:	1/2010
Marketing Time:	N/A
Grantor:	CRST Van Expidted, Inc. (CRST
Grantee:	STRETCH ACQUISITIONS LLC
Document No.:	8691
Sale Price:	$6,450,000
Financing:	Cash to Seller
Cash Eq.Price:	$6,450,000
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$6,450,000
Verification:	Broker: Tal Siglar 909-980-1234 & Public Record

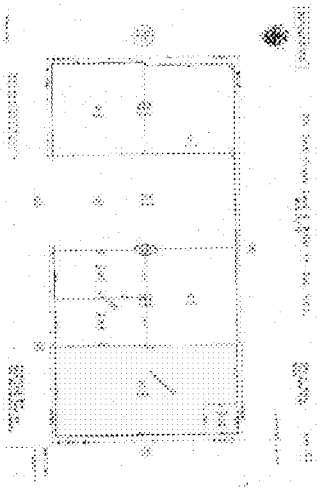

Comments

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site. The October 2007 sale to August 2009 sales price implies a 57.4 percent decline in the value over the approximate two-year period.

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Winco Beaumont

Location Data

Location:	**NWC 4th & Nicholas Beaumont,CA 92223**
County:	**Riverside**
Assessor's Parcel No:	**421-060-006,7**
Atlas Ref:	**720 F3**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**157.3100**	**132.1260**
Square Feet:	**6,852,424**	**5,755,410**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**Light Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Build to suit warehouse**
Price Per Acre:	**$265,716**
Price Per SF of Land:	**$6.10**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**3/2010**
Marketing Time:	**N/A**
Grantor:	**Fourth and B, LLC (Prologis)**
Grantee:	**High Desert Partners LLC (Winco)**
Document No.:	**0127844**
Sale Price:	**$35,108,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$35,108,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$35,108,000**
Verification:	**Cushman & Wakefield: Chuck Belden 909-980-7788**

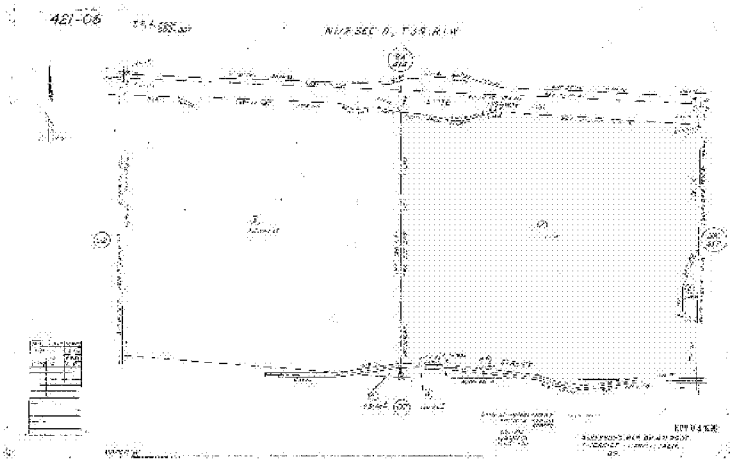

Comments

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis, reportedly took a loss based on their cost basis of $2.25 per square foot of site area. The buyer will build a warehouse/distribution to their specifications on the site.

Listing - General Industrial (Heavy Use)

Location Data

Location:	**Btwn Markham/Nance, W. of Indian Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**302-030-003, 006**
Atlas Ref:	**747-G7**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**19.0800**	**19.0800**
Square Feet:	**831,125**	**831,125**

Topography:	**Generally Level**
Shape:	**Rectangular**
Utilities:	**Some to the site**
Zoning:	**Industrial**
Allowable Bldg Area:	**N/A**
Floor Area Ratio:	**N/A**
No. of units:	**N/A**
Max FAR:	
Frontage:	**600' Markham Street; 600' Nance Street**

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$230,188**
Price Per SF of Land:	**$5.28**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**2 months**
Grantor:	**Doka USA**
Grantee:	**TBD**
Document No.:	**N/A**
Sale Price:	**$4,392,000**
Financing:	**Not Available**
Cash Eq.Price:	**$4,392,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$4,392,000**
Verification:	**Herrick Johnson - Broker**

Comments

This is the listing of a a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

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Listing - Industrial Site

Location Data

Location:	**SEC Sycamore Canyon Blvd. & Box Riverside,CA 92507**
County:	**Riverside**
Assessor's Parcel No:	**263-020-053**
Atlas Ref:	**716-H2**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**8.0500**	**8.0500**
Square Feet:	**350,658**	**350,658**
Topography:	**Generally Level**	
Shape:	**Rectangular**	
Utilities:	**All to the site**	
Zoning:	**Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**Sycamore Canyon Boulevard; Box Springs Boulevard**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$261,360**
Price Per SF of Land:	**$6.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**18 months**
Grantor:	**N/A**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$2,103,948**
Financing:	**Not Available**
Cash Eq.Price:	**$2,103,948**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$2,103,948**
Verification:	**Erik Wanland - Broker**

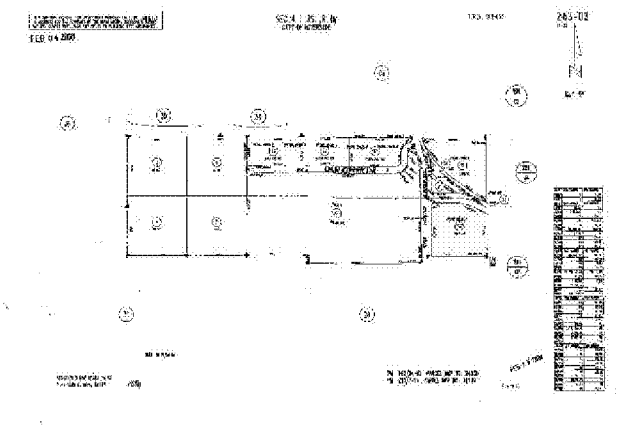

Comments

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

ADDENDUM D

COMPARABLE LAND SALES – COMMERCIAL

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2.31-Acre Commercial Site

Location Data

Location:	**N/S Village Road, W/O Sunnymead Moreno Valley,CA 92557**
County:	**Riverside**
Assessor's Parcel No:	**260-460-006**
Atlas Ref:	**687-D5**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.3100**	**2.3100**
Square Feet:	**100,624**	**100,624**
Topography:	**Hilly**	
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**C-24**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:	**N/A**	
Frontage:	**Village Road;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Hold for future retail**
Price Per Acre:	**$259,740**
Price Per SF of Land:	**$5.96**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**7/2009**
Marketing Time:	**N/A**
Grantor:	**SVH Moreno Valley LLC**
Grantee:	**ADR/Preferred Business**
Document No.:	**0392094**
Sale Price:	**$600,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$600,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$600,000**
Verification:	**Katherine Hunt - Lee & Assoc - 951-276-3645**

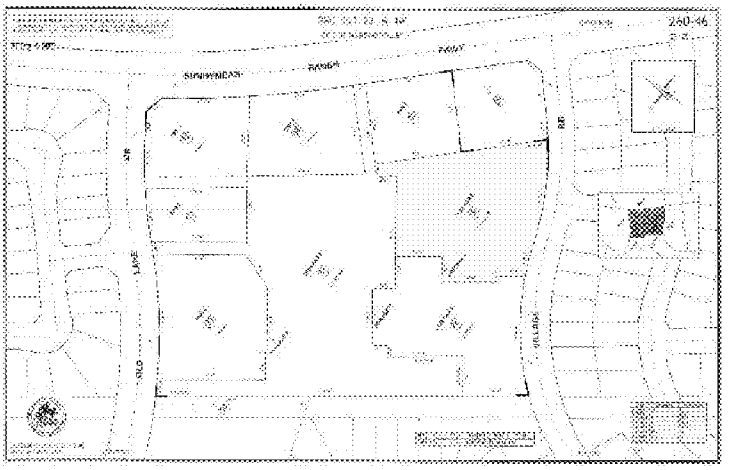

Comments

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3 percent decline in value.

Commercial Site

Location Data

Location:	**SWC Slover Ave & Sierra Ave Fontana,CA 92335**
County:	**San Bernardino**
Assessor's Parcel No:	**0255-041-26**
Atlas Ref:	**604-J7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.5200**	**2.0200**
Square Feet:	**109,771**	**87,991**
Topography:	**Generally Level**	
Shape:	**Rectangular**	
Utilities:	**All Available**	
Zoning:	**C-1**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**Slover Avenue - 446 Feet; Sierra Avenue - 244 Feet**	

Sale Data

Transaction Type:	**Sale**
Date:	**8/2009**
Marketing Time:	**9 months**
Grantor:	**Sierra Center South Fontana, LLC**
Grantee:	**Sierra Corner LLC**
Document No.:	**0435296**
Sale Price:	**$1,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,500,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,500,000**
Verification:	**Grant Deed, Buyer**

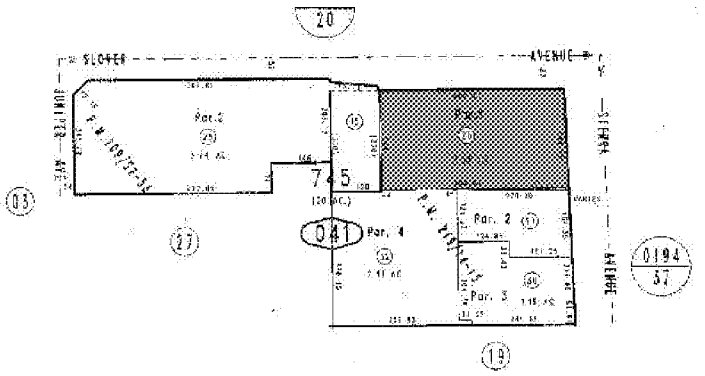

Analysis

Use At Sale:	**Raw Land**
Proposed Use or Dev.	**Commercial Development**
Price Per Acre:	**$742,574**
Price Per SF of Land:	**$17.05**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Comments

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a 0.50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the 0.50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

CBRE © 2010 CB Richard Ellis, Inc.

Med-Office Development Site

Location Data

Location:	**2120 Medical Center Drive**
	San Bernardino,CA 92411
County:	**San Bernardino**
Assessor's Parcel No:	**0143-191-63**
Atlas Ref:	**576-C4**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.1900**	**2.1900**
Square Feet:	**95,396**	**95,396**
Topography:	**Level, At Street Grade**	
Shape:	**Rectangular**	
Utilities:	**All to site**	
Zoning:	**C0-1 commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**305' Medical Center Dr.;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Medical Office**
Price Per Acre:	**$479,452**
Price Per SF of Land:	**$11.01**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**11/2009**
Marketing Time:	**20 months**
Grantor:	**John S Edmunds**
Grantee:	**Redevelopment Agency of San**
Document No.:	**523322**
Sale Price:	**$1,050,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,050,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,050,000**
Verification:	**Broker, Shiva Monify @ Sperry - 310 500-3329**

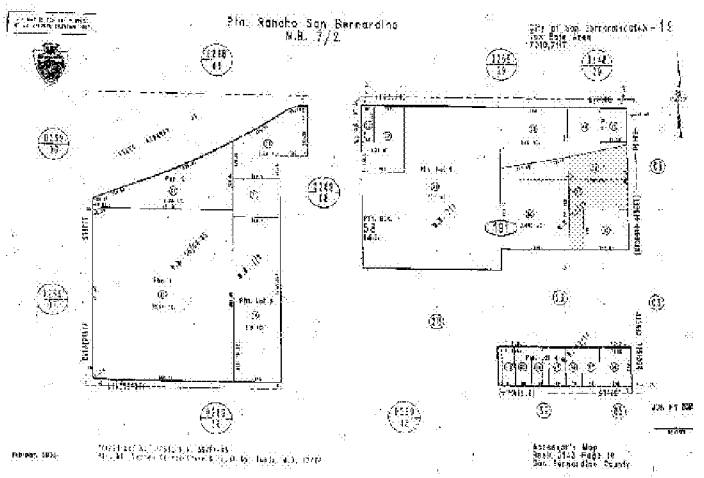

Comments

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage.
The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

Nuevo Crossing - Failed Escrow

Location Data

Location:	**SEC 215 Freeway & Nuevo Road Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**311-050-002/037**
Atlas Ref:	**777-G7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**7.8400**	**7.8400**
Square Feet:	**341,510**	**341,510**
Topography:		
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**Commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**215 Freeway; Nuevo**	

Analysis

Use At Sale:	**Entitled/Proposed Retail**
Proposed Use or Dev.	**Future Retail Development**
Price Per Acre:	**$435,599**
Price Per SF of Land:	**$10.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**6/2010**
Marketing Time:	**12 months**
Grantor:	**Nuevo South FSB (Bank Owned)**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$3,415,100**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$3,415,100**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$3,415,100**
Verification:	**Confidential**

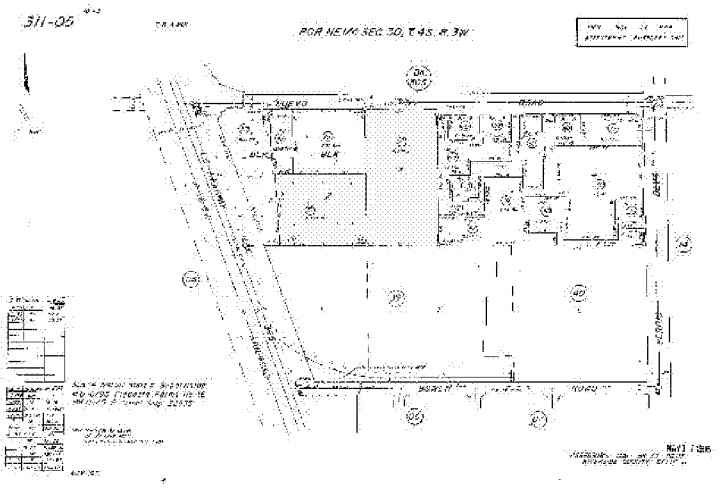

Comments

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

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Vacant Murrieta Land

Location Data

Location:	**E/S of Monroe Avenue**
	Murrieta,CA 92562
County:	**Riverside**
Assessor's Parcel No:	**910-020-014**
Atlas Ref:	**928-D7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**10.5500**	**10.5500**
Square Feet:	**459,558**	**459,558**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**MU-2**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Private Education Center**
Price Per Acre:	**$590,047**
Price Per SF of Land:	**$13.55**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**6/2009**
Marketing Time:	**N/A**
Grantor:	**RSC &C, LLC**
Grantee:	**Murrieta Education Center, LLC**
Document No.:	**0316279**
Sale Price:	**$4,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$4,500,000**
Onsite/Offsite Costs:	**$1,725,000**
Adj. Sale Price:	**$6,225,000**
Verification:	**Broker, Fred Grimes-G&E**
	951.491.6300

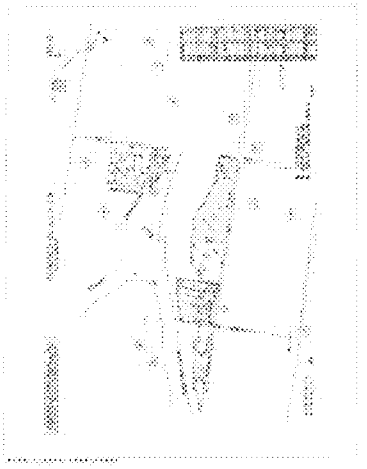

Comments

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography It was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

Physician's Hospital Site

Location Data

Location:	34965 Walt Road Murrieta,CA 92563
County:	Riverside
Assessor's Parcel No:	384-240-006
Atlas Ref:	898 F4

Physical Data

Type:	Retail/Commercial	
Land Area:	Gross	Usable
Acres:	2.1600	2.1600
Square Feet:	94,090	94,090
Topography:	Level, At Street Grade	
Shape:	Rectangular	
Utilities:	All to Site	
Zoning:	Commercial	
Allowable Bldg Area:	N/A	
Floor Area Ratio:	N/A	
No. of units:	N/A	
Max FAR:		
Frontage:	Walt Road; Joan Dunn Lane	

Sale Data

Transaction Type:	Sale
Date:	4/2009
Marketing Time:	3 months
Grantor:	Mark E. & Marcelina A. Balden
Grantee:	Physicians Hospital of Murrieta,
Document No.:	164266
Sale Price:	$1,002,054
Financing:	Not Available
Cash Eq.Price:	$1,002,054
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$1,002,054
Verification:	Costar, Public Records, broker, Fred Grimes G&E 951-491-6300

Analysis

Use At Sale:	Vacant
Proposed Use or Dev.	Hospital
Price Per Acre:	$463,913
Price Per SF of Land:	$10.65
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Comments

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

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ADDENDUM E

TENTATIVE PARCEL MAP

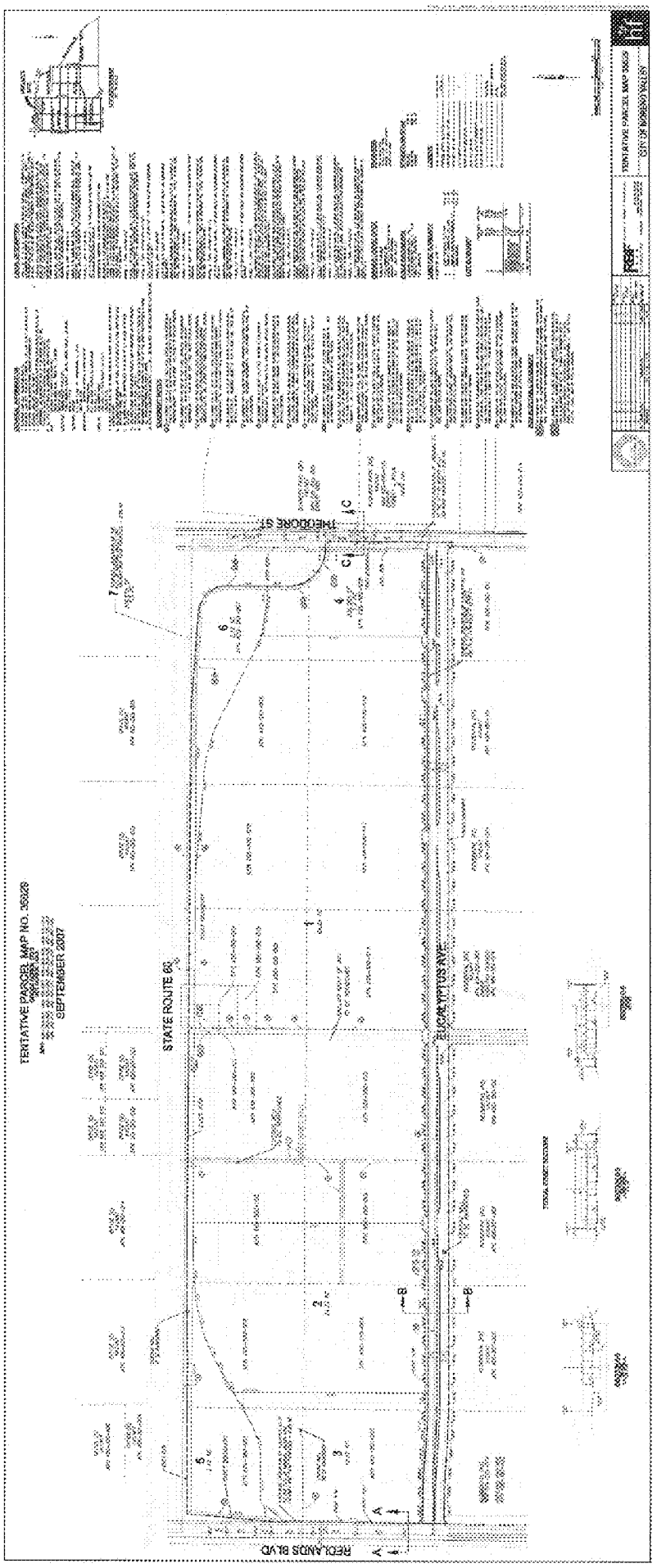

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ADDENDUM F

LAND IMPROVEMENT COSTS

HFCP Land Improvement Costs

		Parcel 1	Parcels 2 - 4	Total
Parcel Acreage		83	42	125
Infrastructure Costs				
	Avg. Cost per Acre			
Hard Costs				
Site Clearing	*3,432*	283,456	145,692	429,149
Rough Grading	*21,314*	1,760,289	904,762	2,665,051
Sewer	*6,436*	531,573	273,220	804,793
Domestic Water	*9,392*	775,656	398,675	1,174,331
Recycled Water	*2,203*	181,928	93,508	275,436
Storm Drain	*28,561*	2,358,823	1,212,399	3,571,222
Streets	*24,031*	1,984,757	1,020,135	3,004,891
Walls	*1,023*	84,457	43,409	127,866
Dry Utilities	*20,696*	1,709,311	878,560	2,587,870
Landscape	*19,405*	1,602,677	823,752	2,426,429
Repair & Replace	*424*	34,985	17,982	52,967
Subtotal	*136,916*	11,307,911	5,812,094	17,120,005
Soft Costs and Contingency				
Engineering & Design (25%)	*34,229*	2,826,978	1,453,023	4,280,001
Fees (10%)	*13,692*	1,130,791	581,209	1,712,001
Contingency (10%)	*13,692*	1,130,791	581,209	1,712,001
Subtotal	*61,612*	5,088,560	2,615,442	7,704,002
Total	*198,529*	16,396,471	8,427,536	24,824,007
*Incurred thru 8/24/10 **		*8,062,482*	*4,143,993*	*12,206,474*
Cash Outlays				
Total		20,099,590	4,724,418	24,824,007

* 100% of site clearing and rough grading, 67% of sewer, 50% of domestic water, 75% of storm drain, 28% of dry utilities, 83% of engineering design and 62% of fees. All work required for occupancy of the Skechers building will be completed by March 2011.

ADDENDUM G

QUALIFICATIONS

QUALIFICATIONS OF WILLIAM K. BEBERNES, MAI
FIRST VICE PRESIDENT

CB RICHARD ELLIS
Valuation & Advisory Services
3501 Jamboree Road, Suite 100
Newport Beach, California 92660-2940
(949) 725-8413
william.bebernes@cbre.com

GENERAL EDUCATION

Bachelor of Science, Accounting - San Diego State University, San Diego 1977

REAL ESTATE EDUCATION

All required courses for the MAI designation
Attended numerous seminars sponsored by the Appraisal Institute

PROFESSIONAL ASSOCIATIONS

Member, Appraisal Institute (MAI)
California OREA General Certification No. AG003287

EMPLOYMENT

CB Richard Ellis, Inc. - Appraisal 1986-Present
Senior Real Estate Analyst

Lloyds Bank California - Senior Appraiser, Income Properties 1985

Bank of America - Senior Appraiser 1983-1985

Lewis Homes California
Financial Analyst, Cost Accountant 1980-1983

PROFESSIONAL EXPERIENCE

Appraisal and consulting experience includes the following types of properties:

Office buildings	Shopping centers
Industrial buildings	Hotels
Golf courses	Land – all types
Apartment projects	Special purpose properties

Qualified as an expert witness

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STATE OF CALIFORNIA

Business, Transportation & Housing Agency

OFFICE OF REAL ESTATE APPRAISERS

REAL ESTATE APPRAISER LICENSE

OREA APPRAISER IDENTIFICATION NUMBER AG003287

WILLIAM K. BEBERNES

has successfully met the requirements for a license as a general real estate appraiser in the State of California and is, therefore, entitled to use the title "Certified General Real Estate Appraiser".

This license has been issued in accordance with the provisions of the Real Estate Appraisers' Licensing and Certification Law.

OFFICE OF REAL ESTATE APPRAISERS

Bob Clark

Date Issued: June 17, 2010

Date Expires: June 16, 2012

Audit No. 126203

© 2010 CB Richard Ellis, Inc.

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO SEE. SAFE AND VERIFY FIRST

MV00074477

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "D"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Aldo Bergasa (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00074481

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

Exhibit "E"

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1888965
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name:	Signer's Name:
☐ Corporate Officer — Title(s):	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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MV00074485

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

Exhibit "F"

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Bengzon (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00074489

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Parcel Map No. 35629

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map No. 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The plot plan provides for establishment of a business park development consisting of buildings, internal circulation, parking and various site amenities.

Also on the August 24, 2010 Agenda, before the City Council for the City of Moreno Valley by separate staff report, is staff's recommended approval for two Public Improvement Agreements and securities for the remaining public improvements. The Public Improvement Agreements and securities are broken down by Phase 1 and Phase 2 and 3.

DISCUSSION

Parcel Map No. 35629 is in conformance with the tentative parcel map, and the developer has requested that the parcel map be approved for recordation. The developer has entered into Public Improvement Agreements and posted security for public improvements in accordance with the project conditions of approval. The developer has agreed to perform and complete all of the required improvements within twenty-four (24) months of the date the Public Improvement Agreements are executed. The City Engineer is authorized to execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Highland Fairview Final Parcel Map.doc

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MV00074493

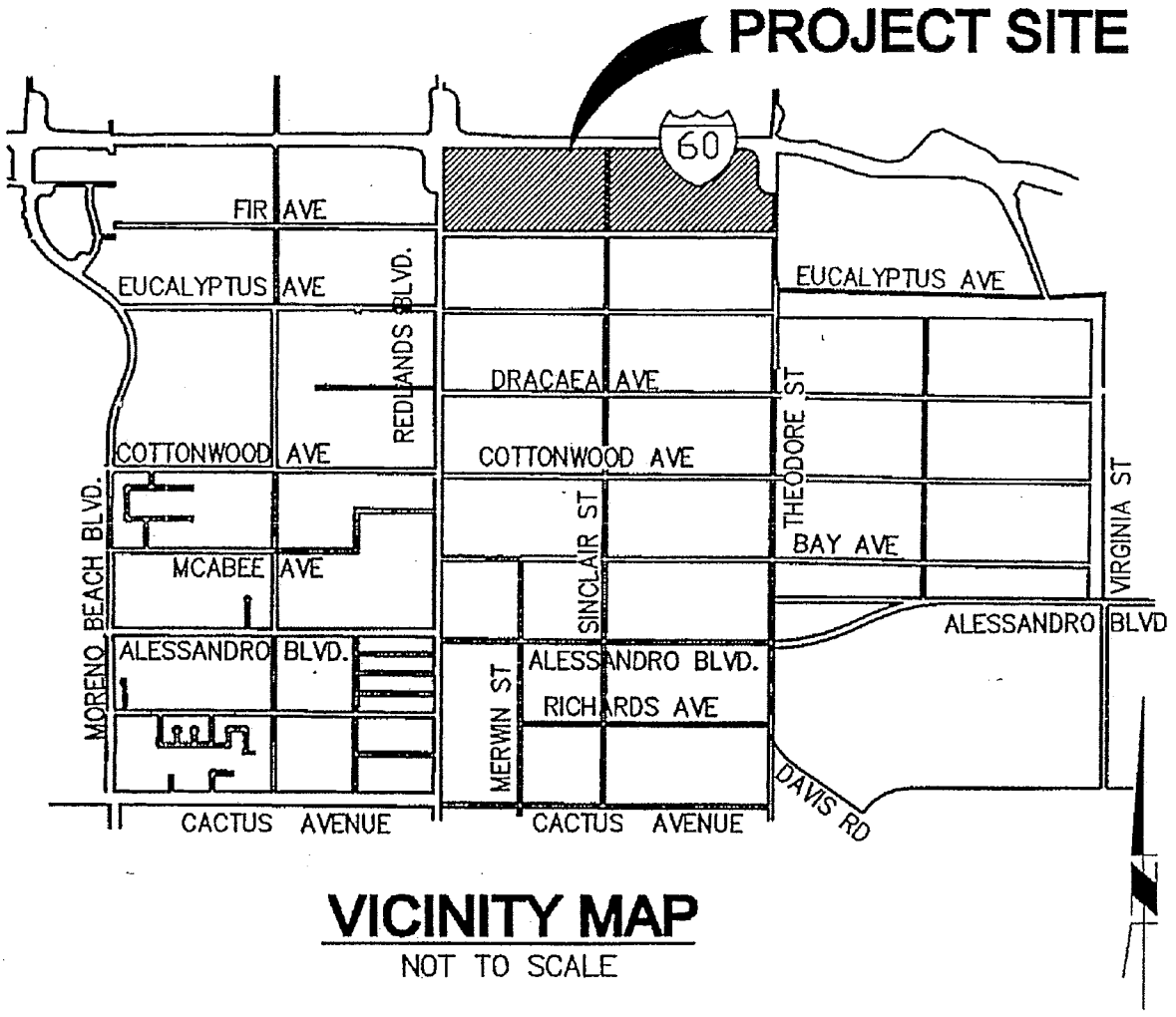

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	Parcel Map No. 35629 VICINITY MAP

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

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MV00074495

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Second Amendment and Reinstatement Independent Contractor Agreement

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

The City executed a contract for service in July 2007 with Willdan for Plan Check and Inspection Services to be provided for the Building & Safety Division. The term of the contract was for three years, with provisions for two one-year extensions. The initial contract was effective July 2007 through June 30, 2010.

DISCUSSION

The executed contract allows for the extension of the contract twice for one year each beyond the initial three year contracting period. This would be the first extension to the contract for a one year period to end concurrent with the fiscal year ending June 30, 2011.

ALTERNATIVES

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement

2. Elect not to approve the Second Amendment and Reinstatement Independent Contractor Agreement which would leave the Division without a vendor for Plan Check and Inspection Services.

FISCAL IMPACT

The approved budget for Fiscal Year 2010/11 includes $220,000 for contract services. All services provided under this agreement are fully recovered from the applicant for the construction permit

CITY COUNCIL GOALS

The Building & Safety Division is integral to the City Councils' Public Safety Goal as described "Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

SUMMARY

The City has utilized outside vendors for Plan Check and Inspection Service to better meet the variable work load currently experienced. By continuing the agreement for as needed services the Division is better able to control costs and provide prompt professional service to our customers

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Attachment A Second Amendment and Reinstatement Independent Contractor Agreement

Prepared By:
Anne Schneider, PE
Building & Safety Division Manger/ Building Official

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074499

City of Moreno Valley

SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT CONTRACTOR AGREEMENT

RECITALS:

Whereas, the City and Contractor entered into an Agreement entitled "INDEPENDENT CONTRACTOR AGREEMENT," hereinafter referred to as "Agreement," dated July 1, 2007.

Whereas, the Contractor is providing services as more specifically described in the Agreement.

Whereas, the Agreement ending date is June 30, 2010. This amendment and reinstatement will extend the agreement into the fourth year to June 30, 2011.

This Agreement is made by and between the City of Moreno Valley, California, a municipal corporation, hereinafter referred to as the "City", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon City policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

This Agreement is made and entered into effective the date the City signs this Agreement.

1. CONTRACTOR INFORMATION

Contractor's Name:	Willdan				
Address:	650 Hospitality Lane, Suite 400				
City:	San Bernardino	State:	CA	Zip:	92408
Business Phone:	(909) 386-0200	Fax No.	(909) 888-5107		

2. CONTRACTOR SERVICE, FEES, AND RELEVANT DATES

A. The Contractor's scope of service are described in Exhibit "A" (Contractor's proposal) attached hereto and incorporated herein by this reference.

B. Payment terms are provided in Exhibit "B" attached hereto and incorporated herein by this reference.

C. The Contractor starting Date is July 1, 2007, and the Contractor Ending Date is June 30, 2011. If mutually agreeable, the City and Contractor may extend this agreement in increments of one year, not to exceed a total contract period of five (5) years. The City acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

3. STANDARD TERMS AND CONDITIONS

A. Control of Work. Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The City will not provide any training to Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services is paid by the Contractor, an agent or employee of the City, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the City, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the City.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the City. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Agreement, with the exception that the City shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law (See California Labor Code Sections 1770 through 1777.7).

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Agreement.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable

attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Agreement to the extent resulting from Contractor's negligence, recklessness or willful misconduct. Acceptance of this Agreement signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible or such coverage.

F. City Indemnification. The City agrees to indemnify, defend and save the Contractor and its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the service or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided; however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the City, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII – Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

■ General Liability Insurance – to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, sub-Contractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/$2,000,000 aggregate
Property Damage	$500,000 per occurrence/$500,000 aggregate

■ Professional Errors and Omission Insurance – such coverage shall not be less than $1,000,000 per claim and aggregate.

■ Worker's Compensation Insurance – in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the City, RDA, and CSD against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage

may be waived if the Contractor is determined to be functioning as a sole proprietor and the City provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Agreement.

■ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/CSD/RDA premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

□ Insurance requirements waived with Risk Manager's approval.

□ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "D" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City or Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Agreement, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the City unless explicitly stated otherwise in this Agreement. The Contractor may retain copies of any and all material, including drawings, documents, and

specifications produced by the Contractor in performance of this Agreement. The City and the Contractor agree that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties. Assignment of this Agreement is prohibited without prior written consent.

J. Termination. Either party may terminate this Agreement upon breach of the Agreement by the other party. In the event the City terminates the Agreement, the Contractor shall perform no further services under the Agreement unless the notice of termination authorizes such further work.

K. Payment. Payments to the Contactor pursuant to this Agreement will be reported to Federal and State taxing authorities as required. The City will not withhold any sums from compensation payable to Contractor. Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contactors time and materials charges under the Agreement. Upon reasonable notice, such records must be made available to the City's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Agreement.

L. Restrictions on City Employees. The Contractor shall not employ any City employee or official in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state or local Law.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall govern the interpretation of this Agreement. Any legal proceeding arising from this Agreement shall be brought in the appropriate court located in Riverside County, State of California.

SIGNATURE PAGE TO FOLLOW

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

City of Moreno Valley

By: _____
Mayor

Date: _____

Attest:

_____
City Clerk

Contractor: Willdan Engineering

By: _____
Ronald L. Espalin, PE

Title: Director of Building & Safety

Date: August 9, 2010

Approved as to Legal Form:

By: _____
City Attorney

Date: 8.9.10

RECOMMENDED FOR APPROVAL:

By: _____
Kyle Kollar
Interim Community
Development Director

Date: 8/10/11

Attachments:
Exhibit A: Proposal for Building & Safety Plan Check Services
Exhibit B: Terms of Payment

EXHIBIT A

PROPOSAL

Building & Safety Plan Check Services

MORENO VALLEY

City of Moreno Valley

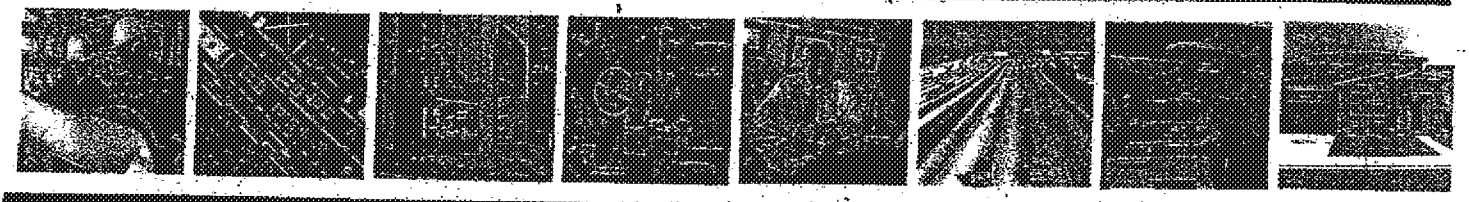

650 Hospitality Lane, Suite 400 ■ San Bernardino, CA 92408 ■ 909.386.0200 ■ 909.888.5107 Fax
www.willdan.com

Submitted by:

WILLDAN
Serving Public Agencies

April 3, 2007

Item No. A.17

WILLDAN
Serving Public Agencies

650 Hospitality Lane, Suite 400
San Bernardino, California 92408-3317
909/386-0200 fax 909/888-5107
www.willdan.com

April 3, 2007

Ms. Ruth Nelson, CPPB
Buyer II
CITY OF MORENO VALLEY
15670 Perris Boulevard
Moreno Valley, CA 92552

Subject: Proposal to Provide Building and Safety Plan Review Services RFP # 06/07 - 05

Dear Ms. Nelson:

Willdan welcomes the opportunity to present this proposal to continue to provide building and safety plan check services for the City of Moreno Valley. While our exceptional services are presented in the proposal, listed below are reasons why Willdan is qualified to perform this service to the City.

- Willdan currently provides building and safety plan check services to the City of Moreno Valley; therefore our local staff is familiar with the City's standards of performance and procedures.
- Willdan offers all disciplines the City may require with on-staff personnel. No subconsultants will be needed for any required services.
- Willdan provides no private sector engineering services, therefore there is no conflict of interest.
- Willdan staff will be prepared to attend all required meetings at City Hall either the same day, or within 24 hours notice.

Our approach to each assignment is to furnish the client with technical assistance and strong project management in a professional, efficient and economical manner. We are looking forward to continuing to provide these services to the City of Moreno Valley. This proposal shall remain valid and binding for ninety (90) days from the date of submittal.

Respectfully submitted,
WILLDAN

Ronald L. Espalin, PE
Senior Vice President

TABLE OF CONTENTS

PAGE

EXECUTIVE SUMMARY 3

STATEMENT of QUALIFICATIONS 4

SCOPE OF SERVICES 5

RELATED EXPERIENCE/REFERENCES 7

STAFF 9
Organization Chart 10
Resumes 11

COMPENSATION 17

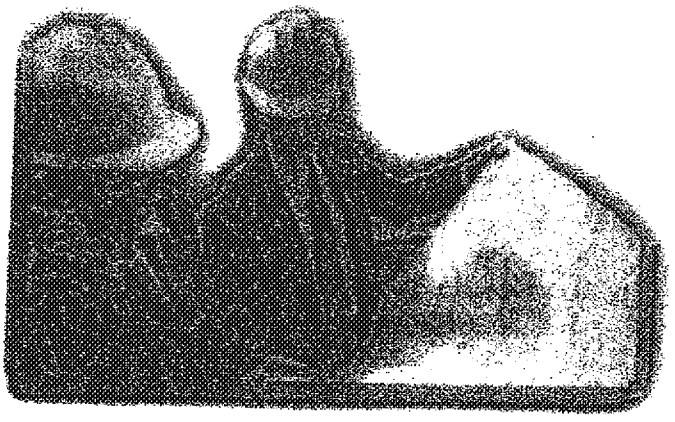

Willdan can offer the City of Moreno Valley significant experience in providing Building and Safety Plan Check services. Our Building and Safety experience includes plan review and inspection of major structures for numerous cities in Southern California and, in addition, the majority of our staff were previous employees of public agencies in Southern California. This public sector consulting orientation provides our staff with insight into the needs and problems of public agencies and their constituents, resulting in a high level of responsiveness to members of the public.

Willdan differs from most other engineering consulting firms in that we specialize in offering consulting services primarily to city, county and other governmental entities, thereby alleviating any possibility for conflict of interest. Each Willdan office is staffed with highly qualified professionals representing a broad range of disciplines who are fully cognizant of National, State and local codes and regulations and who are in a position to respond to the particular needs of specific geographic areas. All of our key staff members were previously employed by public agencies and have strong backgrounds in all aspects of building and safety services.

The firm's complete list of services includes: building and safety, public works, construction management, inspection, civil engineering, urban and environmental planning, traffic engineering and transportation planning, bridge and structure design, highway and rail engineering, drainage and flood control, real property services, computer-aided analysis and design, landscape architecture, facility financing, geotechnical engineering services, and surveying.

THE WILLDAN GROUP
OF COMPANIES

Willdan, Arroyo Geotechnical, and MuniFinancial are the three-company public service team that has grown from the 1964 establishment of Willdan Engineering, known today as *The WILLDAN Group of Companies*. This "group of companies" provides civil and structural engineering, planning, financial and economic consulting, and geology and geotechnical engineering services for more than 400 public sector clients throughout Arizona, California, and Nevada.

WILLDAN Serving Public Agencies is a full-service civil engineering and planning firm. Whether on a full-time basis, an interim part-time basis, or in consultation, project-by-project, Willdan's broad professional range and depth of staffing allows the company to economically streamline projects from concept through design, inspection and management. Willdan is also a well-established provider of building and safety and plan check services for city, county, and state governments.

ARROYO GEOTECHNICAL offers a full complement of geology/geotechnical engineering capabilities, including soils engineering, earthquake and seismic hazard studies, geology and hydrogeology engineering. Arroyo Geotechnical also maintains a full-service geotechnical laboratory.

MuniFinancial A WILLDAN COMPANY provides financial and economic consulting for growth planning, revenue generation, debt administration and municipal services, with specialties such as ongoing municipal disclosure and arbitrage rebate compliance. Established in 1988, MuniFinancial has worked with more than 500 public agencies throughout the United States.

Since its establishment in 1964, Willdan has expanded in size, location, and service capabilities through its system of regional offices. Each office is staffed with highly qualified professionals who are fully aware of local influences and regulations and are in a position to respond to particular needs of specific geographic areas.

Today, the firm provides a full range of engineering and planning services. A staff of 400 professional and technical experts include specialists in municipal engineering, highway and freeway engineering, structural engineering, drainage and flood control, traffic and transportation engineering, construction management, building and safety services, urban and regional planning, environmental planning, water resources, water and wastewater engineering, growth management planning, surveying, assessment engineering, landscape architecture, computer-aided analysis and design, and other technical fields. Services are provided on an "as-needed" basis; a full-time, in-house basis; and on a specific project basis.

Willdan specializes in providing professional building, engineering, and planning services to municipalities. The firm has been providing building and safety services to cities and counties on a contract basis since 1979.

Willdan presently serves in the capacity of Building Official in more than 20 cities throughout California. In this capacity, we provide a full range of services including plan review, permit issuance, inspection and code enforcement. We service client needs from an occasional overload plan review to staffing an entire Building Department. Willdan has gained a great deal of municipal insight and expertise in serving our extensive clientele over the years. We have performed plan review and inspection on projects ranging from single family residential additions to complex high rise towers, medical facilities and industrial centers.

Willdan's experience and strength in building and safety plan check encompasses the complete range of technical disciplines, that is, structural engineering plan check, fire-life safety, electrical, plumbing and mechanical codes, the Title 24 codes, as well as local amendments to the adopted codes.

SCOPE OF SERVICES

Plan Check Services

Willdan will examine building plans for compliance with the adopted version of the California Building Code, California Mechanical Code, California Plumbing Code, National Electrical Code, and the Accessibility, Noise and Energy Conservation requirements as mandated by State Title 24 and all applicable Ordinances. Our approach to the plan check process includes attention to code requirements as well as an overview of the application package for other applicable requirements such as approvals from other local agencies and districts. Willdan's plan checkers are registered engineers and certified plans examiners. All plan review will comply with the City's directives, codes and policies. Plan check will include a review of any or all of the following design elements as determined by the City:

- Architectural and life-safety
- Structural
- Electrical
- Plumbing
- Mechanical
- Energy Conservation Regulations (Title 24)
- Disabled Access Regulations (C.B.C. - T-24)

Turn-Around Schedule

Typical turn-around time for the initial plan check is ten working days (15 days for projects of $3,000,000 or greater valuation), 5 days for rechecks. This schedule is applicable for all types of construction and can be adjusted to serve the City in the most efficient manner. Willdan will provide expedited plan review if requested at no additional cost to the City.

Willdan staff will either pick up the plans from the City, or have them overnighted to our office at no cost to the City. All plans will be returned to the City either by messenger or overnight delivery at no cost to the City.

Willdan will notify each applicant with two complete sets of typewritten plan check letters outlining the documents reviewed, instructions to the applicant regarding the processing of documents, and a listing of plan check comments. The plan check comments will refer to appropriate sheets, details or calculations pages and the code section of concern. Comments shall specify the apparent code violation.

Plan checkers will be available during work hours to discuss and clarify plan check issues with designers, owners and contractors. Plan checkers will be prepared to attend all required meetings at a location determined by the City and/or applicant, either the same day as requested, or within 24 hours notice.

Resolutions of code issues may be accomplished by telephone, or meetings prior to resubmitting corrected plans and documents. Plan checkers will attend all required meetings as deemed necessary by the City Building Official. During unforeseen high work load periods, Willdan will employ company-wide resources to ensure that all plan review is being performed in the specific time allowed.

Grading Plan Review and Inspection
If requested by the City, Willdan can provide grading plan review and inspection services. Grading plan review includes:

- **Rough Grading Plans** will be reviewed to assure conformance with City codes, written policies and standard specifications. The review will also assure conformance with the approved tentative map and conditions of approval for the project.

- **Grading Plans** will be reviewed for compliance with the recommendations, specifications and details contained in the submitted soils report and to assure that all appropriate details are shown on the plans. Quantity calculations will be reviewed to assure accuracy and completeness.

- **Precise Grading Plans** will be reviewed to verify positive drainage to an approved outlet. Where deepened footings are required due to the lot grading, the extent and depth of the needed deepened footing will be clearly noted on each footprint. Erosion control measures for manufactured slopes will be reviewed to verify that the landscaping and irrigation measures are adequate. In addition, we will assure any interim measures to control erosion until such time as the landscaping is viable and shown on the plan.

RELATED EXPERIENCE/REFERENCES

Client: **City of Riverside**
Mr. Dan Chudy, Building Official
3900 Main Street
Riverside, CA 92522
951.826.5915

Services: Building and Safety plan check and inspection services.

Client: **City of Indian Wells**
Mr. Corrie Kates, Building Official/Community Development Director
44-950 El Dorado Drive
Indian Wells, CA 92210
760.776.0230

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check services.

Client: **City of Loma Linda**
Ms. Deborah Woldroff, Community Development Director
25541 Barton Road
Loma Linda, CA 92354
909.799.2810

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: **City of Calimesa**
Mr. David Lane, City Manager
908 Park Avenue
Calimesa, CA 92320
909.795.9801

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client:	**City of Highland** Mr. John Jaques, Community Development Director 27215 Baseline Highland, CA 92346 909.864.2136
Services:	Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client:	**Morongo Band of Mission Indians** Mr. Tom Linton, Director, Planning and Development 245 N. Murray Street, Suite C Banning, CA 92220 909.849.4697
Services:	Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

The following organization chart and resumes represent just a portion of the qualified Willdan staff to provide the services as delineated in this proposal.

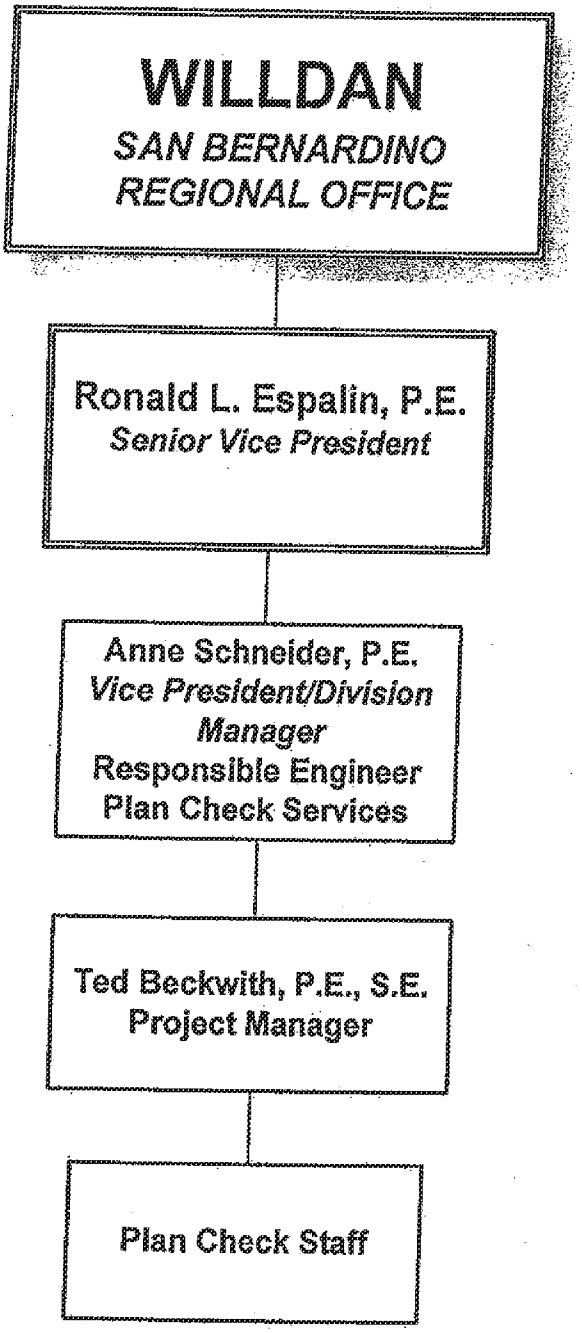
WILLDAN
SAN BERNARDINO
REGIONAL OFFICE
Ronald L. Espalin, P.E.
Senior Vice President
Anne Schneider, P.E.
Vice President/Division Manager
Responsible Engineer
Plan Check Services
Ted Beckwith, P.E., S.E.
Project Manager
Plan Check Staff

Ronald Espalin, P.E.
Senior Vice President

Education
California State Polytechnic University-Pomona Master of Engineering - Structural Engineering
California State Polytechnic University-Pomona Bachelor of Science - Civil Engineering

Associations/ Affiliations
International Code Council
Coachella Valley Chapter - President, 2002
Inland Empire Chapter - President, 1997
Citrus Belt Chapter - "Building Official of the Year" 1995
Riverside County Chapter - President 1986
California Building Officials
CALBO Disaster Response Team

Professional Registrations
California, RCE 26187
Certified Building Official, No. 560
35 Years Experience

Mr. Espalin is a Senior Vice President and the Regional Office Manager of the San Bernardino Office. Mr. Espalin has extensive experience in managing engineering and technical staff and has served as the responsible engineer for plan check and inspection services for numerous cities and counties. He has served as on-site Building official overseeing all aspects of building and safety operations for cities in the Inland Empire, Coachella Valley and other regions in Southern California. Mr. Espalin has served as interim Building Official for local cities in San Bernardino and Riverside Counties. His duties in this capacity include reviewing proposed legislation affecting Building Code enforcement, arbitrating disputes on code interpretations, and resolving the more difficult and complex engineering and code problems.

Prior to joining Willdan, Mr. Espalin was the Assistant Director of Building and Safety for the County of Riverside. He was responsible for the day-to-day operations of the department and was responsible for 130 employees providing services in plan review, permit issuance, inspection services, rehabilitation and code enforcement and land use zoning enforcement.

In the private sector, Mr. Espalin was a structural design engineer. His design responsibilities included calculations and design for structural steel and reinforced concrete moment frame structures, industrial structures, dynamic and static analysis, soil-structure interaction analysis and seismic qualification of equipment and systems in essential facilities. Mr. Espalin maintains a lifetime teaching credential in Engineering with the California Community College system.

Anne Schneider, P.E.
Division Manager/Vice President

Education
California State Polytechnic University-San Luis Obispo
Bachelor of Science - Architectural Engineering

Associations/ Affiliations

Ms. Schneider, a registered Civil Engineer in California, is a Division Manager/Vice President for the San Bernardino Office. She has over 15 years professional experience in building and safety enforcement of model codes, State and local building regulations. Her plan review experience includes commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in structural and life safety review of plans. Ms. Schneider has worked on assignment for Willdan in the offices of San Diego County and Riverside County Building Departments providing plan check services.

Prior to joining Willdan, Ms. Schneider held the position of Tribal Engineer for the Cabazon Band of Mission Indians in Indio, California. In this capacity she supervised construction and design work for the Reservation and was primarily responsible for a $3 million Federal Highway Administration road construction project.

Her past experience includes the responsibility of Plans Examiner for the City of Lancaster where she evaluated commercial and residential plans for code compliance and coordinated City response to applications for construction permits.

Professional Registrations
California, RCE 46183
ICBO Certified Plans Examiner
ICBO Certified Building Inspector

15 Years Experience

Ted Beckwith, P.E., S.E.
Supervising Plan Check Engineer

Education
California State University, Fullerton
Bachelor of Science, Structural Engineering

Riverside Community College
Certificate in Construction Technology

Associations/ Affiliations
International Conference of Building Officials
Structural Engineers Association of California

Professional Registrations
California, CE#48798, SE#4294
ICC Building Plans Examiner, UBC#1043425-60
ICC Building Plans Examiner, IBC#1043425-06

19 Years Experience

Mr. Beckwith, a registered Civil and Structural Engineer in California, is a Supervising Plan Check Engineer for the San Bernardino Office. He has 19 years professional experience in structural design and enforcement of state and local building regulations. His design and plan review experience includes educational, commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in design and review of structural plans.

During his tenure with Willdan, Mr. Beckwith has performed the structural review of several projects at California State University, San Bernardino. These projects include the OTTC Building, the three-story College of Education Building and the seismic retrofit and repair of both the Biological Science Building and the Physical Science Building.

Mr. Beckwith's previous experience includes the position of Assistant Engineer with the County of Riverside. In this capacity, he performed structural plan review of various structures including steel, concrete, wood, and masonry buildings. He has specialized in major structures of four or more stories. He has also worked for RM Byrd and Associates, a structural design office located in Ontario, CA. This firm specializes in public schools under the purview of the Structural Safety Section of the Division of the State Architect. An example of public school projects that he has designed include a new middle school in Los Banos, a new middle school in Laguna Niguel, a new high school in Fontana and several school modernization programs throughout Southern California. Mr. Beckwith is very familiar with the particular requirements of chapters 16A, through 23A of the state building code and detail orientated in his structural review of plans.

Patrick Johnson, P.E.
Plan Check Engineer

Education
University of Iowa, Iowa City, IA
Bachelor and Science, Structural Engineering

Associations/ Affiliations
ASCE (American Society of Civil Engineers)

Professional Registrations
California Professional Engineer, CE#6796

10 Years Experience

Mr. Johnson, a registered Civil Engineer in California, is a Plan Check Engineer for the San Bernardino Office. He has 10 years experience in the construction field specializing in carpentry, plumbing, heating and air conditioning, and electrical work. As a 2001 graduate of University of Iowa his primary focus has been on structural engineering of lightweight commercial and residential structures. Since employed with Willdan, he as attended a number of code enforcement and seismic application seminars.

Mr. Johnson's previous engineering experience includes the position of a Design Engineer with KLP Consulting Engineers of Centennial, Colorado. In this capacity, he specialized in the design of lightweight commercial, multi and single-family housing. At times he would be called out to the field as a forensic engineer to justify the probable cause of structural damages caused by expensive soils. Mr. Johnson also as engineering experience in the design of variety of transportation projects including single and multi-span bridges, pedestrian tunnels, retaining walls, and concrete box culverts.

Arne Lovnaseth, Architect
Plan Check Architect

Education
Cal Poly Pomona, Bachelor of Science, Bachelor of Architecture

Mr. Lovnaseth, a registered Architect in California, is a Plan Check Architect for the San Bernardino Office. He has 20 years experience in the construction field specializing in design work. As a 1983 graduate of Cal Poly Pomona his primary focus has been on architectural design of lightweight commercial and residential structures. He has attended a number of code enforcement seminars.

Professional Registrations
California Licensed Architect,, #C18833
I.C.C. Plans Examiner #0877794-B3

Mr. Lovnaseth's previous architectural and plan checking experience includes the position of Senior Plans Examiner for the City of San Bernardino for over 5 years. In this capacity, he specialized in the plan checking of lightweight commercial, multi and single-family housing. Prior to that he was a project manager at John McInnes Architect in Laguna Beach, Ca. for 5 years.

20 Years Experience

COMPENSATION

We propose to provide these services for a fee equal to seventy-five percent (75%) of the fees collected by the City. For grading plans and inspection; miscellaneous plans, such as, room additions, tenant improvements, etc., we propose an hourly time and material fee per Willdan's Schedule of Hourly Rates dated July 2003, attached herein. This fee schedule shall remain valid for at least one year from the effective date of the contract.

WILLDAN
Serving Public Agencies

WILLDAN
Schedule of Hourly Rates
July 1, 2003

ENGINEERING

Principal Engineer	$160.00
Division Manager	150.00
City Engineer	150.00
Project Manager	150.00
Supervising Engineer	135.00
Senior Engineer	120.00
Senior Design Manager	120.00
Design Manager	110.00
Associate Engineer	110.00
Senior Designer	105.00
Senior Design Engineer II	105.00
Senior Design Engineer I	100.00
Designer II	100.00
Designer I	95.00
Design Engineer II	95.00
Design Engineer I	90.00
Senior Drafter	90.00
Drafter II	80.00
Drafter I	75.00
Technical Aide	65.00

CONSTRUCTION MANAGEMENT

Division Manager	150.00
Project Manager	150.00
Senior Construction Manager	130.00
Construction Manager	120.00
Assistant Construction Manager	100.00
Utility Coordinator	105.00
Supervising Public Works Observer	105.00
Senior Public Works Observer	90.00
Public Works Observer	**80.00 / 90.00
Assistant Public Works Observer	**70.00 / 90.00
Labor Compliance Manager	105.00
Labor Compliance Specialist	80.00

SURVEYING

Division Manager	150.00
Supervisor - Survey & Mapping	135.00
Senior Survey Analyst	105.00
Senior Calculator	105.00
Calculator II	90.00
Calculator I	80.00
Survey Analyst II	90.00
Survey Analyst I	80.00
Survey Party Chief	100.00
Two-Man Field Party	200.00
Three-Man Field Party	250.00

LANDSCAPE ARCHITECTURE

Division Manager	150.00
Principal Landscape Architect	120.00
Senior Landscape Architect	100.00
Associate Landscape Architect	95.00
Assistant Landscape Architect	80.00

BUILDING AND SAFETY

Division Manager	150.00
Supervising Plan Check Engineer	120.00
Building Official	120.00
Plan Check Engineer	110.00
Deputy Building Official	110.00
Inspector of Record	110.00
Senior Plans Examiner	100.00
Supervising Building Inspector	100.00
Plans Examiner	90.00
Senior Building Inspector	90.00
Building Inspector	**80.00 / 90.00
Supervising Construction Permit Specialist	80.00
Senior Construction Permit Specialist	75.00
Assistant Building Inspector	**70.00 / 90.00
Code Enforcement Officer	65.00
Construction Permit Specialist	60.00
Assistant Construction Permit Specialist	55.00
Plans Examiner Aide	55.00
Assistant Code Enforcement Officer	55.00

PLANNING

Division Manager	150.00
Principal Planner	120.00
Principal Community Development Planner	120.00
Senior Planner	110.00
Senior Community Development Planner	110.00
Associate Planner	95.00
Associate Community Development Planner	95.00
Assistant Community Development Planner	85.00
Assistant Planner	85.00
Planning Technician	65.00
Community Development Technician	65.00

ADMINISTRATIVE

Computer Data Entry	50.00
Clerical	50.00
Word Processing	50.00
Personal Computer Time	15.00

**Prevailing Wage Project, Use $90.00/Hour

Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.25 times, and Sundays and holidays, 1.70 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A subconsultant management fee of fifteen percent (15%) will be added to the direct cost of all subconsultant services to provide for the cost of administration, consultation, and coordination.

EXHIBIT B

TERMS OF PAYMENT

1. The contractor's compensation shall be 75% of the City's collected plan check fee, per project.

2. The contractor will submit an invoice to the city once a month for progress payments along with documentation evidencing services comple4ted to ate. The progress payment is based on the amount of plan review completed. At no time will the City pay for more services than have been satisfactorily completed or in excess of the amount noted in paragraph one (1) above.

3. The City shall pay the contractor for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

Client#: 6540 WILLDAN

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) 12/17/09

PRODUCER
Dealey, Renton & Associates
P. O. Box 10550
Santa Ana, CA 92711-0550
714 427-6810

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
Willdan Engineering
2401 E. Katella Avenue, Ste. 300
Anaheim, CA 92806

INSURER A: Travelers Property Casualty Co of Am
INSURER B: Travelers Casualty Ins. Co. of Ameri
INSURER C: Catlin Insurance Company, Inc.
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR X CONTRACTUAL X BFPD, XCU GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC	6301158P020 INDP. CONTRACTORS INCLUDED	11/09/09	11/09/10	EACH OCCURRENCE	$1,000,000
					FIRE DAMAGE (Any one fire)	$1,000,000
					MED EXP (Any one person)	$10,000
					PERSONAL & ADV INJURY	$1,000,000
					GENERAL AGGREGATE	$2,000,000
					PRODUCTS - COMP/OP AGG	$2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	8101158P020	11/09/09	11/09/10	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE (Per accident)	$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
					OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
					AGGREGATE	$
						$
						$
						$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	UB1302P790	11/09/09	11/09/10	X WC STATU-TORY LIMITS OTH-ER	
					E.L. EACH ACCIDENT	$1,000,000
					E.L. DISEASE - EA EMPLOYEE	$1,000,000
					E.L. DISEASE - POLICY LIMIT	$1,000,000
C	OTHER Professional Liability	AED977441110	11/09/09	11/09/10	$1,000,000 per claim $1,000,000 annl aggr.	

RISK MANAGEMENT
Approved
By Date

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
General Liability policy excludes claims arising out of the performance of professional services
Re: Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330
(See Attached Descriptions)

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER:

City of Moreno Valley
Attn: Gary Kyle, Bldg Official
PO Box 88005
Moreno Valley, CA 92552

CANCELLATION Ten Day Notice for Non-Payment of Premium

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Rosanna Sowal

DESCRIPTIONS (Continued from Page 1)

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District are Additional Insured as respects to General and Auto Liability as required by written contract. Primary and Non-Contributing coverage applies to GL as required by written contract.
(SAN BERNARDINO)

POLICY NUMBER: 6301158P020

COMMERCIAL GENERAL LIABILITY
ISSUE DATE: 12/17/09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SCHEDULED ADDITIONAL INSURED WRITTEN CONTRACT (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

NAME OF PERSON(S) OR ORGANIZATION(S):

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District

PROJECT/LOCATION OF COVERED OPERATIONS:

Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330

PROVISIONS

1. The following is added to **SECTION II - WHO IS AN INSURED:**

   The person or organization shown in the Schedule above is an additional insured on this Coverage Part, but:

   a. Only with respect to liability for "bodily injury", "property damage" or "personal injury"; and

   b. If, and only to the extent that, the injury or damage is caused by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies. The person or organization does not qualify as an additional insured with respect to the independent acts or omissions of such person or organization.

   The insurance provided to such additional insured is limited as follows:

   c. In the event that the Limits of Insurance of this Coverage Part shown in the Declarations exceed the limits of liability required by the "written contract requiring insurance", the insurance provided to the additional insured shall be limited to the limits of liability required by that "written contract requiring insurance". This endorsement shall not increase the limits of I nsurance described in Section III — Limits Of Insurance.

   d. This insurance does not apply to the rendering of or failure to render any "professional services" or construction management errors or omissions.

   e. This insurance does not apply to "bodily in jury" or "property damage" caused by "your work" and included in the "products-completed operations hazard" unless the "written contract requiring insurance" specifically requires you to provide such coverage for that additional insured, and then the insurance provided to that additional insured applies only to such "bodily injury" or "property damage" that occurs before the end of the pe riod of time for which the "written contract requiring insurance" requires you to provide such coverage or the end of the policy period, whichever is earlier.

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2. The following is added to Paragraph 4.a. of **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   The insurance provided to the additional insured shown in the Schedule above is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured for a loss we cover. However, if you specifically agree in the "written contract requiring insurance" that this insurance provided to the additional insured under this Coverage Part must apply on a primary basis or a primary and non-contributory basis, this insurance is primary to "other insurance" available to the additional insured which covers that person or organization as a named insured for such loss, and we will not share with that "other insurance". But this insurance provided to the additional insured still is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured when that person or organization is an additional insured under any "other insurance".

3. The following is added to **SECTION IV — COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   Duties Of An Additional Insured

   As a condition of coverage provided to the additional insured:

   The additional insured must give us written notice as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, such notice should include:

   i. How, when and where the "occurrence" or offense took place;

   ii. The names and addresses of any injured persons and witnesses; and

   iii. The nature and location of any injury or damage arising out of the "occurrence" or offense.

   b. If a claim is made or "suit" is brought against the additional insured, the additional insured must:

      i. Immediately record the specifics of the claim or "suit" and the date received; and

      ii. Notify us as soon as practicable.

      The additional insured must see to it that we receive written notice of the claim or "suit" as soon as practicable.

   c. The additional insured must immediately send us copies of all legal papers received in connection with the claim or "suit", cooperate with us in the investigation or settlement of the claim or defense against the "suit", and otherwise comply with all policy conditions.

   d. The additional insured must tender the defense and indemnity of any claim or "suit" to any provider of other insurance which would cover the additional insured for a loss we cover. However, this condition does not affect whether this insurance provided to the additional insured is primary to that other insurance available to the additional insured which covers that person or organization as a named insured.

4. The following is added to the **DEFINITIONS** Section:

   "Written contract requiring insurance" means that part of any written contract or agreement with the person or organization shown in the Schedule above, under which you are required to include that person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs and the "personal injury" is caused by an offense committed:

   a. After the signing and execution of the contract or agreement by you;

   b. While that part of the contract or agreement is in effect; and

   c. Before the end of the policy period.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BUSINESS AUTO EXTENSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

GENERAL DESCRIPTION OF COVERAGE – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

A. BROAD FORM NAMED INSURED

B. BLANKET ADDITIONAL INSURED

C. EMPLOYEE HIRED AUTO

D. EMPLOYEES AS INSURED

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

G. WAIVER OF DEDUCTIBLE – GLASS

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

J. PERSONAL EFFECTS

K. AIRBAGS

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

M. BLANKET WAIVER OF SUBROGATION

N. UNINTENTIONAL ERRORS OR OMISSIONS

PROVISIONS

A. BROAD FORM NAMED INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any organization you newly acquire or form during the policy period over which you maintain 50% or more ownership interest and that is not separately insured for Business Auto Coverage. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier.

B. BLANKET ADDITIONAL INSURED

The following is added to Paragraph c. in A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any person or organization who is required under a written contract or agreement between you and that person or organization, that is signed and executed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to be named as an additional insured is an "insured" for Liability Coverage, but only for damages to which this insurance applies and only to the extent that person or organization qualifies as an "insured" under the Who is An Insured provision contained in Section II.

C. EMPLOYEE HIRED AUTO

1. The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while performing duties related to the conduct of your business.

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2. The following replaces Paragraph b. in B.5., Other Insurance, of SECTION IV – BUSINESS AUTO CONDITIONS:

   b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

      (1) Any covered "auto" you lease, hire, rent or borrow; and

      (2) Any covered "auto" hired or rented by your "employee" under a contract in that individual "employee's" name, with your permission, while performing duties related to the conduct of your business.

   However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

D. EMPLOYEES AS INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

1. The following replaces Paragraph A.2.a.(2), of SECTION II – LIABILITY COVERAGE:

   (2) Up to $3,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.

2. The following replaces Paragraph A.2.a.(4), of SECTION II – LIABILITY COVERAGE:

   (4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to $500 a day because of time off from work.

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

The following replaces Subparagraph e. in Paragraph B.7., Policy Term, Coverage Territory, of SECTION IV – BUSINESS AUTO CONDITIONS:

e. Anywhere in the world, except any country or jurisdiction while any trade sanction, embargo, or similar regulation imposed by the United States of America applies to and prohibits the transaction of business with or within such country or jurisdiction, for Liability Coverage for any covered "auto" that you lease, hire, rent or borrow without a driver for a period of 30 days or less and that is not an "auto" you lease, hire, rent or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households.

   (1) With respect to any claim made or "suit" brought outside the United States of America, the territories and possessions of the United States of America, Puerto Rico and Canada:

      (a) You must arrange to defend the "insured" against, and investigate or settle any such claim or "suit" and keep us advised of all proceedings and actions.

      (b) Neither you nor any other involved "insured" will make any settlement without our consent.

      (c) We may, at our discretion, participate in defending the "insured" against, or in the settlement of, any claim or "suit".

      (d) We will reimburse the "insured":

         (i) For sums that the "insured" legally must pay as damages because of "bodily injury" or "property damage" to which this insurance applies, that the "insured" pays with our consent, but only up to the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE;

         (ii) For the reasonable expenses incurred with our consent for your investigation of such claims and your defense of the "insured" against any such "suit", but only up to and included within the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE.

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and not in addition to such limit. Our duty to make such payments ends when we have used up the applicable limit of insurance in payments for damages, settlements or defense expenses.

(2) This insurance is excess over any valid and collectible other insurance available to the "insured" whether primary, excess contingent or on any other basis.

(3) This insurance is not a substitute for required or compulsory insurance in any country outside the United States, its territories and possessions, Puerto Rico and Canada.

You agree to maintain all required or compulsory insurance in any such country up to the minimum limits required by local law. Your failure to comply with compulsory insurance requirements will not invalidate the coverage afforded by this policy, but we will only be liable to the same extent we would have been liable had you complied with the compulsory insurance requirements.

(4) It is understood that we are not an admitted or authorized insurer outside the United States of America, its territories and possessions, Puerto Rico and Canada. We assume no responsibility for the furnishing of certificates of insurance, or for compliance in any way with the laws of other countries relating to insurance.

G. WAIVER OF DEDUCTIBLE – GLASS

The following is added to Paragraph D., **Deductible**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

The following replaces the last sentence of Paragraph A.4.b., **Loss Of Use Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

However, the most we will pay for any expenses for loss of use is $65 per day, to a maximum of $750 for any one "accident".

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

The following replaces the first sentence in Paragraph A.4.a., **Transportation Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

We will pay up to $50 per day to a maximum of $1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

J. PERSONAL EFFECTS

The following is added to Paragraph A.4., **Coverage Extensions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Personal Effects

We will pay up to $400 for "loss" to wearing apparel and other personal effects which are:

(1) Owned by an "insured"; and

(2) In or on your covered "auto".

This coverage applies only in the event of a total theft of your covered "auto".

No deductibles apply to this Personal Effects coverage.

K. AIRBAGS

The following is added to Paragraph B.3., **Exclusions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Exclusion 3.a. does not apply to "loss" to one or more airbags in a covered "auto" you own that inflate due to a cause other than a cause of "loss" set forth in Paragraphs A.1.b. and A.1.c., but only:

a. If that "auto" is a covered "auto" for Comprehensive Coverage under this policy;

b. The airbags are not covered under any warranty; and

c. The airbags were not intentionally inflated.

We will pay up to a maximum of $1,000 for any one "loss".

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

The following is added to Paragraph A.2.a., of **SECTION IV – BUSINESS AUTO CONDITIONS:**

Your duty to give us or our authorized representative prompt notice of the "accident" or "loss" applies only when the "accident" or "loss" is known to:

(a) You (if you are an individual);

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(b) A partner (if you are a partnership);

(c) A member (if you are a limited liability company);

(d) An executive officer, director or insurance manager (if you are a corporation or other organization); or

(e) Any "employee" authorized by you to give notice of the "accident" or "loss".

M. BLANKET WAIVER OF SUBROGATION

The following replaces Paragraph A.5., **Transfer Of Rights Of Recovery Against Others To Us**, of **SECTION IV – BUSINESS AUTO CONDITIONS**:

5. **Transfer Of Rights Of Recovery Against Others To Us**

We waive any right of recovery we may have against any person or organization to the extent required of you by a written contract signed and executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by such contract. The waiver applies only to the person or organization designated in such contract.

N. UNINTENTIONAL ERRORS OR OMISSIONS

The following is added to Paragraph **B.2., Concealment, Misrepresentation, Or Fraud**, of **SECTION IV – BUSINESS AUTO CONDITIONS**:

The unintentional omission of, or unintentional error in, any information given by you shall not prejudice your rights under this insurance. However this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

Name of Person or Organization:

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency and community service District

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MV00074533

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010

Developer: ANDLAND PROPERTIES, LLC
22629 FELBAR AVENUE
TORRANCE, CA 90505

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010.

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On March 4, 2009, the Planning Commission of the City of Moreno Valley approved an Administrative Plot Plan to phase the project and create Parcel Map 33152-1, and accept phase-specific Conditions of Approval. Construction of the street improvements is being performed to prepare for future development in the surrounding area and as a Condition of Approval for PM 33152-1.

On July 14, 2009, the City Council of the City of Moreno Valley was asked to approve the modified Public Improvement Agreement and securities. The Agreement and securities include the construction of the street improvements.

DISCUSSION

On February 23, 2010, Andland Properties LLC requested an extension of the full road closure of Old 215 Frontage Road Street between Alessandro Boulevard and Day Street to facilitate the construction of the street improvements on Old 215 Frontage Road. This request also included the approval to authorize the City Engineer to allow for an additional 30-day extension, which was granted and was scheduled to expire on July 17, 2010.

Due to continued unforeseen delays in the coordination with several utility companies, Andland Properties LLC approached the City Traffic Engineer and the City Engineer for an emergency extension due to the City Council being on recess. Staff conducted an assessment of the site and it was determined that there were numerous issues with the current state of the roadway thereby potentially generating unsafe driving conditions if the street were to be re-opened. Based upon the current field conditions and in the interest of public safety, the City Engineer recommended to extend the closure date to September 30, 2010 in his e-mail to Council dated July 19, 2010. Public Works staff is now seeking Council's approval to ratify the additional 68-day extension recommended by the City Engineer to complete the work.

The original request for the road closure was due to major improvement work including, but not limited to, removal of existing asphalt pavement, installation of asphalt paving, curb, gutter, sidewalk, medians, driveway approaches, street lights, landscaping, storm drain culverts, dry utilities, traffic signal modifications, and associated signing and striping. After the new pavement is installed, the remaining street improvements required of the project will be constructed, and the road will be re-opened to traffic.

There are five parcels in the area of construction. The road closure will continue to impact the ingress or egress of all of the parcels, and detouring for the traveling public. City staff was advised by the developer that all potentially affected property owners have been contacted/notified. The original road closure/detour/traffic control plan approved for this closure by the City Traffic Engineer will remain in force. The current road closure has generated no traffic problems or complaints from the motoring public or surrounding community.

ALTERNATIVES

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

2. Do not authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Do not authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. *This alternative would force the developer to re-open the roadway, thereby generating additional construction delays and expense, and potentially create an unsafe roadway for the motoring public.*

FISCAL IMPACT

The Developer will be responsible for all costs associated with this proposal.

CITY COUNCIL GOALS

PUBLIC SAFETY
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

The approved traffic control/detour plan requires the contractor to give notification to the Post Office, Police, Fire Department, Ambulance Services, Riverside Transit Authority, Waste Management, and affected businesses and residents. The public will be notified by special roadside signage showing the modified dates of closure and detour signs.

EXHIBITS

Exhibit “A” – Vicinity Map
Exhibit “B” – Road Closure Detour Map
Exhibit “C” – GIS Orthography Map

Prepared By
Mark W. Sambito, P.E.
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Eric Lewis
Transportation Division Manager/
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 PM 33152-1 - Old 215 Road Closure Extension.doc

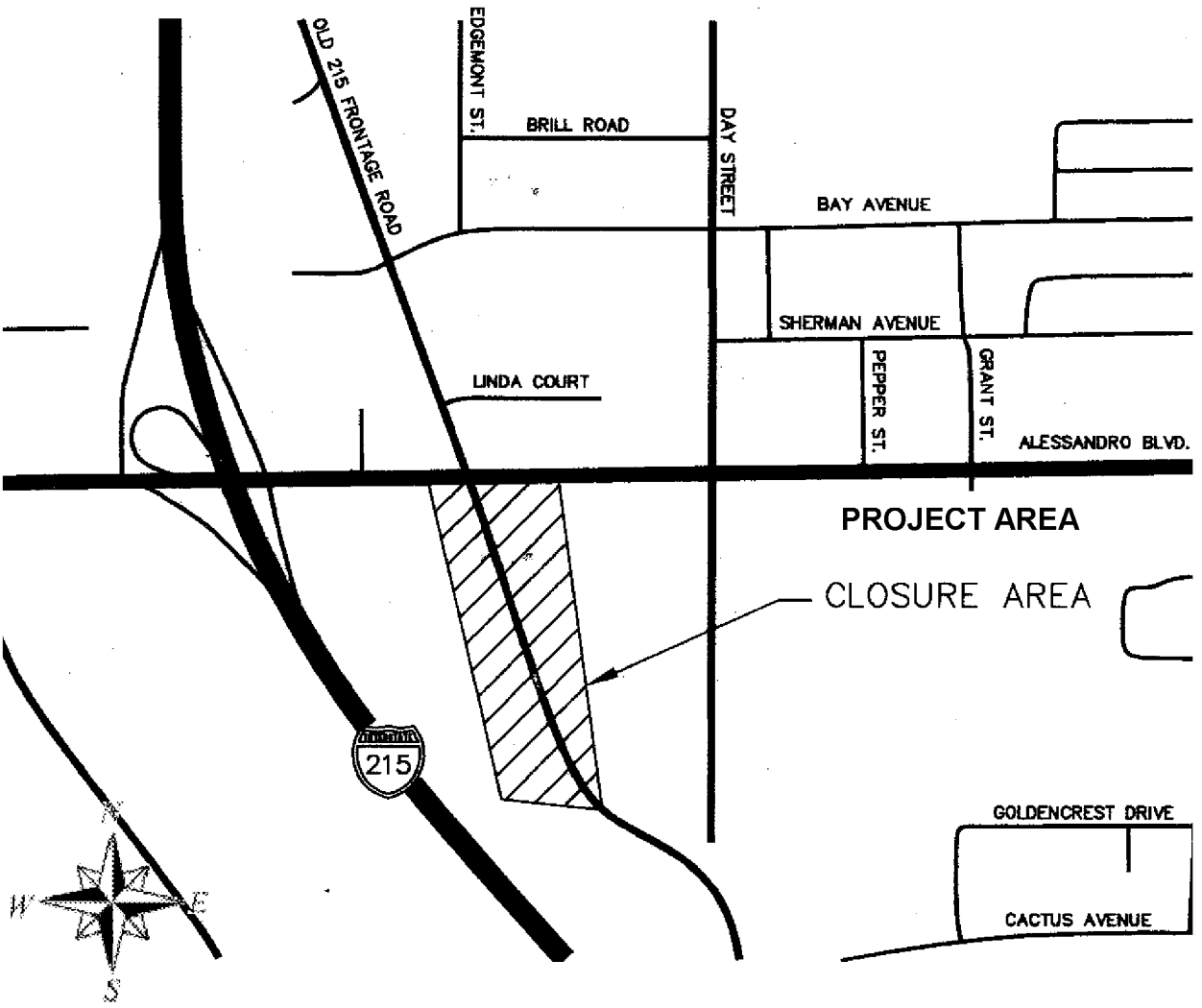

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit A	**PM 33152-1** **VICINITY MAP**

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MV00074539

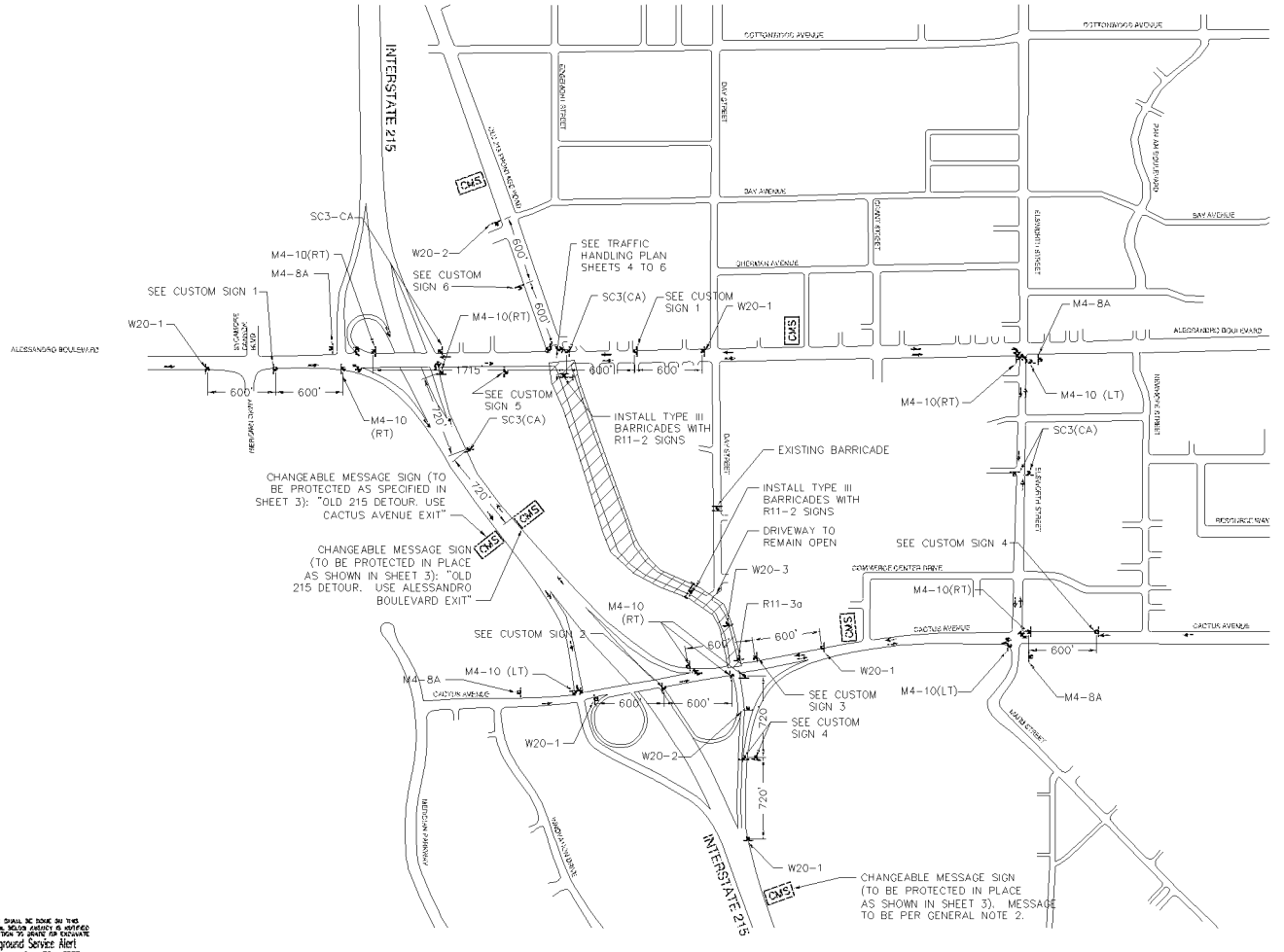

STANDARD DETOUR SIGNING:

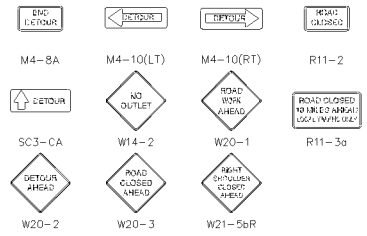

GENERAL NOTES:

1. THIS SHEET IS FOR DETOUR PLAN ONLY. SEE SHEETS 4-6 FOR TRAFFIC HANDLING PLAN.
2. CONTRACTOR TO PLACE CMS AS SHOWN AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION. CMS TO DISPLAY "OLD 215 CLOSED FROM XX/XX/XX TO XX/XX/XX. USE ALT ROUTE". CMS TO REMAIN IN PLACE AND OPERABLE DURING ROAD CLOSURE.
3. CUSTOM SIGNS SHALL BE AS FOLLOWS: DOUBLE POSTED 4"x6" BREAKAWAY POST, 6" BLACK LETTERS ON ORANGE BACKGROUND PER CITY STANDARD.
4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHAIN TOGETHER TYPE III BARRICADE WHENEVER THERE ARE TWO OR MORE IN USE.

LEGEND:

- DETOUR SIGN
- DETOUR PATH
- CONSTRUCTION LIMITS
- CMS — CHANGEABLE MESSAGE SIGN
- TYPE III BARRICADE

CUSTOM DESIGN DETAILS:

LENGTH SHALL BE MULTIPLES OF 6 INCHES

LETTERING HEIGHT SHALL BE AT LEAST 6 INCHES. LETTER TYPE SHALL BE APPROVED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

OLD 215 SOUTH OF
ALESSANDRO BLVD CLOSED.
USE I- 215 DETOUR.

WIDTH SHALL BE MULTIPLES OF 6 INCHES.

NOTE: LIMITED TO THREE ROWS OF TEXT.

CUSTOM SIGNING SHALL BE DESIGNED TO THE GUIDELINES PRESENTED BELOW AND IN ACCORDANCE WITH TABLES 2E-1 THROUGH 2E-4 OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (CA MUTCD 2006 ED). LETTER-TYPE WILL BE DEFINED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

CUSTOM SIGN 1:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 SOUTH DETOUR."

CUSTOM SIGN 2:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 3:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 4:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE ELSWORTH ST DETOUR."

CUSTOM SIGN 5:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE ELSWORTH ST DETOUR"

CUSTOM SIGN 6:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 OR ELSWORTH ST DETOUR."

MAP SCALE: 1"=500' PA 85-0165 & PA 85-0168 CALTRANS PERMIT NUMBER: 08-09-6-TK-0358

Underground Service Alert
Call TOLL FREE
1-800 227-2600
48 HOURS (NOT BEFORE YOU DIG)

BENCH MARK	BASIS OF BEARING	REVIEW BY CITY STAFF		
		OFFICE	INITIAL	DATE
		PRINCIPAL ENGINEER		
		ENTERPRISE SERVICES		
		PLANNING		
		TRANSPORTATION		
		PARKS AND RECREATION		
		LAND DEVELOPMENT		

MARK	DATE	INITIAL	DESCRIPTION	REV.	APPR	DATE
			REVISION			

CITY OF MORENO VALLEY APPROVALS

ENG. CHIEF, CITY TRAFFIC ENGINEER R.C.E. #C60815 EXP. 06/30/2006 — DATE

MARK BUNER, ASST. PW DIR. / ASST. CITY ENGINEER R.C.E. #C53463 EXP. 12/31/2010 — DATE

PHILIP A. ORTIZ, PUBLIC WORKS DIRECTOR/CITY ENGINEER R.C.E. #C41250 EXP. 06/30/2008 — DATE

ENGINEER OF RECORD'S SEAL: C45321 EXP. 6/30/10

DKS Associates
TRANSPORTATION SOLUTIONS
2420 Bush Drive, Suite 150
Davis, California 95617
Tel: 530-757-1901
UNDER THE SUPERVISION OF:
THOMAS J. KRAYER
R.C.E. #C45321 (EXP. 06/30/2010) — DATE

CITY OF MORENO VALLEY

TRAFFIC DETOUR AND HANDLING PLAN

DETOUR PLAN ONLY

ACCT. NO.

SHEET 2 NO. 6

CITY I.D. NO. 4375

Saved By: MNL 4-28-09 08:31am

Exhibit B

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MV00074541

Old 215 Frontage Road

Road Closure Site Map

Legend

- Parcels
- Roads
- Waterbodies
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

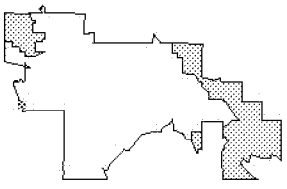

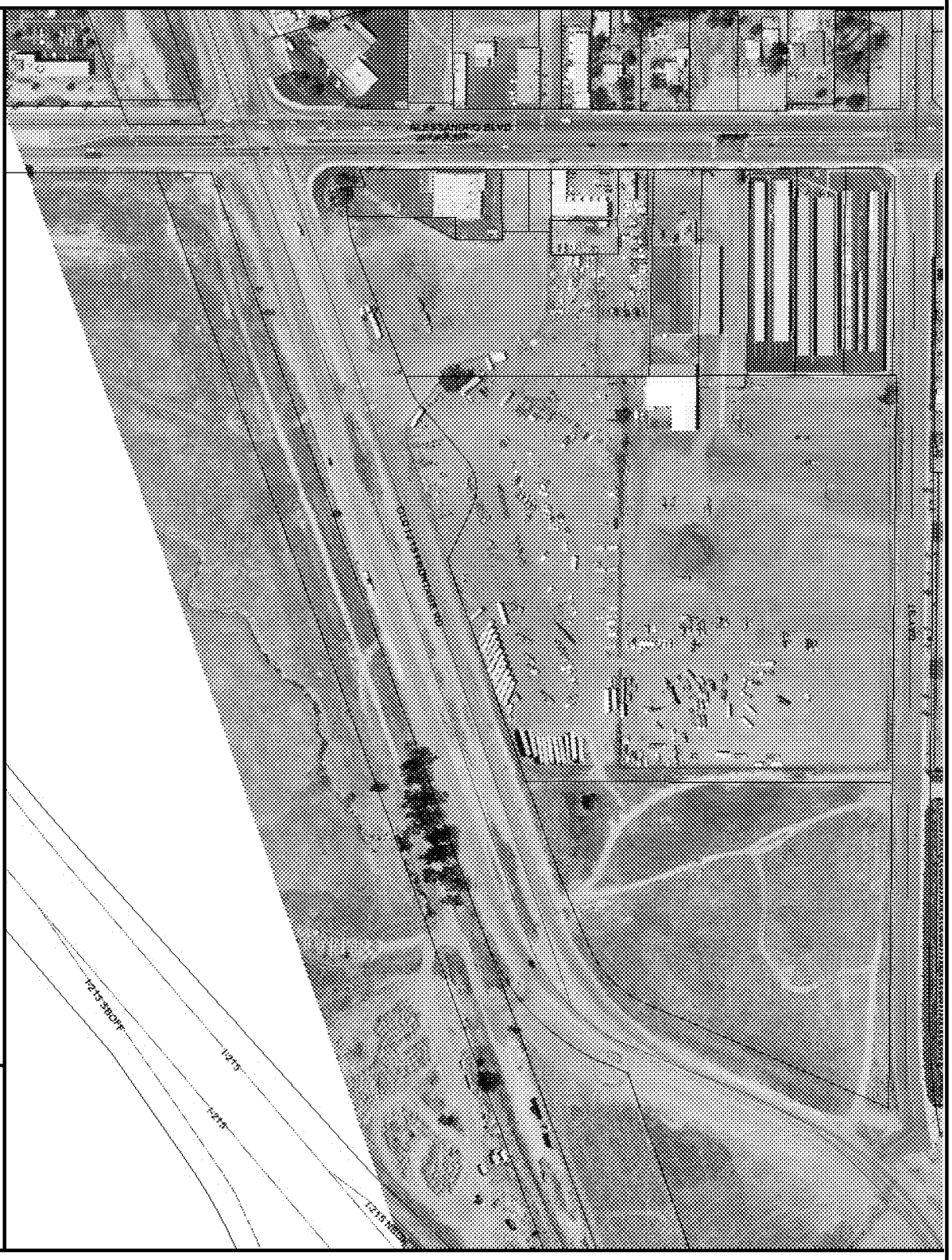

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

N

0 100 200 400ft

Printed: 7/7/2009 10:56:58 AM

Exhibit "C"

MORENO VALLEY
WHERE DREAMS ARISE

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MV00074543

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00074545

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00074547

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Michael J. McCarty, Director of Parks and Community Services

AGENDA DATE: August 24, 2010

TITLE: New Lease Agreement for Caretakers of the Moreno Valley Equestrian Park and Nature Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center.
2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

BACKGROUND

The Moreno Valley Equestrian Park and Nature Center, located at 11150 Redlands Boulevard, is in the northeast portion of the City. The site includes a lighted equestrian arena, warm-up and holding pens, dog park, and a three-bedroom mobile home.

On March 25, 2003, Council approved staff entering into a lease agreement with Robert and Christina Humbarger to be the Caretakers of the Moreno Valley Equestrian Park and Nature Center. The Caretakers moved into the mobile home in June 2003 and have performed small duties and provided daily security of the Equestrian Center to staff's satisfaction. While the Caretakers have been diligent in maintaining the interior and exterior of the mobile home, use of the facility did not increase as expected, so the Caretakers' duties were much lighter than originally anticipated.

To maintain equity, since July 1, 2005, a nominal rent of $400.00 per month was implemented and is currently being charged to the Caretakers. Staff now proposes to increase the rent to $500.00 per month, beginning September 1, 2010.

DISCUSSION

Staff has determined that the property requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have available employees or other resources to perform the services for the property. Staff recommends retaining the services of the Caretaker, but is recommending that the rent be increased to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

ALTERNATIVES

1. Elect to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010. **Staff recommends this alternative.**
2. Elect not to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010, and provide staff direction on how to fund future repairs at this site. **Staff does not recommend this alternative.**

FISCAL IMPACT

Should Council approve charging the current Caretakers rent in the amount of $500.00 per month, annual revenues of $6,000.00 will be realized. Funds will be deposited into account 161.1610.4548.03 (Mobile Home Rentals).

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

The Moreno Valley Equestrian and Nature Center requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have

available employees or other resources to perform the services for the property. To meet this need, staff is recommending that the services of the Caretaker be retained, along with increasing the Caretakers rent to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

Lease for Moreno Valley Equestrian Park and Nature Center Mobile Home

Prepared By:
Steve Kupsak
Parks Maintenance Division Manager

Department Head Approval:
Michael J. McCarty, Director
Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074551

LEASE FOR MORENO VALLEY EQUESTRIAN PARK
AND NATURE CENTER MOBILE HOME

This Agreement is made and entered into this 1st day of September 2010, by and between the Moreno Valley Community Services District, a district organized and existing pursuant to the community services district laws of the State of California ("CSD"), and Robert and Christina Humbarger hereinafter described as "Tenant."

WHEREAS, the CSD desires to lease to Tenant and Tenant desires to lease from CSD the premises generally described as the Mobile Home located within the Moreno Valley Equestrian Park and Nature Center and the real property upon which the Mobile Home directly rests, together with the right to use the real property immediately surrounding the Mobile Home as designated by the Parks and Community Services Director ("Director") for reasonable and customary residential purposes (the "premises"), it is herein agreed as follows:

1. CSD hereby leases to Tenant the premises on a month-to-month tenancy basis. Prior to taking possession of the leased premises, Tenant shall deliver to CSD a cleaning and security deposit in the amount of One Hundred and no/100 Dollars ($100.00). Said deposit shall be refunded to Tenant at the time Tenant vacates the premises, less the cost of any cleaning or repairs necessitated by Tenant's failure to properly care for the premises. At the termination of tenancy, Tenant shall return the premises to the CSD in good repair and clean condition, normal wear and tear excepted.

2. CSD and Tenant agree to rental payments in the amount of Five Hundred and No/100 Dollars ($500.00) per month and that Tenant shall also provide the services described in Exhibit A (the "rental services"). Failure to pay the $500.00 per month rental fee and to provide such services in a reasonable and diligent manner shall constitute a material breach and entitle CSD to terminate this lease in accordance with paragraph 16 below. However, in the event that Tenant fails to provide such rental fees and services, CSD shall have the option, but not the obligation, in lieu of termination of the lease, to assess additional monetary rent to Tenant in the amount of $25.00 for each day Tenant fails to provide the agreed upon rental fee and services or fails to provide such rental services in a reasonable and diligent manner. Such monetary rent shall not be assessed for those times where CSD has been notified in advance of Tenant's proposed absence under paragraph 26 below, provided that such absences not exceed three days in any thirty-day period, nor fourteen days in any twelve-month period. Any monetary rent assessed hereunder shall be due and payable within five business days after notice of such assessment. Failure to make any such payment when due shall be a material breach of this lease. The CSD has the option to increase rental rates annually by ten percent (10%).

3. Tenant shall immediately commence occupation of the Mobile Home described above and perform the rental services described in Exhibit A within five calendar days after the effective date of this Lease.

4. Tenant shall perform the rental services as described in Exhibit A, using reasonable care and diligence.

5. The CSD shall be responsible for the following utility payments: electricity, trash, and water. The Tenant shall be responsible for payment of any other utilities, including, but not limited to: propane, telephone, and cable television service.

6. Tenant shall not take in boarders or sublet the Mobile Home in any fashion.

7. Tenant shall use the leased premises exclusively for a private residence for occupancy by no more than two persons. CSD covenants that the Tenant shall have, hold and enjoy the leased Mobile Home for the term of this Lease, subject to the conditions set forth herein.

8. Tenant shall repair or replace, at Tenant's expense, all loss or damage to any of the carpets, draperies, appliances and other household goods whenever such damage or loss shall have resulted from Tenant's misuse, waste or neglect of said furnishings (not to include normal wear and tear).

9. Tenant shall cause to be made, at Tenant's expense, all required repairs to heating and air conditioning apparatus, electric and gas fixtures and plumbing work whenever such damage shall have resulted from misuse, waste or neglect of Tenant, it being understood that CSD is to have same in good order and repair when giving possession.

10. Tenant shall keep the premises in good order and repair and shall advise CSD or CSD's agent of any needed repairs or maintenance reasonably expected to cost $50.00 or more. Tenant shall not make alterations, additions, or improvements to the property without prior consent to the CSD.

11. Tenant shall give prompt notice to CSD of any dangerous, defective, unsafe or emergency condition in or on the leased premises, said notice being by any suitable means. CSD or its agent shall repair and correct said conditions promptly upon receiving notice thereof from Tenant.

12. Tenant shall not change or alter in any manner any of the locks on the gates, doors, fences, etc. located on the property without prior approval of the CSD.

13. Tenant shall be considered for all purposes only a Tenant of real property and/or an independent contractor. It is understood and agreed that nothing contained herein shall be construed as making the Tenant or any individual who performs services under this Lease an agent or employee of the CSD and/or the City of Moreno Valley ("City"), or authorize the Tenant to create or assume any obligation or liability for or on behalf of the CSD and/or the City. Tenant expressly waives any rights to be considered an employee of CSD, the City or any affiliated public agency by virtue of the rental services, and acknowledges that Tenant shall not be entitled to any benefits of

employment, including without limitation, workers compensation coverage, retirement benefits, wages or overtime payments.

14. The Tenant and the CSD agree to use reasonable care and diligence in performance of their respective obligations under this Lease.

15. The Tenant shall comply with all applicable federal, state, and local laws in the performance of rental services under this Lease. Tenant agrees to comply with all sanitary laws, ordinances and rules affecting the cleanliness, occupancy and preservation of the premises during the term of this Lease.

16. Termination of Lease.

A. CSD or Tenant may terminate this lease without breach or fault on the part of the other upon sixty days written notice.

B. In the event of any breach by the Tenant of any of the Tenant's covenants, or agreements herein, CSD or its agents may give Tenant a three-day notice to cure said breach or quit the premises. Such notice shall set forth in writing which covenants or agreements have been breached and shall be deemed to be, for all purposes, the three-day notice to pay rent or quit required by California landlord-tenant laws. If any breach is not cured within said three-day period, CSD or its agents may terminate this lease. Upon terminating this lease as provided herein, CSD or its agent may commence proceedings against Tenant for his removal as provided for by law, as well as for collection of any unpaid monetary rent assessed under paragraph 2 above.

C. Upon termination of the lease, Tenant shall vacate the premises, leaving it in good repair and clean condition.

17. The Director or his/her designated representative shall be the primary contact person regarding performance of this Lease. The Director or his/her designated representative shall cooperate with the Tenant, and the Tenant shall cooperate with the CSD in all matters regarding this Lease and in such a manner as will result in the performance of the rental services in a timely and expeditious fashion.

18. The Tenant shall employ no CSD or City official or employee in the rental services performed pursuant to this Lease. No officer or employee of the CSD or City shall have any financial interest in this Lease in violation of federal, state or local law. Any employee Tenant retains to perform rental services shall be subject to prior approval by the CSD and shall acknowledge this Lease and agree in writing that he/she is not an employee of the CSD, the City, or any affiliated public agency, prior to undertaking any duties.

19. The Tenant understands and agrees that the appliances, curtains, and other attached items are the property of the CSD and shall remain in the Mobile Home when this Lease is terminated.

20. The CSD covenants that the leased premises are, to the best of its knowledge, clean, safe, sound and healthful and that there exist no violations of any applicable housing code, law or regulation of which it is aware.

21. No animal, bird, or pet shall be kept in or about the premises without written permission of the CSD.

22. Tenant's personal property is not insured by the CSD. Tenant is required to provide his or her own renter's insurance. The CSD is not responsible for theft or loss of Tenant's personal possessions.

23. Tenant shall not keep or have in or on the leased premises any article or thing that might be pronounced "hazardous" or "extra hazardous" by any responsible insurance company.

24. Tenant shall, at reasonable times, give access to CSD or its agents for any reasonable and lawful purpose. In an emergency, the CSD, its agents or authorized representative may enter the premises at any time without securing prior permission from the Tenant, for the purpose of making corrections or repairs to alleviate such emergency.

25. If the Tenant abandons or vacates the premises, the CSD may terminate this Lease and retain possession in the manner prescribed by law.

26. The Tenant agrees to provide thirty-day advance notice to the CSD when planning to be away from the premises or otherwise unable to provide the rental services more than two consecutive days and one week's prior notice when planning to be away from the premises overnight. Tenant may be away from the premises under this paragraph without breach of lease for failure to provide the rental services for those periods set forth in paragraph 2 above.

27. The Tenant agrees to indemnify, defend, and save the CSD, City and the Community Redevelopment Agency of the City of Moreno Valley ("RDA"), its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including the Tenant and any and all residents of the premises, and all claims which arise from or are connected with the negligent performance of or failure to perform the rental services or other obligations of this Lease, or are caused or claimed to be caused by the negligent acts of the Tenant, his/her minor children, spouse, or other individual residing on the premises, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the CSD, City, and/or RDA, its officers, agents, and/or employees. The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended or held harmless, whether in a judicial or administrative action or in arbitration, and

whether the issue is between the parties or involves one or more third parties. The CSD, City and RDA shall be added as additional insureds on all insurance policies that the Tenant chooses to obtain regarding the premises. The Tenant shall provide his own auto insurance. The Tenant shall, under no circumstances, hire others to work on the premises.

28. The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Lease, and shall also govern the interpretation of this Lease.

29. Unless otherwise provided for elsewhere in this Lease, any notice required or authorized herein shall be given in writing and mailed via U.S. first-class mail.

30. This Lease represents the entire and integrated agreement between the CSD and the Tenant, and supersedes all prior negotiations, representations or agreements, either written or oral. This Lease may be modified or amended only by a subsequent written addendum signed by both parties.

31. CSD and Tenant agree that this Lease, when filled out and signed, is a binding legal obligation.

32. This Lease supersedes any prior lease agreement on the property.

City of Moreno Valley

_____
Mayor, Acting in the Capacity as
President of the Board of Directors of the
Moreno Valley Community services District

Date: _____

APPROVED AS TO FORM THIS

_____ day of _____, 2010

_____
City Attorney

Tenant

_____
Robert Humbarger

Social Security Number:_____

Date: _____

_____
Christina Humbarger

Social Security Number: _____

Date:_____

Attachment
Exhibit A

EXHIBIT A
SERVICES TO BE PROVIDED BY TENANT

It is understood that the term "property" described below includes all areas of the Moreno Valley Equestrian Park and Nature Center, including without limitation, the following areas: All parking lots, fenced mobile home site, construction trailer, arena, and area above the arena. The Tenant will report anything unusual to the CSD's representative as soon as possible. The Tenant shall:

1. Maintain security of the property by patrolling all areas at least twice a day, seven days a week. Ensure that all gates, restrooms, etc. are locked up and lights are turned off not later than 10:00 p.m. each evening, unless specifically informed otherwise by the CSD.
2. Be present on the property and alert for security or maintenance problems, for such hours as shall be agreed upon by the Tenant and CSD.
3. Report any security, park use or maintenance problems or issues to CSD or the police, as may be appropriate, promptly upon discovery.
4. Maintain a pleasant manner and good relations with members of the public and persons lawfully using the Moreno Valley Equestrian Park and Nature Center.
5. Assist in keeping all areas of the property free of trash and debris on a daily basis. Remove graffiti as needed within 24 hours of being discovered (materials for graffiti removal are available from the CSD).
6. Inspect all plant material and report any findings of distress as soon as possible to the CSD.
7. Report any malfunctioning lights and irrigation/sprinklers as soon as possible to the CSD.
8. Clean, maintain and restock restroom facility on a daily basis (supplies to be provided by the CSD).
9. Report any light outages to the CSD as soon as possible.
10. Maintain the mobile home and surrounding yard in an attractive appearance that enhances the value of the property.
11. Allow periodic inspections of the Tenant's residence and assist CSD staff with any repairs to the residence as needed.

ORDINANCE NO. CSD 54

AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley, acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, does ordain as follows:

1.1 AMENDMENT: Section 5. Regulations of CSD Ordinance No. CSD 52 is amended in its entirety to read as follows:

"SECTION 5. REGULATIONS:

Unless specifically provided otherwise in this Ordinance, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the Board of Directors.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the Board of Directors.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted “leash optional” area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to

maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzene, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code

without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

2.1 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the Board of Directors which addresses the same subject addressed herein.

3.1 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the Secretary of the District shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

4.1 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley, acting in the capacity as the President of the Moreno Valley Community Services District

ATTEST:

_____
City Clerk of the City of Moreno Valley acting in the capacity as Secretary of the Moreno Valley Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity as General Counsel of the Moreno Valley Community Services District

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MV00074567

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00074569

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00074571

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00074573

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

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MV00074575

Southern California Edison 2010 State of the Utility

Ray Hicks
SCE Local Public Affairs
Eastern Region

August 24, 2010

SCE at a Glance

- Southern California Edison (SCE) is one of the nation's largest electric utilities
- SCE provides electricity to nearly14 million people living and working within its 50,000 square-mile service area of Southern California
- SCE's service territory includes more than 180 cities in ten counties, excluding Los Angeles, Pasadena, Glendale, Anaheim, Vernon and a few other Southern California cities and electric cooperatives

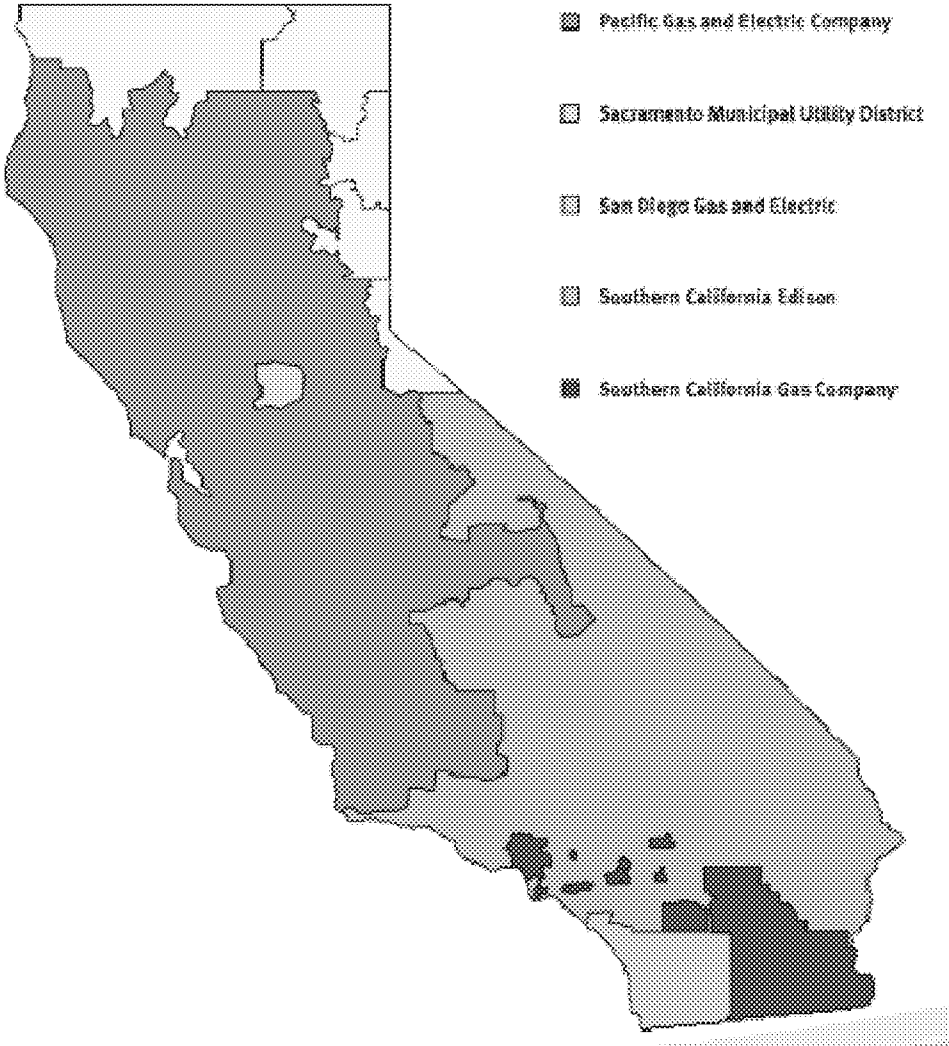

MV000074577

Southern California Edison...more than a century of service

Based in Rosemead, today's Southern California Edison is the product of more than 120 years of providing safe, reliable electric service to central, coastal and Southern California.

SCE is planning for the future to help meet the region's growing energy demands

Advanced Technologies

- SCE is a leading player in the development of advanced technologies including electric transportation and energy storage

Environmental

- SCE is committed to new technologies that will make electric power more environmentally friendly and energy-efficient

Smart Homes

- SCE is working to support the development of "smart homes" that will empower customers to use energy in increasingly efficient ways

Generation

- SCE is committed to advancing generation technologies that create power in an environmentally friendly manner

SCE is Building a Smarter, More Efficient Electric Grid

SCE is making significant financial investments to enhance its power grid in order to improve service reliability and reduce our dependency on foreign oil

Grid improvements include:

- Installing new poles and wires
- Constructing new substations
- Installing more than five million new technologically advanced meters

What will SCE's Smart Grid do?

Adding more sophisticated intelligence and control to SCE's grid will allow for:

- Higher capacity for power transmission
- Integration of more renewable generation
- Safer, more efficient and effective maintenance practices
- Faster restoration of unavoidable power outages
- More customer choice and energy determination

A smarter grid will:

- Prevent catastrophic system failures
- Minimize customer power disruptions due to distribution system failures
- Improve workforce safety and asset efficiency

Helping Customers to Use Energy More Efficiently and Reduce Costs

Engaging Customers in the Supply Chain

Zero Net Energy Home

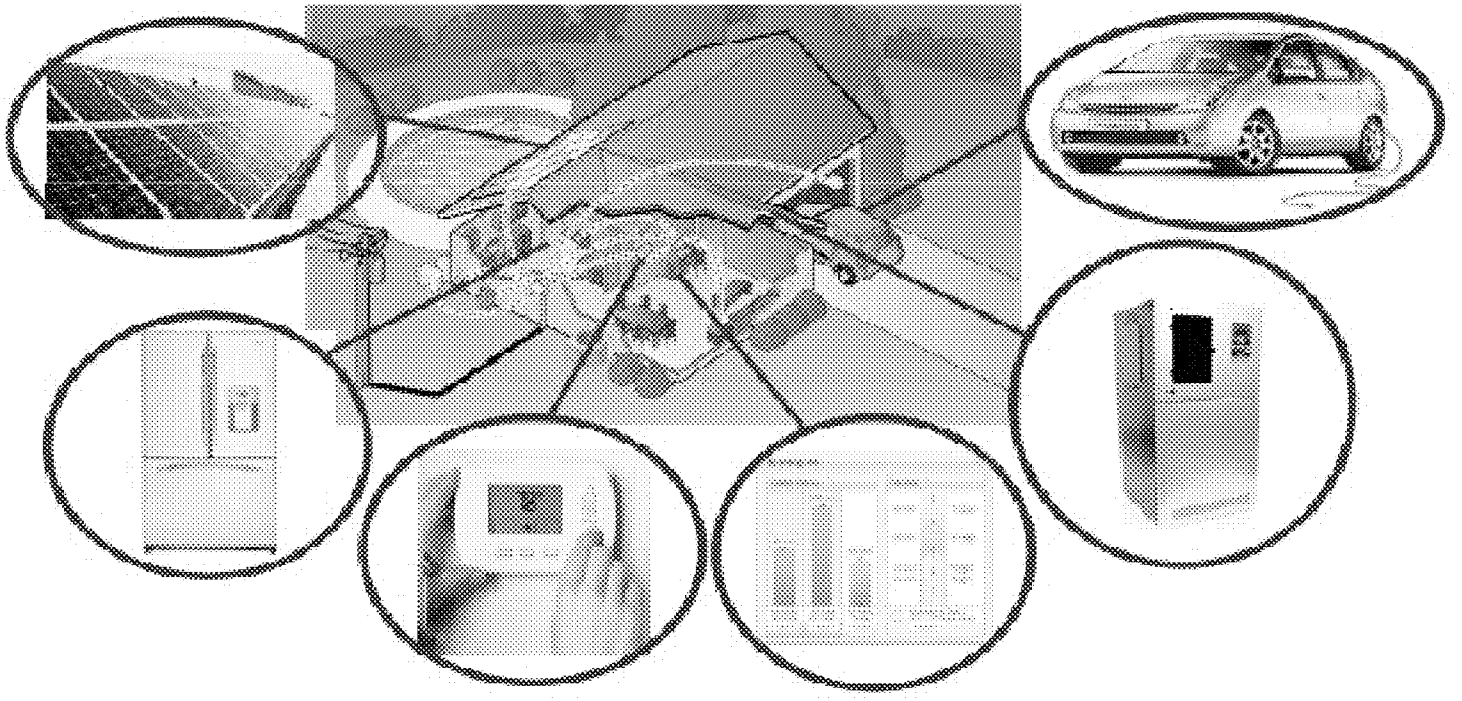

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Item No. G.2

SCE is Leads the Nation in Purchasing Environmentally Friendly, Clean Energy from Renewable Generation Sources

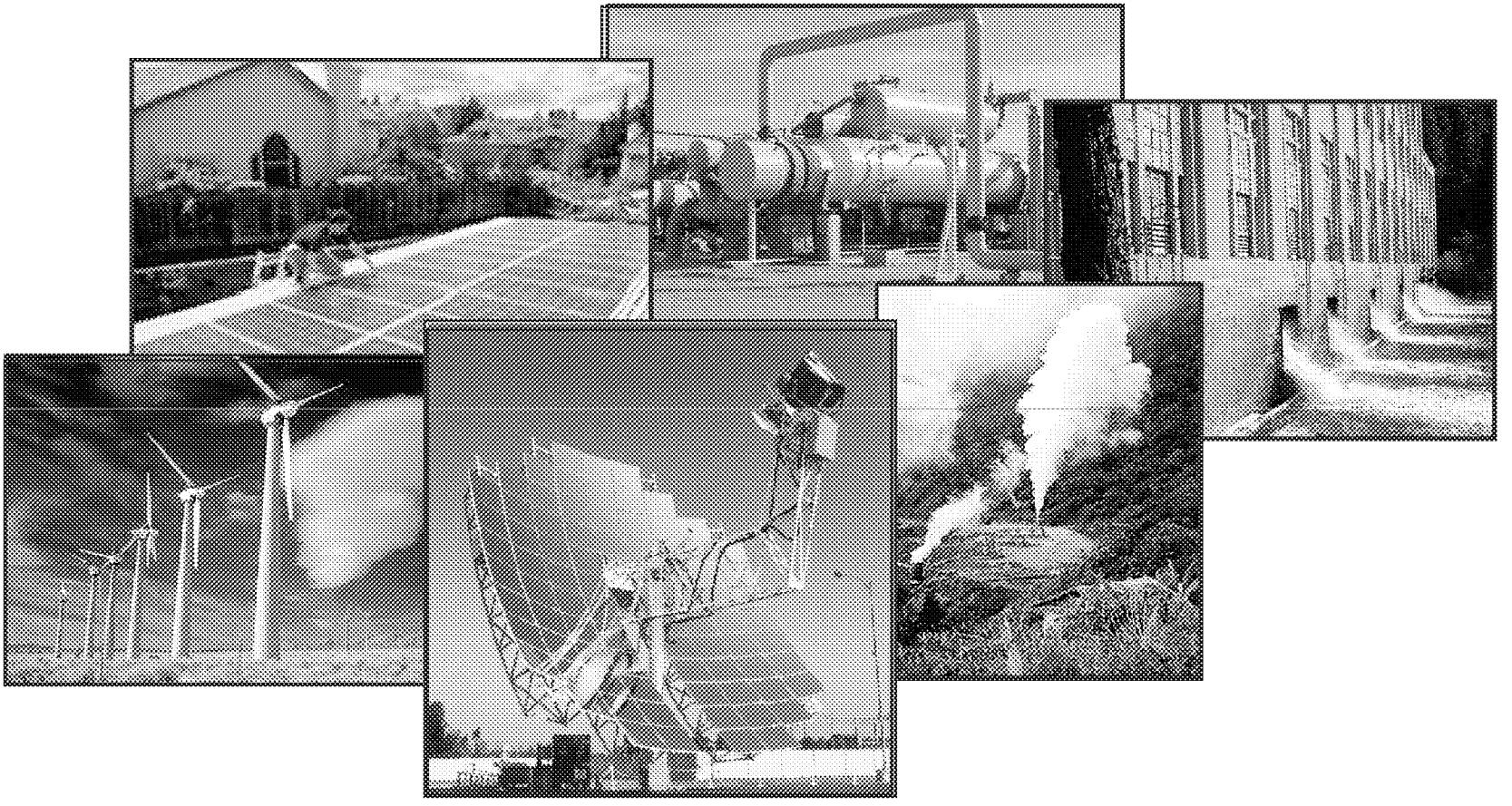

SCE has the largest portfolio of renewable generation in the nation

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Empowering Customers to Save Energy and Save Money via SCE's Special Programs and Services

- **CARE** (California Alternate Rates for Energy) is a customer energy program created by the California Public Utilities Commission to help provide financial relief to SCE residential customers with limited income.
  - CARE program reduces rates for income-qualified customer rates an average of 20%
- **FERA** (Family Electric Rate Assistance) program can help those SCE customers who don't qualify for CARE
- Available energy-efficiency rebates for pool equipment, heating and air conditioning, lighting and appliances
- Local government energy partnerships

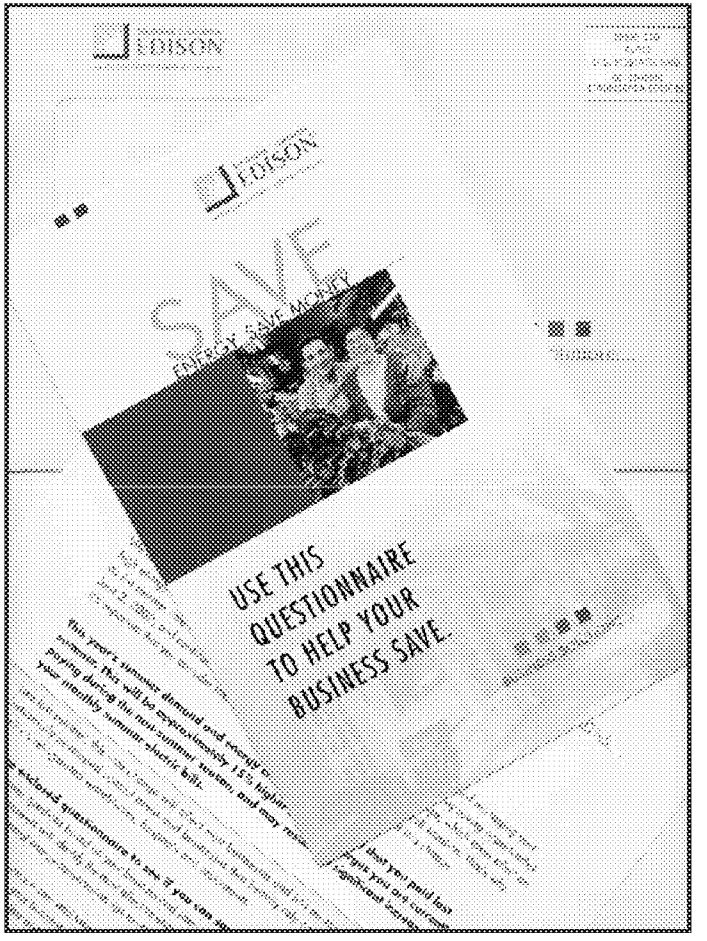

SCE's Leadership in Purchasing Solar Energy

Cumulative Rankings – Top Ten

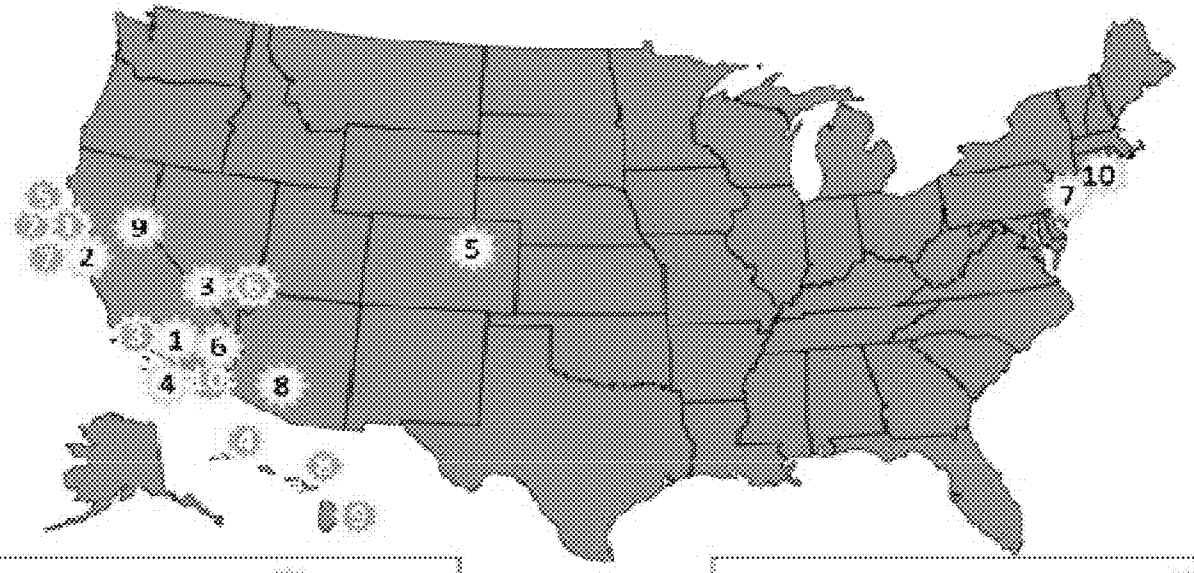

Total Solar Megawatts

Cumulative

#1 Southern California Edison – CA (441.4)
#2 Pacific Gas & Electric Co. – CA (229.5)
#3 NV Energy – NV (77.8)
#4 San Diego Gas & Electric Co. – CA (49.3)
#5 Public Serv. Co. of CO (Xcel Energy) – CO (28.5)
#6 LA Department of Water & Power – CA (13.6)
#7 Public Service Electric & Gas Co. – NJ (13.2)
#8 Arizona Public Service Co. – AZ (10.6)
#9 Sacramento Municipal Utility District – CA (10.2)
#10 Long Island Power Authority – NY (2.7)

Total Solar Watts per Customer

Cumulative

#1 San Francisco PUC – CA (4739.3)
#2 Port of Oakland – CA (3814.7)
#3 Southern California Edison – CA (91.7)
#4 Kauai Island Utility Coop. – HI (70.6)
#5 Palo Alto Utilities – CA (70.4)
#6 NV Energy – NV (68.6)
#7 Pacific Gas & Electric Co. – CA (44.3)
#8 Maui Electric Co. – HI (43.8)
#9 Hawaii Electric Light Co. – HI (41.0)
#10 San Diego Gas & Electric Co. – CA (36.3)

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Source: Wired Science May 2009

Edison SmartConnect™ Advanced "Smart Meters"

- SCE is rolling out its Edison SmartConnect program across its 50,000 square-mile service territory.

- By 2012, the utility will have installed 5 million smart meters to help customers save energy and money.

- These new digital, secure, two-way communicating meters will measure electricity usage up-to-the minute and enable customers to track how much they use, and how much it costs them.

Edison SmartConnect™ Customer Benefits

Edison SmartConnect™ will empower customers to more effectively manage their electricity, helping them save energy, money, and the environment.

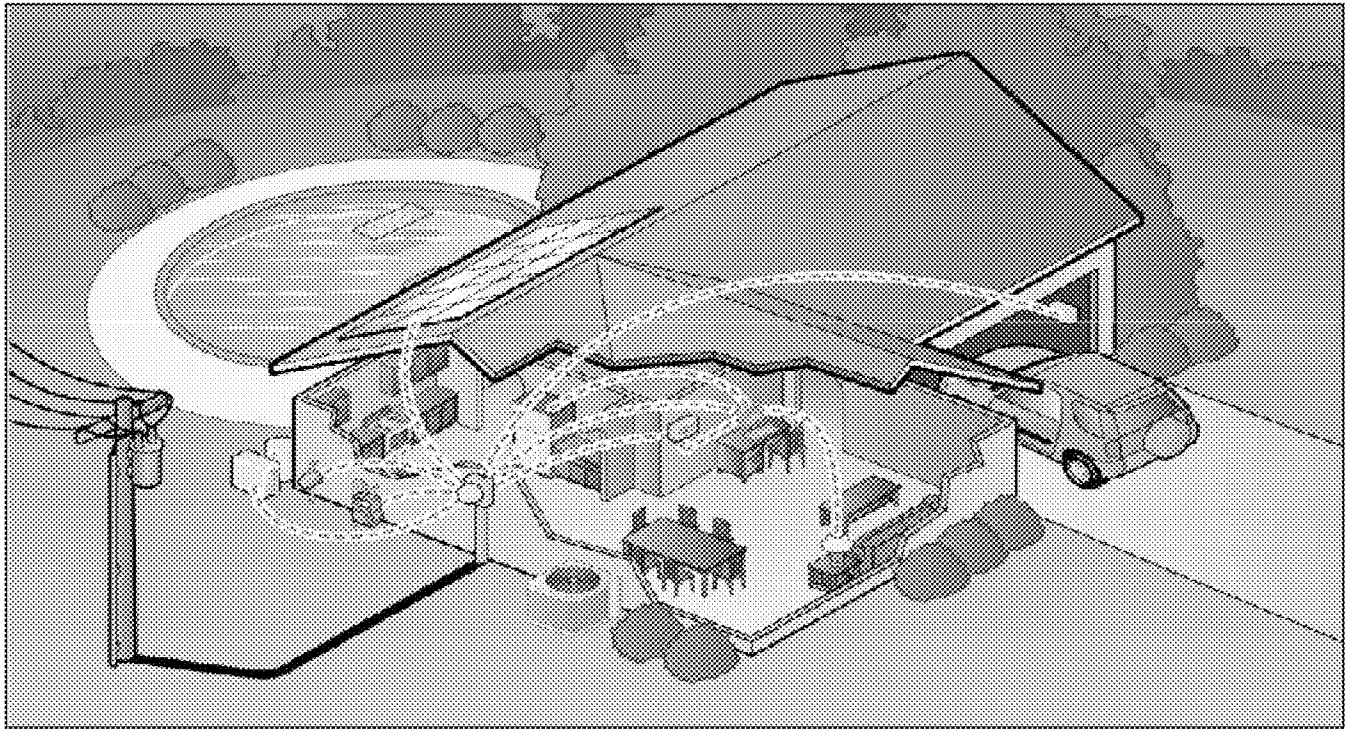

Plug-in Electric Vehicles (PEV)

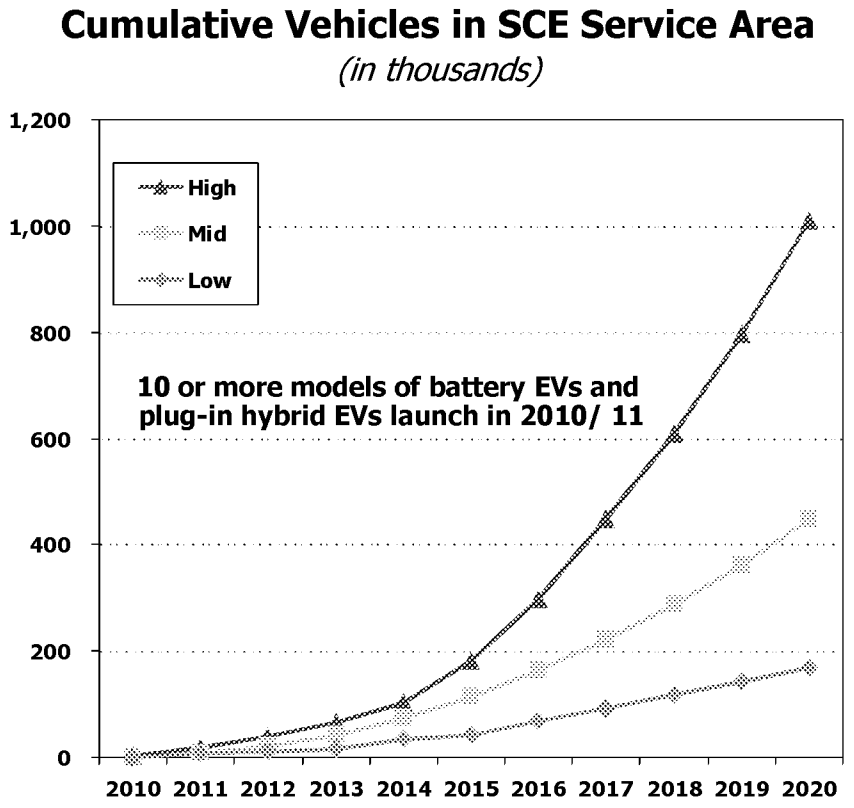

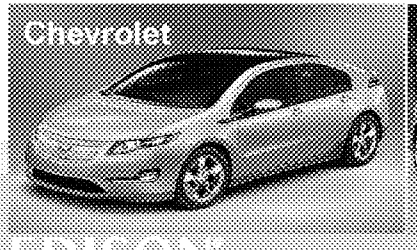

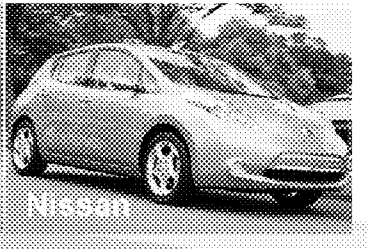

Readiness / Collaboration

- SCE has been an industry leader with PEVs since 1988 and is now preparing for their launch in 2011
- SCE and many utilities nationwide are working with automakers, cities and other stakeholders to help:
  - Streamline the 240 V home charging installation process
  - Develop public charging infrastructure plans
  - Collaborate on education and outreach
  - Seek vehicle and infrastructure incentives

EDISON INTERNATIONAL

SCE Supporting the Community of **Moreno Valley**

Community Involvement

- SCE company has a long-standing tradition of helping those in need through its corporate giving efforts, including providing grants to educational, environmental and other nonprofit organizations. We partnered with the city during your birthday festivities.

- SCE has employee giving initiatives that encourages employees to get involved in the communities in which they live and work. Employees reported 1,753 volunteer hours in the city of Moreno Valley in 2009.

SCE: Your Trusted Energy Partner

Emergencies: [Power outages and downed power lines]

- **1-800-611-1911**

General Information:

- **1-800-655-4555**

Ray Hicks (951) 928-8238

Public Affairs Region Manager

Gerald Wilson (909) 421-6451

Energy Efficiency Account Manager

Southern California Edison

- www.sce.com

CA Energy Commission

- www.energy.ca.gov

CA Public Utilities Commission

- www.cpuc.ca.gov/

CA Independent System Operator

- www.CAISO.Com

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MV00074591

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: August 24, 2010

TITLE: Military Appreciation Banner Program

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

BACKGROUND

Moreno Valley resident PFC Marcus Tynes was killed on November 22, 2009 while serving our country in Afghanistan. PFC Tynes' family contacted the City Council in November 2009 with a request that the City consider implementing a banner program recognizing Moreno Valley servicemen and women.

At a City Council Study Session on February 16, 2010, the City Manager's Office presented information on several military banner programs that exist in other local jurisdictions that pay tribute to their residents serving in the military. Council provided direction to the City Manager's Office to establish a Military Banner Program Committee in order to develop a Military Banner Program to honor the City's active duty military service personnel.

DISCUSSION

The Military Banner Program Committee consists of Mayor Bonnie Flickinger, Mayor Pro Tem Robin Hastings, Major Don Traud, resident Bruce Atlas, Moreno Valley

Chamber President/CEO Oscar Valdepena, Chamber Military Affairs Committee Co-Chairs Laura Froehlich and Wendy McCool, and City staff. The Committee met on April 22nd to discuss the development of a Military Banner Program. The Committee discussed eligibility criteria for inclusion in the Military Banner Program, banner design and location, cost of the banners, program implementation, and administration of the program.

From the information gathered at the April 22nd meeting, City Staff developed a Military Appreciation Banner Program Policy (Attachment B). The City's Graphics section designed banners for both active duty military service personnel (Attachment C) and for those killed in action (Attachment D). Additionally, an application for a military banner for active duty military servicemen and women (Attachment E) and a Certificate of Appreciation (Attachment F) were developed. Finally, the existing Veterans Memorial Application Form was modified to include information for a special military banner to honor those Moreno Valley residents that have been killed in action while serving our country (Attachment G). The Military Banner Program Committee met on August 5th and approved Attachments B – G. A summary of the pertinent details of the policy are listed below.

Eligibility: The designated honoree must meet one of the following criteria:

- An active duty member of the United States Military and a City resident
- An active duty member of the United States Military who graduated from a high school located in Moreno Valley
- An active duty member of the United States Military who is an immediate family member of a current City resident
- An active duty member of the United States Military whose home of record states the City of Moreno Valley.

Special Provision: Moreno Valley residents who were killed in action while serving in the military will have a special banner produced and displayed by the City. These special banners will have a similar but distinct appearance that will designate them as killed in action honorees.

Cost: The cost of a military banner for active duty military service personnel will be paid for by the applicant as established in the attached Fee Resolution. The cost for the military banner will not exceed the actual cost to produce a personalized banner. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00.

The cost of the banner for a military serviceperson who has been killed in action will be borne by the City, which is reflective of an established City Council policy. This policy was first established with the engraving of names on the City's Veterans Memorial to honor those Moreno Valley residents who were killed in action. The estimated cost for the initial installation of ten banners to honor the military servicemen and women killed

in action whose names are currently engraved on the Memorial, is approximately $2,100.

Locations: The display of the banners for active duty military servicemen and women will begin on Veterans Way at Alessandro Blvd and proceed south to Cactus Avenue. Banners will then be displayed on Cactus Avenue beginning at the entrance to March Air Reserve Base and proceed east on Cactus. As the program expands, other streets for banner installation may include Frederick north of Cactus, Graham/Riverside Drive, Heacock, or John F. Kennedy. Banner installation will be done by the City's Traffic Signal Maintenance staff who will be responsible for the twice-yearly installation.

The proposed location for the special military banners honoring the lives of those military servicemen and women killed in action is on the street light poles that illuminate the driveway of Avenida Romelio Ruiz, which is the east entrance driveway for the Veterans Memorial, as well as on the street light poles at the Veterans Memorial, the south driveway exit from the Memorial, and Calle San Juan de Los Lagos.

Implementation and Administration: It is anticipated that the initial installation for the military banners will occur in October/November 2010 prior to Veterans Day and will only be for those military servicepersons killed in action. Following the initial installation, banners will be installed twice each calendar year for both active duty military service personnel and for those killed in action if applicable. Banner installations will take place in April/May in advance of Memorial Day and in October/November prior to Veterans Day as long as the Military Appreciation Banner Program remains active. Administration of the program will be conducted by the City's Parks and Community Services Department in conjunction with the current Veterans memorial Paver Program.

The attached Military Appreciation Banner Policy will ensure that the program's goals are maintained. As this is a new program, staff requests the authority to make administrative changes to the policy after implementation in order to effectively and efficiently manage the program.

ALTERNATIVES

1. Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation. ***Staff recommends this alternative.*** *The approval of this program will demonstrate the City's dedication to honoring our Military servicemen and women and will promote a sense of community pride.*

2. Do not approve the Military Banner Appreciation Program, do not adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and do not appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that

have been killed in action while serving our Nation. ***Staff does not recommend this alternative.*** *The City would continue recognizing military veterans through the existing Veterans Memorial and Paver Programs.*

FISCAL IMPACT

The military banners that will be displayed for active duty military servicemen and women will be funded by the applicant per the established fee schedule. This cost will not exceed the actual cost to produce a personalized banner as well as the cost of the hardware. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00

The special military banners that will be displayed in remembrance of those Moreno Valley military servicemen and women who gave their lives for our country will be paid for by the City. The expected cost for the initial installment of military banners honoring those military service personnel killed in action is estimated at $2,100. Funding for the purchase of these banners will come from the City Manager's budget, fund 99110. Staff is requesting an appropriation in the amount of $2,100 be transferred from fund 99110 to 00359.359.22410.17.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

A Military Banner Program will allow the City to recognize and celebrate Moreno Valley residents, or their immediate family members, who are currently serving in the United States Military. A special military banner will be displayed in remembrance of Moreno Valley residents that were killed in action while serving our Nation.

ATTACHMENTS

Attachment A:	Proposed Resolution
Exhibit "A":	Proposed Schedule of Fees
Attachment B:	Military Appreciation Banner Program Policy
Attachment C:	Active Duty Military Banner
Attachment D:	Killed in Action Military Banner

Attachment E: Application Form for a Military Banner for Active Duty Military Service Personnel
Attachment F: Certificate of Appreciation
Attachment G: Application Form for Veterans Memorial and a Military Banner for Military Service Personnel Killed in Action

Prepared By:
Cynthia Owens
Acting Assistant to the City Manager

Department Head Approval:
Michelle Dawson
Acting Assistant City Manager

Concurred By:
Michael McCarty
Parks & Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074597

RESOLUTION NO. 2010-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION 2010-23 TO ESTABLISH FEES FOR THE MILITARY APPRECIATION BANNER PROGRAM IN ORDER TO RECOVER THE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE MILITARY BANNER PROGRAM

WHEREAS, the City Council has approved the Military Appreciation Banner Program; and

WHEREAS, the City Council has established the Veterans Memorial Paver Program at the Veterans Memorial; and

WHEREAS, the cost of rendering these programs should be borne by the beneficiaries of said programs; and

WHEREAS, data supporting the estimated cost for providing said program has been made available to the City Council and to the public; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Section 7 – Parks and Community Services of Exhibit A of Resolution 2010-23 is hereby amended to add new fees as follows:

Military Banner Program	**Fee**
Military Banner for Active Duty Military Service Personnel	$100.00
Veterans Memorial Paver Program	
Veterans Memorial Paver	$200.00

2. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General fund of the City or into such special funds as may be otherwise required by law.

3. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or

application, and to this end the provisions of this Resolution are hereby declared to be severable.

4. Each fee or charge set forth by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

5. The fees approved and established herein shall become effective on Wednesday, August 25, 2010.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00074601

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Plan Check Fees (1 - 3 submittals)		
Project Cost:		
$0-$20,000		3.50%
$20,001-$100,000		3.25%
> $100,000		3.00%
4th and subsequent submittals		$ 140.00
Revisions		
Minor (detail changes only)		$ 256.00
Major		Same as initial submittal
Inspection and Testing		
Project Cost:		
$0-$20,000		7.00%
$20,001-$100,000		6.00%
> $100,000		5.00%
Research of Records, Files, etc		Actual City Cost
Military Banner Program		
Military Banner for Active Duty Military Service Personnel		$100.00
Military Banner for Military Service Personnel Killed in Action		Waived

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Veterans Memorial Paver Program		
Veterans Memorial Paver		$200.00

Section 7 - Parks and Community Services

Parks

	Unit	Fee
Veterans Memorial - Engraving for Military Service Personnel Killed in Action		Waived

Penalty Fees

Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with Parks and Community Services	per Offense	$ 561.00 plus actual damages
Applicant's failure to schedule inspection prior to performing work	per Offense	$ 112.00
Applicant's failure to attend or be prepared for a scheduled inspection	per Offense	$ 112.00

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MV00074605

Military Appreciation Banner Policy

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard) or have been killed in action.

DEFINITIONS:

"Active Duty" for the purposes of this program is defined as six (6) months of continuous service in the United States Military, including the National Guard and Reserve for each military service division.

"Immediate Family" for the purpose of this policy shall be defined as mother, father, son, daughter, wife, husband, brother, sister, or grandchild.

"Military service division" shall be defined as Army, Navy, Air Force, Marines and Coast Guard, including the respective National Guard and Reserve for each division.

I. Introduction

The City of Moreno Valley ("City") permits the display of banners at specified locations, on City-owned property, within City rights of way, and/or within other public rights of way subject to the City's control pursuant to established policies. The display of military banners is permitted solely in conformance with this policy. In establishing this policy, the City does not intend in any manner to create a public forum or other means by which non-commercial, social, religious or political messages may be conveyed, or by which public discourse, exchange of opinions or discussion on issues of any nature may occur. Rather, the limited purpose of the Military Appreciation Banner Program is to recognize and honor the contribution of Moreno Valley's active duty military personnel by permitting the uniform display of banners containing the serviceperson's photo, name and military service division.

II. Military Banner Policy

Consistent with the intent of the City, as expressed above, the City permits the display of the military banners solely in accordance with the following policy:

A. Banner Printing – Military Serviceperson's Name and Division

The name (first and last and suffix, if any) and military service division will be printed on the banner. A military serviceperson's name cannot appear on more than one banner.

B. Eligibility Criteria

The designated honoree must be:

1. an active duty member of the military and a City resident; or
2. an active duty member of the military whose home of record states the City of Moreno Valley; or
3. an active duty member of the military who graduated from a high school that is located within the City; or
4. an immediate family member of a current City resident.

C. Determination of Eligibility

Military Appreciation Banner Policy

The application must include a copy of a driver's license or other picture identification, satisfactory to the City, which shows the address of the military service person, or his or her immediate family member's address as being in the City. If the applicant is applying on behalf of a military serviceperson as a graduate from a high school located within the City a copy of the high school diploma and/or a certified copy of the school transcript shall be submitted. The application must also include satisfactory documentation (e.g., military identification) establishing the name, military services division, and active duty status of the person whose name is to appear on the banner.

Parks and Community Services staff will convene a Review Committee twice each year to review all applications for compliance with the eligibility criteria. The final determination of eligibility is at the discretion of the committee.

D. Installation

The installation of the military banners shall occur twice each calendar year (April/May and October/November in advance of Memorial Day and Veterans Day respectively) so long as the military banner program remains active.

E. Display Term

A banner will be displayed continuously once it has been installed and will be removed when:

1. the banner becomes damaged due to wind, age, or other reasons as solely determined by the City; or
2. the military service person no longer meets the eligibility criteria; or
3. the applicant for the banner fails to submit the required annual verification paperwork verifying that the military service person continues to meet the Eligibility Criteria; or
4. the Military Appreciation Banner Program is discontinued for any reason at the discretion of the City Council.

Once the military banner is removed from its location, the banner applicant will be notified that the banner can be obtained from the Parks and Community Services Department.

F. Application Process

Anyone requesting a military banner shall submit a complete banner application to the City's Parks and Community Services Department on the form provided by the City, together with the then current application fee made payable to the City. The required fee has been calculated to offset a portion of, but not exceeding, the costs of the personalized banner. All banner locations are assigned by the City. The number of banners as well as the specific locations of the banners shall be determined solely by the City, and may be revised without prior notice. The requestor of the banner cannot select a specific location.

Each applicant must provide information on the application form sufficient to investigate and verify the facts stated and to determine whether the applicant satisfies the requirements of the policy. The City's Parks and Community Services Department will administer the Military Appreciation Banner Program and the Department Director (or his/her designee) shall approve the applications. Each completed application shall be approved or denied within ten (10) business days of receipt. The City shall approve a banner application upon completion of the review, provided: (1) the military serviceperson meets all of the criteria set forth in this policy, (2) the applicant has provided all required information and (3) the applicant has been completely truthful.

When an application is approved, the military serviceperson's name and military services division will be printed on both sides of the banner. The banner will be ordered by the City, however, it will be paid for by the applicant. The completed application must include either a five (5) inch by seven (7) inch photograph of the military serviceperson in their dress uniform or provide a digital image of not less than 300 d.p.i. If the City determines the digital image is not of sufficient quality for printing the banner then the applicant will be given the option of submitting either a (5) inch by seven (7) inch photograph or having the logo/seal of the military services division placed on the banner. Should an applicant desire to not have a photograph on the banner, the appropriate military services division logo/seal will be used.

G. Annual Eligibility Determination

On an annual basis, the City will require that all applicants for military banners for active duty military personnel provide written verification that the active duty military serviceperson still meets the Eligibility Criteria. The person who applied for the military banner will be contacted at their last known address listed on their application form. It shall be the responsibility of each applicant for a military banner to promptly update his or her information on file with the City's Parks and Community Service Department as needed. The City shall not be responsible in the event the City does not receive any updated information that is not personally delivered to the City's Parks and Community Services Department. All banners for military servicepersons no longer meeting the Eligibility Criteria shall be removed and the location reassigned. Any banner that is removed, whether from lack of eligibility or from being weathered, shall be provided to the applicant.

H. Replacement of Banner

In the event a banner must be replaced for any reason (e.g. weathered, vandalism, stolen, wind event), and so long as the Eligibility Criteria remains satisfied as established by documentation provided by the applicant, then upon payment of the City's banner fee a new banner will be ordered. The banner will be installed in accordance with the City's installation policy set forth in Section D.

III. General Provisions

The City shall not be responsible for damage to or thefts of banners. Furthermore, by applying for and receiving approval for a military banner to be displayed, the applicant agrees to indemnify and hold the City of Moreno Valley, the Moreno Valley Redevelopment Agency, the Moreno Valley Community Services District, and each of the City's and Agency's elected officials, officers, employees, agents, and volunteers free and harmless with respect to any and all liabilities, claims, lawsuits and/or damages of any nature whatsoever that allegedly arise from or are connected to the approval of the applicants banner application, including the display of, and/or damage to or loss of any banner or banners.

The City reserves the right to revise this policy, discontinue the Military Appreciation Banner Program, and/or revise applicable fees without prior notice. If the program is discontinued, each banner will be returned to the applicant thereof or to the military serviceperson named on the banner.

IV. Special Provisions

It is the intent of the City Council to provide banners honoring those Moreno Valley residents who were killed in action while serving in the military. Banners similar to the military banners for active duty personnel will be produced and displayed by the City and hereinafter will be included as part of the killed

Military Appreciation Banner Policy

in action application process for the Veterans Memorial administered by the City. These special banners will have a similar but distinct appearance designating them as killed in action honorees. The cost of the banners will be borne by the City and the banners will be replaced by the City when damaged. Banners honoring the killed in action soldiers already included on the City's Veterans Memorial will be installed with the initial implementation of the banner program.

Moreno Valley Honors

John Smith

Army

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MV00074611

Moreno Valley Remembers

John Smith

Army

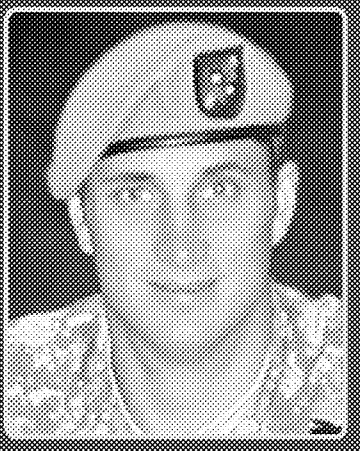

ATTACHMENT D

Item No. G.3

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MV00074613

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

APPLICATION FOR MILITARY APPRECIATION BANNER PROGRAM
ACTIVE DUTY MILITARY PERSONNEL

The City of Moreno Valley wishes to honor Moreno Valley servicemen and women by celebrating their service with the Military Appreciation Banner Program. The City is accepting nominations from the community for active duty military service personnel who are residents of Moreno Valley, who have immediate family residing in Moreno Valley, or graduated from a Moreno Valley high school. If you know of someone that you feel would be worthy of this honor, please complete the attached nomination form, provide any required documentation and your payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00), and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services at (951) 413-3701.

MILITARY BANNER REQUEST FOR RECOGNITION – ACTIVE DUTY MILITARY SERVICE PERSONNEL

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard)

POLICY:

I. Procedure for Submitting Names to Request a Military Banner to be Displayed

A. Nomination form including full name, rank and branch of service; proof of active duty Military status; proof of residency for the Military serviceperson or immediate family member; proof of graduation from a high school located in Moreno Valley if applicable; a 5" x 7" photograph or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform; and payment (check or money order) should be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to have a Military Banner displayed.

A. Once nominations are received, the information will be reviewed and approved by the City.

B. Banners will be installed twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day. Once the banner is in place, the applicant will be mailed a certificate honoring the Military service person.

C. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

D. Only one banner per Military serviceperson is allowed.

II. Nominee Qualifications:

In order to be nominated for a Military Banner the Nominee must meet the following qualifications:

A. Nominee must be currently serving in the United States Military.

B. The active duty Military serviceperson, or their immediate family member, must be a resident of Moreno Valley or the Military serviceperson must have graduated from a Moreno Valley high school.

C. Active duty status will need to be verified annually in order for the Military Banner to continue to be displayed.

NOMINATION FORM FOR MILITARY BANNER
ACTIVE DUTY MILITARY SERVICE PERSONNEL

Please Print

NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Graduate from a Moreno Valley High School	(circle one) **Yes** **No**
Please attach a birth certificate, Home of Record or proof of residency for the nominee or proof of residence for the immediate family member; proof of current active duty Military status; proof of graduation for the nominee from a Moreno Valley high school if applicable; and a 5" x 7" photograph or a digital image of not less than 300 d.p.i.	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Mail the completed nomination form, any required documentation and payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00) to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Proof of Military Service:	
Payment (check or money order):	
Date Approved by Review Committee:	
Recommended Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

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MV00074617

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

Certificate of Appreciation presented to:

Mrs. Smith

November 11, 2010

On Veterans Day 2010 a banner was installed on your behalf at _____ and _____ honoring your loved one's service to our Nation.

_____

BONNIE FLICKINGER, MAYOR

Military Appreciation Banner Program

ATTACHMENT F

MV000074618

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MV00074619

CITY OF MORENO VALLEY

APPLICATION FOR THE NOMINATION OF KILLED IN ACTION MILITARY PERSONNEL: VETERANS MEMORIAL AND MILITARY BANNER APPRECIATION PROGRAM

The City of Moreno Valley is dedicated to honoring our Military servicemen and women who were killed in action while serving our Country. The memories of our Moreno Valley residents who have made this ultimate sacrifice are honored by having their names permanently engraved on the Veterans Memorial located at the Moreno Valley Civic Center. Additionally, a special Military Banner will be displayed in remembrance of these veterans. To nominate a Moreno Valley resident killed in action, please complete the attached nomination form, provide any required documentation and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services Department at (951) 413-3701.

VETERANS MEMORIAL AND MILITARY BANNER REQUEST
FOR RECOGNITION - KILLED IN ACTION

PURPOSE: To solicit from the community nominations for recognition at the Veterans Memorial, located at the Moreno Valley Civic Center, as well as to have a special Military Banner displayed for servicemen and women killed in action (KIA).

POLICY:

I. Procedure for Submitting Names for Inclusion on the Veterans Memorial (Killed in Action) and the Display of a Military Banner:

A. Nomination form including full name; rank; branch of service; Report of Incident (provided by the military); a birth certificate, Home of Record or proof of residency; and a 5" x 7" photo or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform must be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to be listed on the monument and to have a Military Banner displayed. *There is no charge to list KIAs on the Veterans Memorial and to have a banner displayed.*

B. Once nominations are received, the information will be reviewed and approved by the City.

C. Names will be added to the Veterans Memorial twice a year; just prior to Memorial Day and Veterans Day.

D. Banners will be installed for display twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day

E. Only the Nominee Name, Rank and Branch of Service will appear on the Monument.

F. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

II. Nominee Qualifications:

In order for a deceased veteran to be nominated for inclusion on the Veterans Memorial and to have a special Military Banner displayed, the Nominee must meet the following criteria:

A. Killed in Action as determined by the military. A certified Report of Incident, which is issued for all KIA by the military, must be submitted.

B. Died during a period of action/invasion/conflict. This includes the following, but is not limited to: World War I, World War II, Korea, Vietnam, Desert Storm, Enduring Freedom, Desert Shield, Somalia, Granada, Operation Just Cause, and Operation Iraqi Freedom. Friendly Fire is recognized as KIA (i.e., accidents such as helicopter or motor vehicle accident).

C. A certified Home of Record, birth certificate or proof of residence must list Moreno Valley, California. This includes the communities of Sunnymead, Edgemont, and Moreno prior to incorporation. Exception may be made if Nominee was born on March Air Force Base and attended Moreno Valley schools.

Nominee would be recognized on *pavers,* not the memorial, if one of the following applies:

- Nominee died while in the States and not during transportation to/from action, unless declared KIA by the military.
- Nominee died after conflict concluded.
- Nominee died from injuries sustained in conflict but died after returning to the States, unless declared KIA by military.

NOMINATION FORM FOR VETERANS MEMORIAL AND MILITARY BANNER

Please Print

KILLED IN ACTION NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Please attach a certified Report of Incident provided by the military, a birth certificate, Home of Record or proof of residency, and a 5" x 7" photo or a digital image of not less than 300 d.p.i.,	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Please provide any additional information that you would like for the Committee to consider.

Mail the completed nomination form, any required documentation to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Report of Incident Provided:	
Home of Record/Birth Certificate/Proof of Residency Provided:	
Date Approved by Review Committee:	
Anticipated Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

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MV00074623

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The CSD was formed simultaneously with the City's incorporation and zones of benefit were established, such as the CSD Zone B (Residential Street Lighting) program, to allocate the program costs to those parcels receiving benefit from the services provided by the CSD. The Zone B parcel charges fund the costs for approximately 8,500 streetlights along City maintained residential streets.

In 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act", which created state-mandated legislation requiring local government to provide record

owners of property sufficient notice and an opportunity to approve or oppose any new, extended or increased tax, assessment, fee or charge. In accordance with Proposition 218, record owners of properties subject to new, extended or increased property charges, such as those associated with CSD programs, are provided an opportunity to submit a ballot on the proposed service and charge through the process of a mail ballot proceeding.

Over the past few years, electrical utility costs for streetlights have significantly increased and currently exceed the annual CSD Zone B program revenue. To continue to provide the same level of residential street lighting services, a Proposition 218 mail ballot proceeding was conducted in June of 2009. The mail ballot provided property owners participating in the CSD Zone B program an opportunity to either approve or oppose an increase in their annual CSD Zone B charge from $23 or $24 per parcel to $39 per parcel, which included an annual inflation adjustment. Of the 40,092 ballots mailed to property owners, 6,359 ballots (16%) were returned with 4,076 ballots marked as not approving, 2,025 ballots marked as approving, and 258 invalid. Based on the results of the mail ballot proceeding, the proposed increase in the CSD Zone B charge was not approved. To continue to fund the CSD Zone B (Residential Street Lighting) program for fiscal year (FY) 2009/10, all remaining CSD Zone B fund balances were used and a temporary loan was acquired. The loan will require repayment from future CSD Zone B charges.

DISCUSSION

The CSD Zone B (Residential Street Lighting) program funds the cost of residential street lighting services through an annual levy of charges collected on the Riverside County property tax bills on those properties that receive residential street lighting services. Since FY 1996/97 the annual CSD Zone B charge has remained consistent at $23 per parcel with exception to those properties which, beginning in 1999, balloted and approved an annual inflation adjustment, which adjusted the charge to $24 per parcel per year in FY 2008/09.

In recent years the California Public Utilities Commission (CPUC) has approved multiple rate increases for electrical utility costs that utility providers may charge for street lighting services. These rate increases have been passed on to the rate payers, which has caused an increase in the cost of street lighting by more than 47% since 2006. A mail ballot proceeding was conducted in June 2009 for an increase in the CSD Zone B charge; however of the more than 40,000 property owners balloted, only 6,359 ballots (16%) responded with the majority not approving the increase in the Zone B charge.

To address the increases in electrical utility costs for residential streetlights in compliance with Proposition 218, a mail ballot proceeding is being conducted for a proposed increase in the CSD Zone B annual charge. Ballot materials (Attachments 1 and 2) were mailed on July 9, 2010, to property owners within the boundaries of CSD Zone B to provide an opportunity to approve or oppose the proposed increase. If approved by a simple majority (50%+1) of the returned valid ballots, properties currently

charged $23 per parcel or $24 per parcel would be increased to $39 per parcel (equivalent to a $16 or $15 increase) for FY 2010/11 and may be subject to an annual inflation adjustment. The City would only increase the annual streetlight charge if the costs for streetlights increase and only by the amount necessary to cover the increased costs. If property owners oppose the proposed increase by a simple majority of the returned valid ballots or there is a tie in the results, the existing CSD Zone B charges shall continue to be levied on the property tax bills and street lighting services will be reduced to a level consistent with available funding in accordance with general management policy #2.34, Community Services District Zone B (Residential Street Lighting) Policy and Zone C (Arterial Street Lighting) Policy, as previously approved by the CSD Board.

To provide information concerning the CSD Zone B program costs and mail ballot proceeding, the CSD began conducting public outreach efforts in April 2010. The following provides a summary of some of these activities:

- Article included in the City Link May – August 2010, publication for summer.
- Since April, advertisements have been shown before each feature film at both Harkins and Regency Theaters.
- Multiple Public Service Announcements (slides and videos) have been posted on MVTV 3 and will continue to run through the end of September 2010.
- "Questions & Answers" are posted on the City's website in English and Spanish.
- Distributed informational door hangers to over 40,000 single family homes the week of July 5, 2010.
- Informational flyers distributed at the City's Fourth of July event. Additional flyers were posted and made available at City facilities and Chambers of Commerce. Copies were also emailed to Home Owner Associations.
- At the end of July, posted temporary informational signs on 2,500 streetlights within Zone B residential streetlight areas.
- On July 9, the required Notice and Mail Ballots were mailed to over 40,000 property owners.
- Advertisements were published in The Press-Enterprise on July 28, July 30, and August 1 and in La Prensa on July 30, 2010. Additionally, an advertisement was also placed in the The Press-Enterprise's Weekly publication on August 12, 2010.
- Distributed over 40,000 door hangers to remind property owners to submit their mail ballot responses and to inform them of additional opportunities to receive information concerning the mail ballot process.
- Conducted two Townhall Meetings held the morning of August 17 and the evening of August 18, 2010. An additional meeting is scheduled for the afternoon of September 1, 2010.

Property owners subject to CSD Zone B are also given two opportunities to address the CSD Board. These two opportunities are the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing. Following the close of the Public Hearing, the City

Clerk (Secretary to the CSD Board) will provide instructions regarding tallying, verifying, and announcing the results of the mail ballot proceeding.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *By accepting public comment, the CSD Board complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*

2. **Do not accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *This alternative would run counter to state statute requirements.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone B (Residential Street Lighting), which are full-cost recovery programs. The cost to fund streetlight operations exceeds the current CSD Zone B charges. Properties subject to CSD Zone B are being balloted for an increase from either $23 or $24 per parcel per year to $39 per parcel per year, along with an annual inflation adjustment. **The collection of the CSD Zone B annual charge is restricted for residential street lighting services and administration of the CSD Zone B program. There is currently no fiscal impact on the General Fund for the operation of the CSD Zone B program.**

CITY COUNCIL GOALS

Revenue Diversification and Preservation
The CSD Zone B charge funds program costs for residential streetlight services, which aid in the illumination of roadway and sidewalk areas.

SUMMARY

The action before the CSD Board is to accept public comments regarding the proposed increase in the CSD Zone B charge.

NOTIFICATION

Mail ballot packets were mailed on July 9, 2010 to the property owners subject to the CSD Zone B charge. The mail ballot packet included a notice to the property owner, instructions for marking the ballot, official mail ballot, and a postage-paid envelope for returning the ballot. Two sample mail ballot packages are included as Attachments 1 and 2.

Legal notification for the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing was published in The Press-Enterprise on August 5, 2010. Legal

notification for the Public Hearing will also be published on August 26, 2010 and again on September 2, 2010.

ATTACHMENTS/EXHIBITS

Attachment 1 – CSD Zone B sample mail ballot packet for properties currently paying $23 per parcel per year.

Attachment 2 - CSD Zone B sample mail ballot packet for properties currently paying $24 per parcel per year.

Attachment 3 - CSD Zone B boundary map

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00074629

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 1

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
1985-86	$22.00	1998-99	$23.00
1986-87	$18.00	1999-00	$23.00
1987-88	$21.00	2000-01	$23.00
1988-89	$21.00	2001-02	$23.00
1990-91	$20.00	2002-03	$23.00
1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $16 increase in the annual parcel charge (equivalent to $1.33 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $23 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $16 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $23 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

MORENO VALLEY
WHERE DREAMS SOAR

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805
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MORENO VALLEY CSD
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MORENO VALLEY, CA 92552-9909

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SPECIAL DISTRICTS DIVISION
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FAX: 951.413.3498
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MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 2

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
1985-86	$22.00	1998-99	$23.00
1986-87	$18.00	1999-00	$23.00
1987-88	$21.00	2000-01	$23.00
1988-89	$21.00	2001-02	$23.00
1990-91	$20.00	2002-03	$23.00
1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $15 increase in the annual parcel charge (equivalent to $1.25 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $24 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $15 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $24 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
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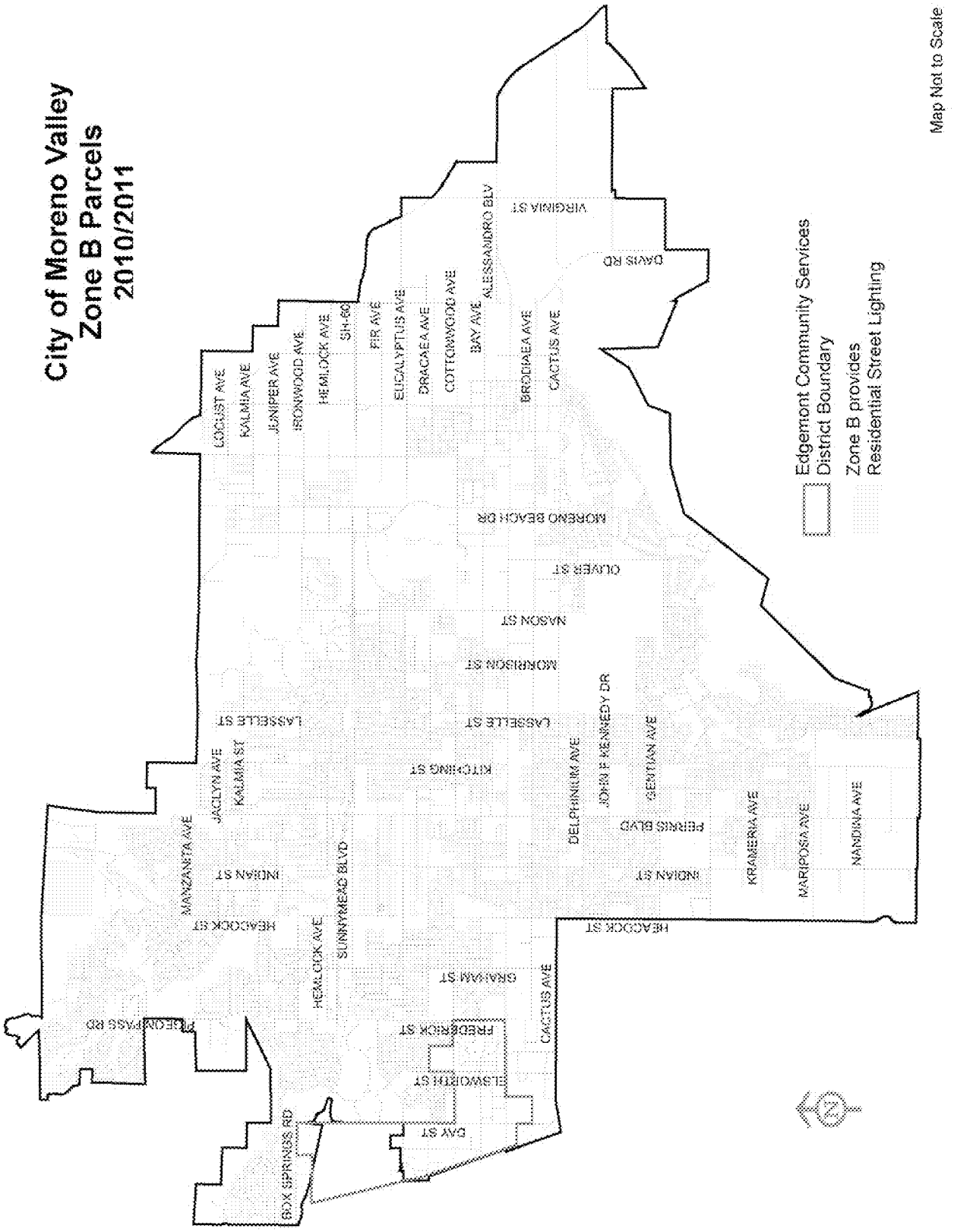

ATTACHMENT 3

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REVISED AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

August 24, 2010

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

Robin N. Hastings, Mayor Pro Tem
Jesse L. Molina, Council Member
Richard A. Stewart, Council Member
William H. Batey II, Council Member

REVISED AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
August 24, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2010 Summer Reading Program Super Readers by the Moreno Valley Friends of the Library

2. Proclamation Recognizing Rancho Verde Mustangs Girls' 400 Meter Relay Track Team

3. 2009 Volunteer of the Year – Alma Mittleider

4. Presentation of Habitat for Humanity Riverside Poster Recognizing City of Moreno Valley Volunteers

5. Employees of the Quarter - Tim Carroll - Media and Production Coordinator, Bob Lorch & Rob Roseen - Cable TV Producers

6. "Spotlight on Moreno Valley Business"

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REVISED AGENDA *
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
AUGUST 24, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor O.J. Philpot, Christ Community Church

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

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separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of July 7, 2010 – August 17, 2010.

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTIONS OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-75

A Resolution of the City Council of the City of Moreno Valley Electing

MV00074651

To Hear Future Resolutions Of Necessity For The State Route 60/Moreno Beach Drive Improvements Project And Designation Of The City's Special Eminent Domain Counsel To Process Resolution Of Necessity Packages For The Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 TRACT MAP 32625 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA 92617 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2010-76

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32625 and Accepting Mcabee Avenue, Molson Court, Altivo Street, Kenda Court and the Portions of Cottonwood Avenue and Redlands Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE

MV00074652

IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements;

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM;

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

A.8 ADOPT ORDINANCE NO. 814 - AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

A.9 ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS,

MV00074653

LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

Resolution No. 2010-77

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Relocation Plan for Eligible Occupants of Mobile Home Units Located at 14890 Perris Boulevard (APN 484-242-017) for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue

A.10 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED JUNE 30, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:
Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.11 ADOPT ORDINANCE 813 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 813.

Ordinance No. 813

Adopt Ordinance No. 813 of the City Council of the City of Moreno Valley, California, Approving PA06-0184 (Zone Change) to change the Land Use District from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

A.12 AQUABELLA DEVELOPMENT AGREEMENT - ANNUAL REVIEW (P10-

MV00074654

044) (Report of: Community Development Department)

Recommendation:
Accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

A.13 PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Authorize the City Attorney to execute the Bonds;

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

A.14 PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

MV00074655

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements;

2. Authorize the Mayor to execute the Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A.15 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

A.16 PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map No. 35629; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.17 SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT CONTRACTOR AGREEMENT (Report of: Community Development Department)

Recommendation:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services; and

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

A.18 PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010; DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (Report of: Public Works Department)

Recommendation:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010; and

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

MV00074657

Recommendation:
Approve as submitted.

B.4 NEW LEASE AGREEMENT FOR CARETAKERS OF THE MORENO VALLEY EQUESTRIAN PARK AND NATURE CENTER (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center; and

2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

B.5 ADOPT ORDINANCE NO. CSD 54 - AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE)
(Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

MV00074658

C.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 SOUTHERN CALIFORNIA EDISON STATE OF THE UTILITY (Informational Oral Presentation - not for Council action)

G.3 MILITARY APPRECIATION BANNER PROGRAM (Report of: City Manager's Office)

MV00074659

Recommendation: That the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

Resolution No. 2010-78

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution 2010-23 to Establish Fees for the Military Appreciation Banner Program in Order to Recover the Costs Associated with the Implementation of the Military Banner Program

G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

*G.5 ADDITIONAL POSITIONS FOR THE SPECIAL ENFORCEMENT TEAM (SET) GANG UNIT (Report of: Police Department)

Recommendation: That the City Council:

1. Approve the refunding of two previously defunded motorcycle officer positions at 2,080 hours;

2. Approve the reallocation of the two motorcycle officer positions at 2,080 hours to two (2) 1,780-hour officer positions to be assigned to the Special Enforcement Team (SET) Gang unit;

3. Approve the allocation of one additional (1) 1,780-hour officer position to be assigned to the SET Gang unit; and

4. Authorize an appropriation from the General Fund balance in the amount of $578,968 to fund three (3) officer positions for the SET Gang unit for the remainder of the 2010-11 fiscal year (approximately 10 months). Funding for the 3 officer positions will come from additional savings achieved by the Police Department in their FY

MV00074660

2009-10 budget ($968,000).

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00074661

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

*** Revision**

MV00074662

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SPECIAL MEETING – 6:00 PM
July 6, 2010

CALL TO ORDER

Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 6:03 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Flickinger

INVOCATION – Mayor Flickinger

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Cindy Miller	Executive Assistant to Mayor/City Council
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director

G. REPORTS

Mayor Flickinger opened the agenda item for public comments, which were received from Pete Bleckert.

G.1 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS and Theodore Street; Developer: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Security for the Redlands Sewer Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement and the Escrow Instructions contingent upon the cash security being placed into the escrow account;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required sanitary sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

MV00074664

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 6:12 p.m. to Regular City Council Closed Session by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

_____
Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

enl

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 13, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Family FunFest 2010 Moreno Valley Idol Competition Winners

2. Presentation of 4th of July Parade Awards

3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
July 13, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:40 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Jesse Molina

INVOCATION - Pastor Charles Gibson, Breakthrough Church of God in Christ

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Hargis	Acting Financial and Admin. Services Director
William Bopf	Interim City Manager
John Ruiz	Interim Human Resources Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Economic Development Director
Mike McCarty	Parks & Community Services Director

MV00074667

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 16 - July 6, 2010.

A.4 PERMIT PARKING FOR THE RESIDENTS ON LORAINE TERRACE (Report of: Public Works Department)

Recommendation:

Approve and adopt proposed Resolution No. 2010-66 and direct staff to implement permit parking on Loraine Terrace.

Resolution No. 2010-66

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Installation of Permit Parking on Loraine Terrace

A.5 RESOLUTION RESCINDING THE PROVISIONS OF RESOLUTION 2007-55 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AND AUTHORIZING THE SUBMITTAL OF APPLICATION FOR THE USED OIL PAYMENT PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) (Report of: Public Works Department)

Recommendation:

MV00074668

Adopt the proposed resolution (Resolution No. 2010-67) rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for the Used Oil Payment Program grant under the California Department of Resources Recycling and Recovery (CalRecycle).

Resolution No. 2010-67

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding and Restating the Provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California Authorizing Application for the Used Oil Grant Payment Program Funds Under the Department of Resources Recycling and Recovery (CalRecycle)

A.6 APPROVAL OF CHECK REGISTER FOR MAY, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-68, approving the Check Register for the month of May, 2010 in the amount of $19,967,907.47.

Resolution No. 2010-68

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of May, 2010

A.7 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, and to subsequently assign said Agreement to the Community Redevelopment Agency.

A.8 SIXTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE IRONWOOD AVENUE WIDENING PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD - PROJECT NO. 06-50182625-2 (Report of: Public Works Department)

Recommendation:

MV00074669

1. Approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660;

2. Authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc.; and

3. Authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for $99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

A.9 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH PALP INC. DBA EXCEL PAVING COMPANY FOR THE SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of $50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221); and

2. Authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company.

A.10 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

A.11 AUTHORIZE A PROJECT AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division; and

2. Authorize a purchase order for OPC, in the amount of $99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.12 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE SUNNYMEAD BOULEVARD IMPROVEMENTS PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD, PROJECT NO. 04-89280221 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard;

2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc.;

3. Authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of $176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney.

A.13 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

A.14 AUTHORIZE CHANGE ORDERS TO INCREASE THE PURCHASE ORDERS WITH FS CONSTRUCTION FOR THE SIDEWALK IMPROVEMENT PROJECTS ON TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNEL STREET, PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 (Report of: Public Works Department)

Recommendation:

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of $80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnel Street (Account Nos. 283.68428, 283.68528 and 283.68728);

2. Authorize the City Manager to execute the Change Orders for FS Construction;

3. Authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements;

4. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code; and

5. Authorize the Financial & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects.

A.15 ADOPT RESOLUTION NO. 2010-69, APPOINTING DEPUTY CITY ATTORNEY III SUZANNE BRYANT AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING - SEPTEMBER 15-17, 2010 (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2010-69, Appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities 2010 Annual Conference Business Meeting.

MV00074673

Resolution No. 2010-69

A Resolution of the City Council of the City of Moreno Valley, California, Designating a Voting Delegate to the League of California Cities 2010 Annual Conference

A.16 TRACT MAP 31414 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENT AGREEMENT, SOUTHEAST CORNER OF PIGEON PASS ROAD AND SUNNYMEAD RANCH PARKWAY - DEVELOPER: ZAPER, CORP., RIVERSIDE, CA 92504 (Report of: Public Works Department)

Recommendation:
Authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

A.17 PROJECT PA04-0215 (TR 33256) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET - DEVELOPER: VALLEY OAK, LP, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA04-0215;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.18 APPROVAL OF RESOLUTION AND FIRST AMENDMENT TO THE IMPLEMENTATION AGREEMENT (THE AB 811 PROGRAM) WITH

WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS (WRCOG) TO EXPAND THE PROGRAM TO PERMIT FUNDING FOR WATER CONSERVATION IMPROVEMENTS (Report of: Community Development Department)

Recommendation:

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and

2. Adopt Resolution 2010-70, consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

Resolution No. 2010-70

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment Modifying Its Consent to the Inclusion of Properties Within the City's Incorporated Area in the Western Riverside Council of Governments (WRCOG) Contractual Assessment Program to Consent to the Addition of Water Efficiency Improvements to the Improvements Authorized to Be Financed Through Such Program

A.19 PROJECT PA02-0133 (TR 31089) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF IRONWOOD AVENUE BETWEEN KITCHING STREET AND TUSCOLA STREET - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA02-0133;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate

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the Faithful Performance Bond and Material and Labor Bond previously submitted by DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.20 RESOLUTION AUTHORIZING THE CITY OF MORENO VALLEY TO CONTINUE TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP" (Report of: Public Works Department)

Recommendation:

Adopt Resolution 2010-71 authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company.

Resolution No. 2010–71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City to Participate in the "Community Energy Partnership", an Energy Efficiency Program Among Southern California Cities, with the Energy Coalition, a California Non-Profit Corporation, Southern California Edison and Southern California Gas Company

A.21 NOTICE OF COMPLETION AND ACCEPTANCE FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS - PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to

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release the retention to Wheeler Paving, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.22 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

A.23 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT

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AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM C.7) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

A.24 FUNDING FOR ELSWORTH STREET UTILITY IMPROVEMENTS AND MVP EV ONSITE UTILITY CONNECTION: COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY AND 2007 LEASE REVENUE BOND FUNDS (Report of: Economic Development Department)

Recommendation:

1. Review and approve the designation of $107,841 in Community Development Block Grant – Recovery funds for the installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center Drive;

2. Return to an undesignated status the commitment of $107,000 in CDBG-R funds from the Participation Agreement with MVP EV; and

3. Secure an appropriation of $107,841 from the 2007 Lease Revenue Bond Funds in support of the Participation Agreement with MVP EV.

A.25 PA09-0025/PA09-0043 – APPROVE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD WEST OF MORENO BEACH DRIVE, SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE - DEVELOPER: FRANK & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA 92270 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2010-72, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009,

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located on the south side of Alessandro Boulevard, west of Moreno Beach Drive as a condition of approval for PA09-0043; and

Resolution No. 2010-72

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Alessandro Boulevard, South Side of Alessandro Boulevard, West of Moreno Beach Drive

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

B.3 ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize the acceptance of grant money in the amount of $747,338 for Fiscal Year (FY) 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and

2. Adopt Resolution No. CSD 2010-22 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2010/2011.

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Resolution No. CSD 2010-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter Into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2010/11

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City;

2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and

3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of $50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

C.4 APPROVE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK

STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.10) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

C.5 APPROVE THE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is

located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

C.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.22) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval

of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

C.7 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM A.23) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

Mayor Flickinger announced the ballot tabulation would be held in the public lobby of the Council Chamber in the interest of open government.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

Motion to Approve by m/Board Member Richard A. Stewart, s/Board Member William H. Batey II
Approved by a vote of 5-0.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet; and

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882,

31257, 31269-1, and 32018.

Rescind Motion to Approve Joint Consent Calendar Items A1 – D2 so as to allow for Public Comments by m/Council Member William H. Batey II, s/Council Member Jesse Molina
Approved by a vote of 5-0.

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from David Marshall (A4) and Pete Bleckert (A9, 12, 22)

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/William H. Batey II, s/Richard A. Stewart
Approved by a vote of 5-0.

E.2 A PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT (PA06-0185) AND CHANGE OF ZONE (PA06-0184) TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL 5 (R5), TENTATIVE TRACT MAP 34748 (PA06-0183); A PROPOSAL FOR A 135 SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON 40 ACRES, AND A VARIANCE (P09-102) COVERING RETAINING WALLS ON FOUR LOTS (LOT NUMBERS 37, 38, 39 AND 40) THAT ARE OVER THREE FEET IN HEIGHT. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE. APPLICANT IS RADOS TENANTS IN COMMON (Report of: Community Development Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

2. APPROVE Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

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Resolution No 2010-73

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Land Use Element (PA06-0185) to change the Land Use Designation from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

3. INTRODUCE Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A; and

Ordinance No. 813

An Ordinance of the City Council of the City of Moreno Valley, California, approving PA06-0184 (Zone Change) to change the Land Use District for approximately 40 acres from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

4. APPROVE Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No 2010-74

A Resolution of the City Council of the City of Moreno Valley, California, approving Tentative Parcel Map 34748 (PA06-0183) and Variance (P09-102). The project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026)

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Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

E.3 PUBLIC HEARING FOR THE REVIEW OF THE 2010-2015 IMPLEMENTATION PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Economic Development Department)

Chairperson Flickinger opened the public testimony portion of the public hearing; which was received from Deanna Reader.

Recommendation: That the RDA:

1. Conduct a public hearing for the review of the 2010-2015 Implementation Plan; and

2. Approve the proposed 2010-2015 Implementation Plan.

Motion to Approve by m/Agency Member Richard A. Stewart, s/Agency Member William H. Batey II
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

Chairperson Flickinger opened the agenda item for Item G1 for public comments, which were received from Pete Bleckert.

Recommendation: That the RDA:

Approve the Third Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Jesse L. Molina
Approved by a vote of 5-0.

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AGENDA ORDER

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

(CONTINUED FROM EARLIER IN THE MEETING)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

The ballots have been counted, and the following are the results:

Final Results for Each Tract						
Council District	Tract	Zone	Amt of Valid WBC - Yes	Amt of Valid WBC - No	Amt of Invalid WBCs	PASS/FAIL
3	12773	D	11	32	3	**FAILED**
4	19210	D	5	23	0	**FAILED**
4	19937	D	13	19	0	**FAILED**
4	20404	D	13	34	2	**FAILED**
2	20579	D	9	33	0	**FAILED**
4	20718	D	9	21	0	**FAILED**
4	21113	D	16	28	0	**FAILED**
2	21333	D	13	28	0	**FAILED**
4	21597	D	7	13	1	**FAILED**
4	22889	D	0	10	1	**FAILED**
1	28882	D	3	17	0	**FAILED**
2	31257	D	1	7	0	**FAILED**
3	31269-1	D	5	19	0	**FAILED**
1	32018	D	1	19	0	**FAILED**

G.2 AMENDMENT TO CHAPTER 11.40 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, ORDINANCE NO. 741 AND ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS

AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (Report of: Parks and Community Services Department)

Mayor Flickinger opened the agenda item for Item G2 for public comments, which were received from Jan Beyers, Ruth Corrao-Harris, Margie Breitkreuz, Kim Nelson, Elaine Hill, Cathy Hendrick, John Miller, Kathleen Dale, Johnnie Hendrick, John Farquharson, Greg Worley, Marcia Narog, John Schoettler, and Pete Bleckert.

Recommendation: That the City Council:

Introduce Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center; and

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Recommendation: That the CSD:

Introduce Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II

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Approved by a vote of 5-0.

After a brief recess, the meeting resumed at 9:24 p.m.

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

June Patterson
1. Relay for Life

Jose Chavez
1. Protecting the community
2. Taxes
3. Moreno Valley Community Park

Raul Wilson
1. Congratulate Jesse Molina
2. Skechers
3. Equestrian Park
4. Budget

Pete Bleckert
1. Glad Districts all failed
2. Why people don't vote
3. Intersections
4. Eastbound ramp on Hwy 60
5. Where is the $2,000,000 coming from
6. Signs

Erica Hopkins
1. Unity Fest

James Dudley
1. 12,563 votes were counted
2. Unions create good paying jobs

G.3 PARTICIPATION AGREEMENT WITH PACIFIC WINGS INC. (Report of: Economic Development Department)

Mayor Flickinger opened the agenda item for Item G3 for public comments, which were received from Pete Bleckert.

Recommendation: That the City Council:
Approve a Participation Agreement with Pacific Wings Inc. to assist in

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the development of a Buffalo Wild Wings Grill & Bar as part of the CDBG-Recovery program.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.4 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS ELECTRICAL AND ROUGH GRADING RELATED TO THE INSTALLATION OF THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G4 for public comments; there being none, public comments were closed.

Recommendation:

1. Accept the Agreement and Bond Securities for the Redlands Electrical Improvements and Rough Grading related to the installation of the Redlands sewer improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement contingent upon the developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading related to the installation of the Redlands sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.5 PA07-0090 – ACCEPT THE SUBSTITUTION AGREEMENT AND REPLACEMENT BONDS FOR LINE 'F' STORM DRAIN SECURITY ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G5 for public comments, which were received from Deanna Reader.

Recommendation:

1. Accept the Substitution Agreement and replacement bonds for the Line 'F' Storm Drain Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Substitution Agreement and the replacement bonds contingent upon the Developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Substitution Agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the cash security previously placed into an escrow account and submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required storm drain improvements are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.6 AMENDMENT TO THE JUNE 22, 2010, MOTION OF THE CITY COUNCIL AUTHORIZING AN AGREEMENT WITH HIGHLAND FAIRVIEW FOR ISSUANCE OF A LIMITED PURPOSE BUILDING PERMIT (Report of: Council Members Stewart and Molina)

Mayor Flickinger opened the agenda item for Item G6 for public comments,

which were received from Iddo Benzeevi, Kathleen Dale, Kenneth Bley, Joe Hopper, Mike Calhoun, Robert Walker, Roger Roper, William Pearcy, Deanna Reader, and Raul Wilson.

After a brief recess, the meeting resumed at 10:22 p.m.

Motion to Approve continuing the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a voice vote.

Motion to amend action taken by the City Council on June 22, 2010 approving and accepting Highland Fairview's Covenant to hold as one parcel subject to certain conditions as follows: by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Pro Tem Robin N. Hastings absent.

1. That this activity is not a "project" under CEQA Guidelines Section 15378, and none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would warrant a subsequent Environmental Impact Report or an addendum to the Environmental Impact Report. Further, the City Council finds that the absence of any change in the project, the absence of any change in the circumstances under which the project is being undertaken, the absence of any new information which would bring into question the adequacy of the Environmental Impact Report, the fact that all of the project impacts were analyzed fully in the Environmental Impact Report and the fact that all mitigation measures must be satisfied prior to the building's completion means that there is no need for further environmental review.

2. That the terms and conditions are amended to provide that, prior to issuance of a limited purpose building permit for foundation, slab and pouring of wall panels only, Highland Fairview shall comply with all conditions of approval for issuance of a building permit except as follows, which excepted conditions shall be complied with as provided for in applicable City Council Resolutions, Approval and/or Recording of the final Parcel Map, or issuance of the general building permit, whichever is applicable. The excepted conditions are:

    a. Final approval and recording of the Parcel Map,

    b. Public Improvement Agreements and security for same for any public improvement occurring solely on private property owned or controlled by Highland Fairview,

c. Payment of Development Impact Fees and Transportation Uniform Mitigation Fees are deferred until issuance of any temporary, conditional or unconditional certificate of occupancy for the Skechers building as provided for in City Council Resolutions 2009-37 and 2009-38,

d. Payment of Multiple Species Habitat Conservation Plan fees,

e. Approval of Building Plans for vertical construction,

f. Public Drainage easements,

g. Slope easements,

h. Reciprocal Access easements,

i. Spreading Basin easement,

j. Off-site easements,

k. Median Landscape Plans approval,

l. Final Trail Plan approval,

m. Site Lighting Plan,

n. Title 24 Plans,

o. Solar Panels for Phase 1 Office,

p. Payment of School fees, contingent upon Highland Fairview providing the City with written agreement from the Moreno Valley Unified School District for deferral of school fees until issuance of the general building permit, and

q. Fire Access Plan.

3. All other terms, conditions and actions pursuant to this matter taken by the City Council on June 22, 2010, shall remain unchanged and in full force and effect.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Defer and printed in the City Manager's Report.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION – NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1) Habitat for Humanity raised the walls on a house on Saturday, July 10. Commended John Terell and the city employees for giving up their Saturday to help a family in need.

Council Member Richard A. Stewart

1) Need to do a top to bottom review of our policies. Need to look at the changes the County made.
2) Large projects need to be put in a different category.
3) The City staff is appreciated.
4) Council is not doing anything untoward to get the Highland Fairview project done.

Mayor Bonnie Flickinger

1) The July 4 celebration was very exciting and looking forward to working on Plans B and C to hold it next year. Council is open to any suggestions.
2) For people who are struggling with the economy, there is a low income utility tax exemption so there is no tax on any of your utility bills. Contact Michelle Vega.
3) ERC is open 4 days a week.
4) This is an election year. Two council seats are open. If you are interested in running, pull papers and return them by August 5. There are three ballot measures.

Council Member Jesse Molina

1) Things have been hard on everyone. It's nothing personal. If you think I'm out of line let me know.

MV00074695

2) Las Cruces had their July 4 parade in the evening.

3) Keep up the good work.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

No reportable action.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:19 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

MV00074696

Chairperson, Board of Library Trustees

MV00074697

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: August 24, 2010

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of July 7, 2010 – August 17, 2010.

Reports on Reimbursable Activities July 7, 2010 – August 17, 2010		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger	7/12/10	League of California Cities Riverside County Division General Meeting
	8/3/10	Moreno Valley Hispanic Chamber of Commerce Adelante
Robin N. Hastings		None
Jesse L. Molina	7/12/10	League of California Cities Riverside County Division General Meeting
	7/28/10	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Richard A. Stewart	7/12/10	League of California Cities Riverside County Division General Meeting

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project.

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

BACKGROUND

The overall purpose of the SR-60/Moreno Beach Drive Improvements Project is to provide operational improvements to facilitate movement at and near the SR-60/Moreno Beach Drive Interchange, alleviate existing traffic congestion, increase storage capacity and to address the existing roadway and bridge deficiencies at this interchange. This project is needed to improve safety, bring the bridge features up to current standards, and provide acceptable levels of service along the facility.

On March 14, 2006, the City Council approved an Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Moreno Beach Drive/SR-60 Interchange.

On September 25, 2007, the City Council authorized execution of a Project Development Cooperative Agreement with the State of California for project development activities including final design, utility relocation engineering, and right-of-way acquisition.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons Transportation Group for design, right-of-way engineering, and construction support services.

DISCUSSION

The City has been progressing in the steps necessary for the acquisition of right-of-way, utility relocation and other necessary steps to complete the design of the SR-60/Moreno Beach Drive Improvements Project. Project plans are 95% complete, and right-of-way engineering and appraisals are under way. The goal is to continue right-of-way acquisition using all available TUMF funds.

Caltrans, pursuant to the Project Development Cooperative Agreement and the Caltrans Right- of-Way Manual, Section 17.04.09.01, requires that the City Council of Moreno Valley adopt a resolution to later hear Resolutions of Necessity for the project and subsequently submit them to Caltrans for approval. A Resolution of Necessity is a required resolution authorizing condemnation of property necessary for the project and the filing an eminent domain action to acquire said property through condemnation. Caltrans requires the local entity (the City) to obtain prior approval on a project-by-project basis from Caltrans before proceeding to hear Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project. Adoption of the proposed resolution does not commit the City Council to hear future Resolutions of Necessity to acquire property necessary for the project or to adopt future Resolutions of Necessity to acquire property necessary for the project by condemnation. Appraisals are under way and negotiations have not begun. Therefore, at this time, staff does not anticipate any condemnation actions. Due to the lead time required for Caltrans approval of this action, staff recommends adopting this resolution at this time in the event that Resolutions of Necessity become necessary.

The City has retained the law firm of Singer & Coffin, APC to act as its Special Eminent Domain Counsel to prepare, review, process and approve Resolution of Necessity packages for the project in the event that Resolutions of Necessity become necessary in the future.

ALTERNATIVES

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative will allow necessary approvals to be in place so the project continues to proceed without interruption.*

2. Do not approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and do not authorize and do not direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative may delay the construction of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to the adoption of this resolution. The project is currently funded by Transportation Uniform Mitigation Fees (Fund 415 – TUMF). These funds have been allocated for the SR-60/Moreno Beach Drive Improvements project and cannot be utilized for operational activities. There is no impact to the General Fund.

FY 2010/2011 AVAILABLE FUNDS

TUMF Funds for SR-60/Moreno Beach Interchange (Account 415.70024).... $ 4,096,000
Available Funds..... $ 4,096,000

FY 2010/2011 ESTIMATED COST

SR-60/Moreno Beach Interchange Design and Right-of-Way..... $4,000,000
Estimated Total $4,000,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way**.....October 2011
Begin Construction**.....October 2012
*** Contingent upon available funding*

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The City Council is asked to adopt the proposed Resolution in order to later hear Resolutions of Necessity should acquisition through condemnation become necessary for the SR 60/Moreno Beach Drive Improvements Project.

ATTACHMENTS/EXHIBITS

Attachment "A" – Proposed Resolution of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2010-75

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT

WHEREAS, the City of Moreno Valley ("City") is empowered to acquire by eminent domain any property to carry out its powers or functions pursuant to Government Code Sections 37350, 37350.5 and 40404 and Code of Civil Procedure Section 1240.110; and

WHEREAS, property may properly be acquired by eminent domain for state highway purposes pursuant to Streets and Highways Code Section 102; and

WHEREAS, City has approved the design of State Route 60/Moreno Beach Drive Improvements and also previously approved a Project Development Cooperative Agreement with the State of California for said project, a project on the State of California Highway System. The Cooperative Agreement with the State of California Department of Transportation ("Caltrans") provides that City will perform right-of-way activities as set forth in the Cooperative Agreement for said project; and

WHEREAS, all local public agency projects on the State of California Highway System, within the existing or proposed State of California rights-of-way, are subject to the requirements of the Caltrans Right-of-Way Manual, and recently adopted provisions of the Caltrans Right-of-Way Manual now require a City Council to pass a resolution by a two-thirds vote, making an election to hear all the Resolutions of Necessity for the project; and

WHEREAS, City will follow State statute requirements and the Caltrans Right-of-Way Manual processes in the issuance of the Notice of Intent to adopt a Resolution of Necessity and in the adoption of a Resolution of Necessity, and the City's Special Eminent Domain Counsel is designated to process and approve the resolution package(s).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, by a two-thirds vote, will hear the Resolutions of Necessity associated with the construction of the State Route 60/Moreno Beach Drive Improvements Project.

Resolution No. 2010-_____

Date Adopted: _____

BE IT FURTHER RESOLVED that City designates the law firm of Singer & Coffin, APC, as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for this project.

Attachment "A"

APPROVED AND ADOPTED this ____ day of _____, 2010.

By: _____
Bonnie Flickinger, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

APPROVED AS TO FORM:

By: _____
Bob Hansen, City Attorney

Resolution No. 2010-_____
Date Adopted: _____

MV00074704

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: TRACT MAP 32625 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – MERITAGE HOMES OF CALIFORNIA, INC.
5161 CALIFORNIA, SUITE 200
IRVINE, CA 92617

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32625 is a 20-lot single family residential development at the southwest corner of Cottonwood Avenue and Redlands Boulevard that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, trail, storm drain, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $3,084,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed*

according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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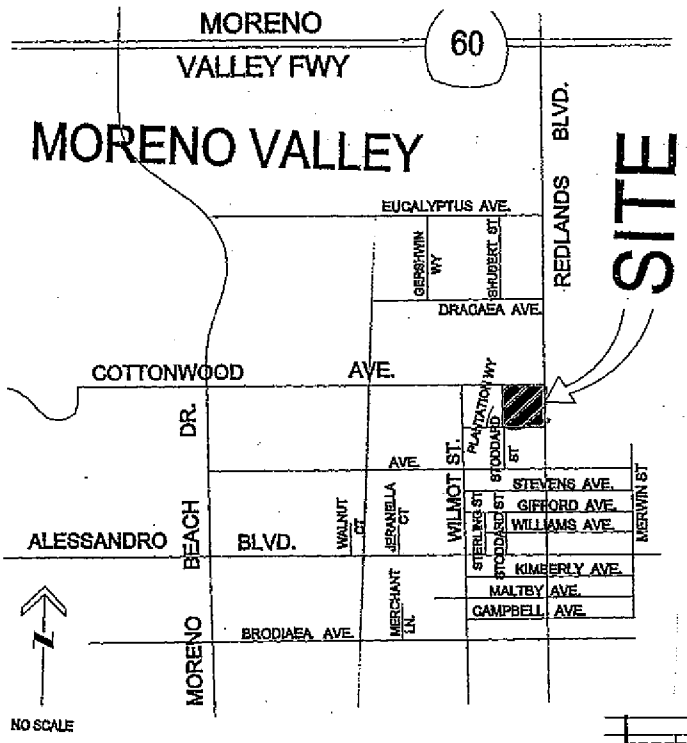

COTTONWOOD AVENUE

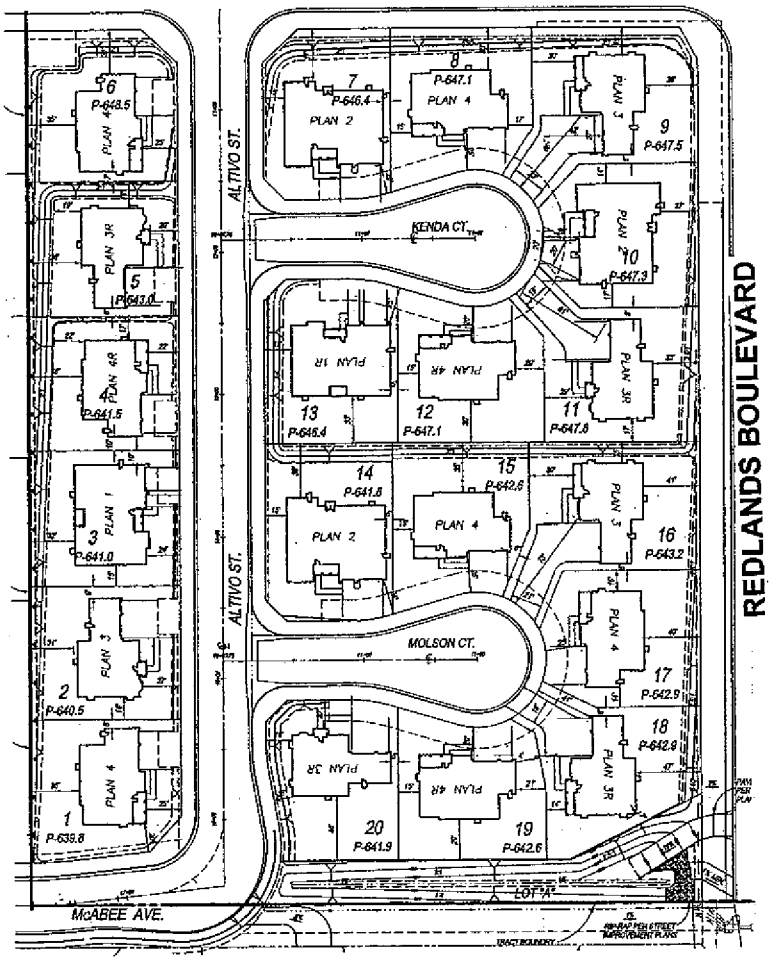

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT**	**TRACT 32625** **VICINITY MAP**

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RESOLUTION NO. 2010-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32625 AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Meritage Homes of California, Inc. on McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32625 and accept McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 32625 are complete, and McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 24th day of August, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT – PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements.

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012.

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

BACKGROUND

The overall purpose of the SR-60/Nason Street Interchange Improvements Project is to improve the SR-60/Nason Street interchange ramps through reconstruction and realignment, while providing a design that accommodates future bridge improvements.

This project is within the State of California's (Caltrans) jurisdiction and, therefore, is subject to Caltrans procedures and requirements. On October 30, 2003, the environmental document, which is a Categorical Exemption/Categorical Exclusion (CE/CE), was approved by Caltrans and the Federal Highway Administration (FHWA).

In closed sessions on October 7, 2008 and November 4, 2008, the City Council approved appraisals for the fair market value of the right of way for all properties to be acquired, and the City Council authorized staff to proceed with negotiations to purchase the fee and easement interests. On August 25, 2009, the Council authorized a Resolution of Necessity should condemnation become necessary. On January 13, 2010, Caltrans certified that all right-of-way needed to construct the project had been obtained.

In 2008 the City solicited proposals for professional program management and construction management services to assist with utility negotiations, advance utility relocations, and other program management-related activities and to provide construction management and inspection services. The RFP required firms to submit proposals on the program management (Phase 1), utility relocation (Phase 2), and construction (Phase 3) phases with the intent that one firm would execute the project from start to finish. On October 14, 2008, the City Council awarded a contract to TCM Group and authorized the issuance of a purchase order for Phases 1 and 2 (program management and utility relocation). Phase 3 would be awarded at a later time upon the successful completion of Phase 1 and 2 work and the availability of funds.

On February 24, 2009, the City entered into a Construction Cooperative Agreement that establishes the City's and Caltrans' responsibilities during the construction phase of the project. On February 23, 2010, the City Council authorized the City Manager and Public Works Director to approve future amendments to the Agreement.

In April 2009, the agreement with TCM was amended to reduce TCM's scope of work associated with the relocation of Eastern Municipal Water District's waterline along State Route 60 to Fir Avenue. EMWD administered the construction work instead of the City, thereby saving time and money for the project.

On June 22, 2010, the City Council approved the FY 2010/2011 CIP budget, which also included the necessary appropriations to fund the construction of the SR-60/Nason Street Interchange Improvements Project.

DISCUSSION

Design, right-of-way acquisition, and advance relocation of utility facilities are now complete. Caltrans is completing the federal fund authorization process. It is anticipated the City will be authorized to advertise for bids by August 2010. Construction is anticipated to begin by December 2010 and be completed by December 2011.

TCM Group has successfully completed Phases 1 (program management) and 2 (utility relocation) of their scope of work. The contract with TCM needs to be amended to add the third phase of the proposed work for construction support services (construction management and inspection services) in order to be ready for the construction phase as soon as the phase is authorized by Caltrans.

The Construction Cooperative Agreement with Caltrans requires the City to provide a qualified Resident Engineer and inspection staff who have been approved by Caltrans. TCM received that approval for this project in September 2008. City staff and inspectors will oversee TCM's work.

Additionally, staff is requesting the contract termination date be extended from December 31, 2011 to December 31, 2012 to cover the construction warranty period. The revised contract total, including the Second Amendment, is $2,032,460.

ALTERNATIVES

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will allow for the construction of the needed improvements.*

2. Do not approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, do not authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, do not authorize a Change Order to increase the Purchase Order with TCM by the amount of

$1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and do not authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will delay construction of the needed improvements.*

FISCAL IMPACT

The project is currently funded using federal funds and matching Measure "A" funds (Fund 125). The City has successfully obtained approximately $8.9 million of federal funds for construction. Remaining construction funding consists of DIF Interchange funds and Measure "A" funds. There are sufficient funds in the budget for the amendment.

All funding sources for this project (Measure "A," Surface Transportation Program, Transportation Efficiency Act of the 21st Century, and DIF Interchange funds) are restricted for capital improvements related to transportation projects or for the SR-60/Nason Interchange and cannot be utilized for operational activities. The allocated amounts below are specifically designated for the SR-60/Nason Interchange Improvements Project. There is no impact to the General Fund.

FY 2010/2011 BUDGETED FUNDS

TEA 21 Demonstration Funds (125.66929)	$ 4,222,000
STPL Discretionary Funds (125.67029)	$ 4,737,000
Measure "A" Funds (125.89720)	$ 1,710,000
DIF Interchange Improvement Funds (418.83630)	$ 1,740,000
Total Available Funds	$12,409,000

FY 2010/2011 ESTIMATED CONSTRUCTION COSTS

Estimated Interchange Construction Costs	$10,000,000
Construction Management & Inspection Services	$ 1,415,000
Construction Support Services (Geotechnical & Survey)	$ 400,000
Administrative Costs (Staff & Miscellaneous)	$ 100,000
Total Estimated Costs	$11,915,000

ANTICIPATED PROJECT SCHEDULE

Caltrans Approval to Advertise Construction	August 2010
Interchange Construction Start Date*	December 2010
Interchange Construction End Date	December 2011

pending Caltrans approval

CITY COUNCIL GOALS

ADVOCACY:

Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff recommends awarding the third phase of work for the provision of construction management and inspection services to the TCM Group for the SR-60/Nason Street Interchange Improvement Project by approving the Second Amendment to Agreement for Professional Consultant Services and increasing the purchase order by $1,414,807.

ATTACHMENT

Attachment "A" – Second Amendment to Agreement for Professional Consultant Services

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/ City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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SECOND AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 98-25897

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and TCM Group, a California corporation, hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services," hereinafter referred to as "Agreement," dated October 21, 2008.

Whereas, the Consultant is providing consultant program management and construction management services for State Route 60/Nason Street Interchange Improvements.

Whereas said Agreement was amended by the "First Amendment to Agreement for Professional Consultant Services" dated April 30, 2009.

Whereas, the Consultant submitted a Proposal dated June 23, 2008, to provide program and construction management services in three phases (Phase I - Program Management, Phase 2 - Utility Relocation and Phase 3 - Construction Management). A copy of said Proposal, attached to the original agreement as 'Exhibit "B," is incorporated herein by reference.

Whereas, Phases 1 and 2 have been awarded to and successfully completed by Consultant; and

Whereas, it is desirable to further amend the Agreement to expand the scope of the work to include construction management services (Phase 3) to be performed by the Consultant as is

Attachment "A"

more particularly described in Section 1 of this Second Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **December 31, 2011,** is extended to **December 31, 2012.**

1.2 Exhibit "B" to the Agreement is hereby amended to expand the scope of work to include Phase 3 construction management and inspection services as described in the original proposal dated June 23, 2008.

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof "Exhibit A -- Second Amendment," entitled "Cost Proposal – Phase 3 Construction Management Services."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $1,414,807, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Second Amendment."

1.5 The total "Not to Exceed" fee for this contract is $2,032,460 ($823,894 for the original Agreement less $205,641 for the First Amendment to Agreement plus $1,414,807 for the Second Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

MV00074718

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 98-25897

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

TCM Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

Attachments: Exhibit "A" – Phase 3 Cost Proposal

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MV00074719

TCM GROUP

July 12, 2010

To: City of Moreno Valley
Public Works Department
14177 Frederick St.
Moreno Valley, CA 92553
Attn: Margery Lazarus
Project Manager

Project: Nason St.
Cat: 3.1

From: Ivan S. Benavidez Jr.
Project Manager
TCM Group
3130-B Inland Empire Blvd.
Ontario, CA 91764

Re: Revised Cost Proposal for Construction Management

Attached for your review and approval is our revised cost proposal for construction management services on the SR-60 / Nason Street Interchange Improvement Project.

Scope Changes include:

- Reduced inspection of the wetland area that has been eliminated from the original construction documents (-$146,951.00)
- Increase for as needed service during construction as directed by the City Manger (+124,230.00).

Our original estimate for the construction management services during the construction and post-construction phases was $1,430,599.00, our total revised estimate is $1,414,807.00; resulting in a reduction of $15,792.00.

The revised cost proposal uses the same staff rates and firm overhead rates proposed in 2008.

Please let me know if the reduced dollar value for the scope changes is acceptable to you. If you have any questions please feel free to contact me at 909-203-3589.

Sincerely,
Ivan S. Benavidez Jr.
Ivan S. Benavidez Jr.

Exhibit "A" – Second Amendment

TCM Group
Construction Management Services
Cost Proposal-July 08, 2010

City of Moreno Valley
SR 60/Nason St. Interchange Improvements
Construction & Post Construction

Classification	Staff Member	Hours	Payrate	Overhead Rate	Fee	Billing Rate	Cost
Pre-construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	0	75	159%	10%	$ 213.68	$ -
Assistant RE	Jose Burbano	0	60	159%	10%	$ 170.94	$ -
Office Engr.	Vanessa Barrientos	0	40	159%	10%	$ 113.96	$ -
Subtotal		0					$ -
Construction Phase (240 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	1920	75	159%	10%	$ 213.68	$ 410,256
Asst. RE	Jose Burbano	1440	60	159%	10%	$ 170.94	$ 246,154
Inspector-Nason	Chuck Snell	1920	43	159%	10%	$ 122.51	$ 235,213
Inspector-Nason	Gary Cavafian	400	50	159%	10%	$ 142.45	$ 56,980
Inspector-SCE	Lawerence Taylor	0	40	159%	10%	$ 113.96	$ -
Office Engr.	Vanessa Barrientos	1920	40	159%	10%	$ 113.96	$ 218,803
Subtotal		7,600					$ 1,167,406
Post-Construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	72	75	159%	10%	$ 213.68	$ 15,385
Asst RE	Jose Burbano	72	60	159%	10%	$ 170.94	$ 12,308
Office Engr.	Vanessa Barrientos	72	40	159%	10%	$ 113.96	$ 8,205
Subtotal		216					$ 35,897
Construction Support As-Needed							
Project Manager/Resident Engineer	Ivan Benavidez, PE	160	79.57	159%	10%	$ 226.69	$ 36,271
Asst. RE	Jose Burbano	160	63.65	159%	10%	$ 181.34	$ 29,014
Inspector-Nason	Chuck Snell	150	42.46	159%	10%	$ 120.97	$ 18,145
Inspector-Nason	Gary Cavafian	150	53.04	159%	10%	$ 151.11	$ 22,667
Inspector-SCE	Lawerence Taylor	0	42.43	159%	10%	$ 120.88	$ -
Office Engr.	Vanessa Barrientos	150	42.43	159%	10%	$ 120.88	$ 18,132
Subtotal		770					$ 124,230
Misc. Expenses							
Vehicles		8586				$ 7	$ 60,102
Labtops		8586				$ 1	$ 8,586
Cellphones		8586				$ 1	$ 8,586
Office Supplies/Mailings/Shipping/...etc							$ 10,000
Subtotal							$ 87,274
						Total Cost	**$ 1,414,807**

Limitations & Conditions:

Construction duration is estimated at 240 working days with 0 days for preconstruction & 9 days for closeout.
Inspector will be fully equipped with vehicles, computers, tools, and equipment required to perform their tasks.
Construction office to be provided by City or Contractor.
Overtime is to be charged at 1.5 the above rate per pervailing wage requirements.
Cost proposal is subject to pervailing wage rates and pervailing wage rate changes for inspection.
Miscelaanous expenses includes stationeries and other items needed for CM team.

MV00074721

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley ordains as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code is amended in its entirety to read as follows:

"11.40.040 Regulations. Unless specifically provided otherwise in this Chapter, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the City Council.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the City Council.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris

promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzine, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting

within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS, LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE
PROJECT NO. 11-41570125

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

BACKGROUND

The Perris Boulevard Widening project will result in a total of six (6) full lanes of street improvements on Perris Boulevard from Perris Valley Storm Drain Lateral "B" to Cactus Avenue. Right of way (ROW) is required from several parcels, one of which is a residential mobile home park, located at 14890 Perris Boulevard.

DISCUSSION

The parcel that is a residential mobile home park site has six (6) mobile home units that will be displaced by the project. Five (5) of the six (6) mobile homes may need to be acquired. The sixth mobile home does not require appraisal (it is vacant and owned by the mobile home park) and will simply be relocated within the mobile home park.

No acquisition of whole properties is proposed. As mentioned above, however, six (6) mobile homes in the mobile home park will be impacted, requiring the relocation or removal of five (5) mobile homes and the occupants. The proposed displacement

triggers relocation assistance obligations under State Relocation Law and the State Relocation Guidelines. Among the various obligations of the Law is the requirement to prepare a Relocation Plan addressing the circumstances and needs of those persons potentially displaced by the project, as well as a mandatory 30 day public review of the document.

Overland, Pacific and Cutler (OPC), ROW consultants for the project, has met with the occupants of the five (5) mobile home units and prepared the Relocation Plan (Attachment "B"). The 30 day public review period has expired and based on the Relocation Plan, the estimated cost to relocate the occupants is $241,000 (including 20% contingency).

ALTERNATIVES

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will allow the City to begin negotiations to acquire right of way.*

2. Do not adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will not allow the City to begin negotiations to acquire right of way and will delay construction of the roadway improvements.*

FISCAL IMPACT

Funding for the proposed ROW acquisition is included in the current Fiscal Year 2010/2011 budget. Transportation Uniform Mitigation Fee (Fund 415 – TUMF) provides a 68.6% reimbursement to the City's 31.4% matching funds from Fund 416 – DIF Arterial Streets for this project. These funds have been allocated for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue and cannot be utilized for operational activities. There is no impact on the City's General Fund.

Available Funding:

TUMF (Fund 415)	$1,688,000
DIF Arterial Streets (Fund 416)	$644,000
Total Funding	$2,332,000

Estimated ROW Related Expenditures:

ROW Acquisitions	$495,120
Relocation Plan Costs	$241,000
ROW Agent, Administration, and Escrow Costs	$70,000
Utility Relocation Costs	$0
Total Estimated ROW Related Expenditures	$806,120

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Public Facilities and Capital Projects:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

City staff recommends that the City Council adopt the proposed Resolution approving the Relocation Plan.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution
Attachment "C" – Relocation Plan

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 11-41570125 Perris Blvd. from PVSD Lateral B to Cactus Ave\CC Reports\082410 CC - Relocation Plan Approval\Relocation Plan Approval Staff Report (082410).doc

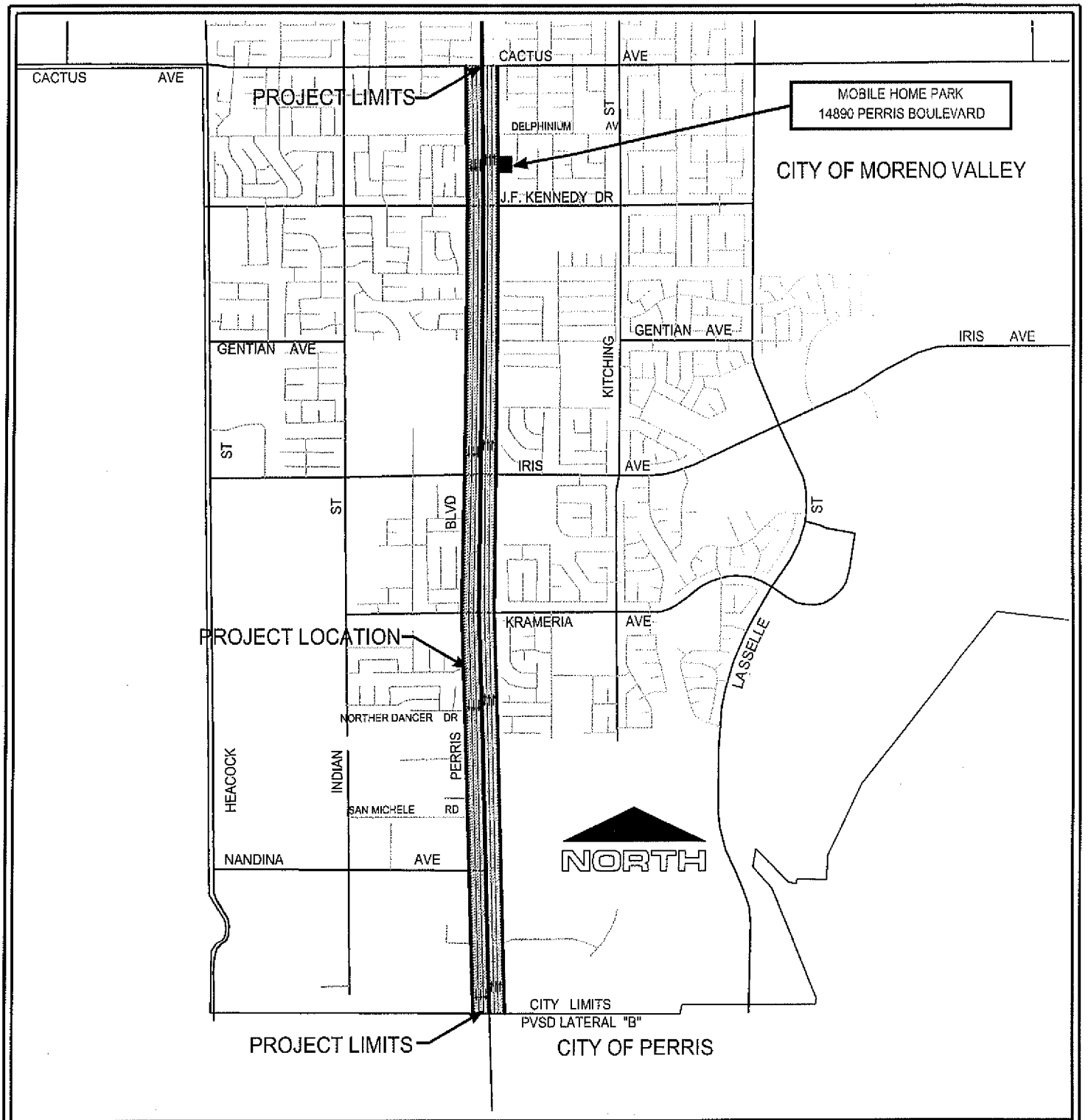

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP

Public Works Department
Capital Projects Division

Scale: Not to scale

ATTACHMENT "A"

PERRIS BOULEVARD WIDENING
FROM
PVSD LATERAL "B" TO CACTUS AVE

Date: 14 Jul 10 - 4:41 pm
File: W:\CapProj\CapProj\PROJECTS\Larry - 11-41570125 Perris Blvd. from PVSD Lateral B to Cactus Ave\Design Phase\Auto CAD\Perris Widening from Cactus to PVSD Lat B Location Map for RCTC.dwg
User: deepoks

RESOLUTION NO. 2010-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

WHEREAS, the State Relocation Law (California Government Code Section 7260 et seq.) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) require the City to approve a relocation plan and provide relocation assistance and benefits to eligible residential and business occupants that are either permanently or temporarily displaced; and

WHEREAS, the City, pursuant to the State Relocation Law and the State Relocation Guidelines, has prepared a Relocation Plan, which is attached to this resolution; and

WHEREAS, the proposed action to approve the Relocation Plan is an administrative action and does not constitute a project under the California Environmental Quality Act per Guidelines Section 15262.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Relocation Plan for eligible occupants of the Site is approved.

2. The City Manager and/or his designee is hereby authorized and directed to act on the City's behalf on all matters pertaining to the approved Relocation Plan including entering into agreement(s) with eligible occupants and payment of benefits to eligible occupants.

3. This resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley

Attachment "B" Resolution No. 2010-_____
Date Adopted: August 24, 2010

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00074736

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

MV00074737

RELOCATION PLAN

FOR THE

PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

PREPARED FOR:

CITY OF MORENO VALLEY, PUBLIC WORKS DEPARTMENT/CAPITAL PROJECTS DIVISION

PREPARED BY:

OVERLAND, PACIFIC & CUTLER, INC.
2280 MARKET STREET, SUITE 340
RIVERSIDE, CA 92501
PHONE: (951) 683-2353

JUNE 30, 2010

Attachment "C"

TABLE OF CONTENTS

INTRODUCTION 1

A. PROJECT LOCATION 1

B. ASSESSMENT OF NEEDS 2

C. REPLACEMENT HOUSING RESOURCES 5

D. CONCURRENT RESIDENTIAL DISPLACEMENT 6

E. TEMPORARY HOUSING 6

F. PROGRAM ASSURANCES AND STANDARDS 6

G. RELOCATION ASSISTANCE PROGRAM 7

H. RELOCATION BENEFIT CATEGORIES 8

I. PAYMENT OF RELOCATION BENEFITS 11

J. EVICTION POLICY 11

K. APPEALS POLICY 11

L. PROJECTED DATES OF DISPLACEMENT 12

M. ESTIMATED RELOCATION COSTS 12

N. CITIZEN PARTICIPATION/PLAN REVIEW 12

TABLE OF ATTACHMENTS 14

INTRODUCTION

The City of Moreno Valley Public Works Department/Capital Projects Division (the Agency) is proposing to widen and improve Perris Boulevard between Perris Valley Storm Drain Lateral "B" (Southerly City Limits) and Cactus Avenue (the Project) to an arterial highway standard with a curb-to-curb width of 86 feet within a 110-foot right-of-way. The proposed Perris Boulevard improvements will include curb and gutter, pavement, sidewalk, street light relocation, traffic signal modifications, signing and striping, and related road improvements. The Project will require the acquisition of property from The Sky Trails Mobile Home Park, which will impact five individually owned mobile home units. The Agency's intent is to utilize the available spaces within the Sky Trails Mobile Village and relocate the mobile homes within the park when possible, thus minimizing the relocation outside of the community. The proposed displacement triggers relocation assistance obligations under State Relocation Law (California Government Code Section 7260 et seq.) (the Law) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) (the Guidelines). Among the various obligations of the Law is the requirement to prepare a relocation plan addressing the circumstances and needs of those persons potentially displaced by the Project.

The following Relocation Plan (the Plan) has been prepared for the Agency by Overland, Pacific & Cutler (OPC) in accordance with the specific requirements set out in Section 6038 of the Guidelines concerning projects that involve the displacement of fewer than 15 households. This Plan provides a project description, the results of a needs assessment survey conducted among residents, a housing resource study, and details of the Agency's proposed relocation program. No activities that would cause displacement will take place prior to the required reviews and approval of this Plan.

A. PROJECT LOCATION

The proposed Project will take place in the central portion of the City of Moreno Valley. The City of Moreno Valley is in Riverside County, approximately seven miles southeast from the City of Riverside and approximately 55 miles southeast of downtown Los Angeles. The Project is located within 30 miles, generally, of the Ontario International Airport and two miles south of the SR-60 Moreno Valley Freeway (see **Attachment 1**, Map 1).

The specific Project site is located along Perris Boulevard and is generally bounded by Cactus Avenue on the north and Perris Valley Storm Drain Lateral "B" (Southerly City Limits) on the south (see **Attachment 1**, Map 2).

B. ASSESSMENT OF NEEDS

Survey information for the Plan was obtained from individual, on-site interviews conducted with the residents in January 2010 and interviewers were successful in contacting all residential households. The Project will impact one tenant occupied mobile home dwelling and four owner-occupied mobile home dwellings. For inclusionary purposes the data from public records about the properties were used as well as anecdotal responses from surveyed individuals to prepare this Plan.

1. Housing Mix

The housing mix consists of five mobile home units, two with one bedroom and three with two bedrooms; four owner- and one tenant-occupied.

2. Project Area Rents

The tenant household is renting their one bedroom mobile home from relatives for $400 per month. Pad space rents for mobile home owners range from $455 to $479.

3. Occupancy/Overcrowding

There is a total Project population of 10 individuals, consisting of nine adults and one child. The average household size is two persons per dwelling unit. The distribution of household sizes within the Project is provided in **Table 1**, following.

MV00074741

TABLE 1: Household Size (5 households)			
# in Household	One	Two	Three
# Households	1	3	1

The standard for housing density adopted by the Agency allows two persons per bedroom and one person in a common living area up to four bedrooms. The Agency adheres to the state building code occupancy standard based on the square footage of the dwelling for households larger than nine members. Based on these criteria as compared to available tenant data, there is no overcrowding among Project properties.

4. Replacement Housing Needs

Replacement housing needs, as expressed in this Plan, are defined by the total number of required replacement units and the distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing survey data relative to household size with the Agency's replacement housing occupancy standards. These standards, generally, allow for up to three persons in a one-bedroom unit, five persons in a two-bedroom unit, and seven persons in a three-bedroom unit.

The Project's replacement housing requirements are two one-bedroom mobile homes and three two-bedroom mobile homes; four for sale and one for rent.

The Agency will, through its relocation representatives, assure that sufficient replacement housing units exist in compliance with the decent, safe, and sanitary requirements, prior to displacing any residential households.

5. Income

Income information was provided by all five Project households. According to income standards for the County of Riverside, adjusted for family size as published

MV00074742

by the United States Department of Housing and Urban Development (HUD) in May 2010, two respondent Project households qualify as extremely low income (less than 30% of area median) and three qualify as low income (51%-80% of area median). **Table 2** below outlines this information.

TABLE 2: Income Levels of Project Households (5 respondents)			
Extremely Low	**Very Low**	**Low**	**Moderate**
2	0	3	0

6. Ethnicity/Language

Two households in the Project reported their ethnicity as White and three as Hispanic. English is the primary household language in all households.

7. Senior/Handicapped Households

There are no senior households (head of household or spouse 62 years or older) in the Project and four households reported disabilities that may require special accommodations as far as replacement units are concerned.

8. Preferred Relocation Areas

All Project residents expressed a preference to remain in the same park or community in order to maintain current access to employment, medical or religious facilities, recreational resources, and public transportation.

For illustrative purposes **Attachments 2 and 3** present the prevailing HUD income standards as well as general demographic information for the City of Moreno Valley.

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C. REPLACEMENT HOUSING RESOURCES

A housing resource survey was conducted during the month of February 2010 to determine the availability of replacement housing to meet the needs of the five Project area households. Mobile homes for sale and available space in nearby parks that would accept a used mobile home were researched and considered as appropriate replacement options. Most residents may be able to remain at the park by moving their coach to the available spaces. One does not qualify due to the size and additions to the mobile home.

The mobile homes for sale survey, summarized in **Table 3**, identified a total of 38 available single-, double- and triple-wide mobile homes for sale. The individual figures for number of units found by coach size are presented in the table alongside the number of units needed (shown in parentheses) to meet re-housing obligations.

TABLE 3: Availability and Cost of Mobile Homes for Sale

Size	Single-wide	Double-wide	Triple-wide
# Found (# Needed)	4 (1)	32 (3)	2 (0)
Asking Price Range	$15,000 - $25,000	$12,500 - $68,000	$40,000 - $45,000
Pad Rent Range	$350 - $620	$350 - $680	$500 - $550
Median Asking Price	$18,700	$31,500	$42,500
Median Pad Rent	$527	$524	$525

Project pad rents are currently approximately 11% less than median pad rents for surveyed nearby parks. The median rent amounts shown in the table above are the figures used to make benefit and budget projections for the Plan. These amounts are, naturally, subject to change according to the market rates prevailing at the time of displacement.

In addition to the available mobile homes for sale the survey identified 10 nearby mobile home parks with available spaces for used mobile homes. A total of 51 available spaces were identified with pad rents ranging from $251 to $755. **Attachment 4** lists available replacement housing resources.

MV00074744

For one tenant household the survey of nearby one-bedroom apartments was conducted and there are currently 11 available units on the market with rents ranging from $695 to $795 per month. Median rent for one-bedroom units is $765.

D. CONCURRENT RESIDENTIAL DISPLACEMENT

There are, currently, no projects underway within the City of Moreno Valley, that would negatively affect the pool of available replacement housing of mobile homes for sale. No residential displacee will be required to move without both adequate notice and access to available affordable, decent, safe, and sanitary housing.

E. TEMPORARY HOUSING

There is no anticipated need for temporary housing. Should such a need arise, the displacing entity will respond appropriately and in conformance with all applicable laws and requirements.

F. PROGRAM ASSURANCES AND STANDARDS

There are adequate funds available to relocate all households subject to displacement. Services will be provided to ensure that displacement does not result in different, or separate treatment of the household based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability, or any other basis protected by the Federal Fair Housing Amendments Act; the Americans with Disabilities Act; Title VI of The Civil Rights Act of 1964; Title VII of The Civil Rights Act of 1964; Title VIII of The Civil Rights Act of 1968; and, the California Fair Employment & Housing Act; and the Unruh Act.

No residential household will be displaced without at least 90 days notice and unless comparable replacement housing can be located. Comparable housing includes standards such as: decent, safe and sanitary (as defined in § 6008[d] of the Guidelines); comparable as to the number of bedrooms, living space, and type and quality of construction of the

MV00074745

acquired unit, but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to proximity to schools, employment, health and medical facilities, and other public and commercial facilities and services; and within the financial means of the displaced household as defined in Section 6008, subdivision (c)(5) of the Guidelines.

The relocation program to be implemented by the Agency conforms with the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines and all other applicable regulations and requirements.

G. RELOCATION ASSISTANCE PROGRAM

A relocation representative from *Overland, Pacific & Cutler, Inc.* (OPC) will assist all persons to be displaced as a consequence of the Project. OPC staff will maintain personal contact with all individuals until the relocation process has been completed. OPC maintains an open phone number (951) 683-2353 which is attended to from 8:00 a.m. to 5:00 p.m., Monday through Friday.

The relocation offices are located at:

2280 Market Street, Suite 340
Riverside, CA 92501

A comprehensive relocation assistance program, offering both advisory assistance and financial benefits will be provided to all households subject to displacement. Specific services will include:

A. Distribution of informational brochure to residential occupants **(Attachment 5)**;

B. Timely referrals for residential occupants to at least three comparable replacement units and, if necessary, transportation will be provided to inspect potential replacement units; and

MV00074746

C. Assistance with the completion, and filing of relocation claims, rental applications, purchase offers and appeal forms, if necessary.

H. RELOCATION BENEFIT CATEGORIES

Relocation benefits will be provided in accordance with the California Relocation Assistance Law; the Guidelines; and, other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The Agency will provide appropriate benefits for each displaced household as required by the above-referenced laws and requirements.

1. Residential Moving Expense Payments

The subject households will be eligible to receive a payment for moving expenses. Payments will be made based upon either a fixed room count schedule, or an invoice for actual reasonable moving expenses from a licensed professional mover.

a. Fixed Payment - A fixed payment for moving expenses based on the number of rooms containing furniture or other personal property to be moved. The fixed moving payment will be based upon the most recent Federal Highway Administration (FHWA) schedules maintained by the California Department of Transportation **(See Fixed Payment Moving Schedule - Attachment 6)**.

- OR -

b. Actual Reasonable Moving Expense Payments - A displaced household may elect to have a licensed, professional mover perform the move; if so, the displacing entity will pay for the actual cost of the move, up to 50 miles, and all reasonable charges for packing, unpacking, insurance, and utility connection charges at the

MV00074747

replacement location. The payment for moving will be made directly to the mover, or as reimbursement to the displaced household.

2. Rental Assistance/Downpayment Assistance

Residential tenants who have established residency at the Project site for a minimum of 90 days prior to the initiation of negotiations to purchase the property and who choose to re-rent, may be eligible to receive a Rental Assistance Payment in addition to compensation for moving expenses. "Initiation of Negotiations" is defined as the first written offer by the Agency to buy the property from which the households will be displaced.

Rental Assistance Payments will be limited to a maximum of $5,250, based upon the monthly housing need over a 42 month period, prior to consideration of Last Resort Housing needs. Eligible households may opt to apply the full amount of their rental assistance eligibility toward the purchase of a replacement dwelling.

3. Payments to Mobile Home Owners

Mobile home owner-occupants will have four options with respect to relocation arrangements:

1) If the mobile home can be moved to a replacement site, the owner may elect to move and set up the unit, including any existing improvements, in a new location, provided the total cost of moving the coach does not exceed the replacement cost of a comparable unit.

Benefits will include the cost of moving and setting up the existing mobile home, within 50 miles from the Project, and Rental Assistance for space rent.

2) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place, and purchase a comparable replacement coach in another location;

MV00074748

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

3) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and apply their entitlement toward the purchase of another type of residential dwelling, including the amount determined for Rental Assistance for space rent.

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

4) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and rent an alternate type of residential unit.

The owner will be entitled to utilize up to the total of the replacement housing eligibility in the form of rental assistance. Actual rental assistance eligibility will be determined by subtracting the difference between the economic rent of the mobile home residence from the market rent for an apartment unit of comparable size (e.g. number of bedrooms) multiplied by 42 months.

4. Last Resort Housing Payments

In order to provide the tenants and owners with comparable replacement housing, the Agency may, if there is a need, exceed statutory maximums for rental assistance of $5,250 for tenants and replacement housing of $22,500 for owners, by authorizing the payment of Last Resort Housing benefits. A displaced person will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed total of his or her rental or replacement housing assistance eligibility exceeds either $5,250 in the case of tenants or $22,500 for owner-occupants or when a tenant does not meet applicable occupancy requirements. Calculation of Last Resort rental assistance benefits for tenants who fail to meet 90-day occupancy requirements will be based solely on household

MV00074749

income. Non 90-day qualifiers must meet basic eligibility requirements applied to all other displacees.

I. PAYMENT OF RELOCATION BENEFITS

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

i) the date the claimant moves from the acquired property; **or**,

ii) the date on which final payment for the acquisition of real property is made, whichever is later.

Procedures for preparing, and filing of claims and processing and delivering of payments are attached **(Attachment 7)**.

J. EVICTION POLICY

Eviction will only be undertaken as a last resort measure in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous, or illegal act in the unit, or if the household refuses to act after having received reasonable referrals to comparable replacement housing. Eviction may affect the eligibility of a person otherwise entitled to relocation benefits.

K. APPEALS POLICY

The appeals policy will follow the standards described in Section 6150 of the Guidelines. Pursuant to this Section, displacees have the right to appeal determinations of eligibility,

MV00074750

payment amounts and general relocation assistance services. A copy of the Agency's appeals policy and procedures is attached **(Attachment 8)**.

L. PROJECTED DATES OF DISPLACEMENT

Occupants will receive either a written 90-Day Informational Notice or a date specific 90-Day Notice to Vacate before they are required to move. This notice is anticipated to be issued around August of 2010.

M. ESTIMATED RELOCATION COSTS

The Agency will use its own funds to underwrite the Project. Estimated relocation costs for the Project are $241,000 including a 20% contingency. This figure does not include any provision for relocation administrative costs or other services which may be necessary to carry out the Project.

If the Project is implemented and circumstances arise that increase the Project budget, the Agency will authorize the expenditure of those additional funds necessary to meet its statutory relocation assistance obligations.

N. CITIZEN PARTICIPATION/PLAN REVIEW

This Plan will be provided to the public for the mandatory 30 day review period. Comments regarding this Plan will be included as a Plan Addendum (**Attachment 9**) prior to submission for approval before the City of Moreno Valley City Council. A copy of the

MV00074751

approved Plan will be forwarded to the California Department of Housing and Community Development (HCD).

MV00074752

TABLE OF ATTACHMENTS

Attachment 1: Project Site Maps

Attachment 2: Demographic Characteristics

Attachment 3: Annual Income Limitations - Year 2010, County of Riverside

Attachment 4: Replacement Housing Survey

Attachment 5: Sample Informational Brochure for Displaced Households

Attachment 6: Fixed Payment Moving Schedule

Attachment 7: Procedures for Relocation Payments and Assistance

Attachment 8: Appeals Policy and Procedures

Attachment 9: Plan Addendum (Public Comments and Agency Response)

ATTACHMENT 1
PROJECT SITE MAPS

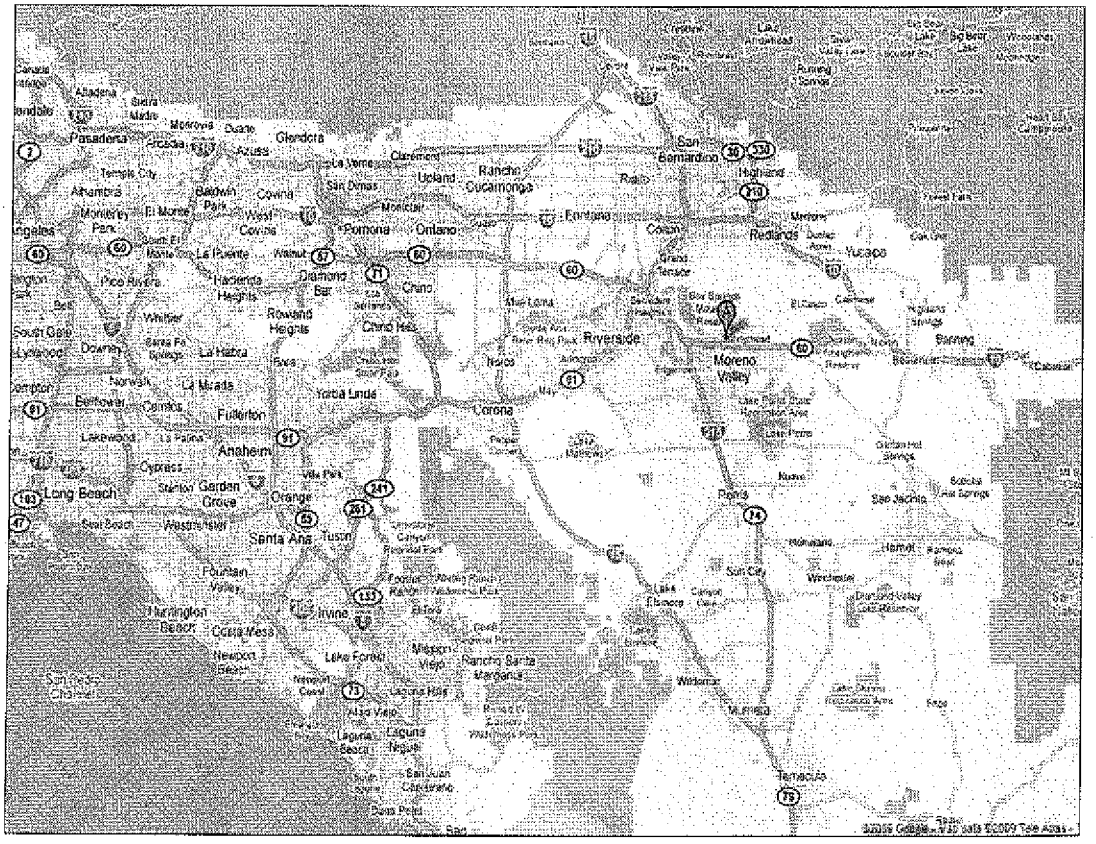

Map 1: Regional Project Location

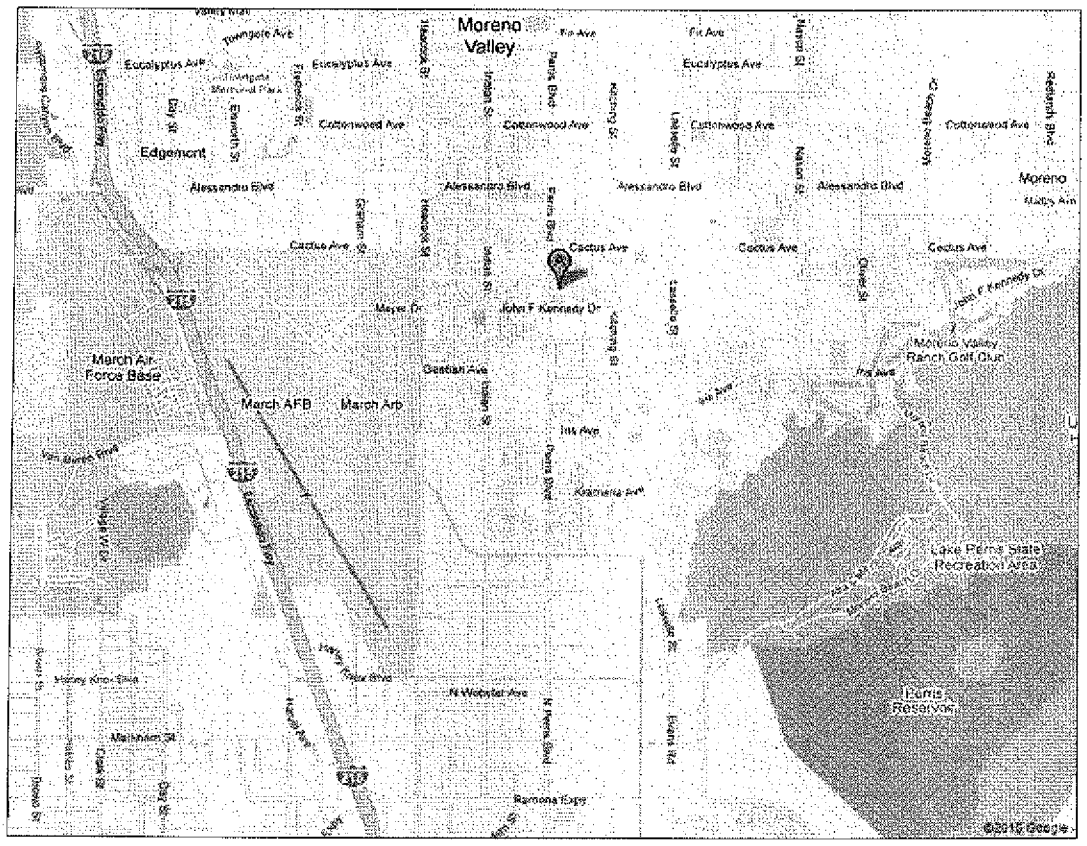

Map 2: Project Site Location

ATTACHMENT 2
DEMOGRAPHIC CHARACTERISTICS

TABLE 1: 2000 Census Population - City of Moreno Valley & Tract 426.05				
Population	Tract 426.05	%	City	%
Total Population	18,387	100.0%	142,381	100.0%
White	7,926	43.1%	66,689	46.8%
Black or African American	4,362	23.7%	28,310	19.9%
American Indian and Alaska Native	166	0.9%	1,343	0.9%
Asian	1,151	6.3%	8,427	5.9%
Native Hawaiian and Other Pacific Islander	97	0.5%	733	0.5%
Some Other Race	3,644	19.8%	28,584	20.1%
Two or More Races	1,041	5.7%	8,295	5.8%
Hispanic or Latino (of Any Race)	7,070	38.5%	54,689	38.4%

Source: U.S. Census Bureau

TABLE 2: 2000 Census Housing Units - City of Moreno Valley & Tract 426.05				
Type	Tract 426.05	%	City	%
Total Units	5,472	100.0%	41,431	100.0%
Owner-Occupied	4,174	76.3%	27,873	67.3%
Renter-Occupied	784	14.3%	11,352	27.4%
Vacant Housing Units	514	9.4%	2,206	5.3%
Available for Sale Only (of Total Vacant Units)	158	30.7%	800	36.3%
Available for Rent - Full Time Occupancy (of Total Vacant Units)	159	30.9%	709	32.1%
Sold or Rented - Not Occupied	53	10.3%	221	10.0%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	65	12.6%	104	4.7%
Other Vacant	79	15.4%	372	16.9%

Source: U.S. Census Bureau

ATTACHMENT 3

HUD ANNUAL INCOME LIMITATIONS - YEAR 2010
COUNTY OF RIVERSIDE, CA

The following figures are approved by the U.S. Department of Housing and Urban Development (HUD) and California State Department of Housing & Community Development for use in the **County of Riverside** to define, and determine housing eligibility by income level, for the year 2010.

Area Median: $65,000					
Family Size	**Extremely Low Income**	**Very Low Income**	**Low Income**	**Median Income**	**Moderate Income**
1 Person	13,650	22,750	36,400	45,500	54,600
2 Person	15,600	26,000	41,600	52,000	62,400
3 Person	17,550	29,250	46,800	58,500	70,200
4 Person	19,500	32,500	52,000	65,000	78,000
5 Person	21,100	35,100	56,200	70,200	84,250
6 Person	22,650	37,700	60,350	75,400	90,500
7 Person	24,200	40,300	64,500	80,600	96,700
8 Person	25,750	42,900	68,650	85,800	102,950

Figures are per the California State Department of Housing & Community Development, Division of Housing Policy Development, promulgated **June 17, 2010.**

ATTACHMENT 4

REPLACEMENT HOUSING SURVEY

CITY OF MORENO VALLEY

Perris Widening Project

RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
JFK Mobile Home Park 951-242-5437	15040 Heacock Street, Moreno Valley	None	$515.00 plus utilities	Not at this time	6 miles
Santiago Estates Sunnymead Ltd 951-242-6158	23530 Santiago Drive Moreno Valley	1 space available	$425.00 - $515.00	Yes, no model older than year 2000	5.7 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood Avenue Moreno Valley	3 spaces available	$515.00 - $565.00	Yes, Must be 5 years or newer	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard Moreno Valley	6 spaces	620.00 plus utilities	Yes, Corporate must approve the home	2 miles
Cadena Creek Mobile Home Park 909-783-2700	2851 S. La Cadena Drive Colton	30 spaces	698.00	Yes	7 miles
Big Oak Gardens Mobile Senior Home Park 909-795-2213	35080 Chandler Avenue Calimesa	3 spaces	$251.00	1977 or newer 30 amp coach only	7.9 miles
King Arthur's Mobile Home Park 951-682-5885	1560 Massachusetts Ave Riverside	None	$595.00	Not Allowed	10 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Dat

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
Mission Mobile Manor 951-685-6580	8110 Mission Blvd Riverside	1 space	$518.00	Yes, 1990 or newer	21 miles
Ranco Caballero Mobile Community 951-780-9272	15181 Van Buren Boulevard Riverside	1 space	$681.69	Yes, did not know if any restrictions	16 miles
Elm Trailer Park 951-781-3938	5741 Mission Boulevard Riverside	None	$395.00	Not Allowed	18 miles
Jurupa Hills Cascade Mobile Home 951-685-1557	6130 Camino Real Riverside	Possibly 1 space	$755.00	Yes, must be 5 years or newer	21 miles
Mission Village Mobile Home Park Senior Park 951-687-4447	3700 Buchanan Avenue Riverside	2 spaces	$525.00-$550.00	Yes, no model older than year 2000	26 miles
Palm Terrace Mobile Village 951-689-4650	12149 Indiana Street Riverside	3 spaces	$617.00-$643.00	Yes, must be year 1990 or newer	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #201 Moreno Valley	Single	$530.00	2 bed/1 bath	$17,500	6 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #33 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$25,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #124 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$40,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood # 232 Moreno Valley	Triple	$500.00	2 bed/ 2 bath	$45,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #47 Moreno Valley	Triple	$550.00	2 bed/ 2 bath	$40,000	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #35 Moreno Valley	Double	620.00	2 bed/2 bath	$14,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #92 Moreno Valley	Double	620.00	2 bed/2 bath	$25,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #64 Moreno Valley	Double	620.00	3 bed/2 bath	$29,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #88 Moreno Valley	Double	620.00	3 bed/2 bath	$45,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #21 Moreno Valley	Single	620.00	2 bed/1 bath	$15,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #50 Moreno Valley	Double	620.00	3 bed/2 bath	$55,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #51 Moreno Valley	Double	620.00	3 bed/2 bath	$20,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #62 Moreno Valley	Double	620.00	2 bed/1 bath	$40,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #8 Moreno Valley	Double	620.00	2 bed/2 bath	$36,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Santiago Estates 951-242-6158	23530 Santiago Drive #33 Moreno Valley	Double	$425.00	3 bed/ 2 baths	$50,000	5.7 miles
Santiago Estates	23530 Santiago Drive #53 Moreno Valley	Double	$350.00	3 bed/ 2 bath	$68,000	5.7 miles
King Arthur's Mobile Home Park	177 Sir Bedivere Dr #177 Riverside	Double	$595.00	2 bed/2/bath	$29,000	10 miles
King Arthur's Mobile Home Park	144 Sir Damas Dr # 144 Riverside	Double	$595.00	2 bed/2 bath	$25,000	10miles
King Arthur's Mobile Home Park	183 Sir Bedivere Dr #183 Riverside	Double	$603.00	2 bed/2 bath	$54,000	10 miles
Lake Perris Village	350 San Jacinto Ave #62 Perris	Single	$525.00	2 be/ 1 bath	$25,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #51 Perris	Double	$475.00	2 bed/ 2 bath	$44,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #20 Perris	Double	$470.00	3 bed/2 bath	$48,330	8.92 miles
Lakeview Family Park	11050 Bryant #198 Yucaipa	Double	$457.00	2 be/ 2 bath	$49,000	20 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Lakeview Family Park	11050 Bryant #47 Yucaipa	Double	$380.00	2 bed/ 1.5 bath	$39,800	20 miles
Lakeview Family Park	11050 Bryant #229 Yucaipa	Double	$440.00	2 bed/2 bath	$36,000	20 miles
Lakeview Family Park	11050 Bryant #90 Yucaipa	Double	$450.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #126 Yucaipa	Double	$428.00	2 bed/2 bath	$34,000	20 miles
Lakeview Family Park	11050 Bryant #145 Yucaipa	Double	$428.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #293 Yucaipa	Single	$350.00	2 bed/2 bath	$19,900	20 miles
Lakeview Family Park	11050 Bryant # 205 Yucaipa	Double	$450.00	2 bed/2 bath	$22,000	20 miles
Lakeview Family Park	11050 Bryant #122 Yucaipa	Double	$350.00	2 bed/2 bath	$24,000	20 miles
Mission Village	3600 Buchanan #26 Riverside	Double	$550.00	2 bed/2 bath	$12,500	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Mission Village	3600 Buchanan #126 Riverside	Double	$411.00	2 bed/2 bath	$20,000	26 miles
Mission Village	3600 Buchanan #118 Riverside	Double	$576.00	2 bed/2 bath	$25,000	26 miles
Mission Village	3600 Buchanan #89 Riverside	Double	$518.00	2 bed/2 bath	$24,500	26 miles
Pembroke Downs	12400 Cypress Ave #88 Chino	Double	$541.00	2 bed/2 bath	$45,000	30 miles
Lamplighter	4400 Philadelphia #2 Chino	Double	$464.00	2 bed/2 bath	$61,000	32 miles
Park Vista	1601 S. Garey Ave #81 Pomona	Double	$680.00	2 bed/2 bath	$45,000	35 miles

ATTACHMENT 5

SAMPLE INFORMATIONAL BROCHURE
FOR
DISPLACED HOUSEHOLDS

Relocation Assistance Informational Statement for Families and Individuals

(CA State)

Displacing Agency:

City of Moreno Valley – Public Works Department/Capital Projects Division

Project Name:

Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" (Southerly City Limits) to Cactus Avenue

Displacing Agency Representative:

Overland, Pacific & Cutler, Inc.
2280 Market St., Suite 340
Riverside, CA 92501
Phone: (951)683-2353

Informational Statement Content:

1. General Information
2. Assistance In Locating A Replacement Dwelling
3. Moving Benefits
4. Replacement Housing Payment - Tenants And Certain Others
5. Section 8 Tenants
6. Replacement Housing Payment – Homeowners
7. Qualification For And Filing Of Relocation Claims
8. Last Resort Housing Assistance
9. Rental Agreement
10. Evictions
11. Appeal Procedures – Grievance
12. Tax Status of Relocation Benefits
13. Additional Information And Assistance Available

Spanish speaking representatives are available. Si necesita esta información en español, por favor llame a su representante.

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1. GENERAL INFORMATION

The dwelling in which you now live is in a project area to be improved by, or financed through, the Displacing Agency using state and/or local funds. If and when the project proceeds, and it is necessary for you to move from your dwelling, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under the state law. We suggest you save this informational statement for reference.

The Displacing Agency has retained the professional firm of **Overland, Pacific & Cutler, Inc. (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING. However, if you desire to move sooner than required, you must contact your representative with Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Displacing Agency's relocation assistance program.

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive. Once the Displacing Agency acquires the property, you will also be required to pay rent to the Displacing Agency.

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

3. MOVING BENEFITS

If you must move as a result of displacement by the Displacing Agency, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

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- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills; **or**
- A combination of both.

For example, you may chose a Self Move, receiving a payment based on the Fixed Residential Moving Cost Schedule shown below, plus contract with a professional mover to transport your grand piano and /or other items that require special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Residential Moving Cost Schedule.

A. **Fixed Moving Payment**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from $400.00 for one furnished room to $2,150.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation representative will inform you of the amount you are eligible to receive, if you choose this type of payment.

If you select a fixed payment, you will be responsible for arranging for your own move, and the Displacing Agency will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up, credit check and other related moving fees.

Fixed Moving Schedule CALIFORNIA Effective 6-15-2005	
Occupant Owns Furniture:	
1 room	$625
2 rooms	$800
3 rooms	$1,000
4 rooms	$1,175
5 rooms	$1,425
6 rooms	$1,650
7 rooms	$1,900
8 rooms	$2,150
Each additional room	$225
Occupant does NOT Own Furniture:	
1 room	$400
Each additional room	$65

B. **Actual Moving Expense (Professional Move)**

If you wish to engage the services of a licensed commercial mover and have the Displacing Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a "mover" scope of services for Displacing Agency approval.

4. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to $5,250.00 to assist you in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant who has occupied your present dwelling for at least 90 days prior to the initiation of negotiations or an owner who has occupied your dwelling between 90 and 180 days prior to the initiation of negotiations.

A. **Rental Assistance.** If you qualify, and **wish to rent** your replacement dwelling, your rental assistance benefits will be based upon the difference over a forty-two (42) month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent and estimated utilities or thirty percent (30%) of your gross monthly household income. You will be required to

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provide your relocation representative with monthly rent and household income verification prior to the determination of your eligibility for this payment.

- OR -

B. **Down-payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the down-payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

5. SECTION 8 TENANTS

When you do move, you may be eligible to transfer your Section 8 eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits.

6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

A. If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 180 days** prior to the initiation of negotiations, you may be eligible to receive a payment of up to $22,500.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.
3. **Incidental Expenses** - Those one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that could have been received under the Purchase Price Differential, explained above. The payment will be based on the difference between an economic rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received, if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

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7. QUALIFICATION FOR, AND FILING OF, RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the following**:

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:

  a. The date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court,: **or**

  b. The date you move from the displacement dwelling.

All claims for relocation benefits must be filed with the Displacing Agency **within eighteen (18) months** from the date on which you receive final payment for your property, or the date on which you move, whichever is later.

8. LAST RESORT HOUSING ASSISTANCE

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the Displacing Agency will provide Last Resort Housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort Housing assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and Last Resort eligibility must be applied toward the down-payment and eligible incidental expenses of the home you intend to purchase.

9. RENTAL AGREEMENT

As a result of the Displacing Agency 's action to purchase the property where you live, you may become a tenant of the Displacing Agency. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

10. EVICTIONS

Any person, who occupies the real property and is not in unlawful occupancy, is presumed to be entitled to relocation benefits. Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following reasons:

- Failure to pay rent; except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act in the unit;

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- Material breach of the rental agreement and failure to correct breach within the legally prescribed notice period;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

11. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have the claim reviewed or reconsidered in accordance with the Displacing Agency's appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

12. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein).

13. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative at Overland, Pacific & Cutler.

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ATTACHMENT 6

Fixed Payment Moving Schedule	
Occupant Owns Furniture	
One room	$625.00
Two rooms	$800.00
Three rooms	$1,000.00
Four rooms	$1,175.00
Five rooms	$1,425.00
Six rooms	$1,650.00
Seven rooms	$1,900.00
Eight rooms	$2,150.00
each additional room	$225.00
Occupant Does NOT Own Furniture	
First Room	$400.00
each additional room	$65.00

Source: Federal Highway Administration (effective 8-22-08)

ATTACHMENT 7

PROCEDURES
FOR
RELOCATION PAYMENTS AND ASSISTANCE

Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

- The date the claimant moves from the acquired property; **or,**
- The date on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims, and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined in accordance with the provisions of California Relocation Law.
3. Required claim forms will be prepared by relocation personnel in conjunction with claimant(s). Signed claims and supporting documentation will be submitted by relocation personnel to the Agency.
4. The Agency will review and approve claims for payment or request additional information.
5. The Agency will issue benefit checks which will be available at the Agency offices for pick-up by OPC, unless circumstances dictate otherwise.
6. Final payments will be issued after confirmation that the Project area premises have been completely vacated, and actual residency at the replacement unit is verified.
7. Receipts of payment will be maintained in the relocation case file.

ATTACHMENT 8

APPEALS POLICY AND PROCEDURES

The Agency's Policy and Procedures for appeals will follow the standards described in Article 5, Section 6150, Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines.

Briefly stated, displacees will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to:

1. eligibility;
2. the amount of payment;
3. the failure to provide comparable replacement housing referrals; or
4. the Agency's property management practices.

Requests for review will be directed first to Mr. Larry Gonzales, Senior Engineer, City of Moreno Valley or other authorized designee of the Agency. Details concerning the entire appeals process will be provided upon request.

ATTACHMENT 9

PLAN ADDENDUM
(PUBLIC COMMENTS AND AGENCY RESPONSE)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Hargis, Acting Financial & Administrative Services Director

AGENDA DATE: August 24, 2010

TITLE: RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2010

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the attached Quarterly Investment Report, in compliance with the City's Investment Policy.

BACKGROUND

In response to the Orange County bankruptcy and investment problems, and in order to deal with tightening regulations and controls over local investment of public funds, Senate Bills 866 and 564 were signed into law and became effective January 1, 1996, creating California Government Code Sections 53601 and 53646 respectively. The City's Investment Policy, adopted December 17, 1996 (and revised most recently on March 23, 2010), is in full compliance with the requirements of both of the above-mentioned Code Sections in addressing the types of investments allowed, the governing restrictions on these investments, the third-party custodian arrangement for certain investments, and the quarterly reporting requirements.

DISCUSSION

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This is the fourth quarterly report submitted for the 2009-10 fiscal year and is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's

Investment Policy and Government Code Section 53601 as to the types of investments allowed. As stated in the attached report, there is more than adequate liquidity within the portfolio for the City to meet its budgeted expenditures over the next six months.

The City has now transitioned the management of its general investment portfolio to Chandler Asset Management. As a result, the City's investment approach has changed from *passive* to *active*, as discussed in past meetings with the Finance Sub-Committee and the City Council. Utilizing an *active* approach, securities purchased for investment are not necessarily held to maturity but may be actively traded based on market conditions and the City's investment goals. The City's cash flow requirements are evaluated on an ongoing basis, with short-term needs accommodated through the City's pooled investment funds with the State Local Agency Investment Fund (LAIF). LAIF is a pool of public funds managed by the State Treasurer of California, providing 24-hour liquidity while yielding a rate of return approximately equivalent to a one-year treasury bill. With the combined use of a conservative approach to evaluating cash flow needs and LAIF liquidity, the City will not have to liquidate securities at current market rates that are intended to be held for longer-term investment. This is especially important considering that the average maturity of the general portfolio is 2.32 years.

In accordance with California Government Code Section 53646, the City is properly reporting investments of all bond proceeds and Deferred Compensation Plan funds. These funds are not managed by the City Treasurer as part of the pooled investment program and were not included in the City's investment reports prior to the current legislation. Bond proceeds are held and invested by a Trustee; Deferred Compensation Plan funds are held and invested by the respective plan administrators.

FISCAL IMPACT

None

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This report is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's Investment Policy and Government Code Section 53601 as to the types of investments allowed. It is recommended that the City Council receive and file the attached Quarterly Investment Report.

ATTACHMENTS/EXHIBITS

Attachment 1 - Treasurer's Cash and Investments Report – June 2010

Prepared By:
Brooke McKinney
Treasury Operations Division Manager
Acting City Treasurer

Department Head Approval:
Steve Hargis
Acting Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY OF MORENO VALLEY

Treasurer's Cash and Investments Report

June 2010

General Portfolio	Cost Value	Market Value	Par Value	Average Maturity	Average Duration
Bank Accounts	1,996,398	1,996,398	1,996,398		
State of California LAIF Pool	48,497,791	48,497,791	48,497,791		
Investments	172,781,218	173,617,381	167,769,635	2.32	1.93
Total General Portfolio	**223,275,407**	**224,111,570**	**218,263,824**	Years	Years

Bond Proceeds with Fiscal Agents	Market Value
Construction Funds	14,518,020
Principal & Interest Accounts	1,256,917
Debt Service Reserve Funds	7,890,608
Custody Accounts	0
Arbitrage Rebate Accounts	14,481
Other Accounts	643,477
Total Bond Proceeds	**24,323,503**

Deferred Compensation Funds	Market Value
Nationwide	8,064,586
ICMA	3,820,694
Total Deferred Compensation Funds	**11,885,280**

Total Investment Portfolio **260,320,353**

1. I hereby certify that the investments are in compliance with the investment policy adopted by the City Council. There are no items of non-compliance for this period.
2. The market values for the specific investments in the General Portfolio are provided by the City's investment custodian.
3. The market value for LAIF is provided by the State Treasurer.
4. The market values for investments held by fiscal agents and the deferred compensation plans are provided by each respective trustee or fiscal agent.
5. The City has the ability to meet its budgeted expenditures for the next six months pending any future action by City Council or any unforeseen catastrophic event.

Brooke McKinney
Acting City Treasurer

Attachment 1

MV00074780

Portfolio Summary

As of 6/30/2010

PORTFOLIO CHARACTERISTICS

Average Duration	1.93
Average Coupon	2.57 %
Average Purchase YTM	1.80 %
Average Market YTM	1.07 %
Average S&P Rating	AAA
Average Final Maturity	2.32 yrs
Average Life	2.02 yrs

ACCOUNT SUMMARY

	Beg. Values as of 5/31/10	End Values as of 6/30/10
Market Value	222,560,233	224,111,570
Accrued Interest	1,353,493	1,298,071
Total Market Value	**223,913,726**	**225,409,641**
Income Earned	336,937	327,036
Cont/WD		
Par	217,812,364	218,263,824
Book Value	222,346,418	222,839,437
Cost Value	222,652,020	223,275,407

TOP ISSUERS

Issuer	% Portfolio
Local Agency Investment Fund	21.5 %
Government of United States	11.0 %
Federal National Mortgage Assoc	10.8 %
Federal Home Loan Mortgage Corp	10.4 %
Federal Home Loan Bank	9.0 %
Federal Farm Credit Bank	8.4 %
Tennessee Valley Authority	3.8 %
US Bank Corp FDIC Insured	2.3 %
	77.3 %

SECTOR ALLOCATION

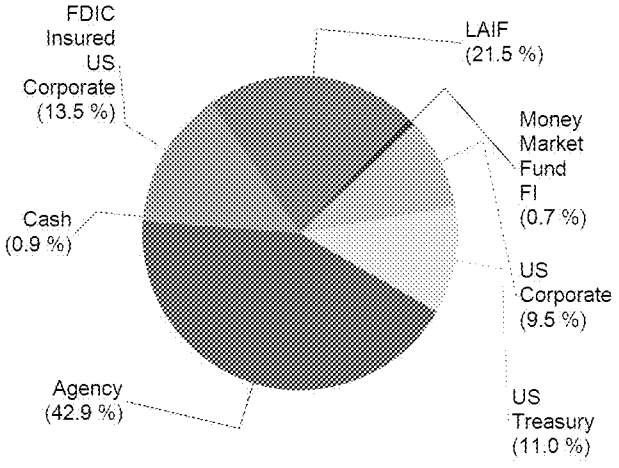

MATURITY DISTRIBUTION

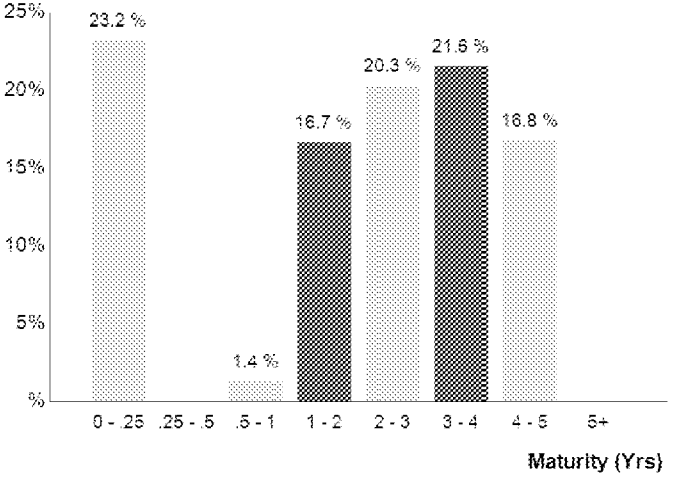

CREDIT QUALITY

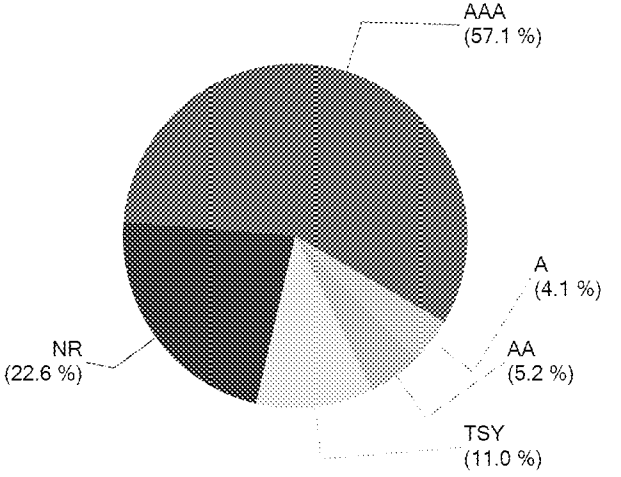

MV00074781

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
307692AA1	FAMCA Note 4.875% Due 1/14/2011	1,000,000.00	06/05/2006 5.47 %	976,000.00 997,192.40	102.44 0.34 %	1,024,375.00 22,614.58	0.46 % 27,182.60	Aa3 AAA	0.54 0.53
31331YK82	FFCB Note 3.25% Due 5/2/2011	1,000,000.00	05/19/2008 3.38 %	996,360.00 998,970.13	102.34 0.45 %	1,023,438.00 5,326.39	0.46 % 24,467.87	Aaa AAA	0.84 0.83
3133XTRU2	FHLB Note 1.3% Due 6/1/2011	1,000,000.00	06/01/2009 1.30 %	1,000,000.00 1,000,000.00	100.69 0.55 %	1,006,875.00 1,083.33	0.45 % 6,875.00	Aaa AAA	0.92 0.91
3133XUHK2	FHLB Callable Note 1X 8/24/2010 1.375% Due 8/24/2011	1,000,000.00	08/24/2009 1.38 %	1,000,000.00 1,000,000.00	100.13 0.54 %	1,001,250.00 4,850.69	0.45 % 1,250.00	Aaa AAA	0.15 0.15
3133XRW30	FHLB Callable Note 1X 7/28/10 4% Due 10/28/2011	1,000,000.00	10/28/2008 4.00 %	1,000,000.00 1,000,000.00	100.28 0.38 %	1,002,813.00 17,000.00	0.45 % 2,813.00	Aaa AAA	0.08 0.08
3136FH4A0	FNMA Callable Note 1X 8/17/10 1.55% Due 11/17/2011	1,000,000.00	08/17/2009 1.58 %	999,375.00 999,616.79	100.16 0.35 %	1,001,563.00 1,894.44	0.45 % 1,946.21	Aaa AAA	0.13 0.13
3133XSWM6	FHLB Note 2.1% Due 1/23/2012	1,000,000.00	01/23/2009 2.10 %	1,000,000.00 1,000,000.00	102.25 0.65 %	1,022,500.00 9,216.67	0.46 % 22,500.00	Aaa AAA	1.57 1.53
3133XT2T2	FHLB Note 2.25% Due 2/10/2012	1,000,000.00	02/10/2009 2.25 %	1,000,000.00 1,000,000.00	102.56 0.65 %	1,025,625.00 8,812.50	0.46 % 25,625.00	Aaa AAA	1.62 1.57
3128X8MS8	FHLMC Callable Note 1X 9/2/10 2.35% Due 3/2/2012	1,000,000.00	03/02/2009 2.43 %	997,800.00 998,775.55	100.28 0.72 %	1,002,797.00 7,768.06	0.45 % 4,021.45	Aaa AAA	0.18 0.17
3136FHNF8	FNMA Callable Note 1X 11/04/2010 1.625% Due 5/4/2012	1,000,000.00	06/07/2009 1.62 %	1,000,000.00 1,000,000.00	100.22 0.99 %	1,002,188.00 2,572.92	0.45 % 2,188.00	Aaa AAA	0.35 0.34
31331XG30	FFCB Note 5.45% Due 6/21/2012	1,000,000.00	06/29/2007 5.33 %	1,005,380.00 1,002,132.48	109.19 0.75 %	1,091,875.00 1,513.89	0.49 % 89,742.52	Aaa AAA	1.98 1.89
31331GZ36	FFCB Callable Note 1X 10/19/10 1.55% Due 7/19/2012	1,000,000.00	10/19/2009 1.55 %	1,000,000.00 1,000,000.00	100.34 0.41 %	1,003,438.00 6,975.00	0.45 % 3,438.00	Aaa AAA	0.30 0.30
3136F9YP2	FNMA Callable Note 1X 07/23/2010 4.22% Due 7/23/2012	1,000,000.00	07/23/2008 4.22 %	1,000,000.00 1,000,000.00	100.22 0.78 %	1,002,188.00 18,521.11	0.45 % 2,188.00	Aaa AAA	0.06 0.06
31331XT36	FFCB Note 5.25% Due 8/1/2012	1,000,000.00	08/01/2007 5.25 %	1,000,000.00 1,000,000.00	109.19 0.80 %	1,091,875.00 21,875.00	0.49 % 91,875.00	Aaa AAA	2.09 1.96
3133XT4J2	FHLB Note 2.45% Due 8/13/2012	1,000,000.00	02/13/2009 2.45 %	1,000,000.00 1,000,000.00	103.41 0.83 %	1,034,063.00 9,391.67	0.46 % 34,063.00	Aaa AAA	2.12 2.05
3136FHAK1	FNMA Callable Note 1X 08/27/2010 2.625% Due 8/27/2012	1,000,000.00	02/27/2009 2.63 %	1,000,000.00 1,000,000.00	100.28 0.84 %	1,002,813.00 9,041.67	0.45 % 2,813.00	Aaa AAA	0.16 0.16
31331GZ44	FFCB Note 1.55% Due 10/15/2012	1,000,000.00	10/15/2009 1.55 %	1,000,000.00 1,000,000.00	101.47 0.90 %	1,014,688.00 3,272.22	0.45 % 14,688.00	Aaa AAA	2.30 2.24
3136FHJU0	FNMA Callable Note 1X 4/29/11 2.25% Due 10/29/2012	1,000,000.00	04/29/2009 2.28 %	999,150.00 999,434.44	101.31 0.66 %	1,013,125.00 3,875.00	0.45 % 13,690.56	Aaa AAA	0.83 1.14
3133XSKL1	FHLB Callable Note 1X 11/5/10 4.125% Due 11/5/2012	1,000,000.00	11/05/2008 4.13 %	1,000,000.00 1,000,000.00	101.22 0.60 %	1,012,188.00 6,416.67	0.45 % 12,188.00	Aaa AAA	0.35 0.35
3128X7SV7	FHLMC Callable Note 1X 11/23/2010 3.7% Due 11/23/2012	2,000,000.00	05/23/2008 3.79 %	1,992,500.00 1,996,006.08	101.23 0.59 %	2,024,620.00 7,811.11	0.90 % 28,613.92	Aaa AAA	0.40 0.40

MV00074782

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31331GKF5	FFCB Note 2.5% Due 1/14/2013	1,000,000.00	01/14/2009 2.30 %	1,007,520.00 1,004,776.56	103.66 1.04 %	1,036,563.00 11,597.22	0.47 % 31,786.44	Aaa AAA	2.55 2.44
31398ALB6	FNMA Callable Note 1X 01/18/2011 4% Due 1/18/2013	1,000,000.00	01/18/2008 4.00 %	1,000,000.00 1,000,000.00	101.69 0.92 %	1,016,875.00 18,111.11	0.46 % 16,875.00	Aaa AAA	0.55 0.54
3133XUDM2	FHLB Callable Note 1X 2/14/11 2.4% Due 2/14/2013	1,000,000.00	08/14/2009 2.40 %	1,000,000.00 1,000,000.00	101.06 0.69 %	1,010,625.00 9,133.33	0.45 % 10,625.00	Aaa AAA	0.63 0.61
880591CW0	Tennessee Valley Authority Note 6% Due 3/15/2013	3,725,000.00	Various 1.87 %	4,194,744.63 4,126,370.46	112.91 1.15 %	4,205,804.38 65,808.34	1.90 % 79,433.92	Aaa AAA	2.71 2.50
3128X8TZ5	FHLMC Callable Note 1X 04/08/2011 2.5% Due 4/8/2013	1,000,000.00	04/08/2009 2.50 %	1,000,000.00 1,000,000.00	101.53 0.51 %	1,015,328.00 5,763.89	0.45 % 15,328.00	Aaa AAA	0.77 1.08
31331GVD8	FFCB Note 2.2% Due 4/8/2013	1,000,000.00	05/08/2009 2.20 %	1,000,000.00 1,000,000.00	102.84 1.15 %	1,028,438.00 5,072.22	0.46 % 28,438.00	Aaa AAA	2.78 2.68
3128X8B84	FHLMC Callable Note 1X 05/13/2011 2.4% Due 5/13/2013	1,000,000.00	05/13/2009 2.40 %	1,000,000.00 1,000,000.00	101.64 0.51 %	1,016,366.00 3,200.00	0.45 % 16,366.00	Aaa AAA	0.87 1.42
31331GXN4	FFCB Callable Note Cont 6/3/11 2.7% Due 6/3/2013	1,000,000.00	06/03/2009 2.70 %	1,000,000.00 1,000,000.00	101.78 0.76 %	1,017,813.00 2,100.00	0.45 % 17,813.00	Aaa AAA	0.93 0.91
3134A4TZ7	FHLMC Note 4.5% Due 7/15/2013	3,900,000.00	05/12/2010 1.59 %	4,250,028.90 4,235,230.44	110.00 1.15 %	4,290,000.00 80,925.00	1.94 % 54,769.56	Aaa AAA	3.04 2.82
880591DW9	Tennessee Valley Authority Note 4.75% Due 8/1/2013	3,750,000.00	03/15/2010 1.90 %	4,097,325.00 4,067,208.49	109.91 1.45 %	4,121,591.25 74,218.75	1.86 % 54,382.76	Aaa AAA	3.09 2.85
3133XUEC3	FHLB Callable Note Cont 8/12/11 2.65% Due 8/12/2013	1,000,000.00	08/12/2009 2.65 %	1,000,000.00 1,000,000.00	102.06 0.79 %	1,020,625.00 10,231.94	0.46 % 20,625.00	Aaa AAA	1.12 1.09
3136FJGM7	FNMA Callable Note 1X 10/22/10 2.5% Due 10/22/2013	1,000,000.00	10/22/2009 2.50 %	1,000,000.00 1,000,000.00	100.63 0.49 %	1,006,250.00 4,791.67	0.45 % 6,250.00	Aaa AAA	0.31 0.31
3133XSLV8	FHLB Callable Note 1X 11/26/10 3.5% Due 11/26/2013	1,000,000.00	11/26/2008 3.50 %	1,000,000.00 1,000,000.00	101.28 0.34 %	1,012,813.00 3,402.78	0.45 % 12,813.00	Aaa AAA	0.41 0.40
3133XHW57	FHLB Note 4.875% Due 12/13/2013	1,000,000.00	06/18/2009 2.96 %	1,080,060.00 1,061,595.89	111.44 1.47 %	1,114,375.00 2,437.50	0.50 % 52,779.11	Aaa AAA	3.46 3.20
3137EABX6	FHLMC Note 2.5% Due 1/7/2014	4,000,000.00	03/17/2010 2.09 %	4,059,384.00 4,054,901.38	103.69 1.42 %	4,147,488.00 48,333.33	1.86 % 92,586.62	Aaa AAA	3.53 3.33
3136F93Z4	FNMA Callable Note 1X 1/28/11 2% Due 1/28/2014	1,000,000.00	01/28/2009 2.00 %	1,000,000.00 1,000,000.00	100.75 0.70 %	1,007,500.00 8,500.00	0.45 % 7,500.00	Aaa AAA	0.58 0.57
3136FHDF9	FNMA Callalbe Note 1X 3/18/11 3.2% Due 3/18/2014	1,000,000.00	03/18/2009 3.20 %	1,000,000.00 1,000,000.00	101.97 0.44 %	1,019,688.00 9,155.56	0.46 % 19,688.00	Aaa AAA	0.72 1.01
3128X8QM7	FHLMC Callable Note 1X 03/24/2011 2.375% Due 3/24/2014	1,000,000.00	03/24/2009 2.40 %	999,000.00 999,254.11	101.61 0.18 %	1,016,064.00 6,399.31	0.45 % 16,809.89	Aaa AAA	0.73 0.73
3136FHHH1	FNMA Callable Note 1X 4/14/11 2% Due 4/14/2014	1,000,000.00	04/14/2009 2.00 %	1,000,000.00 1,000,000.00	100.66 1.16 %	1,006,563.00 4,277.78	0.45 % 6,563.00	Aaa AAA	0.79 0.78
3136FHGK5	FNMA Callable Note 1X 04/16/2012 3% Due 4/16/2014	1,000,000.00	04/16/2009 3.00 %	1,000,000.00 1,000,000.00	103.59 0.97 %	1,035,938.00 6,250.00	0.46 % 35,938.00	Aaa AAA	1.80 2.87

MV00074783

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31331GTJ8	FFCB Note 2.625% Due 4/17/2014	2,000,000.00	04/22/2010 2.25 %	2,028,120.00 2,026,786.47	103.94 1.55 %	2,078,750.00 10,791.67	0.93 % 51,963.53	Aaa AAA	3.80 3.60
3136FHMK8	FNMA Callable Note 1X 5/1/12 2.25% Due 5/1/2014	1,000,000.00	05/01/2009 2.25 %	1,000,000.00 1,000,000.00	102.81 0.71 %	1,028,125.00 3,750.00	0.46 % 28,125.00	Aaa AAA	1.84 2.50
3136FHPX7	FNMA Callable Note 1X 11/14/2011 2.125% Due 5/14/2014	1,000,000.00	05/14/2009 2.13 %	1,000,000.00 1,000,000.00	101.63 0.93 %	1,016,250.00 2,774.31	0.45 % 16,250.00	Aaa AAA	1.38 1.96
31398AXJ6	FNMA Note 2.5% Due 5/15/2014	3,100,000.00	Various 2.31 %	3,122,268.70 3,121,240.47	103.22 1.64 %	3,199,782.80 9,902.77	1.42 % 78,542.33	Aaa AAA	3.88 3.68
31331JQA4	FFCB Note 1.9% Due 6/2/2014	4,300,000.00	06/08/2010 1.96 %	4,289,551.00 4,289,673.59	101.16 1.59 %	4,349,720.90 6,581.39	1.93 % 60,047.31	Aaa AAA	3.93 3.76
3133X7FK5	FHLB Note 5.25% Due 6/18/2014	3,350,000.00	03/15/2010 2.34 %	3,742,991.85 3,715,949.97	113.97 1.60 %	3,817,954.80 6,351.04	1.70 % 102,004.83	Aaa AAA	3.97 3.62
3133XTXW1	FHLB Callable Note 1X 1/9/12 2.5% Due 7/9/2014	1,000,000.00	07/09/2009 2.50 %	1,000,000.00 1,000,000.00	103.00 0.52 %	1,030,000.00 11,944.44	0.46 % 30,000.00	Aaa AAA	1.53 1.49
31398AYN6	FNMA Callable Note 1X 07/28/2011 3% Due 7/28/2014	1,000,000.00	07/28/2009 3.00 %	1,000,000.00 1,000,000.00	101.91 1.21 %	1,019,063.00 12,750.00	0.46 % 19,063.00	Aaa AAA	1.08 2.18
3137EACD9	FHLMC Note 3% Due 7/28/2014	4,000,000.00	03/15/2010 2.41 %	4,097,476.00 4,090,936.86	105.28 1.66 %	4,211,252.00 51,000.00	1.89 % 120,315.14	Aaa AAA	4.08 3.80
31398AYY2	FNMA Note 3% Due 9/16/2014	1,500,000.00	04/15/2010 2.50 %	1,531,365.00 1,529,888.09	104.94 1.78 %	1,574,062.50 13,125.00	0.70 % 44,174.41	Aaa AAA	4.22 3.93
31331GL80	FFCB Note 3% Due 9/22/2014	4,000,000.00	03/17/2010 2.47 %	4,090,640.00 4,084,868.50	104.97 1.77 %	4,198,752.00 33,000.00	1.88 % 113,883.50	Aaa AAA	4.23 3.94
3136FJKD2	FNMA Callable Note 1X 10/27/2011 2.8% Due 10/27/2014	1,000,000.00	10/27/2009 2.80 %	1,000,000.00 1,000,000.00	102.47 0.92 %	1,024,688.00 4,977.78	0.46 % 24,688.00	Aaa AAA	1.33 2.94
31398AZV7	FNMA Note 2.625% Due 11/20/2014	4,100,000.00	03/12/2010 2.54 %	4,114,723.10 4,113,793.76	103.34 1.83 %	4,237,095.80 12,257.29	1.89 % 123,302.04	Aaa AAA	4.39 4.13
3137EACH0	FHLMC Note 2.875% Due 2/9/2015	4,250,000.00	04/15/2010 2.71 %	4,280,515.00 4,279,197.31	104.19 1.92 %	4,427,968.75 59,057.29	1.99 % 148,771.44	Aaa AAA	4.62 4.26
3133XWX95	FHLB Note 2.75% Due 3/13/2015	3,900,000.00	05/13/2010 2.52 %	3,940,950.00 3,939,835.71	103.06 2.06 %	4,019,437.50 44,091.67	1.80 % 79,601.79	Aaa AAA	4.70 4.36
Total Agency		**91,875,000.00**	**2.49 %**	**93,893,228.18 93,733,635.93**	**1.21 %**	**95,783,907.68 831,897.30**	**42.86 % 2,050,271.75**	**Aaa AAA**	**2.60 2.51**
CASH									
90CASH$00	Cash Custodial Cash Account	1,996,398.31	05/31/2010 0.00 %	1,996,398.31 1,996,398.31	1.00 0.00 %	1,996,398.31 0.00	0.89 % 0.00	NR NR	0.00 0.00
Total Cash		**1,996,398.31**	**N/A**	**1,996,398.31 1,996,398.31**	**0.00 %**	**1,996,398.31 0.00**	**0.89 % 0.00**	**NR NR**	**0.00 0.00**

MV00074784

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
FDIC INSURED US CORPORATE									
61757UAF7	Morgan Stanley FDIC Guaranteed Note 2% Due 9/22/2011	4,825,000.00	Various 0.91 %	4,909,264.93 4,888,824.35	101.73 0.58 %	4,908,520.75 26,537.50	2.19 % 19,696.40	Aaa AAA	1.23 1.21
949744AA4	Wells Fargo & Company FDIC Guaranteed Note 3% Due 12/9/2011	4,750,000.00	Various 1.07 %	4,919,063.75 4,880,247.99	103.36 0.66 %	4,909,514.50 8,708.33	2.18 % 29,266.51	Aaa AAA	1.44 1.42
06050BAG6	Bank of America Corp FDIC Guaranteed Note 2.1% Due 4/30/2012	5,035,000.00	Various 1.30 %	5,121,762.96 5,107,458.04	102.41 0.78 %	5,156,142.10 17,916.20	2.30 % 48,684.06	Aaa AAA	1.84 1.80
91160HAC1	US Bancorp FDIC Guaranteed Note 1.8% Due 5/15/2012	5,070,000.00	Various 1.39 %	5,111,546.49 5,108,437.04	101.91 0.77 %	5,166,613.92 11,661.00	2.30 % 58,176.88	Aaa AAA	1.88 1.84
38146FAA9	Goldman Sachs FDIC Guaranteed Note 3.25% Due 6/15/2012	4,855,000.00	Various 1.27 %	5,066,852.42 5,039,958.72	104.71 0.82 %	5,083,811.30 7,012.78	2.26 % 43,852.58	Aaa AAA	1.96 1.90
36967HAV9	GE Capital Corp FDIC Guaranteed Note 2.125% Due 12/21/2012	5,000,000.00	05/19/2010 1.27 %	5,107,970.00 5,103,614.52	102.81 0.97 %	5,140,440.00 2,951.39	2.28 % 36,825.48	Aaa AAA	2.48 2.41
Total FDIC Insured US Corporate		**29,535,000.00**	**1.20 %**	**30,236,460.55 30,128,540.66**	**0.77 %**	**30,365,042.57 74,787.20**	**13.50 % 236,501.91**	**Aaa AAA**	**1.81 1.77**
LAIF									
90LAIF$00	Local Agency Investment Fund State Pool	48,497,790.67	Various 0.55 %	48,497,790.67 48,497,790.67	1.00 0.55 %	48,497,790.67 58,370.52	21.54 % 0.00	NR NR	0.00 0.00
Total LAIF		**48,497,790.67**	**0.55 %**	**48,497,790.67 48,497,790.67**	**0.55 %**	**48,497,790.67 58,370.52**	**21.54 % 0.00**	**NR NR**	**0.00 0.00**
MONEY MARKET FUND FI									
431114701	Highmark Govt Money Market Fund	1.00	05/15/2010 0.05 %	1.00 1.00	1.00 0.05 %	1.00 0.00	0.00 % 0.00	Aaa AAA	0.00 0.00
431114701	Highmark Govt Money Market Fund	1,564,633.77	Various 0.05 %	1,564,633.77 1,564,633.77	1.00 0.05 %	1,564,633.77 0.00	0.69 % 0.00	Aaa AAA	0.00 0.00
Total Money Market Fund FI		**1,564,634.77**	**0.05 %**	**1,564,634.77 1,564,634.77**	**0.05 %**	**1,564,634.77 0.00**	**0.69 % 0.00**	**Aaa AAA**	**0.00 0.00**
US CORPORATE									
52517PA35	Lehman Brothers Holdings Note 4.5% Due 7/26/2010	1,000,000.00	08/25/2006 5.29 %	972,450.00 972,450.00	19.75 0.00 %	197,500.00 0.00	0.09 % (774,950.00)	NR NR	0.07 0.00
52517PR60	Lehman Brothers Holdings Note 5.25% Due 2/6/2012	1,000,000.00	02/06/2007 5.34 %	996,000.00 996,000.00	19.75 0.00 %	197,500.00 0.00	0.09 % (798,500.00)	NR NR	1.61 0.00
931142CL5	Wal-Mart Stores Note 4.25% Due 4/15/2013	2,100,000.00	05/07/2010 1.75 %	2,249,100.00 2,242,126.19	107.58 1.47 %	2,259,096.00 18,841.67	1.01 % 16,969.81	Aa2 AA	2.79 2.63
36962G4C5	General Electric Capital Corp Note 5.9% Due 5/13/2014	2,325,000.00	05/19/2010 3.14 %	2,562,336.00 2,556,116.16	110.38 3.03 %	2,566,372.20 18,290.00	1.15 % 10,256.04	Aa2 AA+	3.87 3.46

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Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
US CORPORATE									
61747YCF0	Morgan Stanley Note 6% Due 5/13/2014	1,640,000.00	06/23/2010 4.42 %	1,731,430.00 1,731,236.16	105.96 4.31 %	1,737,721.04 13,120.00	0.78 % 6,484.88	A2 A	3.87 3.42
06406HBL2	Bank of New York Note 4.3% Due 5/15/2014	2,250,000.00	Various 2.93 %	2,368,375.40 2,361,272.35	107.40 2.29 %	2,416,574.25 12,362.50	1.08 % 55,301.90	Aa2 AA-	3.88 3.56
079860AG7	Bellsouth Corp Note 5.2% Due 9/15/2014	1,550,000.00	05/19/2010 2.60 %	1,713,261.50 1,709,322.49	111.12 2.40 %	1,722,358.45 23,732.22	0.77 % 13,035.96	A2 A	4.21 3.76
09247XAD3	Blackrock Inc Note 3.5% Due 12/10/2014	1,630,000.00	Various 2.84 %	1,674,920.75 1,674,373.85	103.71 2.61 %	1,690,479.52 3,327.92	0.75 % 16,105.67	A1 A+	4.45 4.10
713448BM9	Pepsico Inc. Note 3.1% Due 1/15/2015	1,665,000.00	Various 2.44 %	1,712,746.65 1,712,134.42	104.12 2.14 %	1,733,581.35 23,943.63	0.78 % 21,446.93	Aa3 A-	4.55 4.18
46625HHP8	JP Morgan Chase Note 3.7% Due 1/20/2015	1,575,000.00	03/25/2010 3.61 %	1,581,000.75 1,580,683.12	102.28 3.16 %	1,610,980.88 26,061.88	0.73 % 30,297.76	Aa3 A+	4.56 4.11
94980VAA6	Wells Fargo Bank Note 4.75% Due 2/9/2015	1,625,000.00	03/25/2010 3.94 %	1,682,687.50 1,679,668.40	104.66 3.64 %	1,700,738.00 30,446.18	0.77 % 21,069.60	Aa3 AA-	4.62 4.06
084670AV0	Berkshire Hathaway Note 3.2% Due 2/11/2015	2,485,000.00	06/09/2010 2.65 %	2,545,012.75 2,544,413.68	102.98 2.51 %	2,559,080.34 30,924.44	1.15 % 14,666.66	Aa2 AA+	4.62 4.23
74005PAR5	Praxair Note 4.625% Due 3/30/2015	675,000.00	06/07/2010 2.63 %	735,297.75 734,575.83	109.64 2.46 %	740,057.18 7,891.41	0.33 % 5,481.35	A2 A	4.75 4.25
Total US Corporate		**21,520,000.00**	**3.17 %**	**22,524,619.05 22,494,372.65**	**2.65 %**	**21,132,039.21 208,941.85**	**9.47 % (1,362,333.44)**	**Aa3 AA-**	**4.07 3.67**
US TREASURY									
912828GQ7	US Treasury Note 4.5% Due 4/30/2012	3,775,000.00	03/12/2010 1.00 %	4,051,944.29 4,013,450.10	107.24 0.53 %	4,048,245.83 28,620.24	1.81 % 34,795.73	TSY TSY	1.84 1.77
912828HE3	US Treasury Note 4.25% Due 9/30/2012	3,775,000.00	03/12/2010 1.22 %	4,061,086.87 4,027,863.88	108.13 0.61 %	4,081,718.75 40,328.55	1.83 % 53,854.87	TSY TSY	2.25 2.15
912828HK9	US Treasury Note 3.375% Due 11/30/2012	3,875,000.00	03/12/2010 1.29 %	4,089,651.65 4,066,258.74	106.38 0.71 %	4,122,031.25 11,077.10	1.83 % 55,772.51	TSY TSY	2.42 2.33
912828HM5	US Treasury Note 3.625% Due 12/31/2012	3,850,000.00	03/12/2010 1.35 %	4,089,735.55 4,064,401.46	107.24 0.70 %	4,128,824.70 379.25	1.83 % 64,423.24	TSY TSY	2.51 2.41
912828HV5	US Treasury Note 2.5% Due 3/31/2013	4,000,000.00	03/12/2010 1.48 %	4,121,575.90 4,109,768.17	104.53 0.83 %	4,181,248.00 25,136.61	1.87 % 71,479.83	TSY TSY	2.75 2.65
912828JQ4	US Treasury Note 2.75% Due 10/31/2013	4,000,000.00	05/10/2010 1.65 %	4,148,281.25 4,142,321.96	105.24 1.14 %	4,209,688.00 18,532.61	1.88 % 67,366.04	TSY TSY	3.34 3.18
Total US Treasury		**23,275,000.00**	**1.33 %**	**24,562,275.51 24,424,064.31**	**0.76 %**	**24,771,756.53 124,074.36**	**11.04 % 347,692.22**	**TSY TSY**	**2.52 2.42**
TOTAL PORTFOLIO		**218,263,823.75**	**1.80 %**	**223,275,407.04 222,839,437.30**	**1.07 %**	**224,111,569.74 1,298,071.23**	**100.00 % 1,272,132.44**	**Aaa AAA**	**2.02 1.93**
TOTAL MARKET VALUE PLUS ACCRUED						**225,409,640.97**			

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Holdings Report Glossary

CUSIP (Committee on Uniform Securities Identification Procedures) – A unique identification number assigned to all securities.

Security Description - The issuer name, coupon (periodic interest payment rate) and maturity.

Par Value/Units - The face value or number of units held in the portfolio.

Purchase Date - The settlement date on which the security was purchased.

Book Yield - The YTM that equates the current amortized value of the security to its periodic future cash flows.

Cost Value - The value at which the securities were purchased, excluding purchased interest.

Book Value - The value at which an asset is carried on a balance sheet. To calculate, take the cost of an asset +/- net accretion/amortization.

Mkt Price - The current fair value market price.

Mkt YTM – The internal rate of return that equates the periodic future cash flows (interest payments and redemption value) to the market price, assuming that all cash flows are invested at the YTM rate.

Market Value - The current fair value of an investment as determined by transactions between willing buyers and sellers.

Accrued Int. - The interest that has accumulated on a bond since the last interest payment up to, but not including, the settlement date.

% of Port. - The % of the portfolio that the security represents based on market value, including accrued interest.

Gain/Loss – The unrealized gain or loss on the security, compared to either cost or amortized value, as of the date of the report.

Moody - The Moody's rating for the security.

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MV00074787

Holdings Report Glossary (continued)

S&P - The Standard and Poor's rating for the security.

Term (yrs) - The time, in years, until maturity.

Duration - The weighted average time to maturity of a bond where the weights are the present values of future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates.

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MV00074788

COMPLIANCE WITH INVESTMENT POLICY

Assets managed on by Chandler Asset Management are in full compliance with State law and with the City's investment policy.

Category	Standard	Comment
Local Agency Bonds	No Limitation	Complies
Treasury Issues	No Limitation	Complies
Agency Issues	No Limitation	Complies
Banker's Acceptances	40% maximum; <180 days maturity	Complies
Commercial Paper	25% maximum; <270 days maturity; A-1/P-1/F-1 minimum ratings	Complies
Negotiable Certificates of Deposit	30% maximum; 5 years maximum maturity	Complies
Repurchase Agreements	No limitation; 1-year maximum maturity	Complies
Reverse Repurchase Agreements	20% maximum; <92 days maturity	Complies
Medium Term Notes	30% maximum; 5 years maximum maturity; A-rated or better	Complies
Money Market Mutual Funds	20% maximum; AAAf/Aaaf, minimum rating	Complies
Collateralized Certificates of Deposits	5 years maximum maturity	Complies
Time Deposits	5 years maximum maturity	Complies
Mortgage Pass-throughs, CMOs and Asset Backed Securities	20% maximum; AA-rated issue; A-rated issuer	Complies
Local Agency Investment Fund - L.A.I.F.	Maximum program limitation	Complies
Prohibited Securities	Inverse floaters; Ranges notes, Interest-only strips from mortgaged backed securities; Zero interest accrual securities	Complies
Maximum maturity	5 years	Complies

MV00074789

BOND PROCEEDS WITH FISCAL AGENTS

Account Name	Account Number	Investment	Issuer	Purchase Date	Maturity Date	Market Value	Stated Rate	Yield	Price	% of of Portfolio
Wells Fargo	**Community Facilities District 3-2 (CFD 3)**									
special tax funds	22631800	money market fund	WF Govt Fund	06/30/10	07/01/10	1,008,997	0.01%	0.01%	1.00000	4.148%
interest acct	22631801	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631804	money market fund	WF Govt Fund	06/30/10	07/01/10	1,028,785	0.01%	0.01%	1.00000	4.230%
admin exp acct	22631805	money market fund	WF Govt Fund	06/30/10	07/01/10	376	0.01%	0.01%	1.00000	0.002%
debt service acct	22631809	money market fund	WF Govt Fund	06/30/10	07/01/10	35,835	0.01%	0.01%	1.00000	0.147%
special tax funds	22631900	money market fund	WF Govt Fund	06/30/10	07/01/10	385,276	0.01%	0.01%	1.00000	1.584%
interest acct	22631901	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631904	money market fund	WF Govt Fund	06/30/10	07/01/10	366,275	0.01%	0.01%	1.00000	1.506%
admin exp acct	22631905	money market fund	WF Govt Fund	06/30/10	07/01/10	15,657	0.01%	0.01%	1.00000	0.064%
cost of issuance	22631906	money market fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						2,841,202				
Wells Fargo	**CFD 2**									
Series B Revenue	22333500	money mkt fund	WF Govt Fund	06/30/10	07/01/10	170,420	0.01%	0.01%	1.00000	0.701%
Series A Principal	22333501	money mkt fund	WF Govt Fund	06/30/10	07/01/10	300	0.01%	2.71%	1.00000	0.001%
Series B reserve	22333503	money mkt fund	WF Govt Fund	06/30/10	07/01/10	522,526	0.01%	0.01%	1.00000	2.148%
Series A interest	22333504	money mkt fund	WF Govt Fund	06/30/10	07/01/10	27,125	0.01%	0.01%	1.00000	0.112%
						720,371				
Wells Fargo	**Hospital Revenue Bonds (Refinancing)**									
expense fund	12526107	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,068	0.01%	0.01%	1.00000	0.058%
reserve account	12526103	money mkt fund	WF Govt Fund	06/30/10	07/01/10	407,451	0.01%	0.01%	1.00000	1.675%
lease revenue	12526100	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
rebate account	12526104	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,481	0.01%	0.01%	1.00000	0.060%
						436,000				
Wells Fargo	**Auld Valley Development Agency Tax Allocation Bond Refunding**									
debt service fund	22631700	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						1				
Wells Fargo	**Auld Valley Revenue Bonds**									
bond fund	18042800	money mkt fund	WF Govt Fund	06/30/10	07/01/10	129	0.01%	0.01%	1.00000	0.001%
reserve fund	18042804	money mkt fund	WF Govt Fund	06/30/10	07/01/10	2,992,752	0.01%	0.01%	1.00000	12.304%
construction fund	18042806	money mkt fund	WF Govt Fund	06/30/10	07/01/10	7,671,733	0.01%	0.01%	1.00000	31.540%
						10,664,614				43.845%
Wells Fargo	**Auld Revenue Bonds Refunding & Electric Utility**									
bond fund	22277600	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
interest fund	22277601	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
construction fund	22277604	money mkt fund	WF Govt Fund	06/30/10	07/01/10	6,846,287	0.01%	0.01%	1.00000	28.147%
capital interest fund	22277605	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
cost of issuance	22277606	money mkt fund	WF Govt Fund	06/30/10	07/01/10	368,033	0.01%	0.01%	1.00000	1.513%
						7,214,321				
Wells Fargo	**Automall Redevelopment**									
revenue fund	20350300	revenue	WF Govt Fund	06/30/10	07/01/10	1,193,827	0.01%	0.01%	1.00000	4.908%
reserve fund	20350303	reserve	WF Govt Fund	06/30/10	07/01/10	1,178,244	0.01%	0.01%	1.00000	4.844%
admin expenses	20350304	admin expenses	WF Govt Fund	06/30/10	07/01/10	74,923	0.01%	0.01%	1.00000	0.308%
						2,446,994				10.060%
			Totals			**24,323,503**				**100.000%**

Item	Summary of Bond Proceeds with Fiscal Agents	
1	Construction Funds	14,518,020
2	**Principal & Interest Accounts**	**1,256,917**
3	Debt Service Reserve Funds	7,890,608
4	**Custody Accounts**	**0**
5	Arbitrage Rebate Accounts	14,481
6	**Other Accounts**	**643,477**
	Total Fiscal Agent Funds	**24,323,503**

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DEFERRED COMPENSATION FUNDS

Nationwide

Fund	Market Value	Fund	Market Value	Fund	Market Value
Liquid Savings	**$1,117,937**	**Drey SmCap I**	**5**	**N B Socially Responsive Fund**	**8,153**
Nationwide Fixed (Part Time Employee)	812,514	American Century Balanced	25	DFA US Micro Cap Port	104,358
Liquid Savings (Part Time Employees)	**128,711**	**Am Century Growth**	**44,573**	**Federated Kaufmann Fund**	**453,072**
Certificates of Deposit 3 years	15,413	Am Century Select	78,857	AIM Mid Cap Core Equity	13,731
JP Morgan Mid Cap Value A	**84,139**	**Am Century Ultra**	**0**	**Washington Mutual Inv**	**42,263**
Bond Fund Of America	67,275	Vanguard Index 500	65,279	Nationwide InvDes Mod Cons Fund SC	9,720
Growth Fund of America	**52,907**	**Vanguard Institutional Index**	**312,628**	**Nationwide InvDes Mod Aggr Fund**	**589,670**
Investment Co. of America	10,732	Vanguard Wellington	13,990	Nationwide InvDes Aggr Fund	93,883
Income Fund of America	**110,204**	**Vanguard Windsor II**	**62,350**	**Nationwide InvDes Mod Fd**	**330,279**
Brown Cap Mgmt Inc SM Co	62,451	Vanguard Total Bond Index	108,028	Nationwide Inv Des Cons	81,128
Fidelity Independence	**20,461**	**Putnam Voyager**	**0**	**Nationwide Large Cap Growth**	**67,253**
Fidelity Equity Income	19,513	Templeton Foreign I	0	Nationwide Inter Val Inst Svc	21,653
Fidelity Magellan	**303,795**	**EuroPacific Growth**	**226,967**	**Nationwide US Sm Cap Val Ins Svc**	**550**
Certificates of Deposit 5 years	29,246	Stable Fund C	1,686,963	Nationwide Dest 2015 Inst Svc	11,121
Fidelity Puritan	**109,520**	**PBHG Growth Fund**	**0**	**YL Account**	**146,412**
Fidelity Contrafund	232,459	DWS High Income Fund A	43,075	Nationwide Dest 2025 Inst Svc	21,391
Janus Fund	**59,176**	**DWS Strategic Value**	**35,410**	**Nationwide Dest 2020 Inst Svc**	**1,633**
Janus Advisor Forty	57,375	Oppenheimer Global Fund A	96,338	**Total Nationwide Deferred**	**$8,064,586**

ICMA

Fund	Market Value	Fund	Market Value
Aggressive Oppor.	**$142,895**	VT Royce Premeir	1,569
International	142,050	**VT Ranier Small/Mid Cap Eq**	**25,521**
All Equity Growth	**75,840**	VT Fidelity Contrafund	130,761
Growth and Income	175,644	**VT Fidelity Magellan**	**0**
Broad Market	**45,514**	VT Fidelity Diversified International	51,911
500 Stock Index	58,767	**VT Allianz NFJ Div Value**	**37,846**
Equity Income	**250,148**	VT Legg Mason Value	1,711
Asset Allocation	103,430	**VT Fidelity Puritan**	**3,653**
Core Bond	**15,270**	VT Royce Value Plus Service	4,807
Cash Management	31,665	**VT TR Price Growth Stock Adv**	**13,865**
Plus Fund	**1,384,358**	VT First Amer. Real Estate Secs	4,244
Savings Oriented	5,583	**VT TR Price Small Cap Value**	**102,249**
Conservative Growth	**75,740**	VT Third Ave Value	7,135
Traditional Growth	214,109	**Inflation Protected Securities**	**48,469**
Long-Term Growth	**262,559**	Growth Fund	198,844
Mid/Small Co Index	0	**VT PIMCO Total Return**	**36,371**
Milestone 2030	**9,055**	VT PIMCO High Yield	94,730
Milestone 2035	7,490	**VT Eaton Vance Lage Cap Value**	**4,364**
Overseas Equity Index fund	**52,527**		
Vantage Trust 1yr CD	0	**Total ICMA**	**$3,820,694**

Summary by Plan

	Market Value
Total Nationwide	$8,064,586
Total ICMA	3,820,694
Total Deferred Compensation Plans	**$11,885,280**

Summary by Investment Type

	Market Value
Savings Deposits and CD's	$2,059,162
Mutual Funds	9,826,118
Total Deferred Compensation Plans	**$11,885,280**

MV00074791

ORDINANCE NO. 813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Pages 126 and 140 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA06-0184).

1.4. An Initial Study has been completed for PA06-0184 (Zone Change). Based upon the Initial Study, a determination has been made that, as designed and conditioned, this project will not result in the potential for significant impacts to the environment. Therefore, adoption of a Negative Declaration is appropriate.

SECTION 2: FINDINGS

2.1 With respect to the proposed change to pages 125 and 140 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on July 13, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: This project is comprised of four applications, a General Plan Amendment (PA06-0185), Change of Zone (PA06-0184), Tentative Tract Map (PA06-0183) and a Variance (P09-102), which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).
   The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the

General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips that the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

   FACT: The project site is not within a specific plan area.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 5 (R5) is consistent with the purposes and intent of Title 9.

<u>SECTION 3: ZONE CHANGE</u>

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 5 (R5) for the approximately 40 acres located at the southeast corner of Heacock Street and Gentian Avenue, subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 13th day of July 2010.

_____
Bonnie Flickinger, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

CHANGE OF ZONE

Application No. PA06-0184
ADOPTED BY ORDINANCE NO. 813

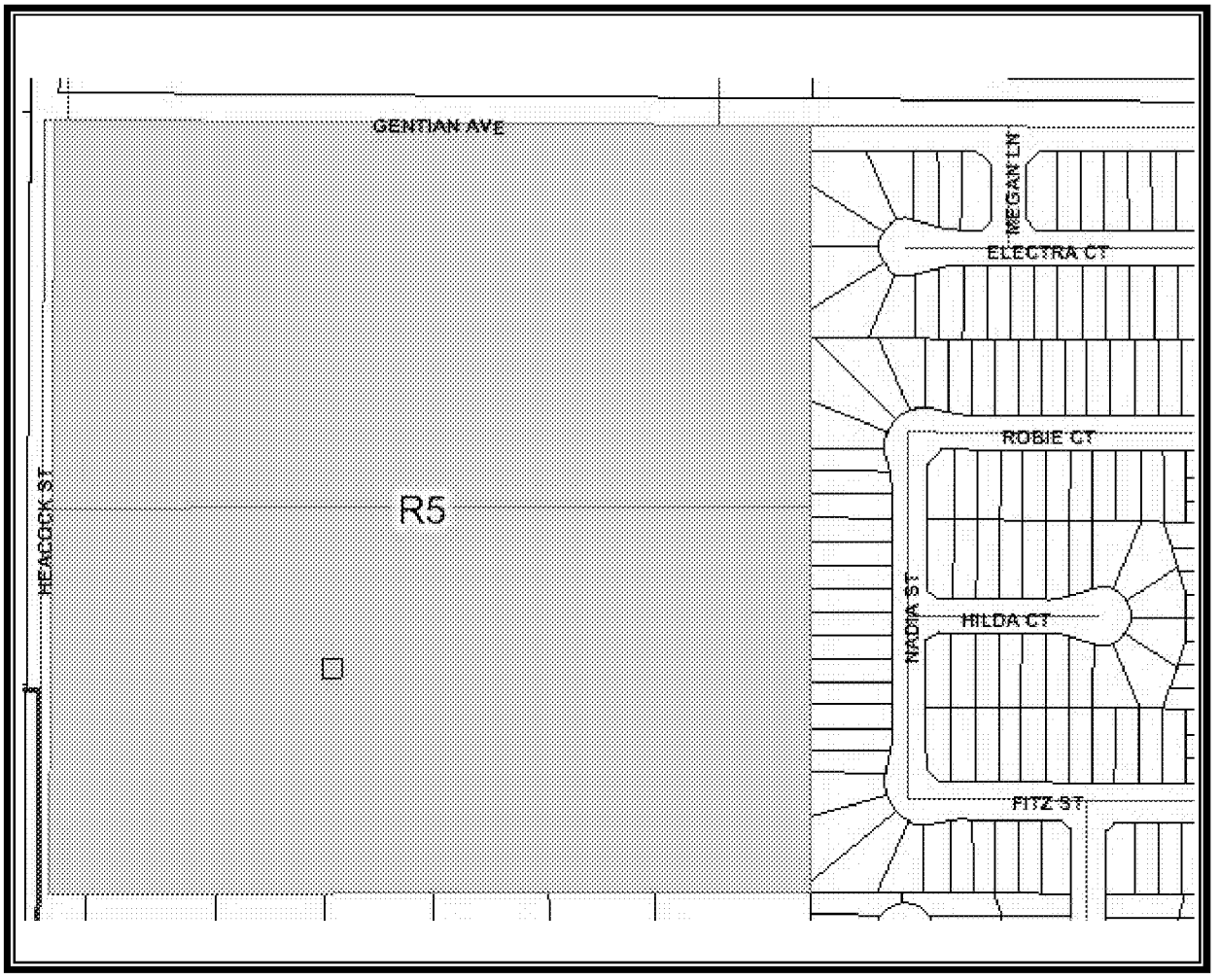

ADOPTED

EFFECTIVE _____

N

LEGEND
R5

R5

EXHIBIT A

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Aquabella Development Agreement - Annual Review (P10-044)

RECOMMENDED ACTION

Staff recommends that the City Council accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

This review does not require an advisory committee recommendation.

BACKGROUND

A Development Agreement is a negotiated instrument that allows a developer or property owner to protect project approvals for a fixed period of years. In exchange for long term vested rights, the City can require certain negotiated exactions.

On December 13, 2005, the City Council approved an amendment to Specific Plan No. 218 (formerly known as the Moreno Valley Field Station Specific Plan), creating the Aquabella Specific Plan, and approving the Aquabella Development Agreement (an Agreement by and between the City of Moreno Valley and Moreno Valley Properties, LP). The Agreement was subsequently recorded on February 16, 2006.

The term of the agreement began on the effective date of adoption of Ordinance 704, which was on December 13, 2005. The initial agreement was approved for ten years with the provision for three extensions of time, with each extension of time not to exceed a maximum of five years.

The Agreement addresses 685 acres of the 760-acre Aquabella Specific Plan. The 685 acres provides for a gated active-adult community of 2,702 dwelling units and 220 units outside of the gated community that are un-restricted multi-family units, for a total of 2,922 dwelling units.

DISCUSSION

The Agreement provides that the developer shall submit to the City written documentation demonstrating good-faith compliance with the terms of the Agreement. City staff shall review the developer's written documentation and any other applicable evidence and make a recommendation to the City Council as to whether the developer is in compliance with the obligations of the Agreement.

Highland Fairview Properties (the entity developing property owned by Moreno Valley Properties, LP) submitted a letter to the City (Exhibit 1) dated April 5, 2010, which identifies the obligations of the Agreement, the general status of the project and the developer's statements of good-faith compliance. The letter is not all inclusive, and the attached Agreement (Exhibit 2) should be referenced for the full list of obligations. This is the fourth annual review of the Agreement.

This Agreement is performance based; as certain triggers or levels of development activity are reached, certain improvements or provisions are required. For example, prior to construction of the 585th dwelling unit, the Agreement provides for the completion of the entry statement, clubhouse facility and certain street and intersection improvements. At this time, the project development activity has not reached the criteria necessary to require the Developer to perform any of the obligations of the Agreement.

Tentative Tract Map No. 34950, a finance map for the AquaBella Specific Plan, was approved by the Planning Commission on August 23, 2007.

At present, approximately one half of the project site has been mass graded, and the erosion control and site stabilization features are in place. The grading operation has ceased as of December, 2007 and the developer has surrendered the mass grading permit. Staff has returned the grading and erosion control security to the developer with the understanding that when the grading operations continue sometime in the future, the developer will provide a new security for grading and erosion control prior to commencement of work.

Various infrastructure improvement plans are in the plan check process, inclusive of water and sewer, drainage, and street and traffic signal improvements, though no plans have been received since around October 2008. The Line "F" channel storm drain improvement plans were approved by both the City of Moreno Valley and Riverside Flood Control and Water Conservation District on November 9, 2007. Several easement documents for the channel have been processed for Line "F", but no work has started on the drainage infrastructure to date.

A Cooperative (Tri-Party) Agreement had been processed and approved by the Flood Control District and the City of Moreno Valley for Line "F", but on October 27, 2009 the City Council rescinded the Cooperative Agreement at the developer's request. Furthermore, on April 13, 2010, the City Council executed a Termination Agreement which formally nullified the Cooperative Agreement for Line "F", Stage 2 recorded June 30, 2008 as Document No. 2008-0355993. The District was also in agreement to formally terminate the Cooperative Agreement.

Section 5.2 of the Agreement references potential public financing in the form of a Community Facilities District (CFD) which would be repaid by future property owners. In a January 14, 2010 letter, Highland Fairview requested the City abandon CFD formation proceedings and rescind the application to form CFD #6. A new application will be necessary in order to reinitiate the CFD formation process.

Section 6.3 of the Agreement requires that the developer provide two million dollars to the City of Moreno Valley. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility. In accordance with the Agreement, the funds were to be placed in an interest bearing escrow account within thirty (30) days of the effective date of the Agreement, and the City was not to withdraw the funds until one-hundred twenty (120) days after the effective date of the Agreement, or until the conclusion of any legal proceedings. The monies were placed in escrow and there were no legal proceedings initiated. Consequently, the funds were withdrawn from escrow and placed in a Moreno Valley Electric Utility revenue account in October 2006.

A second one million dollar ($1,000,000) payment for a Moreno Valley Electric Utility and/or other eligible City Capital Project is required at the time of recordation of the first residential subdivision map. A residential subdivision map has not been recorded yet.

Section 6.7 of the Agreement, provides that a main clubhouse of at least thirty-five thousand (35,000) square feet shall be provided with a construction cost of at least twenty million dollars ($20,000,000). On July 27, 2006, the Planning Commission approved a Conditional Use Permit for a clubhouse facility within Planning Area #5, which exceeded the criteria of the Agreement. Building plans for the clubhouse were submitted to the City for plan check in June 2006. The building permit for this plan check was voided in July 2009 at the request of the applicant following receipt of a written request to withdraw the building plans.

An application to amend the Conditional Use Permit for the clubhouse was submitted in 2007 in order to make minor changes to the clubhouse site plan. This application was subsequently withdrawn by the applicant.

Section 6.8 - State Route 60/Nason Street Interchange. An application will be necessary to intitiate formation of CFD #8 for the Nason Street interchange improvements. No appliction or correspondence has been received at this time.

No residential units have been constructed at this time. The development is no longer on the original schedule as noted in Exhibit "B" of the Development Agreement (Phase 1 was to be completed sometime in February 2008). The schedule identifies the intent of Highland Fairview at the time of the adoption of the Agreement and is not binding.

There are no outstanding obligations of the Agreement. Therefore, staff has determined that the property owner has complied in good faith with the terms, obligations and conditions of the Agreement.

ALTERNATIVES

1. Accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement. (Staff's recommendation.)

2. Reject the Annual Report based on evidence that the developer is in default. If the City Council elects to reject the Annual Report due to a default, written notice of the proposed termination or modification of the Development Agreement must be given describing the alleged nature of the default and suggested or potential actions and timing to cure the default, where applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of the Agenda.

ATTACHMENTS/EXHIBITS

Exhibit 1 – Letter/Annual Report from Highland Fairview Properties, dated April 5, 2010

Exhibit 2 – Aquabella Development Agreement

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Concurred By:
John C. Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.242.9180 Fax: 951.867.9165

April 5, 2010

RECEIVED
MAY 25 2010
CITY OF MORENO VALLEY

Mr. John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

SUBJECT: Aquabella Development Agreement – 2010 Annual Report

Dear Mr. Terell,

On December 13, 2005, the Aquabella Development Agreement was approved by the City of Moreno Valley (Ordinance #704). The Agreement was subsequently signed by the parties and recorded on February 16, 2006. Pursuant to Section 15 of the Agreement, an Annual Report is required to be prepared and submitted to the City demonstrating Highland Fairview's good-faith compliance with the terms of the Agreement. Section 15.2 of the Agreement requires that this Annual Report "describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review." This report provides the required information.

The continuing economic downturn and its direct impact on international, national and local financial markets continued to have a dramatic negative effect on the southern California residential market. Moreno Valley has been particularly hit hard with thousands of bank foreclosures plaguing the residential market. Unemployment in our area still hovers at over 15% having a tremendous negative impact on residential values, which are still below replacement cost. As a result, new residential development is not practical or viable in today's environment. Aquabella has not been immune to these market conditions. Grading operations at Aquabella were suspended in February 2008 and work on infrastructure design, permitting and construction was suspended in 2008-2009. The Aquabella project has moved into a maintenance mode for the property and the project entitlements.

GENERAL PROJECT STATUS

Pursuant to Section 2.1 of the Development Agreement, all project approvals for Aquabella remain in full force and effect throughout the duration of the Agreement. No project-specific actions are required on the part of the Developer or the City for this extended period of validity to apply to all project approvals.

A permit for the mass grading of the Aquabella site was issued by the City (Permit # MV-0826). To date, approximately 5,700,000 cubic yards of grading has been completed, representing approximately 56% of the permitted earthwork volume. Grading operations

EXHIBIT 1

were suspended in 2008. Since that time, Highland Fairview has undertaken a comprehensive program of property maintenance including full property fencing and signage, extensive erosion control, weed abatement in compliance with all applicable City regulations, and immediate refuse removal and site security. Highland Fairview has relinquished the above-referenced grading permit and the erosion control bond for the project site is scheduled to be exonerated by the City Council at its meeting on April 13, 2010. Highland Fairview also relinquished the Cooperative Agreement for Line F improvements.

A proposal to amend the Aquabella Specific Plan and the Development Agreement is underway in cooperation with the Riverside County Regional Medical Center located immediately north of Aquabella. The proposal would remove Planning Areas 1 and 2 (±72.6 acres north of Cactus Avenue) from the Specific Plan in order to facilitate development of a potential mixed-use project which would reinforce the County's long-range plan to create a major campus environment centered on the Regional Medical Center. The residential units in Planning Areas 1 and 2 will be re-allocated within Aquabella.

OBLIGATIONS OF MASTER DEVELOPER

The Agreement identifies specific actions required to be accomplished by the Master Developer. Following is a brief status update on each of these required actions:

Section 6.2 – Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Plan

The status of each of the improvements listed in Exhibit "B" is provided in the following chart which utilizes the format of Exhibit "B" as it appeared in the Development Agreement for clarity and convenience.

Phasing Improvement Details

Location	Direction	Improvement	Status
Nason St. from Iris to Delphinium	NB / SB	Widen to half-width (one lane per direction)	Plans on hold
Nason Street at Iris Avenue	I	Install traffic signal	Plans approved
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Plans on hold
Nason Street at Iris Avenue	EB	Construct one additional left turn lane	Plans approved
Nason Street at Iris Avenue	WB	Construct one left turn lane	Plans approved

MV00074802

Nason Avenue at Iris Avenue	WB	Construct one right turn lane	Plans approved
Nason Avenue at Dracaea Avenue	I	Install traffic signal	Complete
Location	**Direction**	**Improvement**	**Status**
Lasselle Street at Margaret Avenue	I	Install traffic signal	Not started
Nason Street at Fir Avenue	I	Install traffic signal	Complete
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Complete
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left turn lane	Complete
Nason Street at Fir Avenue	EB	Construct one left turn lane	Completed
Nason Street at Fir Avenue	WB	Construct one left turn lane	Completed
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Not started
Nason Street at Eucalyptus Avenue	I	Modify traffic signal	Completed
Nason Street at Eucalyptus Avenue	NB	Widen Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Completed
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Completed
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Completed
Delphinium Avenue		Traffic calming on Delphinium	Not started
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement phase signal timing)	Concept Report completed
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Concept Report completed
Lasselle Street at Gentian Avenue		Re-striping lane configuration/signal modification	Not started

MV00074803

Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Not started
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	On hold
Location	**Direction**	**Improvement**	**Status**
Clubhouse Drive at Cactus Avenue	NB	Construct one shared right turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	On hold
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	On hold
Cactus Ave from Lasselle to Nason	EB, WB	Widen to half-width (one lane per direction)	On hold
Nason Street from Cottonwood to Dracaea	NB	Construct one NB lane	Not started
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Not started
Nason Street at Delphinium Avenue	I	Modify traffic signal	Not started
Nason Street at Cactus Avenue	I	Modify traffic signal	Approved plan by others
Nason Street from Delphinium to Cactus	SB	Construct one SB lane	On hold
Nason Street from Brodiaea to Alessandro	SB	Construct one SB lane	Not started
Nason Street from Alessandro to Cottonwood	NB / SB	Construct one lane per direction	Not started
Cactus Avenue from Nason to Oliver	WB	Construct one WB lane	Not started
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Not started
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Not started
Morrison Street at Cactus Avenue	I	Install traffic signal	Not started
Oliver Street at Cactus Avenue	I	Modify traffic signal	Not started
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) signing striping	Not started
Oliver Street at Iris Avenue	I	Modify traffic signal	Not started

MV00074804

Oliver Street at Iris Avenue	SB	Construct one right turn lane	Not started
Iris Ave from Lasselle to Camino Flores		Modification of Median ($70 per LF)	Not started
Location	**Direction**	**Improvement**	**Status**
Iris Avenue		Coordination of traffic signals ($3500 per intersection)	Not started
Lasselle Street		Coordination of traffic signals ($3,500 per intersection)	Not started
Lasselle Street at Cactus Avenue	I	Modify traffic signal	Complete
Lasselle Street at Cactus Avenue	NB	Construct one free left turn lane	Complete
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Complete
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Not started
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Not started
Brodiaea Avenue from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Not started
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left turn in/out movements from apartment access	Not started
Lasselle Street at Apartment Access	I	Construct raised median to restrict left turn out movement from apartment access	Not started
Nason Street at Bay Avenue	I	Install traffic signal	Not started
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Brodiaea Avenue	I	Install traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane	Not started

MV00074805

Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Not started
Location	**Direction**	**Improvement**	**Status**
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Not started
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening and re-striping and signing for additional left turn lane	Not started
Cactus Avenue		Coordination of traffic signals on Cactus ($3,500 per intersections)	Not started
Nason Street at SR-60 WB ramps / Elder Avenue	I	Participate in interchange improvements through payment of TUMF program fees	Not started
Nason Street at SR-60 EB ramps	I	Participate in interchange improvements through payment of TUMF program fees	Not started

Section 6.3 – Moreno Valley Electric Utility and/or City Capital Project

A deposit in the amount of $1,000,000 was placed in escrow with the City of Moreno Valley in February 2006 and was released to the City in October 2006. No further activity is required on this item until a final tract map is recorded.

Section 6.4 – Covenants, Conditions and Restrictions (CC&Rs)

Drafts of a CC&R document for the Aquabella project have been through multiple reviews by the City. Prior to recordation of a development map, a final review by the City will occur and the CC&Rs will be recorded.

Section 6.5 – Operation and Maintenance of Common Areas by Master Developer

The entirety of the Aquabella property is currently being maintained by Highland Fairview. No "common area" exists within Aquabella as no property has been transferred to a homeowners' association. There has been no recent activity on this item.

Section 6.6 – Master Homeowners' Association (Master HOA)

Draft CC&R documents, including provisions for a Master Homeowners' Association, are addressed in Section 6.4 above.

Section 6.7 - Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail Systems

Plans for these facilities and programs are on hold. A Conditional Use Permit (CUP) for the Aquabella Clubhouse (City file # PA05-0188) was approved by the City on July 27, 2006. These plans were found to be consistent with the requirements of the Specific Plan and the Development Agreement. Per Section

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2.1 of the Development Agreement these project approvals are valid for the duration of the Agreement.

Section 6.8 – State Route 60/Nason Street Interchange

Highland Fairview has discussed with the City the need for an SR60 corridor-wide implementation program for all remaining SR60 interchanges located in the City. These discussions are on-going.

Section 6.9 – Entry Statement

The concept for the Entry Statement was incorporated into the plans for the Aquabella Clubhouse, approved by the City on July 27, 2006 (CUP # 05-0188). See Section 6.7 above.

Section 6.10 – Perimeter Walls and Landscaping

A variety of project details, including walls and landscaping, are the subject of on-going discussions with City staff. These discussions have been on hold.

Section 6.11 – Age Restricted Project

Draft CC&R documents establishing the age-restricted nature of the Aquabella project were submitted to the City in October 2005. Discussions regarding this issue are on hold.

Section 6.12 – Master Design Guidelines

Master Design Guidelines for the Aquabella project are included in the Aquabella Specific Plan which was approved by the City of Moreno Valley on November 22, 2005 (Ord. 703).

Highland Fairview continues to closely monitor the status of the local housing market and future actions will be predicated on responding to opportunities to capture market advantages as they arise.

Please review this Annual Report at your convenience and contact me if you have any questions or need any additional information.

Sincerely,

Iddo Benzeevi
President

cc: City Council
Planning Commission
City Manager

MV00074807

ORDINANCE NO. 704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE AQUABELLA DEVELOPMENT AGREEMENT (PA04-0005) FOR 685 ACRES OF LAND WITHIN THE AQUABELLA SPECIFIC PLAN, GENERALLY LOCATED BETWEEN BRODIAEA AND IRIS AVENUES, AND BETWEEN LASSELLE AND OLIVER STREETS

The City Council of the City of Moreno Valley, California, does ordain as follows:

SECTION 1 GENERAL:

1.1 Highland Fairview Properties filed Application PA04-0005, a development agreement for 685 acres of the AquaBella Specific Plan (Specific Plan No. 218, as amended) as described in the title of this ordinance.

1.2 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.3 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.4 Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council during the meeting on November 22, 2005 including written and oral staff reports and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and providing additional provisions for implementation of the entitlements will further support the project's

EXHIBIT 2

implementation which is compatible with the goals, objectives, policies, and programs of the General Plan.

3. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity.

4. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding area. Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 3.

4.1 Based on the Findings contained in Section 2 of this ordinance, the development agreement entitled "AquaBella Development Agreement" is hereby approved between the City of Moreno Valley and Moreno Valley Properties, LLC. A copy of said Development Agreement, Exhibit A, is attached hereto and incorporated herein by this reference.

SECTION 4.

2.1 Provided all other conditions precedent to the execution thereof have been satisfied, the agreement may be executed on behalf of the City at any time after this Ordinance becomes effective.

SECTION 5.

1.1 Within ten (10) days after the City enters into the agreement, the City Clerk of the City of Moreno Valley shall have a copy of the agreement recorded in the office of the County Recorder for the County of Riverside, which shall describe the land subject

thereto.

SECTION 6 EFFECT OF ENACTMENT:

6.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 7 NOTICE OF ADOPTION:

7.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 8 EFFECTIVE DATE:

8.1 This ordinance shall take effect thirty days after the date of its adoption.

[INTENTIONALLY LEFT BLANK]

APPROVED AND ADOPTED this 13 day of December, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

MV00074811

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, ALICE REED, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 704 had its first reading on November 22, 2005 and had its second reading on December 13, 2005, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 13th day of December, 2005 by the following vote:

AYES: Council Members Batey, West, White, Mayor Pro Tem Flickinger and Mayor Stewart

NOES: None

ABSENT: None

ABSTAIN: None

Alice Reed

CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

AQUABELLA DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO

January 12, 2006

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 12th day of January, 2006 (the "Effective Date"), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the "Master Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Master Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises approximately six hundred eighty-five (685) acres (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Master Developer includes certain key Principals and personnel who are sophisticated and experienced real estate developers with substantial experience in the development and management of high quality residential neighborhoods.

E. The City, on September 20, 1988, adopted Resolution No. 88-75 approving the Moreno Valley General Plan (the "General Plan").

F. The City, on February 23, 1999, introduced Ordinance No. 548 approving Specific Plan 218, and adopted Resolution No. 99-13, approving a General Plan Amendment (GPA 1) and certifying the Final Environmental Impact Report, including findings and a statement of overriding considerations relating to the Specific Plan and findings of consistency with the General Plan, and approved mitigation measures for the Specific Plan (together, the "EIR"). On March 9, 1999, the City adopted Ordinance No. 548, approving Specific Plan 218 and related conditions of approval (the "Specific Plan").

MV00074814

G. The City, on May 27, 2003, approved the Supplemental EIR adopted by Resolution No. 2003-38 supporting the aforementioned entitlements for the Property.

H. The City, on November 22, 2005, adopted Ordinance No. 703, amending Specific Plan 218 and related conditions of approval ("SPA"); Resolution No. 2004-11, approving General Plan Amendment No. PA04-0070 (the "GPA 2"); and Resolutions No. 2004-11 and 2004-12, and Ordinance No. 703 approving an addendum to the certified EIR and Supplemental EIR (the "Addendum").

I. The Master Developer intends to make application to the City for one or more subdivision maps (the "Map" or the "Maps").

J. The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, and the Addendum to the EIR as heretofore approved, and the Maps which collectively comprise the "Project Approvals," are incorporated herein by this reference. The Master Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the "Project."

K. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 6 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

L. The City Council, on November 22, 2005, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and by its introduction of Ordinance No. 704, and approved this Agreement by its adoption Of Ordinance No. 704 on December 13, 2005. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

M. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an upscale, high-quality active adult community; (v) will encourage the development of the Project by providing a reasonable level of certainty to the Master Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

MV00074815

AGREEMENT

SECTION 1. DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Amended Specific Plan" means Specific Plan 218 as amended by the Specific Plan Amendment (SPA).

1.3 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.4 "Builder" means a merchant homebuilder who has or may acquire portions of the Property consistent with this Agreement for purposes of constructing residential housing units, but to whom no direct Assignment, in whole or in part, of this Agreement has been made.

1.5 "Circulation Phasing Improvement Program" means the City approved plan for the phasing of public traffic circulation improvements for the Project addressed in Section 6.2, below and attached hereto and incorporated herein as Exhibit "B".

1.6 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.7 "City Council" means the City Council of the City of Moreno Valley.

1.8 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.9 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the

MV00074816

Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.10 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by City in connection with development of the Property including, but not limited to:

1.10.1.1 The City's General Plan and amendments thereto;

1.10.1.2 Specific Plans and Amendments;

1.10.1.3 Planning Area Development Implementation Plans;

1.10.1.4 Tentative and final subdivision and parcel maps;

1.10.1.5 Conditional use permits, variances, site plot plans;

1.10.1.6 Zoning amendments;

1.11 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement.

1.12 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.13 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

MV00074817

1.14 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.15 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.16 "Homeowners' Association" (HOA) shall mean a master association of homeowners, and any associations of homeowners subsidiary to the master association, in the Project area organized and existing pursuant to the laws of the State of California for the purposes stated in the association's articles of incorporation and/or bylaws to provide, operate and maintain common or community facilities for the enjoyment of the Project's residents to include at a minimum streets, curbs, gutters, sidewalks, street lighting, signage, drainage and flood control facilities, any other private supporting infrastructure, landscaping, walls, lakes, the Main Clubhouse and its amenities, and other recreational facilities throughout the Project, including, but not limited to, community buildings and amenities, private parks, trails, and greenbelts.

1.17 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.17.1 The conduct of businesses, professions, and occupations;

1.17.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.17.3 The control and abatement of nuisances;

1.17.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.17.5 The exercise of the power of eminent domain.

1.18 "Master Design Guidelines" means the overall vision of the thematic and qualitative characteristics for the Project, as mutually agreed upon by the Master Developer and City and memorialized in the SPA and elsewhere in the Project Approvals. Subsequent Development Approvals shall be consistent with the Master Design Guidelines.

MV00074818

1.19 "Master Developer" means MORENO VALLEY PROPERTIES, LP, any City approved Assignee or successor in interest to MORENO VALLEY PROPERTIES, LP, and/or any City approved Assignee or successor in interest to the obligations of the Master Developer set forth in Section 6 of this Agreement.

1.20 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, Master Developer, or both, and as well as such entities' successors and assigns.

1.21 "Planning Area Development Implementation Plan" ("PADIP") means a development plan for the implementation of defined areas within the SPA. The PADIP will include: a detailed architectural and landscaping theme consistent with the Master Design Guidelines; infrastructure and common area improvements to support a self-sustaining development; and the requirements established through the Project Approvals and Development Approvals.

1.22 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.23 "Project" means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to six hundred eighty-five (685) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The 685 acres will be developed as a gated age-restricted community with common amenities to be maintained by one or more Homeowner's Association(s). The Project contemplates a maximum of two thousand nine hundred twenty-two (2922) dwelling units and other uses as defined in the Project Approvals, with the exception of two hundred twenty (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.

1.24 "Project Approvals" means The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, the Addendum EIR and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.25 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.26 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.27 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2. GENERAL PROVISIONS

2.1 Duration of Project Approvals. The Project Approvals shall remain valid and in effect for the entire term of this Agreement, and the City shall take no action to rescind, revise or otherwise modify the Project Approvals, except with the prior written consent or upon the request of the Master Developer (provided that such request shall not obligate the City to rescind, revise or otherwise modify the Project Approvals or this Agreement). Other than for modifications of this Development Agreement, the City's General Plan as applied to the Project, the GPA and GPA2, the Specific Plan and the SPA, individual Builders or property owners may apply for modification of the Project Approvals applicable to their own land without consent or approval of other parties holding interests in the Project, provided that any such modification does not materially affect other land or obligations of any party under this Agreement or the Project Approvals. Individual Builders or property owners may apply for modification of the Development Agreement, the General Plan and the Specific Plan only with the consent of the Master Developer and all approved Assignees of the Master Developer. Nothing in this Agreement shall be interpreted to supersede or conflict with any applicable State or Federal law, rule or regulation pertaining to any specific Project Approval.

2.2 Duration of Permits. Permits issued for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such permit.

2.3 Term of Agreement.

2.3.1 Normal Term. The Term of this Agreement shall commence on the Effective Date of the ordinance approving this Agreement (the "Effective Date"), and shall extend for a period of ten (10) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.3.2 Extension. The ten-year Term of this Agreement may be extended three times. Each extension shall be separately considered by the City according to the provisions in this Agreement. Each extension shall be for a maximum of five (5) years. An extension of the Term of this Agreement shall be upon the same terms and conditions contained in this Agreement and any modifications thereto.

2.3.3 Extension Application. Master Developer shall submit its application for an extension of this Agreement no later than six (6) months prior to its expiration. City may, at its sole discretion, accept a late application for an extension of this Agreement, but under no circumstances shall the City be

MV00074820

obligated by law or in equity to accept or consider an application for extension of this Agreement after the date of expiration of its then current Term.

2.3.4 Extension Granted. Each of the five (5) year extensions of the Term of this Agreement provided for in Subsection 2.3.2 above shall be granted upon determination by the City of the following:

2.3.4.1 All obligations of the Master Developer under Section 6 of this Agreement have been or are being completed in conformance with the standards and timing required by this Agreement, the Circulation Phasing Improvement Program, (Exhibit "B" to this Agreement which is incorporated herein by this reference), and the Project Approvals.

2.3.4.2 The architecture, construction and amenities of the portions of the Project that have been completed meet the standards set forth in Section 6.12 of this Agreement, the related Project Approvals and the Master Design Guidelines.

2.3.4.3 For purposes of determining consistency with the Master Design Guidelines, approval of discrete portions of the Project in the normal course of development by the appropriate entity (e.g. Planning Commission) and certification of passing the City final inspection shall satisfy this requirement.

2.3.4.4 The Master Developer has completed to the reasonable satisfaction of the City Engineer, and offered for dedication, that portion of the public infrastructure set forth in the Circulation Phasing Improvement Program (Exhibit "B") required for each extension as follows:

2.3.4.4.1 Prior to the granting of the first extension, all improvements listed as Phase 1.

2.3.4.4.2 Prior to the granting of the second extension, all improvements listed as Phase 2.

2.3.4.4.3 Prior to the granting of the third extension, all improvements listed as Phase 3.

2.3.4.5 The Master Developer has not abandoned the Project. If the Master Developer has abandoned the Project as set forth herein, this Agreement shall be deemed automatically terminated and of no further force and effect. The Master Developer shall be deemed to have abandoned the Project if any of the following occur at any time:

2.3.4.5.1 The Master Developer is dissolved or has filed a voluntary petition for dissolution in bankruptcy or been adjudicated bankrupt in an involuntary dissolution proceeding. Provided however, that if a voluntary petition for dissolution is filed and the affected Mortgagee notifies the City in writing within thirty-five (35) days of service of notice of the petition to the

MV00074821

Mortgagee as shown in the bankruptcy court's records that the Mortgagee intends to pursue possession of the Property and assumption of this Agreement and thereafter diligently pursues such rights, the Master Developer shall not be deemed to have abandoned the Project.

2.3.4.5.2 The Master Developer notifies the City in writing that it no longer intends to pursue development of the Project.

2.3.4.5.3 The Master Developer has not submitted public improvement agreements, construction plans and required security for public improvements, all in form and substance reasonably acceptable to the City using its normal review processes, for all public improvements required hereinabove for each extension at least two years prior to the expiration of the then current Term of this Agreement.

2.3.4.5.4 Abandonment of the Project shall be a material breach of this Agreement.

2.3.4.6 There are no outstanding material breaches of this Agreement, or material defaults under the Project Approvals, public improvement agreements or bonds issued in connection with the Property or Project which are not being diligently cured within any time permitted for such cure under the applicable document. Approval of any extension may be withheld under this provision until such cure is completed within the allotted cure period. The City's ability to grant an extension of the term of this Agreement shall not terminate during the pendency of such cure period so long as the Master Developer, or its City approved Assignee, is taking reasonable steps to effect such cure to the reasonable satisfaction of the City Manager.

2.3.4.7 For purposes of considering an extension of the term of this Agreement, the estoppel and waiver provisions of Section 15 (Subsections 15.6 and 15.7) shall apply.

2.3.5 Maximum Term. If the granting of an extension of the term of this Agreement occurs after the expiration of the Term of this Agreement, or any prior extension thereof, the extension of five (5) years shall be reduced by the total number of days that have elapsed after the original date of expiration of Term. Except as otherwise specifically allowed herein, this Agreement, shall not be effective for more than twenty-five (25) years from its Effective Date.

2.3.6 Termination Upon Completion.

2.3.6.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public

MV00074822

improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.3.6.2 Similarly, where all such conditions have been satisfied with respect to any Planning Area designated in the Specific Plan, provided that all fees have been paid or credited and provided that the Master Developer obligations required by that time have been completed as set forth in Section 6 of this Agreement and the Project Approvals, then the Master Developer may make a written request, and the City Manager shall review and act upon the written request, to terminate this Agreement as to the affected Planning Area. The City Manager shall act upon said request within thirty (30) days of receipt. If the request is not granted, the City Manager shall specify in writing all reasons for denying the request.

2.3.6.3 For purposes of Termination Upon Completion hereunder, "total build-out" shall mean the completion of all construction in the Project, or in any Planning Area of the Project, of all buildings, structures, infrastructure, improvements, landscaping and associated amenities contemplated, required or permitted by the Specific Plan, all other infrastructure required by this Agreement or the Project Approvals, and performance by the Master Developer and the City of all of their respective obligations hereunder.

2.3.6.4 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.4 Binding Effect of Agreement.

2.4.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.4.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3. PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. Master Developer represents and covenants that it is the owner of the fee simple title to the Property.

MV00074823

3.2 Development. Master Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and conditions of development of the Project shall be those set forth in the Project Approvals. Except as specifically provided for in the Project Approvals and/or this Agreement, the Project shall be developed and maintained as an age-restricted active adult community as more fully set forth in Section 6.8.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Master Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that Master Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of Master Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that Master Developer shall have the right to develop the Property in such order and at such rate and at such time as Master Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals. Master Developer expects to accomplish street and traffic signal improvements in conformity with the Circulation Phasing Improvement Program (Exhibit "B").

SECTION 4. RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent

MV00074824

Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide Master Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided,

MV00074825

however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5. PUBLIC FINANCING

5.1 The Master Developer is not obligated to request public financing. However, if Master Developer does request the initiation of proceedings to form a community facilities district, benefit assessment district, community services district or other similar public financing mechanism (hereinafter individually, alternatively and/or collectively referred to as "Public Financing District"), Master Developer agrees that it will make application first and solely to the City, and the City agrees to accept and consider such application according to the City's ordinances, resolutions, standards and practices generally applied to Public Financing District applications throughout the City including, without limitation, the City's Special Districts Financing Policy. If the City declines to provide such public financing, then the Master Developer may elect to initiate proceedings for public financing through any other public agency.

5.2 Consistent with Section 5.1 above, the City agrees to consider the initiation of proceedings for the establishment of one or more Public Financing Districts upon receipt of a completed written application by Master Developer. The Master Developer agrees to cast its votes in favor of, and/or to refrain from protesting the formation of, any such Public Financing District which the Master Developer has requested the City to initiate and to pay City's costs and expenses, and an issuer's fee to be established by City, in connection with each issuer. The Master Developer agrees and acknowledges that it will only support and participate in Public Financing Districts undertaken by the City (or one of City's subsidiary or affiliated entities), unless and until the City declines to provide such public financing.

5.3 If a Community Facilities District is formed at the request of the Master Developer, the proceeds from such financing shall be used as follows:

5.3.1 As first priority: public streets and traffic signals, City electric utility or other City capital project referred to in Section 6.3 below, and Riverside County Transportation Uniform Mitigation Fees (TUMF) paid by the Project to the extent they are allowed by Western Regional Council of Governments (WRCOG) and any other agency having jurisdiction thereof to be dedicated to State Route 60/Nason Street interchange improvements (including any improvements on Nason Street associated with or required as part of such interchange improvements);

5.3.2 As second priority: water and sewer infrastructure construction; and

MV00074826

5.3.3 As last priority: City DIF, but only to the extent such DIF is not subject to credit or reimbursement. The priority among City DIF shall be subject to City approval.

SECTION 6. OBLIGATIONS OF AND CONTRIBUTIONS BY MASTER DEVELOPER

6.1 Acknowledgement. The Master Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Master Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process, including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Master Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Master Developer shall provide to City the public benefits set forth herein.

6.2 Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Program. Master Developer agrees to build all required public street and traffic signal improvements in accordance with the Circulation Phasing Improvement Program (Exhibit "B"). The parties acknowledge, and a traffic phasing study has confirmed, that the improvements listed on Exhibit "B" exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

6.3 Moreno Valley Electric Utility and/or City Capital Project. Master Developer agrees to pay two million dollars ($2,000,000) to the City. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility at the sole discretion of the City. Said payment is in addition to any other obligation the Master Developer may incur as a condition of approval, or otherwise, for the Project, or any portion thereof, concerning the Moreno Valley Electric Utility. Payment of this first one million dollars ($1,000,000) shall be made within thirty (30) days of the Effective Date of this Agreement; provided, however, that said payment shall be placed in escrow in an interest bearing account, with interest payable to City, and City agrees not to withdraw the money until one hundred twenty (120) days after the Effective Date of this Agreement, or the conclusion of any legal proceedings challenging the validity of this Agreement or Project Approvals, whichever occurs later. Should any legal proceedings challenging the validity of this Agreement or the Project Approvals result in the invalidation of this Agreement or the Project Approvals and the decision of the

MV00074827

Master Developer to not proceed with the Project, all sums within the escrow account shall be returned by the escrow company to Master Developer within ten (10) calendar days of any court ruling invalidating this Agreement. The second one million dollar ($1,000,000) payment shall be for a Moreno Valley Electric Utility and/or other City Capital Project that is eligible for inclusion in, or reimbursement from, a Community Facilities District as provided for in Section 5 of this Agreement. This second payment of one million dollars ($1,000,000) to City shall occur at the time of recordation of the first (1st) residential subdivision map.

6.4 Covenants, Conditions and Restrictions (CC&Rs).

6.4.1 The Master Developer shall prepare CC&Rs for all Property within the Project to be recorded in the Riverside County Recorder's Office and made to run with the land.

6.4.2 Prior to recordation, the Master Developer shall submit the proposed CC&Rs to the City for review, approval and consent to record. The Master Developer shall not record any CC&Rs unless and until it has received City's consent thereto in writing. The City shall have the right to review, approve and consent to the recording of any amendments to the CC&Rs and Master Developer shall not record any amendments to the CC&Rs prior to obtaining the City's consent thereto in writing. The City shall not unreasonably withhold such consent and shall act upon any request for its consent within thirty (30) days of its receipt of the request and all information reasonably needed to make such a determination. It is understood that the City's interest in the CC&Rs is to protect the public interest, including, without limitation, assuring that common areas and facilities are properly maintained for protection of surrounding properties, protection of City facilities from impacts purportedly mitigated by private amenities (including those recreational amenities for which DIF credits have been provided), and protection from City liability or cost for water quality or other environmental impacts of the Project. Therefore, the reasonableness of the City's review and consent or denial of consent to any amendments shall be construed in light of the public interest, but review of any City decision hereunder shall be given the normal deference given to public agencies in determining the public interest.

6.4.3 The City shall be a named third party beneficiary pursuant to California Civil Code Section 1559 of all recorded CC&Rs, and any amendments thereto, with a separate and independent right, but not the obligation, to enforce the CC&Rs. This right of enforcement is in addition to all other legal and equitable remedies available to the City.

6.5 Operation and Maintenance of Common Areas by Master Developer.

MV00074828

6.5.1 The Master Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. Master Developer shall operate and maintain all common area facilities including, but not limited to, the Main Clubhouse facilities and the lake system, during the course of construction of the Project and until such time as a Master Homeowner's Association (Master HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the Master HOA (hereinafter referred to as the "Transfer Date").

6.5.2 The Master Developer shall maintain a dedicated funding source in an amount reasonably acceptable to the City Manager for the operation and maintenance of all common area facilities during the course of construction of the Project and until the Transfer Date.

6.5.3 The Master Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until a Master HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the Master HOA. Upon the Transfer Date, the Master HOA shall have the obligations described below.

6.6 Master Homeowners' Association (Master HOA).

6.6.1 The Master Developer shall form and capitalize a Master HOA for the Project. The Master HOA shall, at a minimum, have the responsibility and legal obligation to operate and maintain all common area facilities in the Project or on the Property which have been legally conveyed to and accepted by the Master HOA.

6.6.2 Until the Transfer Date, the Master Developer shall remain legally liable and responsible for the operation and maintenance of all common area facilities in the Project or on the Property. The Master Developer shall not transfer any common facilities to the Master HOA unless and until a budget approved by the California Department of Real Estate (DRE) provides for either the levy of assessments which will be adequate to fund all of the costs of operation, maintenance, repair and reserves for the common area facilities, or financial assurances deemed adequate by the DRE are posted in accordance with the regulations of the DRE. In connection with the governance of the Master HOA, the Master Developer shall, unless otherwise prevented from doing so by a court order or judgment, exercise its rights provided under Title 10 of the California Code of Regulations to appoint a majority of the Board for so long as permitted under the Master CC&Rs. As members of the Board, the Master Developer shall comply with the requirements established under the Common

MV00074829

Interest Development Act for preparation of budgets, the establishment of reserves and collection of assessments.

6.6.3 The CC&Rs shall require the Master HOA, upon request by the City, to provide all documentation reasonably requested by the City regarding the budgets and financial condition of the Master HOA. The City may utilize expert consultants to analyze and opine on the submitted documentation as necessary in the City's sole discretion to determine whether the Master HOA is adequately financed. The Master HOA shall bear all costs for any and all expert consultants utilized by the City in making this determination. The City shall make such determination according to accepted principles for HOA capitalization, operation and maintenance of the types and kinds of common area facilities for the Project, including any necessary reserves.

6.6.4 The CC&Rs shall include a provision which states that, if the City determines that the Master HOA has failed to maintain the common area facilities in accordance with the requirements of this Agreement and the Project Approvals, and as necessary to protect the public health, safety and general welfare, the City shall have the right, but not the obligation, to notify the Master HOA in writing of such maintenance deficiency. If within thirty (30) days after the Master HOA receives the notice from the City, the Master HOA fails to (i) correct such maintenance deficiency, or (ii) if such maintenance deficiency is of a type that cannot reasonably be corrected within thirty (30) days, fails to commence such maintenance correction and diligently pursue such correction to completion, the City may, but is not obligated to, enter onto the Property to perform all corrective maintenance at the expense of the Master HOA. All costs incurred by the City in connection with performing corrective maintenance as provided herein shall be paid for as common expenses out of the Master HOA maintenance funds as provided in the Master HOA Documentation, and if requested by the City to do so, the Master HOA shall levy a supplemental annual assessment against all Property owners or Properties in the Project area as an emergency assessment.

6.7 Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail System.

6.7.1 Master Developer is developing the Project as an age-restricted, active adult Project. Master Developer represents it will build a Main Clubhouse of at least thirty-five thousand (35,000) square feet during phase one of the Project with a total construction cost of not less than twenty million dollars ($20,000,000.00), including the cost of furniture, fixtures and equipment, but not including the value of the real property. Master Developer represents that Main Clubhouse amenities will include a swimming pool, tennis courts, and a spa/Jacuzzi. Master Developer also represents that active programming for Project residents will be provided in conjunction with the Main Clubhouse facilities. Based upon the needs and desires of the residents, such programming may include a staff activities director, exercise programs (e.g., yoga, aerobics,

MV00074830

pilates, etc.), aquatic exercise programs, tennis league and instruction, diet and nutrition programs, walking club, dance program/club, writing program/club, book club, education programs (e.g., computer classes, poetry, literature, etc.), games programs, arts and crafts programs, garden club, organized trips/excursions, and speaker series (current events, topics of the day, etc.). Master Developer also represents it will provide other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing. The standards for these other recreational facilities and amenities, including timing, acreage, number, types and quality of amenities and facilities, etc. shall be fully set forth in the SPA and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the PADIPs. The Developer's right to the credits set forth in this Agreement for park land and facilities shall be subject to the Master Developer's providing all such recreational facilities and amenities in accordance with the standards and requirements of the SPA.

6.7.2 The Project's Master HOA documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities and provision of appropriate programming and activities.

6.7.3 Master Developer agrees that it will commence construction of the Main Clubhouse prior to issuance of the one hundredth (100th) building permit issued anywhere in the Project, and complete construction prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Master Developer agrees that the construction cost of the Main Clubhouse and its amenities shall be at least twenty million dollars ($20,000,000), inclusive of furniture, fixtures and equipment, but exclusive of the value of the underlying real property.

6.7.4 Master Developer agrees to provide the recreational facilities, amenities and programming stated hereinabove to residents of the Project according to the Project Approvals and this Agreement. Master Developer agrees to comply with the Project Approvals pertaining to the other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing.

6.7.5 Master Developer agrees to provide legal and equitable assurance in the form of Master HOA documentation, CC&Rs, bonds, letters of credit, or other legally enforceable instruments to guarantee that the herein described facilities, amenities and programs will be constructed and perpetually maintained in a manner that meets or exceeds the City's standards for its own parks and facilities, and that recreational programs and amenities will be perpetually provided.

6.7.6 Master Developer agrees to, and shall ensure through Master HOA documentation that the Master HOA shall provide eight (8) days

MV00074831

annually, not more than two (2) of which shall be weekend days, for the Term of this Agreement, and any extension thereof, for non-exclusive use of the Main Clubhouse by the City, which dates are to be agreed upon in writing by the Parties each year. Master Developer or the Master HOA shall respond to the City's request for scheduled days within 30 days of receipt. The City's rights to such days of usage shall not be waived by failure to use or request any or all such days. All costs of such events other than use of the facility (e.g., insurance liability coverage, set-up and clean-up, food, food preparation and service, etc.) shall be born by City. In the event that this provision is found to be in conflict with any regulation of such private facilities by the California Department of Real Estate, or its inclusion would result in conditions or application of regulations that would significantly and unduly burden the Project, the parties shall meet and confer and agree to a different consideration to the City reasonably acceptable to the City and which provides similar public benefits.

6.8 State Route 60/Nason Street Interchange. Master Developer agrees to use its best efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having jurisdiction or authority to dedicate and use the Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

6.9 Entry Statement. Master Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a distinctive and quality entry statement reasonably acceptable to City, which may include arches or other structures, walls, landscaping, decorative pavement, street design and streetscape elements, water features and/or other design elements. Such entry statement shall be located at the Project's main entry on Nason Street. The SPA shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of the one hundredth (100th) and be completed prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Further, the Master HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

6.10 Perimeter Walls and Landscaping. Master Developer agrees to construct perimeter walls and landscaping consistent with the SPA and Project Approvals and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping by the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. It is acknowledged that such walls will be constructed with various phases and maps

MV00074832

and that security for each section of perimeter wall will be provided as appropriate with PADIPs, maps and/or other subsequent approvals.

6.11 Age Restricted Project. The Project is designed and conditioned to be an age restricted community requiring ownership and occupancy by adults aged 55 and over pursuant to State and Federal law. This age restriction is a material inducement for the City to enter into this Agreement. The parties acknowledge that, absent such age restriction, certain environmental and public facility impacts of the Project would far exceed those shown in the studies upon which the Project Approvals are predicated. A removal of, or failure to effectively enforce, the age restrictions would result in significant impacts to the surrounding community including, but not limited to, traffic, noise, air quality, excessive usage of public buildings, facilities and parks, and school overcrowding. Therefore, the Master Developer shall cause to be recorded Covenants, Conditions and Restrictions ("CC&Rs") applying such age restriction to the entire Property, with the exception of the Planning Area designated as apartment units located outside the private, gated community. Should the City and Master Developer determine that the apartments should also be age restricted, or that apartments are an inappropriate use for that Planning Area, nothing herein shall preclude application of the age restriction to that Planning Area as well. The age restriction in the CC&Rs shall be for a period of not less than fifty (50) years. The CC&Rs shall provide the City with a separate and independent right of enforcement as to each Property in the Project and shall run with the land. The age restriction in the CC&Rs shall be in form and substance reasonably acceptable to the City Manager and City Attorney, as well as the DRE.

6.12 Master Design Guidelines. The Master Developer has represented to the City its intent to build an upscale Project with quality of architecture, construction and amenities substantially higher than those normally built in the City or required by City rules and standards. This representation is a major consideration for the City's willingness to enter into this Agreement. An upscale development will provide public benefit to the community by attracting business owners and executives who are seeking an active adult lifestyle and who may relocate their businesses and attendant jobs to the City. Further, an upscale project environment could raise property values and enhance the image and aesthetics of the City. The Parties therefore agree that the Project will be subject to a set of guidelines (the "Master Design Guidelines") that will assure the targeted quality while providing reasonable flexibility to the Developer to address market conditions related to architectural style. The Master Design Guidelines shall be subject to the approval of the City and shall be incorporated into the SPA. Once so approved and incorporated, they shall be incorporated by this reference into this Agreement. This Agreement will be interpreted to be consistent with these twin goals of upscale quality and reasonable flexibility.

6.13 Nexus/Reasonable Relationship Challenges. The Master Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements,

MV00074833

exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals, the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of Master Developer's right to challenge future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Master Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

6.14 Cooperation By Master Developer. Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

6.15 Other Governmental Permits. Master Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

6.16 Reimbursement For City's Efforts On Behalf Of Master Developer. To the extent that City, on behalf of the Master Developer, attempts to enter into binding agreements with other entities in order to assure the availability of certain permits and approvals or services necessary for development of the Project as described in this Agreement, Master Developer shall reimburse City for all costs, expenses and fully burdened staff time incurred in connection with seeking and entering into any such agreement. Any fees, assessments or other amounts payable by City pursuant to any such agreement described herein shall be borne by Master Developer except where Master Developer has notified City in writing, prior to City committing to enter into such agreement, that it does not desire for City to execute such agreement.

6.17 Defense, Indemnity, and Reimbursement For Multi-Agency Agreements. Master Developer shall defend, indemnify and reimburse City for any costs and expenses incurred by City in enforcing, executing, carrying out or defending any multi-agency agreement entered into on Master Developer's behalf.

6.18 Prevailing Wage. The Master Developer acknowledges that provisions of this Agreement, including without limitation, allowance of fee credits or caps, provision of public financing, and any other benefit to the Master

MV00074834

Developer, may cause the Project or portions thereof to become subject to prevailing wage and/or public contract bidding requirements under existing or future state or federal law and/or court decisions. The Master Developer acknowledges that the City has made no representations as to the applicability or non-applicability of such requirements to the Project. The Master Developer hereby assumes any and all responsibility for such determinations and any all risk and responsibility related thereto. Master Developer hereby expressly indemnifies, defends and holds City harmless from any cost, claim or liability related to prevailing wage or public bidding requirements for any public work related to the Project that the Master Developer, Assignee Developer or Builder is conditioned and/or agrees to provide.

6.19 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 7 OBLIGATIONS OF CITY

7.1 Processing. Upon satisfactory completion by Master Developer of all required preliminary actions and payments of appropriate processing fees, City shall promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Master Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

7.1.1 The holding of all required public hearings; and

7.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

7.2 Regional Traffic Improvements. The City agrees to cooperate with and support Master Developer in its efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having authority to dedicate and use the

MV00074835

Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

7.3 Improvement Security. Subdivision improvement security posted by the Master Developer, Assignee Developer or Builder pursuant to the requirements of the Subdivision Map Act shall be released by the City in accordance with Government Code section 66499.7. The City agrees to provide for partial release of security pursuant to the provisions of subdivision (a) of section 66499.7.

SECTION 8 FEES, FEE CREDITS AND REIMBURSEMENT

8.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

8.2 Processing Fees. The Master Developer, Assignee Developer or Builder shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval subject to the following adjustments:

8.2.1 Expedited Development Services. The City acknowledges Master Developer's intention to expedite the development of the Project. City agrees to cooperate with Master Developer in developing specific timeframes for City review and processing of particular submittals by Master Developer. When Master Developer desires to receive a higher level of service than is ordinarily available through existing budgeted staffing and consulting resources, City agrees to expeditiously negotiate and enter into specific written agreements with Master Developer that provide for Project-dedicated development services working under the direction of the City, including, but not limited to: Project management, transportation planning, land use planning, land development, Project inspections and legal services. It is agreed that the Master Developer shall be responsible for the full cost of the higher service levels, with the specific details to be addressed in each such written agreement.

8.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Master Developer, Assignee Developer or Builder shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development

MV00074836

agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are credits and exemptions against otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

8.3.1 DIF Exemption – Circulation Improvements. A comprehensive Traffic Study and Phasing Study evaluated the improvements necessary to fully mitigate the Project's impacts on offsite circulation. The Circulation Phasing Improvement Program (Exhibit "B"), defines a comprehensive package of improvements which exceeds those minimum mitigation obligations, both in scope and timing. Additionally, the City has confirmed that the improvements identified in Exhibit "B" exceed the traffic-related DIF for which the Project otherwise would be liable. Accordingly, the Project is exempted from the arterial street fees, traffic signal fees, City interchange fees, and any other future DIF enacted by the City for City circulation improvements. Failure to comply with the following shall constitute a material breach of this Agreement:

8.3.1.1 Prior to the issuance of the first residential building permit for any phase identified in the Circulation Phasing Improvement Program (Exhibit "B"), and/or the Project Approvals, the Master Developer shall:

8.3.1.1.1 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City for construction of all such improvements for that phase; and

8.3.1.1.2 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City securing all labor, materials, and Master Developer's performance of all obligations for construction of such improvements for that phase; and

8.3.1.1.3 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

8.3.1.2 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

8.3.2 DIF Credit – Parks. The Master Developer, Assignee Developer or Builder shall not receive any Park DIF credit for the Planning Areas or portions thereof in the Project or on the Property that are not age restricted and/or not included in the private, gated community and shall pay one hundred percent (100%) of the Park DIF when due. Contingent upon the Master Developer complying with Section 6.7 of this Agreement, the Master Developer

MV00074837

will become eligible to receive a DIF credit of not more than eighty-seven and one-half percent (87.5%) of the otherwise payable park land (Quimby) and park improvements DIF, and a credit of one hundred percent (100%) for community center DIF for the age restricted portion only of the Project on a per unit, pro rata basis. Said credits shall be contingent upon the Master Developer constructing and completing all clubhouse and park facilities and providing all amenities identified in Section 6.7 of this Agreement and as conditioned in the Project Approvals. Said credits for Park DIF shall be the Master Developer's sole entitlement under this Section. The Master Developer will become eligible for the Park DIF credit upon satisfaction to the City Manager that Master Developer has constructed and completed the identified clubhouse and park facilities and is providing the identified amenities for the Planning Area or portion thereof conditioned for those facilities and amenities. The portion of park land, park improvement, and community/recreation center DIF subject to credit under this Agreement for a Planning Area or portion thereof shall be deferred for collection by the City until the completion of that Planning Area, Tract or other portion thereof, but only if bonds, letters of credit or other security for the full amount of the fee subject to the credit is delivered to the City in form and substance and from a surety reasonably acceptable to the City. The Park DIF amount not subject to such credit is payable by the Master Developer, City approved Assignee Developer or Builder, as appropriate, when due. This Park DIF credit is contingent upon the Master Developer completing all clubhouse and park and recreation facilities and amenities no later than the end of construction of the Planning Area or portion thereof conditioned for that improvement. If the clubhouse and park and recreation facilities and/or amenities for the conditioned Planning Area or portion thereof are not constructed and completed prior to the end of construction of the Planning Area or portion thereof conditioned for said improvement, the Master Developer shall not be entitled to any Park DIF credit for that Planning Area or portion thereof and shall pay the full amount of Park DIF for that Planning Area or portion thereof within thirty (30) days of the final inspection of the last unit in that Planning Area or portion thereof. If Master Developer fails to pay such Park DIF when due, City shall have the right, but not the obligation, to draw upon the security posted for such fees to assure payment to the City of one hundred percent (100%) of the Park DIF for the conditioned Planning Area or portion thereof.

SECTION 9 ASSIGNMENT

9.1 Acknowledgement. Master Developer and Master Developer's Principals have demonstrated, and the City finds, that Master Developer and Master Developer's Principals possess the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Master Developer and Master Developer's Principals to assign the rights and privileges

MV00074838

contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

9.2 Master Developer's Principals. Master Developer is a partnership owned directly or indirectly by Julius Trump and Eddie Trump and members of their families (or trusts therefore), Iddo Benzeevi and members of his family (or trusts therefore), and a trust, the beneficiaries of which may include members of the families of Julius Trump and Eddie Trump and/or charitable institutions (collectively, the "Partners"). Notwithstanding Section 9.7, a change in the ownership of the Master Developer which does not result in the Partners no longer having control of the Master Developer shall not constitute an assignment. Though not an assignment under this Agreement, should any of the Partners become no longer associated with the Master Developer, Master Developer agrees to provide City with notice thereof within thirty (30) calendar days of such event.

9.3 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, Master Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section 9.

9.4 Non-assignment Sales or Leases to Builders. Notwithstanding any other provision in this Section, a sale or lease of a portion of the Property (whether or not a "bulk" sale of lots) to Builders without an assignment of any of the rights or obligations of this Agreement shall not constitute an assignment or other conveyance sufficient to trigger this Section 9. Any such sale or lease shall be exempt from oversight or approval procedures by City. Further, any such sale or lease shall in no way lessen or compromise the rights and obligations of the Parties to this Agreement.

9.5 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by Master Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Master Developer shall remain legally liable to the City for all such rights, duties and obligations. For purposes of this Section, contracting by the Master Developer or City Approved Assignee Developer for the construction of all or part of the Master Developer's obligations under Subsections 6.2, 6.7, 6.9, and/or 6.10 shall not constitute an assignment and the Master Developer or City approved Assignee

MV00074839

Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

9.6 Restriction on Assignment Not an Unreasonable Restraint on Alienation. Master Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that Master Developer will provide those public benefits identified in Section 6 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

9.7 Assignment. The management control and responsibility of Master Developer and the expertise, competence, reputation and financial strength of Master Developer are integral components of the consideration for City entering into this Agreement. In order to preserve such consideration for City and for City to receive full value, the Parties agree that the occurrence of any of the following events constitute, for the purposes of this Agreement, an assignment:

9.7.1 A change in the composition of ownership interests in or control of the Master Developer.

9.7.1.1 For purposes of this section, however, "change in the composition of ownership interests in or control of" shall not include uncontrolled changes in ownership based upon the death or disability of one or more of the ultimate owners (e.g., transfer to heirs or conservatorship).

9.7.2 A change in the composition of ownership interests in or control of the Property, including a sale of all or a portion of the Property (other than portions of the Property sold to an Assignee Developer or Builder).

9.7.3 Any express assignment or transfer of any of Master Developer's rights, duties, or obligations under this Agreement.

9.8 City Council Approval. Upon written request of the Master Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Master Developer, and Master Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Master Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Master Developer under Section 6 of this Agreement and/or the Project Approvals that was required to be completed under

MV00074840

the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

9.9 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

9.9.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

9.9.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

9.9.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

9.10 City Manager Approved Assignee Developers. Notwithstanding any other provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Master Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

9.10.1 The proposed Assignee Developer has developed to completion at least three (3) master planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

9.10.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

9.10.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

9.10.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

9.10.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section 9.10 at the time of the request for assignment; and

9.10.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the

MV00074841

assignment shall be deemed approved.

9.11 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City, provided the City receives prior notice of such financing (including the name and address of the lender and the person or entities acquiring any such secured interest) and Master Developer retains the legal and equitable interest in the Property and remains fully responsible hereunder. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers. City recognizes that initial (though not exclusive) financing for the Project has already been secured by the Master Developer and presently encumbers the Property and that this financing is included in this exemption.

9.12 Notice of Assignment. Upon receiving approval of an assignment, Master Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

9.13 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and Master Developer assigns this Agreement to a third party, in whole or in part, Master Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

9.14 Approved Assignments. If City consents to the assignment, Master Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Master Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Master Developer shall remain legally liable therefore to the City.

9.15 Notice of Sale of Property. Master Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale

MV00074842

or transfer of any portion of the Property, specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

9.16 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract or parcel map. Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any such lot or parcel without the execution or recordation of any further document upon satisfaction of the following conditions:

9.16.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

9.16.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

9.17 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 10 DELAYS IN PERFORMANCE

10.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Master Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not Master Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section. However, it is expressly understood that the provision of the third five year extension of the Term of this Agreement is the sole remedy regarding extension of the Term for

MV00074843

any cause whatsoever. Therefore, while the delays defined in this Section 10.1 may excuse or toll breaches of obligations during the Term of this Agreement and its extensions, in no event shall the Term of this Agreement extend beyond 25 years regardless of any such delays.

10.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 11 DEFAULT

11.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

11.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

11.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Master Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Master Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

11.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

MV00074844

11.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

11.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

11.7 Specific Default Remedies. In the Event of Default by Master Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to Master Developer's default without recourse.

11.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

11.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

11.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from Master Developer for any breach thereof. As such, the parties agree that in no event shall Master Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court.

11.11 Master Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after Master Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Master Developer or is waived by

MV00074845

City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Master Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

11.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

11.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

11.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 12 TERMINATION

12.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

12.2 Termination by City. If City terminates this Agreement because of Master Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 13 RELATIONSHIP OF PARTIES

13.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

MV00074846

13.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

13.3 No Joint Venture or Partnership. City and Master Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Master Developer joint ventures or partners.

13.4 No Third Party Beneficiaries. The only Parties to this Agreement are Master Developer and City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

13.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Development Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 14 AMENDMENT OF AGREEMENT

14.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

14.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event Master Developer finds that a change in the Existing Project Approvals is necessary or appropriate, Master Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

14.2.1 Alter the permitted uses, including the age-restriction, of the Property as a whole; or

MV00074847

14.2.2 Increase the density or intensity of use of the Property as a whole; or

14.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

14.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

14.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 15 PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

15.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Master Developer shall submit to the Planning Official of the City written documentation demonstrating good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Master Developer for failing to perform any of its obligations under this Agreement.

15.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Master Developer's good faith compliance with this Agreement.

15.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

MV00074848

15.3.1 During either an annual review or a special review, Master Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on Master Developer.

15.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Master Design Guidelines, Project Approvals or this Agreement as evidence of a pattern of non-compliance.

15.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by Master Developer with the terms of this Agreement and his or her recommended finding on that issue.

15.3.4 If the City Council finds on the basis of substantial evidence that Master Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

15.3.5 If the City Council makes a preliminary finding that Master Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to Master Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by Master Developer, Master Developer may demand in writing a response from City. Should City fail to respond to Master Developer's written demand within fifteen (15) days of such demand, Master Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

15.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to Master Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

15.4.1 The time and place of the hearing; and

15.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

15.4.3 Such other information as is reasonably necessary to inform Master Developer of the nature of the proceeding.

15.5 Hearing on Termination. At the time and place set for the hearing on termination, Master Developer shall be given an opportunity to be heard. Master Developer shall be required to demonstrate good faith compliance with

MV00074849

the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that Master Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

15.6 Estoppel. If City determines that Master Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that Master Developer does not timely file an Annual Report, City may request at any time, and Master Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that Master Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

15.7 Waiver. The City does not waive any claim of defect in performance by the Master Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 16 NOTICE

16.1 Form of Notice. All notices between the City and either the Master Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City:
City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to:
City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005

MV00074850

Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Master Developer: Highland Fairview Properties, LLC
24525 Alessandro Boulevard
Moreno Valley, CA 92552
Facsimile: (951) 242-9165
Attn: Iddo Benzeevi

With copies to: The Trump Group
4000 Island Boulevard
Williams Island, FL 33160
Facsimile: (305) 466-3570
Attn: Jules Trump

Mark Hirsch
The Trump Group
200 W. 57th Street
New York, NY 10019
Facsimile: (646) 871-8796

TG Services, Inc.
Attn: Jim Lieb, Executive Vice President
4 Stage Coach Run
East Brunswick, NJ 08816
Facsimile: (732) 390-3319

16.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 17 INDEMNITY

17.1 Indemnity. Master Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors free and harmless from any claims or liability based or asserted upon any act or omission of Master Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (Master Developer's employees included) or any other element or damage of any kind or nature, relating to or in any way connected with or arising from the activities provided in this Agreement. Master Developer shall defend, at its expense, including payment of attorneys' fees, City, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. City may, in its discretion, participate in the defense of any such legal action, and may choose its own legal counsel, the costs of which

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shall be subject to this indemnification by Master Developer

17.2 Defense of Agreement & Project Approvals. Master Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

17.3 Environmental Indemnity. Master Developer shall defend, indemnify and hold City, its officers, agents, affiliated agencies, employees, and independent contractors free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Master Developer acquired the Property pursuant to a Real Property Purchase and Sales Agreement entered into with the Regents of the University of California ("Prior Property Owner") as the Seller dated as of January 6, 2004 ("the Purchase Agreement"). To the extent that Master Developer is or may be entitled to defense or indemnification from Prior Property Owner in connection with the presence of any such Hazardous Substances on the Property as provided in the Purchase Agreement, Master Developer shall assert any such defenses or indemnification rights on behalf of City, its officers, agents, employees, and independent contractors at City's option. If Master Developer chooses not to assert any such defenses or indemnification rights on behalf of City, Master Developer shall assign such rights to City. However, Master

MV00074852

Developer's obligation to defend, indemnify and hold harmless City and its officers, employees, agents or independent contractors from any claims or liability in connection with or arising from the presence of any Hazardous Substance on the Property or any portion thereof shall not be in any way limited or eliminated by the terms of the Purchase Agreement, and Master Developer's obligation hereunder shall survive the termination of this Development Agreement, no matter how caused. Notwithstanding anything herein to the contrary, Master Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by Master Developer to have been first brought onto the Property subsequent to the sale by the Master Developer of the Property, or the affected portions thereof.

SECTION 18 MORTGAGEE PROTECTIONS

18.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Master Developer, an Assignee Developer, or a Builder, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Master Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

18.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

18.3 Mortgagee Not Obligated. No Mortgagee of the Master Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Master Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

18.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Master Developer, Assignee Developer or Builder requesting a copy of any notice of default given to Master Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Master

MV00074853

Developer or Assignee Developer, any notice given to Master Developer or Assignee Developer with respect to any claim by City that Master Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

18.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Master Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Master Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

18.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

18.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the master Developer's or Assignee Developer's obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

18.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

18.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of Master Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

18.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

18.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

18.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

18.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Master Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Master Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section 18.5 prior to the City consenting to such assignment. Master Developer shall remain liable, however, for any obligations under the Amended Agreement unless Master Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 9 of this Agreement, provided that such Mortgagee or other purchaser assumes Master Developer's obligations under this Agreement.

18.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section 18.5, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

18.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Master Developer or Assignee Developer under this Agreement.

18.6 Master Developer Remains Liable. Unless expressly released by the City in writing, the Master Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Master Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Master Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

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18.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of The Master Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving Master Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

18.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Master Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

18.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Master Developer or Assignee Developer who complies with the requirements of Section 18.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

18.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 14 of this Agreement governing amendments.

SECTION 19 INTERPRETATION AND ENFORCEMENT OF AGREEMENT

19.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

19.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and Master Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

MV00074856

19.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

19.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

19.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

19.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

19.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

19.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

19.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

19.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Master Developer

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in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

19.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

19.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

19.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

19.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

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MV00074858

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"MASTER DEVELOPER"

MORENO VALLEY PROPERTIES, LLC,

a California limited liability company

By:_____

_____, Manager

"CITY"

CITY OF MORENO VALLEY,

a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

DESCRIPTION

Page 1
Order No. 42015016

ALL OF BLOCKS 129, 138, 139, 148, 149, 152 AND 153 AS SHOWN BY MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAP, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, ALSO LOTS 2 TO 7 INCLUSIVE OF BLOCK 150, LOTS 2 TO 8, INCLUSIVE IN BLOCK 151, LOTS 1, 2, 7 AND 8 IN BLOCK 157 AND LOTS 3, 4 AND 5 IN BLOCK 158, AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY.

TOGETHER WITH THOSE PORTIONS OF THE STREETS AND AVENUES VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, A CERTIFIED COPY OF WHICH WAS RECORDED AUGUST 11, 1966 AS INSTRUMENT NO. 81996, OFFICIAL RECORDS, WHICH WOULD PASS WITH A CONVEYANCE OF SAID LAND.

EXCEPTING FROM BLOCK 138 THOSE PORTIONS DESCRIBED IN THE DEED TO THE COUNTY OF RIVERSIDE RECORDED AUGUST 31, 1992 AS INSTRUMENT NO. 324866.

ALSO EXCEPTING FROM BLOCKS 148 AND 153 THOSE PORTIONS DESCRIBED IN THE DEED TO THE MORENO VALLEY UNIFIED SCHOOL DISTRICT RECORDED JULY 19, 1994 AS INSTRUMENT NO. 286514.

ALSO EXCEPTING AND RESERVING WITHOUT RIGHT OF SURFACE ENTRY, AS A MINERAL INTEREST AND NOT AS A ROYALTY INTEREST, ALL OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND ACCOMPANYING FLUIDS, INCLUDING BUT NOT BY WAY OF LIMITATION, ALL GEOTHERMAL RESOURCES IN, UNDER, OR PRODUCED AND SAVED FROM THE REAL PROPERTY GRANTED HEREIN, TOGETHER WITH ANY OF THE FOREGOING THAT MAY BE ALLOCATED THERETO PURSUANT TO ANY POOLING OR UNITIZATION AGREEMENT OR RATABLE TAKINGS PROGRAM TO WHICH GRANTOR MAY SUBSCRIBE, AND TOGETHER WITH THE SOLE AND EXCLUSIVE RIGHT TO PROSPECT FOR, DRILL FOR, PRODUCE, AND REMOVE SUCH OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND GEOTHERMAL RESOURCES, FROM SAID REAL PROPERTY BELOW THE DEPTH OF FIVE HUNDRED (500') FROM THE SURFACE OF SAID REAL PROPERTY, INCLUDING THE RIGHT TO SLANT DRILL FROM ADJACENT PROPERTY, THE RIGHT TO UTILIZE SUBSURFACE STORAGE FOR NATURAL SUBSTANCES, AND THE RIGHT TO MAINTAIN SUBSURFACE PRESSURES, AS RESERVED IN THE DEED RECORDED JANUARY 7, 2004 AS INSTRUMENT NO. 010169, OFFICIAL RECORDS.

EXHIBIT "A"

EXHIBIT "B" – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	**Active Adult (+55) Housing** Detached Attached	 351 234	 DU DU	July 06 – Jan 08	Jan 07 – Feb 08
2	**Active Adult (+55) Housing** Detached Attached	 289 193	 DU DU	July 07 – July 08	Jan 08 – Aug 08
3	**Active Adult (+55) Housing** Detached Attached	 301 201	 DU DU	Feb 08 – Mar 08	Aug 08 – Apr 09
4	**Active Adult (+55) Housing** Detached Attached	 460 306	 DU DU	Sept 08 – Feb 10	Mar 09 – Mar 10
5	**Active Adult (+55) Housing** Detached Attached	 220 147	 DU DU	Aug 09 – Aug 10	Feb 10 – Oct 10
6	**Apartment Complex** **Hotel**	220 300	DU Room	Aug 09 – Aug 10 Mar 11 – Apr 12	Oct 10 – July 10 ----------

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	

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Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	

MV00074862

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	

MV00074863

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median ($70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris ($3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle ($3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

MV00074864

Location	Direction	Improvement	Phase	Footnotes
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 6	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 6	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 6	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 6	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 6	
Cactus Avenue		Coordination of traffic signals on Cactus ($3500 per intersection)	Phase 6	

MV00074865

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

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END OF EXHIBIT "B"

MV00074866

AFFIDAVIT OF POSTING
CITY OF MORENO VALLEY

I, Alice Reed, City Clerk of the City of Moreno Valley, California, certify that on the 22nd day of December, 2005, I caused Ordinance No. 704 to be posted in the following places pursuant to City of Moreno Valley Resolution No. 2003-20:

Moreno Valley Senior/Community Center
25075 Fir Avenue

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessando Boulevard

Dated: January 3, 2006

Alice Reed

Alice Reed, City Clerk

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Authorize the City Attorney to execute the Bonds in the form attached hereto.

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation.

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for Phase 1 and provide the City with bond documents for all improvements. Separately, the developer requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with a real property Deed of Trust having a valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements.

The developer has completed and submitted a Public Improvement Agreement and bond securities for the Phase 1 public improvements. The developer has provided City staff with a separate bond for each of the nine tasks noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the agreement is executed. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are between Redlands Boulevard, Theodore Street, State Route 60 and Eucalyptus Avenue, and include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

Accompanying the agreement are Faithful Performance Bonds and Material & Labor Bonds in the amounts noted below for each of the following tasks, issued by Safeco Insurance Company of America:

- Eucalyptus Avenue – Phase 1 Street Improvements - $2,778,000 and $1,389,000
- Theodore Street – Phase I Street Improvements - $821,000 and $410,500

- Eucalyptus Avenue – Phase 1 Sewer Improvements - $467,000 and $233,500
- Eucalyptus Avenue – Phase 1 Water Improvements - $1,050,000 and $525,000
- Eucalyptus Avenue – Phase 1 Recycled Water Improvements - $434,000 and $217,000
- Parcel Map 35629 – Sinclair Off-site Water Improvements - $725,000 and $362,500
- Redlands Boulevard – Phase 1 Water Improvements - $171,000 and $85,500
- Parcel Map 35629 – Monumentation - $42,000 and $21,000
- Eucalyptus Avenue – Phase 1 Electrical Improvements - $849,000 and $424,500

Given the present economy as well as the size and uniqueness of the project, allowing the use of multiple securities and multiple partial reductions seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A-1” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Street Work
Exhibit “A-2” - Vicinity Map for Limits of Theodore Street Phase I Street Work
Exhibit “A-3” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Sewer Work
Exhibit “A-4” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Water Work
Exhibit “A-5” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Recycled Water Work
Exhibit “A-6” - Vicinity Map for Limits of Sinclair Off-site Water Work
Exhibit “A-7” - Vicinity Map for Limits of Redlands Boulevard Phase 1 Water Work
Exhibit “A-8” – (This Page Intentionally Left Blank)
Exhibit “A-9” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Electrical Work
Exhibit “B” - Agreement for Public Improvements

Exhibit “C” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Street Improvements

Exhibit “D” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Street Improvements
Exhibit “E” - Faithful Performance Bond for Theodore Street Phase I Street Improvements
Exhibit “F” - Material and Labor Bond for Theodore Street Phase I Street Improvements
Exhibit “G” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “H” - Material and Labor Bond Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “I” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “J” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “K” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “L” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “M” - Faithful Performance Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “N” - Material and Labor Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “O” - Faithful Performance Bond for Redlands Boulevard Phase 1 Water Improvements
Exhibit “P” - Material and Labor Bond Redlands Boulevard Phase 1 Water Improvements
Exhibit “Q” - Faithful Performance Bond for Parcel Map 35629 Monumentation
Exhibit “R” - Material and Labor Bond for Parcel Map 35629 Monumentation
Exhibit “S” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Electrical Improvements
Exhibit “T” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Electrical Improvements

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - PIA Phase 1 Agree and Bonds.doc

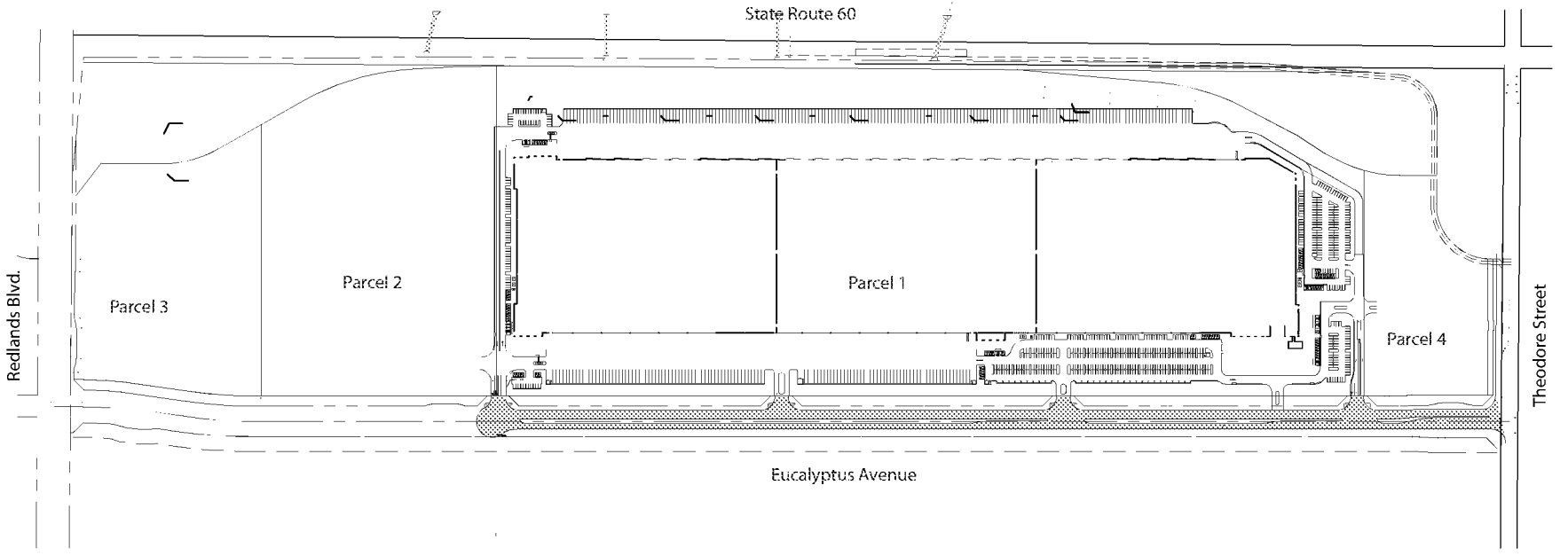

HFCP-Eucalyptus Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-1"

PA07-0090
VICINITY MAP

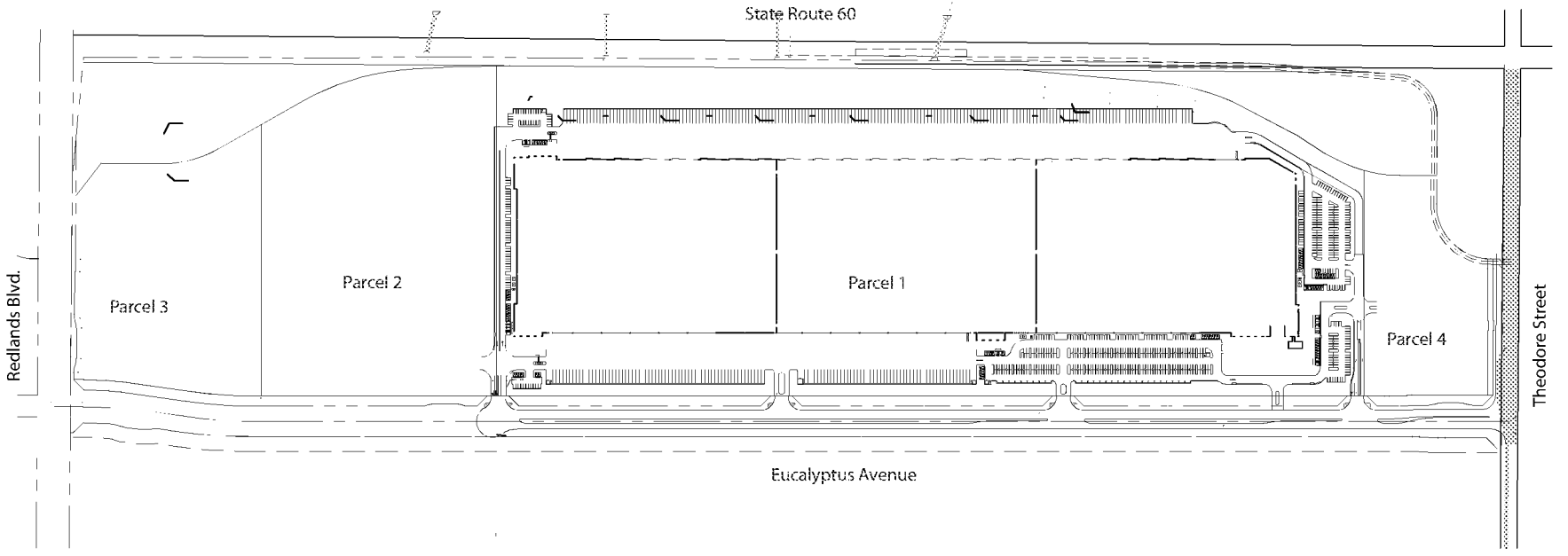

HFCP-Theodore Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-2"

PA07-0090
VICINITY MAP

MV00074874

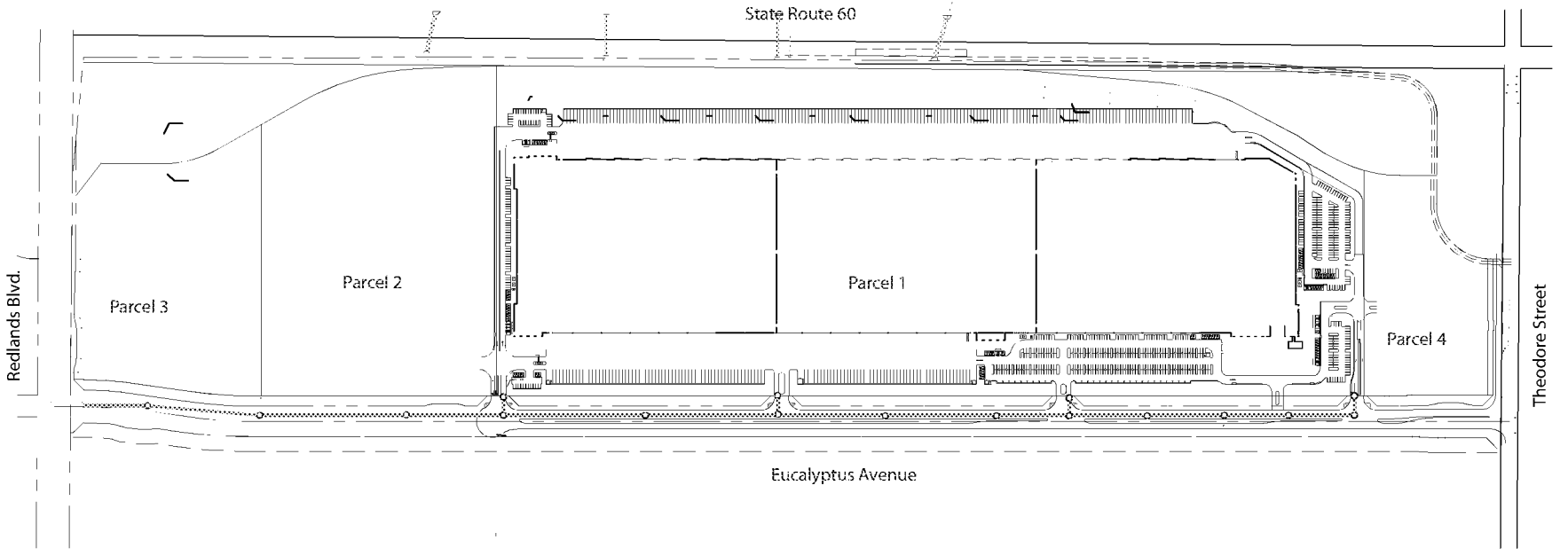

HFCP-Eucalyptus Sewer Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-3"

PA07-0090
VICINITY MAP

MV00074875

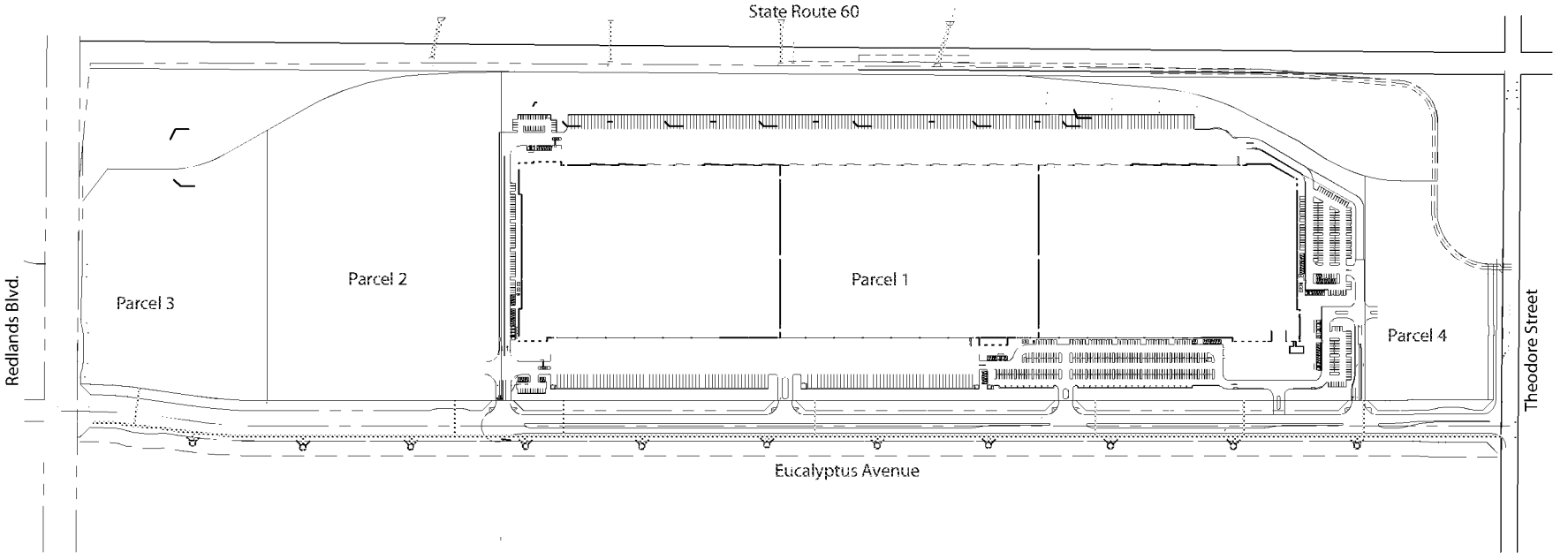

HFCP-Eucalyptus Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-4"

PA07-0090
VICINITY MAP

MV00074876

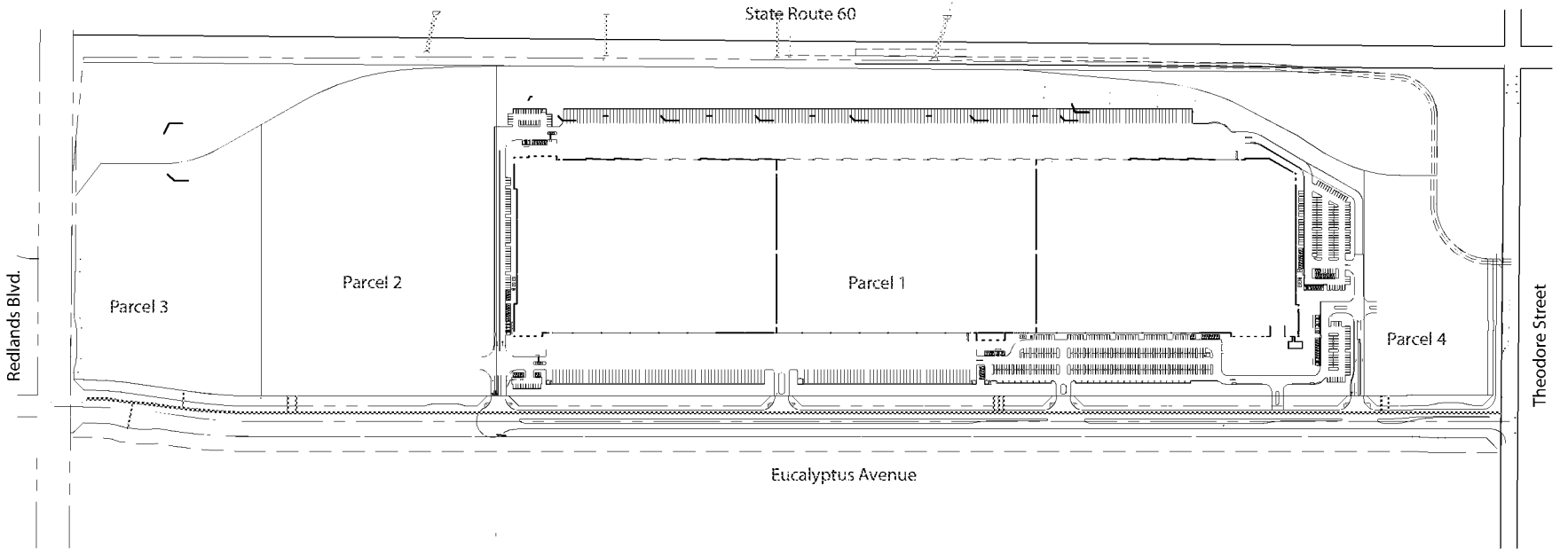

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-5"

PA07-0090
VICINITY MAP

MV00074877

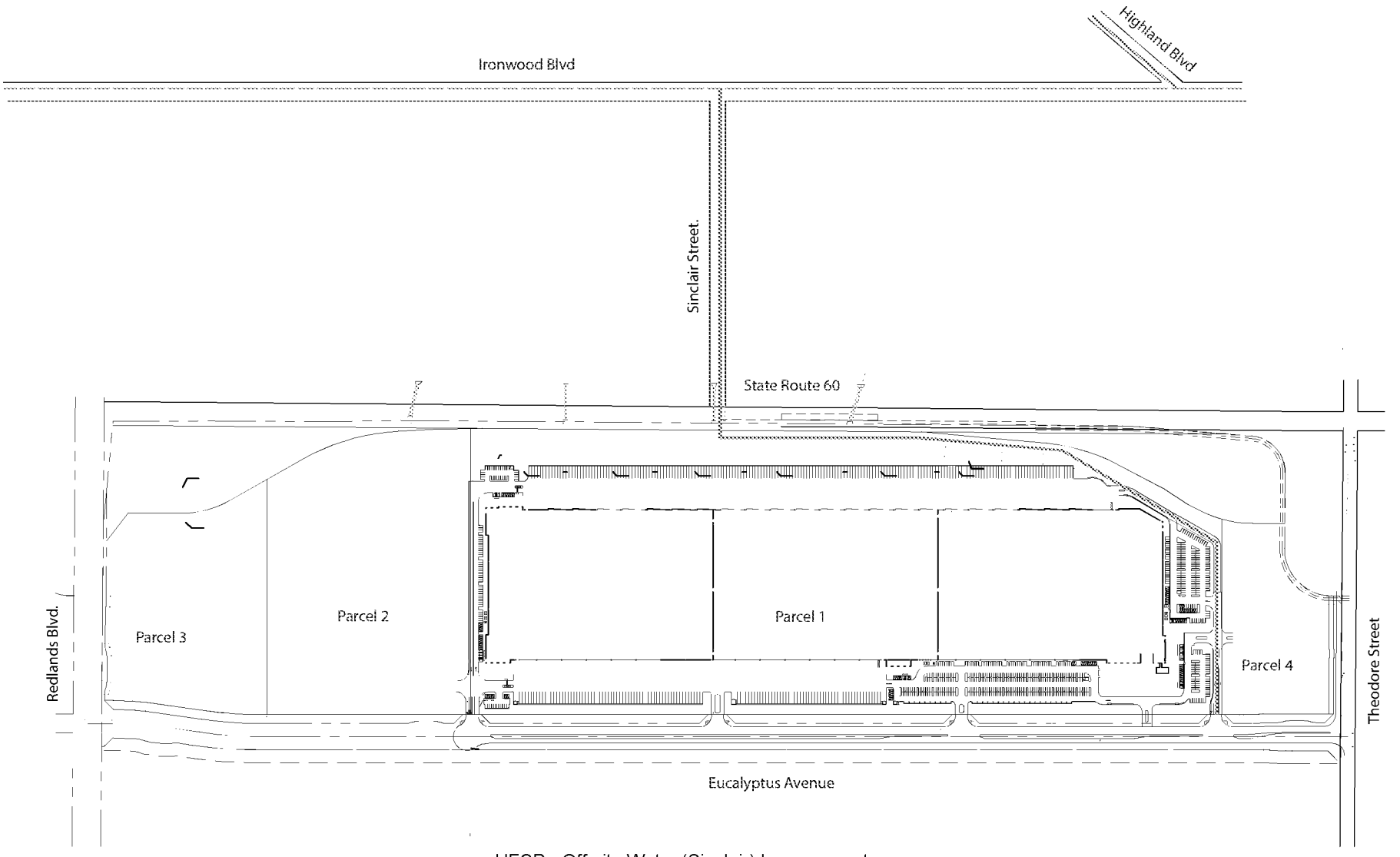

HFCP - Off-site Water (Sinclair) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-6"

PA07-0090
VICINITY MAP

MV000074878

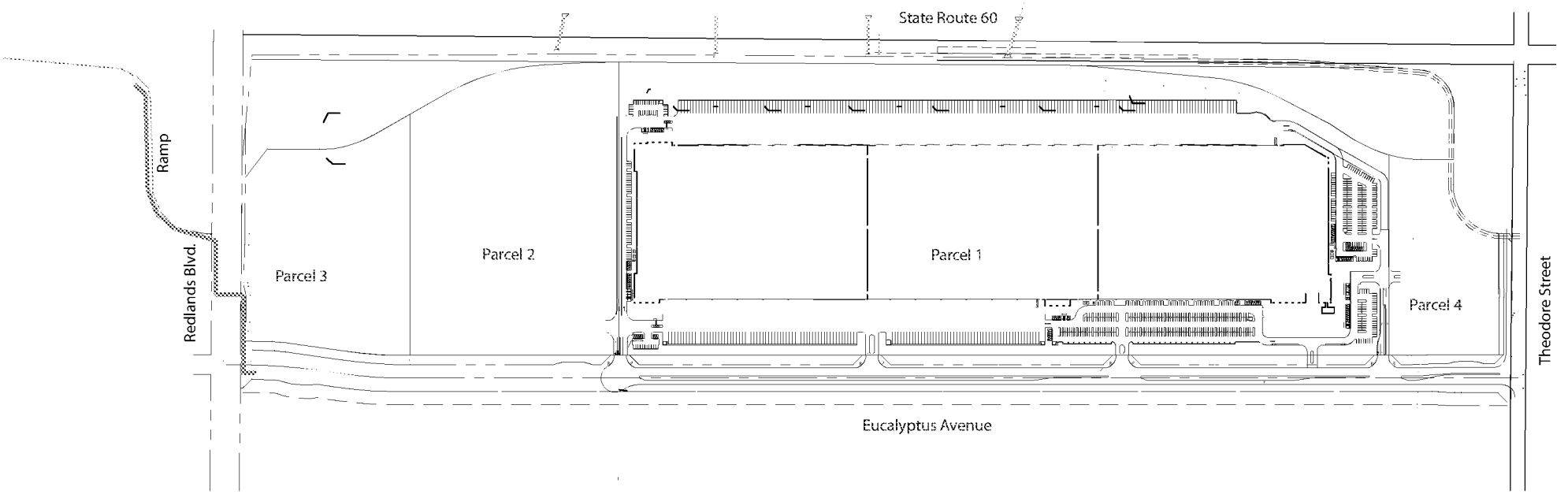

HFCP - Off-site Water (Redlands) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-7"

PA07-0090
VICINITY MAP

MV00074879

No Exhibit for Parcel Map Monumentation

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CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A-8"	**PA07-0090** **Vicinity Map**

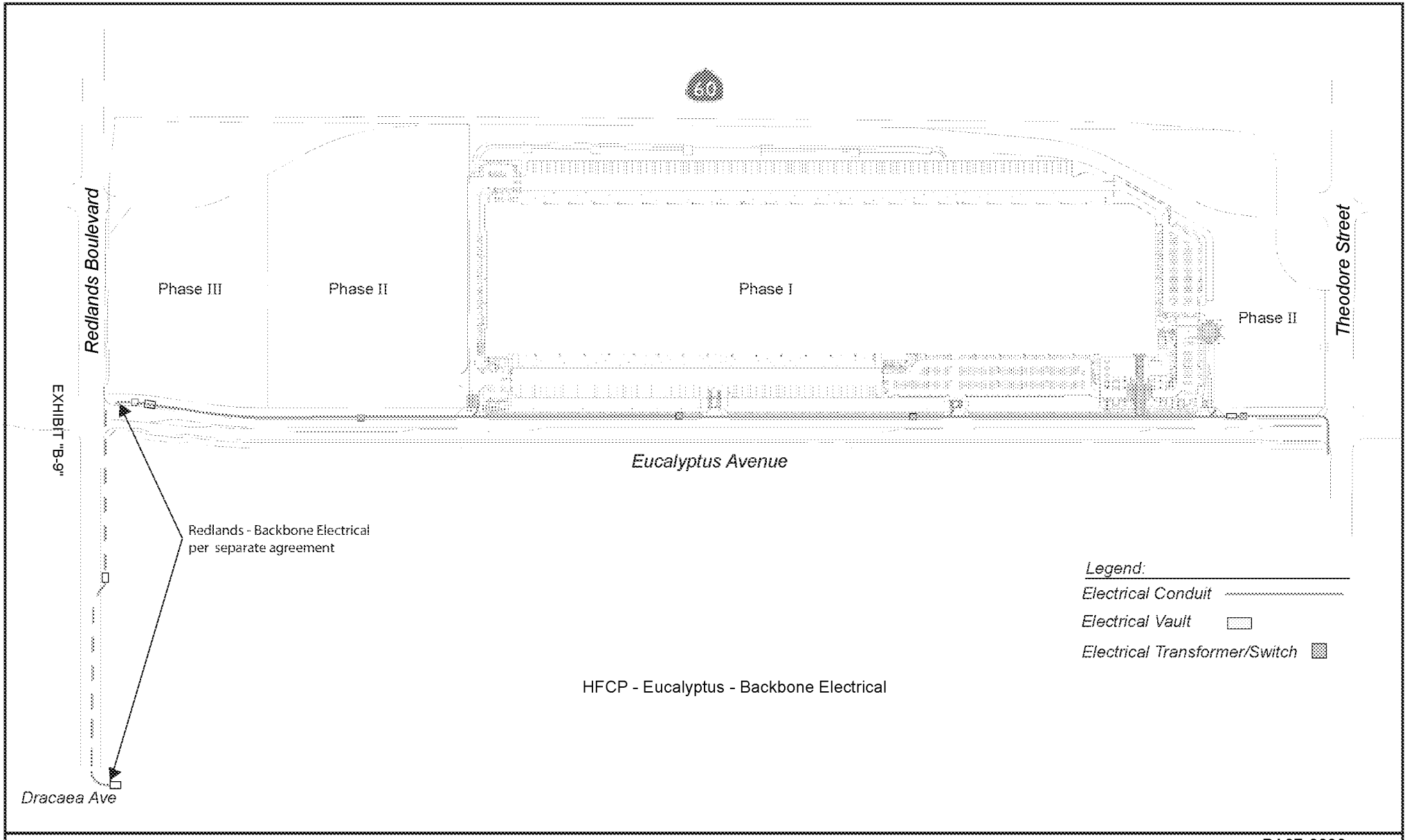

EXHIBIT "B-9"

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-9"

PA07-0090
VICINITY MAP

MV00074881

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR A PORTION OF PHASE 1 PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T1, LLC** herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for the portion of Phase 1 as listed below which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Eucalyptus Avenue – Phase 1 Street Improvement Plans (A-1)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-1 and location map labeled Exhibit B-1 attached hereto, is the sum of TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND AND NO/100 Dollars (*****$2,778,000.00 *****).

Theodore Street – Phase I Street Improvement Plans (A-2)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-2 and location map labeled Exhibit B-2 attached hereto, is the sum of EIGHT HUNDRED TWENTY-ONE THOUSAND AND NO/100 Dollars (*****$821,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Sewer Improvement Plans (A-3)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-3 and location map labeled Exhibit B-3 attached hereto, is the sum of FOUR HUNDRED SIXTY-SEVEN THOUSAND AND NO/100 Dollars (*****$467,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Water Improvement Plans (A-4)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-4 and location map labeled Exhibit B-4 attached hereto, is the sum of ONE MILLION FIFTY THOUSAND AND NO/100 Dollars (*****$1,050,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Recycled Water Improvement Plans (A-5)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-5 and location map labeled Exhibit B-5 attached hereto, is the sum of FOUR HUNDRED THIRTY-FOUR THOUSAND AND NO/100 Dollars (*****$434,000.00 *****).

Exhibit "B"

Parcel Map 35629 – Sinclair Off-site Water Improvement Plans (A-6)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-6 and location map labeled Exhibit B-6 attached hereto, is the sum of SEVEN HUNDRED TWENTY-FIVE THOUSAND AND NO/100 Dollars (***$725,000.00 ***).

Redlands Boulevard – Phase 1 Water Improvement Plans (A-7)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-7 and location map labeled Exhibit B-7 attached hereto, is the sum of ONE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 Dollars (***$171,000.00 ***).

Parcel Map 35629 – Monumentation (A-8)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-8 attached hereto, is the sum of FORTY TWO THOUSAND AND NO/100 Dollars (***$42,000.00 ***).

Eucalyptus Avenue – Phase 1 Electrical Improvement (A-9)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-9 attached hereto, is the sum of EIGHT HUNDRED FORTY-NINE THOUSAND AND NO/100 Dollars (***$849,000.00 ***).

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the Improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the Improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work for Improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bond(s) with good and sufficient sureties or increase the amounts of said bond or bond(s), or both, within ten (10) days after being notified by the City Engineer that the amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required Improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of said bonds. Developer reserves the right to

substitute the form of security, in accordance with the Moreno Valley Municipal Code, at anytime during the term of this agreement, subject to approval of the City Engineer and City Attorney. As this project is very unique in both the size and the timing of construction activities, as well as being considered eligible for Time and Material (T&M) fee collection, it has been determined by the City Engineer that the project may receive incremental reductions to each of the securities ensuring the construction of the associated public improvements. At twenty percent (20%) completion, forty percent (40%) completion, sixty percent (60%) completion and eighty percent (80%) completion of the public improvements as measured by the dollar value of said improvements as set forth in the Engineer's Preliminary Estimate of Cost and associated unit costs (Exhibits A-1 through A-8) and upon written request by the Developer for a partial reduction of the security, the bonding company shall be instructed by the City Engineer in writing to reduce an amount in the bond not to exceed twenty percent (20 %) increments of the original amount established for the bond, provided that all such work has been reviewed, verified, inspected and approved by the City Engineer, Land Development engineering staff and applicable City inspectors. The remaining percentage of the bond securing the estimated cost of labor and materials shall be released to the Developer no sooner than 90 days after acceptance of the improvements by the City. After one hundred percent (100%) completion of the public improvements and formal acceptance of the improvements by the City Council, ten percent (10%) of the original bond amount for the faithful performance shall be retained until expiration of the twelve (12) month warranty period pursuant to Government Code Section 66499 to secure required warranty work.

EIGHTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time may be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the security or securities. Developer further agrees to maintain the aforesaid securities in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developer:
HF LOGISTICS-SKX T1, LLC,
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

HF LOGISTICS-SKX/T1, LLC:
Developer

BY: _____
Signature

Iddo Benzeevi
Print/Type Name

President + CEO
Title

BY: _____
Signature

_____
Print/Type Name

_____
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATES OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8.2.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Aldo Benzoni (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: AGRMT - PRATION OF PH. I PUBLIC IMPRV.

Document Date: NONE AT THIS TIME Number of Pages: ____

Signer(s) Other Than Named Above: ____

Capacity(ies) Claimed by Signer(s)

Signer's Name: ALDO BENZONI	Signer's Name: ____
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s): ____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: ____	☐ Other: ____
Signer Is Representing: ____	Signer Is Representing: ____
Top of thumb here	Top of thumb here

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8/2/10
VBG

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PA07-0090

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	1	Thickness (ft.)				
	268225	S.F.	19448	Ton	33.00	641,718
A.C. - Street 1	0.5	Thickness (ft.)				
	268225	S.F.	9723	Ton	80.00	777,840
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	1,419,558

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/15
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	75	S.F.	3.25	244
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	75	L.F.	3.00	225
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	14	EA.	800.00	11,200
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	38.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	3490	L.F.	30.00	104,700
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	5117	L.F.	25.00	127,925
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	534	L.F.	12.00	6,408
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.35	0
Sidewalk	22023	S.F.	4.25	93,598
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	1080	S.F.	6.50	7,020
Driveway Approach - 8"	792	S.F.	10.50	8,311
Wheelchair Ramp	8	EA.	2,600.00	20,800
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Emergency Vehicle Median Access	0	S.F.	11.00	0
10' Recreational Trail	0	S.F.	2.50	0
			SUBTOTAL	380,331
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	3247	L.F.	30.00	97,410
Traffic Striping/raised pavement markers	1	L.S.	-	28,386
Traffic Striping (DIF Street -Ferris Blvd)	0	L.S.	-	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	1	EA.	200.00	200
Signs and Posts	27	EA.	200.00	5,400
Signs and Posts (DIF Street -)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pb-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	80.00	0
Standard Pipe Gate	3	EA.	3,000.00	9,000
			SUBTOTAL:	140,896
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	1,500.00	0
			SUBTOTAL:	0

8/2/10
VBG

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	33825	S.F.	6.00	202,936
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	6,000.00	0
Street Lights (22000 lumen)	24	EA.	6,000.00	144,000
			SPECIAL DISTRICTS SUBTOTAL:	346,936
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	28.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

8/2/10
VBG

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Diff Street Name)	0	L.F.	165.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	195.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	330.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	456.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	28.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	134	L.F.	30.00	4,020
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5600.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5600.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8600.00	0
Catch Basin (21') (Off St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	7	EA.	535.00	3,745
Catch Basin (3.5') (Diff Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Diff Street Name)	0	EA.	5600.00	0
Catch Basin (14') (Diff Street Name)	0	EA.	8600.00	0
Catch Basin (21') (Diff Street Name)	0	EA.	12500.00	0
Local Depressions (Diff Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	5	EA.	2100.00	10,500
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	5000.00	0
Headwall	0	EA.	5500.00	0
12"x12" Grate Basin	5	EA.	1800.00	9,000

8/2/10
VBG

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	7500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5000.00	0
Concrete Collar (Greater than 48")	0	EA.	6000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	15.00	0
Down Drain	0	S.F.	15.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	27,285

8/2/10
VBG

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,850.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,275.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,250.00	0
12" Butterfly Valve	0	EA.	1,850.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevention, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		625.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	300.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,800.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$1,418,556
OFFSITE STREET WORK	:	$380,331
SPECIAL DISTRICTS	:	$346,936
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$27,285
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,906
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$2,314,996
+20% CONTINGENCY:		$463,000
GRAND TOTAL:		$2,777,997

BOND AMOUNT: $2,778,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 62824
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B-1"

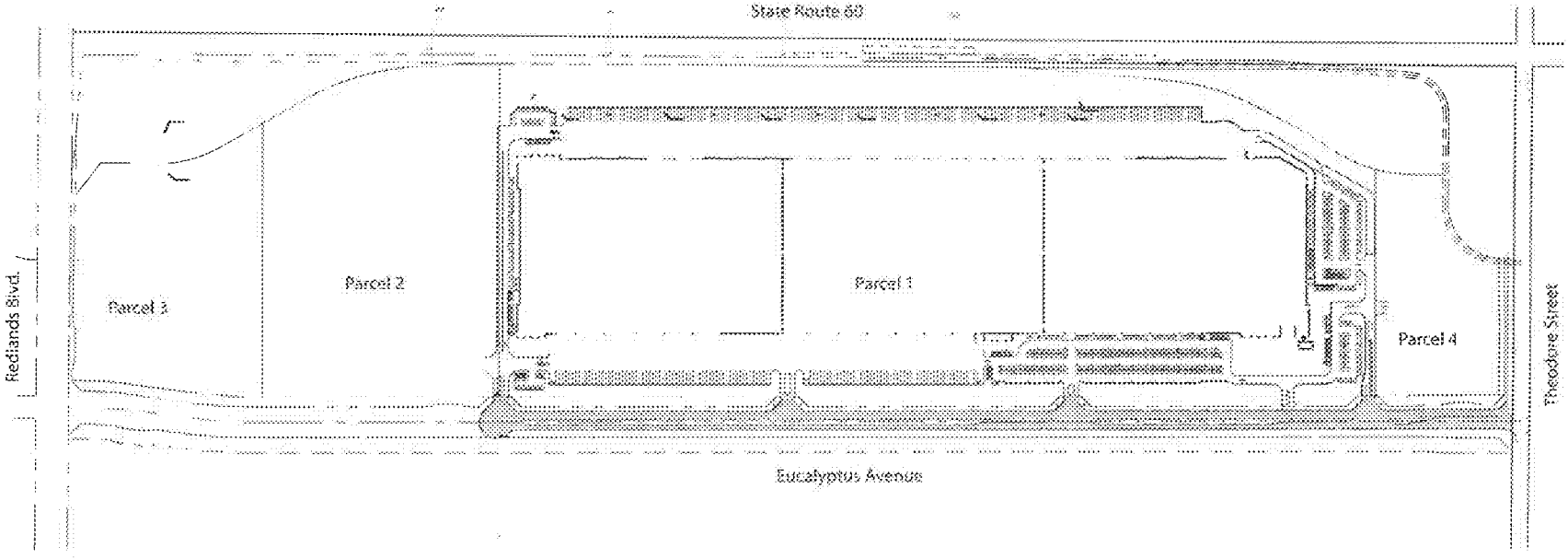

HFCP-Eucalyptus Phase 1 Street Improvements

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			1094	C.Y.	29.00	30,856
A.B. Class II - Street 1	0.65	Thickness (ft.)				
	44222	S.F.	2083	Ton	33.00	68,739
A.C. - Street 1	0.5	Thickness (ft.)				
	78026	S.F.	2785	Ton	80.00	220,400
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL	319,995

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.10'	1006	S.F.	3.00	3,018
Grind & Pave 0.20'	0	S.F.	3.50	0
Cold Mill Existing Pavement (.35')	51700	SF	1.25	64,625
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	1743	S.Y.	2.25	3,922
Paving Fabric	0	S.Y.	1.20	0
Sawcut	1006	L.F.	3.00	3,018
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	3087	L.F.	12.00	37,044
A.C. Curb 8"	0	L.F.	13.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,000.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	1	EA.	30,000.00	30,000
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	3	AC	5,000.00	15,000
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	420	L.F.	150.00	63,000
				0
			SUBTOTAL	318,627
Traffic Improvements (Plan Checked by Trans. Eng'rg staff/Inspected by LDD staff)				
Traffic Signal (Interconnect), Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	1	L.S.	--	5,922
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	0	EA.	200.00	0
Signs and Posts	4	EA.	200.00	800
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	10000	L.S.	1	10,000
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	1370	L.F.	90.00	123,300
			SUBTOTAL:	140,522
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	186.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,000.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/29/19
PREPARED BY: Pacifick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	8.00	0
Landscaping - Parkways	0	S.F.	8.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	8.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/29/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	600.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	6000.00	0
Manhole No. 2	0	EA.	7000.00	0
Manhole No. 3	0	EA.	8000.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	13000.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
23" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	3000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA.	5500.00	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvements

DATE: 07/29/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	8500.00	0
Junction Structure	0	EA.	8500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	9500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
Overside Drain	4	EA.	1000.00	4,000
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	4,000

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	85.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	950.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,500.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		400.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		225.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL	0

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
18" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	80.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	180.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	18.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	900.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
DATE: 07/26/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$319,995
OFFSITE STREET WORK	:	$219,627
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$4,000
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,522
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$684,143
+20% CONTINGENCY:		$136,829
GRAND TOTAL:		$820,972

BOND AMOUNT: **$821,000**

EXHIBIT "B-2"

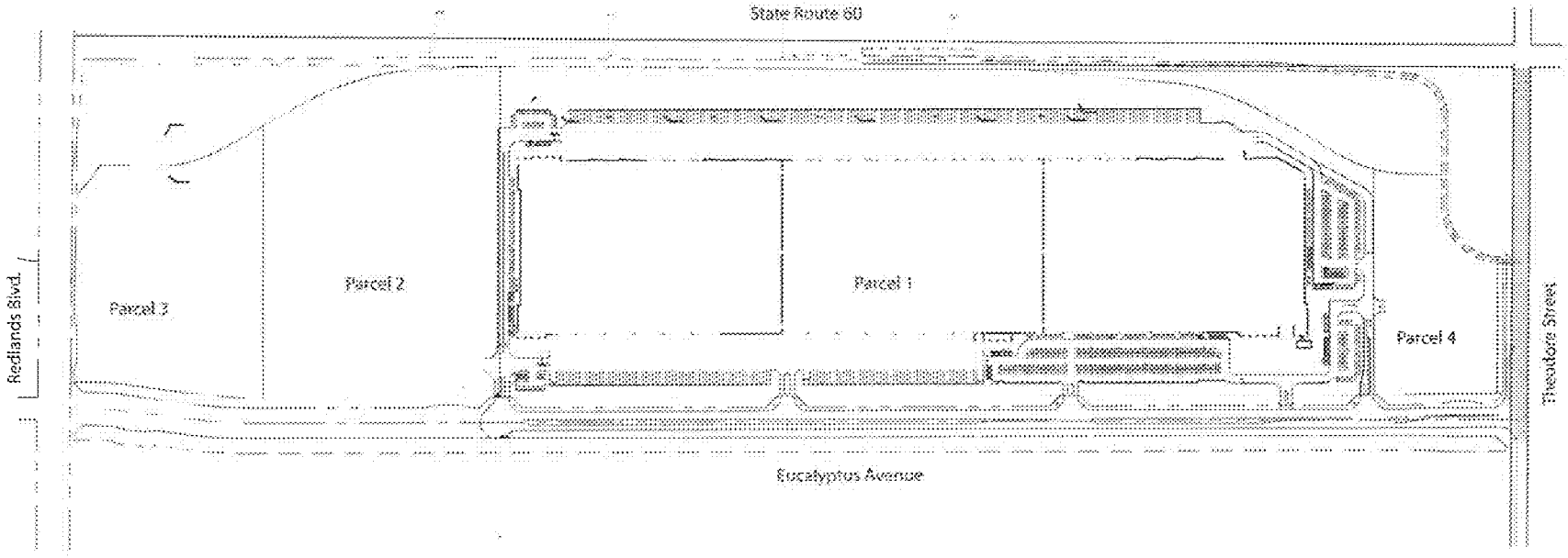

HFCP-Theodore Phase 1 Street Improvements

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/30/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	300.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,500.00	0
Alley Approach - 6"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd.)	0	EA.	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	198.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	8500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,600.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevenior, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
5" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	900.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	156	L.F.	40.00	6,240
8" V.C. Pipe	635	L.F.	55.00	34,925
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	2424	L.F.	70.00	169,680
15" V.C. Pipe	1518	L.F.	80.00	121,280
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	260.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	2	EA.	730.00	1,460
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	4	EA.	3,140.00	12,560
Standard Manhole 48" Extra Depth	10	EA.	3,500.00	35,000
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	1	EA.	2,000.00	2,000
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	4731	L.F.	1.20	5,677
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	388,822

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$388,822
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$388,822
+20% CONTINGENCY:		$77,764
GRAND TOTAL:		$466,587

BOND AMOUNT: $467,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. [illegible]
Exp. [illegible]
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B-2"

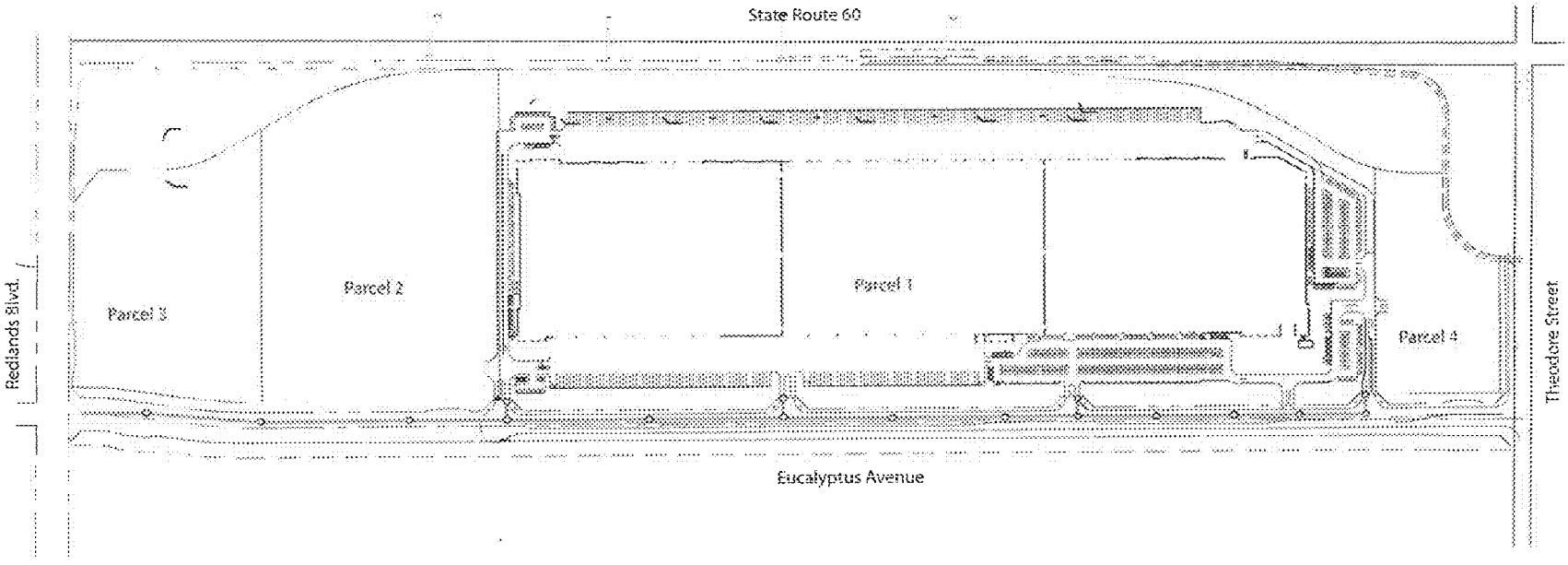

HFCP-Eucalyptus Sewer Phase 1 Improvements

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'				
A.C. Cap/Overlay	0	S.F.	3.25	0
Slurry Seal (Based on $150/Ton Type II)	0	Ton	80.00	0
Paving Fabric	0	S.Y.	2.25	0
Sawcut	0	S.Y.	1.20	0
Utility Trench	0	L.F.	3.00	0
Trench Repaving	0	L.F.	17.00	0
Redwood Header	0	S.F.	12.00	0
Curb Only - 8"	0	L.F.	6.00	0
Curb Only - 8"	0	L.F.	20.00	0
Adjust M.H. to Grade	0	L.F.	35.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	SF	28.00	0
	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"				
P.C.C. Paving - 8"	0	S.F.	6.50	0
Curb and Gutter - 8"	0	S.F.	10.50	0
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	35.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	0	L.F.	28.00	0
A.C. Curb 8"	0	L.F.	12.00	0
Cross Gutter and Spandrel	0	L.F.	15.00	0
Sidewalk	0	S.F.	10.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	4.25	0
Driveway Approach - 6"	0	S.F.	14.00	0
Driveway Approach - 8"	0	S.F.	8.50	0
Wheelchair Ramp	0	S.F.	10.50	0
Alley Approach - 8"	0	EA.	2,600.00	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	S.F.	10.25	0
Bus Bay	0	L.F.	100.00	0
	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles				
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	30,000.00	0
Erosion Control	0	EA.	4,500.00	0
Walls - Masonry: 6' Maximum	0	AC	5,000.00	0
Walls - Retaining: 6' Maximum	0	L.F.	100.00	0
	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)				
Traffic Signal Modification	0	EA.	272,000.00	0
Traffic Signal Interconnect	0	L.S.	0	0
Traffic Striping/raised pavement markers	0	L.F.	30.00	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	L.S.	--	0
Stop Sign	0	EA.	500.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	300.00	0
Traffic Control	0	EA.	100.00	0
Traffic Control (DIF Street Name)	0	L.S.	0	0
Traffic Signal PB-Adjust to Grade	0	L.S.	10000	0
Metal Guard Rail	0	EA.	800.00	0
	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities				
Cluster Mail Boxes	0	L.F.	196.00	0
Relocate Mailbox	0	EA.	4,500.00	0
Relocate Cluster Mailbox	0	EA.	350.00	0
Monuments	0	EA	1,200.00	0
Relocate Trees	0	EA.	300.00	0
	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatior	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	734.00	0
114" Reinforced Concrete Pipe	0	L.F.	765.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1250.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (DIF St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	6500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	412	L.F.	55.00	22,660
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	6104	L.F.	135.00	889,040
20" PVC C-900	0	L.F.	160.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	930.00	0
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,560.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	1	EA.	14,300.00	14,300
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	7	EA.	2,800.00	19,600
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	5	EA	4,000.00	20,000
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
8" Blow Off	3	EA.	4,000.00	12,000
6" Backflow Preventor, Pad & Cover	0	EA	6,300.00	0
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	12	EA	4,500.00	54,000
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	3	EA.	1,600.00	4,800
4" Service	3	EA.	2,100.00	6,300
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0	EA.	750.00	0
Misc. Fittings 18"	18	EA.	1,000.00	18,000
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
4" Meter	3		1,000.00	3,000
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F	3.00	0
Concrete Cap-18" Water: 7.25 SF x 66 LF = 479 CF = 17.7 CY	18	CY	300.00	5,310
			SUBTOTAL	874,950

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	180.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	600.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,800.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	60.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$874,950
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$874,950
+20% CONTINGENCY:		$174,990
GRAND TOTAL:		$1,049,940

BOND AMOUNT: $1,050,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 62921
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B-4"

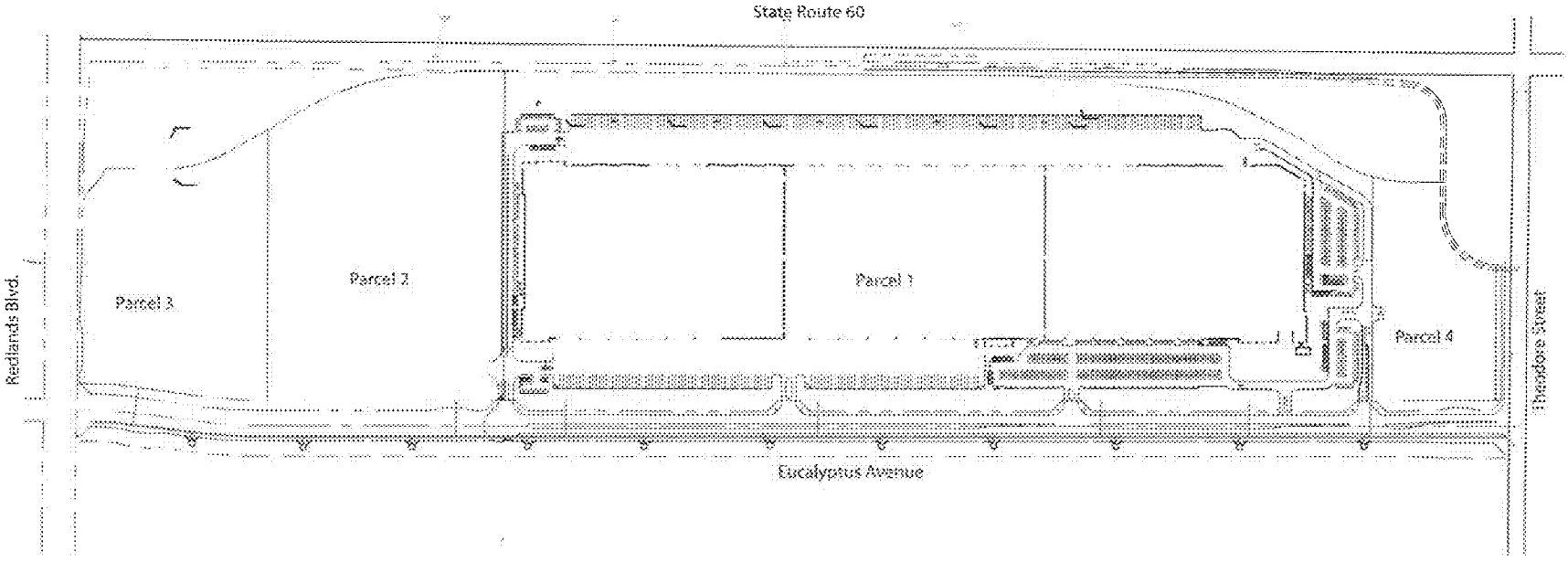

HFCP-Eucalyptus Water Phase 1 Improvements

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

DATE: 07/30/10
PROJECT: Eucalyptus Recycled Water Improvements
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	500.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,800.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	18,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	30.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinator	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8' Wide Strip Basin	0	EA	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	50.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-8"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	5074	L.F.	55.00	279,070
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	1	EA.	530.00	530
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	4	EA.	2,300.00	9,200
16" Gate Valve	0	EA.	6,275.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA	330.00	0
6" Butterfly Valve	1	EA.	920.00	920
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	4	EA.	2,400.00	9,600
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	7	EA.	4,000.00	28,000
6" Backflow Preventor, Pad & Cover	1	EA.	6,300.00	6,300
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	6	EA.	1,600.00	9,600
4" Service	1		2,100.00	2,100
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		150.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	14	EA.	750.00	10,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	1		320.00	320
1 1/2" Meter	0		420.00	0
2" Meter	1		525.00	525
Adjust Water Meter Box	3		235.00	705
3" Meter	1		800.00	800
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F.	3.00	0
Concrete Cap-12" Water, 3.50 SF x 39 LF = 137 CF = 5.1 CY	5	CY	300.00	1,530
			SUBTOTAL:	360,940

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$360,940
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$360,940
+20% CONTINGENCY:		$72,188
GRAND TOTAL:		$433,128

BOND AMOUNT: $434,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK C. REVERE
No. 74911
Exp. 6-30-21
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B-9"

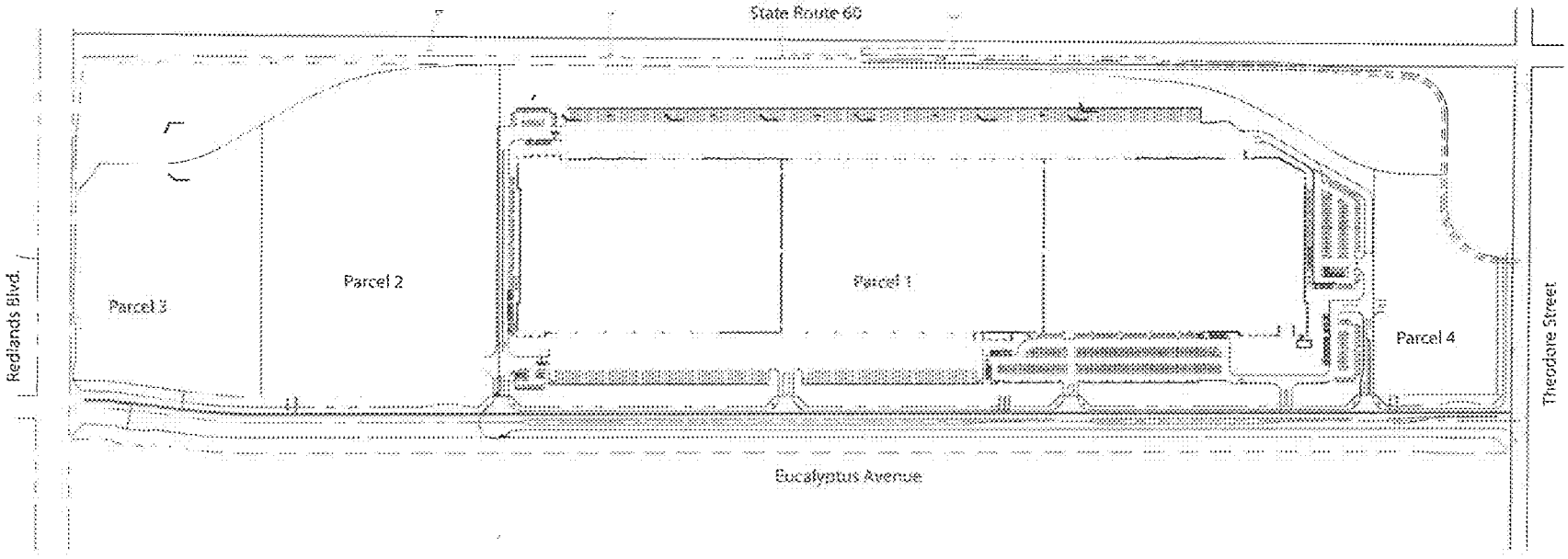

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0.25	Thickness (ft.)				
	37180	S.F.	874	Ton	33.00	22,242
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	22,242

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.35	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,800.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	150.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	600.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	80.00	0
			SUBTOTAL	0
Bonadable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA	350.00	0
Relocate Cluster Mailbox	0	EA	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revers

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	150.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	105.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1300.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	481.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	10500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	500.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/08/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	6737	L.F.	55.00	370,535
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	880.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	9	EA.	2,300.00	20,700
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	380.00	0
6" Butterfly Valve	0	EA.	530.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	1	EA.	1,800.00	1,800
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,300.00	0
24" Butterfly Valve	0	EA.	5,000.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	3	EA.	4,000.00	12,000
12" PRV	2	EA.	10,000.00	20,000
CTS Station	1	EA.	3,000.00	3,000
Fire Hydrants - Water System				
6" Standard Fire Hydrants	1	EA.	4,000.00	4,000
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	18		750.00	13,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		325.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		535.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	349	L.F.	300.00	104,700
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	1750	LF	12.00	21,000
Pavement Replacement	2501	S.F.	3.00	7,503
			SUBTOTAL:	581,438

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	80.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-out	0	EA.	790.00	0
Clean Out Lateral	0	EA.	250.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$22,242
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$581,438
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$603,680
+20% CONTINGENCY:		$120,736
GRAND TOTAL:		$724,416

BOND AMOUNT: $725,000

EXHIBIT "B-6"

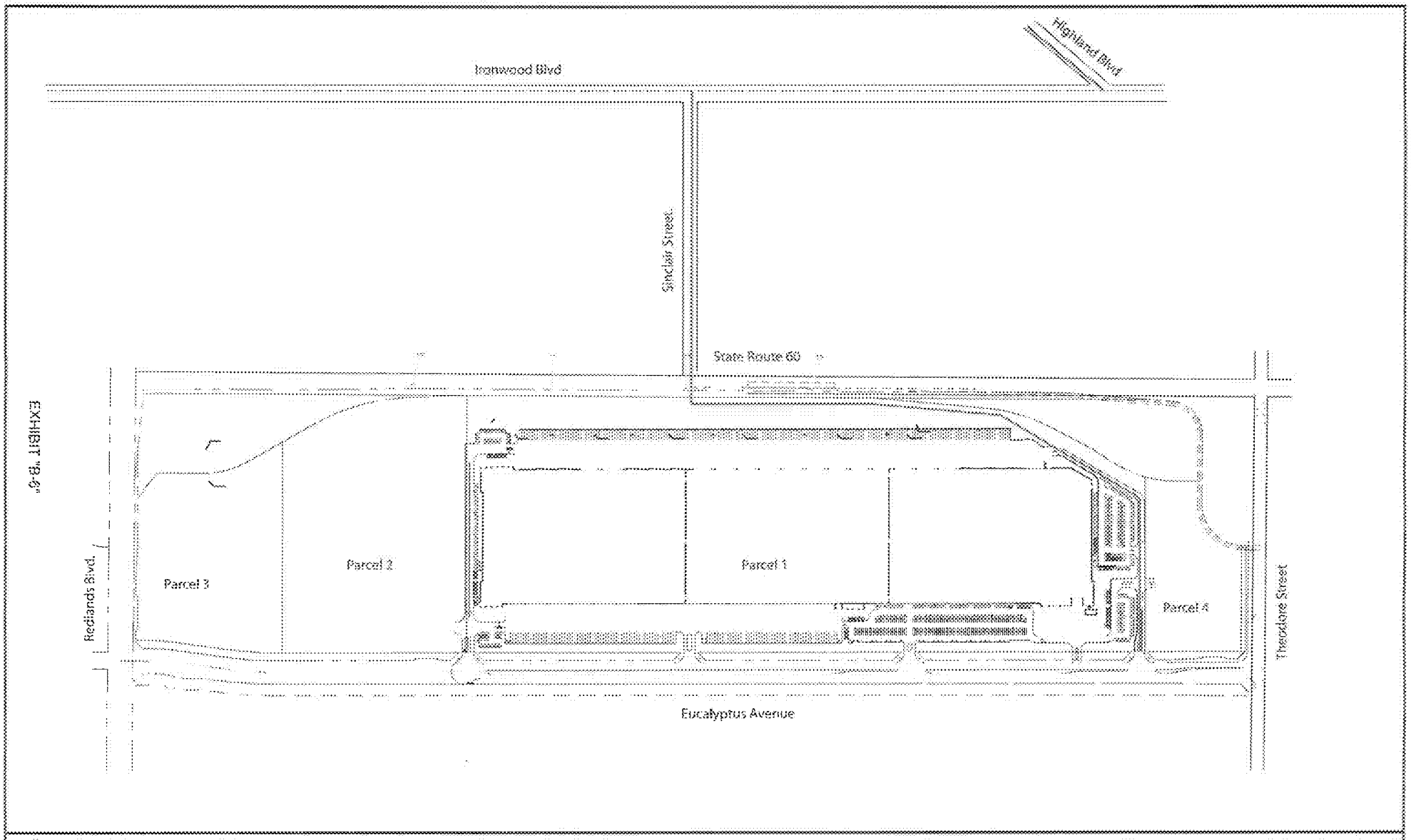

HFCP-Offsite Water (Sinclair) Improvements

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/28/10
PREPARED BY: Patrick Revere

CMG

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $180/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	25.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	372,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	250.00	0
Signs and Posts	0	EA.	250.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pull-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,250.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 8' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7300.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA	3500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA	5500.00	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	350.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	35.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	1523	L.F.	55.00	83,765
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	105.00	0
30" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	5,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,600.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA	5,200.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	1	EA.	4,000.00	4,000
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		340.00	0
Misc. Fittings 12"	15		750.00	11,250
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		330.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		335.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,300.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	350.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	87	L.F.	300.00	26,100
Joint at Existing 6"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	613	L.F.	12.00	7,356
FxH Adaptor	4	EA.	750.00	3,000
			SUBTOTAL:	142,471

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	500.00	0
Tie Into Existing Manhole	0	EA.	3,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$142,471
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$142,471
+20% CONTINGENCY:		$28,494
GRAND TOTAL:		$170,965

BOND AMOUNT: **$171,000**

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 60321
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

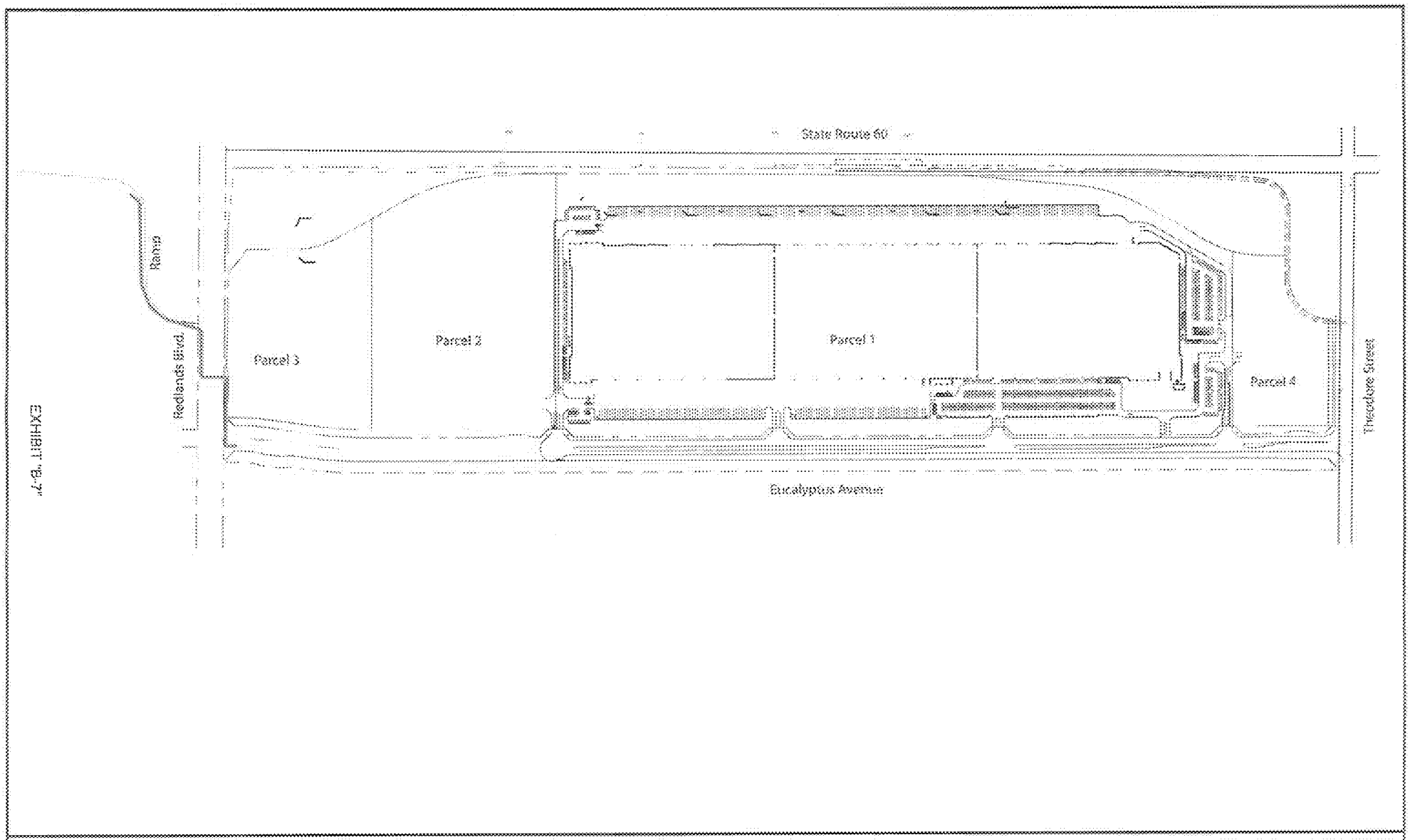

EXHIBIT "B-7"

HFCP-Offsite Water (Redlands) Improvements

EXHIBIT "A- 8"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35629 – Monumentation

DATE: 06/22/16
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	13.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 6" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,800.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry, 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	10000	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	116	EA.	300.00	34,800
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	34,800

PROJECT: Parcel Map 35629 – Monumentation
DATE: 08/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9800 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	8,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35629 -- Monumentation

DATE: 08/22/18
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE:	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Off Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
3 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Off St-Paris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Off Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Off Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Off Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Off Street Name)	0	EA.	12500.00	0
Local Depressions (Off Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35639 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 36529 -- Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	880.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,880.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,300.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	650.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0			0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Parcel Map 35629 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$34,800
TOTAL COST (VALUE) OF IMPROVEMENTS:		$34,800
+20% CONTINGENCY:		$6,960
GRAND TOTAL:		$41,760

BOND AMOUNT: $42,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 62621
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B-8"

No Exhibit for Parcel Map Monumentation

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Exhibit "A-9"

Highland Fairview Corporate Park
Preliminary Dry Utility
Engineer's Estimate
Eucalyptus Avenue

TRENCHING	QTY		UNIT COST	TOTAL
Provide and Install:				
Trench - Electric Only (Includes all saw cut, removals, shading, backfill, and surface restoration)	5,200	ft	$ 32.00	$ 166,400.00
Concrete Encasement (Full)	4,725	ft	$ 16.00	$ 75,600.00
TRENCHING SUB-TOTAL				$ **242,000.00**

ELECTRIC CONDUIT & SUBSTRUCTURES	QTY		UNIT COST	TOTAL
Provide and Install:				
Transformer Pad RPM 48"x54"	3	ea	$ 1,600.00	$ 4,800.00
6'X7'X12' Vault (w 12" grade ring)	1	ea	$ 18,450.00	$ 18,450.00
5'X10'X7' PME	3	ea	$ 10,200.00	$ 30,600.00
Capacitor Pad 66" x 72"	2	ea	$ 1,600.00	$ 3,200.00
Handhole - 13" x 24" x 24" Concrete	24	ea	$ 105.00	$ 2,520.00
Grounding/Racking and Miscellaneous Materials	32	ea	$ 625.00	$ 20,000.00
1-5" Conduit DB100	26,960	ft	$ 3.50	$ 94,360.00
1-4" Conduit DB100	5,509	ft	$ 3.15	$ 17,353.35
1-3" Conduit DB100	5,587	ft	$ 2.80	$ 15,643.60
1-2" Conduit DB100	0	ft	$ 2.35	$ -
1-1 1/2" Conduit DB100	3,387	ft	$ 1.95	$ 6,604.65
SUBTOTAL - ELECTRIC CONDUIT & SUBSTRUCTURES				$ **213,531.60**

ELECTRIC CABLING (12KV DISTRIBUTION)	QTY		UNIT COST	TOTAL
Provide and Install:				
PME-10 Switch	3	ea	$ 19,000.00	$ 57,000.00
1800 KVAR Capacitor	2	ea	$ 26,000.00	$ 52,000.00
25 KVA/120-240/ 12 KV Fused	3	ea	$ 3,900.00	$ 11,700.00
4W Secondary Bar	72	ea	$ 110.00	$ 7,920.00
600AMP Elbow	6	ea	$ 570.00	$ 3,420.00
600AMP Dead End w/Test Point	13	ea	$ 430.00	$ 5,590.00
600AMP TEE'S (Elbow w/ 200AMP Tap)	14	ea	$ 690.00	$ 9,660.00
600A 2W Splice, 15KV w/200A Tap	2	ea	$ 690.00	$ 1,380.00
600A 2W Splice, 15KV	10	ea	$ 570.00	$ 5,700.00
200A 1/0 Elbow	12	ea	$ 220.00	$ 2,640.00
3 1/C 1000 JCN-12KV	2,482	ft	$ 28.00	$ 69,496.00
3 1/C 750 JCN-12KV	7,424	ft	$ 21.00	$ 155,904.00
2/C 1/0 JCN 12KV	1,071	ft	$ 9.00	$ 9,639.00
2/C #8 Al CLP	590	ft	$ 1.70	$ 1,003.00
SUBTOTAL - ELECTRIC CABLE (12KV DISTRIBUTION)				$ **393,052.00**

Total Estimate $ **848,583.60**

Bond Amount $ **849,000.00**

Reviewed and Accepted
Mg w/c
MVU

7/28/10
Butsko Utility Design, Inc.
EP

MV00074959

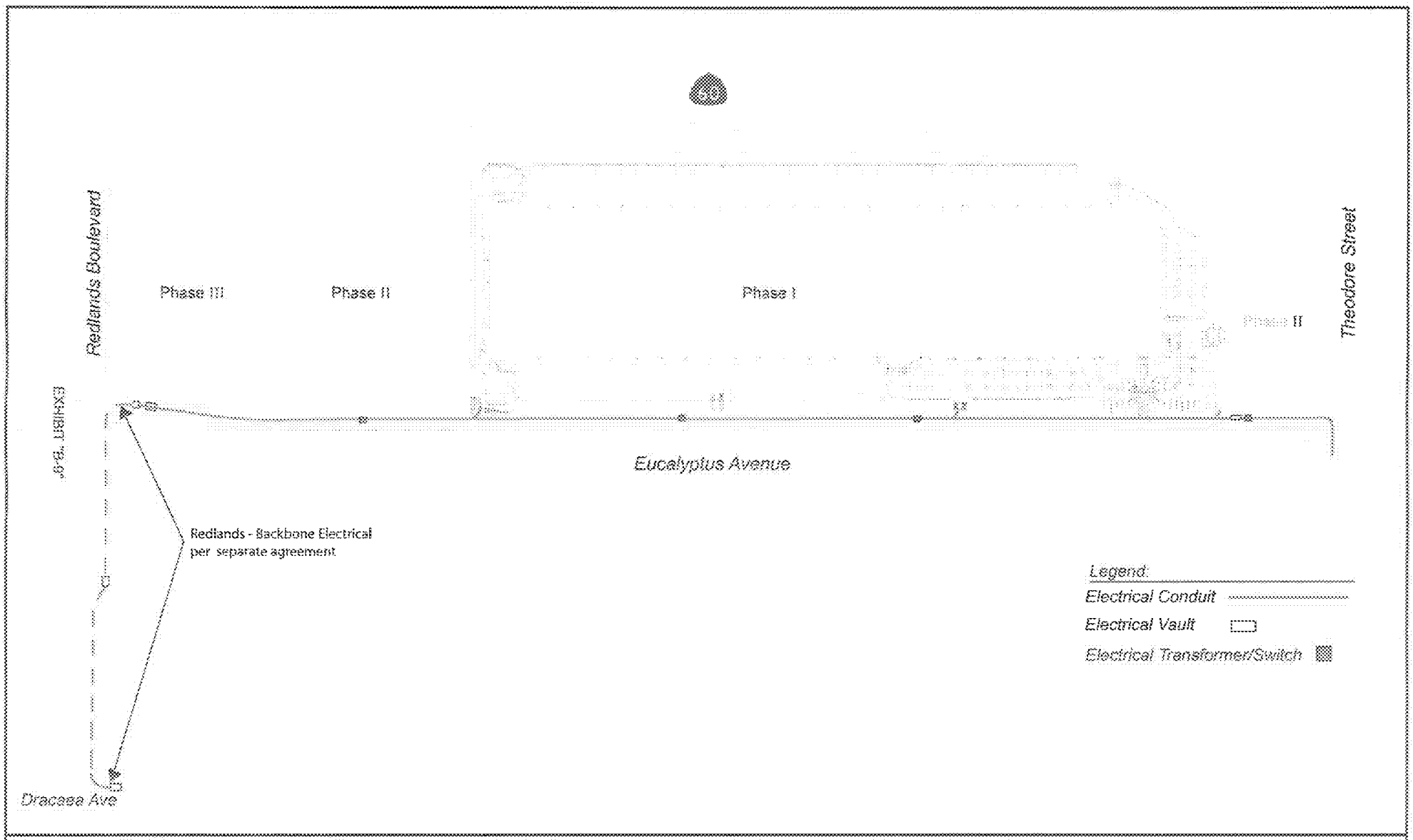

July 16, 2010

Eucalyptus - Backbone Electrical Exhibit

(1)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 2,778,000	Project No.	PA07-0090
Bond No.	6711632	Premium	$50,004
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 2,778,000 **.00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

CONTRACTOR'S COPY

Public Improvements $ 1,389,000

Project No. PA07-0090

Bond No. 6711632

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 1,389,000 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** ONE MILLION THREE HUNDRED EIGHTY-NINE THOUSAND & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

(2)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 821,000	Project No.	PA07-0090
Bond No.	6711633	Premium	$14,778
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 821,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED TWENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 410,500

Project No. PA07-0090

Bond No. 6711633

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FOUR HUNDRED TEN THOUSAND FIVE HUNDRED Dollars (***$410,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

(3)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 467,000	Project No.	PA07-0090
Bond No.	6711634	Premium	$8,406
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 467,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED SIXTY-SEVEN THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 233,500

Project No. PA07-0090

Bond No. 6711634

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 233,500.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** TWO HUNDRED THIRTY-THREE THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

(4)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 1,050,000	Project No.	PA07-0090
Bond No.	6711635	Premium	$18,900
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 1,050,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE MILLION FIFTY THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 525,000

Bond No. 6711635

Surety SAFECO INSURANCE COMPANY OF AMERICAN

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FIVE HUNDRED TWENTY-FIVE THOUSAND Dollars (***$ 525,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

5

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 434,000	Project No.	PA07-0090
Bond No.	6711636	Premium	$7,812
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 434,000 **.00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED THIRTY-FOUR THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 217,000

Project No. PA07-0090

Bond No. 6711636

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWO HUNDRED SEVENTEEN THOUSAND Dollars (***$ 217,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

(6)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 725,000	Project No.	PA07-0090
Bond No.	6711637	Premium	$13,050
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS.

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 725,000 **.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** SEVEN HUNDRED TWENTY-FIVE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 362,500	Project No. PA07-0090
Bond No. 6711637	Premium INCLUDED IN PERFORMANCE BOND
Surety SAFECO INSURANCE COMPANY OF AMERICA	Principal HF Logistics-SKX T1, LLC
Address 330 N. BRAND BOULEVARD, SUITE 500	Address 14225 Corporate Way
City/Zip GLENDALE, CA 91203	City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$362,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** THREE HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

9

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 171,000	Project No.	PA07-0090
Bond No.	6711638	Premium	$3,078
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 171,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE HUNDRED SEVENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 85,500

Bond No. 6711638

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of EIGHTY-FIVE THOUSAND FIVE HUNDRED Dollars (***$85,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

(5)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 42,000	Project No.	PA07-0090
Bond No.	6711639	Premium	$756
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of FORTY-TWO THOUSAND **AND NO/100** Dollars (***$ 42,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 21,000

Project No. PA07-0090

Bond No. 6711639

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWENTY-ONE THOUSAND & NO/100 Dollars (***$21,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

(9)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 849,000	Project No.	PA07-0090
Bond No.	6711640	Premium	$15,282
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 849,000 **.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED FORTY-NINE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $424,500

Project No. PA07-0090

Bond No. 6711640

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$424,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** FOUR HUNDRED TWENTY-FOUR THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements.

2. Authorize the Mayor to execute the Cooperative Agreement.

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The project conditions of approval require the developer to complete certain master storm drain improvements within the Moreno Area Drainage Plan. The improvements consist of construction of the following storm drain lines: Line F, Stage 3; Line D; Line D-5; Line D-6; and Line F Sinclair Street Storm Drain.

On June 8, 2010, the City Council for the City of Moreno Valley approved HF Logistics – SKX T1, LLC Public Improvement Agreement and cash security for Moreno Master Drainage Plan Line F Improvements.

On July 13, 2010, the City Council for the City of Moreno Valley approved replacement security and Public Improvement Agreement for Moreno Master Drainage Plan Line F Improvements.

DISCUSSION

As a condition of approval of Parcel Map No. 35629, the City requires the developer to construct certain storm drain facilities in order to provide flood protection and drainage for the developer's planned development. The Cooperative Agreement is the District's mechanism by which the District, the City, and the developer coordinate the construction and maintenance of master storm drain facilities.

The required facilities for this project include construction of approximately 5,116 linear feet of underground storm drain system within proposed drainage easements and City right-of-way, which once accepted will be the District's drainage facilities. These storm drains will intercept flows from culverts under SR-60, route them through the project site with proposed drainage easements and discharge into a proposed spreading basin just south of Eucalyptus Avenue. The City's drainage facilities will consist of inlets, catch basins, laterals and connector pipes within City-held easements or right-of-way.

The developer is responsible for the design and construction of the project. The plans and specifications have been approved in accordance with the District's and City's standards.

The District is providing inspection for the construction under an existing Right of Entry and Inspection Agreement, and will accept ownership and responsibility for the maintenance of the District's drainage facilities, if the developer meets all requirements of the Cooperative Agreement.

The City has reviewed the plans and specifications, and will provide necessary inspection for storm drain construction, and accept ownership and responsibility for the operation and maintenance of the City's drainage facilities, if the developer meets all requirements of the Cooperative Agreement. The City is holding a Faithful Performance Bond and Material and Labor Bond for both the District's drainage facilities and the City's drainage facilities.

ALTERNATIVES

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Authorize the Mayor to execute the Cooperative Agreement. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

2. Do not approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Do not authorize the Mayor to execute the Cooperative Agreement. Do not direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District. *Not approving staff's recommendation would result in the developer constructing the said storm drain improvements and the City maintaining the entire improvements.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” – Location Map
Exhibit “C” – Cooperative Agreement with Exhibits

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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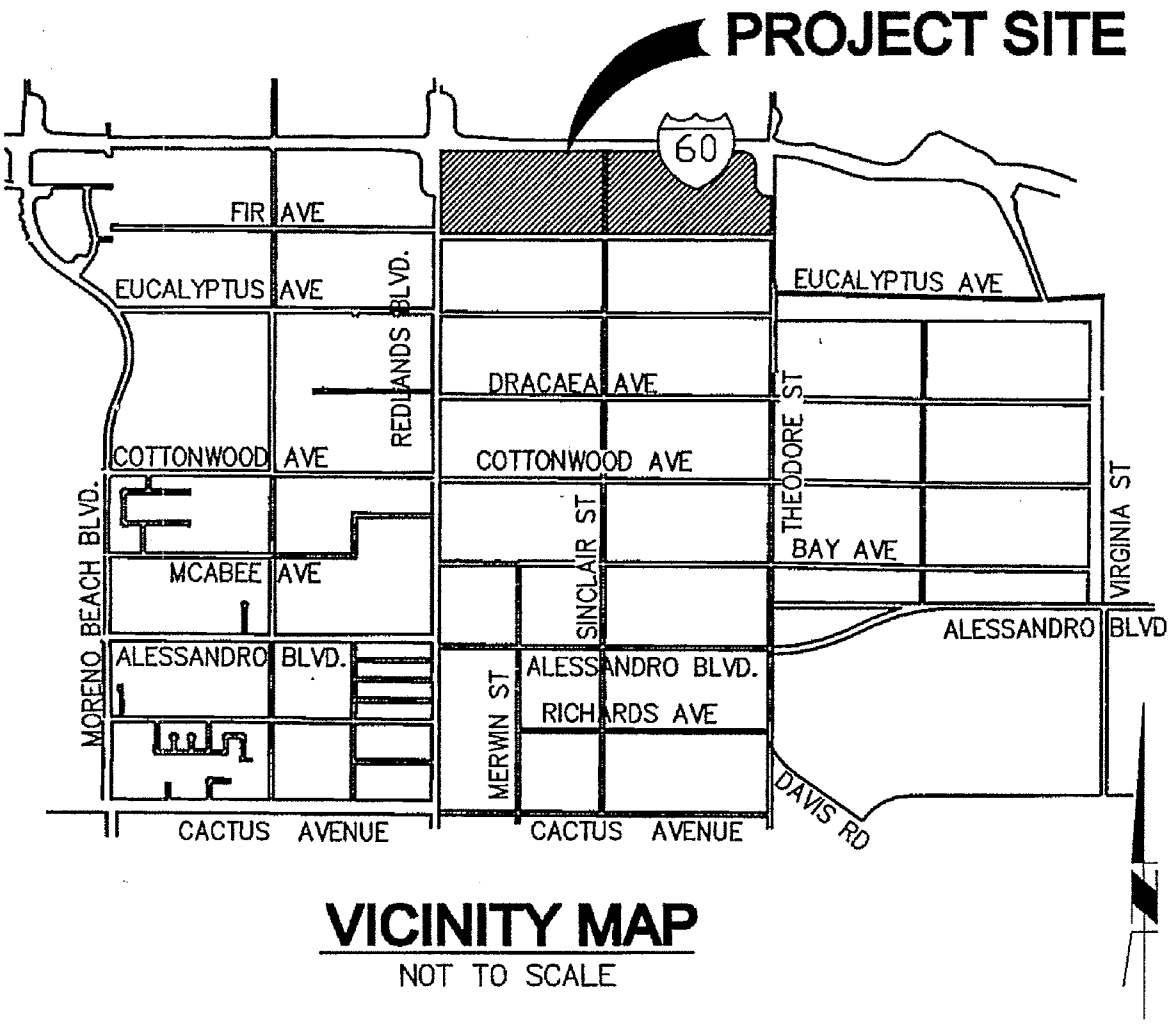

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **VICINITY MAP**

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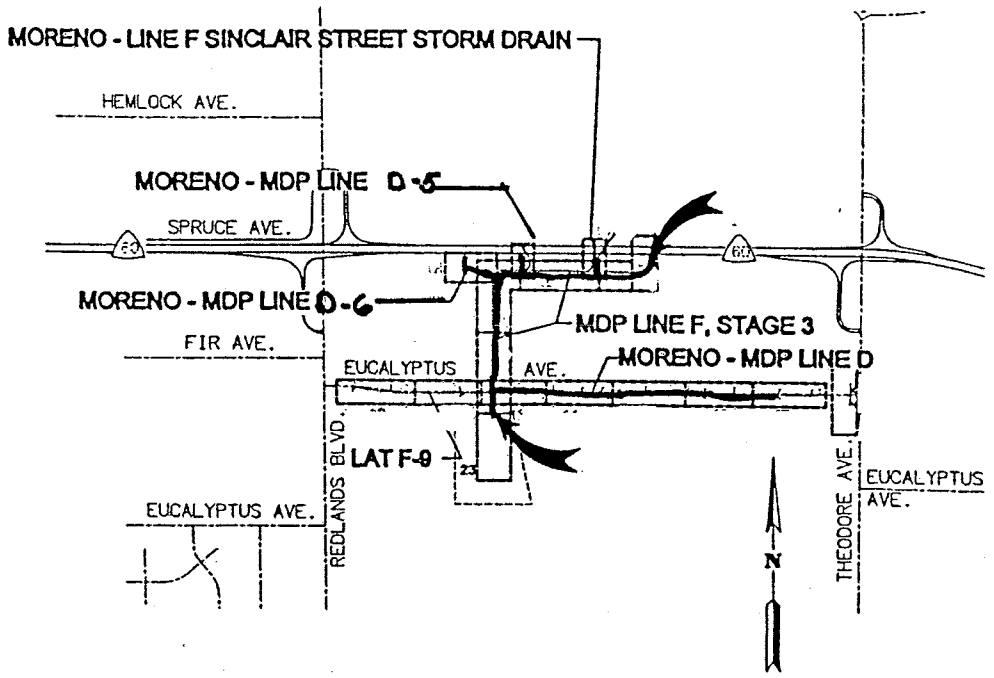

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "B"	PA07-0090 LOCATION MAP

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Exhibit "C"
Cooperative Agreement
Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno Line F Sinclair Street Storm Drain

COOPERATIVE AGREEMENT

Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno – Line F Sinclair Street Storm Drain
(Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743)
(Parcel Map No. 35629)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MORENO VALLEY, hereinafter called "CITY", and HF LOGISTICS-SKX T1, LLC, a Delaware limited liability company, HF LOGISTICS-SKX T2, LLC, a Delaware limited liability company, HIGHLAND FAIRVIEW PARTNERS I, a California general partnership, HIGHLAND FAIRVIEW PARTNERS II, a California general partnership, HIGHLAND FAIRVIEW PARTNERS III, a California general partnership, and HIGHLAND FAIRVIEW PARTNERS IV, a California general partnership, hereinafter together called "DEVELOPERS", hereby agree as follows:

RECITALS

A. DEVELOPERS have submitted for approval Parcel Map No. 35629 in the City of Moreno Valley and as a condition for approval DEVELOPERS must construct certain flood control facilities in order to provide flood protection and drainage for DEVELOPERS' planned development; and

B. The required flood control facilities include construction of approximately 5,116 lineal feet of underground storm drain system, hereinafter called "DISTRICT DRAINAGE FACILITIES, as shown in concept in red on Exhibit "A" attached hereto and made a part hereof; and

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C. Also associated with the construction of DISTRICT DRAINAGE FACILITIES is the construction of inlets, catch basins, laterals and connector pipes located within CITY'S right of way, hereinafter called "APPURTENANCES". Together, DISTRICT DRAINAGE FACILITIES and APPURTENANCES are hereinafter called "PROJECT"; and

D. DEVELOPERS and CITY desire DISTRICT to accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES. Therefore, DISTRICT must review and approve DEVELOPERS' plans and specifications for PROJECT and subsequently inspect the construction of DISTRICT DRAINAGE FACILITIES; and

E. DEVELOPERS and DISTRICT desire CITY to accept ownership and responsibility for the operation and maintenance of APPURTENANCES. Therefore, CITY must review and approve DEVELOPERS' plans and specifications and subsequently inspect the construction of PROJECT; and

F. DISTRICT is willing to (i) review and approve DEVELOPERS' plans and specifications for PROJECT, (ii) inspect the construction of DISTRICT DRAINAGE FACILITIES, and (iii) accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, provided DEVELOPERS (i) comply with this Agreement, (ii) pay DISTRICT the amounts specified herein to cover DISTRICT'S plan review and construction inspection costs, (iii) construct PROJECT in accordance with plans and specifications approved by DISTRICT and CITY, (iv) obtain all necessary permits, regulatory permits, licenses and rights of entry as set forth herein, (v) accept ownership and responsibility for the operation and maintenance of PROJECT following completion of PROJECT construction until such time as DISTRICT accepts ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts

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ownership and responsibility for the operation and maintenance of APPURTENANCES, and (vi) obtain and convey to DISTRICT the necessary rights of way for the inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES as set forth herein; and

G. CITY is willing to (i) review and approve plans and specifications prepared by DEVELOPERS for PROJECT, (ii) inspect the construction of APPURTENANCES, (iii) accept and hold faithful performance and payment bonds submitted by DEVELOPERS for DISTRICT DRAINAGE FACILITIES, (iv) grant DISTRICT the right to inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way, (v) consent to the recordation and conveyance of Irrevocable Offer(s) of Dedication furnished by DEVELOPERS as provided herein, and (vi) accept ownership and responsibility for the operation and maintenance of APPURTENANCES, provided PROJECT is constructed in accordance with plans and specifications approved by DISTRICT and CITY.

NOW, THEREFORE, the parties hereto mutually agree as follows:

SECTION I

DEVELOPERS shall:

1. Prepare PROJECT plans and specifications, as shown in DISTRICT Drawing No. 4-1007 hereinafter called "IMPROVEMENT PLANS", in accordance with DISTRICT and CITY standards, and submit to DISTRICT and CITY for their review and approval.

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement. Additionally, deposit

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with CITY, any and all such amounts as are deemed reasonably necessary by CITY to cover CITY'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement.

3. Deposit with DISTRICT (Attention: Business Office – Accounts Receivable), at the time of providing written notice to DISTRICT of the start of DISTRICT DRAINAGE FACILITIES construction as set forth in Section I.8., the estimated cost of providing construction inspection for DISTRICT DRAINAGE FACILITIES, in an amount as determined and approved by DISTRICT in accordance with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto, based upon the bonded value of DISTRICT DRAINAGE FACILITIES to be inspected, operated and maintained by DISTRICT. Additionally, deposit with CITY (Attention: Public Works/Land Development), at the time of providing written notice to DISTRICT of the start of PROJECT construction as set forth in Section I.8., the estimated cost of providing construction inspection in an amount as determined and approved by CITY in accordance with the most recent City Code and Fee Resolution of CITY, including any amendments thereto.

4. [This Section Intentionally Left Blank.]

5. Secure, at its sole cost and expense, all necessary licenses, agreements, permits and rights of entry as may be needed for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES. DEVELOPERS shall furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with sufficient evidence of DEVELOPERS having secured such necessary licenses, agreements, permits and rights of entry, as determined and approved by DISTRICT.

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6. Furnish DISTRICT with copies of all permits, approvals or agreements required by any Federal or State resource and/or regulatory agency for the construction, operation and maintenance of DISTRICT DRAINAGE FACILITIES. Such documents include but are not limited to those issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Department of Fish and Game and State Water Resources Control Board.

7. Provide CITY, prior to providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a faithful performance bond in the amount of one hundred percent (100%) of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT and a material and labor payment bond in the amount of fifty percent (50%) of the estimated cost for construction of the DISTRICT DRAINAGE FACILITIES as determined by DISTRICT. The surety, amount and form of the bonds shall be subject to the approval of DISTRICT and CITY. The bonds shall remain in full force and effect until DISTRICT DRAINAGE FACILITIES are accepted by DISTRICT as complete; at which time the faithful performance bond amount may be reduced to ten percent (10%) for a period of one year to guarantee against any defective work, and the Material and Labor security will be released after a period of ninety (90) days if there are no liens against the project for payment of materials or labor.

8. Notify DISTRICT in writing (Attention: Administrative Services Section), at least twenty (20) days prior to the start of construction of DISTRICT DRAINAGE FACILITIES. Construction shall not begin on any element of DISTRICT DRAINAGE FACILITIES for any reason whatsoever, until DISTRICT has issued to DEVELOPERS a written Notice to Proceed authorizing DEVELOPERS to commence construction of DISTRICT DRAINAGE FACILITIES.

9. Grant DISTRICT and CITY, by execution of this Agreement, the right to enter upon DEVELOPERS' property where necessary and convenient for the purpose of gaining

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access to, and performing inspection service for, the construction of DISTRICT DRAINAGE FACILITIES and APPURTENANCES, respectively, as set forth herein.

10. Obtain and provide DISTRICT, at the time of providing written notice to DISTRICT of the start of construction of DISTRICT DRAINAGE FACILITIES as set forth in Section I.8., with duly executed Irrevocable Offers(s) of Dedication to the public for flood control and drainage purposes, including ingress and egress, for the rights of way deemed necessary by DISTRICT for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, as shown in concept shaded in green on Exhibit "B" attached hereto and made a part hereof. The Irrevocable Offer(s) of Dedication shall be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of the property described in the offer(s).

11. Furnish DISTRICT, when submitting the Irrevocable Offer(s) of Dedication as set forth in Section I.10., with Preliminary Reports on Title dated not more than thirty (30) days prior to date of submission of all the property described in the Irrevocable Offer(s) of Dedication.

12. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a complete list of all contractors and subcontractors to be performing work on DISTRICT DRAINAGE FACILITIES, including the corresponding license number and license classification of each. At such time, DEVELOPERS shall further identify in writing their designated superintendent for DISTRICT DRAINAGE FACILITIES construction.

13. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., a construction schedule which shall show the order and dates in which the DEVELOPERS or DEVELOPERS' contractor proposes to carry on

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the various parts of work, including estimated start and completion dates. As construction of DISTRICT DRAINAGE FACILITIES progresses, DEVELOPERS shall update said construction schedule as requested by DISTRICT.

14. Furnish DISTRICT with final mylar IMPROVEMENT PLANS and assign their ownership to DISTRICT at the time DISTRICT approves and signs said final mylar IMPROVEMENT PLANS, and prior to the start of DISTRICT DRAINAGE FACILITIES construction.

15. Not permit any change to or modification of the IMPROVEMENT PLANS without the prior written permission and consent of DISTRICT.

16. Comply with all Cal/OSHA safety regulations including regulations concerning confined space and maintain a safe working environment for DEVELOPERS' and DISTRICT employees on the site.

17. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a confined space entry procedure specific to DISTRICT DRAINAGE FACILITIES. The procedure shall comply with requirements contained in California Code of Regulations, Title 8 Section 5158, Other Confined Space Operations, Section 5157, Permit Required Confined Space and DISTRICT Confined Space Procedures, SOM-18. The procedure shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed.

18. During the construction period of DISTRICT DRAINAGE FACILITIES, provide Workers' Compensation Insurance in an amount required by law. A certificate of said insurance policy shall be provided to DISTRICT, the County of Riverside and CITY at the time of providing written notice pursuant to Section I.8.

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19. Commencing on the date notice is given pursuant to Section I.8. and continuing until DISTRICT accepts DISTRICT DRAINAGE FACILITIES for operation and maintenance:

(a) Provide and maintain or cause its contractor(s) to provide and maintain comprehensive liability insurance coverage which shall protect DEVELOPERS from claim from damages for personal injury, including accidental and wrongful death, as well as from claims for property damage which may arise from DEVELOPERS' construction of PROJECT or the performance of its obligations hereunder, whether such construction or performance be by DEVELOPERS, by any of its contractors, subcontractors, or by anyone employed directly or indirectly by any of them. Such insurance shall name DISTRICT, the County of Riverside and CITY as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Such insurance shall provide for limits of not less than two million dollars ($2,000,000) per occurrence.

(b) Cause its insurance carrier(s) or its contractor's insurance carrier(s), who shall be authorized by the California Department of Insurance to transact the business of insurance in the State of California, to furnish DISTRICT, the County of Riverside and CITY, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with certificate(s) of insurance and applicable policy endorsements showing that such insurance is in full force and

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effect and that DISTRICT, the County of Riverside and CITY are named as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Further, said certificate(s) shall state that the issuing company shall give DISTRICT, the County of Riverside and CITY sixty (60) days written notice in the event of any cancellation, termination, non-renewal or reduction in coverage of the policies evidenced by the certificate(s). In the event of any such cancellation, termination, non-renewal or reduction in coverage, DEVELOPERS shall, forthwith, secure replacement insurance meeting the provisions of this paragraph.

Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to proceed to perform the remaining work pursuant to Section IV.3.

20. Construct or cause to be constructed, PROJECT at DEVELOPERS' sole cost and expense in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

21. Accept sole responsibility for the adjustment of all DISTRICT DRAINAGE FACILITIES' manhole rings and covers located within DISTRICT EASEMENTS which must be performed at such time(s) that the finished grade along and above the underground portions of DISTRICT DRAINAGE FACILITIES are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

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22. Within two (2) weeks of completing PROJECT construction, provide DISTRICT with written notice (Attention: Contract Administration Section) that PROJECT construction is substantially complete and requesting that DISTRICT conduct a final inspection of DISTRICT DRAINAGE FACILITIES.

23. Upon completion of PROJECT construction, and upon acceptance by CITY of all street rights of way deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, convey, or cause to be conveyed to DISTRICT flood control easement(s), including ingress and egress, in a form approved by DISTRICT, for the rights of way as shown in concept shaded in green on Exhibit "B".

24. [This Section Intentionally Left Blank.]

25. At the time of recordation of the conveyance document(s) as set forth in Section I.23.(ii), furnish DISTRICT with policies of title insurance, each in the amount of not less than fifty percent (50%) of the estimated fee value, as determined by DISTRICT, for each easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S interest in said property as being free and clear of all liens, encumbrances, assessments, easements, taxes and leases (recorded or unrecorded), except those which, in the sole discretion of DISTRICT, are deemed acceptable.

26. Accept ownership and sole responsibility for the operation and maintenance of PROJECT until such time as DISTRICT accepts ownership and responsibility for operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts ownership and responsibility for operation and maintenance of APPURTENANCES. Further, it is mutually understood by the parties hereto that prior to DISTRICT acceptance of ownership and

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responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, PROJECT shall be in a satisfactorily maintained condition as solely determined by DISTRICT.

27. Pay, if suit is brought upon this Agreement or any bond guaranteeing the completion of DISTRICT DRAINAGE FACILITIES, all costs and reasonable expenses and fees, including reasonable attorneys' fees, and acknowledge that, upon entry of judgment, all such costs, expenses and fees shall be computed as costs and included in any judgment rendered.

28. Upon completion of construction of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, DEVELOPERS' civil engineer of record or construction civil engineer of record, duly registered in the State of California, shall provide DISTRICT a redlined "record drawing" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined "record drawing" drawings, DEVELOPERS' engineer shall schedule with DISTRICT a time to transfer the redlined changes onto DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp and sign the original IMPROVEMENT PLANS "RECORD DRAWING".

29. Ensure that all work performed pursuant to this Agreement by DEVELOPERS, their agents or contractors is done in accordance with all applicable laws and regulations, including but not limited to all applicable provisions of the Labor Code, Business and Professions Code, and Water Code. DEVELOPERS shall be solely responsible for all costs associated with compliance with applicable laws and regulations.

SECTION II

DISTRICT shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of DISTRICT DRAINAGE FACILITIES construction.

2. Provide CITY an opportunity to review and approve IMPROVEMENT PLANS prior to DISTRICT'S final approval.

3. Upon execution of this Agreement, record or cause to be recorded, a copy of this Agreement in the Official Records of the Riverside County Recorder.

4. Record or cause to be recorded, the Irrevocable Offer(s) of Dedication provided by DEVELOPERS pursuant to Section I.10.

5. Inspect DISTRICT DRAINAGE FACILITIES construction.

6. Keep an accurate accounting of all DISTRICT costs associated with the review and approval of IMPROVEMENT PLANS, the review and approval of right of way and conveyance documents and the processing and administration of this Agreement.

7. Keep an accurate accounting of all DISTRICT construction inspection costs, and within forty-five (45) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete, submit a final cost statement to DEVELOPERS. If the deposit, as set forth in Section I.3. exceeds such costs, DISTRICT shall reimburse DEVELOPERS the excess amount within sixty (60) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete. If at any time the costs exceed the deposit or are anticipated by DISTRICT to exceed the deposit, DEVELOPERS shall pay such additional amount(s), as deemed reasonably necessary by DISTRICT to complete inspection of DISTRICT DRAINAGE FACILITIES, within thirty (30) days after receipt of billing from DISTRICT.

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8. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES upon (i) DISTRICT acceptance of PROJECT construction as being complete, (ii) recordation of all conveyance documents described in Section I.23., and (iii) acceptance by CITY of all necessary street rights of way as deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT.

9. Provide CITY with a reproducible duplicate copy of "as-built" IMPROVEMENT PLANS upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

SECTION III

CITY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction.

2. Accept the CITY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPERS as set forth in Section I.7., and hold said bonds as provided herein.

3. Inspect construction of APPURTENANCES.

4. Consent, by execution of this Agreement, to the recording of any Irrevocable Offer(s) of Dedication furnished by DEVELOPERS pursuant to this Agreement.

5. As requested by DISTRICT, accept the Irrevocable Offer(s) of Dedication as set forth herein, and any other outstanding offers of dedication necessary for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, and, convey sufficient rights of way to DISTRICT to allow DISTRICT to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES.

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6. Grant DISTRICT, by execution of this Agreement, the right to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way.

7. Accept ownership and sole responsibility for the operation and maintenance of APPURTENANCES upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

8. Upon DISTRICT acceptance of PROJECT construction as being complete, accept sole responsibility for the adjustment of all PROJECT manhole rings and covers located within CITY rights of way which must be performed at such time(s) that the finished grade along and above the underground portions of PROJECT are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

SECTION IV

It is further mutually agreed:

1. All work involved with DISTRICT DRAINAGE FACILITIES shall be inspected by DISTRICT and shall not be deemed complete until approved and accepted in writing as complete by DISTRICT.

2. CITY and DEVELOPERS' personnel may observe and inspect all work being done on DISTRICT DRAINAGE FACILITIES, but shall provide any comments to DISTRICT personnel who shall be solely responsible for all quality control communications with the DEVELOPERS' contractor(s) during the construction of DISTRICT DRAINAGE FACILITIES.

3. DEVELOPERS shall complete construction of DISTRICT DRAINAGE FACILITIES within twelve (12) consecutive months after execution of this Agreement and within one hundred eighty (180) consecutive calendar days after commencing work on

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DISTRICT DRAINAGE FACILITIES. It is expressly understood that since time is of the essence in this Agreement, failure of DEVELOPERS to perform the work within the agreed upon time shall constitute authority for DISTRICT to perform the remaining work and require DEVELOPERS' surety to pay to CITY the penal sum of any and all bonds. In which case, CITY shall subsequently reimburse DISTRICT for DISTRICT costs incurred.

4. DEVELOPERS shall not request DISTRICT to accept any portion or portions of DISTRICT DRAINAGE FACILITIES or CITY to accept any portion or portions of APPURTENANCES prior to the completion of PROJECT construction.

5. DISTRICT shall endeavor to issue DEVELOPERS a Notice to Proceed within twenty (20) days of receipt of DEVELOPERS' complete written notice as set forth in Section I.8.; however, DISTRICT'S construction inspection staff is limited and, therefore, the issuance of a Notice to Proceed is subject to staff availability.

In the event DEVELOPERS wish to expedite issuance of a Notice to Proceed, DEVELOPERS may elect to furnish an independent qualified construction inspector at DEVELOPERS' sole cost and expense. DEVELOPERS shall furnish appropriate documentation of the individual's credentials and experience to DISTRICT for review and, if appropriate, approval. DISTRICT shall review the individual's qualifications and experience and, upon approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be authorized to act on DISTRICT'S behalf on all DISTRICT DRAINAGE FACILITIES construction and quality control matters. If DEVELOPERS' initial construction inspection deposit furnished pursuant to Section I.3. exceeds ten thousand dollars ($10,000.00), DISTRICT shall refund to DEVELOPERS up to eighty percent (80%) of DEVELOPERS' initial inspection deposit within forty-five (45) days of DISTRICT'S approval of DEPUTY INSPECTOR; however, a minimum balance of ten thousand dollars ($10,000.00) shall be retained on account.

MV00075001

6. DISTRICT DRAINAGE FACILITIES construction work shall be on a five (5) day, forty (40) hour work week with no work on Saturdays, Sundays or DISTRICT designated legal holidays, unless otherwise approved in writing by DISTRICT. If DEVELOPERS feel it necessary to work more than the normal forty (40) hour work week or on holidays, DEVELOPERS shall make a written request for permission from DISTRICT to work the additional hours. The request shall be submitted to DISTRICT at least seventy-two (72) hours prior to the requested additional work hours and state the reasons for the overtime and the specific time frames required. The decision of granting permission for overtime work shall be made by DISTRICT at its sole discretion and shall be final. If permission is granted by DISTRICT, DEVELOPERS will be charged the cost incurred at the overtime rates for additional inspection time required in connection with the overtime work in accordance with Ordinance Nos. 671 and 749, including any amendments thereto, of the County of Riverside.

7. DEVELOPERS shall indemnify and hold harmless DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) from any liability, claim, damage, proceeding or action, present or future, based upon, arising out of or in any way relating to DEVELOPERS' (including its officers, employees, subcontractors and agents) actual or alleged acts or omissions related to this Agreement, performance under this Agreement, or failure to comply with the requirements of this Agreement, including but not limited to: (a) property damage; (b) bodily injury or death; (c) liability or damage pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution or any other law, ordinance or regulation caused by the diversion of waters from the natural drainage patterns or the discharge of drainage within or from PROJECT; or (d) any other element of any kind or nature whatsoever.

MV00075002

DEVELOPER shall defend, at its sole expense, including all costs and fees (including but not limited to attorney fees, cost of investigation, defense and settlements or awards), DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) in any claim, proceeding or action for which indemnification is required.

With respect to any of DEVELOPERS' indemnification requirements, DEVELOPERS shall, at its sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle or compromise any such claim, proceeding or action without the prior consent of DISTRICT and CITY; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes DEVELOPERS' indemnification obligations to DISTRICT or CITY.

DEVELOPERS' indemnification obligations shall be satisfied when DEVELOPERS have provided to DISTRICT and CITY the appropriate form of dismissal (or similar document) relieving DISTRICT or CITY from any liability for the claim, proceeding or action involved.

The specified insurance limits required in this Agreement shall in no way limit or circumscribe DEVELOPERS' obligations to indemnify and hold harmless DISTRICT and CITY from third party claims.

In the event there is conflict between this section and California Civil Code Section 2782, this section shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the DEVELOPERS from indemnifying DISTRICT or CITY to the fullest extent allowed by law.

8. Any waiver by DISTRICT or by CITY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other

MV00075003

breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to require exact, full and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from enforcement hereof.

9. DISTRICT and CITY each pledge to cooperate in regard to the operation and maintenance of their respective facilities as set forth herein and to discharge their respective maintenance responsibilities in an expeditious fashion so as to avoid the creation of any nuisance condition or undue maintenance impact upon the others' facilities.

10. This Agreement is to be construed in accordance with the laws of the State of California.

11. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: Administrative Services

CITY OF MORENO VALLEY
Post Office Box 88005
Moreno Valley, CA 92552-0805
Attn: Public Works Director

HF LOGISTICS-SKX T1, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

HF LOGISTICS-SKX T2, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

12. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other county.

13. This Agreement is the result of negotiations between the parties hereto, and the advice and assistance of their respective counsel. The fact that this Agreement was prepared as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT prepared this Agreement in its final form.

14. The rights and obligations of DEVELOPERS shall inure to and be binding upon all heirs, successors and assignees.

15. DEVELOPERS shall not assign or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of the other parties hereto being first obtained. In the event of any such transfer or assignment, DEVELOPERS expressly understand and agree that they shall remain liable with respect to any and all of the obligations and duties contained in this Agreement.

16. The individual(s) executing this Agreement on behalf of DEVELOPERS hereby certify they have the authority within their respective company(ies) to enter into and execute this Agreement, and have been authorized to do so by any and all boards of directors, legal counsel, and or any other board, committee or other entity within their respective company(ies) which have the authority to authorize or deny entering this Agreement.

17. This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be changed or modified only upon the written consent of the parties hereto.

//

//

MV00075005

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

_____.
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

PAMELA J. WALLS
County Counsel

By _____
NEAL KIPNIS
Deputy County Counsel

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By _____
Deputy

(SEAL)

Cooperative Agreement: TR 35629
KEC:blj
5/20/10

MV00075006

RECOMMENDED FOR APPROVAL:

By _____
Public Works Director/City Engineer

CITY OF MORENO VALLEY

By _____
Mayor

APPROVED AS TO FORM:

By _____
City Attorney

ATTEST:

City Clerk

By _____

(SEAL)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

HIGHLAND FAIRVIEW PARTNERS I
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS II
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS III
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS IV
a California general partnership

By_____
IDDO BENZEEVI, President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6·1·10 (Date) before me Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Iddo Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

LORINNE J. PHILLIPS
COMM #1868055
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6·1·10 Number of Pages: 234 EXH. A (11) EXH. B (8)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDDO BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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HF LOGISTICS-SKX T1, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By: _____
IDDO BENZEEVI, President and Chief Executive Officer

HF LOGISTICS-SKX T2, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC,
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By: _____
IDDO BENZEEVI, President and Chief Executive Officer

(ATTACH NOTARY WITH CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6.1.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Todd Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/her~~/their~~ authorized capacity(~~ies~~), and that by his/her~~/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6.1.10 Number of Pages: 23+ EXH.A(1) EXH.B(2)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: TODD BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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Exhibit A

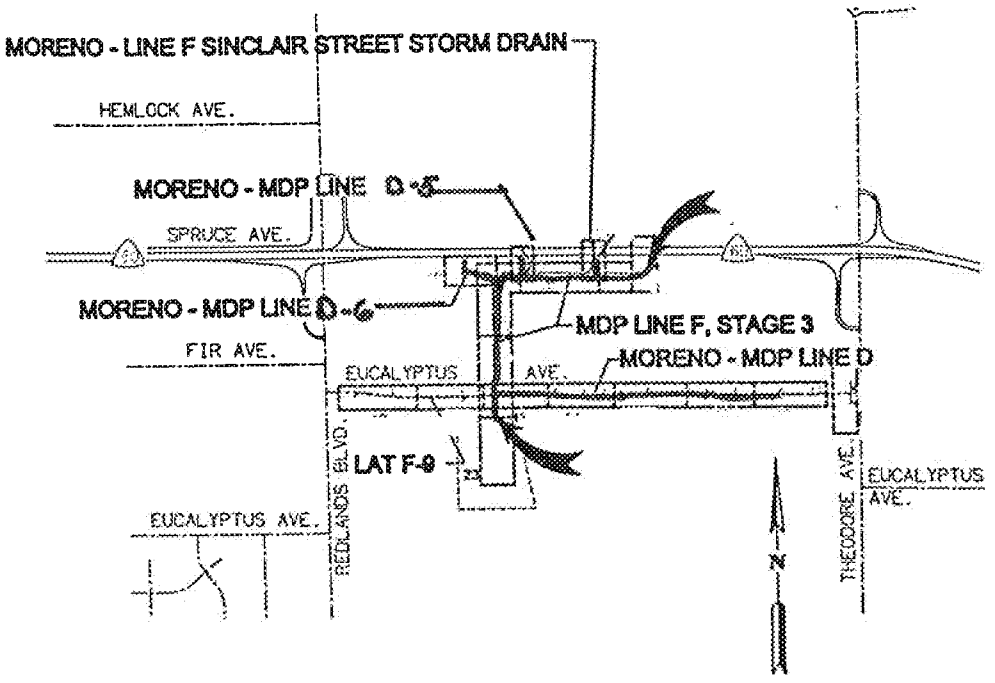

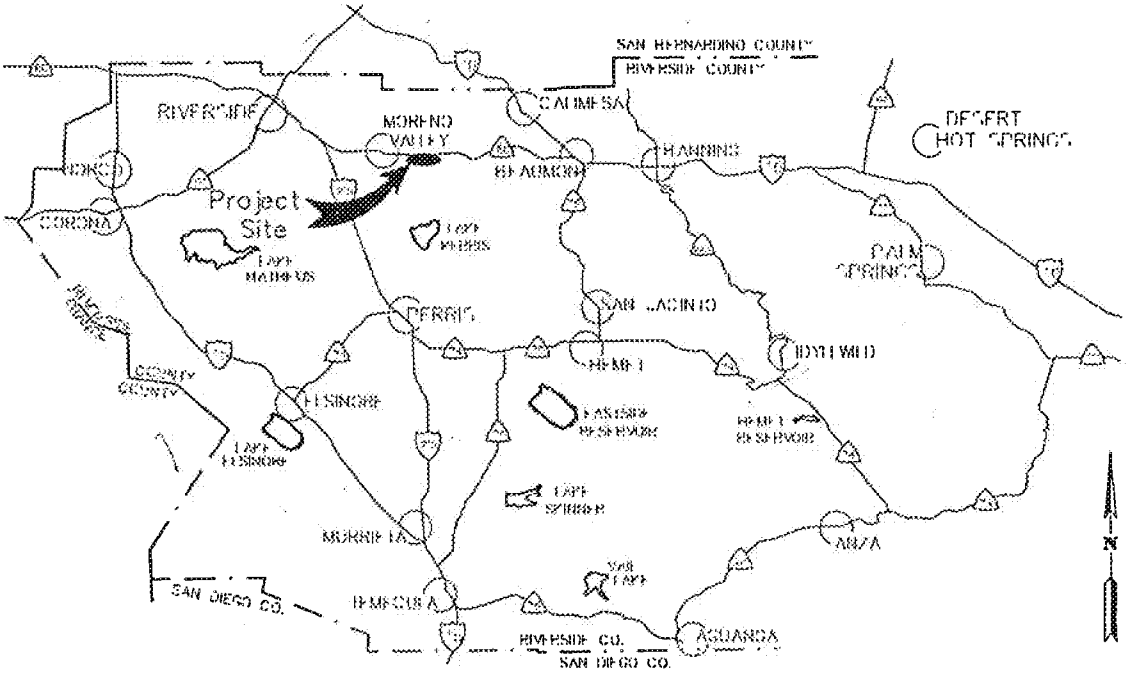

Cooperative Agreement
Parcel Map 35629
Project Numbers: 4-0-00752-03, 4-0-00749,
4-0-00741, 4-0-00742, 4-0-00743

Exhibit A

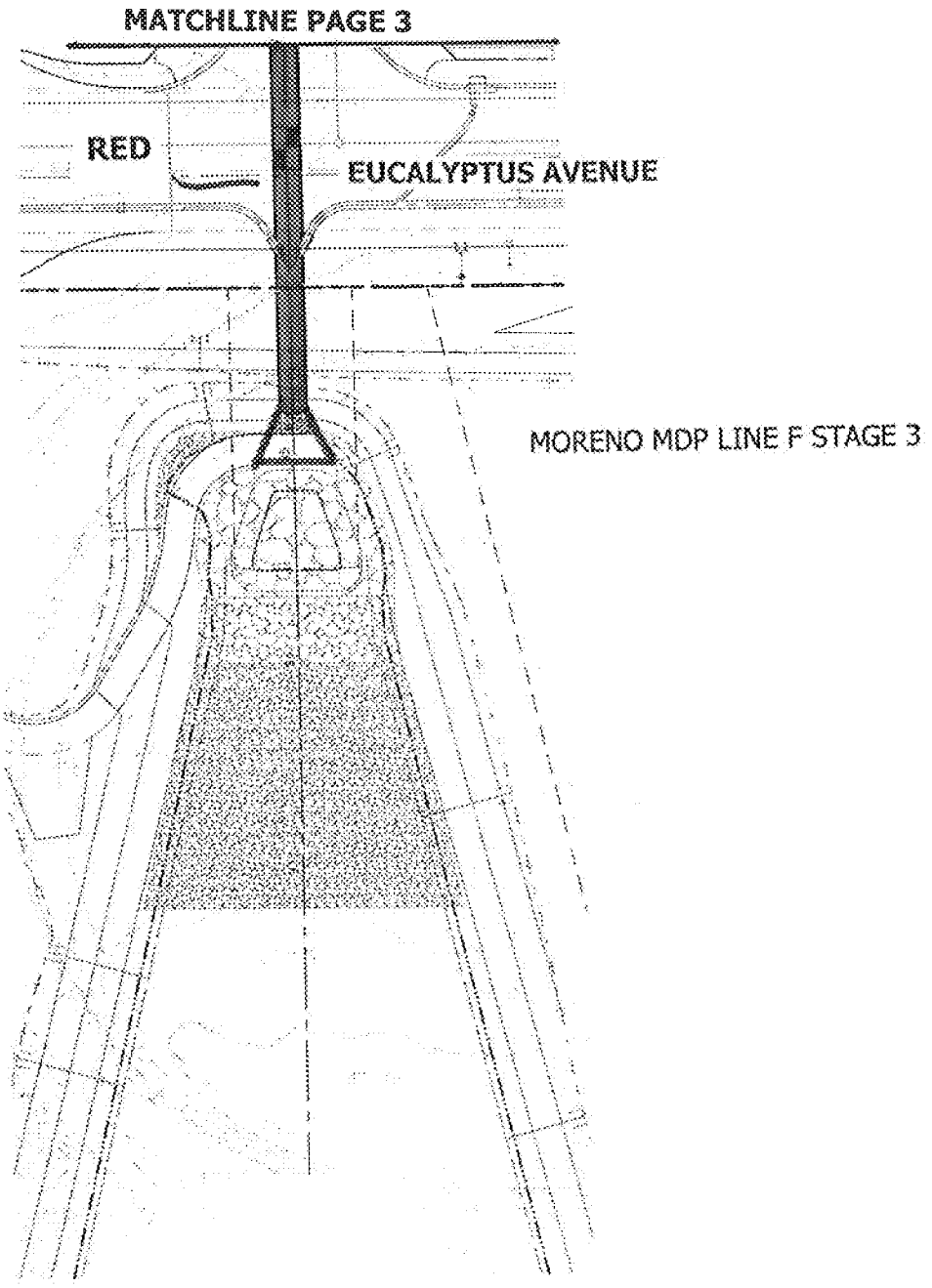

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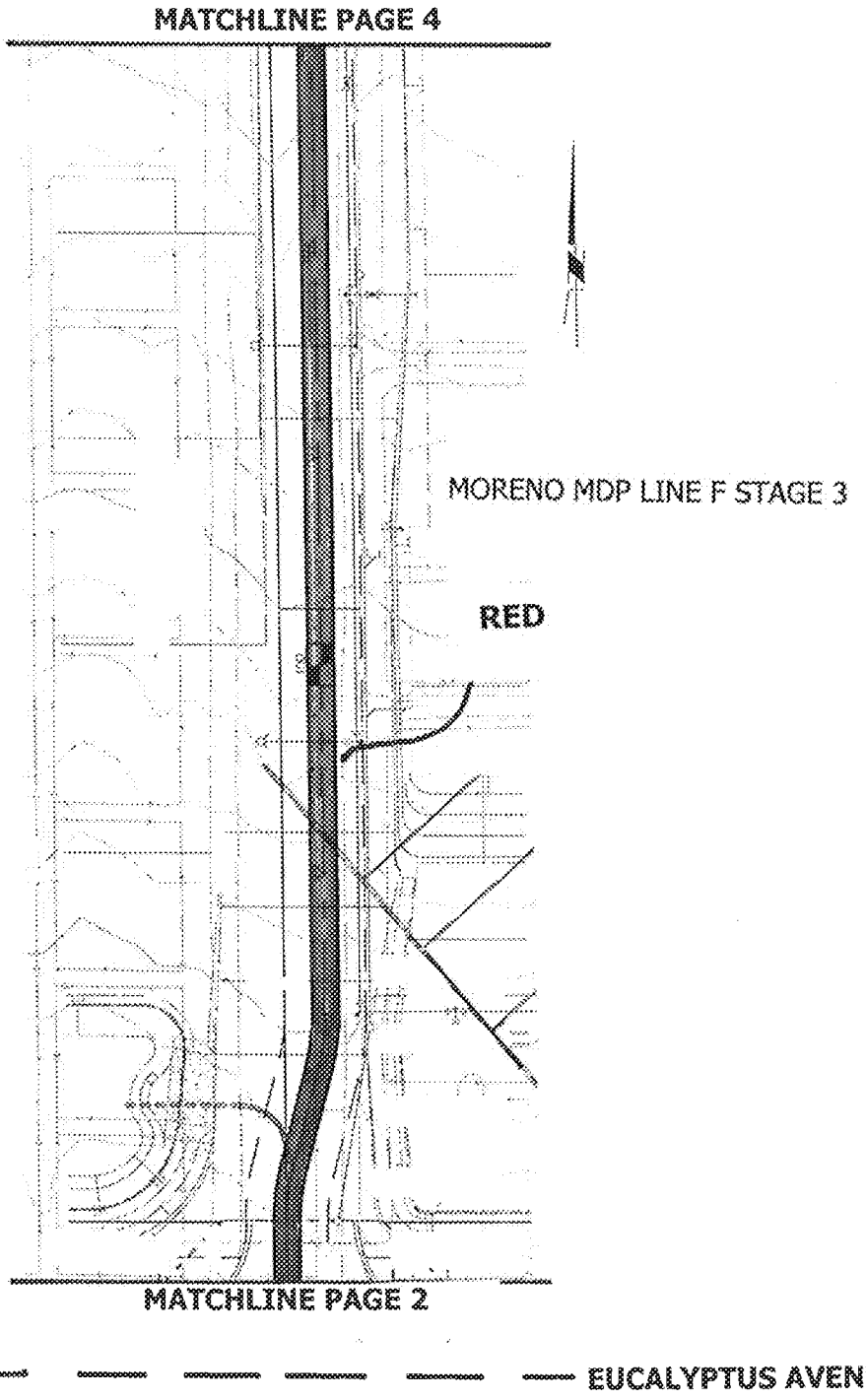
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RED
MATCHLINE PAGE 2
EUCALYPTUS AVENUE

Exhibit A

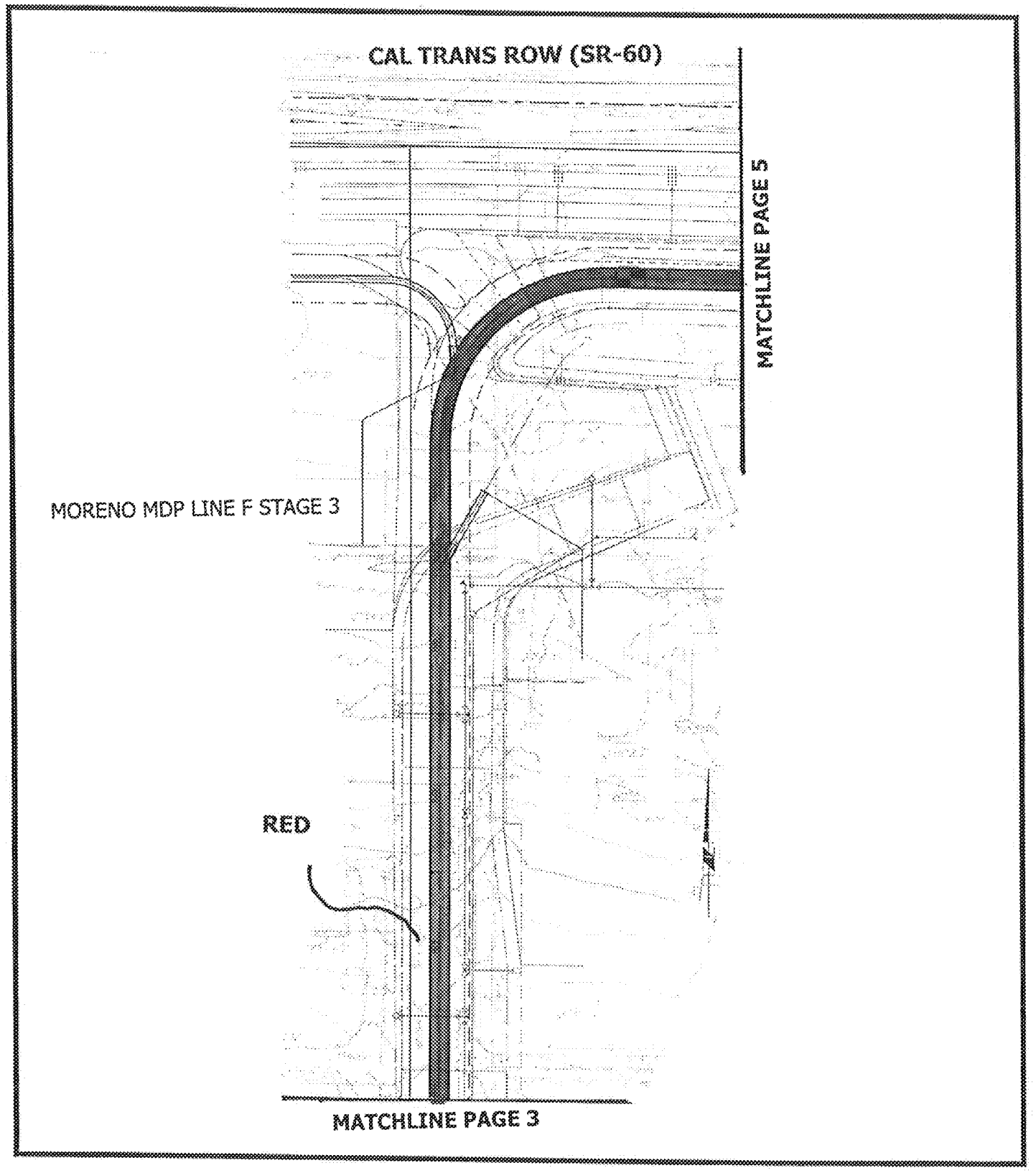
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MATCHLINE PAGE 5
MORENO MDP LINE F STAGE 3
RED
MATCHLINE PAGE 3

Exhibit A

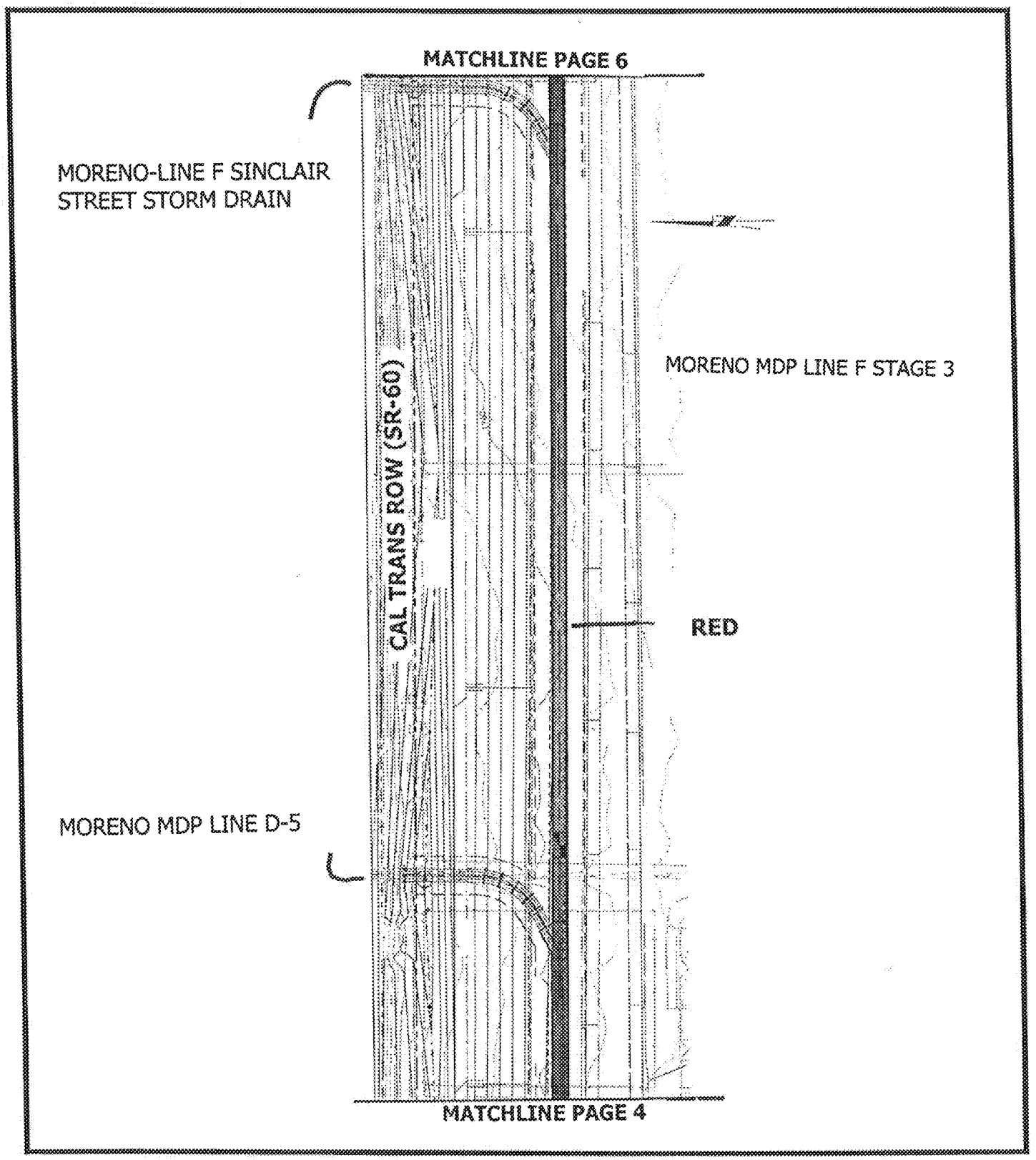
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MORENO-LINE F SINCLAIR STREET STORM DRAIN
MORENO MDP LINE F STAGE 3
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RED
MORENO MDP LINE D-5
MATCHLINE PAGE 4

Exhibit A

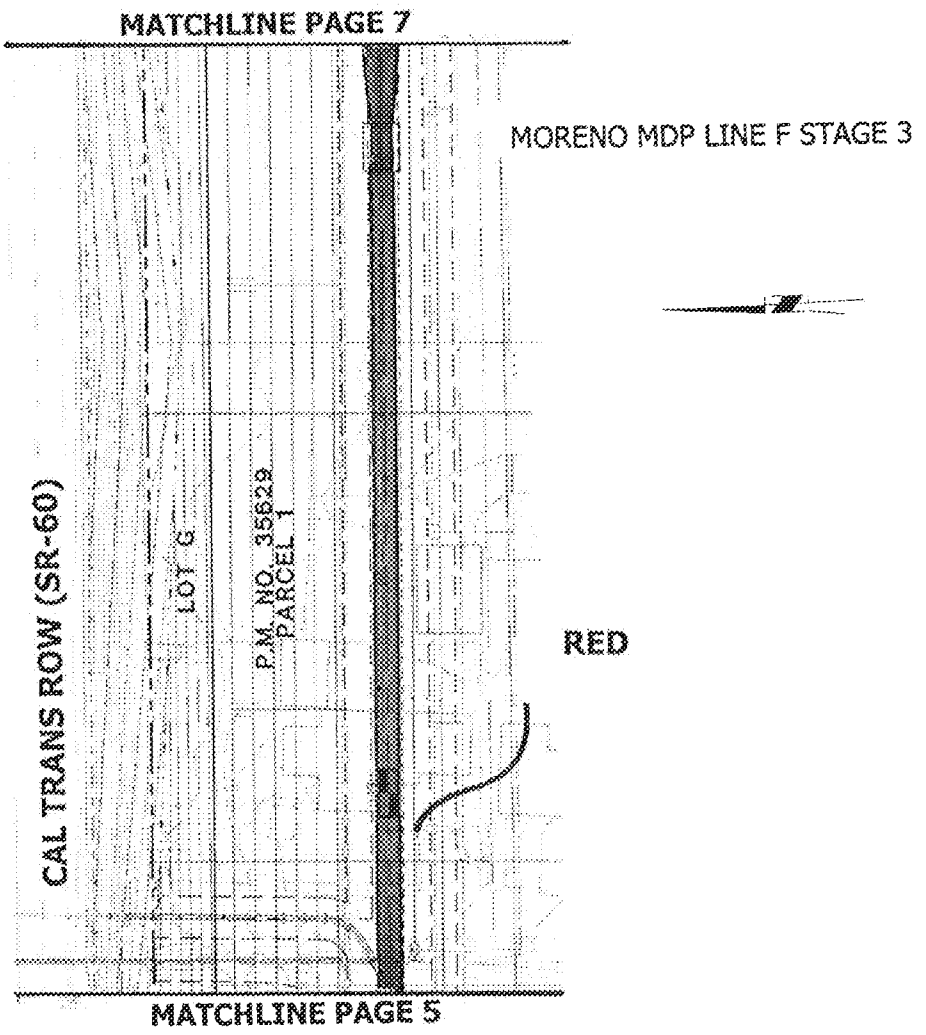
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LOT G
P.M. NO. 35629
PARCEL 1
MORENO MDP LINE F STAGE 3
RED
MATCHLINE PAGE 5

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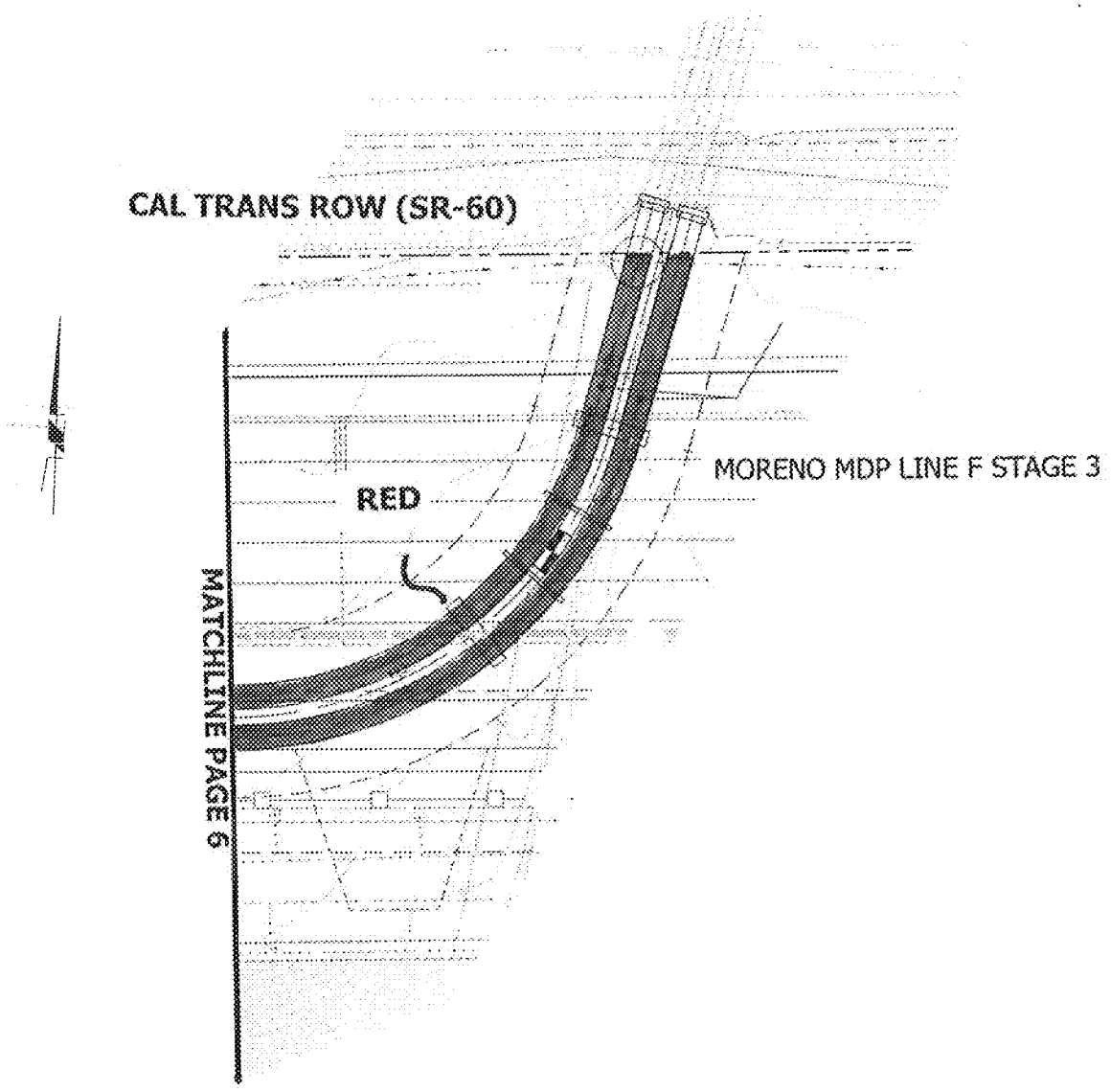
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CAL TRANS ROW (SR-60)
RED
MATCHLINE PAGE 6

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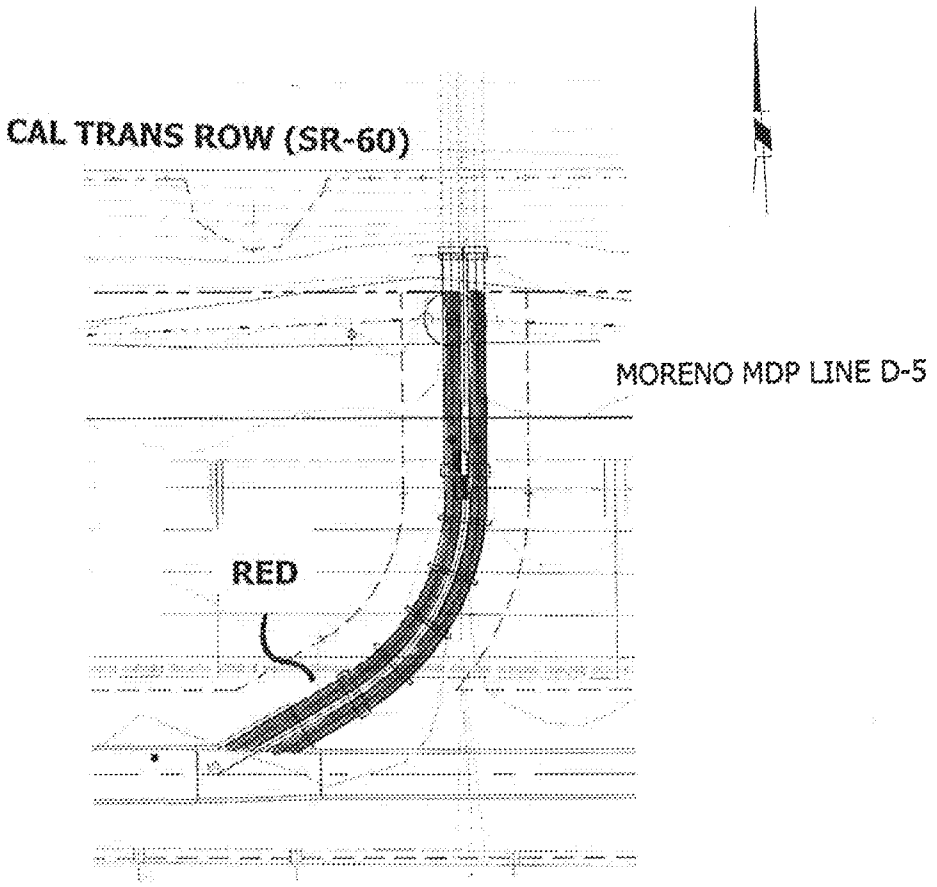

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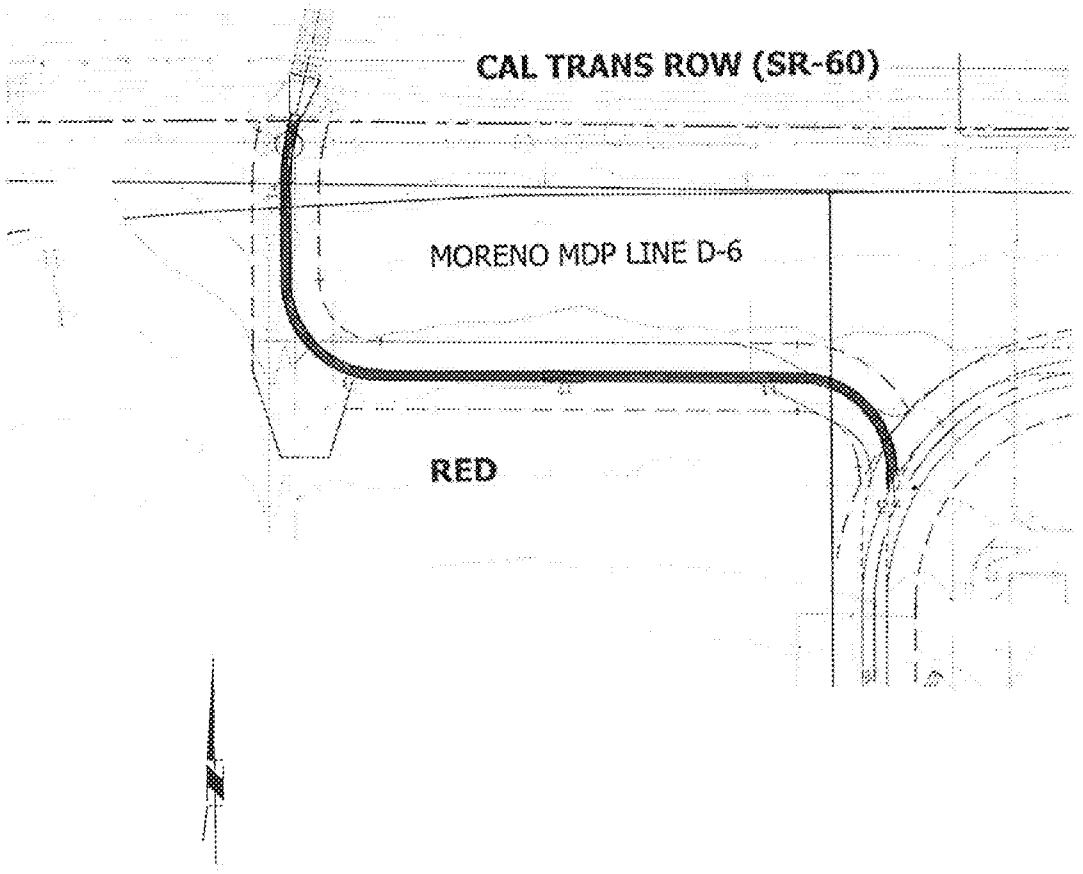

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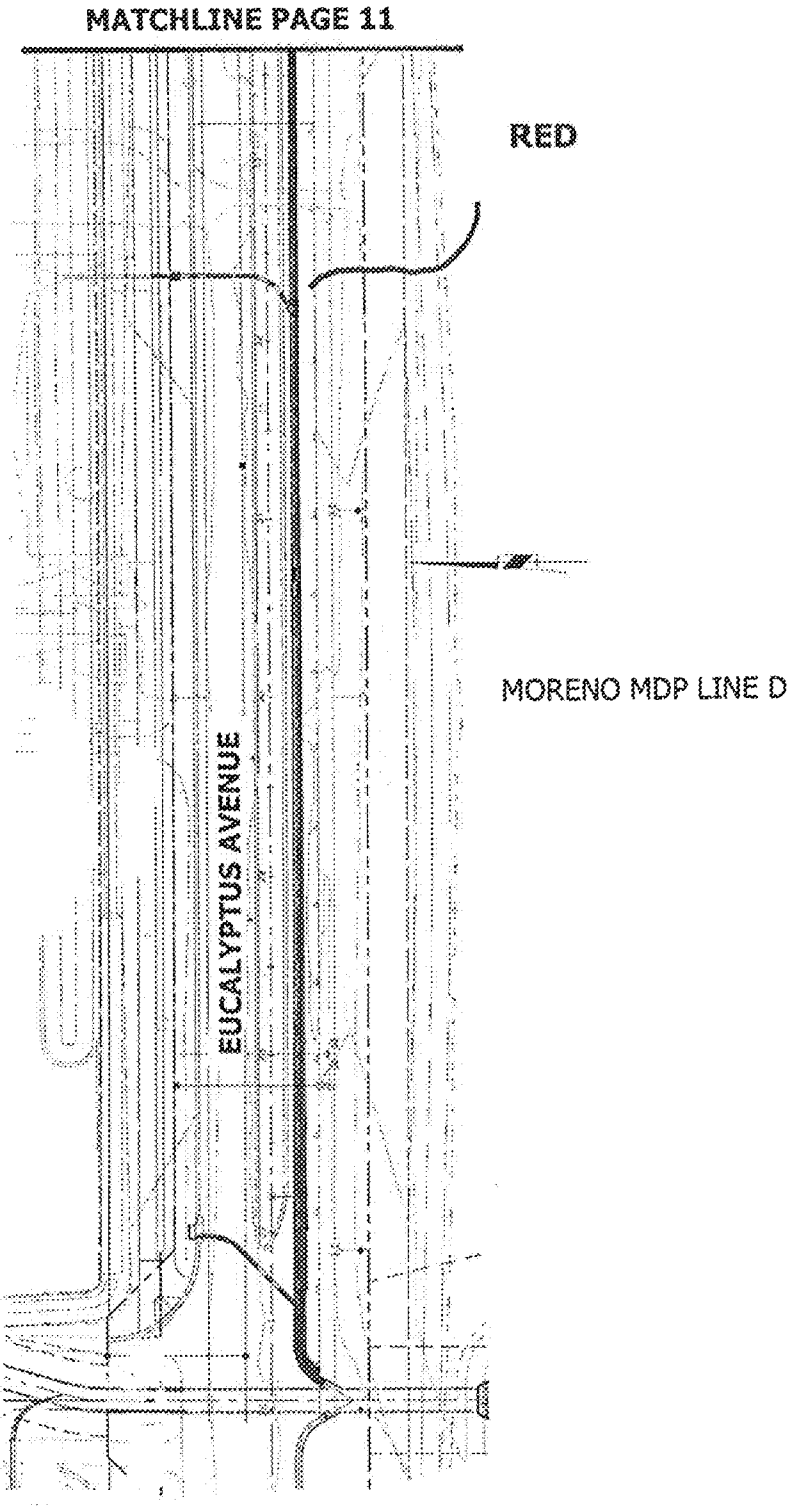

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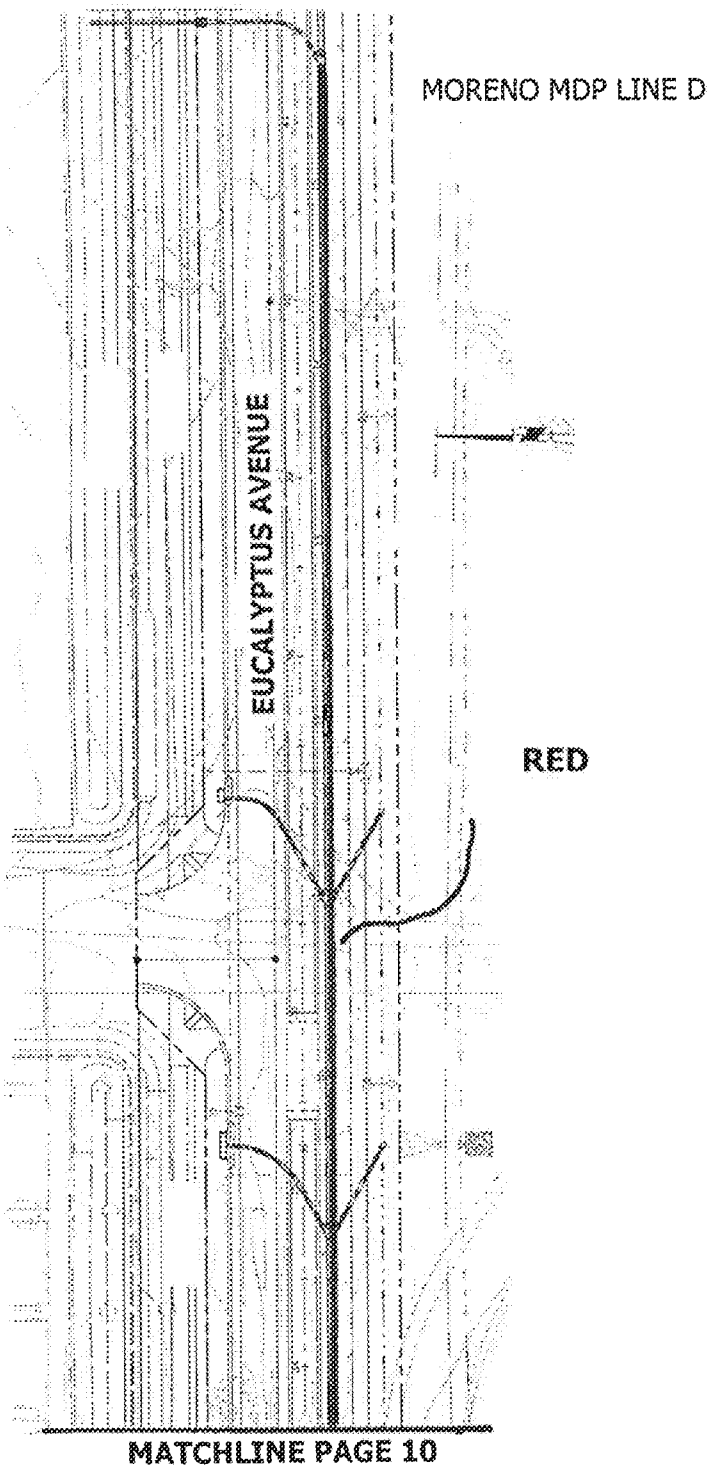

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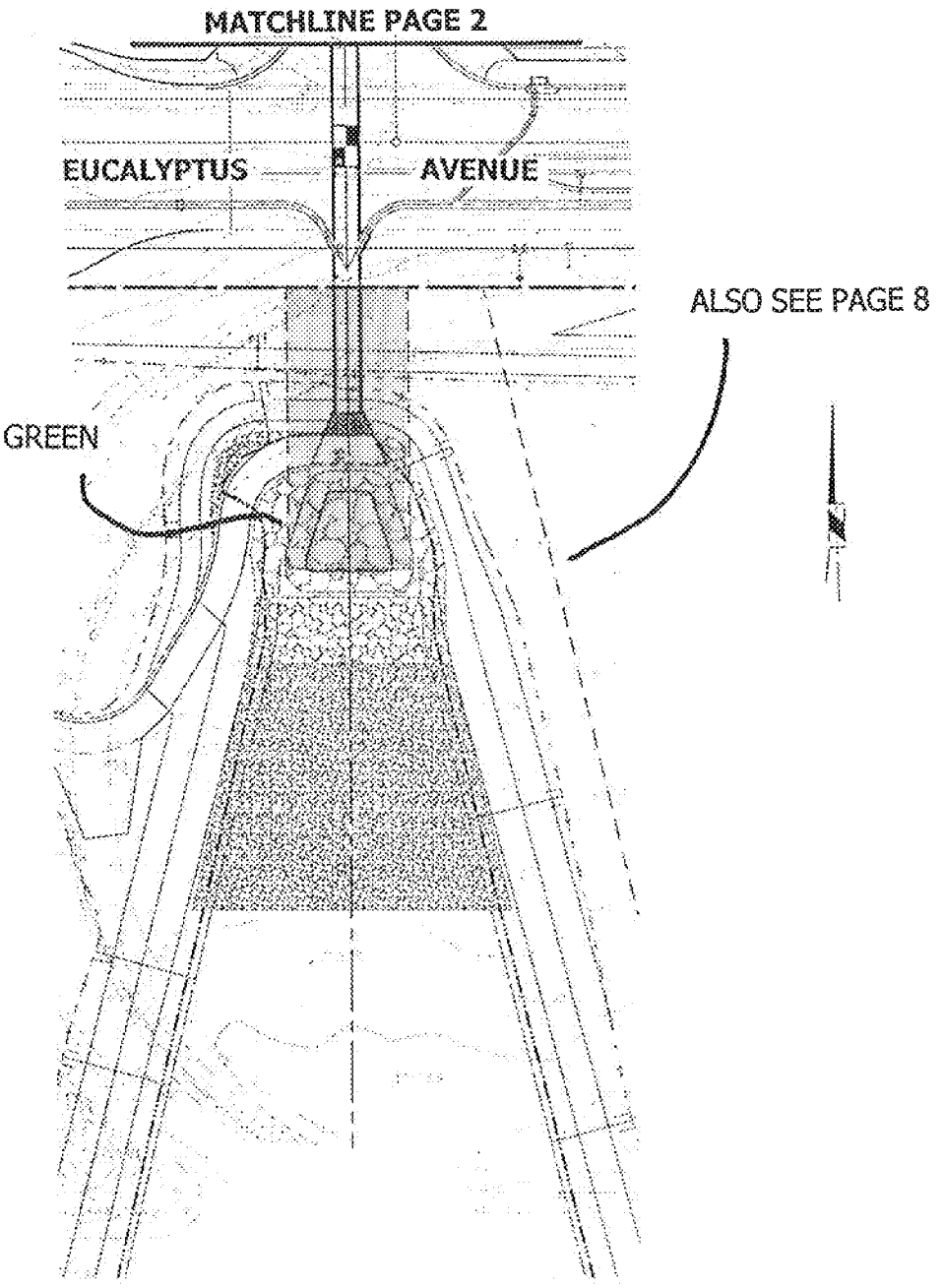

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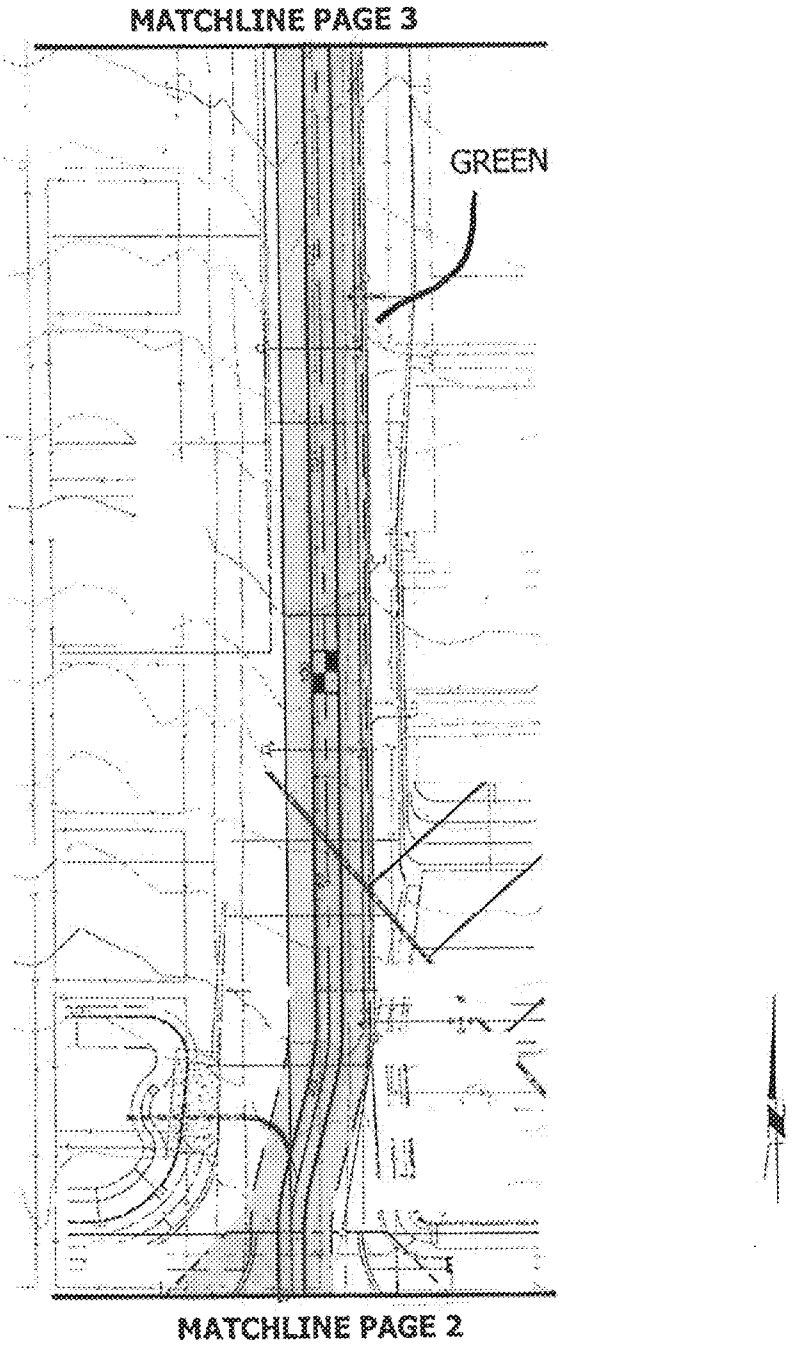

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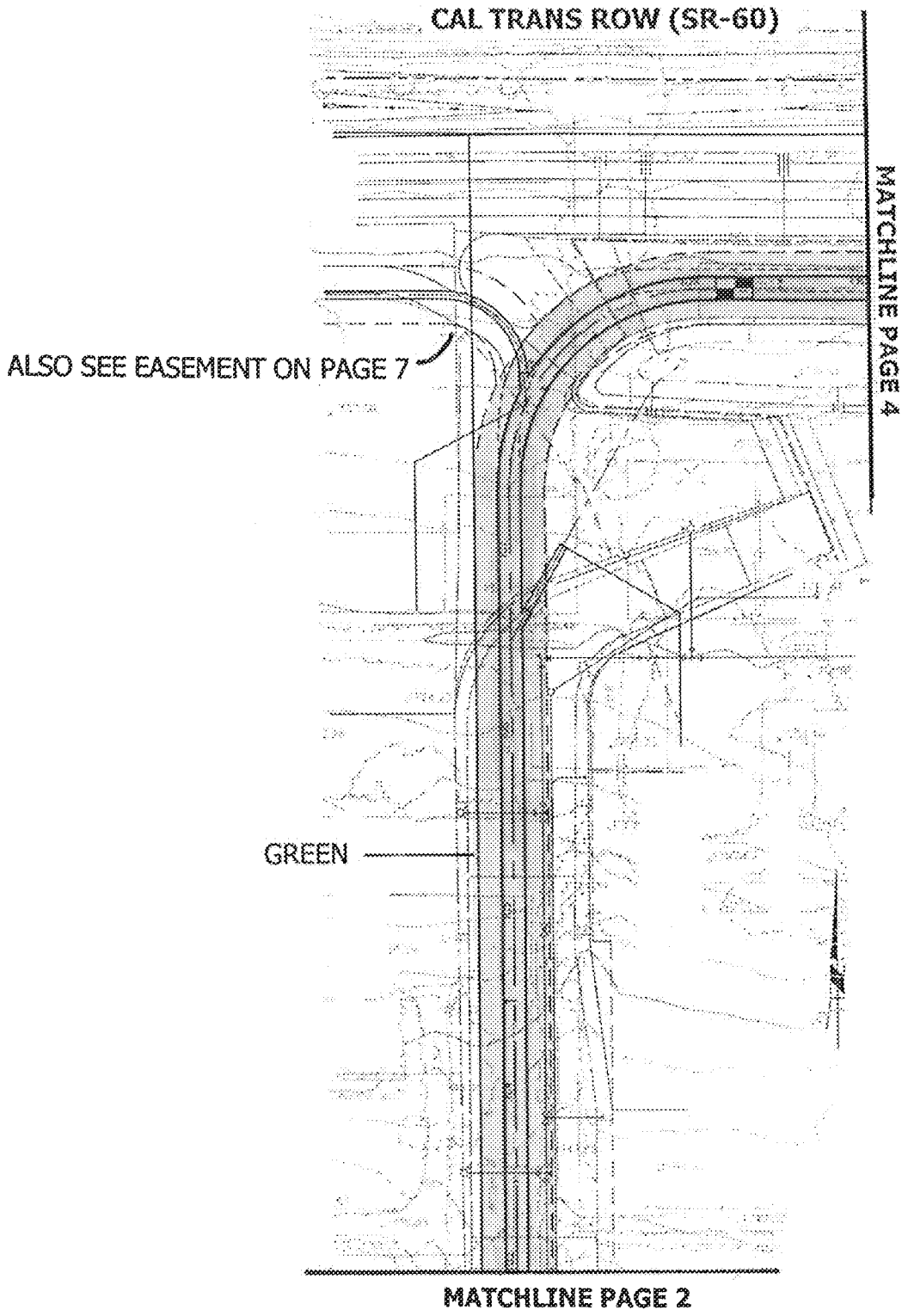
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MATCHLINE PAGE 4
ALSO SEE EASEMENT ON PAGE 7
GREEN
MATCHLINE PAGE 2

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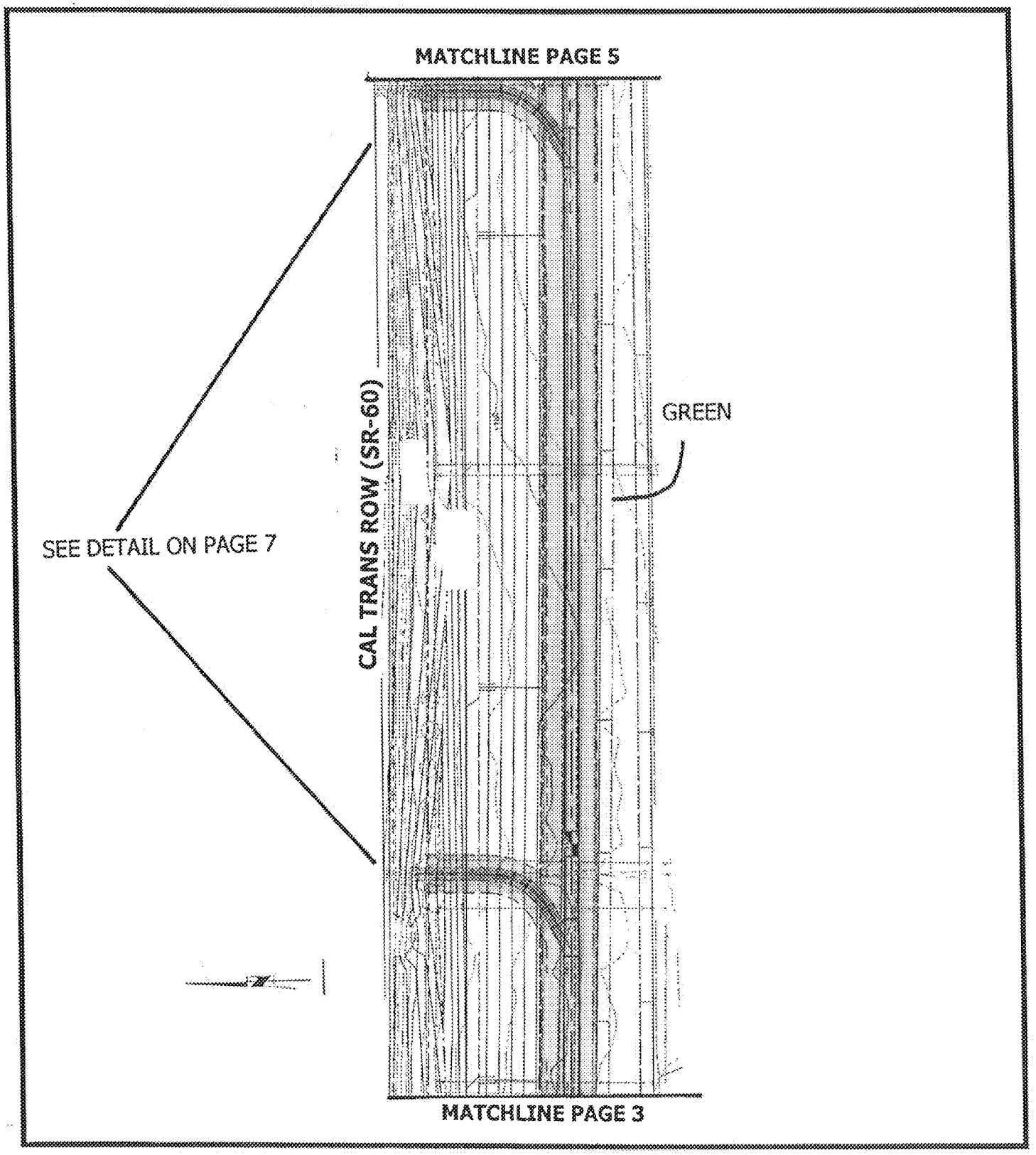
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GREEN
SEE DETAIL ON PAGE 7
MATCHLINE PAGE 3

Exhibit B

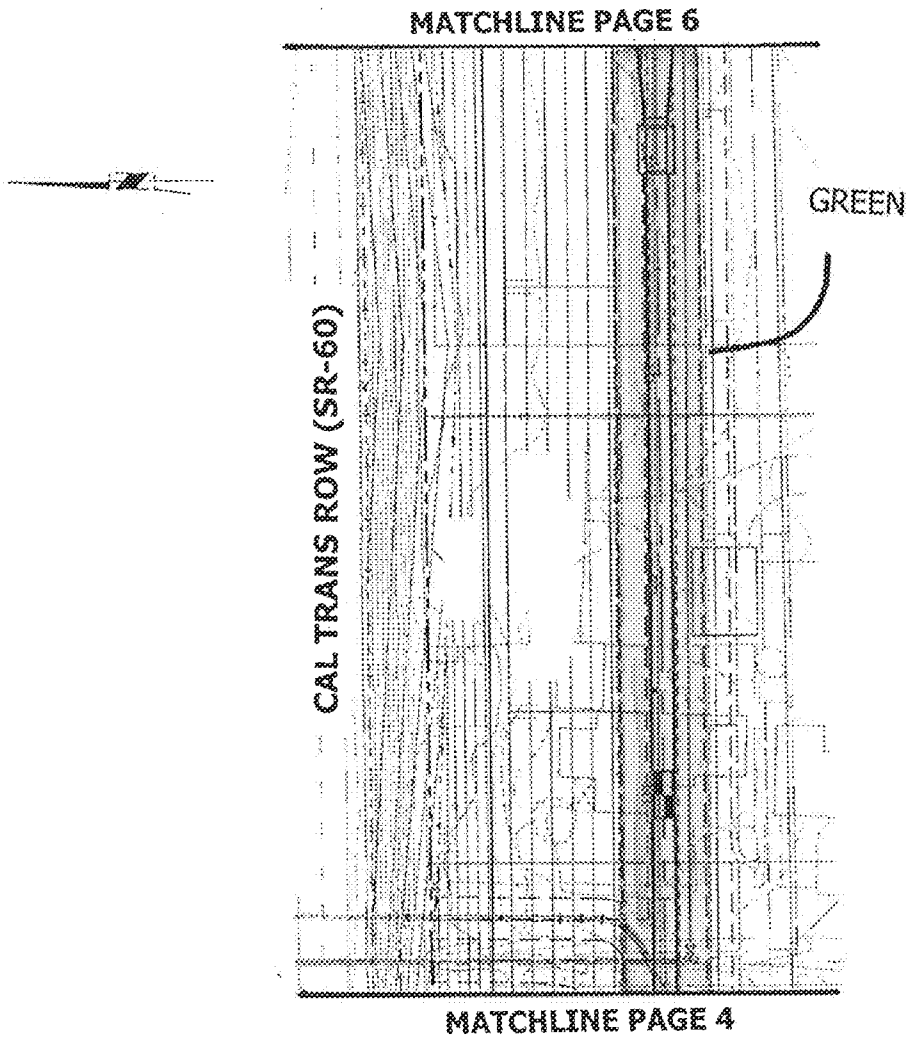

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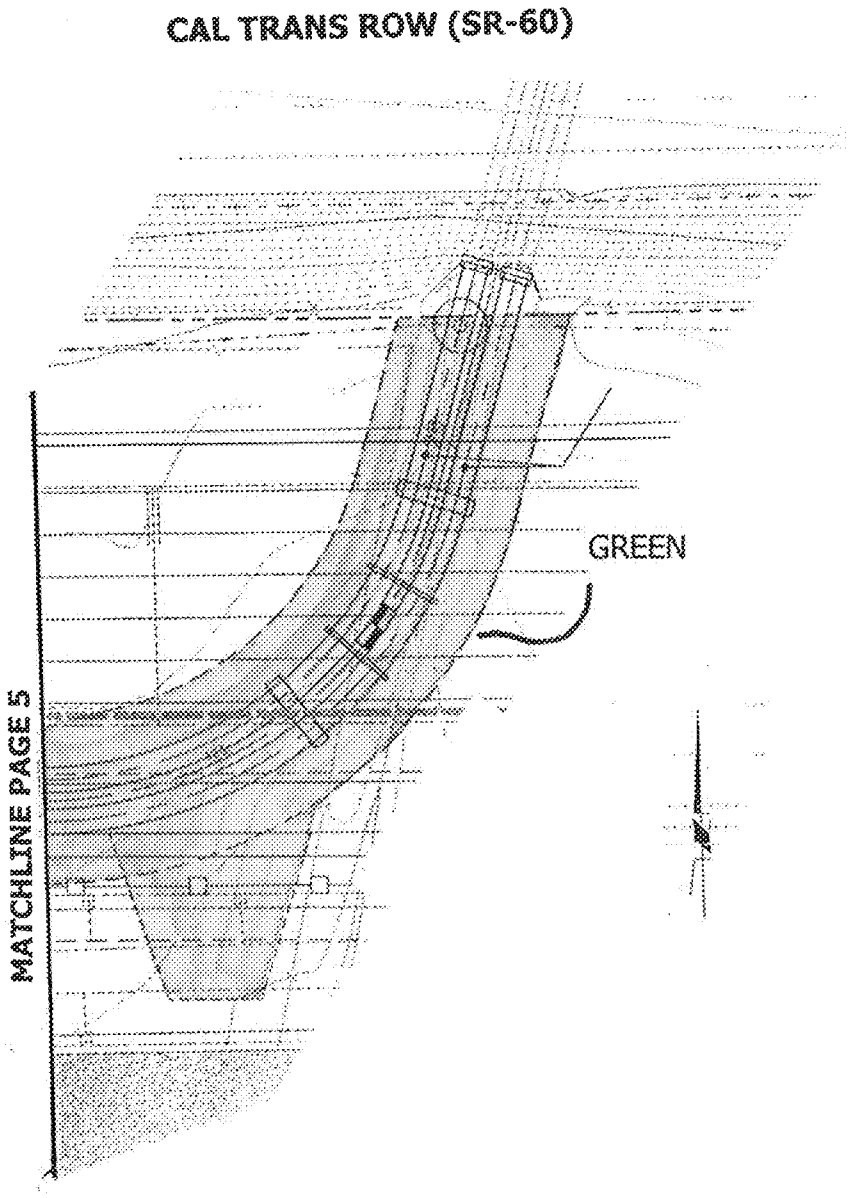

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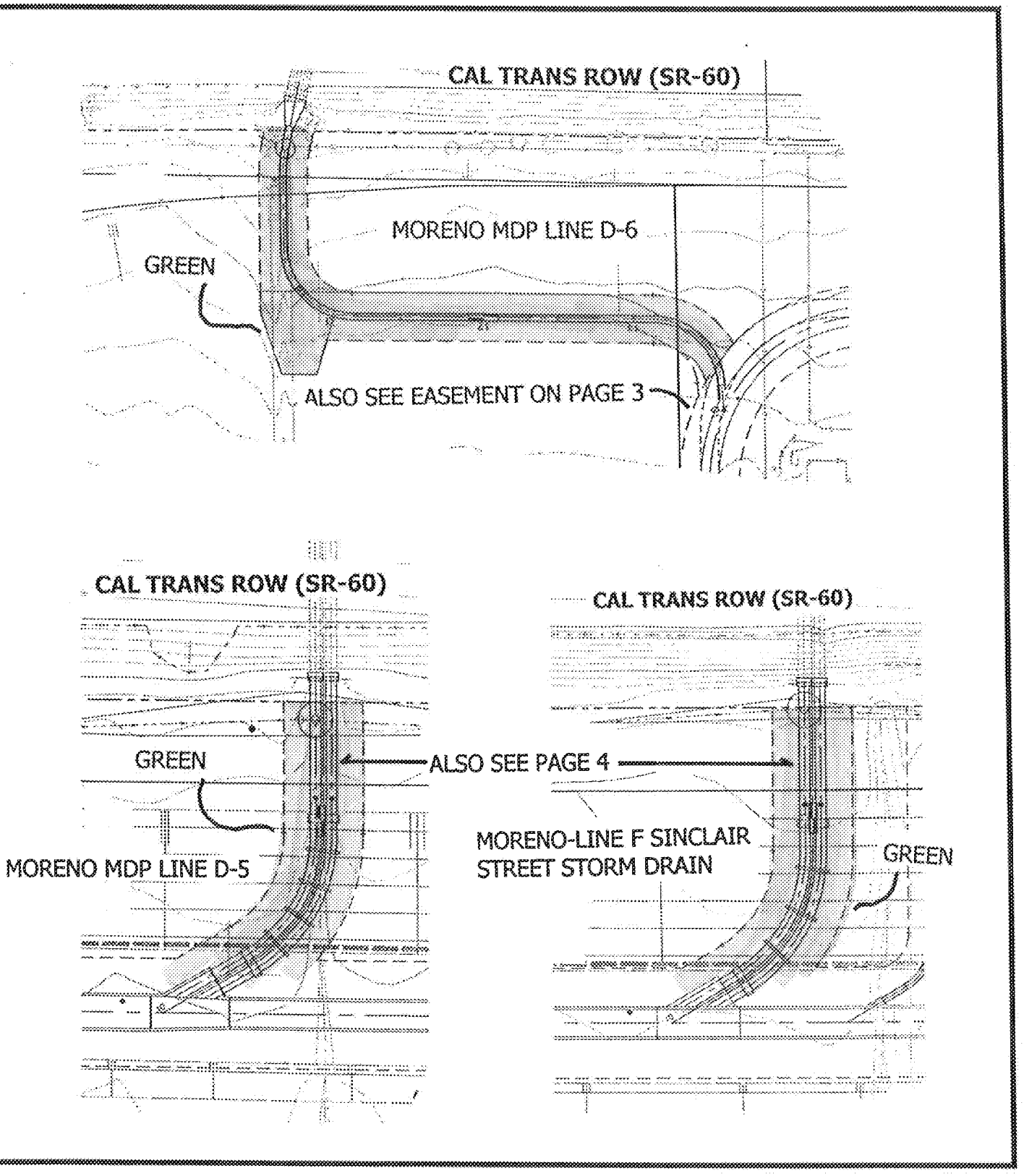
CAL TRANS ROW (SR-60)
MORENO MDP LINE D-6
GREEN
ALSO SEE EASEMENT ON PAGE 3
CAL TRANS ROW (SR-60)
GREEN
MORENO MDP LINE D-5
ALSO SEE PAGE 4
CAL TRANS ROW (SR-60)
MORENO-LINE F SINCLAIR
STREET STORM DRAIN
GREEN

Exhibit B

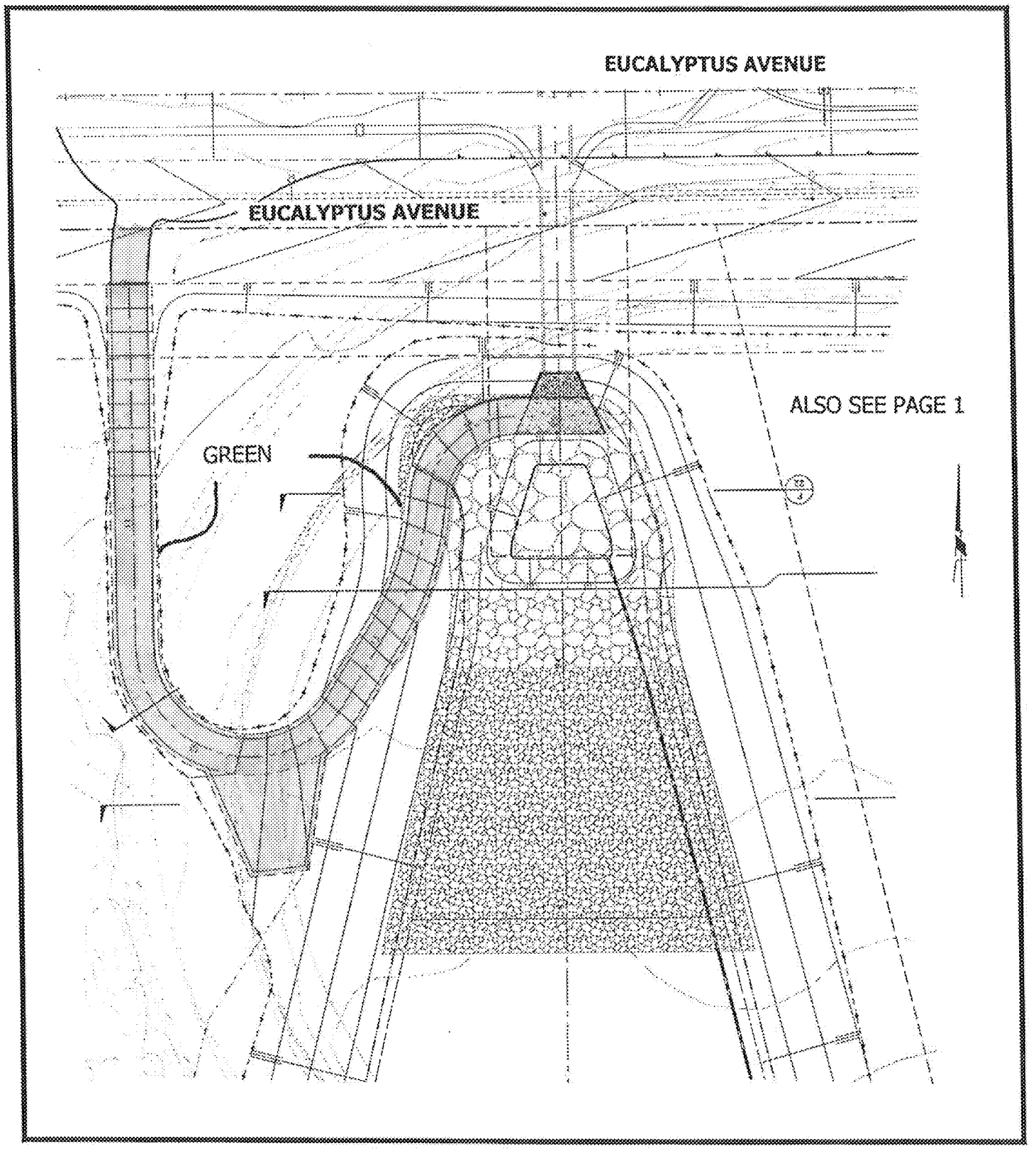

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with real property Deeds of Trust having a total valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

The developer has completed and submitted a Public Improvement Agreement and securities for the Phase 2 & 3 public improvements. The developer has provided City staff with a separate Deed of Trust for Parcels 2, 3 and 4 of Parcel Map 35629 as noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months from the date the Plot Plan associated with each Phase 2 & 3 parcel is approved. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are within Redlands Boulevard, Theodore Street, State Route 60, and Eucalyptus Avenue. The improvements include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve said parcel, and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public

improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations.

Accompanying the agreement is a current property appraisal and a deed of trust for each of the three (3) parcels, to secure Developers'obligation in the estimated amount of two million nine hundred thousand dollars ($2,900,000.00) for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629.

Given the present economy as well as the size and uniqueness of the project, allowing the use of a separate Public Improvement Agreement and use of real property as security for Phase 2 & 3 seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map for Site and Parcel Identification
Exhibit "B" - Agreement for Public Improvements
Exhibit "C" - Self-Contained Appraisal Report Dated July 30, 2010
Exhibit "D" - Deed of Trust for Parcel 2
Exhibit "E" - Deed of Trust for Parcel 3
Exhibit "F" - Deed of Trust for Parcel 4

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Phase 2-3 Agree and Security.doc

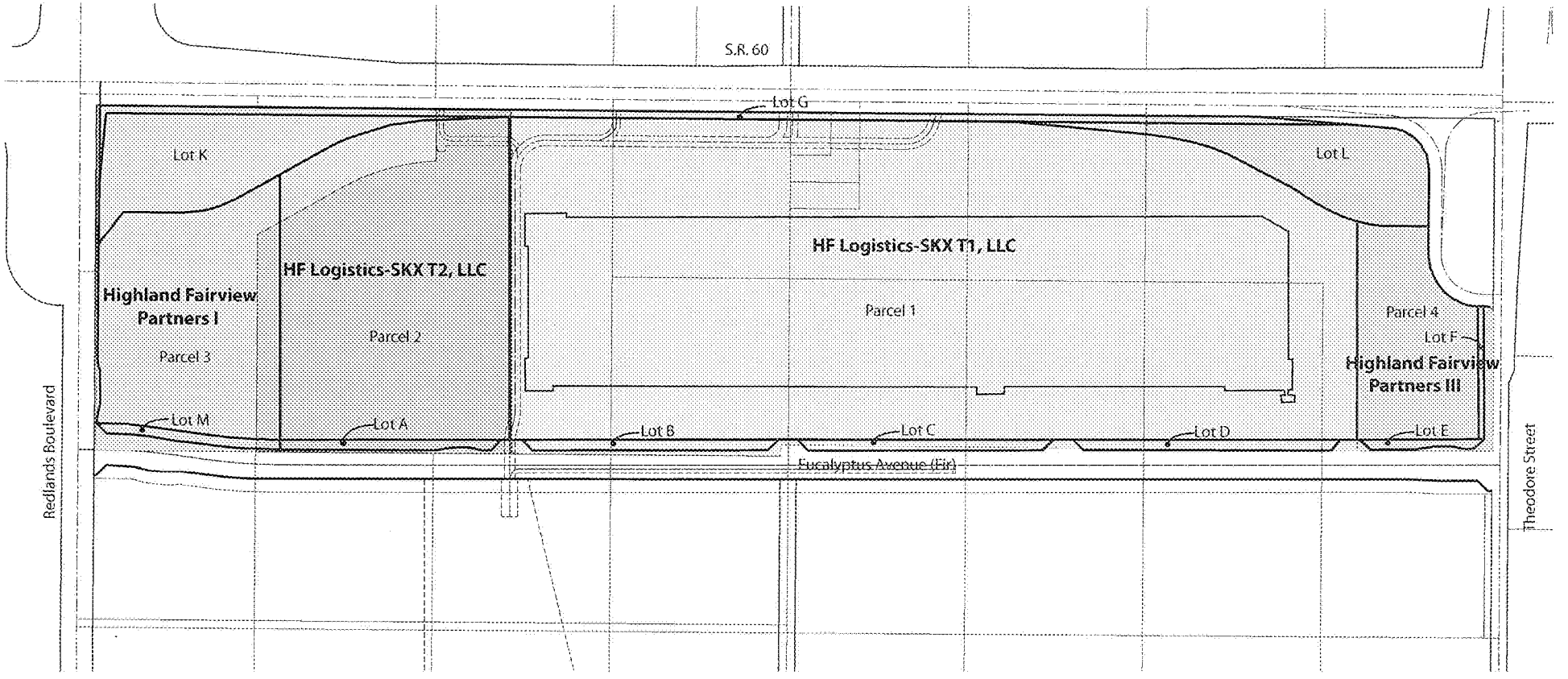

Highland Fairview Corporate Park - TPM 35629 Ownership Exhibit

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR THE PHASE 2 AND 3 PUBLIC IMPROVEMENTS FOR PROJECT NO. PA07-0090 PARCEL MAP 35629

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T2, LLC, Highland Fairview Partners I, and Highland Fairview Partners III**, hereinafter called Developers, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date the Plot Plan associated with each parcel is approved, to perform and complete in a good and workmanlike manner, all of the required improvements for that Plot Plan (Parcels 2, 3 and/or 4 of Parcel Map 35629) in accordance with those improvement plans which will have been approved by the City Engineer, and will be on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all estimated costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code. Developers shall also complete any offsite public improvements required for each parcel at such time as the City acquires an interest in the land which will permit the public improvements to be made and Developers waive the 120 day time limitation set forth in Section 66462.5, Government Code. The total cost of the required public improvements for Phase 2 and 3 (Parcels 2, 3 and 4 of Parcel Map 35629) is estimated to be **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00).**

SECOND: Developers agree to pay to the City the actual cost of such inspection of the public works and public improvements as may be required by the City Engineer. Developers further agree that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required public improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developers and that, upon entry of judgment, such costs, expenses, and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the public improvements for Phases 2 and 3 (Parcels 2, 3 or 4 of Parcel Map 35629) prior to the completion or approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developers, their agents or employees, in the performance of the work, and all of said liabilities are assumed by Developers. Developers agree to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developers, their agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: Developers hereby grant to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the public improvements. This permission shall terminate in the event that the Developers have completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developers agree at all times, up to the completion and acceptance of the public improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the public improvements, and to protect the traveling public from such defective or dangerous conditions. Developers shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. Developers' obligation under this provision shall be secured by the deed of trust securing performance of this Agreement.

SIXTH: Developers, their agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If Developers, or their agents or employees, neglect, refuse, or fail to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if Developers violate, neglect, refuse, or fail to perform satisfactorily any of the provisions of the plans and specifications, they shall be in default of this Agreement and notice in writing of such default shall be served upon them. Whereupon, the City Engineer shall unilaterally have the ability to foreclose on the deed of trust securing Developers' obligations under this Agreement. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of Developers because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon Developers, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Developers hereby provide the City with a deed of trust for each Parcel 2, 3 and 4 of Parcel Map 35629, in the form of Exhibit "A" to secure Developers'obligation for the amount of **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00)** for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629. After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve each parcel and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developers agree to renew or increase each and every security within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Developers reserve the right to substitute the security in accordance with the City of Moreno Valley Municipal Code at any time during the term of this Agreement subject to the approval of the City Engineer. Notwithstanding any other provision herein, if Developers fail to take such action as is necessary to comply with said notice, they shall be in default of this Agreement unless all required public improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developers of the insufficiency of the security. Upon the provision of such security for each parcel, the lien created by the deed of trust shall be released as to that parcel and the City shall execute all documents to reconvey its interest in that parcel to Developers. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

NINTH: It is further agreed by and between the parties hereto, that, in the event it is deemed necessary to extend the time of completion of the work on Parcels 2, 3 and 4 of Parcel Map 35629, contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon Developers' request, and such extensions shall in no way affect the validity of this Agreement or release the security. Developers further agree to maintain the aforesaid security in full force and effect after the provision during the term of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that, if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:

City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developers:

HF Logistics-SKX, T2, LLC,
Highland Fairview Partners I,
Highland Fairview Partners III
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developers have affixed their names, addresses.

Date approved by the City: _____

HF LOGISTICS-SKX, T2, LLC
(OWNER OF PARCEL 2)

By: Ido Bonzer

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS I, LLC
(OWNER OF PARCEL 3)

By: Ido Bonzer

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS III, LLC
(OWNER OF PARCEL 4)

By: Ido Bonzer

Its: President + CEO

By: _____

Its: _____

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPERS MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPERS ; GREEN - PUBLIC WORKS/LAND DEVELOPMENT; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8/5/10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Aldo Benzoni (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866855
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 8, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement for Pr. 243 Subordination

Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Aldo Benzoni	Signer's Name:
☒ Corporate Officer — Title(s): CEO, Y CFO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "A"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of Officer)

personally appeared Ada Benzgam (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868855
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips
(Signature of Notary Public)

(Place Notary Seal and/or Stamp Above)

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-12 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1888065
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1.5.10 (Date) before me: Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adds Bergan (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1888955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

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Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
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HIGHLAND FAIRVIEW CORPORATE PARK - PARCELS 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No. 10-242NB-0862

Self-Contained Appraisal Report

Prepared For:

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

VALUATION & ADVISORY SERVICES

CBRE
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Exhibit "C"

CBRE
CB RICHARD ELLIS

3501 Jamboree Road, Suite 100
Newport Beach, CA 92660

www.cbre.com

July 30, 2010

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

RE: Appraisal of Highland Fairview Corporate Park - Parcels 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No 10-242NB-0862

Dear Mr. Benveezi:

At your request and authorization, CB Richard Ellis (CBRE) has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following Self-Contained Appraisal Report.

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites are situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

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MARKET VALUE CONCLUSION			
Appraisal Premise	**Interest Appraised**	**Date of Value**	**Value Conclusion**
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
Parcel 4 (7.2 acres)	Fee Simple Estate	July 27, 2010	$2,020,000
Upon Completion of Street Improvements			
Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
Parcel 3 (12.9 acres)	Fee Simple Estate	March 1, 2011	$5,060,000
Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000
Compiled by CBRE			

Data, information, and calculations leading to the value conclusion are incorporated in the report following this letter. The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It also conforms to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and Title XI Regulations.

The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. The appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.

CBRE
CB RICHARD ELLIS

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CBRE hereby expressly grants to Client the right to copy this report and distribute it to other parties in the transaction for which this report has been prepared, including employees of Client, other lenders in the transaction, and the borrower, if any. It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE can be of further service, please contact us.

Respectfully submitted,

CBRE - VALUATION & ADVISORY SERVICES

William K. Bebernes, MAI
First Vice President
California State Certification No. AG003287
Phone: (949) 725-8413
Fax: (949) 725-8440
Email: William.Bebernes@CBRE.com

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CERTIFICATION OF THE APPRAISAL

We certify to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in or bias with respect to the property that is the subject of this report and have no personal interest in or bias with respect to the parties involved with this assignment.
4. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice of The Appraisal Foundation and the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute, as well as the requirements of the State of CA relating to review by its duly authorized representatives. This report also conforms to the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. William K. Bebernes, MAI has completed the requirements of the continuing education program of the Appraisal Institute.
10. William K. Bebernes, MAI has made a personal inspection of the property that is the subject of this report.
11. No one provided significant real property appraisal assistance to the persons signing this report.
12. William K. Bebernes, MAI has extensive experience in the appraisal/review of similar property types.
13. William K. Bebernes, MAI is currently certified in the state where the subject is located.
14. Valuation & Advisory Services operates as an independent economic entity within CBRE. Although employees of other CBRE divisions may be contacted as a part of our routine market research investigations, absolute client confidentiality and privacy are maintained at all times with regard to this assignment without conflict of interest.
15. William K. Bebernes, MAI has not provided real estate appraisal services on this property within the three years prior to accepting this assignment.

William K. Bebernes, MAI
California State Certification No. AG003287

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MV00075054

SUBJECT PHOTOGRAPHS

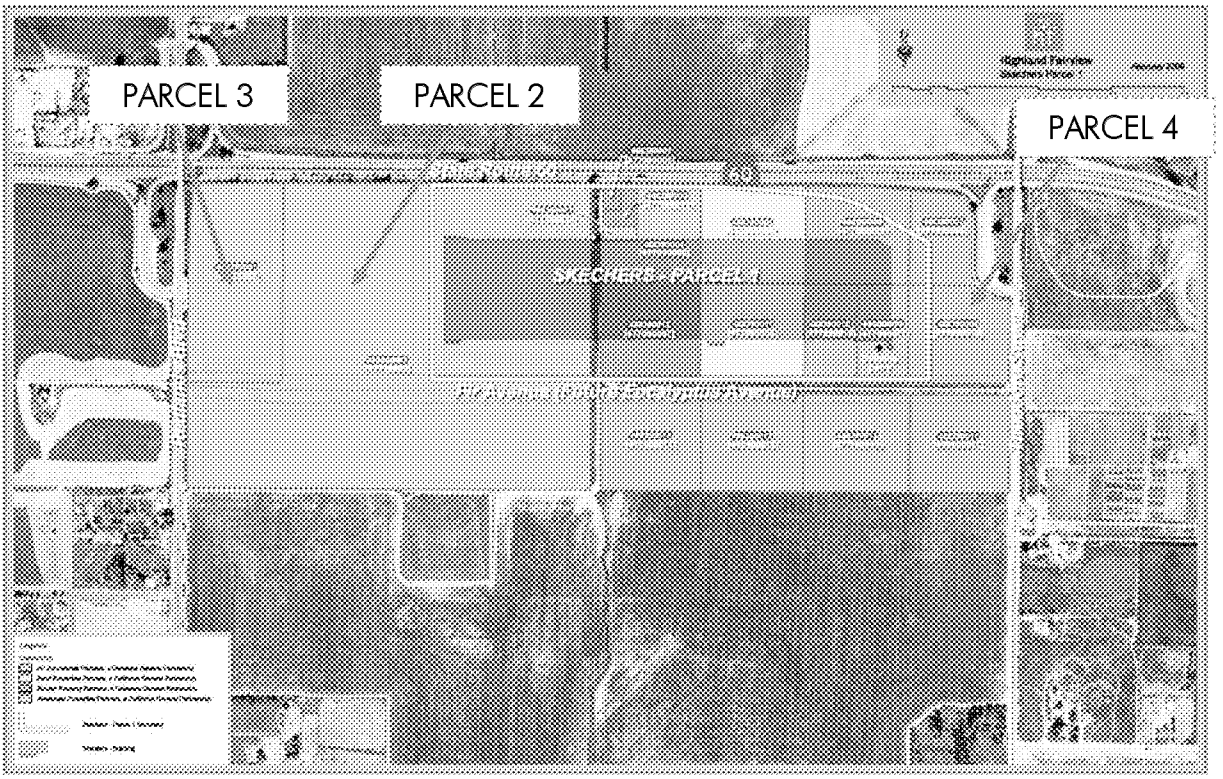

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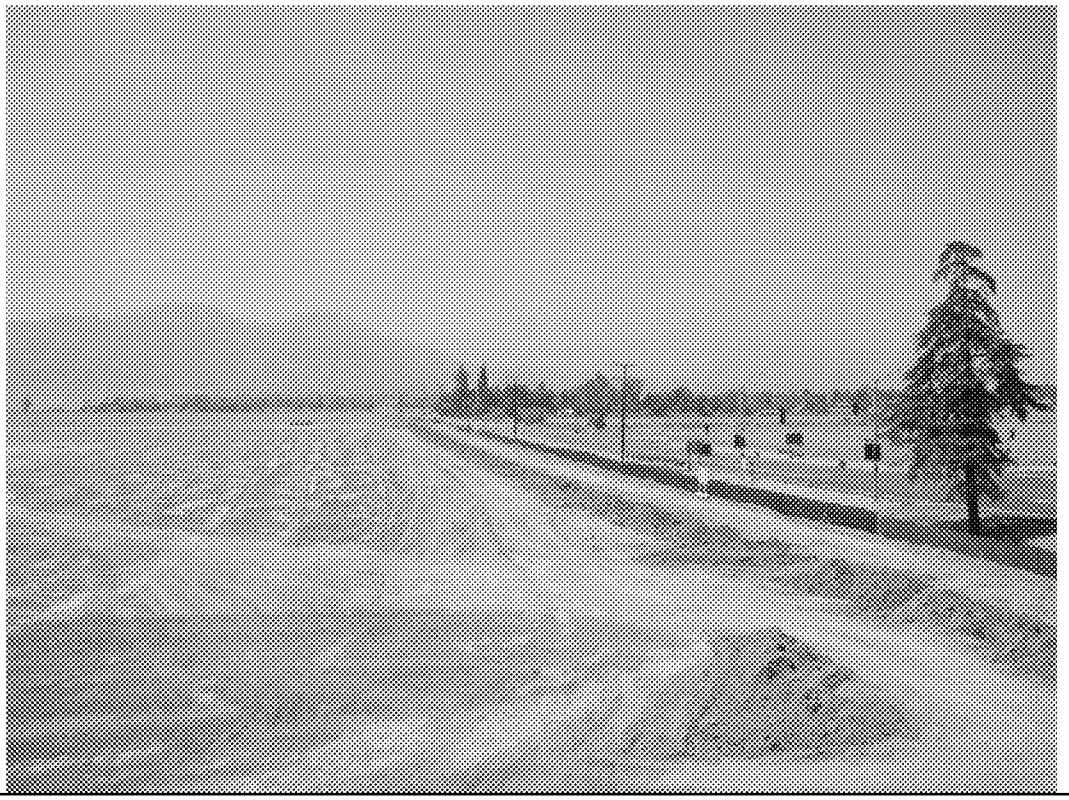

VIEW OF SUBJECT FROM EAST

VIEW OF PARCELS 2 & 3 FROM SOUTHEAST

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SUMMARY OF SALIENT FACTS

Property Name	Highland Fairview Corporate Park - Parcels 2-4	
Location	South of 60 Freeway between Redlands Boulevard & Theodore Street, Moreno Valley, Riverside County, CA 92555	
Assessor's Parcel Number	Multiple	
Highest and Best Use		
As If Vacant	Industrial - Commercial	
As Improved	N/A	
Property Rights Appraised	Fee Simple Estate	
Land Area - Net		
Parcel 2	22.40 AC	975,744 SF
Parcel 3	12.90 AC	561,924 SF
Parcel 4	7.20 AC	313,632 SF
Estimated Exposure Time	6 Months	

CONCLUDED MARKET VALUE

Appraisal Premise	Interest Appraised	Date of Value	Value
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
Parcel 4 (7.2 acres)	Fee Simple Estate	July 27, 2010	$2,020,000
Upon Completion of Street Improvements			
Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
Parcel 3 (12.9 acres)	Fee Simple Estate	March 1, 2011	$5,060,000
Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000

Compiled by CBRE

SPECIAL ASSUMPTIONS

1. The gross and net site areas used in this report are based on figures from Tentative Parcel Map No. 35629, which is included in the Addenda and information provided by the owners. It is our understanding that this map will be recorded on August 24, 2010.

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MV00075057

TABLE OF CONTENTS

CERTIFICATION OF THE APPRAISAL i
SUBJECT PHOTOGRAPHS ii
SUMMARY OF SALIENT FACTS iv
TABLE OF CONTENTS v
INTRODUCTION 1
AREA ANALYSIS 5
NEIGHBORHOOD ANALYSIS 19
MARKET ANALYSIS 23
SITE ANALYSIS 30
ZONING 33
TAX AND ASSESSMENT DATA 34
HIGHEST AND BEST USE 35
APPRAISAL METHODOLOGY 37
LAND VALUE 38
ASSUMPTIONS AND LIMITING CONDITIONS 49

ADDENDA
A Glossary of Terms
B Additional Subject Photographs
C Comparable Land Sales - Commercial
D Comparable Land Sales - Industrial
E Tentative Tract Map
F Land Improvement Costs
G Qualifications

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INTRODUCTION

PROPERTY IDENTIFICATION

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

OWNERSHIP AND PROPERTY HISTORY

According to our review of public records and information provided by the owners, title to the parcels that are included in this report is currently vested in entities that are affiliates of Highland Fairview, the developer of the Skechers building. Parcels 2 and 3 are owned by Westcoast Properties Partners, a California General Partnership. Parcel 4 is owned by HF Educational Partners, a Delaware General Partnership. The sites have been under the current ownership for several years.

PREMISE OF THE APPRAISAL

The following table illustrates the various dates associated with the valuation of the subject, the valuation premises and the rights appraised for each premise/date:

PREMISE OF THE APPRAISAL		
Item	Date	Interest Appraised
Date of Report:	July 30, 2010	
Date of Inspection:	July 27, 2010	
Date of Value As Is:	July 27, 2010	Fee Simple Estate
Compiled by CBRE		

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the subject property. The current economic definition of market value agreed upon by agencies that regulate federal financial institutions in the U.S. (and used herein) is as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and

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assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. [1]

TERMS AND DEFINITIONS

The Glossary of Terms in the Addenda provides definitions for additional terms that are, and may be used in this appraisal.

INTENDED USE AND USER OF REPORT

This report is intended for use by the client for internal purposes.

SCOPE OF WORK

The scope of the assignment relates to the extent and manner in which research is conducted, data is gathered and analysis is applied, all based upon the following problem-identifying factors stated elsewhere in this report:

- Client
- Intended use
- Intended user
- Type of opinion
- Effective date of opinion
- Relevant characteristics about the subject
- Assignment conditions

This appraisal of the subject has been presented in the form of a Self-Contained Appraisal Report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of USPAP. That is, this report incorporates, to the fullest extent possible, practical explanation of the data, reasoning and analysis that were used to develop the opinion of value. This report also includes thorough descriptions of the subject and the market for the property type. CBRE completed the following steps for this assignment:

[1] Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

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Extent to Which the Property is Identified

CBRE collected the relevant information about the subject from the owner (or representatives), public records and through an inspection of the subject. The property was legally identified through its postal address, assessor's records, legal description and title report.

Extent to Which the Property is Inspected

CBRE inspected the subject, as well as its surrounding environs on the effective date of appraisal.

Type and Extent of the Data Researched

CBRE reviewed the micro and/or macro market environments with respect to physical and economic factors relevant to the valuation process. This process included interviews with regional and/or local market participants, available published data, and other various resources. CBRE also conducted regional and/or local research with respect to applicable tax data, zoning requirements, flood zone status, demographics, income and expense data, and comparable listing and sale information.

Type and Extent of Analysis Applied

CBRE analyzed the data gathered through the use of appropriate and accepted appraisal methodology to arrive at a probable value indication via each applicable approach to value. Approaches to value used include cost, sales and income. The steps required to complete each approach are discussed in the methodology section. CBRE then correlated and reconciled the results into a reasonable and defensible value conclusion, as defined herein. A reasonable exposure time and marketing time associated with the value estimate presented has also been concluded.

EXPOSURE/MARKETING TIME

Current appraisal guidelines require an estimate of a reasonable time period in which the subject could be brought to market and sold. This reasonable time frame can either be examined historically or prospectively. In a historical analysis, this is referred to as exposure time. Exposure time always precedes the date of value, with the underlying premise being the time a property would have been on the market prior to the date of value, such that it would sell at its appraised value as of the date of value. On a prospective basis, the term marketing time is most often used. The exposure/marketing time is a function of price, time, and use. It is not an isolated estimate of time alone.

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EXPOSURE TIME INFORMATION

Investment Type	Exposure Time (Months) Range	Average
Comparable Sales Data	3.0 - 28.0	6.8
CBRE Warehouse/Distribution		
Class A	3.0 - 12.0	5.5
Class B	4.0 - 12.0	7.8
Class C	4.0 - 12.0	7.6
Korpacz Warehouse		
National Data	3.0 - 18.0	9.3
Local Market Professionals	3.0 - 9.0	6.0
CBRE Estimate	**6 Months**	

Source: CBRE National Investor Survey & Korpacz Real Estate Investor Survey

CBRE has concluded an exposure/marketing time of 6 months to be reasonable for the subject. This exposure/marketing time reflects current economic conditions, current real estate investment market conditions, the terms and availability of financing for real estate acquisitions, and property and market-specific factors. It assumes that the subject is (or has been) actively and professionally marketed. The marketing/exposure time would apply to all valuation premises included in this report.

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AREA ANALYSIS

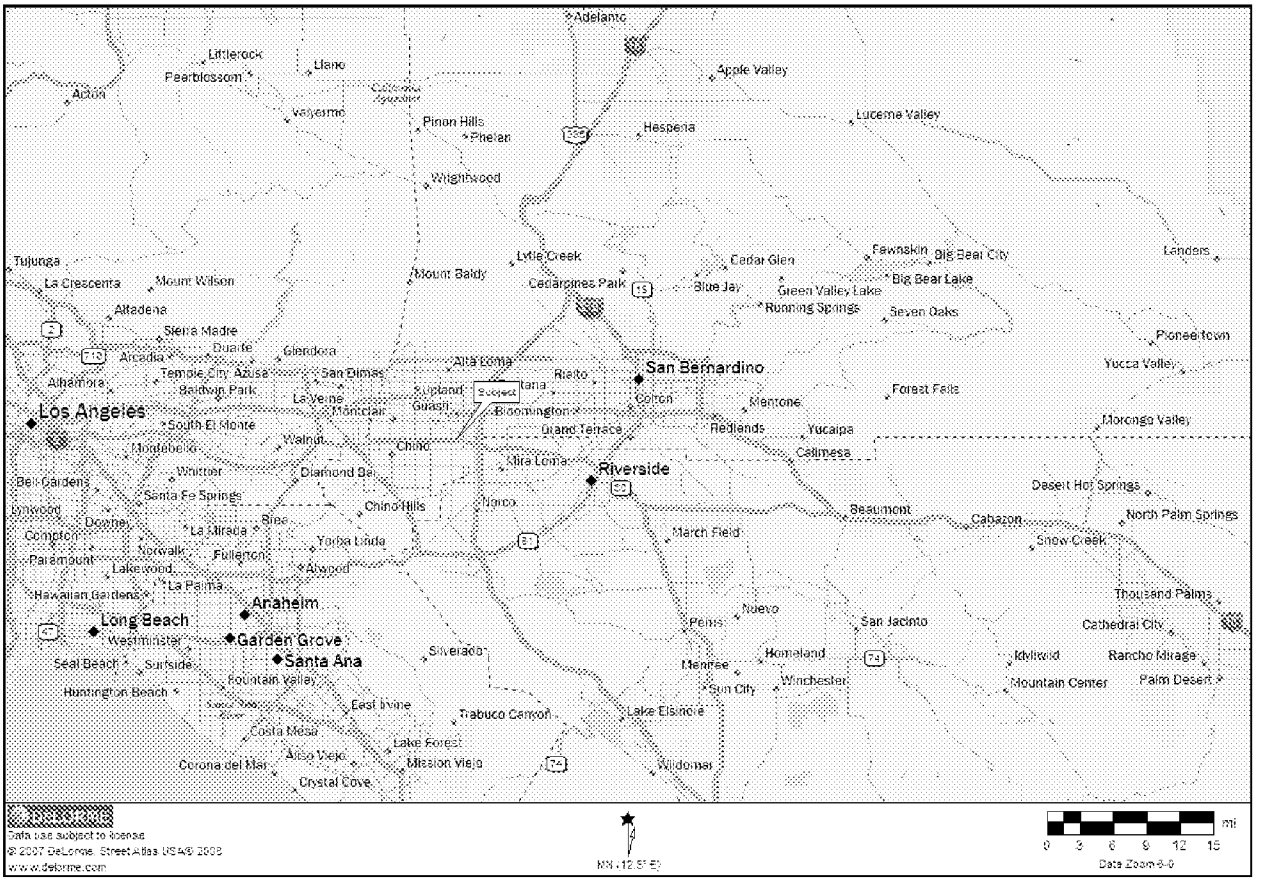

REGIONAL (COUNTY) INFLUENCES

Location

The subject is located in the Rancho Belago district of the city of Moreno Valley within Riverside County, California. The San Bernardino/Riverside County area (Inland Empire) is located in the southern portion of the state. A regional map indicating the location of the subject is presented on the previous page.

Population/Demographics

The Inland Empire represents approximately 11 percent of California's population. The population of the Inland Empire is estimated by Claritas to be 4,216,852 for 2009. The county's population is expected to reach approximately 4,808,880 by the year 2014 for an annual growth rate of 2.66 percent.

Demographic statistics for the Inland Empire are shown in the following table.

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SELECTED METROPOLITAN DEMOGRAPHICS			
	Riverside County	San Bernardino County	Total Inland Empire
Population			
2014 Projection	2,513,707	2,295,173	4,808,880
2009 Estimate	2,149,382	2,067,470	4,216,852
2000 Census	1,545,387	1,709,434	3,254,821
1990 Census	1,170,413	1,418,380	2,588,793
2009 - 2014 % Change	17.0%	11.0%	14.0%
2000 - 2009 % Change	39.1%	20.9%	29.6%
1990 - 2000 % Change	32.0%	20.5%	25.7%
Households			
2014 Projection	677,480	792,521	1,470,001
2009 Estimate	617,191	684,200	1,301,391
2000 Census	528,594	506,218	1,034,812
1990 Census	464,737	402,067	866,804
2009 - 2014 % Change	9.8%	15.8%	13.0%
2000 - 2009 % Change	16.8%	35.2%	25.8%
1990 - 2000 % Change	13.7%	25.9%	19.4%
2009 Median Household Income	$55,504	$57,241	$56,373
2009 Average Household Income	$70,589	$74,896	$72,743
Source: Claritas			

The population increases in San Bernardino and Riverside counties were primarily due to a spillover from Los Angeles and Orange counties. However, more recent and projected growth is attributed to an internal expansion and diversification of the counties' employment base. This development of employment opportunities has enabled the individual counties to develop as quasi-independent economic centers. This is reflected in regional economic data, which indicates that the Inland Empire has been leading the region in terms of new job creation.

Education

College campuses in San Bernardino County include Cal State University San Bernardino, Chaffey College, Loma Linda University, and University of Redlands. Major colleges in Riverside County include the University of California Riverside, which is building a satellite campus in the Coachella Valley, California State University in Palm Desert, College of the Desert, and Riverside Community College.

Economic Forces

General Economic Overview

California has historically been the dominant economic state in the Western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the

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MV00075064

economic cycles. The State of California, Southern California region, and Los Angeles County economies are all expected to contract in 2010. Strong growth is not projected until 2011 or later. The future impact on commercial and residential real estate is unknown, which is impacting current investment decisions. Specific locations within the region are experiencing varying levels of decline and these adverse economic conditions have been considered.

Development in the Inland Empire reflects a continuing suburbanization of the Southern California region. It has occurred as a direct result of increasing urbanization and associated high business costs (including real estate) in Los Angeles and Orange counties. Large-scale growth in the Inland Empire began in the 1970s as the area developed as a series of affordable housing communities serving the adjoining employment centers. The construction of housing was facilitated by low land costs and pro-growth local governments. The increased population base supported growth in retail trade and services.

The expanding population and economic base in the Southern California region, coupled with a lack of developable land, also resulted in significant new industrial development in the Inland Empire. This development consists primarily of warehouse/distribution buildings, with limited manufacturing. Development of warehouse/distribution buildings in the Inland Empire is attractive due to its good transportation infrastructure (both vehicular and rail) and its central location relative to serving the Southern California region and the western United States. Similar to residential land uses, new industrial development was also facilitated by low land costs and pro-growth local governments.

Historical Inland Empire Employment

In order to determine economic trends in the Inland Empire, we reviewed employment estimates published by the State of California Employment Development Department (EDD). A summary of historical average annual employment figures in the Inland Empire, by sector for 1990 through 2009, is shown in the table on the following pages.

In 2005 the Employment Development Department (EDD) began implementing a new labor force data methodology. The revised methodology includes new time-series estimating models, improved estimation of new and reentrants into the labor force, and newly-defined Metropolitan Statistical Areas (MSAs).

Employment in the Inland Empire has steadily increased, reflecting a compound annual job growth rate of 2.22 percent over the past 19 years (31,915 new jobs per year). Employment growth has occurred continually despite recessionary periods experienced by the Southern California region in the 1990's and the early 2000 years. The Inland Empire's improving employment is reflective of its consistent economic development and increases in population.

Over the last 19 years, employment sectors that noticeably outperformed total employment growth include: Trade, Transportation and Utilities at 5.6 percent and Professional and Business Services at

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3.8 percent per year. Total farm, mining and federal government have shown slight decreases. More recently, the Construction sector within Goods Producing has dropped 33.6 percent from 2008 and the overall Goods Producing Industry has declined 24.9 percent. The decrease in employment within this industry is a reflection of the continued decline in residential and commercial expansion in the Inland Empire region. Overall employment in the Inland Empire showed a moderate decline from the previous year, with a decrease in 49,100 jobs year-over-year.

HISTORICAL EMPLOYMENT TRENDS
Riverside - San Bernardino Metropolitan Statistical Area

Title	1990	2000	2008	2009	2008 % of Total	2009 % of Total	Annual Growth 2008-2009 Total	Annual Growth 2008-2009 %	Compounded Annual Growth 1990-2009 Avg.	Compounded Annual Growth 1990-2009 %
Civilian Labor Force	1,172,400	1,419,400	1,827,900	1,778,800	-				-	-
Civilian Employment	1,097,900	1,347,500	1,662,400	1,530,400	-				-	-
Civilian Unemployment	74,500	71,900	165,500	248,400	-				-	-
Change in Total Employment	-	37.4%	-2.2%	-7.6%	-				-	-
Total, All Industries	735,200	1,010,100	1,257,100	1,161,100	100.0%	100.0%	-96,000	-7.6%	22,416	2.4%
Total Farm	22,600	21,700	14,800	16,300	1.2%	1.4%	1,500	10.1%	-332	-1.7%
Total Nonfarm	712,600	988,400	1,242,300	1,144,800	98.8%	98.6%	-97,500	-7.8%	22,747	2.5%
Goods Producing	138,000	201,500	210,700	158,200	16.8%	13.6%	-52,500	-24.9%	1,063	0.7%
Mining	1,400	1,300	1,400	900	0.1%	0.1%	-500	-35.7%	-26	-2.3%
Construction	58,800	80,100	98,300	65,300	7.8%	5.6%	-33,000	-33.6%	342	0.6%
Manufacturing	77,900	120,100	111,000	92,000	8.8%	7.9%	-19,000	-17.1%	742	0.9%
Service Providing	574,600	786,900	1,031,600	986,600	82.1%	85.0%	-45,000	-4.4%	21,684	2.9%
Transportation & Public Utilities	24,000	46,400	67,700	67,700	5.4%	5.8%	0	0.0%	2,300	5.6%
Wholesale Trade	24,400	38,300	56,100	51,400	4.5%	4.4%	-4,700	-8.4%	1,421	4.0%
Retail Trade	99,200	127,400	168,800	159,000	13.4%	13.7%	-9,800	-5.8%	3,147	2.5%
Finance & Insurance	21,300	20,600	28,500	26,000	2.3%	2.2%	-2,500	-8.8%	247	1.1%
Real Estate and Rental and Leasing	11,700	14,200	18,200	17,300	1.4%	1.5%	-900	-4.9%	295	2.1%
Professional and Business Services	62,800	97,000	146,300	128,300	11.6%	11.0%	-18,000	-12.3%	3,447	3.8%
Government	150,200	192,100	227,200	226,600	18.1%	19.5%	-600	-0.3%	4,021	2.2%
Federal Government	21,600	18,200	20,500	19,800	1.6%	1.7%	-700	-3.4%	-95	-0.5%
State Government	18,900	24,600	28,200	29,900	2.2%	2.6%	1,700	6.0%	579	2.4%
Local Government	109,700	149,300	178,500	176,900	14.2%	15.2%	-1,600	-0.9%	3,537	2.5%

Source: California Employment Development Department

County Employment

The Riverside-San Bernardino MSA unemployment rate was 14.4 percent in June 2010, up from the revised 13.9 percent in May 2010 and above the estimate of 13.6 percent in June 2009. This compares to the State's average of 12.2 percent and the national rate 9.6 percent. Year-over total non-farm employment in Riverside and San Bernardino counties declined by 32,200 jobs from 1,138,800 in June 2009 to 1,106,600 in June 2010, a growth rate of -2.8 percent. Construction, retail, manufacturing, financial activities and trade, transportation and utilities had the greatest decline in employment over the past year.

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In addition to the growing pool of available workers, the SMSA has a wide range of skill levels coming from the influx of homebuyers. The following table outlines the profile of the work force by employment sector.

RIVERSIDE - SAN BERNARDINO MSA
WORK FORCE
JUNE 2010

Industry	Number Employed (in thousands)	Percent Employed
All Industries	1,127.3	100.0
Total Agriculture	20.7	1.8
Non-Agriculture Industries	1,106.6	98.2
Goods Producing	145.3	12.9
Mining	1.2	0.1
Construction	58.8	5.2
Manufacturing – Total	85.3	7.6
Nondurable Goods	29.0	2.6
Durable Goods	56.3	5.0
Service Providing – Total	961.3	85.3
Trade Transportation and Utilities	262.9	23.3
Information	14.4	1.3
Financial Activities	41.8	3.7
Professional and Business Services	124.8	11.1
Education and Health Services	132.1	11.7
Leisure and Hospitality	119.9	10.6
Other Services	36.3	3.2
Government	229.1	20.3

Source: California EDD

The most influential aspect of the above breakdown is that it illustrates the diversity in the regional labor force. The entire Los Angeles metropolitan area, including the Inland Empire, has a very diverse economic makeup that has buffered Southern California's economy from cyclical fluctuations in particular industries such as defense and energy. The impact of this is a relatively strong real estate investment market, from local, national, and international concerns. The economic makeup developing in the subject's region is following a similar pattern.

For the long term, Riverside and San Bernardino Counties will continue to be bedroom communities and an exporter of employees. The area's attractive climate and surroundings are expected to continue to attract home price conscious employees and retirees alike.

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Unemployment Trends

The following table summarizes the average annual unemployment rates for the Inland Empire from 1990.

INLAND EMPIRE UNEMPLOYMENT RATES 1990 - JUNE 2010

Year	Unemployment Rate
1990	6.4%
1991	9.1%
1992	10.7%
1993	11.0%
1994	9.6%
1995	8.6%
1996	7.9%
1997	7.0%
1998	6.1%
1999	5.2%
2000	5.1%
2001	5.3%
2002	6.3%
2003	6.4%
2004	5.9%
2005	5.3%
2006	4.9%
2007	5.9%
2008	10.3%
2009	14.1%
June 2010	14.4%

Source: California Employment Development Department

As shown, the unemployment rate increased between 1990 and 1993 due to a recession. The unemployment rate declined from 1994 to 1999 as the regional economy expanded. It increased moderately in 2002, and maintained that level in 2003, due to lingering effects of the national recession as well as continued growth in the labor force. It declined significantly in 2004, and maintained the same level in 2005. Unemployment decreased to 4.9 percent in 2006, and rose to 5.9 percent in 2007. In 2008, the unemployment rate rose significantly to 10.3 percent and again in 2009 to 14.1 percent due to a slowing economy. As of June 2010, the unemployment rate has continued to increase to a rate of 14.4 percent.

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Largest Employers

A list of the largest employers in the Inland Empire, compiled by the Inland Empire Business Journal in the 2010 Book of Lists and CB Richard Ellis, Inc. is presented in the two following tables.

MAJOR EMPLOYERS
Riverside County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of Riverside	18,456	18,456	County Government
2	March Aire Reserve Base	8,600	8,600	Military
3	U.C. Riverside	7,321	7,321	University
4	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
5	Wal-Mart Stores, Inc	6,550	1,900,000	Retail
6	Riverside Unified School District	5,099	5,099	Education
7	Abbott Vascular	4,500	65,000	Health Care
8	Pechanga Resort and Casino	4,000	4,000	Casino/Resort
9	Kaiser Permanente Riverside Medical Center	3,600	149,000	Health Care
10	Temecula Valley Unified School District	2,752	2,752	Education
11	City of Riverside	2,700	2,700	City Government
12	Hemet Unified School District	2,590	2,590	Education
13	Riverside County Regional Medical Center	2,400	N/A	Health Care
14	Eisenhower Medical Center	2,223	2,223	Health Care
15	Morongo Casino, Resort and Spa	2,148	2,148	Casino/Resort
16	Palm Springs Unified School District	2,135	2,135	Education
17	Alvord Unified School District	2,100	2,100	Education
18	Desert Regional Medical Center	1,900	N/A	Health Care
19	Riverside County Office of Education	1,800	1,800	Education
20	Murrieta Valley Unified School District	1,777	1,900	Education

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

MAJOR EMPLOYERS
San Bernardino County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of San Bernardino	18,000	18,000	County Government
2	U.S. Marine Corps Air Ground Combat Center	12,486	12,486	Military
3	U.S. Army, Fort Irwin & National Training Center	10,000	10,000	Military
4	San Bernardino City Unified School District	7,722	7,722	Education
5	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
6	Wal-Mart Stores, Inc.	6,125	1,900,000	Retail
7	Kasier Permanente	5,808	5,808	Health Care
8	UPS	4,990	407,200	Parcel Shipment
9	Fontana Unified School District	4,808	4,808	Education
10	Target Corporation	4,800	350,000	Retail
11	Colton Joint Unified School District	3,737	3,737	Education
12	San Manuel Band of Mission Indians	3,691	3,691	Casino/Resort
13	Loma Linda University	3,000	3,000	University
14	Chino Valley Unified School District	2,815	2,815	Education
15	Cardenas Markets, Inc.	2,500	2,500	Grocery/Retailer
16	VA Loma Linda Healthcare System	2,268	2,436	Health Care
17	Ontario-Montclair School District	2,239	2,239	Education
18	Arrowhead Regional Medical Center	2,231	3,100	Health Care
19	Marine Corps Logistics Base	2,200	2,200	Military
20	University of Redlands	2,128	2,128	University

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

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Environmental Forces

Land Use/Development Trends

The Inland Empire originally developed as a residential bedroom community serving employment centers in Los Angeles and Orange counties. As a result, most early development paralleled the San Bernardino, Pomona, and Corona freeways. Residents were drawn to the area by the availability of affordable housing. With the existing network of freeways serving the Southern California region, access to most employment centers was easily facilitated. The western portion of San Bernardino County was the first area to experience significant residential development. This included the cities and communities of Montclair, Upland, Chino, and Ontario. With the rapid expansion of the Southern California economy in the 1980s, residential development in the Inland Empire continued its expansion along existing freeways. Residential development followed an easterly path, to the cities of Rancho Cucamonga and Fontana. More significantly, increased development occurred along the Riverside Freeway in the cities and communities of Corona, La Sierra, Arlington, and Moreno Valley. To a lesser extent, residential development moved northward along the Ontario Freeway to the cities of Victorville, Apple Valley, and Hesperia in the High Desert region and farther eastward in the Low Desert region near Palm Springs and Cathedral City. Provided in the following pages is a more detailed discussion of the housing, retail, industrial and office land uses in this region.

County Housing

The single most likely factor that will continue to fuel the population growth in Riverside and San Bernardino Counties is its housing affordability compared to other nearby counties. The following table compares San Bernardino and Riverside Counties with neighboring counties for the median price and number sold for all homes, and the percentage changes, as of June 2010.

	NO. SOLD – ALL HOMES			MEDIAN PRICE - ALL HOMES		
	June 2009	June 2010	Percent Change	June 2009	June 2010	Percent Change
Los Angeles	7,636	7,849	2.80%	$320,000	$335,000	4.70%
Orange	2,958	3,423	15.70%	$418,000	$445,000	6.50%
San Diego	3,692	3,885	5.20%	$314,250	$335,500	6.80%
Riverside	4,694	4,645	-1.00%	$185,000	$210,000	13.50%
San Bernardino	3,438	3,179	-7.50%	$140,000	$160,000	14.30%
Ventura	844	890	5.50%	$365,000	$384,000	5.20%
Southern California	23,262	23,871	2.60%	$265,000	$300,000	13.20%

Source: DataQuick
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The totals for home sales include new and resale houses and condominiums. The price changes reflect shifts in market mix as well as changes in price. The reported median prices have been rounded to the nearest thousand and do not always correspond to the precise percentage change.

The data in the table above reflects an upward trend in sales volume in Southern California with an upward trend in home prices. According to DataQuick, a total of 23,871 homes were sold in Southern California during June, an increase of 2.60 percent from the year before, and the median price was $300,000, a 13.50 percent increase from last year.

Sales in Riverside County accounted for 19.46 percent of all southland sales. San Bernardino accounted for 13.32 percent of all southland sales. The median price paid for a home in Riverside County increased 13.50 percent to $210,000 and sales volume decreased by 1.00 percent to 4,645 units sold, compared to 4,694 units sold one year ago. The median price paid for a home in San Bernardino County was $160,000, up 14.30 percent from June 2009. Sales volume in San Bernardino County decreased by 7.50 percent to 3,179 units sold, compared to 3,438 units sold one year ago.

The table indicates that the Counties of San Bernardino and Riverside, collectively referred to as the Inland Empire, offer the most affordable housing in the Southern California area. These figures show that the primary reason San Bernardino and Riverside Counties receive demand from commuters that work in nearby counties is the lower cost of housing, even after considering commuting costs.

Building Permits

Presented in the following chart is a summary of total building permits from 1995 through 2009 (single-family and multi-family).

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BUILDING PERMITS - SINGLE-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	5,400	5,663	6,803	3,852	1,954	4,736	28,408
1996	5,370	7,070	7,021	4,703	2,130	5,816	32,110
1997	6,788	8,219	8,678	5,124	2,071	8,338	39,218
1998	6,887	7,366	10,758	5,602	2,811	9,160	42,584
1999	7,858	7,686	12,659	6,593	3,662	9,993	48,451
2000	8,417	6,794	13,630	5,865	2,995	9,167	46,868
2001	8,184	5,925	16,556	6,825	3,157	9,312	49,959
2002	8,217	6,423	20,591	9,179	2,228	9,749	56,387
2003	10,217	5,565	25,137	10,820	2,342	9,455	63,536
2004	11,752	4,395	29,478	13,991	1,721	9,555	70,892
2005	11,911	4,058	29,994	15,305	2,593	7,904	71,765
2006	10,097	3,735	20,692	12,599	1,560	4,753	53,436
2007	7,509	2,182	9,763	6,239	736	3,503	29,932
2008	3,539	1,295	3,815	1,981	354	2,352	13,336
2009	2,095	1,335	3,386	1,430	209	1,785	10,240
Percent Change 2008 to 2009	-40.80%	3.09%	-11.25%	-27.81%	-40.96%	-24.11%	-23.22%
Average	7,616	5,181	14,597	7,341	2,035	7,039	43,808

Source: Real Estate and Construction Report

BUILDING PERMITS - MULTI-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	3,005	2,637	143	101	212	1,872	7,970
1996	3,237	3,137	478	311	223	1,052	8,438
1997	3,636	4,032	1,106	469	245	3,064	12,552
1998	4,805	2,735	1,735	511	371	3,013	13,170
1999	6,525	4,662	1,920	479	780	6,434	20,800
2000	8,654	5,573	1,780	715	976	6,760	24,458
2001	10,069	2,721	2,458	1,702	289	6,326	23,565
2002	11,147	5,597	2,073	1,437	279	5,989	26,522
2003	11,096	3,746	5,224	1,820	1,293	8,859	32,038
2004	15,183	4,927	4,748	4,479	882	7,751	37,970
2005	13,736	3,148	4,140	1,379	1,923	7,354	31,680
2006	16,251	4,636	4,519	1,273	901	6,024	33,604
2007	12,854	4,890	2,690	1,765	1,111	3,942	27,252
2008	10,165	1,864	2,104	1,201	488	2,802	18,624
2009	3,515	842	802	1,063	132	1,204	7,558
Percent Change 2008 to 2009	-65.42%	-54.83%	-61.88%	-11.49%	-72.95%	-57.03%	-59.42%
Average	8,925	3,676	2,395	1,247	674	4,830	21,747

Source: Real Estate and Construction Report

Total single-family building permits generally increased on an annual basis from 1995 through 2005 (they only declined in 2000), and then dropped precipitously in 2006 thru 2009. The year end figure for 2009 was 85 percent below the 2005 peak.

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Trends in multi-family building permits have fluctuated significantly. However, there has been a general upward trend from less than 10,000 units in the early time frame (1995 and 1996) versus 20,000 units or more from 1999 to 2007. Total multi-family permits have declined significantly within the last two years as the year end 2009 figure was 80 percent below 2004 peak.

Transportation

A well-integrated freeway system serves as the basis for surface transportation in the Inland Empire and Southern California region. The primary freeway serving the region is the San Bernardino Freeway (Interstate 10), a transcontinental highway connecting Los Angeles to the rest of the nation. Additional freeways include the Ontario Freeway (Interstate 15), connecting San Diego County and the Nevada State Line; Interstate 215, a north-south business loop connecting the San Bernardino and Ontario freeways; the Pomona Freeway (State Route 60), connecting the cities of Los Angeles and Riverside; the Moreno Freeway (State Route 60), an extension of the Pomona Freeway running between Riverside and Banning; and the Corona Expressway (State Route 71), connecting the Riverside Freeway (State Route 91), the Pomona Freeway (State Route 60), the San Bernardino Freeway (Interstate 10), and the Foothill Freeway (Interstate 210). The Foothill (210) Freeway now extends east from the city of La Verne to the 30 Freeway in the city of San Bernardino.

The Mid County Parkway project is a proposed 32-mile transportation corridor designed to relieve local and regional traffic congestion in the San Jacinto, Perris and Corona areas, and surrounding communities. The Mid County Parkway project began in 2004 with meetings and studies to analyze project impacts and to identify possible routes. The preferred route is known as Alternative 9, also called the Far South Alternative. This proposed route extends from Cajalco Road in Corona to Highway 79 in San Jacinto. The majority of this route parallels south of the Cajalco Expressway between I-15 and I-215 and then overlays the current Ramona Expressway route from I-215 to San Jacinto. Study findings on Alternative 9 and other Mid County Parkway alternatives were presented in a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) which was circulated for public review in early 2008.

Citing environmental concerns, opposition from residents and more pressing priorities, the Riverside County Transportation Commission's staff is proposing to scale back by half the 32-mile, $3 billion Mid-County Parkway. Rather than connecting San Jacinto and Corona, the shorter route will go no farther than San Jacinto-to-Interstate 215. The decision is also based on Riverside County improving Cajalco Road, which the County has wished to widen to four lanes from Perris to Corona and straighten so the curvy road is safer.

The Inland Empire is served by the Santa Fe and Southern Pacific railroads. These railroads act primarily in a freight hauling capacity, providing access between the ports of Los Angeles and Long Beach and the Inland Empire. Via the existing network of national rail lines, freight can be moved throughout the entire country.

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Passenger rail service is available via MetroLink, a rail service that serves Southern California. Union Station in downtown Los Angeles is the hub. Service extends through the San Gabriel Valley and the western Inland Empire to the city of San Bernardino on the east. Stations serving the Inland Empire include Claremont, Montclair, Rancho Cucamonga, Rialto, and San Bernardino. Another MetroLink line extends east to the city of Riverside, with stops in the City of Industry, Ontario, and Riverside.

Ontario International Airport

A primary catalyst of growth in the Inland Empire is the Ontario International Airport. In 1998, a major expansion and renovation was completed. The airport now includes two passenger terminals with 35 gates that total 530,000 square feet (eight times larger than the former facility). It has a capacity to serve 10 million passengers annually, with plans for expansion to a third terminal when this threshold is achieved in consecutive years. Parking was increased by 4,900 spaces to the current level of 13,968 stalls. In 2009, 4.8 million passengers used the airport and 390,932 tons of air freight was shipped, which both numbers were down significantly from the numbers posted in 2007 and again in 2008. A summary of historical statistics for the airport are summarized in the following table.

ONTARIO INTERNATIONAL AIRPORT
PASSENGER AND AIR FREIGHT VOLUMES
1987-2009

	Passengers					
Year	**Departures**	**Arrivals**	**Total**	**Percent Change**	**Freight (Tons)**	**Percent Change**
1987	2,292,606	2,282,391	4,574,997		218,196	
1988	2,409,598	2,388,634	4,798,232	4.9%	286,411	31.3%
1989	2,661,026	2,638,237	5,299,263	10.4%	284,988	-0.5%
1990	2,717,968	2,702,367	5,420,335	2.3%	272,638	-4.3%
1991	2,906,405	2,885,413	5,791,818	6.9%	282,558	3.6%
1992	3,067,671	3,053,952	6,121,623	5.7%	306,973	8.6%
1993	3,105,181	3,086,854	6,192,035	1.2%	353,302	15.1%
1994	3,200,836	3,185,164	6,386,000	3.1%	379,911	7.5%
1995	3,210,582	3,194,515	6,405,097	0.3%	386,953	1.9%
1996	3,132,803	3,120,035	6,252,838	-2.4%	437,139	13.0%
1997	3,153,825	3,147,037	6,300,862	0.8%	461,747	5.6%
1998	3,212,487	3,222,371	6,434,858	2.1%	454,231	-1.6%
1999	3,268,661	3,309,344	6,578,005	2.2%	488,774	7.6%
2000	3,396,764	3,360,634	6,757,398	2.7%	511,758	4.7%
2001	3,354,400	3,348,000	6,702,400	-0.8%	462,758	-9.6%
2002	3,262,300	3,285,577	6,547,877	-2.3%	547,461	18.3%
2003	3,285,577	3,262,300	6,547,877	0.0%	571,892	4.5%
2004	3,462,361	3,473,352	6,935,713	5.9%	605,211	5.8%
2005	3,611,978	3,601,550	7,213,528	4.0%	575,369	-4.9%
2006	3,533,858	3,516,046	7,049,904	-2.3%	544,600	-5.3%
2007	3,607,184	3,599,966	7,207,150	2.2%	532,865	-2.2%
2008	3,112,112	3,120,649	6,232,761	-13.5%	481,284	-9.7%
2009	2,444,643	2,442,052	4,886,695	-21.6%	390,932	-18.8%
Compound Annual Growth 1987-2009				0.3%		2.7%

Source: Ontario International Airport

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As a result of the increasing regional population base, limited growth or a reduction in flights at other regional airports, and increased commercial and industrial development, both passenger and freight volume have increased significantly since 1987. Passenger volume declined in 2000 and 2001 due to the events of September 11, 2001. Passenger volume significantly increased in 2004, following three years of negative to limited growth. The 5.9 percent increase in passenger growth from 2003 also represents the largest increase in 13 years. The 2.3 percent decrease in 2006 was the first year of decreased passenger volume in four years. However, the largest decrease came in 2009 due to market conditions. The amount of annual freight volume, however, rose by 2.7 percent. Since 1987, the annual rate of growth in freight volume has generally outperformed the rate of growth in passenger volume. This reflects the Ontario Airport's growing appeal as a distribution center. Despite being overshadowed by Los Angeles International Airport, Ontario International Airport is ranked among the 100 busiest in the world. Ontario International Airport is currently served by 12 passenger airlines and 11 airfreight carriers. The United Parcel Service (UPS) operates a regional freight hub at the Ontario International Airport. The hub ships cargo weighing more than 150 pounds to cities across North America.

The city of Los Angeles and the Federal Aviation Administration (FAA) are projecting significant growth in demand for the Ontario airport, predicting that regional passenger demand will double, and air cargo demand will triple by 2030. The agencies are preparing a joint Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for the proposed expansion of the Ontario Airport to guide the development of the airport through 2030.

Governmental Forces

Recreation and Culture

The Inland Empire region has extensive public recreational facilities. There are numerous public golf courses and country clubs, with additional facilities planned and under construction. Also, the resort communities in Big Bear and Lake Arrowhead provide nature trails, hiking, snow skiing, water skiing, and many other outdoor activities. The low desert region (centered around Palm Springs) has several retirement and weekend resort communities.

One significant public facility is the Diamond Valley Lake, a 260-billion-gallon lake located just south of the city of Hemet. This facility was constructed by the Metropolitan Water District to double Southern California's surface water retention and provide six months worth of emergency storage. Camping, hiking, fishing and other outdoor activities are permitted at the lake.

Real Estate Taxes

In 1978, the residents of California voiced their opposition to increasing taxes through the legislative process. This major consumer "tax revolt" culminated in the passage of Proposition 13, also known as

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the Jarvis-Gann Initiative, which was later made into law under the provisions of Article XIIIA of the California Tax and Revenue Code. In essence, Proposition 13 determined a maximum tax rate of one percent of market value plus an increment for pre-existing bonded indebtedness. The maximum allowable increase on property assessments, and hence taxes, was set at two percent per year, except when a property sells or undergoes major construction.

CONCLUSION

California has historically been the dominant economic state in the western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the economic cycles. The state of California, Southern California region, and Inland Empire economies all contracted in 2009. Resumed growth is not projected until 2011, or later. Specific locations within the region are experiencing varying levels of decline, and these adverse economic conditions have been considered in this analysis.

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NEIGHBORHOOD ANALYSIS

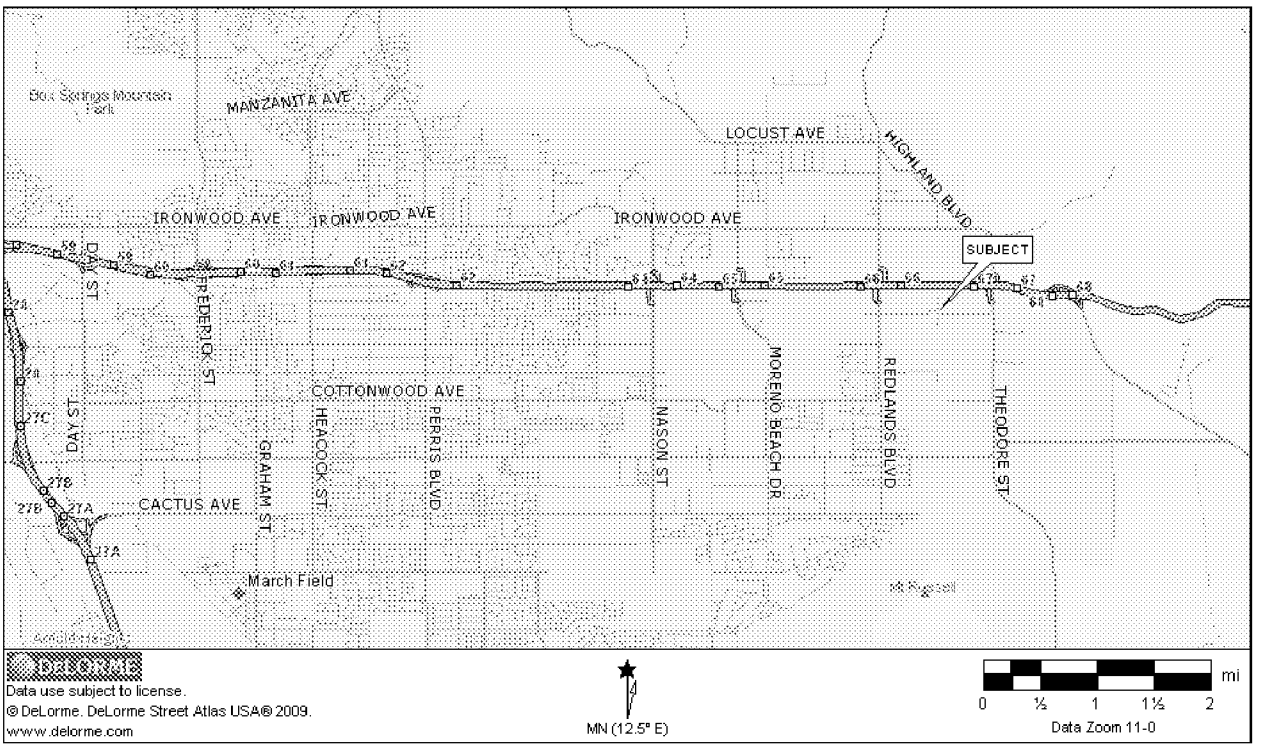

LOCATION

The neighborhood is located in the city of Moreno Valley. The city of Moreno Valley is located in the northwest portion of Riverside County. The city of Moreno Valley and the subject's immediate surroundings are discussed below. Please reference the subject's location in the surrounding neighborhood on the accompanying page.

CITY OF MORENO VALLEY

The city of Moreno Valley, located in the northwestern section of Riverside County, was incorporated in December of 1984. The city totals 50 square miles and is generally located at the juncture of the Moreno Valley Freeway (State Highway 60) and the Escondido Expressway (Interstate 215). The city is bordered by unincorporated portions of Riverside County on the north and east, by the Lake Perris State Recreational Area and the city of Perris to the south, and by the March Air Base Reserve and the city of Riverside to the west.

Government

Moreno Valley is a general law city. It is governed by a city council that is comprised of five elected officials. Public schools within the city are controlled by two separate districts: Moreno Valley Unified School District and the Val Verde Unified School District. Police services are provided by a contract between the city and Riverside County Sheriff's Department. Fire services are provided by the

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Riverside County Fire Department through a contract with the California Department of Forestry. The city of Moreno Valley governs development/land use controls.

Transportation

Two freeways provide regional access to Moreno Valley: the Escondido Expressway (Interstate 215) and the Moreno Valley Freeway (Highway 60). Interstate 215 is a major north/south freeway that links the city to the San Bernardino Freeway (Interstate 10) to the north and to the Corona Freeway (Interstate 15) to the south. State Highway 60 runs through the northern portion of the city in an east/west direction. This freeway provides access to San Bernardino and Los Angeles Counties to the west, and to the Interstate 10 freeway to the east.

The city is also serviced by rail with freight stops within Moreno Valley. The Ontario International Airport provides commercial air transportation approximately 20 miles to the northwest.

RANCHO BELAGO

The subject property is located within the Rancho Belago district within the city of Moreno Valley. This district is located in the eastern portion of the city, with the following map depicting the general boundaries.

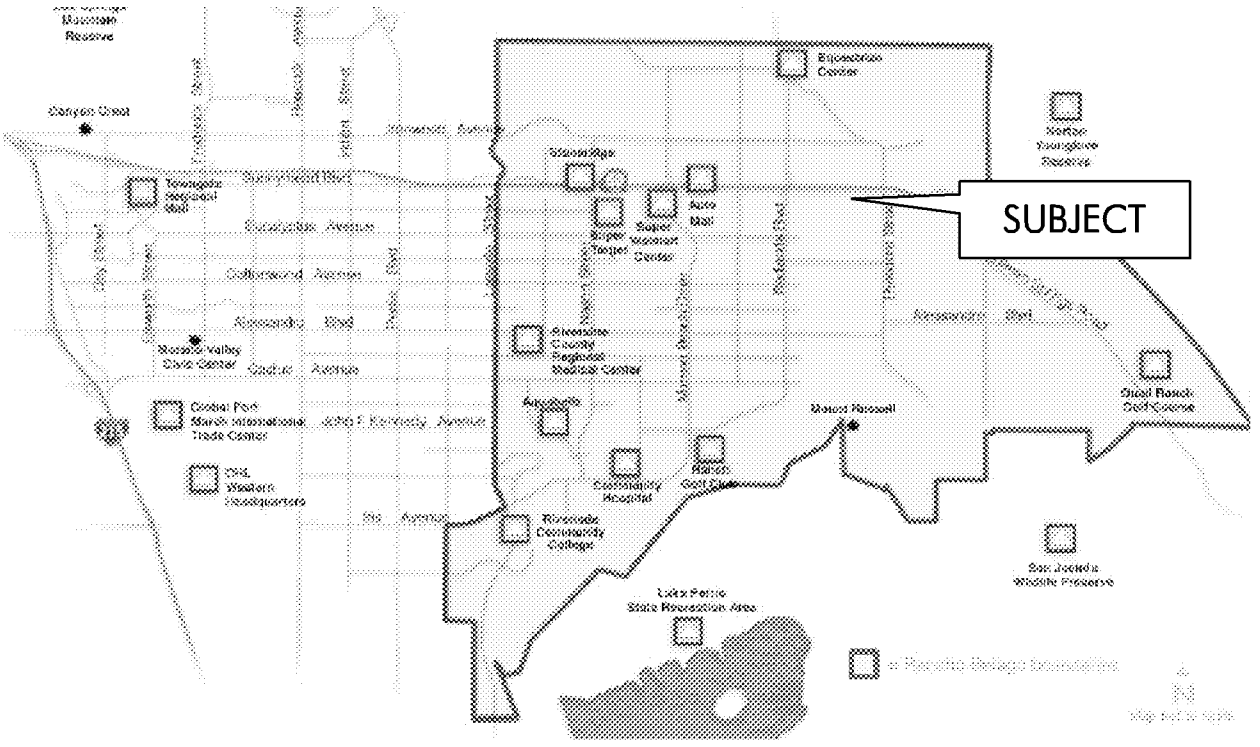

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Rancho Belago includes a current population of about 30,000 within 10,000 households. Included in the boundaries are the Riverside County Regional Medical Center, Moreno Valley Community Hospital, Moreno Valley Ranch Golf Club, Moreno Valley Auto Mall, and Stoneridge Towne Centre, which includes Super Target, Best Buy, Kohls and Wal-Mart.

IMMEDIATE SURROUNDINGS

The subject is located on the south side of the 60 Freeway, between Redlands Boulevard and Theodore Avenue in the eastern portion of the city. The immediate surrounding area is largely undeveloped, with the nearest housing development about one-half mile to the southwest across Redlands Boulevard. Scattered individual homes and vacant land are located to the east of Theodore Avenue. Across the freeway to the north is vacant land. Super Target, Wal-Mart and Kohls are located along the south side of the freeway within two miles to the west, adjacent to the Moreno Valley Auto Mall.

The subject parcels are located on the west and east sides of the Skechers distribution facility, which will be the largest building of its kind in the Inland Empire upon its completion in early 2011. The parcels are situated near the Redlands Boulevard and Theodore Street exits that will provide access to this facility

Access

The subject sites will have excellent access from the freeway at the Theodore Avenue and Redlands Boulevard exits. The 60 Freeway intersects the 215 Freeway within 8 miles to the west and connects with Interstate 10 in Beaumont within 10 miles to the east. Alessandro Boulevard is a major east-west route through the city that runs about one mile south of the subject, providing access to central Moreno Valley. Gilman Springs Road connects the area with San Jacinto and Hemet, within 15 miles to the southeast.

DEMOGRAPHICS

Selected neighborhood demographics in a one-, three-, and five-mile radius from the subject are shown in the following table:

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SELECTED NEIGHBORHOOD DEMOGRAPHICS

	Radius 1.0	Radius 3.0	Radius 5.0
Population			
2014 Population	1,020	16,207	96,227
2009 Population	781	12,794	80,567
2000 Population	334	6,589	53,623
1990 Population	234	5,092	44,790
Growth 2009 - 2014	30.60%	26.68%	19.44%
Growth 2000 - 2009	133.83%	94.17%	50.25%
Growth 1990 - 2000	42.74%	29.40%	19.72%
Households			
2014 Households	297	4,844	25,445
2009 Households	228	3,834	21,543
2000 Households	99	1,959	14,656
1990 Households	69	1,496	12,906
Growth 2009 - 2014	30.26%	26.34%	18.11%
Growth 2000 - 2009	130.30%	95.71%	46.99%
Growth 1990 - 2000	43.48%	30.95%	13.56%
Income			
2009 Median HH Inc	$80,210	$78,491	$63,312
2009 Estimated Average Household Income	$97,085	$94,622	$73,167
2009 Estimated Per Capita Income	$28,861	$28,033	$19,711

Source: CBRE

CONCLUSION

The subject parcel locations along the freeway will provide excellent accessibility and exposure for the sites. The commercial zoned parcels are located at the freeway exits surrounding the new Skechers facility. As shown above, the surrounding Rancho Belago district has substantially higher income levels than the entire Riverside County and Inland Empire figures. The master-planned area surrounding the subject is expected to experience significant growth over the next five years.

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MARKET ANALYSIS

The subject parcels include commercial and light industrial zones that could accommodate a variety of retail, office or business park type properties. The following sections include a general overview of the Inland Empire trends from the second quarter CBRE MarketView reports.

Industrial Trends

Prior to becoming a bedroom community, the Inland Empire housed only large, relatively undesirable, manufacturing plants such as Kaiser Steel. In the 1980s, large warehouse/distribution buildings dominated new industrial development. Most of this new construction occurred near the intersection of the San Bernardino and Ontario Freeways, just east of the Ontario International Airport. These trends continued in the second half of the 1990's and into the 2000's as a substantial amount of distribution space has been completed since 1995. The Inland Empire was able to meet this demand due to the availability of relatively inexpensive land and the area's excellent air freight and surface access (both vehicular and rail). Its location in the eastern section of development in the Southern California region also allowed for both good regional and national access.

Based on statistics in the second quarter 2010 Market View, prepared by CB Richard Ellis, Inc., the Inland Empire Industrial Market consists of two distinct markets: Inland Empire East and Inland Empire West. The Inland Empire East region is the smaller of the two submarkets, containing 156,374,580 square feet and accounting for 39.32% of the industrial space in the Inland Empire region. Combined the two markets contain 397,667,625 square feet. The growth of the industrial base for the Inland Empire region has generally been on an upward trend over the last three years. The rapid growth of the industrial market is due to the substantial availability of vacant land in the Inland Empire, the lower land prices relative to Los Angeles County, improving distribution systems out of the ports of Los Angeles and Long Beach, as well as the region's proximity to the Ontario International Airport. The Inland Empire region currently has 243,000 square feet of space under construction.

As of the second quarter 2010, approximately 29,268,084 square feet was vacant, indicating a vacancy rate of 7.40%. As the vacancy rate decreased from the previous quarter, net absorption showed a positive 3,564,516 square feet of vacant space was absorbed. The availability rate, which includes space available for sale/lease that is not vacant, is at 15.70%, decreasing from 15.90% the previous quarter. The second quarter 2010 gross lease and sale activity totaled approximately 8.10 million square feet, which is up from the 6.83 million square feet from the previous quarter. Year end gross activity figures for the past seven years were 23.4, 19.8, 28.7, 32.5, 34.8, 32.5, and 26.9 million square feet, for 2009, 2008, 2007, 2006, 2005, 2004, and 2003, respectively.

The Inland Empire Market Trends Forecast from the CBRE-EA Summer 2010 Outlook includes historical trends and projections for 2010 and beyond. The underlying source data is from the first quarter of 2010.

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INLAND EMPIRE INDUSTRIAL MARKET						
Year	Stock (SF x 1000)	Completions (SF x 1000)	Vacancy Rate (%)	Net Absorption (SF x 1,000)	TWR Rent Index ($/SF/Mo)	TWR Rent Inflation (%)
1990	191,273	14,888	17.7%	6,906	$0.33	-5.7%
1991	196,046	4,773	17.3%	4,778	$0.31	-5.8%
1992	198,773	2,727	15.8%	5,131	$0.31	-1.6%
1993	200,095	1,322	13.0%	6,838	$0.31	-0.3%
1994	201,299	1,204	10.7%	5,641	$0.31	-0.8%
1995	208,666	7,367	9.0%	10,089	$0.31	1.6%
1996	215,138	6,472	9.0%	5,916	$0.32	4.3%
1997	225,009	9,871	8.6%	9,763	$0.36	9.5%
1998	234,694	9,685	8.9%	8,208	$0.38	7.7%
1999	250,640	15,946	9.3%	13,404	$0.42	10.0%
2000	272,764	22,124	8.2%	23,123	$0.47	11.9%
2001	292,347	19,583	10.9%	10,099	$0.47	0.0%
2002	307,337	14,990	9.9%	16,262	$0.44	-6.9%
2003	320,216	12,879	8.3%	16,740	$0.45	2.7%
2004	336,451	16,235	6.9%	19,724	$0.47	5.2%
2005	354,760	18,309	6.0%	20,210	$0.51	8.6%
2006	387,204	32,444	7.7%	23,719	$0.58	12.8%
2007	407,697	20,493	9.2%	12,776	$0.62	6.9%
2008	434,096	26,399	14.8%	(230)	$0.56	-9.7%
2009	438,138	4,042	15.8%	(920)	$0.42	-25.1%
2010	*440,176*	*2,038*	*15.9%*	*1,476*	*$0.37*	*-12.7%*
2011	*443,568*	*3,393*	*15.4%*	*5,155*	*$0.38*	*2.5%*
2012	*445,658*	*2,089*	*14.1%*	*7,330*	*$0.42*	*10.9%*
2013	*448,252*	*2,595*	*12.7%*	*8,551*	*$0.47*	*12.0%*
2014	*452,796*	*4,544*	*11.7%*	*8,291*	*$0.51*	*10.2%*
2015	*459,761*	*6,965*	*11.4%*	*7,848*	*$0.55*	*7.6%*

Source: TWR Outlook Summer 2010

Statistics from the CBRE – MarketView reports from 2nd quarter 2010 are summarized in the following chart.

Submarket	Rentable Area	Vacancy Rate %	Net Absorption SF	Under Construction SF	Average Asking Lease Rate	Availability Rate %
Inland Empire East	156,374,580	11.1%	820,996	190,000	$0.33	18.7%
Inland Empire West	241,293,045	4.9%	2,743,520	53,000	$0.35	13.5%
Market Total	**397,667,625**	**7.4%**	**3,564,516**	**243,000**	**$0.34**	**15.7%**

As indicated above, the Inland Empire West submarket features a significantly lower vacancy rate than the Inland Empire East submarket. This is the result of the Inland Empire West submarket including the cities of Ontario, Rancho Cucamonga, Fontana, Mira Loma and Chino, which are the closest to Los Angeles County and the Ports of Los Angeles and are therefore more desirable in the market.

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The overall Inland Empire vacancy rate decreased to 7.4%, denoting a 13% decline from the first quarter's rate of 8.5%. Both the Inland Empire East and West recorded lowered vacancy levels. The Inland Empire East submarket vacancy decreased from 12.2% in the previous quarter to 11.1% this quarter. In the Inland Empire West submarket, the vacancy rate now stands at 4.9%, representing a 20% decline from 6.1% recorded in the first quarter 2010.

The overall Inland Empire availability rate experienced a minimal decline of less than 2% this quarter, dropping to a rate of 15.7%. The Inland Empire East availability rate decreased to 18.7%, while the availability rate in the Inland Empire West increased from 13.3% in the previous quarter to 13.8% this quarter.

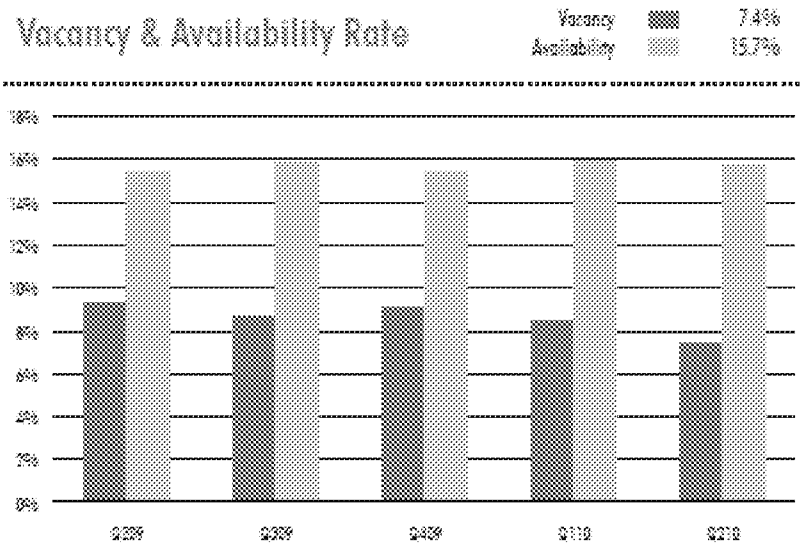

Retail Trends

The Inland Empire retail market continues to struggle while the rest of Nation is experiencing a "recovery". Over the past year, the Inland Empire region faced one of the worst-ever economic crisis due to the high volume of foreclosures and plummeting home values. Moving forward into the second quarter of 2010, optimism can be felt as signs of increased trade volumes and improvements in the housing market are being witnessed. As with the first quarter, news of improved home values coupled with reports of employment growth appear to be evidence that while the region's economy is on a slow, steady path to a full recovery, the worst is officially behind us.

Quick Stats

	Current	Change from last Yr.	Change from last Qtr.
Vacancy	11.7%	↓	↑
Lease Rates	$2.12	↓	↔
Net Absorption*	(36,811)	↑	↓
Construction	0 SF	↓	↓

* The arrows are trend indicators over the specified time period and do not represent a positive or negative value. (e.g., absorption could be negative, but still represent a positive trend over a specified period.)

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Hot Topics

- New housing incentives for buyers and lenders are expected to help decrease the number of foreclosure reporting's and help the region's housing economy to stabilize.
- Overall unemployment rate continues to decrease. Second quarter 2010 ends with a rate of 13.9 percent in the Inland Empire.
- Average asking lease rates remained stable for the third quarter in a row and ended with a rate of $2.12 per square foot per month.

According to the U.S. Commerce Department, total retail sales in the month of May saw a 1.2% decline over April – still, this represents a 6.3% year-over-year increase. Despite the drop of sales from the prior month, retail sales in some sectors did report slight increases, including furniture and home furnishing stores which increased 1.0% since the month of April, and represent a 4.6% year-over-year increase. Sporting goods, hobby, book and music stores sales also experienced increases of just under 1.0% and 3.3% unadjusted over last year. Finally, electronics and appliance stores sales increased 0.6% seasonally adjusted from last month, and 4.6% percent unadjusted over last year. Consumer confidence experienced a sharp decline in June according to the Conference Board Consumer Confidence Index. The index now stands at 52.9, down from 62.7 recorded the month prior.

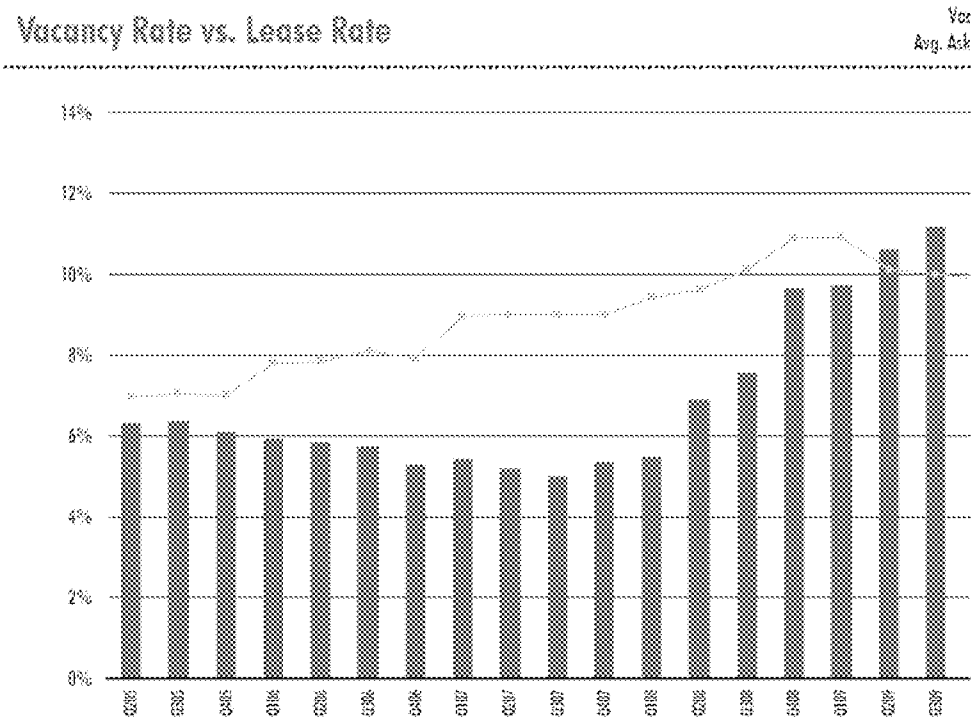

The Inland Empire retail market experienced a slight increase to the overall vacancy rate which currently stands at 11.7 percent. The rise in vacancy can be attributed to declining demand by retailers which resulted in a relatively flat 36,811 square feet of negative net absorption. As expected, this figure reflects the continued closure of stores and space being put back on the market. Average

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asking retail lease rates, however, remained stable for the third quarter in a row. The quarter closed with a high average asking lease rate of $2.12 per square foot per month and the low average asking lease rate posting $1.68 per square foot per month.

Construction of new retail centers in the Inland Empire remains non-existent. A steady trend of positive momentum in the local economy must be achieved before developers move forward with plans for new centers. There has been only one new property added to the Inland Empire's retail inventory this year, while all formerly active development projects have been halted indefinitely.

Market Statistics

Submarket	Building SF	Vacancy Rate %	Net Absorption SF	Under Construction SF	Avg. High Asking NNN $/PSF/MTH
EAST END	31,271,412	21.3%	(105,388)	-----	$1.91
HIGH DESERT	7,248,523	6.8%	(340)	-----	$2.18
LOW DESERT	14,240,891	8.8%	69,241	-----	$2.11
SO. RIV COUNTY	16,724,737	7.7%	(23,917)	-----	$2.19
WEST END	36,389,566	7.3%	23,593	-----	$2.28
Inland Empire Total	**105,875,129**	**11.7%**	**(36,811)**	-----	**$2.12**

Office Trends

Based on statistics in the CB Richard Ellis, Inc. – second quarter 2010 Market View, the Inland Empire office market totals 24,474,375 square feet in 687 buildings. As of the second quarter of 2010, approximately 5,814,585 square feet was vacant, indicating a vacancy rate of 23.80%, which is slightly lower than the 24.00% in the first quarter of 2010, and higher than one year ago. Inland Empire East experienced negative net absorption while the West submarket experienced positive net absorption levels for a combined result of negative 4,782 square feet.

The average asking rental rate is $1.80 per square foot per month, full service gross. This rate is nine cents lower than the previous quarter. Over the past eight years, the Inland Empire office market average asking lease rate has risen 23.29% from $1.46 per square foot during the third quarter of 2001.

The largest office markets are in the cities of Riverside and San Bernardino, with 6.53 and 4.23 million square feet, respectively. These are the two most mature markets; however, they have evolved to be in somewhat secondary locations with regards to tenants relocating from Los Angeles County due to more outlying locations. Specifically, Riverside is closer to the Orange County office markets, while Ontario and Rancho Cucamonga are closer to Los Angeles County. Ontario has a predominantly Class A base, while Rancho Cucamonga has primarily Class B office space.

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The city of Moreno Valley includes 21 office buildings totaling 629,064 square feet. As of the second quarter of 2010, the vacancy rate was 7.0% with an availability rate of 10.8%. Year-to-date net absorption was a negative 14,262 square feet.

Conclusions

The subject property consists of three parcels located along the 60 Freeway in Moreno Valley, adjacent to a large distribution facility under construction for Skechers. Parcels 3 and 4 are zoned for commercial use and located at the freeway off-ramps. These properties will benefit from the traffic generated by the new Skechers facility and infra-structure being completed in the neighborhood, including renovation of the freeway ramps and completion of Eucalyptus Avenue between Redlands Boulevard and Theodore Avenue. Parcel 2 is zoned for light industrial use and has good freeway access and exposure for the potential expansion of the Skechers project or other future business park related development.

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PLAT MAP

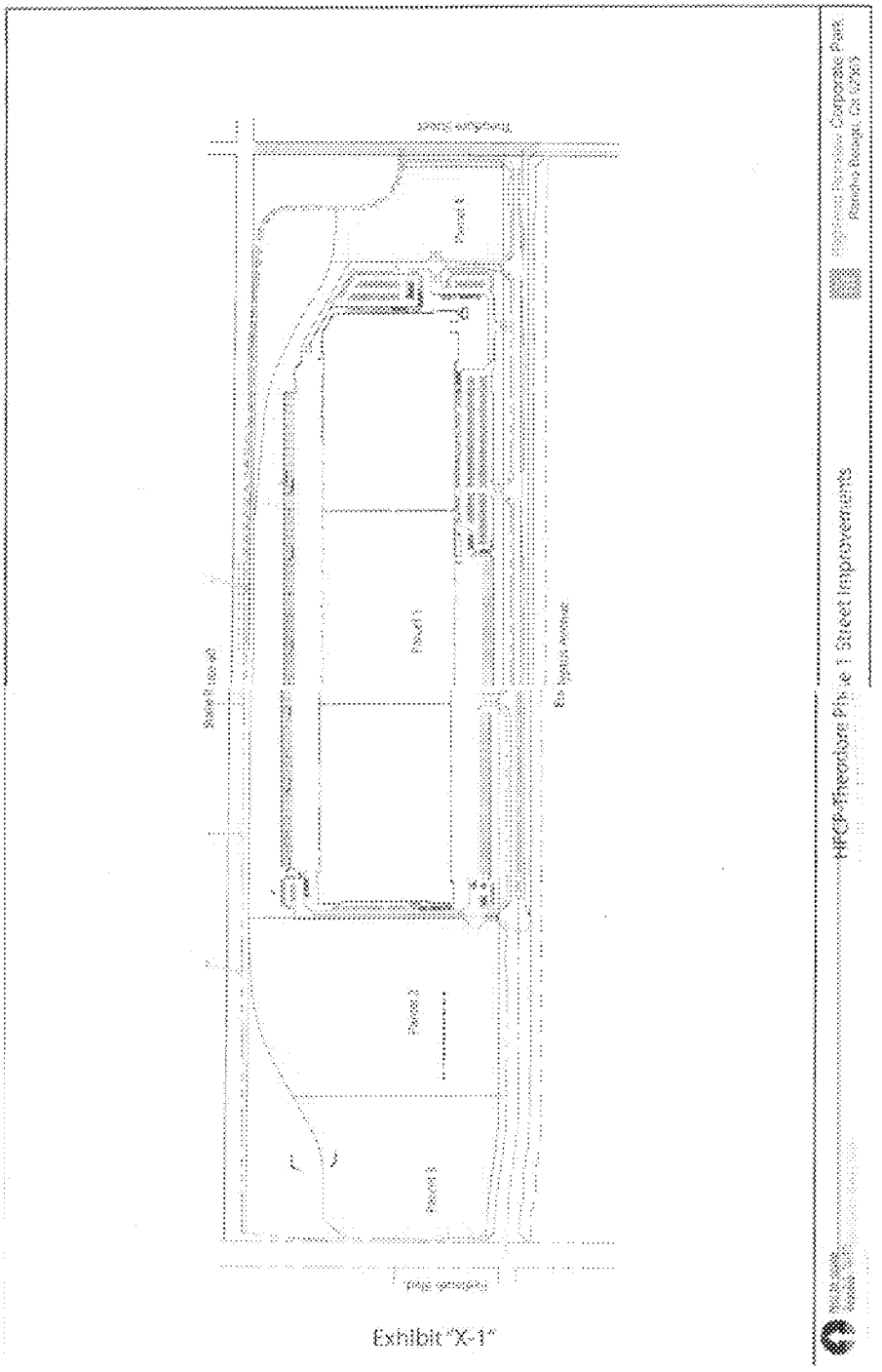

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SITE ANALYSIS

The following chart summarizes the salient characteristics of the subject site.

SITE SUMMARY		
Physical Description		
Site Areas - Gross		
Parcel 2	24.33 Acres	1,059,815 Sq. Ft.
Parcel 3	13.87 Acres	604,177 Sq. Ft.
Parcel 4	7.70 Acres	335,412 Sq. Ft.
Site Areas - Net		
Parcel 2	22.40 Acres	975,744 Sq. Ft.
Parcel 3	12.90 Acres	561,924 Sq. Ft.
Parcel 4	7.20 Acres	313,632 Sq. Ft.
Primary Road Frontage	Eucalyptus Avenue	
Secondary Road Frontage	Redlands Boulevard	
Additional Road Frontage	Theodore Avenue	± 513 Feet
Excess Land Area	None	
Surplus Land Area	None	
Zoning District	CC - Parcels 3 and 4	
	IL - Parcel 2	
Flood Map Panel No. & Date	06065C 0070G	28-Aug-08
Flood Zone	Zone X	

Source: Various sources compiled by CBRE

LAND AREAS

The gross site areas were obtained from Tentative Parcel Map No. 35629, which is included in the Addenda. Based on a review of the site plan, the difference between the gross and net areas is based on detention basins and a maintenance access road along the north property line and street dedications.

ASSESSOR'S PARCEL NUMBER

Parcel 2 is currently a portion of APN No. 488-350-002. Parcel 3 is currently included within APN No. 488-350-001. Parcel 4 is currently a portion of APN Nos. 488-360-007 and 488-360-008.

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SHAPE AND FRONTAGE

The site are irregular and have frontage along the adjacent streets. All of the parcels will have frontage along Eucalyptus Avenue. Parcels 2 and 3 will also have frontage along the new east-bound freeway onramp from Redlands Boulevard to the 60 Freeway. Parcel 4 will have frontage along the exit ramp for eastbound traffic to Theodore Avenue.

TOPOGRAPHY AND DRAINAGE

Parcels 2 and 3 have been graded to level "blue-top" pads. Parcel 4 is currently used for construction trailers for the Skechers facility and is generally level. This site will be finished graded upon completion of the building construction.

Storm drains are currently under construction between the Skechers parcel and Parcel 2. The completion of the site improvements are assumed to cure any drainage problems.

SOILS

A soil analysis for the site has not been provided for the preparation of this appraisal. In the absence of a soil report, it is a specific assumption that the site has adequate soils to support the highest and best use.

EASEMENTS AND ENCROACHMENTS

We have not reviewed a current title report for the subject property. The Tentative Parcel Map No. 35629 listed several easements impacting the subject and surrounding parcels. These include easements for pole lines, conduits, underground facilities, and utilities. We assume that the subject is not impacted by easements that would negatively impact the value. It is recommended that the client obtain a qualified legal opinion with regards to the reports before making a business decision with regards to the subject property.

COVENANTS, CONDITIONS AND RESTRICTIONS

There are no known covenants, conditions and restrictions impacting the site that are considered to affect the marketability or highest and best use, other than zoning restrictions.

UTILITIES AND SERVICES

The site is within the jurisdiction of the City of Moreno Valley and is provided all municipal services, including police, fire and garbage collection. All utilities are available to the site in adequate quality and quantity to service the highest and best use.

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FLOOD ZONE

According to flood hazard maps published by the Federal Emergency Management Agency (FEMA), the site is within Zone X as indicated on the indicated Community Map Panel No. 06065C0770G, August 28, 2008.

FEMA Zone X: Areas determined to be outside the 500-year flood plain.

ENVIRONMENTAL ISSUES

CB Richard Ellis, Inc. has not observed, yet is not qualified to detect, the existence of potentially hazardous material or underground storage tanks, which may be present on or near the site. The existence of hazardous materials or underground storage tanks may have an affect on the value of the property. For this appraisal, CB Richard Ellis, Inc. has specifically assumed that the property is not affected by any hazardous materials and/or underground storage tanks that may be present on or near the property.

EARTHQUAKE

All properties in California are subject to some degree of seismic risk. The Alquist-Priolo Special Studies Zone Act of 1972 was enacted by the State of California to regulate development near active earthquake faults. The Act required the State Geologist to delineate "special studies zones" along known active faults in California. Cities and Counties affected by the identified zones must limit certain development projects within the zones unless geologic investigation demonstrates that the sites are not threatened by surface displacement from future faulting.

According to "Fault-Rupture Hazard Zones in California" published in 1992 by the California Department of Conservation, Department of Mines and Geology, the subject is not within an area affected by the Alquist-Priolo Special Studies Zone Act. Related development limitations, therefore, do not apply.

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ZONING

The following chart summarizes the subject's zoning requirements.

ZONING SUMMARY - PARCEL 2	
Current Zoning	LI (Light Industrial)
Specific Plan	Yes
Specific Plan Land Use	Light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ZONING SUMMARY - PARCELS 3 & 4	
Current Zoning	CC (Community Commercial)
Specific Plan	Yes
Specific Plan Land Use	To provide for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ANALYSIS AND CONCLUSION

Additional information may be obtained from the appropriate governmental authority.

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TAX AND ASSESSMENT DATA

In California, privately held real property is typically assessed at 100% of full cash value (which is interpreted to mean market value of the fee simple estate) as determined by the County Assessor. Generally, a reassessment occurs only when a property is sold (or transferred) or when new construction occurs (as differentiated from replacing existing construction). In the case of long-term ground leases, the general rule is that a reassessment is made at the time of assigning or terminating a lease where the remaining term is more than 35 years. For reassessment purposes, the lease term includes all options to extend. Assessments for properties that were acquired before the tax year 1975-1976 were stabilized as of the tax year 1975-1976. Property taxes are limited by state law to 1% of the assessed value plus voter-approved obligations and special assessments. If no sale (or transfer) occurs or no new building takes place, assessments may not increase by more than 2% annually. Taxes are payable in two equal installments, which become delinquent after December 10 and April 10, respectively.

The following table summarizes the most recent assessments and taxes for the parcels that include the subject sites.

2000-2010 ASSESSMENTS & TAXES

Parcel No.	Assessments	Tax Rate	Taxes on Value	Sp. Assessments	Total Taxes	Eff. Tax Rate
488-350-001	$1,081,997	1.04765%	$11,336	$347	$11,683	1.080%
488-350-002	6,054,778	1.04765%	63,433	1,467	64,900	1.072%
488-360-007	957,208	1.04765%	10,028	144	10,172	1.063%
488-360-008	1,636,381	1.04765%	17,144	177	17,321	1.058%

Source: Riverside County Assessor

CONCLUSION

For purposes of this analysis we are assuming any outstanding property tax liability has been paid and CBRE assumes that all taxes are current. If the subject sold for the value estimate in this report, a reassessment at that value would most likely occur, with tax increases limited to two percent annually thereafter until the property is sold again. The consequences of this reassessment have been considered in the appropriate valuation sections.

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HIGHEST AND BEST USE

In appraisal practice, the concept of highest and best use represents the premise upon which value is based. The four criteria the highest and best use must meet are:

- legal permissibility;
- physical possibility;
- financial feasibility; and
- maximum profitability.

The highest and best use analysis of the subject is discussed on the following pages. This analysis incorporates the information presented in the Market Analysis section, as well as any unique characteristics of the subject described previously.

AS VACANT

Legal Permissibility

The legally permissible uses were discussed in the Site Analysis and Zoning Sections.

Physical Possibility

The subject parcels are adequately served by utilities, and have adequate shapes and sizes, sufficient access, etc., to be separately developable sites. There are no known physical reasons why the subject sites would not support any legally probable development.

Financial Feasibility

The determination of financial feasibility is dependent primarily on the relationship of supply and demand for the legally probable land uses versus the cost to create the uses. Development of new industrial and retail properties has occurred in the past few years. However, many proposed developments are no longer moving forward due to inadequate construction financing and market conditions (increasing vacancy, declining effective rental rates, higher cap rates, etc.). The adjacent building under construction is a build-to-suit for Skechers, who will contribute a significant capital investment. However, the completion of this project will enhance the marketability of the subject parcels for potential complementary commercial or industrial uses.

Maximum Profitability

The final test of highest and best use of the site as if vacant is that the use be maximally productive, yielding the highest return to the land. In the case of the subject parcels as if vacant, the analysis has indicated that future development of commercial properties on Parcels 3 and 4 and an industrial project on Parcel 2 would be most appropriate.

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CONCLUSION: HIGHEST AND BEST USE AS VACANT

Based on the information presented above and upon information contained in the market and neighborhood analysis, we conclude that the highest and best use of the subject parcels would be to hold for future retail and industrial development when economic conditions improve.

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APPRAISAL METHODOLOGY

In appraisal practice, an approach to value is included or omitted based on its applicability to the property type being valued and the quality and quantity of information available.

COST APPROACH

The cost approach is based on the proposition that the informed purchaser would pay no more for the subject than the cost to produce a substitute property with equivalent utility. This approach is particularly applicable when the property being appraised involves relatively new improvements that represent the highest and best use of the land, or when it is improved with relatively unique or specialized improvements for which there exist few sales or leases of comparable properties.

SALES COMPARISON APPROACH

The sales comparison approach utilizes sales of comparable properties, adjusted for differences, to indicate a value for the subject. Valuation is typically accomplished using physical units of comparison such as price per square foot, price per unit, price per floor, etc., or economic units of comparison such as gross rent multiplier. Adjustments are applied to the physical units of comparison derived from the comparable sale. The unit of comparison chosen for the subject is then used to yield a total value. Economic units of comparison are not adjusted, but rather analyzed as to relevant differences, with the final estimate derived based on the general comparisons.

INCOME CAPITALIZATION APPROACH

The income capitalization approach reflects the subject's income-producing capabilities. This approach is based on the assumption that value is created by the expectation of benefits to be derived in the future. Specifically estimated is the amount an investor would be willing to pay to receive an income stream plus reversion value from a property over a period of time. The two common valuation techniques associated with the income capitalization approach are direct capitalization and the discounted cash flow (DCF) analysis.

METHODOLOGY APPLICABLE TO THE SUBJECT

In valuing the subject, only the sales comparison approach to land value has been used.

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LAND VALUE

PARCEL 2 - INDUSTRIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcel 2. A detailed description of each transaction is included in the Addenda.

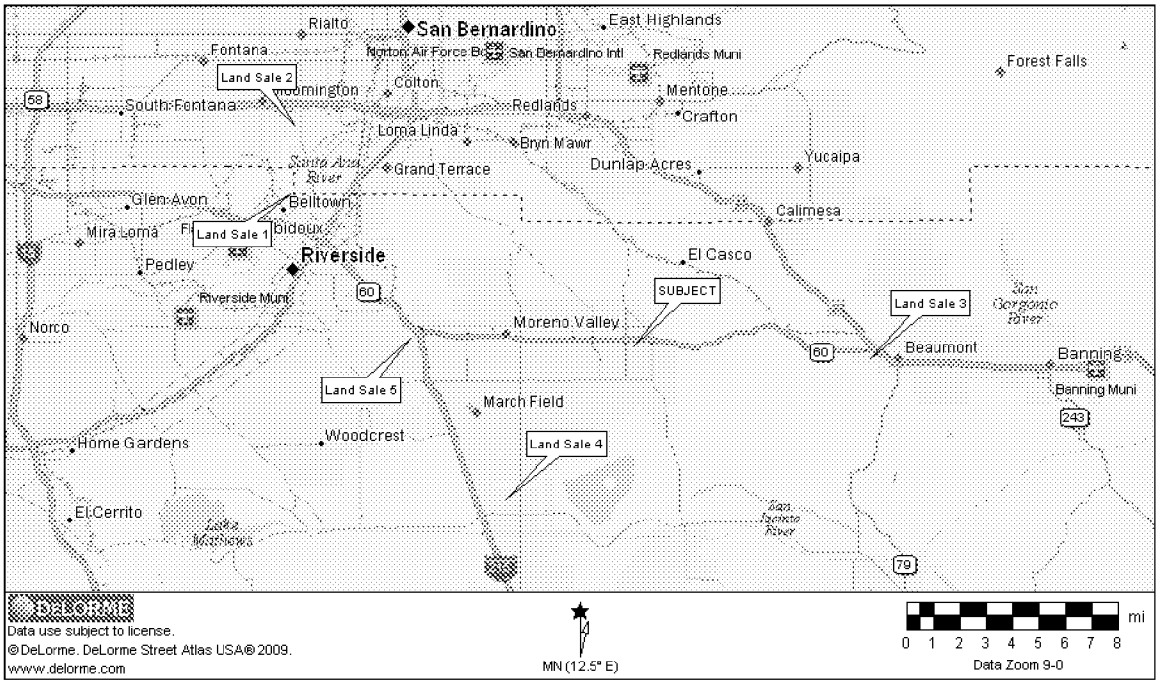

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SUMMARY OF COMPARABLE INDUSTRIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	5425 Wilson Street, Unincorp. Riverside, CA	Sale	Apr-10	M-H	$4,976,861	18.73	$6.10
2	NWC Santa Ana Avenue and Willow Avenue, Rialto, CA	Sale	Jan-10	Industrial	$6,450,000	17.78	$8.33
3	NWC 4th & Nicholas, Beaumont, CA	Sale	Mar-10	Light Industrial	$35,108,000	132.13	$6.10
4	Btwn Markham/Nance, W. of Indian Avenue, Perris, CA	Listing	Jul-10	Industrial	$4,392,000	19.08	$5.28
5	SEC Sycamore Canyon Blvd. & Box Springs Blvd., Riverside, CA	Listing	Jul-10	Industrial	$2,103,948	8.05	$6.00
Subject	Parcel 2	---	---	LI (Light Industrial)	---	22.40	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

Land Sale One

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

This comparable is inferior to the subject in location based on its secondary street exposure and inferior accessibility. This site is similar to Parcel 2 in size and shape.

Land Sale Two

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site.

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This comparable is judged to be slightly inferior to the subject in location, with inferior exposure and accessibility. This property is similar to Parcel 2 in size and shape.

Land Sale Three

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis. The buyer will build a warehouse/distribution to their specifications on the site.

This comparable is judged to be similar to the subject in location, with freeway exposure near the intersection of Interstate 10 and the 60 Freeway versus its inferior access from the freeway. An upward adjustment is made for the subject's smaller size.

Land Sale Four

This is the listing of a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

This comparable is adjusted downward for its listing status. An upward adjustment is made for the subject's superior location with freeway exposure and superior access.

Land Sale Five

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on

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the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

This comparable is judged to be slightly inferior to the subject in location. Downward adjustments are made for smaller size and superior street improvements.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCEL 2

Comparable Number	1	2	3	4	5
Transaction Type	Sale	Sale	Sale	Listing	Listing
Transaction Date	Apr-10	Jan-10	Mar-10	Jul-10	Jul-10
Zoning	M-H	Industrial	Light Industrial	Industrial	Industrial
Adjusted Sale Price [1]	$4,976,861	$6,450,000	$35,108,000	$4,392,000	$2,103,948
Size (Acres)	18.73	17.78	132.13	19.08	8.05
Size (SF)	815,879	774,666	5,755,410	831,125	350,658
Price Per Acre	$265,716	$362,688	$265,716	$230,189	$261,360
Price ($ PSF)	$6.10	$8.33	$6.10	$5.28	$6.00
Property Rights Conveyed	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	-20%	-20%
Market Conditions (Time)	0%	0%	0%	0%	0%
Subtotal	$6.10	$8.33	$6.10	$4.23	$4.80
Size	0%	0%	10%	0%	-5%
Shape	0%	0%	0%	0%	0%
Frontage	0%	0%	0%	0%	0%
Topography	0%	0%	0%	0%	0%
Location	10%	5%	0%	20%	10%
Zoning/Density	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%
Total Other Adjustments	10%	5%	10%	20%	5%
Value Indication for Subject	$6.71	$8.74	$6.71	$5.07	$5.04

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

CONCLUSION – PARCEL 2

Our interviews with area brokers indicates that no interest from developers exists for vacant land in the Inland Empire East based on the falling rental rates, availability of existing product and lack of feasibility in new speculative developments. However, the completion of the adjacent Skechers building and infrastructure surrounding the subject parcels should enhance the marketability of Parcel

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2 for future industrial development. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $6 per square foot for Parcel 2 upon completion of the street improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251

Compiled by CBRE

CONCLUDED LAND VALUE - PARCEL 2				
$ PSF		Subject SF		Total
$6.00	x	975,744	=	$5,854,464
Indicated Value - Finished Site:				**$5,850,000**
Less: Remaining Land Improvement Costs				2,483,447
"As Is" Value				$3,366,553
Rounded				**$3,370,000**

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PARCELS 3 & 4 - COMMERCIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcels 3 and 4. A detailed description of each transaction is included in the Addenda.

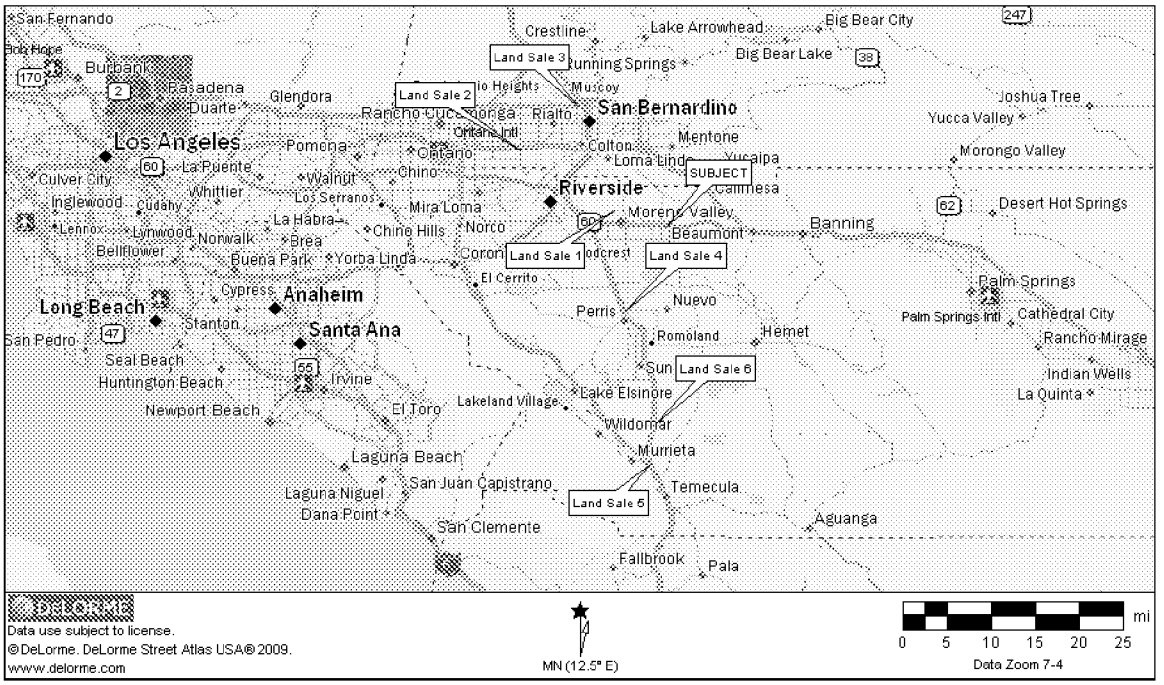

SUMMARY OF COMPARABLE COMMERCIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	N/S Village Road, W/O Sunnymead Ranch Pk, Moreno Valley, CA	Sale	Jul-09	C-24	$600,000	2.31	$5.96
2	SWC Slover Ave & Sierra Ave, Fontana, CA	Sale	Aug-09	C-1	$1,500,000	2.02	$17.05
3	2120 Medical Center Drive, San Bernardino, CA	Sale	Nov-09	C0-1 commercial	$1,050,000	2.19	$11.01
4	SEC 215 Freeway & Nuevo Road, Perris, CA	Listing	Jun-10	Commercial	$3,415,100	7.84	$10.00
5	E/S of Monroe Avenue North of Fig Street, Murrieta, CA	Sale	Jun-09	MU-2	$6,225,000	10.55	$13.55
6	34965 Walt Road, Murrieta, CA	Sale	Apr-09	Commercial	$1,002,054	2.16	$10.65
Subject	Parcels 3 & 4	---	---	CC (Commercial)	---	12.9 & 7.2	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
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Analysis of Land Sales

The adjustment grid used in this section is based on the average size of the two subject parcels (10 acres). Both of the subject parcels have similar accessibility and exposure from the adjacent freeway, surrounding the Skechers site.

Land Sale One

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3% decline in value.

This comparable is adjusted downward for its date of sale in mid-2009 and its comparatively smaller size. A large upward adjustment is made for the subject's superior location along the freeway and street frontage.

Land Sale Two

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a .50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the .50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

This comparable is adjusted downward for its smaller size, superior location and date of sale.

Land Sale Three

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The

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Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage. The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

This comparable is adjusted downward for its smaller size and slightly superior location in relation to the subject parcels. Upward adjustments are made for its inferior street frontage and shape.

Land Sale Four

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank-owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

This comparable is adjusted upward for its conditions of sale based on the motivations of the seller, which is offset by the winning bid being below the asking price. The subject location along the freeway in Moreno Valley is superior to this property. The subject sites also have superior street frontage.

Land Sale Five

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography, and was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

This comparable is adjusted downward for market conditions based on the long escrow price. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway. The subject sites have superior corner street frontage.

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Land Sale Six

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

This comparable is adjusted downward for market conditions and its comparatively smaller size. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCELS 3 & 4

Comparable Number	1	2	3	4	5	6
Transaction Type	Sale	Sale	Sale	Listing	Sale	Sale
Transaction Date	Jul-09	Aug-09	Nov-09	Jun-10	Jun-09	Apr-09
Zoning	C-24	C-1	C0-1 commercial	Commercial	MU-2	Commercial
Adjusted Sale Price [1]	$600,000	$1,500,000	$1,050,000	$3,415,100	$6,225,000	$1,002,054
Size (Acres)	2.31	2.02	2.19	7.84	10.55	2.16
Size (SF)	100,624	87,991	95,396	341,510	459,558	94,090
Price ($ PSF)	$5.96	$17.05	$11.01	$10.00	$13.55	$10.65
Property Rights Conveyed	0%	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	0%	0%	0%
Market Conditions	-5%	-5%	0%	0%	-20%	-10%
Subtotal	$5.66	$16.19	$11.01	$10.00	$10.84	$9.58
Size	-5%	-5%	-5%	0%	0%	-5%
Shape	0%	0%	5%	0%	0%	0%
Frontage	15%	0%	10%	10%	5%	0%
Topography	0%	0%	0%	0%	0%	0%
Location	25%	-15%	-10%	5%	-10%	-10%
Zoning/Density	0%	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%	0%
Total Other Adjustments	35%	-20%	0%	15%	-5%	-15%
Value Indication for Subject	$7.65	$12.96	$11.01	$11.50	$10.29	$8.15

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

CONCLUSION – PARCELS 3 & 4

These parcels have good accessibility and exposure from the adjacent freeway and will benefit from the completion of the adjacent Skechers building and street improvements. However, few commercial

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land sales have occurred in the surrounding market in the last year based on the economic conditions. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $9 per square foot for Parcels 3 and 4 upon completion of the street improvements. Although Parcel 4 is slightly smaller and located adjacent to the Skechers main entrance, Parcel 3 is situated at Redlands Boulevard, which is closer to the existing major retail developments to the west and should have higher traffic counts upon completion of the interchange and Skechers improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251
Compiled by CBRE	

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CONCLUDED LAND VALUE - PARCEL 3				
$ PSF		Subject SF		Total
$9.00	x	561,924	=	$5,057,316
Indicated Value - Finished Site:				**$5,060,000**
Less: Remaining Land Improvement Costs				1,430,199
"As Is" Value				$3,629,801
Rounded				**$3,630,000**
Compiled by CBRE				

CONCLUDED LAND VALUE - PARCEL 4				
$ PSF		Subject SF		Total
$9.00	x	313,632	=	$2,822,688
Indicated Value - Finished Site:				**$2,820,000**
Less: Remaining Land Improvement Costs				798,251
"As Is" Value				$2,021,749
Rounded				**$2,020,000**
Compiled by CBRE				

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ASSUMPTIONS AND LIMITING CONDITIONS

1. Unless otherwise specifically noted in the body of the report, it is assumed that title to the property or properties appraised is clear and marketable and that there are no recorded or unrecorded matters or exceptions to title that would adversely affect marketability or value. CBRE is not aware of any title defects nor has it been advised of any unless such is specifically noted in the report. CBRE, however, has not examined title and makes no representations relative to the condition thereof. Documents dealing with liens, encumbrances, easements, deed restrictions, clouds and other conditions that may affect the quality of title have not been reviewed. Insurance against financial loss resulting in claims that may arise out of defects in the subject's title should be sought from a qualified title company that issues or insures title to real property.
2. Unless otherwise specifically noted in the body of this report, it is assumed: that the existing improvements on the property or properties being appraised are structurally sound, seismically safe and code conforming; that all building systems (mechanical/electrical, HVAC, elevator, plumbing, etc.) are in good working order with no major deferred maintenance or repair required; that the roof and exterior are in good condition and free from intrusion by the elements; that the property or properties have been engineered in such a manner that the improvements, as currently constituted, conform to all applicable local, state, and federal building codes and ordinances. CBRE professionals are not engineers and are not competent to judge matters of an engineering nature. CBRE has not retained independent structural, mechanical, electrical, or civil engineers in connection with this appraisal and, therefore, makes no representations relative to the condition of improvements. Unless otherwise specifically noted in the body of the report: no problems were brought to the attention of CBRE by ownership or management; CBRE inspected less than 100% of the entire interior and exterior portions of the improvements; and CBRE was not furnished any engineering studies by the owners or by the party requesting this appraisal. If questions in these areas are critical to the decision process of the reader, the advice of competent engineering consultants should be obtained and relied upon. It is specifically assumed that any knowledgeable and prudent purchaser would, as a precondition to closing a sale, obtain a satisfactory engineering report relative to the structural integrity of the property and the integrity of building systems. Structural problems and/or building system problems may not be visually detectable. If engineering consultants retained should report negative factors of a material nature, or if such are later discovered, relative to the condition of improvements, such information could have a substantial negative impact on the conclusions reported in this appraisal. Accordingly, if negative findings are reported by engineering consultants, CBRE reserves the right to amend the appraisal conclusions reported herein.
3. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property was not observed by the appraisers. CBRE has no knowledge of the existence of such materials on or in the property. CBRE, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, contaminated groundwater or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

   We have inspected, as thoroughly as possible by observation, the land; however, it was impossible to personally inspect conditions beneath the soil. Therefore, no representation is made as to these matters unless specifically considered in the appraisal.
4. All furnishings, equipment and business operations, except as specifically stated and typically considered as part of real property, have been disregarded with only real property being considered in the report unless otherwise stated. Any existing or proposed improvements, on or off-site, as well as any alterations or repairs considered, are assumed to be completed in a workmanlike manner according to standard practices based upon the information submitted to CBRE This report may be subject to amendment upon re-inspection of the subject subsequent to repairs, modifications, alterations and completed new construction. Any estimate of Market Value is as of the date indicated; based upon the information, conditions and projected levels of operation.
5. It is assumed that all factual data furnished by the client, property owner, owner's representative, or persons designated by the client or owner to supply said data are accurate and correct unless otherwise specifically noted in the appraisal report. Unless otherwise specifically noted in the appraisal report, CBRE has no reason to believe that any of the data furnished contain any material error. Information and data referred to in this paragraph include, without being limited to, numerical street addresses, lot and block numbers, Assessor's Parcel Numbers, land dimensions, square footage area of the land, dimensions of the improvements, gross building areas, net rentable areas, usable areas, unit count, room count, rent schedules, income data, historical operating expenses, budgets, and related data. Any material error in any of the above data could have a substantial impact on the conclusions reported. Thus, CBRE reserves the right to amend conclusions reported if made aware of any such error. Accordingly, the client-addressee should carefully review all assumptions, data, relevant calculations, and conclusions within 30 days after the date of delivery of this report and should immediately notify CBRE of any questions or errors.

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6. The date of value to which any of the conclusions and opinions expressed in this report apply, is set forth in the Letter of Transmittal. Further, that the dollar amount of any value opinion herein rendered is based upon the purchasing power of the American Dollar on that date. This appraisal is based on market conditions existing as of the date of this appraisal. Under the terms of the engagement, we will have no obligation to revise this report to reflect events or conditions which occur subsequent to the date of the appraisal. However, CBRE will be available to discuss the necessity for revision resulting from changes in economic or market factors affecting the subject.
7. CBRE assumes no private deed restrictions, limiting the use of the subject in any way.
8. Unless otherwise noted in the body of the report, it is assumed that there are no mineral deposit or subsurface rights of value involved in this appraisal, whether they be gas, liquid, or solid. Nor are the rights associated with extraction or exploration of such elements considered unless otherwise stated in this appraisal report. Unless otherwise stated it is also assumed that there are no air or development rights of value that may be transferred.
9. CBRE is not aware of any contemplated public initiatives, governmental development controls, or rent controls that would significantly affect the value of the subject.
10. The estimate of Market Value, which may be defined within the body of this report, is subject to change with market fluctuations over time. Market value is highly related to exposure, time promotion effort, terms, motivation, and conclusions surrounding the offering. The value estimate(s) consider the productivity and relative attractiveness of the property, both physically and economically, on the open market.
11. Any cash flows included in the analysis are forecasts of estimated future operating characteristics are predicated on the information and assumptions contained within the report. Any projections of income, expenses and economic conditions utilized in this report are not predictions of the future. Rather, they are estimates of current market expectations of future income and expenses. The achievement of the financial projections will be affected by fluctuating economic conditions and is dependent upon other future occurrences that cannot be assured. Actual results may vary from the projections considered herein. CBRE does not warrant these forecasts will occur. Projections may be affected by circumstances beyond the current realm of knowledge or control of CBRE
12. Unless specifically set forth in the body of the report, nothing contained herein shall be construed to represent any direct or indirect recommendation of CBRE to buy, sell, or hold the properties at the value stated. Such decisions involve substantial investment strategy questions and must be specifically addressed in consultation form.
13. Also, unless otherwise noted in the body of this report, it is assumed that no changes in the present zoning ordinances or regulations governing use, density, or shape are being considered. The property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, nor national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report is based, unless otherwise stated.
14. This study may not be duplicated in whole or in part without the specific written consent of CBRE nor may this report or copies hereof be transmitted to third parties without said consent, which consent CBRE reserves the right to deny. Exempt from this restriction is duplication for the internal use of the client-addressee and/or transmission to attorneys, accountants, or advisors of the client-addressee. Also exempt from this restriction is transmission of the report to any court, governmental authority, or regulatory agency having jurisdiction over the party/parties for whom this appraisal was prepared, provided that this report and/or its contents shall not be published, in whole or in part, in any public document without the express written consent of CBRE which consent CBRE reserves the right to deny. Finally, this report shall not be advertised to the public or otherwise used to induce a third party to purchase the property or to make a "sale" or "offer for sale" of any "security", as such terms are defined and used in the Securities Act of 1933, as amended. Any third party, not covered by the exemptions herein, who may possess this report, is advised that they should rely on their own independently secured advice for any decision in connection with this property. CBRE shall have no accountability or responsibility to any such third party.
15. Any value estimate provided in the report applies to the entire property, and any pro ration or division of the title into fractional interests will invalidate the value estimate, unless such pro ration or division of interests has been set forth in the report.
16. The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. Component values for land and/or buildings are not intended to be used in conjunction with any other property or appraisal and are invalid if so used.
17. The maps, plats, sketches, graphs, photographs and exhibits included in this report are for illustration purposes only and are to be utilized only to assist in visualizing matters discussed within this report. Except as specifically stated, data relative to size or area of the subject and comparable properties has been obtained from sources deemed accurate and reliable. None of the exhibits are to be removed, reproduced, or used apart from this report.
18. No opinion is intended to be expressed on matters which may require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers. Values and opinions expressed presume that

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environmental and other governmental restrictions/conditions by applicable agencies have been met, including but not limited to seismic hazards, flight patterns, decibel levels/noise envelopes, fire hazards, hillside ordinances, density, allowable uses, building codes, permits, licenses, etc. No survey, engineering study or architectural analysis has been made known to CBRE unless otherwise stated within the body of this report. If the Consultant has not been supplied with a termite inspection, survey or occupancy permit, no responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained. No representation or warranty is made concerning obtaining these items. CBRE assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

19. Acceptance and/or use of this report constitutes full acceptance of the Contingent and Limiting Conditions and special assumptions set forth in this report. It is the responsibility of the Client, or client's designees, to read in full, comprehend and thus become aware of the aforementioned contingencies and limiting conditions. Neither the Appraiser nor CBRE assumes responsibility for any situation arising out of the Client's failure to become familiar with and understand the same. The Client is advised to retain experts in areas that fall outside the scope of the real estate appraisal/consulting profession if so desired.
20. CBRE assumes that the subject analyzed herein will be under prudent and competent management and ownership; neither inefficient or super-efficient.
21. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.
22. No survey of the boundaries of the property was undertaken. All areas and dimensions furnished are presumed to be correct. It is further assumed that no encroachments to the realty exist.
23. The Americans with Disabilities Act (ADA) became effective January 26, 1992. Notwithstanding any discussion of possible readily achievable barrier removal construction items in this report, CBRE has not made a specific compliance survey and analysis of this property to determine whether it is in conformance with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the ADA. If so, this fact could have a negative effect on the value estimated herein. Since CBRE has no specific information relating to this issue, nor is CBRE qualified to make such an assessment, the effect of any possible non-compliance with the requirements of the ADA was not considered in estimating the value of the subject.
24. Client shall not indemnify Appraiser or hold Appraiser harmless unless and only to the extent that the Client misrepresents, distorts, or provides incomplete or inaccurate appraisal results to others, which acts of the Client approximately result in damage to Appraiser. Notwithstanding the foregoing, Appraiser shall have no obligation under this Section with respect to any loss that is caused solely by the active negligence or willful misconduct of a Client and is not contributed to by any act or omission (including any failure to perform any duty imposed by law) by Appraiser. Client shall indemnify and hold Appraiser harmless from any claims, expenses, judgments or other items or costs arising as a result of the Client's failure or the failure of any of the Client's agents to provide a complete copy of the appraisal report to any third party. In the event of any litigation between the parties, the prevailing party to such litigation shall be entitled to recover, from the other, reasonable attorney fees and costs.
25. The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. Appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.
26. As part of the client's requested scope of work, an estimate of insurable value is provided herein. CBRE has followed traditional appraisal standards to develop a reasonable calculation based upon industry practices and industry accepted publications such as the Marshal Valuation Service handbook. The methodology employed is a derivation of the cost approach which is primarily used as an academic exercise to help support the market value estimate and therefore is not reliable for Insurable Value estimates. Actual construction costs and related estimates can vary greatly from this estimate.

    This analysis should not be relied upon to determine proper insurance coverage which can only be properly estimated by consultants considered experts in cost estimation and insurance underwriting. It is provided to aid the client/reader/user as part of their overall decision making process and no representations or warranties are made by

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CBRE regarding the accuracy of this estimate and it is strongly recommend that other sources be utilized to develop any estimate of insurable value.

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ADDENDA

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ADDENDUM A

GLOSSARY OF TERMS

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assessed value Assessed value applies in ad valorem taxation and refers to the value of a property according to the tax rolls. Assessed value may not conform to market value, but it is usually calculated in relation to a market value base. †

cash equivalency The procedure in which the sale prices of comparable properties sold with atypical financing are adjusted to reflect typical market terms.

contract rent The actual rental income specified in a lease. ‡

disposition value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer and seller is each acting prudently and knowledgeably; 4) The seller is under compulsion to sell; 5) The buyer is typically motivated; 6) Both parties are acting in what they consider their best interests; 7) An adequate marketing effort will be made in the limited time allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.‡

effective rent The rental rate net of financial concessions such as periods of no rent during the lease term; may be calculated on a discounted basis, reflecting the time value of money, or on a simple, straight-line basis. ‡

excess land In regard to an improved site, the land not needed to serve or support the existing improvement. In regard to a vacant site or a site considered as though vacant, the land not needed to accommodate the site's primary highest and best use. Such land may be separated from the larger site and have its own highest and best use, or it may allow for future expansion of the existing or anticipated improvement. *See also* surplus land. ‡

extraordinary assumption An assumption directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. *See also* hypothetical condition. ‡

fee simple estate Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. ‡

floor area ratio (FAR) The relationship between the above-ground floor area of a building, as described by the building code, and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the permissible floor area of a building is twice the total land area; also called *building-to-land ratio*. ‡

full service lease A lease in which rent covers all operating expenses. Typically, full service leases are combined with an *expense stop*, the expense level covered by the contract lease payment. Increases in expenses above the expense stop level are passed through to the tenant and are known as *expense pass-throughs*.

going concern value Going concern value is the value of a proven property operation. It includes the incremental value associated with the business concern, which is distinct from the value of the real estate only. Going concern value includes an intangible enhancement of the value of an operating business enterprise which is produced by the assemblage of the land, building, labor, equipment, and marketing operation. This process creates an economically viable business that is expected to continue. Going concern value refers to the total value of a property, including both real property and intangible personal property attributed to the business value. †

gross building area (GBA) The total floor area of a building, including below-grade space but excluding unenclosed areas, measured from the exterior of the walls. Gross building area for office buildings is computed by measuring to the outside finished surface of permanent outer building walls without any deductions. All enclosed floors of the building including basements, mechanical equipment floors, penthouses, and the like are included in the measurement. Parking spaces and parking garages are excluded. ‡

hypothetical condition That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. *See also* extraordinary assumption. ‡

investment value Investment value is the value of an investment to a particular investor based on his or her investment requirements. In contrast to market value, investment value is value to an individual, not value in the marketplace. Investment value reflects the subjective relationship between a particular investor and a given investment. When measured in dollars, investment value is the price an investor would pay for an investment in light of its perceived capacity to satisfy his or her desires,

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needs, or investment goals. To estimate investment value, specific investment criteria must be known. Criteria to evaluate a real estate investment are not necessarily set down by the individual investor; they may be established by an expert on real estate and its value, that is, an appraiser. †

leased fee
See leased fee estate

leased fee estate An ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the leased fee are specified by contract terms contained within the lease.‡

leasehold
See leasehold estate

leasehold estate The interest held by the lessee (the tenant or renter) through a lease conveying the rights of use and occupancy for a stated term under certain conditions.‡

liquidation value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a severely limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer is acting prudently and knowledgeably; 4) The seller is under extreme compulsion to sell; 5) The buyer is typically motivated; 6) The buyer is acting in what he or she considers his or her best interests; 7) A limited marketing effort and time will be allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. ‡

market rent The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby: 1) lessee and lessor are typically motivated; 2) both parties are well informed or well advised, and acting in what they consider their best interests; 3) a reasonable time is allowed for exposure in the open market; 4) the rent payment is made in terms of cash in U.S. dollars and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and 5) the rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction. ‡

market value Market value is one of the central concepts of the appraisal practice. Market value is differentiated from other types of value in that it is created by the collective patterns of the market. Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: 1) A reasonable time is allowed for exposure in the open market; 2) Both parties are well informed or well advised, and acting in what they consider their own best interests; 3) Buyer and seller are typically motivated; 4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.§

marketing period The time it takes an interest in real property to sell on the market subsequent to the date of an appraisal. ‡

net lease Lease in which all or some of the operating expenses are paid directly by the tenant. The landlord never takes possession of the expense payment. In a *Triple Net Lease* all operating expenses are the responsibility of the tenant, including property taxes, insurance, interior maintenance, and other miscellaneous expenses. However, management fees and exterior maintenance are often the responsibility of the lessor in a triple net lease. A *modified net lease* is one in which some expenses are paid separately by the tenant and some are included in the rent.

net rentable area (NRA) 1) The area on which rent is computed. 2) The Rentable Area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building. Include space such as mechanical room, janitorial room, restrooms, and lobby of the floor. *

occupancy rate The relationship or ratio between the income received from the rented units in a property and the income that would be received if all the units were occupied.‡

prospective value opinion A forecast of the value expected at a specified future date. A prospective value opinion is most frequently sought in connection with real estate projects that are proposed, under construction, or under conversion to a new us, or those that have not

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achieved sellout or a stabilized level of long-term occupancy at the time the appraisal report is written. ‡

reasonable exposure time The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based upon an analysis of past events assuming a competitive and open market. ††

rent
See
full service lease
net lease
market rent
contract, coupon, face, or nominal rent
effective rent

shell rent The typical rent paid for retail, office, or industrial tenant space based on minimal "shell" interior finishes (called plain vanilla finish in some areas). Usually the landlord delivers the main building shell space or some minimum level of interior build-out, and the tenant completes the interior finish, which can include wall, ceiling, and floor finishes; mechanical systems, interior electric, and plumbing. Typically these are long-term leases with tenants paying all or most property expenses. ‡

surplus land Land not necessary to support the highest and best use of the existing improvement but, because of physical limitations, building placement, or neighborhood norms, cannot be sold off separately. Such land may or may not contribute positively to value and may or may not accommodate future expansion of an existing or anticipated improvement. *See also* excess land. ‡

usable area 1) The area actually used by individual tenants. 2) The Usable Area of an office building is computed by measuring to the finished surface of the office side of corridor and other permanent walls, to the center of partitions that separate the office from adjoining usable areas, and to the inside finished surface of the dominant portion of the permanent outer building walls. Excludes areas such as mechanical rooms, janitorial room, restrooms, lobby, and any major vertical penetrations of a multi-tenant floor. *

use value Use value is a concept based on the productivity of an economic good. Use value is the value a specific property has for a specific use. Use value focuses on the value the real estate contributes to the enterprise of which it is a part, without regard to the property's highest and best use or the monetary amount that might be realized upon its sale. †

value indication An opinion of value derived through application of the appraisal process. ‡

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† *The Appraisal of Real Estate*, Thirteenth Edition, Appraisal Institute, 2008.

‡ *The Dictionary of Real Estate Appraisal*, Fourth Edition, Appraisal Institute, 2002.

§ Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

* 2000 BOMA Experience Exchange Report, Income/Expense Analysis for Office Buildings (Building Owners and Managers Association, 2000)

†† *Statement on Appraisal Standard No. 6*, Appraisal Standards Board of The Appraisal Foundation, September 16, 1993, revised June 15, 2004.

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ADDENDUM B

ADDITIONAL SUBJECT PHOTOGRAPHS

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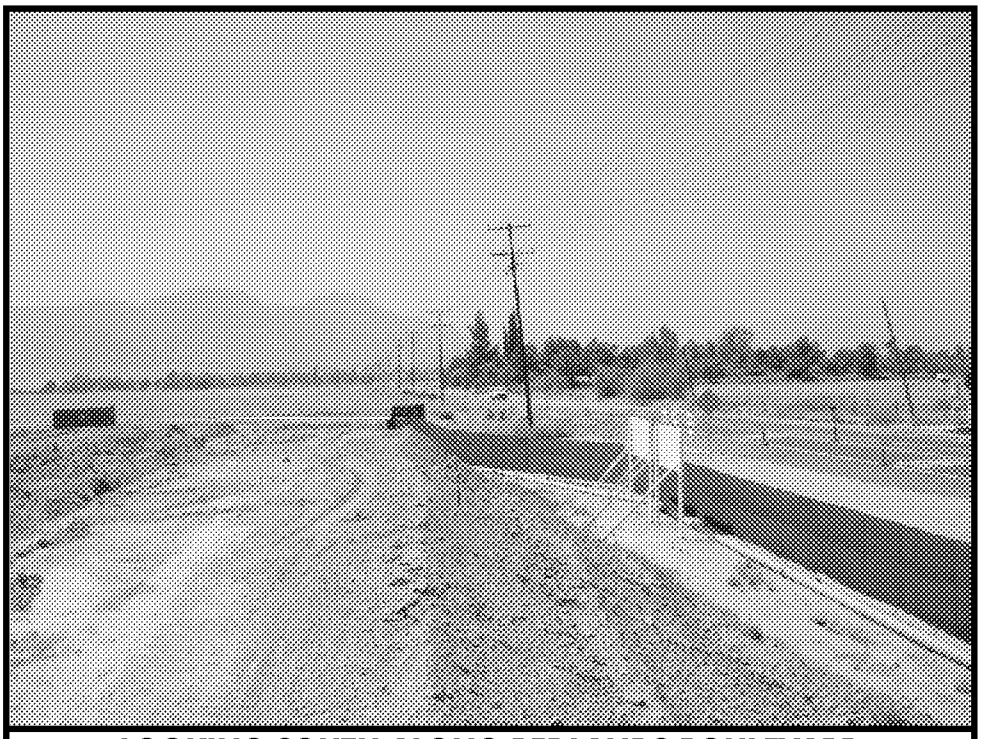

LOOKING SOUTH ALONG REDLANDS BOULEVARD

VIEW OF PARCEL 2 FROM SOUTHWEST

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LOOKING NORTH ALONG REDLANDS BOULEVARD

LOOKING NORTH ALONG THEODORE AVENUE

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VIEW OF PARCEL 4 FROM THEODORE AVENUE

STORM DRAIN UNDER CONSTRUCTION

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ADDENDUM C

COMPARABLE LAND SALES - INDUSTRIAL

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Fleetwood Motor Homes of Calif. Inc. Excess

Location Data

Location:	**5425 Wilson Street**
	Unincorp. Riverside,CA 92509
County:	**Riverside**
Assessor's Parcel No:	**175-180-013;175-190-021,-025**
Atlas Ref:	**645-G6**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**18.7300**	**18.7300**
Square Feet:	**815,879**	**815,879**

Topography:	**Level, At Street Grade**
Shape:	**Rectangular**
Utilities:	**All to site**
Zoning:	**M-H**
Allowable Bldg Area:	**N/A**
Floor Area Ratio:	**N/A**
No. of units:	**N/A**
Max FAR:	**N/A**
Frontage:	**N. side of Wilson St. - 1470';**

Sale Data

Transaction Type:	**Sale**
Date:	**4/2010**
Marketing Time:	**9 months**
Grantor:	**Fleetwood Motor Homes of Calif**
Grantee:	**Crst Van Expedited Inc.**
Document No.:	**0188648**
Sale Price:	**$4,976,861**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$4,976,861**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$4,976,861**
Verification:	**Confidential**

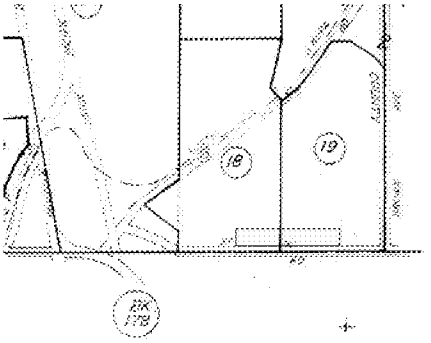

MAP INDEX

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$265,716**
Price Per SF of Land:	**$6.10**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Comments

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

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NWC Santa Ana & Willow Dominion Re-Sale

Location Data

Location:	**NWC Santa Ana Avenue and Willow Rialto,CA 92316**
County:	**San Bernardino**
Assessor's Parcel No:	**0258-031-10 & 11**
Atlas Ref:	**645-G1**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**17.7839**	**17.7839**
Square Feet:	**774,666**	**774,666**
Topography:	**Level, At Street Grade**	
Shape:	**Rectangular**	
Utilities:	**All to Site**	
Zoning:	**Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**1024 ft - Santa Ana Avenue; 411 ft - Willow Avenue, 616 ft - Lilac**	

Analysis

Use At Sale:	**Vacant**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$362,687**
Price Per SF of Land:	**$8.33**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**1/2010**
Marketing Time:	**N/A**
Grantor:	**CRST Van Expidted, Inc. (CRST**
Grantee:	**STRETCH ACQUISITIONS LLC**
Document No.:	**8691**
Sale Price:	**$6,450,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$6,450,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$6,450,000**
Verification:	**Broker: Tal Siglar 909-980-1234 & Public Record**

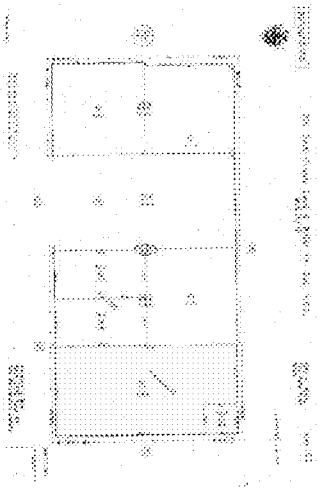

Comments

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site. The October 2007 sale to August 2009 sales price implies a 57.4 percent decline in the value over the approximate two-year period.

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INDUSTRIAL LAND SALE No. 3

Winco Beaumont

Location Data

Location:	**NWC 4th & Nicholas**
	Beaumont,CA 92223
County:	**Riverside**
Assessor's Parcel No:	**421-060-006,7**
Atlas Ref:	**720 F3**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**157.3100**	**132.1260**
Square Feet:	**6,852,424**	**5,755,410**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**Light Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Build to suit warehouse**
Price Per Acre:	**$265,716**
Price Per SF of Land:	**$6.10**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**3/2010**
Marketing Time:	**N/A**
Grantor:	**Fourth and B, LLC (Prologis)**
Grantee:	**High Desert Partners LLC (Winco)**
Document No.:	**0127844**
Sale Price:	**$35,108,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$35,108,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$35,108,000**
Verification:	**Cushman & Wakefield: Chuck Belden 909-980-7788**

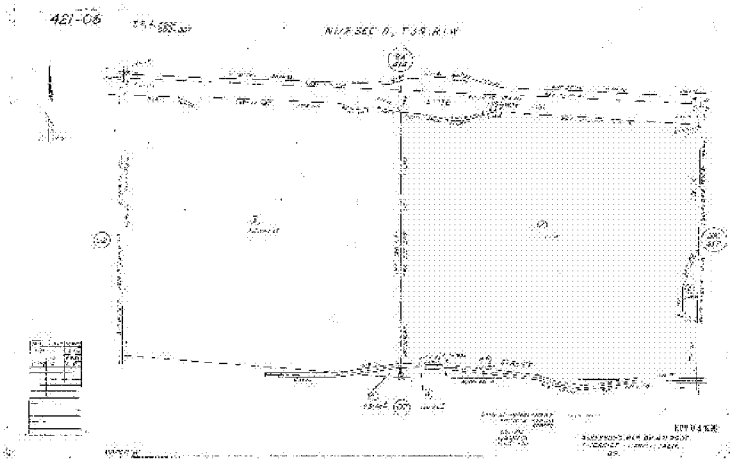

Comments

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis, reportedly took a loss based on their cost basis of $2.25 per square foot of site area. The buyer will build a warehouse/distribution to their specifications on the site.

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Listing - General Industrial (Heavy Use)

Location Data

Location:	**Btwn Markham/Nance, W. of Indian Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**302-030-003, 006**
Atlas Ref:	**747-G7**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**19.0800**	**19.0800**
Square Feet:	**831,125**	**831,125**

Topography:	**Generally Level**
Shape:	**Rectangular**
Utilities:	**Some to the site**
Zoning:	**Industrial**
Allowable Bldg Area:	**N/A**
Floor Area Ratio:	**N/A**
No. of units:	**N/A**
Max FAR:	
Frontage:	**600' Markham Street; 600' Nance Street**

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$230,188**
Price Per SF of Land:	**$5.28**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**2 months**
Grantor:	**Doka USA**
Grantee:	**TBD**
Document No.:	**N/A**
Sale Price:	**$4,392,000**
Financing:	**Not Available**
Cash Eq.Price:	**$4,392,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$4,392,000**
Verification:	**Herrick Johnson - Broker**

Comments

This is the listing of a a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

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Listing - Industrial Site

Location Data

Location:	**SEC Sycamore Canyon Blvd. & Box Riverside,CA 92507**
County:	**Riverside**
Assessor's Parcel No:	**263-020-053**
Atlas Ref:	**716-H2**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**8.0500**	**8.0500**
Square Feet:	**350,658**	**350,658**
Topography:	**Generally Level**	
Shape:	**Rectangular**	
Utilities:	**All to the site**	
Zoning:	**Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**Sycamore Canyon Boulevard; Box Springs Boulevard**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$261,360**
Price Per SF of Land:	**$6.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**18 months**
Grantor:	**N/A**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$2,103,948**
Financing:	**Not Available**
Cash Eq.Price:	**$2,103,948**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$2,103,948**
Verification:	**Erik Wanland - Broker**

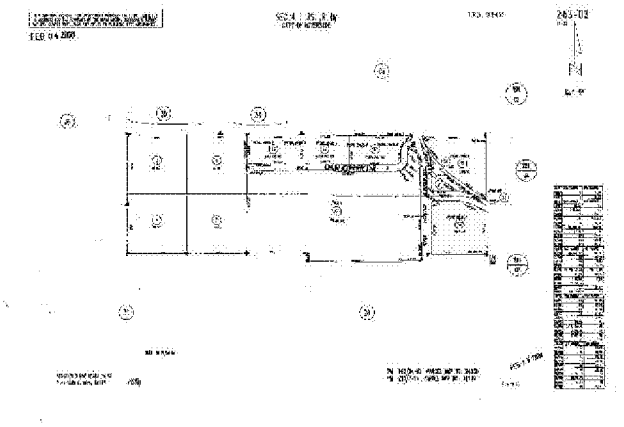

Comments

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

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ADDENDUM D

COMPARABLE LAND SALES – COMMERCIAL

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2.31-Acre Commercial Site

Location Data

Location:	**N/S Village Road, W/O Sunnymead Moreno Valley,CA 92557**
County:	**Riverside**
Assessor's Parcel No:	**260-460-006**
Atlas Ref:	**687-D5**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.3100**	**2.3100**
Square Feet:	**100,624**	**100,624**
Topography:	**Hilly**	
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**C-24**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:	**N/A**	
Frontage:	**Village Road;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Hold for future retail**
Price Per Acre:	**$259,740**
Price Per SF of Land:	**$5.96**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**7/2009**
Marketing Time:	**N/A**
Grantor:	**SVH Moreno Valley LLC**
Grantee:	**ADR/Preferred Business**
Document No.:	**0392094**
Sale Price:	**$600,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$600,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$600,000**
Verification:	**Katherine Hunt - Lee & Assoc - 951-276-3645**

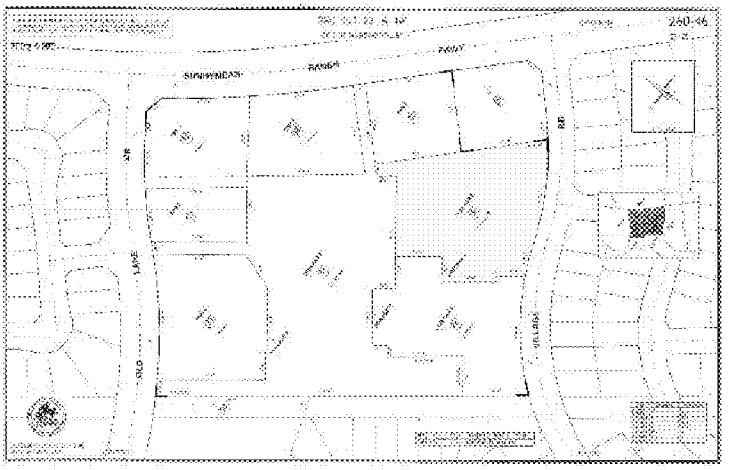

Comments

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3 percent decline in value.

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Commercial Site

Location Data

Location:	**SWC Slover Ave & Sierra Ave Fontana,CA 92335**
County:	**San Bernardino**
Assessor's Parcel No:	**0255-041-26**
Atlas Ref:	**604-J7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.5200**	**2.0200**
Square Feet:	**109,771**	**87,991**

Topography:	**Generally Level**
Shape:	**Rectangular**
Utilities:	**All Available**
Zoning:	**C-1**
Allowable Bldg Area:	**N/A**
Floor Area Ratio:	**N/A**
No. of units:	**N/A**
Max FAR:	
Frontage:	**Slover Avenue - 446 Feet; Sierra Avenue - 244 Feet**

Sale Data

Transaction Type:	**Sale**
Date:	**8/2009**
Marketing Time:	**9 months**
Grantor:	**Sierra Center South Fontana, LLC**
Grantee:	**Sierra Corner LLC**
Document No.:	**0435296**
Sale Price:	**$1,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,500,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,500,000**
Verification:	**Grant Deed, Buyer**

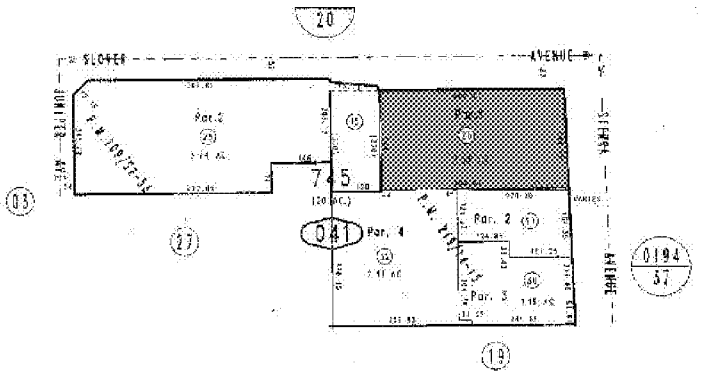

Analysis

Use At Sale:	**Raw Land**
Proposed Use or Dev.	**Commercial Development**
Price Per Acre:	**$742,574**
Price Per SF of Land:	**$17.05**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Comments

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a 0.50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the 0.50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

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Med-Office Development Site

Location Data

Location:	**2120 Medical Center Drive San Bernardino,CA 92411**
County:	**San Bernardino**
Assessor's Parcel No:	**0143-191-63**
Atlas Ref:	**576-C4**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.1900**	**2.1900**
Square Feet:	**95,396**	**95,396**
Topography:	**Level, At Street Grade**	
Shape:	**Rectangular**	
Utilities:	**All to site**	
Zoning:	**C0-1 commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**305' Medical Center Dr.;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Medical Office**
Price Per Acre:	**$479,452**
Price Per SF of Land:	**$11.01**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**11/2009**
Marketing Time:	**20 months**
Grantor:	**John S Edmunds**
Grantee:	**Redevelopment Agency of San**
Document No.:	**523322**
Sale Price:	**$1,050,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,050,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,050,000**
Verification:	**Broker, Shiva Monify @ Sperry - 310 500-3329**

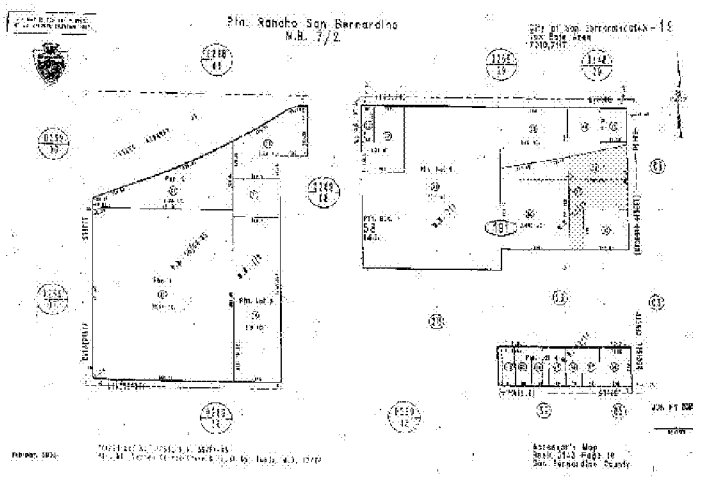

Comments

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage.
The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

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Nuevo Crossing - Failed Escrow

Location Data

Location:	**SEC 215 Freeway & Nuevo Road Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**311-050-002/037**
Atlas Ref:	**777-G7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**7.8400**	**7.8400**
Square Feet:	**341,510**	**341,510**
Topography:		
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**Commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**215 Freeway; Nuevo**	

Analysis

Use At Sale:	**Entitled/Proposed Retail**
Proposed Use or Dev.	**Future Retail Development**
Price Per Acre:	**$435,599**
Price Per SF of Land:	**$10.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**6/2010**
Marketing Time:	**12 months**
Grantor:	**Nuevo South FSB (Bank Owned)**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$3,415,100**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$3,415,100**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$3,415,100**
Verification:	**Confidential**

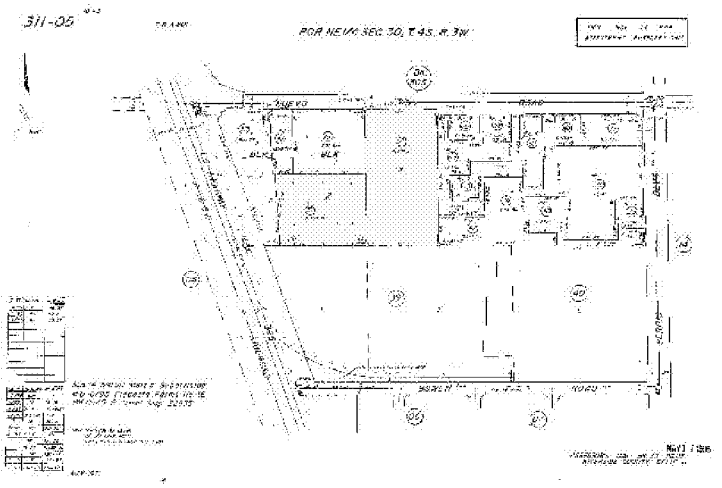

Comments

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

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Vacant Murrieta Land

Location Data

Location:	**E/S of Monroe Avenue**
	Murrieta,CA 92562
County:	**Riverside**
Assessor's Parcel No:	**910-020-014**
Atlas Ref:	**928-D7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**10.5500**	**10.5500**
Square Feet:	**459,558**	**459,558**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**MU-2**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Private Education Center**
Price Per Acre:	**$590,047**
Price Per SF of Land:	**$13.55**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**6/2009**
Marketing Time:	**N/A**
Grantor:	**RSC &C, LLC**
Grantee:	**Murrieta Education Center, LLC**
Document No.:	**0316279**
Sale Price:	**$4,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$4,500,000**
Onsite/Offsite Costs:	**$1,725,000**
Adj. Sale Price:	**$6,225,000**
Verification:	**Broker, Fred Grimes-G&E**
	951.491.6300

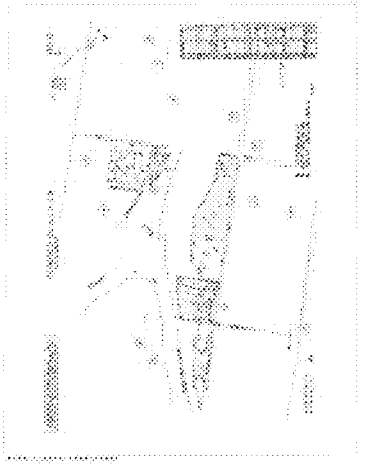

Comments

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography It was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

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Physician's Hospital Site

Location Data

Location:	**34965 Walt Road**
	Murrieta,CA 92563
County:	**Riverside**
Assessor's Parcel No:	**384-240-006**
Atlas Ref:	**898 F4**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.1600**	**2.1600**
Square Feet:	**94,090**	**94,090**
Topography:	**Level, At Street Grade**	
Shape:	**Rectangular**	
Utilities:	**All to Site**	
Zoning:	**Commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**Walt Road; Joan Dunn Lane**	

Sale Data

Transaction Type:	**Sale**
Date:	**4/2009**
Marketing Time:	**3 months**
Grantor:	**Mark E. & Marcelina A. Balden**
Grantee:	**Physicians Hospital of Murrieta,**
Document No.:	**164266**
Sale Price:	**$1,002,054**
Financing:	**Not Available**
Cash Eq.Price:	**$1,002,054**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,002,054**
Verification:	**Costar, Public Records, broker, Fred Grimes G&E 951-491-6300**

Analysis

Use At Sale:	**Vacant**
Proposed Use or Dev.	**Hospital**
Price Per Acre:	**$463,913**
Price Per SF of Land:	**$10.65**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Comments

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

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ADDENDUM E

TENTATIVE PARCEL MAP

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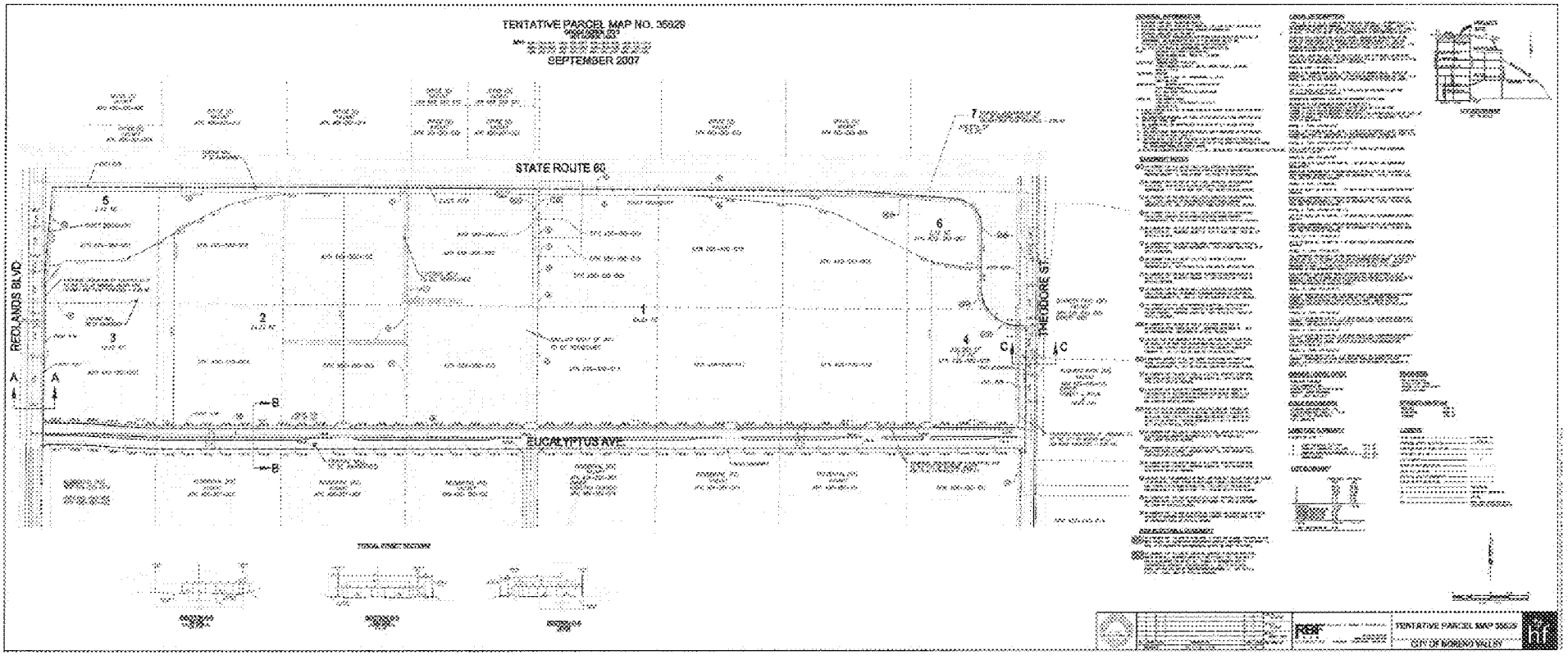

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ADDENDUM F

LAND IMPROVEMENT COSTS

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HFCP Land Improvement Costs

		Parcel 1	Parcels 2 - 4	Total
Parcel Acreage		83	42	125
Infrastructure Costs				
	Avg. Cost per Acre			
Hard Costs				
Site Clearing	*3,432*	283,456	145,692	429,149
Rough Grading	*21,314*	1,760,289	904,762	2,665,051
Sewer	*6,436*	531,573	273,220	804,793
Domestic Water	*9,392*	775,656	398,675	1,174,331
Recycled Water	*2,203*	181,928	93,508	275,436
Storm Drain	*28,561*	2,358,823	1,212,399	3,571,222
Streets	*24,031*	1,984,757	1,020,135	3,004,891
Walls	*1,023*	84,457	43,409	127,866
Dry Utilities	*20,696*	1,709,311	878,560	2,587,870
Landscape	*19,405*	1,602,677	823,752	2,426,429
Repair & Replace	*424*	34,985	17,982	52,967
Subtotal	*136,916*	11,307,911	5,812,094	17,120,005
Soft Costs and Contingency				
Engineering & Design (25%)	*34,229*	2,826,978	1,453,023	4,280,001
Fees (10%)	*13,692*	1,130,791	581,209	1,712,001
Contingency (10%)	*13,692*	1,130,791	581,209	1,712,001
Subtotal	*61,612*	5,088,560	2,615,442	7,704,002
Total	*198,529*	16,396,471	8,427,536	24,824,007
*Incurred thru 8/24/10 **		*8,062,482*	*4,143,993*	*12,206,474*
Cash Outlays				
Total		20,099,590	4,724,418	24,824,007

* 100% of site clearing and rough grading, 67% of sewer, 50% of domestic water, 75% of storm drain, 28% of dry utilities, 83% of engineering design and 62% of fees. All work required for occupancy of the Skechers building will be completed by March 2011.

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ADDENDUM G

QUALIFICATIONS

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QUALIFICATIONS OF WILLIAM K. BEBERNES, MAI
FIRST VICE PRESIDENT

CB RICHARD ELLIS
Valuation & Advisory Services
3501 Jamboree Road, Suite 100
Newport Beach, California 92660-2940
(949) 725-8413
william.bebernes@cbre.com

GENERAL EDUCATION

Bachelor of Science, Accounting - San Diego State University, San Diego 1977

REAL ESTATE EDUCATION

All required courses for the MAI designation
Attended numerous seminars sponsored by the Appraisal Institute

PROFESSIONAL ASSOCIATIONS

Member, Appraisal Institute (MAI)
California OREA General Certification No. AG003287

EMPLOYMENT

CB Richard Ellis, Inc. - Appraisal 1986-Present
Senior Real Estate Analyst

Lloyds Bank California - Senior Appraiser, Income Properties 1985

Bank of America - Senior Appraiser 1983-1985

Lewis Homes California
Financial Analyst, Cost Accountant 1980-1983

PROFESSIONAL EXPERIENCE

Appraisal and consulting experience includes the following types of properties:

- Office buildings
- Industrial buildings
- Golf courses
- Apartment projects
- Shopping centers
- Hotels
- Land – all types
- Special purpose properties

Qualified as an expert witness

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STATE OF CALIFORNIA

Business, Transportation & Housing Agency

OFFICE OF REAL ESTATE APPRAISERS

REAL ESTATE APPRAISER LICENSE

OREA APPRAISER IDENTIFICATION NUMBER AG003287

WILLIAM K. BEBERNES

has successfully met the requirements for a license as a general real estate appraiser in the State of California and is, therefore, entitled to use the title "Certified General Real Estate Appraiser".

This license has been issued in accordance with the provisions of the Real Estate Appraisers' Licensing and Certification Law.

OFFICE OF REAL ESTATE APPRAISERS

Bob Clark

Date Issued: June 17, 2010

Date Expires: June 16, 2012

Audit No. 126203

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THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO SEE. SAFE AND VERIFY FIRST.

MV00075139

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "A"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Nida Benzgam (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/her~~/their~~ authorized capacity(~~ies~~), and that by his/her~~/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

LORINNE J. PHILLIPS
COMM #1868855
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Signature: Lorinne J. Phillips
(Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1666065
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

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CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1.5.10 (Date) before me: Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adds Bergan (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1888955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Parcel Map No. 35629

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map No. 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The plot plan provides for establishment of a business park development consisting of buildings, internal circulation, parking and various site amenities.

Also on the August 24, 2010 Agenda, before the City Council for the City of Moreno Valley by separate staff report, is staff's recommended approval for two Public Improvement Agreements and securities for the remaining public improvements. The Public Improvement Agreements and securities are broken down by Phase 1 and Phase 2 and 3.

DISCUSSION

Parcel Map No. 35629 is in conformance with the tentative parcel map, and the developer has requested that the parcel map be approved for recordation. The developer has entered into Public Improvement Agreements and posted security for public improvements in accordance with the project conditions of approval. The developer has agreed to perform and complete all of the required improvements within twenty-four (24) months of the date the Public Improvement Agreements are executed. The City Engineer is authorized to execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Highland Fairview Final Parcel Map.doc

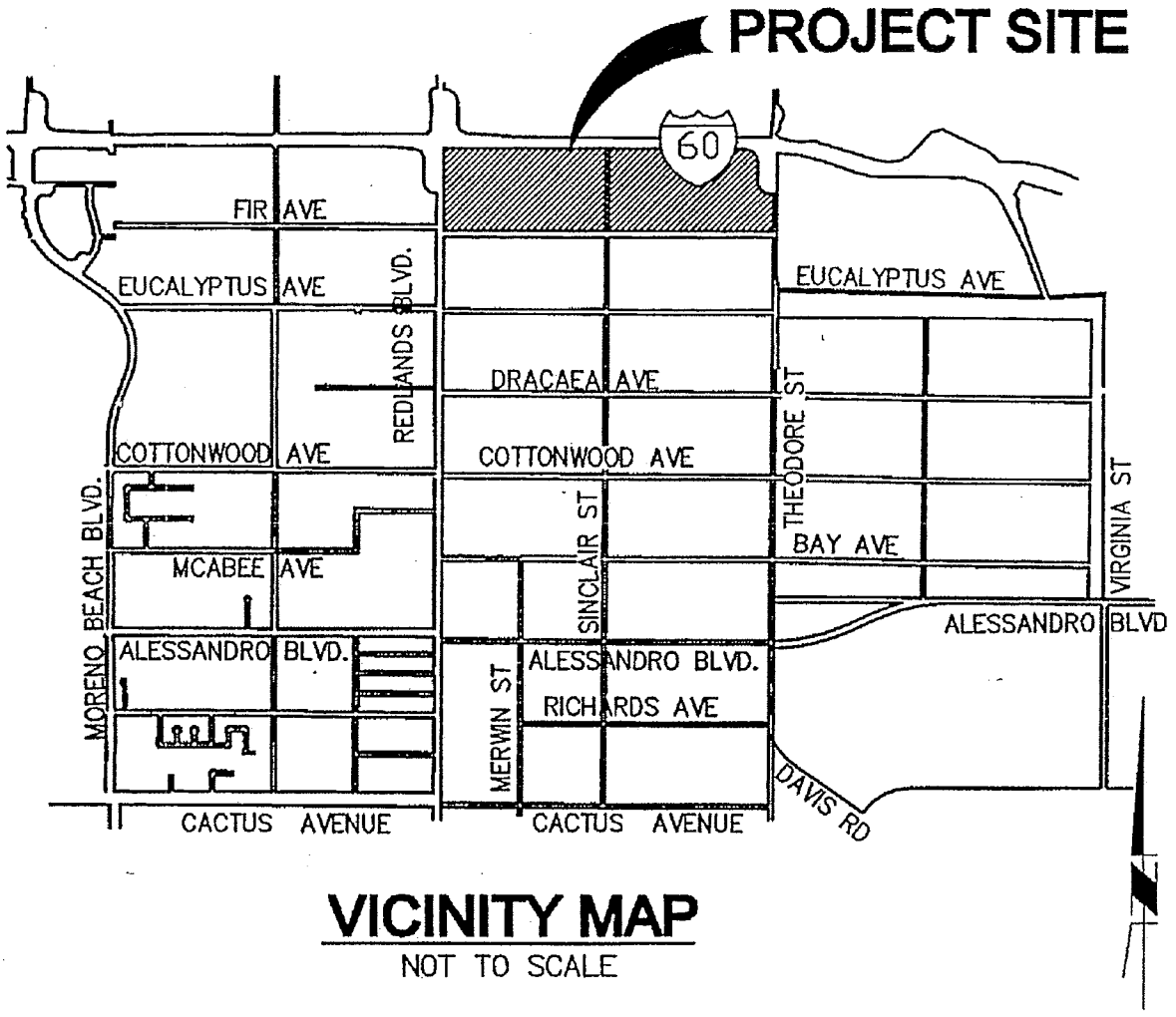

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	Parcel Map No. 35629 VICINITY MAP

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Second Amendment and Reinstatement Independent Contractor Agreement

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

The City executed a contract for service in July 2007 with Willdan for Plan Check and Inspection Services to be provided for the Building & Safety Division. The term of the contract was for three years, with provisions for two one-year extensions. The initial contract was effective July 2007 through June 30, 2010.

DISCUSSION

The executed contract allows for the extension of the contract twice for one year each beyond the initial three year contracting period. This would be the first extension to the contract for a one year period to end concurrent with the fiscal year ending June 30, 2011.

ALTERNATIVES

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement

2. Elect not to approve the Second Amendment and Reinstatement Independent Contractor Agreement which would leave the Division without a vendor for Plan Check and Inspection Services.

FISCAL IMPACT

The approved budget for Fiscal Year 2010/11 includes $220,000 for contract services. All services provided under this agreement are fully recovered from the applicant for the construction permit

CITY COUNCIL GOALS

The Building & Safety Division is integral to the City Councils' Public Safety Goal as described "Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

SUMMARY

The City has utilized outside vendors for Plan Check and Inspection Service to better meet the variable work load currently experienced. By continuing the agreement for as needed services the Division is better able to control costs and provide prompt professional service to our customers

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Attachment A Second Amendment and Reinstatement Independent Contractor Agreement

Prepared By:
Anne Schneider, PE
Building & Safety Division Manger/ Building Official

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

City of Moreno Valley

SECOND AMENDMENT AND REINSTATEMENT
INDEPENDENT CONTRACTOR AGREEMENT

RECITALS:

Whereas, the City and Contractor entered into an Agreement entitled "INDEPENDENT CONTRACTOR AGREEMENT," hereinafter referred to as "Agreement," dated July 1, 2007.

Whereas, the Contractor is providing services as more specifically described in the Agreement.

Whereas, the Agreement ending date is June 30, 2010. This amendment and reinstatement will extend the agreement into the fourth year to June 30, 2011.

This Agreement is made by and between the City of Moreno Valley, California, a municipal corporation, hereinafter referred to as the "City", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon City policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

This Agreement is made and entered into effective the date the City signs this Agreement.

1. CONTRACTOR INFORMATION

Contractor's Name:	Willdan		
Address:	650 Hospitality Lane, Suite 400		
City:	San Bernardino	State: CA	Zip: 92408
Business Phone:	(909) 386-0200	Fax No.	(909) 888-5107

ATTACHMENT A

2. CONTRACTOR SERVICE, FEES, AND RELEVANT DATES

A. The Contractor's scope of service are described in Exhibit "A" (Contractor's proposal) attached hereto and incorporated herein by this reference.

B. Payment terms are provided in Exhibit "B" attached hereto and incorporated herein by this reference.

C. The Contractor starting Date is July 1, 2007, and the Contractor Ending Date is June 30, 2011. If mutually agreeable, the City and Contractor may extend this agreement in increments of one year, not to exceed a total contract period of five (5) years. The City acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

3. STANDARD TERMS AND CONDITIONS

A. Control of Work. Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The City will not provide any training to Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services is paid by the Contractor, an agent or employee of the City, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the City, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the City.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the City. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Agreement, with the exception that the City shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law (See California Labor Code Sections 1770 through 1777.7).

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Agreement.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable

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attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Agreement to the extent resulting from Contractor's negligence, recklessness or willful misconduct. Acceptance of this Agreement signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible or such coverage.

F. City Indemnification. The City agrees to indemnify, defend and save the Contractor and its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the service or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided; however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the City, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII – Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

■ General Liability Insurance – to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, sub-Contractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/$2,000,000 aggregate
Property Damage	$500,000 per occurrence/$500,000 aggregate

■ Professional Errors and Omission Insurance – such coverage shall not be less than $1,000,000 per claim and aggregate.

■ Worker's Compensation Insurance – in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the City, RDA, and CSD against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage

MV00075158

may be waived if the Contractor is determined to be functioning as a sole proprietor and the City provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Agreement.

■ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/CSD/RDA premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

□ Insurance requirements waived with Risk Manager's approval.

□ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "D" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City or Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Agreement, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the City unless explicitly stated otherwise in this Agreement. The Contractor may retain copies of any and all material, including drawings, documents, and

specifications produced by the Contractor in performance of this Agreement. The City and the Contractor agree that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties. Assignment of this Agreement is prohibited without prior written consent.

J. Termination. Either party may terminate this Agreement upon breach of the Agreement by the other party. In the event the City terminates the Agreement, the Contractor shall perform no further services under the Agreement unless the notice of termination authorizes such further work.

K. Payment. Payments to the Contactor pursuant to this Agreement will be reported to Federal and State taxing authorities as required. The City will not withhold any sums from compensation payable to Contractor. Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contactors time and materials charges under the Agreement. Upon reasonable notice, such records must be made available to the City's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Agreement.

L. Restrictions on City Employees. The Contractor shall not employ any City employee or official in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state or local Law.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall govern the interpretation of this Agreement. Any legal proceeding arising from this Agreement shall be brought in the appropriate court located in Riverside County, State of California.

SIGNATURE PAGE TO FOLLOW

MV00075160

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

City of Moreno Valley

By: _____
Mayor

Date: _____

Attest:

_____
City Clerk

Contractor: Willdan Engineering

By: _____
Ronald L. Espalin, PE

Title: Director of Building & Safety

Date: August 9, 2010

Approved as to Legal Form:

By: _____
City Attorney

Date: 8.9.10

RECOMMENDED FOR APPROVAL:

By: _____
Kyle Kollar
Interim Community
Development Director

Date: 8/10/11

Attachments:
Exhibit A: Proposal for Building & Safety Plan Check Services
Exhibit B: Terms of Payment

MV00075161

EXHIBIT A

PROPOSAL

Building & Safety Plan Check Services

MORENO VALLEY

City of Moreno Valley

650 Hospitality Lane, Suite 400 ▪ San Bernardino, CA 92408 ▪ 909.386.0200 ▪ 909.888.5107 Fax
www.willdan.com

Submitted by:

WILLDAN
Serving Public Agencies

April 3, 2007

WILLDAN
Serving Public Agencies

650 Hospitality Lane, Suite 400
San Bernardino, California 92408-3317
909/386-0200 fax 909/888-5107
www.willdan.com

April 3, 2007

Ms. Ruth Nelson, CPPB
Buyer II
CITY OF MORENO VALLEY
15670 Perris Boulevard
Moreno Valley, CA 92552

Subject: Proposal to Provide Building and Safety Plan Review Services
RFP # 06/07 - 05

Dear Ms. Nelson:

Willdan welcomes the opportunity to present this proposal to continue to provide building and safety plan check services for the City of Moreno Valley. While our exceptional services are presented in the proposal, listed below are reasons why Willdan is qualified to perform this service to the City.

- Willdan currently provides building and safety plan check services to the City of Moreno Valley; therefore our local staff is familiar with the City's standards of performance and procedures.
- Willdan offers all disciplines the City may require with on-staff personnel. No subconsultants will be needed for any required services.
- Willdan provides no private sector engineering services, therefore there is no conflict of interest.
- Willdan staff will be prepared to attend all required meetings at City Hall either the same day, or within 24 hours notice.

Our approach to each assignment is to furnish the client with technical assistance and strong project management in a professional, efficient and economical manner. We are looking forward to continuing to provide these services to the City of Moreno Valley. This proposal shall remain valid and binding for ninety (90) days from the date of submittal.

Respectfully submitted,
WILLDAN

Ronald L. Espalin, PE
Senior Vice President

TABLE OF CONTENTS

PAGE

EXECUTIVE SUMMARY 3

STATEMENT of QUALIFICATIONS 4

SCOPE OF SERVICES 5

RELATED EXPERIENCE/REFERENCES 7

STAFF 9
Organization Chart 10
Resumes 11

COMPENSATION 17

Willdan can offer the City of Moreno Valley significant experience in providing Building and Safety Plan Check services. Our Building and Safety experience includes plan review and inspection of major structures for numerous cities in Southern California and, in addition, the majority of our staff were previous employees of public agencies in Southern California. This public sector consulting orientation provides our staff with insight into the needs and problems of public agencies and their constituents, resulting in a high level of responsiveness to members of the public.

Willdan differs from most other engineering consulting firms in that we specialize in offering consulting services primarily to city, county and other governmental entities, thereby alleviating any possibility for conflict of interest. Each Willdan office is staffed with highly qualified professionals representing a broad range of disciplines who are fully cognizant of National, State and local codes and regulations and who are in a position to respond to the particular needs of specific geographic areas. All of our key staff members were previously employed by public agencies and have strong backgrounds in all aspects of building and safety services.

The firm's complete list of services includes: building and safety, public works, construction management, inspection, civil engineering, urban and environmental planning, traffic engineering and transportation planning, bridge and structure design, highway and rail engineering, drainage and flood control, real property services, computer-aided analysis and design, landscape architecture, facility financing, geotechnical engineering services, and surveying.

Willdan, Arroyo Geotechnical, and MuniFinancial are the three-company public service team that has grown from the 1964 establishment of Willdan Engineering, known today as *The WILLDAN Group of Companies.* This "group of companies" provides civil and structural engineering, planning, financial and economic consulting, and geology and geotechnical engineering services for more than 400 public sector clients throughout Arizona, California, and Nevada.

WILLDAN Serving Public Agencies is a full-service civil engineering and planning firm. Whether on a full-time basis, an interim part-time basis, or in consultation, project-by-project, Willdan's broad professional range and depth of staffing allows the company to economically streamline projects from concept through design, inspection and management. Willdan is also a well-established provider of building and safety and plan check services for city, county, and state governments.

ARROYO GEOTECHNICAL offers a full complement of geology/geotechnical engineering capabilities, including soils engineering, earthquake and seismic hazard studies, geology and hydrogeology engineering. Arroyo Geotechnical also maintains a full-service geotechnical laboratory.

MuniFinancial A WILLDAN COMPANY provides financial and economic consulting for growth planning, revenue generation, debt administration and municipal services, with specialties such as ongoing municipal disclosure and arbitrage rebate compliance. Established in 1988, MuniFinancial has worked with more than 500 public agencies throughout the United States.

Since its establishment in 1964, Willdan has expanded in size, location, and service capabilities through its system of regional offices. Each office is staffed with highly qualified professionals who are fully aware of local influences and regulations and are in a position to respond to particular needs of specific geographic areas.

Today, the firm provides a full range of engineering and planning services. A staff of 400 professional and technical experts include specialists in municipal engineering, highway and freeway engineering, structural engineering, drainage and flood control, traffic and transportation engineering, construction management, building and safety services, urban and regional planning, environmental planning, water resources, water and wastewater engineering, growth management planning, surveying, assessment engineering, landscape architecture, computer-aided analysis and design, and other technical fields. Services are provided on an "as-needed" basis; a full-time, in-house basis; and on a specific project basis.

Willdan specializes in providing professional building, engineering, and planning services to municipalities. The firm has been providing building and safety services to cities and counties on a contract basis since 1979.

Willdan presently serves in the capacity of Building Official in more than 20 cities throughout California. In this capacity, we provide a full range of services including plan review, permit issuance, inspection and code enforcement. We service client needs from an occasional overload plan review to staffing an entire Building Department. Willdan has gained a great deal of municipal insight and expertise in serving our extensive clientele over the years. We have performed plan review and inspection on projects ranging from single family residential additions to complex high rise towers, medical facilities and industrial centers.

Willdan's experience and strength in building and safety plan check encompasses the complete range of technical disciplines, that is, structural engineering plan check, fire-life safety, electrical, plumbing and mechanical codes, the Title 24 codes, as well as local amendments to the adopted codes.

SCOPE OF SERVICES

Plan Check Services

Willdan will examine building plans for compliance with the adopted version of the California Building Code, California Mechanical Code, California Plumbing Code, National Electrical Code, and the Accessibility, Noise and Energy Conservation requirements as mandated by State Title 24 and all applicable Ordinances. Our approach to the plan check process includes attention to code requirements as well as an overview of the application package for other applicable requirements such as approvals from other local agencies and districts. Willdan's plan checkers are registered engineers and certified plans examiners. All plan review will comply with the City's directives, codes and policies. Plan check will include a review of any or all of the following design elements as determined by the City:

- Architectural and life-safety
- Structural
- Electrical
- Plumbing
- Mechanical
- Energy Conservation Regulations (Title 24)
- Disabled Access Regulations (C.B.C. - T-24)

Turn-Around Schedule

Typical turn-around time for the initial plan check is ten working days (15 days for projects of $3,000,000 or greater valuation), 5 days for rechecks. This schedule is applicable for all types of construction and can be adjusted to serve the City in the most efficient manner. Willdan will provide expedited plan review if requested at no additional cost to the City.

Willdan staff will either pick up the plans from the City, or have them overnighted to our office at no cost to the City. All plans will be returned to the City either by messenger or overnight delivery at no cost to the City.

Willdan will notify each applicant with **two** complete sets of typewritten plan check letters outlining the documents reviewed, instructions to the applicant regarding the processing of documents, and a listing of plan check comments. The plan check comments will refer to appropriate sheets, details or calculations pages and the code section of concern. Comments shall specify the apparent code violation.

Plan checkers will be available during work hours to discuss and clarify plan check issues with designers, owners and contractors. Plan checkers will be prepared to attend all required meetings at a location determined by the City and/or applicant, either the same day as requested, or within 24 hours notice.

Resolutions of code issues may be accomplished by telephone, or meetings prior to resubmitting corrected plans and documents. Plan checkers will attend all required meetings as deemed necessary by the City Building Official. During unforeseen high work load periods, Willdan will employ company-wide resources to ensure that all plan review is being performed in the specific time allowed.

Grading Plan Review and Inspection
If requested by the City, Willdan can provide grading plan review and inspection services. Grading plan review includes:

- **Rough Grading Plans** will be reviewed to assure conformance with City codes, written policies and standard specifications. The review will also assure conformance with the approved tentative map and conditions of approval for the project.

- **Grading Plans** will be reviewed for compliance with the recommendations, specifications and details contained in the submitted soils report and to assure that all appropriate details are shown on the plans. Quantity calculations will be reviewed to assure accuracy and completeness.

- **Precise Grading Plans** will be reviewed to verify positive drainage to an approved outlet. Where deepened footings are required due to the lot grading, the extent and depth of the needed deepened footing will be clearly noted on each footprint. Erosion control measures for manufactured slopes will be reviewed to verify that the landscaping and irrigation measures are adequate. In addition, we will assure any interim measures to control erosion until such time as the landscaping is viable and shown on the plan.

RELATED EXPERIENCE/REFERENCES

Client: **City of Riverside**
Mr. Dan Chudy, Building Official
3900 Main Street
Riverside, CA 92522
951.826.5915

Services: Building and Safety plan check and inspection services.

Client: **City of Indian Wells**
Mr. Corrie Kates, Building Official/Community Development Director
44-950 El Dorado Drive
Indian Wells, CA 92210
760.776.0230

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check services.

Client: **City of Loma Linda**
Ms. Deborah Woldroff, Community Development Director
25541 Barton Road
Loma Linda, CA 92354
909.799.2810

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: **City of Calimesa**
Mr. David Lane, City Manager
908 Park Avenue
Calimesa, CA 92320
909.795.9801

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client:	**City of Highland** Mr. John Jaques, Community Development Director 27215 Baseline Highland, CA 92346 909.864.2136
Services:	Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client:	**Morongo Band of Mission Indians** Mr. Tom Linton, Director, Planning and Development 245 N. Murray Street, Suite C Banning, CA 92220 909.849.4697
Services:	Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

The following organization chart and resumes represent just a portion of the qualified Willdan staff to provide the services as delineated in this proposal.

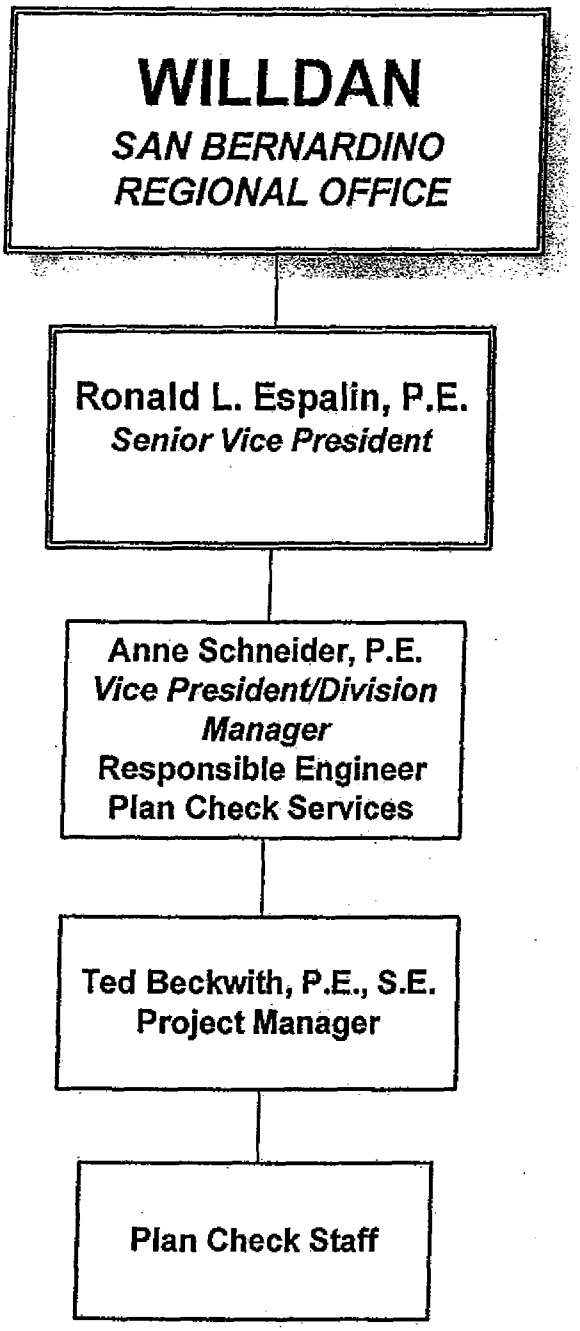
WILLDAN
SAN BERNARDINO
REGIONAL OFFICE
Ronald L. Espalin, P.E.
Senior Vice President
Anne Schneider, P.E.
Vice President/Division Manager
Responsible Engineer
Plan Check Services
Ted Beckwith, P.E., S.E.
Project Manager
Plan Check Staff

Ronald Espalin, P.E.
Senior Vice President

Education
California State Polytechnic University-Pomona Master of Engineering - Structural Engineering
California State Polytechnic University-Pomona Bachelor of Science - Civil Engineering

Associations/ Affiliations
International Code Council
Coachella Valley Chapter - President, 2002
Inland Empire Chapter - President, 1997
Citrus Belt Chapter - "Building Official of the Year" 1995
Riverside County Chapter - President 1986
California Building Officials
CALBO Disaster Response Team

Professional Registrations
California, RCE 26187
Certified Building Official, No. 560
35 Years Experience

Mr. Espalin is a Senior Vice President and the Regional Office Manager of the San Bernardino Office. Mr. Espalin has extensive experience in managing engineering and technical staff and has served as the responsible engineer for plan check and inspection services for numerous cities and counties. He has served as on-site Building official overseeing all aspects of building and safety operations for cities in the Inland Empire, Coachella Valley and other regions in Southern California. Mr. Espalin has served as interim Building Official for local cities in San Bernardino and Riverside Counties. His duties in this capacity include reviewing proposed legislation affecting Building Code enforcement, arbitrating disputes on code interpretations, and resolving the more difficult and complex engineering and code problems.

Prior to joining Willdan, Mr. Espalin was the Assistant Director of Building and Safety for the County of Riverside. He was responsible for the day-to-day operations of the department and was responsible for 130 employees providing services in plan review, permit issuance, inspection services, rehabilitation and code enforcement and land use zoning enforcement.

In the private sector, Mr. Espalin was a structural design engineer. His design responsibilities included calculations and design for structural steel and reinforced concrete moment frame structures, industrial structures, dynamic and static analysis, soil-structure interaction analysis and seismic qualification of equipment and systems in essential facilities. Mr. Espalin maintains a lifetime teaching credential in Engineering with the California Community College system.

Anne Schneider, P.E.
Division Manager/Vice President

Education
California State Polytechnic University-San Luis Obispo
Bachelor of Science - Architectural Engineering

Associations/ Affiliations

Professional Registrations
California, RCE 46183
ICBO Certified Plans Examiner
ICBO Certified Building Inspector

15 Years Experience

Ms. Schneider, a registered Civil Engineer in California, is a Division Manager/Vice President for the San Bernardino Office. She has over 15 years professional experience in building and safety enforcement of model codes, State and local building regulations. Her plan review experience includes commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in structural and life safety review of plans. Ms. Schneider has worked on assignment for Willdan in the offices of San Diego County and Riverside County Building Departments providing plan check services.

Prior to joining Willdan, Ms. Schneider held the position of Tribal Engineer for the Cabazon Band of Mission Indians in Indio, California. In this capacity she supervised construction and design work for the Reservation and was primarily responsible for a $3 million Federal Highway Administration road construction project.

Her past experience includes the responsibility of Plans Examiner for the City of Lancaster where she evaluated commercial and residential plans for code compliance and coordinated City response to applications for construction permits.

Ted Beckwith, P.E., S.E.
Supervising Plan Check Engineer

Education
California State University, Fullerton Bachelor of Science, Structural Engineering

Riverside Community College Certificate in Construction Technology

Associations/ Affiliations
International Conference of Building Officials Structural Engineers Association of California

Professional Registrations
California, CE#48798, SE#4294
ICC Building Plans Examiner, UBC#1043425-60
ICC Building Plans Examiner, IBC#1043425-06

19 Years Experience

Mr. Beckwith, a registered Civil and Structural Engineer in California, is a Supervising Plan Check Engineer for the San Bernardino Office. He has 19 years professional experience in structural design and enforcement of state and local building regulations. His design and plan review experience includes educational, commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in design and review of structural plans.

During his tenure with Willdan, Mr. Beckwith has performed the structural review of several projects at California State University, San Bernardino. These projects include the OTTC Building, the three-story College of Education Building and the seismic retrofit and repair of both the Biological Science Building and the Physical Science Building.

Mr. Beckwith's previous experience includes the position of Assistant Engineer with the County of Riverside. In this capacity, he performed structural plan review of various structures including steel, concrete, wood, and masonry buildings. He has specialized in major structures of four or more stories. He has also worked for RM Byrd and Associates, a structural design office located in Ontario, CA. This firm specializes in public schools under the purview of the Structural Safety Section of the Division of the State Architect. An example of public school projects that he has designed include a new middle school in Los Banos, a new middle school in Laguna Niguel, a new high school in Fontana and several school modernization programs throughout Southern California. Mr. Beckwith is very familiar with the particular requirements of chapters 16A, through 23A of the state building code and detail orientated in his structural review of plans.

Patrick Johnson, P.E.
Plan Check Engineer

Education
University of Iowa, Iowa City, IA
Bachelor and Science, Structural Engineering

Associations/ Affiliations
ASCE (American Society of Civil Engineers)

Professional Registrations
California Professional Engineer, CE#6796

10 Years Experience

Mr. Johnson, a registered Civil Engineer in California, is a Plan Check Engineer for the San Bernardino Office. He has 10 years experience in the construction field specializing in carpentry, plumbing, heating and air conditioning, and electrical work. As a 2001 graduate of University of Iowa his primary focus has been on structural engineering of lightweight commercial and residential structures. Since employed with Willdan, he as attended a number of code enforcement and seismic application seminars.

Mr. Johnson's previous engineering experience includes the position of a Design Engineer with KLP Consulting Engineers of Centennial, Colorado. In this capacity, he specialized in the design of lightweight commercial, multi and single-family housing. At times he would be called out to the field as a forensic engineer to justify the probable cause of structural damages caused by expensive soils. Mr. Johnson also as engineering experience in the design of variety of transportation projects including single and multi-span bridges, pedestrian tunnels, retaining walls, and concrete box culverts.

Arne Lovnaseth, Architect
Plan Check Architect

Education
Cal Poly Pomona, Bachelor of Science, Bachelor of Architecture

Mr. Lovnaseth, a registered Architect in California, is a Plan Check Architect for the San Bernardino Office. He has 20 years experience in the construction field specializing in design work. As a 1983 graduate of Cal Poly Pomona his primary focus has been on architectural design of lightweight commercial and residential structures. He has attended a number of code enforcement seminars.

Mr. Lovnaseth's previous architectural and plan checking experience includes the position of Senior Plans Examiner for the City of San Bernardino for over 5 years. In this capacity, he specialized in the plan checking of lightweight commercial, multi and single-family housing. Prior to that he was a project manager at John McInnes Architect in Laguna Beach, Ca. for 5 years.

Professional Registrations
California Licensed Architect,, #C18833
I.C.C. Plans Examiner #0877794-B3

20 Years Experience

COMPENSATION

We propose to provide these services for a fee equal to seventy-five percent (75%) of the fees collected by the City. For grading plans and inspection; miscellaneous plans, such as, room additions, tenant improvements, etc., we propose an hourly time and material fee per Willdan's Schedule of Hourly Rates dated July 2003, attached herein. This fee schedule shall remain valid for at least one year from the effective date of the contract.

WILLDAN
Serving Public Agencies

WILLDAN
Schedule of Hourly Rates
July 1, 2003

ENGINEERING

Principal Engineer	$160.00
Division Manager	150.00
City Engineer	150.00
Project Manager	150.00
Supervising Engineer	135.00
Senior Engineer	120.00
Senior Design Manager	120.00
Design Manager	110.00
Associate Engineer	110.00
Senior Designer	105.00
Senior Design Engineer II	105.00
Senior Design Engineer I	100.00
Designer II	100.00
Designer I	95.00
Design Engineer II	95.00
Design Engineer I	90.00
Senior Drafter	90.00
Drafter II	80.00
Drafter I	75.00
Technical Aide	65.00

CONSTRUCTION MANAGEMENT

Division Manager	150.00
Project Manager	150.00
Senior Construction Manager	130.00
Construction Manager	120.00
Assistant Construction Manager	100.00
Utility Coordinator	105.00
Supervising Public Works Observer	105.00
Senior Public Works Observer	90.00
Public Works Observer	**80.00 / 90.00
Assistant Public Works Observer	**70.00 / 90.00
Labor Compliance Manager	105.00
Labor Compliance Specialist	80.00

SURVEYING

Division Manager	150.00
Supervisor - Survey & Mapping	135.00
Senior Survey Analyst	105.00
Senior Calculator	105.00
Calculator II	90.00
Calculator I	80.00
Survey Analyst II	90.00
Survey Analyst I	80.00
Survey Party Chief	100.00
Two-Man Field Party	200.00
Three-Man Field Party	250.00

LANDSCAPE ARCHITECTURE

Division Manager	150.00
Principal Landscape Architect	120.00
Senior Landscape Architect	100.00
Associate Landscape Architect	95.00
Assistant Landscape Architect	80.00

BUILDING AND SAFETY

Division Manager	150.00
Supervising Plan Check Engineer	120.00
Building Official	120.00
Plan Check Engineer	110.00
Deputy Building Official	110.00
Inspector of Record	110.00
Senior Plans Examiner	100.00
Supervising Building Inspector	100.00
Plans Examiner	90.00
Senior Building Inspector	90.00
Building Inspector	**80.00 / 90.00
Supervising Construction Permit Specialist	80.00
Senior Construction Permit Specialist	75.00
Assistant Building Inspector	**70.00 / 90.00
Code Enforcement Officer	65.00
Construction Permit Specialist	60.00
Assistant Construction Permit Specialist	55.00
Plans Examiner Aide	55.00
Assistant Code Enforcement Officer	55.00

PLANNING

Division Manager	150.00
Principal Planner	120.00
Principal Community Development Planner	120.00
Senior Planner	110.00
Senior Community Development Planner	110.00
Associate Planner	95.00
Associate Community Development Planner	95.00
Assistant Community Development Planner	85.00
Assistant Planner	85.00
Planning Technician	65.00
Community Development Technician	65.00

ADMINISTRATIVE

Computer Data Entry	50.00
Clerical	50.00
Word Processing	50.00
Personal Computer Time	15.00

**Prevailing Wage Project, Use $90.00/Hour

Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.25 times, and Sundays and holidays, 1.70 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A subconsultant management fee of fifteen percent (15%) will be added to the direct cost of all subconsultant services to provide for the cost of administration, consultation, and coordination.

EXHIBIT B

TERMS OF PAYMENT

1. The contractor's compensation shall be 75% of the City's collected plan check fee, per project.

2. The contractor will submit an invoice to the city once a month for progress payments along with documentation evidencing services comple4ted to ate. The progress payment is based on the amount of plan review completed. At no time will the City pay for more services than have been satisfactorily completed or in excess of the amount noted in paragraph one (1) above.

3. The City shall pay the contractor for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

Client#: 6540 WILLDAN

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) 12/17/09

PRODUCER
Dealey, Renton & Associates
P. O. Box 10550
Santa Ana, CA 92711-0550
714 427-6810

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Willdan Engineering
2401 E. Katella Avenue, Ste. 300
Anaheim, CA 92806

INSURERS AFFORDING COVERAGE

INSURER A: Travelers Property Casualty Co of Am
INSURER B: Travelers Casualty Ins. Co. of Ameri
INSURER C: Catlin Insurance Company, Inc.
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR X CONTRACTUAL X BFPD, XCU GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC	6301158P020 INDP. CONTRACTORS INCLUDED	11/09/09	11/09/10	EACH OCCURRENCE FIRE DAMAGE (Any one fire) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$1,000,000 $1,000,000 $10,000 $1,000,000 $2,000,000 $2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	8101158P020	11/09/09	11/09/10	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$1,000,000 $ $ $
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
	EXCESS LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE AGGREGATE	$ $ $ $ $
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	UB1302P790	11/09/09	11/09/10	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$1,000,000 $1,000,000 $1,000,000
C	OTHER Professional Liability	AED977441110	11/09/09	11/09/10	$1,000,000 per claim $1,000,000 annl aggr.	

RISK MANAGEMENT
Approved
By Date

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
General Liability policy excludes claims arising out of the performance of professional services
Re: Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330
(See Attached Descriptions)

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER: ____

City of Moreno Valley
Attn: Gary Kyle, Bldg Official
PO Box 88005
Moreno Valley, CA 92552

CANCELLATION Ten Day Notice for Non-Payment of Premium

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Rosanne Sanval

DESCRIPTIONS (Continued from Page 1)

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District are Additional insured as respects to General and Auto Liability as required by written contract. Primary and Non-Contributing coverage applies to GL as required by written contract.
(SAN BERNARDINO)

POLICY NUMBER: 6301158P020

COMMERCIAL GENERAL LIABILITY
ISSUE DATE: 12/17/09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SCHEDULED ADDITIONAL INSURED WRITTEN CONTRACT (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

NAME OF PERSON(S) OR ORGANIZATION(S):

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District

PROJECT/LOCATION OF COVERED OPERATIONS:

Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330

PROVISIONS

1. The following is added to **SECTION II - WHO IS AN INSURED:**

   The person or organization shown in the Schedule above is an additional insured on this Coverage Part, but:

   a. Only with respect to liability for "bodily injury", "property damage" or "personal injury"; and

   b. If, and only to the extent that, the injury or damage is caused by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies. The person or organization does not qualify as an additional insured with respect to the independent acts or omissions of such person or organization.

   The insurance provided to such additional insured is limited as follows:

   c. In the event that the Limits of Insurance of this Coverage Part shown in the Declarations exceed the limits of liability required by the "written contract requiring insurance", the insurance provided to the additional insured shall be limited to the limits of liability required by that "written contract requiring insurance". This endorsement shall not increase the limits of I nsurance described in Section III — Limits Of Insurance.

   d. This insurance does not apply to the rendering of or failure to render any "professional services" or construction management errors or omissions.

   e. This insurance does not apply to "bodily in jury" or "property damage" caused by "your work" and included in the "products-completed operations hazard" unless the "written contract requiring insurance" specifically requires you to provide such coverage for that additional insured, and then the insurance provided to that additional insured applies only to such "bodily injury" or "property damage" that occurs before the end of the pe riod of time for which the "written contract requiring insurance" requires you to provide such coverage or the end of the policy period, whichever is earlier.

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2. The following is added to Paragraph 4.a. of **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   The insurance provided to the additional insured shown in the Schedule above is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured for a loss we cover. However, if you specifically agree in the "written contract requiring insurance" that this insurance provided to the additional insured under this Coverage Part must apply on a primary basis or a primary and non-contributory basis, this insurance is primary to "other insurance" available to the additional insured which covers that person or organization as a named insured for such loss, and we will not share with that "other insurance". But this insurance provided to the additional insured still is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured when that person or organization is an additional insured under any "other insurance".

3. The following is added to **SECTION IV — COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   Duties Of An Additional Insured

   As a condition of coverage provided to the additional insured:

   The additional insured must give us written notice as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, such notice should include:

   i. How, when and where the "occurrence" or offense took place;

   ii. The names and addresses of any injured persons and witnesses; and

   iii. The nature and location of any injury or damage arising out of the "occurrence" or offense.

   b. If a claim is made or "suit" is brought against the additional insured, the additional insured must:

      i. Immediately record the specifics of the claim or "suit" and the date received; and

      ii. Notify us as soon as practicable.

      The additional insured must see to it that we receive written notice of the claim or "suit" as soon as practicable.

   c. The additional insured must immediately send us copies of all legal papers received in connection with the claim or "suit", cooperate with us in the investigation or settlement of the claim or defense against the "suit", and otherwise comply with all policy conditions.

   d. The additional insured must tender the defense and indemnity of any claim or "suit" to any provider of other insurance which would cover the additional insured for a loss we cover. However, this condition does not affect whether this insurance provided to the additional insured is primary to that other insurance available to the additional insured which covers that person or organization as a named insured.

4. The following is added to the **DEFINITIONS** Section:

   "Written contract requiring insurance" means that part of any written contract or agreement with the person or organization shown in the Schedule above, under which you are required to include that person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs and the "personal injury" is caused by an offense committed:

   a. After the signing and execution of the contract or agreement by you;

   b. While that part of the contract or agreement is in effect; and

   c. Before the end of the policy period.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BUSINESS AUTO EXTENSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

GENERAL DESCRIPTION OF COVERAGE – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

A. BROAD FORM NAMED INSURED

B. BLANKET ADDITIONAL INSURED

C. EMPLOYEE HIRED AUTO

D. EMPLOYEES AS INSURED

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

G. WAIVER OF DEDUCTIBLE – GLASS

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

J. PERSONAL EFFECTS

K. AIRBAGS

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

M. BLANKET WAIVER OF SUBROGATION

N. UNINTENTIONAL ERRORS OR OMISSIONS

PROVISIONS

A. BROAD FORM NAMED INSURED

The following is added to Paragraph A.1., **Who Is An Insured**, of **SECTION II – LIABILITY COVERAGE**:

Any organization you newly acquire or form during the policy period over which you maintain 50% or more ownership interest and that is not separately insured for Business Auto Coverage. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier.

B. BLANKET ADDITIONAL INSURED

The following is added to Paragraph c. in A.1., **Who Is An Insured**, of **SECTION II – LIABILITY COVERAGE**:

Any person or organization who is required under a written contract or agreement between you and that person or organization, that is signed and executed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to be named as an additional insured is an "insured" for Liability Coverage, but only for damages to which this insurance applies and only to the extent that person or organization qualifies as an "insured" under the Who Is An Insured provision contained in Section II.

C. EMPLOYEE HIRED AUTO

1. The following is added to Paragraph A.1., **Who Is An Insured**, of **SECTION II – LIABILITY COVERAGE**:

   An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while performing duties related to the conduct of your business.

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2. The following replaces Paragraph b. in B.5., Other Insurance, of SECTION IV – BUSINESS AUTO CONDITIONS:

   b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

      (1) Any covered "auto" you lease, hire, rent or borrow; and

      (2) Any covered "auto" hired or rented by your "employee" under a contract in that individual "employee's" name, with your permission, while performing duties related to the conduct of your business.

   However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

D. EMPLOYEES AS INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

1. The following replaces Paragraph A.2.a.(2), of SECTION II – LIABILITY COVERAGE:

   (2) Up to $3,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.

2. The following replaces Paragraph A.2.a.(4), of SECTION II – LIABILITY COVERAGE:

   (4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to $500 a day because of time off from work.

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

The following replaces Subparagraph e. in Paragraph B.7., Policy Term, Coverage Territory, of SECTION IV – BUSINESS AUTO CONDITIONS:

e. Anywhere in the world, except any country or jurisdiction while any trade sanction, embargo, or similar regulation imposed by the United States of America applies to and prohibits the transaction of business with or within such country or jurisdiction, for Liability Coverage for any covered "auto" that you lease, hire, rent or borrow without a driver for a period of 30 days or less and that is not an "auto" you lease, hire, rent or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households.

   (1) With respect to any claim made or "suit" brought outside the United States of America, the territories and possessions of the United States of America, Puerto Rico and Canada:

      (a) You must arrange to defend the "insured" against, and investigate or settle any such claim or "suit" and keep us advised of all proceedings and actions.

      (b) Neither you nor any other involved "insured" will make any settlement without our consent.

      (c) We may, at our discretion, participate in defending the "insured" against, or in the settlement of, any claim or "suit".

      (d) We will reimburse the "insured":

         (i) For sums that the "insured" legally must pay as damages because of "bodily injury" or "property damage" to which this insurance applies, that the "insured" pays with our consent, but only up to the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE;

         (ii) For the reasonable expenses incurred with our consent for your investigation of such claims and your defense of the "insured" against any such "suit", but only up to and included within the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE,

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and not in addition to such limit. Our duty to make such payments ends when we have used up the applicable limit of insurance in payments for damages, settlements or defense expenses.

(2) This insurance is excess over any valid and collectible other insurance available to the "insured" whether primary, excess contingent or on any other basis.

(3) This insurance is not a substitute for required or compulsory insurance in any country outside the United States, its territories and possessions, Puerto Rico and Canada.

You agree to maintain all required or compulsory insurance in any such country up to the minimum limits required by local law. Your failure to comply with compulsory insurance requirements will not invalidate the coverage afforded by this policy, but we will only be liable to the same extent we would have been liable had you complied with the compulsory insurance requirements.

(4) It is understood that we are not an admitted or authorized insurer outside the United States of America, its territories and possessions, Puerto Rico and Canada. We assume no responsibility for the furnishing of certificates of insurance, or for compliance in any way with the laws of other countries relating to insurance.

G. WAIVER OF DEDUCTIBLE – GLASS

The following is added to Paragraph D., **Deductible**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

The following replaces the last sentence of Paragraph A.4.b., **Loss Of Use Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

However, the most we will pay for any expenses for loss of use is $65 per day, to a maximum of $750 for any one "accident".

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

The following replaces the first sentence in Paragraph A.4.a., **Transportation Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

We will pay up to $50 per day to a maximum of $1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

J. PERSONAL EFFECTS

The following is added to Paragraph A.4., **Coverage Extensions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Personal Effects

We will pay up to $400 for "loss" to wearing apparel and other personal effects which are:

(1) Owned by an "insured"; and

(2) In or on your covered "auto".

This coverage applies only in the event of a total theft of your covered "auto".

No deductibles apply to this Personal Effects coverage.

K. AIRBAGS

The following is added to Paragraph B.3., **Exclusions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Exclusion 3.a. does not apply to "loss" to one or more airbags in a covered "auto" you own that inflate due to a cause other than a cause of "loss" set forth in Paragraphs A.1.b. and A.1.c., but only:

a. If that "auto" is a covered "auto" for Comprehensive Coverage under this policy;

b. The airbags are not covered under any warranty; and

c. The airbags were not intentionally inflated.

We will pay up to a maximum of $1,000 for any one "loss".

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

The following is added to Paragraph A.2.a., of **SECTION IV – BUSINESS AUTO CONDITIONS:**

Your duty to give us or our authorized representative prompt notice of the "accident" or "loss" applies only when the "accident" or "loss" is known to:

(a) You (if you are an individual);

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(b) A partner (if you are a partnership);

(c) A member (if you are a limited liability company);

(d) An executive officer, director or insurance manager (if you are a corporation or other organization); or

(e) Any "employee" authorized by you to give notice of the "accident" or "loss".

M. BLANKET WAIVER OF SUBROGATION

The following replaces Paragraph **A.5., Transfer Of Rights Of Recovery Against Others To Us,** of **SECTION IV – BUSINESS AUTO CONDITIONS:**

5. **Transfer Of Rights Of Recovery Against Others To Us**

We waive any right of recovery we may have against any person or organization to the extent required of you by a written contract signed and executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by such contract. The waiver applies only to the person or organization designated in such contract.

N. UNINTENTIONAL ERRORS OR OMISSIONS

The following is added to Paragraph **B.2., Concealment, Misrepresentation, Or Fraud,** of **SECTION IV – BUSINESS AUTO CONDITIONS:**

The unintentional omission of, or unintentional error in, any information given by you shall not prejudice your rights under this insurance. However this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

Name of Person or Organization:

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency and community service District

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010

Developer: ANDLAND PROPERTIES, LLC
22629 FELBAR AVENUE
TORRANCE, CA 90505

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010.

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On March 4, 2009, the Planning Commission of the City of Moreno Valley approved an Administrative Plot Plan to phase the project and create Parcel Map 33152-1, and accept phase-specific Conditions of Approval. Construction of the street improvements is being performed to prepare for future development in the surrounding area and as a Condition of Approval for PM 33152-1.

On July 14, 2009, the City Council of the City of Moreno Valley was asked to approve the modified Public Improvement Agreement and securities. The Agreement and securities include the construction of the street improvements.

DISCUSSION

On February 23, 2010, Andland Properties LLC requested an extension of the full road closure of Old 215 Frontage Road Street between Alessandro Boulevard and Day Street to facilitate the construction of the street improvements on Old 215 Frontage Road. This request also included the approval to authorize the City Engineer to allow for an additional 30-day extension, which was granted and was scheduled to expire on July 17, 2010.

Due to continued unforeseen delays in the coordination with several utility companies, Andland Properties LLC approached the City Traffic Engineer and the City Engineer for an emergency extension due to the City Council being on recess. Staff conducted an assessment of the site and it was determined that there were numerous issues with the current state of the roadway thereby potentially generating unsafe driving conditions if the street were to be re-opened. Based upon the current field conditions and in the interest of public safety, the City Engineer recommended to extend the closure date to September 30, 2010 in his e-mail to Council dated July 19, 2010. Public Works staff is now seeking Council's approval to ratify the additional 68-day extension recommended by the City Engineer to complete the work.

The original request for the road closure was due to major improvement work including, but not limited to, removal of existing asphalt pavement, installation of asphalt paving, curb, gutter, sidewalk, medians, driveway approaches, street lights, landscaping, storm drain culverts, dry utilities, traffic signal modifications, and associated signing and striping. After the new pavement is installed, the remaining street improvements required of the project will be constructed, and the road will be re-opened to traffic.

There are five parcels in the area of construction. The road closure will continue to impact the ingress or egress of all of the parcels, and detouring for the traveling public. City staff was advised by the developer that all potentially affected property owners have been contacted/notified. The original road closure/detour/traffic control plan approved for this closure by the City Traffic Engineer will remain in force. The current road closure has generated no traffic problems or complaints from the motoring public or surrounding community.

ALTERNATIVES

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

2. Do not authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Do not authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. *This alternative would force the developer to re-open the roadway, thereby generating additional construction delays and expense, and potentially create an unsafe roadway for the motoring public.*

FISCAL IMPACT

The Developer will be responsible for all costs associated with this proposal.

CITY COUNCIL GOALS

PUBLIC SAFETY
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

The approved traffic control/detour plan requires the contractor to give notification to the Post Office, Police, Fire Department, Ambulance Services, Riverside Transit Authority, Waste Management, and affected businesses and residents. The public will be notified by special roadside signage showing the modified dates of closure and detour signs.

EXHIBITS

Exhibit “A” – Vicinity Map
Exhibit “B” – Road Closure Detour Map
Exhibit “C” – GIS Orthography Map

Prepared By
Mark W. Sambito, P.E.
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Eric Lewis
Transportation Division Manager/
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 PM 33152-1 - Old 215 Road Closure Extension.doc

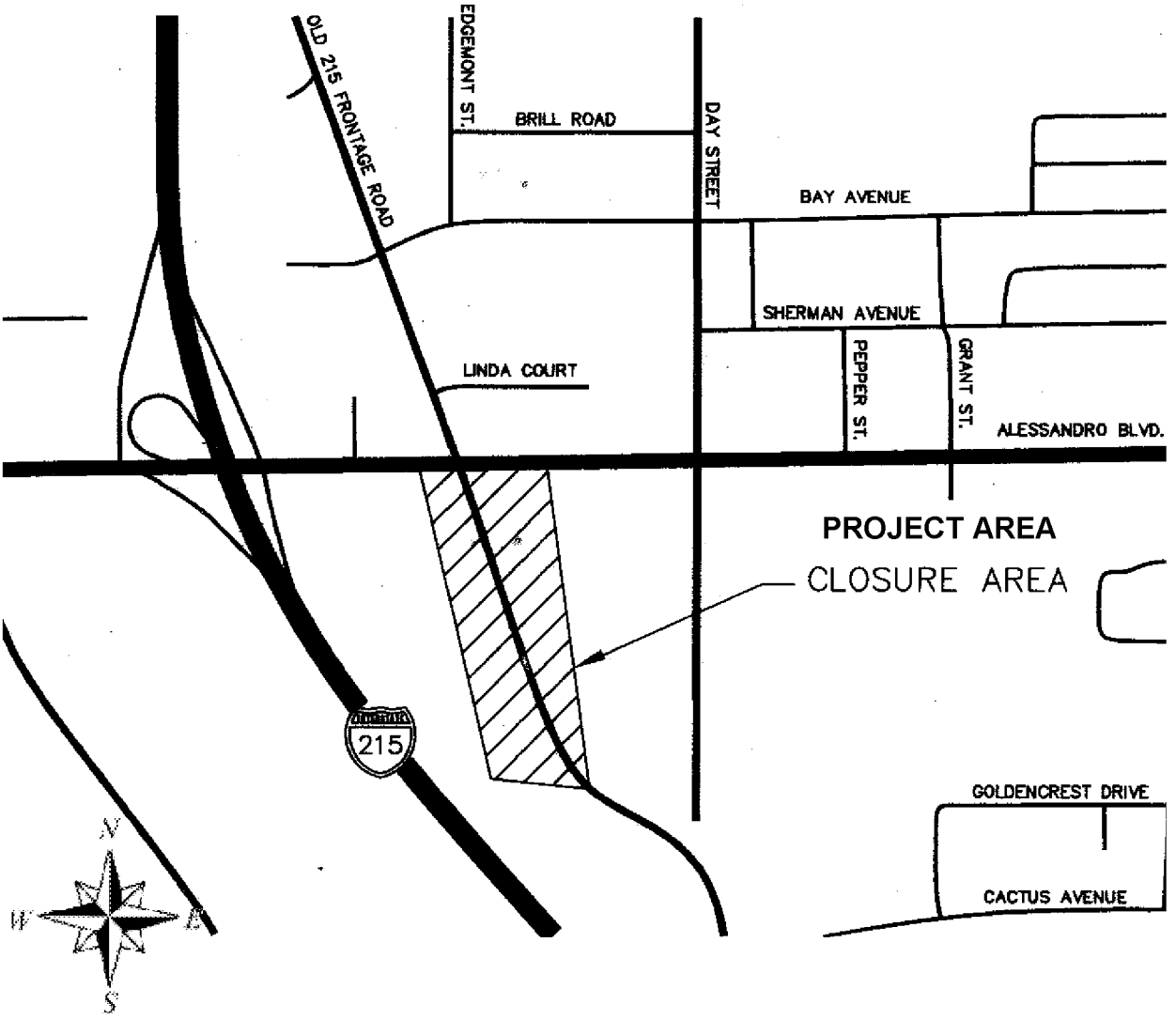

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit A	**PM 33152-1** **VICINITY MAP**

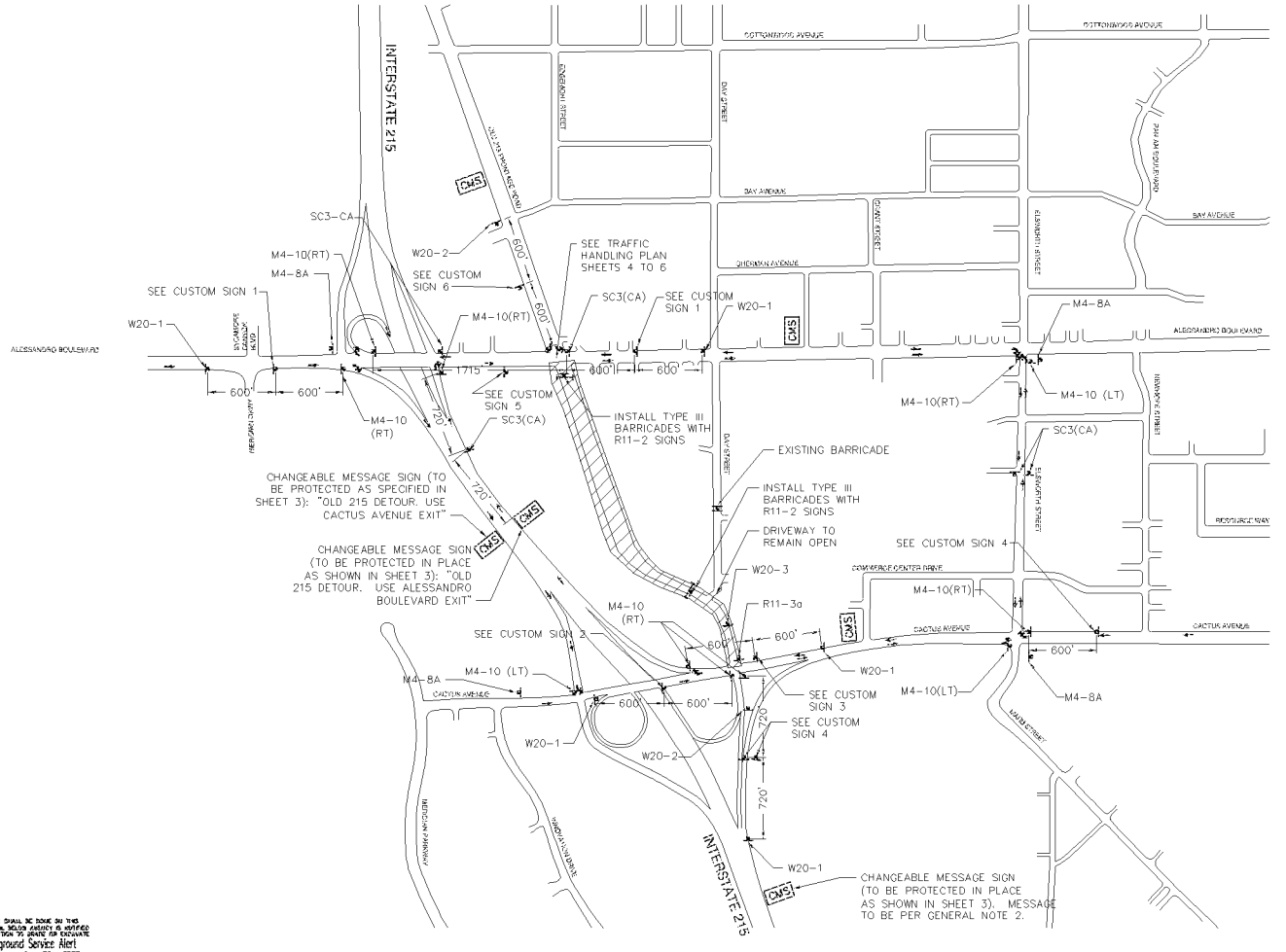

STANDARD DETOUR SIGNING:

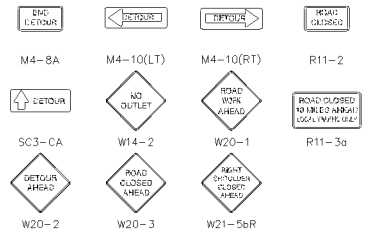

GENERAL NOTES:

1. THIS SHEET IS FOR DETOUR PLAN ONLY. SEE SHEETS 4-6 FOR TRAFFIC HANDLING PLAN.
2. CONTRACTOR TO PLACE CMS AS SHOWN AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION. CMS TO DISPLAY "OLD 215 CLOSED FROM XX/XX/XX TO XX/XX/XX. USE ALT ROUTE". CMS TO REMAIN IN PLACE AND OPERABLE DURING ROAD CLOSURE.
3. CUSTOM SIGNS SHALL BE AS FOLLOWS: DOUBLE POSTED 4"x6" BREAKAWAY POST, 6" BLACK LETTERS ON ORANGE BACKGROUND PER CITY STANDARD.
4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHAIN TOGETHER TYPE III BARRICADE WHENEVER THERE ARE TWO OR MORE IN USE.

LEGEND:

- DETOUR SIGN
- DETOUR PATH
- CONSTRUCTION LIMITS
- CMS — CHANGEABLE MESSAGE SIGN
- TYPE III BARRICADE

CUSTOM DESIGN DETAILS:

LENGTH SHALL BE MULTIPLES OF 6 INCHES

LETTERING HEIGHT SHALL BE AT LEAST 6 INCHES. LETTER TYPE SHALL BE APPROVED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

OLD 215 SOUTH OF
ALESSANDRO BLVD CLOSED.
USE I- 215 DETOUR.

WIDTH SHALL BE MULTIPLES OF 6 INCHES.

NOTE: LIMITED TO THREE ROWS OF TEXT.

CUSTOM SIGNING SHALL BE DESIGNED TO THE GUIDELINES PRESENTED BELOW AND IN ACCORDANCE WITH TABLES 2E-1 THROUGH 2E-4 OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (CA MUTCD 2006 ED). LETTER-TYPE WILL BE DEFINED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

CUSTOM SIGN 1:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 SOUTH DETOUR."

CUSTOM SIGN 2:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 3:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 4:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE ELSWORTH ST DETOUR."

CUSTOM SIGN 5:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE ELSWORTH ST DETOUR"

CUSTOM SIGN 6:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 OR ELSWORTH ST DETOUR."

MAP SCALE: 1"=500' PA 85-0165 & PA 85-0168 CALTRANS PERMIT NUMBER: 08-09-6-TK-0358

Underground Service Alert
Call TOLL FREE
1-800 227-2600
48 HOURS (NOT BEFORE YOU DIG)

BENCH MARK	BASIS OF BEARING	REVIEW BY CITY STAFF		
		OFFICE	INITIAL	DATE
		PRINCIPAL ENGINEER		
		ENTERPRISE SERVICES		
		PLANNING		
		TRANSPORTATION		
		PARKS AND RECREATION		
		LAND DEVELOPMENT		

MARK	DATE	INITIAL	DESCRIPTION	REV.	APPR	DATE
			REVISION			

CITY OF MORENO VALLEY APPROVALS

ENG. CHIEF, CITY TRAFFIC ENGINEER R.C.E. 36288 EXP. 06/30/2006 — DATE

PROJ. ENGR. DEPT. PW DIR. / ASST. CITY ENGINEER R.C.E. 36288 EXP. 12/31/2009 — DATE

PUBLIC WORKS DIRECTOR/CITY ENGINEER R.C.E. 41420 EXP. 06/30/2008 — DATE

ENGINEER OF RECORD'S SEAL: R.C.E. 41420 EXP. 6/30/10

DKS Associates
TRANSPORTATION SOLUTIONS
2420 Bush Drive, Suite 150
Davis, California 95617
Tel: 530-757-1901
UNDER THE SUPERVISION OF:
THOMAS J. KRAYER
R.C.E. 36288 EXP. 06/30/2010 — DATE

CITY OF MORENO VALLEY

TRAFFIC DETOUR AND HANDLING PLAN

DETOUR PLAN ONLY

ACCT. NO.

SHEET 2 NO. 6

CITY I.D. NO. 4375

Exhibit B

MV00075194

Old 215 Frontage Road

Road Closure Site Map

Legend

- Parcels
- Roads
- Waterbodies
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

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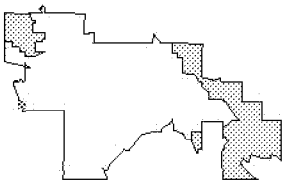

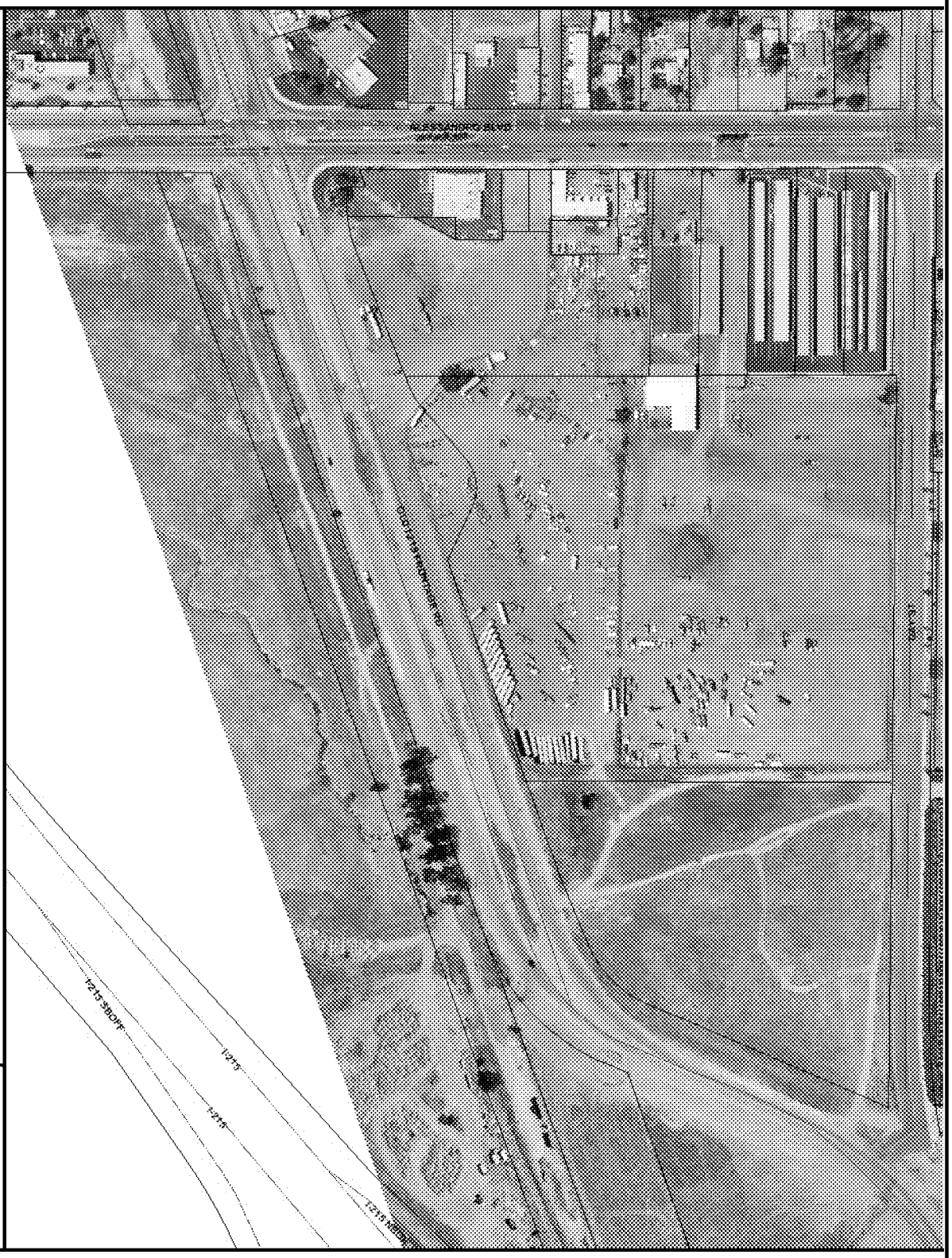

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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Exhibit "C"

MORENO VALLEY
WHERE DREAMS SOAR

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Michael J. McCarty, Director of Parks and Community Services

AGENDA DATE: August 24, 2010

TITLE: New Lease Agreement for Caretakers of the Moreno Valley Equestrian Park and Nature Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center.
2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

BACKGROUND

The Moreno Valley Equestrian Park and Nature Center, located at 11150 Redlands Boulevard, is in the northeast portion of the City. The site includes a lighted equestrian arena, warm-up and holding pens, dog park, and a three-bedroom mobile home.

On March 25, 2003, Council approved staff entering into a lease agreement with Robert and Christina Humbarger to be the Caretakers of the Moreno Valley Equestrian Park and Nature Center. The Caretakers moved into the mobile home in June 2003 and have performed small duties and provided daily security of the Equestrian Center to staff's satisfaction. While the Caretakers have been diligent in maintaining the interior and exterior of the mobile home, use of the facility did not increase as expected, so the Caretakers' duties were much lighter than originally anticipated.

To maintain equity, since July 1, 2005, a nominal rent of $400.00 per month was implemented and is currently being charged to the Caretakers. Staff now proposes to increase the rent to $500.00 per month, beginning September 1, 2010.

DISCUSSION

Staff has determined that the property requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have available employees or other resources to perform the services for the property. Staff recommends retaining the services of the Caretaker, but is recommending that the rent be increased to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

ALTERNATIVES

1. Elect to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010. **Staff recommends this alternative.**
2. Elect not to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010, and provide staff direction on how to fund future repairs at this site. **Staff does not recommend this alternative.**

FISCAL IMPACT

Should Council approve charging the current Caretakers rent in the amount of $500.00 per month, annual revenues of $6,000.00 will be realized. Funds will be deposited into account 161.1610.4548.03 (Mobile Home Rentals).

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

The Moreno Valley Equestrian and Nature Center requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have

available employees or other resources to perform the services for the property. To meet this need, staff is recommending that the services of the Caretaker be retained, along with increasing the Caretakers rent to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

Lease for Moreno Valley Equestrian Park and Nature Center Mobile Home

Prepared By:
Steve Kupsak
Parks Maintenance Division Manager

Department Head Approval:
Michael J. McCarty, Director
Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

LEASE FOR MORENO VALLEY EQUESTRIAN PARK
AND NATURE CENTER MOBILE HOME

This Agreement is made and entered into this 1st day of September 2010, by and between the Moreno Valley Community Services District, a district organized and existing pursuant to the community services district laws of the State of California ("CSD"), and Robert and Christina Humbarger hereinafter described as "Tenant."

WHEREAS, the CSD desires to lease to Tenant and Tenant desires to lease from CSD the premises generally described as the Mobile Home located within the Moreno Valley Equestrian Park and Nature Center and the real property upon which the Mobile Home directly rests, together with the right to use the real property immediately surrounding the Mobile Home as designated by the Parks and Community Services Director ("Director") for reasonable and customary residential purposes (the "premises"), it is herein agreed as follows:

1. CSD hereby leases to Tenant the premises on a month-to-month tenancy basis. Prior to taking possession of the leased premises, Tenant shall deliver to CSD a cleaning and security deposit in the amount of One Hundred and no/100 Dollars ($100.00). Said deposit shall be refunded to Tenant at the time Tenant vacates the premises, less the cost of any cleaning or repairs necessitated by Tenant's failure to properly care for the premises. At the termination of tenancy, Tenant shall return the premises to the CSD in good repair and clean condition, normal wear and tear excepted.

2. CSD and Tenant agree to rental payments in the amount of Five Hundred and No/100 Dollars ($500.00) per month and that Tenant shall also provide the services described in Exhibit A (the "rental services"). Failure to pay the $500.00 per month rental fee and to provide such services in a reasonable and diligent manner shall constitute a material breach and entitle CSD to terminate this lease in accordance with paragraph 16 below. However, in the event that Tenant fails to provide such rental fees and services, CSD shall have the option, but not the obligation, in lieu of termination of the lease, to assess additional monetary rent to Tenant in the amount of $25.00 for each day Tenant fails to provide the agreed upon rental fee and services or fails to provide such rental services in a reasonable and diligent manner. Such monetary rent shall not be assessed for those times where CSD has been notified in advance of Tenant's proposed absence under paragraph 26 below, provided that such absences not exceed three days in any thirty-day period, nor fourteen days in any twelve-month period. Any monetary rent assessed hereunder shall be due and payable within five business days after notice of such assessment. Failure to make any such payment when due shall be a material breach of this lease. The CSD has the option to increase rental rates annually by ten percent (10%).

3. Tenant shall immediately commence occupation of the Mobile Home described above and perform the rental services described in Exhibit A within five calendar days after the effective date of this Lease.

MV00075201

4. Tenant shall perform the rental services as described in Exhibit A, using reasonable care and diligence.

5. The CSD shall be responsible for the following utility payments: electricity, trash, and water. The Tenant shall be responsible for payment of any other utilities, including, but not limited to: propane, telephone, and cable television service.

6. Tenant shall not take in boarders or sublet the Mobile Home in any fashion.

7. Tenant shall use the leased premises exclusively for a private residence for occupancy by no more than two persons. CSD covenants that the Tenant shall have, hold and enjoy the leased Mobile Home for the term of this Lease, subject to the conditions set forth herein.

8. Tenant shall repair or replace, at Tenant's expense, all loss or damage to any of the carpets, draperies, appliances and other household goods whenever such damage or loss shall have resulted from Tenant's misuse, waste or neglect of said furnishings (not to include normal wear and tear).

9. Tenant shall cause to be made, at Tenant's expense, all required repairs to heating and air conditioning apparatus, electric and gas fixtures and plumbing work whenever such damage shall have resulted from misuse, waste or neglect of Tenant, it being understood that CSD is to have same in good order and repair when giving possession.

10. Tenant shall keep the premises in good order and repair and shall advise CSD or CSD's agent of any needed repairs or maintenance reasonably expected to cost $50.00 or more. Tenant shall not make alterations, additions, or improvements to the property without prior consent to the CSD.

11. Tenant shall give prompt notice to CSD of any dangerous, defective, unsafe or emergency condition in or on the leased premises, said notice being by any suitable means. CSD or its agent shall repair and correct said conditions promptly upon receiving notice thereof from Tenant.

12. Tenant shall not change or alter in any manner any of the locks on the gates, doors, fences, etc. located on the property without prior approval of the CSD.

13. Tenant shall be considered for all purposes only a Tenant of real property and/or an independent contractor. It is understood and agreed that nothing contained herein shall be construed as making the Tenant or any individual who performs services under this Lease an agent or employee of the CSD and/or the City of Moreno Valley ("City"), or authorize the Tenant to create or assume any obligation or liability for or on behalf of the CSD and/or the City. Tenant expressly waives any rights to be considered an employee of CSD, the City or any affiliated public agency by virtue of the rental services, and acknowledges that Tenant shall not be entitled to any benefits of

MV00075202

employment, including without limitation, workers compensation coverage, retirement benefits, wages or overtime payments.

14. The Tenant and the CSD agree to use reasonable care and diligence in performance of their respective obligations under this Lease.

15. The Tenant shall comply with all applicable federal, state, and local laws in the performance of rental services under this Lease. Tenant agrees to comply with all sanitary laws, ordinances and rules affecting the cleanliness, occupancy and preservation of the premises during the term of this Lease.

16. Termination of Lease.

A. CSD or Tenant may terminate this lease without breach or fault on the part of the other upon sixty days written notice.

B. In the event of any breach by the Tenant of any of the Tenant's covenants, or agreements herein, CSD or its agents may give Tenant a three-day notice to cure said breach or quit the premises. Such notice shall set forth in writing which covenants or agreements have been breached and shall be deemed to be, for all purposes, the three-day notice to pay rent or quit required by California landlord-tenant laws. If any breach is not cured within said three-day period, CSD or its agents may terminate this lease. Upon terminating this lease as provided herein, CSD or its agent may commence proceedings against Tenant for his removal as provided for by law, as well as for collection of any unpaid monetary rent assessed under paragraph 2 above.

C. Upon termination of the lease, Tenant shall vacate the premises, leaving it in good repair and clean condition.

17. The Director or his/her designated representative shall be the primary contact person regarding performance of this Lease. The Director or his/her designated representative shall cooperate with the Tenant, and the Tenant shall cooperate with the CSD in all matters regarding this Lease and in such a manner as will result in the performance of the rental services in a timely and expeditious fashion.

18. The Tenant shall employ no CSD or City official or employee in the rental services performed pursuant to this Lease. No officer or employee of the CSD or City shall have any financial interest in this Lease in violation of federal, state or local law. Any employee Tenant retains to perform rental services shall be subject to prior approval by the CSD and shall acknowledge this Lease and agree in writing that he/she is not an employee of the CSD, the City, or any affiliated public agency, prior to undertaking any duties.

19. The Tenant understands and agrees that the appliances, curtains, and other attached items are the property of the CSD and shall remain in the Mobile Home when this Lease is terminated.

MV00075203

20. The CSD covenants that the leased premises are, to the best of its knowledge, clean, safe, sound and healthful and that there exist no violations of any applicable housing code, law or regulation of which it is aware.

21. No animal, bird, or pet shall be kept in or about the premises without written permission of the CSD.

22. Tenant's personal property is not insured by the CSD. Tenant is required to provide his or her own renter's insurance. The CSD is not responsible for theft or loss of Tenant's personal possessions.

23. Tenant shall not keep or have in or on the leased premises any article or thing that might be pronounced "hazardous" or "extra hazardous" by any responsible insurance company.

24. Tenant shall, at reasonable times, give access to CSD or its agents for any reasonable and lawful purpose. In an emergency, the CSD, its agents or authorized representative may enter the premises at any time without securing prior permission from the Tenant, for the purpose of making corrections or repairs to alleviate such emergency.

25. If the Tenant abandons or vacates the premises, the CSD may terminate this Lease and retain possession in the manner prescribed by law.

26. The Tenant agrees to provide thirty-day advance notice to the CSD when planning to be away from the premises or otherwise unable to provide the rental services more than two consecutive days and one week's prior notice when planning to be away from the premises overnight. Tenant may be away from the premises under this paragraph without breach of lease for failure to provide the rental services for those periods set forth in paragraph 2 above.

27. The Tenant agrees to indemnify, defend, and save the CSD, City and the Community Redevelopment Agency of the City of Moreno Valley ("RDA"), its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including the Tenant and any and all residents of the premises, and all claims which arise from or are connected with the negligent performance of or failure to perform the rental services or other obligations of this Lease, or are caused or claimed to be caused by the negligent acts of the Tenant, his/her minor children, spouse, or other individual residing on the premises, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the CSD, City, and/or RDA, its officers, agents, and/or employees. The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended or held harmless, whether in a judicial or administrative action or in arbitration, and

whether the issue is between the parties or involves one or more third parties. The CSD, City and RDA shall be added as additional insureds on all insurance policies that the Tenant chooses to obtain regarding the premises. The Tenant shall provide his own auto insurance. The Tenant shall, under no circumstances, hire others to work on the premises.

28. The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Lease, and shall also govern the interpretation of this Lease.

29. Unless otherwise provided for elsewhere in this Lease, any notice required or authorized herein shall be given in writing and mailed via U.S. first-class mail.

30. This Lease represents the entire and integrated agreement between the CSD and the Tenant, and supersedes all prior negotiations, representations or agreements, either written or oral. This Lease may be modified or amended only by a subsequent written addendum signed by both parties.

31. CSD and Tenant agree that this Lease, when filled out and signed, is a binding legal obligation.

32. This Lease supersedes any prior lease agreement on the property.

City of Moreno Valley

_____
Mayor, Acting in the Capacity as
President of the Board of Directors of the
Moreno Valley Community services District

Date: _____

APPROVED AS TO FORM THIS

_____ day of _____, 2010

_____
City Attorney

Tenant

_____
Robert Humbarger

Social Security Number:_____

Date: _____

_____
Christina Humbarger

Social Security Number: _____

Date:_____

Attachment
Exhibit A

EXHIBIT A
SERVICES TO BE PROVIDED BY TENANT

It is understood that the term "property" described below includes all areas of the Moreno Valley Equestrian Park and Nature Center, including without limitation, the following areas: All parking lots, fenced mobile home site, construction trailer, arena, and area above the arena. The Tenant will report anything unusual to the CSD's representative as soon as possible. The Tenant shall:

1. Maintain security of the property by patrolling all areas at least twice a day, seven days a week. Ensure that all gates, restrooms, etc. are locked up and lights are turned off not later than 10:00 p.m. each evening, unless specifically informed otherwise by the CSD.
2. Be present on the property and alert for security or maintenance problems, for such hours as shall be agreed upon by the Tenant and CSD.
3. Report any security, park use or maintenance problems or issues to CSD or the police, as may be appropriate, promptly upon discovery.
4. Maintain a pleasant manner and good relations with members of the public and persons lawfully using the Moreno Valley Equestrian Park and Nature Center.
5. Assist in keeping all areas of the property free of trash and debris on a daily basis. Remove graffiti as needed within 24 hours of being discovered (materials for graffiti removal are available from the CSD).
6. Inspect all plant material and report any findings of distress as soon as possible to the CSD.
7. Report any malfunctioning lights and irrigation/sprinklers as soon as possible to the CSD.
8. Clean, maintain and restock restroom facility on a daily basis (supplies to be provided by the CSD).
9. Report any light outages to the CSD as soon as possible.
10. Maintain the mobile home and surrounding yard in an attractive appearance that enhances the value of the property.
11. Allow periodic inspections of the Tenant's residence and assist CSD staff with any repairs to the residence as needed.

ORDINANCE NO. CSD 54

AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley, acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, does ordain as follows:

1.1 AMENDMENT: Section 5. Regulations of CSD Ordinance No. CSD 52 is amended in its entirety to read as follows:

"SECTION 5. REGULATIONS:

Unless specifically provided otherwise in this Ordinance, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the Board of Directors.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the Board of Directors.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to

maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzene, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code

without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

2.1 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the Board of Directors which addresses the same subject addressed herein.

3.1 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the Secretary of the District shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

4.1 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley, acting in the capacity as the President of the Moreno Valley Community Services District

ATTEST:

_____
City Clerk of the City of Moreno Valley acting in the capacity as Secretary of the Moreno Valley Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity as General Counsel of the Moreno Valley Community Services District

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

Southern California Edison 2010 State of the Utility

Ray Hicks
SCE Local Public Affairs
Eastern Region

August 24, 2010

MV00075220

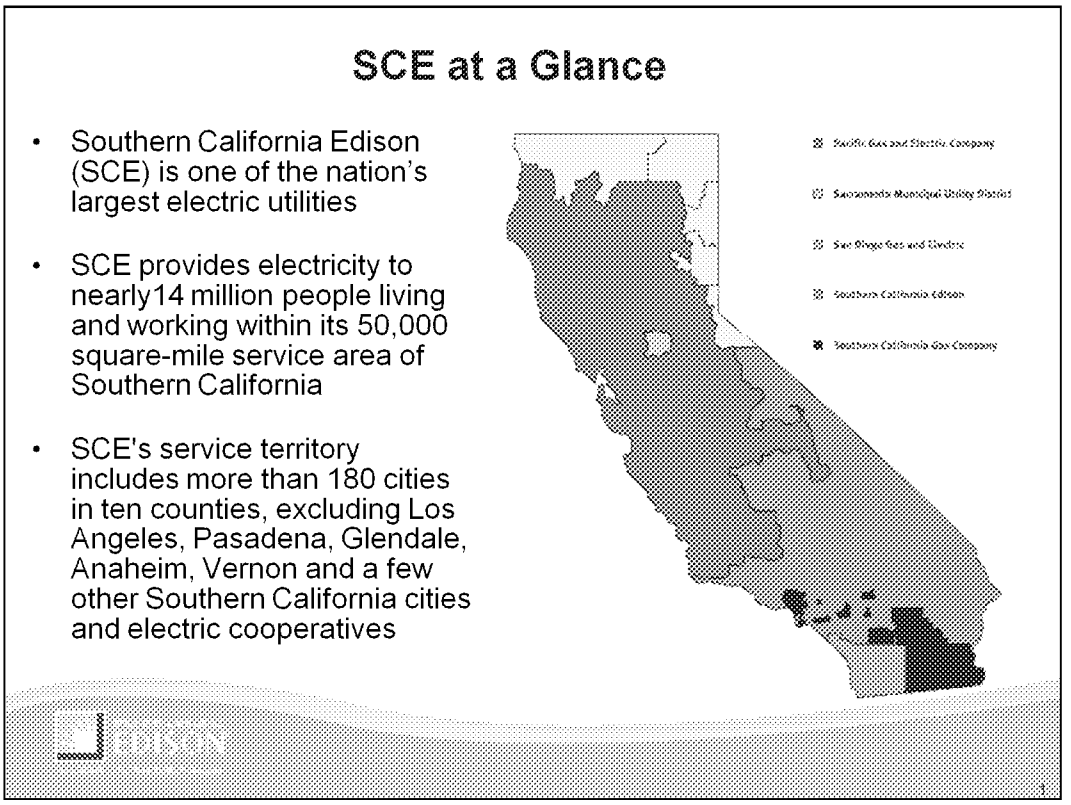

More info at: *http://www.sce.com/AboutSCE/CompanyOverview/*

Southern California Edison is the product of more than a century of providing reliable electric service to central, coastal and southern California.

We help our customers stretch their energy dollars through rebates, which they can receive through SCE's award-winning energy efficiency programs. Customers can receive incentives for helping to control power demand through "demand-response" programs, which help to keep wholesale supplies and prices under control.

SCE is also an active donor to community and educational causes. SCE employee volunteers annually donate more than 700,000 hours of work to community and non-profit organizations.

On an average day SCE provides power to:

- More than 13 million people
- 180 cities in 50,000 square miles of service area, encompassing 11 counties in central, coastal and Southern California
- Commercial industrial and nonprofit customers, including: 5,000 large businesses and
- 280,000 small businesses

To deliver that power, it takes:

16 utility interconnections

4,990 transmission and distribution circuits

425 transmission and distribution crews

The days and nights of more than 15,500 employees

More than a century of experience

MV00075221

Southern California Edison…more than a century of service

Based in Rosemead, today's Southern California Edison is the product of more than 120 years of providing safe, reliable electric service to central, coastal and Southern California.

EDISON

2

More info at: *http://www.edison.com/ourcompany/sce.asp*

At SCE, we help our customers stretch their energy dollars through rebates, which they can receive through SCE's award-winning energy efficiency programs.

Customers can receive incentives for helping to control power demand through "demand-response" programs, which help to keep wholesale supplies and prices under control.

As part of our commitment to environmental protection, the electric power we provide for our customers includes more alternate and renewable energy (16.7%), from a greater variety of resources, than nearly any other utility in the world. We have been active in efforts to improve Southern California air quality since the 1940s.

MV00075222

SCE is planning for the future to help meet the region's growing energy demands

Advanced Technologies

- SCE is a leading player in the development of advanced technologies including electric transportation and energy storage

Environmental

- SCE is committed to new technologies that will make electric power more environmentally friendly and energy-efficient

Smart Homes

- SCE is working to support the development of "smart homes" that will empower customers to use energy in increasingly efficient ways

Generation

- SCE is committed to advancing generation technologies that create power in an environmentally friendly manner

EDISON

3

More **SmartGrid** and **Advance Technology** info at:
www.sce.com/PowerandEnvironment/smartgrid/

More info on SCE's **environmental commitment** at:

http://www.edison.com/community/environment.asp and

http://www.sce.com/PowerandEnvironment/

More **Generation** info at:
http://www.sce.com/PowerandEnvironment/PowerGeneration/

More info on **Smart Homes** at:

http://www.sce.com/kidsscience/power/

MV00075223

SCE is Building a Smarter, More Efficient Electric Grid

SCE is making significant financial investments to enhance its power grid in order to improve service reliability and reduce our dependency on foreign oil

Grid improvements include:

- Installing new poles and wires
- Constructing new substations
- Installing more than five million new technologically advanced meters

EDISON

We are committed to providing customers with reliable electric service, now and in the long term.

Basic Service	SCE is committed to keeping the lights on for its customers, providing reliable electric service.
Outage Response	SCE responds to restore power when outages occur, working around the clock to minimize the length of outages while keeping customer informed.
Investing for the Future	SCE is upgrading and expanding Southern California's electricity grid to maintain long-term reliability while building a smarter, cleaner more efficient energy future for our customers.
Supply Adequacy	SCE is working hard to ensure that new power sources are available to meet the region's growing electricity needs.
Innovation	SCE is a leader in advanced technologies, developing a more intelligent distribution system, and advancing metering and electric transportation technologies to meet the needs of its customers.

MV00075224

What will SCE's Smart Grid do?

Adding more sophisticated intelligence and control to SCE's grid will allow for:

- Higher capacity for power transmission
- Integration of more renewable generation
- Safer, more efficient and effective maintenance practices
- Faster restoration of unavoidable power outages
- More customer choice and energy determination

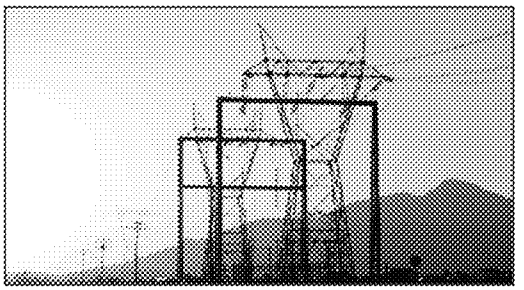

A smarter grid will:

- Prevent catastrophic system failures
- Minimize customer power disruptions due to distribution system failures
- Improve workforce safety and asset efficiency

EDISON

5

More info on Smart Grid at:

www.sce.com/PowerandEnvironment/smartgrid/

The Advanced Technology group is focused on the research, early development and demonstration of these emerging energy and information technologies like battery storage, superconducting fault current limiters, wireless communications systems and cyber security.

Advanced Technology combines groups from around the company including Advanced Engineering from TDBU's Engineering & Technical Services division, Electric Transportation from the Customer Service business unit, the forward-looking technology segment of the Edison SmartConnect program, plus a matrixed group of IT architects and engineers.

MV00075225

Helping Customers to Use Energy More Efficiently and Reduce Costs

Engaging Customers in the Supply Chain

Zero Net Energy Home

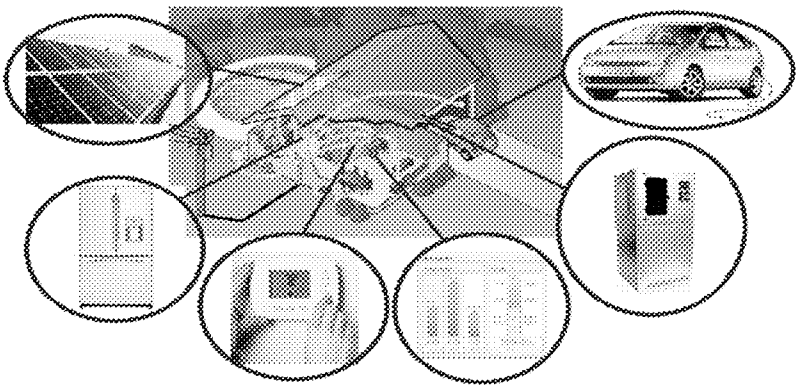

EDISON

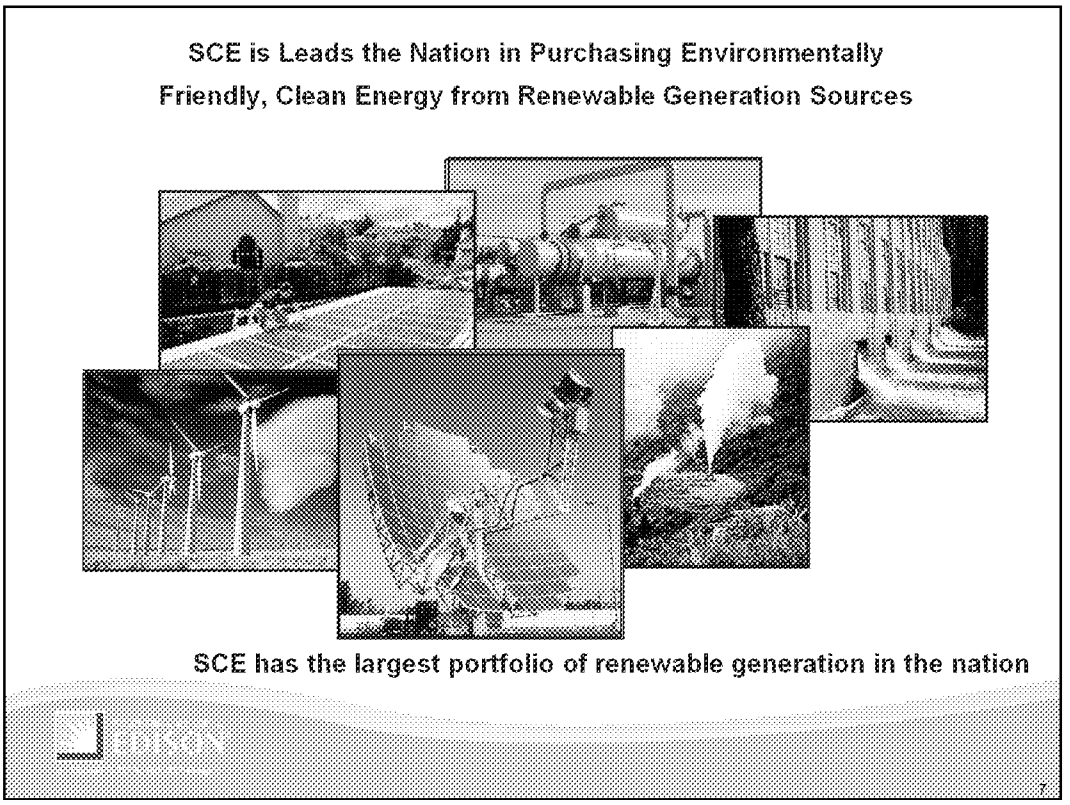

SCE has more experience procuring renewable energy than any other electric utility in the country. Like other investor-owned utilities in California, SCE is working toward a state-mandated goal of producing at least 20 percent of its electricity supply from renewable sources by 2010.

According to recent statistics, SCE leads all other CA utilities in reaching this target. We're proud of our leadership on many key initiatives that will help preserve and enhance our communities and our world for future generations.

In 2007, SCE's renewable generated power represented 16% of the utility's energy portfolio. More than 60% came from geothermal resources, 21% from wind, and smaller amounts from other resources.

- But even with our industry-leading renewable procurement, we still face a challenge to get to the 20% target by 2010.
- Deliverability is really important. We have enough contracts in hand today to meet the 20% target when those contracts are operating and deliverable, but due to transmission constraints we can't reach the 2010 goal.
- **The single biggest obstacle to brining more renewable power to the region is the lack of transmission infrastructure.**

More at: *http://www.sce.com/PowerandEnvironment/PowerGeneration/*

MV00075227

Empowering Customers to Save Energy and Save Money via SCE's Special Programs and Services

- **CARE** (California Alternate Rates for Energy) is a customer energy program created by the California Public Utilities Commission to help provide financial relief to SCE residential customers with limited income.
  - CARE program reduces rates for income-qualified customer rates an average of 20%
- **FERA** (Family Electric Rate Assistance) program can help those SCE customers who don't qualify for CARE
- Available energy-efficiency rebates for pool equipment, heating and air conditioning, lighting and appliances
- Local government energy partnerships

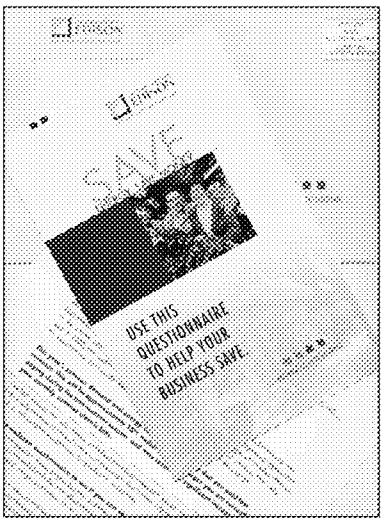

EDISON

8

Information about SCE's payment assistance programs is available by phone at (800) 655-4555, or by visiting the utility's Web site at www.sce.com.

Level Pay Plan: levels out the highs and lows of seasonal bill changes, making them more predictable for household budgeting purposes. Call (800) 434-2365.

California Alternate Rate for Energy (CARE): provides a 20% rate discount for customers meeting the income guidelines established by the CPUC. It also exempts these customers from the rate surcharge. Call (800) 447-6620.

Energy Assistance Fund: helps pay winter electric bills for elderly, disabled or low-income customers facing extreme financial difficulty. Funding comes from donations by SCE customers, employees and shareholders. The United Way administers the fund through more than 150 community-based organizations. Call (800) 655-4555.

Medical Baseline Allocation: provides lower rates and an additional baseline kilowatt-hour allocation to households requiring electric equipment for survival or mobility, or if someone has a qualifying medical condition. Call (800) 655-4555.

Friendly Reminder Notification: provides notification to a relative or friend if a customer's bill becomes past due (third party is not responsible for paying the bill). Call (800) 655-4555.

Energy Efficiency Programs and Incentives: helps homeowners and renters lower their energy consumption and make their homes more energy-efficient. SCE also conducts free home energy surveys to identify practical ways a customer can reduce consumption and their bill. Call (800) 736-4777.

Low Income Energy Efficiency Programs: offers a number of free services to help low-income households reduce energy use. Call (800) 736-4777.

Additional Contact for Elderly or Special-Needs Customers: provides a third- party contact if a full-time resident of a household is age 62 or older, or disabled, and an account becomes past due and subject to disconnection.

MV00075228

SCE's Leadership in Purchasing Solar Energy

Cumulative Rankings – Top Ten

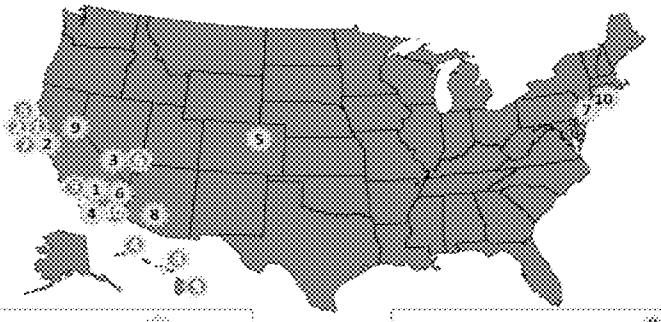

Total Solar Megawatts

Cumulative

#1 Southern California Edison – CA (441.4)
#2 Pacific Gas & Electric Co. – CA (219.5)
#3 NV Energy – NV (77.9)
#4 San Diego Gas & Electric Co. – CA (69.3)
#5 Public Serv. Co. of CO (Xcel Energy) – CO (28.5)
#6 LA Department of Water & Power – CA (13.5)
#7 Public Service Electric & Gas Co. – NJ (13.2)
#8 Arizona Public Service Co. – AZ (10.6)
#9 Sacramento Municipal Util. District – CA (10.2)
#10 Long Island Power Authority – NY (7.7)

Total Solar Watts per Customer

Cumulative

#1 San Francisco PUC – CA (4716.3)
#2 Flat at Customer – CA (564.7)
#3 Southern California Edison – CA (91.7)
#4 Kauai Island Utility Coop. – HI (79.4)
#5 Palo Alto Utilities – CA (70.4)
#6 NV Energy – NV (59.6)
#7 Pacific Gas & Electric Co. – CA (54.3)
#8 Maui Electric Co. – HI (51.3)
#9 Hawaii Electric Light Co. – HI (41.0)
#10 San Diego Gas & Electric Co. – CA (35.3)

EDISON

Source: Wired Science May 2009

9

MV00075229

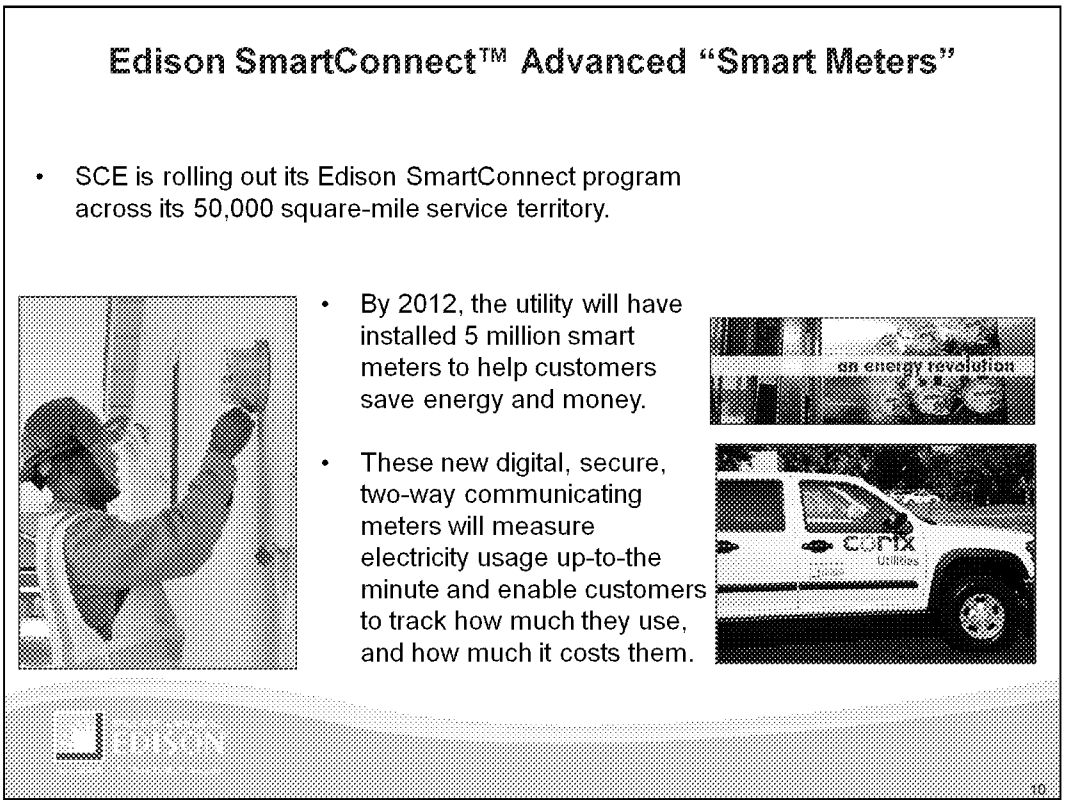

Industry Leadership

SCE is pioneering a new energy future by leading the way in renewable energy, energy efficiency, conservation, electric transportation, smart grid and smart metering programs

Program Definition

Edison SmartConnect is SCE's advanced metering program and among the nation's most advanced "smart" metering systems.

Customer Benefits

Edison SmartConnect will empower customers to more effectively manage their electricity use, helping them save energy, money, and the environment.

Environmental Benefits

Edison SmartConnect will provide long-term environmental benefits by building a smarter, cleaner energy future for SCE customers.

MV00075230

Edison SmartConnect™ Customer Benefits

Edison SmartConnect™ will empower customers to more effectively manage their electricity, helping them save energy, money, and the environment.

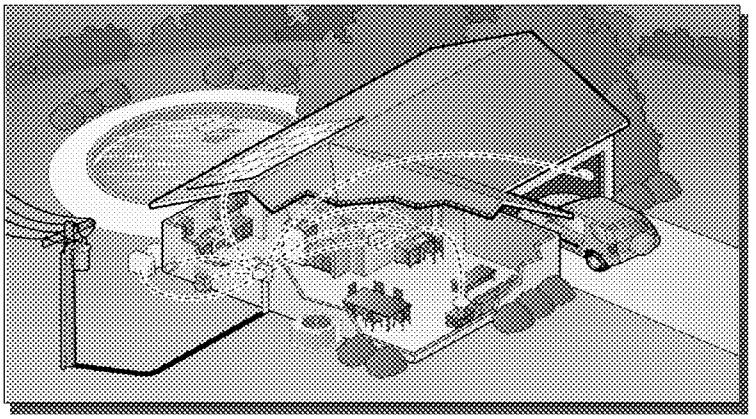

EDISON

11

Customer Focus

Edison SmartConnect was built with a focus on the customer at every stage of development.

Empowering Customers

Edison SmartConnect will enable dynamic pricing plans, as well as programs and services which will empower customers to make more informed decisions about their electricity usage.

In the same way a car's instant miles-per-gallon readout leads to better gas conservation, customers will be able to conserve more electricity when they know how much they are using and spending in near real-time.

Real-time Energy Use Info

Edison SmartConnect's advanced communications system will enable customers to view near real-time energy use information from a computer, cell phone, or other device. It will also alert customers to periods of peak electricity demand by sending messages directly to these devices.

Cost, Comfort, Convenience The Edison SmartConnect system will allow customers to program home appliances and devices to respond to energy use preferences based on cost, comfort and convenience. For example: the smart meter will communicate with a home's Programmable Communicating Thermostat to maintain a certain temperature during specific times of the day, or to automatically respond to peak electricity demand, by adjusting or turning off appliances and devices.

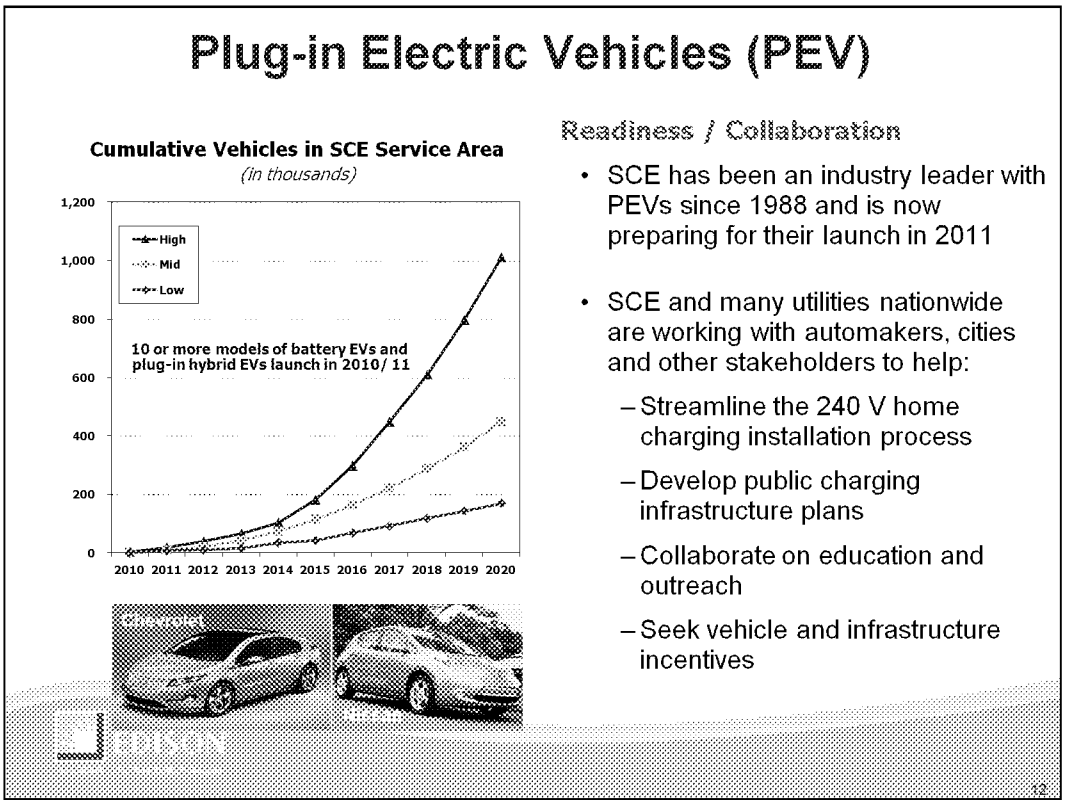

- Southern California will be a hot spot with vocal early adopters wanting to charge 240 V at home, work, and public locations

- PEV efforts can help cities comply with SCAQMD rule 2202 and may be a policy option as the region implements SB 375

Customers who are considering the purchase of a plug-in electric vehicle should complete three steps to get plug-in ready:

Determine whether the vehicle you intend to purchase will require an upgrade to your home's electrical panel and wiring, or will require installation of a second meter. That will depend on the type of vehicle you purchase, the charging method you choose, and the SCE rate plan you select.

Notify SCE as early as possible of your intention to purchase a plug-in electric vehicle before youtake your vehicle home.

Review the rate options available to you, so that you can select the one that best suits your needs. SCE offers three rate options that could save you money, depending on when you charge your vehicle and your total home usage.

See *www.sce.com/pev,* or for more info, call **1 800-4EV-INFO**

SCE Supporting the Community of Moreno Valley

Community Involvement

- SCE company has a long-standing tradition of helping those in need through its corporate giving efforts, including providing grants to educational, environmental and other nonprofit organizations. We partnered with the city during your birthday festivities.

- SCE has employee giving initiatives that encourages employees to get involved in the communities in which they live and work. Employees reported 1,753 volunteer hours in the city of Moreno Valley in 2009.

EDISON

13

Education

We believe that a strong, vibrant educational system is essential to the quality of community life. Edison's education initiatives focus on programs that keep students in school and foster optimal learning, achievement and progression toward higher education. We place a special emphasis on working with programs that enhance the educational opportunities available through public schools.

Environment

At Edison, we believe that improving the environment makes good business sense for our customers, our shareholders and our long-term corporate interests. We are committed to energy efficiency and support the work of organizations that educate and engage their communities in preserving a healthy and sustainable environment.

Community Building

Edison places a high priority on enhancing the ability of individual communities to come together and address their needs and create opportunities for their future. We are particularly supportive of organizations that are rooted in their communities and whose boards and staffs are drawn from them. What they have in common is a dedication to helping the vulnerable or underserved and in celebrating the diversity and possibilities of their communities.

Today, thousands of SCE employees donate their personal time and resources through a formal, extensive portfolio of workplace-giving programs. Edison volunteers focus on strengthening neighborhoods and supporting the needs of children, the elderly, the hungry, the homeless and other disadvantaged populations. They do everything from organizing events at the Special Olympics to rescuing at-risk wildlife in California.

More at:

http://www.sce.com/CommunityandRecreation/CorporateContributions/CoreGivingAreas.htm

http://www.sce.com/CommunityandRecreation/EmployeeGiving/

SCE: Your Trusted Energy Partner

Emergencies: [Power outages and downed power lines]

- **1-800-611-1911**

General Information:

- **1-800-655-4555**

Ray Hicks (951) 928-8238

Public Affairs Region Manager

Gerald Wilson (909) 421-6451

Energy Efficiency Account Manager

Southern California Edison

- www.sce.com

CA Energy Commission

- www.energy.ca.gov

CA Public Utilities Commission

- www.cpuc.ca.gov/

CA Independent System Operator

- www.CAISO.Com

14

SCE is committed to proactive communication, collaboration and partnership on projects and issues of mutual interest.

SCE is an experienced industry leader, and our commitment to responsible environmental stewardship.

I'm very interested in learning about your concerns (about SCE or its projects and initiatives) and will continue to work to address all of them.

When and how can I provide your more information?

Thank you again for this opportunity to provide this briefing on the State of SCE's Electric Utility System

MV00075234

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: August 24, 2010

TITLE: Military Appreciation Banner Program

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

BACKGROUND

Moreno Valley resident PFC Marcus Tynes was killed on November 22, 2009 while serving our country in Afghanistan. PFC Tynes' family contacted the City Council in November 2009 with a request that the City consider implementing a banner program recognizing Moreno Valley servicemen and women.

At a City Council Study Session on February 16, 2010, the City Manager's Office presented information on several military banner programs that exist in other local jurisdictions that pay tribute to their residents serving in the military. Council provided direction to the City Manager's Office to establish a Military Banner Program Committee in order to develop a Military Banner Program to honor the City's active duty military service personnel.

DISCUSSION

The Military Banner Program Committee consists of Mayor Bonnie Flickinger, Mayor Pro Tem Robin Hastings, Major Don Traud, resident Bruce Atlas, Moreno Valley

Chamber President/CEO Oscar Valdepena, Chamber Military Affairs Committee Co-Chairs Laura Froehlich and Wendy McCool, and City staff. The Committee met on April 22nd to discuss the development of a Military Banner Program. The Committee discussed eligibility criteria for inclusion in the Military Banner Program, banner design and location, cost of the banners, program implementation, and administration of the program.

From the information gathered at the April 22nd meeting, City Staff developed a Military Appreciation Banner Program Policy (Attachment B). The City's Graphics section designed banners for both active duty military service personnel (Attachment C) and for those killed in action (Attachment D). Additionally, an application for a military banner for active duty military servicemen and women (Attachment E) and a Certificate of Appreciation (Attachment F) were developed. Finally, the existing Veterans Memorial Application Form was modified to include information for a special military banner to honor those Moreno Valley residents that have been killed in action while serving our country (Attachment G). The Military Banner Program Committee met on August 5th and approved Attachments B – G. A summary of the pertinent details of the policy are listed below.

Eligibility: The designated honoree must meet one of the following criteria:

- An active duty member of the United States Military and a City resident
- An active duty member of the United States Military who graduated from a high school located in Moreno Valley
- An active duty member of the United States Military who is an immediate family member of a current City resident
- An active duty member of the United States Military whose home of record states the City of Moreno Valley.

Special Provision: Moreno Valley residents who were killed in action while serving in the military will have a special banner produced and displayed by the City. These special banners will have a similar but distinct appearance that will designate them as killed in action honorees.

Cost: The cost of a military banner for active duty military service personnel will be paid for by the applicant as established in the attached Fee Resolution. The cost for the military banner will not exceed the actual cost to produce a personalized banner. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00.

The cost of the banner for a military serviceperson who has been killed in action will be borne by the City, which is reflective of an established City Council policy. This policy was first established with the engraving of names on the City's Veterans Memorial to honor those Moreno Valley residents who were killed in action. The estimated cost for the initial installation of ten banners to honor the military servicemen and women killed

in action whose names are currently engraved on the Memorial, is approximately $2,100.

Locations: The display of the banners for active duty military servicemen and women will begin on Veterans Way at Alessandro Blvd and proceed south to Cactus Avenue. Banners will then be displayed on Cactus Avenue beginning at the entrance to March Air Reserve Base and proceed east on Cactus. As the program expands, other streets for banner installation may include Frederick north of Cactus, Graham/Riverside Drive, Heacock, or John F. Kennedy. Banner installation will be done by the City's Traffic Signal Maintenance staff who will be responsible for the twice-yearly installation.

The proposed location for the special military banners honoring the lives of those military servicemen and women killed in action is on the street light poles that illuminate the driveway of Avenida Romelio Ruiz, which is the east entrance driveway for the Veterans Memorial, as well as on the street light poles at the Veterans Memorial, the south driveway exit from the Memorial, and Calle San Juan de Los Lagos.

Implementation and Administration: It is anticipated that the initial installation for the military banners will occur in October/November 2010 prior to Veterans Day and will only be for those military servicepersons killed in action. Following the initial installation, banners will be installed twice each calendar year for both active duty military service personnel and for those killed in action if applicable. Banner installations will take place in April/May in advance of Memorial Day and in October/November prior to Veterans Day as long as the Military Appreciation Banner Program remains active. Administration of the program will be conducted by the City's Parks and Community Services Department in conjunction with the current Veterans memorial Paver Program.

The attached Military Appreciation Banner Policy will ensure that the program's goals are maintained. As this is a new program, staff requests the authority to make administrative changes to the policy after implementation in order to effectively and efficiently manage the program.

ALTERNATIVES

1. Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation. ***Staff recommends this alternative.*** *The approval of this program will demonstrate the City's dedication to honoring our Military servicemen and women and will promote a sense of community pride.*

2. Do not approve the Military Banner Appreciation Program, do not adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and do not appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that

have been killed in action while serving our Nation. ***Staff does not recommend this alternative.*** *The City would continue recognizing military veterans through the existing Veterans Memorial and Paver Programs.*

FISCAL IMPACT

The military banners that will be displayed for active duty military servicemen and women will be funded by the applicant per the established fee schedule. This cost will not exceed the actual cost to produce a personalized banner as well as the cost of the hardware. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00

The special military banners that will be displayed in remembrance of those Moreno Valley military servicemen and women who gave their lives for our country will be paid for by the City. The expected cost for the initial installment of military banners honoring those military service personnel killed in action is estimated at $2,100. Funding for the purchase of these banners will come from the City Manager's budget, fund 99110. Staff is requesting an appropriation in the amount of $2,100 be transferred from fund 99110 to 00359.359.22410.17.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

A Military Banner Program will allow the City to recognize and celebrate Moreno Valley residents, or their immediate family members, who are currently serving in the United States Military. A special military banner will be displayed in remembrance of Moreno Valley residents that were killed in action while serving our Nation.

ATTACHMENTS

Attachment A:	Proposed Resolution
Exhibit "A":	Proposed Schedule of Fees
Attachment B:	Military Appreciation Banner Program Policy
Attachment C:	Active Duty Military Banner
Attachment D:	Killed in Action Military Banner

Attachment E: Application Form for a Military Banner for Active Duty Military Service Personnel
Attachment F: Certificate of Appreciation
Attachment G: Application Form for Veterans Memorial and a Military Banner for Military Service Personnel Killed in Action

Prepared By:
Cynthia Owens
Acting Assistant to the City Manager

Department Head Approval:
Michelle Dawson
Acting Assistant City Manager

Concurred By:
Michael McCarty
Parks & Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2010-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION 2010-23 TO ESTABLISH FEES FOR THE MILITARY APPRECIATION BANNER PROGRAM IN ORDER TO RECOVER THE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE MILITARY BANNER PROGRAM

WHEREAS, the City Council has approved the Military Appreciation Banner Program; and

WHEREAS, the City Council has established the Veterans Memorial Paver Program at the Veterans Memorial; and

WHEREAS, the cost of rendering these programs should be borne by the beneficiaries of said programs; and

WHEREAS, data supporting the estimated cost for providing said program has been made available to the City Council and to the public; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Section 7 – Parks and Community Services of Exhibit A of Resolution 2010-23 is hereby amended to add new fees as follows:

Military Banner Program	**Fee**
Military Banner for Active Duty Military Service Personnel	$100.00
Veterans Memorial Paver Program	
Veterans Memorial Paver	$200.00

2. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General fund of the City or into such special funds as may be otherwise required by law.

3. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or

MV00075240

application, and to this end the provisions of this Resolution are hereby declared to be severable.

4. Each fee or charge set forth by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

5. The fees approved and established herein shall become effective on Wednesday, August 25, 2010.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

	A	B	C	D	E	F	G	H
1							**Section 7 - Parks and Comr**	
2								
3							Unit	
4		**Parks**						
5								
6			**Plan Check Fees (1 - 3 submittals)**					
7				Project Cost:				
8	PK # 1a			$0-$20,000				
9	PK # 1b			$20,001-$100,000				
10	PK # 1c			> $100,000				
11								
12	PK # 2			4th and subsequent submittals				
13								
14				**Revisions**				
15	PK # 3				Minor (detail changes only)			
16	PK # 4				Major			
17								
18			**Inspection and Testing**					
19				Project Cost:				
20	PK # 5a			$0-$20,000				
21	PK # 5b			$20,001-$100,000				
22	PK # 5c			> $100,000				
23								
24	PK # 6		**Research of Records, Files, etc**					
25								
26			**Military Banner Program**					
27				Military Banner for Active Duty Military Service Personnel				
28				Military Banner for Military Service Personnel Killed in				
29								
30			**Veterans Memorial Paver Program**					
31				Veterans Memorial Paver				

	I	J	K	L	M
1	**nunity Services**				
2					
3	Fee		Proposed Fee		Comments on Proposed Changes to Fees
4					
5					
6					
7					
8	3.50%		3.50%		
9	3.25%		3.25%		
10	3.00%		3.00%		
11					
12	$ 140.00		#REF!		
13					
14					
15	$ 256.00		#REF!		
16	Same as initial submittal				
17					
18					
19					
20	7.00%		7.00%		
21	6.00%		6.00%		
22	5.00%		5.00%		
23					
24	Actual City Cost		Actual City Cost		
25					
26					
27	$100.00				
28	Waived				
29					
30					
31	$200.00				

	A	B	C	D	E	F	G	H
1					**Section 7 - Parks and Comm**			
2								
3							Unit	
4		**Parks**						
32				Veterans Memorial - Engraving for Military Service Personnel				
33								
34								
35			**Penalty Fees**					
36	PK # 7			Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with			per Offense	
37								
38	PK # 8			Applicant's failure to schedule inspection prior to performing			per Offense	
39								
40	PK # 9			Applicant's failure to attend or be prepared for a scheduled			per Offense	

	I	J	K	L	M
1	**nunity Services**				
2					
3	Fee		Proposed Fee		Comments on Proposed Changes to Fees
4					
32	Waived				
33					
34					
35					
36	$ 561.00	plus actual damages	#REF!	plus actual damages	
37					
38	$ 112.00		#REF!		
39					
40	$ 112.00		#REF!		

Military Appreciation Banner Policy

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard) or have been killed in action.

DEFINITIONS:

"Active Duty" for the purposes of this program is defined as six (6) months of continuous service in the United States Military, including the National Guard and Reserve for each military service division.

"Immediate Family" for the purpose of this policy shall be defined as mother, father, son, daughter, wife, husband, brother, sister, or grandchild.

"Military service division" shall be defined as Army, Navy, Air Force, Marines and Coast Guard, including the respective National Guard and Reserve for each division.

I. Introduction

The City of Moreno Valley ("City") permits the display of banners at specified locations, on City-owned property, within City rights of way, and/or within other public rights of way subject to the City's control pursuant to established policies. The display of military banners is permitted solely in conformance with this policy. In establishing this policy, the City does not intend in any manner to create a public forum or other means by which non-commercial, social, religious or political messages may be conveyed, or by which public discourse, exchange of opinions or discussion on issues of any nature may occur. Rather, the limited purpose of the Military Appreciation Banner Program is to recognize and honor the contribution of Moreno Valley's active duty military personnel by permitting the uniform display of banners containing the serviceperson's photo, name and military service division.

II. Military Banner Policy

Consistent with the intent of the City, as expressed above, the City permits the display of the military banners solely in accordance with the following policy:

A. Banner Printing – Military Serviceperson's Name and Division

The name (first and last and suffix, if any) and military service division will be printed on the banner. A military serviceperson's name cannot appear on more than one banner.

B. Eligibility Criteria

The designated honoree must be:

1. an active duty member of the military and a City resident; or
2. an active duty member of the military whose home of record states the City of Moreno Valley; or
3. an active duty member of the military who graduated from a high school that is located within the City; or
4. an immediate family member of a current City resident.

C. Determination of Eligibility

Military Appreciation Banner Policy

The application must include a copy of a driver's license or other picture identification, satisfactory to the City, which shows the address of the military service person, or his or her immediate family member's address as being in the City. If the applicant is applying on behalf of a military serviceperson as a graduate from a high school located within the City a copy of the high school diploma and/or a certified copy of the school transcript shall be submitted. The application must also include satisfactory documentation (e.g., military identification) establishing the name, military services division, and active duty status of the person whose name is to appear on the banner.

Parks and Community Services staff will convene a Review Committee twice each year to review all applications for compliance with the eligibility criteria. The final determination of eligibility is at the discretion of the committee.

D. Installation

The installation of the military banners shall occur twice each calendar year (April/May and October/November in advance of Memorial Day and Veterans Day respectively) so long as the military banner program remains active.

E. Display Term

A banner will be displayed continuously once it has been installed and will be removed when:

1. the banner becomes damaged due to wind, age, or other reasons as solely determined by the City; or
2. the military service person no longer meets the eligibility criteria; or
3. the applicant for the banner fails to submit the required annual verification paperwork verifying that the military service person continues to meet the Eligibility Criteria; or
4. the Military Appreciation Banner Program is discontinued for any reason at the discretion of the City Council.

Once the military banner is removed from its location, the banner applicant will be notified that the banner can be obtained from the Parks and Community Services Department.

F. Application Process

Anyone requesting a military banner shall submit a complete banner application to the City's Parks and Community Services Department on the form provided by the City, together with the then current application fee made payable to the City. The required fee has been calculated to offset a portion of, but not exceeding, the costs of the personalized banner. All banner locations are assigned by the City. The number of banners as well as the specific locations of the banners shall be determined solely by the City, and may be revised without prior notice. The requestor of the banner cannot select a specific location.

Each applicant must provide information on the application form sufficient to investigate and verify the facts stated and to determine whether the applicant satisfies the requirements of the policy. The City's Parks and Community Services Department will administer the Military Appreciation Banner Program and the Department Director (or his/her designee) shall approve the applications. Each completed application shall be approved or denied within ten (10) business days of receipt. The City shall approve a banner application upon completion of the review, provided: (1) the military serviceperson meets all of the criteria set forth in this policy, (2) the applicant has provided all required information and (3) the applicant has been completely truthful.

Military Appreciation Banner Policy

When an application is approved, the military serviceperson's name and military services division will be printed on both sides of the banner. The banner will be ordered by the City, however, it will be paid for by the applicant. The completed application must include either a five (5) inch by seven (7) inch photograph of the military serviceperson in their dress uniform or provide a digital image of not less than 300 d.p.i. If the City determines the digital image is not of sufficient quality for printing the banner then the applicant will be given the option of submitting either a (5) inch by seven (7) inch photograph or having the logo/seal of the military services division placed on the banner. Should an applicant desire to not have a photograph on the banner, the appropriate military services division logo/seal will be used.

G. Annual Eligibility Determination

On an annual basis, the City will require that all applicants for military banners for active duty military personnel provide written verification that the active duty military serviceperson still meets the Eligibility Criteria. The person who applied for the military banner will be contacted at their last known address listed on their application form. It shall be the responsibility of each applicant for a military banner to promptly update his or her information on file with the City's Parks and Community Service Department as needed. The City shall not be responsible in the event the City does not receive any updated information that is not personally delivered to the City's Parks and Community Services Department. All banners for military servicepersons no longer meeting the Eligibility Criteria shall be removed and the location reassigned. Any banner that is removed, whether from lack of eligibility or from being weathered, shall be provided to the applicant.

H. Replacement of Banner

In the event a banner must be replaced for any reason (e.g. weathered, vandalism, stolen, wind event), and so long as the Eligibility Criteria remains satisfied as established by documentation provided by the applicant, then upon payment of the City's banner fee a new banner will be ordered. The banner will be installed in accordance with the City's installation policy set forth in Section D.

III. General Provisions

The City shall not be responsible for damage to or thefts of banners. Furthermore, by applying for and receiving approval for a military banner to be displayed, the applicant agrees to indemnify and hold the City of Moreno Valley, the Moreno Valley Redevelopment Agency, the Moreno Valley Community Services District, and each of the City's and Agency's elected officials, officers, employees, agents, and volunteers free and harmless with respect to any and all liabilities, claims, lawsuits and/or damages of any nature whatsoever that allegedly arise from or are connected to the approval of the applicants banner application, including the display of, and/or damage to or loss of any banner or banners.

The City reserves the right to revise this policy, discontinue the Military Appreciation Banner Program, and/or revise applicable fees without prior notice. If the program is discontinued, each banner will be returned to the applicant thereof or to the military serviceperson named on the banner.

IV. Special Provisions

It is the intent of the City Council to provide banners honoring those Moreno Valley residents who were killed in action while serving in the military. Banners similar to the military banners for active duty personnel will be produced and displayed by the City and hereinafter will be included as part of the killed

Military Appreciation Banner Policy

in action application process for the Veterans Memorial administered by the City. These special banners will have a similar but distinct appearance designating them as killed in action honorees. The cost of the banners will be borne by the City and the banners will be replaced by the City when damaged. Banners honoring the killed in action soldiers already included on the City's Veterans Memorial will be installed with the initial implementation of the banner program.

Moreno Valley Honors

John Smith

Army

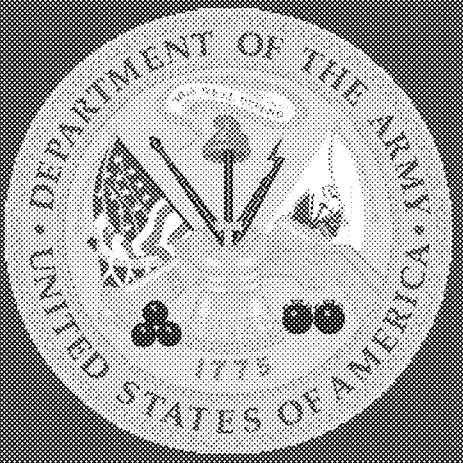

ATTACHMENT C

Moreno Valley
Remembers

John Smith

Army

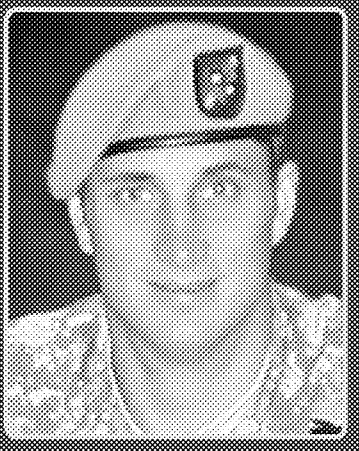

ATTACHMENT D

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

APPLICATION FOR MILITARY APPRECIATION BANNER PROGRAM
ACTIVE DUTY MILITARY PERSONNEL

The City of Moreno Valley wishes to honor Moreno Valley servicemen and women by celebrating their service with the Military Appreciation Banner Program. The City is accepting nominations from the community for active duty military service personnel who are residents of Moreno Valley, who have immediate family residing in Moreno Valley, or graduated from a Moreno Valley high school. If you know of someone that you feel would be worthy of this honor, please complete the attached nomination form, provide any required documentation and your payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00), and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services at (951) 413-3701.

MILITARY BANNER REQUEST FOR RECOGNITION – ACTIVE DUTY MILITARY SERVICE PERSONNEL

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard)

POLICY:

I. Procedure for Submitting Names to Request a Military Banner to be Displayed

A. Nomination form including full name, rank and branch of service; proof of active duty Military status; proof of residency for the Military serviceperson or immediate family member; proof of graduation from a high school located in Moreno Valley if applicable; a 5" x 7" photograph or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform; and payment (check or money order) should be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to have a Military Banner displayed.

A. Once nominations are received, the information will be reviewed and approved by the City.

B. Banners will be installed twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day. Once the banner is in place, the applicant will be mailed a certificate honoring the Military service person.

C. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

D. Only one banner per Military serviceperson is allowed.

II. Nominee Qualifications:

In order to be nominated for a Military Banner the Nominee must meet the following qualifications:

A. Nominee must be currently serving in the United States Military.

B. The active duty Military serviceperson, or their immediate family member, must be a resident of Moreno Valley or the Military serviceperson must have graduated from a Moreno Valley high school.

C. Active duty status will need to be verified annually in order for the Military Banner to continue to be displayed.

NOMINATION FORM FOR MILITARY BANNER
ACTIVE DUTY MILITARY SERVICE PERSONNEL

Please Print

NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Graduate from a Moreno Valley High School	(circle one) **Yes** **No**
Please attach a birth certificate, Home of Record or proof of residency for the nominee or proof of residence for the immediate family member; proof of current active duty Military status; proof of graduation for the nominee from a Moreno Valley high school if applicable; and a 5" x 7" photograph or a digital image of not less than 300 d.p.i.	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Mail the completed nomination form, any required documentation and payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00) to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Proof of Military Service:	
Payment (check or money order):	
Date Approved by Review Committee:	
Recommended Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

Certificate of Appreciation presented to:

Mrs. Smith

November 11, 2010

On Veterans Day 2010 a banner was installed on your behalf at _____ and _____ honoring your loved one's service to our Nation.

_____

BONNIE FLICKINGER, MAYOR

Military Appreciation Banner Program

ATTACHMENT F

MV000075256

CITY OF MORENO VALLEY

APPLICATION FOR THE NOMINATION OF KILLED IN ACTION MILITARY PERSONNEL: VETERANS MEMORIAL AND MILITARY BANNER APPRECIATION PROGRAM

The City of Moreno Valley is dedicated to honoring our Military servicemen and women who were killed in action while serving our Country. The memories of our Moreno Valley residents who have made this ultimate sacrifice are honored by having their names permanently engraved on the Veterans Memorial located at the Moreno Valley Civic Center. Additionally, a special Military Banner will be displayed in remembrance of these veterans. To nominate a Moreno Valley resident killed in action, please complete the attached nomination form, provide any required documentation and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services Department at (951) 413-3701.

VETERANS MEMORIAL AND MILITARY BANNER REQUEST FOR RECOGNITION - KILLED IN ACTION

PURPOSE: To solicit from the community nominations for recognition at the Veterans Memorial, located at the Moreno Valley Civic Center, as well as to have a special Military Banner displayed for servicemen and women killed in action (KIA).

POLICY:

I. Procedure for Submitting Names for Inclusion on the Veterans Memorial (Killed in Action) and the Display of a Military Banner:

A. Nomination form including full name; rank; branch of service; Report of Incident (provided by the military); a birth certificate, Home of Record or proof of residency; and a 5" x 7" photo or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform must be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to be listed on the monument and to have a Military Banner displayed. *There is no charge to list KIAs on the Veterans Memorial and to have a banner displayed.*

B. Once nominations are received, the information will be reviewed and approved by the City.

C. Names will be added to the Veterans Memorial twice a year; just prior to Memorial Day and Veterans Day.

D. Banners will be installed for display twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day

E. Only the Nominee Name, Rank and Branch of Service will appear on the Monument.

F. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

II. Nominee Qualifications:

In order for a deceased veteran to be nominated for inclusion on the Veterans Memorial and to have a special Military Banner displayed, the Nominee must meet the following criteria:

A. Killed in Action as determined by the military. A certified Report of Incident, which is issued for all KIA by the military, must be submitted.

B. Died during a period of action/invasion/conflict. This includes the following, but is not limited to: World War I, World War II, Korea, Vietnam, Desert Storm, Enduring Freedom, Desert Shield, Somalia, Granada, Operation Just Cause, and Operation Iraqi Freedom. Friendly Fire is recognized as KIA (i.e., accidents such as helicopter or motor vehicle accident).

C. A certified Home of Record, birth certificate or proof of residence must list Moreno Valley, California. This includes the communities of Sunnymead, Edgemont, and Moreno prior to incorporation. Exception may be made if Nominee was born on March Air Force Base and attended Moreno Valley schools.

Nominee would be recognized on *pavers,* not the memorial, if one of the following applies:

- Nominee died while in the States and not during transportation to/from action, unless declared KIA by the military.
- Nominee died after conflict concluded.
- Nominee died from injuries sustained in conflict but died after returning to the States, unless declared KIA by military.

NOMINATION FORM FOR VETERANS MEMORIAL AND MILITARY BANNER

Please Print

KILLED IN ACTION NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Please attach a certified Report of Incident provided by the military, a birth certificate, Home of Record or proof of residency, and a 5" x 7" photo or a digital image of not less than 300 d.p.i.,	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Please provide any additional information that you would like for the Committee to consider.

Mail the completed nomination form, any required documentation to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Report of Incident Provided:	
Home of Record/Birth Certificate/Proof of Residency Provided:	
Date Approved by Review Committee:	
Anticipated Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The CSD was formed simultaneously with the City's incorporation and zones of benefit were established, such as the CSD Zone B (Residential Street Lighting) program, to allocate the program costs to those parcels receiving benefit from the services provided by the CSD. The Zone B parcel charges fund the costs for approximately 8,500 streetlights along City maintained residential streets.

In 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act", which created state-mandated legislation requiring local government to provide record

owners of property sufficient notice and an opportunity to approve or oppose any new, extended or increased tax, assessment, fee or charge. In accordance with Proposition 218, record owners of properties subject to new, extended or increased property charges, such as those associated with CSD programs, are provided an opportunity to submit a ballot on the proposed service and charge through the process of a mail ballot proceeding.

Over the past few years, electrical utility costs for streetlights have significantly increased and currently exceed the annual CSD Zone B program revenue. To continue to provide the same level of residential street lighting services, a Proposition 218 mail ballot proceeding was conducted in June of 2009. The mail ballot provided property owners participating in the CSD Zone B program an opportunity to either approve or oppose an increase in their annual CSD Zone B charge from $23 or $24 per parcel to $39 per parcel, which included an annual inflation adjustment. Of the 40,092 ballots mailed to property owners, 6,359 ballots (16%) were returned with 4,076 ballots marked as not approving, 2,025 ballots marked as approving, and 258 invalid. Based on the results of the mail ballot proceeding, the proposed increase in the CSD Zone B charge was not approved. To continue to fund the CSD Zone B (Residential Street Lighting) program for fiscal year (FY) 2009/10, all remaining CSD Zone B fund balances were used and a temporary loan was acquired. The loan will require repayment from future CSD Zone B charges.

DISCUSSION

The CSD Zone B (Residential Street Lighting) program funds the cost of residential street lighting services through an annual levy of charges collected on the Riverside County property tax bills on those properties that receive residential street lighting services. Since FY 1996/97 the annual CSD Zone B charge has remained consistent at $23 per parcel with exception to those properties which, beginning in 1999, balloted and approved an annual inflation adjustment, which adjusted the charge to $24 per parcel per year in FY 2008/09.

In recent years the California Public Utilities Commission (CPUC) has approved multiple rate increases for electrical utility costs that utility providers may charge for street lighting services. These rate increases have been passed on to the rate payers, which has caused an increase in the cost of street lighting by more than 47% since 2006. A mail ballot proceeding was conducted in June 2009 for an increase in the CSD Zone B charge; however of the more than 40,000 property owners balloted, only 6,359 ballots (16%) responded with the majority not approving the increase in the Zone B charge.

To address the increases in electrical utility costs for residential streetlights in compliance with Proposition 218, a mail ballot proceeding is being conducted for a proposed increase in the CSD Zone B annual charge. Ballot materials (Attachments 1 and 2) were mailed on July 9, 2010, to property owners within the boundaries of CSD Zone B to provide an opportunity to approve or oppose the proposed increase. If approved by a simple majority (50%+1) of the returned valid ballots, properties currently

charged $23 per parcel or $24 per parcel would be increased to $39 per parcel (equivalent to a $16 or $15 increase) for FY 2010/11 and may be subject to an annual inflation adjustment. The City would only increase the annual streetlight charge if the costs for streetlights increase and only by the amount necessary to cover the increased costs. If property owners oppose the proposed increase by a simple majority of the returned valid ballots or there is a tie in the results, the existing CSD Zone B charges shall continue to be levied on the property tax bills and street lighting services will be reduced to a level consistent with available funding in accordance with general management policy #2.34, Community Services District Zone B (Residential Street Lighting) Policy and Zone C (Arterial Street Lighting) Policy, as previously approved by the CSD Board.

To provide information concerning the CSD Zone B program costs and mail ballot proceeding, the CSD began conducting public outreach efforts in April 2010. The following provides a summary of some of these activities:

- Article included in the City Link May – August 2010, publication for summer.
- Since April, advertisements have been shown before each feature film at both Harkins and Regency Theaters.
- Multiple Public Service Announcements (slides and videos) have been posted on MVTV 3 and will continue to run through the end of September 2010.
- "Questions & Answers" are posted on the City's website in English and Spanish.
- Distributed informational door hangers to over 40,000 single family homes the week of July 5, 2010.
- Informational flyers distributed at the City's Fourth of July event. Additional flyers were posted and made available at City facilities and Chambers of Commerce. Copies were also emailed to Home Owner Associations.
- At the end of July, posted temporary informational signs on 2,500 streetlights within Zone B residential streetlight areas.
- On July 9, the required Notice and Mail Ballots were mailed to over 40,000 property owners.
- Advertisements were published in The Press-Enterprise on July 28, July 30, and August 1 and in La Prensa on July 30, 2010. Additionally, an advertisement was also placed in the The Press-Enterprise's Weekly publication on August 12, 2010.
- Distributed over 40,000 door hangers to remind property owners to submit their mail ballot responses and to inform them of additional opportunities to receive information concerning the mail ballot process.
- Conducted two Townhall Meetings held the morning of August 17 and the evening of August 18, 2010. An additional meeting is scheduled for the afternoon of September 1, 2010.

Property owners subject to CSD Zone B are also given two opportunities to address the CSD Board. These two opportunities are the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing. Following the close of the Public Hearing, the City

Clerk (Secretary to the CSD Board) will provide instructions regarding tallying, verifying, and announcing the results of the mail ballot proceeding.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *By accepting public comment, the CSD Board complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*

2. **Do not accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *This alternative would run counter to state statute requirements.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone B (Residential Street Lighting), which are full-cost recovery programs. The cost to fund streetlight operations exceeds the current CSD Zone B charges. Properties subject to CSD Zone B are being balloted for an increase from either $23 or $24 per parcel per year to $39 per parcel per year, along with an annual inflation adjustment. **The collection of the CSD Zone B annual charge is restricted for residential street lighting services and administration of the CSD Zone B program. There is currently no fiscal impact on the General Fund for the operation of the CSD Zone B program.**

CITY COUNCIL GOALS

Revenue Diversification and Preservation
The CSD Zone B charge funds program costs for residential streetlight services, which aid in the illumination of roadway and sidewalk areas.

SUMMARY

The action before the CSD Board is to accept public comments regarding the proposed increase in the CSD Zone B charge.

NOTIFICATION

Mail ballot packets were mailed on July 9, 2010 to the property owners subject to the CSD Zone B charge. The mail ballot packet included a notice to the property owner, instructions for marking the ballot, official mail ballot, and a postage-paid envelope for returning the ballot. Two sample mail ballot packages are included as Attachments 1 and 2.

Legal notification for the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing was published in The Press-Enterprise on August 5, 2010. Legal

notification for the Public Hearing will also be published on August 26, 2010 and again on September 2, 2010.

ATTACHMENTS/EXHIBITS

Attachment 1 – CSD Zone B sample mail ballot packet for properties currently paying $23 per parcel per year.

Attachment 2 - CSD Zone B sample mail ballot packet for properties currently paying $24 per parcel per year.

Attachment 3 - CSD Zone B boundary map

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 1

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
1985-86	$22.00	1998-99	$23.00
1986-87	$18.00	1999-00	$23.00
1987-88	$21.00	2000-01	$23.00
1988-89	$21.00	2001-02	$23.00
1990-91	$20.00	2002-03	$23.00
1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

MV00075266

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

MV00075267

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

MV00075268

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $16 increase in the annual parcel charge (equivalent to $1.33 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $23 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $16 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $23 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

MORENO VALLEY
WHERE DREAMS SOAR

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 6 MORENO VALLEY, CA

POSTAGE WILL BE PAID BY ADDRESSEE

CITY CLERK'S OFFICE
MORENO VALLEY CSD
ZONE B BALLOT - 9/14/2010
P.O. BOX 88005
MORENO VALLEY, CA 92552-9909

MV00075270

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

FIRST-CLASS MAIL
PRESORTED
US POSTAGE PAID
MORENO VALLEY, CA
PERMIT NO. 153

OFFICIAL BALLOT ENCLOSED
BOLETA ELECTORAL

MV00075271

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 2

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
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1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

MV00075273

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

MV00075274

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

MV00075275

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $15 increase in the annual parcel charge (equivalent to $1.25 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $24 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $15 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $24 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

FIRST-CLASS MAIL
PRESORTED
US POSTAGE PAID
MORENO VALLEY, CA
PERMIT NO.153

OFFICIAL BALLOT ENCLOSED
BOLETA ELECTORAL

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MORENO VALLEY
WHERE DREAMS SOAR

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14335 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 6 MORENO VALLEY, CA

POSTAGE WILL BE PAID BY ADDRESSEE

CITY CLERK'S OFFICE
MORENO VALLEY CSD
ZONE B BALLOT - 9/14/2010
P.O. BOX 88005
MORENO VALLEY, CA 92552-9909

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City of Moreno Valley
Zone B Parcels
2010/2011

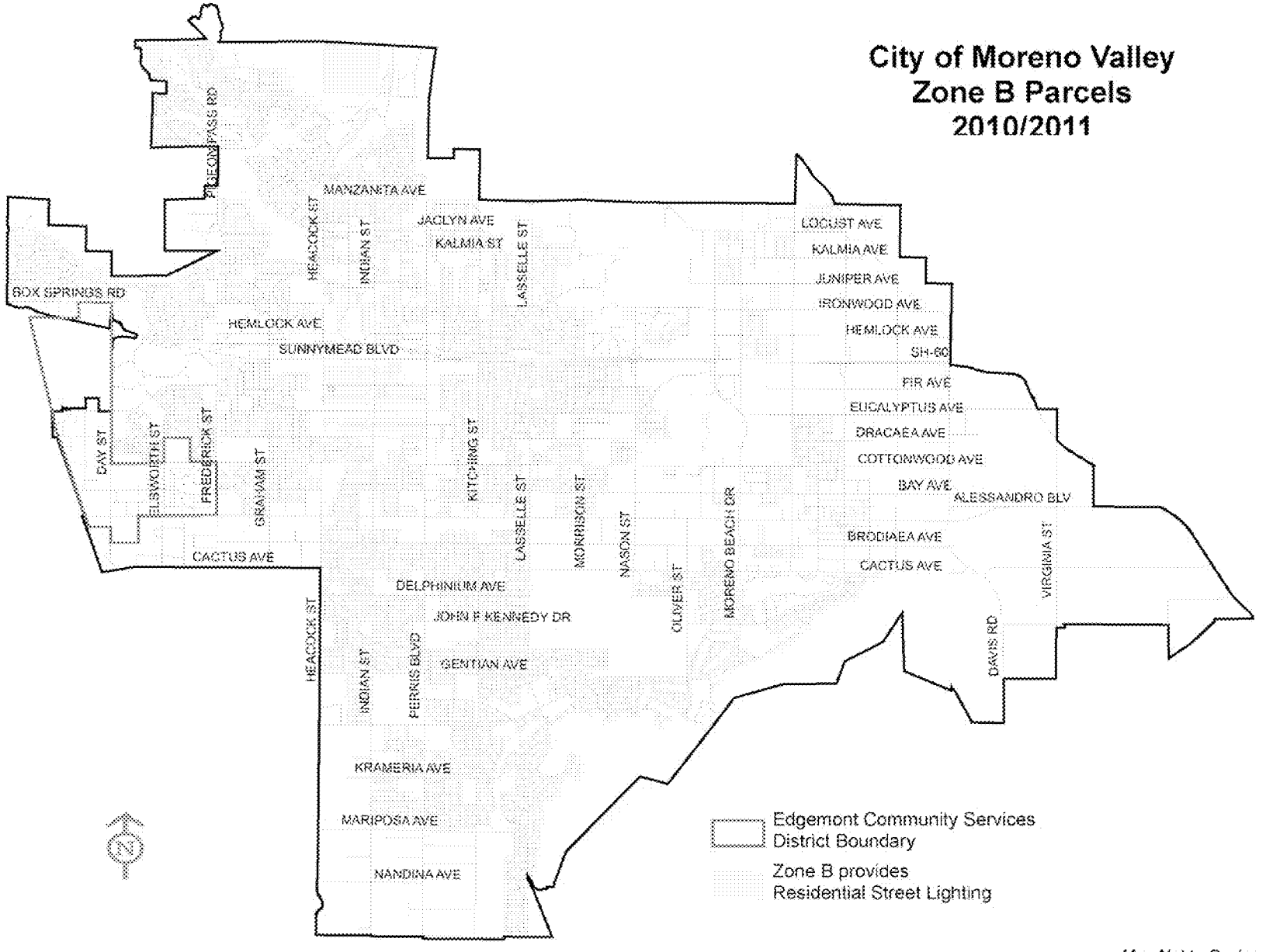

ATTACHMENT 3

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chief of Police John Anderson

AGENDA DATE: August 24, 2010

TITLE: Additional positions for the Special Enforcement Team (SET) Gang Unit

RECOMMENDED ACTION

Staff recommends the City Council:

1. Approve the refunding of two previously defunded motorcycle officer positions at 2,080 hours.

2. Approve the reallocation of the two motorcycle officer positions at 2,080 hours to two (2) 1,780-hour officer positions to be assigned to the Special Enforcement Team (SET) Gang unit.

3. Approve the allocation of one additional (1) 1,780-hour officer position to be assigned to the SET Gang unit.

4. Authorize an appropriation from the General Fund balance in the amount of $578,968 to fund three (3) officer positions for the SET Gang unit for the remainder of the 2010-11 fiscal year (approximately 10 months). Funding for the 3 officer positions will come from additional savings achieved by the Police Department in their FY 2009-10 budget ($968,000).

ADVISORY BOARD/COMMISSION RECOMMENDATION

On August 17, 2010, at a City Council Study Session, Chief of Police John Anderson was instructed by City Council to prepare a staff report to augment the SET Gang unit to allow for additional gang enforcement due to a recent increase in violent gang activity.

BACKGROUND

Traditionally, Moreno Valley gangs have been defined by their geographical boundaries within the city limits. A change from traditional "turf" gangs has created new gangs that integrate throughout the city. These gangs now claim the city limit boundaries as their territory, which has caused rival gangs to come into conflict. This has created a rise in violence between the gangs in public areas and within the schools.

DISCUSSION

As of recent, there has been an influx of gang related violence. The Police Department has noticed over the past six months an increase in gang violence between gang members of different ethnic groups. This, coupled with traditional gang narcotic activity that leads to violence has presented a spike in gang issues. The current issues consist of four gang homicides this year, an increase in drive-by shootings, some of which resulted in serious injuries, carjackings, and robberies involving suspected gang members.

One example of an effort to combat these issues of late, the Moreno Valley Police Department conducted "Operation Safe Parks" which resulted in numerous arrests varying from illicit narcotic activity to misdemeanor warrant services, and completing field interviews on more than eighty known gang members.

Solution:

The Police Department has mapped a strategy to combat gang violence using the SET/Gang Unit. The efforts will include the assistance of the Riverside County Gang Task Force, Problem Oriented Policing, and the Narcotic team. These strategies consist of the following:

- Zero tolerance for gang activity
- Gather gang intelligence
- High visibility gang saturation
- Identify new/associated members and narcotic locations
- Gang surveillance
- Parole and probation sweeps
- Seven days a week gang officer coverage
- Address business intimidation
- Increase gang patrol in apartment complexes, business centers, and parks

ALTERNATIVES

1. Approve recommendation from staff for the requested positions.

2. Provide staff with additional direction.

FISCAL IMPACT

In FY 2009-10, the Moreno Valley Police Department incurred an additional savings of $968,000 above the $352,739 taken into account for the deficit reduction plan. The Police Department achieved the savings through being fiscally responsible and scrutinizing our expenses. In addition to being fiscally responsible, due to the possibility of losing positions in the deficit reduction plan, when two motorcycle officer positions and one POP (Problem Oriented Policing) Team position became vacant, they were left vacant thus incurring savings of $968,000 above the original $353,739 deficit reduction savings.

Sufficient funds are available in the Police Department's FY 2009-10 budget to appropriate the funds for the 3 officer positions. These funds will be placed in the Police Department – Special Enforcement's FY 2010-11 budget:

Fund/Account	Amount:
00010.62710.6251.252	$578,968

This will have an annualized impact to the General Fund of $683,894 and increase the City's General Fund structural deficit. Staff will address the future funding of these costs during the budget process for FY 2011-12.

CITY COUNCIL GOALS

To provide a safe and secure environment for people and property in the community, and provide protection for citizens who live, work and visit the City of Moreno Valley.

SUMMARY

Due to the latest illicit increase in gang activity and violence occurring in public places and within our school system, the potential for this violence to continue to rise and impact our communities is a true threat. Therefore, these additional positions will be used to curb gang violence and enhance the quality of life in our communities. The Moreno Valley Police Department is a pro-active police department, By funding the requested increase staffing will provide seven days a week gang unit coverage, which will provide comprehensive gang suppression.

NOTIFICATION

N/A

ATTACHMENTS/EXHIBITS

1. Power Point

Prepared:
Name Bill Tyler/Cheryl Evans
Title Lieutenants

Department Head Approval:
Name John Anderson
Title Chief of Police

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Moreno Valley Police Department

Special Enforcement Team

Gang Unit

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Background

- Change from "turf" gangs to city-wide boundaries.
- This has created a rise in violence between the gangs in public areas and within the schools.
- The current issues consist of:
  - four gang homicides this year
  - an increase in drive-by shootings
  - carjackings
  - and robberies involving suspected gang members

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Solution

- Add three officers to the SET Gang unit to provide seven day a week coverage
- Zero Tolerance for any gang activity
- Address business intimidation
- Increase gang patrols at apartment complexes, business centers and parks.
- Gather gang intelligence
- High visibility and gang saturation
- Identify new associate members
- Gang surveillance
- Parole / Probation sweeps

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Recommendations

- Approve the refunding of the two defunded motorcycle officer positions for FY 10/11.
- Approve the reallocation of the two motorcycle officer positions to two (SET) Gang unit officer positions.
- Approve the allocation of one additional Gang unit officer.
- Authorize an appropriation from the General Fund balance in the amount of $578,968 to fund three (3) officer positions for the remainder of the FY 10/11.
- Funding for the 3 officer positions will come from additional savings achieved by the Police Department in their FY 09-10 budget ($968,000).

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REVISED AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

August 24, 2010

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Bonnie Flickinger, Mayor

Robin N. Hastings, Mayor Pro Tem
Jesse L. Molina, Council Member
Richard A. Stewart, Council Member
William H. Batey II, Council Member

REVISED AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
August 24, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2010 Summer Reading Program Super Readers by the Moreno Valley Friends of the Library

2. Proclamation Recognizing Rancho Verde Mustangs Girls' 400 Meter Relay Track Team

3. 2009 Volunteer of the Year – Alma Mittleider

4. Presentation of Habitat for Humanity Riverside Poster Recognizing City of Moreno Valley Volunteers

5. Employees of the Quarter - Tim Carroll - Media and Production Coordinator, Bob Lorch & Rob Roseen - Cable TV Producers

6. "Spotlight on Moreno Valley Business"

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REVISED AGENDA *
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
AUGUST 24, 2010

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor O.J. Philpot, Christ Community Church

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

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separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of July 7, 2010 – August 17, 2010.

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTIONS OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-75

A Resolution of the City Council of the City of Moreno Valley Electing

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To Hear Future Resolutions Of Necessity For The State Route 60/Moreno Beach Drive Improvements Project And Designation Of The City's Special Eminent Domain Counsel To Process Resolution Of Necessity Packages For The Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 TRACT MAP 32625 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA 92617 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2010-76

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32625 and Accepting Mcabee Avenue, Molson Court, Altivo Street, Kenda Court and the Portions of Cottonwood Avenue and Redlands Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE

MV00075292

IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements;

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM;

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

A.8 ADOPT ORDINANCE NO. 814 - AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

A.9 ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS,

MV00075293

LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

Resolution No. 2010-77

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Relocation Plan for Eligible Occupants of Mobile Home Units Located at 14890 Perris Boulevard (APN 484-242-017) for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue

A.10 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED JUNE 30, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:
Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.11 ADOPT ORDINANCE 813 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 813.

Ordinance No. 813

Adopt Ordinance No. 813 of the City Council of the City of Moreno Valley, California, Approving PA06-0184 (Zone Change) to change the Land Use District from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

A.12 AQUABELLA DEVELOPMENT AGREEMENT - ANNUAL REVIEW (P10-

MV00075294

044) (Report of: Community Development Department)

Recommendation:
Accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

A.13 PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Authorize the City Attorney to execute the Bonds;

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

A.14 PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

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Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements;

2. Authorize the Mayor to execute the Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A.15 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

A.16 PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map No. 35629; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.17 SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT CONTRACTOR AGREEMENT (Report of: Community Development Department)

Recommendation:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services; and

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

A.18 PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010; DEVELOPER: ANDLAND PROPERTIES, LLC, TORRANCE, CA 90505 (Report of: Public Works Department)

Recommendation:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010; and

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

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Recommendation:
Approve as submitted.

B.4 NEW LEASE AGREEMENT FOR CARETAKERS OF THE MORENO VALLEY EQUESTRIAN PARK AND NATURE CENTER (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center; and

2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

B.5 ADOPT ORDINANCE NO. CSD 54 - AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE)
(Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

MV00075298

C.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 SOUTHERN CALIFORNIA EDISON STATE OF THE UTILITY (Informational Oral Presentation - not for Council action)

G.3 MILITARY APPRECIATION BANNER PROGRAM (Report of: City Manager's Office)

MV00075299

Recommendation: That the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

Resolution No. 2010-78

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution 2010-23 to Establish Fees for the Military Appreciation Banner Program in Order to Recover the Costs Associated with the Implementation of the Military Banner Program

G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

*G.5 ADDITIONAL POSITIONS FOR THE SPECIAL ENFORCEMENT TEAM (SET) GANG UNIT (Report of: Police Department)

Recommendation: That the City Council:

1. Approve the refunding of two previously defunded motorcycle officer positions at 2,080 hours;

2. Approve the reallocation of the two motorcycle officer positions at 2,080 hours to two (2) 1,780-hour officer positions to be assigned to the Special Enforcement Team (SET) Gang unit;

3. Approve the allocation of one additional (1) 1,780-hour officer position to be assigned to the SET Gang unit; and

4. Authorize an appropriation from the General Fund balance in the amount of $578,968 to fund three (3) officer positions for the SET Gang unit for the remainder of the 2010-11 fiscal year (approximately 10 months). Funding for the 3 officer positions will come from additional savings achieved by the Police Department in their FY

MV00075300

2009-10 budget ($968,000).

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00075301

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

*** Revision**

MV00075302

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SPECIAL MEETING – 6:00 PM
July 6, 2010

CALL TO ORDER

Special Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 6:03 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street, Moreno Valley, California.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Flickinger

INVOCATION – Mayor Flickinger

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Cindy Miller	Executive Assistant to Mayor/City Council
William Bopf	Interim City Manager
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director

G. REPORTS

Mayor Flickinger opened the agenda item for public comments, which were received from Pete Bleckert.

G.1 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS and Theodore Street; Developer: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Security for the Redlands Sewer Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement and the Escrow Instructions contingent upon the cash security being placed into the escrow account;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required sanitary sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 6:12 p.m. to Regular City Council Closed Session by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

_____

Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

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MV00075307

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 13, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Family FunFest 2010 Moreno Valley Idol Competition Winners

2. Presentation of 4th of July Parade Awards

3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
July 13, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:40 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Jesse Molina

INVOCATION - Pastor Charles Gibson, Breakthrough Church of God in Christ

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Steve Hargis	Acting Financial and Admin. Services Director
William Bopf	Interim City Manager
John Ruiz	Interim Human Resources Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Economic Development Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 16 - July 6, 2010.

A.4 PERMIT PARKING FOR THE RESIDENTS ON LORAINE TERRACE (Report of: Public Works Department)

Recommendation:

Approve and adopt proposed Resolution No. 2010-66 and direct staff to implement permit parking on Loraine Terrace.

Resolution No. 2010-66

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Installation of Permit Parking on Loraine Terrace

A.5 RESOLUTION RESCINDING THE PROVISIONS OF RESOLUTION 2007-55 OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AND AUTHORIZING THE SUBMITTAL OF APPLICATION FOR THE USED OIL PAYMENT PROGRAM UNDER THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) (Report of: Public Works Department)

Recommendation:

Adopt the proposed resolution (Resolution No. 2010-67) rescinding and restating the provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California, authorizing application for the Used Oil Payment Program grant under the California Department of Resources Recycling and Recovery (CalRecycle).

Resolution No. 2010-67

A Resolution of the City Council of the City of Moreno Valley, California, Rescinding and Restating the Provisions of Resolution 2007-55 of the City Council of the City of Moreno Valley, California Authorizing Application for the Used Oil Grant Payment Program Funds Under the Department of Resources Recycling and Recovery (CalRecycle)

A.6 APPROVAL OF CHECK REGISTER FOR MAY, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2010-68, approving the Check Register for the month of May, 2010 in the amount of $19,967,907.47.

Resolution No. 2010-68

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of May, 2010

A.7 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

Authorize the City Manager to execute the Project Specific Agreement for Professional Consultant Services Agreement with VA Consulting, Inc. for the Auto Mall Improvements project, and to subsequently assign said Agreement to the Community Redevelopment Agency.

A.8 SIXTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE IRONWOOD AVENUE WIDENING PROJECT FROM HEACOCK STREET TO PERRIS BOULEVARD - PROJECT NO. 06-50182625-2 (Report of: Public Works Department)

Recommendation:

1. Approve the "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc., 1501 Quail Street, Newport Beach, California 92660;

2. Authorize the City Manager to execute said "Sixth Amendment to Agreement for Professional Consultant Services" with AECOM Technical Services, Inc.; and

3. Authorize a Change Order to increase the Purchase Order with AECOM Technical Services, Inc. for $99,975 (Account No. 415.70227) for additional storm drain design, engineering support for Southern California Edison's power pole relocation, right-of-way, and environmental services when the Sixth Amendment to Agreement for Professional Consultant Services has been signed by all parties.

A.9 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH PALP INC. DBA EXCEL PAVING COMPANY FOR THE SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Authorize a Change Order to increase the Purchase Order with PALP Inc. dba Excel Paving Company, in the amount of $50,000 for the Sunnymead Boulevard Beautification and Enhancement Project from Frederick Street to Perris Boulevard (Account No. 892.80221); and

2. Authorize the City Manager to execute the Change Order to the Purchase Order for PALP Inc. dba Excel Paving Company.

A.10 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

A.11 AUTHORIZE A PROJECT AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Project Agreement for On-Call Professional Consultant Services (Project Agreement) with Overland, Pacific and Cutler, Inc. (OPC) for various projects of the Capital Projects Division; and

2. Authorize a purchase order for OPC, in the amount of $99,000 to continue to provide right of way services for various projects of the Capital Projects Division when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.12 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR THE SUNNYMEAD BOULEVARD IMPROVEMENTS PROJECT FROM FREDERICK STREET TO PERRIS BOULEVARD, PROJECT NO. 04-89280221 (Report of: Public Works Department)

Recommendation:

1. Approve the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc., 9445 Fairway View Place, Suite 215, Rancho Cucamonga, CA 91730, to provide additional construction management and inspection services for the Sunnymead Boulevard Project from Frederick Street to Perris Boulevard;

2. Authorize the City Manager to execute the "Second Amendment to Agreement for Professional Consultant Services" with Harris & Associates, Inc.;

3. Authorize the issuance of a new Purchase Order from unencumbered monies in Fund 892 to Harris & Associates, Inc. in the amount of $176,000 when the "Second Amendment to Agreement for Professional Consultant Services" has been signed by all parties (Account No. 892.80221); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the "Agreement for Professional Consultant Services" with Harris & Associates, Inc., subject to approval by the City Attorney.

A.13 APPROVE "REIMBURSEMENT AGREEMENT" FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

A.14 AUTHORIZE CHANGE ORDERS TO INCREASE THE PURCHASE ORDERS WITH FS CONSTRUCTION FOR THE SIDEWALK IMPROVEMENT PROJECTS ON TEMCO STREET, VOUGHT STREET, BOEING STREET AND MCDONNEL STREET, PROJECT NOS. 08-28368428, 08-28368528 AND 08-28368728 (Report of: Public Works Department)

Recommendation:

1. Authorize Change Orders to increase the Purchase Orders with FS Construction in the total amount of $80,000 for additional work for the Sidewalk Improvement Projects on Temco Street, Vought Street, Boeing Street and McDonnel Street (Account Nos. 283.68428, 283.68528 and 283.68728);

2. Authorize the City Manager to execute the Change Orders for FS Construction;

3. Authorize the Public Works Director/City Engineer to accept the work as complete for sidewalk improvements;

4. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code; and

5. Authorize the Financial & Administrative Services Director to release the retention to FS Construction thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the projects.

A.15 ADOPT RESOLUTION NO. 2010-69, APPOINTING DEPUTY CITY ATTORNEY III SUZANNE BRYANT AS THE CITY'S VOTING DELEGATE TO THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BUSINESS MEETING - SEPTEMBER 15-17, 2010 (Report of: City Clerk's Department)

Recommendation:

Adopt Resolution No. 2010-69, Appointing Deputy City Attorney III Suzanne Bryant as the City's Voting Delegate to the League of California Cities 2010 Annual Conference Business Meeting.

Resolution No. 2010-69

A Resolution of the City Council of the City of Moreno Valley, California, Designating a Voting Delegate to the League of California Cities 2010 Annual Conference

A.16 TRACT MAP 31414 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENT AGREEMENT, SOUTHEAST CORNER OF PIGEON PASS ROAD AND SUNNYMEAD RANCH PARKWAY - DEVELOPER: ZAPER, CORP., RIVERSIDE, CA 92504 (Report of: Public Works Department)

Recommendation:
Authorize the Public Works Director/City Engineer to execute the exoneration of the original Faithful Performance and Material and Labor securities associated with the Tract Map 31414 public improvements.

A.17 PROJECT PA04-0215 (TR 33256) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTH OF STATE ROUTE 60 ON THE NORTH SIDE OF FIR AVENUE, BETWEEN NASON STREET AND MORRISON STREET - DEVELOPER: VALLEY OAK, LP, NEWPORT BEACH, CA 92660 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA04-0215;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the Faithful Performance Bond and Material and Labor Bond previously submitted by MVGH 2004, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.18 APPROVAL OF RESOLUTION AND FIRST AMENDMENT TO THE IMPLEMENTATION AGREEMENT (THE AB 811 PROGRAM) WITH

WESTERN RIVERSIDE COUNTY COUNCIL OF GOVERNMENTS (WRCOG) TO EXPAND THE PROGRAM TO PERMIT FUNDING FOR WATER CONSERVATION IMPROVEMENTS (Report of: Community Development Department)

Recommendation:

1. Authorize the Mayor to execute the First Amendment to the Implementation Agreement between the Western Riverside Council of Governments and the City of Moreno Valley to implement AB 811; and

2. Adopt Resolution 2010-70, consenting to inclusion of properties within the City's incorporated area in WRCOG's contractual assessment program to finance distributed generation renewable energy sources and energy efficiency improvements, including the addition of water efficiency improvements to the improvements authorized to be financed through the WRCOG Program.

Resolution No. 2010-70

A Resolution of the City Council of the City of Moreno Valley, California, Approving an Amendment Modifying Its Consent to the Inclusion of Properties Within the City's Incorporated Area in the Western Riverside Council of Governments (WRCOG) Contractual Assessment Program to Consent to the Addition of Water Efficiency Improvements to the Improvements Authorized to Be Financed Through Such Program

A.19 PROJECT PA02-0133 (TR 31089) – SINGLE FAMILY RESIDENTIAL – ACCEPT SUBSTITUTION AGREEMENT AND BONDS FOR PUBLIC IMPROVEMENTS, NORTH OF IRONWOOD AVENUE BETWEEN KITCHING STREET AND TUSCOLA STREET - DEVELOPER: BEAZER HOMES HOLDING CORP., BREA, CA 92821 (Report of: Public Works Department)

Recommendation:

1. Accept the substitution of Agreement for Public Improvements and bonds for project PA02-0133;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate

the Faithful Performance Bond and Material and Labor Bond previously submitted by DH Moreno Valley I, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said time frame.

A.20 RESOLUTION AUTHORIZING THE CITY OF MORENO VALLEY TO CONTINUE TO PARTICIPATE IN THE "COMMUNITY ENERGY PARTNERSHIP" (Report of: Public Works Department)

Recommendation:

Adopt Resolution 2010-71 authorizing the City of Moreno Valley to continue to participate in the Community Energy Partnership, an Energy Efficiency Program among Southern California cities, with the Energy Coalition, a California non-profit corporation, Southern California Edison and Southern California Gas Company.

Resolution No. 2010–71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the City to Participate in the "Community Energy Partnership", an Energy Efficiency Program Among Southern California Cities, with the Energy Coalition, a California Non-Profit Corporation, Southern California Edison and Southern California Gas Company

A.21 NOTICE OF COMPLETION AND ACCEPTANCE FOR LASSELLE STREET WIDENING FROM JOHN F. KENNEDY DRIVE TO ALESSANDRO BOULEVARD IMPROVEMENTS - PROJECT NO. 06-50182725 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Lasselle Street Widening from John F. Kennedy Drive to Alessandro Boulevard Improvements, constructed by Wheeler Paving, Inc. (Wheeler Paving), 8432 63rd Avenue, Riverside, CA 92509;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to

release the retention to Wheeler Paving, thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.22 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

A.23 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT

AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM C.7) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

A.24 FUNDING FOR ELSWORTH STREET UTILITY IMPROVEMENTS AND MVP EV ONSITE UTILITY CONNECTION: COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY AND 2007 LEASE REVENUE BOND FUNDS (Report of: Economic Development Department)

Recommendation:

1. Review and approve the designation of $107,841 in Community Development Block Grant – Recovery funds for the installation of electrical conduit and vaults on Elsworth Street from Goldencrest Drive to Corporate Center Drive;

2. Return to an undesignated status the commitment of $107,000 in CDBG-R funds from the Participation Agreement with MVP EV; and

3. Secure an appropriation of $107,841 from the 2007 Lease Revenue Bond Funds in support of the Participation Agreement with MVP EV.

A.25 PA09-0025/PA09-0043 – APPROVE PROPOSED RESOLUTION, SUMMARY VACATION OF A PORTION OF ALESSANDRO BOULEVARD WEST OF MORENO BEACH DRIVE, SOUTH SIDE OF ALESSANDRO BOULEVARD, WEST OF MORENO BEACH DRIVE - DEVELOPER: FRANK & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA 92270 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt Resolution No. 2010-72, summarily vacating a portion of Alessandro Boulevard, north of APN 486-240-009,

located on the south side of Alessandro Boulevard, west of Moreno Beach Drive as a condition of approval for PA09-0043; and

Resolution No. 2010-72

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Alessandro Boulevard, South Side of Alessandro Boulevard, West of Moreno Beach Drive

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

B.3 ACCEPTANCE OF GRANT MONIES FROM THE CALIFORNIA DEPARTMENT OF EDUCATION, CHILD DEVELOPMENT SERVICES, FOR CHILD CARE SERVICES AND ADOPTION OF THE RESOLUTION TO CERTIFY THE APPROVAL OF THE GOVERNING BOARD (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize the acceptance of grant money in the amount of $747,338 for Fiscal Year (FY) 2010/2011 from the California Department of Education, Child Development Division, for the purpose of providing school age child care and development services; and

2. Adopt Resolution No. CSD 2010-22 to certify the approval of the governing board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel, as shown on the resolution, to sign contract documents for FY 2010/2011.

Resolution No. CSD 2010-22

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Certifying the Approval of the Governing Board to Enter Into a Transaction with the California Department of Education for the Purpose of Providing Child Care and Development Services and to Authorize Designated Personnel to Sign Contract Documents for FY 2010/11

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER TO VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (ITEM ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Accept the assignment of the Agreement with VA Consulting, Inc. from the City;

2. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Assignment Agreement on behalf of the Community Redevelopment Agency; and

3. Authorize a change order to increase the purchase order for VA Consulting, Inc., in the amount of $50,000 for additional professional consultant design services when the Project Agreement and Assignment Agreement have been signed by all parties (Account No. 897.91725).

C.4 APPROVE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT (EMWD) IMPROVEMENTS FOR INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK

STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.10) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) improvements for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD up to, but not exceeding, the contingency amount of $49,096.00, subject to the approval of the City Attorney;

4. Authorize the City Manager to appropriate a maximum amount of $109,333.50 ($91,111.25 plus 20% contingency) for EMWD improvements for the Indian Detention Basin Drainage improvements and the Ironwood Avenue street improvements from Heacock Street to Nita Drive (Account No. 414.XXXXX); and

5. Authorize the City Manager to appropriate a maximum amount of $185,242.50 ($154,368.75 plus 20% contingency) for EMWD improvements for the Ironwood Avenue street improvements from Heacock Street to Perris Boulevard (Account No. 414.XXXXX).

C.5 APPROVE THE REIMBURSEMENT AGREEMENT FOR THE INSTALLATION OF EASTERN MUNICIPAL WATER DISTRICT IMPROVEMENTS FOR THE IRONWOOD AVENUE IMPROVEMENTS, FROM DAY STREET TO BARCLAY DRIVE, PROJECT NO. 10-41570027 (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Approve the "Reimbursement Agreement" for the installation of the Eastern Municipal Water District (EMWD) 24" waterline as an extension of the District's existing 18" waterline which is

located on the easterly end of the project and extends west to Day Street;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley to execute the "Reimbursement Agreement" upon concurrence by EMWD, and authorize the City Manager to approve any changes that may be requested, subject to the approval of the City Attorney;

3. Authorize the Public Works Director/City Engineer to execute any subsequent related amendments to the agreement with EMWD, subject to the approval of the City Attorney; and

4. Authorize the City Manager to appropriate the amount of the EMWD deposit in Fund 414, after the revenue is received from EMWD per the "Reimbursement Agreement" to fund the waterline construction.

C.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE - PROJECT NO. 09-89791726 (ALSO LISTED AS AGENDA ITEM A.22) (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Indian Detention Basin Drainage Improvements, and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive to Riverside Construction Company, Inc., the lowest responsible bidder;

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute a contract with Riverside Construction Company, Inc., on behalf of the City and the Community Redevelopment Agency;

3. Authorize the issuance of a Purchase Order to Riverside Construction Company, Inc. in the amount of $4,124,375.14 ($3,749,431.95 plus 10% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent related change orders to the contract with Riverside Construction Company, Inc. up to but not exceeding the contingency amount of $374,943.19, subject to the approval

of the City Attorney;

5. Re-appropriate $180,000 from Account No. 897.91724 (Day Street Improvements) to Account No. 897.91726 (Indian Detention Basin); and

6. Re-appropriate $585,000 from Account No. 897.91728 (Nason Bridge Overcrossing) to Account No. 897.91726 (Indian Detention Basin).

C.7 PA09-0006 – APPROVE THE OFFERS OF DEDICATION AND EASEMENT DEED, FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY, LOCATED ON LIBERTY STREET NORTH OF ATWOOD AVENUE - DEVELOPER: COMMUNITY HOMES INC., LOMA LINDA, CA 92354 (ALSO LISTED AS AGENDA ITEM A.23) (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, in his capacity as the Executive Director of the Community Redevelopment Agency of the City of Moreno Valley, to execute the Offers of Dedication and execute the Easement Deed on Liberty Street north of Atwood Avenue; and

2. Direct the City Clerk to forward the Offers of Dedication and Easement Deed to the City Engineer to execute the Acceptance Certificates.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 22, 2010 (Report of: City Clerk)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

Mayor Flickinger announced the ballot tabulation would be held in the public lobby of the Council Chamber in the interest of open government.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

Motion to Approve by m/Board Member Richard A. Stewart, s/Board Member William H. Batey II
Approved by a vote of 5-0.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

3. Receive and file with the City Clerk's office the accepted CSD Official Tally Sheet; and

Motion to Approve by m/Board Member William H. Batey II, s/Board Member Richard A. Stewart
Approved by a vote of 5-0.

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882,

31257, 31269-1, and 32018.

Rescind Motion to Approve Joint Consent Calendar Items A1 – D2 so as to allow for Public Comments by m/Council Member William H. Batey II, s/Council Member Jesse Molina
Approved by a vote of 5-0.

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from David Marshall (A4) and Pete Bleckert (A9, 12, 22)

Motion to Approve Joint Consent Calendar Items A1 – D2 by m/William H. Batey II, s/Richard A. Stewart
Approved by a vote of 5-0.

E.2 A PUBLIC HEARING REGARDING A GENERAL PLAN AMENDMENT (PA06-0185) AND CHANGE OF ZONE (PA06-0184) TO CHANGE THE LAND USE FROM BUSINESS PARK (BP) TO RESIDENTIAL 5 (R5), TENTATIVE TRACT MAP 34748 (PA06-0183); A PROPOSAL FOR A 135 SINGLE-FAMILY RESIDENTIAL LOT SUBDIVISION ON 40 ACRES, AND A VARIANCE (P09-102) COVERING RETAINING WALLS ON FOUR LOTS (LOT NUMBERS 37, 38, 39 AND 40) THAT ARE OVER THREE FEET IN HEIGHT. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE. APPLICANT IS RADOS TENANTS IN COMMON (Report of: Community Development Department)

Mayor Flickinger opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. ADOPT a Negative Declaration for applications for PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map) and P09-102 (Variance). The projects, individually and cumulatively, will not result in a significant effect on the environment;

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

2. APPROVE Resolution No. 2010-73 approving PA06-0185, thereby establishing General Plan Land Use Map designations for certain properties as described in the Resolution, and the revised General Plan Maps as attached to the Resolution as Exhibit A;

Resolution No 2010-73

A Resolution of the City Council of the City of Moreno Valley, California, approving an Amendment to the General Plan Land Use Element (PA06-0185) to change the Land Use Designation from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

3. INTRODUCE Ordinance No. 813 approving a Zone Change (PA06-0184) from Business Park (BP) to Residential 5 (R5), based on the findings in the Ordinance, and the revised Zoning Atlas page as attached to the ordinance as Exhibit A; and

Ordinance No. 813

An Ordinance of the City Council of the City of Moreno Valley, California, approving PA06-0184 (Zone Change) to change the Land Use District for approximately 40 acres from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

4. APPROVE Resolution No. 2010-74 approving Tentative Tract Map No. 34748 (PA06-0183) and Variance (P09-102), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

Resolution No 2010-74

A Resolution of the City Council of the City of Moreno Valley, California, approving Tentative Parcel Map 34748 (PA06-0183) and Variance (P09-102). The project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026)

Motion to Approve by m/Council Member Richard A. Stewart, s/Mayor Bonnie Flickinger
Approved by a vote of 5-0.

E.3 PUBLIC HEARING FOR THE REVIEW OF THE 2010-2015 IMPLEMENTATION PLAN OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Economic Development Department)

Chairperson Flickinger opened the public testimony portion of the public hearing; which was received from Deanna Reader.

Recommendation: That the RDA:

1. Conduct a public hearing for the review of the 2010-2015 Implementation Plan; and

2. Approve the proposed 2010-2015 Implementation Plan.

Motion to Approve by m/Agency Member Richard A. Stewart, s/Agency Member William H. Batey II
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 THIRD AMENDED AND RESTATED NEGOTIATION AGREEMENT FOR AN AFFORDABLE HOUSING DEVELOPMENT AT THE NORTHEAST CORNER OF ALESSANDRO BOULEVARD AND DAY STREET (Report of: Economic Development Department)

Chairperson Flickinger opened the agenda item for Item G1 for public comments, which were received from Pete Bleckert.

Recommendation: That the RDA:

Approve the Third Amended and Restated Negotiation Agreement to extend the term of the existing Negotiation Agreement between the Community Redevelopment Agency Board of the City of Moreno Valley (RDA) and Palm Desert Development Company (PDDC) for an affordable housing development project to be situated at the northeast corner of Alessandro Boulevard and Day Street.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

(CONTINUED FROM EARLIER IN THE MEETING)

Recommendation: That the City Council:

1. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the public hearing: direct the City Clerk to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charge for Tracts 12773, 19210, 19937, 20404, 20579, 20718, 21113, 21333, 21597, 22889, 28882, 31257, 31269-1, and 32018;

The ballots have been counted, and the following are the results:

Final Results for Each Tract						
Council District	Tract	Zone	Amt of Valid WBC - Yes	Amt of Valid WBC - No	Amt of Invalid WBCs	PASS/FAIL
3	12773	D	11	32	3	FAILED
4	19210	D	5	23	0	FAILED
4	19937	D	13	19	0	FAILED
4	20404	D	13	34	2	FAILED
2	20579	D	9	33	0	FAILED
4	20718	D	9	21	0	FAILED
4	21113	D	16	28	0	FAILED
2	21333	D	13	28	0	FAILED
4	21597	D	7	13	1	FAILED
4	22889	D	0	10	1	FAILED
1	28882	D	3	17	0	FAILED
2	31257	D	1	7	0	FAILED
3	31269-1	D	5	19	0	FAILED
1	32018	D	1	19	0	FAILED

G.2 AMENDMENT TO CHAPTER 11.40 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, ORDINANCE NO. 741 AND ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS

AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (Report of: Parks and Community Services Department)

Mayor Flickinger opened the agenda item for Item G2 for public comments, which were received from Jan Beyers, Ruth Corrao-Harris, Margie Breitkreuz, Kim Nelson, Elaine Hill, Cathy Hendrick, John Miller, Kathleen Dale, Johnnie Hendrick, John Farquharson, Greg Worley, Marcia Narog, John Schoettler, and Pete Bleckert.

Recommendation: That the City Council:

Introduce Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center; and

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Recommendation: That the CSD:

Introduce Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

Motion to Approve by m/Mayor Pro Tem Robin N. Hastings, s/Council Member William H. Batey II

Approved by a vote of 5-0.

After a brief recess, the meeting resumed at 9:24 p.m.

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

June Patterson
1. Relay for Life

Jose Chavez
1. Protecting the community
2. Taxes
3. Moreno Valley Community Park

Raul Wilson
1. Congratulate Jesse Molina
2. Skechers
3. Equestrian Park
4. Budget

Pete Bleckert
1. Glad Districts all failed
2. Why people don't vote
3. Intersections
4. Eastbound ramp on Hwy 60
5. Where is the $2,000,000 coming from
6. Signs

Erica Hopkins
1. Unity Fest

James Dudley
1. 12,563 votes were counted
2. Unions create good paying jobs

G.3 PARTICIPATION AGREEMENT WITH PACIFIC WINGS INC. (Report of: Economic Development Department)

Mayor Flickinger opened the agenda item for Item G3 for public comments, which were received from Pete Bleckert.

Recommendation: That the City Council:
Approve a Participation Agreement with Pacific Wings Inc. to assist in

the development of a Buffalo Wild Wings Grill & Bar as part of the CDBG-Recovery program.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.4 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR THE REDLANDS ELECTRICAL AND ROUGH GRADING RELATED TO THE INSTALLATION OF THE REDLANDS SEWER IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G4 for public comments; there being none, public comments were closed.

Recommendation:

1. Accept the Agreement and Bond Securities for the Redlands Electrical Improvements and Rough Grading related to the installation of the Redlands sewer improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement contingent upon the developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required electrical and rough grading related to the installation of the Redlands sewer improvements within Redlands Boulevard are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member Richard A. Stewart, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.5 PA07-0090 – ACCEPT THE SUBSTITUTION AGREEMENT AND REPLACEMENT BONDS FOR LINE 'F' STORM DRAIN SECURITY ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Mayor Flickinger opened the agenda item for Item G5 for public comments, which were received from Deanna Reader.

Recommendation:

1. Accept the Substitution Agreement and replacement bonds for the Line 'F' Storm Drain Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Substitution Agreement and the replacement bonds contingent upon the Developer providing the City with the fully executed original bonding certificates and approval of the same from the Risk Management Division;

3. Direct the City Clerk to forward the signed Substitution Agreement to the County Recorder's Office for recordation;

4. Authorize the Public Works Director/City Engineer to exonerate the cash security previously placed into an escrow account and submitted by HF Logistics – SKX T1, LLC, upon acceptance of the substitution agreement and bonds; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required storm drain improvements are not completed within said timeframe.

Motion to Approve as amended with Recommendation #2 to include approval of bonds by City Attorney and City Engineer in addition to Risk Management Division by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

G.6 AMENDMENT TO THE JUNE 22, 2010, MOTION OF THE CITY COUNCIL AUTHORIZING AN AGREEMENT WITH HIGHLAND FAIRVIEW FOR ISSUANCE OF A LIMITED PURPOSE BUILDING PERMIT (Report of: Council Members Stewart and Molina)

Mayor Flickinger opened the agenda item for Item G6 for public comments,

which were received from Iddo Benzeevi, Kathleen Dale, Kenneth Bley, Joe Hopper, Mike Calhoun, Robert Walker, Roger Roper, William Pearcy, Deanna Reader, and Raul Wilson.

After a brief recess, the meeting resumed at 10:22 p.m.

Motion to Approve continuing the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a voice vote.

Motion to amend action taken by the City Council on June 22, 2010 approving and accepting Highland Fairview's Covenant to hold as one parcel subject to certain conditions as follows: by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 4-0-1, Mayor Pro Tem Robin N. Hastings absent.

1. That this activity is not a "project" under CEQA Guidelines Section 15378, and none of the conditions described in Section 15162 of the CEQA Guidelines have occurred that would warrant a subsequent Environmental Impact Report or an addendum to the Environmental Impact Report. Further, the City Council finds that the absence of any change in the project, the absence of any change in the circumstances under which the project is being undertaken, the absence of any new information which would bring into question the adequacy of the Environmental Impact Report, the fact that all of the project impacts were analyzed fully in the Environmental Impact Report and the fact that all mitigation measures must be satisfied prior to the building's completion means that there is no need for further environmental review.

2. That the terms and conditions are amended to provide that, prior to issuance of a limited purpose building permit for foundation, slab and pouring of wall panels only, Highland Fairview shall comply with all conditions of approval for issuance of a building permit except as follows, which excepted conditions shall be complied with as provided for in applicable City Council Resolutions, Approval and/or Recording of the final Parcel Map, or issuance of the general building permit, whichever is applicable. The excepted conditions are:

   a. Final approval and recording of the Parcel Map,

   b. Public Improvement Agreements and security for same for any public improvement occurring solely on private property owned or controlled by Highland Fairview,

c. Payment of Development Impact Fees and Transportation Uniform Mitigation Fees are deferred until issuance of any temporary, conditional or unconditional certificate of occupancy for the Skechers building as provided for in City Council Resolutions 2009-37 and 2009-38,

d. Payment of Multiple Species Habitat Conservation Plan fees,

e. Approval of Building Plans for vertical construction,

f. Public Drainage easements,

g. Slope easements,

h. Reciprocal Access easements,

i. Spreading Basin easement,

j. Off-site easements,

k. Median Landscape Plans approval,

l. Final Trail Plan approval,

m. Site Lighting Plan,

n. Title 24 Plans,

o. Solar Panels for Phase 1 Office,

p. Payment of School fees, contingent upon Highland Fairview providing the City with written agreement from the Moreno Valley Unified School District for deferral of school fees until issuance of the general building permit, and

q. Fire Access Plan.

3. All other terms, conditions and actions pursuant to this matter taken by the City Council on June 22, 2010, shall remain unchanged and in full force and effect.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

Defer and printed in the City Manager's Report.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION – NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION – NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1) Habitat for Humanity raised the walls on a house on Saturday, July 10. Commended John Terell and the city employees for giving up their Saturday to help a family in need.

Council Member Richard A. Stewart

1) Need to do a top to bottom review of our policies. Need to look at the changes the County made.
2) Large projects need to be put in a different category.
3) The City staff is appreciated.
4) Council is not doing anything untoward to get the Highland Fairview project done.

Mayor Bonnie Flickinger

1) The July 4 celebration was very exciting and looking forward to working on Plans B and C to hold it next year. Council is open to any suggestions.
2) For people who are struggling with the economy, there is a low income utility tax exemption so there is no tax on any of your utility bills. Contact Michelle Vega.
3) ERC is open 4 days a week.
4) This is an election year. Two council seats are open. If you are interested in running, pull papers and return them by August 5. There are three ballot measures.

Council Member Jesse Molina

1) Things have been hard on everyone. It's nothing personal. If you think I'm out of line let me know.

2) Las Cruces had their July 4 parade in the evening.

3) Keep up the good work.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

a) Agency Representative: William Bopf
Employee Organization: MVCEA

b) Agency Representative: William Bopf
Employee Organization: MVMA

c) Agency Representative: William Bopf
Employee Organization: Moreno Valley Confidential Management Employees

a) City Manager Recruitment

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

No reportable action.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:19 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: August 24, 2010

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of July 7, 2010 – August 17, 2010.

Reports on Reimbursable Activities July 7, 2010 – August 17, 2010		
Council Member	Date	Meeting
William H. Batey II		None
Bonnie Flickinger	7/12/10	League of California Cities Riverside County Division General Meeting
	8/3/10	Moreno Valley Hispanic Chamber of Commerce Adelante
Robin N. Hastings		None
Jesse L. Molina	7/12/10	League of California Cities Riverside County Division General Meeting
	7/28/10	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Richard A. Stewart	7/12/10	League of California Cities Riverside County Division General Meeting

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project.

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

BACKGROUND

The overall purpose of the SR-60/Moreno Beach Drive Improvements Project is to provide operational improvements to facilitate movement at and near the SR-60/Moreno Beach Drive Interchange, alleviate existing traffic congestion, increase storage capacity and to address the existing roadway and bridge deficiencies at this interchange. This project is needed to improve safety, bring the bridge features up to current standards, and provide acceptable levels of service along the facility.

On March 14, 2006, the City Council approved an Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between Western Riverside Council of Governments (WRCOG) and the City of Moreno Valley for Moreno Beach Drive/SR-60 Interchange.

On September 25, 2007, the City Council authorized execution of a Project Development Cooperative Agreement with the State of California for project development activities including final design, utility relocation engineering, and right-of-way acquisition.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons Transportation Group for design, right-of-way engineering, and construction support services.

DISCUSSION

The City has been progressing in the steps necessary for the acquisition of right-of-way, utility relocation and other necessary steps to complete the design of the SR-60/Moreno Beach Drive Improvements Project. Project plans are 95% complete, and right-of-way engineering and appraisals are under way. The goal is to continue right-of-way acquisition using all available TUMF funds.

Caltrans, pursuant to the Project Development Cooperative Agreement and the Caltrans Right- of-Way Manual, Section 17.04.09.01, requires that the City Council of Moreno Valley adopt a resolution to later hear Resolutions of Necessity for the project and subsequently submit them to Caltrans for approval. A Resolution of Necessity is a required resolution authorizing condemnation of property necessary for the project and the filing an eminent domain action to acquire said property through condemnation. Caltrans requires the local entity (the City) to obtain prior approval on a project-by-project basis from Caltrans before proceeding to hear Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project. Adoption of the proposed resolution does not commit the City Council to hear future Resolutions of Necessity to acquire property necessary for the project or to adopt future Resolutions of Necessity to acquire property necessary for the project by condemnation. Appraisals are under way and negotiations have not begun. Therefore, at this time, staff does not anticipate any condemnation actions. Due to the lead time required for Caltrans approval of this action, staff recommends adopting this resolution at this time in the event that Resolutions of Necessity become necessary.

The City has retained the law firm of Singer & Coffin, APC to act as its Special Eminent Domain Counsel to prepare, review, process and approve Resolution of Necessity packages for the project in the event that Resolutions of Necessity become necessary in the future.

ALTERNATIVES

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative will allow necessary approvals to be in place so the project continues to proceed without interruption.*

2. Do not approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project and do not authorize and do not direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required. *This alternative may delay the construction of needed improvements.*

FISCAL IMPACT

There is no fiscal impact related to the adoption of this resolution. The project is currently funded by Transportation Uniform Mitigation Fees (Fund 415 – TUMF). These funds have been allocated for the SR-60/Moreno Beach Drive Improvements project and cannot be utilized for operational activities. There is no impact to the General Fund.

FY 2010/2011 AVAILABLE FUNDS

TUMF Funds for SR-60/Moreno Beach Interchange (Account 415.70024).... $ 4,096,000
Available Funds..... $ 4,096,000

FY 2010/2011 ESTIMATED COST

SR-60/Moreno Beach Interchange Design and Right-of-Way..... $4,000,000
Estimated Total $4,000,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way**.....October 2011
Begin Construction**.....October 2012
*** Contingent upon available funding*

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

The City Council is asked to adopt the proposed Resolution in order to later hear Resolutions of Necessity should acquisition through condemnation become necessary for the SR 60/Moreno Beach Drive Improvements Project.

ATTACHMENTS/EXHIBITS

Attachment "A" – Proposed Resolution of the City of Moreno Valley Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2010-75

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTION OF NECESSITY PACKAGES FOR THE PROJECT

WHEREAS, the City of Moreno Valley ("City") is empowered to acquire by eminent domain any property to carry out its powers or functions pursuant to Government Code Sections 37350, 37350.5 and 40404 and Code of Civil Procedure Section 1240.110; and

WHEREAS, property may properly be acquired by eminent domain for state highway purposes pursuant to Streets and Highways Code Section 102; and

WHEREAS, City has approved the design of State Route 60/Moreno Beach Drive Improvements and also previously approved a Project Development Cooperative Agreement with the State of California for said project, a project on the State of California Highway System. The Cooperative Agreement with the State of California Department of Transportation ("Caltrans") provides that City will perform right-of-way activities as set forth in the Cooperative Agreement for said project; and

WHEREAS, all local public agency projects on the State of California Highway System, within the existing or proposed State of California rights-of-way, are subject to the requirements of the Caltrans Right-of-Way Manual, and recently adopted provisions of the Caltrans Right-of-Way Manual now require a City Council to pass a resolution by a two-thirds vote, making an election to hear all the Resolutions of Necessity for the project; and

WHEREAS, City will follow State statute requirements and the Caltrans Right-of-Way Manual processes in the issuance of the Notice of Intent to adopt a Resolution of Necessity and in the adoption of a Resolution of Necessity, and the City's Special Eminent Domain Counsel is designated to process and approve the resolution package(s).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Moreno Valley, by a two-thirds vote, will hear the Resolutions of Necessity associated with the construction of the State Route 60/Moreno Beach Drive Improvements Project.

Attachment "A"

Resolution No. 2010-_____

Date Adopted: _____

BE IT FURTHER RESOLVED that City designates the law firm of Singer & Coffin, APC, as its Special Eminent Domain Counsel to prepare, review, process and approve the Resolution of Necessity packages for this project.

APPROVED AND ADOPTED this ____ day of _____, 2010.

By: _____
Bonnie Flickinger, Mayor

ATTEST:

By: _____
Jane Halstead, City Clerk

APPROVED AS TO FORM:

By: _____
Bob Hansen, City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: TRACT MAP 32625 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – MERITAGE HOMES OF CALIFORNIA, INC.
5161 CALIFORNIA, SUITE 200
IRVINE, CA 92617

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32625 is a 20-lot single family residential development at the southwest corner of Cottonwood Avenue and Redlands Boulevard that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, trail, storm drain, sewer, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $3,084,000 issued by Arch Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed*

according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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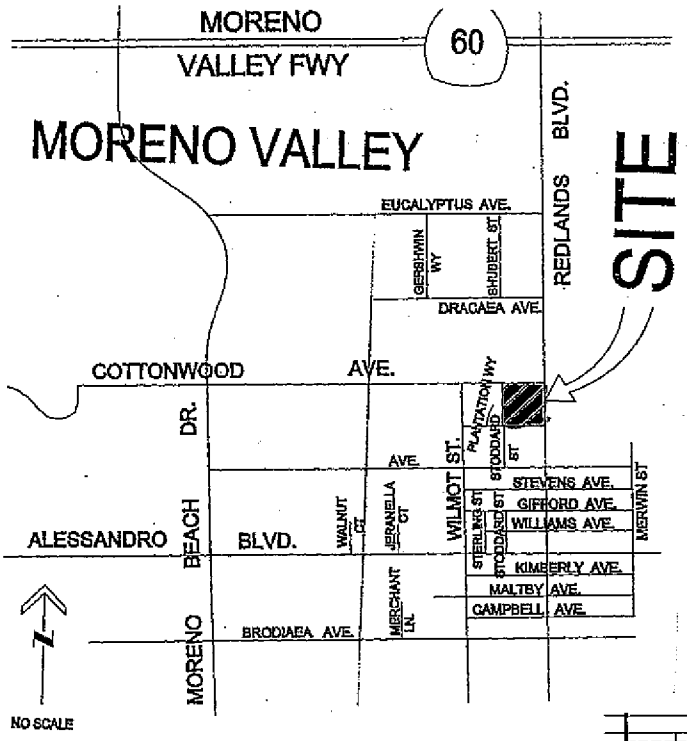

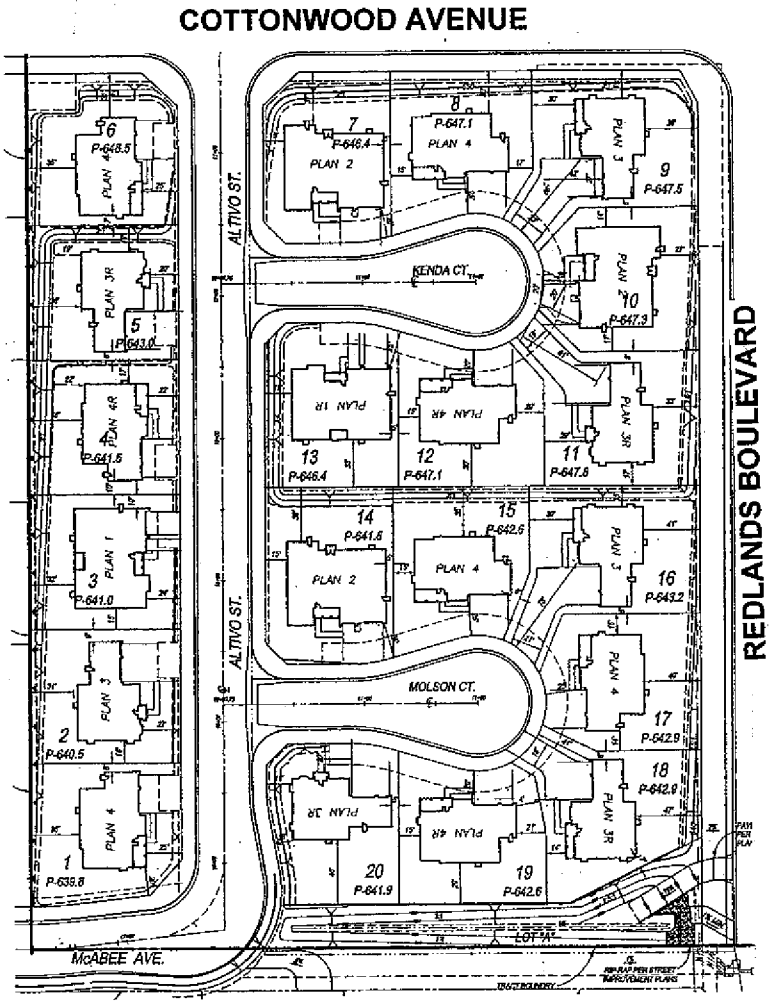

CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
Exhibit A

TRACT 32625
VICINITY MAP

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MV00075353

RESOLUTION NO. 2010-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32625 AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Meritage Homes of California, Inc. on McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32625 and accept McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Moreno Valley that the public improvements within Tract Map 32625 are complete, and McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 24th day of August, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT – PROJECT NO. 98-25897

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements.

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012.

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

BACKGROUND

The overall purpose of the SR-60/Nason Street Interchange Improvements Project is to improve the SR-60/Nason Street interchange ramps through reconstruction and realignment, while providing a design that accommodates future bridge improvements.

This project is within the State of California's (Caltrans) jurisdiction and, therefore, is subject to Caltrans procedures and requirements. On October 30, 2003, the environmental document, which is a Categorical Exemption/Categorical Exclusion (CE/CE), was approved by Caltrans and the Federal Highway Administration (FHWA).

In closed sessions on October 7, 2008 and November 4, 2008, the City Council approved appraisals for the fair market value of the right of way for all properties to be acquired, and the City Council authorized staff to proceed with negotiations to purchase the fee and easement interests. On August 25, 2009, the Council authorized a Resolution of Necessity should condemnation become necessary. On January 13, 2010, Caltrans certified that all right-of-way needed to construct the project had been obtained.

In 2008 the City solicited proposals for professional program management and construction management services to assist with utility negotiations, advance utility relocations, and other program management-related activities and to provide construction management and inspection services. The RFP required firms to submit proposals on the program management (Phase 1), utility relocation (Phase 2), and construction (Phase 3) phases with the intent that one firm would execute the project from start to finish. On October 14, 2008, the City Council awarded a contract to TCM Group and authorized the issuance of a purchase order for Phases 1 and 2 (program management and utility relocation). Phase 3 would be awarded at a later time upon the successful completion of Phase 1 and 2 work and the availability of funds.

On February 24, 2009, the City entered into a Construction Cooperative Agreement that establishes the City's and Caltrans' responsibilities during the construction phase of the project. On February 23, 2010, the City Council authorized the City Manager and Public Works Director to approve future amendments to the Agreement.

In April 2009, the agreement with TCM was amended to reduce TCM's scope of work associated with the relocation of Eastern Municipal Water District's waterline along State Route 60 to Fir Avenue. EMWD administered the construction work instead of the City, thereby saving time and money for the project.

On June 22, 2010, the City Council approved the FY 2010/2011 CIP budget, which also included the necessary appropriations to fund the construction of the SR-60/Nason Street Interchange Improvements Project.

DISCUSSION

Design, right-of-way acquisition, and advance relocation of utility facilities are now complete. Caltrans is completing the federal fund authorization process. It is anticipated the City will be authorized to advertise for bids by August 2010. Construction is anticipated to begin by December 2010 and be completed by December 2011.

TCM Group has successfully completed Phases 1 (program management) and 2 (utility relocation) of their scope of work. The contract with TCM needs to be amended to add the third phase of the proposed work for construction support services (construction management and inspection services) in order to be ready for the construction phase as soon as the phase is authorized by Caltrans.

The Construction Cooperative Agreement with Caltrans requires the City to provide a qualified Resident Engineer and inspection staff who have been approved by Caltrans. TCM received that approval for this project in September 2008. City staff and inspectors will oversee TCM's work.

Additionally, staff is requesting the contract termination date be extended from December 31, 2011 to December 31, 2012 to cover the construction warranty period. The revised contract total, including the Second Amendment, is $2,032,460.

ALTERNATIVES

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will allow for the construction of the needed improvements.*

2. Do not approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements, do not authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM in the form attached hereto, do not authorize a Change Order to increase the Purchase Order with TCM by the amount of

$1,414,807 when the agreement has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012, and do not authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney. *This alternative will delay construction of the needed improvements.*

FISCAL IMPACT

The project is currently funded using federal funds and matching Measure "A" funds (Fund 125). The City has successfully obtained approximately $8.9 million of federal funds for construction. Remaining construction funding consists of DIF Interchange funds and Measure "A" funds. There are sufficient funds in the budget for the amendment.

All funding sources for this project (Measure "A," Surface Transportation Program, Transportation Efficiency Act of the 21st Century, and DIF Interchange funds) are restricted for capital improvements related to transportation projects or for the SR-60/Nason Interchange and cannot be utilized for operational activities. The allocated amounts below are specifically designated for the SR-60/Nason Interchange Improvements Project. There is no impact to the General Fund.

FY 2010/2011 BUDGETED FUNDS

TEA 21 Demonstration Funds (125.66929)	$ 4,222,000
STPL Discretionary Funds (125.67029)	$ 4,737,000
Measure "A" Funds (125.89720)	$ 1,710,000
DIF Interchange Improvement Funds (418.83630)	$ 1,740,000
Total Available Funds	$12,409,000

FY 2010/2011 ESTIMATED CONSTRUCTION COSTS

Estimated Interchange Construction Costs	$10,000,000
Construction Management & Inspection Services	$ 1,415,000
Construction Support Services (Geotechnical & Survey)	$ 400,000
Administrative Costs (Staff & Miscellaneous)	$ 100,000
Total Estimated Costs	$11,915,000

ANTICIPATED PROJECT SCHEDULE

Caltrans Approval to Advertise Construction	August 2010
Interchange Construction Start Date*	December 2010
Interchange Construction End Date	December 2011

pending Caltrans approval

CITY COUNCIL GOALS

ADVOCACY:

Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff recommends awarding the third phase of work for the provision of construction management and inspection services to the TCM Group for the SR-60/Nason Street Interchange Improvement Project by approving the Second Amendment to Agreement for Professional Consultant Services and increasing the purchase order by $1,414,807.

ATTACHMENT

Attachment "A" – Second Amendment to Agreement for Professional Consultant Services

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/ City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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SECOND AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 98-25897

This Second Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and TCM Group, a California corporation, hereinafter referred to as "Consultant." This Second Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services," hereinafter referred to as "Agreement," dated October 21, 2008.

Whereas, the Consultant is providing consultant program management and construction management services for State Route 60/Nason Street Interchange Improvements.

Whereas said Agreement was amended by the "First Amendment to Agreement for Professional Consultant Services" dated April 30, 2009.

Whereas, the Consultant submitted a Proposal dated June 23, 2008, to provide program and construction management services in three phases (Phase I - Program Management, Phase 2 - Utility Relocation and Phase 3 - Construction Management). A copy of said Proposal, attached to the original agreement as 'Exhibit "B," is incorporated herein by reference.

Whereas, Phases 1 and 2 have been awarded to and successfully completed by Consultant; and

Whereas, it is desirable to further amend the Agreement to expand the scope of the work to include construction management services (Phase 3) to be performed by the Consultant as is

Attachment "A"

more particularly described in Section 1 of this Second Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date of **December 31, 2011,** is extended to **December 31, 2012**.

1.2 Exhibit "B" to the Agreement is hereby amended to expand the scope of work to include Phase 3 construction management and inspection services as described in the original proposal dated June 23, 2008.

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof "Exhibit A -- Second Amendment," entitled "Cost Proposal – Phase 3 Construction Management Services."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $1,414,807, as set forth in the above-referenced Cost Proposal, in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Second Amendment."

1.5 The total "Not to Exceed" fee for this contract is $2,032,460 ($823,894 for the original Agreement less $205,641 for the First Amendment to Agreement plus $1,414,807 for the Second Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 98-25897

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

TCM Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

Attachments: Exhibit "A" – Phase 3 Cost Proposal

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TCM GROUP

July 12, 2010

To: City of Moreno Valley
Public Works Department
14177 Frederick St.
Moreno Valley, CA 92553
Attn: Margery Lazarus
Project Manager

Project: Nason St.
Cat: 3.1

From: Ivan S. Benavidez Jr.
Project Manager
TCM Group
3130-B Inland Empire Blvd.
Ontario, CA 91764

Re: Revised Cost Proposal for Construction Management

Attached for your review and approval is our revised cost proposal for construction management services on the SR-60 / Nason Street Interchange Improvement Project.

Scope Changes include:

- Reduced inspection of the wetland area that has been eliminated from the original construction documents (-$146,951.00)
- Increase for as needed service during construction as directed by the City Manger (+124,230.00).

Our original estimate for the construction management services during the construction and post-construction phases was $1,430,599.00, our total revised estimate is $1,414,807.00; resulting in a reduction of $15,792.00.

The revised cost proposal uses the same staff rates and firm overhead rates proposed in 2008.

Please let me know if the reduced dollar value for the scope changes is acceptable to you. If you have any questions please feel free to contact me at 909-203-3589.

Sincerely,
Ivan S. Benavidez Jr.
Ivan S. Benavidez Jr.

Exhibit "A" – Second Amendment

TCM Group
Construction Management Services
Cost Proposal-July 08, 2010

City of Moreno Valley
SR 60/Nason St. Interchange Improvements
Construction & Post Construction

Classification	Staff Member	Hours	Payrate	Overhead Rate	Fee	Billing Rate	Cost
Pre-construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	0	75	159%	10%	$ 213.68	$ -
Assistant RE	Jose Burbano	0	60	159%	10%	$ 170.94	$ -
Office Engr.	Vanessa Barrientos	0	40	159%	10%	$ 113.96	$ -
Subtotal		**0**					**$ -**
Construction Phase (240 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	1920	75	159%	10%	$ 213.68	$ 410,256
Asst. RE	Jose Burbano	1440	60	159%	10%	$ 170.94	$ 246,154
Inspector-Nason	Chuck Snell	1920	43	159%	10%	$ 122.51	$ 235,213
Inspector-Nason	Gary Cavafian	400	50	159%	10%	$ 142.45	$ 56,980
Inspector-SCE	Lawerence Taylor	0	40	159%	10%	$ 113.96	$ -
Office Engr.	Vanessa Barrientos	1920	40	159%	10%	$ 113.96	$ 218,803
Subtotal		**7,600**					**$ 1,167,406**
Post-Construction Phase (9 Working Days) for All Elements							
Project Manager/Resident Engineer	Ivan Benavidez, PE	72	75	159%	10%	$ 213.68	$ 15,385
Asst RE	Jose Burbano	72	60	159%	10%	$ 170.94	$ 12,308
Office Engr.	Vanessa Barrientos	72	40	159%	10%	$ 113.96	$ 8,205
Subtotal		**216**					**$ 35,897**
Construction Support As-Needed							
Project Manager/Resident Engineer	Ivan Benavidez, PE	160	79.57	159%	10%	$ 226.69	$ 36,271
Asst. RE	Jose Burbano	160	63.65	159%	10%	$ 181.34	$ 29,014
Inspector-Nason	Chuck Snell	150	42.46	159%	10%	$ 120.97	$ 18,145
Inspector-Nason	Gary Cavafian	150	53.04	159%	10%	$ 151.11	$ 22,667
Inspector-SCE	Lawerence Taylor	0	42.43	159%	10%	$ 120.88	$ -
Office Engr.	Vanessa Barrientos	150	42.43	159%	10%	$ 120.88	$ 18,132
Subtotal		**770**					**$ 124,230**
Misc. Expenses							
Vehicles		8586				$ 7	$ 60,102
Labtops		8586				$ 1	$ 8,586
Cellphones		8586				$ 1	$ 8,586
Office Supplies/Mailings/Shipping/...etc							$ 10,000
Subtotal							**$ 87,274**
						Total Cost	**$ 1,414,807**

Limitations & Conditions:

Construction duration is estimated at 240 working days with 0 days for preconstruction & 9 days for closeout.
Inspector will be fully equipped with vehicles, computers, tools, and equipment required to perform their tasks.
Construction office to be provided by City or Contractor.
Overtime is to be charged at 1.5 the above rate per pervailing wage requirements.
Cost proposal is subject to pervailing wage rates and pervailing wage rate changes for inspection.
Misceleanous expenses includes stationeries and other items needed for CM team.

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MV00075367

ORDINANCE NO. 814

AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley ordains as follows:

SECTION 1. MUNICIPAL CODE AMENDED:

1.1 Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code is amended in its entirety to read as follows:

"**11.40.040 Regulations.** Unless specifically provided otherwise in this Chapter, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the City Council.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the City Council.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris

promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzine, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting

within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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MV00075377

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS, LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE
PROJECT NO. 11-41570125

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

BACKGROUND

The Perris Boulevard Widening project will result in a total of six (6) full lanes of street improvements on Perris Boulevard from Perris Valley Storm Drain Lateral "B" to Cactus Avenue. Right of way (ROW) is required from several parcels, one of which is a residential mobile home park, located at 14890 Perris Boulevard.

DISCUSSION

The parcel that is a residential mobile home park site has six (6) mobile home units that will be displaced by the project. Five (5) of the six (6) mobile homes may need to be acquired. The sixth mobile home does not require appraisal (it is vacant and owned by the mobile home park) and will simply be relocated within the mobile home park.

No acquisition of whole properties is proposed. As mentioned above, however, six (6) mobile homes in the mobile home park will be impacted, requiring the relocation or removal of five (5) mobile homes and the occupants. The proposed displacement

triggers relocation assistance obligations under State Relocation Law and the State Relocation Guidelines. Among the various obligations of the Law is the requirement to prepare a Relocation Plan addressing the circumstances and needs of those persons potentially displaced by the project, as well as a mandatory 30 day public review of the document.

Overland, Pacific and Cutler (OPC), ROW consultants for the project, has met with the occupants of the five (5) mobile home units and prepared the Relocation Plan (Attachment "B"). The 30 day public review period has expired and based on the Relocation Plan, the estimated cost to relocate the occupants is $241,000 (including 20% contingency).

ALTERNATIVES

1. Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will allow the City to begin negotiations to acquire right of way.*

2. Do not adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).. *This alternative will not allow the City to begin negotiations to acquire right of way and will delay construction of the roadway improvements.*

FISCAL IMPACT

Funding for the proposed ROW acquisition is included in the current Fiscal Year 2010/2011 budget. Transportation Uniform Mitigation Fee (Fund 415 – TUMF) provides a 68.6% reimbursement to the City's 31.4% matching funds from Fund 416 – DIF Arterial Streets for this project. These funds have been allocated for the Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue and cannot be utilized for operational activities. There is no impact on the City's General Fund.

Available Funding:

TUMF (Fund 415)	$1,688,000
DIF Arterial Streets (Fund 416)	$644,000
Total Funding	$2,332,000

Estimated ROW Related Expenditures:

ROW Acquisitions	$495,120
Relocation Plan Costs	$241,000
ROW Agent, Administration, and Escrow Costs	$70,000
Utility Relocation Costs	$0
Total Estimated ROW Related Expenditures	$806,120

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

Public Facilities and Capital Projects:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

City staff recommends that the City Council adopt the proposed Resolution approving the Relocation Plan.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution
Attachment "C" – Relocation Plan

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 11-41570125 Perris Blvd. from PVSD Lateral B to Cactus Ave\CC Reports\082410 CC - Relocation Plan Approval\Relocation Plan Approval Staff Report (082410).doc

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MV00075381

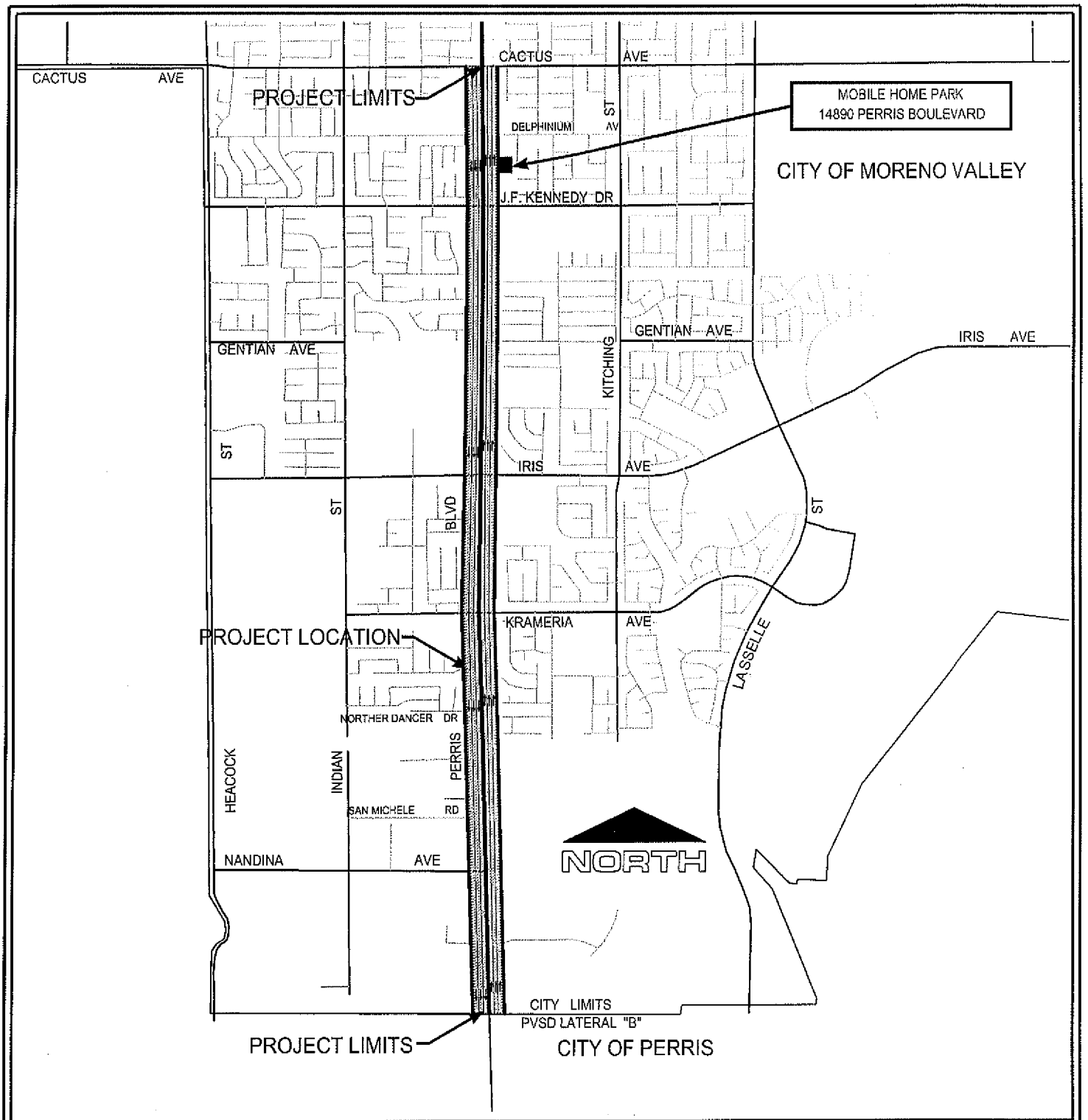

LOCATION MAP

Public Works Department
Capital Projects Division

Scale: Not to scale

ATTACHMENT "A"

PERRIS BOULEVARD WIDENING
FROM
PVSD LATERAL "B" TO CACTUS AVE

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Date: 14 Jul 10 -- 4:41 pm
File: W:\CapProj\CapProj\PROJECTS\Larry -- 11-4:5701125 Perris Blvd. from PVSD Lateral B to Cactus Ave\Design Phase\Auto CAD\Perris Widening from Cactus to PVSD Lat B Location Map for RCTC.dwg
User: deepoks

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MV00075383

RESOLUTION NO. 2010-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

WHEREAS, the State Relocation Law (California Government Code Section 7260 et seq.) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) require the City to approve a relocation plan and provide relocation assistance and benefits to eligible residential and business occupants that are either permanently or temporarily displaced; and

WHEREAS, the City, pursuant to the State Relocation Law and the State Relocation Guidelines, has prepared a Relocation Plan, which is attached to this resolution; and

WHEREAS, the proposed action to approve the Relocation Plan is an administrative action and does not constitute a project under the California Environmental Quality Act per Guidelines Section 15262.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Relocation Plan for eligible occupants of the Site is approved.

2. The City Manager and/or his designee is hereby authorized and directed to act on the City's behalf on all matters pertaining to the approved Relocation Plan including entering into agreement(s) with eligible occupants and payment of benefits to eligible occupants.

3. This resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley

Attachment "B" Resolution No. 2010-_____
Date Adopted: August 24, 2010

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00075387

RELOCATION PLAN

FOR THE

PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE

PREPARED FOR:

CITY OF MORENO VALLEY, PUBLIC WORKS DEPARTMENT/CAPITAL PROJECTS DIVISION

PREPARED BY:

OVERLAND, PACIFIC & CUTLER, INC.
2280 MARKET STREET, SUITE 340
RIVERSIDE, CA 92501
PHONE: (951) 683-2353

JUNE 30, 2010

Attachment "C"

TABLE OF CONTENTS

INTRODUCTION 1

A. PROJECT LOCATION 1

B. ASSESSMENT OF NEEDS 2

C. REPLACEMENT HOUSING RESOURCES 5

D. CONCURRENT RESIDENTIAL DISPLACEMENT 6

E. TEMPORARY HOUSING 6

F. PROGRAM ASSURANCES AND STANDARDS 6

G. RELOCATION ASSISTANCE PROGRAM 7

H. RELOCATION BENEFIT CATEGORIES 8

I. PAYMENT OF RELOCATION BENEFITS 11

J. EVICTION POLICY 11

K. APPEALS POLICY 11

L. PROJECTED DATES OF DISPLACEMENT 12

M. ESTIMATED RELOCATION COSTS 12

N. CITIZEN PARTICIPATION/PLAN REVIEW 12

TABLE OF ATTACHMENTS 14

INTRODUCTION

The City of Moreno Valley Public Works Department/Capital Projects Division (the Agency) is proposing to widen and improve Perris Boulevard between Perris Valley Storm Drain Lateral "B" (Southerly City Limits) and Cactus Avenue (the Project) to an arterial highway standard with a curb-to-curb width of 86 feet within a 110-foot right-of-way. The proposed Perris Boulevard improvements will include curb and gutter, pavement, sidewalk, street light relocation, traffic signal modifications, signing and striping, and related road improvements. The Project will require the acquisition of property from The Sky Trails Mobile Home Park, which will impact five individually owned mobile home units. The Agency's intent is to utilize the available spaces within the Sky Trails Mobile Village and relocate the mobile homes within the park when possible, thus minimizing the relocation outside of the community. The proposed displacement triggers relocation assistance obligations under State Relocation Law (California Government Code Section 7260 et seq.) (the Law) and the State Relocation Guidelines (California Code of Regulations, Title 25, Chapter 6 et seq.) (the Guidelines). Among the various obligations of the Law is the requirement to prepare a relocation plan addressing the circumstances and needs of those persons potentially displaced by the Project.

The following Relocation Plan (the Plan) has been prepared for the Agency by Overland, Pacific & Cutler (OPC) in accordance with the specific requirements set out in Section 6038 of the Guidelines concerning projects that involve the displacement of fewer than 15 households. This Plan provides a project description, the results of a needs assessment survey conducted among residents, a housing resource study, and details of the Agency's proposed relocation program. No activities that would cause displacement will take place prior to the required reviews and approval of this Plan.

A. PROJECT LOCATION

The proposed Project will take place in the central portion of the City of Moreno Valley. The City of Moreno Valley is in Riverside County, approximately seven miles southeast from the City of Riverside and approximately 55 miles southeast of downtown Los Angeles. The Project is located within 30 miles, generally, of the Ontario International Airport and two miles south of the SR-60 Moreno Valley Freeway (see **Attachment 1**, Map 1).

The specific Project site is located along Perris Boulevard and is generally bounded by Cactus Avenue on the north and Perris Valley Storm Drain Lateral "B" (Southerly City Limits) on the south (see **Attachment 1**, Map 2).

B. ASSESSMENT OF NEEDS

Survey information for the Plan was obtained from individual, on-site interviews conducted with the residents in January 2010 and interviewers were successful in contacting all residential households. The Project will impact one tenant occupied mobile home dwelling and four owner-occupied mobile home dwellings. For inclusionary purposes the data from public records about the properties were used as well as anecdotal responses from surveyed individuals to prepare this Plan.

1. Housing Mix

The housing mix consists of five mobile home units, two with one bedroom and three with two bedrooms; four owner- and one tenant-occupied.

2. Project Area Rents

The tenant household is renting their one bedroom mobile home from relatives for $400 per month. Pad space rents for mobile home owners range from $455 to $479.

3. Occupancy/Overcrowding

There is a total Project population of 10 individuals, consisting of nine adults and one child. The average household size is two persons per dwelling unit. The distribution of household sizes within the Project is provided in **Table 1**, following.

TABLE 1: Household Size (5 households)			
# in Household	One	Two	Three
# Households	1	3	1

The standard for housing density adopted by the Agency allows two persons per bedroom and one person in a common living area up to four bedrooms. The Agency adheres to the state building code occupancy standard based on the square footage of the dwelling for households larger than nine members. Based on these criteria as compared to available tenant data, there is no overcrowding among Project properties.

4. Replacement Housing Needs

Replacement housing needs, as expressed in this Plan, are defined by the total number of required replacement units and the distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing survey data relative to household size with the Agency's replacement housing occupancy standards. These standards, generally, allow for up to three persons in a one-bedroom unit, five persons in a two-bedroom unit, and seven persons in a three-bedroom unit.

The Project's replacement housing requirements are two one-bedroom mobile homes and three two-bedroom mobile homes; four for sale and one for rent.

The Agency will, through its relocation representatives, assure that sufficient replacement housing units exist in compliance with the decent, safe, and sanitary requirements, prior to displacing any residential households.

5. Income

Income information was provided by all five Project households. According to income standards for the County of Riverside, adjusted for family size as published

by the United States Department of Housing and Urban Development (HUD) in May 2010, two respondent Project households qualify as extremely low income (less than 30% of area median) and three qualify as low income (51%-80% of area median). **Table 2** below outlines this information.

TABLE 2: Income Levels of Project Households (5 respondents)

Extremely Low	Very Low	Low	Moderate
2	0	3	0

6. Ethnicity/Language

Two households in the Project reported their ethnicity as White and three as Hispanic. English is the primary household language in all households.

7. Senior/Handicapped Households

There are no senior households (head of household or spouse 62 years or older) in the Project and four households reported disabilities that may require special accommodations as far as replacement units are concerned.

8. Preferred Relocation Areas

All Project residents expressed a preference to remain in the same park or community in order to maintain current access to employment, medical or religious facilities, recreational resources, and public transportation.

For illustrative purposes **Attachments 2 and 3** present the prevailing HUD income standards as well as general demographic information for the City of Moreno Valley.

C. REPLACEMENT HOUSING RESOURCES

A housing resource survey was conducted during the month of February 2010 to determine the availability of replacement housing to meet the needs of the five Project area households. Mobile homes for sale and available space in nearby parks that would accept a used mobile home were researched and considered as appropriate replacement options. Most residents may be able to remain at the park by moving their coach to the available spaces. One does not qualify due to the size and additions to the mobile home.

The mobile homes for sale survey, summarized in **Table 3**, identified a total of 38 available single-, double- and triple-wide mobile homes for sale. The individual figures for number of units found by coach size are presented in the table alongside the number of units needed (shown in parentheses) to meet re-housing obligations.

TABLE 3: Availability and Cost of Mobile Homes for Sale

Size	Single-wide	Double-wide	Triple-wide
# Found (# Needed)	4 (1)	32 (3)	2 (0)
Asking Price Range	$15,000 - $25,000	$12,500 - $68,000	$40,000 - $45,000
Pad Rent Range	$350 - $620	$350 - $680	$500 - $550
Median Asking Price	$18,700	$31,500	$42,500
Median Pad Rent	$527	$524	$525

Project pad rents are currently approximately 11% less than median pad rents for surveyed nearby parks. The median rent amounts shown in the table above are the figures used to make benefit and budget projections for the Plan. These amounts are, naturally, subject to change according to the market rates prevailing at the time of displacement.

In addition to the available mobile homes for sale the survey identified 10 nearby mobile home parks with available spaces for used mobile homes. A total of 51 available spaces were identified with pad rents ranging from $251 to $755. **Attachment 4** lists available replacement housing resources.

For one tenant household the survey of nearby one-bedroom apartments was conducted and there are currently 11 available units on the market with rents ranging from $695 to $795 per month. Median rent for one-bedroom units is $765.

D. CONCURRENT RESIDENTIAL DISPLACEMENT

There are, currently, no projects underway within the City of Moreno Valley, that would negatively affect the pool of available replacement housing of mobile homes for sale. No residential displacee will be required to move without both adequate notice and access to available affordable, decent, safe, and sanitary housing.

E. TEMPORARY HOUSING

There is no anticipated need for temporary housing. Should such a need arise, the displacing entity will respond appropriately and in conformance with all applicable laws and requirements.

F. PROGRAM ASSURANCES AND STANDARDS

There are adequate funds available to relocate all households subject to displacement. Services will be provided to ensure that displacement does not result in different, or separate treatment of the household based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability, or any other basis protected by the Federal Fair Housing Amendments Act; the Americans with Disabilities Act; Title VI of The Civil Rights Act of 1964; Title VII of The Civil Rights Act of 1964; Title VIII of The Civil Rights Act of 1968; and, the California Fair Employment & Housing Act; and the Unruh Act.

No residential household will be displaced without at least 90 days notice and unless comparable replacement housing can be located. Comparable housing includes standards such as: decent, safe and sanitary (as defined in § 6008[d] of the Guidelines); comparable as to the number of bedrooms, living space, and type and quality of construction of the

acquired unit, but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to proximity to schools, employment, health and medical facilities, and other public and commercial facilities and services; and within the financial means of the displaced household as defined in Section 6008, subdivision (c)(5) of the Guidelines.

The relocation program to be implemented by the Agency conforms with the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines and all other applicable regulations and requirements.

G. RELOCATION ASSISTANCE PROGRAM

A relocation representative from *Overland, Pacific & Cutler, Inc.* (OPC) will assist all persons to be displaced as a consequence of the Project. OPC staff will maintain personal contact with all individuals until the relocation process has been completed. OPC maintains an open phone number (951) 683-2353 which is attended to from 8:00 a.m. to 5:00 p.m., Monday through Friday.

The relocation offices are located at:

2280 Market Street, Suite 340
Riverside, CA 92501

A comprehensive relocation assistance program, offering both advisory assistance and financial benefits will be provided to all households subject to displacement. Specific services will include:

A. Distribution of informational brochure to residential occupants **(Attachment 5)**;

B. Timely referrals for residential occupants to at least three comparable replacement units and, if necessary, transportation will be provided to inspect potential replacement units; and

C. Assistance with the completion, and filing of relocation claims, rental applications, purchase offers and appeal forms, if necessary.

H. RELOCATION BENEFIT CATEGORIES

Relocation benefits will be provided in accordance with the California Relocation Assistance Law; the Guidelines; and, other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The Agency will provide appropriate benefits for each displaced household as required by the above-referenced laws and requirements.

1. Residential Moving Expense Payments

The subject households will be eligible to receive a payment for moving expenses. Payments will be made based upon either a fixed room count schedule, or an invoice for actual reasonable moving expenses from a licensed professional mover.

a. Fixed Payment - A fixed payment for moving expenses based on the number of rooms containing furniture or other personal property to be moved. The fixed moving payment will be based upon the most recent Federal Highway Administration (FHWA) schedules maintained by the California Department of Transportation **(See Fixed Payment Moving Schedule - Attachment 6)**.

- OR -

b. Actual Reasonable Moving Expense Payments - A displaced household may elect to have a licensed, professional mover perform the move; if so, the displacing entity will pay for the actual cost of the move, up to 50 miles, and all reasonable charges for packing, unpacking, insurance, and utility connection charges at the

replacement location. The payment for moving will be made directly to the mover, or as reimbursement to the displaced household.

2. Rental Assistance/Downpayment Assistance

Residential tenants who have established residency at the Project site for a minimum of 90 days prior to the initiation of negotiations to purchase the property and who choose to re-rent, may be eligible to receive a Rental Assistance Payment in addition to compensation for moving expenses. "Initiation of Negotiations" is defined as the first written offer by the Agency to buy the property from which the households will be displaced.

Rental Assistance Payments will be limited to a maximum of $5,250, based upon the monthly housing need over a 42 month period, prior to consideration of Last Resort Housing needs. Eligible households may opt to apply the full amount of their rental assistance eligibility toward the purchase of a replacement dwelling.

3. Payments to Mobile Home Owners

Mobile home owner-occupants will have four options with respect to relocation arrangements:

1) If the mobile home can be moved to a replacement site, the owner may elect to move and set up the unit, including any existing improvements, in a new location, provided the total cost of moving the coach does not exceed the replacement cost of a comparable unit.

Benefits will include the cost of moving and setting up the existing mobile home, within 50 miles from the Project, and Rental Assistance for space rent.

2) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place, and purchase a comparable replacement coach in another location;

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

3) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and apply their entitlement toward the purchase of another type of residential dwelling, including the amount determined for Rental Assistance for space rent.

Benefits will include Replacement Housing Payment, Residential Moving Expenses, and Rental Assistance for space rent.

4) If the mobile home cannot be moved to a replacement site, the owner may elect to sell the mobile home to the Agency for its appraised value-in-place and rent an alternate type of residential unit.

The owner will be entitled to utilize up to the total of the replacement housing eligibility in the form of rental assistance. Actual rental assistance eligibility will be determined by subtracting the difference between the economic rent of the mobile home residence from the market rent for an apartment unit of comparable size (e.g. number of bedrooms) multiplied by 42 months.

4. Last Resort Housing Payments

In order to provide the tenants and owners with comparable replacement housing, the Agency may, if there is a need, exceed statutory maximums for rental assistance of $5,250 for tenants and replacement housing of $22,500 for owners, by authorizing the payment of Last Resort Housing benefits. A displaced person will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed total of his or her rental or replacement housing assistance eligibility exceeds either $5,250 in the case of tenants or $22,500 for owner-occupants or when a tenant does not meet applicable occupancy requirements. Calculation of Last Resort rental assistance benefits for tenants who fail to meet 90-day occupancy requirements will be based solely on household

income. Non 90-day qualifiers must meet basic eligibility requirements applied to all other displacees.

I. PAYMENT OF RELOCATION BENEFITS

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

i) the date the claimant moves from the acquired property; **or**,

ii) the date on which final payment for the acquisition of real property is made, whichever is later.

Procedures for preparing, and filing of claims and processing and delivering of payments are attached **(Attachment 7)**.

J. EVICTION POLICY

Eviction will only be undertaken as a last resort measure in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous, or illegal act in the unit, or if the household refuses to act after having received reasonable referrals to comparable replacement housing. Eviction may affect the eligibility of a person otherwise entitled to relocation benefits.

K. APPEALS POLICY

The appeals policy will follow the standards described in Section 6150 of the Guidelines. Pursuant to this Section, displacees have the right to appeal determinations of eligibility,

payment amounts and general relocation assistance services. A copy of the Agency's appeals policy and procedures is attached **(Attachment 8)**.

L. PROJECTED DATES OF DISPLACEMENT

Occupants will receive either a written 90-Day Informational Notice or a date specific 90-Day Notice to Vacate before they are required to move. This notice is anticipated to be issued around August of 2010.

M. ESTIMATED RELOCATION COSTS

The Agency will use its own funds to underwrite the Project. Estimated relocation costs for the Project are $241,000 including a 20% contingency. This figure does not include any provision for relocation administrative costs or other services which may be necessary to carry out the Project.

If the Project is implemented and circumstances arise that increase the Project budget, the Agency will authorize the expenditure of those additional funds necessary to meet its statutory relocation assistance obligations.

N. CITIZEN PARTICIPATION/PLAN REVIEW

This Plan will be provided to the public for the mandatory 30 day review period. Comments regarding this Plan will be included as a Plan Addendum (**Attachment 9**) prior to submission for approval before the City of Moreno Valley City Council. A copy of the

approved Plan will be forwarded to the California Department of Housing and Community Development (HCD).

TABLE OF ATTACHMENTS

Attachment 1: Project Site Maps

Attachment 2: Demographic Characteristics

Attachment 3: Annual Income Limitations - Year 2010, County of Riverside

Attachment 4: Replacement Housing Survey

Attachment 5: Sample Informational Brochure for Displaced Households

Attachment 6: Fixed Payment Moving Schedule

Attachment 7: Procedures for Relocation Payments and Assistance

Attachment 8: Appeals Policy and Procedures

Attachment 9: Plan Addendum (Public Comments and Agency Response)

ATTACHMENT 1
PROJECT SITE MAPS

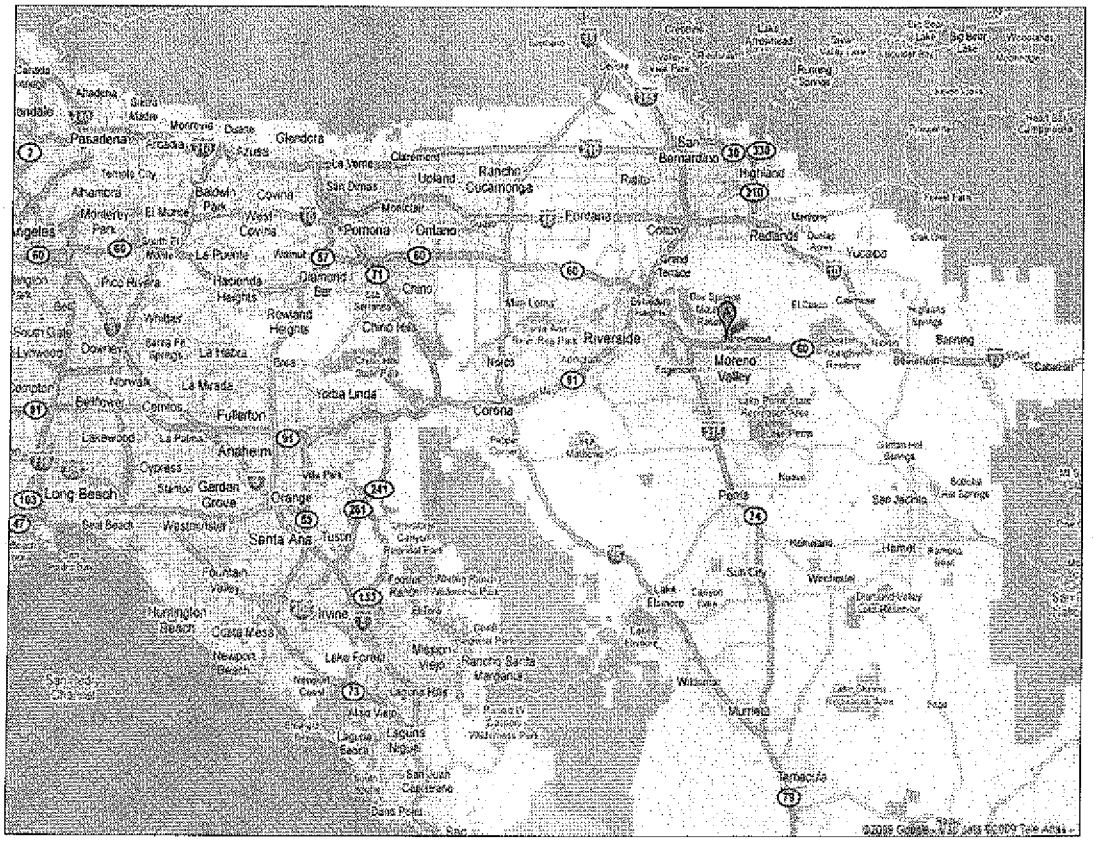

Map 1: Regional Project Location

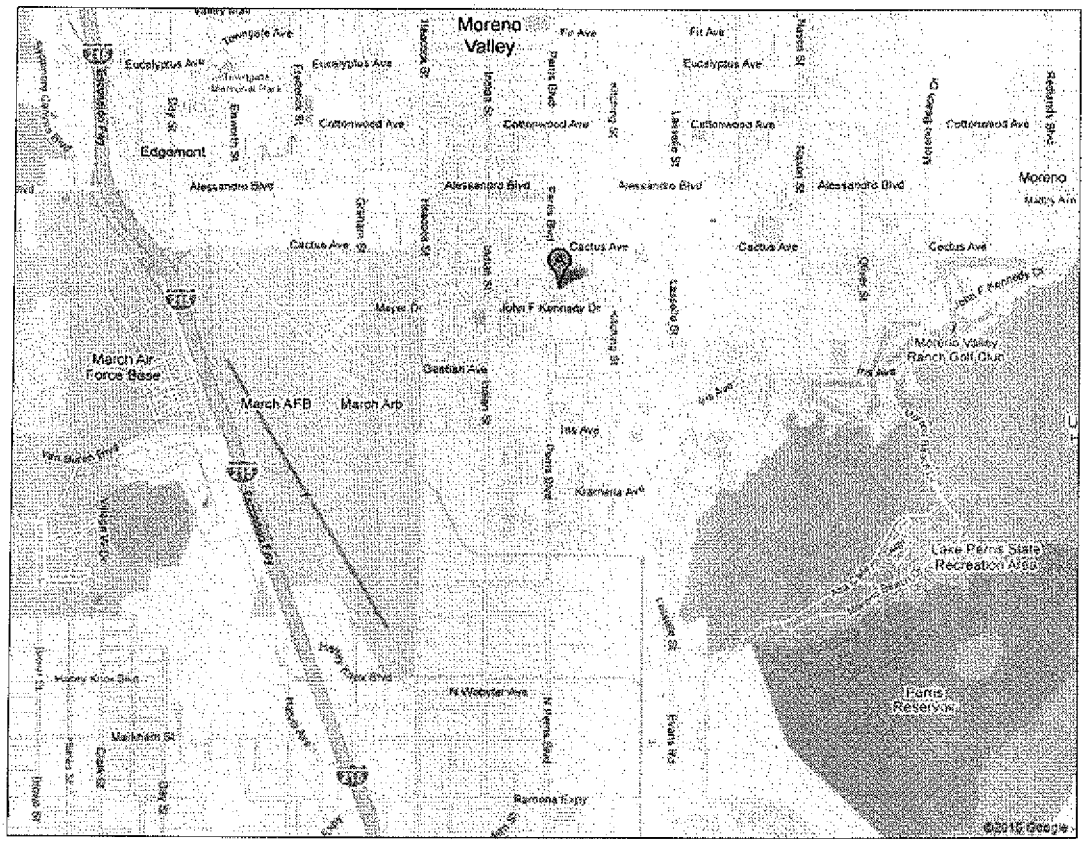

Map 2: Project Site Location

ATTACHMENT 2
DEMOGRAPHIC CHARACTERISTICS

TABLE 1: 2000 Census Population - City of Moreno Valley & Tract 426.05				
Population	Tract 426.05	%	City	%
Total Population	18,387	100.0%	142,381	100.0%
White	7,926	43.1%	66,689	46.8%
Black or African American	4,362	23.7%	28,310	19.9%
American Indian and Alaska Native	166	0.9%	1,343	0.9%
Asian	1,151	6.3%	8,427	5.9%
Native Hawaiian and Other Pacific Islander	97	0.5%	733	0.5%
Some Other Race	3,644	19.8%	28,584	20.1%
Two or More Races	1,041	5.7%	8,295	5.8%
Hispanic or Latino (of Any Race)	7,070	38.5%	54,689	38.4%

Source: U.S. Census Bureau

TABLE 2: 2000 Census Housing Units - City of Moreno Valley & Tract 426.05				
Type	Tract 426.05	%	City	%
Total Units	5,472	100.0%	41,431	100.0%
Owner-Occupied	4,174	76.3%	27,873	67.3%
Renter-Occupied	784	14.3%	11,352	27.4%
Vacant Housing Units	514	9.4%	2,206	5.3%
Available for Sale Only (of Total Vacant Units)	158	30.7%	800	36.3%
Available for Rent - Full Time Occupancy (of Total Vacant Units)	159	30.9%	709	32.1%
Sold or Rented - Not Occupied	53	10.3%	221	10.0%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	65	12.6%	104	4.7%
Other Vacant	79	15.4%	372	16.9%

Source: U.S. Census Bureau

ATTACHMENT 3

HUD ANNUAL INCOME LIMITATIONS - YEAR 2010
COUNTY OF RIVERSIDE, CA

The following figures are approved by the U.S. Department of Housing and Urban Development (HUD) and California State Department of Housing & Community Development for use in the **County of Riverside** to define, and determine housing eligibility by income level, for the year 2010.

Area Median: $65,000					
Family Size	**Extremely Low Income**	**Very Low Income**	**Low Income**	**Median Income**	**Moderate Income**
1 Person	13,650	22,750	36,400	45,500	54,600
2 Person	15,600	26,000	41,600	52,000	62,400
3 Person	17,550	29,250	46,800	58,500	70,200
4 Person	19,500	32,500	52,000	65,000	78,000
5 Person	21,100	35,100	56,200	70,200	84,250
6 Person	22,650	37,700	60,350	75,400	90,500
7 Person	24,200	40,300	64,500	80,600	96,700
8 Person	25,750	42,900	68,650	85,800	102,950

Figures are per the California State Department of Housing & Community Development, Division of Housing Policy Development, promulgated **June 17, 2010.**

ATTACHMENT 4

REPLACEMENT HOUSING SURVEY

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
JFK Mobile Home Park 951-242-5437	15040 Heacock Street, Moreno Valley	None	$515.00 plus utilities	Not at this time	6 miles
Santiago Estates Sunnymead Ltd 951-242-6158	23530 Santiago Drive Moreno Valley	1 space available	$425.00 - $515.00	Yes, no model older than year 2000	5.7 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood Avenue Moreno Valley	3 spaces available	$515.00 - $565.00	Yes, Must be 5 years or newer	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard Moreno Valley	6 spaces	620.00 plus utilities	Yes, Corporate must approve the home	2 miles
Cadena Creek Mobile Home Park 909-783-2700	2851 S. La Cadena Drive Colton	30 spaces	698.00	Yes	7 miles
Big Oak Gardens Mobile Senior Home Park 909-795-2213	35080 Chandler Avenue Calimesa	3 spaces	$251.00	1977 or newer 30 amp coach only	7.9 miles
King Arthur's Mobile Home Park 951-682-5885	1560 Massachusetts Ave Riverside	None	$595.00	Not Allowed	10 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
POSSIBLE RELOCATION OF MOBILE HOMES
PARKS WITH SPACES AVAILABLE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Park Address	Available Spaces	Space Rent Amount	Accepts Outside Mobile Homes	Distance from Project Site
Mission Mobile Manor 951-685-6580	8110 Mission Blvd Riverside	1 space	$518.00	Yes, 1990 or newer	21 miles
Ranco Caballero Mobile Community 951-780-9272	15181 Van Buren Boulevard Riverside	1 space	$681.69	Yes, did not know if any restrictions	16 miles
Elm Trailer Park 951-781-3938	5741 Mission Boulevard Riverside	None	$395.00	Not Allowed	18 miles
Jurupa Hills Cascade Mobile Home 951-685-1557	6130 Camino Real Riverside	Possibly 1 space	$755.00	Yes, must be 5 years or newer	21 miles
Mission Village Mobile Home Park Senior Park 951-687-4447	3700 Buchanan Avenue Riverside	2 spaces	$525.00-$550.00	Yes, no model older than year 2000	26 miles
Palm Terrace Mobile Village 951-689-4650	12149 Indiana Street Riverside	3 spaces	$617.00-$643.00	Yes, must be year 1990 or newer	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #201 Moreno Valley	Single	$530.00	2 bed/1 bath	$17,500	6 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #33 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$25,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #124 Moreno Valley	Double	$530.00	2 bed/ 2 bath	$40,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood # 232 Moreno Valley	Triple	$500.00	2 bed/ 2 bath	$45,000	7.4 miles
El Sorrento Adult Mobile Home Park 951-242-3710	23820 Ironwood #47 Moreno Valley	Triple	$550.00	2 bed/ 2 bath	$40,000	7.4 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #35 Moreno Valley	Double	620.00	2 bed/2 bath	$14,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #92 Moreno Valley	Double	620.00	2 bed/2 bath	$25,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #64 Moreno Valley	Double	620.00	3 bed/2 bath	$29,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #88 Moreno Valley	Double	620.00	3 bed/2 bath	$45,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #21 Moreno Valley	Single	620.00	2 bed/1 bath	$15,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #50 Moreno Valley	Double	620.00	3 bed/2 bath	$55,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #51 Moreno Valley	Double	620.00	3 bed/2 bath	$20,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #62 Moreno Valley	Double	620.00	2 bed/1 bath	$40,000	2 miles
Country Squire Mobile Estates 951-242-2817	26871 Alessandro Boulevard #8 Moreno Valley	Double	620.00	2 bed/2 bath	$36,000	2 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

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Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Santiago Estates 951-242-6158	23530 Santiago Drive #33 Moreno Valley	Double	$425.00	3 bed/ 2 baths	$50,000	5.7 miles
Santiago Estates	23530 Santiago Drive #53 Moreno Valley	Double	$350.00	3 bed/ 2 bath	$68,000	5.7 miles
King Arthur's Mobile Home Park	177 Sir Bedivere Dr #177 Riverside	Double	$595.00	2 bed/2/bath	$29,000	10 miles
King Arthur's Mobile Home Park	144 Sir Damas Dr # 144 Riverside	Double	$595.00	2 bed/2 bath	$25,000	10miles
King Arthur's Mobile Home Park	183 Sir Bedivere Dr #183 Riverside	Double	$603.00	2 bed/2 bath	$54,000	10 miles
Lake Perris Village	350 San Jacinto Ave #62 Perris	Single	$525.00	2 be/ 1 bath	$25,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #51 Perris	Double	$475.00	2 bed/ 2 bath	$44,000	8.92 miles
Lake Perris Village	350 San Jacinto Ave #20 Perris	Double	$470.00	3 bed/2 bath	$48,330	8.92 miles
Lakeview Family Park	11050 Bryant #198 Yucaipa	Double	$457.00	2 be/ 2 bath	$49,000	20 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Lakeview Family Park	11050 Bryant #47 Yucaipa	Double	$380.00	2 bed/ 1.5 bath	$39,800	20 miles
Lakeview Family Park	11050 Bryant #229 Yucaipa	Double	$440.00	2 bed/2 bath	$36,000	20 miles
Lakeview Family Park	11050 Bryant #90 Yucaipa	Double	$450.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #126 Yucaipa	Double	$428.00	2 bed/2 bath	$34,000	20 miles
Lakeview Family Park	11050 Bryant #145 Yucaipa	Double	$428.00	2 bed/2 bath	$29,000	20 miles
Lakeview Family Park	11050 Bryant #293 Yucaipa	Single	$350.00	2 bed/2 bath	$19,900	20 miles
Lakeview Family Park	11050 Bryant # 205 Yucaipa	Double	$450.00	2 bed/2 bath	$22,000	20 miles
Lakeview Family Park	11050 Bryant #122 Yucaipa	Double	$350.00	2 bed/2 bath	$24,000	20 miles
Mission Village	3600 Buchanan #26 Riverside	Double	$550.00	2 bed/2 bath	$12,500	26 miles

CITY OF MORENO VALLEY
Perris Widening Project
RELOCATION PLAN SUMMARY
PARKS WITH AVAILABLE HOMES FOR SALE

OVERLAND PACIFIC & CUTLER, INC.

ATTORNEY-CLIENT

Date

Mobile Home Park	Property Address	Mobile Home Type	Space Rent Amount	Bedrooms/Baths	Asking Price	Distance from Project Site
Mission Village	3600 Buchanan #126 Riverside	Double	$411.00	2 bed/2 bath	$20,000	26 miles
Mission Village	3600 Buchanan #118 Riverside	Double	$576.00	2 bed/2 bath	$25,000	26 miles
Mission Village	3600 Buchanan #89 Riverside	Double	$518.00	2 bed/2 bath	$24,500	26 miles
Pembroke Downs	12400 Cypress Ave #88 Chino	Double	$541.00	2 bed/2 bath	$45,000	30 miles
Lamplighter	4400 Philadelphia #2 Chino	Double	$464.00	2 bed/2 bath	$61,000	32 miles
Park Vista	1601 S. Garey Ave #81 Pomona	Double	$680.00	2 bed/2 bath	$45,000	35 miles

ATTACHMENT 5

SAMPLE INFORMATIONAL BROCHURE
FOR
DISPLACED HOUSEHOLDS

Relocation Assistance Informational Statement for Families and Individuals

(CA State)

Displacing Agency:

City of Moreno Valley – Public Works Department/Capital Projects Division

Project Name:

Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" (Southerly City Limits) to Cactus Avenue

Displacing Agency Representative:

Overland, Pacific & Cutler, Inc.
2280 Market St., Suite 340
Riverside, CA 92501
Phone: (951)683-2353

Informational Statement Content:

1. General Information
2. Assistance In Locating A Replacement Dwelling
3. Moving Benefits
4. Replacement Housing Payment - Tenants And Certain Others
5. Section 8 Tenants
6. Replacement Housing Payment – Homeowners
7. Qualification For And Filing Of Relocation Claims
8. Last Resort Housing Assistance
9. Rental Agreement
10. Evictions
11. Appeal Procedures – Grievance
12. Tax Status of Relocation Benefits
13. Additional Information And Assistance Available

Spanish speaking representatives are available. Si necesita esta información en español, por favor llame a su representante.

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1. GENERAL INFORMATION

The dwelling in which you now live is in a project area to be improved by, or financed through, the Displacing Agency using state and/or local funds. If and when the project proceeds, and it is necessary for you to move from your dwelling, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under the state law. We suggest you save this informational statement for reference.

The Displacing Agency has retained the professional firm of **Overland, Pacific & Cutler, Inc. (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING. However, if you desire to move sooner than required, you must contact your representative with Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Displacing Agency's relocation assistance program.

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive. Once the Displacing Agency acquires the property, you will also be required to pay rent to the Displacing Agency.

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

3. MOVING BENEFITS

If you must move as a result of displacement by the Displacing Agency, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

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- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills; **or**
- A combination of both.

For example, you may chose a Self Move, receiving a payment based on the Fixed Residential Moving Cost Schedule shown below, plus contract with a professional mover to transport your grand piano and /or other items that require special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Residential Moving Cost Schedule.

A. **Fixed Moving Payment**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from $400.00 for one furnished room to $2,150.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation representative will inform you of the amount you are eligible to receive, if you choose this type of payment.

If you select a fixed payment, you will be responsible for arranging for your own move, and the Displacing Agency will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up, credit check and other related moving fees.

Fixed Moving Schedule CALIFORNIA Effective 6-15-2005	
Occupant Owns Furniture:	
1 room	$625
2 rooms	$800
3 rooms	$1,000
4 rooms	$1,175
5 rooms	$1,425
6 rooms	$1,650
7 rooms	$1,900
8 rooms	$2,150
Each additional room	$225
Occupant does NOT Own Furniture:	
1 room	$400
Each additional room	$65

B. **Actual Moving Expense (Professional Move)**

If you wish to engage the services of a licensed commercial mover and have the Displacing Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a "mover" scope of services for Displacing Agency approval.

4. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to $5,250.00 to assist you in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant who has occupied your present dwelling for at least 90 days prior to the initiation of negotiations or an owner who has occupied your dwelling between 90 and 180 days prior to the initiation of negotiations.

A. **Rental Assistance.** If you qualify, and **wish to rent** your replacement dwelling, your rental assistance benefits will be based upon the difference over a forty-two (42) month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent and estimated utilities or thirty percent (30%) of your gross monthly household income. You will be required to

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provide your relocation representative with monthly rent and household income verification prior to the determination of your eligibility for this payment.

- OR -

B. **Down-payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the down-payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

5. SECTION 8 TENANTS

When you do move, you may be eligible to transfer your Section 8 eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits.

6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

A. If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 180 days** prior to the initiation of negotiations, you may be eligible to receive a payment of up to $22,500.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.
3. **Incidental Expenses** - Those one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that could have been received under the Purchase Price Differential, explained above. The payment will be based on the difference between an economic rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received, if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

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7. QUALIFICATION FOR, AND FILING OF, RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the following**:

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:

  a. The date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court,: **or**

  b. The date you move from the displacement dwelling.

All claims for relocation benefits must be filed with the Displacing Agency **within eighteen (18) months** from the date on which you receive final payment for your property, or the date on which you move, whichever is later.

8. LAST RESORT HOUSING ASSISTANCE

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the Displacing Agency will provide Last Resort Housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort Housing assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and Last Resort eligibility must be applied toward the down-payment and eligible incidental expenses of the home you intend to purchase.

9. RENTAL AGREEMENT

As a result of the Displacing Agency 's action to purchase the property where you live, you may become a tenant of the Displacing Agency. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

10. EVICTIONS

Any person, who occupies the real property and is not in unlawful occupancy, is presumed to be entitled to relocation benefits. Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following reasons:

- Failure to pay rent; except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act in the unit;

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- Material breach of the rental agreement and failure to correct breach within the legally prescribed notice period;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

11. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have the claim reviewed or reconsidered in accordance with the Displacing Agency's appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

12. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein).

13. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative at Overland, Pacific & Cutler.

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ATTACHMENT 6

Fixed Payment Moving Schedule	
Occupant Owns Furniture	
One room	$625.00
Two rooms	$800.00
Three rooms	$1,000.00
Four rooms	$1,175.00
Five rooms	$1,425.00
Six rooms	$1,650.00
Seven rooms	$1,900.00
Eight rooms	$2,150.00
each additional room	$225.00
Occupant Does NOT Own Furniture	
First Room	$400.00
each additional room	$65.00

Source: Federal Highway Administration (effective 8-22-08)

ATTACHMENT 7

PROCEDURES
FOR
RELOCATION PAYMENTS AND ASSISTANCE

Claims and supporting documentation for relocation benefits must be filed with the Agency within 18 months from:

- The date the claimant moves from the acquired property; **or,**
- The date on which final payment for the acquisition of real property is made, whichever is later.

The procedure for the preparation and filing of claims, and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined in accordance with the provisions of California Relocation Law.
3. Required claim forms will be prepared by relocation personnel in conjunction with claimant(s). Signed claims and supporting documentation will be submitted by relocation personnel to the Agency.
4. The Agency will review and approve claims for payment or request additional information.
5. The Agency will issue benefit checks which will be available at the Agency offices for pick-up by OPC, unless circumstances dictate otherwise.
6. Final payments will be issued after confirmation that the Project area premises have been completely vacated, and actual residency at the replacement unit is verified.
7. Receipts of payment will be maintained in the relocation case file.

ATTACHMENT 8

APPEALS POLICY AND PROCEDURES

The Agency's Policy and Procedures for appeals will follow the standards described in Article 5, Section 6150, Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines.

Briefly stated, displacees will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to:

1. eligibility;
2. the amount of payment;
3. the failure to provide comparable replacement housing referrals; or
4. the Agency's property management practices.

Requests for review will be directed first to Mr. Larry Gonzales, Senior Engineer, City of Moreno Valley or other authorized designee of the Agency. Details concerning the entire appeals process will be provided upon request.

ATTACHMENT 9

PLAN ADDENDUM
(PUBLIC COMMENTS AND AGENCY RESPONSE)

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MV00075427

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Hargis, Acting Financial & Administrative Services Director

AGENDA DATE: August 24, 2010

TITLE: RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED JUNE 30, 2010

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the attached Quarterly Investment Report, in compliance with the City's Investment Policy.

BACKGROUND

In response to the Orange County bankruptcy and investment problems, and in order to deal with tightening regulations and controls over local investment of public funds, Senate Bills 866 and 564 were signed into law and became effective January 1, 1996, creating California Government Code Sections 53601 and 53646 respectively. The City's Investment Policy, adopted December 17, 1996 (and revised most recently on March 23, 2010), is in full compliance with the requirements of both of the above-mentioned Code Sections in addressing the types of investments allowed, the governing restrictions on these investments, the third-party custodian arrangement for certain investments, and the quarterly reporting requirements.

DISCUSSION

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This is the fourth quarterly report submitted for the 2009-10 fiscal year and is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's

Investment Policy and Government Code Section 53601 as to the types of investments allowed. As stated in the attached report, there is more than adequate liquidity within the portfolio for the City to meet its budgeted expenditures over the next six months.

The City has now transitioned the management of its general investment portfolio to Chandler Asset Management. As a result, the City's investment approach has changed from *passive* to *active*, as discussed in past meetings with the Finance Sub-Committee and the City Council. Utilizing an *active* approach, securities purchased for investment are not necessarily held to maturity but may be actively traded based on market conditions and the City's investment goals. The City's cash flow requirements are evaluated on an ongoing basis, with short-term needs accommodated through the City's pooled investment funds with the State Local Agency Investment Fund (LAIF). LAIF is a pool of public funds managed by the State Treasurer of California, providing 24-hour liquidity while yielding a rate of return approximately equivalent to a one-year treasury bill. With the combined use of a conservative approach to evaluating cash flow needs and LAIF liquidity, the City will not have to liquidate securities at current market rates that are intended to be held for longer-term investment. This is especially important considering that the average maturity of the general portfolio is 2.32 years.

In accordance with California Government Code Section 53646, the City is properly reporting investments of all bond proceeds and Deferred Compensation Plan funds. These funds are not managed by the City Treasurer as part of the pooled investment program and were not included in the City's investment reports prior to the current legislation. Bond proceeds are held and invested by a Trustee; Deferred Compensation Plan funds are held and invested by the respective plan administrators.

FISCAL IMPACT

None

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

SUMMARY

The attached Quarterly Investment Report presents the City's cash and investments for the quarter that ended June 30, 2010. This report is in compliance with California Government Code Section 53646 regarding the reporting of detailed information on all securities, investments, and monies of the City, as well as the reporting of the market value of the investments held. All of the investments contained within the portfolio are in full compliance with the City's Investment Policy and Government Code Section 53601 as to the types of investments allowed. It is recommended that the City Council receive and file the attached Quarterly Investment Report.

ATTACHMENTS/EXHIBITS

Attachment 1 - Treasurer's Cash and Investments Report – June 2010

Prepared By:
Brooke McKinney
Treasury Operations Division Manager
Acting City Treasurer

Department Head Approval:
Steve Hargis
Acting Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00075431

CITY OF MORENO VALLEY

Treasurer's Cash and Investments Report

June 2010

General Portfolio	Cost Value	Market Value	Par Value	Average Maturity	Average Duration
Bank Accounts	1,996,398	1,996,398	1,996,398		
State of California LAIF Pool	48,497,791	48,497,791	48,497,791		
Investments	172,781,218	173,617,381	167,769,635	2.32	1.93
Total General Portfolio	**223,275,407**	**224,111,570**	**218,263,824**	Years	Years

Bond Proceeds with Fiscal Agents	Market Value
Construction Funds	14,518,020
Principal & Interest Accounts	1,256,917
Debt Service Reserve Funds	7,890,608
Custody Accounts	0
Arbitrage Rebate Accounts	14,481
Other Accounts	643,477
Total Bond Proceeds	**24,323,503**

Deferred Compensation Funds	Market Value
Nationwide	8,064,586
ICMA	3,820,694
Total Deferred Compensation Funds	**11,885,280**

Total Investment Portfolio **260,320,353**

1. I hereby certify that the investments are in compliance with the investment policy adopted by the City Council. There are no items of non-compliance for this period.
2. The market values for the specific investments in the General Portfolio are provided by the City's investment custodian.
3. The market value for LAIF is provided by the State Treasurer.
4. The market values for investments held by fiscal agents and the deferred compensation plans are provided by each respective trustee or fiscal agent.
5. The City has the ability to meet its budgeted expenditures for the next six months pending any future action by City Council or any unforeseen catastrophic event.

Brooke McKinney
Acting City Treasurer

Attachment 1

City of Moreno Valley
Treasurer's Cash and Investments Report

Portfolio Summary

As of 6/30/2010

PORTFOLIO CHARACTERISTICS

Average Duration	1.93
Average Coupon	2.57 %
Average Purchase YTM	1.80 %
Average Market YTM	1.07 %
Average S&P Rating	AAA
Average Final Maturity	2.32 yrs
Average Life	2.02 yrs

ACCOUNT SUMMARY

	Beg. Values as of 5/31/10	End Values as of 6/30/10
Market Value	222,560,233	224,111,570
Accrued Interest	1,353,493	1,298,071
Total Market Value	**223,913,726**	**225,409,641**
Income Earned	336,937	327,036
Cont/WD		
Par	217,812,364	218,263,824
Book Value	222,346,418	222,839,437
Cost Value	222,652,020	223,275,407

TOP ISSUERS

Issuer	% Portfolio
Local Agency Investment Fund	21.5 %
Government of United States	11.0 %
Federal National Mortgage Assoc	10.8 %
Federal Home Loan Mortgage Corp	10.4 %
Federal Home Loan Bank	9.0 %
Federal Farm Credit Bank	8.4 %
Tennessee Valley Authority	3.8 %
US Bank Corp FDIC Insured	2.3 %
	77.3 %

SECTOR ALLOCATION

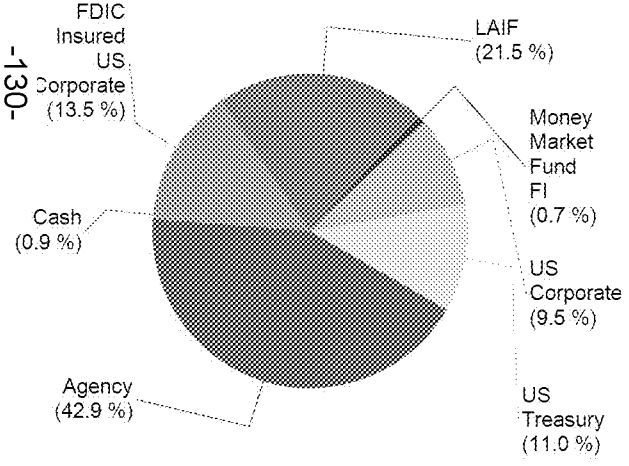

MATURITY DISTRIBUTION

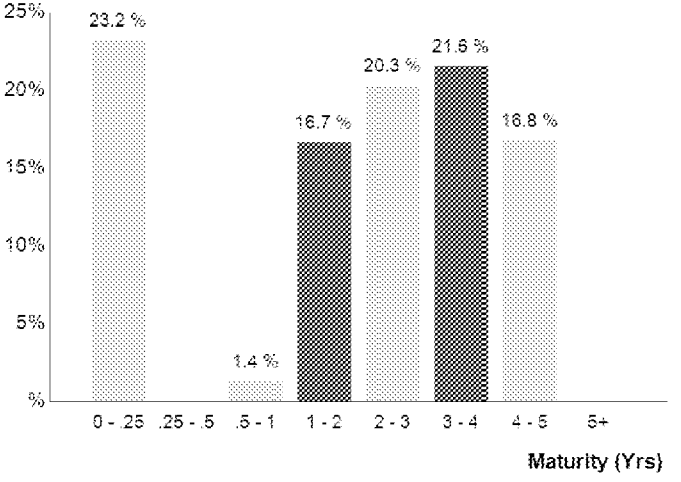

CREDIT QUALITY

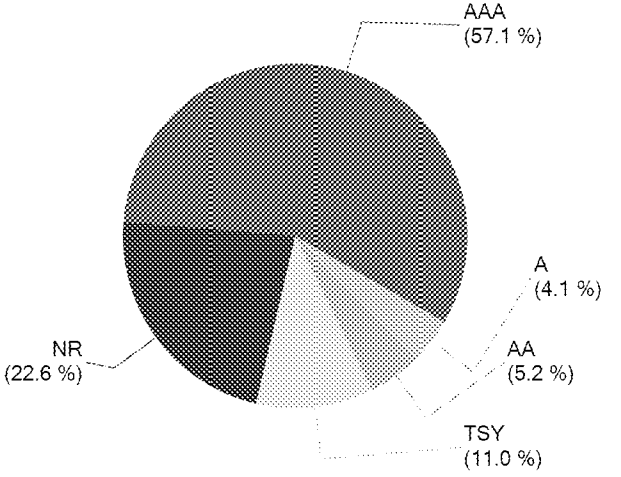

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
307692AA1	FAMCA Note 4.875% Due 1/14/2011	1,000,000.00	06/05/2006 5.47 %	976,000.00 997,192.40	102.44 0.34 %	1,024,375.00 22,614.58	0.46 % 27,182.60	Aa3 AAA	0.54 0.53
31331YK82	FFCB Note 3.25% Due 5/2/2011	1,000,000.00	05/19/2008 3.38 %	996,360.00 998,970.13	102.34 0.45 %	1,023,438.00 5,326.39	0.46 % 24,467.87	Aaa AAA	0.84 0.83
3133XTRU2	FHLB Note 1.3% Due 6/1/2011	1,000,000.00	06/01/2009 1.30 %	1,000,000.00 1,000,000.00	100.69 0.55 %	1,006,875.00 1,083.33	0.45 % 6,875.00	Aaa AAA	0.92 0.91
3133XUHK2	FHLB Callable Note 1X 8/24/2010 1.375% Due 8/24/2011	1,000,000.00	08/24/2009 1.38 %	1,000,000.00 1,000,000.00	100.13 0.54 %	1,001,250.00 4,850.69	0.45 % 1,250.00	Aaa AAA	0.15 0.15
3133XRW30	FHLB Callable Note 1X 7/28/10 4% Due 10/28/2011	1,000,000.00	10/28/2008 4.00 %	1,000,000.00 1,000,000.00	100.28 0.38 %	1,002,813.00 17,000.00	0.45 % 2,813.00	Aaa AAA	0.08 0.08
3136FH4A0	FNMA Callable Note 1X 8/17/10 1.55% Due 11/17/2011	1,000,000.00	08/17/2009 1.58 %	999,375.00 999,616.79	100.16 0.35 %	1,001,563.00 1,894.44	0.45 % 1,946.21	Aaa AAA	0.13 0.13
3133XSWM6	FHLB Note 2.1% Due 1/23/2012	1,000,000.00	01/23/2009 2.10 %	1,000,000.00 1,000,000.00	102.25 0.65 %	1,022,500.00 9,216.67	0.46 % 22,500.00	Aaa AAA	1.57 1.53
3133XT2T2	FHLB Note 2.25% Due 2/10/2012	1,000,000.00	02/10/2009 2.25 %	1,000,000.00 1,000,000.00	102.56 0.65 %	1,025,625.00 8,812.50	0.46 % 25,625.00	Aaa AAA	1.62 1.57
3128X8MS8	FHLMC Callable Note 1X 9/2/10 2.35% Due 3/2/2012	1,000,000.00	03/02/2009 2.43 %	997,800.00 998,775.55	100.28 0.72 %	1,002,797.00 7,768.06	0.45 % 4,021.45	Aaa AAA	0.18 0.17
36FHNF8	FNMA Callable Note 1X 11/04/2010 1.625% Due 5/4/2012	1,000,000.00	06/07/2009 1.62 %	1,000,000.00 1,000,000.00	100.22 0.99 %	1,002,188.00 2,572.92	0.45 % 2,188.00	Aaa AAA	0.35 0.34
31331XG30	FFCB Note 5.45% Due 6/21/2012	1,000,000.00	06/29/2007 5.33 %	1,005,380.00 1,002,132.48	109.19 0.75 %	1,091,875.00 1,513.89	0.49 % 89,742.52	Aaa AAA	1.98 1.89
31331GZ36	FFCB Callable Note 1X 10/19/10 1.55% Due 7/19/2012	1,000,000.00	10/19/2009 1.55 %	1,000,000.00 1,000,000.00	100.34 0.41 %	1,003,438.00 6,975.00	0.45 % 3,438.00	Aaa AAA	0.30 0.30
3136F9YP2	FNMA Callable Note 1X 07/23/2010 4.22% Due 7/23/2012	1,000,000.00	07/23/2008 4.22 %	1,000,000.00 1,000,000.00	100.22 0.78 %	1,002,188.00 18,521.11	0.45 % 2,188.00	Aaa AAA	0.06 0.06
31331XT36	FFCB Note 5.25% Due 8/1/2012	1,000,000.00	08/01/2007 5.25 %	1,000,000.00 1,000,000.00	109.19 0.80 %	1,091,875.00 21,875.00	0.49 % 91,875.00	Aaa AAA	2.09 1.96
3133XT4J2	FHLB Note 2.45% Due 8/13/2012	1,000,000.00	02/13/2009 2.45 %	1,000,000.00 1,000,000.00	103.41 0.83 %	1,034,063.00 9,391.67	0.46 % 34,063.00	Aaa AAA	2.12 2.05
3136FHAK1	FNMA Callable Note 1X 08/27/2010 2.625% Due 8/27/2012	1,000,000.00	02/27/2009 2.63 %	1,000,000.00 1,000,000.00	100.28 0.84 %	1,002,813.00 9,041.67	0.45 % 2,813.00	Aaa AAA	0.16 0.16
31331GZ44	FFCB Note 1.55% Due 10/15/2012	1,000,000.00	10/15/2009 1.55 %	1,000,000.00 1,000,000.00	101.47 0.90 %	1,014,688.00 3,272.22	0.45 % 14,688.00	Aaa AAA	2.30 2.24
6FHJU0	FNMA Callable Note 1X 4/29/11 2.25% Due 10/29/2012	1,000,000.00	04/29/2009 2.28 %	999,150.00 999,434.44	101.31 0.66 %	1,013,125.00 3,875.00	0.45 % 13,690.56	Aaa AAA	0.83 1.14
3XSKL1	FHLB Callable Note 1X 11/5/10 4.125% Due 11/5/2012	1,000,000.00	11/05/2008 4.13 %	1,000,000.00 1,000,000.00	101.22 0.60 %	1,012,188.00 6,416.67	0.45 % 12,188.00	Aaa AAA	0.35 0.35
8X7SV7	FHLMC Callable Note 1X 11/23/2010 3.7% Due 11/23/2012	2,000,000.00	05/23/2008 3.79 %	1,992,500.00 1,996,006.08	101.23 0.59 %	2,024,620.00 7,811.11	0.90 % 28,613.92	Aaa AAA	0.40 0.40

City of Moreno Valley
Treasurer's Cash and Investments Report

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31GKF5	FFCB Note 2.5% Due 1/14/2013	1,000,000.00	01/14/2009 2.30 %	1,007,520.00 1,004,776.56	103.66 1.04 %	1,036,563.00 11,597.22	0.47 % 31,786.44	Aaa AAA	2.55 2.44
31398ALB6	FNMA Callable Note 1X 01/18/2011 4% Due 1/18/2013	1,000,000.00	01/18/2008 4.00 %	1,000,000.00 1,000,000.00	101.69 0.92 %	1,016,875.00 18,111.11	0.46 % 16,875.00	Aaa AAA	0.55 0.54
3133XUDM2	FHLB Callable Note 1X 2/14/11 2.4% Due 2/14/2013	1,000,000.00	08/14/2009 2.40 %	1,000,000.00 1,000,000.00	101.06 0.69 %	1,010,625.00 9,133.33	0.45 % 10,625.00	Aaa AAA	0.63 0.61
880591CW0	Tennessee Valley Authority Note 6% Due 3/15/2013	3,725,000.00	Various 1.87 %	4,194,744.63 4,126,370.46	112.91 1.15 %	4,205,804.38 65,808.34	1.90 % 79,433.92	Aaa AAA	2.71 2.50
3128X8TZ5	FHLMC Callable Note 1X 04/08/2011 2.5% Due 4/8/2013	1,000,000.00	04/08/2009 2.50 %	1,000,000.00 1,000,000.00	101.53 0.51 %	1,015,328.00 5,763.89	0.45 % 15,328.00	Aaa AAA	0.77 1.08
31331GVD8	FFCB Note 2.2% Due 4/8/2013	1,000,000.00	05/08/2009 2.20 %	1,000,000.00 1,000,000.00	102.84 1.15 %	1,028,438.00 5,072.22	0.46 % 28,438.00	Aaa AAA	2.78 2.68
3128X8B84	FHLMC Callable Note 1X 05/13/2011 2.4% Due 5/13/2013	1,000,000.00	05/13/2009 2.40 %	1,000,000.00 1,000,000.00	101.64 0.51 %	1,016,366.00 3,200.00	0.45 % 16,366.00	Aaa AAA	0.87 1.42
31331GXN4	FFCB Callable Note Cont 6/3/11 2.7% Due 6/3/2013	1,000,000.00	06/03/2009 2.70 %	1,000,000.00 1,000,000.00	101.78 0.76 %	1,017,813.00 2,100.00	0.45 % 17,813.00	Aaa AAA	0.93 0.91
3134A4TZ7	FHLMC Note 4.5% Due 7/15/2013	3,900,000.00	05/12/2010 1.59 %	4,250,028.90 4,235,230.44	110.00 1.15 %	4,290,000.00 80,925.00	1.94 % 54,769.56	Aaa AAA	3.04 2.82
0591DW9	Tennessee Valley Authority Note 4.75% Due 8/1/2013	3,750,000.00	03/15/2010 1.90 %	4,097,325.00 4,067,208.49	109.91 1.45 %	4,121,591.25 74,218.75	1.86 % 54,382.76	Aaa AAA	3.09 2.85
3133XUEC3	FHLB Callable Note Cont 8/12/11 2.65% Due 8/12/2013	1,000,000.00	08/12/2009 2.65 %	1,000,000.00 1,000,000.00	102.06 0.79 %	1,020,625.00 10,231.94	0.46 % 20,625.00	Aaa AAA	1.12 1.09
3136FJGM7	FNMA Callable Note 1X 10/22/10 2.5% Due 10/22/2013	1,000,000.00	10/22/2009 2.50 %	1,000,000.00 1,000,000.00	100.63 0.49 %	1,006,250.00 4,791.67	0.45 % 6,250.00	Aaa AAA	0.31 0.31
3133XSLV8	FHLB Callable Note 1X 11/26/10 3.5% Due 11/26/2013	1,000,000.00	11/26/2008 3.50 %	1,000,000.00 1,000,000.00	101.28 0.34 %	1,012,813.00 3,402.78	0.45 % 12,813.00	Aaa AAA	0.41 0.40
3133XHW57	FHLB Note 4.875% Due 12/13/2013	1,000,000.00	06/18/2009 2.96 %	1,080,060.00 1,061,595.89	111.44 1.47 %	1,114,375.00 2,437.50	0.50 % 52,779.11	Aaa AAA	3.46 3.20
3137EABX6	FHLMC Note 2.5% Due 1/7/2014	4,000,000.00	03/17/2010 2.09 %	4,059,384.00 4,054,901.38	103.69 1.42 %	4,147,488.00 48,333.33	1.86 % 92,586.62	Aaa AAA	3.53 3.33
3136F93Z4	FNMA Callable Note 1X 1/28/11 2% Due 1/28/2014	1,000,000.00	01/28/2009 2.00 %	1,000,000.00 1,000,000.00	100.75 0.70 %	1,007,500.00 8,500.00	0.45 % 7,500.00	Aaa AAA	0.58 0.57
3136FHDF9	FNMA Callalbe Note 1X 3/18/11 3.2% Due 3/18/2014	1,000,000.00	03/18/2009 3.20 %	1,000,000.00 1,000,000.00	101.97 0.44 %	1,019,688.00 9,155.56	0.46 % 19,688.00	Aaa AAA	0.72 1.01
3128X8QM7	FHLMC Callable Note 1X 03/24/2011 2.375% Due 3/24/2014	1,000,000.00	03/24/2009 2.40 %	999,000.00 999,254.11	101.61 0.18 %	1,016,064.00 6,399.31	0.45 % 16,809.89	Aaa AAA	0.73 0.73
3136FHHH1	FNMA Callable Note 1X 4/14/11 2% Due 4/14/2014	1,000,000.00	04/14/2009 2.00 %	1,000,000.00 1,000,000.00	100.66 1.16 %	1,006,563.00 4,277.78	0.45 % 6,563.00	Aaa AAA	0.79 0.78
3136FHGK5	FNMA Callable Note 1X 04/16/2012 3% Due 4/16/2014	1,000,000.00	04/16/2009 3.00 %	1,000,000.00 1,000,000.00	103.59 0.97 %	1,035,938.00 6,250.00	0.46 % 35,938.00	Aaa AAA	1.80 2.87

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Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
AGENCY									
31331GTJ8	FFCB Note 2.625% Due 4/17/2014	2,000,000.00	04/22/2010 2.25 %	2,028,120.00 2,026,786.47	103.94 1.55 %	2,078,750.00 10,791.67	0.93 % 51,963.53	Aaa AAA	3.80 3.60
3136FHMK8	FNMA Callable Note 1X 5/1/12 2.25% Due 5/1/2014	1,000,000.00	05/01/2009 2.25 %	1,000,000.00 1,000,000.00	102.81 0.71 %	1,028,125.00 3,750.00	0.46 % 28,125.00	Aaa AAA	1.84 2.50
3136FHPX7	FNMA Callable Note 1X 11/14/2011 2.125% Due 5/14/2014	1,000,000.00	05/14/2009 2.13 %	1,000,000.00 1,000,000.00	101.63 0.93 %	1,016,250.00 2,774.31	0.45 % 16,250.00	Aaa AAA	1.38 1.96
31398AXJ6	FNMA Note 2.5% Due 5/15/2014	3,100,000.00	Various 2.31 %	3,122,268.70 3,121,240.47	103.22 1.64 %	3,199,782.80 9,902.77	1.42 % 78,542.33	Aaa AAA	3.88 3.68
31331JQA4	FFCB Note 1.9% Due 6/2/2014	4,300,000.00	06/08/2010 1.96 %	4,289,551.00 4,289,673.59	101.16 1.59 %	4,349,720.90 6,581.39	1.93 % 60,047.31	Aaa AAA	3.93 3.76
3133X7FK5	FHLB Note 5.25% Due 6/18/2014	3,350,000.00	03/15/2010 2.34 %	3,742,991.85 3,715,949.97	113.97 1.60 %	3,817,954.80 6,351.04	1.70 % 102,004.83	Aaa AAA	3.97 3.62
3133XTXW1	FHLB Callable Note 1X 1/9/12 2.5% Due 7/9/2014	1,000,000.00	07/09/2009 2.50 %	1,000,000.00 1,000,000.00	103.00 0.52 %	1,030,000.00 11,944.44	0.46 % 30,000.00	Aaa AAA	1.53 1.49
31398AYN6	FNMA Callable Note 1X 07/28/2011 3% Due 7/28/2014	1,000,000.00	07/28/2009 3.00 %	1,000,000.00 1,000,000.00	101.91 1.21 %	1,019,063.00 12,750.00	0.46 % 19,063.00	Aaa AAA	1.08 2.18
3137EACD9	FHLMC Note 3% Due 7/28/2014	4,000,000.00	03/15/2010 2.41 %	4,097,476.00 4,090,936.86	105.28 1.66 %	4,211,252.00 51,000.00	1.89 % 120,315.14	Aaa AAA	4.08 3.80
398AYY2	FNMA Note 3% Due 9/16/2014	1,500,000.00	04/15/2010 2.50 %	1,531,365.00 1,529,888.09	104.94 1.78 %	1,574,062.50 13,125.00	0.70 % 44,174.41	Aaa AAA	4.22 3.93
31331GL80	FFCB Note 3% Due 9/22/2014	4,000,000.00	03/17/2010 2.47 %	4,090,640.00 4,084,868.50	104.97 1.77 %	4,198,752.00 33,000.00	1.88 % 113,883.50	Aaa AAA	4.23 3.94
3136FJKD2	FNMA Callable Note 1X 10/27/2011 2.8% Due 10/27/2014	1,000,000.00	10/27/2009 2.80 %	1,000,000.00 1,000,000.00	102.47 0.92 %	1,024,688.00 4,977.78	0.46 % 24,688.00	Aaa AAA	1.33 2.94
31398AZV7	FNMA Note 2.625% Due 11/20/2014	4,100,000.00	03/12/2010 2.54 %	4,114,723.10 4,113,793.76	103.34 1.83 %	4,237,095.80 12,257.29	1.89 % 123,302.04	Aaa AAA	4.39 4.13
3137EACH0	FHLMC Note 2.875% Due 2/9/2015	4,250,000.00	04/15/2010 2.71 %	4,280,515.00 4,279,197.31	104.19 1.92 %	4,427,968.75 59,057.29	1.99 % 148,771.44	Aaa AAA	4.62 4.26
3133XWX95	FHLB Note 2.75% Due 3/13/2015	3,900,000.00	05/13/2010 2.52 %	3,940,950.00 3,939,835.71	103.06 2.06 %	4,019,437.50 44,091.67	1.80 % 79,601.79	Aaa AAA	4.70 4.36
Total Agency		**91,875,000.00**	**2.49 %**	**93,893,228.18 93,733,635.93**	**1.21 %**	**95,783,907.68 831,897.30**	**42.86 % 2,050,271.75**	**Aaa AAA**	**2.60 2.51**
CASH									
ASH$00	Cash Custodial Cash Account	1,996,398.31	05/31/2010 0.00 %	1,996,398.31 1,996,398.31	1.00 0.00 %	1,996,398.31 0.00	0.89 % 0.00	NR NR	0.00 0.00
al Cash		**1,996,398.31**	**N/A**	**1,996,398.31 1,996,398.31**	**0.00 %**	**1,996,398.31 0.00**	**0.89 % 0.00**	**NR NR**	**0.00 0.00**

City of Moreno Valley
Treasurer's Cash and Investments Report

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
C INSURED US CORPORATE									
57UAF7	Morgan Stanley FDIC Guaranteed Note 2% Due 9/22/2011	4,825,000.00	Various 0.91 %	4,909,264.93 4,888,824.35	101.73 0.58 %	4,908,520.75 26,537.50	2.19 % 19,696.40	Aaa AAA	1.23 1.21
949744AA4	Wells Fargo & Company FDIC Guaranteed Note 3% Due 12/9/2011	4,750,000.00	Various 1.07 %	4,919,063.75 4,880,247.99	103.36 0.66 %	4,909,514.50 8,708.33	2.18 % 29,266.51	Aaa AAA	1.44 1.42
06050BAG6	Bank of America Corp FDIC Guaranteed Note 2.1% Due 4/30/2012	5,035,000.00	Various 1.30 %	5,121,762.96 5,107,458.04	102.41 0.78 %	5,156,142.10 17,916.20	2.30 % 48,684.06	Aaa AAA	1.84 1.80
91160HAC1	US Bancorp FDIC Guaranteed Note 1.8% Due 5/15/2012	5,070,000.00	Various 1.39 %	5,111,546.49 5,108,437.04	101.91 0.77 %	5,166,613.92 11,661.00	2.30 % 58,176.88	Aaa AAA	1.88 1.84
38146FAA9	Goldman Sachs FDIC Guaranteed Note 3.25% Due 6/15/2012	4,855,000.00	Various 1.27 %	5,066,852.42 5,039,958.72	104.71 0.82 %	5,083,811.30 7,012.78	2.26 % 43,852.58	Aaa AAA	1.96 1.90
36967HAV9	GE Capital Corp FDIC Guaranteed Note 2.125% Due 12/21/2012	5,000,000.00	05/19/2010 1.27 %	5,107,970.00 5,103,614.52	102.81 0.97 %	5,140,440.00 2,951.39	2.28 % 36,825.48	Aaa AAA	2.48 2.41
Total FDIC Insured US Corporate		**29,535,000.00**	**1.20 %**	**30,236,460.55 30,128,540.66**	**0.77 %**	**30,365,042.57 74,787.20**	**13.50 % 236,501.91**	**Aaa AAA**	**1.81 1.77**
IF									
AIF$00	Local Agency Investment Fund State Pool	48,497,790.67	Various 0.55 %	48,497,790.67 48,497,790.67	1.00 0.55 %	48,497,790.67 58,370.52	21.54 % 0.00	NR NR	0.00 0.00
Total LAIF		**48,497,790.67**	**0.55 %**	**48,497,790.67 48,497,790.67**	**0.55 %**	**48,497,790.67 58,370.52**	**21.54 % 0.00**	**NR NR**	**0.00 0.00**
MONEY MARKET FUND FI									
431114701	Highmark Govt Money Market Fund	1.00	05/15/2010 0.05 %	1.00 1.00	1.00 0.05 %	1.00 0.00	0.00 % 0.00	Aaa AAA	0.00 0.00
431114701	Highmark Govt Money Market Fund	1,564,633.77	Various 0.05 %	1,564,633.77 1,564,633.77	1.00 0.05 %	1,564,633.77 0.00	0.69 % 0.00	Aaa AAA	0.00 0.00
Total Money Market Fund FI		**1,564,634.77**	**0.05 %**	**1,564,634.77 1,564,634.77**	**0.05 %**	**1,564,634.77 0.00**	**0.69 % 0.00**	**Aaa AAA**	**0.00 0.00**
US CORPORATE									
52517PA35	Lehman Brothers Holdings Note 4.5% Due 7/26/2010	1,000,000.00	08/25/2006 5.29 %	972,450.00 972,450.00	19.75 0.00 %	197,500.00 0.00	0.09 % (774,950.00)	NR NR	0.07 0.00
52517PR60	Lehman Brothers Holdings Note 5.25% Due 2/6/2012	1,000,000.00	02/06/2007 5.34 %	996,000.00 996,000.00	19.75 0.00 %	197,500.00 0.00	0.09 % (798,500.00)	NR NR	1.61 0.00
931142CL5	Wal-Mart Stores Note 4.25% Due 4/15/2013	2,100,000.00	05/07/2010 1.75 %	2,249,100.00 2,242,126.19	107.58 1.47 %	2,259,096.00 18,841.67	1.01 % 16,969.81	Aa2 AA	2.79 2.63
36962G4C5	General Electric Capital Corp Note 5.9% Due 5/13/2014	2,325,000.00	05/19/2010 3.14 %	2,562,336.00 2,556,116.16	110.38 3.03 %	2,566,372.20 18,290.00	1.15 % 10,256.04	Aa2 AA+	3.87 3.46

Holdings Report

As of 6/30/10

CUSIP	Security Description	Par Value/Units	Purchase Date Book Yield	Cost Value Book Value	Mkt Price Mkt YTM	Market Value Accrued Int.	% of Port. Gain/Loss	Moody S&P	Term (yrs) Duration
US CORPORATE									
61747YCF0	Morgan Stanley Note 6% Due 5/13/2014	1,640,000.00	06/23/2010 4.42 %	1,731,430.00 1,731,236.16	105.96 4.31 %	1,737,721.04 13,120.00	0.78 % 6,484.88	A2 A	3.87 3.42
06406HBL2	Bank of New York Note 4.3% Due 5/15/2014	2,250,000.00	Various 2.93 %	2,368,375.40 2,361,272.35	107.40 2.29 %	2,416,574.25 12,362.50	1.08 % 55,301.90	Aa2 AA-	3.88 3.56
079860AG7	Bellsouth Corp Note 5.2% Due 9/15/2014	1,550,000.00	05/19/2010 2.60 %	1,713,261.50 1,709,322.49	111.12 2.40 %	1,722,358.45 23,732.22	0.77 % 13,035.96	A2 A	4.21 3.76
09247XAD3	Blackrock Inc Note 3.5% Due 12/10/2014	1,630,000.00	Various 2.84 %	1,674,920.75 1,674,373.85	103.71 2.61 %	1,690,479.52 3,327.92	0.75 % 16,105.67	A1 A+	4.45 4.10
713448BM9	Pepsico Inc. Note 3.1% Due 1/15/2015	1,665,000.00	Various 2.44 %	1,712,746.65 1,712,134.42	104.12 2.14 %	1,733,581.35 23,943.63	0.78 % 21,446.93	Aa3 A-	4.55 4.18
46625HHP8	JP Morgan Chase Note 3.7% Due 1/20/2015	1,575,000.00	03/25/2010 3.61 %	1,581,000.75 1,580,683.12	102.28 3.16 %	1,610,980.88 26,061.88	0.73 % 30,297.76	Aa3 A+	4.56 4.11
94980VAA6	Wells Fargo Bank Note 4.75% Due 2/9/2015	1,625,000.00	03/25/2010 3.94 %	1,682,687.50 1,679,668.40	104.66 3.64 %	1,700,738.00 30,446.18	0.77 % 21,069.60	Aa3 AA-	4.62 4.06
084670AV0	Berkshire Hathaway Note 3.2% Due 2/11/2015	2,485,000.00	06/09/2010 2.65 %	2,545,012.75 2,544,413.68	102.98 2.51 %	2,559,080.34 30,924.44	1.15 % 14,666.66	Aa2 AA+	4.62 4.23
74005PAR5	Praxair Note 4.625% Due 3/30/2015	675,000.00	06/07/2010 2.63 %	735,297.75 734,575.83	109.64 2.46 %	740,057.18 7,891.41	0.33 % 5,481.35	A2 A	4.75 4.25
Total US Corporate		**21,520,000.00**	**3.17 %**	**22,524,619.05 22,494,372.65**	**2.65 %**	**21,132,039.21 208,941.85**	**9.47 % (1,362,333.44)**	**Aa3 AA-**	**4.07 3.67**
US TREASURY									
912828GQ7	US Treasury Note 4.5% Due 4/30/2012	3,775,000.00	03/12/2010 1.00 %	4,051,944.29 4,013,450.10	107.24 0.53 %	4,048,245.83 28,620.24	1.81 % 34,795.73	TSY TSY	1.84 1.77
912828HE3	US Treasury Note 4.25% Due 9/30/2012	3,775,000.00	03/12/2010 1.22 %	4,061,086.87 4,027,863.88	108.13 0.61 %	4,081,718.75 40,328.55	1.83 % 53,854.87	TSY TSY	2.25 2.15
912828HK9	US Treasury Note 3.375% Due 11/30/2012	3,875,000.00	03/12/2010 1.29 %	4,089,651.65 4,066,258.74	106.38 0.71 %	4,122,031.25 11,077.10	1.83 % 55,772.51	TSY TSY	2.42 2.33
912828HM5	US Treasury Note 3.625% Due 12/31/2012	3,850,000.00	03/12/2010 1.35 %	4,089,735.55 4,064,401.46	107.24 0.70 %	4,128,824.70 379.25	1.83 % 64,423.24	TSY TSY	2.51 2.41
912828HV5	US Treasury Note 2.5% Due 3/31/2013	4,000,000.00	03/12/2010 1.48 %	4,121,575.90 4,109,768.17	104.53 0.83 %	4,181,248.00 25,136.61	1.87 % 71,479.83	TSY TSY	2.75 2.65
912828JQ4	US Treasury Note 2.75% Due 10/31/2013	4,000,000.00	05/10/2010 1.65 %	4,148,281.25 4,142,321.96	105.24 1.14 %	4,209,688.00 18,532.61	1.88 % 67,366.04	TSY TSY	3.34 3.18
al US Treasury		**23,275,000.00**	**1.33 %**	**24,562,275.51 24,424,064.31**	**0.76 %**	**24,771,756.53 124,074.36**	**11.04 % 347,692.22**	**TSY TSY**	**2.52 2.42**
TAL PORTFOLIO		**218,263,823.75**	**1.80 %**	**223,275,407.04 222,839,437.30**	**1.07 %**	**224,111,569.74 1,298,071.23**	**100.00 % 1,272,132.44**	**Aaa AAA**	**2.02 1.93**
TAL MARKET VALUE PLUS ACCRUED						**225,409,640.97**			

Holdings Report Glossary

CUSIP (Committee on Uniform Securities Identification Procedures) – A unique identification number assigned to all securities.

Security Description - The issuer name, coupon (periodic interest payment rate) and maturity.

Par Value/Units - The face value or number of units held in the portfolio.

Purchase Date - The settlement date on which the security was purchased.

Book Yield - The YTM that equates the current amortized value of the security to its periodic future cash flows.

Cost Value - The value at which the securities were purchased, excluding purchased interest.

Book Value - The value at which an asset is carried on a balance sheet. To calculate, take the cost of an asset +/- net accretion/amortization.

Mkt Price - The current fair value market price.

Mkt YTM – The internal rate of return that equates the periodic future cash flows (interest payments and redemption value) to the market price, assuming that all cash flows are invested at the YTM rate.

Market Value - The current fair value of an investment as determined by transactions between willing buyers and sellers.

Accrued Int. - The interest that has accumulated on a bond since the last interest payment up to, but not including, the settlement date.

% of Port. - The % of the portfolio that the security represents based on market value, including accrued interest.

Gain/Loss – The unrealized gain or loss on the security, compared to either cost or amortized value, as of the date of the report.

Moody - The Moody's rating for the security.

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Holdings Report Glossary (continued)

S&P - The Standard and Poor's rating for the security.

Term (yrs) - The time, in years, until maturity.

Duration - The weighted average time to maturity of a bond where the weights are the present values of future cash flows. Duration measures the price sensitivity of a bond to changes in interest rates.

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City of Moreno Valley

June 30, 2010

COMPLIANCE WITH INVESTMENT POLICY

Assets managed on by Chandler Asset Management are in full compliance with State law and with the City's investment policy.

Category	Standard	Comment
Local Agency Bonds	No Limitation	Complies
Treasury Issues	No Limitation	Complies
Agency Issues	No Limitation	Complies
Banker's Acceptances	40% maximum; <180 days maturity	Complies
Commercial Paper	25% maximum; <270 days maturity; A-1/P-1/F-1 minimum ratings	Complies
Negotiable Certificates of Deposit	30% maximum; 5 years maximum maturity	Complies
Repurchase Agreements	No limitation; 1-year maximum maturity	Complies
Reverse Repurchase Agreements	20% maximum; <92 days maturity	Complies
Medium Term Notes	30% maximum; 5 years maximum maturity; A-rated or better	Complies
Money Market Mutual Funds	20% maximum; AAAf/Aaaf, minimum rating	Complies
Collateralized Certificates of Deposits	5 years maximum maturity	Complies
Time Deposits	5 years maximum maturity	Complies
Mortgage Pass-throughs, CMOs and Asset Backed Securities	20% maximum; AA-rated issue; A-rated issuer	Complies
Local Agency Investment Fund - L.A.I.F.	Maximum program limitation	Complies
Prohibited Securities	Inverse floaters; Ranges notes, Interest-only strips from mortgaged backed securities; Zero interest accrual securities	Complies
Maximum maturity	5 years	Complies

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BOND PROCEEDS WITH FISCAL AGENTS

Account Name	Account Number	Investment	Issuer	Purchase Date	Maturity Date	Market Value	Stated Rate	Yield	Price	% of of Portfolio
Wells Fargo	**Community Facilities District 32 (CFD 3)**									
special tax funds	22631800	money market fund	WF Govt Fund	06/30/10	07/01/10	1,008,997	0.01%	0.01%	1.00000	4.148%
interest acct	22631801	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631804	money market fund	WF Govt Fund	06/30/10	07/01/10	1,028,785	0.01%	0.01%	1.00000	4.230%
admin exp acct	22631805	money market fund	WF Govt Fund	06/30/10	07/01/10	376	0.01%	0.01%	1.00000	0.002%
debt service acct	22631809	money market fund	WF Govt Fund	06/30/10	07/01/10	35,835	0.01%	0.01%	1.00000	0.147%
special tax funds	22631900	money market fund	WF Govt Fund	06/30/10	07/01/10	385,276	0.01%	0.01%	1.00000	1.584%
interest acct	22631901	money market fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
reserve fund	22631904	money market fund	WF Govt Fund	06/30/10	07/01/10	366,275	0.01%	0.01%	1.00000	1.506%
admin exp acct	22631905	money market fund	WF Govt Fund	06/30/10	07/01/10	15,657	0.01%	0.01%	1.00000	0.064%
cost of issuance	22631906	money market fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						2,841,202				
Wells Fargo	**CFD 2**									
Series B Revenue	22333500	money mkt fund	WF Govt Fund	06/30/10	07/01/10	170,420	0.01%	0.01%	1.00000	0.701%
Series A Principal	22333501	money mkt fund	WF Govt Fund	06/30/10	07/01/10	300	0.01%	2.71%	1.00000	0.001%
Series B reserve	22333503	money mkt fund	WF Govt Fund	06/30/10	07/01/10	522,526	0.01%	0.01%	1.00000	2.148%
Series A interest	22333504	money mkt fund	WF Govt Fund	06/30/10	07/01/10	27,125	0.01%	0.01%	1.00000	0.112%
						720,371				
Wells Fargo	**Hemet Lease Revenue Bonds (Fire Station)**									
expense fund	12526107	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,068	0.01%	0.01%	1.00000	0.058%
reserve account	12526103	money mkt fund	WF Govt Fund	06/30/10	07/01/10	407,451	0.01%	0.01%	1.00000	1.675%
lease revenue	12526100	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
rebate account	12526104	money mkt fund	WF Govt Fund	06/30/10	07/01/10	14,481	0.01%	0.01%	1.00000	0.060%
						436,000				
Wells Fargo	**Auld Valley Development Agency Tax Allocation Bond Refunding**									
debt service fund	22631700	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
						1				
Wells Fargo	**Auld Valley Revenue Bonds**									
bond fund	18042800	money mkt fund	WF Govt Fund	06/30/10	07/01/10	129	0.01%	0.01%	1.00000	0.001%
reserve fund	18042804	money mkt fund	WF Govt Fund	06/30/10	07/01/10	2,992,752	0.01%	0.01%	1.00000	12.304%
construction fund	18042806	money mkt fund	WF Govt Fund	06/30/10	07/01/10	7,671,733	0.01%	0.01%	1.00000	31.540%
						10,664,614				43.845%
Wells Fargo	**Auld Revenue Bonds Reserve Funds & Electric Utility**									
bond fund	22277600	money mkt fund	WF Govt Fund	06/30/10	07/01/10	1	0.01%	0.01%	1.00000	0.000%
interest fund	22277601	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
construction fund	22277604	money mkt fund	WF Govt Fund	06/30/10	07/01/10	6,846,287	0.01%	0.01%	1.00000	28.147%
capital interest fund	22277605	money mkt fund	WF Govt Fund	06/30/10	07/01/10	0	0.01%	0.01%	1.00000	0.000%
cost of issuance	22277606	money mkt fund	WF Govt Fund	06/30/10	07/01/10	368,033	0.01%	0.01%	1.00000	1.513%
						7,214,321				
Wells Fargo	**Automall Refunding**									
revenue fund	20350300	revenue	WF Govt Fund	06/30/10	07/01/10	1,193,827	0.01%	0.01%	1.00000	4.908%
reserve fund	20350303	reserve	WF Govt Fund	06/30/10	07/01/10	1,178,244	0.01%	0.01%	1.00000	4.844%
admin expenses	20350304	admin expenses	WF Govt Fund	06/30/10	07/01/10	74,923	0.01%	0.01%	1.00000	0.308%
						2,446,994				10.060%
			Totals			**24,323,503**				**100.000%**

Item	Summary of Bond Proceeds with Fiscal Agents	
1	Construction Funds	14,518,020
2	**Principal & Interest Accounts**	**1,256,917**
3	Debt Service Reserve Funds	7,890,608
4	**Custody Accounts**	**0**
5	Arbitrage Rebate Accounts	14,481
6	**Other Accounts**	**643,477**
	Total Fiscal Agent Funds	**24,323,503**

City of Moreno Valley
Treasurer's Cash and Investments Report

DEFERRED COMPENSATION FUNDS

Nationwide

Fund	Market Value	Fund	Market Value	Fund	Market Value
Liquid Savings	**$1,117,937**	**Drey SmCap I**	**5**	**N B Socially Responsive Fund**	**8,153**
Nationwide Fixed (Part Time Employee)	812,514	American Century Balanced	25	DFA US Micro Cap Port	104,358
Liquid Savings (Part Time Employees)	**128,711**	**Am Century Growth**	**44,573**	**Federated Kaufmann Fund**	**453,072**
Certificates of Deposit 3 years	15,413	Am Century Select	78,857	AIM Mid Cap Core Equity	13,731
JP Morgan Mid Cap Value A	**84,139**	**Am Century Ultra**	**0**	**Washington Mutual Inv**	**42,263**
Bond Fund Of America	67,275	Vanguard Index 500	65,279	Nationwide InvDes Mod Cons Fund SC	9,720
Growth Fund of America	**52,907**	**Vanguard Institutional Index**	**312,628**	**Nationwide InvDes Mod Aggr Fund**	**589,670**
Investment Co. of America	10,732	Vanguard Wellington	13,990	Nationwide InvDes Aggr Fund	93,883
Income Fund of America	**110,204**	**Vanguard Windsor II**	**62,350**	**Nationwide InvDes Mod Fd**	**330,279**
Brown Cap Mgmt Inc SM Co	62,451	Vanguard Total Bond Index	108,028	Nationwide Inv Des Cons	81,128
Fidelity Independence	**20,461**	**Putnam Voyager**	**0**	**Nationwide Large Cap Growth**	**67,253**
Fidelity Equity Income	19,513	Templeton Foreign I	0	Nationwide Inter Val Inst Svc	21,653
Fidelity Magellan	**303,795**	**EuroPacific Growth**	**226,967**	**Nationwide US Sm Cap Val Ins Svc**	**550**
Certificates of Deposit 5 years	29,246	Stable Fund C	1,686,963	Nationwide Dest 2015 Inst Svc	11,121
Fidelity Puritan	**109,520**	**PBHG Growth Fund**	**0**	**YL Account**	**146,412**
Fidelity Contrafund	232,459	DWS High Income Fund A	43,075	Nationwide Dest 2025 Inst Svc	21,391
Janus Fund	**59,176**	**DWS Strategic Value**	**35,410**	**Nationwide Dest 2020 Inst Svc**	**1,633**
Janus Advisor Forty	57,375	Oppenheimer Global Fund A	96,338	**Total Nationwide Deferred**	**$8,064,586**

ICMA

Fund	Market Value	Fund	Market Value
Aggressive Oppor.	**$142,895**	VT Royce Premeir	1,569
International	142,050	**VT Ranier Small/Mid Cap Eq**	**25,521**
All Equity Growth	**75,840**	VT Fidelity Contrafund	130,761
Growth and Income	175,644	**VT Fidelity Magellan**	**0**
Broad Market	**45,514**	VT Fidelity Diversified International	51,911
500 Stock Index	58,767	**VT Allianz NFJ Div Value**	**37,846**
Equity Income	**250,148**	VT Legg Mason Value	1,711
Asset Allocation	103,430	**VT Fidelity Puritan**	**3,653**
Core Bond	**15,270**	VT Royce Value Plus Service	4,807
Cash Management	31,665	**VT TR Price Growth Stock Adv**	**13,865**
Plus Fund	**1,384,358**	VT First Amer. Real Estate Secs	4,244
Savings Oriented	5,583	**VT TR Price Small Cap Value**	**102,249**
Conservative Growth	**75,740**	VT Third Ave Value	7,135
Traditional Growth	214,109	**Inflation Protected Securities**	**48,469**
Long-Term Growth	**262,559**	Growth Fund	198,844
Mid/Small Co Index	0	**VT PIMCO Total Return**	**36,371**
Milestone 2030	**9,055**	VT PIMCO High Yield	94,730
Milestone 2035	7,490	**VT Eaton Vance Lage Cap Value**	**4,364**
Overseas Equity Index fund	**52,527**		
Vantage Trust 1yr CD	0	**Total ICMA**	**$3,820,694**

Summary by Plan

	Market Value
Total Nationwide	$8,064,586
Total ICMA	3,820,694
Total Deferred Compensation Plans	**$11,885,280**

Summary by Investment Type

	Market Value
Savings Deposits and CD's	$2,059,162
Mutual Funds	9,826,118
Total Deferred Compensation Plans	**$11,885,280**

MV00075443

ORDINANCE NO. 813

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1:

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 Pages 126 and 140 of the City of Moreno Valley Official Zoning Atlas shall be modified to reflect the Zone Change (PA06-0184).

1.4. An Initial Study has been completed for PA06-0184 (Zone Change). Based upon the Initial Study, a determination has been made that, as designed and conditioned, this project will not result in the potential for significant impacts to the environment. Therefore, adoption of a Negative Declaration is appropriate.

SECTION 2: FINDINGS

2.1 With respect to the proposed change to pages 125 and 140 of the City of Moreno Valley Official Zoning Atlas, and based upon substantial evidence presented to the City Council during the public hearing on July 13, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: This project is comprised of four applications, a General Plan Amendment (PA06-0185), Change of Zone (PA06-0184), Tentative Tract Map (PA06-0183) and a Variance (P09-102), which are being processed concurrently. The site of the proposed project is located at the southeast corner of Heacock Street and Gentian Avenue (Assessor's Parcel Numbers 485-230-025 and 485-230-026).
   The project is located within an area that currently has the Business Park (BP) General Plan land use designation and zoning designation. With approval of the

General Plan Amendment and Change of Zone applications, the project will be consistent with the Residential 5 (R5) zoning designation. The Residential 5 (R5) zoning district allows up to 5 dwelling units per acre and the project's density is 3.4 (135 single-family lots on 40 acres).

The Transportation Engineering Division (TED) staff has reviewed and approved the revised traffic impact analysis dated September 26, 2007 for the proposed residential project. The traffic analysis notes that the Business Park (BP) land use/zoning district includes such uses as general light industrial, warehousing, and manufacturing, which would generate more trips that the proposed residential use. Therefore approving the General Plan Amendment and Change of Zone from Business Park (BP) to Residential 5 (R5) would reduce the number of trips.

Since the proposed General Plan Amendment is less intensive then the current General Plan, the project would not conflict with the goals, objectives, policies or programs of the General Plan.

2. Conformance with Specific Plan Policies – The proposed use is consistent with any applicable Specific Plan.

   FACT: The project site is not within a specific plan area.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed General Plan Amendment will not adversely affect the public health, safety or general welfare. An initial study of the potential environmental impacts of the amendment has been conducted in accordance with the provisions of the California Environmental Quality Act (CEQA). A Negative Declaration has been considered and prepared, as there is no evidence that the proposed land use change will have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

4. Conformance with Title 9 – The proposed amendment to change the zoning atlas is consistent with the purposes and intent of Title 9.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from Business Park (BP) to Residential 5 (R5) is consistent with the purposes and intent of Title 9.

<u>SECTION 3: ZONE CHANGE</u>

3.1 Based on the findings contained in Section 2 of this Ordinance, the City Council hereby adopts a Zone Change to change to the zoning districts from Business Park (BP) to Residential 5 (R5) for the approximately 40 acres located at the southeast corner of Heacock Street and Gentian Avenue, subject to the revised zoning designations depicted in the attached Exhibit A.

SECTION 4: EFFECT OF ENACTMENT

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 13th day of July 2010.

_____
Bonnie Flickinger, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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MV00075447

CHANGE OF ZONE

Application No. PA06-0184
ADOPTED BY ORDINANCE NO. 813

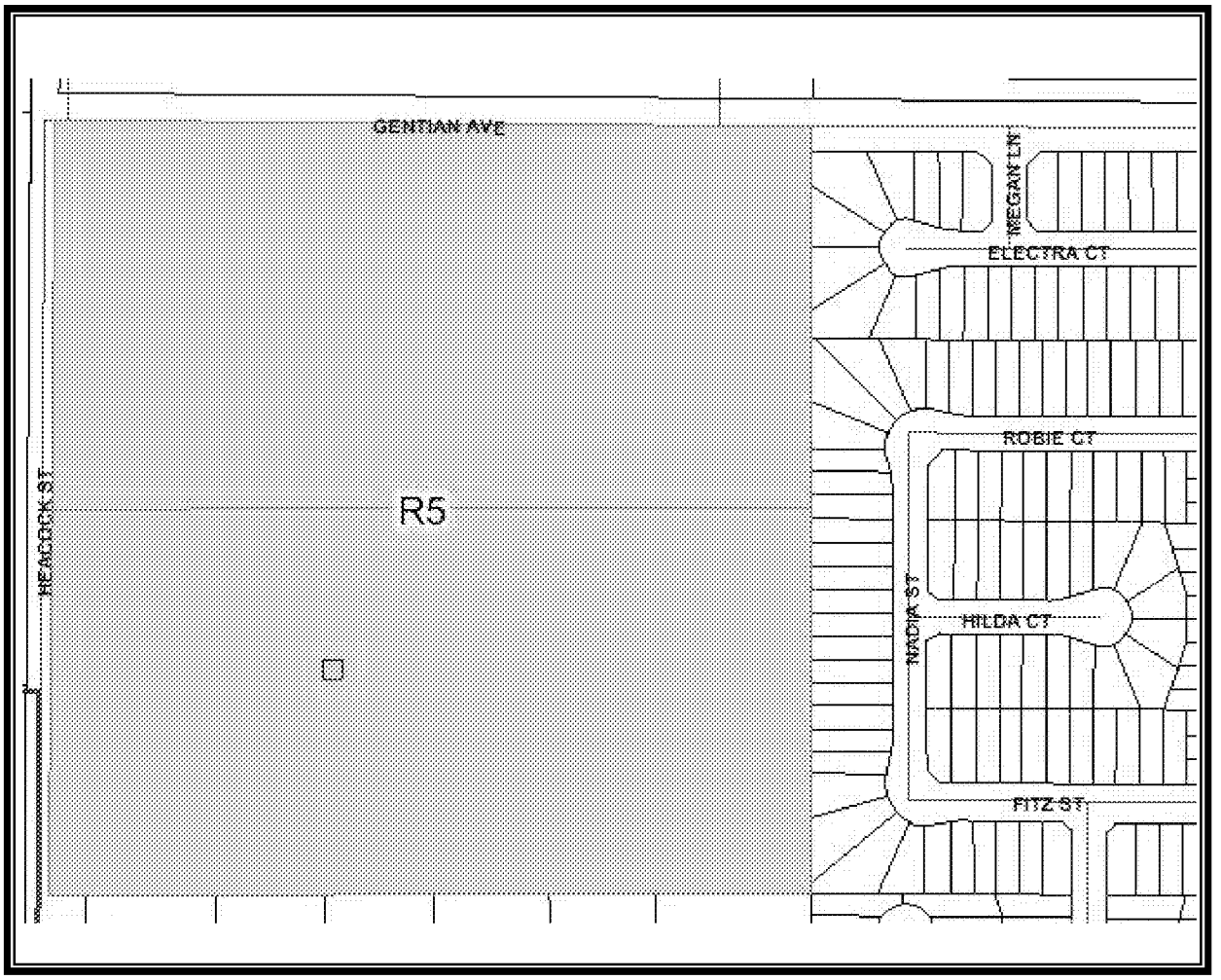

ADOPTED

EFFECTIVE _____

N

LEGEND
R5

R5

EXHIBIT A

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MV00075449

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Aquabella Development Agreement - Annual Review (P10-044)

RECOMMENDED ACTION

Staff recommends that the City Council accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

This review does not require an advisory committee recommendation.

BACKGROUND

A Development Agreement is a negotiated instrument that allows a developer or property owner to protect project approvals for a fixed period of years. In exchange for long term vested rights, the City can require certain negotiated exactions.

On December 13, 2005, the City Council approved an amendment to Specific Plan No. 218 (formerly known as the Moreno Valley Field Station Specific Plan), creating the Aquabella Specific Plan, and approving the Aquabella Development Agreement (an Agreement by and between the City of Moreno Valley and Moreno Valley Properties, LP). The Agreement was subsequently recorded on February 16, 2006.

The term of the agreement began on the effective date of adoption of Ordinance 704, which was on December 13, 2005. The initial agreement was approved for ten years with the provision for three extensions of time, with each extension of time not to exceed a maximum of five years.

The Agreement addresses 685 acres of the 760-acre Aquabella Specific Plan. The 685 acres provides for a gated active-adult community of 2,702 dwelling units and 220 units outside of the gated community that are un-restricted multi-family units, for a total of 2,922 dwelling units.

DISCUSSION

The Agreement provides that the developer shall submit to the City written documentation demonstrating good-faith compliance with the terms of the Agreement. City staff shall review the developer's written documentation and any other applicable evidence and make a recommendation to the City Council as to whether the developer is in compliance with the obligations of the Agreement.

Highland Fairview Properties (the entity developing property owned by Moreno Valley Properties, LP) submitted a letter to the City (Exhibit 1) dated April 5, 2010, which identifies the obligations of the Agreement, the general status of the project and the developer's statements of good-faith compliance. The letter is not all inclusive, and the attached Agreement (Exhibit 2) should be referenced for the full list of obligations. This is the fourth annual review of the Agreement.

This Agreement is performance based; as certain triggers or levels of development activity are reached, certain improvements or provisions are required. For example, prior to construction of the 585th dwelling unit, the Agreement provides for the completion of the entry statement, clubhouse facility and certain street and intersection improvements. At this time, the project development activity has not reached the criteria necessary to require the Developer to perform any of the obligations of the Agreement.

Tentative Tract Map No. 34950, a finance map for the AquaBella Specific Plan, was approved by the Planning Commission on August 23, 2007.

At present, approximately one half of the project site has been mass graded, and the erosion control and site stabilization features are in place. The grading operation has ceased as of December, 2007 and the developer has surrendered the mass grading permit. Staff has returned the grading and erosion control security to the developer with the understanding that when the grading operations continue sometime in the future, the developer will provide a new security for grading and erosion control prior to commencement of work.

Various infrastructure improvement plans are in the plan check process, inclusive of water and sewer, drainage, and street and traffic signal improvements, though no plans have been received since around October 2008. The Line "F" channel storm drain improvement plans were approved by both the City of Moreno Valley and Riverside Flood Control and Water Conservation District on November 9, 2007. Several easement documents for the channel have been processed for Line "F", but no work has started on the drainage infrastructure to date.

A Cooperative (Tri-Party) Agreement had been processed and approved by the Flood Control District and the City of Moreno Valley for Line "F", but on October 27, 2009 the City Council rescinded the Cooperative Agreement at the developer's request. Furthermore, on April 13, 2010, the City Council executed a Termination Agreement which formally nullified the Cooperative Agreement for Line "F", Stage 2 recorded June 30, 2008 as Document No. 2008-0355993. The District was also in agreement to formally terminate the Cooperative Agreement.

Section 5.2 of the Agreement references potential public financing in the form of a Community Facilities District (CFD) which would be repaid by future property owners. In a January 14, 2010 letter, Highland Fairview requested the City abandon CFD formation proceedings and rescind the application to form CFD #6. A new application will be necessary in order to reinitiate the CFD formation process.

Section 6.3 of the Agreement requires that the developer provide two million dollars to the City of Moreno Valley. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility. In accordance with the Agreement, the funds were to be placed in an interest bearing escrow account within thirty (30) days of the effective date of the Agreement, and the City was not to withdraw the funds until one-hundred twenty (120) days after the effective date of the Agreement, or until the conclusion of any legal proceedings. The monies were placed in escrow and there were no legal proceedings initiated. Consequently, the funds were withdrawn from escrow and placed in a Moreno Valley Electric Utility revenue account in October 2006.

A second one million dollar ($1,000,000) payment for a Moreno Valley Electric Utility and/or other eligible City Capital Project is required at the time of recordation of the first residential subdivision map. A residential subdivision map has not been recorded yet.

Section 6.7 of the Agreement, provides that a main clubhouse of at least thirty-five thousand (35,000) square feet shall be provided with a construction cost of at least twenty million dollars ($20,000,000). On July 27, 2006, the Planning Commission approved a Conditional Use Permit for a clubhouse facility within Planning Area #5, which exceeded the criteria of the Agreement. Building plans for the clubhouse were submitted to the City for plan check in June 2006. The building permit for this plan check was voided in July 2009 at the request of the applicant following receipt of a written request to withdraw the building plans.

An application to amend the Conditional Use Permit for the clubhouse was submitted in 2007 in order to make minor changes to the clubhouse site plan. This application was subsequently withdrawn by the applicant.

Section 6.8 - State Route 60/Nason Street Interchange. An application will be necessary to intitiate formation of CFD #8 for the Nason Street interchange improvements. No appliction or correspondence has been received at this time.

No residential units have been constructed at this time. The development is no longer on the original schedule as noted in Exhibit "B" of the Development Agreement (Phase 1 was to be completed sometime in February 2008). The schedule identifies the intent of Highland Fairview at the time of the adoption of the Agreement and is not binding.

There are no outstanding obligations of the Agreement. Therefore, staff has determined that the property owner has complied in good faith with the terms, obligations and conditions of the Agreement.

ALTERNATIVES

1. Accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement. (Staff's recommendation.)

2. Reject the Annual Report based on evidence that the developer is in default. If the City Council elects to reject the Annual Report due to a default, written notice of the proposed termination or modification of the Development Agreement must be given describing the alleged nature of the default and suggested or potential actions and timing to cure the default, where applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of the Agenda.

ATTACHMENTS/EXHIBITS

Exhibit 1 – Letter/Annual Report from Highland Fairview Properties, dated April 5, 2010

Exhibit 2 – Aquabella Development Agreement

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Concurred By:
John C. Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00075455

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.242.9180 Fax: 951.867.9165

April 5, 2010

RECEIVED
MAY 25 2010
CITY OF MORENO VALLEY

Mr. John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, California 92552

SUBJECT: Aquabella Development Agreement – 2010 Annual Report

Dear Mr. Terell,

On December 13, 2005, the Aquabella Development Agreement was approved by the City of Moreno Valley (Ordinance #704). The Agreement was subsequently signed by the parties and recorded on February 16, 2006. Pursuant to Section 15 of the Agreement, an Annual Report is required to be prepared and submitted to the City demonstrating Highland Fairview's good-faith compliance with the terms of the Agreement. Section 15.2 of the Agreement requires that this Annual Report "describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review." This report provides the required information.

The continuing economic downturn and its direct impact on international, national and local financial markets continued to have a dramatic negative effect on the southern California residential market. Moreno Valley has been particularly hit hard with thousands of bank foreclosures plaguing the residential market. Unemployment in our area still hovers at over 15% having a tremendous negative impact on residential values, which are still below replacement cost. As a result, new residential development is not practical or viable in today's environment. Aquabella has not been immune to these market conditions. Grading operations at Aquabella were suspended in February 2008 and work on infrastructure design, permitting and construction was suspended in 2008-2009. The Aquabella project has moved into a maintenance mode for the property and the project entitlements.

GENERAL PROJECT STATUS

Pursuant to Section 2.1 of the Development Agreement, all project approvals for Aquabella remain in full force and effect throughout the duration of the Agreement. No project-specific actions are required on the part of the Developer or the City for this extended period of validity to apply to all project approvals.

A permit for the mass grading of the Aquabella site was issued by the City (Permit # MV-0826). To date, approximately 5,700,000 cubic yards of grading has been completed, representing approximately 56% of the permitted earthwork volume. Grading operations

EXHIBIT 1

were suspended in 2008. Since that time, Highland Fairview has undertaken a comprehensive program of property maintenance including full property fencing and signage, extensive erosion control, weed abatement in compliance with all applicable City regulations, and immediate refuse removal and site security. Highland Fairview has relinquished the above-referenced grading permit and the erosion control bond for the project site is scheduled to be exonerated by the City Council at its meeting on April 13, 2010. Highland Fairview also relinquished the Cooperative Agreement for Line F improvements.

A proposal to amend the Aquabella Specific Plan and the Development Agreement is underway in cooperation with the Riverside County Regional Medical Center located immediately north of Aquabella. The proposal would remove Planning Areas 1 and 2 (±72.6 acres north of Cactus Avenue) from the Specific Plan in order to facilitate development of a potential mixed-use project which would reinforce the County's long-range plan to create a major campus environment centered on the Regional Medical Center. The residential units in Planning Areas 1 and 2 will be re-allocated within Aquabella.

OBLIGATIONS OF MASTER DEVELOPER

The Agreement identifies specific actions required to be accomplished by the Master Developer. Following is a brief status update on each of these required actions:

Section 6.2 – Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Plan

The status of each of the improvements listed in Exhibit "B" is provided in the following chart which utilizes the format of Exhibit "B" as it appeared in the Development Agreement for clarity and convenience.

Phasing Improvement Details

Location	Direction	Improvement	Status
Nason St. from Iris to Delphinium	NB / SB	Widen to half-width (one lane per direction)	Plans on hold
Nason Street at Iris Avenue	I	Install traffic signal	Plans approved
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Plans on hold
Nason Street at Iris Avenue	EB	Construct one additional left turn lane	Plans approved
Nason Street at Iris Avenue	WB	Construct one left turn lane	Plans approved

Nason Avenue at Iris Avenue	WB	Construct one right turn lane	Plans approved
Nason Avenue at Dracaea Avenue	I	Install traffic signal	Complete
Location	**Direction**	**Improvement**	**Status**
Lasselle Street at Margaret Avenue	I	Install traffic signal	Not started
Nason Street at Fir Avenue	I	Install traffic signal	Complete
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Complete
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left turn lane	Complete
Nason Street at Fir Avenue	EB	Construct one left turn lane	Completed
Nason Street at Fir Avenue	WB	Construct one left turn lane	Completed
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Not started
Nason Street at Eucalyptus Avenue	I	Modify traffic signal	Completed
Nason Street at Eucalyptus Avenue	NB	Widen Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Completed
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Completed
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Completed
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Completed
Delphinium Avenue		Traffic calming on Delphinium	Not started
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement phase signal timing)	Concept Report completed
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Concept Report completed
Lasselle Street at Gentian Avenue		Re-striping lane configuration/signal modification	Not started

Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Not started
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	On hold
Location	**Direction**	**Improvement**	**Status**
Clubhouse Drive at Cactus Avenue	NB	Construct one shared right turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	On hold
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	On hold
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	On hold
Cactus Ave from Lasselle to Nason	EB, WB	Widen to half-width (one lane per direction)	On hold
Nason Street from Cottonwood to Dracaea	NB	Construct one NB lane	Not started
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Not started
Nason Street at Delphinium Avenue	I	Modify traffic signal	Not started
Nason Street at Cactus Avenue	I	Modify traffic signal	Approved plan by others
Nason Street from Delphinium to Cactus	SB	Construct one SB lane	On hold
Nason Street from Brodiaea to Alessandro	SB	Construct one SB lane	Not started
Nason Street from Alessandro to Cottonwood	NB / SB	Construct one lane per direction	Not started
Cactus Avenue from Nason to Oliver	WB	Construct one WB lane	Not started
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Not started
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Not started
Morrison Street at Cactus Avenue	I	Install traffic signal	Not started
Oliver Street at Cactus Avenue	I	Modify traffic signal	Not started
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) signing striping	Not started
Oliver Street at Iris Avenue	I	Modify traffic signal	Not started

Oliver Street at Iris Avenue	SB	Construct one right turn lane	Not started
Iris Ave from Lasselle to Camino Flores		Modification of Median ($70 per LF)	Not started
Location	**Direction**	**Improvement**	**Status**
Iris Avenue		Coordination of traffic signals ($3500 per intersection)	Not started
Lasselle Street		Coordination of traffic signals ($3,500 per intersection)	Not started
Lasselle Street at Cactus Avenue	I	Modify traffic signal	Complete
Lasselle Street at Cactus Avenue	NB	Construct one free left turn lane	Complete
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Complete
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Not started
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Not started
Brodiaea Avenue from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Not started
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left turn in/out movements from apartment access	Not started
Lasselle Street at Apartment Access	I	Construct raised median to restrict left turn out movement from apartment access	Not started
Nason Street at Bay Avenue	I	Install traffic signal	Not started
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Not started
Nason Street at Brodiaea Avenue	I	Install traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Not started
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane	Not started

Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane	Not started
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Not started
Location	**Direction**	**Improvement**	**Status**
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Not started
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening and re-striping and signing for additional left turn lane	Not started
Cactus Avenue		Coordination of traffic signals on Cactus ($3,500 per intersections)	Not started
Nason Street at SR-60 WB ramps / Elder Avenue	I	Participate in interchange improvements through payment of TUMF program fees	Not started
Nason Street at SR-60 EB ramps	I	Participate in interchange improvements through payment of TUMF program fees	Not started

Section 6.3 – Moreno Valley Electric Utility and/or City Capital Project

A deposit in the amount of $1,000,000 was placed in escrow with the City of Moreno Valley in February 2006 and was released to the City in October 2006. No further activity is required on this item until a final tract map is recorded.

Section 6.4 – Covenants, Conditions and Restrictions (CC&Rs)

Drafts of a CC&R document for the Aquabella project have been through multiple reviews by the City. Prior to recordation of a development map, a final review by the City will occur and the CC&Rs will be recorded.

Section 6.5 – Operation and Maintenance of Common Areas by Master Developer

The entirety of the Aquabella property is currently being maintained by Highland Fairview. No "common area" exists within Aquabella as no property has been transferred to a homeowners' association. There has been no recent activity on this item.

Section 6.6 – Master Homeowners' Association (Master HOA)

Draft CC&R documents, including provisions for a Master Homeowners' Association, are addressed in Section 6.4 above.

Section 6.7 - Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail Systems

Plans for these facilities and programs are on hold. A Conditional Use Permit (CUP) for the Aquabella Clubhouse (City file # PA05-0188) was approved by the City on July 27, 2006. These plans were found to be consistent with the requirements of the Specific Plan and the Development Agreement. Per Section

2.1 of the Development Agreement these project approvals are valid for the duration of the Agreement.

Section 6.8 – State Route 60/Nason Street Interchange

Highland Fairview has discussed with the City the need for an SR60 corridor-wide implementation program for all remaining SR60 interchanges located in the City. These discussions are on-going.

Section 6.9 – Entry Statement

The concept for the Entry Statement was incorporated into the plans for the Aquabella Clubhouse, approved by the City on July 27, 2006 (CUP # 05-0188). See Section 6.7 above.

Section 6.10 – Perimeter Walls and Landscaping

A variety of project details, including walls and landscaping, are the subject of on-going discussions with City staff. These discussions have been on hold.

Section 6.11 – Age Restricted Project

Draft CC&R documents establishing the age-restricted nature of the Aquabella project were submitted to the City in October 2005. Discussions regarding this issue are on hold.

Section 6.12 – Master Design Guidelines

Master Design Guidelines for the Aquabella project are included in the Aquabella Specific Plan which was approved by the City of Moreno Valley on November 22, 2005 (Ord. 703).

Highland Fairview continues to closely monitor the status of the local housing market and future actions will be predicated on responding to opportunities to capture market advantages as they arise.

Please review this Annual Report at your convenience and contact me if you have any questions or need any additional information.

Sincerely,

Iddo Benzeevi
President

cc: City Council
Planning Commission
City Manager

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MV00075463

ORDINANCE NO. 704

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE AQUABELLA DEVELOPMENT AGREEMENT (PA04-0005) FOR 685 ACRES OF LAND WITHIN THE AQUABELLA SPECIFIC PLAN, GENERALLY LOCATED BETWEEN BRODIAEA AND IRIS AVENUES, AND BETWEEN LASSELLE AND OLIVER STREETS

The City Council of the City of Moreno Valley, California, does ordain as follows:

SECTION 1 GENERAL:

1.1 Highland Fairview Properties filed Application PA04-0005, a development agreement for 685 acres of the AquaBella Specific Plan (Specific Plan No. 218, as amended) as described in the title of this ordinance.

1.2 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.3 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.4 Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council during the meeting on November 22, 2005 including written and oral staff reports and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and providing additional provisions for implementation of the entitlements will further support the project's

EXHIBIT 2

implementation which is compatible with the goals, objectives, policies, and programs of the General Plan.

3. **Conformance with Zoning Regulations** – The proposed use complies with all applicable zoning and other regulations.

   FACT: The proposal to protect the provisions of the AquaBella Specific Plan and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity.

4. **Health, Safety and Welfare** – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed project will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding area. Pursuant to the California Environmental Quality Act (CEQA) guidelines, an environmental initial study completed for the proposed project concluded that the proposed uses would have no new significant environmental effects or substantial increase in the severity of previously identified significant effects were determined from the impacts evaluated with the previously certified Environmental Impact Report and Supplemental Environmental Impact Report, and approval of an Addendum Environmental Impact Report was recommended.

SECTION 3.

4.1 Based on the Findings contained in Section 2 of this ordinance, the development agreement entitled "AquaBella Development Agreement" is hereby approved between the City of Moreno Valley and Moreno Valley Properties, LLC. A copy of said Development Agreement, Exhibit A, is attached hereto and incorporated herein by this reference.

SECTION 4.

2.1 Provided all other conditions precedent to the execution thereof have been satisfied, the agreement may be executed on behalf of the City at any time after this Ordinance becomes effective.

SECTION 5.

1.1 Within ten (10) days after the City enters into the agreement, the City Clerk of the City of Moreno Valley shall have a copy of the agreement recorded in the office of the County Recorder for the County of Riverside, which shall describe the land subject

thereto.

SECTION 6 EFFECT OF ENACTMENT:

6.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 7 NOTICE OF ADOPTION:

7.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 8 EFFECTIVE DATE:

8.1 This ordinance shall take effect thirty days after the date of its adoption.

[INTENTIONALLY LEFT BLANK]

APPROVED AND ADOPTED this 13 day of December, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, ALICE REED, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. 704 had its first reading on November 22, 2005 and had its second reading on December 13, 2005, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the 13th day of December, 2005 by the following vote:

AYES: Council Members Batey, West, White, Mayor Pro Tem Flickinger and Mayor Stewart

NOES: None

ABSENT: None

ABSTAIN: None

Alice Reed

CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

AQUABELLA DEVELOPMENT AGREEMENT

DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO

January 12, 2006

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 12th day of January, 2006 (the "Effective Date"), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the "Master Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Master Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises approximately six hundred eighty-five (685) acres (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Master Developer includes certain key Principals and personnel who are sophisticated and experienced real estate developers with substantial experience in the development and management of high quality residential neighborhoods.

E. The City, on September 20, 1988, adopted Resolution No. 88-75 approving the Moreno Valley General Plan (the "General Plan").

F. The City, on February 23, 1999, introduced Ordinance No. 548 approving Specific Plan 218, and adopted Resolution No. 99-13, approving a General Plan Amendment (GPA 1) and certifying the Final Environmental Impact Report, including findings and a statement of overriding considerations relating to the Specific Plan and findings of consistency with the General Plan, and approved mitigation measures for the Specific Plan (together, the "EIR"). On March 9, 1999, the City adopted Ordinance No. 548, approving Specific Plan 218 and related conditions of approval (the "Specific Plan").

G. The City, on May 27, 2003, approved the Supplemental EIR adopted by Resolution No. 2003-38 supporting the aforementioned entitlements for the Property.

H. The City, on November 22, 2005, adopted Ordinance No. 703, amending Specific Plan 218 and related conditions of approval ("SPA"); Resolution No. 2004-11, approving General Plan Amendment No. PA04-0070 (the "GPA 2"); and Resolutions No. 2004-11 and 2004-12, and Ordinance No. 703 approving an addendum to the certified EIR and Supplemental EIR (the "Addendum").

I. The Master Developer intends to make application to the City for one or more subdivision maps (the "Map" or the "Maps").

J. The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, and the Addendum to the EIR as heretofore approved, and the Maps which collectively comprise the "Project Approvals," are incorporated herein by this reference. The Master Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the "Project."

K. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 6 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

L. The City Council, on November 22, 2005, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and by its introduction of Ordinance No. 704, and approved this Agreement by its adoption Of Ordinance No. 704 on December 13, 2005. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

M. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an upscale, high-quality active adult community; (v) will encourage the development of the Project by providing a reasonable level of certainty to the Master Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1. DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Amended Specific Plan" means Specific Plan 218 as amended by the Specific Plan Amendment (SPA).

1.3 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.4 "Builder" means a merchant homebuilder who has or may acquire portions of the Property consistent with this Agreement for purposes of constructing residential housing units, but to whom no direct Assignment, in whole or in part, of this Agreement has been made.

1.5 "Circulation Phasing Improvement Program" means the City approved plan for the phasing of public traffic circulation improvements for the Project addressed in Section 6.2, below and attached hereto and incorporated herein as Exhibit "B".

1.6 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.7 "City Council" means the City Council of the City of Moreno Valley.

1.8 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.9 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the

Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.10 "Development Approvals" means all permits and other entitlements for use subject to approval or issuance by City in connection with development of the Property including, but not limited to:

1.10.1.1 The City's General Plan and amendments thereto;

1.10.1.2 Specific Plans and Amendments;

1.10.1.3 Planning Area Development Implementation Plans;

1.10.1.4 Tentative and final subdivision and parcel maps;

1.10.1.5 Conditional use permits, variances, site plot plans;

1.10.1.6 Zoning amendments;

1.11 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement.

1.12 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.13 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.14 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.15 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.16 "Homeowners' Association" (HOA) shall mean a master association of homeowners, and any associations of homeowners subsidiary to the master association, in the Project area organized and existing pursuant to the laws of the State of California for the purposes stated in the association's articles of incorporation and/or bylaws to provide, operate and maintain common or community facilities for the enjoyment of the Project's residents to include at a minimum streets, curbs, gutters, sidewalks, street lighting, signage, drainage and flood control facilities, any other private supporting infrastructure, landscaping, walls, lakes, the Main Clubhouse and its amenities, and other recreational facilities throughout the Project, including, but not limited to, community buildings and amenities, private parks, trails, and greenbelts.

1.17 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.17.1 The conduct of businesses, professions, and occupations;

1.17.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.17.3 The control and abatement of nuisances;

1.17.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.17.5 The exercise of the power of eminent domain.

1.18 "Master Design Guidelines" means the overall vision of the thematic and qualitative characteristics for the Project, as mutually agreed upon by the Master Developer and City and memorialized in the SPA and elsewhere in the Project Approvals. Subsequent Development Approvals shall be consistent with the Master Design Guidelines.

1.19 "Master Developer" means MORENO VALLEY PROPERTIES, LP, any City approved Assignee or successor in interest to MORENO VALLEY PROPERTIES, LP, and/or any City approved Assignee or successor in interest to the obligations of the Master Developer set forth in Section 6 of this Agreement.

1.20 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, Master Developer, or both, and as well as such entities' successors and assigns.

1.21 "Planning Area Development Implementation Plan" ("PADIP") means a development plan for the implementation of defined areas within the SPA. The PADIP will include: a detailed architectural and landscaping theme consistent with the Master Design Guidelines; infrastructure and common area improvements to support a self-sustaining development; and the requirements established through the Project Approvals and Development Approvals.

1.22 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.23 "Project" means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to six hundred eighty-five (685) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The 685 acres will be developed as a gated age-restricted community with common amenities to be maintained by one or more Homeowner's Association(s). The Project contemplates a maximum of two thousand nine hundred twenty-two (2922) dwelling units and other uses as defined in the Project Approvals, with the exception of two hundred twenty (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.

1.24 "Project Approvals" means The Specific Plan, the SPA, the GPA 1, the GPA 2, the EIR, the Supplemental EIR, the Addendum EIR and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.25 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.26 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.27 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2. GENERAL PROVISIONS

2.1 Duration of Project Approvals. The Project Approvals shall remain valid and in effect for the entire term of this Agreement, and the City shall take no action to rescind, revise or otherwise modify the Project Approvals, except with the prior written consent or upon the request of the Master Developer (provided that such request shall not obligate the City to rescind, revise or otherwise modify the Project Approvals or this Agreement). Other than for modifications of this Development Agreement, the City's General Plan as applied to the Project, the GPA and GPA2, the Specific Plan and the SPA, individual Builders or property owners may apply for modification of the Project Approvals applicable to their own land without consent or approval of other parties holding interests in the Project, provided that any such modification does not materially affect other land or obligations of any party under this Agreement or the Project Approvals. Individual Builders or property owners may apply for modification of the Development Agreement, the General Plan and the Specific Plan only with the consent of the Master Developer and all approved Assignees of the Master Developer. Nothing in this Agreement shall be interpreted to supersede or conflict with any applicable State or Federal law, rule or regulation pertaining to any specific Project Approval.

2.2 Duration of Permits. Permits issued for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such permit.

2.3 Term of Agreement.

2.3.1 Normal Term. The Term of this Agreement shall commence on the Effective Date of the ordinance approving this Agreement (the "Effective Date"), and shall extend for a period of ten (10) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.3.2 Extension. The ten-year Term of this Agreement may be extended three times. Each extension shall be separately considered by the City according to the provisions in this Agreement. Each extension shall be for a maximum of five (5) years. An extension of the Term of this Agreement shall be upon the same terms and conditions contained in this Agreement and any modifications thereto.

2.3.3 Extension Application. Master Developer shall submit its application for an extension of this Agreement no later than six (6) months prior to its expiration. City may, at its sole discretion, accept a late application for an extension of this Agreement, but under no circumstances shall the City be

obligated by law or in equity to accept or consider an application for extension of this Agreement after the date of expiration of its then current Term.

2.3.4 Extension Granted. Each of the five (5) year extensions of the Term of this Agreement provided for in Subsection 2.3.2 above shall be granted upon determination by the City of the following:

2.3.4.1 All obligations of the Master Developer under Section 6 of this Agreement have been or are being completed in conformance with the standards and timing required by this Agreement, the Circulation Phasing Improvement Program, (Exhibit "B" to this Agreement which is incorporated herein by this reference), and the Project Approvals.

2.3.4.2 The architecture, construction and amenities of the portions of the Project that have been completed meet the standards set forth in Section 6.12 of this Agreement, the related Project Approvals and the Master Design Guidelines.

2.3.4.3 For purposes of determining consistency with the Master Design Guidelines, approval of discrete portions of the Project in the normal course of development by the appropriate entity (e.g. Planning Commission) and certification of passing the City final inspection shall satisfy this requirement.

2.3.4.4 The Master Developer has completed to the reasonable satisfaction of the City Engineer, and offered for dedication, that portion of the public infrastructure set forth in the Circulation Phasing Improvement Program (Exhibit "B") required for each extension as follows:

2.3.4.4.1 Prior to the granting of the first extension, all improvements listed as Phase 1.

2.3.4.4.2 Prior to the granting of the second extension, all improvements listed as Phase 2.

2.3.4.4.3 Prior to the granting of the third extension, all improvements listed as Phase 3.

2.3.4.5 The Master Developer has not abandoned the Project. If the Master Developer has abandoned the Project as set forth herein, this Agreement shall be deemed automatically terminated and of no further force and effect. The Master Developer shall be deemed to have abandoned the Project if any of the following occur at any time:

2.3.4.5.1 The Master Developer is dissolved or has filed a voluntary petition for dissolution in bankruptcy or been adjudicated bankrupt in an involuntary dissolution proceeding. Provided however, that if a voluntary petition for dissolution is filed and the affected Mortgagee notifies the City in writing within thirty-five (35) days of service of notice of the petition to the

Mortgagee as shown in the bankruptcy court's records that the Mortgagee intends to pursue possession of the Property and assumption of this Agreement and thereafter diligently pursues such rights, the Master Developer shall not be deemed to have abandoned the Project.

2.3.4.5.2 The Master Developer notifies the City in writing that it no longer intends to pursue development of the Project.

2.3.4.5.3 The Master Developer has not submitted public improvement agreements, construction plans and required security for public improvements, all in form and substance reasonably acceptable to the City using its normal review processes, for all public improvements required hereinabove for each extension at least two years prior to the expiration of the then current Term of this Agreement.

2.3.4.5.4 Abandonment of the Project shall be a material breach of this Agreement.

2.3.4.6 There are no outstanding material breaches of this Agreement, or material defaults under the Project Approvals, public improvement agreements or bonds issued in connection with the Property or Project which are not being diligently cured within any time permitted for such cure under the applicable document. Approval of any extension may be withheld under this provision until such cure is completed within the allotted cure period. The City's ability to grant an extension of the term of this Agreement shall not terminate during the pendency of such cure period so long as the Master Developer, or its City approved Assignee, is taking reasonable steps to effect such cure to the reasonable satisfaction of the City Manager.

2.3.4.7 For purposes of considering an extension of the term of this Agreement, the estoppel and waiver provisions of Section 15 (Subsections 15.6 and 15.7) shall apply.

2.3.5 Maximum Term. If the granting of an extension of the term of this Agreement occurs after the expiration of the Term of this Agreement, or any prior extension thereof, the extension of five (5) years shall be reduced by the total number of days that have elapsed after the original date of expiration of Term. Except as otherwise specifically allowed herein, this Agreement, shall not be effective for more than twenty-five (25) years from its Effective Date.

2.3.6 Termination Upon Completion.

2.3.6.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public

improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.3.6.2 Similarly, where all such conditions have been satisfied with respect to any Planning Area designated in the Specific Plan, provided that all fees have been paid or credited and provided that the Master Developer obligations required by that time have been completed as set forth in Section 6 of this Agreement and the Project Approvals, then the Master Developer may make a written request, and the City Manager shall review and act upon the written request, to terminate this Agreement as to the affected Planning Area. The City Manager shall act upon said request within thirty (30) days of receipt. If the request is not granted, the City Manager shall specify in writing all reasons for denying the request.

2.3.6.3 For purposes of Termination Upon Completion hereunder, "total build-out" shall mean the completion of all construction in the Project, or in any Planning Area of the Project, of all buildings, structures, infrastructure, improvements, landscaping and associated amenities contemplated, required or permitted by the Specific Plan, all other infrastructure required by this Agreement or the Project Approvals, and performance by the Master Developer and the City of all of their respective obligations hereunder.

2.3.6.4 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.4 Binding Effect of Agreement.

2.4.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.4.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3. PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. Master Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. Master Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and conditions of development of the Project shall be those set forth in the Project Approvals. Except as specifically provided for in the Project Approvals and/or this Agreement, the Project shall be developed and maintained as an age-restricted active adult community as more fully set forth in Section 6.8.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Master Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that Master Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of Master Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that Master Developer shall have the right to develop the Property in such order and at such rate and at such time as Master Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals. Master Developer expects to accomplish street and traffic signal improvements in conformity with the Circulation Phasing Improvement Program (Exhibit "B").

SECTION 4. RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent

Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide Master Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided,

however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5. PUBLIC FINANCING

5.1 The Master Developer is not obligated to request public financing. However, if Master Developer does request the initiation of proceedings to form a community facilities district, benefit assessment district, community services district or other similar public financing mechanism (hereinafter individually, alternatively and/or collectively referred to as "Public Financing District"), Master Developer agrees that it will make application first and solely to the City, and the City agrees to accept and consider such application according to the City's ordinances, resolutions, standards and practices generally applied to Public Financing District applications throughout the City including, without limitation, the City's Special Districts Financing Policy. If the City declines to provide such public financing, then the Master Developer may elect to initiate proceedings for public financing through any other public agency.

5.2 Consistent with Section 5.1 above, the City agrees to consider the initiation of proceedings for the establishment of one or more Public Financing Districts upon receipt of a completed written application by Master Developer. The Master Developer agrees to cast its votes in favor of, and/or to refrain from protesting the formation of, any such Public Financing District which the Master Developer has requested the City to initiate and to pay City's costs and expenses, and an issuer's fee to be established by City, in connection with each issuer. The Master Developer agrees and acknowledges that it will only support and participate in Public Financing Districts undertaken by the City (or one of City's subsidiary or affiliated entities), unless and until the City declines to provide such public financing.

5.3 If a Community Facilities District is formed at the request of the Master Developer, the proceeds from such financing shall be used as follows:

5.3.1 As first priority: public streets and traffic signals, City electric utility or other City capital project referred to in Section 6.3 below, and Riverside County Transportation Uniform Mitigation Fees (TUMF) paid by the Project to the extent they are allowed by Western Regional Council of Governments (WRCOG) and any other agency having jurisdiction thereof to be dedicated to State Route 60/Nason Street interchange improvements (including any improvements on Nason Street associated with or required as part of such interchange improvements);

5.3.2 As second priority: water and sewer infrastructure construction; and

5.3.3 As last priority: City DIF, but only to the extent such DIF is not subject to credit or reimbursement. The priority among City DIF shall be subject to City approval.

SECTION 6. OBLIGATIONS OF AND CONTRIBUTIONS BY MASTER DEVELOPER

6.1 Acknowledgement. The Master Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Master Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process, including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Master Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Master Developer shall provide to City the public benefits set forth herein.

6.2 Construction of Public Street and Traffic Signal Improvements – Circulation Phasing Improvement Program. Master Developer agrees to build all required public street and traffic signal improvements in accordance with the Circulation Phasing Improvement Program (Exhibit "B"). The parties acknowledge, and a traffic phasing study has confirmed, that the improvements listed on Exhibit "B" exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

6.3 Moreno Valley Electric Utility and/or City Capital Project. Master Developer agrees to pay two million dollars ($2,000,000) to the City. The first one million dollars ($1,000,000) is to be used for the benefit of the Moreno Valley Electric Utility at the sole discretion of the City. Said payment is in addition to any other obligation the Master Developer may incur as a condition of approval, or otherwise, for the Project, or any portion thereof, concerning the Moreno Valley Electric Utility. Payment of this first one million dollars ($1,000,000) shall be made within thirty (30) days of the Effective Date of this Agreement; provided, however, that said payment shall be placed in escrow in an interest bearing account, with interest payable to City, and City agrees not to withdraw the money until one hundred twenty (120) days after the Effective Date of this Agreement, or the conclusion of any legal proceedings challenging the validity of this Agreement or Project Approvals, whichever occurs later. Should any legal proceedings challenging the validity of this Agreement or the Project Approvals result in the invalidation of this Agreement or the Project Approvals and the decision of the

Master Developer to not proceed with the Project, all sums within the escrow account shall be returned by the escrow company to Master Developer within ten (10) calendar days of any court ruling invalidating this Agreement. The second one million dollar ($1,000,000) payment shall be for a Moreno Valley Electric Utility and/or other City Capital Project that is eligible for inclusion in, or reimbursement from, a Community Facilities District as provided for in Section 5 of this Agreement. This second payment of one million dollars ($1,000,000) to City shall occur at the time of recordation of the first (1st) residential subdivision map.

6.4 Covenants, Conditions and Restrictions (CC&Rs).

6.4.1 The Master Developer shall prepare CC&Rs for all Property within the Project to be recorded in the Riverside County Recorder's Office and made to run with the land.

6.4.2 Prior to recordation, the Master Developer shall submit the proposed CC&Rs to the City for review, approval and consent to record. The Master Developer shall not record any CC&Rs unless and until it has received City's consent thereto in writing. The City shall have the right to review, approve and consent to the recording of any amendments to the CC&Rs and Master Developer shall not record any amendments to the CC&Rs prior to obtaining the City's consent thereto in writing. The City shall not unreasonably withhold such consent and shall act upon any request for its consent within thirty (30) days of its receipt of the request and all information reasonably needed to make such a determination. It is understood that the City's interest in the CC&Rs is to protect the public interest, including, without limitation, assuring that common areas and facilities are properly maintained for protection of surrounding properties, protection of City facilities from impacts purportedly mitigated by private amenities (including those recreational amenities for which DIF credits have been provided), and protection from City liability or cost for water quality or other environmental impacts of the Project. Therefore, the reasonableness of the City's review and consent or denial of consent to any amendments shall be construed in light of the public interest, but review of any City decision hereunder shall be given the normal deference given to public agencies in determining the public interest.

6.4.3 The City shall be a named third party beneficiary pursuant to California Civil Code Section 1559 of all recorded CC&Rs, and any amendments thereto, with a separate and independent right, but not the obligation, to enforce the CC&Rs. This right of enforcement is in addition to all other legal and equitable remedies available to the City.

6.5 Operation and Maintenance of Common Areas by Master Developer.

6.5.1 The Master Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. Master Developer shall operate and maintain all common area facilities including, but not limited to, the Main Clubhouse facilities and the lake system, during the course of construction of the Project and until such time as a Master Homeowner's Association (Master HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the Master HOA (hereinafter referred to as the "Transfer Date").

6.5.2 The Master Developer shall maintain a dedicated funding source in an amount reasonably acceptable to the City Manager for the operation and maintenance of all common area facilities during the course of construction of the Project and until the Transfer Date.

6.5.3 The Master Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until a Master HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the Master HOA. Upon the Transfer Date, the Master HOA shall have the obligations described below.

6.6 Master Homeowners' Association (Master HOA).

6.6.1 The Master Developer shall form and capitalize a Master HOA for the Project. The Master HOA shall, at a minimum, have the responsibility and legal obligation to operate and maintain all common area facilities in the Project or on the Property which have been legally conveyed to and accepted by the Master HOA.

6.6.2 Until the Transfer Date, the Master Developer shall remain legally liable and responsible for the operation and maintenance of all common area facilities in the Project or on the Property. The Master Developer shall not transfer any common facilities to the Master HOA unless and until a budget approved by the California Department of Real Estate (DRE) provides for either the levy of assessments which will be adequate to fund all of the costs of operation, maintenance, repair and reserves for the common area facilities, or financial assurances deemed adequate by the DRE are posted in accordance with the regulations of the DRE. In connection with the governance of the Master HOA, the Master Developer shall, unless otherwise prevented from doing so by a court order or judgment, exercise its rights provided under Title 10 of the California Code of Regulations to appoint a majority of the Board for so long as permitted under the Master CC&Rs. As members of the Board, the Master Developer shall comply with the requirements established under the Common

Interest Development Act for preparation of budgets, the establishment of reserves and collection of assessments.

6.6.3 The CC&Rs shall require the Master HOA, upon request by the City, to provide all documentation reasonably requested by the City regarding the budgets and financial condition of the Master HOA. The City may utilize expert consultants to analyze and opine on the submitted documentation as necessary in the City's sole discretion to determine whether the Master HOA is adequately financed. The Master HOA shall bear all costs for any and all expert consultants utilized by the City in making this determination. The City shall make such determination according to accepted principles for HOA capitalization, operation and maintenance of the types and kinds of common area facilities for the Project, including any necessary reserves.

6.6.4 The CC&Rs shall include a provision which states that, if the City determines that the Master HOA has failed to maintain the common area facilities in accordance with the requirements of this Agreement and the Project Approvals, and as necessary to protect the public health, safety and general welfare, the City shall have the right, but not the obligation, to notify the Master HOA in writing of such maintenance deficiency. If within thirty (30) days after the Master HOA receives the notice from the City, the Master HOA fails to (i) correct such maintenance deficiency, or (ii) if such maintenance deficiency is of a type that cannot reasonably be corrected within thirty (30) days, fails to commence such maintenance correction and diligently pursue such correction to completion, the City may, but is not obligated to, enter onto the Property to perform all corrective maintenance at the expense of the Master HOA. All costs incurred by the City in connection with performing corrective maintenance as provided herein shall be paid for as common expenses out of the Master HOA maintenance funds as provided in the Master HOA Documentation, and if requested by the City to do so, the Master HOA shall levy a supplemental annual assessment against all Property owners or Properties in the Project area as an emergency assessment.

6.7 Main Clubhouse, Recreational Facilities, Recreational Programs, Private Parks, and Trail System.

6.7.1 Master Developer is developing the Project as an age-restricted, active adult Project. Master Developer represents it will build a Main Clubhouse of at least thirty-five thousand (35,000) square feet during phase one of the Project with a total construction cost of not less than twenty million dollars ($20,000,000.00), including the cost of furniture, fixtures and equipment, but not including the value of the real property. Master Developer represents that Main Clubhouse amenities will include a swimming pool, tennis courts, and a spa/Jacuzzi. Master Developer also represents that active programming for Project residents will be provided in conjunction with the Main Clubhouse facilities. Based upon the needs and desires of the residents, such programming may include a staff activities director, exercise programs (e.g., yoga, aerobics,

pilates, etc.), aquatic exercise programs, tennis league and instruction, diet and nutrition programs, walking club, dance program/club, writing program/club, book club, education programs (e.g., computer classes, poetry, literature, etc.), games programs, arts and crafts programs, garden club, organized trips/excursions, and speaker series (current events, topics of the day, etc.). Master Developer also represents it will provide other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing. The standards for these other recreational facilities and amenities, including timing, acreage, number, types and quality of amenities and facilities, etc. shall be fully set forth in the SPA and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the PADIPs. The Developer's right to the credits set forth in this Agreement for park land and facilities shall be subject to the Master Developer's providing all such recreational facilities and amenities in accordance with the standards and requirements of the SPA.

6.7.2 The Project's Master HOA documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities and provision of appropriate programming and activities.

6.7.3 Master Developer agrees that it will commence construction of the Main Clubhouse prior to issuance of the one hundredth (100th) building permit issued anywhere in the Project, and complete construction prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Master Developer agrees that the construction cost of the Main Clubhouse and its amenities shall be at least twenty million dollars ($20,000,000), inclusive of furniture, fixtures and equipment, but exclusive of the value of the underlying real property.

6.7.4 Master Developer agrees to provide the recreational facilities, amenities and programming stated hereinabove to residents of the Project according to the Project Approvals and this Agreement. Master Developer agrees to comply with the Project Approvals pertaining to the other recreational facilities and amenities throughout the Project, including, but not limited to, private parks, trails, greenbelts, and lakes suitable for limited boating and fishing.

6.7.5 Master Developer agrees to provide legal and equitable assurance in the form of Master HOA documentation, CC&Rs, bonds, letters of credit, or other legally enforceable instruments to guarantee that the herein described facilities, amenities and programs will be constructed and perpetually maintained in a manner that meets or exceeds the City's standards for its own parks and facilities, and that recreational programs and amenities will be perpetually provided.

6.7.6 Master Developer agrees to, and shall ensure through Master HOA documentation that the Master HOA shall provide eight (8) days

annually, not more than two (2) of which shall be weekend days, for the Term of this Agreement, and any extension thereof, for non-exclusive use of the Main Clubhouse by the City, which dates are to be agreed upon in writing by the Parties each year. Master Developer or the Master HOA shall respond to the City's request for scheduled days within 30 days of receipt. The City's rights to such days of usage shall not be waived by failure to use or request any or all such days. All costs of such events other than use of the facility (e.g., insurance liability coverage, set-up and clean-up, food, food preparation and service, etc.) shall be born by City. In the event that this provision is found to be in conflict with any regulation of such private facilities by the California Department of Real Estate, or its inclusion would result in conditions or application of regulations that would significantly and unduly burden the Project, the parties shall meet and confer and agree to a different consideration to the City reasonably acceptable to the City and which provides similar public benefits.

6.8 State Route 60/Nason Street Interchange. Master Developer agrees to use its best efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having jurisdiction or authority to dedicate and use the Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

6.9 Entry Statement. Master Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a distinctive and quality entry statement reasonably acceptable to City, which may include arches or other structures, walls, landscaping, decorative pavement, street design and streetscape elements, water features and/or other design elements. Such entry statement shall be located at the Project's main entry on Nason Street. The SPA shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of the one hundredth (100th) and be completed prior to the issuance of the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. Further, the Master HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

6.10 Perimeter Walls and Landscaping. Master Developer agrees to construct perimeter walls and landscaping consistent with the SPA and Project Approvals and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping by the five hundred eighty-fifth (585th) building permit issued anywhere in the Project area. It is acknowledged that such walls will be constructed with various phases and maps

and that security for each section of perimeter wall will be provided as appropriate with PADIPs, maps and/or other subsequent approvals.

6.11 Age Restricted Project. The Project is designed and conditioned to be an age restricted community requiring ownership and occupancy by adults aged 55 and over pursuant to State and Federal law. This age restriction is a material inducement for the City to enter into this Agreement. The parties acknowledge that, absent such age restriction, certain environmental and public facility impacts of the Project would far exceed those shown in the studies upon which the Project Approvals are predicated. A removal of, or failure to effectively enforce, the age restrictions would result in significant impacts to the surrounding community including, but not limited to, traffic, noise, air quality, excessive usage of public buildings, facilities and parks, and school overcrowding. Therefore, the Master Developer shall cause to be recorded Covenants, Conditions and Restrictions ("CC&Rs") applying such age restriction to the entire Property, with the exception of the Planning Area designated as apartment units located outside the private, gated community. Should the City and Master Developer determine that the apartments should also be age restricted, or that apartments are an inappropriate use for that Planning Area, nothing herein shall preclude application of the age restriction to that Planning Area as well. The age restriction in the CC&Rs shall be for a period of not less than fifty (50) years. The CC&Rs shall provide the City with a separate and independent right of enforcement as to each Property in the Project and shall run with the land. The age restriction in the CC&Rs shall be in form and substance reasonably acceptable to the City Manager and City Attorney, as well as the DRE.

6.12 Master Design Guidelines. The Master Developer has represented to the City its intent to build an upscale Project with quality of architecture, construction and amenities substantially higher than those normally built in the City or required by City rules and standards. This representation is a major consideration for the City's willingness to enter into this Agreement. An upscale development will provide public benefit to the community by attracting business owners and executives who are seeking an active adult lifestyle and who may relocate their businesses and attendant jobs to the City. Further, an upscale project environment could raise property values and enhance the image and aesthetics of the City. The Parties therefore agree that the Project will be subject to a set of guidelines (the "Master Design Guidelines") that will assure the targeted quality while providing reasonable flexibility to the Developer to address market conditions related to architectural style. The Master Design Guidelines shall be subject to the approval of the City and shall be incorporated into the SPA. Once so approved and incorporated, they shall be incorporated by this reference into this Agreement. This Agreement will be interpreted to be consistent with these twin goals of upscale quality and reasonable flexibility.

6.13 Nexus/Reasonable Relationship Challenges. The Master Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements,

exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals, the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of Master Developer's right to challenge future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Master Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

6.14 Cooperation By Master Developer. Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

6.15 Other Governmental Permits. Master Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

6.16 Reimbursement For City's Efforts On Behalf Of Master Developer. To the extent that City, on behalf of the Master Developer, attempts to enter into binding agreements with other entities in order to assure the availability of certain permits and approvals or services necessary for development of the Project as described in this Agreement, Master Developer shall reimburse City for all costs, expenses and fully burdened staff time incurred in connection with seeking and entering into any such agreement. Any fees, assessments or other amounts payable by City pursuant to any such agreement described herein shall be borne by Master Developer except where Master Developer has notified City in writing, prior to City committing to enter into such agreement, that it does not desire for City to execute such agreement.

6.17 Defense, Indemnity, and Reimbursement For Multi-Agency Agreements. Master Developer shall defend, indemnify and reimburse City for any costs and expenses incurred by City in enforcing, executing, carrying out or defending any multi-agency agreement entered into on Master Developer's behalf.

6.18 Prevailing Wage. The Master Developer acknowledges that provisions of this Agreement, including without limitation, allowance of fee credits or caps, provision of public financing, and any other benefit to the Master

Developer, may cause the Project or portions thereof to become subject to prevailing wage and/or public contract bidding requirements under existing or future state or federal law and/or court decisions. The Master Developer acknowledges that the City has made no representations as to the applicability or non-applicability of such requirements to the Project. The Master Developer hereby assumes any and all responsibility for such determinations and any all risk and responsibility related thereto. Master Developer hereby expressly indemnifies, defends and holds City harmless from any cost, claim or liability related to prevailing wage or public bidding requirements for any public work related to the Project that the Master Developer, Assignee Developer or Builder is conditioned and/or agrees to provide.

6.19 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 7 OBLIGATIONS OF CITY

7.1 Processing. Upon satisfactory completion by Master Developer of all required preliminary actions and payments of appropriate processing fees, City shall promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Master Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

7.1.1 The holding of all required public hearings; and

7.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, Master Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause Master Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

7.2 Regional Traffic Improvements. The City agrees to cooperate with and support Master Developer in its efforts to obtain the consent of the Western Riverside Council of Governments, the Riverside County Transportation Commission, the California State Department of Transportation and any other local, regional, state or federal agency having authority to dedicate and use the

Transportation Uniform Mitigation Fees to be paid by the Master Developer for the Project for the improvement and reconstruction of the State Route 60 interchange at Nason Street in the City.

7.3 Improvement Security. Subdivision improvement security posted by the Master Developer, Assignee Developer or Builder pursuant to the requirements of the Subdivision Map Act shall be released by the City in accordance with Government Code section 66499.7. The City agrees to provide for partial release of security pursuant to the provisions of subdivision (a) of section 66499.7.

SECTION 8 FEES, FEE CREDITS AND REIMBURSEMENT

8.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

8.2 Processing Fees. The Master Developer, Assignee Developer or Builder shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval subject to the following adjustments:

8.2.1 Expedited Development Services. The City acknowledges Master Developer's intention to expedite the development of the Project. City agrees to cooperate with Master Developer in developing specific timeframes for City review and processing of particular submittals by Master Developer. When Master Developer desires to receive a higher level of service than is ordinarily available through existing budgeted staffing and consulting resources, City agrees to expeditiously negotiate and enter into specific written agreements with Master Developer that provide for Project-dedicated development services working under the direction of the City, including, but not limited to: Project management, transportation planning, land use planning, land development, Project inspections and legal services. It is agreed that the Master Developer shall be responsible for the full cost of the higher service levels, with the specific details to be addressed in each such written agreement.

8.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Master Developer, Assignee Developer or Builder shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development

agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are credits and exemptions against otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

8.3.1 DIF Exemption – Circulation Improvements. A comprehensive Traffic Study and Phasing Study evaluated the improvements necessary to fully mitigate the Project's impacts on offsite circulation. The Circulation Phasing Improvement Program (Exhibit "B"), defines a comprehensive package of improvements which exceeds those minimum mitigation obligations, both in scope and timing. Additionally, the City has confirmed that the improvements identified in Exhibit "B" exceed the traffic-related DIF for which the Project otherwise would be liable. Accordingly, the Project is exempted from the arterial street fees, traffic signal fees, City interchange fees, and any other future DIF enacted by the City for City circulation improvements. Failure to comply with the following shall constitute a material breach of this Agreement:

8.3.1.1 Prior to the issuance of the first residential building permit for any phase identified in the Circulation Phasing Improvement Program (Exhibit "B"), and/or the Project Approvals, the Master Developer shall:

8.3.1.1.1 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City for construction of all such improvements for that phase; and

8.3.1.1.2 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City securing all labor, materials, and Master Developer's performance of all obligations for construction of such improvements for that phase; and

8.3.1.1.3 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

8.3.1.2 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

8.3.2 DIF Credit – Parks. The Master Developer, Assignee Developer or Builder shall not receive any Park DIF credit for the Planning Areas or portions thereof in the Project or on the Property that are not age restricted and/or not included in the private, gated community and shall pay one hundred percent (100%) of the Park DIF when due. Contingent upon the Master Developer complying with Section 6.7 of this Agreement, the Master Developer

will become eligible to receive a DIF credit of not more than eighty-seven and one-half percent (87.5%) of the otherwise payable park land (Quimby) and park improvements DIF, and a credit of one hundred percent (100%) for community center DIF for the age restricted portion only of the Project on a per unit, pro rata basis. Said credits shall be contingent upon the Master Developer constructing and completing all clubhouse and park facilities and providing all amenities identified in Section 6.7 of this Agreement and as conditioned in the Project Approvals. Said credits for Park DIF shall be the Master Developer's sole entitlement under this Section. The Master Developer will become eligible for the Park DIF credit upon satisfaction to the City Manager that Master Developer has constructed and completed the identified clubhouse and park facilities and is providing the identified amenities for the Planning Area or portion thereof conditioned for those facilities and amenities. The portion of park land, park improvement, and community/recreation center DIF subject to credit under this Agreement for a Planning Area or portion thereof shall be deferred for collection by the City until the completion of that Planning Area, Tract or other portion thereof, but only if bonds, letters of credit or other security for the full amount of the fee subject to the credit is delivered to the City in form and substance and from a surety reasonably acceptable to the City. The Park DIF amount not subject to such credit is payable by the Master Developer, City approved Assignee Developer or Builder, as appropriate, when due. This Park DIF credit is contingent upon the Master Developer completing all clubhouse and park and recreation facilities and amenities no later than the end of construction of the Planning Area or portion thereof conditioned for that improvement. If the clubhouse and park and recreation facilities and/or amenities for the conditioned Planning Area or portion thereof are not constructed and completed prior to the end of construction of the Planning Area or portion thereof conditioned for said improvement, the Master Developer shall not be entitled to any Park DIF credit for that Planning Area or portion thereof and shall pay the full amount of Park DIF for that Planning Area or portion thereof within thirty (30) days of the final inspection of the last unit in that Planning Area or portion thereof. If Master Developer fails to pay such Park DIF when due, City shall have the right, but not the obligation, to draw upon the security posted for such fees to assure payment to the City of one hundred percent (100%) of the Park DIF for the conditioned Planning Area or portion thereof.

SECTION 9 ASSIGNMENT

9.1 Acknowledgement. Master Developer and Master Developer's Principals have demonstrated, and the City finds, that Master Developer and Master Developer's Principals possess the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Master Developer and Master Developer's Principals to assign the rights and privileges

contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

9.2 Master Developer's Principals. Master Developer is a partnership owned directly or indirectly by Julius Trump and Eddie Trump and members of their families (or trusts therefore), Iddo Benzeevi and members of his family (or trusts therefore), and a trust, the beneficiaries of which may include members of the families of Julius Trump and Eddie Trump and/or charitable institutions (collectively, the "Partners"). Notwithstanding Section 9.7, a change in the ownership of the Master Developer which does not result in the Partners no longer having control of the Master Developer shall not constitute an assignment. Though not an assignment under this Agreement, should any of the Partners become no longer associated with the Master Developer, Master Developer agrees to provide City with notice thereof within thirty (30) calendar days of such event.

9.3 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, Master Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section 9.

9.4 Non-assignment Sales or Leases to Builders. Notwithstanding any other provision in this Section, a sale or lease of a portion of the Property (whether or not a "bulk" sale of lots) to Builders without an assignment of any of the rights or obligations of this Agreement shall not constitute an assignment or other conveyance sufficient to trigger this Section 9. Any such sale or lease shall be exempt from oversight or approval procedures by City. Further, any such sale or lease shall in no way lessen or compromise the rights and obligations of the Parties to this Agreement.

9.5 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by Master Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Master Developer shall remain legally liable to the City for all such rights, duties and obligations. For purposes of this Section, contracting by the Master Developer or City Approved Assignee Developer for the construction of all or part of the Master Developer's obligations under Subsections 6.2, 6.7, 6.9, and/or 6.10 shall not constitute an assignment and the Master Developer or City approved Assignee

Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

9.6 Restriction on Assignment Not an Unreasonable Restraint on Alienation. Master Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that Master Developer will provide those public benefits identified in Section 6 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

9.7 Assignment. The management control and responsibility of Master Developer and the expertise, competence, reputation and financial strength of Master Developer are integral components of the consideration for City entering into this Agreement. In order to preserve such consideration for City and for City to receive full value, the Parties agree that the occurrence of any of the following events constitute, for the purposes of this Agreement, an assignment:

9.7.1 A change in the composition of ownership interests in or control of the Master Developer.

9.7.1.1 For purposes of this section, however, "change in the composition of ownership interests in or control of" shall not include uncontrolled changes in ownership based upon the death or disability of one or more of the ultimate owners (e.g., transfer to heirs or conservatorship).

9.7.2 A change in the composition of ownership interests in or control of the Property, including a sale of all or a portion of the Property (other than portions of the Property sold to an Assignee Developer or Builder).

9.7.3 Any express assignment or transfer of any of Master Developer's rights, duties, or obligations under this Agreement.

9.8 City Council Approval. Upon written request of the Master Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Master Developer, and Master Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Master Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Master Developer under Section 6 of this Agreement and/or the Project Approvals that was required to be completed under

the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

9.9 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

9.9.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

9.9.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

9.9.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

9.10 City Manager Approved Assignee Developers. Notwithstanding any other provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Master Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

9.10.1 The proposed Assignee Developer has developed to completion at least three (3) master planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

9.10.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

9.10.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

9.10.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

9.10.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section 9.10 at the time of the request for assignment; and

9.10.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the

assignment shall be deemed approved.

9.11 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in Master Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City, provided the City receives prior notice of such financing (including the name and address of the lender and the person or entities acquiring any such secured interest) and Master Developer retains the legal and equitable interest in the Property and remains fully responsible hereunder. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers. City recognizes that initial (though not exclusive) financing for the Project has already been secured by the Master Developer and presently encumbers the Property and that this financing is included in this exemption.

9.12 Notice of Assignment. Upon receiving approval of an assignment, Master Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

9.13 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and Master Developer assigns this Agreement to a third party, in whole or in part, Master Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

9.14 Approved Assignments. If City consents to the assignment, Master Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Master Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Master Developer shall remain legally liable therefore to the City.

9.15 Notice of Sale of Property. Master Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale

or transfer of any portion of the Property, specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

9.16 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract or parcel map. Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any such lot or parcel without the execution or recordation of any further document upon satisfaction of the following conditions:

9.16.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

9.16.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

9.17 Material Breach. Failure on the part of the Master Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 10 DELAYS IN PERFORMANCE

10.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Master Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not Master Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section. However, it is expressly understood that the provision of the third five year extension of the Term of this Agreement is the sole remedy regarding extension of the Term for

any cause whatsoever. Therefore, while the delays defined in this Section 10.1 may excuse or toll breaches of obligations during the Term of this Agreement and its extensions, in no event shall the Term of this Agreement extend beyond 25 years regardless of any such delays.

10.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 11 DEFAULT

11.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

11.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

11.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Master Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Master Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

11.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

11.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

11.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

11.7 Specific Default Remedies. In the Event of Default by Master Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to Master Developer's default without recourse.

11.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

11.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

11.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from Master Developer for any breach thereof. As such, the parties agree that in no event shall Master Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court.

11.11 Master Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after Master Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Master Developer or is waived by

City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Master Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

11.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

11.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

11.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 12 TERMINATION

12.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

12.2 Termination by City. If City terminates this Agreement because of Master Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 13 RELATIONSHIP OF PARTIES

13.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

13.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

13.3 No Joint Venture or Partnership. City and Master Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Master Developer joint ventures or partners.

13.4 No Third Party Beneficiaries. The only Parties to this Agreement are Master Developer and City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

13.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Development Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 14 AMENDMENT OF AGREEMENT

14.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

14.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event Master Developer finds that a change in the Existing Project Approvals is necessary or appropriate, Master Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

14.2.1 Alter the permitted uses, including the age-restriction, of the Property as a whole; or

14.2.2 Increase the density or intensity of use of the Property as a whole; or

14.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

14.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

14.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 15 PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

15.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Master Developer shall submit to the Planning Official of the City written documentation demonstrating good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Master Developer for failing to perform any of its obligations under this Agreement.

15.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Master Developer's good faith compliance with this Agreement.

15.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

15.3.1 During either an annual review or a special review, Master Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on Master Developer.

15.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Master Design Guidelines, Project Approvals or this Agreement as evidence of a pattern of non-compliance.

15.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by Master Developer with the terms of this Agreement and his or her recommended finding on that issue.

15.3.4 If the City Council finds on the basis of substantial evidence that Master Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

15.3.5 If the City Council makes a preliminary finding that Master Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to Master Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by Master Developer, Master Developer may demand in writing a response from City. Should City fail to respond to Master Developer's written demand within fifteen (15) days of such demand, Master Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

15.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to Master Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

15.4.1 The time and place of the hearing; and

15.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

15.4.3 Such other information as is reasonably necessary to inform Master Developer of the nature of the proceeding.

15.5 Hearing on Termination. At the time and place set for the hearing on termination, Master Developer shall be given an opportunity to be heard. Master Developer shall be required to demonstrate good faith compliance with

the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that Master Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

15.6 Estoppel. If City determines that Master Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that Master Developer does not timely file an Annual Report, City may request at any time, and Master Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that Master Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

15.7 Waiver. The City does not waive any claim of defect in performance by the Master Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 16 NOTICE

16.1 Form of Notice. All notices between the City and either the Master Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City:
City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to:
City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005

Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Master Developer: Highland Fairview Properties, LLC
24525 Alessandro Boulevard
Moreno Valley, CA 92552
Facsimile: (951) 242-9165
Attn: Iddo Benzeevi

With copies to: The Trump Group
4000 Island Boulevard
Williams Island, FL 33160
Facsimile: (305) 466-3570
Attn: Jules Trump

Mark Hirsch
The Trump Group
200 W. 57th Street
New York, NY 10019
Facsimile: (646) 871-8796

TG Services, Inc.
Attn: Jim Lieb, Executive Vice President
4 Stage Coach Run
East Brunswick, NJ 08816
Facsimile: (732) 390-3319

16.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 17 INDEMNITY

17.1 Indemnity. Master Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors free and harmless from any claims or liability based or asserted upon any act or omission of Master Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (Master Developer's employees included) or any other element or damage of any kind or nature, relating to or in any way connected with or arising from the activities provided in this Agreement. Master Developer shall defend, at its expense, including payment of attorneys' fees, City, its officers, agents, employees and independent contractors in any legal action based upon such alleged acts or omissions. City may, in its discretion, participate in the defense of any such legal action, and may choose its own legal counsel, the costs of which

shall be subject to this indemnification by Master Developer

17.2 Defense of Agreement & Project Approvals. Master Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

17.3 Environmental Indemnity. Master Developer shall defend, indemnify and hold City, its officers, agents, affiliated agencies, employees, and independent contractors free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Master Developer acquired the Property pursuant to a Real Property Purchase and Sales Agreement entered into with the Regents of the University of California ("Prior Property Owner") as the Seller dated as of January 6, 2004 ("the Purchase Agreement"). To the extent that Master Developer is or may be entitled to defense or indemnification from Prior Property Owner in connection with the presence of any such Hazardous Substances on the Property as provided in the Purchase Agreement, Master Developer shall assert any such defenses or indemnification rights on behalf of City, its officers, agents, employees, and independent contractors at City's option. If Master Developer chooses not to assert any such defenses or indemnification rights on behalf of City, Master Developer shall assign such rights to City. However, Master

Developer's obligation to defend, indemnify and hold harmless City and its officers, employees, agents or independent contractors from any claims or liability in connection with or arising from the presence of any Hazardous Substance on the Property or any portion thereof shall not be in any way limited or eliminated by the terms of the Purchase Agreement, and Master Developer's obligation hereunder shall survive the termination of this Development Agreement, no matter how caused. Notwithstanding anything herein to the contrary, Master Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by Master Developer to have been first brought onto the Property subsequent to the sale by the Master Developer of the Property, or the affected portions thereof.

SECTION 18 MORTGAGEE PROTECTIONS

18.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Master Developer, an Assignee Developer, or a Builder, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Master Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

18.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

18.3 Mortgagee Not Obligated. No Mortgagee of the Master Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Master Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

18.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Master Developer, Assignee Developer or Builder requesting a copy of any notice of default given to Master Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to Master

Developer or Assignee Developer, any notice given to Master Developer or Assignee Developer with respect to any claim by City that Master Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

18.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Master Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Master Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

18.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

18.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the master Developer's or Assignee Developer's obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

18.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

18.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of Master Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

18.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

18.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

18.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

18.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Master Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Master Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of Master Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section 18.5 prior to the City consenting to such assignment. Master Developer shall remain liable, however, for any obligations under the Amended Agreement unless Master Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 9 of this Agreement, provided that such Mortgagee or other purchaser assumes Master Developer's obligations under this Agreement.

18.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section 18.5, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

18.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Master Developer or Assignee Developer under this Agreement.

18.6 Master Developer Remains Liable. Unless expressly released by the City in writing, the Master Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Master Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Master Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

18.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of The Master Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving Master Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

18.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Master Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

18.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Master Developer or Assignee Developer who complies with the requirements of Section 18.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

18.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 14 of this Agreement governing amendments.

SECTION 19 INTERPRETATION AND ENFORCEMENT OF AGREEMENT

19.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

19.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and Master Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

19.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

19.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

19.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

19.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

19.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

19.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

19.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

19.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Master Developer

in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

19.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

19.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

19.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

19.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"MASTER DEVELOPER"

MORENO VALLEY PROPERTIES, LLC,

a California limited liability company

By:_____

_____, Manager

"CITY"

CITY OF MORENO VALLEY,

a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

DESCRIPTION

Page 1
Order No. 42015016

ALL OF BLOCKS 129, 138, 139, 148, 149, 152 AND 153 AS SHOWN BY MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 10 OF MAP, IN THE OFFICE OF THE COUNTY RECORDER OF SAN BERNARDINO COUNTY, CALIFORNIA, ALSO LOTS 2 TO 7 INCLUSIVE OF BLOCK 150, LOTS 2 TO 8, INCLUSIVE IN BLOCK 151, LOTS 1, 2, 7 AND 8 IN BLOCK 157 AND LOTS 3, 4 AND 5 IN BLOCK 158, AS SHOWN BY MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY.

TOGETHER WITH THOSE PORTIONS OF THE STREETS AND AVENUES VACATED BY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, A CERTIFIED COPY OF WHICH WAS RECORDED AUGUST 11, 1966 AS INSTRUMENT NO. 81996, OFFICIAL RECORDS, WHICH WOULD PASS WITH A CONVEYANCE OF SAID LAND.

EXCEPTING FROM BLOCK 138 THOSE PORTIONS DESCRIBED IN THE DEED TO THE COUNTY OF RIVERSIDE RECORDED AUGUST 31, 1992 AS INSTRUMENT NO. 324866.

ALSO EXCEPTING FROM BLOCKS 148 AND 153 THOSE PORTIONS DESCRIBED IN THE DEED TO THE MORENO VALLEY UNIFIED SCHOOL DISTRICT RECORDED JULY 19, 1994 AS INSTRUMENT NO. 286514.

ALSO EXCEPTING AND RESERVING WITHOUT RIGHT OF SURFACE ENTRY, AS A MINERAL INTEREST AND NOT AS A ROYALTY INTEREST, ALL OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND ACCOMPANYING FLUIDS, INCLUDING BUT NOT BY WAY OF LIMITATION, ALL GEOTHERMAL RESOURCES IN, UNDER, OR PRODUCED AND SAVED FROM THE REAL PROPERTY GRANTED HEREIN, TOGETHER WITH ANY OF THE FOREGOING THAT MAY BE ALLOCATED THERETO PURSUANT TO ANY POOLING OR UNITIZATION AGREEMENT OR RATABLE TAKINGS PROGRAM TO WHICH GRANTOR MAY SUBSCRIBE, AND TOGETHER WITH THE SOLE AND EXCLUSIVE RIGHT TO PROSPECT FOR, DRILL FOR, PRODUCE, AND REMOVE SUCH OIL, GAS, OTHER MINERALS AND HYDROCARBON SUBSTANCES, AND GEOTHERMAL RESOURCES, FROM SAID REAL PROPERTY BELOW THE DEPTH OF FIVE HUNDRED (500') FROM THE SURFACE OF SAID REAL PROPERTY, INCLUDING THE RIGHT TO SLANT DRILL FROM ADJACENT PROPERTY, THE RIGHT TO UTILIZE SUBSURFACE STORAGE FOR NATURAL SUBSTANCES, AND THE RIGHT TO MAINTAIN SUBSURFACE PRESSURES, AS RESERVED IN THE DEED RECORDED JANUARY 7, 2004 AS INSTRUMENT NO. 010169, OFFICIAL RECORDS.

EXHIBIT "A"

EXHIBIT "B" – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	**Active Adult (+55) Housing** Detached Attached	 351 234	 DU DU	July 06 – Jan 08	Jan 07 – Feb 08
2	**Active Adult (+55) Housing** Detached Attached	 289 193	 DU DU	July 07 – July 08	Jan 08 – Aug 08
3	**Active Adult (+55) Housing** Detached Attached	 301 201	 DU DU	Feb 08 – Mar 08	Aug 08 – Apr 09
4	**Active Adult (+55) Housing** Detached Attached	 460 306	 DU DU	Sept 08 – Feb 10	Mar 09 – Mar 10
5	**Active Adult (+55) Housing** Detached Attached	 220 147	 DU DU	Aug 09 – Aug 10	Feb 10 – Oct 10
6	**Apartment Complex** **Hotel**	220 300	DU Room	Aug 09 – Aug 10 Mar 11 – Apr 12	Oct 10 – July 10 ----------

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median ($70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris ($3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle ($3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

Location	Direction	Improvement	Phase	Footnotes
Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 6	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 6	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 6	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 6	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 6	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 6	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 6	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 6	
Cactus Avenue		Coordination of traffic signals on Cactus ($3500 per intersection)	Phase 6	

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

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END OF EXHIBIT "B"

AFFIDAVIT OF POSTING
CITY OF MORENO VALLEY

I, Alice Reed, City Clerk of the City of Moreno Valley, California, certify that on the 22nd day of December, 2005, I caused Ordinance No. 704 to be posted in the following places pursuant to City of Moreno Valley Resolution No. 2003-20:

Moreno Valley Senior/Community Center
25075 Fir Avenue

City Hall, City of Moreno Valley
14177 Frederick Street

Moreno Valley Library
25480 Alessando Boulevard

Dated: January 3, 2006

Alice Reed

Alice Reed, City Clerk

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Authorize the City Attorney to execute the Bonds in the form attached hereto.

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation.

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for Phase 1 and provide the City with bond documents for all improvements. Separately, the developer requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with a real property Deed of Trust having a valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements.

The developer has completed and submitted a Public Improvement Agreement and bond securities for the Phase 1 public improvements. The developer has provided City staff with a separate bond for each of the nine tasks noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months of the date the agreement is executed. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are between Redlands Boulevard, Theodore Street, State Route 60 and Eucalyptus Avenue, and include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

Accompanying the agreement are Faithful Performance Bonds and Material & Labor Bonds in the amounts noted below for each of the following tasks, issued by Safeco Insurance Company of America:

- Eucalyptus Avenue – Phase 1 Street Improvements - $2,778,000 and $1,389,000
- Theodore Street – Phase I Street Improvements - $821,000 and $410,500

- Eucalyptus Avenue – Phase 1 Sewer Improvements - $467,000 and $233,500
- Eucalyptus Avenue – Phase 1 Water Improvements - $1,050,000 and $525,000
- Eucalyptus Avenue – Phase 1 Recycled Water Improvements - $434,000 and $217,000
- Parcel Map 35629 – Sinclair Off-site Water Improvements - $725,000 and $362,500
- Redlands Boulevard – Phase 1 Water Improvements - $171,000 and $85,500
- Parcel Map 35629 – Monumentation - $42,000 and $21,000
- Eucalyptus Avenue – Phase 1 Electrical Improvements - $849,000 and $424,500

Given the present economy as well as the size and uniqueness of the project, allowing the use of multiple securities and multiple partial reductions seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A-1” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Street Work
Exhibit “A-2” - Vicinity Map for Limits of Theodore Street Phase I Street Work
Exhibit “A-3” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Sewer Work
Exhibit “A-4” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Water Work
Exhibit “A-5” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Recycled Water Work
Exhibit “A-6” - Vicinity Map for Limits of Sinclair Off-site Water Work
Exhibit “A-7” - Vicinity Map for Limits of Redlands Boulevard Phase 1 Water Work
Exhibit “A-8” – (This Page Intentionally Left Blank)
Exhibit “A-9” - Vicinity Map for Limits of Eucalyptus Avenue Phase 1 Electrical Work
Exhibit “B” - Agreement for Public Improvements

Exhibit “C” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Street Improvements

Exhibit “D” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Street Improvements
Exhibit “E” - Faithful Performance Bond for Theodore Street Phase I Street Improvements
Exhibit “F” - Material and Labor Bond for Theodore Street Phase I Street Improvements
Exhibit “G” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “H” - Material and Labor Bond Eucalyptus Avenue Phase 1 Sewer Improvements
Exhibit “I” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “J” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Water Improvements
Exhibit “K” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “L” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Recycled Water Improvements
Exhibit “M” - Faithful Performance Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “N” - Material and Labor Bond for Parcel Map 35629 Sinclair Off-site Water Improvements
Exhibit “O” - Faithful Performance Bond for Redlands Boulevard Phase 1 Water Improvements
Exhibit “P” - Material and Labor Bond Redlands Boulevard Phase 1 Water Improvements
Exhibit “Q” - Faithful Performance Bond for Parcel Map 35629 Monumentation
Exhibit “R” - Material and Labor Bond for Parcel Map 35629 Monumentation
Exhibit “S” - Faithful Performance Bond for Eucalyptus Avenue Phase 1 Electrical Improvements
Exhibit “T” - Material and Labor Bond for Eucalyptus Avenue Phase 1 Electrical Improvements

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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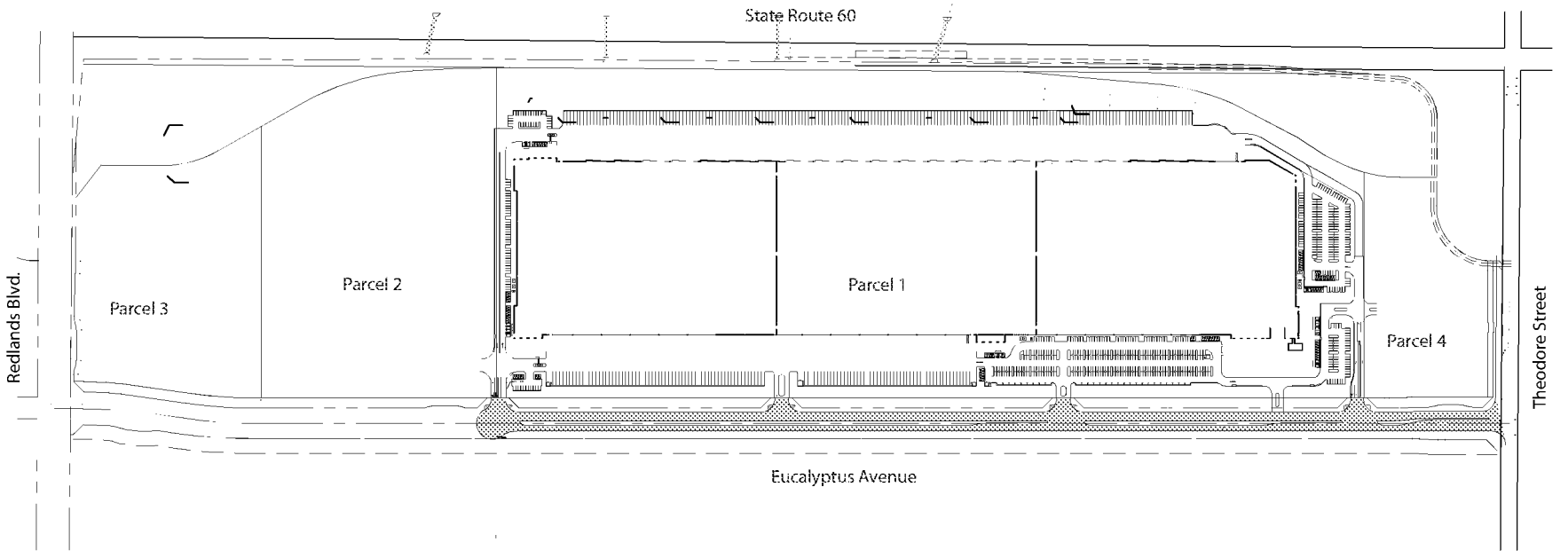

HFCP-Eucalyptus Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-1"

PA07-0090
VICINITY MAP

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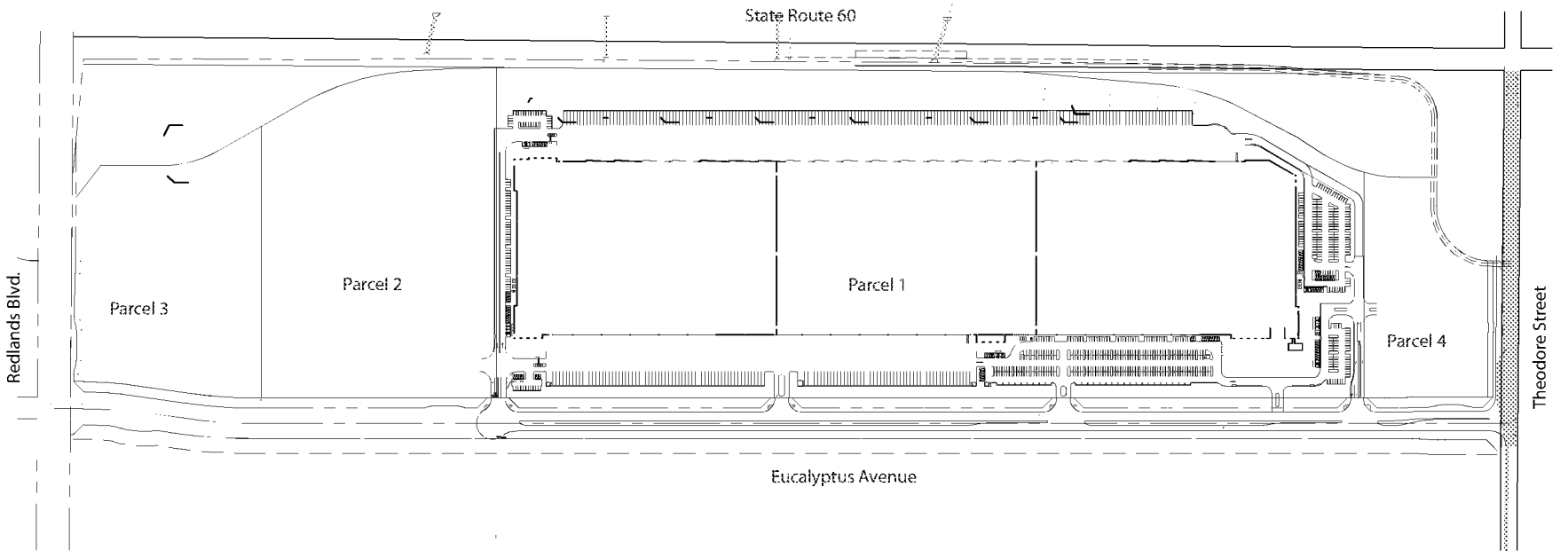

HFCP-Theodore Phase 1 Street Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-2"

PA07-0090
VICINITY MAP

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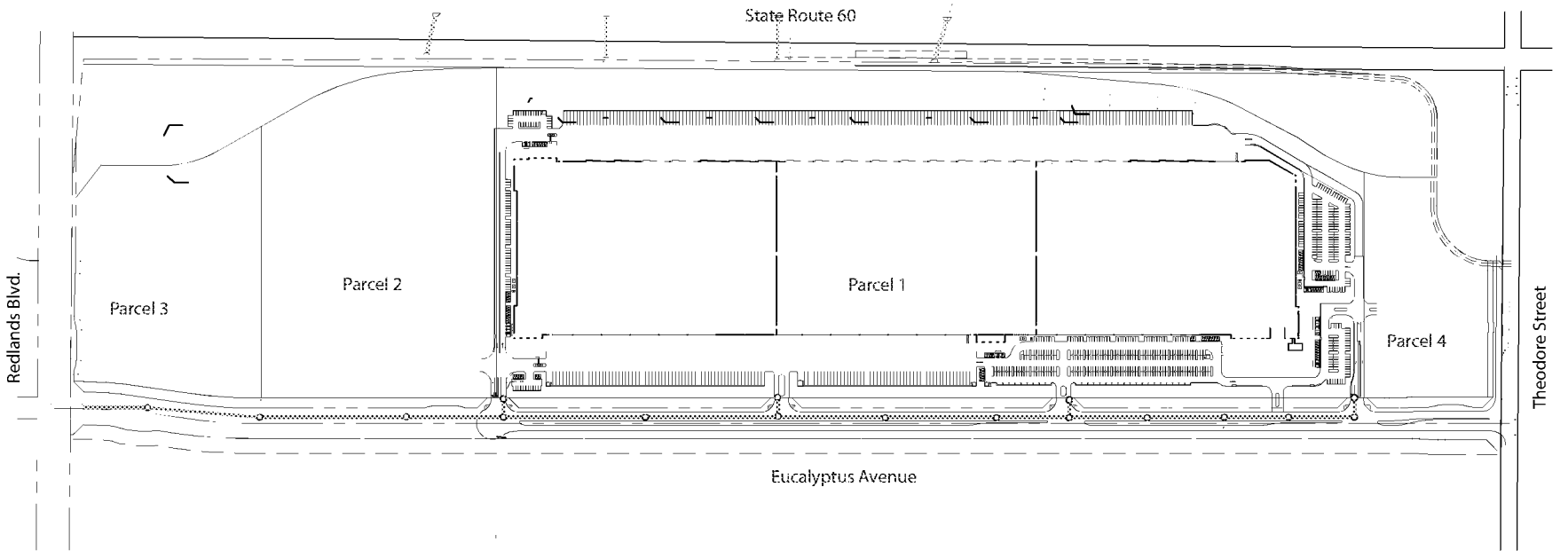

HFCP-Eucalyptus Sewer Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-3"

PA07-0090
VICINITY MAP

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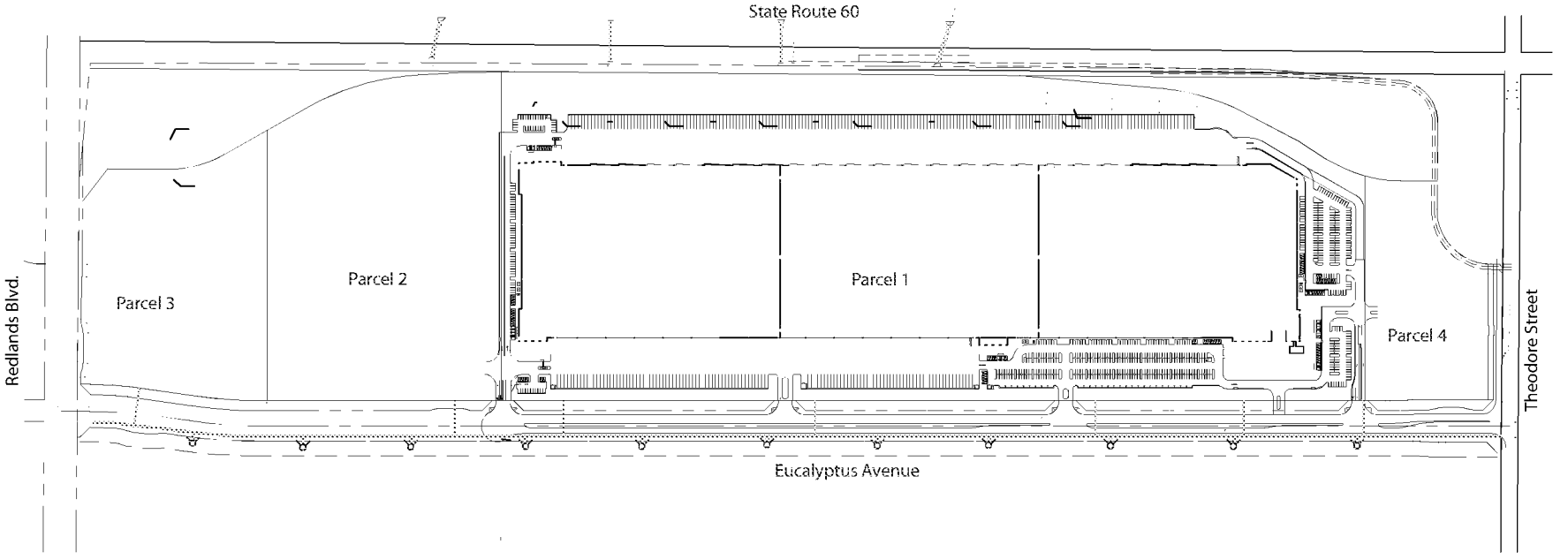

HFCP-Eucalyptus Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-4"

PA07-0090
VICINITY MAP

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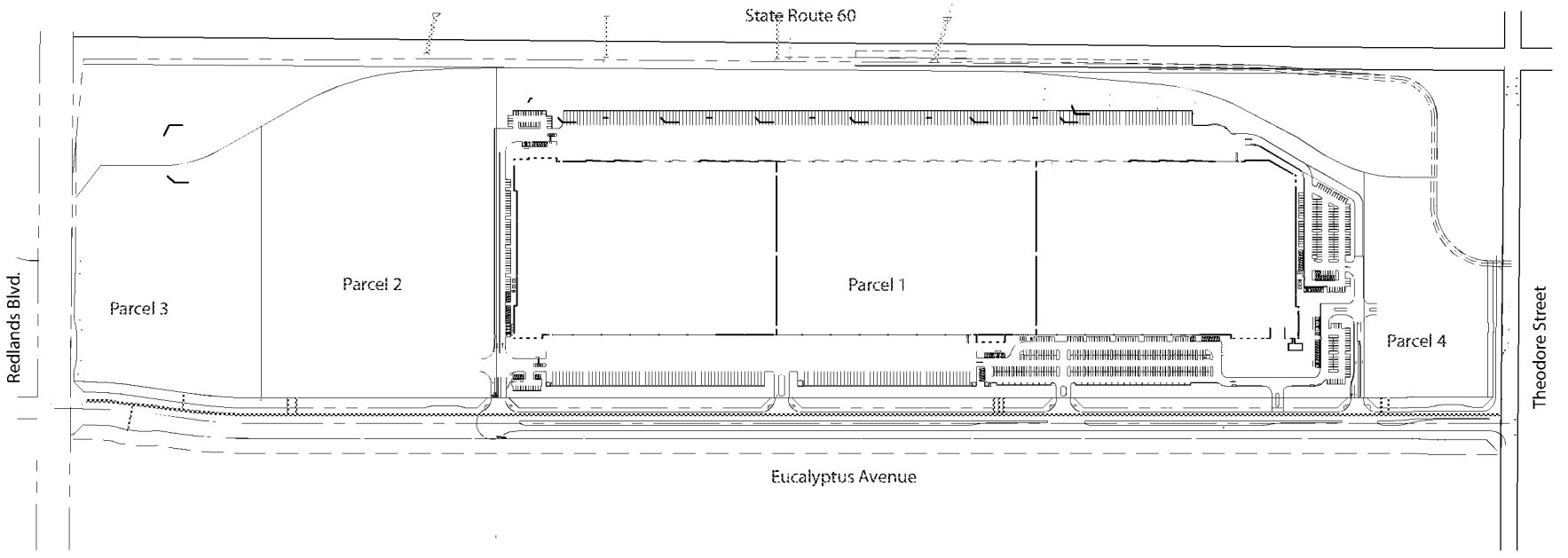

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-5"

PA07-0090
VICINITY MAP

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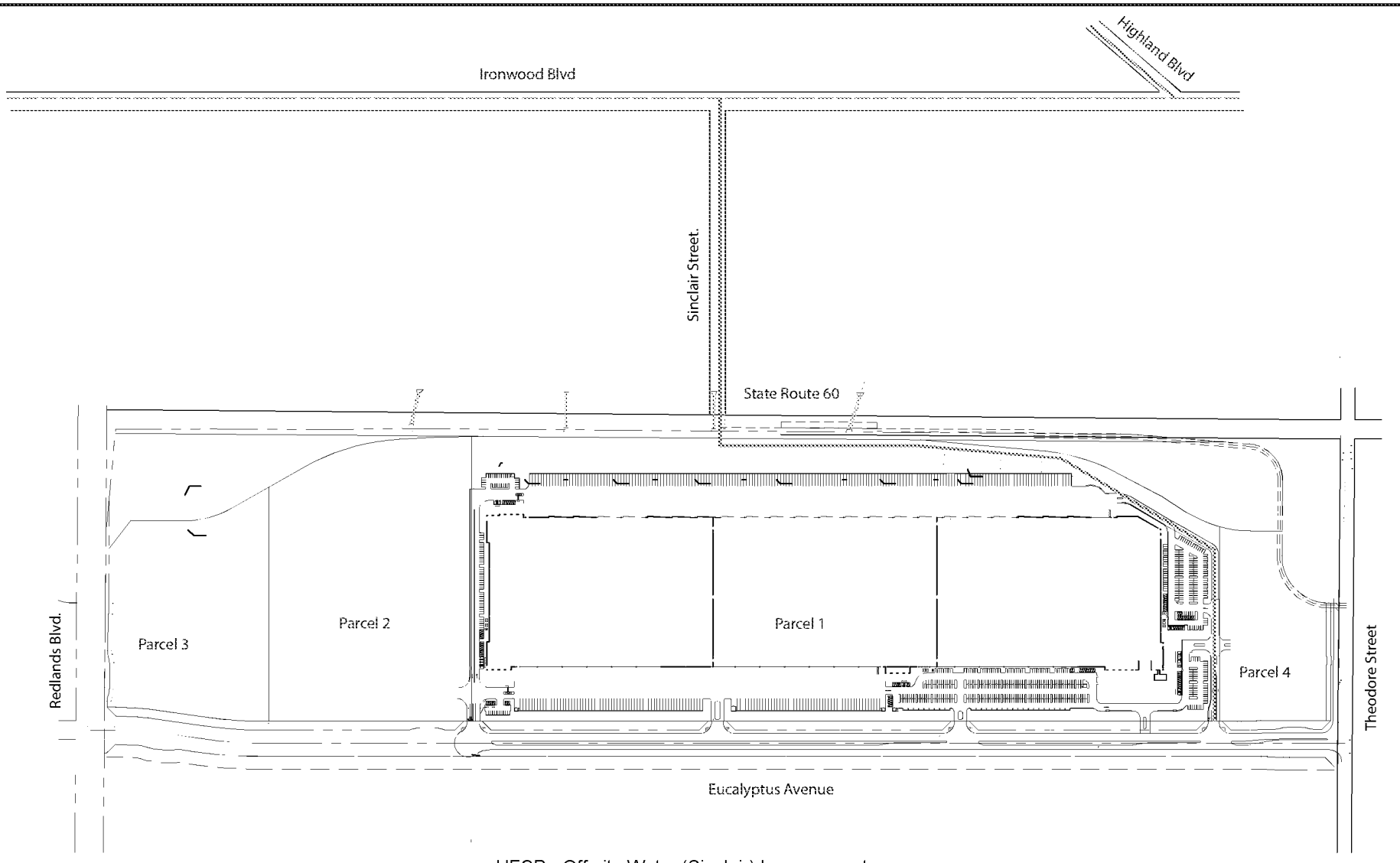

HFCP - Off-site Water (Sinclair) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-6"

PA07-0090
VICINITY MAP

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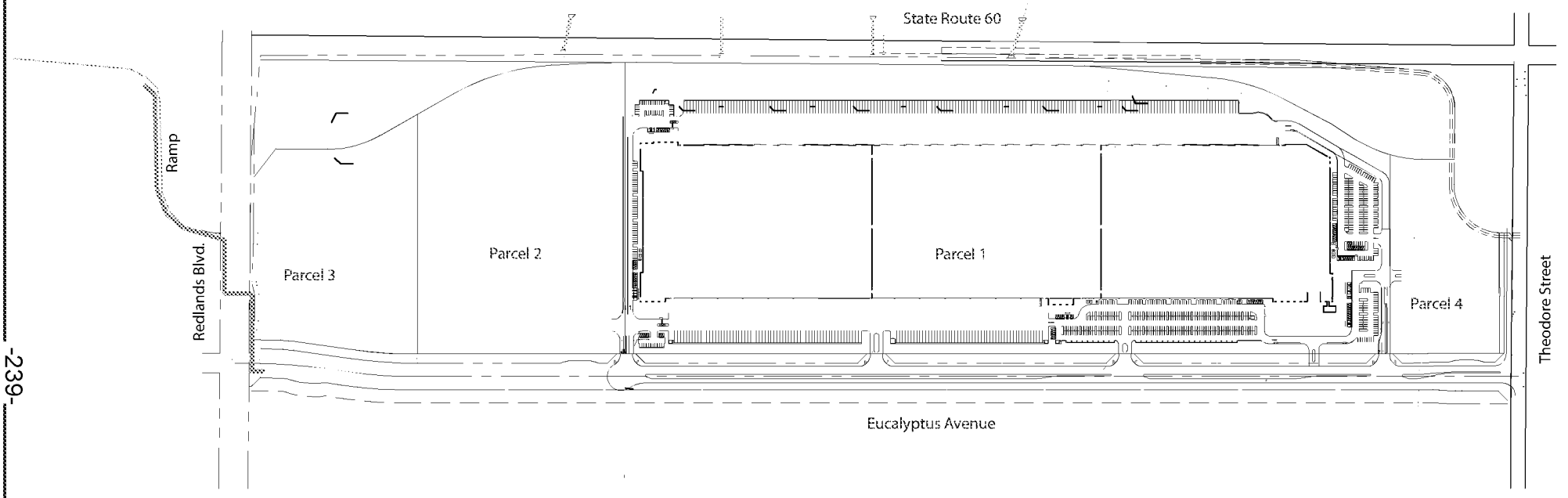

HFCP - Off-site Water (Redlands) Improvements

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-7"

PA07-0090
VICINITY MAP

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MV00075543

No Exhibit for Parcel Map Monumentation

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CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A-8"	**PA07-0090** **Vicinity Map**

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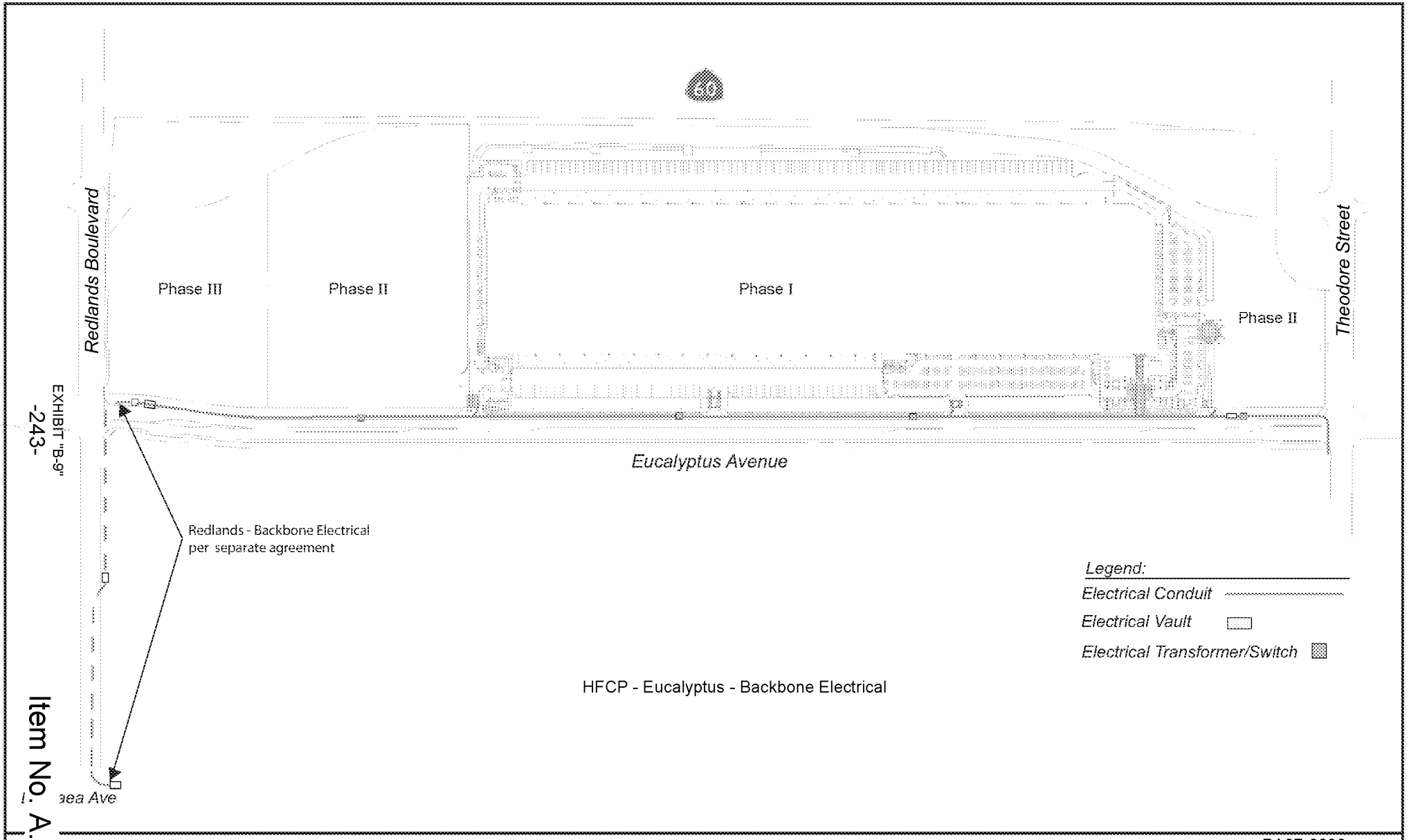

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

Exhibit "A-9"

PA07-0090
VICINITY MAP

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR A PORTION OF PHASE 1 PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA07-0090 (TENTATIVE PARCEL MAP 35629)

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T1, LLC** herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for the portion of Phase 1 as listed below which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Eucalyptus Avenue – Phase 1 Street Improvement Plans (A-1)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-1 and location map labeled Exhibit B-1 attached hereto, is the sum of TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND AND NO/100 Dollars (*****$2,778,000.00 *****).

Theodore Street – Phase I Street Improvement Plans (A-2)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-2 and location map labeled Exhibit B-2 attached hereto, is the sum of EIGHT HUNDRED TWENTY-ONE THOUSAND AND NO/100 Dollars (*****$821,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Sewer Improvement Plans (A-3)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-3 and location map labeled Exhibit B-3 attached hereto, is the sum of FOUR HUNDRED SIXTY-SEVEN THOUSAND AND NO/100 Dollars (*****$467,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Water Improvement Plans (A-4)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-4 and location map labeled Exhibit B-4 attached hereto, is the sum of ONE MILLION FIFTY THOUSAND AND NO/100 Dollars (*****$1,050,000.00 *****).

Eucalyptus Avenue – Phase 1 Off-site Recycled Water Improvement Plans (A-5)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-5 and location map labeled Exhibit B-5 attached hereto, is the sum of FOUR HUNDRED THIRTY-FOUR THOUSAND AND NO/100 Dollars (*****$434,000.00 *****).

Parcel Map 35629 – Sinclair Off-site Water Improvement Plans (A-6)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-6 and location map labeled Exhibit B-6 attached hereto, is the sum of SEVEN HUNDRED TWENTY-FIVE THOUSAND AND NO/100 Dollars (***$725,000.00 ***).

Redlands Boulevard – Phase 1 Water Improvement Plans (A-7)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-7 and location map labeled Exhibit B-7 attached hereto, is the sum of ONE HUNDRED SEVENTY-ONE THOUSAND AND NO/100 Dollars (***$171,000.00 ***).

Parcel Map 35629 – Monumentation (A-8)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-8 attached hereto, is the sum of FORTY TWO THOUSAND AND NO/100 Dollars (***$42,000.00 ***).

Eucalyptus Avenue – Phase 1 Electrical Improvement (A-9)
The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A-9 attached hereto, is the sum of EIGHT HUNDRED FORTY-NINE THOUSAND AND NO/100 Dollars (***$849,000.00 ***).

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the Improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the Improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work for Improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bond(s) with good and sufficient sureties or increase the amounts of said bond or bond(s), or both, within ten (10) days after being notified by the City Engineer that the amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required Improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of said bonds. Developer reserves the right to

substitute the form of security, in accordance with the Moreno Valley Municipal Code, at anytime during the term of this agreement, subject to approval of the City Engineer and City Attorney. As this project is very unique in both the size and the timing of construction activities, as well as being considered eligible for Time and Material (T&M) fee collection, it has been determined by the City Engineer that the project may receive incremental reductions to each of the securities ensuring the construction of the associated public improvements. At twenty percent (20%) completion, forty percent (40%) completion, sixty percent (60%) completion and eighty percent (80%) completion of the public improvements as measured by the dollar value of said improvements as set forth in the Engineer's Preliminary Estimate of Cost and associated unit costs (Exhibits A-1 through A-8) and upon written request by the Developer for a partial reduction of the security, the bonding company shall be instructed by the City Engineer in writing to reduce an amount in the bond not to exceed twenty percent (20 %) increments of the original amount established for the bond, provided that all such work has been reviewed, verified, inspected and approved by the City Engineer, Land Development engineering staff and applicable City inspectors. The remaining percentage of the bond securing the estimated cost of labor and materials shall be released to the Developer no sooner than 90 days after acceptance of the improvements by the City. After one hundred percent (100%) completion of the public improvements and formal acceptance of the improvements by the City Council, ten percent (10%) of the original bond amount for the faithful performance shall be retained until expiration of the twelve (12) month warranty period pursuant to Government Code Section 66499 to secure required warranty work.

EIGHTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time may be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the security or securities. Developer further agrees to maintain the aforesaid securities in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developer:
HF LOGISTICS-SKX T1, LLC,
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

HF LOGISTICS-SKX/T1, LLC:
Developer

BY: _____
Signature

Iddo Benzeevi
Print/Type Name

President + CEO
Title

BY: _____
Signature

_____
Print/Type Name

_____
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATES OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8.2.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Aldo Benzoni (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: AGRMT - PRATION OF PH. I PUBLIC IMPRV.

Document Date: NONE AT THIS TIME Number of Pages: ____

Signer(s) Other Than Named Above: ____

Capacity(ies) Claimed by Signer(s)

Signer's Name: ALDO BENZONI	Signer's Name: ____
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s): ____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: ____	☐ Other: ____
Signer Is Representing: ____	Signer Is Representing: ____
Top of thumb here	Top of thumb here

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8/2/10
VBG

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PA07-0060

DATE: 8/13/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	1	Thickness (ft.)				
	268225	S.F.	19448	Ton	33.00	641,718
A.C. - Street 1	0.5	Thickness (ft.)				
	268225	S.F.	9723	Ton	80.00	777,840
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	1,419,558

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/15
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	75	S.F.	3.25	244
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	75	L.F.	3.00	225
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	14	EA.	800.00	11,200
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	38.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	3490	L.F.	30.00	104,700
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	5117	L.F.	25.00	127,925
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	534	L.F.	12.00	6,408
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.35	0
Sidewalk	22023	S.F.	4.25	93,598
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	1080	S.F.	6.50	7,020
Driveway Approach - 8"	792	S.F.	10.50	8,311
Wheelchair Ramp	8	EA.	2,600.00	20,800
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
Emergency Vehicle Median Access	0	S.F.	11.00	0
10' Recreational Trail	0	S.F.	2.50	0
			SUBTOTAL	380,331
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	3247	L.F.	30.00	97,410
Traffic Striping/raised pavement markers	1	L.S.	-	28,386
Traffic Striping (DIF Street -Ferris Blvd)	0	L.S.	-	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	1	EA.	200.00	200
Signs and Posts	27	EA.	200.00	5,400
Signs and Posts (DIF Street -)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pb-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	80.00	0
Standard Pipe Gate	3	EA.	3,000.00	9,000
			SUBTOTAL:	140,896
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	1,500.00	0
			SUBTOTAL:	0

Item No. A.13

MV00075554

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	33825	S.F.	6.00	202,936
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	6,000.00	0
Street Lights (22000 lumen)	24	EA.	6,000.00	144,000
			SPECIAL DISTRICTS SUBTOTAL:	346,936
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	28.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Diff Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	330.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	456.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	28.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	134	L.F.	30.00	4,020
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5600.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5600.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Off St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	7	EA.	535.00	3,745
Catch Basin (3.5') (Diff Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Diff Street Name)	0	EA.	5600.00	0
Catch Basin (14') (Diff Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Diff Street Name)	0	EA.	12500.00	0
Local Depressions (Diff Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	5	EA.	2100.00	10,500
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	5000.00	0
Headwall	0	EA.	5500.00	0
12"x12" Grate Basin	5	EA.	1800.00	9,000

Item No. A.13

MV00075556

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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	7500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5000.00	0
Concrete Collar (Greater than 48")	0	EA.	6000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	15.00	0
Down Drain	0	S.F.	15.00	0
Parkway Drain	0	EA.	1500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	27,285

8/2/10
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EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,850.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,250.00	0
12" Butterfly Valve	0	EA.	1,850.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevention, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		625.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

Item No. A.13

MV00075558

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	300.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,800.00	0
Join Existing 8" Pipe	0	EA.	1,800.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

8/2/10
VBC

EXHIBIT "A-1"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Phase I Street Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$1,418,556
OFFSITE STREET WORK	:	$380,331
SPECIAL DISTRICTS	:	$346,936
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$27,285
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,906
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$2,314,995
+20% CONTINGENCY:		$463,000
GRAND TOTAL:		$2,777,997

BOND AMOUNT: $2,778,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 62821
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

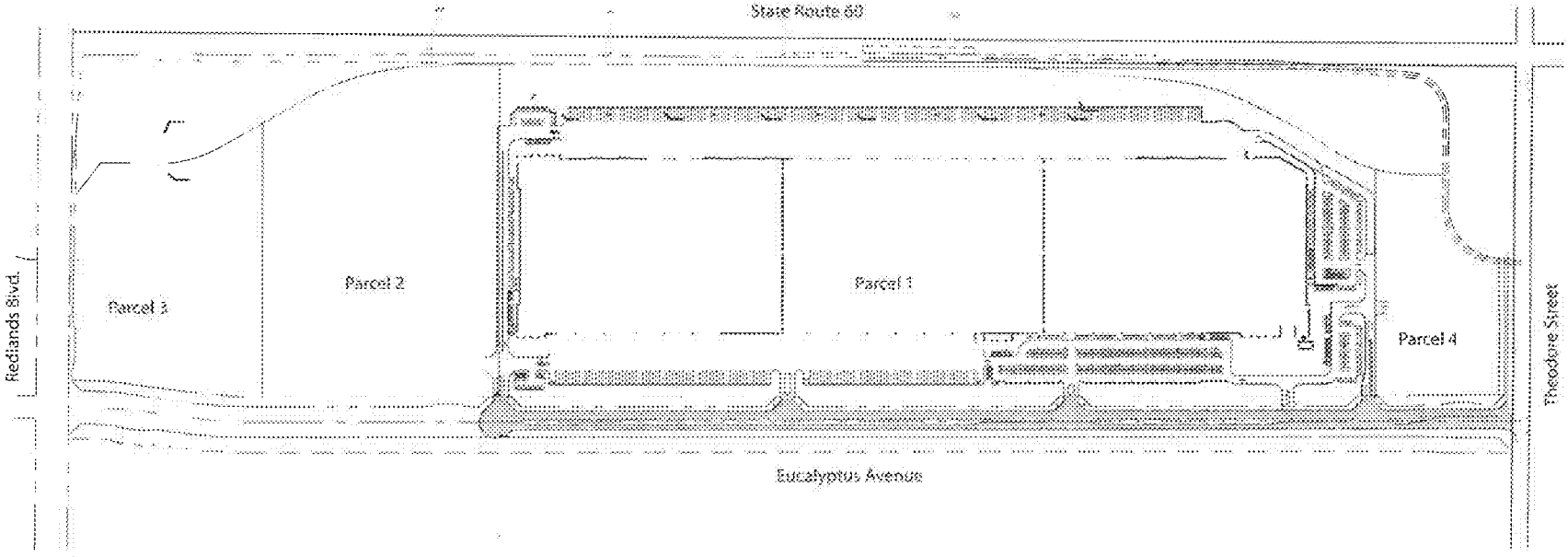

EXHIBIT "B-1"

HFCP-Eucalyptus Phase 1 Street Improvements

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			1094	C.Y.	29.00	30,856
A.B. Class II - Street 1	0.65	Thickness (ft.)				
	44222	S.F.	2083	Ton	33.00	68,739
A.C. - Street 1	0.5	Thickness (ft.)				
	78026	S.F.	2755	Ton	80.00	220,400
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL	319,995

Item No. A.13

Exhibit "A-2"
ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
PUBLIC STREET WORK

DATE: 07/29/19
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.10'	1006	S.F.	3.00	3,018
Grind & Pave 0.20'	0	S.F.	3.50	0
Cold Mill Existing Pavement (.35')	51700	SF	1.25	64,625
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	1743	S.Y.	2.25	3,922
Paving Fabric	0	S.Y.	1.20	0
Sawcut	1006	L.F.	3.00	3,018
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 6" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 6" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	3087	L.F.	12.00	37,044
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,000.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	1	EA.	30,000.00	30,000
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	3	AC	5,000.00	15,000
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	420	L.F.	150.00	63,000
				0
			SUBTOTAL	318,627
Traffic Improvements (Plan Checked by Trans. Eng'g staff/inspected by LDD staff)				
Traffic Signal (Interconnect), Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	1	L.S.	--	5,922
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	1	EA.	500.00	500
Stop Sign	0	EA.	300.00	0
Signs and Posts	4	EA.	200.00	800
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	10000	L.S.	1	10,000
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	1370	L.F.	90.00	123,300
			SUBTOTAL:	140,522
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	188.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,000.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/29/19
PREPARED BY: Pasilak Revera

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	8.00	0
Landscaping - Parkways	0	S.F.	8.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	8.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/29/10

PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	567.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	60.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	600.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7000.00	0
Manhole No. 3	0	EA.	8000.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	13000.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
23" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	3000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA.	5500.00	0

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvements

DATE: 07/29/10

PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	8500.00	0
Junction Structure	0	EA.	8500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	9500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
Overside Drain	4	EA.	1000.00	4,000
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	4,000

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	85.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	950.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,500.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		180.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		250.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		400.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		225.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL	0

MV00075567

ENGINEER'S ESTIMATE

PROJECT: Theodore Avenue - Phase I Street Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	180.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	18.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	900.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Theodore Avenue - Phase I Street Improvement Plans
DATE: 07/26/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$319,995
OFFSITE STREET WORK	:	$219,627
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$4,000
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$140,522
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$684,143
+20% CONTINGENCY:		$136,829
GRAND TOTAL:		$820,972

BOND AMOUNT: **$821,000**

MV00075569

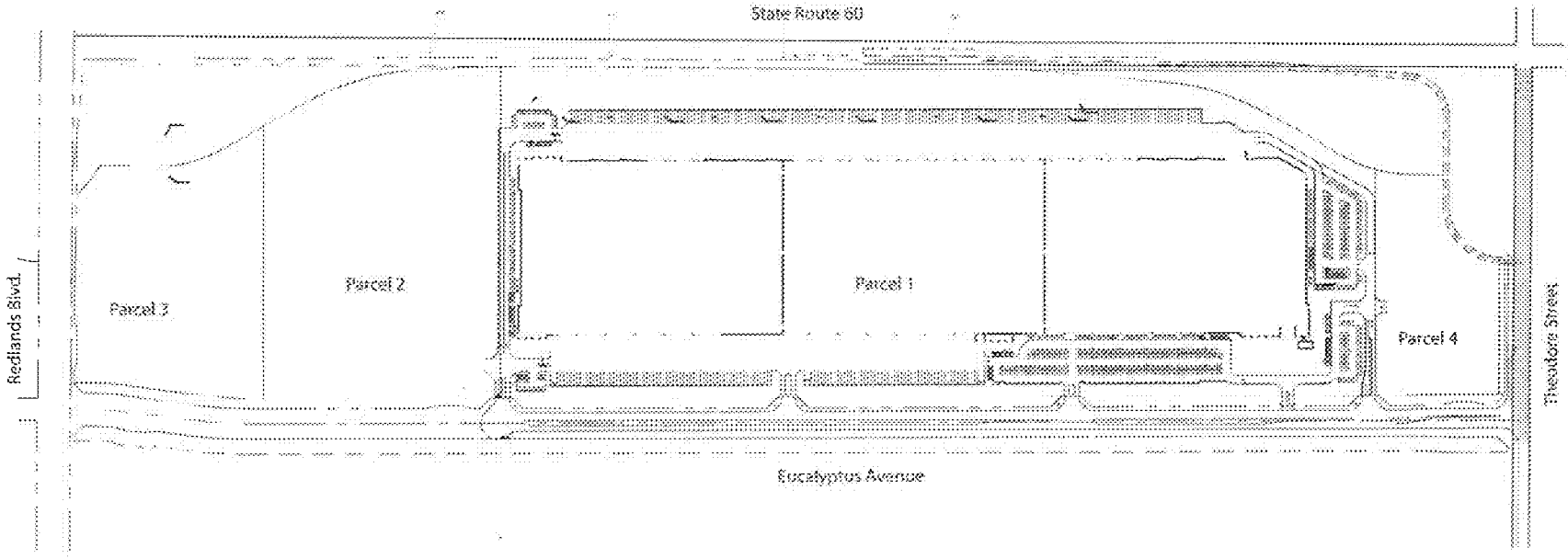

EXHIBIT "B-2"

HFCP-Theodore Phase 1 Street Improvements

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/30/19
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
PUBLIC STREET WORK

DATE: 07/30/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	300.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,500.00	0
Alley Approach - 6"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LOD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd.)	0	EA.	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	198.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	8500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,600.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	980.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Prevenior, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
5" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	156	L.F.	40.00	6,240
8" V.C. Pipe	635	L.F.	55.00	34,925
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	2424	L.F.	70.00	169,680
15" V.C. Pipe	1518	L.F.	80.00	121,280
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	2	EA.	730.00	1,460
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	4	EA.	3,140.00	12,560
Standard Manhole 48" Extra Depth	10	EA.	3,500.00	35,000
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	1	EA.	2,000.00	2,000
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	4731	L.F.	1.20	5,677
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	388,822

EXHIBIT "A-3"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Avenue - Offsite Sewer Improvement Plans
DATE: 07/06/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$388,822
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$388,822
+20% CONTINGENCY:		$77,764
GRAND TOTAL:		$466,587

BOND AMOUNT: $467,000

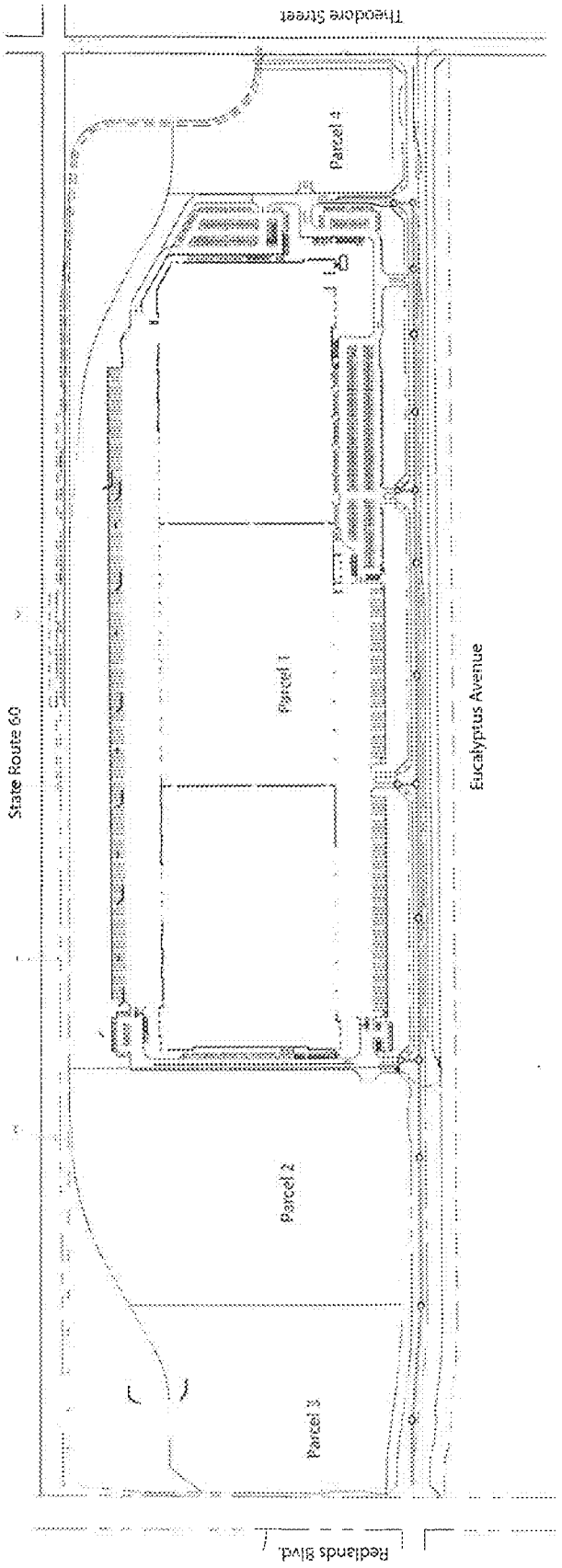

EXHIBIT "B-3"

HFCP-Eucalyptus Sewer Phase 1 Improvements

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation						
A.B. Class II - Street 1	0	Thickness (ft.)	0	C.Y.	29.00	0
	0	S.F.				
A.C. - Street 1	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 2			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 2	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 3			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 3	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
Roadway Excavation			0	Ton	80.00	0
A.B. Class II - Street 4			0	C.Y.	29.00	0
	0	Thickness (ft.)				
	0	S.F.				
A.C. - Street 4	0	Thickness (ft.)	0	Ton	33.00	0
	0	S.F.				
			0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'				
A.C. Cap/Overlay	0	S.F.	3.25	0
Slurry Seal (Based on $150/Ton Type II)	0	Ton	80.00	0
Paving Fabric	0	S.Y.	2.25	0
Sawcut	0	S.Y.	1.20	0
Utility Trench	0	L.F.	3.00	0
Trench Repaving	0	L.F.	17.00	0
Redwood Header	0	S.F.	12.00	0
Curb Only - 8"	0	L.F.	6.00	0
Curb Only - 8"	0	L.F.	20.00	0
Adjust M.H. to Grade	0	L.F.	35.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	EA.	500.00	0
Remove Existing Curb & Gutter	0	SF	28.00	0
	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 8"				
P.C.C. Paving - 8"	0	S.F.	6.50	0
Curb and Gutter - 8"	0	S.F.	10.50	0
Curb and Gutter - 8"	0	L.F.	25.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8"	0	L.F.	30.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	35.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 8"	0	L.F.	28.00	0
A.C. Curb 8"	0	L.F.	12.00	0
Cross Gutter and Spandrel	0	L.F.	15.00	0
Sidewalk	0	S.F.	10.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	4.25	0
Driveway Approach - 6"	0	S.F.	14.00	0
Driveway Approach - 8"	0	S.F.	8.50	0
Wheelchair Ramp	0	S.F.	10.50	0
Alley Approach - 8"	0	EA.	2,600.00	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	S.F.	10.25	0
Bus Bay	0	L.F.	100.00	0
	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles				
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	30,000.00	0
Erosion Control	0	EA.	4,500.00	0
Walls - Masonry: 6' Maximum	0	AC	5,000.00	0
Walls - Retaining: 6' Maximum	0	L.F.	100.00	0
	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)				
Traffic Signal Modification	0	EA.	272,000.00	0
Traffic Signal Interconnect	0	L.S.	0	0
Traffic Striping/raised pavement markers	0	L.F.	30.00	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	L.S.	--	0
Stop Sign	0	EA.	500.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	300.00	0
Traffic Control	0	EA.	100.00	0
Traffic Control (DIF Street Name)	0	L.S.	0	0
Traffic Signal PB-Adjust to Grade	0	L.S.	10000	0
Metal Guard Rail	0	EA.	800.00	0
	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities				
Cluster Mail Boxes	0	L.F.	196.00	0
Relocate Mailbox	0	EA.	4,500.00	0
Relocate Cluster Mailbox	0	EA.	350.00	0
Monuments	0	EA	1,200.00	0
Relocate Trees	0	EA.	300.00	0
	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatior	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	734.00	0
114" Reinforced Concrete Pipe	0	L.F.	765.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1250.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (DIF St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA	6000.00	0
Headwall	0	EA.	5000.00	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	6500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	412	L.F.	55.00	22,660
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	5104	L.F.	135.00	689,040
20" PVC C-900	0	L.F.	160.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,560.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	1	EA.	14,300.00	14,300
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	7	EA.	2,800.00	19,600
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	5	EA	4,000.00	20,000
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
8" Blow Off	3	EA.	4,000.00	12,000
6" Backflow Preventor, Pad & Cover	0	EA	6,300.00	0
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	12	EA	4,500.00	54,000
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	3	EA.	1,600.00	4,800
4" Service	3	EA.	2,100.00	6,300
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0	EA.	750.00	0
Misc. Fittings 18"	18	EA.	1,000.00	18,000
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
4" Meter	3		1,000.00	3,000
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F	3.00	0
Concrete Cap-18" Water: 7.25 SF x 66 LF = 479 CF = 17.7 CY	18	CY	300.00	5,310
			SUBTOTAL	874,950

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Clean Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	600.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,800.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	60.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-4"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$874,950
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$874,950
+20% CONTINGENCY:		$174,990
GRAND TOTAL:		$1,049,940

BOND AMOUNT: $1,050,000

HFCP-Eucalyptus Water Phase 1 Improvements

EXHIBIT "B-4"

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

DATE: 07/30/10
PROJECT: Eucalyptus Recycled Water Improvements
PREPARED BY: Patrick Revere
PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	500.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,800.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	18,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	30.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinator	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8' Wide Strip Basin	0	EA	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	50.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-8"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	5074	L.F.	55.00	279,070
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	1	EA.	530.00	530
8" Gate Valve	1	EA.	1,340.00	1,340
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	4	EA.	2,300.00	9,200
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA	330.00	0
6" Butterfly Valve	1	EA.	920.00	920
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	4	EA.	2,400.00	9,600
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	7	EA.	4,000.00	28,000
6" Backflow Preventor, Pad & Cover	1	EA.	8,300.00	8,300
				0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	6	EA.	1,600.00	9,600
4" Service	1		2,100.00	2,100
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		150.00	0
Misc. Fittings 8"	0		300.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	14	EA.	750.00	10,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	1		320.00	320
1 1/2" Meter	0		420.00	0
2" Meter	1		525.00	525
Adjust Water Meter Box	3		235.00	705
3" Meter	1		800.00	800
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Pavement Replacement	0	S.F.	3.00	0
Concrete Cap-12" Water, 3.50 SF x 39 LF = 137 CF = 5.1 CY	5	CY	300.00	1,530
			SUBTOTAL:	360,940

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	830.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-5"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Eucalyptus Recycled Water Improvements

DATE: 07/30/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$360,940
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$360,940
+20% CONTINGENCY:		$72,188
GRAND TOTAL:		$433,128

BOND AMOUNT: $434,000

REGISTERED PROFESSIONAL ENGINEER
PATRICK C. REVERE
No. 74911
Exp. 6-30-21
CIVIL
STATE OF CALIFORNIA

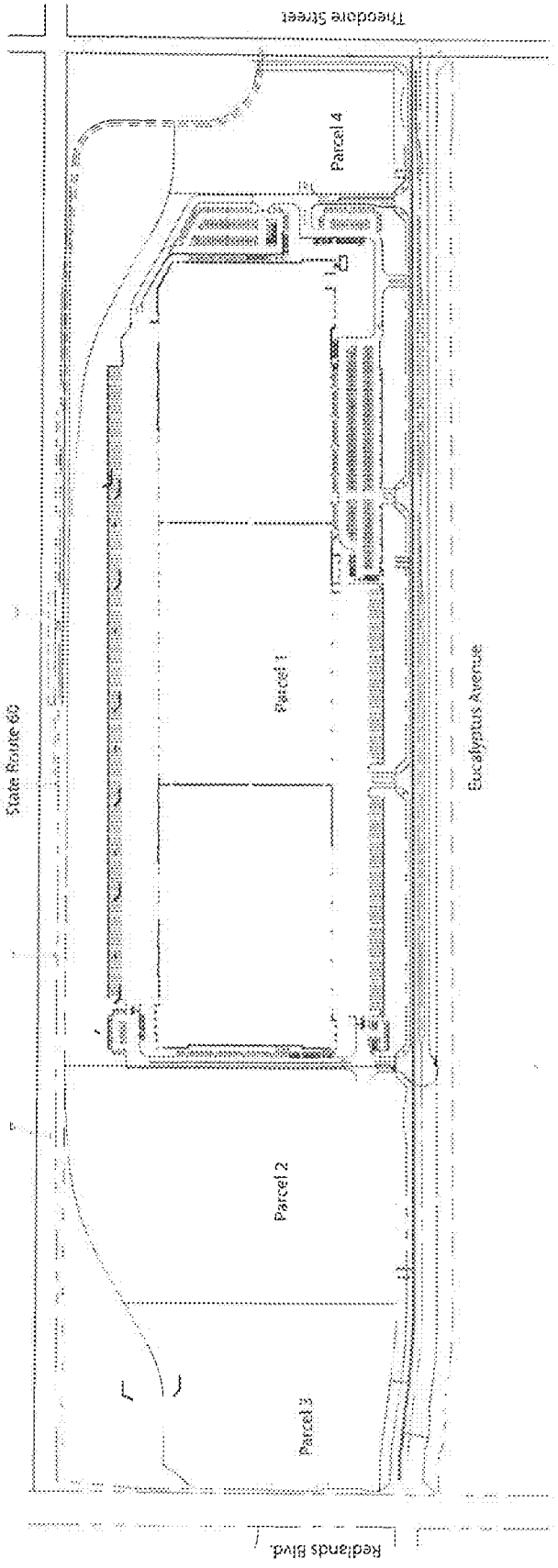

EXHIBIT "B-5"

HFCP-Eucalyptus Recycled Water Phase 1 Improvements

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0.25	Thickness (ft.)				
	37180	S.F.	874	Ton	33.00	22,242
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	22,242

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.35	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	150.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	250.00	0
Signs and Posts	0	EA	250.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	250.00	0
Street Sweeping Sign	0	EA.	250.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	500.00	0
Metal Guard Rail	0	L.F.	80.00	0
			SUBTOTAL	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA	350.00	0
Relocate Cluster Mailbox	0	EA	1,200.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordination,	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	150.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	105.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1300.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	481.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	6000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	10500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/16
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	500.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/08/19
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	6737	L.F.	55.00	370,535
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	880.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	9	EA.	2,300.00	20,700
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	380.00	0
6" Butterfly Valve	0	EA.	530.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	1	EA.	1,800.00	1,800
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,300.00	0
24" Butterfly Valve	0	EA.	5,000.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	3	EA.	4,000.00	12,000
12" PRV	2	EA.	10,000.00	20,000
CTS Station	1	EA.	3,000.00	3,000
Fire Hydrants - Water System				
6" Standard Fire Hydrants	1	EA.	4,000.00	4,000
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	18		750.00	13,500
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		325.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	349	L.F.	300.00	104,700
Joint at Existing 8"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	1750	LF	12.00	21,000
Pavement Replacement	2501	S.F.	3.00	7,503
			SUBTOTAL:	581,438

EXHIBIT "A-8"
ENGINEER'S ESTIMATE

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	80.00	0
Concrete Encasement	0	L.F.	30.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-out	0	EA.	790.00	0
Clean Out Lateral	0	EA.	250.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL	0

EXHIBIT "A-6"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Offsite Water Improvement (Sinclair)

DATE: 07/28/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$22,242
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$581,438
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$603,680
+20% CONTINGENCY:		$120,736
GRAND TOTAL:		$724,416

BOND AMOUNT: $725,000

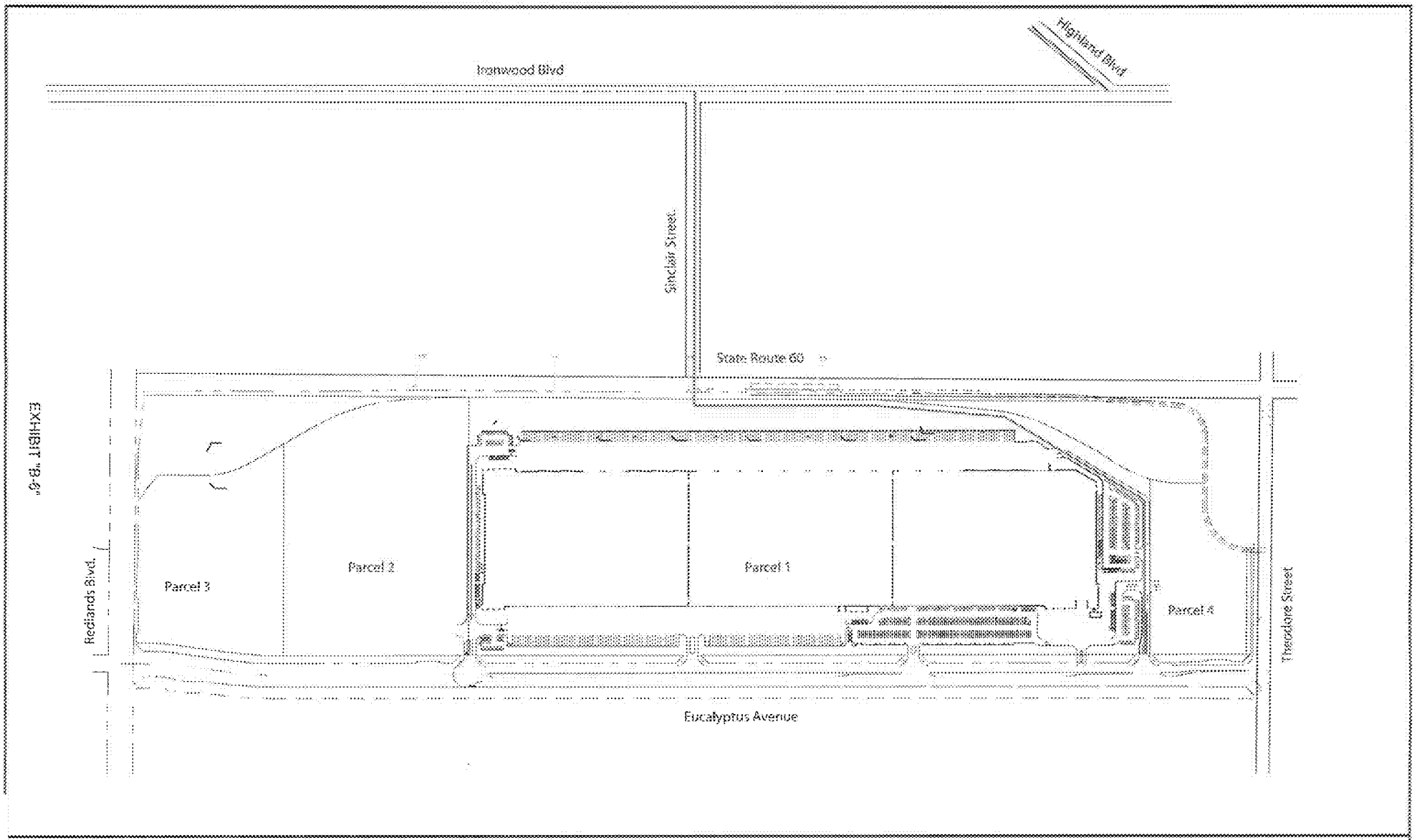

EXHIBIT "B-6"

HFCP-Offsite Water (Sinclair) Improvements

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
PUBLIC PAVEMENT SECTIONS

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
PUBLIC STREET WORK

DATE: 07/28/10
PREPARED BY: Patrick Revere

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $180/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	12.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA	800.00	0
Adjust Water Valve to Grade	0	EA.	500.00	0
Remove & Dispose Existing Pavement & Base	0	SF	25.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	8.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	8.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	3,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry: 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	372,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	250.00	0
Signs and Posts	0	EA.	250.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA	300.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal Pull-Adjust to Grade	0	EA	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,250.00	0
Monuments	0	EA.	300.00	0
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	6,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA.	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA.	0	0
Outlets	0	EA.	0	0
Risers	0	EA.	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatio	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Dif Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 8' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7300.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Dif Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Dif Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Dif Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Dif Street Name)	0	EA.	12500.00	0
Local Depressions (Dif Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA	3500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	8000.00	0
Headwall	0	EA	5500.00	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	800.00	0
Curb Outlet	0	EA.	350.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	80.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		8000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd – Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	35.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F	40.00	0
12" PVC C-900	1523	L.F.	55.00	83,765
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	105.00	0
30" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	2	EA.	2,300.00	4,600
16" Gate Valve	0	EA.	5,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,600.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA	5,200.00	0
1" Air Vac Release	1	EA.	2,400.00	2,400
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	1	EA.	4,000.00	4,000
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		340.00	0
Misc. Fittings 12"	15		750.00	11,250
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		330.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		335.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,300.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	350.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	87	L.F.	300.00	26,100
Joint at Existing 6"	0	EA.	850.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
Restrained Joints	613	L.F.	12.00	7,356
FxH Adaptor	4	EA.	750.00	3,000
			SUBTOTAL:	142,471

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

PROJECT: Redlands Blvd -- Domestic Water Improvement Plans

DATE: 07/28/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	13.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	500.00	0
Tie Into Existing Manhole	0	EA.	3,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-7"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Redlands Blvd – Domestic Water Improvement Plans
DATE: 07/28/19
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFF SITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$142,471
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$0
TOTAL COST (VALUE) OF IMPROVEMENTS:		$142,471
+20% CONTINGENCY:		$28,494
GRAND TOTAL:		$170,965

BOND AMOUNT: **$171,000**

REGISTERED PROFESSIONAL ENGINEER
PATRICK F. REVERE
No. 60121
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B-7"

HFCP-Offsite Water (Redlands) Improvements

EXHIBIT "A- 8"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35629 – Monumentation

DATE: 06/22/16
PREPARED BY: Patrick Revere

PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	0

Item No. A.13

MV00075616

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation
DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	0	S.F.	3.25	0
A.C. Cap/Overlay	0	Ton	80.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.20	0
Sawcut	0	L.F.	3.00	0
Utility Trench	0	L.F.	17.00	0
Trench Repaving	0	S.F.	13.00	0
Redwood Header	0	L.F.	8.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	800.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	0	L.F.	12.00	0
Concrete				
P.C.C. Paving - 6"	0	S.F.	6.50	0
P.C.C. Paving - 8"	0	S.F.	10.50	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	0	L.F.	30.00	0
Curb and Gutter - 6" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	0	L.F.	25.00	0
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	10.25	0
Sidewalk	0	S.F.	4.25	0
Sidewalk (DIF Street Name)	0	S.F.	4.25	0
Sidewalk (TUMF Street Name)	0	S.F.	4.25	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	6.50	0
Driveway Approach - 8"	0	S.F.	10.50	0
Wheelchair Ramp	0	EA.	2,600.00	0
Alley Approach - 8"	0	S.F.	10.25	0
1/2 Alley Apron	0	S.F.	10.25	0
Barricade	0	L.F.	100.00	0
Bus Bay	0	EA.	15,000.00	0
Miscellaneous				
Relocate Power Poles	0	EA.	30,000.00	0
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Erosion Control	0	AC	5,000.00	0
Walls - Masonry, 6' Maximum	0	L.F.	100.00	0
Walls - Retaining, 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	0
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/inspected by LCID staff)				
Traffic Signal (Interconnect, Controller)	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect	0	L.F.	30.00	0
Traffic Striping/raised pavement markers	0	L.S.	--	0
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	500.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	10000	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	800.00	0
Metal Guard Rail	0	L.F.	90.00	0
			SUBTOTAL:	0
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	116	EA.	300.00	34,800
Relocate Trees	0	EA.	2,500.00	0
			SUBTOTAL:	34,800

PROJECT: Parcel Map 35629 – Monumentation
DATE: 08/22/10
PREPARED BY: Patrick Revere

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9800 lumen)	0	EA.	5,000.00	0
Street Lights (22000 lumen)	0	EA.	8,000.00	0
			SPECIAL DISTRICTS SUBTOTAL:	0
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinator	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35629 -- Monumentation

DATE: 08/22/18
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (Off Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	45.00	0
Reinforced Concrete Structure	0	C.Y.	800.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
3 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Off St-Paris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (Off Street Name)	0	EA.	3100.00	0
Catch Basin (7') (Off Street Name)	0	EA.	5500.00	0
Catch Basin (14') (Off Street Name)	0	EA.	8000.00	0
Catch Basin (21') (Off Street Name)	0	EA.	12500.00	0
Local Depressions (Off Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
8" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35639 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Greater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	50.00	0
Concrete Pipe Slope Anchor	0	EA.	3500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A-18"
ENGINEER'S ESTIMATE

PROJECT: Parcel Map 36529 -- Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA	1,500.00	0
12" Gate Valve	0	EA.	2,350.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	880.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,880.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,300.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	0	EA.	800.00	0
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,800.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	0	EA.	1,000.00	
Water Service	0	EA.	330.00	0
	0		0.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	0

ENGINEER'S ESTIMATE

PROJECT: Parcel Map 35829 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	20.00	0
6" V.C. Pipe	0	L.F.	25.00	0
8" V.C. Pipe	0	L.F.	30.00	0
10" V.C. Pipe	0	L.F.	40.00	0
12" V.C. Pipe	0	L.F.	50.00	0
15" V.C. Pipe	0	L.F.	75.00	0
18" V.C. Pipe	0	L.F.	90.00	0
21" V.C. Pipe	0	L.F.	105.00	0
24" V.C. Pipe	0	L.F.	120.00	0
27" V.C. Pipe	0	L.F.	135.00	0
30" V.C. Pipe	0	L.F.	150.00	0
33" V.C. Pipe	0	L.F.	165.00	0
36" V.C. Pipe	0	L.F.	185.00	0
4" SDR - 35	0	L.F.	15.00	0
6" SDR - 35	0	L.F.	19.00	0
8" SDR - 35	0	L.F.	25.00	0
10" SDR - 35	0	L.F.	30.00	0
12" SDR - 35	0	L.F.	50.00	0
15" SDR - 35	0	L.F.	60.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	750.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	650.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0			0
Miscellaneous - Sewer System				
Wyes	0	EA.	90.00	0
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	0

EXHIBIT "A-10"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: Parcel Map 35629 – Monumentation

DATE: 06/22/10
PREPARED BY: Patrick Revere

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$0
OFFSITE STREET WORK	:	$0
SPECIAL DISTRICTS	:	$0
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$0
SEWER SYSTEM	:	$0
TRAFFIC IMPROVEMENTS	:	$0
BONDABLE WORK (not plan checked)	:	$34,800
TOTAL COST (VALUE) OF IMPROVEMENTS:		$34,800
+20% CONTINGENCY:		$6,960
GRAND TOTAL:		$41,760

BOND AMOUNT: $42,000

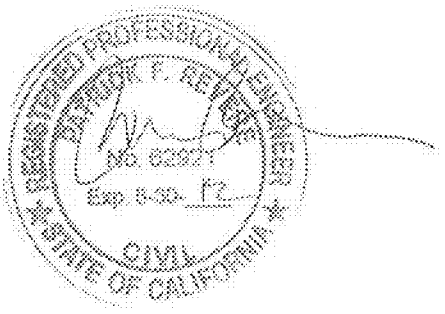

EXHIBIT "B-8"

No Exhibit for Parcel Map Monumentation

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Exhibit "A-9"

Highland Fairview Corporate Park
Preliminary Dry Utility
Engineer's Estimate
Eucalyptus Avenue

TRENCHING	QTY		UNIT COST	TOTAL
Provide and Install:				
Trench - Electric Only (Includes all saw cut, removals, shading, backfill, and surface restoration)	5,200	ft	$ 32.00	$ 166,400.00
Concrete Encasement (Full)	4,725	ft	$ 16.00	$ 75,600.00
TRENCHING SUB-TOTAL				$ **242,000.00**

ELECTRIC CONDUIT & SUBSTRUCTURES	QTY		UNIT COST	TOTAL
Provide and Install:				
Transformer Pad RPM 48"x54"	3	ea	$ 1,600.00	$ 4,800.00
6'X7'X12' Vault (w 12" grade ring)	1	ea	$ 18,450.00	$ 18,450.00
5'X10'X7' PME	3	ea	$ 10,200.00	$ 30,600.00
Capacitor Pad 66" x 72"	2	ea	$ 1,600.00	$ 3,200.00
Handhole - 13" x 24" x 24" Concrete	24	ea	$ 105.00	$ 2,520.00
Grounding/Racking and Miscellaneous Materials	32	ea	$ 625.00	$ 20,000.00
1-5" Conduit DB100	26,960	ft	$ 3.50	$ 94,360.00
1-4" Conduit DB100	5,509	ft	$ 3.15	$ 17,353.35
1-3" Conduit DB100	5,587	ft	$ 2.80	$ 15,643.60
1-2" Conduit DB100	0	ft	$ 2.35	$ -
1-1 1/2" Conduit DB100	3,387	ft	$ 1.95	$ 6,604.65
SUBTOTAL - ELECTRIC CONDUIT & SUBSTRUCTURES				$ **213,531.60**

ELECTRIC CABLING (12KV DISTRIBUTION)	QTY		UNIT COST	TOTAL
Provide and Install:				
PME-10 Switch	3	ea	$ 19,000.00	$ 57,000.00
1800 KVAR Capacitor	2	ea	$ 26,000.00	$ 52,000.00
25 KVA/120-240/ 12 KV Fused	3	ea	$ 3,900.00	$ 11,700.00
4W Secondary Bar	72	ea	$ 110.00	$ 7,920.00
600AMP Elbow	6	ea	$ 570.00	$ 3,420.00
600AMP Dead End w/Test Point	13	ea	$ 430.00	$ 5,590.00
600AMP TEE'S (Elbow w/ 200AMP Tap)	14	ea	$ 690.00	$ 9,660.00
600A 2W Splice, 15KV w/200A Tap	2	ea	$ 690.00	$ 1,380.00
600A 2W Splice, 15KV	10	ea	$ 570.00	$ 5,700.00
200A 1/0 Elbow	12	ea	$ 220.00	$ 2,640.00
3 1/C 1000 JCN-12KV	2,482	ft	$ 28.00	$ 69,496.00
3 1/C 750 JCN-12KV	7,424	ft	$ 21.00	$ 155,904.00
2/C 1/0 JCN 12KV	1,071	ft	$ 9.00	$ 9,639.00
2/C #8 Al CLP	590	ft	$ 1.70	$ 1,003.00
SUBTOTAL - ELECTRIC CABLE (12KV DISTRIBUTION)				$ **393,052.00**

Total Estimate $ **848,583.60**

Bond Amount $ **849,000.00**

Reviewed and Accepted
Mg w/c
MVU

7/28/10
Butsko Utility Design, Inc.
EP

Page 1 of 1

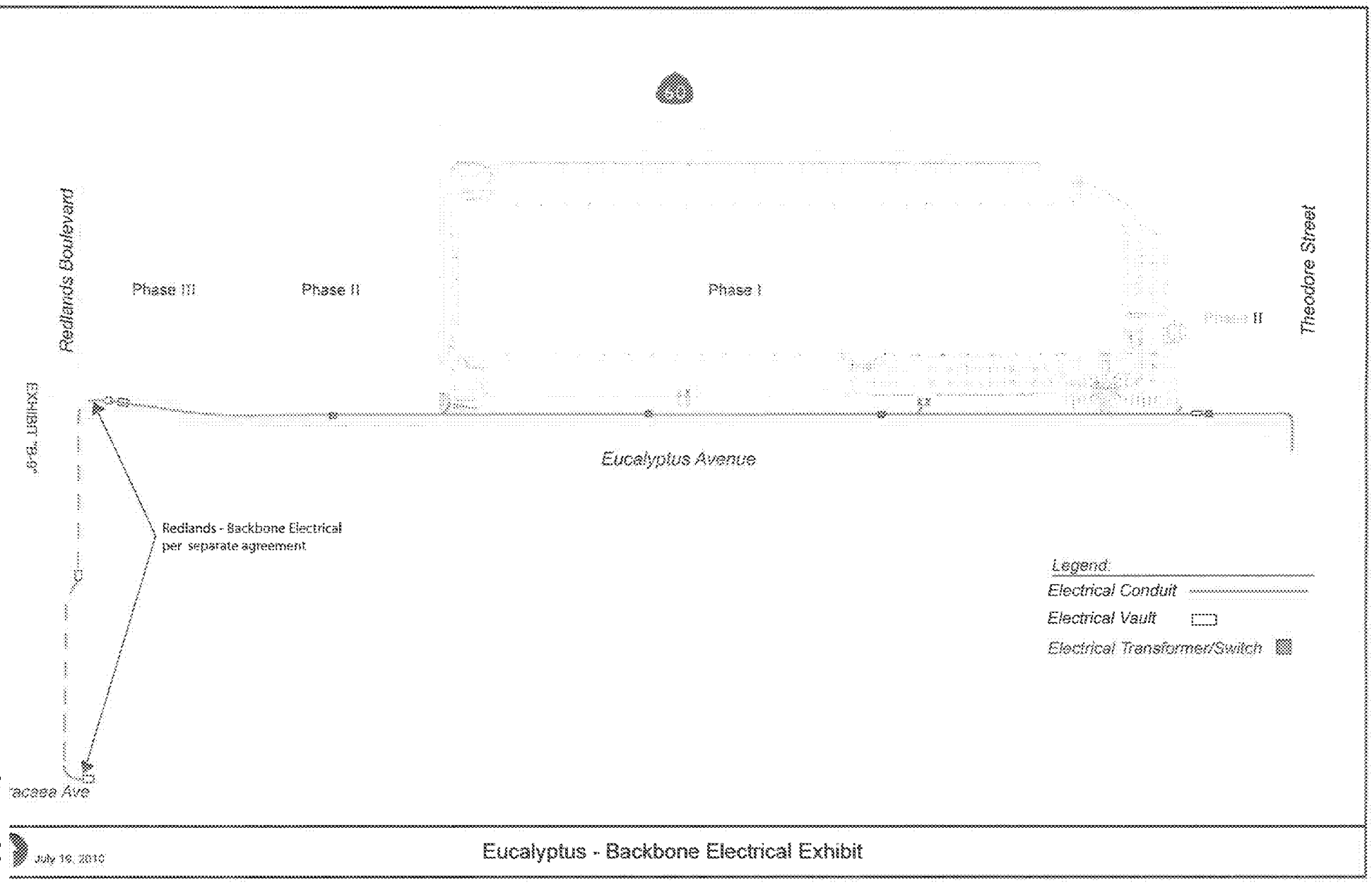

Eucalyptus - Backbone Electrical Exhibit

EXHIBIT "B-9"

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MV00075627

①

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 2,778,000

Project No. PA07-0090

Bond No. 6711632

Premium $50,004

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 2,778,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** TWO MILLION SEVEN HUNDRED SEVENTY-EIGHT THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "C"

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

CONTRACTOR'S COPY

Public Improvements $ 1,389,000

Project No. PA07-0090

Bond No. 6711632

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 1,389,000 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** ONE MILLION THREE HUNDRED EIGHTY-NINE THOUSAND & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "D"

(2)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 821,000	Project No.	PA07-0090
Bond No.	6711633	Premium	$14,778
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 821,000 **.00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED TWENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "E"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 410,500

Bond No. 6711633

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
THEODORE STREET IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FOUR HUNDRED TEN THOUSAND FIVE HUNDRED Dollars (***$410,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "F"

(3)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 467,000	Project No.	PA07-0090
Bond No.	6711634	Premium	$8,406
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 467,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED SIXTY-SEVEN THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "G"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 233,500	Project No. PA07-0090
Bond No. 6711634	Premium INCLUDED IN PERFORMANCE BOND
Surety SAFECO INSURANCE COMPANY OF AMERICA	Principal HF Logistics-SKX T1, LLC
Address 330 N. BRAND BOULEVARD, SUITE 500	Address 14225 Corporate Way
City/Zip GLENDALE, CA 91203	City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS SEWER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$ 233,500.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** TWO HUNDRED THIRTY-THREE THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "H"

(4)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 1,050,000

Project No. PA07-0090

Bond No. 6711635

Premium $18,900

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 1,050,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE MILLION FIFTY THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "I"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 525,000

Bond No. 6711635

Surety SAFECO INSURANCE COMPANY OF AMERICAN

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of FIVE HUNDRED TWENTY-FIVE THOUSAND Dollars (***$ 525,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "J"

5

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements	$ 434,000	Project No.	PA07-0090
Bond No.	6711636	Premium	$7,812
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 434,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** FOUR HUNDRED THIRTY-FOUR THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "K"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 217,000

Bond No. 6711636

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS RECYCLED WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWO HUNDRED SEVENTEEN THOUSAND Dollars (***$ 217,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "L"

(6)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 725,000

Project No. PA07-0090

Bond No. 6711637

Premium $13,050

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS.

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 725,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** SEVEN HUNDRED TWENTY-FIVE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "M"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 362,500

Project No. PA07-0090

Bond No. 6711637

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
SINCLAIR WATER LINE IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$362,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** THREE HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "N"

(1)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements $ 171,000

Project No. PA07-0090

Bond No. 6711638

Premium $3,078

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 171,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** ONE HUNDRED SEVENTY-ONE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "O"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 85,500

Bond No. 6711638

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
REDLANDS DOMESTIC WATER IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of EIGHTY-FIVE THOUSAND FIVE HUNDRED Dollars (***$85,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "P"

(5)

FAITHFUL PERFORMANCE BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements	$ 42,000	Project No.	PA07-0090
Bond No.	6711639	Premium	$756
Surety	SAFECO INSURANCE COMPANY OF AMERICA	Principal	HF Logistics-SKX T1, LLC
Address	330 N. BRAND BOULEVARD, SUITE 500	Address	14225 Corporate Way
City/Zip	GLENDALE, CA 91203	City/Zip	Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of FORTY-TWO THOUSAND **AND NO/100** Dollars (***$ 42,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "Q"

CONTRACTOR'S COPY

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 21,000

Project No. PA07-0090

Bond No. 6711639

Premium INCLUDED IN PERFORMANCE BOND

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
PARCEL MAP MONUMENTATION

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of TWENTY-ONE THOUSAND & NO/100 Dollars (***$21,000.00***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "R"

(9)

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

CONTRACTOR'S COPY

Public Improvements $ 849,000

Project No. PA07-0090

Bond No. 6711640

Premium $15,282

Surety SAFECO INSURANCE COMPANY OF AMERICA

Principal HF Logistics-SKX T1, LLC

Address 330 N. BRAND BOULEVARD, SUITE 500

Address 14225 Corporate Way

City/Zip GLENDALE, CA 91203

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090,** which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SAFECO INSURANCE COMPANY OF AMERICA, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of ** **AND NO/100** Dollars (***$ 849,000 .00***), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents. ** EIGHT HUNDRED FORTY-NINE THOUSAND & NO/100 DOLLARS

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

Exhibit "S"

MATERIAL AND LABOR BOND

CONTRACTOR'S COPY

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $ 424,500

Bond No. 6711640

Surety SAFECO INSURANCE COMPANY OF AMERICA

Address 330 N. BRAND BOULEVARD, SUITE 500

City/Zip GLENDALE, CA 91203

Project No. PA07-0090

Premium INCLUDED IN PERFORMANCE BOND

Principal HF Logistics-SKX T1, LLC

Address 14225 Corporate Way

City/Zip Moreno Valley, CA 92553

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **HF Logistics-SKX T1, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA07-0090**, which agreement is hereby referred to and made a part hereof; and,
EUCALYPTUS ELECTRICAL IMPROVEMENTS

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of ** Dollars (***$424,500.00 ***), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.
** FOUR HUNDRED TWENTY-FOUR THOUSAND FIVE HUNDRED & NO/100 DOLLARS

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Exhibit "T"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements.

2. Authorize the Mayor to execute the Cooperative Agreement.

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The project conditions of approval require the developer to complete certain master storm drain improvements within the Moreno Area Drainage Plan. The improvements consist of construction of the following storm drain lines: Line F, Stage 3; Line D; Line D-5; Line D-6; and Line F Sinclair Street Storm Drain.

On June 8, 2010, the City Council for the City of Moreno Valley approved HF Logistics – SKX T1, LLC Public Improvement Agreement and cash security for Moreno Master Drainage Plan Line F Improvements.

On July 13, 2010, the City Council for the City of Moreno Valley approved replacement security and Public Improvement Agreement for Moreno Master Drainage Plan Line F Improvements.

DISCUSSION

As a condition of approval of Parcel Map No. 35629, the City requires the developer to construct certain storm drain facilities in order to provide flood protection and drainage for the developer's planned development. The Cooperative Agreement is the District's mechanism by which the District, the City, and the developer coordinate the construction and maintenance of master storm drain facilities.

The required facilities for this project include construction of approximately 5,116 linear feet of underground storm drain system within proposed drainage easements and City right-of-way, which once accepted will be the District's drainage facilities. These storm drains will intercept flows from culverts under SR-60, route them through the project site with proposed drainage easements and discharge into a proposed spreading basin just south of Eucalyptus Avenue. The City's drainage facilities will consist of inlets, catch basins, laterals and connector pipes within City-held easements or right-of-way.

The developer is responsible for the design and construction of the project. The plans and specifications have been approved in accordance with the District's and City's standards.

The District is providing inspection for the construction under an existing Right of Entry and Inspection Agreement, and will accept ownership and responsibility for the maintenance of the District's drainage facilities, if the developer meets all requirements of the Cooperative Agreement.

The City has reviewed the plans and specifications, and will provide necessary inspection for storm drain construction, and accept ownership and responsibility for the operation and maintenance of the City's drainage facilities, if the developer meets all requirements of the Cooperative Agreement. The City is holding a Faithful Performance Bond and Material and Labor Bond for both the District's drainage facilities and the City's drainage facilities.

ALTERNATIVES

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Authorize the Mayor to execute the Cooperative Agreement. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

2. Do not approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements. Do not authorize the Mayor to execute the Cooperative Agreement. Do not direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District. *Not approving staff's recommendation would result in the developer constructing the said storm drain improvements and the City maintaining the entire improvements.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” – Location Map
Exhibit “C” – Cooperative Agreement with Exhibits

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00075651

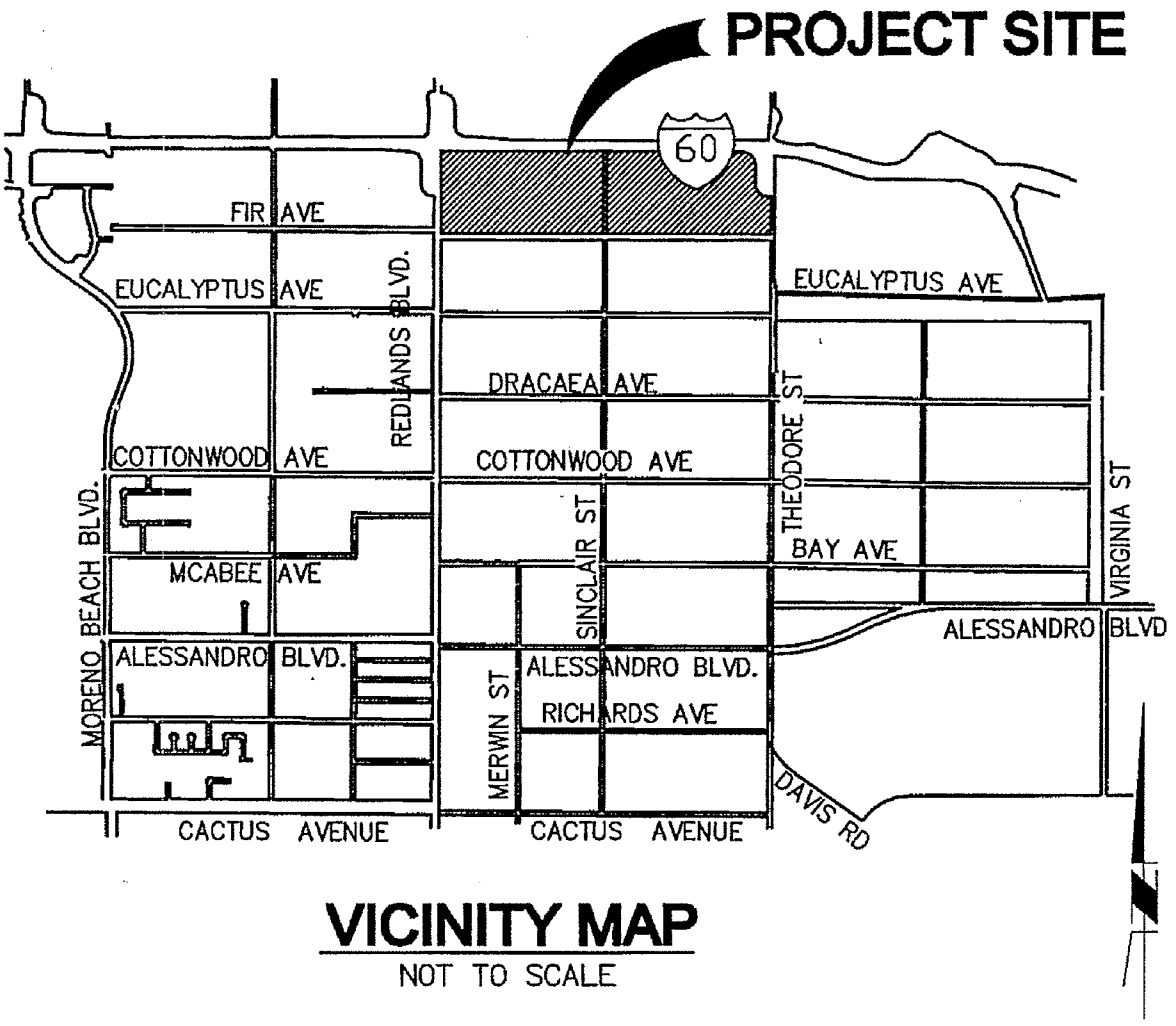

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **VICINITY MAP**

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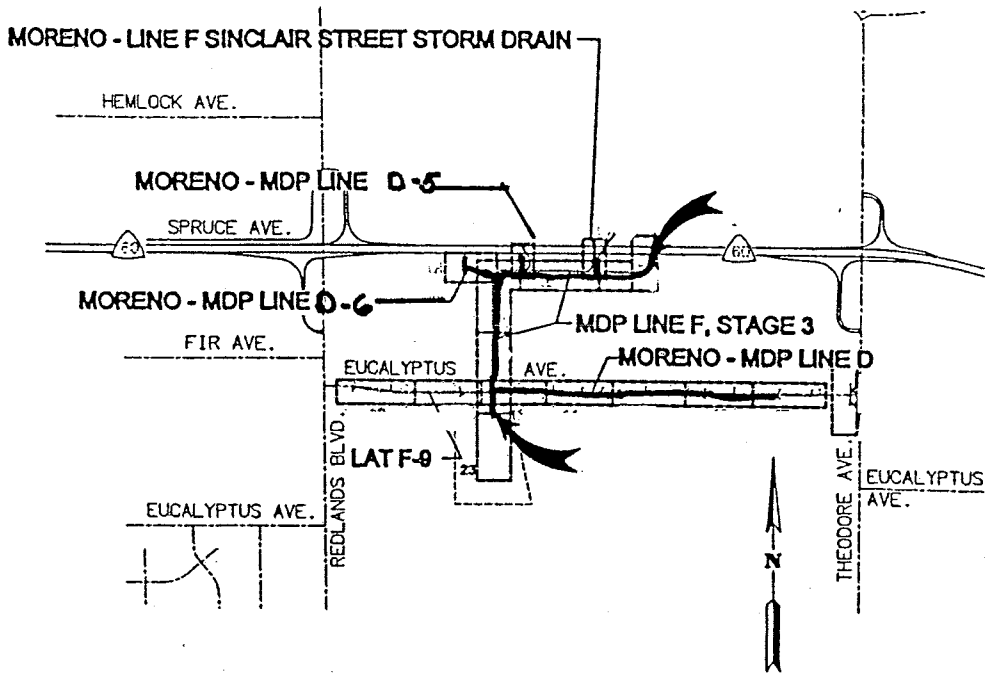

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "B"	PA07-0090 LOCATION MAP

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MV00075655

Exhibit "C"
Cooperative Agreement
Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno Line F Sinclair Street Storm Drain

COOPERATIVE AGREEMENT

Moreno MDP Line F, Stage 3
Moreno MDP Line D
Moreno MDP Line D-5
Moreno MDP Line D-6
Moreno – Line F Sinclair Street Storm Drain
(Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743)
(Parcel Map No. 35629)

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT", the CITY OF MORENO VALLEY, hereinafter called "CITY", and HF LOGISTICS-SKX T1, LLC, a Delaware limited liability company, HF LOGISTICS-SKX T2, LLC, a Delaware limited liability company, HIGHLAND FAIRVIEW PARTNERS I, a California general partnership, HIGHLAND FAIRVIEW PARTNERS II, a California general partnership, HIGHLAND FAIRVIEW PARTNERS III, a California general partnership, and HIGHLAND FAIRVIEW PARTNERS IV, a California general partnership, hereinafter together called "DEVELOPERS", hereby agree as follows:

RECITALS

A. DEVELOPERS have submitted for approval Parcel Map No. 35629 in the City of Moreno Valley and as a condition for approval DEVELOPERS must construct certain flood control facilities in order to provide flood protection and drainage for DEVELOPERS' planned development; and

B. The required flood control facilities include construction of approximately 5,116 lineal feet of underground storm drain system, hereinafter called "DISTRICT DRAINAGE FACILITIES, as shown in concept in red on Exhibit "A" attached hereto and made a part hereof; and

C. Also associated with the construction of DISTRICT DRAINAGE FACILITIES is the construction of inlets, catch basins, laterals and connector pipes located within CITY'S right of way, hereinafter called "APPURTENANCES". Together, DISTRICT DRAINAGE FACILITIES and APPURTENANCES are hereinafter called "PROJECT"; and

D. DEVELOPERS and CITY desire DISTRICT to accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES. Therefore, DISTRICT must review and approve DEVELOPERS' plans and specifications for PROJECT and subsequently inspect the construction of DISTRICT DRAINAGE FACILITIES; and

E. DEVELOPERS and DISTRICT desire CITY to accept ownership and responsibility for the operation and maintenance of APPURTENANCES. Therefore, CITY must review and approve DEVELOPERS' plans and specifications and subsequently inspect the construction of PROJECT; and

F. DISTRICT is willing to (i) review and approve DEVELOPERS' plans and specifications for PROJECT, (ii) inspect the construction of DISTRICT DRAINAGE FACILITIES, and (iii) accept ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, provided DEVELOPERS (i) comply with this Agreement, (ii) pay DISTRICT the amounts specified herein to cover DISTRICT'S plan review and construction inspection costs, (iii) construct PROJECT in accordance with plans and specifications approved by DISTRICT and CITY, (iv) obtain all necessary permits, regulatory permits, licenses and rights of entry as set forth herein, (v) accept ownership and responsibility for the operation and maintenance of PROJECT following completion of PROJECT construction until such time as DISTRICT accepts ownership and responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts

ownership and responsibility for the operation and maintenance of APPURTENANCES, and (vi) obtain and convey to DISTRICT the necessary rights of way for the inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES as set forth herein; and

G. CITY is willing to (i) review and approve plans and specifications prepared by DEVELOPERS for PROJECT, (ii) inspect the construction of APPURTENANCES, (iii) accept and hold faithful performance and payment bonds submitted by DEVELOPERS for DISTRICT DRAINAGE FACILITIES, (iv) grant DISTRICT the right to inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way, (v) consent to the recordation and conveyance of Irrevocable Offer(s) of Dedication furnished by DEVELOPERS as provided herein, and (vi) accept ownership and responsibility for the operation and maintenance of APPURTENANCES, provided PROJECT is constructed in accordance with plans and specifications approved by DISTRICT and CITY.

NOW, THEREFORE, the parties hereto mutually agree as follows:

SECTION I

DEVELOPERS shall:

1. Prepare PROJECT plans and specifications, as shown in DISTRICT Drawing No. 4-1007 hereinafter called "IMPROVEMENT PLANS", in accordance with DISTRICT and CITY standards, and submit to DISTRICT and CITY for their review and approval.

2. Continue to pay DISTRICT, within thirty (30) days after receipt of periodic billings from DISTRICT, any and all such amounts as are deemed reasonably necessary by DISTRICT to cover DISTRICT'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement. Additionally, deposit

with CITY, any and all such amounts as are deemed reasonably necessary by CITY to cover CITY'S costs associated with the review of IMPROVEMENT PLANS, the review and approval of all right of way and conveyance documents, and with the processing and administration of this Agreement.

3. Deposit with DISTRICT (Attention: Business Office – Accounts Receivable), at the time of providing written notice to DISTRICT of the start of DISTRICT DRAINAGE FACILITIES construction as set forth in Section I.8., the estimated cost of providing construction inspection for DISTRICT DRAINAGE FACILITIES, in an amount as determined and approved by DISTRICT in accordance with Ordinance Nos. 671 and 749 of the County of Riverside, including any amendments thereto, based upon the bonded value of DISTRICT DRAINAGE FACILITIES to be inspected, operated and maintained by DISTRICT. Additionally, deposit with CITY (Attention: Public Works/Land Development), at the time of providing written notice to DISTRICT of the start of PROJECT construction as set forth in Section I.8., the estimated cost of providing construction inspection in an amount as determined and approved by CITY in accordance with the most recent City Code and Fee Resolution of CITY, including any amendments thereto.

4. [This Section Intentionally Left Blank.]

5. Secure, at its sole cost and expense, all necessary licenses, agreements, permits and rights of entry as may be needed for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES. DEVELOPERS shall furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with sufficient evidence of DEVELOPERS having secured such necessary licenses, agreements, permits and rights of entry, as determined and approved by DISTRICT.

6. Furnish DISTRICT with copies of all permits, approvals or agreements required by any Federal or State resource and/or regulatory agency for the construction, operation and maintenance of DISTRICT DRAINAGE FACILITIES. Such documents include but are not limited to those issued by the U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California State Department of Fish and Game and State Water Resources Control Board.

7. Provide CITY, prior to providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a faithful performance bond in the amount of one hundred percent (100%) of the estimated cost for construction of DISTRICT DRAINAGE FACILITIES as determined by DISTRICT and a material and labor payment bond in the amount of fifty percent (50%) of the estimated cost for construction of the DISTRICT DRAINAGE FACILITIES as determined by DISTRICT. The surety, amount and form of the bonds shall be subject to the approval of DISTRICT and CITY. The bonds shall remain in full force and effect until DISTRICT DRAINAGE FACILITIES are accepted by DISTRICT as complete; at which time the faithful performance bond amount may be reduced to ten percent (10%) for a period of one year to guarantee against any defective work, and the Material and Labor security will be released after a period of ninety (90) days if there are no liens against the project for payment of materials or labor.

8. Notify DISTRICT in writing (Attention: Administrative Services Section), at least twenty (20) days prior to the start of construction of DISTRICT DRAINAGE FACILITIES. Construction shall not begin on any element of DISTRICT DRAINAGE FACILITIES for any reason whatsoever, until DISTRICT has issued to DEVELOPERS a written Notice to Proceed authorizing DEVELOPERS to commence construction of DISTRICT DRAINAGE FACILITIES.

9. Grant DISTRICT and CITY, by execution of this Agreement, the right to enter upon DEVELOPERS' property where necessary and convenient for the purpose of gaining

access to, and performing inspection service for, the construction of DISTRICT DRAINAGE FACILITIES and APPURTENANCES, respectively, as set forth herein.

10. Obtain and provide DISTRICT, at the time of providing written notice to DISTRICT of the start of construction of DISTRICT DRAINAGE FACILITIES as set forth in Section I.8., with duly executed Irrevocable Offers(s) of Dedication to the public for flood control and drainage purposes, including ingress and egress, for the rights of way deemed necessary by DISTRICT for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, as shown in concept shaded in green on Exhibit "B" attached hereto and made a part hereof. The Irrevocable Offer(s) of Dedication shall be in a form approved by DISTRICT and shall be executed by all legal and equitable owners of the property described in the offer(s).

11. Furnish DISTRICT, when submitting the Irrevocable Offer(s) of Dedication as set forth in Section I.10., with Preliminary Reports on Title dated not more than thirty (30) days prior to date of submission of all the property described in the Irrevocable Offer(s) of Dedication.

12. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a complete list of all contractors and subcontractors to be performing work on DISTRICT DRAINAGE FACILITIES, including the corresponding license number and license classification of each. At such time, DEVELOPERS shall further identify in writing their designated superintendent for DISTRICT DRAINAGE FACILITIES construction.

13. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., a construction schedule which shall show the order and dates in which the DEVELOPERS or DEVELOPERS' contractor proposes to carry on

the various parts of work, including estimated start and completion dates. As construction of DISTRICT DRAINAGE FACILITIES progresses, DEVELOPERS shall update said construction schedule as requested by DISTRICT.

14. Furnish DISTRICT with final mylar IMPROVEMENT PLANS and assign their ownership to DISTRICT at the time DISTRICT approves and signs said final mylar IMPROVEMENT PLANS, and prior to the start of DISTRICT DRAINAGE FACILITIES construction.

15. Not permit any change to or modification of the IMPROVEMENT PLANS without the prior written permission and consent of DISTRICT.

16. Comply with all Cal/OSHA safety regulations including regulations concerning confined space and maintain a safe working environment for DEVELOPERS' and DISTRICT employees on the site.

17. Furnish DISTRICT, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with a confined space entry procedure specific to DISTRICT DRAINAGE FACILITIES. The procedure shall comply with requirements contained in California Code of Regulations, Title 8 Section 5158, Other Confined Space Operations, Section 5157, Permit Required Confined Space and DISTRICT Confined Space Procedures, SOM-18. The procedure shall be reviewed and approved by DISTRICT prior to the issuance of a Notice to Proceed.

18. During the construction period of DISTRICT DRAINAGE FACILITIES, provide Workers' Compensation Insurance in an amount required by law. A certificate of said insurance policy shall be provided to DISTRICT, the County of Riverside and CITY at the time of providing written notice pursuant to Section I.8.

19. Commencing on the date notice is given pursuant to Section I.8. and continuing until DISTRICT accepts DISTRICT DRAINAGE FACILITIES for operation and maintenance:

(a) Provide and maintain or cause its contractor(s) to provide and maintain comprehensive liability insurance coverage which shall protect DEVELOPERS from claim from damages for personal injury, including accidental and wrongful death, as well as from claims for property damage which may arise from DEVELOPERS' construction of PROJECT or the performance of its obligations hereunder, whether such construction or performance be by DEVELOPERS, by any of its contractors, subcontractors, or by anyone employed directly or indirectly by any of them. Such insurance shall name DISTRICT, the County of Riverside and CITY as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Such insurance shall provide for limits of not less than two million dollars ($2,000,000) per occurrence.

(b) Cause its insurance carrier(s) or its contractor's insurance carrier(s), who shall be authorized by the California Department of Insurance to transact the business of insurance in the State of California, to furnish DISTRICT, the County of Riverside and CITY, at the time of providing written notice to DISTRICT of the start of construction as set forth in Section I.8., with certificate(s) of insurance and applicable policy endorsements showing that such insurance is in full force and

effect and that DISTRICT, the County of Riverside and CITY are named as additional insureds with respect to this Agreement and the obligations of DEVELOPERS hereunder. Further, said certificate(s) shall state that the issuing company shall give DISTRICT, the County of Riverside and CITY sixty (60) days written notice in the event of any cancellation, termination, non-renewal or reduction in coverage of the policies evidenced by the certificate(s). In the event of any such cancellation, termination, non-renewal or reduction in coverage, DEVELOPERS shall, forthwith, secure replacement insurance meeting the provisions of this paragraph.

Failure to maintain the insurance required by this paragraph shall be deemed a material breach of this Agreement and shall authorize and constitute authority for DISTRICT, at its sole discretion, to proceed to perform the remaining work pursuant to Section IV.3.

20. Construct or cause to be constructed, PROJECT at DEVELOPERS' sole cost and expense in accordance with DISTRICT and CITY approved IMPROVEMENT PLANS.

21. Accept sole responsibility for the adjustment of all DISTRICT DRAINAGE FACILITIES' manhole rings and covers located within DISTRICT EASEMENTS which must be performed at such time(s) that the finished grade along and above the underground portions of DISTRICT DRAINAGE FACILITIES are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

22. Within two (2) weeks of completing PROJECT construction, provide DISTRICT with written notice (Attention: Contract Administration Section) that PROJECT construction is substantially complete and requesting that DISTRICT conduct a final inspection of DISTRICT DRAINAGE FACILITIES.

23. Upon completion of PROJECT construction, and upon acceptance by CITY of all street rights of way deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, convey, or cause to be conveyed to DISTRICT flood control easement(s), including ingress and egress, in a form approved by DISTRICT, for the rights of way as shown in concept shaded in green on Exhibit "B".

24. [This Section Intentionally Left Blank.]

25. At the time of recordation of the conveyance document(s) as set forth in Section I.23.(ii), furnish DISTRICT with policies of title insurance, each in the amount of not less than fifty percent (50%) of the estimated fee value, as determined by DISTRICT, for each easement parcel to be conveyed to DISTRICT, guaranteeing DISTRICT'S interest in said property as being free and clear of all liens, encumbrances, assessments, easements, taxes and leases (recorded or unrecorded), except those which, in the sole discretion of DISTRICT, are deemed acceptable.

26. Accept ownership and sole responsibility for the operation and maintenance of PROJECT until such time as DISTRICT accepts ownership and responsibility for operation and maintenance of DISTRICT DRAINAGE FACILITIES and CITY accepts ownership and responsibility for operation and maintenance of APPURTENANCES. Further, it is mutually understood by the parties hereto that prior to DISTRICT acceptance of ownership and

responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES, PROJECT shall be in a satisfactorily maintained condition as solely determined by DISTRICT.

27. Pay, if suit is brought upon this Agreement or any bond guaranteeing the completion of DISTRICT DRAINAGE FACILITIES, all costs and reasonable expenses and fees, including reasonable attorneys' fees, and acknowledge that, upon entry of judgment, all such costs, expenses and fees shall be computed as costs and included in any judgment rendered.

28. Upon completion of construction of PROJECT, but prior to DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES for ownership, operation and maintenance, DEVELOPERS' civil engineer of record or construction civil engineer of record, duly registered in the State of California, shall provide DISTRICT a redlined "record drawing" copy of IMPROVEMENT PLANS. After DISTRICT approval of the redlined "record drawing" drawings, DEVELOPERS' engineer shall schedule with DISTRICT a time to transfer the redlined changes onto DISTRICT'S original mylars at DISTRICT'S office, after which the engineer shall review, stamp and sign the original IMPROVEMENT PLANS "RECORD DRAWING".

29. Ensure that all work performed pursuant to this Agreement by DEVELOPERS, their agents or contractors is done in accordance with all applicable laws and regulations, including but not limited to all applicable provisions of the Labor Code, Business and Professions Code, and Water Code. DEVELOPERS shall be solely responsible for all costs associated with compliance with applicable laws and regulations.

SECTION II

DISTRICT shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of DISTRICT DRAINAGE FACILITIES construction.

2. Provide CITY an opportunity to review and approve IMPROVEMENT PLANS prior to DISTRICT'S final approval.

3. Upon execution of this Agreement, record or cause to be recorded, a copy of this Agreement in the Official Records of the Riverside County Recorder.

4. Record or cause to be recorded, the Irrevocable Offer(s) of Dedication provided by DEVELOPERS pursuant to Section I.10.

5. Inspect DISTRICT DRAINAGE FACILITIES construction.

6. Keep an accurate accounting of all DISTRICT costs associated with the review and approval of IMPROVEMENT PLANS, the review and approval of right of way and conveyance documents and the processing and administration of this Agreement.

7. Keep an accurate accounting of all DISTRICT construction inspection costs, and within forty-five (45) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete, submit a final cost statement to DEVELOPERS. If the deposit, as set forth in Section I.3. exceeds such costs, DISTRICT shall reimburse DEVELOPERS the excess amount within sixty (60) days after DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete. If at any time the costs exceed the deposit or are anticipated by DISTRICT to exceed the deposit, DEVELOPERS shall pay such additional amount(s), as deemed reasonably necessary by DISTRICT to complete inspection of DISTRICT DRAINAGE FACILITIES, within thirty (30) days after receipt of billing from DISTRICT.

8. Accept ownership and sole responsibility for the operation and maintenance of DISTRICT DRAINAGE FACILITIES upon (i) DISTRICT acceptance of PROJECT construction as being complete, (ii) recordation of all conveyance documents described in Section I.23., and (iii) acceptance by CITY of all necessary street rights of way as deemed necessary by DISTRICT and CITY for the operation and maintenance of PROJECT.

9. Provide CITY with a reproducible duplicate copy of "as-built" IMPROVEMENT PLANS upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

SECTION III

CITY shall:

1. Review and approve IMPROVEMENT PLANS prior to the start of PROJECT construction.

2. Accept the CITY and DISTRICT approved faithful performance and payment bonds submitted by DEVELOPERS as set forth in Section I.7., and hold said bonds as provided herein.

3. Inspect construction of APPURTENANCES.

4. Consent, by execution of this Agreement, to the recording of any Irrevocable Offer(s) of Dedication furnished by DEVELOPERS pursuant to this Agreement.

5. As requested by DISTRICT, accept the Irrevocable Offer(s) of Dedication as set forth herein, and any other outstanding offers of dedication necessary for the construction, inspection, operation and maintenance of DISTRICT DRAINAGE FACILITIES, and, convey sufficient rights of way to DISTRICT to allow DISTRICT to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES.

6. Grant DISTRICT, by execution of this Agreement, the right to construct, inspect, operate and maintain DISTRICT DRAINAGE FACILITIES within CITY rights of way.

7. Accept ownership and sole responsibility for the operation and maintenance of APPURTENANCES upon DISTRICT acceptance of DISTRICT DRAINAGE FACILITIES as being complete.

8. Upon DISTRICT acceptance of PROJECT construction as being complete, accept sole responsibility for the adjustment of all PROJECT manhole rings and covers located within CITY rights of way which must be performed at such time(s) that the finished grade along and above the underground portions of PROJECT are improved, repaired, replaced or changed. It being further understood and agreed that any such adjustments shall be performed at no cost to DISTRICT.

SECTION IV

It is further mutually agreed:

1. All work involved with DISTRICT DRAINAGE FACILITIES shall be inspected by DISTRICT and shall not be deemed complete until approved and accepted in writing as complete by DISTRICT.

2. CITY and DEVELOPERS' personnel may observe and inspect all work being done on DISTRICT DRAINAGE FACILITIES, but shall provide any comments to DISTRICT personnel who shall be solely responsible for all quality control communications with the DEVELOPERS' contractor(s) during the construction of DISTRICT DRAINAGE FACILITIES.

3. DEVELOPERS shall complete construction of DISTRICT DRAINAGE FACILITIES within twelve (12) consecutive months after execution of this Agreement and within one hundred eighty (180) consecutive calendar days after commencing work on

DISTRICT DRAINAGE FACILITIES. It is expressly understood that since time is of the essence in this Agreement, failure of DEVELOPERS to perform the work within the agreed upon time shall constitute authority for DISTRICT to perform the remaining work and require DEVELOPERS' surety to pay to CITY the penal sum of any and all bonds. In which case, CITY shall subsequently reimburse DISTRICT for DISTRICT costs incurred.

4. DEVELOPERS shall not request DISTRICT to accept any portion or portions of DISTRICT DRAINAGE FACILITIES or CITY to accept any portion or portions of APPURTENANCES prior to the completion of PROJECT construction.

5. DISTRICT shall endeavor to issue DEVELOPERS a Notice to Proceed within twenty (20) days of receipt of DEVELOPERS' complete written notice as set forth in Section I.8.; however, DISTRICT'S construction inspection staff is limited and, therefore, the issuance of a Notice to Proceed is subject to staff availability.

In the event DEVELOPERS wish to expedite issuance of a Notice to Proceed, DEVELOPERS may elect to furnish an independent qualified construction inspector at DEVELOPERS' sole cost and expense. DEVELOPERS shall furnish appropriate documentation of the individual's credentials and experience to DISTRICT for review and, if appropriate, approval. DISTRICT shall review the individual's qualifications and experience and, upon approval thereof, said individual, hereinafter called "DEPUTY INSPECTOR", shall be authorized to act on DISTRICT'S behalf on all DISTRICT DRAINAGE FACILITIES construction and quality control matters. If DEVELOPERS' initial construction inspection deposit furnished pursuant to Section I.3. exceeds ten thousand dollars ($10,000.00), DISTRICT shall refund to DEVELOPERS up to eighty percent (80%) of DEVELOPERS' initial inspection deposit within forty-five (45) days of DISTRICT'S approval of DEPUTY INSPECTOR; however, a minimum balance of ten thousand dollars ($10,000.00) shall be retained on account.

6. DISTRICT DRAINAGE FACILITIES construction work shall be on a five (5) day, forty (40) hour work week with no work on Saturdays, Sundays or DISTRICT designated legal holidays, unless otherwise approved in writing by DISTRICT. If DEVELOPERS feel it necessary to work more than the normal forty (40) hour work week or on holidays, DEVELOPERS shall make a written request for permission from DISTRICT to work the additional hours. The request shall be submitted to DISTRICT at least seventy-two (72) hours prior to the requested additional work hours and state the reasons for the overtime and the specific time frames required. The decision of granting permission for overtime work shall be made by DISTRICT at its sole discretion and shall be final. If permission is granted by DISTRICT, DEVELOPERS will be charged the cost incurred at the overtime rates for additional inspection time required in connection with the overtime work in accordance with Ordinance Nos. 671 and 749, including any amendments thereto, of the County of Riverside.

7. DEVELOPERS shall indemnify and hold harmless DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) from any liability, claim, damage, proceeding or action, present or future, based upon, arising out of or in any way relating to DEVELOPERS' (including its officers, employees, subcontractors and agents) actual or alleged acts or omissions related to this Agreement, performance under this Agreement, or failure to comply with the requirements of this Agreement, including but not limited to: (a) property damage; (b) bodily injury or death; (c) liability or damage pursuant to Article I, Section 19 of the California Constitution, the Fifth Amendment of the United States Constitution or any other law, ordinance or regulation caused by the diversion of waters from the natural drainage patterns or the discharge of drainage within or from PROJECT; or (d) any other element of any kind or nature whatsoever.

DEVELOPER shall defend, at its sole expense, including all costs and fees (including but not limited to attorney fees, cost of investigation, defense and settlements or awards), DISTRICT and CITY (including their agencies, districts, special districts and departments, their respective directors, officers, Board of Supervisors, elected and appointed officials, employees, agents and representatives) in any claim, proceeding or action for which indemnification is required.

With respect to any of DEVELOPERS' indemnification requirements, DEVELOPERS shall, at its sole cost, have the right to use counsel of their own choice and shall have the right to adjust, settle or compromise any such claim, proceeding or action without the prior consent of DISTRICT and CITY; provided, however, that any such adjustment, settlement or compromise in no manner whatsoever limits or circumscribes DEVELOPERS' indemnification obligations to DISTRICT or CITY.

DEVELOPERS' indemnification obligations shall be satisfied when DEVELOPERS have provided to DISTRICT and CITY the appropriate form of dismissal (or similar document) relieving DISTRICT or CITY from any liability for the claim, proceeding or action involved.

The specified insurance limits required in this Agreement shall in no way limit or circumscribe DEVELOPERS' obligations to indemnify and hold harmless DISTRICT and CITY from third party claims.

In the event there is conflict between this section and California Civil Code Section 2782, this section shall be interpreted to comply with Civil Code 2782. Such interpretation shall not relieve the DEVELOPERS from indemnifying DISTRICT or CITY to the fullest extent allowed by law.

8. Any waiver by DISTRICT or by CITY of any breach of any one or more of the terms of this Agreement shall not be construed to be a waiver of any subsequent or other

breach of the same or of any other term hereof. Failure on the part of DISTRICT or CITY to require exact, full and complete compliance with any terms of this Agreement shall not be construed as in any manner changing the terms hereof, or estopping DISTRICT or CITY from enforcement hereof.

9. DISTRICT and CITY each pledge to cooperate in regard to the operation and maintenance of their respective facilities as set forth herein and to discharge their respective maintenance responsibilities in an expeditious fashion so as to avoid the creation of any nuisance condition or undue maintenance impact upon the others' facilities.

10. This Agreement is to be construed in accordance with the laws of the State of California.

11. Any and all notices sent or required to be sent to the parties of this Agreement will be mailed by first class mail, postage prepaid, to the following addresses:

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
1995 Market Street
Riverside, CA 92501
Attn: Administrative Services

CITY OF MORENO VALLEY
Post Office Box 88005
Moreno Valley, CA 92552-0805
Attn: Public Works Director

HF LOGISTICS-SKX T1, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

HF LOGISTICS-SKX T2, LLC
14225 CORPORATE WAY
MORENO VALLEY CA 92553
Attn: Brian Hixson

12. Any action at law or in equity brought by any of the parties hereto for the purpose of enforcing a right or rights provided for by the Agreement, shall be tried in a court of competent jurisdiction in the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for a change of venue in such proceedings to any other county.

13. This Agreement is the result of negotiations between the parties hereto, and the advice and assistance of their respective counsel. The fact that this Agreement was prepared as a matter of convenience by DISTRICT shall have no import or significance. Any uncertainty or ambiguity in this Agreement shall not be construed against DISTRICT because DISTRICT prepared this Agreement in its final form.

14. The rights and obligations of DEVELOPERS shall inure to and be binding upon all heirs, successors and assignees.

15. DEVELOPERS shall not assign or otherwise transfer any of its rights, duties or obligations hereunder to any person or entity without the written consent of the other parties hereto being first obtained. In the event of any such transfer or assignment, DEVELOPERS expressly understand and agree that they shall remain liable with respect to any and all of the obligations and duties contained in this Agreement.

16. The individual(s) executing this Agreement on behalf of DEVELOPERS hereby certify they have the authority within their respective company(ies) to enter into and execute this Agreement, and have been authorized to do so by any and all boards of directors, legal counsel, and or any other board, committee or other entity within their respective company(ies) which have the authority to authorize or deny entering this Agreement.

17. This Agreement is intended by the parties hereto as a final expression of their understanding with respect to the subject matter hereof and as a complete and exclusive statement of the terms and conditions thereof and supersedes any and all prior and contemporaneous agreements and understandings, oral or written, in connection therewith. This Agreement may be changed or modified only upon the written consent of the parties hereto.

//

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

_____.
(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

By _____
WARREN D. WILLIAMS
General Manager-Chief Engineer

RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

By _____
MARION ASHLEY, Chairman
Riverside County Flood Control and Water Conservation District Board of Supervisors

APPROVED AS TO FORM:

PAMELA J. WALLS
County Counsel

By _____
NEAL KIPNIS
Deputy County Counsel

ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By _____
Deputy

(SEAL)

Cooperative Agreement: TR 35629
KEC:blj
5/20/10

RECOMMENDED FOR APPROVAL:

By _____
Public Works Director/City Engineer

CITY OF MORENO VALLEY

By _____
Mayor

APPROVED AS TO FORM:

By_____
City Attorney

ATTEST:

City Clerk

By _____

(SEAL)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

HIGHLAND FAIRVIEW PARTNERS I
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS II
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS III
a California general partnership

By_____
IDDO BENZEEVI, President

HIGHLAND FAIRVIEW PARTNERS IV
a California general partnership

By_____
IDDO BENZEEVI, President

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6·1·10 (Date) before me: Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Iddo Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868855
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6·1·10 Number of Pages: 234 EXH. A (11) EXH. B (8)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDDO BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

©2008 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 • www.NationalNotary.org Item #5907 Reorder: Call Toll-Free 1-800-876-6827

HF LOGISTICS-SKX T1, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By: _____
IDDO BENZEEVI, President and Chief
Executive Officer

HF LOGISTICS-SKX T2, LLC
a Delaware limited liability company

By: HF LOGISTICS-SKX, LLC,
a Delaware limited liability company,
its Sole Member

By: HF Logistics I, LLC
a Delaware limited liability company,
its Managing Member

By: _____
IDDO BENZEEVI, President and Chief
Executive Officer

(ATTACH NOTARY WITH
CAPACITY STATEMENT)

Cooperative Agreement: PM 35629
Moreno MDP Line F, Stage 3, Moreno MDP Line D, Moreno MDP Line D-5
Moreno MDP Line D-6, and Moreno – Line F Sinclair Street Storm Drain
Project Nos. 4-0-00752-03, 4-0-00749, 4-0-00741, 4-0-00742, 4-0-00743
KEC:blj
5/20/10

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6.1.10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Idda Benzeevi (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1866955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: COOPERATIVE AGREEMENT

Document Date: 6.1.10 Number of Pages: 23+ EXH.A(1) EXH.B(1)

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: IDDO BENZEEVI	Signer's Name:
☒ Corporate Officer — Title(s): PRES. & CEO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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Exhibit A

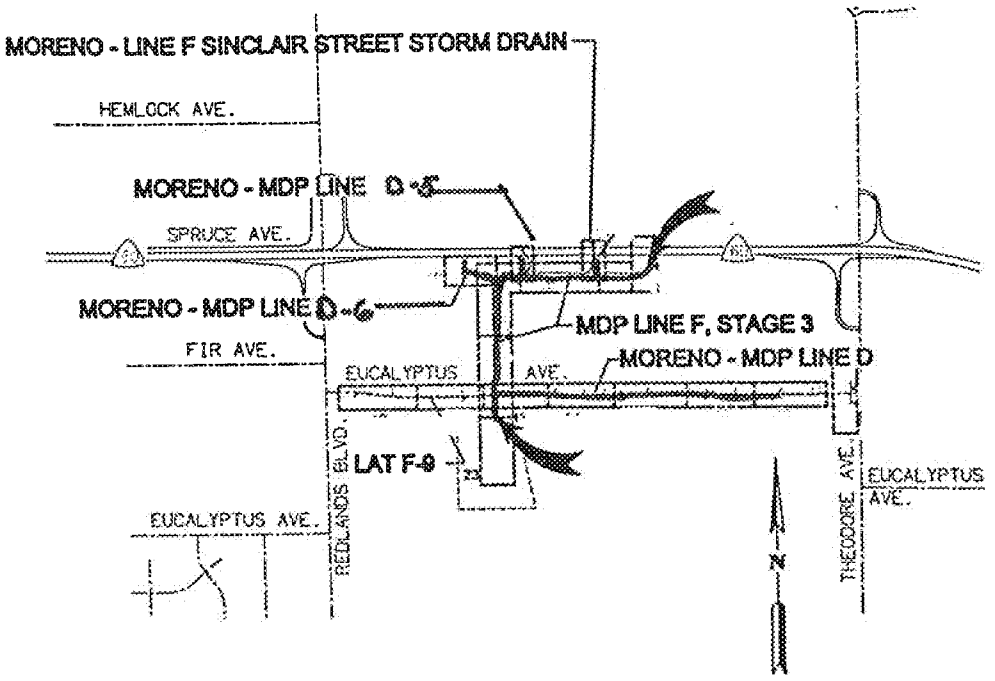

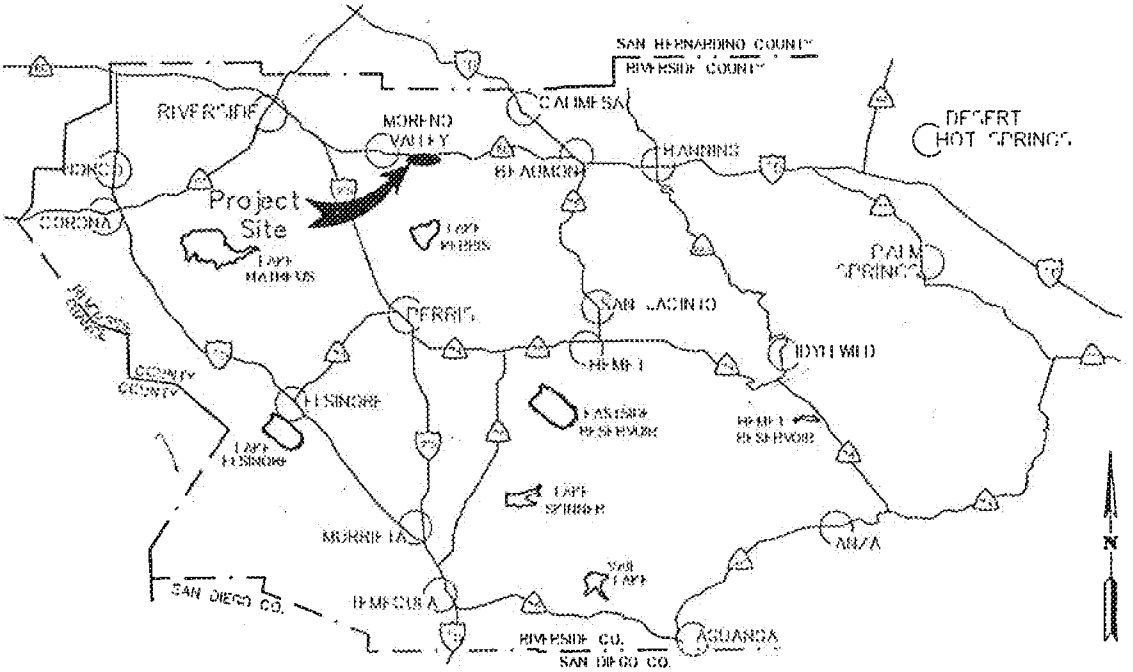

Item No. A.14

MV00075682

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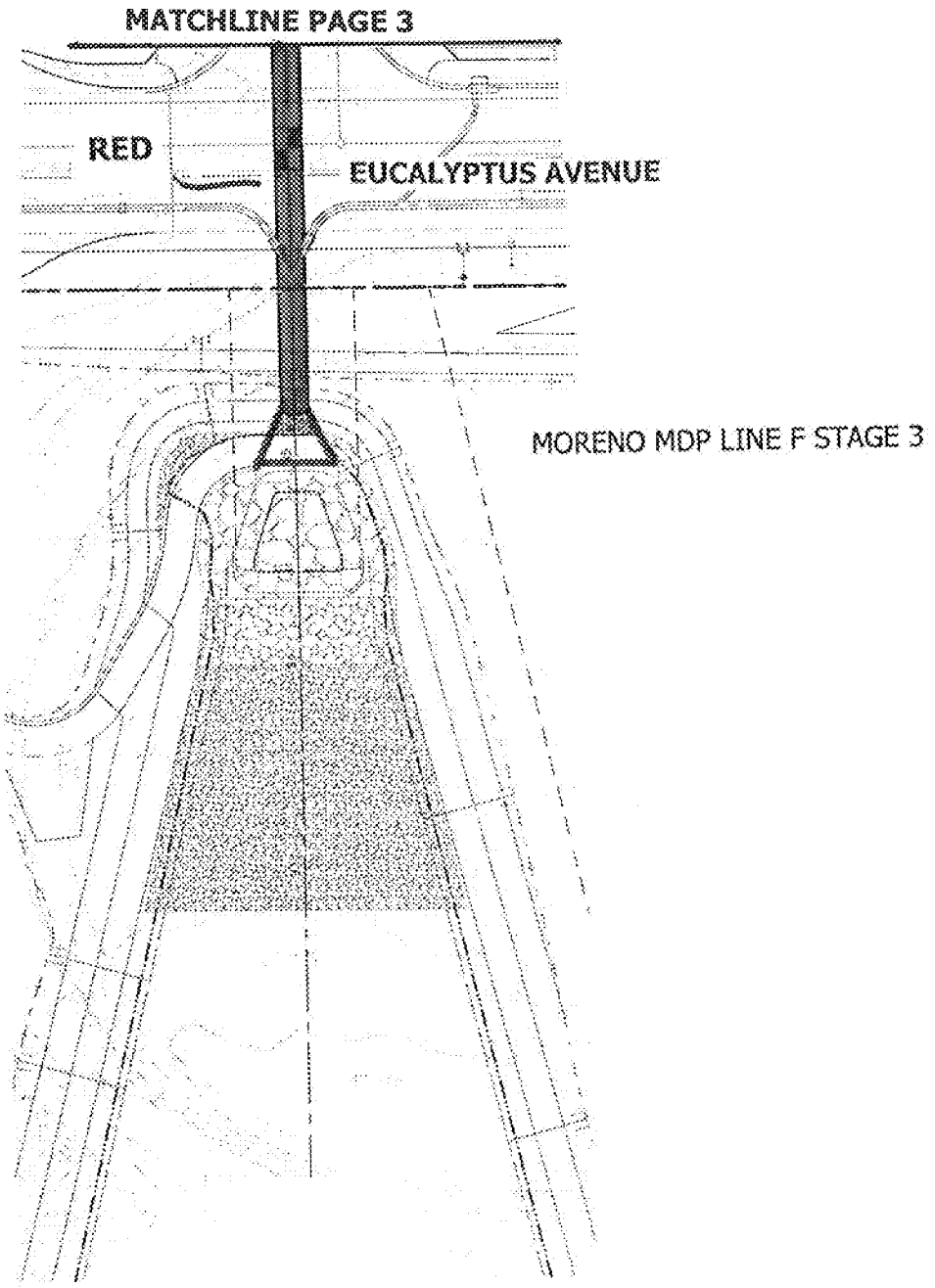
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EUCALYPTUS AVENUE
MORENO MDP LINE F STAGE 3

Exhibit A

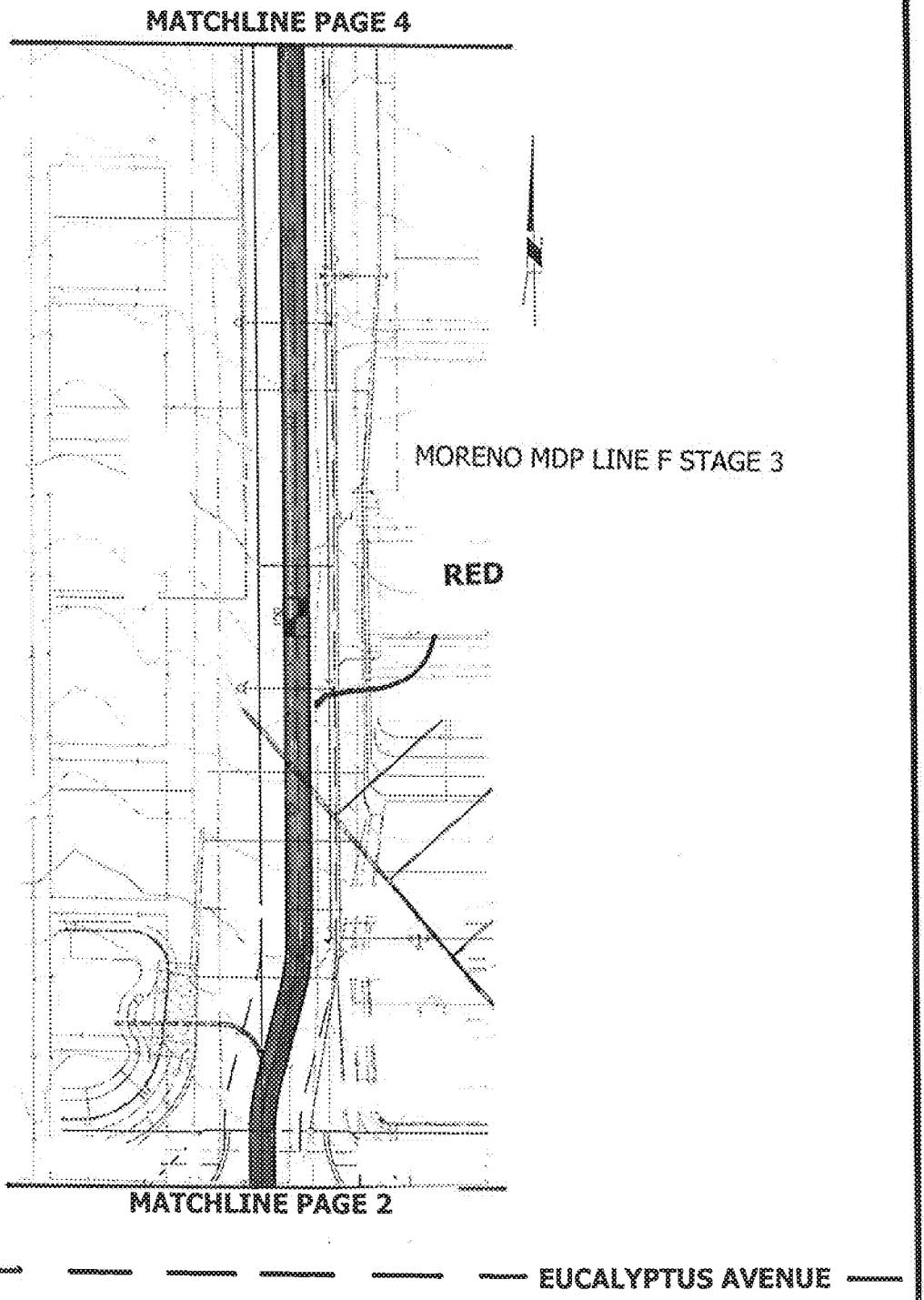
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EUCALYPTUS AVENUE

Exhibit A

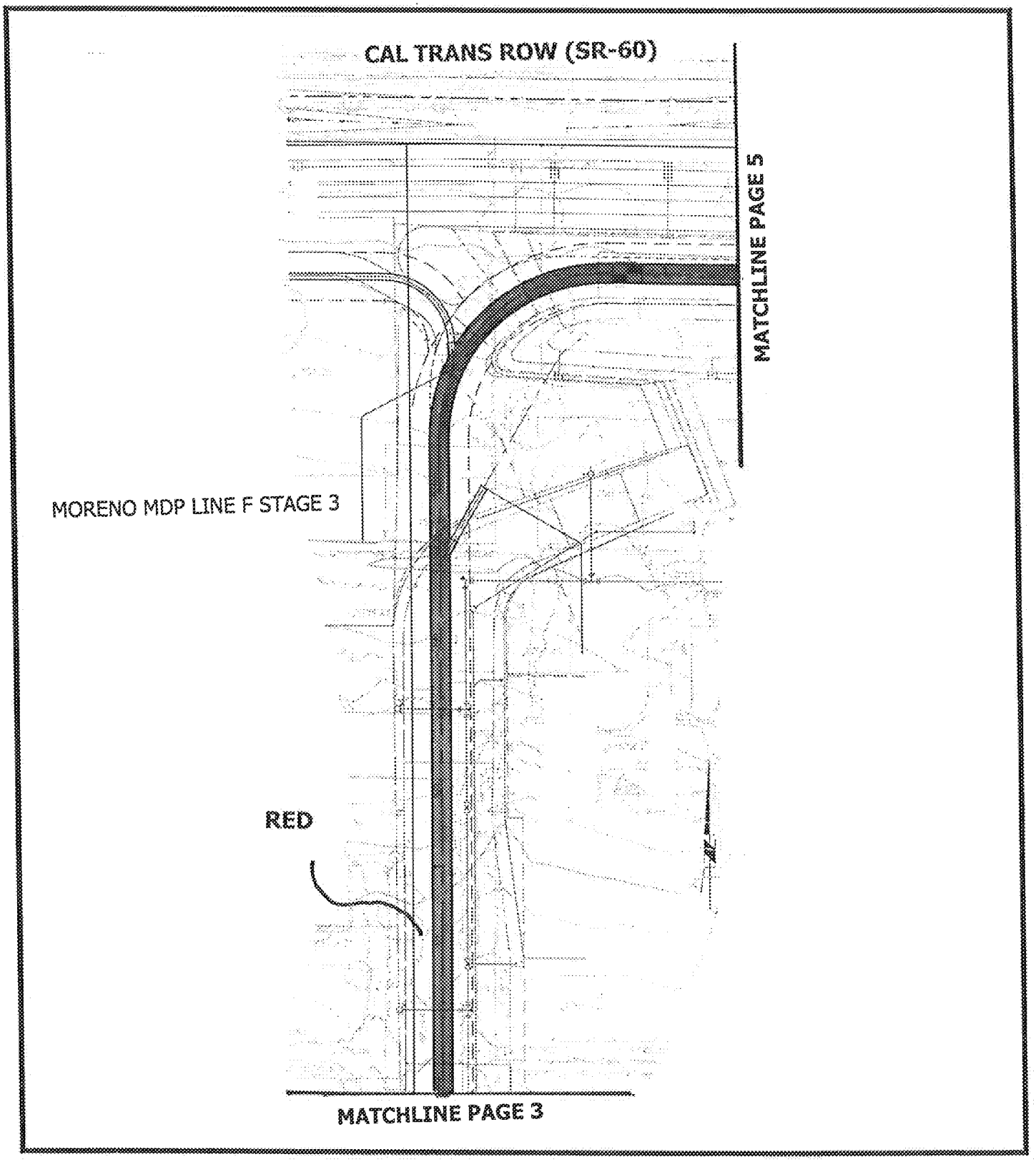
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MATCHLINE PAGE 3

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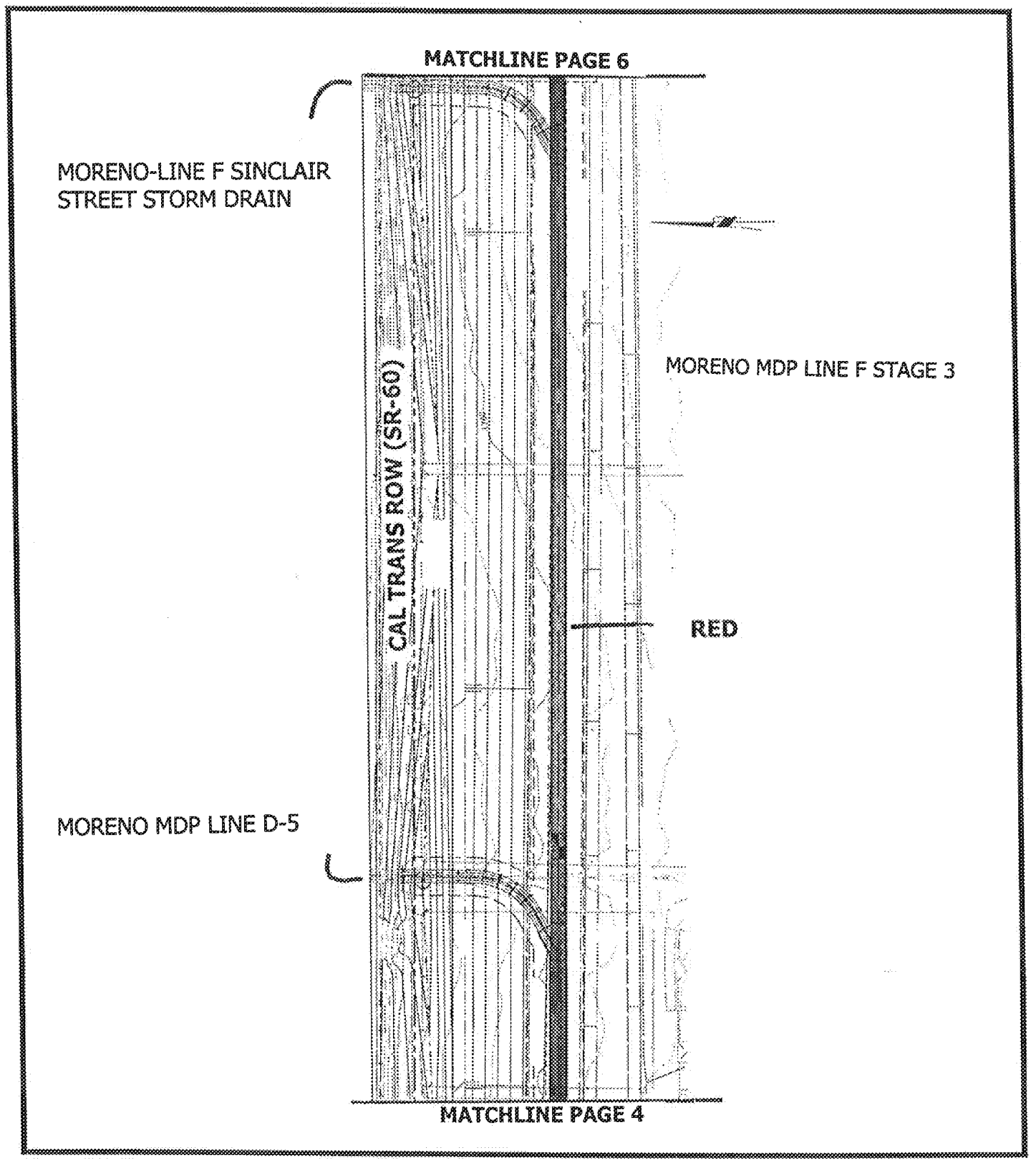
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MORENO-LINE F SINCLAIR STREET STORM DRAIN
MORENO MDP LINE F STAGE 3
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RED
MORENO MDP LINE D-5
MATCHLINE PAGE 4

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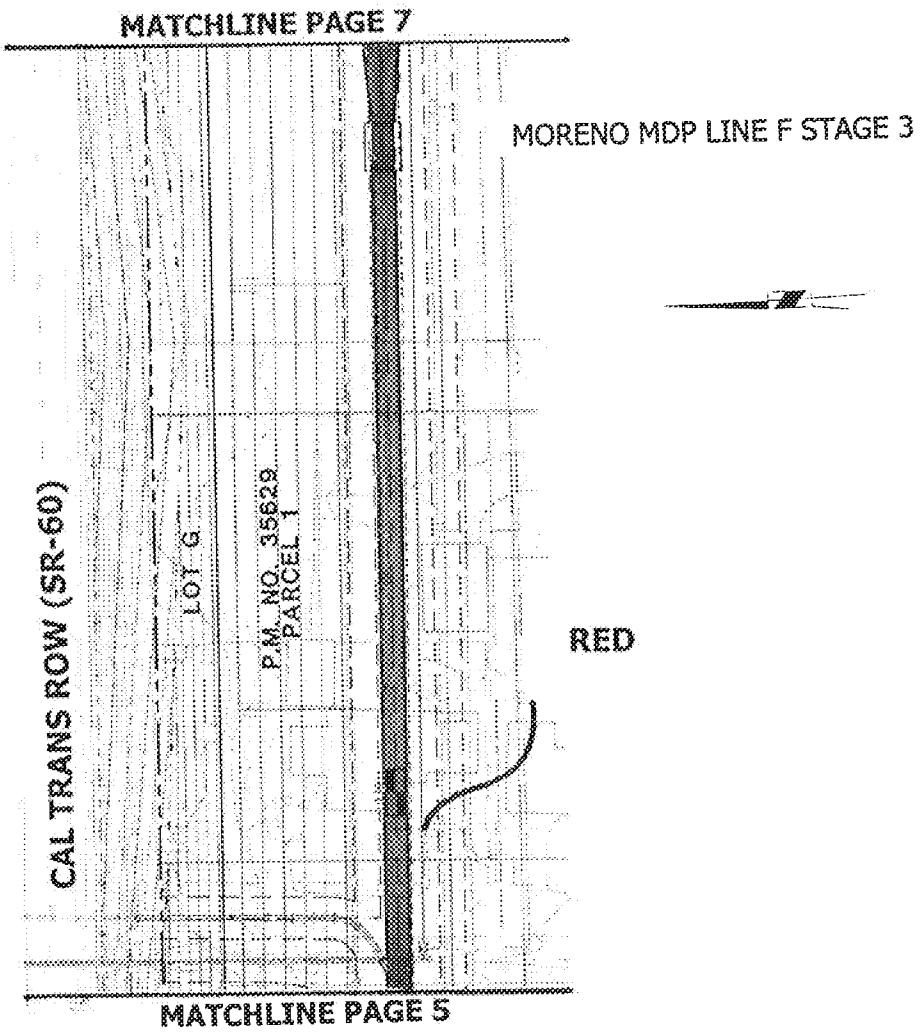
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LOT G
P.M. NO. 35629
PARCEL 1
RED
MATCHLINE PAGE 5

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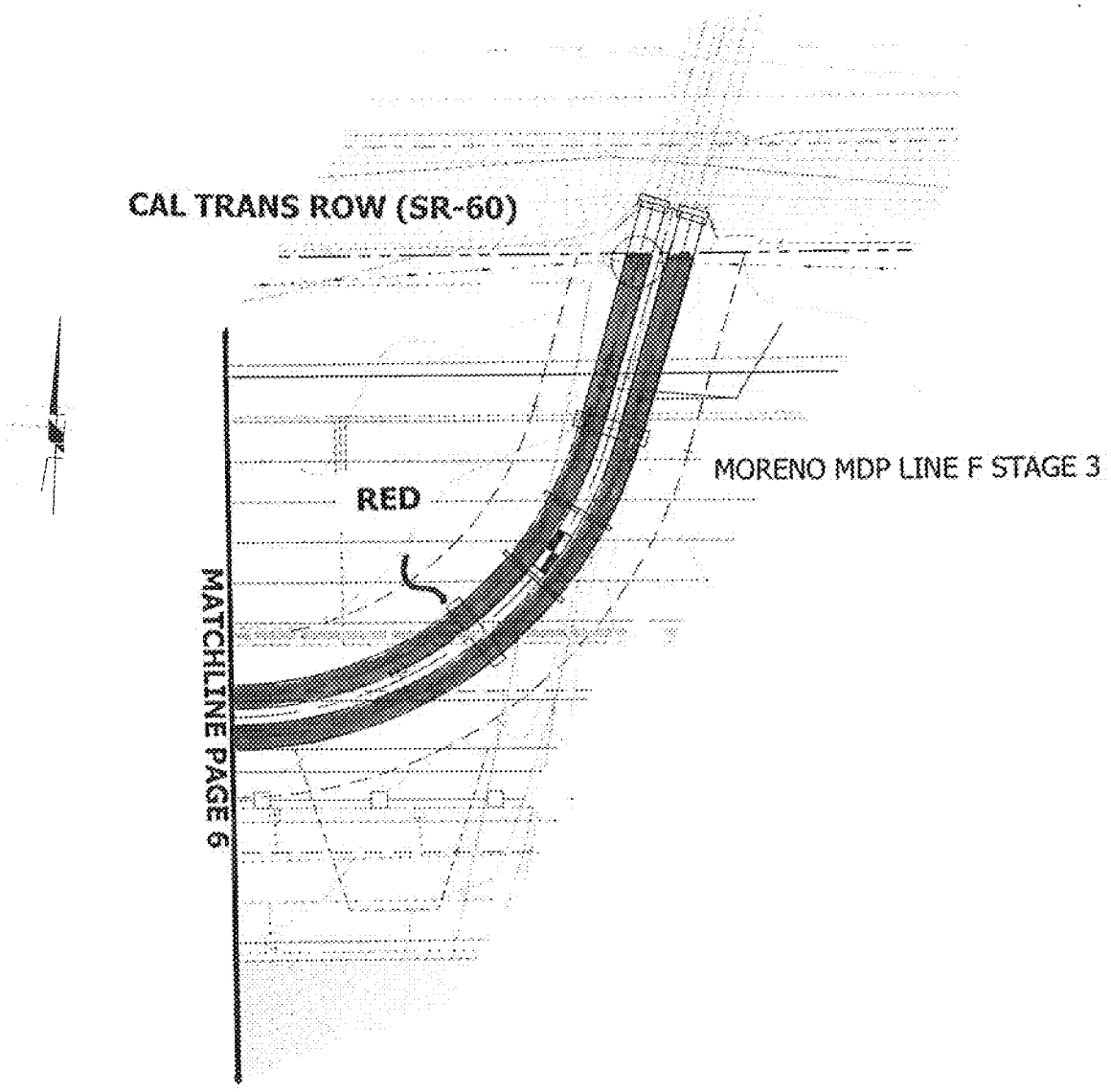
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MORENO MDP LINE F STAGE 3

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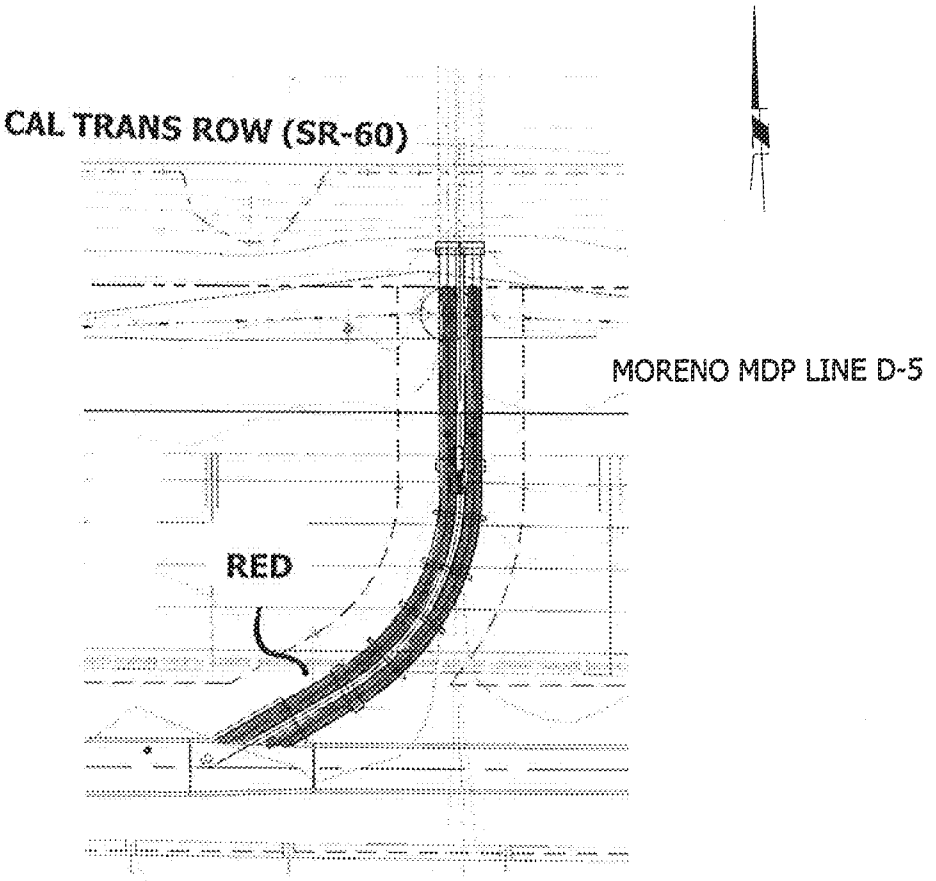

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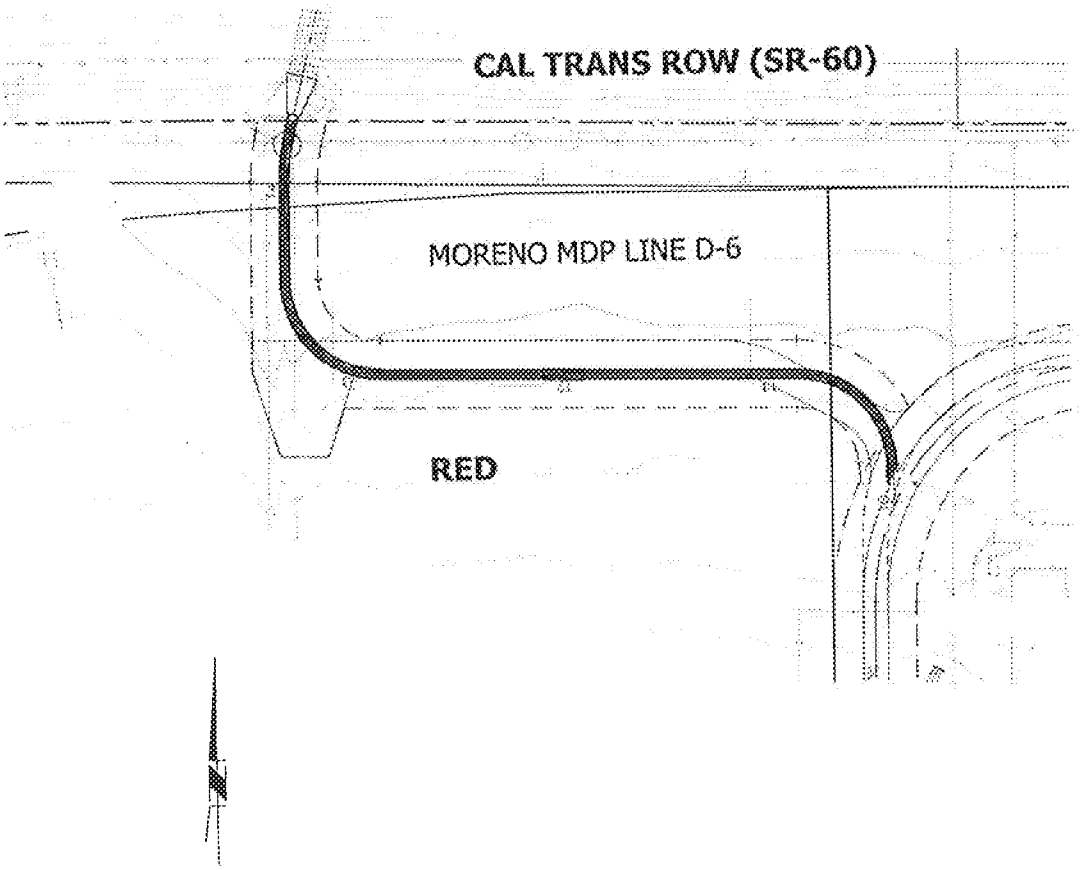

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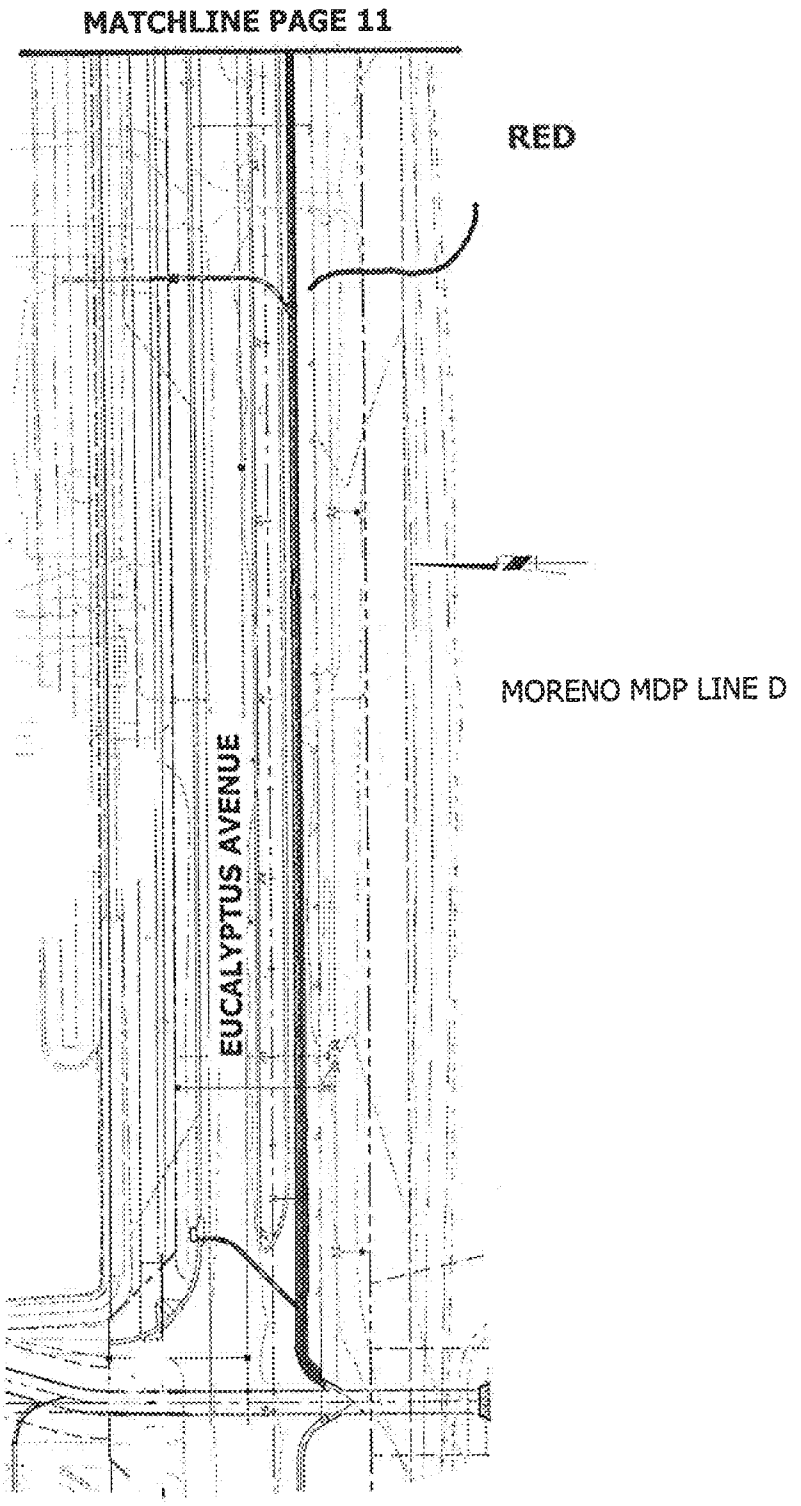

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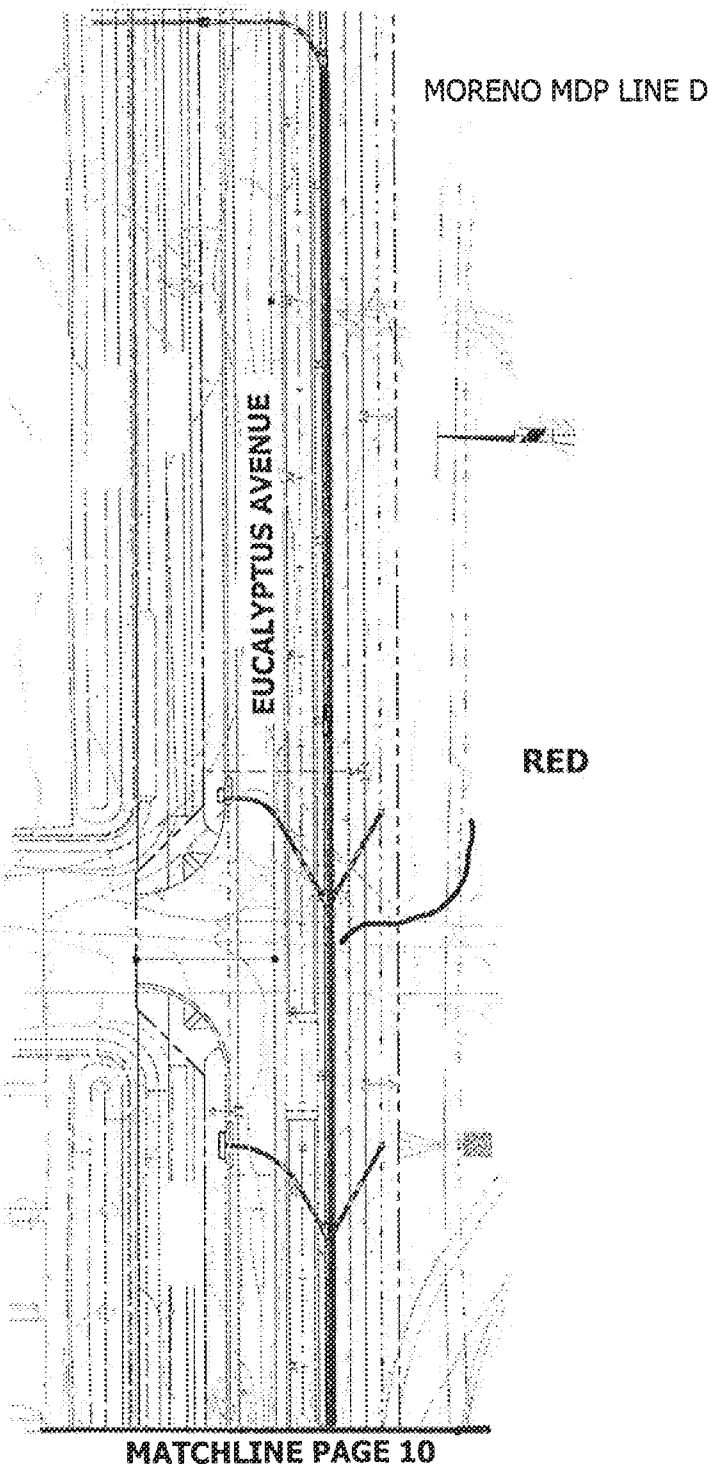

Item No. A.14

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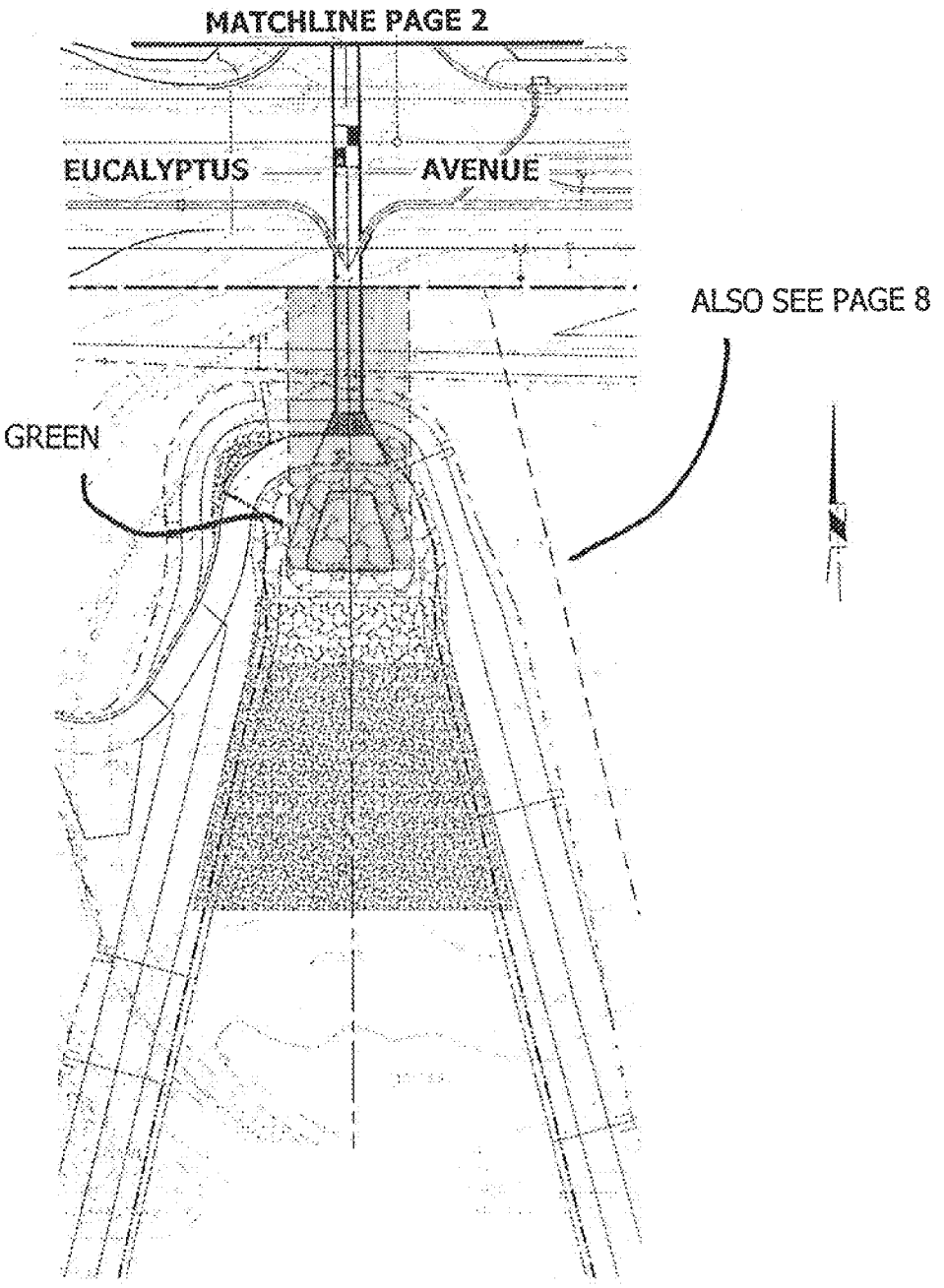

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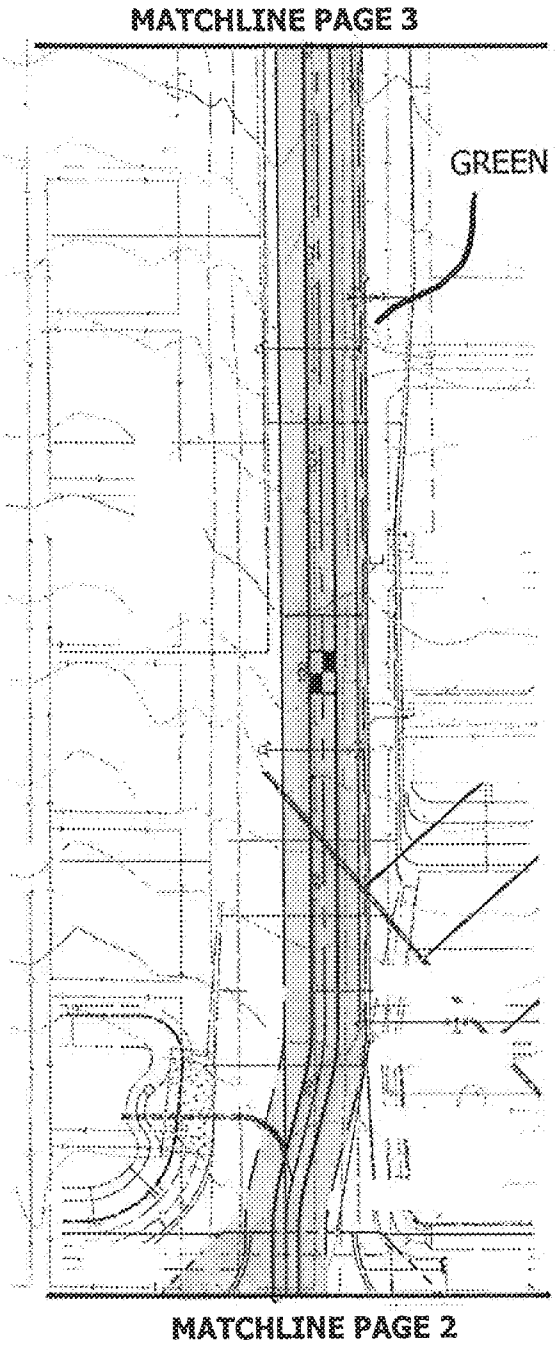

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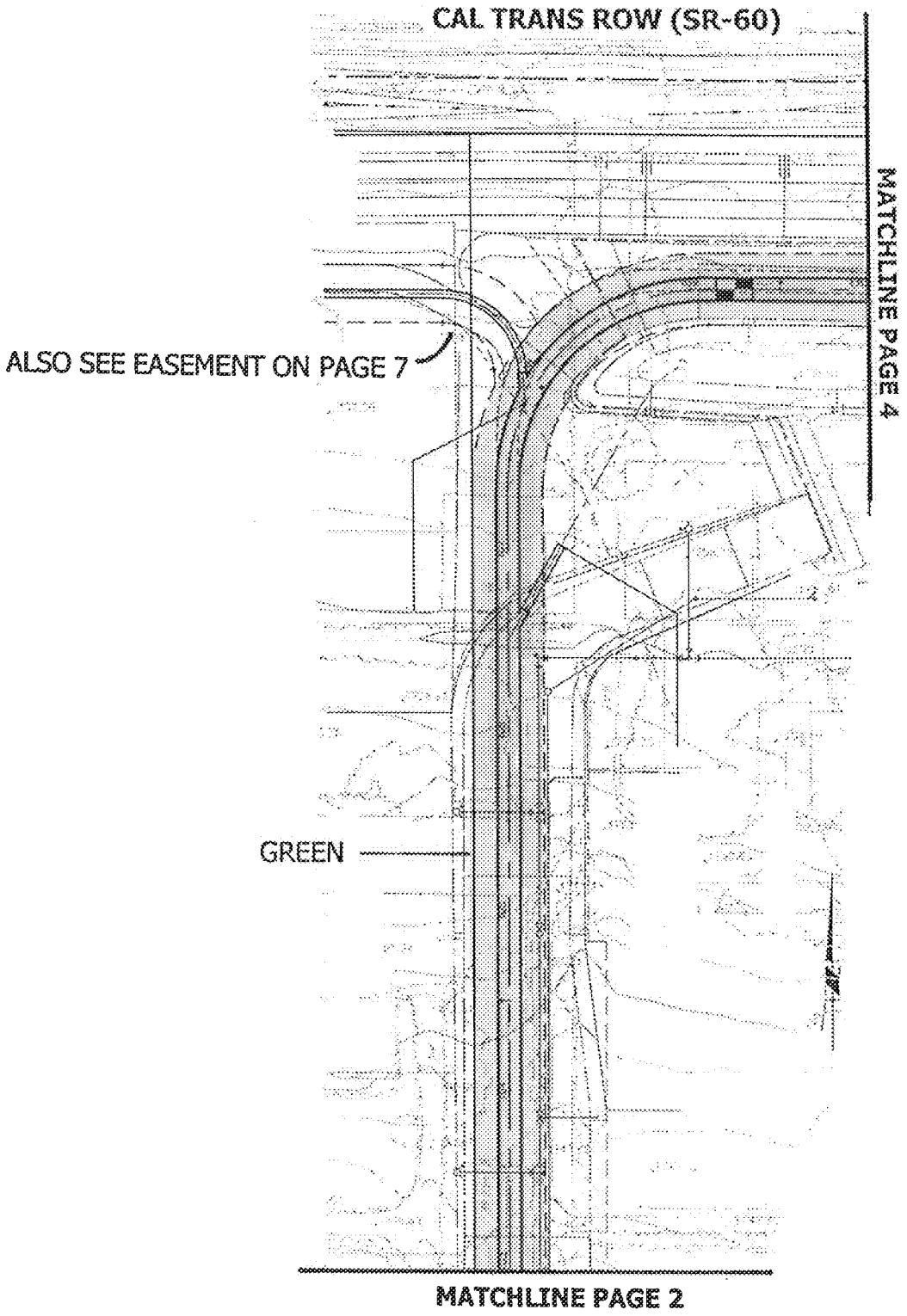
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ALSO SEE EASEMENT ON PAGE 7
GREEN
MATCHLINE PAGE 2

Exhibit B

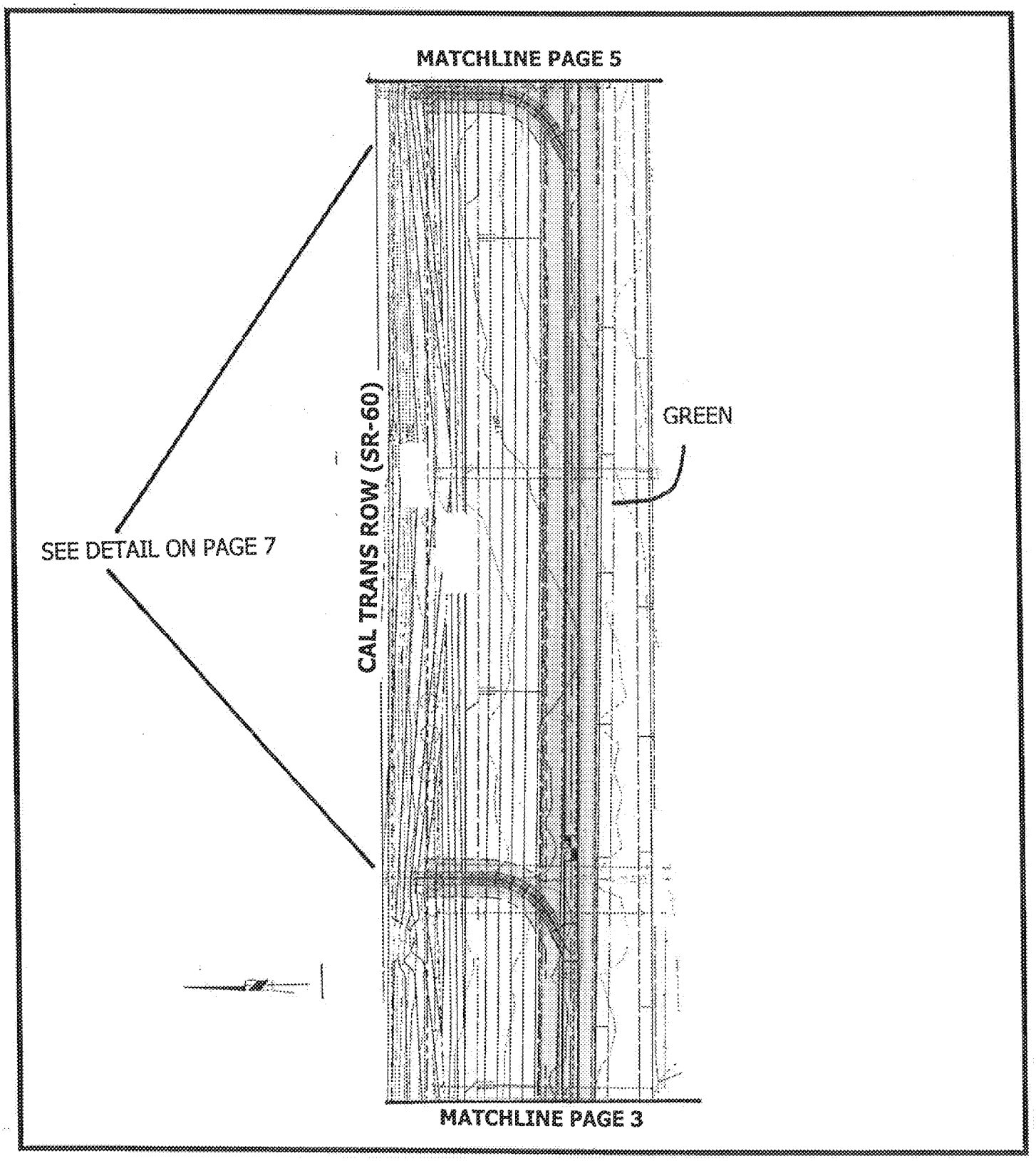
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SEE DETAIL ON PAGE 7
MATCHLINE PAGE 3

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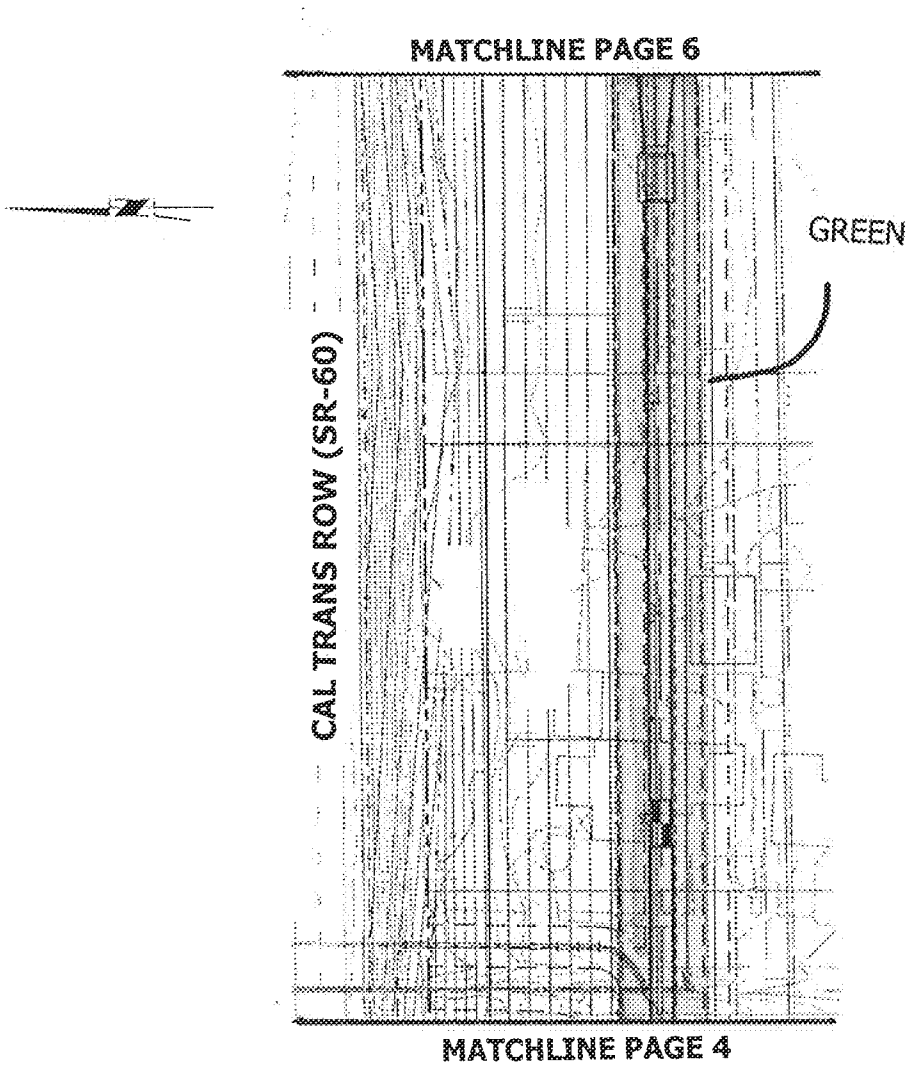

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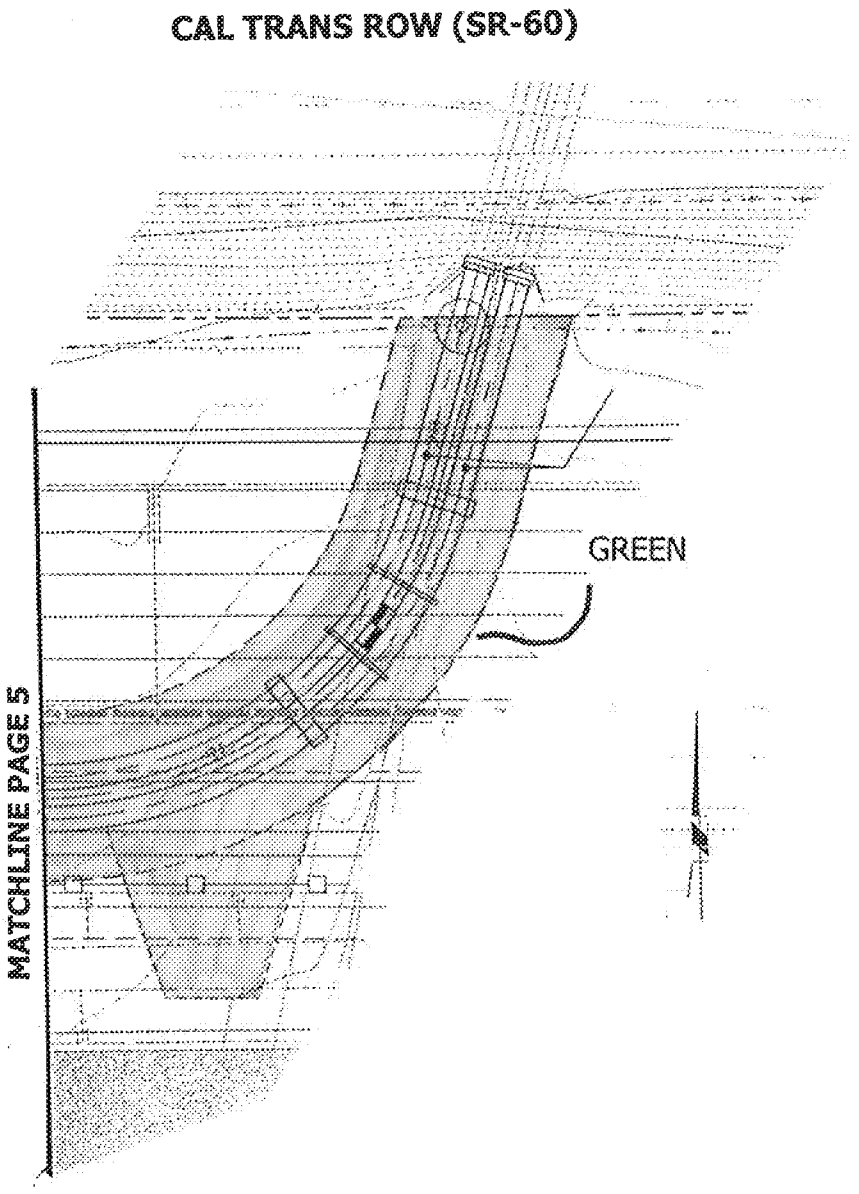

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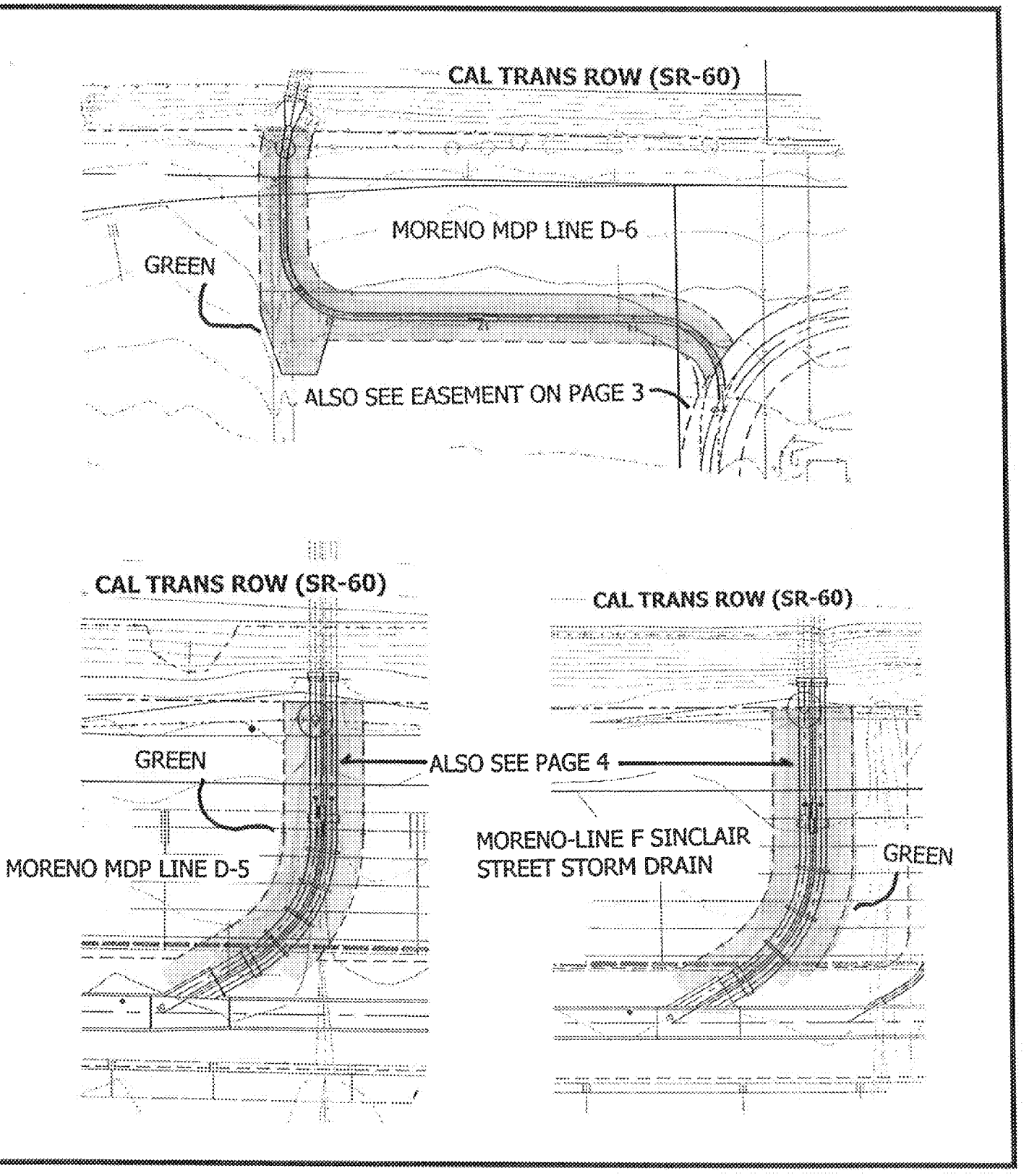
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MORENO MDP LINE D-6
GREEN
ALSO SEE EASEMENT ON PAGE 3
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GREEN
MORENO MDP LINE D-5
ALSO SEE PAGE 4
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MORENO-LINE F SINCLAIR
STREET STORM DRAIN
GREEN

Exhibit B

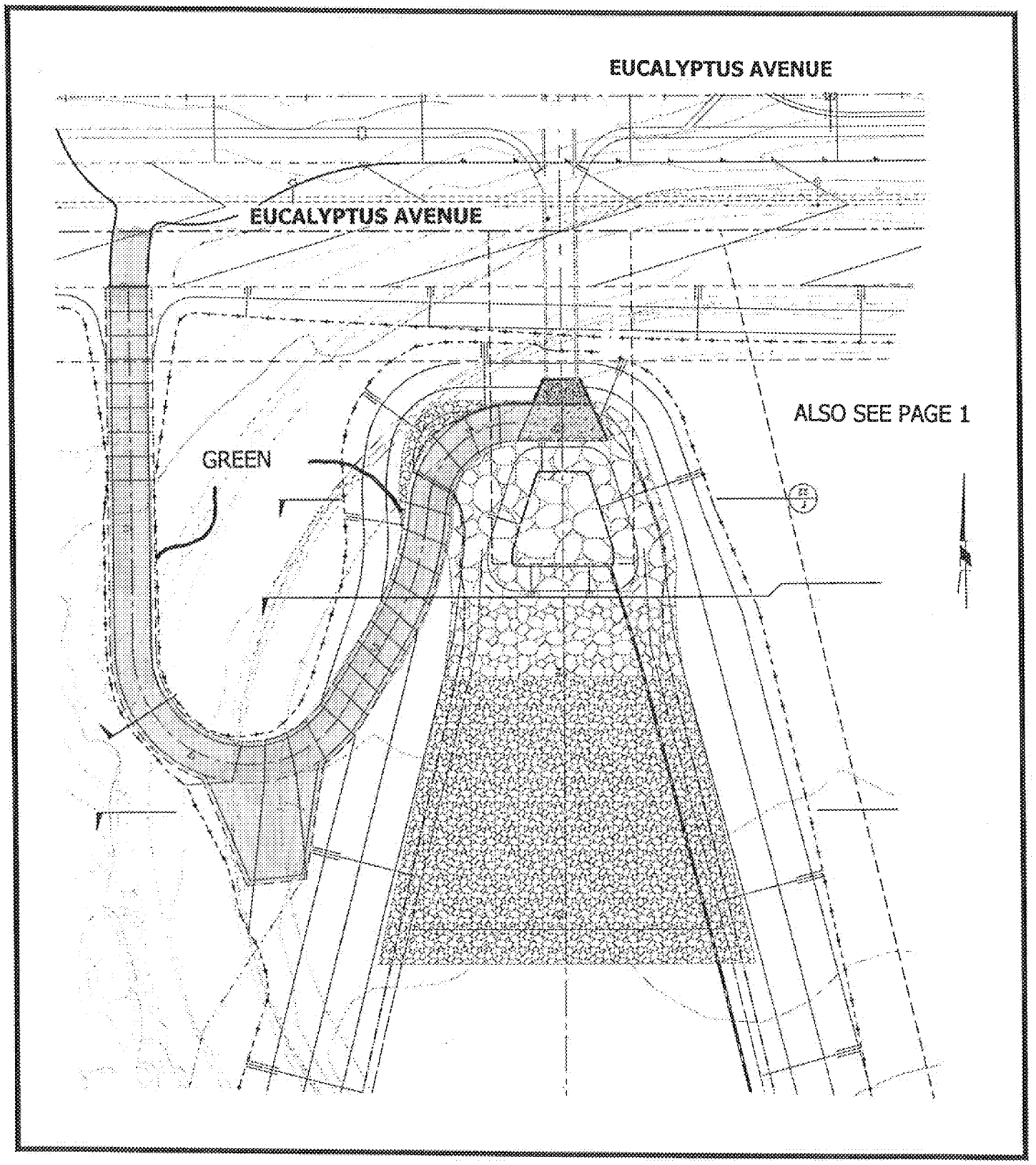

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MV00075701

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park.

2. Authorize the Mayor to execute the Agreement in the form attached hereto.

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

DISCUSSION

The Conditions of Approval for this project require that the developer provide surety for the required public improvements. The developer has requested to enter into a Public Improvement Agreement for combined Phases 2 and 3 and provide the City with real property Deeds of Trust having a total valuation equal to or greater than 2.5 times the estimated value of all remaining public improvements. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

The developer has completed and submitted a Public Improvement Agreement and securities for the Phase 2 & 3 public improvements. The developer has provided City staff with a separate Deed of Trust for Parcels 2, 3 and 4 of Parcel Map 35629 as noted within the agreement and agrees to perform and complete all of the required public improvements within twenty-four (24) months from the date the Plot Plan associated with each Phase 2 & 3 parcel is approved. The Public Works Director/City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe. The public improvements are within Redlands Boulevard, Theodore Street, State Route 60, and Eucalyptus Avenue. The improvements include but are not limited to: asphalt concrete, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, signage, traffic signal and traffic signal modifications, bus turnout, street lights, water quality basins, storm drain, water, and sewer.

After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve said parcel, and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public

improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations.

Accompanying the agreement is a current property appraisal and a deed of trust for each of the three (3) parcels, to secure Developers'obligation in the estimated amount of two million nine hundred thousand dollars ($2,900,000.00) for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629.

Given the present economy as well as the size and uniqueness of the project, allowing the use of a separate Public Improvement Agreement and use of real property as security for Phase 2 & 3 seems appropriate.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map for Site and Parcel Identification
Exhibit "B" - Agreement for Public Improvements
Exhibit "C" - Self-Contained Appraisal Report Dated July 30, 2010
Exhibit "D" - Deed of Trust for Parcel 2
Exhibit "E" - Deed of Trust for Parcel 3
Exhibit "F" - Deed of Trust for Parcel 4

Prepared By
Mark W. Sambito, P.E. .
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Phase 2-3 Agree and Security.doc

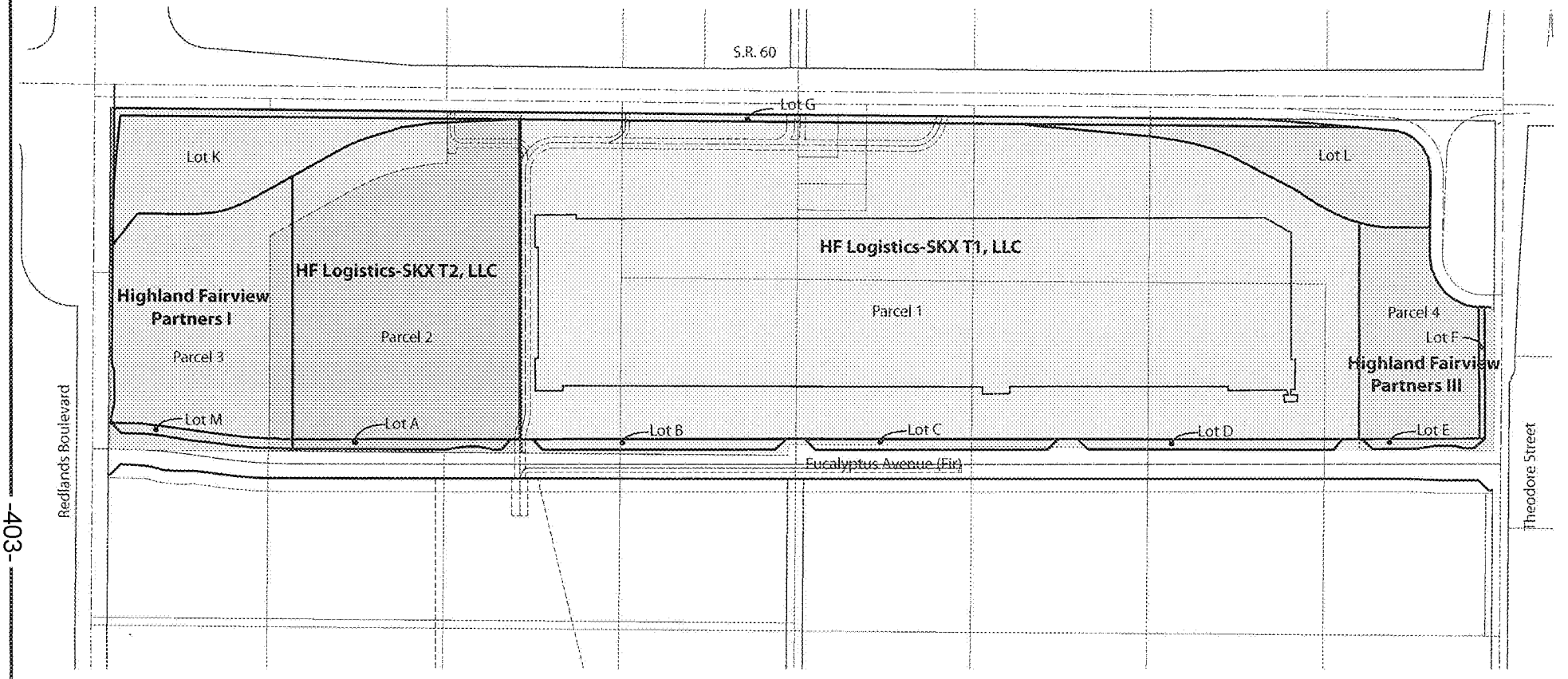

City of Moreno Valley
Public Works - Land Development

Highland Fairview Corporate Park - TPM 35629 Ownership Exhibit

PA07-0090
Vicinity Map

Exhibit "A"

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MV00075707

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103 *This space for Recorder's use only.*

AGREEMENT FOR THE PHASE 2 AND 3 PUBLIC IMPROVEMENTS
FOR
PROJECT NO. PA07-0090 PARCEL MAP 35629

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **HF Logistics-SKX T2, LLC, Highland Fairview Partners I, and Highland Fairview Partners III**, hereinafter called Developers, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, known as **PA07-0090 (Tentative Parcel Map 35629)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date the Plot Plan associated with each parcel is approved, to perform and complete in a good and workmanlike manner, all of the required improvements for that Plot Plan (Parcels 2, 3 and/or 4 of Parcel Map 35629) in accordance with those improvement plans which will have been approved by the City Engineer, and will be on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all estimated costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code. Developers shall also complete any offsite public improvements required for each parcel at such time as the City acquires an interest in the land which will permit the public improvements to be made and Developers waive the 120 day time limitation set forth in Section 66462.5, Government Code. The total cost of the required public improvements for Phase 2 and 3 (Parcels 2, 3 and 4 of Parcel Map 35629) is estimated to be **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00).**

SECOND: Developers agree to pay to the City the actual cost of such inspection of the public works and public improvements as may be required by the City Engineer. Developers further agree that, if suit is brought upon this Agreement or any security guaranteeing the completion of the required public improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developers and that, upon entry of judgment, such costs, expenses, and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the public improvements for Phases 2 and 3 (Parcels 2, 3 or 4 of Parcel Map 35629) prior to the completion or approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developers, their agents or employees, in the performance of the work, and all of said liabilities are assumed by Developers. Developers agree to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developers, their agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

Exhibit "B"

FOURTH: Developers hereby grant to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the public improvements. This permission shall terminate in the event that the Developers have completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developers agree at all times, up to the completion and acceptance of the public improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the public improvements, and to protect the traveling public from such defective or dangerous conditions. Developers shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. Developers' obligation under this provision shall be secured by the deed of trust securing performance of this Agreement.

SIXTH: Developers, their agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If Developers, or their agents or employees, neglect, refuse, or fail to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if Developers violate, neglect, refuse, or fail to perform satisfactorily any of the provisions of the plans and specifications, they shall be in default of this Agreement and notice in writing of such default shall be served upon them. Whereupon, the City Engineer shall unilaterally have the ability to foreclose on the deed of trust securing Developers' obligations under this Agreement. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of Developers because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon Developers, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Developers hereby provide the City with a deed of trust for each Parcel 2, 3 and 4 of Parcel Map 35629, in the form of Exhibit "A" to secure Developers'obligation for the amount of **TWO MILLION NINE HUNDRED THOUSAND AND NO/100 Dollars ($2,900,000.00)** for the construction of the public improvements required for the development of Parcels 2, 3 and 4 of Parcel Map 35629. After the approval of the Plot Plan for each parcel including identification of the public improvements required to serve each parcel and prior to the issuance of any building permits for that parcel, Developers shall replace the current Public Improvement Agreement and deed of trust with good and sufficient security for the public improvements and labor and materials for each parcel in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developers agree to renew or increase each and every security within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Developers reserve the right to substitute the security in accordance with the City of Moreno Valley Municipal Code at any time during the term of this Agreement subject to the approval of the City Engineer. Notwithstanding any other provision herein, if Developers fail to take such action as is necessary to comply with said notice, they shall be in default of this Agreement unless all required public improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developers of the insufficiency of the security. Upon the provision of such security for each parcel, the lien created by the deed of trust shall be released as to that parcel and the City shall execute all documents to reconvey its interest in that parcel to Developers. Said Deeds of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

NINTH: It is further agreed by and between the parties hereto, that, in the event it is deemed necessary to extend the time of completion of the work on Parcels 2, 3 and 4 of Parcel Map 35629, contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon Developers' request, and such extensions shall in no way affect the validity of this Agreement or release the security. Developers further agree to maintain the aforesaid security in full force and effect after the provision during the term of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that, if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:

City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developers:

HF Logistics-SKX, T2, LLC,
Highland Fairview Partners I,
Highland Fairview Partners III
14225 Corporate Way
Moreno Valley, California 92553

IN WITNESS WHEREOF Developers have affixed their names, addresses.

Date approved by the City: _____

HF LOGISTICS-SKX, T2, LLC
(OWNER OF PARCEL 2)

By: Ido Ronzen

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS I, LLC
(OWNER OF PARCEL 3)

By: Ido Ronzen

Its: President + CEO

By: _____

Its: _____

HIGHLAND FAIRVIEW PARTNERS III, LLC
(OWNER OF PARCEL 4)

By: Ido Ronzen

Its: President + CEO

By: _____

Its: _____

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPERS MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPERS ; GREEN - PUBLIC WORKS/LAND DEVELOPMENT; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 8/5/10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Ada Berzan (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 8, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agmt for Pr. 243 Publicly approved

Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ada Berzan	Signer's Name:
☒ Corporate Officer — Title(s): CEO & CFO	☐ Corporate Officer — Title(s):
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "A"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Aldo Bergasa (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1888965
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

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SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-19 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Bengzon (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2019

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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HIGHLAND FAIRVIEW CORPORATE PARK - PARCELS 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No. 10-242NB-0862

Self-Contained Appraisal Report

Prepared For:

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

VALUATION & ADVISORY SERVICES

CBRE
CB RICHARD ELLIS

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CBRE
CB RICHARD ELLIS

3501 Jamboree Road, Suite 100
Newport Beach, CA 92660

www.cbre.com

July 30, 2010

Mr. Iddo Benveezi
HIGHLAND FAIRVIEW
14225 Corporate Way
Moreno Valley, CA 92553

RE: Appraisal of Highland Fairview Corporate Park - Parcels 2-4
South of 60 Freeway between Redlands Boulevard & Theodore Street
Moreno Valley, Riverside County, CA 92555
CBRE File No 10-242NB-0862

Dear Mr. Benveezi:

At your request and authorization, CB Richard Ellis (CBRE) has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following Self-Contained Appraisal Report.

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites are situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	**Interest Appraised**	**Date of Value**	**Value Conclusion**
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
Parcel 4 (7.2 acres)	Fee Simple Estate	July 27, 2010	$2,020,000
Upon Completion of Street Improvements			
Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
Parcel 3 (12.9 acres)	Fee Simple Estate	March 1, 2011	$5,060,000
Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000
Compiled by CBRE			

Data, information, and calculations leading to the value conclusion are incorporated in the report following this letter. The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, our interpretation of the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It also conforms to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and Title XI Regulations.

The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. The appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.

CBRE
CB RICHARD ELLIS

© 2010 CB Richard Ellis, Inc.

CBRE hereby expressly grants to Client the right to copy this report and distribute it to other parties in the transaction for which this report has been prepared, including employees of Client, other lenders in the transaction, and the borrower, if any. It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE can be of further service, please contact us.

Respectfully submitted,

CBRE - VALUATION & ADVISORY SERVICES

William K. Bebernes, MAI
First Vice President
California State Certification No. AG003287
Phone: (949) 725-8413
Fax: (949) 725-8440
Email: William.Bebernes@CBRE.com

CERTIFICATION OF THE APPRAISAL

We certify to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in or bias with respect to the property that is the subject of this report and have no personal interest in or bias with respect to the parties involved with this assignment.
4. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice of The Appraisal Foundation and the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute, as well as the requirements of the State of CA relating to review by its duly authorized representatives. This report also conforms to the requirements of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. William K. Bebernes, MAI has completed the requirements of the continuing education program of the Appraisal Institute.
10. William K. Bebernes, MAI has made a personal inspection of the property that is the subject of this report.
11. No one provided significant real property appraisal assistance to the persons signing this report.
12. William K. Bebernes, MAI has extensive experience in the appraisal/review of similar property types.
13. William K. Bebernes, MAI is currently certified in the state where the subject is located.
14. Valuation & Advisory Services operates as an independent economic entity within CBRE. Although employees of other CBRE divisions may be contacted as a part of our routine market research investigations, absolute client confidentiality and privacy are maintained at all times with regard to this assignment without conflict of interest.
15. William K. Bebernes, MAI has not provided real estate appraisal services on this property within the three years prior to accepting this assignment.

William K. Bebernes, MAI
California State Certification No. AG003287

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SUBJECT PHOTOGRAPHS

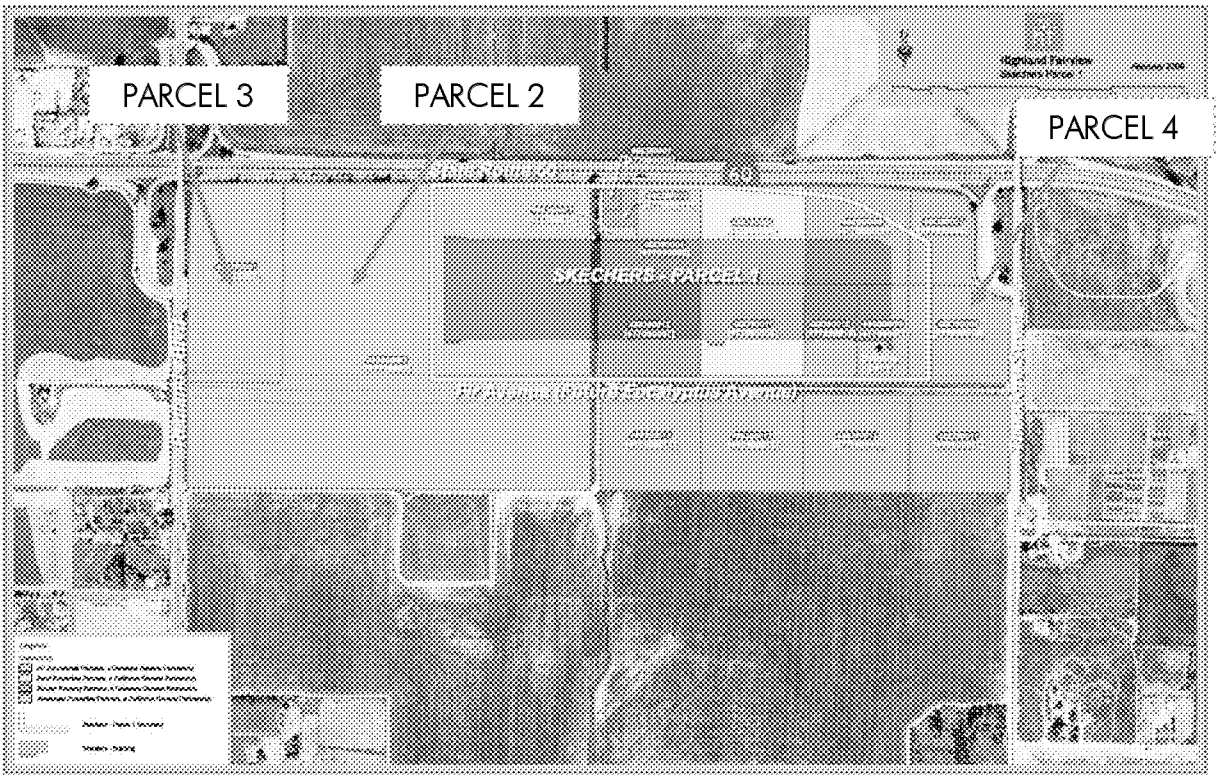

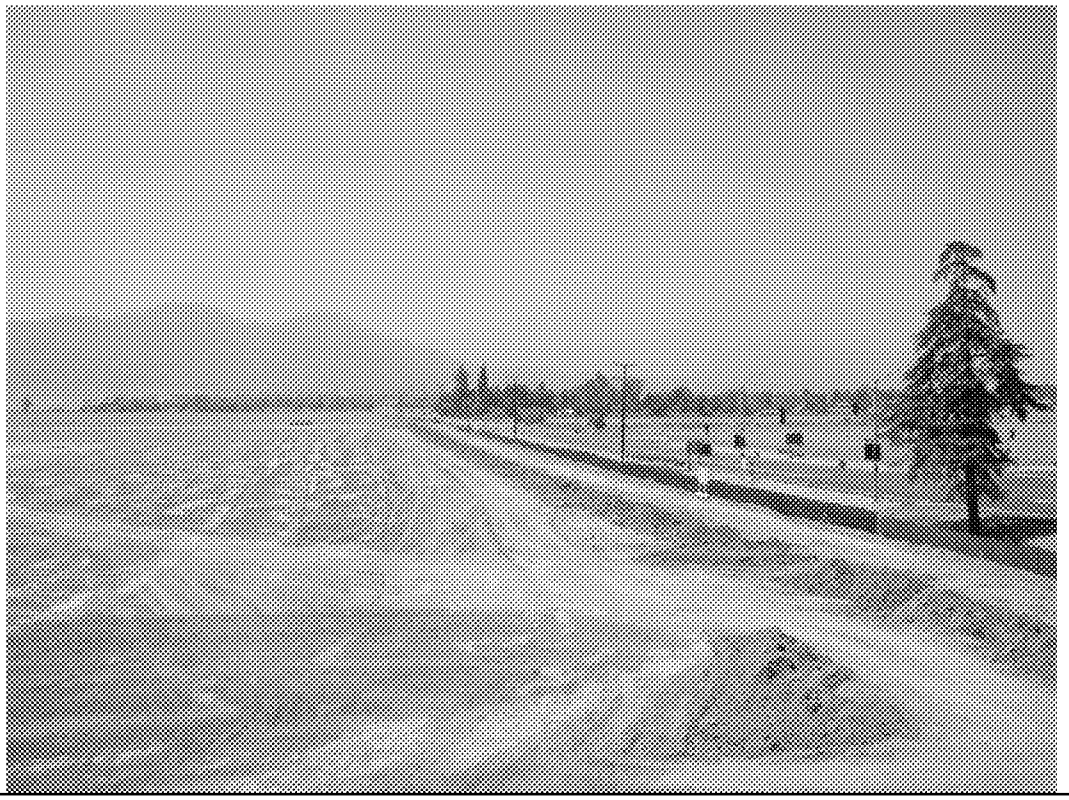

VIEW OF SUBJECT FROM EAST

VIEW OF PARCELS 2 & 3 FROM SOUTHEAST

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SUMMARY OF SALIENT FACTS

Property Name	Highland Fairview Corporate Park - Parcels 2-4	
Location	South of 60 Freeway between Redlands Boulevard & Theodore Street, Moreno Valley, Riverside County, CA 92555	
Assessor's Parcel Number	Multiple	
Highest and Best Use		
As If Vacant	Industrial - Commercial	
As Improved	N/A	
Property Rights Appraised	Fee Simple Estate	
Land Area - Net		
Parcel 2	22.40 AC	975,744 SF
Parcel 3	12.90 AC	561,924 SF
Parcel 4	7.20 AC	313,632 SF
Estimated Exposure Time	6 Months	

CONCLUDED MARKET VALUE

Appraisal Premise	Interest Appraised	Date of Value	Value
Market Value As-Is			
Parcel 2 (22.4 acres)	Fee Simple Estate	July 27, 2010	$3,370,000
Parcel 3 (12.9 acres)	Fee Simple Estate	July 27, 2010	$3,630,000
Parcel 4 (7.2 acres)	Fee Simple Estate	July 27, 2010	$2,020,000
Upon Completion of Street Improvements			
Parcel 2 (22.4 acres)	Fee Simple Estate	March 1, 2011	$5,850,000
Parcel 3 (12.9 acres)	Fee Simple Estate	March 1, 2011	$5,060,000
Parcel 4 (7.2 acres)	Fee Simple Estate	March 1, 2011	$2,820,000

Compiled by CBRE

SPECIAL ASSUMPTIONS

1. The gross and net site areas used in this report are based on figures from Tentative Parcel Map No. 35629, which is included in the Addenda and information provided by the owners. It is our understanding that this map will be recorded on August 24, 2010.

TABLE OF CONTENTS

CERTIFICATION OF THE APPRAISAL i
SUBJECT PHOTOGRAPHS ii
SUMMARY OF SALIENT FACTS iv
TABLE OF CONTENTS v
INTRODUCTION 1
AREA ANALYSIS 5
NEIGHBORHOOD ANALYSIS 19
MARKET ANALYSIS 23
SITE ANALYSIS 30
ZONING 33
TAX AND ASSESSMENT DATA 34
HIGHEST AND BEST USE 35
APPRAISAL METHODOLOGY 37
LAND VALUE 38
ASSUMPTIONS AND LIMITING CONDITIONS 49

ADDENDA
A Glossary of Terms
B Additional Subject Photographs
C Comparable Land Sales - Commercial
D Comparable Land Sales - Industrial
E Tentative Tract Map
F Land Improvement Costs
G Qualifications

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INTRODUCTION

PROPERTY IDENTIFICATION

The subject consists of three individual parcels to be located along the south side of the 60 Freeway, between Redlands Boulevard and Theodore Street in the Rancho Belago district of the city of Moreno Valley in Riverside County, California. The parcel map is scheduled to be recorded on August 24, 2010. The sites situated adjacent an 82.6 acre site that is being improved with a 1,820,457 square foot industrial distribution facility to be leased to Skechers USA, Inc. for a 20-year term commencing upon completion, estimated to be in March 2011. Parcel 4 is a commercial-zoned site of 7.2 net acres. Parcel 3 is a commercial site of 12.9 net acres and Parcel 2 is zoned for light industrial use and contains 22.4 net acres.

OWNERSHIP AND PROPERTY HISTORY

According to our review of public records and information provided by the owners, title to the parcels that are included in this report is currently vested in entities that are affiliates of Highland Fairview, the developer of the Skechers building. Parcels 2 and 3 are owned by Westcoast Properties Partners, a California General Partnership. Parcel 4 is owned by HF Educational Partners, a Delaware General Partnership. The sites have been under the current ownership for several years.

PREMISE OF THE APPRAISAL

The following table illustrates the various dates associated with the valuation of the subject, the valuation premises and the rights appraised for each premise/date:

PREMISE OF THE APPRAISAL		
Item	Date	Interest Appraised
Date of Report:	July 30, 2010	
Date of Inspection:	July 27, 2010	
Date of Value As Is:	July 27, 2010	Fee Simple Estate
Compiled by CBRE		

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the subject property. The current economic definition of market value agreed upon by agencies that regulate federal financial institutions in the U.S. (and used herein) is as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and

assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. [1]

TERMS AND DEFINITIONS

The Glossary of Terms in the Addenda provides definitions for additional terms that are, and may be used in this appraisal.

INTENDED USE AND USER OF REPORT

This report is intended for use by the client for internal purposes.

SCOPE OF WORK

The scope of the assignment relates to the extent and manner in which research is conducted, data is gathered and analysis is applied, all based upon the following problem-identifying factors stated elsewhere in this report:

- Client
- Intended use
- Intended user
- Type of opinion
- Effective date of opinion
- Relevant characteristics about the subject
- Assignment conditions

This appraisal of the subject has been presented in the form of a Self-Contained Appraisal Report, which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of USPAP. That is, this report incorporates, to the fullest extent possible, practical explanation of the data, reasoning and analysis that were used to develop the opinion of value. This report also includes thorough descriptions of the subject and the market for the property type. CBRE completed the following steps for this assignment:

[1] Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

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Extent to Which the Property is Identified

CBRE collected the relevant information about the subject from the owner (or representatives), public records and through an inspection of the subject. The property was legally identified through its postal address, assessor's records, legal description and title report.

Extent to Which the Property is Inspected

CBRE inspected the subject, as well as its surrounding environs on the effective date of appraisal.

Type and Extent of the Data Researched

CBRE reviewed the micro and/or macro market environments with respect to physical and economic factors relevant to the valuation process. This process included interviews with regional and/or local market participants, available published data, and other various resources. CBRE also conducted regional and/or local research with respect to applicable tax data, zoning requirements, flood zone status, demographics, income and expense data, and comparable listing and sale information.

Type and Extent of Analysis Applied

CBRE analyzed the data gathered through the use of appropriate and accepted appraisal methodology to arrive at a probable value indication via each applicable approach to value. Approaches to value used include cost, sales and income. The steps required to complete each approach are discussed in the methodology section. CBRE then correlated and reconciled the results into a reasonable and defensible value conclusion, as defined herein. A reasonable exposure time and marketing time associated with the value estimate presented has also been concluded.

EXPOSURE/MARKETING TIME

Current appraisal guidelines require an estimate of a reasonable time period in which the subject could be brought to market and sold. This reasonable time frame can either be examined historically or prospectively. In a historical analysis, this is referred to as exposure time. Exposure time always precedes the date of value, with the underlying premise being the time a property would have been on the market prior to the date of value, such that it would sell at its appraised value as of the date of value. On a prospective basis, the term marketing time is most often used. The exposure/marketing time is a function of price, time, and use. It is not an isolated estimate of time alone.

EXPOSURE TIME INFORMATION		
	Exposure Time (Months)	
Investment Type	Range	Average
Comparable Sales Data	3.0 - 28.0	6.8
CBRE Warehouse/Distribution		
Class A	3.0 - 12.0	5.5
Class B	4.0 - 12.0	7.8
Class C	4.0 - 12.0	7.6
Korpacz Warehouse		
National Data	3.0 - 18.0	9.3
Local Market Professionals	3.0 - 9.0	6.0
CBRE Estimate	**6 Months**	
Source: CBRE National Investor Survey & Korpacz Real Estate Investor Survey		

CBRE has concluded an exposure/marketing time of 6 months to be reasonable for the subject. This exposure/marketing time reflects current economic conditions, current real estate investment market conditions, the terms and availability of financing for real estate acquisitions, and property and market-specific factors. It assumes that the subject is (or has been) actively and professionally marketed. The marketing/exposure time would apply to all valuation premises included in this report.

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AREA ANALYSIS

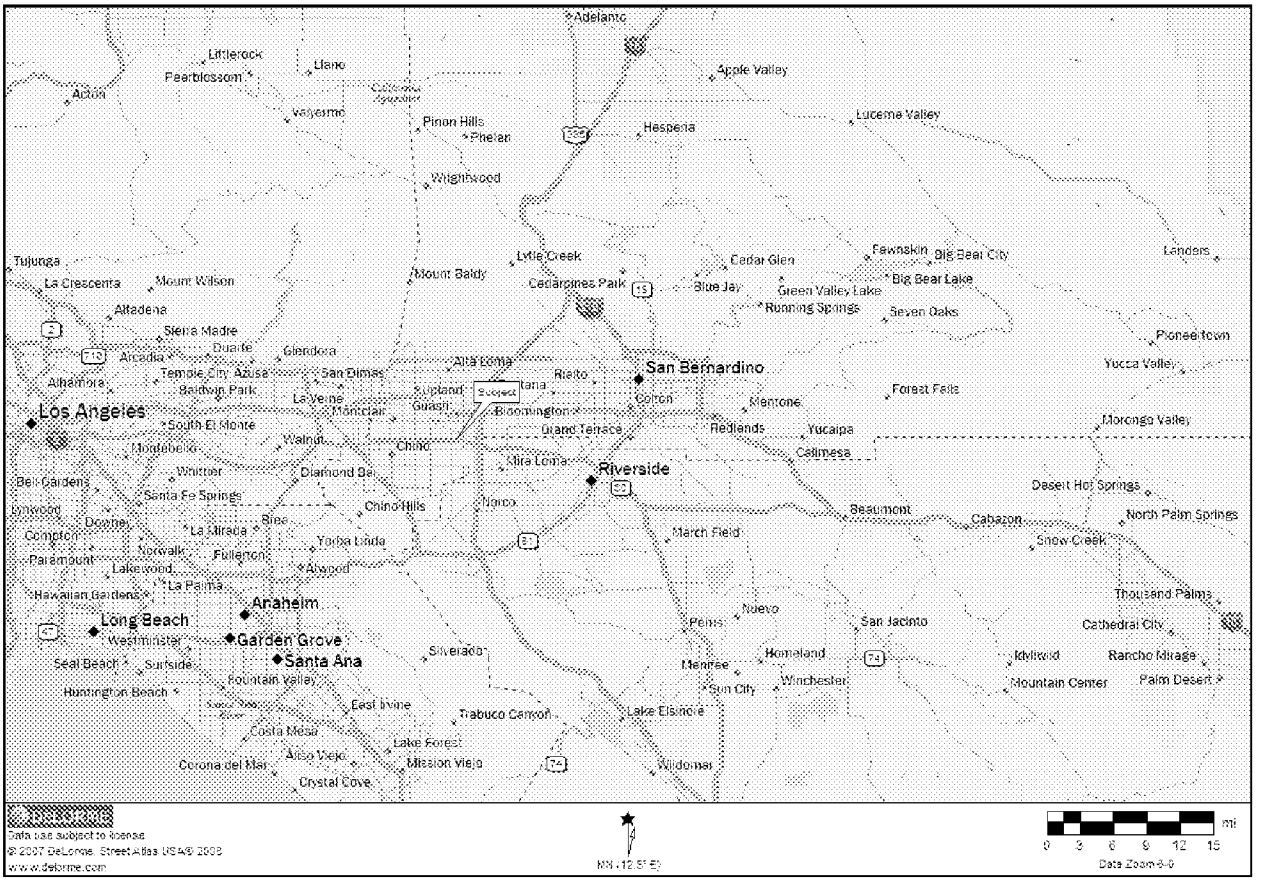

REGIONAL (COUNTY) INFLUENCES

Location

The subject is located in the Rancho Belago district of the city of Moreno Valley within Riverside County, California. The San Bernardino/Riverside County area (Inland Empire) is located in the southern portion of the state. A regional map indicating the location of the subject is presented on the previous page.

Population/Demographics

The Inland Empire represents approximately 11 percent of California's population. The population of the Inland Empire is estimated by Claritas to be 4,216,852 for 2009. The county's population is expected to reach approximately 4,808,880 by the year 2014 for an annual growth rate of 2.66 percent.

Demographic statistics for the Inland Empire are shown in the following table.

SELECTED METROPOLITAN DEMOGRAPHICS			
	Riverside County	San Bernardino County	Total Inland Empire
Population			
2014 Projection	2,513,707	2,295,173	4,808,880
2009 Estimate	2,149,382	2,067,470	4,216,852
2000 Census	1,545,387	1,709,434	3,254,821
1990 Census	1,170,413	1,418,380	2,588,793
2009 - 2014 % Change	17.0%	11.0%	14.0%
2000 - 2009 % Change	39.1%	20.9%	29.6%
1990 - 2000 % Change	32.0%	20.5%	25.7%
Households			
2014 Projection	677,480	792,521	1,470,001
2009 Estimate	617,191	684,200	1,301,391
2000 Census	528,594	506,218	1,034,812
1990 Census	464,737	402,067	866,804
2009 - 2014 % Change	9.8%	15.8%	13.0%
2000 - 2009 % Change	16.8%	35.2%	25.8%
1990 - 2000 % Change	13.7%	25.9%	19.4%
2009 Median Household Income	$55,504	$57,241	$56,373
2009 Average Household Income	$70,589	$74,896	$72,743
Source: Claritas			

The population increases in San Bernardino and Riverside counties were primarily due to a spillover from Los Angeles and Orange counties. However, more recent and projected growth is attributed to an internal expansion and diversification of the counties' employment base. This development of employment opportunities has enabled the individual counties to develop as quasi-independent economic centers. This is reflected in regional economic data, which indicates that the Inland Empire has been leading the region in terms of new job creation.

Education

College campuses in San Bernardino County include Cal State University San Bernardino, Chaffey College, Loma Linda University, and University of Redlands. Major colleges in Riverside County include the University of California Riverside, which is building a satellite campus in the Coachella Valley, California State University in Palm Desert, College of the Desert, and Riverside Community College.

Economic Forces

General Economic Overview

California has historically been the dominant economic state in the Western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the

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economic cycles. The State of California, Southern California region, and Los Angeles County economies are all expected to contract in 2010. Strong growth is not projected until 2011 or later. The future impact on commercial and residential real estate is unknown, which is impacting current investment decisions. Specific locations within the region are experiencing varying levels of decline and these adverse economic conditions have been considered.

Development in the Inland Empire reflects a continuing suburbanization of the Southern California region. It has occurred as a direct result of increasing urbanization and associated high business costs (including real estate) in Los Angeles and Orange counties. Large-scale growth in the Inland Empire began in the 1970s as the area developed as a series of affordable housing communities serving the adjoining employment centers. The construction of housing was facilitated by low land costs and pro-growth local governments. The increased population base supported growth in retail trade and services.

The expanding population and economic base in the Southern California region, coupled with a lack of developable land, also resulted in significant new industrial development in the Inland Empire. This development consists primarily of warehouse/distribution buildings, with limited manufacturing. Development of warehouse/distribution buildings in the Inland Empire is attractive due to its good transportation infrastructure (both vehicular and rail) and its central location relative to serving the Southern California region and the western United States. Similar to residential land uses, new industrial development was also facilitated by low land costs and pro-growth local governments.

Historical Inland Empire Employment

In order to determine economic trends in the Inland Empire, we reviewed employment estimates published by the State of California Employment Development Department (EDD). A summary of historical average annual employment figures in the Inland Empire, by sector for 1990 through 2009, is shown in the table on the following pages.

In 2005 the Employment Development Department (EDD) began implementing a new labor force data methodology. The revised methodology includes new time-series estimating models, improved estimation of new and reentrants into the labor force, and newly-defined Metropolitan Statistical Areas (MSAs).

Employment in the Inland Empire has steadily increased, reflecting a compound annual job growth rate of 2.22 percent over the past 19 years (31,915 new jobs per year). Employment growth has occurred continually despite recessionary periods experienced by the Southern California region in the 1990's and the early 2000 years. The Inland Empire's improving employment is reflective of its consistent economic development and increases in population.

Over the last 19 years, employment sectors that noticeably outperformed total employment growth include: Trade, Transportation and Utilities at 5.6 percent and Professional and Business Services at

3.8 percent per year. Total farm, mining and federal government have shown slight decreases. More recently, the Construction sector within Goods Producing has dropped 33.6 percent from 2008 and the overall Goods Producing Industry has declined 24.9 percent. The decrease in employment within this industry is a reflection of the continued decline in residential and commercial expansion in the Inland Empire region. Overall employment in the Inland Empire showed a moderate decline from the previous year, with a decrease in 49,100 jobs year-over-year.

HISTORICAL EMPLOYMENT TRENDS
Riverside - San Bernardino Metropolitan Statistical Area

Title	1990	2000	2008	2009	2008 % of Total	2009 % of Total	Annual Growth 2008-2009 Total	Annual Growth 2008-2009 %	Compounded Annual Growth 1990-2009 Avg.	Compounded Annual Growth 1990-2009 %
Civilian Labor Force	1,172,400	1,419,400	1,827,900	1,778,800	-				-	-
Civilian Employment	1,097,900	1,347,500	1,662,400	1,530,400	-				-	-
Civilian Unemployment	74,500	71,900	165,500	248,400	-				-	-
Change in Total Employment	-	37.4%	-2.2%	-7.6%	-				-	-
Total, All Industries	735,200	1,010,100	1,257,100	1,161,100	100.0%	100.0%	-96,000	-7.6%	22,416	2.4%
Total Farm	22,600	21,700	14,800	16,300	1.2%	1.4%	1,500	10.1%	-332	-1.7%
Total Nonfarm	712,600	988,400	1,242,300	1,144,800	98.8%	98.6%	-97,500	-7.8%	22,747	2.5%
Goods Producing	138,000	201,500	210,700	158,200	16.8%	13.6%	-52,500	-24.9%	1,063	0.7%
Mining	1,400	1,300	1,400	900	0.1%	0.1%	-500	-35.7%	-26	-2.3%
Construction	58,800	80,100	98,300	65,300	7.8%	5.6%	-33,000	-33.6%	342	0.6%
Manufacturing	77,900	120,100	111,000	92,000	8.8%	7.9%	-19,000	-17.1%	742	0.9%
Service Providing	574,600	786,900	1,031,600	986,600	82.1%	85.0%	-45,000	-4.4%	21,684	2.9%
Transportation & Public Utilities	24,000	46,400	67,700	67,700	5.4%	5.8%	0	0.0%	2,300	5.6%
Wholesale Trade	24,400	38,300	56,100	51,400	4.5%	4.4%	-4,700	-8.4%	1,421	4.0%
Retail Trade	99,200	127,400	168,800	159,000	13.4%	13.7%	-9,800	-5.8%	3,147	2.5%
Finance & Insurance	21,300	20,600	28,500	26,000	2.3%	2.2%	-2,500	-8.8%	247	1.1%
Real Estate and Rental and Leasing	11,700	14,200	18,200	17,300	1.4%	1.5%	-900	-4.9%	295	2.1%
Professional and Business Services	62,800	97,000	146,300	128,300	11.6%	11.0%	-18,000	-12.3%	3,447	3.8%
Government	150,200	192,100	227,200	226,600	18.1%	19.5%	-600	-0.3%	4,021	2.2%
Federal Government	21,600	18,200	20,500	19,800	1.6%	1.7%	-700	-3.4%	-95	-0.5%
State Government	18,900	24,600	28,200	29,900	2.2%	2.6%	1,700	6.0%	579	2.4%
Local Government	109,700	149,300	178,500	176,900	14.2%	15.2%	-1,600	-0.9%	3,537	2.5%

Source: California Employment Development Department

County Employment

The Riverside-San Bernardino MSA unemployment rate was 14.4 percent in June 2010, up from the revised 13.9 percent in May 2010 and above the estimate of 13.6 percent in June 2009. This compares to the State's average of 12.2 percent and the national rate 9.6 percent. Year-over total non-farm employment in Riverside and San Bernardino counties declined by 32,200 jobs from 1,138,800 in June 2009 to 1,106,600 in June 2010, a growth rate of -2.8 percent. Construction, retail, manufacturing, financial activities and trade, transportation and utilities had the greatest decline in employment over the past year.

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In addition to the growing pool of available workers, the SMSA has a wide range of skill levels coming from the influx of homebuyers. The following table outlines the profile of the work force by employment sector.

RIVERSIDE - SAN BERNARDINO MSA
WORK FORCE
JUNE 2010

Industry	Number Employed (in thousands)	Percent Employed
All Industries	1,127.3	100.0
Total Agriculture	20.7	1.8
Non-Agriculture Industries	1,106.6	98.2
Goods Producing	145.3	12.9
Mining	1.2	0.1
Construction	58.8	5.2
Manufacturing – Total	85.3	7.6
Nondurable Goods	29.0	2.6
Durable Goods	56.3	5.0
Service Providing – Total	961.3	85.3
Trade Transportation and Utilities	262.9	23.3
Information	14.4	1.3
Financial Activities	41.8	3.7
Professional and Business Services	124.8	11.1
Education and Health Services	132.1	11.7
Leisure and Hospitality	119.9	10.6
Other Services	36.3	3.2
Government	229.1	20.3

Source: California EDD

The most influential aspect of the above breakdown is that it illustrates the diversity in the regional labor force. The entire Los Angeles metropolitan area, including the Inland Empire, has a very diverse economic makeup that has buffered Southern California's economy from cyclical fluctuations in particular industries such as defense and energy. The impact of this is a relatively strong real estate investment market, from local, national, and international concerns. The economic makeup developing in the subject's region is following a similar pattern.

For the long term, Riverside and San Bernardino Counties will continue to be bedroom communities and an exporter of employees. The area's attractive climate and surroundings are expected to continue to attract home price conscious employees and retirees alike.

Unemployment Trends

The following table summarizes the average annual unemployment rates for the Inland Empire from 1990.

INLAND EMPIRE UNEMPLOYMENT RATES 1990 - JUNE 2010

Year	Unemployment Rate
1990	6.4%
1991	9.1%
1992	10.7%
1993	11.0%
1994	9.6%
1995	8.6%
1996	7.9%
1997	7.0%
1998	6.1%
1999	5.2%
2000	5.1%
2001	5.3%
2002	6.3%
2003	6.4%
2004	5.9%
2005	5.3%
2006	4.9%
2007	5.9%
2008	10.3%
2009	14.1%
June 2010	14.4%

Source: California Employment Development Department

As shown, the unemployment rate increased between 1990 and 1993 due to a recession. The unemployment rate declined from 1994 to 1999 as the regional economy expanded. It increased moderately in 2002, and maintained that level in 2003, due to lingering effects of the national recession as well as continued growth in the labor force. It declined significantly in 2004, and maintained the same level in 2005. Unemployment decreased to 4.9 percent in 2006, and rose to 5.9 percent in 2007. In 2008, the unemployment rate rose significantly to 10.3 percent and again in 2009 to 14.1 percent due to a slowing economy. As of June 2010, the unemployment rate has continued to increase to a rate of 14.4 percent.

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Largest Employers

A list of the largest employers in the Inland Empire, compiled by the Inland Empire Business Journal in the 2010 Book of Lists and CB Richard Ellis, Inc. is presented in the two following tables.

MAJOR EMPLOYERS
Riverside County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of Riverside	18,456	18,456	County Government
2	March Aire Reserve Base	8,600	8,600	Military
3	U.C. Riverside	7,321	7,321	University
4	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
5	Wal-Mart Stores, Inc	6,550	1,900,000	Retail
6	Riverside Unified School District	5,099	5,099	Education
7	Abbott Vascular	4,500	65,000	Health Care
8	Pechanga Resort and Casino	4,000	4,000	Casino/Resort
9	Kaiser Permanente Riverside Medical Center	3,600	149,000	Health Care
10	Temecula Valley Unified School District	2,752	2,752	Education
11	City of Riverside	2,700	2,700	City Government
12	Hemet Unified School District	2,590	2,590	Education
13	Riverside County Regional Medical Center	2,400	N/A	Health Care
14	Eisenhower Medical Center	2,223	2,223	Health Care
15	Morongo Casino, Resort and Spa	2,148	2,148	Casino/Resort
16	Palm Springs Unified School District	2,135	2,135	Education
17	Alvord Unified School District	2,100	2,100	Education
18	Desert Regional Medical Center	1,900	N/A	Health Care
19	Riverside County Office of Education	1,800	1,800	Education
20	Murrieta Valley Unified School District	1,777	1,900	Education

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

MAJOR EMPLOYERS
San Bernardino County

NO.	NAME OF COMPANY	EMPLOYEES LOCAL	EMPLOYEES TOTAL	TYPE OF ORGANIZATION
1	County of San Bernardino	18,000	18,000	County Government
2	U.S. Marine Corps Air Ground Combat Center	12,486	12,486	Military
3	U.S. Army, Fort Irwin & National Training Center	10,000	10,000	Military
4	San Bernardino City Unified School District	7,722	7,722	Education
5	Stater Bros. Markets	6,900	19,000	Grocery/Retailer
6	Wal-Mart Stores, Inc.	6,125	1,900,000	Retail
7	Kasier Permanente	5,808	5,808	Health Care
8	UPS	4,990	407,200	Parcel Shipment
9	Fontana Unified School District	4,808	4,808	Education
10	Target Corporation	4,800	350,000	Retail
11	Colton Joint Unified School District	3,737	3,737	Education
12	San Manuel Band of Mission Indians	3,691	3,691	Casino/Resort
13	Loma Linda University	3,000	3,000	University
14	Chino Valley Unified School District	2,815	2,815	Education
15	Cardenas Markets, Inc.	2,500	2,500	Grocery/Retailer
16	VA Loma Linda Healthcare System	2,268	2,436	Health Care
17	Ontario-Montclair School District	2,239	2,239	Education
18	Arrowhead Regional Medical Center	2,231	3,100	Health Care
19	Marine Corps Logistics Base	2,200	2,200	Military
20	University of Redlands	2,128	2,128	University

*Based on ranking of total local employees in Inland Empire as included in the Book of Lists
Source: The Business Press, 2010 Book of Lists

Environmental Forces

Land Use/Development Trends

The Inland Empire originally developed as a residential bedroom community serving employment centers in Los Angeles and Orange counties. As a result, most early development paralleled the San Bernardino, Pomona, and Corona freeways. Residents were drawn to the area by the availability of affordable housing. With the existing network of freeways serving the Southern California region, access to most employment centers was easily facilitated. The western portion of San Bernardino County was the first area to experience significant residential development. This included the cities and communities of Montclair, Upland, Chino, and Ontario. With the rapid expansion of the Southern California economy in the 1980s, residential development in the Inland Empire continued its expansion along existing freeways. Residential development followed an easterly path, to the cities of Rancho Cucamonga and Fontana. More significantly, increased development occurred along the Riverside Freeway in the cities and communities of Corona, La Sierra, Arlington, and Moreno Valley. To a lesser extent, residential development moved northward along the Ontario Freeway to the cities of Victorville, Apple Valley, and Hesperia in the High Desert region and farther eastward in the Low Desert region near Palm Springs and Cathedral City. Provided in the following pages is a more detailed discussion of the housing, retail, industrial and office land uses in this region.

County Housing

The single most likely factor that will continue to fuel the population growth in Riverside and San Bernardino Counties is its housing affordability compared to other nearby counties. The following table compares San Bernardino and Riverside Counties with neighboring counties for the median price and number sold for all homes, and the percentage changes, as of June 2010.

	NO. SOLD – ALL HOMES			MEDIAN PRICE - ALL HOMES		
	June 2009	June 2010	Percent Change	June 2009	June 2010	Percent Change
Los Angeles	7,636	7,849	2.80%	$320,000	$335,000	4.70%
Orange	2,958	3,423	15.70%	$418,000	$445,000	6.50%
San Diego	3,692	3,885	5.20%	$314,250	$335,500	6.80%
Riverside	4,694	4,645	-1.00%	$185,000	$210,000	13.50%
San Bernardino	3,438	3,179	-7.50%	$140,000	$160,000	14.30%
Ventura	844	890	5.50%	$365,000	$384,000	5.20%
Southern California	23,262	23,871	2.60%	$265,000	$300,000	13.20%

Source: DataQuick
Complied by: CB Richard Ellis, Inc.

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The totals for home sales include new and resale houses and condominiums. The price changes reflect shifts in market mix as well as changes in price. The reported median prices have been rounded to the nearest thousand and do not always correspond to the precise percentage change.

The data in the table above reflects an upward trend in sales volume in Southern California with an upward trend in home prices. According to DataQuick, a total of 23,871 homes were sold in Southern California during June, an increase of 2.60 percent from the year before, and the median price was $300,000, a 13.50 percent increase from last year.

Sales in Riverside County accounted for 19.46 percent of all southland sales. San Bernardino accounted for 13.32 percent of all southland sales. The median price paid for a home in Riverside County increased 13.50 percent to $210,000 and sales volume decreased by 1.00 percent to 4,645 units sold, compared to 4,694 units sold one year ago. The median price paid for a home in San Bernardino County was $160,000, up 14.30 percent from June 2009. Sales volume in San Bernardino County decreased by 7.50 percent to 3,179 units sold, compared to 3,438 units sold one year ago.

The table indicates that the Counties of San Bernardino and Riverside, collectively referred to as the Inland Empire, offer the most affordable housing in the Southern California area. These figures show that the primary reason San Bernardino and Riverside Counties receive demand from commuters that work in nearby counties is the lower cost of housing, even after considering commuting costs.

Building Permits

Presented in the following chart is a summary of total building permits from 1995 through 2009 (single-family and multi-family).

BUILDING PERMITS - SINGLE-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	5,400	5,663	6,803	3,852	1,954	4,736	28,408
1996	5,370	7,070	7,021	4,703	2,130	5,816	32,110
1997	6,788	8,219	8,678	5,124	2,071	8,338	39,218
1998	6,887	7,366	10,758	5,602	2,811	9,160	42,584
1999	7,858	7,686	12,659	6,593	3,662	9,993	48,451
2000	8,417	6,794	13,630	5,865	2,995	9,167	46,868
2001	8,184	5,925	16,556	6,825	3,157	9,312	49,959
2002	8,217	6,423	20,591	9,179	2,228	9,749	56,387
2003	10,217	5,565	25,137	10,820	2,342	9,455	63,536
2004	11,752	4,395	29,478	13,991	1,721	9,555	70,892
2005	11,911	4,058	29,994	15,305	2,593	7,904	71,765
2006	10,097	3,735	20,692	12,599	1,560	4,753	53,436
2007	7,509	2,182	9,763	6,239	736	3,503	29,932
2008	3,539	1,295	3,815	1,981	354	2,352	13,336
2009	2,095	1,335	3,386	1,430	209	1,785	10,240
Percent Change 2008 to 2009	-40.80%	3.09%	-11.25%	-27.81%	-40.96%	-24.11%	-23.22%
Average	7,616	5,181	14,597	7,341	2,035	7,039	43,808

Source: Real Estate and Construction Report

BUILDING PERMITS - MULTI-FAMILY

Period	Los Angeles County	Orange County	Riverside County	San Bernardino County	Ventura County	San Diego County	Six-County Total Permits
1995	3,005	2,637	143	101	212	1,872	7,970
1996	3,237	3,137	478	311	223	1,052	8,438
1997	3,636	4,032	1,106	469	245	3,064	12,552
1998	4,805	2,735	1,735	511	371	3,013	13,170
1999	6,525	4,662	1,920	479	780	6,434	20,800
2000	8,654	5,573	1,780	715	976	6,760	24,458
2001	10,069	2,721	2,458	1,702	289	6,326	23,565
2002	11,147	5,597	2,073	1,437	279	5,989	26,522
2003	11,096	3,746	5,224	1,820	1,293	8,859	32,038
2004	15,183	4,927	4,748	4,479	882	7,751	37,970
2005	13,736	3,148	4,140	1,379	1,923	7,354	31,680
2006	16,251	4,636	4,519	1,273	901	6,024	33,604
2007	12,854	4,890	2,690	1,765	1,111	3,942	27,252
2008	10,165	1,864	2,104	1,201	488	2,802	18,624
2009	3,515	842	802	1,063	132	1,204	7,558
Percent Change 2008 to 2009	-65.42%	-54.83%	-61.88%	-11.49%	-72.95%	-57.03%	-59.42%
Average	8,925	3,676	2,395	1,247	674	4,830	21,747

Source: Real Estate and Construction Report

Total single-family building permits generally increased on an annual basis from 1995 through 2005 (they only declined in 2000), and then dropped precipitously in 2006 thru 2009. The year end figure for 2009 was 85 percent below the 2005 peak.

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Trends in multi-family building permits have fluctuated significantly. However, there has been a general upward trend from less than 10,000 units in the early time frame (1995 and 1996) versus 20,000 units or more from 1999 to 2007. Total multi-family permits have declined significantly within the last two years as the year end 2009 figure was 80 percent below 2004 peak.

Transportation

A well-integrated freeway system serves as the basis for surface transportation in the Inland Empire and Southern California region. The primary freeway serving the region is the San Bernardino Freeway (Interstate 10), a transcontinental highway connecting Los Angeles to the rest of the nation. Additional freeways include the Ontario Freeway (Interstate 15), connecting San Diego County and the Nevada State Line; Interstate 215, a north-south business loop connecting the San Bernardino and Ontario freeways; the Pomona Freeway (State Route 60), connecting the cities of Los Angeles and Riverside; the Moreno Freeway (State Route 60), an extension of the Pomona Freeway running between Riverside and Banning; and the Corona Expressway (State Route 71), connecting the Riverside Freeway (State Route 91), the Pomona Freeway (State Route 60), the San Bernardino Freeway (Interstate 10), and the Foothill Freeway (Interstate 210). The Foothill (210) Freeway now extends east from the city of La Verne to the 30 Freeway in the city of San Bernardino.

The Mid County Parkway project is a proposed 32-mile transportation corridor designed to relieve local and regional traffic congestion in the San Jacinto, Perris and Corona areas, and surrounding communities. The Mid County Parkway project began in 2004 with meetings and studies to analyze project impacts and to identify possible routes. The preferred route is known as Alternative 9, also called the Far South Alternative. This proposed route extends from Cajalco Road in Corona to Highway 79 in San Jacinto. The majority of this route parallels south of the Cajalco Expressway between I-15 and I-215 and then overlays the current Ramona Expressway route from I-215 to San Jacinto. Study findings on Alternative 9 and other Mid County Parkway alternatives were presented in a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) which was circulated for public review in early 2008.

Citing environmental concerns, opposition from residents and more pressing priorities, the Riverside County Transportation Commission's staff is proposing to scale back by half the 32-mile, $3 billion Mid-County Parkway. Rather than connecting San Jacinto and Corona, the shorter route will go no farther than San Jacinto-to-Interstate 215. The decision is also based on Riverside County improving Cajalco Road, which the County has wished to widen to four lanes from Perris to Corona and straighten so the curvy road is safer.

The Inland Empire is served by the Santa Fe and Southern Pacific railroads. These railroads act primarily in a freight hauling capacity, providing access between the ports of Los Angeles and Long Beach and the Inland Empire. Via the existing network of national rail lines, freight can be moved throughout the entire country.

Passenger rail service is available via MetroLink, a rail service that serves Southern California. Union Station in downtown Los Angeles is the hub. Service extends through the San Gabriel Valley and the western Inland Empire to the city of San Bernardino on the east. Stations serving the Inland Empire include Claremont, Montclair, Rancho Cucamonga, Rialto, and San Bernardino. Another MetroLink line extends east to the city of Riverside, with stops in the City of Industry, Ontario, and Riverside.

Ontario International Airport

A primary catalyst of growth in the Inland Empire is the Ontario International Airport. In 1998, a major expansion and renovation was completed. The airport now includes two passenger terminals with 35 gates that total 530,000 square feet (eight times larger than the former facility). It has a capacity to serve 10 million passengers annually, with plans for expansion to a third terminal when this threshold is achieved in consecutive years. Parking was increased by 4,900 spaces to the current level of 13,968 stalls. In 2009, 4.8 million passengers used the airport and 390,932 tons of air freight was shipped, which both numbers were down significantly from the numbers posted in 2007 and again in 2008. A summary of historical statistics for the airport are summarized in the following table.

ONTARIO INTERNATIONAL AIRPORT
PASSENGER AND AIR FREIGHT VOLUMES
1987-2009

	Passengers					
Year	**Departures**	**Arrivals**	**Total**	**Percent Change**	**Freight (Tons)**	**Percent Change**
1987	2,292,606	2,282,391	4,574,997		218,196	
1988	2,409,598	2,388,634	4,798,232	4.9%	286,411	31.3%
1989	2,661,026	2,638,237	5,299,263	10.4%	284,988	-0.5%
1990	2,717,968	2,702,367	5,420,335	2.3%	272,638	-4.3%
1991	2,906,405	2,885,413	5,791,818	6.9%	282,558	3.6%
1992	3,067,671	3,053,952	6,121,623	5.7%	306,973	8.6%
1993	3,105,181	3,086,854	6,192,035	1.2%	353,302	15.1%
1994	3,200,836	3,185,164	6,386,000	3.1%	379,911	7.5%
1995	3,210,582	3,194,515	6,405,097	0.3%	386,953	1.9%
1996	3,132,803	3,120,035	6,252,838	-2.4%	437,139	13.0%
1997	3,153,825	3,147,037	6,300,862	0.8%	461,747	5.6%
1998	3,212,487	3,222,371	6,434,858	2.1%	454,231	-1.6%
1999	3,268,661	3,309,344	6,578,005	2.2%	488,774	7.6%
2000	3,396,764	3,360,634	6,757,398	2.7%	511,758	4.7%
2001	3,354,400	3,348,000	6,702,400	-0.8%	462,758	-9.6%
2002	3,262,300	3,285,577	6,547,877	-2.3%	547,461	18.3%
2003	3,285,577	3,262,300	6,547,877	0.0%	571,892	4.5%
2004	3,462,361	3,473,352	6,935,713	5.9%	605,211	5.8%
2005	3,611,978	3,601,550	7,213,528	4.0%	575,369	-4.9%
2006	3,533,858	3,516,046	7,049,904	-2.3%	544,600	-5.3%
2007	3,607,184	3,599,966	7,207,150	2.2%	532,865	-2.2%
2008	3,112,112	3,120,649	6,232,761	-13.5%	481,284	-9.7%
2009	2,444,643	2,442,052	4,886,695	-21.6%	390,932	-18.8%
Compound Annual Growth 1987-2009				0.3%		2.7%

Source: Ontario International Airport

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As a result of the increasing regional population base, limited growth or a reduction in flights at other regional airports, and increased commercial and industrial development, both passenger and freight volume have increased significantly since 1987. Passenger volume declined in 2000 and 2001 due to the events of September 11, 2001. Passenger volume significantly increased in 2004, following three years of negative to limited growth. The 5.9 percent increase in passenger growth from 2003 also represents the largest increase in 13 years. The 2.3 percent decrease in 2006 was the first year of decreased passenger volume in four years. However, the largest decrease came in 2009 due to market conditions. The amount of annual freight volume, however, rose by 2.7 percent. Since 1987, the annual rate of growth in freight volume has generally outperformed the rate of growth in passenger volume. This reflects the Ontario Airport's growing appeal as a distribution center. Despite being overshadowed by Los Angeles International Airport, Ontario International Airport is ranked among the 100 busiest in the world. Ontario International Airport is currently served by 12 passenger airlines and 11 airfreight carriers. The United Parcel Service (UPS) operates a regional freight hub at the Ontario International Airport. The hub ships cargo weighing more than 150 pounds to cities across North America.

The city of Los Angeles and the Federal Aviation Administration (FAA) are projecting significant growth in demand for the Ontario airport, predicting that regional passenger demand will double, and air cargo demand will triple by 2030. The agencies are preparing a joint Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) for the proposed expansion of the Ontario Airport to guide the development of the airport through 2030.

Governmental Forces

Recreation and Culture

The Inland Empire region has extensive public recreational facilities. There are numerous public golf courses and country clubs, with additional facilities planned and under construction. Also, the resort communities in Big Bear and Lake Arrowhead provide nature trails, hiking, snow skiing, water skiing, and many other outdoor activities. The low desert region (centered around Palm Springs) has several retirement and weekend resort communities.

One significant public facility is the Diamond Valley Lake, a 260-billion-gallon lake located just south of the city of Hemet. This facility was constructed by the Metropolitan Water District to double Southern California's surface water retention and provide six months worth of emergency storage. Camping, hiking, fishing and other outdoor activities are permitted at the lake.

Real Estate Taxes

In 1978, the residents of California voiced their opposition to increasing taxes through the legislative process. This major consumer "tax revolt" culminated in the passage of Proposition 13, also known as

the Jarvis-Gann Initiative, which was later made into law under the provisions of Article XIIIA of the California Tax and Revenue Code. In essence, Proposition 13 determined a maximum tax rate of one percent of market value plus an increment for pre-existing bonded indebtedness. The maximum allowable increase on property assessments, and hence taxes, was set at two percent per year, except when a property sells or undergoes major construction.

CONCLUSION

California has historically been the dominant economic state in the western United States. Trends in the state have typically mirrored the nation, although it has generally followed, versus led, the economic cycles. The state of California, Southern California region, and Inland Empire economies all contracted in 2009. Resumed growth is not projected until 2011, or later. Specific locations within the region are experiencing varying levels of decline, and these adverse economic conditions have been considered in this analysis.

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NEIGHBORHOOD ANALYSIS

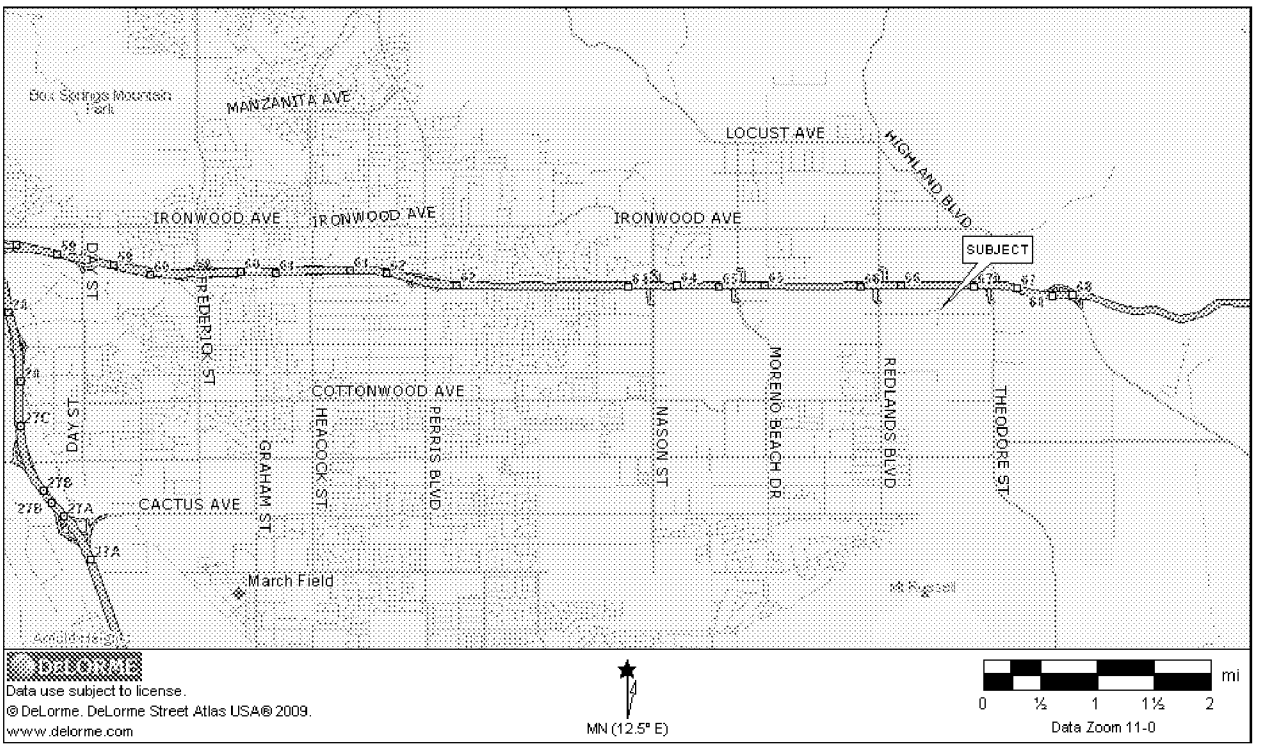

LOCATION

The neighborhood is located in the city of Moreno Valley. The city of Moreno Valley is located in the northwest portion of Riverside County. The city of Moreno Valley and the subject's immediate surroundings are discussed below. Please reference the subject's location in the surrounding neighborhood on the accompanying page.

CITY OF MORENO VALLEY

The city of Moreno Valley, located in the northwestern section of Riverside County, was incorporated in December of 1984. The city totals 50 square miles and is generally located at the juncture of the Moreno Valley Freeway (State Highway 60) and the Escondido Expressway (Interstate 215). The city is bordered by unincorporated portions of Riverside County on the north and east, by the Lake Perris State Recreational Area and the city of Perris to the south, and by the March Air Base Reserve and the city of Riverside to the west.

Government

Moreno Valley is a general law city. It is governed by a city council that is comprised of five elected officials. Public schools within the city are controlled by two separate districts: Moreno Valley Unified School District and the Val Verde Unified School District. Police services are provided by a contract between the city and Riverside County Sheriff's Department. Fire services are provided by the

Riverside County Fire Department through a contract with the California Department of Forestry. The city of Moreno Valley governs development/land use controls.

Transportation

Two freeways provide regional access to Moreno Valley: the Escondido Expressway (Interstate 215) and the Moreno Valley Freeway (Highway 60). Interstate 215 is a major north/south freeway that links the city to the San Bernardino Freeway (Interstate 10) to the north and to the Corona Freeway (Interstate 15) to the south. State Highway 60 runs through the northern portion of the city in an east/west direction. This freeway provides access to San Bernardino and Los Angeles Counties to the west, and to the Interstate 10 freeway to the east.

The city is also serviced by rail with freight stops within Moreno Valley. The Ontario International Airport provides commercial air transportation approximately 20 miles to the northwest.

RANCHO BELAGO

The subject property is located within the Rancho Belago district within the city of Moreno Valley. This district is located in the eastern portion of the city, with the following map depicting the general boundaries.

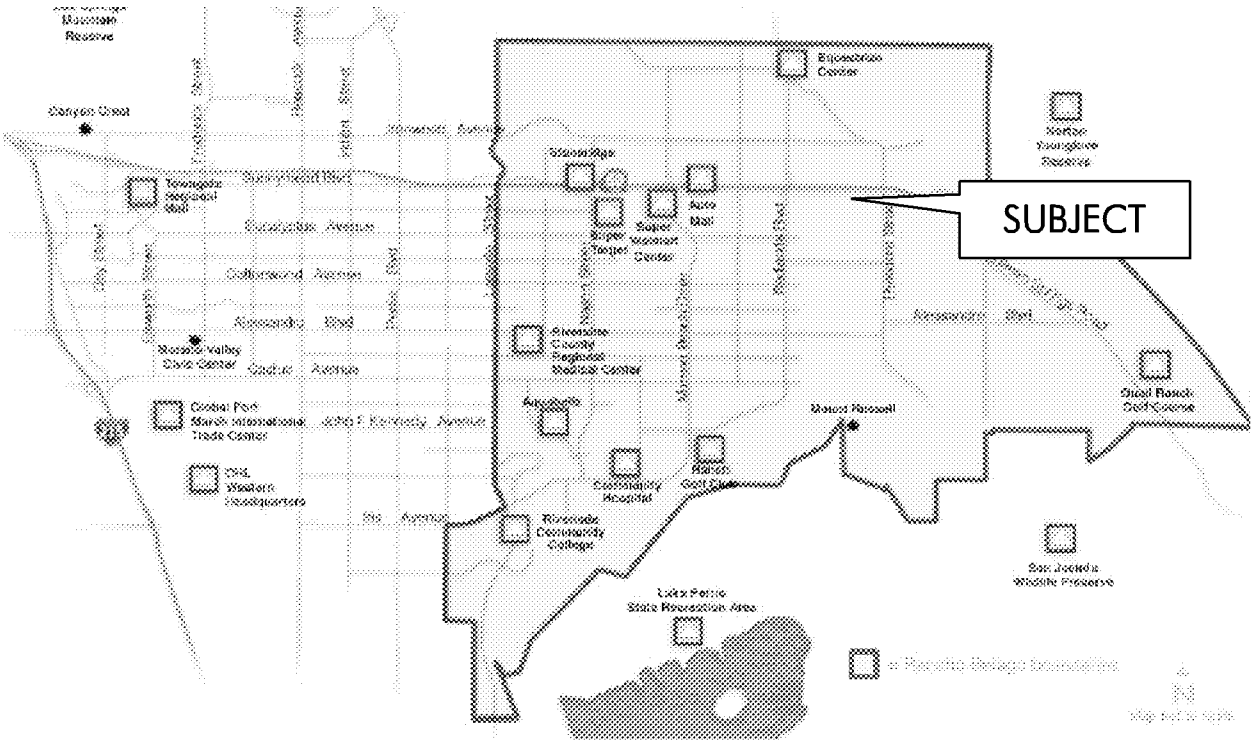

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Rancho Belago includes a current population of about 30,000 within 10,000 households. Included in the boundaries are the Riverside County Regional Medical Center, Moreno Valley Community Hospital, Moreno Valley Ranch Golf Club, Moreno Valley Auto Mall, and Stoneridge Towne Centre, which includes Super Target, Best Buy, Kohls and Wal-Mart.

IMMEDIATE SURROUNDINGS

The subject is located on the south side of the 60 Freeway, between Redlands Boulevard and Theodore Avenue in the eastern portion of the city. The immediate surrounding area is largely undeveloped, with the nearest housing development about one-half mile to the southwest across Redlands Boulevard. Scattered individual homes and vacant land are located to the east of Theodore Avenue. Across the freeway to the north is vacant land. Super Target, Wal-Mart and Kohls are located along the south side of the freeway within two miles to the west, adjacent to the Moreno Valley Auto Mall.

The subject parcels are located on the west and east sides of the Skechers distribution facility, which will be the largest building of its kind in the Inland Empire upon its completion in early 2011. The parcels are situated near the Redlands Boulevard and Theodore Street exits that will provide access to this facility

Access

The subject sites will have excellent access from the freeway at the Theodore Avenue and Redlands Boulevard exits. The 60 Freeway intersects the 215 Freeway within 8 miles to the west and connects with Interstate 10 in Beaumont within 10 miles to the east. Alessandro Boulevard is a major east-west route through the city that runs about one mile south of the subject, providing access to central Moreno Valley. Gilman Springs Road connects the area with San Jacinto and Hemet, within 15 miles to the southeast.

DEMOGRAPHICS

Selected neighborhood demographics in a one-, three-, and five-mile radius from the subject are shown in the following table:

SELECTED NEIGHBORHOOD DEMOGRAPHICS

	Radius 1.0	Radius 3.0	Radius 5.0
Population			
2014 Population	1,020	16,207	96,227
2009 Population	781	12,794	80,567
2000 Population	334	6,589	53,623
1990 Population	234	5,092	44,790
Growth 2009 - 2014	30.60%	26.68%	19.44%
Growth 2000 - 2009	133.83%	94.17%	50.25%
Growth 1990 - 2000	42.74%	29.40%	19.72%
Households			
2014 Households	297	4,844	25,445
2009 Households	228	3,834	21,543
2000 Households	99	1,959	14,656
1990 Households	69	1,496	12,906
Growth 2009 - 2014	30.26%	26.34%	18.11%
Growth 2000 - 2009	130.30%	95.71%	46.99%
Growth 1990 - 2000	43.48%	30.95%	13.56%
Income			
2009 Median HH Inc	$80,210	$78,491	$63,312
2009 Estimated Average Household Income	$97,085	$94,622	$73,167
2009 Estimated Per Capita Income	$28,861	$28,033	$19,711

Source: CBRE

CONCLUSION

The subject parcel locations along the freeway will provide excellent accessibility and exposure for the sites. The commercial zoned parcels are located at the freeway exits surrounding the new Skechers facility. As shown above, the surrounding Rancho Belago district has substantially higher income levels than the entire Riverside County and Inland Empire figures. The master-planned area surrounding the subject is expected to experience significant growth over the next five years.

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MARKET ANALYSIS

The subject parcels include commercial and light industrial zones that could accommodate a variety of retail, office or business park type properties. The following sections include a general overview of the Inland Empire trends from the second quarter CBRE MarketView reports.

Industrial Trends

Prior to becoming a bedroom community, the Inland Empire housed only large, relatively undesirable, manufacturing plants such as Kaiser Steel. In the 1980s, large warehouse/distribution buildings dominated new industrial development. Most of this new construction occurred near the intersection of the San Bernardino and Ontario Freeways, just east of the Ontario International Airport. These trends continued in the second half of the 1990's and into the 2000's as a substantial amount of distribution space has been completed since 1995. The Inland Empire was able to meet this demand due to the availability of relatively inexpensive land and the area's excellent air freight and surface access (both vehicular and rail). Its location in the eastern section of development in the Southern California region also allowed for both good regional and national access.

Based on statistics in the second quarter 2010 Market View, prepared by CB Richard Ellis, Inc., the Inland Empire Industrial Market consists of two distinct markets: Inland Empire East and Inland Empire West. The Inland Empire East region is the smaller of the two submarkets, containing 156,374,580 square feet and accounting for 39.32% of the industrial space in the Inland Empire region. Combined the two markets contain 397,667,625 square feet. The growth of the industrial base for the Inland Empire region has generally been on an upward trend over the last three years. The rapid growth of the industrial market is due to the substantial availability of vacant land in the Inland Empire, the lower land prices relative to Los Angeles County, improving distribution systems out of the ports of Los Angeles and Long Beach, as well as the region's proximity to the Ontario International Airport. The Inland Empire region currently has 243,000 square feet of space under construction.

As of the second quarter 2010, approximately 29,268,084 square feet was vacant, indicating a vacancy rate of 7.40%. As the vacancy rate decreased from the previous quarter, net absorption showed a positive 3,564,516 square feet of vacant space was absorbed. The availability rate, which includes space available for sale/lease that is not vacant, is at 15.70%, decreasing from 15.90% the previous quarter. The second quarter 2010 gross lease and sale activity totaled approximately 8.10 million square feet, which is up from the 6.83 million square feet from the previous quarter. Year end gross activity figures for the past seven years were 23.4, 19.8, 28.7, 32.5, 34.8, 32.5, and 26.9 million square feet, for 2009, 2008, 2007, 2006, 2005, 2004, and 2003, respectively.

The Inland Empire Market Trends Forecast from the CBRE-EA Summer 2010 Outlook includes historical trends and projections for 2010 and beyond. The underlying source data is from the first quarter of 2010.

INLAND EMPIRE INDUSTRIAL MARKET						
Year	Stock (SF x 1000)	Completions (SF x 1000)	Vacancy Rate (%)	Net Absorption (SF x 1,000)	TWR Rent Index ($/SF/Mo)	TWR Rent Inflation (%)
1990	191,273	14,888	17.7%	6,906	$0.33	-5.7%
1991	196,046	4,773	17.3%	4,778	$0.31	-5.8%
1992	198,773	2,727	15.8%	5,131	$0.31	-1.6%
1993	200,095	1,322	13.0%	6,838	$0.31	-0.3%
1994	201,299	1,204	10.7%	5,641	$0.31	-0.8%
1995	208,666	7,367	9.0%	10,089	$0.31	1.6%
1996	215,138	6,472	9.0%	5,916	$0.32	4.3%
1997	225,009	9,871	8.6%	9,763	$0.36	9.5%
1998	234,694	9,685	8.9%	8,208	$0.38	7.7%
1999	250,640	15,946	9.3%	13,404	$0.42	10.0%
2000	272,764	22,124	8.2%	23,123	$0.47	11.9%
2001	292,347	19,583	10.9%	10,099	$0.47	0.0%
2002	307,337	14,990	9.9%	16,262	$0.44	-6.9%
2003	320,216	12,879	8.3%	16,740	$0.45	2.7%
2004	336,451	16,235	6.9%	19,724	$0.47	5.2%
2005	354,760	18,309	6.0%	20,210	$0.51	8.6%
2006	387,204	32,444	7.7%	23,719	$0.58	12.8%
2007	407,697	20,493	9.2%	12,776	$0.62	6.9%
2008	434,096	26,399	14.8%	(230)	$0.56	-9.7%
2009	438,138	4,042	15.8%	(920)	$0.42	-25.1%
2010	*440,176*	*2,038*	*15.9%*	*1,476*	*$0.37*	*-12.7%*
2011	*443,568*	*3,393*	*15.4%*	*5,155*	*$0.38*	*2.5%*
2012	*445,658*	*2,089*	*14.1%*	*7,330*	*$0.42*	*10.9%*
2013	*448,252*	*2,595*	*12.7%*	*8,551*	*$0.47*	*12.0%*
2014	*452,796*	*4,544*	*11.7%*	*8,291*	*$0.51*	*10.2%*
2015	*459,761*	*6,965*	*11.4%*	*7,848*	*$0.55*	*7.6%*

Source: TWR Outlook Summer 2010

Statistics from the CBRE – MarketView reports from 2nd quarter 2010 are summarized in the following chart.

Submarket	Rentable Area	Vacancy Rate %	Net Absorption SF	Under Construction SF	Average Asking Lease Rate	Availability Rate %
Inland Empire East	156,374,580	11.1%	820,996	190,000	$0.33	18.7%
Inland Empire West	241,293,045	4.9%	2,743,520	53,000	$0.35	13.5%
Market Total	**397,667,625**	**7.4%**	**3,564,516**	**243,000**	**$0.34**	**15.7%**

As indicated above, the Inland Empire West submarket features a significantly lower vacancy rate than the Inland Empire East submarket. This is the result of the Inland Empire West submarket including the cities of Ontario, Rancho Cucamonga, Fontana, Mira Loma and Chino, which are the closest to Los Angeles County and the Ports of Los Angeles and are therefore more desirable in the market.

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The overall Inland Empire vacancy rate decreased to 7.4%, denoting a 13% decline from the first quarter's rate of 8.5%. Both the Inland Empire East and West recorded lowered vacancy levels. The Inland Empire East submarket vacancy decreased from 12.2% in the previous quarter to 11.1% this quarter. In the Inland Empire West submarket, the vacancy rate now stands at 4.9%, representing a 20% decline from 6.1% recorded in the first quarter 2010.

The overall Inland Empire availability rate experienced a minimal decline of less than 2% this quarter, dropping to a rate of 15.7%. The Inland Empire East availability rate decreased to 18.7%, while the availability rate in the Inland Empire West increased from 13.3% in the previous quarter to 13.8% this quarter.

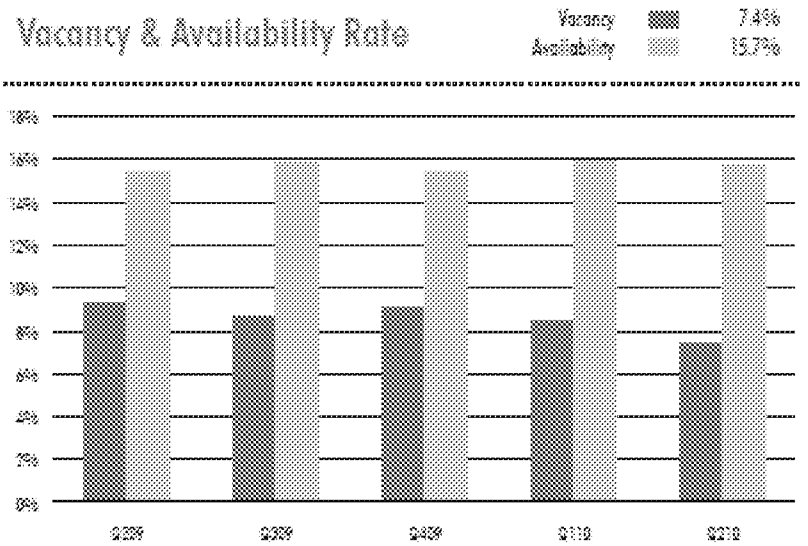

Retail Trends

The Inland Empire retail market continues to struggle while the rest of Nation is experiencing a "recovery". Over the past year, the Inland Empire region faced one of the worst-ever economic crisis due to the high volume of foreclosures and plummeting home values. Moving forward into the second quarter of 2010, optimism can be felt as signs of increased trade volumes and improvements in the housing market are being witnessed. As with the first quarter, news of improved home values coupled with reports of employment growth appear to be evidence that while the region's economy is on a slow, steady path to a full recovery, the worst is officially behind us.

Quick Stats

	Current	Change from last Yr.	Change from last Qtr.
Vacancy	11.7%	↓	↑
Lease Rates	$2.12	↓	↔
Net Absorption*	(36,811)	↑	↓
Construction	0 SF	↓	↓

* The arrows are trend indicators over the specified time period and do not represent a positive or negative value. (e.g., absorption could be negative, but still represent a positive trend over a specified period.)

Hot Topics

- New housing incentives for buyers and lenders are expected to help decrease the number of foreclosure reporting's and help the region's housing economy to stabilize.
- Overall unemployment rate continues to decrease. Second quarter 2010 ends with a rate of 13.9 percent in the Inland Empire.
- Average asking lease rates remained stable for the third quarter in a row and ended with a rate of $2.12 per square foot per month.

According to the U.S. Commerce Department, total retail sales in the month of May saw a 1.2% decline over April – still, this represents a 6.3% year-over-year increase. Despite the drop of sales from the prior month, retail sales in some sectors did report slight increases, including furniture and home furnishing stores which increased 1.0% since the month of April, and represent a 4.6% year-over-year increase. Sporting goods, hobby, book and music stores sales also experienced increases of just under 1.0% and 3.3% unadjusted over last year. Finally, electronics and appliance stores sales increased 0.6% seasonally adjusted from last month, and 4.6% percent unadjusted over last year. Consumer confidence experienced a sharp decline in June according to the Conference Board Consumer Confidence Index. The index now stands at 52.9, down from 62.7 recorded the month prior.

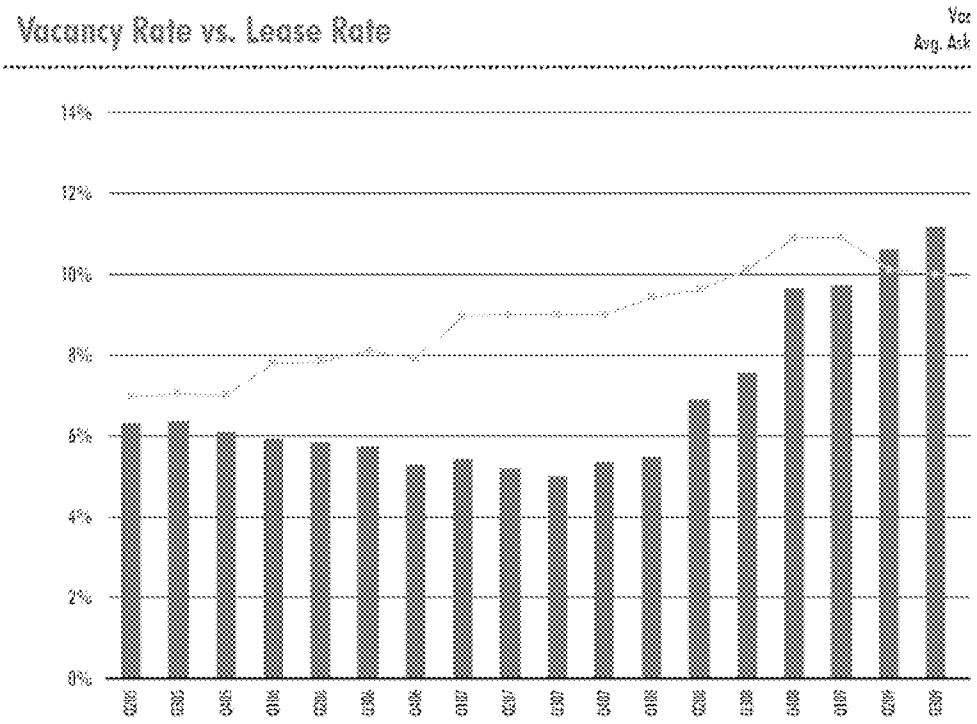

The Inland Empire retail market experienced a slight increase to the overall vacancy rate which currently stands at 11.7 percent. The rise in vacancy can be attributed to declining demand by retailers which resulted in a relatively flat 36,811 square feet of negative net absorption. As expected, this figure reflects the continued closure of stores and space being put back on the market. Average

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asking retail lease rates, however, remained stable for the third quarter in a row. The quarter closed with a high average asking lease rate of $2.12 per square foot per month and the low average asking lease rate posting $1.68 per square foot per month.

Construction of new retail centers in the Inland Empire remains non-existent. A steady trend of positive momentum in the local economy must be achieved before developers move forward with plans for new centers. There has been only one new property added to the Inland Empire's retail inventory this year, while all formerly active development projects have been halted indefinitely.

Market Statistics

Submarket	Building SF	Vacancy Rate %	Net Absorption SF	Under Construction SF	Avg. High Asking NNN $/PSF/MTH
EAST END	31,271,412	21.3%	(105,388)	-----	$1.91
HIGH DESERT	7,248,523	6.8%	(340)	-----	$2.18
LOW DESERT	14,240,891	8.8%	69,241	-----	$2.11
SO. RIV COUNTY	16,724,737	7.7%	(23,917)	-----	$2.19
WEST END	36,389,566	7.3%	23,593	-----	$2.28
Inland Empire Total	**105,875,129**	**11.7%**	**(36,811)**	-----	**$2.12**

Office Trends

Based on statistics in the CB Richard Ellis, Inc. – second quarter 2010 Market View, the Inland Empire office market totals 24,474,375 square feet in 687 buildings. As of the second quarter of 2010, approximately 5,814,585 square feet was vacant, indicating a vacancy rate of 23.80%, which is slightly lower than the 24.00% in the first quarter of 2010, and higher than one year ago. Inland Empire East experienced negative net absorption while the West submarket experienced positive net absorption levels for a combined result of negative 4,782 square feet.

The average asking rental rate is $1.80 per square foot per month, full service gross. This rate is nine cents lower than the previous quarter. Over the past eight years, the Inland Empire office market average asking lease rate has risen 23.29% from $1.46 per square foot during the third quarter of 2001.

The largest office markets are in the cities of Riverside and San Bernardino, with 6.53 and 4.23 million square feet, respectively. These are the two most mature markets; however, they have evolved to be in somewhat secondary locations with regards to tenants relocating from Los Angeles County due to more outlying locations. Specifically, Riverside is closer to the Orange County office markets, while Ontario and Rancho Cucamonga are closer to Los Angeles County. Ontario has a predominantly Class A base, while Rancho Cucamonga has primarily Class B office space.

The city of Moreno Valley includes 21 office buildings totaling 629,064 square feet. As of the second quarter of 2010, the vacancy rate was 7.0% with an availability rate of 10.8%. Year-to-date net absorption was a negative 14,262 square feet.

Conclusions

The subject property consists of three parcels located along the 60 Freeway in Moreno Valley, adjacent to a large distribution facility under construction for Skechers. Parcels 3 and 4 are zoned for commercial use and located at the freeway off-ramps. These properties will benefit from the traffic generated by the new Skechers facility and infra-structure being completed in the neighborhood, including renovation of the freeway ramps and completion of Eucalyptus Avenue between Redlands Boulevard and Theodore Avenue. Parcel 2 is zoned for light industrial use and has good freeway access and exposure for the potential expansion of the Skechers project or other future business park related development.

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PLAT MAP

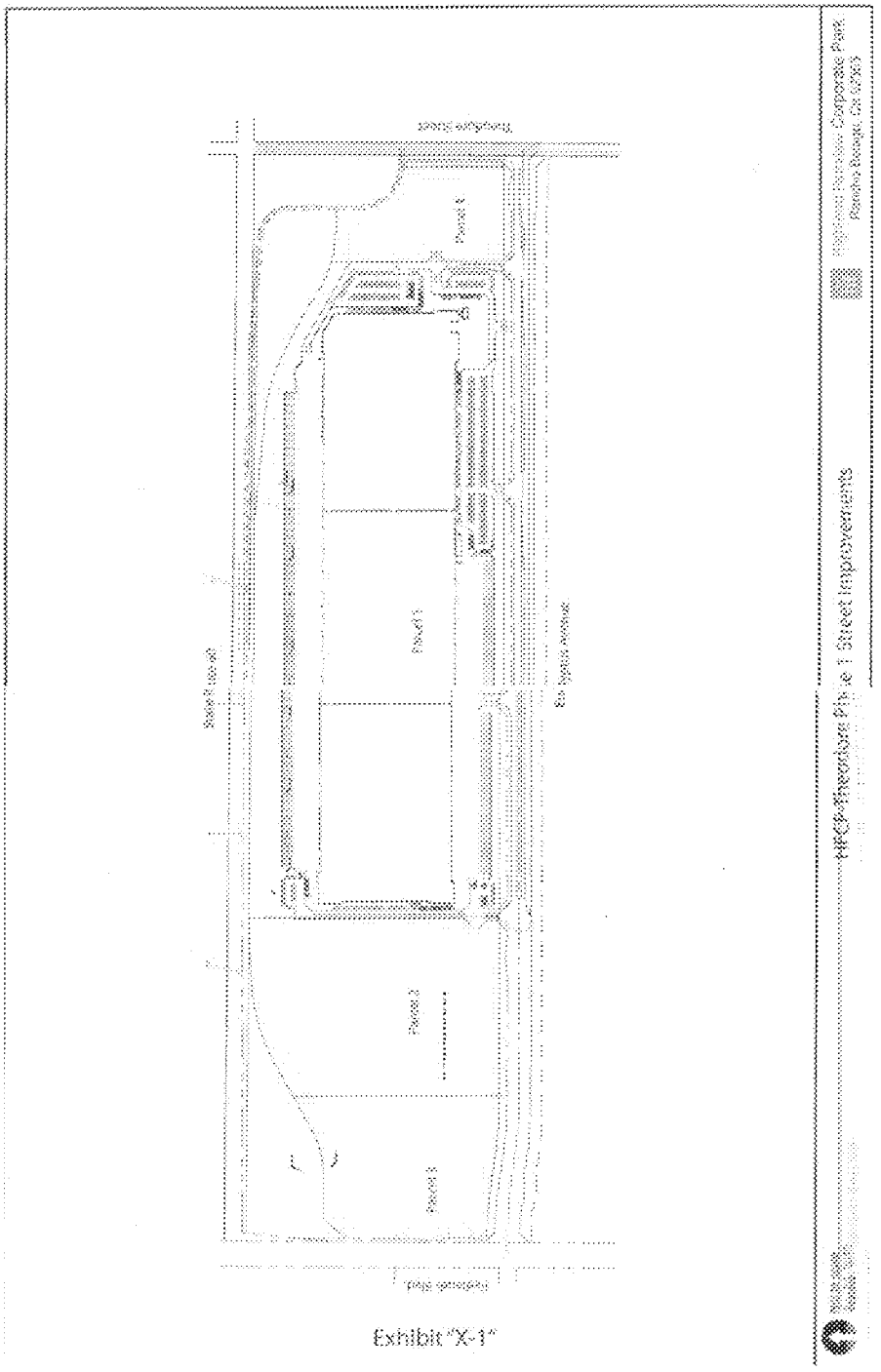

SITE ANALYSIS

The following chart summarizes the salient characteristics of the subject site.

SITE SUMMARY		
Physical Description		
Site Areas - Gross		
Parcel 2	24.33 Acres	1,059,815 Sq. Ft.
Parcel 3	13.87 Acres	604,177 Sq. Ft.
Parcel 4	7.70 Acres	335,412 Sq. Ft.
Site Areas - Net		
Parcel 2	22.40 Acres	975,744 Sq. Ft.
Parcel 3	12.90 Acres	561,924 Sq. Ft.
Parcel 4	7.20 Acres	313,632 Sq. Ft.
Primary Road Frontage	Eucalyptus Avenue	
Secondary Road Frontage	Redlands Boulevard	
Additional Road Frontage	Theodore Avenue	± 513 Feet
Excess Land Area	None	
Surplus Land Area	None	
Zoning District	CC - Parcels 3 and 4	
	IL - Parcel 2	
Flood Map Panel No. & Date	06065C 0070G	28-Aug-08
Flood Zone	Zone X	

Source: Various sources compiled by CBRE

LAND AREAS

The gross site areas were obtained from Tentative Parcel Map No. 35629, which is included in the Addenda. Based on a review of the site plan, the difference between the gross and net areas is based on detention basins and a maintenance access road along the north property line and street dedications.

ASSESSOR'S PARCEL NUMBER

Parcel 2 is currently a portion of APN No. 488-350-002. Parcel 3 is currently included within APN No. 488-350-001. Parcel 4 is currently a portion of APN Nos. 488-360-007 and 488-360-008.

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SHAPE AND FRONTAGE

The site are irregular and have frontage along the adjacent streets. All of the parcels will have frontage along Eucalyptus Avenue. Parcels 2 and 3 will also have frontage along the new east-bound freeway onramp from Redlands Boulevard to the 60 Freeway. Parcel 4 will have frontage along the exit ramp for eastbound traffic to Theodore Avenue.

TOPOGRAPHY AND DRAINAGE

Parcels 2 and 3 have been graded to level "blue-top" pads. Parcel 4 is currently used for construction trailers for the Skechers facility and is generally level. This site will be finished graded upon completion of the building construction.

Storm drains are currently under construction between the Skechers parcel and Parcel 2. The completion of the site improvements are assumed to cure any drainage problems.

SOILS

A soil analysis for the site has not been provided for the preparation of this appraisal. In the absence of a soil report, it is a specific assumption that the site has adequate soils to support the highest and best use.

EASEMENTS AND ENCROACHMENTS

We have not reviewed a current title report for the subject property. The Tentative Parcel Map No. 35629 listed several easements impacting the subject and surrounding parcels. These include easements for pole lines, conduits, underground facilities, and utilities. We assume that the subject is not impacted by easements that would negatively impact the value. It is recommended that the client obtain a qualified legal opinion with regards to the reports before making a business decision with regards to the subject property.

COVENANTS, CONDITIONS AND RESTRICTIONS

There are no known covenants, conditions and restrictions impacting the site that are considered to affect the marketability or highest and best use, other than zoning restrictions.

UTILITIES AND SERVICES

The site is within the jurisdiction of the City of Moreno Valley and is provided all municipal services, including police, fire and garbage collection. All utilities are available to the site in adequate quality and quantity to service the highest and best use.

FLOOD ZONE

According to flood hazard maps published by the Federal Emergency Management Agency (FEMA), the site is within Zone X as indicated on the indicated Community Map Panel No. 06065C0770G, August 28, 2008.

FEMA Zone X: Areas determined to be outside the 500-year flood plain.

ENVIRONMENTAL ISSUES

CB Richard Ellis, Inc. has not observed, yet is not qualified to detect, the existence of potentially hazardous material or underground storage tanks, which may be present on or near the site. The existence of hazardous materials or underground storage tanks may have an affect on the value of the property. For this appraisal, CB Richard Ellis, Inc. has specifically assumed that the property is not affected by any hazardous materials and/or underground storage tanks that may be present on or near the property.

EARTHQUAKE

All properties in California are subject to some degree of seismic risk. The Alquist-Priolo Special Studies Zone Act of 1972 was enacted by the State of California to regulate development near active earthquake faults. The Act required the State Geologist to delineate "special studies zones" along known active faults in California. Cities and Counties affected by the identified zones must limit certain development projects within the zones unless geologic investigation demonstrates that the sites are not threatened by surface displacement from future faulting.

According to "Fault-Rupture Hazard Zones in California" published in 1992 by the California Department of Conservation, Department of Mines and Geology, the subject is not within an area affected by the Alquist-Priolo Special Studies Zone Act. Related development limitations, therefore, do not apply.

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ZONING

The following chart summarizes the subject's zoning requirements.

ZONING SUMMARY - PARCEL 2	
Current Zoning	LI (Light Industrial)
Specific Plan	Yes
Specific Plan Land Use	Light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ZONING SUMMARY - PARCELS 3 & 4	
Current Zoning	CC (Community Commercial)
Specific Plan	Yes
Specific Plan Land Use	To provide for the general shopping needs of area residents and workers with a variety of business, retail, personal and related or similar services
Zoning Change	Not likely
Source: Planning & Zoning Dept.	

ANALYSIS AND CONCLUSION

Additional information may be obtained from the appropriate governmental authority.

TAX AND ASSESSMENT DATA

In California, privately held real property is typically assessed at 100% of full cash value (which is interpreted to mean market value of the fee simple estate) as determined by the County Assessor. Generally, a reassessment occurs only when a property is sold (or transferred) or when new construction occurs (as differentiated from replacing existing construction). In the case of long-term ground leases, the general rule is that a reassessment is made at the time of assigning or terminating a lease where the remaining term is more than 35 years. For reassessment purposes, the lease term includes all options to extend. Assessments for properties that were acquired before the tax year 1975-1976 were stabilized as of the tax year 1975-1976. Property taxes are limited by state law to 1% of the assessed value plus voter-approved obligations and special assessments. If no sale (or transfer) occurs or no new building takes place, assessments may not increase by more than 2% annually. Taxes are payable in two equal installments, which become delinquent after December 10 and April 10, respectively.

The following table summarizes the most recent assessments and taxes for the parcels that include the subject sites.

2000-2010 ASSESSMENTS & TAXES

Parcel No.	Assessments	Tax Rate	Taxes on Value	Sp. Assessments	Total Taxes	Eff. Tax Rate
488-350-001	$1,081,997	1.04765%	$11,336	$347	$11,683	1.080%
488-350-002	6,054,778	1.04765%	63,433	1,467	64,900	1.072%
488-360-007	957,208	1.04765%	10,028	144	10,172	1.063%
488-360-008	1,636,381	1.04765%	17,144	177	17,321	1.058%

Source: Riverside County Assessor

CONCLUSION

For purposes of this analysis we are assuming any outstanding property tax liability has been paid and CBRE assumes that all taxes are current. If the subject sold for the value estimate in this report, a reassessment at that value would most likely occur, with tax increases limited to two percent annually thereafter until the property is sold again. The consequences of this reassessment have been considered in the appropriate valuation sections.

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HIGHEST AND BEST USE

In appraisal practice, the concept of highest and best use represents the premise upon which value is based. The four criteria the highest and best use must meet are:

- legal permissibility;
- physical possibility;
- financial feasibility; and
- maximum profitability.

The highest and best use analysis of the subject is discussed on the following pages. This analysis incorporates the information presented in the Market Analysis section, as well as any unique characteristics of the subject described previously.

AS VACANT

Legal Permissibility

The legally permissible uses were discussed in the Site Analysis and Zoning Sections.

Physical Possibility

The subject parcels are adequately served by utilities, and have adequate shapes and sizes, sufficient access, etc., to be separately developable sites. There are no known physical reasons why the subject sites would not support any legally probable development.

Financial Feasibility

The determination of financial feasibility is dependent primarily on the relationship of supply and demand for the legally probable land uses versus the cost to create the uses. Development of new industrial and retail properties has occurred in the past few years. However, many proposed developments are no longer moving forward due to inadequate construction financing and market conditions (increasing vacancy, declining effective rental rates, higher cap rates, etc.). The adjacent building under construction is a build-to-suit for Skechers, who will contribute a significant capital investment. However, the completion of this project will enhance the marketability of the subject parcels for potential complementary commercial or industrial uses.

Maximum Profitability

The final test of highest and best use of the site as if vacant is that the use be maximally productive, yielding the highest return to the land. In the case of the subject parcels as if vacant, the analysis has indicated that future development of commercial properties on Parcels 3 and 4 and an industrial project on Parcel 2 would be most appropriate.

CONCLUSION: HIGHEST AND BEST USE AS VACANT

Based on the information presented above and upon information contained in the market and neighborhood analysis, we conclude that the highest and best use of the subject parcels would be to hold for future retail and industrial development when economic conditions improve.

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APPRAISAL METHODOLOGY

In appraisal practice, an approach to value is included or omitted based on its applicability to the property type being valued and the quality and quantity of information available.

COST APPROACH

The cost approach is based on the proposition that the informed purchaser would pay no more for the subject than the cost to produce a substitute property with equivalent utility. This approach is particularly applicable when the property being appraised involves relatively new improvements that represent the highest and best use of the land, or when it is improved with relatively unique or specialized improvements for which there exist few sales or leases of comparable properties.

SALES COMPARISON APPROACH

The sales comparison approach utilizes sales of comparable properties, adjusted for differences, to indicate a value for the subject. Valuation is typically accomplished using physical units of comparison such as price per square foot, price per unit, price per floor, etc., or economic units of comparison such as gross rent multiplier. Adjustments are applied to the physical units of comparison derived from the comparable sale. The unit of comparison chosen for the subject is then used to yield a total value. Economic units of comparison are not adjusted, but rather analyzed as to relevant differences, with the final estimate derived based on the general comparisons.

INCOME CAPITALIZATION APPROACH

The income capitalization approach reflects the subject's income-producing capabilities. This approach is based on the assumption that value is created by the expectation of benefits to be derived in the future. Specifically estimated is the amount an investor would be willing to pay to receive an income stream plus reversion value from a property over a period of time. The two common valuation techniques associated with the income capitalization approach are direct capitalization and the discounted cash flow (DCF) analysis.

METHODOLOGY APPLICABLE TO THE SUBJECT

In valuing the subject, only the sales comparison approach to land value has been used.

LAND VALUE

PARCEL 2 - INDUSTRIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcel 2. A detailed description of each transaction is included in the Addenda.

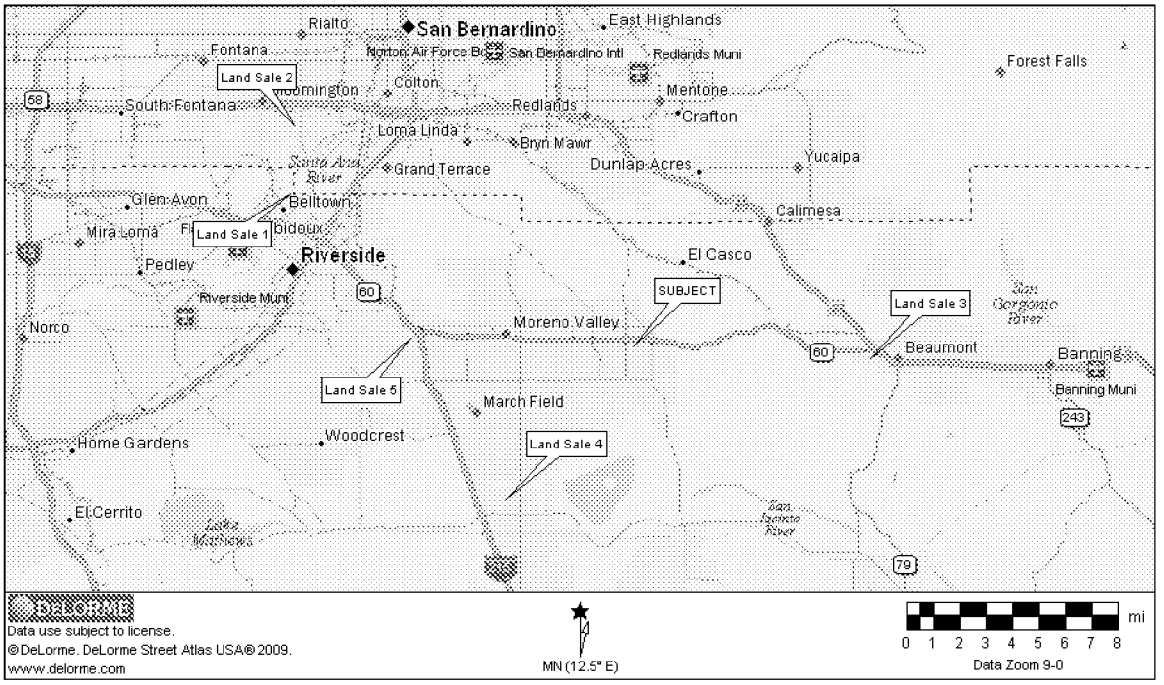

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SUMMARY OF COMPARABLE INDUSTRIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	5425 Wilson Street, Unincorp. Riverside, CA	Sale	Apr-10	M-H	$4,976,861	18.73	$6.10
2	NWC Santa Ana Avenue and Willow Avenue, Rialto, CA	Sale	Jan-10	Industrial	$6,450,000	17.78	$8.33
3	NWC 4th & Nicholas, Beaumont, CA	Sale	Mar-10	Light Industrial	$35,108,000	132.13	$6.10
4	Btwn Markham/Nance, W. of Indian Avenue, Perris, CA	Listing	Jul-10	Industrial	$4,392,000	19.08	$5.28
5	SEC Sycamore Canyon Blvd. & Box Springs Blvd., Riverside, CA	Listing	Jul-10	Industrial	$2,103,948	8.05	$6.00
Subject	Parcel 2	---	---	LI (Light Industrial)	---	22.40	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

Land Sale One

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

This comparable is inferior to the subject in location based on its secondary street exposure and inferior accessibility. This site is similar to Parcel 2 in size and shape.

Land Sale Two

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site.

This comparable is judged to be slightly inferior to the subject in location, with inferior exposure and accessibility. This property is similar to Parcel 2 in size and shape.

Land Sale Three

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis. The buyer will build a warehouse/distribution to their specifications on the site.

This comparable is judged to be similar to the subject in location, with freeway exposure near the intersection of Interstate 10 and the 60 Freeway versus its inferior access from the freeway. An upward adjustment is made for the subject's smaller size.

Land Sale Four

This is the listing of a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

This comparable is adjusted downward for its listing status. An upward adjustment is made for the subject's superior location with freeway exposure and superior access.

Land Sale Five

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on

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the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

This comparable is judged to be slightly inferior to the subject in location. Downward adjustments are made for smaller size and superior street improvements.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCEL 2

Comparable Number	1	2	3	4	5
Transaction Type	Sale	Sale	Sale	Listing	Listing
Transaction Date	Apr-10	Jan-10	Mar-10	Jul-10	Jul-10
Zoning	M-H	Industrial	Light Industrial	Industrial	Industrial
Adjusted Sale Price [1]	$4,976,861	$6,450,000	$35,108,000	$4,392,000	$2,103,948
Size (Acres)	18.73	17.78	132.13	19.08	8.05
Size (SF)	815,879	774,666	5,755,410	831,125	350,658
Price Per Acre	$265,716	$362,688	$265,716	$230,189	$261,360
Price ($ PSF)	$6.10	$8.33	$6.10	$5.28	$6.00
Property Rights Conveyed	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	-20%	-20%
Market Conditions (Time)	0%	0%	0%	0%	0%
Subtotal	$6.10	$8.33	$6.10	$4.23	$4.80
Size	0%	0%	10%	0%	-5%
Shape	0%	0%	0%	0%	0%
Frontage	0%	0%	0%	0%	0%
Topography	0%	0%	0%	0%	0%
Location	10%	5%	0%	20%	10%
Zoning/Density	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%
Total Other Adjustments	10%	5%	10%	20%	5%
Value Indication for Subject	$6.71	$8.74	$6.71	$5.07	$5.04

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

CONCLUSION – PARCEL 2

Our interviews with area brokers indicates that no interest from developers exists for vacant land in the Inland Empire East based on the falling rental rates, availability of existing product and lack of feasibility in new speculative developments. However, the completion of the adjacent Skechers building and infrastructure surrounding the subject parcels should enhance the marketability of Parcel

2 for future industrial development. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $6 per square foot for Parcel 2 upon completion of the street improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251
Compiled by CBRE	

CONCLUDED LAND VALUE - PARCEL 2				
$ PSF		Subject SF		Total
$6.00	x	975,744	=	$5,854,464
Indicated Value - Finished Site:				**$5,850,000**
Less: Remaining Land Improvement Costs				2,483,447
"As Is" Value				$3,366,553
Rounded				**$3,370,000**
Compiled by CBRE				

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PARCELS 3 & 4 - COMMERCIAL

The following location map and table of sales summarizes the comparable data used in the valuation of Parcels 3 and 4. A detailed description of each transaction is included in the Addenda.

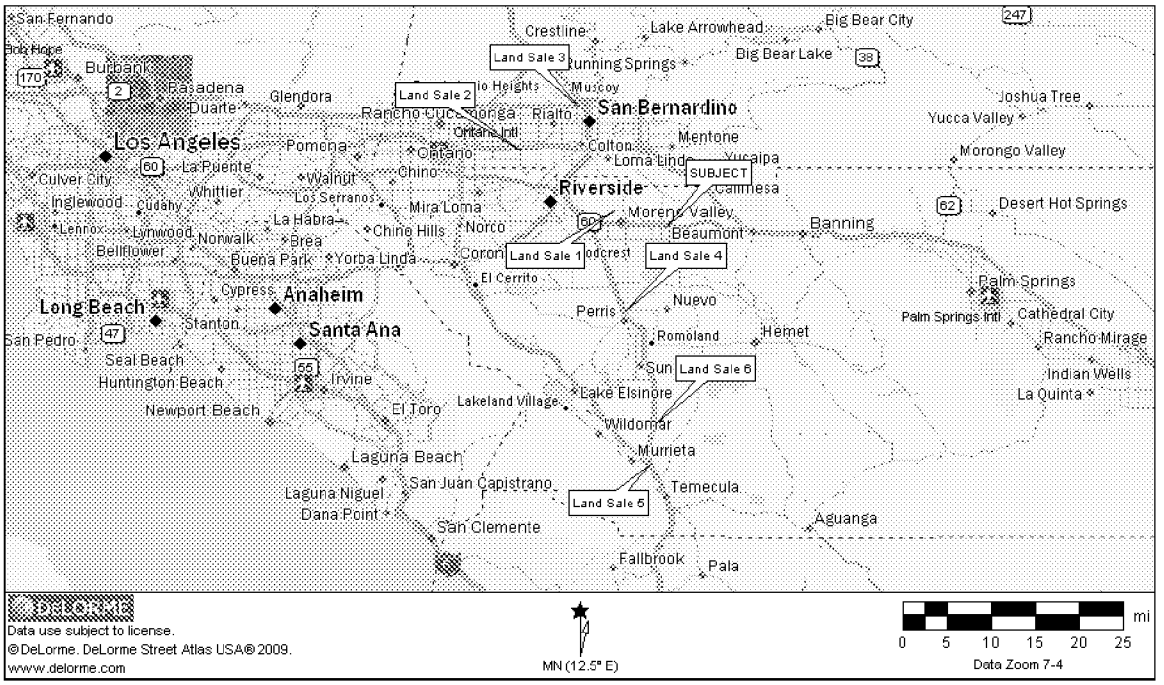

SUMMARY OF COMPARABLE COMMERCIAL LAND SALES

No.	Property Location	Transaction Type	Transaction Date	Zoning	Adjusted Sale Price [1]	Size (Acres)	Price Per SF
1	N/S Village Road, W/O Sunnymead Ranch Pk, Moreno Valley, CA	Sale	Jul-09	C-24	$600,000	2.31	$5.96
2	SWC Slover Ave & Sierra Ave, Fontana, CA	Sale	Aug-09	C-1	$1,500,000	2.02	$17.05
3	2120 Medical Center Drive, San Bernardino, CA	Sale	Nov-09	C0-1 commercial	$1,050,000	2.19	$11.01
4	SEC 215 Freeway & Nuevo Road, Perris, CA	Listing	Jun-10	Commercial	$3,415,100	7.84	$10.00
5	E/S of Monroe Avenue North of Fig Street, Murrieta, CA	Sale	Jun-09	MU-2	$6,225,000	10.55	$13.55
6	34965 Walt Road, Murrieta, CA	Sale	Apr-09	Commercial	$1,002,054	2.16	$10.65
Subject	Parcels 3 & 4	---	---	CC (Commercial)	---	12.9 & 7.2	---

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
Compiled by CBRE

Analysis of Land Sales

The adjustment grid used in this section is based on the average size of the two subject parcels (10 acres). Both of the subject parcels have similar accessibility and exposure from the adjacent freeway, surrounding the Skechers site.

Land Sale One

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3% decline in value.

This comparable is adjusted downward for its date of sale in mid-2009 and its comparatively smaller size. A large upward adjustment is made for the subject's superior location along the freeway and street frontage.

Land Sale Two

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a .50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the .50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

This comparable is adjusted downward for its smaller size, superior location and date of sale.

Land Sale Three

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The

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Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage. The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

This comparable is adjusted downward for its smaller size and slightly superior location in relation to the subject parcels. Upward adjustments are made for its inferior street frontage and shape.

Land Sale Four

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank-owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

This comparable is adjusted upward for its conditions of sale based on the motivations of the seller, which is offset by the winning bid being below the asking price. The subject location along the freeway in Moreno Valley is superior to this property. The subject sites also have superior street frontage.

Land Sale Five

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography, and was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

This comparable is adjusted downward for market conditions based on the long escrow price. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway. The subject sites have superior corner street frontage.

Land Sale Six

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

This comparable is adjusted downward for market conditions and its comparatively smaller size. This site is also slightly superior to the subject in location based on its surrounding demographics, despite its inferior accessibility from the freeway.

SUMMARY OF ADJUSTMENTS

The following table summarizes the adjustments warranted when comparing each sale to the subject.

LAND SALES ADJUSTMENT GRID - PARCELS 3 & 4

Comparable Number	1	2	3	4	5	6
Transaction Type	Sale	Sale	Sale	Listing	Sale	Sale
Transaction Date	Jul-09	Aug-09	Nov-09	Jun-10	Jun-09	Apr-09
Zoning	C-24	C-1	C0-1 commercial	Commercial	MU-2	Commercial
Adjusted Sale Price [1]	$600,000	$1,500,000	$1,050,000	$3,415,100	$6,225,000	$1,002,054
Size (Acres)	2.31	2.02	2.19	7.84	10.55	2.16
Size (SF)	100,624	87,991	95,396	341,510	459,558	94,090
Price ($ PSF)	$5.96	$17.05	$11.01	$10.00	$13.55	$10.65
Property Rights Conveyed	0%	0%	0%	0%	0%	0%
Financing Terms [1]	0%	0%	0%	0%	0%	0%
Conditions of Sale	0%	0%	0%	0%	0%	0%
Market Conditions	-5%	-5%	0%	0%	-20%	-10%
Subtotal	$5.66	$16.19	$11.01	$10.00	$10.84	$9.58
Size	-5%	-5%	-5%	0%	0%	-5%
Shape	0%	0%	5%	0%	0%	0%
Frontage	15%	0%	10%	10%	5%	0%
Topography	0%	0%	0%	0%	0%	0%
Location	25%	-15%	-10%	5%	-10%	-10%
Zoning/Density	0%	0%	0%	0%	0%	0%
Utilities	0%	0%	0%	0%	0%	0%
Highest & Best Use	0%	0%	0%	0%	0%	0%
Total Other Adjustments	35%	-20%	0%	15%	-5%	-15%
Value Indication for Subject	$7.65	$12.96	$11.01	$11.50	$10.29	$8.15

[1] Transaction amount adjusted for cash equivalency and/or development costs (where applicable)
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CONCLUSION – PARCELS 3 & 4

These parcels have good accessibility and exposure from the adjacent freeway and will benefit from the completion of the adjacent Skechers building and street improvements. However, few commercial

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land sales have occurred in the surrounding market in the last year based on the economic conditions. Considering the good freeway exposure and accessibility of the subject, and the current market conditions in the Inland Empire East, we have estimated a vacant land value of $9 per square foot for Parcels 3 and 4 upon completion of the street improvements. Although Parcel 4 is slightly smaller and located adjacent to the Skechers main entrance, Parcel 3 is situated at Redlands Boulevard, which is closer to the existing major retail developments to the west and should have higher traffic counts upon completion of the interchange and Skechers improvements.

The "as-is" value is calculated by deducting the remaining land improvement costs to create finished parcels. The following chart summarizes the allocation of the remaining costs, which are detailed in the Addenda.

ALLOCATION OF REMAINING LAND IMPROVEMENT COSTS	
Total Costs - Parcels 2-4	$8,427,536
Costs Incurred	4,143,993
Remaining Costs	$4,283,543
Profit (10%)	428,354
Total	$4,711,897
Total Acres	42.5
Per Acre	$110,868
Allocation Based on Net Site Area	
Parcel 2 (22.4 acres)	$2,483,447
Parcel 3 (12.9 acres)	$1,430,199
Parcel 4 (7.2 acres)	$798,251
Compiled by CBRE	

CONCLUDED LAND VALUE - PARCEL 3				
$ PSF		Subject SF		Total
$9.00	x	561,924	=	$5,057,316
Indicated Value - Finished Site:				**$5,060,000**
Less: Remaining Land Improvement Costs				1,430,199
"As Is" Value				$3,629,801
Rounded				**$3,630,000**
Compiled by CBRE				

CONCLUDED LAND VALUE - PARCEL 4				
$ PSF		Subject SF		Total
$9.00	x	313,632	=	$2,822,688
Indicated Value - Finished Site:				**$2,820,000**
Less: Remaining Land Improvement Costs				798,251
"As Is" Value				$2,021,749
Rounded				**$2,020,000**
Compiled by CBRE				

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ASSUMPTIONS AND LIMITING CONDITIONS

1. Unless otherwise specifically noted in the body of the report, it is assumed that title to the property or properties appraised is clear and marketable and that there are no recorded or unrecorded matters or exceptions to title that would adversely affect marketability or value. CBRE is not aware of any title defects nor has it been advised of any unless such is specifically noted in the report. CBRE, however, has not examined title and makes no representations relative to the condition thereof. Documents dealing with liens, encumbrances, easements, deed restrictions, clouds and other conditions that may affect the quality of title have not been reviewed. Insurance against financial loss resulting in claims that may arise out of defects in the subject's title should be sought from a qualified title company that issues or insures title to real property.
2. Unless otherwise specifically noted in the body of this report, it is assumed: that the existing improvements on the property or properties being appraised are structurally sound, seismically safe and code conforming; that all building systems (mechanical/electrical, HVAC, elevator, plumbing, etc.) are in good working order with no major deferred maintenance or repair required; that the roof and exterior are in good condition and free from intrusion by the elements; that the property or properties have been engineered in such a manner that the improvements, as currently constituted, conform to all applicable local, state, and federal building codes and ordinances. CBRE professionals are not engineers and are not competent to judge matters of an engineering nature. CBRE has not retained independent structural, mechanical, electrical, or civil engineers in connection with this appraisal and, therefore, makes no representations relative to the condition of improvements. Unless otherwise specifically noted in the body of the report: no problems were brought to the attention of CBRE by ownership or management; CBRE inspected less than 100% of the entire interior and exterior portions of the improvements; and CBRE was not furnished any engineering studies by the owners or by the party requesting this appraisal. If questions in these areas are critical to the decision process of the reader, the advice of competent engineering consultants should be obtained and relied upon. It is specifically assumed that any knowledgeable and prudent purchaser would, as a precondition to closing a sale, obtain a satisfactory engineering report relative to the structural integrity of the property and the integrity of building systems. Structural problems and/or building system problems may not be visually detectable. If engineering consultants retained should report negative factors of a material nature, or if such are later discovered, relative to the condition of improvements, such information could have a substantial negative impact on the conclusions reported in this appraisal. Accordingly, if negative findings are reported by engineering consultants, CBRE reserves the right to amend the appraisal conclusions reported herein.
3. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property was not observed by the appraisers. CBRE has no knowledge of the existence of such materials on or in the property. CBRE, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, contaminated groundwater or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

   We have inspected, as thoroughly as possible by observation, the land; however, it was impossible to personally inspect conditions beneath the soil. Therefore, no representation is made as to these matters unless specifically considered in the appraisal.
4. All furnishings, equipment and business operations, except as specifically stated and typically considered as part of real property, have been disregarded with only real property being considered in the report unless otherwise stated. Any existing or proposed improvements, on or off-site, as well as any alterations or repairs considered, are assumed to be completed in a workmanlike manner according to standard practices based upon the information submitted to CBRE This report may be subject to amendment upon re-inspection of the subject subsequent to repairs, modifications, alterations and completed new construction. Any estimate of Market Value is as of the date indicated; based upon the information, conditions and projected levels of operation.
5. It is assumed that all factual data furnished by the client, property owner, owner's representative, or persons designated by the client or owner to supply said data are accurate and correct unless otherwise specifically noted in the appraisal report. Unless otherwise specifically noted in the appraisal report, CBRE has no reason to believe that any of the data furnished contain any material error. Information and data referred to in this paragraph include, without being limited to, numerical street addresses, lot and block numbers, Assessor's Parcel Numbers, land dimensions, square footage area of the land, dimensions of the improvements, gross building areas, net rentable areas, usable areas, unit count, room count, rent schedules, income data, historical operating expenses, budgets, and related data. Any material error in any of the above data could have a substantial impact on the conclusions reported. Thus, CBRE reserves the right to amend conclusions reported if made aware of any such error. Accordingly, the client-addressee should carefully review all assumptions, data, relevant calculations, and conclusions within 30 days after the date of delivery of this report and should immediately notify CBRE of any questions or errors.

6. The date of value to which any of the conclusions and opinions expressed in this report apply, is set forth in the Letter of Transmittal. Further, that the dollar amount of any value opinion herein rendered is based upon the purchasing power of the American Dollar on that date. This appraisal is based on market conditions existing as of the date of this appraisal. Under the terms of the engagement, we will have no obligation to revise this report to reflect events or conditions which occur subsequent to the date of the appraisal. However, CBRE will be available to discuss the necessity for revision resulting from changes in economic or market factors affecting the subject.
7. CBRE assumes no private deed restrictions, limiting the use of the subject in any way.
8. Unless otherwise noted in the body of the report, it is assumed that there are no mineral deposit or subsurface rights of value involved in this appraisal, whether they be gas, liquid, or solid. Nor are the rights associated with extraction or exploration of such elements considered unless otherwise stated in this appraisal report. Unless otherwise stated it is also assumed that there are no air or development rights of value that may be transferred.
9. CBRE is not aware of any contemplated public initiatives, governmental development controls, or rent controls that would significantly affect the value of the subject.
10. The estimate of Market Value, which may be defined within the body of this report, is subject to change with market fluctuations over time. Market value is highly related to exposure, time promotion effort, terms, motivation, and conclusions surrounding the offering. The value estimate(s) consider the productivity and relative attractiveness of the property, both physically and economically, on the open market.
11. Any cash flows included in the analysis are forecasts of estimated future operating characteristics are predicated on the information and assumptions contained within the report. Any projections of income, expenses and economic conditions utilized in this report are not predictions of the future. Rather, they are estimates of current market expectations of future income and expenses. The achievement of the financial projections will be affected by fluctuating economic conditions and is dependent upon other future occurrences that cannot be assured. Actual results may vary from the projections considered herein. CBRE does not warrant these forecasts will occur. Projections may be affected by circumstances beyond the current realm of knowledge or control of CBRE
12. Unless specifically set forth in the body of the report, nothing contained herein shall be construed to represent any direct or indirect recommendation of CBRE to buy, sell, or hold the properties at the value stated. Such decisions involve substantial investment strategy questions and must be specifically addressed in consultation form.
13. Also, unless otherwise noted in the body of this report, it is assumed that no changes in the present zoning ordinances or regulations governing use, density, or shape are being considered. The property is appraised assuming that all required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, nor national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report is based, unless otherwise stated.
14. This study may not be duplicated in whole or in part without the specific written consent of CBRE nor may this report or copies hereof be transmitted to third parties without said consent, which consent CBRE reserves the right to deny. Exempt from this restriction is duplication for the internal use of the client-addressee and/or transmission to attorneys, accountants, or advisors of the client-addressee. Also exempt from this restriction is transmission of the report to any court, governmental authority, or regulatory agency having jurisdiction over the party/parties for whom this appraisal was prepared, provided that this report and/or its contents shall not be published, in whole or in part, in any public document without the express written consent of CBRE which consent CBRE reserves the right to deny. Finally, this report shall not be advertised to the public or otherwise used to induce a third party to purchase the property or to make a "sale" or "offer for sale" of any "security", as such terms are defined and used in the Securities Act of 1933, as amended. Any third party, not covered by the exemptions herein, who may possess this report, is advised that they should rely on their own independently secured advice for any decision in connection with this property. CBRE shall have no accountability or responsibility to any such third party.
15. Any value estimate provided in the report applies to the entire property, and any pro ration or division of the title into fractional interests will invalidate the value estimate, unless such pro ration or division of interests has been set forth in the report.
16. The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. Component values for land and/or buildings are not intended to be used in conjunction with any other property or appraisal and are invalid if so used.
17. The maps, plats, sketches, graphs, photographs and exhibits included in this report are for illustration purposes only and are to be utilized only to assist in visualizing matters discussed within this report. Except as specifically stated, data relative to size or area of the subject and comparable properties has been obtained from sources deemed accurate and reliable. None of the exhibits are to be removed, reproduced, or used apart from this report.
18. No opinion is intended to be expressed on matters which may require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers. Values and opinions expressed presume that

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environmental and other governmental restrictions/conditions by applicable agencies have been met, including but not limited to seismic hazards, flight patterns, decibel levels/noise envelopes, fire hazards, hillside ordinances, density, allowable uses, building codes, permits, licenses, etc. No survey, engineering study or architectural analysis has been made known to CBRE unless otherwise stated within the body of this report. If the Consultant has not been supplied with a termite inspection, survey or occupancy permit, no responsibility or representation is assumed or made for any costs associated with obtaining same or for any deficiencies discovered before or after they are obtained. No representation or warranty is made concerning obtaining these items. CBRE assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

19. Acceptance and/or use of this report constitutes full acceptance of the Contingent and Limiting Conditions and special assumptions set forth in this report. It is the responsibility of the Client, or client's designees, to read in full, comprehend and thus become aware of the aforementioned contingencies and limiting conditions. Neither the Appraiser nor CBRE assumes responsibility for any situation arising out of the Client's failure to become familiar with and understand the same. The Client is advised to retain experts in areas that fall outside the scope of the real estate appraisal/consulting profession if so desired.
20. CBRE assumes that the subject analyzed herein will be under prudent and competent management and ownership; neither inefficient or super-efficient.
21. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless noncompliance is stated, defined and considered in the appraisal report.
22. No survey of the boundaries of the property was undertaken. All areas and dimensions furnished are presumed to be correct. It is further assumed that no encroachments to the realty exist.
23. The Americans with Disabilities Act (ADA) became effective January 26, 1992. Notwithstanding any discussion of possible readily achievable barrier removal construction items in this report, CBRE has not made a specific compliance survey and analysis of this property to determine whether it is in conformance with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the ADA. If so, this fact could have a negative effect on the value estimated herein. Since CBRE has no specific information relating to this issue, nor is CBRE qualified to make such an assessment, the effect of any possible non-compliance with the requirements of the ADA was not considered in estimating the value of the subject.
24. Client shall not indemnify Appraiser or hold Appraiser harmless unless and only to the extent that the Client misrepresents, distorts, or provides incomplete or inaccurate appraisal results to others, which acts of the Client approximately result in damage to Appraiser. Notwithstanding the foregoing, Appraiser shall have no obligation under this Section with respect to any loss that is caused solely by the active negligence or willful misconduct of a Client and is not contributed to by any act or omission (including any failure to perform any duty imposed by law) by Appraiser. Client shall indemnify and hold Appraiser harmless from any claims, expenses, judgments or other items or costs arising as a result of the Client's failure or the failure of any of the Client's agents to provide a complete copy of the appraisal report to any third party. In the event of any litigation between the parties, the prevailing party to such litigation shall be entitled to recover, from the other, reasonable attorney fees and costs.
25. The report is for the sole use of the client; however, client may provide only complete, final copies of the appraisal report in its entirety (but not component parts) to third parties who shall review such reports in connection with loan underwriting or securitization efforts. Appraiser is not required to explain or testify as to appraisal results other than to respond to the client for routine and customary questions. Please note that our consent to allow an appraisal report prepared by CBRE or portions of such report, to become part of or be referenced in any public offering, the granting of such consent will be at our sole discretion and, if given, will be on condition that we will be provided with an Indemnification Agreement and/or Non-Reliance letter, in a form and content satisfactory to us, by a party satisfactory to us. We do consent to your submission of the reports to rating agencies, loan participants or your auditors in its entirety (but not component parts) without the need to provide us with an Indemnification Agreement and/or Non-Reliance letter.
26. As part of the client's requested scope of work, an estimate of insurable value is provided herein. CBRE has followed traditional appraisal standards to develop a reasonable calculation based upon industry practices and industry accepted publications such as the Marshal Valuation Service handbook. The methodology employed is a derivation of the cost approach which is primarily used as an academic exercise to help support the market value estimate and therefore is not reliable for Insurable Value estimates. Actual construction costs and related estimates can vary greatly from this estimate.

    This analysis should not be relied upon to determine proper insurance coverage which can only be properly estimated by consultants considered experts in cost estimation and insurance underwriting. It is provided to aid the client/reader/user as part of their overall decision making process and no representations or warranties are made by

CBRE regarding the accuracy of this estimate and it is strongly recommend that other sources be utilized to develop any estimate of insurable value.

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ADDENDA

ADDENDUM A

GLOSSARY OF TERMS

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assessed value Assessed value applies in ad valorem taxation and refers to the value of a property according to the tax rolls. Assessed value may not conform to market value, but it is usually calculated in relation to a market value base. †

cash equivalency The procedure in which the sale prices of comparable properties sold with atypical financing are adjusted to reflect typical market terms.

contract rent The actual rental income specified in a lease. ‡

disposition value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer and seller is each acting prudently and knowledgeably; 4) The seller is under compulsion to sell; 5) The buyer is typically motivated; 6) Both parties are acting in what they consider their best interests; 7) An adequate marketing effort will be made in the limited time allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.‡

effective rent The rental rate net of financial concessions such as periods of no rent during the lease term; may be calculated on a discounted basis, reflecting the time value of money, or on a simple, straight-line basis. ‡

excess land In regard to an improved site, the land not needed to serve or support the existing improvement. In regard to a vacant site or a site considered as though vacant, the land not needed to accommodate the site's primary highest and best use. Such land may be separated from the larger site and have its own highest and best use, or it may allow for future expansion of the existing or anticipated improvement. *See also* surplus land. ‡

extraordinary assumption An assumption directly related to a specific assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Extraordinary assumptions presume as fact otherwise uncertain information about physical, legal, or economic characteristics of the subject property; or about conditions external to the property such as market conditions or trends; or about the integrity of data used in an analysis. *See also* hypothetical condition. ‡

fee simple estate Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. ‡

floor area ratio (FAR) The relationship between the above-ground floor area of a building, as described by the building code, and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the permissible floor area of a building is twice the total land area; also called *building-to-land ratio*. ‡

full service lease A lease in which rent covers all operating expenses. Typically, full service leases are combined with an *expense stop*, the expense level covered by the contract lease payment. Increases in expenses above the expense stop level are passed through to the tenant and are known as *expense pass-throughs*.

going concern value Going concern value is the value of a proven property operation. It includes the incremental value associated with the business concern, which is distinct from the value of the real estate only. Going concern value includes an intangible enhancement of the value of an operating business enterprise which is produced by the assemblage of the land, building, labor, equipment, and marketing operation. This process creates an economically viable business that is expected to continue. Going concern value refers to the total value of a property, including both real property and intangible personal property attributed to the business value. †

gross building area (GBA) The total floor area of a building, including below-grade space but excluding unenclosed areas, measured from the exterior of the walls. Gross building area for office buildings is computed by measuring to the outside finished surface of permanent outer building walls without any deductions. All enclosed floors of the building including basements, mechanical equipment floors, penthouses, and the like are included in the measurement. Parking spaces and parking garages are excluded. ‡

hypothetical condition That which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. *See also* extraordinary assumption. ‡

investment value Investment value is the value of an investment to a particular investor based on his or her investment requirements. In contrast to market value, investment value is value to an individual, not value in the marketplace. Investment value reflects the subjective relationship between a particular investor and a given investment. When measured in dollars, investment value is the price an investor would pay for an investment in light of its perceived capacity to satisfy his or her desires,

needs, or investment goals. To estimate investment value, specific investment criteria must be known. Criteria to evaluate a real estate investment are not necessarily set down by the individual investor; they may be established by an expert on real estate and its value, that is, an appraiser. †

leased fee
See leased fee estate

leased fee estate An ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the leased fee are specified by contract terms contained within the lease.‡

leasehold
See leasehold estate

leasehold estate The interest held by the lessee (the tenant or renter) through a lease conveying the rights of use and occupancy for a stated term under certain conditions.‡

liquidation value The most probable price which a specified interest in real property is likely to bring under all of the following conditions: 1) Consummation of a sale will occur within a severely limited future marketing period specified by the client; 2) The actual market conditions currently prevailing are those to which the appraised property interest is subject; 3) The buyer is acting prudently and knowledgeably; 4) The seller is under extreme compulsion to sell; 5) The buyer is typically motivated; 6) The buyer is acting in what he or she considers his or her best interests; 7) A limited marketing effort and time will be allowed for the completion of a sale; 8) Payment will be made in cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 9) The price represents the normal consideration for the property sold, unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. ‡

market rent The most probable rent that a property should bring in a competitive and open market reflecting all conditions and restrictions of the specified lease agreement including term, rental adjustment and revaluation, permitted uses, use restrictions, and expense obligations; the lessee and lessor each acting prudently and knowledgeably, and assuming consummation of a lease contract as of a specified date and the passing of the leasehold from lessor to lessee under conditions whereby: 1) lessee and lessor are typically motivated; 2) both parties are well informed or well advised, and acting in what they consider their best interests; 3) a reasonable time is allowed for exposure in the open market; 4) the rent payment is made in terms of cash in U.S. dollars and is expressed as an amount per time period consistent with the payment schedule of the lease contract; and 5) the rental amount represents the normal consideration for the property leased unaffected by special fees or concessions granted by anyone associated with the transaction. ‡

market value Market value is one of the central concepts of the appraisal practice. Market value is differentiated from other types of value in that it is created by the collective patterns of the market. Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: 1) A reasonable time is allowed for exposure in the open market; 2) Both parties are well informed or well advised, and acting in what they consider their own best interests; 3) Buyer and seller are typically motivated; 4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and 5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.§

marketing period The time it takes an interest in real property to sell on the market subsequent to the date of an appraisal. ‡

net lease Lease in which all or some of the operating expenses are paid directly by the tenant. The landlord never takes possession of the expense payment. In a *Triple Net Lease* all operating expenses are the responsibility of the tenant, including property taxes, insurance, interior maintenance, and other miscellaneous expenses. However, management fees and exterior maintenance are often the responsibility of the lessor in a triple net lease. A *modified net lease* is one in which some expenses are paid separately by the tenant and some are included in the rent.

net rentable area (NRA) 1) The area on which rent is computed. 2) The Rentable Area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building. Include space such as mechanical room, janitorial room, restrooms, and lobby of the floor. *

occupancy rate The relationship or ratio between the income received from the rented units in a property and the income that would be received if all the units were occupied.‡

prospective value opinion A forecast of the value expected at a specified future date. A prospective value opinion is most frequently sought in connection with real estate projects that are proposed, under construction, or under conversion to a new us, or those that have not

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achieved sellout or a stabilized level of long-term occupancy at the time the appraisal report is written. ‡

reasonable exposure time The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based upon an analysis of past events assuming a competitive and open market. ††

rent
See
full service lease
net lease
market rent
contract, coupon, face, or nominal rent
effective rent

shell rent The typical rent paid for retail, office, or industrial tenant space based on minimal "shell" interior finishes (called plain vanilla finish in some areas). Usually the landlord delivers the main building shell space or some minimum level of interior build-out, and the tenant completes the interior finish, which can include wall, ceiling, and floor finishes; mechanical systems, interior electric, and plumbing. Typically these are long-term leases with tenants paying all or most property expenses. ‡

surplus land Land not necessary to support the highest and best use of the existing improvement but, because of physical limitations, building placement, or neighborhood norms, cannot be sold off separately. Such land may or may not contribute positively to value and may or may not accommodate future expansion of an existing or anticipated improvement. *See also* excess land. ‡

usable area 1) The area actually used by individual tenants. 2) The Usable Area of an office building is computed by measuring to the finished surface of the office side of corridor and other permanent walls, to the center of partitions that separate the office from adjoining usable areas, and to the inside finished surface of the dominant portion of the permanent outer building walls. Excludes areas such as mechanical rooms, janitorial room, restrooms, lobby, and any major vertical penetrations of a multi-tenant floor. *

use value Use value is a concept based on the productivity of an economic good. Use value is the value a specific property has for a specific use. Use value focuses on the value the real estate contributes to the enterprise of which it is a part, without regard to the property's highest and best use or the monetary amount that might be realized upon its sale. †

value indication An opinion of value derived through application of the appraisal process. ‡

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† *The Appraisal of Real Estate*, Thirteenth Edition, Appraisal Institute, 2008.

‡ *The Dictionary of Real Estate Appraisal*, Fourth Edition, Appraisal Institute, 2002.

§ Office of Comptroller of the Currency (OCC), 12 CFR Part 34, Subpart C – Appraisals, 34.42 (g); Office of Thrift Supervision (OTS), 12 CFR 564.2 (g); Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 4th ed. (Chicago: Appraisal Institute, 2002), 177-178. This is also compatible with the RTC, FDIC, FRS and NCUA definitions of market value as well as the example referenced in the *Uniform Standards of Professional Appraisal Practice (USPAP)*.

* 2000 BOMA Experience Exchange Report, Income/Expense Analysis for Office Buildings (Building Owners and Managers Association, 2000)

†† *Statement on Appraisal Standard No. 6*, Appraisal Standards Board of The Appraisal Foundation, September 16, 1993, revised June 15, 2004.

ADDENDUM B

ADDITIONAL SUBJECT PHOTOGRAPHS

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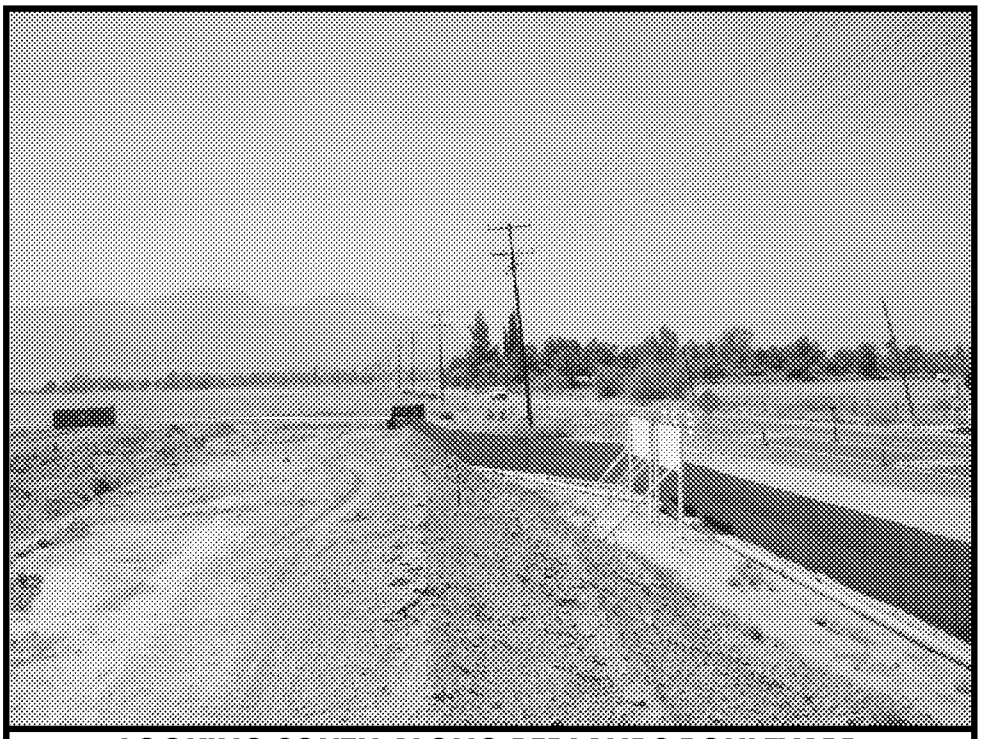

LOOKING SOUTH ALONG REDLANDS BOULEVARD

VIEW OF PARCEL 2 FROM SOUTHWEST

LOOKING NORTH ALONG REDLANDS BOULEVARD

LOOKING NORTH ALONG THEODORE AVENUE

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VIEW OF PARCEL 4 FROM THEODORE AVENUE

STORM DRAIN UNDER CONSTRUCTION

ADDENDUM C

COMPARABLE LAND SALES - INDUSTRIAL

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Fleetwood Motor Homes of Calif. Inc. Excess

Location Data

Location:	5425 Wilson Street Unincorp. Riverside,CA 92509
County:	Riverside
Assessor's Parcel No:	175-180-013;175-190-021,-025
Atlas Ref:	645-G6

Physical Data

Type:	Industrial	
Land Area:	Gross	Usable
Acres:	18.7300	18.7300
Square Feet:	815,879	815,879

Topography:	Level, At Street Grade
Shape:	Rectangular
Utilities:	All to site
Zoning:	M-H
Allowable Bldg Area:	N/A
Floor Area Ratio:	N/A
No. of units:	N/A
Max FAR:	N/A
Frontage:	N. side of Wilson St. - 1470';

Analysis

Use At Sale:	Vacant Land
Proposed Use or Dev.	Industrial
Price Per Acre:	$265,716
Price Per SF of Land:	$6.10
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Sale Data

Transaction Type:	Sale
Date:	4/2010
Marketing Time:	9 months
Grantor:	Fleetwood Motor Homes of Calif
Grantee:	Crst Van Expedited Inc.
Document No.:	0188648
Sale Price:	$4,976,861
Financing:	Cash to Seller
Cash Eq.Price:	$4,976,861
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$4,976,861
Verification:	Confidential

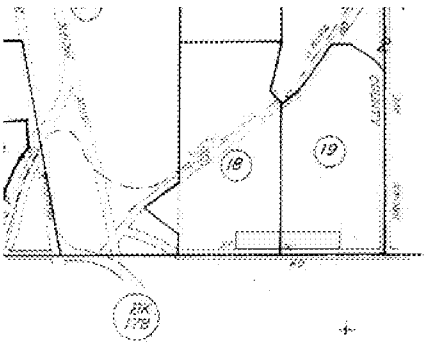

MAP INDEX

Comments

This is the April 2010 sale of an 18.73-acre, rectangular shaped site located on the north side of Wilson Street, between Auga Mansa Road on the west and Brown Avenue on the east, in an unincorporated portion of Riverside County north of the city of Riverside. It was sold by Fleetwood Motors Homes of California, which was in bankruptcy proceedings. The topography is level and all utilities are available to the site. A user acquired the site for $4,976,861, or $6.10 per square foot.

NWC Santa Ana & Willow Dominion Re-Sale

Location Data

Location:	NWC Santa Ana Avenue and Willow Rialto,CA 92316
County:	San Bernardino
Assessor's Parcel No:	0258-031-10 & 11
Atlas Ref:	645-G1

Physical Data

Type:	Industrial	
Land Area:	Gross	Usable
Acres:	17.7839	17.7839
Square Feet:	774,666	774,666
Topography:	Level, At Street Grade	
Shape:	Rectangular	
Utilities:	All to Site	
Zoning:	Industrial	
Allowable Bldg Area:	N/A	
Floor Area Ratio:	N/A	
No. of units:	N/A	
Max FAR:		
Frontage:	1024 ft - Santa Ana Avenue; 411 ft - Willow Avenue, 616 ft - Lilac	

Analysis

Use At Sale:	Vacant
Proposed Use or Dev.	Industrial
Price Per Acre:	$362,687
Price Per SF of Land:	$8.33
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Sale Data

Transaction Type:	Sale
Date:	1/2010
Marketing Time:	N/A
Grantor:	CRST Van Expidted, Inc. (CRST
Grantee:	STRETCH ACQUISITIONS LLC
Document No.:	8691
Sale Price:	$6,450,000
Financing:	Cash to Seller
Cash Eq.Price:	$6,450,000
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$6,450,000
Verification:	Broker: Tal Siglar 909-980-1234 & Public Record

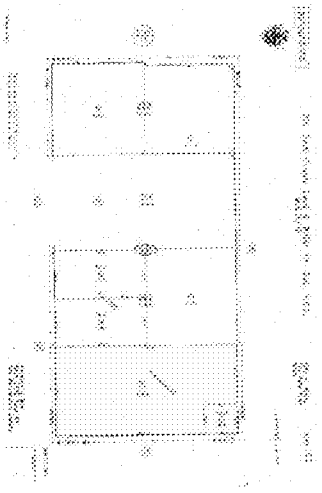

Comments

This represents a 17.78-acre site located at the northwest corner of Santa Ana Avenue and Willow Avenue in the city of Rialto. It is situated approximately one mile south of the 10 Freeway. Surrounding uses primarily consist of industrial development. The site is rectangular in shape, has a level topography at street grade, and has all utilities available. The property previously sold in August 2009 for $4,338,000 or $5.60 per square foot. The buyer is an adjacent property owner. The property was previously purchased for $11,995,764, or $16.50 per square foot in October 2007, which included the onsite/offsite cost estimate of $1,817,540. The seller had entitled the property for a single tenant cross dock facility; however, the entitlements had no value to the buyer who will build a truck terminal on the site. The October 2007 sale to August 2009 sales price implies a 57.4 percent decline in the value over the approximate two-year period.

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Winco Beaumont

Location Data

Location:	**NWC 4th & Nicholas Beaumont,CA 92223**
County:	**Riverside**
Assessor's Parcel No:	**421-060-006,7**
Atlas Ref:	**720 F3**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**157.3100**	**132.1260**
Square Feet:	**6,852,424**	**5,755,410**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**Light Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Build to suit warehouse**
Price Per Acre:	**$265,716**
Price Per SF of Land:	**$6.10**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**3/2010**
Marketing Time:	**N/A**
Grantor:	**Fourth and B, LLC (Prologis)**
Grantee:	**High Desert Partners LLC (Winco)**
Document No.:	**0127844**
Sale Price:	**$35,108,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$35,108,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$35,108,000**
Verification:	**Cushman & Wakefield: Chuck Belden 909-980-7788**

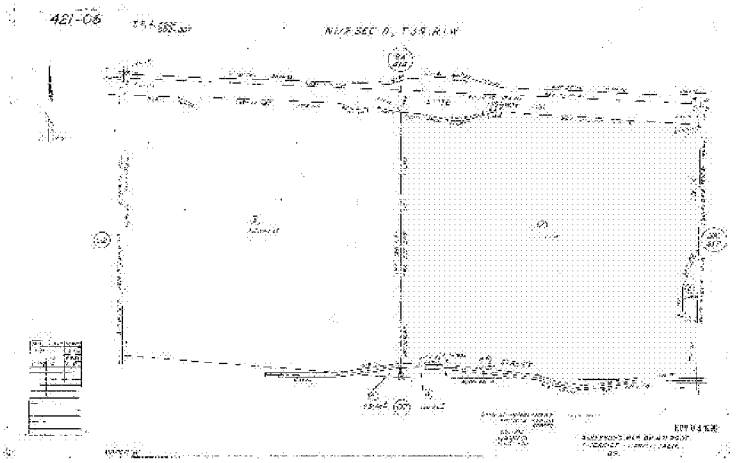

Comments

This is the sale of a 132 net acre finished site located at the northwest corner of 4th Street and Nicholas Road in the city of Beaumont, Riverside County. The site is situated adjacent south of the 60 Freeway, one half mile west of Beaumont Avenue. On-and off-ramps are available to the 10 Freeway at Beaumont Avenue. The 10 and 60 Freeway interchange is situated immediately north of the subject, one-half mile west of Beaumont Avenue. The site is fully improved and entitled for development. The streets are in and utilities are to the site. In approximately October 2009 Winco agreed to purchase the site from Prologis, reportedly took a loss based on their cost basis of $2.25 per square foot of site area. The buyer will build a warehouse/distribution to their specifications on the site.

Listing - General Industrial (Heavy Use)

Location Data

Location:	**Btwn Markham/Nance, W. of Indian Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**302-030-003, 006**
Atlas Ref:	**747-G7**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**19.0800**	**19.0800**
Square Feet:	**831,125**	**831,125**

Topography:	**Generally Level**
Shape:	**Rectangular**
Utilities:	**Some to the site**
Zoning:	**Industrial**
Allowable Bldg Area:	**N/A**
Floor Area Ratio:	**N/A**
No. of units:	**N/A**
Max FAR:	
Frontage:	**600' Markham Street; 600' Nance Street**

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$230,188**
Price Per SF of Land:	**$5.28**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**2 months**
Grantor:	**Doka USA**
Grantee:	**TBD**
Document No.:	**N/A**
Sale Price:	**$4,392,000**
Financing:	**Not Available**
Cash Eq.Price:	**$4,392,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$4,392,000**
Verification:	**Herrick Johnson - Broker**

Comments

This is the listing of a a 19.08-acre industrial site located between Markham and Nance Streets, just west of Indian Avenue, in the north and west of the intersection of Perris Boulevard and the Ramona Expressway in Perris. This comparable is located just east of Interstate 215. Surrounding uses consist of vacant land, industrial, agriculture and rural residential. The area is zoned for industrial development. The site is rectangular in shape, has a generally level topography, and utilities are near the site. It should be noted that Nance Street to the north is not fully built-out and the buyer may be required to pay for additional infrastructure. The site is listed for $4,392,000, or $5.28 per square foot. The site was purchased for $3,900,000, or $4.69 per square foot in December 2006 and $1,908,000, or $2.30 in July 2005.

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Listing - Industrial Site

Location Data

Location:	**SEC Sycamore Canyon Blvd. & Box Riverside,CA 92507**
County:	**Riverside**
Assessor's Parcel No:	**263-020-053**
Atlas Ref:	**716-H2**

Physical Data

Type:	**Industrial**	
Land Area:	**Gross**	**Usable**
Acres:	**8.0500**	**8.0500**
Square Feet:	**350,658**	**350,658**
Topography:	**Generally Level**	
Shape:	**Rectangular**	
Utilities:	**All to the site**	
Zoning:	**Industrial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**Sycamore Canyon Boulevard; Box Springs Boulevard**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Industrial**
Price Per Acre:	**$261,360**
Price Per SF of Land:	**$6.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**7/2010**
Marketing Time:	**18 months**
Grantor:	**N/A**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$2,103,948**
Financing:	**Not Available**
Cash Eq.Price:	**$2,103,948**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$2,103,948**
Verification:	**Erik Wanland - Broker**

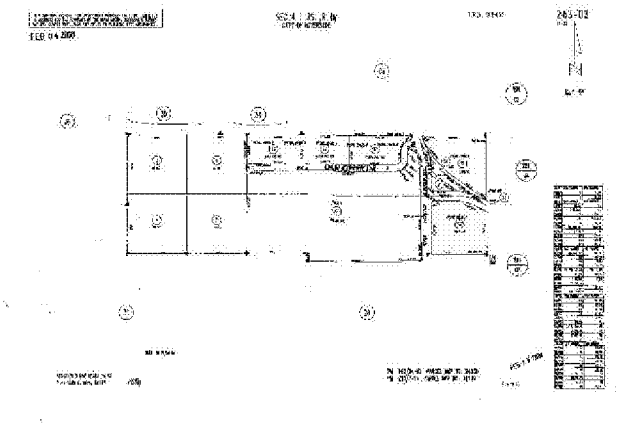

Comments

This is an 8.05-acre site located on the southeast corner of Sycamore Canyon Boulevard and Box Springs Boulevard, in the east part of the city of Riverside. This comparable is located west of Interstate 215. Surrounding uses consist of vacant land, recently built industrial buildings and a car dealership. The site is rectangular in shape, has a generally level topography, all curbs and gutters in place and all utilities are stubbed to the site. The broker indicated that he originally had this site on the market for $13.00/SF. However, given the slowdown in the market this site would most likely sell between $2.50-$3.00/SF in today's market.

ADDENDUM D

COMPARABLE LAND SALES – COMMERCIAL

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2.31-Acre Commercial Site

Location Data

Location:	**N/S Village Road, W/O Sunnymead Moreno Valley,CA 92557**
County:	**Riverside**
Assessor's Parcel No:	**260-460-006**
Atlas Ref:	**687-D5**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.3100**	**2.3100**
Square Feet:	**100,624**	**100,624**
Topography:	**Hilly**	
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**C-24**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:	**N/A**	
Frontage:	**Village Road;**	

Analysis

Use At Sale:	**Vacant Land**
Proposed Use or Dev.	**Hold for future retail**
Price Per Acre:	**$259,740**
Price Per SF of Land:	**$5.96**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**7/2009**
Marketing Time:	**N/A**
Grantor:	**SVH Moreno Valley LLC**
Grantee:	**ADR/Preferred Business**
Document No.:	**0392094**
Sale Price:	**$600,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$600,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$600,000**
Verification:	**Katherine Hunt - Lee & Assoc - 951-276-3645**

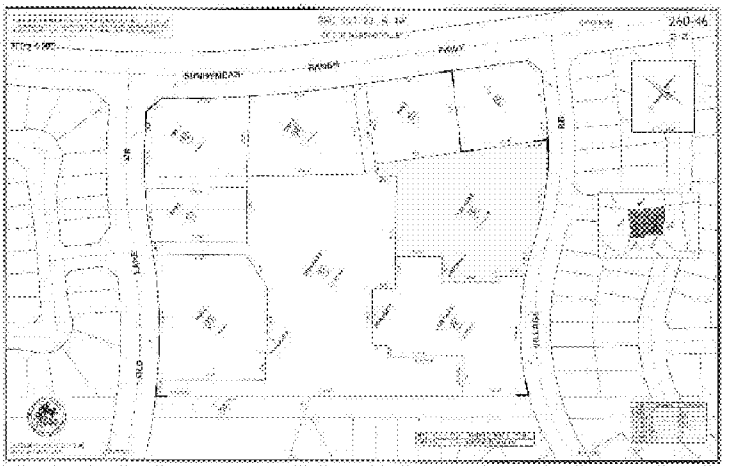

Comments

This is a 2.31-acre commercially zoned pad in the Lakeshore Village Marketplace retail center at the southwest corner of Sunnymead Ranch Road and Village Road in the city of Moreno Valley. The buyer owns the adjacent Lakeshore Village Marketplace and purchased the site for future expansion opportunities. This site does not have frontage to Sunnymead Ranch Road, which is the center's primary arterial. There are no entitlements on the site. The property sold for $600,000, or $5.96 per square foot. The property sold in May 2007 for $1,550,000, or $15.40 per square foot, indicating a 61.3 percent decline in value.

Commercial Site

Location Data

Location:	**SWC Slover Ave & Sierra Ave Fontana,CA 92335**
County:	**San Bernardino**
Assessor's Parcel No:	**0255-041-26**
Atlas Ref:	**604-J7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.5200**	**2.0200**
Square Feet:	**109,771**	**87,991**
Topography:	**Generally Level**	
Shape:	**Rectangular**	
Utilities:	**All Available**	
Zoning:	**C-1**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**Slover Avenue - 446 Feet; Sierra Avenue - 244 Feet**	

Sale Data

Transaction Type:	**Sale**
Date:	**8/2009**
Marketing Time:	**9 months**
Grantor:	**Sierra Center South Fontana, LLC**
Grantee:	**Sierra Corner LLC**
Document No.:	**0435296**
Sale Price:	**$1,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,500,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,500,000**
Verification:	**Grant Deed, Buyer**

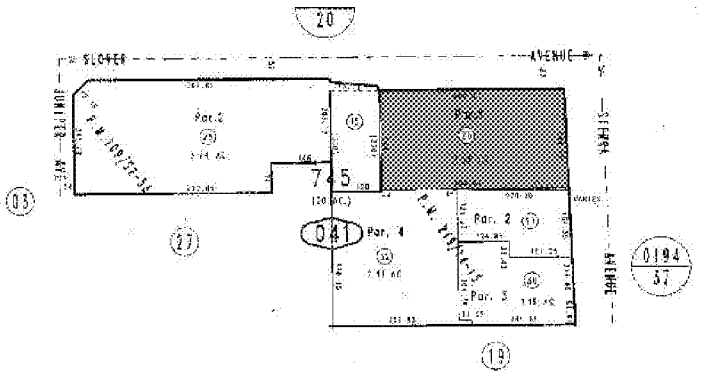

Analysis

Use At Sale:	**Raw Land**
Proposed Use or Dev.	**Commercial Development**
Price Per Acre:	**$742,574**
Price Per SF of Land:	**$17.05**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Comments

This is the sale of a 2.52-acre (2.02-net-acre) commercial parcel on the southwest corner of Slover Avenue and Sierra Avenue in Fontana. The rectangular site is generally level and has all utilities available. The site is zoned commercial and was in raw condition at the time of sale. The site is encumbered by a deed restriction, which obligates a 0.50-acre public access drive and that the property can only be utilized as a service station. The buyer stated that this had no impact on the purchase price, as he has the ability to change or remove the restriction, but the 0.50 acres has been deducted from the 2.52 gross acres. The buyer contacted the seller directly and purchased the site in August 2009 for $1,500,000, or $17.05 per square foot of usable land area, with the intention of constructing a service station. The buyer reported that site improvements, including curbs, gutters, street lights, landscaping, and internal street access, totaled approximately $300,000, but were not included in the purchase price.

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Med-Office Development Site

Location Data

Location:	**2120 Medical Center Drive**
	San Bernardino,CA 92411
County:	**San Bernardino**
Assessor's Parcel No:	**0143-191-63**
Atlas Ref:	**576-C4**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**2.1900**	**2.1900**
Square Feet:	**95,396**	**95,396**
Topography:	**Level, At Street Grade**	
Shape:	**Rectangular**	
Utilities:	**All to site**	
Zoning:	**C0-1 commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**305' Medical Center Dr.;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Medical Office**
Price Per Acre:	**$479,452**
Price Per SF of Land:	**$11.01**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**11/2009**
Marketing Time:	**20 months**
Grantor:	**John S Edmunds**
Grantee:	**Redevelopment Agency of San**
Document No.:	**523322**
Sale Price:	**$1,050,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$1,050,000**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$1,050,000**
Verification:	**Broker, Shiva Monify @ Sperry - 310 500-3329**

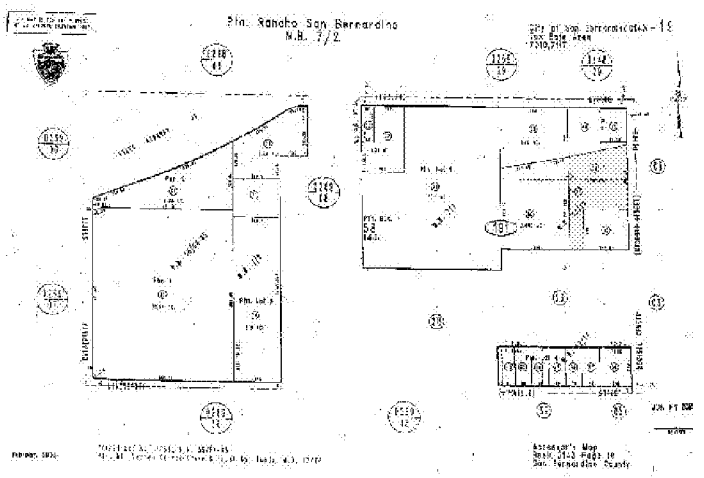

Comments

This is the sale of a 2.19-acre commercial site located on the west side of Medical Center Drive just south of Highland Avenue in the city of San Bernardino. Surrounding uses are a mix of residential and warehouse industrial, with the Community Hospital located less than 1/2 mile to the south. The Foothill (I-210) Freeway is located 1/4 mile to the northwest. The site is zoned commercial office, is irregularly shaped, but has good street frontage.
The property was listed at $975,000, or $10.22 per square foot. Therefore, the purchase price was 8% above the listing price. According to the broker, the buyer intends to develop a medical office building.

Nuevo Crossing - Failed Escrow

Location Data

Location:	**SEC 215 Freeway & Nuevo Road Perris,CA 92571**
County:	**Riverside**
Assessor's Parcel No:	**311-050-002/037**
Atlas Ref:	**777-G7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**7.8400**	**7.8400**
Square Feet:	**341,510**	**341,510**
Topography:		
Shape:	**Irregular**	
Utilities:	**All to Site**	
Zoning:	**Commercial**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**215 Freeway; Nuevo**	

Analysis

Use At Sale:	**Entitled/Proposed Retail**
Proposed Use or Dev.	**Future Retail Development**
Price Per Acre:	**$435,599**
Price Per SF of Land:	**$10.00**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Listing**
Date:	**6/2010**
Marketing Time:	**12 months**
Grantor:	**Nuevo South FSB (Bank Owned)**
Grantee:	**N/A**
Document No.:	**N/A**
Sale Price:	**$3,415,100**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$3,415,100**
Onsite/Offsite Costs:	**$0**
Adj. Sale Price:	**$3,415,100**
Verification:	**Confidential**

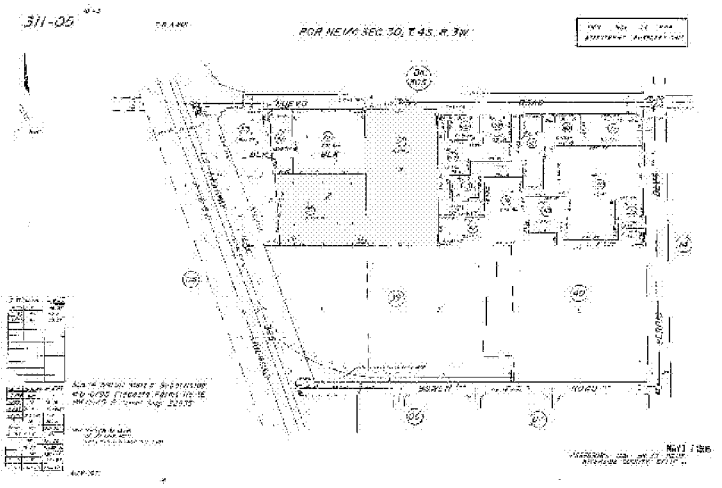

Comments

This is a 7.84-acre commercial site located in a larger development at the southeast corner of the 215 Freeway and Nuevo Road in the city of Perris. Surrounding uses include the developed portion of the center adjacent east with tenants such as Big Lots, Big 5, and Stater Bros. There is a Food 4 Less grocery anchored center adjacent north, and significant residential development south and east, including a high school. Development west of the freeway is more spread out, which includes some partially completed single family housing tracts. The site is irregular in shape, has a generally level topography, and all utilities are available. The site is bank owned and was auctioned off in mid 2009, with the winning bid opening escrow in late 2009. According to sources familiar with the transaction, the asking price was $10.00 per square foot, and the winning bid and subsequent escrow (which was below the advertised asking price) was recently cancelled.

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Vacant Murrieta Land

Location Data

Location:	**E/S of Monroe Avenue**
	Murrieta,CA 92562
County:	**Riverside**
Assessor's Parcel No:	**910-020-014**
Atlas Ref:	**928-D7**

Physical Data

Type:	**Retail/Commercial**	
Land Area:	**Gross**	**Usable**
Acres:	**10.5500**	**10.5500**
Square Feet:	**459,558**	**459,558**
Topography:	**Level, At Street Grade**	
Shape:	**Irregular**	
Utilities:	**All to site**	
Zoning:	**MU-2**	
Allowable Bldg Area:	**N/A**	
Floor Area Ratio:	**N/A**	
No. of units:	**N/A**	
Max FAR:		
Frontage:	**N/A;**	

Analysis

Use At Sale:	**Vacant land**
Proposed Use or Dev.	**Private Education Center**
Price Per Acre:	**$590,047**
Price Per SF of Land:	**$13.55**
Price Per Unit:	**N/A**
Price Per SF of Bldg:	**N/A**

Sale Data

Transaction Type:	**Sale**
Date:	**6/2009**
Marketing Time:	**N/A**
Grantor:	**RSC &C, LLC**
Grantee:	**Murrieta Education Center, LLC**
Document No.:	**0316279**
Sale Price:	**$4,500,000**
Financing:	**Cash to Seller**
Cash Eq.Price:	**$4,500,000**
Onsite/Offsite Costs:	**$1,725,000**
Adj. Sale Price:	**$6,225,000**
Verification:	**Broker, Fred Grimes-G&E**
	951.491.6300

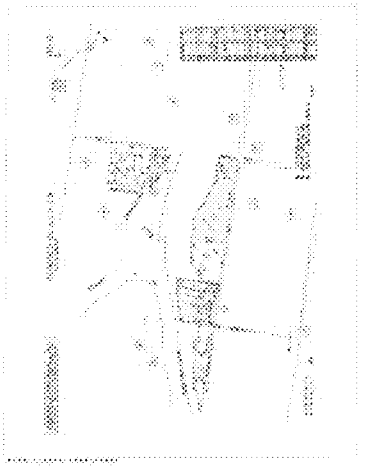

Comments

This represents a 10.55-acre site located along the east side of Monroe Avenue north of Fig Street in the city of Murrieta. It is situated adjacent west of the 15/215 Freeway interchange. The property is irregular in shape, has a level topography It was purchased for the purpose of constructing a private education center on the site. The land sold raw for $4,500,555 but required approximately $1,725,000 in off-site and site finishing costs. The total investment in the finished site was thus $6,225,000 or $13.55 per square foot. The escrow took one year to close and the market value dropped significantly since the agreed price was negotiated.

Physician's Hospital Site

Location Data

Location:	34965 Walt Road Murrieta,CA 92563
County:	Riverside
Assessor's Parcel No:	384-240-006
Atlas Ref:	898 F4

Physical Data

Type:	Retail/Commercial	
Land Area:	Gross	Usable
Acres:	2.1600	2.1600
Square Feet:	94,090	94,090
Topography:	Level, At Street Grade	
Shape:	Rectangular	
Utilities:	All to Site	
Zoning:	Commercial	
Allowable Bldg Area:	N/A	
Floor Area Ratio:	N/A	
No. of units:	N/A	
Max FAR:		
Frontage:	Walt Road; Joan Dunn Lane	

Sale Data

Transaction Type:	Sale
Date:	4/2009
Marketing Time:	3 months
Grantor:	Mark E. & Marcelina A. Balden
Grantee:	Physicians Hospital of Murrieta,
Document No.:	164266
Sale Price:	$1,002,054
Financing:	Not Available
Cash Eq.Price:	$1,002,054
Onsite/Offsite Costs:	$0
Adj. Sale Price:	$1,002,054
Verification:	Costar, Public Records, broker, Fred Grimes G&E 951-491-6300

Analysis

Use At Sale:	Vacant
Proposed Use or Dev.	Hospital
Price Per Acre:	$463,913
Price Per SF of Land:	$10.65
Price Per Unit:	N/A
Price Per SF of Bldg:	N/A

Comments

This site is located along the eastern side of Interstate Highway 215 at the southwest corner of Joan Dunn Lane and Walt Road in the city of Murrieta, Riverside County, CA. The site was vacant at the time of acquisition and was acquired as a portion of an assemblage by the buyers for future hospital development. The proposed hospital is to contain 106 beds with 2 procedure rooms, 12 labor and delivery beds and a full service emergency center.

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ADDENDUM E

TENTATIVE PARCEL MAP

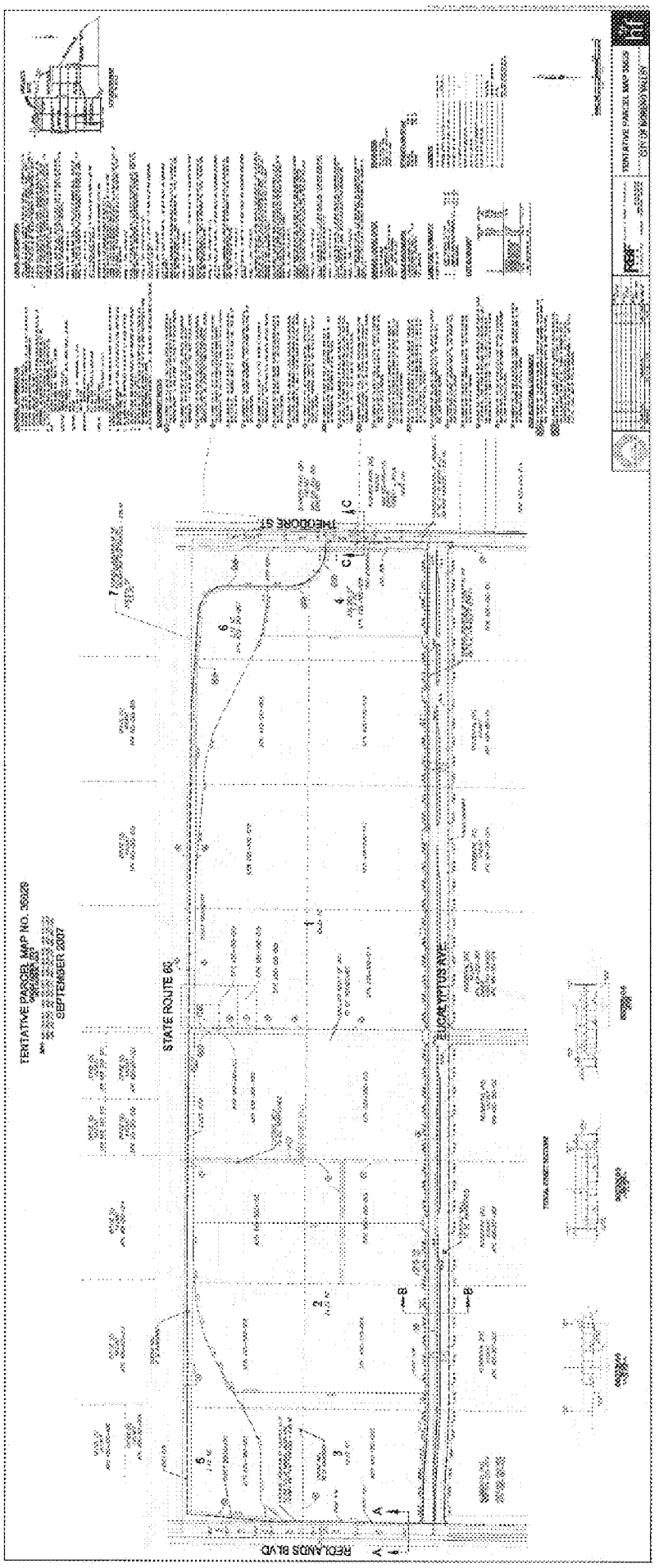

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ADDENDUM F

LAND IMPROVEMENT COSTS

HFCP Land Improvement Costs

		Parcel 1	Parcels 2 - 4	Total
Parcel Acreage		83	42	125
Infrastructure Costs				
	Avg. Cost per Acre			
Hard Costs				
Site Clearing	*3,432*	283,456	145,692	429,149
Rough Grading	*21,314*	1,760,289	904,762	2,665,051
Sewer	*6,436*	531,573	273,220	804,793
Domestic Water	*9,392*	775,656	398,675	1,174,331
Recycled Water	*2,203*	181,928	93,508	275,436
Storm Drain	*28,561*	2,358,823	1,212,399	3,571,222
Streets	*24,031*	1,984,757	1,020,135	3,004,891
Walls	*1,023*	84,457	43,409	127,866
Dry Utilities	*20,696*	1,709,311	878,560	2,587,870
Landscape	*19,405*	1,602,677	823,752	2,426,429
Repair & Replace	*424*	34,985	17,982	52,967
Subtotal	*136,916*	11,307,911	5,812,094	17,120,005
Soft Costs and Contingency				
Engineering & Design (25%)	*34,229*	2,826,978	1,453,023	4,280,001
Fees (10%)	*13,692*	1,130,791	581,209	1,712,001
Contingency (10%)	*13,692*	1,130,791	581,209	1,712,001
Subtotal	*61,612*	5,088,560	2,615,442	7,704,002
Total	*198,529*	16,396,471	8,427,536	24,824,007
*Incurred thru 8/24/10 **		*8,062,482*	*4,143,993*	*12,206,474*
Cash Outlays				
Total		20,099,590	4,724,418	24,824,007

* 100% of site clearing and rough grading, 67% of sewer, 50% of domestic water, 75% of storm drain, 28% of dry utilities, 83% of engineering design and 62% of fees. All work required for occupancy of the Skechers building will be completed by March 2011.

ADDENDUM G

QUALIFICATIONS

QUALIFICATIONS OF WILLIAM K. BEBERNES, MAI
FIRST VICE PRESIDENT

CB RICHARD ELLIS
Valuation & Advisory Services
3501 Jamboree Road, Suite 100
Newport Beach, California 92660-2940
(949) 725-8413
william.bebernes@cbre.com

GENERAL EDUCATION

Bachelor of Science, Accounting - San Diego State University, San Diego 1977

REAL ESTATE EDUCATION

All required courses for the MAI designation
Attended numerous seminars sponsored by the Appraisal Institute

PROFESSIONAL ASSOCIATIONS

Member, Appraisal Institute (MAI)
California OREA General Certification No. AG003287

EMPLOYMENT

CB Richard Ellis, Inc. - Appraisal 1986-Present
Senior Real Estate Analyst

Lloyds Bank California - Senior Appraiser, Income Properties 1985

Bank of America - Senior Appraiser 1983-1985

Lewis Homes California
Financial Analyst, Cost Accountant 1980-1983

PROFESSIONAL EXPERIENCE

Appraisal and consulting experience includes the following types of properties:

Office buildings	Shopping centers
Industrial buildings	Hotels
Golf courses	Land – all types
Apartment projects	Special purpose properties

Qualified as an expert witness

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Item No. A.15

STATE OF CALIFORNIA

Business, Transportation & Housing Agency

OFFICE OF REAL ESTATE APPRAISERS

REAL ESTATE APPRAISER LICENSE

OREA APPRAISER IDENTIFICATION NUMBER AG003287

WILLIAM K. BEBERNES

has successfully met the requirements for a license as a general real estate appraiser in the State of California and is, therefore, entitled to use the title "Certified General Real Estate Appraiser".

This license has been issued in accordance with the provisions of the Real Estate Appraisers' Licensing and Certification Law.

OFFICE OF REAL ESTATE APPRAISERS

Bob Clark

Date Issued: June 17, 2010

Date Expires: June 16, 2012

Audit No. 126203

© 2010 CB Richard Ellis, Inc.

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO SEE. SAFE AND VERIFY FIRST

MV00075811

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, HF Logistics-SKX T2, LLC, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 2 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and

EXHIBIT "D"

to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HF LOGISTICS-SKX T2, LLC
(Owner of Parcel 2)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adolfo Bengoa (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00075815

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners I, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 3 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010. To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay,

Exhibit "E"

purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS I
(Owner of Parcel 3)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 1-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Benzaquen (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s),~~ or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: (Signature of Notary Public)

LORINNE J. PHILLIPS
COMM #1888865
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00075819

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

This space for Recorder's use only.

SHORT FORM DEED OF TRUST

This Deed of Trust made August __, 2010, Highland Fairview Partners III, herein called TRUSTOR, whose address is 14225 Corporate Way, Moreno Valley, CA 92553,

FIRST AMERICAN TITLE INSURANCE COMPANY, a California Corporation, herein called TRUSTEE, and the City of Moreno Valley, herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Riverside County, California, described as:

Parcel 4 of Parcel Map 35629.

For the purpose of securing TRUSTOR's obligations under that certain Public Improvements Agreement and Security Agreement dated _____, 2010.To Protect the Security of This Deed of Trust, TRUSTOR Agrees:

This Deed of Trust shall be in position of first priority and the City shall never be placed in a subordinate position.

To keep said property in good condition and repair, to pay when due all claims for labor performed and materials furnished, to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon, not to commit or permit waste thereof, not to commit, suffer, or permit any act upon said property in violation of law.

To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of BENEFICIARY or TRUSTEE and to pay all costs and expenses, including cost of evidence of title and attorneys fees in a reasonable sum, in any such action or proceeding in which the BENEFICIARY or TRUSTEE may appear, and in any suit brought by BENEFICIARY to foreclose this Deed.

To pay, at least ten days before delinquency, all taxes and assessments affecting said property, all encumbrances, charges and liens on said property or any part thereof which appear to be prior or superior hereto, and all costs, fees and expenses of this Trust. Should TRUSTOR fail to do any act as herein provided or in the Public Improvements Agreement and Security Agreement, then BENEFICIARY or TRUSTEE, but without obligation to do so and without notice to or demand upon TRUSTOR and without releasing TRUSTOR from any obligation hereof, may made or do the same in such manner and to such extent as either may deem necessary to protect the security thereof, BENEFICIARY or TRUSTEE being authorized to enter upon said property for such purposes, appear in and defend any action

Exhibit "F"

purporting to affect the security thereof or the right or powers of BENEFICIARY or TRUSTEE, pay, purchase, contest or compromise any encumbrance, charge, or lien which in the judgment of either appears to be prior or superior hereto, and, in exercising any such powers, pay necessary expenses, employ counsel and pay reasonable attorneys fees.

That upon default by TRUSTOR in performance of any agreement secured hereby, BENEFICIARY may declare all sums and obligations secured hereby immediately due and payable by delivery to TRUSTEE by written declaration of default and demand for sale and of written notice of default and of election to cause to be sold said property. After the lapse of such time as may then be required by law following the recordation of said notice of default, and notice of default having been given as then required by law, TRUSTEE, without demand on TRUSTOR, shall sell said property.

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinbefore set forth.

Signature of Trustor

HIGHLAND FAIRVIEW PARTNERS III
(Owner of Parcel 4)

By: _____
Iddo Benzeevi, President & CEO

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Riverside

On 6-5-10 (Date) before me, Lorinne J. Phillips, Notary Public (Here Insert Name and Title of the Officer)

personally appeared Adda Bengzon (Name(s) of Signer(s))

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

LORINNE J. PHILLIPS
COMM #1868955
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Commission Expires October 2, 2013

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Lorinne J. Phillips (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
Top of thumb here	Top of thumb here

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MV00075823

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Parcel Map No. 35629

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 15, 2009, the Planning Commission of the City of Moreno Valley denied Tentative Parcel Map No. 35629.

On February 10, 2009, the City Council of the City of Moreno Valley approved Plot Plan (PA07-0091) and Tentative Parcel Map No. 35629 (PA07-0090) and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The plot plan provides for establishment of a business park development consisting of buildings, internal circulation, parking and various site amenities.

Also on the August 24, 2010 Agenda, before the City Council for the City of Moreno Valley by separate staff report, is staff's recommended approval for two Public Improvement Agreements and securities for the remaining public improvements. The Public Improvement Agreements and securities are broken down by Phase 1 and Phase 2 and 3.

DISCUSSION

Parcel Map No. 35629 is in conformance with the tentative parcel map, and the developer has requested that the parcel map be approved for recordation. The developer has entered into Public Improvement Agreements and posted security for public improvements in accordance with the project conditions of approval. The developer has agreed to perform and complete all of the required improvements within twenty-four (24) months of the date the Public Improvement Agreements are executed. The City Engineer is authorized to execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 - PA07-0090 - PM 35629 - Highland Fairview Final Parcel Map.doc

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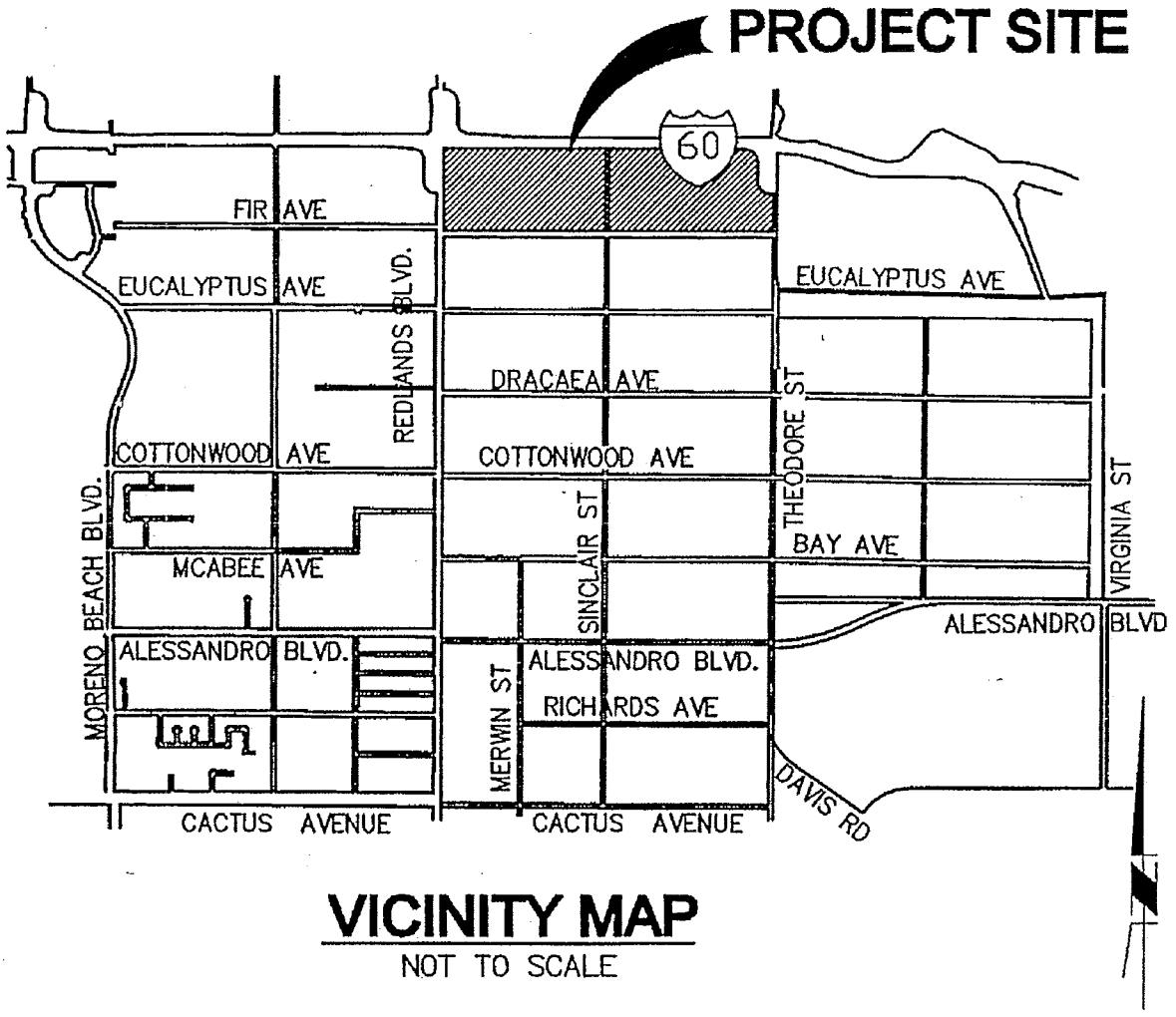

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	Parcel Map No. 35629 VICINITY MAP

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\Vicinity Map format surround - Portrait.doc

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MV00075829

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Kyle Kollar, Interim Community Development Director

AGENDA DATE: August 24, 2010

TITLE: Second Amendment and Reinstatement Independent Contractor Agreement

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not Applicable

BACKGROUND

The City executed a contract for service in July 2007 with Willdan for Plan Check and Inspection Services to be provided for the Building & Safety Division. The term of the contract was for three years, with provisions for two one-year extensions. The initial contract was effective July 2007 through June 30, 2010.

DISCUSSION

The executed contract allows for the extension of the contract twice for one year each beyond the initial three year contracting period. This would be the first extension to the contract for a one year period to end concurrent with the fiscal year ending June 30, 2011.

ALTERNATIVES

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement

2. Elect not to approve the Second Amendment and Reinstatement Independent Contractor Agreement which would leave the Division without a vendor for Plan Check and Inspection Services.

FISCAL IMPACT

The approved budget for Fiscal Year 2010/11 includes $220,000 for contract services. All services provided under this agreement are fully recovered from the applicant for the construction permit

CITY COUNCIL GOALS

The Building & Safety Division is integral to the City Councils' Public Safety Goal as described "Public Safety. Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

SUMMARY

The City has utilized outside vendors for Plan Check and Inspection Service to better meet the variable work load currently experienced. By continuing the agreement for as needed services the Division is better able to control costs and provide prompt professional service to our customers

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Attachment A Second Amendment and Reinstatement Independent Contractor Agreement

Prepared By:
Anne Schneider, PE
Building & Safety Division Manger/ Building Official

Department Head Approval:
Kyle Kollar
Interim Community Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00075833

City of Moreno Valley

SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT CONTRACTOR AGREEMENT

RECITALS:

Whereas, the City and Contractor entered into an Agreement entitled "INDEPENDENT CONTRACTOR AGREEMENT," hereinafter referred to as "Agreement," dated July 1, 2007.

Whereas, the Contractor is providing services as more specifically described in the Agreement.

Whereas, the Agreement ending date is June 30, 2010. This amendment and reinstatement will extend the agreement into the fourth year to June 30, 2011.

This Agreement is made by and between the City of Moreno Valley, California, a municipal corporation, hereinafter referred to as the "City", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon City policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

This Agreement is made and entered into effective the date the City signs this Agreement.

1. CONTRACTOR INFORMATION

Contractor's Name:	Willdan				
Address:	650 Hospitality Lane, Suite 400				
City:	San Bernardino	State:	CA	Zip:	92408
Business Phone:	(909) 386-0200	Fax No.	(909) 888-5107		

2. CONTRACTOR SERVICE, FEES, AND RELEVANT DATES

A. The Contractor's scope of service are described in Exhibit "A" (Contractor's proposal) attached hereto and incorporated herein by this reference.

B. Payment terms are provided in Exhibit "B" attached hereto and incorporated herein by this reference.

C. The Contractor starting Date is July 1, 2007, and the Contractor Ending Date is June 30, 2011. If mutually agreeable, the City and Contractor may extend this agreement in increments of one year, not to exceed a total contract period of five (5) years. The City acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

3. STANDARD TERMS AND CONDITIONS

A. Control of Work. Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The City will not provide any training to Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services is paid by the Contractor, an agent or employee of the City, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the City, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the City.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the City. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Agreement, with the exception that the City shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law (See California Labor Code Sections 1770 through 1777.7).

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Agreement.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable

attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Agreement to the extent resulting from Contractor's negligence, recklessness or willful misconduct. Acceptance of this Agreement signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible or such coverage.

F. City Indemnification. The City agrees to indemnify, defend and save the Contractor and its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the service or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided; however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the City, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII – Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

■ General Liability Insurance – to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, sub-Contractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/$2,000,000 aggregate
Property Damage	$500,000 per occurrence/$500,000 aggregate

■ Professional Errors and Omission Insurance – such coverage shall not be less than $1,000,000 per claim and aggregate.

■ Worker's Compensation Insurance – in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the City, RDA, and CSD against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage

may be waived if the Contractor is determined to be functioning as a sole proprietor and the City provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Agreement.

■ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/CSD/RDA premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

□ Insurance requirements waived with Risk Manager's approval.

□ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "D" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City Risk Manager prior to the execution of this Agreement. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City or Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Agreement, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the City unless explicitly stated otherwise in this Agreement. The Contractor may retain copies of any and all material, including drawings, documents, and

specifications produced by the Contractor in performance of this Agreement. The City and the Contractor agree that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire Agreement. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties. Assignment of this Agreement is prohibited without prior written consent.

J. Termination. Either party may terminate this Agreement upon breach of the Agreement by the other party. In the event the City terminates the Agreement, the Contractor shall perform no further services under the Agreement unless the notice of termination authorizes such further work.

K. Payment. Payments to the Contactor pursuant to this Agreement will be reported to Federal and State taxing authorities as required. The City will not withhold any sums from compensation payable to Contractor. Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contactors time and materials charges under the Agreement. Upon reasonable notice, such records must be made available to the City's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Agreement.

L. Restrictions on City Employees. The Contractor shall not employ any City employee or official in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state or local Law.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall govern the interpretation of this Agreement. Any legal proceeding arising from this Agreement shall be brought in the appropriate court located in Riverside County, State of California.

SIGNATURE PAGE TO FOLLOW

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

City of Moreno Valley

By: _____
Mayor

Date: _____

Attest:

_____
City Clerk

Contractor: Willdan Engineering

By: _____
Ronald L. Espalin, PE

Title: Director of Building & Safety

Date: August 9, 2010

Approved as to Legal Form:

By: _____
City Attorney

Date: 8.9.10

RECOMMENDED FOR APPROVAL:

By: _____
Kyle Kollar
Interim Community
Development Director

Date: 8/10/11

Attachments:
Exhibit A: Proposal for Building & Safety Plan Check Services
Exhibit B: Terms of Payment

EXHIBIT A

PROPOSAL

Building & Safety Plan Check Services

MORENO VALLEY

City of Moreno Valley

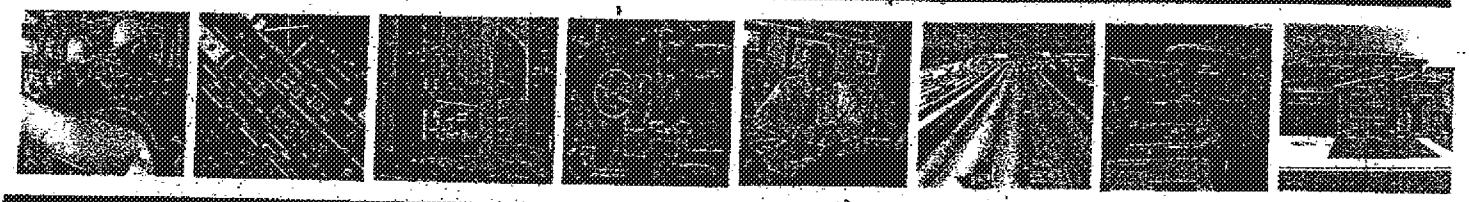

650 Hospitality Lane, Suite 400 ■ San Bernardino, CA 92408 ■ 909.386.0200 ■ 909.888.5107 Fax
www.willdan.com

Submitted by:

WILLDAN
Serving Public Agencies

April 3, 2007

Item No. A.17

WILLDAN
Serving Public Agencies

650 Hospitality Lane, Suite 400
San Bernardino, California 92408-3317
909/386-0200 fax 909/888-5107
www.willdan.com

April 3, 2007

Ms. Ruth Nelson, CPPB
Buyer II
CITY OF MORENO VALLEY
15670 Perris Boulevard
Moreno Valley, CA 92552

Subject: Proposal to Provide Building and Safety Plan Review Services RFP # 06/07 - 05

Dear Ms. Nelson:

Willdan welcomes the opportunity to present this proposal to continue to provide building and safety plan check services for the City of Moreno Valley. While our exceptional services are presented in the proposal, listed below are reasons why Willdan is qualified to perform this service to the City.

- Willdan currently provides building and safety plan check services to the City of Moreno Valley; therefore our local staff is familiar with the City's standards of performance and procedures.
- Willdan offers all disciplines the City may require with on-staff personnel. No subconsultants will be needed for any required services.
- Willdan provides no private sector engineering services, therefore there is no conflict of interest.
- Willdan staff will be prepared to attend all required meetings at City Hall either the same day, or within 24 hours notice.

Our approach to each assignment is to furnish the client with technical assistance and strong project management in a professional, efficient and economical manner. We are looking forward to continuing to provide these services to the City of Moreno Valley. This proposal shall remain valid and binding for ninety (90) days from the date of submittal.

Respectfully submitted,
WILLDAN

Ronald L. Espalin, PE
Senior Vice President

TABLE OF CONTENTS

PAGE

EXECUTIVE SUMMARY 3

STATEMENT of QUALIFICATIONS 4

SCOPE OF SERVICES 5

RELATED EXPERIENCE/REFERENCES 7

STAFF 9
Organization Chart 10
Resumes 11

COMPENSATION 17

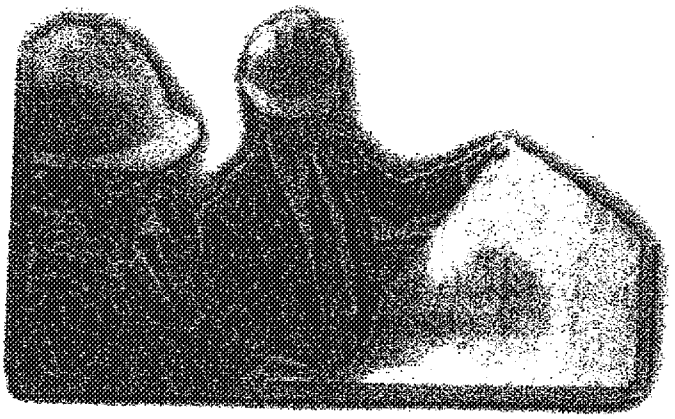

Willdan can offer the City of Moreno Valley significant experience in providing Building and Safety Plan Check services. Our Building and Safety experience includes plan review and inspection of major structures for numerous cities in Southern California and, in addition, the majority of our staff were previous employees of public agencies in Southern California. This public sector consulting orientation provides our staff with insight into the needs and problems of public agencies and their constituents, resulting in a high level of responsiveness to members of the public.

Willdan differs from most other engineering consulting firms in that we specialize in offering consulting services primarily to city, county and other governmental entities, thereby alleviating any possibility for conflict of interest. Each Willdan office is staffed with highly qualified professionals representing a broad range of disciplines who are fully cognizant of National, State and local codes and regulations and who are in a position to respond to the particular needs of specific geographic areas. All of our key staff members were previously employed by public agencies and have strong backgrounds in all aspects of building and safety services.

The firm's complete list of services includes: building and safety, public works, construction management, inspection, civil engineering, urban and environmental planning, traffic engineering and transportation planning, bridge and structure design, highway and rail engineering, drainage and flood control, real property services, computer-aided analysis and design, landscape architecture, facility financing, geotechnical engineering services, and surveying.

THE WILLDAN GROUP
OF COMPANIES

Willdan, Arroyo Geotechnical, and MuniFinancial are the three-company public service team that has grown from the 1964 establishment of Willdan Engineering, known today as *The WILLDAN Group of Companies*. This "group of companies" provides civil and structural engineering, planning, financial and economic consulting, and geology and geotechnical engineering services for more than 400 public sector clients throughout Arizona, California, and Nevada.

WILLDAN Serving Public Agencies is a full-service civil engineering and planning firm. Whether on a full-time basis, an interim part-time basis, or in consultation, project-by-project, Willdan's broad professional range and depth of staffing allows the company to economically streamline projects from concept through design, inspection and management. Willdan is also a well-established provider of building and safety and plan check services for city, county, and state governments.

ARROYO GEOTECHNICAL offers a full complement of geology/geotechnical engineering capabilities, including soils engineering, earthquake and seismic hazard studies, geology and hydrogeology engineering. Arroyo Geotechnical also maintains a full-service geotechnical laboratory.

MuniFinancial A WILLDAN COMPANY provides financial and economic consulting for growth planning, revenue generation, debt administration and municipal services, with specialties such as ongoing municipal disclosure and arbitrage rebate compliance. Established in 1988, MuniFinancial has worked with more than 500 public agencies throughout the United States.

Since its establishment in 1964, Willdan has expanded in size, location, and service capabilities through its system of regional offices. Each office is staffed with highly qualified professionals who are fully aware of local influences and regulations and are in a position to respond to particular needs of specific geographic areas.

Today, the firm provides a full range of engineering and planning services. A staff of 400 professional and technical experts include specialists in municipal engineering, highway and freeway engineering, structural engineering, drainage and flood control, traffic and transportation engineering, construction management, building and safety services, urban and regional planning, environmental planning, water resources, water and wastewater engineering, growth management planning, surveying, assessment engineering, landscape architecture, computer-aided analysis and design, and other technical fields. Services are provided on an "as-needed" basis; a full-time, in-house basis; and on a specific project basis.

Willdan specializes in providing professional building, engineering, and planning services to municipalities. The firm has been providing building and safety services to cities and counties on a contract basis since 1979.

Willdan presently serves in the capacity of Building Official in more than 20 cities throughout California. In this capacity, we provide a full range of services including plan review, permit issuance, inspection and code enforcement. We service client needs from an occasional overload plan review to staffing an entire Building Department. Willdan has gained a great deal of municipal insight and expertise in serving our extensive clientele over the years. We have performed plan review and inspection on projects ranging from single family residential additions to complex high rise towers, medical facilities and industrial centers.

Willdan's experience and strength in building and safety plan check encompasses the complete range of technical disciplines, that is, structural engineering plan check, fire-life safety, electrical, plumbing and mechanical codes, the Title 24 codes, as well as local amendments to the adopted codes.

SCOPE OF SERVICES

Plan Check Services

Willdan will examine building plans for compliance with the adopted version of the California Building Code, California Mechanical Code, California Plumbing Code, National Electrical Code, and the Accessibility, Noise and Energy Conservation requirements as mandated by State Title 24 and all applicable Ordinances. Our approach to the plan check process includes attention to code requirements as well as an overview of the application package for other applicable requirements such as approvals from other local agencies and districts. Willdan's plan checkers are registered engineers and certified plans examiners. All plan review will comply with the City's directives, codes and policies. Plan check will include a review of any or all of the following design elements as determined by the City:

- Architectural and life-safety
- Structural
- Electrical
- Plumbing
- Mechanical
- Energy Conservation Regulations (Title 24)
- Disabled Access Regulations (C.B.C. - T-24)

Turn-Around Schedule

Typical turn-around time for the initial plan check is ten working days (15 days for projects of $3,000,000 or greater valuation), 5 days for rechecks. This schedule is applicable for all types of construction and can be adjusted to serve the City in the most efficient manner. Willdan will provide expedited plan review if requested at no additional cost to the City.

Willdan staff will either pick up the plans from the City, or have them overnighted to our office at no cost to the City. All plans will be returned to the City either by messenger or overnight delivery at no cost to the City.

Willdan will notify each applicant with two complete sets of typewritten plan check letters outlining the documents reviewed, instructions to the applicant regarding the processing of documents, and a listing of plan check comments. The plan check comments will refer to appropriate sheets, details or calculations pages and the code section of concern. Comments shall specify the apparent code violation.

Plan checkers will be available during work hours to discuss and clarify plan check issues with designers, owners and contractors. Plan checkers will be prepared to attend all required meetings at a location determined by the City and/or applicant, either the same day as requested, or within 24 hours notice.

Resolutions of code issues may be accomplished by telephone, or meetings prior to resubmitting corrected plans and documents. Plan checkers will attend all required meetings as deemed necessary by the City Building Official. During unforeseen high work load periods, Willdan will employ company-wide resources to ensure that all plan review is being performed in the specific time allowed.

Grading Plan Review and Inspection
If requested by the City, Willdan can provide grading plan review and inspection services. Grading plan review includes:

- **Rough Grading Plans** will be reviewed to assure conformance with City codes, written policies and standard specifications. The review will also assure conformance with the approved tentative map and conditions of approval for the project.

- **Grading Plans** will be reviewed for compliance with the recommendations, specifications and details contained in the submitted soils report and to assure that all appropriate details are shown on the plans. Quantity calculations will be reviewed to assure accuracy and completeness.

- **Precise Grading Plans** will be reviewed to verify positive drainage to an approved outlet. Where deepened footings are required due to the lot grading, the extent and depth of the needed deepened footing will be clearly noted on each footprint. Erosion control measures for manufactured slopes will be reviewed to verify that the landscaping and irrigation measures are adequate. In addition, we will assure any interim measures to control erosion until such time as the landscaping is viable and shown on the plan.

RELATED EXPERIENCE/REFERENCES

Client: City of Riverside
Mr. Dan Chudy, Building Official
3900 Main Street
Riverside, CA 92522
951.826.5915

Services: Building and Safety plan check and inspection services.

Client: City of Indian Wells
Mr. Corrie Kates, Building Official/Community Development Director
44-950 El Dorado Drive
Indian Wells, CA 92210
760.776.0230

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check services.

Client: City of Loma Linda
Ms. Deborah Woldroff, Community Development Director
25541 Barton Road
Loma Linda, CA 92354
909.799.2810

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: City of Calimesa
Mr. David Lane, City Manager
908 Park Avenue
Calimesa, CA 92320
909.795.9801

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: **City of Highland**
Mr. John Jaques, Community Development Director
27215 Baseline
Highland, CA 92346
909.864.2136

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

Client: **Morongo Band of Mission Indians**
Mr. Tom Linton, Director, Planning and Development
245 N. Murray Street, Suite C
Banning, CA 92220
909.849.4697

Services: Building and Safety plan check and inspection services. Grading and engineering improvement plan check and public works inspection services.

The following organization chart and resumes represent just a portion of the qualified Willdan staff to provide the services as delineated in this proposal.

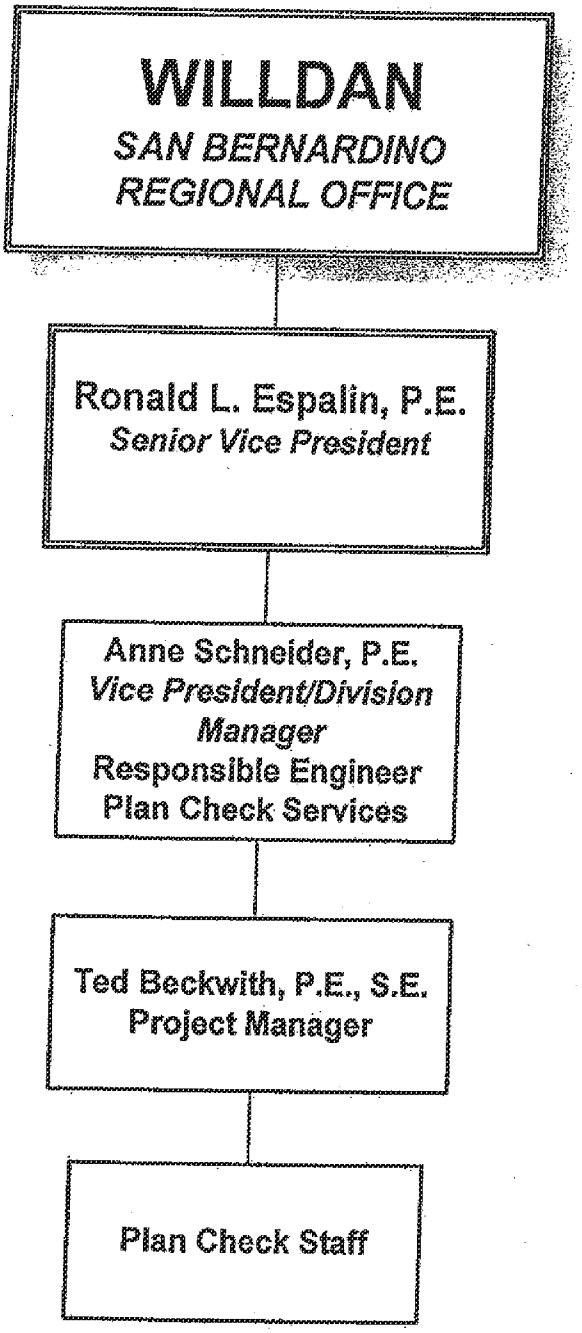
WILLDAN
SAN BERNARDINO
REGIONAL OFFICE
Ronald L. Espalin, P.E.
Senior Vice President
Anne Schneider, P.E.
Vice President/Division Manager
Responsible Engineer
Plan Check Services
Ted Beckwith, P.E., S.E.
Project Manager
Plan Check Staff

Ronald Espalin, P.E.
Senior Vice President

Education
California State Polytechnic University-Pomona Master of Engineering - Structural Engineering
California State Polytechnic University-Pomona Bachelor of Science - Civil Engineering

Associations/ Affiliations
International Code Council
Coachella Valley Chapter - President, 2002
Inland Empire Chapter - President, 1997
Citrus Belt Chapter - "Building Official of the Year" 1995
Riverside County Chapter - President 1986
California Building Officials
CALBO Disaster Response Team

Professional Registrations
California, RCE 26187
Certified Building Official, No. 560
35 Years Experience

Mr. Espalin is a Senior Vice President and the Regional Office Manager of the San Bernardino Office. Mr. Espalin has extensive experience in managing engineering and technical staff and has served as the responsible engineer for plan check and inspection services for numerous cities and counties. He has served as on-site Building official overseeing all aspects of building and safety operations for cities in the Inland Empire, Coachella Valley and other regions in Southern California. Mr. Espalin has served as interim Building Official for local cities in San Bernardino and Riverside Counties. His duties in this capacity include reviewing proposed legislation affecting Building Code enforcement, arbitrating disputes on code interpretations, and resolving the more difficult and complex engineering and code problems.

Prior to joining Willdan, Mr. Espalin was the Assistant Director of Building and Safety for the County of Riverside. He was responsible for the day-to-day operations of the department and was responsible for 130 employees providing services in plan review, permit issuance, inspection services, rehabilitation and code enforcement and land use zoning enforcement.

In the private sector, Mr. Espalin was a structural design engineer. His design responsibilities included calculations and design for structural steel and reinforced concrete moment frame structures, industrial structures, dynamic and static analysis, soil-structure interaction analysis and seismic qualification of equipment and systems in essential facilities. Mr. Espalin maintains a lifetime teaching credential in Engineering with the California Community College system.

Anne Schneider, P.E.
Division Manager/Vice President

Education
California State Polytechnic University-San Luis Obispo
Bachelor of Science - Architectural Engineering

Associations/ Affiliations

Ms. Schneider, a registered Civil Engineer in California, is a Division Manager/Vice President for the San Bernardino Office. She has over 15 years professional experience in building and safety enforcement of model codes, State and local building regulations. Her plan review experience includes commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in structural and life safety review of plans. Ms. Schneider has worked on assignment for Willdan in the offices of San Diego County and Riverside County Building Departments providing plan check services.

Prior to joining Willdan, Ms. Schneider held the position of Tribal Engineer for the Cabazon Band of Mission Indians in Indio, California. In this capacity she supervised construction and design work for the Reservation and was primarily responsible for a $3 million Federal Highway Administration road construction project.

Her past experience includes the responsibility of Plans Examiner for the City of Lancaster where she evaluated commercial and residential plans for code compliance and coordinated City response to applications for construction permits.

Professional Registrations
California, RCE 46183
ICBO Certified Plans Examiner
ICBO Certified Building Inspector

15 Years Experience

Ted Beckwith, P.E., S.E.
Supervising Plan Check Engineer

Education
California State University, Fullerton
Bachelor of Science, Structural Engineering

Riverside Community College
Certificate in Construction Technology

Associations/ Affiliations
International Conference of Building Officials
Structural Engineers Association of California

Professional Registrations
California, CE#48798, SE#4294
ICC Building Plans Examiner, UBC#1043425-60
ICC Building Plans Examiner, IBC#1043425-06

19 Years Experience

Mr. Beckwith, a registered Civil and Structural Engineer in California, is a Supervising Plan Check Engineer for the San Bernardino Office. He has 19 years professional experience in structural design and enforcement of state and local building regulations. His design and plan review experience includes educational, commercial and industrial facilities, and single- and multi-family residential developments, with an expertise in design and review of structural plans.

During his tenure with Willdan, Mr. Beckwith has performed the structural review of several projects at California State University, San Bernardino. These projects include the OTTC Building, the three-story College of Education Building and the seismic retrofit and repair of both the Biological Science Building and the Physical Science Building.

Mr. Beckwith's previous experience includes the position of Assistant Engineer with the County of Riverside. In this capacity, he performed structural plan review of various structures including steel, concrete, wood, and masonry buildings. He has specialized in major structures of four or more stories. He has also worked for RM Byrd and Associates, a structural design office located in Ontario, CA. This firm specializes in public schools under the purview of the Structural Safety Section of the Division of the State Architect. An example of public school projects that he has designed include a new middle school in Los Banos, a new middle school in Laguna Niguel, a new high school in Fontana and several school modernization programs throughout Southern California. Mr. Beckwith is very familiar with the particular requirements of chapters 16A, through 23A of the state building code and detail orientated in his structural review of plans.

Patrick Johnson, P.E.
Plan Check Engineer

Education
University of Iowa, Iowa City, IA
Bachelor and Science, Structural Engineering

Associations/ Affiliations
ASCE (American Society of Civil Engineers)

Professional Registrations
California Professional Engineer, CE#6796

10 Years Experience

Mr. Johnson, a registered Civil Engineer in California, is a Plan Check Engineer for the San Bernardino Office. He has 10 years experience in the construction field specializing in carpentry, plumbing, heating and air conditioning, and electrical work. As a 2001 graduate of University of Iowa his primary focus has been on structural engineering of lightweight commercial and residential structures. Since employed with Willdan, he as attended a number of code enforcement and seismic application seminars.

Mr. Johnson's previous engineering experience includes the position of a Design Engineer with KLP Consulting Engineers of Centennial, Colorado. In this capacity, he specialized in the design of lightweight commercial, multi and single-family housing. At times he would be called out to the field as a forensic engineer to justify the probable cause of structural damages caused by expensive soils. Mr. Johnson also as engineering experience in the design of variety of transportation projects including single and multi-span bridges, pedestrian tunnels, retaining walls, and concrete box culverts.

Arne Lovnaseth, Architect
Plan Check Architect

Education
Cal Poly Pomona, Bachelor of Science, Bachelor of Architecture

Mr. Lovnaseth, a registered Architect in California, is a Plan Check Architect for the San Bernardino Office. He has 20 years experience in the construction field specializing in design work. As a 1983 graduate of Cal Poly Pomona his primary focus has been on architectural design of lightweight commercial and residential structures. He has attended a number of code enforcement seminars.

Professional Registrations
California Licensed Architect,, #C18833
I.C.C. Plans Examiner #0877794-B3

Mr. Lovnaseth's previous architectural and plan checking experience includes the position of Senior Plans Examiner for the City of San Bernardino for over 5 years. In this capacity, he specialized in the plan checking of lightweight commercial, multi and single-family housing. Prior to that he was a project manager at John McInnes Architect in Laguna Beach, Ca. for 5 years.

20 Years Experience

COMPENSATION

We propose to provide these services for a fee equal to seventy-five percent (75%) of the fees collected by the City. For grading plans and inspection; miscellaneous plans, such as, room additions, tenant improvements, etc., we propose an hourly time and material fee per Willdan's Schedule of Hourly Rates dated July 2003, attached herein. This fee schedule shall remain valid for at least one year from the effective date of the contract.

WILLDAN
Serving Public Agencies

WILLDAN
Schedule of Hourly Rates
July 1, 2003

ENGINEERING

Principal Engineer	$160.00
Division Manager	150.00
City Engineer	150.00
Project Manager	150.00
Supervising Engineer	135.00
Senior Engineer	120.00
Senior Design Manager	120.00
Design Manager	110.00
Associate Engineer	110.00
Senior Designer	105.00
Senior Design Engineer II	105.00
Senior Design Engineer I	100.00
Designer II	100.00
Designer I	95.00
Design Engineer II	95.00
Design Engineer I	90.00
Senior Drafter	90.00
Drafter II	80.00
Drafter I	75.00
Technical Aide	65.00

CONSTRUCTION MANAGEMENT

Division Manager	150.00
Project Manager	150.00
Senior Construction Manager	130.00
Construction Manager	120.00
Assistant Construction Manager	100.00
Utility Coordinator	105.00
Supervising Public Works Observer	105.00
Senior Public Works Observer	90.00
Public Works Observer	**80.00 / 90.00
Assistant Public Works Observer	**70.00 / 90.00
Labor Compliance Manager	105.00
Labor Compliance Specialist	80.00

SURVEYING

Division Manager	150.00
Supervisor - Survey & Mapping	135.00
Senior Survey Analyst	105.00
Senior Calculator	105.00
Calculator II	90.00
Calculator I	80.00
Survey Analyst II	90.00
Survey Analyst I	80.00
Survey Party Chief	100.00
Two-Man Field Party	200.00
Three-Man Field Party	250.00

LANDSCAPE ARCHITECTURE

Division Manager	150.00
Principal Landscape Architect	120.00
Senior Landscape Architect	100.00
Associate Landscape Architect	95.00
Assistant Landscape Architect	80.00

BUILDING AND SAFETY

Division Manager	150.00
Supervising Plan Check Engineer	120.00
Building Official	120.00
Plan Check Engineer	110.00
Deputy Building Official	110.00
Inspector of Record	110.00
Senior Plans Examiner	100.00
Supervising Building Inspector	100.00
Plans Examiner	90.00
Senior Building Inspector	90.00
Building Inspector	**80.00 / 90.00
Supervising Construction Permit Specialist	80.00
Senior Construction Permit Specialist	75.00
Assistant Building Inspector	**70.00 / 90.00
Code Enforcement Officer	65.00
Construction Permit Specialist	60.00
Assistant Construction Permit Specialist	55.00
Plans Examiner Aide	55.00
Assistant Code Enforcement Officer	55.00

PLANNING

Division Manager	150.00
Principal Planner	120.00
Principal Community Development Planner	120.00
Senior Planner	110.00
Senior Community Development Planner	110.00
Associate Planner	95.00
Associate Community Development Planner	95.00
Assistant Community Development Planner	85.00
Assistant Planner	85.00
Planning Technician	65.00
Community Development Technician	65.00

ADMINISTRATIVE

Computer Data Entry	50.00
Clerical	50.00
Word Processing	50.00
Personal Computer Time	15.00

**Prevailing Wage Project, Use $90.00/Hour

Additional billing classifications may be added to the above listing during the year as new positions are created. Consultation in connection with litigation and court appearances will be quoted separately. The above schedule is for straight time. Overtime will be charged at 1.25 times, and Sundays and holidays, 1.70 times the standard rates. Blueprinting, reproduction, messenger services, and printing will be invoiced at cost plus fifteen percent (15%). A subconsultant management fee of fifteen percent (15%) will be added to the direct cost of all subconsultant services to provide for the cost of administration, consultation, and coordination.

EXHIBIT B

TERMS OF PAYMENT

1. The contractor's compensation shall be 75% of the City's collected plan check fee, per project.

2. The contractor will submit an invoice to the city once a month for progress payments along with documentation evidencing services comple4ted to ate. The progress payment is based on the amount of plan review completed. At no time will the City pay for more services than have been satisfactorily completed or in excess of the amount noted in paragraph one (1) above.

3. The City shall pay the contractor for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.

Client#: 6540 WILLDAN

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) 12/17/09

PRODUCER
Dealey, Renton & Associates
P. O. Box 10550
Santa Ana, CA 92711-0550
714 427-6810

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED
Willdan Engineering
2401 E. Katella Avenue, Ste. 300
Anaheim, CA 92806

INSURER A: Travelers Property Casualty Co of Am
INSURER B: Travelers Casualty Ins. Co. of Ameri
INSURER C: Catlin Insurance Company, Inc.
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR X CONTRACTUAL X BFPD, XCU GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC	6301158P020 INDP. CONTRACTORS INCLUDED	11/09/09	11/09/10	EACH OCCURRENCE	$1,000,000
					FIRE DAMAGE (Any one fire)	$1,000,000
					MED EXP (Any one person)	$10,000
					PERSONAL & ADV INJURY	$1,000,000
					GENERAL AGGREGATE	$2,000,000
					PRODUCTS - COMP/OP AGG	$2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS	8101158P020	11/09/09	11/09/10	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
					BODILY INJURY (Per person)	$
					BODILY INJURY (Per accident)	$
					PROPERTY DAMAGE (Per accident)	$
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT	$
					OTHER THAN AUTO ONLY: EA ACC	$
					AGG	$
	EXCESS LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE RETENTION $				EACH OCCURRENCE	$
					AGGREGATE	$
						$
						$
						$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	UB1302P790	11/09/09	11/09/10	X WC STATU-TORY LIMITS OTH-ER	
					E.L. EACH ACCIDENT	$1,000,000
					E.L. DISEASE - EA EMPLOYEE	$1,000,000
					E.L. DISEASE - POLICY LIMIT	$1,000,000
C	OTHER Professional Liability	AED977441110	11/09/09	11/09/10	$1,000,000 per claim $1,000,000 annl aggr.	

RISK MANAGEMENT
Approved
By Date

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
General Liability policy excludes claims arising out of the performance of professional services
Re: Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330
(See Attached Descriptions)

CERTIFICATE HOLDER | ADDITIONAL INSURED; INSURER LETTER:

City of Moreno Valley
Attn: Gary Kyle, Bldg Official
PO Box 88005
Moreno Valley, CA 92552

CANCELLATION Ten Day Notice for Non-Payment of Premium

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Rosanna Sowal

DESCRIPTIONS (Continued from Page 1)

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District are Additional Insured as respects to General and Auto Liability as required by written contract. Primary and Non-Contributing coverage applies to GL as required by written contract.
(SAN BERNARDINO)

POLICY NUMBER: 6301158P020

COMMERCIAL GENERAL LIABILITY
ISSUE DATE: 12/17/09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

SCHEDULED ADDITIONAL INSURED WRITTEN CONTRACT (ARCHITECTS, ENGINEERS AND SURVEYORS)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

NAME OF PERSON(S) OR ORGANIZATION(S):

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency, and community service District

PROJECT/LOCATION OF COVERED OPERATIONS:

Building and Safety Plan Check and Inspection, Code Compliance Services, Job No. 02330

PROVISIONS

1. The following is added to **SECTION II - WHO IS AN INSURED:**

   The person or organization shown in the Schedule above is an additional insured on this Coverage Part, but:

   a. Only with respect to liability for "bodily injury", "property damage" or "personal injury"; and

   b. If, and only to the extent that, the injury or damage is caused by acts or omissions of you or your subcontractor in the performance of "your work" to which the "written contract requiring insurance" applies. The person or organization does not qualify as an additional insured with respect to the independent acts or omissions of such person or organization.

   The insurance provided to such additional insured is limited as follows:

   c. In the event that the Limits of Insurance of this Coverage Part shown in the Declarations exceed the limits of liability required by the "written contract requiring insurance", the insurance provided to the additional insured shall be limited to the limits of liability required by that "written contract requiring insurance". This endorsement shall not increase the limits of I nsurance described in Section III — Limits Of Insurance.

   d. This insurance does not apply to the rendering of or failure to render any "professional services" or construction management errors or omissions.

   e. This insurance does not apply to "bodily in jury" or "property damage" caused by "your work" and included in the "products-completed operations hazard" unless the "written contract requiring insurance" specifically requires you to provide such coverage for that additional insured, and then the insurance provided to that additional insured applies only to such "bodily injury" or "property damage" that occurs before the end of the pe riod of time for which the "written contract requiring insurance" requires you to provide such coverage or the end of the policy period, whichever is earlier.

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2. The following is added to Paragraph 4.a. of **SECTION IV - COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   The insurance provided to the additional insured shown in the Schedule above is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured for a loss we cover. However, if you specifically agree in the "written contract requiring insurance" that this insurance provided to the additional insured under this Coverage Part must apply on a primary basis or a primary and non-contributory basis, this insurance is primary to "other insurance" available to the additional insured which covers that person or organization as a named insured for such loss, and we will not share with that "other insurance". But this insurance provided to the additional insured still is excess over any valid and collectible "other insurance", whether primary, excess, contingent or on any other basis, that is available to the additional insured when that person or organization is an additional insured under any "other insurance".

3. The following is added to **SECTION IV — COMMERCIAL GENERAL LIABILITY CONDITIONS:**

   Duties Of An Additional Insured

   As a condition of coverage provided to the additional insured:

   The additional insured must give us written notice as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, such notice should include:

   i. How, when and where the "occurrence" or offense took place;

   ii. The names and addresses of any injured persons and witnesses; and

   iii. The nature and location of any injury or damage arising out of the "occurrence" or offense.

   b. If a claim is made or "suit" is brought against the additional insured, the additional insured must:

      i. Immediately record the specifics of the claim or "suit" and the date received; and

      ii. Notify us as soon as practicable.

      The additional insured must see to it that we receive written notice of the claim or "suit" as soon as practicable.

   c. The additional insured must immediately send us copies of all legal papers received in connection with the claim or "suit", cooperate with us in the investigation or settlement of the claim or defense against the "suit", and otherwise comply with all policy conditions.

   d. The additional insured must tender the defense and indemnity of any claim or "suit" to any provider of other insurance which would cover the additional insured for a loss we cover. However, this condition does not affect whether this insurance provided to the additional insured is primary to that other insurance available to the additional insured which covers that person or organization as a named insured.

4. The following is added to the **DEFINITIONS** Section:

   "Written contract requiring insurance" means that part of any written contract or agreement with the person or organization shown in the Schedule above, under which you are required to include that person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs and the "personal injury" is caused by an offense committed:

   a. After the signing and execution of the contract or agreement by you;

   b. While that part of the contract or agreement is in effect; and

   c. Before the end of the policy period.

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

BUSINESS AUTO EXTENSION ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

GENERAL DESCRIPTION OF COVERAGE – This endorsement broadens coverage. However, coverage for any injury, damage or medical expenses described in any of the provisions of this endorsement may be excluded or limited by another endorsement to the Coverage Part, and these coverage broadening provisions do not apply to the extent that coverage is excluded or limited by such an endorsement. The following listing is a general coverage description only. Limitations and exclusions may apply to these coverages. Read all the provisions of this endorsement and the rest of your policy carefully to determine rights, duties, and what is and is not covered.

A. BROAD FORM NAMED INSURED

B. BLANKET ADDITIONAL INSURED

C. EMPLOYEE HIRED AUTO

D. EMPLOYEES AS INSURED

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

G. WAIVER OF DEDUCTIBLE – GLASS

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

J. PERSONAL EFFECTS

K. AIRBAGS

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

M. BLANKET WAIVER OF SUBROGATION

N. UNINTENTIONAL ERRORS OR OMISSIONS

PROVISIONS

A. BROAD FORM NAMED INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any organization you newly acquire or form during the policy period over which you maintain 50% or more ownership interest and that is not separately insured for Business Auto Coverage. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier.

B. BLANKET ADDITIONAL INSURED

The following is added to Paragraph c. in A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any person or organization who is required under a written contract or agreement between you and that person or organization, that is signed and executed by you before the "bodily injury" or "property damage" occurs and that is in effect during the policy period, to be named as an additional insured is an "insured" for Liability Coverage, but only for damages to which this insurance applies and only to the extent that person or organization qualifies as an "insured" under the Who is An Insured provision contained in Section II.

C. EMPLOYEE HIRED AUTO

1. The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

An "employee" of yours is an "insured" while operating an "auto" hired or rented under a contract or agreement in that "employee's" name, with your permission, while performing duties related to the conduct of your business.

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2. The following replaces Paragraph b. in B.5., Other Insurance, of SECTION IV – BUSINESS AUTO CONDITIONS:

   b. For Hired Auto Physical Damage Coverage, the following are deemed to be covered "autos" you own:

      (1) Any covered "auto" you lease, hire, rent or borrow; and

      (2) Any covered "auto" hired or rented by your "employee" under a contract in that individual "employee's" name, with your permission, while performing duties related to the conduct of your business.

   However, any "auto" that is leased, hired, rented or borrowed with a driver is not a covered "auto".

D. EMPLOYEES AS INSURED

The following is added to Paragraph A.1., Who Is An Insured, of SECTION II – LIABILITY COVERAGE:

Any "employee" of yours is an "insured" while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

E. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

1. The following replaces Paragraph A.2.a.(2), of SECTION II – LIABILITY COVERAGE:

   (2) Up to $3,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an "accident" we cover. We do not have to furnish these bonds.

2. The following replaces Paragraph A.2.a.(4), of SECTION II – LIABILITY COVERAGE:

   (4) All reasonable expenses incurred by the "insured" at our request, including actual loss of earnings up to $500 a day because of time off from work.

F. HIRED AUTO – LIMITED WORLDWIDE COVERAGE – INDEMNITY BASIS

The following replaces Subparagraph e. in Paragraph B.7., Policy Term, Coverage Territory, of SECTION IV – BUSINESS AUTO CONDITIONS:

e. Anywhere in the world, except any country or jurisdiction while any trade sanction, embargo, or similar regulation imposed by the United States of America applies to and prohibits the transaction of business with or within such country or jurisdiction, for Liability Coverage for any covered "auto" that you lease, hire, rent or borrow without a driver for a period of 30 days or less and that is not an "auto" you lease, hire, rent or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company) or members of their households.

   (1) With respect to any claim made or "suit" brought outside the United States of America, the territories and possessions of the United States of America, Puerto Rico and Canada:

      (a) You must arrange to defend the "insured" against, and investigate or settle any such claim or "suit" and keep us advised of all proceedings and actions.

      (b) Neither you nor any other involved "insured" will make any settlement without our consent.

      (c) We may, at our discretion, participate in defending the "insured" against, or in the settlement of, any claim or "suit".

      (d) We will reimburse the "insured":

         (i) For sums that the "insured" legally must pay as damages because of "bodily injury" or "property damage" to which this insurance applies, that the "insured" pays with our consent, but only up to the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE;

         (ii) For the reasonable expenses incurred with our consent for your investigation of such claims and your defense of the "insured" against any such "suit", but only up to and included within the limit described in Paragraph C., Limit Of Insurance, of SECTION II – LIABILITY COVERAGE.

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and not in addition to such limit. Our duty to make such payments ends when we have used up the applicable limit of insurance in payments for damages, settlements or defense expenses.

(2) This insurance is excess over any valid and collectible other insurance available to the "insured" whether primary, excess contingent or on any other basis.

(3) This insurance is not a substitute for required or compulsory insurance in any country outside the United States, its territories and possessions, Puerto Rico and Canada.

You agree to maintain all required or compulsory insurance in any such country up to the minimum limits required by local law. Your failure to comply with compulsory insurance requirements will not invalidate the coverage afforded by this policy, but we will only be liable to the same extent we would have been liable had you complied with the compulsory insurance requirements.

(4) It is understood that we are not an admitted or authorized insurer outside the United States of America, its territories and possessions, Puerto Rico and Canada. We assume no responsibility for the furnishing of certificates of insurance, or for compliance in any way with the laws of other countries relating to insurance.

G. WAIVER OF DEDUCTIBLE – GLASS

The following is added to Paragraph D., **Deductible**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

No deductible for a covered "auto" will apply to glass damage if the glass is repaired rather than replaced.

H. HIRED AUTO PHYSICAL DAMAGE – LOSS OF USE – INCREASED LIMIT

The following replaces the last sentence of Paragraph A.4.b., **Loss Of Use Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

However, the most we will pay for any expenses for loss of use is $65 per day, to a maximum of $750 for any one "accident".

I. PHYSICAL DAMAGE – TRANSPORTATION EXPENSES – INCREASED LIMIT

The following replaces the first sentence in Paragraph A.4.a., **Transportation Expenses**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

We will pay up to $50 per day to a maximum of $1,500 for temporary transportation expense incurred by you because of the total theft of a covered "auto" of the private passenger type.

J. PERSONAL EFFECTS

The following is added to Paragraph A.4., **Coverage Extensions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Personal Effects

We will pay up to $400 for "loss" to wearing apparel and other personal effects which are:

(1) Owned by an "insured"; and

(2) In or on your covered "auto".

This coverage applies only in the event of a total theft of your covered "auto".

No deductibles apply to this Personal Effects coverage.

K. AIRBAGS

The following is added to Paragraph B.3., **Exclusions**, of **SECTION III – PHYSICAL DAMAGE COVERAGE:**

Exclusion 3.a. does not apply to "loss" to one or more airbags in a covered "auto" you own that inflate due to a cause other than a cause of "loss" set forth in Paragraphs A.1.b. and A.1.c., but only:

a. If that "auto" is a covered "auto" for Comprehensive Coverage under this policy;

b. The airbags are not covered under any warranty; and

c. The airbags were not intentionally inflated.

We will pay up to a maximum of $1,000 for any one "loss".

L. NOTICE AND KNOWLEDGE OF ACCIDENT OR LOSS

The following is added to Paragraph A.2.a., of **SECTION IV – BUSINESS AUTO CONDITIONS:**

Your duty to give us or our authorized representative prompt notice of the "accident" or "loss" applies only when the "accident" or "loss" is known to:

(a) You (if you are an individual);

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(b) A partner (if you are a partnership);

(c) A member (if you are a limited liability company);

(d) An executive officer, director or insurance manager (if you are a corporation or other organization); or

(e) Any "employee" authorized by you to give notice of the "accident" or "loss".

M. BLANKET WAIVER OF SUBROGATION

The following replaces Paragraph A.5., **Transfer Of Rights Of Recovery Against Others To Us**, of SECTION IV – BUSINESS AUTO CONDITIONS:

5. **Transfer Of Rights Of Recovery Against Others To Us**

We waive any right of recovery we may have against any person or organization to the extent required of you by a written contract signed and executed prior to any "accident" or "loss", provided that the "accident" or "loss" arises out of operations contemplated by such contract. The waiver applies only to the person or organization designated in such contract.

N. UNINTENTIONAL ERRORS OR OMISSIONS

The following is added to Paragraph **B.2., Concealment, Misrepresentation, Or Fraud**, of SECTION IV – BUSINESS AUTO CONDITIONS:

The unintentional omission of, or unintentional error in, any information given by you shall not prejudice your rights under this insurance. However this provision does not affect our right to collect additional premium or exercise our right of cancellation or non-renewal.

Name of Person or Organization:

City of Moreno Valley, its employees, officers, directors, volunteers, Redevelopment Agency and community service District

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MV00075867

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010

Developer: ANDLAND PROPERTIES, LLC
22629 FELBAR AVENUE
TORRANCE, CA 90505

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010.

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On March 4, 2009, the Planning Commission of the City of Moreno Valley approved an Administrative Plot Plan to phase the project and create Parcel Map 33152-1, and accept phase-specific Conditions of Approval. Construction of the street improvements is being performed to prepare for future development in the surrounding area and as a Condition of Approval for PM 33152-1.

On July 14, 2009, the City Council of the City of Moreno Valley was asked to approve the modified Public Improvement Agreement and securities. The Agreement and securities include the construction of the street improvements.

DISCUSSION

On February 23, 2010, Andland Properties LLC requested an extension of the full road closure of Old 215 Frontage Road Street between Alessandro Boulevard and Day Street to facilitate the construction of the street improvements on Old 215 Frontage Road. This request also included the approval to authorize the City Engineer to allow for an additional 30-day extension, which was granted and was scheduled to expire on July 17, 2010.

Due to continued unforeseen delays in the coordination with several utility companies, Andland Properties LLC approached the City Traffic Engineer and the City Engineer for an emergency extension due to the City Council being on recess. Staff conducted an assessment of the site and it was determined that there were numerous issues with the current state of the roadway thereby potentially generating unsafe driving conditions if the street were to be re-opened. Based upon the current field conditions and in the interest of public safety, the City Engineer recommended to extend the closure date to September 30, 2010 in his e-mail to Council dated July 19, 2010. Public Works staff is now seeking Council's approval to ratify the additional 68-day extension recommended by the City Engineer to complete the work.

The original request for the road closure was due to major improvement work including, but not limited to, removal of existing asphalt pavement, installation of asphalt paving, curb, gutter, sidewalk, medians, driveway approaches, street lights, landscaping, storm drain culverts, dry utilities, traffic signal modifications, and associated signing and striping. After the new pavement is installed, the remaining street improvements required of the project will be constructed, and the road will be re-opened to traffic.

There are five parcels in the area of construction. The road closure will continue to impact the ingress or egress of all of the parcels, and detouring for the traveling public. City staff was advised by the developer that all potentially affected property owners have been contacted/notified. The original road closure/detour/traffic control plan approved for this closure by the City Traffic Engineer will remain in force. The current road closure has generated no traffic problems or complaints from the motoring public or surrounding community.

ALTERNATIVES

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

2. Do not authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road between Alessandro Boulevard and Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010. Do not authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues. *This alternative would force the developer to re-open the roadway, thereby generating additional construction delays and expense, and potentially create an unsafe roadway for the motoring public.*

FISCAL IMPACT

The Developer will be responsible for all costs associated with this proposal.

CITY COUNCIL GOALS

PUBLIC SAFETY
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

The approved traffic control/detour plan requires the contractor to give notification to the Post Office, Police, Fire Department, Ambulance Services, Riverside Transit Authority, Waste Management, and affected businesses and residents. The public will be notified by special roadside signage showing the modified dates of closure and detour signs.

EXHIBITS

Exhibit “A” – Vicinity Map
Exhibit “B” – Road Closure Detour Map
Exhibit “C” – GIS Orthography Map

Prepared By
Mark W. Sambito, P.E.
Engineering Division Manager

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Eric Lewis
Transportation Division Manager/
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2010\8-24-10 PM 33152-1 - Old 215 Road Closure Extension.doc

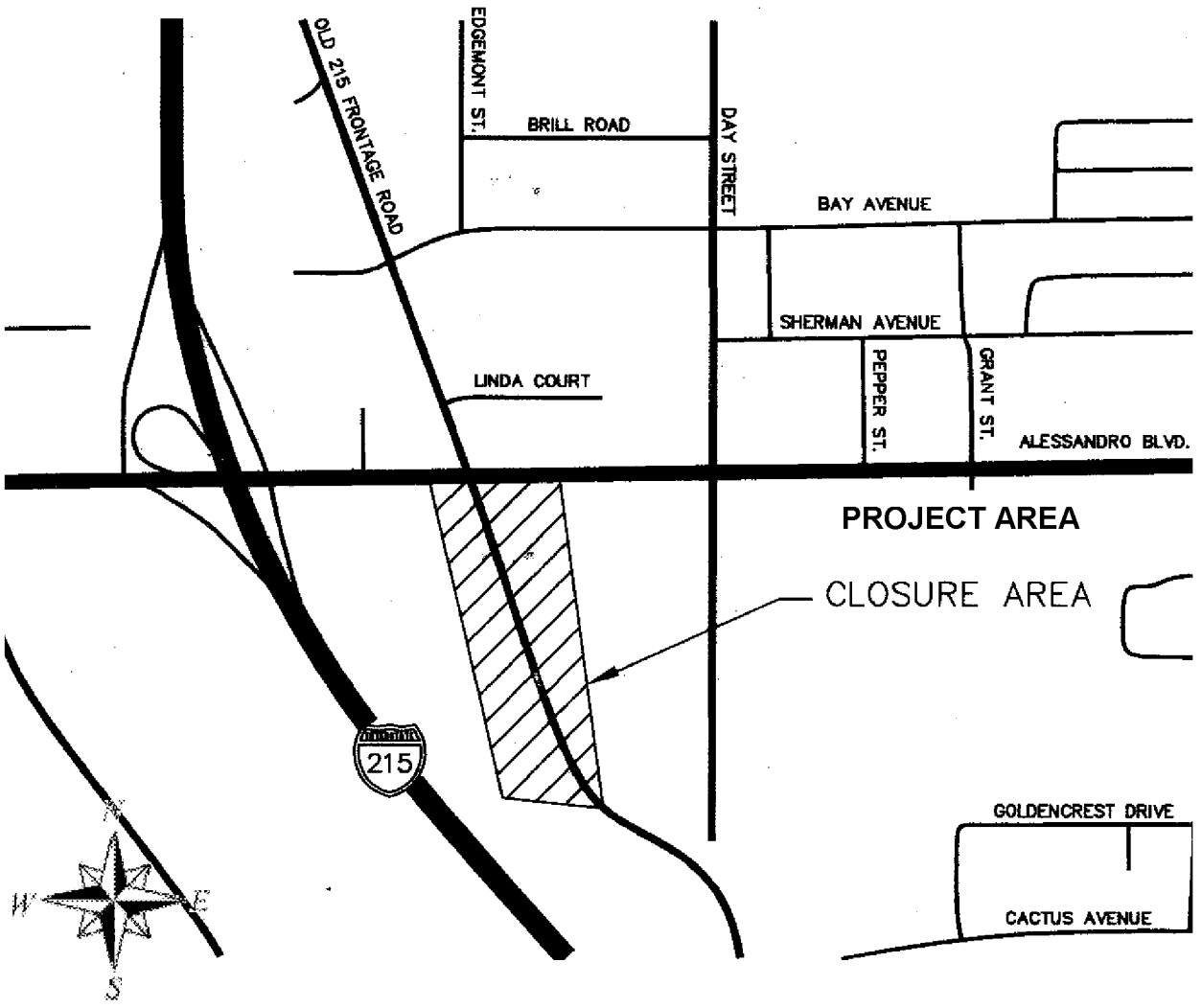

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit A	**PM 33152-1** **VICINITY MAP**

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MV00075873

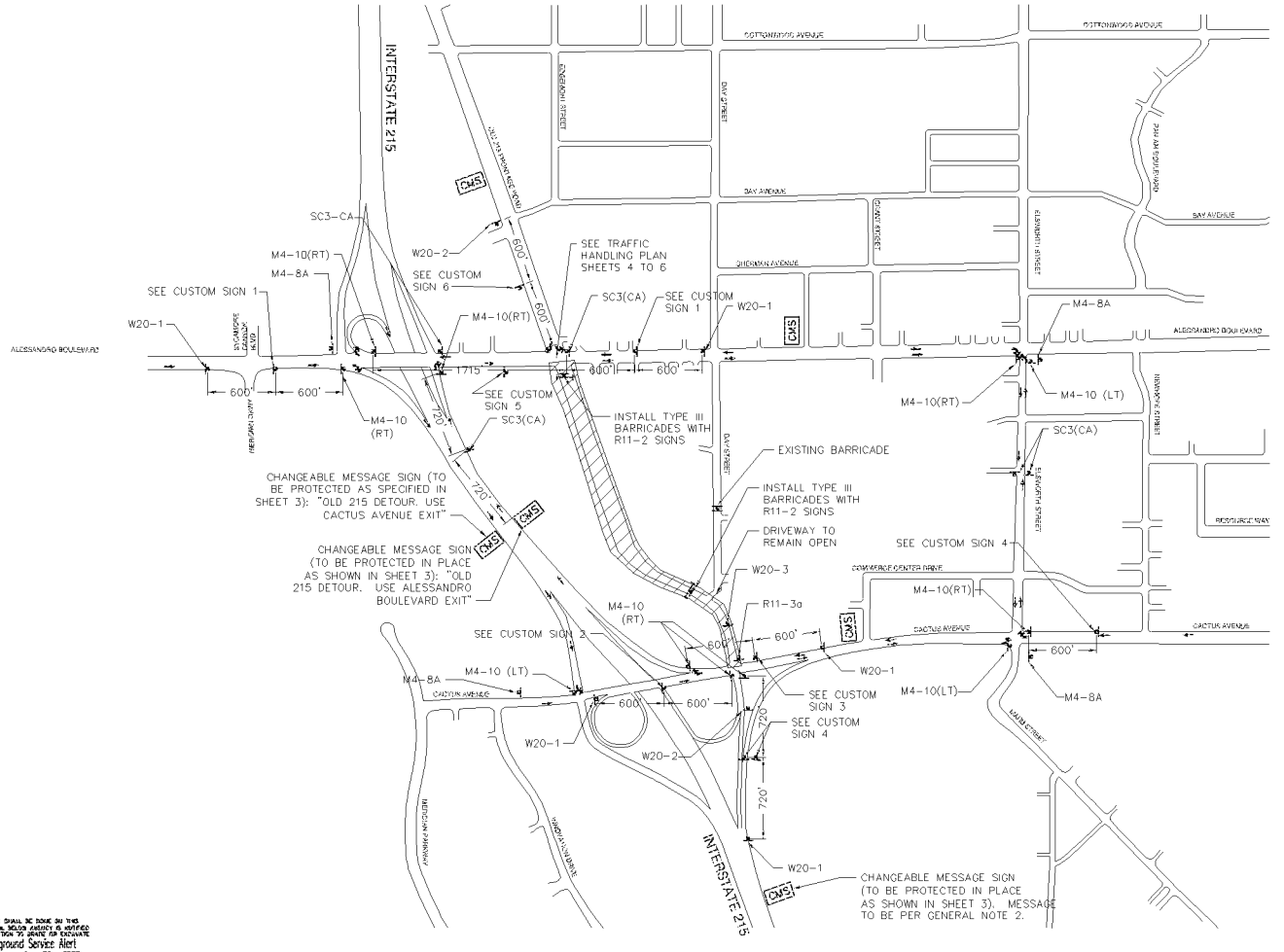

STANDARD DETOUR SIGNING:

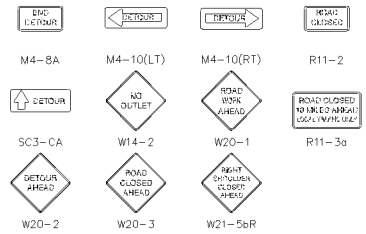

GENERAL NOTES:

1. THIS SHEET IS FOR DETOUR PLAN ONLY. SEE SHEETS 4-6 FOR TRAFFIC HANDLING PLAN.
2. CONTRACTOR TO PLACE CMS AS SHOWN AT LEAST TWO WEEKS PRIOR TO CONSTRUCTION. CMS TO DISPLAY "OLD 215 CLOSED FROM XX/XX/XX TO XX/XX/XX. USE ALT ROUTE". CMS TO REMAIN IN PLACE AND OPERABLE DURING ROAD CLOSURE.
3. CUSTOM SIGNS SHALL BE AS FOLLOWS: DOUBLE POSTED 4"x6" BREAKAWAY POST, 6" BLACK LETTERS ON ORANGE BACKGROUND PER CITY STANDARD.
4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHAIN TOGETHER TYPE III BARRICADE WHENEVER THERE ARE TWO OR MORE IN USE.

LEGEND:

- DETOUR SIGN
- DETOUR PATH
- CONSTRUCTION LIMITS
- CMS — CHANGEABLE MESSAGE SIGN
- TYPE III BARRICADE

CUSTOM DESIGN DETAILS:

LENGTH SHALL BE MULTIPLES OF 6 INCHES

LETTERING HEIGHT SHALL BE AT LEAST 6 INCHES. LETTER TYPE SHALL BE APPROVED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

OLD 215 SOUTH OF
ALESSANDRO BLVD CLOSED.
USE I- 215 DETOUR.

WIDTH SHALL BE MULTIPLES OF 6 INCHES.

NOTE: LIMITED TO THREE ROWS OF TEXT.

CUSTOM SIGNING SHALL BE DESIGNED TO THE GUIDELINES PRESENTED BELOW AND IN ACCORDANCE WITH TABLES 2E-1 THROUGH 2E-4 OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (CA MUTCD 2006 ED). LETTER-TYPE WILL BE DEFINED BY THE CITY ENGINEER, AND TAKEN FROM THE STANDARD ALPHABETS FOR HIGHWAY SIGNS BOOK.

CUSTOM SIGN 1:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 SOUTH DETOUR."

CUSTOM SIGN 2:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 3:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE I-215 NORTH DETOUR."

CUSTOM SIGN 4:
"OLD 215 NORTH OF CACTUS AVE CLOSED. USE ELSWORTH ST DETOUR."

CUSTOM SIGN 5:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE ELSWORTH ST DETOUR"

CUSTOM SIGN 6:
"OLD 215 SOUTH OF ALESSANDRO BLVD CLOSED. USE I-215 OR ELSWORTH ST DETOUR."

MAP SCALE: 1"=500' PA 85-0165 & PA 85-0168 CALTRANS PERMIT NUMBER: 08-09-6-TK-0358

Underground Service Alert
Call TOLL FREE
1-800 227-2600
48 HOURS PRIOR TO YOU DIG

BENCH MARK	BASIS OF BEARING	REVIEW BY CITY STAFF								
		OFFICE	INITIAL	DATE						
		PRINCIPAL ENGINEER								
		ENTERPRISE SERVICES								
		PLANNING								
		TRANSPORTATION								
		PARKS AND RECREATION			MARK	DATE	INITIAL	DESCRIPTION	REV.	APPR. DATE
		LAND DEVELOPMENT					2.09	REVISION		

CITY OF MORENO VALLEY APPROVALS

ENG. CLERK
CITY TRAFFIC ENGINEER
R.C.E. #C60819 EXP. 06/30/2006 — DATE

MOON ISAAC
ASST. PW DIR. / ASST. CITY ENGINEER
R.C.E. #C53463 EXP. 12/31/2010 — DATE

CHRIS A. ORTH
PUBLIC WORKS DIRECTOR/CITY ENGINEER
R.C.E. #C61250 EXP. 06/30/2008 — DATE

ENGINEER OF RECORD'S SEAL
C61321
EXP. 6/30/10

DKS Associates
TRANSPORTATION SOLUTIONS
2420 Bush Street, Suite 160
Lodi, California 95240
Tel: 209-333-1261
UNDER THE SUPERVISION OF:
THOMAS J. KRAYER
R.C.E. #C61321 EXP. 06/30/2010 — DATE

CITY OF MORENO VALLEY

TRAFFIC DETOUR AND HANDLING PLAN

DETOUR PLAN ONLY

ACCT. NO.

SHEET 2 NO. 6

CITY I.D. NO. 4375

Saved By: MNL 4-28-09 08:31am

Exhibit B

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MV00075875

Old 215 Frontage Road

Road Closure Site Map

Legend

- Parcels
- Roads
- Waterbodies
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

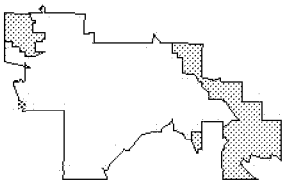

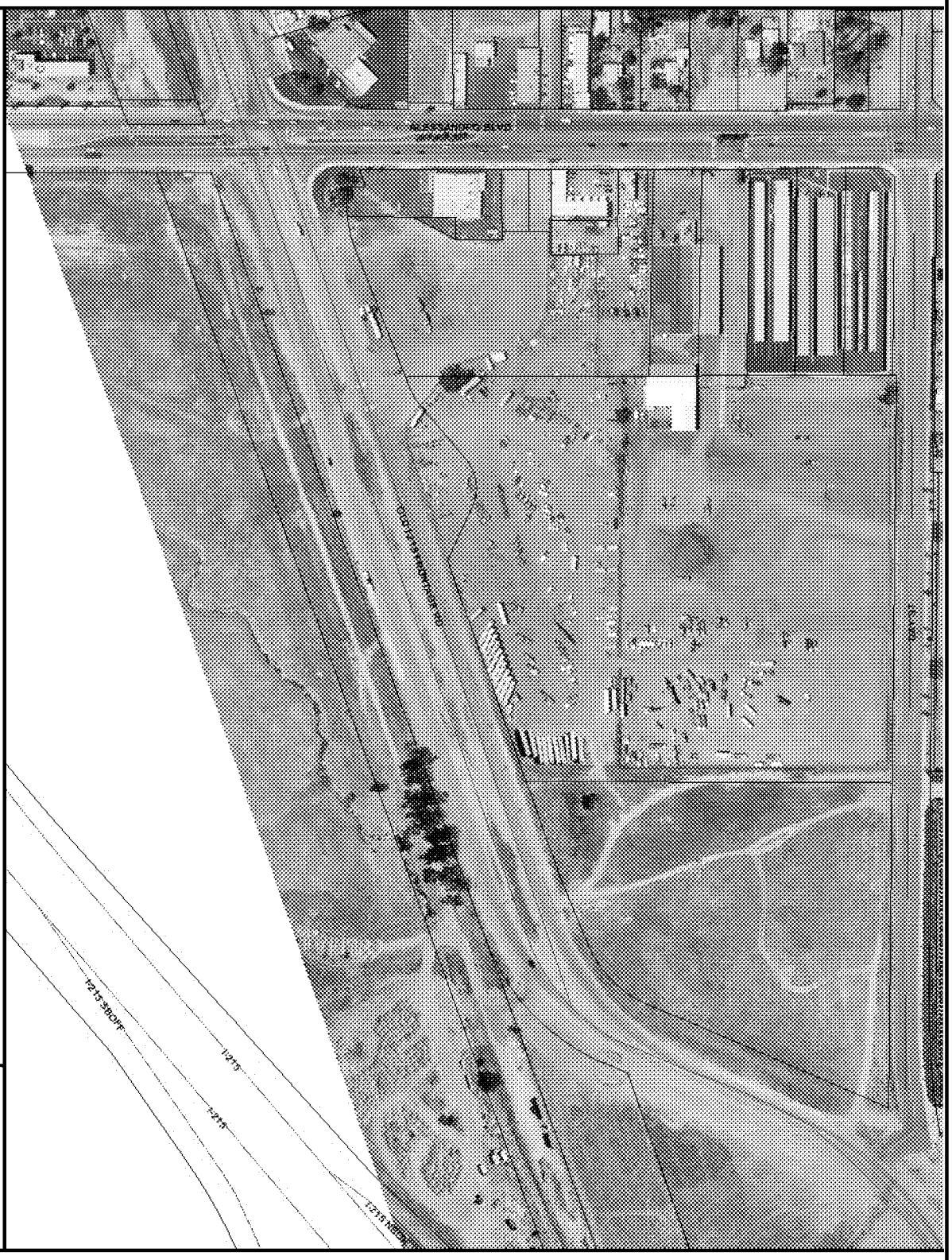

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

N

0 100 200 400ft

Printed: 7/7/2009 10:56:58 AM

Exhibit "C"

MORENO VALLEY
WHERE DREAMS TOWER

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MV00075877

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00075879

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00075881

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Michael J. McCarty, Director of Parks and Community Services

AGENDA DATE: August 24, 2010

TITLE: New Lease Agreement for Caretakers of the Moreno Valley Equestrian Park and Nature Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center.
2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

BACKGROUND

The Moreno Valley Equestrian Park and Nature Center, located at 11150 Redlands Boulevard, is in the northeast portion of the City. The site includes a lighted equestrian arena, warm-up and holding pens, dog park, and a three-bedroom mobile home.

On March 25, 2003, Council approved staff entering into a lease agreement with Robert and Christina Humbarger to be the Caretakers of the Moreno Valley Equestrian Park and Nature Center. The Caretakers moved into the mobile home in June 2003 and have performed small duties and provided daily security of the Equestrian Center to staff's satisfaction. While the Caretakers have been diligent in maintaining the interior and exterior of the mobile home, use of the facility did not increase as expected, so the Caretakers' duties were much lighter than originally anticipated.

To maintain equity, since July 1, 2005, a nominal rent of $400.00 per month was implemented and is currently being charged to the Caretakers. Staff now proposes to increase the rent to $500.00 per month, beginning September 1, 2010.

DISCUSSION

Staff has determined that the property requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have available employees or other resources to perform the services for the property. Staff recommends retaining the services of the Caretaker, but is recommending that the rent be increased to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

ALTERNATIVES

1. Elect to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010. **Staff recommends this alternative.**
2. Elect not to charge the current Caretakers rent in the amount of $500.00 per month, beginning September 1, 2010, and provide staff direction on how to fund future repairs at this site. **Staff does not recommend this alternative.**

FISCAL IMPACT

Should Council approve charging the current Caretakers rent in the amount of $500.00 per month, annual revenues of $6,000.00 will be realized. Funds will be deposited into account 161.1610.4548.03 (Mobile Home Rentals).

CITY COUNCIL GOALS

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

The Moreno Valley Equestrian and Nature Center requires consistent, daily security beyond what is currently provided at other City facilities and the CSD does not have

available employees or other resources to perform the services for the property. To meet this need, staff is recommending that the services of the Caretaker be retained, along with increasing the Caretakers rent to $500.00 per month, beginning September 1, 2010. Staff has spoken with the Caretakers who have agreed to this charge. In addition, staff is proposing that the rent revenue be reserved to offset any future repair costs to the mobile home.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

Lease for Moreno Valley Equestrian Park and Nature Center Mobile Home

Prepared By:
Steve Kupsak
Parks Maintenance Division Manager

Department Head Approval:
Michael J. McCarty, Director
Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00075885

LEASE FOR MORENO VALLEY EQUESTRIAN PARK
AND NATURE CENTER MOBILE HOME

This Agreement is made and entered into this 1st day of September 2010, by and between the Moreno Valley Community Services District, a district organized and existing pursuant to the community services district laws of the State of California ("CSD"), and Robert and Christina Humbarger hereinafter described as "Tenant."

WHEREAS, the CSD desires to lease to Tenant and Tenant desires to lease from CSD the premises generally described as the Mobile Home located within the Moreno Valley Equestrian Park and Nature Center and the real property upon which the Mobile Home directly rests, together with the right to use the real property immediately surrounding the Mobile Home as designated by the Parks and Community Services Director ("Director") for reasonable and customary residential purposes (the "premises"), it is herein agreed as follows:

1. CSD hereby leases to Tenant the premises on a month-to-month tenancy basis. Prior to taking possession of the leased premises, Tenant shall deliver to CSD a cleaning and security deposit in the amount of One Hundred and no/100 Dollars ($100.00). Said deposit shall be refunded to Tenant at the time Tenant vacates the premises, less the cost of any cleaning or repairs necessitated by Tenant's failure to properly care for the premises. At the termination of tenancy, Tenant shall return the premises to the CSD in good repair and clean condition, normal wear and tear excepted.

2. CSD and Tenant agree to rental payments in the amount of Five Hundred and No/100 Dollars ($500.00) per month and that Tenant shall also provide the services described in Exhibit A (the "rental services"). Failure to pay the $500.00 per month rental fee and to provide such services in a reasonable and diligent manner shall constitute a material breach and entitle CSD to terminate this lease in accordance with paragraph 16 below. However, in the event that Tenant fails to provide such rental fees and services, CSD shall have the option, but not the obligation, in lieu of termination of the lease, to assess additional monetary rent to Tenant in the amount of $25.00 for each day Tenant fails to provide the agreed upon rental fee and services or fails to provide such rental services in a reasonable and diligent manner. Such monetary rent shall not be assessed for those times where CSD has been notified in advance of Tenant's proposed absence under paragraph 26 below, provided that such absences not exceed three days in any thirty-day period, nor fourteen days in any twelve-month period. Any monetary rent assessed hereunder shall be due and payable within five business days after notice of such assessment. Failure to make any such payment when due shall be a material breach of this lease. The CSD has the option to increase rental rates annually by ten percent (10%).

3. Tenant shall immediately commence occupation of the Mobile Home described above and perform the rental services described in Exhibit A within five calendar days after the effective date of this Lease.

4. Tenant shall perform the rental services as described in Exhibit A, using reasonable care and diligence.

5. The CSD shall be responsible for the following utility payments: electricity, trash, and water. The Tenant shall be responsible for payment of any other utilities, including, but not limited to: propane, telephone, and cable television service.

6. Tenant shall not take in boarders or sublet the Mobile Home in any fashion.

7. Tenant shall use the leased premises exclusively for a private residence for occupancy by no more than two persons. CSD covenants that the Tenant shall have, hold and enjoy the leased Mobile Home for the term of this Lease, subject to the conditions set forth herein.

8. Tenant shall repair or replace, at Tenant's expense, all loss or damage to any of the carpets, draperies, appliances and other household goods whenever such damage or loss shall have resulted from Tenant's misuse, waste or neglect of said furnishings (not to include normal wear and tear).

9. Tenant shall cause to be made, at Tenant's expense, all required repairs to heating and air conditioning apparatus, electric and gas fixtures and plumbing work whenever such damage shall have resulted from misuse, waste or neglect of Tenant, it being understood that CSD is to have same in good order and repair when giving possession.

10. Tenant shall keep the premises in good order and repair and shall advise CSD or CSD's agent of any needed repairs or maintenance reasonably expected to cost $50.00 or more. Tenant shall not make alterations, additions, or improvements to the property without prior consent to the CSD.

11. Tenant shall give prompt notice to CSD of any dangerous, defective, unsafe or emergency condition in or on the leased premises, said notice being by any suitable means. CSD or its agent shall repair and correct said conditions promptly upon receiving notice thereof from Tenant.

12. Tenant shall not change or alter in any manner any of the locks on the gates, doors, fences, etc. located on the property without prior approval of the CSD.

13. Tenant shall be considered for all purposes only a Tenant of real property and/or an independent contractor. It is understood and agreed that nothing contained herein shall be construed as making the Tenant or any individual who performs services under this Lease an agent or employee of the CSD and/or the City of Moreno Valley ("City"), or authorize the Tenant to create or assume any obligation or liability for or on behalf of the CSD and/or the City. Tenant expressly waives any rights to be considered an employee of CSD, the City or any affiliated public agency by virtue of the rental services, and acknowledges that Tenant shall not be entitled to any benefits of

employment, including without limitation, workers compensation coverage, retirement benefits, wages or overtime payments.

14. The Tenant and the CSD agree to use reasonable care and diligence in performance of their respective obligations under this Lease.

15. The Tenant shall comply with all applicable federal, state, and local laws in the performance of rental services under this Lease. Tenant agrees to comply with all sanitary laws, ordinances and rules affecting the cleanliness, occupancy and preservation of the premises during the term of this Lease.

16. Termination of Lease.

A. CSD or Tenant may terminate this lease without breach or fault on the part of the other upon sixty days written notice.

B. In the event of any breach by the Tenant of any of the Tenant's covenants, or agreements herein, CSD or its agents may give Tenant a three-day notice to cure said breach or quit the premises. Such notice shall set forth in writing which covenants or agreements have been breached and shall be deemed to be, for all purposes, the three-day notice to pay rent or quit required by California landlord-tenant laws. If any breach is not cured within said three-day period, CSD or its agents may terminate this lease. Upon terminating this lease as provided herein, CSD or its agent may commence proceedings against Tenant for his removal as provided for by law, as well as for collection of any unpaid monetary rent assessed under paragraph 2 above.

C. Upon termination of the lease, Tenant shall vacate the premises, leaving it in good repair and clean condition.

17. The Director or his/her designated representative shall be the primary contact person regarding performance of this Lease. The Director or his/her designated representative shall cooperate with the Tenant, and the Tenant shall cooperate with the CSD in all matters regarding this Lease and in such a manner as will result in the performance of the rental services in a timely and expeditious fashion.

18. The Tenant shall employ no CSD or City official or employee in the rental services performed pursuant to this Lease. No officer or employee of the CSD or City shall have any financial interest in this Lease in violation of federal, state or local law. Any employee Tenant retains to perform rental services shall be subject to prior approval by the CSD and shall acknowledge this Lease and agree in writing that he/she is not an employee of the CSD, the City, or any affiliated public agency, prior to undertaking any duties.

19. The Tenant understands and agrees that the appliances, curtains, and other attached items are the property of the CSD and shall remain in the Mobile Home when this Lease is terminated.

20. The CSD covenants that the leased premises are, to the best of its knowledge, clean, safe, sound and healthful and that there exist no violations of any applicable housing code, law or regulation of which it is aware.

21. No animal, bird, or pet shall be kept in or about the premises without written permission of the CSD.

22. Tenant's personal property is not insured by the CSD. Tenant is required to provide his or her own renter's insurance. The CSD is not responsible for theft or loss of Tenant's personal possessions.

23. Tenant shall not keep or have in or on the leased premises any article or thing that might be pronounced "hazardous" or "extra hazardous" by any responsible insurance company.

24. Tenant shall, at reasonable times, give access to CSD or its agents for any reasonable and lawful purpose. In an emergency, the CSD, its agents or authorized representative may enter the premises at any time without securing prior permission from the Tenant, for the purpose of making corrections or repairs to alleviate such emergency.

25. If the Tenant abandons or vacates the premises, the CSD may terminate this Lease and retain possession in the manner prescribed by law.

26. The Tenant agrees to provide thirty-day advance notice to the CSD when planning to be away from the premises or otherwise unable to provide the rental services more than two consecutive days and one week's prior notice when planning to be away from the premises overnight. Tenant may be away from the premises under this paragraph without breach of lease for failure to provide the rental services for those periods set forth in paragraph 2 above.

27. The Tenant agrees to indemnify, defend, and save the CSD, City and the Community Redevelopment Agency of the City of Moreno Valley ("RDA"), its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including the Tenant and any and all residents of the premises, and all claims which arise from or are connected with the negligent performance of or failure to perform the rental services or other obligations of this Lease, or are caused or claimed to be caused by the negligent acts of the Tenant, his/her minor children, spouse, or other individual residing on the premises, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the CSD, City, and/or RDA, its officers, agents, and/or employees. The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended or held harmless, whether in a judicial or administrative action or in arbitration, and

whether the issue is between the parties or involves one or more third parties. The CSD, City and RDA shall be added as additional insureds on all insurance policies that the Tenant chooses to obtain regarding the premises. The Tenant shall provide his own auto insurance. The Tenant shall, under no circumstances, hire others to work on the premises.

28. The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Lease, and shall also govern the interpretation of this Lease.

29. Unless otherwise provided for elsewhere in this Lease, any notice required or authorized herein shall be given in writing and mailed via U.S. first-class mail.

30. This Lease represents the entire and integrated agreement between the CSD and the Tenant, and supersedes all prior negotiations, representations or agreements, either written or oral. This Lease may be modified or amended only by a subsequent written addendum signed by both parties.

31. CSD and Tenant agree that this Lease, when filled out and signed, is a binding legal obligation.

32. This Lease supersedes any prior lease agreement on the property.

City of Moreno Valley

_____
Mayor, Acting in the Capacity as
President of the Board of Directors of the
Moreno Valley Community services District

Date: _____

APPROVED AS TO FORM THIS

_____ day of _____, 2010

_____
City Attorney

Tenant

_____
Robert Humbarger

Social Security Number:_____

Date: _____

_____
Christina Humbarger

Social Security Number: _____

Date:_____

Attachment
Exhibit A

EXHIBIT A
SERVICES TO BE PROVIDED BY TENANT

It is understood that the term "property" described below includes all areas of the Moreno Valley Equestrian Park and Nature Center, including without limitation, the following areas: All parking lots, fenced mobile home site, construction trailer, arena, and area above the arena. The Tenant will report anything unusual to the CSD's representative as soon as possible. The Tenant shall:

1. Maintain security of the property by patrolling all areas at least twice a day, seven days a week. Ensure that all gates, restrooms, etc. are locked up and lights are turned off not later than 10:00 p.m. each evening, unless specifically informed otherwise by the CSD.
2. Be present on the property and alert for security or maintenance problems, for such hours as shall be agreed upon by the Tenant and CSD.
3. Report any security, park use or maintenance problems or issues to CSD or the police, as may be appropriate, promptly upon discovery.
4. Maintain a pleasant manner and good relations with members of the public and persons lawfully using the Moreno Valley Equestrian Park and Nature Center.
5. Assist in keeping all areas of the property free of trash and debris on a daily basis. Remove graffiti as needed within 24 hours of being discovered (materials for graffiti removal are available from the CSD).
6. Inspect all plant material and report any findings of distress as soon as possible to the CSD.
7. Report any malfunctioning lights and irrigation/sprinklers as soon as possible to the CSD.
8. Clean, maintain and restock restroom facility on a daily basis (supplies to be provided by the CSD).
9. Report any light outages to the CSD as soon as possible.
10. Maintain the mobile home and surrounding yard in an attractive appearance that enhances the value of the property.
11. Allow periodic inspections of the Tenant's residence and assist CSD staff with any repairs to the residence as needed.

ORDINANCE NO. CSD 54

AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER

The City Council of the City of Moreno Valley, acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, does ordain as follows:

1.1 AMENDMENT: Section 5. Regulations of CSD Ordinance No. CSD 52 is amended in its entirety to read as follows:

"SECTION 5. REGULATIONS:

Unless specifically provided otherwise in this Ordinance, the following regulations shall apply in all parks and recreation facilities:

a. Operation of Vehicles and Bicycles.

1. Roads for Public Use. The provisions of the California Vehicle Code are applicable in all parks upon any way or place, which is publicly maintained and open to the use of the public for vehicular travel. Violations of said vehicle code within a park shall be enforced and prosecuted in accordance with the provisions thereof. The City Traffic Engineer is hereby authorized and directed, on the account of the District, to post appropriate signs advising of the vehicular travel restrictions in force within a particular park when duly authorized to do so by action of the Board of Directors.

2. Operation of Vehicles and Bicycles. No person shall drive or otherwise operate a vehicle in a park, and no person shall ride a bicycle (as defined in the California Vehicle Code) in a park, upon any surface other than those maintained and open to the public for purposes of vehicular travel or parking. Vehicles may use such temporary parking areas as may be designated by appropriate signs from time to time by the Director. This provision does not apply to any vehicle being used for authorized District business, or to any police or other emergency vehicles performing an authorized mission, nor to a vehicle, which is within a park pursuant to written permission of the Director. Neither does this provision apply to any electrically driven wheelchair carrying a physically incapacitated person.

b. Solicitation Prohibited. No person shall practice, carry on, conduct, or solicit for, any trade, service, occupation, business, or profession in any park, or sell or offer for sale therein or thereon any merchandise, article, or anything whatsoever. This Section shall not apply to any person acting pursuant to a contract with the District or under an authorization duly granted by the Director pursuant to standards and criteria approved by the Board of Directors.

c. Prohibition of Animals in Parks. No person shall cause, permit, or allow any animal owned or possessed by him, or any animal in the custody or control of such person, to be present in any park except:

1. Equine animals being led or ridden under reasonable control upon a bridle path or trail authorized and provided for such purpose;

2. Equine or other animals which are hitched or fastened at a place expressly authorized and designated for such purpose;

3. Dogs or cats when caged, or when led by a cord or chain not more than six feet long, or when confined within the interior of a vehicle;

4. Service animals which have been specially trained and are being used by blind or disabled persons to aid and guide them in their movements;

5. Small pets which are kept on the person of the possessor at all times;

6. In connection with activities authorized by the Director and when in accordance with all conditions attached to such authorization;

7. Fowl or animals turned loose at the direction or with the written permission of the Director.

8. Exceptions. The requirement for a dog to be on-leash while in a public park shall not apply to the following:

(a) Any dog used by a law enforcement agency.

(b) A dog while participating in a dog obedience training program or a dog obedience or conformation show authorized by the Director, although such dog shall be on leash or otherwise restrained while not actively participating in such show or program.

(c) A dog within a posted "leash optional" area of the park as designated by the Director, provided, however, nothing herein shall relieve the owner or person having charge, care, custody or control of such dog from the responsibility to

maintain proper control over such dog nor shall this Subsection be construed as relieving such person from liability for any damages arising out of his or her dog's action while using the leash optional area.

d. Responsibility of Animal Owner.

1. Each person who owns, or who has custody, possession, or control of an animal within a park shall collect, pick up, and remove all fecal matter and debris promptly after it has been deposited or left behind by said animal in or upon a park. This Subsection shall not apply to guide dogs for blind or disabled persons.

2. No dog is permitted in any designated leash optional area in the custody of a child twelve years of age or younger unless such child is accompanied and supervised by a person at least eighteen years of age.

3. No person may have more than two dogs in a designated leash optional area at any one time.

4. Any dog in a designated leash optional area must be under the voice control of the person having custody of such dog while the dog is in said area.

5. No dogs are permitted in a designated leash optional area except during posted hours of operation.

6. No person shall place a dog in a designated leash optional area, which is not over the age of four months, vaccinated for rabies and wearing a currently valid issued dog tag, or whose owner has within his or her possession said dog tag.

7. No person shall place a dog that is sick or in heat in a designated leash optional area.

8. No person shall place an aggressive dog of any breed in a designated leash optional area even if such dog is on a leash.

9. Any person having care or custody of a dog in a leash optional area shall quiet the dog if the dog barks.

10. No person shall bring any animal other than a dog to a leash optional area unless otherwise specifically authorized by the Director in writing.

11. The use of a leash optional area by the owner or other person having charge, care, custody or control of a dog shall constitute agreement by that person to follow the rules provided herein and his or her agreement to protect, indemnify, defend, and hold harmless the District/City and its officers and employees from any claim, injury or damage arising from or in connection with use.

e. Prohibition of Firearms, Weapons, and Fireworks.

1. No person shall carry or discharge any firecracker, rocket, torpedo, or other type of explosive, or carry or discharge any air gun, rifle, pistol, sling shot, bow and arrow, or any similar device or weapon including firearm, knife (as defined in the Penal Code as a illegal weapon), etc., within or into a park; nor shall any person carry into or use any other object within a park with the intent of disturbing the peace of any person by means of noise or otherwise.

2. This prohibition shall not apply to the engaging in or traveling to target practice conducted in accordance with appropriate standards of safety at an archery, skeet, or target range authorized and provided by the district for such purpose; nor shall this prohibition apply to law enforcement personnel acting within the scope of their official duties.

3. This prohibition shall not apply to the use of non-projectile firearms at the Moreno Valley Equestrian Center for practice, exhibition, or competition related to re-enactment programs or events authorized through the issuance of a formal permit pursuant to Section 11.40.050(D) of this Code.

4. Any device carried into or used within a park in violation of this provision is subject to confiscation by any law enforcement officer or duly authorized district employee and, in the event thereof, shall be thereafter disposed of in accordance with law, including without limitation any applicable district regulations.

f. Damaging Property Prohibited. No person shall cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property, or pluck, pull up, cut, take, or remove any shrub, bush, plant, or flower, or mark or write upon, paint, or deface in any matter any building, monument, fence, bench, or other structure within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment or contract.

g. Damaging Land Prohibited. No person shall cut or remove any wood, turf, grass, soil, rock, sand, gravel, or fertilizer from a park or from any place within a park. This prohibition shall not apply to any employee or contractor of the District or of the City acting within the scope of such employment of contract.

h. Water. No person shall swim, fish in, bathe, wade, row, sail, or operate any boat, craft, or other device, on or in any pond, lake, or stream within or into a park, except at such place or places authorized and provided by the District for such use; nor shall any person pollute the water of any fountain, pond, lake, stream, or reservoir within a park or which would carry pollution to the water of a foundation, pond, lake, stream, or reservoir within a park.

i. Hazardous Waste: No person shall discharge any form of hazardous waste including flammable liquids, toxic chemicals, caustic substances, poisons, motor oil, lye, benzene, chloride, or any other material that could be a hazard to a person, animal or property, in any park.

j. Fires. No person shall make or kindle a fire within a park except in stoves or other facilities specifically provided for such purpose. No fire shall be lit or maintained within a park between the hours of 10:00 p.m. and 8:00 a.m. of the next succeeding day, except by written permission of the Director.

k. Prohibited Presence. No person shall tent, camp, lodge, or otherwise be present in any park after 10:00 p.m. or before 8:00 a.m. except when lawfully in attendance at an event approved by the Director.

l. Littering, Waste Liquids and Refuse. No person shall dispose of dishwater or other waste liquids or dispose of any garbage, empty container, or other solid waste material within a park, other than in receptacles or other facilities provided for such disposal.

m. Gambling. No person shall play or bet at or against any game in a park, which game is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit, or any other thing of or redeemable for value, nor maintain or exhibit any gambling table or other instruments of gambling or gaming within a park. This prohibition shall not apply to simulated gambling games or to bingo games when conducted by a non-profit organization during fund-raising events pursuant to a permit issued by the Director pursuant to Section 5 of this Ordinance and in compliance with all other applicable law.

n. Prohibited Activities. No person shall play or engage in model airplane flying, driving of golf balls, or any activity of a hazardous nature within a park, except at such place as shall be especially set apart and authorized for such purpose.

o. Disturbing the Peace. No person shall indulge in riotous, boisterous, threatening, or indecent conduct, or abusive, threatening, profane, or indecent language, within a park in such a manner as to disturb the public peace or to materially disrupt the quiet enjoyment of such park or of nearby properties by any other person who is lawfully present.

p. Advertising Matter. Except as authorized in writing by the Director, or except in performance of an official duty, no person shall post, place, or erect any bill, notice, paper, or advertising device or matter of any kind within a park.

q. Meetings. No person shall hold any meeting, service, concert, exercise, parade or exhibition requiring a Special Events permit under Chapter 11.38 of this Code

without obtaining and complying with such permit. This Subsection shall not be construed to deprive any person of a right protected by state or federal law or constitution.

r. Protection of Animals. No person shall hunt, frighten, chase, set a snare for, catch, injure, or maltreat any domestic or other animal within a park, nor shall any person fish with hook and line, seine, trap, spear or net, or by any other means, in any pond, lake, stream, or water within a park, except at a place especially authorized and provided for such purpose. This prohibition shall not apply to law enforcement personnel, animal control officers, District employees, or District contractors acting within the scope of their official duties or contract obligations, or residents attempting to catch household pets.

s. Use of Restroom. No person shall use any restroom, washroom, or dressing facility within a park when the same has been designated for persons of the opposite sex. This Subsection shall not apply to children accompanied by their parent or guardian.

t. Use of Bicycles in Parks.

1. Except as set forth in Section 2, no person shall ride any bicycle within a park except at or on a place specifically authorized and provided for such purpose. While elsewhere within a park, bicycles shall be dismounted and pushed when moving from place to place.

2. If bicycle riding is authorized, users are required to wear safety gear such as helmet, kneepads, wrist guards, elbow pads or other required equipment for the authorized use of such activity as required by law.

u. Use of Skate Park.

1. No person shall use the skate park at times other than those established by the District as the hours of operation;

2. No person shall use the skate park areas for uses other than skateboarding, skating and BMX bike riding;

3. No person shall use the skate park without wearing the required safety equipment, including a helmet, elbow pads, and knee pads;

4. No person shall litter or place trash or debris in or on the skating surface. All trash shall be placed in a designated trash receptacle provided, and failure to do so shall be grounds for expulsion from the skate park;

5. No person shall skate or ride on the curbs, sidewalks, fences, railings and/or driveways of the District/City-owned areas surrounding the skateboarding/skating surface;

6. No person shall skate or ride in a reckless manner with disregard for the safety of persons or property in the skate park;

7. No glass containers are allowed in the designated skateboarding/skating areas. Food and drink are allowed in designated areas only;

8. No additional obstacles may be placed in the designated skateboarding/skating areas;

9. No person shall use the skate park if a hazardous condition exists, including, but not limited to, inclement weather conditions, or significant cracks, breaks or other irregularities in the skating surface of the skateboard/skating areas;

10. BMX bikes will be permitted only during designated sessions under supervision of concessionaire or District staff.

v. Amplified Sound in Parks. No person shall cause the amplification of sound within a park if the noise level caused thereby exceeds 60 decibels from all channels of equipment used, except pursuant to a permit issued by the Director, and in compliance with the following conditions:

1. The location of each grandstand and gathering, and the position of each loudspeaker shall be as specified in writing by the Director so as to cause the least amount of disturbance to other persons, both within and without the park;

2. Amplified sounds shall not exceed 60 decibels at a point 50 feet in front of the midpoint of a straight line between any two-loudspeaker installations.

w. Use of Alcohol in Parks. No person shall enter, be in or remain in a park owned, operated or controlled by the City or District, while under the influence of any alcoholic beverage or while in possession of, transporting, purchasing, selling, giving away or consuming any alcoholic beverage, unless a formal permit is granted by the City Manager pursuant to Ordinance CSD-8. Such permit shall be obtained, and the fee as established by resolution of the City Council therefor paid, regardless of the size of the gathering or assembly which desires the privilege of using park area to drink beer, wine or other intoxicating beverage.

x. Use or Sale of Narcotics and Illegal Drugs in Parks. No person shall enter, be in or remain in any park owned, operated or controlled by the City or District, while in possession of, transporting, purchasing, selling, giving away or consuming any narcotics or illegal drugs, except possession of or consumption of prescription medication by the person for whom it was prescribed.

y. Washing or Repairing Cars. No person shall engage in the washing, cleaning, repairing, renovating or painting of any vehicle within a park, except those emergency repairs immediately necessary to render such vehicle safe may be made.

z. Speed Limits. No person shall drive a vehicle within a park other than in a reasonable and prudent manner but in no case to exceed 15 miles per hour.

aa. Parking. No person shall park any vehicle within a park except for the duration of his or her visit to such park. No person shall leave or park any motor vehicle, on any driveway, or at any other place, except at such place or places as are designated for vehicle parking.

bb. Smoking in Parks.

1. No person shall smoke within a park owned, operated or controlled by the City or District except in an area designated and posted as available for smoking at or on the grounds of a recreation center by direction of the Parks and Community Services Director.

2. No person shall dispose of any cigarette, cigar or other tobacco product or any part thereof in a park except in a designated waste disposal container.

3. Violations and Penalties. Any person who violates any provision of this section by smoking in a park is guilty of an infraction and, upon conviction thereof, shall be punished in accordance with Chapter 1.10 Civil Citations, of the Moreno Valley Municipal Code."

2.1 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the Board of Directors which addresses the same subject addressed herein.

3.1 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the Secretary of the District shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

4.1 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor of the City of Moreno Valley, acting in the capacity as the President of the Moreno Valley Community Services District

ATTEST:

_____
City Clerk of the City of Moreno Valley acting in the capacity as Secretary of the Moreno Valley Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity as General Counsel of the Moreno Valley Community Services District

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MV00075901

MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00075903

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00075905

MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00075907

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

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MV00075909

Southern California Edison 2010 State of the Utility

Ray Hicks
SCE Local Public Affairs
Eastern Region

August 24, 2010

SCE at a Glance

- Southern California Edison (SCE) is one of the nation's largest electric utilities
- SCE provides electricity to nearly14 million people living and working within its 50,000 square-mile service area of Southern California
- SCE's service territory includes more than 180 cities in ten counties, excluding Los Angeles, Pasadena, Glendale, Anaheim, Vernon and a few other Southern California cities and electric cooperatives

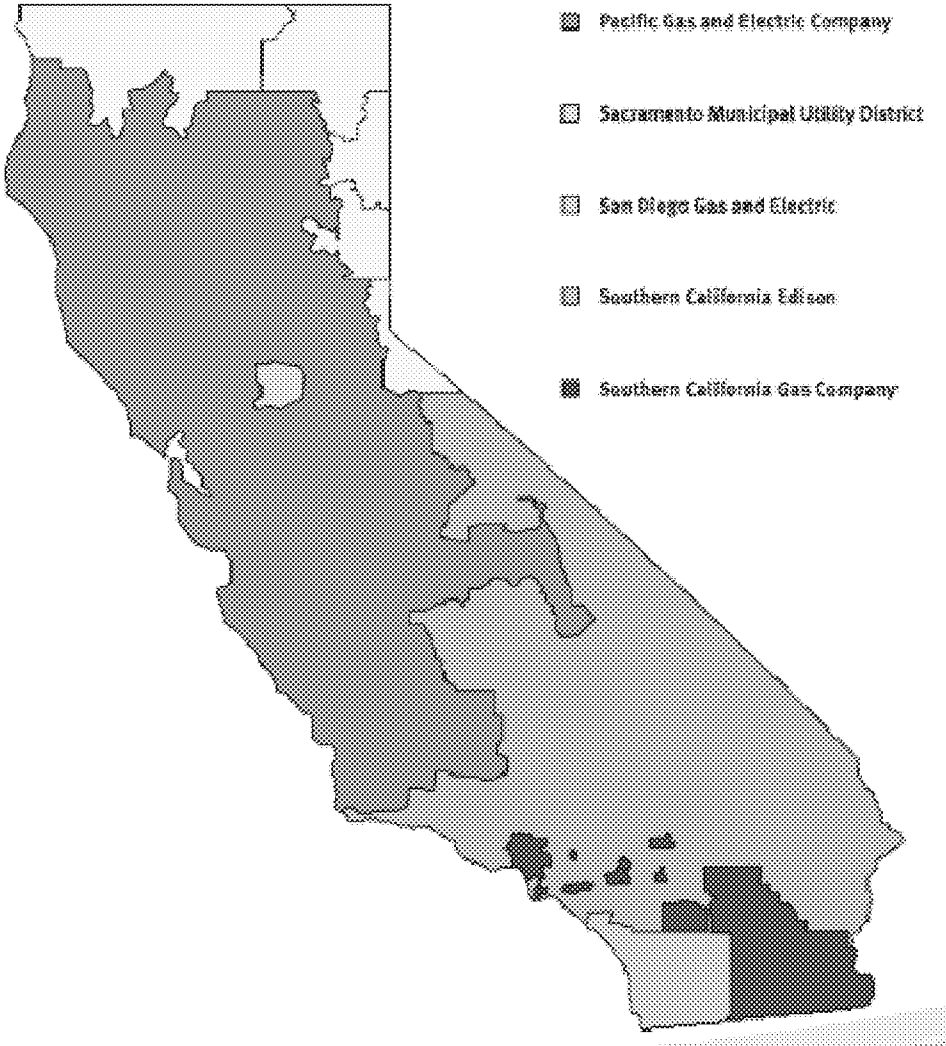

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Southern California Edison...more than a century of service

Based in Rosemead, today's Southern California Edison is the product of more than 120 years of providing safe, reliable electric service to central, coastal and Southern California.

SCE is planning for the future to help meet the region's growing energy demands

Advanced Technologies

- SCE is a leading player in the development of advanced technologies including electric transportation and energy storage

Environmental

- SCE is committed to new technologies that will make electric power more environmentally friendly and energy-efficient

Smart Homes

- SCE is working to support the development of "smart homes" that will empower customers to use energy in increasingly efficient ways

Generation

- SCE is committed to advancing generation technologies that create power in an environmentally friendly manner

SCE is Building a Smarter, More Efficient Electric Grid

SCE is making significant financial investments to enhance its power grid in order to improve service reliability and reduce our dependency on foreign oil

Grid improvements include:

- Installing new poles and wires
- Constructing new substations
- Installing more than five million new technologically advanced meters

What will SCE's Smart Grid do?

Adding more sophisticated intelligence and control to SCE's grid will allow for:

- Higher capacity for power transmission
- Integration of more renewable generation
- Safer, more efficient and effective maintenance practices
- Faster restoration of unavoidable power outages
- More customer choice and energy determination

A smarter grid will:

- Prevent catastrophic system failures
- Minimize customer power disruptions due to distribution system failures
- Improve workforce safety and asset efficiency

MV00075915

Helping Customers to Use Energy More Efficiently and Reduce Costs

Engaging Customers in the Supply Chain

Zero Net Energy Home

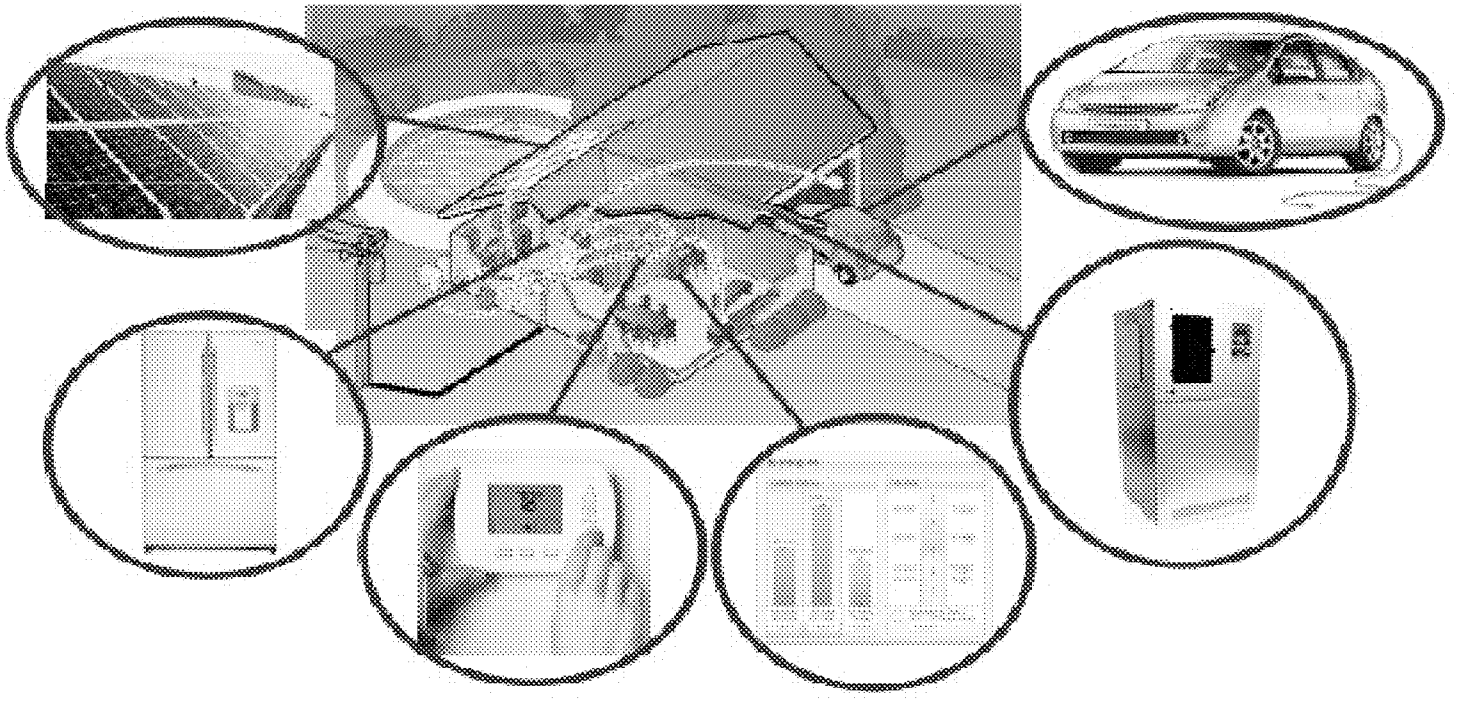

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Item No. G.2

SCE is Leads the Nation in Purchasing Environmentally Friendly, Clean Energy from Renewable Generation Sources

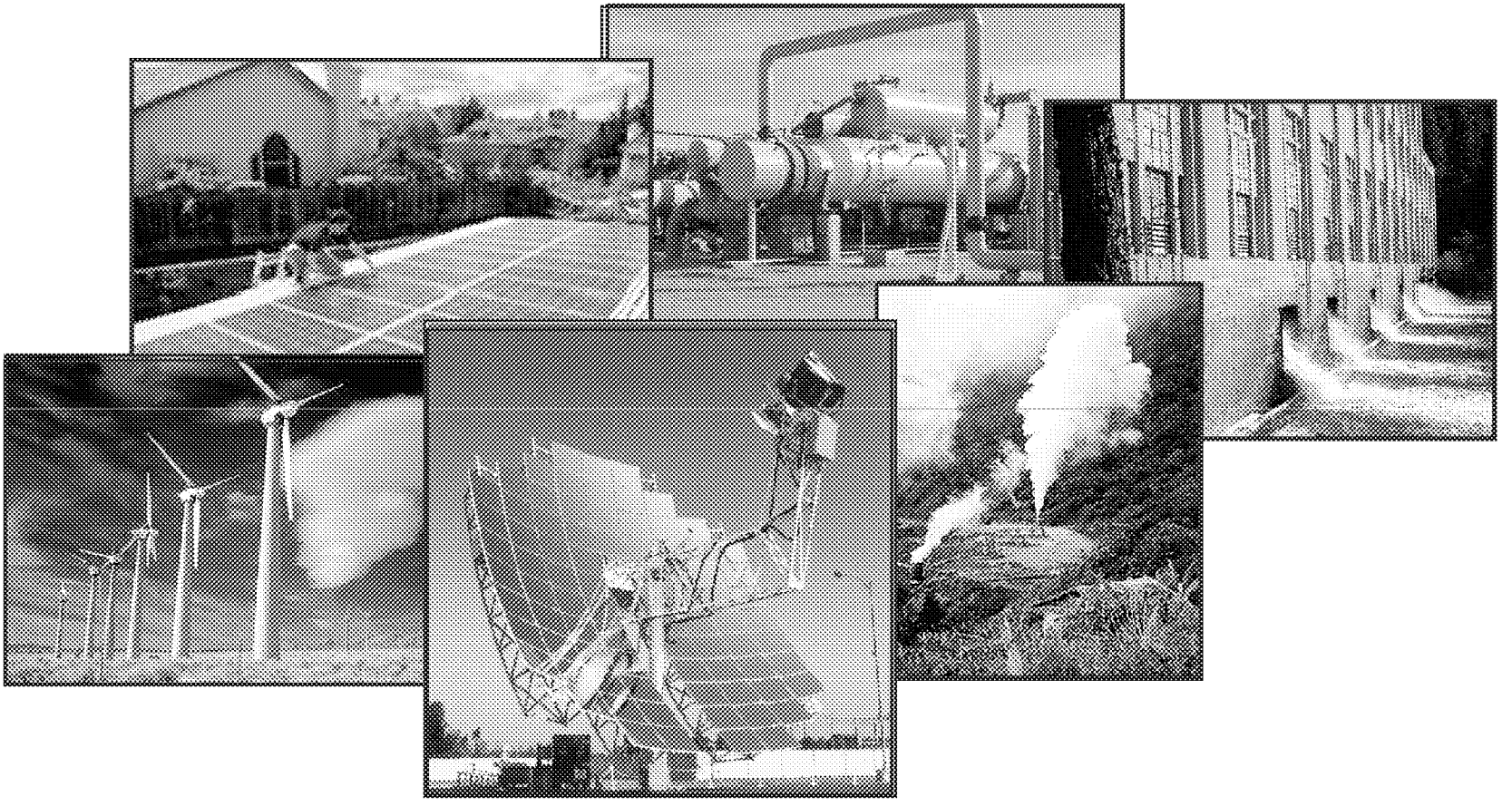

SCE has the largest portfolio of renewable generation in the nation

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL company

Empowering Customers to Save Energy and Save Money via SCE's Special Programs and Services

- **CARE** (California Alternate Rates for Energy) is a customer energy program created by the California Public Utilities Commission to help provide financial relief to SCE residential customers with limited income.
  - CARE program reduces rates for income-qualified customer rates an average of 20%
- **FERA** (Family Electric Rate Assistance) program can help those SCE customers who don't qualify for CARE
- Available energy-efficiency rebates for pool equipment, heating and air conditioning, lighting and appliances
- Local government energy partnerships

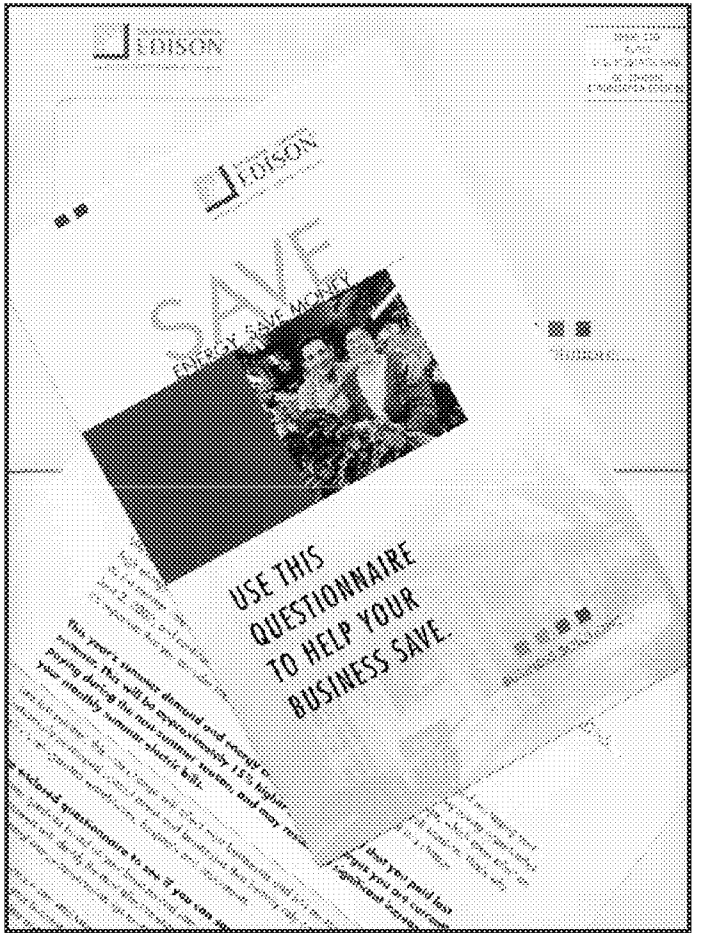

SCE's Leadership in Purchasing Solar Energy

Cumulative Rankings – Top Ten

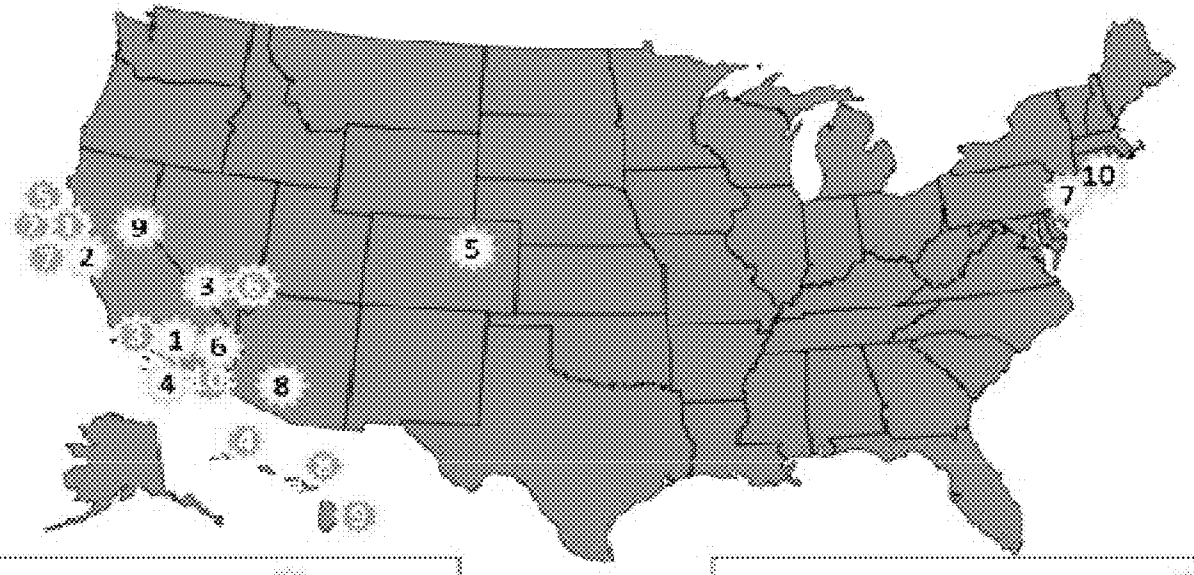

Total Solar Megawatts

Cumulative

#1 Southern California Edison – CA (441.4)
#2 Pacific Gas & Electric Co. – CA (229.5)
#3 NV Energy – NV (77.8)
#4 San Diego Gas & Electric Co. – CA (49.3)
#5 Public Serv. Co. of CO (Xcel Energy) – CO (28.5)
#6 LA Department of Water & Power – CA (13.6)
#7 Public Service Electric & Gas Co. – NJ (13.2)
#8 Arizona Public Service Co. – AZ (10.6)
#9 Sacramento Municipal Utility District – CA (10.2)
#10 Long Island Power Authority – NY (2.7)

Total Solar Watts per Customer

Cumulative

#1 San Francisco PUC – CA (4739.3)
#2 Port of Oakland – CA (3814.7)
#3 Southern California Edison – CA (91.7)
#4 Kauai Island Utility Coop. – HI (70.6)
#5 Palo Alto Utilities – CA (70.4)
#6 NV Energy – NV (68.6)
#7 Pacific Gas & Electric Co. – CA (44.3)
#8 Maui Electric Co. – HI (43.8)
#9 Hawaii Electric Light Co. – HI (41.0)
#10 San Diego Gas & Electric Co. – CA (36.3)

Source: Wired Science May 2009

Edison SmartConnect™ Advanced "Smart Meters"

- SCE is rolling out its Edison SmartConnect program across its 50,000 square-mile service territory.

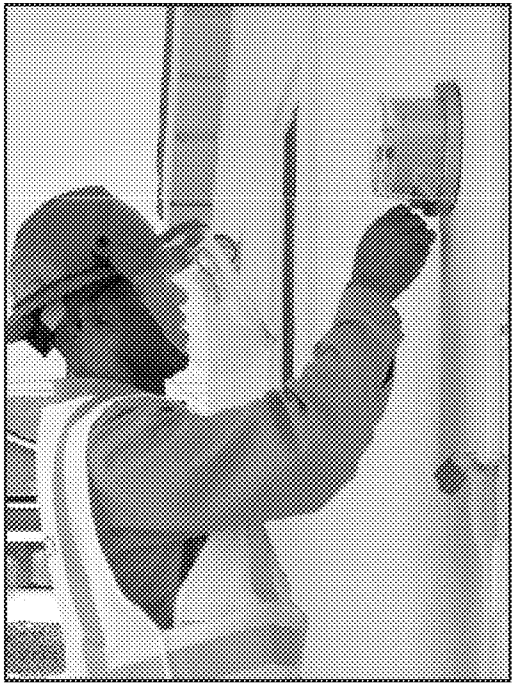

- By 2012, the utility will have installed 5 million smart meters to help customers save energy and money.

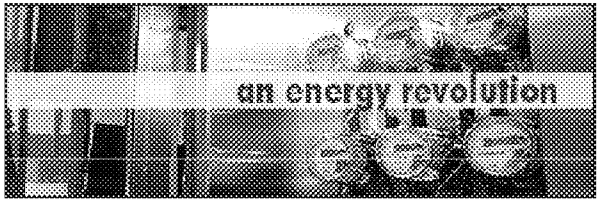

- These new digital, secure, two-way communicating meters will measure electricity usage up-to-the minute and enable customers to track how much they use, and how much it costs them.

Edison SmartConnect™ Customer Benefits

Edison SmartConnect™ will empower customers to more effectively manage their electricity, helping them save energy, money, and the environment.

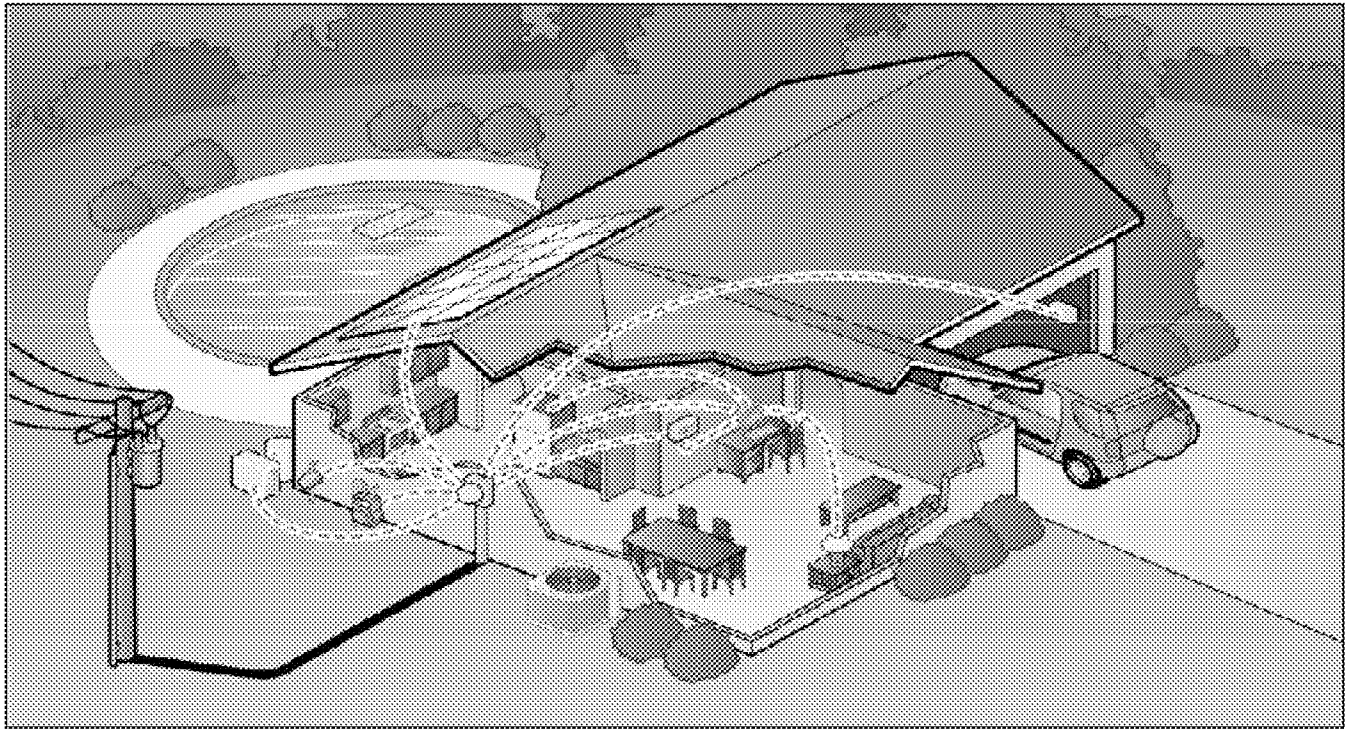

Plug-in Electric Vehicles (PEV)

Cumulative Vehicles in SCE Service Area
(in thousands)

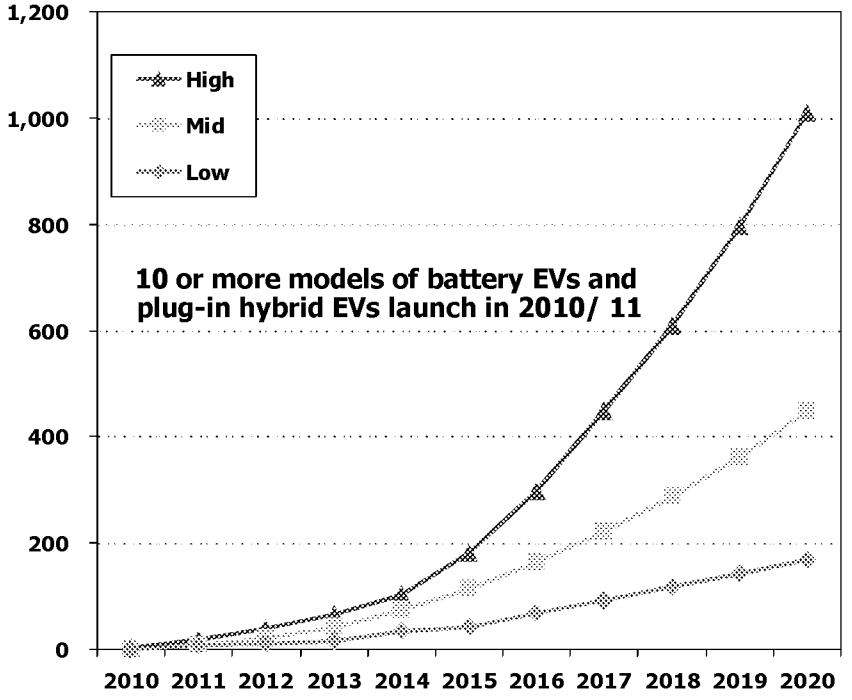

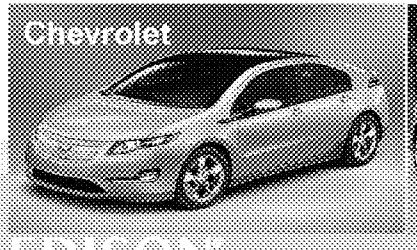

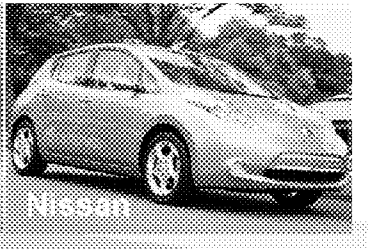

Readiness / Collaboration

- SCE has been an industry leader with PEVs since 1988 and is now preparing for their launch in 2011
- SCE and many utilities nationwide are working with automakers, cities and other stakeholders to help:
  - Streamline the 240 V home charging installation process
  - Develop public charging infrastructure plans
  - Collaborate on education and outreach
  - Seek vehicle and infrastructure incentives

EDISON INTERNATIONAL

SCE Supporting the Community of **Moreno Valley**

Community Involvement

- SCE company has a long-standing tradition of helping those in need through its corporate giving efforts, including providing grants to educational, environmental and other nonprofit organizations. We partnered with the city during your birthday festivities.

- SCE has employee giving initiatives that encourages employees to get involved in the communities in which they live and work. Employees reported 1,753 volunteer hours in the city of Moreno Valley in 2009.

SCE: Your Trusted Energy Partner

Emergencies: [Power outages and downed power lines]

- **1-800-611-1911**

General Information:

- **1-800-655-4555**

Ray Hicks (951) 928-8238

Public Affairs Region Manager

Gerald Wilson (909) 421-6451

Energy Efficiency Account Manager

Southern California Edison

- www.sce.com

CA Energy Commission

- www.energy.ca.gov

CA Public Utilities Commission

- www.cpuc.ca.gov/

CA Independent System Operator

- www.CAISO.Com

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MV00075925

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: August 24, 2010

TITLE: Military Appreciation Banner Program

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

BACKGROUND

Moreno Valley resident PFC Marcus Tynes was killed on November 22, 2009 while serving our country in Afghanistan. PFC Tynes' family contacted the City Council in November 2009 with a request that the City consider implementing a banner program recognizing Moreno Valley servicemen and women.

At a City Council Study Session on February 16, 2010, the City Manager's Office presented information on several military banner programs that exist in other local jurisdictions that pay tribute to their residents serving in the military. Council provided direction to the City Manager's Office to establish a Military Banner Program Committee in order to develop a Military Banner Program to honor the City's active duty military service personnel.

DISCUSSION

The Military Banner Program Committee consists of Mayor Bonnie Flickinger, Mayor Pro Tem Robin Hastings, Major Don Traud, resident Bruce Atlas, Moreno Valley

Chamber President/CEO Oscar Valdepena, Chamber Military Affairs Committee Co-Chairs Laura Froehlich and Wendy McCool, and City staff. The Committee met on April 22nd to discuss the development of a Military Banner Program. The Committee discussed eligibility criteria for inclusion in the Military Banner Program, banner design and location, cost of the banners, program implementation, and administration of the program.

From the information gathered at the April 22nd meeting, City Staff developed a Military Appreciation Banner Program Policy (Attachment B). The City's Graphics section designed banners for both active duty military service personnel (Attachment C) and for those killed in action (Attachment D). Additionally, an application for a military banner for active duty military servicemen and women (Attachment E) and a Certificate of Appreciation (Attachment F) were developed. Finally, the existing Veterans Memorial Application Form was modified to include information for a special military banner to honor those Moreno Valley residents that have been killed in action while serving our country (Attachment G). The Military Banner Program Committee met on August 5th and approved Attachments B – G. A summary of the pertinent details of the policy are listed below.

Eligibility: The designated honoree must meet one of the following criteria:

- An active duty member of the United States Military and a City resident
- An active duty member of the United States Military who graduated from a high school located in Moreno Valley
- An active duty member of the United States Military who is an immediate family member of a current City resident
- An active duty member of the United States Military whose home of record states the City of Moreno Valley.

Special Provision: Moreno Valley residents who were killed in action while serving in the military will have a special banner produced and displayed by the City. These special banners will have a similar but distinct appearance that will designate them as killed in action honorees.

Cost: The cost of a military banner for active duty military service personnel will be paid for by the applicant as established in the attached Fee Resolution. The cost for the military banner will not exceed the actual cost to produce a personalized banner. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00.

The cost of the banner for a military serviceperson who has been killed in action will be borne by the City, which is reflective of an established City Council policy. This policy was first established with the engraving of names on the City's Veterans Memorial to honor those Moreno Valley residents who were killed in action. The estimated cost for the initial installation of ten banners to honor the military servicemen and women killed

in action whose names are currently engraved on the Memorial, is approximately $2,100.

Locations: The display of the banners for active duty military servicemen and women will begin on Veterans Way at Alessandro Blvd and proceed south to Cactus Avenue. Banners will then be displayed on Cactus Avenue beginning at the entrance to March Air Reserve Base and proceed east on Cactus. As the program expands, other streets for banner installation may include Frederick north of Cactus, Graham/Riverside Drive, Heacock, or John F. Kennedy. Banner installation will be done by the City's Traffic Signal Maintenance staff who will be responsible for the twice-yearly installation.

The proposed location for the special military banners honoring the lives of those military servicemen and women killed in action is on the street light poles that illuminate the driveway of Avenida Romelio Ruiz, which is the east entrance driveway for the Veterans Memorial, as well as on the street light poles at the Veterans Memorial, the south driveway exit from the Memorial, and Calle San Juan de Los Lagos.

Implementation and Administration: It is anticipated that the initial installation for the military banners will occur in October/November 2010 prior to Veterans Day and will only be for those military servicepersons killed in action. Following the initial installation, banners will be installed twice each calendar year for both active duty military service personnel and for those killed in action if applicable. Banner installations will take place in April/May in advance of Memorial Day and in October/November prior to Veterans Day as long as the Military Appreciation Banner Program remains active. Administration of the program will be conducted by the City's Parks and Community Services Department in conjunction with the current Veterans memorial Paver Program.

The attached Military Appreciation Banner Policy will ensure that the program's goals are maintained. As this is a new program, staff requests the authority to make administrative changes to the policy after implementation in order to effectively and efficiently manage the program.

ALTERNATIVES

1. Approve the Military Banner Appreciation Program, adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation. ***Staff recommends this alternative.*** *The approval of this program will demonstrate the City's dedication to honoring our Military servicemen and women and will promote a sense of community pride.*

2. Do not approve the Military Banner Appreciation Program, do not adopt Resolution 2010-78 (Attachment A) amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and do not appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that

have been killed in action while serving our Nation. ***Staff does not recommend this alternative.*** *The City would continue recognizing military veterans through the existing Veterans Memorial and Paver Programs.*

FISCAL IMPACT

The military banners that will be displayed for active duty military servicemen and women will be funded by the applicant per the established fee schedule. This cost will not exceed the actual cost to produce a personalized banner as well as the cost of the hardware. The Moreno Valley Chamber of Commerce Military Affairs Committee has offered to help offset the cost of the hardware for active duty military personnel, and therefore, only the cost of the banner is listed in the Fee Resolution at $100.00

The special military banners that will be displayed in remembrance of those Moreno Valley military servicemen and women who gave their lives for our country will be paid for by the City. The expected cost for the initial installment of military banners honoring those military service personnel killed in action is estimated at $2,100. Funding for the purchase of these banners will come from the City Manager's budget, fund 99110. Staff is requesting an appropriation in the amount of $2,100 be transferred from fund 99110 to 00359.359.22410.17.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

SUMMARY

A Military Banner Program will allow the City to recognize and celebrate Moreno Valley residents, or their immediate family members, who are currently serving in the United States Military. A special military banner will be displayed in remembrance of Moreno Valley residents that were killed in action while serving our Nation.

ATTACHMENTS

Attachment A:	Proposed Resolution
Exhibit "A":	Proposed Schedule of Fees
Attachment B:	Military Appreciation Banner Program Policy
Attachment C:	Active Duty Military Banner
Attachment D:	Killed in Action Military Banner

Attachment E: Application Form for a Military Banner for Active Duty Military Service Personnel
Attachment F: Certificate of Appreciation
Attachment G: Application Form for Veterans Memorial and a Military Banner for Military Service Personnel Killed in Action

Prepared By:
Cynthia Owens
Acting Assistant to the City Manager

Department Head Approval:
Michelle Dawson
Acting Assistant City Manager

Concurred By:
Michael McCarty
Parks & Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00075931

RESOLUTION NO. 2010-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING RESOLUTION 2010-23 TO ESTABLISH FEES FOR THE MILITARY APPRECIATION BANNER PROGRAM IN ORDER TO RECOVER THE COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE MILITARY BANNER PROGRAM

WHEREAS, the City Council has approved the Military Appreciation Banner Program; and

WHEREAS, the City Council has established the Veterans Memorial Paver Program at the Veterans Memorial; and

WHEREAS, the cost of rendering these programs should be borne by the beneficiaries of said programs; and

WHEREAS, data supporting the estimated cost for providing said program has been made available to the City Council and to the public; and

WHEREAS, at said hearing, the City Council duly considered all public comments which were made with respect to said question;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. Section 7 – Parks and Community Services of Exhibit A of Resolution 2010-23 is hereby amended to add new fees as follows:

Military Banner Program	**Fee**
Military Banner for Active Duty Military Service Personnel	$100.00
Veterans Memorial Paver Program	
Veterans Memorial Paver	$200.00

2. All fees established by this Resolution shall, when collected, be paid to the City Treasurer for deposit into the General fund of the City or into such special funds as may be otherwise required by law.

3. If any provision, clause, sentence or paragraph of this Resolution or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect any other provision or application of the provisions of this Resolution which can be given effect without the invalid provision or

application, and to this end the provisions of this Resolution are hereby declared to be severable.

4. Each fee or charge set forth by this Resolution is for the specific process or service to which the fee or charge is related. When a process or service in addition thereto is requested or required, the appropriate additional fee or charge shall be imposed and collected only upon approval of the City Council.

5. The fees approved and established herein shall become effective on Wednesday, August 25, 2010.

APPROVED AND ADOPTED this _____ day of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00075935

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Plan Check Fees (1 - 3 submittals)		
Project Cost:		
$0-$20,000		3.50%
$20,001-$100,000		3.25%
> $100,000		3.00%
4th and subsequent submittals		$ 140.00
Revisions		
Minor (detail changes only)		$ 256.00
Major		Same as initial submittal
Inspection and Testing		
Project Cost:		
$0-$20,000		7.00%
$20,001-$100,000		6.00%
> $100,000		5.00%
Research of Records, Files, etc		Actual City Cost
Military Banner Program		
Military Banner for Active Duty Military Service Personnel		$100.00
Military Banner for Military Service Personnel Killed in Action		Waived

Section 7 - Parks and Community Services

	Unit	Fee
Parks		
Veterans Memorial Paver Program		
Veterans Memorial Paver		$200.00

Section 7 - Parks and Community Services

Parks

	Unit	Fee
Veterans Memorial - Engraving for Military Service Personnel Killed in Action		Waived

Penalty Fees

Inspection and Testing Work in the right-of-way or park without encroachment permit or written agreement with Parks and Community Services	per Offense	$ 561.00 plus actual damages
Applicant's failure to schedule inspection prior to performing work	per Offense	$ 112.00
Applicant's failure to attend or be prepared for a scheduled inspection	per Offense	$ 112.00

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MV00075939

Military Appreciation Banner Policy

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard) or have been killed in action.

DEFINITIONS:

"Active Duty" for the purposes of this program is defined as six (6) months of continuous service in the United States Military, including the National Guard and Reserve for each military service division.

"Immediate Family" for the purpose of this policy shall be defined as mother, father, son, daughter, wife, husband, brother, sister, or grandchild.

"Military service division" shall be defined as Army, Navy, Air Force, Marines and Coast Guard, including the respective National Guard and Reserve for each division.

I. Introduction

The City of Moreno Valley ("City") permits the display of banners at specified locations, on City-owned property, within City rights of way, and/or within other public rights of way subject to the City's control pursuant to established policies. The display of military banners is permitted solely in conformance with this policy. In establishing this policy, the City does not intend in any manner to create a public forum or other means by which non-commercial, social, religious or political messages may be conveyed, or by which public discourse, exchange of opinions or discussion on issues of any nature may occur. Rather, the limited purpose of the Military Appreciation Banner Program is to recognize and honor the contribution of Moreno Valley's active duty military personnel by permitting the uniform display of banners containing the serviceperson's photo, name and military service division.

II. Military Banner Policy

Consistent with the intent of the City, as expressed above, the City permits the display of the military banners solely in accordance with the following policy:

A. Banner Printing – Military Serviceperson's Name and Division

The name (first and last and suffix, if any) and military service division will be printed on the banner. A military serviceperson's name cannot appear on more than one banner.

B. Eligibility Criteria

The designated honoree must be:

1. an active duty member of the military and a City resident; or
2. an active duty member of the military whose home of record states the City of Moreno Valley; or
3. an active duty member of the military who graduated from a high school that is located within the City; or
4. an immediate family member of a current City resident.

C. Determination of Eligibility

Military Appreciation Banner Policy

The application must include a copy of a driver's license or other picture identification, satisfactory to the City, which shows the address of the military service person, or his or her immediate family member's address as being in the City. If the applicant is applying on behalf of a military serviceperson as a graduate from a high school located within the City a copy of the high school diploma and/or a certified copy of the school transcript shall be submitted. The application must also include satisfactory documentation (e.g., military identification) establishing the name, military services division, and active duty status of the person whose name is to appear on the banner.

Parks and Community Services staff will convene a Review Committee twice each year to review all applications for compliance with the eligibility criteria. The final determination of eligibility is at the discretion of the committee.

D. Installation

The installation of the military banners shall occur twice each calendar year (April/May and October/November in advance of Memorial Day and Veterans Day respectively) so long as the military banner program remains active.

E. Display Term

A banner will be displayed continuously once it has been installed and will be removed when:

1. the banner becomes damaged due to wind, age, or other reasons as solely determined by the City; or
2. the military service person no longer meets the eligibility criteria; or
3. the applicant for the banner fails to submit the required annual verification paperwork verifying that the military service person continues to meet the Eligibility Criteria; or
4. the Military Appreciation Banner Program is discontinued for any reason at the discretion of the City Council.

Once the military banner is removed from its location, the banner applicant will be notified that the banner can be obtained from the Parks and Community Services Department.

F. Application Process

Anyone requesting a military banner shall submit a complete banner application to the City's Parks and Community Services Department on the form provided by the City, together with the then current application fee made payable to the City. The required fee has been calculated to offset a portion of, but not exceeding, the costs of the personalized banner. All banner locations are assigned by the City. The number of banners as well as the specific locations of the banners shall be determined solely by the City, and may be revised without prior notice. The requestor of the banner cannot select a specific location.

Each applicant must provide information on the application form sufficient to investigate and verify the facts stated and to determine whether the applicant satisfies the requirements of the policy. The City's Parks and Community Services Department will administer the Military Appreciation Banner Program and the Department Director (or his/her designee) shall approve the applications. Each completed application shall be approved or denied within ten (10) business days of receipt. The City shall approve a banner application upon completion of the review, provided: (1) the military serviceperson meets all of the criteria set forth in this policy, (2) the applicant has provided all required information and (3) the applicant has been completely truthful.

When an application is approved, the military serviceperson's name and military services division will be printed on both sides of the banner. The banner will be ordered by the City, however, it will be paid for by the applicant. The completed application must include either a five (5) inch by seven (7) inch photograph of the military serviceperson in their dress uniform or provide a digital image of not less than 300 d.p.i. If the City determines the digital image is not of sufficient quality for printing the banner then the applicant will be given the option of submitting either a (5) inch by seven (7) inch photograph or having the logo/seal of the military services division placed on the banner. Should an applicant desire to not have a photograph on the banner, the appropriate military services division logo/seal will be used.

G. Annual Eligibility Determination

On an annual basis, the City will require that all applicants for military banners for active duty military personnel provide written verification that the active duty military serviceperson still meets the Eligibility Criteria. The person who applied for the military banner will be contacted at their last known address listed on their application form. It shall be the responsibility of each applicant for a military banner to promptly update his or her information on file with the City's Parks and Community Service Department as needed. The City shall not be responsible in the event the City does not receive any updated information that is not personally delivered to the City's Parks and Community Services Department. All banners for military servicepersons no longer meeting the Eligibility Criteria shall be removed and the location reassigned. Any banner that is removed, whether from lack of eligibility or from being weathered, shall be provided to the applicant.

H. Replacement of Banner

In the event a banner must be replaced for any reason (e.g. weathered, vandalism, stolen, wind event), and so long as the Eligibility Criteria remains satisfied as established by documentation provided by the applicant, then upon payment of the City's banner fee a new banner will be ordered. The banner will be installed in accordance with the City's installation policy set forth in Section D.

III. General Provisions

The City shall not be responsible for damage to or thefts of banners. Furthermore, by applying for and receiving approval for a military banner to be displayed, the applicant agrees to indemnify and hold the City of Moreno Valley, the Moreno Valley Redevelopment Agency, the Moreno Valley Community Services District, and each of the City's and Agency's elected officials, officers, employees, agents, and volunteers free and harmless with respect to any and all liabilities, claims, lawsuits and/or damages of any nature whatsoever that allegedly arise from or are connected to the approval of the applicants banner application, including the display of, and/or damage to or loss of any banner or banners.

The City reserves the right to revise this policy, discontinue the Military Appreciation Banner Program, and/or revise applicable fees without prior notice. If the program is discontinued, each banner will be returned to the applicant thereof or to the military serviceperson named on the banner.

IV. Special Provisions

It is the intent of the City Council to provide banners honoring those Moreno Valley residents who were killed in action while serving in the military. Banners similar to the military banners for active duty personnel will be produced and displayed by the City and hereinafter will be included as part of the killed

Military Appreciation Banner Policy

in action application process for the Veterans Memorial administered by the City. These special banners will have a similar but distinct appearance designating them as killed in action honorees. The cost of the banners will be borne by the City and the banners will be replaced by the City when damaged. Banners honoring the killed in action soldiers already included on the City's Veterans Memorial will be installed with the initial implementation of the banner program.

Moreno Valley Honors

John Smith

Army

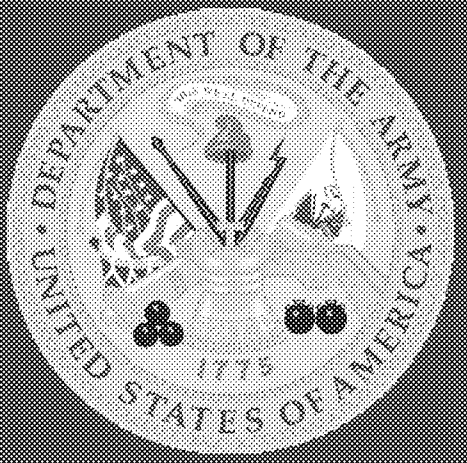

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MV00075945

Moreno Valley Remembers

John Smith

Army

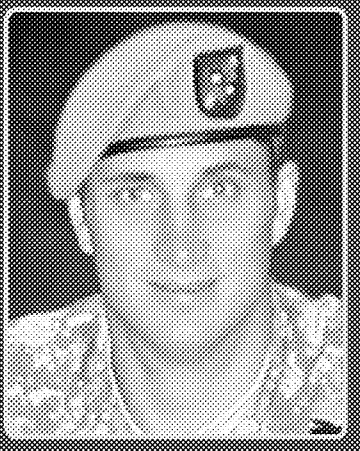

ATTACHMENT D

Item No. G.3

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MV00075947

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

APPLICATION FOR MILITARY APPRECIATION BANNER PROGRAM
ACTIVE DUTY MILITARY PERSONNEL

The City of Moreno Valley wishes to honor Moreno Valley servicemen and women by celebrating their service with the Military Appreciation Banner Program. The City is accepting nominations from the community for active duty military service personnel who are residents of Moreno Valley, who have immediate family residing in Moreno Valley, or graduated from a Moreno Valley high school. If you know of someone that you feel would be worthy of this honor, please complete the attached nomination form, provide any required documentation and your payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00), and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services at (951) 413-3701.

MILITARY BANNER REQUEST FOR RECOGNITION – ACTIVE DUTY MILITARY SERVICE PERSONNEL

PURPOSE: To recognize and celebrate Moreno Valley residents or their immediate family members who are currently serving in the United States Military (Army, Navy, Air Force, Marines, and Coast Guard)

POLICY:

I. Procedure for Submitting Names to Request a Military Banner to be Displayed

A. Nomination form including full name, rank and branch of service; proof of active duty Military status; proof of residency for the Military serviceperson or immediate family member; proof of graduation from a high school located in Moreno Valley if applicable; a 5" x 7" photograph or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform; and payment (check or money order) should be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to have a Military Banner displayed.

A. Once nominations are received, the information will be reviewed and approved by the City.

B. Banners will be installed twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day. Once the banner is in place, the applicant will be mailed a certificate honoring the Military service person.

C. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

D. Only one banner per Military serviceperson is allowed.

II. Nominee Qualifications:

In order to be nominated for a Military Banner the Nominee must meet the following qualifications:

A. Nominee must be currently serving in the United States Military.

B. The active duty Military serviceperson, or their immediate family member, must be a resident of Moreno Valley or the Military serviceperson must have graduated from a Moreno Valley high school.

C. Active duty status will need to be verified annually in order for the Military Banner to continue to be displayed.

NOMINATION FORM FOR MILITARY BANNER
ACTIVE DUTY MILITARY SERVICE PERSONNEL

Please Print

NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Graduate from a Moreno Valley High School	(circle one) **Yes** **No**
Please attach a birth certificate, Home of Record or proof of residency for the nominee or proof of residence for the immediate family member; proof of current active duty Military status; proof of graduation for the nominee from a Moreno Valley high school if applicable; and a 5" x 7" photograph or a digital image of not less than 300 d.p.i.	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Mail the completed nomination form, any required documentation and payment (check or money order made payable to the City of Moreno Valley in the amount of $100.00) to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Proof of Military Service:	
Payment (check or money order):	
Date Approved by Review Committee:	
Recommended Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

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MV00075951

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

Certificate of Appreciation presented to:

Mrs. Smith

November 11, 2010

On Veterans Day 2010 a banner was installed on your behalf at _____ and _____ honoring your loved one's service to our Nation.

_____

BONNIE FLICKINGER, MAYOR

Military Appreciation Banner Program

ATTACHMENT F

MV000075952

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MV00075953

CITY OF MORENO VALLEY

APPLICATION FOR THE NOMINATION OF KILLED IN ACTION MILITARY PERSONNEL: VETERANS MEMORIAL AND MILITARY BANNER APPRECIATION PROGRAM

The City of Moreno Valley is dedicated to honoring our Military servicemen and women who were killed in action while serving our Country. The memories of our Moreno Valley residents who have made this ultimate sacrifice are honored by having their names permanently engraved on the Veterans Memorial located at the Moreno Valley Civic Center. Additionally, a special Military Banner will be displayed in remembrance of these veterans. To nominate a Moreno Valley resident killed in action, please complete the attached nomination form, provide any required documentation and forward to Moreno Valley Parks and Community Services Department at 14075 Frederick Street, Post Office Box 88005, Moreno Valley, CA 92552-0805.

Once nominations are received, the information will be submitted to the Review Committee for final approval.

For additional information, please contact Moreno Valley Parks and Community Services Department at (951) 413-3701.

VETERANS MEMORIAL AND MILITARY BANNER REQUEST
FOR RECOGNITION - KILLED IN ACTION

PURPOSE: To solicit from the community nominations for recognition at the Veterans Memorial, located at the Moreno Valley Civic Center, as well as to have a special Military Banner displayed for servicemen and women killed in action (KIA).

POLICY:

I. Procedure for Submitting Names for Inclusion on the Veterans Memorial (Killed in Action) and the Display of a Military Banner:

A. Nomination form including full name; rank; branch of service; Report of Incident (provided by the military); a birth certificate, Home of Record or proof of residency; and a 5" x 7" photo or digital image of not less than 300 d.p.i. of the serviceperson in dress uniform must be submitted to the City of Moreno Valley Parks and Community Services Department for consideration to be listed on the monument and to have a Military Banner displayed. *There is no charge to list KIAs on the Veterans Memorial and to have a banner displayed.*

B. Once nominations are received, the information will be reviewed and approved by the City.

C. Names will be added to the Veterans Memorial twice a year; just prior to Memorial Day and Veterans Day.

D. Banners will be installed for display twice a year; in April/May prior to Memorial Day and in October/November prior to Veterans Day

E. Only the Nominee Name, Rank and Branch of Service will appear on the Monument.

F. Only the Name, Branch of Service, and photo or seal of the appropriate Branch of Service will appear on the Military Banner.

II. Nominee Qualifications:

In order for a deceased veteran to be nominated for inclusion on the Veterans Memorial and to have a special Military Banner displayed, the Nominee must meet the following criteria:

A. Killed in Action as determined by the military. A certified Report of Incident, which is issued for all KIA by the military, must be submitted.

B. Died during a period of action/invasion/conflict. This includes the following, but is not limited to: World War I, World War II, Korea, Vietnam, Desert Storm, Enduring Freedom, Desert Shield, Somalia, Granada, Operation Just Cause, and Operation Iraqi Freedom. Friendly Fire is recognized as KIA (i.e., accidents such as helicopter or motor vehicle accident).

C. A certified Home of Record, birth certificate or proof of residence must list Moreno Valley, California. This includes the communities of Sunnymead, Edgemont, and Moreno prior to incorporation. Exception may be made if Nominee was born on March Air Force Base and attended Moreno Valley schools.

Nominee would be recognized on *pavers,* not the memorial, if one of the following applies:

- Nominee died while in the States and not during transportation to/from action, unless declared KIA by the military.
- Nominee died after conflict concluded.
- Nominee died from injuries sustained in conflict but died after returning to the States, unless declared KIA by military.

NOMINATION FORM FOR VETERANS MEMORIAL AND MILITARY BANNER

Please Print

KILLED IN ACTION NOMINEE INFORMATION	
Full Name of Person Being Nominated:	
Branch of Service:	
Rank:	
Please attach a certified Report of Incident provided by the military, a birth certificate, Home of Record or proof of residency, and a 5" x 7" photo or a digital image of not less than 300 d.p.i.,	
YOUR INFORMATION	
Your Name:	
Relationship to Nominee:	
Address:	
City, State, Zip	
Telephone Number:	
E-Mail Address:	

Please provide any additional information that you would like for the Committee to consider.

Mail the completed nomination form, any required documentation to Moreno Valley Parks and Community Services Department, Post Office 88005, Moreno Valley, CA 92552-0805 or deliver to the City of Moreno Valley Parks and Community Services Department at 14075 Frederick Street.

Office Use Only	
Date Application Received:	
Report of Incident Provided:	
Home of Record/Birth Certificate/Proof of Residency Provided:	
Date Approved by Review Committee:	
Anticipated Date for Installation:	
Reviewed by:	

All requested documentation will be kept confidential and will be for City use only.

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MV00075957

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: August 24, 2010

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The CSD was formed simultaneously with the City's incorporation and zones of benefit were established, such as the CSD Zone B (Residential Street Lighting) program, to allocate the program costs to those parcels receiving benefit from the services provided by the CSD. The Zone B parcel charges fund the costs for approximately 8,500 streetlights along City maintained residential streets.

In 1996, California voters passed Proposition 218, the "Right to Vote on Taxes Act", which created state-mandated legislation requiring local government to provide record

owners of property sufficient notice and an opportunity to approve or oppose any new, extended or increased tax, assessment, fee or charge. In accordance with Proposition 218, record owners of properties subject to new, extended or increased property charges, such as those associated with CSD programs, are provided an opportunity to submit a ballot on the proposed service and charge through the process of a mail ballot proceeding.

Over the past few years, electrical utility costs for streetlights have significantly increased and currently exceed the annual CSD Zone B program revenue. To continue to provide the same level of residential street lighting services, a Proposition 218 mail ballot proceeding was conducted in June of 2009. The mail ballot provided property owners participating in the CSD Zone B program an opportunity to either approve or oppose an increase in their annual CSD Zone B charge from $23 or $24 per parcel to $39 per parcel, which included an annual inflation adjustment. Of the 40,092 ballots mailed to property owners, 6,359 ballots (16%) were returned with 4,076 ballots marked as not approving, 2,025 ballots marked as approving, and 258 invalid. Based on the results of the mail ballot proceeding, the proposed increase in the CSD Zone B charge was not approved. To continue to fund the CSD Zone B (Residential Street Lighting) program for fiscal year (FY) 2009/10, all remaining CSD Zone B fund balances were used and a temporary loan was acquired. The loan will require repayment from future CSD Zone B charges.

DISCUSSION

The CSD Zone B (Residential Street Lighting) program funds the cost of residential street lighting services through an annual levy of charges collected on the Riverside County property tax bills on those properties that receive residential street lighting services. Since FY 1996/97 the annual CSD Zone B charge has remained consistent at $23 per parcel with exception to those properties which, beginning in 1999, balloted and approved an annual inflation adjustment, which adjusted the charge to $24 per parcel per year in FY 2008/09.

In recent years the California Public Utilities Commission (CPUC) has approved multiple rate increases for electrical utility costs that utility providers may charge for street lighting services. These rate increases have been passed on to the rate payers, which has caused an increase in the cost of street lighting by more than 47% since 2006. A mail ballot proceeding was conducted in June 2009 for an increase in the CSD Zone B charge; however of the more than 40,000 property owners balloted, only 6,359 ballots (16%) responded with the majority not approving the increase in the Zone B charge.

To address the increases in electrical utility costs for residential streetlights in compliance with Proposition 218, a mail ballot proceeding is being conducted for a proposed increase in the CSD Zone B annual charge. Ballot materials (Attachments 1 and 2) were mailed on July 9, 2010, to property owners within the boundaries of CSD Zone B to provide an opportunity to approve or oppose the proposed increase. If approved by a simple majority (50%+1) of the returned valid ballots, properties currently

charged $23 per parcel or $24 per parcel would be increased to $39 per parcel (equivalent to a $16 or $15 increase) for FY 2010/11 and may be subject to an annual inflation adjustment. The City would only increase the annual streetlight charge if the costs for streetlights increase and only by the amount necessary to cover the increased costs. If property owners oppose the proposed increase by a simple majority of the returned valid ballots or there is a tie in the results, the existing CSD Zone B charges shall continue to be levied on the property tax bills and street lighting services will be reduced to a level consistent with available funding in accordance with general management policy #2.34, Community Services District Zone B (Residential Street Lighting) Policy and Zone C (Arterial Street Lighting) Policy, as previously approved by the CSD Board.

To provide information concerning the CSD Zone B program costs and mail ballot proceeding, the CSD began conducting public outreach efforts in April 2010. The following provides a summary of some of these activities:

- Article included in the City Link May – August 2010, publication for summer.
- Since April, advertisements have been shown before each feature film at both Harkins and Regency Theaters.
- Multiple Public Service Announcements (slides and videos) have been posted on MVTV 3 and will continue to run through the end of September 2010.
- "Questions & Answers" are posted on the City's website in English and Spanish.
- Distributed informational door hangers to over 40,000 single family homes the week of July 5, 2010.
- Informational flyers distributed at the City's Fourth of July event. Additional flyers were posted and made available at City facilities and Chambers of Commerce. Copies were also emailed to Home Owner Associations.
- At the end of July, posted temporary informational signs on 2,500 streetlights within Zone B residential streetlight areas.
- On July 9, the required Notice and Mail Ballots were mailed to over 40,000 property owners.
- Advertisements were published in The Press-Enterprise on July 28, July 30, and August 1 and in La Prensa on July 30, 2010. Additionally, an advertisement was also placed in the The Press-Enterprise's Weekly publication on August 12, 2010.
- Distributed over 40,000 door hangers to remind property owners to submit their mail ballot responses and to inform them of additional opportunities to receive information concerning the mail ballot process.
- Conducted two Townhall Meetings held the morning of August 17 and the evening of August 18, 2010. An additional meeting is scheduled for the afternoon of September 1, 2010.

Property owners subject to CSD Zone B are also given two opportunities to address the CSD Board. These two opportunities are the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing. Following the close of the Public Hearing, the City

Clerk (Secretary to the CSD Board) will provide instructions regarding tallying, verifying, and announcing the results of the mail ballot proceeding.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *By accepting public comment, the CSD Board complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*

2. **Do not accept public comments** regarding the mail ballot proceeding for the proposed increase in the CSD Zone B (Residential Street Lighting) annual parcel charge. *This alternative would run counter to state statute requirements.*

FISCAL IMPACT

The CSD provides services through various zones, such as Zone B (Residential Street Lighting), which are full-cost recovery programs. The cost to fund streetlight operations exceeds the current CSD Zone B charges. Properties subject to CSD Zone B are being balloted for an increase from either $23 or $24 per parcel per year to $39 per parcel per year, along with an annual inflation adjustment. **The collection of the CSD Zone B annual charge is restricted for residential street lighting services and administration of the CSD Zone B program. There is currently no fiscal impact on the General Fund for the operation of the CSD Zone B program.**

CITY COUNCIL GOALS

Revenue Diversification and Preservation
The CSD Zone B charge funds program costs for residential streetlight services, which aid in the illumination of roadway and sidewalk areas.

SUMMARY

The action before the CSD Board is to accept public comments regarding the proposed increase in the CSD Zone B charge.

NOTIFICATION

Mail ballot packets were mailed on July 9, 2010 to the property owners subject to the CSD Zone B charge. The mail ballot packet included a notice to the property owner, instructions for marking the ballot, official mail ballot, and a postage-paid envelope for returning the ballot. Two sample mail ballot packages are included as Attachments 1 and 2.

Legal notification for the August 24, 2010 Public Meeting and the September 14, 2010 Public Hearing was published in The Press-Enterprise on August 5, 2010. Legal

notification for the Public Hearing will also be published on August 26, 2010 and again on September 2, 2010.

ATTACHMENTS/EXHIBITS

Attachment 1 – CSD Zone B sample mail ballot packet for properties currently paying $23 per parcel per year.

Attachment 2 - CSD Zone B sample mail ballot packet for properties currently paying $24 per parcel per year.

Attachment 3 - CSD Zone B boundary map

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00075963

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 1

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
1985-86	$22.00	1998-99	$23.00
1986-87	$18.00	1999-00	$23.00
1987-88	$21.00	2000-01	$23.00
1988-89	$21.00	2001-02	$23.00
1990-91	$20.00	2002-03	$23.00
1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $16 increase in the annual parcel charge (equivalent to $1.33 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $23 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $16 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $23 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

MORENO VALLEY
WHERE DREAMS SOAR

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 6 MORENO VALLEY, CA
POSTAGE WILL BE PAID BY ADDRESSEE

CITY CLERK'S OFFICE
MORENO VALLEY CSD
ZONE B BALLOT - 9/14/2010
P.O. BOX 88005
MORENO VALLEY, CA 92552-9909

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

FIRST-CLASS MAIL
PRESORTED
US POSTAGE PAID
MORENO VALLEY, CA
PERMIT NO. 153

OFFICIAL BALLOT ENCLOSED
BOLETA ELECTORAL

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MV00075971

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

July 9, 2010

APN «PARCEL»

«MAILING_NAME 1»
«MAILING_NAME 2»
«MAILING_CO»
«MAILING_STREET»
«MAILING_CITY_ST_ZIP»
«Barcode»

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING REGARDING A PROPOSED INCREASE IN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal o escrito en Español

Introduction

The Moreno Valley Community Services District (CSD) Zone B (Residential Street Lighting) program funds electrical energy, maintenance, and administrative costs to provide residential street lighting. In order to continue providing uninterrupted residential street lighting service without the need to reduce or eliminate existing street lighting service levels, the CSD submits to you the enclosed ballot along with this notification. The ballot shall provide property owners an opportunity to approve or oppose the proposed increase to the annual charge of up to $1.33 per month beginning in fiscal year (FY) 2010/11. If approved, the FY 2009/10 charge of either $23 or $24 per parcel shall be increased to $39 per parcel per year. The annual charge may incur an annual adjustment in subsequent years based on an approved annual inflation adjustment.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD set up benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone B (Residential Street Lighting) program was established as a benefit zone, which provides residential street lighting services. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support or opposition to the proposed increase.

Services Provided

The Zone B program funds electrical energy, maintenance, and administrative costs to provide residential street lighting to aid in the illumination of roadway and sidewalk areas. The boundaries for Zone B encompass the entire City, exclusive of properties serviced by the Edgemont Community Services District; however, only neighborhoods benefiting from residential street lighting services are levied a charge.

Attachment 2

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. Residential properties that have streetlights along their roadways are subject to an annual parcel charge to fund the Zone B program. In recent years, the California Public Utilities Commission has approved significant increases in the cost of electrical services to be collected by the City's utility providers, Southern California Edison and Moreno Valley Utility. Due to these increased costs, for FY 2009/10 the Zone B expenditures exceeded revenues by almost $600,000. Utility bills for FY 2010/11 shall continue to increase and are projected to be $1.4 million or over 85% of the total Zone B budget. The CSD has determined that the annual expenses for Zone B exceed the annual parcel charge paid by the property owners within the zone.

Current Charges

The Zone B Annual Parcel Charge is $23 or $24 per parcel. The total amount levied for the Zone B program for FY 2009/10 was $929,801. The annual charge is collected on the County of Riverside property tax bills.

Proposed Increase

For parcels charged $23 for FY 2009/10 the proposed increase is $16 (equivalent to $1.33 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

For parcels charged $24 for FY 2009/10 the proposed increase is $15 (equivalent to $1.25 per month), which will adjust the current annual parcel charge to $39 per parcel for 2010/11.

Annual Adjustment

The Zone B charge will be subject to an annual inflation adjustment, based on the greater of the percentage change calculated for the previous calendar year, in the Los Angeles-Riverside-Orange County Regional Electricity Price Index, as published by the Department of Labor's Bureau of Labor Statistics or 5 percent.

Zone B Parcel Charge History

The following table sets forth the history of the annual Zone B charge.

Fiscal Year	Annual Parcel Charge	Fiscal Year	Annual Parcel Charge
1985-86	$22.00	1998-99	$23.00
1986-87	$18.00	1999-00	$23.00
1987-88	$21.00	2000-01	$23.00
1988-89	$21.00	2001-02	$23.00
1990-91	$20.00	2002-03	$23.00
1991-92	$20.00	2003-04	$23.00
1992-93	$21.50	2004-05	$23.00
1993-94	$23.00	2005-06	$23.00
1994-95	$24.00	2006-07	$23.00
1995-96	$24.00	2007-08	$23.00
1996-97	$23.00	2008-09*	$23.00 / $24.00
1997-98	$23.00	2009-10	$23.00 / $24.00

* Beginning in FY 2008/09 the parcel charge for tracts that had previously approved an annual inflation adjustment for Zone B services, was increased to $24 per parcel, per year. All other tracts that have not previously approved an annual inflation adjustment currently pay $23 per parcel, per year.

Duration of the Charge

If approved, the increase in the Zone B parcel charge shall be levied on the County of Riverside property tax bills beginning with the FY 2010/11 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone B (Residential Street Lighting) program the CSD has scheduled three (3) informational meetings as listed below, along with one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Information Meetings	Public Meeting	Public Hearing
Tuesday, August 17, 2010 9:00 A.M. Wednesday, August 18, 2010 7:00 P.M. Wednesday, September 1, 2010 3:00 P.M.	Tuesday, August 24, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, September 14, 2010 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the Secretary to the CSD Board (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12. At the close of the public hearing, the Secretary to the CSD Board shall inform the City Council/CSD Board when the official ballot results may be announced.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid ballots approve the increase in the annual charge for Zone B, residential street lighting services shall continue at the current level. The total approved charge of $39 per parcel shall be placed on the 2010/11 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid ballots oppose the increase in the annual charge for Zone B, residential street lighting services shall be reduced to a level that can be supported by available Zone B funding, according to the CSD Zone B (Residential Street Lighting) & Zone C (Arterial Street Lighting) Policy #2.34. Reductions in service may include turning off and/or removing residential streetlights.

For More Information

If you have any questions about the proposed increase in the annual Zone B (Residential Street Lighting) parcel charge, or about the mail ballot proceeding process, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support or opposition to the proposed increase in the Zone B annual charge. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support or opposition to the proposed increase in the Zone B annual charge **by placing a mark in the corresponding box.**

2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, September 14, 2010**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL BALLOT for Assessor Parcel No. «PARCEL» - Zone B (Residential Street Lighting)

If a simple majority (50%+1) of returned ballots are marked as approving an increase in the Community Services District (CSD) Zone B program charge, the CSD shall levy a charge of $39 per parcel per year. The charge will be placed on your Riverside County property tax bill beginning fiscal year (FY) 2010/11 and is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics, or 5%. **This ballot must be received by the Secretary of the Board (City Clerk) of the Moreno Valley CSD prior to the close of the Public Hearing on September 14, 2010,** at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

☐ **Yes, I approve the $15 increase in the annual parcel charge (equivalent to $1.25 per month) for CSD Zone B services**, which will adjust the FY 2009/10 parcel charge from $24 to $39 for FY 2010/11. The parcel charge is subject to an annual adjustment based on the greater of the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Electricity Price Index or 5%.

☐ **No, I do not approve the $15 increase in the annual parcel charge for CSD Zone B services**. I understand the FY 2009/10 parcel charge of $24 shall be increased by the inflation rate, if previously approved, and shall be levied on the 2010/11 Riverside County property tax bill. Residential street lighting services shall be reduced to a level consistent with available funding.

Llame al 951.413.3480 para obtener información verbal en Español

PROPERTY OWNER SIGNATURE DATE

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVAL.ORG

FIRST-CLASS MAIL
PRESORTED
US POSTAGE PAID
MORENO VALLEY, CA
PERMIT NO. 153

OFFICIAL BALLOT ENCLOSED
BOLETA ELECTORAL

MORENO VALLEY
WHERE DREAMS SOAR

PUBLIC WORKS DEPARTMENT
SPECIAL DISTRICTS DIVISION
14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805
WWW.MOVA.ORG

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 6 MORENO VALLEY, CA
POSTAGE WILL BE PAID BY ADDRESSEE

CITY CLERK'S OFFICE
MORENO VALLEY CSD
ZONE B BALLOT - 9/14/2010
P.O. BOX 88005
MORENO VALLEY, CA 92552-9909

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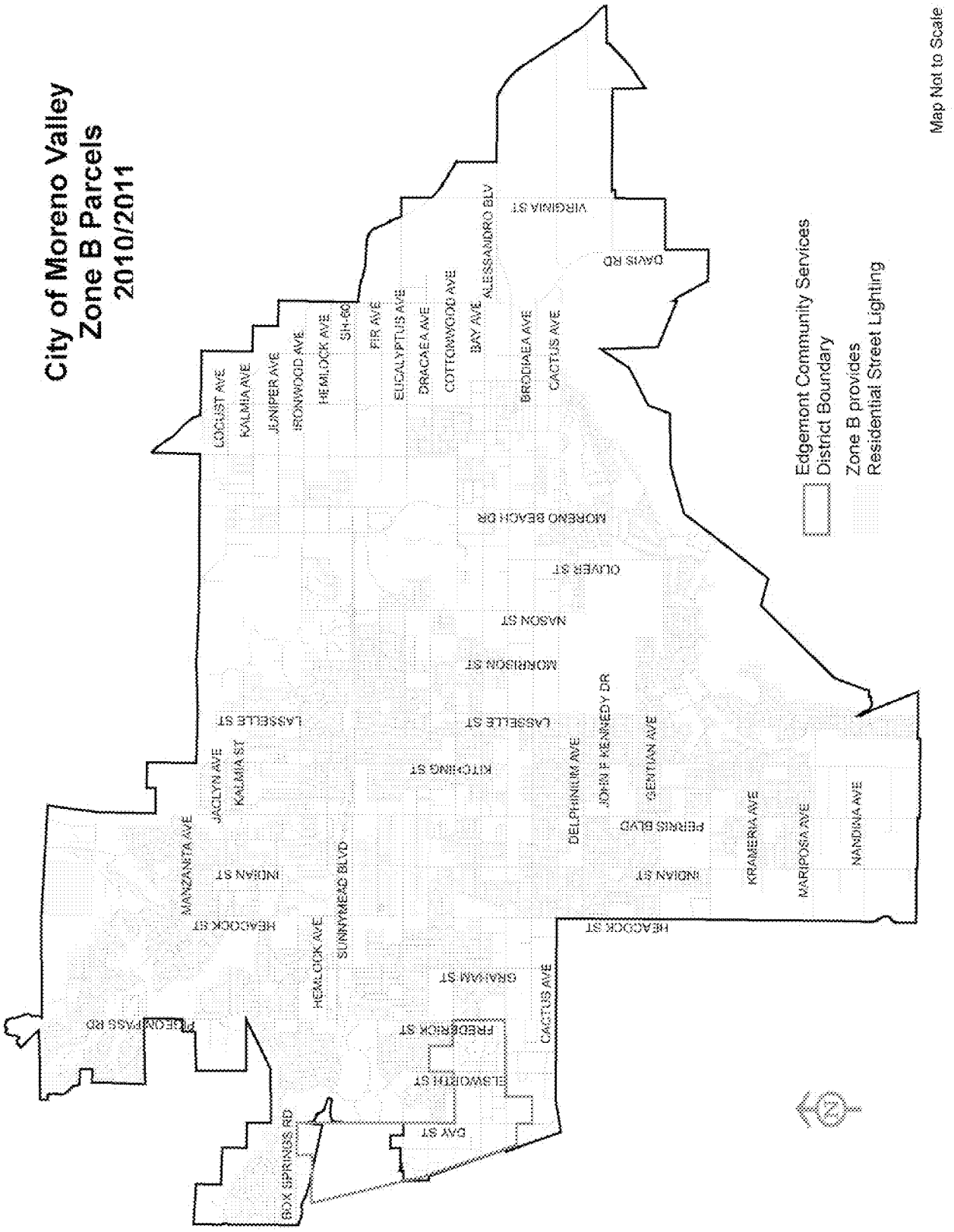

ATTACHMENT 3

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MV00075981

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chief of Police John Anderson

AGENDA DATE: August 24, 2010

TITLE: Additional positions for the Special Enforcement Team (SET) Gang Unit

RECOMMENDED ACTION

Staff recommends the City Council:

1. Approve the refunding of two previously defunded motorcycle officer positions at 2,080 hours.

2. Approve the reallocation of the two motorcycle officer positions at 2,080 hours to two (2) 1,780-hour officer positions to be assigned to the Special Enforcement Team (SET) Gang unit.

3. Approve the allocation of one additional (1) 1,780-hour officer position to be assigned to the SET Gang unit.

4. Authorize an appropriation from the General Fund balance in the amount of $578,968 to fund three (3) officer positions for the SET Gang unit for the remainder of the 2010-11 fiscal year (approximately 10 months). Funding for the 3 officer positions will come from additional savings achieved by the Police Department in their FY 2009-10 budget ($968,000).

ADVISORY BOARD/COMMISSION RECOMMENDATION

On August 17, 2010, at a City Council Study Session, Chief of Police John Anderson was instructed by City Council to prepare a staff report to augment the SET Gang unit to allow for additional gang enforcement due to a recent increase in violent gang activity.

BACKGROUND

Traditionally, Moreno Valley gangs have been defined by their geographical boundaries within the city limits. A change from traditional "turf" gangs has created new gangs that integrate throughout the city. These gangs now claim the city limit boundaries as their territory, which has caused rival gangs to come into conflict. This has created a rise in violence between the gangs in public areas and within the schools.

DISCUSSION

As of recent, there has been an influx of gang related violence. The Police Department has noticed over the past six months an increase in gang violence between gang members of different ethnic groups. This, coupled with traditional gang narcotic activity that leads to violence has presented a spike in gang issues. The current issues consist of four gang homicides this year, an increase in drive-by shootings, some of which resulted in serious injuries, carjackings, and robberies involving suspected gang members.

One example of an effort to combat these issues of late, the Moreno Valley Police Department conducted "Operation Safe Parks" which resulted in numerous arrests varying from illicit narcotic activity to misdemeanor warrant services, and completing field interviews on more than eighty known gang members.

Solution:

The Police Department has mapped a strategy to combat gang violence using the SET/Gang Unit. The efforts will include the assistance of the Riverside County Gang Task Force, Problem Oriented Policing, and the Narcotic team. These strategies consist of the following:

- Zero tolerance for gang activity
- Gather gang intelligence
- High visibility gang saturation
- Identify new/associated members and narcotic locations
- Gang surveillance
- Parole and probation sweeps
- Seven days a week gang officer coverage
- Address business intimidation
- Increase gang patrol in apartment complexes, business centers, and parks

ALTERNATIVES

1. Approve recommendation from staff for the requested positions.

2. Provide staff with additional direction.

FISCAL IMPACT

In FY 2009-10, the Moreno Valley Police Department incurred an additional savings of $968,000 above the $352,739 taken into account for the deficit reduction plan. The Police Department achieved the savings through being fiscally responsible and scrutinizing our expenses. In addition to being fiscally responsible, due to the possibility of losing positions in the deficit reduction plan, when two motorcycle officer positions and one POP (Problem Oriented Policing) Team position became vacant, they were left vacant thus incurring savings of $968,000 above the original $353,739 deficit reduction savings.

Sufficient funds are available in the Police Department's FY 2009-10 budget to appropriate the funds for the 3 officer positions. These funds will be placed in the Police Department – Special Enforcement's FY 2010-11 budget:

Fund/Account	Amount:
00010.62710.6251.252	$578,968

This will have an annualized impact to the General Fund of $683,894 and increase the City's General Fund structural deficit. Staff will address the future funding of these costs during the budget process for FY 2011-12.

CITY COUNCIL GOALS

To provide a safe and secure environment for people and property in the community, and provide protection for citizens who live, work and visit the City of Moreno Valley.

SUMMARY

Due to the latest illicit increase in gang activity and violence occurring in public places and within our school system, the potential for this violence to continue to rise and impact our communities is a true threat. Therefore, these additional positions will be used to curb gang violence and enhance the quality of life in our communities. The Moreno Valley Police Department is a pro-active police department, By funding the requested increase staffing will provide seven days a week gang unit coverage, which will provide comprehensive gang suppression.

NOTIFICATION

N/A

ATTACHMENTS/EXHIBITS

1. Power Point

Prepared:
Name Bill Tyler/Cheryl Evans
Title Lieutenants

Department Head Approval:
Name John Anderson
Title Chief of Police

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Moreno Valley Police Department

Special Enforcement Team
Gang Unit

Background

- Change from "turf" gangs to city-wide boundaries.
- This has created a rise in violence between the gangs in public areas and within the schools.
- The current issues consist of:
  - four gang homicides this year
  - an increase in drive-by shootings
  - carjackings
  - and robberies involving suspected gang members

MV00075987

Solution

- Add three officers to the SET Gang unit to provide seven day a week coverage
- Zero Tolerance for any gang activity
- Address business intimidation
- Increase gang patrols at apartment complexes, business centers and parks.
- Gather gang intelligence
- High visibility and gang saturation
- Identify new associate members
- Gang surveillance
- Parole / Probation sweeps

Recommendations

- Approve the refunding of the two defunded motorcycle officer positions for FY 10/11.
- Approve the reallocation of the two motorcycle officer positions to two (SET) Gang unit officer positions.
- Approve the allocation of one additional Gang unit officer.
- Authorize an appropriation from the General Fund balance in the amount of $578,968 to fund three (3) officer positions for the remainder of the FY 10/11.
- Funding for the 3 officer positions will come from additional savings achieved by the Police Department in their FY 09-10 budget ($968,000).

MV00075989

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
August 24, 2010

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2010 Summer Reading Program Super Readers by the Moreno Valley Friends of the Library

2. Proclamation Recognizing Rancho Verde Mustangs Girls' 400 Meter Relay Track Team

3. 2009 Volunteer of the Year – Alma Mittleider

4. Presentation of Habitat for Humanity Riverside Poster Recognizing City of Moreno Valley Volunteers

5. Employees of the Quarter - Tim Carroll - Media and Production Coordinator, Bob Lorch & Rob Roseen - Cable TV Producers

6. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
August 24, 2010

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:48 p.m. by Mayor Flickinger in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE- The Pledge of Allegiance was led by Mayor Pro Tem Hastings

INVOCATION - Pastor O.J. Philpot, Christ Community Church

ROLL CALL

Council:

Bonnie Flickinger	Mayor
Robin N. Hastings	Mayor Pro Tem
William H. Batey II	Council Member
Jesse L. Molina	Council Member
Richard A. Stewart	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Richard Teichert	Financial and Admin. Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director
Kyle Kollar	Interim Community Development Director
Barry Foster	Economic Development Director
John Ruiz	Interim Human Resources Director
Steve Kupsak	Parks Maintenance Division Manager
Mike McCarty	Parks & Community Service

MV00081212

Mayor Flickinger clarified the rules regarding public comments made by the Council or the public during the political campaign period: the public's right to be heard is the same during the campaign season as it is during other times; the public has three minutes to talk on any subject under the jurisdiction of the City Council, including the upcoming election; the council members, however, are prohibited from making campaign statements from the dais; they are permitted to correct any misinformation that may be presented at the podium, but not to speak on behalf of any campaign from the dais.

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Flickinger opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder (Item# A7, unemployment rate), Stephen Rogers (on behalf on Anti-Corruption Team; Items# A7, A12, A13 - A16), Susan Gilchrist (Item# A8), Ruth Corrao-Harris (Item# A8), and Pete Bleckert (A17).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

A.4 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk's Department)

Recommendation:

Receive and file the Reports on Reimbursable Activities for the period of July 7, 2010 – August 17, 2010.

A.5 APPROVE AND ADOPT RESOLUTION NO. 2010-75 ELECTING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE STATE

ROUTE 60/MORENO BEACH DRIVE IMPROVEMENTS PROJECT (MORENO BEACH PROJECT) AND DESIGNATION OF THE CITY'S SPECIAL EMINENT DOMAIN COUNSEL TO PROCESS RESOLUTIONS OF NECESSITY PACKAGES FOR THE PROJECT - PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve and adopt the proposed Resolution Electing to Hear Future Resolutions of Necessity for the State Route 60/Moreno Beach Drive Improvements Project and Designation of the City's Special Eminent Domain Counsel to Process Resolution of Necessity Packages for the Project; and

Resolution No. 2010-75

A Resolution of the City Council of the City of Moreno Valley Electing To Hear Future Resolutions Of Necessity For The State Route 60/Moreno Beach Drive Improvements Project And Designation Of The City's Special Eminent Domain Counsel To Process Resolution Of Necessity Packages For The Project

2. Authorize and direct the Public Works Director/City Engineer to deliver the resolution together with other required information and documents with respect to the City's Special Eminent Domain Counsel and to provide other related materials to Caltrans as required.

A.6 TRACT MAP 32625 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MCABEE AVENUE, MOLSON COURT, ALTIVO STREET, KENDA COURT AND THE PORTIONS OF COTTONWOOD AVENUE AND REDLANDS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM; DEVELOPER: MERITAGE HOMES OF CALIFORNIA, INC., IRVINE, CA 92617 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2010-76 authorizing the acceptance of the public improvements within Tract Map 32625 as complete and accepting McAbee Avenue, Molson Court, Altivo Street, Kenda Court and the portions of Cottonwood Avenue and Redlands Boulevard associated with the project into the City's maintained street system; and

Resolution No. 2010-76

MV00081214

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32625 and Accepting Mcabee Avenue, Molson Court, Altivo Street, Kenda Court and the Portions of Cottonwood Avenue and Redlands Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR SR-60/NASON STREET INTERCHANGE IMPROVEMENTS PROJECT -- PROJECT NO. 98-25897 (Report of: Public Works Department)

Recommendation:

1. Approve the Second Amendment to Agreement for Professional Consultant Services with TCM Group (TCM), 3130-B Inland Empire Boulevard, Ontario, CA 91764 to provide construction management and inspection services for SR-60/Nason Street Interchange Improvements;

2. Authorize the City Manager to execute said Second Amendment to Agreement for Professional Consultant Services with TCM;

3. Authorize a Change Order to increase the Purchase Order with TCM by the amount of $1,414,807 when the amendment has been signed by all parties (Account No. 125.89720) and extend the contract termination date from December 31, 2011 to December 31, 2012; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent related minor amendments to the contract with TCM subject to the approval of the City Attorney.

A.8 ADOPT ORDINANCE NO. 814 - AN ORDINANCE OF THE CITY OF MORENO VALLEY AMENDING, SECTION 11.40.040 OF CHAPTER 11.40 OF TITLE 11 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY

13, 2010 ON A 5-0 VOTE) (Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. 814, an Ordinance of the City of Moreno Valley, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. 814

An Ordinance of the City of Moreno Valley, California, amending Section 11.40.040 of Chapter 11.40 of Title 11 of the City of Moreno Valley Municipal Code, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

A.9 ADOPT RESOLUTION NO. 2010-77 APPROVING THE RELOCATION PLAN FOR ELIGIBLE OCCUPANTS OF MOBILE HOME UNITS, LOCATED AT 14890 PERRIS BOULEVARD (APN 484-242-017) FOR PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Recommendation:

Adopt the proposed Resolution approving the Relocation Plan for eligible occupants of mobile home units, located at 14890 Perris Boulevard (APN 484-242-017).

Resolution No. 2010-77

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Relocation Plan for Eligible Occupants of Mobile Home Units Located at 14890 Perris Boulevard (APN 484-242-017) for Perris Boulevard Widening from Perris Valley Storm Drain Lateral "B" to Cactus Avenue

A.10 RECEIPT OF QUARTERLY INVESTMENT REPORT - QUARTER ENDED JUNE 30, 2010 (Report of: Financial & Administrative Services Department)

Recommendation:
Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.11 ADOPT ORDINANCE 813 - AN ORDINANCE OF THE CITY COUNCIL OF

MV00081216

THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING PA06-0184 (ZONE CHANGE) TO CHANGE THE LAND USE DISTRICT FROM BUSINESS PARK TO RESIDENTIAL 5 (R5) FOR THE APPROXIMATELY 40 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 485-230-025 AND 485-230-026, LOCATED AT THE SOUTHEAST CORNER OF HEACOCK STREET AND GENTIAN AVENUE (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE) (Report of: Community Development Department)

Recommendation:

Adopt Ordinance No. 813.

Ordinance No. 813

Adopt Ordinance No. 813 of the City Council of the City of Moreno Valley, California, Approving PA06-0184 (Zone Change) to change the Land Use District from Business Park to Residential 5 (R5) for the approximately 40 acres located within Assessor's Parcel Numbers 485-230-025 and 485-230-026, located at the southeast corner of Heacock Street and Gentian Avenue

A.12 AQUABELLA DEVELOPMENT AGREEMENT - ANNUAL REVIEW (P10-044) (Report of: Community Development Department)

Recommendation:
Accept the Annual Report and determine that the property owner has complied in good faith with the terms, obligations and conditions of the Aquabella Development Agreement.

A.13 PA07-0090 – ACCEPT THE AGREEMENT AND BONDS FOR THE PORTION OF PHASE 1 PUBLIC IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Bonds for the Portion of Phase 1 Public Improvements associated with the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Authorize the City Attorney to execute the Bonds;

4. Direct the City Clerk to forward the signed Agreement and Bonds to the County Recorder's Office for recordation; and

5. Authorize the Public Works Director/City Engineer to execute any future time extensions and amendments to the agreement, subject to City Attorney approval, if the required Phase 1 public improvements are not completed within said timeframe.

A.14 PA07-0090 – APPROVAL OF COOPERATIVE AGREEMENT FOR MORENO MASTER DRAINAGE PLAN LINE F, STAGE 3, LINE D, LINE D-5, LINE D-6, AND LINE F SINCLAIR STREET STORM DRAIN, ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, CITY OF MORENO VALLEY, AND HF LOGISTICS-SKX T1, LLC, HF LOGISTICS-SKX T2, LLC, HIGHLAND FAIRVIEW PARTNERS I, HIGHLAND FAIRVIEW PARTNERS II, HIGHLAND FAIRVIEW PARTNERS III, AND HIGHLAND FAIRVIEW PARTNERS IV, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve the Cooperative Agreement between Riverside County Flood Control and Water Conservation District, the City of Moreno Valley, and HF Logistics-SKX T1, LLC, HF Logistics-SKX T2, LLC, Highland Fairview Partners I, Highland Fairview Partners II, Highland Fairview Partners III, and Highland Fairview Partners IV for Moreno Master Drainage Plan Line F, Stage 3, Line D, Line D-5, Line D-6, and Line F Sinclair Street Storm Drain improvements;

2. Authorize the Mayor to execute the Cooperative Agreement; and

3. Direct the City Clerk to forward the signed Cooperative Agreement to Riverside County Flood Control and Water Conservation District.

A.15 PA07-0090 – ACCEPT THE AGREEMENT AND SECURITY FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PHASE 2 & 3 OF THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

MV00081218

Recommendation:

1. Accept the Agreement and Real Property Deeds of Trust as Securities for the public improvements associated with Phase 2 & 3 of the Highland Fairview Logistics Corporate Park;

2. Authorize the Mayor to execute the Agreement;

3. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

4. Authorize the Public Works Director/City Engineer to execute any future time extensions, amendments to the agreement, subject to City Attorney approval, if the required Phase 2 & 3 public improvements are not completed within said timeframe.

A.16 PA07-0090 – APPROVE PARCEL MAP NO. 35629 ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve Parcel Map No. 35629; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.17 SECOND AMENDMENT AND REINSTATEMENT INDEPENDENT CONTRACTOR AGREEMENT (Report of: Community Development Department)

Recommendation:

1. Approve the Second Amendment and Reinstatement Independent Contractor Agreement with Willdan for Plan Check/Inspection Services; and

2. Authorize the Mayor to execute the Second Amendment and Reinstatement Independent Contractor Agreement

A.18 PM 33152-1 – REQUEST TO EXTEND THE DURATION FOR A FULL ROAD CLOSURE OF OLD 215 FRONTAGE ROAD BETWEEN ALESSANDRO BOULEVARD AND DAY STREET FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM JULY 17, 2010 – SEPTEMBER 30, 2010; DEVELOPER: ANDLAND PROPERTIES, LLC,

MV00081219

TORRANCE, CA 90505 (Report of: Public Works Department)

Recommendation:

1. Authorize the additional 68-day extension recommended by the City Engineer for the full road closure of Old 215 Frontage Road Street from Alessandro Boulevard to Day Street for the construction of street improvements from July 17, 2010 to September 30, 2010; and

2. Authorize the City Engineer to allow for an additional 30-day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

B.4 NEW LEASE AGREEMENT FOR CARETAKERS OF THE MORENO VALLEY EQUESTRIAN PARK AND NATURE CENTER (Report of: Parks and Community Services Department)

Recommendation:

1. Authorize staff to charge $500.00 per month rent, beginning September 1, 2010, to Robert and Christina Humbarger, the current Caretakers of the Moreno Valley Equestrian Park and Nature Center; and

2. Direct the Financial and Administrative Services Director to deposit all collected rental revenues into account 161.1610.4548.03 (Mobile Home Rentals).

B.5 ADOPT ORDINANCE NO. CSD 54 - AN ORDINANCE OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, OF THE CITY OF

MV00081220

MORENO VALLEY, CALIFORNIA, AMENDING SECTION 5e OF ORDINANCE NO. CSD 52, RELATING TO THE CARRYING OF BLANK SHOOTING PISTOLS AND THE SHOOTING OF BLANKS AT THE MORENO VALLEY EQUESTRIAN CENTER (RECEIVED FIRST READING AND INTRODUCTION ON JULY 13, 2010 ON A 5-0 VOTE)
(Report of: Parks & Community Services Department)

Recommendation:

Adopt Ordinance No. CSD 54, an Ordinance of the Moreno Valley Community Services District of the City of Moreno Valley, amending Section 5e of Ordinance No. CSD 52, relating to the carrying of blank shooting pistols and the shooting of blanks at the Moreno Valley Equestrian Center.

Ordinance No. CSD 54

An Ordinance of the Moreno Valley Community Services District, of the City of Moreno Valley, California, amending Section 5e of Ordinance No. CSD 52, Relating to the Carrying of Blank Shooting Pistols and the Shooting of Blanks at the Moreno Valley Equestrian Center

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - SPECIAL MEETING OF JULY 6, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JULY 13, 2010 (Report of: City Clerk's Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A1 - D2 by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

E. PUBLIC HEARINGS - None

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION
None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Pro Tem Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

Mayor Pro Tem Hastings reported that that the climate change was discussed during the last WRCOG meeting; cities are looking at implementing climate change action plan; WRCOG is applying for a grant that would allow for a regional approach and is requesting for a letter signed by a mayor to include it in their grant package; this issue is moving forward.
WRCOG received a favorable judgment in the lawsuit regarding water and power efficiency ordinance against the state; RFP was recalled; hopes we will prevail

G.2 SOUTHERN CALIFORNIA EDISON STATE OF THE UTILITY (Informational Oral Presentation - not for Council action)

Mayor Flickinger opened the agenda item for public comments, which were received from Pete Bleckert.

No action required.

G.3 MILITARY APPRECIATION BANNER PROGRAM (Report of: City Manager's Office)

Recommendation: That the City Council:

Approve the Military Banner Appreciation Program, adopt Resolution

MV00081222

2010-78 amending Resolution 2010-23 to establish a fee for the Military Banner Appreciation Program and appropriate $2,100 to 00359.359.22410.17 to fund the purchase of special military banners for those Moreno Valley residents that have been killed in action while serving our Nation.

Resolution No. 2010-78

A Resolution of the City Council of the City of Moreno Valley, California, Amending Resolution 2010-23 to Establish Fees for the Military Appreciation Banner Program in Order to Recover the Costs Associated with the Implementation of the Military Banner Program

Mayor Flickinger opened the agenda item for public comments; there being none, public comments were closed.

Motion to Approve by m/Council Member Richard A. Stewart, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING A MAIL BALLOT PROCEEDING FOR A PROPOSED CHARGE INCREASE FOR THE COMMUNITY SERVICES DISTRICT ZONE B (RESIDENTIAL STREET LIGHTING) PROGRAM (Report of: Public Works Department)

Recommendation: That the City Council:
Acting in their capacities as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board"), conduct a Public Meeting and accept public comments concerning a mail ballot proceeding for a proposed increase in the annual charge for the CSD Zone B (Residential Street Lighting) program.

Mayor Flickinger opened the agenda item for public comments, which were received from Deanna Reeder, Pete Bleckert, Debra Threatt, Myron R., Julie Dawson, Michael Anderson, Rick Shield, Chris Mauldin, and Daisy Murillo.

No action required.

G.5 ADDITIONAL POSITIONS FOR THE SPECIAL ENFORCEMENT TEAM (SET) GANG UNIT (Report of: Police Department)

Mayor Flickinger opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

MV00081223

Motion to Approve to bring back to the council meeting funding of a park ranger by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a vote of 5-0.

Recommendation: That the City Council:

1. Approve the refunding of two previously defunded motorcycle officer positions at 2,080 hours;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a vote of 5-0.

2. Approve the reallocation of the two motorcycle officer positions at 2,080 hours to two (2) 1,780-hour officer positions to be assigned to the Special Enforcement Team (SET) Gang unit;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Robin N. Hastings
Approved by a vote of 5-0.

3. Approve the allocation of one additional (1) 1,780-hour officer position to be assigned to the SET Gang unit; and

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Richard A. Stewart
Approved by a vote of 5-0.

4. Authorize an appropriation from the General Fund balance in the amount of $578,968 to fund three (3) officer positions for the SET Gang unit for the remainder of the 2010-11 fiscal year (approximately 10 months). Funding for the 3 officer positions will come from additional savings achieved by the Police Department in their FY 2009-10 budget ($968,000).

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Jesse L. Molina
Approved by a vote of 5-0.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

MV00081224

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Alicia Espinoza
1. Thanked the Council for getting the gang task force going
2. Financial support for sports organizations, including Little League

Annie Joyce, treasurer of Moreno Valley Little League
1. Cost of lighting the sports fields; limited funds available for equipment and uniforms for children

Pete Bleckert
1. Confidential memos; public records

Iddo Benzeevi
1. Offered to contribute to children's sports uniforms
2. Progress of Skechers project; thanked the chairman of Riverside County Board of Supervisors for accommodating and facilitating the project

Tom Jerele Sr.
1. Political signs
2. Commercial signage on Sunnymead Blvd.
3. Praised anti-gang unit
4. Street lights ballot
5. Military banner
6. Little League

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Responded to speakers' comments - Little League and other sports organizations are hurting in this economy; need to have a discussion to come up with alternatives to financially help the organizations to keep the children involved and off the streets
2. Commended Chief of Police for coming forward early with a request for additional resources to handle gang problem; the park ranger program will be improved in the near future
3. Fire season is starting - asked residents to clear defensible space behind homes to save their homes and to protect neighborhood

MV00081225

Council Member Stewart
1. STARS after school program is also a fantastic program that keeps kids off the street; it's funded by grant and City's money
2. Skechers project is generating jobs - recently over 800 employees were working on the job site pouring concrete; a locally generated environmental group sued Skechers to stop the work, but judge voted in favor of the project; other projects, e.g., Fresh & Easy, railroad, face a similar situation and are sued by the environmental group; the recent judgment was in favor of Fresh & Easy warehouse expansion, which would create about 1,100 jobs; the March Joint Powers Executive Director is meeting with the state legislators to change CEQA laws because it is too easy to stop jobs and it is hard to do the business in the State

Council Member Molina
1. Said that he is following up on the issues addressed by Council Member Stewart and it's amazing how businesses are leaving the State
2. Said he is one hundred percent behind the Police Chief; residents need to feel safe on the streets; things are changing in the city; we have to be optimistic; hope the City will get more positive exposure, for example, track team that will put the City on the map; thanked everybody for the hard work

Mayor Pro Tem Hastings
1. Responded to a question raised regarding who is paying for her time while attending a meeting from Kentucky - clarified that it was on her own time
2. Attended La Quinta ribbon cutting ceremony and a mixer at Provident Bank - was a huge turnout; it speaks very well about Moreno Valley as we have new businesses opening; pleased to represent the City
3. Re ballot measure on electricity - this is a democracy in action; encouraged everyone to vote - the whole premise is for the voters to decide
4. The Equestrian Center issue - it is also a democracy in action; many residents and organizations support the use; emphasized that this is not a gun range
5. Congratulated Jack and Judy Nieburger for 50 years of marriage and Marion and Mary Ashley for 55 years
6. Responded to speaker Annie Joyce - asked what the cost is; funds are available especially for families with low income; offered a contribution from her discretionary account
7. Re Skechers project - is not apologizing for voting against a building permit without the final map filed; supports and will continue to support Skechers and also supports staff and their recommendations; glad the jobs are created and the work on the project is progressing; stated that the issues should be addressed through policies, which would make easier to get the project approved; changing the policy on a case by case basis is

MV00081226

not efficient and not practical

Mayor Flickinger
1. Reiterated what Mayor Pro Tem Hastings stated about street lights ballot - asked to please mail the ballots in and let the Council know the preference
2. The State Controller requested that all cities clearly identify elected officials' and public employees' compensation, which will be then posted on the State's Web site in November; our City already posted salaries and benefits on the City's Web site; asked the City Manager's Office to put a link on home page
3. On May 25, during the Special Presentation, the Council congratulated a group of students from Vista Heights Middle School for winning the State History Day competition; proud to report that the students won a second place in the National History Day competition; congratulated teachers who gave the students opportunity to excel
4. Norma Lopez Reward Fund is about $39,000. Asked to please report any information about the case to the Police Department
5. On Saturday, August 28, from 8 a.m. to 12 p.m. at the TownGate Shopping Center, the Chamber of Commerce and the Waste Management company will be co-hosting an electronic waste collection point; asked to bring any electronic waste, including computers, telephones, microwaves, printers, electronic games, pages, scanners, radios, etc., to the collection point, and not to throw them in trash

Adjourned at 9:53 p.m. to Closed Session.

CLOSED SESSION

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 2

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 2

3 SECTION 54957 - PUBLIC EMPLOYEE APPOINTMENT/PUBLIC EMPLOYMENT

a) City Manager Recruitment

MV00081227

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

The City Attorney announced the following:
The Council terminated the current City Manager recruitment and will conduct a new recruitment, approved by a 3-2 vote.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:30 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Bonnie Flickinger, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

MV00081228

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

March 22, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor
Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00099460

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 22, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside County Board of Supervisors Proclamation Recognizing Moreno Valley Community Senior Center as a Community Focal Point

2. Recognition of Moreno Valley Police Department's Participation in Operation SafeHouse's Stuff the Bus Event

3. Proclamation Recognizing Trent Sauls

4. Mayor's Awards of Valor Recognizing Rodrigo Murguia, David Westerhaus, and Jimmy Zapata

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MARCH 22, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

A.4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-27

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.5 ALCOHOL BEVERAGE CONTROL (ABC) "MINOR DECOY/SHOULDER TAP" GRANT FUNDING OPPORTUNITY (Report of: Police Department)

Recommendation:
Approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, “Minor Decoy/Shoulder Tap” Grant.

A.6 AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR

RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500); and

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

A.7 APPROVAL OF CHECK REGISTER FOR JANUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

Resolution No. 2011-28

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of January, 2011

A.8 AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527 (Report of: Public Works Department)

Recommendation:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015;

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017; and

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA.

A.9 2010 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community & Economic Development Department)

Recommendation:

1. Receive and File the 2010 Annual Report of the Planning Commission; and

2. Authorize transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

A.10 CONSIDERATION OF THE FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY(Report of: City Manager's Office)

Recommendation:
Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

A.11 APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES, BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET - DEVELOPER: MORENO VALLEY PROPERTIES, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:
1. Approve TM 34950-1, a final map for financing purposes; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.12 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM (Report of: Community & Economic Development Department)

Recommendation:

Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

Resolution No. 2011- 29

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Submittal of an Application for Grant Funds for the Caltrans Transportation Planning Grant (Fiscal Year 2011-2012)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE

SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs; and

2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

b. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 APPOINTMENT TO THE PLANNING COMMISSION (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

G.4 CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Recommendation: That the RDA:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

G.5 MID YEAR BUDGET REVIEW (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Receive and file this report; and

2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

G.6 ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY (POWERPOINT TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any

individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 8, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing International DeMolay Month
2. Proclamation Recognizing Job's Daughter's Week
3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
March 8, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Pro Tem Molina

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial & Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Randy Metz	Fire Marshal
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A.5 & A.6) and Deanna Reeder (Item A.8).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of February 16 - March 1, 2011.

A.4 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM; PROJECT NO. 11-22679828 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for 2011 Citywide Bridge Maintenance Program to Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Beador;

3. Authorize the issuance a Purchase Order to Beador in the amount of $243,960.00 ($203,300.00 base bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Beador, up

to but not to exceed the Purchase Order contingency of $40,660.00, subject to the approval of the City Attorney.

A.5 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 *LOCAL* STREET PAVEMENT RESURFACING PROJECT NO. 11-22679728 - *PHASE I* (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the 2011 Local Street Pavement Resurfacing – Phase 1 project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. in the amount of $2,410,400.00 (bid amount $2,096,000.00 plus 15% contingency of $314,400.00) when the contract has been signed by all parties (Account Nos. 125.56330 and 226.79728); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hardy & Harper, Inc., up to but not to exceed the Purchase Order contingency of $314,400.00.

A.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 PAVEMENT RESURFACING PROJECT; PROJECT NO. 11-12556330 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract in the amount of $1,441,000 for the 2011 Pavement Resurfacing Project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to Execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. for a total amount of $1,729,200 ($1,441,000 bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute

any subsequent change order to the contract with Hardy & Harper, Inc. up to but not to exceed the Purchase Order's total contingency of $288,200, subject to the approval of the City Attorney.

A.7 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

A.8 PM 35629 - REQUEST TO CONDUCT A FULL ROAD CLOSURE OF THEODORE STREET BETWEEN EUCALYPTUS AVENUE AND THE SR-60 WESTBOUND RAMP FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM MARCH 21, 2011 - APRIL 18, 2011 - DEVELOPER: HF LOGISTICS - SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize a full road closure of Theodore Street from Eucalyptus Avenue to the SR-60 Westbound Ramp for the construction of street improvements from March 21, 2011 to April 18, 2011; and

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

A.9 AMENDED MARCH JOINT POWER AUTHORITY AGREEMENT #12 (Report of: Community and Economic Development Department)

Recommendation:

1. Approve the Amended March Joint Powers Authority Amendment #12; and

2. Authorize the Mayor to execute the Amended Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange

Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

E. PUBLIC HEARINGS - None

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Lori Stone, Executive Director of the March Joint Powers Authority, reported the following: the state legislators were asked to exempt military base reuse from redevelopment cuts; 30 million dollar bond sold two weeks ago will be used for the Van Buren interchange and U.S. vets project; the medical campus is moving forward; the final demolition of the tower is scheduled for March 28 at 10 a.m., invited

everybody to the celebration; about 12-13 buildings were demolished at this point; about 4000 new jobs were approved

G.2 APPOINTMENTS TO THE PLANNING COMMISSION (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. After reviewing the ballot provided by the City Clerk:

   Appoint three (3) members for terms expiring March 31, 2015; or

2. If the appointments are not made, authorize the City Clerk to re-notice the positions as vacant.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to appoint Amber Crothers, Thomas Andrew Owings and Mary E. "Meli" Van Nata for terms expiring March 31, 2015 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.3 RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS OF COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE DESIGNATED 2011 SPECIAL TAX BONDS, APPOINTING THE FISCAL AGENT, APPROVING THE FORMS OF THE FISCAL AGENT AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING NEGOTIATION OF TERMS OF THE SALE OF SAID BONDS, AND PREPARATION OF FINAL OFFICIAL STATEMENT. APPROVAL OF A THIRD AMENDMENT TO THE FIELDMAN, ROLAPP & ASSOCIATES, INC. AGREEMENT FOR PROFESSIONAL FINANCIAL ANALYST CONSULTANT SERVICES. (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Approve and adopt Resolution No. 2011-21, Authorizing the Issuance of Bonds of Community Facilities District No. 4-Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount Not-to-Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and

Continuing Disclosure Agreement, Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement; and

Resolution No. 2011-21

Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of the CFD No. 4 - Infrastructure of the City of Moreno Valley, Authorizing the Issuance of Bonds of Community Facilities District No. 4 - Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount not to Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and Continuing Disclosure Agreement, and Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve the Third Amendment to the Agreement for Professional Financial Analyst Consultant Services for Community Facilities District No 4-Infrastructure and authorize the Mayor to execute said Amendment to the Agreement.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.4 ADOPTION OF RESOLUTIONS APPROVING THE REDEMPTION OF 2007 TAXABLE TAX ALLOCATION BONDS, SERIES B (Report of: Financial & Administrative Services Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council

1. That the City Council adopt Resolution No. 2011-20 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000; and

Resolution No. 2011-20

A Resolution of the City Council of the City of Moreno Valley Requesting, Authorizing and Approving the Redemption of Community Redevelopment Agency of the City of Moreno

Valley, Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

2. That the City Council acting in the capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. RDA 2011-01 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000.

Resolution No. RDA 2011-01

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving the Redemption of its Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.6 COOPERATIVE AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, and Deanna Reeder.

Recommendation: That the City Council:

1. Approve and authorize the execution of Resolution No. 2011-23 in support of a Cooperative Agreement between the City of Moreno Valley and the Community Redevelopment Agency and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. 2011-23

A Resolution of the City Council of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Approve and authorize the execution of Resolution No. RDA 2011-03 in support of a Cooperative Agreement with the City of Moreno Valley and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. RDA 2011-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.5 COOPERATION AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE

CITY OF MORENO VALLEY (Report of: Community and Economic Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-22 making certain findings in support of a Cooperation Agreement between the Community Redevelopment Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. 2011-22

A Resolution of the City Council of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the City and the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Adopt Resolution No. RDA 2011-02 making certain findings in support of a Cooperation Agreement between the Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. RDA 2011-02

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the Agency and the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

G.7 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV RANCHO DORADO II LIMITED PARTNERSHIP (Report of: Community and Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from William Crowel, Palm Desert Development Co representative.

Recommendation: That the City Council:

Adopt Resolution No. 2011-24 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership, a California Limited Partnership.

Resolution No. 2011-24

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

Recommendation: That the RDA:
Adopt Resolution RDA No. 2011-04 approving an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership.

Resolution No. RDA 2011-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Agency Member William H. Batey II,

s/Agency Member Robin N. Hastings
Approved by a vote of 5-0.

G.8 CREATING A HOUSING AUTHORITY AND ESTABLISHING THE COMMISSIONERS AND DESIGNATING THE FIRST INTERIM CHAIRMAN (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-25 declaring that there is a need for a Housing Authority to function in the City, along with declaring that the members of the City Council shall be the Commissioners of the Housing Authority and designating the first interim Chairman of the Housing Authority.

Resolution No. 2011-25

A Resolution of the City Council of the City of Moreno Valley, California, Declaring that there is a Need for a Housing Authority to Function in the City, Declaring that the Members of the City Council Shall be the Commissioners of the Housing Authority and Designating the First Interim Chairman of the Housing Authority

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.9 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (ATTACHMENTS TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Community and Economic Director Barry Foster announced that the formatting of the agreement has been changed at the advice of the special legal counsel. The title is Conditional Commitment Letter Agreement among the Moreno Valley Redevelopment Agency, the City of Moreno Valley, and Rancho Belago Developers, Inc. Staff is recommending approval of the agreement with Rancho Belago Developers, Inc.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

Adopt Resolution No 2011-26 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. 2011-26

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

Recommendation: That the RDA:

Adopt Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. RDA 2011-05

A Resolution of the Agency Board Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.10 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Daryl Terrell
1. Establishing a business utility user's tax rebate program to promote jobs; submitted an ordinance for public records

Ron Swaim
1. Code enforcement issue - RV blocking public right of way

Alicia Napper
1. Rising Stars Charter School's concerns

Louise Palomarez
1. Redevelopment money
2. Street lights on Hemlock Street between Pigeon Pass and Heacock

George Merendon
1. "In God We Trust" motto

Joe Teague
1. Problems with Day Street project

Thom Morales
1. Announced that fundraiser concert by Valley View High School Wind Ensemble will be held on March 19; invited residents to attend it

Harold Anderson
1. "In God We Trust" motto

Louis Boldue
1. "In God We Trust" motto

Dolores Baisden
1. Upcoming concert at Valley View High School

Pete Bleckert
1. Redevelopment money
2. Flood Control channel
3. Congratulated the Finance Director for streamlining CalCards

Deanna Reeder
1. Planning Commission appointments

Paul Wilkinson
1. Kiwanis Club

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Represented the City at the Perris Chamber of Commerce Centennial Gala for the anniversary celebration for the City and the Chamber
2. Was invited to speak at the National Congress of Black Women; it is nice to have the Inland Empire Chapter headquarter in Moreno Valley

Mayor Pro Tem Molina
1. Stated that at the last Economic Development Subcommittee meeting, the issue of Moreno Valley not being a business-friendly city and the needs and concerns of businesses were addressed; the City is working toward the goal of making Moreno Valley the most business-friendly city; any ideas are always welcomed
2. Stated that he is happy to see that so many people support "In God We Trust"; the item is scheduled for a study session
3. Thanked everyone for participating in council meetings, for their concerns about the City and working toward the betterment of the City

Council Member Co
1. Thanked everybody for coming to the council meeting; one of the reasons the City is improving is that the residents are presenting the problems to the City; this is the only way the problems can be resolved; asked residents to please contact him
2. Regarding residents asking to vote for "In God We Trust" - stated that he does not see any problem with voting to support it; thanked residents for coming in and asking to do something in that respect
3. Asked residents to contact him with any idea to help the City to move forward; the City needs residents' input

Mayor Stewart
1. Agreed with Council Member Co on the public's input; acknowledged that people take time to read agendas; a small number of people come to the council meetings, but many residents contact council members by e-mails and phone; asked to keep up the input
2. The March Air Force Reserve is getting 12 brand new Boeing 767 tankers
3. Was invited to speak at the Junior ROTC Military Ball at Canyon Springs High School; a very fine event
4. Addressed a speaker's comments regarding responding to public concerns during a council meeting - when a public member raises an issue, the Council responds right a way during the meeting, if possible; if not, a staff person will contact the person usually the next day; getting clarification on the issue and responding as soon as possible is beneficial

for everyone, including residents watching at home
5. Demolition of the last hospital building at March Air Reserve Base is scheduled for March 28, at 10 a.m.; the public can witness it

Council Member Hastings
1. Commended staff for responding to a very difficult situation with the RDA; hopes that we are going to prevail; it's great to see staff being innovative and creative and trying to protect the tax increment money that was placed there for a specific purpose
2. Is looking forward to attend a concert at Valley View High School
3. Will be back in California Thursday afternoon

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:21 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: March 22, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

Reports on Reimbursable Activities March 2-15, 2011		
Council Member	Date	Meeting
William H. Batey II	3/5/11	City of Perris Centennial Installation and Awards Dinner
Marcelo Co	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099491

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	$0.00	0.00%	$0.25	0.25%
1,000 kWh usage	$0.51	0.28%	$0.83	0.38%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	$1.40	0.23%	$1.40	0.32%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	$11.87	0.21%	$11.87	0.35%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	$169.63	0.24%		
392,333 kWh usage, Demand of 666 kW			$163.08	0.43%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	$0.15	0.24%	$0.15	0.24 %

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	$25.03	0.20%	$25.03	0.20 %
Schedule SL-1 22,000 Lumen (317 lights)	$9.25	0.17%	$9.25	0.17%
Schedule SL-2 27,500 Lumen (139 lights)	$4.94	0.28%	$4.94	0.28%
Schedule SL-3 (per lamp)	$0.01	0.00%	$0.01	0.00%

The Energy Resources Surcharge Law went into effect on January 1, 1975. The surcharge is imposed on all customers in the state who consume electricity purchased from an electric utility. All electric utilities are required to collect this surcharge and remit the funds to the State Board of Equalization on a quarterly basis. The funds are held by the State and are used for ongoing energy programs and energy projects. The surcharge rate is set in a public meeting each November by the California Energy Commission; the law does not allow this surcharge to exceed $0.0003 per kWh. The 2011 Electricity Surcharge Rate is $0.00029 per kWh, an increase from $0.00022.

If approved by the City Council, these changes will become effective at 12:00 a.m. on March 23, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be an increase in rates of less than 1%.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to comply with State law.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and will also put the City's utility in jeopardy of non-compliance with State law.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues will increase slightly if the proposed changes are adopted by the City Council. These funds are restricted for Moreno Valley Utility purposes. The increase in the amount of Energy Resource Surcharge collected will be remitted to the State Board of Equalization.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099497

RESOLUTION NO. 2011-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department and City Clerk's Office.

APPROVED AND ADOPTED this 22nd day of March 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

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MV00099501

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: John Anderson, Chief of Police

AGENDA DATE: March 22, 2011

TITLE: Alcohol Beverage Control (ABC) "Minor Decoy/Shoulder Tap" Grant Funding Opportunity

RECOMMENDED ACTION

Staff recommends that the City Council take the following action:

1) Staff recommends that the City Council approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, "Minor Decoy/Shoulder Tap" Grant.

ADVISORY COMMITTEE RECOMMENDATION:

BACKGROUND

The City of Moreno Valley is committed to providing a safe environment for the citizens of Moreno Valley. Moreno Valley Police Department staff has determined that a number of calls for service and repeat calls are being generated from local Alcohol Beverage Control licensed establishments in the city. Some of these calls involve minors and adults under the age of 21 buying alcohol and soliciting adults over the age of 21 to buy alcohol for them. In an effort to address the sale of alcohol to minors and underage adults, staff identified a grant to assist local law enforcement in their efforts to reduce problems and calls for service at ABC licensed establishments.

There are currently 80 On-Sale and 77 Off-Sale ABC licensed establishments within the City of Moreno Valley. Although most avoid the attention of our agency, there are a number that cause a significant amount of calls for service. Several problematic licensees that would be targeted with additional enforcement operations funded by this

grant have caused sixty three (63) direct calls for service between January 1, 2009 and January 1, 2010. Approximately nine (9) calls for service were directly related to minors being furnished alcohol unlawfully.

The majority of calls surrounding these businesses are alcohol related. The time spent by the Moreno Valley Police Department dealing with the alcohol related problems occurring at these locations could be better spent assisting the community with other issues. In addition, the citizens of Moreno Valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (DUI's), fights, assaults and many disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Alcohol Beverage Control, State of California, has allowed for local law enforcement to apply for grant funding for personnel costs and one (1) mandatory GAP (Grant Assistance Program) training seminars to enable agencies to expand their efforts in addressing alcohol-related problems within their respective cities.

DISCUSSION

The Moreno Valley Police Department proposes to use the grant funding to train officers through the Alcohol Beverage Control Agency, and then implement enforcement programs that team officers from the Moreno Valley Police Department with agents from the Alcohol Beverage Control. The Moreno Valley Police Department will implement eighteen (18) "Minor Decoy" operations. The "Minor Decoy" program allows law enforcement agencies to use persons under 20 years of age as decoys for the purpose of purchasing alcoholic beverages from licensed premises. The use of underage decoys to check whether licensees are selling alcohol to minors can show a dramatic drop in the illegal activity when the "Minor Decoy" program is repeatedly used.

The Moreno Valley Police Department will implement eight (8) "Shoulder Tap" operations. "Shoulder Tap" is a common method used by persons under age 21 to solicit persons to purchase and furnish them with alcoholic beverages. The "Shoulder Tap" program is an enforcement program that ABC and local law enforcement agencies use to detect and deter shoulder tap activity. During the program, a minor decoy, under the direct supervision of law enforcement officers, solicits adults outside ABC licensed stores to buy the minor alcohol. Any person seen furnishing alcohol to the minor decoy is arrested (either cited or booked) for furnishing alcohol to a minor (a violation of Section 25658(a) Business and Professions Code).

The Problem Oriented Policing (POP) Team will provide a proactive approach through the use of "Minor Decoy" and "Shoulder Tap" operations. The operations will be conducted throughout the city in an attempt to deter ABC licensed establishments from selling alcohol to minors. In addition several operations will focus on adults who purchase alcohol for minors.

ALTERNATIVES

The council may consider the following alternatives:

1. Accept the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a Twelve-month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff recommends this alternative.**

2. Decline the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no required match funding from the City of Moreno Valley as a condition of this "Minor Decoy/Shoulder Tap" grant. Therefore, there is no fiscal impact to the city.

CITY COUNCIL GOAL

To provide a safe and secure environment for people and property in the community, and provide protection for citizens who live, work and visit the City of Moreno Valley.

STAFF RECOMMENDATION

Staff recommends that Council accept the grant application for the "Minor Decoy/Shoulder Tap" Grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California.

ATTACHMENTS/EXHIBITS

1. State of California, Alcohol Beverage Control Grant Application.

Prepared By:
Name Brian Gutierrez
Title Officer

Department Head Approval:
Name John Anderson
Title Chief of Police

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099505

State of California

Department of Alcoholic Beverage Control

Grant Assistance Program

PROPOSAL COVER SHEET

(TO BE COMPLETED BY APPLICANT AGENCY)

1. Name of Applicant Agency: Moreno Valley Police Department

2. Description of Applicant Agency: Provide a brief summary including department size, staffing, and structure.

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees.

3. City or County Served: Moreno Valley	4. Population of Service Area: 191,754.00

5. Project Description: Summarize the proposed project covering the objectives, method of procedure, evaluation, and end product.

The Moreno Valley Problem Oriented Policing Team will conduct 18 Minor Decoy and 8 Shoulder Tap operations. Volunteers from the Explorer Program who are at least eighteen years of age will be utilized for these programs under the constant watch or sworn personnel. The goal of these operations is to reduce the amount of alcoholic beverages obtained illegally by minors. The Police Department will also host one Licensee Education on Alcohol and Drugs (LEADS) class for licensees located within the city of Moreno Valley.

6. Funds Requested: 69,918.00	7. Project Period: July 1, 2011 – June 30, 2012

8. Acceptance of Conditions: By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.

A. Project Director (person having day-to-day responsibility for the project)	B. Chief of Police or Sheriff (authorizing official)
Name: William Mooney Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6701	Name: John Anderson Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6705 E. Mail Address:
Title: Sergeant	Title: Captain
C. Fiscal or Accounting Official	**D. ABC USE ONLY**
Name: Masumi Wilde Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6750 E. Mail Address:	
Title: Accounting Technician	

Attachment 1

SCOPE OF WORK

Background:

On December 3, 1984, the incorporated City of Moreno Valley was formed from a 50 square mile area in Riverside County, which is surrounded by Riverside, Perris, March Air Reserve Base, Lake Perris and the Badlands. The city has grown over the years and today's population is estimated at 191,754. Based on the 2005 US Census Estimate, Moreno Valley's ethnic composition is 46% Hispanic, 23% White, 20% African-American, 8% Pacific Islander/Asian-American, and 3% other.

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees. A Sheriff's Captain, currently John Anderson, leads the Moreno Valley Police Department as the Chief of Police. Together, they have the responsibility of enforcing the criminal and traffic laws within the city limits.

The existence of several specialized units (Detective Unit, School Resource Officer Unit, Riverside County Regional Medical Center Unit, Patrol Division, Special Enforcement Teams-Gangs/Narcotics, Problem Oriented Policing (POP), Burglary Suppression Unit, Robbery Suppression Unit and Traffic Unit) within the Moreno Valley Police Department demonstrates the Department's objective in providing the citizens of Moreno Valley with the highest level of service and support. The Moreno Valley Police Department encourages innovation within our organization and is dedicated to finding creative solutions to the inevitable disputes that arise in the serving the community.

Moreno Valley has two public school districts, Moreno Valley Unified School District (MVUSD) and Val Verde Unified School District (VVUSD). The MVUSD has 23 Elementary Schools, 6 Middle Schools, 4 Comprehensive High Schools, 1 Charter School, 1 Adult School, 1 Pre-School Head-Start, and 1 Academic Center with a combined total of 36,500 enrolled students. The VVUSD (includes Perris, Mead Valley and Moreno Valley) has 1 Pre-School, 13 Elementary Schools, 4 Middle Schools, 3 High Schools, and 1 Continuation High School with a combined total of 19,600 enrolled students. Moreno Valley is also home to one of the Riverside Community College campuses with approximately 10,000 enrolled students.

Funding Requested / Goals and objective:

The Moreno Valley Police Department seeks $69,918.00 from the Department of Alcoholic Beverage Control (ABC) for general support of our Minor Decoy/Shoulder Tap Programs. We are most grateful for the support we have received from ABC for the grant period of August 2006 through May 2008. We believe this proposal for the grant period of July 2011 through June 2012 is of comparable interest to ABC in this specialized field of law enforcement. The City of Moreno Valley contracts with the Riverside County Sheriff's Department. The straight time rate for an officer is $121.97 per hours and the overtime rate is $54.39 per hour. Therefore the operations are worked on overtime basis in order to get the most out of the awarded funds.

In August of 2006, the Moreno Valley Police Department was awarded an ABC Minor Decoy and Shoulder Tap Grant that was implemented by the Moreno Valley Police Department's Problem Oriented Policing (POP) Team. The POP Team comprised of one sergeant, nine officers, and two community service officers.

During the grant period, the POP Team Sergeant: 1) announced the start of the Minor Decoy/Shoulder Tap Programs, 2) announced the number of licensed premises who sold to the minor decoy and/or the number of adults arrested for purchasing alcoholic beverages to the minor decoy, 3) faxed a copy of each press release to ABC, 4) monitored the time frames in the grant, 5) maintained costs within the approved amounts of each category, 6) maintained adequate records for validation of project progress and accountability for all funds expended on the project, and 7) submitted the required project reports to ABC.

The Moreno Valley Police Department is committed to following the above listed guidelines as well as conducting eighteen (18) Minor Decoy and eight (8) Shoulder Tap operations within the ABC Minor Decoy/Shoulder Tap Grant period of July 2011 through June of 2012. If awarded the grant, On-Sale and Off-Sale ABC licensed establishments in the City of Moreno Valley will be visited during Minor Decoy and/or Shoulder Tap operations. In addition, the Moreno Valley Police Department will host one Licensee Education on Alcohol and Drugs (LEAD) class for licensees located within the City of Moreno Valley. In accordance with the ABC grant, this training will be provided by ABC's Training/LEAD Unit.

The Moreno Valley Police Department's Minor Decoy/Shoulder Tap Program seeks to implement a strict, honest, impartial, and uniform enforcement of the liquor laws in Moreno Valley. In addition, the Riverside County District Attorney's Office has pledged their support in the prosecution of arrests arising out of ABC related Minor Decoy/Shoulder Tap operations.

Problem Statement:

There are approximately 157 off sale and on sale A.B.C. licensed establishments within the City of Moreno Valley. Although most avoid the attention of the Moreno Valley Police Department, a few do cause an inordinate amount of calls for service. Several problem licensees that would be targeted with additional enforcement programs funded by this grant caused numerous direct calls for service that were directly related to minors being furnished alcohol unlawfully.

Some such establishments contributing to the furnishing/selling of alcohol to minors that are responsible for a disproportionate amount of calls for service are the numerous Bars, nightclubs, and liquor stores located within the city. The time spent by the Moreno Valley Police Department dealing with the alcohol-related problems occurring at these locations could be better spent helping the community with other issues. In addition, the citizens of Moreno valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (D.U.I's), batteries, assaults, and many other disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Moreno Valley Police Department has conducted numerous operations in the past with ABC grants, and if history repeats itself, we will find that licensees throughout the entire city will unlawfully sell alcohol to minors. Establishments such as grocery stores, liquor stores, and gas stations will be affected. However, we have also discovered that the percentage of higher unlawful alcohol sales to minors tends to occur more frequently at gas stations because this is where wayward juveniles tend to congregate. Second to these gas stations are liquor stores that are steadily busy with several customers walking in and out of the store, thereby creating a distraction for clerks whom are normally

the only source of enforcement of such activity.

In a time period of July 1, 2009 to June 31, 2010, the Moreno Valley Police Department responded to 905 calls for service involving public intoxication. In 2010, the Moreno Valley Police Department wrote 120 citations for violation of city Municipal Code 11.04.060 (Drinking an Alcohol Beverage in Public). A majority of these citations were written within the proximity of ABC licensed businesses. From 2006-2010 the Moreno Valley Police Department has responded to an annual average of 6132 calls for service directly related to party and noise enforcement. A large portion of the party and noise enforcement calls for service involve residential parties that involve minors in possession of alcohol.

Based on the 2009 rankings published by the California Office of Traffic Safety, among the 56 cities in Group B (100,001 to 250,000), Moreno Valley ranked 25 out of 56 cities for victims killed and injured in alcohol involved collisions. This means Moreno Valley has the 25th highest rate of victims killed and injured in alcohol involved collisions. In addition, Moreno Valley ranked 9/56 for DUI collisions involving drivers under the age of 21 and 13/56 for drivers in the 21 to 34 age group. In 2009, the Moreno Valley Police Department made a total of 618 DUI arrests.

Project Description:

Sworn officers will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The coordinators will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One non-sworn Community Service Officer (CSO) will assist the coordinators by gathering information important in the identification of problematic ABC licensed businesses. The CSO will also be responsible for keeping records on the progress of the operations so that periodic evaluations can be conducted.

The Moreno Valley Police Department will be issuing press releases to inform the community that the Moreno Valley Police Department is continuing its ongoing efforts to thwart the unlawful selling and purchasing of alcohol that involves minors. These press releases will be distributed as required by the grant, and faxed copies of these press releases will be routed to ABC s public information officer as well.

The Moreno Valley Police Department is committed to the programs developed under the "Minor Decoy" and "Shoulder Tap" programs. We have learned much from working with A.B.C. and hope to be afforded the opportunity to work with them in the next "Minor Decoy," "Shoulder Tap," Program Grant year, 2011-2012. We will continue to include A.B.C. in all our operations and will also solicit the help of other governmental agencies when appropriate. It is our intent to keep the community safe, informed, and involved in the fight against problematic A.B.C. licensed establishments, under aged alcohol consumption, and abuse.

Project Personnel:

This grant proposal, prepared by the Problem Oriented Policing Unit (P.O.P. Team), will be supervised by the P.O.P. sergeant (Project Director), currently Sergeant Mooney. The supervising sergeant or Project Director will be responsible for the following: 1) Monitoring time frames in the contract. 2) Maintaining costs within the approved amounts of each category. 3) Maintaining adequate records for validation of project progress and accountability for all funds expended on the

project. 4) Submission of required project reports and, 5) Conducting project evaluation.

In addition to the P.O.P. Sergeants, nine sworn Officers and one Community Service Officer will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The officers will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One-non sworn Community Service Officer (CSO) will assist the officers by gathering information important in the identification of problematic ABC licensed businesses.

During the past year the City of Moreno Valley has been dealing with the ongoing state budget issues. The Moreno Valley Police Department has been impacted by this current issue. The acceptance of this grant would improve the ongoing efforts the Moreno Valley Police Department has in place in the proactive enforcement of A.B.C. establishments. The funding would allow us to increase monitoring of the unlawful alcohol sales to minors, and create a strong deterrent to future violations.

The Moreno Valley Police Department has a strong working relationship with numerous governmental agencies and community action committees. We look forward to getting as many as possible involved in the campaign to prevent minors from obtaining alcohol from business licensees. We welcome the assistance of any other agencies that wish to assist us with the enforcement, and education of the public and business owners, of this growing problem that plagues communities across America today.

BUDGET DETAIL

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST (Round budget amounts to nearest dollar)
A. Personnel Services (straight time salaries, overtime, and benefits)	
The City of Moreno Valley contracts with the Riverside County Sheriff's Department for a full service police department. The straight time rate is $121.97 per hour and the overtime rate is $54.39 per hour. Therefore, the operations are worked on an overtime basis in order to get the most out of the awarded funds. (1) Sergeant: straight time: $82.42, overtime: $80.02 (5) Officer: straight time: $121.97, overtime: $54.39 (1) Community service officer- straight time: $41.94, overtime: $39.20 GAP Training hours – (2) officer straight time for 24 hours	Sergeant = $12,483.12 Officers = $42,424.20 CSO = $6,115.20 (2)Officer for GAP training. = $5854.56
TOTAL PERSONNEL SERVICES	$66,877.08
B. Operating Expenses (maximum $2,500)	
Twenty six operations with $40.00 "buy money" per operation is a total of $1040.00	
TOTAL OPERATING EXPENSES	$1,040.00
C. Equipment (maximum $2,500)	
(Attach receipts for all equipment purchases to monthly billing invoice) None	
TOTAL EQUIPMENT	$0.00
D. Travel Expense/Registration Fees (maximum $2,000)	
(Registration fee for July 2011 GAP Conference attendees is $200 each) Travel, per diem and lodging for the July GAP Conference.	$400.00 $1600.00
TOTAL TRAVEL EXPENSE	$2,000.00
TOTAL BUDGET DETAIL COST, ALL CATEGORIES	$69,918.00

OTHER FUNDING SOURCES

Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available. **(Round all budget amounts to the nearest dollar.)**

BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personnel Services	$66,877.08		$66,877.00
Operating Expenses	$1,040.00		$1,040.00
Travel/Registration Fees	$2,000.00		$2,000.00
Equipment			
TOTALS	$69,918.00		69,918.00

(This form does not become part of the contract)

REQUEST FOR PROPOSALS
RATING FORM

APPLICANT: _____

FUNDS REQUESTED: _____

INSTRUCTIONS TO RATER: The rating form is divided into six categories with a maximum point value assigned to each category. Rate each category based on the applicant's response in the request for proposal. You may use the comments line to give more detail. Once you have rated the request for proposal, total the points at the bottom. The maximum points an applicant agency can receive is 100 points.

CATEGORY:

SUMMARY – (15 POINTS MAXIMUM)

Does applicant describe the department's size, structure, staffing, number of ABC licenses, demographics of jurisdiction, and goals and objectives?

Points Received_____

Comments:_____

PROBLEM STATEMENT – (25 POINTS MAXIMUM)

Does applicant clearly identify the area to be served, specific problematic ABC licensed locations, community concerns, and other factors that contribute to the problem?

Points Received_____

Comments:_____

PROJECT DESCRIPTION – (25 POINTS MAXIMUM)

Does applicant clearly state the goals and objectives in full detail? Are objectives measurable, realistic, and related to a time frame? Are ABC enforcement strategies utilized (example, LEAD, IMPACT, Minor Decoy, Shoulder Tap, Trapdoor, etc.)

Points Received_____

Comments:_____

PROJECT PERSONNEL – (25 POINTS MAXIMUM)

Does applicant clearly describe the staffing required to carry out grant objectives and activities as supported by the proposed budget? Does it include the names of the Unit/Division responsible for the project?

Points Received_____

Comments: _____

BUDGET DETAIL – (5 POINTS)

Is the budget estimate page completed? **5 Points** ____

OTHER FUNDING SOURCES – (5 POINTS)

Is the other funding sources page completed? **5 Points** ____

TOTAL POINTS (100 POINTS MAXIMUM):_____

_____ _____

NAME DATE

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MV00099515

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500)

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

BACKGROUND

The Kitching Street Improvements Project widens Kitching Street from two to four lanes from Gentian Avenue to Alessandro Boulevard.

On June 24, 2009, the City Council approved the Kitching Street project as a three-phase project as part of the FY 09/10 CIP Budget. Two of the three phases were funded. Phase 1 includes utility relocation and design services for the entire length of the project. Phase 2 improves Kitching Street from Cactus Avenue to Alessandro Boulevard by upgrading Kitching Street to four lanes and installing a signal at Cactus Avenue. Phase 3 improves Kitching Street from Gentian Avenue to Cactus Avenue

from two lanes to four lanes at a future time, subject to the availability of funding for construction.

Phase 2 work has been completed and was accepted by the City Council at its meeting on January 25, 2011, for inclusion into the City's Maintained Road System.

The next step is to complete the remaining utility relocation and design work for Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue. The goal is to have Phase 3 of the project in 'Shovel Ready' condition for construction, subject to availability of future funding.

DISCUSSION

Phase 3 of the project requires relocation of existing SCE facilities at the intersection of Kitching Street and Delphinium Avenue. SCE retains 'prior rights' since their facilities are located within SCE's easement. Consequently, the cost of relocating SCE's facilities is the City's responsibility.

The relocation work includes removal of one wood guy pole with its companion span guys, down guys and anchors that are to be replaced with a 35-foot tubular steel pole (TSP) with span guys. By removing existing down guys and anchors within the proposed asphalt pavement area of the street right of way, widening of the street to four lanes can be accomplished at a future time when funding becomes available.

To date, the majority of conflicting SCE, EMWD, Verizon and Time Warner facilities within the project limits have already been relocated. After relocation of the subject SCE facilities at the Kitching Street/Delphinium Avenue intersection, remaining minor utility-related adjustments will be accomplished during construction of the Phase 3 improvements, because such adjustments can only be accomplished after grading and paving is complete.

The City previously made a deposit payment of $35,000 (Purchase Order No. 38653) for the design and procurement of long-lead custom-manufactured TSP. SCE's estimated cost for engineering, procurement, manufacturing, and installation of TSP is $149,000. Therefore, an additional $114,000 is due to SCE for these relocation activities.

This work will be carried out by SCE on a time and materials or actual cost basis. Upon completion of the work, SCE may refund the unused portion of the City's payment or it may invoice the City for any additional costs incurred beyond the City's payments. Since the work by SCE is on an actual cost basis, there is a potential for the final cost to be higher than the initial cost estimate. Accordingly, besides the $114,000 due to SCE, an additional 10% contingency in the amount of $11,400 is requested, increasing the total not-to-exceed amount for Purchase Order No. 38653 from $35,000 to $160,400.

ALTERNATIVES

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will facilitate completion of the project in a timely manner.*

2. Do not authorize of the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and do not authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will delay the project.*

FISCAL IMPACT

The project is included in Fiscal Year 2010/2011 Capital Improvement Project Budget. It is funded by 2005 Lease Revenue Bond funds (Fund 501). Funding for this project is restricted to capital improvements for arterial street widening. There is no impact to the General Fund.

FY 2010 / 2011 PROJECT BUDGET:
Kitching Street from Alessandro Boulevard to Gentian Avenue
2005 Lease Revenue Bond (Account No. 501.82425).....$1,640,000

FY 2010 / 2011 PROJECT COSTS:

Phase 1 and 2 Project Construction and Closeout Costs.....	$1.385,000
Complete Design for Phase 3 Improvements.....	$90,000
SCE Facilities Relocation Costs for Phase 3 Improvements.....	$160,400
Total Project Costs	$1,635,400

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

This action authorizes a Change Order to increase Purchase Order No. 38653 to SCE by the amount of $125,400 for the engineering, procurement, manufacturing, and installation of a tubular steel pole (TSP). The TSP will be installed by Southern California Edison at Kitching Street/Delphinium intersection and will allow construction of Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue to be completed in the future subject to the availability of funding.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Viren - 06-50182425 - Kitching Street Improvements\CC Reports\Utility Relocation\Phase II SCE Facility Relocation Staff Report 03-22-2011.doc

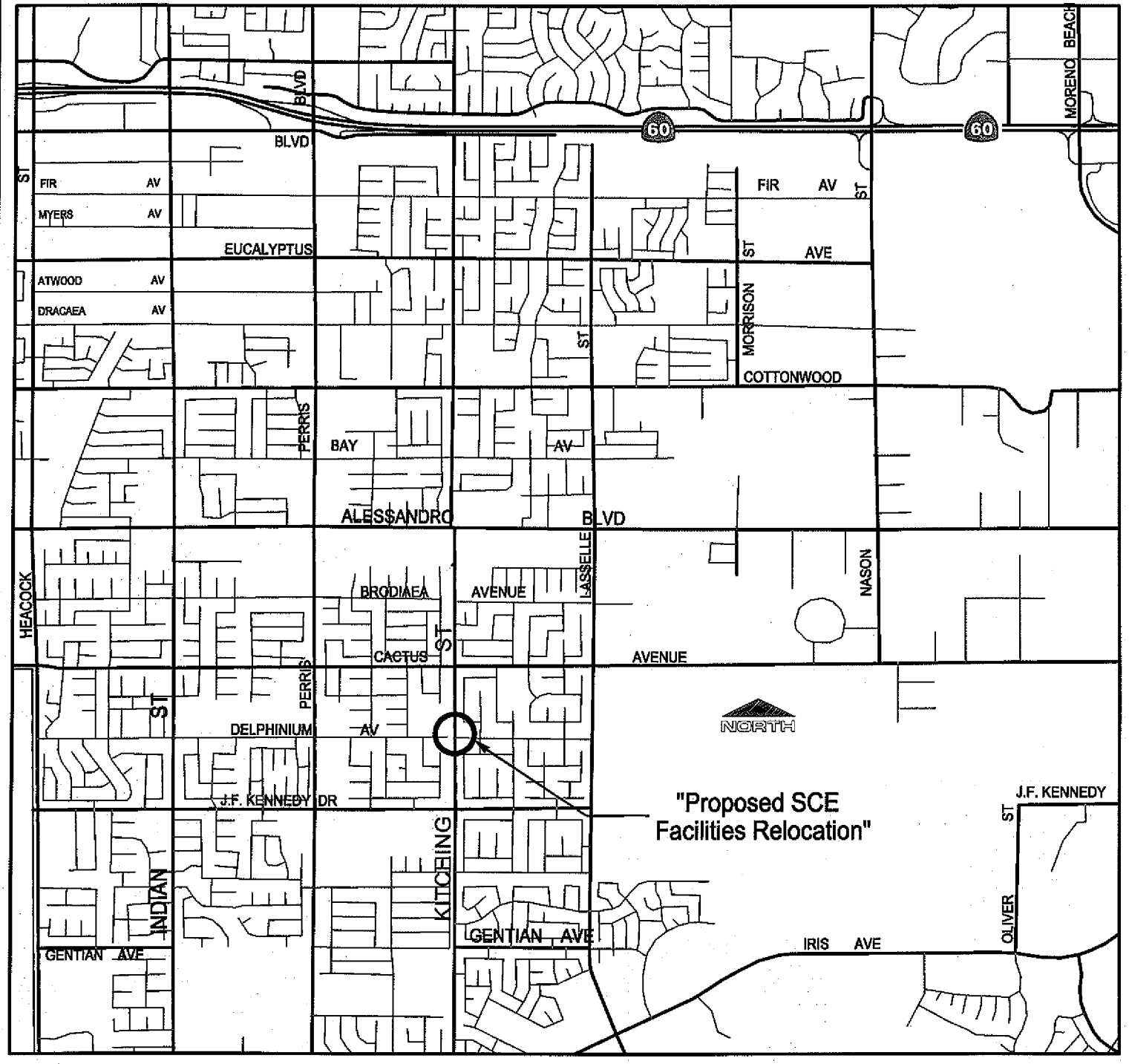

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

SCE FACILITIES RELOCATION AT
KITCHING STREET/DELPHINIUM INTERSECTION
FOR KITCHING STREET IMPROVEMENTS FROM
GENTIAN AVENUE TO CACTUS AVENUE
PROJECT NO. 07-50182425

Attachment "A"

Item No. A.6

MV00099520

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MV00099521

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: APPROVAL OF CHECK REGISTER FOR JANUARY, 2011

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of $25,000 or greater, followed by a listing in alphabetical order of all checks less than $25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2010-11 budgets. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2011-28
Check Register for Month of January, 2011

Prepared By:
Cynthia A. Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CHECK REGISTER FOR THE MONTH OF JANUARY, 2011

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period January 1, 2011 through January 31, 2011, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period January 1, 2011 through January 31, 2011, in the total amount of $12,324,061.41 is approved.

APPROVED AND ADOPTED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)

CHECKS IN THE AMOUNT OF $25,000 OR GREATER

BEMUS LANDSCAPE, INC.				
1/31/2011	881973	39,148.55		
			LANDSCAPE MAINT-E4	55.63
			LANDSCAPE MAINT-E4	64.50
			LANDSCAPE MAINT-E4	6,692.26
			LANDSCAPE MAINT-E4	15,650.96
			LANDSCAPE MAINT-E4A	367.64
			LANDSCAPE MAINT-VET MEM	250.00
			LANDSCAPE MAINT-FIRE STNS	3,150.00
			LANDSCAPE MAINT-CITY HALL	992.56
			LANDSCAPE MAINT-ANNEX 1	300.00
			LANDSCAPE MAINT-E3	10,625.00
			LANDSCAPE MAINT-E3A	1,000.00
Vendor Total		**39,148.55**		
FYTD for BEMUS LANDSCAPE, INC.		**334,630.49**		
BRUCE W.HULL, MAI				
1/24/2011	205954	25,000.00		
			APPRAISAL SVCS-CFD 4	25,000.00
Vendor Total		**25,000.00**		
FYTD for BRUCE W.HULL, MAI		**25,000.00**		
BUDGET ENTERPRISES, INC.				
1/10/2011	205810	29,430.50		
			CITY HALL WINDOW TINT PROJ	29,430.50
Vendor Total		**29,430.50**		
FYTD for BUDGET ENTERPRISES, INC.		**29,430.50**		
EMPLOYMENT DEVELOPMENT DEPARTMENT				
1/14/2011	2788	33,797.26		
			STATE INCOME TAX W/H 1/14/11	33,797.26
1/28/2011	2796	31,996.00		
			STATE INCOME TAX W/H 1/28/11	31,996.00
Vendor Total		**65,793.26**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT		**656,332.61**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ENCO UTILITY SERVICES MORENO VALLEY LLC				
1/24/2011	881942	217,392.09		
			DISTRIBUTIONS CHARGES	182,494.95
			SPCL/TEMP CHARGES	10,340.00
			BAD DEBT DEDUCTION	-257.22
			ONLINE UTILITY SVCS	203.97
			CABINET LEASE-INDIAN	29.67
			CABINET LEASE-INDIAN	1,220.33
			CABINET LEASE-IRIS	47.14
			CABINET LEASE-IRIS	1,202.86
			ELECTRIC METER CHARGES	21,752.00
			PRINTED MATERIALS	358.39
Vendor Total		**217,392.09**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		**1,372,719.94**		
GUIDA SURVEYING, INC.				
1/18/2011	881908	25,252.00		
			IRONWOOD AVE/INDIAN BASIN PROJ	14,960.00
			DAY ST IMPRVMNTS PROJ SVCS	10,292.00
Vendor Total		**25,252.00**		
FYTD for GUIDA SURVEYING, INC.		**85,986.00**		
H & H GENERAL CONTRACTORS				
1/31/2011	206118	171,530.10		
			MV UTIL. PROJ CONSTRUCT. SVCS	107,727.30
			MV UTIL. PROJ CONSTRUCT. SVCS	63,802.80
Vendor Total		**171,530.10**		
FYTD for H & H GENERAL CONTRACTORS		**171,530.10**		
HILLCREST CONTRACTING, INC				
1/18/2011	881909	183,063.83		
			KITCHING ST IMPRVMNT PROJ	5,157.58
			KITCHING ST IMPRVMNT PROJ	177,906.25
1/31/2011	881983	298,108.70		
			DAY ST IMPRVMNTS PROJ SVCS	298,108.70
Vendor Total		**481,172.53**		
FYTD for HILLCREST CONTRACTING, INC		**2,537,305.75**		
HUNTINGTON BEACH HONDA				
1/24/2011	205999	27,299.20		
			MOTORCYCLE RPLCMNT-POLICE	14,204.00
			DOC FEE-POLICE	55.00
			CA TIRE FEE-POLICE	3.50
			EQUIPMENT-POLICE	6,540.49
			INSTALLATION/PAINTING-POLICE	4,300.00
			SALES TAX-POLICE	2,196.21
Vendor Total		**27,299.20**		
FYTD for HUNTINGTON BEACH HONDA		**27,299.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INTERNAL REVENUE SERVICE					
	1/14/2011	2787	130,796.36		
				FED INCOME TAX W/H 1/14/11	130,796.36
	1/28/2011	2795	134,868.39		
				FED INCOME TAX W/H 1/28/11	134,868.39
	Vendor Total		**265,664.75**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		
MIRACLE PLAYGROUND SALES					
	1/24/2011	881951	176,943.13		
				DEMO/INSTALL PLAYGRND EQUIP	109,331.76
				DEMO/INSTALL PLAYGRND EQUIP	47,869.74
				CA SALES TAX	8,727.49
				SHIPPING CHGS	11,014.14
	Vendor Total		**176,943.13**		
FYTD for MIRACLE PLAYGROUND SALES			**176,943.13**		
MORENO VALLEY UTILITY					
	1/25/2011	206075	53,779.13		
				ELECTRICITY	150.18
				ELECTRICITY	851.39
				ELECTRICITY	271.07
				ELECTRICITY	2,118.53
				ELECTRICITY	10,312.01
				ELECTRICITY	10,099.88
				ELECTRICITY	2,738.23
				ELECTRICITY	4,858.26
				ELECTRICITY	831.59
				ELECTRICITY	133.19
				ELECTRICITY	12,103.03
				ELECTRICITY	7,021.04
				ELECTRICITY	196.14
				ELECTRICITY	144.98
				ELECTRICITY	93.20
				ELECTRICITY	69.90
				ELECTRICITY	69.90
				ELECTRICITY	141.89
				ELECTRICITY	79.37
				ELECTRICITY	1,495.35
	Vendor Total		**53,779.13**		
FYTD for MORENO VALLEY UTILITY			**526,697.08**		
PERS HEALTH INSURANCE					
	1/7/2011	110102	215,602.65		
				EMPLOYEE HEALTH INS 1/7/11	215,602.65
	Vendor Total		**215,602.65**		
FYTD for PERS HEALTH INSURANCE			**1,389,737.64**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PERS RETIREMENT					
	1/21/2011	2789	194,802.98		
				PERS RETIREMENT 1/21/11	194,802.98
	1/7/2011	2779	199,055.90		
				PERS RETIREMENT 1/7/11	199,055.90
	Vendor Total		**393,858.88**		
FYTD for PERS RETIREMENT			**2,974,953.79**		
PITASSI ARCHITECTS, INC					
	1/10/2011	881888	43,006.63		
				CORPORATE YARD FACILITY PROJ	43,006.63
	Vendor Total		**43,006.63**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110107	46,305.01		
				RETENTN PYMT PER ESCROW AGRMNT	46,305.01
	1/31/2011	881988	666,378.90		
				IRONWOOD AVE/INDIAN BASIN PROJ	41,983.20
				IRONWOOD AVE/INDIAN BASIN PROJ	153,101.83
				IRONWOOD AVE/INDIAN BASIN PROJ	42,521.35
				IRONWOOD AVE/INDIAN BASIN PROJ	428,772.52
	Vendor Total		**712,683.91**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF					
	1/18/2011	881916	2,758,449.61		
				CONTRACT LAW ENF BILL # 3	44,172.56
				CONTRACT LAW ENF BILL # 3	277.89
				CONTRACT LAW ENF BILL # 3	1,569,303.99
				CONTRACT LAW ENF BILL # 3	67,302.19
				CONTRACT LAW ENF BILL # 3	332,039.09
				CONTRACT LAW ENF BILL # 3	6,375.60
				CONTRACT LAW ENF BILL # 3	61,080.61
				CONTRACT LAW ENF BILL # 3	5,429.61
				CONTRACT LAW ENF BILL # 3	75,194.74
				CONTRACT LAW ENF BILL # 3	961.84
				CONTRACT LAW ENF BILL # 3	166,479.31
				CONTRACT LAW ENF BILL # 3	3,390.64
				CONTRACT LAW ENF BILL # 3	275,054.27
				CONTRACT LAW ENF BILL # 3	5,921.74
				CONTRACT LAW ENF BILL # 3	34,273.57
				CONTRACT LAW ENF BILL # 3	271.04
				CONTRACT LAW ENF BILL # 3	43,570.90
				CONTRACT LAW ENF BILL # 3	937.99
				CONTRACT LAW ENF BILL # 3	35,144.43
				CONTRACT LAW ENF BILL # 3	1,955.42
				CONTRACT LAW ENF BILL # 3	28,831.13
				CONTRACT LAW ENF BILL # 3	481.05
	1/31/2011	881989	2,612,636.73		
				CONTRACT LAW ENF BILL # 4	43,966.29
				CONTRACT LAW ENF BILL # 4	638.56
				CONTRACT LAW ENF BILL # 4	1,476,007.46
				CONTRACT LAW ENF BILL # 4	58,161.90
				CONTRACT LAW ENF BILL # 4	338,114.62
				CONTRACT LAW ENF BILL # 4	5,585.36
				CONTRACT LAW ENF BILL # 4	47,355.97
				CONTRACT LAW ENF BILL # 4	9,211.25
				CONTRACT LAW ENF BILL # 4	72,048.74
				CONTRACT LAW ENF BILL # 4	1,354.32
				CONTRACT LAW ENF BILL # 4	151,843.66
				CONTRACT LAW ENF BILL # 4	2,484.24
				CONTRACT LAW ENF BILL # 4	305,308.47
				CONTRACT LAW ENF BILL # 4	7,427.96
				CONTRACT LAW ENF BILL # 4	33,822.28
				CONTRACT LAW ENF BILL # 4	226.16
				CONTRACT LAW ENF BILL # 4	38,730.49
				CONTRACT LAW ENF BILL # 4	20,349.00
	Vendor Total		**5,371,086.34**		
FYTD for RIVERSIDE COUNTY SHERIFF			**15,070,633.49**		
SHELL ENERGY NORTH AMERICA (US) L.P.					
	1/24/2011	206043	468,994.40		
				ELECTRICAL ENERGY PURCHASE	468,994.40
	Vendor Total		**468,994.40**		
FYTD for SHELL ENERGY NORTH AMERICA (US) L.P.			**4,116,830.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/3/2011	205788	40,302.98		
				ELECTRICITY	275.11
				ELECTRICITY	11,977.29
				ELECTRICITY	5,234.12
				ELECTRICITY	38.34
				ELECTRICITY	1,751.14
				ELECTRICITY	4,482.44
				ELECTRICITY	285.81
				ELECTRICITY	9,260.73
				ELECTRICITY	498.85
				ELECTRICITY	335.87
				ELECTRICITY	2,950.73
				ELECTRICITY	503.34
				ELECTRICITY	940.49
				ELECTRICITY	672.49
				ELECTRICITY	188.83
				ELECTRICITY	345.68
				ELECTRICITY	22.57
				ELECTRICITY	105.22
				ELECTRICITY	181.04
				ELECTRICITY	163.53
				ELECTRICITY	89.36
	1/3/2011	205789	31,278.74		
				WDAT CHARGES-SUBSTATION	10,447.31
				WDAT CHARGES-FREDERICK	2,386.62
				WDAT CHARGES-NANDINA	3,199.07
				WDAT CHARGES-GLOBE	8,684.55
				WDAT CHARGES-GRAHAM	3,935.97
				WDAT CHARGES-IRIS	2,625.22
	1/18/2011	205911	136,567.18		
				ELECTRICITY	23.06
				ELECTRICITY	260.91
				ELECTRICITY	45.63
				ELECTRICITY	709.03
				ELECTRICITY	1,012.99
				ELECTRICITY	1,473.45
				ELECTRICITY	95,604.30
				ELECTRICITY	36,719.41
				ELECTRICITY	368.26
				ELECTRICITY	92.28
				ELECTRICITY	24.38
				ELECTRICITY	25.99
				ELECTRICITY	65.46
				ELECTRICITY	98.06
				ELECTRICITY	43.97
	1/25/2011	206076	33,175.97		
				ELECTRICITY	526.31
				ELECTRICITY	218.90
				ELECTRICITY	47.13
				ELECTRICITY	5,857.01
				ELECTRICITY	1,060.58
				ELECTRICITY	192.86

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			ELECTRICITY	2,381.91
			ELECTRICITY	19.18
			ELECTRICITY	2,506.80
			ELECTRICITY	558.12
			ELECTRICITY	1,664.77
			ELECTRICITY	721.57
			ELECTRICITY	863.69
			ELECTRICITY	140.12
			ELECTRICITY	3,741.18
			ELECTRICITY	1,010.57
			ELECTRICITY	1,145.53
			ELECTRICITY	22.57
			ELECTRICITY	387.77
			ELECTRICITY	5,761.71
			ELECTRICITY	1,736.44
			ELECTRICITY	255.45
			ELECTRICITY	264.70
			ELECTRICITY	859.11
			ELECTRICITY	143.70
			ELECTRICITY	187.03
			ELECTRICITY	31.62
			ELECTRICITY	21.84
			ELECTRICITY	168.75
			ELECTRICITY	213.66
			ELECTRICITY	147.51
			ELECTRICITY	199.58
			ELECTRICITY	90.54
			ELECTRICITY	27.76
	Vendor Total	**241,324.87**		
FYTD for SOUTHERN CALIFORNIA EDISON		**1,759,082.07**		
STANDARD INSURANCE CO				
1/25/2011	206077	29,819.16		
			LIFE & DISABILITY INSURANCE	11,662.68
			LIFE & DISABILITY INSURANCE	-68.37
			LIFE & DISABILITY INSURANCE	18,236.93
			LIFE & DISABILITY INSURANCE	-12.08
	Vendor Total	**29,819.16**		
FYTD for STANDARD INSURANCE CO		**227,964.72**		
STK ARCHITECTURE, INC.				
1/24/2011	881962	85,849.08		
			MORRISON PRK FIRE STATION PROJ	85,849.08
	Vendor Total	**85,849.08**		
FYTD for STK ARCHITECTURE, INC.		**270,740.17**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
U.S. BANK/CALCARDS					
	1/6/2011	110103	112,826.10		
				CALCARD PMT CYCLE END 12/22/10	112,826.10
	1/20/2011	110104	95,683.24		
				CALCARD PYMT CYCLE END 1/7/11	95,683.24
	Vendor Total		**208,509.34**		
FYTD for U.S. BANK/CALCARDS			**1,121,345.00**		
WELLS FARGO CORPORATE TRUST					
	1/25/2011	110110	1,023,839.98		
				INT PYMT-2007 TAB SERIES A	1,023,839.98
	Vendor Total		**1,023,839.98**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	1/18/2011	205932	741,529.00		
				TUMF FEES	235,161.00
				TUMF FEES	506,368.00
	Vendor Total		**741,529.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**953,476.08**		
WRCRCA					
	1/18/2011	205933	33,159.00		
				DEC-10 RESIDENTIAL FEES	33,159.00
	Vendor Total		**33,159.00**		
FYTD for WRCRCA			**1,271,213.38**		
	Subtotal		**11,147,668.48**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS LESS THAN $25,000				
EXCLUSIVE RM AUTHORITY OF CA				
1/10/2011	205799	10,000.00		
			GENERAL MATTERS	10,000.00
Vendor Total		**10,000.00**		
FYTD for EXCLUSIVE RM AUTHORITY OF CA		**10,000.00**		
3E COMPANY				
1/10/2011	205800	3,907.00		
			SUBSCRIPTION LICENSE/RENEWAL	3,907.00
Vendor Total		**3,907.00**		
FYTD for 3E COMPANY		**3,907.00**		
A & I REPROGRAPHICS 2406362				
1/3/2011	205745	765.17		
			RPRGRPHC SVCS-PERRIS BL WIDEN	765.17
1/10/2011	205801	330.92		
			RPRGRPHCS-SHADOW MTN PARK PROJ	248.19
			RPRGRPHCS-SHADOW MTN PARK PROJ	82.73
1/18/2011	205840	665.44		
			RPRGRPHC SVCS-BRIDGE MAINT PRJ	665.44
1/31/2011	206078	860.37		
			RPRGRPHC SVCS-PERRIS BL WIDEN	265.40
			RPRGRPHC SVCS-SR60/NASON PROJ	594.97
Vendor Total		**2,621.90**		
FYTD for A & I REPROGRAPHICS 2406362		**21,019.27**		
A COMING OF AGE FOSTER FAMILY AGENCY				
1/18/2011	205841	200.00		
			REFUND-TOWNGATE DEPOSIT	200.00
Vendor Total		**200.00**		
FYTD for A COMING OF AGE FOSTER FAMILY AGENCY		**200.00**		
ACCESS SECURITY CONTROLS INT., INC.				
1/10/2011	205802	75.00		
			MONITORING SVCS-ERC	75.00
1/24/2011	205938	985.00		
			MONITORING SVCS-GOLF COURSE	75.00
			MONITORING SVCS-S/MEAD MIDDLE	75.00
			MONITORING SVCS-ASES STARS	75.00
			MONITORING SVCS-FS #58	760.00
Vendor Total		**1,060.00**		
FYTD for ACCESS SECURITY CONTROLS INT., INC.		**5,042.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ACCOUNTEMPS					
	1/31/2011	206079	2,214.81		
				TEMP SVCS-V ARGUTA W/E 12/24	2,214.81
	Vendor Total		**2,214.81**		
FYTD for ACCOUNTEMPS			**7,155.45**		
ACT MEDIATION					
	1/18/2011	205842	0.00		
				MEDIATION -CASE# RIC 10017492	2,900.00
				VOIDED CHECK #205842 ON1/24/11	-2,900.00
	1/18/2011	205843	5,800.00		
				MEDIATION -CASE# RIC 10017492	5,800.00
	Vendor Total		**5,800.00**		
FYTD for ACT MEDIATION			**5,800.00**		
ADAMS, MARK L.					
	1/3/2011	881812	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ADAMS, MARK L.			**2,231.11**		
ADDICTION MEDICINE CONSULTANTS, INC.					
	1/31/2011	206080	1,375.00		
				DRUG/ALCOHOL TESTING PRGM	1,375.00
	Vendor Total		**1,375.00**		
FYTD for ADDICTION MEDICINE CONSULTANTS, INC.			**1,375.00**		
ADDUS HEALTH CARE					
	1/3/2011	205746	500.00		
				REFUND-RNTL DEP 12/13	500.00
	Vendor Total		**500.00**		
FYTD for ADDUS HEALTH CARE			**500.00**		
ADLERHORST INTERNATIONAL INC.					
	1/18/2011	881892	283.34		
				TRAINING FOR PATROL CANINES	283.34
	Vendor Total		**283.34**		
FYTD for ADLERHORST INTERNATIONAL INC.			**18,857.09**		
ADMINSURE					
	1/31/2011	206081	2,600.00		
				WRKMNS COMP ADMIN SVCS	2,600.00
	Vendor Total		**2,600.00**		
FYTD for ADMINSURE			**18,200.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
1/10/2011	881876	390.00		
			ICE MACHINE MAINT-FS #2	185.00
			ICE MACHINE MAINT-FS #2	10.00
			ICE MACHINE MAINT-FS #65	185.00
			ICE MACHINE MAINT-FS #65	10.00
1/24/2011	881933	1,238.00		
			ICE MACHINE MAINT-FS #58	1,043.00
			ICE MACHINE MAINT-PSB	195.00
	Vendor Total	**1,628.00**		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		**16,596.00**		
ADVANCED ELECTRIC				
1/31/2011	206082	496.00		
			ELECTRICAL REPAIRS-CONF & REC	124.00
			RETROFIT LAMPS @ CITY HALL	372.00
	Vendor Total	**496.00**		
FYTD for ADVANCED ELECTRIC		**7,241.60**		
ADVANTAGE BUSINESS EQUIPMENT, INC				
1/31/2011	206166	153.31		
			BLANK CHECK STOCK-A/P	153.31
	Vendor Total	**153.31**		
FYTD for ADVANTAGE BUSINESS EQUIPMENT, INC		**1,022.20**		
AEI-CASC ENGINEERING				
1/24/2011	881934	1,036.00		
			PROF CONSULTING SVCS-WQMP	1,036.00
	Vendor Total	**1,036.00**		
FYTD for AEI-CASC ENGINEERING		**10,298.04**		
AGUIRRE, LEONOR S				
1/10/2011	205803	1,650.00		
			MOVING EXPENSES-PERRIS BL PROJ	1,650.00
	Vendor Total	**1,650.00**		
FYTD for AGUIRRE, LEONOR S		**1,650.00**		
AHLERS, ROSCEAL				
1/18/2011	205844	152.00		
			INSTRUCTION SVCS-4 DAYS	152.00
	Vendor Total	**152.00**		
FYTD for AHLERS, ROSCEAL		**608.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ALBERTO'S MEXICAN FOOD					
	1/31/2011	206083	55.97		
				REFUND-BUS LIC OVRPMT	55.97
	Vendor Total		**55.97**		
FYTD for ALBERTO'S MEXICAN FOOD			**55.97**		
ALCORN FENCE COMPANY					
	1/24/2011	205939	22.34		
				REFUND-BUS.LIC OVERPYMT	22.34
	Vendor Total		**22.34**		
FYTD for ALCORN FENCE COMPANY			**22.34**		
ALESSANDRO SMOG TEST ONLY					
	1/24/2011	205940	39.00		
				REFUND-BUS.LIC OVERPYMT	39.00
	Vendor Total		**39.00**		
FYTD for ALESSANDRO SMOG TEST ONLY			**39.00**		
ALL PRO MEDICAL GROUP, INC					
	1/24/2011	205941	40.44		
				REFUND-BUS.LIC OVERPYMT	40.44
	Vendor Total		**40.44**		
FYTD for ALL PRO MEDICAL GROUP, INC			**40.44**		
ALLIANCE BUS LINES INC					
	1/10/2011	205804	257.64		
				TRANSPORTATION SVCS-CHILDS PLC	48.88
				TRANSPORTATION SVCS-CHILDS PLC	208.76
	Vendor Total		**257.64**		
FYTD for ALLIANCE BUS LINES INC			**7,109.27**		
ALLIANZ LIFE INSURANCE CO					
	1/18/2011	205845	75.00		
				NON-EXEMPT ANNUITY	75.00
	Vendor Total		**75.00**		
FYTD for ALLIANZ LIFE INSURANCE CO			**525.00**		
ALVAREZ, ESPERANZA					
	1/24/2011	205942	300.00		
				REFUND-RNTL DEP 10/23	300.00
	Vendor Total		**300.00**		
FYTD for ALVAREZ, ESPERANZA			**300.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AMAZING DISCOUNT STORE					
	1/24/2011	205943	36.00		
				REFUND-BUS.LIC OVERPYMT	36.00
	Vendor Total		**36.00**		
FYTD for AMAZING DISCOUNT STORE			**36.00**		
AMERICA VIETNAM REALTY & FINANCE					
	1/31/2011	206084	22.60		
				REFUND-BUS LIC OVRPMT	22.60
	Vendor Total		**22.60**		
FYTD for AMERICA VIETNAM REALTY & FINANCE			**22.60**		
AMERICAN FORENSIC NURSES					
	1/18/2011	881893	1,191.32		
				BLOOD DRAWS	82.16
				BLOOD DRAWS	1,109.16
	1/24/2011	881935	41.08		
				BLOOD DRAWS	41.08
	1/31/2011	881972	1,550.64		
				BLOOD DRAWS	1,550.64
	Vendor Total		**2,783.04**		
FYTD for AMERICAN FORENSIC NURSES			**17,643.42**		
AMERICAN TOWERS					
	1/10/2011	205805	2,573.48		
				LEASE AGREEMENT	2,573.48
	Vendor Total		**2,573.48**		
FYTD for AMERICAN TOWERS			**10,293.92**		
AMINO, MARCIA					
	1/24/2011	205944	169.76		
				REFUND-CANDIDATE STMNT	169.76
	Vendor Total		**169.76**		
FYTD for AMINO, MARCIA			**169.76**		
AMTECH ELEVATOR SERVICES					
	1/24/2011	205945	210.90		
				ELEVATOR SVC-SENIOR CENTER	210.90
	Vendor Total		**210.90**		
FYTD for AMTECH ELEVATOR SERVICES			**1,271.69**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ANAYA, KIM REYE					
	1/18/2011	205846	93.00		
				MILEAGE REIMBURSEMENT	93.00
	Vendor Total		**93.00**		
FYTD for ANAYA, KIM REYE			**239.90**		
ANDREWS-BAKER, SUE					
	1/24/2011	205946	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for ANDREWS-BAKER, SUE			**375.00**		
ANIMAL HEALTH AND SANITARY SUPPLY					
	1/10/2011	205806	170.37		
				CLEANING SOLUTIONS-ANML SHLTR	170.37
	Vendor Total		**170.37**		
FYTD for ANIMAL HEALTH AND SANITARY SUPPLY			**783.14**		
ANIMAL PEST MANAGEMENT SERVICES, INC.					
	1/24/2011	205947	1,790.00		
				PEST CNTRL SVC-CFD #1	160.00
				PEST CNTRL SVC-GOLF COURSE	180.00
				PEST CNTRL SVC-STARS BLDG	100.00
				PEST CNTRL SVC-CITY PARKS	665.00
				PEST CNTRL SVC-CITY PARKS	255.00
				PEST CNTRL SVC-MARCH CHILDCARE	330.00
				PEST CNTRL SVC-MARCH C/C & PAL	100.00
	Vendor Total		**1,790.00**		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.			**12,530.00**		
APPLIANCE DISCOUNTERS					
	1/3/2011	205747	27.95		
				REFUND-BUS LIC OVRPMT	27.95
	Vendor Total		**27.95**		
FYTD for APPLIANCE DISCOUNTERS			**27.95**		
ARCHIVE MANAGEMENT SERVICE					
	1/24/2011	881936	1,172.51		
				OFF SITE STORAGE-CITY CLERKS	1,172.51
	Vendor Total		**1,172.51**		
FYTD for ARCHIVE MANAGEMENT SERVICE			**9,853.37**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ARROWHEAD WATER					
	1/10/2011	205807	365.78		
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRAILER	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
				WATER PURIF RNTL-EOC	25.00
	1/24/2011	205948	0.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
	1/25/2011	206074	125.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
	1/31/2011	206085	365.78		
				WATER PURIF RNTL-STARS BLDG	25.00
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRFFC TRLR	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
	Vendor Total		**856.56**		
FYTD for ARROWHEAD WATER			**4,187.06**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AT&T MOBILITY					
	1/18/2011	205847	91.87		
				CELL PHONE CHRGS-PD COMND CTR	91.87
	1/31/2011	206086	91.98		
				CELL PHONE SVC-PD MBL CTR	91.98
	Vendor Total		**183.85**		
FYTD for AT&T MOBILITY			**734.78**		
AT&T/MCI					
	1/18/2011	205848	183.36		
				COMMUNICATIONS SVCS-PD	183.36
	Vendor Total		**183.36**		
FYTD for AT&T/MCI			**1,284.66**		
AUDREY PATRICK REPORTING SERVICES					
	1/31/2011	206087	1,065.00		
				LEGAL TRANSCRIPTION SVCS	1,065.00
	Vendor Total		**1,065.00**		
FYTD for AUDREY PATRICK REPORTING SERVICES			**4,891.16**		
AUTOMATED GATE SERVICES, INC					
	1/10/2011	205808	41.34		
				REFUND-BUS LIC OVRPMT	41.34
	Vendor Total		**41.34**		
FYTD for AUTOMATED GATE SERVICES, INC			**41.34**		
AVILA, BRENDA					
	1/24/2011	205949	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for AVILA, BRENDA			**20.00**		
AWAD, SAAD					
	1/24/2011	205950	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for AWAD, SAAD			**50.00**		
AYARS, MARGARET E.					
	1/3/2011	881813	956.19		
				OCT - DEC '10, PAID Jan '11	956.19
	Vendor Total		**956.19**		
FYTD for AYARS, MARGARET E.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BACHER, GRACE					
	1/3/2011	205748	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BACHER, GRACE			**2,152.33**		
BANFORD, SHERI					
	1/31/2011	206088	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for BANFORD, SHERI			**50.00**		
BARNES, DARLENE					
	1/3/2011	881814	114.50		
				DEC '10, PAID JAN '11	114.50
	Vendor Total		**114.50**		
FYTD for BARNES, DARLENE			**916.00**		
BASHIR, MUHAMMAD					
	1/18/2011	205849	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for BASHIR, MUHAMMAD			**200.00**		
BAYER APPRAISALS					
	1/24/2011	205951	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for BAYER APPRAISALS			**1,500.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEMUS LANDSCAPE, INC.					
	1/18/2011	881894	16,037.60		
				LANDSCAPE MAINT-ZONE E-4	19.00
				LANDSCAPE MAINT-ZONE E-4/E-4A	15,650.96
				LANDSCAPE MAINT-ZONE E-4/E-4A	367.64
	1/24/2011	881937	13,255.58		
				LANDSCAPE MAINT-CORP. YARD	250.00
				LANDSCAPE MAINT-ANIMAL SHELTER	520.00
				LANDSCAPE MAINT-C & R	1,900.00
				LANDSCAPE MAINT-STARS BLDG	300.00
				LANDSCAPE MAINT-PSB	1,197.58
				LANDSCAPE MAINT-UTILITIES	480.00
				LANDSCAPE MAINT-ELECTRIC SUBST	630.00
				LANDSCAPE MAINT-PUBLIC LIBRARY	520.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-CFD #1	1,900.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-PARKS	735.00
				LANDSCAPE MAINT-PARKS	262.50
				LANDSCAPE MAINT-PARKS	525.00
				LANDSCAPE MAINT-PARKS	850.50
				LANDSCAPE MAINT-PARKS	1,785.00
				LANDSCAPE MAINT-PARKS	600.00
	Vendor Total		**29,293.18**		
FYTD for BEMUS LANDSCAPE, INC.			**334,630.49**		
BENESYST, INC.					
	1/24/2011	205952	1,020.22		
				FLEX ADMIN SVCS-HR	220.61
				FLEX ADMIN SVCS-HR	309.61
				COBRA ADMIN SVCS-HR	245.00
				COBRA ADMIN SVCS-HR	245.00
	Vendor Total		**1,020.22**		
FYTD for BENESYST, INC.			**4,479.68**		
BIO-TOX LABORATORIES					
	1/18/2011	205850	34.23		
				TOXICOLOGY TESTS	34.23
	Vendor Total		**34.23**		
FYTD for BIO-TOX LABORATORIES			**36,839.23**		
BOBO II, FELIX					
	1/18/2011	205851	77.00		
				MILEAGE REIMBURSEMENT	77.00
	Vendor Total		**77.00**		
FYTD for BOBO II, FELIX			**815.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BORNSHEUER, BRENDA					
	1/24/2011	205953	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for BORNSHEUER, BRENDA			**20.00**		
BPC MEDIA WORKS, LLC					
	1/31/2011	206089	1,530.00		
				ADVERTISING SVCS-EDD	1,530.00
	Vendor Total		**1,530.00**		
FYTD for BPC MEDIA WORKS, LLC			**1,530.00**		
BPS TACTICAL, INC					
	1/10/2011	205809	277.31		
				BALLISTIC VEST-PD	277.31
	Vendor Total		**277.31**		
FYTD for BPS TACTICAL, INC			**940.20**		
BRANDON'S DINER, INC.					
	1/3/2011	205749	750.00		
				REFUND-RNTL DEP 12/16	750.00
	Vendor Total		**750.00**		
FYTD for BRANDON'S DINER, INC.			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BRODART CO.					
	1/24/2011	881938	2,766.75		
				MISC BOOKS-LIBRARY	24.37
				MISC BOOKS-LIBRARY	31.60
				MISC BOOKS-LIBRARY	21.36
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	64.13
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	109.69
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	24.41
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	59.34
				MISC BOOKS-LIBRARY	59.14
				MISC BOOKS-LIBRARY	33.06
				MISC BOOKS-LIBRARY	313.88
				MISC BOOKS-LIBRARY	63.70
				MISC BOOKS-LIBRARY	27.40
				MISC BOOKS-LIBRARY	18.36
				MISC BOOKS-LIBRARY	245.71
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	295.27
				MISC BOOKS-LIBRARY	39.56
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.99
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	29.41
				MISC BOOKS-LIBRARY	43.14
				MISC BOOKS-LIBRARY	608.12
				MISC BOOKS-LIBRARY	23.17
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.98
				MISC BOOKS-LIBRARY	180.92
				MISC BOOKS-LIBRARY	43.23
	1/31/2011	881974	43.17		
				MISC BOOKS-LIBRARY	43.17
	Vendor Total		**2,809.92**		
FYTD for BRODART CO.			**24,625.26**		
BUCKINGHAM, STAN					
	1/3/2011	205750	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BUCKINGHAM, STAN			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BUSH, DUNCAN					
	1/31/2011	206090	3.01		
				REFUND-UT USER TAXES	3.01
	Vendor Total		**3.01**		
FYTD for BUSH, DUNCAN			**3.01**		
BWI - BOOK WHOLESALERS, INC.					
	1/24/2011	205955	72.12		
				MISC BOOKS-LIBRARY	72.12
	1/31/2011	206091	658.38		
				MISC BOOKS-LIBRARY	658.38
	Vendor Total		**730.50**		
FYTD for BWI - BOOK WHOLESALERS, INC.			**14,612.53**		
CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM					
	1/31/2011	206092	400.00		
				VALUATION SVCS-EMPLYR CONT RAT	400.00
	Vendor Total		**400.00**		
FYTD for CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM			**400.00**		
CAIN, GREGORY					
	1/3/2011	881815	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CAIN, GREGORY			**2,231.11**		
CALIFORNIA BUILDING STANDARDS COMMISSION					
	1/18/2011	205852	487.80		
				SB 1473 FEES COLLECTED	487.80
	Vendor Total		**487.80**		
FYTD for CALIFORNIA BUILDING STANDARDS COMMISSION			**1,333.80**		
CALIFORNIA MOBILE HOMES SVCS, INC					
	1/31/2011	206093	40.00		
				REFUND-BUS LIC OVRPMT	40.00
	Vendor Total		**40.00**		
FYTD for CALIFORNIA MOBILE HOMES SVCS, INC			**40.00**		
CALIFORNIA TRANSCRIPTION, LLC					
	1/31/2011	881975	85.29		
				TRANSCRIPTION SVCS	85.29
	Vendor Total		**85.29**		
FYTD for CALIFORNIA TRANSCRIPTION, LLC			**379.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CALPERS					
	1/24/2011	205956	21,621.60		
				4TH LEVEL SURVIVOR BNFT	21,621.60
	Vendor Total		**21,621.60**		
FYTD for CALPERS			**1,585,621.60**		
CANNON, ANA M.					
	1/3/2011	881816	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CANNON, ANA M.			**2,056.56**		
CANON FINANCIAL SERVICES, INC.					
	1/10/2011	205811	7,590.68		
				COPIERS-LEASE	7,059.29
				COPIERS-LEASE SALES TAX	531.39
	Vendor Total		**7,590.68**		
FYTD for CANON FINANCIAL SERVICES, INC.			**53,134.76**		
CARTER, ROSALYN					
	1/3/2011	881817	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CARTER, ROSALYN			**2,325.18**		
CASCADE DRILLING, LP					
	1/24/2011	205957	32.85		
				REFUND-BUS.LIC OVERPYMT	32.85
	Vendor Total		**32.85**		
FYTD for CASCADE DRILLING, LP			**32.85**		
CASTRO, VERNITA					
	1/18/2011	205853	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for CASTRO, VERNITA			**200.00**		
CAVENAUGH & ASSOCIATES					
	1/18/2011	881895	499.00		
				D.U.I. SEMINAR MAR 14-18, 2011	499.00
	Vendor Total		**499.00**		
FYTD for CAVENAUGH & ASSOCIATES			**499.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CEMEX					
	1/10/2011	205812	468.12		
				CEMENT PURCHASE	468.12
	Vendor Total		**468.12**		
FYTD for CEMEX			**5,006.90**		
CENTRAL OCCUPATIONAL MEDICINE PROVIDERS					
	1/31/2011	206094	210.00		
				PRE-EMPLOYMENT PHYSICALS	210.00
	Vendor Total		**210.00**		
FYTD for CENTRAL OCCUPATIONAL MEDICINE PROVIDERS			**7,684.00**		
CENTURY 21/ LOIS LAUER, INC					
	1/24/2011	205958	91.30		
				REFUND-BUS.LIC OVERPYMT	91.30
	Vendor Total		**91.30**		
FYTD for CENTURY 21/ LOIS LAUER, INC			**91.30**		
CHANCY, CHIZURU					
	1/31/2011	206095	140.40		
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
	Vendor Total		**140.40**		
FYTD for CHANCY, CHIZURU			**936.00**		
CHANDLER ASSET MANAGEMENT, INC					
	1/18/2011	881896	8,834.00		
				INVESTMENT MGMT.	8,834.00
	Vendor Total		**8,834.00**		
FYTD for CHANDLER ASSET MANAGEMENT, INC			**61,659.00**		
CHAPMAN, STEVE					
	1/3/2011	205751	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPMAN, STEVE			**2,231.11**		
CHAPPELL, ISAAC					
	1/3/2011	881818	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPPELL, ISAAC			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHERRY VALLEY FEED					
	1/18/2011	205854	140.26		
				DOG FOOD & MISC.	140.26
	Vendor Total		**140.26**		
FYTD for CHERRY VALLEY FEED			**776.30**		
CHICO, DANIEL					
	1/18/2011	205855	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for CHICO, DANIEL			**885.00**		
CHRISTIAN, OWEN					
	1/3/2011	881819	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for CHRISTIAN, OWEN			**1,397.06**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CINTAS CORPORATION					
	1/3/2011	205752	69.56		
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-CFD#1	13.74
				UNIFORM RNTL SVC-GOLF COURSE	5.63
	1/10/2011	205813	212.33		
				UNIFORM RNTL SVC-EQUIP MAINT	48.62
				UNIFORM RNTL SVC-EQUIP MAINT	25.62
				UNIFORM RNTL SVC-TRFFC SGNL MA	20.79
				UNIFORM RNTL SVC-SIGNING STAFF	15.82
				UNIFORM RNTL SVC-GRAFFITI RMVL	9.18
				UNIFORM RNTL SVC-TREE MAINT CR	9.18
				UNIFORM RNTL SVC-ST SWEEPER OP	6.12
				UNIFORM RNTL SVC-DRAIN MAINT	3.06
				UNIFORM RNTL SVC-STREET MAINT	48.06
				UNIFORM RNTL SVC-CONC MAINT	9.18
				UNIFORM RNTL SVC-FAC MAINT	16.70
	1/18/2011	205856	118.94		
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-CFD #1	13.74
				UNIFORM RNTL SVC-CFD #1	13.74
				UNIFORM RNTL SVC-GOLF COURSE	5.63
	1/24/2011	205959	269.96		
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-GOLF STAFF	5.63
				UNIFORM RNTL SVC-GOLF STAFF	5.63
				UNIFORM RNTL SVC-TRAFFICSIGNAL	12.79
				UNIFORM RNTL SVC-SIGNS/STRIPS	15.82
				UNIFORM RNTL SVC-CFD #1 STAFF	13.74
	1/31/2011	206096	114.87		
				UNIFORM RNTL SVC-PARKS STAFF	50.19
				UNIFORM RNTL SVC-TRFFC SGNL MA	12.79
				UNIFORM RNTL SVC-SIGNING STAFF	15.82
				UNIFORM RNTL SVC-CFD#1 STAFF	13.74
				UNIFORM RNTL SVC-FAC MAINT	16.70
				UNIFORM RNTL SVC-GOLF STAFF	5.63

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
Vendor Total		785.66		
FYTD for CINTAS CORPORATION		**6,737.78**		
CIOTTI, MARTIN AND/OR FLORENCE				
1/24/2011	205960	20.00		
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for CIOTTI, MARTIN AND/OR FLORENCE		**20.00**		
CITY OF MORENO VALLEY VEBA TRUST				
1/18/2011	881897	4,125.00		
			EXEMPT VEBA	4,125.00
Vendor Total		4,125.00		
FYTD for CITY OF MORENO VALLEY VEBA TRUST		**28,687.50**		
CITY OF RIVERSIDE				
1/6/2011	205798	80.00		
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
1/24/2011	205961	80.00		
			ATTND-M DAWSON/R TEICHERT	40.00
			ATTND-M DAWSON/R TEICHERT	40.00
Vendor Total		160.00		
FYTD for CITY OF RIVERSIDE		**3,083.37**		
CLEAN AIR SMOG				
1/24/2011	205962	42.50		
			REFUND-BUS.LIC OVERPYMT	42.50
Vendor Total		42.50		
FYTD for CLEAN AIR SMOG		**42.50**		
CLOVER ENTERPRISES, INC				
1/3/2011	205753	42.90		
			REFUND-BUS LIC OVRPMT	42.90
Vendor Total		42.90		
FYTD for CLOVER ENTERPRISES, INC		**42.90**		
CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC				
1/18/2011	205857	50.00		
			ANNUAL MEMBERSHIP 1/1-12/31/11	50.00
Vendor Total		50.00		
FYTD for CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC		**50.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CNOA REGION IV					
	1/31/2011	206097	280.00		
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
	Vendor Total		**280.00**		
FYTD for CNOA REGION IV			**280.00**		
CNOA REGION V					
	1/24/2011	205963	405.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
	1/31/2011	206098	45.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
	Vendor Total		**450.00**		
FYTD for CNOA REGION V			**450.00**		
CO, MARCELO					
	1/24/2011	205964	106.23		
				REFUND-CANDIDATE STMNT	106.23
	Vendor Total		**106.23**		
FYTD for CO, MARCELO			**106.23**		
COLONIAL SUPPLEMENTAL INSURANCE					
	1/24/2011	205965	6,605.89		
				SUPPLEMENTAL INSURANCE	6,605.89
	1/31/2011	206099	7,166.44		
				SUPPLEMENTAL INSURANCE	7,166.44
	Vendor Total		**13,772.33**		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE			**56,444.03**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COMMUNITY HEALTH CHARITIES					
	1/3/2011	205754	126.47		
				CHC CONTRIBUTIONS	126.47
	1/18/2011	205858	186.31		
				CHC CONTRIBUTIONS	186.31
	1/31/2011	206100	186.31		
				CHC CONTRIBUTIONS	186.31
	Vendor Total		**499.09**		
FYTD for COMMUNITY HEALTH CHARITIES			**2,443.20**		
CONTINUING EDUCATION OF THE BAR					
	1/18/2011	205859	117.72		
				LEGAL PUBLICATION SUBSCPTNS	117.72
	Vendor Total		**117.72**		
FYTD for CONTINUING EDUCATION OF THE BAR			**795.57**		
CONTRERAS, ROBERT					
	1/24/2011	205966	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for CONTRERAS, ROBERT			**20.00**		
CORPIN, RUBY					
	1/24/2011	205967	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for CORPIN, RUBY			**75.00**		
COSTCO					
	1/3/2011	205755	2,326.44		
				MISC SUPPLIES-STARS	281.45
				MISC SUPPLIES-STARS	356.24
				MISC SUPPLIES-STARS	306.69
				MISC SUPPLIES-CHILDS PLACE	1,382.06
	1/24/2011	205968	292.98		
				MISC SUPPLIES-STARS PROGRAM	138.60
				MISC SUPPLIES-STARS PROGRAM	30.06
				MISC SUPPLIES-ECON.DEV.	21.09
				MISC SUPPLIES-STARS PROGRAM	103.23
	1/31/2011	206101	399.34		
				MISC SUPPLIES-SKATE PARK	193.42
				MISC SUPPLIES-STARS	205.92
	Vendor Total		**3,018.76**		
FYTD for COSTCO			**33,059.90**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COUNSELING TEAM, THE					
	1/31/2011	206102	1,250.00		
				EMP COUNSELING SVCS	1,250.00
	Vendor Total		**1,250.00**		
FYTD for COUNSELING TEAM, THE			**10,000.00**		
COUNTY OF RIVERSIDE - RMAP					
	1/10/2011	205814	42.70		
				RECORDATION REQUESTS-LAND DEV	42.70
	Vendor Total		**42.70**		
FYTD for COUNTY OF RIVERSIDE - RMAP			**297.45**		
COUNTY OF RIVERSIDE AUDITOR					
	1/18/2011	205860	18,232.67		
				PARKING CONTROL FEES-CODE	16,334.67
				PARKING CONTROL FEES-CODE	1,898.00
	Vendor Total		**18,232.67**		
FYTD for COUNTY OF RIVERSIDE AUDITOR			**175,501.03**		
COVENTRY PET RESORT					
	1/24/2011	881939	110.31		
				MISC K-9 FOOD-PD	101.43
				MISC K-9 FOOD-PD	8.88
	Vendor Total		**110.31**		
FYTD for COVENTRY PET RESORT			**659.50**		
CREATIVE SOLUTIONS FOR KIDS & FAMILIES					
	1/3/2011	205756	650.00		
				REFUND-RNTL DEP 12/19	650.00
	Vendor Total		**650.00**		
FYTD for CREATIVE SOLUTIONS FOR KIDS & FAMILIES			**650.00**		
CRITICAL REACH					
	1/24/2011	205969	265.00		
				2011 TRAK SUPPORT FEES	265.00
	Vendor Total		**265.00**		
FYTD for CRITICAL REACH			**265.00**		
CROSS, GWENDOLYN					
	1/24/2011	205970	110.13		
				REFUND-CANDIDATE STMNT	110.13
	Vendor Total		**110.13**		
FYTD for CROSS, GWENDOLYN			**110.13**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CROSSAN, RICK					
	1/31/2011	206103	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CROSSAN, RICK			**75.00**		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH					
	1/31/2011	206104	578.00		
				HEALTH PERMIT RNWL-SNNYMD PARK	578.00
	Vendor Total		**578.00**		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH			**11,905.36**		
CURRIER SANCHEZ CHIROPRACTIC					
	1/24/2011	205971	69.00		
				REFUND-BUS.LIC OVERPYMT	69.00
	Vendor Total		**69.00**		
FYTD for CURRIER SANCHEZ CHIROPRACTIC			**69.00**		
DACOLIAS, RAYMOND					
	1/18/2011	205861	266.00		
				INSTRUCTION SVCS-7 DAYS	266.00
	Vendor Total		**266.00**		
FYTD for DACOLIAS, RAYMOND			**684.00**		
DALE, KATHLEEN					
	1/3/2011	881820	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for DALE, KATHLEEN			**2,212.27**		
DATA TICKET, INC.					
	1/10/2011	881877	690.00		
				CITATION PRCSSNG-BLDG/SFTY	69.50
				CITATION PRCSSNG-ANML SVCS	620.50
	1/18/2011	881898	15,614.64		
				ADMIN CITATION PROCESSING	4,754.35
				CODE CITATION PROCESSING	10,860.29
	1/24/2011	881940	1,183.30		
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-CODE	973.30
	Vendor Total		**17,487.94**		
FYTD for DATA TICKET, INC.			**143,504.29**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DATAQUICK CORPORATE HEADQUARTERS					
	1/24/2011	205972	130.50		
				ONLINE SUBSCRIPTION-PD	130.50
	Vendor Total		**130.50**		
FYTD for DATAQUICK CORPORATE HEADQUARTERS			**913.50**		
DAVID TRUNG DUC NGUYEN, MD					
	1/31/2011	206105	75.00		
				REFUND-BUS LIC OVRPMT	75.00
	Vendor Total		**75.00**		
FYTD for DAVID TRUNG DUC NGUYEN, MD			**75.00**		
DEFINITIVE FINANCIAL SOLUTIONS, LLC					
	1/10/2011	205815	4,875.00		
				CONSULTING SERVICES	4,875.00
	Vendor Total		**4,875.00**		
FYTD for DEFINITIVE FINANCIAL SOLUTIONS, LLC			**4,875.00**		
DEL REY APPRAISAL SRVCS					
	1/24/2011	205973	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for DEL REY APPRAISAL SRVCS			**1,750.00**		
DELTA DENTAL					
	1/24/2011	205974	11,518.03		
				EMPLOYEE DENTAL INSURANCE	11,518.03
	Vendor Total		**11,518.03**		
FYTD for DELTA DENTAL			**79,369.50**		
DELTACARE USA					
	1/24/2011	205975	6,166.01		
				EMPLOYEE DENTAL INSURANCE	6,166.01
	Vendor Total		**6,166.01**		
FYTD for DELTACARE USA			**44,167.60**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DENNIS GRUBB & ASSOCIATES, LLC					
	1/10/2011	881878	455.00		
				PLAN REVIEW SVCS-FIRE PREV	455.00
	1/18/2011	881899	5,430.00		
				PLAN REVIEW SERVICES	2,300.00
				PLAN REVIEW SERVICES	3,130.00
	1/31/2011	881976	930.00		
				PLAN REVIEW SERVICES-FIRE PREV	930.00
	Vendor Total		**6,815.00**		
FYTD for DENNIS GRUBB & ASSOCIATES, LLC			**53,295.00**		
DEPARTMENT OF CONSERVATION					
	1/13/2011	205839	991.51		
				SMI FEES LESS 5% RETAINAGE	1,043.69
				SMI FEES LESS 5% RETAINAGE	-52.18
	Vendor Total		**991.51**		
FYTD for DEPARTMENT OF CONSERVATION			**2,409.37**		
DESIGN WORKS					
	1/18/2011	205862	58.50		
				YOUTH SPORTS UNIFORMS	58.50
	Vendor Total		**58.50**		
FYTD for DESIGN WORKS			**9,450.60**		
DLS LANDSCAPE, INC					
	1/24/2011	205976	12,390.00		
				LANDSCAPE MAINT-CFD #1	2,160.00
				LANDSCAPE MAINT-ZONE A	10,230.00
	Vendor Total		**12,390.00**		
FYTD for DLS LANDSCAPE, INC			**86,730.00**		
DORY, ALLEEN F.					
	1/3/2011	205757	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for DORY, ALLEEN F.			**1,397.06**		
DUNN, LAURA ISABEL GARCIA					
	1/18/2011	881900	152.00		
				INSTRUCTIONAL SERVICES	152.00
	Vendor Total		**152.00**		
FYTD for DUNN, LAURA ISABEL GARCIA			**380.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
E.G. BRENNAN & CO, LLC					
	1/10/2011	881879	203.91		
				FOLDING MACHINE PART-FASD	187.50
				FOLDING MACHINE PART-TAX	16.41
	Vendor Total		**203.91**		
FYTD for E.G. BRENNAN & CO, LLC			**203.91**		
E.R. BLOCK PLUMBING & HEATING, INC.					
	1/18/2011	205863	140.00		
				BACKFLOW TESTING IN ZONE D	140.00
	1/31/2011	206106	180.00		
				BACKFLOW TESTING-E3	80.00
				BACKFLOW TESTING-ZONE M	100.00
	Vendor Total		**320.00**		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.			**13,897.06**		
E5, INC.					
	1/31/2011	206107	4,655.00		
				AB32 VERIFICATION SVCS-UTILITY	4,655.00
	Vendor Total		**4,655.00**		
FYTD for E5, INC.			**4,655.00**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
1/3/2011	205758	5,436.35		
			WATER CHARGES	207.74
			WATER CHARGES	1,565.50
			WATER CHARGES	556.49
			WATER CHARGES	41.27
			WATER CHARGES	2,413.99
			WATER CHARGES	275.56
			WATER CHARGES	112.33
			WATER CHARGES	137.47
			WATER CHARGES	63.00
			WATER CHARGES	63.00
1/10/2011	205816	9,216.64		
			WATER CHARGES	82.19
			WATER CHARGES	89.66
			WATER CHARGES	90.63
			WATER CHARGES	125.73
			WATER CHARGES	336.24
			WATER CHARGES	2,641.63
			WATER CHARGES	61.29
			WATER CHARGES	2,275.89
			WATER CHARGES	140.58
			WATER CHARGES	904.26
			WATER CHARGES	1,716.30
			WATER CHARGES	23.16
			WATER CHARGES	195.00
			WATER CHARGES	104.93
			WATER CHARGES	347.46
			WATER CHARGES	81.69
1/18/2011	205864	15,196.99		
			WATER CHARGES	807.88
			WATER CHARGES	194.25
			WATER CHARGES	699.83
			WATER CHARGES	735.43
			WATER CHARGES	36.00
			WATER CHARGES	600.12
			WATER CHARGES	1,037.62
			WATER CHARGES	90.61
			WATER CHARGES	2,911.27
			WATER CHARGES	291.12
			WATER CHARGES	1,365.36
			WATER CHARGES	406.29
			WATER CHARGES	964.12
			WATER CHARGES	1,311.40
			WATER CHARGES	870.38
			WATER CHARGES	708.34
			WATER CHARGES	30.92
			WATER CHARGES	538.98
			WATER CHARGES	424.93
			WATER CHARGES	268.17
			WATER CHARGES	106.19
			WATER CHARGES	202.60
			WATER CHARGES	123.32
			WATER CHARGES	4.03

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WATER CHARGES	356.23
			WATER CHARGES	111.60
1/24/2011	205977	6,438.78		
			WATER CHARGES	115.44
			WATER CHARGES	963.58
			WATER CHARGES	560.84
			WATER CHARGES	142.33
			WATER CHARGES	534.12
			WATER CHARGES	2,163.24
			WATER CHARGES	72.02
			WATER CHARGES	56.54
			WATER CHARGES	257.86
			WATER CHARGES	149.51
			WATER CHARGES	233.82
			WATER CHARGES	170.92
			WATER CHARGES	296.47
			WATER CHARGES	625.89
			WATER CHARGES	96.20
1/31/2011	206108	7,201.44		
			WATER CHARGES	269.28
			WATER CHARGES	111.87
			WATER CHARGES	253.18
			WATER CHARGES	53.43
			WATER CHARGES	161.75
			WATER CHARGES	218.23
			WATER CHARGES	1,098.92
			WATER CHARGES	227.43
			WATER CHARGES	89.91
			WATER CHARGES	2,402.13
			WATER CHARGES	636.83
			WATER CHARGES	986.29
			WATER CHARGES	15.56
			WATER CHARGES	90.23
			WATER CHARGES	20.97
			WATER CHARGES	229.05
			WATER CHARGES	42.64
			WATER CHARGES	149.74
			WATER CHARGES	72.00
			WATER CHARGES	72.00
Vendor Total		**43,490.20**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		**1,020,288.47**		

EDGELANE MOBILE PARK

1/24/2011	881941	12.47		
			REFUND UTILITY USER TAXES	12.47
Vendor Total		**12.47**		
FYTD for EDGELANE MOBILE PARK		**75.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EGGERSTEN, ANNE					
	1/3/2011	205759	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for EGGERSTEN, ANNE			**2,159.26**		
EL RANCHO MEXICAN RESTAURANT					
	1/31/2011	206109	71.00		
				REFUND-BUS LIC OVRPMT	71.00
	Vendor Total		**71.00**		
FYTD for EL RANCHO MEXICAN RESTAURANT			**71.00**		
EMPIRE ECONOMICS, INC.					
	1/24/2011	205978	18,250.00		
				MARKET ABSORPTION STUDY-CFD 4	18,250.00
	Vendor Total		**18,250.00**		
FYTD for EMPIRE ECONOMICS, INC.			**18,250.00**		
EMPLOYMENT DEVELOPMENT DEPARTMENT					
	1/4/2011	2781	500.00		
				DEP STATE INC TAX W/H 1/4/11	500.00
	Vendor Total		**500.00**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT			**656,332.61**		
ENCO UTILITY SERVICES MORENO VALLEY LLC					
	1/18/2011	881901	18,085.92		
				WORK AUTHORIZATION 40-203 EPC	5,750.00
				HIGHLAND FAIRVIEW - PM 35629	5,680.22
				WORK AUTHORIZATION # 40-239B	6,655.70
	1/31/2011	881977	19,744.18		
				12KV NEW REDLAND CKT WORK	7,444.99
				PROF SVCS-WASTE MGT FACILITY	5,019.90
				PROF SVCS-HIGHLAND FAIRVIEW	892.65
				PROF SVCS-HIGHLAND FAIRVIEW	6,337.85
				PROF SVCS-DIST SUBSTATION PLAN	48.79
	Vendor Total		**37,830.10**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC			**1,372,719.94**		
ESCROW ONE - MORENO VALLEY					
	1/24/2011	205979	20.02		
				REFUND-BUS.LIC OVERPYMT	20.02
	Vendor Total		**20.02**		
FYTD for ESCROW ONE - MORENO VALLEY			**20.02**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ESPINOZA, JOE A					
	1/18/2011	205865	228.00		
				INSTRUCTIONAL SERVICES	228.00
	Vendor Total		**228.00**		
FYTD for ESPINOZA, JOE A			**1,216.00**		
EVANS ENGRAVING & AWARDS					
	1/18/2011	881902	13.05		
				2" X 9" WOODGRAIN NAME PLATE	13.05
	1/24/2011	881943	21.75		
				ENGRAVING SVCS-PARKS	21.75
	Vendor Total		**34.80**		
FYTD for EVANS ENGRAVING & AWARDS			**701.36**		
EXCEL LANDSCAPE, INC					
	1/18/2011	205866	9,328.43		
				LANDSCAPE MAINTENANCE	1,070.36
				LANDSCAPE MAINTENANCE	1,501.98
				LANDSCAPE MAINTENANCE	2,777.17
				LANDSCAPE MAINTENANCE	3,978.92
	1/24/2011	205980	3,461.07		
				LANDSCAPE MAINT-E14	3,461.07
	1/31/2011	206110	5,632.34		
				LANDSCAPE MAINT-E15	1,070.36
				LANDSCAPE MAINT-E8	1,501.98
				LANDSCAPE MAINT-E8	3,060.00
	Vendor Total		**18,421.84**		
FYTD for EXCEL LANDSCAPE, INC			**98,540.15**		
FAMILY FISH MARKET					
	1/24/2011	205981	74.07		
				REFUND-BUS.LIC OVERPYMT	74.07
	Vendor Total		**74.07**		
FYTD for FAMILY FISH MARKET			**74.07**		
FEEKEN, KARL					
	1/24/2011	205982	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for FEEKEN, KARL			**20.00**		
FEENSTRA, JOHN					
	1/3/2011	881821	361.25		
				RETIREE MED JAN '11	361.25
	Vendor Total		**361.25**		
FYTD for FEENSTRA, JOHN			**2,528.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FENCING BY ACREY, INC					
	1/24/2011	205983	31.50		
				REFUND-BUS.LIC OVERPYMT	31.50
	Vendor Total		**31.50**		
FYTD for FENCING BY ACREY, INC			**31.50**		
FIBER CARE BATHS, INC					
	1/24/2011	205984	30.34		
				REFUND-BUS.LIC OVERPYMT	30.34
	Vendor Total		**30.34**		
FYTD for FIBER CARE BATHS, INC			**30.34**		
FINESSE PERSONNEL ASSOCIATES					
	1/31/2011	881978	7,188.75		
				TEMP SVCS-A FEAL W/E 12/4-11	1,471.24
				TEMP SVCS-A FEAL W/E 12/4-11	958.76
				TEMP SVCS-A FEAL W/E 12/18	1,181.25
				TEMP SVCS-A FEAL W/E 12/25	1,215.00
				TEMP SVCS-A FEAL W/E 1/08	1,147.50
				TEMP SVCS-A FEAL W/E 1/15	1,215.00
	Vendor Total		**7,188.75**		
FYTD for FINESSE PERSONNEL ASSOCIATES			**39,073.54**		
FIRST CHOICE SERVICES					
	1/24/2011	881944	503.31		
				COFFEE SVCS-EMP PAID	28.38
				COFFEE SVCS-EMP PAID	66.72
				COFFEE SVCS-EMP PAID	140.06
				COFFEE SVCS-EMP PAID	48.38
				COFFEE SVCS-EMP PAID	115.02
				COFFEE SVCS-EMP PAID	81.98
				COFFEE SVCS-EMP PAID	22.77
	Vendor Total		**503.31**		
FYTD for FIRST CHOICE SERVICES			**4,418.08**		
FITNESS 19 CA 155 11C					
	1/31/2011	206111	269.00		
				GYM MEMBERSHIP DEDUCTIONS	269.00
	Vendor Total		**269.00**		
FYTD for FITNESS 19 CA 155 11C			**1,799.00**		
FLICKINGER, BONNIE					
	1/24/2011	205985	109.53		
				REFUND-CANDIDATE STMNT	109.53
	Vendor Total		**109.53**		
FYTD for FLICKINGER, BONNIE			**330.83**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FLORES, YVETTE					
	1/24/2011	205986	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for FLORES, YVETTE			**75.00**		
FOLEY & LARDNER					
	1/18/2011	205867	1,844.40		
				LEGAL SERVICES	1,473.60
				LEGAL SERVICES	370.80
	Vendor Total		**1,844.40**		
FYTD for FOLEY & LARDNER			**8,951.15**		
FOSTER, NANCY A.					
	1/3/2011	881822	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for FOSTER, NANCY A.			**2,212.27**		
FRANKLIN, L. C.					
	1/31/2011	206112	136.50		
				MILEAGE REIMBURSEMENT	136.50
	Vendor Total		**136.50**		
FYTD for FRANKLIN, L. C.			**879.00**		
FRAZEE INDUSTRIES, INC					
	1/10/2011	205817	4,317.60		
				TRAFFIC PAINT	4,317.60
	Vendor Total		**4,317.60**		
FYTD for FRAZEE INDUSTRIES, INC			**111,317.60**		
FROST, JOAN CHENG					
	1/18/2011	205868	152.00		
				INSTRUCTIONAL SERVICES	152.00
	Vendor Total		**152.00**		
FYTD for FROST, JOAN CHENG			**912.00**		
FUEL AND FLAME MINISTRY					
	1/31/2011	206113	750.00		
				REFUND-RNTL DEP 12/26	750.00
	Vendor Total		**750.00**		
FYTD for FUEL AND FLAME MINISTRY			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FULL THROTTLE MUFFLER					
	1/24/2011	205987	20.69		
				REFUND-BUS.LIC OVERPYMT	20.69
	Vendor Total		**20.69**		
FYTD for FULL THROTTLE MUFFLER			**20.69**		
G/M BUSINESS INTERIORS, INC.					
	1/18/2011	205869	4,718.61		
				MOVING OF OFFICE STATIONS	4,718.61
	1/31/2011	206114	732.92		
				KEYBOARD TRAYS FOR NEW EOC	732.92
	Vendor Total		**5,451.53**		
FYTD for G/M BUSINESS INTERIORS, INC.			**6,210.02**		
GAINES, MICHAEL					
	1/10/2011	205818	19.00		
				REFUND-VALLEY KIDS CAMP	19.00
	Vendor Total		**19.00**		
FYTD for GAINES, MICHAEL			**19.00**		
GALLS INC., INLAND UNIFORM					
	1/24/2011	205988	137.96		
				UNIFORM-PD	65.69
				UNIFORM-PD	72.27
	1/31/2011	206115	142.10		
				UNIFORM-PD	142.10
	Vendor Total		**280.06**		
FYTD for GALLS INC., INLAND UNIFORM			**4,145.17**		
GARCIA, CYNTHIA					
	1/10/2011	205819	64.00		
				REFUND-SHELTER FEE	64.00
	Vendor Total		**64.00**		
FYTD for GARCIA, CYNTHIA			**64.00**		
GARCIA, EDER					
	1/24/2011	205989	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GARCIA, EDER			**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GASTON, RICHARD					
	1/3/2011	881823	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GASTON, RICHARD			**2,231.11**		
GENERAL SECURITY SERVICES, INC.					
	1/10/2011	881880	429.52		
				SECURITY SVCS-SENIOR CTR	214.76
				SECURITY SVCS-CONF & REC CTR	214.76
	1/18/2011	881903	460.20		
				SECURITY SVCS-SENIOR CTR	92.04
				SECURITY SVCS 12/12-SENIOR CTR	61.36
				SECURITY SVCS-CONF & REC CTR	306.80
	1/24/2011	881945	490.88		
				SECURITY SVCS-UTILITY	61.36
				SECURITY SVCS-CONF & REC CTR	92.04
				SECURITY SVCS-TOWNGATE	122.72
				SECURITY SVCS-TOWNGATE	138.06
				SECURITY SVCS-TOWNGATE	76.70
	1/31/2011	881979	6,201.22		
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-LIBRARY	456.37
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	291.46
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-UTILITY	214.76
				SECURITY SVCS-CONF & REC CTR	260.78
				SECURITY SVCS-CONF & REC CTR	76.70
				SECURITY SVCS-CONF & REC CTR	122.72
				SECURITY SVCS-SENIOR CTR	61.36
				SECURITY SVCS-TOWNGATE	237.77
	Vendor Total		**7,581.82**		
FYTD for GENERAL SECURITY SERVICES, INC.			**30,455.68**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP				
1/3/2011	881824	1,423.77		
			LEGAL SVCS	1,423.77
1/18/2011	881904	19,023.70		
			LEGAL SVCS	534.59
			LEGAL SVCS	18,489.11
	Vendor Total	**20,447.47**		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP		**102,766.53**		
GLOBAL SOFTWARE, INC				
1/18/2011	881905	10,000.00		
			SPREADSHEET SERVER	2,500.00
			SPREADSHEET SERVER	7,500.00
1/24/2011	881946	2,500.00		
			SPREADSHEET SERVER-PW ST MAINT	2,500.00
	Vendor Total	**12,500.00**		
FYTD for GLOBAL SOFTWARE, INC		**19,820.00**		
GONG ENTERPRISES, INC.				
1/3/2011	205760	456.00		
			PLAN CHECK SVCS-PM36262	456.00
	Vendor Total	**456.00**		
FYTD for GONG ENTERPRISES, INC.		**22,597.40**		
GONZALES, DOMILENA R.				
1/3/2011	881825	440.52		
			NOV-DEC '10, PAID JAN '11	440.52
	Vendor Total	**440.52**		
FYTD for GONZALES, DOMILENA R.		**1,762.08**		
GONZALES, LORENZ R.				
1/18/2011	205870	119.50		
			MILEAGE REIMBURSEMENT	82.00
			MILEAGE REIMBURSEMENT	16.50
			MILEAGE REIMBURSEMENT	21.00
	Vendor Total	**119.50**		
FYTD for GONZALES, LORENZ R.		**177.00**		
GONZALEZ, SYLVIA				
1/31/2011	206116	20.00		
			REFUND-RABIES DEPOSIT	20.00
	Vendor Total	**20.00**		
FYTD for GONZALEZ, SYLVIA		**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GORM INC.					
	1/18/2011	205871	3,350.30		
				JANITORIAL SUPPLIES-PARKS	2,401.00
				JANITORIAL SUPPLIES-CFD#1	949.30
	1/24/2011	205990	880.77		
				JANITORIAL SUPPLIES	880.77
	Vendor Total		**4,231.07**		
FYTD for GORM INC.			**6,452.31**		
GOSCH TOWING & RECOVERY					
	1/31/2011	206117	800.00		
				TOWING SVCS-PD	800.00
	Vendor Total		**800.00**		
FYTD for GOSCH TOWING & RECOVERY			**800.00**		
GOYA FOODS OF CALIFORNIA					
	1/24/2011	205991	49.74		
				REFUND-BUS.LIC OVERPYMT	49.74
	Vendor Total		**49.74**		
FYTD for GOYA FOODS OF CALIFORNIA			**49.74**		
GOZDECKI, DAN					
	1/10/2011	881881	432.00		
				INSTRUCTOR SVCS-KUNG FU	216.00
				INSTRUCTOR SVCS-KUNG FU	216.00
	1/31/2011	881980	594.00		
				INSTRUCTOR SVCS-KUNG FU	243.00
				INSTRUCTOR SVCS-KUNG FU	351.00
	Vendor Total		**1,026.00**		
FYTD for GOZDECKI, DAN			**5,184.00**		
GRAFFITI TRACKER, INC.					
	1/18/2011	881906	9,000.00		
				GRAFFITI ANALYSIS/SERVICES	9,000.00
	Vendor Total		**9,000.00**		
FYTD for GRAFFITI TRACKER, INC.			**31,815.00**		
GRANICUS, INC.					
	1/24/2011	205992	2,000.00		
				VIDEO STREAMING SVCS	1,000.00
				VIDEO STREAMING SVCS	1,000.00
	Vendor Total		**2,000.00**		
FYTD for GRANICUS, INC.			**7,000.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GREENSTONE MATERIALS					
	1/10/2011	205820	748.00		
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	50.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
	Vendor Total		**748.00**		
FYTD for GREENSTONE MATERIALS			**748.00**		
GREINES, MARTIN, STEIN & RICHLAND, LLP					
	1/31/2011	881981	940.68		
				LEGAL SERVICES	940.68
	Vendor Total		**940.68**		
FYTD for GREINES, MARTIN, STEIN & RICHLAND, LLP			**14,556.14**		
GRIFFIN, MARLENE C					
	1/3/2011	881826	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GRIFFIN, MARLENE C			**2,152.33**		
GROUP DELTA CONSULTANTS, INC					
	1/18/2011	881907	2,143.50		
				DAY ST IMPRVMNTS PROJ SVCS	2,143.50
	1/24/2011	206072	1,325.00		
				ALESSANDRO/INDIAN SIDEWLK PROJ	1,325.00
	Vendor Total		**3,468.50**		
FYTD for GROUP DELTA CONSULTANTS, INC			**12,105.50**		
GUILLAN, REBECCA S.					
	1/3/2011	881827	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUILLAN, REBECCA S.			**2,064.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GUILLIS, LINDA B.					
	1/3/2011	205761	0.00		
				RETIREE MED JAN '11	318.73
				VOIDED CHECK #205761 ON1/31/11	-318.73
	Vendor Total		**0.00**		
FYTD for GUILLIS, LINDA B.			**1,912.38**		
GUTIERREZ, ROBERT					
	1/3/2011	881828	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUTIERREZ, ROBERT			**2,231.11**		
GUZMAN'S CART SERVICE					
	1/10/2011	881882	4,049.00		
				CART RTRVL SVCS-CODE	4,049.00
	Vendor Total		**4,049.00**		
FYTD for GUZMAN'S CART SERVICE			**28,343.00**		
H P COMMUNICATIONS, INC					
	1/24/2011	205993	25.00		
				REFUND-BUS.LIC OVERPYMT	25.00
	Vendor Total		**25.00**		
FYTD for H P COMMUNICATIONS, INC			**25.00**		
HAISTY, XIU HUA					
	1/31/2011	881982	30.00		
				INSTRUCTOR SVCS-TAI CHI	30.00
	Vendor Total		**30.00**		
FYTD for HAISTY, XIU HUA			**240.00**		
HAMLIN, WILLIAM R.					
	1/3/2011	881829	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HAMLIN, WILLIAM R.			**2,212.27**		
HAND, FRED					
	1/3/2011	205762	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for HAND, FRED			**75.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HANES, MARTIN D.					
	1/3/2011	881830	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HANES, MARTIN D.			**2,231.11**		
HARDING, JOHN S.					
	1/3/2011	205763	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HARDING, JOHN S.			**2,231.11**		
HARRIS & ASSOCIATES, INC					
	1/24/2011	205994	67.13		
				REFUND-BUS.LIC OVERPYMT	67.13
	Vendor Total		**67.13**		
FYTD for HARRIS & ASSOCIATES, INC			**67.13**		
HARTMANN, RICK					
	1/3/2011	205764	318.73		
				RETIREE MED JAN '11	318.73
	1/10/2011	205821	3,709.12		
				CONSULTING SVCS-RTS PRGM	18.79
				CONSULTING SVCS-RTS PRGM	3,690.33
	Vendor Total		**4,027.85**		
FYTD for HARTMANN, RICK			**20,921.44**		
HATFIELD, CHARLES					
	1/3/2011	881831	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HATFIELD, CHARLES			**2,231.11**		
HAUSER, ADRIANA					
	1/18/2011	205872	494.00		
				INSTRUCTION SVCS-13 DAYS	494.00
	Vendor Total		**494.00**		
FYTD for HAUSER, ADRIANA			**2,546.00**		
HEFFLEY, ROSS W.					
	1/3/2011	881832	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HEFFLEY, ROSS W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HENDERSON, GINA					
	1/18/2011	205873	110.00		
				TUITION REIMBURSEMENT	110.00
	Vendor Total		**110.00**		
FYTD for HENDERSON, GINA			**110.00**		
HERNANDEZ, ART & DOLORES					
	1/24/2011	205995	180.00		
				REFUND-BUS.LIC OVERPYMT	180.00
	Vendor Total		**180.00**		
FYTD for HERNANDEZ, ART & DOLORES			**180.00**		
HERRICK, ROBERT D.					
	1/3/2011	205765	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HERRICK, ROBERT D.			**2,231.11**		
HEYMING & JOHNSON, INC					
	1/24/2011	205996	22.63		
				REFUND-BUS.LIC OVERPYMT	22.63
	Vendor Total		**22.63**		
FYTD for HEYMING & JOHNSON, INC			**22.63**		
HIGGS, DEBRA					
	1/24/2011	205997	108.00		
				INSTRUCTOR SVCS-OIL PAINTING	72.00
				INSTRUCTOR SVCS-OIL PAINTING	36.00
	Vendor Total		**108.00**		
FYTD for HIGGS, DEBRA			**468.00**		
HINKELS & MCCOY					
	1/3/2011	205766	60.42		
				REFUND-BUS LIC OVRPMT	60.42
	Vendor Total		**60.42**		
FYTD for HINKELS & MCCOY			**60.42**		
HO, KEVIN CHINH					
	1/18/2011	205874	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for HO, KEVIN CHINH			**304.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HOGARD, JOHN T.					
	1/10/2011	881883	116.50		
				MILEAGE REIMBURSEMENT	116.50
	Vendor Total		**116.50**		
FYTD for HOGARD, JOHN T.			**1,083.50**		
HORN, ALVIN					
	1/24/2011	205998	186.56		
				REFUND-CANDIDATE STMNT	186.56
	Vendor Total		**186.56**		
FYTD for HORN, ALVIN			**186.56**		
HOUSE OF BEAUTY					
	1/31/2011	206119	147.15		
				REFUND-BUS LIC OVRPMT	35.50
				REFUND-BUS LIC OVRPMT	61.00
				REFUND-BUS LIC OVRPMT	50.65
	Vendor Total		**147.15**		
FYTD for HOUSE OF BEAUTY			**147.15**		
HOUSER, EDITH E.					
	1/3/2011	205767	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HOUSER, EDITH E.			**2,231.11**		
HYDRO-SCAPE PRODUCTS, INC					
	1/24/2011	206000	61.88		
				REFUND-BUS.LIC OVERPYMT	61.88
	Vendor Total		**61.88**		
FYTD for HYDRO-SCAPE PRODUCTS, INC			**61.88**		
ICC FOOTHILL CHAPTER					
	1/31/2011	206120	150.00		
				1/25/11 CA RESID. CODE SEMINAR	75.00
				1/25/11 CA RESID. CODE SEMINAR	75.00
	Vendor Total		**150.00**		
FYTD for ICC FOOTHILL CHAPTER			**150.00**		
ICMA RETIREMENT CORP 457					
	1/14/2011	2786	12,798.58		
				DEF COMP-457 1/14/11	12,798.58
	1/28/2011	2794	16,923.58		
				DEF COMP-457 1/28/11	16,923.58
	Vendor Total		**29,722.16**		
FYTD for ICMA RETIREMENT CORP 457			**142,541.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IL SORRENTO MOBILE HOME PARK					
	1/3/2011	205768	51.00		
				REFUND-BUS LIC OVRPMT	51.00
	Vendor Total		**51.00**		
FYTD for IL SORRENTO MOBILE HOME PARK			**51.00**		
ILGIA					
	1/24/2011	206001	100.00		
				2011 I.E. GANG WRKSHOP 5/19-20	100.00
	Vendor Total		**100.00**		
FYTD for ILGIA			**100.00**		
ING USA ANNUITY & LIFE INSURANCE CO.					
	1/18/2011	205875	475.00		
				NON-EXEMPT ANNUITY	475.00
	Vendor Total		**475.00**		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.			**3,325.00**		
INLAND CONTRACTORS, INC.					
	1/24/2011	881948	2,851.47		
				ABATEMENT SVCS-24326 VIA VARGA	2,851.47
	Vendor Total		**2,851.47**		
FYTD for INLAND CONTRACTORS, INC.			**20,211.63**		
INLAND EMPIRE PROPERTY SERVICE, INC					
	1/3/2011	881833	310.00		
				WEED ABATEMENT SVC-CFD #1	310.00
	Vendor Total		**310.00**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC			**53,446.12**		
INSIDE PLANTS, INC.					
	1/18/2011	881910	316.00		
				PLANT MAINT-CRC	316.00
	Vendor Total		**316.00**		
FYTD for INSIDE PLANTS, INC.			**2,212.00**		
INTERNAL REVENUE SERVICE					
	1/4/2011	2780	2,000.00		
				DEP FED TAX W/H 1/4/11	2,000.00
	Vendor Total		**2,000.00**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IRIS COMPANY					
	1/18/2011	205876	269.20		
				REFUND-CLOSED-CHG.ZONE	51.85
				REFUND-CLOSED-GEN.PLAN AMEND.	217.35
	Vendor Total		**269.20**		
FYTD for IRIS COMPANY			**269.20**		
J D H CONTRACTING					
	1/24/2011	206003	72.61		
				REFUND-BUS.LIC OVERPYMT	72.61
	Vendor Total		**72.61**		
FYTD for J D H CONTRACTING			**72.61**		
JACINTO, ALEJANDRA					
	1/31/2011	206121	45.00		
				REFUND-LOST BOOK FEE	45.00
	Vendor Total		**45.00**		
FYTD for JACINTO, ALEJANDRA			**45.00**		
JANNEY & JANNEY ATTORNEY SVCS, INC.					
	1/18/2011	205877	75.00		
				COURIER SERVICES	75.00
	1/31/2011	206122	35.00		
				COURIER DELIVERY SVCS	35.00
	Vendor Total		**110.00**		
FYTD for JANNEY & JANNEY ATTORNEY SVCS, INC.			**1,133.65**		
JASON'S DELI					
	1/24/2011	206002	768.53		
				REFUND-BUS.LIC OVERPYMT	768.53
	Vendor Total		**768.53**		
FYTD for JASON'S DELI			**768.53**		
JDEDGE SOFTWARE, LLC					
	1/18/2011	881911	3,175.00		
				CONSULTANT SERVICES	3,175.00
	1/24/2011	881949	2,465.00		
				CONSULTING SERVICES	2,465.00
	Vendor Total		**5,640.00**		
FYTD for JDEDGE SOFTWARE, LLC			**17,827.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JEFF CARPENTER, INC					
	1/24/2011	206004	50.00		
				REFUND-BUS.LIC OVERPYMT	50.00
	Vendor Total		**50.00**		
FYTD for JEFF CARPENTER, INC			**50.00**		
JOE A. GONSALVES & SON					
	1/3/2011	881834	6,300.00		
				REPRESENTATION SVCS	3,150.00
				REPRESENTATION SVCS	3,150.00
	Vendor Total		**6,300.00**		
FYTD for JOE A. GONSALVES & SON			**22,050.00**		
JONES, SANDRA					
	1/24/2011	206005	45.00		
				REFUND-CLASS REGIST	45.00
	Vendor Total		**45.00**		
FYTD for JONES, SANDRA			**45.00**		
JONES, SUSAN					
	1/3/2011	881835	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for JONES, SUSAN			**2,231.11**		
JTB SUPPLY CO., INC.					
	1/10/2011	205822	178.36		
				TRAFFIC SIGNAL MAINT.SUPPLIES	54.38
				TRAFFIC SIGNAL MAINT.SUPPLIES	123.98
	1/18/2011	205878	1,658.44		
				TRAFFIC SIGNAL MAINT.SUPPLIES	1,658.44
	Vendor Total		**1,836.80**		
FYTD for JTB SUPPLY CO., INC.			**8,655.43**		
K A R CONSTRUCTION					
	1/3/2011	205769	42.00		
				REFUND-BUS LIC OVRPMT	42.00
	Vendor Total		**42.00**		
FYTD for K A R CONSTRUCTION			**42.00**		
K D'S DONUTS					
	1/31/2011	206123	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for K D'S DONUTS			**25.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KAN, ALICE					
	1/24/2011	206006	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for KAN, ALICE			**20.00**		
KING, PATRICIA A.					
	1/3/2011	205770	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KING, PATRICIA A.			**2,231.11**		
KOA CORPORATION					
	1/10/2011	205823	6,345.87		
				RECHE VISTA DR REALIGNMNT PROJ	6,345.87
	Vendor Total		**6,345.87**		
FYTD for KOA CORPORATION			**71,909.89**		
KOLB, CHARLES E.					
	1/3/2011	881836	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLB, CHARLES E.			**2,231.11**		
KOLLAR, KYLE					
	1/3/2011	881837	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLLAR, KYLE			**2,231.11**		
KYLE, GARY M.					
	1/3/2011	881838	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KYLE, GARY M.			**2,231.11**		
LAFATA, JOSEPHINE					
	1/3/2011	881839	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LAFATA, JOSEPHINE			**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LANCE, SOLL & LUNGHARD, LLP					
	1/24/2011	206007	50.00		
				GASB UPDATE 2/2/11	25.00
				GASB UPDATE 2/2/11	25.00
	Vendor Total		**50.00**		
FYTD for LANCE, SOLL & LUNGHARD, LLP			**50.00**		
LANE GUIDE LENDORS ON LINE, INC.					
	1/24/2011	206008	109.00		
				ONLINE SUBSCRIPTION SVC-CODE	109.00
	Vendor Total		**109.00**		
FYTD for LANE GUIDE LENDORS ON LINE, INC.			**109.00**		
LANG, TRACEY					
	1/18/2011	205879	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for LANG, TRACEY			**304.00**		
LARA, JOSEPH R.					
	1/18/2011	205880	41.50		
				MILEAGE-ELECTR SAFETY SEMINAR	41.50
	Vendor Total		**41.50**		
FYTD for LARA, JOSEPH R.			**41.50**		
LAVEY, JEFFREY					
	1/24/2011	206009	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for LAVEY, JEFFREY			**20.00**		
LAWYERS TITLE INC					
	1/27/2011	110108	11,301.00		
				ACQ & ESCROW-APN 488-090-007	1,301.00
				ACQ & ESCROW-APN 488-090-007	10,000.00
	1/27/2011	110109	7,601.00		
				ACQ & ESCROW-APN 488-090-008	1,701.00
				ACQ & ESCROW-APN 488-090-008	5,900.00
	Vendor Total		**18,902.00**		
FYTD for LAWYERS TITLE INC			**129,256.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LAZARUS, MARGERY A.					
	1/3/2011	205771	115.50		
				MILEAGE REIMBURSEMENT	74.00
				MILEAGE REIMBURSEMENT	41.50
	Vendor Total		**115.50**		
FYTD for LAZARUS, MARGERY A.			**115.50**		
LEE, DAVID					
	1/24/2011	206010	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for LEE, DAVID			**100.00**		
LEE, RENITA					
	1/10/2011	205824	47.00		
				REFUND-TAE KWON DO CLASS	47.00
	Vendor Total		**47.00**		
FYTD for LEE, RENITA			**47.00**		
LEISURE ENTERPRISES					
	1/31/2011	206124	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for LEISURE ENTERPRISES			**9,816.25**		
LEONE, STEVEN					
	1/18/2011	205881	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for LEONE, STEVEN			**590.00**		
LEWIS, CAROLYN S.					
	1/3/2011	881840	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LEWIS, CAROLYN S.			**2,212.27**		
LEXISNEXIS					
	1/24/2011	881950	1,480.00		
				ONLINE LEGAL SVCS-CITY ATTRNY	740.00
				ONLINE LEGAL SVCS-CITY CLERKS	370.00
				ONLINE LEGAL SVCS-CDD	370.00
	Vendor Total		**1,480.00**		
FYTD for LEXISNEXIS			**11,840.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LOGAN, CHARLES					
	1/3/2011	881841	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LOGAN, CHARLES			**2,231.11**		
LOR GEOTECHNICAL GROUP, INC.					
	1/31/2011	881984	1,760.00		
				KITCHING ST IMPRVMNT PROJ	1,760.00
	Vendor Total		**1,760.00**		
FYTD for LOR GEOTECHNICAL GROUP, INC.			**45,239.00**		
LOVE, MARISSA					
	1/3/2011	205772	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for LOVE, MARISSA			**50.00**		
LOZANO, MONICA					
	1/24/2011	206011	28.00		
				REFUND-CLASS REGIST	28.00
	Vendor Total		**28.00**		
FYTD for LOZANO, MONICA			**28.00**		
LUMLEY, ROBERT C.					
	1/3/2011	881842	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LUMLEY, ROBERT C.			**2,231.11**		
M V P R V, INC					
	1/24/2011	206012	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for M V P R V, INC			**75.00**		
M.G.S. - MORENO GENERAL SERVICES					
	1/10/2011	205825	130.00		
				RE-KEY LOCKS @ ERC	130.00
	Vendor Total		**130.00**		
FYTD for M.G.S. - MORENO GENERAL SERVICES			**130.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MACIAS JR., ANTHONY					
	1/24/2011	206013	133.50		
				TUITION REIMBURSEMENT	133.50
	Vendor Total		**133.50**		
FYTD for MACIAS JR., ANTHONY			**228.50**		
MARCH JOINT POWERS AUTHORITY					
	1/24/2011	206014	10.10		
				GAS CHARGES-MF COMM.CTR	8.25
				GAS CHARGES-MF COMM.CTR	1.85
	Vendor Total		**10.10**		
FYTD for MARCH JOINT POWERS AUTHORITY			**43.73**		
MARINA LANDSCAPE, INC					
	1/18/2011	205882	9,186.24		
				LANDSCAPE MAINT-ZONE DSG-2S	4,994.91
				LANDSCAPE MAINT-ZONE DSG-2N	4,191.33
	Vendor Total		**9,186.24**		
FYTD for MARINA LANDSCAPE, INC			**48,784.80**		
MASCARO, CRYSTAL					
	1/24/2011	206015	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for MASCARO, CRYSTAL			**20.00**		
MASCO SERVICES OF CALIFORNIA, INC.					
	1/24/2011	206016	71.63		
				REFUND-BUS.LIC OVERPYMT	71.63
	Vendor Total		**71.63**		
FYTD for MASCO SERVICES OF CALIFORNIA, INC.			**71.63**		
MATHIS, NOLAN					
	1/3/2011	881843	296.00		
				NOV '10, PAID JAN '11	296.00
	Vendor Total		**296.00**		
FYTD for MATHIS, NOLAN			**2,072.00**		
MAXINOSKI, SUE A.					
	1/3/2011	881844	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MAXINOSKI, SUE A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MC KENNEY, LARISSA					
	1/24/2011	206017	46.00		
				REFUND-ANML SVC FEES	46.00
	Vendor Total		**46.00**		
FYTD for MC KENNEY, LARISSA			**46.00**		
MCCARTHY & BERLIN, LLP					
	1/10/2011	881884	703.00		
				LEGAL SVCS	703.00
	Vendor Total		**703.00**		
FYTD for MCCARTHY & BERLIN, LLP			**3,005.15**		
McDONALD, CHRIS					
	1/18/2011	205883	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for McDONALD, CHRIS			**1,254.00**		
MEEKS, DANIEL					
	1/10/2011	881885	220.00		
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	40.00
				SPORTS OFFICIATING SVCS	60.00
	Vendor Total		**220.00**		
FYTD for MEEKS, DANIEL			**1,100.00**		
MENGISTU, YESHIALEM					
	1/31/2011	206125	81.00		
				MILEAGE REIMBURSEMENT	81.00
	Vendor Total		**81.00**		
FYTD for MENGISTU, YESHIALEM			**557.00**		
MESSIN, LOUIS					
	1/3/2011	881845	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MESSIN, LOUIS			**2,231.11**		
METRO USED CARS					
	1/31/2011	206126	101.84		
				REFUND-BUS LIC OVRPMT	101.84
	Vendor Total		**101.84**		
FYTD for METRO USED CARS			**101.84**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MEYER & ASSOCIATES					
	1/31/2011	206127	3,865.00		
				BETHUNE WATER FEATURE ANALYSIS	3,865.00
	Vendor Total		**3,865.00**		
FYTD for MEYER & ASSOCIATES			**3,865.00**		
MILES, ROBERT					
	1/3/2011	881846	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for MILES, ROBERT			**1,397.06**		
MINARD, MARK E.					
	1/3/2011	881847	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MINARD, MARK E.			**2,167.75**		
MOLLICA, MIKE					
	1/3/2011	881848	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for MOLLICA, MIKE			**2,809.94**		
MONTERO, FELICIA					
	1/24/2011	206018	42.00		
				REFUND-CLASS REGIST	42.00
	Vendor Total		**42.00**		
FYTD for MONTERO, FELICIA			**42.00**		
MOORHEAD, LINDA					
	1/24/2011	206019	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MOORHEAD, LINDA			**75.00**		
MORA, PATRICIA A.					
	1/3/2011	881849	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MORA, PATRICIA A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORAES, RENATO					
	1/31/2011	206128	36.00		
				REFUND-DROPPED CLASS	36.00
	Vendor Total		**36.00**		
FYTD for MORAES, RENATO			**36.00**		
MORENO MINI MALL					
	1/24/2011	206020	48.30		
				REFUND-BUS.LIC OVERPYMT	48.30
	Vendor Total		**48.30**		
FYTD for MORENO MINI MALL			**48.30**		
MORENO VALLEY CAR WASH					
	1/18/2011	205884	67.50		
				REFUND-BUS.LIC OVERPYMT	67.50
	Vendor Total		**67.50**		
FYTD for MORENO VALLEY CAR WASH			**97.50**		
MORENO VALLEY CHAMBER OF COMMERCE					
	1/3/2011	205773	6,000.00		
				BUSINESS SERVICES	6,000.00
	1/10/2011	205826	60.00		
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
	1/18/2011	205885	150.00		
				ANNL INSTALLATION/AWARDS EVENT	75.00
				ANNL INSTALLATION/AWARDS EVENT	75.00
	Vendor Total		**6,210.00**		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE			**21,610.00**		
MORENO VALLEY CITY EMPLOYEES ASSOC.					
	1/3/2011	2776	1,567.50		
				MVCEA DUES 01/03/11	1,567.50
	1/14/2011	2785	1,567.50		
				MVCEA DUES 1/14/11	1,567.50
	1/28/2011	2793	1,573.00		
				MVCEA DUES 1/28/11	1,573.00
	Vendor Total		**4,708.00**		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.			**25,084.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY GATEWAY, LLC					
	1/18/2011	881912	17,142.59		
				LEASE-FACILITIES ANNEX	2,458.97
				LEASE-TECH.SVCS ANNEX	5,475.90
				LEASE-SPEC.DIST.ANNEX	9,207.72
	Vendor Total		**17,142.59**		
FYTD for MORENO VALLEY GATEWAY, LLC			**119,998.13**		
MORENO VALLEY UNIFIED SCHOOL DISTRICT					
	1/24/2011	206021	120.00		
				ASES TRANSPORTATION	120.00
	1/24/2011	206022	315.00		
				ASES TRANSPORTATION	315.00
	Vendor Total		**435.00**		
FYTD for MORENO VALLEY UNIFIED SCHOOL DISTRICT			**26,509.95**		
MORENO VALLEY UTILITY					
	1/31/2011	206129	89.14		
				ELECTRICITY-UT FLD OFFICE	89.14
	Vendor Total		**89.14**		
FYTD for MORENO VALLEY UTILITY			**526,697.08**		
MORENO, ALBERT					
	1/18/2011	205886	750.00		
				REFUND-12/26 EVENT DEPOSIT	750.00
	Vendor Total		**750.00**		
FYTD for MORENO, ALBERT			**750.00**		
MORENO, MANUAL					
	1/24/2011	206023	77.00		
				REFUND-CLASS REGIST	77.00
	Vendor Total		**77.00**		
FYTD for MORENO, MANUAL			**77.00**		
MORGAN, LISA A.					
	1/3/2011	881850	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MORGAN, LISA A.			**2,231.11**		
MORKUS, JURIS MORKUS					
	1/24/2011	206024	16.46		
				REFUND-BUS.LIC OVERPYMT	16.46
	Vendor Total		**16.46**		
FYTD for MORKUS, JURIS MORKUS			**16.46**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORLEY, JOSHUA					
	1/31/2011	206130	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	20.00
				REFUND-SPAY/NEUTER DEPOSIT	55.00
	Vendor Total		**75.00**		
FYTD for MORLEY, JOSHUA			**75.00**		
MSA SYSTEMS, INC.					
	1/10/2011	881886	999.55		
				RECEIPT LABELS	864.00
				RECEIPT LABELS	59.95
				RECEIPT LABELS	75.60
	Vendor Total		**999.55**		
FYTD for MSA SYSTEMS, INC.			**999.55**		
MUSICK, PEELER & GARRETT, LLP					
	1/24/2011	206025	4,280.00		
				LEGAL SVCS	2,600.00
				LEGAL SVCS	1,680.00
	Vendor Total		**4,280.00**		
FYTD for MUSICK, PEELER & GARRETT, LLP			**18,659.34**		
MUZAK, LLC					
	1/24/2011	206026	60.52		
				REFUND-BUS.LIC OVERPYMT	60.52
	Vendor Total		**60.52**		
FYTD for MUZAK, LLC			**60.52**		
NATIONWIDE RETIREMENT SOLUTIONS					
	1/3/2011	2774	8,323.82		
				PST DEF COMP FOR FICA 01/03/11	8,323.82
	1/3/2011	2775	2,234.13		
				DEF COMP-457 & 401(A) 01/03/11	2,234.13
	1/14/2011	2783	1,461.66		
				PST DEF COMP FOR FICA 1/14/11	1,461.66
	1/14/2011	2784	23,722.40		
				DEF COMP-457 & 401(A) 1/14/11	23,722.40
	1/28/2011	2791	9,761.96		
				PST DEF COMP FOR FICA 1/28/11	9,761.96
	1/28/2011	2792	23,712.80		
				DEF COMP-457 & 401(A) 1/28/11	23,712.80
	Vendor Total		**69,216.77**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**479,026.81**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NAVARRETTE, RALPH					
	1/3/2011	881851	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NAVARRETTE, RALPH			**2,231.11**		
NELSON, ROBERT					
	1/3/2011	881852	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for NELSON, ROBERT			**2,159.26**		
NELSON, RUTH L.					
	1/3/2011	881853	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NELSON, RUTH L.			**2,231.11**		
NELSON, TIMOTHY IVAN					
	1/18/2011	205887	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for NELSON, TIMOTHY IVAN			**1,520.00**		
NEUSTAEDTER, CRAIG S					
	1/3/2011	205774	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NEUSTAEDTER, CRAIG S			**2,231.11**		
NEW HORIZON MOBILE HOME PARK					
	1/24/2011	881952	9.99		
				REFUND-UT USER TAXES	9.99
	Vendor Total		**9.99**		
FYTD for NEW HORIZON MOBILE HOME PARK			**26.42**		
NGUYEN, QUANG					
	1/24/2011	881953	59.50		
				MILEAGE REIMBURSEMENT	20.00
				MILEAGE REIMBURSEMENT	24.00
				MILEAGE REIMBURSEMENT	15.50
	Vendor Total		**59.50**		
FYTD for NGUYEN, QUANG			**348.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NIEBURGER, JUDITH A.					
	1/3/2011	205775	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for NIEBURGER, JUDITH A.			**2,809.94**		
NINYO & MOORE GEOTECHNICAL					
	1/18/2011	205888	4,000.75		
				IRONWOOD AVE/INDIAN BASIN PROJ	4,000.75
	1/24/2011	206027	11,992.00		
				IRONWOOD AVE/INDIAN BASIN PROJ	11,992.00
	Vendor Total		**15,992.75**		
FYTD for NINYO & MOORE GEOTECHNICAL			**29,369.75**		
NOBLES, GARRETT					
	1/18/2011	205889	114.00		
				MILEAGE REIMBURSEMENT	60.00
				MILEAGE REIMBURSEMENT	54.00
	Vendor Total		**114.00**		
FYTD for NOBLES, GARRETT			**321.50**		
OPTIMUM INCORPORATED					
	1/3/2011	205776	54.96		
				REFUND-BUS LIC OVERPYMT	54.96
	Vendor Total		**54.96**		
FYTD for OPTIMUM INCORPORATED			**54.96**		
ORACLE AMERICA					
	1/3/2011	205777	21,621.69		
				SOFTWARE LIC UPDATE & SUPPORT	21,621.69
	Vendor Total		**21,621.69**		
FYTD for ORACLE AMERICA			**21,621.69**		
ORROCK, POPKA, FORTINO & BRISLIN					
	1/24/2011	881954	384.00		
				LEGAL SVCS	384.00
	Vendor Total		**384.00**		
FYTD for ORROCK, POPKA, FORTINO & BRISLIN			**10,817.53**		
ORTEGA, ALICIA					
	1/18/2011	205890	100.00		
				REFUND-CITATION	100.00
	Vendor Total		**100.00**		
FYTD for ORTEGA, ALICIA			**100.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OVERLAND PACIFIC & CUTLER, INC.				
1/18/2011	881913	6,720.00		
			RIGHT OF WAY SVCS-VARIOUS PROJ	6,720.00
Vendor Total		**6,720.00**		
FYTD for OVERLAND PACIFIC & CUTLER, INC.		**95,225.25**		
PACIFIC GREEN HORTICULTURAL SVC				
1/31/2011	206131	989.00		
			TURF FERTILIZATION-ZONE E	302.97
			TURF FERTILIZATION-ZONE E	550.15
			TURF FERTILIZATION-ZONE E	112.61
			TURF FERTILIZATION-ZONE E	23.27
Vendor Total		**989.00**		
FYTD for PACIFIC GREEN HORTICULTURAL SVC		**4,559.83**		
PACIFIC M H CONSTRUCTION, INC				
1/24/2011	206028	73.20		
			REFUND-BUS.LIC OVERPYMT	73.20
Vendor Total		**73.20**		
FYTD for PACIFIC M H CONSTRUCTION, INC		**73.20**		
PACIFIC TELEMANAGEMENT SERVICES				
1/24/2011	881955	438.48		
			PAYPHONE SVCS	375.84
			PAYPHONE SVCS	62.64
Vendor Total		**438.48**		
FYTD for PACIFIC TELEMANAGEMENT SERVICES		**3,069.36**		
PACIFIC UTILITY INSTALLATION, INC				
1/24/2011	206029	139.50		
			REFUND-BUS.LIC OVERPYMT	139.50
Vendor Total		**139.50**		
FYTD for PACIFIC UTILITY INSTALLATION, INC		**139.50**		
PAINTING BY ZEB BODE				
1/18/2011	205891	750.00		
			SEAL CNCRT BENCH/TABLES	750.00
Vendor Total		**750.00**		
FYTD for PAINTING BY ZEB BODE		**5,550.00**		
PANDA BOWL				
1/3/2011	205778	28.75		
			REFUND-BUS LIC OVERPYMT	28.75
Vendor Total		**28.75**		
FYTD for PANDA BOWL		**28.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PATRIOT HEATING & A/C					
	1/24/2011	206030	68.63		
				REFUND-BUS.LIC OVERPYMT	68.63
	Vendor Total		**68.63**		
FYTD for PATRIOT HEATING & A/C			**68.63**		
PATTERSON, ALFREY					
	1/3/2011	205779	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for PATTERSON, ALFREY			**1,397.06**		
PEDLEY SQUARE VETERINARY CLINIC					
	1/10/2011	881887	5,719.50		
				VETERINARY SVCS	5,719.50
	1/31/2011	881985	14,937.00		
				VETERINARY SERVICES-ANML SHLTR	8,669.50
				VETERINARY SERVICES-ANML SHLTR	6,267.50
	Vendor Total		**20,656.50**		
FYTD for PEDLEY SQUARE VETERINARY CLINIC			**67,035.00**		
PENA, IRIS					
	1/18/2011	205892	65.10		
				MILEAGE REIMBURSEMENT	65.10
	1/31/2011	206132	75.55		
				MILEAGE REIMBURSEMENT	75.55
	Vendor Total		**140.65**		
FYTD for PENA, IRIS			**417.00**		
PERRY, NORMA					
	1/3/2011	205780	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PERRY, NORMA			**2,231.11**		
PERS LONG TERM CARE PROGRAM					
	1/3/2011	205781	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/18/2011	205893	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/31/2011	206133	458.63		
				LONG TERM CARE INSURANCE	458.63
	Vendor Total		**1,375.89**		
FYTD for PERS LONG TERM CARE PROGRAM			**7,508.12**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PITASSI ARCHITECTS, INC					
	1/31/2011	881986	20,632.70		
				CORPORATE YARD SEWER LINE PROJ	10,172.70
				CORPORATE YARD FACILITY PROJ	10,460.00
	Vendor Total		**20,632.70**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
PLEASANT, TRENA					
	1/18/2011	205894	92.00		
				REFUND-CANCELLED CLASS	92.00
	Vendor Total		**92.00**		
FYTD for PLEASANT, TRENA			**92.00**		
POIEMA LANDSCAPE, INC.					
	1/18/2011	881914	3,843.15		
				LANDSCAPE MAINT-ZONE S	1,712.15
				LANDSCAPE MAINT-ZONE E-12	2,131.00
	Vendor Total		**3,843.15**		
FYTD for POIEMA LANDSCAPE, INC.			**30,303.75**		
PRICE, GEORGE E.					
	1/3/2011	881854	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PRICE, GEORGE E.			**2,231.11**		
PRIME COMMUNICATION OF CALIFORNIA, LLC					
	1/24/2011	206031	34.91		
				REFUND-BUS.LIC OVERPYMT	34.91
	Vendor Total		**34.91**		
FYTD for PRIME COMMUNICATION OF CALIFORNIA, LLC			**34.91**		
PROTECTION ONE					
	1/10/2011	205827	597.00		
				REFUND-VIBRA FIRE PERMIT FEES	300.00
				REFUND-VIBRA FIRE PERMIT FEES	276.00
				REFUND-VIBRA FIRE PERMIT FEES	21.00
	Vendor Total		**597.00**		
FYTD for PROTECTION ONE			**597.00**		
PRUDENTIAL CALIFORNIA REALTY					
	1/24/2011	206032	57.00		
				REFUND-BUS.LIC OVERPYMT	57.00
	Vendor Total		**57.00**		
FYTD for PRUDENTIAL CALIFORNIA REALTY			**57.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PS SERVICES, INC					
	1/24/2011	206033	126.88		
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	4.88
	Vendor Total		**126.88**		
FYTD for PS SERVICES, INC			**126.88**		
PSOMAS					
	1/18/2011	205895	136.78		
				LASSELLE ST WIDENING PROJ SVCS	136.78
	Vendor Total		**136.78**		
FYTD for PSOMAS			**26,233.28**		
PULLIAM, TRENT D.					
	1/3/2011	881855	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PULLIAM, TRENT D.			**2,231.11**		
R & S OVERHEAD DOORS, INC.					
	1/24/2011	881956	2,270.75		
				OVERHEAD DOORS-FIRE # 48	258.00
				OVERHEAD DOORS-PSB	338.00
				OVERHEAD DOORS-PSB	49.00
				REMOVE/INSTALL NUTS-CITY YARD	561.00
				REMOVE/INSTALL NUTS-FIRE #2	729.00
				OVERHEAD DOORS-FIRE # 6	335.75
	Vendor Total		**2,270.75**		
FYTD for R & S OVERHEAD DOORS, INC.			**12,312.25**		
R G CLEANING SERVICE					
	1/24/2011	206034	35.00		
				REFUND-BUS.LIC OVERPYMT	35.00
	Vendor Total		**35.00**		
FYTD for R G CLEANING SERVICE			**35.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RALLY MANAGEMENT SERVICES, LLC					
	1/18/2011	881915	2,948.40		
				TEMP SVCS-HENDERSON W/E 12/5	719.28
				TEMP SVCS-HENDERSON W/E 12/12	719.28
				TEMP SVCS-RODRIGUEZ W/E 12/5	754.92
				TEMP SVCS-RODRIGUEZ W/E 12/12	754.92
	1/24/2011	881957	2,948.40		
				TEMP SVCS-HENDERSON W/E-12/19	719.28
				TEMP SVCS-HENDERSON W/E-12/26	719.28
				TEMP SVCS-RODRIGUEZ W/E-12/19	754.92
				TEMP SVCS-RODRIGUEZ W/E-12/26	754.92
	Vendor Total		**5,896.80**		
FYTD for RALLY MANAGEMENT SERVICES, LLC			**43,386.53**		
RAMIREZ, SERGIO					
	1/24/2011	206035	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RAMIREZ, SERGIO			**20.00**		
RAY-RAMIREZ, DARCY L.					
	1/3/2011	205782	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RAY-RAMIREZ, DARCY L.			**956.19**		
RE PLANET					
	1/24/2011	206036	30.17		
				REFUND-BUS.LIC OVERPYMT	30.17
	Vendor Total		**30.17**		
FYTD for RE PLANET			**30.17**		
RE/ MAX RESULTS					
	1/24/2011	206037	55.98		
				REFUND-BUS.LIC OVERPYMT	55.98
	Vendor Total		**55.98**		
FYTD for RE/ MAX RESULTS			**55.98**		
RESIDENTIAL WALL SYSTEMS					
	1/24/2011	206038	66.57		
				REFUND-BUS.LIC OVERPYMT	66.57
	1/31/2011	206134	61.90		
				REFUND-BUS LIC OVRPMT	61.90
	Vendor Total		**128.47**		
FYTD for RESIDENTIAL WALL SYSTEMS			**161.82**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RHA LANDSCAPE ARCHITECTS-PLANNERS					
	1/31/2011	206135	449.02		
				SHADOW MTN PARK LIGHTING PROJ	449.02
	Vendor Total		**449.02**		
FYTD for RHA LANDSCAPE ARCHITECTS-PLANNERS			**17,532.94**		
RICK ENGINEERING COMPANY					
	1/10/2011	881889	3,977.55		
				KITCHING ST IMPRVMNT PROJ	799.39
				KITCHING ST IMPRVMNT PROJ	118.16
				KITCHING ST IMPRVMNT PROJ	3,060.00
	1/31/2011	881987	2,380.00		
				KITCHING ST IMPRVMNT PROJ	2,380.00
	Vendor Total		**6,357.55**		
FYTD for RICK ENGINEERING COMPANY			**37,008.16**		
RIVAS, ELSA					
	1/3/2011	205783	58.00		
				REFUND-LICENSE PD	58.00
	Vendor Total		**58.00**		
FYTD for RIVAS, ELSA			**58.00**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110105	4,592.06		
				RETENTN PYMT PER ESCROW AGRMNT	4,592.06
	1/20/2011	110106	16,534.13		
				RETENTN PYMT PER ESCROW AGRMNT	16,534.13
	Vendor Total		**21,126.19**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH					
	1/18/2011	205896	250.00		
				DFA FOR RABIES	250.00
	Vendor Total		**250.00**		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH			**450.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
1/24/2011	206039	242.93		
			RADIO LEASE/MAINT-TECH SVCS	170.10
			RADIO LEASE/MAINT-TECH SVCS	9.45
			RADIO LEASE/MAINT-TECH SVCS	33.12
			COMMUNICATIONS SVCS	30.26
1/31/2011	206136	1,769.45		
			MAINT FOR RADIOS-PD	1,769.45
	Vendor Total	**2,012.38**		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		**15,243.91**		
RIVERSIDE COUNTY SHERIFF				
1/18/2011	881917	12,395.72		
			JAIL BOOKING FEES	5,188.43
			JAIL BOOKING FEES	7,207.29
	Vendor Total	**12,395.72**		
FYTD for RIVERSIDE COUNTY SHERIFF		**15,070,633.49**		
RIVERSIDE COUNTY SHERIFF BEN CLARK				
1/18/2011	205897	727.00		
			REG-TRAFF COLL INV-MOTOR VEH	287.00
			REG-TRAFF COLL INVESTIG-ADV.	440.00
1/31/2011	206137	768.00		
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
	Vendor Total	**1,495.00**		
FYTD for RIVERSIDE COUNTY SHERIFF BEN CLARK		**7,247.00**		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
1/3/2011	205784	672.58		
			GARNISHMENT	194.53
			GARNISHMENT	478.05
1/18/2011	205898	652.09		
			GARNISHMENT	177.34
			GARNISHMENT	474.75
1/31/2011	206138	750.90		
			GARNISHMENT	110.17
			GARNISHMENT	165.79
			GARNISHMENT	474.94
	Vendor Total	**2,075.57**		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		**9,346.92**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF MV					
	1/31/2011	206139	8,914.18		
				EXTRA POLICE DUTY-RVHS	5,198.08
				EXTRA POLICE DUTY-RVHS	72.16
				EXTRA POLICE DUTY-RVHS	2,352.78
				EXTRA POLICE DUTY-RVHS	54.56
				EXTRA POLICE DUTY-RVHS	848.05
				EXTRA POLICE DUTY-RVHS	22.88
				EXTRA POLICE DUTY-RVHS	353.35
				EXTRA POLICE DUTY-RVHS	12.32
	Vendor Total		**8,914.18**		
FYTD for RIVERSIDE COUNTY SHERIFF MV			**14,860.24**		
RIVERSTONE RESIDENTIAL CA, INC					
	1/31/2011	206140	55.05		
				REFUND-BUS LIC OVRPMT	55.05
	Vendor Total		**55.05**		
FYTD for RIVERSTONE RESIDENTIAL CA, INC			**55.05**		
RLZ ENGINEERING					
	1/18/2011	881918	6,138.00		
				TEMP STAFFING SVCS-CAP PROJS	6,138.00
	Vendor Total		**6,138.00**		
FYTD for RLZ ENGINEERING			**41,850.00**		
ROBINSON, JOAQUIN DIEGO					
	1/18/2011	205899	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for ROBINSON, JOAQUIN DIEGO			**988.00**		
ROCHA, MARIA					
	1/5/2011	205797	95.00		
				REFUND-RABIES & SN DEPOSIT	20.00
				REFUND-RABIES & SN DEPOSIT	75.00
	Vendor Total		**95.00**		
FYTD for ROCHA, MARIA			**95.00**		
ROCHA, SARA L.					
	1/3/2011	881856	787.80		
				OCT-DEC '10, DEC-FEB MEDI, PD	787.80
	Vendor Total		**787.80**		
FYTD for ROCHA, SARA L.			**2,544.56**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ROGERS, EUGENE					
	1/3/2011	881857	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROGERS, EUGENE			**2,231.11**		
ROGERS, KIANNA					
	1/18/2011	205900	162.50		
				MILEAGE REIMBURSEMENT	92.00
				MILEAGE REIMBURSEMENT	70.50
	Vendor Total		**162.50**		
FYTD for ROGERS, KIANNA			**972.00**		
ROSS, DAVID T.					
	1/3/2011	881858	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROSS, DAVID T.			**2,231.11**		
ROSSON, LOUIS A.					
	1/3/2011	881859	270.70		
				RETIREE MED JAN '11	174.30
				RETIREE MED JAN '11	96.40
	Vendor Total		**270.70**		
FYTD for ROSSON, LOUIS A.			**2,009.26**		
ROTO - ROOTER SERVICE & PLUMBING CO.					
	1/24/2011	206040	95.56		
				REFUND-BUS.LIC OVERPYMT	95.56
	Vendor Total		**95.56**		
FYTD for ROTO - ROOTER SERVICE & PLUMBING CO.			**95.56**		
RUSSO, JOHN					
	1/3/2011	881860	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RUSSO, JOHN			**2,231.11**		
RUVALCABA, RAFAEL					
	1/18/2011	205901	190.00		
				INSTRUCTION SVCS-5 DAYS	190.00
	Vendor Total		**190.00**		
FYTD for RUVALCABA, RAFAEL			**190.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SA ASSOCIATES					
	1/18/2011	881919	9,450.00		
				TEMP STAFFING SVCS-CAP PROJS	9,450.00
	Vendor Total		**9,450.00**		
FYTD for SA ASSOCIATES			**76,875.00**		
SABRE LIGHTING AND SIGNS					
	1/31/2011	206141	573.49		
				EXTERIOR SIGNAGE RPLCMNT-STARS	527.35
				EXTERIOR SIGNAGE RPLCMNT-STARS	46.14
	Vendor Total		**573.49**		
FYTD for SABRE LIGHTING AND SIGNS			**17,274.49**		
SALAS, BRANDY					
	1/18/2011	205902	44.00		
				REFUND-CANCELLED CLASS	44.00
	Vendor Total		**44.00**		
FYTD for SALAS, BRANDY			**44.00**		
SALFRANK, MAUREEN					
	1/24/2011	206041	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALFRANK, MAUREEN			**20.00**		
SALGADO, ERIC					
	1/31/2011	206142	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALGADO, ERIC			**20.00**		
SALIVA, MARVIN					
	1/24/2011	206042	30.00		
				REFUND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for SALIVA, MARVIN			**30.00**		
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP					
	1/24/2011	881958	56.00		
				FIRE EXTINGUISHERS-ANIMAL SHEL	56.00
	Vendor Total		**56.00**		
FYTD for SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP			**3,049.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SAN BERNARDINO SHERIFF'S DEPT. EVOC					
	1/18/2011	205903	1,159.00		
				MOTORCYCLE TRNG INSTR COURSE	1,159.00
	Vendor Total		**1,159.00**		
FYTD for SAN BERNARDINO SHERIFF'S DEPT. EVOC			**1,159.00**		
SANTA ROSA DEVELOPERS LIMITED					
	1/18/2011	205904	683.88		
				REFUND-CHANGE OF ZONE	173.87
				REFUND-CLOSED-GEN.PLAN	510.01
	Vendor Total		**683.88**		
FYTD for SANTA ROSA DEVELOPERS LIMITED			**683.88**		
SAVAGE, SUE & ROBERT					
	1/31/2011	206143	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAVAGE, SUE & ROBERT			**20.00**		
SAWLA, POOJA					
	1/31/2011	206144	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAWLA, POOJA			**20.00**		
SC SIGNS					
	1/18/2011	205905	2,100.00		
				PUBLIC HEARING SITE POSTINGS	2,100.00
	Vendor Total		**2,100.00**		
FYTD for SC SIGNS			**2,100.00**		
SCHOENFELDER, LAURA					
	1/18/2011	205906	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for SCHOENFELDER, LAURA			**38.00**		
SCMAF - INLAND VALLEY					
	1/18/2011	205907	120.00		
				2010 A & I BANQUET	120.00
	Vendor Total		**120.00**		
FYTD for SCMAF - INLAND VALLEY			**120.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SECURITY LOCK & KEY					
	1/24/2011	881959	45.00		
				LOCK REPAIRS	22.50
				LOCK REPAIRS	22.50
	Vendor Total		**45.00**		
FYTD for SECURITY LOCK & KEY			**1,666.85**		
SEIFERT, VICTORIA					
	1/31/2011	206145	45.00		
				REFUND-ANIMAL SHELTER	19.00
				REFUND-ANIMAL SHELTER	10.00
				REFUND-ANIMAL SHELTER	16.00
	Vendor Total		**45.00**		
FYTD for SEIFERT, VICTORIA			**45.00**		
SERTA MATTRESS COMPANY					
	1/3/2011	205785	300.00		
				REFUND-12/17 EVENT DEPOSIT	300.00
	Vendor Total		**300.00**		
FYTD for SERTA MATTRESS COMPANY			**300.00**		
SHAH, JAGDISH					
	1/18/2011	881920	10,800.00		
				TEMP STAFFING SVCS-CAP PROJS	10,800.00
	Vendor Total		**10,800.00**		
FYTD for SHAH, JAGDISH			**122,040.00**		
SHARRETT, SHARON K.					
	1/3/2011	205786	174.30		
				RETIREE MED JAN '11	174.30
	Vendor Total		**174.30**		
FYTD for SHARRETT, SHARON K.			**1,334.46**		
SHELDON, STUART H.					
	1/3/2011	205787	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SHELDON, STUART H.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SHELL OIL CO.					
	1/10/2011	205828	48.77		
				FUEL PURCHASE	48.77
	1/24/2011	206044	143.16		
				FUEL PURCHASES	143.16
	1/24/2011	206045	1,096.70		
				FUEL PURCHASES	1,096.70
	1/24/2011	206046	18.08		
				FUEL PURCHASES	18.08
	Vendor Total		**1,306.71**		
FYTD for SHELL OIL CO.			**11,517.19**		
SHRED-IT					
	1/24/2011	206047	22.75		
				REFUND-BUS.LIC OVERPYMT	22.75
	Vendor Total		**22.75**		
FYTD for SHRED-IT			**22.75**		
SHURTLEFF, JEANNETTE L.					
	1/18/2011	881921	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for SHURTLEFF, JEANNETTE L.			**2,964.00**		
SIERRA PACIFIC ELECTRICAL CONTRACTING					
	1/31/2011	206146	1,860.00		
				REPLACE TRAFFIC DETECTOR LOOPS	1,860.00
	Vendor Total		**1,860.00**		
FYTD for SIERRA PACIFIC ELECTRICAL CONTRACTING			**1,860.00**		
SINGER & COFFIN, APC					
	1/31/2011	881990	40.00		
				LEGAL SVCS	40.00
	Vendor Total		**40.00**		
FYTD for SINGER & COFFIN, APC			**7,499.98**		
SINGLETON-DECUIR, JANISHEIA					
	1/18/2011	881922	118.00		
				MILEAGE REIMBURSEMENT	118.00
	Vendor Total		**118.00**		
FYTD for SINGLETON-DECUIR, JANISHEIA			**277.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SKONBERG, RIX					
	1/18/2011	205935	1,500.00		
				TUITION REIMBURSEMENT	1,500.00
	Vendor Total		**1,500.00**		
FYTD for SKONBERG, RIX			**1,500.00**		
SKY TRAILS MOBILE VILLAGE					
	1/24/2011	881960	49.31		
				REFUND-UT USER TAXES	49.31
	Vendor Total		**49.31**		
FYTD for SKY TRAILS MOBILE VILLAGE			**217.31**		
SLAGERMAN, SUSAN A.					
	1/3/2011	881861	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SLAGERMAN, SUSAN A.			**2,231.11**		
SMITH FLOORS & INSTALLATIONS					
	1/24/2011	206048	22.16		
				REFUND-BUS.LIC OVERPYMT	22.16
	Vendor Total		**22.16**		
FYTD for SMITH FLOORS & INSTALLATIONS			**7,794.16**		
SMITH, MARIA A.					
	1/3/2011	881862	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SMITH, MARIA A.			**2,212.27**		
SMITH, WILMA					
	1/18/2011	205908	200.00		
				REFUND-12/18 EVENT DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for SMITH, WILMA			**200.00**		
SMUS, PAULA					
	1/10/2011	205829	37.40		
				MILEAGE REIMBURSEMENT	22.40
				MILEAGE REIMBURSEMENT	15.00
	1/24/2011	206049	93.10		
				MILEAGE REIMBURSEMENT	93.10
	Vendor Total		**130.50**		
FYTD for SMUS, PAULA			**277.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOCO GROUP, INC					
	1/10/2011	881890	6,756.90		
				FUEL PURCHASE	6,756.90
	Vendor Total		**6,756.90**		
FYTD for SOCO GROUP, INC			**157,607.90**		
SOLAR SERVICE CENTER					
	1/18/2011	205909	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for SOLAR SERVICE CENTER			**75.00**		
SOMERS, ROBERTA					
	1/24/2011	206050	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for SOMERS, ROBERTA			**75.00**		
SOUTH COAST AIR QUALITY MGMT DISTRICT					
	1/18/2011	205910	684.59		
				FIRE # 91-OPERATING FEE	379.90
				FIRE # 91-EMISSIONS FEE	109.00
				FIRE # 2-OPERATING FEE	86.69
				FIRE # 2-EMISSIONS FEE	109.00
	Vendor Total		**684.59**		
FYTD for SOUTH COAST AIR QUALITY MGMT DISTRICT			**2,076.08**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/10/2011	205830	11,181.08		
				ELECTRICITY	118.32
				ELECTRICITY	24.80
				ELECTRICITY	21.26
				ELECTRICITY	26.65
				ELECTRICITY	115.18
				ELECTRICITY	241.31
				ELECTRICITY	926.51
				ELECTRICITY	2,831.91
				ELECTRICITY	187.02
				ELECTRICITY	418.93
				ELECTRICITY	932.08
				ELECTRICITY	745.74
				ELECTRICITY	146.37
				ELECTRICITY	813.76
				ELECTRICITY	468.41
				ELECTRICITY	412.07
				ELECTRICITY	387.59
				ELECTRICITY	22.33
				ELECTRICITY	1,817.12
				ELECTRICITY	198.34
				ELECTRICITY	138.30
				ELECTRICITY	63.33
				ELECTRICITY	123.75
	1/24/2011	206051	14,490.30		
				IFA CHARGES-SUBSTATION	14,146.73
				ELECTRIC CHARGES	343.57
	1/31/2011	206147	3,279.84		
				ELECTRICITY	25.45
				ELECTRICITY	1,034.65
				ELECTRICITY	704.85
				ELECTRICITY	137.16
				ELECTRICITY	817.85
				ELECTRICITY	344.98
				ELECTRICITY	24.57
				ELECTRICITY	48.93
				ELECTRICITY	141.40
	Vendor Total		**28,951.22**		
FYTD for SOUTHERN CALIFORNIA EDISON			**1,759,082.07**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA GAS CO.					
	1/24/2011	206052	11,304.40		
				GAS CHARGES	1,198.67
				GAS CHARGES	3,273.34
				GAS CHARGES	114.54
				GAS CHARGES	218.88
				GAS CHARGES	777.55
				GAS CHARGES	362.64
				GAS CHARGES	151.64
				GAS CHARGES	1,516.93
				GAS CHARGES	453.11
				GAS CHARGES	278.01
				GAS CHARGES	384.85
				GAS CHARGES	359.34
				GAS CHARGES	562.38
				GAS CHARGES	739.86
				GAS CHARGES	64.14
				GAS CHARGES	848.52
	Vendor Total		**11,304.40**		
FYTD for SOUTHERN CALIFORNIA GAS CO.			**37,468.71**		
SPARKLETTS					
	1/18/2011	205912	39.92		
				WATER SERVICE	12.28
				WATER SERVICE	27.64
	1/24/2011	206053	4.50		
				WATER SERVICE	4.50
	Vendor Total		**44.42**		
FYTD for SPARKLETTS			**426.91**		
SPECIALIZED BUSINESS SYSTEM, INC.					
	1/24/2011	206054	528.05		
				LEKTRIEVER MAINTENANCE	528.05
	Vendor Total		**528.05**		
FYTD for SPECIALIZED BUSINESS SYSTEM, INC.			**528.05**		
SPECK, GARY B.					
	1/3/2011	881863	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SPECK, GARY B.			**2,231.11**		
SPECTRUM CARE					
	1/18/2011	881924	12,333.33		
				LANDSCAPE MAINT-ZONE E-1	10,540.00
				LANDSCAPE MAINT-ZONE E-1	1,793.33
	Vendor Total		**12,333.33**		
FYTD for SPECTRUM CARE			**90,835.36**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SPENCER, MARTHA					
	1/3/2011	881864	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for SPENCER, MARTHA			**1,397.06**		
SPRINT/NEXTEL					
	1/18/2011	881925	642.44		
				CELL PH CHGS-GTF	35.22
				CELL PH CHGS-SET	607.22
	Vendor Total		**642.44**		
FYTD for SPRINT/NEXTEL			**2,589.23**		
STANDARD INSURANCE CO					
	1/18/2011	205913	1,926.44		
				SUPPLEMENTAL INSURANCE	1,926.44
	Vendor Total		**1,926.44**		
FYTD for STANDARD INSURANCE CO			**227,964.72**		
STANLEY CONVERGENT SECURITY SOLUTNS, INC					
	1/24/2011	881961	274.00		
				MONITORING SVCS-ANML SHLTR	175.00
				MONITORING SVCS-POLICE	99.00
	Vendor Total		**274.00**		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC			**16,197.49**		
STATE BOARD OF EQUALIZATION					
	1/25/2011	1231101	1,976.00		
				SALES & USE TAX 10/1-12/31/10	1,976.00
	1/31/2011	206148	5,047.31		
				ELECTRICAL ENERGY SURCHARGE	5,047.31
	Vendor Total		**7,023.31**		
FYTD for STATE BOARD OF EQUALIZATION			**20,559.31**		
STATE DISBURSEMENT UNIT					
	1/6/2011	2773	1,835.37		
				CHILD SUPPORT W/H 01/06/11	1,835.37
	1/20/2011	2782	1,863.89		
				CHILD SUPPORT W/H 1/20/11	1,863.89
	Vendor Total		**3,699.26**		
FYTD for STATE DISBURSEMENT UNIT			**18,335.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STATE OF CALIFORNIA DEPT. OF JUSTICE				
1/18/2011	205914	2,961.00		
			FINGERPRINTING SVCS-PD	2,961.00
1/31/2011	206149	2,649.00		
			BLOOD ALCHL ANLYS-PD	945.00
			BLOOD ALCHL ANLYS-PD	350.00
			BLOOD ALCHL ANLYS-PD	490.00
			FINGERPRINTING SVCS-HR	192.00
			FINGERPRINTING SVCS-STARS	64.00
			FINGERPRINTING SVCS-VOL SVCS	32.00
			FINGERPRINTING SVCS-B/L	32.00
			FINGERPRINTING SVCS-PARKS	64.00
			FINGERPRINTING SVCS-PARKS	192.00
			FINGERPRINTING SVCS-PD	288.00
	Vendor Total	**5,610.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE		**39,702.00**		
STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV				
1/18/2011	205915	145.34		
			REFUND-MVU	51.99
			REFUND-MVU	93.35
	Vendor Total	**145.34**		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV		**1,771.30**		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN				
1/18/2011	205916	2,889.12		
			TRANSCRIPTION SVCS-PD	2,889.12
	Vendor Total	**2,889.12**		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN		**21,479.68**		
STERICYCLE (BFI)				
1/31/2011	881991	1,219.52		
			MED WASTE HAULING SVC	609.81
			MED WASTE HAULING SVC	609.71
	Vendor Total	**1,219.52**		
FYTD for STERICYCLE (BFI)		**3,901.50**		
STEVE'S VALLEY NURSERY				
1/24/2011	206055	175.00		
			PARK SAND	175.00
	Vendor Total	**175.00**		
FYTD for STEVE'S VALLEY NURSERY		**175.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEWART, CLIFFORD					
	1/3/2011	881865	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for STEWART, CLIFFORD			**1,774.42**		
STEWART, RICHARD A.					
	1/24/2011	206056	168.86		
				REFUND-CANDIDATE STATEMENT	168.86
	Vendor Total		**168.86**		
FYTD for STEWART, RICHARD A.			**168.86**		
STRADLING, YOCCA, CARLSON & RAUTH					
	1/10/2011	205831	10,293.96		
				LEGAL SVCS	2,227.43
				LEGAL SVCS	4,004.83
				LEGAL SVCS	250.00
				LEGAL SVCS	250.00
				LEGAL SVCS	1,282.35
				LEGAL SVCS	754.35
				LEGAL SVCS	425.00
				LEGAL SVCS	100.00
				LEGAL SVCS	700.00
				LEGAL SVCS	300.00
	1/18/2011	205917	300.36		
				LEGAL SVCS	300.36
	Vendor Total		**10,594.32**		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH			**42,017.74**		
STRICKLER ASSOCIATION, THE					
	1/24/2011	881963	7,377.50		
				NEIGHBORHOOD STABILIZATION	2,745.00
				NEIGHBORHOOD STABILIZATION	1,252.50
				NEIGHBORHOOD STABILIZATION	3,380.00
	Vendor Total		**7,377.50**		
FYTD for STRICKLER ASSOCIATION, THE			**14,657.50**		
STRICKLER II, JOHN W.					
	1/3/2011	881866	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for STRICKLER II, JOHN W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SUNNYMEAD ACE HARDWARE					
	1/3/2011	205790	114.08		
				MISC. SUPPLIES-POLICE	13.03
				MISC. SUPPLIES-POLICE	22.83
				MISC. SUPPLIES-POLICE	8.69
				MISC. SUPPLIES-POLICE	69.53
	1/18/2011	205918	75.95		
				MISC.SUPPLIES-PARK MAINT.	32.46
				MISC.SUPPLIES-POLICE	43.49
	1/31/2011	206150	27.13		
				MISC SUPPLIES-PD	27.13
	Vendor Total		**217.16**		
FYTD for SUNNYMEAD ACE HARDWARE			**1,285.47**		
SWITZER, BANGON					
	1/31/2011	206151	112.00		
				REFUND-CLASS CANCELED	112.00
	Vendor Total		**112.00**		
FYTD for SWITZER, BANGON			**112.00**		
TARUCA, CARLOS					
	1/24/2011	206057	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for TARUCA, CARLOS			**100.00**		
TAX COMPLIANCE SERVICES					
	1/18/2011	205919	6,250.00		
				UUT COMPLIANCE SERVICES	6,250.00
	Vendor Total		**6,250.00**		
FYTD for TAX COMPLIANCE SERVICES			**31,250.00**		
TEACHER CREATED MATERIALS, INC.					
	1/31/2011	206152	6,129.20		
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.85
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-SHIPPING	419.99
	Vendor Total		**6,129.20**		
FYTD for TEACHER CREATED MATERIALS, INC.			**6,129.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TEK WORKS					
	1/24/2011	206073	13,647.08		
				REPLCMNT OF EBI KEYCARD SYSTEM	12,802.19
				RELOCATE SYS PANEL AT CITY YRD	844.89
	1/31/2011	881992	145.81		
				REPAIRS @ ESA ANNEX	145.81
	Vendor Total		**13,792.89**		
FYTD for TEK WORKS			**63,284.87**		
THE GAS COMPANY					
	1/10/2011	205832	213.84		
				LINE EXTENSION-HIGHLND FIRE ST	213.84
	Vendor Total		**213.84**		
FYTD for THE GAS COMPANY			**213.84**		
THE SMOKE DETECTORS					
	1/10/2011	205833	1,000.00		
				TRUCK SMOKE OPACITY TESTS	1,000.00
	Vendor Total		**1,000.00**		
FYTD for THE SMOKE DETECTORS			**1,000.00**		
THOMSON REUTERS INC					
	1/18/2011	205920	2,652.53		
				LEGAL PUBLICATION SUBSCPTNS	199.09
				LEGAL PUBLICATION SUBSCPTNS	2,453.44
	Vendor Total		**2,652.53**		
FYTD for THOMSON REUTERS INC			**5,554.02**		
THYSSENKRUPP ELEVATOR CORPORATION					
	1/24/2011	206058	45.43		
				REFUND-BUS.LIC OVERPYMT	45.43
	Vendor Total		**45.43**		
FYTD for THYSSENKRUPP ELEVATOR CORPORATION			**45.43**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRICHE, TARA					
	1/24/2011	206059	1,411.92		
				INSTRUCTOR SVCS-BALLET 4	88.80
				INSTRUCTOR SVCS-BALLET 7	155.40
				INSTRUCTOR SVCS-BALLET 5	111.00
				INSTRUCTOR SVCS-BALLET 3	66.60
				INSTRUCTOR SVCS-DANCE 12	257.52
				INSTRUCTOR SVCS-DANCE 6	133.20
				INSTRUCTOR SVCS-DANCE 8	177.60
				INSTRUCTOR SVCS-DANCE 10	222.00
				INSTRUCTOR SVCS-HIP HOP 9	199.80
	Vendor Total		**1,411.92**		
FYTD for TRICHE, TARA			**11,956.92**		
TRI-CITY LINEN SUPPLY, INC.					
	1/3/2011	205791	166.00		
				LINEN SVCS	25.00
				LINEN SVCS	66.00
				LINEN SVCS	75.00
	1/10/2011	205834	50.00		
				LINEN SVCS	25.00
				LINEN SVCS	25.00
	1/18/2011	205921	25.00		
				LINEN SVCS	25.00
	1/31/2011	206153	25.00		
				LINEN RENTAL-CONF & REC CTR	25.00
	Vendor Total		**266.00**		
FYTD for TRI-CITY LINEN SUPPLY, INC.			**1,171.75**		
TROPICAL PLAZA NURSERY, INC					
	1/24/2011	206060	94.20		
				REFUND-BUS.LIC OVERPYMT	94.20
	Vendor Total		**94.20**		
FYTD for TROPICAL PLAZA NURSERY, INC			**94.20**		
TROPICAL PLAZA NURSERY, INC.					
	1/18/2011	205922	16,196.10		
				LANDSCAPE MAINT-ZONE E-2	15,700.00
				LANDSCAPE MAINT-ZONE E-2	496.10
	Vendor Total		**16,196.10**		
FYTD for TROPICAL PLAZA NURSERY, INC.			**130,988.49**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRUGREEN LANDCARE					
	1/31/2011	881993	14,614.60		
				LANDSCAPE MAINT-ZONE M	5,324.89
				LANDSCAPE MAINT-DSG 1/10	6,804.71
				LANDSCAPE MAINT-E16	2,485.00
	Vendor Total		**14,614.60**		
FYTD for TRUGREEN LANDCARE			**185,249.19**		
TUNTLAND, JAMES					
	1/3/2011	881867	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for TUNTLAND, JAMES			**1,774.42**		
TURF STAR, INC.					
	1/24/2011	206061	700.47		
				GOLF COURSE EQUIP. PARTS	700.47
	Vendor Total		**700.47**		
FYTD for TURF STAR, INC.			**1,268.28**		
U.S. HEALTHWORKS MEDICAL GROUP					
	1/31/2011	206154	515.00		
				PRE-EMPLOYMENT PHYSICALS	360.00
				PRE-EMPLOYMENT PHYSICALS	65.00
				PRE-EMPLOYMENT PHYSICALS	90.00
	Vendor Total		**515.00**		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP			**6,960.00**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNION BANK OF CALIFORNIA				
1/18/2011	205923	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205923 ON 1/18/11	-170.00
1/18/2011	205924	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205924 ON 1/18/11	-170.00
1/18/2011	205925	980.34		
			STANDBY LOC TRANSFER FEES	291.67
			STANDBY LOC TRANSFER FEES	397.00
			STANDBY LOC TRANSFER FEES	291.67
1/18/2011	205937	0.00		
			CREDIT TO REVERSE PREV PAYMENT	-291.67
			STANDBY LOC TRANSFER FEES	170.00
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK #205937ON 2/24/11	291.67
			VOIDED CHECK #205937ON 2/24/11	-170.00
			VOIDED CHECK #205937ON 2/24/11	-170.00
Vendor Total		**980.34**		
FYTD for UNION BANK OF CALIFORNIA		**58,713.22**		
UNITED PACIFIC SERVICES, INC				
1/31/2011	206155	16,694.50		
			TREE TRIMMING SVC-E3	9,869.00
			TREE TRIMMING SVC-E8	1,526.50
			TREE TRIMMING SVC-E15	1,065.00
			TREE TRIMMING SVC-E3	678.00
			TREE TRIMMING SVC-E3	2,000.00
			TREE TRIMMING SVC-E4	1,556.00
Vendor Total		**16,694.50**		
FYTD for UNITED PACIFIC SERVICES, INC		**26,811.06**		
UNITED ROTARY BRUSH CORP				
1/10/2011	881891	716.67		
			BROOM KITS-STREET SWEEPER	223.58
			BROOM KITS-STREET SWEEPER	493.09
Vendor Total		**716.67**		
FYTD for UNITED ROTARY BRUSH CORP		**19,134.47**		
UNITED SITE SERVICES OF CA, INC.				
1/18/2011	205936	107.39		
			FENCE RENTAL-ANIMAL SHELTER	107.39
1/24/2011	881965	77.33		
			PORTABLE TOILET SVC-GOLF COURS	77.33
Vendor Total		**184.72**		
FYTD for UNITED SITE SERVICES OF CA, INC.		**2,331.38**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED STATES TREASURY					
	1/3/2011	205792	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/18/2011	205926	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/31/2011	206156	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	Vendor Total		**150.00**		
FYTD for UNITED STATES TREASURY			**800.00**		
UNITED WAY OF INLAND VALLEYS					
	1/3/2011	205793	627.18		
				UNITED WAY CONTRIBUTIONS	627.18
	1/18/2011	205927	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	1/31/2011	206157	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	Vendor Total		**1,641.56**		
FYTD for UNITED WAY OF INLAND VALLEYS			**9,874.90**		
URRUTIA, MARIO					
	1/31/2011	206158	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for URRUTIA, MARIO			**20.00**		
USA MOBILITY/ARCH WIRELESS					
	1/24/2011	881966	36.59		
				PAGER SVC-PARK RANGERS	2.01
				PAGER SVC-TRANSP. DIV.	4.66
				PAGER SVC-ANIMAL SVCS	29.92
	Vendor Total		**36.59**		
FYTD for USA MOBILITY/ARCH WIRELESS			**507.92**		
VA CONSULTING, INC.					
	1/18/2011	881927	11,056.75		
				AUTO MALL STREET UPGRADES PROJ	2,317.10
				AUTO MALL STREET UPGRADES PROJ	1,037.90
				AUTO MALL STREET UPGRADES PROJ	5,711.30
				AUTO MALL STREET UPGRADES PROJ	1,990.45
	Vendor Total		**11,056.75**		
FYTD for VA CONSULTING, INC.			**83,455.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VACATE PEST ELIMINATION COMPANY					
	1/24/2011	881967	1,415.00		
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-FIRE #2	45.00
				PEST CNTRL-FIRE #6	45.00
				PEST CNTRL-FIRE #48	45.00
				PEST CNTRL-FIRE #58	45.00
				PEST CNTRL-FIRE #65	45.00
				PEST CNTRL-FIRE #91	45.00
				PEST CNTRL-FIRE #91SPECIAL	45.00
				PEST CNTRL-SENIOR CENTER	55.00
				PEST CNTRL-TOWNGATE C/C	45.00
				PEST CNTRL-UTILITIES FIELD OFF	45.00
				PEST CNTRL-PUBLIC LIBRARY	55.00
				PEST CNTRL-P.S.B.	75.00
				PEST CNTRL-CITY HALL	75.00
				PEST CNTRL-CITY YARD	115.00
				PEST CNTRL-TRANSPORT TRAILER	45.00
				PEST CNTRL-PRO SHOP	22.50
				PEST CNTRL-MVTV-3	22.50
				PEST CNTRL-C & R	75.00
				PEST CNTRL-ANIMAL SHELTER	115.00
				PEST CNTRL-ANNEX # 1	55.00
				PEST CNTRL-HOBBY SHOP	45.00
				PEST CNTRL-MARCH ASES BLDG.	45.00
				PEST CNTRL-MARCH C/C	45.00
	1/31/2011	881994	540.00		
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
	Vendor Total		**1,955.00**		
FYTD for VACATE PEST ELIMINATION COMPANY			**11,475.00**		
VALI COOPER & ASSOCIATES, INC.					
	1/18/2011	881928	640.00		
				DAY ST IMPRVMNTS PROJ SVCS	640.00
	Vendor Total		**640.00**		
FYTD for VALI COOPER & ASSOCIATES, INC.			**67,645.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VAS ASSOCIATES, INC.					
	1/24/2011	881968	17,040.00		
				TEMP STAFFING SVCS-CAP PROJS	17,040.00
	Vendor Total		**17,040.00**		
FYTD for VAS ASSOCIATES, INC.			**130,080.00**		
VASQUEZ, LIZ					
	1/31/2011	206159	30.00		
				REFUND-DOG ADOPTION	30.00
	Vendor Total		**30.00**		
FYTD for VASQUEZ, LIZ			**30.00**		
VERIZON					
	1/24/2011	206062	1,683.14		
				BACKBONE CHARGES	1,683.14
	Vendor Total		**1,683.14**		
FYTD for VERIZON			**11,861.61**		
VERIZON CALIFORNIA					
	1/31/2011	206160	618.41		
				PHONE CHRGS-ERC	618.41
	Vendor Total		**618.41**		
FYTD for VERIZON CALIFORNIA			**5,053.34**		
VICTOR MEDICAL CO					
	1/10/2011	205835	783.00		
				ANIMAL MEDICAL SUPPLIES	783.00
	Vendor Total		**783.00**		
FYTD for VICTOR MEDICAL CO			**8,299.81**		
VIGIL, ERNEST					
	1/3/2011	881868	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for VIGIL, ERNEST			**2,231.11**		
VINCENT, CLARENCE					
	1/3/2011	205794	1,657.32		
				JAN - 1/2 OF NOV '10, PAID JAN	1,657.32
	Vendor Total		**1,657.32**		
FYTD for VINCENT, CLARENCE			**1,657.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VINTAGE ROOFING AND SOLAR CO, INC					
	1/24/2011	206063	70.35		
				REFUND-BUS.LIC OVERPYMT	70.35
	Vendor Total		**70.35**		
FYTD for VINTAGE ROOFING AND SOLAR CO, INC			**70.35**		
VISION SERVICE PLAN					
	1/18/2011	881929	4,554.54		
				EMPLOYEE VISION INSURANCE	4,554.54
	Vendor Total		**4,554.54**		
FYTD for VISION SERVICE PLAN			**30,531.47**		
VISTA PAINT CORPORATION					
	1/10/2011	205836	999.23		
				PAINT & SUPPLIES	937.21
				PAINT & SUPPLIES	62.02
	Vendor Total		**999.23**		
FYTD for VISTA PAINT CORPORATION			**6,041.62**		
VULCAN MATERIALS CO, INC.					
	1/10/2011	205837	103.17		
				ASPHALTIC MATERIALS	103.17
	1/31/2011	206161	486.00		
				ASPHALTIC MATERIALS	171.69
				ASPHALTIC MATERIALS	104.54
				ASPHALTIC MATERIALS	105.23
				ASPHALTIC MATERIALS	104.54
	Vendor Total		**589.17**		
FYTD for VULCAN MATERIALS CO, INC.			**15,606.55**		
WAGGONER JR., GLENN C.					
	1/3/2011	881869	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGGONER JR., GLENN C.			**2,231.11**		
WAGNER, GARY D.					
	1/3/2011	881870	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGNER, GARY D.			**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WAGONER, ROBERT					
	1/3/2011	881871	360.40		
				12-8-10 - 2-8-11, PAID JAN '11	360.40
	Vendor Total		**360.40**		
FYTD for WAGONER, ROBERT			**1,441.60**		
WAGY, CARYLON					
	1/3/2011	205795	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGY, CARYLON			**2,231.11**		
WALKER, ANTHONY					
	1/18/2011	205928	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for WALKER, ANTHONY			**50.00**		
WALKER, DONNA JEAN					
	1/18/2011	881930	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for WALKER, DONNA JEAN			**304.00**		
WANG'S APARTMENT					
	1/18/2011	205929	95.00		
				REFUND-BUS.LIC OVERPYMT	95.00
	Vendor Total		**95.00**		
FYTD for WANG'S APARTMENT			**95.00**		
WASSON, KIRK					
	1/18/2011	881931	228.00		
				INSTRUCTION SVCS-6 DAYS	228.00
	Vendor Total		**228.00**		
FYTD for WASSON, KIRK			**722.00**		
WAXIE SANITARY SUPPLY					
	1/18/2011	205930	97.95		
				JANITORIAL SUPPLIES	56.06
				JANITORIAL SUPPLIES	34.01
				JANITORIAL SUPPLIES	7.88
	Vendor Total		**97.95**		
FYTD for WAXIE SANITARY SUPPLY			**97.95**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WELLS FARGO BANK					
	1/24/2011	206064	2,000.00		
				A/C 22631700 TABS SERIES A	2,000.00
	1/31/2011	206162	4,000.00		
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
	Vendor Total		**6,000.00**		
FYTD for WELLS FARGO BANK			**14,500.00**		
WELLS FARGO BANK, NA					
	1/31/2011	206163	750.00		
				ESCROW RE: 97 LRB PRIVT PLCMNT	750.00
	Vendor Total		**750.00**		
FYTD for WELLS FARGO BANK, NA			**750.00**		
WELLS FARGO CORPORATE TRUST					
	1/3/2011	110101	1,273.34		
				INT ON 97 CH COP VAR RATE BOND	1,273.34
	Vendor Total		**1,273.34**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WEST COAST DRYWALL & PAINT					
	1/24/2011	206065	25.52		
				REFUND-BUS.LIC OVERPYMT	25.52
	Vendor Total		**25.52**		
FYTD for WEST COAST DRYWALL & PAINT			**25.52**		
WEST PUBLISHING CORPORATION					
	1/31/2011	206164	535.00		
				AUTO TRACK SVCS-PD	535.00
	Vendor Total		**535.00**		
FYTD for WEST PUBLISHING CORPORATION			**3,710.00**		
WESTCON ELEVATOR, INC					
	1/24/2011	206066	32.30		
				REFUND-BUS.LIC OVERPYMT	32.30
	Vendor Total		**32.30**		
FYTD for WESTCON ELEVATOR, INC			**32.30**		
WESTERN INSULATIONS, LP					
	1/24/2011	206067	74.17		
				REFUND-BUS LIC OVRPMT	74.17
	Vendor Total		**74.17**		
FYTD for WESTERN INSULATIONS, LP			**74.17**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WESTERN MUNICIPAL WATER DISTRICT					
	1/24/2011	206068	163.33		
				WATER CHARGES	41.22
				WATER CHARGES	61.83
				WATER CHARGES	60.28
	Vendor Total		**163.33**		
FYTD for WESTERN MUNICIPAL WATER DISTRICT			**15,595.04**		
WHEMPNER, LYLE					
	1/24/2011	206069	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for WHEMPNER, LYLE			**20.00**		
WIELIN, RONALD A.					
	1/3/2011	881872	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WIELIN, RONALD A.			**2,231.11**		
WILLDAN AND ASSOCIATES					
	1/24/2011	206070	8,474.16		
				PROF.SVCS-PLAN CHECKS	8,474.16
	Vendor Total		**8,474.16**		
FYTD for WILLDAN AND ASSOCIATES			**82,201.48**		
WILLIAMS, JANE L.					
	1/3/2011	881873	200.93		
				DEC '10, PAID JAN '11	128.78
				VSP SEPT-NOV '10, PAID JAN '11	72.15
	Vendor Total		**200.93**		
FYTD for WILLIAMS, JANE L.			**1,168.14**		
WILLIAMS, LARRY					
	1/3/2011	205796	3,710.00		
				DEC 09-NOV 10, PD JAN '11	3,710.00
	Vendor Total		**3,710.00**		
FYTD for WILLIAMS, LARRY			**3,710.00**		
WILLOUGHBY, LORIA					
	1/24/2011	881969	26.50		
				MILEAGE REIMBURSEMENT	26.50
	Vendor Total		**26.50**		
FYTD for WILLOUGHBY, LORIA			**326.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WINCHESTER ASSOCIATES					
	1/18/2011	205931	2,317.00		
				REFUND-CLOSED-CHG.ZONE	2,317.00
	Vendor Total		**2,317.00**		
FYTD for WINCHESTER ASSOCIATES			**2,317.00**		
WINZLER & KELLY CONSULTING ENGINEERS					
	1/31/2011	881995	11,210.00		
				TEMP STAFFING SVCS-UTILITIES	11,210.00
	Vendor Total		**11,210.00**		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS			**52,057.50**		
WIRZ & COMPANY					
	1/10/2011	205838	6.37		
				SALES TAXES FOR TOW LABELS	6.37
	Vendor Total		**6.37**		
FYTD for WIRZ & COMPANY			**2,087.80**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WURM'S JANITORIAL SERVICES, INC.					
	1/18/2011	881932	130.00		
				JANITORIAL SVCS-SENIOR SPECIAL	130.00
	1/24/2011	881970	3,208.75		
				JANITORIAL SVCS-DAY PORTER	1,768.75
				JANITORIAL SVCS-FAC.ANNEX	960.00
				CLEANING SVCS-TOWNGATE	480.00
	1/31/2011	881996	24,980.97		
				JANITORIAL SVCS-SNNYMD ELEM	184.10
				JANITORIAL SVCS-RAINBOW ELEM	310.19
				JANITORIAL SVCS-MAPLE ELEM	310.19
				JANITORIAL SVCS-STARS	224.16
				JANITORIAL SVCS-SNNYMD MIDDLE	152.10
				JANITORIAL SVCS-FAC ANNX	1,080.00
				SPECIAL CLEANINGS-CONF & REC C	2,625.00
				JANITORIAL SVCS-CITY HALL	3,532.79
				JANITORIAL SVCS-CITY YARD	260.28
				JANITORIAL SVCS-TRANS. TRAILER	73.80
				JANITORIAL SVCS-EMERG OPS CTR	516.27
				JANITORIAL SVCS-SP DIST ANNEX	551.73
				JANITORIAL SVCS-FACIL. ANNEX	93.24
				JANITORIAL SVCS-LIBRARY	1,328.85
				JANITORIAL SVCS-MARCH FIELD	955.70
				JANITORIAL SVCS-PUB SFTY BLDG	5,564.25
				JANITORIAL SVCS-GOLF PRO SHOP	644.70
				JANITORIAL SVCS-MVTV STUDIO	58.05
				JANITORIAL SVCS-SENIOR CTR	1,916.18
				JANITORIAL SVCS-CONF & REC CTR	3,447.93
				JANITORIAL SVCS-TS ANNEX	340.08
				JANITORIAL SVCS-TOWNGATE C.C.	691.38
				CARPET DRYING-PD CHIEF'S OFFCE	20.00
				PORT. EXTRACTOR TO DRY CARPET	100.00
	Vendor Total		**28,319.72**		
FYTD for WURM'S JANITORIAL SERVICES, INC.			**188,298.85**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX					
	1/18/2011	205934	1,571.48		
				COPIER RNTL/MAINT-PARKS	359.34
				COPIER RNTL/MAINT-PARKS	779.48
				COPIER RNTL/MAINT-PARKS	432.66
	1/31/2011	206165	8,664.45		
				COPIER EXCESS PRINTS-STARS	2,619.28
				COPIER EXCESS PRINTS-STARS	1,895.34
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,888.43
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,366.58
				COPIER RNTL/MAINT-GRAPHICS	1,422.13
				COPIER RNTL/MAINT-GRAPHICS	397.79
				CREDIT-METER EXCESS PRINTS	-1,522.09
				CREDIT-METER EXCESS PRINTS	-1,631.99
	Vendor Total		**10,235.93**		
FYTD for XEROX			**47,777.96**		
YAMASHITA, JULIA J.					
	1/3/2011	881875	309.40		
				OCT-NOV '10, PAID JAN '11	309.40
	Vendor Total		**309.40**		
FYTD for YAMASHITA, JULIA J.			**1,237.60**		
ZELAYA, XENIA					
	1/24/2011	206071	47.00		
				REFUND-CLASS REGIST	47.00
	Vendor Total		**47.00**		
FYTD for ZELAYA, XENIA			**47.00**		
	Subtotal		**1,176,392.93**		
	GRAND TOTAL		**12,324,061.41**		

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015.

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017.

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto.

BACKGROUND

On June 10, 2008, the City Council awarded an agreement to STK Architecture (STK) for design professional consultant services for the Cottonwood Fire Station. The City Council also authorized the selected consultant to design future Fire Station Nos. 65 and 107 (Morrison Park) based on a qualification-based selection process subject to funding availability, fee negotiations with the preferred consultant, STK, and City Council approval.

In approving the FY 09/10 Capital Improvement Project (CIP) budget, the City Council reappropriated funding for various fire stations, allowing the Fire Department additional time to reanalyze its coverage area to size a fire station and locate it at the most effective location

On February 8, 2010, the Fire Chief presented a request to, and received concurrence from, the Public Safety Subcommittee for design and construction of the Morrison Park Fire Station.

On March 23, 2010, the City Council approved the Agreement for Design Professional Consultant Services with STK Architecture, Inc. for architectural and engineering design and construction contract administration services for Morrison Park Fire Station.

DISCUSSION

The Morrison Park Fire Station is located on APN 487-370-017, owned by the City, at 13400 Morrison Street. The adjacent property along the north property line, APN 487-370-015, is owned by YMCA of Riverside City and County. This is the future site of the YMCA Youth Center. The Morrison Park Fire Station will be a two-bay fire station with a modified floor plan layout. The fire station will have two driveways accessing from Morrison Street. The northernmost driveway is located directly opposite to Rockport Drive to facilitate the traffic along Morrison Street. This northernmost driveway will be dedicated as a shared driveway between the Fire Station and the future YMCA Youth Center.

As part of the City Condition of Approval for construction of the Morrison Park Fire Station, the City of Moreno Valley and YMCA of Riverside City and County shall enter an Irrevocable Reciprocal Easement for Ingress and Egress to provide right of way for vehicular traffic entering the Fire Station and YMCA Youth Center through the northernmost driveway.

ALTERNATIVES

1. Approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and authorize the City Manager to execute said “Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will facilitate the construction of needed facilities.*

2. Do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and do not authorize the City Manager to

execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will result in the delay of needed facilities.*

FISCAL IMPACT

The project is funded using 2007 Redevelopment Agency Tax Allocation Bond Series A proceeds (Fund 897) that were specifically allocated for the design and construction of the Morrison Park Fire Station. These funds must be used for their intended purpose and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGET

Fiscal Year 2010/2011 (897.91729)	$6,276,000
Total Funding	**$6,276,000**

ESTIMATED PROJECT COSTS

Final Design/Environmental Assessment/Const. Administration Services (including 10% contingency)	$ 766,000
Inspection, Testing, Geotechnical, and Survey services	$ 155,000
Communications (Riverside County IT services)	$ 50,000
Construction (including furniture and furnishings)	$5,200,000
Administrative Costs (permits, utility fees, Plan Check staff, misc.)	$ 100,000
Total Estimated Project Cost	**$6,271,000**

PRELIMINARY PROJECT SCHEDULE

Design Phase	April 2010 - June 2011
Bid and Award	July 2011 – September 2011
Notice of Construction Award	October 2011
Begin Construction	November 2011
Complete Construction	October 2012
Occupancy	November 2012

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Staff recommends the City Council approve the Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for shared use of the driveway separating the YMCA and Morrison Park Fire Station properties.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-015
Attachment "C" Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-017

Prepared By:
Henry Ngo, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/
City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/
Assistant City Engineer

Concurred By:
Steve Curley
Fire Chief

Concurred By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

\\Zurich\shared\PublWork\CapProj\CapProj\PROJECTS\Henry - 11-43472527 - Morrison Park Fire Station\CC Reports\YMCA Agreement - 03-22-11 -- Morrison Park Fire Station.doc

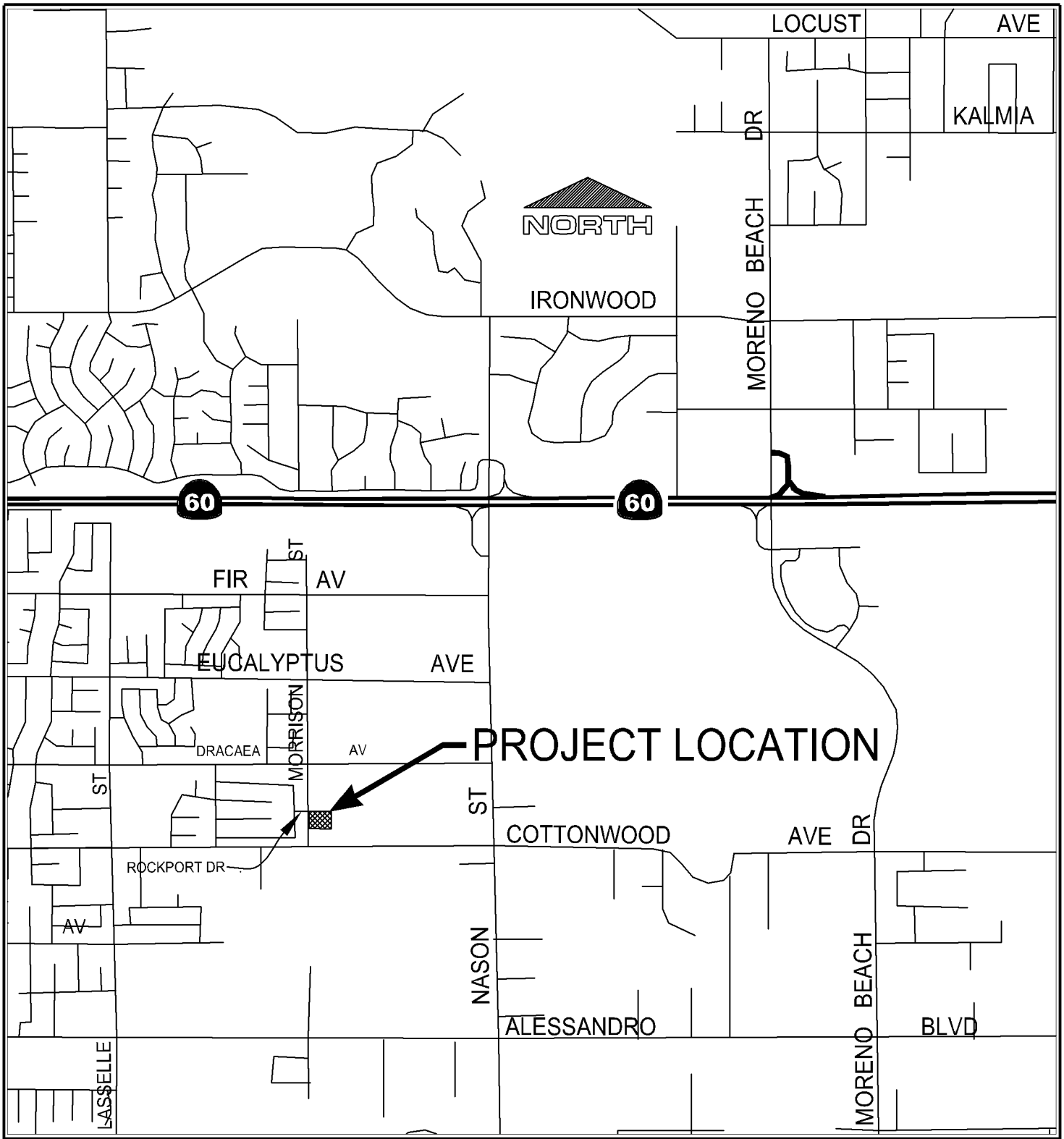

LOCATION MAP

Public WorksDepartment
Capital Projects Division

Scale: None

Attachment "A"

Morrison Park Fire Station

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MV00099629

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-015

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between YMCA of Riverside City and County ("Grantor") and City of Moreno Valley, A Municipal Corporation ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

RECITALS

1. Grantor is the owner of certain real property ("Servient Tenement") located at the Northeast Corner of the Morrison Street and Rockport Drive Intersection in the City of Moreno Valley, County of Riverside, State of California described in the Corporation Grant Deed Recorded May 4, 1987 as Instrument Number 1762364-2, records of said County and included with this agreement as Exhibit "A" and hereby incorporated by this reference.
2. Grantee is the owner of certain real property ("Dominant Tenement") located at 13400 Morrison Street in the City of Moreno Valley, County of Riverside, State of California as described in the Quitclaim Deed Recorded November 4, 2009 as Document Number 2009-0572626, Records of said County and included with this agreement as Exhibit "B" and hereby incorporated by this reference.
3. By entering into this agreement, the Grantor seeks to satisfy the requirements of the City of Moreno Valley, as set forth in the Conditional Use Permit Planning Case PA10-0032.
4. To this end, Grantor is required to grant an irrevocable reciprocal easement between the Servient Tenement and the Dominant Tenement

EASEMENT

Grantor grants Grantee the following easement over a portion of the Servient Tenement, as legally described in the attached Exhibit "C", hereby incorporated by this reference. The easement shall be subject to the terms and conditions set forth below.

A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles exiting the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "B"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Southwest Corner of the Servient Tenement and the Norththwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantor agrees to not use this easement for a means of access for traffic during the construction of any site improvements on the Servient Tenement without written approval from the Grantee.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

YMCA of Riverside City and County

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

City of Moreno Valley, a municipal corporation

Grantee's Signature: _____ Date: _____

HENRY GARCIA, City Manager

Approved as to Form: _____ Date: _____

City Attorney

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-017

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between City of Moreno Valley, A Municipal Corporation ("Grantor") and YMCA of Riverside City and County ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

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2. Grantee is the owner of certain real property ("Dominant Tenement") located at the Northeast Corner of the Morrison Street and Rockport Drive Intersection in the City of Moreno Valley, County of Riverside, State of California described in the Corporation Grant Deed Recorded May 4, 1987 as Instrument Number 1762364-2, records of said County and included with this agreement as Exhibit "B" and hereby incorporated by this reference.
3. By entering into this agreement, the Grantor seeks to satisfy the requirements of the City of Moreno Valley, as set forth in the Conditional Use Permit Planning Case PA10-0032.
4. To this end, Grantor is required to grant an irrevocable reciprocal easement between the Servient Tenement and the Dominant Tenement

EASEMENT

Grantor grants Grantee the following easement over a portion of the Servient Tenement, as legally described in the attached Exhibit "C", hereby incorporated by this reference. The easement shall be subject to the terms and conditions set forth below.

A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles entering the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "C"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Northwest Corner of the Servient Tenement and the Southwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantee may not use this easement for a means of access for traffic during the construction of any site improvements on the Dominant Tenement, nor shall Grantee unreasonably interfere with the ability for ingress and egress to the Servient Tenement by the Grantor without written approval from the Grantor.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

City of Moreno Valley, a municipal corporation

Grantor's Signature: _____ Date: _____

HENRY GARCIA, City Manager

YMCA of Riverside City and County

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Approved as to Form: _____ Date: _____

City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: 2010 ANNUAL REPORT OF THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council:

1) **RECEIVE AND FILE** the 2010 Annual Report of the Planning Commission; and

2) **AUTHORIZE** transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

PLANNING COMMISSION RECOMMENDATION

The 2010 Annual Report was adopted by the Planning Commission on February 24, 2011, and is forwarded to the City Council in accordance with the California Government code.

BACKGROUND

The Government Code mandates an annual Planning Commission report be presented to the legislative body (City Council) on the progress of the General Plan and its implementing mechanisms. The attached 2010 Annual Report of the Planning Commission provides the City Council with a report of the Planning Commission's actions and endeavors for the last year as required by the California Government Code.

DISCUSSION

In 2010, the Planning Commission held public hearings on 8 applications to amend the Municipal Code and/or General Plan. In addition, the Commission acted upon 16 developer-initiated applications, which included Conditional Use Permits, Plot Plans, Development Agreements and Tentative Tract Maps. The Planning Division staff also processed 609 administrative applications which include such projects as: new construction not within 300' of residential, sign permits and home occupation permits and 82 plan check reviews.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of City Council Agenda.

ATTACHMENTS/EXHIBITS

1) 2010 Annual Report of the Planning Commission.

Prepared By:
Grace Espino-Salcedo
Administrative Assistant

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY OF MORENO VALLEY
Community & Economic Development Department
Planning Division

Planning Commission
ANNUAL REPORT
To the City Council

JANUARY – DECEMBER 2010

ATTACHMENT 1

TABLE OF CONTENTS

ACKNOWLEDGEMENTS 3

MAJOR ACCOMPLISHMENTS 5

GENERAL PLAN IMPLEMENTATION 9

PROJECT ACTIVITY 12

ACKNOWLEDGEMENTS

ACKNOWLEDGEMENTS

CITY COUNCIL (Elected)	**DISTRICT**	**TERM EXPIRES**
Bonnie Flickinger, Mayor	4	November 2010
Robin Hastings, Mayor Pro-Tem	3	November 2012
William H. Batey II	5	November 2012
Jesse L. Molina	1	November 2012
Richard A. Stewart	2	November 2010

PLANNING COMMISSION (Appointed)	**TERM EXPIRES**
Rick De Jong, Chairperson	March 31, 2011
Ray L. Baker, Vice-Chairperson	March 31, 2013
Michael S. Geller	March 31, 2013
Richard Dozier	March 31, 2013
George Salas, Jr.	March 31, 2013
Maria Marzoeki	March 31, 2011
George Riechers	March 31, 2011

CITY MANAGER
Robert G. Gutierrez

DEPUTY CITY MANAGER
Rick Hartmann

COMMUNITY DEVELOPMENT DEPARTMENT
Kyle Kollar, Director

Planning Division
John Terell, AICP Planning Official
Darisa Vargas, Senior Administrative Assistant
Grace Espino-Salcedo, Administrative Assistant
Chris Ormsby, AICP Senior Planner
Mark D. Gross, AICP Senior Planner
Claudia Manrique, Associate Planner
Gabriel Diaz, Associate Planner
Jeffrey Bradshaw, Associate Planner
Julia Descoteaux, Associate Planner
Leticia Esquivel, Senior Permit Technician
Yahnel Bishop, Permit Technician
Summer Looy, Permit Technician

MAJOR ACCOMPLISHMENTS

MAJOR ACCOMPLISHMENTS

The Moreno Valley Planning Commission is committed to implementing the adopted General Plan, Development Code and Design Guidelines. The Development Code and Design Guidelines, combined with the adopted Landscape Development and Specifications, are the major tools to implement the General Plan.

The purpose of this Annual Report is to highlight significant accomplishments, summarize ongoing projects, and describe special studies that the Moreno Valley Planning Commission has been working on during the 2010 calendar year. A major function of this report is to acknowledge and evaluate the ongoing implementation of the General Plan. This report is prepared in accordance with Section 65040.5 of the California Government Code.

Major Accomplishments in 2010 were:

Major development projects reviewed by the Planning Commission in 2010 were as follows:

- PA06-0173 (Plot Plan) Construction of 4,877 square feet neighborhood market located in the Village Commercial Zone (VC). Located at southeast corner of Alessandro and Redlands Boulevards (APNS: 478-430-002, 478-430-012, 013, 014 & 015).

- PA07-0147 (Plot Plan), PA07-0157 (Tentative Parcel Map No. 35837) Plot Plan for a 353,869 square foot warehouse distribution building on approximately 16.55 acres. The project includes a Tentative Parcel Map to merge the two existing parcels into one parcel. The site is zoned Light Industrial (LI) which allows for warehouse distribution facilities. Located at the northeast corner of Cactus Avenue and Joy Street.

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial © zones. Location: Citywide.

- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/O) designation from 15 to 30 dwelling units per acre. Location: Citywide.

- PA09-0025 (Plot Plan), PA09-0043 (Tentative Parcel Map No. 36262) Plot Plan with hearing for a vehicle fueling station with eight pumps, a 4,000 square foot convenience store, and a 968 square foot automated drive through carwash on 1.77 acres in the Community Commercial (CC) zone. Located at the southwest corner of Alessandro Boulevard and Moreno Beach Drive.

- PA10-0012 (FY 2010-2011 Capital Improvement Plan Conformance with the General Plan) To make a finding that the Fiscal Year 2010-2011 Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan. Various locations throughout the City of Moreno Valley.

- PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map No. 34748), P09-102 (Variance) Tentative Tract Map No. 34748 for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Change of zone to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. Located at the southeast corner of Heacock Street and Gentian Avenue.

- PA08-0079 (Master Plot Plan), PA08-0080 (Plot Plan), PA08-0081 (Tentative Tract Map No. 36083) Tentative Tract Map No. 36083 to subdivide a 16.9 acres parcel into 6 pads for commercial retail use. Pad A will include a WinCo Supermarket (95,440 square feet) and Pad F additional retail space (14,800 square feet). No specific buildings have been submitted for the other four parcels. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0045 (Conditional Use Permit) Proposal for the installation of a 50-foot tall monopine telecommunications facility to include 12 antennas, 12TMA antennas, one microwave dish, tow GPS antennas and the associated ground equipment. The monopine and the equipment shelter will be located on the west side of Cottonwood Park in the Residential Agricultural 2 (RA2) zone. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0024 (Municipal Code Amendment) An update to the Municipal Code revising the second unit development standards to include all second units in all residential zones and deleting the granny unit section; also an update to the single-family design standards to include four-sided architecture and to modify the title of the Landscape Requirements. Location: Citywide.

- PA10-0021 (General Plan Amendment) General Plan Amendment to modify the City's Bikeway Plan. Location: Citywide.

- PA10-0031 (Municipal Code Amendment) Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding pharmacy land use to the Business Park Mixed-Use (BPX) zone. Location: Citywide.

- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

- PA09-0027 (Conditional Use Permit) Conditional Use Permit to allow Big 6 Food Mart, a convenience store, to sell alcohol. The alcohol sales would be limited to the license from Alcohol Beverage Control for beer and wine only (Type-20 Off-Sale Beer and Wine license) within the hours of 8:00 a.m. and 8:30 p.m. Located at 21748 Cottonwood Avenue (APN: 263-160-037). ***(DENIED)***

Other Development Projects reviewed by the Planning Commission in 2010 as follow:

- P10-002 (Amended Plot Plan) Amended Plot Plan for modification of the original conditions of approval for Tentative Parcel Map No. 33275 to re-classify all public roads within the development as private and to eliminate the requirement for a public improvement agreement and security deposit. Located north of Alessandro Boulevard and west of Wilmot Street at Gifford Avenue and Curtis Street. ***(DENIED)***

- P10-020 (Conditional Use Permit) Construction of a new 8,700 square foot multipurpose/sanctuary located in the Community Commercial (CC) Zone. Located at 23750 Alessandro Boulevard (APNs: 296-300-005 & 296-300-007).

GENERAL PLAN IMPLEMENTATION

GENERAL PLAN IMPLEMENTATION

The General Plan and the Development Code gives the City of Moreno Valley the tools necessary to guide the development of the City into the next century.

The Planning Commission held public hearings on amendments to the General Plan and the Development Code. The amendments were approved by the Planning Commission and forwarded to the City Council for their approval.

The following General Plan Amendments were recommended for approval by the Planning Commission in 2010:

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial (C) zones. Location: Citywide.

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- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

PROJECT ACTIVITY

PROJECT ACTIVITY

SUMMARY OF PLANNING COMMISSION PROJECT ACTIVITY FOR THE PERIOD JANUARY 2010 THROUGH DECEMBER 2010

PROJECT TYPE	TOTAL PROJECTS REVIEWED
Amended Design Manual	0
Amended Plot Plan	1
Change of Zone	1
Conditional Use Permit	3
Conditional Use Permit Amendment	0
Development Agreement	0
Development Agreement Amendment	0
Municipal Code Amendment	4
General Plan Amendment	4
Modification to Conditions of Approval	0
Parcel Map	0
Plot Plan	4
Plot Plan Amendment	0
Reversion to Acreage	0
Specific Plan Amendment	0
Specific Plan Adoption	0
Tentative Parcel Map	2
Tentative Parcel Map Amendment	0
Tentative Tract Map	2
Tentative Tract Map Amendment	0
Tentative Tract Map Variance	0
Variance	1
Master Plot Plan and Related	1
10 Year Capital Plan Amendment	1
TOTAL PROJECTS	24

* This does not include Administrative Approvals that include such projects as: new construction not within 300' of residential, home occupation permits and signs. There were **609** Administrative Approvals and **82** plan check reviews in 2010.

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MV00099649

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: March 22, 2011

TITLE: Consideration of the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority

RECOMMENDED ACTION

Staff recommends that the City Council approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

BACKGROUND

The Western Riverside Regional Conservation Authority (RCA) was formed in 2004 to administer and implement the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). A joint powers authority, the RCA collectively acquires, administers, operates, and maintains land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the MSHCP. The RCA consists of the County of Riverside and the Cities of Moreno Valley, Lake Elsinore, Hemet, Perris, Riverside, Temecula, Corona, Banning, Beaumont, Norco, Calimesa, Murrieta, San Jacinto, Canyon Lake, Wildomar and Menifee. The City is represented on the RCA Board by Council Member William Batey.

DISCUSSION

The joint powers agreement for the Regional Conservation Authority was originally executed by the County of Riverside and 14 cities in 2004. In March, 2009, the agreement was amended to include the new cities of Wildomar and Menifee. At the February 7, 2011 meeting, the RCA Board of Directors approved the Fourth Amended and Restated agreement adding the City of Eastvale to the joint powers authority upon approval of all the member agencies.

ALTERNATIVES

1) Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff recommends this alternative.*

2) Not approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff does not recommend this alternative.*

FISCAL IMPACT

The proposed amendment to the agreement will have no fiscal impact to the City.

SUMMARY

The approval of the proposed Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority would indicate the City's approval to add the City of Eastvale to the RCA.

COUNCIL GOALS

Positive Environment: Create a positive environment for the development of Moreno Valley's future.

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

ATTACHMENTS/EXHIBITS

Exhibit "A": Letter dated February 7, 2011 and Fourth Amended and Restated Agreement

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Regional Conservation Authority
Western Riverside County

CITY MANAGER
MORENO VALLEY
RECEIVED
2011 FEB 14 AM 9:51

Board of Directors

Chairman
Jeff Stone
County of Riverside

Vice Chairman
Jim Hyatt
City of Calimesa

Kevin Bash
City of Norco

William Batey
City of Moreno Valley

Ben Benoit
City of Wildomar

John Benoit
County of Riverside

Roger Berg
City of Beaumont

Randy Bonner
City of Canyon Lake

Bob Buster
County of Riverside

Maryann Edwards
City of Temecula

Thomas Fuhrman
City of Menifee

Mike Gardner
City of Riverside

Linda Krupa
City of Hemet

Alan Long
City of Murrieta

John Machisic
City of Banning

Melissa Melendez
City of Lake Elsinore

Scott Miller
City of San Jacinto

Eugene Montanez
City of Corona

John Tavaglione
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

February 7, 2011

The Honorable Richard A. Stewart, Mayor
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RE: CITY COUNCIL ACTION REQUESTED – FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Dear Mayor Stewart:

The Board of Directors of the Western Riverside County Regional Conservation Authority, at their meeting of February 7, 2011, approved the Fourth Amended and Restated Joint Exercise of Powers Agreement (JPA) creating the Western Riverside County Regional Conservation Authority. Said amended agreement would add the City of Eastvale to the joint powers authority once all of the member agencies have adopted the proposed amended agreement.

Enclosed is the proposed Amended and Restated JPA along with 26 signature pages for the City of Moreno Valley. We are requesting 26 original signatures in order that all of the member agencies may be provided with a fully executed original of the JPA. Each member agency must place the item on the agenda for approval. Once it is approved, please return the JPA with the 26 original signature pages to me. Once all of the signature pages are received, each member agency will be provided with a fully executed original JPA for their records.

Your expeditious approval of the Fourth Amended and Restated Joint Exercise of Powers Agreement would be greatly appreciated in order that the City of Eastvale may become a member agency of the Western Riverside County Regional Conservation Authority as soon as possible. Should you have any questions, please feel free to call me at (951) 955-9700.

Sincerely,

Honey Bernas
Director of Administrative Services

Enclosures: Fourth Amended and Restated Joint Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority with 26 Signature Pages

cc: Jane Halstead, City Clerk
Henry T. Garcia, City Manager

Exhibit "A"

FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

This Joint Powers Agreement dated _____, 2011 is made by and between the COUNTY OF RIVERSIDE, and the Cities of BANNING, BEAUMONT, CALIMESA, CANYON LAKE, CORONA, EASTVALE, HEMET, LAKE ELSINORE, MENIFEE, MORENO VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN JACINTO, TEMECULA and WILDOMAR, hereinafter sometimes referred to collectively as "Parties," for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan, hereinafter referred to as the "MSHCP."

RECITALS

WHEREAS, the Cities and the County, hereinafter sometimes jointly referred to as "Parties", are authorized and empowered to contract with each other for the joint exercise of powers pursuant to Article 1, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government Code of the State of California, hereinafter referred to as "the Act"; and

WHEREAS, the County and the Cities each have the authority and power to prepare and implement habitat conservation plans for the protection of rare, threatened and endangered species, and to acquire, own, maintain and operate habitat reserves for such species in connection with said habitat conservation plans; and

WHEREAS, the formation of a single public agency would most efficiently serve the interests of the County and Cities by allowing the County and the Cities to jointly exercise the aforementioned powers; and

WHEREAS, the County in consultation with the Cities has prepared the MSHCP; and

WHEREAS, the County and the Cities desire to organize themselves pursuant to

this Joint Powers Agreement, hereinafter referred to as the "Agreement", to implement the MSHCP should the MSHCP ultimately be approved by the County and Cities; and

WHEREAS, the original Joint Powers Agreement was dated January 27, 2004 and was entered into between the County of Riverside and fourteen (14) cities in western Riverside County; and

WHEREAS, the Cities of Menifee and Wildomar became member agencies on April 7, 2009; and

WHEREAS, the parties and the City of Eastvale desire that the City of Eastvale become a member of the Western Riverside County Regional Conservation Authority.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

Section 1. **Purpose**. The purpose of this Agreement is to create a public agency to acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP in the event the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Additionally, this Agreement shall permit the financing of public capital improvements and those purposes permitted under the Marks-Roos Local Bond Pooling Act of 1985, being Article 4 (commencing with Section 6584) of Chapter 5, Division 7, Title 1 of the California Government Code (the "Bond Law").

Section 2. **Creation of the Authority**. Pursuant to the Act and the Bond Law, there is hereby created a public agency to be known as the "Western Riverside County Regional Conservation Authority," hereinafter referred to as the "RCA." The RCA shall be a public agency, separate and apart from its members, and as provided by law and not otherwise prohibited by this Agreement, shall be empowered to take such actions as may be necessary or desirable to implement and carry out the purposes of this Agreement.

Section 3. **Powers.** In carrying out the purpose of this Agreement, the RCA shall have the following powers:

A. To make and enter into contracts;

B. To employ agents, consultants, attorneys and employees;

C. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;

D. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;

E. To incur debts, liabilities, and obligations;

F. To sue and be sued in its own name;

G. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;

H. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;

I. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;

J. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;

K. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;

L. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the RCA;

M. To acquire, hold, and dispose of equipment;

N. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP and employ individuals or entities to conduct such lobbying activities on its behalf; and

O. To exercise the powers granted to it under the Act, including, but not limited to, the Bond Law and the powers common to each member, as may be necessary to accomplish the purposes of this Agreement.

P. To invest money in the treasury pursuant to Section 6505.5 of the Act that is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code.

Section 4. **Term.** The term of this Agreement shall continue until terminated by the Parties hereto by their mutual written consent as set forth in Section 5 of this Agreement.

Section 5. **Termination, Withdrawal and Amendment.**

A. This Agreement shall be automatically terminated and considered null and void in the event the MSHCP is not approved by the County and the Cities or appropriate permits are not issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

B. Any Party to this Agreement may withdraw for any reason upon giving all other Parties sixty (60) days advance written notice of the effective date of such withdrawal. This Agreement shall thereupon be deemed automatically amended to reflect the withdrawal of said Party from the RCA and this Agreement. Upon withdrawal of any Party from the RCA and this Agreement, the withdrawing Party shall not receive any distribution, partial or otherwise, of any cash or other assets of the RCA.

C. Provided there is mutual consent by the governing bodies of each of the Parties to this Agreement, evidenced in writing, this Agreement may be: (1) amended to add new Parties; or (2) amended to change any portion of this Agreement. Alternatively, any Western Riverside County city may become a party to the Authority upon such terms

and conditions as established by the Board or Executive Committee. Any Western Riverside County city shall become a party to the Authority by the adoption by the city council of this Agreement and the execution of a written addendum to this Agreement agreeing to the terms of this Agreement and agreeing to any additional terms and conditions that may be established by the Board or Executive Committee.

D. The Parties to this Agreement specifically agree that this Agreement creates an entity which may acquire or hold property. Pursuant to California Government Code Sections 6511 and 6512, upon completion of the purposes of this Agreement or upon termination thereof, any property or assets acquired or surplus money on hand which was obtained pursuant to this Agreement and which is not required by law or contract to be distributed in a different manner, may be returned to the then Parties to the Agreement in proportion to the contributions made, or in the alternative, may be transferred to any local, state, federal or private entity who agrees to assume the duties and obligations of the RCA. However, any distribution of assets shall be subject to the prior discharge of enforceable liability against the RCA. Subject to the foregoing, each Parties proportionate share shall be based upon each Parties contributions to the RCA submitted to the RCA in accordance with Sections 17.A. and B. below.

Section 6. <u>RCA Board and Membership</u>. This Agreement and the authority hereby created shall be administered by the governing body of the RCA which shall be known as the "Board of the Western Riverside County Regional Conservation Authority" hereinafter referred to as the "Board."

The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement. Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.

Each member of the Riverside County Board of Supervisors may appoint an alternate member and each City may appoint one alternate member. Each regular member and alternate City appointed member must hold an elective office on the

respective governing body appointing the regular or alternate member. The Board of Supervisors may appoint a city council member of a member city to represent each Board of Supervisor member as an alternate at meetings of the RCA Board or committees. Notwithstanding the prior sentence, in no event shall the same person serve as a city representative and alternate for the Board of Supervisor's member of the same meeting. Notice of the appointment of an alternate shall be made in writing to the chairperson of the RCA Board. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board the same as if the alternate member were the regular member.

Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member's position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to promptly inform the Board of the name of the replacement regular or alternate member.

Regular members and alternate members, if participating in a meeting of the Board on behalf of a regular member, shall be entitled to compensation for participation in meetings of the Board and necessary traveling and personal expenses incurred in the performance of the member's duties as authorized by the Board. Such compensation shall be fixed by resolution of the Board.

Section 7. <u>Meetings of the RCA Board</u>.

A. **<u>Meetings.</u>** The Board shall establish the time and place for its regular and special meetings. The dates, hour and location of regular meetings shall be fixed by resolution of the Board and a copy of such resolution shall be provided to the governing body of each of the Parties and with each Party's designated regular and alternate member. Special meetings and adjourned meetings may be held as required or permitted by law.

B. **Ralph M. Brown Act.** All meetings of the Board, including without limitation, regular, special and adjourned meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

C. **Quorum and Voting.** A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote. For an item to be passed by weighted vote, all of the following requirements shall be met:

I. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;

II. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and

III. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the number of acres currently within the Criteria Cells in the incorporated areas as follows: Banning – 78 acres; Beaumont – 10,098 acres; Calimesa – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres; Eastvale – 1,024 acres; Hemet – 1,158 acres; Lake Elsinore – 14,336 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,726 acres; Norco – 734 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,580 acres; Temecula – 3,899 acres; and Wildomar – 4,151 acres. Population data shall be determined through California Department of Finance estimates, adjusted annually.

In addition, the Board may, through resolution, revise the above-referenced number of acres due to the addition of a new member entity or other appropriate adjustments as the Board deems necessary.

D. The Board may adopt, from time to time, such rules and regulations for the conduct of its meetings and affairs as it may deem necessary, including, without limitation, the designation of a person to record and transcribe the minutes of each public meeting of the RCA.

Section 8. **Officers.** The Board shall select a Chairperson and a Vice-Chairperson at its first meeting and at the first meeting held in each succeeding calendar year. Additionally, at its first meeting and at the first meeting held in each succeeding calendar year shall, the Board shall select any other officers it deems appropriate. In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board. In the absence or inability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.

A. **Treasurer.** The treasurer of a member agency shall serve as the treasurer of the RCA. The Board pursuant to the adoption of a resolution shall appoint the treasurer of a member agency to serve as the Treasurer. The Treasurer shall have the custody of the RCA money and disburse RCA funds pursuant to the accounting procedures developed in accordance with the provisions of this Agreement, the Act, and with those procedures established by the Board. The Treasurer shall assume the duties described in Section 6505.5 of the Government Code, namely: receive and receipt for all money of the RCA and place in the Treasury of the Treasurer to the credit of the RCA; be responsible upon an official bond as prescribed by the Board for the safekeeping and disbursement of all RCA money so held; pay, when due, out of money of the RCA so held, all sums payable, only upon warrants of the officer performing the functions of the Controller who has been designated by the RCA or Board; verify and report in writing on the first day of July, October, January and April of each year to the RCA the amount of money held for the RCA, the amount of receipts since the last report,

and the amount paid out since the last report; and perform such other duties as are set forth in this Agreement or specified by the Board.

B. **Controller.** The Finance Director of a member agency shall serve as the Controller of the RCA. The Board pursuant to the adoption of a resolution shall appoint the finance director of a member agency to serve as the Controller. The Controller shall draw warrants to pay demands against the RCA when such demands have been approved by the Board or by any other person authorized to so approve such by this Agreement or by resolution of the Board. The Controller shall perform such duties as are set forth in this Agreement and such other duties as are specified by the Board.

There shall be strict accountability of all funds and reporting of al receipts and disbursements. The Controller shall establish and maintain such procedures, funds and accounts as may be required by sound accounting practices, the books and records of the RCA in the possession of the Controller shall be open to inspection at all reasonable times by representatives of the Parties.

The Controller, with the approval of the RCA, shall contract with an independent certified public accountant or firm or certified public accountants to make an annual audit of the accounts and records of the RCA, and a complete written report of such audit shall be filed as public records annually, within six (6) months of the end of the fiscal year under examination, with each of the Parties. Such annual audit and written report shall comply with the requirements of Section 6505 of the Government Code. The cost of the annual audit, including contracts with, or employment of such independent certified public accountants in making an audit pursuant to this Agreement shall be a charge against any unencumbered funds of the RCA available for such purpose. The Board by unanimous vote, may replace the annual audit with a special audit covering a two-year period.

Section 9. MSHCP Advisory Committee. Within thirty (30) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department

of Fish and Game for the MSHCP, the Board shall form an MSHCP Advisory Committee. The MSHCP Advisory Committee shall consist of the Riverside County Habitat Conservation Agency (RCHCA) Board of Directors and one representative from each City who is not a member of the RCHCA. Within six (6) months of execution of this Agreement, or at any time thereafter, the Board may review the RCA organizational structure established by this Agreement to determine if it is facilitating MSHCP implementation.

Section 10. Executive Director. The Board shall retain an Executive Director to administer the MSHCP in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP. As required by the MSHCP, the RCA shall initially contract with the County of Riverside to provide an appropriate department or individual to act as the Executive Director within thirty (30) days of the formation of the RCA. The appropriate department or individual shall be recommended by the County's Executive Officer and considered by the Board. It is understood by the Parties to this Agreement that the Board may accept or reject the County Executive Officer's recommendation of an appropriate department or individual to serve as the Executive Director. This contract shall be for an initial term of three (3) years. At least six (6) months prior to the expiration of this initial contract term, the Board shall review the County department's or individual's performance as Executive Director. Based upon this review, the Board may elect to extend the contract with the County or select an alternative entity or individual for the Executive Director position upon expiration of the initial term.

Section 11. RESERVED

Section 12. Monitoring Program Administrator. Upon issuance of the permits for the MSHCP by the U.S. Fish and Wildlife Service and California Department of Fish and Game and for a period of eight (8) years thereafter, the California Department of Fish and Game shall serve as the Monitoring Program Administrator for the MSHCP. The Monitoring Program Administrator shall be responsible for implementing the monitoring program contained in Section 5.0 of the MSHCP and shall perform all duties

and responsibilities as set forth in Sections 5.0 and 6.0 of the MSHCP. Thereafter, the Board may elect to have the Department continue acting in the capacity or shall select an alternative individual or entity for this position if the Board determines that the Department cannot adequately perform the duties and responsibilities of this position.

Section 13. Reserve Managers. The Board shall retain at least one Reserve Manager to manage lands owned by the RCA within the MSHCP Conservation Area. This Reserve Manager(s) shall report to the Executive Director and shall perform all the duties and responsibilities set forth in Section 5.0 and Section 6.0 of the MSHCP. Additionally, Reserve Managers managing lands owned by any Party to this Agreement that are within the MSHCP Conservation Area shall report to the Executive Director.

Section 14. Independent Science Advisors. The Board shall retain, as appropriate, independent science advisors who are qualified biologists and conservation experts with expertise in species covered by the MSHCP and their habitats. Additionally, to the extent feasible, the independent science advisors shall have experience in land management. Independent science advisors shall be retained on an annual basis, shall report to the Executive Director and shall comply with the duties and responsibilities set forth in Section 6.0 of the MSHCP.

Section 15. Funding Coordination Committee. Within one hundred and twenty (120) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department of Fish and Game for the MSHCP, the Board shall form a Funding Coordination Committee to provide recommendations to the Board on local funding priorities and local MSHCP Conservation Area acquisitions. Members of this committee shall be appointed by the Board and shall consist of, at a minimum, representatives of the Parties to this Agreement, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. To the extent feasible, members of the Funding Coordination Committee shall have expertise in real estate or land use planning and/or experience implementing large scale conservation programs.

The Funding Coordination Committee shall make recommendations to the Board through the Executive Director on local land acquisitions and funding priorities. Additionally, this Committee shall provide a forum to discuss land acquisition priorities of the U.S. Fish and Wildlife Service and California Department of Fish and Game and acquisitions by other entities using non-local sources of revenue. The Board shall establish policies under which the Funding Coordination Committee shall make recommendations to the Board. Such policies shall include conflict of interest guidelines for the Committee members.

The Planning Directors of each Party to this Agreement shall receive prior notice of all meetings of the Funding Coordination Committee. Such notice shall include a meeting agenda and a list of potential acquisition sites, if applicable. The Planning Directors or their designated representatives may participate in Committee meetings, as appropriate.

Section 16. <u>Reserve Management Oversight Committee</u>. The Reserve Management Oversight Committee (RMOC) shall be formed within sixty (60) days of the effective date of the contract between the RCA and the County concerning the establishment of an Executive Director. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities:

A. U. S. Fish and Wildlife Service,

B. California Department of Fish and Game,

C. Riverside County Regional Parks and Open Space District,

D. Bureau of Land Management,

E. U.S. Forest Service,

F. California Department of Parks and Recreation,

G. RCA, and

H. Up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.

The RMOC shall serve as the intermediary between the Reserve Managers and the decision making function of the RCA. The Executive Director shall serve as chair of the RMOC.

Section 17. Rules and Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The Act, the Bond Law, and the laws of the State of California applicable to a general law city shall govern the RCA in the manner of exercising its powers, subject, however, to such restrictions as are applicable to said city in the manner of exercising such powers, as required by Government Code Section 6509. The Board, at its first meeting or as soon thereafter as may be possible, shall adopt such rules and regulations as the Board may deem necessary for the conduct of the RCA's affairs. Among these rules shall be a conflict of interest code and a purchasing ordinance. The Board may, as it deems appropriate, review and revise these rules and regulations.

Section 18. Fiscal Year. The fiscal year of the RCA shall be the period commencing on July 1 of each year and ending on and including the following June 30.

Section 19. Contributions/Estimated Budget.

A. Contributions of Development Mitigation Fees. The Parties to this Agreement shall impose a development mitigation fee on all new development to support the acquisition of additional reserve lands pursuant to the MSHCP. All development mitigation fees collected by the Parties shall be forwarded to the RCA within ninety (90) days after receipt by each Party. The RCA may, in its discretion, conduct an audit of the development mitigation fees collected by any Party to this Agreement.

B. Other Contributions. The RCA may accept contributions of money or property from the Parties or other individuals or entities including but not limited to contributions from Parties, MSHCP Permittees and Special Participating Entities who obtain take authorization under the MSHCP for public utility, schools, transportation, flood control and other public infrastructure projects. Additionally, a Party may hold and

manage its own property as a contribution to implementation of the MSHCP and the MSHCP Conservation Area. Landfill Tipping Fees and Density Bonus Fees collected by the County may be contributed to the RCA on an annual basis subject to the discretion of the Board of Supervisors.

C. Use of Contributions. When approved by the Board, revenues received by the RCA, including without limitation, fees and other contributions, shall be used to implement the MSHCP. In addition, the RCA shall reimburse the County for any and all litigation costs, including but not limited to attorneys fees, incurred in defense of any legal challenge concerning the adoption of the MSHCP or any related actions as well as any costs incurred to establish the Executive Director and any other necessary staff prior to entering into the contract contemplated in Section 10 of this Agreement.

D. Budget. The annual budget for the RCA shall be prepared by the Executive Director. The annual budget shall be based on an estimate of the amount of revenue necessary to implement the MSHCP during the ensuing fiscal year and shall consider necessary land acquisition, improvements, maintenance, management, monitoring, administration, and operation costs during the current fiscal year as such costs are set forth in the then current approved budget for the RCA.

Section 20. <u>MSHCP Reporting Requirements</u>. In order to assist in the preparation of the annual report required to be prepared by the RMOC and submitted to the USFWS, CDFG, and RCA as set forth in the MSHCP and Implementing Agreement, the Parties shall on a monthly basis provide the following information to the RCA:

A. grading permit activity including the number of the permit issued, the location of the development site identified by assessor's parcel number, and the amount of acreage disturbed;

B. single family home and mobile home construction activity within the Criteria Area including the number of the grading, building, site preparation or installation permit issued and the location of the development site identified by assessor's parcel number;

C. development mitigation fee collection including identification by assessor's parcel number of the project for which the fee was collected, the amount of the fee paid, and any exemptions or credits that may have been included in any calculation of the fee; and

D. any other information required to comply with the provisions of the MSHCP as may be determined necessary by the Executive Director.

In addition, the County shall submit on an annual basis all information contained in the Existing Agricultural Operations Database including the amount of new agricultural land, if any, added to the Database as well as any documentation concerning the expansion of agricultural operations within the Criteria Area.

Section 21. Joint Project/Acquisition Review Process. To ensure that the requirements of the MSHCP and its Implementing Agreement are properly met, a joint project/acquisition review process shall be instituted by the RCA. This process is set forth in Section 6 of the MSHCP.

Section 22. Liabilities. Except as may be provided herein, the debts, liabilities and obligations of the RCA shall be the debts, liabilities and obligations of the RCA alone, and not of the Parties to this Agreement.

Section 23. Indemnification. Provided that a Party has acted in good faith and in accordance with this Agreement, the approved MSHCP and its Implementing Agreement and the Permits, the RCA shall defend, indemnify and hold such Party free and harmless from any loss, liability or damage incurred or suffered by such Party by reason of litigation arising from or as a result of any of the following: the Party's development mitigation fee ordinance; the Party's participation in the RCA; actions taken to approve and/or implement the MSHCP; claims of inverse condemnation or unconstitutional takings against a Party; or any other act performed or to be performed by the Party pursuant to this Agreement, the MSHCP, its Implementing Agreement or the Permits; provided, however, that such indemnification or agreement to hold harmless

pursuant to this Section shall be recoverable only out of RCA assets and not from other Parties.

Section 24. Notices. Notices required or permitted hereunder shall be sufficiently given if made in writing and delivered either personally or by registered or certified mail, postage prepaid to said respective Parties, as follows:

A. Regional Conservation Authority
Executive Director
3403 10th Street, Suite 320
Riverside, CA 92501
(951) 955-9700
(951) 955-8873 fax

B. County of Riverside
Transportation and Land Management Agency
Agency Director
4080 Lemon Street, 7th Floor
Riverside, CA 92501
(951) 955-6742
(951) 955-6879 fax

C. City of Banning
City Manager
99 E. Ramsey Street
Banning, CA 92220
(951) 922-3103
(951) 922-3128 fax

D. City of Beaumont
City Manager
550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520
(909) 769-8526 fax

E. City of Calimesa
City Manager
908 Park Ave
Calimesa, CA 92320
(909) 795-9801
(909) 795-4399 fax

F. City of Canyon Lake
City Manager
31516 Railroad Canyon Road

Canyon Lake, CA 92587
(951) 244-2955
(951) 246-2022 fax

G. City of Corona
City Manager
P.O. Box 940
Corona, CA 92878
(951) 736-2371
(951) 736-2493 fax

H. City of Eastvale
City Manager
6080 Hamner Avenue, Suite 103
Eastvale, CA 91752
(951) 361-0900
(951) 361-0888 fax

I. City of Hemet
City Manager
445 E. Florida Avenue South
Hemet, CA 92543
(951) 765-2300
(951) 765-3785 fax

J. City of Lake Elsinore
City Manager
130 S. Main Street
Lake Elsinore, CA 92530
(951) 674-6727 ext. 261
(951) 674-2392 fax

K. City of Menifee
City Manager
29683 New Hub Drive, Suite C
Menifee, CA 92586
(951) 672-6777

L. City of Moreno Valley
City Manager
P.O. Box 88005
Moreno Valley, CA 92553
(951) 413-3008
(951) 413-3760 fax

M. City of Murrieta
City Manager
24601 Jefferson Avenue

Murrieta, CA 92562-9755
(951) 698-1040
(951) 698-9885 fax

N. City of Norco
City Manager
2870 Clark Avenue
Norco, CA 92860
(951) 270-5611
(951) 270-5622 fax

O. City of Perris
City Manager
101 North D Street
Perris, CA 92570
(951) 657-5882
(951) 657-1087 fax

P. City of Riverside
City Manager
3900 Main Street
Riverside, CA 92522
(951) 826-5991
(951) 826-5470 fax

Q. City of San Jacinto
City Manager
595 S. San Jacinto Avenue, Building B
San Jacinto, CA 92583
(951) 487-7342
(951) 654-3728 fax

R. City of Temecula
City Manager
PO Box 9033
Temecula, CA 92589-9033
(951) 694-6440
(951) 694-6499 fax

S. City of Wildomar
City Manager
23738 Clinton Keith Road
Wildomar, CA 92595
(951) 677-7751

The listed addresses shall serve as the official address for any notices until such time as any Party gives notice to all other Parties of a change in address in accordance with the terms of this section.

Section 25. Severability. If any section, clause or phrase of this Agreement or the application thereof to any Party or any other person or circumstance is for any reason held to be invalid by a court of competent jurisdiction, it shall be deemed severable and the remainder of the Agreement or the application of such provisions to the other party or to other persons or circumstances shall not be affected thereby.

Section 26. Other Agreements Not Prohibited. Other agreements by and between the Parties of this Agreement or any other entity are neither prohibited nor modified in any manner by execution of this Agreement. Furthermore, the Parties hereto agree upon request to execute, acknowledge and deliver all additional papers and documents necessary or desirable to carry out the intent of this Agreement.

Section 27. Other Obligations. The responsibilities and obligations of each Party to this Agreement shall be solely as provided in this Agreement, or as may be provided for in supplemental agreements to be executed by the Parties.

Section 28. Non-Assignability. The rights, titles and interests of any Party to this Agreement shall not be assignable or transferable without the consent of the governing body of each Party hereto.

Section 29. Section Headings. The section headings herein are for convenience of the Parties only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this Agreement.

Section 30. Construction of Language. It is the intention of the Parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

Section 31. Cooperation. The Parties recognize the necessity and hereby agree to cooperate with each other in carrying out the purposes of this Agreement, including cooperation in matters relating to the public, accounting, litigation, public relations and the like.

Section 32. Future Amendments. To preserve a reasonable degree of flexibility, many parts of this Agreement are stated in general terms. It is understood that there may be Amendments to this Agreement which will further define the rights and obligations of the Parties.

Section 33. Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.

Original JPA Approved January 27, 2004
Amendment No. 1 Approved April 29, 2007
Amendment No. 2 Approved March 11, 2008
Amendment No. 3 Approved April 7, 2009
Amendment No. 4 Approved _____, 2011

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized as of the date first above written.

Dated:_____ **COUNTY OF RIVERSIDE**

Attest:

_____ By:_____
Chairman, Board of Supervisors

Dated:_____ **CITY OF BANNING**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF BEAUMONT**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CALIMESA**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CANYON LAKE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF CORONA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF EASTVALE**

Attest:

_____ By:_____

Dated:_____ **CITY OF HEMET**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF LAKE ELSINORE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MENIFEE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MORENO VALLEY**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MURRIETA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF NORCO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF PERRIS**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF RIVERSIDE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF SAN JACINTO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF TEMECULA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF WILDOMAR**

Attest:

_____ By:_____

City Clerk Mayor

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MV00099677

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES.

BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET

DEVELOPER: MORENO VALLEY PROPERTIES
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve TM 34950-1, a final map for financing purposes.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On August 23, 2007 the Planning Commission of the City of Moreno Valley approved PA06-0105 (TTM 34950), a 665.5 gross acre tentative tract map for finance purposes containing the overall boundary of the Aquabella master plan development. The developer is now proposing to phase the overall tentative tract map. TM 34950-1

contains Lots 1 and 2 of TTM 34950 and is bounded by Brodiaea Avenue on the north, Cactus Avenue on the south, Lasselle Street on the west, and Morrison Street on the east.

DISCUSSION

TM 34950-1 is an 80-acre, two-parcel final map proposed for financing purposes. Therefore, no right-of-way dedications or improvements are required. Right-of-way dedications and improvements will be required at the time development is proposed through a separate planning application process.

ALTERNATIVES

1. Approve TM 34950-1, a final map for financing purposes. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

2. Do not approve TM 34950-1, a final map for financing purposes. Do not authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *Not approving staff's recommendation would result in the disapproval of the developer's final map for financing purposes and the map not recording.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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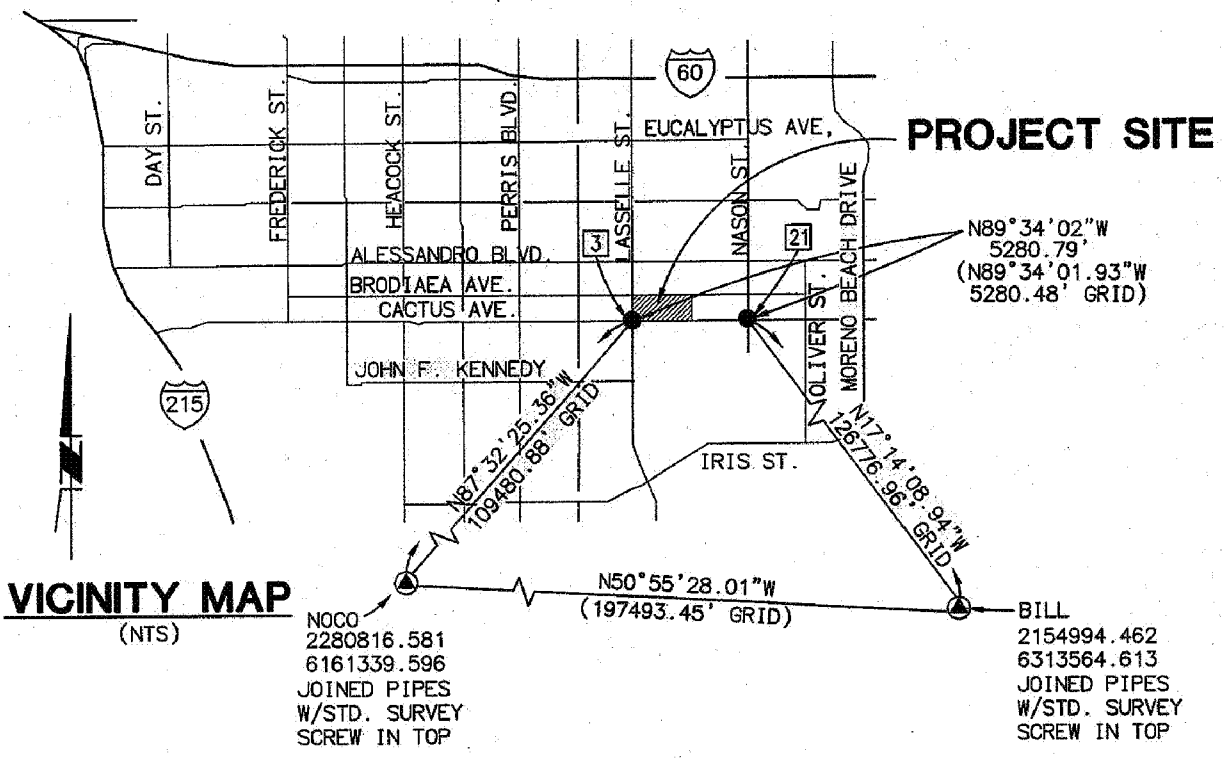

VICINITY MAP
(NTS)

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TR 34950-1** **LOCATION MAP**

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MV00099683

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council:

1. Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

BACKGROUND

CalTrans is accepting proposals for the Transportation Planning Grant Program for Fiscal Year 2011-2012. The grant application has a March 30th deadline.

DISCUSSION

The CalTrans Transportation Planning Grant Program has various components. The Community-Based Transportation Planning (CBTP) and Environmental Justice (EJ) Grant Programs provide funding for communities to plan for a closer connection between transportation and land use. Over the past 10 years, both programs have provided over 300 planning grants totalling over $45 million. These grants have been assisted in developing and studying the sustainability of land use plans to improve the quality of life for many Californians.

Upon an award, ninety percent (90%) of project costs are funded by the Caltrans grant. The remaining 10% is required from the grantee as a local match. Grant-funded products are expected to help foster sustainable economies, increase available affordable housing, improve housing/jobs balance, encourage transit oriented and mixed use development, expand transportation choices, and reflect community values.

Staff is proposing to use grant funds of $150,000 to complete items not covered by the recently received grant from SCAG's Compass Blueprint program for implementation of the Alessandro Boulevard Corridor Demonstration Project that was presented to the Council during the June 15, 2010 Study Session.

The Alessandro Boulevard Corridor Demonstration Project explored opportunities for mixed use transit-oriented development along Alessandro Boulevard. Alessandro Boulevard is an important regional transportation link for Moreno Valley, tying the Riverside County Regional Medical Center via a rapid bus transit line to the future Moreno Valley/ March Field Metrolink Station, as well as the Civic Center, City of Riverside, Meridian Business Park and future March Life Care.

At the time of submittal of this report, staff is still working on the wording of the final proposal of the Alessandro Boulevard Corridor Implementation Project in anticipation of the March 30th submittal deadline.

ALTERNATIVES

1. Approve the proposal as submitted.

2. Approve the proposal with modifications to address City Council concerns.

3. Deny the proposal.

FISCAL IMPACT

The fiscal impact to the City is the 10% local match required by Caltrans from the grantee. The grant proposal includes rezoning areas along Alessandro Boulevard to Residential 30 (R30) as identified in the recently approved General Plan Housing Element. The required environmental studies for the rezoning cannot be covered under the Caltrans grant. The related environmental/CEQA costs are anticipated to be funded by City housing funds, which would qualify as meeting the required match. Should the grant be awarded to the City, the 10% matching funds ($15,000) will be budgeted in RDA Housing Fund account number 894.91310.6291.293. There is no anticipated fiscal impact to the General Fund.

RECOMMENDATION

1. Adopt Resolution No. 2011-29 authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

1. Resolution No. 2011-29

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099687

RESOLUTION NO. 2011-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE CALTRANS TRANSPORTATION PLANNING GRANT (FISCAL YEAR 2011-2012).

WHEREAS, the California Department of Transportation (CalTrans) has provided funds for the program shown above; and

WHEREAS, CalTrans has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by CalTrans require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with CalTrans to carry out the development of the proposal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: The Council of the City of Moreno Valley authorizes the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" under the CalTrans Transportation Planning Grant (Fiscal Year 2011-2012).

BE IT FURTHER RESOLVED, by the Council of the City of Moreno Valley, appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

BE IT FURTHER RESOLVED, Certifies that applicant understands the assurances and certification in the application.

BE IT FURTHER RESOLVED, Certifies that applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so.

BE IT FURTHER RESOLVED, Certifies that the Proposal will comply with any applicable laws and regulations.

SIGNATURE PAGE FOLLOWS

Attachment 1

Resolution No. 2011-29
Date Adopted: March 22, 2011

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-29
Date Adopted: March 22, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Resolution No. 2011-29
Date Adopted: March 22, 2011

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MV00099691

MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00099693

MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00099695

MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00099697

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Towne Centre and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and

pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map

4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

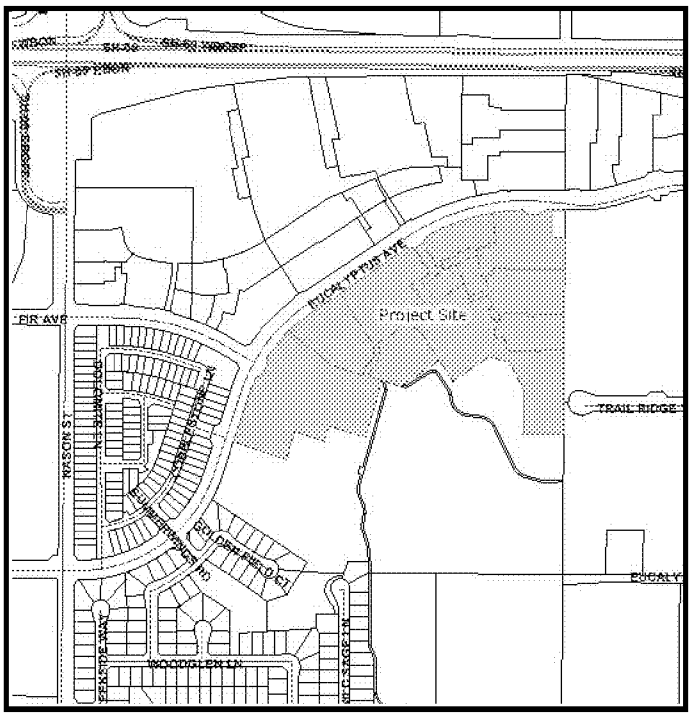

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

Item No. E.1

MV00099702

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MV00099703

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00099709

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

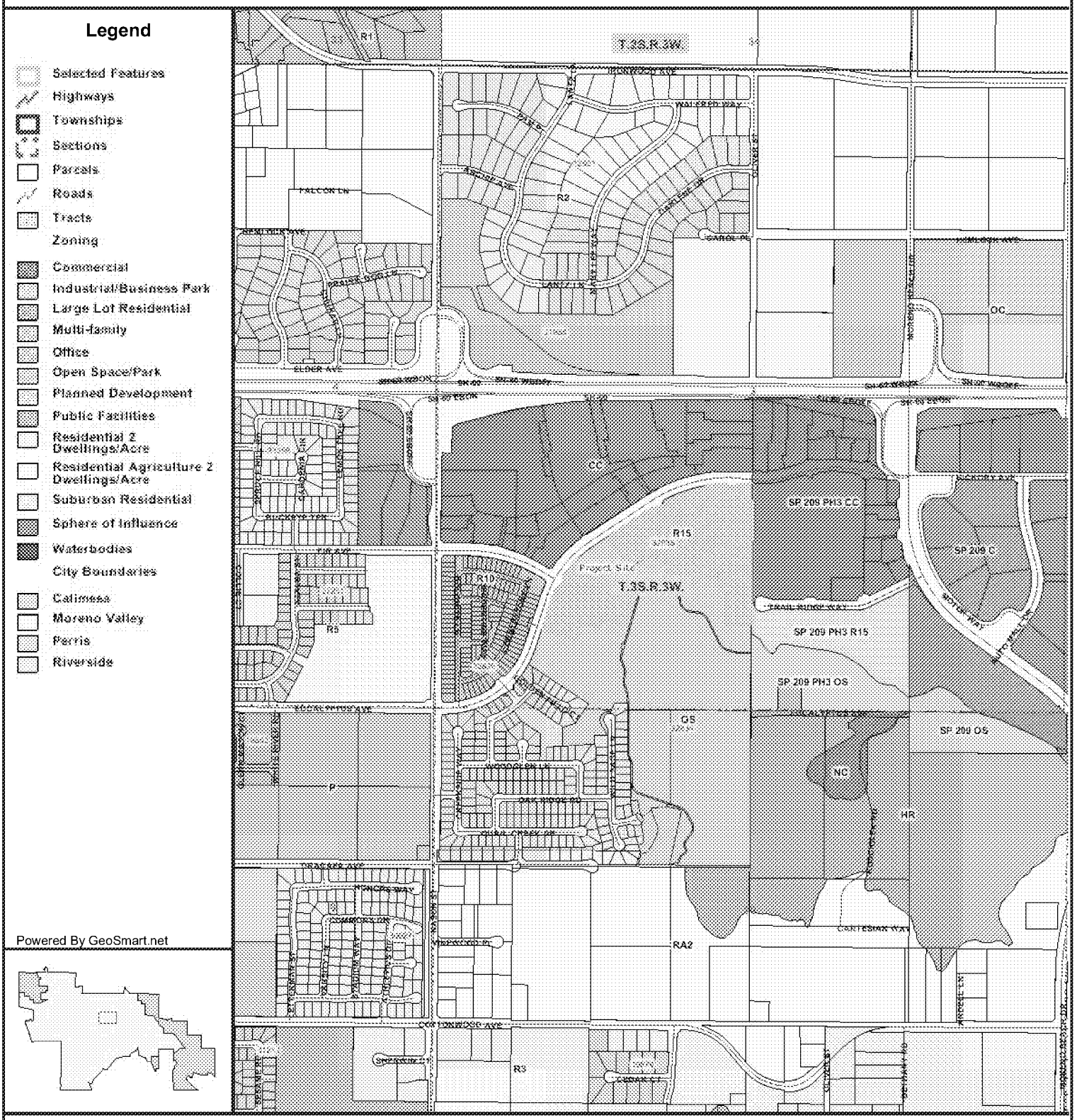

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

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MV00099745

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

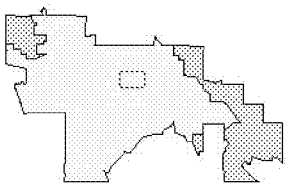

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ATTACHMENT 4

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MV00099747

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as "Nature Park" on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will consist of individual lots with detached single-family homes, common open space and private access roads. The non open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

<u>Other Design Considerations</u>

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees along private streets and allow continual break-up of the project massing. In addition, trees will be clustered in strategic locations such as on corner lots, adjacent to

guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the Current Fees.

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets development standards as allowed under Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Act (CEQA) guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation District	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. -297-ation building floor and elevatior

(provided in reduced format in Exhibit 6).

6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

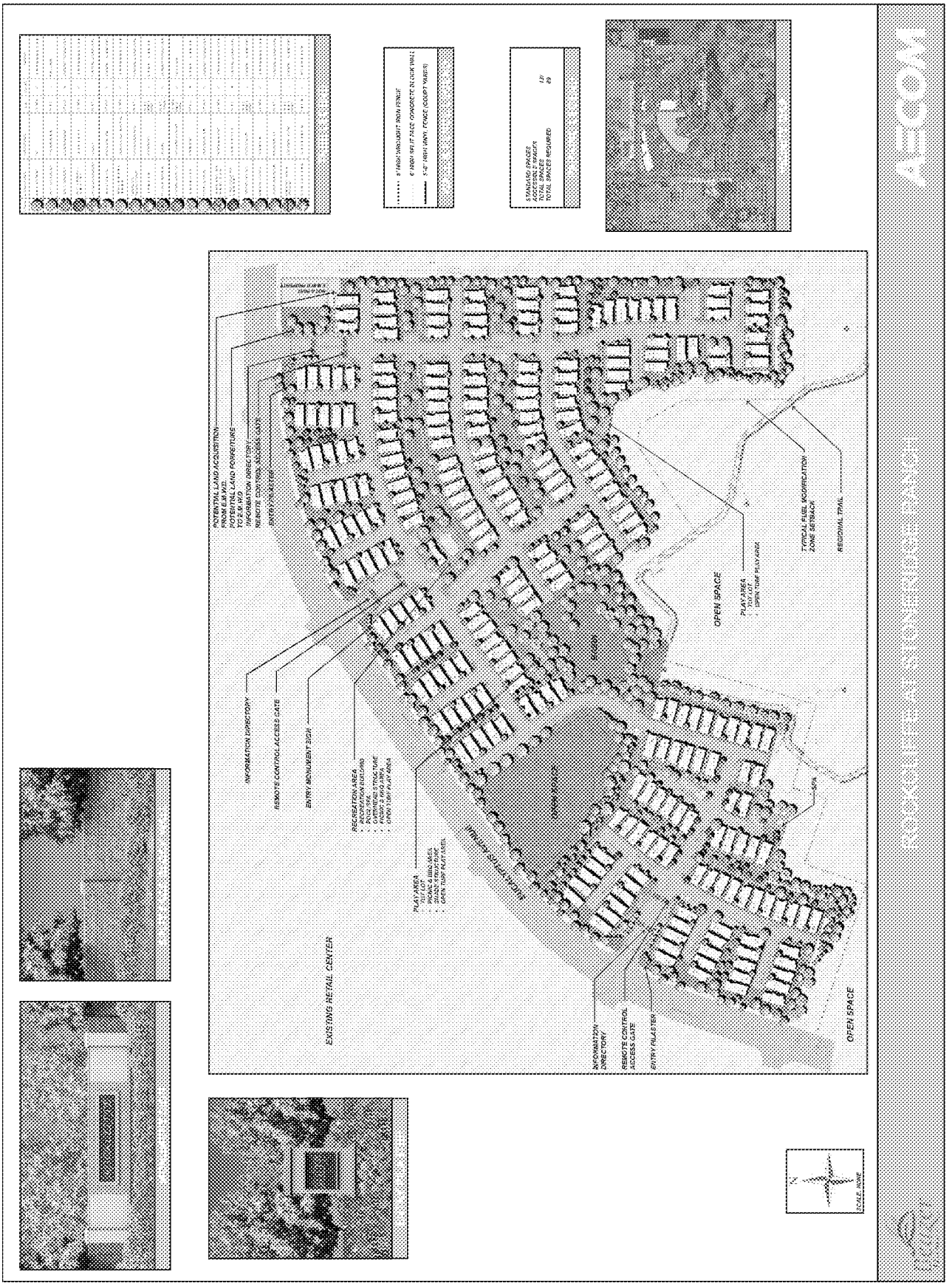

ATTACHMENT 7

Item No. E.1

MV00099768

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

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MV00099771

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

`FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: March 22, 2011

TITLE: FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs, and
2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or provide a variety of social services for low to moderate income residents (see Attachment A for the 2010 Low Income Limits table). These grant programs are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to 'Entitlement Cities' (eligible, selected cities with a population exceeding 50,000 - Moreno Valley is classified by HUD as an Entitlement City), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas.

HUD requires that Entitlement Cities (including Moreno Valley) prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2011/12 marks the fourth year of the City's FY 2008-2013 Consolidated Plan. Each year, Entitlement Cities must also adopt Annual Action Plan updates of the Consolidated Plan. The Annual Action Plan specifically identifies how the City will allocate both CDBG and HOME funds for the upcoming program year. The Annual Action Plan for FY 2011/12 must comply with the required public notifications and hearings and be received by HUD no later than May 12, 2011.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least 51% of residents earning low and moderate incomes. For a map of the CDBG Target Areas see Attachment B.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used towards the development of affordable housing activities. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development activities. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services, which can include, but are not limited to the following:

- Fair Housing Services\Foreclosure Prevention Programs (Mandated by HUD)
- Career Development and Mid-Career Retraining
- Youth Programs
- Homeless Services
- Crime Prevention Programs

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as subrecipients) to provide the desired services or programs.

DISCUSSION

2011/12 CDBG – AVAILABLE FUNDING

HUD has not yet released the allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocation for CDBG and a 9.5% reduction in the allocation for the HOME program. Based on that information, the CDBG allocation is estimated at $1,795,990 ($145,621 less than last years allocation of $1,941,611).The City estimates $269,398 (15% of the total estimated CDBG allocation) will be available for social services. Table 1, below, outlines the proposed CDBG budget based on anticipated allocation. HUD

limits expenditures for certain categories, such as social services and CDBG program administration. The limits and maximum allocations are noted below.

Table 1

FY 2011/12 CDBG ESTIMATED AVAILABLE FUNDING	
Funding Category	Funding Allocation
2011/12 CDBG Estimated Allocation	**$1,795,990**
TOTAL ESTIMATED CDBG FUNDS	**$1,795,990**
A. Program Administration (20% maximum of annual grant)	$359,198
B. Public Social Services (15% maximum of annual grant)	$269,398
C. Public Facilities & Improvements	$350,000
D. Rehabilitation	$10,000
E. Code Enforcement	$366,407
F. Economic Development	$440,987
TOTAL PLANNED CDBG EXPENDITURES	**$1,795,990**

APPLICATION PROCESS

The City must notify the public of available social service funding opportunities and conduct a public hearing to solicit public input regarding the proposed projects. In compliance, a Notice of Funding Availability for CDBG and HOME was published in the Press-Enterprise on January 3, 2011. CDBG and HOME social service applications were available at the City Hall and were mailed directly to interested parties. Applications were due on January 31, 2011.

A CDBG/HOME Technical Review Committee (TRC) comprised of staff was formed to review the CDBG Public Service applications. Prior to making recommendations, the TRC thoroughly evaluated the all applications based on: (1) conformance with federal requirements and City guidelines, (2) community needs identified in the City's Consolidated Plan, (3) priorities established by the City Council at the December 14, 2010 meeting, and (4) available funding resources.

Federal Requirements

HUD requires that at least 70% of the annual CDBG funds be allocated to projects that benefit low and moderate income persons. HUD also requires that CDBG projects meet at least one of three national objectives: (1) benefit persons of low and moderate

income; (2) improve slum or blighted conditions; or (3) respond to an emergency or urgent need.

City Guidelines
On a local level, the City Council has previously adopted guidelines for evaluating social service applications. These include:

- Priority to local providers over those organizations providing equivalent services outside the city.
- The minimum grant level is generally $5,000 for the CDBG Program and $25,000 for the HOME Program (the Council may approve lesser grant amounts).
- Programs should have other funding sources.
- Fair housing services, homeless services, social services, and youth career development, and crime protection programs shall be given funding priority.
- City projects will be given priority.

2011/12 RECOMMENDED CDBG PROJECTS AND PROGRAMS

All recommended CDBG projects and programs fall into one of the following categories:

- Program Administration
- Public Social Services
- Public Facilities and Improvements
- Code Enforcement
- Economic Development
- Rehabilitation

Attachment D provides recommendations for CDBG social service funding in FY 11/12. It includes a list of all CDBG social service applications received, the requested funding, and amount of funding recommended by the TRC.

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2011/12 cap estimated for program administration is $359,198 (based on a total CDBG allocation similar to last year). Funding under this category provides for Economic Development Department staffing, along with the mandatory funding of Fair Housing Services (required by HUD). The Fair Housing Services include education regarding fair housing rights and

responsibilities, investigation of discriminatory practices, and landlord/tenant mediation.

2) PUBLIC SOCIAL SERVICES

Social services are subject to a fifteen percent (15% maximum) limit of the annual CDBG allocation. The maximum social service cap for 2011/12 is estimated at $269,398. Staff and the TRC reviewed a total of 28 public service applications, which were received from City departments, service providers, and non-profit organizations. The TRC conducted comprehensive evaluations of applications and provided a funding recommendation.

The projects recommended by the TRC reflect the community priorities adopted by the City Council on December 14, 2010. Social Service applications recommended for CDBG funding in FY 2011/12 encompass a wide range of programs and services including: 1) emergency and transitional shelter for homeless families; 2) youth, elderly and disabled adult services; 3) crisis counseling; and 4) emergency food distribution.

Please note in addition to recommending most of the programs the City Council previously funded, the TRC is also recommending funding one new program: Catholic Charities Emergency Services.

3) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. Code Compliance officers provide proactive code compliance within the established CDBG-Target Areas. Code compliance efforts reduce blight and substandard housing conditions as well as promote improved property and building maintenance within the target areas. Staff is recommending maintaining Code Enforcement at approximately the same level as last fiscal year in order to continue their efforts.

4) ECONOMIC DEVELOPMENT

a. Employment Resource Center

In 2009/10, the City partnered with Riverside County Workforce Development to create a local Employment Resource Center (ERC) in Moreno Valley dedicated to providing unemployed or under-employed Moreno Valley residents with a convenient place where they could utilize computers and other standard office equipment, access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The ERC is very active and averages of over 180 visitors per day. It also has been used by new businesses (such as Burlington Coat Factory and O'Reilly

Automotive) to conduct employee recruitments. Staff is recommending $120,000 to continue providing this valuable service to the community.

b. Moreno Valley New Business Incentive Program

Funding is recommended for the continuation of the New Business Incentive Program intended to assist with the attraction of major employers to locate in the vacant space in the TownGate area, Centerpointe Business Park, and the Moreno Valley Industrial Area Specific Plan areas of the community, thereby creating new employment opportunities for low and moderate income residents. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income persons) and the boosting of sales tax revenues.

2011/12 HOME PROGRAM – AVAILABLE FUNDING

The estimated FY 2011/12 HOME allocation is $603,264 ($63,325 less than last year's allocation of $666,589). The HOME Program generally funds city-sponsored programs. Program administration has a cap of 10% (or $60,326) of the total HOME allocation. In addition, a minimum of 15% (or $90,490) of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families. Staff is recommending FY 2011/12 HOME funding as outlined in Table 2.

Table 2

FY 2011/12 ESTIMATED HOME ALLOCATION	
2011/12 HOME Estimated Allocation	**$603,264**
Total Estimated HOME Funds	**$603,264**
Program Administration (maximum 10% of allocation)	$60,326
FY 10/11 Community Housing Development Organization (or CHDO, requires 15% of allocation)	$90,490
Housing Projects and Programs	$452,448
Total Planned HOME Expenditures	**$603,264**

2011/12 RECOMMENDED HOME PROJECTS AND PROGRAMS

Attachment E provides program recommendations for HOME funding in FY 2011/12.

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten percent (10%) cap. Grant funding under this category provides for Economic Development Housing program staffing.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of 15% of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 11/12 an estimated $90,490 must be allocated to a CHDO for potential affordable housing projects.

3) HOUSING PROJECTS AND PROGRAMS

Utilizing HOME, the City is able to offer single family and multi-family rehabilitation projects and programs. The purpose of these types of projects is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.

ALTERNATIVES

Alternative 1 - The City Council may conduct a public hearing and select social service programs and projects for funding as recommended by staff and the TRC. **Staff recommends this alternative because it adheres to HUD program requirements.**

Alternative 2 - The City Council may decline to conduct a public hearing and may choose not to fund any projects as recommended. ***Staff does not recommend this alternative because it could delay preparation, approval and submission of Consolidated/Annual Action Plan to HUD.***

Alternative 3 – The City Council may increase or decrease the recommended levels of funding for specific programs/projects for which the City received an application. ***Use of this alternative can only be utilized if any funding changes meet HUD requirements and conform to overall funding capability.***

FISCAL IMPACT

The estimated CDBG funding allocation for FY 2011/12 is $1,795,990. The estimated HOME funding allocation is $603,264. Both of these allocations are preliminary estimates and subject to the release of fund allocations from HUD. Together, these grants will provide for over 25 important projects and services. Please note that CDBG and HOME is a restricted funding source that must adhere to HUD requirements.

CDBG Accounts		$1,795,990
285	73952 CDBG Programs	
285	73852 CDBG Administration	
285	74052 Code and Neighborhood Enforcement	
176	77110 HOME	$603,264

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used in Target Areas that contain at least 51% of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. **REVENUE DIVERSIFICATION & PRESERVATION**
   By utilizing CDBG and HOME funds the City will enhance its ability to create a stable revenue base and fiscal policies that will support essential City improvement services.

2. **PUBLIC SAFETY**
   Many of the proposed CDBG and HOME programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. **POSITIVE ENVIRONMENT**
   The variety of community-based CDBG and HOME programs help develop a positive environment in the community.

4. **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS**
   CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, and Housing Rehabilitation will help to preserve, rehabilitate, and improve Moreno Valley's neighborhoods.

SUMMARY

HUD will allocate to the City of Moreno Valley a grant to administer its Community Development Block Grant (CDBG) programs and HOME Investment Partnership (HOME) programs over the FY 2011/12 program year. CDBG funding is available to

address the needs of low-income persons/areas within the City. HOME funds are available to address affordable housing related needs.

Staff issued a Notice of Available Funding and as a result collected 34 applications (28 CDBG public service, 5 Non-Public Service, and 1 HOME application) requesting funding. HUD has not yet released the final allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocations for CDBG and a 9.5% reduction for HOME therefore; the CDBG allocation is estimated at $1,795,990 ($145,621 less than last year's allocation of $1,941,611). The estimated FY 2011/12 HOME allocation is $603,264 ($60,326 less than last year's allocation of $666,589). This report reviews public social service, affordable housing, and economic development programs recommended for funding by City staff and the Technical Review Committee. City Council selected CDBG and HOME programs will be incorporated into the FY 2011/12 Annual Action Plan.

NOTIFICATION

Notice of this meeting was published in the local edition of the Press-Enterprise newspaper on March 7, 2011.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	CDBG Funding Recommendations
ATTACHMENT E	HOME Funding Recommendations

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Department Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099781

ATTACHMENT A

2010 INCOME LIMITS

Effective April 2, 2010 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$13,650	$15,600	$17,550	$19,500	$21,100	$22,650	$24,200	$25,750
Very Low Income	50%	$22,750	$26,000	$29,250	$32,500	$35,100	$37,700	$40,300	$42,900
60% Limits (HOME)	60%	$27,300	$31,200	$35,100	$39,000	$42,120	$45,240	$48,360	$51,480
Low Income	80%	$36,400	$41,600	$46,800	$52,000	$56,200	$60,350	$64,500	$68,650
Median Income	100%	$45,500	$52,000	$58,500	**$65,000**	$70,200	$75,400	$80,600	$85,800
Moderate Income	120%	$54,600	$62,400	$70,200	$78,000	$84,250	$90,500	$96,700	$102,950

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MV00099783

City of Moreno Valley CDBG Target Areas

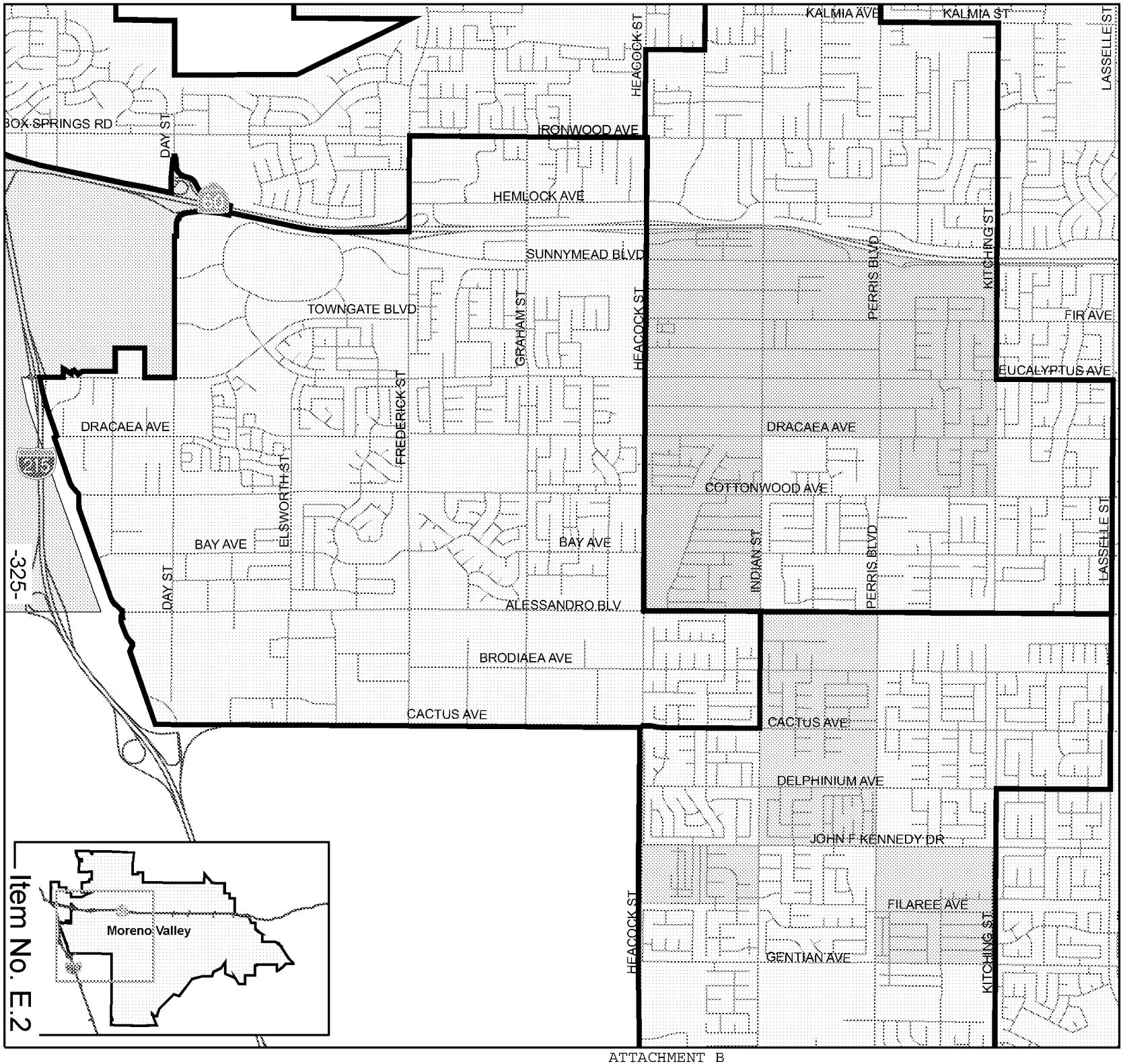

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.2

MV00099784

ATTACHMENT B

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MV00099785

ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

ATTACHMENT D – CDBG PROPOSED PROGRAMS
CDBG – FY 2011/12 – Total Anticipated Funding $1,795,990

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation	City Council Recommendation
A.	ADMINISTRATION (20% CAP – $359,198)				
0	Administrative Staffing	$338,869	$295,530	$324,198	
1	Fair Housing Council of Riverside County (Fair Housing Administration)	$49,453	$53,960	$35,000	
	Subtotal	$388,322	$349,490	$359,198	
B.	PUBLIC SERVICES (15% CAP – $269,398)				
2	Community Foreclosure Prevention Workshops	$44,000	$30,000	$30,000	
3	Community Assistance Program (CAP) Food Program	$30,600	$34,220	$30,600	
4	Friends of the Moreno Valley Senior Center (MoVan) Transportation	$30,000	$30,000	$30,000	
5	Problem Orienting Community Policing (POP) Team	$28,241	na	$0	
6	Fair Housing Council of Riv County – Foreclosure Prevention\Mitigation	$25,000	$25,000	$21,798	
7	Fair Housing Council of Riv County Landlord Tenant Mediation Program	na	$15,000	$15,000	
8	Lutheran Social Services (MARB) Homeless Shelter	$15,000	$21,104	$15,000	
9	Path of Life Transitional Family Shelter (MARB)	$15,000	$30,000	$15,000	
10	PW Enhancement Center – Emergency Services Outreach	$15,000	$32,000	$15,000	
11	Neighborhood Clean-ups	$15,000	$15,000	$15,000	
12	Assistance League/Operation School Bell – Clothes/School Supplies	$10,000	$15,000	$10,000	
13	CASA for Riverside County Foster Youth Program	$10,000	$32,535	$10,000	
14	God's Helping Hand Ministries – Food Bank	$9,000	$10,000	$9,000	
15	Operation Safehouse Shelter for Youth	$8,000	$8,000	$8,000	
16	Alternatives to Domestic Violence Emergency Shelter & Services		$15,000	$7,500	
17	Riverside Area Rape Crisis Center – Child Abuse Prevention Program	$7,500	$7,500	$7,500	
18	Moreno Valley Community Educators – Tutoring Program	$6,400	na	$0	
19	ARC of Riverside – Disabled Adult Day Care Facility	$5,000	$20,000	$5,000	
20	Salvation Army –Food Program	$5,000	$10,900	$5,000	
21	Catholic Charities – Case Worker	na	$35,000	$15,000	
22	MVUSD High School Intervention Program	na	$10,500	$0	
23	Smooth Transition Literacy/Job Readiness/Life Skills Trng	na	$48,872	$0	
24	CVHC – Afterschool/Computer Program	na	$10,000	$0	
25	ReNu Hope Foundation – Pre School Bldg. Improvements	na	$19,413	$0	
26	Volunteer Ctr. '211' Telephone Referral Service	$5,000	$20,000	$5,000	
27	Volunteer Ctr. Rent Caurantee Program	na	$63,000	$0	
28	Alpha & Assoc. – Reclaiming Youth Intervention Program	na	$50,000	$0	
29	MCL Music Changing Lives – Youth Intervention/Music Program	na	$150,000	$0	
30	Family Service Assoc. Nutrition Program at Supportive Hsg Complex	na	$50,000	$0	
31	Leading Our World – Help the Streets Outreach Program	na	$1,105,000	$0	
	Subtotal	$283,741	$1,913,044	$269,398	
C.	PUBLIC FACILITIES & IMPROVEMENTS				
32	Street Improvement Project	na	$350,000	$350,000	
	Subtotal	$0	$350,000	$350,000	
D.	REHABILITATION				
33	Habitat for Humanity	$10,000	$10,000	$10,000	
	Subtotal	$10,000	$10,000	$10,000	
E.	CODE ENFORCEMENT				
34	Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390	$263,390	$263,390	
35	Code Enforcement – Foreclosure 'Strike Team'	$103,017	$103,017	$103,017	
	Subtotal	$366,407	$366,407	$366,407	
F.	ECONOMIC DEVELOPMENT				
37	MV New Business Incentive Program	$540,000	$525,000	$220,987	
38	Employment Resource Center	$145,641	$120,000	$120,000	
40	Youth Opportunity Center	$50,000	$25,000	$25,000	
41	Family Service Assoc. Meal Program Facilities	$50,000	$50,000	$25,000	
42	Small Business Development Center	$50,000	$50,000	$50,000	
	Subtotal	$835,641	$770,000	$440,987	
	GRAND TOTAL	$1,884,111	$3,748,941	$1,795,990	

※ New applicants ※ Organization serving homeless population ※ Recommended funding changes over previous year

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ATTACHMENT E
HOME - FY 2011/12 - Total Estimated Available Funding $603,264

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recomendation	City Council Approval
A.	ADMINISTRATION				
	Administrative Staffing (10% CAP - $60,326)	$66,600	$60,326	$60,326	
	Subtotal	$66,600	$60,326	$60,326	
B.	CHDO (MANDATORY)				
	(15% CAP - $90,490)	$99,900	$90,490	$90,490	
	Subtotal	$99,900	$ 90,490	$90,490	
C.	APPLICATIONS				
	Still under review				
	Subtotal				
D.	HOUSING				
	Reserve for Housing Projects and Programs	$522,000	$500,000	$452,448	
	GRAND TOTAL			$603,264	

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MV00099791

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. **Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)**

b. **Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**

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MV00099793

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: March 22, 2011

TITLE: APPOINTMENT TO THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council, after reviewing the ballot provided by the City Clerk:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

BACKGROUND

On February 22, 2011, the City Clerk's Office posted a Notice of Opening for the Planning Commission one term expiring March 31, 2013. Appropriate time frames with respect to noticing vacancies were followed.

Eight applications were submitted and reviewed by the City Council. Four applicants were interviewed by the City Council on February 23, 2011. In alphabetical order, the selected applicants to be placed on the ballot for consideration of appointment are as follows:

Gary E. Baugh, Rick De Jong, and Carlos Ramirez.

ALTERNATIVES

The Planning Commissioners consider matters pertaining to development and zoning within the City and have decision-making authority pursuant to the Government Code of the State of California. Choosing not to appoint members to the Planning Commission would result in decreased participation from residents, and it would adversely affect the Commission's ability to function and to maintain a quorum at meetings. This option is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council make the recommended appointments.

NOTIFICATION

1. Posting of Notice of Opening
2. Publication of the agenda
3. Report mailed to final candidates

ATTACHMENTS/EXHIBITS

1. List of Planning Commission Applicants Selected for the Interviews

Prepared By: Ewa Lopez
Deputy City Clerk, CMC

Department Head Approval: Jane Halstead
City Clerk, CMC

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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List of Planning Commission Applicants Interviewed on February 23, 2011

Gary E. Baugh

Rick De Jong

Alvin C. Horn

Carlos Ramirez

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City

Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Southeastern Calif Conf Sev Day Adventist Church (APN 484-030-015) and Buddhadhammo Temple (APN 488-210-014), (collectively "Property Owners"), have Conditions of Approval that require them to provide a funding source to help support the NPDES and the CSD median program specific to these projects, Zone M. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the Property Owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. Property Owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on March 22, 2011 and the Public Hearing on April 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charge is levied on the property tax bill.

The CSD Zone M annual charge for APNs 484-030-015 and 488-210-014 were estimated based on the proposed fully improved Alessandro Blvd. and Nason St. medians adjacent to the parcels. The annual charge shall not be levied until such time as the planning of the medians begins. Upon future development, parcels adjacent to the proposed medians shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charge for APNs 484-030-015 and 488-210-014 shall be proportionally adjusted.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*

2. **Do not accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *This alternative would be contrary to state statutes and would require the noticing period for the mail ballot proceedings to begin again.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charge for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple are as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
Southeastern Calif Conf Sev Day Adventist Church APN 484-030-015 (and any division thereof)	$205 per parcel	$1,579.60
Buddhadhammo Temple APN 488-210-014 (and any division thereof)	$205 per parcel	$1,254.11

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds

collected from the NPDES rates are restricted for use only within the Stormwater Management program.

The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The Property Owners are being balloted for maintenance costs of future medians that are planned to be constructed. The amount collected will reduce the General Fund obligation for maintenance for those medians. **The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple.

NOTIFICATION

On February 8, 2011, a ballot packet was mailed to the Property Owners. The packets included a notice to the Property Owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and two postage-paid envelopes for returning the ballots to the City Clerk. (See Attachments 1 and 2.)

Newspaper advertising for the March 22, 2011, Public Meeting and April 12, 2011, Public Hearing was published in The Press-Enterprise on March 3, 2011. Additionally, the Public Hearing notification will be published on March 24 and again on March 31, 2011.

ATTACHMENTS

Attachment 1: Southeastern Calif Conf Sev Day Adventist Church mail ballot packet
Attachment 2: Buddhadhammo Temple mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099803

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Abel Cordero
c/o Southeastern Calif Conf Sev Day Adventist
26121 Camelot Ave
Loma Linda, CA 92354

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 484-030-015

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 484-030-015 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 484-030-015 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,579.60 for the proposed Alessandro Blvd. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 484-030-015 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

✓	A check mark substantially inside a box;
X	An X mark substantially inside a box;
●	A dot or oval mark substantially inside a box;
■	A completely shaded or filled mark substantially inside a box;
✳	A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;
○	A circle around the box and/or associated clause; or
□	A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 484-030-015

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 484-030-015, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 484-030-015, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
484-030-015 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 484-030-015

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 484-030-015 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,579.60 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 484-030-015, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
484-030-015 (and any division thereof)	☐	☐	$1,579.60

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

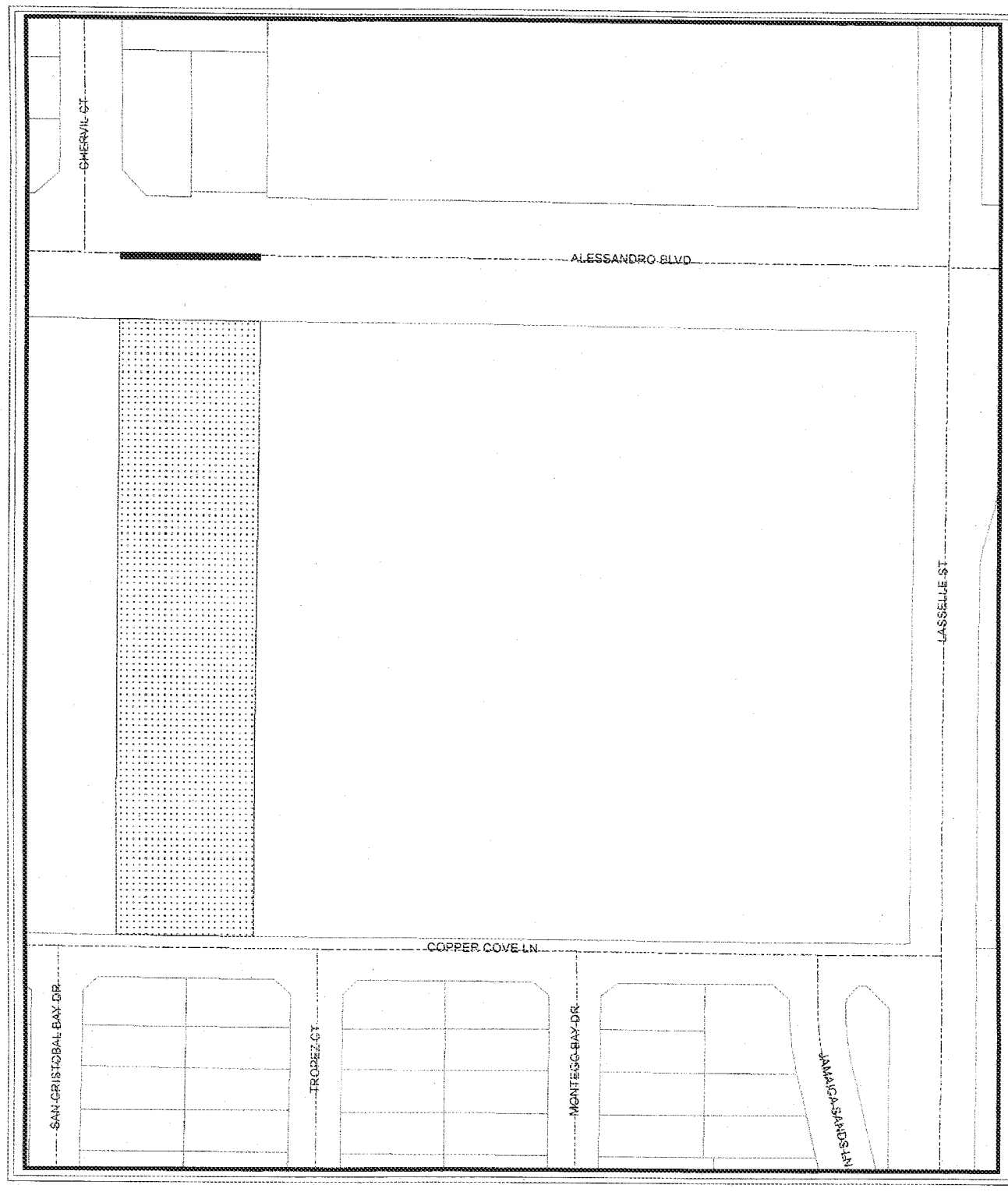

Moreno Hills SDA Church
APN 484-030-015

APN

- 484030015
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\PA08-0041 Moreno Hills SDA.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	Per Month $2.67	Per Year $32.00	PROPOSED PARCEL RATE	Per Month $12.58	Per Year $151.00

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00099811

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Albot Nikom
c/o Buddhadhammo Temple
13920 Nason St.
Moreno Valley, CA 92555

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 488-210-014

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 488-210-014 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 488-210-014 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,254.11 for the proposed Nason St. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 488-210-014 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 488-210-014

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 488-210-014 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,254.11 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 488-210-014, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-210-014 (and any division thereof)	☐	☐	$1,254.11

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 488-210-014

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 488-210-014, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 488-210-014, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-210-014 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

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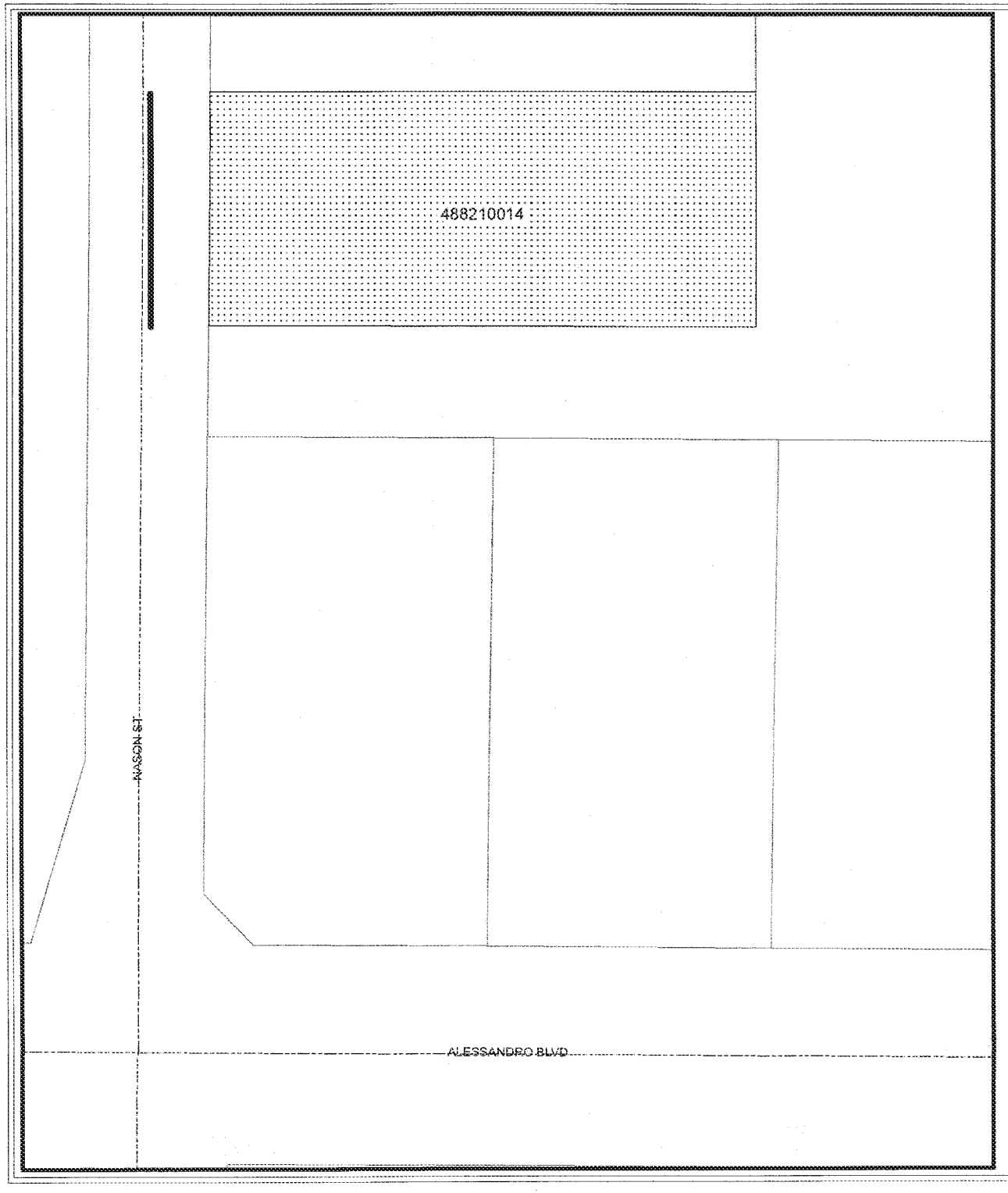

Buddhadhammo Temple
APN 488-210-014

APN

- 488210014
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 50 100 150 200 Feet

G:\AVP\SDA\PA08-0091 Buddhadhammo Temple.mxd

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MORENO VALLEY
WHERE DREAMS SOAR

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00099819

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC.

RECOMMENDED ACTION

Staff recommends the City Council:

Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Staff recommends the Redevelopment Agency Board:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

BACKGROUND

At the March 8 meeting the City and Redevelopment Agency Board approved a Conditional Commitment Letter Agreement among the Agency, the City and Rancho Belago Developers Inc to assist in the development of an affordable housing project. The approval included a motion approving two resolutions that weren't required.

DISCUSSION

To properly facilitate the approval of the Agreement, the City Council and RDA Board must rescind their previous action of approving the resolutions and restate their approval of the Conditional Commitment letter Agreement among the Redevelopment Agency, the City and Rancho Belago Developers Inc. The Agency's Special Legal Counsel and the Developer are working on the drafting of an Affordable Housing Agreement for the project which shall be considered by the Agency Board on April 12.

ATTACHMENTS

Attachment A – Conditional Commitment Letter Agreement Among the Community Redevelopment Agency of the City of Moreno Valley, the City of Moreno Valley and Rancho Belago Developers, Inc.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CONDITIONAL COMMITMENT LETTER AGREEMENT AMONG THE MORENO VALLEY REDEVELOPMENT AGENCY, THE CITY OF MORENO VALLEY, AND RANCHO BELAGO DEVELOPERS, INC.

March 8, 2011

James M. Jernigan
Rancho Belago Developers, Inc.
27700 Kalmia Avenue
Rancho Belago, CA 92555-5200

Re: Hemlock Family Apartments ; Moreno Valley Redevelopment Agency and City of Moreno Valley Residual Receipts Loans for New Construction of Hemlock Family Apartments

Dear Mr. Jernigan:

We are pleased to offer these conditional commitments of funds on behalf of and from the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") and the City of Moreno Valley ("City") by this Conditional Commitment Letter (herein, "Conditional Commitment Letter") to Rancho Belago Developers, Inc., and its affiliate Rancho Belago Developers, Inc. ("Developer") for Developer's consideration and acceptance, subject, however, to the approval of this Conditional Commitment Letter by the City Council of the City of Moreno Valley ("City Council" and "City, respectively) and the governing board of the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") of the terms and conditions of that certain "Agency Loan" and that certain "City Loan", respectively, as more fully detailed herein (together, "Loans").

The Agency is a redevelopment agency organized, operating, and existing pursuant to the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* ("CRL"). City is a California municipal corporation and general law city. Pursuant to the CRL, the Agency maintains a low to moderate income housing to improve, increase and preserve the community's supply of low to moderate income housing available at an affordable housing cost ("Housing Fund"). City is a participating jurisdiction with the United States Department of Housing and Urban Development that has received funds from HUD pursuant to the federal HOME Investment Partnerships Act and HOME Investment Partnerships Program, 42 U.S.C. Section 12701, *et seq.*, and the implementing regulations thereto set forth in 24 CFR § 92.1, *et seq.* for the purposes of strengthening public/private partnerships to provide more affordable housing, particularly decent, safe, sanitary, and affordable housing, with primary attention to housing for Very Low Income and Lower Income households in accordance with the HOME Program.

If approved by Agency and City Council, respectively and subject to their amendment of this Conditional Commitment Letter, if any, will be provided to you a conditional commitment for loans, subject to the Overriding Conditions (as set forth in #21, below) and subject further to the following terms and conditions:

1. Developer/Borrower

Rancho Belago Developers, Inc., (or its approved affiliate) shall be the developer with Rancho Belago Developers, Inc., as the borrower and sole owner and operator ("Developer"). Rancho Belago Developers, Inc. may establish a single-asset entity for the purposes of developing the project (hereinafter the "Borrower"), and/or to be formed California limited partnership, with Rancho Belago Developers, Inc., a California corporation as its Administrative General Partner and Housing Corporation of America, a Utah nonprofit public benefit corporation as Managing General Partner, as approved by Agency. The identity of each limited partner of the partnership and/or member of the BORROWER and their respective roles and responsibilities, as member(s), general and/or limited partner(s), for the Project are subject to the approval of Agency and City. The documentation of the Borrower is subject to the approval by Agency, City and their respective Special Counsel and General Counsel(s). Hereinafter, the Borrower and Developer are referred to as "Developer".

2. Amount of Loans

Agency Loan: Subject to the deferred payment residual receipts loan not to exceed an original principal amount of $6,500,00, which will be funded with moneys from the Agency's Housing Fund per CRL Sections 33334.2, 33334.6, *et seq*. The Agency Loan shall be disbursed in accordance with a schedule to be approved by the Agency and stated in formal loan documentation for such loan (to be negotiated after allocation by the California Tax Credit Allocation Committee ("TCAC") of Tax Credits to Developer for the Project, "Agency Loan Agreement").

City Loan (HOME Program Funds): A deferred payment (residual receipts) loan not to exceed $1,000,000. The City Loan shall be disbursed in accordance with a schedule to be approved by the City Council and stated in the loan documentation for such loan (to be negotiated after allocation of Tax Credits for the Project, "City Loan Agreement").

Both the Agency Loan and the City Loan are expressly contingent upon the TCAC's award of 4% Tax Credits to Developer for the Project and Developer's securing other conditional funding commitments.

3. Project

New construction of a 78-unit affordable apartment project referred to as *Hemlock Family Apartments* located on Hemlock Avenue, west of Perris Boulevard in Moreno Valley, California as described in and such Project received a land use entitlement from the City.

4. Term of Affordability Not less than fifty-five (55) years.

5. Affordability Restrictions Seventy-seven (77) of the seventy-eight (78) units shall be affordable to and occupied by persons and or households at or below sixty percent (60%) of the Area Median Income (AMI) referenced in Attachment No. 2 to the staff report included with the City Council and Agency's consideration and approval of this Conditional Commitment Letter, in a mix of fifty-three (53) two-bedroom and twenty-four (24) three - bedroom units. The seven-eighth (78th) unit may be occupied by management personnel and need not be rent or occupancy restricted. A Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions ("Regulatory Agreement") and a Notice of Affordability Restrictions per CRL Section 33334.3 restricting rents and occupancy of seventy-seven (77) of the seventy-eight (78) units for not less than fifty-five (55) years shall be recorded against the Site in favor of each of City and Agency. Such Regulatory Agreement and Notice of Affordability Restrictions shall be in a form and format acceptable to Agency, City and Special Counsel in their sole discretion. The Affordable Rent and occupancy restrictions shall include the following:

- Twenty-five (25) units affordable to residents with incomes at or below 50 percent (50%) of Area Median Income (AMI);

- Fifty-two (52) units affordable to residents with incomes at or below 60 percent (60%) of Area Median Income (AMI);

5. Loan Terms/Repayment *Agency Loan:* The Agency Loan shall be evidenced by a Promissory Note in the amount of $6,500,000 and shall be secured by a Deed of Trust recorded against the Site. The Agency Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City. The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by Agency.

City Loan: The City Loan shall be evidenced by a Promissory Note in the amount of $1,000,000 and shall be secured by a Deed of Trust recorded against the Site. The City Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City (the latter solely

from such moneys, if any, as become available to City under the HOME Program). The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by City.

Provisions Common to Agency Note and City Note: Interest on each Promissory Note shall be 3% simple interest (or such other interest rate as may be established by mutual agreement). Interest shall accrue from the first disbursement and all payments shall be applied first to accrued interest then to principal. The Promissory Note shall contain due on sale and further encumbrance clauses and shall be in a form and content as approved by Special Counsel for the Agency and the City, respectively.

All principal and accrued interest shall be due and payable upon repayment in full of the permanent financing, except for a repayment resulting from a pre-approved refinancing of the permanent financing, in which no cash or other consideration is received by the Developer as a result of such refinancing.

6. <u>Security</u>

Agency Loan: The Agency Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the governing board of the Agency, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the Agency and its Special Counsel in their sole discretion.

City Loan: The City Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the City Council, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the City, acting through its City Council, and its Special Counsel in their sole discretion.

7. <u>Pro Forma/Expenses</u>

All expenses of this Project shall be approved by Agency and City in their reasonable discretion. The Developer's pro forma for the Project has been submitted to and reviewed by Keyser Marston Associates ("KMA"), Agency's and City's economic advisor. KMA's report on the Project, including assumptions, analysis and warranted subsidy, is based on the Developer's pro forma and such "KMA Report" and is a substantive and material basis under which both Agency and City are providing their conditional commitments to make the Agency Loan and City Loan, respectively. Observance of the parameters set forth in the KMA Report is an integral and fundamental

element of this conditional commitment and agreement, but for which Agency and City will have no duties hereunder.

8. Reserves

Subject to the approval of the construction and/or permanent lender(s), Developer shall deposit a minimum of $500 per unit per year ($39,000 per year) into a dedicated capital replacement reserve account as part of its annual operating expenses. Use of capital replacement reserves shall be subject to the approval of Agency and City.

9. Recourse

The Agency Loan shall be recourse until the timely completion of the Project, when it shall become non-recourse. The City Loan shall be recourse until the timely completion of the Project, when it shall become nonrecourse

10. Notice/Cure Assumption Rights

Each of Agency and City shall have the right, but not the obligation to cure, after notice of default, any and all defaults in any senior encumbrances. All subordination agreements shall be subject to the sole approval of Agency and City and shall include extended cure rights, separate notice to, and rights to assume senior encumbrances.

11. Management Plan

The Management Plan shall be subject to periodic approval by each of Agency and City, in their reasonable discretion.

12. Management Approval

Each of Agency and City reserves the right to declare Developer in default of the Agency Loan Agreement or the City Loan Agreement after an uncured ninety (90) day written notice of malfeasance and/or misfeasance in management of the Project.

13. Time of Funding

Agency will fund the Agency Loan upon satisfaction of all conditions set forth in the Agency Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the governing board of the Agency. City will, from HOME Program funds, fund its loan upon satisfaction of all conditions set forth in the City Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the City Council.

14. Construction Contract

Funding of each of the Agency Loan and the City Loan is subject to Agency and City approval of a guaranteed maximum "not-to-exceed" contract for the construction work. Developer shall comply, and shall cause its contractor and all subcontractors to comply, with all state and federal program

limitations and requirements, including without limitation those requirements commonly referred to as "Section 3", including all reporting, meetings, and other compliance requirements thereof.

15. Evidence of Financing; Other Loans; Tax Credit Equity

Each of Agency and City shall have right to review and approve all evidence of financing, including the construction loan and the permanent loan documentation, along with solicitation for and selection of a tax credit equity investor, and in particular the provisions of any subordination of the Agency Loan and/or the City Loan to any such senior encumbrances.

16. Partnership Related Fees

The Partnership Related Fees, including management fee, asset management, general partner and/or limited partnership fees, shall not exceed an amount to be approved by Agency and City.

17. Developer Fee

The Developer Fee for the Project shall not exceed those limitations as stated in the California Tax Credit Committee Regulations. The Developer Fee shall be available for and shall be used, as necessary, to pay for any and all cost overruns in the construction of the Project prior to and as a condition to any disbursement thereof to Developer. Developer Fee disbursals shall be in increments as specified in the Tax Credit Partnership Agreement and shall be subject to approval by Agency, City and respective designees.

18. Prevailing Wages

If required by federal and/or state law or as a condition of obtaining funding, the Developer shall comply with the requirements for payment of both Federal Labor Wage Rates (Davis Bacon Act) and State Prevailing Wages (California Labor Code) and shall pay the higher of the two in the event of a conflict on a trade-by-trade basis.

19. Time of Performance

Construction shall commence within the timeframe required by TCAC. Construction shall be completed according to the schedule outlined in the Agency Loan Agreement and the City Loan Agreement (up to 18 months) and stabilized occupancy shall be achieved according to the requirements of TCAC and the other funding sources. Time is of the essence to each and every provision hereof; in the event one or more milestones is not met by the time established therefor hereunder, Agency or City may, at their sole discretion and without providing necessity of an extension or opportunity to cure, terminate their conditional commitments hereunder.

20. Funds

Agency may fund the Agency Loan from various sources including the Housing Fund, tax increment not held in the Housing Fund or any other local, State, and/or federal funding source. If funded from tax increment, then all applicable requirements of the CRL shall apply and construction and operation of the Project and the Project shall be subject to all applicable provisions of the CRL. City intends to fund the City Loan only from available HOME Program funds; therefore, because federal funds will be a source of funding then construction and operation of the Project shall be subject to all applicable federal program limitations, rules, and regulations.

21. Overriding Conditions:

Any conditional commitment hereunder and in addition to other conditions or limitations hereunder, is expressly conditioned upon and subject to: (i) Circumstances involving the threatened elimination of redevelopment agencies and activities in California: Developer acknowledges that the Governor of the State of California has proposed the elimination of redevelopment agencies throughout the State of California. The Agency Executive Director, City Manager and City make no representations or warranties as to the outcome of the Governor's proposal or the ability and authority of the Agency to operate or receive tax increment or other funding after March 8, 2011. Developer has informed itself of all matters it deems relevant in connection with such circumstances, acknowledges that any conditional commitment of the City and the Agency is subject to the Agency being allowed to continue to operate and receive tax increment revenues (including, without limitation, for the purposes described hereunder), and exonerates each of the Agency and the City from any responsibilities in relation thereto; (ii) completion of environmental processes and clearances for the project; (iii) the obtaining of planning approvals; (iv) the availability to the City of HOME moneys in the amounts described hereunder (the Agency and the City making no representations concerning the availability of such funds, in the amounts described hereunder or in any amount); (v) the availability of City HOME moneys has not been finally determined and any such availability of moneys for the proposed project are subject and subordinate to other conditional commitments. In addition, the availability of such moneys is contingent upon the availability and conditional commitment of housing set-aside revenues as described in (vi), below; (vi) the value of land is subject to confirmation as set forth in item #23, below; (vii) the availability of housing set-

aside revenues, as defined in Health and Code Section 33334.2, to the Agency, in amounts sufficient to fund those amounts described hereunder as the amount of the Agency loan, subject and subordinate to existing obligations of the Agency, together with any obligations of the Agency under a proposed Affordable Housing Agreement between the Agency and MV Rancho Dorado Limited partnership, a California limited partnership (a copy of which is on file with the Community Development Director of the City for consideration by the Agency governing board at the Agency's meeting of March 8, 2011, and a copy of which has been provided to Developer hereunder)(the "Dorado Agreement"). Agency and City make no representations whatsoever to Developer concerning the future availability of moneys to the City or the Agency.

22. <u>ALTA Lender's Policies</u> Developer shall cause to be issued to City and Agency, at Developer's sole cost and expense, ALTA Lender's Policies for each of the Agency Loan and the City Loan, with endorsements acceptable to Agency and City and respective Special Counsel.

23. <u>Updated Appraisal</u> Prior to funding, Developer shall cause to be prepared and shall submit to each of Agency and City for their respective approval, an updated, as constructed, appraisal, as a condition to funding. Appraised value shall reflect the then-current value of the appraised property in the Site's then-current condition in addition, City shall engage a separate appraisal or review appraisal by an independent appraiser of the City's choosing; Developer will defray City's costs in connection therewith.

24. <u>Contract Approval</u> The funding of each of the Agency Loan and the City Loan is also subject to Agency's and City's approval of the necessary handicap accessibility design compliance provisions being stated within the project architect's contract.

25. <u>Assumption of Loan</u> The Agency Loan and the City Loan may not be assumed without the prior written consent of each of Agency and City each acting at their sole and absolute discretion. It is contemplated that City and Agency will agree that such loans may be assumed by tax credit limited partnership, provided that the limited partnership is approved by each of Agency and City, provided that Developer (or Borrower as its approved affiliate) will be the general partner of the limited partnership, and further provided that such tax credit limited partnership shall agree to be further bound by the terms contained in a comprehensive transactional agreements, the Agency Loan Agreement and the City Loan Agreement and all implementing

documents thereof, to be entered into among Developer, Agency and City.

26. TCAC

Each of the Agency Loan and the City Loan is contingent upon TCAC award of the necessary 4% Tax Credits for the Project. Developer shall submit to TCAC and to the City and Agency all documents necessary to complete the Tax Credit application towards consideration and receipt of an allocation of Tax Credits. Developer is and shall be expressly limited to obtaining an allocation for private activity bonds and a preliminary reservation of 4% tax credits to August 1, 2011. Prior to funding, Developer shall submit to Agency and City a complete, legible copy of CDLAC's or TCAC's letter acknowledging that Developer has satisfied all applicable submittal requirements together with evidence of conditional funding commitments demonstrating funding is committed sufficient for the development of the Project with affordability covenants of not less than 55 years.

27. Documentation

All documentation of this transaction shall be subject to the approval of each of City and Agency acting through their respective governing boards.

28. Additional Conditions

Each of City and Agency reserves the right to impose such additional conditions, both conditions precedent and conditions subsequent, in the Agency Loan Agreement and the City Loan Agreement, and all attachments thereto, and other final documentation of the transaction as are reasonably necessary to protect the interests of the City and the Agency and fulfill the intent of this Conditional Commitment Letter. Included as additional conditions are the completion of a comprehensive transactional agreements, Agency Loan Agreement and City Loan Agreement, to be prepared by Agency and City and Special Counsel (as approved also by Agency General Counsel and City Attorney) containing terms customary to similar agreements by Agency and City and including, without limitation, provisions for: (i) demonstration of available and committed moneys sufficient (with the City Loan and the Agency Loan) for the acquisition of the Site and the construction through completion and lease-up of the Project; (ii) annual financing reports; (iii) satisfaction of Section 3 and other HOME Program requirements; (iv) bidding procedures and construction costs acceptable to each of Agency and City; (v) land acquisition cost acceptable to each of Agency and City; (vi) a leasing agreement form, tenant selection process, and reporting/monitoring program acceptable to City and Agency; and (vii) insurance and indemnity conforming to

requirements of Agency and City as set forth in Attachment No. 2 to the staff report for this Conditional Commitment Letter and also conforming to certain Agency/City requirements regarding insurance and indemnity as set forth in Attachment 5 to such staff report.

29. Tax Credit Investor

Agency and City must receive an acceptable binding commitment from a Tax Credit investor limited partner, that its Tax Credit investment and contribution to the Project will be not less than $4,736,278. A Tax Credit commitment of less than the estimated $4,736,278 will be subject to the sole approval of each of Agency and City. The Tax Credit Partnership Agreement shall be subject to approval by each of Agency and City.

30. Possible Reduction to Agency Loan

Should the cost of the Project be decreased, or should the funding sources increase from those anticipated herein (cost and source amounts as referenced in the staff report presented to the Agency and City Council on March 8, 2011) and/or should the contingency not be utilized, then the amount of increased sources and/or savings shall be allocated first to reduction of the General Partner's loan and deferred Developer fee then 50% to Developer and 50% as between Agency and City; the allocation as between Agency and City shall be determined by Agency and City notwithstanding the forgoing, the forgoing is subject to those conditions and limitations set forth below, including without limitation item #23.

31. No Other Funds from City or Agency

Agency and City are not hereby committing to provide any further funds to this Project beyond those referenced in this Conditional Commitment Letter or without satisfaction of any and all conditions contained herein (and specifically including the limitation that the City will use no moneys other than HOME Program funds in making the City Loan). Any need to purchase the Site prior to TCAC allocations must be and shall remain within Developer's sole responsibility and decision and with no obligation of Agency or City to provide any funds whatsoever for such early acquisition. Cost overruns, if any, must be addressed by use of the Developer Fee and/or other funding sources and/or other assets of the Developer and in no event from additional monies from the City and/or Agency.

32. Agency/City Team

In connection with the proposed project, the Agency or City will, subject to readiness to proceed, consider the issue of multifamily conduit revenue bonds ("Bonds") in connection

with the financing of the Development. The Developer agrees and acknowledges that; (i) the consideration of the issuance of Bonds requires approval after a public hearing of the City or Agency, apart from the approval of this Agreement, and that there is no assurance that such approval will be given; (ii) an allocation process administered by an agency of the State of California is required in connection with the issuance of Bonds, and the Developer and not the Agency would be fully responsible for preparing application with the participation of the Agency or the City, obtaining approval, and complying with conditions imposed as part of such a process; (iii) if bonds are obtained for the Improvements, they are to be issued by the Agency or the City; (iv) any Bonds issued by the Agency or City in connection with the Development would only be a conduit issuance, with no liability of the City or Agency excepting only the payment of moneys received from the Developer in accordance with the state law pursuant to which the Bonds are issued, and with credit support in the form of a letter of credit by one of the ten largest banks in California or another lender approved by the Executive Director at his sole discretion; (v) any Bonds issued by the Agency or City would be privately placed or rated by one of the two largest rating agencies with one of the three highest investment-grade ratings, and on terms customary and reasonably acceptable to the Agency Executive Director; (vi) all costs in connection with the issuance of such bonds, including without limitation costs of issuance, the cost of credit support, ratings, and insurance, shall be borne by the Developer directly or as part of the matters funded by the bonds and the City or Agency shall be entitled to an initial and annual issuer's fee of 14 points (based on the principal amount of the Bonds then outstanding until conversion, and 12 points annually thereafter, in addition to its out of pocket expenses and fees of Stradling Yocca Carlson & Rauth, a Professional Corporation, or other bond counsel designated by Agency or City at their sole discretion, and a financial adviser to the Agency; and (vi) the term of the Bond(s) shall not exceed forty (40) years nor be less than twenty (20) years but may be due in fifteen (15) years. The Agency is not obligated to modify, in any respect, the unit mix, affordability levels, or times for performance by virtue of the matters set forth in this paragraph.

33. <u>Other Terms</u>

Each of Agency and City reserves the right to impose any additional conditions in the Agency Loan Agreement and/or the City Loan Agreement and other implementing loan documents that may be necessary, in the discretion of City or

Agency, as applicable, to protect the interests of Agency and City and fulfill the intent of this Conditional Commitment Letter. Such documentation shall be approved by the Agency and the City Council. The provision by Developer of an appraisal supporting a land value (based upon an unimproved state) within ten percent (10%) of that amount reflected for land cost in that pro forma on file with the City and designated in writing by City staff as the "Final Commitment Letter Pro Forma" shall be a condition to the Agency and/or City considering a comprehensive transactional agreement, Agency Loan Agreement and City Loan Agreement, as referenced in paragraph 28 hereof.

This conditional commitment of funds to provide the Agency Loan and the City Loan as set forth in this Conditional Commitment Letter is conditional upon Developer receiving commitments from its other sources of financing, including allocations from the State of California Tax Credit Allocation Committee.

If you are willing to proceed on the terms and conditions referenced herein, please execute this Conditional Commitment Letter and return it to the undersigned on March 8, 2011 so that the executed form thereof might be attached to the staff report accompanying this Conditional Commitment Letter.

Even after your execution, the Conditional Commitment Letter shall not be effective, unless and until approved by both the Agency and the City.

Sincerely,

Henry T. Garcia, Executive Director of the Community
Redevelopment Agency, City of Moreno Valley

Henry T. Garcia, City Manager
City of Moreno Valley

Agreed to and accepted this ____ day of _____, 2011 by:

_____

James M. Jernigan, President
Rancho Belago Developers, Inc.

PARTICULAR MORENO VALLEY AGREEMENT PROVISIONS

[Numbering of sections is illustrative, only]

4.5 Insurance Requirements. In addition to the separate and severable indemnification covenants and provisions provided by the Developer to Agency and City hereinafter in this Section 4.5, *et seq.*, the Developer shall provide insurance according to these requirements. The Developer shall maintain the following coverages on behalf of Agency and City and any and all of their elected officials, boards, officers, employees, and agents for all claims, damages to property and injuries to persons, including death (including attorneys' fees and litigation costs), which may be caused by any of Developer's activities under this Agreement or related in any respect whatsoever to the Development, regardless of whether such activities or performance thereof be by the Developer or anyone directly or indirectly employed or contracted with by the Developer and regardless of whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall cause all requirements of this section, and the construction insurance requirements hereafter for such construction insurance, to be obtained and maintained until the completion of the Improvements.

The parties acknowledge and agree that the Loan Agreement includes and requires the Developer to obtain and maintain specific insurance regarding the Development. To the extent the insurance requirements of the Loan Agreement provide for and require policies of insurance coverage with and in amounts, types, and endorsements that exceed the requirements provided hereunder, then the Developer shall provide such increased coverage to the Agency and City and any and all certificates and endorsements therefor shall include both the Agency and City as more specifically set forth in this Section 4.5, *et seq.*

4.5.1 Categories of Coverage for the Development. The following insurance categories shall be caused to be provided by the Developer for the Development and evidence of such coverage and endorsements shall be provided by the time set forth herein.

(a) Commercial General Liability Insurance. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 00 01 06 92 including owned, non

owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per accident and not less than Two Million Dollars ($2,000,000) in general aggregate. If the Developer owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City and Agency and any and all of their boards, officials, employees or agents.

(d) General Conditions Pertaining to Provision of Insurance Coverage by the Developer The Developer agrees to the following provisions regarding insurance provided by the Developer for the Development:

(i) The Developer agrees to provide insurance in accordance with the requirements set forth herein. If the Developer uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, the Developer agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right but not the duty to obtain the insurance it deems necessary and any premium paid by Agency will be promptly reimbursed by the Developer.

(ii) The coverage required here will be renewed annually by the Developer as long as the Developer continues to provide any services under this or any other contract or agreement with Agency. The Developer agrees to maintain liability coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit the Developer, or the Developer's employees, or agents, from waiving the right of subrogation prior to a loss. The Developer waives its right of subrogation against Agency and City.

(iv) The provisions of any workers' compensation or similar act will not limit the obligations of the Developer under this agreement. The Developer is and shall at all times be considered an Independent Contractor, and expressly agrees not to use any statutory immunity defenses under such laws with respect to Agency or City and their employees, officials and agents.

(v) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured.

(vi) All insurance coverage and limits provided by the Developer and available or applicable to this agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vii) Unless otherwise approved by Executive Director, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of

California and with a minimum "Best's" Insurance Guide rating of A:VII. Self insurance will not be considered to comply with these insurance specifications.

(viii) Any "self insured retention" must be declared and approved by Agency. Self funding, policy fronting or other mechanisms to avoid risk transfer are not acceptable. If the Developer has such a program, the Developer must fully disclose such program to Agency.

(ix) The Developer shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from the Developer's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(x) The Developer agrees to provide evidence of the insurance required herein, satisfactory to Executive Director and the City's "Risk Manager", consisting of: certificate(s) of insurance evidencing all of the coverages required and, an additional insured endorsement to the Developer's general liability policy using Insurance Services Office endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees, upon request by Executive Director or City Risk Manager to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(xi) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. The Developer agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xii) The Developer agrees to require all Contractors, subcontractors, or other parties hired for this Development to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of One Million Dollars ($1,000,000). The Contractor's general liability insurance shall add as additional insureds Agency and City and their designee(s), and any and all of their boards, officials, employees and agents using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xiii) Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xiv) The Developer agrees to provide notice within ten (10) days to Executive Director and City's Risk Manager of the Developer's receipt of any claim or loss against the Developer that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xv) The insurance requirements set forth in this section are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvi) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

4.6 Construction Insurance Requirements; Contractor for Construction Contract. From the period commencing upon the earliest to occur of (i) the effective date of the Construction Contract between the Developer and Contractor for the Development, or (ii) the date the Contractor enters onto the Site, or (iii) the date of any work on the Site has been completed (without regard to whether the Agency has issued a Certificate of Completion), the Developer shall cause its Contractor to provide and maintain at no expense to Agency (or City), insurance policies meeting the requirements set forth in this Section 4.6. The insurance shall protect Contractor, Contractor's agents, representatives, employees, vendors, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, and said insurance is in addition to the insurance provided by the Developer hereunder. The Developer, Agency and City and their officers, employees, and agents shall be named as additional insureds on such policies, which shall be evidenced in endorsements or certificates that meet the requirements of Section 4.5 above for additional insureds, or as otherwise approved by the City's Risk Manager.

4.6.1 Contractor Insurance Submittals. Developer shall cause USA Construction Management Inc. ("Contractor") to provide insurance according to the requirements set forth here. Contractor will maintain the following coverages on behalf of City and Agency and any and all of their boards, officials, employees and agents.

(a) Commercial General Liability. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. General liability insurance will not be limited to coverage for the vicarious liability or the supervisory role of the additional insureds. There shall be no contractor's limitation endorsement.

Coverage for the additional insureds shall apply to the fullest extent permitted by law excepting only the active negligence of the City or Agency, not caused or contributed to by the Developer, as established by agreement between the parties or by the findings of a court of competent jurisdiction. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide an additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 20 26 1185 including owned, non owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per occurrence for all coverages and not less than Two Million Dollars ($2,000,000) in general aggregate. the Developer may submit, and City risk management department may review and approve, another policy form and/or another form of additional insured endorsement, so long as the review and approval of such form of policy and/or endorsement is within City risk management department's sole, reasonable discretion. If Contractor owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City, Agency, and any and all of their boards, officials, employees or agents.

(d) Course of Construction (Builder's Risk) Insurance. Course of Construction (Builder's Risk) Insurance shall be provided by Contractor (or by the Developer) and shall include City, Agency, and any and all of their boards, officials, employees and agents as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Coverage shall be for the full completed value of the project. Any deductible amounts shall be the responsibility of the first named insured on the policy and shall not be the responsibility of Agency or City. The policy shall cover all real and personal property for "all risks" of loss for all buildings, structures, fixtures, materials, supplies, machinery and equipment to be used in or incidental to the construction at the Site, off site, or in transit, for the full replacement value of such property, but expressly excluding the perils of floods and earthquakes. Coverage shall be included for property of others in the care, custody or control of the insured for which any insured may be liable.

(e) General Conditions Pertaining to Provision of Insurance Coverage by Contractor Contractor must agree to the following provisions regarding insurance provided by Contractor:

(i) Contractor agrees to provide insurance in accordance with the requirements set forth here. If Contractor uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, Contractor agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right to order contractor to discontinue work until suitable replacement coverage is obtained.

(ii) The coverage required here will be renewed annually by Contractor as long as Contractor continues to provide any services under this or any other contract or agreement with the Developer or Agency. Contractor agrees to maintain this coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit Contractor, or Contractor's employees, or agents, from waiving the right of subrogation prior to a loss. Contractor waives its right of subrogation against Agency and/or City.

(iv) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor. Contractor expressly agrees not to use any statutory immunity defenses under workers' compensation or related laws with respect to Agency and/or City, their respective employees, officials and agents, to avoid Contractor's indemnity obligation for such third party action over claims.

(v) All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vi) Unless otherwise approved by Agency, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of California and with a minimum "Best's" Insurance Guide rating of A:VII.

(vii) Any "self insured retention" must be declared and approved by Agency. Agency reserves the right to require the self insured retention to be eliminated, reduced, or replaced by a deductible. Self funding, policy fronting or other mechanisms to avoid risk transfer shall be fully disclosed to Agency before any notice to proceed is issued.

(viii) Contractor shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Contractor's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(ix) Contractor agrees to provide evidence of the insurance required herein, satisfactory to Agency, consisting of: a) certificate(s) of insurance evidencing all of the coverages required and, b) additional insured endorsement to Contractor's liability policy using

Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or equivalent that is not restricted to Contractor's "ongoing operations", and/or or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees, upon written request by Agency to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(x) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. Contractor agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xi) Contractor agrees to require all subcontractors or other parties hired for this project to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of $1 million. The subcontractor's general liability insurance shall add City and Agency as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xii) Contractor agrees to require design professional liability insurance from any design professional engaged for the Development in an amount no less than $1 million per claim and $2 million in general aggregate. Contractor agrees to require that no contract, standard form or otherwise, used by any party in any way connected with this Agreement, or contracts Contractor enters into on behalf of Agency, will reserve the right to charge back to Agency the cost of insurance required by this or any other agreement.

(xiii) Contractor agrees that upon request, any agreements with subcontractors or others with whom Contractor enters into contracts with on behalf of Agency, will be submitted to Agency for review. Failure of Agency to request copies of such agreements will not impose any liability on Agency, or its employees.

(xiv) Requirements of specific coverage features or limits contained in this Section 4.6.1 are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xv) Contractor agrees to provide immediate notice to Agency of any claim or loss against Contractor that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xvi) The insurance requirements set forth in this Section 4.6.1 are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvii) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

For purposes of insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.

4.7 Knowledge of Claim. If at any time the Developer (or its Contractor) becomes aware of a claim or a potential claim, the Developer (or its Contractor) shall immediately provide written notice ("Claim Notice") to Agency which sets forth the nature of the claim or potential claim and the date on which the Developer became aware of such claim or potential claim and shall provide Agency with copies of any documents relating to such claim or potential claim.

4.8 Notice of Change in Coverage. If, at any time, the Developer (or its Contractor) becomes aware that any of the coverages provided above are going to be canceled, limited in scope or coverage, terminated, or non renewed, then the Developer (or its Contractor) shall provide Agency with fifteen (15) days written notice ("Insurance Notice") of such cancellation, limitation, termination or non renewal.

(a) Upon the receipt of the Insurance Notice or the Claim Notice, or at any time when Agency has knowledge of (i) the cancellation, limitation, termination or non renewal of one or more of the Developer's (or its Contractor's) insurance policies enumerated above or (ii) a claim or potential claim under one or more of such policies, then, in addition to its other rights and remedies pursuant to this Agreement, Agency shall have the right to suspend Agency's obligations under this Agreement until such time as the Developer (or its Contractor) furnishes, or causes to be furnished to Agency, duplicate originals or appropriate certificates of insurance for coverages in the amounts not less than those specified above or until the time such claim or potential claim has been resolved to the reasonable satisfaction of Agency, respectively.

4.9 Waiver of Subrogation. The Developer (and its Contractor) hereby waives all rights to recover against Agency and/or City (or any officer, employee, agent or representative of Agency or City) for any loss incurred by the Developer (or its Contractor) from any cause insured against or required by any Project Document to be insured against; provided, however, that this waiver of subrogation shall not be effective with respect to any insurance policy if the coverage thereunder would be materially reduced or impaired as a result. The Developer (and its Contractor) shall use its best efforts to obtain only policies that permit the foregoing waiver of subrogation.

4.10 Obligation to Repair and Restore Damage Due to Casualty Covered by Insurance. Subject to the provisions below, if the Development shall be totally or partially destroyed or rendered wholly or partly uninhabitable by fire or other casualty required to be insured against by the Developer, the Developer shall promptly proceed to obtain insurance proceeds and take all steps necessary to begin reconstruction and, immediately upon receipt of insurance proceeds, to promptly and diligently commence the repair or replacement of the Improvements to substantially the same condition as the Improvements are required to be constructed pursuant to this Agreement, if and to the extent the insurance proceeds are sufficient to cover the actual cost of repair, replacement, or restoration, and the Developer shall complete the same as soon as possible thereafter so that the Improvements can be occupied in accordance with this Agreement. Subject to enforced delays as set forth in Section 7.10 herein, in no event shall the repair, replacement, or restoration period exceed one (1) year from the date the Developer obtains insurance proceeds unless Executive Director, in his reasonable discretion, approves a longer period of time. Agency shall cooperate with the Developer, at no expense to Agency, in obtaining any governmental permits required for the repair, replacement, or restoration. If, however, the then existing laws of any other governmental agencies with jurisdiction over the Site do not permit the repair, replacement, or restoration, the Developer may elect not to repair, replace, or restore the Improvements by giving notice to Agency (in which event Developer will be entitled to all insurance proceeds but the Developer shall be required to remove all debris from the applicable portion of the Site) or the Developer may reconstruct such other improvements on the Site as are consistent with applicable land use regulations and approved by the City, Agency, and the other governmental agency or agencies with jurisdiction.

4.11 Damage or Destruction Due to Cause Not Required to be Covered by Insurance. If the Improvements are completely destroyed or substantially damaged by a casualty for which the Developer is not required to (and has not) insured against, then the Developer shall not be required to repair, replace, or restore such improvements and may elect not to do so, subject to any requirements of HUD and the Maker of the Primary Construction Loan by providing Agency with written notice of election not to repair, replace, or restore within ninety (90) days after such substantial damage or destruction. In such event, and subject to there being funds available after satisfying the Primary Construction Loan and all other senior debt, the Developer shall concurrently repay the full outstanding balance of the Agency Loan (as theretofore disbursed) to Agency and the full outstanding balance of the City HOME Loan (as theretofore disbursed) to City. As used in this Section 4.11, "substantial damage" caused by a casualty not required to be (and not) covered by insurance shall mean damage or destruction which is fifteen percent (15%) or more of the replacement cost of the improvements comprising the Improvements. In the event the Developer does not timely elect not to repair, replace, or restore the Improvements as set forth in the first sentence of this Section 4.11, the Developer shall be conclusively deemed to have waived its right not to repair, replace, or restore the Improvements and thereafter the Developer shall promptly commence and complete the repair, replacement, or restoration of the damaged or destroyed Improvements in accordance with Section 4.10 above.

4.12 Indemnification.

4.12.1 General Indemnification. The Developer shall defend, indemnify, assume all responsibility for, and hold the Agency, the City and their elected officials, officers, employees, attorneys, and agents (together, "Indemnitees"), harmless from all claims, demands, damages, defense costs or liability of any kind or nature relating to the subject matter of this Agreement or the validity, applicability, interpretation or implementation hereof and for any damages to property or injuries to persons, including accidental death (including attorneys fees and costs), which may be

caused by any acts or omissions of the Developer under this Agreement, whether such activities or performance thereof be by the Developer or by anyone directly or indirectly employed or contracted with by the Developer and whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall not be liable for property damage or bodily injury to the extent occasioned by the negligence or willful misconduct of Agency or City or their agents or employees. The Developer shall have the obligation to defend any such action; provided, however, that this obligation to defend shall not be effective if and to the extent that the Developer determines in its reasonable discretion that such action is meritorious or that the interests of the parties justify a compromise or a settlement of such action, in which case the Developer shall compromise or settle such action in a way that fully protects Agency and City from any liability or obligation. In this regard, the Developer's obligation and right to defend shall include the right to hire attorneys and experts necessary to defend, the right to process and settle reasonable claims, the right to enter into reasonable settlement agreements and pay amounts as required by the terms of such settlement, and the right to pay any judgments assessed against the Developer, Agency, or City. If the Developer defends any such action, as set forth above, and except as provided to the contrary above: (i) the Developer shall indemnify and hold harmless Indemnitees from and against any claims, losses, liabilities, or damages assessed or awarded against either of them by way of judgment, settlement, or stipulation and (ii) Agency shall be entitled to settle any such claim only with the written consent of the Developer and any settlement without the Developer's consent shall release the Developer's obligations under this Section 4.12.1 with respect to such settled claim. Notwithstanding the foregoing, as long as the Primary Construction Loan is insured or held by HUD, the Developer's obligation to honor this indemnification obligation shall be limited to Residual Receipts.

4.12.2 Indemnity Re Challenge to Agreement. The Developer shall, at its expense, defend, indemnify, and hold harmless Agency and City and their elected officials, officers, employees, agents, attorneys and consultants harmless from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature, including without limitation those (i) arising out of the validity or interpretation of, Agency's and/or City's authority to enter into, or payment by Agency and/or City to the Developer under this Agreement, (ii) arising out of the applicability or inapplicability of state and/or federal prevailing wage and public works requirements related to the Development, or (iii) arising out of, in connection with, or relating in any manner to any act or omission of the Developer or its agents, employees, contractors and subcontractors of any tier and employees thereof in connection with or arising from the Developer's performance or nonperformance of its obligations under this Agreement, the Developer's ownership of the Site, or the completion of the Development, except that arising from the sole gross negligence or intentional misconduct of Agency or City and their elected officials, officers, agents, employees or representatives.

(a) Joint Defense on Certain Claims and Lawsuits. The parties acknowledge and agree that for certain types of claims or lawsuits that may be asserted against the Developer, Agency, and/or City as described in (i) and (ii) of Section 4.12.2 above ("Joint Defense Claim"), there may be a common interest and mutual concern in the subject matter of such Joint Defense Claim and that a favorable resolution of a Joint Defense Claim related to (i) and (ii) described above would be mutually beneficial. Therefore, in the event of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above against the Developer or Agency and/or City (including their elected officials, officers, employees, agents, attorneys and consultants), the parties agree to cooperate in the

resolution of such Joint Defense Claim and desire to set forth certain joint defense rights and obligations in the course of coordination of the defense thereof by this Section 4.12.2(a).

(i) In the course of coordinating their defense of the Joint Defense Claim, the parties might engage in communications and exchange information, documents and other materials ("Communicated Information") and such Communicated Information may include confidential attorney client communications, attorney work product, and other information and materials that are protected from disclosure to third parties by the attorney client communication privilege, the work product doctrine or other applicable privileges. The parties wish to insure that the exchange and disclosure of Communicated Information in furtherance of a joint defense effort and the parties' common interest does not diminish in any way the confidentiality of the Communicated Information and does not constitute a waiver of any privileges otherwise applicable.

(A) All Communicated Information shall be used solely in connection with the Joint Defense Claim, and shall be and remain confidential and privileged and may not be disclosed or made available to persons other than to the Developer, Agency and/or City and their respective counsel, and such counsels' employees and agents without the written consent of all of the other parties unless disclosure of such Communicated Information is required by order of court after the privilege and work product doctrines are asserted. Each person to whom Communicated Information is disclosed will also be made aware of the existence of this Section 4.12.2(a) and any implementing joint defense agreement among the Developer, Agency and City and that Communicated Information is privileged, confidential, and not to be disclosed unless ordered by a court to be disclosed.

(B) If any other person or entity requests or demands, by subpoena or otherwise, any Communicated Information from the Developer, Agency, City, or their counsel, such party or counsel receiving said request or demand shall immediately notify all parties and their attorneys, provide them with a copy of said request or demand, assert all applicable rights, privileges and objections with respect to such requests or demands, and cooperate fully with the other party in making every reasonable effort to prevent or limit the disclosure of said Communicated Information.

(C) In the event the Developer, Agency or City enters into any agreement with any third party that is inconsistent with the continued sharing of information under this Section 4.12.2(a) or other implementing joint defense agreement, and/or with any continued joint defense effort, including without limitation any settlement agreement or dismissal, such party or its counsel shall: (a) immediately inform the other parties of the terms of such agreement or dismissal; (b) promptly return to the other parties hereto all copies of all documents provided by such other party pursuant hereto; and (c) refrain from disclosing to a third party any Communicated Information.

(D) In the event that a party enters into a settlement agreement or dismissal, such party is not to be relieved of its obligations hereunder to maintain the privileged nature and confidentiality of all Communicated Information.

(E) At the conclusion of the Joint Defense Claim or earlier termination of this Agreement, and upon the request of any counsel for a party who has furnished Communicated Information pursuant hereto, all such materials and copies, summaries or information referring to, memorializing or derived from Communicated Information shall be either returned to

that counsel or destroyed, at said counsel's option, and counsel returning or destroying such materials as requested shall promptly certify to the requesting counsel that this has been done.

(ii) Nothing in this Section 4.12.2(a) shall be construed as subjecting a party to the effect of any judgment, verdict or other determination on the merits in any lawsuit in which that party is not a party, whether by res judicata, collateral estoppel, law of the case, or otherwise.

(iii) All previously privileged communications between the Developer and Agency (or City) with respect to the Joint Defense Claim and all Communicated Information previously exchanged between counsel for the parties are subject to this Section 4.12.2(a) it having been understood that the Developer, Agency and City shared a common interest in pending or threatened litigation arising out of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above.

(iv) The joint defense made possible by and Communicated Information shared hereunder shall not be grounds for any later disqualification of counsel for any party.

(v) A breach of this Section 4.12.2(a) or any implementing joint defense agreement may not adequately be remedied by an action for damages, and injunctive relief, both temporary and permanent, would be the appropriate remedy for any such breach, although all other equitable and legal remedies are reserved and are not waived.

(vi) Nothing contained herein shall limit the right of any counsel to disclose any documents or information independently obtained for his/her respective clients and not subject to a claim of privilege by another party.

(b) Cooperation in Defense of Claims or Lawsuits. The Developer, as indemnitor of Agency (and City) under Section 4.12.2(a) shall have the right to control and manage the defense of any Joint Defense Claim or other claim or lawsuit covered under the indemnity provided in Section 4.12.2(a) above. The Developer shall keep Agency (and City) through their counsel informed of all significant developments in such claim or lawsuit, including without limitation the date(s) for hearings on significant motions, discovery demands requiring the cooperation or participation of Agency or City officials and employees, settlement negotiations, the trial date, and any situations requiring the attendance of Agency or City officials or employees.

(c) Covenant Not to Sue. The following covenant relating to the Developer's obligation not to sue regarding the Development or the Site or any issues ancillary thereto is a material incentive for and a part of the consideration to Agency to provide to the Developer the Agency Loan and for the City to provide the City HOME Loan. Therefore, the Agency Loan proceeds and the proceeds of the City HOME Loan shall in no event be due, payable, or required, and the performance obligations of Agency under this Agreement shall automatically terminate, in the event from and after the Date of Agreement and until the close of escrow for the Developer's acquisition of the Site, the Developer, or any of its partners, officers, directors, employees, agents, representatives, consultants, attorneys, or any person acting at the direction of the Developer, undertakes any act to oppose, or to commence, participate in, prosecute, or otherwise object to, or to litigate, directly or indirectly, any permit or discretionary decision of Agency, City, City's Planning Commission, any other City board or commission relating to the Site and Development of whatever form or nature.

(i) Notwithstanding the foregoing portion of this Section 4.12.2(b), nothing set forth in this Section 4.12.2(b) shall prevent the Developer from asserting its rights relating to the performance and enforcement of this Agreement or due to the abuse of discretion by a governmental entity considering and acting upon a future discretionary decision related to the parameters of this covenant. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's rights with respect to prospective action or future conduct by any person who interferes, opposes, or delays implementation and completion of the Development. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's property rights pertaining to the Site; provided any such assertion of property rights does not interfere with nor impede any agreement(s) to which the Agency or City is a party (other than this Agreement).

4.12.3 Indemnity by the Developer of Agency and City Relating to Relocation. The Developer hereby covenants and agrees to indemnify, save, protect, hold harmless, and defend Agency and City and their respective representatives, volunteers, officers, employees, agents, and consultants (collectively, "Indemnitees") from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including without limitation penalties, fines, and monetary sanctions), losses, costs, or expenses, including without limitation consultants' and attorneys' fees, or relocation benefits claimed or payable under the Relocation Laws (for purposes of this Section 4.12.3, the foregoing shall be referred to as "Liabilities") which may now or in the future be incurred or suffered by Indemnitees by reason of, or resulting from, in full or in part, or in any respect whatsoever from the Relocation of residents of the Property pursuant to this Agreement.

The Developer, on behalf of itself and its affiliates, and any and all successors and assigns hereby fully and finally releases each of City, Agency and their past and present elective and appointive boards, commissions, officials and employees, representatives and agents from any and all manner of actions, causes of action, suits, obligations, liabilities, judgments, executions, debts, claims and demands of every kind and nature whatsoever, known and unknown, which the Developer and any of its affiliates, successors or assigns may now have or hereafter obtain against Agency and/or City or their past and present elective and appointive boards, commissions, officials and employees, representatives and agents by reason of, arising out of, relating to, or resulting from in full or in part, the election of the Developer to proceed with the Project pursuant to this Agreement (collectively, "Claims"), which release shall include but not be limited to any Claims for Relocation benefits under federal laws or any other applicable laws. The parties agree that, with respect to the release of Claims as set forth above, all rights under Section 1542 of the California Civil Code and any similar law of any state or territory of the United States are expressly waived. Section 1542 reads as follows:

> "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

4.12.4 Environmental Indemnification. The Developer shall save, protect, pay for, defend (with counsel acceptable to Agency), indemnify and hold harmless Agency and City and their officers, employees, representatives and agents, from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including, without limitation, penalties, fines and monetary sanctions), losses, costs or expenses (including, without limitation, consultants' fees, investigation

and laboratory fees, attorneys' fees and remedial and response costs) (for purposes of this Section 300, the foregoing shall be collectively referred to as "Liabilities") which may now or in the future be incurred or suffered by Agency or City or their officers, employees, representatives or agents by reason of, resulting from, in connection with, or arising in any manner whatsoever as a direct or indirect result of (i) the ownership of all or any part of the Property, (ii) any act or omission on the part of the Developer, or its agents, employees, representatives, agents, contractors, occupants, or invitees, (iii) the presence on, under, or about, or the escape, seepage, leakage, spillage, discharge, emission or release from the Property of any Hazardous Materials or Hazardous Materials Contamination, (iv) the environmental condition of the Property, and (v) any Liabilities incurred under any Governmental Requirements relating to Hazardous Materials. The Developer's obligations hereunder shall survive after the issuance of the Certificate of Completion, and shall be a covenant running with the land in perpetuity, binding on all successors and assigns of the Developer's interest in either this Agreement or any part of the Property. The Developer may assign its obligations hereunder to the successor or assign of the Developer's interest in this Agreement or the Property for those events or conditions related to the requirements in this Section that may occur subsequent to the Developer's conveyance to such successor or assign, provided that the Developer shall remain liable for all of its obligations hereunder.

4.13 Rights of Access. Prior to the issuance of the Certificate of Completion, for purposes of assuring compliance with this Agreement, representatives of Agency shall have the right of access to the Site, without charges or fees, at normal construction hours during the period of construction for the purposes of this Agreement, including but not limited to, the inspection of the work being performed in constructing the Improvements so long as Agency representatives comply with all safety rules. Agency representatives shall, except in emergency situations, notify the Developer prior to exercising its rights pursuant to this Section 4.13.

4.14 Compliance With Laws. Developer shall carry out the design, construction and operation of the Improvements in conformity with all applicable laws, including all applicable state labor standards (including without limitation provisions for payment of prevailing wages in connection with all construction of the Improvements to the extent applicable), the City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code, and the Fair Housing Act, 42 U.S.C. Section 3601 *et seq.* (and 24 C.F.R. Part 100), the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*, and the California Building Standards Code, Health and Safety Code Section 18900, *et seq.* Developer, including but not limited to its contractors and subcontractors, shall comply with Labor Code Section 1720, et seq., and its implementing regulations, regarding the payment of prevailing wages (the "Prevailing Wage Law") with regard to the construction of the Improvements, to the extent such sections are applicable to the development of the Improvements. Developer shall be solely responsible for determining and effectuating compliance with the Prevailing Wage Law, and the Agency or City make no final representation as to the applicability or non-applicability of the Prevailing Wage Law to the Improvements, or any part thereof. Developer hereby releases from liability, and agrees to indemnify, defend, assume all responsibility for and hold the Agency and the City, its officers, employees, agents and representatives, harmless from any and all claims, demands, actions, suits, proceedings, fines, penalties, damages, expenses resulting from, arising out of, or based upon Developer's acts or omissions pertaining to the compliance with the Prevailing Wage Law for the Improvements.

The Developer shall comply with the Tax Credit Regulatory Agreement.

Without limitation as to Section 4.12 of this Agreement, Developer shall indemnify, protect, defend and hold harmless the Agency and its officers, employees, contractors and agents, with counsel reasonably acceptable to Agency, from and against any and all loss, liability, damage, claim, cost, expense and/or "increased costs" (including reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction, and/or operation of the Improvements, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by Developer of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Section 1781 of the Labor Code, as the same may be amended from time to time, or any other similar law; and/or (3) failure by Developer to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the development of the Improvements, including, without limitation, any and all public works (as defined by applicable law), Developer shall bear all risks of payment or non-payment of prevailing wages under California law and/or the implementation of Labor Code Section 1781, as the same may be amended from time to time, and/or any other similar law. "Increased costs," as used in this Section 4.14, shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. The foregoing indemnity shall survive termination of this Agreement and shall continue after completion of the construction and development of the Improvements by the Developer.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: MID-YEAR BUDGET REVIEW

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive and file this report
2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

BACKGROUND

The City Council is annually updated on the City's financial status through a Mid-Year Budget Review which reflects operational results for the first half of the fiscal year, from July through December. The mid-year budget review will focus on the City's General Fund, which represents the greatest concern with respect to the impacts of the economic recession but will also present six-month operational results from other key funds such as Community Services District (CSD) Zone A (Parks & Community Services), CSD Zone L (Library) and the Electric Utility.

The City Council and staff have worked diligently during the past two years to reduce the structural General Fund expenditure budget by over $12 million. The General Fund operating budget has been reduced from $98 million in FY 2007-08 to $81 million in FY 2010-11. The structural expense reductions have included defunding of 70 positions generating savings of about $7 million annually. In addition, staff has been on a 36 hour work week or 10% furlough program that saves about $1.4 million each year. Many additional actions throughout the General Fund have also been implemented totaling about $3.6 million; such as reducing travel & training, suspending merit and step

increases, reductions in use of professional services and many others. In short, the City has been reducing the budget through recent Deficit Reduction Plans in response to rapidly declining revenues. The end of the recession has brought revenue stability for the first time in several years. Although significant growth in revenues is not anticipated for several years, the City Council and staff can now focus on the Deficit Elimination Plan that will reduce structural expenditures to the stable revenue level over the FY 2011-12 through FY 2013-14 three-year period.

Recap of First Quarter Budget Review

On December 14, 2010, a First Quarter Budget Review was presented to the City Council. This report indicated that the operating results for the first quarter were positive and that a stable outlook was projected for the remainder of the fiscal year. No additional actions were recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

DISCUSSION

Prior Year Savings Needed to Balance the FY 2010-11 Budget

One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional savings has been used to fund three additional police officers ($580,000) and the shortfall that is currently being experienced in the residential street lighting program ($675,000). Achieving this savings is a significant accomplishment and represents the combined efforts of all City departments to continue identifying and implementing cost-cutting measures in response to closing the structural budget deficit. Audited results for FY 2009-10 will be presented to Council upon the completion of the financial audit.

Mid-Year General Fund Results

This mid-year report updates the Mayor and Council regarding current year fiscal trends and provides the opportunity for critical policy input from the Council prior to developing next year's budget. As adopted, the FY 2010-11 budget totals approximately $200 million with the General Fund comprising $80.9 million. As a measure to match the revenues to expenditures and continue the current service levels the City Council approved the use of $13 million of Fund Balance.

Revenue Trends

In order to adequately analyze the City's current revenue position it is helpful to review the revenue trends over a multi-year period. As illustrated in the charts below after three consecutive years of decline General Fund revenues are projected to achieve a slight increase in FY 2010-11. This experience is consistent with projections made by local economists that the bottom has been reached and revenue streams will begin to stabilize. General Fund revenue performance can be measured by following five primary revenue sources. Property taxes, including the Vehicle In-Lieu tax shift, which were budgeted to decline by 14% instead only declined by 4%. Sales tax revenue

increased by 4.8% from FY 2009-10 actuals to the amount projected to be received for FY 2010-11. This amount is due to improved consumer spending, in addition to an annual adjustment related to the State triple-flip process that was larger than expected. In addition, the expiration of the Auto Mall owner participation agreements results in additional sales tax revenue that is retained by the General Fund. Utility Users Tax has been the most consistent revenue over the past four years and these revenues are projected to be slightly higher than both the budget and the previous year. Development services revenues have experienced severe volatility over the past three years but are projected be flat when compared to the prior fiscal year suggesting that they have stabilized. Investment income, the fifth of the key revenues, is projected to improve slightly over the prior year due to the active management strategy adopted last year which has allowed the portfolio to take advantage of short-term opportunities within the financial markets.

City of Moreno Valley
General Fund Revenue Trend (without Transfers In)

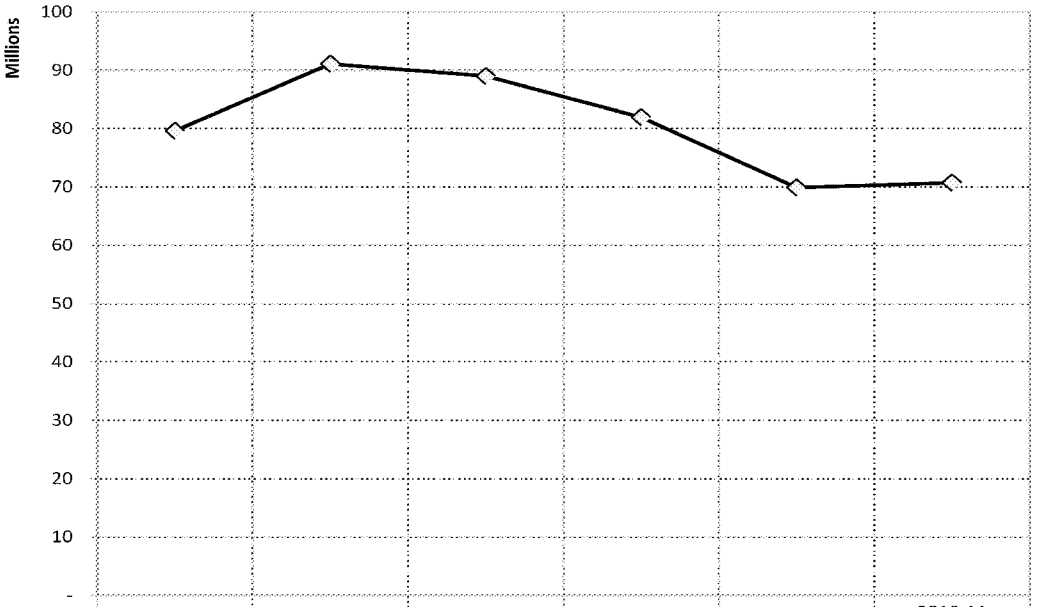

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Actuals	2010-11 Year-end Projection
Revenues	79,615,944	91,116,701	88,999,014	81,930,066	69,892,454	70,728,080

General Fund
Revenue Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Taxes:			
Property taxes	$ 8,596,100	$ 8,596,100	$ 9,158,400
Property taxes in lieu	11,773,400	11,773,400	13,056,000
Utility taxes	15,200,000	15,200,000	15,600,000
Sales taxes	9,735,100	9,735,100	10,515,000
Other Taxes	6,556,500	6,556,500	6,900,000
Licenses and permits	1,363,600	1,363,600	1,431,200
Intergovernmental	643,500	643,500	1,049,800
Charges for services	8,284,600	8,283,156	6,853,900
Use of money and property	4,527,900	4,527,900	4,220,300
Fines and forfeitures	1,117,000	1,117,000	1,120,000
Miscellaneous	172,700	177,800	823,480
	-	-	-
Total Revenues	**67,970,400**	**67,974,056**	**70,728,080**

Expenditure Trends

The following charts illustrate that expenditures have been reduced over the past few years to become more in line with revenues and to maintain reserves at a prudent level. Over the past three years spending has been reduced from $97.6 million in FY 2007-08 to a budgeted amount of $80.9 million in FY 2010-11 which represents a reduction of over 17%. Projected spending levels through mid-year show significant savings when compared to the spending plan approved by Council as staff at all levels continue to undertake efforts to reduce operating costs while sustaining key service levels.

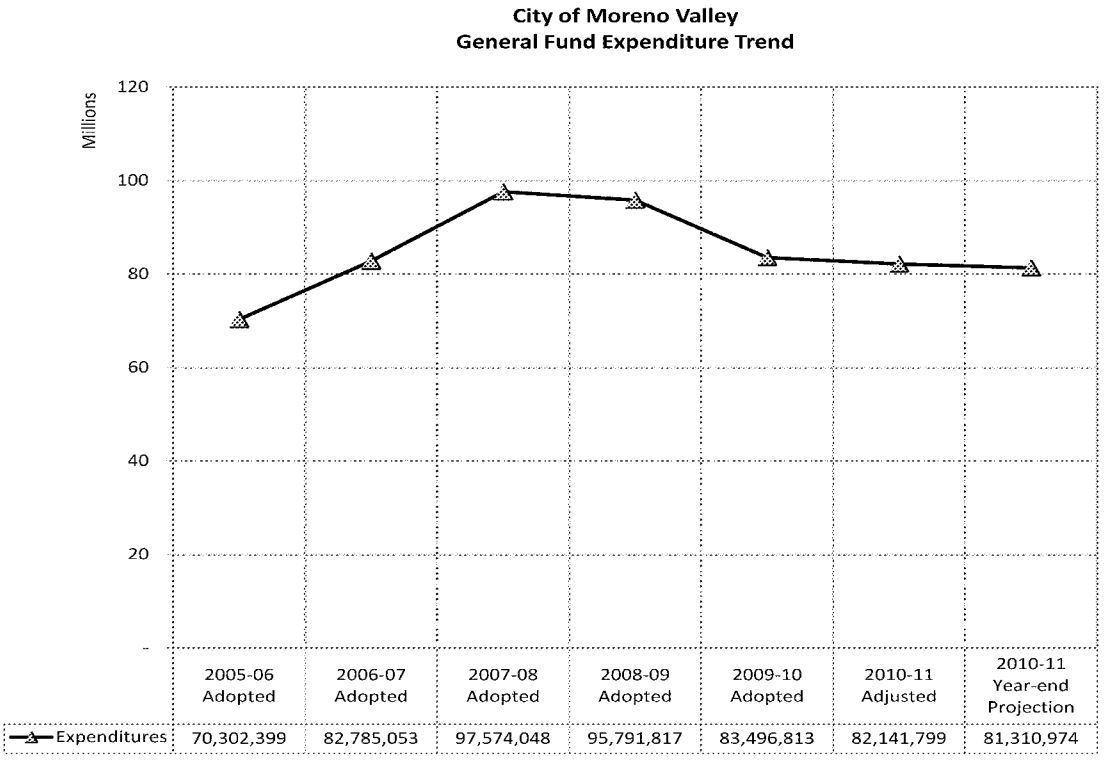

Though there may be variances on a department specific basis, General Fund expenditures are projected to be within City Council approved appropriations and the budget remains balanced. This includes the City Council's decision to utilize surplus revenues to fund additional costs related to priorities related to Police and Community Services District Zone B for Residential Streetlighting subsidy.

Expenditure Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
General government			
City council	$ 579,922	$ 581,564	$ 523,400
City manager	1,279,359	1,305,638	1,171,463
City clerk	634,286	521,486	525,715
City attorney	1,015,407	1,015,407	952,502
Economic development	436,287	482,774	432,202
Financial and administrative services	3,108,962	3,128,875	3,066,423
Human resources	958,505	958,505	791,989
Non-departmental	2,694,500	2,665,546	2,601,646
Public safety			
Police	41,291,771	41,870,739	42,246,062
Fire	15,666,535	15,666,535	15,266,718
Animal services	2,287,240	2,297,418	2,401,450
Emergency operations/volunteer services	605,166	605,166	600,547
Crossing guards	583,439	583,439	516,700
Community development	4,629,070	4,638,875	4,246,017

Public works	3,551,311	3,562,092	3,710,400
Total Expenditures	$ **79,321,760**	$ **79,884,059**	$ **79,053,234**
Other Financing Uses			
Transfers out	1,582,740	2,257,740	2,257,740
Grand Total	$ **80,904,500**	$ **82,141,799**	$ **81,310,974**

First Quarter Summaries of Other Major Funds

▪ Community Services District (CSD) Zone A – Parks & Community Services

Zone A - Parks and Community Services
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,586,789	$ 1,586,789	$ 1,678,500
Charges for services	5,637,700	5,637,700	5,658,800
Use of money and property	457,800	458,800	501,900
Miscellaneous	25,500	26,433	31,200
	0	0	0
Total Revenues	**$ 7,707,789**	$ **7,709,722**	$ **7,870,400**
Expenditures:			
Current:			
Community and cultural			
Senior Program	502,539	503,472	470,404
Parks and recreation administration	468,235	468,235	556,947
Park ranger program	320,241	320,241	317,000
Recreation programs	1,702,569	1,702,569	1,598,500
Park maintenance	2,772,945	2,836,395	2,549,200
Park maintenance - contract	458,100	458,100	423,600
Golf course program	289,886	289,886	302,345
Recreation and conference	442,548	442,548	469,900
Recreation and conference - banquets	238,044	238,044	227,794
Parks projects	152,410	152,410	150,700
Community services	142,088	142,088	126,800
Community events	78,072	78,072	76,400
Non-departmental	250,300	250,300	250,300
Capital outlay	6,400	6,400	23,400
Total Expenditures	**$ 7,824,377**	$ **7,888,760**	$ **7,543,290**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(116,588)	(179,038)	327,110
Other Financing Sources (Uses):			
Transfers in	289,800	289,800	314,800
	0	0	0
Total Other Financing Sources (Uses)	**$ 289,800**	$ **289,800**	$ **314,800**
Net Balance	***$ 173,212***	$ ***110,762***	$ ***641,910***

The revenues are tracking slightly ahead of expectations. The largest revenue sources are property tax and parcel fees, which are collected and remitted twice annually. The first distribution was received in mid January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Community Services District (CSD) Zone L – Library**

Zone L - Library
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,201,200	$ 1,261,200	$ 1,261,200
Intergovernmental	27,000	27,000	73,600
Charges for services	33,000	33,000	30,000
Use of money and property	0	0	0
Fines and forfeitures	56,500	56,500	46,500
Miscellaneous	2,000	7,255	7,200
	0	0	0
Total Revenues	**$ 1,319,700**	**$ 1,384,955**	**$ 1,418,500**
Expenditures:			
Community and cultural			
Library	1,903,462	1,940,694	1,895,600
Total Expenditures	**$ 1,903,462**	**$ 1,940,694**	**$ 1,895,600**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(583,762)	(555,739)	(477,100)
Other Financing Sources (Uses):			
Transfers in	446,740	446,740	446,800
Total Other Financing Sources (Uses)	**$ 446,740**	**$ 446,740**	**$ 446,800**
Net Balance	***$ (137,022)***	***$ (108,999)***	***$ (30,300)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is property taxes, which are collected and remitted twice annually. The first distribution was received in early January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Gas Tax**

State Gasoline Tax Special Revenue Fund
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Intergovernmental (gas tax)	2,702,500	2,702,500	2,862,225
Use of money and property	5,000	5,000	1,500
Miscellaneous	2,000	2,000	10,200
	0	0	0
Total Revenues	**$ 2,709,500**	**$ 2,709,500**	**$ 2,873,925**
Expenditures:			
Public works:			
Infrastructure project engineering	384,086	384,086	306,986
Street maintenance	1,740,356	1,740,356	1,919,100
Graffiti removal	329,014	329,014	366,700
Tree trimming	383,230	383,230	412,100
	0	0	0
Total Expenditures	**$ 2,836,686**	**$ 2,836,686**	**$ 3,004,886**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(127,186)	(127,186)	(130,961)
Net Balance	***$ (127,186)***	***$ (127,186)***	***$ (130,961)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is gas taxes, which are collected and remitted by the State of California monthly. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Electric Utility**

Electric Utility
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Operating Revenues:			
Generation	$ 9,360,000	$ 9,360,000	$ 8,945,076
Distribution	3,640,000	3,640,000	4,533,022
Special Charges	144,000	144,000	142,831
Public Purpose	500,000	500,000	779,328
Other charges for services (electricity fee refunds)	(146,000)	(146,000)	(73,709)
Use of money and property	56,000	56,000	79,982
Miscellaneous	315,500	315,500	239,772
Total Operating Revenues	**$ 13,869,500**	**$ 13,869,500**	**$ 14,646,302**

Expenditures:			
Operating Expenditures:			
Electricity purchased	6,900,000	6,900,000	7,228,800
Services and supplies	2,842,695	2,842,695	2,673,524
Distribution share	1,425,000	1,425,000	1,567,500
Rate stabilization reserve	327,000	327,000	359,700
Public purpose program:			
Electricity purchased	400,000	400,000	400,000
Services and supplies	100,000	100,000	100,000
Total Operating Expenditures	**$ 11,994,695**	**$ 11,994,695**	**$ 12,329,524**
Operating Income (Loss)	**$ 1,874,805**	**$ 1,874,805**	**$ 2,316,778**
Nonoperating Revenues (Expenses)			
Debt Service:			
Principal retirement	570,200	570,200	470,380
Interest expense and fiscal charges	1,656,200	1,656,200	1,658,207
Capital outlay	87,500	87,500	81,375
	0	0	0
Total Nonoperating Revenues (Expenses)	**$ (2,313,900)**	**$ (2,313,900)**	**$ (2,209,962)**
Income (Loss) Before Transfers	**$ (439,095)**	**$ (439,095)**	**$ 106,816**
Net Balance	***$ (439,095)***	***$ (439,095)***	***$ 106,816***

**Net of depreciation*

As reflected in the previous operational financial summaries (not including capital projects and/or debt service), revenue and expenditure results for Parks, Library, Gas Tax and the Electric Utility through the first quarter of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. Therefore, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by the respective departments.

Proposed Mid-Year Budget Appropriation Adjustments

The Mid-year Budget Review is traditionally the time in which additional budget appropriation adjustments are considered due to unforeseen circumstances that have occurred since the adopted of the budget. There are two items recommended for Council's approval this fiscal year.

I. Recommend the transfer of $150,000 from the General Fund (fund balance) to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort (MOE) requirements:

The City receives Measure A, Local Streets and Roads (LSR) funding from the Riverside County Transportation Commission (RCTC) to augment the City's transportation improvement program. In order to continue to receive Measure A funds, MOE requirements are imposed on local agencies to ensure that local transportation

expenditures are maintained. The MOE requirements include the annual certification of discretionary General Fund expenditures for transportation related construction and maintenance activities that meet or exceed the MOE Base Amount. The City's MOE base amount is $1.6m. In FY 2010-11, it is projected that transportation related activities will be under the MOE base amount by $150,000. A transfer to the Gas Tax street maintenance programs of $150,000 will ensure the City's meeting the MOE requirements. The City currently receives $2.4m in Measure A funds.

II. Recommend the transfer of $157,000 from the General Fund (fund balance) and $33,000 from the Equipment Replacement Fund (fund balance) to the Vehicle Equipment Maintenance and Street Maintenance programs for state-mandated vehicle modifications/replacements:

The California Air Resources Board mandates all public agencies with heavy-duty, diesel vehicles within their fleets to have 100% of the heavy-duty vehicles retrofitted with particulate matter traps (emissions filters) or to retire/replace such vehicles. The City has a total of (17) such vehicles and previously retrofitted (9) vehicles. The remaining (8) vehicles, that belong to the Maintenance & Operations, Transportation Engineering, Parks Maintenance, and Facilities Maintenance divisions, are required to be retrofitted by December 31, 2011 or be retired from service. It is proposed that (7) vehicles are retrofitted and that (1) vehicle (Unit #96-525) be replaced as it is significantly past its normal life cycle. The total combined cost of the retrofits and funds required to supplement available vehicle replacement funds is $190,000. The proposed retrofits/replacements are mandatory and must be complete by December 31, 2011 to comply with California Air Resources Board regulations and retain the use of these vehicles.

SUMMARY

The budget for FY 2010-11 remains balanced using significant one-time sources of funding. Staff has identified four key revenue adjustments that have a net zero effect to the total General Fund revenue stream. One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional $1.4 million in savings has been applied to additional expenditures approved by the City Council in FY 2010-11 (Police Dept - $580,000 and CSD Zone B Residential Street Lights - $675,000).

General Fund revenues received through December 31th are meeting expectations based on historical experience. Generally, expenditures are slightly below the expected expenditure pace for FY 2010-11. Therefore, results through the first half of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. As a result, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

Despite the positive results thus far in FY 2010-11, significant challenges are expected in adopting a balanced General Fund budget for FY 2011-12; with a deficit of $14 million

projected. Staff is preparing the preliminary base operating budget as a two-year budget for FY 2011-12 and FY 2012-13 with no change is staffing or service levels. In addition, staff has prepared a proposed Three-Year Deficit Elimination Plan (DEP) to eliminate the remaining deficit and balance ongoing revenues and expenditures by FY 2013-14. Council approval of a final DEP will include direction to staff to apply the first 2 (two) years of the approved DEP actions to the base budget for FY 2011-12 and FY 2012-13. Staff will return with the Proposed Two-Year Operating Budget for Council review in May 2011.

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Concurred By:
Cynthia Fortune
Financial Operations Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099861

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY

RECOMMENDED ACTION

Staff recommends the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

BACKGROUND

The City of Moreno Valley is poised for future growth. With the economy starting to realize some improvement, now is the opportune time to evaluate ways that Moreno Valley can best plan for advancing economic development in the short and near term. The creation of an Economic Development Plan with established Areas of Opportunity in the community for producing major employment hubs, successful retail centers and redevelopment possibilities is aimed at providing a roadmap for Moreno Valley to become a major business development area in Southern California.

Over the years, Moreno Valley has experienced significant growth. Incorporated in December 1984, Moreno Valley has experienced a 379% increase in population in just 26 years. However, the City's jobs to housing ratio is not properly balanced. The need to create more employment opportunities should be made a priority in creating a well rounded community with a strong economic foundation. Adding new logistic and distribution centers will not only create new jobs for residents, but also provide a positive economic stimulus to the existing business community. Furthermore, Moreno Valley should seek to enhance its commercial retail/restaurant make-up and move to improve the City's per capita sales tax revenue stream. Making Moreno Valley a great place to live, work, shop, dine and visit--will improve the overall economic health of the community.

DISCUSSION

Moreno Valley has a strategic location in the Inland Region and is in the path of growth. During the past decade or so, Moreno Valley has experienced strong residential development from many quality home builders. Now it will be important for the City to provide ways for new commercial, office and industrial development to happen in the community. Understanding Moreno Valley's strengths and weaknesses, along with pursuing a balanced mix of residential and business development will be key in planning how Moreno Valley attracts development opportunities in the new global economy.

Ensuring the proper land uses are in place, along with embracing a business friendly environment will help ensure that developers and businesses select Moreno Valley as a place to do business. With the right attitude and proper Economic Development Plan—Moreno Valley can be the future of not only Southern California but also compete to be a major place to be in the new global economy.

The formulation of an effective Economic Development Plan should pursue opportunities for the short and mid-term, as well as consider opportunities throughout the community. As part of the adoption of the Housing Element, staff recommended that the City Council consider opportunities to rezone areas of the community that could facilitate new business development, as well as specifically address the jobs to housing imbalance. The following ten geographic business areas represent specific Areas of Opportunity in Moreno Valley to be considered for incorporating into an Economic Development Plan.

- Eastern Moreno Valley-Rancho Belago (including Highland Fairview Corporate Park-Skechers USA, WestRidge Commerce Center, Prologis, and Moreno Highlands)
- City Center (including a Nason, Moreno Beach and Lasselle loop--with Stoneridge Towne Centre, Moreno Beach Plaza, Moreno Valley Auto Mall, proposed Moreno Beach Marketplace-Lowes Center, Moreno Marketplace-Stater Bros. Center, Moreno Valley Ranch Golf Club, Riverside County Regional Medical Center, Aqua Bella, Kaiser-Moreno Valley Community Hospital, Lakeside Plaza & Terrace, Moreno Valley College, the proposed Winco Center and the City's 60-acre property at NWC of Alessandro/Nason)
- South Moreno Valley Industrial Specific Plan Area
- March LifeCare
- Centerpointe Business Park
- Alessandro Boulevard
- Sunnymead Boulevard
- Festival-Ironwood
- Sunnymead Ranch-Lakeshore Village Marketplace
- TownGate (including the Moreno Valley Mall and five surrounding commercial centers-TownGate Center, TownGate Plaza, TownGate Crossing, TownGate Promenade, and TownGate Square)
- Canyon Springs Plaza and proposed TownGate Highlands
- Edgemont Area

At the March 22 City Council meeting, a PowerPoint presentation will visually outline the Areas of Opportunity. Included with the presentation will be an illustration of the importance of linking the City's Capital Improvement Plan (CIP) and the City's Traffic Circulation Plan to a new Economic Development Plan. Ensuring that revenues to be used for the CIP are focused on advancing the City's Economic Development Plan and its Areas of Opportunity shall provide for a more strategic approach to planning for new public improvements that benefits economic development in the community. As part of this approach to the CIP, staff is recommending advancing the planning of a number of public improvement projects related to the City Center area--including work on SR60/Nason, SR60/Moreno Beach, pursuing the connection of Eucalyptus Avenue to Moreno Beach Drive, along with the connection of Nason Street, from Cactus Avenue to Iris Avenue to provide a much needed north and south arterial thoroughfare from SR60 to Iris Avenue.

After introducing the major components of the Economic Development Plan-Areas of Opportunities, staff recommends that the Economic Development Council Subcommittee (Council Members Co and Molina) work with the City Manager and Community & Economic Development Director, along with a number of developers to further advance the specifics of the Economic Development Plan. Included with this effort will be evaluating many rezoning and redevelopment opportunities, all aimed at furthering the City's economic development efforts. As part of this process, the City shall pursue a 'modified' General Plan process that will include a focused 'Plan' review that will evaluate the highest and best uses for the many areas included with the Areas of Opportunities.

FISCAL IMPACT

There is NO established fiscal impact at time. As the Economic Development Plan-Areas of Opportunity is further refined a budget shall be established for undertaking planning activities.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099865

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

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MV00099867

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

March 22, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor
Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00099868

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 22, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside County Board of Supervisors Proclamation Recognizing Moreno Valley Community Senior Center as a Community Focal Point

2. Recognition of Moreno Valley Police Department's Participation in Operation SafeHouse's Stuff the Bus Event

3. Proclamation Recognizing Trent Sauls

4. Mayor's Awards of Valor Recognizing Rodrigo Murguia, David Westerhaus, and Jimmy Zapata

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MARCH 22, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

A.4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-27

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.5 ALCOHOL BEVERAGE CONTROL (ABC) "MINOR DECOY/SHOULDER TAP" GRANT FUNDING OPPORTUNITY (Report of: Police Department)

Recommendation:
Approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, “Minor Decoy/Shoulder Tap” Grant.

A.6 AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR

RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500); and

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

A.7 APPROVAL OF CHECK REGISTER FOR JANUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

Resolution No. 2011-28

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of January, 2011

A.8 AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527 (Report of: Public Works Department)

Recommendation:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015;

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017; and

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA.

A.9 2010 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community & Economic Development Department)

Recommendation:

1. Receive and File the 2010 Annual Report of the Planning Commission; and

2. Authorize transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

A.10 CONSIDERATION OF THE FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY(Report of: City Manager's Office)

Recommendation:
Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

A.11 APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES, BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET - DEVELOPER: MORENO VALLEY PROPERTIES, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:
1. Approve TM 34950-1, a final map for financing purposes; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.12 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM (Report of: Community & Economic Development Department)

Recommendation:

Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

Resolution No. 2011- 29

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Submittal of an Application for Grant Funds for the Caltrans Transportation Planning Grant (Fiscal Year 2011-2012)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE

SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs; and

2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

b. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 APPOINTMENT TO THE PLANNING COMMISSION (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

G.4 CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Recommendation: That the RDA:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

G.5 MID YEAR BUDGET REVIEW (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Receive and file this report; and

2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

G.6 ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY (POWERPOINT TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any

individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 8, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing International DeMolay Month
2. Proclamation Recognizing Job's Daughter's Week
3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
March 8, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Pro Tem Molina

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial & Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Randy Metz	Fire Marshal
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A.5 & A.6) and Deanna Reeder (Item A.8).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of February 16 - March 1, 2011.

A.4 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM; PROJECT NO. 11-22679828 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for 2011 Citywide Bridge Maintenance Program to Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Beador;

3. Authorize the issuance a Purchase Order to Beador in the amount of $243,960.00 ($203,300.00 base bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Beador, up

to but not to exceed the Purchase Order contingency of $40,660.00, subject to the approval of the City Attorney.

A.5 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 *LOCAL* STREET PAVEMENT RESURFACING PROJECT NO. 11-22679728 - *PHASE I* (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the 2011 Local Street Pavement Resurfacing – Phase 1 project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. in the amount of $2,410,400.00 (bid amount $2,096,000.00 plus 15% contingency of $314,400.00) when the contract has been signed by all parties (Account Nos. 125.56330 and 226.79728); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hardy & Harper, Inc., up to but not to exceed the Purchase Order contingency of $314,400.00.

A.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 PAVEMENT RESURFACING PROJECT; PROJECT NO. 11-12556330 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract in the amount of $1,441,000 for the 2011 Pavement Resurfacing Project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to Execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. for a total amount of $1,729,200 ($1,441,000 bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute

any subsequent change order to the contract with Hardy & Harper, Inc. up to but not to exceed the Purchase Order's total contingency of $288,200, subject to the approval of the City Attorney.

A.7 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

A.8 PM 35629 - REQUEST TO CONDUCT A FULL ROAD CLOSURE OF THEODORE STREET BETWEEN EUCALYPTUS AVENUE AND THE SR-60 WESTBOUND RAMP FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM MARCH 21, 2011 - APRIL 18, 2011 - DEVELOPER: HF LOGISTICS - SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize a full road closure of Theodore Street from Eucalyptus Avenue to the SR-60 Westbound Ramp for the construction of street improvements from March 21, 2011 to April 18, 2011; and

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

A.9 AMENDED MARCH JOINT POWER AUTHORITY AGREEMENT #12 (Report of: Community and Economic Development Department)

Recommendation:

1. Approve the Amended March Joint Powers Authority Amendment #12; and

2. Authorize the Mayor to execute the Amended Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange

Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

E. PUBLIC HEARINGS - None

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Lori Stone, Executive Director of the March Joint Powers Authority, reported the following: the state legislators were asked to exempt military base reuse from redevelopment cuts; 30 million dollar bond sold two weeks ago will be used for the Van Buren interchange and U.S. vets project; the medical campus is moving forward; the final demolition of the tower is scheduled for March 28 at 10 a.m., invited

everybody to the celebration; about 12-13 buildings were demolished at this point; about 4000 new jobs were approved

G.2 APPOINTMENTS TO THE PLANNING COMMISSION (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. After reviewing the ballot provided by the City Clerk:

   Appoint three (3) members for terms expiring March 31, 2015; or

2. If the appointments are not made, authorize the City Clerk to re-notice the positions as vacant.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to appoint Amber Crothers, Thomas Andrew Owings and Mary E. "Meli" Van Nata for terms expiring March 31, 2015 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.3 RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS OF COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE DESIGNATED 2011 SPECIAL TAX BONDS, APPOINTING THE FISCAL AGENT, APPROVING THE FORMS OF THE FISCAL AGENT AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING NEGOTIATION OF TERMS OF THE SALE OF SAID BONDS, AND PREPARATION OF FINAL OFFICIAL STATEMENT. APPROVAL OF A THIRD AMENDMENT TO THE FIELDMAN, ROLAPP & ASSOCIATES, INC. AGREEMENT FOR PROFESSIONAL FINANCIAL ANALYST CONSULTANT SERVICES. (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Approve and adopt Resolution No. 2011-21, Authorizing the Issuance of Bonds of Community Facilities District No. 4-Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount Not-to-Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and

Continuing Disclosure Agreement, Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement; and

Resolution No. 2011-21

Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of the CFD No. 4 - Infrastructure of the City of Moreno Valley, Authorizing the Issuance of Bonds of Community Facilities District No. 4 - Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount not to Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and Continuing Disclosure Agreement, and Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve the Third Amendment to the Agreement for Professional Financial Analyst Consultant Services for Community Facilities District No 4-Infrastructure and authorize the Mayor to execute said Amendment to the Agreement.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.4 ADOPTION OF RESOLUTIONS APPROVING THE REDEMPTION OF 2007 TAXABLE TAX ALLOCATION BONDS, SERIES B (Report of: Financial & Administrative Services Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council

1. That the City Council adopt Resolution No. 2011-20 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000; and

Resolution No. 2011-20

A Resolution of the City Council of the City of Moreno Valley Requesting, Authorizing and Approving the Redemption of Community Redevelopment Agency of the City of Moreno

Valley, Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

2. That the City Council acting in the capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. RDA 2011-01 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000.

Resolution No. RDA 2011-01

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving the Redemption of its Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.6 COOPERATIVE AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, and Deanna Reeder.

Recommendation: That the City Council:

1. Approve and authorize the execution of Resolution No. 2011-23 in support of a Cooperative Agreement between the City of Moreno Valley and the Community Redevelopment Agency and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. 2011-23

A Resolution of the City Council of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Approve and authorize the execution of Resolution No. RDA 2011-03 in support of a Cooperative Agreement with the City of Moreno Valley and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. RDA 2011-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.5 COOPERATION AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE

CITY OF MORENO VALLEY (Report of: Community and Economic Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-22 making certain findings in support of a Cooperation Agreement between the Community Redevelopment Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. 2011-22

A Resolution of the City Council of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the City and the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Adopt Resolution No. RDA 2011-02 making certain findings in support of a Cooperation Agreement between the Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. RDA 2011-02

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the Agency and the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

G.7 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV RANCHO DORADO II LIMITED PARTNERSHIP (Report of: Community and Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from William Crowel, Palm Desert Development Co representative.

Recommendation: That the City Council:

Adopt Resolution No. 2011-24 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership, a California Limited Partnership.

Resolution No. 2011-24

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

Recommendation: That the RDA:
Adopt Resolution RDA No. 2011-04 approving an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership.

Resolution No. RDA 2011-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Agency Member William H. Batey II,

s/Agency Member Robin N. Hastings
Approved by a vote of 5-0.

G.8 CREATING A HOUSING AUTHORITY AND ESTABLISHING THE COMMISSIONERS AND DESIGNATING THE FIRST INTERIM CHAIRMAN (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-25 declaring that there is a need for a Housing Authority to function in the City, along with declaring that the members of the City Council shall be the Commissioners of the Housing Authority and designating the first interim Chairman of the Housing Authority.

Resolution No. 2011-25

A Resolution of the City Council of the City of Moreno Valley, California, Declaring that there is a Need for a Housing Authority to Function in the City, Declaring that the Members of the City Council Shall be the Commissioners of the Housing Authority and Designating the First Interim Chairman of the Housing Authority

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.9 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (ATTACHMENTS TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Community and Economic Director Barry Foster announced that the formatting of the agreement has been changed at the advice of the special legal counsel. The title is Conditional Commitment Letter Agreement among the Moreno Valley Redevelopment Agency, the City of Moreno Valley, and Rancho Belago Developers, Inc. Staff is recommending approval of the agreement with Rancho Belago Developers, Inc.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

Adopt Resolution No 2011-26 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. 2011-26

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

Recommendation: That the RDA:

Adopt Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. RDA 2011-05

A Resolution of the Agency Board Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.10 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Daryl Terrell
1. Establishing a business utility user's tax rebate program to promote jobs; submitted an ordinance for public records

Ron Swaim
1. Code enforcement issue - RV blocking public right of way

Alicia Napper
1. Rising Stars Charter School's concerns

Louise Palomarez
1. Redevelopment money
2. Street lights on Hemlock Street between Pigeon Pass and Heacock

George Merendon
1. "In God We Trust" motto

Joe Teague
1. Problems with Day Street project

Thom Morales
1. Announced that fundraiser concert by Valley View High School Wind Ensemble will be held on March 19; invited residents to attend it

Harold Anderson
1. "In God We Trust" motto

Louis Boldue
1. "In God We Trust" motto

Dolores Baisden
1. Upcoming concert at Valley View High School

Pete Bleckert
1. Redevelopment money
2. Flood Control channel
3. Congratulated the Finance Director for streamlining CalCards

Deanna Reeder
1. Planning Commission appointments

Paul Wilkinson
1. Kiwanis Club

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey

1. Represented the City at the Perris Chamber of Commerce Centennial Gala for the anniversary celebration for the City and the Chamber
2. Was invited to speak at the National Congress of Black Women; it is nice to have the Inland Empire Chapter headquarter in Moreno Valley

Mayor Pro Tem Molina

1. Stated that at the last Economic Development Subcommittee meeting, the issue of Moreno Valley not being a business-friendly city and the needs and concerns of businesses were addressed; the City is working toward the goal of making Moreno Valley the most business-friendly city; any ideas are always welcomed
2. Stated that he is happy to see that so many people support "In God We Trust"; the item is scheduled for a study session
3. Thanked everyone for participating in council meetings, for their concerns about the City and working toward the betterment of the City

Council Member Co

1. Thanked everybody for coming to the council meeting; one of the reasons the City is improving is that the residents are presenting the problems to the City; this is the only way the problems can be resolved; asked residents to please contact him
2. Regarding residents asking to vote for "In God We Trust" - stated that he does not see any problem with voting to support it; thanked residents for coming in and asking to do something in that respect
3. Asked residents to contact him with any idea to help the City to move forward; the City needs residents' input

Mayor Stewart

1. Agreed with Council Member Co on the public's input; acknowledged that people take time to read agendas; a small number of people come to the council meetings, but many residents contact council members by e-mails and phone; asked to keep up the input
2. The March Air Force Reserve is getting 12 brand new Boeing 767 tankers
3. Was invited to speak at the Junior ROTC Military Ball at Canyon Springs High School; a very fine event
4. Addressed a speaker's comments regarding responding to public concerns during a council meeting - when a public member raises an issue, the Council responds right a way during the meeting, if possible; if not, a staff person will contact the person usually the next day; getting clarification on the issue and responding as soon as possible is beneficial

for everyone, including residents watching at home
5. Demolition of the last hospital building at March Air Reserve Base is scheduled for March 28, at 10 a.m.; the public can witness it

Council Member Hastings
1. Commended staff for responding to a very difficult situation with the RDA; hopes that we are going to prevail; it's great to see staff being innovative and creative and trying to protect the tax increment money that was placed there for a specific purpose
2. Is looking forward to attend a concert at Valley View High School
3. Will be back in California Thursday afternoon

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:21 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: March 22, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

Reports on Reimbursable Activities March 2-15, 2011		
Council Member	Date	Meeting
William H. Batey II	3/5/11	City of Perris Centennial Installation and Awards Dinner
Marcelo Co	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099899

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	$0.00	0.00%	$0.25	0.25%
1,000 kWh usage	$0.51	0.28%	$0.83	0.38%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	$1.40	0.23%	$1.40	0.32%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	$11.87	0.21%	$11.87	0.35%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	$169.63	0.24%		
392,333 kWh usage, Demand of 666 kW			$163.08	0.43%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	$0.15	0.24%	$0.15	0.24 %

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	$25.03	0.20%	$25.03	0.20 %
Schedule SL-1 22,000 Lumen (317 lights)	$9.25	0.17%	$9.25	0.17%
Schedule SL-2 27,500 Lumen (139 lights)	$4.94	0.28%	$4.94	0.28%
Schedule SL-3 (per lamp)	$0.01	0.00%	$0.01	0.00%

The Energy Resources Surcharge Law went into effect on January 1, 1975. The surcharge is imposed on all customers in the state who consume electricity purchased from an electric utility. All electric utilities are required to collect this surcharge and remit the funds to the State Board of Equalization on a quarterly basis. The funds are held by the State and are used for ongoing energy programs and energy projects. The surcharge rate is set in a public meeting each November by the California Energy Commission; the law does not allow this surcharge to exceed $0.0003 per kWh. The 2011 Electricity Surcharge Rate is $0.00029 per kWh, an increase from $0.00022.

If approved by the City Council, these changes will become effective at 12:00 a.m. on March 23, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be an increase in rates of less than 1%.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to comply with State law.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and will also put the City's utility in jeopardy of non-compliance with State law.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues will increase slightly if the proposed changes are adopted by the City Council. These funds are restricted for Moreno Valley Utility purposes. The increase in the amount of Energy Resource Surcharge collected will be remitted to the State Board of Equalization.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099905

RESOLUTION NO. 2011-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department and City Clerk's Office.

APPROVED AND ADOPTED this 22nd day of March 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

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MV00099909

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: John Anderson, Chief of Police

AGENDA DATE: March 22, 2011

TITLE: Alcohol Beverage Control (ABC) "Minor Decoy/Shoulder Tap" Grant Funding Opportunity

RECOMMENDED ACTION

Staff recommends that the City Council take the following action:

1) Staff recommends that the City Council approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, "Minor Decoy/Shoulder Tap" Grant.

ADVISORY COMMITTEE RECOMMENDATION:

BACKGROUND

The City of Moreno Valley is committed to providing a safe environment for the citizens of Moreno Valley. Moreno Valley Police Department staff has determined that a number of calls for service and repeat calls are being generated from local Alcohol Beverage Control licensed establishments in the city. Some of these calls involve minors and adults under the age of 21 buying alcohol and soliciting adults over the age of 21 to buy alcohol for them. In an effort to address the sale of alcohol to minors and underage adults, staff identified a grant to assist local law enforcement in their efforts to reduce problems and calls for service at ABC licensed establishments.

There are currently 80 On-Sale and 77 Off-Sale ABC licensed establishments within the City of Moreno Valley. Although most avoid the attention of our agency, there are a number that cause a significant amount of calls for service. Several problematic licensees that would be targeted with additional enforcement operations funded by this

grant have caused sixty three (63) direct calls for service between January 1, 2009 and January 1, 2010. Approximately nine (9) calls for service were directly related to minors being furnished alcohol unlawfully.

The majority of calls surrounding these businesses are alcohol related. The time spent by the Moreno Valley Police Department dealing with the alcohol related problems occurring at these locations could be better spent assisting the community with other issues. In addition, the citizens of Moreno Valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (DUI's), fights, assaults and many disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Alcohol Beverage Control, State of California, has allowed for local law enforcement to apply for grant funding for personnel costs and one (1) mandatory GAP (Grant Assistance Program) training seminars to enable agencies to expand their efforts in addressing alcohol-related problems within their respective cities.

DISCUSSION

The Moreno Valley Police Department proposes to use the grant funding to train officers through the Alcohol Beverage Control Agency, and then implement enforcement programs that team officers from the Moreno Valley Police Department with agents from the Alcohol Beverage Control. The Moreno Valley Police Department will implement eighteen (18) "Minor Decoy" operations. The "Minor Decoy" program allows law enforcement agencies to use persons under 20 years of age as decoys for the purpose of purchasing alcoholic beverages from licensed premises. The use of underage decoys to check whether licensees are selling alcohol to minors can show a dramatic drop in the illegal activity when the "Minor Decoy" program is repeatedly used.

The Moreno Valley Police Department will implement eight (8) "Shoulder Tap" operations. "Shoulder Tap" is a common method used by persons under age 21 to solicit persons to purchase and furnish them with alcoholic beverages. The "Shoulder Tap" program is an enforcement program that ABC and local law enforcement agencies use to detect and deter shoulder tap activity. During the program, a minor decoy, under the direct supervision of law enforcement officers, solicits adults outside ABC licensed stores to buy the minor alcohol. Any person seen furnishing alcohol to the minor decoy is arrested (either cited or booked) for furnishing alcohol to a minor (a violation of Section 25658(a) Business and Professions Code).

The Problem Oriented Policing (POP) Team will provide a proactive approach through the use of "Minor Decoy" and "Shoulder Tap" operations. The operations will be conducted throughout the city in an attempt to deter ABC licensed establishments from selling alcohol to minors. In addition several operations will focus on adults who purchase alcohol for minors.

ALTERNATIVES

The council may consider the following alternatives:

1. Accept the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a Twelve-month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff recommends this alternative.**

2. Decline the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no required match funding from the City of Moreno Valley as a condition of this "Minor Decoy/Shoulder Tap" grant. Therefore, there is no fiscal impact to the city.

CITY COUNCIL GOAL

To provide a safe and secure environment for people and property in the community, and provide protection for citizens who live, work and visit the City of Moreno Valley.

STAFF RECOMMENDATION

Staff recommends that Council accept the grant application for the "Minor Decoy/Shoulder Tap" Grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California.

ATTACHMENTS/EXHIBITS

1. State of California, Alcohol Beverage Control Grant Application.

Prepared By:
Name Brian Gutierrez
Title Officer

Department Head Approval:
Name John Anderson
Title Chief of Police

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00099913

State of California

Department of Alcoholic Beverage Control

Grant Assistance Program

PROPOSAL COVER SHEET

(TO BE COMPLETED BY APPLICANT AGENCY)

1. Name of Applicant Agency: **Moreno Valley Police Department**

2. Description of Applicant Agency: **Provide a brief summary including department size, staffing, and structure.**

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees.

3. City or County Served: Moreno Valley	4. Population of Service Area: 191,754.00

5. Project Description: **Summarize the proposed project covering the objectives, method of procedure, evaluation, and end product.**

The Moreno Valley Problem Oriented Policing Team will conduct 18 Minor Decoy and 8 Shoulder Tap operations. Volunteers from the Explorer Program who are at least eighteen years of age will be utilized for these programs under the constant watch or sworn personnel. The goal of these operations is to reduce the amount of alcoholic beverages obtained illegally by minors. The Police Department will also host one Licensee Education on Alcohol and Drugs (LEADS) class for licensees located within the city of Moreno Valley.

6. Funds Requested: 69,918.00	7. Project Period: July 1, 2011 – June 30, 2012

8. Acceptance of Conditions: By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.

A. Project Director (person having day-to-day responsibility for the project)	B. Chief of Police or Sheriff (authorizing official)
Name: William Mooney Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6701	Name: John Anderson Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6705 E. Mail Address:
Title: Sergeant	Title: Captain
C. Fiscal or Accounting Official	**D. ABC USE ONLY**
Name: Masumi Wilde Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6750 E. Mail Address:	
Title: Accounting Technician	

Attachment 1

SCOPE OF WORK

Background:

On December 3, 1984, the incorporated City of Moreno Valley was formed from a 50 square mile area in Riverside County, which is surrounded by Riverside, Perris, March Air Reserve Base, Lake Perris and the Badlands. The city has grown over the years and today's population is estimated at 191,754. Based on the 2005 US Census Estimate, Moreno Valley's ethnic composition is 46% Hispanic, 23% White, 20% African-American, 8% Pacific Islander/Asian-American, and 3% other.

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees. A Sheriff's Captain, currently John Anderson, leads the Moreno Valley Police Department as the Chief of Police. Together, they have the responsibility of enforcing the criminal and traffic laws within the city limits.

The existence of several specialized units (Detective Unit, School Resource Officer Unit, Riverside County Regional Medical Center Unit, Patrol Division, Special Enforcement Teams-Gangs/Narcotics, Problem Oriented Policing (POP), Burglary Suppression Unit, Robbery Suppression Unit and Traffic Unit) within the Moreno Valley Police Department demonstrates the Department's objective in providing the citizens of Moreno Valley with the highest level of service and support. The Moreno Valley Police Department encourages innovation within our organization and is dedicated to finding creative solutions to the inevitable disputes that arise in the serving the community.

Moreno Valley has two public school districts, Moreno Valley Unified School District (MVUSD) and Val Verde Unified School District (VVUSD). The MVUSD has 23 Elementary Schools, 6 Middle Schools, 4 Comprehensive High Schools, 1 Charter School, 1 Adult School, 1 Pre-School Head-Start, and 1 Academic Center with a combined total of 36,500 enrolled students. The VVUSD (includes Perris, Mead Valley and Moreno Valley) has 1 Pre-School, 13 Elementary Schools, 4 Middle Schools, 3 High Schools, and 1 Continuation High School with a combined total of 19,600 enrolled students. Moreno Valley is also home to one of the Riverside Community College campuses with approximately 10,000 enrolled students.

Funding Requested / Goals and objective:

The Moreno Valley Police Department seeks $69,918.00 from the Department of Alcoholic Beverage Control (ABC) for general support of our Minor Decoy/Shoulder Tap Programs. We are most grateful for the support we have received from ABC for the grant period of August 2006 through May 2008. We believe this proposal for the grant period of July 2011 through June 2012 is of comparable interest to ABC in this specialized field of law enforcement. The City of Moreno Valley contracts with the Riverside County Sheriff's Department. The straight time rate for an officer is $121.97 per hours and the overtime rate is $54.39 per hour. Therefore the operations are worked on overtime basis in order to get the most out of the awarded funds.

In August of 2006, the Moreno Valley Police Department was awarded an ABC Minor Decoy and Shoulder Tap Grant that was implemented by the Moreno Valley Police Department's Problem Oriented Policing (POP) Team. The POP Team comprised of one sergeant, nine officers, and two community service officers.

During the grant period, the POP Team Sergeant: 1) announced the start of the Minor Decoy/Shoulder Tap Programs, 2) announced the number of licensed premises who sold to the minor decoy and/or the number of adults arrested for purchasing alcoholic beverages to the minor decoy, 3) faxed a copy of each press release to ABC, 4) monitored the time frames in the grant, 5) maintained costs within the approved amounts of each category, 6) maintained adequate records for validation of project progress and accountability for all funds expended on the project, and 7) submitted the required project reports to ABC.

The Moreno Valley Police Department is committed to following the above listed guidelines as well as conducting eighteen (18) Minor Decoy and eight (8) Shoulder Tap operations within the ABC Minor Decoy/Shoulder Tap Grant period of July 2011 through June of 2012. If awarded the grant, On-Sale and Off-Sale ABC licensed establishments in the City of Moreno Valley will be visited during Minor Decoy and/or Shoulder Tap operations. In addition, the Moreno Valley Police Department will host one Licensee Education on Alcohol and Drugs (LEAD) class for licensees located within the City of Moreno Valley. In accordance with the ABC grant, this training will be provided by ABC's Training/LEAD Unit.

The Moreno Valley Police Department's Minor Decoy/Shoulder Tap Program seeks to implement a strict, honest, impartial, and uniform enforcement of the liquor laws in Moreno Valley. In addition, the Riverside County District Attorney's Office has pledged their support in the prosecution of arrests arising out of ABC related Minor Decoy/Shoulder Tap operations.

Problem Statement:

There are approximately 157 off sale and on sale A.B.C. licensed establishments within the City of Moreno Valley. Although most avoid the attention of the Moreno Valley Police Department, a few do cause an inordinate amount of calls for service. Several problem licensees that would be targeted with additional enforcement programs funded by this grant caused numerous direct calls for service that were directly related to minors being furnished alcohol unlawfully.

Some such establishments contributing to the furnishing/selling of alcohol to minors that are responsible for a disproportionate amount of calls for service are the numerous Bars, nightclubs, and liquor stores located within the city. The time spent by the Moreno Valley Police Department dealing with the alcohol-related problems occurring at these locations could be better spent helping the community with other issues. In addition, the citizens of Moreno valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (D.U.I's), batteries, assaults, and many other disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Moreno Valley Police Department has conducted numerous operations in the past with ABC grants, and if history repeats itself, we will find that licensees throughout the entire city will unlawfully sell alcohol to minors. Establishments such as grocery stores, liquor stores, and gas stations will be affected. However, we have also discovered that the percentage of higher unlawful alcohol sales to minors tends to occur more frequently at gas stations because this is where wayward juveniles tend to congregate. Second to these gas stations are liquor stores that are steadily busy with several customers walking in and out of the store, thereby creating a distraction for clerks whom are normally

the only source of enforcement of such activity.

In a time period of July 1, 2009 to June 31, 2010, the Moreno Valley Police Department responded to 905 calls for service involving public intoxication. In 2010, the Moreno Valley Police Department wrote 120 citations for violation of city Municipal Code 11.04.060 (Drinking an Alcohol Beverage in Public). A majority of these citations were written within the proximity of ABC licensed businesses. From 2006-2010 the Moreno Valley Police Department has responded to an annual average of 6132 calls for service directly related to party and noise enforcement. A large portion of the party and noise enforcement calls for service involve residential parties that involve minors in possession of alcohol.

Based on the 2009 rankings published by the California Office of Traffic Safety, among the 56 cities in Group B (100,001 to 250,000), Moreno Valley ranked 25 out of 56 cities for victims killed and injured in alcohol involved collisions. This means Moreno Valley has the 25th highest rate of victims killed and injured in alcohol involved collisions. In addition, Moreno Valley ranked 9/56 for DUI collisions involving drivers under the age of 21 and 13/56 for drivers in the 21 to 34 age group. In 2009, the Moreno Valley Police Department made a total of 618 DUI arrests.

Project Description:

Sworn officers will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The coordinators will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One non-sworn Community Service Officer (CSO) will assist the coordinators by gathering information important in the identification of problematic ABC licensed businesses. The CSO will also be responsible for keeping records on the progress of the operations so that periodic evaluations can be conducted.

The Moreno Valley Police Department will be issuing press releases to inform the community that the Moreno Valley Police Department is continuing its ongoing efforts to thwart the unlawful selling and purchasing of alcohol that involves minors. These press releases will be distributed as required by the grant, and faxed copies of these press releases will be routed to ABC s public information officer as well.

The Moreno Valley Police Department is committed to the programs developed under the "Minor Decoy" and "Shoulder Tap" programs. We have learned much from working with A.B.C. and hope to be afforded the opportunity to work with them in the next "Minor Decoy," "Shoulder Tap," Program Grant year, 2011-2012. We will continue to include A.B.C. in all our operations and will also solicit the help of other governmental agencies when appropriate. It is our intent to keep the community safe, informed, and involved in the fight against problematic A.B.C. licensed establishments, under aged alcohol consumption, and abuse.

Project Personnel:

This grant proposal, prepared by the Problem Oriented Policing Unit (P.O.P. Team), will be supervised by the P.O.P. sergeant (Project Director), currently Sergeant Mooney. The supervising sergeant or Project Director will be responsible for the following: 1) Monitoring time frames in the contract. 2) Maintaining costs within the approved amounts of each category. 3) Maintaining adequate records for validation of project progress and accountability for all funds expended on the

project. 4) Submission of required project reports and, 5) Conducting project evaluation.

In addition to the P.O.P. Sergeants, nine sworn Officers and one Community Service Officer will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The officers will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One-non sworn Community Service Officer (CSO) will assist the officers by gathering information important in the identification of problematic ABC licensed businesses.

During the past year the City of Moreno Valley has been dealing with the ongoing state budget issues. The Moreno Valley Police Department has been impacted by this current issue. The acceptance of this grant would improve the ongoing efforts the Moreno Valley Police Department has in place in the proactive enforcement of A.B.C. establishments. The funding would allow us to increase monitoring of the unlawful alcohol sales to minors, and create a strong deterrent to future violations.

The Moreno Valley Police Department has a strong working relationship with numerous governmental agencies and community action committees. We look forward to getting as many as possible involved in the campaign to prevent minors from obtaining alcohol from business licensees. We welcome the assistance of any other agencies that wish to assist us with the enforcement, and education of the public and business owners, of this growing problem that plagues communities across America today.

BUDGET DETAIL

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST (Round budget amounts to nearest dollar)
A. Personnel Services (straight time salaries, overtime, and benefits)	
The City of Moreno Valley contracts with the Riverside County Sheriff's Department for a full service police department. The straight time rate is $121.97 per hour and the overtime rate is $54.39 per hour. Therefore, the operations are worked on an overtime basis in order to get the most out of the awarded funds. (1) Sergeant: straight time: $82.42, overtime: $80.02 (5) Officer: straight time: $121.97, overtime: $54.39 (1) Community service officer- straight time: $41.94, overtime: $39.20 GAP Training hours – (2) officer straight time for 24 hours	Sergeant = $12,483.12 Officers = $42,424.20 CSO = $6,115.20 (2)Officer for GAP training. = $5854.56
TOTAL PERSONNEL SERVICES	$66,877.08
B. Operating Expenses (maximum $2,500)	
Twenty six operations with $40.00 "buy money" per operation is a total of $1040.00	
TOTAL OPERATING EXPENSES	$1,040.00
C. Equipment (maximum $2,500)	
(Attach receipts for all equipment purchases to monthly billing invoice) None	
TOTAL EQUIPMENT	$0.00
D. Travel Expense/Registration Fees (maximum $2,000)	
(Registration fee for July 2011 GAP Conference attendees is $200 each) Travel, per diem and lodging for the July GAP Conference.	$400.00 $1600.00
TOTAL TRAVEL EXPENSE	$2,000.00
TOTAL BUDGET DETAIL COST, ALL CATEGORIES	$69,918.00

OTHER FUNDING SOURCES

Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available. **(Round all budget amounts to the nearest dollar.)**

BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personnel Services	$66,877.08		$66,877.00
Operating Expenses	$1,040.00		$1,040.00
Travel/Registration Fees	$2,000.00		$2,000.00
Equipment			
TOTALS	$69,918.00		69,918.00

(This form does not become part of the contract)

REQUEST FOR PROPOSALS
RATING FORM

APPLICANT: _____

FUNDS REQUESTED: _____

INSTRUCTIONS TO RATER: The rating form is divided into six categories with a maximum point value assigned to each category. Rate each category based on the applicant's response in the request for proposal. You may use the comments line to give more detail. Once you have rated the request for proposal, total the points at the bottom. The maximum points an applicant agency can receive is 100 points.

CATEGORY:

SUMMARY – (15 POINTS MAXIMUM)

Does applicant describe the department's size, structure, staffing, number of ABC licenses, demographics of jurisdiction, and goals and objectives?

Points Received_____

Comments:_____

PROBLEM STATEMENT – (25 POINTS MAXIMUM)

Does applicant clearly identify the area to be served, specific problematic ABC licensed locations, community concerns, and other factors that contribute to the problem?

Points Received_____

Comments:_____

PROJECT DESCRIPTION – (25 POINTS MAXIMUM)

Does applicant clearly state the goals and objectives in full detail? Are objectives measurable, realistic, and related to a time frame? Are ABC enforcement strategies utilized (example, LEAD, IMPACT, Minor Decoy, Shoulder Tap, Trapdoor, etc.)

Points Received_____

Comments:_____

PROJECT PERSONNEL – (25 POINTS MAXIMUM)

Does applicant clearly describe the staffing required to carry out grant objectives and activities as supported by the proposed budget? Does it include the names of the Unit/Division responsible for the project?

Points Received_____

Comments: _____

BUDGET DETAIL – (5 POINTS)

Is the budget estimate page completed? **5 Points** ____

OTHER FUNDING SOURCES – (5 POINTS)

Is the other funding sources page completed? **5 Points** ____

TOTAL POINTS (100 POINTS MAXIMUM):_____

_____ _____

NAME DATE

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MV00099923

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500)

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

BACKGROUND

The Kitching Street Improvements Project widens Kitching Street from two to four lanes from Gentian Avenue to Alessandro Boulevard.

On June 24, 2009, the City Council approved the Kitching Street project as a three-phase project as part of the FY 09/10 CIP Budget. Two of the three phases were funded. Phase 1 includes utility relocation and design services for the entire length of the project. Phase 2 improves Kitching Street from Cactus Avenue to Alessandro Boulevard by upgrading Kitching Street to four lanes and installing a signal at Cactus Avenue. Phase 3 improves Kitching Street from Gentian Avenue to Cactus Avenue

from two lanes to four lanes at a future time, subject to the availability of funding for construction.

Phase 2 work has been completed and was accepted by the City Council at its meeting on January 25, 2011, for inclusion into the City's Maintained Road System.

The next step is to complete the remaining utility relocation and design work for Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue. The goal is to have Phase 3 of the project in 'Shovel Ready' condition for construction, subject to availability of future funding.

DISCUSSION

Phase 3 of the project requires relocation of existing SCE facilities at the intersection of Kitching Street and Delphinium Avenue. SCE retains 'prior rights' since their facilities are located within SCE's easement. Consequently, the cost of relocating SCE's facilities is the City's responsibility.

The relocation work includes removal of one wood guy pole with its companion span guys, down guys and anchors that are to be replaced with a 35-foot tubular steel pole (TSP) with span guys. By removing existing down guys and anchors within the proposed asphalt pavement area of the street right of way, widening of the street to four lanes can be accomplished at a future time when funding becomes available.

To date, the majority of conflicting SCE, EMWD, Verizon and Time Warner facilities within the project limits have already been relocated. After relocation of the subject SCE facilities at the Kitching Street/Delphinium Avenue intersection, remaining minor utility-related adjustments will be accomplished during construction of the Phase 3 improvements, because such adjustments can only be accomplished after grading and paving is complete.

The City previously made a deposit payment of $35,000 (Purchase Order No. 38653) for the design and procurement of long-lead custom-manufactured TSP. SCE's estimated cost for engineering, procurement, manufacturing, and installation of TSP is $149,000. Therefore, an additional $114,000 is due to SCE for these relocation activities.

This work will be carried out by SCE on a time and materials or actual cost basis. Upon completion of the work, SCE may refund the unused portion of the City's payment or it may invoice the City for any additional costs incurred beyond the City's payments. Since the work by SCE is on an actual cost basis, there is a potential for the final cost to be higher than the initial cost estimate. Accordingly, besides the $114,000 due to SCE, an additional 10% contingency in the amount of $11,400 is requested, increasing the total not-to-exceed amount for Purchase Order No. 38653 from $35,000 to $160,400.

ALTERNATIVES

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will facilitate completion of the project in a timely manner.*

2. Do not authorize of the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and do not authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will delay the project.*

FISCAL IMPACT

The project is included in Fiscal Year 2010/2011 Capital Improvement Project Budget. It is funded by 2005 Lease Revenue Bond funds (Fund 501). Funding for this project is restricted to capital improvements for arterial street widening. There is no impact to the General Fund.

FY 2010 / 2011 PROJECT BUDGET:
Kitching Street from Alessandro Boulevard to Gentian Avenue
2005 Lease Revenue Bond (Account No. 501.82425)……..$1,640,000

FY 2010 / 2011 PROJECT COSTS:

Phase 1 and 2 Project Construction and Closeout Costs……..	$1.385,000
Complete Design for Phase 3 Improvements.....	$90,000
SCE Facilities Relocation Costs for Phase 3 Improvements.....	$160,400
Total Project Costs	$1,635,400

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

This action authorizes a Change Order to increase Purchase Order No. 38653 to SCE by the amount of $125,400 for the engineering, procurement, manufacturing, and installation of a tubular steel pole (TSP). The TSP will be installed by Southern California Edison at Kitching Street/Delphinium intersection and will allow construction of Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue to be completed in the future subject to the availability of funding.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Viren - 06-50182425 - Kitching Street Improvements\CC Reports\Utility Relocation\Phase II SCE Facility Relocation Staff Report 03-22-2011.doc

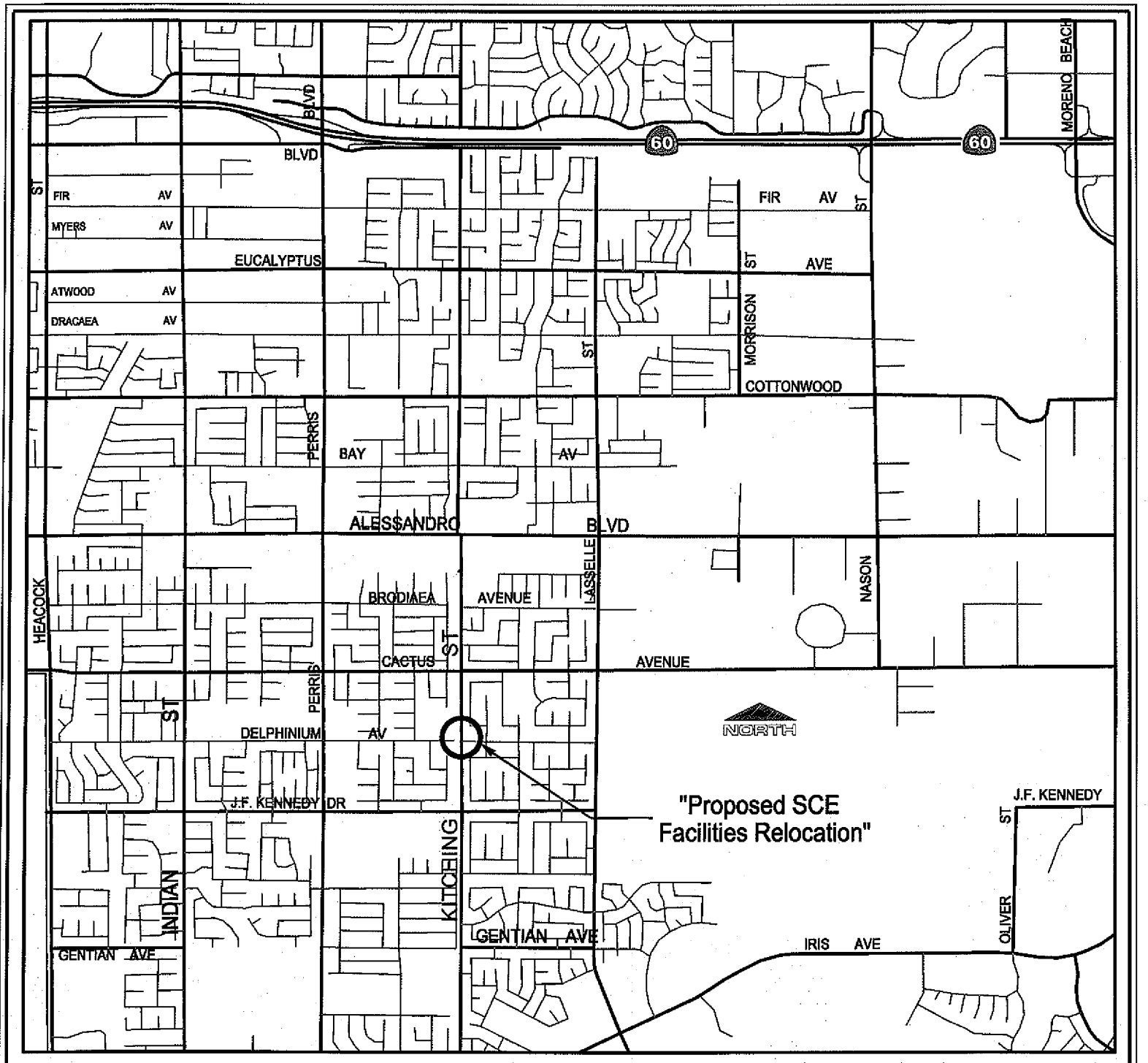

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

SCE FACILITIES RELOCATION AT
KITCHING STREET/DELPHINIUM INTERSECTION
FOR KITCHING STREET IMPROVEMENTS FROM
GENTIAN AVENUE TO CACTUS AVENUE
PROJECT NO. 07-50182425

Attachment "A"

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MV00099929

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: APPROVAL OF CHECK REGISTER FOR JANUARY, 2011

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of $25,000 or greater, followed by a listing in alphabetical order of all checks less than $25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2010-11 budgets. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2011-28
Check Register for Month of January, 2011

Prepared By:
Cynthia A. Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CHECK REGISTER FOR THE MONTH OF JANUARY, 2011

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period January 1, 2011 through January 31, 2011, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period January 1, 2011 through January 31, 2011, in the total amount of $12,324,061.41 is approved.

APPROVED AND ADOPTED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)

CHECKS IN THE AMOUNT OF $25,000 OR GREATER

BEMUS LANDSCAPE, INC.				
1/31/2011	881973	39,148.55		
			LANDSCAPE MAINT-E4	55.63
			LANDSCAPE MAINT-E4	64.50
			LANDSCAPE MAINT-E4	6,692.26
			LANDSCAPE MAINT-E4	15,650.96
			LANDSCAPE MAINT-E4A	367.64
			LANDSCAPE MAINT-VET MEM	250.00
			LANDSCAPE MAINT-FIRE STNS	3,150.00
			LANDSCAPE MAINT-CITY HALL	992.56
			LANDSCAPE MAINT-ANNEX 1	300.00
			LANDSCAPE MAINT-E3	10,625.00
			LANDSCAPE MAINT-E3A	1,000.00
Vendor Total		**39,148.55**		
FYTD for BEMUS LANDSCAPE, INC.		**334,630.49**		
BRUCE W.HULL, MAI				
1/24/2011	205954	25,000.00		
			APPRAISAL SVCS-CFD 4	25,000.00
Vendor Total		**25,000.00**		
FYTD for BRUCE W.HULL, MAI		**25,000.00**		
BUDGET ENTERPRISES, INC.				
1/10/2011	205810	29,430.50		
			CITY HALL WINDOW TINT PROJ	29,430.50
Vendor Total		**29,430.50**		
FYTD for BUDGET ENTERPRISES, INC.		**29,430.50**		
EMPLOYMENT DEVELOPMENT DEPARTMENT				
1/14/2011	2788	33,797.26		
			STATE INCOME TAX W/H 1/14/11	33,797.26
1/28/2011	2796	31,996.00		
			STATE INCOME TAX W/H 1/28/11	31,996.00
Vendor Total		**65,793.26**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT		**656,332.61**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ENCO UTILITY SERVICES MORENO VALLEY LLC				
1/24/2011	881942	217,392.09		
			DISTRIBUTIONS CHARGES	182,494.95
			SPCL/TEMP CHARGES	10,340.00
			BAD DEBT DEDUCTION	-257.22
			ONLINE UTILITY SVCS	203.97
			CABINET LEASE-INDIAN	29.67
			CABINET LEASE-INDIAN	1,220.33
			CABINET LEASE-IRIS	47.14
			CABINET LEASE-IRIS	1,202.86
			ELECTRIC METER CHARGES	21,752.00
			PRINTED MATERIALS	358.39
Vendor Total		**217,392.09**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		**1,372,719.94**		
GUIDA SURVEYING, INC.				
1/18/2011	881908	25,252.00		
			IRONWOOD AVE/INDIAN BASIN PROJ	14,960.00
			DAY ST IMPRVMNTS PROJ SVCS	10,292.00
Vendor Total		**25,252.00**		
FYTD for GUIDA SURVEYING, INC.		**85,986.00**		
H & H GENERAL CONTRACTORS				
1/31/2011	206118	171,530.10		
			MV UTIL. PROJ CONSTRUCT. SVCS	107,727.30
			MV UTIL. PROJ CONSTRUCT. SVCS	63,802.80
Vendor Total		**171,530.10**		
FYTD for H & H GENERAL CONTRACTORS		**171,530.10**		
HILLCREST CONTRACTING, INC				
1/18/2011	881909	183,063.83		
			KITCHING ST IMPRVMNT PROJ	5,157.58
			KITCHING ST IMPRVMNT PROJ	177,906.25
1/31/2011	881983	298,108.70		
			DAY ST IMPRVMNTS PROJ SVCS	298,108.70
Vendor Total		**481,172.53**		
FYTD for HILLCREST CONTRACTING, INC		**2,537,305.75**		
HUNTINGTON BEACH HONDA				
1/24/2011	205999	27,299.20		
			MOTORCYCLE RPLCMNT-POLICE	14,204.00
			DOC FEE-POLICE	55.00
			CA TIRE FEE-POLICE	3.50
			EQUIPMENT-POLICE	6,540.49
			INSTALLATION/PAINTING-POLICE	4,300.00
			SALES TAX-POLICE	2,196.21
Vendor Total		**27,299.20**		
FYTD for HUNTINGTON BEACH HONDA		**27,299.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INTERNAL REVENUE SERVICE					
	1/14/2011	2787	130,796.36		
				FED INCOME TAX W/H 1/14/11	130,796.36
	1/28/2011	2795	134,868.39		
				FED INCOME TAX W/H 1/28/11	134,868.39
	Vendor Total		**265,664.75**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		
MIRACLE PLAYGROUND SALES					
	1/24/2011	881951	176,943.13		
				DEMO/INSTALL PLAYGRND EQUIP	109,331.76
				DEMO/INSTALL PLAYGRND EQUIP	47,869.74
				CA SALES TAX	8,727.49
				SHIPPING CHGS	11,014.14
	Vendor Total		**176,943.13**		
FYTD for MIRACLE PLAYGROUND SALES			**176,943.13**		
MORENO VALLEY UTILITY					
	1/25/2011	206075	53,779.13		
				ELECTRICITY	150.18
				ELECTRICITY	851.39
				ELECTRICITY	271.07
				ELECTRICITY	2,118.53
				ELECTRICITY	10,312.01
				ELECTRICITY	10,099.88
				ELECTRICITY	2,738.23
				ELECTRICITY	4,858.26
				ELECTRICITY	831.59
				ELECTRICITY	133.19
				ELECTRICITY	12,103.03
				ELECTRICITY	7,021.04
				ELECTRICITY	196.14
				ELECTRICITY	144.98
				ELECTRICITY	93.20
				ELECTRICITY	69.90
				ELECTRICITY	69.90
				ELECTRICITY	141.89
				ELECTRICITY	79.37
				ELECTRICITY	1,495.35
	Vendor Total		**53,779.13**		
FYTD for MORENO VALLEY UTILITY			**526,697.08**		
PERS HEALTH INSURANCE					
	1/7/2011	110102	215,602.65		
				EMPLOYEE HEALTH INS 1/7/11	215,602.65
	Vendor Total		**215,602.65**		
FYTD for PERS HEALTH INSURANCE			**1,389,737.64**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PERS RETIREMENT					
	1/21/2011	2789	194,802.98		
				PERS RETIREMENT 1/21/11	194,802.98
	1/7/2011	2779	199,055.90		
				PERS RETIREMENT 1/7/11	199,055.90
	Vendor Total		**393,858.88**		
FYTD for PERS RETIREMENT			**2,974,953.79**		
PITASSI ARCHITECTS, INC					
	1/10/2011	881888	43,006.63		
				CORPORATE YARD FACILITY PROJ	43,006.63
	Vendor Total		**43,006.63**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110107	46,305.01		
				RETENTN PYMT PER ESCROW AGRMNT	46,305.01
	1/31/2011	881988	666,378.90		
				IRONWOOD AVE/INDIAN BASIN PROJ	41,983.20
				IRONWOOD AVE/INDIAN BASIN PROJ	153,101.83
				IRONWOOD AVE/INDIAN BASIN PROJ	42,521.35
				IRONWOOD AVE/INDIAN BASIN PROJ	428,772.52
	Vendor Total		**712,683.91**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF					
	1/18/2011	881916	2,758,449.61		
				CONTRACT LAW ENF BILL # 3	44,172.56
				CONTRACT LAW ENF BILL # 3	277.89
				CONTRACT LAW ENF BILL # 3	1,569,303.99
				CONTRACT LAW ENF BILL # 3	67,302.19
				CONTRACT LAW ENF BILL # 3	332,039.09
				CONTRACT LAW ENF BILL # 3	6,375.60
				CONTRACT LAW ENF BILL # 3	61,080.61
				CONTRACT LAW ENF BILL # 3	5,429.61
				CONTRACT LAW ENF BILL # 3	75,194.74
				CONTRACT LAW ENF BILL # 3	961.84
				CONTRACT LAW ENF BILL # 3	166,479.31
				CONTRACT LAW ENF BILL # 3	3,390.64
				CONTRACT LAW ENF BILL # 3	275,054.27
				CONTRACT LAW ENF BILL # 3	5,921.74
				CONTRACT LAW ENF BILL # 3	34,273.57
				CONTRACT LAW ENF BILL # 3	271.04
				CONTRACT LAW ENF BILL # 3	43,570.90
				CONTRACT LAW ENF BILL # 3	937.99
				CONTRACT LAW ENF BILL # 3	35,144.43
				CONTRACT LAW ENF BILL # 3	1,955.42
				CONTRACT LAW ENF BILL # 3	28,831.13
				CONTRACT LAW ENF BILL # 3	481.05
	1/31/2011	881989	2,612,636.73		
				CONTRACT LAW ENF BILL # 4	43,966.29
				CONTRACT LAW ENF BILL # 4	638.56
				CONTRACT LAW ENF BILL # 4	1,476,007.46
				CONTRACT LAW ENF BILL # 4	58,161.90
				CONTRACT LAW ENF BILL # 4	338,114.62
				CONTRACT LAW ENF BILL # 4	5,585.36
				CONTRACT LAW ENF BILL # 4	47,355.97
				CONTRACT LAW ENF BILL # 4	9,211.25
				CONTRACT LAW ENF BILL # 4	72,048.74
				CONTRACT LAW ENF BILL # 4	1,354.32
				CONTRACT LAW ENF BILL # 4	151,843.66
				CONTRACT LAW ENF BILL # 4	2,484.24
				CONTRACT LAW ENF BILL # 4	305,308.47
				CONTRACT LAW ENF BILL # 4	7,427.96
				CONTRACT LAW ENF BILL # 4	33,822.28
				CONTRACT LAW ENF BILL # 4	226.16
				CONTRACT LAW ENF BILL # 4	38,730.49
				CONTRACT LAW ENF BILL # 4	20,349.00
	Vendor Total		**5,371,086.34**		
FYTD for RIVERSIDE COUNTY SHERIFF			**15,070,633.49**		
SHELL ENERGY NORTH AMERICA (US) L.P.					
	1/24/2011	206043	468,994.40		
				ELECTRICAL ENERGY PURCHASE	468,994.40
	Vendor Total		**468,994.40**		
FYTD for SHELL ENERGY NORTH AMERICA (US) L.P.			**4,116,830.00**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/3/2011	205788	40,302.98		
				ELECTRICITY	275.11
				ELECTRICITY	11,977.29
				ELECTRICITY	5,234.12
				ELECTRICITY	38.34
				ELECTRICITY	1,751.14
				ELECTRICITY	4,482.44
				ELECTRICITY	285.81
				ELECTRICITY	9,260.73
				ELECTRICITY	498.85
				ELECTRICITY	335.87
				ELECTRICITY	2,950.73
				ELECTRICITY	503.34
				ELECTRICITY	940.49
				ELECTRICITY	672.49
				ELECTRICITY	188.83
				ELECTRICITY	345.68
				ELECTRICITY	22.57
				ELECTRICITY	105.22
				ELECTRICITY	181.04
				ELECTRICITY	163.53
				ELECTRICITY	89.36
	1/3/2011	205789	31,278.74		
				WDAT CHARGES-SUBSTATION	10,447.31
				WDAT CHARGES-FREDERICK	2,386.62
				WDAT CHARGES-NANDINA	3,199.07
				WDAT CHARGES-GLOBE	8,684.55
				WDAT CHARGES-GRAHAM	3,935.97
				WDAT CHARGES-IRIS	2,625.22
	1/18/2011	205911	136,567.18		
				ELECTRICITY	23.06
				ELECTRICITY	260.91
				ELECTRICITY	45.63
				ELECTRICITY	709.03
				ELECTRICITY	1,012.99
				ELECTRICITY	1,473.45
				ELECTRICITY	95,604.30
				ELECTRICITY	36,719.41
				ELECTRICITY	368.26
				ELECTRICITY	92.28
				ELECTRICITY	24.38
				ELECTRICITY	25.99
				ELECTRICITY	65.46
				ELECTRICITY	98.06
				ELECTRICITY	43.97
	1/25/2011	206076	33,175.97		
				ELECTRICITY	526.31
				ELECTRICITY	218.90
				ELECTRICITY	47.13
				ELECTRICITY	5,857.01
				ELECTRICITY	1,060.58
				ELECTRICITY	192.86

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			ELECTRICITY	2,381.91
			ELECTRICITY	19.18
			ELECTRICITY	2,506.80
			ELECTRICITY	558.12
			ELECTRICITY	1,664.77
			ELECTRICITY	721.57
			ELECTRICITY	863.69
			ELECTRICITY	140.12
			ELECTRICITY	3,741.18
			ELECTRICITY	1,010.57
			ELECTRICITY	1,145.53
			ELECTRICITY	22.57
			ELECTRICITY	387.77
			ELECTRICITY	5,761.71
			ELECTRICITY	1,736.44
			ELECTRICITY	255.45
			ELECTRICITY	264.70
			ELECTRICITY	859.11
			ELECTRICITY	143.70
			ELECTRICITY	187.03
			ELECTRICITY	31.62
			ELECTRICITY	21.84
			ELECTRICITY	168.75
			ELECTRICITY	213.66
			ELECTRICITY	147.51
			ELECTRICITY	199.58
			ELECTRICITY	90.54
			ELECTRICITY	27.76
	Vendor Total	**241,324.87**		
FYTD for SOUTHERN CALIFORNIA EDISON		**1,759,082.07**		
STANDARD INSURANCE CO				
1/25/2011	206077	29,819.16		
			LIFE & DISABILITY INSURANCE	11,662.68
			LIFE & DISABILITY INSURANCE	-68.37
			LIFE & DISABILITY INSURANCE	18,236.93
			LIFE & DISABILITY INSURANCE	-12.08
	Vendor Total	**29,819.16**		
FYTD for STANDARD INSURANCE CO		**227,964.72**		
STK ARCHITECTURE, INC.				
1/24/2011	881962	85,849.08		
			MORRISON PRK FIRE STATION PROJ	85,849.08
	Vendor Total	**85,849.08**		
FYTD for STK ARCHITECTURE, INC.		**270,740.17**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
U.S. BANK/CALCARDS					
	1/6/2011	110103	112,826.10		
				CALCARD PMT CYCLE END 12/22/10	112,826.10
	1/20/2011	110104	95,683.24		
				CALCARD PYMT CYCLE END 1/7/11	95,683.24
	Vendor Total		**208,509.34**		
FYTD for U.S. BANK/CALCARDS			**1,121,345.00**		
WELLS FARGO CORPORATE TRUST					
	1/25/2011	110110	1,023,839.98		
				INT PYMT-2007 TAB SERIES A	1,023,839.98
	Vendor Total		**1,023,839.98**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	1/18/2011	205932	741,529.00		
				TUMF FEES	235,161.00
				TUMF FEES	506,368.00
	Vendor Total		**741,529.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**953,476.08**		
WRCRCA					
	1/18/2011	205933	33,159.00		
				DEC-10 RESIDENTIAL FEES	33,159.00
	Vendor Total		**33,159.00**		
FYTD for WRCRCA			**1,271,213.38**		
	Subtotal		**11,147,668.48**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS LESS THAN $25,000				
EXCLUSIVE RM AUTHORITY OF CA				
1/10/2011	205799	10,000.00		
			GENERAL MATTERS	10,000.00
Vendor Total		**10,000.00**		
FYTD for EXCLUSIVE RM AUTHORITY OF CA		**10,000.00**		
3E COMPANY				
1/10/2011	205800	3,907.00		
			SUBSCRIPTION LICENSE/RENEWAL	3,907.00
Vendor Total		**3,907.00**		
FYTD for 3E COMPANY		**3,907.00**		
A & I REPROGRAPHICS 2406362				
1/3/2011	205745	765.17		
			RPRGRPHC SVCS-PERRIS BL WIDEN	765.17
1/10/2011	205801	330.92		
			RPRGRPHCS-SHADOW MTN PARK PROJ	248.19
			RPRGRPHCS-SHADOW MTN PARK PROJ	82.73
1/18/2011	205840	665.44		
			RPRGRPHC SVCS-BRIDGE MAINT PRJ	665.44
1/31/2011	206078	860.37		
			RPRGRPHC SVCS-PERRIS BL WIDEN	265.40
			RPRGRPHC SVCS-SR60/NASON PROJ	594.97
Vendor Total		**2,621.90**		
FYTD for A & I REPROGRAPHICS 2406362		**21,019.27**		
A COMING OF AGE FOSTER FAMILY AGENCY				
1/18/2011	205841	200.00		
			REFUND-TOWNGATE DEPOSIT	200.00
Vendor Total		**200.00**		
FYTD for A COMING OF AGE FOSTER FAMILY AGENCY		**200.00**		
ACCESS SECURITY CONTROLS INT., INC.				
1/10/2011	205802	75.00		
			MONITORING SVCS-ERC	75.00
1/24/2011	205938	985.00		
			MONITORING SVCS-GOLF COURSE	75.00
			MONITORING SVCS-S/MEAD MIDDLE	75.00
			MONITORING SVCS-ASES STARS	75.00
			MONITORING SVCS-FS #58	760.00
Vendor Total		**1,060.00**		
FYTD for ACCESS SECURITY CONTROLS INT., INC.		**5,042.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ACCOUNTEMPS					
	1/31/2011	206079	2,214.81		
				TEMP SVCS-V ARGUTA W/E 12/24	2,214.81
	Vendor Total		**2,214.81**		
FYTD for ACCOUNTEMPS			**7,155.45**		
ACT MEDIATION					
	1/18/2011	205842	0.00		
				MEDIATION -CASE# RIC 10017492	2,900.00
				VOIDED CHECK #205842 ON1/24/11	-2,900.00
	1/18/2011	205843	5,800.00		
				MEDIATION -CASE# RIC 10017492	5,800.00
	Vendor Total		**5,800.00**		
FYTD for ACT MEDIATION			**5,800.00**		
ADAMS, MARK L.					
	1/3/2011	881812	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ADAMS, MARK L.			**2,231.11**		
ADDICTION MEDICINE CONSULTANTS, INC.					
	1/31/2011	206080	1,375.00		
				DRUG/ALCOHOL TESTING PRGM	1,375.00
	Vendor Total		**1,375.00**		
FYTD for ADDICTION MEDICINE CONSULTANTS, INC.			**1,375.00**		
ADDUS HEALTH CARE					
	1/3/2011	205746	500.00		
				REFUND-RNTL DEP 12/13	500.00
	Vendor Total		**500.00**		
FYTD for ADDUS HEALTH CARE			**500.00**		
ADLERHORST INTERNATIONAL INC.					
	1/18/2011	881892	283.34		
				TRAINING FOR PATROL CANINES	283.34
	Vendor Total		**283.34**		
FYTD for ADLERHORST INTERNATIONAL INC.			**18,857.09**		
ADMINSURE					
	1/31/2011	206081	2,600.00		
				WRKMNS COMP ADMIN SVCS	2,600.00
	Vendor Total		**2,600.00**		
FYTD for ADMINSURE			**18,200.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
1/10/2011	881876	390.00		
			ICE MACHINE MAINT-FS #2	185.00
			ICE MACHINE MAINT-FS #2	10.00
			ICE MACHINE MAINT-FS #65	185.00
			ICE MACHINE MAINT-FS #65	10.00
1/24/2011	881933	1,238.00		
			ICE MACHINE MAINT-FS #58	1,043.00
			ICE MACHINE MAINT-PSB	195.00
	Vendor Total	**1,628.00**		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		**16,596.00**		
ADVANCED ELECTRIC				
1/31/2011	206082	496.00		
			ELECTRICAL REPAIRS-CONF & REC	124.00
			RETROFIT LAMPS @ CITY HALL	372.00
	Vendor Total	**496.00**		
FYTD for ADVANCED ELECTRIC		**7,241.60**		
ADVANTAGE BUSINESS EQUIPMENT, INC				
1/31/2011	206166	153.31		
			BLANK CHECK STOCK-A/P	153.31
	Vendor Total	**153.31**		
FYTD for ADVANTAGE BUSINESS EQUIPMENT, INC		**1,022.20**		
AEI-CASC ENGINEERING				
1/24/2011	881934	1,036.00		
			PROF CONSULTING SVCS-WQMP	1,036.00
	Vendor Total	**1,036.00**		
FYTD for AEI-CASC ENGINEERING		**10,298.04**		
AGUIRRE, LEONOR S				
1/10/2011	205803	1,650.00		
			MOVING EXPENSES-PERRIS BL PROJ	1,650.00
	Vendor Total	**1,650.00**		
FYTD for AGUIRRE, LEONOR S		**1,650.00**		
AHLERS, ROSCEAL				
1/18/2011	205844	152.00		
			INSTRUCTION SVCS-4 DAYS	152.00
	Vendor Total	**152.00**		
FYTD for AHLERS, ROSCEAL		**608.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ALBERTO'S MEXICAN FOOD					
	1/31/2011	206083	55.97		
				REFUND-BUS LIC OVRPMT	55.97
	Vendor Total		**55.97**		
FYTD for ALBERTO'S MEXICAN FOOD			**55.97**		
ALCORN FENCE COMPANY					
	1/24/2011	205939	22.34		
				REFUND-BUS.LIC OVERPYMT	22.34
	Vendor Total		**22.34**		
FYTD for ALCORN FENCE COMPANY			**22.34**		
ALESSANDRO SMOG TEST ONLY					
	1/24/2011	205940	39.00		
				REFUND-BUS.LIC OVERPYMT	39.00
	Vendor Total		**39.00**		
FYTD for ALESSANDRO SMOG TEST ONLY			**39.00**		
ALL PRO MEDICAL GROUP, INC					
	1/24/2011	205941	40.44		
				REFUND-BUS.LIC OVERPYMT	40.44
	Vendor Total		**40.44**		
FYTD for ALL PRO MEDICAL GROUP, INC			**40.44**		
ALLIANCE BUS LINES INC					
	1/10/2011	205804	257.64		
				TRANSPORTATION SVCS-CHILDS PLC	48.88
				TRANSPORTATION SVCS-CHILDS PLC	208.76
	Vendor Total		**257.64**		
FYTD for ALLIANCE BUS LINES INC			**7,109.27**		
ALLIANZ LIFE INSURANCE CO					
	1/18/2011	205845	75.00		
				NON-EXEMPT ANNUITY	75.00
	Vendor Total		**75.00**		
FYTD for ALLIANZ LIFE INSURANCE CO			**525.00**		
ALVAREZ, ESPERANZA					
	1/24/2011	205942	300.00		
				REFUND-RNTL DEP 10/23	300.00
	Vendor Total		**300.00**		
FYTD for ALVAREZ, ESPERANZA			**300.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AMAZING DISCOUNT STORE					
	1/24/2011	205943	36.00		
				REFUND-BUS.LIC OVERPYMT	36.00
	Vendor Total		**36.00**		
FYTD for AMAZING DISCOUNT STORE			**36.00**		
AMERICA VIETNAM REALTY & FINANCE					
	1/31/2011	206084	22.60		
				REFUND-BUS LIC OVRPMT	22.60
	Vendor Total		**22.60**		
FYTD for AMERICA VIETNAM REALTY & FINANCE			**22.60**		
AMERICAN FORENSIC NURSES					
	1/18/2011	881893	1,191.32		
				BLOOD DRAWS	82.16
				BLOOD DRAWS	1,109.16
	1/24/2011	881935	41.08		
				BLOOD DRAWS	41.08
	1/31/2011	881972	1,550.64		
				BLOOD DRAWS	1,550.64
	Vendor Total		**2,783.04**		
FYTD for AMERICAN FORENSIC NURSES			**17,643.42**		
AMERICAN TOWERS					
	1/10/2011	205805	2,573.48		
				LEASE AGREEMENT	2,573.48
	Vendor Total		**2,573.48**		
FYTD for AMERICAN TOWERS			**10,293.92**		
AMINO, MARCIA					
	1/24/2011	205944	169.76		
				REFUND-CANDIDATE STMNT	169.76
	Vendor Total		**169.76**		
FYTD for AMINO, MARCIA			**169.76**		
AMTECH ELEVATOR SERVICES					
	1/24/2011	205945	210.90		
				ELEVATOR SVC-SENIOR CENTER	210.90
	Vendor Total		**210.90**		
FYTD for AMTECH ELEVATOR SERVICES			**1,271.69**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ANAYA, KIM REYE					
	1/18/2011	205846	93.00		
				MILEAGE REIMBURSEMENT	93.00
	Vendor Total		**93.00**		
FYTD for ANAYA, KIM REYE			**239.90**		
ANDREWS-BAKER, SUE					
	1/24/2011	205946	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for ANDREWS-BAKER, SUE			**375.00**		
ANIMAL HEALTH AND SANITARY SUPPLY					
	1/10/2011	205806	170.37		
				CLEANING SOLUTIONS-ANML SHLTR	170.37
	Vendor Total		**170.37**		
FYTD for ANIMAL HEALTH AND SANITARY SUPPLY			**783.14**		
ANIMAL PEST MANAGEMENT SERVICES, INC.					
	1/24/2011	205947	1,790.00		
				PEST CNTRL SVC-CFD #1	160.00
				PEST CNTRL SVC-GOLF COURSE	180.00
				PEST CNTRL SVC-STARS BLDG	100.00
				PEST CNTRL SVC-CITY PARKS	665.00
				PEST CNTRL SVC-CITY PARKS	255.00
				PEST CNTRL SVC-MARCH CHILDCARE	330.00
				PEST CNTRL SVC-MARCH C/C & PAL	100.00
	Vendor Total		**1,790.00**		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.			**12,530.00**		
APPLIANCE DISCOUNTERS					
	1/3/2011	205747	27.95		
				REFUND-BUS LIC OVRPMT	27.95
	Vendor Total		**27.95**		
FYTD for APPLIANCE DISCOUNTERS			**27.95**		
ARCHIVE MANAGEMENT SERVICE					
	1/24/2011	881936	1,172.51		
				OFF SITE STORAGE-CITY CLERKS	1,172.51
	Vendor Total		**1,172.51**		
FYTD for ARCHIVE MANAGEMENT SERVICE			**9,853.37**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ARROWHEAD WATER					
	1/10/2011	205807	365.78		
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRAILER	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
				WATER PURIF RNTL-EOC	25.00
	1/24/2011	205948	0.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
	1/25/2011	206074	125.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
	1/31/2011	206085	365.78		
				WATER PURIF RNTL-STARS BLDG	25.00
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRFFC TRLR	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
	Vendor Total		**856.56**		
FYTD for ARROWHEAD WATER			**4,187.06**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AT&T MOBILITY					
	1/18/2011	205847	91.87		
				CELL PHONE CHRGS-PD COMND CTR	91.87
	1/31/2011	206086	91.98		
				CELL PHONE SVC-PD MBL CTR	91.98
	Vendor Total		**183.85**		
FYTD for AT&T MOBILITY			**734.78**		
AT&T/MCI					
	1/18/2011	205848	183.36		
				COMMUNICATIONS SVCS-PD	183.36
	Vendor Total		**183.36**		
FYTD for AT&T/MCI			**1,284.66**		
AUDREY PATRICK REPORTING SERVICES					
	1/31/2011	206087	1,065.00		
				LEGAL TRANSCRIPTION SVCS	1,065.00
	Vendor Total		**1,065.00**		
FYTD for AUDREY PATRICK REPORTING SERVICES			**4,891.16**		
AUTOMATED GATE SERVICES, INC					
	1/10/2011	205808	41.34		
				REFUND-BUS LIC OVRPMT	41.34
	Vendor Total		**41.34**		
FYTD for AUTOMATED GATE SERVICES, INC			**41.34**		
AVILA, BRENDA					
	1/24/2011	205949	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for AVILA, BRENDA			**20.00**		
AWAD, SAAD					
	1/24/2011	205950	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for AWAD, SAAD			**50.00**		
AYARS, MARGARET E.					
	1/3/2011	881813	956.19		
				OCT - DEC '10, PAID Jan '11	956.19
	Vendor Total		**956.19**		
FYTD for AYARS, MARGARET E.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BACHER, GRACE					
	1/3/2011	205748	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BACHER, GRACE			**2,152.33**		
BANFORD, SHERI					
	1/31/2011	206088	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for BANFORD, SHERI			**50.00**		
BARNES, DARLENE					
	1/3/2011	881814	114.50		
				DEC '10, PAID JAN '11	114.50
	Vendor Total		**114.50**		
FYTD for BARNES, DARLENE			**916.00**		
BASHIR, MUHAMMAD					
	1/18/2011	205849	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for BASHIR, MUHAMMAD			**200.00**		
BAYER APPRAISALS					
	1/24/2011	205951	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for BAYER APPRAISALS			**1,500.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEMUS LANDSCAPE, INC.					
	1/18/2011	881894	16,037.60		
				LANDSCAPE MAINT-ZONE E-4	19.00
				LANDSCAPE MAINT-ZONE E-4/E-4A	15,650.96
				LANDSCAPE MAINT-ZONE E-4/E-4A	367.64
	1/24/2011	881937	13,255.58		
				LANDSCAPE MAINT-CORP. YARD	250.00
				LANDSCAPE MAINT-ANIMAL SHELTER	520.00
				LANDSCAPE MAINT-C & R	1,900.00
				LANDSCAPE MAINT-STARS BLDG	300.00
				LANDSCAPE MAINT-PSB	1,197.58
				LANDSCAPE MAINT-UTILITIES	480.00
				LANDSCAPE MAINT-ELECTRIC SUBST	630.00
				LANDSCAPE MAINT-PUBLIC LIBRARY	520.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-CFD #1	1,900.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-PARKS	735.00
				LANDSCAPE MAINT-PARKS	262.50
				LANDSCAPE MAINT-PARKS	525.00
				LANDSCAPE MAINT-PARKS	850.50
				LANDSCAPE MAINT-PARKS	1,785.00
				LANDSCAPE MAINT-PARKS	600.00
	Vendor Total		**29,293.18**		
FYTD for BEMUS LANDSCAPE, INC.			**334,630.49**		
BENESYST, INC.					
	1/24/2011	205952	1,020.22		
				FLEX ADMIN SVCS-HR	220.61
				FLEX ADMIN SVCS-HR	309.61
				COBRA ADMIN SVCS-HR	245.00
				COBRA ADMIN SVCS-HR	245.00
	Vendor Total		**1,020.22**		
FYTD for BENESYST, INC.			**4,479.68**		
BIO-TOX LABORATORIES					
	1/18/2011	205850	34.23		
				TOXICOLOGY TESTS	34.23
	Vendor Total		**34.23**		
FYTD for BIO-TOX LABORATORIES			**36,839.23**		
BOBO II, FELIX					
	1/18/2011	205851	77.00		
				MILEAGE REIMBURSEMENT	77.00
	Vendor Total		**77.00**		
FYTD for BOBO II, FELIX			**815.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BORNSHEUER, BRENDA					
	1/24/2011	205953	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for BORNSHEUER, BRENDA			**20.00**		
BPC MEDIA WORKS, LLC					
	1/31/2011	206089	1,530.00		
				ADVERTISING SVCS-EDD	1,530.00
	Vendor Total		**1,530.00**		
FYTD for BPC MEDIA WORKS, LLC			**1,530.00**		
BPS TACTICAL, INC					
	1/10/2011	205809	277.31		
				BALLISTIC VEST-PD	277.31
	Vendor Total		**277.31**		
FYTD for BPS TACTICAL, INC			**940.20**		
BRANDON'S DINER, INC.					
	1/3/2011	205749	750.00		
				REFUND-RNTL DEP 12/16	750.00
	Vendor Total		**750.00**		
FYTD for BRANDON'S DINER, INC.			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BRODART CO.					
	1/24/2011	881938	2,766.75		
				MISC BOOKS-LIBRARY	24.37
				MISC BOOKS-LIBRARY	31.60
				MISC BOOKS-LIBRARY	21.36
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	64.13
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	109.69
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	24.41
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	59.34
				MISC BOOKS-LIBRARY	59.14
				MISC BOOKS-LIBRARY	33.06
				MISC BOOKS-LIBRARY	313.88
				MISC BOOKS-LIBRARY	63.70
				MISC BOOKS-LIBRARY	27.40
				MISC BOOKS-LIBRARY	18.36
				MISC BOOKS-LIBRARY	245.71
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	295.27
				MISC BOOKS-LIBRARY	39.56
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.99
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	29.41
				MISC BOOKS-LIBRARY	43.14
				MISC BOOKS-LIBRARY	608.12
				MISC BOOKS-LIBRARY	23.17
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.98
				MISC BOOKS-LIBRARY	180.92
				MISC BOOKS-LIBRARY	43.23
	1/31/2011	881974	43.17		
				MISC BOOKS-LIBRARY	43.17
	Vendor Total		**2,809.92**		
FYTD for BRODART CO.			**24,625.26**		
BUCKINGHAM, STAN					
	1/3/2011	205750	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BUCKINGHAM, STAN			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BUSH, DUNCAN					
	1/31/2011	206090	3.01		
				REFUND-UT USER TAXES	3.01
	Vendor Total		**3.01**		
FYTD for BUSH, DUNCAN			**3.01**		
BWI - BOOK WHOLESALERS, INC.					
	1/24/2011	205955	72.12		
				MISC BOOKS-LIBRARY	72.12
	1/31/2011	206091	658.38		
				MISC BOOKS-LIBRARY	658.38
	Vendor Total		**730.50**		
FYTD for BWI - BOOK WHOLESALERS, INC.			**14,612.53**		
CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM					
	1/31/2011	206092	400.00		
				VALUATION SVCS-EMPLYR CONT RAT	400.00
	Vendor Total		**400.00**		
FYTD for CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM			**400.00**		
CAIN, GREGORY					
	1/3/2011	881815	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CAIN, GREGORY			**2,231.11**		
CALIFORNIA BUILDING STANDARDS COMMISSION					
	1/18/2011	205852	487.80		
				SB 1473 FEES COLLECTED	487.80
	Vendor Total		**487.80**		
FYTD for CALIFORNIA BUILDING STANDARDS COMMISSION			**1,333.80**		
CALIFORNIA MOBILE HOMES SVCS, INC					
	1/31/2011	206093	40.00		
				REFUND-BUS LIC OVRPMT	40.00
	Vendor Total		**40.00**		
FYTD for CALIFORNIA MOBILE HOMES SVCS, INC			**40.00**		
CALIFORNIA TRANSCRIPTION, LLC					
	1/31/2011	881975	85.29		
				TRANSCRIPTION SVCS	85.29
	Vendor Total		**85.29**		
FYTD for CALIFORNIA TRANSCRIPTION, LLC			**379.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CALPERS					
	1/24/2011	205956	21,621.60		
				4TH LEVEL SURVIVOR BNFT	21,621.60
	Vendor Total		**21,621.60**		
FYTD for CALPERS			**1,585,621.60**		
CANNON, ANA M.					
	1/3/2011	881816	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CANNON, ANA M.			**2,056.56**		
CANON FINANCIAL SERVICES, INC.					
	1/10/2011	205811	7,590.68		
				COPIERS-LEASE	7,059.29
				COPIERS-LEASE SALES TAX	531.39
	Vendor Total		**7,590.68**		
FYTD for CANON FINANCIAL SERVICES, INC.			**53,134.76**		
CARTER, ROSALYN					
	1/3/2011	881817	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CARTER, ROSALYN			**2,325.18**		
CASCADE DRILLING, LP					
	1/24/2011	205957	32.85		
				REFUND-BUS.LIC OVERPYMT	32.85
	Vendor Total		**32.85**		
FYTD for CASCADE DRILLING, LP			**32.85**		
CASTRO, VERNITA					
	1/18/2011	205853	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for CASTRO, VERNITA			**200.00**		
CAVENAUGH & ASSOCIATES					
	1/18/2011	881895	499.00		
				D.U.I. SEMINAR MAR 14-18, 2011	499.00
	Vendor Total		**499.00**		
FYTD for CAVENAUGH & ASSOCIATES			**499.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CEMEX					
	1/10/2011	205812	468.12		
				CEMENT PURCHASE	468.12
	Vendor Total		**468.12**		
FYTD for CEMEX			**5,006.90**		
CENTRAL OCCUPATIONAL MEDICINE PROVIDERS					
	1/31/2011	206094	210.00		
				PRE-EMPLOYMENT PHYSICALS	210.00
	Vendor Total		**210.00**		
FYTD for CENTRAL OCCUPATIONAL MEDICINE PROVIDERS			**7,684.00**		
CENTURY 21/ LOIS LAUER, INC					
	1/24/2011	205958	91.30		
				REFUND-BUS.LIC OVERPYMT	91.30
	Vendor Total		**91.30**		
FYTD for CENTURY 21/ LOIS LAUER, INC			**91.30**		
CHANCY, CHIZURU					
	1/31/2011	206095	140.40		
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
	Vendor Total		**140.40**		
FYTD for CHANCY, CHIZURU			**936.00**		
CHANDLER ASSET MANAGEMENT, INC					
	1/18/2011	881896	8,834.00		
				INVESTMENT MGMT.	8,834.00
	Vendor Total		**8,834.00**		
FYTD for CHANDLER ASSET MANAGEMENT, INC			**61,659.00**		
CHAPMAN, STEVE					
	1/3/2011	205751	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPMAN, STEVE			**2,231.11**		
CHAPPELL, ISAAC					
	1/3/2011	881818	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPPELL, ISAAC			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHERRY VALLEY FEED					
	1/18/2011	205854	140.26		
				DOG FOOD & MISC.	140.26
	Vendor Total		**140.26**		
FYTD for CHERRY VALLEY FEED			**776.30**		
CHICO, DANIEL					
	1/18/2011	205855	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for CHICO, DANIEL			**885.00**		
CHRISTIAN, OWEN					
	1/3/2011	881819	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for CHRISTIAN, OWEN			**1,397.06**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CINTAS CORPORATION					
	1/3/2011	205752	69.56		
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-CFD#1	13.74
				UNIFORM RNTL SVC-GOLF COURSE	5.63
	1/10/2011	205813	212.33		
				UNIFORM RNTL SVC-EQUIP MAINT	48.62
				UNIFORM RNTL SVC-EQUIP MAINT	25.62
				UNIFORM RNTL SVC-TRFFC SGNL MA	20.79
				UNIFORM RNTL SVC-SIGNING STAFF	15.82
				UNIFORM RNTL SVC-GRAFFITI RMVL	9.18
				UNIFORM RNTL SVC-TREE MAINT CR	9.18
				UNIFORM RNTL SVC-ST SWEEPER OP	6.12
				UNIFORM RNTL SVC-DRAIN MAINT	3.06
				UNIFORM RNTL SVC-STREET MAINT	48.06
				UNIFORM RNTL SVC-CONC MAINT	9.18
				UNIFORM RNTL SVC-FAC MAINT	16.70
	1/18/2011	205856	118.94		
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-CFD #1	13.74
				UNIFORM RNTL SVC-CFD #1	13.74
				UNIFORM RNTL SVC-GOLF COURSE	5.63
	1/24/2011	205959	269.96		
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-GOLF STAFF	5.63
				UNIFORM RNTL SVC-GOLF STAFF	5.63
				UNIFORM RNTL SVC-TRAFFICSIGNAL	12.79
				UNIFORM RNTL SVC-SIGNS/STRIPS	15.82
				UNIFORM RNTL SVC-CFD #1 STAFF	13.74
	1/31/2011	206096	114.87		
				UNIFORM RNTL SVC-PARKS STAFF	50.19
				UNIFORM RNTL SVC-TRFFC SGNL MA	12.79
				UNIFORM RNTL SVC-SIGNING STAFF	15.82
				UNIFORM RNTL SVC-CFD#1 STAFF	13.74
				UNIFORM RNTL SVC-FAC MAINT	16.70
				UNIFORM RNTL SVC-GOLF STAFF	5.63

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
	Vendor Total	785.66		
FYTD for CINTAS CORPORATION		6,737.78		
CIOTTI, MARTIN AND/OR FLORENCE				
1/24/2011	205960	20.00		
			REFUND-RABIES DEPOSIT	20.00
	Vendor Total	20.00		
FYTD for CIOTTI, MARTIN AND/OR FLORENCE		20.00		
CITY OF MORENO VALLEY VEBA TRUST				
1/18/2011	881897	4,125.00		
			EXEMPT VEBA	4,125.00
	Vendor Total	4,125.00		
FYTD for CITY OF MORENO VALLEY VEBA TRUST		28,687.50		
CITY OF RIVERSIDE				
1/6/2011	205798	80.00		
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
1/24/2011	205961	80.00		
			ATTND-M DAWSON/R TEICHERT	40.00
			ATTND-M DAWSON/R TEICHERT	40.00
	Vendor Total	160.00		
FYTD for CITY OF RIVERSIDE		3,083.37		
CLEAN AIR SMOG				
1/24/2011	205962	42.50		
			REFUND-BUS.LIC OVERPYMT	42.50
	Vendor Total	42.50		
FYTD for CLEAN AIR SMOG		42.50		
CLOVER ENTERPRISES, INC				
1/3/2011	205753	42.90		
			REFUND-BUS LIC OVRPMT	42.90
	Vendor Total	42.90		
FYTD for CLOVER ENTERPRISES, INC		42.90		
CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC				
1/18/2011	205857	50.00		
			ANNUAL MEMBERSHIP 1/1-12/31/11	50.00
	Vendor Total	50.00		
FYTD for CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC		50.00		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CNOA REGION IV					
	1/31/2011	206097	280.00		
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
	Vendor Total		**280.00**		
FYTD for CNOA REGION IV			**280.00**		
CNOA REGION V					
	1/24/2011	205963	405.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
	1/31/2011	206098	45.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
	Vendor Total		**450.00**		
FYTD for CNOA REGION V			**450.00**		
CO, MARCELO					
	1/24/2011	205964	106.23		
				REFUND-CANDIDATE STMNT	106.23
	Vendor Total		**106.23**		
FYTD for CO, MARCELO			**106.23**		
COLONIAL SUPPLEMENTAL INSURANCE					
	1/24/2011	205965	6,605.89		
				SUPPLEMENTAL INSURANCE	6,605.89
	1/31/2011	206099	7,166.44		
				SUPPLEMENTAL INSURANCE	7,166.44
	Vendor Total		**13,772.33**		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE			**56,444.03**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COMMUNITY HEALTH CHARITIES					
	1/3/2011	205754	126.47		
				CHC CONTRIBUTIONS	126.47
	1/18/2011	205858	186.31		
				CHC CONTRIBUTIONS	186.31
	1/31/2011	206100	186.31		
				CHC CONTRIBUTIONS	186.31
	Vendor Total		**499.09**		
FYTD for COMMUNITY HEALTH CHARITIES			**2,443.20**		
CONTINUING EDUCATION OF THE BAR					
	1/18/2011	205859	117.72		
				LEGAL PUBLICATION SUBSCPTNS	117.72
	Vendor Total		**117.72**		
FYTD for CONTINUING EDUCATION OF THE BAR			**795.57**		
CONTRERAS, ROBERT					
	1/24/2011	205966	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for CONTRERAS, ROBERT			**20.00**		
CORPIN, RUBY					
	1/24/2011	205967	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for CORPIN, RUBY			**75.00**		
COSTCO					
	1/3/2011	205755	2,326.44		
				MISC SUPPLIES-STARS	281.45
				MISC SUPPLIES-STARS	356.24
				MISC SUPPLIES-STARS	306.69
				MISC SUPPLIES-CHILDS PLACE	1,382.06
	1/24/2011	205968	292.98		
				MISC SUPPLIES-STARS PROGRAM	138.60
				MISC SUPPLIES-STARS PROGRAM	30.06
				MISC SUPPLIES-ECON.DEV.	21.09
				MISC SUPPLIES-STARS PROGRAM	103.23
	1/31/2011	206101	399.34		
				MISC SUPPLIES-SKATE PARK	193.42
				MISC SUPPLIES-STARS	205.92
	Vendor Total		**3,018.76**		
FYTD for COSTCO			**33,059.90**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COUNSELING TEAM, THE					
	1/31/2011	206102	1,250.00		
				EMP COUNSELING SVCS	1,250.00
	Vendor Total		**1,250.00**		
FYTD for COUNSELING TEAM, THE			**10,000.00**		
COUNTY OF RIVERSIDE - RMAP					
	1/10/2011	205814	42.70		
				RECORDATION REQUESTS-LAND DEV	42.70
	Vendor Total		**42.70**		
FYTD for COUNTY OF RIVERSIDE - RMAP			**297.45**		
COUNTY OF RIVERSIDE AUDITOR					
	1/18/2011	205860	18,232.67		
				PARKING CONTROL FEES-CODE	16,334.67
				PARKING CONTROL FEES-CODE	1,898.00
	Vendor Total		**18,232.67**		
FYTD for COUNTY OF RIVERSIDE AUDITOR			**175,501.03**		
COVENTRY PET RESORT					
	1/24/2011	881939	110.31		
				MISC K-9 FOOD-PD	101.43
				MISC K-9 FOOD-PD	8.88
	Vendor Total		**110.31**		
FYTD for COVENTRY PET RESORT			**659.50**		
CREATIVE SOLUTIONS FOR KIDS & FAMILIES					
	1/3/2011	205756	650.00		
				REFUND-RNTL DEP 12/19	650.00
	Vendor Total		**650.00**		
FYTD for CREATIVE SOLUTIONS FOR KIDS & FAMILIES			**650.00**		
CRITICAL REACH					
	1/24/2011	205969	265.00		
				2011 TRAK SUPPORT FEES	265.00
	Vendor Total		**265.00**		
FYTD for CRITICAL REACH			**265.00**		
CROSS, GWENDOLYN					
	1/24/2011	205970	110.13		
				REFUND-CANDIDATE STMNT	110.13
	Vendor Total		**110.13**		
FYTD for CROSS, GWENDOLYN			**110.13**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CROSSAN, RICK					
	1/31/2011	206103	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CROSSAN, RICK			**75.00**		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH					
	1/31/2011	206104	578.00		
				HEALTH PERMIT RNWL-SNNYMD PARK	578.00
	Vendor Total		**578.00**		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH			**11,905.36**		
CURRIER SANCHEZ CHIROPRACTIC					
	1/24/2011	205971	69.00		
				REFUND-BUS.LIC OVERPYMT	69.00
	Vendor Total		**69.00**		
FYTD for CURRIER SANCHEZ CHIROPRACTIC			**69.00**		
DACOLIAS, RAYMOND					
	1/18/2011	205861	266.00		
				INSTRUCTION SVCS-7 DAYS	266.00
	Vendor Total		**266.00**		
FYTD for DACOLIAS, RAYMOND			**684.00**		
DALE, KATHLEEN					
	1/3/2011	881820	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for DALE, KATHLEEN			**2,212.27**		
DATA TICKET, INC.					
	1/10/2011	881877	690.00		
				CITATION PRCSSNG-BLDG/SFTY	69.50
				CITATION PRCSSNG-ANML SVCS	620.50
	1/18/2011	881898	15,614.64		
				ADMIN CITATION PROCESSING	4,754.35
				CODE CITATION PROCESSING	10,860.29
	1/24/2011	881940	1,183.30		
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-CODE	973.30
	Vendor Total		**17,487.94**		
FYTD for DATA TICKET, INC.			**143,504.29**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DATAQUICK CORPORATE HEADQUARTERS					
	1/24/2011	205972	130.50		
				ONLINE SUBSCRIPTION-PD	130.50
	Vendor Total		**130.50**		
FYTD for DATAQUICK CORPORATE HEADQUARTERS			**913.50**		
DAVID TRUNG DUC NGUYEN, MD					
	1/31/2011	206105	75.00		
				REFUND-BUS LIC OVRPMT	75.00
	Vendor Total		**75.00**		
FYTD for DAVID TRUNG DUC NGUYEN, MD			**75.00**		
DEFINITIVE FINANCIAL SOLUTIONS, LLC					
	1/10/2011	205815	4,875.00		
				CONSULTING SERVICES	4,875.00
	Vendor Total		**4,875.00**		
FYTD for DEFINITIVE FINANCIAL SOLUTIONS, LLC			**4,875.00**		
DEL REY APPRAISAL SRVCS					
	1/24/2011	205973	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for DEL REY APPRAISAL SRVCS			**1,750.00**		
DELTA DENTAL					
	1/24/2011	205974	11,518.03		
				EMPLOYEE DENTAL INSURANCE	11,518.03
	Vendor Total		**11,518.03**		
FYTD for DELTA DENTAL			**79,369.50**		
DELTACARE USA					
	1/24/2011	205975	6,166.01		
				EMPLOYEE DENTAL INSURANCE	6,166.01
	Vendor Total		**6,166.01**		
FYTD for DELTACARE USA			**44,167.60**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DENNIS GRUBB & ASSOCIATES, LLC					
	1/10/2011	881878	455.00		
				PLAN REVIEW SVCS-FIRE PREV	455.00
	1/18/2011	881899	5,430.00		
				PLAN REVIEW SERVICES	2,300.00
				PLAN REVIEW SERVICES	3,130.00
	1/31/2011	881976	930.00		
				PLAN REVIEW SERVICES-FIRE PREV	930.00
	Vendor Total		**6,815.00**		
FYTD for DENNIS GRUBB & ASSOCIATES, LLC			**53,295.00**		
DEPARTMENT OF CONSERVATION					
	1/13/2011	205839	991.51		
				SMI FEES LESS 5% RETAINAGE	1,043.69
				SMI FEES LESS 5% RETAINAGE	-52.18
	Vendor Total		**991.51**		
FYTD for DEPARTMENT OF CONSERVATION			**2,409.37**		
DESIGN WORKS					
	1/18/2011	205862	58.50		
				YOUTH SPORTS UNIFORMS	58.50
	Vendor Total		**58.50**		
FYTD for DESIGN WORKS			**9,450.60**		
DLS LANDSCAPE, INC					
	1/24/2011	205976	12,390.00		
				LANDSCAPE MAINT-CFD #1	2,160.00
				LANDSCAPE MAINT-ZONE A	10,230.00
	Vendor Total		**12,390.00**		
FYTD for DLS LANDSCAPE, INC			**86,730.00**		
DORY, ALLEEN F.					
	1/3/2011	205757	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for DORY, ALLEEN F.			**1,397.06**		
DUNN, LAURA ISABEL GARCIA					
	1/18/2011	881900	152.00		
				INSTRUCTIONAL SERVICES	152.00
	Vendor Total		**152.00**		
FYTD for DUNN, LAURA ISABEL GARCIA			**380.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
E.G. BRENNAN & CO, LLC					
	1/10/2011	881879	203.91		
				FOLDING MACHINE PART-FASD	187.50
				FOLDING MACHINE PART-TAX	16.41
	Vendor Total		**203.91**		
FYTD for E.G. BRENNAN & CO, LLC			**203.91**		
E.R. BLOCK PLUMBING & HEATING, INC.					
	1/18/2011	205863	140.00		
				BACKFLOW TESTING IN ZONE D	140.00
	1/31/2011	206106	180.00		
				BACKFLOW TESTING-E3	80.00
				BACKFLOW TESTING-ZONE M	100.00
	Vendor Total		**320.00**		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.			**13,897.06**		
E5, INC.					
	1/31/2011	206107	4,655.00		
				AB32 VERIFICATION SVCS-UTILITY	4,655.00
	Vendor Total		**4,655.00**		
FYTD for E5, INC.			**4,655.00**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
1/3/2011	205758	5,436.35		
			WATER CHARGES	207.74
			WATER CHARGES	1,565.50
			WATER CHARGES	556.49
			WATER CHARGES	41.27
			WATER CHARGES	2,413.99
			WATER CHARGES	275.56
			WATER CHARGES	112.33
			WATER CHARGES	137.47
			WATER CHARGES	63.00
			WATER CHARGES	63.00
1/10/2011	205816	9,216.64		
			WATER CHARGES	82.19
			WATER CHARGES	89.66
			WATER CHARGES	90.63
			WATER CHARGES	125.73
			WATER CHARGES	336.24
			WATER CHARGES	2,641.63
			WATER CHARGES	61.29
			WATER CHARGES	2,275.89
			WATER CHARGES	140.58
			WATER CHARGES	904.26
			WATER CHARGES	1,716.30
			WATER CHARGES	23.16
			WATER CHARGES	195.00
			WATER CHARGES	104.93
			WATER CHARGES	347.46
			WATER CHARGES	81.69
1/18/2011	205864	15,196.99		
			WATER CHARGES	807.88
			WATER CHARGES	194.25
			WATER CHARGES	699.83
			WATER CHARGES	735.43
			WATER CHARGES	36.00
			WATER CHARGES	600.12
			WATER CHARGES	1,037.62
			WATER CHARGES	90.61
			WATER CHARGES	2,911.27
			WATER CHARGES	291.12
			WATER CHARGES	1,365.36
			WATER CHARGES	406.29
			WATER CHARGES	964.12
			WATER CHARGES	1,311.40
			WATER CHARGES	870.38
			WATER CHARGES	708.34
			WATER CHARGES	30.92
			WATER CHARGES	538.98
			WATER CHARGES	424.93
			WATER CHARGES	268.17
			WATER CHARGES	106.19
			WATER CHARGES	202.60
			WATER CHARGES	123.32
			WATER CHARGES	4.03

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WATER CHARGES	356.23
			WATER CHARGES	111.60
1/24/2011	205977	6,438.78		
			WATER CHARGES	115.44
			WATER CHARGES	963.58
			WATER CHARGES	560.84
			WATER CHARGES	142.33
			WATER CHARGES	534.12
			WATER CHARGES	2,163.24
			WATER CHARGES	72.02
			WATER CHARGES	56.54
			WATER CHARGES	257.86
			WATER CHARGES	149.51
			WATER CHARGES	233.82
			WATER CHARGES	170.92
			WATER CHARGES	296.47
			WATER CHARGES	625.89
			WATER CHARGES	96.20
1/31/2011	206108	7,201.44		
			WATER CHARGES	269.28
			WATER CHARGES	111.87
			WATER CHARGES	253.18
			WATER CHARGES	53.43
			WATER CHARGES	161.75
			WATER CHARGES	218.23
			WATER CHARGES	1,098.92
			WATER CHARGES	227.43
			WATER CHARGES	89.91
			WATER CHARGES	2,402.13
			WATER CHARGES	636.83
			WATER CHARGES	986.29
			WATER CHARGES	15.56
			WATER CHARGES	90.23
			WATER CHARGES	20.97
			WATER CHARGES	229.05
			WATER CHARGES	42.64
			WATER CHARGES	149.74
			WATER CHARGES	72.00
			WATER CHARGES	72.00
Vendor Total		**43,490.20**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		**1,020,288.47**		

EDGELANE MOBILE PARK

1/24/2011	881941	12.47		
			REFUND UTILITY USER TAXES	12.47
Vendor Total		**12.47**		
FYTD for EDGELANE MOBILE PARK		**75.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EGGERSTEN, ANNE					
	1/3/2011	205759	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for EGGERSTEN, ANNE			**2,159.26**		
EL RANCHO MEXICAN RESTAURANT					
	1/31/2011	206109	71.00		
				REFUND-BUS LIC OVRPMT	71.00
	Vendor Total		**71.00**		
FYTD for EL RANCHO MEXICAN RESTAURANT			**71.00**		
EMPIRE ECONOMICS, INC.					
	1/24/2011	205978	18,250.00		
				MARKET ABSORPTION STUDY-CFD 4	18,250.00
	Vendor Total		**18,250.00**		
FYTD for EMPIRE ECONOMICS, INC.			**18,250.00**		
EMPLOYMENT DEVELOPMENT DEPARTMENT					
	1/4/2011	2781	500.00		
				DEP STATE INC TAX W/H 1/4/11	500.00
	Vendor Total		**500.00**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT			**656,332.61**		
ENCO UTILITY SERVICES MORENO VALLEY LLC					
	1/18/2011	881901	18,085.92		
				WORK AUTHORIZATION 40-203 EPC	5,750.00
				HIGHLAND FAIRVIEW - PM 35629	5,680.22
				WORK AUTHORIZATION # 40-239B	6,655.70
	1/31/2011	881977	19,744.18		
				12KV NEW REDLAND CKT WORK	7,444.99
				PROF SVCS-WASTE MGT FACILITY	5,019.90
				PROF SVCS-HIGHLAND FAIRVIEW	892.65
				PROF SVCS-HIGHLAND FAIRVIEW	6,337.85
				PROF SVCS-DIST SUBSTATION PLAN	48.79
	Vendor Total		**37,830.10**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC			**1,372,719.94**		
ESCROW ONE - MORENO VALLEY					
	1/24/2011	205979	20.02		
				REFUND-BUS.LIC OVERPYMT	20.02
	Vendor Total		**20.02**		
FYTD for ESCROW ONE - MORENO VALLEY			**20.02**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ESPINOZA, JOE A					
	1/18/2011	205865	228.00		
				INSTRUCTIONAL SERVICES	228.00
	Vendor Total		**228.00**		
FYTD for ESPINOZA, JOE A			**1,216.00**		
EVANS ENGRAVING & AWARDS					
	1/18/2011	881902	13.05		
				2" X 9" WOODGRAIN NAME PLATE	13.05
	1/24/2011	881943	21.75		
				ENGRAVING SVCS-PARKS	21.75
	Vendor Total		**34.80**		
FYTD for EVANS ENGRAVING & AWARDS			**701.36**		
EXCEL LANDSCAPE, INC					
	1/18/2011	205866	9,328.43		
				LANDSCAPE MAINTENANCE	1,070.36
				LANDSCAPE MAINTENANCE	1,501.98
				LANDSCAPE MAINTENANCE	2,777.17
				LANDSCAPE MAINTENANCE	3,978.92
	1/24/2011	205980	3,461.07		
				LANDSCAPE MAINT-E14	3,461.07
	1/31/2011	206110	5,632.34		
				LANDSCAPE MAINT-E15	1,070.36
				LANDSCAPE MAINT-E8	1,501.98
				LANDSCAPE MAINT-E8	3,060.00
	Vendor Total		**18,421.84**		
FYTD for EXCEL LANDSCAPE, INC			**98,540.15**		
FAMILY FISH MARKET					
	1/24/2011	205981	74.07		
				REFUND-BUS.LIC OVERPYMT	74.07
	Vendor Total		**74.07**		
FYTD for FAMILY FISH MARKET			**74.07**		
FEEKEN, KARL					
	1/24/2011	205982	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for FEEKEN, KARL			**20.00**		
FEENSTRA, JOHN					
	1/3/2011	881821	361.25		
				RETIREE MED JAN '11	361.25
	Vendor Total		**361.25**		
FYTD for FEENSTRA, JOHN			**2,528.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FENCING BY ACREY, INC					
	1/24/2011	205983	31.50		
				REFUND-BUS.LIC OVERPYMT	31.50
	Vendor Total		**31.50**		
FYTD for FENCING BY ACREY, INC			**31.50**		
FIBER CARE BATHS, INC					
	1/24/2011	205984	30.34		
				REFUND-BUS.LIC OVERPYMT	30.34
	Vendor Total		**30.34**		
FYTD for FIBER CARE BATHS, INC			**30.34**		
FINESSE PERSONNEL ASSOCIATES					
	1/31/2011	881978	7,188.75		
				TEMP SVCS-A FEAL W/E 12/4-11	1,471.24
				TEMP SVCS-A FEAL W/E 12/4-11	958.76
				TEMP SVCS-A FEAL W/E 12/18	1,181.25
				TEMP SVCS-A FEAL W/E 12/25	1,215.00
				TEMP SVCS-A FEAL W/E 1/08	1,147.50
				TEMP SVCS-A FEAL W/E 1/15	1,215.00
	Vendor Total		**7,188.75**		
FYTD for FINESSE PERSONNEL ASSOCIATES			**39,073.54**		
FIRST CHOICE SERVICES					
	1/24/2011	881944	503.31		
				COFFEE SVCS-EMP PAID	28.38
				COFFEE SVCS-EMP PAID	66.72
				COFFEE SVCS-EMP PAID	140.06
				COFFEE SVCS-EMP PAID	48.38
				COFFEE SVCS-EMP PAID	115.02
				COFFEE SVCS-EMP PAID	81.98
				COFFEE SVCS-EMP PAID	22.77
	Vendor Total		**503.31**		
FYTD for FIRST CHOICE SERVICES			**4,418.08**		
FITNESS 19 CA 155 11C					
	1/31/2011	206111	269.00		
				GYM MEMBERSHIP DEDUCTIONS	269.00
	Vendor Total		**269.00**		
FYTD for FITNESS 19 CA 155 11C			**1,799.00**		
FLICKINGER, BONNIE					
	1/24/2011	205985	109.53		
				REFUND-CANDIDATE STMNT	109.53
	Vendor Total		**109.53**		
FYTD for FLICKINGER, BONNIE			**330.83**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FLORES, YVETTE					
	1/24/2011	205986	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for FLORES, YVETTE			**75.00**		
FOLEY & LARDNER					
	1/18/2011	205867	1,844.40		
				LEGAL SERVICES	1,473.60
				LEGAL SERVICES	370.80
	Vendor Total		**1,844.40**		
FYTD for FOLEY & LARDNER			**8,951.15**		
FOSTER, NANCY A.					
	1/3/2011	881822	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for FOSTER, NANCY A.			**2,212.27**		
FRANKLIN, L. C.					
	1/31/2011	206112	136.50		
				MILEAGE REIMBURSEMENT	136.50
	Vendor Total		**136.50**		
FYTD for FRANKLIN, L. C.			**879.00**		
FRAZEE INDUSTRIES, INC					
	1/10/2011	205817	4,317.60		
				TRAFFIC PAINT	4,317.60
	Vendor Total		**4,317.60**		
FYTD for FRAZEE INDUSTRIES, INC			**111,317.60**		
FROST, JOAN CHENG					
	1/18/2011	205868	152.00		
				INSTRUCTIONAL SERVICES	152.00
	Vendor Total		**152.00**		
FYTD for FROST, JOAN CHENG			**912.00**		
FUEL AND FLAME MINISTRY					
	1/31/2011	206113	750.00		
				REFUND-RNTL DEP 12/26	750.00
	Vendor Total		**750.00**		
FYTD for FUEL AND FLAME MINISTRY			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FULL THROTTLE MUFFLER					
	1/24/2011	205987	20.69		
				REFUND-BUS.LIC OVERPYMT	20.69
	Vendor Total		**20.69**		
FYTD for FULL THROTTLE MUFFLER			**20.69**		
G/M BUSINESS INTERIORS, INC.					
	1/18/2011	205869	4,718.61		
				MOVING OF OFFICE STATIONS	4,718.61
	1/31/2011	206114	732.92		
				KEYBOARD TRAYS FOR NEW EOC	732.92
	Vendor Total		**5,451.53**		
FYTD for G/M BUSINESS INTERIORS, INC.			**6,210.02**		
GAINES, MICHAEL					
	1/10/2011	205818	19.00		
				REFUND-VALLEY KIDS CAMP	19.00
	Vendor Total		**19.00**		
FYTD for GAINES, MICHAEL			**19.00**		
GALLS INC., INLAND UNIFORM					
	1/24/2011	205988	137.96		
				UNIFORM-PD	65.69
				UNIFORM-PD	72.27
	1/31/2011	206115	142.10		
				UNIFORM-PD	142.10
	Vendor Total		**280.06**		
FYTD for GALLS INC., INLAND UNIFORM			**4,145.17**		
GARCIA, CYNTHIA					
	1/10/2011	205819	64.00		
				REFUND-SHELTER FEE	64.00
	Vendor Total		**64.00**		
FYTD for GARCIA, CYNTHIA			**64.00**		
GARCIA, EDER					
	1/24/2011	205989	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GARCIA, EDER			**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GASTON, RICHARD					
	1/3/2011	881823	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GASTON, RICHARD			**2,231.11**		
GENERAL SECURITY SERVICES, INC.					
	1/10/2011	881880	429.52		
				SECURITY SVCS-SENIOR CTR	214.76
				SECURITY SVCS-CONF & REC CTR	214.76
	1/18/2011	881903	460.20		
				SECURITY SVCS-SENIOR CTR	92.04
				SECURITY SVCS 12/12-SENIOR CTR	61.36
				SECURITY SVCS-CONF & REC CTR	306.80
	1/24/2011	881945	490.88		
				SECURITY SVCS-UTILITY	61.36
				SECURITY SVCS-CONF & REC CTR	92.04
				SECURITY SVCS-TOWNGATE	122.72
				SECURITY SVCS-TOWNGATE	138.06
				SECURITY SVCS-TOWNGATE	76.70
	1/31/2011	881979	6,201.22		
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-LIBRARY	456.37
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	291.46
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-UTILITY	214.76
				SECURITY SVCS-CONF & REC CTR	260.78
				SECURITY SVCS-CONF & REC CTR	76.70
				SECURITY SVCS-CONF & REC CTR	122.72
				SECURITY SVCS-SENIOR CTR	61.36
				SECURITY SVCS-TOWNGATE	237.77
	Vendor Total		**7,581.82**		
FYTD for GENERAL SECURITY SERVICES, INC.			**30,455.68**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP				
1/3/2011	881824	1,423.77		
			LEGAL SVCS	1,423.77
1/18/2011	881904	19,023.70		
			LEGAL SVCS	534.59
			LEGAL SVCS	18,489.11
	Vendor Total	**20,447.47**		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP		**102,766.53**		
GLOBAL SOFTWARE, INC				
1/18/2011	881905	10,000.00		
			SPREADSHEET SERVER	2,500.00
			SPREADSHEET SERVER	7,500.00
1/24/2011	881946	2,500.00		
			SPREADSHEET SERVER-PW ST MAINT	2,500.00
	Vendor Total	**12,500.00**		
FYTD for GLOBAL SOFTWARE, INC		**19,820.00**		
GONG ENTERPRISES, INC.				
1/3/2011	205760	456.00		
			PLAN CHECK SVCS-PM36262	456.00
	Vendor Total	**456.00**		
FYTD for GONG ENTERPRISES, INC.		**22,597.40**		
GONZALES, DOMILENA R.				
1/3/2011	881825	440.52		
			NOV-DEC '10, PAID JAN '11	440.52
	Vendor Total	**440.52**		
FYTD for GONZALES, DOMILENA R.		**1,762.08**		
GONZALES, LORENZ R.				
1/18/2011	205870	119.50		
			MILEAGE REIMBURSEMENT	82.00
			MILEAGE REIMBURSEMENT	16.50
			MILEAGE REIMBURSEMENT	21.00
	Vendor Total	**119.50**		
FYTD for GONZALES, LORENZ R.		**177.00**		
GONZALEZ, SYLVIA				
1/31/2011	206116	20.00		
			REFUND-RABIES DEPOSIT	20.00
	Vendor Total	**20.00**		
FYTD for GONZALEZ, SYLVIA		**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GORM INC.					
	1/18/2011	205871	3,350.30		
				JANITORIAL SUPPLIES-PARKS	2,401.00
				JANITORIAL SUPPLIES-CFD#1	949.30
	1/24/2011	205990	880.77		
				JANITORIAL SUPPLIES	880.77
	Vendor Total		**4,231.07**		
FYTD for GORM INC.			**6,452.31**		
GOSCH TOWING & RECOVERY					
	1/31/2011	206117	800.00		
				TOWING SVCS-PD	800.00
	Vendor Total		**800.00**		
FYTD for GOSCH TOWING & RECOVERY			**800.00**		
GOYA FOODS OF CALIFORNIA					
	1/24/2011	205991	49.74		
				REFUND-BUS.LIC OVERPYMT	49.74
	Vendor Total		**49.74**		
FYTD for GOYA FOODS OF CALIFORNIA			**49.74**		
GOZDECKI, DAN					
	1/10/2011	881881	432.00		
				INSTRUCTOR SVCS-KUNG FU	216.00
				INSTRUCTOR SVCS-KUNG FU	216.00
	1/31/2011	881980	594.00		
				INSTRUCTOR SVCS-KUNG FU	243.00
				INSTRUCTOR SVCS-KUNG FU	351.00
	Vendor Total		**1,026.00**		
FYTD for GOZDECKI, DAN			**5,184.00**		
GRAFFITI TRACKER, INC.					
	1/18/2011	881906	9,000.00		
				GRAFFITI ANALYSIS/SERVICES	9,000.00
	Vendor Total		**9,000.00**		
FYTD for GRAFFITI TRACKER, INC.			**31,815.00**		
GRANICUS, INC.					
	1/24/2011	205992	2,000.00		
				VIDEO STREAMING SVCS	1,000.00
				VIDEO STREAMING SVCS	1,000.00
	Vendor Total		**2,000.00**		
FYTD for GRANICUS, INC.			**7,000.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GREENSTONE MATERIALS					
	1/10/2011	205820	748.00		
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	50.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
	Vendor Total		**748.00**		
FYTD for GREENSTONE MATERIALS			**748.00**		
GREINES, MARTIN, STEIN & RICHLAND, LLP					
	1/31/2011	881981	940.68		
				LEGAL SERVICES	940.68
	Vendor Total		**940.68**		
FYTD for GREINES, MARTIN, STEIN & RICHLAND, LLP			**14,556.14**		
GRIFFIN, MARLENE C					
	1/3/2011	881826	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GRIFFIN, MARLENE C			**2,152.33**		
GROUP DELTA CONSULTANTS, INC					
	1/18/2011	881907	2,143.50		
				DAY ST IMPRVMNTS PROJ SVCS	2,143.50
	1/24/2011	206072	1,325.00		
				ALESSANDRO/INDIAN SIDEWLK PROJ	1,325.00
	Vendor Total		**3,468.50**		
FYTD for GROUP DELTA CONSULTANTS, INC			**12,105.50**		
GUILLAN, REBECCA S.					
	1/3/2011	881827	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUILLAN, REBECCA S.			**2,064.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GUILLIS, LINDA B.					
	1/3/2011	205761	0.00		
				RETIREE MED JAN '11	318.73
				VOIDED CHECK #205761 ON1/31/11	-318.73
	Vendor Total		**0.00**		
FYTD for GUILLIS, LINDA B.			**1,912.38**		
GUTIERREZ, ROBERT					
	1/3/2011	881828	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUTIERREZ, ROBERT			**2,231.11**		
GUZMAN'S CART SERVICE					
	1/10/2011	881882	4,049.00		
				CART RTRVL SVCS-CODE	4,049.00
	Vendor Total		**4,049.00**		
FYTD for GUZMAN'S CART SERVICE			**28,343.00**		
H P COMMUNICATIONS, INC					
	1/24/2011	205993	25.00		
				REFUND-BUS.LIC OVERPYMT	25.00
	Vendor Total		**25.00**		
FYTD for H P COMMUNICATIONS, INC			**25.00**		
HAISTY, XIU HUA					
	1/31/2011	881982	30.00		
				INSTRUCTOR SVCS-TAI CHI	30.00
	Vendor Total		**30.00**		
FYTD for HAISTY, XIU HUA			**240.00**		
HAMLIN, WILLIAM R.					
	1/3/2011	881829	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HAMLIN, WILLIAM R.			**2,212.27**		
HAND, FRED					
	1/3/2011	205762	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for HAND, FRED			**75.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HANES, MARTIN D.					
	1/3/2011	881830	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HANES, MARTIN D.			**2,231.11**		
HARDING, JOHN S.					
	1/3/2011	205763	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HARDING, JOHN S.			**2,231.11**		
HARRIS & ASSOCIATES, INC					
	1/24/2011	205994	67.13		
				REFUND-BUS.LIC OVERPYMT	67.13
	Vendor Total		**67.13**		
FYTD for HARRIS & ASSOCIATES, INC			**67.13**		
HARTMANN, RICK					
	1/3/2011	205764	318.73		
				RETIREE MED JAN '11	318.73
	1/10/2011	205821	3,709.12		
				CONSULTING SVCS-RTS PRGM	18.79
				CONSULTING SVCS-RTS PRGM	3,690.33
	Vendor Total		**4,027.85**		
FYTD for HARTMANN, RICK			**20,921.44**		
HATFIELD, CHARLES					
	1/3/2011	881831	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HATFIELD, CHARLES			**2,231.11**		
HAUSER, ADRIANA					
	1/18/2011	205872	494.00		
				INSTRUCTION SVCS-13 DAYS	494.00
	Vendor Total		**494.00**		
FYTD for HAUSER, ADRIANA			**2,546.00**		
HEFFLEY, ROSS W.					
	1/3/2011	881832	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HEFFLEY, ROSS W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HENDERSON, GINA					
	1/18/2011	205873	110.00		
				TUITION REIMBURSEMENT	110.00
	Vendor Total		**110.00**		
FYTD for HENDERSON, GINA			**110.00**		
HERNANDEZ, ART & DOLORES					
	1/24/2011	205995	180.00		
				REFUND-BUS.LIC OVERPYMT	180.00
	Vendor Total		**180.00**		
FYTD for HERNANDEZ, ART & DOLORES			**180.00**		
HERRICK, ROBERT D.					
	1/3/2011	205765	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HERRICK, ROBERT D.			**2,231.11**		
HEYMING & JOHNSON, INC					
	1/24/2011	205996	22.63		
				REFUND-BUS.LIC OVERPYMT	22.63
	Vendor Total		**22.63**		
FYTD for HEYMING & JOHNSON, INC			**22.63**		
HIGGS, DEBRA					
	1/24/2011	205997	108.00		
				INSTRUCTOR SVCS-OIL PAINTING	72.00
				INSTRUCTOR SVCS-OIL PAINTING	36.00
	Vendor Total		**108.00**		
FYTD for HIGGS, DEBRA			**468.00**		
HINKELS & MCCOY					
	1/3/2011	205766	60.42		
				REFUND-BUS LIC OVRPMT	60.42
	Vendor Total		**60.42**		
FYTD for HINKELS & MCCOY			**60.42**		
HO, KEVIN CHINH					
	1/18/2011	205874	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for HO, KEVIN CHINH			**304.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HOGARD, JOHN T.					
	1/10/2011	881883	116.50		
				MILEAGE REIMBURSEMENT	116.50
	Vendor Total		**116.50**		
FYTD for HOGARD, JOHN T.			**1,083.50**		
HORN, ALVIN					
	1/24/2011	205998	186.56		
				REFUND-CANDIDATE STMNT	186.56
	Vendor Total		**186.56**		
FYTD for HORN, ALVIN			**186.56**		
HOUSE OF BEAUTY					
	1/31/2011	206119	147.15		
				REFUND-BUS LIC OVRPMT	35.50
				REFUND-BUS LIC OVRPMT	61.00
				REFUND-BUS LIC OVRPMT	50.65
	Vendor Total		**147.15**		
FYTD for HOUSE OF BEAUTY			**147.15**		
HOUSER, EDITH E.					
	1/3/2011	205767	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HOUSER, EDITH E.			**2,231.11**		
HYDRO-SCAPE PRODUCTS, INC					
	1/24/2011	206000	61.88		
				REFUND-BUS.LIC OVERPYMT	61.88
	Vendor Total		**61.88**		
FYTD for HYDRO-SCAPE PRODUCTS, INC			**61.88**		
ICC FOOTHILL CHAPTER					
	1/31/2011	206120	150.00		
				1/25/11 CA RESID. CODE SEMINAR	75.00
				1/25/11 CA RESID. CODE SEMINAR	75.00
	Vendor Total		**150.00**		
FYTD for ICC FOOTHILL CHAPTER			**150.00**		
ICMA RETIREMENT CORP 457					
	1/14/2011	2786	12,798.58		
				DEF COMP-457 1/14/11	12,798.58
	1/28/2011	2794	16,923.58		
				DEF COMP-457 1/28/11	16,923.58
	Vendor Total		**29,722.16**		
FYTD for ICMA RETIREMENT CORP 457			**142,541.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IL SORRENTO MOBILE HOME PARK					
	1/3/2011	205768	51.00		
				REFUND-BUS LIC OVRPMT	51.00
	Vendor Total		**51.00**		
FYTD for IL SORRENTO MOBILE HOME PARK			**51.00**		
ILGIA					
	1/24/2011	206001	100.00		
				2011 I.E. GANG WRKSHOP 5/19-20	100.00
	Vendor Total		**100.00**		
FYTD for ILGIA			**100.00**		
ING USA ANNUITY & LIFE INSURANCE CO.					
	1/18/2011	205875	475.00		
				NON-EXEMPT ANNUITY	475.00
	Vendor Total		**475.00**		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.			**3,325.00**		
INLAND CONTRACTORS, INC.					
	1/24/2011	881948	2,851.47		
				ABATEMENT SVCS-24326 VIA VARGA	2,851.47
	Vendor Total		**2,851.47**		
FYTD for INLAND CONTRACTORS, INC.			**20,211.63**		
INLAND EMPIRE PROPERTY SERVICE, INC					
	1/3/2011	881833	310.00		
				WEED ABATEMENT SVC-CFD #1	310.00
	Vendor Total		**310.00**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC			**53,446.12**		
INSIDE PLANTS, INC.					
	1/18/2011	881910	316.00		
				PLANT MAINT-CRC	316.00
	Vendor Total		**316.00**		
FYTD for INSIDE PLANTS, INC.			**2,212.00**		
INTERNAL REVENUE SERVICE					
	1/4/2011	2780	2,000.00		
				DEP FED TAX W/H 1/4/11	2,000.00
	Vendor Total		**2,000.00**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IRIS COMPANY					
	1/18/2011	205876	269.20		
				REFUND-CLOSED-CHG.ZONE	51.85
				REFUND-CLOSED-GEN.PLAN AMEND.	217.35
	Vendor Total		**269.20**		
FYTD for IRIS COMPANY			**269.20**		
J D H CONTRACTING					
	1/24/2011	206003	72.61		
				REFUND-BUS.LIC OVERPYMT	72.61
	Vendor Total		**72.61**		
FYTD for J D H CONTRACTING			**72.61**		
JACINTO, ALEJANDRA					
	1/31/2011	206121	45.00		
				REFUND-LOST BOOK FEE	45.00
	Vendor Total		**45.00**		
FYTD for JACINTO, ALEJANDRA			**45.00**		
JANNEY & JANNEY ATTORNEY SVCS, INC.					
	1/18/2011	205877	75.00		
				COURIER SERVICES	75.00
	1/31/2011	206122	35.00		
				COURIER DELIVERY SVCS	35.00
	Vendor Total		**110.00**		
FYTD for JANNEY & JANNEY ATTORNEY SVCS, INC.			**1,133.65**		
JASON'S DELI					
	1/24/2011	206002	768.53		
				REFUND-BUS.LIC OVERPYMT	768.53
	Vendor Total		**768.53**		
FYTD for JASON'S DELI			**768.53**		
JDEDGE SOFTWARE, LLC					
	1/18/2011	881911	3,175.00		
				CONSULTANT SERVICES	3,175.00
	1/24/2011	881949	2,465.00		
				CONSULTING SERVICES	2,465.00
	Vendor Total		**5,640.00**		
FYTD for JDEDGE SOFTWARE, LLC			**17,827.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JEFF CARPENTER, INC					
	1/24/2011	206004	50.00		
				REFUND-BUS.LIC OVERPYMT	50.00
	Vendor Total		**50.00**		
FYTD for JEFF CARPENTER, INC			**50.00**		
JOE A. GONSALVES & SON					
	1/3/2011	881834	6,300.00		
				REPRESENTATION SVCS	3,150.00
				REPRESENTATION SVCS	3,150.00
	Vendor Total		**6,300.00**		
FYTD for JOE A. GONSALVES & SON			**22,050.00**		
JONES, SANDRA					
	1/24/2011	206005	45.00		
				REFUND-CLASS REGIST	45.00
	Vendor Total		**45.00**		
FYTD for JONES, SANDRA			**45.00**		
JONES, SUSAN					
	1/3/2011	881835	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for JONES, SUSAN			**2,231.11**		
JTB SUPPLY CO., INC.					
	1/10/2011	205822	178.36		
				TRAFFIC SIGNAL MAINT.SUPPLIES	54.38
				TRAFFIC SIGNAL MAINT.SUPPLIES	123.98
	1/18/2011	205878	1,658.44		
				TRAFFIC SIGNAL MAINT.SUPPLIES	1,658.44
	Vendor Total		**1,836.80**		
FYTD for JTB SUPPLY CO., INC.			**8,655.43**		
K A R CONSTRUCTION					
	1/3/2011	205769	42.00		
				REFUND-BUS LIC OVRPMT	42.00
	Vendor Total		**42.00**		
FYTD for K A R CONSTRUCTION			**42.00**		
K D'S DONUTS					
	1/31/2011	206123	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for K D'S DONUTS			**25.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KAN, ALICE					
	1/24/2011	206006	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for KAN, ALICE			**20.00**		
KING, PATRICIA A.					
	1/3/2011	205770	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KING, PATRICIA A.			**2,231.11**		
KOA CORPORATION					
	1/10/2011	205823	6,345.87		
				RECHE VISTA DR REALIGNMNT PROJ	6,345.87
	Vendor Total		**6,345.87**		
FYTD for KOA CORPORATION			**71,909.89**		
KOLB, CHARLES E.					
	1/3/2011	881836	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLB, CHARLES E.			**2,231.11**		
KOLLAR, KYLE					
	1/3/2011	881837	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLLAR, KYLE			**2,231.11**		
KYLE, GARY M.					
	1/3/2011	881838	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KYLE, GARY M.			**2,231.11**		
LAFATA, JOSEPHINE					
	1/3/2011	881839	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LAFATA, JOSEPHINE			**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LANCE, SOLL & LUNGHARD, LLP					
	1/24/2011	206007	50.00		
				GASB UPDATE 2/2/11	25.00
				GASB UPDATE 2/2/11	25.00
	Vendor Total		**50.00**		
FYTD for LANCE, SOLL & LUNGHARD, LLP			**50.00**		
LANE GUIDE LENDORS ON LINE, INC.					
	1/24/2011	206008	109.00		
				ONLINE SUBSCRIPTION SVC-CODE	109.00
	Vendor Total		**109.00**		
FYTD for LANE GUIDE LENDORS ON LINE, INC.			**109.00**		
LANG, TRACEY					
	1/18/2011	205879	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for LANG, TRACEY			**304.00**		
LARA, JOSEPH R.					
	1/18/2011	205880	41.50		
				MILEAGE-ELECTR SAFETY SEMINAR	41.50
	Vendor Total		**41.50**		
FYTD for LARA, JOSEPH R.			**41.50**		
LAVEY, JEFFREY					
	1/24/2011	206009	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for LAVEY, JEFFREY			**20.00**		
LAWYERS TITLE INC					
	1/27/2011	110108	11,301.00		
				ACQ & ESCROW-APN 488-090-007	1,301.00
				ACQ & ESCROW-APN 488-090-007	10,000.00
	1/27/2011	110109	7,601.00		
				ACQ & ESCROW-APN 488-090-008	1,701.00
				ACQ & ESCROW-APN 488-090-008	5,900.00
	Vendor Total		**18,902.00**		
FYTD for LAWYERS TITLE INC			**129,256.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LAZARUS, MARGERY A.					
	1/3/2011	205771	115.50		
				MILEAGE REIMBURSEMENT	74.00
				MILEAGE REIMBURSEMENT	41.50
	Vendor Total		**115.50**		
FYTD for LAZARUS, MARGERY A.			**115.50**		
LEE, DAVID					
	1/24/2011	206010	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for LEE, DAVID			**100.00**		
LEE, RENITA					
	1/10/2011	205824	47.00		
				REFUND-TAE KWON DO CLASS	47.00
	Vendor Total		**47.00**		
FYTD for LEE, RENITA			**47.00**		
LEISURE ENTERPRISES					
	1/31/2011	206124	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for LEISURE ENTERPRISES			**9,816.25**		
LEONE, STEVEN					
	1/18/2011	205881	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for LEONE, STEVEN			**590.00**		
LEWIS, CAROLYN S.					
	1/3/2011	881840	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LEWIS, CAROLYN S.			**2,212.27**		
LEXISNEXIS					
	1/24/2011	881950	1,480.00		
				ONLINE LEGAL SVCS-CITY ATTRNY	740.00
				ONLINE LEGAL SVCS-CITY CLERKS	370.00
				ONLINE LEGAL SVCS-CDD	370.00
	Vendor Total		**1,480.00**		
FYTD for LEXISNEXIS			**11,840.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LOGAN, CHARLES					
	1/3/2011	881841	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LOGAN, CHARLES			**2,231.11**		
LOR GEOTECHNICAL GROUP, INC.					
	1/31/2011	881984	1,760.00		
				KITCHING ST IMPRVMNT PROJ	1,760.00
	Vendor Total		**1,760.00**		
FYTD for LOR GEOTECHNICAL GROUP, INC.			**45,239.00**		
LOVE, MARISSA					
	1/3/2011	205772	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for LOVE, MARISSA			**50.00**		
LOZANO, MONICA					
	1/24/2011	206011	28.00		
				REFUND-CLASS REGIST	28.00
	Vendor Total		**28.00**		
FYTD for LOZANO, MONICA			**28.00**		
LUMLEY, ROBERT C.					
	1/3/2011	881842	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LUMLEY, ROBERT C.			**2,231.11**		
M V P R V, INC					
	1/24/2011	206012	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for M V P R V, INC			**75.00**		
M.G.S. - MORENO GENERAL SERVICES					
	1/10/2011	205825	130.00		
				RE-KEY LOCKS @ ERC	130.00
	Vendor Total		**130.00**		
FYTD for M.G.S. - MORENO GENERAL SERVICES			**130.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MACIAS JR., ANTHONY					
	1/24/2011	206013	133.50		
				TUITION REIMBURSEMENT	133.50
	Vendor Total		**133.50**		
FYTD for MACIAS JR., ANTHONY			**228.50**		
MARCH JOINT POWERS AUTHORITY					
	1/24/2011	206014	10.10		
				GAS CHARGES-MF COMM.CTR	8.25
				GAS CHARGES-MF COMM.CTR	1.85
	Vendor Total		**10.10**		
FYTD for MARCH JOINT POWERS AUTHORITY			**43.73**		
MARINA LANDSCAPE, INC					
	1/18/2011	205882	9,186.24		
				LANDSCAPE MAINT-ZONE DSG-2S	4,994.91
				LANDSCAPE MAINT-ZONE DSG-2N	4,191.33
	Vendor Total		**9,186.24**		
FYTD for MARINA LANDSCAPE, INC			**48,784.80**		
MASCARO, CRYSTAL					
	1/24/2011	206015	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for MASCARO, CRYSTAL			**20.00**		
MASCO SERVICES OF CALIFORNIA, INC.					
	1/24/2011	206016	71.63		
				REFUND-BUS.LIC OVERPYMT	71.63
	Vendor Total		**71.63**		
FYTD for MASCO SERVICES OF CALIFORNIA, INC.			**71.63**		
MATHIS, NOLAN					
	1/3/2011	881843	296.00		
				NOV '10, PAID JAN '11	296.00
	Vendor Total		**296.00**		
FYTD for MATHIS, NOLAN			**2,072.00**		
MAXINOSKI, SUE A.					
	1/3/2011	881844	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MAXINOSKI, SUE A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MC KENNEY, LARISSA					
	1/24/2011	206017	46.00		
				REFUND-ANML SVC FEES	46.00
	Vendor Total		**46.00**		
FYTD for MC KENNEY, LARISSA			**46.00**		
MCCARTHY & BERLIN, LLP					
	1/10/2011	881884	703.00		
				LEGAL SVCS	703.00
	Vendor Total		**703.00**		
FYTD for MCCARTHY & BERLIN, LLP			**3,005.15**		
McDONALD, CHRIS					
	1/18/2011	205883	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for McDONALD, CHRIS			**1,254.00**		
MEEKS, DANIEL					
	1/10/2011	881885	220.00		
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	40.00
				SPORTS OFFICIATING SVCS	60.00
	Vendor Total		**220.00**		
FYTD for MEEKS, DANIEL			**1,100.00**		
MENGISTU, YESHIALEM					
	1/31/2011	206125	81.00		
				MILEAGE REIMBURSEMENT	81.00
	Vendor Total		**81.00**		
FYTD for MENGISTU, YESHIALEM			**557.00**		
MESSIN, LOUIS					
	1/3/2011	881845	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MESSIN, LOUIS			**2,231.11**		
METRO USED CARS					
	1/31/2011	206126	101.84		
				REFUND-BUS LIC OVRPMT	101.84
	Vendor Total		**101.84**		
FYTD for METRO USED CARS			**101.84**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MEYER & ASSOCIATES					
	1/31/2011	206127	3,865.00		
				BETHUNE WATER FEATURE ANALYSIS	3,865.00
	Vendor Total		**3,865.00**		
FYTD for MEYER & ASSOCIATES			**3,865.00**		
MILES, ROBERT					
	1/3/2011	881846	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for MILES, ROBERT			**1,397.06**		
MINARD, MARK E.					
	1/3/2011	881847	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MINARD, MARK E.			**2,167.75**		
MOLLICA, MIKE					
	1/3/2011	881848	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for MOLLICA, MIKE			**2,809.94**		
MONTERO, FELICIA					
	1/24/2011	206018	42.00		
				REFUND-CLASS REGIST	42.00
	Vendor Total		**42.00**		
FYTD for MONTERO, FELICIA			**42.00**		
MOORHEAD, LINDA					
	1/24/2011	206019	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MOORHEAD, LINDA			**75.00**		
MORA, PATRICIA A.					
	1/3/2011	881849	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MORA, PATRICIA A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORAES, RENATO					
	1/31/2011	206128	36.00		
				REFUND-DROPPED CLASS	36.00
	Vendor Total		**36.00**		
FYTD for MORAES, RENATO			**36.00**		
MORENO MINI MALL					
	1/24/2011	206020	48.30		
				REFUND-BUS.LIC OVERPYMT	48.30
	Vendor Total		**48.30**		
FYTD for MORENO MINI MALL			**48.30**		
MORENO VALLEY CAR WASH					
	1/18/2011	205884	67.50		
				REFUND-BUS.LIC OVERPYMT	67.50
	Vendor Total		**67.50**		
FYTD for MORENO VALLEY CAR WASH			**97.50**		
MORENO VALLEY CHAMBER OF COMMERCE					
	1/3/2011	205773	6,000.00		
				BUSINESS SERVICES	6,000.00
	1/10/2011	205826	60.00		
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
	1/18/2011	205885	150.00		
				ANNL INSTALLATION/AWARDS EVENT	75.00
				ANNL INSTALLATION/AWARDS EVENT	75.00
	Vendor Total		**6,210.00**		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE			**21,610.00**		
MORENO VALLEY CITY EMPLOYEES ASSOC.					
	1/3/2011	2776	1,567.50		
				MVCEA DUES 01/03/11	1,567.50
	1/14/2011	2785	1,567.50		
				MVCEA DUES 1/14/11	1,567.50
	1/28/2011	2793	1,573.00		
				MVCEA DUES 1/28/11	1,573.00
	Vendor Total		**4,708.00**		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.			**25,084.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY GATEWAY, LLC					
	1/18/2011	881912	17,142.59		
				LEASE-FACILITIES ANNEX	2,458.97
				LEASE-TECH.SVCS ANNEX	5,475.90
				LEASE-SPEC.DIST.ANNEX	9,207.72
	Vendor Total		**17,142.59**		
FYTD for MORENO VALLEY GATEWAY, LLC			**119,998.13**		
MORENO VALLEY UNIFIED SCHOOL DISTRICT					
	1/24/2011	206021	120.00		
				ASES TRANSPORTATION	120.00
	1/24/2011	206022	315.00		
				ASES TRANSPORTATION	315.00
	Vendor Total		**435.00**		
FYTD for MORENO VALLEY UNIFIED SCHOOL DISTRICT			**26,509.95**		
MORENO VALLEY UTILITY					
	1/31/2011	206129	89.14		
				ELECTRICITY-UT FLD OFFICE	89.14
	Vendor Total		**89.14**		
FYTD for MORENO VALLEY UTILITY			**526,697.08**		
MORENO, ALBERT					
	1/18/2011	205886	750.00		
				REFUND-12/26 EVENT DEPOSIT	750.00
	Vendor Total		**750.00**		
FYTD for MORENO, ALBERT			**750.00**		
MORENO, MANUAL					
	1/24/2011	206023	77.00		
				REFUND-CLASS REGIST	77.00
	Vendor Total		**77.00**		
FYTD for MORENO, MANUAL			**77.00**		
MORGAN, LISA A.					
	1/3/2011	881850	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MORGAN, LISA A.			**2,231.11**		
MORKUS, JURIS MORKUS					
	1/24/2011	206024	16.46		
				REFUND-BUS.LIC OVERPYMT	16.46
	Vendor Total		**16.46**		
FYTD for MORKUS, JURIS MORKUS			**16.46**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORLEY, JOSHUA					
	1/31/2011	206130	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	20.00
				REFUND-SPAY/NEUTER DEPOSIT	55.00
	Vendor Total		**75.00**		
FYTD for MORLEY, JOSHUA			**75.00**		
MSA SYSTEMS, INC.					
	1/10/2011	881886	999.55		
				RECEIPT LABELS	864.00
				RECEIPT LABELS	59.95
				RECEIPT LABELS	75.60
	Vendor Total		**999.55**		
FYTD for MSA SYSTEMS, INC.			**999.55**		
MUSICK, PEELER & GARRETT, LLP					
	1/24/2011	206025	4,280.00		
				LEGAL SVCS	2,600.00
				LEGAL SVCS	1,680.00
	Vendor Total		**4,280.00**		
FYTD for MUSICK, PEELER & GARRETT, LLP			**18,659.34**		
MUZAK, LLC					
	1/24/2011	206026	60.52		
				REFUND-BUS.LIC OVERPYMT	60.52
	Vendor Total		**60.52**		
FYTD for MUZAK, LLC			**60.52**		
NATIONWIDE RETIREMENT SOLUTIONS					
	1/3/2011	2774	8,323.82		
				PST DEF COMP FOR FICA 01/03/11	8,323.82
	1/3/2011	2775	2,234.13		
				DEF COMP-457 & 401(A) 01/03/11	2,234.13
	1/14/2011	2783	1,461.66		
				PST DEF COMP FOR FICA 1/14/11	1,461.66
	1/14/2011	2784	23,722.40		
				DEF COMP-457 & 401(A) 1/14/11	23,722.40
	1/28/2011	2791	9,761.96		
				PST DEF COMP FOR FICA 1/28/11	9,761.96
	1/28/2011	2792	23,712.80		
				DEF COMP-457 & 401(A) 1/28/11	23,712.80
	Vendor Total		**69,216.77**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**479,026.81**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NAVARRETTE, RALPH					
	1/3/2011	881851	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NAVARRETTE, RALPH			**2,231.11**		
NELSON, ROBERT					
	1/3/2011	881852	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for NELSON, ROBERT			**2,159.26**		
NELSON, RUTH L.					
	1/3/2011	881853	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NELSON, RUTH L.			**2,231.11**		
NELSON, TIMOTHY IVAN					
	1/18/2011	205887	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for NELSON, TIMOTHY IVAN			**1,520.00**		
NEUSTAEDTER, CRAIG S					
	1/3/2011	205774	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NEUSTAEDTER, CRAIG S			**2,231.11**		
NEW HORIZON MOBILE HOME PARK					
	1/24/2011	881952	9.99		
				REFUND-UT USER TAXES	9.99
	Vendor Total		**9.99**		
FYTD for NEW HORIZON MOBILE HOME PARK			**26.42**		
NGUYEN, QUANG					
	1/24/2011	881953	59.50		
				MILEAGE REIMBURSEMENT	20.00
				MILEAGE REIMBURSEMENT	24.00
				MILEAGE REIMBURSEMENT	15.50
	Vendor Total		**59.50**		
FYTD for NGUYEN, QUANG			**348.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NIEBURGER, JUDITH A.					
	1/3/2011	205775	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for NIEBURGER, JUDITH A.			**2,809.94**		
NINYO & MOORE GEOTECHNICAL					
	1/18/2011	205888	4,000.75		
				IRONWOOD AVE/INDIAN BASIN PROJ	4,000.75
	1/24/2011	206027	11,992.00		
				IRONWOOD AVE/INDIAN BASIN PROJ	11,992.00
	Vendor Total		**15,992.75**		
FYTD for NINYO & MOORE GEOTECHNICAL			**29,369.75**		
NOBLES, GARRETT					
	1/18/2011	205889	114.00		
				MILEAGE REIMBURSEMENT	60.00
				MILEAGE REIMBURSEMENT	54.00
	Vendor Total		**114.00**		
FYTD for NOBLES, GARRETT			**321.50**		
OPTIMUM INCORPORATED					
	1/3/2011	205776	54.96		
				REFUND-BUS LIC OVERPYMT	54.96
	Vendor Total		**54.96**		
FYTD for OPTIMUM INCORPORATED			**54.96**		
ORACLE AMERICA					
	1/3/2011	205777	21,621.69		
				SOFTWARE LIC UPDATE & SUPPORT	21,621.69
	Vendor Total		**21,621.69**		
FYTD for ORACLE AMERICA			**21,621.69**		
ORROCK, POPKA, FORTINO & BRISLIN					
	1/24/2011	881954	384.00		
				LEGAL SVCS	384.00
	Vendor Total		**384.00**		
FYTD for ORROCK, POPKA, FORTINO & BRISLIN			**10,817.53**		
ORTEGA, ALICIA					
	1/18/2011	205890	100.00		
				REFUND-CITATION	100.00
	Vendor Total		**100.00**		
FYTD for ORTEGA, ALICIA			**100.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OVERLAND PACIFIC & CUTLER, INC.				
1/18/2011	881913	6,720.00		
			RIGHT OF WAY SVCS-VARIOUS PROJ	6,720.00
Vendor Total		**6,720.00**		
FYTD for OVERLAND PACIFIC & CUTLER, INC.		**95,225.25**		
PACIFIC GREEN HORTICULTURAL SVC				
1/31/2011	206131	989.00		
			TURF FERTILIZATION-ZONE E	302.97
			TURF FERTILIZATION-ZONE E	550.15
			TURF FERTILIZATION-ZONE E	112.61
			TURF FERTILIZATION-ZONE E	23.27
Vendor Total		**989.00**		
FYTD for PACIFIC GREEN HORTICULTURAL SVC		**4,559.83**		
PACIFIC M H CONSTRUCTION, INC				
1/24/2011	206028	73.20		
			REFUND-BUS.LIC OVERPYMT	73.20
Vendor Total		**73.20**		
FYTD for PACIFIC M H CONSTRUCTION, INC		**73.20**		
PACIFIC TELEMANAGEMENT SERVICES				
1/24/2011	881955	438.48		
			PAYPHONE SVCS	375.84
			PAYPHONE SVCS	62.64
Vendor Total		**438.48**		
FYTD for PACIFIC TELEMANAGEMENT SERVICES		**3,069.36**		
PACIFIC UTILITY INSTALLATION, INC				
1/24/2011	206029	139.50		
			REFUND-BUS.LIC OVERPYMT	139.50
Vendor Total		**139.50**		
FYTD for PACIFIC UTILITY INSTALLATION, INC		**139.50**		
PAINTING BY ZEB BODE				
1/18/2011	205891	750.00		
			SEAL CNCRT BENCH/TABLES	750.00
Vendor Total		**750.00**		
FYTD for PAINTING BY ZEB BODE		**5,550.00**		
PANDA BOWL				
1/3/2011	205778	28.75		
			REFUND-BUS LIC OVERPYMT	28.75
Vendor Total		**28.75**		
FYTD for PANDA BOWL		**28.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PATRIOT HEATING & A/C					
	1/24/2011	206030	68.63		
				REFUND-BUS.LIC OVERPYMT	68.63
	Vendor Total		**68.63**		
FYTD for PATRIOT HEATING & A/C			**68.63**		
PATTERSON, ALFREY					
	1/3/2011	205779	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for PATTERSON, ALFREY			**1,397.06**		
PEDLEY SQUARE VETERINARY CLINIC					
	1/10/2011	881887	5,719.50		
				VETERINARY SVCS	5,719.50
	1/31/2011	881985	14,937.00		
				VETERINARY SERVICES-ANML SHLTR	8,669.50
				VETERINARY SERVICES-ANML SHLTR	6,267.50
	Vendor Total		**20,656.50**		
FYTD for PEDLEY SQUARE VETERINARY CLINIC			**67,035.00**		
PENA, IRIS					
	1/18/2011	205892	65.10		
				MILEAGE REIMBURSEMENT	65.10
	1/31/2011	206132	75.55		
				MILEAGE REIMBURSEMENT	75.55
	Vendor Total		**140.65**		
FYTD for PENA, IRIS			**417.00**		
PERRY, NORMA					
	1/3/2011	205780	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PERRY, NORMA			**2,231.11**		
PERS LONG TERM CARE PROGRAM					
	1/3/2011	205781	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/18/2011	205893	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/31/2011	206133	458.63		
				LONG TERM CARE INSURANCE	458.63
	Vendor Total		**1,375.89**		
FYTD for PERS LONG TERM CARE PROGRAM			**7,508.12**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PITASSI ARCHITECTS, INC					
	1/31/2011	881986	20,632.70		
				CORPORATE YARD SEWER LINE PROJ	10,172.70
				CORPORATE YARD FACILITY PROJ	10,460.00
	Vendor Total		**20,632.70**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
PLEASANT, TRENA					
	1/18/2011	205894	92.00		
				REFUND-CANCELLED CLASS	92.00
	Vendor Total		**92.00**		
FYTD for PLEASANT, TRENA			**92.00**		
POIEMA LANDSCAPE, INC.					
	1/18/2011	881914	3,843.15		
				LANDSCAPE MAINT-ZONE S	1,712.15
				LANDSCAPE MAINT-ZONE E-12	2,131.00
	Vendor Total		**3,843.15**		
FYTD for POIEMA LANDSCAPE, INC.			**30,303.75**		
PRICE, GEORGE E.					
	1/3/2011	881854	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PRICE, GEORGE E.			**2,231.11**		
PRIME COMMUNICATION OF CALIFORNIA, LLC					
	1/24/2011	206031	34.91		
				REFUND-BUS.LIC OVERPYMT	34.91
	Vendor Total		**34.91**		
FYTD for PRIME COMMUNICATION OF CALIFORNIA, LLC			**34.91**		
PROTECTION ONE					
	1/10/2011	205827	597.00		
				REFUND-VIBRA FIRE PERMIT FEES	300.00
				REFUND-VIBRA FIRE PERMIT FEES	276.00
				REFUND-VIBRA FIRE PERMIT FEES	21.00
	Vendor Total		**597.00**		
FYTD for PROTECTION ONE			**597.00**		
PRUDENTIAL CALIFORNIA REALTY					
	1/24/2011	206032	57.00		
				REFUND-BUS.LIC OVERPYMT	57.00
	Vendor Total		**57.00**		
FYTD for PRUDENTIAL CALIFORNIA REALTY			**57.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PS SERVICES, INC					
	1/24/2011	206033	126.88		
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	4.88
	Vendor Total		**126.88**		
FYTD for PS SERVICES, INC			**126.88**		
PSOMAS					
	1/18/2011	205895	136.78		
				LASSELLE ST WIDENING PROJ SVCS	136.78
	Vendor Total		**136.78**		
FYTD for PSOMAS			**26,233.28**		
PULLIAM, TRENT D.					
	1/3/2011	881855	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PULLIAM, TRENT D.			**2,231.11**		
R & S OVERHEAD DOORS, INC.					
	1/24/2011	881956	2,270.75		
				OVERHEAD DOORS-FIRE # 48	258.00
				OVERHEAD DOORS-PSB	338.00
				OVERHEAD DOORS-PSB	49.00
				REMOVE/INSTALL NUTS-CITY YARD	561.00
				REMOVE/INSTALL NUTS-FIRE #2	729.00
				OVERHEAD DOORS-FIRE # 6	335.75
	Vendor Total		**2,270.75**		
FYTD for R & S OVERHEAD DOORS, INC.			**12,312.25**		
R G CLEANING SERVICE					
	1/24/2011	206034	35.00		
				REFUND-BUS.LIC OVERPYMT	35.00
	Vendor Total		**35.00**		
FYTD for R G CLEANING SERVICE			**35.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RALLY MANAGEMENT SERVICES, LLC					
	1/18/2011	881915	2,948.40		
				TEMP SVCS-HENDERSON W/E 12/5	719.28
				TEMP SVCS-HENDERSON W/E 12/12	719.28
				TEMP SVCS-RODRIGUEZ W/E 12/5	754.92
				TEMP SVCS-RODRIGUEZ W/E 12/12	754.92
	1/24/2011	881957	2,948.40		
				TEMP SVCS-HENDERSON W/E-12/19	719.28
				TEMP SVCS-HENDERSON W/E-12/26	719.28
				TEMP SVCS-RODRIGUEZ W/E-12/19	754.92
				TEMP SVCS-RODRIGUEZ W/E-12/26	754.92
	Vendor Total		**5,896.80**		
FYTD for RALLY MANAGEMENT SERVICES, LLC			**43,386.53**		
RAMIREZ, SERGIO					
	1/24/2011	206035	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RAMIREZ, SERGIO			**20.00**		
RAY-RAMIREZ, DARCY L.					
	1/3/2011	205782	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RAY-RAMIREZ, DARCY L.			**956.19**		
RE PLANET					
	1/24/2011	206036	30.17		
				REFUND-BUS.LIC OVERPYMT	30.17
	Vendor Total		**30.17**		
FYTD for RE PLANET			**30.17**		
RE/ MAX RESULTS					
	1/24/2011	206037	55.98		
				REFUND-BUS.LIC OVERPYMT	55.98
	Vendor Total		**55.98**		
FYTD for RE/ MAX RESULTS			**55.98**		
RESIDENTIAL WALL SYSTEMS					
	1/24/2011	206038	66.57		
				REFUND-BUS.LIC OVERPYMT	66.57
	1/31/2011	206134	61.90		
				REFUND-BUS LIC OVRPMT	61.90
	Vendor Total		**128.47**		
FYTD for RESIDENTIAL WALL SYSTEMS			**161.82**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RHA LANDSCAPE ARCHITECTS-PLANNERS					
	1/31/2011	206135	449.02		
				SHADOW MTN PARK LIGHTING PROJ	449.02
	Vendor Total		**449.02**		
FYTD for RHA LANDSCAPE ARCHITECTS-PLANNERS			**17,532.94**		
RICK ENGINEERING COMPANY					
	1/10/2011	881889	3,977.55		
				KITCHING ST IMPRVMNT PROJ	799.39
				KITCHING ST IMPRVMNT PROJ	118.16
				KITCHING ST IMPRVMNT PROJ	3,060.00
	1/31/2011	881987	2,380.00		
				KITCHING ST IMPRVMNT PROJ	2,380.00
	Vendor Total		**6,357.55**		
FYTD for RICK ENGINEERING COMPANY			**37,008.16**		
RIVAS, ELSA					
	1/3/2011	205783	58.00		
				REFUND-LICENSE PD	58.00
	Vendor Total		**58.00**		
FYTD for RIVAS, ELSA			**58.00**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110105	4,592.06		
				RETENTN PYMT PER ESCROW AGRMNT	4,592.06
	1/20/2011	110106	16,534.13		
				RETENTN PYMT PER ESCROW AGRMNT	16,534.13
	Vendor Total		**21,126.19**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH					
	1/18/2011	205896	250.00		
				DFA FOR RABIES	250.00
	Vendor Total		**250.00**		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH			**450.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
1/24/2011	206039	242.93		
			RADIO LEASE/MAINT-TECH SVCS	170.10
			RADIO LEASE/MAINT-TECH SVCS	9.45
			RADIO LEASE/MAINT-TECH SVCS	33.12
			COMMUNICATIONS SVCS	30.26
1/31/2011	206136	1,769.45		
			MAINT FOR RADIOS-PD	1,769.45
	Vendor Total	**2,012.38**		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		**15,243.91**		
RIVERSIDE COUNTY SHERIFF				
1/18/2011	881917	12,395.72		
			JAIL BOOKING FEES	5,188.43
			JAIL BOOKING FEES	7,207.29
	Vendor Total	**12,395.72**		
FYTD for RIVERSIDE COUNTY SHERIFF		**15,070,633.49**		
RIVERSIDE COUNTY SHERIFF BEN CLARK				
1/18/2011	205897	727.00		
			REG-TRAFF COLL INV-MOTOR VEH	287.00
			REG-TRAFF COLL INVESTIG-ADV.	440.00
1/31/2011	206137	768.00		
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
	Vendor Total	**1,495.00**		
FYTD for RIVERSIDE COUNTY SHERIFF BEN CLARK		**7,247.00**		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
1/3/2011	205784	672.58		
			GARNISHMENT	194.53
			GARNISHMENT	478.05
1/18/2011	205898	652.09		
			GARNISHMENT	177.34
			GARNISHMENT	474.75
1/31/2011	206138	750.90		
			GARNISHMENT	110.17
			GARNISHMENT	165.79
			GARNISHMENT	474.94
	Vendor Total	**2,075.57**		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		**9,346.92**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF MV					
	1/31/2011	206139	8,914.18		
				EXTRA POLICE DUTY-RVHS	5,198.08
				EXTRA POLICE DUTY-RVHS	72.16
				EXTRA POLICE DUTY-RVHS	2,352.78
				EXTRA POLICE DUTY-RVHS	54.56
				EXTRA POLICE DUTY-RVHS	848.05
				EXTRA POLICE DUTY-RVHS	22.88
				EXTRA POLICE DUTY-RVHS	353.35
				EXTRA POLICE DUTY-RVHS	12.32
	Vendor Total		**8,914.18**		
FYTD for RIVERSIDE COUNTY SHERIFF MV			**14,860.24**		
RIVERSTONE RESIDENTIAL CA, INC					
	1/31/2011	206140	55.05		
				REFUND-BUS LIC OVRPMT	55.05
	Vendor Total		**55.05**		
FYTD for RIVERSTONE RESIDENTIAL CA, INC			**55.05**		
RLZ ENGINEERING					
	1/18/2011	881918	6,138.00		
				TEMP STAFFING SVCS-CAP PROJS	6,138.00
	Vendor Total		**6,138.00**		
FYTD for RLZ ENGINEERING			**41,850.00**		
ROBINSON, JOAQUIN DIEGO					
	1/18/2011	205899	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for ROBINSON, JOAQUIN DIEGO			**988.00**		
ROCHA, MARIA					
	1/5/2011	205797	95.00		
				REFUND-RABIES & SN DEPOSIT	20.00
				REFUND-RABIES & SN DEPOSIT	75.00
	Vendor Total		**95.00**		
FYTD for ROCHA, MARIA			**95.00**		
ROCHA, SARA L.					
	1/3/2011	881856	787.80		
				OCT-DEC '10, DEC-FEB MEDI, PD	787.80
	Vendor Total		**787.80**		
FYTD for ROCHA, SARA L.			**2,544.56**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ROGERS, EUGENE					
	1/3/2011	881857	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROGERS, EUGENE			**2,231.11**		
ROGERS, KIANNA					
	1/18/2011	205900	162.50		
				MILEAGE REIMBURSEMENT	92.00
				MILEAGE REIMBURSEMENT	70.50
	Vendor Total		**162.50**		
FYTD for ROGERS, KIANNA			**972.00**		
ROSS, DAVID T.					
	1/3/2011	881858	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROSS, DAVID T.			**2,231.11**		
ROSSON, LOUIS A.					
	1/3/2011	881859	270.70		
				RETIREE MED JAN '11	174.30
				RETIREE MED JAN '11	96.40
	Vendor Total		**270.70**		
FYTD for ROSSON, LOUIS A.			**2,009.26**		
ROTO - ROOTER SERVICE & PLUMBING CO.					
	1/24/2011	206040	95.56		
				REFUND-BUS.LIC OVERPYMT	95.56
	Vendor Total		**95.56**		
FYTD for ROTO - ROOTER SERVICE & PLUMBING CO.			**95.56**		
RUSSO, JOHN					
	1/3/2011	881860	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RUSSO, JOHN			**2,231.11**		
RUVALCABA, RAFAEL					
	1/18/2011	205901	190.00		
				INSTRUCTION SVCS-5 DAYS	190.00
	Vendor Total		**190.00**		
FYTD for RUVALCABA, RAFAEL			**190.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SA ASSOCIATES					
	1/18/2011	881919	9,450.00		
				TEMP STAFFING SVCS-CAP PROJS	9,450.00
	Vendor Total		**9,450.00**		
FYTD for SA ASSOCIATES			**76,875.00**		
SABRE LIGHTING AND SIGNS					
	1/31/2011	206141	573.49		
				EXTERIOR SIGNAGE RPLCMNT-STARS	527.35
				EXTERIOR SIGNAGE RPLCMNT-STARS	46.14
	Vendor Total		**573.49**		
FYTD for SABRE LIGHTING AND SIGNS			**17,274.49**		
SALAS, BRANDY					
	1/18/2011	205902	44.00		
				REFUND-CANCELLED CLASS	44.00
	Vendor Total		**44.00**		
FYTD for SALAS, BRANDY			**44.00**		
SALFRANK, MAUREEN					
	1/24/2011	206041	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALFRANK, MAUREEN			**20.00**		
SALGADO, ERIC					
	1/31/2011	206142	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALGADO, ERIC			**20.00**		
SALIVA, MARVIN					
	1/24/2011	206042	30.00		
				REFUND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for SALIVA, MARVIN			**30.00**		
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP					
	1/24/2011	881958	56.00		
				FIRE EXTINGUISHERS-ANIMAL SHEL	56.00
	Vendor Total		**56.00**		
FYTD for SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP			**3,049.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SAN BERNARDINO SHERIFF'S DEPT. EVOC					
	1/18/2011	205903	1,159.00		
				MOTORCYCLE TRNG INSTR COURSE	1,159.00
	Vendor Total		**1,159.00**		
FYTD for SAN BERNARDINO SHERIFF'S DEPT. EVOC			**1,159.00**		
SANTA ROSA DEVELOPERS LIMITED					
	1/18/2011	205904	683.88		
				REFUND-CHANGE OF ZONE	173.87
				REFUND-CLOSED-GEN.PLAN	510.01
	Vendor Total		**683.88**		
FYTD for SANTA ROSA DEVELOPERS LIMITED			**683.88**		
SAVAGE, SUE & ROBERT					
	1/31/2011	206143	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAVAGE, SUE & ROBERT			**20.00**		
SAWLA, POOJA					
	1/31/2011	206144	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAWLA, POOJA			**20.00**		
SC SIGNS					
	1/18/2011	205905	2,100.00		
				PUBLIC HEARING SITE POSTINGS	2,100.00
	Vendor Total		**2,100.00**		
FYTD for SC SIGNS			**2,100.00**		
SCHOENFELDER, LAURA					
	1/18/2011	205906	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for SCHOENFELDER, LAURA			**38.00**		
SCMAF - INLAND VALLEY					
	1/18/2011	205907	120.00		
				2010 A & I BANQUET	120.00
	Vendor Total		**120.00**		
FYTD for SCMAF - INLAND VALLEY			**120.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SECURITY LOCK & KEY					
	1/24/2011	881959	45.00		
				LOCK REPAIRS	22.50
				LOCK REPAIRS	22.50
	Vendor Total		**45.00**		
FYTD for SECURITY LOCK & KEY			**1,666.85**		
SEIFERT, VICTORIA					
	1/31/2011	206145	45.00		
				REFUND-ANIMAL SHELTER	19.00
				REFUND-ANIMAL SHELTER	10.00
				REFUND-ANIMAL SHELTER	16.00
	Vendor Total		**45.00**		
FYTD for SEIFERT, VICTORIA			**45.00**		
SERTA MATTRESS COMPANY					
	1/3/2011	205785	300.00		
				REFUND-12/17 EVENT DEPOSIT	300.00
	Vendor Total		**300.00**		
FYTD for SERTA MATTRESS COMPANY			**300.00**		
SHAH, JAGDISH					
	1/18/2011	881920	10,800.00		
				TEMP STAFFING SVCS-CAP PROJS	10,800.00
	Vendor Total		**10,800.00**		
FYTD for SHAH, JAGDISH			**122,040.00**		
SHARRETT, SHARON K.					
	1/3/2011	205786	174.30		
				RETIREE MED JAN '11	174.30
	Vendor Total		**174.30**		
FYTD for SHARRETT, SHARON K.			**1,334.46**		
SHELDON, STUART H.					
	1/3/2011	205787	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SHELDON, STUART H.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SHELL OIL CO.					
	1/10/2011	205828	48.77		
				FUEL PURCHASE	48.77
	1/24/2011	206044	143.16		
				FUEL PURCHASES	143.16
	1/24/2011	206045	1,096.70		
				FUEL PURCHASES	1,096.70
	1/24/2011	206046	18.08		
				FUEL PURCHASES	18.08
	Vendor Total		**1,306.71**		
FYTD for SHELL OIL CO.			**11,517.19**		
SHRED-IT					
	1/24/2011	206047	22.75		
				REFUND-BUS.LIC OVERPYMT	22.75
	Vendor Total		**22.75**		
FYTD for SHRED-IT			**22.75**		
SHURTLEFF, JEANNETTE L.					
	1/18/2011	881921	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for SHURTLEFF, JEANNETTE L.			**2,964.00**		
SIERRA PACIFIC ELECTRICAL CONTRACTING					
	1/31/2011	206146	1,860.00		
				REPLACE TRAFFIC DETECTOR LOOPS	1,860.00
	Vendor Total		**1,860.00**		
FYTD for SIERRA PACIFIC ELECTRICAL CONTRACTING			**1,860.00**		
SINGER & COFFIN, APC					
	1/31/2011	881990	40.00		
				LEGAL SVCS	40.00
	Vendor Total		**40.00**		
FYTD for SINGER & COFFIN, APC			**7,499.98**		
SINGLETON-DECUIR, JANISHEIA					
	1/18/2011	881922	118.00		
				MILEAGE REIMBURSEMENT	118.00
	Vendor Total		**118.00**		
FYTD for SINGLETON-DECUIR, JANISHEIA			**277.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SKONBERG, RIX					
	1/18/2011	205935	1,500.00		
				TUITION REIMBURSEMENT	1,500.00
	Vendor Total		**1,500.00**		
FYTD for SKONBERG, RIX			**1,500.00**		
SKY TRAILS MOBILE VILLAGE					
	1/24/2011	881960	49.31		
				REFUND-UT USER TAXES	49.31
	Vendor Total		**49.31**		
FYTD for SKY TRAILS MOBILE VILLAGE			**217.31**		
SLAGERMAN, SUSAN A.					
	1/3/2011	881861	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SLAGERMAN, SUSAN A.			**2,231.11**		
SMITH FLOORS & INSTALLATIONS					
	1/24/2011	206048	22.16		
				REFUND-BUS.LIC OVERPYMT	22.16
	Vendor Total		**22.16**		
FYTD for SMITH FLOORS & INSTALLATIONS			**7,794.16**		
SMITH, MARIA A.					
	1/3/2011	881862	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SMITH, MARIA A.			**2,212.27**		
SMITH, WILMA					
	1/18/2011	205908	200.00		
				REFUND-12/18 EVENT DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for SMITH, WILMA			**200.00**		
SMUS, PAULA					
	1/10/2011	205829	37.40		
				MILEAGE REIMBURSEMENT	22.40
				MILEAGE REIMBURSEMENT	15.00
	1/24/2011	206049	93.10		
				MILEAGE REIMBURSEMENT	93.10
	Vendor Total		**130.50**		
FYTD for SMUS, PAULA			**277.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOCO GROUP, INC					
	1/10/2011	881890	6,756.90		
				FUEL PURCHASE	6,756.90
	Vendor Total		**6,756.90**		
FYTD for SOCO GROUP, INC			**157,607.90**		
SOLAR SERVICE CENTER					
	1/18/2011	205909	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for SOLAR SERVICE CENTER			**75.00**		
SOMERS, ROBERTA					
	1/24/2011	206050	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for SOMERS, ROBERTA			**75.00**		
SOUTH COAST AIR QUALITY MGMT DISTRICT					
	1/18/2011	205910	684.59		
				FIRE # 91-OPERATING FEE	379.90
				FIRE # 91-EMISSIONS FEE	109.00
				FIRE # 2-OPERATING FEE	86.69
				FIRE # 2-EMISSIONS FEE	109.00
	Vendor Total		**684.59**		
FYTD for SOUTH COAST AIR QUALITY MGMT DISTRICT			**2,076.08**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/10/2011	205830	11,181.08		
				ELECTRICITY	118.32
				ELECTRICITY	24.80
				ELECTRICITY	21.26
				ELECTRICITY	26.65
				ELECTRICITY	115.18
				ELECTRICITY	241.31
				ELECTRICITY	926.51
				ELECTRICITY	2,831.91
				ELECTRICITY	187.02
				ELECTRICITY	418.93
				ELECTRICITY	932.08
				ELECTRICITY	745.74
				ELECTRICITY	146.37
				ELECTRICITY	813.76
				ELECTRICITY	468.41
				ELECTRICITY	412.07
				ELECTRICITY	387.59
				ELECTRICITY	22.33
				ELECTRICITY	1,817.12
				ELECTRICITY	198.34
				ELECTRICITY	138.30
				ELECTRICITY	63.33
				ELECTRICITY	123.75
	1/24/2011	206051	14,490.30		
				IFA CHARGES-SUBSTATION	14,146.73
				ELECTRIC CHARGES	343.57
	1/31/2011	206147	3,279.84		
				ELECTRICITY	25.45
				ELECTRICITY	1,034.65
				ELECTRICITY	704.85
				ELECTRICITY	137.16
				ELECTRICITY	817.85
				ELECTRICITY	344.98
				ELECTRICITY	24.57
				ELECTRICITY	48.93
				ELECTRICITY	141.40
	Vendor Total		**28,951.22**		
FYTD for SOUTHERN CALIFORNIA EDISON			**1,759,082.07**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA GAS CO.					
	1/24/2011	206052	11,304.40		
				GAS CHARGES	1,198.67
				GAS CHARGES	3,273.34
				GAS CHARGES	114.54
				GAS CHARGES	218.88
				GAS CHARGES	777.55
				GAS CHARGES	362.64
				GAS CHARGES	151.64
				GAS CHARGES	1,516.93
				GAS CHARGES	453.11
				GAS CHARGES	278.01
				GAS CHARGES	384.85
				GAS CHARGES	359.34
				GAS CHARGES	562.38
				GAS CHARGES	739.86
				GAS CHARGES	64.14
				GAS CHARGES	848.52
	Vendor Total		**11,304.40**		
FYTD for SOUTHERN CALIFORNIA GAS CO.			**37,468.71**		
SPARKLETTS					
	1/18/2011	205912	39.92		
				WATER SERVICE	12.28
				WATER SERVICE	27.64
	1/24/2011	206053	4.50		
				WATER SERVICE	4.50
	Vendor Total		**44.42**		
FYTD for SPARKLETTS			**426.91**		
SPECIALIZED BUSINESS SYSTEM, INC.					
	1/24/2011	206054	528.05		
				LEKTRIEVER MAINTENANCE	528.05
	Vendor Total		**528.05**		
FYTD for SPECIALIZED BUSINESS SYSTEM, INC.			**528.05**		
SPECK, GARY B.					
	1/3/2011	881863	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SPECK, GARY B.			**2,231.11**		
SPECTRUM CARE					
	1/18/2011	881924	12,333.33		
				LANDSCAPE MAINT-ZONE E-1	10,540.00
				LANDSCAPE MAINT-ZONE E-1	1,793.33
	Vendor Total		**12,333.33**		
FYTD for SPECTRUM CARE			**90,835.36**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SPENCER, MARTHA					
	1/3/2011	881864	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for SPENCER, MARTHA			**1,397.06**		
SPRINT/NEXTEL					
	1/18/2011	881925	642.44		
				CELL PH CHGS-GTF	35.22
				CELL PH CHGS-SET	607.22
	Vendor Total		**642.44**		
FYTD for SPRINT/NEXTEL			**2,589.23**		
STANDARD INSURANCE CO					
	1/18/2011	205913	1,926.44		
				SUPPLEMENTAL INSURANCE	1,926.44
	Vendor Total		**1,926.44**		
FYTD for STANDARD INSURANCE CO			**227,964.72**		
STANLEY CONVERGENT SECURITY SOLUTNS, INC					
	1/24/2011	881961	274.00		
				MONITORING SVCS-ANML SHLTR	175.00
				MONITORING SVCS-POLICE	99.00
	Vendor Total		**274.00**		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC			**16,197.49**		
STATE BOARD OF EQUALIZATION					
	1/25/2011	1231101	1,976.00		
				SALES & USE TAX 10/1-12/31/10	1,976.00
	1/31/2011	206148	5,047.31		
				ELECTRICAL ENERGY SURCHARGE	5,047.31
	Vendor Total		**7,023.31**		
FYTD for STATE BOARD OF EQUALIZATION			**20,559.31**		
STATE DISBURSEMENT UNIT					
	1/6/2011	2773	1,835.37		
				CHILD SUPPORT W/H 01/06/11	1,835.37
	1/20/2011	2782	1,863.89		
				CHILD SUPPORT W/H 1/20/11	1,863.89
	Vendor Total		**3,699.26**		
FYTD for STATE DISBURSEMENT UNIT			**18,335.10**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STATE OF CALIFORNIA DEPT. OF JUSTICE				
1/18/2011	205914	2,961.00		
			FINGERPRINTING SVCS-PD	2,961.00
1/31/2011	206149	2,649.00		
			BLOOD ALCHL ANLYS-PD	945.00
			BLOOD ALCHL ANLYS-PD	350.00
			BLOOD ALCHL ANLYS-PD	490.00
			FINGERPRINTING SVCS-HR	192.00
			FINGERPRINTING SVCS-STARS	64.00
			FINGERPRINTING SVCS-VOL SVCS	32.00
			FINGERPRINTING SVCS-B/L	32.00
			FINGERPRINTING SVCS-PARKS	64.00
			FINGERPRINTING SVCS-PARKS	192.00
			FINGERPRINTING SVCS-PD	288.00
	Vendor Total	**5,610.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE		**39,702.00**		
STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV				
1/18/2011	205915	145.34		
			REFUND-MVU	51.99
			REFUND-MVU	93.35
	Vendor Total	**145.34**		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV		**1,771.30**		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN				
1/18/2011	205916	2,889.12		
			TRANSCRIPTION SVCS-PD	2,889.12
	Vendor Total	**2,889.12**		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN		**21,479.68**		
STERICYCLE (BFI)				
1/31/2011	881991	1,219.52		
			MED WASTE HAULING SVC	609.81
			MED WASTE HAULING SVC	609.71
	Vendor Total	**1,219.52**		
FYTD for STERICYCLE (BFI)		**3,901.50**		
STEVE'S VALLEY NURSERY				
1/24/2011	206055	175.00		
			PARK SAND	175.00
	Vendor Total	**175.00**		
FYTD for STEVE'S VALLEY NURSERY		**175.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEWART, CLIFFORD					
	1/3/2011	881865	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for STEWART, CLIFFORD			**1,774.42**		
STEWART, RICHARD A.					
	1/24/2011	206056	168.86		
				REFUND-CANDIDATE STATEMENT	168.86
	Vendor Total		**168.86**		
FYTD for STEWART, RICHARD A.			**168.86**		
STRADLING, YOCCA, CARLSON & RAUTH					
	1/10/2011	205831	10,293.96		
				LEGAL SVCS	2,227.43
				LEGAL SVCS	4,004.83
				LEGAL SVCS	250.00
				LEGAL SVCS	250.00
				LEGAL SVCS	1,282.35
				LEGAL SVCS	754.35
				LEGAL SVCS	425.00
				LEGAL SVCS	100.00
				LEGAL SVCS	700.00
				LEGAL SVCS	300.00
	1/18/2011	205917	300.36		
				LEGAL SVCS	300.36
	Vendor Total		**10,594.32**		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH			**42,017.74**		
STRICKLER ASSOCIATION, THE					
	1/24/2011	881963	7,377.50		
				NEIGHBORHOOD STABILIZATION	2,745.00
				NEIGHBORHOOD STABILIZATION	1,252.50
				NEIGHBORHOOD STABILIZATION	3,380.00
	Vendor Total		**7,377.50**		
FYTD for STRICKLER ASSOCIATION, THE			**14,657.50**		
STRICKLER II, JOHN W.					
	1/3/2011	881866	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for STRICKLER II, JOHN W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SUNNYMEAD ACE HARDWARE					
	1/3/2011	205790	114.08		
				MISC. SUPPLIES-POLICE	13.03
				MISC. SUPPLIES-POLICE	22.83
				MISC. SUPPLIES-POLICE	8.69
				MISC. SUPPLIES-POLICE	69.53
	1/18/2011	205918	75.95		
				MISC.SUPPLIES-PARK MAINT.	32.46
				MISC.SUPPLIES-POLICE	43.49
	1/31/2011	206150	27.13		
				MISC SUPPLIES-PD	27.13
	Vendor Total		**217.16**		
FYTD for SUNNYMEAD ACE HARDWARE			**1,285.47**		
SWITZER, BANGON					
	1/31/2011	206151	112.00		
				REFUND-CLASS CANCELED	112.00
	Vendor Total		**112.00**		
FYTD for SWITZER, BANGON			**112.00**		
TARUCA, CARLOS					
	1/24/2011	206057	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for TARUCA, CARLOS			**100.00**		
TAX COMPLIANCE SERVICES					
	1/18/2011	205919	6,250.00		
				UUT COMPLIANCE SERVICES	6,250.00
	Vendor Total		**6,250.00**		
FYTD for TAX COMPLIANCE SERVICES			**31,250.00**		
TEACHER CREATED MATERIALS, INC.					
	1/31/2011	206152	6,129.20		
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.85
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-SHIPPING	419.99
	Vendor Total		**6,129.20**		
FYTD for TEACHER CREATED MATERIALS, INC.			**6,129.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TEK WORKS					
	1/24/2011	206073	13,647.08		
				REPLCMNT OF EBI KEYCARD SYSTEM	12,802.19
				RELOCATE SYS PANEL AT CITY YRD	844.89
	1/31/2011	881992	145.81		
				REPAIRS @ ESA ANNEX	145.81
	Vendor Total		**13,792.89**		
FYTD for TEK WORKS			**63,284.87**		
THE GAS COMPANY					
	1/10/2011	205832	213.84		
				LINE EXTENSION-HIGHLND FIRE ST	213.84
	Vendor Total		**213.84**		
FYTD for THE GAS COMPANY			**213.84**		
THE SMOKE DETECTORS					
	1/10/2011	205833	1,000.00		
				TRUCK SMOKE OPACITY TESTS	1,000.00
	Vendor Total		**1,000.00**		
FYTD for THE SMOKE DETECTORS			**1,000.00**		
THOMSON REUTERS INC					
	1/18/2011	205920	2,652.53		
				LEGAL PUBLICATION SUBSCPTNS	199.09
				LEGAL PUBLICATION SUBSCPTNS	2,453.44
	Vendor Total		**2,652.53**		
FYTD for THOMSON REUTERS INC			**5,554.02**		
THYSSENKRUPP ELEVATOR CORPORATION					
	1/24/2011	206058	45.43		
				REFUND-BUS.LIC OVERPYMT	45.43
	Vendor Total		**45.43**		
FYTD for THYSSENKRUPP ELEVATOR CORPORATION			**45.43**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRICHE, TARA					
	1/24/2011	206059	1,411.92		
				INSTRUCTOR SVCS-BALLET 4	88.80
				INSTRUCTOR SVCS-BALLET 7	155.40
				INSTRUCTOR SVCS-BALLET 5	111.00
				INSTRUCTOR SVCS-BALLET 3	66.60
				INSTRUCTOR SVCS-DANCE 12	257.52
				INSTRUCTOR SVCS-DANCE 6	133.20
				INSTRUCTOR SVCS-DANCE 8	177.60
				INSTRUCTOR SVCS-DANCE 10	222.00
				INSTRUCTOR SVCS-HIP HOP 9	199.80
	Vendor Total		**1,411.92**		
FYTD for TRICHE, TARA			**11,956.92**		
TRI-CITY LINEN SUPPLY, INC.					
	1/3/2011	205791	166.00		
				LINEN SVCS	25.00
				LINEN SVCS	66.00
				LINEN SVCS	75.00
	1/10/2011	205834	50.00		
				LINEN SVCS	25.00
				LINEN SVCS	25.00
	1/18/2011	205921	25.00		
				LINEN SVCS	25.00
	1/31/2011	206153	25.00		
				LINEN RENTAL-CONF & REC CTR	25.00
	Vendor Total		**266.00**		
FYTD for TRI-CITY LINEN SUPPLY, INC.			**1,171.75**		
TROPICAL PLAZA NURSERY, INC					
	1/24/2011	206060	94.20		
				REFUND-BUS.LIC OVERPYMT	94.20
	Vendor Total		**94.20**		
FYTD for TROPICAL PLAZA NURSERY, INC			**94.20**		
TROPICAL PLAZA NURSERY, INC.					
	1/18/2011	205922	16,196.10		
				LANDSCAPE MAINT-ZONE E-2	15,700.00
				LANDSCAPE MAINT-ZONE E-2	496.10
	Vendor Total		**16,196.10**		
FYTD for TROPICAL PLAZA NURSERY, INC.			**130,988.49**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRUGREEN LANDCARE					
	1/31/2011	881993	14,614.60		
				LANDSCAPE MAINT-ZONE M	5,324.89
				LANDSCAPE MAINT-DSG 1/10	6,804.71
				LANDSCAPE MAINT-E16	2,485.00
	Vendor Total		**14,614.60**		
FYTD for TRUGREEN LANDCARE			**185,249.19**		
TUNTLAND, JAMES					
	1/3/2011	881867	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for TUNTLAND, JAMES			**1,774.42**		
TURF STAR, INC.					
	1/24/2011	206061	700.47		
				GOLF COURSE EQUIP. PARTS	700.47
	Vendor Total		**700.47**		
FYTD for TURF STAR, INC.			**1,268.28**		
U.S. HEALTHWORKS MEDICAL GROUP					
	1/31/2011	206154	515.00		
				PRE-EMPLOYMENT PHYSICALS	360.00
				PRE-EMPLOYMENT PHYSICALS	65.00
				PRE-EMPLOYMENT PHYSICALS	90.00
	Vendor Total		**515.00**		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP			**6,960.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNION BANK OF CALIFORNIA				
1/18/2011	205923	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205923 ON 1/18/11	-170.00
1/18/2011	205924	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205924 ON 1/18/11	-170.00
1/18/2011	205925	980.34		
			STANDBY LOC TRANSFER FEES	291.67
			STANDBY LOC TRANSFER FEES	397.00
			STANDBY LOC TRANSFER FEES	291.67
1/18/2011	205937	0.00		
			CREDIT TO REVERSE PREV PAYMENT	-291.67
			STANDBY LOC TRANSFER FEES	170.00
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK #205937ON 2/24/11	291.67
			VOIDED CHECK #205937ON 2/24/11	-170.00
			VOIDED CHECK #205937ON 2/24/11	-170.00
Vendor Total		**980.34**		
FYTD for UNION BANK OF CALIFORNIA		**58,713.22**		
UNITED PACIFIC SERVICES, INC				
1/31/2011	206155	16,694.50		
			TREE TRIMMING SVC-E3	9,869.00
			TREE TRIMMING SVC-E8	1,526.50
			TREE TRIMMING SVC-E15	1,065.00
			TREE TRIMMING SVC-E3	678.00
			TREE TRIMMING SVC-E3	2,000.00
			TREE TRIMMING SVC-E4	1,556.00
Vendor Total		**16,694.50**		
FYTD for UNITED PACIFIC SERVICES, INC		**26,811.06**		
UNITED ROTARY BRUSH CORP				
1/10/2011	881891	716.67		
			BROOM KITS-STREET SWEEPER	223.58
			BROOM KITS-STREET SWEEPER	493.09
Vendor Total		**716.67**		
FYTD for UNITED ROTARY BRUSH CORP		**19,134.47**		
UNITED SITE SERVICES OF CA, INC.				
1/18/2011	205936	107.39		
			FENCE RENTAL-ANIMAL SHELTER	107.39
1/24/2011	881965	77.33		
			PORTABLE TOILET SVC-GOLF COURS	77.33
Vendor Total		**184.72**		
FYTD for UNITED SITE SERVICES OF CA, INC.		**2,331.38**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED STATES TREASURY					
	1/3/2011	205792	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/18/2011	205926	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/31/2011	206156	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	Vendor Total		**150.00**		
FYTD for UNITED STATES TREASURY			**800.00**		
UNITED WAY OF INLAND VALLEYS					
	1/3/2011	205793	627.18		
				UNITED WAY CONTRIBUTIONS	627.18
	1/18/2011	205927	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	1/31/2011	206157	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	Vendor Total		**1,641.56**		
FYTD for UNITED WAY OF INLAND VALLEYS			**9,874.90**		
URRUTIA, MARIO					
	1/31/2011	206158	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for URRUTIA, MARIO			**20.00**		
USA MOBILITY/ARCH WIRELESS					
	1/24/2011	881966	36.59		
				PAGER SVC-PARK RANGERS	2.01
				PAGER SVC-TRANSP. DIV.	4.66
				PAGER SVC-ANIMAL SVCS	29.92
	Vendor Total		**36.59**		
FYTD for USA MOBILITY/ARCH WIRELESS			**507.92**		
VA CONSULTING, INC.					
	1/18/2011	881927	11,056.75		
				AUTO MALL STREET UPGRADES PROJ	2,317.10
				AUTO MALL STREET UPGRADES PROJ	1,037.90
				AUTO MALL STREET UPGRADES PROJ	5,711.30
				AUTO MALL STREET UPGRADES PROJ	1,990.45
	Vendor Total		**11,056.75**		
FYTD for VA CONSULTING, INC.			**83,455.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VACATE PEST ELIMINATION COMPANY					
	1/24/2011	881967	1,415.00		
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-FIRE #2	45.00
				PEST CNTRL-FIRE #6	45.00
				PEST CNTRL-FIRE #48	45.00
				PEST CNTRL-FIRE #58	45.00
				PEST CNTRL-FIRE #65	45.00
				PEST CNTRL-FIRE #91	45.00
				PEST CNTRL-FIRE #91SPECIAL	45.00
				PEST CNTRL-SENIOR CENTER	55.00
				PEST CNTRL-TOWNGATE C/C	45.00
				PEST CNTRL-UTILITIES FIELD OFF	45.00
				PEST CNTRL-PUBLIC LIBRARY	55.00
				PEST CNTRL-P.S.B.	75.00
				PEST CNTRL-CITY HALL	75.00
				PEST CNTRL-CITY YARD	115.00
				PEST CNTRL-TRANSPORT TRAILER	45.00
				PEST CNTRL-PRO SHOP	22.50
				PEST CNTRL-MVTV-3	22.50
				PEST CNTRL-C & R	75.00
				PEST CNTRL-ANIMAL SHELTER	115.00
				PEST CNTRL-ANNEX # 1	55.00
				PEST CNTRL-HOBBY SHOP	45.00
				PEST CNTRL-MARCH ASES BLDG.	45.00
				PEST CNTRL-MARCH C/C	45.00
	1/31/2011	881994	540.00		
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
	Vendor Total		**1,955.00**		
FYTD for VACATE PEST ELIMINATION COMPANY			**11,475.00**		
VALI COOPER & ASSOCIATES, INC.					
	1/18/2011	881928	640.00		
				DAY ST IMPRVMNTS PROJ SVCS	640.00
	Vendor Total		**640.00**		
FYTD for VALI COOPER & ASSOCIATES, INC.			**67,645.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VAS ASSOCIATES, INC.					
	1/24/2011	881968	17,040.00		
				TEMP STAFFING SVCS-CAP PROJS	17,040.00
	Vendor Total		**17,040.00**		
FYTD for VAS ASSOCIATES, INC.			**130,080.00**		
VASQUEZ, LIZ					
	1/31/2011	206159	30.00		
				REFUND-DOG ADOPTION	30.00
	Vendor Total		**30.00**		
FYTD for VASQUEZ, LIZ			**30.00**		
VERIZON					
	1/24/2011	206062	1,683.14		
				BACKBONE CHARGES	1,683.14
	Vendor Total		**1,683.14**		
FYTD for VERIZON			**11,861.61**		
VERIZON CALIFORNIA					
	1/31/2011	206160	618.41		
				PHONE CHRGS-ERC	618.41
	Vendor Total		**618.41**		
FYTD for VERIZON CALIFORNIA			**5,053.34**		
VICTOR MEDICAL CO					
	1/10/2011	205835	783.00		
				ANIMAL MEDICAL SUPPLIES	783.00
	Vendor Total		**783.00**		
FYTD for VICTOR MEDICAL CO			**8,299.81**		
VIGIL, ERNEST					
	1/3/2011	881868	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for VIGIL, ERNEST			**2,231.11**		
VINCENT, CLARENCE					
	1/3/2011	205794	1,657.32		
				JAN - 1/2 OF NOV '10, PAID JAN	1,657.32
	Vendor Total		**1,657.32**		
FYTD for VINCENT, CLARENCE			**1,657.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VINTAGE ROOFING AND SOLAR CO, INC				
1/24/2011	206063	70.35		
			REFUND-BUS.LIC OVERPYMT	70.35
Vendor Total		**70.35**		
FYTD for VINTAGE ROOFING AND SOLAR CO, INC		**70.35**		
VISION SERVICE PLAN				
1/18/2011	881929	4,554.54		
			EMPLOYEE VISION INSURANCE	4,554.54
Vendor Total		**4,554.54**		
FYTD for VISION SERVICE PLAN		**30,531.47**		
VISTA PAINT CORPORATION				
1/10/2011	205836	999.23		
			PAINT & SUPPLIES	937.21
			PAINT & SUPPLIES	62.02
Vendor Total		**999.23**		
FYTD for VISTA PAINT CORPORATION		**6,041.62**		
VULCAN MATERIALS CO, INC.				
1/10/2011	205837	103.17		
			ASPHALTIC MATERIALS	103.17
1/31/2011	206161	486.00		
			ASPHALTIC MATERIALS	171.69
			ASPHALTIC MATERIALS	104.54
			ASPHALTIC MATERIALS	105.23
			ASPHALTIC MATERIALS	104.54
Vendor Total		**589.17**		
FYTD for VULCAN MATERIALS CO, INC.		**15,606.55**		
WAGGONER JR., GLENN C.				
1/3/2011	881869	318.73		
			RETIREE MED JAN '11	318.73
Vendor Total		**318.73**		
FYTD for WAGGONER JR., GLENN C.		**2,231.11**		
WAGNER, GARY D.				
1/3/2011	881870	318.73		
			RETIREE MED JAN '11	318.73
Vendor Total		**318.73**		
FYTD for WAGNER, GARY D.		**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WAGONER, ROBERT					
	1/3/2011	881871	360.40		
				12-8-10 - 2-8-11, PAID JAN '11	360.40
	Vendor Total		**360.40**		
FYTD for WAGONER, ROBERT			**1,441.60**		
WAGY, CARYLON					
	1/3/2011	205795	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGY, CARYLON			**2,231.11**		
WALKER, ANTHONY					
	1/18/2011	205928	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for WALKER, ANTHONY			**50.00**		
WALKER, DONNA JEAN					
	1/18/2011	881930	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for WALKER, DONNA JEAN			**304.00**		
WANG'S APARTMENT					
	1/18/2011	205929	95.00		
				REFUND-BUS.LIC OVERPYMT	95.00
	Vendor Total		**95.00**		
FYTD for WANG'S APARTMENT			**95.00**		
WASSON, KIRK					
	1/18/2011	881931	228.00		
				INSTRUCTION SVCS-6 DAYS	228.00
	Vendor Total		**228.00**		
FYTD for WASSON, KIRK			**722.00**		
WAXIE SANITARY SUPPLY					
	1/18/2011	205930	97.95		
				JANITORIAL SUPPLIES	56.06
				JANITORIAL SUPPLIES	34.01
				JANITORIAL SUPPLIES	7.88
	Vendor Total		**97.95**		
FYTD for WAXIE SANITARY SUPPLY			**97.95**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WELLS FARGO BANK					
	1/24/2011	206064	2,000.00		
				A/C 22631700 TABS SERIES A	2,000.00
	1/31/2011	206162	4,000.00		
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
	Vendor Total		**6,000.00**		
FYTD for WELLS FARGO BANK			**14,500.00**		
WELLS FARGO BANK, NA					
	1/31/2011	206163	750.00		
				ESCROW RE: 97 LRB PRIVT PLCMNT	750.00
	Vendor Total		**750.00**		
FYTD for WELLS FARGO BANK, NA			**750.00**		
WELLS FARGO CORPORATE TRUST					
	1/3/2011	110101	1,273.34		
				INT ON 97 CH COP VAR RATE BOND	1,273.34
	Vendor Total		**1,273.34**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WEST COAST DRYWALL & PAINT					
	1/24/2011	206065	25.52		
				REFUND-BUS.LIC OVERPYMT	25.52
	Vendor Total		**25.52**		
FYTD for WEST COAST DRYWALL & PAINT			**25.52**		
WEST PUBLISHING CORPORATION					
	1/31/2011	206164	535.00		
				AUTO TRACK SVCS-PD	535.00
	Vendor Total		**535.00**		
FYTD for WEST PUBLISHING CORPORATION			**3,710.00**		
WESTCON ELEVATOR, INC					
	1/24/2011	206066	32.30		
				REFUND-BUS.LIC OVERPYMT	32.30
	Vendor Total		**32.30**		
FYTD for WESTCON ELEVATOR, INC			**32.30**		
WESTERN INSULATIONS, LP					
	1/24/2011	206067	74.17		
				REFUND-BUS LIC OVRPMT	74.17
	Vendor Total		**74.17**		
FYTD for WESTERN INSULATIONS, LP			**74.17**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WESTERN MUNICIPAL WATER DISTRICT					
	1/24/2011	206068	163.33		
				WATER CHARGES	41.22
				WATER CHARGES	61.83
				WATER CHARGES	60.28
	Vendor Total		**163.33**		
FYTD for WESTERN MUNICIPAL WATER DISTRICT			**15,595.04**		
WHEMPNER, LYLE					
	1/24/2011	206069	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for WHEMPNER, LYLE			**20.00**		
WIELIN, RONALD A.					
	1/3/2011	881872	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WIELIN, RONALD A.			**2,231.11**		
WILLDAN AND ASSOCIATES					
	1/24/2011	206070	8,474.16		
				PROF.SVCS-PLAN CHECKS	8,474.16
	Vendor Total		**8,474.16**		
FYTD for WILLDAN AND ASSOCIATES			**82,201.48**		
WILLIAMS, JANE L.					
	1/3/2011	881873	200.93		
				DEC '10, PAID JAN '11	128.78
				VSP SEPT-NOV '10, PAID JAN '11	72.15
	Vendor Total		**200.93**		
FYTD for WILLIAMS, JANE L.			**1,168.14**		
WILLIAMS, LARRY					
	1/3/2011	205796	3,710.00		
				DEC 09-NOV 10, PD JAN '11	3,710.00
	Vendor Total		**3,710.00**		
FYTD for WILLIAMS, LARRY			**3,710.00**		
WILLOUGHBY, LORIA					
	1/24/2011	881969	26.50		
				MILEAGE REIMBURSEMENT	26.50
	Vendor Total		**26.50**		
FYTD for WILLOUGHBY, LORIA			**326.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WINCHESTER ASSOCIATES					
	1/18/2011	205931	2,317.00		
				REFUND-CLOSED-CHG.ZONE	2,317.00
	Vendor Total		**2,317.00**		
FYTD for WINCHESTER ASSOCIATES			**2,317.00**		
WINZLER & KELLY CONSULTING ENGINEERS					
	1/31/2011	881995	11,210.00		
				TEMP STAFFING SVCS-UTILITIES	11,210.00
	Vendor Total		**11,210.00**		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS			**52,057.50**		
WIRZ & COMPANY					
	1/10/2011	205838	6.37		
				SALES TAXES FOR TOW LABELS	6.37
	Vendor Total		**6.37**		
FYTD for WIRZ & COMPANY			**2,087.80**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WURM'S JANITORIAL SERVICES, INC.					
	1/18/2011	881932	130.00		
				JANITORIAL SVCS-SENIOR SPECIAL	130.00
	1/24/2011	881970	3,208.75		
				JANITORIAL SVCS-DAY PORTER	1,768.75
				JANITORIAL SVCS-FAC.ANNEX	960.00
				CLEANING SVCS-TOWNGATE	480.00
	1/31/2011	881996	24,980.97		
				JANITORIAL SVCS-SNNYMD ELEM	184.10
				JANITORIAL SVCS-RAINBOW ELEM	310.19
				JANITORIAL SVCS-MAPLE ELEM	310.19
				JANITORIAL SVCS-STARS	224.16
				JANITORIAL SVCS-SNNYMD MIDDLE	152.10
				JANITORIAL SVCS-FAC ANNX	1,080.00
				SPECIAL CLEANINGS-CONF & REC C	2,625.00
				JANITORIAL SVCS-CITY HALL	3,532.79
				JANITORIAL SVCS-CITY YARD	260.28
				JANITORIAL SVCS-TRANS. TRAILER	73.80
				JANITORIAL SVCS-EMERG OPS CTR	516.27
				JANITORIAL SVCS-SP DIST ANNEX	551.73
				JANITORIAL SVCS-FACIL. ANNEX	93.24
				JANITORIAL SVCS-LIBRARY	1,328.85
				JANITORIAL SVCS-MARCH FIELD	955.70
				JANITORIAL SVCS-PUB SFTY BLDG	5,564.25
				JANITORIAL SVCS-GOLF PRO SHOP	644.70
				JANITORIAL SVCS-MVTV STUDIO	58.05
				JANITORIAL SVCS-SENIOR CTR	1,916.18
				JANITORIAL SVCS-CONF & REC CTR	3,447.93
				JANITORIAL SVCS-TS ANNEX	340.08
				JANITORIAL SVCS-TOWNGATE C.C.	691.38
				CARPET DRYING-PD CHIEF'S OFFCE	20.00
				PORT. EXTRACTOR TO DRY CARPET	100.00
	Vendor Total		**28,319.72**		
FYTD for WURM'S JANITORIAL SERVICES, INC.			**188,298.85**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX					
	1/18/2011	205934	1,571.48		
				COPIER RNTL/MAINT-PARKS	359.34
				COPIER RNTL/MAINT-PARKS	779.48
				COPIER RNTL/MAINT-PARKS	432.66
	1/31/2011	206165	8,664.45		
				COPIER EXCESS PRINTS-STARS	2,619.28
				COPIER EXCESS PRINTS-STARS	1,895.34
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,888.43
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,366.58
				COPIER RNTL/MAINT-GRAPHICS	1,422.13
				COPIER RNTL/MAINT-GRAPHICS	397.79
				CREDIT-METER EXCESS PRINTS	-1,522.09
				CREDIT-METER EXCESS PRINTS	-1,631.99
	Vendor Total		**10,235.93**		
FYTD for XEROX			**47,777.96**		
YAMASHITA, JULIA J.					
	1/3/2011	881875	309.40		
				OCT-NOV '10, PAID JAN '11	309.40
	Vendor Total		**309.40**		
FYTD for YAMASHITA, JULIA J.			**1,237.60**		
ZELAYA, XENIA					
	1/24/2011	206071	47.00		
				REFUND-CLASS REGIST	47.00
	Vendor Total		**47.00**		
FYTD for ZELAYA, XENIA			**47.00**		
	Subtotal		**1,176,392.93**		
	GRAND TOTAL		**12,324,061.41**		

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015.

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017.

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto.

BACKGROUND

On June 10, 2008, the City Council awarded an agreement to STK Architecture (STK) for design professional consultant services for the Cottonwood Fire Station. The City Council also authorized the selected consultant to design future Fire Station Nos. 65 and 107 (Morrison Park) based on a qualification-based selection process subject to funding availability, fee negotiations with the preferred consultant, STK, and City Council approval.

In approving the FY 09/10 Capital Improvement Project (CIP) budget, the City Council reappropriated funding for various fire stations, allowing the Fire Department additional time to reanalyze its coverage area to size a fire station and locate it at the most effective location

On February 8, 2010, the Fire Chief presented a request to, and received concurrence from, the Public Safety Subcommittee for design and construction of the Morrison Park Fire Station.

On March 23, 2010, the City Council approved the Agreement for Design Professional Consultant Services with STK Architecture, Inc. for architectural and engineering design and construction contract administration services for Morrison Park Fire Station.

DISCUSSION

The Morrison Park Fire Station is located on APN 487-370-017, owned by the City, at 13400 Morrison Street. The adjacent property along the north property line, APN 487-370-015, is owned by YMCA of Riverside City and County. This is the future site of the YMCA Youth Center. The Morrison Park Fire Station will be a two-bay fire station with a modified floor plan layout. The fire station will have two driveways accessing from Morrison Street. The northernmost driveway is located directly opposite to Rockport Drive to facilitate the traffic along Morrison Street. This northernmost driveway will be dedicated as a shared driveway between the Fire Station and the future YMCA Youth Center.

As part of the City Condition of Approval for construction of the Morrison Park Fire Station, the City of Moreno Valley and YMCA of Riverside City and County shall enter an Irrevocable Reciprocal Easement for Ingress and Egress to provide right of way for vehicular traffic entering the Fire Station and YMCA Youth Center through the northernmost driveway.

ALTERNATIVES

1. Approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and authorize the City Manager to execute said “Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will facilitate the construction of needed facilities.*

2. Do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and do not authorize the City Manager to

execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will result in the delay of needed facilities.*

FISCAL IMPACT

The project is funded using 2007 Redevelopment Agency Tax Allocation Bond Series A proceeds (Fund 897) that were specifically allocated for the design and construction of the Morrison Park Fire Station. These funds must be used for their intended purpose and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGET

Fiscal Year 2010/2011 (897.91729)	$6,276,000
Total Funding	**$6,276,000**

ESTIMATED PROJECT COSTS

Final Design/Environmental Assessment/Const. Administration Services (including 10% contingency)	$ 766,000
Inspection, Testing, Geotechnical, and Survey services	$ 155,000
Communications (Riverside County IT services)	$ 50,000
Construction (including furniture and furnishings)	$5,200,000
Administrative Costs (permits, utility fees, Plan Check staff, misc.)	$ 100,000
Total Estimated Project Cost	**$6,271,000**

PRELIMINARY PROJECT SCHEDULE

Design Phase	April 2010 - June 2011
Bid and Award	July 2011 – September 2011
Notice of Construction Award	October 2011
Begin Construction	November 2011
Complete Construction	October 2012
Occupancy	November 2012

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Staff recommends the City Council approve the Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for shared use of the driveway separating the YMCA and Morrison Park Fire Station properties.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-015
Attachment "C" Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-017

Prepared By:
Henry Ngo, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/
City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/
Assistant City Engineer

Concurred By:
Steve Curley
Fire Chief

Concurred By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

\\Zurich\shared\PublWork\CapProj\CapProj\PROJECTS\Henry - 11-43472527 - Morrison Park Fire Station\CC Reports\YMCA Agreement - 03-22-11 -- Morrison Park Fire Station.doc

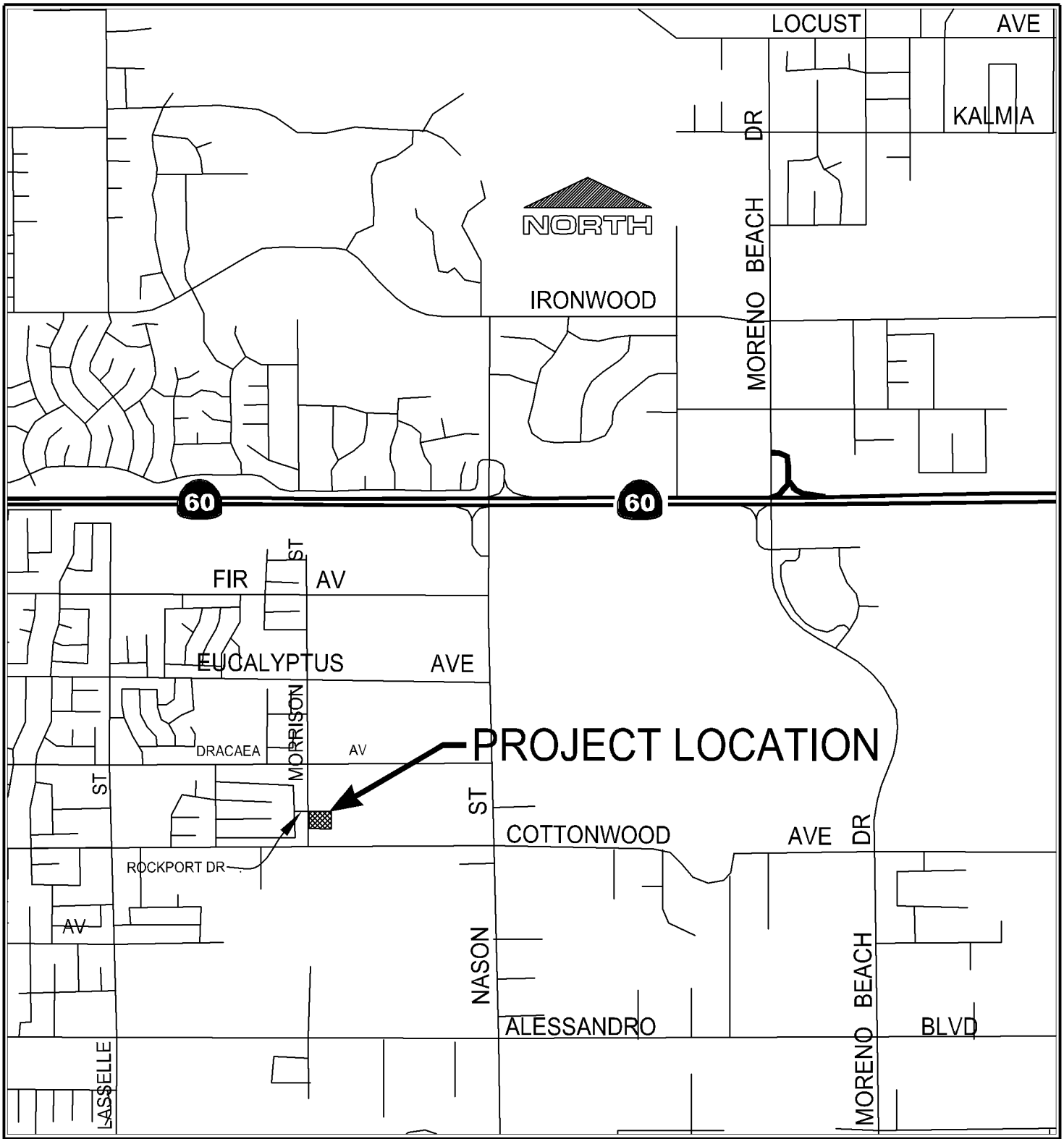

LOCATION MAP

Public WorksDepartment
Capital Projects Division

Scale: None

Attachment "A"

Morrison Park Fire Station

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MV00100037

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-015

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between YMCA of Riverside City and County ("Grantor") and City of Moreno Valley, A Municipal Corporation ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

RECITALS

1. Grantor is the owner of certain real property ("Servient Tenement") located at the Northeast Corner of the Morrison Street and Rockport Drive Intersection in the City of Moreno Valley, County of Riverside, State of California described in the Corporation Grant Deed Recorded May 4, 1987 as Instrument Number 1762364-2, records of said County and included with this agreement as Exhibit "A" and hereby incorporated by this reference.
2. Grantee is the owner of certain real property ("Dominant Tenement") located at 13400 Morrison Street in the City of Moreno Valley, County of Riverside, State of California as described in the Quitclaim Deed Recorded November 4, 2009 as Document Number 2009-0572626, Records of said County and included with this agreement as Exhibit "B" and hereby incorporated by this reference.
3. By entering into this agreement, the Grantor seeks to satisfy the requirements of the City of Moreno Valley, as set forth in the Conditional Use Permit Planning Case PA10-0032.
4. To this end, Grantor is required to grant an irrevocable reciprocal easement between the Servient Tenement and the Dominant Tenement

EASEMENT

Grantor grants Grantee the following easement over a portion of the Servient Tenement, as legally described in the attached Exhibit "C", hereby incorporated by this reference. The easement shall be subject to the terms and conditions set forth below.

A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles exiting the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "B"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Southwest Corner of the Servient Tenement and the Norththwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantor agrees to not use this easement for a means of access for traffic during the construction of any site improvements on the Servient Tenement without written approval from the Grantee.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

YMCA of Riverside City and County

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

City of Moreno Valley, a municipal corporation

Grantee's Signature: _____ Date: _____

HENRY GARCIA, City Manager

Approved as to Form: _____ Date: _____

City Attorney

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-017

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between City of Moreno Valley, A Municipal Corporation ("Grantor") and YMCA of Riverside City and County ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

RECITALS

1. Grantor is the owner of certain real property ("Servient Tenement") located at 13400 Morrison Street in the City of Moreno Valley, County of Riverside, State of California as described in the Quitclaim Deed Recorded November 4, 2009 as Document Number 2009-0572626, Records of said County and included with this agreement as Exhibit "A" and hereby incorporated by this reference.
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EASEMENT

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A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles entering the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "C"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Northwest Corner of the Servient Tenement and the Southwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantee may not use this easement for a means of access for traffic during the construction of any site improvements on the Dominant Tenement, nor shall Grantee unreasonably interfere with the ability for ingress and egress to the Servient Tenement by the Grantor without written approval from the Grantor.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

City of Moreno Valley, a municipal corporation

Grantor's Signature: _____ Date: _____

HENRY GARCIA, City Manager

YMCA of Riverside City and County

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Approved as to Form: _____ Date: _____

City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: 2010 ANNUAL REPORT OF THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council:

1) **RECEIVE AND FILE** the 2010 Annual Report of the Planning Commission; and

2) **AUTHORIZE** transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

PLANNING COMMISSION RECOMMENDATION

The 2010 Annual Report was adopted by the Planning Commission on February 24, 2011, and is forwarded to the City Council in accordance with the California Government code.

BACKGROUND

The Government Code mandates an annual Planning Commission report be presented to the legislative body (City Council) on the progress of the General Plan and its implementing mechanisms. The attached 2010 Annual Report of the Planning Commission provides the City Council with a report of the Planning Commission's actions and endeavors for the last year as required by the California Government Code.

DISCUSSION

In 2010, the Planning Commission held public hearings on 8 applications to amend the Municipal Code and/or General Plan. In addition, the Commission acted upon 16 developer-initiated applications, which included Conditional Use Permits, Plot Plans, Development Agreements and Tentative Tract Maps. The Planning Division staff also processed 609 administrative applications which include such projects as: new construction not within 300' of residential, sign permits and home occupation permits and 82 plan check reviews.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of City Council Agenda.

ATTACHMENTS/EXHIBITS

1) 2010 Annual Report of the Planning Commission.

Prepared By:
Grace Espino-Salcedo
Administrative Assistant

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY OF MORENO VALLEY
Community & Economic Development Department
Planning Division

Planning Commission
ANNUAL REPORT
To the City Council

JANUARY – DECEMBER 2010

ATTACHMENT 1

TABLE OF CONTENTS

ACKNOWLEDGEMENTS 3

MAJOR ACCOMPLISHMENTS 5

GENERAL PLAN IMPLEMENTATION 9

PROJECT ACTIVITY 12

ACKNOWLEDGEMENTS

ACKNOWLEDGEMENTS

CITY COUNCIL (Elected)	**DISTRICT**	**TERM EXPIRES**
Bonnie Flickinger, Mayor	4	November 2010
Robin Hastings, Mayor Pro-Tem	3	November 2012
William H. Batey II	5	November 2012
Jesse L. Molina	1	November 2012
Richard A. Stewart	2	November 2010

PLANNING COMMISSION (Appointed)	**TERM EXPIRES**
Rick De Jong, Chairperson	March 31, 2011
Ray L. Baker, Vice-Chairperson	March 31, 2013
Michael S. Geller	March 31, 2013
Richard Dozier	March 31, 2013
George Salas, Jr.	March 31, 2013
Maria Marzoeki	March 31, 2011
George Riechers	March 31, 2011

CITY MANAGER
Robert G. Gutierrez

DEPUTY CITY MANAGER
Rick Hartmann

COMMUNITY DEVELOPMENT DEPARTMENT
Kyle Kollar, Director

Planning Division
John Terell, AICP Planning Official
Darisa Vargas, Senior Administrative Assistant
Grace Espino-Salcedo, Administrative Assistant
Chris Ormsby, AICP Senior Planner
Mark D. Gross, AICP Senior Planner
Claudia Manrique, Associate Planner
Gabriel Diaz, Associate Planner
Jeffrey Bradshaw, Associate Planner
Julia Descoteaux, Associate Planner
Leticia Esquivel, Senior Permit Technician
Yahnel Bishop, Permit Technician
Summer Looy, Permit Technician

MAJOR ACCOMPLISHMENTS

MAJOR ACCOMPLISHMENTS

The Moreno Valley Planning Commission is committed to implementing the adopted General Plan, Development Code and Design Guidelines. The Development Code and Design Guidelines, combined with the adopted Landscape Development and Specifications, are the major tools to implement the General Plan.

The purpose of this Annual Report is to highlight significant accomplishments, summarize ongoing projects, and describe special studies that the Moreno Valley Planning Commission has been working on during the 2010 calendar year. A major function of this report is to acknowledge and evaluate the ongoing implementation of the General Plan. This report is prepared in accordance with Section 65040.5 of the California Government Code.

Major Accomplishments in 2010 were:

Major development projects reviewed by the Planning Commission in 2010 were as follows:

- PA06-0173 (Plot Plan) Construction of 4,877 square feet neighborhood market located in the Village Commercial Zone (VC). Located at southeast corner of Alessandro and Redlands Boulevards (APNS: 478-430-002, 478-430-012, 013, 014 & 015).

- PA07-0147 (Plot Plan), PA07-0157 (Tentative Parcel Map No. 35837) Plot Plan for a 353,869 square foot warehouse distribution building on approximately 16.55 acres. The project includes a Tentative Parcel Map to merge the two existing parcels into one parcel. The site is zoned Light Industrial (LI) which allows for warehouse distribution facilities. Located at the northeast corner of Cactus Avenue and Joy Street.

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial © zones. Location: Citywide.

- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/O) designation from 15 to 30 dwelling units per acre. Location: Citywide.

- PA09-0025 (Plot Plan), PA09-0043 (Tentative Parcel Map No. 36262) Plot Plan with hearing for a vehicle fueling station with eight pumps, a 4,000 square foot convenience store, and a 968 square foot automated drive through carwash on 1.77 acres in the Community Commercial (CC) zone. Located at the southwest corner of Alessandro Boulevard and Moreno Beach Drive.

- PA10-0012 (FY 2010-2011 Capital Improvement Plan Conformance with the General Plan) To make a finding that the Fiscal Year 2010-2011 Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan. Various locations throughout the City of Moreno Valley.

- PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map No. 34748), P09-102 (Variance) Tentative Tract Map No. 34748 for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Change of zone to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. Located at the southeast corner of Heacock Street and Gentian Avenue.

- PA08-0079 (Master Plot Plan), PA08-0080 (Plot Plan), PA08-0081 (Tentative Tract Map No. 36083) Tentative Tract Map No. 36083 to subdivide a 16.9 acres parcel into 6 pads for commercial retail use. Pad A will include a WinCo Supermarket (95,440 square feet) and Pad F additional retail space (14,800 square feet). No specific buildings have been submitted for the other four parcels. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0045 (Conditional Use Permit) Proposal for the installation of a 50-foot tall monopine telecommunications facility to include 12 antennas, 12TMA antennas, one microwave dish, tow GPS antennas and the associated ground equipment. The monopine and the equipment shelter will be located on the west side of Cottonwood Park in the Residential Agricultural 2 (RA2) zone. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0024 (Municipal Code Amendment) An update to the Municipal Code revising the second unit development standards to include all second units in all residential zones and deleting the granny unit section; also an update to the single-family design standards to include four-sided architecture and to modify the title of the Landscape Requirements. Location: Citywide.

- PA10-0021 (General Plan Amendment) General Plan Amendment to modify the City's Bikeway Plan. Location: Citywide.

- PA10-0031 (Municipal Code Amendment) Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding pharmacy land use to the Business Park Mixed-Use (BPX) zone. Location: Citywide.

- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

- PA09-0027 (Conditional Use Permit) Conditional Use Permit to allow Big 6 Food Mart, a convenience store, to sell alcohol. The alcohol sales would be limited to the license from Alcohol Beverage Control for beer and wine only (Type-20 Off-Sale Beer and Wine license) within the hours of 8:00 a.m. and 8:30 p.m. Located at 21748 Cottonwood Avenue (APN: 263-160-037). ***(DENIED)***

Other Development Projects reviewed by the Planning Commission in 2010 as follow:

- P10-002 (Amended Plot Plan) Amended Plot Plan for modification of the original conditions of approval for Tentative Parcel Map No. 33275 to re-classify all public roads within the development as private and to eliminate the requirement for a public improvement agreement and security deposit. Located north of Alessandro Boulevard and west of Wilmot Street at Gifford Avenue and Curtis Street. ***(DENIED)***

- P10-020 (Conditional Use Permit) Construction of a new 8,700 square foot multipurpose/sanctuary located in the Community Commercial (CC) Zone. Located at 23750 Alessandro Boulevard (APNs: 296-300-005 & 296-300-007).

GENERAL PLAN IMPLEMENTATION

GENERAL PLAN IMPLEMENTATION

The General Plan and the Development Code gives the City of Moreno Valley the tools necessary to guide the development of the City into the next century.

The Planning Commission held public hearings on amendments to the General Plan and the Development Code. The amendments were approved by the Planning Commission and forwarded to the City Council for their approval.

The following General Plan Amendments were recommended for approval by the Planning Commission in 2010:

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial (C) zones. Location: Citywide.

- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/) designation from 15 to 30 dwelling units per acre. Location: Citywide.

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- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

PROJECT ACTIVITY

PROJECT ACTIVITY

SUMMARY OF PLANNING COMMISSION PROJECT ACTIVITY FOR THE PERIOD JANUARY 2010 THROUGH DECEMBER 2010

PROJECT TYPE	TOTAL PROJECTS REVIEWED
Amended Design Manual	0
Amended Plot Plan	1
Change of Zone	1
Conditional Use Permit	3
Conditional Use Permit Amendment	0
Development Agreement	0
Development Agreement Amendment	0
Municipal Code Amendment	4
General Plan Amendment	4
Modification to Conditions of Approval	0
Parcel Map	0
Plot Plan	4
Plot Plan Amendment	0
Reversion to Acreage	0
Specific Plan Amendment	0
Specific Plan Adoption	0
Tentative Parcel Map	2
Tentative Parcel Map Amendment	0
Tentative Tract Map	2
Tentative Tract Map Amendment	0
Tentative Tract Map Variance	0
Variance	1
Master Plot Plan and Related	1
10 Year Capital Plan Amendment	1
TOTAL PROJECTS	24

* This does not include Administrative Approvals that include such projects as: new construction not within 300' of residential, home occupation permits and signs. There were **609** Administrative Approvals and **82** plan check reviews in 2010.

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MV00100057

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: March 22, 2011

TITLE: Consideration of the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority

RECOMMENDED ACTION

Staff recommends that the City Council approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

BACKGROUND

The Western Riverside Regional Conservation Authority (RCA) was formed in 2004 to administer and implement the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). A joint powers authority, the RCA collectively acquires, administers, operates, and maintains land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the MSHCP. The RCA consists of the County of Riverside and the Cities of Moreno Valley, Lake Elsinore, Hemet, Perris, Riverside, Temecula, Corona, Banning, Beaumont, Norco, Calimesa, Murrieta, San Jacinto, Canyon Lake, Wildomar and Menifee. The City is represented on the RCA Board by Council Member William Batey.

DISCUSSION

The joint powers agreement for the Regional Conservation Authority was originally executed by the County of Riverside and 14 cities in 2004. In March, 2009, the agreement was amended to include the new cities of Wildomar and Menifee. At the February 7, 2011 meeting, the RCA Board of Directors approved the Fourth Amended and Restated agreement adding the City of Eastvale to the joint powers authority upon approval of all the member agencies.

ALTERNATIVES

1) Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff recommends this alternative.*

2) Not approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff does not recommend this alternative.*

FISCAL IMPACT

The proposed amendment to the agreement will have no fiscal impact to the City.

SUMMARY

The approval of the proposed Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority would indicate the City's approval to add the City of Eastvale to the RCA.

COUNCIL GOALS

Positive Environment: Create a positive environment for the development of Moreno Valley's future.

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

ATTACHMENTS/EXHIBITS

Exhibit "A": Letter dated February 7, 2011 and Fourth Amended and Restated Agreement

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Regional Conservation Authority
Western Riverside County

CITY MANAGER
MORENO VALLEY
RECEIVED
2011 FEB 14 AM 9:51

Board of Directors

Chairman
Jeff Stone
County of Riverside

Vice Chairman
Jim Hyatt
City of Calimesa

Kevin Bash
City of Norco

William Batey
City of Moreno Valley

Ben Benoit
City of Wildomar

John Benoit
County of Riverside

Roger Berg
City of Beaumont

Randy Bonner
City of Canyon Lake

Bob Buster
County of Riverside

Maryann Edwards
City of Temecula

Thomas Fuhrman
City of Menifee

Mike Gardner
City of Riverside

Linda Krupa
City of Hemet

Alan Long
City of Murrieta

John Machisic
City of Banning

Melissa Melendez
City of Lake Elsinore

Scott Miller
City of San Jacinto

Eugene Montanez
City of Corona

John Tavaglione
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

February 7, 2011

The Honorable Richard A. Stewart, Mayor
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RE: CITY COUNCIL ACTION REQUESTED – FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Dear Mayor Stewart:

The Board of Directors of the Western Riverside County Regional Conservation Authority, at their meeting of February 7, 2011, approved the Fourth Amended and Restated Joint Exercise of Powers Agreement (JPA) creating the Western Riverside County Regional Conservation Authority. Said amended agreement would add the City of Eastvale to the joint powers authority once all of the member agencies have adopted the proposed amended agreement.

Enclosed is the proposed Amended and Restated JPA along with 26 signature pages for the City of Moreno Valley. We are requesting 26 original signatures in order that all of the member agencies may be provided with a fully executed original of the JPA. Each member agency must place the item on the agenda for approval. Once it is approved, please return the JPA with the 26 original signature pages to me. Once all of the signature pages are received, each member agency will be provided with a fully executed original JPA for their records.

Your expeditious approval of the Fourth Amended and Restated Joint Exercise of Powers Agreement would be greatly appreciated in order that the City of Eastvale may become a member agency of the Western Riverside County Regional Conservation Authority as soon as possible. Should you have any questions, please feel free to call me at (951) 955-9700.

Sincerely,

Honey Bernas
Director of Administrative Services

Enclosures: Fourth Amended and Restated Joint Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority with 26 Signature Pages

cc: Jane Halstead, City Clerk
Henry T. Garcia, City Manager

Exhibit "A"

FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

This Joint Powers Agreement dated _____, 2011 is made by and between the COUNTY OF RIVERSIDE, and the Cities of BANNING, BEAUMONT, CALIMESA, CANYON LAKE, CORONA, EASTVALE, HEMET, LAKE ELSINORE, MENIFEE, MORENO VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN JACINTO, TEMECULA and WILDOMAR, hereinafter sometimes referred to collectively as "Parties," for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan, hereinafter referred to as the "MSHCP."

RECITALS

WHEREAS, the Cities and the County, hereinafter sometimes jointly referred to as "Parties", are authorized and empowered to contract with each other for the joint exercise of powers pursuant to Article 1, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government Code of the State of California, hereinafter referred to as "the Act"; and

WHEREAS, the County and the Cities each have the authority and power to prepare and implement habitat conservation plans for the protection of rare, threatened and endangered species, and to acquire, own, maintain and operate habitat reserves for such species in connection with said habitat conservation plans; and

WHEREAS, the formation of a single public agency would most efficiently serve the interests of the County and Cities by allowing the County and the Cities to jointly exercise the aforementioned powers; and

WHEREAS, the County in consultation with the Cities has prepared the MSHCP; and

WHEREAS, the County and the Cities desire to organize themselves pursuant to

this Joint Powers Agreement, hereinafter referred to as the "Agreement", to implement the MSHCP should the MSHCP ultimately be approved by the County and Cities; and

WHEREAS, the original Joint Powers Agreement was dated January 27, 2004 and was entered into between the County of Riverside and fourteen (14) cities in western Riverside County; and

WHEREAS, the Cities of Menifee and Wildomar became member agencies on April 7, 2009; and

WHEREAS, the parties and the City of Eastvale desire that the City of Eastvale become a member of the Western Riverside County Regional Conservation Authority.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

Section 1. **Purpose**. The purpose of this Agreement is to create a public agency to acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP in the event the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Additionally, this Agreement shall permit the financing of public capital improvements and those purposes permitted under the Marks-Roos Local Bond Pooling Act of 1985, being Article 4 (commencing with Section 6584) of Chapter 5, Division 7, Title 1 of the California Government Code (the "Bond Law").

Section 2. **Creation of the Authority**. Pursuant to the Act and the Bond Law, there is hereby created a public agency to be known as the "Western Riverside County Regional Conservation Authority," hereinafter referred to as the "RCA." The RCA shall be a public agency, separate and apart from its members, and as provided by law and not otherwise prohibited by this Agreement, shall be empowered to take such actions as may be necessary or desirable to implement and carry out the purposes of this Agreement.

Section 3. **Powers.** In carrying out the purpose of this Agreement, the RCA shall have the following powers:

A. To make and enter into contracts;

B. To employ agents, consultants, attorneys and employees;

C. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;

D. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;

E. To incur debts, liabilities, and obligations;

F. To sue and be sued in its own name;

G. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;

H. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;

I. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;

J. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;

K. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;

L. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the RCA;

M. To acquire, hold, and dispose of equipment;

N. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP and employ individuals or entities to conduct such lobbying activities on its behalf; and

O. To exercise the powers granted to it under the Act, including, but not limited to, the Bond Law and the powers common to each member, as may be necessary to accomplish the purposes of this Agreement.

P. To invest money in the treasury pursuant to Section 6505.5 of the Act that is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code.

Section 4. **Term.** The term of this Agreement shall continue until terminated by the Parties hereto by their mutual written consent as set forth in Section 5 of this Agreement.

Section 5. **Termination, Withdrawal and Amendment.**

A. This Agreement shall be automatically terminated and considered null and void in the event the MSHCP is not approved by the County and the Cities or appropriate permits are not issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

B. Any Party to this Agreement may withdraw for any reason upon giving all other Parties sixty (60) days advance written notice of the effective date of such withdrawal. This Agreement shall thereupon be deemed automatically amended to reflect the withdrawal of said Party from the RCA and this Agreement. Upon withdrawal of any Party from the RCA and this Agreement, the withdrawing Party shall not receive any distribution, partial or otherwise, of any cash or other assets of the RCA.

C. Provided there is mutual consent by the governing bodies of each of the Parties to this Agreement, evidenced in writing, this Agreement may be: (1) amended to add new Parties; or (2) amended to change any portion of this Agreement. Alternatively, any Western Riverside County city may become a party to the Authority upon such terms

and conditions as established by the Board or Executive Committee. Any Western Riverside County city shall become a party to the Authority by the adoption by the city council of this Agreement and the execution of a written addendum to this Agreement agreeing to the terms of this Agreement and agreeing to any additional terms and conditions that may be established by the Board or Executive Committee.

D. The Parties to this Agreement specifically agree that this Agreement creates an entity which may acquire or hold property. Pursuant to California Government Code Sections 6511 and 6512, upon completion of the purposes of this Agreement or upon termination thereof, any property or assets acquired or surplus money on hand which was obtained pursuant to this Agreement and which is not required by law or contract to be distributed in a different manner, may be returned to the then Parties to the Agreement in proportion to the contributions made, or in the alternative, may be transferred to any local, state, federal or private entity who agrees to assume the duties and obligations of the RCA. However, any distribution of assets shall be subject to the prior discharge of enforceable liability against the RCA. Subject to the foregoing, each Parties proportionate share shall be based upon each Parties contributions to the RCA submitted to the RCA in accordance with Sections 17.A. and B. below.

Section 6. <u>RCA Board and Membership</u>. This Agreement and the authority hereby created shall be administered by the governing body of the RCA which shall be known as the "Board of the Western Riverside County Regional Conservation Authority" hereinafter referred to as the "Board."

The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement. Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.

Each member of the Riverside County Board of Supervisors may appoint an alternate member and each City may appoint one alternate member. Each regular member and alternate City appointed member must hold an elective office on the

respective governing body appointing the regular or alternate member. The Board of Supervisors may appoint a city council member of a member city to represent each Board of Supervisor member as an alternate at meetings of the RCA Board or committees. Notwithstanding the prior sentence, in no event shall the same person serve as a city representative and alternate for the Board of Supervisor's member of the same meeting. Notice of the appointment of an alternate shall be made in writing to the chairperson of the RCA Board. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board the same as if the alternate member were the regular member.

Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member's position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to promptly inform the Board of the name of the replacement regular or alternate member.

Regular members and alternate members, if participating in a meeting of the Board on behalf of a regular member, shall be entitled to compensation for participation in meetings of the Board and necessary traveling and personal expenses incurred in the performance of the member's duties as authorized by the Board. Such compensation shall be fixed by resolution of the Board.

Section 7. <u>Meetings of the RCA Board</u>.

A. **<u>Meetings.</u>** The Board shall establish the time and place for its regular and special meetings. The dates, hour and location of regular meetings shall be fixed by resolution of the Board and a copy of such resolution shall be provided to the governing body of each of the Parties and with each Party's designated regular and alternate member. Special meetings and adjourned meetings may be held as required or permitted by law.

B. **Ralph M. Brown Act.** All meetings of the Board, including without limitation, regular, special and adjourned meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

C. **Quorum and Voting.** A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote. For an item to be passed by weighted vote, all of the following requirements shall be met:

I. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;

II. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and

III. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the number of acres currently within the Criteria Cells in the incorporated areas as follows: Banning – 78 acres; Beaumont – 10,098 acres; Calimesa – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres; Eastvale – 1,024 acres; Hemet – 1,158 acres; Lake Elsinore – 14,336 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,726 acres; Norco – 734 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,580 acres; Temecula – 3,899 acres; and Wildomar – 4,151 acres. Population data shall be determined through California Department of Finance estimates, adjusted annually.

In addition, the Board may, through resolution, revise the above-referenced number of acres due to the addition of a new member entity or other appropriate adjustments as the Board deems necessary.

D. The Board may adopt, from time to time, such rules and regulations for the conduct of its meetings and affairs as it may deem necessary, including, without limitation, the designation of a person to record and transcribe the minutes of each public meeting of the RCA.

Section 8. Officers. The Board shall select a Chairperson and a Vice-Chairperson at its first meeting and at the first meeting held in each succeeding calendar year. Additionally, at its first meeting and at the first meeting held in each succeeding calendar year shall, the Board shall select any other officers it deems appropriate. In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board. In the absence or inability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.

A. **Treasurer.** The treasurer of a member agency shall serve as the treasurer of the RCA. The Board pursuant to the adoption of a resolution shall appoint the treasurer of a member agency to serve as the Treasurer. The Treasurer shall have the custody of the RCA money and disburse RCA funds pursuant to the accounting procedures developed in accordance with the provisions of this Agreement, the Act, and with those procedures established by the Board. The Treasurer shall assume the duties described in Section 6505.5 of the Government Code, namely: receive and receipt for all money of the RCA and place in the Treasury of the Treasurer to the credit of the RCA; be responsible upon an official bond as prescribed by the Board for the safekeeping and disbursement of all RCA money so held; pay, when due, out of money of the RCA so held, all sums payable, only upon warrants of the officer performing the functions of the Controller who has been designated by the RCA or Board; verify and report in writing on the first day of July, October, January and April of each year to the RCA the amount of money held for the RCA, the amount of receipts since the last report,

and the amount paid out since the last report; and perform such other duties as are set forth in this Agreement or specified by the Board.

B. **Controller.** The Finance Director of a member agency shall serve as the Controller of the RCA. The Board pursuant to the adoption of a resolution shall appoint the finance director of a member agency to serve as the Controller. The Controller shall draw warrants to pay demands against the RCA when such demands have been approved by the Board or by any other person authorized to so approve such by this Agreement or by resolution of the Board. The Controller shall perform such duties as are set forth in this Agreement and such other duties as are specified by the Board.

There shall be strict accountability of all funds and reporting of al receipts and disbursements. The Controller shall establish and maintain such procedures, funds and accounts as may be required by sound accounting practices, the books and records of the RCA in the possession of the Controller shall be open to inspection at all reasonable times by representatives of the Parties.

The Controller, with the approval of the RCA, shall contract with an independent certified public accountant or firm or certified public accountants to make an annual audit of the accounts and records of the RCA, and a complete written report of such audit shall be filed as public records annually, within six (6) months of the end of the fiscal year under examination, with each of the Parties. Such annual audit and written report shall comply with the requirements of Section 6505 of the Government Code. The cost of the annual audit, including contracts with, or employment of such independent certified public accountants in making an audit pursuant to this Agreement shall be a charge against any unencumbered funds of the RCA available for such purpose. The Board by unanimous vote, may replace the annual audit with a special audit covering a two-year period.

Section 9. MSHCP Advisory Committee. Within thirty (30) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department

of Fish and Game for the MSHCP, the Board shall form an MSHCP Advisory Committee. The MSHCP Advisory Committee shall consist of the Riverside County Habitat Conservation Agency (RCHCA) Board of Directors and one representative from each City who is not a member of the RCHCA. Within six (6) months of execution of this Agreement, or at any time thereafter, the Board may review the RCA organizational structure established by this Agreement to determine if it is facilitating MSHCP implementation.

Section 10. Executive Director. The Board shall retain an Executive Director to administer the MSHCP in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP. As required by the MSHCP, the RCA shall initially contract with the County of Riverside to provide an appropriate department or individual to act as the Executive Director within thirty (30) days of the formation of the RCA. The appropriate department or individual shall be recommended by the County's Executive Officer and considered by the Board. It is understood by the Parties to this Agreement that the Board may accept or reject the County Executive Officer's recommendation of an appropriate department or individual to serve as the Executive Director. This contract shall be for an initial term of three (3) years. At least six (6) months prior to the expiration of this initial contract term, the Board shall review the County department's or individual's performance as Executive Director. Based upon this review, the Board may elect to extend the contract with the County or select an alternative entity or individual for the Executive Director position upon expiration of the initial term.

Section 11. RESERVED

Section 12. Monitoring Program Administrator. Upon issuance of the permits for the MSHCP by the U.S. Fish and Wildlife Service and California Department of Fish and Game and for a period of eight (8) years thereafter, the California Department of Fish and Game shall serve as the Monitoring Program Administrator for the MSHCP. The Monitoring Program Administrator shall be responsible for implementing the monitoring program contained in Section 5.0 of the MSHCP and shall perform all duties

and responsibilities as set forth in Sections 5.0 and 6.0 of the MSHCP. Thereafter, the Board may elect to have the Department continue acting in the capacity or shall select an alternative individual or entity for this position if the Board determines that the Department cannot adequately perform the duties and responsibilities of this position.

Section 13. Reserve Managers. The Board shall retain at least one Reserve Manager to manage lands owned by the RCA within the MSHCP Conservation Area. This Reserve Manager(s) shall report to the Executive Director and shall perform all the duties and responsibilities set forth in Section 5.0 and Section 6.0 of the MSHCP. Additionally, Reserve Managers managing lands owned by any Party to this Agreement that are within the MSHCP Conservation Area shall report to the Executive Director.

Section 14. Independent Science Advisors. The Board shall retain, as appropriate, independent science advisors who are qualified biologists and conservation experts with expertise in species covered by the MSHCP and their habitats. Additionally, to the extent feasible, the independent science advisors shall have experience in land management. Independent science advisors shall be retained on an annual basis, shall report to the Executive Director and shall comply with the duties and responsibilities set forth in Section 6.0 of the MSHCP.

Section 15. Funding Coordination Committee. Within one hundred and twenty (120) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department of Fish and Game for the MSHCP, the Board shall form a Funding Coordination Committee to provide recommendations to the Board on local funding priorities and local MSHCP Conservation Area acquisitions. Members of this committee shall be appointed by the Board and shall consist of, at a minimum, representatives of the Parties to this Agreement, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. To the extent feasible, members of the Funding Coordination Committee shall have expertise in real estate or land use planning and/or experience implementing large scale conservation programs.

The Funding Coordination Committee shall make recommendations to the Board through the Executive Director on local land acquisitions and funding priorities. Additionally, this Committee shall provide a forum to discuss land acquisition priorities of the U.S. Fish and Wildlife Service and California Department of Fish and Game and acquisitions by other entities using non-local sources of revenue. The Board shall establish policies under which the Funding Coordination Committee shall make recommendations to the Board. Such policies shall include conflict of interest guidelines for the Committee members.

The Planning Directors of each Party to this Agreement shall receive prior notice of all meetings of the Funding Coordination Committee. Such notice shall include a meeting agenda and a list of potential acquisition sites, if applicable. The Planning Directors or their designated representatives may participate in Committee meetings, as appropriate.

Section 16. <u>Reserve Management Oversight Committee</u>. The Reserve Management Oversight Committee (RMOC) shall be formed within sixty (60) days of the effective date of the contract between the RCA and the County concerning the establishment of an Executive Director. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities:

A. U. S. Fish and Wildlife Service,

B. California Department of Fish and Game,

C. Riverside County Regional Parks and Open Space District,

D. Bureau of Land Management,

E. U.S. Forest Service,

F. California Department of Parks and Recreation,

G. RCA, and

H. Up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.

The RMOC shall serve as the intermediary between the Reserve Managers and the decision making function of the RCA. The Executive Director shall serve as chair of the RMOC.

Section 17. Rules and Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The Act, the Bond Law, and the laws of the State of California applicable to a general law city shall govern the RCA in the manner of exercising its powers, subject, however, to such restrictions as are applicable to said city in the manner of exercising such powers, as required by Government Code Section 6509. The Board, at its first meeting or as soon thereafter as may be possible, shall adopt such rules and regulations as the Board may deem necessary for the conduct of the RCA's affairs. Among these rules shall be a conflict of interest code and a purchasing ordinance. The Board may, as it deems appropriate, review and revise these rules and regulations.

Section 18. Fiscal Year. The fiscal year of the RCA shall be the period commencing on July 1 of each year and ending on and including the following June 30.

Section 19. Contributions/Estimated Budget.

A. Contributions of Development Mitigation Fees. The Parties to this Agreement shall impose a development mitigation fee on all new development to support the acquisition of additional reserve lands pursuant to the MSHCP. All development mitigation fees collected by the Parties shall be forwarded to the RCA within ninety (90) days after receipt by each Party. The RCA may, in its discretion, conduct an audit of the development mitigation fees collected by any Party to this Agreement.

B. Other Contributions. The RCA may accept contributions of money or property from the Parties or other individuals or entities including but not limited to contributions from Parties, MSHCP Permittees and Special Participating Entities who obtain take authorization under the MSHCP for public utility, schools, transportation, flood control and other public infrastructure projects. Additionally, a Party may hold and

manage its own property as a contribution to implementation of the MSHCP and the MSHCP Conservation Area. Landfill Tipping Fees and Density Bonus Fees collected by the County may be contributed to the RCA on an annual basis subject to the discretion of the Board of Supervisors.

C. Use of Contributions. When approved by the Board, revenues received by the RCA, including without limitation, fees and other contributions, shall be used to implement the MSHCP. In addition, the RCA shall reimburse the County for any and all litigation costs, including but not limited to attorneys fees, incurred in defense of any legal challenge concerning the adoption of the MSHCP or any related actions as well as any costs incurred to establish the Executive Director and any other necessary staff prior to entering into the contract contemplated in Section 10 of this Agreement.

D. Budget. The annual budget for the RCA shall be prepared by the Executive Director. The annual budget shall be based on an estimate of the amount of revenue necessary to implement the MSHCP during the ensuing fiscal year and shall consider necessary land acquisition, improvements, maintenance, management, monitoring, administration, and operation costs during the current fiscal year as such costs are set forth in the then current approved budget for the RCA.

Section 20. <u>MSHCP Reporting Requirements</u>. In order to assist in the preparation of the annual report required to be prepared by the RMOC and submitted to the USFWS, CDFG, and RCA as set forth in the MSHCP and Implementing Agreement, the Parties shall on a monthly basis provide the following information to the RCA:

A. grading permit activity including the number of the permit issued, the location of the development site identified by assessor's parcel number, and the amount of acreage disturbed;

B. single family home and mobile home construction activity within the Criteria Area including the number of the grading, building, site preparation or installation permit issued and the location of the development site identified by assessor's parcel number;

C. development mitigation fee collection including identification by assessor's parcel number of the project for which the fee was collected, the amount of the fee paid, and any exemptions or credits that may have been included in any calculation of the fee; and

D. any other information required to comply with the provisions of the MSHCP as may be determined necessary by the Executive Director.

In addition, the County shall submit on an annual basis all information contained in the Existing Agricultural Operations Database including the amount of new agricultural land, if any, added to the Database as well as any documentation concerning the expansion of agricultural operations within the Criteria Area.

Section 21. Joint Project/Acquisition Review Process. To ensure that the requirements of the MSHCP and its Implementing Agreement are properly met, a joint project/acquisition review process shall be instituted by the RCA. This process is set forth in Section 6 of the MSHCP.

Section 22. Liabilities. Except as may be provided herein, the debts, liabilities and obligations of the RCA shall be the debts, liabilities and obligations of the RCA alone, and not of the Parties to this Agreement.

Section 23. Indemnification. Provided that a Party has acted in good faith and in accordance with this Agreement, the approved MSHCP and its Implementing Agreement and the Permits, the RCA shall defend, indemnify and hold such Party free and harmless from any loss, liability or damage incurred or suffered by such Party by reason of litigation arising from or as a result of any of the following: the Party's development mitigation fee ordinance; the Party's participation in the RCA; actions taken to approve and/or implement the MSHCP; claims of inverse condemnation or unconstitutional takings against a Party; or any other act performed or to be performed by the Party pursuant to this Agreement, the MSHCP, its Implementing Agreement or the Permits; provided, however, that such indemnification or agreement to hold harmless

pursuant to this Section shall be recoverable only out of RCA assets and not from other Parties.

Section 24. Notices. Notices required or permitted hereunder shall be sufficiently given if made in writing and delivered either personally or by registered or certified mail, postage prepaid to said respective Parties, as follows:

A. Regional Conservation Authority
Executive Director
3403 10th Street, Suite 320
Riverside, CA 92501
(951) 955-9700
(951) 955-8873 fax

B. County of Riverside
Transportation and Land Management Agency
Agency Director
4080 Lemon Street, 7th Floor
Riverside, CA 92501
(951) 955-6742
(951) 955-6879 fax

C. City of Banning
City Manager
99 E. Ramsey Street
Banning, CA 92220
(951) 922-3103
(951) 922-3128 fax

D. City of Beaumont
City Manager
550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520
(909) 769-8526 fax

E. City of Calimesa
City Manager
908 Park Ave
Calimesa, CA 92320
(909) 795-9801
(909) 795-4399 fax

F. City of Canyon Lake
City Manager
31516 Railroad Canyon Road

Canyon Lake, CA 92587
(951) 244-2955
(951) 246-2022 fax

G. City of Corona
City Manager
P.O. Box 940
Corona, CA 92878
(951) 736-2371
(951) 736-2493 fax

H. City of Eastvale
City Manager
6080 Hamner Avenue, Suite 103
Eastvale, CA 91752
(951) 361-0900
(951) 361-0888 fax

I. City of Hemet
City Manager
445 E. Florida Avenue South
Hemet, CA 92543
(951) 765-2300
(951) 765-3785 fax

J. City of Lake Elsinore
City Manager
130 S. Main Street
Lake Elsinore, CA 92530
(951) 674-6727 ext. 261
(951) 674-2392 fax

K. City of Menifee
City Manager
29683 New Hub Drive, Suite C
Menifee, CA 92586
(951) 672-6777

L. City of Moreno Valley
City Manager
P.O. Box 88005
Moreno Valley, CA 92553
(951) 413-3008
(951) 413-3760 fax

M. City of Murrieta
City Manager
24601 Jefferson Avenue

Murrieta, CA 92562-9755
(951) 698-1040
(951) 698-9885 fax

N. City of Norco
City Manager
2870 Clark Avenue
Norco, CA 92860
(951) 270-5611
(951) 270-5622 fax

O. City of Perris
City Manager
101 North D Street
Perris, CA 92570
(951) 657-5882
(951) 657-1087 fax

P. City of Riverside
City Manager
3900 Main Street
Riverside, CA 92522
(951) 826-5991
(951) 826-5470 fax

Q. City of San Jacinto
City Manager
595 S. San Jacinto Avenue, Building B
San Jacinto, CA 92583
(951) 487-7342
(951) 654-3728 fax

R. City of Temecula
City Manager
PO Box 9033
Temecula, CA 92589-9033
(951) 694-6440
(951) 694-6499 fax

S. City of Wildomar
City Manager
23738 Clinton Keith Road
Wildomar, CA 92595
(951) 677-7751

The listed addresses shall serve as the official address for any notices until such time as any Party gives notice to all other Parties of a change in address in accordance with the terms of this section.

Section 25. Severability. If any section, clause or phrase of this Agreement or the application thereof to any Party or any other person or circumstance is for any reason held to be invalid by a court of competent jurisdiction, it shall be deemed severable and the remainder of the Agreement or the application of such provisions to the other party or to other persons or circumstances shall not be affected thereby.

Section 26. Other Agreements Not Prohibited. Other agreements by and between the Parties of this Agreement or any other entity are neither prohibited nor modified in any manner by execution of this Agreement. Furthermore, the Parties hereto agree upon request to execute, acknowledge and deliver all additional papers and documents necessary or desirable to carry out the intent of this Agreement.

Section 27. Other Obligations. The responsibilities and obligations of each Party to this Agreement shall be solely as provided in this Agreement, or as may be provided for in supplemental agreements to be executed by the Parties.

Section 28. Non-Assignability. The rights, titles and interests of any Party to this Agreement shall not be assignable or transferable without the consent of the governing body of each Party hereto.

Section 29. Section Headings. The section headings herein are for convenience of the Parties only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this Agreement.

Section 30. Construction of Language. It is the intention of the Parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

Section 31. Cooperation. The Parties recognize the necessity and hereby agree to cooperate with each other in carrying out the purposes of this Agreement, including cooperation in matters relating to the public, accounting, litigation, public relations and the like.

Section 32. Future Amendments. To preserve a reasonable degree of flexibility, many parts of this Agreement are stated in general terms. It is understood that there may be Amendments to this Agreement which will further define the rights and obligations of the Parties.

Section 33. Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.

Original JPA Approved January 27, 2004
Amendment No. 1 Approved April 29, 2007
Amendment No. 2 Approved March 11, 2008
Amendment No. 3 Approved April 7, 2009
Amendment No. 4 Approved _____, 2011

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized as of the date first above written.

Dated:_____ **COUNTY OF RIVERSIDE**

Attest:

_____ By:_____
Chairman, Board of Supervisors

Dated:_____ **CITY OF BANNING**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF BEAUMONT**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CALIMESA**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CANYON LAKE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF CORONA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF EASTVALE**

Attest:

_____ By:_____

Dated:_____ **CITY OF HEMET**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF LAKE ELSINORE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MENIFEE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MORENO VALLEY**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MURRIETA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF NORCO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF PERRIS**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF RIVERSIDE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF SAN JACINTO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF TEMECULA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF WILDOMAR**

Attest:

_____ By:_____

City Clerk Mayor

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MV00100085

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES.

BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET

DEVELOPER: MORENO VALLEY PROPERTIES
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve TM 34950-1, a final map for financing purposes.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On August 23, 2007 the Planning Commission of the City of Moreno Valley approved PA06-0105 (TTM 34950), a 665.5 gross acre tentative tract map for finance purposes containing the overall boundary of the Aquabella master plan development. The developer is now proposing to phase the overall tentative tract map. TM 34950-1

contains Lots 1 and 2 of TTM 34950 and is bounded by Brodiaea Avenue on the north, Cactus Avenue on the south, Lasselle Street on the west, and Morrison Street on the east.

DISCUSSION

TM 34950-1 is an 80-acre, two-parcel final map proposed for financing purposes. Therefore, no right-of-way dedications or improvements are required. Right-of-way dedications and improvements will be required at the time development is proposed through a separate planning application process.

ALTERNATIVES

1. Approve TM 34950-1, a final map for financing purposes. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

2. Do not approve TM 34950-1, a final map for financing purposes. Do not authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *Not approving staff's recommendation would result in the disapproval of the developer's final map for financing purposes and the map not recording.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\3-22-11 - TM 34950-1 - Financing Map.doc

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MV00100089

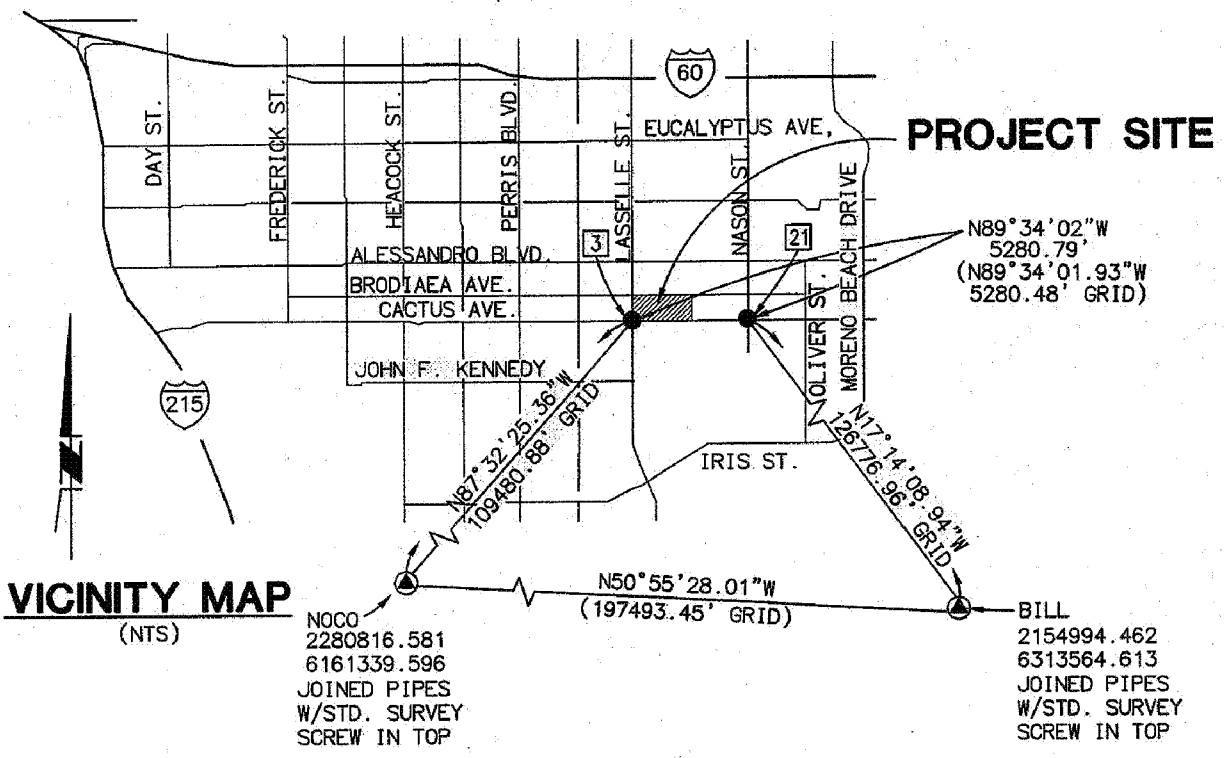

VICINITY MAP
(NTS)

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TR 34950-1** **LOCATION MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\3-22-11 - TM 34950-1 - Exhibit A.doc

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MV00100091

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council:

1. Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

BACKGROUND

CalTrans is accepting proposals for the Transportation Planning Grant Program for Fiscal Year 2011-2012. The grant application has a March 30th deadline.

DISCUSSION

The CalTrans Transportation Planning Grant Program has various components. The Community-Based Transportation Planning (CBTP) and Environmental Justice (EJ) Grant Programs provide funding for communities to plan for a closer connection between transportation and land use. Over the past 10 years, both programs have provided over 300 planning grants totalling over $45 million. These grants have been assisted in developing and studying the sustainability of land use plans to improve the quality of life for many Californians.

Upon an award, ninety percent (90%) of project costs are funded by the Caltrans grant. The remaining 10% is required from the grantee as a local match. Grant-funded products are expected to help foster sustainable economies, increase available affordable housing, improve housing/jobs balance, encourage transit oriented and mixed use development, expand transportation choices, and reflect community values.

Staff is proposing to use grant funds of $150,000 to complete items not covered by the recently received grant from SCAG's Compass Blueprint program for implementation of the Alessandro Boulevard Corridor Demonstration Project that was presented to the Council during the June 15, 2010 Study Session.

The Alessandro Boulevard Corridor Demonstration Project explored opportunities for mixed use transit-oriented development along Alessandro Boulevard. Alessandro Boulevard is an important regional transportation link for Moreno Valley, tying the Riverside County Regional Medical Center via a rapid bus transit line to the future Moreno Valley/ March Field Metrolink Station, as well as the Civic Center, City of Riverside, Meridian Business Park and future March Life Care.

At the time of submittal of this report, staff is still working on the wording of the final proposal of the Alessandro Boulevard Corridor Implementation Project in anticipation of the March 30th submittal deadline.

ALTERNATIVES

1. Approve the proposal as submitted.

2. Approve the proposal with modifications to address City Council concerns.

3. Deny the proposal.

FISCAL IMPACT

The fiscal impact to the City is the 10% local match required by Caltrans from the grantee. The grant proposal includes rezoning areas along Alessandro Boulevard to Residential 30 (R30) as identified in the recently approved General Plan Housing Element. The required environmental studies for the rezoning cannot be covered under the Caltrans grant. The related environmental/CEQA costs are anticipated to be funded by City housing funds, which would qualify as meeting the required match. Should the grant be awarded to the City, the 10% matching funds ($15,000) will be budgeted in RDA Housing Fund account number 894.91310.6291.293. There is no anticipated fiscal impact to the General Fund.

RECOMMENDATION

1. Adopt Resolution No. 2011-29 authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

1. Resolution No. 2011-29

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100095

RESOLUTION NO. 2011-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE CALTRANS TRANSPORTATION PLANNING GRANT (FISCAL YEAR 2011-2012).

WHEREAS, the California Department of Transportation (CalTrans) has provided funds for the program shown above; and

WHEREAS, CalTrans has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by CalTrans require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with CalTrans to carry out the development of the proposal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: The Council of the City of Moreno Valley authorizes the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" under the CalTrans Transportation Planning Grant (Fiscal Year 2011-2012).

BE IT FURTHER RESOLVED, by the Council of the City of Moreno Valley, appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

BE IT FURTHER RESOLVED, Certifies that applicant understands the assurances and certification in the application.

BE IT FURTHER RESOLVED, Certifies that applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so.

BE IT FURTHER RESOLVED, Certifies that the Proposal will comply with any applicable laws and regulations.

SIGNATURE PAGE FOLLOWS

Attachment 1

Resolution No. 2011-29
Date Adopted: March 22, 2011

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-29
Date Adopted: March 22, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Resolution No. 2011-29
Date Adopted: March 22, 2011

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MV00100099

MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Towne Centre and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and

pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map

4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

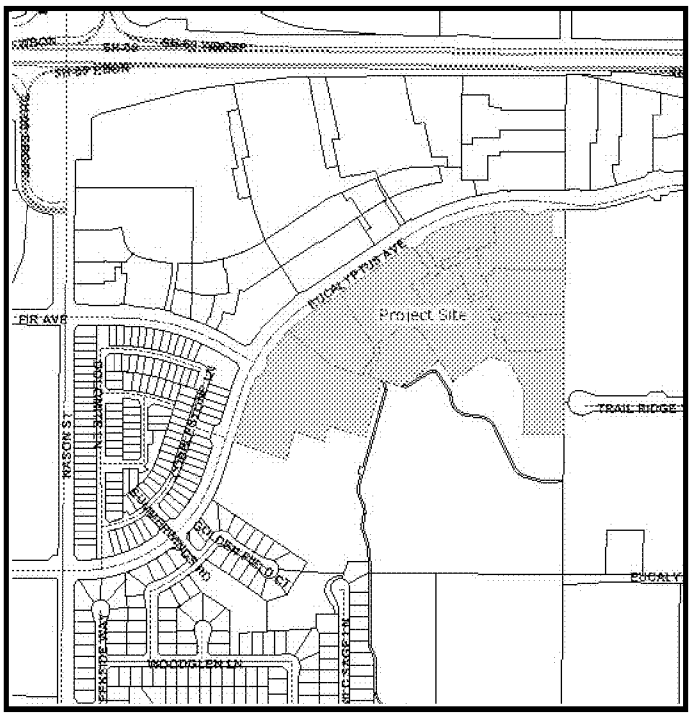

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

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ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00100117

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

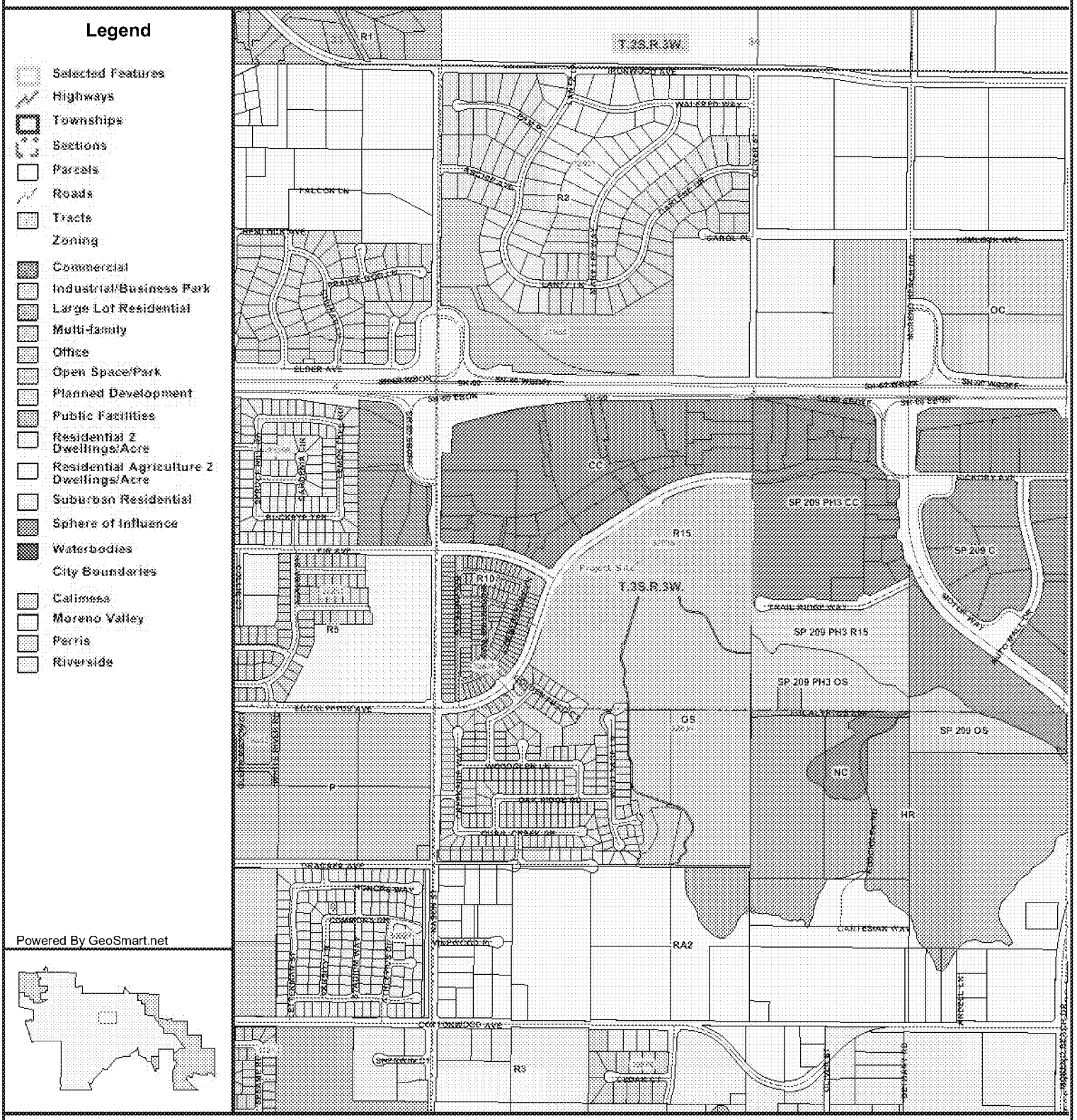

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

MV00100152

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MV00100153

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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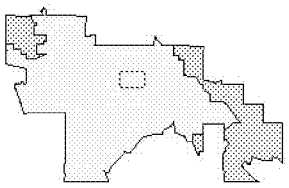

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ATTACHMENT 4

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MV00100155

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as "Nature Park" on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will consist of individual lots with detached single-family homes, common open space and private access roads. The non open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

<u>Other Design Considerations</u>

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees along private streets and allow continual break-up of the project massing. In addition, trees will be clustered in strategic locations such as on corner lots, adjacent to

guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the Current Fees.

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets development standards as allowed under Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Act (CEQA) guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation District	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. -297-ation building floor and elevatior

(provided in reduced format in Exhibit 6).

6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

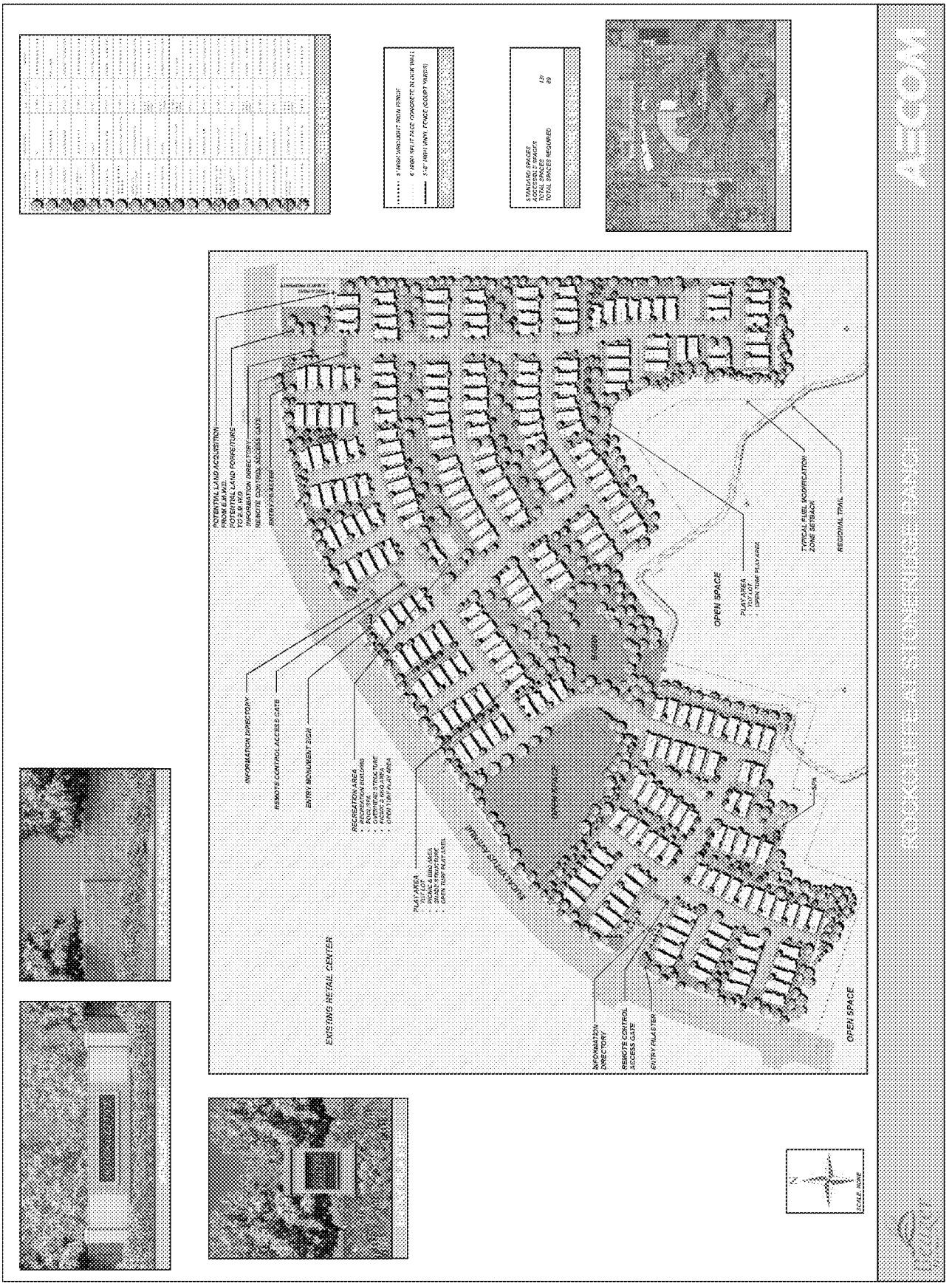

ATTACHMENT 7

Item No. E.1

MV00100176

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

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MV00100179

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

`FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: March 22, 2011

TITLE: FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs, and
2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or provide a variety of social services for low to moderate income residents (see Attachment A for the 2010 Low Income Limits table). These grant programs are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to 'Entitlement Cities' (eligible, selected cities with a population exceeding 50,000 - Moreno Valley is classified by HUD as an Entitlement City), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas.

HUD requires that Entitlement Cities (including Moreno Valley) prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2011/12 marks the fourth year of the City's FY 2008-2013 Consolidated Plan. Each year, Entitlement Cities must also adopt Annual Action Plan updates of the Consolidated Plan. The Annual Action Plan specifically identifies how the City will allocate both CDBG and HOME funds for the upcoming program year. The Annual Action Plan for FY 2011/12 must comply with the required public notifications and hearings and be received by HUD no later than May 12, 2011.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least 51% of residents earning low and moderate incomes. For a map of the CDBG Target Areas see Attachment B.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used towards the development of affordable housing activities. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development activities. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services, which can include, but are not limited to the following:

- Fair Housing Services\Foreclosure Prevention Programs (Mandated by HUD)
- Career Development and Mid-Career Retraining
- Youth Programs
- Homeless Services
- Crime Prevention Programs

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as subrecipients) to provide the desired services or programs.

DISCUSSION

2011/12 CDBG – AVAILABLE FUNDING

HUD has not yet released the allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocation for CDBG and a 9.5% reduction in the allocation for the HOME program. Based on that information, the CDBG allocation is estimated at $1,795,990 ($145,621 less than last years allocation of $1,941,611).The City estimates $269,398 (15% of the total estimated CDBG allocation) will be available for social services. Table 1, below, outlines the proposed CDBG budget based on anticipated allocation. HUD

limits expenditures for certain categories, such as social services and CDBG program administration. The limits and maximum allocations are noted below.

Table 1

FY 2011/12 CDBG ESTIMATED AVAILABLE FUNDING	
Funding Category	Funding Allocation
2011/12 CDBG Estimated Allocation	**$1,795,990**
TOTAL ESTIMATED CDBG FUNDS	**$1,795,990**
A. Program Administration (20% maximum of annual grant)	$359,198
B. Public Social Services (15% maximum of annual grant)	$269,398
C. Public Facilities & Improvements	$350,000
D. Rehabilitation	$10,000
E. Code Enforcement	$366,407
F. Economic Development	$440,987
TOTAL PLANNED CDBG EXPENDITURES	**$1,795,990**

APPLICATION PROCESS

The City must notify the public of available social service funding opportunities and conduct a public hearing to solicit public input regarding the proposed projects. In compliance, a Notice of Funding Availability for CDBG and HOME was published in the Press-Enterprise on January 3, 2011. CDBG and HOME social service applications were available at the City Hall and were mailed directly to interested parties. Applications were due on January 31, 2011.

A CDBG/HOME Technical Review Committee (TRC) comprised of staff was formed to review the CDBG Public Service applications. Prior to making recommendations, the TRC thoroughly evaluated the all applications based on: (1) conformance with federal requirements and City guidelines, (2) community needs identified in the City's Consolidated Plan, (3) priorities established by the City Council at the December 14, 2010 meeting, and (4) available funding resources.

Federal Requirements

HUD requires that at least 70% of the annual CDBG funds be allocated to projects that benefit low and moderate income persons. HUD also requires that CDBG projects meet at least one of three national objectives: (1) benefit persons of low and moderate

income; (2) improve slum or blighted conditions; or (3) respond to an emergency or urgent need.

City Guidelines
On a local level, the City Council has previously adopted guidelines for evaluating social service applications. These include:

- Priority to local providers over those organizations providing equivalent services outside the city.
- The minimum grant level is generally $5,000 for the CDBG Program and $25,000 for the HOME Program (the Council may approve lesser grant amounts).
- Programs should have other funding sources.
- Fair housing services, homeless services, social services, and youth career development, and crime protection programs shall be given funding priority.
- City projects will be given priority.

2011/12 RECOMMENDED CDBG PROJECTS AND PROGRAMS

All recommended CDBG projects and programs fall into one of the following categories:

- Program Administration
- Public Social Services
- Public Facilities and Improvements
- Code Enforcement
- Economic Development
- Rehabilitation

Attachment D provides recommendations for CDBG social service funding in FY 11/12. It includes a list of all CDBG social service applications received, the requested funding, and amount of funding recommended by the TRC.

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2011/12 cap estimated for program administration is $359,198 (based on a total CDBG allocation similar to last year). Funding under this category provides for Economic Development Department staffing, along with the mandatory funding of Fair Housing Services (required by HUD). The Fair Housing Services include education regarding fair housing rights and

responsibilities, investigation of discriminatory practices, and landlord/tenant mediation.

2) PUBLIC SOCIAL SERVICES

Social services are subject to a fifteen percent (15% maximum) limit of the annual CDBG allocation. The maximum social service cap for 2011/12 is estimated at $269,398. Staff and the TRC reviewed a total of 28 public service applications, which were received from City departments, service providers, and non-profit organizations. The TRC conducted comprehensive evaluations of applications and provided a funding recommendation.

The projects recommended by the TRC reflect the community priorities adopted by the City Council on December 14, 2010. Social Service applications recommended for CDBG funding in FY 2011/12 encompass a wide range of programs and services including: 1) emergency and transitional shelter for homeless families; 2) youth, elderly and disabled adult services; 3) crisis counseling; and 4) emergency food distribution.

Please note in addition to recommending most of the programs the City Council previously funded, the TRC is also recommending funding one new program: Catholic Charities Emergency Services.

3) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. Code Compliance officers provide proactive code compliance within the established CDBG-Target Areas. Code compliance efforts reduce blight and substandard housing conditions as well as promote improved property and building maintenance within the target areas. Staff is recommending maintaining Code Enforcement at approximately the same level as last fiscal year in order to continue their efforts.

4) ECONOMIC DEVELOPMENT

a. Employment Resource Center

In 2009/10, the City partnered with Riverside County Workforce Development to create a local Employment Resource Center (ERC) in Moreno Valley dedicated to providing unemployed or under-employed Moreno Valley residents with a convenient place where they could utilize computers and other standard office equipment, access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The ERC is very active and averages of over 180 visitors per day. It also has been used by new businesses (such as Burlington Coat Factory and O'Reilly

Automotive) to conduct employee recruitments. Staff is recommending $120,000 to continue providing this valuable service to the community.

b. Moreno Valley New Business Incentive Program

Funding is recommended for the continuation of the New Business Incentive Program intended to assist with the attraction of major employers to locate in the vacant space in the TownGate area, Centerpointe Business Park, and the Moreno Valley Industrial Area Specific Plan areas of the community, thereby creating new employment opportunities for low and moderate income residents. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income persons) and the boosting of sales tax revenues.

2011/12 HOME PROGRAM – AVAILABLE FUNDING

The estimated FY 2011/12 HOME allocation is $603,264 ($63,325 less than last year's allocation of $666,589). The HOME Program generally funds city-sponsored programs. Program administration has a cap of 10% (or $60,326) of the total HOME allocation. In addition, a minimum of 15% (or $90,490) of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families. Staff is recommending FY 2011/12 HOME funding as outlined in Table 2.

Table 2

FY 2011/12 ESTIMATED HOME ALLOCATION	
2011/12 HOME Estimated Allocation	**$603,264**
Total Estimated HOME Funds	**$603,264**
Program Administration (maximum 10% of allocation)	$60,326
FY 10/11 Community Housing Development Organization (or CHDO, requires 15% of allocation)	$90,490
Housing Projects and Programs	$452,448
Total Planned HOME Expenditures	**$603,264**

2011/12 RECOMMENDED HOME PROJECTS AND PROGRAMS

Attachment E provides program recommendations for HOME funding in FY 2011/12.

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten percent (10%) cap. Grant funding under this category provides for Economic Development Housing program staffing.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of 15% of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 11/12 an estimated $90,490 must be allocated to a CHDO for potential affordable housing projects.

3) HOUSING PROJECTS AND PROGRAMS

Utilizing HOME, the City is able to offer single family and multi-family rehabilitation projects and programs. The purpose of these types of projects is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.

ALTERNATIVES

Alternative 1 - The City Council may conduct a public hearing and select social service programs and projects for funding as recommended by staff and the TRC. **Staff recommends this alternative because it adheres to HUD program requirements.**

Alternative 2 - The City Council may decline to conduct a public hearing and may choose not to fund any projects as recommended. ***Staff does not recommend this alternative because it could delay preparation, approval and submission of Consolidated/Annual Action Plan to HUD.***

Alternative 3 – The City Council may increase or decrease the recommended levels of funding for specific programs/projects for which the City received an application. ***Use of this alternative can only be utilized if any funding changes meet HUD requirements and conform to overall funding capability.***

FISCAL IMPACT

The estimated CDBG funding allocation for FY 2011/12 is $1,795,990. The estimated HOME funding allocation is $603,264. Both of these allocations are preliminary estimates and subject to the release of fund allocations from HUD. Together, these grants will provide for over 25 important projects and services. Please note that CDBG and HOME is a restricted funding source that must adhere to HUD requirements.

CDBG Accounts		$1,795,990
285	73952 CDBG Programs	
285	73852 CDBG Administration	
285	74052 Code and Neighborhood Enforcement	
176	77110 HOME	$603,264

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used in Target Areas that contain at least 51% of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. **REVENUE DIVERSIFICATION & PRESERVATION**
   By utilizing CDBG and HOME funds the City will enhance its ability to create a stable revenue base and fiscal policies that will support essential City improvement services.

2. **PUBLIC SAFETY**
   Many of the proposed CDBG and HOME programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. **POSITIVE ENVIRONMENT**
   The variety of community-based CDBG and HOME programs help develop a positive environment in the community.

4. **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS**
   CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, and Housing Rehabilitation will help to preserve, rehabilitate, and improve Moreno Valley's neighborhoods.

SUMMARY

HUD will allocate to the City of Moreno Valley a grant to administer its Community Development Block Grant (CDBG) programs and HOME Investment Partnership (HOME) programs over the FY 2011/12 program year. CDBG funding is available to

address the needs of low-income persons/areas within the City. HOME funds are available to address affordable housing related needs.

Staff issued a Notice of Available Funding and as a result collected 34 applications (28 CDBG public service, 5 Non-Public Service, and 1 HOME application) requesting funding. HUD has not yet released the final allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocations for CDBG and a 9.5% reduction for HOME therefore; the CDBG allocation is estimated at $1,795,990 ($145,621 less than last year's allocation of $1,941,611). The estimated FY 2011/12 HOME allocation is $603,264 ($60,326 less than last year's allocation of $666,589). This report reviews public social service, affordable housing, and economic development programs recommended for funding by City staff and the Technical Review Committee. City Council selected CDBG and HOME programs will be incorporated into the FY 2011/12 Annual Action Plan.

NOTIFICATION

Notice of this meeting was published in the local edition of the Press-Enterprise newspaper on March 7, 2011.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	CDBG Funding Recommendations
ATTACHMENT E	HOME Funding Recommendations

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Department Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100189

ATTACHMENT A

2010 INCOME LIMITS

Effective April 2, 2010 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$13,650	$15,600	$17,550	$19,500	$21,100	$22,650	$24,200	$25,750
Very Low Income	50%	$22,750	$26,000	$29,250	$32,500	$35,100	$37,700	$40,300	$42,900
60% Limits (HOME)	60%	$27,300	$31,200	$35,100	$39,000	$42,120	$45,240	$48,360	$51,480
Low Income	80%	$36,400	$41,600	$46,800	$52,000	$56,200	$60,350	$64,500	$68,650
Median Income	100%	$45,500	$52,000	$58,500	**$65,000**	$70,200	$75,400	$80,600	$85,800
Moderate Income	120%	$54,600	$62,400	$70,200	$78,000	$84,250	$90,500	$96,700	$102,950

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MV00100191

City of Moreno Valley CDBG Target Areas

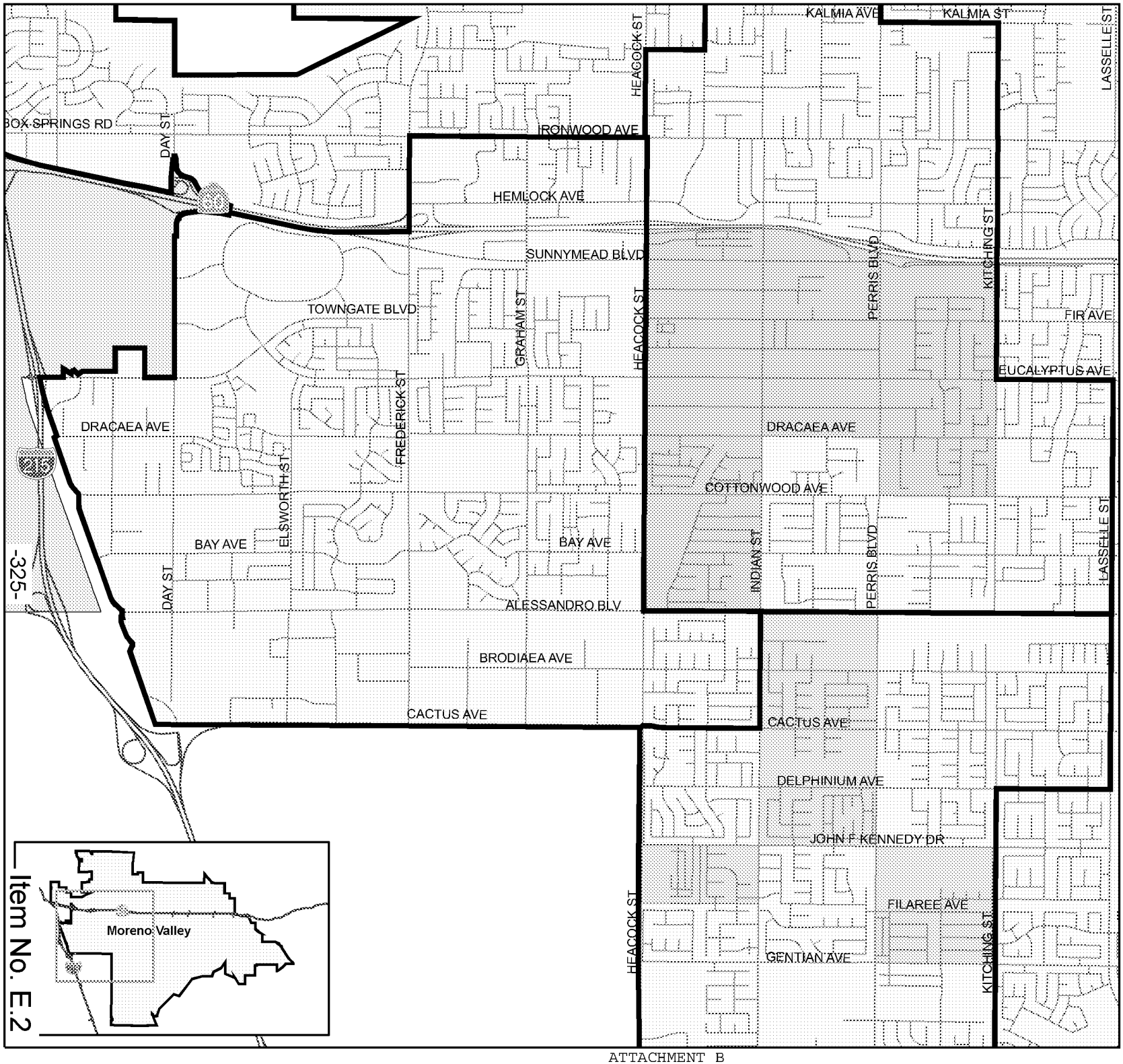

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

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MV00100193

ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

ATTACHMENT D – CDBG PROPOSED PROGRAMS
CDBG – FY 2011/12 – Total Anticipated Funding $1,795,990

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation	City Council Recommendation
A.	ADMINISTRATION (20% CAP – $359,198)				
0	Administrative Staffing	$338,869	$295,530	$324,198	
1	Fair Housing Council of Riverside County (Fair Housing Administration)	$49,453	$53,960	$35,000	
	Subtotal	$388,322	$349,490	$359,198	
B.	PUBLIC SERVICES (15% CAP – $269,398)				
2	Community Foreclosure Prevention Workshops	$44,000	$30,000	$30,000	
3	Community Assistance Program (CAP) Food Program	$30,600	$34,220	$30,600	
4	Friends of the Moreno Valley Senior Center (MoVan) Transportation	$30,000	$30,000	$30,000	
5	Problem Orienting Community Policing (POP) Team	$28,241	na	$0	
6	Fair Housing Council of Riv County – Foreclosure Prevention\Mitigation	$25,000	$25,000	$21,798	
7	Fair Housing Council of Riv County Landlord Tenant Mediation Program	na	$15,000	$15,000	
8	Lutheran Social Services (MARB) Homeless Shelter	$15,000	$21,104	$15,000	
9	Path of Life Transitional Family Shelter (MARB)	$15,000	$30,000	$15,000	
10	PW Enhancement Center – Emergency Services Outreach	$15,000	$32,000	$15,000	
11	Neighborhood Clean-ups	$15,000	$15,000	$15,000	
12	Assistance League/Operation School Bell – Clothes/School Supplies	$10,000	$15,000	$10,000	
13	CASA for Riverside County Foster Youth Program	$10,000	$32,535	$10,000	
14	God's Helping Hand Ministries – Food Bank	$9,000	$10,000	$9,000	
15	Operation Safehouse Shelter for Youth	$8,000	$8,000	$8,000	
16	Alternatives to Domestic Violence Emergency Shelter & Services		$15,000	$7,500	
17	Riverside Area Rape Crisis Center – Child Abuse Prevention Program	$7,500	$7,500	$7,500	
18	Moreno Valley Community Educators – Tutoring Program	$6,400	na	$0	
19	ARC of Riverside – Disabled Adult Day Care Facility	$5,000	$20,000	$5,000	
20	Salvation Army –Food Program	$5,000	$10,900	$5,000	
21	Catholic Charities – Case Worker	na	$35,000	$15,000	
22	MVUSD High School Intervention Program	na	$10,500	$0	
23	Smooth Transition Literacy/Job Readiness/Life Skills Trng	na	$48,872	$0	
24	CVHC – Afterschool/Computer Program	na	$10,000	$0	
25	ReNu Hope Foundation – Pre School Bldg. Improvements	na	$19,413	$0	
26	Volunteer Ctr. '211' Telephone Referral Service	$5,000	$20,000	$5,000	
27	Volunteer Ctr. Rent Caurantee Program	na	$63,000	$0	
28	Alpha & Assoc. – Reclaiming Youth Intervention Program	na	$50,000	$0	
29	MCL Music Changing Lives – Youth Intervention/Music Program	na	$150,000	$0	
30	Family Service Assoc. Nutrition Program at Supportive Hsg Complex	na	$50,000	$0	
31	Leading Our World – Help the Streets Outreach Program	na	$1,105,000	$0	
	Subtotal	$283,741	$1,913,044	$269,398	
C.	PUBLIC FACILITIES & IMPROVEMENTS				
32	Street Improvement Project	na	$350,000	$350,000	
	Subtotal	$0	$350,000	$350,000	
D.	REHABILITATION				
33	Habitat for Humanity	$10,000	$10,000	$10,000	
	Subtotal	$10,000	$10,000	$10,000	
E.	CODE ENFORCEMENT				
34	Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390	$263,390	$263,390	
35	Code Enforcement – Foreclosure 'Strike Team'	$103,017	$103,017	$103,017	
	Subtotal	$366,407	$366,407	$366,407	
F.	ECONOMIC DEVELOPMENT				
37	MV New Business Incentive Program	$540,000	$525,000	$220,987	
38	Employment Resource Center	$145,641	$120,000	$120,000	
40	Youth Opportunity Center	$50,000	$25,000	$25,000	
41	Family Service Assoc. Meal Program Facilities	$50,000	$50,000	$25,000	
42	Small Business Development Center	$50,000	$50,000	$50,000	
	Subtotal	$835,641	$770,000	$440,987	
	GRAND TOTAL	$1,884,111	$3,748,941	$1,795,990	

※ New applicants ※ Organization serving homeless population ※ Recommended funding changes over previous year

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MV00100197

ATTACHMENT E
HOME - FY 2011/12 - Total Estimated Available Funding $603,264

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recomendation	City Council Approval
A.	ADMINISTRATION				
	Administrative Staffing (10% CAP - $60,326)	$66,600	$60,326	$60,326	
	Subtotal	$66,600	$60,326	$60,326	
B.	CHDO (MANDATORY)				
	(15% CAP - $90,490)	$99,900	$90,490	$90,490	
	Subtotal	$99,900	$ 90,490	$90,490	
C.	APPLICATIONS				
	Still under review				
	Subtotal				
D.	HOUSING				
	Reserve for Housing Projects and Programs	$522,000	$500,000	$452,448	
	GRAND TOTAL			$603,264	

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MV00100199

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. **Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)**

b. **Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**

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MV00100201

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: March 22, 2011

TITLE: APPOINTMENT TO THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council, after reviewing the ballot provided by the City Clerk:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

BACKGROUND

On February 22, 2011, the City Clerk's Office posted a Notice of Opening for the Planning Commission one term expiring March 31, 2013. Appropriate time frames with respect to noticing vacancies were followed.

Eight applications were submitted and reviewed by the City Council. Four applicants were interviewed by the City Council on February 23, 2011. In alphabetical order, the selected applicants to be placed on the ballot for consideration of appointment are as follows:

Gary E. Baugh, Rick De Jong, and Carlos Ramirez.

ALTERNATIVES

The Planning Commissioners consider matters pertaining to development and zoning within the City and have decision-making authority pursuant to the Government Code of the State of California. Choosing not to appoint members to the Planning Commission would result in decreased participation from residents, and it would adversely affect the Commission's ability to function and to maintain a quorum at meetings. This option is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council make the recommended appointments.

NOTIFICATION

1. Posting of Notice of Opening
2. Publication of the agenda
3. Report mailed to final candidates

ATTACHMENTS/EXHIBITS

1. List of Planning Commission Applicants Selected for the Interviews

Prepared By: Ewa Lopez
Deputy City Clerk, CMC

Department Head Approval: Jane Halstead
City Clerk, CMC

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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List of Planning Commission Applicants Interviewed on February 23, 2011

Gary E. Baugh

Rick De Jong

Alvin C. Horn

Carlos Ramirez

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MV00100205

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City

Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Southeastern Calif Conf Sev Day Adventist Church (APN 484-030-015) and Buddhadhammo Temple (APN 488-210-014), (collectively "Property Owners"), have Conditions of Approval that require them to provide a funding source to help support the NPDES and the CSD median program specific to these projects, Zone M. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the Property Owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. Property Owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on March 22, 2011 and the Public Hearing on April 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charge is levied on the property tax bill.

The CSD Zone M annual charge for APNs 484-030-015 and 488-210-014 were estimated based on the proposed fully improved Alessandro Blvd. and Nason St. medians adjacent to the parcels. The annual charge shall not be levied until such time as the planning of the medians begins. Upon future development, parcels adjacent to the proposed medians shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charge for APNs 484-030-015 and 488-210-014 shall be proportionally adjusted.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*

2. **Do not accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *This alternative would be contrary to state statutes and would require the noticing period for the mail ballot proceedings to begin again.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charge for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple are as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
Southeastern Calif Conf Sev Day Adventist Church APN 484-030-015 (and any division thereof)	$205 per parcel	$1,579.60
Buddhadhammo Temple APN 488-210-014 (and any division thereof)	$205 per parcel	$1,254.11

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds

collected from the NPDES rates are restricted for use only within the Stormwater Management program.

The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The Property Owners are being balloted for maintenance costs of future medians that are planned to be constructed. The amount collected will reduce the General Fund obligation for maintenance for those medians. **The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple.

NOTIFICATION

On February 8, 2011, a ballot packet was mailed to the Property Owners. The packets included a notice to the Property Owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and two postage-paid envelopes for returning the ballots to the City Clerk. (See Attachments 1 and 2.)

Newspaper advertising for the March 22, 2011, Public Meeting and April 12, 2011, Public Hearing was published in The Press-Enterprise on March 3, 2011. Additionally, the Public Hearing notification will be published on March 24 and again on March 31, 2011.

ATTACHMENTS

Attachment 1: Southeastern Calif Conf Sev Day Adventist Church mail ballot packet
Attachment 2: Buddhadhammo Temple mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100211

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FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Abel Cordero
c/o Southeastern Calif Conf Sev Day Adventist
26121 Camelot Ave
Loma Linda, CA 92354

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 484-030-015

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 484-030-015 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 484-030-015 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,579.60 for the proposed Alessandro Blvd. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 484-030-015 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

✓	A check mark substantially inside a box;
X	An X mark substantially inside a box;
●	A dot or oval mark substantially inside a box;
■	A completely shaded or filled mark substantially inside a box;
✳	A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;
○	A circle around the box and/or associated clause; or
□	A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 484-030-015

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 484-030-015, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 484-030-015, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
484-030-015 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 484-030-015

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 484-030-015 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,579.60 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 484-030-015, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
484-030-015 (and any division thereof)	☐	☐	$1,579.60

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

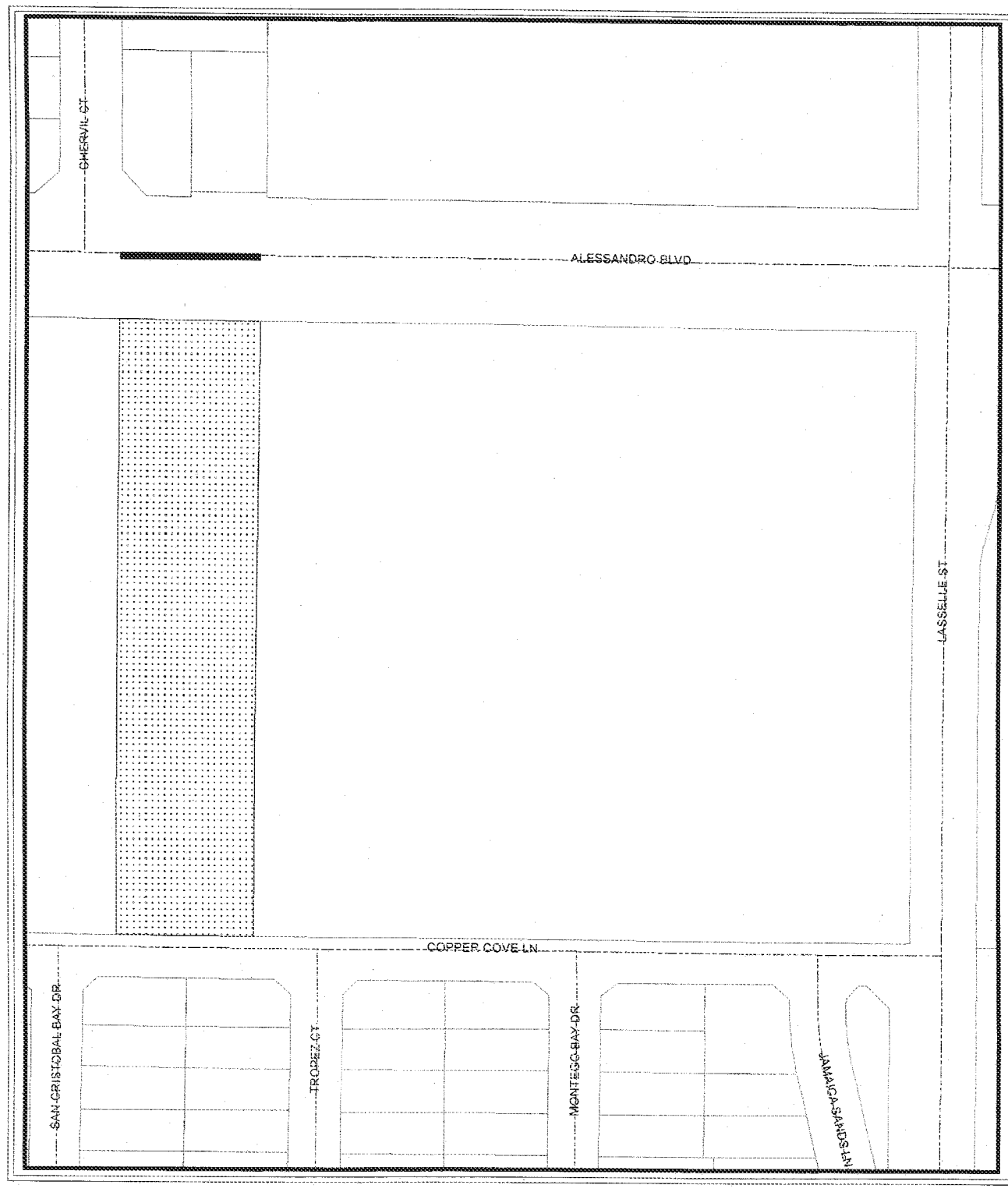

Moreno Hills SDA Church
APN 484-030-015

APN

- 484030015
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\PA08-0041 Moreno Hills SDA.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	Per Month $2.67	Per Year $32.00	PROPOSED PARCEL RATE	Per Month $12.58	Per Year $151.00

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00100219

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Albot Nikom
c/o Buddhadhammo Temple
13920 Nason St.
Moreno Valley, CA 92555

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 488-210-014

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 488-210-014 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 488-210-014 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,254.11 for the proposed Nason St. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 488-210-014 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 488-210-014

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 488-210-014 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,254.11 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 488-210-014, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-210-014 (and any division thereof)	☐	☐	$1,254.11

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 488-210-014

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 488-210-014, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 488-210-014, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-210-014 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

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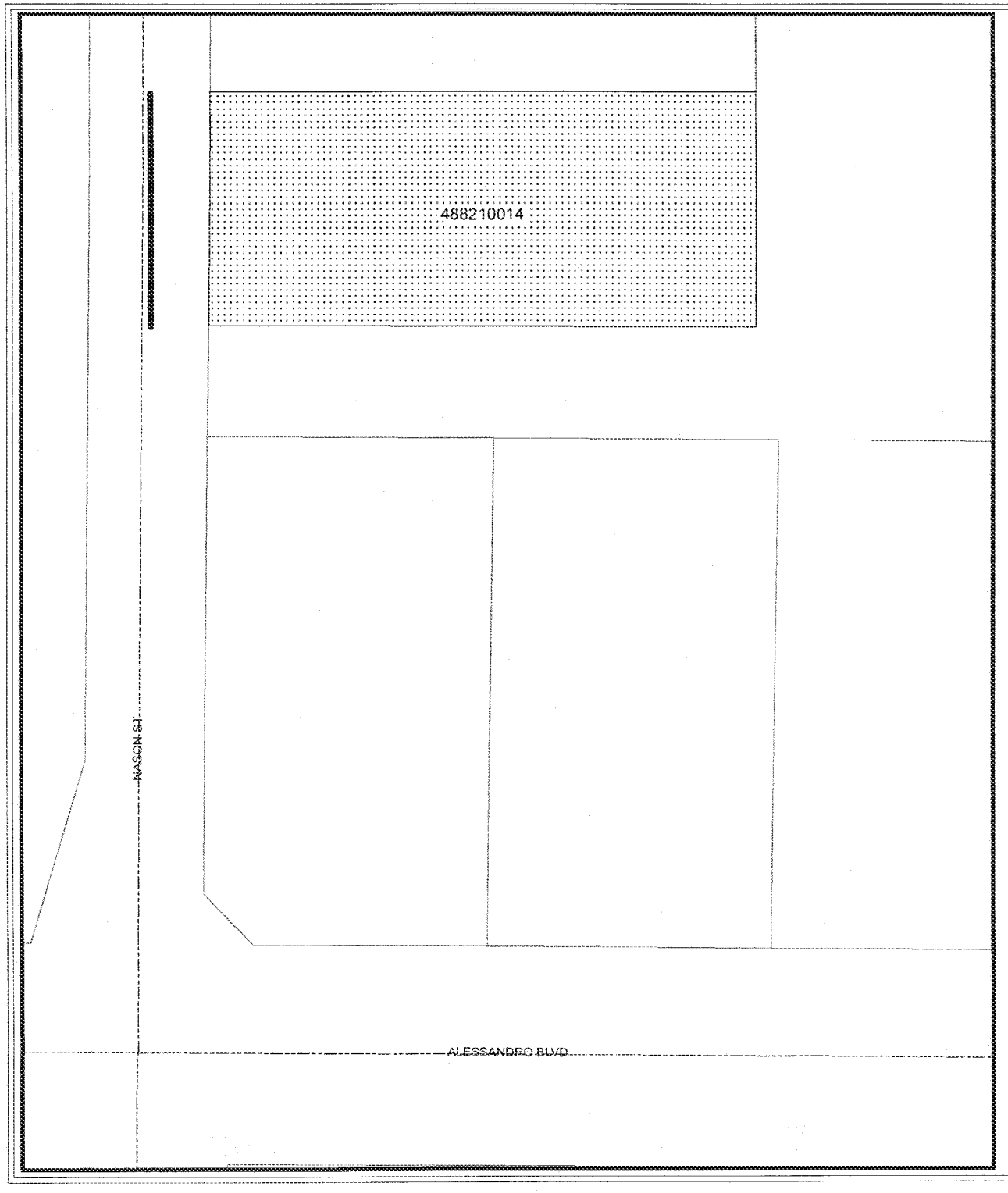

Buddhadhammo Temple
APN 488-210-014

APN

- 488210014
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 50 100 150 200 Feet

G:\AVP\SDA\PA08-0091 Buddhadhammo Temple.mxd

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MORENO VALLEY
WHERE DREAMS SOAR

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00100227

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC.

RECOMMENDED ACTION

Staff recommends the City Council:

Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Staff recommends the Redevelopment Agency Board:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

BACKGROUND

At the March 8 meeting the City and Redevelopment Agency Board approved a Conditional Commitment Letter Agreement among the Agency, the City and Rancho Belago Developers Inc to assist in the development of an affordable housing project. The approval included a motion approving two resolutions that weren't required.

DISCUSSION

To properly facilitate the approval of the Agreement, the City Council and RDA Board must rescind their previous action of approving the resolutions and restate their approval of the Conditional Commitment letter Agreement among the Redevelopment Agency, the City and Rancho Belago Developers Inc. The Agency's Special Legal Counsel and the Developer are working on the drafting of an Affordable Housing Agreement for the project which shall be considered by the Agency Board on April 12.

ATTACHMENTS

Attachment A – Conditional Commitment Letter Agreement Among the Community Redevelopment Agency of the City of Moreno Valley, the City of Moreno Valley and Rancho Belago Developers, Inc.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CONDITIONAL COMMITMENT LETTER AGREEMENT AMONG THE MORENO VALLEY REDEVELOPMENT AGENCY, THE CITY OF MORENO VALLEY, AND RANCHO BELAGO DEVELOPERS, INC.

March 8, 2011

James M. Jernigan
Rancho Belago Developers, Inc.
27700 Kalmia Avenue
Rancho Belago, CA 92555-5200

Re: Hemlock Family Apartments ; Moreno Valley Redevelopment Agency and City of Moreno Valley Residual Receipts Loans for New Construction of Hemlock Family Apartments

Dear Mr. Jernigan:

We are pleased to offer these conditional commitments of funds on behalf of and from the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") and the City of Moreno Valley ("City") by this Conditional Commitment Letter (herein, "Conditional Commitment Letter") to Rancho Belago Developers, Inc., and its affiliate Rancho Belago Developers, Inc. ("Developer") for Developer's consideration and acceptance, subject, however, to the approval of this Conditional Commitment Letter by the City Council of the City of Moreno Valley ("City Council" and "City, respectively) and the governing board of the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") of the terms and conditions of that certain "Agency Loan" and that certain "City Loan", respectively, as more fully detailed herein (together, "Loans").

The Agency is a redevelopment agency organized, operating, and existing pursuant to the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* ("CRL"). City is a California municipal corporation and general law city. Pursuant to the CRL, the Agency maintains a low to moderate income housing to improve, increase and preserve the community's supply of low to moderate income housing available at an affordable housing cost ("Housing Fund"). City is a participating jurisdiction with the United States Department of Housing and Urban Development that has received funds from HUD pursuant to the federal HOME Investment Partnerships Act and HOME Investment Partnerships Program, 42 U.S.C. Section 12701, *et seq.*, and the implementing regulations thereto set forth in 24 CFR § 92.1, *et seq.* for the purposes of strengthening public/private partnerships to provide more affordable housing, particularly decent, safe, sanitary, and affordable housing, with primary attention to housing for Very Low Income and Lower Income households in accordance with the HOME Program.

If approved by Agency and City Council, respectively and subject to their amendment of this Conditional Commitment Letter, if any, will be provided to you a conditional commitment for loans, subject to the Overriding Conditions (as set forth in #21, below) and subject further to the following terms and conditions:

1. Developer/Borrower

Rancho Belago Developers, Inc., (or its approved affiliate) shall be the developer with Rancho Belago Developers, Inc., as the borrower and sole owner and operator ("Developer"). Rancho Belago Developers, Inc. may establish a single-asset entity for the purposes of developing the project (hereinafter the "Borrower"), and/or to be formed California limited partnership, with Rancho Belago Developers, Inc., a California corporation as its Administrative General Partner and Housing Corporation of America, a Utah nonprofit public benefit corporation as Managing General Partner, as approved by Agency. The identity of each limited partner of the partnership and/or member of the BORROWER and their respective roles and responsibilities, as member(s), general and/or limited partner(s), for the Project are subject to the approval of Agency and City. The documentation of the Borrower is subject to the approval by Agency, City and their respective Special Counsel and General Counsel(s). Hereinafter, the Borrower and Developer are referred to as "Developer".

2. Amount of Loans

Agency Loan: Subject to the deferred payment residual receipts loan not to exceed an original principal amount of $6,500,00, which will be funded with moneys from the Agency's Housing Fund per CRL Sections 33334.2, 33334.6, *et seq*. The Agency Loan shall be disbursed in accordance with a schedule to be approved by the Agency and stated in formal loan documentation for such loan (to be negotiated after allocation by the California Tax Credit Allocation Committee ("TCAC") of Tax Credits to Developer for the Project, "Agency Loan Agreement").

City Loan (HOME Program Funds): A deferred payment (residual receipts) loan not to exceed $1,000,000. The City Loan shall be disbursed in accordance with a schedule to be approved by the City Council and stated in the loan documentation for such loan (to be negotiated after allocation of Tax Credits for the Project, "City Loan Agreement").

Both the Agency Loan and the City Loan are expressly contingent upon the TCAC's award of 4% Tax Credits to Developer for the Project and Developer's securing other conditional funding commitments.

3. Project

New construction of a 78-unit affordable apartment project referred to as *Hemlock Family Apartments* located on Hemlock Avenue, west of Perris Boulevard in Moreno Valley, California as described in and such Project received a land use entitlement from the City.

4. Term of Affordability Not less than fifty-five (55) years.

5. Affordability Restrictions Seventy-seven (77) of the seventy-eight (78) units shall be affordable to and occupied by persons and or households at or below sixty percent (60%) of the Area Median Income (AMI) referenced in Attachment No. 2 to the staff report included with the City Council and Agency's consideration and approval of this Conditional Commitment Letter, in a mix of fifty-three (53) two-bedroom and twenty-four (24) three - bedroom units. The seven-eighth (78th) unit may be occupied by management personnel and need not be rent or occupancy restricted. A Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions ("Regulatory Agreement") and a Notice of Affordability Restrictions per CRL Section 33334.3 restricting rents and occupancy of seventy-seven (77) of the seventy-eight (78) units for not less than fifty-five (55) years shall be recorded against the Site in favor of each of City and Agency. Such Regulatory Agreement and Notice of Affordability Restrictions shall be in a form and format acceptable to Agency, City and Special Counsel in their sole discretion. The Affordable Rent and occupancy restrictions shall include the following:

- Twenty-five (25) units affordable to residents with incomes at or below 50 percent (50%) of Area Median Income (AMI);

- Fifty-two (52) units affordable to residents with incomes at or below 60 percent (60%) of Area Median Income (AMI);

5. Loan Terms/Repayment *Agency Loan:* The Agency Loan shall be evidenced by a Promissory Note in the amount of $6,500,000 and shall be secured by a Deed of Trust recorded against the Site. The Agency Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City. The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by Agency.

City Loan: The City Loan shall be evidenced by a Promissory Note in the amount of $1,000,000 and shall be secured by a Deed of Trust recorded against the Site. The City Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City (the latter solely

from such moneys, if any, as become available to City under the HOME Program). The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by City.

Provisions Common to Agency Note and City Note: Interest on each Promissory Note shall be 3% simple interest (or such other interest rate as may be established by mutual agreement). Interest shall accrue from the first disbursement and all payments shall be applied first to accrued interest then to principal. The Promissory Note shall contain due on sale and further encumbrance clauses and shall be in a form and content as approved by Special Counsel for the Agency and the City, respectively.

All principal and accrued interest shall be due and payable upon repayment in full of the permanent financing, except for a repayment resulting from a pre-approved refinancing of the permanent financing, in which no cash or other consideration is received by the Developer as a result of such refinancing.

6. <u>Security</u>

Agency Loan: The Agency Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the governing board of the Agency, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the Agency and its Special Counsel in their sole discretion.

City Loan: The City Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the City Council, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the City, acting through its City Council, and its Special Counsel in their sole discretion.

7. <u>Pro Forma/Expenses</u>

All expenses of this Project shall be approved by Agency and City in their reasonable discretion. The Developer's pro forma for the Project has been submitted to and reviewed by Keyser Marston Associates ("KMA"), Agency's and City's economic advisor. KMA's report on the Project, including assumptions, analysis and warranted subsidy, is based on the Developer's pro forma and such "KMA Report" and is a substantive and material basis under which both Agency and City are providing their conditional commitments to make the Agency Loan and City Loan, respectively. Observance of the parameters set forth in the KMA Report is an integral and fundamental

element of this conditional commitment and agreement, but for which Agency and City will have no duties hereunder.

8. Reserves

Subject to the approval of the construction and/or permanent lender(s), Developer shall deposit a minimum of $500 per unit per year ($39,000 per year) into a dedicated capital replacement reserve account as part of its annual operating expenses. Use of capital replacement reserves shall be subject to the approval of Agency and City.

9. Recourse

The Agency Loan shall be recourse until the timely completion of the Project, when it shall become non-recourse. The City Loan shall be recourse until the timely completion of the Project, when it shall become nonrecourse

10. Notice/Cure Assumption Rights

Each of Agency and City shall have the right, but not the obligation to cure, after notice of default, any and all defaults in any senior encumbrances. All subordination agreements shall be subject to the sole approval of Agency and City and shall include extended cure rights, separate notice to, and rights to assume senior encumbrances.

11. Management Plan

The Management Plan shall be subject to periodic approval by each of Agency and City, in their reasonable discretion.

12. Management Approval

Each of Agency and City reserves the right to declare Developer in default of the Agency Loan Agreement or the City Loan Agreement after an uncured ninety (90) day written notice of malfeasance and/or misfeasance in management of the Project.

13. Time of Funding

Agency will fund the Agency Loan upon satisfaction of all conditions set forth in the Agency Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the governing board of the Agency. City will, from HOME Program funds, fund its loan upon satisfaction of all conditions set forth in the City Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the City Council.

14. Construction Contract

Funding of each of the Agency Loan and the City Loan is subject to Agency and City approval of a guaranteed maximum "not-to-exceed" contract for the construction work. Developer shall comply, and shall cause its contractor and all subcontractors to comply, with all state and federal program

limitations and requirements, including without limitation those requirements commonly referred to as "Section 3", including all reporting, meetings, and other compliance requirements thereof.

15. Evidence of Financing; Other Loans; Tax Credit Equity

Each of Agency and City shall have right to review and approve all evidence of financing, including the construction loan and the permanent loan documentation, along with solicitation for and selection of a tax credit equity investor, and in particular the provisions of any subordination of the Agency Loan and/or the City Loan to any such senior encumbrances.

16. Partnership Related Fees

The Partnership Related Fees, including management fee, asset management, general partner and/or limited partnership fees, shall not exceed an amount to be approved by Agency and City.

17. Developer Fee

The Developer Fee for the Project shall not exceed those limitations as stated in the California Tax Credit Committee Regulations. The Developer Fee shall be available for and shall be used, as necessary, to pay for any and all cost overruns in the construction of the Project prior to and as a condition to any disbursement thereof to Developer. Developer Fee disbursals shall be in increments as specified in the Tax Credit Partnership Agreement and shall be subject to approval by Agency, City and respective designees.

18. Prevailing Wages

If required by federal and/or state law or as a condition of obtaining funding, the Developer shall comply with the requirements for payment of both Federal Labor Wage Rates (Davis Bacon Act) and State Prevailing Wages (California Labor Code) and shall pay the higher of the two in the event of a conflict on a trade-by-trade basis.

19. Time of Performance

Construction shall commence within the timeframe required by TCAC. Construction shall be completed according to the schedule outlined in the Agency Loan Agreement and the City Loan Agreement (up to 18 months) and stabilized occupancy shall be achieved according to the requirements of TCAC and the other funding sources. Time is of the essence to each and every provision hereof; in the event one or more milestones is not met by the time established therefor hereunder, Agency or City may, at their sole discretion and without providing necessity of an extension or opportunity to cure, terminate their conditional commitments hereunder.

20. Funds

Agency may fund the Agency Loan from various sources including the Housing Fund, tax increment not held in the Housing Fund or any other local, State, and/or federal funding source. If funded from tax increment, then all applicable requirements of the CRL shall apply and construction and operation of the Project and the Project shall be subject to all applicable provisions of the CRL. City intends to fund the City Loan only from available HOME Program funds; therefore, because federal funds will be a source of funding then construction and operation of the Project shall be subject to all applicable federal program limitations, rules, and regulations.

21. Overriding Conditions:

Any conditional commitment hereunder and in addition to other conditions or limitations hereunder, is expressly conditioned upon and subject to: (i) Circumstances involving the threatened elimination of redevelopment agencies and activities in California: Developer acknowledges that the Governor of the State of California has proposed the elimination of redevelopment agencies throughout the State of California. The Agency Executive Director, City Manager and City make no representations or warranties as to the outcome of the Governor's proposal or the ability and authority of the Agency to operate or receive tax increment or other funding after March 8, 2011. Developer has informed itself of all matters it deems relevant in connection with such circumstances, acknowledges that any conditional commitment of the City and the Agency is subject to the Agency being allowed to continue to operate and receive tax increment revenues (including, without limitation, for the purposes described hereunder), and exonerates each of the Agency and the City from any responsibilities in relation thereto; (ii) completion of environmental processes and clearances for the project; (iii) the obtaining of planning approvals; (iv) the availability to the City of HOME moneys in the amounts described hereunder (the Agency and the City making no representations concerning the availability of such funds, in the amounts described hereunder or in any amount); (v) the availability of City HOME moneys has not been finally determined and any such availability of moneys for the proposed project are subject and subordinate to other conditional commitments. In addition, the availability of such moneys is contingent upon the availability and conditional commitment of housing set-aside revenues as described in (vi), below; (vi) the value of land is subject to confirmation as set forth in item #23, below; (vii) the availability of housing set-

aside revenues, as defined in Health and Code Section 33334.2, to the Agency, in amounts sufficient to fund those amounts described hereunder as the amount of the Agency loan, subject and subordinate to existing obligations of the Agency, together with any obligations of the Agency under a proposed Affordable Housing Agreement between the Agency and MV Rancho Dorado Limited partnership, a California limited partnership (a copy of which is on file with the Community Development Director of the City for consideration by the Agency governing board at the Agency's meeting of March 8, 2011, and a copy of which has been provided to Developer hereunder)(the "Dorado Agreement"). Agency and City make no representations whatsoever to Developer concerning the future availability of moneys to the City or the Agency.

22. <u>ALTA Lender's Policies</u> Developer shall cause to be issued to City and Agency, at Developer's sole cost and expense, ALTA Lender's Policies for each of the Agency Loan and the City Loan, with endorsements acceptable to Agency and City and respective Special Counsel.

23. <u>Updated Appraisal</u> Prior to funding, Developer shall cause to be prepared and shall submit to each of Agency and City for their respective approval, an updated, as constructed, appraisal, as a condition to funding. Appraised value shall reflect the then-current value of the appraised property in the Site's then-current condition in addition, City shall engage a separate appraisal or review appraisal by an independent appraiser of the City's choosing; Developer will defray City's costs in connection therewith.

24. <u>Contract Approval</u> The funding of each of the Agency Loan and the City Loan is also subject to Agency's and City's approval of the necessary handicap accessibility design compliance provisions being stated within the project architect's contract.

25. <u>Assumption of Loan</u> The Agency Loan and the City Loan may not be assumed without the prior written consent of each of Agency and City each acting at their sole and absolute discretion. It is contemplated that City and Agency will agree that such loans may be assumed by tax credit limited partnership, provided that the limited partnership is approved by each of Agency and City, provided that Developer (or Borrower as its approved affiliate) will be the general partner of the limited partnership, and further provided that such tax credit limited partnership shall agree to be further bound by the terms contained in a comprehensive transactional agreements, the Agency Loan Agreement and the City Loan Agreement and all implementing

documents thereof, to be entered into among Developer, Agency and City.

26. TCAC

Each of the Agency Loan and the City Loan is contingent upon TCAC award of the necessary 4% Tax Credits for the Project. Developer shall submit to TCAC and to the City and Agency all documents necessary to complete the Tax Credit application towards consideration and receipt of an allocation of Tax Credits. Developer is and shall be expressly limited to obtaining an allocation for private activity bonds and a preliminary reservation of 4% tax credits to August 1, 2011. Prior to funding, Developer shall submit to Agency and City a complete, legible copy of CDLAC's or TCAC's letter acknowledging that Developer has satisfied all applicable submittal requirements together with evidence of conditional funding commitments demonstrating funding is committed sufficient for the development of the Project with affordability covenants of not less than 55 years.

27. Documentation

All documentation of this transaction shall be subject to the approval of each of City and Agency acting through their respective governing boards.

28. Additional Conditions

Each of City and Agency reserves the right to impose such additional conditions, both conditions precedent and conditions subsequent, in the Agency Loan Agreement and the City Loan Agreement, and all attachments thereto, and other final documentation of the transaction as are reasonably necessary to protect the interests of the City and the Agency and fulfill the intent of this Conditional Commitment Letter. Included as additional conditions are the completion of a comprehensive transactional agreements, Agency Loan Agreement and City Loan Agreement, to be prepared by Agency and City and Special Counsel (as approved also by Agency General Counsel and City Attorney) containing terms customary to similar agreements by Agency and City and including, without limitation, provisions for: (i) demonstration of available and committed moneys sufficient (with the City Loan and the Agency Loan) for the acquisition of the Site and the construction through completion and lease-up of the Project; (ii) annual financing reports; (iii) satisfaction of Section 3 and other HOME Program requirements; (iv) bidding procedures and construction costs acceptable to each of Agency and City; (v) land acquisition cost acceptable to each of Agency and City; (vi) a leasing agreement form, tenant selection process, and reporting/monitoring program acceptable to City and Agency; and (vii) insurance and indemnity conforming to

requirements of Agency and City as set forth in Attachment No. 2 to the staff report for this Conditional Commitment Letter and also conforming to certain Agency/City requirements regarding insurance and indemnity as set forth in Attachment 5 to such staff report.

29. Tax Credit Investor

Agency and City must receive an acceptable binding commitment from a Tax Credit investor limited partner, that its Tax Credit investment and contribution to the Project will be not less than $4,736,278. A Tax Credit commitment of less than the estimated $4,736,278 will be subject to the sole approval of each of Agency and City. The Tax Credit Partnership Agreement shall be subject to approval by each of Agency and City.

30. Possible Reduction to Agency Loan

Should the cost of the Project be decreased, or should the funding sources increase from those anticipated herein (cost and source amounts as referenced in the staff report presented to the Agency and City Council on March 8, 2011) and/or should the contingency not be utilized, then the amount of increased sources and/or savings shall be allocated first to reduction of the General Partner's loan and deferred Developer fee then 50% to Developer and 50% as between Agency and City; the allocation as between Agency and City shall be determined by Agency and City notwithstanding the forgoing, the forgoing is subject to those conditions and limitations set forth below, including without limitation item #23.

31. No Other Funds from City or Agency

Agency and City are not hereby committing to provide any further funds to this Project beyond those referenced in this Conditional Commitment Letter or without satisfaction of any and all conditions contained herein (and specifically including the limitation that the City will use no moneys other than HOME Program funds in making the City Loan). Any need to purchase the Site prior to TCAC allocations must be and shall remain within Developer's sole responsibility and decision and with no obligation of Agency or City to provide any funds whatsoever for such early acquisition. Cost overruns, if any, must be addressed by use of the Developer Fee and/or other funding sources and/or other assets of the Developer and in no event from additional monies from the City and/or Agency.

32. Agency/City Team

In connection with the proposed project, the Agency or City will, subject to readiness to proceed, consider the issue of multifamily conduit revenue bonds ("Bonds") in connection

with the financing of the Development. The Developer agrees and acknowledges that; (i) the consideration of the issuance of Bonds requires approval after a public hearing of the City or Agency, apart from the approval of this Agreement, and that there is no assurance that such approval will be given; (ii) an allocation process administered by an agency of the State of California is required in connection with the issuance of Bonds, and the Developer and not the Agency would be fully responsible for preparing application with the participation of the Agency or the City, obtaining approval, and complying with conditions imposed as part of such a process; (iii) if bonds are obtained for the Improvements, they are to be issued by the Agency or the City; (iv) any Bonds issued by the Agency or City in connection with the Development would only be a conduit issuance, with no liability of the City or Agency excepting only the payment of moneys received from the Developer in accordance with the state law pursuant to which the Bonds are issued, and with credit support in the form of a letter of credit by one of the ten largest banks in California or another lender approved by the Executive Director at his sole discretion; (v) any Bonds issued by the Agency or City would be privately placed or rated by one of the two largest rating agencies with one of the three highest investment-grade ratings, and on terms customary and reasonably acceptable to the Agency Executive Director; (vi) all costs in connection with the issuance of such bonds, including without limitation costs of issuance, the cost of credit support, ratings, and insurance, shall be borne by the Developer directly or as part of the matters funded by the bonds and the City or Agency shall be entitled to an initial and annual issuer's fee of 14 points (based on the principal amount of the Bonds then outstanding until conversion, and 12 points annually thereafter, in addition to its out of pocket expenses and fees of Stradling Yocca Carlson & Rauth, a Professional Corporation, or other bond counsel designated by Agency or City at their sole discretion, and a financial adviser to the Agency; and (vi) the term of the Bond(s) shall not exceed forty (40) years nor be less than twenty (20) years but may be due in fifteen (15) years. The Agency is not obligated to modify, in any respect, the unit mix, affordability levels, or times for performance by virtue of the matters set forth in this paragraph.

33. <u>Other Terms</u>

Each of Agency and City reserves the right to impose any additional conditions in the Agency Loan Agreement and/or the City Loan Agreement and other implementing loan documents that may be necessary, in the discretion of City or

Agency, as applicable, to protect the interests of Agency and City and fulfill the intent of this Conditional Commitment Letter. Such documentation shall be approved by the Agency and the City Council. The provision by Developer of an appraisal supporting a land value (based upon an unimproved state) within ten percent (10%) of that amount reflected for land cost in that pro forma on file with the City and designated in writing by City staff as the "Final Commitment Letter Pro Forma" shall be a condition to the Agency and/or City considering a comprehensive transactional agreement, Agency Loan Agreement and City Loan Agreement, as referenced in paragraph 28 hereof.

This conditional commitment of funds to provide the Agency Loan and the City Loan as set forth in this Conditional Commitment Letter is conditional upon Developer receiving commitments from its other sources of financing, including allocations from the State of California Tax Credit Allocation Committee.

If you are willing to proceed on the terms and conditions referenced herein, please execute this Conditional Commitment Letter and return it to the undersigned on March 8, 2011 so that the executed form thereof might be attached to the staff report accompanying this Conditional Commitment Letter.

Even after your execution, the Conditional Commitment Letter shall not be effective, unless and until approved by both the Agency and the City.

Sincerely,

Henry T. Garcia, Executive Director of the Community
Redevelopment Agency, City of Moreno Valley

Henry T. Garcia, City Manager
City of Moreno Valley

Agreed to and accepted this ____ day of _____, 2011 by:

_____

James M. Jernigan, President
Rancho Belago Developers, Inc.

PARTICULAR MORENO VALLEY AGREEMENT PROVISIONS

[Numbering of sections is illustrative, only]

4.5 Insurance Requirements. In addition to the separate and severable indemnification covenants and provisions provided by the Developer to Agency and City hereinafter in this Section 4.5, *et seq.*, the Developer shall provide insurance according to these requirements. The Developer shall maintain the following coverages on behalf of Agency and City and any and all of their elected officials, boards, officers, employees, and agents for all claims, damages to property and injuries to persons, including death (including attorneys' fees and litigation costs), which may be caused by any of Developer's activities under this Agreement or related in any respect whatsoever to the Development, regardless of whether such activities or performance thereof be by the Developer or anyone directly or indirectly employed or contracted with by the Developer and regardless of whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall cause all requirements of this section, and the construction insurance requirements hereafter for such construction insurance, to be obtained and maintained until the completion of the Improvements.

The parties acknowledge and agree that the Loan Agreement includes and requires the Developer to obtain and maintain specific insurance regarding the Development. To the extent the insurance requirements of the Loan Agreement provide for and require policies of insurance coverage with and in amounts, types, and endorsements that exceed the requirements provided hereunder, then the Developer shall provide such increased coverage to the Agency and City and any and all certificates and endorsements therefor shall include both the Agency and City as more specifically set forth in this Section 4.5, *et seq.*

4.5.1 Categories of Coverage for the Development. The following insurance categories shall be caused to be provided by the Developer for the Development and evidence of such coverage and endorsements shall be provided by the time set forth herein.

(a) Commercial General Liability Insurance. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 00 01 06 92 including owned, non

owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per accident and not less than Two Million Dollars ($2,000,000) in general aggregate. If the Developer owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City and Agency and any and all of their boards, officials, employees or agents.

(d) General Conditions Pertaining to Provision of Insurance Coverage by the Developer The Developer agrees to the following provisions regarding insurance provided by the Developer for the Development:

(i) The Developer agrees to provide insurance in accordance with the requirements set forth herein. If the Developer uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, the Developer agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right but not the duty to obtain the insurance it deems necessary and any premium paid by Agency will be promptly reimbursed by the Developer.

(ii) The coverage required here will be renewed annually by the Developer as long as the Developer continues to provide any services under this or any other contract or agreement with Agency. The Developer agrees to maintain liability coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit the Developer, or the Developer's employees, or agents, from waiving the right of subrogation prior to a loss. The Developer waives its right of subrogation against Agency and City.

(iv) The provisions of any workers' compensation or similar act will not limit the obligations of the Developer under this agreement. The Developer is and shall at all times be considered an Independent Contractor, and expressly agrees not to use any statutory immunity defenses under such laws with respect to Agency or City and their employees, officials and agents.

(v) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured.

(vi) All insurance coverage and limits provided by the Developer and available or applicable to this agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vii) Unless otherwise approved by Executive Director, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of

California and with a minimum "Best's" Insurance Guide rating of A:VII. Self insurance will not be considered to comply with these insurance specifications.

(viii) Any "self insured retention" must be declared and approved by Agency. Self funding, policy fronting or other mechanisms to avoid risk transfer are not acceptable. If the Developer has such a program, the Developer must fully disclose such program to Agency.

(ix) The Developer shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from the Developer's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(x) The Developer agrees to provide evidence of the insurance required herein, satisfactory to Executive Director and the City's "Risk Manager", consisting of: certificate(s) of insurance evidencing all of the coverages required and, an additional insured endorsement to the Developer's general liability policy using Insurance Services Office endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees, upon request by Executive Director or City Risk Manager to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(xi) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. The Developer agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xii) The Developer agrees to require all Contractors, subcontractors, or other parties hired for this Development to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of One Million Dollars ($1,000,000). The Contractor's general liability insurance shall add as additional insureds Agency and City and their designee(s), and any and all of their boards, officials, employees and agents using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xiii) Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xiv) The Developer agrees to provide notice within ten (10) days to Executive Director and City's Risk Manager of the Developer's receipt of any claim or loss against the Developer that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xv) The insurance requirements set forth in this section are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvi) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

4.6 Construction Insurance Requirements; Contractor for Construction Contract. From the period commencing upon the earliest to occur of (i) the effective date of the Construction Contract between the Developer and Contractor for the Development, or (ii) the date the Contractor enters onto the Site, or (iii) the date of any work on the Site has been completed (without regard to whether the Agency has issued a Certificate of Completion), the Developer shall cause its Contractor to provide and maintain at no expense to Agency (or City), insurance policies meeting the requirements set forth in this Section 4.6. The insurance shall protect Contractor, Contractor's agents, representatives, employees, vendors, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, and said insurance is in addition to the insurance provided by the Developer hereunder. The Developer, Agency and City and their officers, employees, and agents shall be named as additional insureds on such policies, which shall be evidenced in endorsements or certificates that meet the requirements of Section 4.5 above for additional insureds, or as otherwise approved by the City's Risk Manager.

4.6.1 Contractor Insurance Submittals. Developer shall cause USA Construction Management Inc. ("Contractor") to provide insurance according to the requirements set forth here. Contractor will maintain the following coverages on behalf of City and Agency and any and all of their boards, officials, employees and agents.

(a) Commercial General Liability. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. General liability insurance will not be limited to coverage for the vicarious liability or the supervisory role of the additional insureds. There shall be no contractor's limitation endorsement.

Coverage for the additional insureds shall apply to the fullest extent permitted by law excepting only the active negligence of the City or Agency, not caused or contributed to by the Developer, as established by agreement between the parties or by the findings of a court of competent jurisdiction. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide an additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 20 26 1185 including owned, non owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per occurrence for all coverages and not less than Two Million Dollars ($2,000,000) in general aggregate. the Developer may submit, and City risk management department may review and approve, another policy form and/or another form of additional insured endorsement, so long as the review and approval of such form of policy and/or endorsement is within City risk management department's sole, reasonable discretion. If Contractor owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City, Agency, and any and all of their boards, officials, employees or agents.

(d) Course of Construction (Builder's Risk) Insurance. Course of Construction (Builder's Risk) Insurance shall be provided by Contractor (or by the Developer) and shall include City, Agency, and any and all of their boards, officials, employees and agents as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Coverage shall be for the full completed value of the project. Any deductible amounts shall be the responsibility of the first named insured on the policy and shall not be the responsibility of Agency or City. The policy shall cover all real and personal property for "all risks" of loss for all buildings, structures, fixtures, materials, supplies, machinery and equipment to be used in or incidental to the construction at the Site, off site, or in transit, for the full replacement value of such property, but expressly excluding the perils of floods and earthquakes. Coverage shall be included for property of others in the care, custody or control of the insured for which any insured may be liable.

(e) General Conditions Pertaining to Provision of Insurance Coverage by Contractor Contractor must agree to the following provisions regarding insurance provided by Contractor:

(i) Contractor agrees to provide insurance in accordance with the requirements set forth here. If Contractor uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, Contractor agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right to order contractor to discontinue work until suitable replacement coverage is obtained.

(ii) The coverage required here will be renewed annually by Contractor as long as Contractor continues to provide any services under this or any other contract or agreement with the Developer or Agency. Contractor agrees to maintain this coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit Contractor, or Contractor's employees, or agents, from waiving the right of subrogation prior to a loss. Contractor waives its right of subrogation against Agency and/or City.

(iv) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor. Contractor expressly agrees not to use any statutory immunity defenses under workers' compensation or related laws with respect to Agency and/or City, their respective employees, officials and agents, to avoid Contractor's indemnity obligation for such third party action over claims.

(v) All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vi) Unless otherwise approved by Agency, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of California and with a minimum "Best's" Insurance Guide rating of A:VII.

(vii) Any "self insured retention" must be declared and approved by Agency. Agency reserves the right to require the self insured retention to be eliminated, reduced, or replaced by a deductible. Self funding, policy fronting or other mechanisms to avoid risk transfer shall be fully disclosed to Agency before any notice to proceed is issued.

(viii) Contractor shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Contractor's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(ix) Contractor agrees to provide evidence of the insurance required herein, satisfactory to Agency, consisting of: a) certificate(s) of insurance evidencing all of the coverages required and, b) additional insured endorsement to Contractor's liability policy using

Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or equivalent that is not restricted to Contractor's "ongoing operations", and/or or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees, upon written request by Agency to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(x) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. Contractor agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xi) Contractor agrees to require all subcontractors or other parties hired for this project to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of $1 million. The subcontractor's general liability insurance shall add City and Agency as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xii) Contractor agrees to require design professional liability insurance from any design professional engaged for the Development in an amount no less than $1 million per claim and $2 million in general aggregate. Contractor agrees to require that no contract, standard form or otherwise, used by any party in any way connected with this Agreement, or contracts Contractor enters into on behalf of Agency, will reserve the right to charge back to Agency the cost of insurance required by this or any other agreement.

(xiii) Contractor agrees that upon request, any agreements with subcontractors or others with whom Contractor enters into contracts with on behalf of Agency, will be submitted to Agency for review. Failure of Agency to request copies of such agreements will not impose any liability on Agency, or its employees.

(xiv) Requirements of specific coverage features or limits contained in this Section 4.6.1 are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xv) Contractor agrees to provide immediate notice to Agency of any claim or loss against Contractor that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xvi) The insurance requirements set forth in this Section 4.6.1 are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvii) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

For purposes of insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.

4.7 Knowledge of Claim. If at any time the Developer (or its Contractor) becomes aware of a claim or a potential claim, the Developer (or its Contractor) shall immediately provide written notice ("Claim Notice") to Agency which sets forth the nature of the claim or potential claim and the date on which the Developer became aware of such claim or potential claim and shall provide Agency with copies of any documents relating to such claim or potential claim.

4.8 Notice of Change in Coverage. If, at any time, the Developer (or its Contractor) becomes aware that any of the coverages provided above are going to be canceled, limited in scope or coverage, terminated, or non renewed, then the Developer (or its Contractor) shall provide Agency with fifteen (15) days written notice ("Insurance Notice") of such cancellation, limitation, termination or non renewal.

(a) Upon the receipt of the Insurance Notice or the Claim Notice, or at any time when Agency has knowledge of (i) the cancellation, limitation, termination or non renewal of one or more of the Developer's (or its Contractor's) insurance policies enumerated above or (ii) a claim or potential claim under one or more of such policies, then, in addition to its other rights and remedies pursuant to this Agreement, Agency shall have the right to suspend Agency's obligations under this Agreement until such time as the Developer (or its Contractor) furnishes, or causes to be furnished to Agency, duplicate originals or appropriate certificates of insurance for coverages in the amounts not less than those specified above or until the time such claim or potential claim has been resolved to the reasonable satisfaction of Agency, respectively.

4.9 Waiver of Subrogation. The Developer (and its Contractor) hereby waives all rights to recover against Agency and/or City (or any officer, employee, agent or representative of Agency or City) for any loss incurred by the Developer (or its Contractor) from any cause insured against or required by any Project Document to be insured against; provided, however, that this waiver of subrogation shall not be effective with respect to any insurance policy if the coverage thereunder would be materially reduced or impaired as a result. The Developer (and its Contractor) shall use its best efforts to obtain only policies that permit the foregoing waiver of subrogation.

4.10 Obligation to Repair and Restore Damage Due to Casualty Covered by Insurance. Subject to the provisions below, if the Development shall be totally or partially destroyed or rendered wholly or partly uninhabitable by fire or other casualty required to be insured against by the Developer, the Developer shall promptly proceed to obtain insurance proceeds and take all steps necessary to begin reconstruction and, immediately upon receipt of insurance proceeds, to promptly and diligently commence the repair or replacement of the Improvements to substantially the same condition as the Improvements are required to be constructed pursuant to this Agreement, if and to the extent the insurance proceeds are sufficient to cover the actual cost of repair, replacement, or restoration, and the Developer shall complete the same as soon as possible thereafter so that the Improvements can be occupied in accordance with this Agreement. Subject to enforced delays as set forth in Section 7.10 herein, in no event shall the repair, replacement, or restoration period exceed one (1) year from the date the Developer obtains insurance proceeds unless Executive Director, in his reasonable discretion, approves a longer period of time. Agency shall cooperate with the Developer, at no expense to Agency, in obtaining any governmental permits required for the repair, replacement, or restoration. If, however, the then existing laws of any other governmental agencies with jurisdiction over the Site do not permit the repair, replacement, or restoration, the Developer may elect not to repair, replace, or restore the Improvements by giving notice to Agency (in which event Developer will be entitled to all insurance proceeds but the Developer shall be required to remove all debris from the applicable portion of the Site) or the Developer may reconstruct such other improvements on the Site as are consistent with applicable land use regulations and approved by the City, Agency, and the other governmental agency or agencies with jurisdiction.

4.11 Damage or Destruction Due to Cause Not Required to be Covered by Insurance. If the Improvements are completely destroyed or substantially damaged by a casualty for which the Developer is not required to (and has not) insured against, then the Developer shall not be required to repair, replace, or restore such improvements and may elect not to do so, subject to any requirements of HUD and the Maker of the Primary Construction Loan by providing Agency with written notice of election not to repair, replace, or restore within ninety (90) days after such substantial damage or destruction. In such event, and subject to there being funds available after satisfying the Primary Construction Loan and all other senior debt, the Developer shall concurrently repay the full outstanding balance of the Agency Loan (as theretofore disbursed) to Agency and the full outstanding balance of the City HOME Loan (as theretofore disbursed) to City. As used in this Section 4.11, "substantial damage" caused by a casualty not required to be (and not) covered by insurance shall mean damage or destruction which is fifteen percent (15%) or more of the replacement cost of the improvements comprising the Improvements. In the event the Developer does not timely elect not to repair, replace, or restore the Improvements as set forth in the first sentence of this Section 4.11, the Developer shall be conclusively deemed to have waived its right not to repair, replace, or restore the Improvements and thereafter the Developer shall promptly commence and complete the repair, replacement, or restoration of the damaged or destroyed Improvements in accordance with Section 4.10 above.

4.12 Indemnification.

4.12.1 General Indemnification. The Developer shall defend, indemnify, assume all responsibility for, and hold the Agency, the City and their elected officials, officers, employees, attorneys, and agents (together, "Indemnitees"), harmless from all claims, demands, damages, defense costs or liability of any kind or nature relating to the subject matter of this Agreement or the validity, applicability, interpretation or implementation hereof and for any damages to property or injuries to persons, including accidental death (including attorneys fees and costs), which may be

caused by any acts or omissions of the Developer under this Agreement, whether such activities or performance thereof be by the Developer or by anyone directly or indirectly employed or contracted with by the Developer and whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall not be liable for property damage or bodily injury to the extent occasioned by the negligence or willful misconduct of Agency or City or their agents or employees. The Developer shall have the obligation to defend any such action; provided, however, that this obligation to defend shall not be effective if and to the extent that the Developer determines in its reasonable discretion that such action is meritorious or that the interests of the parties justify a compromise or a settlement of such action, in which case the Developer shall compromise or settle such action in a way that fully protects Agency and City from any liability or obligation. In this regard, the Developer's obligation and right to defend shall include the right to hire attorneys and experts necessary to defend, the right to process and settle reasonable claims, the right to enter into reasonable settlement agreements and pay amounts as required by the terms of such settlement, and the right to pay any judgments assessed against the Developer, Agency, or City. If the Developer defends any such action, as set forth above, and except as provided to the contrary above: (i) the Developer shall indemnify and hold harmless Indemnitees from and against any claims, losses, liabilities, or damages assessed or awarded against either of them by way of judgment, settlement, or stipulation and (ii) Agency shall be entitled to settle any such claim only with the written consent of the Developer and any settlement without the Developer's consent shall release the Developer's obligations under this Section 4.12.1 with respect to such settled claim. Notwithstanding the foregoing, as long as the Primary Construction Loan is insured or held by HUD, the Developer's obligation to honor this indemnification obligation shall be limited to Residual Receipts.

4.12.2 Indemnity Re Challenge to Agreement. The Developer shall, at its expense, defend, indemnify, and hold harmless Agency and City and their elected officials, officers, employees, agents, attorneys and consultants harmless from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature, including without limitation those (i) arising out of the validity or interpretation of, Agency's and/or City's authority to enter into, or payment by Agency and/or City to the Developer under this Agreement, (ii) arising out of the applicability or inapplicability of state and/or federal prevailing wage and public works requirements related to the Development, or (iii) arising out of, in connection with, or relating in any manner to any act or omission of the Developer or its agents, employees, contractors and subcontractors of any tier and employees thereof in connection with or arising from the Developer's performance or nonperformance of its obligations under this Agreement, the Developer's ownership of the Site, or the completion of the Development, except that arising from the sole gross negligence or intentional misconduct of Agency or City and their elected officials, officers, agents, employees or representatives.

(a) Joint Defense on Certain Claims and Lawsuits. The parties acknowledge and agree that for certain types of claims or lawsuits that may be asserted against the Developer, Agency, and/or City as described in (i) and (ii) of Section 4.12.2 above ("Joint Defense Claim"), there may be a common interest and mutual concern in the subject matter of such Joint Defense Claim and that a favorable resolution of a Joint Defense Claim related to (i) and (ii) described above would be mutually beneficial. Therefore, in the event of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above against the Developer or Agency and/or City (including their elected officials, officers, employees, agents, attorneys and consultants), the parties agree to cooperate in the

resolution of such Joint Defense Claim and desire to set forth certain joint defense rights and obligations in the course of coordination of the defense thereof by this Section 4.12.2(a).

(i) In the course of coordinating their defense of the Joint Defense Claim, the parties might engage in communications and exchange information, documents and other materials ("Communicated Information") and such Communicated Information may include confidential attorney client communications, attorney work product, and other information and materials that are protected from disclosure to third parties by the attorney client communication privilege, the work product doctrine or other applicable privileges. The parties wish to insure that the exchange and disclosure of Communicated Information in furtherance of a joint defense effort and the parties' common interest does not diminish in any way the confidentiality of the Communicated Information and does not constitute a waiver of any privileges otherwise applicable.

(A) All Communicated Information shall be used solely in connection with the Joint Defense Claim, and shall be and remain confidential and privileged and may not be disclosed or made available to persons other than to the Developer, Agency and/or City and their respective counsel, and such counsels' employees and agents without the written consent of all of the other parties unless disclosure of such Communicated Information is required by order of court after the privilege and work product doctrines are asserted. Each person to whom Communicated Information is disclosed will also be made aware of the existence of this Section 4.12.2(a) and any implementing joint defense agreement among the Developer, Agency and City and that Communicated Information is privileged, confidential, and not to be disclosed unless ordered by a court to be disclosed.

(B) If any other person or entity requests or demands, by subpoena or otherwise, any Communicated Information from the Developer, Agency, City, or their counsel, such party or counsel receiving said request or demand shall immediately notify all parties and their attorneys, provide them with a copy of said request or demand, assert all applicable rights, privileges and objections with respect to such requests or demands, and cooperate fully with the other party in making every reasonable effort to prevent or limit the disclosure of said Communicated Information.

(C) In the event the Developer, Agency or City enters into any agreement with any third party that is inconsistent with the continued sharing of information under this Section 4.12.2(a) or other implementing joint defense agreement, and/or with any continued joint defense effort, including without limitation any settlement agreement or dismissal, such party or its counsel shall: (a) immediately inform the other parties of the terms of such agreement or dismissal; (b) promptly return to the other parties hereto all copies of all documents provided by such other party pursuant hereto; and (c) refrain from disclosing to a third party any Communicated Information.

(D) In the event that a party enters into a settlement agreement or dismissal, such party is not to be relieved of its obligations hereunder to maintain the privileged nature and confidentiality of all Communicated Information.

(E) At the conclusion of the Joint Defense Claim or earlier termination of this Agreement, and upon the request of any counsel for a party who has furnished Communicated Information pursuant hereto, all such materials and copies, summaries or information referring to, memorializing or derived from Communicated Information shall be either returned to

that counsel or destroyed, at said counsel's option, and counsel returning or destroying such materials as requested shall promptly certify to the requesting counsel that this has been done.

(ii) Nothing in this Section 4.12.2(a) shall be construed as subjecting a party to the effect of any judgment, verdict or other determination on the merits in any lawsuit in which that party is not a party, whether by res judicata, collateral estoppel, law of the case, or otherwise.

(iii) All previously privileged communications between the Developer and Agency (or City) with respect to the Joint Defense Claim and all Communicated Information previously exchanged between counsel for the parties are subject to this Section 4.12.2(a) it having been understood that the Developer, Agency and City shared a common interest in pending or threatened litigation arising out of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above.

(iv) The joint defense made possible by and Communicated Information shared hereunder shall not be grounds for any later disqualification of counsel for any party.

(v) A breach of this Section 4.12.2(a) or any implementing joint defense agreement may not adequately be remedied by an action for damages, and injunctive relief, both temporary and permanent, would be the appropriate remedy for any such breach, although all other equitable and legal remedies are reserved and are not waived.

(vi) Nothing contained herein shall limit the right of any counsel to disclose any documents or information independently obtained for his/her respective clients and not subject to a claim of privilege by another party.

(b) Cooperation in Defense of Claims or Lawsuits. The Developer, as indemnitor of Agency (and City) under Section 4.12.2(a) shall have the right to control and manage the defense of any Joint Defense Claim or other claim or lawsuit covered under the indemnity provided in Section 4.12.2(a) above. The Developer shall keep Agency (and City) through their counsel informed of all significant developments in such claim or lawsuit, including without limitation the date(s) for hearings on significant motions, discovery demands requiring the cooperation or participation of Agency or City officials and employees, settlement negotiations, the trial date, and any situations requiring the attendance of Agency or City officials or employees.

(c) Covenant Not to Sue. The following covenant relating to the Developer's obligation not to sue regarding the Development or the Site or any issues ancillary thereto is a material incentive for and a part of the consideration to Agency to provide to the Developer the Agency Loan and for the City to provide the City HOME Loan. Therefore, the Agency Loan proceeds and the proceeds of the City HOME Loan shall in no event be due, payable, or required, and the performance obligations of Agency under this Agreement shall automatically terminate, in the event from and after the Date of Agreement and until the close of escrow for the Developer's acquisition of the Site, the Developer, or any of its partners, officers, directors, employees, agents, representatives, consultants, attorneys, or any person acting at the direction of the Developer, undertakes any act to oppose, or to commence, participate in, prosecute, or otherwise object to, or to litigate, directly or indirectly, any permit or discretionary decision of Agency, City, City's Planning Commission, any other City board or commission relating to the Site and Development of whatever form or nature.

(i) Notwithstanding the foregoing portion of this Section 4.12.2(b), nothing set forth in this Section 4.12.2(b) shall prevent the Developer from asserting its rights relating to the performance and enforcement of this Agreement or due to the abuse of discretion by a governmental entity considering and acting upon a future discretionary decision related to the parameters of this covenant. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's rights with respect to prospective action or future conduct by any person who interferes, opposes, or delays implementation and completion of the Development. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's property rights pertaining to the Site; provided any such assertion of property rights does not interfere with nor impede any agreement(s) to which the Agency or City is a party (other than this Agreement).

4.12.3 Indemnity by the Developer of Agency and City Relating to Relocation. The Developer hereby covenants and agrees to indemnify, save, protect, hold harmless, and defend Agency and City and their respective representatives, volunteers, officers, employees, agents, and consultants (collectively, "Indemnitees") from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including without limitation penalties, fines, and monetary sanctions), losses, costs, or expenses, including without limitation consultants' and attorneys' fees, or relocation benefits claimed or payable under the Relocation Laws (for purposes of this Section 4.12.3, the foregoing shall be referred to as "Liabilities") which may now or in the future be incurred or suffered by Indemnitees by reason of, or resulting from, in full or in part, or in any respect whatsoever from the Relocation of residents of the Property pursuant to this Agreement.

The Developer, on behalf of itself and its affiliates, and any and all successors and assigns hereby fully and finally releases each of City, Agency and their past and present elective and appointive boards, commissions, officials and employees, representatives and agents from any and all manner of actions, causes of action, suits, obligations, liabilities, judgments, executions, debts, claims and demands of every kind and nature whatsoever, known and unknown, which the Developer and any of its affiliates, successors or assigns may now have or hereafter obtain against Agency and/or City or their past and present elective and appointive boards, commissions, officials and employees, representatives and agents by reason of, arising out of, relating to, or resulting from in full or in part, the election of the Developer to proceed with the Project pursuant to this Agreement (collectively, "Claims"), which release shall include but not be limited to any Claims for Relocation benefits under federal laws or any other applicable laws. The parties agree that, with respect to the release of Claims as set forth above, all rights under Section 1542 of the California Civil Code and any similar law of any state or territory of the United States are expressly waived. Section 1542 reads as follows:

> "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

4.12.4 Environmental Indemnification. The Developer shall save, protect, pay for, defend (with counsel acceptable to Agency), indemnify and hold harmless Agency and City and their officers, employees, representatives and agents, from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including, without limitation, penalties, fines and monetary sanctions), losses, costs or expenses (including, without limitation, consultants' fees, investigation

and laboratory fees, attorneys' fees and remedial and response costs) (for purposes of this Section 300, the foregoing shall be collectively referred to as "Liabilities") which may now or in the future be incurred or suffered by Agency or City or their officers, employees, representatives or agents by reason of, resulting from, in connection with, or arising in any manner whatsoever as a direct or indirect result of (i) the ownership of all or any part of the Property, (ii) any act or omission on the part of the Developer, or its agents, employees, representatives, agents, contractors, occupants, or invitees, (iii) the presence on, under, or about, or the escape, seepage, leakage, spillage, discharge, emission or release from the Property of any Hazardous Materials or Hazardous Materials Contamination, (iv) the environmental condition of the Property, and (v) any Liabilities incurred under any Governmental Requirements relating to Hazardous Materials. The Developer's obligations hereunder shall survive after the issuance of the Certificate of Completion, and shall be a covenant running with the land in perpetuity, binding on all successors and assigns of the Developer's interest in either this Agreement or any part of the Property. The Developer may assign its obligations hereunder to the successor or assign of the Developer's interest in this Agreement or the Property for those events or conditions related to the requirements in this Section that may occur subsequent to the Developer's conveyance to such successor or assign, provided that the Developer shall remain liable for all of its obligations hereunder.

4.13 Rights of Access. Prior to the issuance of the Certificate of Completion, for purposes of assuring compliance with this Agreement, representatives of Agency shall have the right of access to the Site, without charges or fees, at normal construction hours during the period of construction for the purposes of this Agreement, including but not limited to, the inspection of the work being performed in constructing the Improvements so long as Agency representatives comply with all safety rules. Agency representatives shall, except in emergency situations, notify the Developer prior to exercising its rights pursuant to this Section 4.13.

4.14 Compliance With Laws. Developer shall carry out the design, construction and operation of the Improvements in conformity with all applicable laws, including all applicable state labor standards (including without limitation provisions for payment of prevailing wages in connection with all construction of the Improvements to the extent applicable), the City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code, and the Fair Housing Act, 42 U.S.C. Section 3601 *et seq.* (and 24 C.F.R. Part 100), the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*, and the California Building Standards Code, Health and Safety Code Section 18900, *et seq.* Developer, including but not limited to its contractors and subcontractors, shall comply with Labor Code Section 1720, et seq., and its implementing regulations, regarding the payment of prevailing wages (the "Prevailing Wage Law") with regard to the construction of the Improvements, to the extent such sections are applicable to the development of the Improvements. Developer shall be solely responsible for determining and effectuating compliance with the Prevailing Wage Law, and the Agency or City make no final representation as to the applicability or non-applicability of the Prevailing Wage Law to the Improvements, or any part thereof. Developer hereby releases from liability, and agrees to indemnify, defend, assume all responsibility for and hold the Agency and the City, its officers, employees, agents and representatives, harmless from any and all claims, demands, actions, suits, proceedings, fines, penalties, damages, expenses resulting from, arising out of, or based upon Developer's acts or omissions pertaining to the compliance with the Prevailing Wage Law for the Improvements.

The Developer shall comply with the Tax Credit Regulatory Agreement.

Without limitation as to Section 4.12 of this Agreement, Developer shall indemnify, protect, defend and hold harmless the Agency and its officers, employees, contractors and agents, with counsel reasonably acceptable to Agency, from and against any and all loss, liability, damage, claim, cost, expense and/or "increased costs" (including reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction, and/or operation of the Improvements, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by Developer of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Section 1781 of the Labor Code, as the same may be amended from time to time, or any other similar law; and/or (3) failure by Developer to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the development of the Improvements, including, without limitation, any and all public works (as defined by applicable law), Developer shall bear all risks of payment or non-payment of prevailing wages under California law and/or the implementation of Labor Code Section 1781, as the same may be amended from time to time, and/or any other similar law. "Increased costs," as used in this Section 4.14, shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. The foregoing indemnity shall survive termination of this Agreement and shall continue after completion of the construction and development of the Improvements by the Developer.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: MID-YEAR BUDGET REVIEW

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive and file this report
2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

BACKGROUND

The City Council is annually updated on the City's financial status through a Mid-Year Budget Review which reflects operational results for the first half of the fiscal year, from July through December. The mid-year budget review will focus on the City's General Fund, which represents the greatest concern with respect to the impacts of the economic recession but will also present six-month operational results from other key funds such as Community Services District (CSD) Zone A (Parks & Community Services), CSD Zone L (Library) and the Electric Utility.

The City Council and staff have worked diligently during the past two years to reduce the structural General Fund expenditure budget by over $12 million. The General Fund operating budget has been reduced from $98 million in FY 2007-08 to $81 million in FY 2010-11. The structural expense reductions have included defunding of 70 positions generating savings of about $7 million annually. In addition, staff has been on a 36 hour work week or 10% furlough program that saves about $1.4 million each year. Many additional actions throughout the General Fund have also been implemented totaling about $3.6 million; such as reducing travel & training, suspending merit and step

increases, reductions in use of professional services and many others. In short, the City has been reducing the budget through recent Deficit Reduction Plans in response to rapidly declining revenues. The end of the recession has brought revenue stability for the first time in several years. Although significant growth in revenues is not anticipated for several years, the City Council and staff can now focus on the Deficit Elimination Plan that will reduce structural expenditures to the stable revenue level over the FY 2011-12 through FY 2013-14 three-year period.

Recap of First Quarter Budget Review

On December 14, 2010, a First Quarter Budget Review was presented to the City Council. This report indicated that the operating results for the first quarter were positive and that a stable outlook was projected for the remainder of the fiscal year. No additional actions were recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

DISCUSSION

Prior Year Savings Needed to Balance the FY 2010-11 Budget

One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional savings has been used to fund three additional police officers ($580,000) and the shortfall that is currently being experienced in the residential street lighting program ($675,000). Achieving this savings is a significant accomplishment and represents the combined efforts of all City departments to continue identifying and implementing cost-cutting measures in response to closing the structural budget deficit. Audited results for FY 2009-10 will be presented to Council upon the completion of the financial audit.

Mid-Year General Fund Results

This mid-year report updates the Mayor and Council regarding current year fiscal trends and provides the opportunity for critical policy input from the Council prior to developing next year's budget. As adopted, the FY 2010-11 budget totals approximately $200 million with the General Fund comprising $80.9 million. As a measure to match the revenues to expenditures and continue the current service levels the City Council approved the use of $13 million of Fund Balance.

Revenue Trends

In order to adequately analyze the City's current revenue position it is helpful to review the revenue trends over a multi-year period. As illustrated in the charts below after three consecutive years of decline General Fund revenues are projected to achieve a slight increase in FY 2010-11. This experience is consistent with projections made by local economists that the bottom has been reached and revenue streams will begin to stabilize. General Fund revenue performance can be measured by following five primary revenue sources. Property taxes, including the Vehicle In-Lieu tax shift, which were budgeted to decline by 14% instead only declined by 4%. Sales tax revenue

increased by 4.8% from FY 2009-10 actuals to the amount projected to be received for FY 2010-11. This amount is due to improved consumer spending, in addition to an annual adjustment related to the State triple-flip process that was larger than expected. In addition, the expiration of the Auto Mall owner participation agreements results in additional sales tax revenue that is retained by the General Fund. Utility Users Tax has been the most consistent revenue over the past four years and these revenues are projected to be slightly higher than both the budget and the previous year. Development services revenues have experienced severe volatility over the past three years but are projected be flat when compared to the prior fiscal year suggesting that they have stabilized. Investment income, the fifth of the key revenues, is projected to improve slightly over the prior year due to the active management strategy adopted last year which has allowed the portfolio to take advantage of short-term opportunities within the financial markets.

City of Moreno Valley
General Fund Revenue Trend (without Transfers In)

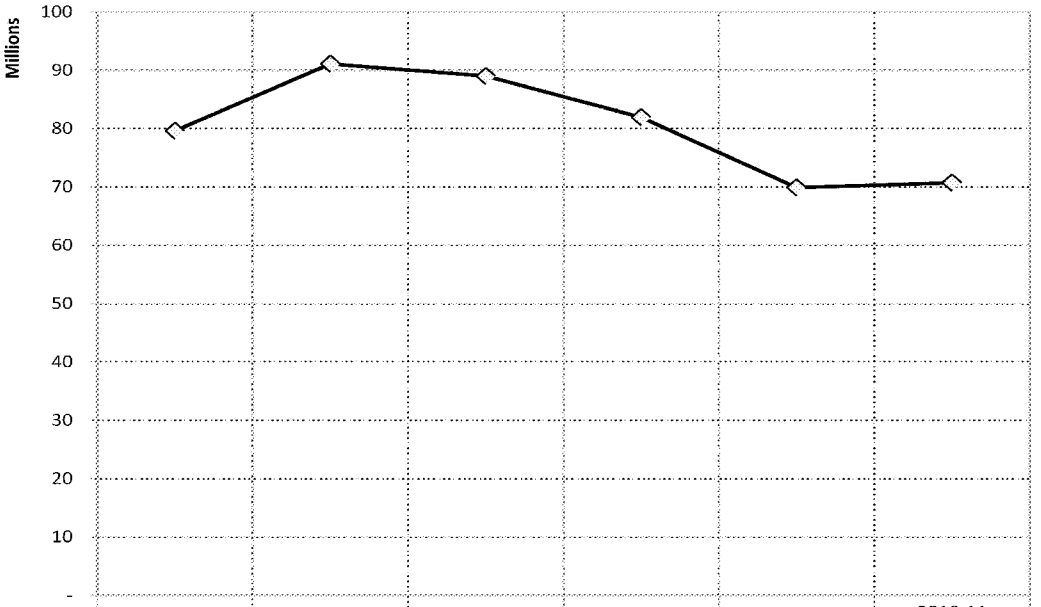

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Actuals	2010-11 Year-end Projection
Revenues	79,615,944	91,116,701	88,999,014	81,930,066	69,892,454	70,728,080

General Fund
Revenue Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Taxes:			
Property taxes	$ 8,596,100	$ 8,596,100	$ 9,158,400
Property taxes in lieu	11,773,400	11,773,400	13,056,000
Utility taxes	15,200,000	15,200,000	15,600,000
Sales taxes	9,735,100	9,735,100	10,515,000
Other Taxes	6,556,500	6,556,500	6,900,000
Licenses and permits	1,363,600	1,363,600	1,431,200
Intergovernmental	643,500	643,500	1,049,800
Charges for services	8,284,600	8,283,156	6,853,900
Use of money and property	4,527,900	4,527,900	4,220,300
Fines and forfeitures	1,117,000	1,117,000	1,120,000
Miscellaneous	172,700	177,800	823,480
	-	-	-
Total Revenues	**67,970,400**	**67,974,056**	**70,728,080**

Expenditure Trends

The following charts illustrate that expenditures have been reduced over the past few years to become more in line with revenues and to maintain reserves at a prudent level. Over the past three years spending has been reduced from $97.6 million in FY 2007-08 to a budgeted amount of $80.9 million in FY 2010-11 which represents a reduction of over 17%. Projected spending levels through mid-year show significant savings when compared to the spending plan approved by Council as staff at all levels continue to undertake efforts to reduce operating costs while sustaining key service levels.

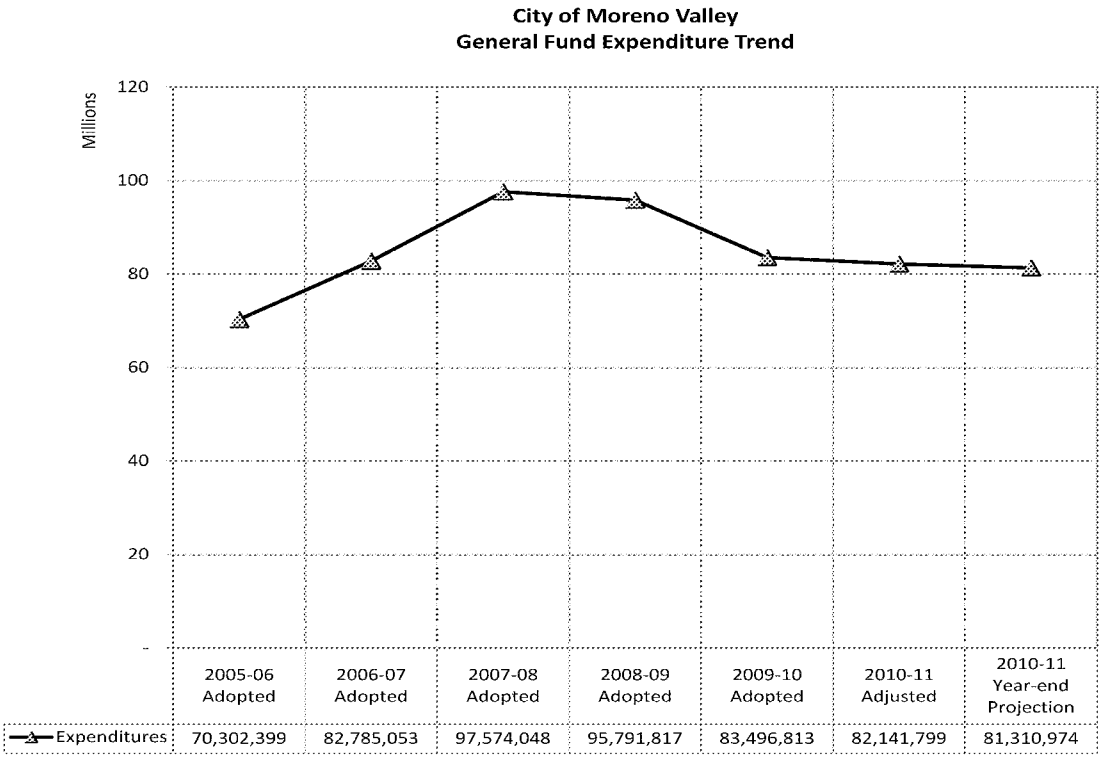

Though there may be variances on a department specific basis, General Fund expenditures are projected to be within City Council approved appropriations and the budget remains balanced. This includes the City Council's decision to utilize surplus revenues to fund additional costs related to priorities related to Police and Community Services District Zone B for Residential Streetlighting subsidy.

Expenditure Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
General government			
City council	$ 579,922	$ 581,564	$ 523,400
City manager	1,279,359	1,305,638	1,171,463
City clerk	634,286	521,486	525,715
City attorney	1,015,407	1,015,407	952,502
Economic development	436,287	482,774	432,202
Financial and administrative services	3,108,962	3,128,875	3,066,423
Human resources	958,505	958,505	791,989
Non-departmental	2,694,500	2,665,546	2,601,646
Public safety			
Police	41,291,771	41,870,739	42,246,062
Fire	15,666,535	15,666,535	15,266,718
Animal services	2,287,240	2,297,418	2,401,450
Emergency operations/volunteer services	605,166	605,166	600,547
Crossing guards	583,439	583,439	516,700
Community development	4,629,070	4,638,875	4,246,017

Public works	3,551,311	3,562,092	3,710,400
Total Expenditures	$ **79,321,760**	$ **79,884,059**	$ **79,053,234**
Other Financing Uses			
Transfers out	1,582,740	2,257,740	2,257,740
Grand Total	$ **80,904,500**	$ **82,141,799**	$ **81,310,974**

First Quarter Summaries of Other Major Funds

▪ Community Services District (CSD) Zone A – Parks & Community Services

Zone A - Parks and Community Services
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,586,789	$ 1,586,789	$ 1,678,500
Charges for services	5,637,700	5,637,700	5,658,800
Use of money and property	457,800	458,800	501,900
Miscellaneous	25,500	26,433	31,200
	0	0	0
Total Revenues	**$ 7,707,789**	$ **7,709,722**	$ **7,870,400**
Expenditures:			
Current:			
Community and cultural			
Senior Program	502,539	503,472	470,404
Parks and recreation administration	468,235	468,235	556,947
Park ranger program	320,241	320,241	317,000
Recreation programs	1,702,569	1,702,569	1,598,500
Park maintenance	2,772,945	2,836,395	2,549,200
Park maintenance - contract	458,100	458,100	423,600
Golf course program	289,886	289,886	302,345
Recreation and conference	442,548	442,548	469,900
Recreation and conference - banquets	238,044	238,044	227,794
Parks projects	152,410	152,410	150,700
Community services	142,088	142,088	126,800
Community events	78,072	78,072	76,400
Non-departmental	250,300	250,300	250,300
Capital outlay	6,400	6,400	23,400
Total Expenditures	**$ 7,824,377**	$ **7,888,760**	$ **7,543,290**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(116,588)	(179,038)	327,110
Other Financing Sources (Uses):			
Transfers in	289,800	289,800	314,800
	0	0	0
Total Other Financing Sources (Uses)	**$ 289,800**	$ **289,800**	$ **314,800**
Net Balance	***$ 173,212***	$ ***110,762***	$ ***641,910***

The revenues are tracking slightly ahead of expectations. The largest revenue sources are property tax and parcel fees, which are collected and remitted twice annually. The first distribution was received in mid January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Community Services District (CSD) Zone L – Library**

Zone L - Library
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,201,200	$ 1,261,200	$ 1,261,200
Intergovernmental	27,000	27,000	73,600
Charges for services	33,000	33,000	30,000
Use of money and property	0	0	0
Fines and forfeitures	56,500	56,500	46,500
Miscellaneous	2,000	7,255	7,200
	0	0	0
Total Revenues	**$ 1,319,700**	**$ 1,384,955**	**$ 1,418,500**
Expenditures:			
Community and cultural			
Library	1,903,462	1,940,694	1,895,600
Total Expenditures	**$ 1,903,462**	**$ 1,940,694**	**$ 1,895,600**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(583,762)	(555,739)	(477,100)
Other Financing Sources (Uses):			
Transfers in	446,740	446,740	446,800
Total Other Financing Sources (Uses)	**$ 446,740**	**$ 446,740**	**$ 446,800**
Net Balance	***$ (137,022)***	***$ (108,999)***	***$ (30,300)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is property taxes, which are collected and remitted twice annually. The first distribution was received in early January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Gas Tax**

State Gasoline Tax Special Revenue Fund
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Intergovernmental (gas tax)	2,702,500	2,702,500	2,862,225
Use of money and property	5,000	5,000	1,500
Miscellaneous	2,000	2,000	10,200
	0	0	0
Total Revenues	**$ 2,709,500**	**$ 2,709,500**	**$ 2,873,925**
Expenditures:			
Public works:			
Infrastructure project engineering	384,086	384,086	306,986
Street maintenance	1,740,356	1,740,356	1,919,100
Graffiti removal	329,014	329,014	366,700
Tree trimming	383,230	383,230	412,100
	0	0	0
Total Expenditures	**$ 2,836,686**	**$ 2,836,686**	**$ 3,004,886**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(127,186)	(127,186)	(130,961)
Net Balance	***$ (127,186)***	***$ (127,186)***	***$ (130,961)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is gas taxes, which are collected and remitted by the State of California monthly. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Electric Utility**

Electric Utility
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Operating Revenues:			
Generation	$ 9,360,000	$ 9,360,000	$ 8,945,076
Distribution	3,640,000	3,640,000	4,533,022
Special Charges	144,000	144,000	142,831
Public Purpose	500,000	500,000	779,328
Other charges for services (electricity fee refunds)	(146,000)	(146,000)	(73,709)
Use of money and property	56,000	56,000	79,982
Miscellaneous	315,500	315,500	239,772
Total Operating Revenues	**$ 13,869,500**	**$ 13,869,500**	**$ 14,646,302**

Expenditures:			
Operating Expenditures:			
Electricity purchased	6,900,000	6,900,000	7,228,800
Services and supplies	2,842,695	2,842,695	2,673,524
Distribution share	1,425,000	1,425,000	1,567,500
Rate stabilization reserve	327,000	327,000	359,700
Public purpose program:			
Electricity purchased	400,000	400,000	400,000
Services and supplies	100,000	100,000	100,000
Total Operating Expenditures	**$ 11,994,695**	**$ 11,994,695**	**$ 12,329,524**
Operating Income (Loss)	**$ 1,874,805**	**$ 1,874,805**	**$ 2,316,778**
Nonoperating Revenues (Expenses)			
Debt Service:			
Principal retirement	570,200	570,200	470,380
Interest expense and fiscal charges	1,656,200	1,656,200	1,658,207
Capital outlay	87,500	87,500	81,375
	0	0	0
Total Nonoperating Revenues (Expenses)	**$ (2,313,900)**	**$ (2,313,900)**	**$ (2,209,962)**
Income (Loss) Before Transfers	**$ (439,095)**	**$ (439,095)**	**$ 106,816**
Net Balance	***$ (439,095)***	***$ (439,095)***	***$ 106,816***

**Net of depreciation*

As reflected in the previous operational financial summaries (not including capital projects and/or debt service), revenue and expenditure results for Parks, Library, Gas Tax and the Electric Utility through the first quarter of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. Therefore, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by the respective departments.

Proposed Mid-Year Budget Appropriation Adjustments

The Mid-year Budget Review is traditionally the time in which additional budget appropriation adjustments are considered due to unforeseen circumstances that have occurred since the adopted of the budget. There are two items recommended for Council's approval this fiscal year.

I. Recommend the transfer of $150,000 from the General Fund (fund balance) to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort (MOE) requirements:

The City receives Measure A, Local Streets and Roads (LSR) funding from the Riverside County Transportation Commission (RCTC) to augment the City's transportation improvement program. In order to continue to receive Measure A funds, MOE requirements are imposed on local agencies to ensure that local transportation

expenditures are maintained. The MOE requirements include the annual certification of discretionary General Fund expenditures for transportation related construction and maintenance activities that meet or exceed the MOE Base Amount. The City's MOE base amount is $1.6m. In FY 2010-11, it is projected that transportation related activities will be under the MOE base amount by $150,000. A transfer to the Gas Tax street maintenance programs of $150,000 will ensure the City's meeting the MOE requirements. The City currently receives $2.4m in Measure A funds.

II. Recommend the transfer of $157,000 from the General Fund (fund balance) and $33,000 from the Equipment Replacement Fund (fund balance) to the Vehicle Equipment Maintenance and Street Maintenance programs for state-mandated vehicle modifications/replacements:

The California Air Resources Board mandates all public agencies with heavy-duty, diesel vehicles within their fleets to have 100% of the heavy-duty vehicles retrofitted with particulate matter traps (emissions filters) or to retire/replace such vehicles. The City has a total of (17) such vehicles and previously retrofitted (9) vehicles. The remaining (8) vehicles, that belong to the Maintenance & Operations, Transportation Engineering, Parks Maintenance, and Facilities Maintenance divisions, are required to be retrofitted by December 31, 2011 or be retired from service. It is proposed that (7) vehicles are retrofitted and that (1) vehicle (Unit #96-525) be replaced as it is significantly past its normal life cycle. The total combined cost of the retrofits and funds required to supplement available vehicle replacement funds is $190,000. The proposed retrofits/replacements are mandatory and must be complete by December 31, 2011 to comply with California Air Resources Board regulations and retain the use of these vehicles.

SUMMARY

The budget for FY 2010-11 remains balanced using significant one-time sources of funding. Staff has identified four key revenue adjustments that have a net zero effect to the total General Fund revenue stream. One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional $1.4 million in savings has been applied to additional expenditures approved by the City Council in FY 2010-11 (Police Dept - $580,000 and CSD Zone B Residential Street Lights - $675,000).

General Fund revenues received through December 31th are meeting expectations based on historical experience. Generally, expenditures are slightly below the expected expenditure pace for FY 2010-11. Therefore, results through the first half of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. As a result, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

Despite the positive results thus far in FY 2010-11, significant challenges are expected in adopting a balanced General Fund budget for FY 2011-12; with a deficit of $14 million

projected. Staff is preparing the preliminary base operating budget as a two-year budget for FY 2011-12 and FY 2012-13 with no change is staffing or service levels. In addition, staff has prepared a proposed Three-Year Deficit Elimination Plan (DEP) to eliminate the remaining deficit and balance ongoing revenues and expenditures by FY 2013-14. Council approval of a final DEP will include direction to staff to apply the first 2 (two) years of the approved DEP actions to the base budget for FY 2011-12 and FY 2012-13. Staff will return with the Proposed Two-Year Operating Budget for Council review in May 2011.

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Concurred By:
Cynthia Fortune
Financial Operations Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100269

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY

RECOMMENDED ACTION

Staff recommends the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

BACKGROUND

The City of Moreno Valley is poised for future growth. With the economy starting to realize some improvement, now is the opportune time to evaluate ways that Moreno Valley can best plan for advancing economic development in the short and near term. The creation of an Economic Development Plan with established Areas of Opportunity in the community for producing major employment hubs, successful retail centers and redevelopment possibilities is aimed at providing a roadmap for Moreno Valley to become a major business development area in Southern California.

Over the years, Moreno Valley has experienced significant growth. Incorporated in December 1984, Moreno Valley has experienced a 379% increase in population in just 26 years. However, the City's jobs to housing ratio is not properly balanced. The need to create more employment opportunities should be made a priority in creating a well rounded community with a strong economic foundation. Adding new logistic and distribution centers will not only create new jobs for residents, but also provide a positive economic stimulus to the existing business community. Furthermore, Moreno Valley should seek to enhance its commercial retail/restaurant make-up and move to improve the City's per capita sales tax revenue stream. Making Moreno Valley a great place to live, work, shop, dine and visit--will improve the overall economic health of the community.

DISCUSSION

Moreno Valley has a strategic location in the Inland Region and is in the path of growth. During the past decade or so, Moreno Valley has experienced strong residential development from many quality home builders. Now it will be important for the City to provide ways for new commercial, office and industrial development to happen in the community. Understanding Moreno Valley's strengths and weaknesses, along with pursuing a balanced mix of residential and business development will be key in planning how Moreno Valley attracts development opportunities in the new global economy.

Ensuring the proper land uses are in place, along with embracing a business friendly environment will help ensure that developers and businesses select Moreno Valley as a place to do business. With the right attitude and proper Economic Development Plan—Moreno Valley can be the future of not only Southern California but also compete to be a major place to be in the new global economy.

The formulation of an effective Economic Development Plan should pursue opportunities for the short and mid-term, as well as consider opportunities throughout the community. As part of the adoption of the Housing Element, staff recommended that the City Council consider opportunities to rezone areas of the community that could facilitate new business development, as well as specifically address the jobs to housing imbalance. The following ten geographic business areas represent specific Areas of Opportunity in Moreno Valley to be considered for incorporating into an Economic Development Plan.

- Eastern Moreno Valley-Rancho Belago (including Highland Fairview Corporate Park-Skechers USA, WestRidge Commerce Center, Prologis, and Moreno Highlands)
- City Center (including a Nason, Moreno Beach and Lasselle loop--with Stoneridge Towne Centre, Moreno Beach Plaza, Moreno Valley Auto Mall, proposed Moreno Beach Marketplace-Lowes Center, Moreno Marketplace-Stater Bros. Center, Moreno Valley Ranch Golf Club, Riverside County Regional Medical Center, Aqua Bella, Kaiser-Moreno Valley Community Hospital, Lakeside Plaza & Terrace, Moreno Valley College, the proposed Winco Center and the City's 60-acre property at NWC of Alessandro/Nason)
- South Moreno Valley Industrial Specific Plan Area
- March LifeCare
- Centerpointe Business Park
- Alessandro Boulevard
- Sunnymead Boulevard
- Festival-Ironwood
- Sunnymead Ranch-Lakeshore Village Marketplace
- TownGate (including the Moreno Valley Mall and five surrounding commercial centers-TownGate Center, TownGate Plaza, TownGate Crossing, TownGate Promenade, and TownGate Square)
- Canyon Springs Plaza and proposed TownGate Highlands
- Edgemont Area

At the March 22 City Council meeting, a PowerPoint presentation will visually outline the Areas of Opportunity. Included with the presentation will be an illustration of the importance of linking the City's Capital Improvement Plan (CIP) and the City's Traffic Circulation Plan to a new Economic Development Plan. Ensuring that revenues to be used for the CIP are focused on advancing the City's Economic Development Plan and its Areas of Opportunity shall provide for a more strategic approach to planning for new public improvements that benefits economic development in the community. As part of this approach to the CIP, staff is recommending advancing the planning of a number of public improvement projects related to the City Center area--including work on SR60/Nason, SR60/Moreno Beach, pursuing the connection of Eucalyptus Avenue to Moreno Beach Drive, along with the connection of Nason Street, from Cactus Avenue to Iris Avenue to provide a much needed north and south arterial thoroughfare from SR60 to Iris Avenue.

After introducing the major components of the Economic Development Plan-Areas of Opportunities, staff recommends that the Economic Development Council Subcommittee (Council Members Co and Molina) work with the City Manager and Community & Economic Development Director, along with a number of developers to further advance the specifics of the Economic Development Plan. Included with this effort will be evaluating many rezoning and redevelopment opportunities, all aimed at furthering the City's economic development efforts. As part of this process, the City shall pursue a 'modified' General Plan process that will include a focused 'Plan' review that will evaluate the highest and best uses for the many areas included with the Areas of Opportunities.

FISCAL IMPACT

There is NO established fiscal impact at time. As the Economic Development Plan-Areas of Opportunity is further refined a budget shall be established for undertaking planning activities.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100273

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

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MV00100275

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

March 22, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor
Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 22, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside County Board of Supervisors Proclamation Recognizing Moreno Valley Community Senior Center as a Community Focal Point

2. Recognition of Moreno Valley Police Department's Participation in Operation SafeHouse's Stuff the Bus Event

3. Proclamation Recognizing Trent Sauls

4. Mayor's Awards of Valor Recognizing Rodrigo Murguia, David Westerhaus, and Jimmy Zapata

MV00100277

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MARCH 22, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

A.4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-27

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.5 ALCOHOL BEVERAGE CONTROL (ABC) "MINOR DECOY/SHOULDER TAP" GRANT FUNDING OPPORTUNITY (Report of: Police Department)

Recommendation:
Approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, “Minor Decoy/Shoulder Tap” Grant.

A.6 AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR

RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500); and

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

A.7 APPROVAL OF CHECK REGISTER FOR JANUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

Resolution No. 2011-28

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of January, 2011

A.8 AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527 (Report of: Public Works Department)

Recommendation:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015;

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017; and

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA.

A.9 2010 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community & Economic Development Department)

Recommendation:

1. Receive and File the 2010 Annual Report of the Planning Commission; and

2. Authorize transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

A.10 CONSIDERATION OF THE FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY(Report of: City Manager's Office)

Recommendation:
Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

A.11 APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES, BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET - DEVELOPER: MORENO VALLEY PROPERTIES, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:
1. Approve TM 34950-1, a final map for financing purposes; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.12 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM (Report of: Community & Economic Development Department)

Recommendation:

Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

Resolution No. 2011- 29

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Submittal of an Application for Grant Funds for the Caltrans Transportation Planning Grant (Fiscal Year 2011-2012)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE

SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs; and

2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

b. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 APPOINTMENT TO THE PLANNING COMMISSION (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

G.4 CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Recommendation: That the RDA:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

G.5 MID YEAR BUDGET REVIEW (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Receive and file this report; and

2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

G.6 ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY (POWERPOINT TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any

individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00100286

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 8, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing International DeMolay Month
2. Proclamation Recognizing Job's Daughter's Week
3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
March 8, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Pro Tem Molina

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial & Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Randy Metz	Fire Marshal
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A.5 & A.6) and Deanna Reeder (Item A.8).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of February 16 - March 1, 2011.

A.4 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM; PROJECT NO. 11-22679828 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for 2011 Citywide Bridge Maintenance Program to Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Beador;

3. Authorize the issuance a Purchase Order to Beador in the amount of $243,960.00 ($203,300.00 base bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Beador, up

to but not to exceed the Purchase Order contingency of $40,660.00, subject to the approval of the City Attorney.

A.5 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 *LOCAL* STREET PAVEMENT RESURFACING PROJECT NO. 11-22679728 - *PHASE I* (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the 2011 Local Street Pavement Resurfacing – Phase 1 project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. in the amount of $2,410,400.00 (bid amount $2,096,000.00 plus 15% contingency of $314,400.00) when the contract has been signed by all parties (Account Nos. 125.56330 and 226.79728); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hardy & Harper, Inc., up to but not to exceed the Purchase Order contingency of $314,400.00.

A.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 PAVEMENT RESURFACING PROJECT; PROJECT NO. 11-12556330 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract in the amount of $1,441,000 for the 2011 Pavement Resurfacing Project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to Execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. for a total amount of $1,729,200 ($1,441,000 bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute

any subsequent change order to the contract with Hardy & Harper, Inc. up to but not to exceed the Purchase Order's total contingency of $288,200, subject to the approval of the City Attorney.

A.7 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

A.8 PM 35629 - REQUEST TO CONDUCT A FULL ROAD CLOSURE OF THEODORE STREET BETWEEN EUCALYPTUS AVENUE AND THE SR-60 WESTBOUND RAMP FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM MARCH 21, 2011 - APRIL 18, 2011 - DEVELOPER: HF LOGISTICS - SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize a full road closure of Theodore Street from Eucalyptus Avenue to the SR-60 Westbound Ramp for the construction of street improvements from March 21, 2011 to April 18, 2011; and

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

A.9 AMENDED MARCH JOINT POWER AUTHORITY AGREEMENT #12 (Report of: Community and Economic Development Department)

Recommendation:

1. Approve the Amended March Joint Powers Authority Amendment #12; and

2. Authorize the Mayor to execute the Amended Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange

Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

E. PUBLIC HEARINGS - None

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Lori Stone, Executive Director of the March Joint Powers Authority, reported the following: the state legislators were asked to exempt military base reuse from redevelopment cuts; 30 million dollar bond sold two weeks ago will be used for the Van Buren interchange and U.S. vets project; the medical campus is moving forward; the final demolition of the tower is scheduled for March 28 at 10 a.m., invited

everybody to the celebration; about 12-13 buildings were demolished at this point; about 4000 new jobs were approved

G.2 APPOINTMENTS TO THE PLANNING COMMISSION (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. After reviewing the ballot provided by the City Clerk:

   Appoint three (3) members for terms expiring March 31, 2015; or

2. If the appointments are not made, authorize the City Clerk to re-notice the positions as vacant.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to appoint Amber Crothers, Thomas Andrew Owings and Mary E. "Meli" Van Nata for terms expiring March 31, 2015 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.3 RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS OF COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE DESIGNATED 2011 SPECIAL TAX BONDS, APPOINTING THE FISCAL AGENT, APPROVING THE FORMS OF THE FISCAL AGENT AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING NEGOTIATION OF TERMS OF THE SALE OF SAID BONDS, AND PREPARATION OF FINAL OFFICIAL STATEMENT. APPROVAL OF A THIRD AMENDMENT TO THE FIELDMAN, ROLAPP & ASSOCIATES, INC. AGREEMENT FOR PROFESSIONAL FINANCIAL ANALYST CONSULTANT SERVICES. (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Approve and adopt Resolution No. 2011-21, Authorizing the Issuance of Bonds of Community Facilities District No. 4-Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount Not-to-Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and

Continuing Disclosure Agreement, Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement; and

Resolution No. 2011-21

Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of the CFD No. 4 - Infrastructure of the City of Moreno Valley, Authorizing the Issuance of Bonds of Community Facilities District No. 4 - Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount not to Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and Continuing Disclosure Agreement, and Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve the Third Amendment to the Agreement for Professional Financial Analyst Consultant Services for Community Facilities District No 4-Infrastructure and authorize the Mayor to execute said Amendment to the Agreement.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.4 ADOPTION OF RESOLUTIONS APPROVING THE REDEMPTION OF 2007 TAXABLE TAX ALLOCATION BONDS, SERIES B (Report of: Financial & Administrative Services Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council

1. That the City Council adopt Resolution No. 2011-20 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000; and

Resolution No. 2011-20

A Resolution of the City Council of the City of Moreno Valley Requesting, Authorizing and Approving the Redemption of Community Redevelopment Agency of the City of Moreno

Valley, Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

2. That the City Council acting in the capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. RDA 2011-01 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000.

Resolution No. RDA 2011-01

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving the Redemption of its Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.6 COOPERATIVE AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, and Deanna Reeder.

Recommendation: That the City Council:

1. Approve and authorize the execution of Resolution No. 2011-23 in support of a Cooperative Agreement between the City of Moreno Valley and the Community Redevelopment Agency and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. 2011-23

A Resolution of the City Council of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Approve and authorize the execution of Resolution No. RDA 2011-03 in support of a Cooperative Agreement with the City of Moreno Valley and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. RDA 2011-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.5 COOPERATION AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE

CITY OF MORENO VALLEY (Report of: Community and Economic Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-22 making certain findings in support of a Cooperation Agreement between the Community Redevelopment Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. 2011-22

A Resolution of the City Council of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the City and the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Adopt Resolution No. RDA 2011-02 making certain findings in support of a Cooperation Agreement between the Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. RDA 2011-02

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the Agency and the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

G.7 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV RANCHO DORADO II LIMITED PARTNERSHIP (Report of: Community and Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from William Crowel, Palm Desert Development Co representative.

Recommendation: That the City Council:

Adopt Resolution No. 2011-24 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership, a California Limited Partnership.

Resolution No. 2011-24

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

Recommendation: That the RDA:
Adopt Resolution RDA No. 2011-04 approving an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership.

Resolution No. RDA 2011-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Agency Member William H. Batey II,

s/Agency Member Robin N. Hastings
Approved by a vote of 5-0.

G.8 CREATING A HOUSING AUTHORITY AND ESTABLISHING THE COMMISSIONERS AND DESIGNATING THE FIRST INTERIM CHAIRMAN (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-25 declaring that there is a need for a Housing Authority to function in the City, along with declaring that the members of the City Council shall be the Commissioners of the Housing Authority and designating the first interim Chairman of the Housing Authority.

Resolution No. 2011-25

A Resolution of the City Council of the City of Moreno Valley, California, Declaring that there is a Need for a Housing Authority to Function in the City, Declaring that the Members of the City Council Shall be the Commissioners of the Housing Authority and Designating the First Interim Chairman of the Housing Authority

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.9 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (ATTACHMENTS TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Community and Economic Director Barry Foster announced that the formatting of the agreement has been changed at the advice of the special legal counsel. The title is Conditional Commitment Letter Agreement among the Moreno Valley Redevelopment Agency, the City of Moreno Valley, and Rancho Belago Developers, Inc. Staff is recommending approval of the agreement with Rancho Belago Developers, Inc.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

Adopt Resolution No 2011-26 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. 2011-26

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

Recommendation: That the RDA:

Adopt Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. RDA 2011-05

A Resolution of the Agency Board Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.10 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Daryl Terrell
1. Establishing a business utility user's tax rebate program to promote jobs; submitted an ordinance for public records

Ron Swaim
1. Code enforcement issue - RV blocking public right of way

Alicia Napper
1. Rising Stars Charter School's concerns

Louise Palomarez
1. Redevelopment money
2. Street lights on Hemlock Street between Pigeon Pass and Heacock

George Merendon
1. "In God We Trust" motto

Joe Teague
1. Problems with Day Street project

Thom Morales
1. Announced that fundraiser concert by Valley View High School Wind Ensemble will be held on March 19; invited residents to attend it

Harold Anderson
1. "In God We Trust" motto

Louis Boldue
1. "In God We Trust" motto

Dolores Baisden
1. Upcoming concert at Valley View High School

Pete Bleckert
1. Redevelopment money
2. Flood Control channel
3. Congratulated the Finance Director for streamlining CalCards

Deanna Reeder
1. Planning Commission appointments

Paul Wilkinson
1. Kiwanis Club

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey

1. Represented the City at the Perris Chamber of Commerce Centennial Gala for the anniversary celebration for the City and the Chamber
2. Was invited to speak at the National Congress of Black Women; it is nice to have the Inland Empire Chapter headquarter in Moreno Valley

Mayor Pro Tem Molina

1. Stated that at the last Economic Development Subcommittee meeting, the issue of Moreno Valley not being a business-friendly city and the needs and concerns of businesses were addressed; the City is working toward the goal of making Moreno Valley the most business-friendly city; any ideas are always welcomed
2. Stated that he is happy to see that so many people support "In God We Trust"; the item is scheduled for a study session
3. Thanked everyone for participating in council meetings, for their concerns about the City and working toward the betterment of the City

Council Member Co

1. Thanked everybody for coming to the council meeting; one of the reasons the City is improving is that the residents are presenting the problems to the City; this is the only way the problems can be resolved; asked residents to please contact him
2. Regarding residents asking to vote for "In God We Trust" - stated that he does not see any problem with voting to support it; thanked residents for coming in and asking to do something in that respect
3. Asked residents to contact him with any idea to help the City to move forward; the City needs residents' input

Mayor Stewart

1. Agreed with Council Member Co on the public's input; acknowledged that people take time to read agendas; a small number of people come to the council meetings, but many residents contact council members by e-mails and phone; asked to keep up the input
2. The March Air Force Reserve is getting 12 brand new Boeing 767 tankers
3. Was invited to speak at the Junior ROTC Military Ball at Canyon Springs High School; a very fine event
4. Addressed a speaker's comments regarding responding to public concerns during a council meeting - when a public member raises an issue, the Council responds right a way during the meeting, if possible; if not, a staff person will contact the person usually the next day; getting clarification on the issue and responding as soon as possible is beneficial

for everyone, including residents watching at home
5. Demolition of the last hospital building at March Air Reserve Base is scheduled for March 28, at 10 a.m.; the public can witness it

Council Member Hastings
1. Commended staff for responding to a very difficult situation with the RDA; hopes that we are going to prevail; it's great to see staff being innovative and creative and trying to protect the tax increment money that was placed there for a specific purpose
2. Is looking forward to attend a concert at Valley View High School
3. Will be back in California Thursday afternoon

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:21 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: March 22, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

Reports on Reimbursable Activities March 2-15, 2011		
Council Member	Date	Meeting
William H. Batey II	3/5/11	City of Perris Centennial Installation and Awards Dinner
Marcelo Co	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	$0.00	0.00%	$0.25	0.25%
1,000 kWh usage	$0.51	0.28%	$0.83	0.38%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	$1.40	0.23%	$1.40	0.32%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	$11.87	0.21%	$11.87	0.35%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	$169.63	0.24%		
392,333 kWh usage, Demand of 666 kW			$163.08	0.43%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	$0.15	0.24%	$0.15	0.24 %

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	$25.03	0.20%	$25.03	0.20 %
Schedule SL-1 22,000 Lumen (317 lights)	$9.25	0.17%	$9.25	0.17%
Schedule SL-2 27,500 Lumen (139 lights)	$4.94	0.28%	$4.94	0.28%
Schedule SL-3 (per lamp)	$0.01	0.00%	$0.01	0.00%

The Energy Resources Surcharge Law went into effect on January 1, 1975. The surcharge is imposed on all customers in the state who consume electricity purchased from an electric utility. All electric utilities are required to collect this surcharge and remit the funds to the State Board of Equalization on a quarterly basis. The funds are held by the State and are used for ongoing energy programs and energy projects. The surcharge rate is set in a public meeting each November by the California Energy Commission; the law does not allow this surcharge to exceed $0.0003 per kWh. The 2011 Electricity Surcharge Rate is $0.00029 per kWh, an increase from $0.00022.

If approved by the City Council, these changes will become effective at 12:00 a.m. on March 23, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be an increase in rates of less than 1%.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to comply with State law.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and will also put the City's utility in jeopardy of non-compliance with State law.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues will increase slightly if the proposed changes are adopted by the City Council. These funds are restricted for Moreno Valley Utility purposes. The increase in the amount of Energy Resource Surcharge collected will be remitted to the State Board of Equalization.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2011-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department and City Clerk's Office.

APPROVED AND ADOPTED this 22nd day of March 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: John Anderson, Chief of Police

AGENDA DATE: March 22, 2011

TITLE: Alcohol Beverage Control (ABC) "Minor Decoy/Shoulder Tap" Grant Funding Opportunity

RECOMMENDED ACTION

Staff recommends that the City Council take the following action:

1) Staff recommends that the City Council approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, "Minor Decoy/Shoulder Tap" Grant.

ADVISORY COMMITTEE RECOMMENDATION:

BACKGROUND

The City of Moreno Valley is committed to providing a safe environment for the citizens of Moreno Valley. Moreno Valley Police Department staff has determined that a number of calls for service and repeat calls are being generated from local Alcohol Beverage Control licensed establishments in the city. Some of these calls involve minors and adults under the age of 21 buying alcohol and soliciting adults over the age of 21 to buy alcohol for them. In an effort to address the sale of alcohol to minors and underage adults, staff identified a grant to assist local law enforcement in their efforts to reduce problems and calls for service at ABC licensed establishments.

There are currently 80 On-Sale and 77 Off-Sale ABC licensed establishments within the City of Moreno Valley. Although most avoid the attention of our agency, there are a number that cause a significant amount of calls for service. Several problematic licensees that would be targeted with additional enforcement operations funded by this

grant have caused sixty three (63) direct calls for service between January 1, 2009 and January 1, 2010. Approximately nine (9) calls for service were directly related to minors being furnished alcohol unlawfully.

The majority of calls surrounding these businesses are alcohol related. The time spent by the Moreno Valley Police Department dealing with the alcohol related problems occurring at these locations could be better spent assisting the community with other issues. In addition, the citizens of Moreno Valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (DUI's), fights, assaults and many disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Alcohol Beverage Control, State of California, has allowed for local law enforcement to apply for grant funding for personnel costs and one (1) mandatory GAP (Grant Assistance Program) training seminars to enable agencies to expand their efforts in addressing alcohol-related problems within their respective cities.

DISCUSSION

The Moreno Valley Police Department proposes to use the grant funding to train officers through the Alcohol Beverage Control Agency, and then implement enforcement programs that team officers from the Moreno Valley Police Department with agents from the Alcohol Beverage Control. The Moreno Valley Police Department will implement eighteen (18) “Minor Decoy” operations. The “Minor Decoy” program allows law enforcement agencies to use persons under 20 years of age as decoys for the purpose of purchasing alcoholic beverages from licensed premises. The use of underage decoys to check whether licensees are selling alcohol to minors can show a dramatic drop in the illegal activity when the “Minor Decoy” program is repeatedly used.

The Moreno Valley Police Department will implement eight (8) “Shoulder Tap” operations. “Shoulder Tap” is a common method used by persons under age 21 to solicit persons to purchase and furnish them with alcoholic beverages. The “Shoulder Tap” program is an enforcement program that ABC and local law enforcement agencies use to detect and deter shoulder tap activity. During the program, a minor decoy, under the direct supervision of law enforcement officers, solicits adults outside ABC licensed stores to buy the minor alcohol. Any person seen furnishing alcohol to the minor decoy is arrested (either cited or booked) for furnishing alcohol to a minor (a violation of Section 25658(a) Business and Professions Code).

The Problem Oriented Policing (POP) Team will provide a proactive approach through the use of “Minor Decoy” and “Shoulder Tap” operations. The operations will be conducted throughout the city in an attempt to deter ABC licensed establishments from selling alcohol to minors. In addition several operations will focus on adults who purchase alcohol for minors.

ALTERNATIVES

The council may consider the following alternatives:

1. Accept the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a Twelve-month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff recommends this alternative.**

2. Decline the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no required match funding from the City of Moreno Valley as a condition of this "Minor Decoy/Shoulder Tap" grant. Therefore, there is no fiscal impact to the city.

CITY COUNCIL GOAL

To provide a safe and secure environment for people and property in the community, and provide protection for citizens who live, work and visit the City of Moreno Valley.

STAFF RECOMMENDATION

Staff recommends that Council accept the grant application for the "Minor Decoy/Shoulder Tap" Grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California.

ATTACHMENTS/EXHIBITS

1. State of California, Alcohol Beverage Control Grant Application.

Prepared By:
Name Brian Gutierrez
Title Officer

Department Head Approval:
Name John Anderson
Title Chief of Police

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

State of California

Department of Alcoholic Beverage Control

Grant Assistance Program

PROPOSAL COVER SHEET

(TO BE COMPLETED BY APPLICANT AGENCY)

1. Name of Applicant Agency: **Moreno Valley Police Department**

2. Description of Applicant Agency: **Provide a brief summary including department size, staffing, and structure.**

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees.

3. City or County Served: Moreno Valley	**4. Population of Service Area: 191,754.00**

5. Project Description: **Summarize the proposed project covering the objectives, method of procedure, evaluation, and end product.**

The Moreno Valley Problem Oriented Policing Team will conduct 18 Minor Decoy and 8 Shoulder Tap operations. Volunteers from the Explorer Program who are at least eighteen years of age will be utilized for these programs under the constant watch or sworn personnel. The goal of these operations is to reduce the amount of alcoholic beverages obtained illegally by minors. The Police Department will also host one Licensee Education on Alcohol and Drugs (LEADS) class for licensees located within the city of Moreno Valley.

6. Funds Requested: 69,918.00	**7. Project Period: July 1, 2011 – June 30, 2012**

8. Acceptance of Conditions: By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.

A. Project Director (person having day-to-day responsibility for the project)	**B. Chief of Police or Sheriff (authorizing official)**
Name: William Mooney Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6701	Name: John Anderson Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6705 E. Mail Address:
Title: Sergeant	Title: Captain
C. Fiscal or Accounting Official	**D. ABC USE ONLY**
Name: Masumi Wilde Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6750 E. Mail Address:	
Title: Accounting Technician	

Attachment 1

SCOPE OF WORK

Background:

On December 3, 1984, the incorporated City of Moreno Valley was formed from a 50 square mile area in Riverside County, which is surrounded by Riverside, Perris, March Air Reserve Base, Lake Perris and the Badlands. The city has grown over the years and today's population is estimated at 191,754. Based on the 2005 US Census Estimate, Moreno Valley's ethnic composition is 46% Hispanic, 23% White, 20% African-American, 8% Pacific Islander/Asian-American, and 3% other.

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees. A Sheriff's Captain, currently John Anderson, leads the Moreno Valley Police Department as the Chief of Police. Together, they have the responsibility of enforcing the criminal and traffic laws within the city limits.

The existence of several specialized units (Detective Unit, School Resource Officer Unit, Riverside County Regional Medical Center Unit, Patrol Division, Special Enforcement Teams-Gangs/Narcotics, Problem Oriented Policing (POP), Burglary Suppression Unit, Robbery Suppression Unit and Traffic Unit) within the Moreno Valley Police Department demonstrates the Department's objective in providing the citizens of Moreno Valley with the highest level of service and support. The Moreno Valley Police Department encourages innovation within our organization and is dedicated to finding creative solutions to the inevitable disputes that arise in the serving the community.

Moreno Valley has two public school districts, Moreno Valley Unified School District (MVUSD) and Val Verde Unified School District (VVUSD). The MVUSD has 23 Elementary Schools, 6 Middle Schools, 4 Comprehensive High Schools, 1 Charter School, 1 Adult School, 1 Pre-School Head-Start, and 1 Academic Center with a combined total of 36,500 enrolled students. The VVUSD (includes Perris, Mead Valley and Moreno Valley) has 1 Pre-School, 13 Elementary Schools, 4 Middle Schools, 3 High Schools, and 1 Continuation High School with a combined total of 19,600 enrolled students. Moreno Valley is also home to one of the Riverside Community College campuses with approximately 10,000 enrolled students.

Funding Requested / Goals and objective:

The Moreno Valley Police Department seeks $69,918.00 from the Department of Alcoholic Beverage Control (ABC) for general support of our Minor Decoy/Shoulder Tap Programs. We are most grateful for the support we have received from ABC for the grant period of August 2006 through May 2008. We believe this proposal for the grant period of July 2011 through June 2012 is of comparable interest to ABC in this specialized field of law enforcement. The City of Moreno Valley contracts with the Riverside County Sheriff's Department. The straight time rate for an officer is $121.97 per hours and the overtime rate is $54.39 per hour. Therefore the operations are worked on overtime basis in order to get the most out of the awarded funds.

In August of 2006, the Moreno Valley Police Department was awarded an ABC Minor Decoy and Shoulder Tap Grant that was implemented by the Moreno Valley Police Department's Problem Oriented Policing (POP) Team. The POP Team comprised of one sergeant, nine officers, and two community service officers.

During the grant period, the POP Team Sergeant: 1) announced the start of the Minor Decoy/Shoulder Tap Programs, 2) announced the number of licensed premises who sold to the minor decoy and/or the number of adults arrested for purchasing alcoholic beverages to the minor decoy, 3) faxed a copy of each press release to ABC, 4) monitored the time frames in the grant, 5) maintained costs within the approved amounts of each category, 6) maintained adequate records for validation of project progress and accountability for all funds expended on the project, and 7) submitted the required project reports to ABC.

The Moreno Valley Police Department is committed to following the above listed guidelines as well as conducting eighteen (18) Minor Decoy and eight (8) Shoulder Tap operations within the ABC Minor Decoy/Shoulder Tap Grant period of July 2011 through June of 2012. If awarded the grant, On-Sale and Off-Sale ABC licensed establishments in the City of Moreno Valley will be visited during Minor Decoy and/or Shoulder Tap operations. In addition, the Moreno Valley Police Department will host one Licensee Education on Alcohol and Drugs (LEAD) class for licensees located within the City of Moreno Valley. In accordance with the ABC grant, this training will be provided by ABC's Training/LEAD Unit.

The Moreno Valley Police Department's Minor Decoy/Shoulder Tap Program seeks to implement a strict, honest, impartial, and uniform enforcement of the liquor laws in Moreno Valley. In addition, the Riverside County District Attorney's Office has pledged their support in the prosecution of arrests arising out of ABC related Minor Decoy/Shoulder Tap operations.

Problem Statement:

There are approximately 157 off sale and on sale A.B.C. licensed establishments within the City of Moreno Valley. Although most avoid the attention of the Moreno Valley Police Department, a few do cause an inordinate amount of calls for service. Several problem licensees that would be targeted with additional enforcement programs funded by this grant caused numerous direct calls for service that were directly related to minors being furnished alcohol unlawfully.

Some such establishments contributing to the furnishing/selling of alcohol to minors that are responsible for a disproportionate amount of calls for service are the numerous Bars, nightclubs, and liquor stores located within the city. The time spent by the Moreno Valley Police Department dealing with the alcohol-related problems occurring at these locations could be better spent helping the community with other issues. In addition, the citizens of Moreno valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (D.U.I's), batteries, assaults, and many other disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Moreno Valley Police Department has conducted numerous operations in the past with ABC grants, and if history repeats itself, we will find that licensees throughout the entire city will unlawfully sell alcohol to minors. Establishments such as grocery stores, liquor stores, and gas stations will be affected. However, we have also discovered that the percentage of higher unlawful alcohol sales to minors tends to occur more frequently at gas stations because this is where wayward juveniles tend to congregate. Second to these gas stations are liquor stores that are steadily busy with several customers walking in and out of the store, thereby creating a distraction for clerks whom are normally

the only source of enforcement of such activity.

In a time period of July 1, 2009 to June 31, 2010, the Moreno Valley Police Department responded to 905 calls for service involving public intoxication. In 2010, the Moreno Valley Police Department wrote 120 citations for violation of city Municipal Code 11.04.060 (Drinking an Alcohol Beverage in Public). A majority of these citations were written within the proximity of ABC licensed businesses. From 2006-2010 the Moreno Valley Police Department has responded to an annual average of 6132 calls for service directly related to party and noise enforcement. A large portion of the party and noise enforcement calls for service involve residential parties that involve minors in possession of alcohol.

Based on the 2009 rankings published by the California Office of Traffic Safety, among the 56 cities in Group B (100,001 to 250,000), Moreno Valley ranked 25 out of 56 cities for victims killed and injured in alcohol involved collisions. This means Moreno Valley has the 25th highest rate of victims killed and injured in alcohol involved collisions. In addition, Moreno Valley ranked 9/56 for DUI collisions involving drivers under the age of 21 and 13/56 for drivers in the 21 to 34 age group. In 2009, the Moreno Valley Police Department made a total of 618 DUI arrests.

Project Description:

Sworn officers will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The coordinators will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One non-sworn Community Service Officer (CSO) will assist the coordinators by gathering information important in the identification of problematic ABC licensed businesses. The CSO will also be responsible for keeping records on the progress of the operations so that periodic evaluations can be conducted.

The Moreno Valley Police Department will be issuing press releases to inform the community that the Moreno Valley Police Department is continuing its ongoing efforts to thwart the unlawful selling and purchasing of alcohol that involves minors. These press releases will be distributed as required by the grant, and faxed copies of these press releases will be routed to ABC s public information officer as well.

The Moreno Valley Police Department is committed to the programs developed under the "Minor Decoy" and "Shoulder Tap" programs. We have learned much from working with A.B.C. and hope to be afforded the opportunity to work with them in the next "Minor Decoy," "Shoulder Tap," Program Grant year, 2011-2012. We will continue to include A.B.C. in all our operations and will also solicit the help of other governmental agencies when appropriate. It is our intent to keep the community safe, informed, and involved in the fight against problematic A.B.C. licensed establishments, under aged alcohol consumption, and abuse.

Project Personnel:

This grant proposal, prepared by the Problem Oriented Policing Unit (P.O.P. Team), will be supervised by the P.O.P. sergeant (Project Director), currently Sergeant Mooney. The supervising sergeant or Project Director will be responsible for the following: 1) Monitoring time frames in the contract. 2) Maintaining costs within the approved amounts of each category. 3) Maintaining adequate records for validation of project progress and accountability for all funds expended on the

project. 4) Submission of required project reports and, 5) Conducting project evaluation.

In addition to the P.O.P. Sergeants, nine sworn Officers and one Community Service Officer will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The officers will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One-non sworn Community Service Officer (CSO) will assist the officers by gathering information important in the identification of problematic ABC licensed businesses.

During the past year the City of Moreno Valley has been dealing with the ongoing state budget issues. The Moreno Valley Police Department has been impacted by this current issue. The acceptance of this grant would improve the ongoing efforts the Moreno Valley Police Department has in place in the proactive enforcement of A.B.C. establishments. The funding would allow us to increase monitoring of the unlawful alcohol sales to minors, and create a strong deterrent to future violations.

The Moreno Valley Police Department has a strong working relationship with numerous governmental agencies and community action committees. We look forward to getting as many as possible involved in the campaign to prevent minors from obtaining alcohol from business licensees. We welcome the assistance of any other agencies that wish to assist us with the enforcement, and education of the public and business owners, of this growing problem that plagues communities across America today.

BUDGET DETAIL

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST (Round budget amounts to nearest dollar)
A. Personnel Services (straight time salaries, overtime, and benefits)	
The City of Moreno Valley contracts with the Riverside County Sheriff's Department for a full service police department. The straight time rate is $121.97 per hour and the overtime rate is $54.39 per hour. Therefore, the operations are worked on an overtime basis in order to get the most out of the awarded funds. (1) Sergeant: straight time: $82.42, overtime: $80.02 (5) Officer: straight time: $121.97, overtime: $54.39 (1) Community service officer- straight time: $41.94, overtime: $39.20 GAP Training hours – (2) officer straight time for 24 hours	Sergeant = $12,483.12 Officers = $42,424.20 CSO = $6,115.20 (2)Officer for GAP training. = $5854.56
TOTAL PERSONNEL SERVICES	$66,877.08
B. Operating Expenses (maximum $2,500)	
Twenty six operations with $40.00 "buy money" per operation is a total of $1040.00	
TOTAL OPERATING EXPENSES	$1,040.00
C. Equipment (maximum $2,500)	
(Attach receipts for all equipment purchases to monthly billing invoice) None	
TOTAL EQUIPMENT	$0.00
D. Travel Expense/Registration Fees (maximum $2,000)	
(Registration fee for July 2011 GAP Conference attendees is $200 each) Travel, per diem and lodging for the July GAP Conference.	$400.00 $1600.00
TOTAL TRAVEL EXPENSE	$2,000.00
TOTAL BUDGET DETAIL COST, ALL CATEGORIES	$69,918.00

OTHER FUNDING SOURCES

Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available. **(Round all budget amounts to the nearest dollar.)**

BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personnel Services	$66,877.08		$66,877.00
Operating Expenses	$1,040.00		$1,040.00
Travel/Registration Fees	$2,000.00		$2,000.00
Equipment			
TOTALS	$69,918.00		69,918.00

(This form does not become part of the contract)

REQUEST FOR PROPOSALS
RATING FORM

APPLICANT: _____

FUNDS REQUESTED: _____

INSTRUCTIONS TO RATER: The rating form is divided into six categories with a maximum point value assigned to each category. Rate each category based on the applicant's response in the request for proposal. You may use the comments line to give more detail. Once you have rated the request for proposal, total the points at the bottom. The maximum points an applicant agency can receive is 100 points.

CATEGORY:

SUMMARY – (15 POINTS MAXIMUM)

Does applicant describe the department's size, structure, staffing, number of ABC licenses, demographics of jurisdiction, and goals and objectives?

Points Received_____

Comments:_____

PROBLEM STATEMENT – (25 POINTS MAXIMUM)

Does applicant clearly identify the area to be served, specific problematic ABC licensed locations, community concerns, and other factors that contribute to the problem?

Points Received_____

Comments:_____

PROJECT DESCRIPTION – (25 POINTS MAXIMUM)

Does applicant clearly state the goals and objectives in full detail? Are objectives measurable, realistic, and related to a time frame? Are ABC enforcement strategies utilized (example, LEAD, IMPACT, Minor Decoy, Shoulder Tap, Trapdoor, etc.)

Points Received_____

Comments:_____

MV00100325

PROJECT PERSONNEL – (25 POINTS MAXIMUM)

Does applicant clearly describe the staffing required to carry out grant objectives and activities as supported by the proposed budget? Does it include the names of the Unit/Division responsible for the project?

Points Received_____

Comments: _____

BUDGET DETAIL – (5 POINTS)

Is the budget estimate page completed? **5 Points** ____

OTHER FUNDING SOURCES – (5 POINTS)

Is the other funding sources page completed? **5 Points** ____

TOTAL POINTS (100 POINTS MAXIMUM):_____

_____ _____

NAME DATE

MV00100326

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500)

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

BACKGROUND

The Kitching Street Improvements Project widens Kitching Street from two to four lanes from Gentian Avenue to Alessandro Boulevard.

On June 24, 2009, the City Council approved the Kitching Street project as a three-phase project as part of the FY 09/10 CIP Budget. Two of the three phases were funded. Phase 1 includes utility relocation and design services for the entire length of the project. Phase 2 improves Kitching Street from Cactus Avenue to Alessandro Boulevard by upgrading Kitching Street to four lanes and installing a signal at Cactus Avenue. Phase 3 improves Kitching Street from Gentian Avenue to Cactus Avenue

from two lanes to four lanes at a future time, subject to the availability of funding for construction.

Phase 2 work has been completed and was accepted by the City Council at its meeting on January 25, 2011, for inclusion into the City's Maintained Road System.

The next step is to complete the remaining utility relocation and design work for Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue. The goal is to have Phase 3 of the project in 'Shovel Ready' condition for construction, subject to availability of future funding.

DISCUSSION

Phase 3 of the project requires relocation of existing SCE facilities at the intersection of Kitching Street and Delphinium Avenue. SCE retains 'prior rights' since their facilities are located within SCE's easement. Consequently, the cost of relocating SCE's facilities is the City's responsibility.

The relocation work includes removal of one wood guy pole with its companion span guys, down guys and anchors that are to be replaced with a 35-foot tubular steel pole (TSP) with span guys. By removing existing down guys and anchors within the proposed asphalt pavement area of the street right of way, widening of the street to four lanes can be accomplished at a future time when funding becomes available.

To date, the majority of conflicting SCE, EMWD, Verizon and Time Warner facilities within the project limits have already been relocated. After relocation of the subject SCE facilities at the Kitching Street/Delphinium Avenue intersection, remaining minor utility-related adjustments will be accomplished during construction of the Phase 3 improvements, because such adjustments can only be accomplished after grading and paving is complete.

The City previously made a deposit payment of $35,000 (Purchase Order No. 38653) for the design and procurement of long-lead custom-manufactured TSP. SCE's estimated cost for engineering, procurement, manufacturing, and installation of TSP is $149,000. Therefore, an additional $114,000 is due to SCE for these relocation activities.

This work will be carried out by SCE on a time and materials or actual cost basis. Upon completion of the work, SCE may refund the unused portion of the City's payment or it may invoice the City for any additional costs incurred beyond the City's payments. Since the work by SCE is on an actual cost basis, there is a potential for the final cost to be higher than the initial cost estimate. Accordingly, besides the $114,000 due to SCE, an additional 10% contingency in the amount of $11,400 is requested, increasing the total not-to-exceed amount for Purchase Order No. 38653 from $35,000 to $160,400.

ALTERNATIVES

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will facilitate completion of the project in a timely manner.*

2. Do not authorize of the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and do not authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will delay the project.*

FISCAL IMPACT

The project is included in Fiscal Year 2010/2011 Capital Improvement Project Budget. It is funded by 2005 Lease Revenue Bond funds (Fund 501). Funding for this project is restricted to capital improvements for arterial street widening. There is no impact to the General Fund.

FY 2010 / 2011 PROJECT BUDGET:
Kitching Street from Alessandro Boulevard to Gentian Avenue
2005 Lease Revenue Bond (Account No. 501.82425)……..$1,640,000

FY 2010 / 2011 PROJECT COSTS:

Phase 1 and 2 Project Construction and Closeout Costs……..	$1.385,000
Complete Design for Phase 3 Improvements.....	$90,000
SCE Facilities Relocation Costs for Phase 3 Improvements.....	$160,400
Total Project Costs	$1,635,400

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

This action authorizes a Change Order to increase Purchase Order No. 38653 to SCE by the amount of $125,400 for the engineering, procurement, manufacturing, and installation of a tubular steel pole (TSP). The TSP will be installed by Southern California Edison at Kitching Street/Delphinium intersection and will allow construction of Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue to be completed in the future subject to the availability of funding.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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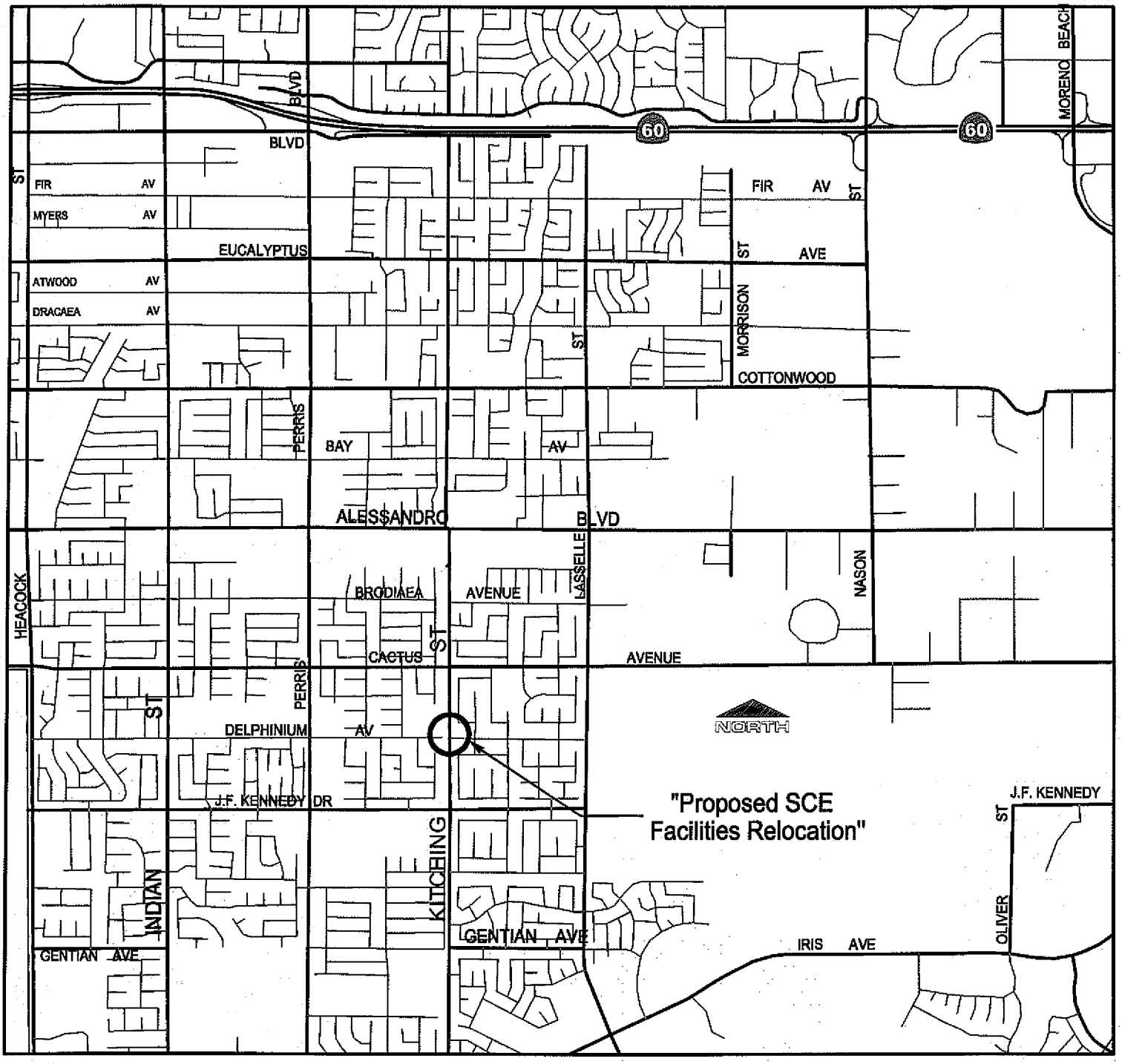

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

SCE FACILITIES RELOCATION AT
KITCHING STREET/DELPHINIUM INTERSECTION
FOR KITCHING STREET IMPROVEMENTS FROM
GENTIAN AVENUE TO CACTUS AVENUE
PROJECT NO. 07-50182425

Attachment "A"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: APPROVAL OF CHECK REGISTER FOR JANUARY, 2011

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of $25,000 or greater, followed by a listing in alphabetical order of all checks less than $25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2010-11 budgets. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2011-28
Check Register for Month of January, 2011

Prepared By:
Cynthia A. Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CHECK REGISTER FOR THE MONTH OF JANUARY, 2011

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period January 1, 2011 through January 31, 2011, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period January 1, 2011 through January 31, 2011, in the total amount of $12,324,061.41 is approved.

APPROVED AND ADOPTED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00100334

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

MV00100335

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)

CHECKS IN THE AMOUNT OF $25,000 OR GREATER

BEMUS LANDSCAPE, INC.				
1/31/2011	881973	39,148.55		
			LANDSCAPE MAINT-E4	55.63
			LANDSCAPE MAINT-E4	64.50
			LANDSCAPE MAINT-E4	6,692.26
			LANDSCAPE MAINT-E4	15,650.96
			LANDSCAPE MAINT-E4A	367.64
			LANDSCAPE MAINT-VET MEM	250.00
			LANDSCAPE MAINT-FIRE STNS	3,150.00
			LANDSCAPE MAINT-CITY HALL	992.56
			LANDSCAPE MAINT-ANNEX 1	300.00
			LANDSCAPE MAINT-E3	10,625.00
			LANDSCAPE MAINT-E3A	1,000.00
Vendor Total		**39,148.55**		
FYTD for BEMUS LANDSCAPE, INC.		**334,630.49**		
BRUCE W.HULL, MAI				
1/24/2011	205954	25,000.00		
			APPRAISAL SVCS-CFD 4	25,000.00
Vendor Total		**25,000.00**		
FYTD for BRUCE W.HULL, MAI		**25,000.00**		
BUDGET ENTERPRISES, INC.				
1/10/2011	205810	29,430.50		
			CITY HALL WINDOW TINT PROJ	29,430.50
Vendor Total		**29,430.50**		
FYTD for BUDGET ENTERPRISES, INC.		**29,430.50**		
EMPLOYMENT DEVELOPMENT DEPARTMENT				
1/14/2011	2788	33,797.26		
			STATE INCOME TAX W/H 1/14/11	33,797.26
1/28/2011	2796	31,996.00		
			STATE INCOME TAX W/H 1/28/11	31,996.00
Vendor Total		**65,793.26**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT		**656,332.61**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ENCO UTILITY SERVICES MORENO VALLEY LLC				
1/24/2011	881942	217,392.09		
			DISTRIBUTIONS CHARGES	182,494.95
			SPCL/TEMP CHARGES	10,340.00
			BAD DEBT DEDUCTION	-257.22
			ONLINE UTILITY SVCS	203.97
			CABINET LEASE-INDIAN	29.67
			CABINET LEASE-INDIAN	1,220.33
			CABINET LEASE-IRIS	47.14
			CABINET LEASE-IRIS	1,202.86
			ELECTRIC METER CHARGES	21,752.00
			PRINTED MATERIALS	358.39
Vendor Total		**217,392.09**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		**1,372,719.94**		
GUIDA SURVEYING, INC.				
1/18/2011	881908	25,252.00		
			IRONWOOD AVE/INDIAN BASIN PROJ	14,960.00
			DAY ST IMPRVMNTS PROJ SVCS	10,292.00
Vendor Total		**25,252.00**		
FYTD for GUIDA SURVEYING, INC.		**85,986.00**		
H & H GENERAL CONTRACTORS				
1/31/2011	206118	171,530.10		
			MV UTIL. PROJ CONSTRUCT. SVCS	107,727.30
			MV UTIL. PROJ CONSTRUCT. SVCS	63,802.80
Vendor Total		**171,530.10**		
FYTD for H & H GENERAL CONTRACTORS		**171,530.10**		
HILLCREST CONTRACTING, INC				
1/18/2011	881909	183,063.83		
			KITCHING ST IMPRVMNT PROJ	5,157.58
			KITCHING ST IMPRVMNT PROJ	177,906.25
1/31/2011	881983	298,108.70		
			DAY ST IMPRVMNTS PROJ SVCS	298,108.70
Vendor Total		**481,172.53**		
FYTD for HILLCREST CONTRACTING, INC		**2,537,305.75**		
HUNTINGTON BEACH HONDA				
1/24/2011	205999	27,299.20		
			MOTORCYCLE RPLCMNT-POLICE	14,204.00
			DOC FEE-POLICE	55.00
			CA TIRE FEE-POLICE	3.50
			EQUIPMENT-POLICE	6,540.49
			INSTALLATION/PAINTING-POLICE	4,300.00
			SALES TAX-POLICE	2,196.21
Vendor Total		**27,299.20**		
FYTD for HUNTINGTON BEACH HONDA		**27,299.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INTERNAL REVENUE SERVICE					
	1/14/2011	2787	130,796.36		
				FED INCOME TAX W/H 1/14/11	130,796.36
	1/28/2011	2795	134,868.39		
				FED INCOME TAX W/H 1/28/11	134,868.39
	Vendor Total		**265,664.75**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		
MIRACLE PLAYGROUND SALES					
	1/24/2011	881951	176,943.13		
				DEMO/INSTALL PLAYGRND EQUIP	109,331.76
				DEMO/INSTALL PLAYGRND EQUIP	47,869.74
				CA SALES TAX	8,727.49
				SHIPPING CHGS	11,014.14
	Vendor Total		**176,943.13**		
FYTD for MIRACLE PLAYGROUND SALES			**176,943.13**		
MORENO VALLEY UTILITY					
	1/25/2011	206075	53,779.13		
				ELECTRICITY	150.18
				ELECTRICITY	851.39
				ELECTRICITY	271.07
				ELECTRICITY	2,118.53
				ELECTRICITY	10,312.01
				ELECTRICITY	10,099.88
				ELECTRICITY	2,738.23
				ELECTRICITY	4,858.26
				ELECTRICITY	831.59
				ELECTRICITY	133.19
				ELECTRICITY	12,103.03
				ELECTRICITY	7,021.04
				ELECTRICITY	196.14
				ELECTRICITY	144.98
				ELECTRICITY	93.20
				ELECTRICITY	69.90
				ELECTRICITY	69.90
				ELECTRICITY	141.89
				ELECTRICITY	79.37
				ELECTRICITY	1,495.35
	Vendor Total		**53,779.13**		
FYTD for MORENO VALLEY UTILITY			**526,697.08**		
PERS HEALTH INSURANCE					
	1/7/2011	110102	215,602.65		
				EMPLOYEE HEALTH INS 1/7/11	215,602.65
	Vendor Total		**215,602.65**		
FYTD for PERS HEALTH INSURANCE			**1,389,737.64**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PERS RETIREMENT					
	1/21/2011	2789	194,802.98		
				PERS RETIREMENT 1/21/11	194,802.98
	1/7/2011	2779	199,055.90		
				PERS RETIREMENT 1/7/11	199,055.90
	Vendor Total		**393,858.88**		
FYTD for PERS RETIREMENT			**2,974,953.79**		
PITASSI ARCHITECTS, INC					
	1/10/2011	881888	43,006.63		
				CORPORATE YARD FACILITY PROJ	43,006.63
	Vendor Total		**43,006.63**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110107	46,305.01		
				RETENTN PYMT PER ESCROW AGRMNT	46,305.01
	1/31/2011	881988	666,378.90		
				IRONWOOD AVE/INDIAN BASIN PROJ	41,983.20
				IRONWOOD AVE/INDIAN BASIN PROJ	153,101.83
				IRONWOOD AVE/INDIAN BASIN PROJ	42,521.35
				IRONWOOD AVE/INDIAN BASIN PROJ	428,772.52
	Vendor Total		**712,683.91**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF					
	1/18/2011	881916	2,758,449.61		
				CONTRACT LAW ENF BILL # 3	44,172.56
				CONTRACT LAW ENF BILL # 3	277.89
				CONTRACT LAW ENF BILL # 3	1,569,303.99
				CONTRACT LAW ENF BILL # 3	67,302.19
				CONTRACT LAW ENF BILL # 3	332,039.09
				CONTRACT LAW ENF BILL # 3	6,375.60
				CONTRACT LAW ENF BILL # 3	61,080.61
				CONTRACT LAW ENF BILL # 3	5,429.61
				CONTRACT LAW ENF BILL # 3	75,194.74
				CONTRACT LAW ENF BILL # 3	961.84
				CONTRACT LAW ENF BILL # 3	166,479.31
				CONTRACT LAW ENF BILL # 3	3,390.64
				CONTRACT LAW ENF BILL # 3	275,054.27
				CONTRACT LAW ENF BILL # 3	5,921.74
				CONTRACT LAW ENF BILL # 3	34,273.57
				CONTRACT LAW ENF BILL # 3	271.04
				CONTRACT LAW ENF BILL # 3	43,570.90
				CONTRACT LAW ENF BILL # 3	937.99
				CONTRACT LAW ENF BILL # 3	35,144.43
				CONTRACT LAW ENF BILL # 3	1,955.42
				CONTRACT LAW ENF BILL # 3	28,831.13
				CONTRACT LAW ENF BILL # 3	481.05
	1/31/2011	881989	2,612,636.73		
				CONTRACT LAW ENF BILL # 4	43,966.29
				CONTRACT LAW ENF BILL # 4	638.56
				CONTRACT LAW ENF BILL # 4	1,476,007.46
				CONTRACT LAW ENF BILL # 4	58,161.90
				CONTRACT LAW ENF BILL # 4	338,114.62
				CONTRACT LAW ENF BILL # 4	5,585.36
				CONTRACT LAW ENF BILL # 4	47,355.97
				CONTRACT LAW ENF BILL # 4	9,211.25
				CONTRACT LAW ENF BILL # 4	72,048.74
				CONTRACT LAW ENF BILL # 4	1,354.32
				CONTRACT LAW ENF BILL # 4	151,843.66
				CONTRACT LAW ENF BILL # 4	2,484.24
				CONTRACT LAW ENF BILL # 4	305,308.47
				CONTRACT LAW ENF BILL # 4	7,427.96
				CONTRACT LAW ENF BILL # 4	33,822.28
				CONTRACT LAW ENF BILL # 4	226.16
				CONTRACT LAW ENF BILL # 4	38,730.49
				CONTRACT LAW ENF BILL # 4	20,349.00
	Vendor Total		**5,371,086.34**		
FYTD for RIVERSIDE COUNTY SHERIFF			**15,070,633.49**		
SHELL ENERGY NORTH AMERICA (US) L.P.					
	1/24/2011	206043	468,994.40		
				ELECTRICAL ENERGY PURCHASE	468,994.40
	Vendor Total		**468,994.40**		
FYTD for SHELL ENERGY NORTH AMERICA (US) L.P.			**4,116,830.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/3/2011	205788	40,302.98		
				ELECTRICITY	275.11
				ELECTRICITY	11,977.29
				ELECTRICITY	5,234.12
				ELECTRICITY	38.34
				ELECTRICITY	1,751.14
				ELECTRICITY	4,482.44
				ELECTRICITY	285.81
				ELECTRICITY	9,260.73
				ELECTRICITY	498.85
				ELECTRICITY	335.87
				ELECTRICITY	2,950.73
				ELECTRICITY	503.34
				ELECTRICITY	940.49
				ELECTRICITY	672.49
				ELECTRICITY	188.83
				ELECTRICITY	345.68
				ELECTRICITY	22.57
				ELECTRICITY	105.22
				ELECTRICITY	181.04
				ELECTRICITY	163.53
				ELECTRICITY	89.36
	1/3/2011	205789	31,278.74		
				WDAT CHARGES-SUBSTATION	10,447.31
				WDAT CHARGES-FREDERICK	2,386.62
				WDAT CHARGES-NANDINA	3,199.07
				WDAT CHARGES-GLOBE	8,684.55
				WDAT CHARGES-GRAHAM	3,935.97
				WDAT CHARGES-IRIS	2,625.22
	1/18/2011	205911	136,567.18		
				ELECTRICITY	23.06
				ELECTRICITY	260.91
				ELECTRICITY	45.63
				ELECTRICITY	709.03
				ELECTRICITY	1,012.99
				ELECTRICITY	1,473.45
				ELECTRICITY	95,604.30
				ELECTRICITY	36,719.41
				ELECTRICITY	368.26
				ELECTRICITY	92.28
				ELECTRICITY	24.38
				ELECTRICITY	25.99
				ELECTRICITY	65.46
				ELECTRICITY	98.06
				ELECTRICITY	43.97
	1/25/2011	206076	33,175.97		
				ELECTRICITY	526.31
				ELECTRICITY	218.90
				ELECTRICITY	47.13
				ELECTRICITY	5,857.01
				ELECTRICITY	1,060.58
				ELECTRICITY	192.86

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			ELECTRICITY	2,381.91
			ELECTRICITY	19.18
			ELECTRICITY	2,506.80
			ELECTRICITY	558.12
			ELECTRICITY	1,664.77
			ELECTRICITY	721.57
			ELECTRICITY	863.69
			ELECTRICITY	140.12
			ELECTRICITY	3,741.18
			ELECTRICITY	1,010.57
			ELECTRICITY	1,145.53
			ELECTRICITY	22.57
			ELECTRICITY	387.77
			ELECTRICITY	5,761.71
			ELECTRICITY	1,736.44
			ELECTRICITY	255.45
			ELECTRICITY	264.70
			ELECTRICITY	859.11
			ELECTRICITY	143.70
			ELECTRICITY	187.03
			ELECTRICITY	31.62
			ELECTRICITY	21.84
			ELECTRICITY	168.75
			ELECTRICITY	213.66
			ELECTRICITY	147.51
			ELECTRICITY	199.58
			ELECTRICITY	90.54
			ELECTRICITY	27.76
	Vendor Total	**241,324.87**		
FYTD for SOUTHERN CALIFORNIA EDISON		**1,759,082.07**		
STANDARD INSURANCE CO				
1/25/2011	206077	29,819.16		
			LIFE & DISABILITY INSURANCE	11,662.68
			LIFE & DISABILITY INSURANCE	-68.37
			LIFE & DISABILITY INSURANCE	18,236.93
			LIFE & DISABILITY INSURANCE	-12.08
	Vendor Total	**29,819.16**		
FYTD for STANDARD INSURANCE CO		**227,964.72**		
STK ARCHITECTURE, INC.				
1/24/2011	881962	85,849.08		
			MORRISON PRK FIRE STATION PROJ	85,849.08
	Vendor Total	**85,849.08**		
FYTD for STK ARCHITECTURE, INC.		**270,740.17**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
U.S. BANK/CALCARDS					
	1/6/2011	110103	112,826.10		
				CALCARD PMT CYCLE END 12/22/10	112,826.10
	1/20/2011	110104	95,683.24		
				CALCARD PYMT CYCLE END 1/7/11	95,683.24
	Vendor Total		**208,509.34**		
FYTD for U.S. BANK/CALCARDS			**1,121,345.00**		
WELLS FARGO CORPORATE TRUST					
	1/25/2011	110110	1,023,839.98		
				INT PYMT-2007 TAB SERIES A	1,023,839.98
	Vendor Total		**1,023,839.98**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	1/18/2011	205932	741,529.00		
				TUMF FEES	235,161.00
				TUMF FEES	506,368.00
	Vendor Total		**741,529.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**953,476.08**		
WRCRCA					
	1/18/2011	205933	33,159.00		
				DEC-10 RESIDENTIAL FEES	33,159.00
	Vendor Total		**33,159.00**		
FYTD for WRCRCA			**1,271,213.38**		
	Subtotal		**11,147,668.48**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS LESS THAN $25,000				
EXCLUSIVE RM AUTHORITY OF CA				
1/10/2011	205799	10,000.00		
			GENERAL MATTERS	10,000.00
Vendor Total		**10,000.00**		
FYTD for EXCLUSIVE RM AUTHORITY OF CA		**10,000.00**		
3E COMPANY				
1/10/2011	205800	3,907.00		
			SUBSCRIPTION LICENSE/RENEWAL	3,907.00
Vendor Total		**3,907.00**		
FYTD for 3E COMPANY		**3,907.00**		
A & I REPROGRAPHICS 2406362				
1/3/2011	205745	765.17		
			RPRGRPHC SVCS-PERRIS BL WIDEN	765.17
1/10/2011	205801	330.92		
			RPRGRPHCS-SHADOW MTN PARK PROJ	248.19
			RPRGRPHCS-SHADOW MTN PARK PROJ	82.73
1/18/2011	205840	665.44		
			RPRGRPHC SVCS-BRIDGE MAINT PRJ	665.44
1/31/2011	206078	860.37		
			RPRGRPHC SVCS-PERRIS BL WIDEN	265.40
			RPRGRPHC SVCS-SR60/NASON PROJ	594.97
Vendor Total		**2,621.90**		
FYTD for A & I REPROGRAPHICS 2406362		**21,019.27**		
A COMING OF AGE FOSTER FAMILY AGENCY				
1/18/2011	205841	200.00		
			REFUND-TOWNGATE DEPOSIT	200.00
Vendor Total		**200.00**		
FYTD for A COMING OF AGE FOSTER FAMILY AGENCY		**200.00**		
ACCESS SECURITY CONTROLS INT., INC.				
1/10/2011	205802	75.00		
			MONITORING SVCS-ERC	75.00
1/24/2011	205938	985.00		
			MONITORING SVCS-GOLF COURSE	75.00
			MONITORING SVCS-S/MEAD MIDDLE	75.00
			MONITORING SVCS-ASES STARS	75.00
			MONITORING SVCS-FS #58	760.00
Vendor Total		**1,060.00**		
FYTD for ACCESS SECURITY CONTROLS INT., INC.		**5,042.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ACCOUNTEMPS					
	1/31/2011	206079	2,214.81		
				TEMP SVCS-V ARGUTA W/E 12/24	2,214.81
	Vendor Total		**2,214.81**		
FYTD for ACCOUNTEMPS			**7,155.45**		
ACT MEDIATION					
	1/18/2011	205842	0.00		
				MEDIATION -CASE# RIC 10017492	2,900.00
				VOIDED CHECK #205842 ON1/24/11	-2,900.00
	1/18/2011	205843	5,800.00		
				MEDIATION -CASE# RIC 10017492	5,800.00
	Vendor Total		**5,800.00**		
FYTD for ACT MEDIATION			**5,800.00**		
ADAMS, MARK L.					
	1/3/2011	881812	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ADAMS, MARK L.			**2,231.11**		
ADDICTION MEDICINE CONSULTANTS, INC.					
	1/31/2011	206080	1,375.00		
				DRUG/ALCOHOL TESTING PRGM	1,375.00
	Vendor Total		**1,375.00**		
FYTD for ADDICTION MEDICINE CONSULTANTS, INC.			**1,375.00**		
ADDUS HEALTH CARE					
	1/3/2011	205746	500.00		
				REFUND-RNTL DEP 12/13	500.00
	Vendor Total		**500.00**		
FYTD for ADDUS HEALTH CARE			**500.00**		
ADLERHORST INTERNATIONAL INC.					
	1/18/2011	881892	283.34		
				TRAINING FOR PATROL CANINES	283.34
	Vendor Total		**283.34**		
FYTD for ADLERHORST INTERNATIONAL INC.			**18,857.09**		
ADMINSURE					
	1/31/2011	206081	2,600.00		
				WRKMNS COMP ADMIN SVCS	2,600.00
	Vendor Total		**2,600.00**		
FYTD for ADMINSURE			**18,200.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
1/10/2011	881876	390.00		
			ICE MACHINE MAINT-FS #2	185.00
			ICE MACHINE MAINT-FS #2	10.00
			ICE MACHINE MAINT-FS #65	185.00
			ICE MACHINE MAINT-FS #65	10.00
1/24/2011	881933	1,238.00		
			ICE MACHINE MAINT-FS #58	1,043.00
			ICE MACHINE MAINT-PSB	195.00
	Vendor Total	**1,628.00**		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		**16,596.00**		
ADVANCED ELECTRIC				
1/31/2011	206082	496.00		
			ELECTRICAL REPAIRS-CONF & REC	124.00
			RETROFIT LAMPS @ CITY HALL	372.00
	Vendor Total	**496.00**		
FYTD for ADVANCED ELECTRIC		**7,241.60**		
ADVANTAGE BUSINESS EQUIPMENT, INC				
1/31/2011	206166	153.31		
			BLANK CHECK STOCK-A/P	153.31
	Vendor Total	**153.31**		
FYTD for ADVANTAGE BUSINESS EQUIPMENT, INC		**1,022.20**		
AEI-CASC ENGINEERING				
1/24/2011	881934	1,036.00		
			PROF CONSULTING SVCS-WQMP	1,036.00
	Vendor Total	**1,036.00**		
FYTD for AEI-CASC ENGINEERING		**10,298.04**		
AGUIRRE, LEONOR S				
1/10/2011	205803	1,650.00		
			MOVING EXPENSES-PERRIS BL PROJ	1,650.00
	Vendor Total	**1,650.00**		
FYTD for AGUIRRE, LEONOR S		**1,650.00**		
AHLERS, ROSCEAL				
1/18/2011	205844	152.00		
			INSTRUCTION SVCS-4 DAYS	152.00
	Vendor Total	**152.00**		
FYTD for AHLERS, ROSCEAL		**608.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ALBERTO'S MEXICAN FOOD					
	1/31/2011	206083	55.97		
				REFUND-BUS LIC OVRPMT	55.97
	Vendor Total		**55.97**		
FYTD for ALBERTO'S MEXICAN FOOD			**55.97**		
ALCORN FENCE COMPANY					
	1/24/2011	205939	22.34		
				REFUND-BUS.LIC OVERPYMT	22.34
	Vendor Total		**22.34**		
FYTD for ALCORN FENCE COMPANY			**22.34**		
ALESSANDRO SMOG TEST ONLY					
	1/24/2011	205940	39.00		
				REFUND-BUS.LIC OVERPYMT	39.00
	Vendor Total		**39.00**		
FYTD for ALESSANDRO SMOG TEST ONLY			**39.00**		
ALL PRO MEDICAL GROUP, INC					
	1/24/2011	205941	40.44		
				REFUND-BUS.LIC OVERPYMT	40.44
	Vendor Total		**40.44**		
FYTD for ALL PRO MEDICAL GROUP, INC			**40.44**		
ALLIANCE BUS LINES INC					
	1/10/2011	205804	257.64		
				TRANSPORTATION SVCS-CHILDS PLC	48.88
				TRANSPORTATION SVCS-CHILDS PLC	208.76
	Vendor Total		**257.64**		
FYTD for ALLIANCE BUS LINES INC			**7,109.27**		
ALLIANZ LIFE INSURANCE CO					
	1/18/2011	205845	75.00		
				NON-EXEMPT ANNUITY	75.00
	Vendor Total		**75.00**		
FYTD for ALLIANZ LIFE INSURANCE CO			**525.00**		
ALVAREZ, ESPERANZA					
	1/24/2011	205942	300.00		
				REFUND-RNTL DEP 10/23	300.00
	Vendor Total		**300.00**		
FYTD for ALVAREZ, ESPERANZA			**300.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AMAZING DISCOUNT STORE					
	1/24/2011	205943	36.00		
				REFUND-BUS.LIC OVERPYMT	36.00
	Vendor Total		**36.00**		
FYTD for AMAZING DISCOUNT STORE			**36.00**		
AMERICA VIETNAM REALTY & FINANCE					
	1/31/2011	206084	22.60		
				REFUND-BUS LIC OVRPMT	22.60
	Vendor Total		**22.60**		
FYTD for AMERICA VIETNAM REALTY & FINANCE			**22.60**		
AMERICAN FORENSIC NURSES					
	1/18/2011	881893	1,191.32		
				BLOOD DRAWS	82.16
				BLOOD DRAWS	1,109.16
	1/24/2011	881935	41.08		
				BLOOD DRAWS	41.08
	1/31/2011	881972	1,550.64		
				BLOOD DRAWS	1,550.64
	Vendor Total		**2,783.04**		
FYTD for AMERICAN FORENSIC NURSES			**17,643.42**		
AMERICAN TOWERS					
	1/10/2011	205805	2,573.48		
				LEASE AGREEMENT	2,573.48
	Vendor Total		**2,573.48**		
FYTD for AMERICAN TOWERS			**10,293.92**		
AMINO, MARCIA					
	1/24/2011	205944	169.76		
				REFUND-CANDIDATE STMNT	169.76
	Vendor Total		**169.76**		
FYTD for AMINO, MARCIA			**169.76**		
AMTECH ELEVATOR SERVICES					
	1/24/2011	205945	210.90		
				ELEVATOR SVC-SENIOR CENTER	210.90
	Vendor Total		**210.90**		
FYTD for AMTECH ELEVATOR SERVICES			**1,271.69**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ANAYA, KIM REYE					
	1/18/2011	205846	93.00		
				MILEAGE REIMBURSEMENT	93.00
	Vendor Total		**93.00**		
FYTD for ANAYA, KIM REYE			**239.90**		
ANDREWS-BAKER, SUE					
	1/24/2011	205946	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for ANDREWS-BAKER, SUE			**375.00**		
ANIMAL HEALTH AND SANITARY SUPPLY					
	1/10/2011	205806	170.37		
				CLEANING SOLUTIONS-ANML SHLTR	170.37
	Vendor Total		**170.37**		
FYTD for ANIMAL HEALTH AND SANITARY SUPPLY			**783.14**		
ANIMAL PEST MANAGEMENT SERVICES, INC.					
	1/24/2011	205947	1,790.00		
				PEST CNTRL SVC-CFD #1	160.00
				PEST CNTRL SVC-GOLF COURSE	180.00
				PEST CNTRL SVC-STARS BLDG	100.00
				PEST CNTRL SVC-CITY PARKS	665.00
				PEST CNTRL SVC-CITY PARKS	255.00
				PEST CNTRL SVC-MARCH CHILDCARE	330.00
				PEST CNTRL SVC-MARCH C/C & PAL	100.00
	Vendor Total		**1,790.00**		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.			**12,530.00**		
APPLIANCE DISCOUNTERS					
	1/3/2011	205747	27.95		
				REFUND-BUS LIC OVRPMT	27.95
	Vendor Total		**27.95**		
FYTD for APPLIANCE DISCOUNTERS			**27.95**		
ARCHIVE MANAGEMENT SERVICE					
	1/24/2011	881936	1,172.51		
				OFF SITE STORAGE-CITY CLERKS	1,172.51
	Vendor Total		**1,172.51**		
FYTD for ARCHIVE MANAGEMENT SERVICE			**9,853.37**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ARROWHEAD WATER					
	1/10/2011	205807	365.78		
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRAILER	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
				WATER PURIF RNTL-EOC	25.00
	1/24/2011	205948	0.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
	1/25/2011	206074	125.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
	1/31/2011	206085	365.78		
				WATER PURIF RNTL-STARS BLDG	25.00
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRFFC TRLR	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
	Vendor Total		**856.56**		
FYTD for ARROWHEAD WATER			**4,187.06**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AT&T MOBILITY					
	1/18/2011	205847	91.87		
				CELL PHONE CHRGS-PD COMND CTR	91.87
	1/31/2011	206086	91.98		
				CELL PHONE SVC-PD MBL CTR	91.98
	Vendor Total		**183.85**		
FYTD for AT&T MOBILITY			**734.78**		
AT&T/MCI					
	1/18/2011	205848	183.36		
				COMMUNICATIONS SVCS-PD	183.36
	Vendor Total		**183.36**		
FYTD for AT&T/MCI			**1,284.66**		
AUDREY PATRICK REPORTING SERVICES					
	1/31/2011	206087	1,065.00		
				LEGAL TRANSCRIPTION SVCS	1,065.00
	Vendor Total		**1,065.00**		
FYTD for AUDREY PATRICK REPORTING SERVICES			**4,891.16**		
AUTOMATED GATE SERVICES, INC					
	1/10/2011	205808	41.34		
				REFUND-BUS LIC OVRPMT	41.34
	Vendor Total		**41.34**		
FYTD for AUTOMATED GATE SERVICES, INC			**41.34**		
AVILA, BRENDA					
	1/24/2011	205949	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for AVILA, BRENDA			**20.00**		
AWAD, SAAD					
	1/24/2011	205950	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for AWAD, SAAD			**50.00**		
AYARS, MARGARET E.					
	1/3/2011	881813	956.19		
				OCT - DEC '10, PAID Jan '11	956.19
	Vendor Total		**956.19**		
FYTD for AYARS, MARGARET E.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BACHER, GRACE					
	1/3/2011	205748	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BACHER, GRACE			**2,152.33**		
BANFORD, SHERI					
	1/31/2011	206088	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for BANFORD, SHERI			**50.00**		
BARNES, DARLENE					
	1/3/2011	881814	114.50		
				DEC '10, PAID JAN '11	114.50
	Vendor Total		**114.50**		
FYTD for BARNES, DARLENE			**916.00**		
BASHIR, MUHAMMAD					
	1/18/2011	205849	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for BASHIR, MUHAMMAD			**200.00**		
BAYER APPRAISALS					
	1/24/2011	205951	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for BAYER APPRAISALS			**1,500.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEMUS LANDSCAPE, INC.					
	1/18/2011	881894	16,037.60		
				LANDSCAPE MAINT-ZONE E-4	19.00
				LANDSCAPE MAINT-ZONE E-4/E-4A	15,650.96
				LANDSCAPE MAINT-ZONE E-4/E-4A	367.64
	1/24/2011	881937	13,255.58		
				LANDSCAPE MAINT-CORP. YARD	250.00
				LANDSCAPE MAINT-ANIMAL SHELTER	520.00
				LANDSCAPE MAINT-C & R	1,900.00
				LANDSCAPE MAINT-STARS BLDG	300.00
				LANDSCAPE MAINT-PSB	1,197.58
				LANDSCAPE MAINT-UTILITIES	480.00
				LANDSCAPE MAINT-ELECTRIC SUBST	630.00
				LANDSCAPE MAINT-PUBLIC LIBRARY	520.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-CFD #1	1,900.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-PARKS	735.00
				LANDSCAPE MAINT-PARKS	262.50
				LANDSCAPE MAINT-PARKS	525.00
				LANDSCAPE MAINT-PARKS	850.50
				LANDSCAPE MAINT-PARKS	1,785.00
				LANDSCAPE MAINT-PARKS	600.00
	Vendor Total		**29,293.18**		
FYTD for BEMUS LANDSCAPE, INC.			**334,630.49**		
BENESYST, INC.					
	1/24/2011	205952	1,020.22		
				FLEX ADMIN SVCS-HR	220.61
				FLEX ADMIN SVCS-HR	309.61
				COBRA ADMIN SVCS-HR	245.00
				COBRA ADMIN SVCS-HR	245.00
	Vendor Total		**1,020.22**		
FYTD for BENESYST, INC.			**4,479.68**		
BIO-TOX LABORATORIES					
	1/18/2011	205850	34.23		
				TOXICOLOGY TESTS	34.23
	Vendor Total		**34.23**		
FYTD for BIO-TOX LABORATORIES			**36,839.23**		
BOBO II, FELIX					
	1/18/2011	205851	77.00		
				MILEAGE REIMBURSEMENT	77.00
	Vendor Total		**77.00**		
FYTD for BOBO II, FELIX			**815.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BORNSHEUER, BRENDA					
	1/24/2011	205953	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for BORNSHEUER, BRENDA			**20.00**		
BPC MEDIA WORKS, LLC					
	1/31/2011	206089	1,530.00		
				ADVERTISING SVCS-EDD	1,530.00
	Vendor Total		**1,530.00**		
FYTD for BPC MEDIA WORKS, LLC			**1,530.00**		
BPS TACTICAL, INC					
	1/10/2011	205809	277.31		
				BALLISTIC VEST-PD	277.31
	Vendor Total		**277.31**		
FYTD for BPS TACTICAL, INC			**940.20**		
BRANDON'S DINER, INC.					
	1/3/2011	205749	750.00		
				REFUND-RNTL DEP 12/16	750.00
	Vendor Total		**750.00**		
FYTD for BRANDON'S DINER, INC.			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BRODART CO.					
	1/24/2011	881938	2,766.75		
				MISC BOOKS-LIBRARY	24.37
				MISC BOOKS-LIBRARY	31.60
				MISC BOOKS-LIBRARY	21.36
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	64.13
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	109.69
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	24.41
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	59.34
				MISC BOOKS-LIBRARY	59.14
				MISC BOOKS-LIBRARY	33.06
				MISC BOOKS-LIBRARY	313.88
				MISC BOOKS-LIBRARY	63.70
				MISC BOOKS-LIBRARY	27.40
				MISC BOOKS-LIBRARY	18.36
				MISC BOOKS-LIBRARY	245.71
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	295.27
				MISC BOOKS-LIBRARY	39.56
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.99
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	29.41
				MISC BOOKS-LIBRARY	43.14
				MISC BOOKS-LIBRARY	608.12
				MISC BOOKS-LIBRARY	23.17
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.98
				MISC BOOKS-LIBRARY	180.92
				MISC BOOKS-LIBRARY	43.23
	1/31/2011	881974	43.17		
				MISC BOOKS-LIBRARY	43.17
	Vendor Total		**2,809.92**		
FYTD for BRODART CO.			**24,625.26**		
BUCKINGHAM, STAN					
	1/3/2011	205750	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BUCKINGHAM, STAN			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BUSH, DUNCAN					
	1/31/2011	206090	3.01		
				REFUND-UT USER TAXES	3.01
	Vendor Total		**3.01**		
FYTD for BUSH, DUNCAN			**3.01**		
BWI - BOOK WHOLESALERS, INC.					
	1/24/2011	205955	72.12		
				MISC BOOKS-LIBRARY	72.12
	1/31/2011	206091	658.38		
				MISC BOOKS-LIBRARY	658.38
	Vendor Total		**730.50**		
FYTD for BWI - BOOK WHOLESALERS, INC.			**14,612.53**		
CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM					
	1/31/2011	206092	400.00		
				VALUATION SVCS-EMPLYR CONT RAT	400.00
	Vendor Total		**400.00**		
FYTD for CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM			**400.00**		
CAIN, GREGORY					
	1/3/2011	881815	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CAIN, GREGORY			**2,231.11**		
CALIFORNIA BUILDING STANDARDS COMMISSION					
	1/18/2011	205852	487.80		
				SB 1473 FEES COLLECTED	487.80
	Vendor Total		**487.80**		
FYTD for CALIFORNIA BUILDING STANDARDS COMMISSION			**1,333.80**		
CALIFORNIA MOBILE HOMES SVCS, INC					
	1/31/2011	206093	40.00		
				REFUND-BUS LIC OVRPMT	40.00
	Vendor Total		**40.00**		
FYTD for CALIFORNIA MOBILE HOMES SVCS, INC			**40.00**		
CALIFORNIA TRANSCRIPTION, LLC					
	1/31/2011	881975	85.29		
				TRANSCRIPTION SVCS	85.29
	Vendor Total		**85.29**		
FYTD for CALIFORNIA TRANSCRIPTION, LLC			**379.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CALPERS					
	1/24/2011	205956	21,621.60		
				4TH LEVEL SURVIVOR BNFT	21,621.60
	Vendor Total		**21,621.60**		
FYTD for CALPERS			**1,585,621.60**		
CANNON, ANA M.					
	1/3/2011	881816	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CANNON, ANA M.			**2,056.56**		
CANON FINANCIAL SERVICES, INC.					
	1/10/2011	205811	7,590.68		
				COPIERS-LEASE	7,059.29
				COPIERS-LEASE SALES TAX	531.39
	Vendor Total		**7,590.68**		
FYTD for CANON FINANCIAL SERVICES, INC.			**53,134.76**		
CARTER, ROSALYN					
	1/3/2011	881817	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CARTER, ROSALYN			**2,325.18**		
CASCADE DRILLING, LP					
	1/24/2011	205957	32.85		
				REFUND-BUS.LIC OVERPYMT	32.85
	Vendor Total		**32.85**		
FYTD for CASCADE DRILLING, LP			**32.85**		
CASTRO, VERNITA					
	1/18/2011	205853	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for CASTRO, VERNITA			**200.00**		
CAVENAUGH & ASSOCIATES					
	1/18/2011	881895	499.00		
				D.U.I. SEMINAR MAR 14-18, 2011	499.00
	Vendor Total		**499.00**		
FYTD for CAVENAUGH & ASSOCIATES			**499.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CEMEX					
	1/10/2011	205812	468.12		
				CEMENT PURCHASE	468.12
	Vendor Total		**468.12**		
FYTD for CEMEX			**5,006.90**		
CENTRAL OCCUPATIONAL MEDICINE PROVIDERS					
	1/31/2011	206094	210.00		
				PRE-EMPLOYMENT PHYSICALS	210.00
	Vendor Total		**210.00**		
FYTD for CENTRAL OCCUPATIONAL MEDICINE PROVIDERS			**7,684.00**		
CENTURY 21/ LOIS LAUER, INC					
	1/24/2011	205958	91.30		
				REFUND-BUS.LIC OVERPYMT	91.30
	Vendor Total		**91.30**		
FYTD for CENTURY 21/ LOIS LAUER, INC			**91.30**		
CHANCY, CHIZURU					
	1/31/2011	206095	140.40		
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
	Vendor Total		**140.40**		
FYTD for CHANCY, CHIZURU			**936.00**		
CHANDLER ASSET MANAGEMENT, INC					
	1/18/2011	881896	8,834.00		
				INVESTMENT MGMT.	8,834.00
	Vendor Total		**8,834.00**		
FYTD for CHANDLER ASSET MANAGEMENT, INC			**61,659.00**		
CHAPMAN, STEVE					
	1/3/2011	205751	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPMAN, STEVE			**2,231.11**		
CHAPPELL, ISAAC					
	1/3/2011	881818	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPPELL, ISAAC			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHERRY VALLEY FEED					
	1/18/2011	205854	140.26		
				DOG FOOD & MISC.	140.26
	Vendor Total		**140.26**		
FYTD for CHERRY VALLEY FEED			**776.30**		
CHICO, DANIEL					
	1/18/2011	205855	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for CHICO, DANIEL			**885.00**		
CHRISTIAN, OWEN					
	1/3/2011	881819	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for CHRISTIAN, OWEN			**1,397.06**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CINTAS CORPORATION				
1/3/2011	205752	69.56		
			UNIFORM RNTL SVC-PARKS	50.19
			UNIFORM RNTL SVC-CFD#1	13.74
			UNIFORM RNTL SVC-GOLF COURSE	5.63
1/10/2011	205813	212.33		
			UNIFORM RNTL SVC-EQUIP MAINT	48.62
			UNIFORM RNTL SVC-EQUIP MAINT	25.62
			UNIFORM RNTL SVC-TRFFC SGNL MA	20.79
			UNIFORM RNTL SVC-SIGNING STAFF	15.82
			UNIFORM RNTL SVC-GRAFFITI RMVL	9.18
			UNIFORM RNTL SVC-TREE MAINT CR	9.18
			UNIFORM RNTL SVC-ST SWEEPER OP	6.12
			UNIFORM RNTL SVC-DRAIN MAINT	3.06
			UNIFORM RNTL SVC-STREET MAINT	48.06
			UNIFORM RNTL SVC-CONC MAINT	9.18
			UNIFORM RNTL SVC-FAC MAINT	16.70
1/18/2011	205856	118.94		
			UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
			UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
			UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
			UNIFORM RNTL SVC-SIGNS/STRIP	15.82
			UNIFORM RNTL SVC-SIGNS/STRIP	15.82
			UNIFORM RNTL SVC-SIGNS/STRIP	15.82
			UNIFORM RNTL SVC-CFD #1	13.74
			UNIFORM RNTL SVC-CFD #1	13.74
			UNIFORM RNTL SVC-GOLF COURSE	5.63
1/24/2011	205959	269.96		
			UNIFORM RNTL SVC-PARKS	50.19
			UNIFORM RNTL SVC-PARKS	50.19
			UNIFORM RNTL SVC-PARKS	50.19
			UNIFORM RNTL SVC-PURCHASING	3.92
			UNIFORM RNTL SVC-PURCHASING	3.92
			UNIFORM RNTL SVC-PURCHASING	3.92
			UNIFORM RNTL SVC-PURCHASING	3.92
			UNIFORM RNTL SVC-FAC.MAINT.	16.70
			UNIFORM RNTL SVC-FAC.MAINT.	16.70
			UNIFORM RNTL SVC-FAC.MAINT.	16.70
			UNIFORM RNTL SVC-GOLF STAFF	5.63
			UNIFORM RNTL SVC-GOLF STAFF	5.63
			UNIFORM RNTL SVC-TRAFFICSIGNAL	12.79
			UNIFORM RNTL SVC-SIGNS/STRIPS	15.82
			UNIFORM RNTL SVC-CFD #1 STAFF	13.74
1/31/2011	206096	114.87		
			UNIFORM RNTL SVC-PARKS STAFF	50.19
			UNIFORM RNTL SVC-TRFFC SGNL MA	12.79
			UNIFORM RNTL SVC-SIGNING STAFF	15.82
			UNIFORM RNTL SVC-CFD#1 STAFF	13.74
			UNIFORM RNTL SVC-FAC MAINT	16.70
			UNIFORM RNTL SVC-GOLF STAFF	5.63

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
	Vendor Total	785.66		
FYTD for CINTAS CORPORATION		6,737.78		
CIOTTI, MARTIN AND/OR FLORENCE				
1/24/2011	205960	20.00		
			REFUND-RABIES DEPOSIT	20.00
	Vendor Total	20.00		
FYTD for CIOTTI, MARTIN AND/OR FLORENCE		20.00		
CITY OF MORENO VALLEY VEBA TRUST				
1/18/2011	881897	4,125.00		
			EXEMPT VEBA	4,125.00
	Vendor Total	4,125.00		
FYTD for CITY OF MORENO VALLEY VEBA TRUST		28,687.50		
CITY OF RIVERSIDE				
1/6/2011	205798	80.00		
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
1/24/2011	205961	80.00		
			ATTND-M DAWSON/R TEICHERT	40.00
			ATTND-M DAWSON/R TEICHERT	40.00
	Vendor Total	160.00		
FYTD for CITY OF RIVERSIDE		3,083.37		
CLEAN AIR SMOG				
1/24/2011	205962	42.50		
			REFUND-BUS.LIC OVERPYMT	42.50
	Vendor Total	42.50		
FYTD for CLEAN AIR SMOG		42.50		
CLOVER ENTERPRISES, INC				
1/3/2011	205753	42.90		
			REFUND-BUS LIC OVRPMT	42.90
	Vendor Total	42.90		
FYTD for CLOVER ENTERPRISES, INC		42.90		
CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC				
1/18/2011	205857	50.00		
			ANNUAL MEMBERSHIP 1/1-12/31/11	50.00
	Vendor Total	50.00		
FYTD for CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC		50.00		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CNOA REGION IV					
	1/31/2011	206097	280.00		
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
	Vendor Total		**280.00**		
FYTD for CNOA REGION IV			**280.00**		
CNOA REGION V					
	1/24/2011	205963	405.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
	1/31/2011	206098	45.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
	Vendor Total		**450.00**		
FYTD for CNOA REGION V			**450.00**		
CO, MARCELO					
	1/24/2011	205964	106.23		
				REFUND-CANDIDATE STMNT	106.23
	Vendor Total		**106.23**		
FYTD for CO, MARCELO			**106.23**		
COLONIAL SUPPLEMENTAL INSURANCE					
	1/24/2011	205965	6,605.89		
				SUPPLEMENTAL INSURANCE	6,605.89
	1/31/2011	206099	7,166.44		
				SUPPLEMENTAL INSURANCE	7,166.44
	Vendor Total		**13,772.33**		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE			**56,444.03**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COMMUNITY HEALTH CHARITIES					
	1/3/2011	205754	126.47		
				CHC CONTRIBUTIONS	126.47
	1/18/2011	205858	186.31		
				CHC CONTRIBUTIONS	186.31
	1/31/2011	206100	186.31		
				CHC CONTRIBUTIONS	186.31
	Vendor Total		**499.09**		
FYTD for COMMUNITY HEALTH CHARITIES			**2,443.20**		
CONTINUING EDUCATION OF THE BAR					
	1/18/2011	205859	117.72		
				LEGAL PUBLICATION SUBSCPTNS	117.72
	Vendor Total		**117.72**		
FYTD for CONTINUING EDUCATION OF THE BAR			**795.57**		
CONTRERAS, ROBERT					
	1/24/2011	205966	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for CONTRERAS, ROBERT			**20.00**		
CORPIN, RUBY					
	1/24/2011	205967	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for CORPIN, RUBY			**75.00**		
COSTCO					
	1/3/2011	205755	2,326.44		
				MISC SUPPLIES-STARS	281.45
				MISC SUPPLIES-STARS	356.24
				MISC SUPPLIES-STARS	306.69
				MISC SUPPLIES-CHILDS PLACE	1,382.06
	1/24/2011	205968	292.98		
				MISC SUPPLIES-STARS PROGRAM	138.60
				MISC SUPPLIES-STARS PROGRAM	30.06
				MISC SUPPLIES-ECON.DEV.	21.09
				MISC SUPPLIES-STARS PROGRAM	103.23
	1/31/2011	206101	399.34		
				MISC SUPPLIES-SKATE PARK	193.42
				MISC SUPPLIES-STARS	205.92
	Vendor Total		**3,018.76**		
FYTD for COSTCO			**33,059.90**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COUNSELING TEAM, THE					
	1/31/2011	206102	1,250.00		
				EMP COUNSELING SVCS	1,250.00
	Vendor Total		**1,250.00**		
FYTD for COUNSELING TEAM, THE			**10,000.00**		
COUNTY OF RIVERSIDE - RMAP					
	1/10/2011	205814	42.70		
				RECORDATION REQUESTS-LAND DEV	42.70
	Vendor Total		**42.70**		
FYTD for COUNTY OF RIVERSIDE - RMAP			**297.45**		
COUNTY OF RIVERSIDE AUDITOR					
	1/18/2011	205860	18,232.67		
				PARKING CONTROL FEES-CODE	16,334.67
				PARKING CONTROL FEES-CODE	1,898.00
	Vendor Total		**18,232.67**		
FYTD for COUNTY OF RIVERSIDE AUDITOR			**175,501.03**		
COVENTRY PET RESORT					
	1/24/2011	881939	110.31		
				MISC K-9 FOOD-PD	101.43
				MISC K-9 FOOD-PD	8.88
	Vendor Total		**110.31**		
FYTD for COVENTRY PET RESORT			**659.50**		
CREATIVE SOLUTIONS FOR KIDS & FAMILIES					
	1/3/2011	205756	650.00		
				REFUND-RNTL DEP 12/19	650.00
	Vendor Total		**650.00**		
FYTD for CREATIVE SOLUTIONS FOR KIDS & FAMILIES			**650.00**		
CRITICAL REACH					
	1/24/2011	205969	265.00		
				2011 TRAK SUPPORT FEES	265.00
	Vendor Total		**265.00**		
FYTD for CRITICAL REACH			**265.00**		
CROSS, GWENDOLYN					
	1/24/2011	205970	110.13		
				REFUND-CANDIDATE STMNT	110.13
	Vendor Total		**110.13**		
FYTD for CROSS, GWENDOLYN			**110.13**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CROSSAN, RICK					
	1/31/2011	206103	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CROSSAN, RICK			**75.00**		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH					
	1/31/2011	206104	578.00		
				HEALTH PERMIT RNWL-SNNYMD PARK	578.00
	Vendor Total		**578.00**		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH			**11,905.36**		
CURRIER SANCHEZ CHIROPRACTIC					
	1/24/2011	205971	69.00		
				REFUND-BUS.LIC OVERPYMT	69.00
	Vendor Total		**69.00**		
FYTD for CURRIER SANCHEZ CHIROPRACTIC			**69.00**		
DACOLIAS, RAYMOND					
	1/18/2011	205861	266.00		
				INSTRUCTION SVCS-7 DAYS	266.00
	Vendor Total		**266.00**		
FYTD for DACOLIAS, RAYMOND			**684.00**		
DALE, KATHLEEN					
	1/3/2011	881820	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for DALE, KATHLEEN			**2,212.27**		
DATA TICKET, INC.					
	1/10/2011	881877	690.00		
				CITATION PRCSSNG-BLDG/SFTY	69.50
				CITATION PRCSSNG-ANML SVCS	620.50
	1/18/2011	881898	15,614.64		
				ADMIN CITATION PROCESSING	4,754.35
				CODE CITATION PROCESSING	10,860.29
	1/24/2011	881940	1,183.30		
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-CODE	973.30
	Vendor Total		**17,487.94**		
FYTD for DATA TICKET, INC.			**143,504.29**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DATAQUICK CORPORATE HEADQUARTERS					
	1/24/2011	205972	130.50		
				ONLINE SUBSCRIPTION-PD	130.50
	Vendor Total		**130.50**		
FYTD for DATAQUICK CORPORATE HEADQUARTERS			**913.50**		
DAVID TRUNG DUC NGUYEN, MD					
	1/31/2011	206105	75.00		
				REFUND-BUS LIC OVRPMT	75.00
	Vendor Total		**75.00**		
FYTD for DAVID TRUNG DUC NGUYEN, MD			**75.00**		
DEFINITIVE FINANCIAL SOLUTIONS, LLC					
	1/10/2011	205815	4,875.00		
				CONSULTING SERVICES	4,875.00
	Vendor Total		**4,875.00**		
FYTD for DEFINITIVE FINANCIAL SOLUTIONS, LLC			**4,875.00**		
DEL REY APPRAISAL SRVCS					
	1/24/2011	205973	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for DEL REY APPRAISAL SRVCS			**1,750.00**		
DELTA DENTAL					
	1/24/2011	205974	11,518.03		
				EMPLOYEE DENTAL INSURANCE	11,518.03
	Vendor Total		**11,518.03**		
FYTD for DELTA DENTAL			**79,369.50**		
DELTACARE USA					
	1/24/2011	205975	6,166.01		
				EMPLOYEE DENTAL INSURANCE	6,166.01
	Vendor Total		**6,166.01**		
FYTD for DELTACARE USA			**44,167.60**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DENNIS GRUBB & ASSOCIATES, LLC					
	1/10/2011	881878	455.00		
				PLAN REVIEW SVCS-FIRE PREV	455.00
	1/18/2011	881899	5,430.00		
				PLAN REVIEW SERVICES	2,300.00
				PLAN REVIEW SERVICES	3,130.00
	1/31/2011	881976	930.00		
				PLAN REVIEW SERVICES-FIRE PREV	930.00
	Vendor Total		**6,815.00**		
FYTD for DENNIS GRUBB & ASSOCIATES, LLC			**53,295.00**		
DEPARTMENT OF CONSERVATION					
	1/13/2011	205839	991.51		
				SMI FEES LESS 5% RETAINAGE	1,043.69
				SMI FEES LESS 5% RETAINAGE	-52.18
	Vendor Total		**991.51**		
FYTD for DEPARTMENT OF CONSERVATION			**2,409.37**		
DESIGN WORKS					
	1/18/2011	205862	58.50		
				YOUTH SPORTS UNIFORMS	58.50
	Vendor Total		**58.50**		
FYTD for DESIGN WORKS			**9,450.60**		
DLS LANDSCAPE, INC					
	1/24/2011	205976	12,390.00		
				LANDSCAPE MAINT-CFD #1	2,160.00
				LANDSCAPE MAINT-ZONE A	10,230.00
	Vendor Total		**12,390.00**		
FYTD for DLS LANDSCAPE, INC			**86,730.00**		
DORY, ALLEEN F.					
	1/3/2011	205757	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for DORY, ALLEEN F.			**1,397.06**		
DUNN, LAURA ISABEL GARCIA					
	1/18/2011	881900	152.00		
				INSTRUCTIONAL SERVICES	152.00
	Vendor Total		**152.00**		
FYTD for DUNN, LAURA ISABEL GARCIA			**380.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
E.G. BRENNAN & CO, LLC					
	1/10/2011	881879	203.91		
				FOLDING MACHINE PART-FASD	187.50
				FOLDING MACHINE PART-TAX	16.41
	Vendor Total		**203.91**		
FYTD for E.G. BRENNAN & CO, LLC			**203.91**		
E.R. BLOCK PLUMBING & HEATING, INC.					
	1/18/2011	205863	140.00		
				BACKFLOW TESTING IN ZONE D	140.00
	1/31/2011	206106	180.00		
				BACKFLOW TESTING-E3	80.00
				BACKFLOW TESTING-ZONE M	100.00
	Vendor Total		**320.00**		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.			**13,897.06**		
E5, INC.					
	1/31/2011	206107	4,655.00		
				AB32 VERIFICATION SVCS-UTILITY	4,655.00
	Vendor Total		**4,655.00**		
FYTD for E5, INC.			**4,655.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT					
	1/3/2011	205758	5,436.35		
				WATER CHARGES	207.74
				WATER CHARGES	1,565.50
				WATER CHARGES	556.49
				WATER CHARGES	41.27
				WATER CHARGES	2,413.99
				WATER CHARGES	275.56
				WATER CHARGES	112.33
				WATER CHARGES	137.47
				WATER CHARGES	63.00
				WATER CHARGES	63.00
	1/10/2011	205816	9,216.64		
				WATER CHARGES	82.19
				WATER CHARGES	89.66
				WATER CHARGES	90.63
				WATER CHARGES	125.73
				WATER CHARGES	336.24
				WATER CHARGES	2,641.63
				WATER CHARGES	61.29
				WATER CHARGES	2,275.89
				WATER CHARGES	140.58
				WATER CHARGES	904.26
				WATER CHARGES	1,716.30
				WATER CHARGES	23.16
				WATER CHARGES	195.00
				WATER CHARGES	104.93
				WATER CHARGES	347.46
				WATER CHARGES	81.69
	1/18/2011	205864	15,196.99		
				WATER CHARGES	807.88
				WATER CHARGES	194.25
				WATER CHARGES	699.83
				WATER CHARGES	735.43
				WATER CHARGES	36.00
				WATER CHARGES	600.12
				WATER CHARGES	1,037.62
				WATER CHARGES	90.61
				WATER CHARGES	2,911.27
				WATER CHARGES	291.12
				WATER CHARGES	1,365.36
				WATER CHARGES	406.29
				WATER CHARGES	964.12
				WATER CHARGES	1,311.40
				WATER CHARGES	870.38
				WATER CHARGES	708.34
				WATER CHARGES	30.92
				WATER CHARGES	538.98
				WATER CHARGES	424.93
				WATER CHARGES	268.17
				WATER CHARGES	106.19
				WATER CHARGES	202.60
				WATER CHARGES	123.32
				WATER CHARGES	4.03

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WATER CHARGES	356.23
			WATER CHARGES	111.60
1/24/2011	205977	6,438.78		
			WATER CHARGES	115.44
			WATER CHARGES	963.58
			WATER CHARGES	560.84
			WATER CHARGES	142.33
			WATER CHARGES	534.12
			WATER CHARGES	2,163.24
			WATER CHARGES	72.02
			WATER CHARGES	56.54
			WATER CHARGES	257.86
			WATER CHARGES	149.51
			WATER CHARGES	233.82
			WATER CHARGES	170.92
			WATER CHARGES	296.47
			WATER CHARGES	625.89
			WATER CHARGES	96.20
1/31/2011	206108	7,201.44		
			WATER CHARGES	269.28
			WATER CHARGES	111.87
			WATER CHARGES	253.18
			WATER CHARGES	53.43
			WATER CHARGES	161.75
			WATER CHARGES	218.23
			WATER CHARGES	1,098.92
			WATER CHARGES	227.43
			WATER CHARGES	89.91
			WATER CHARGES	2,402.13
			WATER CHARGES	636.83
			WATER CHARGES	986.29
			WATER CHARGES	15.56
			WATER CHARGES	90.23
			WATER CHARGES	20.97
			WATER CHARGES	229.05
			WATER CHARGES	42.64
			WATER CHARGES	149.74
			WATER CHARGES	72.00
			WATER CHARGES	72.00
Vendor Total		**43,490.20**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		**1,020,288.47**		

EDGELANE MOBILE PARK

1/24/2011	881941	12.47		
			REFUND UTILITY USER TAXES	12.47
Vendor Total		**12.47**		
FYTD for EDGELANE MOBILE PARK		**75.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EGGERSTEN, ANNE					
	1/3/2011	205759	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for EGGERSTEN, ANNE			**2,159.26**		
EL RANCHO MEXICAN RESTAURANT					
	1/31/2011	206109	71.00		
				REFUND-BUS LIC OVRPMT	71.00
	Vendor Total		**71.00**		
FYTD for EL RANCHO MEXICAN RESTAURANT			**71.00**		
EMPIRE ECONOMICS, INC.					
	1/24/2011	205978	18,250.00		
				MARKET ABSORPTION STUDY-CFD 4	18,250.00
	Vendor Total		**18,250.00**		
FYTD for EMPIRE ECONOMICS, INC.			**18,250.00**		
EMPLOYMENT DEVELOPMENT DEPARTMENT					
	1/4/2011	2781	500.00		
				DEP STATE INC TAX W/H 1/4/11	500.00
	Vendor Total		**500.00**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT			**656,332.61**		
ENCO UTILITY SERVICES MORENO VALLEY LLC					
	1/18/2011	881901	18,085.92		
				WORK AUTHORIZATION 40-203 EPC	5,750.00
				HIGHLAND FAIRVIEW - PM 35629	5,680.22
				WORK AUTHORIZATION # 40-239B	6,655.70
	1/31/2011	881977	19,744.18		
				12KV NEW REDLAND CKT WORK	7,444.99
				PROF SVCS-WASTE MGT FACILITY	5,019.90
				PROF SVCS-HIGHLAND FAIRVIEW	892.65
				PROF SVCS-HIGHLAND FAIRVIEW	6,337.85
				PROF SVCS-DIST SUBSTATION PLAN	48.79
	Vendor Total		**37,830.10**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC			**1,372,719.94**		
ESCROW ONE - MORENO VALLEY					
	1/24/2011	205979	20.02		
				REFUND-BUS.LIC OVERPYMT	20.02
	Vendor Total		**20.02**		
FYTD for ESCROW ONE - MORENO VALLEY			**20.02**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ESPINOZA, JOE A					
	1/18/2011	205865	228.00		
				INSTRUCTIONAL SERVICES	228.00
	Vendor Total		**228.00**		
FYTD for ESPINOZA, JOE A			**1,216.00**		
EVANS ENGRAVING & AWARDS					
	1/18/2011	881902	13.05		
				2" X 9" WOODGRAIN NAME PLATE	13.05
	1/24/2011	881943	21.75		
				ENGRAVING SVCS-PARKS	21.75
	Vendor Total		**34.80**		
FYTD for EVANS ENGRAVING & AWARDS			**701.36**		
EXCEL LANDSCAPE, INC					
	1/18/2011	205866	9,328.43		
				LANDSCAPE MAINTENANCE	1,070.36
				LANDSCAPE MAINTENANCE	1,501.98
				LANDSCAPE MAINTENANCE	2,777.17
				LANDSCAPE MAINTENANCE	3,978.92
	1/24/2011	205980	3,461.07		
				LANDSCAPE MAINT-E14	3,461.07
	1/31/2011	206110	5,632.34		
				LANDSCAPE MAINT-E15	1,070.36
				LANDSCAPE MAINT-E8	1,501.98
				LANDSCAPE MAINT-E8	3,060.00
	Vendor Total		**18,421.84**		
FYTD for EXCEL LANDSCAPE, INC			**98,540.15**		
FAMILY FISH MARKET					
	1/24/2011	205981	74.07		
				REFUND-BUS.LIC OVERPYMT	74.07
	Vendor Total		**74.07**		
FYTD for FAMILY FISH MARKET			**74.07**		
FEEKEN, KARL					
	1/24/2011	205982	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for FEEKEN, KARL			**20.00**		
FEENSTRA, JOHN					
	1/3/2011	881821	361.25		
				RETIREE MED JAN '11	361.25
	Vendor Total		**361.25**		
FYTD for FEENSTRA, JOHN			**2,528.75**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FENCING BY ACREY, INC				
1/24/2011	205983	31.50		
			REFUND-BUS.LIC OVERPYMT	31.50
Vendor Total		**31.50**		
FYTD for FENCING BY ACREY, INC		**31.50**		
FIBER CARE BATHS, INC				
1/24/2011	205984	30.34		
			REFUND-BUS.LIC OVERPYMT	30.34
Vendor Total		**30.34**		
FYTD for FIBER CARE BATHS, INC		**30.34**		
FINESSE PERSONNEL ASSOCIATES				
1/31/2011	881978	7,188.75		
			TEMP SVCS-A FEAL W/E 12/4-11	1,471.24
			TEMP SVCS-A FEAL W/E 12/4-11	958.76
			TEMP SVCS-A FEAL W/E 12/18	1,181.25
			TEMP SVCS-A FEAL W/E 12/25	1,215.00
			TEMP SVCS-A FEAL W/E 1/08	1,147.50
			TEMP SVCS-A FEAL W/E 1/15	1,215.00
Vendor Total		**7,188.75**		
FYTD for FINESSE PERSONNEL ASSOCIATES		**39,073.54**		
FIRST CHOICE SERVICES				
1/24/2011	881944	503.31		
			COFFEE SVCS-EMP PAID	28.38
			COFFEE SVCS-EMP PAID	66.72
			COFFEE SVCS-EMP PAID	140.06
			COFFEE SVCS-EMP PAID	48.38
			COFFEE SVCS-EMP PAID	115.02
			COFFEE SVCS-EMP PAID	81.98
			COFFEE SVCS-EMP PAID	22.77
Vendor Total		**503.31**		
FYTD for FIRST CHOICE SERVICES		**4,418.08**		
FITNESS 19 CA 155 11C				
1/31/2011	206111	269.00		
			GYM MEMBERSHIP DEDUCTIONS	269.00
Vendor Total		**269.00**		
FYTD for FITNESS 19 CA 155 11C		**1,799.00**		
FLICKINGER, BONNIE				
1/24/2011	205985	109.53		
			REFUND-CANDIDATE STMNT	109.53
Vendor Total		**109.53**		
FYTD for FLICKINGER, BONNIE		**330.83**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FLORES, YVETTE					
	1/24/2011	205986	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for FLORES, YVETTE			**75.00**		
FOLEY & LARDNER					
	1/18/2011	205867	1,844.40		
				LEGAL SERVICES	1,473.60
				LEGAL SERVICES	370.80
	Vendor Total		**1,844.40**		
FYTD for FOLEY & LARDNER			**8,951.15**		
FOSTER, NANCY A.					
	1/3/2011	881822	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for FOSTER, NANCY A.			**2,212.27**		
FRANKLIN, L. C.					
	1/31/2011	206112	136.50		
				MILEAGE REIMBURSEMENT	136.50
	Vendor Total		**136.50**		
FYTD for FRANKLIN, L. C.			**879.00**		
FRAZEE INDUSTRIES, INC					
	1/10/2011	205817	4,317.60		
				TRAFFIC PAINT	4,317.60
	Vendor Total		**4,317.60**		
FYTD for FRAZEE INDUSTRIES, INC			**111,317.60**		
FROST, JOAN CHENG					
	1/18/2011	205868	152.00		
				INSTRUCTIONAL SERVICES	152.00
	Vendor Total		**152.00**		
FYTD for FROST, JOAN CHENG			**912.00**		
FUEL AND FLAME MINISTRY					
	1/31/2011	206113	750.00		
				REFUND-RNTL DEP 12/26	750.00
	Vendor Total		**750.00**		
FYTD for FUEL AND FLAME MINISTRY			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FULL THROTTLE MUFFLER					
	1/24/2011	205987	20.69		
				REFUND-BUS.LIC OVERPYMT	20.69
	Vendor Total		**20.69**		
FYTD for FULL THROTTLE MUFFLER			**20.69**		
G/M BUSINESS INTERIORS, INC.					
	1/18/2011	205869	4,718.61		
				MOVING OF OFFICE STATIONS	4,718.61
	1/31/2011	206114	732.92		
				KEYBOARD TRAYS FOR NEW EOC	732.92
	Vendor Total		**5,451.53**		
FYTD for G/M BUSINESS INTERIORS, INC.			**6,210.02**		
GAINES, MICHAEL					
	1/10/2011	205818	19.00		
				REFUND-VALLEY KIDS CAMP	19.00
	Vendor Total		**19.00**		
FYTD for GAINES, MICHAEL			**19.00**		
GALLS INC., INLAND UNIFORM					
	1/24/2011	205988	137.96		
				UNIFORM-PD	65.69
				UNIFORM-PD	72.27
	1/31/2011	206115	142.10		
				UNIFORM-PD	142.10
	Vendor Total		**280.06**		
FYTD for GALLS INC., INLAND UNIFORM			**4,145.17**		
GARCIA, CYNTHIA					
	1/10/2011	205819	64.00		
				REFUND-SHELTER FEE	64.00
	Vendor Total		**64.00**		
FYTD for GARCIA, CYNTHIA			**64.00**		
GARCIA, EDER					
	1/24/2011	205989	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GARCIA, EDER			**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GASTON, RICHARD					
	1/3/2011	881823	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GASTON, RICHARD			**2,231.11**		
GENERAL SECURITY SERVICES, INC.					
	1/10/2011	881880	429.52		
				SECURITY SVCS-SENIOR CTR	214.76
				SECURITY SVCS-CONF & REC CTR	214.76
	1/18/2011	881903	460.20		
				SECURITY SVCS-SENIOR CTR	92.04
				SECURITY SVCS 12/12-SENIOR CTR	61.36
				SECURITY SVCS-CONF & REC CTR	306.80
	1/24/2011	881945	490.88		
				SECURITY SVCS-UTILITY	61.36
				SECURITY SVCS-CONF & REC CTR	92.04
				SECURITY SVCS-TOWNGATE	122.72
				SECURITY SVCS-TOWNGATE	138.06
				SECURITY SVCS-TOWNGATE	76.70
	1/31/2011	881979	6,201.22		
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-LIBRARY	456.37
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	291.46
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-UTILITY	214.76
				SECURITY SVCS-CONF & REC CTR	260.78
				SECURITY SVCS-CONF & REC CTR	76.70
				SECURITY SVCS-CONF & REC CTR	122.72
				SECURITY SVCS-SENIOR CTR	61.36
				SECURITY SVCS-TOWNGATE	237.77
	Vendor Total		**7,581.82**		
FYTD for GENERAL SECURITY SERVICES, INC.			**30,455.68**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP				
1/3/2011	881824	1,423.77		
			LEGAL SVCS	1,423.77
1/18/2011	881904	19,023.70		
			LEGAL SVCS	534.59
			LEGAL SVCS	18,489.11
	Vendor Total	**20,447.47**		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP		**102,766.53**		
GLOBAL SOFTWARE, INC				
1/18/2011	881905	10,000.00		
			SPREADSHEET SERVER	2,500.00
			SPREADSHEET SERVER	7,500.00
1/24/2011	881946	2,500.00		
			SPREADSHEET SERVER-PW ST MAINT	2,500.00
	Vendor Total	**12,500.00**		
FYTD for GLOBAL SOFTWARE, INC		**19,820.00**		
GONG ENTERPRISES, INC.				
1/3/2011	205760	456.00		
			PLAN CHECK SVCS-PM36262	456.00
	Vendor Total	**456.00**		
FYTD for GONG ENTERPRISES, INC.		**22,597.40**		
GONZALES, DOMILENA R.				
1/3/2011	881825	440.52		
			NOV-DEC '10, PAID JAN '11	440.52
	Vendor Total	**440.52**		
FYTD for GONZALES, DOMILENA R.		**1,762.08**		
GONZALES, LORENZ R.				
1/18/2011	205870	119.50		
			MILEAGE REIMBURSEMENT	82.00
			MILEAGE REIMBURSEMENT	16.50
			MILEAGE REIMBURSEMENT	21.00
	Vendor Total	**119.50**		
FYTD for GONZALES, LORENZ R.		**177.00**		
GONZALEZ, SYLVIA				
1/31/2011	206116	20.00		
			REFUND-RABIES DEPOSIT	20.00
	Vendor Total	**20.00**		
FYTD for GONZALEZ, SYLVIA		**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GORM INC.					
	1/18/2011	205871	3,350.30		
				JANITORIAL SUPPLIES-PARKS	2,401.00
				JANITORIAL SUPPLIES-CFD#1	949.30
	1/24/2011	205990	880.77		
				JANITORIAL SUPPLIES	880.77
	Vendor Total		**4,231.07**		
FYTD for GORM INC.			**6,452.31**		
GOSCH TOWING & RECOVERY					
	1/31/2011	206117	800.00		
				TOWING SVCS-PD	800.00
	Vendor Total		**800.00**		
FYTD for GOSCH TOWING & RECOVERY			**800.00**		
GOYA FOODS OF CALIFORNIA					
	1/24/2011	205991	49.74		
				REFUND-BUS.LIC OVERPYMT	49.74
	Vendor Total		**49.74**		
FYTD for GOYA FOODS OF CALIFORNIA			**49.74**		
GOZDECKI, DAN					
	1/10/2011	881881	432.00		
				INSTRUCTOR SVCS-KUNG FU	216.00
				INSTRUCTOR SVCS-KUNG FU	216.00
	1/31/2011	881980	594.00		
				INSTRUCTOR SVCS-KUNG FU	243.00
				INSTRUCTOR SVCS-KUNG FU	351.00
	Vendor Total		**1,026.00**		
FYTD for GOZDECKI, DAN			**5,184.00**		
GRAFFITI TRACKER, INC.					
	1/18/2011	881906	9,000.00		
				GRAFFITI ANALYSIS/SERVICES	9,000.00
	Vendor Total		**9,000.00**		
FYTD for GRAFFITI TRACKER, INC.			**31,815.00**		
GRANICUS, INC.					
	1/24/2011	205992	2,000.00		
				VIDEO STREAMING SVCS	1,000.00
				VIDEO STREAMING SVCS	1,000.00
	Vendor Total		**2,000.00**		
FYTD for GRANICUS, INC.			**7,000.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GREENSTONE MATERIALS					
	1/10/2011	205820	748.00		
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	50.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
	Vendor Total		**748.00**		
FYTD for GREENSTONE MATERIALS			**748.00**		
GREINES, MARTIN, STEIN & RICHLAND, LLP					
	1/31/2011	881981	940.68		
				LEGAL SERVICES	940.68
	Vendor Total		**940.68**		
FYTD for GREINES, MARTIN, STEIN & RICHLAND, LLP			**14,556.14**		
GRIFFIN, MARLENE C					
	1/3/2011	881826	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GRIFFIN, MARLENE C			**2,152.33**		
GROUP DELTA CONSULTANTS, INC					
	1/18/2011	881907	2,143.50		
				DAY ST IMPRVMNTS PROJ SVCS	2,143.50
	1/24/2011	206072	1,325.00		
				ALESSANDRO/INDIAN SIDEWLK PROJ	1,325.00
	Vendor Total		**3,468.50**		
FYTD for GROUP DELTA CONSULTANTS, INC			**12,105.50**		
GUILLAN, REBECCA S.					
	1/3/2011	881827	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUILLAN, REBECCA S.			**2,064.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GUILLIS, LINDA B.					
	1/3/2011	205761	0.00		
				RETIREE MED JAN '11	318.73
				VOIDED CHECK #205761 ON1/31/11	-318.73
	Vendor Total		**0.00**		
FYTD for GUILLIS, LINDA B.			**1,912.38**		
GUTIERREZ, ROBERT					
	1/3/2011	881828	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUTIERREZ, ROBERT			**2,231.11**		
GUZMAN'S CART SERVICE					
	1/10/2011	881882	4,049.00		
				CART RTRVL SVCS-CODE	4,049.00
	Vendor Total		**4,049.00**		
FYTD for GUZMAN'S CART SERVICE			**28,343.00**		
H P COMMUNICATIONS, INC					
	1/24/2011	205993	25.00		
				REFUND-BUS.LIC OVERPYMT	25.00
	Vendor Total		**25.00**		
FYTD for H P COMMUNICATIONS, INC			**25.00**		
HAISTY, XIU HUA					
	1/31/2011	881982	30.00		
				INSTRUCTOR SVCS-TAI CHI	30.00
	Vendor Total		**30.00**		
FYTD for HAISTY, XIU HUA			**240.00**		
HAMLIN, WILLIAM R.					
	1/3/2011	881829	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HAMLIN, WILLIAM R.			**2,212.27**		
HAND, FRED					
	1/3/2011	205762	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for HAND, FRED			**75.00**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HANES, MARTIN D.					
	1/3/2011	881830	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HANES, MARTIN D.			**2,231.11**		
HARDING, JOHN S.					
	1/3/2011	205763	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HARDING, JOHN S.			**2,231.11**		
HARRIS & ASSOCIATES, INC					
	1/24/2011	205994	67.13		
				REFUND-BUS.LIC OVERPYMT	67.13
	Vendor Total		**67.13**		
FYTD for HARRIS & ASSOCIATES, INC			**67.13**		
HARTMANN, RICK					
	1/3/2011	205764	318.73		
				RETIREE MED JAN '11	318.73
	1/10/2011	205821	3,709.12		
				CONSULTING SVCS-RTS PRGM	18.79
				CONSULTING SVCS-RTS PRGM	3,690.33
	Vendor Total		**4,027.85**		
FYTD for HARTMANN, RICK			**20,921.44**		
HATFIELD, CHARLES					
	1/3/2011	881831	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HATFIELD, CHARLES			**2,231.11**		
HAUSER, ADRIANA					
	1/18/2011	205872	494.00		
				INSTRUCTION SVCS-13 DAYS	494.00
	Vendor Total		**494.00**		
FYTD for HAUSER, ADRIANA			**2,546.00**		
HEFFLEY, ROSS W.					
	1/3/2011	881832	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HEFFLEY, ROSS W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HENDERSON, GINA					
	1/18/2011	205873	110.00		
				TUITION REIMBURSEMENT	110.00
	Vendor Total		**110.00**		
FYTD for HENDERSON, GINA			**110.00**		
HERNANDEZ, ART & DOLORES					
	1/24/2011	205995	180.00		
				REFUND-BUS.LIC OVERPYMT	180.00
	Vendor Total		**180.00**		
FYTD for HERNANDEZ, ART & DOLORES			**180.00**		
HERRICK, ROBERT D.					
	1/3/2011	205765	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HERRICK, ROBERT D.			**2,231.11**		
HEYMING & JOHNSON, INC					
	1/24/2011	205996	22.63		
				REFUND-BUS.LIC OVERPYMT	22.63
	Vendor Total		**22.63**		
FYTD for HEYMING & JOHNSON, INC			**22.63**		
HIGGS, DEBRA					
	1/24/2011	205997	108.00		
				INSTRUCTOR SVCS-OIL PAINTING	72.00
				INSTRUCTOR SVCS-OIL PAINTING	36.00
	Vendor Total		**108.00**		
FYTD for HIGGS, DEBRA			**468.00**		
HINKELS & MCCOY					
	1/3/2011	205766	60.42		
				REFUND-BUS LIC OVRPMT	60.42
	Vendor Total		**60.42**		
FYTD for HINKELS & MCCOY			**60.42**		
HO, KEVIN CHINH					
	1/18/2011	205874	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for HO, KEVIN CHINH			**304.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HOGARD, JOHN T.					
	1/10/2011	881883	116.50		
				MILEAGE REIMBURSEMENT	116.50
	Vendor Total		**116.50**		
FYTD for HOGARD, JOHN T.			**1,083.50**		
HORN, ALVIN					
	1/24/2011	205998	186.56		
				REFUND-CANDIDATE STMNT	186.56
	Vendor Total		**186.56**		
FYTD for HORN, ALVIN			**186.56**		
HOUSE OF BEAUTY					
	1/31/2011	206119	147.15		
				REFUND-BUS LIC OVRPMT	35.50
				REFUND-BUS LIC OVRPMT	61.00
				REFUND-BUS LIC OVRPMT	50.65
	Vendor Total		**147.15**		
FYTD for HOUSE OF BEAUTY			**147.15**		
HOUSER, EDITH E.					
	1/3/2011	205767	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HOUSER, EDITH E.			**2,231.11**		
HYDRO-SCAPE PRODUCTS, INC					
	1/24/2011	206000	61.88		
				REFUND-BUS.LIC OVERPYMT	61.88
	Vendor Total		**61.88**		
FYTD for HYDRO-SCAPE PRODUCTS, INC			**61.88**		
ICC FOOTHILL CHAPTER					
	1/31/2011	206120	150.00		
				1/25/11 CA RESID. CODE SEMINAR	75.00
				1/25/11 CA RESID. CODE SEMINAR	75.00
	Vendor Total		**150.00**		
FYTD for ICC FOOTHILL CHAPTER			**150.00**		
ICMA RETIREMENT CORP 457					
	1/14/2011	2786	12,798.58		
				DEF COMP-457 1/14/11	12,798.58
	1/28/2011	2794	16,923.58		
				DEF COMP-457 1/28/11	16,923.58
	Vendor Total		**29,722.16**		
FYTD for ICMA RETIREMENT CORP 457			**142,541.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IL SORRENTO MOBILE HOME PARK					
	1/3/2011	205768	51.00		
				REFUND-BUS LIC OVRPMT	51.00
	Vendor Total		**51.00**		
FYTD for IL SORRENTO MOBILE HOME PARK			**51.00**		
ILGIA					
	1/24/2011	206001	100.00		
				2011 I.E. GANG WRKSHOP 5/19-20	100.00
	Vendor Total		**100.00**		
FYTD for ILGIA			**100.00**		
ING USA ANNUITY & LIFE INSURANCE CO.					
	1/18/2011	205875	475.00		
				NON-EXEMPT ANNUITY	475.00
	Vendor Total		**475.00**		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.			**3,325.00**		
INLAND CONTRACTORS, INC.					
	1/24/2011	881948	2,851.47		
				ABATEMENT SVCS-24326 VIA VARGA	2,851.47
	Vendor Total		**2,851.47**		
FYTD for INLAND CONTRACTORS, INC.			**20,211.63**		
INLAND EMPIRE PROPERTY SERVICE, INC					
	1/3/2011	881833	310.00		
				WEED ABATEMENT SVC-CFD #1	310.00
	Vendor Total		**310.00**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC			**53,446.12**		
INSIDE PLANTS, INC.					
	1/18/2011	881910	316.00		
				PLANT MAINT-CRC	316.00
	Vendor Total		**316.00**		
FYTD for INSIDE PLANTS, INC.			**2,212.00**		
INTERNAL REVENUE SERVICE					
	1/4/2011	2780	2,000.00		
				DEP FED TAX W/H 1/4/11	2,000.00
	Vendor Total		**2,000.00**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IRIS COMPANY					
	1/18/2011	205876	269.20		
				REFUND-CLOSED-CHG.ZONE	51.85
				REFUND-CLOSED-GEN.PLAN AMEND.	217.35
	Vendor Total		**269.20**		
FYTD for IRIS COMPANY			**269.20**		
J D H CONTRACTING					
	1/24/2011	206003	72.61		
				REFUND-BUS.LIC OVERPYMT	72.61
	Vendor Total		**72.61**		
FYTD for J D H CONTRACTING			**72.61**		
JACINTO, ALEJANDRA					
	1/31/2011	206121	45.00		
				REFUND-LOST BOOK FEE	45.00
	Vendor Total		**45.00**		
FYTD for JACINTO, ALEJANDRA			**45.00**		
JANNEY & JANNEY ATTORNEY SVCS, INC.					
	1/18/2011	205877	75.00		
				COURIER SERVICES	75.00
	1/31/2011	206122	35.00		
				COURIER DELIVERY SVCS	35.00
	Vendor Total		**110.00**		
FYTD for JANNEY & JANNEY ATTORNEY SVCS, INC.			**1,133.65**		
JASON'S DELI					
	1/24/2011	206002	768.53		
				REFUND-BUS.LIC OVERPYMT	768.53
	Vendor Total		**768.53**		
FYTD for JASON'S DELI			**768.53**		
JDEDGE SOFTWARE, LLC					
	1/18/2011	881911	3,175.00		
				CONSULTANT SERVICES	3,175.00
	1/24/2011	881949	2,465.00		
				CONSULTING SERVICES	2,465.00
	Vendor Total		**5,640.00**		
FYTD for JDEDGE SOFTWARE, LLC			**17,827.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JEFF CARPENTER, INC					
	1/24/2011	206004	50.00		
				REFUND-BUS.LIC OVERPYMT	50.00
	Vendor Total		**50.00**		
FYTD for JEFF CARPENTER, INC			**50.00**		
JOE A. GONSALVES & SON					
	1/3/2011	881834	6,300.00		
				REPRESENTATION SVCS	3,150.00
				REPRESENTATION SVCS	3,150.00
	Vendor Total		**6,300.00**		
FYTD for JOE A. GONSALVES & SON			**22,050.00**		
JONES, SANDRA					
	1/24/2011	206005	45.00		
				REFUND-CLASS REGIST	45.00
	Vendor Total		**45.00**		
FYTD for JONES, SANDRA			**45.00**		
JONES, SUSAN					
	1/3/2011	881835	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for JONES, SUSAN			**2,231.11**		
JTB SUPPLY CO., INC.					
	1/10/2011	205822	178.36		
				TRAFFIC SIGNAL MAINT.SUPPLIES	54.38
				TRAFFIC SIGNAL MAINT.SUPPLIES	123.98
	1/18/2011	205878	1,658.44		
				TRAFFIC SIGNAL MAINT.SUPPLIES	1,658.44
	Vendor Total		**1,836.80**		
FYTD for JTB SUPPLY CO., INC.			**8,655.43**		
K A R CONSTRUCTION					
	1/3/2011	205769	42.00		
				REFUND-BUS LIC OVRPMT	42.00
	Vendor Total		**42.00**		
FYTD for K A R CONSTRUCTION			**42.00**		
K D'S DONUTS					
	1/31/2011	206123	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for K D'S DONUTS			**25.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KAN, ALICE					
	1/24/2011	206006	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for KAN, ALICE			**20.00**		
KING, PATRICIA A.					
	1/3/2011	205770	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KING, PATRICIA A.			**2,231.11**		
KOA CORPORATION					
	1/10/2011	205823	6,345.87		
				RECHE VISTA DR REALIGNMNT PROJ	6,345.87
	Vendor Total		**6,345.87**		
FYTD for KOA CORPORATION			**71,909.89**		
KOLB, CHARLES E.					
	1/3/2011	881836	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLB, CHARLES E.			**2,231.11**		
KOLLAR, KYLE					
	1/3/2011	881837	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLLAR, KYLE			**2,231.11**		
KYLE, GARY M.					
	1/3/2011	881838	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KYLE, GARY M.			**2,231.11**		
LAFATA, JOSEPHINE					
	1/3/2011	881839	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LAFATA, JOSEPHINE			**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LANCE, SOLL & LUNGHARD, LLP					
	1/24/2011	206007	50.00		
				GASB UPDATE 2/2/11	25.00
				GASB UPDATE 2/2/11	25.00
	Vendor Total		**50.00**		
FYTD for LANCE, SOLL & LUNGHARD, LLP			**50.00**		
LANE GUIDE LENDORS ON LINE, INC.					
	1/24/2011	206008	109.00		
				ONLINE SUBSCRIPTION SVC-CODE	109.00
	Vendor Total		**109.00**		
FYTD for LANE GUIDE LENDORS ON LINE, INC.			**109.00**		
LANG, TRACEY					
	1/18/2011	205879	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for LANG, TRACEY			**304.00**		
LARA, JOSEPH R.					
	1/18/2011	205880	41.50		
				MILEAGE-ELECTR SAFETY SEMINAR	41.50
	Vendor Total		**41.50**		
FYTD for LARA, JOSEPH R.			**41.50**		
LAVEY, JEFFREY					
	1/24/2011	206009	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for LAVEY, JEFFREY			**20.00**		
LAWYERS TITLE INC					
	1/27/2011	110108	11,301.00		
				ACQ & ESCROW-APN 488-090-007	1,301.00
				ACQ & ESCROW-APN 488-090-007	10,000.00
	1/27/2011	110109	7,601.00		
				ACQ & ESCROW-APN 488-090-008	1,701.00
				ACQ & ESCROW-APN 488-090-008	5,900.00
	Vendor Total		**18,902.00**		
FYTD for LAWYERS TITLE INC			**129,256.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LAZARUS, MARGERY A.					
	1/3/2011	205771	115.50		
				MILEAGE REIMBURSEMENT	74.00
				MILEAGE REIMBURSEMENT	41.50
	Vendor Total		**115.50**		
FYTD for LAZARUS, MARGERY A.			**115.50**		
LEE, DAVID					
	1/24/2011	206010	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for LEE, DAVID			**100.00**		
LEE, RENITA					
	1/10/2011	205824	47.00		
				REFUND-TAE KWON DO CLASS	47.00
	Vendor Total		**47.00**		
FYTD for LEE, RENITA			**47.00**		
LEISURE ENTERPRISES					
	1/31/2011	206124	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for LEISURE ENTERPRISES			**9,816.25**		
LEONE, STEVEN					
	1/18/2011	205881	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for LEONE, STEVEN			**590.00**		
LEWIS, CAROLYN S.					
	1/3/2011	881840	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LEWIS, CAROLYN S.			**2,212.27**		
LEXISNEXIS					
	1/24/2011	881950	1,480.00		
				ONLINE LEGAL SVCS-CITY ATTRNY	740.00
				ONLINE LEGAL SVCS-CITY CLERKS	370.00
				ONLINE LEGAL SVCS-CDD	370.00
	Vendor Total		**1,480.00**		
FYTD for LEXISNEXIS			**11,840.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LOGAN, CHARLES					
	1/3/2011	881841	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LOGAN, CHARLES			**2,231.11**		
LOR GEOTECHNICAL GROUP, INC.					
	1/31/2011	881984	1,760.00		
				KITCHING ST IMPRVMNT PROJ	1,760.00
	Vendor Total		**1,760.00**		
FYTD for LOR GEOTECHNICAL GROUP, INC.			**45,239.00**		
LOVE, MARISSA					
	1/3/2011	205772	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for LOVE, MARISSA			**50.00**		
LOZANO, MONICA					
	1/24/2011	206011	28.00		
				REFUND-CLASS REGIST	28.00
	Vendor Total		**28.00**		
FYTD for LOZANO, MONICA			**28.00**		
LUMLEY, ROBERT C.					
	1/3/2011	881842	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LUMLEY, ROBERT C.			**2,231.11**		
M V P R V, INC					
	1/24/2011	206012	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for M V P R V, INC			**75.00**		
M.G.S. - MORENO GENERAL SERVICES					
	1/10/2011	205825	130.00		
				RE-KEY LOCKS @ ERC	130.00
	Vendor Total		**130.00**		
FYTD for M.G.S. - MORENO GENERAL SERVICES			**130.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MACIAS JR., ANTHONY					
	1/24/2011	206013	133.50		
				TUITION REIMBURSEMENT	133.50
	Vendor Total		**133.50**		
FYTD for MACIAS JR., ANTHONY			**228.50**		
MARCH JOINT POWERS AUTHORITY					
	1/24/2011	206014	10.10		
				GAS CHARGES-MF COMM.CTR	8.25
				GAS CHARGES-MF COMM.CTR	1.85
	Vendor Total		**10.10**		
FYTD for MARCH JOINT POWERS AUTHORITY			**43.73**		
MARINA LANDSCAPE, INC					
	1/18/2011	205882	9,186.24		
				LANDSCAPE MAINT-ZONE DSG-2S	4,994.91
				LANDSCAPE MAINT-ZONE DSG-2N	4,191.33
	Vendor Total		**9,186.24**		
FYTD for MARINA LANDSCAPE, INC			**48,784.80**		
MASCARO, CRYSTAL					
	1/24/2011	206015	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for MASCARO, CRYSTAL			**20.00**		
MASCO SERVICES OF CALIFORNIA, INC.					
	1/24/2011	206016	71.63		
				REFUND-BUS.LIC OVERPYMT	71.63
	Vendor Total		**71.63**		
FYTD for MASCO SERVICES OF CALIFORNIA, INC.			**71.63**		
MATHIS, NOLAN					
	1/3/2011	881843	296.00		
				NOV '10, PAID JAN '11	296.00
	Vendor Total		**296.00**		
FYTD for MATHIS, NOLAN			**2,072.00**		
MAXINOSKI, SUE A.					
	1/3/2011	881844	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MAXINOSKI, SUE A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MC KENNEY, LARISSA					
	1/24/2011	206017	46.00		
				REFUND-ANML SVC FEES	46.00
	Vendor Total		**46.00**		
FYTD for MC KENNEY, LARISSA			**46.00**		
MCCARTHY & BERLIN, LLP					
	1/10/2011	881884	703.00		
				LEGAL SVCS	703.00
	Vendor Total		**703.00**		
FYTD for MCCARTHY & BERLIN, LLP			**3,005.15**		
McDONALD, CHRIS					
	1/18/2011	205883	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for McDONALD, CHRIS			**1,254.00**		
MEEKS, DANIEL					
	1/10/2011	881885	220.00		
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	40.00
				SPORTS OFFICIATING SVCS	60.00
	Vendor Total		**220.00**		
FYTD for MEEKS, DANIEL			**1,100.00**		
MENGISTU, YESHIALEM					
	1/31/2011	206125	81.00		
				MILEAGE REIMBURSEMENT	81.00
	Vendor Total		**81.00**		
FYTD for MENGISTU, YESHIALEM			**557.00**		
MESSIN, LOUIS					
	1/3/2011	881845	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MESSIN, LOUIS			**2,231.11**		
METRO USED CARS					
	1/31/2011	206126	101.84		
				REFUND-BUS LIC OVRPMT	101.84
	Vendor Total		**101.84**		
FYTD for METRO USED CARS			**101.84**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MEYER & ASSOCIATES					
	1/31/2011	206127	3,865.00		
				BETHUNE WATER FEATURE ANALYSIS	3,865.00
	Vendor Total		**3,865.00**		
FYTD for MEYER & ASSOCIATES			**3,865.00**		
MILES, ROBERT					
	1/3/2011	881846	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for MILES, ROBERT			**1,397.06**		
MINARD, MARK E.					
	1/3/2011	881847	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MINARD, MARK E.			**2,167.75**		
MOLLICA, MIKE					
	1/3/2011	881848	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for MOLLICA, MIKE			**2,809.94**		
MONTERO, FELICIA					
	1/24/2011	206018	42.00		
				REFUND-CLASS REGIST	42.00
	Vendor Total		**42.00**		
FYTD for MONTERO, FELICIA			**42.00**		
MOORHEAD, LINDA					
	1/24/2011	206019	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MOORHEAD, LINDA			**75.00**		
MORA, PATRICIA A.					
	1/3/2011	881849	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MORA, PATRICIA A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORAES, RENATO					
	1/31/2011	206128	36.00		
				REFUND-DROPPED CLASS	36.00
	Vendor Total		**36.00**		
FYTD for MORAES, RENATO			**36.00**		
MORENO MINI MALL					
	1/24/2011	206020	48.30		
				REFUND-BUS.LIC OVERPYMT	48.30
	Vendor Total		**48.30**		
FYTD for MORENO MINI MALL			**48.30**		
MORENO VALLEY CAR WASH					
	1/18/2011	205884	67.50		
				REFUND-BUS.LIC OVERPYMT	67.50
	Vendor Total		**67.50**		
FYTD for MORENO VALLEY CAR WASH			**97.50**		
MORENO VALLEY CHAMBER OF COMMERCE					
	1/3/2011	205773	6,000.00		
				BUSINESS SERVICES	6,000.00
	1/10/2011	205826	60.00		
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
	1/18/2011	205885	150.00		
				ANNL INSTALLATION/AWARDS EVENT	75.00
				ANNL INSTALLATION/AWARDS EVENT	75.00
	Vendor Total		**6,210.00**		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE			**21,610.00**		
MORENO VALLEY CITY EMPLOYEES ASSOC.					
	1/3/2011	2776	1,567.50		
				MVCEA DUES 01/03/11	1,567.50
	1/14/2011	2785	1,567.50		
				MVCEA DUES 1/14/11	1,567.50
	1/28/2011	2793	1,573.00		
				MVCEA DUES 1/28/11	1,573.00
	Vendor Total		**4,708.00**		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.			**25,084.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY GATEWAY, LLC				
1/18/2011	881912	17,142.59		
			LEASE-FACILITIES ANNEX	2,458.97
			LEASE-TECH.SVCS ANNEX	5,475.90
			LEASE-SPEC.DIST.ANNEX	9,207.72
	Vendor Total	**17,142.59**		
FYTD for MORENO VALLEY GATEWAY, LLC		**119,998.13**		
MORENO VALLEY UNIFIED SCHOOL DISTRICT				
1/24/2011	206021	120.00		
			ASES TRANSPORTATION	120.00
1/24/2011	206022	315.00		
			ASES TRANSPORTATION	315.00
	Vendor Total	**435.00**		
FYTD for MORENO VALLEY UNIFIED SCHOOL DISTRICT		**26,509.95**		
MORENO VALLEY UTILITY				
1/31/2011	206129	89.14		
			ELECTRICITY-UT FLD OFFICE	89.14
	Vendor Total	**89.14**		
FYTD for MORENO VALLEY UTILITY		**526,697.08**		
MORENO, ALBERT				
1/18/2011	205886	750.00		
			REFUND-12/26 EVENT DEPOSIT	750.00
	Vendor Total	**750.00**		
FYTD for MORENO, ALBERT		**750.00**		
MORENO, MANUAL				
1/24/2011	206023	77.00		
			REFUND-CLASS REGIST	77.00
	Vendor Total	**77.00**		
FYTD for MORENO, MANUAL		**77.00**		
MORGAN, LISA A.				
1/3/2011	881850	318.73		
			RETIREE MED JAN '11	318.73
	Vendor Total	**318.73**		
FYTD for MORGAN, LISA A.		**2,231.11**		
MORKUS, JURIS MORKUS				
1/24/2011	206024	16.46		
			REFUND-BUS.LIC OVERPYMT	16.46
	Vendor Total	**16.46**		
FYTD for MORKUS, JURIS MORKUS		**16.46**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORLEY, JOSHUA					
	1/31/2011	206130	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	20.00
				REFUND-SPAY/NEUTER DEPOSIT	55.00
	Vendor Total		**75.00**		
FYTD for MORLEY, JOSHUA			**75.00**		
MSA SYSTEMS, INC.					
	1/10/2011	881886	999.55		
				RECEIPT LABELS	864.00
				RECEIPT LABELS	59.95
				RECEIPT LABELS	75.60
	Vendor Total		**999.55**		
FYTD for MSA SYSTEMS, INC.			**999.55**		
MUSICK, PEELER & GARRETT, LLP					
	1/24/2011	206025	4,280.00		
				LEGAL SVCS	2,600.00
				LEGAL SVCS	1,680.00
	Vendor Total		**4,280.00**		
FYTD for MUSICK, PEELER & GARRETT, LLP			**18,659.34**		
MUZAK, LLC					
	1/24/2011	206026	60.52		
				REFUND-BUS.LIC OVERPYMT	60.52
	Vendor Total		**60.52**		
FYTD for MUZAK, LLC			**60.52**		
NATIONWIDE RETIREMENT SOLUTIONS					
	1/3/2011	2774	8,323.82		
				PST DEF COMP FOR FICA 01/03/11	8,323.82
	1/3/2011	2775	2,234.13		
				DEF COMP-457 & 401(A) 01/03/11	2,234.13
	1/14/2011	2783	1,461.66		
				PST DEF COMP FOR FICA 1/14/11	1,461.66
	1/14/2011	2784	23,722.40		
				DEF COMP-457 & 401(A) 1/14/11	23,722.40
	1/28/2011	2791	9,761.96		
				PST DEF COMP FOR FICA 1/28/11	9,761.96
	1/28/2011	2792	23,712.80		
				DEF COMP-457 & 401(A) 1/28/11	23,712.80
	Vendor Total		**69,216.77**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**479,026.81**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NAVARRETTE, RALPH					
	1/3/2011	881851	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NAVARRETTE, RALPH			**2,231.11**		
NELSON, ROBERT					
	1/3/2011	881852	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for NELSON, ROBERT			**2,159.26**		
NELSON, RUTH L.					
	1/3/2011	881853	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NELSON, RUTH L.			**2,231.11**		
NELSON, TIMOTHY IVAN					
	1/18/2011	205887	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for NELSON, TIMOTHY IVAN			**1,520.00**		
NEUSTAEDTER, CRAIG S					
	1/3/2011	205774	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NEUSTAEDTER, CRAIG S			**2,231.11**		
NEW HORIZON MOBILE HOME PARK					
	1/24/2011	881952	9.99		
				REFUND-UT USER TAXES	9.99
	Vendor Total		**9.99**		
FYTD for NEW HORIZON MOBILE HOME PARK			**26.42**		
NGUYEN, QUANG					
	1/24/2011	881953	59.50		
				MILEAGE REIMBURSEMENT	20.00
				MILEAGE REIMBURSEMENT	24.00
				MILEAGE REIMBURSEMENT	15.50
	Vendor Total		**59.50**		
FYTD for NGUYEN, QUANG			**348.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NIEBURGER, JUDITH A.					
	1/3/2011	205775	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for NIEBURGER, JUDITH A.			**2,809.94**		
NINYO & MOORE GEOTECHNICAL					
	1/18/2011	205888	4,000.75		
				IRONWOOD AVE/INDIAN BASIN PROJ	4,000.75
	1/24/2011	206027	11,992.00		
				IRONWOOD AVE/INDIAN BASIN PROJ	11,992.00
	Vendor Total		**15,992.75**		
FYTD for NINYO & MOORE GEOTECHNICAL			**29,369.75**		
NOBLES, GARRETT					
	1/18/2011	205889	114.00		
				MILEAGE REIMBURSEMENT	60.00
				MILEAGE REIMBURSEMENT	54.00
	Vendor Total		**114.00**		
FYTD for NOBLES, GARRETT			**321.50**		
OPTIMUM INCORPORATED					
	1/3/2011	205776	54.96		
				REFUND-BUS LIC OVERPYMT	54.96
	Vendor Total		**54.96**		
FYTD for OPTIMUM INCORPORATED			**54.96**		
ORACLE AMERICA					
	1/3/2011	205777	21,621.69		
				SOFTWARE LIC UPDATE & SUPPORT	21,621.69
	Vendor Total		**21,621.69**		
FYTD for ORACLE AMERICA			**21,621.69**		
ORROCK, POPKA, FORTINO & BRISLIN					
	1/24/2011	881954	384.00		
				LEGAL SVCS	384.00
	Vendor Total		**384.00**		
FYTD for ORROCK, POPKA, FORTINO & BRISLIN			**10,817.53**		
ORTEGA, ALICIA					
	1/18/2011	205890	100.00		
				REFUND-CITATION	100.00
	Vendor Total		**100.00**		
FYTD for ORTEGA, ALICIA			**100.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OVERLAND PACIFIC & CUTLER, INC.				
1/18/2011	881913	6,720.00		
			RIGHT OF WAY SVCS-VARIOUS PROJ	6,720.00
Vendor Total		**6,720.00**		
FYTD for OVERLAND PACIFIC & CUTLER, INC.		**95,225.25**		
PACIFIC GREEN HORTICULTURAL SVC				
1/31/2011	206131	989.00		
			TURF FERTILIZATION-ZONE E	302.97
			TURF FERTILIZATION-ZONE E	550.15
			TURF FERTILIZATION-ZONE E	112.61
			TURF FERTILIZATION-ZONE E	23.27
Vendor Total		**989.00**		
FYTD for PACIFIC GREEN HORTICULTURAL SVC		**4,559.83**		
PACIFIC M H CONSTRUCTION, INC				
1/24/2011	206028	73.20		
			REFUND-BUS.LIC OVERPYMT	73.20
Vendor Total		**73.20**		
FYTD for PACIFIC M H CONSTRUCTION, INC		**73.20**		
PACIFIC TELEMANAGEMENT SERVICES				
1/24/2011	881955	438.48		
			PAYPHONE SVCS	375.84
			PAYPHONE SVCS	62.64
Vendor Total		**438.48**		
FYTD for PACIFIC TELEMANAGEMENT SERVICES		**3,069.36**		
PACIFIC UTILITY INSTALLATION, INC				
1/24/2011	206029	139.50		
			REFUND-BUS.LIC OVERPYMT	139.50
Vendor Total		**139.50**		
FYTD for PACIFIC UTILITY INSTALLATION, INC		**139.50**		
PAINTING BY ZEB BODE				
1/18/2011	205891	750.00		
			SEAL CNCRT BENCH/TABLES	750.00
Vendor Total		**750.00**		
FYTD for PAINTING BY ZEB BODE		**5,550.00**		
PANDA BOWL				
1/3/2011	205778	28.75		
			REFUND-BUS LIC OVERPYMT	28.75
Vendor Total		**28.75**		
FYTD for PANDA BOWL		**28.75**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PATRIOT HEATING & A/C					
	1/24/2011	206030	68.63		
				REFUND-BUS.LIC OVERPYMT	68.63
	Vendor Total		**68.63**		
FYTD for PATRIOT HEATING & A/C			**68.63**		
PATTERSON, ALFREY					
	1/3/2011	205779	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for PATTERSON, ALFREY			**1,397.06**		
PEDLEY SQUARE VETERINARY CLINIC					
	1/10/2011	881887	5,719.50		
				VETERINARY SVCS	5,719.50
	1/31/2011	881985	14,937.00		
				VETERINARY SERVICES-ANML SHLTR	8,669.50
				VETERINARY SERVICES-ANML SHLTR	6,267.50
	Vendor Total		**20,656.50**		
FYTD for PEDLEY SQUARE VETERINARY CLINIC			**67,035.00**		
PENA, IRIS					
	1/18/2011	205892	65.10		
				MILEAGE REIMBURSEMENT	65.10
	1/31/2011	206132	75.55		
				MILEAGE REIMBURSEMENT	75.55
	Vendor Total		**140.65**		
FYTD for PENA, IRIS			**417.00**		
PERRY, NORMA					
	1/3/2011	205780	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PERRY, NORMA			**2,231.11**		
PERS LONG TERM CARE PROGRAM					
	1/3/2011	205781	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/18/2011	205893	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/31/2011	206133	458.63		
				LONG TERM CARE INSURANCE	458.63
	Vendor Total		**1,375.89**		
FYTD for PERS LONG TERM CARE PROGRAM			**7,508.12**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PITASSI ARCHITECTS, INC					
	1/31/2011	881986	20,632.70		
				CORPORATE YARD SEWER LINE PROJ	10,172.70
				CORPORATE YARD FACILITY PROJ	10,460.00
	Vendor Total		**20,632.70**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
PLEASANT, TRENA					
	1/18/2011	205894	92.00		
				REFUND-CANCELLED CLASS	92.00
	Vendor Total		**92.00**		
FYTD for PLEASANT, TRENA			**92.00**		
POIEMA LANDSCAPE, INC.					
	1/18/2011	881914	3,843.15		
				LANDSCAPE MAINT-ZONE S	1,712.15
				LANDSCAPE MAINT-ZONE E-12	2,131.00
	Vendor Total		**3,843.15**		
FYTD for POIEMA LANDSCAPE, INC.			**30,303.75**		
PRICE, GEORGE E.					
	1/3/2011	881854	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PRICE, GEORGE E.			**2,231.11**		
PRIME COMMUNICATION OF CALIFORNIA, LLC					
	1/24/2011	206031	34.91		
				REFUND-BUS.LIC OVERPYMT	34.91
	Vendor Total		**34.91**		
FYTD for PRIME COMMUNICATION OF CALIFORNIA, LLC			**34.91**		
PROTECTION ONE					
	1/10/2011	205827	597.00		
				REFUND-VIBRA FIRE PERMIT FEES	300.00
				REFUND-VIBRA FIRE PERMIT FEES	276.00
				REFUND-VIBRA FIRE PERMIT FEES	21.00
	Vendor Total		**597.00**		
FYTD for PROTECTION ONE			**597.00**		
PRUDENTIAL CALIFORNIA REALTY					
	1/24/2011	206032	57.00		
				REFUND-BUS.LIC OVERPYMT	57.00
	Vendor Total		**57.00**		
FYTD for PRUDENTIAL CALIFORNIA REALTY			**57.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PS SERVICES, INC					
	1/24/2011	206033	126.88		
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	4.88
	Vendor Total		**126.88**		
FYTD for PS SERVICES, INC			**126.88**		
PSOMAS					
	1/18/2011	205895	136.78		
				LASSELLE ST WIDENING PROJ SVCS	136.78
	Vendor Total		**136.78**		
FYTD for PSOMAS			**26,233.28**		
PULLIAM, TRENT D.					
	1/3/2011	881855	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PULLIAM, TRENT D.			**2,231.11**		
R & S OVERHEAD DOORS, INC.					
	1/24/2011	881956	2,270.75		
				OVERHEAD DOORS-FIRE # 48	258.00
				OVERHEAD DOORS-PSB	338.00
				OVERHEAD DOORS-PSB	49.00
				REMOVE/INSTALL NUTS-CITY YARD	561.00
				REMOVE/INSTALL NUTS-FIRE #2	729.00
				OVERHEAD DOORS-FIRE # 6	335.75
	Vendor Total		**2,270.75**		
FYTD for R & S OVERHEAD DOORS, INC.			**12,312.25**		
R G CLEANING SERVICE					
	1/24/2011	206034	35.00		
				REFUND-BUS.LIC OVERPYMT	35.00
	Vendor Total		**35.00**		
FYTD for R G CLEANING SERVICE			**35.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RALLY MANAGEMENT SERVICES, LLC					
	1/18/2011	881915	2,948.40		
				TEMP SVCS-HENDERSON W/E 12/5	719.28
				TEMP SVCS-HENDERSON W/E 12/12	719.28
				TEMP SVCS-RODRIGUEZ W/E 12/5	754.92
				TEMP SVCS-RODRIGUEZ W/E 12/12	754.92
	1/24/2011	881957	2,948.40		
				TEMP SVCS-HENDERSON W/E-12/19	719.28
				TEMP SVCS-HENDERSON W/E-12/26	719.28
				TEMP SVCS-RODRIGUEZ W/E-12/19	754.92
				TEMP SVCS-RODRIGUEZ W/E-12/26	754.92
	Vendor Total		**5,896.80**		
FYTD for RALLY MANAGEMENT SERVICES, LLC			**43,386.53**		
RAMIREZ, SERGIO					
	1/24/2011	206035	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RAMIREZ, SERGIO			**20.00**		
RAY-RAMIREZ, DARCY L.					
	1/3/2011	205782	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RAY-RAMIREZ, DARCY L.			**956.19**		
RE PLANET					
	1/24/2011	206036	30.17		
				REFUND-BUS.LIC OVERPYMT	30.17
	Vendor Total		**30.17**		
FYTD for RE PLANET			**30.17**		
RE/ MAX RESULTS					
	1/24/2011	206037	55.98		
				REFUND-BUS.LIC OVERPYMT	55.98
	Vendor Total		**55.98**		
FYTD for RE/ MAX RESULTS			**55.98**		
RESIDENTIAL WALL SYSTEMS					
	1/24/2011	206038	66.57		
				REFUND-BUS.LIC OVERPYMT	66.57
	1/31/2011	206134	61.90		
				REFUND-BUS LIC OVRPMT	61.90
	Vendor Total		**128.47**		
FYTD for RESIDENTIAL WALL SYSTEMS			**161.82**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RHA LANDSCAPE ARCHITECTS-PLANNERS					
	1/31/2011	206135	449.02		
				SHADOW MTN PARK LIGHTING PROJ	449.02
	Vendor Total		**449.02**		
FYTD for RHA LANDSCAPE ARCHITECTS-PLANNERS			**17,532.94**		
RICK ENGINEERING COMPANY					
	1/10/2011	881889	3,977.55		
				KITCHING ST IMPRVMNT PROJ	799.39
				KITCHING ST IMPRVMNT PROJ	118.16
				KITCHING ST IMPRVMNT PROJ	3,060.00
	1/31/2011	881987	2,380.00		
				KITCHING ST IMPRVMNT PROJ	2,380.00
	Vendor Total		**6,357.55**		
FYTD for RICK ENGINEERING COMPANY			**37,008.16**		
RIVAS, ELSA					
	1/3/2011	205783	58.00		
				REFUND-LICENSE PD	58.00
	Vendor Total		**58.00**		
FYTD for RIVAS, ELSA			**58.00**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110105	4,592.06		
				RETENTN PYMT PER ESCROW AGRMNT	4,592.06
	1/20/2011	110106	16,534.13		
				RETENTN PYMT PER ESCROW AGRMNT	16,534.13
	Vendor Total		**21,126.19**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH					
	1/18/2011	205896	250.00		
				DFA FOR RABIES	250.00
	Vendor Total		**250.00**		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH			**450.00**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
1/24/2011	206039	242.93		
			RADIO LEASE/MAINT-TECH SVCS	170.10
			RADIO LEASE/MAINT-TECH SVCS	9.45
			RADIO LEASE/MAINT-TECH SVCS	33.12
			COMMUNICATIONS SVCS	30.26
1/31/2011	206136	1,769.45		
			MAINT FOR RADIOS-PD	1,769.45
	Vendor Total	**2,012.38**		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		**15,243.91**		
RIVERSIDE COUNTY SHERIFF				
1/18/2011	881917	12,395.72		
			JAIL BOOKING FEES	5,188.43
			JAIL BOOKING FEES	7,207.29
	Vendor Total	**12,395.72**		
FYTD for RIVERSIDE COUNTY SHERIFF		**15,070,633.49**		
RIVERSIDE COUNTY SHERIFF BEN CLARK				
1/18/2011	205897	727.00		
			REG-TRAFF COLL INV-MOTOR VEH	287.00
			REG-TRAFF COLL INVESTIG-ADV.	440.00
1/31/2011	206137	768.00		
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
	Vendor Total	**1,495.00**		
FYTD for RIVERSIDE COUNTY SHERIFF BEN CLARK		**7,247.00**		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
1/3/2011	205784	672.58		
			GARNISHMENT	194.53
			GARNISHMENT	478.05
1/18/2011	205898	652.09		
			GARNISHMENT	177.34
			GARNISHMENT	474.75
1/31/2011	206138	750.90		
			GARNISHMENT	110.17
			GARNISHMENT	165.79
			GARNISHMENT	474.94
	Vendor Total	**2,075.57**		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		**9,346.92**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF MV					
	1/31/2011	206139	8,914.18		
				EXTRA POLICE DUTY-RVHS	5,198.08
				EXTRA POLICE DUTY-RVHS	72.16
				EXTRA POLICE DUTY-RVHS	2,352.78
				EXTRA POLICE DUTY-RVHS	54.56
				EXTRA POLICE DUTY-RVHS	848.05
				EXTRA POLICE DUTY-RVHS	22.88
				EXTRA POLICE DUTY-RVHS	353.35
				EXTRA POLICE DUTY-RVHS	12.32
	Vendor Total		**8,914.18**		
FYTD for RIVERSIDE COUNTY SHERIFF MV			**14,860.24**		
RIVERSTONE RESIDENTIAL CA, INC					
	1/31/2011	206140	55.05		
				REFUND-BUS LIC OVRPMT	55.05
	Vendor Total		**55.05**		
FYTD for RIVERSTONE RESIDENTIAL CA, INC			**55.05**		
RLZ ENGINEERING					
	1/18/2011	881918	6,138.00		
				TEMP STAFFING SVCS-CAP PROJS	6,138.00
	Vendor Total		**6,138.00**		
FYTD for RLZ ENGINEERING			**41,850.00**		
ROBINSON, JOAQUIN DIEGO					
	1/18/2011	205899	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for ROBINSON, JOAQUIN DIEGO			**988.00**		
ROCHA, MARIA					
	1/5/2011	205797	95.00		
				REFUND-RABIES & SN DEPOSIT	20.00
				REFUND-RABIES & SN DEPOSIT	75.00
	Vendor Total		**95.00**		
FYTD for ROCHA, MARIA			**95.00**		
ROCHA, SARA L.					
	1/3/2011	881856	787.80		
				OCT-DEC '10, DEC-FEB MEDI, PD	787.80
	Vendor Total		**787.80**		
FYTD for ROCHA, SARA L.			**2,544.56**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ROGERS, EUGENE					
	1/3/2011	881857	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROGERS, EUGENE			**2,231.11**		
ROGERS, KIANNA					
	1/18/2011	205900	162.50		
				MILEAGE REIMBURSEMENT	92.00
				MILEAGE REIMBURSEMENT	70.50
	Vendor Total		**162.50**		
FYTD for ROGERS, KIANNA			**972.00**		
ROSS, DAVID T.					
	1/3/2011	881858	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROSS, DAVID T.			**2,231.11**		
ROSSON, LOUIS A.					
	1/3/2011	881859	270.70		
				RETIREE MED JAN '11	174.30
				RETIREE MED JAN '11	96.40
	Vendor Total		**270.70**		
FYTD for ROSSON, LOUIS A.			**2,009.26**		
ROTO - ROOTER SERVICE & PLUMBING CO.					
	1/24/2011	206040	95.56		
				REFUND-BUS.LIC OVERPYMT	95.56
	Vendor Total		**95.56**		
FYTD for ROTO - ROOTER SERVICE & PLUMBING CO.			**95.56**		
RUSSO, JOHN					
	1/3/2011	881860	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RUSSO, JOHN			**2,231.11**		
RUVALCABA, RAFAEL					
	1/18/2011	205901	190.00		
				INSTRUCTION SVCS-5 DAYS	190.00
	Vendor Total		**190.00**		
FYTD for RUVALCABA, RAFAEL			**190.00**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SA ASSOCIATES					
	1/18/2011	881919	9,450.00		
				TEMP STAFFING SVCS-CAP PROJS	9,450.00
	Vendor Total		**9,450.00**		
FYTD for SA ASSOCIATES			**76,875.00**		
SABRE LIGHTING AND SIGNS					
	1/31/2011	206141	573.49		
				EXTERIOR SIGNAGE RPLCMNT-STARS	527.35
				EXTERIOR SIGNAGE RPLCMNT-STARS	46.14
	Vendor Total		**573.49**		
FYTD for SABRE LIGHTING AND SIGNS			**17,274.49**		
SALAS, BRANDY					
	1/18/2011	205902	44.00		
				REFUND-CANCELLED CLASS	44.00
	Vendor Total		**44.00**		
FYTD for SALAS, BRANDY			**44.00**		
SALFRANK, MAUREEN					
	1/24/2011	206041	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALFRANK, MAUREEN			**20.00**		
SALGADO, ERIC					
	1/31/2011	206142	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALGADO, ERIC			**20.00**		
SALIVA, MARVIN					
	1/24/2011	206042	30.00		
				REFUND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for SALIVA, MARVIN			**30.00**		
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP					
	1/24/2011	881958	56.00		
				FIRE EXTINGUISHERS-ANIMAL SHEL	56.00
	Vendor Total		**56.00**		
FYTD for SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP			**3,049.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SAN BERNARDINO SHERIFF'S DEPT. EVOC					
	1/18/2011	205903	1,159.00		
				MOTORCYCLE TRNG INSTR COURSE	1,159.00
	Vendor Total		**1,159.00**		
FYTD for SAN BERNARDINO SHERIFF'S DEPT. EVOC			**1,159.00**		
SANTA ROSA DEVELOPERS LIMITED					
	1/18/2011	205904	683.88		
				REFUND-CHANGE OF ZONE	173.87
				REFUND-CLOSED-GEN.PLAN	510.01
	Vendor Total		**683.88**		
FYTD for SANTA ROSA DEVELOPERS LIMITED			**683.88**		
SAVAGE, SUE & ROBERT					
	1/31/2011	206143	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAVAGE, SUE & ROBERT			**20.00**		
SAWLA, POOJA					
	1/31/2011	206144	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAWLA, POOJA			**20.00**		
SC SIGNS					
	1/18/2011	205905	2,100.00		
				PUBLIC HEARING SITE POSTINGS	2,100.00
	Vendor Total		**2,100.00**		
FYTD for SC SIGNS			**2,100.00**		
SCHOENFELDER, LAURA					
	1/18/2011	205906	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for SCHOENFELDER, LAURA			**38.00**		
SCMAF - INLAND VALLEY					
	1/18/2011	205907	120.00		
				2010 A & I BANQUET	120.00
	Vendor Total		**120.00**		
FYTD for SCMAF - INLAND VALLEY			**120.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SECURITY LOCK & KEY					
	1/24/2011	881959	45.00		
				LOCK REPAIRS	22.50
				LOCK REPAIRS	22.50
	Vendor Total		**45.00**		
FYTD for SECURITY LOCK & KEY			**1,666.85**		
SEIFERT, VICTORIA					
	1/31/2011	206145	45.00		
				REFUND-ANIMAL SHELTER	19.00
				REFUND-ANIMAL SHELTER	10.00
				REFUND-ANIMAL SHELTER	16.00
	Vendor Total		**45.00**		
FYTD for SEIFERT, VICTORIA			**45.00**		
SERTA MATTRESS COMPANY					
	1/3/2011	205785	300.00		
				REFUND-12/17 EVENT DEPOSIT	300.00
	Vendor Total		**300.00**		
FYTD for SERTA MATTRESS COMPANY			**300.00**		
SHAH, JAGDISH					
	1/18/2011	881920	10,800.00		
				TEMP STAFFING SVCS-CAP PROJS	10,800.00
	Vendor Total		**10,800.00**		
FYTD for SHAH, JAGDISH			**122,040.00**		
SHARRETT, SHARON K.					
	1/3/2011	205786	174.30		
				RETIREE MED JAN '11	174.30
	Vendor Total		**174.30**		
FYTD for SHARRETT, SHARON K.			**1,334.46**		
SHELDON, STUART H.					
	1/3/2011	205787	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SHELDON, STUART H.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SHELL OIL CO.					
	1/10/2011	205828	48.77		
				FUEL PURCHASE	48.77
	1/24/2011	206044	143.16		
				FUEL PURCHASES	143.16
	1/24/2011	206045	1,096.70		
				FUEL PURCHASES	1,096.70
	1/24/2011	206046	18.08		
				FUEL PURCHASES	18.08
	Vendor Total		**1,306.71**		
FYTD for SHELL OIL CO.			**11,517.19**		
SHRED-IT					
	1/24/2011	206047	22.75		
				REFUND-BUS.LIC OVERPYMT	22.75
	Vendor Total		**22.75**		
FYTD for SHRED-IT			**22.75**		
SHURTLEFF, JEANNETTE L.					
	1/18/2011	881921	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for SHURTLEFF, JEANNETTE L.			**2,964.00**		
SIERRA PACIFIC ELECTRICAL CONTRACTING					
	1/31/2011	206146	1,860.00		
				REPLACE TRAFFIC DETECTOR LOOPS	1,860.00
	Vendor Total		**1,860.00**		
FYTD for SIERRA PACIFIC ELECTRICAL CONTRACTING			**1,860.00**		
SINGER & COFFIN, APC					
	1/31/2011	881990	40.00		
				LEGAL SVCS	40.00
	Vendor Total		**40.00**		
FYTD for SINGER & COFFIN, APC			**7,499.98**		
SINGLETON-DECUIR, JANISHEIA					
	1/18/2011	881922	118.00		
				MILEAGE REIMBURSEMENT	118.00
	Vendor Total		**118.00**		
FYTD for SINGLETON-DECUIR, JANISHEIA			**277.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SKONBERG, RIX					
	1/18/2011	205935	1,500.00		
				TUITION REIMBURSEMENT	1,500.00
	Vendor Total		**1,500.00**		
FYTD for SKONBERG, RIX			**1,500.00**		
SKY TRAILS MOBILE VILLAGE					
	1/24/2011	881960	49.31		
				REFUND-UT USER TAXES	49.31
	Vendor Total		**49.31**		
FYTD for SKY TRAILS MOBILE VILLAGE			**217.31**		
SLAGERMAN, SUSAN A.					
	1/3/2011	881861	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SLAGERMAN, SUSAN A.			**2,231.11**		
SMITH FLOORS & INSTALLATIONS					
	1/24/2011	206048	22.16		
				REFUND-BUS.LIC OVERPYMT	22.16
	Vendor Total		**22.16**		
FYTD for SMITH FLOORS & INSTALLATIONS			**7,794.16**		
SMITH, MARIA A.					
	1/3/2011	881862	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SMITH, MARIA A.			**2,212.27**		
SMITH, WILMA					
	1/18/2011	205908	200.00		
				REFUND-12/18 EVENT DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for SMITH, WILMA			**200.00**		
SMUS, PAULA					
	1/10/2011	205829	37.40		
				MILEAGE REIMBURSEMENT	22.40
				MILEAGE REIMBURSEMENT	15.00
	1/24/2011	206049	93.10		
				MILEAGE REIMBURSEMENT	93.10
	Vendor Total		**130.50**		
FYTD for SMUS, PAULA			**277.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOCO GROUP, INC					
	1/10/2011	881890	6,756.90		
				FUEL PURCHASE	6,756.90
	Vendor Total		**6,756.90**		
FYTD for SOCO GROUP, INC			**157,607.90**		
SOLAR SERVICE CENTER					
	1/18/2011	205909	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for SOLAR SERVICE CENTER			**75.00**		
SOMERS, ROBERTA					
	1/24/2011	206050	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for SOMERS, ROBERTA			**75.00**		
SOUTH COAST AIR QUALITY MGMT DISTRICT					
	1/18/2011	205910	684.59		
				FIRE # 91-OPERATING FEE	379.90
				FIRE # 91-EMISSIONS FEE	109.00
				FIRE # 2-OPERATING FEE	86.69
				FIRE # 2-EMISSIONS FEE	109.00
	Vendor Total		**684.59**		
FYTD for SOUTH COAST AIR QUALITY MGMT DISTRICT			**2,076.08**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/10/2011	205830	11,181.08		
				ELECTRICITY	118.32
				ELECTRICITY	24.80
				ELECTRICITY	21.26
				ELECTRICITY	26.65
				ELECTRICITY	115.18
				ELECTRICITY	241.31
				ELECTRICITY	926.51
				ELECTRICITY	2,831.91
				ELECTRICITY	187.02
				ELECTRICITY	418.93
				ELECTRICITY	932.08
				ELECTRICITY	745.74
				ELECTRICITY	146.37
				ELECTRICITY	813.76
				ELECTRICITY	468.41
				ELECTRICITY	412.07
				ELECTRICITY	387.59
				ELECTRICITY	22.33
				ELECTRICITY	1,817.12
				ELECTRICITY	198.34
				ELECTRICITY	138.30
				ELECTRICITY	63.33
				ELECTRICITY	123.75
	1/24/2011	206051	14,490.30		
				IFA CHARGES-SUBSTATION	14,146.73
				ELECTRIC CHARGES	343.57
	1/31/2011	206147	3,279.84		
				ELECTRICITY	25.45
				ELECTRICITY	1,034.65
				ELECTRICITY	704.85
				ELECTRICITY	137.16
				ELECTRICITY	817.85
				ELECTRICITY	344.98
				ELECTRICITY	24.57
				ELECTRICITY	48.93
				ELECTRICITY	141.40
	Vendor Total		**28,951.22**		
FYTD for SOUTHERN CALIFORNIA EDISON			**1,759,082.07**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA GAS CO.					
	1/24/2011	206052	11,304.40		
				GAS CHARGES	1,198.67
				GAS CHARGES	3,273.34
				GAS CHARGES	114.54
				GAS CHARGES	218.88
				GAS CHARGES	777.55
				GAS CHARGES	362.64
				GAS CHARGES	151.64
				GAS CHARGES	1,516.93
				GAS CHARGES	453.11
				GAS CHARGES	278.01
				GAS CHARGES	384.85
				GAS CHARGES	359.34
				GAS CHARGES	562.38
				GAS CHARGES	739.86
				GAS CHARGES	64.14
				GAS CHARGES	848.52
	Vendor Total		**11,304.40**		
FYTD for SOUTHERN CALIFORNIA GAS CO.			**37,468.71**		
SPARKLETTS					
	1/18/2011	205912	39.92		
				WATER SERVICE	12.28
				WATER SERVICE	27.64
	1/24/2011	206053	4.50		
				WATER SERVICE	4.50
	Vendor Total		**44.42**		
FYTD for SPARKLETTS			**426.91**		
SPECIALIZED BUSINESS SYSTEM, INC.					
	1/24/2011	206054	528.05		
				LEKTRIEVER MAINTENANCE	528.05
	Vendor Total		**528.05**		
FYTD for SPECIALIZED BUSINESS SYSTEM, INC.			**528.05**		
SPECK, GARY B.					
	1/3/2011	881863	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SPECK, GARY B.			**2,231.11**		
SPECTRUM CARE					
	1/18/2011	881924	12,333.33		
				LANDSCAPE MAINT-ZONE E-1	10,540.00
				LANDSCAPE MAINT-ZONE E-1	1,793.33
	Vendor Total		**12,333.33**		
FYTD for SPECTRUM CARE			**90,835.36**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SPENCER, MARTHA					
	1/3/2011	881864	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for SPENCER, MARTHA			**1,397.06**		
SPRINT/NEXTEL					
	1/18/2011	881925	642.44		
				CELL PH CHGS-GTF	35.22
				CELL PH CHGS-SET	607.22
	Vendor Total		**642.44**		
FYTD for SPRINT/NEXTEL			**2,589.23**		
STANDARD INSURANCE CO					
	1/18/2011	205913	1,926.44		
				SUPPLEMENTAL INSURANCE	1,926.44
	Vendor Total		**1,926.44**		
FYTD for STANDARD INSURANCE CO			**227,964.72**		
STANLEY CONVERGENT SECURITY SOLUTNS, INC					
	1/24/2011	881961	274.00		
				MONITORING SVCS-ANML SHLTR	175.00
				MONITORING SVCS-POLICE	99.00
	Vendor Total		**274.00**		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC			**16,197.49**		
STATE BOARD OF EQUALIZATION					
	1/25/2011	1231101	1,976.00		
				SALES & USE TAX 10/1-12/31/10	1,976.00
	1/31/2011	206148	5,047.31		
				ELECTRICAL ENERGY SURCHARGE	5,047.31
	Vendor Total		**7,023.31**		
FYTD for STATE BOARD OF EQUALIZATION			**20,559.31**		
STATE DISBURSEMENT UNIT					
	1/6/2011	2773	1,835.37		
				CHILD SUPPORT W/H 01/06/11	1,835.37
	1/20/2011	2782	1,863.89		
				CHILD SUPPORT W/H 1/20/11	1,863.89
	Vendor Total		**3,699.26**		
FYTD for STATE DISBURSEMENT UNIT			**18,335.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STATE OF CALIFORNIA DEPT. OF JUSTICE				
1/18/2011	205914	2,961.00		
			FINGERPRINTING SVCS-PD	2,961.00
1/31/2011	206149	2,649.00		
			BLOOD ALCHL ANLYS-PD	945.00
			BLOOD ALCHL ANLYS-PD	350.00
			BLOOD ALCHL ANLYS-PD	490.00
			FINGERPRINTING SVCS-HR	192.00
			FINGERPRINTING SVCS-STARS	64.00
			FINGERPRINTING SVCS-VOL SVCS	32.00
			FINGERPRINTING SVCS-B/L	32.00
			FINGERPRINTING SVCS-PARKS	64.00
			FINGERPRINTING SVCS-PARKS	192.00
			FINGERPRINTING SVCS-PD	288.00
	Vendor Total	**5,610.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE		**39,702.00**		
STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV				
1/18/2011	205915	145.34		
			REFUND-MVU	51.99
			REFUND-MVU	93.35
	Vendor Total	**145.34**		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV		**1,771.30**		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN				
1/18/2011	205916	2,889.12		
			TRANSCRIPTION SVCS-PD	2,889.12
	Vendor Total	**2,889.12**		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN		**21,479.68**		
STERICYCLE (BFI)				
1/31/2011	881991	1,219.52		
			MED WASTE HAULING SVC	609.81
			MED WASTE HAULING SVC	609.71
	Vendor Total	**1,219.52**		
FYTD for STERICYCLE (BFI)		**3,901.50**		
STEVE'S VALLEY NURSERY				
1/24/2011	206055	175.00		
			PARK SAND	175.00
	Vendor Total	**175.00**		
FYTD for STEVE'S VALLEY NURSERY		**175.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEWART, CLIFFORD					
	1/3/2011	881865	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for STEWART, CLIFFORD			**1,774.42**		
STEWART, RICHARD A.					
	1/24/2011	206056	168.86		
				REFUND-CANDIDATE STATEMENT	168.86
	Vendor Total		**168.86**		
FYTD for STEWART, RICHARD A.			**168.86**		
STRADLING, YOCCA, CARLSON & RAUTH					
	1/10/2011	205831	10,293.96		
				LEGAL SVCS	2,227.43
				LEGAL SVCS	4,004.83
				LEGAL SVCS	250.00
				LEGAL SVCS	250.00
				LEGAL SVCS	1,282.35
				LEGAL SVCS	754.35
				LEGAL SVCS	425.00
				LEGAL SVCS	100.00
				LEGAL SVCS	700.00
				LEGAL SVCS	300.00
	1/18/2011	205917	300.36		
				LEGAL SVCS	300.36
	Vendor Total		**10,594.32**		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH			**42,017.74**		
STRICKLER ASSOCIATION, THE					
	1/24/2011	881963	7,377.50		
				NEIGHBORHOOD STABILIZATION	2,745.00
				NEIGHBORHOOD STABILIZATION	1,252.50
				NEIGHBORHOOD STABILIZATION	3,380.00
	Vendor Total		**7,377.50**		
FYTD for STRICKLER ASSOCIATION, THE			**14,657.50**		
STRICKLER II, JOHN W.					
	1/3/2011	881866	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for STRICKLER II, JOHN W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SUNNYMEAD ACE HARDWARE					
	1/3/2011	205790	114.08		
				MISC. SUPPLIES-POLICE	13.03
				MISC. SUPPLIES-POLICE	22.83
				MISC. SUPPLIES-POLICE	8.69
				MISC. SUPPLIES-POLICE	69.53
	1/18/2011	205918	75.95		
				MISC.SUPPLIES-PARK MAINT.	32.46
				MISC.SUPPLIES-POLICE	43.49
	1/31/2011	206150	27.13		
				MISC SUPPLIES-PD	27.13
	Vendor Total		**217.16**		
FYTD for SUNNYMEAD ACE HARDWARE			**1,285.47**		
SWITZER, BANGON					
	1/31/2011	206151	112.00		
				REFUND-CLASS CANCELED	112.00
	Vendor Total		**112.00**		
FYTD for SWITZER, BANGON			**112.00**		
TARUCA, CARLOS					
	1/24/2011	206057	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for TARUCA, CARLOS			**100.00**		
TAX COMPLIANCE SERVICES					
	1/18/2011	205919	6,250.00		
				UUT COMPLIANCE SERVICES	6,250.00
	Vendor Total		**6,250.00**		
FYTD for TAX COMPLIANCE SERVICES			**31,250.00**		
TEACHER CREATED MATERIALS, INC.					
	1/31/2011	206152	6,129.20		
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.85
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-SHIPPING	419.99
	Vendor Total		**6,129.20**		
FYTD for TEACHER CREATED MATERIALS, INC.			**6,129.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TEK WORKS					
	1/24/2011	206073	13,647.08		
				REPLCMNT OF EBI KEYCARD SYSTEM	12,802.19
				RELOCATE SYS PANEL AT CITY YRD	844.89
	1/31/2011	881992	145.81		
				REPAIRS @ ESA ANNEX	145.81
	Vendor Total		**13,792.89**		
FYTD for TEK WORKS			**63,284.87**		
THE GAS COMPANY					
	1/10/2011	205832	213.84		
				LINE EXTENSION-HIGHLND FIRE ST	213.84
	Vendor Total		**213.84**		
FYTD for THE GAS COMPANY			**213.84**		
THE SMOKE DETECTORS					
	1/10/2011	205833	1,000.00		
				TRUCK SMOKE OPACITY TESTS	1,000.00
	Vendor Total		**1,000.00**		
FYTD for THE SMOKE DETECTORS			**1,000.00**		
THOMSON REUTERS INC					
	1/18/2011	205920	2,652.53		
				LEGAL PUBLICATION SUBSCPTNS	199.09
				LEGAL PUBLICATION SUBSCPTNS	2,453.44
	Vendor Total		**2,652.53**		
FYTD for THOMSON REUTERS INC			**5,554.02**		
THYSSENKRUPP ELEVATOR CORPORATION					
	1/24/2011	206058	45.43		
				REFUND-BUS.LIC OVERPYMT	45.43
	Vendor Total		**45.43**		
FYTD for THYSSENKRUPP ELEVATOR CORPORATION			**45.43**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRICHE, TARA					
	1/24/2011	206059	1,411.92		
				INSTRUCTOR SVCS-BALLET 4	88.80
				INSTRUCTOR SVCS-BALLET 7	155.40
				INSTRUCTOR SVCS-BALLET 5	111.00
				INSTRUCTOR SVCS-BALLET 3	66.60
				INSTRUCTOR SVCS-DANCE 12	257.52
				INSTRUCTOR SVCS-DANCE 6	133.20
				INSTRUCTOR SVCS-DANCE 8	177.60
				INSTRUCTOR SVCS-DANCE 10	222.00
				INSTRUCTOR SVCS-HIP HOP 9	199.80
	Vendor Total		**1,411.92**		
FYTD for TRICHE, TARA			**11,956.92**		
TRI-CITY LINEN SUPPLY, INC.					
	1/3/2011	205791	166.00		
				LINEN SVCS	25.00
				LINEN SVCS	66.00
				LINEN SVCS	75.00
	1/10/2011	205834	50.00		
				LINEN SVCS	25.00
				LINEN SVCS	25.00
	1/18/2011	205921	25.00		
				LINEN SVCS	25.00
	1/31/2011	206153	25.00		
				LINEN RENTAL-CONF & REC CTR	25.00
	Vendor Total		**266.00**		
FYTD for TRI-CITY LINEN SUPPLY, INC.			**1,171.75**		
TROPICAL PLAZA NURSERY, INC					
	1/24/2011	206060	94.20		
				REFUND-BUS.LIC OVERPYMT	94.20
	Vendor Total		**94.20**		
FYTD for TROPICAL PLAZA NURSERY, INC			**94.20**		
TROPICAL PLAZA NURSERY, INC.					
	1/18/2011	205922	16,196.10		
				LANDSCAPE MAINT-ZONE E-2	15,700.00
				LANDSCAPE MAINT-ZONE E-2	496.10
	Vendor Total		**16,196.10**		
FYTD for TROPICAL PLAZA NURSERY, INC.			**130,988.49**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRUGREEN LANDCARE					
	1/31/2011	881993	14,614.60		
				LANDSCAPE MAINT-ZONE M	5,324.89
				LANDSCAPE MAINT-DSG 1/10	6,804.71
				LANDSCAPE MAINT-E16	2,485.00
	Vendor Total		**14,614.60**		
FYTD for TRUGREEN LANDCARE			**185,249.19**		
TUNTLAND, JAMES					
	1/3/2011	881867	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for TUNTLAND, JAMES			**1,774.42**		
TURF STAR, INC.					
	1/24/2011	206061	700.47		
				GOLF COURSE EQUIP. PARTS	700.47
	Vendor Total		**700.47**		
FYTD for TURF STAR, INC.			**1,268.28**		
U.S. HEALTHWORKS MEDICAL GROUP					
	1/31/2011	206154	515.00		
				PRE-EMPLOYMENT PHYSICALS	360.00
				PRE-EMPLOYMENT PHYSICALS	65.00
				PRE-EMPLOYMENT PHYSICALS	90.00
	Vendor Total		**515.00**		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP			**6,960.00**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNION BANK OF CALIFORNIA				
1/18/2011	205923	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205923 ON 1/18/11	-170.00
1/18/2011	205924	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205924 ON 1/18/11	-170.00
1/18/2011	205925	980.34		
			STANDBY LOC TRANSFER FEES	291.67
			STANDBY LOC TRANSFER FEES	397.00
			STANDBY LOC TRANSFER FEES	291.67
1/18/2011	205937	0.00		
			CREDIT TO REVERSE PREV PAYMENT	-291.67
			STANDBY LOC TRANSFER FEES	170.00
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK #205937ON 2/24/11	291.67
			VOIDED CHECK #205937ON 2/24/11	-170.00
			VOIDED CHECK #205937ON 2/24/11	-170.00
Vendor Total		**980.34**		
FYTD for UNION BANK OF CALIFORNIA		**58,713.22**		
UNITED PACIFIC SERVICES, INC				
1/31/2011	206155	16,694.50		
			TREE TRIMMING SVC-E3	9,869.00
			TREE TRIMMING SVC-E8	1,526.50
			TREE TRIMMING SVC-E15	1,065.00
			TREE TRIMMING SVC-E3	678.00
			TREE TRIMMING SVC-E3	2,000.00
			TREE TRIMMING SVC-E4	1,556.00
Vendor Total		**16,694.50**		
FYTD for UNITED PACIFIC SERVICES, INC		**26,811.06**		
UNITED ROTARY BRUSH CORP				
1/10/2011	881891	716.67		
			BROOM KITS-STREET SWEEPER	223.58
			BROOM KITS-STREET SWEEPER	493.09
Vendor Total		**716.67**		
FYTD for UNITED ROTARY BRUSH CORP		**19,134.47**		
UNITED SITE SERVICES OF CA, INC.				
1/18/2011	205936	107.39		
			FENCE RENTAL-ANIMAL SHELTER	107.39
1/24/2011	881965	77.33		
			PORTABLE TOILET SVC-GOLF COURS	77.33
Vendor Total		**184.72**		
FYTD for UNITED SITE SERVICES OF CA, INC.		**2,331.38**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED STATES TREASURY					
	1/3/2011	205792	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/18/2011	205926	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/31/2011	206156	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	Vendor Total		**150.00**		
FYTD for UNITED STATES TREASURY			**800.00**		
UNITED WAY OF INLAND VALLEYS					
	1/3/2011	205793	627.18		
				UNITED WAY CONTRIBUTIONS	627.18
	1/18/2011	205927	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	1/31/2011	206157	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	Vendor Total		**1,641.56**		
FYTD for UNITED WAY OF INLAND VALLEYS			**9,874.90**		
URRUTIA, MARIO					
	1/31/2011	206158	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for URRUTIA, MARIO			**20.00**		
USA MOBILITY/ARCH WIRELESS					
	1/24/2011	881966	36.59		
				PAGER SVC-PARK RANGERS	2.01
				PAGER SVC-TRANSP. DIV.	4.66
				PAGER SVC-ANIMAL SVCS	29.92
	Vendor Total		**36.59**		
FYTD for USA MOBILITY/ARCH WIRELESS			**507.92**		
VA CONSULTING, INC.					
	1/18/2011	881927	11,056.75		
				AUTO MALL STREET UPGRADES PROJ	2,317.10
				AUTO MALL STREET UPGRADES PROJ	1,037.90
				AUTO MALL STREET UPGRADES PROJ	5,711.30
				AUTO MALL STREET UPGRADES PROJ	1,990.45
	Vendor Total		**11,056.75**		
FYTD for VA CONSULTING, INC.			**83,455.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VACATE PEST ELIMINATION COMPANY					
	1/24/2011	881967	1,415.00		
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-FIRE #2	45.00
				PEST CNTRL-FIRE #6	45.00
				PEST CNTRL-FIRE #48	45.00
				PEST CNTRL-FIRE #58	45.00
				PEST CNTRL-FIRE #65	45.00
				PEST CNTRL-FIRE #91	45.00
				PEST CNTRL-FIRE #91SPECIAL	45.00
				PEST CNTRL-SENIOR CENTER	55.00
				PEST CNTRL-TOWNGATE C/C	45.00
				PEST CNTRL-UTILITIES FIELD OFF	45.00
				PEST CNTRL-PUBLIC LIBRARY	55.00
				PEST CNTRL-P.S.B.	75.00
				PEST CNTRL-CITY HALL	75.00
				PEST CNTRL-CITY YARD	115.00
				PEST CNTRL-TRANSPORT TRAILER	45.00
				PEST CNTRL-PRO SHOP	22.50
				PEST CNTRL-MVTV-3	22.50
				PEST CNTRL-C & R	75.00
				PEST CNTRL-ANIMAL SHELTER	115.00
				PEST CNTRL-ANNEX # 1	55.00
				PEST CNTRL-HOBBY SHOP	45.00
				PEST CNTRL-MARCH ASES BLDG.	45.00
				PEST CNTRL-MARCH C/C	45.00
	1/31/2011	881994	540.00		
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
	Vendor Total		**1,955.00**		
FYTD for VACATE PEST ELIMINATION COMPANY			**11,475.00**		
VALI COOPER & ASSOCIATES, INC.					
	1/18/2011	881928	640.00		
				DAY ST IMPRVMNTS PROJ SVCS	640.00
	Vendor Total		**640.00**		
FYTD for VALI COOPER & ASSOCIATES, INC.			**67,645.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VAS ASSOCIATES, INC.					
	1/24/2011	881968	17,040.00		
				TEMP STAFFING SVCS-CAP PROJS	17,040.00
	Vendor Total		**17,040.00**		
FYTD for VAS ASSOCIATES, INC.			**130,080.00**		
VASQUEZ, LIZ					
	1/31/2011	206159	30.00		
				REFUND-DOG ADOPTION	30.00
	Vendor Total		**30.00**		
FYTD for VASQUEZ, LIZ			**30.00**		
VERIZON					
	1/24/2011	206062	1,683.14		
				BACKBONE CHARGES	1,683.14
	Vendor Total		**1,683.14**		
FYTD for VERIZON			**11,861.61**		
VERIZON CALIFORNIA					
	1/31/2011	206160	618.41		
				PHONE CHRGS-ERC	618.41
	Vendor Total		**618.41**		
FYTD for VERIZON CALIFORNIA			**5,053.34**		
VICTOR MEDICAL CO					
	1/10/2011	205835	783.00		
				ANIMAL MEDICAL SUPPLIES	783.00
	Vendor Total		**783.00**		
FYTD for VICTOR MEDICAL CO			**8,299.81**		
VIGIL, ERNEST					
	1/3/2011	881868	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for VIGIL, ERNEST			**2,231.11**		
VINCENT, CLARENCE					
	1/3/2011	205794	1,657.32		
				JAN - 1/2 OF NOV '10, PAID JAN	1,657.32
	Vendor Total		**1,657.32**		
FYTD for VINCENT, CLARENCE			**1,657.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VINTAGE ROOFING AND SOLAR CO, INC					
	1/24/2011	206063	70.35		
				REFUND-BUS.LIC OVERPYMT	70.35
	Vendor Total		**70.35**		
FYTD for VINTAGE ROOFING AND SOLAR CO, INC			**70.35**		
VISION SERVICE PLAN					
	1/18/2011	881929	4,554.54		
				EMPLOYEE VISION INSURANCE	4,554.54
	Vendor Total		**4,554.54**		
FYTD for VISION SERVICE PLAN			**30,531.47**		
VISTA PAINT CORPORATION					
	1/10/2011	205836	999.23		
				PAINT & SUPPLIES	937.21
				PAINT & SUPPLIES	62.02
	Vendor Total		**999.23**		
FYTD for VISTA PAINT CORPORATION			**6,041.62**		
VULCAN MATERIALS CO, INC.					
	1/10/2011	205837	103.17		
				ASPHALTIC MATERIALS	103.17
	1/31/2011	206161	486.00		
				ASPHALTIC MATERIALS	171.69
				ASPHALTIC MATERIALS	104.54
				ASPHALTIC MATERIALS	105.23
				ASPHALTIC MATERIALS	104.54
	Vendor Total		**589.17**		
FYTD for VULCAN MATERIALS CO, INC.			**15,606.55**		
WAGGONER JR., GLENN C.					
	1/3/2011	881869	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGGONER JR., GLENN C.			**2,231.11**		
WAGNER, GARY D.					
	1/3/2011	881870	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGNER, GARY D.			**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WAGONER, ROBERT					
	1/3/2011	881871	360.40		
				12-8-10 - 2-8-11, PAID JAN '11	360.40
	Vendor Total		**360.40**		
FYTD for WAGONER, ROBERT			**1,441.60**		
WAGY, CARYLON					
	1/3/2011	205795	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGY, CARYLON			**2,231.11**		
WALKER, ANTHONY					
	1/18/2011	205928	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for WALKER, ANTHONY			**50.00**		
WALKER, DONNA JEAN					
	1/18/2011	881930	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for WALKER, DONNA JEAN			**304.00**		
WANG'S APARTMENT					
	1/18/2011	205929	95.00		
				REFUND-BUS.LIC OVERPYMT	95.00
	Vendor Total		**95.00**		
FYTD for WANG'S APARTMENT			**95.00**		
WASSON, KIRK					
	1/18/2011	881931	228.00		
				INSTRUCTION SVCS-6 DAYS	228.00
	Vendor Total		**228.00**		
FYTD for WASSON, KIRK			**722.00**		
WAXIE SANITARY SUPPLY					
	1/18/2011	205930	97.95		
				JANITORIAL SUPPLIES	56.06
				JANITORIAL SUPPLIES	34.01
				JANITORIAL SUPPLIES	7.88
	Vendor Total		**97.95**		
FYTD for WAXIE SANITARY SUPPLY			**97.95**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WELLS FARGO BANK					
	1/24/2011	206064	2,000.00		
				A/C 22631700 TABS SERIES A	2,000.00
	1/31/2011	206162	4,000.00		
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
	Vendor Total		**6,000.00**		
FYTD for WELLS FARGO BANK			**14,500.00**		
WELLS FARGO BANK, NA					
	1/31/2011	206163	750.00		
				ESCROW RE: 97 LRB PRIVT PLCMNT	750.00
	Vendor Total		**750.00**		
FYTD for WELLS FARGO BANK, NA			**750.00**		
WELLS FARGO CORPORATE TRUST					
	1/3/2011	110101	1,273.34		
				INT ON 97 CH COP VAR RATE BOND	1,273.34
	Vendor Total		**1,273.34**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WEST COAST DRYWALL & PAINT					
	1/24/2011	206065	25.52		
				REFUND-BUS.LIC OVERPYMT	25.52
	Vendor Total		**25.52**		
FYTD for WEST COAST DRYWALL & PAINT			**25.52**		
WEST PUBLISHING CORPORATION					
	1/31/2011	206164	535.00		
				AUTO TRACK SVCS-PD	535.00
	Vendor Total		**535.00**		
FYTD for WEST PUBLISHING CORPORATION			**3,710.00**		
WESTCON ELEVATOR, INC					
	1/24/2011	206066	32.30		
				REFUND-BUS.LIC OVERPYMT	32.30
	Vendor Total		**32.30**		
FYTD for WESTCON ELEVATOR, INC			**32.30**		
WESTERN INSULATIONS, LP					
	1/24/2011	206067	74.17		
				REFUND-BUS LIC OVRPMT	74.17
	Vendor Total		**74.17**		
FYTD for WESTERN INSULATIONS, LP			**74.17**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WESTERN MUNICIPAL WATER DISTRICT					
	1/24/2011	206068	163.33		
				WATER CHARGES	41.22
				WATER CHARGES	61.83
				WATER CHARGES	60.28
	Vendor Total		**163.33**		
FYTD for WESTERN MUNICIPAL WATER DISTRICT			**15,595.04**		
WHEMPNER, LYLE					
	1/24/2011	206069	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for WHEMPNER, LYLE			**20.00**		
WIELIN, RONALD A.					
	1/3/2011	881872	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WIELIN, RONALD A.			**2,231.11**		
WILLDAN AND ASSOCIATES					
	1/24/2011	206070	8,474.16		
				PROF.SVCS-PLAN CHECKS	8,474.16
	Vendor Total		**8,474.16**		
FYTD for WILLDAN AND ASSOCIATES			**82,201.48**		
WILLIAMS, JANE L.					
	1/3/2011	881873	200.93		
				DEC '10, PAID JAN '11	128.78
				VSP SEPT-NOV '10, PAID JAN '11	72.15
	Vendor Total		**200.93**		
FYTD for WILLIAMS, JANE L.			**1,168.14**		
WILLIAMS, LARRY					
	1/3/2011	205796	3,710.00		
				DEC 09-NOV 10, PD JAN '11	3,710.00
	Vendor Total		**3,710.00**		
FYTD for WILLIAMS, LARRY			**3,710.00**		
WILLOUGHBY, LORIA					
	1/24/2011	881969	26.50		
				MILEAGE REIMBURSEMENT	26.50
	Vendor Total		**26.50**		
FYTD for WILLOUGHBY, LORIA			**326.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WINCHESTER ASSOCIATES					
	1/18/2011	205931	2,317.00		
				REFUND-CLOSED-CHG.ZONE	2,317.00
	Vendor Total		**2,317.00**		
FYTD for WINCHESTER ASSOCIATES			**2,317.00**		
WINZLER & KELLY CONSULTING ENGINEERS					
	1/31/2011	881995	11,210.00		
				TEMP STAFFING SVCS-UTILITIES	11,210.00
	Vendor Total		**11,210.00**		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS			**52,057.50**		
WIRZ & COMPANY					
	1/10/2011	205838	6.37		
				SALES TAXES FOR TOW LABELS	6.37
	Vendor Total		**6.37**		
FYTD for WIRZ & COMPANY			**2,087.80**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WURM'S JANITORIAL SERVICES, INC.					
	1/18/2011	881932	130.00		
				JANITORIAL SVCS-SENIOR SPECIAL	130.00
	1/24/2011	881970	3,208.75		
				JANITORIAL SVCS-DAY PORTER	1,768.75
				JANITORIAL SVCS-FAC.ANNEX	960.00
				CLEANING SVCS-TOWNGATE	480.00
	1/31/2011	881996	24,980.97		
				JANITORIAL SVCS-SNNYMD ELEM	184.10
				JANITORIAL SVCS-RAINBOW ELEM	310.19
				JANITORIAL SVCS-MAPLE ELEM	310.19
				JANITORIAL SVCS-STARS	224.16
				JANITORIAL SVCS-SNNYMD MIDDLE	152.10
				JANITORIAL SVCS-FAC ANNX	1,080.00
				SPECIAL CLEANINGS-CONF & REC C	2,625.00
				JANITORIAL SVCS-CITY HALL	3,532.79
				JANITORIAL SVCS-CITY YARD	260.28
				JANITORIAL SVCS-TRANS. TRAILER	73.80
				JANITORIAL SVCS-EMERG OPS CTR	516.27
				JANITORIAL SVCS-SP DIST ANNEX	551.73
				JANITORIAL SVCS-FACIL. ANNEX	93.24
				JANITORIAL SVCS-LIBRARY	1,328.85
				JANITORIAL SVCS-MARCH FIELD	955.70
				JANITORIAL SVCS-PUB SFTY BLDG	5,564.25
				JANITORIAL SVCS-GOLF PRO SHOP	644.70
				JANITORIAL SVCS-MVTV STUDIO	58.05
				JANITORIAL SVCS-SENIOR CTR	1,916.18
				JANITORIAL SVCS-CONF & REC CTR	3,447.93
				JANITORIAL SVCS-TS ANNEX	340.08
				JANITORIAL SVCS-TOWNGATE C.C.	691.38
				CARPET DRYING-PD CHIEF'S OFFCE	20.00
				PORT. EXTRACTOR TO DRY CARPET	100.00
	Vendor Total		**28,319.72**		
FYTD for WURM'S JANITORIAL SERVICES, INC.			**188,298.85**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX					
	1/18/2011	205934	1,571.48		
				COPIER RNTL/MAINT-PARKS	359.34
				COPIER RNTL/MAINT-PARKS	779.48
				COPIER RNTL/MAINT-PARKS	432.66
	1/31/2011	206165	8,664.45		
				COPIER EXCESS PRINTS-STARS	2,619.28
				COPIER EXCESS PRINTS-STARS	1,895.34
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,888.43
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,366.58
				COPIER RNTL/MAINT-GRAPHICS	1,422.13
				COPIER RNTL/MAINT-GRAPHICS	397.79
				CREDIT-METER EXCESS PRINTS	-1,522.09
				CREDIT-METER EXCESS PRINTS	-1,631.99
	Vendor Total		**10,235.93**		
FYTD for XEROX			**47,777.96**		
YAMASHITA, JULIA J.					
	1/3/2011	881875	309.40		
				OCT-NOV '10, PAID JAN '11	309.40
	Vendor Total		**309.40**		
FYTD for YAMASHITA, JULIA J.			**1,237.60**		
ZELAYA, XENIA					
	1/24/2011	206071	47.00		
				REFUND-CLASS REGIST	47.00
	Vendor Total		**47.00**		
FYTD for ZELAYA, XENIA			**47.00**		
	Subtotal		**1,176,392.93**		
	GRAND TOTAL		**12,324,061.41**		

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015.

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017.

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto.

BACKGROUND

On June 10, 2008, the City Council awarded an agreement to STK Architecture (STK) for design professional consultant services for the Cottonwood Fire Station. The City Council also authorized the selected consultant to design future Fire Station Nos. 65 and 107 (Morrison Park) based on a qualification-based selection process subject to funding availability, fee negotiations with the preferred consultant, STK, and City Council approval.

In approving the FY 09/10 Capital Improvement Project (CIP) budget, the City Council reappropriated funding for various fire stations, allowing the Fire Department additional time to reanalyze its coverage area to size a fire station and locate it at the most effective location

On February 8, 2010, the Fire Chief presented a request to, and received concurrence from, the Public Safety Subcommittee for design and construction of the Morrison Park Fire Station.

On March 23, 2010, the City Council approved the Agreement for Design Professional Consultant Services with STK Architecture, Inc. for architectural and engineering design and construction contract administration services for Morrison Park Fire Station.

DISCUSSION

The Morrison Park Fire Station is located on APN 487-370-017, owned by the City, at 13400 Morrison Street. The adjacent property along the north property line, APN 487-370-015, is owned by YMCA of Riverside City and County. This is the future site of the YMCA Youth Center. The Morrison Park Fire Station will be a two-bay fire station with a modified floor plan layout. The fire station will have two driveways accessing from Morrison Street. The northernmost driveway is located directly opposite to Rockport Drive to facilitate the traffic along Morrison Street. This northernmost driveway will be dedicated as a shared driveway between the Fire Station and the future YMCA Youth Center.

As part of the City Condition of Approval for construction of the Morrison Park Fire Station, the City of Moreno Valley and YMCA of Riverside City and County shall enter an Irrevocable Reciprocal Easement for Ingress and Egress to provide right of way for vehicular traffic entering the Fire Station and YMCA Youth Center through the northernmost driveway.

ALTERNATIVES

1. Approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and authorize the City Manager to execute said “Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will facilitate the construction of needed facilities.*

2. Do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and do not authorize the City Manager to

execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will result in the delay of needed facilities.*

FISCAL IMPACT

The project is funded using 2007 Redevelopment Agency Tax Allocation Bond Series A proceeds (Fund 897) that were specifically allocated for the design and construction of the Morrison Park Fire Station. These funds must be used for their intended purpose and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGET

Fiscal Year 2010/2011 (897.91729)	$6,276,000
Total Funding	**$6,276,000**

ESTIMATED PROJECT COSTS

Final Design/Environmental Assessment/Const. Administration Services (including 10% contingency)	$ 766,000
Inspection, Testing, Geotechnical, and Survey services	$ 155,000
Communications (Riverside County IT services)	$ 50,000
Construction (including furniture and furnishings)	$5,200,000
Administrative Costs (permits, utility fees, Plan Check staff, misc.)	$ 100,000
Total Estimated Project Cost	**$6,271,000**

PRELIMINARY PROJECT SCHEDULE

Design Phase	April 2010 - June 2011
Bid and Award	July 2011 – September 2011
Notice of Construction Award	October 2011
Begin Construction	November 2011
Complete Construction	October 2012
Occupancy	November 2012

CITY COUNCIL GOALS

PUBLIC SAFETY:

Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Staff recommends the City Council approve the Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for shared use of the driveway separating the YMCA and Morrison Park Fire Station properties.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-015
Attachment "C" Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-017

Prepared By:
Henry Ngo, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/
City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/
Assistant City Engineer

Concurred By:
Steve Curley
Fire Chief

Concurred By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

\\Zurich\shared\PublWork\CapProj\CapProj\PROJECTS\Henry - 11-43472527 - Morrison Park Fire Station\CC Reports\YMCA Agreement - 03-22-11 -- Morrison Park Fire Station.doc

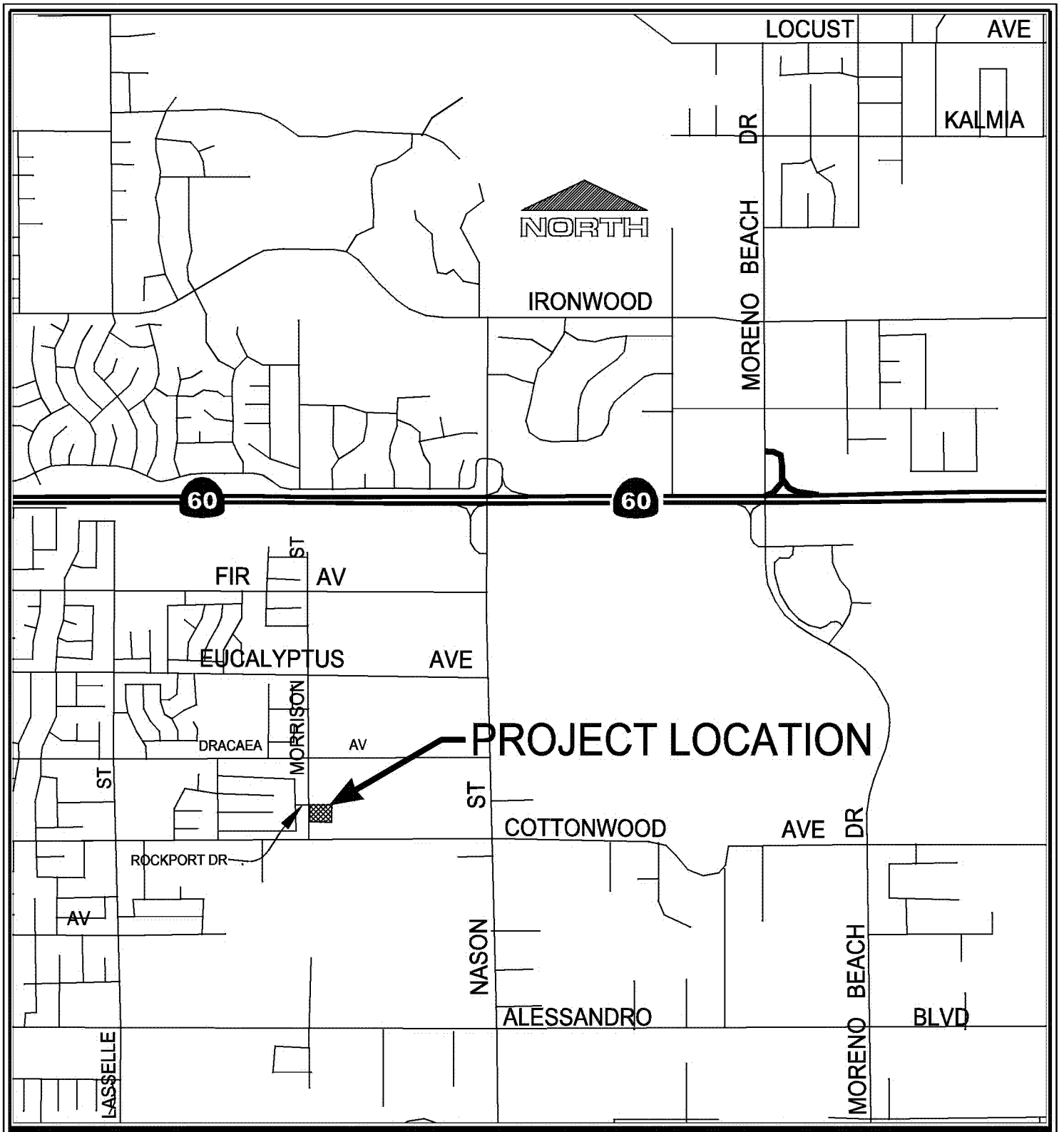

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

Attachment "A"

Morrison Park Fire Station

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-015

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between YMCA of Riverside City and County ("Grantor") and City of Moreno Valley, A Municipal Corporation ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

RECITALS

1. Grantor is the owner of certain real property ("Servient Tenement") located at the Northeast Corner of the Morrison Street and Rockport Drive Intersection in the City of Moreno Valley, County of Riverside, State of California described in the Corporation Grant Deed Recorded May 4, 1987 as Instrument Number 1762364-2, records of said County and included with this agreement as Exhibit "A" and hereby incorporated by this reference.
2. Grantee is the owner of certain real property ("Dominant Tenement") located at 13400 Morrison Street in the City of Moreno Valley, County of Riverside, State of California as described in the Quitclaim Deed Recorded November 4, 2009 as Document Number 2009-0572626, Records of said County and included with this agreement as Exhibit "B" and hereby incorporated by this reference.
3. By entering into this agreement, the Grantor seeks to satisfy the requirements of the City of Moreno Valley, as set forth in the Conditional Use Permit Planning Case PA10-0032.
4. To this end, Grantor is required to grant an irrevocable reciprocal easement between the Servient Tenement and the Dominant Tenement

EASEMENT

Grantor grants Grantee the following easement over a portion of the Servient Tenement, as legally described in the attached Exhibit "C", hereby incorporated by this reference. The easement shall be subject to the terms and conditions set forth below.

A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles exiting the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "B"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Southwest Corner of the Servient Tenement and the Norththwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantor agrees to not use this easement for a means of access for traffic during the construction of any site improvements on the Servient Tenement without written approval from the Grantee.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

YMCA of Riverside City and County

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

City of Moreno Valley, a municipal corporation

Grantee's Signature: _____ Date: _____

HENRY GARCIA, City Manager

Approved as to Form: _____ Date: _____

City Attorney

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-017

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between City of Moreno Valley, A Municipal Corporation ("Grantor") and YMCA of Riverside City and County ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

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A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles entering the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "C"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Northwest Corner of the Servient Tenement and the Southwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantee may not use this easement for a means of access for traffic during the construction of any site improvements on the Dominant Tenement, nor shall Grantee unreasonably interfere with the ability for ingress and egress to the Servient Tenement by the Grantor without written approval from the Grantor.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

City of Moreno Valley, a municipal corporation

Grantor's Signature: _____ Date: _____

HENRY GARCIA, City Manager

YMCA of Riverside City and County

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Approved as to Form: _____ Date: _____

City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: 2010 ANNUAL REPORT OF THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council:

1) **RECEIVE AND FILE** the 2010 Annual Report of the Planning Commission; and

2) **AUTHORIZE** transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

PLANNING COMMISSION RECOMMENDATION

The 2010 Annual Report was adopted by the Planning Commission on February 24, 2011, and is forwarded to the City Council in accordance with the California Government code.

BACKGROUND

The Government Code mandates an annual Planning Commission report be presented to the legislative body (City Council) on the progress of the General Plan and its implementing mechanisms. The attached 2010 Annual Report of the Planning Commission provides the City Council with a report of the Planning Commission's actions and endeavors for the last year as required by the California Government Code.

DISCUSSION

In 2010, the Planning Commission held public hearings on 8 applications to amend the Municipal Code and/or General Plan. In addition, the Commission acted upon 16 developer-initiated applications, which included Conditional Use Permits, Plot Plans, Development Agreements and Tentative Tract Maps. The Planning Division staff also processed 609 administrative applications which include such projects as: new construction not within 300' of residential, sign permits and home occupation permits and 82 plan check reviews.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of City Council Agenda.

ATTACHMENTS/EXHIBITS

1) 2010 Annual Report of the Planning Commission.

Prepared By:
Grace Espino-Salcedo
Administrative Assistant

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY OF MORENO VALLEY
Community & Economic Development Department
Planning Division

Planning Commission
ANNUAL REPORT
To the City Council

JANUARY – DECEMBER 2010

ATTACHMENT 1

TABLE OF CONTENTS

ACKNOWLEDGEMENTS.....3

MAJOR ACCOMPLISHMENTS.....5

GENERAL PLAN IMPLEMENTATION.....9

PROJECT ACTIVITY.....12

MV00100446

ACKNOWLEDGEMENTS

MV00100447

ACKNOWLEDGEMENTS

CITY COUNCIL (Elected)	**DISTRICT**	**TERM EXPIRES**
Bonnie Flickinger, Mayor	4	November 2010
Robin Hastings, Mayor Pro-Tem	3	November 2012
William H. Batey II	5	November 2012
Jesse L. Molina	1	November 2012
Richard A. Stewart	2	November 2010

PLANNING COMMISSION (Appointed)	**TERM EXPIRES**
Rick De Jong, Chairperson	March 31, 2011
Ray L. Baker, Vice-Chairperson	March 31, 2013
Michael S. Geller	March 31, 2013
Richard Dozier	March 31, 2013
George Salas, Jr.	March 31, 2013
Maria Marzoeki	March 31, 2011
George Riechers	March 31, 2011

CITY MANAGER
Robert G. Gutierrez

DEPUTY CITY MANAGER
Rick Hartmann

COMMUNITY DEVELOPMENT DEPARTMENT
Kyle Kollar, Director

Planning Division
John Terell, AICP Planning Official
Darisa Vargas, Senior Administrative Assistant
Grace Espino-Salcedo, Administrative Assistant
Chris Ormsby, AICP Senior Planner
Mark D. Gross, AICP Senior Planner
Claudia Manrique, Associate Planner
Gabriel Diaz, Associate Planner
Jeffrey Bradshaw, Associate Planner
Julia Descoteaux, Associate Planner
Leticia Esquivel, Senior Permit Technician
Yahnel Bishop, Permit Technician
Summer Looy, Permit Technician

MV00100448

MAJOR ACCOMPLISHMENTS

MV00100449

MAJOR ACCOMPLISHMENTS

The Moreno Valley Planning Commission is committed to implementing the adopted General Plan, Development Code and Design Guidelines. The Development Code and Design Guidelines, combined with the adopted Landscape Development and Specifications, are the major tools to implement the General Plan.

The purpose of this Annual Report is to highlight significant accomplishments, summarize ongoing projects, and describe special studies that the Moreno Valley Planning Commission has been working on during the 2010 calendar year. A major function of this report is to acknowledge and evaluate the ongoing implementation of the General Plan. This report is prepared in accordance with Section 65040.5 of the California Government Code.

Major Accomplishments in 2010 were:

Major development projects reviewed by the Planning Commission in 2010 were as follows:

- PA06-0173 (Plot Plan) Construction of 4,877 square feet neighborhood market located in the Village Commercial Zone (VC). Located at southeast corner of Alessandro and Redlands Boulevards (APNS: 478-430-002, 478-430-012, 013, 014 & 015).

- PA07-0147 (Plot Plan), PA07-0157 (Tentative Parcel Map No. 35837) Plot Plan for a 353,869 square foot warehouse distribution building on approximately 16.55 acres. The project includes a Tentative Parcel Map to merge the two existing parcels into one parcel. The site is zoned Light Industrial (LI) which allows for warehouse distribution facilities. Located at the northeast corner of Cactus Avenue and Joy Street.

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial © zones. Location: Citywide.

- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/O) designation from 15 to 30 dwelling units per acre. Location: Citywide.

MV00100450

- PA09-0025 (Plot Plan), PA09-0043 (Tentative Parcel Map No. 36262) Plot Plan with hearing for a vehicle fueling station with eight pumps, a 4,000 square foot convenience store, and a 968 square foot automated drive through carwash on 1.77 acres in the Community Commercial (CC) zone. Located at the southwest corner of Alessandro Boulevard and Moreno Beach Drive.

- PA10-0012 (FY 2010-2011 Capital Improvement Plan Conformance with the General Plan) To make a finding that the Fiscal Year 2010-2011 Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan. Various locations throughout the City of Moreno Valley.

- PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map No. 34748), P09-102 (Variance) Tentative Tract Map No. 34748 for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Change of zone to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. Located at the southeast corner of Heacock Street and Gentian Avenue.

- PA08-0079 (Master Plot Plan), PA08-0080 (Plot Plan), PA08-0081 (Tentative Tract Map No. 36083) Tentative Tract Map No. 36083 to subdivide a 16.9 acres parcel into 6 pads for commercial retail use. Pad A will include a WinCo Supermarket (95,440 square feet) and Pad F additional retail space (14,800 square feet). No specific buildings have been submitted for the other four parcels. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0045 (Conditional Use Permit) Proposal for the installation of a 50-foot tall monopine telecommunications facility to include 12 antennas, 12TMA antennas, one microwave dish, tow GPS antennas and the associated ground equipment. The monopine and the equipment shelter will be located on the west side of Cottonwood Park in the Residential Agricultural 2 (RA2) zone. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0024 (Municipal Code Amendment) An update to the Municipal Code revising the second unit development standards to include all second units in all residential zones and deleting the granny unit section; also an update to the single-family design standards to include four-sided architecture and to modify the title of the Landscape Requirements. Location: Citywide.

- PA10-0021 (General Plan Amendment) General Plan Amendment to modify the City's Bikeway Plan. Location: Citywide.

- PA10-0031 (Municipal Code Amendment) Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding pharmacy land use to the Business Park Mixed-Use (BPX) zone. Location: Citywide.

MV00100451

- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

- PA09-0027 (Conditional Use Permit) Conditional Use Permit to allow Big 6 Food Mart, a convenience store, to sell alcohol. The alcohol sales would be limited to the license from Alcohol Beverage Control for beer and wine only (Type-20 Off-Sale Beer and Wine license) within the hours of 8:00 a.m. and 8:30 p.m. Located at 21748 Cottonwood Avenue (APN: 263-160-037). ***(DENIED)***

Other Development Projects reviewed by the Planning Commission in 2010 as follow:

- P10-002 (Amended Plot Plan) Amended Plot Plan for modification of the original conditions of approval for Tentative Parcel Map No. 33275 to re-classify all public roads within the development as private and to eliminate the requirement for a public improvement agreement and security deposit. Located north of Alessandro Boulevard and west of Wilmot Street at Gifford Avenue and Curtis Street. ***(DENIED)***

- P10-020 (Conditional Use Permit) Construction of a new 8,700 square foot multipurpose/sanctuary located in the Community Commercial (CC) Zone. Located at 23750 Alessandro Boulevard (APNs: 296-300-005 & 296-300-007).

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GENERAL PLAN IMPLEMENTATION

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GENERAL PLAN IMPLEMENTATION

The General Plan and the Development Code gives the City of Moreno Valley the tools necessary to guide the development of the City into the next century.

The Planning Commission held public hearings on amendments to the General Plan and the Development Code. The amendments were approved by the Planning Commission and forwarded to the City Council for their approval.

The following General Plan Amendments were recommended for approval by the Planning Commission in 2010:

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial (C) zones. Location: Citywide.

- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/) designation from 15 to 30 dwelling units per acre. Location: Citywide.

- PA10-0012 (FY 2010-2011 Capital Improvement Plan Conformance with the General Plan) To make a finding that the Fiscal Year 2010-2011 Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan. Various locations throughout the City of Moreno Valley.

- PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map No. 34748), P09-102 (Variance) Tentative Tract Map No. 34748 for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Change of zone to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. Located at the southeast corner of Heacock Street and Gentian Avenue.

- PA09-0024 (Municipal Code Amendment) An update to the Municipal Code revising the second unit development standards to include all second units in all residential zones and deleting the granny unit section; also an update to the single-family design standards to include four-sided architecture and to modify the title of the Landscape Requirements. Location: Citywide.

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- PA10-0021 (General Plan Amendment) General Plan Amendment to modify the City's Bikeway Plan. Location: Citywide.

- PA10-0031 (Municipal Code Amendment) Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding pharmacy land use to the Business Park Mixed-Use (BPX) zone. Location: Citywide.

- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

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PROJECT ACTIVITY

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PROJECT ACTIVITY

SUMMARY OF PLANNING COMMISSION PROJECT ACTIVITY FOR THE PERIOD JANUARY 2010 THROUGH DECEMBER 2010

PROJECT TYPE	TOTAL PROJECTS REVIEWED
Amended Design Manual	0
Amended Plot Plan	1
Change of Zone	1
Conditional Use Permit	3
Conditional Use Permit Amendment	0
Development Agreement	0
Development Agreement Amendment	0
Municipal Code Amendment	4
General Plan Amendment	4
Modification to Conditions of Approval	0
Parcel Map	0
Plot Plan	4
Plot Plan Amendment	0
Reversion to Acreage	0
Specific Plan Amendment	0
Specific Plan Adoption	0
Tentative Parcel Map	2
Tentative Parcel Map Amendment	0
Tentative Tract Map	2
Tentative Tract Map Amendment	0
Tentative Tract Map Variance	0
Variance	1
Master Plot Plan and Related	1
10 Year Capital Plan Amendment	1
TOTAL PROJECTS	24

* This does not include Administrative Approvals that include such projects as: new construction not within 300' of residential, home occupation permits and signs. There were **609** Administrative Approvals and **82** plan check reviews in 2010.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: March 22, 2011

TITLE: Consideration of the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority

RECOMMENDED ACTION

Staff recommends that the City Council approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

BACKGROUND

The Western Riverside Regional Conservation Authority (RCA) was formed in 2004 to administer and implement the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). A joint powers authority, the RCA collectively acquires, administers, operates, and maintains land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the MSHCP. The RCA consists of the County of Riverside and the Cities of Moreno Valley, Lake Elsinore, Hemet, Perris, Riverside, Temecula, Corona, Banning, Beaumont, Norco, Calimesa, Murrieta, San Jacinto, Canyon Lake, Wildomar and Menifee. The City is represented on the RCA Board by Council Member William Batey.

DISCUSSION

The joint powers agreement for the Regional Conservation Authority was originally executed by the County of Riverside and 14 cities in 2004. In March, 2009, the agreement was amended to include the new cities of Wildomar and Menifee. At the February 7, 2011 meeting, the RCA Board of Directors approved the Fourth Amended and Restated agreement adding the City of Eastvale to the joint powers authority upon approval of all the member agencies.

ALTERNATIVES

1) Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff recommends this alternative.*

2) Not approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff does not recommend this alternative.*

FISCAL IMPACT

The proposed amendment to the agreement will have no fiscal impact to the City.

SUMMARY

The approval of the proposed Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority would indicate the City's approval to add the City of Eastvale to the RCA.

COUNCIL GOALS

Positive Environment: Create a positive environment for the development of Moreno Valley's future.

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

ATTACHMENTS/EXHIBITS

Exhibit "A": Letter dated February 7, 2011 and Fourth Amended and Restated Agreement

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Regional Conservation Authority
Western Riverside County

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Board of Directors

Chairman
Jeff Stone
County of Riverside

Vice Chairman
Jim Hyatt
City of Calimesa

Kevin Bash
City of Norco

William Batey
City of Moreno Valley

Ben Benoit
City of Wildomar

John Benoit
County of Riverside

Roger Berg
City of Beaumont

Randy Bonner
City of Canyon Lake

Bob Buster
County of Riverside

Maryann Edwards
City of Temecula

Thomas Fuhrman
City of Menifee

Mike Gardner
City of Riverside

Linda Krupa
City of Hemet

Alan Long
City of Murrieta

John Machisic
City of Banning

Melissa Melendez
City of Lake Elsinore

Scott Miller
City of San Jacinto

Eugene Montanez
City of Corona

John Tavaglione
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

February 7, 2011

The Honorable Richard A. Stewart, Mayor
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RE: CITY COUNCIL ACTION REQUESTED – FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Dear Mayor Stewart:

The Board of Directors of the Western Riverside County Regional Conservation Authority, at their meeting of February 7, 2011, approved the Fourth Amended and Restated Joint Exercise of Powers Agreement (JPA) creating the Western Riverside County Regional Conservation Authority. Said amended agreement would add the City of Eastvale to the joint powers authority once all of the member agencies have adopted the proposed amended agreement.

Enclosed is the proposed Amended and Restated JPA along with 26 signature pages for the City of Moreno Valley. We are requesting 26 original signatures in order that all of the member agencies may be provided with a fully executed original of the JPA. Each member agency must place the item on the agenda for approval. Once it is approved, please return the JPA with the 26 original signature pages to me. Once all of the signature pages are received, each member agency will be provided with a fully executed original JPA for their records.

Your expeditious approval of the Fourth Amended and Restated Joint Exercise of Powers Agreement would be greatly appreciated in order that the City of Eastvale may become a member agency of the Western Riverside County Regional Conservation Authority as soon as possible. Should you have any questions, please feel free to call me at (951) 955-9700.

Sincerely,

Honey Bernas

Honey Bernas
Director of Administrative Services

Enclosures: Fourth Amended and Restated Joint Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority with 26 Signature Pages

cc: Jane Halstead, City Clerk
Henry T. Garcia, City Manager

Exhibit "A"

FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

This Joint Powers Agreement dated _____, 2011 is made by and between the COUNTY OF RIVERSIDE, and the Cities of BANNING, BEAUMONT, CALIMESA, CANYON LAKE, CORONA, EASTVALE, HEMET, LAKE ELSINORE, MENIFEE, MORENO VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN JACINTO, TEMECULA and WILDOMAR, hereinafter sometimes referred to collectively as "Parties," for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan, hereinafter referred to as the "MSHCP."

RECITALS

WHEREAS, the Cities and the County, hereinafter sometimes jointly referred to as "Parties", are authorized and empowered to contract with each other for the joint exercise of powers pursuant to Article 1, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government Code of the State of California, hereinafter referred to as "the Act"; and

WHEREAS, the County and the Cities each have the authority and power to prepare and implement habitat conservation plans for the protection of rare, threatened and endangered species, and to acquire, own, maintain and operate habitat reserves for such species in connection with said habitat conservation plans; and

WHEREAS, the formation of a single public agency would most efficiently serve the interests of the County and Cities by allowing the County and the Cities to jointly exercise the aforementioned powers; and

WHEREAS, the County in consultation with the Cities has prepared the MSHCP; and

WHEREAS, the County and the Cities desire to organize themselves pursuant to

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this Joint Powers Agreement, hereinafter referred to as the "Agreement", to implement the MSHCP should the MSHCP ultimately be approved by the County and Cities; and

WHEREAS, the original Joint Powers Agreement was dated January 27, 2004 and was entered into between the County of Riverside and fourteen (14) cities in western Riverside County; and

WHEREAS, the Cities of Menifee and Wildomar became member agencies on April 7, 2009; and

WHEREAS, the parties and the City of Eastvale desire that the City of Eastvale become a member of the Western Riverside County Regional Conservation Authority.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

Section 1. **Purpose**. The purpose of this Agreement is to create a public agency to acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP in the event the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Additionally, this Agreement shall permit the financing of public capital improvements and those purposes permitted under the Marks-Roos Local Bond Pooling Act of 1985, being Article 4 (commencing with Section 6584) of Chapter 5, Division 7, Title 1 of the California Government Code (the "Bond Law").

Section 2. **Creation of the Authority**. Pursuant to the Act and the Bond Law, there is hereby created a public agency to be known as the "Western Riverside County Regional Conservation Authority," hereinafter referred to as the "RCA." The RCA shall be a public agency, separate and apart from its members, and as provided by law and not otherwise prohibited by this Agreement, shall be empowered to take such actions as may be necessary or desirable to implement and carry out the purposes of this Agreement.

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Section 3. **Powers.** In carrying out the purpose of this Agreement, the RCA shall have the following powers:

A. To make and enter into contracts;

B. To employ agents, consultants, attorneys and employees;

C. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;

D. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;

E. To incur debts, liabilities, and obligations;

F. To sue and be sued in its own name;

G. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;

H. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;

I. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;

J. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;

K. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;

L. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the RCA;

M. To acquire, hold, and dispose of equipment;

N. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP and employ individuals or entities to conduct such lobbying activities on its behalf; and

O. To exercise the powers granted to it under the Act, including, but not limited to, the Bond Law and the powers common to each member, as may be necessary to accomplish the purposes of this Agreement.

P. To invest money in the treasury pursuant to Section 6505.5 of the Act that is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code.

Section 4. **Term.** The term of this Agreement shall continue until terminated by the Parties hereto by their mutual written consent as set forth in Section 5 of this Agreement.

Section 5. **Termination, Withdrawal and Amendment.**

A. This Agreement shall be automatically terminated and considered null and void in the event the MSHCP is not approved by the County and the Cities or appropriate permits are not issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

B. Any Party to this Agreement may withdraw for any reason upon giving all other Parties sixty (60) days advance written notice of the effective date of such withdrawal. This Agreement shall thereupon be deemed automatically amended to reflect the withdrawal of said Party from the RCA and this Agreement. Upon withdrawal of any Party from the RCA and this Agreement, the withdrawing Party shall not receive any distribution, partial or otherwise, of any cash or other assets of the RCA.

C. Provided there is mutual consent by the governing bodies of each of the Parties to this Agreement, evidenced in writing, this Agreement may be: (1) amended to add new Parties; or (2) amended to change any portion of this Agreement. Alternatively, any Western Riverside County city may become a party to the Authority upon such terms

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and conditions as established by the Board or Executive Committee. Any Western Riverside County city shall become a party to the Authority by the adoption by the city council of this Agreement and the execution of a written addendum to this Agreement agreeing to the terms of this Agreement and agreeing to any additional terms and conditions that may be established by the Board or Executive Committee.

D. The Parties to this Agreement specifically agree that this Agreement creates an entity which may acquire or hold property. Pursuant to California Government Code Sections 6511 and 6512, upon completion of the purposes of this Agreement or upon termination thereof, any property or assets acquired or surplus money on hand which was obtained pursuant to this Agreement and which is not required by law or contract to be distributed in a different manner, may be returned to the then Parties to the Agreement in proportion to the contributions made, or in the alternative, may be transferred to any local, state, federal or private entity who agrees to assume the duties and obligations of the RCA. However, any distribution of assets shall be subject to the prior discharge of enforceable liability against the RCA. Subject to the foregoing, each Parties proportionate share shall be based upon each Parties contributions to the RCA submitted to the RCA in accordance with Sections 17.A. and B. below.

Section 6. <u>RCA Board and Membership</u>. This Agreement and the authority hereby created shall be administered by the governing body of the RCA which shall be known as the "Board of the Western Riverside County Regional Conservation Authority" hereinafter referred to as the "Board."

The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement. Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.

Each member of the Riverside County Board of Supervisors may appoint an alternate member and each City may appoint one alternate member. Each regular member and alternate City appointed member must hold an elective office on the

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respective governing body appointing the regular or alternate member. The Board of Supervisors may appoint a city council member of a member city to represent each Board of Supervisor member as an alternate at meetings of the RCA Board or committees. Notwithstanding the prior sentence, in no event shall the same person serve as a city representative and alternate for the Board of Supervisor's member of the same meeting. Notice of the appointment of an alternate shall be made in writing to the chairperson of the RCA Board. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board the same as if the alternate member were the regular member.

Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member's position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to promptly inform the Board of the name of the replacement regular or alternate member.

Regular members and alternate members, if participating in a meeting of the Board on behalf of a regular member, shall be entitled to compensation for participation in meetings of the Board and necessary traveling and personal expenses incurred in the performance of the member's duties as authorized by the Board. Such compensation shall be fixed by resolution of the Board.

Section 7. <u>Meetings of the RCA Board</u>.

A. **<u>Meetings.</u>** The Board shall establish the time and place for its regular and special meetings. The dates, hour and location of regular meetings shall be fixed by resolution of the Board and a copy of such resolution shall be provided to the governing body of each of the Parties and with each Party's designated regular and alternate member. Special meetings and adjourned meetings may be held as required or permitted by law.

B. **Ralph M. Brown Act.** All meetings of the Board, including without limitation, regular, special and adjourned meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

C. **Quorum and Voting.** A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote. For an item to be passed by weighted vote, all of the following requirements shall be met:

I. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;

II. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and

III. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the number of acres currently within the Criteria Cells in the incorporated areas as follows: Banning – 78 acres; Beaumont – 10,098 acres; Calimesa – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres; Eastvale – 1,024 acres; Hemet – 1,158 acres; Lake Elsinore – 14,336 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,726 acres; Norco – 734 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,580 acres; Temecula – 3,899 acres; and Wildomar – 4,151 acres. Population data shall be determined through California Department of Finance estimates, adjusted annually.

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In addition, the Board may, through resolution, revise the above-referenced number of acres due to the addition of a new member entity or other appropriate adjustments as the Board deems necessary.

D. The Board may adopt, from time to time, such rules and regulations for the conduct of its meetings and affairs as it may deem necessary, including, without limitation, the designation of a person to record and transcribe the minutes of each public meeting of the RCA.

Section 8. Officers. The Board shall select a Chairperson and a Vice-Chairperson at its first meeting and at the first meeting held in each succeeding calendar year. Additionally, at its first meeting and at the first meeting held in each succeeding calendar year shall, the Board shall select any other officers it deems appropriate. In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board. In the absence or inability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.

A. **Treasurer.** The treasurer of a member agency shall serve as the treasurer of the RCA. The Board pursuant to the adoption of a resolution shall appoint the treasurer of a member agency to serve as the Treasurer. The Treasurer shall have the custody of the RCA money and disburse RCA funds pursuant to the accounting procedures developed in accordance with the provisions of this Agreement, the Act, and with those procedures established by the Board. The Treasurer shall assume the duties described in Section 6505.5 of the Government Code, namely: receive and receipt for all money of the RCA and place in the Treasury of the Treasurer to the credit of the RCA; be responsible upon an official bond as prescribed by the Board for the safekeeping and disbursement of all RCA money so held; pay, when due, out of money of the RCA so held, all sums payable, only upon warrants of the officer performing the functions of the Controller who has been designated by the RCA or Board; verify and report in writing on the first day of July, October, January and April of each year to the RCA the amount of money held for the RCA, the amount of receipts since the last report,

and the amount paid out since the last report; and perform such other duties as are set forth in this Agreement or specified by the Board.

B. **Controller.** The Finance Director of a member agency shall serve as the Controller of the RCA. The Board pursuant to the adoption of a resolution shall appoint the finance director of a member agency to serve as the Controller. The Controller shall draw warrants to pay demands against the RCA when such demands have been approved by the Board or by any other person authorized to so approve such by this Agreement or by resolution of the Board. The Controller shall perform such duties as are set forth in this Agreement and such other duties as are specified by the Board.

There shall be strict accountability of all funds and reporting of al receipts and disbursements. The Controller shall establish and maintain such procedures, funds and accounts as may be required by sound accounting practices, the books and records of the RCA in the possession of the Controller shall be open to inspection at all reasonable times by representatives of the Parties.

The Controller, with the approval of the RCA, shall contract with an independent certified public accountant or firm or certified public accountants to make an annual audit of the accounts and records of the RCA, and a complete written report of such audit shall be filed as public records annually, within six (6) months of the end of the fiscal year under examination, with each of the Parties. Such annual audit and written report shall comply with the requirements of Section 6505 of the Government Code. The cost of the annual audit, including contracts with, or employment of such independent certified public accountants in making an audit pursuant to this Agreement shall be a charge against any unencumbered funds of the RCA available for such purpose. The Board by unanimous vote, may replace the annual audit with a special audit covering a two-year period.

Section 9. MSHCP Advisory Committee. Within thirty (30) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department

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of Fish and Game for the MSHCP, the Board shall form an MSHCP Advisory Committee. The MSHCP Advisory Committee shall consist of the Riverside County Habitat Conservation Agency (RCHCA) Board of Directors and one representative from each City who is not a member of the RCHCA. Within six (6) months of execution of this Agreement, or at any time thereafter, the Board may review the RCA organizational structure established by this Agreement to determine if it is facilitating MSHCP implementation.

Section 10. Executive Director. The Board shall retain an Executive Director to administer the MSHCP in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP. As required by the MSHCP, the RCA shall initially contract with the County of Riverside to provide an appropriate department or individual to act as the Executive Director within thirty (30) days of the formation of the RCA. The appropriate department or individual shall be recommended by the County's Executive Officer and considered by the Board. It is understood by the Parties to this Agreement that the Board may accept or reject the County Executive Officer's recommendation of an appropriate department or individual to serve as the Executive Director. This contract shall be for an initial term of three (3) years. At least six (6) months prior to the expiration of this initial contract term, the Board shall review the County department's or individual's performance as Executive Director. Based upon this review, the Board may elect to extend the contract with the County or select an alternative entity or individual for the Executive Director position upon expiration of the initial term.

Section 11. RESERVED

Section 12. Monitoring Program Administrator. Upon issuance of the permits for the MSHCP by the U.S. Fish and Wildlife Service and California Department of Fish and Game and for a period of eight (8) years thereafter, the California Department of Fish and Game shall serve as the Monitoring Program Administrator for the MSHCP. The Monitoring Program Administrator shall be responsible for implementing the monitoring program contained in Section 5.0 of the MSHCP and shall perform all duties

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and responsibilities as set forth in Sections 5.0 and 6.0 of the MSHCP. Thereafter, the Board may elect to have the Department continue acting in the capacity or shall select an alternative individual or entity for this position if the Board determines that the Department cannot adequately perform the duties and responsibilities of this position.

Section 13. Reserve Managers. The Board shall retain at least one Reserve Manager to manage lands owned by the RCA within the MSHCP Conservation Area. This Reserve Manager(s) shall report to the Executive Director and shall perform all the duties and responsibilities set forth in Section 5.0 and Section 6.0 of the MSHCP. Additionally, Reserve Managers managing lands owned by any Party to this Agreement that are within the MSHCP Conservation Area shall report to the Executive Director.

Section 14. Independent Science Advisors. The Board shall retain, as appropriate, independent science advisors who are qualified biologists and conservation experts with expertise in species covered by the MSHCP and their habitats. Additionally, to the extent feasible, the independent science advisors shall have experience in land management. Independent science advisors shall be retained on an annual basis, shall report to the Executive Director and shall comply with the duties and responsibilities set forth in Section 6.0 of the MSHCP.

Section 15. Funding Coordination Committee. Within one hundred and twenty (120) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department of Fish and Game for the MSHCP, the Board shall form a Funding Coordination Committee to provide recommendations to the Board on local funding priorities and local MSHCP Conservation Area acquisitions. Members of this committee shall be appointed by the Board and shall consist of, at a minimum, representatives of the Parties to this Agreement, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. To the extent feasible, members of the Funding Coordination Committee shall have expertise in real estate or land use planning and/or experience implementing large scale conservation programs.

The Funding Coordination Committee shall make recommendations to the Board through the Executive Director on local land acquisitions and funding priorities. Additionally, this Committee shall provide a forum to discuss land acquisition priorities of the U.S. Fish and Wildlife Service and California Department of Fish and Game and acquisitions by other entities using non-local sources of revenue. The Board shall establish policies under which the Funding Coordination Committee shall make recommendations to the Board. Such policies shall include conflict of interest guidelines for the Committee members.

The Planning Directors of each Party to this Agreement shall receive prior notice of all meetings of the Funding Coordination Committee. Such notice shall include a meeting agenda and a list of potential acquisition sites, if applicable. The Planning Directors or their designated representatives may participate in Committee meetings, as appropriate.

Section 16. <u>Reserve Management Oversight Committee</u>. The Reserve Management Oversight Committee (RMOC) shall be formed within sixty (60) days of the effective date of the contract between the RCA and the County concerning the establishment of an Executive Director. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities:

A. U. S. Fish and Wildlife Service,

B. California Department of Fish and Game,

C. Riverside County Regional Parks and Open Space District,

D. Bureau of Land Management,

E. U.S. Forest Service,

F. California Department of Parks and Recreation,

G. RCA, and

H. Up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.

The RMOC shall serve as the intermediary between the Reserve Managers and the decision making function of the RCA. The Executive Director shall serve as chair of the RMOC.

Section 17. Rules and Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The Act, the Bond Law, and the laws of the State of California applicable to a general law city shall govern the RCA in the manner of exercising its powers, subject, however, to such restrictions as are applicable to said city in the manner of exercising such powers, as required by Government Code Section 6509. The Board, at its first meeting or as soon thereafter as may be possible, shall adopt such rules and regulations as the Board may deem necessary for the conduct of the RCA's affairs. Among these rules shall be a conflict of interest code and a purchasing ordinance. The Board may, as it deems appropriate, review and revise these rules and regulations.

Section 18. Fiscal Year. The fiscal year of the RCA shall be the period commencing on July 1 of each year and ending on and including the following June 30.

Section 19. Contributions/Estimated Budget.

A. Contributions of Development Mitigation Fees. The Parties to this Agreement shall impose a development mitigation fee on all new development to support the acquisition of additional reserve lands pursuant to the MSHCP. All development mitigation fees collected by the Parties shall be forwarded to the RCA within ninety (90) days after receipt by each Party. The RCA may, in its discretion, conduct an audit of the development mitigation fees collected by any Party to this Agreement.

B. Other Contributions. The RCA may accept contributions of money or property from the Parties or other individuals or entities including but not limited to contributions from Parties, MSHCP Permittees and Special Participating Entities who obtain take authorization under the MSHCP for public utility, schools, transportation, flood control and other public infrastructure projects. Additionally, a Party may hold and

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manage its own property as a contribution to implementation of the MSHCP and the MSHCP Conservation Area. Landfill Tipping Fees and Density Bonus Fees collected by the County may be contributed to the RCA on an annual basis subject to the discretion of the Board of Supervisors.

C. Use of Contributions. When approved by the Board, revenues received by the RCA, including without limitation, fees and other contributions, shall be used to implement the MSHCP. In addition, the RCA shall reimburse the County for any and all litigation costs, including but not limited to attorneys fees, incurred in defense of any legal challenge concerning the adoption of the MSHCP or any related actions as well as any costs incurred to establish the Executive Director and any other necessary staff prior to entering into the contract contemplated in Section 10 of this Agreement.

D. Budget. The annual budget for the RCA shall be prepared by the Executive Director. The annual budget shall be based on an estimate of the amount of revenue necessary to implement the MSHCP during the ensuing fiscal year and shall consider necessary land acquisition, improvements, maintenance, management, monitoring, administration, and operation costs during the current fiscal year as such costs are set forth in the then current approved budget for the RCA.

Section 20. <u>MSHCP Reporting Requirements</u>. In order to assist in the preparation of the annual report required to be prepared by the RMOC and submitted to the USFWS, CDFG, and RCA as set forth in the MSHCP and Implementing Agreement, the Parties shall on a monthly basis provide the following information to the RCA:

A. grading permit activity including the number of the permit issued, the location of the development site identified by assessor's parcel number, and the amount of acreage disturbed;

B. single family home and mobile home construction activity within the Criteria Area including the number of the grading, building, site preparation or installation permit issued and the location of the development site identified by assessor's parcel number;

C. development mitigation fee collection including identification by assessor's parcel number of the project for which the fee was collected, the amount of the fee paid, and any exemptions or credits that may have been included in any calculation of the fee; and

D. any other information required to comply with the provisions of the MSHCP as may be determined necessary by the Executive Director.

In addition, the County shall submit on an annual basis all information contained in the Existing Agricultural Operations Database including the amount of new agricultural land, if any, added to the Database as well as any documentation concerning the expansion of agricultural operations within the Criteria Area.

Section 21. Joint Project/Acquisition Review Process. To ensure that the requirements of the MSHCP and its Implementing Agreement are properly met, a joint project/acquisition review process shall be instituted by the RCA. This process is set forth in Section 6 of the MSHCP.

Section 22. Liabilities. Except as may be provided herein, the debts, liabilities and obligations of the RCA shall be the debts, liabilities and obligations of the RCA alone, and not of the Parties to this Agreement.

Section 23. Indemnification. Provided that a Party has acted in good faith and in accordance with this Agreement, the approved MSHCP and its Implementing Agreement and the Permits, the RCA shall defend, indemnify and hold such Party free and harmless from any loss, liability or damage incurred or suffered by such Party by reason of litigation arising from or as a result of any of the following: the Party's development mitigation fee ordinance; the Party's participation in the RCA; actions taken to approve and/or implement the MSHCP; claims of inverse condemnation or unconstitutional takings against a Party; or any other act performed or to be performed by the Party pursuant to this Agreement, the MSHCP, its Implementing Agreement or the Permits; provided, however, that such indemnification or agreement to hold harmless

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pursuant to this Section shall be recoverable only out of RCA assets and not from other Parties.

Section 24. Notices. Notices required or permitted hereunder shall be sufficiently given if made in writing and delivered either personally or by registered or certified mail, postage prepaid to said respective Parties, as follows:

A. Regional Conservation Authority
Executive Director
3403 10th Street, Suite 320
Riverside, CA 92501
(951) 955-9700
(951) 955-8873 fax

B. County of Riverside
Transportation and Land Management Agency
Agency Director
4080 Lemon Street, 7th Floor
Riverside, CA 92501
(951) 955-6742
(951) 955-6879 fax

C. City of Banning
City Manager
99 E. Ramsey Street
Banning, CA 92220
(951) 922-3103
(951) 922-3128 fax

D. City of Beaumont
City Manager
550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520
(909) 769-8526 fax

E. City of Calimesa
City Manager
908 Park Ave
Calimesa, CA 92320
(909) 795-9801
(909) 795-4399 fax

F. City of Canyon Lake
City Manager
31516 Railroad Canyon Road

MV00100476

Canyon Lake, CA 92587
(951) 244-2955
(951) 246-2022 fax

G. City of Corona
City Manager
P.O. Box 940
Corona, CA 92878
(951) 736-2371
(951) 736-2493 fax

H. City of Eastvale
City Manager
6080 Hamner Avenue, Suite 103
Eastvale, CA 91752
(951) 361-0900
(951) 361-0888 fax

I. City of Hemet
City Manager
445 E. Florida Avenue South
Hemet, CA 92543
(951) 765-2300
(951) 765-3785 fax

J. City of Lake Elsinore
City Manager
130 S. Main Street
Lake Elsinore, CA 92530
(951) 674-6727 ext. 261
(951) 674-2392 fax

K. City of Menifee
City Manager
29683 New Hub Drive, Suite C
Menifee, CA 92586
(951) 672-6777

L. City of Moreno Valley
City Manager
P.O. Box 88005
Moreno Valley, CA 92553
(951) 413-3008
(951) 413-3760 fax

M. City of Murrieta
City Manager
24601 Jefferson Avenue

Murrieta, CA 92562-9755
(951) 698-1040
(951) 698-9885 fax

N. City of Norco
City Manager
2870 Clark Avenue
Norco, CA 92860
(951) 270-5611
(951) 270-5622 fax

O. City of Perris
City Manager
101 North D Street
Perris, CA 92570
(951) 657-5882
(951) 657-1087 fax

P. City of Riverside
City Manager
3900 Main Street
Riverside, CA 92522
(951) 826-5991
(951) 826-5470 fax

Q. City of San Jacinto
City Manager
595 S. San Jacinto Avenue, Building B
San Jacinto, CA 92583
(951) 487-7342
(951) 654-3728 fax

R. City of Temecula
City Manager
PO Box 9033
Temecula, CA 92589-9033
(951) 694-6440
(951) 694-6499 fax

S. City of Wildomar
City Manager
23738 Clinton Keith Road
Wildomar, CA 92595
(951) 677-7751

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The listed addresses shall serve as the official address for any notices until such time as any Party gives notice to all other Parties of a change in address in accordance with the terms of this section.

Section 25. Severability. If any section, clause or phrase of this Agreement or the application thereof to any Party or any other person or circumstance is for any reason held to be invalid by a court of competent jurisdiction, it shall be deemed severable and the remainder of the Agreement or the application of such provisions to the other party or to other persons or circumstances shall not be affected thereby.

Section 26. Other Agreements Not Prohibited. Other agreements by and between the Parties of this Agreement or any other entity are neither prohibited nor modified in any manner by execution of this Agreement. Furthermore, the Parties hereto agree upon request to execute, acknowledge and deliver all additional papers and documents necessary or desirable to carry out the intent of this Agreement.

Section 27. Other Obligations. The responsibilities and obligations of each Party to this Agreement shall be solely as provided in this Agreement, or as may be provided for in supplemental agreements to be executed by the Parties.

Section 28. Non-Assignability. The rights, titles and interests of any Party to this Agreement shall not be assignable or transferable without the consent of the governing body of each Party hereto.

Section 29. Section Headings. The section headings herein are for convenience of the Parties only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this Agreement.

Section 30. Construction of Language. It is the intention of the Parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

Section 31. Cooperation. The Parties recognize the necessity and hereby agree to cooperate with each other in carrying out the purposes of this Agreement, including cooperation in matters relating to the public, accounting, litigation, public relations and the like.

Section 32. Future Amendments. To preserve a reasonable degree of flexibility, many parts of this Agreement are stated in general terms. It is understood that there may be Amendments to this Agreement which will further define the rights and obligations of the Parties.

Section 33. Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.

Original JPA Approved January 27, 2004
Amendment No. 1 Approved April 29, 2007
Amendment No. 2 Approved March 11, 2008
Amendment No. 3 Approved April 7, 2009
Amendment No. 4 Approved _____, 2011

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized as of the date first above written.

Dated:_____ **COUNTY OF RIVERSIDE**

Attest:

_____ By:_____
Chairman, Board of Supervisors

Dated:_____ **CITY OF BANNING**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF BEAUMONT**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CALIMESA**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CANYON LAKE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF CORONA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF EASTVALE**

Attest:

_____ By:_____

Dated:_____ **CITY OF HEMET**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF LAKE ELSINORE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MENIFEE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MORENO VALLEY**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MURRIETA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF NORCO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF PERRIS**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF RIVERSIDE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF SAN JACINTO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF TEMECULA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF WILDOMAR**

Attest:

_____ By:_____

City Clerk Mayor

MV00100484

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES.

BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET

DEVELOPER: MORENO VALLEY PROPERTIES
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve TM 34950-1, a final map for financing purposes.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On August 23, 2007 the Planning Commission of the City of Moreno Valley approved PA06-0105 (TTM 34950), a 665.5 gross acre tentative tract map for finance purposes containing the overall boundary of the Aquabella master plan development. The developer is now proposing to phase the overall tentative tract map. TM 34950-1

contains Lots 1 and 2 of TTM 34950 and is bounded by Brodiaea Avenue on the north, Cactus Avenue on the south, Lasselle Street on the west, and Morrison Street on the east.

DISCUSSION

TM 34950-1 is an 80-acre, two-parcel final map proposed for financing purposes. Therefore, no right-of-way dedications or improvements are required. Right-of-way dedications and improvements will be required at the time development is proposed through a separate planning application process.

ALTERNATIVES

1. Approve TM 34950-1, a final map for financing purposes. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

2. Do not approve TM 34950-1, a final map for financing purposes. Do not authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *Not approving staff's recommendation would result in the disapproval of the developer's final map for financing purposes and the map not recording.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\3-22-11 - TM 34950-1 - Financing Map.doc

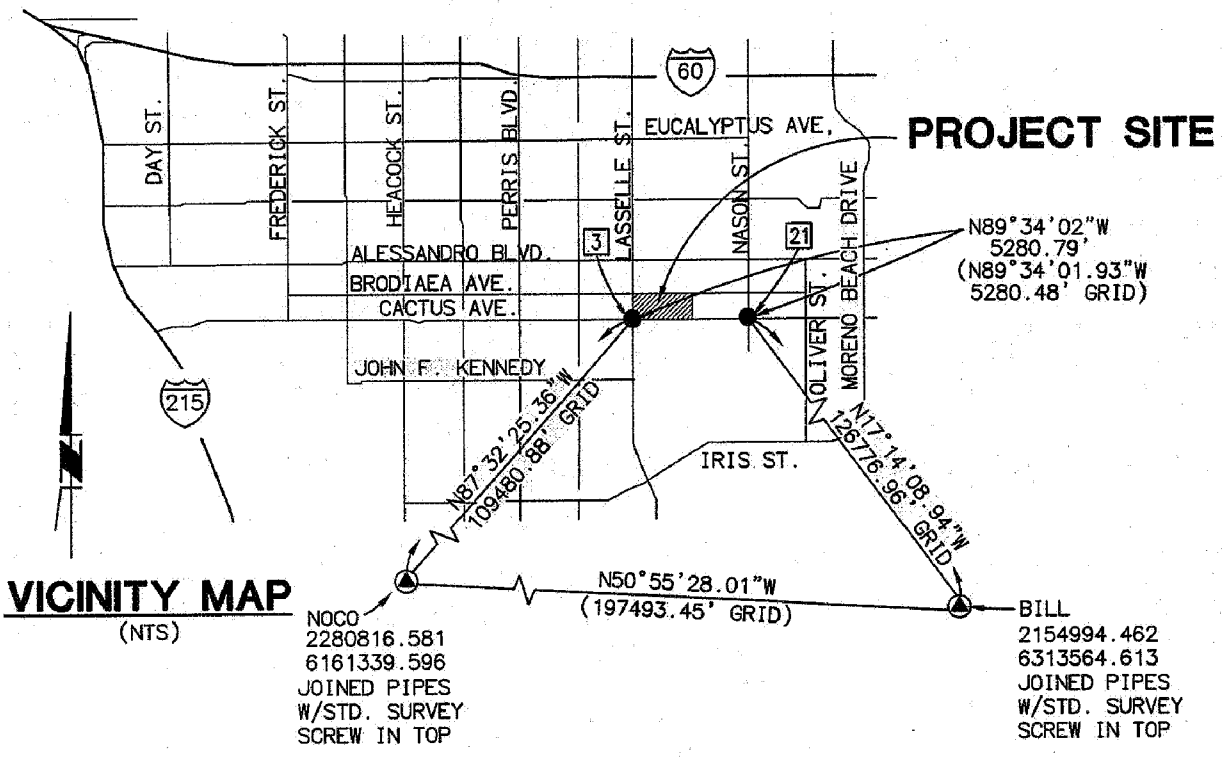

VICINITY MAP
(NTS)

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TR 34950-1** **LOCATION MAP**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council:

1. Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

BACKGROUND

CalTrans is accepting proposals for the Transportation Planning Grant Program for Fiscal Year 2011-2012. The grant application has a March 30th deadline.

DISCUSSION

The CalTrans Transportation Planning Grant Program has various components. The Community-Based Transportation Planning (CBTP) and Environmental Justice (EJ) Grant Programs provide funding for communities to plan for a closer connection between transportation and land use. Over the past 10 years, both programs have provided over 300 planning grants totalling over $45 million. These grants have been assisted in developing and studying the sustainability of land use plans to improve the quality of life for many Californians.

Upon an award, ninety percent (90%) of project costs are funded by the Caltrans grant. The remaining 10% is required from the grantee as a local match. Grant-funded products are expected to help foster sustainable economies, increase available affordable housing, improve housing/jobs balance, encourage transit oriented and mixed use development, expand transportation choices, and reflect community values.

Staff is proposing to use grant funds of $150,000 to complete items not covered by the recently received grant from SCAG's Compass Blueprint program for implementation of the Alessandro Boulevard Corridor Demonstration Project that was presented to the Council during the June 15, 2010 Study Session.

The Alessandro Boulevard Corridor Demonstration Project explored opportunities for mixed use transit-oriented development along Alessandro Boulevard. Alessandro Boulevard is an important regional transportation link for Moreno Valley, tying the Riverside County Regional Medical Center via a rapid bus transit line to the future Moreno Valley/ March Field Metrolink Station, as well as the Civic Center, City of Riverside, Meridian Business Park and future March Life Care.

At the time of submittal of this report, staff is still working on the wording of the final proposal of the Alessandro Boulevard Corridor Implementation Project in anticipation of the March 30th submittal deadline.

ALTERNATIVES

1. Approve the proposal as submitted.

2. Approve the proposal with modifications to address City Council concerns.

3. Deny the proposal.

FISCAL IMPACT

The fiscal impact to the City is the 10% local match required by Caltrans from the grantee. The grant proposal includes rezoning areas along Alessandro Boulevard to Residential 30 (R30) as identified in the recently approved General Plan Housing Element. The required environmental studies for the rezoning cannot be covered under the Caltrans grant. The related environmental/CEQA costs are anticipated to be funded by City housing funds, which would qualify as meeting the required match. Should the grant be awarded to the City, the 10% matching funds ($15,000) will be budgeted in RDA Housing Fund account number 894.91310.6291.293. There is no anticipated fiscal impact to the General Fund.

RECOMMENDATION

1. Adopt Resolution No. 2011-29 authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

1. Resolution No. 2011-29

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE CALTRANS TRANSPORTATION PLANNING GRANT (FISCAL YEAR 2011-2012).

WHEREAS, the California Department of Transportation (CalTrans) has provided funds for the program shown above; and

WHEREAS, CalTrans has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by CalTrans require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with CalTrans to carry out the development of the proposal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: The Council of the City of Moreno Valley authorizes the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" under the CalTrans Transportation Planning Grant (Fiscal Year 2011-2012).

BE IT FURTHER RESOLVED, by the Council of the City of Moreno Valley, appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

BE IT FURTHER RESOLVED, Certifies that applicant understands the assurances and certification in the application.

BE IT FURTHER RESOLVED, Certifies that applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so.

BE IT FURTHER RESOLVED, Certifies that the Proposal will comply with any applicable laws and regulations.

SIGNATURE PAGE FOLLOWS

Attachment 1

Resolution No. 2011-29
Date Adopted: March 22, 2011

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-29
Date Adopted: March 22, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Resolution No. 2011-29
Date Adopted: March 22, 2011

MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Towne Centre and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and

pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map

4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

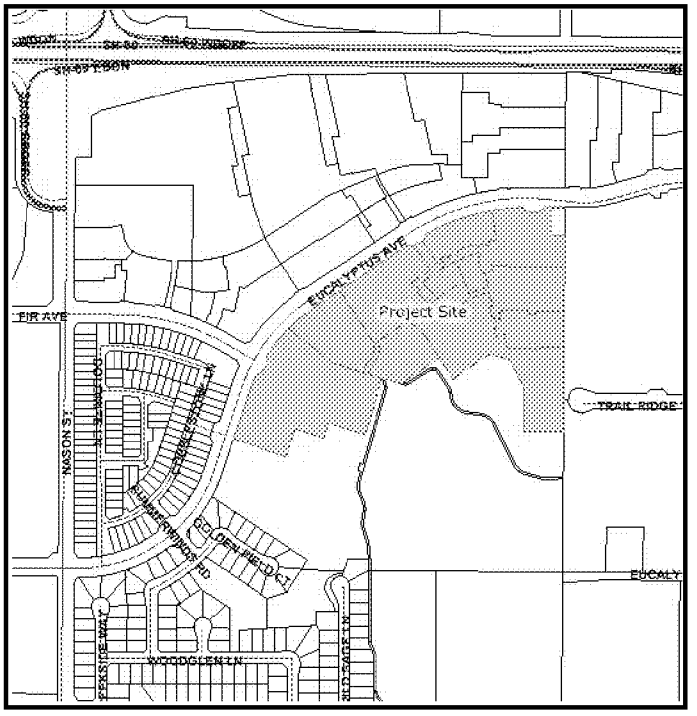

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.

ATTACHMENT 1

CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. ____
Date Adopted:

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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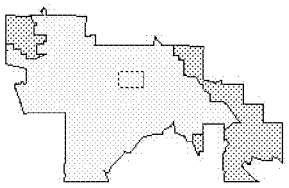

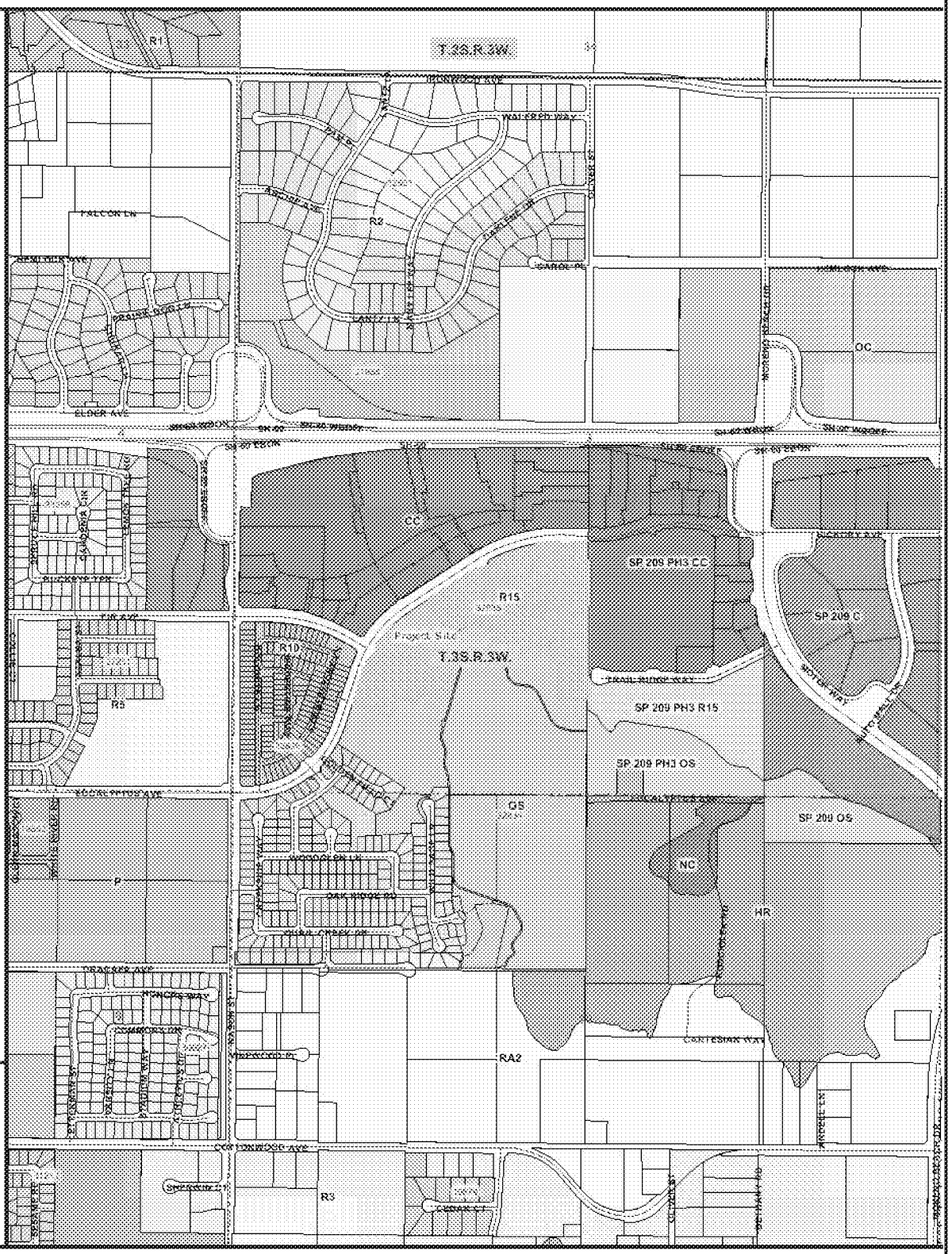

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

N

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MORENO VALLEY
WHERE DREAMS SOAR

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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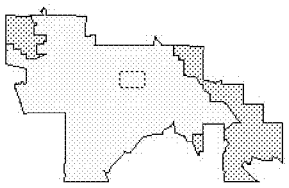

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS

(Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

ATTACHMENT 5

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as “Nature Park” on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will consist of individual lots with detached single-family homes, common open space areas, and private access roads. The common open space includes a recreation building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

<u>Other Design Considerations</u>

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees along private streets and allow continual break-up of the project massing. In addition, street trees will be clustered in strategic locations such as on corner lots, adjacent to guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry

statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from

general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets development standards as allowed under Section 9.03.060 (Planned Unit Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review

Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Act (CEQA) guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation District	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by: Approved by:

Mark Gross, AICP John C. Terell, AICP

Senior Planner Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. Recreation building floor and elevation plans (provided in reduced format in Exhibit 6).
6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

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case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

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Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

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PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

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APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

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seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

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COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

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COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

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quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

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COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

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ATTACHMENT 7

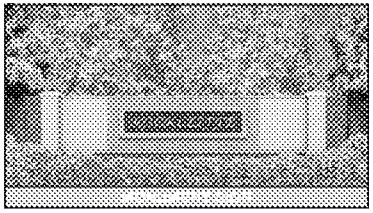

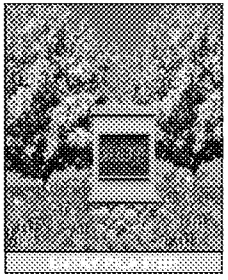

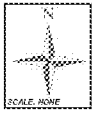

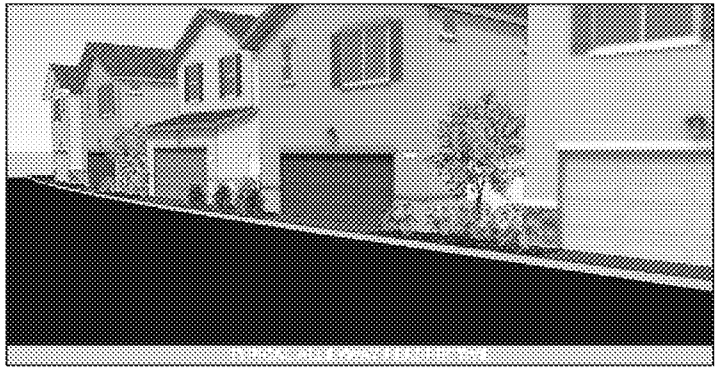

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

MV00100566

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

MV00100567

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

`FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: March 22, 2011

TITLE: FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs, and
2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or provide a variety of social services for low to moderate income residents (see Attachment A for the 2010 Low Income Limits table). These grant programs are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to 'Entitlement Cities' (eligible, selected cities with a population exceeding 50,000 - Moreno Valley is classified by HUD as an Entitlement City), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas.

HUD requires that Entitlement Cities (including Moreno Valley) prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2011/12 marks the fourth year of the City's FY 2008-2013 Consolidated Plan. Each year, Entitlement Cities must also adopt Annual Action Plan updates of the Consolidated Plan. The Annual Action Plan specifically identifies how the City will allocate both CDBG and HOME funds for the upcoming program year. The Annual Action Plan for FY 2011/12 must comply with the required public notifications and hearings and be received by HUD no later than May 12, 2011.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least 51% of residents earning low and moderate incomes. For a map of the CDBG Target Areas see Attachment B.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used towards the development of affordable housing activities. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development activities. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services, which can include, but are not limited to the following:

- Fair Housing Services\Foreclosure Prevention Programs (Mandated by HUD)
- Career Development and Mid-Career Retraining
- Youth Programs
- Homeless Services
- Crime Prevention Programs

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as subrecipients) to provide the desired services or programs.

DISCUSSION

2011/12 CDBG – AVAILABLE FUNDING

HUD has not yet released the allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocation for CDBG and a 9.5% reduction in the allocation for the HOME program. Based on that information, the CDBG allocation is estimated at $1,795,990 ($145,621 less than last years allocation of $1,941,611).The City estimates $269,398 (15% of the total estimated CDBG allocation) will be available for social services. Table 1, below, outlines the proposed CDBG budget based on anticipated allocation. HUD

limits expenditures for certain categories, such as social services and CDBG program administration. The limits and maximum allocations are noted below.

Table 1

FY 2011/12 CDBG ESTIMATED AVAILABLE FUNDING	
Funding Category	Funding Allocation
2011/12 CDBG Estimated Allocation	**$1,795,990**
TOTAL ESTIMATED CDBG FUNDS	**$1,795,990**
A. Program Administration (20% maximum of annual grant)	$359,198
B. Public Social Services (15% maximum of annual grant)	$269,398
C. Public Facilities & Improvements	$350,000
D. Rehabilitation	$10,000
E. Code Enforcement	$366,407
F. Economic Development	$440,987
TOTAL PLANNED CDBG EXPENDITURES	**$1,795,990**

APPLICATION PROCESS

The City must notify the public of available social service funding opportunities and conduct a public hearing to solicit public input regarding the proposed projects. In compliance, a Notice of Funding Availability for CDBG and HOME was published in the Press-Enterprise on January 3, 2011. CDBG and HOME social service applications were available at the City Hall and were mailed directly to interested parties. Applications were due on January 31, 2011.

A CDBG/HOME Technical Review Committee (TRC) comprised of staff was formed to review the CDBG Public Service applications. Prior to making recommendations, the TRC thoroughly evaluated the all applications based on: (1) conformance with federal requirements and City guidelines, (2) community needs identified in the City's Consolidated Plan, (3) priorities established by the City Council at the December 14, 2010 meeting, and (4) available funding resources.

Federal Requirements

HUD requires that at least 70% of the annual CDBG funds be allocated to projects that benefit low and moderate income persons. HUD also requires that CDBG projects meet at least one of three national objectives: (1) benefit persons of low and moderate

income; (2) improve slum or blighted conditions; or (3) respond to an emergency or urgent need.

City Guidelines
On a local level, the City Council has previously adopted guidelines for evaluating social service applications. These include:

- Priority to local providers over those organizations providing equivalent services outside the city.
- The minimum grant level is generally $5,000 for the CDBG Program and $25,000 for the HOME Program (the Council may approve lesser grant amounts).
- Programs should have other funding sources.
- Fair housing services, homeless services, social services, and youth career development, and crime protection programs shall be given funding priority.
- City projects will be given priority.

2011/12 RECOMMENDED CDBG PROJECTS AND PROGRAMS

All recommended CDBG projects and programs fall into one of the following categories:

- Program Administration
- Public Social Services
- Public Facilities and Improvements
- Code Enforcement
- Economic Development
- Rehabilitation

Attachment D provides recommendations for CDBG social service funding in FY 11/12. It includes a list of all CDBG social service applications received, the requested funding, and amount of funding recommended by the TRC.

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2011/12 cap estimated for program administration is $359,198 (based on a total CDBG allocation similar to last year). Funding under this category provides for Economic Development Department staffing, along with the mandatory funding of Fair Housing Services (required by HUD). The Fair Housing Services include education regarding fair housing rights and

responsibilities, investigation of discriminatory practices, and landlord/tenant mediation.

2) PUBLIC SOCIAL SERVICES

Social services are subject to a fifteen percent (15% maximum) limit of the annual CDBG allocation. The maximum social service cap for 2011/12 is estimated at $269,398. Staff and the TRC reviewed a total of 28 public service applications, which were received from City departments, service providers, and non-profit organizations. The TRC conducted comprehensive evaluations of applications and provided a funding recommendation.

The projects recommended by the TRC reflect the community priorities adopted by the City Council on December 14, 2010. Social Service applications recommended for CDBG funding in FY 2011/12 encompass a wide range of programs and services including: 1) emergency and transitional shelter for homeless families; 2) youth, elderly and disabled adult services; 3) crisis counseling; and 4) emergency food distribution.

Please note in addition to recommending most of the programs the City Council previously funded, the TRC is also recommending funding one new program: Catholic Charities Emergency Services.

3) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. Code Compliance officers provide proactive code compliance within the established CDBG-Target Areas. Code compliance efforts reduce blight and substandard housing conditions as well as promote improved property and building maintenance within the target areas. Staff is recommending maintaining Code Enforcement at approximately the same level as last fiscal year in order to continue their efforts.

4) ECONOMIC DEVELOPMENT

a. Employment Resource Center

In 2009/10, the City partnered with Riverside County Workforce Development to create a local Employment Resource Center (ERC) in Moreno Valley dedicated to providing unemployed or under-employed Moreno Valley residents with a convenient place where they could utilize computers and other standard office equipment, access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The ERC is very active and averages of over 180 visitors per day. It also has been used by new businesses (such as Burlington Coat Factory and O'Reilly

Automotive) to conduct employee recruitments. Staff is recommending $120,000 to continue providing this valuable service to the community.

b. Moreno Valley New Business Incentive Program

Funding is recommended for the continuation of the New Business Incentive Program intended to assist with the attraction of major employers to locate in the vacant space in the TownGate area, Centerpointe Business Park, and the Moreno Valley Industrial Area Specific Plan areas of the community, thereby creating new employment opportunities for low and moderate income residents. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income persons) and the boosting of sales tax revenues.

2011/12 HOME PROGRAM – AVAILABLE FUNDING

The estimated FY 2011/12 HOME allocation is $603,264 ($63,325 less than last year's allocation of $666,589). The HOME Program generally funds city-sponsored programs. Program administration has a cap of 10% (or $60,326) of the total HOME allocation. In addition, a minimum of 15% (or $90,490) of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families. Staff is recommending FY 2011/12 HOME funding as outlined in Table 2.

Table 2

FY 2011/12 ESTIMATED HOME ALLOCATION	
2011/12 HOME Estimated Allocation	**$603,264**
Total Estimated HOME Funds	**$603,264**
Program Administration (maximum 10% of allocation)	$60,326
FY 10/11 Community Housing Development Organization (or CHDO, requires 15% of allocation)	$90,490
Housing Projects and Programs	$452,448
Total Planned HOME Expenditures	**$603,264**

2011/12 RECOMMENDED HOME PROJECTS AND PROGRAMS

Attachment E provides program recommendations for HOME funding in FY 2011/12.

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten percent (10%) cap. Grant funding under this category provides for Economic Development Housing program staffing.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of 15% of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 11/12 an estimated $90,490 must be allocated to a CHDO for potential affordable housing projects.

3) HOUSING PROJECTS AND PROGRAMS

Utilizing HOME, the City is able to offer single family and multi-family rehabilitation projects and programs. The purpose of these types of projects is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.

ALTERNATIVES

Alternative 1 - The City Council may conduct a public hearing and select social service programs and projects for funding as recommended by staff and the TRC. **Staff recommends this alternative because it adheres to HUD program requirements.**

Alternative 2 - The City Council may decline to conduct a public hearing and may choose not to fund any projects as recommended. ***Staff does not recommend this alternative because it could delay preparation, approval and submission of Consolidated/Annual Action Plan to HUD.***

Alternative 3 – The City Council may increase or decrease the recommended levels of funding for specific programs/projects for which the City received an application. ***Use of this alternative can only be utilized if any funding changes meet HUD requirements and conform to overall funding capability.***

FISCAL IMPACT

The estimated CDBG funding allocation for FY 2011/12 is $1,795,990. The estimated HOME funding allocation is $603,264. Both of these allocations are preliminary estimates and subject to the release of fund allocations from HUD. Together, these grants will provide for over 25 important projects and services. Please note that CDBG and HOME is a restricted funding source that must adhere to HUD requirements.

CDBG Accounts		$1,795,990
285	73952 CDBG Programs	
285	73852 CDBG Administration	
285	74052 Code and Neighborhood Enforcement	
176	77110 HOME	$603,264

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used in Target Areas that contain at least 51% of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. **REVENUE DIVERSIFICATION & PRESERVATION**
   By utilizing CDBG and HOME funds the City will enhance its ability to create a stable revenue base and fiscal policies that will support essential City improvement services.

2. **PUBLIC SAFETY**
   Many of the proposed CDBG and HOME programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. **POSITIVE ENVIRONMENT**
   The variety of community-based CDBG and HOME programs help develop a positive environment in the community.

4. **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS**
   CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, and Housing Rehabilitation will help to preserve, rehabilitate, and improve Moreno Valley's neighborhoods.

SUMMARY

HUD will allocate to the City of Moreno Valley a grant to administer its Community Development Block Grant (CDBG) programs and HOME Investment Partnership (HOME) programs over the FY 2011/12 program year. CDBG funding is available to

address the needs of low-income persons/areas within the City. HOME funds are available to address affordable housing related needs.

Staff issued a Notice of Available Funding and as a result collected 34 applications (28 CDBG public service, 5 Non-Public Service, and 1 HOME application) requesting funding. HUD has not yet released the final allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocations for CDBG and a 9.5% reduction for HOME therefore; the CDBG allocation is estimated at $1,795,990 ($145,621 less than last year's allocation of $1,941,611). The estimated FY 2011/12 HOME allocation is $603,264 ($60,326 less than last year's allocation of $666,589). This report reviews public social service, affordable housing, and economic development programs recommended for funding by City staff and the Technical Review Committee. City Council selected CDBG and HOME programs will be incorporated into the FY 2011/12 Annual Action Plan.

NOTIFICATION

Notice of this meeting was published in the local edition of the Press-Enterprise newspaper on March 7, 2011.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	CDBG Funding Recommendations
ATTACHMENT E	HOME Funding Recommendations

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Department Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\NeighborPres\CDBG\StaffReports\2011-2012\3 22 11 STAFF REPORT.doc

ATTACHMENT A

2010 INCOME LIMITS

Effective April 2, 2010 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$13,650	$15,600	$17,550	$19,500	$21,100	$22,650	$24,200	$25,750
Very Low Income	50%	$22,750	$26,000	$29,250	$32,500	$35,100	$37,700	$40,300	$42,900
60% Limits (HOME)	60%	$27,300	$31,200	$35,100	$39,000	$42,120	$45,240	$48,360	$51,480
Low Income	80%	$36,400	$41,600	$46,800	$52,000	$56,200	$60,350	$64,500	$68,650
Median Income	100%	$45,500	$52,000	$58,500	**$65,000**	$70,200	$75,400	$80,600	$85,800
Moderate Income	120%	$54,600	$62,400	$70,200	$78,000	$84,250	$90,500	$96,700	$102,950

City of Moreno Valley CDBG Target Areas

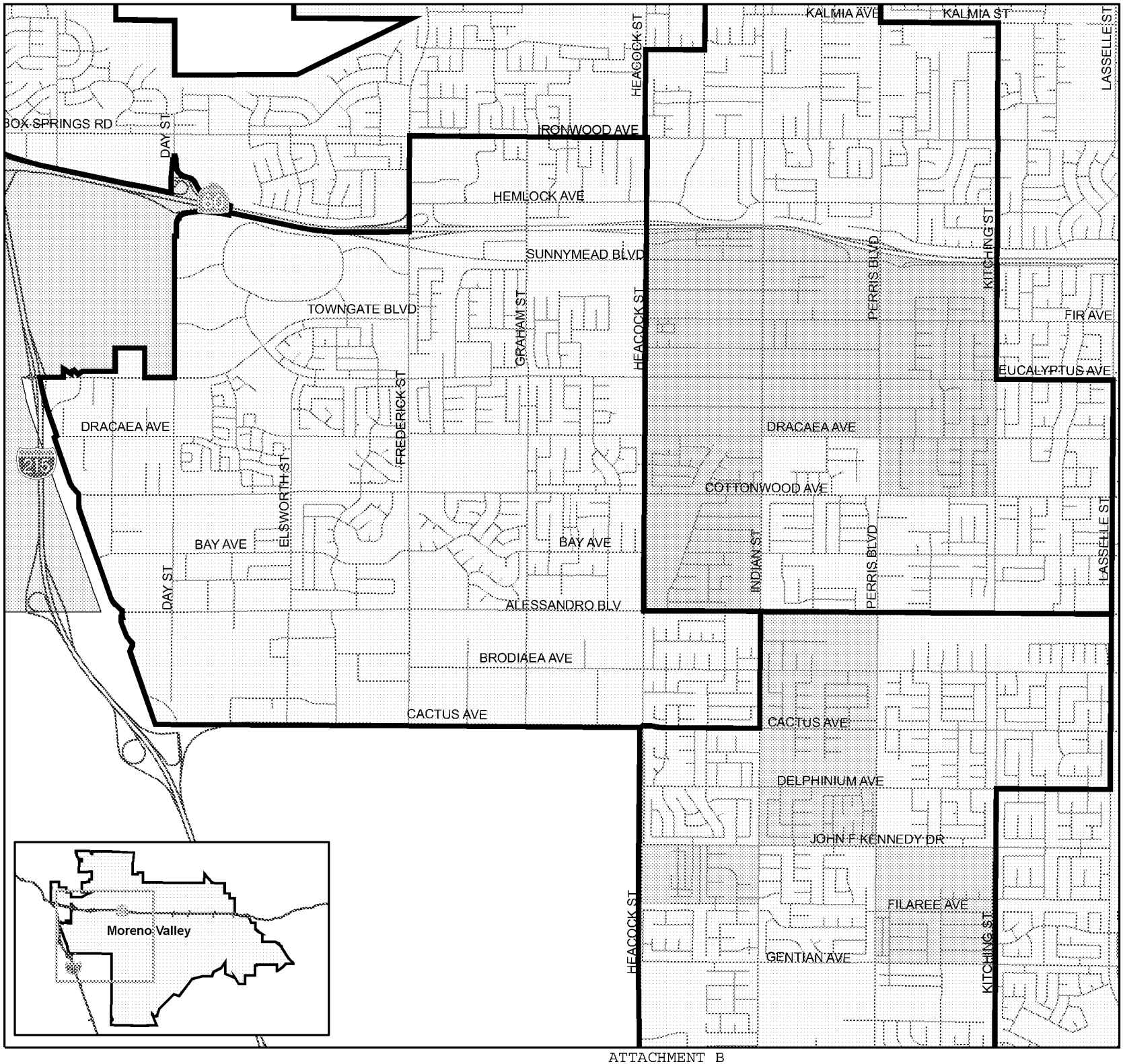

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

ATTACHMENT B

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ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

MV00100579

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

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58	■ New applicants ■ Organization serving homeless population ■ Recommended funding changes over previous year
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	B	C	D	E
1	ATTACHMENT D - CDBG PROPOSED PROGRAMS			
2	CDBG - FY 2011/12 - Total Anticipated Funding $1,795,990			
3		FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation
4	ADMINISTRATION (20% CAP - $359,198)			
5	Administrative Staffing	$338,869	$295,530	$324,198
6	Fair Housing Council of Riverside County (Fair Housing Administration)	$49,453	$53,960	$35,000
7	Subtotal	$388,322	$349,490	$359,198
8	PUBLIC SERVICES (15% CAP - $269,398)			
9	Community Foreclosure Prevention Workshops	$44,000	$30,000	$30,000
10	Community Assistance Program (CAP) Food Program	$30,600	$34,220	$30,600
11	Friends of the Moreno Valley Senior Center (MoVan) Transportation	$30,000	$30,000	$30,000
12	Problem Orienting Community Policing (POP) Team	$28,241	na	$0
13	Fair Housing Council of Riv County - Foreclosure Prevention\Mitigation	$25,000	$25,000	$21,798
14	Fair Housing Council of Riv County Landlord Tenant Mediation Program	na	$15,000	$15,000
15	Lutheran Social Services (MARB) Homeless Shelter	$15,000	$21,104	$15,000
16	Path of Life Transitional Family Shelter (MARB)	$15,000	$30,000	$15,000
17	PW Enhancement Center - Emergency Services Outreach	$15,000	$32,000	$15,000
18	Neighborhood Clean-ups	$15,000	$15,000	$15,000
19	Assistance League/Operation School Bell - Clothes/School Supplies	$10,000	$15,000	$10,000
20	CASA for Riverside County Foster Youth Program	$10,000	$32,535	$10,000
21	God's Helping Hand Ministries - Food Bank	$9,000	$10,000	$9,000
22	Operation Safehouse Shelter for Youth	$8,000	$8,000	$8,000
23	Alternatives to Domestic Violence Emergency Shelter & Services		$15,000	$7,500
24	Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500	$7,500	$7,500
25	Moreno Valley Community Educators - Tutoring Program	$6,400	na	$0
26	ARC of Riverside - Disabled Adult Day Care Facility	$5,000	$20,000	$5,000
27	Salvation Army -Food Program	$5,000	$10,900	$5,000
28	Catholic Charities - Case Worker	na	$35,000	$15,000
29	MVUSD High School Intervention Program	na	$10,500	$0
30	Smooth Transition Literacy/Job Readiness/Life Skills Trng	na	$48,872	$0
31	CVHC - Afterschool/Computer Program	na	$10,000	$0
32	ReNu Hope Foundation - Pre School Bldg. Improvements	na	$19,413	$0
33	Volunteer Ctr. '211' Telephone Referral Service	$5,000	$20,000	$5,000
34	Volunteer Ctr. Rent Gaurantee Program	na	$63,000	$0
35	Alpha & Assoc. - Reclaiming Youth Intervention Program	na	$50,000	$0
36	MCL Music Changing Lives - Youth Intervention/Music Program	na	$150,000	$0
37	Family Service Assoc. Nutrition Program at Supportive Hsg Complex	na	$50,000	$0
38	Leading Our World - Help the Streets Outreach Program	na	$1,105,000	$0
39	Subtotal	$283,741	$1,913,044	$269,398
40	PUBLIC FACILITIES & IMPROVEMENTS			
41	Street Improvement Project	na	$350,000	$350,000
42	Subtotal	$0	$350,000	$350,000
43	REHABILITATION			
44	Habitat for Humanity	$10,000	$10,000	$10,000
45	Subtotal	$10,000	$10,000	$10,000
46	CODE ENFORCEMENT			
47	Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390	$263,390	$263,390
48	Code Enforcement - Foreclosure 'Strike Team'	$103,017	$103,017	$103,017
49	Subtotal	$366,407	$366,407	$366,407
50	ECONOMIC DEVELOPMENT			
51	MV New Business Incentive Program	$540,000	$525,000	$220,987
52	Employment Resource Center	$145,641	$120,000	$120,000
53	Youth Opportunity Center	$50,000	$25,000	$25,000
54	Family Service Assoc. Meal Program Facilities	$50,000	$50,000	$25,000
55	Small Business Development Center	$50,000	$50,000	$50,000
56	Subtotal	$835,641	$770,000	$440,987
57	GRAND TOTAL	$1,884,111	$3,748,941	$1,795,990
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1		ATTACHMENT B
2		COMMUNITY DEVELOPMENT BLOCK GRANT - FY 2005/2006 (PROGRAM YEAR XVIII) - $2,317,905 FUNDING RECOMMEND
3		ACTIVITY
4	A.	ADMINISTRATION (20% CAP - $396,862)
5	0	Administrative Staffing
6	1	Fair Housing Council of Riverside County (Fair Housing)
7	2	Fair Housing Council of Riverside County (Survey)
8		Subtotal
9	B.	PUBLIC SERVICES (15% CAP - $297,646)
10	3	Moreno Valley Police (Problem Oriented Policing - POP w/in CDBG Target Areas)
11	4	Parks & Recreation – Edgemont Afterschool Program
12	5	**Community Assistance Program (CAP)**
13	6	Riverside Area Rape Crisis Center
14	7	Alternatives to Domestic Violence
15	8	**Lutheran Social Services**
16	9	Friends of the Moreno Valley Senior Center (MoVan)
17	10	**Operation Safehouse**
18	11	**God's Helping Hand Ministries**
19	12	**Prayer Warriors Enhancement Center**
20	13	**Volunteer Center of Riverside County - 211 Service**
21	14	Court Appointed Special Advocates (CASA)
22	15	Family Service Association Mildly Ill Childcare Program
23	16	Access to the Future
24		Subtotal
25	C.	PUBLIC FACILITIES & IMPROVEMENTS
26	17	Tacoma/Princess - Street Improvements (Design and Right-of-Way)
27	18	Pan-Am Sidewalk Improvements from Bay to Cottonwood (design)
28	19	Pan-Am Sidewalk Improvements from Bay to Cottonwood (construction)
29	20	Graham Street Improvements from Hemlock to Ironwood
30		Subtotal
31		
32	D.	CODE ENFORCEMENT
33	21	Code & Neighborhood Enforcement Program (CDBG Target Areas)
34		Subtotal
35	E.	ECONOMIC DEVELOPMENT
36	22	Small Business Counseling Services
37	23	Loan Guarantee Program
38		Subtotal
39		GRAND TOTAL
40		TOTAL CDBG FUNDS AVAILABLE in FY 05/06
41		Funding in Section B may only be used for Public Services. Funding in Section A,C, D & E cannot be used to fund Public Services
42		New applicant
43		Organization serving homeless population
44		* Total available funds are comprised of the 2005/2006 allotment of $1,984,308 plus $333,597 in reprogramable funds
45		** Administration and Public Services amounts are based on the FY 2005/06 allotment. Reprogrammed funds cannot be utilized in these categories

	C	D	E	F	G
1					
2	ATIONS				
3	FY 2004-05 ALLOCATION	FY 2005-06 REQUEST	Alternative 1	Alternative 2	Alternative 3 (TRC)
4					
5	$383,400	$359,488	$359,488	N/A	N/A
6	$33,000	$37,374	$37,374	N/A	N/A
7	N/A	$3,069	$0	N/A	N/A
8	**$416,400**	**$399,931**	**$396,862**	**N/A**	**N/A**
9					
10	$247,600	$267,664	$267,664	$188,729	227,970
11	$6,162	$24,639	$6,160	$24,369	24,639
12	**$11,238**	**$21,400**	**$2,647**	**$11,238**	**11,238**
13	$5,500	$10,000	$2,647	$5,500	-
14	$5,500	$11,025	$2,647	$5,500	-
15	**$8,800**	**$19,295**	**$2,647**	**$8,800**	**8,800**
16	$12,500	$23,070	$2,647	$20,000	20,000
17	**$5,000**	**$8,000**	**$2,647**	**$5,000**	-
18	**$5,000**	**$25,000**	**$2,647**	**$5,000**	-
19	**$5,000**	**$7,000**	**$2,647**	**$5,000**	**5,000**
20	$0	$18,510	$2,646	$18,510	
21	$0	$135,500	$0	$0	-
22	$0	$20,000	$0	$0	-
23	$0	$5,000	$0	$0	-
24	**$312,300**	**$596,103**	**$297,646**	**$297,646**	**297,646**
25					
26	$591,875	$1,460,753	$817,716	N/A	N/A
27	$0	$37,000	$37,000	N/A	N/A
28	$0	$289,000	$0	N/A	N/A
29	$0	$467,625	$467,625	N/A	N/A
30	**$591,875**	**$2,254,378**	**$1,322,341**	**N/A**	**N/A**
31					
32					
33	$252,629	$241,056	$241,056	N/A	N/A
34	**$252,629**	**$241,056**	**$241,056**	**N/A**	**N/A**
35				N/A	N/A
36	$30,000	$30,000	$30,000	N/A	N/A
37	$0	$30,000	$30,000	N/A	N/A
38	**$30,000**	**$30,000**	**$60,000**	**N/A**	**N/A**
39		**$3,521,468**	**$2,317,905**	**N/A**	**N/A**
40	$2,317,905				
41					
42					
43					
44					
45					

	A	B
1		ATTACHMENT B
2		COMMUNITY DEVELOPMENT BLOCK GRANT - FY 2005/2006 (PROGRAM YEAR XVIII) - $2,317,905 FUNDING RECOMMENDA
3		ACTIVITY
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32	D.	CODE ENFORCEMENT
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34		Subtotal
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	C	D	E	F	G
1					
2	TIONS				
3	FY 2004-05 ALLOCATION	FY 2005-06 REQUEST	Alternative 1	Alternative 2	Alternative 3
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5	$383,400	$359,488	$359,488	N/A	N/A
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8	**$416,400**	**$399,931**	**$396,862**	**N/A**	**N/A**
9					
10	$247,600	$267,664	$262,646	$267,664	$267,664
11	$6,162	$24,639	$0	$0	$0
12	$11,238	$21,400	$5,000	$11,182	$12,982
13	$5,500	$10,000	$5,000	$2,500	$0
14	$5,500	$11,025	$5,000	$2,500	$0
15	$8,800	$19,295	$5,000	$8,800	$10,000
16	$12,500	$23,070	$0	$0	$0
17	$5,000	$8,000	$5,000	$0	$0
18	$5,000	$25,000	$5,000	$0	$0
19	$5,000	$7,000	$5,000	$5,000	$7,000
20	$0	$18,510	$0	$0	$0
21	$0	$135,500	$0	$0	$0
22	$0	$20,000	$0	$0	$0
23	$0	$5,000	$0	$0	$0
24	**$312,300**	**$596,103**	**$297,646**	**$297,646**	**$297,646**
25					
26	$591,875	$1,460,753	$817,716	N/A	N/A
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28	$0	$289,000	$0	N/A	N/A
29	$0	$467,625	$467,625	N/A	**N/A**
30	**$591,875**	**$2,254,378**	**$1,322,341**	**N/A**	**N/A**
31					
32					
33	$252,629	$241,056	$241,056	N/A	N/A
34	**$252,629**	**$241,056**	**$241,056**	**N/A**	**N/A**
35				N/A	N/A
36	$30,000	$30,000	$30,000	N/A	N/A
37	$0	$30,000	$30,000	N/A	N/A
38	**$30,000**	**$30,000**	**$60,000**	**N/A**	**N/A**
39		**$3,521,468**	**$2,317,905**	**N/A**	**N/A**
40	$2,317,905				
41					
42					
43					
44					
45					

	A	B	C	D	E	F
1	ATTACHMENT E					
2	HOME - FY 2011/12 - Total Estimated Available Funding $603,264					
3		ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recomendation	City Council Approval
4	A.	ADMINISTRATION				
5		Administrative Staffing (10% CAP - $60,326)	$66,600	$60,326	$60,326	
6		Subtotal	$66,600	$60,326	$60,326	
7	B.	CHDO (MANDATORY)				
8		(15% CAP - $90,490)	$99,900	$90,490	$90,490	
9		Subtotal	$99,900	$ 90,490	$90,490	
10	C.	APPLICATIONS				
11		Still under review				
12		Subtotal				
13	D.	HOUSING				
14		Reserve for Housing Projects and Programs	$522,000	$500,000	$452,448	
15						
16		GRAND TOTAL			$603,264	
17						
18						
19						
20						

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. **Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)**

b. **Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: March 22, 2011

TITLE: APPOINTMENT TO THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council, after reviewing the ballot provided by the City Clerk:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

BACKGROUND

On February 22, 2011, the City Clerk's Office posted a Notice of Opening for the Planning Commission one term expiring March 31, 2013. Appropriate time frames with respect to noticing vacancies were followed.

Eight applications were submitted and reviewed by the City Council. Four applicants were interviewed by the City Council on February 23, 2011. In alphabetical order, the selected applicants to be placed on the ballot for consideration of appointment are as follows:

Gary E. Baugh, Rick De Jong, and Carlos Ramirez.

ALTERNATIVES

The Planning Commissioners consider matters pertaining to development and zoning within the City and have decision-making authority pursuant to the Government Code of the State of California. Choosing not to appoint members to the Planning Commission would result in decreased participation from residents, and it would adversely affect the Commission's ability to function and to maintain a quorum at meetings. This option is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council make the recommended appointments.

NOTIFICATION

1. Posting of Notice of Opening
2. Publication of the agenda
3. Report mailed to final candidates

ATTACHMENTS/EXHIBITS

1. List of Planning Commission Applicants Selected for the Interviews

Prepared By: Ewa Lopez
Deputy City Clerk, CMC

Department Head Approval: Jane Halstead
City Clerk, CMC

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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List of Planning Commission Applicants Interviewed on February 23, 2011

Gary E. Baugh

Rick De Jong

Alvin C. Horn

Carlos Ramirez

Attachment 1

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City

Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Southeastern Calif Conf Sev Day Adventist Church (APN 484-030-015) and Buddhadhammo Temple (APN 488-210-014), (collectively "Property Owners"), have Conditions of Approval that require them to provide a funding source to help support the NPDES and the CSD median program specific to these projects, Zone M. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the Property Owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. Property Owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on March 22, 2011 and the Public Hearing on April 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charge is levied on the property tax bill.

The CSD Zone M annual charge for APNs 484-030-015 and 488-210-014 were estimated based on the proposed fully improved Alessandro Blvd. and Nason St. medians adjacent to the parcels. The annual charge shall not be levied until such time as the planning of the medians begins. Upon future development, parcels adjacent to the proposed medians shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charge for APNs 484-030-015 and 488-210-014 shall be proportionally adjusted.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*

2. **Do not accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *This alternative would be contrary to state statutes and would require the noticing period for the mail ballot proceedings to begin again.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charge for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple are as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
Southeastern Calif Conf Sev Day Adventist Church APN 484-030-015 (and any division thereof)	$205 per parcel	$1,579.60
Buddhadhammo Temple APN 488-210-014 (and any division thereof)	$205 per parcel	$1,254.11

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds

collected from the NPDES rates are restricted for use only within the Stormwater Management program.

The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The Property Owners are being balloted for maintenance costs of future medians that are planned to be constructed. The amount collected will reduce the General Fund obligation for maintenance for those medians. **The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple.

NOTIFICATION

On February 8, 2011, a ballot packet was mailed to the Property Owners. The packets included a notice to the Property Owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and two postage-paid envelopes for returning the ballots to the City Clerk. (See Attachments 1 and 2.)

Newspaper advertising for the March 22, 2011, Public Meeting and April 12, 2011, Public Hearing was published in The Press-Enterprise on March 3, 2011. Additionally, the Public Hearing notification will be published on March 24 and again on March 31, 2011.

ATTACHMENTS

Attachment 1: Southeastern Calif Conf Sev Day Adventist Church mail ballot packet
Attachment 2: Buddhadhammo Temple mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\Ballots for FY 10.11\Zone M NPDES\PA08-0041 (Southeastern Calif Conf Sev Day Adventist Church)\Stfrpt PM 03.22.11.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Abel Cordero
c/o Southeastern Calif Conf Sev Day Adventist
26121 Camelot Ave
Loma Linda, CA 92354

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 484-030-015

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 484-030-015 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 484-030-015 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,579.60 for the proposed Alessandro Blvd. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 484-030-015 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

MV00100603

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 484-030-015

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 484-030-015, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 484-030-015, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
484-030-015 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 484-030-015

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 484-030-015 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,579.60 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 484-030-015, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
484-030-015 (and any division thereof)	☐	☐	$1,579.60

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

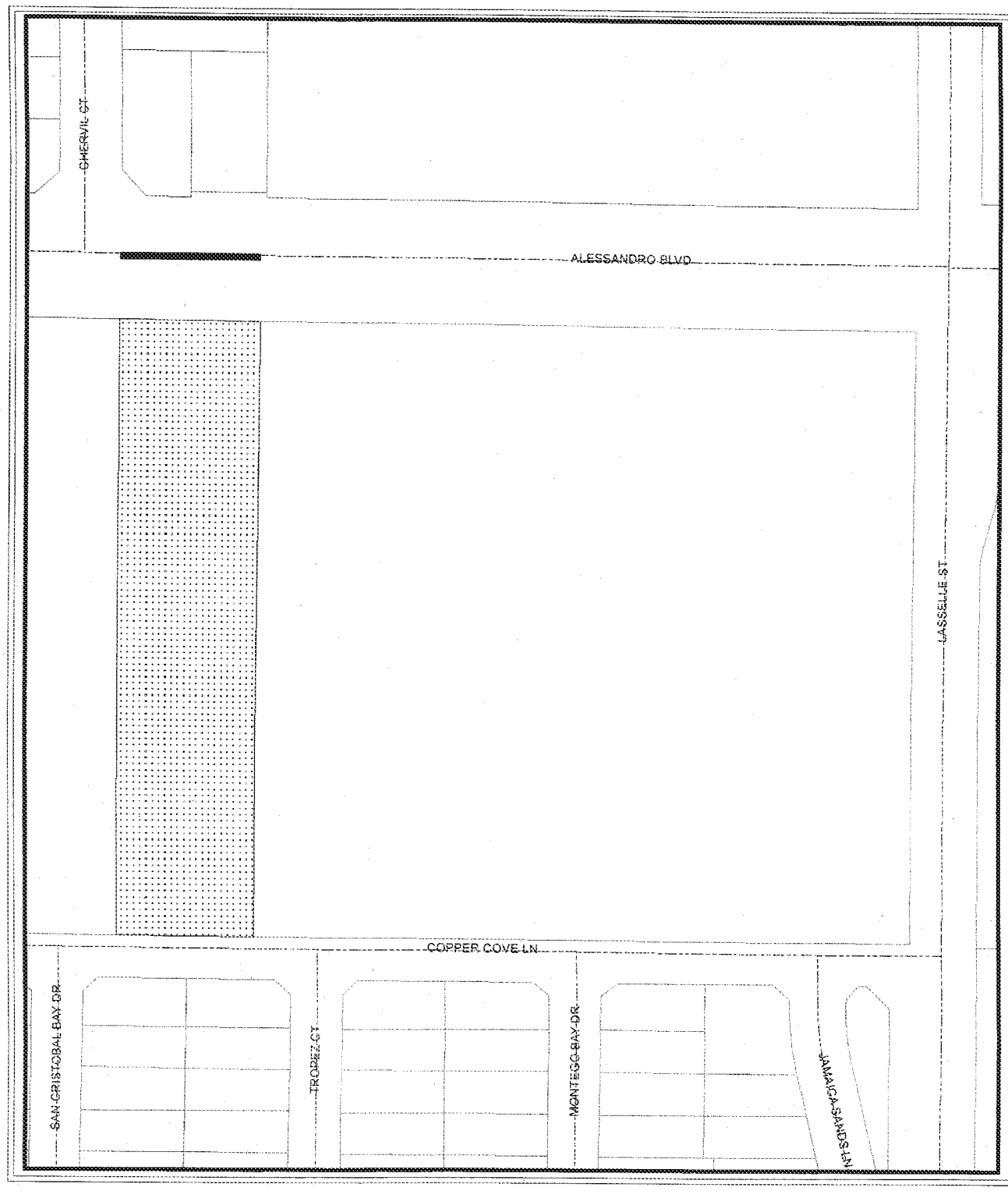

Moreno Hills SDA Church
APN 484-030-015

APN

- 484030015
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\PA08-0041 Moreno Hills SDA.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00100606

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	Per Month $2.67	Per Year $32.00	PROPOSED PARCEL RATE	Per Month $12.58	Per Year $151.00

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00100607

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Albot Nikom
c/o Buddhadhammo Temple
13920 Nason St.
Moreno Valley, CA 92555

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 488-210-014

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 488-210-014 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 2

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 488-210-014 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,254.11 for the proposed Nason St. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 488-210-014 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
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Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

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Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

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Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

MV00100611

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 488-210-014

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 488-210-014 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,254.11 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 488-210-014, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-210-014 (and any division thereof)	☐	☐	$1,254.11

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 488-210-014

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 488-210-014, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 488-210-014, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-210-014 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

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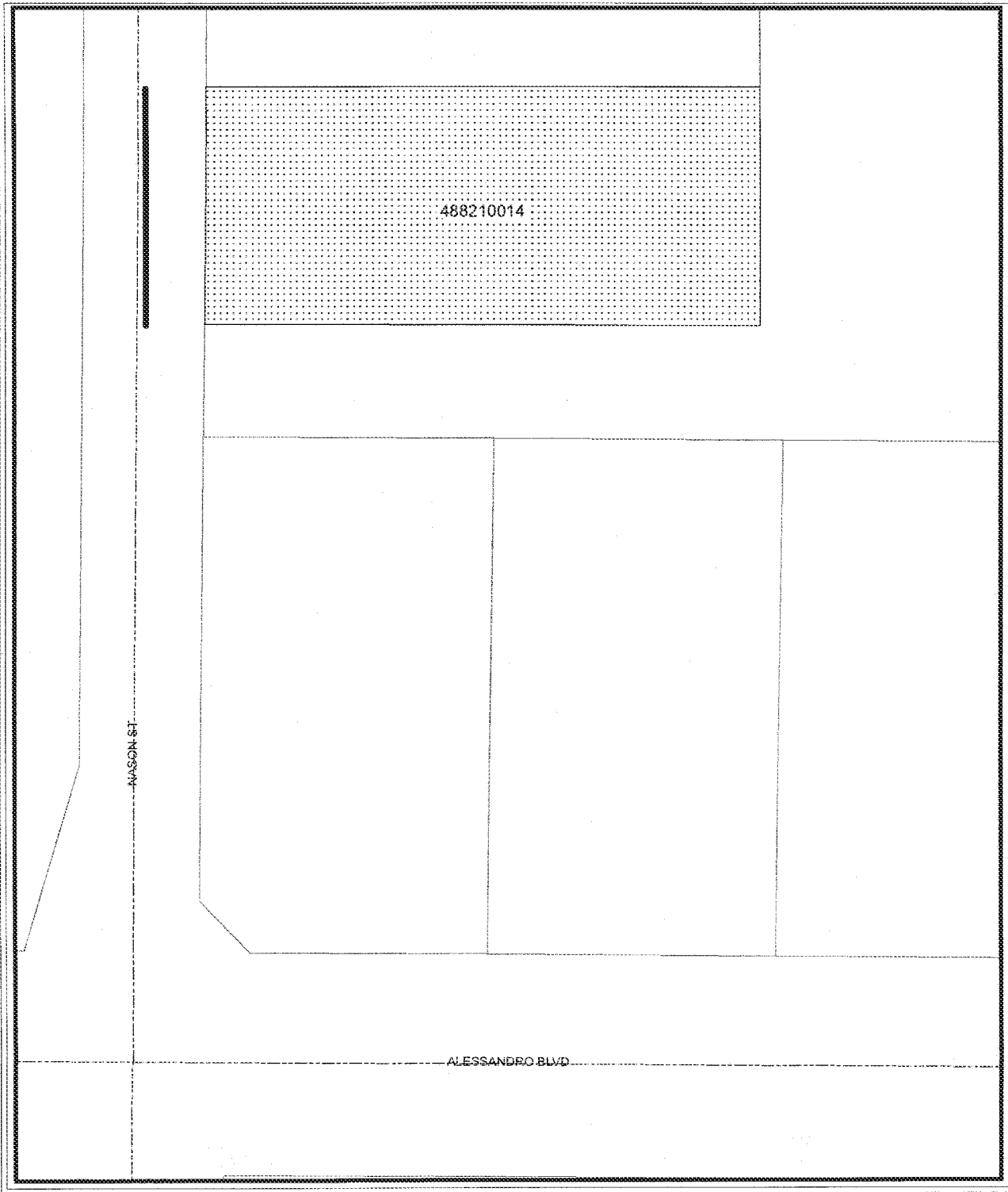

Buddhadhammo Temple
APN 488-210-014

APN

- 488210014
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 50 100 150 200 Feet

G:\AVP\SDA\PA08-0091 Buddhadhammo Temple.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00100615

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC.

RECOMMENDED ACTION

Staff recommends the City Council:

Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Staff recommends the Redevelopment Agency Board:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

BACKGROUND

At the March 8 meeting the City and Redevelopment Agency Board approved a Conditional Commitment Letter Agreement among the Agency, the City and Rancho Belago Developers Inc to assist in the development of an affordable housing project. The approval included a motion approving two resolutions that weren't required.

DISCUSSION

To properly facilitate the approval of the Agreement, the City Council and RDA Board must rescind their previous action of approving the resolutions and restate their approval of the Conditional Commitment letter Agreement among the Redevelopment Agency, the City and Rancho Belago Developers Inc. The Agency's Special Legal Counsel and the Developer are working on the drafting of an Affordable Housing Agreement for the project which shall be considered by the Agency Board on April 12.

ATTACHMENTS

Attachment A – Conditional Commitment Letter Agreement Among the Community Redevelopment Agency of the City of Moreno Valley, the City of Moreno Valley and Rancho Belago Developers, Inc.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CONDITIONAL COMMITMENT LETTER AGREEMENT AMONG THE MORENO VALLEY REDEVELOPMENT AGENCY, THE CITY OF MORENO VALLEY, AND RANCHO BELAGO DEVELOPERS, INC.

March 8, 2011

James M. Jernigan
Rancho Belago Developers, Inc.
27700 Kalmia Avenue
Rancho Belago, CA 92555-5200

Re: Hemlock Family Apartments ; Moreno Valley Redevelopment Agency and City of Moreno Valley Residual Receipts Loans for New Construction of Hemlock Family Apartments

Dear Mr. Jernigan:

We are pleased to offer these conditional commitments of funds on behalf of and from the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") and the City of Moreno Valley ("City") by this Conditional Commitment Letter (herein, "Conditional Commitment Letter") to Rancho Belago Developers, Inc., and its affiliate Rancho Belago Developers, Inc. ("Developer") for Developer's consideration and acceptance, subject, however, to the approval of this Conditional Commitment Letter by the City Council of the City of Moreno Valley ("City Council" and "City, respectively) and the governing board of the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") of the terms and conditions of that certain "Agency Loan" and that certain "City Loan", respectively, as more fully detailed herein (together, "Loans").

The Agency is a redevelopment agency organized, operating, and existing pursuant to the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* ("CRL"). City is a California municipal corporation and general law city. Pursuant to the CRL, the Agency maintains a low to moderate income housing to improve, increase and preserve the community's supply of low to moderate income housing available at an affordable housing cost ("Housing Fund"). City is a participating jurisdiction with the United States Department of Housing and Urban Development that has received funds from HUD pursuant to the federal HOME Investment Partnerships Act and HOME Investment Partnerships Program, 42 U.S.C. Section 12701, *et seq.*, and the implementing regulations thereto set forth in 24 CFR § 92.1, *et seq.* for the purposes of strengthening public/private partnerships to provide more affordable housing, particularly decent, safe, sanitary, and affordable housing, with primary attention to housing for Very Low Income and Lower Income households in accordance with the HOME Program.

If approved by Agency and City Council, respectively and subject to their amendment of this Conditional Commitment Letter, if any, will be provided to you a conditional commitment for loans, subject to the Overriding Conditions (as set forth in #21, below) and subject further to the following terms and conditions:

1. Developer/Borrower

Rancho Belago Developers, Inc., (or its approved affiliate) shall be the developer with Rancho Belago Developers, Inc., as the borrower and sole owner and operator ("Developer"). Rancho Belago Developers, Inc. may establish a single-asset entity for the purposes of developing the project (hereinafter the "Borrower"), and/or to be formed California limited partnership, with Rancho Belago Developers, Inc., a California corporation as its Administrative General Partner and Housing Corporation of America, a Utah nonprofit public benefit corporation as Managing General Partner, as approved by Agency. The identity of each limited partner of the partnership and/or member of the BORROWER and their respective roles and responsibilities, as member(s), general and/or limited partner(s), for the Project are subject to the approval of Agency and City. The documentation of the Borrower is subject to the approval by Agency, City and their respective Special Counsel and General Counsel(s). Hereinafter, the Borrower and Developer are referred to as "Developer".

2. Amount of Loans

Agency Loan: Subject to the deferred payment residual receipts loan not to exceed an original principal amount of $6,500,00, which will be funded with moneys from the Agency's Housing Fund per CRL Sections 33334.2, 33334.6, *et seq*. The Agency Loan shall be disbursed in accordance with a schedule to be approved by the Agency and stated in formal loan documentation for such loan (to be negotiated after allocation by the California Tax Credit Allocation Committee ("TCAC") of Tax Credits to Developer for the Project, "Agency Loan Agreement").

City Loan (HOME Program Funds): A deferred payment (residual receipts) loan not to exceed $1,000,000. The City Loan shall be disbursed in accordance with a schedule to be approved by the City Council and stated in the loan documentation for such loan (to be negotiated after allocation of Tax Credits for the Project, "City Loan Agreement").

Both the Agency Loan and the City Loan are expressly contingent upon the TCAC's award of 4% Tax Credits to Developer for the Project and Developer's securing other conditional funding commitments.

3. Project

New construction of a 78-unit affordable apartment project referred to as *Hemlock Family Apartments* located on Hemlock Avenue, west of Perris Boulevard in Moreno Valley, California as described in and such Project received a land use entitlement from the City.

4. Term of Affordability Not less than fifty-five (55) years.

5. Affordability Restrictions Seventy-seven (77) of the seventy-eight (78) units shall be affordable to and occupied by persons and or households at or below sixty percent (60%) of the Area Median Income (AMI) referenced in Attachment No. 2 to the staff report included with the City Council and Agency's consideration and approval of this Conditional Commitment Letter, in a mix of fifty-three (53) two-bedroom and twenty-four (24) three - bedroom units. The seven-eighth (78th) unit may be occupied by management personnel and need not be rent or occupancy restricted. A Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions ("Regulatory Agreement") and a Notice of Affordability Restrictions per CRL Section 33334.3 restricting rents and occupancy of seventy-seven (77) of the seventy-eight (78) units for not less than fifty-five (55) years shall be recorded against the Site in favor of each of City and Agency. Such Regulatory Agreement and Notice of Affordability Restrictions shall be in a form and format acceptable to Agency, City and Special Counsel in their sole discretion. The Affordable Rent and occupancy restrictions shall include the following:

- Twenty-five (25) units affordable to residents with incomes at or below 50 percent (50%) of Area Median Income (AMI);

- Fifty-two (52) units affordable to residents with incomes at or below 60 percent (60%) of Area Median Income (AMI);

5. Loan Terms/Repayment *Agency Loan:* The Agency Loan shall be evidenced by a Promissory Note in the amount of $6,500,000 and shall be secured by a Deed of Trust recorded against the Site. The Agency Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City. The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by Agency.

City Loan: The City Loan shall be evidenced by a Promissory Note in the amount of $1,000,000 and shall be secured by a Deed of Trust recorded against the Site. The City Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City (the latter solely

from such moneys, if any, as become available to City under the HOME Program). The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by City.

Provisions Common to Agency Note and City Note: Interest on each Promissory Note shall be 3% simple interest (or such other interest rate as may be established by mutual agreement). Interest shall accrue from the first disbursement and all payments shall be applied first to accrued interest then to principal. The Promissory Note shall contain due on sale and further encumbrance clauses and shall be in a form and content as approved by Special Counsel for the Agency and the City, respectively.

All principal and accrued interest shall be due and payable upon repayment in full of the permanent financing, except for a repayment resulting from a pre-approved refinancing of the permanent financing, in which no cash or other consideration is received by the Developer as a result of such refinancing.

6. <u>Security</u>

Agency Loan: The Agency Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the governing board of the Agency, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the Agency and its Special Counsel in their sole discretion.

City Loan: The City Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the City Council, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the City, acting through its City Council, and its Special Counsel in their sole discretion.

7. <u>Pro Forma/Expenses</u>

All expenses of this Project shall be approved by Agency and City in their reasonable discretion. The Developer's pro forma for the Project has been submitted to and reviewed by Keyser Marston Associates ("KMA"), Agency's and City's economic advisor. KMA's report on the Project, including assumptions, analysis and warranted subsidy, is based on the Developer's pro forma and such "KMA Report" and is a substantive and material basis under which both Agency and City are providing their conditional commitments to make the Agency Loan and City Loan, respectively. Observance of the parameters set forth in the KMA Report is an integral and fundamental

element of this conditional commitment and agreement, but for which Agency and City will have no duties hereunder.

8. Reserves

Subject to the approval of the construction and/or permanent lender(s), Developer shall deposit a minimum of $500 per unit per year ($39,000 per year) into a dedicated capital replacement reserve account as part of its annual operating expenses. Use of capital replacement reserves shall be subject to the approval of Agency and City.

9. Recourse

The Agency Loan shall be recourse until the timely completion of the Project, when it shall become non-recourse. The City Loan shall be recourse until the timely completion of the Project, when it shall become nonrecourse

10. Notice/Cure Assumption Rights

Each of Agency and City shall have the right, but not the obligation to cure, after notice of default, any and all defaults in any senior encumbrances. All subordination agreements shall be subject to the sole approval of Agency and City and shall include extended cure rights, separate notice to, and rights to assume senior encumbrances.

11. Management Plan

The Management Plan shall be subject to periodic approval by each of Agency and City, in their reasonable discretion.

12. Management Approval

Each of Agency and City reserves the right to declare Developer in default of the Agency Loan Agreement or the City Loan Agreement after an uncured ninety (90) day written notice of malfeasance and/or misfeasance in management of the Project.

13. Time of Funding

Agency will fund the Agency Loan upon satisfaction of all conditions set forth in the Agency Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the governing board of the Agency. City will, from HOME Program funds, fund its loan upon satisfaction of all conditions set forth in the City Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the City Council.

14. Construction Contract

Funding of each of the Agency Loan and the City Loan is subject to Agency and City approval of a guaranteed maximum "not-to-exceed" contract for the construction work. Developer shall comply, and shall cause its contractor and all subcontractors to comply, with all state and federal program

limitations and requirements, including without limitation those requirements commonly referred to as "Section 3", including all reporting, meetings, and other compliance requirements thereof.

15. Evidence of Financing; Other Loans; Tax Credit Equity

Each of Agency and City shall have right to review and approve all evidence of financing, including the construction loan and the permanent loan documentation, along with solicitation for and selection of a tax credit equity investor, and in particular the provisions of any subordination of the Agency Loan and/or the City Loan to any such senior encumbrances.

16. Partnership Related Fees

The Partnership Related Fees, including management fee, asset management, general partner and/or limited partnership fees, shall not exceed an amount to be approved by Agency and City.

17. Developer Fee

The Developer Fee for the Project shall not exceed those limitations as stated in the California Tax Credit Committee Regulations. The Developer Fee shall be available for and shall be used, as necessary, to pay for any and all cost overruns in the construction of the Project prior to and as a condition to any disbursement thereof to Developer. Developer Fee disbursals shall be in increments as specified in the Tax Credit Partnership Agreement and shall be subject to approval by Agency, City and respective designees.

18. Prevailing Wages

If required by federal and/or state law or as a condition of obtaining funding, the Developer shall comply with the requirements for payment of both Federal Labor Wage Rates (Davis Bacon Act) and State Prevailing Wages (California Labor Code) and shall pay the higher of the two in the event of a conflict on a trade-by-trade basis.

19. Time of Performance

Construction shall commence within the timeframe required by TCAC. Construction shall be completed according to the schedule outlined in the Agency Loan Agreement and the City Loan Agreement (up to 18 months) and stabilized occupancy shall be achieved according to the requirements of TCAC and the other funding sources. Time is of the essence to each and every provision hereof; in the event one or more milestones is not met by the time established therefor hereunder, Agency or City may, at their sole discretion and without providing necessity of an extension or opportunity to cure, terminate their conditional commitments hereunder.

20. Funds

Agency may fund the Agency Loan from various sources including the Housing Fund, tax increment not held in the Housing Fund or any other local, State, and/or federal funding source. If funded from tax increment, then all applicable requirements of the CRL shall apply and construction and operation of the Project and the Project shall be subject to all applicable provisions of the CRL. City intends to fund the City Loan only from available HOME Program funds; therefore, because federal funds will be a source of funding then construction and operation of the Project shall be subject to all applicable federal program limitations, rules, and regulations.

21. Overriding Conditions:

Any conditional commitment hereunder and in addition to other conditions or limitations hereunder, is expressly conditioned upon and subject to: (i) Circumstances involving the threatened elimination of redevelopment agencies and activities in California: Developer acknowledges that the Governor of the State of California has proposed the elimination of redevelopment agencies throughout the State of California. The Agency Executive Director, City Manager and City make no representations or warranties as to the outcome of the Governor's proposal or the ability and authority of the Agency to operate or receive tax increment or other funding after March 8, 2011. Developer has informed itself of all matters it deems relevant in connection with such circumstances, acknowledges that any conditional commitment of the City and the Agency is subject to the Agency being allowed to continue to operate and receive tax increment revenues (including, without limitation, for the purposes described hereunder), and exonerates each of the Agency and the City from any responsibilities in relation thereto; (ii) completion of environmental processes and clearances for the project; (iii) the obtaining of planning approvals; (iv) the availability to the City of HOME moneys in the amounts described hereunder (the Agency and the City making no representations concerning the availability of such funds, in the amounts described hereunder or in any amount); (v) the availability of City HOME moneys has not been finally determined and any such availability of moneys for the proposed project are subject and subordinate to other conditional commitments. In addition, the availability of such moneys is contingent upon the availability and conditional commitment of housing set-aside revenues as described in (vi), below; (vi) the value of land is subject to confirmation as set forth in item #23, below; (vii) the availability of housing set-

aside revenues, as defined in Health and Code Section 33334.2, to the Agency, in amounts sufficient to fund those amounts described hereunder as the amount of the Agency loan, subject and subordinate to existing obligations of the Agency, together with any obligations of the Agency under a proposed Affordable Housing Agreement between the Agency and MV Rancho Dorado Limited partnership, a California limited partnership (a copy of which is on file with the Community Development Director of the City for consideration by the Agency governing board at the Agency's meeting of March 8, 2011, and a copy of which has been provided to Developer hereunder)(the "Dorado Agreement"). Agency and City make no representations whatsoever to Developer concerning the future availability of moneys to the City or the Agency.

22. <u>ALTA Lender's Policies</u> Developer shall cause to be issued to City and Agency, at Developer's sole cost and expense, ALTA Lender's Policies for each of the Agency Loan and the City Loan, with endorsements acceptable to Agency and City and respective Special Counsel.

23. <u>Updated Appraisal</u> Prior to funding, Developer shall cause to be prepared and shall submit to each of Agency and City for their respective approval, an updated, as constructed, appraisal, as a condition to funding. Appraised value shall reflect the then-current value of the appraised property in the Site's then-current condition in addition, City shall engage a separate appraisal or review appraisal by an independent appraiser of the City's choosing; Developer will defray City's costs in connection therewith.

24. <u>Contract Approval</u> The funding of each of the Agency Loan and the City Loan is also subject to Agency's and City's approval of the necessary handicap accessibility design compliance provisions being stated within the project architect's contract.

25. <u>Assumption of Loan</u> The Agency Loan and the City Loan may not be assumed without the prior written consent of each of Agency and City each acting at their sole and absolute discretion. It is contemplated that City and Agency will agree that such loans may be assumed by tax credit limited partnership, provided that the limited partnership is approved by each of Agency and City, provided that Developer (or Borrower as its approved affiliate) will be the general partner of the limited partnership, and further provided that such tax credit limited partnership shall agree to be further bound by the terms contained in a comprehensive transactional agreements, the Agency Loan Agreement and the City Loan Agreement and all implementing

documents thereof, to be entered into among Developer, Agency and City.

26. TCAC

Each of the Agency Loan and the City Loan is contingent upon TCAC award of the necessary 4% Tax Credits for the Project. Developer shall submit to TCAC and to the City and Agency all documents necessary to complete the Tax Credit application towards consideration and receipt of an allocation of Tax Credits. Developer is and shall be expressly limited to obtaining an allocation for private activity bonds and a preliminary reservation of 4% tax credits to August 1, 2011. Prior to funding, Developer shall submit to Agency and City a complete, legible copy of CDLAC's or TCAC's letter acknowledging that Developer has satisfied all applicable submittal requirements together with evidence of conditional funding commitments demonstrating funding is committed sufficient for the development of the Project with affordability covenants of not less than 55 years.

27. Documentation

All documentation of this transaction shall be subject to the approval of each of City and Agency acting through their respective governing boards.

28. Additional Conditions

Each of City and Agency reserves the right to impose such additional conditions, both conditions precedent and conditions subsequent, in the Agency Loan Agreement and the City Loan Agreement, and all attachments thereto, and other final documentation of the transaction as are reasonably necessary to protect the interests of the City and the Agency and fulfill the intent of this Conditional Commitment Letter. Included as additional conditions are the completion of a comprehensive transactional agreements, Agency Loan Agreement and City Loan Agreement, to be prepared by Agency and City and Special Counsel (as approved also by Agency General Counsel and City Attorney) containing terms customary to similar agreements by Agency and City and including, without limitation, provisions for: (i) demonstration of available and committed moneys sufficient (with the City Loan and the Agency Loan) for the acquisition of the Site and the construction through completion and lease-up of the Project; (ii) annual financing reports; (iii) satisfaction of Section 3 and other HOME Program requirements; (iv) bidding procedures and construction costs acceptable to each of Agency and City; (v) land acquisition cost acceptable to each of Agency and City; (vi) a leasing agreement form, tenant selection process, and reporting/monitoring program acceptable to City and Agency; and (vii) insurance and indemnity conforming to

requirements of Agency and City as set forth in Attachment No. 2 to the staff report for this Conditional Commitment Letter and also conforming to certain Agency/City requirements regarding insurance and indemnity as set forth in Attachment 5 to such staff report.

29. Tax Credit Investor

Agency and City must receive an acceptable binding commitment from a Tax Credit investor limited partner, that its Tax Credit investment and contribution to the Project will be not less than $4,736,278. A Tax Credit commitment of less than the estimated $4,736,278 will be subject to the sole approval of each of Agency and City. The Tax Credit Partnership Agreement shall be subject to approval by each of Agency and City.

30. Possible Reduction to Agency Loan

Should the cost of the Project be decreased, or should the funding sources increase from those anticipated herein (cost and source amounts as referenced in the staff report presented to the Agency and City Council on March 8, 2011) and/or should the contingency not be utilized, then the amount of increased sources and/or savings shall be allocated first to reduction of the General Partner's loan and deferred Developer fee then 50% to Developer and 50% as between Agency and City; the allocation as between Agency and City shall be determined by Agency and City notwithstanding the forgoing, the forgoing is subject to those conditions and limitations set forth below, including without limitation item #23.

31. No Other Funds from City or Agency

Agency and City are not hereby committing to provide any further funds to this Project beyond those referenced in this Conditional Commitment Letter or without satisfaction of any and all conditions contained herein (and specifically including the limitation that the City will use no moneys other than HOME Program funds in making the City Loan). Any need to purchase the Site prior to TCAC allocations must be and shall remain within Developer's sole responsibility and decision and with no obligation of Agency or City to provide any funds whatsoever for such early acquisition. Cost overruns, if any, must be addressed by use of the Developer Fee and/or other funding sources and/or other assets of the Developer and in no event from additional monies from the City and/or Agency.

32. Agency/City Team

In connection with the proposed project, the Agency or City will, subject to readiness to proceed, consider the issue of multifamily conduit revenue bonds ("Bonds") in connection

with the financing of the Development. The Developer agrees and acknowledges that; (i) the consideration of the issuance of Bonds requires approval after a public hearing of the City or Agency, apart from the approval of this Agreement, and that there is no assurance that such approval will be given; (ii) an allocation process administered by an agency of the State of California is required in connection with the issuance of Bonds, and the Developer and not the Agency would be fully responsible for preparing application with the participation of the Agency or the City, obtaining approval, and complying with conditions imposed as part of such a process; (iii) if bonds are obtained for the Improvements, they are to be issued by the Agency or the City; (iv) any Bonds issued by the Agency or City in connection with the Development would only be a conduit issuance, with no liability of the City or Agency excepting only the payment of moneys received from the Developer in accordance with the state law pursuant to which the Bonds are issued, and with credit support in the form of a letter of credit by one of the ten largest banks in California or another lender approved by the Executive Director at his sole discretion; (v) any Bonds issued by the Agency or City would be privately placed or rated by one of the two largest rating agencies with one of the three highest investment-grade ratings, and on terms customary and reasonably acceptable to the Agency Executive Director; (vi) all costs in connection with the issuance of such bonds, including without limitation costs of issuance, the cost of credit support, ratings, and insurance, shall be borne by the Developer directly or as part of the matters funded by the bonds and the City or Agency shall be entitled to an initial and annual issuer's fee of 14 points (based on the principal amount of the Bonds then outstanding until conversion, and 12 points annually thereafter, in addition to its out of pocket expenses and fees of Stradling Yocca Carlson & Rauth, a Professional Corporation, or other bond counsel designated by Agency or City at their sole discretion, and a financial adviser to the Agency; and (vi) the term of the Bond(s) shall not exceed forty (40) years nor be less than twenty (20) years but may be due in fifteen (15) years. The Agency is not obligated to modify, in any respect, the unit mix, affordability levels, or times for performance by virtue of the matters set forth in this paragraph.

33. <u>Other Terms</u>

Each of Agency and City reserves the right to impose any additional conditions in the Agency Loan Agreement and/or the City Loan Agreement and other implementing loan documents that may be necessary, in the discretion of City or

Agency, as applicable, to protect the interests of Agency and City and fulfill the intent of this Conditional Commitment Letter. Such documentation shall be approved by the Agency and the City Council. The provision by Developer of an appraisal supporting a land value (based upon an unimproved state) within ten percent (10%) of that amount reflected for land cost in that pro forma on file with the City and designated in writing by City staff as the "Final Commitment Letter Pro Forma" shall be a condition to the Agency and/or City considering a comprehensive transactional agreement, Agency Loan Agreement and City Loan Agreement, as referenced in paragraph 28 hereof.

This conditional commitment of funds to provide the Agency Loan and the City Loan as set forth in this Conditional Commitment Letter is conditional upon Developer receiving commitments from its other sources of financing, including allocations from the State of California Tax Credit Allocation Committee.

If you are willing to proceed on the terms and conditions referenced herein, please execute this Conditional Commitment Letter and return it to the undersigned on March 8, 2011 so that the executed form thereof might be attached to the staff report accompanying this Conditional Commitment Letter.

Even after your execution, the Conditional Commitment Letter shall not be effective, unless and until approved by both the Agency and the City.

Sincerely,

Henry T. Garcia, Executive Director of the Community
Redevelopment Agency, City of Moreno Valley

Henry T. Garcia, City Manager
City of Moreno Valley

Agreed to and accepted this ____ day of _____, 2011 by:

_____

James M. Jernigan, President
Rancho Belago Developers, Inc.

PARTICULAR MORENO VALLEY AGREEMENT PROVISIONS

[Numbering of sections is illustrative, only]

4.5 Insurance Requirements. In addition to the separate and severable indemnification covenants and provisions provided by the Developer to Agency and City hereinafter in this Section 4.5, *et seq.*, the Developer shall provide insurance according to these requirements. The Developer shall maintain the following coverages on behalf of Agency and City and any and all of their elected officials, boards, officers, employees, and agents for all claims, damages to property and injuries to persons, including death (including attorneys' fees and litigation costs), which may be caused by any of Developer's activities under this Agreement or related in any respect whatsoever to the Development, regardless of whether such activities or performance thereof be by the Developer or anyone directly or indirectly employed or contracted with by the Developer and regardless of whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall cause all requirements of this section, and the construction insurance requirements hereafter for such construction insurance, to be obtained and maintained until the completion of the Improvements.

The parties acknowledge and agree that the Loan Agreement includes and requires the Developer to obtain and maintain specific insurance regarding the Development. To the extent the insurance requirements of the Loan Agreement provide for and require policies of insurance coverage with and in amounts, types, and endorsements that exceed the requirements provided hereunder, then the Developer shall provide such increased coverage to the Agency and City and any and all certificates and endorsements therefor shall include both the Agency and City as more specifically set forth in this Section 4.5, *et seq.*

4.5.1 Categories of Coverage for the Development. The following insurance categories shall be caused to be provided by the Developer for the Development and evidence of such coverage and endorsements shall be provided by the time set forth herein.

(a) Commercial General Liability Insurance. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 00 01 06 92 including owned, non

owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per accident and not less than Two Million Dollars ($2,000,000) in general aggregate. If the Developer owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City and Agency and any and all of their boards, officials, employees or agents.

(d) General Conditions Pertaining to Provision of Insurance Coverage by the Developer The Developer agrees to the following provisions regarding insurance provided by the Developer for the Development:

(i) The Developer agrees to provide insurance in accordance with the requirements set forth herein. If the Developer uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, the Developer agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right but not the duty to obtain the insurance it deems necessary and any premium paid by Agency will be promptly reimbursed by the Developer.

(ii) The coverage required here will be renewed annually by the Developer as long as the Developer continues to provide any services under this or any other contract or agreement with Agency. The Developer agrees to maintain liability coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit the Developer, or the Developer's employees, or agents, from waiving the right of subrogation prior to a loss. The Developer waives its right of subrogation against Agency and City.

(iv) The provisions of any workers' compensation or similar act will not limit the obligations of the Developer under this agreement. The Developer is and shall at all times be considered an Independent Contractor, and expressly agrees not to use any statutory immunity defenses under such laws with respect to Agency or City and their employees, officials and agents.

(v) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured.

(vi) All insurance coverage and limits provided by the Developer and available or applicable to this agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vii) Unless otherwise approved by Executive Director, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of

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California and with a minimum "Best's" Insurance Guide rating of A:VII. Self insurance will not be considered to comply with these insurance specifications.

(viii) Any "self insured retention" must be declared and approved by Agency. Self funding, policy fronting or other mechanisms to avoid risk transfer are not acceptable. If the Developer has such a program, the Developer must fully disclose such program to Agency.

(ix) The Developer shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from the Developer's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(x) The Developer agrees to provide evidence of the insurance required herein, satisfactory to Executive Director and the City's "Risk Manager", consisting of: certificate(s) of insurance evidencing all of the coverages required and, an additional insured endorsement to the Developer's general liability policy using Insurance Services Office endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees, upon request by Executive Director or City Risk Manager to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(xi) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. The Developer agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xii) The Developer agrees to require all Contractors, subcontractors, or other parties hired for this Development to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of One Million Dollars ($1,000,000). The Contractor's general liability insurance shall add as additional insureds Agency and City and their designee(s), and any and all of their boards, officials, employees and agents using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xiii) Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xiv) The Developer agrees to provide notice within ten (10) days to Executive Director and City's Risk Manager of the Developer's receipt of any claim or loss against the Developer that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xv) The insurance requirements set forth in this section are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvi) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

4.6 Construction Insurance Requirements; Contractor for Construction Contract. From the period commencing upon the earliest to occur of (i) the effective date of the Construction Contract between the Developer and Contractor for the Development, or (ii) the date the Contractor enters onto the Site, or (iii) the date of any work on the Site has been completed (without regard to whether the Agency has issued a Certificate of Completion), the Developer shall cause its Contractor to provide and maintain at no expense to Agency (or City), insurance policies meeting the requirements set forth in this Section 4.6. The insurance shall protect Contractor, Contractor's agents, representatives, employees, vendors, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, and said insurance is in addition to the insurance provided by the Developer hereunder. The Developer, Agency and City and their officers, employees, and agents shall be named as additional insureds on such policies, which shall be evidenced in endorsements or certificates that meet the requirements of Section 4.5 above for additional insureds, or as otherwise approved by the City's Risk Manager.

4.6.1 Contractor Insurance Submittals. Developer shall cause USA Construction Management Inc. ("Contractor") to provide insurance according to the requirements set forth here. Contractor will maintain the following coverages on behalf of City and Agency and any and all of their boards, officials, employees and agents.

(a) Commercial General Liability. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. General liability insurance will not be limited to coverage for the vicarious liability or the supervisory role of the additional insureds. There shall be no contractor's limitation endorsement.

Coverage for the additional insureds shall apply to the fullest extent permitted by law excepting only the active negligence of the City or Agency, not caused or contributed to by the Developer, as established by agreement between the parties or by the findings of a court of competent jurisdiction. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide an additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 20 26 1185 including owned, non owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per occurrence for all coverages and not less than Two Million Dollars ($2,000,000) in general aggregate. the Developer may submit, and City risk management department may review and approve, another policy form and/or another form of additional insured endorsement, so long as the review and approval of such form of policy and/or endorsement is within City risk management department's sole, reasonable discretion. If Contractor owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City, Agency, and any and all of their boards, officials, employees or agents.

(d) Course of Construction (Builder's Risk) Insurance. Course of Construction (Builder's Risk) Insurance shall be provided by Contractor (or by the Developer) and shall include City, Agency, and any and all of their boards, officials, employees and agents as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Coverage shall be for the full completed value of the project. Any deductible amounts shall be the responsibility of the first named insured on the policy and shall not be the responsibility of Agency or City. The policy shall cover all real and personal property for "all risks" of loss for all buildings, structures, fixtures, materials, supplies, machinery and equipment to be used in or incidental to the construction at the Site, off site, or in transit, for the full replacement value of such property, but expressly excluding the perils of floods and earthquakes. Coverage shall be included for property of others in the care, custody or control of the insured for which any insured may be liable.

(e) General Conditions Pertaining to Provision of Insurance Coverage by Contractor Contractor must agree to the following provisions regarding insurance provided by Contractor:

(i) Contractor agrees to provide insurance in accordance with the requirements set forth here. If Contractor uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, Contractor agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right to order contractor to discontinue work until suitable replacement coverage is obtained.

(ii) The coverage required here will be renewed annually by Contractor as long as Contractor continues to provide any services under this or any other contract or agreement with the Developer or Agency. Contractor agrees to maintain this coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit Contractor, or Contractor's employees, or agents, from waiving the right of subrogation prior to a loss. Contractor waives its right of subrogation against Agency and/or City.

(iv) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor. Contractor expressly agrees not to use any statutory immunity defenses under workers' compensation or related laws with respect to Agency and/or City, their respective employees, officials and agents, to avoid Contractor's indemnity obligation for such third party action over claims.

(v) All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vi) Unless otherwise approved by Agency, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of California and with a minimum "Best's" Insurance Guide rating of A:VII.

(vii) Any "self insured retention" must be declared and approved by Agency. Agency reserves the right to require the self insured retention to be eliminated, reduced, or replaced by a deductible. Self funding, policy fronting or other mechanisms to avoid risk transfer shall be fully disclosed to Agency before any notice to proceed is issued.

(viii) Contractor shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Contractor's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(ix) Contractor agrees to provide evidence of the insurance required herein, satisfactory to Agency, consisting of: a) certificate(s) of insurance evidencing all of the coverages required and, b) additional insured endorsement to Contractor's liability policy using

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Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or equivalent that is not restricted to Contractor's "ongoing operations", and/or or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees, upon written request by Agency to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(x) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. Contractor agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xi) Contractor agrees to require all subcontractors or other parties hired for this project to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of $1 million. The subcontractor's general liability insurance shall add City and Agency as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xii) Contractor agrees to require design professional liability insurance from any design professional engaged for the Development in an amount no less than $1 million per claim and $2 million in general aggregate. Contractor agrees to require that no contract, standard form or otherwise, used by any party in any way connected with this Agreement, or contracts Contractor enters into on behalf of Agency, will reserve the right to charge back to Agency the cost of insurance required by this or any other agreement.

(xiii) Contractor agrees that upon request, any agreements with subcontractors or others with whom Contractor enters into contracts with on behalf of Agency, will be submitted to Agency for review. Failure of Agency to request copies of such agreements will not impose any liability on Agency, or its employees.

(xiv) Requirements of specific coverage features or limits contained in this Section 4.6.1 are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xv) Contractor agrees to provide immediate notice to Agency of any claim or loss against Contractor that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xvi) The insurance requirements set forth in this Section 4.6.1 are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvii) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

For purposes of insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.

4.7 Knowledge of Claim. If at any time the Developer (or its Contractor) becomes aware of a claim or a potential claim, the Developer (or its Contractor) shall immediately provide written notice ("Claim Notice") to Agency which sets forth the nature of the claim or potential claim and the date on which the Developer became aware of such claim or potential claim and shall provide Agency with copies of any documents relating to such claim or potential claim.

4.8 Notice of Change in Coverage. If, at any time, the Developer (or its Contractor) becomes aware that any of the coverages provided above are going to be canceled, limited in scope or coverage, terminated, or non renewed, then the Developer (or its Contractor) shall provide Agency with fifteen (15) days written notice ("Insurance Notice") of such cancellation, limitation, termination or non renewal.

(a) Upon the receipt of the Insurance Notice or the Claim Notice, or at any time when Agency has knowledge of (i) the cancellation, limitation, termination or non renewal of one or more of the Developer's (or its Contractor's) insurance policies enumerated above or (ii) a claim or potential claim under one or more of such policies, then, in addition to its other rights and remedies pursuant to this Agreement, Agency shall have the right to suspend Agency's obligations under this Agreement until such time as the Developer (or its Contractor) furnishes, or causes to be furnished to Agency, duplicate originals or appropriate certificates of insurance for coverages in the amounts not less than those specified above or until the time such claim or potential claim has been resolved to the reasonable satisfaction of Agency, respectively.

4.9 Waiver of Subrogation. The Developer (and its Contractor) hereby waives all rights to recover against Agency and/or City (or any officer, employee, agent or representative of Agency or City) for any loss incurred by the Developer (or its Contractor) from any cause insured against or required by any Project Document to be insured against; provided, however, that this waiver of subrogation shall not be effective with respect to any insurance policy if the coverage thereunder would be materially reduced or impaired as a result. The Developer (and its Contractor) shall use its best efforts to obtain only policies that permit the foregoing waiver of subrogation.

4.10 Obligation to Repair and Restore Damage Due to Casualty Covered by Insurance. Subject to the provisions below, if the Development shall be totally or partially destroyed or rendered wholly or partly uninhabitable by fire or other casualty required to be insured against by the Developer, the Developer shall promptly proceed to obtain insurance proceeds and take all steps necessary to begin reconstruction and, immediately upon receipt of insurance proceeds, to promptly and diligently commence the repair or replacement of the Improvements to substantially the same condition as the Improvements are required to be constructed pursuant to this Agreement, if and to the extent the insurance proceeds are sufficient to cover the actual cost of repair, replacement, or restoration, and the Developer shall complete the same as soon as possible thereafter so that the Improvements can be occupied in accordance with this Agreement. Subject to enforced delays as set forth in Section 7.10 herein, in no event shall the repair, replacement, or restoration period exceed one (1) year from the date the Developer obtains insurance proceeds unless Executive Director, in his reasonable discretion, approves a longer period of time. Agency shall cooperate with the Developer, at no expense to Agency, in obtaining any governmental permits required for the repair, replacement, or restoration. If, however, the then existing laws of any other governmental agencies with jurisdiction over the Site do not permit the repair, replacement, or restoration, the Developer may elect not to repair, replace, or restore the Improvements by giving notice to Agency (in which event Developer will be entitled to all insurance proceeds but the Developer shall be required to remove all debris from the applicable portion of the Site) or the Developer may reconstruct such other improvements on the Site as are consistent with applicable land use regulations and approved by the City, Agency, and the other governmental agency or agencies with jurisdiction.

4.11 Damage or Destruction Due to Cause Not Required to be Covered by Insurance. If the Improvements are completely destroyed or substantially damaged by a casualty for which the Developer is not required to (and has not) insured against, then the Developer shall not be required to repair, replace, or restore such improvements and may elect not to do so, subject to any requirements of HUD and the Maker of the Primary Construction Loan by providing Agency with written notice of election not to repair, replace, or restore within ninety (90) days after such substantial damage or destruction. In such event, and subject to there being funds available after satisfying the Primary Construction Loan and all other senior debt, the Developer shall concurrently repay the full outstanding balance of the Agency Loan (as theretofore disbursed) to Agency and the full outstanding balance of the City HOME Loan (as theretofore disbursed) to City. As used in this Section 4.11, "substantial damage" caused by a casualty not required to be (and not) covered by insurance shall mean damage or destruction which is fifteen percent (15%) or more of the replacement cost of the improvements comprising the Improvements. In the event the Developer does not timely elect not to repair, replace, or restore the Improvements as set forth in the first sentence of this Section 4.11, the Developer shall be conclusively deemed to have waived its right not to repair, replace, or restore the Improvements and thereafter the Developer shall promptly commence and complete the repair, replacement, or restoration of the damaged or destroyed Improvements in accordance with Section 4.10 above.

4.12 Indemnification.

4.12.1 General Indemnification. The Developer shall defend, indemnify, assume all responsibility for, and hold the Agency, the City and their elected officials, officers, employees, attorneys, and agents (together, "Indemnitees"), harmless from all claims, demands, damages, defense costs or liability of any kind or nature relating to the subject matter of this Agreement or the validity, applicability, interpretation or implementation hereof and for any damages to property or injuries to persons, including accidental death (including attorneys fees and costs), which may be

caused by any acts or omissions of the Developer under this Agreement, whether such activities or performance thereof be by the Developer or by anyone directly or indirectly employed or contracted with by the Developer and whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall not be liable for property damage or bodily injury to the extent occasioned by the negligence or willful misconduct of Agency or City or their agents or employees. The Developer shall have the obligation to defend any such action; provided, however, that this obligation to defend shall not be effective if and to the extent that the Developer determines in its reasonable discretion that such action is meritorious or that the interests of the parties justify a compromise or a settlement of such action, in which case the Developer shall compromise or settle such action in a way that fully protects Agency and City from any liability or obligation. In this regard, the Developer's obligation and right to defend shall include the right to hire attorneys and experts necessary to defend, the right to process and settle reasonable claims, the right to enter into reasonable settlement agreements and pay amounts as required by the terms of such settlement, and the right to pay any judgments assessed against the Developer, Agency, or City. If the Developer defends any such action, as set forth above, and except as provided to the contrary above: (i) the Developer shall indemnify and hold harmless Indemnitees from and against any claims, losses, liabilities, or damages assessed or awarded against either of them by way of judgment, settlement, or stipulation and (ii) Agency shall be entitled to settle any such claim only with the written consent of the Developer and any settlement without the Developer's consent shall release the Developer's obligations under this Section 4.12.1 with respect to such settled claim. Notwithstanding the foregoing, as long as the Primary Construction Loan is insured or held by HUD, the Developer's obligation to honor this indemnification obligation shall be limited to Residual Receipts.

4.12.2 Indemnity Re Challenge to Agreement. The Developer shall, at its expense, defend, indemnify, and hold harmless Agency and City and their elected officials, officers, employees, agents, attorneys and consultants harmless from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature, including without limitation those (i) arising out of the validity or interpretation of, Agency's and/or City's authority to enter into, or payment by Agency and/or City to the Developer under this Agreement, (ii) arising out of the applicability or inapplicability of state and/or federal prevailing wage and public works requirements related to the Development, or (iii) arising out of, in connection with, or relating in any manner to any act or omission of the Developer or its agents, employees, contractors and subcontractors of any tier and employees thereof in connection with or arising from the Developer's performance or nonperformance of its obligations under this Agreement, the Developer's ownership of the Site, or the completion of the Development, except that arising from the sole gross negligence or intentional misconduct of Agency or City and their elected officials, officers, agents, employees or representatives.

(a) Joint Defense on Certain Claims and Lawsuits. The parties acknowledge and agree that for certain types of claims or lawsuits that may be asserted against the Developer, Agency, and/or City as described in (i) and (ii) of Section 4.12.2 above ("Joint Defense Claim"), there may be a common interest and mutual concern in the subject matter of such Joint Defense Claim and that a favorable resolution of a Joint Defense Claim related to (i) and (ii) described above would be mutually beneficial. Therefore, in the event of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above against the Developer or Agency and/or City (including their elected officials, officers, employees, agents, attorneys and consultants), the parties agree to cooperate in the

resolution of such Joint Defense Claim and desire to set forth certain joint defense rights and obligations in the course of coordination of the defense thereof by this Section 4.12.2(a).

(i) In the course of coordinating their defense of the Joint Defense Claim, the parties might engage in communications and exchange information, documents and other materials ("Communicated Information") and such Communicated Information may include confidential attorney client communications, attorney work product, and other information and materials that are protected from disclosure to third parties by the attorney client communication privilege, the work product doctrine or other applicable privileges. The parties wish to insure that the exchange and disclosure of Communicated Information in furtherance of a joint defense effort and the parties' common interest does not diminish in any way the confidentiality of the Communicated Information and does not constitute a waiver of any privileges otherwise applicable.

(A) All Communicated Information shall be used solely in connection with the Joint Defense Claim, and shall be and remain confidential and privileged and may not be disclosed or made available to persons other than to the Developer, Agency and/or City and their respective counsel, and such counsels' employees and agents without the written consent of all of the other parties unless disclosure of such Communicated Information is required by order of court after the privilege and work product doctrines are asserted. Each person to whom Communicated Information is disclosed will also be made aware of the existence of this Section 4.12.2(a) and any implementing joint defense agreement among the Developer, Agency and City and that Communicated Information is privileged, confidential, and not to be disclosed unless ordered by a court to be disclosed.

(B) If any other person or entity requests or demands, by subpoena or otherwise, any Communicated Information from the Developer, Agency, City, or their counsel, such party or counsel receiving said request or demand shall immediately notify all parties and their attorneys, provide them with a copy of said request or demand, assert all applicable rights, privileges and objections with respect to such requests or demands, and cooperate fully with the other party in making every reasonable effort to prevent or limit the disclosure of said Communicated Information.

(C) In the event the Developer, Agency or City enters into any agreement with any third party that is inconsistent with the continued sharing of information under this Section 4.12.2(a) or other implementing joint defense agreement, and/or with any continued joint defense effort, including without limitation any settlement agreement or dismissal, such party or its counsel shall: (a) immediately inform the other parties of the terms of such agreement or dismissal; (b) promptly return to the other parties hereto all copies of all documents provided by such other party pursuant hereto; and (c) refrain from disclosing to a third party any Communicated Information.

(D) In the event that a party enters into a settlement agreement or dismissal, such party is not to be relieved of its obligations hereunder to maintain the privileged nature and confidentiality of all Communicated Information.

(E) At the conclusion of the Joint Defense Claim or earlier termination of this Agreement, and upon the request of any counsel for a party who has furnished Communicated Information pursuant hereto, all such materials and copies, summaries or information referring to, memorializing or derived from Communicated Information shall be either returned to

that counsel or destroyed, at said counsel's option, and counsel returning or destroying such materials as requested shall promptly certify to the requesting counsel that this has been done.

(ii) Nothing in this Section 4.12.2(a) shall be construed as subjecting a party to the effect of any judgment, verdict or other determination on the merits in any lawsuit in which that party is not a party, whether by res judicata, collateral estoppel, law of the case, or otherwise.

(iii) All previously privileged communications between the Developer and Agency (or City) with respect to the Joint Defense Claim and all Communicated Information previously exchanged between counsel for the parties are subject to this Section 4.12.2(a) it having been understood that the Developer, Agency and City shared a common interest in pending or threatened litigation arising out of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above.

(iv) The joint defense made possible by and Communicated Information shared hereunder shall not be grounds for any later disqualification of counsel for any party.

(v) A breach of this Section 4.12.2(a) or any implementing joint defense agreement may not adequately be remedied by an action for damages, and injunctive relief, both temporary and permanent, would be the appropriate remedy for any such breach, although all other equitable and legal remedies are reserved and are not waived.

(vi) Nothing contained herein shall limit the right of any counsel to disclose any documents or information independently obtained for his/her respective clients and not subject to a claim of privilege by another party.

(b) Cooperation in Defense of Claims or Lawsuits. The Developer, as indemnitor of Agency (and City) under Section 4.12.2(a) shall have the right to control and manage the defense of any Joint Defense Claim or other claim or lawsuit covered under the indemnity provided in Section 4.12.2(a) above. The Developer shall keep Agency (and City) through their counsel informed of all significant developments in such claim or lawsuit, including without limitation the date(s) for hearings on significant motions, discovery demands requiring the cooperation or participation of Agency or City officials and employees, settlement negotiations, the trial date, and any situations requiring the attendance of Agency or City officials or employees.

(c) Covenant Not to Sue. The following covenant relating to the Developer's obligation not to sue regarding the Development or the Site or any issues ancillary thereto is a material incentive for and a part of the consideration to Agency to provide to the Developer the Agency Loan and for the City to provide the City HOME Loan. Therefore, the Agency Loan proceeds and the proceeds of the City HOME Loan shall in no event be due, payable, or required, and the performance obligations of Agency under this Agreement shall automatically terminate, in the event from and after the Date of Agreement and until the close of escrow for the Developer's acquisition of the Site, the Developer, or any of its partners, officers, directors, employees, agents, representatives, consultants, attorneys, or any person acting at the direction of the Developer, undertakes any act to oppose, or to commence, participate in, prosecute, or otherwise object to, or to litigate, directly or indirectly, any permit or discretionary decision of Agency, City, City's Planning Commission, any other City board or commission relating to the Site and Development of whatever form or nature.

(i) Notwithstanding the foregoing portion of this Section 4.12.2(b), nothing set forth in this Section 4.12.2(b) shall prevent the Developer from asserting its rights relating to the performance and enforcement of this Agreement or due to the abuse of discretion by a governmental entity considering and acting upon a future discretionary decision related to the parameters of this covenant. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's rights with respect to prospective action or future conduct by any person who interferes, opposes, or delays implementation and completion of the Development. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's property rights pertaining to the Site; provided any such assertion of property rights does not interfere with nor impede any agreement(s) to which the Agency or City is a party (other than this Agreement).

4.12.3 Indemnity by the Developer of Agency and City Relating to Relocation. The Developer hereby covenants and agrees to indemnify, save, protect, hold harmless, and defend Agency and City and their respective representatives, volunteers, officers, employees, agents, and consultants (collectively, "Indemnitees") from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including without limitation penalties, fines, and monetary sanctions), losses, costs, or expenses, including without limitation consultants' and attorneys' fees, or relocation benefits claimed or payable under the Relocation Laws (for purposes of this Section 4.12.3, the foregoing shall be referred to as "Liabilities") which may now or in the future be incurred or suffered by Indemnitees by reason of, or resulting from, in full or in part, or in any respect whatsoever from the Relocation of residents of the Property pursuant to this Agreement.

The Developer, on behalf of itself and its affiliates, and any and all successors and assigns hereby fully and finally releases each of City, Agency and their past and present elective and appointive boards, commissions, officials and employees, representatives and agents from any and all manner of actions, causes of action, suits, obligations, liabilities, judgments, executions, debts, claims and demands of every kind and nature whatsoever, known and unknown, which the Developer and any of its affiliates, successors or assigns may now have or hereafter obtain against Agency and/or City or their past and present elective and appointive boards, commissions, officials and employees, representatives and agents by reason of, arising out of, relating to, or resulting from in full or in part, the election of the Developer to proceed with the Project pursuant to this Agreement (collectively, "Claims"), which release shall include but not be limited to any Claims for Relocation benefits under federal laws or any other applicable laws. The parties agree that, with respect to the release of Claims as set forth above, all rights under Section 1542 of the California Civil Code and any similar law of any state or territory of the United States are expressly waived. Section 1542 reads as follows:

> "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

4.12.4 Environmental Indemnification. The Developer shall save, protect, pay for, defend (with counsel acceptable to Agency), indemnify and hold harmless Agency and City and their officers, employees, representatives and agents, from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including, without limitation, penalties, fines and monetary sanctions), losses, costs or expenses (including, without limitation, consultants' fees, investigation

and laboratory fees, attorneys' fees and remedial and response costs) (for purposes of this Section 300, the foregoing shall be collectively referred to as "Liabilities") which may now or in the future be incurred or suffered by Agency or City or their officers, employees, representatives or agents by reason of, resulting from, in connection with, or arising in any manner whatsoever as a direct or indirect result of (i) the ownership of all or any part of the Property, (ii) any act or omission on the part of the Developer, or its agents, employees, representatives, agents, contractors, occupants, or invitees, (iii) the presence on, under, or about, or the escape, seepage, leakage, spillage, discharge, emission or release from the Property of any Hazardous Materials or Hazardous Materials Contamination, (iv) the environmental condition of the Property, and (v) any Liabilities incurred under any Governmental Requirements relating to Hazardous Materials. The Developer's obligations hereunder shall survive after the issuance of the Certificate of Completion, and shall be a covenant running with the land in perpetuity, binding on all successors and assigns of the Developer's interest in either this Agreement or any part of the Property. The Developer may assign its obligations hereunder to the successor or assign of the Developer's interest in this Agreement or the Property for those events or conditions related to the requirements in this Section that may occur subsequent to the Developer's conveyance to such successor or assign, provided that the Developer shall remain liable for all of its obligations hereunder.

4.13 Rights of Access. Prior to the issuance of the Certificate of Completion, for purposes of assuring compliance with this Agreement, representatives of Agency shall have the right of access to the Site, without charges or fees, at normal construction hours during the period of construction for the purposes of this Agreement, including but not limited to, the inspection of the work being performed in constructing the Improvements so long as Agency representatives comply with all safety rules. Agency representatives shall, except in emergency situations, notify the Developer prior to exercising its rights pursuant to this Section 4.13.

4.14 Compliance With Laws. Developer shall carry out the design, construction and operation of the Improvements in conformity with all applicable laws, including all applicable state labor standards (including without limitation provisions for payment of prevailing wages in connection with all construction of the Improvements to the extent applicable), the City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code, and the Fair Housing Act, 42 U.S.C. Section 3601 *et seq.* (and 24 C.F.R. Part 100), the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*, and the California Building Standards Code, Health and Safety Code Section 18900, *et seq.* Developer, including but not limited to its contractors and subcontractors, shall comply with Labor Code Section 1720, et seq., and its implementing regulations, regarding the payment of prevailing wages (the "Prevailing Wage Law") with regard to the construction of the Improvements, to the extent such sections are applicable to the development of the Improvements. Developer shall be solely responsible for determining and effectuating compliance with the Prevailing Wage Law, and the Agency or City make no final representation as to the applicability or non-applicability of the Prevailing Wage Law to the Improvements, or any part thereof. Developer hereby releases from liability, and agrees to indemnify, defend, assume all responsibility for and hold the Agency and the City, its officers, employees, agents and representatives, harmless from any and all claims, demands, actions, suits, proceedings, fines, penalties, damages, expenses resulting from, arising out of, or based upon Developer's acts or omissions pertaining to the compliance with the Prevailing Wage Law for the Improvements.

The Developer shall comply with the Tax Credit Regulatory Agreement.

Without limitation as to Section 4.12 of this Agreement, Developer shall indemnify, protect, defend and hold harmless the Agency and its officers, employees, contractors and agents, with counsel reasonably acceptable to Agency, from and against any and all loss, liability, damage, claim, cost, expense and/or "increased costs" (including reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction, and/or operation of the Improvements, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by Developer of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Section 1781 of the Labor Code, as the same may be amended from time to time, or any other similar law; and/or (3) failure by Developer to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the development of the Improvements, including, without limitation, any and all public works (as defined by applicable law), Developer shall bear all risks of payment or non-payment of prevailing wages under California law and/or the implementation of Labor Code Section 1781, as the same may be amended from time to time, and/or any other similar law. "Increased costs," as used in this Section 4.14, shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. The foregoing indemnity shall survive termination of this Agreement and shall continue after completion of the construction and development of the Improvements by the Developer.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: MID-YEAR BUDGET REVIEW

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive and file this report
2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

BACKGROUND

The City Council is annually updated on the City's financial status through a Mid-Year Budget Review which reflects operational results for the first half of the fiscal year, from July through December. The mid-year budget review will focus on the City's General Fund, which represents the greatest concern with respect to the impacts of the economic recession but will also present six-month operational results from other key funds such as Community Services District (CSD) Zone A (Parks & Community Services), CSD Zone L (Library) and the Electric Utility.

The City Council and staff have worked diligently during the past two years to reduce the structural General Fund expenditure budget by over $12 million. The General Fund operating budget has been reduced from $98 million in FY 2007-08 to $81 million in FY 2010-11. The structural expense reductions have included defunding of 80 positions generating savings of about $7 million annually. In addition, staff has been on a 36 hour work week or 10% furlough program that saves about $1.4 million each year. Many additional actions throughout the General Fund have also been implemented totaling about $3.6 million; such as reducing travel & training, suspending merit and step

increases, reductions in use of professional services and many others. In short, the City has been reducing the budget through recent Deficit Reduction Plans in response to rapidly declining revenues. The end of the recession has brought revenue stability for the first time in several years. Although significant growth in revenues is not anticipated for several years, the City Council and staff can now focus on the Deficit Elimination Plan that will reduce structural expenditures to the stable revenue level over the FY 2011-12 through FY 2013-14 three-year period.

Recap of First Quarter Budget Review

On December 14, 2010, a First Quarter Budget Review was presented to the City Council. This report indicated that the operating results for the first quarter were positive and that a stable outlook was projected for the remainder of the fiscal year. No additional actions were recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

DISCUSSION

Prior Year Savings Needed to Balance the FY 2010-11 Budget

One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional savings has been used to fund three additional police officers ($580,000) and the shortfall that is currently being experienced in the residential street lighting program ($675,000). Achieving this savings is a significant accomplishment and represents the combined efforts of all City departments to continue identifying and implementing cost-cutting measures in response to closing the structural budget deficit. Audited results for FY 2009-10 will be presented to Council upon the completion of the financial audit.

Mid-Year General Fund Results

This mid-year report updates the Mayor and Council regarding current year fiscal trends and provides the opportunity for critical policy input from the Council prior to developing next year's budget. As adopted, the FY 2010-11 budget totals approximately $200 million with the General Fund comprising $80.9 million. As a measure to match the revenues to expenditures and continue the current service levels the City Council approved the use of $13 million of Fund Balance.

Revenue Trends

In order to adequately analyze the City's current revenue position it is helpful to review the revenue trends over a multi-year period. As illustrated in the charts below after three consecutive years of decline General Fund revenues are projected to achieve a slight increase in FY 2010-11. This experience is consistent with projections made by local economists that the bottom has been reached and revenue streams will begin to stabilize. General Fund revenue performance can be measured by following five primary revenue sources. Property taxes, including the Vehicle In-Lieu tax shift, which were budgeted to decline by 14% instead only declined by 4%. Sales tax revenue

increased by 4.8% from FY 2009-10 actuals to the amount projected to be received for FY 2010-11. This amount is due to improved consumer spending, in addition to an annual adjustment related to the State triple-flip process that was larger than expected. In addition, the expiration of the Auto Mall owner participation agreements results in additional sales tax revenue that is retained by the General Fund. Utility Users Tax has been the most consistent revenue over the past four years and these revenues are projected to be slightly higher than both the budget and the previous year. Development services revenues have experienced severe volatility over the past three years but are projected to be flat when compared to the prior fiscal year suggesting that they have stabilized. Investment income, the fifth of the key revenues, is projected to improve slightly over the prior year due to the active management strategy adopted last year which has allowed the portfolio to take advantage of short-term opportunities within the financial markets.

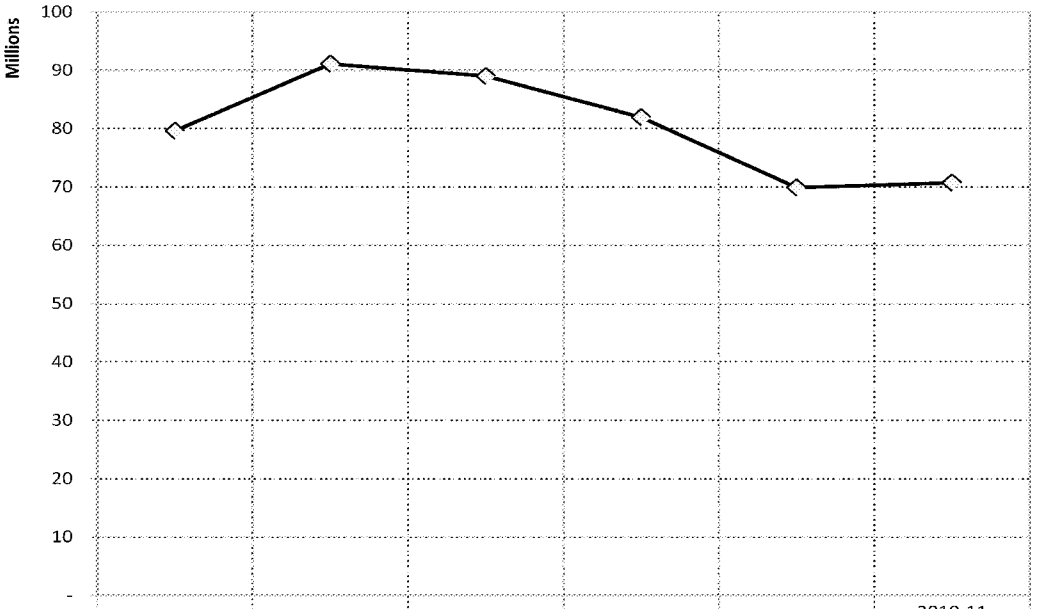

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Actuals	2010-11 Year-end Projection
Revenues	79,615,944	91,116,701	88,999,014	81,930,066	69,892,454	70,728,080

General Fund
Revenue Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Taxes:			
Property taxes	$ 8,596,100	$ 8,596,100	$ 9,158,400
Property taxes in lieu	11,773,400	11,773,400	13,056,000
Utility taxes	15,200,000	15,200,000	15,600,000
Sales taxes	9,735,100	9,735,100	10,515,000
Other Taxes	6,556,500	6,556,500	6,900,000
Licenses and permits	1,363,600	1,363,600	1,431,200
Intergovernmental	643,500	643,500	1,049,800
Charges for services	8,284,600	8,283,156	6,853,900
Use of money and property	4,527,900	4,527,900	4,220,300
Fines and forfeitures	1,117,000	1,117,000	1,120,000
Miscellaneous	172,700	177,800	823,480
	-	-	-
Total Revenues	**67,970,400**	**67,974,056**	**70,728,080**

Expenditure Trends

The following charts illustrate that expenditures have been reduced over the past few years to become more in line with revenues and to maintain reserves at a prudent level. Over the past three years spending has been reduced from $97.6 million in FY 2007-08 to a budgeted amount of $80.9 million in FY 2010-11 which represents a reduction of over 17%. Projected spending levels through mid-year show significant savings when compared to the spending plan approved by Council as staff at all levels continue to undertake efforts to reduce operating costs while sustaining key service levels.

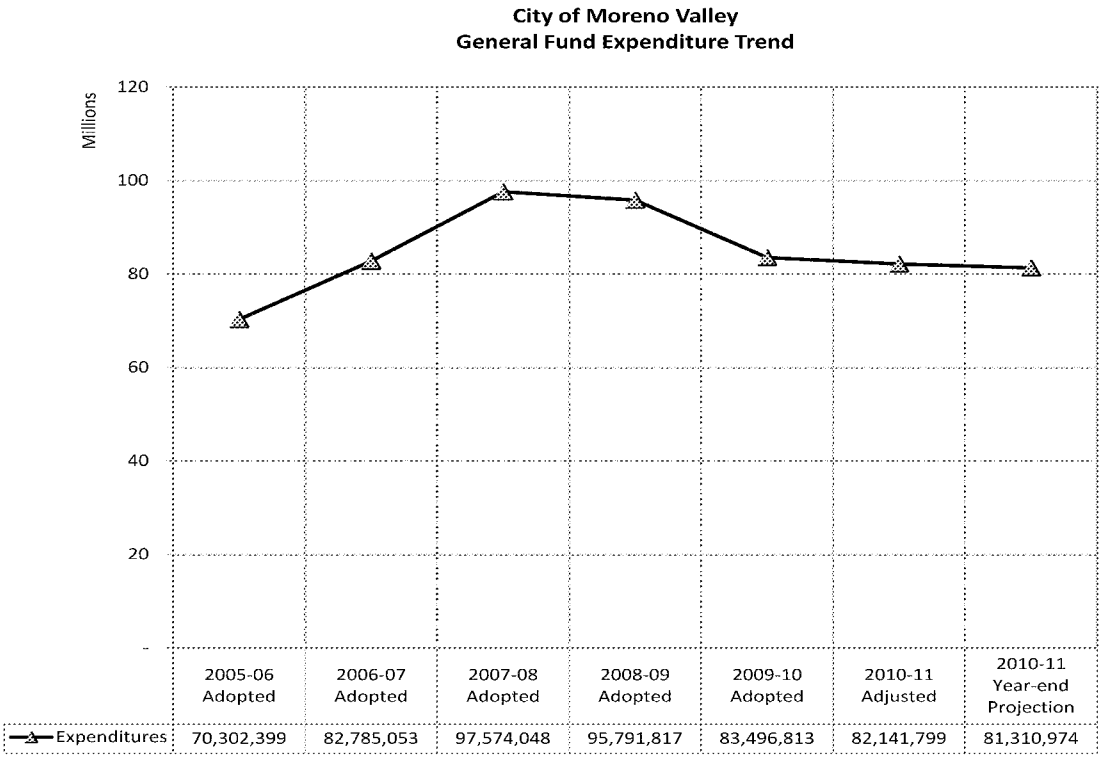

Though there may be variances on a department specific basis, General Fund expenditures are projected to be within City Council approved appropriations and the budget remains balanced. This includes the City Council's decision to utilize surplus revenues to fund additional costs related to priorities related to Police and Community Services District Zone B for Residential Streetlighting subsidy.

Expenditure Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
General government			
City council	$ 579,922	$ 581,564	$ 523,400
City manager	1,279,359	1,305,638	1,171,463
City clerk	634,286	521,486	525,715
City attorney	1,015,407	1,015,407	952,502
Economic development	436,287	482,774	432,202
Financial and administrative services	3,108,962	3,128,875	3,066,423
Human resources	958,505	958,505	791,989
Non-departmental	2,694,500	2,665,546	2,601,646
Public safety			
Police	41,291,771	41,870,739	42,246,062
Fire	15,666,535	15,666,535	15,266,718
Animal services	2,287,240	2,297,418	2,401,450
Emergency operations/volunteer services	605,166	605,166	600,547
Crossing guards	583,439	583,439	516,700
Community development	4,629,070	4,638,875	4,246,017

Public works	3,551,311	3,562,092	3,710,400
Total Expenditures	$ **79,321,760**	$ **79,884,059**	$ **79,053,234**
Other Financing Uses			
Transfers out	1,582,740	2,257,740	2,257,740
Grand Total	$ **80,904,500**	$ **82,141,799**	$ **81,310,974**

First Quarter Summaries of Other Major Funds

▪ Community Services District (CSD) Zone A – Parks & Community Services

Zone A - Parks and Community Services
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,586,789	$ 1,586,789	$ 1,678,500
Charges for services	5,637,700	5,637,700	5,658,800
Use of money and property	457,800	458,800	501,900
Miscellaneous	25,500	26,433	31,200
	0	0	0
Total Revenues	**$ 7,707,789**	$ **7,709,722**	$ **7,870,400**
Expenditures:			
Current:			
Community and cultural			
Senior Program	502,539	503,472	470,404
Parks and recreation administration	468,235	468,235	556,947
Park ranger program	320,241	320,241	317,000
Recreation programs	1,702,569	1,702,569	1,598,500
Park maintenance	2,772,945	2,836,395	2,549,200
Park maintenance - contract	458,100	458,100	423,600
Golf course program	289,886	289,886	302,345
Recreation and conference	442,548	442,548	469,900
Recreation and conference - banquets	238,044	238,044	227,794
Parks projects	152,410	152,410	150,700
Community services	142,088	142,088	126,800
Community events	78,072	78,072	76,400
Non-departmental	250,300	250,300	250,300
Capital outlay	6,400	6,400	23,400
Total Expenditures	**$ 7,824,377**	$ **7,888,760**	$ **7,543,290**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(116,588)	(179,038)	327,110
Other Financing Sources (Uses):			
Transfers in	289,800	289,800	314,800
	0	0	0
Total Other Financing Sources (Uses)	**$ 289,800**	$ **289,800**	$ **314,800**
Net Balance	***$ 173,212***	$ ***110,762***	$ ***641,910***

The revenues are tracking slightly ahead of expectations. The largest revenue sources are property tax and parcel fees, which are collected and remitted twice annually. The first distribution was received in mid January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Community Services District (CSD) Zone L – Library**

Zone L - Library
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,201,200	$ 1,261,200	$ 1,261,200
Intergovernmental	27,000	27,000	73,600
Charges for services	33,000	33,000	30,000
Use of money and property	0	0	0
Fines and forfeitures	56,500	56,500	46,500
Miscellaneous	2,000	7,255	7,200
	0	0	0
Total Revenues	**$ 1,319,700**	**$ 1,384,955**	**$ 1,418,500**
Expenditures:			
Community and cultural			
Library	1,903,462	1,940,694	1,895,600
Total Expenditures	**$ 1,903,462**	**$ 1,940,694**	**$ 1,895,600**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(583,762)	(555,739)	(477,100)
Other Financing Sources (Uses):			
Transfers in	446,740	446,740	446,800
Total Other Financing Sources (Uses)	**$ 446,740**	**$ 446,740**	**$ 446,800**
Net Balance	***$ (137,022)***	***$ (108,999)***	***$ (30,300)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is property taxes, which are collected and remitted twice annually. The first distribution was received in early January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

▪ Gas Tax

State Gasoline Tax Special Revenue Fund
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Intergovernmental (gas tax)	2,702,500	2,702,500	2,862,225
Use of money and property	5,000	5,000	1,500
Miscellaneous	2,000	2,000	10,200
	0	0	0
Total Revenues	**$ 2,709,500**	**$ 2,709,500**	**$ 2,873,925**
Expenditures:			
Public works:			
Infrastructure project engineering	384,086	384,086	306,986
Street maintenance	1,740,356	1,740,356	1,919,100
Graffiti removal	329,014	329,014	366,700
Tree trimming	383,230	383,230	412,100
	0	0	0
Total Expenditures	**$ 2,836,686**	**$ 2,836,686**	**$ 3,004,886**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(127,186)	(127,186)	(130,961)
Net Balance	***$ (127,186)***	***$ (127,186)***	***$ (130,961)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is gas taxes, which are collected and remitted by the State of California monthly. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

▪ Electric Utility

Electric Utility
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Operating Revenues:			
Generation	$ 9,360,000	$ 9,360,000	$ 8,945,076
Distribution	3,640,000	3,640,000	4,533,022
Special Charges	144,000	144,000	142,831
Public Purpose	500,000	500,000	779,328
Other charges for services (electricity fee refunds)	(146,000)	(146,000)	(73,709)
Use of money and property	56,000	56,000	79,982
Miscellaneous	315,500	315,500	239,772
Total Operating Revenues	**$ 13,869,500**	**$ 13,869,500**	**$ 14,646,302**

Expenditures:			
Operating Expenditures:			
Electricity purchased	6,900,000	6,900,000	7,228,800
Services and supplies	2,842,695	2,842,695	2,673,524
Distribution share	1,425,000	1,425,000	1,567,500
Rate stabilization reserve	327,000	327,000	359,700
Public purpose program:			
Electricity purchased	400,000	400,000	400,000
Services and supplies	100,000	100,000	100,000
Total Operating Expenditures	**$ 11,994,695**	**$ 11,994,695**	**$ 12,329,524**
Operating Income (Loss)	**$ 1,874,805**	**$ 1,874,805**	**$ 2,316,778**
Nonoperating Revenues (Expenses)			
Debt Service:			
Principal retirement	570,200	570,200	470,380
Interest expense and fiscal charges	1,656,200	1,656,200	1,658,207
Capital outlay	87,500	87,500	81,375
	0	0	0
Total Nonoperating Revenues (Expenses)	**$ (2,313,900)**	**$ (2,313,900)**	**$ (2,209,962)**
Income (Loss) Before Transfers	**$ (439,095)**	**$ (439,095)**	**$ 106,816**
Net Balance	***$ (439,095)***	***$ (439,095)***	***$ 106,816***

**Net of depreciation*

As reflected in the previous operational financial summaries (not including capital projects and/or debt service), revenue and expenditure results for Parks, Library, Gas Tax and the Electric Utility through the first quarter of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. Therefore, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by the respective departments.

Proposed Mid-Year Budget Appropriation Adjustments

The Mid-year Budget Review is traditionally the time in which additional budget appropriation adjustments are considered due to unforeseen circumstances that have occurred since the adopted of the budget. There are two items recommended for Council's approval this fiscal year.

I. Recommend the transfer of $150,000 from the General Fund (fund balance) to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort (MOE) requirements:

The City receives Measure A, Local Streets and Roads (LSR) funding from the Riverside County Transportation Commission (RCTC) to augment the City's transportation improvement program. In order to continue to receive Measure A funds, MOE requirements are imposed on local agencies to ensure that local transportation

expenditures are maintained. The MOE requirements include the annual certification of discretionary General Fund expenditures for transportation related construction and maintenance activities that meet or exceed the MOE Base Amount. The City's MOE base amount is $1.6m. In FY 2010-11, it is projected that transportation related activities will be under the MOE base amount by $150,000. A transfer to the Gas Tax street maintenance programs of $150,000 will ensure the City's meeting the MOE requirements. The City currently receives $2.4m in Measure A funds.

II. Recommend the transfer of $157,000 from the General Fund (fund balance) and $33,000 from the Equipment Replacement Fund (fund balance) to the Vehicle Equipment Maintenance and Street Maintenance programs for state-mandated vehicle modifications/replacements:

The California Air Resources Board mandates all public agencies with heavy-duty, diesel vehicles within their fleets to have 100% of the heavy-duty vehicles retrofitted with particulate matter traps (emissions filters) or to retire/replace such vehicles. The City has a total of (17) such vehicles and previously retrofitted (9) vehicles. The remaining (8) vehicles, that belong to the Maintenance & Operations, Transportation Engineering, Parks Maintenance, and Facilities Maintenance divisions, are required to be retrofitted by December 31, 2011 or be retired from service. It is proposed that (7) vehicles are retrofitted and that (1) vehicle (Unit #96-525) be replaced as it is significantly past its normal life cycle. The total combined cost of the retrofits and funds required to supplement available vehicle replacement funds is $190,000. The proposed retrofits/replacements are mandatory and must be complete by December 31, 2011 to comply with California Air Resources Board regulations and retain the use of these vehicles.

SUMMARY

The budget for FY 2010-11 remains balanced using significant one-time sources of funding. Staff has identified four key revenue adjustments that have a net zero effect to the total General Fund revenue stream. One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional $1.4 million in savings has been applied to additional expenditures approved by the City Council in FY 2010-11 (Police Dept - $580,000 and CED Zone B Residential Street Lights - $675,000).

General Fund revenues received through December 31th are meeting expectations based on historical experience. Generally, expenditures are slightly below the expected expenditure pace for FY 2010-11. Therefore, results through the first half of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. As a result, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

Despite the positive results thus far in FY 2010-11, significant challenges are expected in adopting a balanced General Fund budget for FY 2011-12; with a deficit of $14 million

projected. Staff is preparing the preliminary base operating budget as a two-year budget for FY 2011-12 and FY 2012-13 with no change in staffing or service levels. In addition, staff has prepared a proposed Three-Year Deficit Elimination Plan (DEP) to eliminate the remaining deficit and balance ongoing revenues and expenditures by FY 2013-14. Council approval of a final DEP will include direction to staff to apply the first 2 (two) years of the approved DEP actions to the base budget for FY 2011-12 and FY 2012-13. Staff will return with the Proposed Two-Year Operating Budget for Council review in May 2011.

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Concurred By:
Cynthia Fortune
Financial Operations Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY

RECOMMENDED ACTION

Staff recommends the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

BACKGROUND

The City of Moreno Valley is poised for future growth. With the economy starting to realize some improvement, now is the opportune time to evaluate ways that Moreno Valley can best plan for advancing economic development in the short and near term. The creation of an Economic Development Plan with established Areas of Opportunity in the community for producing major employment hubs, successful retail centers and redevelopment possibilities is aimed at providing a roadmap for Moreno Valley to become a major business development area in Southern California.

Over the years, Moreno Valley has experienced significant growth. Incorporated in December 1984, Moreno Valley has experienced a 379% increase in population in just 26 years. However, the City's jobs to housing ratio is not properly balanced. The need to create more employment opportunities should be made a priority in creating a well rounded community with a strong economic foundation. Adding new logistic and distribution centers will not only create new jobs for residents, but also provide a positive economic stimulus to the existing business community. Furthermore, Moreno Valley should seek to enhance its commercial retail/restaurant make-up and move to improve the City's per capita sales tax revenue stream. Making Moreno Valley a great place to live, work, shop, dine and visit--will improve the overall economic health of the community.

DISCUSSION

Moreno Valley has a strategic location in the Inland Region and is in the path of growth. During the past decade or so, Moreno Valley has experienced strong residential development from many quality home builders. Now it will be important for the City to provide ways for new commercial, office and industrial development to happen in the community. Understanding Moreno Valley's strengths and weaknesses, along with pursuing a balanced mix of residential and business development will be key in planning how Moreno Valley attracts development opportunities in the new global economy.

Ensuring the proper land uses are in place, along with embracing a business friendly environment will help ensure that developers and businesses select Moreno Valley as a place to do business. With the right attitude and proper Economic Development Plan—Moreno Valley can be the future of not only Southern California but also compete to be a major place to be in the new global economy.

The formulation of an effective Economic Development Plan should pursue opportunities for the short and mid-term, as well as consider opportunities throughout the community. As part of the adoption of the Housing Element, staff recommended that the City Council consider opportunities to rezone areas of the community that could facilitate new business development, as well as specifically address the jobs to housing imbalance. The following ten geographic business areas represent specific Areas of Opportunity in Moreno Valley to be considered for incorporating into an Economic Development Plan.

- Eastern Moreno Valley-Rancho Belago (including Highland Fairview Corporate Park-Skechers USA, WestRidge Commerce Center, Prologis, and Moreno Highlands)
- City Center (including a Nason, Moreno Beach and Lasselle loop--with Stoneridge Towne Centre, Moreno Beach Plaza, Moreno Valley Auto Mall, proposed Moreno Beach Marketplace-Lowes Center, Moreno Marketplace-Stater Bros. Center, Moreno Valley Ranch Golf Club, Riverside County Regional Medical Center, Aqua Bella, Kaiser-Moreno Valley Community Hospital, Lakeside Plaza & Terrace, Moreno Valley College, the proposed Winco Center and the City's 60-acre property at NWC of Alessandro/Nason)
- South Moreno Valley Industrial Specific Plan Area
- March LifeCare
- Centerpointe Business Park
- Alessandro Boulevard
- Sunnymead Boulevard
- Festival-Ironwood
- Sunnymead Ranch-Lakeshore Village Marketplace
- TownGate (including the Moreno Valley Mall and five surrounding commercial centers-TownGate Center, TownGate Plaza, TownGate Crossing, TownGate Promenade, and TownGate Square)
- Canyon Springs Plaza and proposed TownGate Highlands
- Edgemont Area

At the March 22 City Council meeting, a PowerPoint presentation will visually outline the Areas of Opportunity. Included with the presentation will be an illustration of the importance of linking the City's Capital Improvement Plan (CIP) and the City's Traffic Circulation Plan to a new Economic Development Plan. Ensuring that revenues to be used for the CIP are focused on advancing the City's Economic Development Plan and its Areas of Opportunity shall provide for a more strategic approach to planning for new public improvements that benefits economic development in the community. As part of this approach to the CIP, staff is recommending advancing the planning of a number of public improvement projects related to the City Center area--including work on SR60/Nason, SR60/Moreno Beach, pursuing the connection of Eucalyptus Avenue to Moreno Beach Drive, along with the connection of Nason Street, from Cactus Avenue to Iris Avenue to provide a much needed north and south arterial thoroughfare from SR60 to Iris Avenue.

After introducing the major components of the Economic Development Plan-Areas of Opportunities, staff recommends that the Economic Development Council Subcommittee (Council Members Co and Molina) work with the City Manager and Community & Economic Development Director, along with a number of developers to further advance the specifics of the Economic Development Plan. Included with this effort will be evaluating many rezoning and redevelopment opportunities, all aimed at furthering the City's economic development efforts. As part of this process, the City shall pursue a 'modified' General Plan process that will include a focused 'Plan' review that will evaluate the highest and best uses for the many areas included with the Areas of Opportunities.

FISCAL IMPACT

There is NO established fiscal impact at time. As the Economic Development Plan-Areas of Opportunity is further refined a budget shall be established for undertaking planning activities.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

March 22, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00100660

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 22, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside County Board of Supervisors Proclamation Recognizing Moreno Valley Community Senior Center as a Community Focal Point

2. Recognition of Moreno Valley Police Department's Participation in Operation SafeHouse's Stuff the Bus Event

3. Proclamation Recognizing Trent Sauls

4. Mayor's Awards of Valor Recognizing Rodrigo Murguia, David Westerhaus, and Jimmy Zapata

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MARCH 22, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

A.4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-27

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.5 ALCOHOL BEVERAGE CONTROL (ABC) "MINOR DECOY/SHOULDER TAP" GRANT FUNDING OPPORTUNITY (Report of: Police Department)

Recommendation:
Approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, “Minor Decoy/Shoulder Tap” Grant.

A.6 AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR

RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500); and

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

A.7 APPROVAL OF CHECK REGISTER FOR JANUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

Resolution No. 2011-28

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of January, 2011

A.8 AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527 (Report of: Public Works Department)

Recommendation:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015;

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017; and

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA.

A.9 2010 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community & Economic Development Department)

Recommendation:

1. Receive and File the 2010 Annual Report of the Planning Commission; and

2. Authorize transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

A.10 CONSIDERATION OF THE FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY(Report of: City Manager's Office)

Recommendation:
Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

A.11 APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES, BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET - DEVELOPER: MORENO VALLEY PROPERTIES, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:
1. Approve TM 34950-1, a final map for financing purposes; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.12 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM (Report of: Community & Economic Development Department)

Recommendation:

Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

Resolution No. 2011- 29

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Submittal of an Application for Grant Funds for the Caltrans Transportation Planning Grant (Fiscal Year 2011-2012)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE

SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs; and

2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

b. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

G.2 APPOINTMENT TO THE PLANNING COMMISSION (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

G.4 CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Recommendation: That the RDA:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

G.5 MID YEAR BUDGET REVIEW (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Receive and file this report; and

2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

G.6 ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY (POWERPOINT TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any

individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 8, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing International DeMolay Month
2. Proclamation Recognizing Job's Daughter's Week
3. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
March 8, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:30 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Pro Tem Molina

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial & Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Randy Metz	Fire Marshal
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert (Items A.5 & A.6) and Deanna Reeder (Item A.8).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of February 16 - March 1, 2011.

A.4 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM; PROJECT NO. 11-22679828 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for 2011 Citywide Bridge Maintenance Program to Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Beador;

3. Authorize the issuance a Purchase Order to Beador in the amount of $243,960.00 ($203,300.00 base bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Beador, up

to but not to exceed the Purchase Order contingency of $40,660.00, subject to the approval of the City Attorney.

A.5 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 *LOCAL* STREET PAVEMENT RESURFACING PROJECT NO. 11-22679728 - *PHASE I* (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the 2011 Local Street Pavement Resurfacing – Phase 1 project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. in the amount of $2,410,400.00 (bid amount $2,096,000.00 plus 15% contingency of $314,400.00) when the contract has been signed by all parties (Account Nos. 125.56330 and 226.79728); and

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hardy & Harper, Inc., up to but not to exceed the Purchase Order contingency of $314,400.00.

A.6 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR THE 2011 PAVEMENT RESURFACING PROJECT; PROJECT NO. 11-12556330 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract in the amount of $1,441,000 for the 2011 Pavement Resurfacing Project to Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, the lowest responsible bidder;

2. Authorize the City Manager to Execute a contract with Hardy & Harper, Inc.;

3. Authorize the issuance of a Purchase Order to Hardy & Harper, Inc. for a total amount of $1,729,200 ($1,441,000 bid amount plus 20% contingency) when the contract has been signed by all parties; and

4. Authorize the Public Works Director/City Engineer to execute

any subsequent change order to the contract with Hardy & Harper, Inc. up to but not to exceed the Purchase Order's total contingency of $288,200, subject to the approval of the City Attorney.

A.7 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ITEM ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

A.8 PM 35629 - REQUEST TO CONDUCT A FULL ROAD CLOSURE OF THEODORE STREET BETWEEN EUCALYPTUS AVENUE AND THE SR-60 WESTBOUND RAMP FOR THE CONSTRUCTION OF STREET IMPROVEMENTS FROM MARCH 21, 2011 - APRIL 18, 2011 - DEVELOPER: HF LOGISTICS - SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize a full road closure of Theodore Street from Eucalyptus Avenue to the SR-60 Westbound Ramp for the construction of street improvements from March 21, 2011 to April 18, 2011; and

2. Authorize the City Engineer to allow for an additional 30 day extension to the proposed road closure window if the project is delayed due to unforeseen construction issues.

A.9 AMENDED MARCH JOINT POWER AUTHORITY AGREEMENT #12 (Report of: Community and Economic Development Department)

Recommendation:

1. Approve the Amended March Joint Powers Authority Amendment #12; and

2. Authorize the Mayor to execute the Amended Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 APPROVE THE AGREEMENT TO REIMBURSE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) FUNDS BETWEEN WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS (WRCOG) AND CITY OF MORENO VALLEY FOR CONSTRUCTION PHASE OF NASON/SR-60 INTERCHANGE OVERCROSSING PROJECT - PROJECT NO. 07-41570024 (ALSO LISTED AS AGENDA ITEM A.7) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement to Reimburse Transportation Uniform Mitigation Fee (TUMF) Funds between the Western Riverside Council of Governments (WRCOG) and the Community Redevelopment Agency of the City of Moreno Valley for the construction phase of the Nason/SR-60 Interchange

Overcrossing project; and

2. Authorize the City Manager, as City Manager and acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the Agreement to Reimburse TUMF Funds for the construction phase of the Nason/SR-60 Interchange Overcrossing project, and authorize the City Manager to approve any changes that may be requested by WRCOG or the City, on behalf of the City and the Community Redevelopment Agency, subject to the approval of the City Attorney.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF FEBRUARY 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

E. PUBLIC HEARINGS - None

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Lori Stone, Executive Director of the March Joint Powers Authority, reported the following: the state legislators were asked to exempt military base reuse from redevelopment cuts; 30 million dollar bond sold two weeks ago will be used for the Van Buren interchange and U.S. vets project; the medical campus is moving forward; the final demolition of the tower is scheduled for March 28 at 10 a.m., invited

everybody to the celebration; about 12-13 buildings were demolished at this point; about 4000 new jobs were approved

G.2 APPOINTMENTS TO THE PLANNING COMMISSION (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. After reviewing the ballot provided by the City Clerk:

   Appoint three (3) members for terms expiring March 31, 2015; or

2. If the appointments are not made, authorize the City Clerk to re-notice the positions as vacant.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to appoint Amber Crothers, Thomas Andrew Owings and Mary E. "Meli" Van Nata for terms expiring March 31, 2015 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

G.3 RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS OF COMMUNITY FACILITIES DISTRICT NO. 4-INFRASTRUCTURE DESIGNATED 2011 SPECIAL TAX BONDS, APPOINTING THE FISCAL AGENT, APPROVING THE FORMS OF THE FISCAL AGENT AGREEMENT, PRELIMINARY OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT AND CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING NEGOTIATION OF TERMS OF THE SALE OF SAID BONDS, AND PREPARATION OF FINAL OFFICIAL STATEMENT. APPROVAL OF A THIRD AMENDMENT TO THE FIELDMAN, ROLAPP & ASSOCIATES, INC. AGREEMENT FOR PROFESSIONAL FINANCIAL ANALYST CONSULTANT SERVICES. (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Approve and adopt Resolution No. 2011-21, Authorizing the Issuance of Bonds of Community Facilities District No. 4-Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount Not-to-Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and

Continuing Disclosure Agreement, Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement; and

Resolution No. 2011-21

Resolution of the City Council of the City of Moreno Valley, Acting as the Legislative Body of the CFD No. 4 - Infrastructure of the City of Moreno Valley, Authorizing the Issuance of Bonds of Community Facilities District No. 4 - Infrastructure Designated 2011 Special Tax Bonds, in an Aggregate Principal Amount not to Exceed $10,000,000, Appointing a Fiscal Agent, Approving a Fiscal Agent Agreement, Preliminary Official Statement, Bond Purchase Agreement and Continuing Disclosure Agreement, and Authorizing Negotiation of Terms of the Sale of Said Bonds, and Authorizing Preparation of Final Official Statement

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve the Third Amendment to the Agreement for Professional Financial Analyst Consultant Services for Community Facilities District No 4-Infrastructure and authorize the Mayor to execute said Amendment to the Agreement.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.4 ADOPTION OF RESOLUTIONS APPROVING THE REDEMPTION OF 2007 TAXABLE TAX ALLOCATION BONDS, SERIES B (Report of: Financial & Administrative Services Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council

1. That the City Council adopt Resolution No. 2011-20 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000; and

Resolution No. 2011-20

A Resolution of the City Council of the City of Moreno Valley Requesting, Authorizing and Approving the Redemption of Community Redevelopment Agency of the City of Moreno

Valley, Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

2. That the City Council acting in the capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley adopt Resolution No. RDA 2011-01 approving the redemption of Moreno Valley Redevelopment Agency 2007 taxable tax allocation bonds in the amount of $22,500,000.

Resolution No. RDA 2011-01

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving the Redemption of its Moreno Valley Redevelopment Project, Subordinate 2007 Taxable Tax Allocation Bonds and Making Certain Determinations and Approvals in Connection Therewith

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.6 COOPERATIVE AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, and Deanna Reeder.

Recommendation: That the City Council:

1. Approve and authorize the execution of Resolution No. 2011-23 in support of a Cooperative Agreement between the City of Moreno Valley and the Community Redevelopment Agency and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. 2011-23

A Resolution of the City Council of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Approve and authorize the execution of Resolution No. RDA 2011-03 in support of a Cooperative Agreement with the City of Moreno Valley and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith; and

Resolution No. RDA 2011-03

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving and Authorizing the Execution of a Cooperative Agreement with the City of Moreno Valley and Making Certain Findings in Connection with the Provision of Public Improvements and Authorizing Such Improvements in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

AGENDA ORDER

G.5 COOPERATION AGREEMENT BETWEEN THE CITY OF MORENO VALLEY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE

CITY OF MORENO VALLEY (Report of: Community and Economic Department)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-22 making certain findings in support of a Cooperation Agreement between the Community Redevelopment Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. 2011-22

A Resolution of the City Council of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the City and the Community Redevelopment Agency of the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the City Manager or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

Recommendation: That the RDA:

1. Adopt Resolution No. RDA 2011-02 making certain findings in support of a Cooperation Agreement between the Agency and the City of Moreno Valley to set forth indebtedness and security between the Agency and City; and

Resolution No. RDA 2011-02

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Authorizing and Approving a Cooperation Agreement Between the Agency and the City of Moreno Valley and Making Certain Determinations and Approvals in Connection Therewith

2. Authorize the Executive Director or his designee, to execute all documents and instruments including making minor-substantive changes necessary to support and carry out the transaction.

Motion to Approve by m/Agency Member William H. Batey II, s/Vice Chairperson Jesse L. Molina
Approved by a vote of 5-0.

G.7 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV RANCHO DORADO II LIMITED PARTNERSHIP (Report of: Community and Economic Development Department)

Mayor Stewart opened the agenda item for public comments, which were received from William Crowel, Palm Desert Development Co representative.

Recommendation: That the City Council:

Adopt Resolution No. 2011-24 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership, a California Limited Partnership.

Resolution No. 2011-24

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

Recommendation: That the RDA:
Adopt Resolution RDA No. 2011-04 approving an Affordable Housing Agreement by and between the Agency and MV Rancho Dorado II Limited Partnership.

Resolution No. RDA 2011-04

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Rancho Dorado Limited Partnership, a California Limited Partnership

Motion to Approve by m/Agency Member William H. Batey II,

s/Agency Member Robin N. Hastings
Approved by a vote of 5-0.

G.8 CREATING A HOUSING AUTHORITY AND ESTABLISHING THE COMMISSIONERS AND DESIGNATING THE FIRST INTERIM CHAIRMAN (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-25 declaring that there is a need for a Housing Authority to function in the City, along with declaring that the members of the City Council shall be the Commissioners of the Housing Authority and designating the first interim Chairman of the Housing Authority.

Resolution No. 2011-25

A Resolution of the City Council of the City of Moreno Valley, California, Declaring that there is a Need for a Housing Authority to Function in the City, Declaring that the Members of the City Council Shall be the Commissioners of the Housing Authority and Designating the First Interim Chairman of the Housing Authority

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

G.9 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (ATTACHMENTS TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Community and Economic Director Barry Foster announced that the formatting of the agreement has been changed at the advice of the special legal counsel. The title is Conditional Commitment Letter Agreement among the Moreno Valley Redevelopment Agency, the City of Moreno Valley, and Rancho Belago Developers, Inc. Staff is recommending approval of the agreement with Rancho Belago Developers, Inc.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

Adopt Resolution No 2011-26 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. 2011-26

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

Recommendation: That the RDA:

Adopt Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc.

Resolution No. RDA 2011-05

A Resolution of the Agency Board Approving an Affordable Housing Agreement by and Between the Agency and Rancho Belago Developers Inc.

Motion to Approve by m/Agency Member William H. Batey II, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.10 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Daryl Terrell
1. Establishing a business utility user's tax rebate program to promote jobs; submitted an ordinance for public records

Ron Swaim
1. Code enforcement issue - RV blocking public right of way

Alicia Napper
1. Rising Stars Charter School's concerns

Louise Palomarez
1. Redevelopment money
2. Street lights on Hemlock Street between Pigeon Pass and Heacock

George Merendon
1. "In God We Trust" motto

Joe Teague
1. Problems with Day Street project

Thom Morales
1. Announced that fundraiser concert by Valley View High School Wind Ensemble will be held on March 19; invited residents to attend it

Harold Anderson
1. "In God We Trust" motto

Louis Boldue
1. "In God We Trust" motto

Dolores Baisden
1. Upcoming concert at Valley View High School

Pete Bleckert
1. Redevelopment money
2. Flood Control channel
3. Congratulated the Finance Director for streamlining CalCards

Deanna Reeder
1. Planning Commission appointments

Paul Wilkinson
1. Kiwanis Club

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Represented the City at the Perris Chamber of Commerce Centennial Gala for the anniversary celebration for the City and the Chamber
2. Was invited to speak at the National Congress of Black Women; it is nice to have the Inland Empire Chapter headquarter in Moreno Valley

Mayor Pro Tem Molina
1. Stated that at the last Economic Development Subcommittee meeting, the issue of Moreno Valley not being a business-friendly city and the needs and concerns of businesses were addressed; the City is working toward the goal of making Moreno Valley the most business-friendly city; any ideas are always welcomed
2. Stated that he is happy to see that so many people support "In God We Trust"; the item is scheduled for a study session
3. Thanked everyone for participating in council meetings, for their concerns about the City and working toward the betterment of the City

Council Member Co
1. Thanked everybody for coming to the council meeting; one of the reasons the City is improving is that the residents are presenting the problems to the City; this is the only way the problems can be resolved; asked residents to please contact him
2. Regarding residents asking to vote for "In God We Trust" - stated that he does not see any problem with voting to support it; thanked residents for coming in and asking to do something in that respect
3. Asked residents to contact him with any idea to help the City to move forward; the City needs residents' input

Mayor Stewart
1. Agreed with Council Member Co on the public's input; acknowledged that people take time to read agendas; a small number of people come to the council meetings, but many residents contact council members by e-mails and phone; asked to keep up the input
2. The March Air Force Reserve is getting 12 brand new Boeing 767 tankers
3. Was invited to speak at the Junior ROTC Military Ball at Canyon Springs High School; a very fine event
4. Addressed a speaker's comments regarding responding to public concerns during a council meeting - when a public member raises an issue, the Council responds right a way during the meeting, if possible; if not, a staff person will contact the person usually the next day; getting clarification on the issue and responding as soon as possible is beneficial

for everyone, including residents watching at home
5. Demolition of the last hospital building at March Air Reserve Base is scheduled for March 28, at 10 a.m.; the public can witness it

Council Member Hastings
1. Commended staff for responding to a very difficult situation with the RDA; hopes that we are going to prevail; it's great to see staff being innovative and creative and trying to protect the tax increment money that was placed there for a specific purpose
2. Is looking forward to attend a concert at Valley View High School
3. Will be back in California Thursday afternoon

CLOSED SESSION - canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:21 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: March 22, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

Reports on Reimbursable Activities March 2-15, 2011		
Council Member	Date	Meeting
William H. Batey II	3/5/11	City of Perris Centennial Installation and Awards Dinner
Marcelo Co	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree
Robin N. Hastings		None
Jesse L. Molina		None
Richard A. Stewart	3/11/11	Dinner Honoring Major General and Mrs. Eric W. Crabtree

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100691

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	$0.00	0.00%	$0.25	0.25%
1,000 kWh usage	$0.51	0.28%	$0.83	0.38%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	$1.40	0.23%	$1.40	0.32%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	$11.87	0.21%	$11.87	0.35%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	$169.63	0.24%		
392,333 kWh usage, Demand of 666 kW			$163.08	0.43%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	$0.15	0.24%	$0.15	0.24 %

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	$25.03	0.20%	$25.03	0.20 %
Schedule SL-1 22,000 Lumen (317 lights)	$9.25	0.17%	$9.25	0.17%
Schedule SL-2 27,500 Lumen (139 lights)	$4.94	0.28%	$4.94	0.28%
Schedule SL-3 (per lamp)	$0.01	0.00%	$0.01	0.00%

The Energy Resources Surcharge Law went into effect on January 1, 1975. The surcharge is imposed on all customers in the state who consume electricity purchased from an electric utility. All electric utilities are required to collect this surcharge and remit the funds to the State Board of Equalization on a quarterly basis. The funds are held by the State and are used for ongoing energy programs and energy projects. The surcharge rate is set in a public meeting each November by the California Energy Commission; the law does not allow this surcharge to exceed $0.0003 per kWh. The 2011 Electricity Surcharge Rate is $0.00029 per kWh, an increase from $0.00022.

If approved by the City Council, these changes will become effective at 12:00 a.m. on March 23, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be an increase in rates of less than 1%.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to comply with State law.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and will also put the City's utility in jeopardy of non-compliance with State law.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues will increase slightly if the proposed changes are adopted by the City Council. These funds are restricted for Moreno Valley Utility purposes. The increase in the amount of Energy Resource Surcharge collected will be remitted to the State Board of Equalization.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100697

RESOLUTION NO. 2011-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department and City Clerk's Office.

APPROVED AND ADOPTED this 22nd day of March 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

Attachment 1

Resolution No. 2011-27
Date Adopted: March 22, 2011

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MV00100701

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: John Anderson, Chief of Police

AGENDA DATE: March 22, 2011

TITLE: Alcohol Beverage Control (ABC) "Minor Decoy/Shoulder Tap" Grant Funding Opportunity

RECOMMENDED ACTION

Staff recommends that the City Council take the following action:

1) Staff recommends that the City Council approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California, in the amount of $69,918.00, "Minor Decoy/Shoulder Tap" Grant.

ADVISORY COMMITTEE RECOMMENDATION:

BACKGROUND

The City of Moreno Valley is committed to providing a safe environment for the citizens of Moreno Valley. Moreno Valley Police Department staff has determined that a number of calls for service and repeat calls are being generated from local Alcohol Beverage Control licensed establishments in the city. Some of these calls involve minors and adults under the age of 21 buying alcohol and soliciting adults over the age of 21 to buy alcohol for them. In an effort to address the sale of alcohol to minors and underage adults, staff identified a grant to assist local law enforcement in their efforts to reduce problems and calls for service at ABC licensed establishments.

There are currently 80 On-Sale and 77 Off-Sale ABC licensed establishments within the City of Moreno Valley. Although most avoid the attention of our agency, there are a number that cause a significant amount of calls for service. Several problematic licensees that would be targeted with additional enforcement operations funded by this

grant have caused sixty three (63) direct calls for service between January 1, 2009 and January 1, 2010. Approximately nine (9) calls for service were directly related to minors being furnished alcohol unlawfully.

The majority of calls surrounding these businesses are alcohol related. The time spent by the Moreno Valley Police Department dealing with the alcohol related problems occurring at these locations could be better spent assisting the community with other issues. In addition, the citizens of Moreno Valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (DUI's), fights, assaults and many disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Alcohol Beverage Control, State of California, has allowed for local law enforcement to apply for grant funding for personnel costs and one (1) mandatory GAP (Grant Assistance Program) training seminars to enable agencies to expand their efforts in addressing alcohol-related problems within their respective cities.

DISCUSSION

The Moreno Valley Police Department proposes to use the grant funding to train officers through the Alcohol Beverage Control Agency, and then implement enforcement programs that team officers from the Moreno Valley Police Department with agents from the Alcohol Beverage Control. The Moreno Valley Police Department will implement eighteen (18) "Minor Decoy" operations. The "Minor Decoy" program allows law enforcement agencies to use persons under 20 years of age as decoys for the purpose of purchasing alcoholic beverages from licensed premises. The use of underage decoys to check whether licensees are selling alcohol to minors can show a dramatic drop in the illegal activity when the "Minor Decoy" program is repeatedly used.

The Moreno Valley Police Department will implement eight (8) "Shoulder Tap" operations. "Shoulder Tap" is a common method used by persons under age 21 to solicit persons to purchase and furnish them with alcoholic beverages. The "Shoulder Tap" program is an enforcement program that ABC and local law enforcement agencies use to detect and deter shoulder tap activity. During the program, a minor decoy, under the direct supervision of law enforcement officers, solicits adults outside ABC licensed stores to buy the minor alcohol. Any person seen furnishing alcohol to the minor decoy is arrested (either cited or booked) for furnishing alcohol to a minor (a violation of Section 25658(a) Business and Professions Code).

The Problem Oriented Policing (POP) Team will provide a proactive approach through the use of "Minor Decoy" and "Shoulder Tap" operations. The operations will be conducted throughout the city in an attempt to deter ABC licensed establishments from selling alcohol to minors. In addition several operations will focus on adults who purchase alcohol for minors.

ALTERNATIVES

The council may consider the following alternatives:

1. Accept the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a Twelve-month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff recommends this alternative.**

2. Decline the grant application for the "Minor Decoy/Shoulder Tap" grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California. **Staff does not recommend this alternative.**

FISCAL IMPACT

There is no required match funding from the City of Moreno Valley as a condition of this "Minor Decoy/Shoulder Tap" grant. Therefore, there is no fiscal impact to the city.

CITY COUNCIL GOAL

To provide a safe and secure environment for people and property in the community, and provide protection for citizens who live, work and visit the City of Moreno Valley.

STAFF RECOMMENDATION

Staff recommends that Council accept the grant application for the "Minor Decoy/Shoulder Tap" Grant in the amount of $69,918.00, for a twelve month period beginning July 1, 2011, ending June 30, 2012, from the Department of Alcohol Beverage Control, State of California.

ATTACHMENTS/EXHIBITS

1. State of California, Alcohol Beverage Control Grant Application.

Prepared By:
Name Brian Gutierrez
Title Officer

Department Head Approval:
Name John Anderson
Title Chief of Police

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100705

State of California

Department of Alcoholic Beverage Control

Grant Assistance Program

PROPOSAL COVER SHEET

(TO BE COMPLETED BY APPLICANT AGENCY)

1. Name of Applicant Agency: **Moreno Valley Police Department**

2. Description of Applicant Agency: **Provide a brief summary including department size, staffing, and structure.**

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees.

3. City or County Served: Moreno Valley	4. Population of Service Area: 191,754.00

5. Project Description: **Summarize the proposed project covering the objectives, method of procedure, evaluation, and end product.**

The Moreno Valley Problem Oriented Policing Team will conduct 18 Minor Decoy and 8 Shoulder Tap operations. Volunteers from the Explorer Program who are at least eighteen years of age will be utilized for these programs under the constant watch or sworn personnel. The goal of these operations is to reduce the amount of alcoholic beverages obtained illegally by minors. The Police Department will also host one Licensee Education on Alcohol and Drugs (LEADS) class for licensees located within the city of Moreno Valley.

6. Funds Requested: 69,918.00	7. Project Period: July 1, 2011 – June 30, 2012

8. Acceptance of Conditions: By submitting this proposal, the applicant signifies acceptance of the responsibility to comply with all requirements stated in the Request for Proposals. The applicant understands that ABC is not obligated to fund the project until the applicant submits correctly completed documents required for the contract.

A. Project Director (person having day-to-day responsibility for the project)	B. Chief of Police or Sheriff (authorizing official)
Name: William Mooney Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6701	Name: John Anderson Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6705 E. Mail Address:
Title: Sergeant	Title: Captain
C. Fiscal or Accounting Official	**D. ABC USE ONLY**
Name: Masumi Wilde Address: 22850 Calle San Juan De Los Lagos, Moreno Valley, Ca 92553 Phone: 951-486-6700 Fax: 951-486-6750 E. Mail Address:	
Title: Accounting Technician	

Attachment 1

SCOPE OF WORK

Background:

On December 3, 1984, the incorporated City of Moreno Valley was formed from a 50 square mile area in Riverside County, which is surrounded by Riverside, Perris, March Air Reserve Base, Lake Perris and the Badlands. The city has grown over the years and today's population is estimated at 191,754. Based on the 2005 US Census Estimate, Moreno Valley's ethnic composition is 46% Hispanic, 23% White, 20% African-American, 8% Pacific Islander/Asian-American, and 3% other.

The City of Moreno Valley contracts with the Riverside County Sheriff's Department to provide a full service Police Department comprised of 157 sworn and 55 classified employees. A Sheriff's Captain, currently John Anderson, leads the Moreno Valley Police Department as the Chief of Police. Together, they have the responsibility of enforcing the criminal and traffic laws within the city limits.

The existence of several specialized units (Detective Unit, School Resource Officer Unit, Riverside County Regional Medical Center Unit, Patrol Division, Special Enforcement Teams-Gangs/Narcotics, Problem Oriented Policing (POP), Burglary Suppression Unit, Robbery Suppression Unit and Traffic Unit) within the Moreno Valley Police Department demonstrates the Department's objective in providing the citizens of Moreno Valley with the highest level of service and support. The Moreno Valley Police Department encourages innovation within our organization and is dedicated to finding creative solutions to the inevitable disputes that arise in the serving the community.

Moreno Valley has two public school districts, Moreno Valley Unified School District (MVUSD) and Val Verde Unified School District (VVUSD). The MVUSD has 23 Elementary Schools, 6 Middle Schools, 4 Comprehensive High Schools, 1 Charter School, 1 Adult School, 1 Pre-School Head-Start, and 1 Academic Center with a combined total of 36,500 enrolled students. The VVUSD (includes Perris, Mead Valley and Moreno Valley) has 1 Pre-School, 13 Elementary Schools, 4 Middle Schools, 3 High Schools, and 1 Continuation High School with a combined total of 19,600 enrolled students. Moreno Valley is also home to one of the Riverside Community College campuses with approximately 10,000 enrolled students.

Funding Requested / Goals and objective:

The Moreno Valley Police Department seeks $69,918.00 from the Department of Alcoholic Beverage Control (ABC) for general support of our Minor Decoy/Shoulder Tap Programs. We are most grateful for the support we have received from ABC for the grant period of August 2006 through May 2008. We believe this proposal for the grant period of July 2011 through June 2012 is of comparable interest to ABC in this specialized field of law enforcement. The City of Moreno Valley contracts with the Riverside County Sheriff's Department. The straight time rate for an officer is $121.97 per hours and the overtime rate is $54.39 per hour. Therefore the operations are worked on overtime basis in order to get the most out of the awarded funds.

In August of 2006, the Moreno Valley Police Department was awarded an ABC Minor Decoy and Shoulder Tap Grant that was implemented by the Moreno Valley Police Department's Problem Oriented Policing (POP) Team. The POP Team comprised of one sergeant, nine officers, and two community service officers.

During the grant period, the POP Team Sergeant: 1) announced the start of the Minor Decoy/Shoulder Tap Programs, 2) announced the number of licensed premises who sold to the minor decoy and/or the number of adults arrested for purchasing alcoholic beverages to the minor decoy, 3) faxed a copy of each press release to ABC, 4) monitored the time frames in the grant, 5) maintained costs within the approved amounts of each category, 6) maintained adequate records for validation of project progress and accountability for all funds expended on the project, and 7) submitted the required project reports to ABC.

The Moreno Valley Police Department is committed to following the above listed guidelines as well as conducting eighteen (18) Minor Decoy and eight (8) Shoulder Tap operations within the ABC Minor Decoy/Shoulder Tap Grant period of July 2011 through June of 2012. If awarded the grant, On-Sale and Off-Sale ABC licensed establishments in the City of Moreno Valley will be visited during Minor Decoy and/or Shoulder Tap operations. In addition, the Moreno Valley Police Department will host one Licensee Education on Alcohol and Drugs (LEAD) class for licensees located within the City of Moreno Valley. In accordance with the ABC grant, this training will be provided by ABC's Training/LEAD Unit.

The Moreno Valley Police Department's Minor Decoy/Shoulder Tap Program seeks to implement a strict, honest, impartial, and uniform enforcement of the liquor laws in Moreno Valley. In addition, the Riverside County District Attorney's Office has pledged their support in the prosecution of arrests arising out of ABC related Minor Decoy/Shoulder Tap operations.

Problem Statement:

There are approximately 157 off sale and on sale A.B.C. licensed establishments within the City of Moreno Valley. Although most avoid the attention of the Moreno Valley Police Department, a few do cause an inordinate amount of calls for service. Several problem licensees that would be targeted with additional enforcement programs funded by this grant caused numerous direct calls for service that were directly related to minors being furnished alcohol unlawfully.

Some such establishments contributing to the furnishing/selling of alcohol to minors that are responsible for a disproportionate amount of calls for service are the numerous Bars, nightclubs, and liquor stores located within the city. The time spent by the Moreno Valley Police Department dealing with the alcohol-related problems occurring at these locations could be better spent helping the community with other issues. In addition, the citizens of Moreno valley suffer as a result of the problems that spill out into the community from these establishments. Incidents such as impaired drivers (D.U.I's), batteries, assaults, and many other disturbances also seem to increase when police presence is non-existent around locations that sell alcohol, which in turn has an adverse effect on the community as well.

The Moreno Valley Police Department has conducted numerous operations in the past with ABC grants, and if history repeats itself, we will find that licensees throughout the entire city will unlawfully sell alcohol to minors. Establishments such as grocery stores, liquor stores, and gas stations will be affected. However, we have also discovered that the percentage of higher unlawful alcohol sales to minors tends to occur more frequently at gas stations because this is where wayward juveniles tend to congregate. Second to these gas stations are liquor stores that are steadily busy with several customers walking in and out of the store, thereby creating a distraction for clerks whom are normally

the only source of enforcement of such activity.

In a time period of July 1, 2009 to June 31, 2010, the Moreno Valley Police Department responded to 905 calls for service involving public intoxication. In 2010, the Moreno Valley Police Department wrote 120 citations for violation of city Municipal Code 11.04.060 (Drinking an Alcohol Beverage in Public). A majority of these citations were written within the proximity of ABC licensed businesses. From 2006-2010 the Moreno Valley Police Department has responded to an annual average of 6132 calls for service directly related to party and noise enforcement. A large portion of the party and noise enforcement calls for service involve residential parties that involve minors in possession of alcohol.

Based on the 2009 rankings published by the California Office of Traffic Safety, among the 56 cities in Group B (100,001 to 250,000), Moreno Valley ranked 25 out of 56 cities for victims killed and injured in alcohol involved collisions. This means Moreno Valley has the 25th highest rate of victims killed and injured in alcohol involved collisions. In addition, Moreno Valley ranked 9/56 for DUI collisions involving drivers under the age of 21 and 13/56 for drivers in the 21 to 34 age group. In 2009, the Moreno Valley Police Department made a total of 618 DUI arrests.

Project Description:

Sworn officers will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The coordinators will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One non-sworn Community Service Officer (CSO) will assist the coordinators by gathering information important in the identification of problematic ABC licensed businesses. The CSO will also be responsible for keeping records on the progress of the operations so that periodic evaluations can be conducted.

The Moreno Valley Police Department will be issuing press releases to inform the community that the Moreno Valley Police Department is continuing its ongoing efforts to thwart the unlawful selling and purchasing of alcohol that involves minors. These press releases will be distributed as required by the grant, and faxed copies of these press releases will be routed to ABC s public information officer as well.

The Moreno Valley Police Department is committed to the programs developed under the "Minor Decoy" and "Shoulder Tap" programs. We have learned much from working with A.B.C. and hope to be afforded the opportunity to work with them in the next "Minor Decoy," "Shoulder Tap," Program Grant year, 2011-2012. We will continue to include A.B.C. in all our operations and will also solicit the help of other governmental agencies when appropriate. It is our intent to keep the community safe, informed, and involved in the fight against problematic A.B.C. licensed establishments, under aged alcohol consumption, and abuse.

Project Personnel:

This grant proposal, prepared by the Problem Oriented Policing Unit (P.O.P. Team), will be supervised by the P.O.P. sergeant (Project Director), currently Sergeant Mooney. The supervising sergeant or Project Director will be responsible for the following: 1) Monitoring time frames in the contract. 2) Maintaining costs within the approved amounts of each category. 3) Maintaining adequate records for validation of project progress and accountability for all funds expended on the

project. 4) Submission of required project reports and, 5) Conducting project evaluation.

In addition to the P.O.P. Sergeants, nine sworn Officers and one Community Service Officer will work with ABC and other city and county agencies to implement programs designed to enforce the laws governing ABC licensed establishments. The officers will also be responsible for implementing programs that educate both the owners and operators of ABC licensed businesses regarding their responsibilities. One-non sworn Community Service Officer (CSO) will assist the officers by gathering information important in the identification of problematic ABC licensed businesses.

During the past year the City of Moreno Valley has been dealing with the ongoing state budget issues. The Moreno Valley Police Department has been impacted by this current issue. The acceptance of this grant would improve the ongoing efforts the Moreno Valley Police Department has in place in the proactive enforcement of A.B.C. establishments. The funding would allow us to increase monitoring of the unlawful alcohol sales to minors, and create a strong deterrent to future violations.

The Moreno Valley Police Department has a strong working relationship with numerous governmental agencies and community action committees. We look forward to getting as many as possible involved in the campaign to prevent minors from obtaining alcohol from business licensees. We welcome the assistance of any other agencies that wish to assist us with the enforcement, and education of the public and business owners, of this growing problem that plagues communities across America today.

BUDGET DETAIL

BUDGET CATEGORY AND LINE-ITEM DETAIL	COST (Round budget amounts to nearest dollar)
A. Personnel Services (straight time salaries, overtime, and benefits)	
The City of Moreno Valley contracts with the Riverside County Sheriff's Department for a full service police department. The straight time rate is $121.97 per hour and the overtime rate is $54.39 per hour. Therefore, the operations are worked on an overtime basis in order to get the most out of the awarded funds. (1) Sergeant: straight time: $82.42, overtime: $80.02 (5) Officer: straight time: $121.97, overtime: $54.39 (1) Community service officer- straight time: $41.94, overtime: $39.20 GAP Training hours – (2) officer straight time for 24 hours	Sergeant = $12,483.12 Officers = $42,424.20 CSO = $6,115.20 (2)Officer for GAP training. = $5854.56
TOTAL PERSONNEL SERVICES	$66,877.08
B. Operating Expenses (maximum $2,500)	
Twenty six operations with $40.00 "buy money" per operation is a total of $1040.00	
TOTAL OPERATING EXPENSES	$1,040.00
C. Equipment (maximum $2,500)	
(Attach receipts for all equipment purchases to monthly billing invoice) None	
TOTAL EQUIPMENT	$0.00
D. Travel Expense/Registration Fees (maximum $2,000)	
(Registration fee for July 2011 GAP Conference attendees is $200 each) Travel, per diem and lodging for the July GAP Conference.	$400.00 $1600.00
TOTAL TRAVEL EXPENSE	$2,000.00
TOTAL BUDGET DETAIL COST, ALL CATEGORIES	$69,918.00

OTHER FUNDING SOURCES

Complete the following to report the total funds available to support the activities related to accomplishing the goals and objectives of the contract. In the "Grant Funds" column, report the ABC funds requested by category. In the "Other Funds" column, report all other funds available to support the project by category (if none, leave blank). Then calculate the totals by category in the "Program Total" column. Total each column down to arrive at the total program funds available. **(Round all budget amounts to the nearest dollar.)**

BUDGET CATEGORY	GRANT FUNDS	OTHER FUNDS	PROGRAM TOTAL
Personnel Services	$66,877.08		$66,877.00
Operating Expenses	$1,040.00		$1,040.00
Travel/Registration Fees	$2,000.00		$2,000.00
Equipment			
TOTALS	$69,918.00		69,918.00

(This form does not become part of the contract)

REQUEST FOR PROPOSALS
RATING FORM

APPLICANT: _____

FUNDS REQUESTED: _____

INSTRUCTIONS TO RATER: The rating form is divided into six categories with a maximum point value assigned to each category. Rate each category based on the applicant's response in the request for proposal. You may use the comments line to give more detail. Once you have rated the request for proposal, total the points at the bottom. The maximum points an applicant agency can receive is 100 points.

CATEGORY:

SUMMARY – (15 POINTS MAXIMUM)

Does applicant describe the department's size, structure, staffing, number of ABC licenses, demographics of jurisdiction, and goals and objectives?

Points Received_____

Comments:_____

PROBLEM STATEMENT – (25 POINTS MAXIMUM)

Does applicant clearly identify the area to be served, specific problematic ABC licensed locations, community concerns, and other factors that contribute to the problem?

Points Received_____

Comments:_____

PROJECT DESCRIPTION – (25 POINTS MAXIMUM)

Does applicant clearly state the goals and objectives in full detail? Are objectives measurable, realistic, and related to a time frame? Are ABC enforcement strategies utilized (example, LEAD, IMPACT, Minor Decoy, Shoulder Tap, Trapdoor, etc.)

Points Received_____

Comments:_____

PROJECT PERSONNEL – (25 POINTS MAXIMUM)

Does applicant clearly describe the staffing required to carry out grant objectives and activities as supported by the proposed budget? Does it include the names of the Unit/Division responsible for the project?

Points Received_____

Comments: _____

BUDGET DETAIL – (5 POINTS)

Is the budget estimate page completed? **5 Points** ____

OTHER FUNDING SOURCES – (5 POINTS)

Is the other funding sources page completed? **5 Points** ____

TOTAL POINTS (100 POINTS MAXIMUM):_____

_____ _____

NAME DATE

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MV00100715

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500)

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

BACKGROUND

The Kitching Street Improvements Project widens Kitching Street from two to four lanes from Gentian Avenue to Alessandro Boulevard.

On June 24, 2009, the City Council approved the Kitching Street project as a three-phase project as part of the FY 09/10 CIP Budget. Two of the three phases were funded. Phase 1 includes utility relocation and design services for the entire length of the project. Phase 2 improves Kitching Street from Cactus Avenue to Alessandro Boulevard by upgrading Kitching Street to four lanes and installing a signal at Cactus Avenue. Phase 3 improves Kitching Street from Gentian Avenue to Cactus Avenue

from two lanes to four lanes at a future time, subject to the availability of funding for construction.

Phase 2 work has been completed and was accepted by the City Council at its meeting on January 25, 2011, for inclusion into the City's Maintained Road System.

The next step is to complete the remaining utility relocation and design work for Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue. The goal is to have Phase 3 of the project in 'Shovel Ready' condition for construction, subject to availability of future funding.

DISCUSSION

Phase 3 of the project requires relocation of existing SCE facilities at the intersection of Kitching Street and Delphinium Avenue. SCE retains 'prior rights' since their facilities are located within SCE's easement. Consequently, the cost of relocating SCE's facilities is the City's responsibility.

The relocation work includes removal of one wood guy pole with its companion span guys, down guys and anchors that are to be replaced with a 35-foot tubular steel pole (TSP) with span guys. By removing existing down guys and anchors within the proposed asphalt pavement area of the street right of way, widening of the street to four lanes can be accomplished at a future time when funding becomes available.

To date, the majority of conflicting SCE, EMWD, Verizon and Time Warner facilities within the project limits have already been relocated. After relocation of the subject SCE facilities at the Kitching Street/Delphinium Avenue intersection, remaining minor utility-related adjustments will be accomplished during construction of the Phase 3 improvements, because such adjustments can only be accomplished after grading and paving is complete.

The City previously made a deposit payment of $35,000 (Purchase Order No. 38653) for the design and procurement of long-lead custom-manufactured TSP. SCE's estimated cost for engineering, procurement, manufacturing, and installation of TSP is $149,000. Therefore, an additional $114,000 is due to SCE for these relocation activities.

This work will be carried out by SCE on a time and materials or actual cost basis. Upon completion of the work, SCE may refund the unused portion of the City's payment or it may invoice the City for any additional costs incurred beyond the City's payments. Since the work by SCE is on an actual cost basis, there is a potential for the final cost to be higher than the initial cost estimate. Accordingly, besides the $114,000 due to SCE, an additional 10% contingency in the amount of $11,400 is requested, increasing the total not-to-exceed amount for Purchase Order No. 38653 from $35,000 to $160,400.

ALTERNATIVES

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will facilitate completion of the project in a timely manner.*

2. Do not authorize of the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500), and do not authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project. *This alternative will delay the project.*

FISCAL IMPACT

The project is included in Fiscal Year 2010/2011 Capital Improvement Project Budget. It is funded by 2005 Lease Revenue Bond funds (Fund 501). Funding for this project is restricted to capital improvements for arterial street widening. There is no impact to the General Fund.

FY 2010 / 2011 PROJECT BUDGET:
Kitching Street from Alessandro Boulevard to Gentian Avenue
2005 Lease Revenue Bond (Account No. 501.82425)……..$1,640,000

FY 2010 / 2011 PROJECT COSTS:

Phase 1 and 2 Project Construction and Closeout Costs……..	$1.385,000
Complete Design for Phase 3 Improvements.....	$90,000
SCE Facilities Relocation Costs for Phase 3 Improvements.....	$160,400
Total Project Costs	$1,635,400

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

This action authorizes a Change Order to increase Purchase Order No. 38653 to SCE by the amount of $125,400 for the engineering, procurement, manufacturing, and installation of a tubular steel pole (TSP). The TSP will be installed by Southern California Edison at Kitching Street/Delphinium intersection and will allow construction of Phase 3 Improvements along Kitching Street from Gentian Avenue to Cactus Avenue to be completed in the future subject to the availability of funding.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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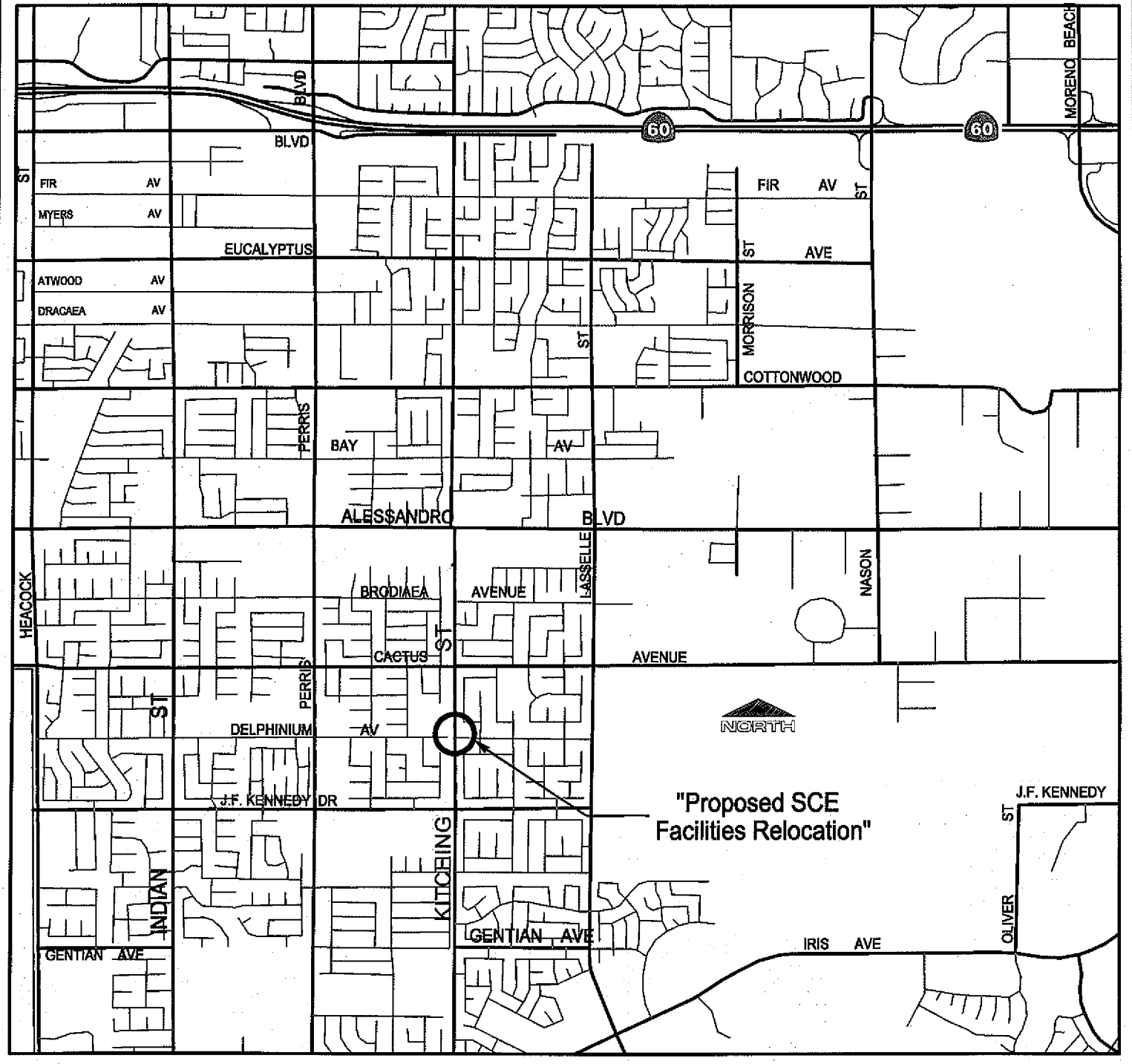

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

SCE FACILITIES RELOCATION AT
KITCHING STREET/DELPHINIUM INTERSECTION
FOR KITCHING STREET IMPROVEMENTS FROM
GENTIAN AVENUE TO CACTUS AVENUE
PROJECT NO. 07-50182425

Attachment "A"

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MV00100721

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: APPROVAL OF CHECK REGISTER FOR JANUARY, 2011

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

DISCUSSION

To facilitate Council's review, the Check Register lists in alphabetical order all checks in the amount of $25,000 or greater, followed by a listing in alphabetical order of all checks less than $25,000. The Check Register also includes wire transfers, thus eliminating the need for a separate wire transfer register, as well as the fiscal year-to-date (FYTD) amount paid to each vendor.

FISCAL IMPACT

The disbursements itemized in the attached Check Register are reflected in the adopted FY 2010-11 budgets. Therefore, there is no fiscal impact other than the expenditure of budgeted funds.

ATTACHMENTS/EXHIBITS

Resolution No. 2011-28
Check Register for Month of January, 2011

Prepared By:
Cynthia A. Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CHECK REGISTER FOR THE MONTH OF JANUARY, 2011

WHEREAS, the Financial & Administrative Services Department has prepared and provided the Check Register for the period January 1, 2011 through January 31, 2011, for review and approval by the City Council of the City of Moreno Valley;

WHEREAS, it is in the best interest of the City that the referenced Check Register be approved;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, that the Check Register for the period January 1, 2011 through January 31, 2011, in the total amount of $12,324,061.41 is approved.

APPROVED AND ADOPTED this 22nd day of March, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)

CHECKS IN THE AMOUNT OF $25,000 OR GREATER

BEMUS LANDSCAPE, INC.				
1/31/2011	881973	39,148.55		
			LANDSCAPE MAINT-E4	55.63
			LANDSCAPE MAINT-E4	64.50
			LANDSCAPE MAINT-E4	6,692.26
			LANDSCAPE MAINT-E4	15,650.96
			LANDSCAPE MAINT-E4A	367.64
			LANDSCAPE MAINT-VET MEM	250.00
			LANDSCAPE MAINT-FIRE STNS	3,150.00
			LANDSCAPE MAINT-CITY HALL	992.56
			LANDSCAPE MAINT-ANNEX 1	300.00
			LANDSCAPE MAINT-E3	10,625.00
			LANDSCAPE MAINT-E3A	1,000.00
Vendor Total		**39,148.55**		
FYTD for BEMUS LANDSCAPE, INC.		**334,630.49**		
BRUCE W.HULL, MAI				
1/24/2011	205954	25,000.00		
			APPRAISAL SVCS-CFD 4	25,000.00
Vendor Total		**25,000.00**		
FYTD for BRUCE W.HULL, MAI		**25,000.00**		
BUDGET ENTERPRISES, INC.				
1/10/2011	205810	29,430.50		
			CITY HALL WINDOW TINT PROJ	29,430.50
Vendor Total		**29,430.50**		
FYTD for BUDGET ENTERPRISES, INC.		**29,430.50**		
EMPLOYMENT DEVELOPMENT DEPARTMENT				
1/14/2011	2788	33,797.26		
			STATE INCOME TAX W/H 1/14/11	33,797.26
1/28/2011	2796	31,996.00		
			STATE INCOME TAX W/H 1/28/11	31,996.00
Vendor Total		**65,793.26**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT		**656,332.61**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ENCO UTILITY SERVICES MORENO VALLEY LLC				
1/24/2011	881942	217,392.09		
			DISTRIBUTIONS CHARGES	182,494.95
			SPCL/TEMP CHARGES	10,340.00
			BAD DEBT DEDUCTION	-257.22
			ONLINE UTILITY SVCS	203.97
			CABINET LEASE-INDIAN	29.67
			CABINET LEASE-INDIAN	1,220.33
			CABINET LEASE-IRIS	47.14
			CABINET LEASE-IRIS	1,202.86
			ELECTRIC METER CHARGES	21,752.00
			PRINTED MATERIALS	358.39
Vendor Total		**217,392.09**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC		**1,372,719.94**		
GUIDA SURVEYING, INC.				
1/18/2011	881908	25,252.00		
			IRONWOOD AVE/INDIAN BASIN PROJ	14,960.00
			DAY ST IMPRVMNTS PROJ SVCS	10,292.00
Vendor Total		**25,252.00**		
FYTD for GUIDA SURVEYING, INC.		**85,986.00**		
H & H GENERAL CONTRACTORS				
1/31/2011	206118	171,530.10		
			MV UTIL. PROJ CONSTRUCT. SVCS	107,727.30
			MV UTIL. PROJ CONSTRUCT. SVCS	63,802.80
Vendor Total		**171,530.10**		
FYTD for H & H GENERAL CONTRACTORS		**171,530.10**		
HILLCREST CONTRACTING, INC				
1/18/2011	881909	183,063.83		
			KITCHING ST IMPRVMNT PROJ	5,157.58
			KITCHING ST IMPRVMNT PROJ	177,906.25
1/31/2011	881983	298,108.70		
			DAY ST IMPRVMNTS PROJ SVCS	298,108.70
Vendor Total		**481,172.53**		
FYTD for HILLCREST CONTRACTING, INC		**2,537,305.75**		
HUNTINGTON BEACH HONDA				
1/24/2011	205999	27,299.20		
			MOTORCYCLE RPLCMNT-POLICE	14,204.00
			DOC FEE-POLICE	55.00
			CA TIRE FEE-POLICE	3.50
			EQUIPMENT-POLICE	6,540.49
			INSTALLATION/PAINTING-POLICE	4,300.00
			SALES TAX-POLICE	2,196.21
Vendor Total		**27,299.20**		
FYTD for HUNTINGTON BEACH HONDA		**27,299.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
INTERNAL REVENUE SERVICE					
	1/14/2011	2787	130,796.36		
				FED INCOME TAX W/H 1/14/11	130,796.36
	1/28/2011	2795	134,868.39		
				FED INCOME TAX W/H 1/28/11	134,868.39
	Vendor Total		**265,664.75**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		
MIRACLE PLAYGROUND SALES					
	1/24/2011	881951	176,943.13		
				DEMO/INSTALL PLAYGRND EQUIP	109,331.76
				DEMO/INSTALL PLAYGRND EQUIP	47,869.74
				CA SALES TAX	8,727.49
				SHIPPING CHGS	11,014.14
	Vendor Total		**176,943.13**		
FYTD for MIRACLE PLAYGROUND SALES			**176,943.13**		
MORENO VALLEY UTILITY					
	1/25/2011	206075	53,779.13		
				ELECTRICITY	150.18
				ELECTRICITY	851.39
				ELECTRICITY	271.07
				ELECTRICITY	2,118.53
				ELECTRICITY	10,312.01
				ELECTRICITY	10,099.88
				ELECTRICITY	2,738.23
				ELECTRICITY	4,858.26
				ELECTRICITY	831.59
				ELECTRICITY	133.19
				ELECTRICITY	12,103.03
				ELECTRICITY	7,021.04
				ELECTRICITY	196.14
				ELECTRICITY	144.98
				ELECTRICITY	93.20
				ELECTRICITY	69.90
				ELECTRICITY	69.90
				ELECTRICITY	141.89
				ELECTRICITY	79.37
				ELECTRICITY	1,495.35
	Vendor Total		**53,779.13**		
FYTD for MORENO VALLEY UTILITY			**526,697.08**		
PERS HEALTH INSURANCE					
	1/7/2011	110102	215,602.65		
				EMPLOYEE HEALTH INS 1/7/11	215,602.65
	Vendor Total		**215,602.65**		
FYTD for PERS HEALTH INSURANCE			**1,389,737.64**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PERS RETIREMENT					
	1/21/2011	2789	194,802.98		
				PERS RETIREMENT 1/21/11	194,802.98
	1/7/2011	2779	199,055.90		
				PERS RETIREMENT 1/7/11	199,055.90
	Vendor Total		**393,858.88**		
FYTD for PERS RETIREMENT			**2,974,953.79**		
PITASSI ARCHITECTS, INC					
	1/10/2011	881888	43,006.63		
				CORPORATE YARD FACILITY PROJ	43,006.63
	Vendor Total		**43,006.63**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110107	46,305.01		
				RETENTN PYMT PER ESCROW AGRMNT	46,305.01
	1/31/2011	881988	666,378.90		
				IRONWOOD AVE/INDIAN BASIN PROJ	41,983.20
				IRONWOOD AVE/INDIAN BASIN PROJ	153,101.83
				IRONWOOD AVE/INDIAN BASIN PROJ	42,521.35
				IRONWOOD AVE/INDIAN BASIN PROJ	428,772.52
	Vendor Total		**712,683.91**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF					
	1/18/2011	881916	2,758,449.61		
				CONTRACT LAW ENF BILL # 3	44,172.56
				CONTRACT LAW ENF BILL # 3	277.89
				CONTRACT LAW ENF BILL # 3	1,569,303.99
				CONTRACT LAW ENF BILL # 3	67,302.19
				CONTRACT LAW ENF BILL # 3	332,039.09
				CONTRACT LAW ENF BILL # 3	6,375.60
				CONTRACT LAW ENF BILL # 3	61,080.61
				CONTRACT LAW ENF BILL # 3	5,429.61
				CONTRACT LAW ENF BILL # 3	75,194.74
				CONTRACT LAW ENF BILL # 3	961.84
				CONTRACT LAW ENF BILL # 3	166,479.31
				CONTRACT LAW ENF BILL # 3	3,390.64
				CONTRACT LAW ENF BILL # 3	275,054.27
				CONTRACT LAW ENF BILL # 3	5,921.74
				CONTRACT LAW ENF BILL # 3	34,273.57
				CONTRACT LAW ENF BILL # 3	271.04
				CONTRACT LAW ENF BILL # 3	43,570.90
				CONTRACT LAW ENF BILL # 3	937.99
				CONTRACT LAW ENF BILL # 3	35,144.43
				CONTRACT LAW ENF BILL # 3	1,955.42
				CONTRACT LAW ENF BILL # 3	28,831.13
				CONTRACT LAW ENF BILL # 3	481.05
	1/31/2011	881989	2,612,636.73		
				CONTRACT LAW ENF BILL # 4	43,966.29
				CONTRACT LAW ENF BILL # 4	638.56
				CONTRACT LAW ENF BILL # 4	1,476,007.46
				CONTRACT LAW ENF BILL # 4	58,161.90
				CONTRACT LAW ENF BILL # 4	338,114.62
				CONTRACT LAW ENF BILL # 4	5,585.36
				CONTRACT LAW ENF BILL # 4	47,355.97
				CONTRACT LAW ENF BILL # 4	9,211.25
				CONTRACT LAW ENF BILL # 4	72,048.74
				CONTRACT LAW ENF BILL # 4	1,354.32
				CONTRACT LAW ENF BILL # 4	151,843.66
				CONTRACT LAW ENF BILL # 4	2,484.24
				CONTRACT LAW ENF BILL # 4	305,308.47
				CONTRACT LAW ENF BILL # 4	7,427.96
				CONTRACT LAW ENF BILL # 4	33,822.28
				CONTRACT LAW ENF BILL # 4	226.16
				CONTRACT LAW ENF BILL # 4	38,730.49
				CONTRACT LAW ENF BILL # 4	20,349.00
	Vendor Total		**5,371,086.34**		
FYTD for RIVERSIDE COUNTY SHERIFF			**15,070,633.49**		
SHELL ENERGY NORTH AMERICA (US) L.P.					
	1/24/2011	206043	468,994.40		
				ELECTRICAL ENERGY PURCHASE	468,994.40
	Vendor Total		**468,994.40**		
FYTD for SHELL ENERGY NORTH AMERICA (US) L.P.			**4,116,830.00**		

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/3/2011	205788	40,302.98		
				ELECTRICITY	275.11
				ELECTRICITY	11,977.29
				ELECTRICITY	5,234.12
				ELECTRICITY	38.34
				ELECTRICITY	1,751.14
				ELECTRICITY	4,482.44
				ELECTRICITY	285.81
				ELECTRICITY	9,260.73
				ELECTRICITY	498.85
				ELECTRICITY	335.87
				ELECTRICITY	2,950.73
				ELECTRICITY	503.34
				ELECTRICITY	940.49
				ELECTRICITY	672.49
				ELECTRICITY	188.83
				ELECTRICITY	345.68
				ELECTRICITY	22.57
				ELECTRICITY	105.22
				ELECTRICITY	181.04
				ELECTRICITY	163.53
				ELECTRICITY	89.36
	1/3/2011	205789	31,278.74		
				WDAT CHARGES-SUBSTATION	10,447.31
				WDAT CHARGES-FREDERICK	2,386.62
				WDAT CHARGES-NANDINA	3,199.07
				WDAT CHARGES-GLOBE	8,684.55
				WDAT CHARGES-GRAHAM	3,935.97
				WDAT CHARGES-IRIS	2,625.22
	1/18/2011	205911	136,567.18		
				ELECTRICITY	23.06
				ELECTRICITY	260.91
				ELECTRICITY	45.63
				ELECTRICITY	709.03
				ELECTRICITY	1,012.99
				ELECTRICITY	1,473.45
				ELECTRICITY	95,604.30
				ELECTRICITY	36,719.41
				ELECTRICITY	368.26
				ELECTRICITY	92.28
				ELECTRICITY	24.38
				ELECTRICITY	25.99
				ELECTRICITY	65.46
				ELECTRICITY	98.06
				ELECTRICITY	43.97
	1/25/2011	206076	33,175.97		
				ELECTRICITY	526.31
				ELECTRICITY	218.90
				ELECTRICITY	47.13
				ELECTRICITY	5,857.01
				ELECTRICITY	1,060.58
				ELECTRICITY	192.86

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			ELECTRICITY	2,381.91
			ELECTRICITY	19.18
			ELECTRICITY	2,506.80
			ELECTRICITY	558.12
			ELECTRICITY	1,664.77
			ELECTRICITY	721.57
			ELECTRICITY	863.69
			ELECTRICITY	140.12
			ELECTRICITY	3,741.18
			ELECTRICITY	1,010.57
			ELECTRICITY	1,145.53
			ELECTRICITY	22.57
			ELECTRICITY	387.77
			ELECTRICITY	5,761.71
			ELECTRICITY	1,736.44
			ELECTRICITY	255.45
			ELECTRICITY	264.70
			ELECTRICITY	859.11
			ELECTRICITY	143.70
			ELECTRICITY	187.03
			ELECTRICITY	31.62
			ELECTRICITY	21.84
			ELECTRICITY	168.75
			ELECTRICITY	213.66
			ELECTRICITY	147.51
			ELECTRICITY	199.58
			ELECTRICITY	90.54
			ELECTRICITY	27.76
	Vendor Total	**241,324.87**		
FYTD for SOUTHERN CALIFORNIA EDISON		**1,759,082.07**		
STANDARD INSURANCE CO				
1/25/2011	206077	29,819.16		
			LIFE & DISABILITY INSURANCE	11,662.68
			LIFE & DISABILITY INSURANCE	-68.37
			LIFE & DISABILITY INSURANCE	18,236.93
			LIFE & DISABILITY INSURANCE	-12.08
	Vendor Total	**29,819.16**		
FYTD for STANDARD INSURANCE CO		**227,964.72**		
STK ARCHITECTURE, INC.				
1/24/2011	881962	85,849.08		
			MORRISON PRK FIRE STATION PROJ	85,849.08
	Vendor Total	**85,849.08**		
FYTD for STK ARCHITECTURE, INC.		**270,740.17**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
U.S. BANK/CALCARDS					
	1/6/2011	110103	112,826.10		
				CALCARD PMT CYCLE END 12/22/10	112,826.10
	1/20/2011	110104	95,683.24		
				CALCARD PYMT CYCLE END 1/7/11	95,683.24
	Vendor Total		**208,509.34**		
FYTD for U.S. BANK/CALCARDS			**1,121,345.00**		
WELLS FARGO CORPORATE TRUST					
	1/25/2011	110110	1,023,839.98		
				INT PYMT-2007 TAB SERIES A	1,023,839.98
	Vendor Total		**1,023,839.98**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.					
	1/18/2011	205932	741,529.00		
				TUMF FEES	235,161.00
				TUMF FEES	506,368.00
	Vendor Total		**741,529.00**		
FYTD for WRCOG WESTERN RIVERSIDE CO. OF GOVT'S.			**953,476.08**		
WRCRCA					
	1/18/2011	205933	33,159.00		
				DEC-10 RESIDENTIAL FEES	33,159.00
	Vendor Total		**33,159.00**		
FYTD for WRCRCA			**1,271,213.38**		
	Subtotal		**11,147,668.48**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHECKS LESS THAN $25,000				
EXCLUSIVE RM AUTHORITY OF CA				
1/10/2011	205799	10,000.00		
			GENERAL MATTERS	10,000.00
Vendor Total		**10,000.00**		
FYTD for EXCLUSIVE RM AUTHORITY OF CA		**10,000.00**		
3E COMPANY				
1/10/2011	205800	3,907.00		
			SUBSCRIPTION LICENSE/RENEWAL	3,907.00
Vendor Total		**3,907.00**		
FYTD for 3E COMPANY		**3,907.00**		
A & I REPROGRAPHICS 2406362				
1/3/2011	205745	765.17		
			RPRGRPHC SVCS-PERRIS BL WIDEN	765.17
1/10/2011	205801	330.92		
			RPRGRPHCS-SHADOW MTN PARK PROJ	248.19
			RPRGRPHCS-SHADOW MTN PARK PROJ	82.73
1/18/2011	205840	665.44		
			RPRGRPHC SVCS-BRIDGE MAINT PRJ	665.44
1/31/2011	206078	860.37		
			RPRGRPHC SVCS-PERRIS BL WIDEN	265.40
			RPRGRPHC SVCS-SR60/NASON PROJ	594.97
Vendor Total		**2,621.90**		
FYTD for A & I REPROGRAPHICS 2406362		**21,019.27**		
A COMING OF AGE FOSTER FAMILY AGENCY				
1/18/2011	205841	200.00		
			REFUND-TOWNGATE DEPOSIT	200.00
Vendor Total		**200.00**		
FYTD for A COMING OF AGE FOSTER FAMILY AGENCY		**200.00**		
ACCESS SECURITY CONTROLS INT., INC.				
1/10/2011	205802	75.00		
			MONITORING SVCS-ERC	75.00
1/24/2011	205938	985.00		
			MONITORING SVCS-GOLF COURSE	75.00
			MONITORING SVCS-S/MEAD MIDDLE	75.00
			MONITORING SVCS-ASES STARS	75.00
			MONITORING SVCS-FS #58	760.00
Vendor Total		**1,060.00**		
FYTD for ACCESS SECURITY CONTROLS INT., INC.		**5,042.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ACCOUNTEMPS					
	1/31/2011	206079	2,214.81		
				TEMP SVCS-V ARGUTA W/E 12/24	2,214.81
	Vendor Total		**2,214.81**		
FYTD for ACCOUNTEMPS			**7,155.45**		
ACT MEDIATION					
	1/18/2011	205842	0.00		
				MEDIATION -CASE# RIC 10017492	2,900.00
				VOIDED CHECK #205842 ON1/24/11	-2,900.00
	1/18/2011	205843	5,800.00		
				MEDIATION -CASE# RIC 10017492	5,800.00
	Vendor Total		**5,800.00**		
FYTD for ACT MEDIATION			**5,800.00**		
ADAMS, MARK L.					
	1/3/2011	881812	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ADAMS, MARK L.			**2,231.11**		
ADDICTION MEDICINE CONSULTANTS, INC.					
	1/31/2011	206080	1,375.00		
				DRUG/ALCOHOL TESTING PRGM	1,375.00
	Vendor Total		**1,375.00**		
FYTD for ADDICTION MEDICINE CONSULTANTS, INC.			**1,375.00**		
ADDUS HEALTH CARE					
	1/3/2011	205746	500.00		
				REFUND-RNTL DEP 12/13	500.00
	Vendor Total		**500.00**		
FYTD for ADDUS HEALTH CARE			**500.00**		
ADLERHORST INTERNATIONAL INC.					
	1/18/2011	881892	283.34		
				TRAINING FOR PATROL CANINES	283.34
	Vendor Total		**283.34**		
FYTD for ADLERHORST INTERNATIONAL INC.			**18,857.09**		
ADMINSURE					
	1/31/2011	206081	2,600.00		
				WRKMNS COMP ADMIN SVCS	2,600.00
	Vendor Total		**2,600.00**		
FYTD for ADMINSURE			**18,200.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ADVANCE REFRIGERATION & ICE SYSTEMS, INC				
1/10/2011	881876	390.00		
			ICE MACHINE MAINT-FS #2	185.00
			ICE MACHINE MAINT-FS #2	10.00
			ICE MACHINE MAINT-FS #65	185.00
			ICE MACHINE MAINT-FS #65	10.00
1/24/2011	881933	1,238.00		
			ICE MACHINE MAINT-FS #58	1,043.00
			ICE MACHINE MAINT-PSB	195.00
	Vendor Total	**1,628.00**		
FYTD for ADVANCE REFRIGERATION & ICE SYSTEMS, INC		**16,596.00**		
ADVANCED ELECTRIC				
1/31/2011	206082	496.00		
			ELECTRICAL REPAIRS-CONF & REC	124.00
			RETROFIT LAMPS @ CITY HALL	372.00
	Vendor Total	**496.00**		
FYTD for ADVANCED ELECTRIC		**7,241.60**		
ADVANTAGE BUSINESS EQUIPMENT, INC				
1/31/2011	206166	153.31		
			BLANK CHECK STOCK-A/P	153.31
	Vendor Total	**153.31**		
FYTD for ADVANTAGE BUSINESS EQUIPMENT, INC		**1,022.20**		
AEI-CASC ENGINEERING				
1/24/2011	881934	1,036.00		
			PROF CONSULTING SVCS-WQMP	1,036.00
	Vendor Total	**1,036.00**		
FYTD for AEI-CASC ENGINEERING		**10,298.04**		
AGUIRRE, LEONOR S				
1/10/2011	205803	1,650.00		
			MOVING EXPENSES-PERRIS BL PROJ	1,650.00
	Vendor Total	**1,650.00**		
FYTD for AGUIRRE, LEONOR S		**1,650.00**		
AHLERS, ROSCEAL				
1/18/2011	205844	152.00		
			INSTRUCTION SVCS-4 DAYS	152.00
	Vendor Total	**152.00**		
FYTD for AHLERS, ROSCEAL		**608.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ALBERTO'S MEXICAN FOOD					
	1/31/2011	206083	55.97		
				REFUND-BUS LIC OVRPMT	55.97
	Vendor Total		**55.97**		
FYTD for ALBERTO'S MEXICAN FOOD			**55.97**		
ALCORN FENCE COMPANY					
	1/24/2011	205939	22.34		
				REFUND-BUS.LIC OVERPYMT	22.34
	Vendor Total		**22.34**		
FYTD for ALCORN FENCE COMPANY			**22.34**		
ALESSANDRO SMOG TEST ONLY					
	1/24/2011	205940	39.00		
				REFUND-BUS.LIC OVERPYMT	39.00
	Vendor Total		**39.00**		
FYTD for ALESSANDRO SMOG TEST ONLY			**39.00**		
ALL PRO MEDICAL GROUP, INC					
	1/24/2011	205941	40.44		
				REFUND-BUS.LIC OVERPYMT	40.44
	Vendor Total		**40.44**		
FYTD for ALL PRO MEDICAL GROUP, INC			**40.44**		
ALLIANCE BUS LINES INC					
	1/10/2011	205804	257.64		
				TRANSPORTATION SVCS-CHILDS PLC	48.88
				TRANSPORTATION SVCS-CHILDS PLC	208.76
	Vendor Total		**257.64**		
FYTD for ALLIANCE BUS LINES INC			**7,109.27**		
ALLIANZ LIFE INSURANCE CO					
	1/18/2011	205845	75.00		
				NON-EXEMPT ANNUITY	75.00
	Vendor Total		**75.00**		
FYTD for ALLIANZ LIFE INSURANCE CO			**525.00**		
ALVAREZ, ESPERANZA					
	1/24/2011	205942	300.00		
				REFUND-RNTL DEP 10/23	300.00
	Vendor Total		**300.00**		
FYTD for ALVAREZ, ESPERANZA			**300.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AMAZING DISCOUNT STORE					
	1/24/2011	205943	36.00		
				REFUND-BUS.LIC OVERPYMT	36.00
	Vendor Total		**36.00**		
FYTD for AMAZING DISCOUNT STORE			**36.00**		
AMERICA VIETNAM REALTY & FINANCE					
	1/31/2011	206084	22.60		
				REFUND-BUS LIC OVRPMT	22.60
	Vendor Total		**22.60**		
FYTD for AMERICA VIETNAM REALTY & FINANCE			**22.60**		
AMERICAN FORENSIC NURSES					
	1/18/2011	881893	1,191.32		
				BLOOD DRAWS	82.16
				BLOOD DRAWS	1,109.16
	1/24/2011	881935	41.08		
				BLOOD DRAWS	41.08
	1/31/2011	881972	1,550.64		
				BLOOD DRAWS	1,550.64
	Vendor Total		**2,783.04**		
FYTD for AMERICAN FORENSIC NURSES			**17,643.42**		
AMERICAN TOWERS					
	1/10/2011	205805	2,573.48		
				LEASE AGREEMENT	2,573.48
	Vendor Total		**2,573.48**		
FYTD for AMERICAN TOWERS			**10,293.92**		
AMINO, MARCIA					
	1/24/2011	205944	169.76		
				REFUND-CANDIDATE STMNT	169.76
	Vendor Total		**169.76**		
FYTD for AMINO, MARCIA			**169.76**		
AMTECH ELEVATOR SERVICES					
	1/24/2011	205945	210.90		
				ELEVATOR SVC-SENIOR CENTER	210.90
	Vendor Total		**210.90**		
FYTD for AMTECH ELEVATOR SERVICES			**1,271.69**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ANAYA, KIM REYE					
	1/18/2011	205846	93.00		
				MILEAGE REIMBURSEMENT	93.00
	Vendor Total		**93.00**		
FYTD for ANAYA, KIM REYE			**239.90**		
ANDREWS-BAKER, SUE					
	1/24/2011	205946	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for ANDREWS-BAKER, SUE			**375.00**		
ANIMAL HEALTH AND SANITARY SUPPLY					
	1/10/2011	205806	170.37		
				CLEANING SOLUTIONS-ANML SHLTR	170.37
	Vendor Total		**170.37**		
FYTD for ANIMAL HEALTH AND SANITARY SUPPLY			**783.14**		
ANIMAL PEST MANAGEMENT SERVICES, INC.					
	1/24/2011	205947	1,790.00		
				PEST CNTRL SVC-CFD #1	160.00
				PEST CNTRL SVC-GOLF COURSE	180.00
				PEST CNTRL SVC-STARS BLDG	100.00
				PEST CNTRL SVC-CITY PARKS	665.00
				PEST CNTRL SVC-CITY PARKS	255.00
				PEST CNTRL SVC-MARCH CHILDCARE	330.00
				PEST CNTRL SVC-MARCH C/C & PAL	100.00
	Vendor Total		**1,790.00**		
FYTD for ANIMAL PEST MANAGEMENT SERVICES, INC.			**12,530.00**		
APPLIANCE DISCOUNTERS					
	1/3/2011	205747	27.95		
				REFUND-BUS LIC OVRPMT	27.95
	Vendor Total		**27.95**		
FYTD for APPLIANCE DISCOUNTERS			**27.95**		
ARCHIVE MANAGEMENT SERVICE					
	1/24/2011	881936	1,172.51		
				OFF SITE STORAGE-CITY CLERKS	1,172.51
	Vendor Total		**1,172.51**		
FYTD for ARCHIVE MANAGEMENT SERVICE			**9,853.37**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ARROWHEAD WATER					
	1/10/2011	205807	365.78		
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRAILER	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
				WATER PURIF RNTL-EOC	25.00
	1/24/2011	205948	0.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
				VOIDED CHECK#205948 ON1/25/11	-25.00
	1/25/2011	206074	125.00		
				WATER PURIF RNTL-SENIOR CENTER	25.00
				WATER PURIF RNTL-SPECIAL DIST.	25.00
				WATER PURIF RNTL-T/S ANNEX	25.00
				WATER PURIF RNTL-FAC. ANNEX	25.00
				WATER PURIF RNTL-C & R	25.00
	1/31/2011	206085	365.78		
				WATER PURIF RNTL-STARS BLDG	25.00
				WATER PURIF RNTL-CITY HALL	125.01
				WATER PURIF RNTL-CITY YARD	25.00
				WATER PURIF RNTL-TRFFC TRLR	25.00
				WATER PURIF RNTL-LIBRARY	25.00
				WATER PURIF RNTL-FS #6	25.00
				WATER PURIF RNTL-FS #48	25.00
				WATER PURIF RNTL-FS #2	25.00
				WATER PURIF RNTL-FS #58	15.77
				WATER PURIF RNTL-FS #91	25.00
				WATER PURIF RNTL-FS #65	25.00
	Vendor Total		**856.56**		
FYTD for ARROWHEAD WATER			**4,187.06**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
AT&T MOBILITY					
	1/18/2011	205847	91.87		
				CELL PHONE CHRGS-PD COMND CTR	91.87
	1/31/2011	206086	91.98		
				CELL PHONE SVC-PD MBL CTR	91.98
	Vendor Total		**183.85**		
FYTD for AT&T MOBILITY			**734.78**		
AT&T/MCI					
	1/18/2011	205848	183.36		
				COMMUNICATIONS SVCS-PD	183.36
	Vendor Total		**183.36**		
FYTD for AT&T/MCI			**1,284.66**		
AUDREY PATRICK REPORTING SERVICES					
	1/31/2011	206087	1,065.00		
				LEGAL TRANSCRIPTION SVCS	1,065.00
	Vendor Total		**1,065.00**		
FYTD for AUDREY PATRICK REPORTING SERVICES			**4,891.16**		
AUTOMATED GATE SERVICES, INC					
	1/10/2011	205808	41.34		
				REFUND-BUS LIC OVRPMT	41.34
	Vendor Total		**41.34**		
FYTD for AUTOMATED GATE SERVICES, INC			**41.34**		
AVILA, BRENDA					
	1/24/2011	205949	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for AVILA, BRENDA			**20.00**		
AWAD, SAAD					
	1/24/2011	205950	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for AWAD, SAAD			**50.00**		
AYARS, MARGARET E.					
	1/3/2011	881813	956.19		
				OCT - DEC '10, PAID Jan '11	956.19
	Vendor Total		**956.19**		
FYTD for AYARS, MARGARET E.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BACHER, GRACE					
	1/3/2011	205748	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BACHER, GRACE			**2,152.33**		
BANFORD, SHERI					
	1/31/2011	206088	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for BANFORD, SHERI			**50.00**		
BARNES, DARLENE					
	1/3/2011	881814	114.50		
				DEC '10, PAID JAN '11	114.50
	Vendor Total		**114.50**		
FYTD for BARNES, DARLENE			**916.00**		
BASHIR, MUHAMMAD					
	1/18/2011	205849	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for BASHIR, MUHAMMAD			**200.00**		
BAYER APPRAISALS					
	1/24/2011	205951	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for BAYER APPRAISALS			**1,500.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BEMUS LANDSCAPE, INC.					
	1/18/2011	881894	16,037.60		
				LANDSCAPE MAINT-ZONE E-4	19.00
				LANDSCAPE MAINT-ZONE E-4/E-4A	15,650.96
				LANDSCAPE MAINT-ZONE E-4/E-4A	367.64
	1/24/2011	881937	13,255.58		
				LANDSCAPE MAINT-CORP. YARD	250.00
				LANDSCAPE MAINT-ANIMAL SHELTER	520.00
				LANDSCAPE MAINT-C & R	1,900.00
				LANDSCAPE MAINT-STARS BLDG	300.00
				LANDSCAPE MAINT-PSB	1,197.58
				LANDSCAPE MAINT-UTILITIES	480.00
				LANDSCAPE MAINT-ELECTRIC SUBST	630.00
				LANDSCAPE MAINT-PUBLIC LIBRARY	520.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-CFD #1	1,900.00
				LANDSCAPE MAINT-CFD #1	400.00
				LANDSCAPE MAINT-PARKS	735.00
				LANDSCAPE MAINT-PARKS	262.50
				LANDSCAPE MAINT-PARKS	525.00
				LANDSCAPE MAINT-PARKS	850.50
				LANDSCAPE MAINT-PARKS	1,785.00
				LANDSCAPE MAINT-PARKS	600.00
	Vendor Total		**29,293.18**		
FYTD for BEMUS LANDSCAPE, INC.			**334,630.49**		
BENESYST, INC.					
	1/24/2011	205952	1,020.22		
				FLEX ADMIN SVCS-HR	220.61
				FLEX ADMIN SVCS-HR	309.61
				COBRA ADMIN SVCS-HR	245.00
				COBRA ADMIN SVCS-HR	245.00
	Vendor Total		**1,020.22**		
FYTD for BENESYST, INC.			**4,479.68**		
BIO-TOX LABORATORIES					
	1/18/2011	205850	34.23		
				TOXICOLOGY TESTS	34.23
	Vendor Total		**34.23**		
FYTD for BIO-TOX LABORATORIES			**36,839.23**		
BOBO II, FELIX					
	1/18/2011	205851	77.00		
				MILEAGE REIMBURSEMENT	77.00
	Vendor Total		**77.00**		
FYTD for BOBO II, FELIX			**815.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BORNSHEUER, BRENDA					
	1/24/2011	205953	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for BORNSHEUER, BRENDA			**20.00**		
BPC MEDIA WORKS, LLC					
	1/31/2011	206089	1,530.00		
				ADVERTISING SVCS-EDD	1,530.00
	Vendor Total		**1,530.00**		
FYTD for BPC MEDIA WORKS, LLC			**1,530.00**		
BPS TACTICAL, INC					
	1/10/2011	205809	277.31		
				BALLISTIC VEST-PD	277.31
	Vendor Total		**277.31**		
FYTD for BPS TACTICAL, INC			**940.20**		
BRANDON'S DINER, INC.					
	1/3/2011	205749	750.00		
				REFUND-RNTL DEP 12/16	750.00
	Vendor Total		**750.00**		
FYTD for BRANDON'S DINER, INC.			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BRODART CO.					
	1/24/2011	881938	2,766.75		
				MISC BOOKS-LIBRARY	24.37
				MISC BOOKS-LIBRARY	31.60
				MISC BOOKS-LIBRARY	21.36
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	64.13
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	109.69
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	28.04
				MISC BOOKS-LIBRARY	43.95
				MISC BOOKS-LIBRARY	24.41
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	59.34
				MISC BOOKS-LIBRARY	59.14
				MISC BOOKS-LIBRARY	33.06
				MISC BOOKS-LIBRARY	313.88
				MISC BOOKS-LIBRARY	63.70
				MISC BOOKS-LIBRARY	27.40
				MISC BOOKS-LIBRARY	18.36
				MISC BOOKS-LIBRARY	245.71
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	295.27
				MISC BOOKS-LIBRARY	39.56
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.99
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	29.41
				MISC BOOKS-LIBRARY	43.14
				MISC BOOKS-LIBRARY	608.12
				MISC BOOKS-LIBRARY	23.17
				MISC BOOKS-LIBRARY	22.59
				MISC BOOKS-LIBRARY	21.38
				MISC BOOKS-LIBRARY	21.98
				MISC BOOKS-LIBRARY	180.92
				MISC BOOKS-LIBRARY	43.23
	1/31/2011	881974	43.17		
				MISC BOOKS-LIBRARY	43.17
	Vendor Total		**2,809.92**		
FYTD for BRODART CO.			**24,625.26**		
BUCKINGHAM, STAN					
	1/3/2011	205750	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for BUCKINGHAM, STAN			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
BUSH, DUNCAN					
	1/31/2011	206090	3.01		
				REFUND-UT USER TAXES	3.01
	Vendor Total		**3.01**		
FYTD for BUSH, DUNCAN			**3.01**		
BWI - BOOK WHOLESALERS, INC.					
	1/24/2011	205955	72.12		
				MISC BOOKS-LIBRARY	72.12
	1/31/2011	206091	658.38		
				MISC BOOKS-LIBRARY	658.38
	Vendor Total		**730.50**		
FYTD for BWI - BOOK WHOLESALERS, INC.			**14,612.53**		
CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM					
	1/31/2011	206092	400.00		
				VALUATION SVCS-EMPLYR CONT RAT	400.00
	Vendor Total		**400.00**		
FYTD for CA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM			**400.00**		
CAIN, GREGORY					
	1/3/2011	881815	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CAIN, GREGORY			**2,231.11**		
CALIFORNIA BUILDING STANDARDS COMMISSION					
	1/18/2011	205852	487.80		
				SB 1473 FEES COLLECTED	487.80
	Vendor Total		**487.80**		
FYTD for CALIFORNIA BUILDING STANDARDS COMMISSION			**1,333.80**		
CALIFORNIA MOBILE HOMES SVCS, INC					
	1/31/2011	206093	40.00		
				REFUND-BUS LIC OVRPMT	40.00
	Vendor Total		**40.00**		
FYTD for CALIFORNIA MOBILE HOMES SVCS, INC			**40.00**		
CALIFORNIA TRANSCRIPTION, LLC					
	1/31/2011	881975	85.29		
				TRANSCRIPTION SVCS	85.29
	Vendor Total		**85.29**		
FYTD for CALIFORNIA TRANSCRIPTION, LLC			**379.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CALPERS					
	1/24/2011	205956	21,621.60		
				4TH LEVEL SURVIVOR BNFT	21,621.60
	Vendor Total		**21,621.60**		
FYTD for CALPERS			**1,585,621.60**		
CANNON, ANA M.					
	1/3/2011	881816	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CANNON, ANA M.			**2,056.56**		
CANON FINANCIAL SERVICES, INC.					
	1/10/2011	205811	7,590.68		
				COPIERS-LEASE	7,059.29
				COPIERS-LEASE SALES TAX	531.39
	Vendor Total		**7,590.68**		
FYTD for CANON FINANCIAL SERVICES, INC.			**53,134.76**		
CARTER, ROSALYN					
	1/3/2011	881817	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CARTER, ROSALYN			**2,325.18**		
CASCADE DRILLING, LP					
	1/24/2011	205957	32.85		
				REFUND-BUS.LIC OVERPYMT	32.85
	Vendor Total		**32.85**		
FYTD for CASCADE DRILLING, LP			**32.85**		
CASTRO, VERNITA					
	1/18/2011	205853	200.00		
				REFUND-TOWNGATE DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for CASTRO, VERNITA			**200.00**		
CAVENAUGH & ASSOCIATES					
	1/18/2011	881895	499.00		
				D.U.I. SEMINAR MAR 14-18, 2011	499.00
	Vendor Total		**499.00**		
FYTD for CAVENAUGH & ASSOCIATES			**499.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CEMEX					
	1/10/2011	205812	468.12		
				CEMENT PURCHASE	468.12
	Vendor Total		**468.12**		
FYTD for CEMEX			**5,006.90**		
CENTRAL OCCUPATIONAL MEDICINE PROVIDERS					
	1/31/2011	206094	210.00		
				PRE-EMPLOYMENT PHYSICALS	210.00
	Vendor Total		**210.00**		
FYTD for CENTRAL OCCUPATIONAL MEDICINE PROVIDERS			**7,684.00**		
CENTURY 21/ LOIS LAUER, INC					
	1/24/2011	205958	91.30		
				REFUND-BUS.LIC OVERPYMT	91.30
	Vendor Total		**91.30**		
FYTD for CENTURY 21/ LOIS LAUER, INC			**91.30**		
CHANCY, CHIZURU					
	1/31/2011	206095	140.40		
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
				INSTRUCTOR SVCS-HAWAIIAN DANCE	46.80
	Vendor Total		**140.40**		
FYTD for CHANCY, CHIZURU			**936.00**		
CHANDLER ASSET MANAGEMENT, INC					
	1/18/2011	881896	8,834.00		
				INVESTMENT MGMT.	8,834.00
	Vendor Total		**8,834.00**		
FYTD for CHANDLER ASSET MANAGEMENT, INC			**61,659.00**		
CHAPMAN, STEVE					
	1/3/2011	205751	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPMAN, STEVE			**2,231.11**		
CHAPPELL, ISAAC					
	1/3/2011	881818	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for CHAPPELL, ISAAC			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CHERRY VALLEY FEED					
	1/18/2011	205854	140.26		
				DOG FOOD & MISC.	140.26
	Vendor Total		**140.26**		
FYTD for CHERRY VALLEY FEED			**776.30**		
CHICO, DANIEL					
	1/18/2011	205855	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for CHICO, DANIEL			**885.00**		
CHRISTIAN, OWEN					
	1/3/2011	881819	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for CHRISTIAN, OWEN			**1,397.06**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CINTAS CORPORATION					
	1/3/2011	205752	69.56		
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-CFD#1	13.74
				UNIFORM RNTL SVC-GOLF COURSE	5.63
	1/10/2011	205813	212.33		
				UNIFORM RNTL SVC-EQUIP MAINT	48.62
				UNIFORM RNTL SVC-EQUIP MAINT	25.62
				UNIFORM RNTL SVC-TRFFC SGNL MA	20.79
				UNIFORM RNTL SVC-SIGNING STAFF	15.82
				UNIFORM RNTL SVC-GRAFFITI RMVL	9.18
				UNIFORM RNTL SVC-TREE MAINT CR	9.18
				UNIFORM RNTL SVC-ST SWEEPER OP	6.12
				UNIFORM RNTL SVC-DRAIN MAINT	3.06
				UNIFORM RNTL SVC-STREET MAINT	48.06
				UNIFORM RNTL SVC-CONC MAINT	9.18
				UNIFORM RNTL SVC-FAC MAINT	16.70
	1/18/2011	205856	118.94		
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-TRAFFIC SIGNA	12.79
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-SIGNS/STRIP	15.82
				UNIFORM RNTL SVC-CFD #1	13.74
				UNIFORM RNTL SVC-CFD #1	13.74
				UNIFORM RNTL SVC-GOLF COURSE	5.63
	1/24/2011	205959	269.96		
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PARKS	50.19
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-PURCHASING	3.92
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-FAC.MAINT.	16.70
				UNIFORM RNTL SVC-GOLF STAFF	5.63
				UNIFORM RNTL SVC-GOLF STAFF	5.63
				UNIFORM RNTL SVC-TRAFFICSIGNAL	12.79
				UNIFORM RNTL SVC-SIGNS/STRIPS	15.82
				UNIFORM RNTL SVC-CFD #1 STAFF	13.74
	1/31/2011	206096	114.87		
				UNIFORM RNTL SVC-PARKS STAFF	50.19
				UNIFORM RNTL SVC-TRFFC SGNL MA	12.79
				UNIFORM RNTL SVC-SIGNING STAFF	15.82
				UNIFORM RNTL SVC-CFD#1 STAFF	13.74
				UNIFORM RNTL SVC-FAC MAINT	16.70
				UNIFORM RNTL SVC-GOLF STAFF	5.63

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
Vendor Total		785.66		
FYTD for CINTAS CORPORATION		**6,737.78**		
CIOTTI, MARTIN AND/OR FLORENCE				
1/24/2011	205960	20.00		
			REFUND-RABIES DEPOSIT	20.00
Vendor Total		20.00		
FYTD for CIOTTI, MARTIN AND/OR FLORENCE		**20.00**		
CITY OF MORENO VALLEY VEBA TRUST				
1/18/2011	881897	4,125.00		
			EXEMPT VEBA	4,125.00
Vendor Total		4,125.00		
FYTD for CITY OF MORENO VALLEY VEBA TRUST		**28,687.50**		
CITY OF RIVERSIDE				
1/6/2011	205798	80.00		
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
			LCC GEN MEMBERSHIP MTG-1/10/11	40.00
1/24/2011	205961	80.00		
			ATTND-M DAWSON/R TEICHERT	40.00
			ATTND-M DAWSON/R TEICHERT	40.00
Vendor Total		160.00		
FYTD for CITY OF RIVERSIDE		**3,083.37**		
CLEAN AIR SMOG				
1/24/2011	205962	42.50		
			REFUND-BUS.LIC OVERPYMT	42.50
Vendor Total		42.50		
FYTD for CLEAN AIR SMOG		**42.50**		
CLOVER ENTERPRISES, INC				
1/3/2011	205753	42.90		
			REFUND-BUS LIC OVRPMT	42.90
Vendor Total		42.90		
FYTD for CLOVER ENTERPRISES, INC		**42.90**		
CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC				
1/18/2011	205857	50.00		
			ANNUAL MEMBERSHIP 1/1-12/31/11	50.00
Vendor Total		50.00		
FYTD for CMRTA - CA MUNICIPAL REVENUE & TAX ASSOC		**50.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CNOA REGION IV					
	1/31/2011	206097	280.00		
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
				2/10/11 ADV. UNDERCVR OPS TRNG	40.00
	Vendor Total		**280.00**		
FYTD for CNOA REGION IV			**280.00**		
CNOA REGION V					
	1/24/2011	205963	405.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
				2/23/11 ADV GANG AWARENESS TRN	45.00
	1/31/2011	206098	45.00		
				2/23/11 ADV GANG AWARENESS TRN	45.00
	Vendor Total		**450.00**		
FYTD for CNOA REGION V			**450.00**		
CO, MARCELO					
	1/24/2011	205964	106.23		
				REFUND-CANDIDATE STMNT	106.23
	Vendor Total		**106.23**		
FYTD for CO, MARCELO			**106.23**		
COLONIAL SUPPLEMENTAL INSURANCE					
	1/24/2011	205965	6,605.89		
				SUPPLEMENTAL INSURANCE	6,605.89
	1/31/2011	206099	7,166.44		
				SUPPLEMENTAL INSURANCE	7,166.44
	Vendor Total		**13,772.33**		
FYTD for COLONIAL SUPPLEMENTAL INSURANCE			**56,444.03**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COMMUNITY HEALTH CHARITIES					
	1/3/2011	205754	126.47		
				CHC CONTRIBUTIONS	126.47
	1/18/2011	205858	186.31		
				CHC CONTRIBUTIONS	186.31
	1/31/2011	206100	186.31		
				CHC CONTRIBUTIONS	186.31
	Vendor Total		**499.09**		
FYTD for COMMUNITY HEALTH CHARITIES			**2,443.20**		
CONTINUING EDUCATION OF THE BAR					
	1/18/2011	205859	117.72		
				LEGAL PUBLICATION SUBSCPTNS	117.72
	Vendor Total		**117.72**		
FYTD for CONTINUING EDUCATION OF THE BAR			**795.57**		
CONTRERAS, ROBERT					
	1/24/2011	205966	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for CONTRERAS, ROBERT			**20.00**		
CORPIN, RUBY					
	1/24/2011	205967	75.00		
				INSTRUCTOR SVCS-CPR	75.00
	Vendor Total		**75.00**		
FYTD for CORPIN, RUBY			**75.00**		
COSTCO					
	1/3/2011	205755	2,326.44		
				MISC SUPPLIES-STARS	281.45
				MISC SUPPLIES-STARS	356.24
				MISC SUPPLIES-STARS	306.69
				MISC SUPPLIES-CHILDS PLACE	1,382.06
	1/24/2011	205968	292.98		
				MISC SUPPLIES-STARS PROGRAM	138.60
				MISC SUPPLIES-STARS PROGRAM	30.06
				MISC SUPPLIES-ECON.DEV.	21.09
				MISC SUPPLIES-STARS PROGRAM	103.23
	1/31/2011	206101	399.34		
				MISC SUPPLIES-SKATE PARK	193.42
				MISC SUPPLIES-STARS	205.92
	Vendor Total		**3,018.76**		
FYTD for COSTCO			**33,059.90**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
COUNSELING TEAM, THE					
	1/31/2011	206102	1,250.00		
				EMP COUNSELING SVCS	1,250.00
	Vendor Total		**1,250.00**		
FYTD for COUNSELING TEAM, THE			**10,000.00**		
COUNTY OF RIVERSIDE - RMAP					
	1/10/2011	205814	42.70		
				RECORDATION REQUESTS-LAND DEV	42.70
	Vendor Total		**42.70**		
FYTD for COUNTY OF RIVERSIDE - RMAP			**297.45**		
COUNTY OF RIVERSIDE AUDITOR					
	1/18/2011	205860	18,232.67		
				PARKING CONTROL FEES-CODE	16,334.67
				PARKING CONTROL FEES-CODE	1,898.00
	Vendor Total		**18,232.67**		
FYTD for COUNTY OF RIVERSIDE AUDITOR			**175,501.03**		
COVENTRY PET RESORT					
	1/24/2011	881939	110.31		
				MISC K-9 FOOD-PD	101.43
				MISC K-9 FOOD-PD	8.88
	Vendor Total		**110.31**		
FYTD for COVENTRY PET RESORT			**659.50**		
CREATIVE SOLUTIONS FOR KIDS & FAMILIES					
	1/3/2011	205756	650.00		
				REFUND-RNTL DEP 12/19	650.00
	Vendor Total		**650.00**		
FYTD for CREATIVE SOLUTIONS FOR KIDS & FAMILIES			**650.00**		
CRITICAL REACH					
	1/24/2011	205969	265.00		
				2011 TRAK SUPPORT FEES	265.00
	Vendor Total		**265.00**		
FYTD for CRITICAL REACH			**265.00**		
CROSS, GWENDOLYN					
	1/24/2011	205970	110.13		
				REFUND-CANDIDATE STMNT	110.13
	Vendor Total		**110.13**		
FYTD for CROSS, GWENDOLYN			**110.13**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
CROSSAN, RICK					
	1/31/2011	206103	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for CROSSAN, RICK			**75.00**		
CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH					
	1/31/2011	206104	578.00		
				HEALTH PERMIT RNWL-SNNYMD PARK	578.00
	Vendor Total		**578.00**		
FYTD for CTY OF RIV DEPT OF ENVIRONMENTAL HEALTH			**11,905.36**		
CURRIER SANCHEZ CHIROPRACTIC					
	1/24/2011	205971	69.00		
				REFUND-BUS.LIC OVERPYMT	69.00
	Vendor Total		**69.00**		
FYTD for CURRIER SANCHEZ CHIROPRACTIC			**69.00**		
DACOLIAS, RAYMOND					
	1/18/2011	205861	266.00		
				INSTRUCTION SVCS-7 DAYS	266.00
	Vendor Total		**266.00**		
FYTD for DACOLIAS, RAYMOND			**684.00**		
DALE, KATHLEEN					
	1/3/2011	881820	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for DALE, KATHLEEN			**2,212.27**		
DATA TICKET, INC.					
	1/10/2011	881877	690.00		
				CITATION PRCSSNG-BLDG/SFTY	69.50
				CITATION PRCSSNG-ANML SVCS	620.50
	1/18/2011	881898	15,614.64		
				ADMIN CITATION PROCESSING	4,754.35
				CODE CITATION PROCESSING	10,860.29
	1/24/2011	881940	1,183.30		
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-PARKING	105.00
				CITATION PROCESSING-CODE	973.30
	Vendor Total		**17,487.94**		
FYTD for DATA TICKET, INC.			**143,504.29**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DATAQUICK CORPORATE HEADQUARTERS					
	1/24/2011	205972	130.50		
				ONLINE SUBSCRIPTION-PD	130.50
	Vendor Total		**130.50**		
FYTD for DATAQUICK CORPORATE HEADQUARTERS			**913.50**		
DAVID TRUNG DUC NGUYEN, MD					
	1/31/2011	206105	75.00		
				REFUND-BUS LIC OVRPMT	75.00
	Vendor Total		**75.00**		
FYTD for DAVID TRUNG DUC NGUYEN, MD			**75.00**		
DEFINITIVE FINANCIAL SOLUTIONS, LLC					
	1/10/2011	205815	4,875.00		
				CONSULTING SERVICES	4,875.00
	Vendor Total		**4,875.00**		
FYTD for DEFINITIVE FINANCIAL SOLUTIONS, LLC			**4,875.00**		
DEL REY APPRAISAL SRVCS					
	1/24/2011	205973	250.00		
				APPRAISAL SVC-NSP	250.00
	Vendor Total		**250.00**		
FYTD for DEL REY APPRAISAL SRVCS			**1,750.00**		
DELTA DENTAL					
	1/24/2011	205974	11,518.03		
				EMPLOYEE DENTAL INSURANCE	11,518.03
	Vendor Total		**11,518.03**		
FYTD for DELTA DENTAL			**79,369.50**		
DELTACARE USA					
	1/24/2011	205975	6,166.01		
				EMPLOYEE DENTAL INSURANCE	6,166.01
	Vendor Total		**6,166.01**		
FYTD for DELTACARE USA			**44,167.60**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
DENNIS GRUBB & ASSOCIATES, LLC				
1/10/2011	881878	455.00		
			PLAN REVIEW SVCS-FIRE PREV	455.00
1/18/2011	881899	5,430.00		
			PLAN REVIEW SERVICES	2,300.00
			PLAN REVIEW SERVICES	3,130.00
1/31/2011	881976	930.00		
			PLAN REVIEW SERVICES-FIRE PREV	930.00
	Vendor Total	**6,815.00**		
FYTD for DENNIS GRUBB & ASSOCIATES, LLC		**53,295.00**		
DEPARTMENT OF CONSERVATION				
1/13/2011	205839	991.51		
			SMI FEES LESS 5% RETAINAGE	1,043.69
			SMI FEES LESS 5% RETAINAGE	-52.18
	Vendor Total	**991.51**		
FYTD for DEPARTMENT OF CONSERVATION		**2,409.37**		
DESIGN WORKS				
1/18/2011	205862	58.50		
			YOUTH SPORTS UNIFORMS	58.50
	Vendor Total	**58.50**		
FYTD for DESIGN WORKS		**9,450.60**		
DLS LANDSCAPE, INC				
1/24/2011	205976	12,390.00		
			LANDSCAPE MAINT-CFD #1	2,160.00
			LANDSCAPE MAINT-ZONE A	10,230.00
	Vendor Total	**12,390.00**		
FYTD for DLS LANDSCAPE, INC		**86,730.00**		
DORY, ALLEEN F.				
1/3/2011	205757	229.88		
			RETIREE MED JAN '11	229.88
	Vendor Total	**229.88**		
FYTD for DORY, ALLEEN F.		**1,397.06**		
DUNN, LAURA ISABEL GARCIA				
1/18/2011	881900	152.00		
			INSTRUCTIONAL SERVICES	152.00
	Vendor Total	**152.00**		
FYTD for DUNN, LAURA ISABEL GARCIA		**380.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
E.G. BRENNAN & CO, LLC					
	1/10/2011	881879	203.91		
				FOLDING MACHINE PART-FASD	187.50
				FOLDING MACHINE PART-TAX	16.41
	Vendor Total		**203.91**		
FYTD for E.G. BRENNAN & CO, LLC			**203.91**		
E.R. BLOCK PLUMBING & HEATING, INC.					
	1/18/2011	205863	140.00		
				BACKFLOW TESTING IN ZONE D	140.00
	1/31/2011	206106	180.00		
				BACKFLOW TESTING-E3	80.00
				BACKFLOW TESTING-ZONE M	100.00
	Vendor Total		**320.00**		
FYTD for E.R. BLOCK PLUMBING & HEATING, INC.			**13,897.06**		
E5, INC.					
	1/31/2011	206107	4,655.00		
				AB32 VERIFICATION SVCS-UTILITY	4,655.00
	Vendor Total		**4,655.00**		
FYTD for E5, INC.			**4,655.00**		

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EASTERN MUNICIPAL WATER DISTRICT				
1/3/2011	205758	5,436.35		
			WATER CHARGES	207.74
			WATER CHARGES	1,565.50
			WATER CHARGES	556.49
			WATER CHARGES	41.27
			WATER CHARGES	2,413.99
			WATER CHARGES	275.56
			WATER CHARGES	112.33
			WATER CHARGES	137.47
			WATER CHARGES	63.00
			WATER CHARGES	63.00
1/10/2011	205816	9,216.64		
			WATER CHARGES	82.19
			WATER CHARGES	89.66
			WATER CHARGES	90.63
			WATER CHARGES	125.73
			WATER CHARGES	336.24
			WATER CHARGES	2,641.63
			WATER CHARGES	61.29
			WATER CHARGES	2,275.89
			WATER CHARGES	140.58
			WATER CHARGES	904.26
			WATER CHARGES	1,716.30
			WATER CHARGES	23.16
			WATER CHARGES	195.00
			WATER CHARGES	104.93
			WATER CHARGES	347.46
			WATER CHARGES	81.69
1/18/2011	205864	15,196.99		
			WATER CHARGES	807.88
			WATER CHARGES	194.25
			WATER CHARGES	699.83
			WATER CHARGES	735.43
			WATER CHARGES	36.00
			WATER CHARGES	600.12
			WATER CHARGES	1,037.62
			WATER CHARGES	90.61
			WATER CHARGES	2,911.27
			WATER CHARGES	291.12
			WATER CHARGES	1,365.36
			WATER CHARGES	406.29
			WATER CHARGES	964.12
			WATER CHARGES	1,311.40
			WATER CHARGES	870.38
			WATER CHARGES	708.34
			WATER CHARGES	30.92
			WATER CHARGES	538.98
			WATER CHARGES	424.93
			WATER CHARGES	268.17
			WATER CHARGES	106.19
			WATER CHARGES	202.60
			WATER CHARGES	123.32
			WATER CHARGES	4.03

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
			WATER CHARGES	356.23
			WATER CHARGES	111.60
1/24/2011	205977	6,438.78		
			WATER CHARGES	115.44
			WATER CHARGES	963.58
			WATER CHARGES	560.84
			WATER CHARGES	142.33
			WATER CHARGES	534.12
			WATER CHARGES	2,163.24
			WATER CHARGES	72.02
			WATER CHARGES	56.54
			WATER CHARGES	257.86
			WATER CHARGES	149.51
			WATER CHARGES	233.82
			WATER CHARGES	170.92
			WATER CHARGES	296.47
			WATER CHARGES	625.89
			WATER CHARGES	96.20
1/31/2011	206108	7,201.44		
			WATER CHARGES	269.28
			WATER CHARGES	111.87
			WATER CHARGES	253.18
			WATER CHARGES	53.43
			WATER CHARGES	161.75
			WATER CHARGES	218.23
			WATER CHARGES	1,098.92
			WATER CHARGES	227.43
			WATER CHARGES	89.91
			WATER CHARGES	2,402.13
			WATER CHARGES	636.83
			WATER CHARGES	986.29
			WATER CHARGES	15.56
			WATER CHARGES	90.23
			WATER CHARGES	20.97
			WATER CHARGES	229.05
			WATER CHARGES	42.64
			WATER CHARGES	149.74
			WATER CHARGES	72.00
			WATER CHARGES	72.00
Vendor Total		**43,490.20**		
FYTD for EASTERN MUNICIPAL WATER DISTRICT		**1,020,288.47**		

EDGELANE MOBILE PARK

1/24/2011	881941	12.47		
			REFUND UTILITY USER TAXES	12.47
Vendor Total		**12.47**		
FYTD for EDGELANE MOBILE PARK		**75.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
EGGERSTEN, ANNE					
	1/3/2011	205759	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for EGGERSTEN, ANNE			**2,159.26**		
EL RANCHO MEXICAN RESTAURANT					
	1/31/2011	206109	71.00		
				REFUND-BUS LIC OVRPMT	71.00
	Vendor Total		**71.00**		
FYTD for EL RANCHO MEXICAN RESTAURANT			**71.00**		
EMPIRE ECONOMICS, INC.					
	1/24/2011	205978	18,250.00		
				MARKET ABSORPTION STUDY-CFD 4	18,250.00
	Vendor Total		**18,250.00**		
FYTD for EMPIRE ECONOMICS, INC.			**18,250.00**		
EMPLOYMENT DEVELOPMENT DEPARTMENT					
	1/4/2011	2781	500.00		
				DEP STATE INC TAX W/H 1/4/11	500.00
	Vendor Total		**500.00**		
FYTD for EMPLOYMENT DEVELOPMENT DEPARTMENT			**656,332.61**		
ENCO UTILITY SERVICES MORENO VALLEY LLC					
	1/18/2011	881901	18,085.92		
				WORK AUTHORIZATION 40-203 EPC	5,750.00
				HIGHLAND FAIRVIEW - PM 35629	5,680.22
				WORK AUTHORIZATION # 40-239B	6,655.70
	1/31/2011	881977	19,744.18		
				12KV NEW REDLAND CKT WORK	7,444.99
				PROF SVCS-WASTE MGT FACILITY	5,019.90
				PROF SVCS-HIGHLAND FAIRVIEW	892.65
				PROF SVCS-HIGHLAND FAIRVIEW	6,337.85
				PROF SVCS-DIST SUBSTATION PLAN	48.79
	Vendor Total		**37,830.10**		
FYTD for ENCO UTILITY SERVICES MORENO VALLEY LLC			**1,372,719.94**		
ESCROW ONE - MORENO VALLEY					
	1/24/2011	205979	20.02		
				REFUND-BUS.LIC OVERPYMT	20.02
	Vendor Total		**20.02**		
FYTD for ESCROW ONE - MORENO VALLEY			**20.02**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ESPINOZA, JOE A					
	1/18/2011	205865	228.00		
				INSTRUCTIONAL SERVICES	228.00
	Vendor Total		**228.00**		
FYTD for ESPINOZA, JOE A			**1,216.00**		
EVANS ENGRAVING & AWARDS					
	1/18/2011	881902	13.05		
				2" X 9" WOODGRAIN NAME PLATE	13.05
	1/24/2011	881943	21.75		
				ENGRAVING SVCS-PARKS	21.75
	Vendor Total		**34.80**		
FYTD for EVANS ENGRAVING & AWARDS			**701.36**		
EXCEL LANDSCAPE, INC					
	1/18/2011	205866	9,328.43		
				LANDSCAPE MAINTENANCE	1,070.36
				LANDSCAPE MAINTENANCE	1,501.98
				LANDSCAPE MAINTENANCE	2,777.17
				LANDSCAPE MAINTENANCE	3,978.92
	1/24/2011	205980	3,461.07		
				LANDSCAPE MAINT-E14	3,461.07
	1/31/2011	206110	5,632.34		
				LANDSCAPE MAINT-E15	1,070.36
				LANDSCAPE MAINT-E8	1,501.98
				LANDSCAPE MAINT-E8	3,060.00
	Vendor Total		**18,421.84**		
FYTD for EXCEL LANDSCAPE, INC			**98,540.15**		
FAMILY FISH MARKET					
	1/24/2011	205981	74.07		
				REFUND-BUS.LIC OVERPYMT	74.07
	Vendor Total		**74.07**		
FYTD for FAMILY FISH MARKET			**74.07**		
FEEKEN, KARL					
	1/24/2011	205982	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for FEEKEN, KARL			**20.00**		
FEENSTRA, JOHN					
	1/3/2011	881821	361.25		
				RETIREE MED JAN '11	361.25
	Vendor Total		**361.25**		
FYTD for FEENSTRA, JOHN			**2,528.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FENCING BY ACREY, INC					
	1/24/2011	205983	31.50		
				REFUND-BUS.LIC OVERPYMT	31.50
	Vendor Total		**31.50**		
FYTD for FENCING BY ACREY, INC			**31.50**		
FIBER CARE BATHS, INC					
	1/24/2011	205984	30.34		
				REFUND-BUS.LIC OVERPYMT	30.34
	Vendor Total		**30.34**		
FYTD for FIBER CARE BATHS, INC			**30.34**		
FINESSE PERSONNEL ASSOCIATES					
	1/31/2011	881978	7,188.75		
				TEMP SVCS-A FEAL W/E 12/4-11	1,471.24
				TEMP SVCS-A FEAL W/E 12/4-11	958.76
				TEMP SVCS-A FEAL W/E 12/18	1,181.25
				TEMP SVCS-A FEAL W/E 12/25	1,215.00
				TEMP SVCS-A FEAL W/E 1/08	1,147.50
				TEMP SVCS-A FEAL W/E 1/15	1,215.00
	Vendor Total		**7,188.75**		
FYTD for FINESSE PERSONNEL ASSOCIATES			**39,073.54**		
FIRST CHOICE SERVICES					
	1/24/2011	881944	503.31		
				COFFEE SVCS-EMP PAID	28.38
				COFFEE SVCS-EMP PAID	66.72
				COFFEE SVCS-EMP PAID	140.06
				COFFEE SVCS-EMP PAID	48.38
				COFFEE SVCS-EMP PAID	115.02
				COFFEE SVCS-EMP PAID	81.98
				COFFEE SVCS-EMP PAID	22.77
	Vendor Total		**503.31**		
FYTD for FIRST CHOICE SERVICES			**4,418.08**		
FITNESS 19 CA 155 11C					
	1/31/2011	206111	269.00		
				GYM MEMBERSHIP DEDUCTIONS	269.00
	Vendor Total		**269.00**		
FYTD for FITNESS 19 CA 155 11C			**1,799.00**		
FLICKINGER, BONNIE					
	1/24/2011	205985	109.53		
				REFUND-CANDIDATE STMNT	109.53
	Vendor Total		**109.53**		
FYTD for FLICKINGER, BONNIE			**330.83**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FLORES, YVETTE					
	1/24/2011	205986	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for FLORES, YVETTE			**75.00**		
FOLEY & LARDNER					
	1/18/2011	205867	1,844.40		
				LEGAL SERVICES	1,473.60
				LEGAL SERVICES	370.80
	Vendor Total		**1,844.40**		
FYTD for FOLEY & LARDNER			**8,951.15**		
FOSTER, NANCY A.					
	1/3/2011	881822	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for FOSTER, NANCY A.			**2,212.27**		
FRANKLIN, L. C.					
	1/31/2011	206112	136.50		
				MILEAGE REIMBURSEMENT	136.50
	Vendor Total		**136.50**		
FYTD for FRANKLIN, L. C.			**879.00**		
FRAZEE INDUSTRIES, INC					
	1/10/2011	205817	4,317.60		
				TRAFFIC PAINT	4,317.60
	Vendor Total		**4,317.60**		
FYTD for FRAZEE INDUSTRIES, INC			**111,317.60**		
FROST, JOAN CHENG					
	1/18/2011	205868	152.00		
				INSTRUCTIONAL SERVICES	152.00
	Vendor Total		**152.00**		
FYTD for FROST, JOAN CHENG			**912.00**		
FUEL AND FLAME MINISTRY					
	1/31/2011	206113	750.00		
				REFUND-RNTL DEP 12/26	750.00
	Vendor Total		**750.00**		
FYTD for FUEL AND FLAME MINISTRY			**750.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
FULL THROTTLE MUFFLER					
	1/24/2011	205987	20.69		
				REFUND-BUS.LIC OVERPYMT	20.69
	Vendor Total		**20.69**		
FYTD for FULL THROTTLE MUFFLER			**20.69**		
G/M BUSINESS INTERIORS, INC.					
	1/18/2011	205869	4,718.61		
				MOVING OF OFFICE STATIONS	4,718.61
	1/31/2011	206114	732.92		
				KEYBOARD TRAYS FOR NEW EOC	732.92
	Vendor Total		**5,451.53**		
FYTD for G/M BUSINESS INTERIORS, INC.			**6,210.02**		
GAINES, MICHAEL					
	1/10/2011	205818	19.00		
				REFUND-VALLEY KIDS CAMP	19.00
	Vendor Total		**19.00**		
FYTD for GAINES, MICHAEL			**19.00**		
GALLS INC., INLAND UNIFORM					
	1/24/2011	205988	137.96		
				UNIFORM-PD	65.69
				UNIFORM-PD	72.27
	1/31/2011	206115	142.10		
				UNIFORM-PD	142.10
	Vendor Total		**280.06**		
FYTD for GALLS INC., INLAND UNIFORM			**4,145.17**		
GARCIA, CYNTHIA					
	1/10/2011	205819	64.00		
				REFUND-SHELTER FEE	64.00
	Vendor Total		**64.00**		
FYTD for GARCIA, CYNTHIA			**64.00**		
GARCIA, EDER					
	1/24/2011	205989	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for GARCIA, EDER			**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GASTON, RICHARD					
	1/3/2011	881823	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GASTON, RICHARD			**2,231.11**		
GENERAL SECURITY SERVICES, INC.					
	1/10/2011	881880	429.52		
				SECURITY SVCS-SENIOR CTR	214.76
				SECURITY SVCS-CONF & REC CTR	214.76
	1/18/2011	881903	460.20		
				SECURITY SVCS-SENIOR CTR	92.04
				SECURITY SVCS 12/12-SENIOR CTR	61.36
				SECURITY SVCS-CONF & REC CTR	306.80
	1/24/2011	881945	490.88		
				SECURITY SVCS-UTILITY	61.36
				SECURITY SVCS-CONF & REC CTR	92.04
				SECURITY SVCS-TOWNGATE	122.72
				SECURITY SVCS-TOWNGATE	138.06
				SECURITY SVCS-TOWNGATE	76.70
	1/31/2011	881979	6,201.22		
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	122.72
				SECURITY SVCS-LIBRARY	456.37
				SECURITY SVCS-CITY HALL	92.04
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-LIBRARY	613.61
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CITY HALL	306.80
				SECURITY SVCS-LIBRARY	490.88
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	291.46
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-CONF & REC CTR	306.80
				SECURITY SVCS-UTILITY	214.76
				SECURITY SVCS-CONF & REC CTR	260.78
				SECURITY SVCS-CONF & REC CTR	76.70
				SECURITY SVCS-CONF & REC CTR	122.72
				SECURITY SVCS-SENIOR CTR	61.36
				SECURITY SVCS-TOWNGATE	237.77
	Vendor Total		**7,581.82**		
FYTD for GENERAL SECURITY SERVICES, INC.			**30,455.68**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GIBBS, GIDEN, LOCHER, TURNER & SENET LLP				
1/3/2011	881824	1,423.77		
			LEGAL SVCS	1,423.77
1/18/2011	881904	19,023.70		
			LEGAL SVCS	534.59
			LEGAL SVCS	18,489.11
	Vendor Total	**20,447.47**		
FYTD for GIBBS, GIDEN, LOCHER, TURNER & SENET LLP		**102,766.53**		
GLOBAL SOFTWARE, INC				
1/18/2011	881905	10,000.00		
			SPREADSHEET SERVER	2,500.00
			SPREADSHEET SERVER	7,500.00
1/24/2011	881946	2,500.00		
			SPREADSHEET SERVER-PW ST MAINT	2,500.00
	Vendor Total	**12,500.00**		
FYTD for GLOBAL SOFTWARE, INC		**19,820.00**		
GONG ENTERPRISES, INC.				
1/3/2011	205760	456.00		
			PLAN CHECK SVCS-PM36262	456.00
	Vendor Total	**456.00**		
FYTD for GONG ENTERPRISES, INC.		**22,597.40**		
GONZALES, DOMILENA R.				
1/3/2011	881825	440.52		
			NOV-DEC '10, PAID JAN '11	440.52
	Vendor Total	**440.52**		
FYTD for GONZALES, DOMILENA R.		**1,762.08**		
GONZALES, LORENZ R.				
1/18/2011	205870	119.50		
			MILEAGE REIMBURSEMENT	82.00
			MILEAGE REIMBURSEMENT	16.50
			MILEAGE REIMBURSEMENT	21.00
	Vendor Total	**119.50**		
FYTD for GONZALES, LORENZ R.		**177.00**		
GONZALEZ, SYLVIA				
1/31/2011	206116	20.00		
			REFUND-RABIES DEPOSIT	20.00
	Vendor Total	**20.00**		
FYTD for GONZALEZ, SYLVIA		**20.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GORM INC.					
	1/18/2011	205871	3,350.30		
				JANITORIAL SUPPLIES-PARKS	2,401.00
				JANITORIAL SUPPLIES-CFD#1	949.30
	1/24/2011	205990	880.77		
				JANITORIAL SUPPLIES	880.77
	Vendor Total		**4,231.07**		
FYTD for GORM INC.			**6,452.31**		
GOSCH TOWING & RECOVERY					
	1/31/2011	206117	800.00		
				TOWING SVCS-PD	800.00
	Vendor Total		**800.00**		
FYTD for GOSCH TOWING & RECOVERY			**800.00**		
GOYA FOODS OF CALIFORNIA					
	1/24/2011	205991	49.74		
				REFUND-BUS.LIC OVERPYMT	49.74
	Vendor Total		**49.74**		
FYTD for GOYA FOODS OF CALIFORNIA			**49.74**		
GOZDECKI, DAN					
	1/10/2011	881881	432.00		
				INSTRUCTOR SVCS-KUNG FU	216.00
				INSTRUCTOR SVCS-KUNG FU	216.00
	1/31/2011	881980	594.00		
				INSTRUCTOR SVCS-KUNG FU	243.00
				INSTRUCTOR SVCS-KUNG FU	351.00
	Vendor Total		**1,026.00**		
FYTD for GOZDECKI, DAN			**5,184.00**		
GRAFFITI TRACKER, INC.					
	1/18/2011	881906	9,000.00		
				GRAFFITI ANALYSIS/SERVICES	9,000.00
	Vendor Total		**9,000.00**		
FYTD for GRAFFITI TRACKER, INC.			**31,815.00**		
GRANICUS, INC.					
	1/24/2011	205992	2,000.00		
				VIDEO STREAMING SVCS	1,000.00
				VIDEO STREAMING SVCS	1,000.00
	Vendor Total		**2,000.00**		
FYTD for GRANICUS, INC.			**7,000.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GREENSTONE MATERIALS					
	1/10/2011	205820	748.00		
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	50.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	42.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
				EMERY MATERIAL	52.00
	Vendor Total		**748.00**		
FYTD for GREENSTONE MATERIALS			**748.00**		
GREINES, MARTIN, STEIN & RICHLAND, LLP					
	1/31/2011	881981	940.68		
				LEGAL SERVICES	940.68
	Vendor Total		**940.68**		
FYTD for GREINES, MARTIN, STEIN & RICHLAND, LLP			**14,556.14**		
GRIFFIN, MARLENE C					
	1/3/2011	881826	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GRIFFIN, MARLENE C			**2,152.33**		
GROUP DELTA CONSULTANTS, INC					
	1/18/2011	881907	2,143.50		
				DAY ST IMPRVMNTS PROJ SVCS	2,143.50
	1/24/2011	206072	1,325.00		
				ALESSANDRO/INDIAN SIDEWLK PROJ	1,325.00
	Vendor Total		**3,468.50**		
FYTD for GROUP DELTA CONSULTANTS, INC			**12,105.50**		
GUILLAN, REBECCA S.					
	1/3/2011	881827	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUILLAN, REBECCA S.			**2,064.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
GUILLIS, LINDA B.					
	1/3/2011	205761	0.00		
				RETIREE MED JAN '11	318.73
				VOIDED CHECK #205761 ON1/31/11	-318.73
	Vendor Total		**0.00**		
FYTD for GUILLIS, LINDA B.			**1,912.38**		
GUTIERREZ, ROBERT					
	1/3/2011	881828	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for GUTIERREZ, ROBERT			**2,231.11**		
GUZMAN'S CART SERVICE					
	1/10/2011	881882	4,049.00		
				CART RTRVL SVCS-CODE	4,049.00
	Vendor Total		**4,049.00**		
FYTD for GUZMAN'S CART SERVICE			**28,343.00**		
H P COMMUNICATIONS, INC					
	1/24/2011	205993	25.00		
				REFUND-BUS.LIC OVERPYMT	25.00
	Vendor Total		**25.00**		
FYTD for H P COMMUNICATIONS, INC			**25.00**		
HAISTY, XIU HUA					
	1/31/2011	881982	30.00		
				INSTRUCTOR SVCS-TAI CHI	30.00
	Vendor Total		**30.00**		
FYTD for HAISTY, XIU HUA			**240.00**		
HAMLIN, WILLIAM R.					
	1/3/2011	881829	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HAMLIN, WILLIAM R.			**2,212.27**		
HAND, FRED					
	1/3/2011	205762	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for HAND, FRED			**75.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HANES, MARTIN D.					
	1/3/2011	881830	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HANES, MARTIN D.			**2,231.11**		
HARDING, JOHN S.					
	1/3/2011	205763	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HARDING, JOHN S.			**2,231.11**		
HARRIS & ASSOCIATES, INC					
	1/24/2011	205994	67.13		
				REFUND-BUS.LIC OVERPYMT	67.13
	Vendor Total		**67.13**		
FYTD for HARRIS & ASSOCIATES, INC			**67.13**		
HARTMANN, RICK					
	1/3/2011	205764	318.73		
				RETIREE MED JAN '11	318.73
	1/10/2011	205821	3,709.12		
				CONSULTING SVCS-RTS PRGM	18.79
				CONSULTING SVCS-RTS PRGM	3,690.33
	Vendor Total		**4,027.85**		
FYTD for HARTMANN, RICK			**20,921.44**		
HATFIELD, CHARLES					
	1/3/2011	881831	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HATFIELD, CHARLES			**2,231.11**		
HAUSER, ADRIANA					
	1/18/2011	205872	494.00		
				INSTRUCTION SVCS-13 DAYS	494.00
	Vendor Total		**494.00**		
FYTD for HAUSER, ADRIANA			**2,546.00**		
HEFFLEY, ROSS W.					
	1/3/2011	881832	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HEFFLEY, ROSS W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HENDERSON, GINA					
	1/18/2011	205873	110.00		
				TUITION REIMBURSEMENT	110.00
	Vendor Total		**110.00**		
FYTD for HENDERSON, GINA			**110.00**		
HERNANDEZ, ART & DOLORES					
	1/24/2011	205995	180.00		
				REFUND-BUS.LIC OVERPYMT	180.00
	Vendor Total		**180.00**		
FYTD for HERNANDEZ, ART & DOLORES			**180.00**		
HERRICK, ROBERT D.					
	1/3/2011	205765	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HERRICK, ROBERT D.			**2,231.11**		
HEYMING & JOHNSON, INC					
	1/24/2011	205996	22.63		
				REFUND-BUS.LIC OVERPYMT	22.63
	Vendor Total		**22.63**		
FYTD for HEYMING & JOHNSON, INC			**22.63**		
HIGGS, DEBRA					
	1/24/2011	205997	108.00		
				INSTRUCTOR SVCS-OIL PAINTING	72.00
				INSTRUCTOR SVCS-OIL PAINTING	36.00
	Vendor Total		**108.00**		
FYTD for HIGGS, DEBRA			**468.00**		
HINKELS & MCCOY					
	1/3/2011	205766	60.42		
				REFUND-BUS LIC OVRPMT	60.42
	Vendor Total		**60.42**		
FYTD for HINKELS & MCCOY			**60.42**		
HO, KEVIN CHINH					
	1/18/2011	205874	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for HO, KEVIN CHINH			**304.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
HOGARD, JOHN T.					
	1/10/2011	881883	116.50		
				MILEAGE REIMBURSEMENT	116.50
	Vendor Total		**116.50**		
FYTD for HOGARD, JOHN T.			**1,083.50**		
HORN, ALVIN					
	1/24/2011	205998	186.56		
				REFUND-CANDIDATE STMNT	186.56
	Vendor Total		**186.56**		
FYTD for HORN, ALVIN			**186.56**		
HOUSE OF BEAUTY					
	1/31/2011	206119	147.15		
				REFUND-BUS LIC OVRPMT	35.50
				REFUND-BUS LIC OVRPMT	61.00
				REFUND-BUS LIC OVRPMT	50.65
	Vendor Total		**147.15**		
FYTD for HOUSE OF BEAUTY			**147.15**		
HOUSER, EDITH E.					
	1/3/2011	205767	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for HOUSER, EDITH E.			**2,231.11**		
HYDRO-SCAPE PRODUCTS, INC					
	1/24/2011	206000	61.88		
				REFUND-BUS.LIC OVERPYMT	61.88
	Vendor Total		**61.88**		
FYTD for HYDRO-SCAPE PRODUCTS, INC			**61.88**		
ICC FOOTHILL CHAPTER					
	1/31/2011	206120	150.00		
				1/25/11 CA RESID. CODE SEMINAR	75.00
				1/25/11 CA RESID. CODE SEMINAR	75.00
	Vendor Total		**150.00**		
FYTD for ICC FOOTHILL CHAPTER			**150.00**		
ICMA RETIREMENT CORP 457					
	1/14/2011	2786	12,798.58		
				DEF COMP-457 1/14/11	12,798.58
	1/28/2011	2794	16,923.58		
				DEF COMP-457 1/28/11	16,923.58
	Vendor Total		**29,722.16**		
FYTD for ICMA RETIREMENT CORP 457			**142,541.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IL SORRENTO MOBILE HOME PARK					
	1/3/2011	205768	51.00		
				REFUND-BUS LIC OVRPMT	51.00
	Vendor Total		**51.00**		
FYTD for IL SORRENTO MOBILE HOME PARK			**51.00**		
ILGIA					
	1/24/2011	206001	100.00		
				2011 I.E. GANG WRKSHOP 5/19-20	100.00
	Vendor Total		**100.00**		
FYTD for ILGIA			**100.00**		
ING USA ANNUITY & LIFE INSURANCE CO.					
	1/18/2011	205875	475.00		
				NON-EXEMPT ANNUITY	475.00
	Vendor Total		**475.00**		
FYTD for ING USA ANNUITY & LIFE INSURANCE CO.			**3,325.00**		
INLAND CONTRACTORS, INC.					
	1/24/2011	881948	2,851.47		
				ABATEMENT SVCS-24326 VIA VARGA	2,851.47
	Vendor Total		**2,851.47**		
FYTD for INLAND CONTRACTORS, INC.			**20,211.63**		
INLAND EMPIRE PROPERTY SERVICE, INC					
	1/3/2011	881833	310.00		
				WEED ABATEMENT SVC-CFD #1	310.00
	Vendor Total		**310.00**		
FYTD for INLAND EMPIRE PROPERTY SERVICE, INC			**53,446.12**		
INSIDE PLANTS, INC.					
	1/18/2011	881910	316.00		
				PLANT MAINT-CRC	316.00
	Vendor Total		**316.00**		
FYTD for INSIDE PLANTS, INC.			**2,212.00**		
INTERNAL REVENUE SERVICE					
	1/4/2011	2780	2,000.00		
				DEP FED TAX W/H 1/4/11	2,000.00
	Vendor Total		**2,000.00**		
FYTD for INTERNAL REVENUE SERVICE			**2,068,510.25**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
IRIS COMPANY					
	1/18/2011	205876	269.20		
				REFUND-CLOSED-CHG.ZONE	51.85
				REFUND-CLOSED-GEN.PLAN AMEND.	217.35
	Vendor Total		**269.20**		
FYTD for IRIS COMPANY			**269.20**		
J D H CONTRACTING					
	1/24/2011	206003	72.61		
				REFUND-BUS.LIC OVERPYMT	72.61
	Vendor Total		**72.61**		
FYTD for J D H CONTRACTING			**72.61**		
JACINTO, ALEJANDRA					
	1/31/2011	206121	45.00		
				REFUND-LOST BOOK FEE	45.00
	Vendor Total		**45.00**		
FYTD for JACINTO, ALEJANDRA			**45.00**		
JANNEY & JANNEY ATTORNEY SVCS, INC.					
	1/18/2011	205877	75.00		
				COURIER SERVICES	75.00
	1/31/2011	206122	35.00		
				COURIER DELIVERY SVCS	35.00
	Vendor Total		**110.00**		
FYTD for JANNEY & JANNEY ATTORNEY SVCS, INC.			**1,133.65**		
JASON'S DELI					
	1/24/2011	206002	768.53		
				REFUND-BUS.LIC OVERPYMT	768.53
	Vendor Total		**768.53**		
FYTD for JASON'S DELI			**768.53**		
JDEDGE SOFTWARE, LLC					
	1/18/2011	881911	3,175.00		
				CONSULTANT SERVICES	3,175.00
	1/24/2011	881949	2,465.00		
				CONSULTING SERVICES	2,465.00
	Vendor Total		**5,640.00**		
FYTD for JDEDGE SOFTWARE, LLC			**17,827.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
JEFF CARPENTER, INC					
	1/24/2011	206004	50.00		
				REFUND-BUS.LIC OVERPYMT	50.00
	Vendor Total		**50.00**		
FYTD for JEFF CARPENTER, INC			**50.00**		
JOE A. GONSALVES & SON					
	1/3/2011	881834	6,300.00		
				REPRESENTATION SVCS	3,150.00
				REPRESENTATION SVCS	3,150.00
	Vendor Total		**6,300.00**		
FYTD for JOE A. GONSALVES & SON			**22,050.00**		
JONES, SANDRA					
	1/24/2011	206005	45.00		
				REFUND-CLASS REGIST	45.00
	Vendor Total		**45.00**		
FYTD for JONES, SANDRA			**45.00**		
JONES, SUSAN					
	1/3/2011	881835	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for JONES, SUSAN			**2,231.11**		
JTB SUPPLY CO., INC.					
	1/10/2011	205822	178.36		
				TRAFFIC SIGNAL MAINT.SUPPLIES	54.38
				TRAFFIC SIGNAL MAINT.SUPPLIES	123.98
	1/18/2011	205878	1,658.44		
				TRAFFIC SIGNAL MAINT.SUPPLIES	1,658.44
	Vendor Total		**1,836.80**		
FYTD for JTB SUPPLY CO., INC.			**8,655.43**		
K A R CONSTRUCTION					
	1/3/2011	205769	42.00		
				REFUND-BUS LIC OVRPMT	42.00
	Vendor Total		**42.00**		
FYTD for K A R CONSTRUCTION			**42.00**		
K D'S DONUTS					
	1/31/2011	206123	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for K D'S DONUTS			**25.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
KAN, ALICE					
	1/24/2011	206006	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for KAN, ALICE			**20.00**		
KING, PATRICIA A.					
	1/3/2011	205770	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KING, PATRICIA A.			**2,231.11**		
KOA CORPORATION					
	1/10/2011	205823	6,345.87		
				RECHE VISTA DR REALIGNMNT PROJ	6,345.87
	Vendor Total		**6,345.87**		
FYTD for KOA CORPORATION			**71,909.89**		
KOLB, CHARLES E.					
	1/3/2011	881836	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLB, CHARLES E.			**2,231.11**		
KOLLAR, KYLE					
	1/3/2011	881837	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KOLLAR, KYLE			**2,231.11**		
KYLE, GARY M.					
	1/3/2011	881838	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for KYLE, GARY M.			**2,231.11**		
LAFATA, JOSEPHINE					
	1/3/2011	881839	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LAFATA, JOSEPHINE			**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LANCE, SOLL & LUNGHARD, LLP					
	1/24/2011	206007	50.00		
				GASB UPDATE 2/2/11	25.00
				GASB UPDATE 2/2/11	25.00
	Vendor Total		**50.00**		
FYTD for LANCE, SOLL & LUNGHARD, LLP			**50.00**		
LANE GUIDE LENDORS ON LINE, INC.					
	1/24/2011	206008	109.00		
				ONLINE SUBSCRIPTION SVC-CODE	109.00
	Vendor Total		**109.00**		
FYTD for LANE GUIDE LENDORS ON LINE, INC.			**109.00**		
LANG, TRACEY					
	1/18/2011	205879	114.00		
				INSTRUCTION SVCS-3 DAYS	114.00
	Vendor Total		**114.00**		
FYTD for LANG, TRACEY			**304.00**		
LARA, JOSEPH R.					
	1/18/2011	205880	41.50		
				MILEAGE-ELECTR SAFETY SEMINAR	41.50
	Vendor Total		**41.50**		
FYTD for LARA, JOSEPH R.			**41.50**		
LAVEY, JEFFREY					
	1/24/2011	206009	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for LAVEY, JEFFREY			**20.00**		
LAWYERS TITLE INC					
	1/27/2011	110108	11,301.00		
				ACQ & ESCROW-APN 488-090-007	1,301.00
				ACQ & ESCROW-APN 488-090-007	10,000.00
	1/27/2011	110109	7,601.00		
				ACQ & ESCROW-APN 488-090-008	1,701.00
				ACQ & ESCROW-APN 488-090-008	5,900.00
	Vendor Total		**18,902.00**		
FYTD for LAWYERS TITLE INC			**129,256.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LAZARUS, MARGERY A.					
	1/3/2011	205771	115.50		
				MILEAGE REIMBURSEMENT	74.00
				MILEAGE REIMBURSEMENT	41.50
	Vendor Total		**115.50**		
FYTD for LAZARUS, MARGERY A.			**115.50**		
LEE, DAVID					
	1/24/2011	206010	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for LEE, DAVID			**100.00**		
LEE, RENITA					
	1/10/2011	205824	47.00		
				REFUND-TAE KWON DO CLASS	47.00
	Vendor Total		**47.00**		
FYTD for LEE, RENITA			**47.00**		
LEISURE ENTERPRISES					
	1/31/2011	206124	25.00		
				REFUND-BUS LIC OVRPMT	25.00
	Vendor Total		**25.00**		
FYTD for LEISURE ENTERPRISES			**9,816.25**		
LEONE, STEVEN					
	1/18/2011	205881	590.00		
				PER DIEM-NARCOTIC INVESTIG TRN	590.00
	Vendor Total		**590.00**		
FYTD for LEONE, STEVEN			**590.00**		
LEWIS, CAROLYN S.					
	1/3/2011	881840	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LEWIS, CAROLYN S.			**2,212.27**		
LEXISNEXIS					
	1/24/2011	881950	1,480.00		
				ONLINE LEGAL SVCS-CITY ATTRNY	740.00
				ONLINE LEGAL SVCS-CITY CLERKS	370.00
				ONLINE LEGAL SVCS-CDD	370.00
	Vendor Total		**1,480.00**		
FYTD for LEXISNEXIS			**11,840.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
LOGAN, CHARLES					
	1/3/2011	881841	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LOGAN, CHARLES			**2,231.11**		
LOR GEOTECHNICAL GROUP, INC.					
	1/31/2011	881984	1,760.00		
				KITCHING ST IMPRVMNT PROJ	1,760.00
	Vendor Total		**1,760.00**		
FYTD for LOR GEOTECHNICAL GROUP, INC.			**45,239.00**		
LOVE, MARISSA					
	1/3/2011	205772	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for LOVE, MARISSA			**50.00**		
LOZANO, MONICA					
	1/24/2011	206011	28.00		
				REFUND-CLASS REGIST	28.00
	Vendor Total		**28.00**		
FYTD for LOZANO, MONICA			**28.00**		
LUMLEY, ROBERT C.					
	1/3/2011	881842	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for LUMLEY, ROBERT C.			**2,231.11**		
M V P R V, INC					
	1/24/2011	206012	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for M V P R V, INC			**75.00**		
M.G.S. - MORENO GENERAL SERVICES					
	1/10/2011	205825	130.00		
				RE-KEY LOCKS @ ERC	130.00
	Vendor Total		**130.00**		
FYTD for M.G.S. - MORENO GENERAL SERVICES			**130.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MACIAS JR., ANTHONY					
	1/24/2011	206013	133.50		
				TUITION REIMBURSEMENT	133.50
	Vendor Total		**133.50**		
FYTD for MACIAS JR., ANTHONY			**228.50**		
MARCH JOINT POWERS AUTHORITY					
	1/24/2011	206014	10.10		
				GAS CHARGES-MF COMM.CTR	8.25
				GAS CHARGES-MF COMM.CTR	1.85
	Vendor Total		**10.10**		
FYTD for MARCH JOINT POWERS AUTHORITY			**43.73**		
MARINA LANDSCAPE, INC					
	1/18/2011	205882	9,186.24		
				LANDSCAPE MAINT-ZONE DSG-2S	4,994.91
				LANDSCAPE MAINT-ZONE DSG-2N	4,191.33
	Vendor Total		**9,186.24**		
FYTD for MARINA LANDSCAPE, INC			**48,784.80**		
MASCARO, CRYSTAL					
	1/24/2011	206015	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for MASCARO, CRYSTAL			**20.00**		
MASCO SERVICES OF CALIFORNIA, INC.					
	1/24/2011	206016	71.63		
				REFUND-BUS.LIC OVERPYMT	71.63
	Vendor Total		**71.63**		
FYTD for MASCO SERVICES OF CALIFORNIA, INC.			**71.63**		
MATHIS, NOLAN					
	1/3/2011	881843	296.00		
				NOV '10, PAID JAN '11	296.00
	Vendor Total		**296.00**		
FYTD for MATHIS, NOLAN			**2,072.00**		
MAXINOSKI, SUE A.					
	1/3/2011	881844	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MAXINOSKI, SUE A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MC KENNEY, LARISSA					
	1/24/2011	206017	46.00		
				REFUND-ANML SVC FEES	46.00
	Vendor Total		**46.00**		
FYTD for MC KENNEY, LARISSA			**46.00**		
MCCARTHY & BERLIN, LLP					
	1/10/2011	881884	703.00		
				LEGAL SVCS	703.00
	Vendor Total		**703.00**		
FYTD for MCCARTHY & BERLIN, LLP			**3,005.15**		
McDONALD, CHRIS					
	1/18/2011	205883	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for McDONALD, CHRIS			**1,254.00**		
MEEKS, DANIEL					
	1/10/2011	881885	220.00		
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	60.00
				SPORTS OFFICIATING SVCS	40.00
				SPORTS OFFICIATING SVCS	60.00
	Vendor Total		**220.00**		
FYTD for MEEKS, DANIEL			**1,100.00**		
MENGISTU, YESHIALEM					
	1/31/2011	206125	81.00		
				MILEAGE REIMBURSEMENT	81.00
	Vendor Total		**81.00**		
FYTD for MENGISTU, YESHIALEM			**557.00**		
MESSIN, LOUIS					
	1/3/2011	881845	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MESSIN, LOUIS			**2,231.11**		
METRO USED CARS					
	1/31/2011	206126	101.84		
				REFUND-BUS LIC OVRPMT	101.84
	Vendor Total		**101.84**		
FYTD for METRO USED CARS			**101.84**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MEYER & ASSOCIATES					
	1/31/2011	206127	3,865.00		
				BETHUNE WATER FEATURE ANALYSIS	3,865.00
	Vendor Total		**3,865.00**		
FYTD for MEYER & ASSOCIATES			**3,865.00**		
MILES, ROBERT					
	1/3/2011	881846	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for MILES, ROBERT			**1,397.06**		
MINARD, MARK E.					
	1/3/2011	881847	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MINARD, MARK E.			**2,167.75**		
MOLLICA, MIKE					
	1/3/2011	881848	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for MOLLICA, MIKE			**2,809.94**		
MONTERO, FELICIA					
	1/24/2011	206018	42.00		
				REFUND-CLASS REGIST	42.00
	Vendor Total		**42.00**		
FYTD for MONTERO, FELICIA			**42.00**		
MOORHEAD, LINDA					
	1/24/2011	206019	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for MOORHEAD, LINDA			**75.00**		
MORA, PATRICIA A.					
	1/3/2011	881849	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MORA, PATRICIA A.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORAES, RENATO					
	1/31/2011	206128	36.00		
				REFUND-DROPPED CLASS	36.00
	Vendor Total		**36.00**		
FYTD for MORAES, RENATO			**36.00**		
MORENO MINI MALL					
	1/24/2011	206020	48.30		
				REFUND-BUS.LIC OVERPYMT	48.30
	Vendor Total		**48.30**		
FYTD for MORENO MINI MALL			**48.30**		
MORENO VALLEY CAR WASH					
	1/18/2011	205884	67.50		
				REFUND-BUS.LIC OVERPYMT	67.50
	Vendor Total		**67.50**		
FYTD for MORENO VALLEY CAR WASH			**97.50**		
MORENO VALLEY CHAMBER OF COMMERCE					
	1/3/2011	205773	6,000.00		
				BUSINESS SERVICES	6,000.00
	1/10/2011	205826	60.00		
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
				12/15/10 WAKE-UP MEETING	15.00
	1/18/2011	205885	150.00		
				ANNL INSTALLATION/AWARDS EVENT	75.00
				ANNL INSTALLATION/AWARDS EVENT	75.00
	Vendor Total		**6,210.00**		
FYTD for MORENO VALLEY CHAMBER OF COMMERCE			**21,610.00**		
MORENO VALLEY CITY EMPLOYEES ASSOC.					
	1/3/2011	2776	1,567.50		
				MVCEA DUES 01/03/11	1,567.50
	1/14/2011	2785	1,567.50		
				MVCEA DUES 1/14/11	1,567.50
	1/28/2011	2793	1,573.00		
				MVCEA DUES 1/28/11	1,573.00
	Vendor Total		**4,708.00**		
FYTD for MORENO VALLEY CITY EMPLOYEES ASSOC.			**25,084.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORENO VALLEY GATEWAY, LLC					
	1/18/2011	881912	17,142.59		
				LEASE-FACILITIES ANNEX	2,458.97
				LEASE-TECH.SVCS ANNEX	5,475.90
				LEASE-SPEC.DIST.ANNEX	9,207.72
	Vendor Total		**17,142.59**		
FYTD for MORENO VALLEY GATEWAY, LLC			**119,998.13**		
MORENO VALLEY UNIFIED SCHOOL DISTRICT					
	1/24/2011	206021	120.00		
				ASES TRANSPORTATION	120.00
	1/24/2011	206022	315.00		
				ASES TRANSPORTATION	315.00
	Vendor Total		**435.00**		
FYTD for MORENO VALLEY UNIFIED SCHOOL DISTRICT			**26,509.95**		
MORENO VALLEY UTILITY					
	1/31/2011	206129	89.14		
				ELECTRICITY-UT FLD OFFICE	89.14
	Vendor Total		**89.14**		
FYTD for MORENO VALLEY UTILITY			**526,697.08**		
MORENO, ALBERT					
	1/18/2011	205886	750.00		
				REFUND-12/26 EVENT DEPOSIT	750.00
	Vendor Total		**750.00**		
FYTD for MORENO, ALBERT			**750.00**		
MORENO, MANUAL					
	1/24/2011	206023	77.00		
				REFUND-CLASS REGIST	77.00
	Vendor Total		**77.00**		
FYTD for MORENO, MANUAL			**77.00**		
MORGAN, LISA A.					
	1/3/2011	881850	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for MORGAN, LISA A.			**2,231.11**		
MORKUS, JURIS MORKUS					
	1/24/2011	206024	16.46		
				REFUND-BUS.LIC OVERPYMT	16.46
	Vendor Total		**16.46**		
FYTD for MORKUS, JURIS MORKUS			**16.46**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
MORLEY, JOSHUA					
	1/31/2011	206130	75.00		
				REFUND-SPAY/NEUTER DEPOSIT	20.00
				REFUND-SPAY/NEUTER DEPOSIT	55.00
	Vendor Total		**75.00**		
FYTD for MORLEY, JOSHUA			**75.00**		
MSA SYSTEMS, INC.					
	1/10/2011	881886	999.55		
				RECEIPT LABELS	864.00
				RECEIPT LABELS	59.95
				RECEIPT LABELS	75.60
	Vendor Total		**999.55**		
FYTD for MSA SYSTEMS, INC.			**999.55**		
MUSICK, PEELER & GARRETT, LLP					
	1/24/2011	206025	4,280.00		
				LEGAL SVCS	2,600.00
				LEGAL SVCS	1,680.00
	Vendor Total		**4,280.00**		
FYTD for MUSICK, PEELER & GARRETT, LLP			**18,659.34**		
MUZAK, LLC					
	1/24/2011	206026	60.52		
				REFUND-BUS.LIC OVERPYMT	60.52
	Vendor Total		**60.52**		
FYTD for MUZAK, LLC			**60.52**		
NATIONWIDE RETIREMENT SOLUTIONS					
	1/3/2011	2774	8,323.82		
				PST DEF COMP FOR FICA 01/03/11	8,323.82
	1/3/2011	2775	2,234.13		
				DEF COMP-457 & 401(A) 01/03/11	2,234.13
	1/14/2011	2783	1,461.66		
				PST DEF COMP FOR FICA 1/14/11	1,461.66
	1/14/2011	2784	23,722.40		
				DEF COMP-457 & 401(A) 1/14/11	23,722.40
	1/28/2011	2791	9,761.96		
				PST DEF COMP FOR FICA 1/28/11	9,761.96
	1/28/2011	2792	23,712.80		
				DEF COMP-457 & 401(A) 1/28/11	23,712.80
	Vendor Total		**69,216.77**		
FYTD for NATIONWIDE RETIREMENT SOLUTIONS			**479,026.81**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NAVARRETTE, RALPH					
	1/3/2011	881851	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NAVARRETTE, RALPH			**2,231.11**		
NELSON, ROBERT					
	1/3/2011	881852	325.66		
				RETIREE MED JAN '11	325.66
	Vendor Total		**325.66**		
FYTD for NELSON, ROBERT			**2,159.26**		
NELSON, RUTH L.					
	1/3/2011	881853	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NELSON, RUTH L.			**2,231.11**		
NELSON, TIMOTHY IVAN					
	1/18/2011	205887	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for NELSON, TIMOTHY IVAN			**1,520.00**		
NEUSTAEDTER, CRAIG S					
	1/3/2011	205774	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for NEUSTAEDTER, CRAIG S			**2,231.11**		
NEW HORIZON MOBILE HOME PARK					
	1/24/2011	881952	9.99		
				REFUND-UT USER TAXES	9.99
	Vendor Total		**9.99**		
FYTD for NEW HORIZON MOBILE HOME PARK			**26.42**		
NGUYEN, QUANG					
	1/24/2011	881953	59.50		
				MILEAGE REIMBURSEMENT	20.00
				MILEAGE REIMBURSEMENT	24.00
				MILEAGE REIMBURSEMENT	15.50
	Vendor Total		**59.50**		
FYTD for NGUYEN, QUANG			**348.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
NIEBURGER, JUDITH A.					
	1/3/2011	205775	401.42		
				RETIREE MED JAN '11	401.42
	Vendor Total		**401.42**		
FYTD for NIEBURGER, JUDITH A.			**2,809.94**		
NINYO & MOORE GEOTECHNICAL					
	1/18/2011	205888	4,000.75		
				IRONWOOD AVE/INDIAN BASIN PROJ	4,000.75
	1/24/2011	206027	11,992.00		
				IRONWOOD AVE/INDIAN BASIN PROJ	11,992.00
	Vendor Total		**15,992.75**		
FYTD for NINYO & MOORE GEOTECHNICAL			**29,369.75**		
NOBLES, GARRETT					
	1/18/2011	205889	114.00		
				MILEAGE REIMBURSEMENT	60.00
				MILEAGE REIMBURSEMENT	54.00
	Vendor Total		**114.00**		
FYTD for NOBLES, GARRETT			**321.50**		
OPTIMUM INCORPORATED					
	1/3/2011	205776	54.96		
				REFUND-BUS LIC OVERPYMT	54.96
	Vendor Total		**54.96**		
FYTD for OPTIMUM INCORPORATED			**54.96**		
ORACLE AMERICA					
	1/3/2011	205777	21,621.69		
				SOFTWARE LIC UPDATE & SUPPORT	21,621.69
	Vendor Total		**21,621.69**		
FYTD for ORACLE AMERICA			**21,621.69**		
ORROCK, POPKA, FORTINO & BRISLIN					
	1/24/2011	881954	384.00		
				LEGAL SVCS	384.00
	Vendor Total		**384.00**		
FYTD for ORROCK, POPKA, FORTINO & BRISLIN			**10,817.53**		
ORTEGA, ALICIA					
	1/18/2011	205890	100.00		
				REFUND-CITATION	100.00
	Vendor Total		**100.00**		
FYTD for ORTEGA, ALICIA			**100.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
OVERLAND PACIFIC & CUTLER, INC.				
1/18/2011	881913	6,720.00		
			RIGHT OF WAY SVCS-VARIOUS PROJ	6,720.00
Vendor Total		**6,720.00**		
FYTD for OVERLAND PACIFIC & CUTLER, INC.		**95,225.25**		
PACIFIC GREEN HORTICULTURAL SVC				
1/31/2011	206131	989.00		
			TURF FERTILIZATION-ZONE E	302.97
			TURF FERTILIZATION-ZONE E	550.15
			TURF FERTILIZATION-ZONE E	112.61
			TURF FERTILIZATION-ZONE E	23.27
Vendor Total		**989.00**		
FYTD for PACIFIC GREEN HORTICULTURAL SVC		**4,559.83**		
PACIFIC M H CONSTRUCTION, INC				
1/24/2011	206028	73.20		
			REFUND-BUS.LIC OVERPYMT	73.20
Vendor Total		**73.20**		
FYTD for PACIFIC M H CONSTRUCTION, INC		**73.20**		
PACIFIC TELEMANAGEMENT SERVICES				
1/24/2011	881955	438.48		
			PAYPHONE SVCS	375.84
			PAYPHONE SVCS	62.64
Vendor Total		**438.48**		
FYTD for PACIFIC TELEMANAGEMENT SERVICES		**3,069.36**		
PACIFIC UTILITY INSTALLATION, INC				
1/24/2011	206029	139.50		
			REFUND-BUS.LIC OVERPYMT	139.50
Vendor Total		**139.50**		
FYTD for PACIFIC UTILITY INSTALLATION, INC		**139.50**		
PAINTING BY ZEB BODE				
1/18/2011	205891	750.00		
			SEAL CNCRT BENCH/TABLES	750.00
Vendor Total		**750.00**		
FYTD for PAINTING BY ZEB BODE		**5,550.00**		
PANDA BOWL				
1/3/2011	205778	28.75		
			REFUND-BUS LIC OVERPYMT	28.75
Vendor Total		**28.75**		
FYTD for PANDA BOWL		**28.75**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PATRIOT HEATING & A/C					
	1/24/2011	206030	68.63		
				REFUND-BUS.LIC OVERPYMT	68.63
	Vendor Total		**68.63**		
FYTD for PATRIOT HEATING & A/C			**68.63**		
PATTERSON, ALFREY					
	1/3/2011	205779	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for PATTERSON, ALFREY			**1,397.06**		
PEDLEY SQUARE VETERINARY CLINIC					
	1/10/2011	881887	5,719.50		
				VETERINARY SVCS	5,719.50
	1/31/2011	881985	14,937.00		
				VETERINARY SERVICES-ANML SHLTR	8,669.50
				VETERINARY SERVICES-ANML SHLTR	6,267.50
	Vendor Total		**20,656.50**		
FYTD for PEDLEY SQUARE VETERINARY CLINIC			**67,035.00**		
PENA, IRIS					
	1/18/2011	205892	65.10		
				MILEAGE REIMBURSEMENT	65.10
	1/31/2011	206132	75.55		
				MILEAGE REIMBURSEMENT	75.55
	Vendor Total		**140.65**		
FYTD for PENA, IRIS			**417.00**		
PERRY, NORMA					
	1/3/2011	205780	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PERRY, NORMA			**2,231.11**		
PERS LONG TERM CARE PROGRAM					
	1/3/2011	205781	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/18/2011	205893	458.63		
				LONG TERM CARE INSURANCE	458.63
	1/31/2011	206133	458.63		
				LONG TERM CARE INSURANCE	458.63
	Vendor Total		**1,375.89**		
FYTD for PERS LONG TERM CARE PROGRAM			**7,508.12**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PITASSI ARCHITECTS, INC					
	1/31/2011	881986	20,632.70		
				CORPORATE YARD SEWER LINE PROJ	10,172.70
				CORPORATE YARD FACILITY PROJ	10,460.00
	Vendor Total		**20,632.70**		
FYTD for PITASSI ARCHITECTS, INC			**129,882.11**		
PLEASANT, TRENA					
	1/18/2011	205894	92.00		
				REFUND-CANCELLED CLASS	92.00
	Vendor Total		**92.00**		
FYTD for PLEASANT, TRENA			**92.00**		
POIEMA LANDSCAPE, INC.					
	1/18/2011	881914	3,843.15		
				LANDSCAPE MAINT-ZONE S	1,712.15
				LANDSCAPE MAINT-ZONE E-12	2,131.00
	Vendor Total		**3,843.15**		
FYTD for POIEMA LANDSCAPE, INC.			**30,303.75**		
PRICE, GEORGE E.					
	1/3/2011	881854	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PRICE, GEORGE E.			**2,231.11**		
PRIME COMMUNICATION OF CALIFORNIA, LLC					
	1/24/2011	206031	34.91		
				REFUND-BUS.LIC OVERPYMT	34.91
	Vendor Total		**34.91**		
FYTD for PRIME COMMUNICATION OF CALIFORNIA, LLC			**34.91**		
PROTECTION ONE					
	1/10/2011	205827	597.00		
				REFUND-VIBRA FIRE PERMIT FEES	300.00
				REFUND-VIBRA FIRE PERMIT FEES	276.00
				REFUND-VIBRA FIRE PERMIT FEES	21.00
	Vendor Total		**597.00**		
FYTD for PROTECTION ONE			**597.00**		
PRUDENTIAL CALIFORNIA REALTY					
	1/24/2011	206032	57.00		
				REFUND-BUS.LIC OVERPYMT	57.00
	Vendor Total		**57.00**		
FYTD for PRUDENTIAL CALIFORNIA REALTY			**57.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
PS SERVICES, INC					
	1/24/2011	206033	126.88		
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	61.00
				REFUND-BUS.LIC OVERPYMT	4.88
	Vendor Total		**126.88**		
FYTD for PS SERVICES, INC			**126.88**		
PSOMAS					
	1/18/2011	205895	136.78		
				LASSELLE ST WIDENING PROJ SVCS	136.78
	Vendor Total		**136.78**		
FYTD for PSOMAS			**26,233.28**		
PULLIAM, TRENT D.					
	1/3/2011	881855	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for PULLIAM, TRENT D.			**2,231.11**		
R & S OVERHEAD DOORS, INC.					
	1/24/2011	881956	2,270.75		
				OVERHEAD DOORS-FIRE # 48	258.00
				OVERHEAD DOORS-PSB	338.00
				OVERHEAD DOORS-PSB	49.00
				REMOVE/INSTALL NUTS-CITY YARD	561.00
				REMOVE/INSTALL NUTS-FIRE #2	729.00
				OVERHEAD DOORS-FIRE # 6	335.75
	Vendor Total		**2,270.75**		
FYTD for R & S OVERHEAD DOORS, INC.			**12,312.25**		
R G CLEANING SERVICE					
	1/24/2011	206034	35.00		
				REFUND-BUS.LIC OVERPYMT	35.00
	Vendor Total		**35.00**		
FYTD for R G CLEANING SERVICE			**35.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RALLY MANAGEMENT SERVICES, LLC					
	1/18/2011	881915	2,948.40		
				TEMP SVCS-HENDERSON W/E 12/5	719.28
				TEMP SVCS-HENDERSON W/E 12/12	719.28
				TEMP SVCS-RODRIGUEZ W/E 12/5	754.92
				TEMP SVCS-RODRIGUEZ W/E 12/12	754.92
	1/24/2011	881957	2,948.40		
				TEMP SVCS-HENDERSON W/E-12/19	719.28
				TEMP SVCS-HENDERSON W/E-12/26	719.28
				TEMP SVCS-RODRIGUEZ W/E-12/19	754.92
				TEMP SVCS-RODRIGUEZ W/E-12/26	754.92
	Vendor Total		**5,896.80**		
FYTD for RALLY MANAGEMENT SERVICES, LLC			**43,386.53**		
RAMIREZ, SERGIO					
	1/24/2011	206035	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for RAMIREZ, SERGIO			**20.00**		
RAY-RAMIREZ, DARCY L.					
	1/3/2011	205782	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RAY-RAMIREZ, DARCY L.			**956.19**		
RE PLANET					
	1/24/2011	206036	30.17		
				REFUND-BUS.LIC OVERPYMT	30.17
	Vendor Total		**30.17**		
FYTD for RE PLANET			**30.17**		
RE/ MAX RESULTS					
	1/24/2011	206037	55.98		
				REFUND-BUS.LIC OVERPYMT	55.98
	Vendor Total		**55.98**		
FYTD for RE/ MAX RESULTS			**55.98**		
RESIDENTIAL WALL SYSTEMS					
	1/24/2011	206038	66.57		
				REFUND-BUS.LIC OVERPYMT	66.57
	1/31/2011	206134	61.90		
				REFUND-BUS LIC OVRPMT	61.90
	Vendor Total		**128.47**		
FYTD for RESIDENTIAL WALL SYSTEMS			**161.82**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RHA LANDSCAPE ARCHITECTS-PLANNERS					
	1/31/2011	206135	449.02		
				SHADOW MTN PARK LIGHTING PROJ	449.02
	Vendor Total		**449.02**		
FYTD for RHA LANDSCAPE ARCHITECTS-PLANNERS			**17,532.94**		
RICK ENGINEERING COMPANY					
	1/10/2011	881889	3,977.55		
				KITCHING ST IMPRVMNT PROJ	799.39
				KITCHING ST IMPRVMNT PROJ	118.16
				KITCHING ST IMPRVMNT PROJ	3,060.00
	1/31/2011	881987	2,380.00		
				KITCHING ST IMPRVMNT PROJ	2,380.00
	Vendor Total		**6,357.55**		
FYTD for RICK ENGINEERING COMPANY			**37,008.16**		
RIVAS, ELSA					
	1/3/2011	205783	58.00		
				REFUND-LICENSE PD	58.00
	Vendor Total		**58.00**		
FYTD for RIVAS, ELSA			**58.00**		
RIVERSIDE CONSTRUCTION COMPANY, INC					
	1/20/2011	110105	4,592.06		
				RETENTN PYMT PER ESCROW AGRMNT	4,592.06
	1/20/2011	110106	16,534.13		
				RETENTN PYMT PER ESCROW AGRMNT	16,534.13
	Vendor Total		**21,126.19**		
FYTD for RIVERSIDE CONSTRUCTION COMPANY, INC			**1,548,869.40**		
RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH					
	1/18/2011	205896	250.00		
				DFA FOR RABIES	250.00
	Vendor Total		**250.00**		
FYTD for RIVERSIDE COUNTY DEPT OF PUBLIC HEALTH			**450.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY INFORMATION TECHNOLOGY				
1/24/2011	206039	242.93		
			RADIO LEASE/MAINT-TECH SVCS	170.10
			RADIO LEASE/MAINT-TECH SVCS	9.45
			RADIO LEASE/MAINT-TECH SVCS	33.12
			COMMUNICATIONS SVCS	30.26
1/31/2011	206136	1,769.45		
			MAINT FOR RADIOS-PD	1,769.45
	Vendor Total	**2,012.38**		
FYTD for RIVERSIDE COUNTY INFORMATION TECHNOLOGY		**15,243.91**		
RIVERSIDE COUNTY SHERIFF				
1/18/2011	881917	12,395.72		
			JAIL BOOKING FEES	5,188.43
			JAIL BOOKING FEES	7,207.29
	Vendor Total	**12,395.72**		
FYTD for RIVERSIDE COUNTY SHERIFF		**15,070,633.49**		
RIVERSIDE COUNTY SHERIFF BEN CLARK				
1/18/2011	205897	727.00		
			REG-TRAFF COLL INV-MOTOR VEH	287.00
			REG-TRAFF COLL INVESTIG-ADV.	440.00
1/31/2011	206137	768.00		
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-CRIME SCENE INVESTIG TRNG	205.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
			REG-VEH. THEFT INVESTIG TRNG	179.00
	Vendor Total	**1,495.00**		
FYTD for RIVERSIDE COUNTY SHERIFF BEN CLARK		**7,247.00**		
RIVERSIDE COUNTY SHERIFF COURT SERVICES				
1/3/2011	205784	672.58		
			GARNISHMENT	194.53
			GARNISHMENT	478.05
1/18/2011	205898	652.09		
			GARNISHMENT	177.34
			GARNISHMENT	474.75
1/31/2011	206138	750.90		
			GARNISHMENT	110.17
			GARNISHMENT	165.79
			GARNISHMENT	474.94
	Vendor Total	**2,075.57**		
FYTD for RIVERSIDE COUNTY SHERIFF COURT SERVICES		**9,346.92**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
RIVERSIDE COUNTY SHERIFF MV					
	1/31/2011	206139	8,914.18		
				EXTRA POLICE DUTY-RVHS	5,198.08
				EXTRA POLICE DUTY-RVHS	72.16
				EXTRA POLICE DUTY-RVHS	2,352.78
				EXTRA POLICE DUTY-RVHS	54.56
				EXTRA POLICE DUTY-RVHS	848.05
				EXTRA POLICE DUTY-RVHS	22.88
				EXTRA POLICE DUTY-RVHS	353.35
				EXTRA POLICE DUTY-RVHS	12.32
	Vendor Total		**8,914.18**		
FYTD for RIVERSIDE COUNTY SHERIFF MV			**14,860.24**		
RIVERSTONE RESIDENTIAL CA, INC					
	1/31/2011	206140	55.05		
				REFUND-BUS LIC OVRPMT	55.05
	Vendor Total		**55.05**		
FYTD for RIVERSTONE RESIDENTIAL CA, INC			**55.05**		
RLZ ENGINEERING					
	1/18/2011	881918	6,138.00		
				TEMP STAFFING SVCS-CAP PROJS	6,138.00
	Vendor Total		**6,138.00**		
FYTD for RLZ ENGINEERING			**41,850.00**		
ROBINSON, JOAQUIN DIEGO					
	1/18/2011	205899	304.00		
				INSTRUCTION SVCS-8 DAYS	304.00
	Vendor Total		**304.00**		
FYTD for ROBINSON, JOAQUIN DIEGO			**988.00**		
ROCHA, MARIA					
	1/5/2011	205797	95.00		
				REFUND-RABIES & SN DEPOSIT	20.00
				REFUND-RABIES & SN DEPOSIT	75.00
	Vendor Total		**95.00**		
FYTD for ROCHA, MARIA			**95.00**		
ROCHA, SARA L.					
	1/3/2011	881856	787.80		
				OCT-DEC '10, DEC-FEB MEDI, PD	787.80
	Vendor Total		**787.80**		
FYTD for ROCHA, SARA L.			**2,544.56**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
ROGERS, EUGENE					
	1/3/2011	881857	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROGERS, EUGENE			**2,231.11**		
ROGERS, KIANNA					
	1/18/2011	205900	162.50		
				MILEAGE REIMBURSEMENT	92.00
				MILEAGE REIMBURSEMENT	70.50
	Vendor Total		**162.50**		
FYTD for ROGERS, KIANNA			**972.00**		
ROSS, DAVID T.					
	1/3/2011	881858	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for ROSS, DAVID T.			**2,231.11**		
ROSSON, LOUIS A.					
	1/3/2011	881859	270.70		
				RETIREE MED JAN '11	174.30
				RETIREE MED JAN '11	96.40
	Vendor Total		**270.70**		
FYTD for ROSSON, LOUIS A.			**2,009.26**		
ROTO - ROOTER SERVICE & PLUMBING CO.					
	1/24/2011	206040	95.56		
				REFUND-BUS.LIC OVERPYMT	95.56
	Vendor Total		**95.56**		
FYTD for ROTO - ROOTER SERVICE & PLUMBING CO.			**95.56**		
RUSSO, JOHN					
	1/3/2011	881860	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for RUSSO, JOHN			**2,231.11**		
RUVALCABA, RAFAEL					
	1/18/2011	205901	190.00		
				INSTRUCTION SVCS-5 DAYS	190.00
	Vendor Total		**190.00**		
FYTD for RUVALCABA, RAFAEL			**190.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SA ASSOCIATES					
	1/18/2011	881919	9,450.00		
				TEMP STAFFING SVCS-CAP PROJS	9,450.00
	Vendor Total		**9,450.00**		
FYTD for SA ASSOCIATES			**76,875.00**		
SABRE LIGHTING AND SIGNS					
	1/31/2011	206141	573.49		
				EXTERIOR SIGNAGE RPLCMNT-STARS	527.35
				EXTERIOR SIGNAGE RPLCMNT-STARS	46.14
	Vendor Total		**573.49**		
FYTD for SABRE LIGHTING AND SIGNS			**17,274.49**		
SALAS, BRANDY					
	1/18/2011	205902	44.00		
				REFUND-CANCELLED CLASS	44.00
	Vendor Total		**44.00**		
FYTD for SALAS, BRANDY			**44.00**		
SALFRANK, MAUREEN					
	1/24/2011	206041	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALFRANK, MAUREEN			**20.00**		
SALGADO, ERIC					
	1/31/2011	206142	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SALGADO, ERIC			**20.00**		
SALIVA, MARVIN					
	1/24/2011	206042	30.00		
				REFUND-FALSE ALARM FEE	30.00
	Vendor Total		**30.00**		
FYTD for SALIVA, MARVIN			**30.00**		
SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP					
	1/24/2011	881958	56.00		
				FIRE EXTINGUISHERS-ANIMAL SHEL	56.00
	Vendor Total		**56.00**		
FYTD for SAN BERNARDINO & RIVERSIDE CO FIRE EQUIP			**3,049.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SAN BERNARDINO SHERIFF'S DEPT. EVOC					
	1/18/2011	205903	1,159.00		
				MOTORCYCLE TRNG INSTR COURSE	1,159.00
	Vendor Total		**1,159.00**		
FYTD for SAN BERNARDINO SHERIFF'S DEPT. EVOC			**1,159.00**		
SANTA ROSA DEVELOPERS LIMITED					
	1/18/2011	205904	683.88		
				REFUND-CHANGE OF ZONE	173.87
				REFUND-CLOSED-GEN.PLAN	510.01
	Vendor Total		**683.88**		
FYTD for SANTA ROSA DEVELOPERS LIMITED			**683.88**		
SAVAGE, SUE & ROBERT					
	1/31/2011	206143	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAVAGE, SUE & ROBERT			**20.00**		
SAWLA, POOJA					
	1/31/2011	206144	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for SAWLA, POOJA			**20.00**		
SC SIGNS					
	1/18/2011	205905	2,100.00		
				PUBLIC HEARING SITE POSTINGS	2,100.00
	Vendor Total		**2,100.00**		
FYTD for SC SIGNS			**2,100.00**		
SCHOENFELDER, LAURA					
	1/18/2011	205906	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for SCHOENFELDER, LAURA			**38.00**		
SCMAF - INLAND VALLEY					
	1/18/2011	205907	120.00		
				2010 A & I BANQUET	120.00
	Vendor Total		**120.00**		
FYTD for SCMAF - INLAND VALLEY			**120.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SECURITY LOCK & KEY					
	1/24/2011	881959	45.00		
				LOCK REPAIRS	22.50
				LOCK REPAIRS	22.50
	Vendor Total		**45.00**		
FYTD for SECURITY LOCK & KEY			**1,666.85**		
SEIFERT, VICTORIA					
	1/31/2011	206145	45.00		
				REFUND-ANIMAL SHELTER	19.00
				REFUND-ANIMAL SHELTER	10.00
				REFUND-ANIMAL SHELTER	16.00
	Vendor Total		**45.00**		
FYTD for SEIFERT, VICTORIA			**45.00**		
SERTA MATTRESS COMPANY					
	1/3/2011	205785	300.00		
				REFUND-12/17 EVENT DEPOSIT	300.00
	Vendor Total		**300.00**		
FYTD for SERTA MATTRESS COMPANY			**300.00**		
SHAH, JAGDISH					
	1/18/2011	881920	10,800.00		
				TEMP STAFFING SVCS-CAP PROJS	10,800.00
	Vendor Total		**10,800.00**		
FYTD for SHAH, JAGDISH			**122,040.00**		
SHARRETT, SHARON K.					
	1/3/2011	205786	174.30		
				RETIREE MED JAN '11	174.30
	Vendor Total		**174.30**		
FYTD for SHARRETT, SHARON K.			**1,334.46**		
SHELDON, STUART H.					
	1/3/2011	205787	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SHELDON, STUART H.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SHELL OIL CO.					
	1/10/2011	205828	48.77		
				FUEL PURCHASE	48.77
	1/24/2011	206044	143.16		
				FUEL PURCHASES	143.16
	1/24/2011	206045	1,096.70		
				FUEL PURCHASES	1,096.70
	1/24/2011	206046	18.08		
				FUEL PURCHASES	18.08
	Vendor Total		**1,306.71**		
FYTD for SHELL OIL CO.			**11,517.19**		
SHRED-IT					
	1/24/2011	206047	22.75		
				REFUND-BUS.LIC OVERPYMT	22.75
	Vendor Total		**22.75**		
FYTD for SHRED-IT			**22.75**		
SHURTLEFF, JEANNETTE L.					
	1/18/2011	881921	342.00		
				INSTRUCTION SVCS-9 DAYS	342.00
	Vendor Total		**342.00**		
FYTD for SHURTLEFF, JEANNETTE L.			**2,964.00**		
SIERRA PACIFIC ELECTRICAL CONTRACTING					
	1/31/2011	206146	1,860.00		
				REPLACE TRAFFIC DETECTOR LOOPS	1,860.00
	Vendor Total		**1,860.00**		
FYTD for SIERRA PACIFIC ELECTRICAL CONTRACTING			**1,860.00**		
SINGER & COFFIN, APC					
	1/31/2011	881990	40.00		
				LEGAL SVCS	40.00
	Vendor Total		**40.00**		
FYTD for SINGER & COFFIN, APC			**7,499.98**		
SINGLETON-DECUIR, JANISHEIA					
	1/18/2011	881922	118.00		
				MILEAGE REIMBURSEMENT	118.00
	Vendor Total		**118.00**		
FYTD for SINGLETON-DECUIR, JANISHEIA			**277.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SKONBERG, RIX					
	1/18/2011	205935	1,500.00		
				TUITION REIMBURSEMENT	1,500.00
	Vendor Total		**1,500.00**		
FYTD for SKONBERG, RIX			**1,500.00**		
SKY TRAILS MOBILE VILLAGE					
	1/24/2011	881960	49.31		
				REFUND-UT USER TAXES	49.31
	Vendor Total		**49.31**		
FYTD for SKY TRAILS MOBILE VILLAGE			**217.31**		
SLAGERMAN, SUSAN A.					
	1/3/2011	881861	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SLAGERMAN, SUSAN A.			**2,231.11**		
SMITH FLOORS & INSTALLATIONS					
	1/24/2011	206048	22.16		
				REFUND-BUS.LIC OVERPYMT	22.16
	Vendor Total		**22.16**		
FYTD for SMITH FLOORS & INSTALLATIONS			**7,794.16**		
SMITH, MARIA A.					
	1/3/2011	881862	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SMITH, MARIA A.			**2,212.27**		
SMITH, WILMA					
	1/18/2011	205908	200.00		
				REFUND-12/18 EVENT DEPOSIT	200.00
	Vendor Total		**200.00**		
FYTD for SMITH, WILMA			**200.00**		
SMUS, PAULA					
	1/10/2011	205829	37.40		
				MILEAGE REIMBURSEMENT	22.40
				MILEAGE REIMBURSEMENT	15.00
	1/24/2011	206049	93.10		
				MILEAGE REIMBURSEMENT	93.10
	Vendor Total		**130.50**		
FYTD for SMUS, PAULA			**277.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOCO GROUP, INC					
	1/10/2011	881890	6,756.90		
				FUEL PURCHASE	6,756.90
	Vendor Total		**6,756.90**		
FYTD for SOCO GROUP, INC			**157,607.90**		
SOLAR SERVICE CENTER					
	1/18/2011	205909	75.00		
				REFUND-BUS.LIC OVERPYMT	75.00
	Vendor Total		**75.00**		
FYTD for SOLAR SERVICE CENTER			**75.00**		
SOMERS, ROBERTA					
	1/24/2011	206050	75.00		
				REFUND-S/N DEPOSIT	75.00
	Vendor Total		**75.00**		
FYTD for SOMERS, ROBERTA			**75.00**		
SOUTH COAST AIR QUALITY MGMT DISTRICT					
	1/18/2011	205910	684.59		
				FIRE # 91-OPERATING FEE	379.90
				FIRE # 91-EMISSIONS FEE	109.00
				FIRE # 2-OPERATING FEE	86.69
				FIRE # 2-EMISSIONS FEE	109.00
	Vendor Total		**684.59**		
FYTD for SOUTH COAST AIR QUALITY MGMT DISTRICT			**2,076.08**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA EDISON					
	1/10/2011	205830	11,181.08		
				ELECTRICITY	118.32
				ELECTRICITY	24.80
				ELECTRICITY	21.26
				ELECTRICITY	26.65
				ELECTRICITY	115.18
				ELECTRICITY	241.31
				ELECTRICITY	926.51
				ELECTRICITY	2,831.91
				ELECTRICITY	187.02
				ELECTRICITY	418.93
				ELECTRICITY	932.08
				ELECTRICITY	745.74
				ELECTRICITY	146.37
				ELECTRICITY	813.76
				ELECTRICITY	468.41
				ELECTRICITY	412.07
				ELECTRICITY	387.59
				ELECTRICITY	22.33
				ELECTRICITY	1,817.12
				ELECTRICITY	198.34
				ELECTRICITY	138.30
				ELECTRICITY	63.33
				ELECTRICITY	123.75
	1/24/2011	206051	14,490.30		
				IFA CHARGES-SUBSTATION	14,146.73
				ELECTRIC CHARGES	343.57
	1/31/2011	206147	3,279.84		
				ELECTRICITY	25.45
				ELECTRICITY	1,034.65
				ELECTRICITY	704.85
				ELECTRICITY	137.16
				ELECTRICITY	817.85
				ELECTRICITY	344.98
				ELECTRICITY	24.57
				ELECTRICITY	48.93
				ELECTRICITY	141.40
	Vendor Total		**28,951.22**		
FYTD for SOUTHERN CALIFORNIA EDISON			**1,759,082.07**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SOUTHERN CALIFORNIA GAS CO.					
	1/24/2011	206052	11,304.40		
				GAS CHARGES	1,198.67
				GAS CHARGES	3,273.34
				GAS CHARGES	114.54
				GAS CHARGES	218.88
				GAS CHARGES	777.55
				GAS CHARGES	362.64
				GAS CHARGES	151.64
				GAS CHARGES	1,516.93
				GAS CHARGES	453.11
				GAS CHARGES	278.01
				GAS CHARGES	384.85
				GAS CHARGES	359.34
				GAS CHARGES	562.38
				GAS CHARGES	739.86
				GAS CHARGES	64.14
				GAS CHARGES	848.52
	Vendor Total		**11,304.40**		
FYTD for SOUTHERN CALIFORNIA GAS CO.			**37,468.71**		
SPARKLETTS					
	1/18/2011	205912	39.92		
				WATER SERVICE	12.28
				WATER SERVICE	27.64
	1/24/2011	206053	4.50		
				WATER SERVICE	4.50
	Vendor Total		**44.42**		
FYTD for SPARKLETTS			**426.91**		
SPECIALIZED BUSINESS SYSTEM, INC.					
	1/24/2011	206054	528.05		
				LEKTRIEVER MAINTENANCE	528.05
	Vendor Total		**528.05**		
FYTD for SPECIALIZED BUSINESS SYSTEM, INC.			**528.05**		
SPECK, GARY B.					
	1/3/2011	881863	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for SPECK, GARY B.			**2,231.11**		
SPECTRUM CARE					
	1/18/2011	881924	12,333.33		
				LANDSCAPE MAINT-ZONE E-1	10,540.00
				LANDSCAPE MAINT-ZONE E-1	1,793.33
	Vendor Total		**12,333.33**		
FYTD for SPECTRUM CARE			**90,835.36**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SPENCER, MARTHA					
	1/3/2011	881864	229.88		
				RETIREE MED JAN '11	229.88
	Vendor Total		**229.88**		
FYTD for SPENCER, MARTHA			**1,397.06**		
SPRINT/NEXTEL					
	1/18/2011	881925	642.44		
				CELL PH CHGS-GTF	35.22
				CELL PH CHGS-SET	607.22
	Vendor Total		**642.44**		
FYTD for SPRINT/NEXTEL			**2,589.23**		
STANDARD INSURANCE CO					
	1/18/2011	205913	1,926.44		
				SUPPLEMENTAL INSURANCE	1,926.44
	Vendor Total		**1,926.44**		
FYTD for STANDARD INSURANCE CO			**227,964.72**		
STANLEY CONVERGENT SECURITY SOLUTNS, INC					
	1/24/2011	881961	274.00		
				MONITORING SVCS-ANML SHLTR	175.00
				MONITORING SVCS-POLICE	99.00
	Vendor Total		**274.00**		
FYTD for STANLEY CONVERGENT SECURITY SOLUTNS, INC			**16,197.49**		
STATE BOARD OF EQUALIZATION					
	1/25/2011	1231101	1,976.00		
				SALES & USE TAX 10/1-12/31/10	1,976.00
	1/31/2011	206148	5,047.31		
				ELECTRICAL ENERGY SURCHARGE	5,047.31
	Vendor Total		**7,023.31**		
FYTD for STATE BOARD OF EQUALIZATION			**20,559.31**		
STATE DISBURSEMENT UNIT					
	1/6/2011	2773	1,835.37		
				CHILD SUPPORT W/H 01/06/11	1,835.37
	1/20/2011	2782	1,863.89		
				CHILD SUPPORT W/H 1/20/11	1,863.89
	Vendor Total		**3,699.26**		
FYTD for STATE DISBURSEMENT UNIT			**18,335.10**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STATE OF CALIFORNIA DEPT. OF JUSTICE				
1/18/2011	205914	2,961.00		
			FINGERPRINTING SVCS-PD	2,961.00
1/31/2011	206149	2,649.00		
			BLOOD ALCHL ANLYS-PD	945.00
			BLOOD ALCHL ANLYS-PD	350.00
			BLOOD ALCHL ANLYS-PD	490.00
			FINGERPRINTING SVCS-HR	192.00
			FINGERPRINTING SVCS-STARS	64.00
			FINGERPRINTING SVCS-VOL SVCS	32.00
			FINGERPRINTING SVCS-B/L	32.00
			FINGERPRINTING SVCS-PARKS	64.00
			FINGERPRINTING SVCS-PARKS	192.00
			FINGERPRINTING SVCS-PD	288.00
	Vendor Total	**5,610.00**		
FYTD for STATE OF CALIFORNIA DEPT. OF JUSTICE		**39,702.00**		
STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV				
1/18/2011	205915	145.34		
			REFUND-MVU	51.99
			REFUND-MVU	93.35
	Vendor Total	**145.34**		
FYTD for STATE OF CALIFORNIA/DEPT OF COM SVCS&DEV		**1,771.30**		
STENO SOLUTIONS TRANSCRIPTION SVCS., IN				
1/18/2011	205916	2,889.12		
			TRANSCRIPTION SVCS-PD	2,889.12
	Vendor Total	**2,889.12**		
FYTD for STENO SOLUTIONS TRANSCRIPTION SVCS., IN		**21,479.68**		
STERICYCLE (BFI)				
1/31/2011	881991	1,219.52		
			MED WASTE HAULING SVC	609.81
			MED WASTE HAULING SVC	609.71
	Vendor Total	**1,219.52**		
FYTD for STERICYCLE (BFI)		**3,901.50**		
STEVE'S VALLEY NURSERY				
1/24/2011	206055	175.00		
			PARK SAND	175.00
	Vendor Total	**175.00**		
FYTD for STEVE'S VALLEY NURSERY		**175.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
STEWART, CLIFFORD					
	1/3/2011	881865	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for STEWART, CLIFFORD			**1,774.42**		
STEWART, RICHARD A.					
	1/24/2011	206056	168.86		
				REFUND-CANDIDATE STATEMENT	168.86
	Vendor Total		**168.86**		
FYTD for STEWART, RICHARD A.			**168.86**		
STRADLING, YOCCA, CARLSON & RAUTH					
	1/10/2011	205831	10,293.96		
				LEGAL SVCS	2,227.43
				LEGAL SVCS	4,004.83
				LEGAL SVCS	250.00
				LEGAL SVCS	250.00
				LEGAL SVCS	1,282.35
				LEGAL SVCS	754.35
				LEGAL SVCS	425.00
				LEGAL SVCS	100.00
				LEGAL SVCS	700.00
				LEGAL SVCS	300.00
	1/18/2011	205917	300.36		
				LEGAL SVCS	300.36
	Vendor Total		**10,594.32**		
FYTD for STRADLING, YOCCA, CARLSON & RAUTH			**42,017.74**		
STRICKLER ASSOCIATION, THE					
	1/24/2011	881963	7,377.50		
				NEIGHBORHOOD STABILIZATION	2,745.00
				NEIGHBORHOOD STABILIZATION	1,252.50
				NEIGHBORHOOD STABILIZATION	3,380.00
	Vendor Total		**7,377.50**		
FYTD for STRICKLER ASSOCIATION, THE			**14,657.50**		
STRICKLER II, JOHN W.					
	1/3/2011	881866	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for STRICKLER II, JOHN W.			**2,231.11**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
SUNNYMEAD ACE HARDWARE					
	1/3/2011	205790	114.08		
				MISC. SUPPLIES-POLICE	13.03
				MISC. SUPPLIES-POLICE	22.83
				MISC. SUPPLIES-POLICE	8.69
				MISC. SUPPLIES-POLICE	69.53
	1/18/2011	205918	75.95		
				MISC.SUPPLIES-PARK MAINT.	32.46
				MISC.SUPPLIES-POLICE	43.49
	1/31/2011	206150	27.13		
				MISC SUPPLIES-PD	27.13
	Vendor Total		**217.16**		
FYTD for SUNNYMEAD ACE HARDWARE			**1,285.47**		
SWITZER, BANGON					
	1/31/2011	206151	112.00		
				REFUND-CLASS CANCELED	112.00
	Vendor Total		**112.00**		
FYTD for SWITZER, BANGON			**112.00**		
TARUCA, CARLOS					
	1/24/2011	206057	100.00		
				REFUND-ADMIN CITATION	100.00
	Vendor Total		**100.00**		
FYTD for TARUCA, CARLOS			**100.00**		
TAX COMPLIANCE SERVICES					
	1/18/2011	205919	6,250.00		
				UUT COMPLIANCE SERVICES	6,250.00
	Vendor Total		**6,250.00**		
FYTD for TAX COMPLIANCE SERVICES			**31,250.00**		
TEACHER CREATED MATERIALS, INC.					
	1/31/2011	206152	6,129.20		
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.85
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-STARS	1,141.84
				BUILDING FLUENCY KITS-SHIPPING	419.99
	Vendor Total		**6,129.20**		
FYTD for TEACHER CREATED MATERIALS, INC.			**6,129.20**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TEK WORKS					
	1/24/2011	206073	13,647.08		
				REPLCMNT OF EBI KEYCARD SYSTEM	12,802.19
				RELOCATE SYS PANEL AT CITY YRD	844.89
	1/31/2011	881992	145.81		
				REPAIRS @ ESA ANNEX	145.81
	Vendor Total		**13,792.89**		
FYTD for TEK WORKS			**63,284.87**		
THE GAS COMPANY					
	1/10/2011	205832	213.84		
				LINE EXTENSION-HIGHLND FIRE ST	213.84
	Vendor Total		**213.84**		
FYTD for THE GAS COMPANY			**213.84**		
THE SMOKE DETECTORS					
	1/10/2011	205833	1,000.00		
				TRUCK SMOKE OPACITY TESTS	1,000.00
	Vendor Total		**1,000.00**		
FYTD for THE SMOKE DETECTORS			**1,000.00**		
THOMSON REUTERS INC					
	1/18/2011	205920	2,652.53		
				LEGAL PUBLICATION SUBSCPTNS	199.09
				LEGAL PUBLICATION SUBSCPTNS	2,453.44
	Vendor Total		**2,652.53**		
FYTD for THOMSON REUTERS INC			**5,554.02**		
THYSSENKRUPP ELEVATOR CORPORATION					
	1/24/2011	206058	45.43		
				REFUND-BUS.LIC OVERPYMT	45.43
	Vendor Total		**45.43**		
FYTD for THYSSENKRUPP ELEVATOR CORPORATION			**45.43**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRICHE, TARA					
	1/24/2011	206059	1,411.92		
				INSTRUCTOR SVCS-BALLET 4	88.80
				INSTRUCTOR SVCS-BALLET 7	155.40
				INSTRUCTOR SVCS-BALLET 5	111.00
				INSTRUCTOR SVCS-BALLET 3	66.60
				INSTRUCTOR SVCS-DANCE 12	257.52
				INSTRUCTOR SVCS-DANCE 6	133.20
				INSTRUCTOR SVCS-DANCE 8	177.60
				INSTRUCTOR SVCS-DANCE 10	222.00
				INSTRUCTOR SVCS-HIP HOP 9	199.80
	Vendor Total		**1,411.92**		
FYTD for TRICHE, TARA			**11,956.92**		
TRI-CITY LINEN SUPPLY, INC.					
	1/3/2011	205791	166.00		
				LINEN SVCS	25.00
				LINEN SVCS	66.00
				LINEN SVCS	75.00
	1/10/2011	205834	50.00		
				LINEN SVCS	25.00
				LINEN SVCS	25.00
	1/18/2011	205921	25.00		
				LINEN SVCS	25.00
	1/31/2011	206153	25.00		
				LINEN RENTAL-CONF & REC CTR	25.00
	Vendor Total		**266.00**		
FYTD for TRI-CITY LINEN SUPPLY, INC.			**1,171.75**		
TROPICAL PLAZA NURSERY, INC					
	1/24/2011	206060	94.20		
				REFUND-BUS.LIC OVERPYMT	94.20
	Vendor Total		**94.20**		
FYTD for TROPICAL PLAZA NURSERY, INC			**94.20**		
TROPICAL PLAZA NURSERY, INC.					
	1/18/2011	205922	16,196.10		
				LANDSCAPE MAINT-ZONE E-2	15,700.00
				LANDSCAPE MAINT-ZONE E-2	496.10
	Vendor Total		**16,196.10**		
FYTD for TROPICAL PLAZA NURSERY, INC.			**130,988.49**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
TRUGREEN LANDCARE					
	1/31/2011	881993	14,614.60		
				LANDSCAPE MAINT-ZONE M	5,324.89
				LANDSCAPE MAINT-DSG 1/10	6,804.71
				LANDSCAPE MAINT-E16	2,485.00
	Vendor Total		**14,614.60**		
FYTD for TRUGREEN LANDCARE			**185,249.19**		
TUNTLAND, JAMES					
	1/3/2011	881867	267.88		
				RETIREE MED JAN '11	267.88
	Vendor Total		**267.88**		
FYTD for TUNTLAND, JAMES			**1,774.42**		
TURF STAR, INC.					
	1/24/2011	206061	700.47		
				GOLF COURSE EQUIP. PARTS	700.47
	Vendor Total		**700.47**		
FYTD for TURF STAR, INC.			**1,268.28**		
U.S. HEALTHWORKS MEDICAL GROUP					
	1/31/2011	206154	515.00		
				PRE-EMPLOYMENT PHYSICALS	360.00
				PRE-EMPLOYMENT PHYSICALS	65.00
				PRE-EMPLOYMENT PHYSICALS	90.00
	Vendor Total		**515.00**		
FYTD for U.S. HEALTHWORKS MEDICAL GROUP			**6,960.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNION BANK OF CALIFORNIA				
1/18/2011	205923	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205923 ON 1/18/11	-170.00
1/18/2011	205924	0.00		
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK#205924 ON 1/18/11	-170.00
1/18/2011	205925	980.34		
			STANDBY LOC TRANSFER FEES	291.67
			STANDBY LOC TRANSFER FEES	397.00
			STANDBY LOC TRANSFER FEES	291.67
1/18/2011	205937	0.00		
			CREDIT TO REVERSE PREV PAYMENT	-291.67
			STANDBY LOC TRANSFER FEES	170.00
			STANDBY LOC TRANSFER FEES	170.00
			VOIDED CHECK #205937ON 2/24/11	291.67
			VOIDED CHECK #205937ON 2/24/11	-170.00
			VOIDED CHECK #205937ON 2/24/11	-170.00
Vendor Total		**980.34**		
FYTD for UNION BANK OF CALIFORNIA		**58,713.22**		
UNITED PACIFIC SERVICES, INC				
1/31/2011	206155	16,694.50		
			TREE TRIMMING SVC-E3	9,869.00
			TREE TRIMMING SVC-E8	1,526.50
			TREE TRIMMING SVC-E15	1,065.00
			TREE TRIMMING SVC-E3	678.00
			TREE TRIMMING SVC-E3	2,000.00
			TREE TRIMMING SVC-E4	1,556.00
Vendor Total		**16,694.50**		
FYTD for UNITED PACIFIC SERVICES, INC		**26,811.06**		
UNITED ROTARY BRUSH CORP				
1/10/2011	881891	716.67		
			BROOM KITS-STREET SWEEPER	223.58
			BROOM KITS-STREET SWEEPER	493.09
Vendor Total		**716.67**		
FYTD for UNITED ROTARY BRUSH CORP		**19,134.47**		
UNITED SITE SERVICES OF CA, INC.				
1/18/2011	205936	107.39		
			FENCE RENTAL-ANIMAL SHELTER	107.39
1/24/2011	881965	77.33		
			PORTABLE TOILET SVC-GOLF COURS	77.33
Vendor Total		**184.72**		
FYTD for UNITED SITE SERVICES OF CA, INC.		**2,331.38**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
UNITED STATES TREASURY					
	1/3/2011	205792	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/18/2011	205926	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	1/31/2011	206156	50.00		
				PAYROLL DEDUCTION AGREEMENT	50.00
	Vendor Total		**150.00**		
FYTD for UNITED STATES TREASURY			**800.00**		
UNITED WAY OF INLAND VALLEYS					
	1/3/2011	205793	627.18		
				UNITED WAY CONTRIBUTIONS	627.18
	1/18/2011	205927	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	1/31/2011	206157	507.19		
				UNITED WAY CONTRIBUTIONS	507.19
	Vendor Total		**1,641.56**		
FYTD for UNITED WAY OF INLAND VALLEYS			**9,874.90**		
URRUTIA, MARIO					
	1/31/2011	206158	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for URRUTIA, MARIO			**20.00**		
USA MOBILITY/ARCH WIRELESS					
	1/24/2011	881966	36.59		
				PAGER SVC-PARK RANGERS	2.01
				PAGER SVC-TRANSP. DIV.	4.66
				PAGER SVC-ANIMAL SVCS	29.92
	Vendor Total		**36.59**		
FYTD for USA MOBILITY/ARCH WIRELESS			**507.92**		
VA CONSULTING, INC.					
	1/18/2011	881927	11,056.75		
				AUTO MALL STREET UPGRADES PROJ	2,317.10
				AUTO MALL STREET UPGRADES PROJ	1,037.90
				AUTO MALL STREET UPGRADES PROJ	5,711.30
				AUTO MALL STREET UPGRADES PROJ	1,990.45
	Vendor Total		**11,056.75**		
FYTD for VA CONSULTING, INC.			**83,455.40**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VACATE PEST ELIMINATION COMPANY					
	1/24/2011	881967	1,415.00		
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-EOC	55.00
				PEST CNTRL-FIRE #2	45.00
				PEST CNTRL-FIRE #6	45.00
				PEST CNTRL-FIRE #48	45.00
				PEST CNTRL-FIRE #58	45.00
				PEST CNTRL-FIRE #65	45.00
				PEST CNTRL-FIRE #91	45.00
				PEST CNTRL-FIRE #91SPECIAL	45.00
				PEST CNTRL-SENIOR CENTER	55.00
				PEST CNTRL-TOWNGATE C/C	45.00
				PEST CNTRL-UTILITIES FIELD OFF	45.00
				PEST CNTRL-PUBLIC LIBRARY	55.00
				PEST CNTRL-P.S.B.	75.00
				PEST CNTRL-CITY HALL	75.00
				PEST CNTRL-CITY YARD	115.00
				PEST CNTRL-TRANSPORT TRAILER	45.00
				PEST CNTRL-PRO SHOP	22.50
				PEST CNTRL-MVTV-3	22.50
				PEST CNTRL-C & R	75.00
				PEST CNTRL-ANIMAL SHELTER	115.00
				PEST CNTRL-ANNEX # 1	55.00
				PEST CNTRL-HOBBY SHOP	45.00
				PEST CNTRL-MARCH ASES BLDG.	45.00
				PEST CNTRL-MARCH C/C	45.00
	1/31/2011	881994	540.00		
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-AQUEDUCT BIKEWAY	50.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
				PEST CNTRL-M.V. UTILITY	40.00
	Vendor Total		**1,955.00**		
FYTD for VACATE PEST ELIMINATION COMPANY			**11,475.00**		
VALI COOPER & ASSOCIATES, INC.					
	1/18/2011	881928	640.00		
				DAY ST IMPRVMNTS PROJ SVCS	640.00
	Vendor Total		**640.00**		
FYTD for VALI COOPER & ASSOCIATES, INC.			**67,645.00**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VAS ASSOCIATES, INC.					
	1/24/2011	881968	17,040.00		
				TEMP STAFFING SVCS-CAP PROJS	17,040.00
	Vendor Total		**17,040.00**		
FYTD for VAS ASSOCIATES, INC.			**130,080.00**		
VASQUEZ, LIZ					
	1/31/2011	206159	30.00		
				REFUND-DOG ADOPTION	30.00
	Vendor Total		**30.00**		
FYTD for VASQUEZ, LIZ			**30.00**		
VERIZON					
	1/24/2011	206062	1,683.14		
				BACKBONE CHARGES	1,683.14
	Vendor Total		**1,683.14**		
FYTD for VERIZON			**11,861.61**		
VERIZON CALIFORNIA					
	1/31/2011	206160	618.41		
				PHONE CHRGS-ERC	618.41
	Vendor Total		**618.41**		
FYTD for VERIZON CALIFORNIA			**5,053.34**		
VICTOR MEDICAL CO					
	1/10/2011	205835	783.00		
				ANIMAL MEDICAL SUPPLIES	783.00
	Vendor Total		**783.00**		
FYTD for VICTOR MEDICAL CO			**8,299.81**		
VIGIL, ERNEST					
	1/3/2011	881868	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for VIGIL, ERNEST			**2,231.11**		
VINCENT, CLARENCE					
	1/3/2011	205794	1,657.32		
				JAN - 1/2 OF NOV '10, PAID JAN	1,657.32
	Vendor Total		**1,657.32**		
FYTD for VINCENT, CLARENCE			**1,657.32**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
VINTAGE ROOFING AND SOLAR CO, INC					
	1/24/2011	206063	70.35		
				REFUND-BUS.LIC OVERPYMT	70.35
	Vendor Total		**70.35**		
FYTD for VINTAGE ROOFING AND SOLAR CO, INC			**70.35**		
VISION SERVICE PLAN					
	1/18/2011	881929	4,554.54		
				EMPLOYEE VISION INSURANCE	4,554.54
	Vendor Total		**4,554.54**		
FYTD for VISION SERVICE PLAN			**30,531.47**		
VISTA PAINT CORPORATION					
	1/10/2011	205836	999.23		
				PAINT & SUPPLIES	937.21
				PAINT & SUPPLIES	62.02
	Vendor Total		**999.23**		
FYTD for VISTA PAINT CORPORATION			**6,041.62**		
VULCAN MATERIALS CO, INC.					
	1/10/2011	205837	103.17		
				ASPHALTIC MATERIALS	103.17
	1/31/2011	206161	486.00		
				ASPHALTIC MATERIALS	171.69
				ASPHALTIC MATERIALS	104.54
				ASPHALTIC MATERIALS	105.23
				ASPHALTIC MATERIALS	104.54
	Vendor Total		**589.17**		
FYTD for VULCAN MATERIALS CO, INC.			**15,606.55**		
WAGGONER JR., GLENN C.					
	1/3/2011	881869	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGGONER JR., GLENN C.			**2,231.11**		
WAGNER, GARY D.					
	1/3/2011	881870	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGNER, GARY D.			**2,212.27**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WAGONER, ROBERT					
	1/3/2011	881871	360.40		
				12-8-10 - 2-8-11, PAID JAN '11	360.40
	Vendor Total		**360.40**		
FYTD for WAGONER, ROBERT			**1,441.60**		
WAGY, CARYLON					
	1/3/2011	205795	318.73		
				DEC '10, PAID JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WAGY, CARYLON			**2,231.11**		
WALKER, ANTHONY					
	1/18/2011	205928	50.00		
				REFUND-TRAP DEPOSIT	50.00
	Vendor Total		**50.00**		
FYTD for WALKER, ANTHONY			**50.00**		
WALKER, DONNA JEAN					
	1/18/2011	881930	38.00		
				INSTRUCTION SVCS-1 DAY	38.00
	Vendor Total		**38.00**		
FYTD for WALKER, DONNA JEAN			**304.00**		
WANG'S APARTMENT					
	1/18/2011	205929	95.00		
				REFUND-BUS.LIC OVERPYMT	95.00
	Vendor Total		**95.00**		
FYTD for WANG'S APARTMENT			**95.00**		
WASSON, KIRK					
	1/18/2011	881931	228.00		
				INSTRUCTION SVCS-6 DAYS	228.00
	Vendor Total		**228.00**		
FYTD for WASSON, KIRK			**722.00**		
WAXIE SANITARY SUPPLY					
	1/18/2011	205930	97.95		
				JANITORIAL SUPPLIES	56.06
				JANITORIAL SUPPLIES	34.01
				JANITORIAL SUPPLIES	7.88
	Vendor Total		**97.95**		
FYTD for WAXIE SANITARY SUPPLY			**97.95**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WELLS FARGO BANK					
	1/24/2011	206064	2,000.00		
				A/C 22631700 TABS SERIES A	2,000.00
	1/31/2011	206162	4,000.00		
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
				TRUSTEE ANNUAL ADMIN CHRGS	2,000.00
	Vendor Total		**6,000.00**		
FYTD for WELLS FARGO BANK			**14,500.00**		
WELLS FARGO BANK, NA					
	1/31/2011	206163	750.00		
				ESCROW RE: 97 LRB PRIVT PLCMNT	750.00
	Vendor Total		**750.00**		
FYTD for WELLS FARGO BANK, NA			**750.00**		
WELLS FARGO CORPORATE TRUST					
	1/3/2011	110101	1,273.34		
				INT ON 97 CH COP VAR RATE BOND	1,273.34
	Vendor Total		**1,273.34**		
FYTD for WELLS FARGO CORPORATE TRUST			**5,779,064.04**		
WEST COAST DRYWALL & PAINT					
	1/24/2011	206065	25.52		
				REFUND-BUS.LIC OVERPYMT	25.52
	Vendor Total		**25.52**		
FYTD for WEST COAST DRYWALL & PAINT			**25.52**		
WEST PUBLISHING CORPORATION					
	1/31/2011	206164	535.00		
				AUTO TRACK SVCS-PD	535.00
	Vendor Total		**535.00**		
FYTD for WEST PUBLISHING CORPORATION			**3,710.00**		
WESTCON ELEVATOR, INC					
	1/24/2011	206066	32.30		
				REFUND-BUS.LIC OVERPYMT	32.30
	Vendor Total		**32.30**		
FYTD for WESTCON ELEVATOR, INC			**32.30**		
WESTERN INSULATIONS, LP					
	1/24/2011	206067	74.17		
				REFUND-BUS LIC OVRPMT	74.17
	Vendor Total		**74.17**		
FYTD for WESTERN INSULATIONS, LP			**74.17**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WESTERN MUNICIPAL WATER DISTRICT					
	1/24/2011	206068	163.33		
				WATER CHARGES	41.22
				WATER CHARGES	61.83
				WATER CHARGES	60.28
	Vendor Total		**163.33**		
FYTD for WESTERN MUNICIPAL WATER DISTRICT			**15,595.04**		
WHEMPNER, LYLE					
	1/24/2011	206069	20.00		
				REFUND-RABIES DEPOSIT	20.00
	Vendor Total		**20.00**		
FYTD for WHEMPNER, LYLE			**20.00**		
WIELIN, RONALD A.					
	1/3/2011	881872	318.73		
				RETIREE MED JAN '11	318.73
	Vendor Total		**318.73**		
FYTD for WIELIN, RONALD A.			**2,231.11**		
WILLDAN AND ASSOCIATES					
	1/24/2011	206070	8,474.16		
				PROF.SVCS-PLAN CHECKS	8,474.16
	Vendor Total		**8,474.16**		
FYTD for WILLDAN AND ASSOCIATES			**82,201.48**		
WILLIAMS, JANE L.					
	1/3/2011	881873	200.93		
				DEC '10, PAID JAN '11	128.78
				VSP SEPT-NOV '10, PAID JAN '11	72.15
	Vendor Total		**200.93**		
FYTD for WILLIAMS, JANE L.			**1,168.14**		
WILLIAMS, LARRY					
	1/3/2011	205796	3,710.00		
				DEC 09-NOV 10, PD JAN '11	3,710.00
	Vendor Total		**3,710.00**		
FYTD for WILLIAMS, LARRY			**3,710.00**		
WILLOUGHBY, LORIA					
	1/24/2011	881969	26.50		
				MILEAGE REIMBURSEMENT	26.50
	Vendor Total		**26.50**		
FYTD for WILLOUGHBY, LORIA			**326.50**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WINCHESTER ASSOCIATES					
	1/18/2011	205931	2,317.00		
				REFUND-CLOSED-CHG.ZONE	2,317.00
	Vendor Total		**2,317.00**		
FYTD for WINCHESTER ASSOCIATES			**2,317.00**		
WINZLER & KELLY CONSULTING ENGINEERS					
	1/31/2011	881995	11,210.00		
				TEMP STAFFING SVCS-UTILITIES	11,210.00
	Vendor Total		**11,210.00**		
FYTD for WINZLER & KELLY CONSULTING ENGINEERS			**52,057.50**		
WIRZ & COMPANY					
	1/10/2011	205838	6.37		
				SALES TAXES FOR TOW LABELS	6.37
	Vendor Total		**6.37**		
FYTD for WIRZ & COMPANY			**2,087.80**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
WURM'S JANITORIAL SERVICES, INC.					
	1/18/2011	881932	130.00		
				JANITORIAL SVCS-SENIOR SPECIAL	130.00
	1/24/2011	881970	3,208.75		
				JANITORIAL SVCS-DAY PORTER	1,768.75
				JANITORIAL SVCS-FAC.ANNEX	960.00
				CLEANING SVCS-TOWNGATE	480.00
	1/31/2011	881996	24,980.97		
				JANITORIAL SVCS-SNNYMD ELEM	184.10
				JANITORIAL SVCS-RAINBOW ELEM	310.19
				JANITORIAL SVCS-MAPLE ELEM	310.19
				JANITORIAL SVCS-STARS	224.16
				JANITORIAL SVCS-SNNYMD MIDDLE	152.10
				JANITORIAL SVCS-FAC ANNX	1,080.00
				SPECIAL CLEANINGS-CONF & REC C	2,625.00
				JANITORIAL SVCS-CITY HALL	3,532.79
				JANITORIAL SVCS-CITY YARD	260.28
				JANITORIAL SVCS-TRANS. TRAILER	73.80
				JANITORIAL SVCS-EMERG OPS CTR	516.27
				JANITORIAL SVCS-SP DIST ANNEX	551.73
				JANITORIAL SVCS-FACIL. ANNEX	93.24
				JANITORIAL SVCS-LIBRARY	1,328.85
				JANITORIAL SVCS-MARCH FIELD	955.70
				JANITORIAL SVCS-PUB SFTY BLDG	5,564.25
				JANITORIAL SVCS-GOLF PRO SHOP	644.70
				JANITORIAL SVCS-MVTV STUDIO	58.05
				JANITORIAL SVCS-SENIOR CTR	1,916.18
				JANITORIAL SVCS-CONF & REC CTR	3,447.93
				JANITORIAL SVCS-TS ANNEX	340.08
				JANITORIAL SVCS-TOWNGATE C.C.	691.38
				CARPET DRYING-PD CHIEF'S OFFCE	20.00
				PORT. EXTRACTOR TO DRY CARPET	100.00
	Vendor Total		**28,319.72**		
FYTD for WURM'S JANITORIAL SERVICES, INC.			**188,298.85**		

City of Moreno Valley

Check Register

For Period 1/1/2011 through 1/31/2011

	Check Date	Check Number	Check Amount	Description/Purpose of Payment	Payment Amount(s)
XEROX					
	1/18/2011	205934	1,571.48		
				COPIER RNTL/MAINT-PARKS	359.34
				COPIER RNTL/MAINT-PARKS	779.48
				COPIER RNTL/MAINT-PARKS	432.66
	1/31/2011	206165	8,664.45		
				COPIER EXCESS PRINTS-STARS	2,619.28
				COPIER EXCESS PRINTS-STARS	1,895.34
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,888.43
				COPIER RNTL/MAINT-STARS	114.49
				COPIER EXCESS PRINTS-STARS	2,366.58
				COPIER RNTL/MAINT-GRAPHICS	1,422.13
				COPIER RNTL/MAINT-GRAPHICS	397.79
				CREDIT-METER EXCESS PRINTS	-1,522.09
				CREDIT-METER EXCESS PRINTS	-1,631.99
	Vendor Total		**10,235.93**		
FYTD for XEROX			**47,777.96**		
YAMASHITA, JULIA J.					
	1/3/2011	881875	309.40		
				OCT-NOV '10, PAID JAN '11	309.40
	Vendor Total		**309.40**		
FYTD for YAMASHITA, JULIA J.			**1,237.60**		
ZELAYA, XENIA					
	1/24/2011	206071	47.00		
				REFUND-CLASS REGIST	47.00
	Vendor Total		**47.00**		
FYTD for ZELAYA, XENIA			**47.00**		
	Subtotal		**1,176,392.93**		
	GRAND TOTAL		**12,324,061.41**		

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015.

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017.

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto.

BACKGROUND

On June 10, 2008, the City Council awarded an agreement to STK Architecture (STK) for design professional consultant services for the Cottonwood Fire Station. The City Council also authorized the selected consultant to design future Fire Station Nos. 65 and 107 (Morrison Park) based on a qualification-based selection process subject to funding availability, fee negotiations with the preferred consultant, STK, and City Council approval.

In approving the FY 09/10 Capital Improvement Project (CIP) budget, the City Council reappropriated funding for various fire stations, allowing the Fire Department additional time to reanalyze its coverage area to size a fire station and locate it at the most effective location

On February 8, 2010, the Fire Chief presented a request to, and received concurrence from, the Public Safety Subcommittee for design and construction of the Morrison Park Fire Station.

On March 23, 2010, the City Council approved the Agreement for Design Professional Consultant Services with STK Architecture, Inc. for architectural and engineering design and construction contract administration services for Morrison Park Fire Station.

DISCUSSION

The Morrison Park Fire Station is located on APN 487-370-017, owned by the City, at 13400 Morrison Street. The adjacent property along the north property line, APN 487-370-015, is owned by YMCA of Riverside City and County. This is the future site of the YMCA Youth Center. The Morrison Park Fire Station will be a two-bay fire station with a modified floor plan layout. The fire station will have two driveways accessing from Morrison Street. The northernmost driveway is located directly opposite to Rockport Drive to facilitate the traffic along Morrison Street. This northernmost driveway will be dedicated as a shared driveway between the Fire Station and the future YMCA Youth Center.

As part of the City Condition of Approval for construction of the Morrison Park Fire Station, the City of Moreno Valley and YMCA of Riverside City and County shall enter an Irrevocable Reciprocal Easement for Ingress and Egress to provide right of way for vehicular traffic entering the Fire Station and YMCA Youth Center through the northernmost driveway.

ALTERNATIVES

1. Approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and authorize the City Manager to execute said “Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will facilitate the construction of needed facilities.*

2. Do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015, do not approve an “Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017, and do not authorize the City Manager to

execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-015 and APN 487-370-017 with the YMCA in the forms attached hereto. *This alternative will result in the delay of needed facilities.*

FISCAL IMPACT

The project is funded using 2007 Redevelopment Agency Tax Allocation Bond Series A proceeds (Fund 897) that were specifically allocated for the design and construction of the Morrison Park Fire Station. These funds must be used for their intended purpose and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGET

Fiscal Year 2010/2011 (897.91729)	$6,276,000
Total Funding	**$6,276,000**

ESTIMATED PROJECT COSTS

Final Design/Environmental Assessment/Const. Administration Services (including 10% contingency)	$ 766,000
Inspection, Testing, Geotechnical, and Survey services	$ 155,000
Communications (Riverside County IT services)	$ 50,000
Construction (including furniture and furnishings)	$5,200,000
Administrative Costs (permits, utility fees, Plan Check staff, misc.)	$ 100,000
Total Estimated Project Cost	**$6,271,000**

PRELIMINARY PROJECT SCHEDULE

Design Phase	April 2010 - June 2011
Bid and Award	July 2011 – September 2011
Notice of Construction Award	October 2011
Begin Construction	November 2011
Complete Construction	October 2012
Occupancy	November 2012

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Staff recommends the City Council approve the Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for shared use of the driveway separating the YMCA and Morrison Park Fire Station properties.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-015
Attachment "C" Irrevocable Reciprocal Easement for Ingress and Egress with the YMCA for access through APN 487-370-017

Prepared By:
Henry Ngo, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/
City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/
Assistant City Engineer

Concurred By:
Steve Curley
Fire Chief

Concurred By:
Barry Foster
Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

\\Zurich\shared\PublWork\CapProj\CapProj\PROJECTS\Henry - 11-43472527 - Morrison Park Fire Station\CC Reports\YMCA Agreement - 03-22-11 -- Morrison Park Fire Station.doc

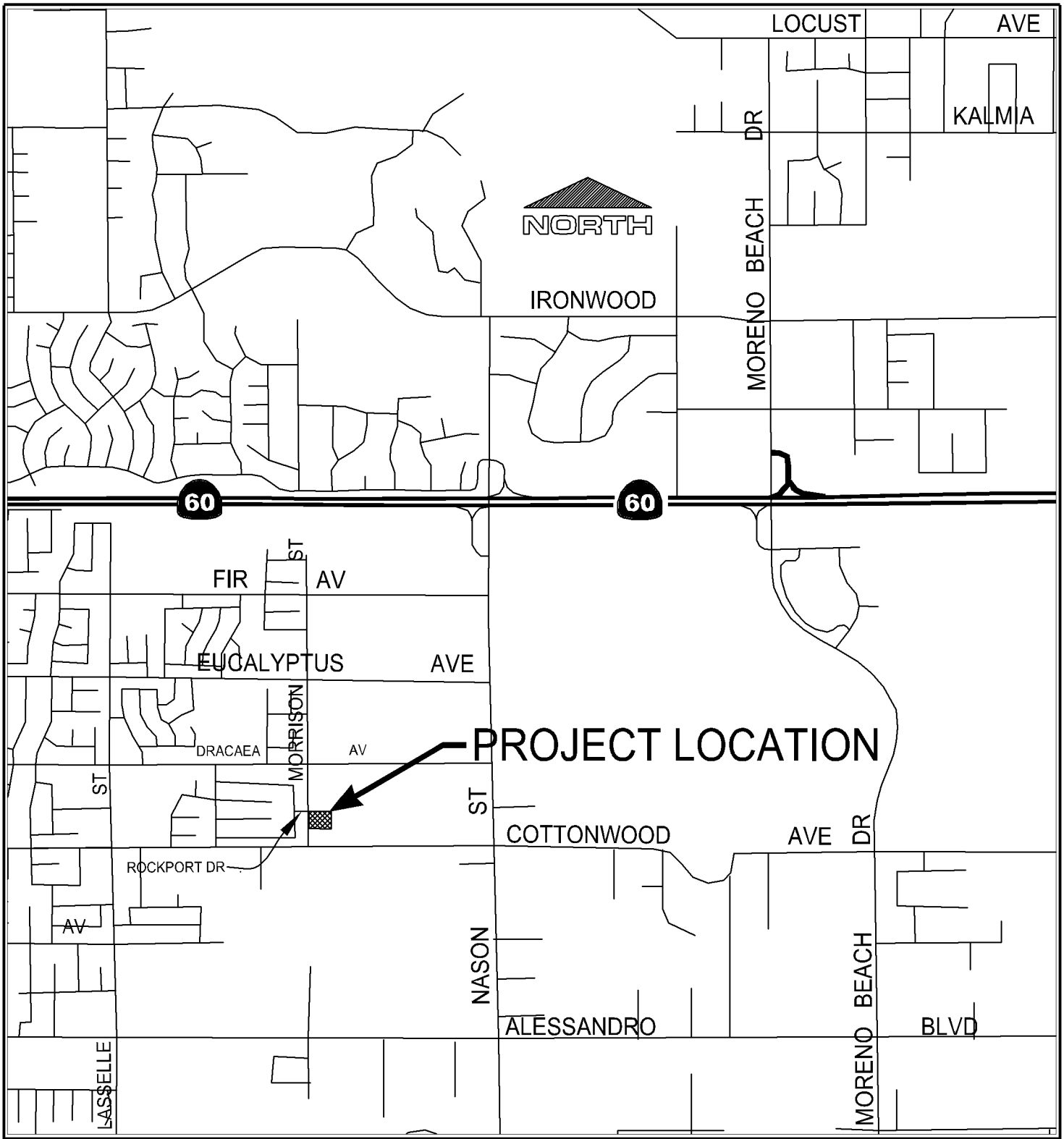

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

Attachment "A"

Morrison Park Fire Station

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MV00100829

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-015

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between YMCA of Riverside City and County ("Grantor") and City of Moreno Valley, A Municipal Corporation ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

RECITALS

1. Grantor is the owner of certain real property ("Servient Tenement") located at the Northeast Corner of the Morrison Street and Rockport Drive Intersection in the City of Moreno Valley, County of Riverside, State of California described in the Corporation Grant Deed Recorded May 4, 1987 as Instrument Number 1762364-2, records of said County and included with this agreement as Exhibit "A" and hereby incorporated by this reference.
2. Grantee is the owner of certain real property ("Dominant Tenement") located at 13400 Morrison Street in the City of Moreno Valley, County of Riverside, State of California as described in the Quitclaim Deed Recorded November 4, 2009 as Document Number 2009-0572626, Records of said County and included with this agreement as Exhibit "B" and hereby incorporated by this reference.
3. By entering into this agreement, the Grantor seeks to satisfy the requirements of the City of Moreno Valley, as set forth in the Conditional Use Permit Planning Case PA10-0032.
4. To this end, Grantor is required to grant an irrevocable reciprocal easement between the Servient Tenement and the Dominant Tenement

EASEMENT

Grantor grants Grantee the following easement over a portion of the Servient Tenement, as legally described in the attached Exhibit "C", hereby incorporated by this reference. The easement shall be subject to the terms and conditions set forth below.

A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles exiting the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "B"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Southwest Corner of the Servient Tenement and the Norththwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantor agrees to not use this easement for a means of access for traffic during the construction of any site improvements on the Servient Tenement without written approval from the Grantee.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

YMCA of Riverside City and County

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

Grantor's Signature: _____ Date: _____

Grantor's Name, Title:

City of Moreno Valley, a municipal corporation

Grantee's Signature: _____ Date: _____

HENRY GARCIA, City Manager

Approved as to Form: _____ Date: _____

City Attorney

RECORDING REQUESTED BY :
CITY OF MORENO VALLEY
WHEN RECORDED MAIL THIS
DOCUMENT TO:

CITY OF MORENO VALLEY
CAPITAL PROJECTS DIVISION
P.O. BOX 88005
MORENO VALLEY, CA 92553-0805

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley, CA

Tax Assessor's Parcel No. 487-370-017

IRREVOCABLE RECIPROCAL EASEMENT FOR INGRESS AND EGRESS

This easement agreement ("Agreement") is made by and between City of Moreno Valley, A Municipal Corporation ("Grantor") and YMCA of Riverside City and County ("Grantee") in order to create an irrevocable reciprocal easement for ingress and egress.

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A. This easement is appurtenant to the Dominant Tenement and provides for a right of way for ingress and egress of vehicular traffic, in order to provide an alternative means for vehicles entering the Dominant Tenement from Morrison Street.

B. This easement provides for the incidental rights to construct any improvements necessary for ingress, egress, maintenance and repair.

Attachment "C"

C. The access point between the Servient Tenement and the Dominant Tenement shall be located at the Northwest Corner of the Servient Tenement and the Southwest Corner of the Dominant Tenement, extending over and across drive aisles on the servient easement between said location and the nearest point of driveway ingress and egress from Morrison Street on the Servient Tenement. The Grantor reserves the right to take the access easement on and over the Servient Tenement out of service for temporary maintenance and repairs within or in the immediate vicinity of the irrevocable reciprocal access easement area.

D. This easement is nonexclusive. Grantor retains the right to make any use of the Servient Tenement in a manner that does not unreasonably interfere with Grantee's ability for ingress and egress to the Dominant Tenement. Grantee may not use this easement for a means of access for traffic during the construction of any site improvements on the Dominant Tenement, nor shall Grantee unreasonably interfere with the ability for ingress and egress to the Servient Tenement by the Grantor without written approval from the Grantor.

E. The Grantor and the Grantee shall equally bear the cost of normal repair maintenance of the improvements located within the easement area.

F. In consideration for this easement, the Grantee shall execute an irrevocable reciprocal easement in favor of the Grantor.

G. These covenants and conditions shall run with the land in perpetuity and shall be binding upon the undersigned owners, every person having a fee, leasehold, or any other interest in the properties and their successors, heirs and assigns.

H. This easement is irrevocable and shall remain in effect in perpetuity, except as modified or rescinded pursuant to the express written approval of the City of Moreno Valley.

City of Moreno Valley, a municipal corporation

Grantor's Signature: _____ Date: _____

HENRY GARCIA, City Manager

YMCA of Riverside City and County

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Grantee's Signature: _____ Date: _____

Grantee's Name, Title:

Approved as to Form: _____ Date: _____

City Attorney

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: 2010 ANNUAL REPORT OF THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council:

1) **RECEIVE AND FILE** the 2010 Annual Report of the Planning Commission; and

2) **AUTHORIZE** transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

PLANNING COMMISSION RECOMMENDATION

The 2010 Annual Report was adopted by the Planning Commission on February 24, 2011, and is forwarded to the City Council in accordance with the California Government code.

BACKGROUND

The Government Code mandates an annual Planning Commission report be presented to the legislative body (City Council) on the progress of the General Plan and its implementing mechanisms. The attached 2010 Annual Report of the Planning Commission provides the City Council with a report of the Planning Commission's actions and endeavors for the last year as required by the California Government Code.

DISCUSSION

In 2010, the Planning Commission held public hearings on 8 applications to amend the Municipal Code and/or General Plan. In addition, the Commission acted upon 16 developer-initiated applications, which included Conditional Use Permits, Plot Plans, Development Agreements and Tentative Tract Maps. The Planning Division staff also processed 609 administrative applications which include such projects as: new construction not within 300' of residential, sign permits and home occupation permits and 82 plan check reviews.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Posting of City Council Agenda.

ATTACHMENTS/EXHIBITS

1) 2010 Annual Report of the Planning Commission.

Prepared By:
Grace Espino-Salcedo
Administrative Assistant

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY OF MORENO VALLEY
Community & Economic Development Department
Planning Division

Planning Commission
ANNUAL REPORT
To the City Council

JANUARY – DECEMBER 2010

ATTACHMENT 1

TABLE OF CONTENTS

ACKNOWLEDGEMENTS 3

MAJOR ACCOMPLISHMENTS 5

GENERAL PLAN IMPLEMENTATION 9

PROJECT ACTIVITY 12

ACKNOWLEDGEMENTS

ACKNOWLEDGEMENTS

CITY COUNCIL (Elected)	**DISTRICT**	**TERM EXPIRES**
Bonnie Flickinger, Mayor	4	November 2010
Robin Hastings, Mayor Pro-Tem	3	November 2012
William H. Batey II	5	November 2012
Jesse L. Molina	1	November 2012
Richard A. Stewart	2	November 2010

PLANNING COMMISSION (Appointed)	**TERM EXPIRES**
Rick De Jong, Chairperson	March 31, 2011
Ray L. Baker, Vice-Chairperson	March 31, 2013
Michael S. Geller	March 31, 2013
Richard Dozier	March 31, 2013
George Salas, Jr.	March 31, 2013
Maria Marzoeki	March 31, 2011
George Riechers	March 31, 2011

CITY MANAGER
Robert G. Gutierrez

DEPUTY CITY MANAGER
Rick Hartmann

COMMUNITY DEVELOPMENT DEPARTMENT
Kyle Kollar, Director

Planning Division
John Terell, AICP Planning Official
Darisa Vargas, Senior Administrative Assistant
Grace Espino-Salcedo, Administrative Assistant
Chris Ormsby, AICP Senior Planner
Mark D. Gross, AICP Senior Planner
Claudia Manrique, Associate Planner
Gabriel Diaz, Associate Planner
Jeffrey Bradshaw, Associate Planner
Julia Descoteaux, Associate Planner
Leticia Esquivel, Senior Permit Technician
Yahnel Bishop, Permit Technician
Summer Looy, Permit Technician

MAJOR ACCOMPLISHMENTS

MAJOR ACCOMPLISHMENTS

The Moreno Valley Planning Commission is committed to implementing the adopted General Plan, Development Code and Design Guidelines. The Development Code and Design Guidelines, combined with the adopted Landscape Development and Specifications, are the major tools to implement the General Plan.

The purpose of this Annual Report is to highlight significant accomplishments, summarize ongoing projects, and describe special studies that the Moreno Valley Planning Commission has been working on during the 2010 calendar year. A major function of this report is to acknowledge and evaluate the ongoing implementation of the General Plan. This report is prepared in accordance with Section 65040.5 of the California Government Code.

Major Accomplishments in 2010 were:

Major development projects reviewed by the Planning Commission in 2010 were as follows:

- PA06-0173 (Plot Plan) Construction of 4,877 square feet neighborhood market located in the Village Commercial Zone (VC). Located at southeast corner of Alessandro and Redlands Boulevards (APNS: 478-430-002, 478-430-012, 013, 014 & 015).

- PA07-0147 (Plot Plan), PA07-0157 (Tentative Parcel Map No. 35837) Plot Plan for a 353,869 square foot warehouse distribution building on approximately 16.55 acres. The project includes a Tentative Parcel Map to merge the two existing parcels into one parcel. The site is zoned Light Industrial (LI) which allows for warehouse distribution facilities. Located at the northeast corner of Cactus Avenue and Joy Street.

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial © zones. Location: Citywide.

- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/O) designation from 15 to 30 dwelling units per acre. Location: Citywide.

- PA09-0025 (Plot Plan), PA09-0043 (Tentative Parcel Map No. 36262) Plot Plan with hearing for a vehicle fueling station with eight pumps, a 4,000 square foot convenience store, and a 968 square foot automated drive through carwash on 1.77 acres in the Community Commercial (CC) zone. Located at the southwest corner of Alessandro Boulevard and Moreno Beach Drive.

- PA10-0012 (FY 2010-2011 Capital Improvement Plan Conformance with the General Plan) To make a finding that the Fiscal Year 2010-2011 Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan. Various locations throughout the City of Moreno Valley.

- PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map No. 34748), P09-102 (Variance) Tentative Tract Map No. 34748 for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Change of zone to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. Located at the southeast corner of Heacock Street and Gentian Avenue.

- PA08-0079 (Master Plot Plan), PA08-0080 (Plot Plan), PA08-0081 (Tentative Tract Map No. 36083) Tentative Tract Map No. 36083 to subdivide a 16.9 acres parcel into 6 pads for commercial retail use. Pad A will include a WinCo Supermarket (95,440 square feet) and Pad F additional retail space (14,800 square feet). No specific buildings have been submitted for the other four parcels. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0045 (Conditional Use Permit) Proposal for the installation of a 50-foot tall monopine telecommunications facility to include 12 antennas, 12TMA antennas, one microwave dish, tow GPS antennas and the associated ground equipment. The monopine and the equipment shelter will be located on the west side of Cottonwood Park in the Residential Agricultural 2 (RA2) zone. Located on the east side of Lasselle Street, between Alessandro Boulevard and Bay Avenue.

- PA09-0024 (Municipal Code Amendment) An update to the Municipal Code revising the second unit development standards to include all second units in all residential zones and deleting the granny unit section; also an update to the single-family design standards to include four-sided architecture and to modify the title of the Landscape Requirements. Location: Citywide.

- PA10-0021 (General Plan Amendment) General Plan Amendment to modify the City's Bikeway Plan. Location: Citywide.

- PA10-0031 (Municipal Code Amendment) Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding pharmacy land use to the Business Park Mixed-Use (BPX) zone. Location: Citywide.

- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

- PA09-0027 (Conditional Use Permit) Conditional Use Permit to allow Big 6 Food Mart, a convenience store, to sell alcohol. The alcohol sales would be limited to the license from Alcohol Beverage Control for beer and wine only (Type-20 Off-Sale Beer and Wine license) within the hours of 8:00 a.m. and 8:30 p.m. Located at 21748 Cottonwood Avenue (APN: 263-160-037). ***(DENIED)***

Other Development Projects reviewed by the Planning Commission in 2010 as follow:

- P10-002 (Amended Plot Plan) Amended Plot Plan for modification of the original conditions of approval for Tentative Parcel Map No. 33275 to re-classify all public roads within the development as private and to eliminate the requirement for a public improvement agreement and security deposit. Located north of Alessandro Boulevard and west of Wilmot Street at Gifford Avenue and Curtis Street. ***(DENIED)***

- P10-020 (Conditional Use Permit) Construction of a new 8,700 square foot multipurpose/sanctuary located in the Community Commercial (CC) Zone. Located at 23750 Alessandro Boulevard (APNs: 296-300-005 & 296-300-007).

GENERAL PLAN IMPLEMENTATION

GENERAL PLAN IMPLEMENTATION

The General Plan and the Development Code gives the City of Moreno Valley the tools necessary to guide the development of the City into the next century.

The Planning Commission held public hearings on amendments to the General Plan and the Development Code. The amendments were approved by the Planning Commission and forwarded to the City Council for their approval.

The following General Plan Amendments were recommended for approval by the Planning Commission in 2010:

- PA07-0007 (Municipal Code Amendment) To amend Municipal Code regulations regarding: (1) trash enclosures, (2) parking standards for nail salons and hotels, (3) on street parking standards for cul-de-sac lots and flag lot width standards, (4) service station design, (5) retaining walls, (6) consolidate parking and circulation section of design guidelines into Chapter 9.11 parking and loading requirements, (7) parking lot planter islands, (8) add a dimension standard for trailer parking spaces and a requirement for the number of trailer parking spaces required, (9) permitting personal services in the Office Commercial (OC) and Business Park Mixed-Use (BPX) zones, (10) landscape setback for Commercial (C) zones. Location: Citywide.

- PA07-0005 (Municipal Code Amendment), PA10-0004 (General Plan Amendment) Municipal Code Amendment to amend various chapters in Title 9 to change Permitted Uses Table 9.02.020-1 along with the creation of two new code sections establish development criteria for mixed use development in the MUD1 and MUD2 zones and the addition of a definition for the "Live/work unit" land use. A General Plan Amendment to revise 2.4.6 by changing the density for the Residential/Office (R/) designation from 15 to 30 dwelling units per acre. Location: Citywide.

- PA10-0012 (FY 2010-2011 Capital Improvement Plan Conformance with the General Plan) To make a finding that the Fiscal Year 2010-2011 Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan. Various locations throughout the City of Moreno Valley.

- PA06-0185 (General Plan Amendment), PA06-0184 (Change of Zone), PA06-0183 (Tentative Tract Map No. 34748), P09-102 (Variance) Tentative Tract Map No. 34748 for a 135 single-family residential lot subdivision on 40 acres. This project includes a General Plan and Change of zone to change the land use from Business Park (BP) to Residential 5 (R5). Lot sizes will range from 7,200 square feet to 12,576 square feet. The proposed variance covers retaining walls on four lots (Lot Numbers 37, 38, 39 and 40) that are over three feet in height. Located at the southeast corner of Heacock Street and Gentian Avenue.

- PA09-0024 (Municipal Code Amendment) An update to the Municipal Code revising the second unit development standards to include all second units in all residential zones and deleting the granny unit section; also an update to the single-family design standards to include four-sided architecture and to modify the title of the Landscape Requirements. Location: Citywide.

- PA10-0021 (General Plan Amendment) General Plan Amendment to modify the City's Bikeway Plan. Location: Citywide.

- PA10-0031 (Municipal Code Amendment) Municipal Code Amendment to change Permitted Uses Table 9.02.020-1 in Title 9 by adding pharmacy land use to the Business Park Mixed-Use (BPX) zone. Location: Citywide.

- PA08-0053 (Amendment of the General Plan Housing Element) 2008-2014 Housing Element Review. Citywide.

PROJECT ACTIVITY

PROJECT ACTIVITY

SUMMARY OF PLANNING COMMISSION PROJECT ACTIVITY FOR THE PERIOD JANUARY 2010 THROUGH DECEMBER 2010

PROJECT TYPE	TOTAL PROJECTS REVIEWED
Amended Design Manual	0
Amended Plot Plan	1
Change of Zone	1
Conditional Use Permit	3
Conditional Use Permit Amendment	0
Development Agreement	0
Development Agreement Amendment	0
Municipal Code Amendment	4
General Plan Amendment	4
Modification to Conditions of Approval	0
Parcel Map	0
Plot Plan	4
Plot Plan Amendment	0
Reversion to Acreage	0
Specific Plan Amendment	0
Specific Plan Adoption	0
Tentative Parcel Map	2
Tentative Parcel Map Amendment	0
Tentative Tract Map	2
Tentative Tract Map Amendment	0
Tentative Tract Map Variance	0
Variance	1
Master Plot Plan and Related	1
10 Year Capital Plan Amendment	1
TOTAL PROJECTS	24

* This does not include Administrative Approvals that include such projects as: new construction not within 300' of residential, home occupation permits and signs. There were **609** Administrative Approvals and **82** plan check reviews in 2010.

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MV00100849

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: March 22, 2011

TITLE: Consideration of the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority

RECOMMENDED ACTION

Staff recommends that the City Council approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

BACKGROUND

The Western Riverside Regional Conservation Authority (RCA) was formed in 2004 to administer and implement the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). A joint powers authority, the RCA collectively acquires, administers, operates, and maintains land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the MSHCP. The RCA consists of the County of Riverside and the Cities of Moreno Valley, Lake Elsinore, Hemet, Perris, Riverside, Temecula, Corona, Banning, Beaumont, Norco, Calimesa, Murrieta, San Jacinto, Canyon Lake, Wildomar and Menifee. The City is represented on the RCA Board by Council Member William Batey.

DISCUSSION

The joint powers agreement for the Regional Conservation Authority was originally executed by the County of Riverside and 14 cities in 2004. In March, 2009, the agreement was amended to include the new cities of Wildomar and Menifee. At the February 7, 2011 meeting, the RCA Board of Directors approved the Fourth Amended and Restated agreement adding the City of Eastvale to the joint powers authority upon approval of all the member agencies.

ALTERNATIVES

1) Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff recommends this alternative.*

2) Not approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document. *Staff does not recommend this alternative.*

FISCAL IMPACT

The proposed amendment to the agreement will have no fiscal impact to the City.

SUMMARY

The approval of the proposed Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority would indicate the City's approval to add the City of Eastvale to the RCA.

COUNCIL GOALS

Positive Environment: Create a positive environment for the development of Moreno Valley's future.

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

ATTACHMENTS/EXHIBITS

Exhibit "A": Letter dated February 7, 2011 and Fourth Amended and Restated Agreement

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Regional Conservation Authority
Western Riverside County

CITY MANAGER
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Board of Directors

Chairman
Jeff Stone
County of Riverside

Vice Chairman
Jim Hyatt
City of Calimesa

Kevin Bash
City of Norco

William Batey
City of Moreno Valley

Ben Benoit
City of Wildomar

John Benoit
County of Riverside

Roger Berg
City of Beaumont

Randy Bonner
City of Canyon Lake

Bob Buster
County of Riverside

Maryann Edwards
City of Temecula

Thomas Fuhrman
City of Menifee

Mike Gardner
City of Riverside

Linda Krupa
City of Hemet

Alan Long
City of Murrieta

John Machisic
City of Banning

Melissa Melendez
City of Lake Elsinore

Scott Miller
City of San Jacinto

Eugene Montanez
City of Corona

John Tavaglione
County of Riverside

Mark Yarbrough
City of Perris

Executive Staff

Charles Landry
Executive Director

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org

February 7, 2011

The Honorable Richard A. Stewart, Mayor
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RE: CITY COUNCIL ACTION REQUESTED – FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

Dear Mayor Stewart:

The Board of Directors of the Western Riverside County Regional Conservation Authority, at their meeting of February 7, 2011, approved the Fourth Amended and Restated Joint Exercise of Powers Agreement (JPA) creating the Western Riverside County Regional Conservation Authority. Said amended agreement would add the City of Eastvale to the joint powers authority once all of the member agencies have adopted the proposed amended agreement.

Enclosed is the proposed Amended and Restated JPA along with 26 signature pages for the City of Moreno Valley. We are requesting 26 original signatures in order that all of the member agencies may be provided with a fully executed original of the JPA. Each member agency must place the item on the agenda for approval. Once it is approved, please return the JPA with the 26 original signature pages to me. Once all of the signature pages are received, each member agency will be provided with a fully executed original JPA for their records.

Your expeditious approval of the Fourth Amended and Restated Joint Exercise of Powers Agreement would be greatly appreciated in order that the City of Eastvale may become a member agency of the Western Riverside County Regional Conservation Authority as soon as possible. Should you have any questions, please feel free to call me at (951) 955-9700.

Sincerely,

Honey Bernas
Director of Administrative Services

Enclosures: Fourth Amended and Restated Joint Exercise of Powers Agreement Creating the Western Riverside County Regional Conservation Authority with 26 Signature Pages

cc: Jane Halstead, City Clerk
Henry T. Garcia, City Manager

Exhibit "A"

FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY

This Joint Powers Agreement dated _____, 2011 is made by and between the COUNTY OF RIVERSIDE, and the Cities of BANNING, BEAUMONT, CALIMESA, CANYON LAKE, CORONA, EASTVALE, HEMET, LAKE ELSINORE, MENIFEE, MORENO VALLEY, MURRIETA, NORCO, PERRIS, RIVERSIDE, SAN JACINTO, TEMECULA and WILDOMAR, hereinafter sometimes referred to collectively as "Parties," for the purpose of acquiring, administering, operating and maintaining land and facilities for ecosystem conservation and habitat reserves for certain rare, threatened and endangered species covered by the Western Riverside County Multiple Species Habitat Conservation Plan, hereinafter referred to as the "MSHCP."

RECITALS

WHEREAS, the Cities and the County, hereinafter sometimes jointly referred to as "Parties", are authorized and empowered to contract with each other for the joint exercise of powers pursuant to Article 1, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government Code of the State of California, hereinafter referred to as "the Act"; and

WHEREAS, the County and the Cities each have the authority and power to prepare and implement habitat conservation plans for the protection of rare, threatened and endangered species, and to acquire, own, maintain and operate habitat reserves for such species in connection with said habitat conservation plans; and

WHEREAS, the formation of a single public agency would most efficiently serve the interests of the County and Cities by allowing the County and the Cities to jointly exercise the aforementioned powers; and

WHEREAS, the County in consultation with the Cities has prepared the MSHCP; and

WHEREAS, the County and the Cities desire to organize themselves pursuant to

this Joint Powers Agreement, hereinafter referred to as the "Agreement", to implement the MSHCP should the MSHCP ultimately be approved by the County and Cities; and

WHEREAS, the original Joint Powers Agreement was dated January 27, 2004 and was entered into between the County of Riverside and fourteen (14) cities in western Riverside County; and

WHEREAS, the Cities of Menifee and Wildomar became member agencies on April 7, 2009; and

WHEREAS, the parties and the City of Eastvale desire that the City of Eastvale become a member of the Western Riverside County Regional Conservation Authority.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

Section 1. **Purpose**. The purpose of this Agreement is to create a public agency to acquire, administer, operate and maintain land and facilities to establish habitat reserves for the conservation and protection of species covered by the MSHCP and to implement the MSHCP in the event the MSHCP is approved by the County and Cities and appropriate permits are issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

Additionally, this Agreement shall permit the financing of public capital improvements and those purposes permitted under the Marks-Roos Local Bond Pooling Act of 1985, being Article 4 (commencing with Section 6584) of Chapter 5, Division 7, Title 1 of the California Government Code (the "Bond Law").

Section 2. **Creation of the Authority**. Pursuant to the Act and the Bond Law, there is hereby created a public agency to be known as the "Western Riverside County Regional Conservation Authority," hereinafter referred to as the "RCA." The RCA shall be a public agency, separate and apart from its members, and as provided by law and not otherwise prohibited by this Agreement, shall be empowered to take such actions as may be necessary or desirable to implement and carry out the purposes of this Agreement.

Section 3. **Powers.** In carrying out the purpose of this Agreement, the RCA shall have the following powers:

A. To make and enter into contracts;

B. To employ agents, consultants, attorneys and employees;

C. To acquire property, and any interest in property, both real and personal by purchase, gift, option, grant, bequest, devise or otherwise, and hold and dispose of such property;

D. To conduct and direct studies and to develop and implement plans to complement, modify or supplement the MSHCP;

E. To incur debts, liabilities, and obligations;

F. To sue and be sued in its own name;

G. To employ reserve managers and other personnel to operate, maintain, and administer the habitat reserves established through implementation of the MSHCP;

H. To be an applicant, make applications for, and receive grants from governmental and private entities and to participate in State bond issues;

I. To prepare project reports and applications, to qualify for grants, and to enter into grant contracts and to do all other things necessary to comply with State and Federal laws and regulations with respect to grants;

J. To borrow or receive advances of funds from its members or from such other sources as may be permitted by law;

K. To contract with its members and other entities who operate or will operate the habitat reserves established through implementation of the MSHCP;

L. To issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses to carry out the powers of the RCA;

M. To acquire, hold, and dispose of equipment;

N. To lobby state and federal governments and their officials as well as private entities to obtain funding for implementation of the MSHCP and employ individuals or entities to conduct such lobbying activities on its behalf; and

O. To exercise the powers granted to it under the Act, including, but not limited to, the Bond Law and the powers common to each member, as may be necessary to accomplish the purposes of this Agreement.

P. To invest money in the treasury pursuant to Section 6505.5 of the Act that is not required for the immediate necessities of the Authority, as the Authority determines is advisable, in the same manner and upon the same conditions as local agencies, pursuant to Section 53601 of the California Government Code.

Section 4. **Term.** The term of this Agreement shall continue until terminated by the Parties hereto by their mutual written consent as set forth in Section 5 of this Agreement.

Section 5. **Termination, Withdrawal and Amendment.**

A. This Agreement shall be automatically terminated and considered null and void in the event the MSHCP is not approved by the County and the Cities or appropriate permits are not issued by the U.S. Fish and Wildlife Service and the California Department of Fish and Game.

B. Any Party to this Agreement may withdraw for any reason upon giving all other Parties sixty (60) days advance written notice of the effective date of such withdrawal. This Agreement shall thereupon be deemed automatically amended to reflect the withdrawal of said Party from the RCA and this Agreement. Upon withdrawal of any Party from the RCA and this Agreement, the withdrawing Party shall not receive any distribution, partial or otherwise, of any cash or other assets of the RCA.

C. Provided there is mutual consent by the governing bodies of each of the Parties to this Agreement, evidenced in writing, this Agreement may be: (1) amended to add new Parties; or (2) amended to change any portion of this Agreement. Alternatively, any Western Riverside County city may become a party to the Authority upon such terms

and conditions as established by the Board or Executive Committee. Any Western Riverside County city shall become a party to the Authority by the adoption by the city council of this Agreement and the execution of a written addendum to this Agreement agreeing to the terms of this Agreement and agreeing to any additional terms and conditions that may be established by the Board or Executive Committee.

D. The Parties to this Agreement specifically agree that this Agreement creates an entity which may acquire or hold property. Pursuant to California Government Code Sections 6511 and 6512, upon completion of the purposes of this Agreement or upon termination thereof, any property or assets acquired or surplus money on hand which was obtained pursuant to this Agreement and which is not required by law or contract to be distributed in a different manner, may be returned to the then Parties to the Agreement in proportion to the contributions made, or in the alternative, may be transferred to any local, state, federal or private entity who agrees to assume the duties and obligations of the RCA. However, any distribution of assets shall be subject to the prior discharge of enforceable liability against the RCA. Subject to the foregoing, each Parties proportionate share shall be based upon each Parties contributions to the RCA submitted to the RCA in accordance with Sections 17.A. and B. below.

Section 6. <u>RCA Board and Membership</u>. This Agreement and the authority hereby created shall be administered by the governing body of the RCA which shall be known as the "Board of the Western Riverside County Regional Conservation Authority" hereinafter referred to as the "Board."

The regular members of the Board shall be the five members of the Riverside County Board of Supervisors and one member from each incorporated city who is signatory to the Agreement. Written notification of the appointment of a City representative shall be provided to the Chairperson of the Board.

Each member of the Riverside County Board of Supervisors may appoint an alternate member and each City may appoint one alternate member. Each regular member and alternate City appointed member must hold an elective office on the

respective governing body appointing the regular or alternate member. The Board of Supervisors may appoint a city council member of a member city to represent each Board of Supervisor member as an alternate at meetings of the RCA Board or committees. Notwithstanding the prior sentence, in no event shall the same person serve as a city representative and alternate for the Board of Supervisor's member of the same meeting. Notice of the appointment of an alternate shall be made in writing to the chairperson of the RCA Board. In the absence of a regular member, the alternate member shall, if present, participate in a meeting of the Board the same as if the alternate member were the regular member.

Regular members and alternate members shall serve on the Board during the term for which they were appointed or until their successor has been appointed or their appointment has been revoked, whichever is earlier. However, a regular or alternate member's position on the Board shall automatically terminate if and when the term of the elected public office of such regular or alternate member is terminated. When a vacancy occurs, it shall be the duty of the respective Party having the vacancy to promptly inform the Board of the name of the replacement regular or alternate member.

Regular members and alternate members, if participating in a meeting of the Board on behalf of a regular member, shall be entitled to compensation for participation in meetings of the Board and necessary traveling and personal expenses incurred in the performance of the member's duties as authorized by the Board. Such compensation shall be fixed by resolution of the Board.

Section 7. <u>Meetings of the RCA Board</u>.

A. **<u>Meetings.</u>** The Board shall establish the time and place for its regular and special meetings. The dates, hour and location of regular meetings shall be fixed by resolution of the Board and a copy of such resolution shall be provided to the governing body of each of the Parties and with each Party's designated regular and alternate member. Special meetings and adjourned meetings may be held as required or permitted by law.

B. **Ralph M. Brown Act.** All meetings of the Board, including without limitation, regular, special and adjourned meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

C. **Quorum and Voting.** A majority of the members of the Board shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board. Each regular member or alternate member acting in the place of a regular member shall have one vote at meetings of the Board. However, any member of the Board, immediately after a vote of the Board and prior to the start of the next item on the agenda may call for a weighted vote. For an item to be passed by weighted vote, all of the following requirements shall be met:

I. the item shall be approved by a majority of the Board members present at the meeting who represent the Riverside County Board of Supervisors, who each shall have one vote;

II. the item shall be approved by a majority of the Board members present at the meeting who represent Cities, who each shall have one vote; and

III. the item shall be approved by Board members present at the meeting who represent Cities representing a majority of an equal combination of 1) the population of the county living in incorporated areas within the boundaries of the MSHCP Plan area, and 2) the number of acres currently within the Criteria Cells in the incorporated areas as follows: Banning – 78 acres; Beaumont – 10,098 acres; Calimesa – 3,380 acres; Canyon Lake – 303 acres; Corona – 2,315 acres; Eastvale – 1,024 acres; Hemet – 1,158 acres; Lake Elsinore – 14,336 acres; Menifee – 249 acres; Moreno Valley – 2,325 acres; Murrieta – 8,726 acres; Norco – 734 acres; Perris – 3,181 acres; Riverside – 1,201 acres; San Jacinto – 4,580 acres; Temecula – 3,899 acres; and Wildomar – 4,151 acres. Population data shall be determined through California Department of Finance estimates, adjusted annually.

In addition, the Board may, through resolution, revise the above-referenced number of acres due to the addition of a new member entity or other appropriate adjustments as the Board deems necessary.

D. The Board may adopt, from time to time, such rules and regulations for the conduct of its meetings and affairs as it may deem necessary, including, without limitation, the designation of a person to record and transcribe the minutes of each public meeting of the RCA.

Section 8. Officers. The Board shall select a Chairperson and a Vice-Chairperson at its first meeting and at the first meeting held in each succeeding calendar year. Additionally, at its first meeting and at the first meeting held in each succeeding calendar year shall, the Board shall select any other officers it deems appropriate. In the event an officer resigns or ceases to be an officer, the Board shall select a replacement therefore at the next regular meeting of the Board. In the absence or inability of the Chairperson to act, the Vice-Chairperson shall act as Chairperson.

A. **Treasurer.** The treasurer of a member agency shall serve as the treasurer of the RCA. The Board pursuant to the adoption of a resolution shall appoint the treasurer of a member agency to serve as the Treasurer. The Treasurer shall have the custody of the RCA money and disburse RCA funds pursuant to the accounting procedures developed in accordance with the provisions of this Agreement, the Act, and with those procedures established by the Board. The Treasurer shall assume the duties described in Section 6505.5 of the Government Code, namely: receive and receipt for all money of the RCA and place in the Treasury of the Treasurer to the credit of the RCA; be responsible upon an official bond as prescribed by the Board for the safekeeping and disbursement of all RCA money so held; pay, when due, out of money of the RCA so held, all sums payable, only upon warrants of the officer performing the functions of the Controller who has been designated by the RCA or Board; verify and report in writing on the first day of July, October, January and April of each year to the RCA the amount of money held for the RCA, the amount of receipts since the last report,

and the amount paid out since the last report; and perform such other duties as are set forth in this Agreement or specified by the Board.

B. **Controller.** The Finance Director of a member agency shall serve as the Controller of the RCA. The Board pursuant to the adoption of a resolution shall appoint the finance director of a member agency to serve as the Controller. The Controller shall draw warrants to pay demands against the RCA when such demands have been approved by the Board or by any other person authorized to so approve such by this Agreement or by resolution of the Board. The Controller shall perform such duties as are set forth in this Agreement and such other duties as are specified by the Board.

There shall be strict accountability of all funds and reporting of al receipts and disbursements. The Controller shall establish and maintain such procedures, funds and accounts as may be required by sound accounting practices, the books and records of the RCA in the possession of the Controller shall be open to inspection at all reasonable times by representatives of the Parties.

The Controller, with the approval of the RCA, shall contract with an independent certified public accountant or firm or certified public accountants to make an annual audit of the accounts and records of the RCA, and a complete written report of such audit shall be filed as public records annually, within six (6) months of the end of the fiscal year under examination, with each of the Parties. Such annual audit and written report shall comply with the requirements of Section 6505 of the Government Code. The cost of the annual audit, including contracts with, or employment of such independent certified public accountants in making an audit pursuant to this Agreement shall be a charge against any unencumbered funds of the RCA available for such purpose. The Board by unanimous vote, may replace the annual audit with a special audit covering a two-year period.

Section 9. MSHCP Advisory Committee. Within thirty (30) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department

of Fish and Game for the MSHCP, the Board shall form an MSHCP Advisory Committee. The MSHCP Advisory Committee shall consist of the Riverside County Habitat Conservation Agency (RCHCA) Board of Directors and one representative from each City who is not a member of the RCHCA. Within six (6) months of execution of this Agreement, or at any time thereafter, the Board may review the RCA organizational structure established by this Agreement to determine if it is facilitating MSHCP implementation.

Section 10. Executive Director. The Board shall retain an Executive Director to administer the MSHCP in compliance with the duties and responsibilities set forth in Sections 5.0 and 6.0 of the MSHCP. As required by the MSHCP, the RCA shall initially contract with the County of Riverside to provide an appropriate department or individual to act as the Executive Director within thirty (30) days of the formation of the RCA. The appropriate department or individual shall be recommended by the County's Executive Officer and considered by the Board. It is understood by the Parties to this Agreement that the Board may accept or reject the County Executive Officer's recommendation of an appropriate department or individual to serve as the Executive Director. This contract shall be for an initial term of three (3) years. At least six (6) months prior to the expiration of this initial contract term, the Board shall review the County department's or individual's performance as Executive Director. Based upon this review, the Board may elect to extend the contract with the County or select an alternative entity or individual for the Executive Director position upon expiration of the initial term.

Section 11. RESERVED

Section 12. Monitoring Program Administrator. Upon issuance of the permits for the MSHCP by the U.S. Fish and Wildlife Service and California Department of Fish and Game and for a period of eight (8) years thereafter, the California Department of Fish and Game shall serve as the Monitoring Program Administrator for the MSHCP. The Monitoring Program Administrator shall be responsible for implementing the monitoring program contained in Section 5.0 of the MSHCP and shall perform all duties

and responsibilities as set forth in Sections 5.0 and 6.0 of the MSHCP. Thereafter, the Board may elect to have the Department continue acting in the capacity or shall select an alternative individual or entity for this position if the Board determines that the Department cannot adequately perform the duties and responsibilities of this position.

Section 13. Reserve Managers. The Board shall retain at least one Reserve Manager to manage lands owned by the RCA within the MSHCP Conservation Area. This Reserve Manager(s) shall report to the Executive Director and shall perform all the duties and responsibilities set forth in Section 5.0 and Section 6.0 of the MSHCP. Additionally, Reserve Managers managing lands owned by any Party to this Agreement that are within the MSHCP Conservation Area shall report to the Executive Director.

Section 14. Independent Science Advisors. The Board shall retain, as appropriate, independent science advisors who are qualified biologists and conservation experts with expertise in species covered by the MSHCP and their habitats. Additionally, to the extent feasible, the independent science advisors shall have experience in land management. Independent science advisors shall be retained on an annual basis, shall report to the Executive Director and shall comply with the duties and responsibilities set forth in Section 6.0 of the MSHCP.

Section 15. Funding Coordination Committee. Within one hundred and twenty (120) days after issuance of the permits by the U.S. Fish and Wildlife Service and California Department of Fish and Game for the MSHCP, the Board shall form a Funding Coordination Committee to provide recommendations to the Board on local funding priorities and local MSHCP Conservation Area acquisitions. Members of this committee shall be appointed by the Board and shall consist of, at a minimum, representatives of the Parties to this Agreement, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. To the extent feasible, members of the Funding Coordination Committee shall have expertise in real estate or land use planning and/or experience implementing large scale conservation programs.

The Funding Coordination Committee shall make recommendations to the Board through the Executive Director on local land acquisitions and funding priorities. Additionally, this Committee shall provide a forum to discuss land acquisition priorities of the U.S. Fish and Wildlife Service and California Department of Fish and Game and acquisitions by other entities using non-local sources of revenue. The Board shall establish policies under which the Funding Coordination Committee shall make recommendations to the Board. Such policies shall include conflict of interest guidelines for the Committee members.

The Planning Directors of each Party to this Agreement shall receive prior notice of all meetings of the Funding Coordination Committee. Such notice shall include a meeting agenda and a list of potential acquisition sites, if applicable. The Planning Directors or their designated representatives may participate in Committee meetings, as appropriate.

Section 16. <u>Reserve Management Oversight Committee</u>. The Reserve Management Oversight Committee (RMOC) shall be formed within sixty (60) days of the effective date of the contract between the RCA and the County concerning the establishment of an Executive Director. The RMOC shall be composed of, at a minimum, one representative appointed by each of the following entities:

A. U. S. Fish and Wildlife Service,

B. California Department of Fish and Game,

C. Riverside County Regional Parks and Open Space District,

D. Bureau of Land Management,

E. U.S. Forest Service,

F. California Department of Parks and Recreation,

G. RCA, and

H. Up to five (5) other private or public agencies or entities that own or manage land within the MSHCP Conservation Area.

The RMOC shall serve as the intermediary between the Reserve Managers and the decision making function of the RCA. The Executive Director shall serve as chair of the RMOC.

Section 17. Rules and Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. The Act, the Bond Law, and the laws of the State of California applicable to a general law city shall govern the RCA in the manner of exercising its powers, subject, however, to such restrictions as are applicable to said city in the manner of exercising such powers, as required by Government Code Section 6509. The Board, at its first meeting or as soon thereafter as may be possible, shall adopt such rules and regulations as the Board may deem necessary for the conduct of the RCA's affairs. Among these rules shall be a conflict of interest code and a purchasing ordinance. The Board may, as it deems appropriate, review and revise these rules and regulations.

Section 18. Fiscal Year. The fiscal year of the RCA shall be the period commencing on July 1 of each year and ending on and including the following June 30.

Section 19. Contributions/Estimated Budget.

A. Contributions of Development Mitigation Fees. The Parties to this Agreement shall impose a development mitigation fee on all new development to support the acquisition of additional reserve lands pursuant to the MSHCP. All development mitigation fees collected by the Parties shall be forwarded to the RCA within ninety (90) days after receipt by each Party. The RCA may, in its discretion, conduct an audit of the development mitigation fees collected by any Party to this Agreement.

B. Other Contributions. The RCA may accept contributions of money or property from the Parties or other individuals or entities including but not limited to contributions from Parties, MSHCP Permittees and Special Participating Entities who obtain take authorization under the MSHCP for public utility, schools, transportation, flood control and other public infrastructure projects. Additionally, a Party may hold and

manage its own property as a contribution to implementation of the MSHCP and the MSHCP Conservation Area. Landfill Tipping Fees and Density Bonus Fees collected by the County may be contributed to the RCA on an annual basis subject to the discretion of the Board of Supervisors.

C. Use of Contributions. When approved by the Board, revenues received by the RCA, including without limitation, fees and other contributions, shall be used to implement the MSHCP. In addition, the RCA shall reimburse the County for any and all litigation costs, including but not limited to attorneys fees, incurred in defense of any legal challenge concerning the adoption of the MSHCP or any related actions as well as any costs incurred to establish the Executive Director and any other necessary staff prior to entering into the contract contemplated in Section 10 of this Agreement.

D. Budget. The annual budget for the RCA shall be prepared by the Executive Director. The annual budget shall be based on an estimate of the amount of revenue necessary to implement the MSHCP during the ensuing fiscal year and shall consider necessary land acquisition, improvements, maintenance, management, monitoring, administration, and operation costs during the current fiscal year as such costs are set forth in the then current approved budget for the RCA.

Section 20. <u>MSHCP Reporting Requirements</u>. In order to assist in the preparation of the annual report required to be prepared by the RMOC and submitted to the USFWS, CDFG, and RCA as set forth in the MSHCP and Implementing Agreement, the Parties shall on a monthly basis provide the following information to the RCA:

A. grading permit activity including the number of the permit issued, the location of the development site identified by assessor's parcel number, and the amount of acreage disturbed;

B. single family home and mobile home construction activity within the Criteria Area including the number of the grading, building, site preparation or installation permit issued and the location of the development site identified by assessor's parcel number;

C. development mitigation fee collection including identification by assessor's parcel number of the project for which the fee was collected, the amount of the fee paid, and any exemptions or credits that may have been included in any calculation of the fee; and

D. any other information required to comply with the provisions of the MSHCP as may be determined necessary by the Executive Director.

In addition, the County shall submit on an annual basis all information contained in the Existing Agricultural Operations Database including the amount of new agricultural land, if any, added to the Database as well as any documentation concerning the expansion of agricultural operations within the Criteria Area.

Section 21. Joint Project/Acquisition Review Process. To ensure that the requirements of the MSHCP and its Implementing Agreement are properly met, a joint project/acquisition review process shall be instituted by the RCA. This process is set forth in Section 6 of the MSHCP.

Section 22. Liabilities. Except as may be provided herein, the debts, liabilities and obligations of the RCA shall be the debts, liabilities and obligations of the RCA alone, and not of the Parties to this Agreement.

Section 23. Indemnification. Provided that a Party has acted in good faith and in accordance with this Agreement, the approved MSHCP and its Implementing Agreement and the Permits, the RCA shall defend, indemnify and hold such Party free and harmless from any loss, liability or damage incurred or suffered by such Party by reason of litigation arising from or as a result of any of the following: the Party's development mitigation fee ordinance; the Party's participation in the RCA; actions taken to approve and/or implement the MSHCP; claims of inverse condemnation or unconstitutional takings against a Party; or any other act performed or to be performed by the Party pursuant to this Agreement, the MSHCP, its Implementing Agreement or the Permits; provided, however, that such indemnification or agreement to hold harmless

pursuant to this Section shall be recoverable only out of RCA assets and not from other Parties.

Section 24. Notices. Notices required or permitted hereunder shall be sufficiently given if made in writing and delivered either personally or by registered or certified mail, postage prepaid to said respective Parties, as follows:

A. Regional Conservation Authority
Executive Director
3403 10th Street, Suite 320
Riverside, CA 92501
(951) 955-9700
(951) 955-8873 fax

B. County of Riverside
Transportation and Land Management Agency
Agency Director
4080 Lemon Street, 7th Floor
Riverside, CA 92501
(951) 955-6742
(951) 955-6879 fax

C. City of Banning
City Manager
99 E. Ramsey Street
Banning, CA 92220
(951) 922-3103
(951) 922-3128 fax

D. City of Beaumont
City Manager
550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520
(909) 769-8526 fax

E. City of Calimesa
City Manager
908 Park Ave
Calimesa, CA 92320
(909) 795-9801
(909) 795-4399 fax

F. City of Canyon Lake
City Manager
31516 Railroad Canyon Road

Canyon Lake, CA 92587
(951) 244-2955
(951) 246-2022 fax

G. City of Corona
City Manager
P.O. Box 940
Corona, CA 92878
(951) 736-2371
(951) 736-2493 fax

H. City of Eastvale
City Manager
6080 Hamner Avenue, Suite 103
Eastvale, CA 91752
(951) 361-0900
(951) 361-0888 fax

I. City of Hemet
City Manager
445 E. Florida Avenue South
Hemet, CA 92543
(951) 765-2300
(951) 765-3785 fax

J. City of Lake Elsinore
City Manager
130 S. Main Street
Lake Elsinore, CA 92530
(951) 674-6727 ext. 261
(951) 674-2392 fax

K. City of Menifee
City Manager
29683 New Hub Drive, Suite C
Menifee, CA 92586
(951) 672-6777

L. City of Moreno Valley
City Manager
P.O. Box 88005
Moreno Valley, CA 92553
(951) 413-3008
(951) 413-3760 fax

M. City of Murrieta
City Manager
24601 Jefferson Avenue

Murrieta, CA 92562-9755
(951) 698-1040
(951) 698-9885 fax

N. City of Norco
City Manager
2870 Clark Avenue
Norco, CA 92860
(951) 270-5611
(951) 270-5622 fax

O. City of Perris
City Manager
101 North D Street
Perris, CA 92570
(951) 657-5882
(951) 657-1087 fax

P. City of Riverside
City Manager
3900 Main Street
Riverside, CA 92522
(951) 826-5991
(951) 826-5470 fax

Q. City of San Jacinto
City Manager
595 S. San Jacinto Avenue, Building B
San Jacinto, CA 92583
(951) 487-7342
(951) 654-3728 fax

R. City of Temecula
City Manager
PO Box 9033
Temecula, CA 92589-9033
(951) 694-6440
(951) 694-6499 fax

S. City of Wildomar
City Manager
23738 Clinton Keith Road
Wildomar, CA 92595
(951) 677-7751

The listed addresses shall serve as the official address for any notices until such time as any Party gives notice to all other Parties of a change in address in accordance with the terms of this section.

Section 25. Severability. If any section, clause or phrase of this Agreement or the application thereof to any Party or any other person or circumstance is for any reason held to be invalid by a court of competent jurisdiction, it shall be deemed severable and the remainder of the Agreement or the application of such provisions to the other party or to other persons or circumstances shall not be affected thereby.

Section 26. Other Agreements Not Prohibited. Other agreements by and between the Parties of this Agreement or any other entity are neither prohibited nor modified in any manner by execution of this Agreement. Furthermore, the Parties hereto agree upon request to execute, acknowledge and deliver all additional papers and documents necessary or desirable to carry out the intent of this Agreement.

Section 27. Other Obligations. The responsibilities and obligations of each Party to this Agreement shall be solely as provided in this Agreement, or as may be provided for in supplemental agreements to be executed by the Parties.

Section 28. Non-Assignability. The rights, titles and interests of any Party to this Agreement shall not be assignable or transferable without the consent of the governing body of each Party hereto.

Section 29. Section Headings. The section headings herein are for convenience of the Parties only, and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions or language of this Agreement.

Section 30. Construction of Language. It is the intention of the Parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

Section 31. Cooperation. The Parties recognize the necessity and hereby agree to cooperate with each other in carrying out the purposes of this Agreement, including cooperation in matters relating to the public, accounting, litigation, public relations and the like.

Section 32. Future Amendments. To preserve a reasonable degree of flexibility, many parts of this Agreement are stated in general terms. It is understood that there may be Amendments to this Agreement which will further define the rights and obligations of the Parties.

Section 33. Successors. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto.

Original JPA Approved January 27, 2004
Amendment No. 1 Approved April 29, 2007
Amendment No. 2 Approved March 11, 2008
Amendment No. 3 Approved April 7, 2009
Amendment No. 4 Approved _____, 2011

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized as of the date first above written.

Dated:_____ **COUNTY OF RIVERSIDE**

Attest:

_____ By:_____
Chairman, Board of Supervisors

Dated:_____ **CITY OF BANNING**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF BEAUMONT**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CALIMESA**

Attest:

_____ By:_____
City Clerk Mayor

Dated:_____ **CITY OF CANYON LAKE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF CORONA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF EASTVALE**

Attest:

_____ By:_____

Dated:_____ **CITY OF HEMET**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF LAKE ELSINORE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MENIFEE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MORENO VALLEY**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF MURRIETA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF NORCO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF PERRIS**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF RIVERSIDE**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF SAN JACINTO**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF TEMECULA**

Attest:

_____ By:_____

City Clerk Mayor

Dated:_____ **CITY OF WILDOMAR**

Attest:

_____ By:_____

City Clerk Mayor

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MV00100877

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES.

BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET

DEVELOPER: MORENO VALLEY PROPERTIES
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve TM 34950-1, a final map for financing purposes.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On August 23, 2007 the Planning Commission of the City of Moreno Valley approved PA06-0105 (TTM 34950), a 665.5 gross acre tentative tract map for finance purposes containing the overall boundary of the Aquabella master plan development. The developer is now proposing to phase the overall tentative tract map. TM 34950-1

contains Lots 1 and 2 of TTM 34950 and is bounded by Brodiaea Avenue on the north, Cactus Avenue on the south, Lasselle Street on the west, and Morrison Street on the east.

DISCUSSION

TM 34950-1 is an 80-acre, two-parcel final map proposed for financing purposes. Therefore, no right-of-way dedications or improvements are required. Right-of-way dedications and improvements will be required at the time development is proposed through a separate planning application process.

ALTERNATIVES

1. Approve TM 34950-1, a final map for financing purposes. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

2. Do not approve TM 34950-1, a final map for financing purposes. Do not authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *Not approving staff's recommendation would result in the disapproval of the developer's final map for financing purposes and the map not recording.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\3-22-11 - TM 34950-1 - Financing Map.doc

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MV00100881

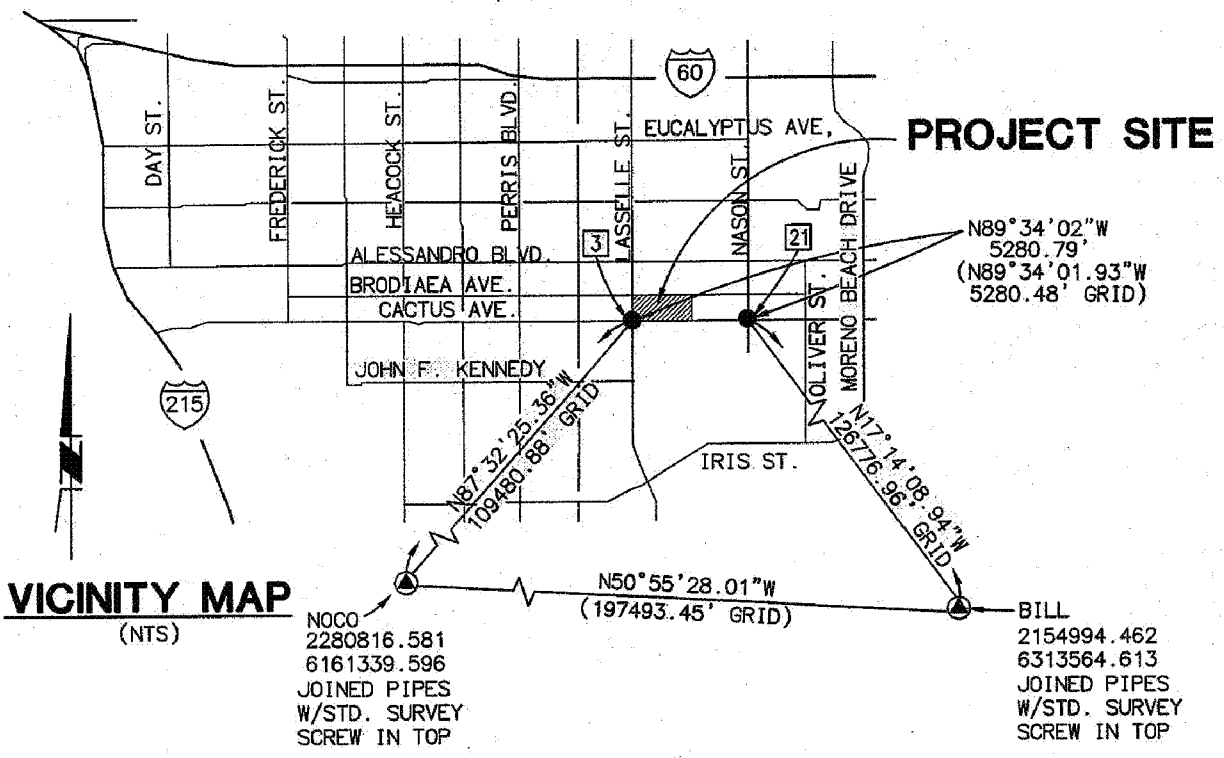

VICINITY MAP
(NTS)

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**TR 34950-1** **LOCATION MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\3-22-11 - TM 34950-1 - Exhibit A.doc

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MV00100883

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council:

1. Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

BACKGROUND

CalTrans is accepting proposals for the Transportation Planning Grant Program for Fiscal Year 2011-2012. The grant application has a March 30th deadline.

DISCUSSION

The CalTrans Transportation Planning Grant Program has various components. The Community-Based Transportation Planning (CBTP) and Environmental Justice (EJ) Grant Programs provide funding for communities to plan for a closer connection between transportation and land use. Over the past 10 years, both programs have provided over 300 planning grants totalling over $45 million. These grants have been assisted in developing and studying the sustainability of land use plans to improve the quality of life for many Californians.

Upon an award, ninety percent (90%) of project costs are funded by the Caltrans grant. The remaining 10% is required from the grantee as a local match. Grant-funded products are expected to help foster sustainable economies, increase available affordable housing, improve housing/jobs balance, encourage transit oriented and mixed use development, expand transportation choices, and reflect community values.

Staff is proposing to use grant funds of $150,000 to complete items not covered by the recently received grant from SCAG's Compass Blueprint program for implementation of the Alessandro Boulevard Corridor Demonstration Project that was presented to the Council during the June 15, 2010 Study Session.

The Alessandro Boulevard Corridor Demonstration Project explored opportunities for mixed use transit-oriented development along Alessandro Boulevard. Alessandro Boulevard is an important regional transportation link for Moreno Valley, tying the Riverside County Regional Medical Center via a rapid bus transit line to the future Moreno Valley/ March Field Metrolink Station, as well as the Civic Center, City of Riverside, Meridian Business Park and future March Life Care.

At the time of submittal of this report, staff is still working on the wording of the final proposal of the Alessandro Boulevard Corridor Implementation Project in anticipation of the March 30th submittal deadline.

ALTERNATIVES

1. Approve the proposal as submitted.

2. Approve the proposal with modifications to address City Council concerns.

3. Deny the proposal.

FISCAL IMPACT

The fiscal impact to the City is the 10% local match required by Caltrans from the grantee. The grant proposal includes rezoning areas along Alessandro Boulevard to Residential 30 (R30) as identified in the recently approved General Plan Housing Element. The required environmental studies for the rezoning cannot be covered under the Caltrans grant. The related environmental/CEQA costs are anticipated to be funded by City housing funds, which would qualify as meeting the required match. Should the grant be awarded to the City, the 10% matching funds ($15,000) will be budgeted in RDA Housing Fund account number 894.91310.6291.293. There is no anticipated fiscal impact to the General Fund.

RECOMMENDATION

1. Adopt Resolution No. 2011-29 authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

NOTIFICATION

Posting of the Agenda

ATTACHMENTS/EXHIBITS

1. Resolution No. 2011-29

Prepared By:
Claudia Manrique
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John C. Terell, AICP

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100887

RESOLUTION NO. 2011-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FOR THE CALTRANS TRANSPORTATION PLANNING GRANT (FISCAL YEAR 2011-2012).

WHEREAS, the California Department of Transportation (CalTrans) has provided funds for the program shown above; and

WHEREAS, CalTrans has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by CalTrans require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

WHEREAS, the applicant, if selected, will enter into an agreement with CalTrans to carry out the development of the proposal.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: The Council of the City of Moreno Valley authorizes the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" under the CalTrans Transportation Planning Grant (Fiscal Year 2011-2012).

BE IT FURTHER RESOLVED, by the Council of the City of Moreno Valley, appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

BE IT FURTHER RESOLVED, Certifies that applicant understands the assurances and certification in the application.

BE IT FURTHER RESOLVED, Certifies that applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so.

BE IT FURTHER RESOLVED, Certifies that the Proposal will comply with any applicable laws and regulations.

SIGNATURE PAGE FOLLOWS

Attachment 1

Resolution No. 2011-29
Date Adopted: March 22, 2011

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-29
Date Adopted: March 22, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Resolution No. 2011-29
Date Adopted: March 22, 2011

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MV00100891

MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00100893

MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00100895

MINUTES - REGULAR MEETING OF MARCH 8, 2011
(Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00100897

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Towne Centre and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and

pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map

4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

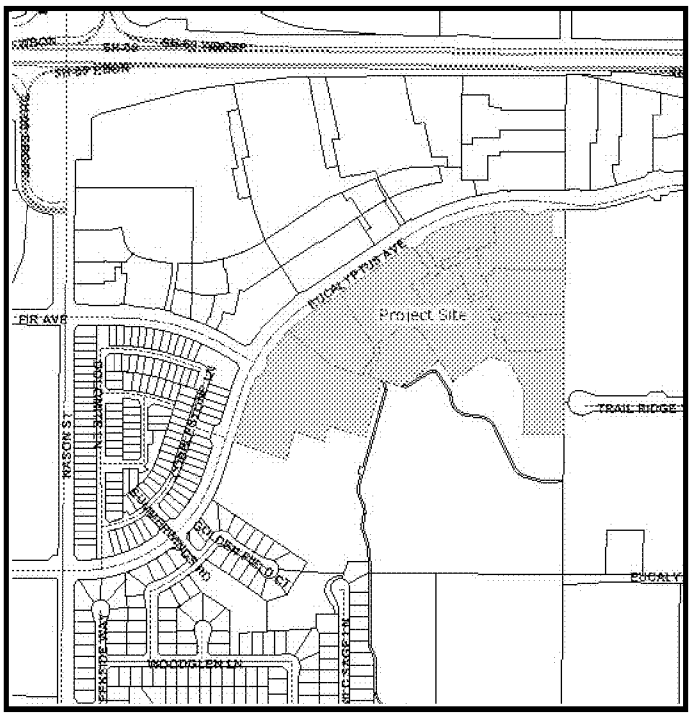

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

Item No. E.1

MV00100902

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MV00100903

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00100909

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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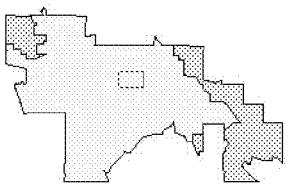

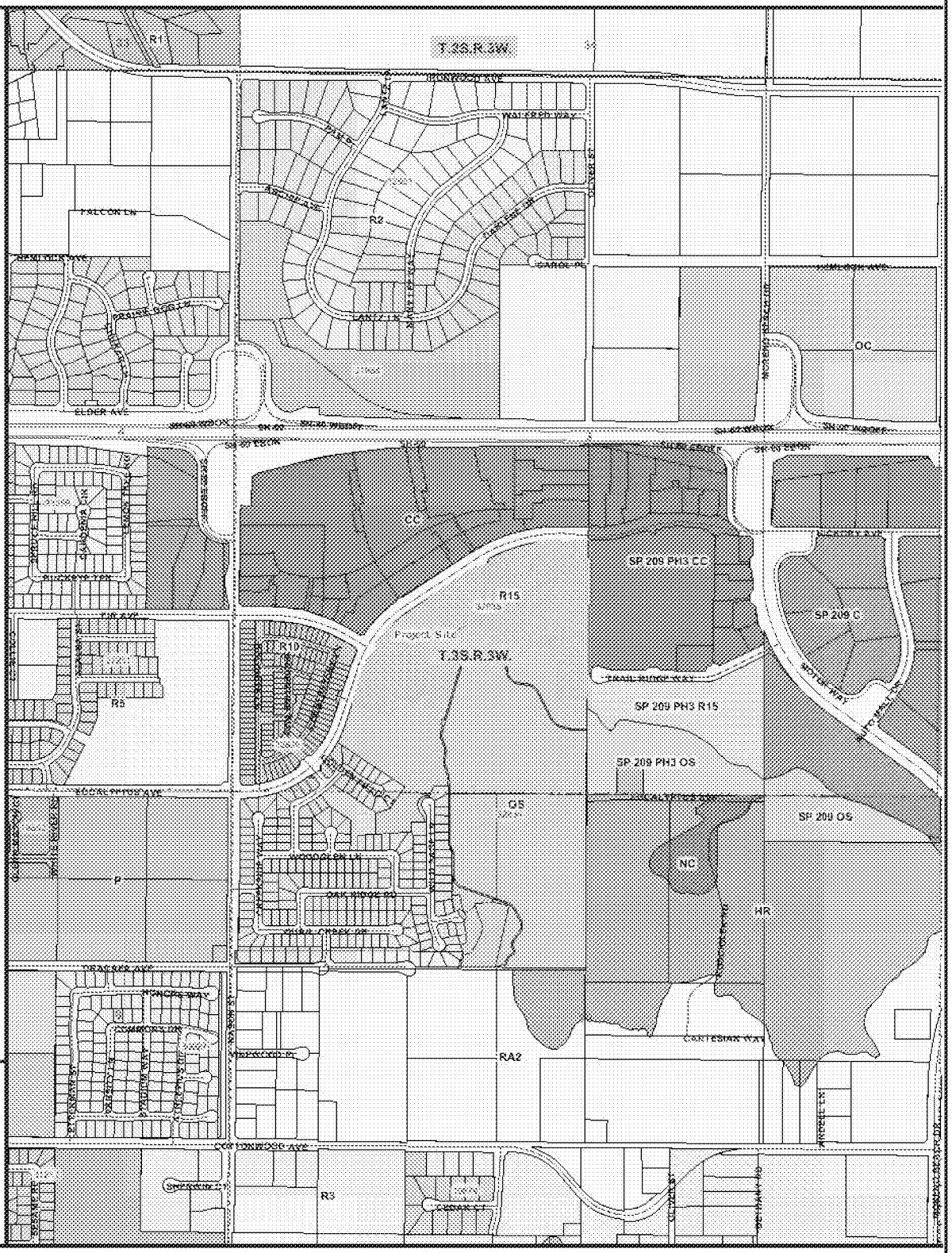

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

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MV00100945

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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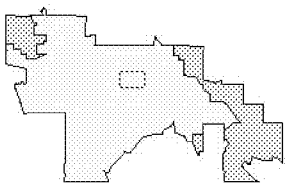

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

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MV00100947

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as “Nature Park” on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will consist of individual lots with detached single-family homes, common open space and private access roads. The -290- non open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

<u>Other Design Considerations</u>

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees along private streets and allow continual break-up of the project massing. In addition, trees will be clustered in strategic locations such as on corner lots, adjacent to

guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the Current Fees.

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets development standards as allowed under Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Act (CEQA) guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation District	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:	Approved by:
Mark Gross, AICP Senior Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. -297-ation building floor and elevatior

(provided in reduced format in Exhibit 6).

6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: **PA10-0038** **Tentative Tract Map. No. 36340**
PA10-0039 **Conditional Use Permit**
PA10-0029 **Development Agreement**

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

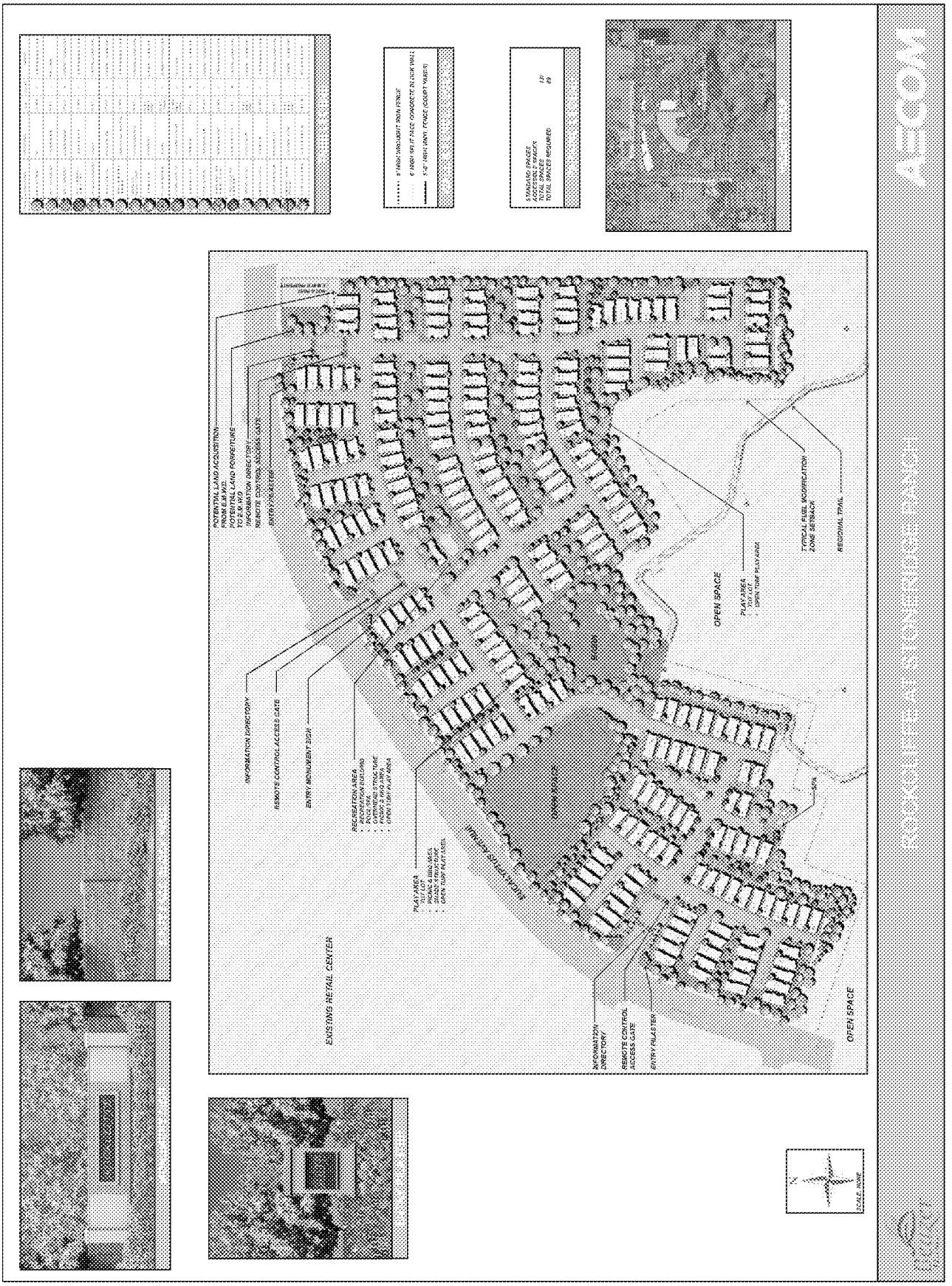

ATTACHMENT 7

Item No. E.1

MV00100968

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

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MV00100971

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

`FROM: Barry Foster, Economic Development Department Director

AGENDA DATE: March 22, 2011

TITLE: FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12 social service programs, and
2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or provide a variety of social services for low to moderate income residents (see Attachment A for the 2010 Low Income Limits table). These grant programs are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to 'Entitlement Cities' (eligible, selected cities with a population exceeding 50,000 - Moreno Valley is classified by HUD as an Entitlement City), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas.

HUD requires that Entitlement Cities (including Moreno Valley) prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2011/12 marks the fourth year of the City's FY 2008-2013 Consolidated Plan. Each year, Entitlement Cities must also adopt Annual Action Plan updates of the Consolidated Plan. The Annual Action Plan specifically identifies how the City will allocate both CDBG and HOME funds for the upcoming program year. The Annual Action Plan for FY 2011/12 must comply with the required public notifications and hearings and be received by HUD no later than May 12, 2011.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least 51% of residents earning low and moderate incomes. For a map of the CDBG Target Areas see Attachment B.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used towards the development of affordable housing activities. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development activities. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services, which can include, but are not limited to the following:

- Fair Housing Services\Foreclosure Prevention Programs (Mandated by HUD)
- Career Development and Mid-Career Retraining
- Youth Programs
- Homeless Services
- Crime Prevention Programs

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as subrecipients) to provide the desired services or programs.

DISCUSSION

2011/12 CDBG – AVAILABLE FUNDING

HUD has not yet released the allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocation for CDBG and a 9.5% reduction in the allocation for the HOME program. Based on that information, the CDBG allocation is estimated at $1,795,990 ($145,621 less than last years allocation of $1,941,611).The City estimates $269,398 (15% of the total estimated CDBG allocation) will be available for social services. Table 1, below, outlines the proposed CDBG budget based on anticipated allocation. HUD

limits expenditures for certain categories, such as social services and CDBG program administration. The limits and maximum allocations are noted below.

Table 1

FY 2011/12 CDBG ESTIMATED AVAILABLE FUNDING	
Funding Category	Funding Allocation
2011/12 CDBG Estimated Allocation	**$1,795,990**
TOTAL ESTIMATED CDBG FUNDS	**$1,795,990**
A. Program Administration (20% maximum of annual grant)	$359,198
B. Public Social Services (15% maximum of annual grant)	$269,398
C. Public Facilities & Improvements	$350,000
D. Rehabilitation	$10,000
E. Code Enforcement	$366,407
F. Economic Development	$440,987
TOTAL PLANNED CDBG EXPENDITURES	**$1,795,990**

APPLICATION PROCESS

The City must notify the public of available social service funding opportunities and conduct a public hearing to solicit public input regarding the proposed projects. In compliance, a Notice of Funding Availability for CDBG and HOME was published in the Press-Enterprise on January 3, 2011. CDBG and HOME social service applications were available at the City Hall and were mailed directly to interested parties. Applications were due on January 31, 2011.

A CDBG/HOME Technical Review Committee (TRC) comprised of staff was formed to review the CDBG Public Service applications. Prior to making recommendations, the TRC thoroughly evaluated the all applications based on: (1) conformance with federal requirements and City guidelines, (2) community needs identified in the City's Consolidated Plan, (3) priorities established by the City Council at the December 14, 2010 meeting, and (4) available funding resources.

Federal Requirements

HUD requires that at least 70% of the annual CDBG funds be allocated to projects that benefit low and moderate income persons. HUD also requires that CDBG projects meet at least one of three national objectives: (1) benefit persons of low and moderate

income; (2) improve slum or blighted conditions; or (3) respond to an emergency or urgent need.

City Guidelines
On a local level, the City Council has previously adopted guidelines for evaluating social service applications. These include:

- Priority to local providers over those organizations providing equivalent services outside the city.
- The minimum grant level is generally $5,000 for the CDBG Program and $25,000 for the HOME Program (the Council may approve lesser grant amounts).
- Programs should have other funding sources.
- Fair housing services, homeless services, social services, and youth career development, and crime protection programs shall be given funding priority.
- City projects will be given priority.

2011/12 RECOMMENDED CDBG PROJECTS AND PROGRAMS

All recommended CDBG projects and programs fall into one of the following categories:

- Program Administration
- Public Social Services
- Public Facilities and Improvements
- Code Enforcement
- Economic Development
- Rehabilitation

Attachment D provides recommendations for CDBG social service funding in FY 11/12. It includes a list of all CDBG social service applications received, the requested funding, and amount of funding recommended by the TRC.

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2011/12 cap estimated for program administration is $359,198 (based on a total CDBG allocation similar to last year). Funding under this category provides for Economic Development Department staffing, along with the mandatory funding of Fair Housing Services (required by HUD). The Fair Housing Services include education regarding fair housing rights and

responsibilities, investigation of discriminatory practices, and landlord/tenant mediation.

2) PUBLIC SOCIAL SERVICES

Social services are subject to a fifteen percent (15% maximum) limit of the annual CDBG allocation. The maximum social service cap for 2011/12 is estimated at $269,398. Staff and the TRC reviewed a total of 28 public service applications, which were received from City departments, service providers, and non-profit organizations. The TRC conducted comprehensive evaluations of applications and provided a funding recommendation.

The projects recommended by the TRC reflect the community priorities adopted by the City Council on December 14, 2010. Social Service applications recommended for CDBG funding in FY 2011/12 encompass a wide range of programs and services including: 1) emergency and transitional shelter for homeless families; 2) youth, elderly and disabled adult services; 3) crisis counseling; and 4) emergency food distribution.

Please note in addition to recommending most of the programs the City Council previously funded, the TRC is also recommending funding one new program: Catholic Charities Emergency Services.

3) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. Code Compliance officers provide proactive code compliance within the established CDBG-Target Areas. Code compliance efforts reduce blight and substandard housing conditions as well as promote improved property and building maintenance within the target areas. Staff is recommending maintaining Code Enforcement at approximately the same level as last fiscal year in order to continue their efforts.

4) ECONOMIC DEVELOPMENT

a. Employment Resource Center

In 2009/10, the City partnered with Riverside County Workforce Development to create a local Employment Resource Center (ERC) in Moreno Valley dedicated to providing unemployed or under-employed Moreno Valley residents with a convenient place where they could utilize computers and other standard office equipment, access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The ERC is very active and averages of over 180 visitors per day. It also has been used by new businesses (such as Burlington Coat Factory and O'Reilly

Automotive) to conduct employee recruitments. Staff is recommending $120,000 to continue providing this valuable service to the community.

b. Moreno Valley New Business Incentive Program

Funding is recommended for the continuation of the New Business Incentive Program intended to assist with the attraction of major employers to locate in the vacant space in the TownGate area, Centerpointe Business Park, and the Moreno Valley Industrial Area Specific Plan areas of the community, thereby creating new employment opportunities for low and moderate income residents. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income persons) and the boosting of sales tax revenues.

2011/12 HOME PROGRAM – AVAILABLE FUNDING

The estimated FY 2011/12 HOME allocation is $603,264 ($63,325 less than last year's allocation of $666,589). The HOME Program generally funds city-sponsored programs. Program administration has a cap of 10% (or $60,326) of the total HOME allocation. In addition, a minimum of 15% (or $90,490) of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families. Staff is recommending FY 2011/12 HOME funding as outlined in Table 2.

Table 2

FY 2011/12 ESTIMATED HOME ALLOCATION	
2011/12 HOME Estimated Allocation	**$603,264**
Total Estimated HOME Funds	**$603,264**
Program Administration (maximum 10% of allocation)	$60,326
FY 10/11 Community Housing Development Organization (or CHDO, requires 15% of allocation)	$90,490
Housing Projects and Programs	$452,448
Total Planned HOME Expenditures	**$603,264**

2011/12 RECOMMENDED HOME PROJECTS AND PROGRAMS

Attachment E provides program recommendations for HOME funding in FY 2011/12.

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten percent (10%) cap. Grant funding under this category provides for Economic Development Housing program staffing.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of 15% of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 11/12 an estimated $90,490 must be allocated to a CHDO for potential affordable housing projects.

3) HOUSING PROJECTS AND PROGRAMS

Utilizing HOME, the City is able to offer single family and multi-family rehabilitation projects and programs. The purpose of these types of projects is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.

ALTERNATIVES

Alternative 1 - The City Council may conduct a public hearing and select social service programs and projects for funding as recommended by staff and the TRC. **Staff recommends this alternative because it adheres to HUD program requirements.**

Alternative 2 - The City Council may decline to conduct a public hearing and may choose not to fund any projects as recommended. ***Staff does not recommend this alternative because it could delay preparation, approval and submission of Consolidated/Annual Action Plan to HUD.***

Alternative 3 – The City Council may increase or decrease the recommended levels of funding for specific programs/projects for which the City received an application. ***Use of this alternative can only be utilized if any funding changes meet HUD requirements and conform to overall funding capability.***

FISCAL IMPACT

The estimated CDBG funding allocation for FY 2011/12 is $1,795,990. The estimated HOME funding allocation is $603,264. Both of these allocations are preliminary estimates and subject to the release of fund allocations from HUD. Together, these grants will provide for over 25 important projects and services. Please note that CDBG and HOME is a restricted funding source that must adhere to HUD requirements.

CDBG Accounts		$1,795,990
285	73952 CDBG Programs	
285	73852 CDBG Administration	
285	74052 Code and Neighborhood Enforcement	
176	77110 HOME	$603,264

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used in Target Areas that contain at least 51% of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. **REVENUE DIVERSIFICATION & PRESERVATION**
   By utilizing CDBG and HOME funds the City will enhance its ability to create a stable revenue base and fiscal policies that will support essential City improvement services.

2. **PUBLIC SAFETY**
   Many of the proposed CDBG and HOME programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. **POSITIVE ENVIRONMENT**
   The variety of community-based CDBG and HOME programs help develop a positive environment in the community.

4. **COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS**
   CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, and Housing Rehabilitation will help to preserve, rehabilitate, and improve Moreno Valley's neighborhoods.

SUMMARY

HUD will allocate to the City of Moreno Valley a grant to administer its Community Development Block Grant (CDBG) programs and HOME Investment Partnership (HOME) programs over the FY 2011/12 program year. CDBG funding is available to

address the needs of low-income persons/areas within the City. HOME funds are available to address affordable housing related needs.

Staff issued a Notice of Available Funding and as a result collected 34 applications (28 CDBG public service, 5 Non-Public Service, and 1 HOME application) requesting funding. HUD has not yet released the final allocations for 2011/12. Due to Federal budget constraints, HUD has advised the City to anticipate at least a 7.5% reduction in its FY 2011/12 allocations for CDBG and a 9.5% reduction for HOME therefore; the CDBG allocation is estimated at $1,795,990 ($145,621 less than last year's allocation of $1,941,611). The estimated FY 2011/12 HOME allocation is $603,264 ($60,326 less than last year's allocation of $666,589). This report reviews public social service, affordable housing, and economic development programs recommended for funding by City staff and the Technical Review Committee. City Council selected CDBG and HOME programs will be incorporated into the FY 2011/12 Annual Action Plan.

NOTIFICATION

Notice of this meeting was published in the local edition of the Press-Enterprise newspaper on March 7, 2011.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	CDBG Funding Recommendations
ATTACHMENT E	HOME Funding Recommendations

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Department Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00100981

ATTACHMENT A

2010 INCOME LIMITS

Effective April 2, 2010 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$13,650	$15,600	$17,550	$19,500	$21,100	$22,650	$24,200	$25,750
Very Low Income	50%	$22,750	$26,000	$29,250	$32,500	$35,100	$37,700	$40,300	$42,900
60% Limits (HOME)	60%	$27,300	$31,200	$35,100	$39,000	$42,120	$45,240	$48,360	$51,480
Low Income	80%	$36,400	$41,600	$46,800	$52,000	$56,200	$60,350	$64,500	$68,650
Median Income	100%	$45,500	$52,000	$58,500	**$65,000**	$70,200	$75,400	$80,600	$85,800
Moderate Income	120%	$54,600	$62,400	$70,200	$78,000	$84,250	$90,500	$96,700	$102,950

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MV00100983

City of Moreno Valley CDBG Target Areas

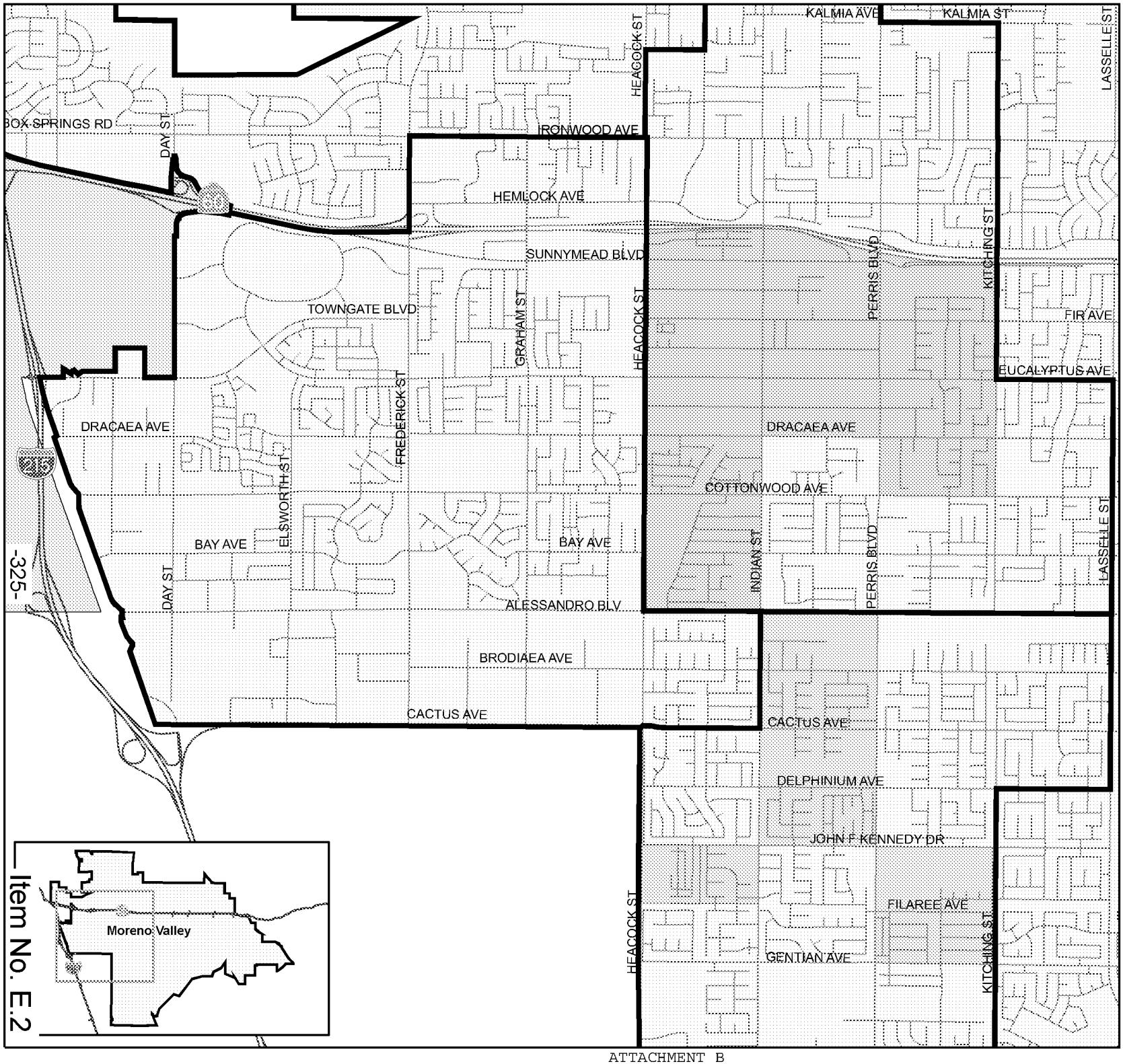

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.2

MV00100984

ATTACHMENT B

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MV00100985

ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

ATTACHMENT D – CDBG PROPOSED PROGRAMS
CDBG – FY 2011/12 – Total Anticipated Funding $1,795,990

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation	City Council Recommendation
A.	ADMINISTRATION (20% CAP – $359,198)				
0	Administrative Staffing	$338,869	$295,530	$324,198	
1	Fair Housing Council of Riverside County (Fair Housing Administration)	$49,453	$53,960	$35,000	
	Subtotal	$388,322	$349,490	$359,198	
B.	PUBLIC SERVICES (15% CAP – $269,398)				
2	Community Foreclosure Prevention Workshops	$44,000	$30,000	$30,000	
3	Community Assistance Program (CAP) Food Program	$30,600	$34,220	$30,600	
4	Friends of the Moreno Valley Senior Center (MoVan) Transportation	$30,000	$30,000	$30,000	
5	Problem Orienting Community Policing (POP) Team	$28,241	na	$0	
6	Fair Housing Council of Riv County – Foreclosure Prevention\Mitigation	$25,000	$25,000	$21,798	
7	Fair Housing Council of Riv County Landlord Tenant Mediation Program	na	$15,000	$15,000	
8	Lutheran Social Services (MARB) Homeless Shelter	$15,000	$21,104	$15,000	
9	Path of Life Transitional Family Shelter (MARB)	$15,000	$30,000	$15,000	
10	PW Enhancement Center – Emergency Services Outreach	$15,000	$32,000	$15,000	
11	Neighborhood Clean-ups	$15,000	$15,000	$15,000	
12	Assistance League/Operation School Bell – Clothes/School Supplies	$10,000	$15,000	$10,000	
13	CASA for Riverside County Foster Youth Program	$10,000	$32,535	$10,000	
14	God's Helping Hand Ministries – Food Bank	$9,000	$10,000	$9,000	
15	Operation Safehouse Shelter for Youth	$8,000	$8,000	$8,000	
16	Alternatives to Domestic Violence Emergency Shelter & Services		$15,000	$7,500	
17	Riverside Area Rape Crisis Center – Child Abuse Prevention Program	$7,500	$7,500	$7,500	
18	Moreno Valley Community Educators – Tutoring Program	$6,400	na	$0	
19	ARC of Riverside – Disabled Adult Day Care Facility	$5,000	$20,000	$5,000	
20	Salvation Army –Food Program	$5,000	$10,900	$5,000	
21	Catholic Charities – Case Worker	na	$35,000	$15,000	
22	MVUSD High School Intervention Program	na	$10,500	$0	
23	Smooth Transition Literacy/Job Readiness/Life Skills Trng	na	$48,872	$0	
24	CVHC – Afterschool/Computer Program	na	$10,000	$0	
25	ReNu Hope Foundation – Pre School Bldg. Improvements	na	$19,413	$0	
26	Volunteer Ctr. '211' Telephone Referral Service	$5,000	$20,000	$5,000	
27	Volunteer Ctr. Rent Caurantee Program	na	$63,000	$0	
28	Alpha & Assoc. – Reclaiming Youth Intervention Program	na	$50,000	$0	
29	MCL Music Changing Lives – Youth Intervention/Music Program	na	$150,000	$0	
30	Family Service Assoc. Nutrition Program at Supportive Hsg Complex	na	$50,000	$0	
31	Leading Our World – Help the Streets Outreach Program	na	$1,105,000	$0	
	Subtotal	$283,741	$1,913,044	$269,398	
C.	PUBLIC FACILITIES & IMPROVEMENTS				
32	Street Improvement Project	na	$350,000	$350,000	
	Subtotal	$0	$350,000	$350,000	
D.	REHABILITATION				
33	Habitat for Humanity	$10,000	$10,000	$10,000	
	Subtotal	$10,000	$10,000	$10,000	
E.	CODE ENFORCEMENT				
34	Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390	$263,390	$263,390	
35	Code Enforcement – Foreclosure 'Strike Team'	$103,017	$103,017	$103,017	
	Subtotal	$366,407	$366,407	$366,407	
F.	ECONOMIC DEVELOPMENT				
37	MV New Business Incentive Program	$540,000	$525,000	$220,987	
38	Employment Resource Center	$145,641	$120,000	$120,000	
40	Youth Opportunity Center	$50,000	$25,000	$25,000	
41	Family Service Assoc. Meal Program Facilities	$50,000	$50,000	$25,000	
42	Small Business Development Center	$50,000	$50,000	$50,000	
	Subtotal	$835,641	$770,000	$440,987	
	GRAND TOTAL	$1,884,111	$3,748,941	$1,795,990	

※ New applicants ※ Organization serving homeless population ※ Recommended funding changes over previous year

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MV00100989

ATTACHMENT E
HOME - FY 2011/12 - Total Estimated Available Funding $603,264

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recomendation	City Council Approval
A.	ADMINISTRATION				
	Administrative Staffing (10% CAP - $60,326)	$66,600	$60,326	$60,326	
	Subtotal	$66,600	$60,326	$60,326	
B.	CHDO (MANDATORY)				
	(15% CAP - $90,490)	$99,900	$90,490	$90,490	
	Subtotal	$99,900	$ 90,490	$90,490	
C.	APPLICATIONS				
	Still under review				
	Subtotal				
D.	HOUSING				
	Reserve for Housing Projects and Programs	$522,000	$500,000	$452,448	
	GRAND TOTAL			$603,264	

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MV00100991

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. **Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)**

b. **Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**

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MV00100993

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk, CMC

AGENDA DATE: March 22, 2011

TITLE: APPOINTMENT TO THE PLANNING COMMISSION

RECOMMENDED ACTION

Staff recommends that the City Council, after reviewing the ballot provided by the City Clerk:

1. Appoint one (1) member for a term expiring March 31, 2013; or

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

BACKGROUND

On February 22, 2011, the City Clerk's Office posted a Notice of Opening for the Planning Commission one term expiring March 31, 2013. Appropriate time frames with respect to noticing vacancies were followed.

Eight applications were submitted and reviewed by the City Council. Four applicants were interviewed by the City Council on February 23, 2011. In alphabetical order, the selected applicants to be placed on the ballot for consideration of appointment are as follows:

Gary E. Baugh, Rick De Jong, and Carlos Ramirez.

ALTERNATIVES

The Planning Commissioners consider matters pertaining to development and zoning within the City and have decision-making authority pursuant to the Government Code of the State of California. Choosing not to appoint members to the Planning Commission would result in decreased participation from residents, and it would adversely affect the Commission's ability to function and to maintain a quorum at meetings. This option is not consistent with the City Council goal of creating a positive environment for the development of Moreno Valley's future. Therefore, staff recommends that the City Council make the recommended appointments.

NOTIFICATION

1. Posting of Notice of Opening
2. Publication of the agenda
3. Report mailed to final candidates

ATTACHMENTS/EXHIBITS

1. List of Planning Commission Applicants Selected for the Interviews

Prepared By: Ewa Lopez
Deputy City Clerk, CMC

Department Head Approval: Jane Halstead
City Clerk, CMC

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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List of Planning Commission Applicants Interviewed on February 23, 2011

Gary E. Baugh

Rick De Jong

Alvin C. Horn

Carlos Ramirez

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MV00100997

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: March 22, 2011

TITLE: PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the Mayor and City Council accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City

Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial and multifamily developments be conditioned to fund the maintenance of arterial medians.

The Southeastern Calif Conf Sev Day Adventist Church (APN 484-030-015) and Buddhadhammo Temple (APN 488-210-014), (collectively "Property Owners"), have Conditions of Approval that require them to provide a funding source to help support the NPDES and the CSD median program specific to these projects, Zone M. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the Property Owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charge for the CSD Zone M program. Property Owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on March 22, 2011 and the Public Hearing on April 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charge is levied on the property tax bill.

The CSD Zone M annual charge for APNs 484-030-015 and 488-210-014 were estimated based on the proposed fully improved Alessandro Blvd. and Nason St. medians adjacent to the parcels. The annual charge shall not be levied until such time as the planning of the medians begins. Upon future development, parcels adjacent to the proposed medians shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charge for APNs 484-030-015 and 488-210-014 shall be proportionally adjusted.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment.*

2. **Do not accept public comments** regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple for approval of the NPDES maximum commercial/industrial regulatory rate and for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance). *This alternative would be contrary to state statutes and would require the noticing period for the mail ballot proceedings to begin again.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charge for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple are as follows:

Project	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
Southeastern Calif Conf Sev Day Adventist Church APN 484-030-015 (and any division thereof)	$205 per parcel	$1,579.60
Buddhadhammo Temple APN 488-210-014 (and any division thereof)	$205 per parcel	$1,254.11

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds

collected from the NPDES rates are restricted for use only within the Stormwater Management program.

The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The Property Owners are being balloted for maintenance costs of future medians that are planned to be constructed. The amount collected will reduce the General Fund obligation for maintenance for those medians. **The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.**

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church and Buddhadhammo Temple.

NOTIFICATION

On February 8, 2011, a ballot packet was mailed to the Property Owners. The packets included a notice to the Property Owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and two postage-paid envelopes for returning the ballots to the City Clerk. (See Attachments 1 and 2.)

Newspaper advertising for the March 22, 2011, Public Meeting and April 12, 2011, Public Hearing was published in The Press-Enterprise on March 3, 2011. Additionally, the Public Hearing notification will be published on March 24 and again on March 31, 2011.

ATTACHMENTS

Attachment 1: Southeastern Calif Conf Sev Day Adventist Church mail ballot packet
Attachment 2: Buddhadhammo Temple mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Abel Cordero
c/o Southeastern Calif Conf Sev Day Adventist
26121 Camelot Ave
Loma Linda, CA 92354

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 484-030-015

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 484-030-015 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Maximum Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 484-030-015 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,579.60 for the proposed Alessandro Blvd. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 484-030-015 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 484-030-015

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 484-030-015, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 484-030-015, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
484-030-015 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 484-030-015

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 484-030-015 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,579.60 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Alessandro Blvd. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 484-030-015, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
484-030-015 (and any division thereof)	☐	☐	$1,579.60

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

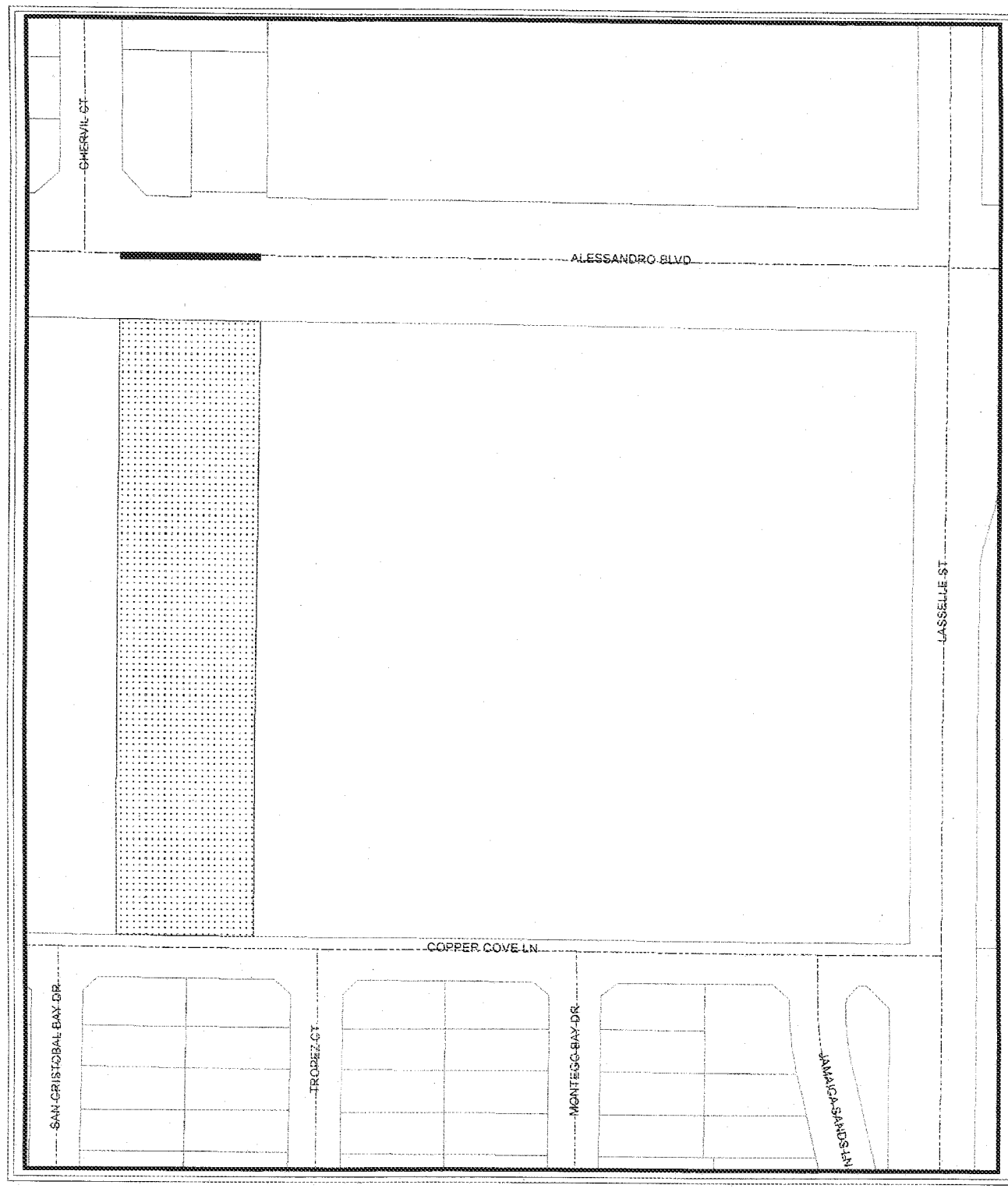

Moreno Hills SDA Church
APN 484-030-015

APN

- 484030015
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\PA08-0041 Moreno Hills SDA.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	Per Month $2.67	Per Year $32.00	PROPOSED PARCEL RATE	Per Month $12.58	Per Year $151.00

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00101011

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MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Albot Nikom
c/o Buddhadhammo Temple
13920 Nason St.
Moreno Valley, CA 92555

February 8, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APN 488-210-014

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APN 488-210-014 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charge for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 488-210-014 is subdivided. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M parcel charge for FY 2010/11 is $1,254.11 for the proposed Nason St. median. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy amount will be assessed to APN 488-210-014 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M

annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, March 22, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, April 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate and the proposed inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if the ballots are marked in favor of the charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the Conditions of Approval. If the ballot is not marked in favor of the CSD Zone M annual charge, then the charge will not be levied on the property tax bill and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*

3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.

4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, April 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for
ASSESSOR PARCEL NUMBER (APN) 488-210-014

Moreno Valley Community Services District (CSD) Zone M
(Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APN 488-210-014 (and any division thereof), **I approve** the annual CSD Zone M charge of $1,254.11 for fiscal year (FY) 2010/11. Beginning FY 2011/12, the annual CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the Nason St. median occurs. The CSD Zone M charge shall be proportionally adjusted if said APN is subdivided.

NO** — as the property owner of APN 488-210-014, **I do not approve** the CSD Zone M annual parcel charge. I understand that not incorporating said APN into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charge shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge
488-210-014 (and any division thereof)	☐	☐	$1,254.11

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for
Assessor Parcel Number (APN) 488-210-014

National Pollutant Discharge Elimination System (NPDES)
Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APN 488-210-014, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For fiscal year (FY) 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the 2010/11 Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APN 488-210-014, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements, as administered by the State, shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
488-210-014 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on April 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

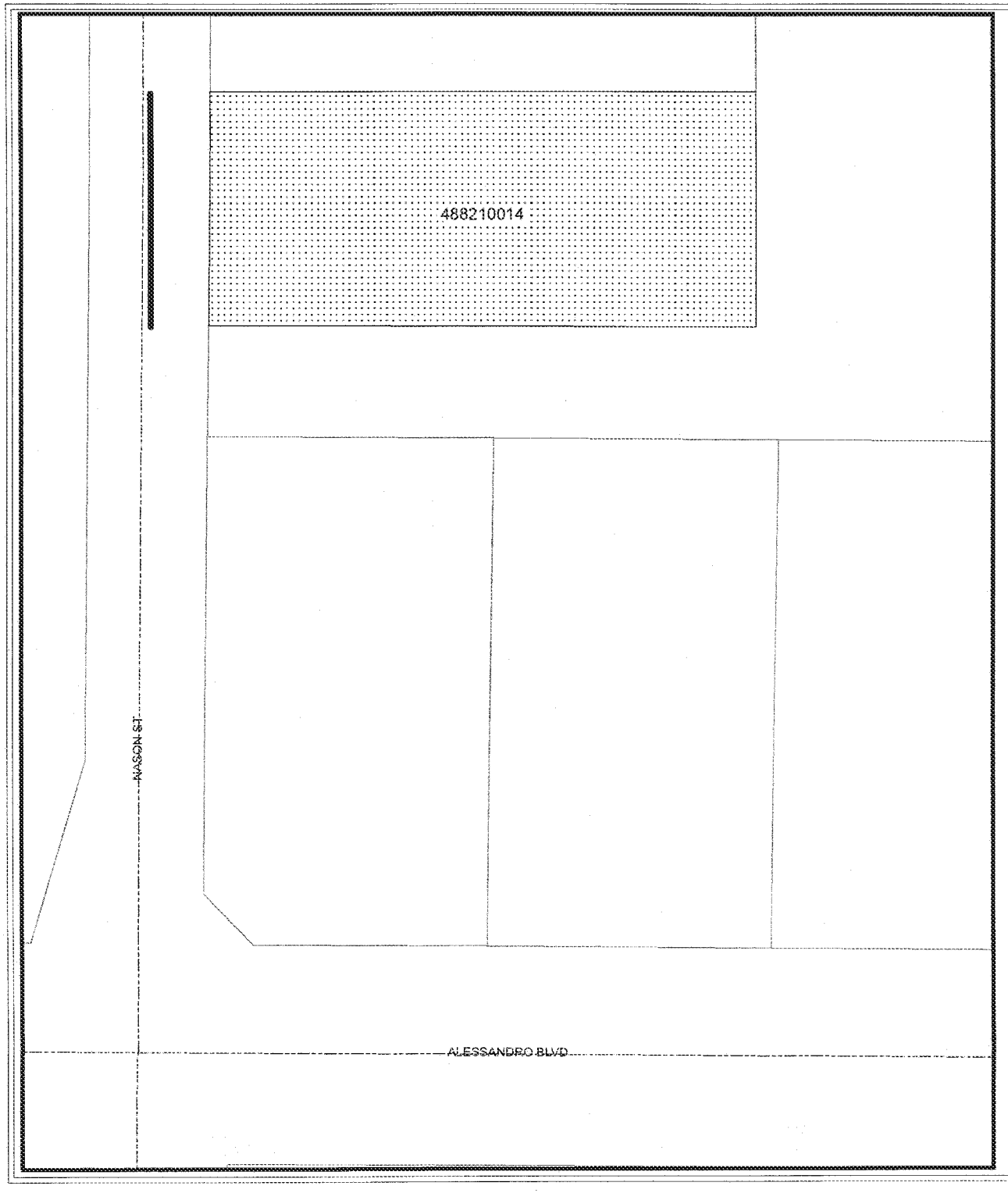

Buddhadhammo Temple
APN 488-210-014

APN

- 488210014
- Roads
- Parcels
- City Boundary
- Future Median
- Landscaped Areas

Map reflects all changes indicated on Riverside County Assessor Maps as of February 2, 2011.

N

0 50 100 150 200 Feet

G:\AVP\SDA\PA08-0091 Buddhadhammo Temple.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

MV00101019

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC.

RECOMMENDED ACTION

Staff recommends the City Council:

Rescind the action from the last meeting of adopting Resolution No. 2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Staff recommends the Redevelopment Agency Board:

Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

BACKGROUND

At the March 8 meeting the City and Redevelopment Agency Board approved a Conditional Commitment Letter Agreement among the Agency, the City and Rancho Belago Developers Inc to assist in the development of an affordable housing project. The approval included a motion approving two resolutions that weren't required.

DISCUSSION

To properly facilitate the approval of the Agreement, the City Council and RDA Board must rescind their previous action of approving the resolutions and restate their approval of the Conditional Commitment letter Agreement among the Redevelopment Agency, the City and Rancho Belago Developers Inc. The Agency's Special Legal Counsel and the Developer are working on the drafting of an Affordable Housing Agreement for the project which shall be considered by the Agency Board on April 12.

ATTACHMENTS

Attachment A – Conditional Commitment Letter Agreement Among the Community Redevelopment Agency of the City of Moreno Valley, the City of Moreno Valley and Rancho Belago Developers, Inc.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CONDITIONAL COMMITMENT LETTER AGREEMENT AMONG THE MORENO VALLEY REDEVELOPMENT AGENCY, THE CITY OF MORENO VALLEY, AND RANCHO BELAGO DEVELOPERS, INC.

March 8, 2011

James M. Jernigan
Rancho Belago Developers, Inc.
27700 Kalmia Avenue
Rancho Belago, CA 92555-5200

Re: Hemlock Family Apartments ; Moreno Valley Redevelopment Agency and City of Moreno Valley Residual Receipts Loans for New Construction of Hemlock Family Apartments

Dear Mr. Jernigan:

We are pleased to offer these conditional commitments of funds on behalf of and from the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") and the City of Moreno Valley ("City") by this Conditional Commitment Letter (herein, "Conditional Commitment Letter") to Rancho Belago Developers, Inc., and its affiliate Rancho Belago Developers, Inc. ("Developer") for Developer's consideration and acceptance, subject, however, to the approval of this Conditional Commitment Letter by the City Council of the City of Moreno Valley ("City Council" and "City, respectively) and the governing board of the Moreno Valley Redevelopment Agency, City of Moreno Valley, California ("Agency") of the terms and conditions of that certain "Agency Loan" and that certain "City Loan", respectively, as more fully detailed herein (together, "Loans").

The Agency is a redevelopment agency organized, operating, and existing pursuant to the California Community Redevelopment Law, Health & Safety Code Section 33000, *et seq.* ("CRL"). City is a California municipal corporation and general law city. Pursuant to the CRL, the Agency maintains a low to moderate income housing to improve, increase and preserve the community's supply of low to moderate income housing available at an affordable housing cost ("Housing Fund"). City is a participating jurisdiction with the United States Department of Housing and Urban Development that has received funds from HUD pursuant to the federal HOME Investment Partnerships Act and HOME Investment Partnerships Program, 42 U.S.C. Section 12701, *et seq.*, and the implementing regulations thereto set forth in 24 CFR § 92.1, *et seq.* for the purposes of strengthening public/private partnerships to provide more affordable housing, particularly decent, safe, sanitary, and affordable housing, with primary attention to housing for Very Low Income and Lower Income households in accordance with the HOME Program.

If approved by Agency and City Council, respectively and subject to their amendment of this Conditional Commitment Letter, if any, will be provided to you a conditional commitment for loans, subject to the Overriding Conditions (as set forth in #21, below) and subject further to the following terms and conditions:

1. Developer/Borrower

Rancho Belago Developers, Inc., (or its approved affiliate) shall be the developer with Rancho Belago Developers, Inc., as the borrower and sole owner and operator ("Developer"). Rancho Belago Developers, Inc. may establish a single-asset entity for the purposes of developing the project (hereinafter the "Borrower"), and/or to be formed California limited partnership, with Rancho Belago Developers, Inc., a California corporation as its Administrative General Partner and Housing Corporation of America, a Utah nonprofit public benefit corporation as Managing General Partner, as approved by Agency. The identity of each limited partner of the partnership and/or member of the BORROWER and their respective roles and responsibilities, as member(s), general and/or limited partner(s), for the Project are subject to the approval of Agency and City. The documentation of the Borrower is subject to the approval by Agency, City and their respective Special Counsel and General Counsel(s). Hereinafter, the Borrower and Developer are referred to as "Developer".

2. Amount of Loans

Agency Loan: Subject to the deferred payment residual receipts loan not to exceed an original principal amount of $6,500,00, which will be funded with moneys from the Agency's Housing Fund per CRL Sections 33334.2, 33334.6, *et seq*. The Agency Loan shall be disbursed in accordance with a schedule to be approved by the Agency and stated in formal loan documentation for such loan (to be negotiated after allocation by the California Tax Credit Allocation Committee ("TCAC") of Tax Credits to Developer for the Project, "Agency Loan Agreement").

City Loan (HOME Program Funds): A deferred payment (residual receipts) loan not to exceed $1,000,000. The City Loan shall be disbursed in accordance with a schedule to be approved by the City Council and stated in the loan documentation for such loan (to be negotiated after allocation of Tax Credits for the Project, "City Loan Agreement").

Both the Agency Loan and the City Loan are expressly contingent upon the TCAC's award of 4% Tax Credits to Developer for the Project and Developer's securing other conditional funding commitments.

3. Project

New construction of a 78-unit affordable apartment project referred to as *Hemlock Family Apartments* located on Hemlock Avenue, west of Perris Boulevard in Moreno Valley, California as described in and such Project received a land use entitlement from the City.

4. Term of Affordability Not less than fifty-five (55) years.

5. Affordability Restrictions Seventy-seven (77) of the seventy-eight (78) units shall be affordable to and occupied by persons and or households at or below sixty percent (60%) of the Area Median Income (AMI) referenced in Attachment No. 2 to the staff report included with the City Council and Agency's consideration and approval of this Conditional Commitment Letter, in a mix of fifty-three (53) two-bedroom and twenty-four (24) three - bedroom units. The seven-eighth (78th) unit may be occupied by management personnel and need not be rent or occupancy restricted. A Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions ("Regulatory Agreement") and a Notice of Affordability Restrictions per CRL Section 33334.3 restricting rents and occupancy of seventy-seven (77) of the seventy-eight (78) units for not less than fifty-five (55) years shall be recorded against the Site in favor of each of City and Agency. Such Regulatory Agreement and Notice of Affordability Restrictions shall be in a form and format acceptable to Agency, City and Special Counsel in their sole discretion. The Affordable Rent and occupancy restrictions shall include the following:

- Twenty-five (25) units affordable to residents with incomes at or below 50 percent (50%) of Area Median Income (AMI);

- Fifty-two (52) units affordable to residents with incomes at or below 60 percent (60%) of Area Median Income (AMI);

5. Loan Terms/Repayment *Agency Loan:* The Agency Loan shall be evidenced by a Promissory Note in the amount of $6,500,000 and shall be secured by a Deed of Trust recorded against the Site. The Agency Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City. The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by Agency.

City Loan: The City Loan shall be evidenced by a Promissory Note in the amount of $1,000,000 and shall be secured by a Deed of Trust recorded against the Site. The City Promissory Note shall provide for a scheduled annual repayment of a pro rata share of residual receipts taking into account the funding participation by Agency and the City (the latter solely

from such moneys, if any, as become available to City under the HOME Program). The first payment shall commence at the end of the first fiscal year following the date of the issuance of a Release of Construction Covenants by City.

Provisions Common to Agency Note and City Note: Interest on each Promissory Note shall be 3% simple interest (or such other interest rate as may be established by mutual agreement). Interest shall accrue from the first disbursement and all payments shall be applied first to accrued interest then to principal. The Promissory Note shall contain due on sale and further encumbrance clauses and shall be in a form and content as approved by Special Counsel for the Agency and the City, respectively.

All principal and accrued interest shall be due and payable upon repayment in full of the permanent financing, except for a repayment resulting from a pre-approved refinancing of the permanent financing, in which no cash or other consideration is received by the Developer as a result of such refinancing.

6. <u>Security</u>

Agency Loan: The Agency Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the governing board of the Agency, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the Agency and its Special Counsel in their sole discretion.

City Loan: The City Loan shall be secured by a Deed of Trust, which Deed of Trust may, upon specific approval thereof by the City Council, will be subordinated, to the construction and permanent financing and in a form and format acceptable to the City, acting through its City Council, and its Special Counsel in their sole discretion.

7. <u>Pro Forma/Expenses</u>

All expenses of this Project shall be approved by Agency and City in their reasonable discretion. The Developer's pro forma for the Project has been submitted to and reviewed by Keyser Marston Associates ("KMA"), Agency's and City's economic advisor. KMA's report on the Project, including assumptions, analysis and warranted subsidy, is based on the Developer's pro forma and such "KMA Report" and is a substantive and material basis under which both Agency and City are providing their conditional commitments to make the Agency Loan and City Loan, respectively. Observance of the parameters set forth in the KMA Report is an integral and fundamental

element of this conditional commitment and agreement, but for which Agency and City will have no duties hereunder.

8. Reserves

Subject to the approval of the construction and/or permanent lender(s), Developer shall deposit a minimum of $500 per unit per year ($39,000 per year) into a dedicated capital replacement reserve account as part of its annual operating expenses. Use of capital replacement reserves shall be subject to the approval of Agency and City.

9. Recourse

The Agency Loan shall be recourse until the timely completion of the Project, when it shall become non-recourse. The City Loan shall be recourse until the timely completion of the Project, when it shall become nonrecourse

10. Notice/Cure Assumption Rights

Each of Agency and City shall have the right, but not the obligation to cure, after notice of default, any and all defaults in any senior encumbrances. All subordination agreements shall be subject to the sole approval of Agency and City and shall include extended cure rights, separate notice to, and rights to assume senior encumbrances.

11. Management Plan

The Management Plan shall be subject to periodic approval by each of Agency and City, in their reasonable discretion.

12. Management Approval

Each of Agency and City reserves the right to declare Developer in default of the Agency Loan Agreement or the City Loan Agreement after an uncured ninety (90) day written notice of malfeasance and/or misfeasance in management of the Project.

13. Time of Funding

Agency will fund the Agency Loan upon satisfaction of all conditions set forth in the Agency Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the governing board of the Agency. City will, from HOME Program funds, fund its loan upon satisfaction of all conditions set forth in the City Loan Agreement. All documentation, including any senior loan documents, shall be subject to review and approval of the City Council.

14. Construction Contract

Funding of each of the Agency Loan and the City Loan is subject to Agency and City approval of a guaranteed maximum "not-to-exceed" contract for the construction work. Developer shall comply, and shall cause its contractor and all subcontractors to comply, with all state and federal program

limitations and requirements, including without limitation those requirements commonly referred to as "Section 3", including all reporting, meetings, and other compliance requirements thereof.

15. Evidence of Financing; Other Loans; Tax Credit Equity

Each of Agency and City shall have right to review and approve all evidence of financing, including the construction loan and the permanent loan documentation, along with solicitation for and selection of a tax credit equity investor, and in particular the provisions of any subordination of the Agency Loan and/or the City Loan to any such senior encumbrances.

16. Partnership Related Fees

The Partnership Related Fees, including management fee, asset management, general partner and/or limited partnership fees, shall not exceed an amount to be approved by Agency and City.

17. Developer Fee

The Developer Fee for the Project shall not exceed those limitations as stated in the California Tax Credit Committee Regulations. The Developer Fee shall be available for and shall be used, as necessary, to pay for any and all cost overruns in the construction of the Project prior to and as a condition to any disbursement thereof to Developer. Developer Fee disbursals shall be in increments as specified in the Tax Credit Partnership Agreement and shall be subject to approval by Agency, City and respective designees.

18. Prevailing Wages

If required by federal and/or state law or as a condition of obtaining funding, the Developer shall comply with the requirements for payment of both Federal Labor Wage Rates (Davis Bacon Act) and State Prevailing Wages (California Labor Code) and shall pay the higher of the two in the event of a conflict on a trade-by-trade basis.

19. Time of Performance

Construction shall commence within the timeframe required by TCAC. Construction shall be completed according to the schedule outlined in the Agency Loan Agreement and the City Loan Agreement (up to 18 months) and stabilized occupancy shall be achieved according to the requirements of TCAC and the other funding sources. Time is of the essence to each and every provision hereof; in the event one or more milestones is not met by the time established therefor hereunder, Agency or City may, at their sole discretion and without providing necessity of an extension or opportunity to cure, terminate their conditional commitments hereunder.

20. Funds

Agency may fund the Agency Loan from various sources including the Housing Fund, tax increment not held in the Housing Fund or any other local, State, and/or federal funding source. If funded from tax increment, then all applicable requirements of the CRL shall apply and construction and operation of the Project and the Project shall be subject to all applicable provisions of the CRL. City intends to fund the City Loan only from available HOME Program funds; therefore, because federal funds will be a source of funding then construction and operation of the Project shall be subject to all applicable federal program limitations, rules, and regulations.

21. Overriding Conditions:

Any conditional commitment hereunder and in addition to other conditions or limitations hereunder, is expressly conditioned upon and subject to: (i) Circumstances involving the threatened elimination of redevelopment agencies and activities in California: Developer acknowledges that the Governor of the State of California has proposed the elimination of redevelopment agencies throughout the State of California. The Agency Executive Director, City Manager and City make no representations or warranties as to the outcome of the Governor's proposal or the ability and authority of the Agency to operate or receive tax increment or other funding after March 8, 2011. Developer has informed itself of all matters it deems relevant in connection with such circumstances, acknowledges that any conditional commitment of the City and the Agency is subject to the Agency being allowed to continue to operate and receive tax increment revenues (including, without limitation, for the purposes described hereunder), and exonerates each of the Agency and the City from any responsibilities in relation thereto; (ii) completion of environmental processes and clearances for the project; (iii) the obtaining of planning approvals; (iv) the availability to the City of HOME moneys in the amounts described hereunder (the Agency and the City making no representations concerning the availability of such funds, in the amounts described hereunder or in any amount); (v) the availability of City HOME moneys has not been finally determined and any such availability of moneys for the proposed project are subject and subordinate to other conditional commitments. In addition, the availability of such moneys is contingent upon the availability and conditional commitment of housing set-aside revenues as described in (vi), below; (vi) the value of land is subject to confirmation as set forth in item #23, below; (vii) the availability of housing set-

aside revenues, as defined in Health and Code Section 33334.2, to the Agency, in amounts sufficient to fund those amounts described hereunder as the amount of the Agency loan, subject and subordinate to existing obligations of the Agency, together with any obligations of the Agency under a proposed Affordable Housing Agreement between the Agency and MV Rancho Dorado Limited partnership, a California limited partnership (a copy of which is on file with the Community Development Director of the City for consideration by the Agency governing board at the Agency's meeting of March 8, 2011, and a copy of which has been provided to Developer hereunder)(the "Dorado Agreement"). Agency and City make no representations whatsoever to Developer concerning the future availability of moneys to the City or the Agency.

22. <u>ALTA Lender's Policies</u> Developer shall cause to be issued to City and Agency, at Developer's sole cost and expense, ALTA Lender's Policies for each of the Agency Loan and the City Loan, with endorsements acceptable to Agency and City and respective Special Counsel.

23. <u>Updated Appraisal</u> Prior to funding, Developer shall cause to be prepared and shall submit to each of Agency and City for their respective approval, an updated, as constructed, appraisal, as a condition to funding. Appraised value shall reflect the then-current value of the appraised property in the Site's then-current condition in addition, City shall engage a separate appraisal or review appraisal by an independent appraiser of the City's choosing; Developer will defray City's costs in connection therewith.

24. <u>Contract Approval</u> The funding of each of the Agency Loan and the City Loan is also subject to Agency's and City's approval of the necessary handicap accessibility design compliance provisions being stated within the project architect's contract.

25. <u>Assumption of Loan</u> The Agency Loan and the City Loan may not be assumed without the prior written consent of each of Agency and City each acting at their sole and absolute discretion. It is contemplated that City and Agency will agree that such loans may be assumed by tax credit limited partnership, provided that the limited partnership is approved by each of Agency and City, provided that Developer (or Borrower as its approved affiliate) will be the general partner of the limited partnership, and further provided that such tax credit limited partnership shall agree to be further bound by the terms contained in a comprehensive transactional agreements, the Agency Loan Agreement and the City Loan Agreement and all implementing

documents thereof, to be entered into among Developer, Agency and City.

26. TCAC

Each of the Agency Loan and the City Loan is contingent upon TCAC award of the necessary 4% Tax Credits for the Project. Developer shall submit to TCAC and to the City and Agency all documents necessary to complete the Tax Credit application towards consideration and receipt of an allocation of Tax Credits. Developer is and shall be expressly limited to obtaining an allocation for private activity bonds and a preliminary reservation of 4% tax credits to August 1, 2011. Prior to funding, Developer shall submit to Agency and City a complete, legible copy of CDLAC's or TCAC's letter acknowledging that Developer has satisfied all applicable submittal requirements together with evidence of conditional funding commitments demonstrating funding is committed sufficient for the development of the Project with affordability covenants of not less than 55 years.

27. Documentation

All documentation of this transaction shall be subject to the approval of each of City and Agency acting through their respective governing boards.

28. Additional Conditions

Each of City and Agency reserves the right to impose such additional conditions, both conditions precedent and conditions subsequent, in the Agency Loan Agreement and the City Loan Agreement, and all attachments thereto, and other final documentation of the transaction as are reasonably necessary to protect the interests of the City and the Agency and fulfill the intent of this Conditional Commitment Letter. Included as additional conditions are the completion of a comprehensive transactional agreements, Agency Loan Agreement and City Loan Agreement, to be prepared by Agency and City and Special Counsel (as approved also by Agency General Counsel and City Attorney) containing terms customary to similar agreements by Agency and City and including, without limitation, provisions for: (i) demonstration of available and committed moneys sufficient (with the City Loan and the Agency Loan) for the acquisition of the Site and the construction through completion and lease-up of the Project; (ii) annual financing reports; (iii) satisfaction of Section 3 and other HOME Program requirements; (iv) bidding procedures and construction costs acceptable to each of Agency and City; (v) land acquisition cost acceptable to each of Agency and City; (vi) a leasing agreement form, tenant selection process, and reporting/monitoring program acceptable to City and Agency; and (vii) insurance and indemnity conforming to

requirements of Agency and City as set forth in Attachment No. 2 to the staff report for this Conditional Commitment Letter and also conforming to certain Agency/City requirements regarding insurance and indemnity as set forth in Attachment 5 to such staff report.

29. Tax Credit Investor

Agency and City must receive an acceptable binding commitment from a Tax Credit investor limited partner, that its Tax Credit investment and contribution to the Project will be not less than $4,736,278. A Tax Credit commitment of less than the estimated $4,736,278 will be subject to the sole approval of each of Agency and City. The Tax Credit Partnership Agreement shall be subject to approval by each of Agency and City.

30. Possible Reduction to Agency Loan

Should the cost of the Project be decreased, or should the funding sources increase from those anticipated herein (cost and source amounts as referenced in the staff report presented to the Agency and City Council on March 8, 2011) and/or should the contingency not be utilized, then the amount of increased sources and/or savings shall be allocated first to reduction of the General Partner's loan and deferred Developer fee then 50% to Developer and 50% as between Agency and City; the allocation as between Agency and City shall be determined by Agency and City notwithstanding the forgoing, the forgoing is subject to those conditions and limitations set forth below, including without limitation item #23.

31. No Other Funds from City or Agency

Agency and City are not hereby committing to provide any further funds to this Project beyond those referenced in this Conditional Commitment Letter or without satisfaction of any and all conditions contained herein (and specifically including the limitation that the City will use no moneys other than HOME Program funds in making the City Loan). Any need to purchase the Site prior to TCAC allocations must be and shall remain within Developer's sole responsibility and decision and with no obligation of Agency or City to provide any funds whatsoever for such early acquisition. Cost overruns, if any, must be addressed by use of the Developer Fee and/or other funding sources and/or other assets of the Developer and in no event from additional monies from the City and/or Agency.

32. Agency/City Team

In connection with the proposed project, the Agency or City will, subject to readiness to proceed, consider the issue of multifamily conduit revenue bonds ("Bonds") in connection

with the financing of the Development. The Developer agrees and acknowledges that; (i) the consideration of the issuance of Bonds requires approval after a public hearing of the City or Agency, apart from the approval of this Agreement, and that there is no assurance that such approval will be given; (ii) an allocation process administered by an agency of the State of California is required in connection with the issuance of Bonds, and the Developer and not the Agency would be fully responsible for preparing application with the participation of the Agency or the City, obtaining approval, and complying with conditions imposed as part of such a process; (iii) if bonds are obtained for the Improvements, they are to be issued by the Agency or the City; (iv) any Bonds issued by the Agency or City in connection with the Development would only be a conduit issuance, with no liability of the City or Agency excepting only the payment of moneys received from the Developer in accordance with the state law pursuant to which the Bonds are issued, and with credit support in the form of a letter of credit by one of the ten largest banks in California or another lender approved by the Executive Director at his sole discretion; (v) any Bonds issued by the Agency or City would be privately placed or rated by one of the two largest rating agencies with one of the three highest investment-grade ratings, and on terms customary and reasonably acceptable to the Agency Executive Director; (vi) all costs in connection with the issuance of such bonds, including without limitation costs of issuance, the cost of credit support, ratings, and insurance, shall be borne by the Developer directly or as part of the matters funded by the bonds and the City or Agency shall be entitled to an initial and annual issuer's fee of 14 points (based on the principal amount of the Bonds then outstanding until conversion, and 12 points annually thereafter, in addition to its out of pocket expenses and fees of Stradling Yocca Carlson & Rauth, a Professional Corporation, or other bond counsel designated by Agency or City at their sole discretion, and a financial adviser to the Agency; and (vi) the term of the Bond(s) shall not exceed forty (40) years nor be less than twenty (20) years but may be due in fifteen (15) years. The Agency is not obligated to modify, in any respect, the unit mix, affordability levels, or times for performance by virtue of the matters set forth in this paragraph.

33. <u>Other Terms</u>

Each of Agency and City reserves the right to impose any additional conditions in the Agency Loan Agreement and/or the City Loan Agreement and other implementing loan documents that may be necessary, in the discretion of City or

Agency, as applicable, to protect the interests of Agency and City and fulfill the intent of this Conditional Commitment Letter. Such documentation shall be approved by the Agency and the City Council. The provision by Developer of an appraisal supporting a land value (based upon an unimproved state) within ten percent (10%) of that amount reflected for land cost in that pro forma on file with the City and designated in writing by City staff as the "Final Commitment Letter Pro Forma" shall be a condition to the Agency and/or City considering a comprehensive transactional agreement, Agency Loan Agreement and City Loan Agreement, as referenced in paragraph 28 hereof.

This conditional commitment of funds to provide the Agency Loan and the City Loan as set forth in this Conditional Commitment Letter is conditional upon Developer receiving commitments from its other sources of financing, including allocations from the State of California Tax Credit Allocation Committee.

If you are willing to proceed on the terms and conditions referenced herein, please execute this Conditional Commitment Letter and return it to the undersigned on March 8, 2011 so that the executed form thereof might be attached to the staff report accompanying this Conditional Commitment Letter.

Even after your execution, the Conditional Commitment Letter shall not be effective, unless and until approved by both the Agency and the City.

Sincerely,

Henry T. Garcia, Executive Director of the Community
Redevelopment Agency, City of Moreno Valley

Henry T. Garcia, City Manager
City of Moreno Valley

Agreed to and accepted this ____ day of _____, 2011 by:

_____

James M. Jernigan, President
Rancho Belago Developers, Inc.

PARTICULAR MORENO VALLEY AGREEMENT PROVISIONS

[Numbering of sections is illustrative, only]

4.5 Insurance Requirements. In addition to the separate and severable indemnification covenants and provisions provided by the Developer to Agency and City hereinafter in this Section 4.5, *et seq.*, the Developer shall provide insurance according to these requirements. The Developer shall maintain the following coverages on behalf of Agency and City and any and all of their elected officials, boards, officers, employees, and agents for all claims, damages to property and injuries to persons, including death (including attorneys' fees and litigation costs), which may be caused by any of Developer's activities under this Agreement or related in any respect whatsoever to the Development, regardless of whether such activities or performance thereof be by the Developer or anyone directly or indirectly employed or contracted with by the Developer and regardless of whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall cause all requirements of this section, and the construction insurance requirements hereafter for such construction insurance, to be obtained and maintained until the completion of the Improvements.

The parties acknowledge and agree that the Loan Agreement includes and requires the Developer to obtain and maintain specific insurance regarding the Development. To the extent the insurance requirements of the Loan Agreement provide for and require policies of insurance coverage with and in amounts, types, and endorsements that exceed the requirements provided hereunder, then the Developer shall provide such increased coverage to the Agency and City and any and all certificates and endorsements therefor shall include both the Agency and City as more specifically set forth in this Section 4.5, *et seq.*

4.5.1 Categories of Coverage for the Development. The following insurance categories shall be caused to be provided by the Developer for the Development and evidence of such coverage and endorsements shall be provided by the time set forth herein.

(a) Commercial General Liability Insurance. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 00 01 06 92 including owned, non

owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per accident and not less than Two Million Dollars ($2,000,000) in general aggregate. If the Developer owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City and Agency and any and all of their boards, officials, employees or agents.

(d) General Conditions Pertaining to Provision of Insurance Coverage by the Developer The Developer agrees to the following provisions regarding insurance provided by the Developer for the Development:

(i) The Developer agrees to provide insurance in accordance with the requirements set forth herein. If the Developer uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, the Developer agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right but not the duty to obtain the insurance it deems necessary and any premium paid by Agency will be promptly reimbursed by the Developer.

(ii) The coverage required here will be renewed annually by the Developer as long as the Developer continues to provide any services under this or any other contract or agreement with Agency. The Developer agrees to maintain liability coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit the Developer, or the Developer's employees, or agents, from waiving the right of subrogation prior to a loss. The Developer waives its right of subrogation against Agency and City.

(iv) The provisions of any workers' compensation or similar act will not limit the obligations of the Developer under this agreement. The Developer is and shall at all times be considered an Independent Contractor, and expressly agrees not to use any statutory immunity defenses under such laws with respect to Agency or City and their employees, officials and agents.

(v) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured.

(vi) All insurance coverage and limits provided by the Developer and available or applicable to this agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vii) Unless otherwise approved by Executive Director, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of

California and with a minimum "Best's" Insurance Guide rating of A:VII. Self insurance will not be considered to comply with these insurance specifications.

(viii) Any "self insured retention" must be declared and approved by Agency. Self funding, policy fronting or other mechanisms to avoid risk transfer are not acceptable. If the Developer has such a program, the Developer must fully disclose such program to Agency.

(ix) The Developer shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from the Developer's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(x) The Developer agrees to provide evidence of the insurance required herein, satisfactory to Executive Director and the City's "Risk Manager", consisting of: certificate(s) of insurance evidencing all of the coverages required and, an additional insured endorsement to the Developer's general liability policy using Insurance Services Office endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees, upon request by Executive Director or City Risk Manager to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(xi) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. The Developer agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xii) The Developer agrees to require all Contractors, subcontractors, or other parties hired for this Development to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of One Million Dollars ($1,000,000). The Contractor's general liability insurance shall add as additional insureds Agency and City and their designee(s), and any and all of their boards, officials, employees and agents using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or the Developer may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. The Developer agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xiii) Requirements of specific coverage features or limits contained in this section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xiv) The Developer agrees to provide notice within ten (10) days to Executive Director and City's Risk Manager of the Developer's receipt of any claim or loss against the Developer that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xv) The insurance requirements set forth in this section are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvi) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

4.6 Construction Insurance Requirements; Contractor for Construction Contract. From the period commencing upon the earliest to occur of (i) the effective date of the Construction Contract between the Developer and Contractor for the Development, or (ii) the date the Contractor enters onto the Site, or (iii) the date of any work on the Site has been completed (without regard to whether the Agency has issued a Certificate of Completion), the Developer shall cause its Contractor to provide and maintain at no expense to Agency (or City), insurance policies meeting the requirements set forth in this Section 4.6. The insurance shall protect Contractor, Contractor's agents, representatives, employees, vendors, anyone directly or indirectly employed by any of them, or anyone for whose acts they may be liable, and said insurance is in addition to the insurance provided by the Developer hereunder. The Developer, Agency and City and their officers, employees, and agents shall be named as additional insureds on such policies, which shall be evidenced in endorsements or certificates that meet the requirements of Section 4.5 above for additional insureds, or as otherwise approved by the City's Risk Manager.

4.6.1 Contractor Insurance Submittals. Developer shall cause USA Construction Management Inc. ("Contractor") to provide insurance according to the requirements set forth here. Contractor will maintain the following coverages on behalf of City and Agency and any and all of their boards, officials, employees and agents.

(a) Commercial General Liability. Commercial General Liability Insurance shall be provided on Insurance Services Office CGL policy form No. CG 00 01 11 85 or equivalent policy form approved by City's risk management department. Policy limits shall be no less than Two Million Dollars ($2,000,000) per occurrence for all coverages and not less than Five Million Dollars ($5,000,000) in general aggregate. There shall be no cross liability exclusion. Coverage shall apply on a primary non contributing basis in relation to any other insurance or self insurance (primary or excess) available to City, Agency, and any and all of their boards, officials, employees or agents. General liability insurance will not be limited to coverage for the vicarious liability or the supervisory role of the additional insureds. There shall be no contractor's limitation endorsement.

Coverage for the additional insureds shall apply to the fullest extent permitted by law excepting only the active negligence of the City or Agency, not caused or contributed to by the Developer, as established by agreement between the parties or by the findings of a court of competent jurisdiction. City, Agency, and any and all of their boards, officials, employees and agents shall be added as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide an additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion.

(b) Business Auto Coverage. Business Auto Coverage shall be written on Insurance Services Office Business Auto Coverage form CA 20 26 1185 including owned, non owned and hired autos. Limits shall be no less than One Million Dollars ($1,000,000) per occurrence for all coverages and not less than Two Million Dollars ($2,000,000) in general aggregate. the Developer may submit, and City risk management department may review and approve, another policy form and/or another form of additional insured endorsement, so long as the review and approval of such form of policy and/or endorsement is within City risk management department's sole, reasonable discretion. If Contractor owns no autos, a non owned auto endorsement to the General Liability policy described above is acceptable.

(c) Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall be written on a policy form providing workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than One Million Dollars ($1,000,000) per accident or disease. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City, Agency, and any and all of their boards, officials, employees or agents.

(d) Course of Construction (Builder's Risk) Insurance. Course of Construction (Builder's Risk) Insurance shall be provided by Contractor (or by the Developer) and shall include City, Agency, and any and all of their boards, officials, employees and agents as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Coverage shall be for the full completed value of the project. Any deductible amounts shall be the responsibility of the first named insured on the policy and shall not be the responsibility of Agency or City. The policy shall cover all real and personal property for "all risks" of loss for all buildings, structures, fixtures, materials, supplies, machinery and equipment to be used in or incidental to the construction at the Site, off site, or in transit, for the full replacement value of such property, but expressly excluding the perils of floods and earthquakes. Coverage shall be included for property of others in the care, custody or control of the insured for which any insured may be liable.

(e) General Conditions Pertaining to Provision of Insurance Coverage by Contractor Contractor must agree to the following provisions regarding insurance provided by Contractor:

(i) Contractor agrees to provide insurance in accordance with the requirements set forth here. If Contractor uses existing coverage to comply with these requirements and that coverage does not meet the requirements set forth herein, Contractor agrees to amend, supplement or endorse the existing coverage to do so. In the event any policy of insurance required under this Agreement does not comply with these requirements or is canceled and not replaced, Agency has the right to order contractor to discontinue work until suitable replacement coverage is obtained.

(ii) The coverage required here will be renewed annually by Contractor as long as Contractor continues to provide any services under this or any other contract or agreement with the Developer or Agency. Contractor agrees to maintain this coverage after the term of this Agreement so long as such coverage is reasonably available.

(iii) No liability insurance coverage provided to comply with this Agreement shall prohibit Contractor, or Contractor's employees, or agents, from waiving the right of subrogation prior to a loss. Contractor waives its right of subrogation against Agency and/or City.

(iv) No liability policy shall contain any provision or definition that would serve to eliminate so called "third party action over" claims, including any exclusion for bodily injury to an employee of the insured or of any contractor or subcontractor. Contractor expressly agrees not to use any statutory immunity defenses under workers' compensation or related laws with respect to Agency and/or City, their respective employees, officials and agents, to avoid Contractor's indemnity obligation for such third party action over claims.

(v) All insurance coverage and limits provided by Contractor and available or applicable to this Agreement are intended to apply to the full extent of the policies. Nothing contained in this Agreement or any other agreement relating to Agency or its operations limits the application of such insurance coverage.

(vi) Unless otherwise approved by Agency, insurance provided pursuant to these requirements shall be written by insurers authorized to do business in the State of California and with a minimum "Best's" Insurance Guide rating of A:VII.

(vii) Any "self insured retention" must be declared and approved by Agency. Agency reserves the right to require the self insured retention to be eliminated, reduced, or replaced by a deductible. Self funding, policy fronting or other mechanisms to avoid risk transfer shall be fully disclosed to Agency before any notice to proceed is issued.

(viii) Contractor shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Proof that such coverage has been ordered shall be submitted prior to expiration. A coverage binder or letter from Contractor's insurance agent to this effect is acceptable. A certificate of insurance and/or additional insured endorsement as required in these specifications applicable to the renewing or new coverage must be provided to Agency within five (5) days of the expiration of the coverages.

(ix) Contractor agrees to provide evidence of the insurance required herein, satisfactory to Agency, consisting of: a) certificate(s) of insurance evidencing all of the coverages required and, b) additional insured endorsement to Contractor's liability policy using

Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or equivalent that is not restricted to Contractor's "ongoing operations", and/or or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees, upon written request by Agency to provide complete, certified copies of any policies required by this section, within ten (10) days of such request. Any actual or alleged failure on the part of Agency or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of Agency or any additional insured, in this or any other regard.

(x) Certificate(s) are to reflect that the insurer will provide thirty (30) days notice to Agency of any cancellation of coverage. Contractor agrees to require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, or that any party will "endeavor" (as opposed to being required) to comply with the requirements of the certificate.

(xi) Contractor agrees to require all subcontractors or other parties hired for this project to provide workers' compensation, general liability and automobile liability insurance, unless otherwise agreed to by Agency with minimum liability limits of $1 million. The subcontractor's general liability insurance shall add City and Agency as additional insureds using Insurance Services Office additional insured endorsement form CGL 027 00 01 04 (so long as that additional insured endorsement form omits the word "ongoing" before "operations" in line 2 of Section II from the form thereof provided for review by Agency prior to the Date of Agreement) or Contractor may provide additional insured endorsement form No. CG 20 26 1185 or another additional insured endorsement form presented to and reviewed and approved by the City risk management department in its sole, reasonable discretion. Contractor agrees to obtain certificates evidencing such coverage and make reasonable efforts to ensure that such coverage is provided as required here.

(xii) Contractor agrees to require design professional liability insurance from any design professional engaged for the Development in an amount no less than $1 million per claim and $2 million in general aggregate. Contractor agrees to require that no contract, standard form or otherwise, used by any party in any way connected with this Agreement, or contracts Contractor enters into on behalf of Agency, will reserve the right to charge back to Agency the cost of insurance required by this or any other agreement.

(xiii) Contractor agrees that upon request, any agreements with subcontractors or others with whom Contractor enters into contracts with on behalf of Agency, will be submitted to Agency for review. Failure of Agency to request copies of such agreements will not impose any liability on Agency, or its employees.

(xiv) Requirements of specific coverage features or limits contained in this Section 4.6.1 are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type.

(xv) Contractor agrees to provide immediate notice to Agency of any claim or loss against Contractor that includes Agency or City as a defendant and of any claim or loss arising out of the work performed under this agreement in which the demand or probable ultimate cost exceeds $10,000. Agency assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve Agency.

(xvi) The insurance requirements set forth in this Section 4.6.1 are intended to be separate and distinct from any other provision in this Agreement and are intended to be interpreted as such.

(xvii) The requirements in this section supersede all other sections and provisions of this Agreement to the extent that any other section or provision conflicts with or impairs the provisions of this section.

For purposes of insurance coverage only, this Agreement will be deemed to have been executed immediately upon any party hereto taking any steps that can be deemed to be in furtherance of or towards performance of this Agreement.

4.7 Knowledge of Claim. If at any time the Developer (or its Contractor) becomes aware of a claim or a potential claim, the Developer (or its Contractor) shall immediately provide written notice ("Claim Notice") to Agency which sets forth the nature of the claim or potential claim and the date on which the Developer became aware of such claim or potential claim and shall provide Agency with copies of any documents relating to such claim or potential claim.

4.8 Notice of Change in Coverage. If, at any time, the Developer (or its Contractor) becomes aware that any of the coverages provided above are going to be canceled, limited in scope or coverage, terminated, or non renewed, then the Developer (or its Contractor) shall provide Agency with fifteen (15) days written notice ("Insurance Notice") of such cancellation, limitation, termination or non renewal.

(a) Upon the receipt of the Insurance Notice or the Claim Notice, or at any time when Agency has knowledge of (i) the cancellation, limitation, termination or non renewal of one or more of the Developer's (or its Contractor's) insurance policies enumerated above or (ii) a claim or potential claim under one or more of such policies, then, in addition to its other rights and remedies pursuant to this Agreement, Agency shall have the right to suspend Agency's obligations under this Agreement until such time as the Developer (or its Contractor) furnishes, or causes to be furnished to Agency, duplicate originals or appropriate certificates of insurance for coverages in the amounts not less than those specified above or until the time such claim or potential claim has been resolved to the reasonable satisfaction of Agency, respectively.

4.9 Waiver of Subrogation. The Developer (and its Contractor) hereby waives all rights to recover against Agency and/or City (or any officer, employee, agent or representative of Agency or City) for any loss incurred by the Developer (or its Contractor) from any cause insured against or required by any Project Document to be insured against; provided, however, that this waiver of subrogation shall not be effective with respect to any insurance policy if the coverage thereunder would be materially reduced or impaired as a result. The Developer (and its Contractor) shall use its best efforts to obtain only policies that permit the foregoing waiver of subrogation.

4.10 Obligation to Repair and Restore Damage Due to Casualty Covered by Insurance. Subject to the provisions below, if the Development shall be totally or partially destroyed or rendered wholly or partly uninhabitable by fire or other casualty required to be insured against by the Developer, the Developer shall promptly proceed to obtain insurance proceeds and take all steps necessary to begin reconstruction and, immediately upon receipt of insurance proceeds, to promptly and diligently commence the repair or replacement of the Improvements to substantially the same condition as the Improvements are required to be constructed pursuant to this Agreement, if and to the extent the insurance proceeds are sufficient to cover the actual cost of repair, replacement, or restoration, and the Developer shall complete the same as soon as possible thereafter so that the Improvements can be occupied in accordance with this Agreement. Subject to enforced delays as set forth in Section 7.10 herein, in no event shall the repair, replacement, or restoration period exceed one (1) year from the date the Developer obtains insurance proceeds unless Executive Director, in his reasonable discretion, approves a longer period of time. Agency shall cooperate with the Developer, at no expense to Agency, in obtaining any governmental permits required for the repair, replacement, or restoration. If, however, the then existing laws of any other governmental agencies with jurisdiction over the Site do not permit the repair, replacement, or restoration, the Developer may elect not to repair, replace, or restore the Improvements by giving notice to Agency (in which event Developer will be entitled to all insurance proceeds but the Developer shall be required to remove all debris from the applicable portion of the Site) or the Developer may reconstruct such other improvements on the Site as are consistent with applicable land use regulations and approved by the City, Agency, and the other governmental agency or agencies with jurisdiction.

4.11 Damage or Destruction Due to Cause Not Required to be Covered by Insurance. If the Improvements are completely destroyed or substantially damaged by a casualty for which the Developer is not required to (and has not) insured against, then the Developer shall not be required to repair, replace, or restore such improvements and may elect not to do so, subject to any requirements of HUD and the Maker of the Primary Construction Loan by providing Agency with written notice of election not to repair, replace, or restore within ninety (90) days after such substantial damage or destruction. In such event, and subject to there being funds available after satisfying the Primary Construction Loan and all other senior debt, the Developer shall concurrently repay the full outstanding balance of the Agency Loan (as theretofore disbursed) to Agency and the full outstanding balance of the City HOME Loan (as theretofore disbursed) to City. As used in this Section 4.11, "substantial damage" caused by a casualty not required to be (and not) covered by insurance shall mean damage or destruction which is fifteen percent (15%) or more of the replacement cost of the improvements comprising the Improvements. In the event the Developer does not timely elect not to repair, replace, or restore the Improvements as set forth in the first sentence of this Section 4.11, the Developer shall be conclusively deemed to have waived its right not to repair, replace, or restore the Improvements and thereafter the Developer shall promptly commence and complete the repair, replacement, or restoration of the damaged or destroyed Improvements in accordance with Section 4.10 above.

4.12 Indemnification.

4.12.1 General Indemnification. The Developer shall defend, indemnify, assume all responsibility for, and hold the Agency, the City and their elected officials, officers, employees, attorneys, and agents (together, "Indemnitees"), harmless from all claims, demands, damages, defense costs or liability of any kind or nature relating to the subject matter of this Agreement or the validity, applicability, interpretation or implementation hereof and for any damages to property or injuries to persons, including accidental death (including attorneys fees and costs), which may be

caused by any acts or omissions of the Developer under this Agreement, whether such activities or performance thereof be by the Developer or by anyone directly or indirectly employed or contracted with by the Developer and whether such damage shall accrue or be discovered before or after termination of this Agreement. The Developer shall not be liable for property damage or bodily injury to the extent occasioned by the negligence or willful misconduct of Agency or City or their agents or employees. The Developer shall have the obligation to defend any such action; provided, however, that this obligation to defend shall not be effective if and to the extent that the Developer determines in its reasonable discretion that such action is meritorious or that the interests of the parties justify a compromise or a settlement of such action, in which case the Developer shall compromise or settle such action in a way that fully protects Agency and City from any liability or obligation. In this regard, the Developer's obligation and right to defend shall include the right to hire attorneys and experts necessary to defend, the right to process and settle reasonable claims, the right to enter into reasonable settlement agreements and pay amounts as required by the terms of such settlement, and the right to pay any judgments assessed against the Developer, Agency, or City. If the Developer defends any such action, as set forth above, and except as provided to the contrary above: (i) the Developer shall indemnify and hold harmless Indemnitees from and against any claims, losses, liabilities, or damages assessed or awarded against either of them by way of judgment, settlement, or stipulation and (ii) Agency shall be entitled to settle any such claim only with the written consent of the Developer and any settlement without the Developer's consent shall release the Developer's obligations under this Section 4.12.1 with respect to such settled claim. Notwithstanding the foregoing, as long as the Primary Construction Loan is insured or held by HUD, the Developer's obligation to honor this indemnification obligation shall be limited to Residual Receipts.

4.12.2 Indemnity Re Challenge to Agreement. The Developer shall, at its expense, defend, indemnify, and hold harmless Agency and City and their elected officials, officers, employees, agents, attorneys and consultants harmless from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature, including without limitation those (i) arising out of the validity or interpretation of, Agency's and/or City's authority to enter into, or payment by Agency and/or City to the Developer under this Agreement, (ii) arising out of the applicability or inapplicability of state and/or federal prevailing wage and public works requirements related to the Development, or (iii) arising out of, in connection with, or relating in any manner to any act or omission of the Developer or its agents, employees, contractors and subcontractors of any tier and employees thereof in connection with or arising from the Developer's performance or nonperformance of its obligations under this Agreement, the Developer's ownership of the Site, or the completion of the Development, except that arising from the sole gross negligence or intentional misconduct of Agency or City and their elected officials, officers, agents, employees or representatives.

(a) Joint Defense on Certain Claims and Lawsuits. The parties acknowledge and agree that for certain types of claims or lawsuits that may be asserted against the Developer, Agency, and/or City as described in (i) and (ii) of Section 4.12.2 above ("Joint Defense Claim"), there may be a common interest and mutual concern in the subject matter of such Joint Defense Claim and that a favorable resolution of a Joint Defense Claim related to (i) and (ii) described above would be mutually beneficial. Therefore, in the event of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above against the Developer or Agency and/or City (including their elected officials, officers, employees, agents, attorneys and consultants), the parties agree to cooperate in the

resolution of such Joint Defense Claim and desire to set forth certain joint defense rights and obligations in the course of coordination of the defense thereof by this Section 4.12.2(a).

(i) In the course of coordinating their defense of the Joint Defense Claim, the parties might engage in communications and exchange information, documents and other materials ("Communicated Information") and such Communicated Information may include confidential attorney client communications, attorney work product, and other information and materials that are protected from disclosure to third parties by the attorney client communication privilege, the work product doctrine or other applicable privileges. The parties wish to insure that the exchange and disclosure of Communicated Information in furtherance of a joint defense effort and the parties' common interest does not diminish in any way the confidentiality of the Communicated Information and does not constitute a waiver of any privileges otherwise applicable.

(A) All Communicated Information shall be used solely in connection with the Joint Defense Claim, and shall be and remain confidential and privileged and may not be disclosed or made available to persons other than to the Developer, Agency and/or City and their respective counsel, and such counsels' employees and agents without the written consent of all of the other parties unless disclosure of such Communicated Information is required by order of court after the privilege and work product doctrines are asserted. Each person to whom Communicated Information is disclosed will also be made aware of the existence of this Section 4.12.2(a) and any implementing joint defense agreement among the Developer, Agency and City and that Communicated Information is privileged, confidential, and not to be disclosed unless ordered by a court to be disclosed.

(B) If any other person or entity requests or demands, by subpoena or otherwise, any Communicated Information from the Developer, Agency, City, or their counsel, such party or counsel receiving said request or demand shall immediately notify all parties and their attorneys, provide them with a copy of said request or demand, assert all applicable rights, privileges and objections with respect to such requests or demands, and cooperate fully with the other party in making every reasonable effort to prevent or limit the disclosure of said Communicated Information.

(C) In the event the Developer, Agency or City enters into any agreement with any third party that is inconsistent with the continued sharing of information under this Section 4.12.2(a) or other implementing joint defense agreement, and/or with any continued joint defense effort, including without limitation any settlement agreement or dismissal, such party or its counsel shall: (a) immediately inform the other parties of the terms of such agreement or dismissal; (b) promptly return to the other parties hereto all copies of all documents provided by such other party pursuant hereto; and (c) refrain from disclosing to a third party any Communicated Information.

(D) In the event that a party enters into a settlement agreement or dismissal, such party is not to be relieved of its obligations hereunder to maintain the privileged nature and confidentiality of all Communicated Information.

(E) At the conclusion of the Joint Defense Claim or earlier termination of this Agreement, and upon the request of any counsel for a party who has furnished Communicated Information pursuant hereto, all such materials and copies, summaries or information referring to, memorializing or derived from Communicated Information shall be either returned to

that counsel or destroyed, at said counsel's option, and counsel returning or destroying such materials as requested shall promptly certify to the requesting counsel that this has been done.

(ii) Nothing in this Section 4.12.2(a) shall be construed as subjecting a party to the effect of any judgment, verdict or other determination on the merits in any lawsuit in which that party is not a party, whether by res judicata, collateral estoppel, law of the case, or otherwise.

(iii) All previously privileged communications between the Developer and Agency (or City) with respect to the Joint Defense Claim and all Communicated Information previously exchanged between counsel for the parties are subject to this Section 4.12.2(a) it having been understood that the Developer, Agency and City shared a common interest in pending or threatened litigation arising out of a Joint Defense Claim related to (i) or (ii) in Section 4.12.2 above.

(iv) The joint defense made possible by and Communicated Information shared hereunder shall not be grounds for any later disqualification of counsel for any party.

(v) A breach of this Section 4.12.2(a) or any implementing joint defense agreement may not adequately be remedied by an action for damages, and injunctive relief, both temporary and permanent, would be the appropriate remedy for any such breach, although all other equitable and legal remedies are reserved and are not waived.

(vi) Nothing contained herein shall limit the right of any counsel to disclose any documents or information independently obtained for his/her respective clients and not subject to a claim of privilege by another party.

(b) Cooperation in Defense of Claims or Lawsuits. The Developer, as indemnitor of Agency (and City) under Section 4.12.2(a) shall have the right to control and manage the defense of any Joint Defense Claim or other claim or lawsuit covered under the indemnity provided in Section 4.12.2(a) above. The Developer shall keep Agency (and City) through their counsel informed of all significant developments in such claim or lawsuit, including without limitation the date(s) for hearings on significant motions, discovery demands requiring the cooperation or participation of Agency or City officials and employees, settlement negotiations, the trial date, and any situations requiring the attendance of Agency or City officials or employees.

(c) Covenant Not to Sue. The following covenant relating to the Developer's obligation not to sue regarding the Development or the Site or any issues ancillary thereto is a material incentive for and a part of the consideration to Agency to provide to the Developer the Agency Loan and for the City to provide the City HOME Loan. Therefore, the Agency Loan proceeds and the proceeds of the City HOME Loan shall in no event be due, payable, or required, and the performance obligations of Agency under this Agreement shall automatically terminate, in the event from and after the Date of Agreement and until the close of escrow for the Developer's acquisition of the Site, the Developer, or any of its partners, officers, directors, employees, agents, representatives, consultants, attorneys, or any person acting at the direction of the Developer, undertakes any act to oppose, or to commence, participate in, prosecute, or otherwise object to, or to litigate, directly or indirectly, any permit or discretionary decision of Agency, City, City's Planning Commission, any other City board or commission relating to the Site and Development of whatever form or nature.

(i) Notwithstanding the foregoing portion of this Section 4.12.2(b), nothing set forth in this Section 4.12.2(b) shall prevent the Developer from asserting its rights relating to the performance and enforcement of this Agreement or due to the abuse of discretion by a governmental entity considering and acting upon a future discretionary decision related to the parameters of this covenant. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's rights with respect to prospective action or future conduct by any person who interferes, opposes, or delays implementation and completion of the Development. Further, nothing in the foregoing covenant shall prevent the Developer from asserting the Developer's property rights pertaining to the Site; provided any such assertion of property rights does not interfere with nor impede any agreement(s) to which the Agency or City is a party (other than this Agreement).

4.12.3 Indemnity by the Developer of Agency and City Relating to Relocation. The Developer hereby covenants and agrees to indemnify, save, protect, hold harmless, and defend Agency and City and their respective representatives, volunteers, officers, employees, agents, and consultants (collectively, "Indemnitees") from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including without limitation penalties, fines, and monetary sanctions), losses, costs, or expenses, including without limitation consultants' and attorneys' fees, or relocation benefits claimed or payable under the Relocation Laws (for purposes of this Section 4.12.3, the foregoing shall be referred to as "Liabilities") which may now or in the future be incurred or suffered by Indemnitees by reason of, or resulting from, in full or in part, or in any respect whatsoever from the Relocation of residents of the Property pursuant to this Agreement.

The Developer, on behalf of itself and its affiliates, and any and all successors and assigns hereby fully and finally releases each of City, Agency and their past and present elective and appointive boards, commissions, officials and employees, representatives and agents from any and all manner of actions, causes of action, suits, obligations, liabilities, judgments, executions, debts, claims and demands of every kind and nature whatsoever, known and unknown, which the Developer and any of its affiliates, successors or assigns may now have or hereafter obtain against Agency and/or City or their past and present elective and appointive boards, commissions, officials and employees, representatives and agents by reason of, arising out of, relating to, or resulting from in full or in part, the election of the Developer to proceed with the Project pursuant to this Agreement (collectively, "Claims"), which release shall include but not be limited to any Claims for Relocation benefits under federal laws or any other applicable laws. The parties agree that, with respect to the release of Claims as set forth above, all rights under Section 1542 of the California Civil Code and any similar law of any state or territory of the United States are expressly waived. Section 1542 reads as follows:

> "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

4.12.4 Environmental Indemnification. The Developer shall save, protect, pay for, defend (with counsel acceptable to Agency), indemnify and hold harmless Agency and City and their officers, employees, representatives and agents, from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including, without limitation, penalties, fines and monetary sanctions), losses, costs or expenses (including, without limitation, consultants' fees, investigation

and laboratory fees, attorneys' fees and remedial and response costs) (for purposes of this Section 300, the foregoing shall be collectively referred to as "Liabilities") which may now or in the future be incurred or suffered by Agency or City or their officers, employees, representatives or agents by reason of, resulting from, in connection with, or arising in any manner whatsoever as a direct or indirect result of (i) the ownership of all or any part of the Property, (ii) any act or omission on the part of the Developer, or its agents, employees, representatives, agents, contractors, occupants, or invitees, (iii) the presence on, under, or about, or the escape, seepage, leakage, spillage, discharge, emission or release from the Property of any Hazardous Materials or Hazardous Materials Contamination, (iv) the environmental condition of the Property, and (v) any Liabilities incurred under any Governmental Requirements relating to Hazardous Materials. The Developer's obligations hereunder shall survive after the issuance of the Certificate of Completion, and shall be a covenant running with the land in perpetuity, binding on all successors and assigns of the Developer's interest in either this Agreement or any part of the Property. The Developer may assign its obligations hereunder to the successor or assign of the Developer's interest in this Agreement or the Property for those events or conditions related to the requirements in this Section that may occur subsequent to the Developer's conveyance to such successor or assign, provided that the Developer shall remain liable for all of its obligations hereunder.

4.13 Rights of Access. Prior to the issuance of the Certificate of Completion, for purposes of assuring compliance with this Agreement, representatives of Agency shall have the right of access to the Site, without charges or fees, at normal construction hours during the period of construction for the purposes of this Agreement, including but not limited to, the inspection of the work being performed in constructing the Improvements so long as Agency representatives comply with all safety rules. Agency representatives shall, except in emergency situations, notify the Developer prior to exercising its rights pursuant to this Section 4.13.

4.14 Compliance With Laws. Developer shall carry out the design, construction and operation of the Improvements in conformity with all applicable laws, including all applicable state labor standards (including without limitation provisions for payment of prevailing wages in connection with all construction of the Improvements to the extent applicable), the City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code, and the Fair Housing Act, 42 U.S.C. Section 3601 *et seq.* (and 24 C.F.R. Part 100), the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*, and the California Building Standards Code, Health and Safety Code Section 18900, *et seq.* Developer, including but not limited to its contractors and subcontractors, shall comply with Labor Code Section 1720, et seq., and its implementing regulations, regarding the payment of prevailing wages (the "Prevailing Wage Law") with regard to the construction of the Improvements, to the extent such sections are applicable to the development of the Improvements. Developer shall be solely responsible for determining and effectuating compliance with the Prevailing Wage Law, and the Agency or City make no final representation as to the applicability or non-applicability of the Prevailing Wage Law to the Improvements, or any part thereof. Developer hereby releases from liability, and agrees to indemnify, defend, assume all responsibility for and hold the Agency and the City, its officers, employees, agents and representatives, harmless from any and all claims, demands, actions, suits, proceedings, fines, penalties, damages, expenses resulting from, arising out of, or based upon Developer's acts or omissions pertaining to the compliance with the Prevailing Wage Law for the Improvements.

The Developer shall comply with the Tax Credit Regulatory Agreement.

Without limitation as to Section 4.12 of this Agreement, Developer shall indemnify, protect, defend and hold harmless the Agency and its officers, employees, contractors and agents, with counsel reasonably acceptable to Agency, from and against any and all loss, liability, damage, claim, cost, expense and/or "increased costs" (including reasonable attorneys fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction, and/or operation of the Improvements, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by Developer of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Section 1781 of the Labor Code, as the same may be amended from time to time, or any other similar law; and/or (3) failure by Developer to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the parties that, in connection with the development of the Improvements, including, without limitation, any and all public works (as defined by applicable law), Developer shall bear all risks of payment or non-payment of prevailing wages under California law and/or the implementation of Labor Code Section 1781, as the same may be amended from time to time, and/or any other similar law. "Increased costs," as used in this Section 4.14, shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. The foregoing indemnity shall survive termination of this Agreement and shall continue after completion of the construction and development of the Improvements by the Developer.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: March 22, 2011

TITLE: MID-YEAR BUDGET REVIEW

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive and file this report
2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

BACKGROUND

The City Council is annually updated on the City's financial status through a Mid-Year Budget Review which reflects operational results for the first half of the fiscal year, from July through December. The mid-year budget review will focus on the City's General Fund, which represents the greatest concern with respect to the impacts of the economic recession but will also present six-month operational results from other key funds such as Community Services District (CSD) Zone A (Parks & Community Services), CSD Zone L (Library) and the Electric Utility.

The City Council and staff have worked diligently during the past two years to reduce the structural General Fund expenditure budget by over $12 million. The General Fund operating budget has been reduced from $98 million in FY 2007-08 to $81 million in FY 2010-11. The structural expense reductions have included defunding of 80 positions generating savings of about $7 million annually. In addition, staff has been on a 36 hour work week or 10% furlough program that saves about $1.4 million each year. Many additional actions throughout the General Fund have also been implemented totaling about $3.6 million; such as reducing travel & training, suspending merit and step

increases, reductions in use of professional services and many others. In short, the City has been reducing the budget through recent Deficit Reduction Plans in response to rapidly declining revenues. The end of the recession has brought revenue stability for the first time in several years. Although significant growth in revenues is not anticipated for several years, the City Council and staff can now focus on the Deficit Elimination Plan that will reduce structural expenditures to the stable revenue level over the FY 2011-12 through FY 2013-14 three-year period.

Recap of First Quarter Budget Review

On December 14, 2010, a First Quarter Budget Review was presented to the City Council. This report indicated that the operating results for the first quarter were positive and that a stable outlook was projected for the remainder of the fiscal year. No additional actions were recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

DISCUSSION

Prior Year Savings Needed to Balance the FY 2010-11 Budget

One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional savings has been used to fund three additional police officers ($580,000) and the shortfall that is currently being experienced in the residential street lighting program ($675,000). Achieving this savings is a significant accomplishment and represents the combined efforts of all City departments to continue identifying and implementing cost-cutting measures in response to closing the structural budget deficit. Audited results for FY 2009-10 will be presented to Council upon the completion of the financial audit.

Mid-Year General Fund Results

This mid-year report updates the Mayor and Council regarding current year fiscal trends and provides the opportunity for critical policy input from the Council prior to developing next year's budget. As adopted, the FY 2010-11 budget totals approximately $200 million with the General Fund comprising $80.9 million. As a measure to match the revenues to expenditures and continue the current service levels the City Council approved the use of $13 million of Fund Balance.

Revenue Trends

In order to adequately analyze the City's current revenue position it is helpful to review the revenue trends over a multi-year period. As illustrated in the charts below after three consecutive years of decline General Fund revenues are projected to achieve a slight increase in FY 2010-11. This experience is consistent with projections made by local economists that the bottom has been reached and revenue streams will begin to stabilize. General Fund revenue performance can be measured by following five primary revenue sources. Property taxes, including the Vehicle In-Lieu tax shift, which were budgeted to decline by 14% instead only declined by 4%. Sales tax revenue

increased by 4.8% from FY 2009-10 actuals to the amount projected to be received for FY 2010-11. This amount is due to improved consumer spending, in addition to an annual adjustment related to the State triple-flip process that was larger than expected. In addition, the expiration of the Auto Mall owner participation agreements results in additional sales tax revenue that is retained by the General Fund. Utility Users Tax has been the most consistent revenue over the past four years and these revenues are projected to be slightly higher than both the budget and the previous year. Development services revenues have experienced severe volatility over the past three years but are projected to be flat when compared to the prior fiscal year suggesting that they have stabilized. Investment income, the fifth of the key revenues, is projected to improve slightly over the prior year due to the active management strategy adopted last year which has allowed the portfolio to take advantage of short-term opportunities within the financial markets.

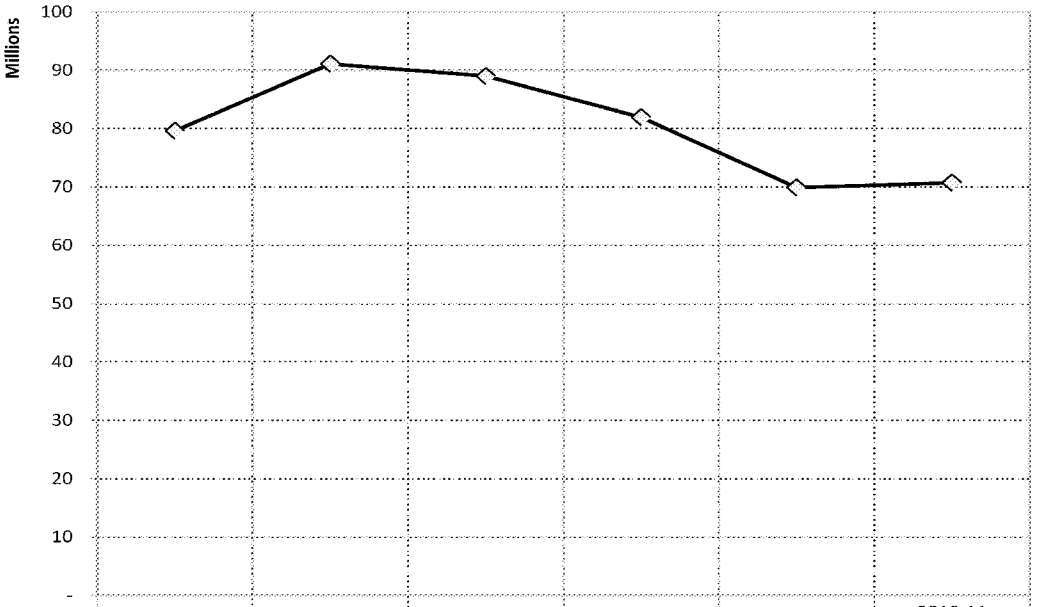

	2005-06 Actuals	2006-07 Actuals	2007-08 Actuals	2008-09 Actuals	2009-10 Actuals	2010-11 Year-end Projection
Revenues	79,615,944	91,116,701	88,999,014	81,930,066	69,892,454	70,728,080

General Fund
Revenue Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Taxes:			
Property taxes	$ 8,596,100	$ 8,596,100	$ 9,158,400
Property taxes in lieu	11,773,400	11,773,400	13,056,000
Utility taxes	15,200,000	15,200,000	15,600,000
Sales taxes	9,735,100	9,735,100	10,515,000
Other Taxes	6,556,500	6,556,500	6,900,000
Licenses and permits	1,363,600	1,363,600	1,431,200
Intergovernmental	643,500	643,500	1,049,800
Charges for services	8,284,600	8,283,156	6,853,900
Use of money and property	4,527,900	4,527,900	4,220,300
Fines and forfeitures	1,117,000	1,117,000	1,120,000
Miscellaneous	172,700	177,800	823,480
	-	-	-
Total Revenues	**67,970,400**	**67,974,056**	**70,728,080**

Expenditure Trends

The following charts illustrate that expenditures have been reduced over the past few years to become more in line with revenues and to maintain reserves at a prudent level. Over the past three years spending has been reduced from $97.6 million in FY 2007-08 to a budgeted amount of $80.9 million in FY 2010-11 which represents a reduction of over 17%. Projected spending levels through mid-year show significant savings when compared to the spending plan approved by Council as staff at all levels continue to undertake efforts to reduce operating costs while sustaining key service levels.

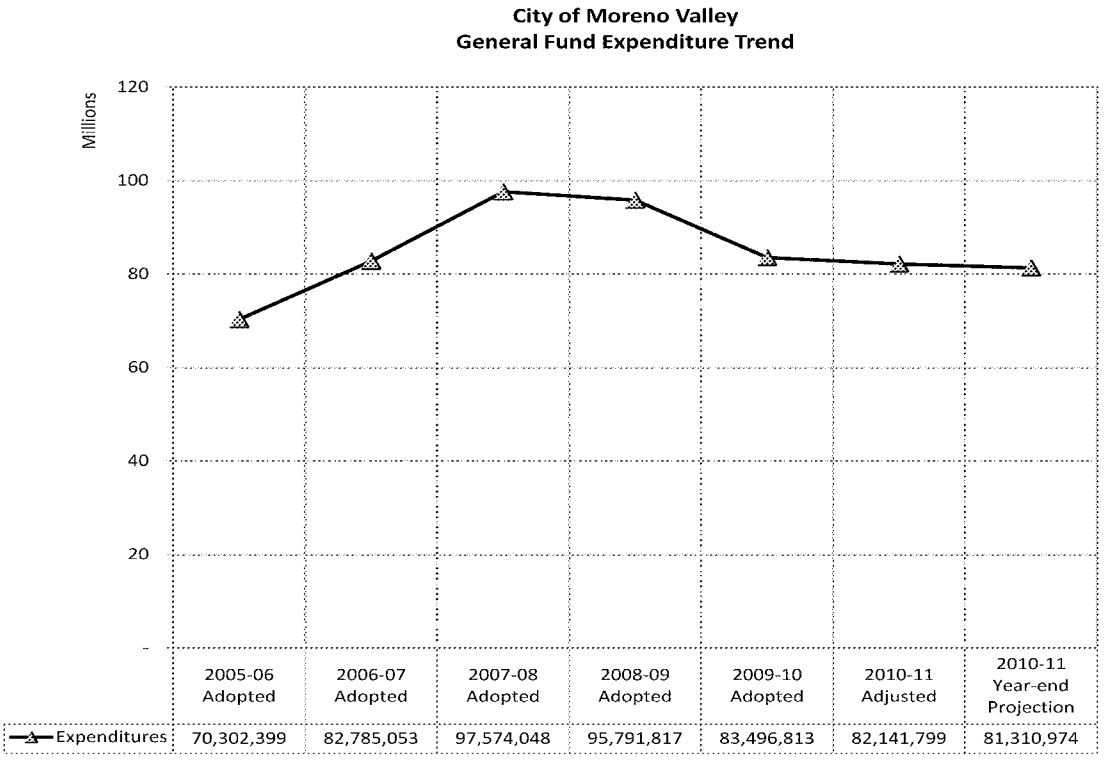

Though there may be variances on a department specific basis, General Fund expenditures are projected to be within City Council approved appropriations and the budget remains balanced. This includes the City Council's decision to utilize surplus revenues to fund additional costs related to priorities related to Police and Community Services District Zone B for Residential Streetlighting subsidy.

Expenditure Year-end Projections
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
General government			
City council	$ 579,922	$ 581,564	$ 523,400
City manager	1,279,359	1,305,638	1,171,463
City clerk	634,286	521,486	525,715
City attorney	1,015,407	1,015,407	952,502
Economic development	436,287	482,774	432,202
Financial and administrative services	3,108,962	3,128,875	3,066,423
Human resources	958,505	958,505	791,989
Non-departmental	2,694,500	2,665,546	2,601,646
Public safety			
Police	41,291,771	41,870,739	42,246,062
Fire	15,666,535	15,666,535	15,266,718
Animal services	2,287,240	2,297,418	2,401,450
Emergency operations/volunteer services	605,166	605,166	600,547
Crossing guards	583,439	583,439	516,700
Community development	4,629,070	4,638,875	4,246,017

Public works	3,551,311	3,562,092	3,710,400
Total Expenditures	$ **79,321,760**	$ **79,884,059**	$ **79,053,234**
Other Financing Uses			
Transfers out	1,582,740	2,257,740	2,257,740
Grand Total	$ **80,904,500**	$ **82,141,799**	$ **81,310,974**

First Quarter Summaries of Other Major Funds

▪ Community Services District (CSD) Zone A – Parks & Community Services

Zone A - Parks and Community Services
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,586,789	$ 1,586,789	$ 1,678,500
Charges for services	5,637,700	5,637,700	5,658,800
Use of money and property	457,800	458,800	501,900
Miscellaneous	25,500	26,433	31,200
	0	0	0
Total Revenues	**$ 7,707,789**	$ **7,709,722**	$ **7,870,400**
Expenditures:			
Current:			
Community and cultural			
Senior Program	502,539	503,472	470,404
Parks and recreation administration	468,235	468,235	556,947
Park ranger program	320,241	320,241	317,000
Recreation programs	1,702,569	1,702,569	1,598,500
Park maintenance	2,772,945	2,836,395	2,549,200
Park maintenance - contract	458,100	458,100	423,600
Golf course program	289,886	289,886	302,345
Recreation and conference	442,548	442,548	469,900
Recreation and conference - banquets	238,044	238,044	227,794
Parks projects	152,410	152,410	150,700
Community services	142,088	142,088	126,800
Community events	78,072	78,072	76,400
Non-departmental	250,300	250,300	250,300
Capital outlay	6,400	6,400	23,400
Total Expenditures	**$ 7,824,377**	$ **7,888,760**	$ **7,543,290**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(116,588)	(179,038)	327,110
Other Financing Sources (Uses):			
Transfers in	289,800	289,800	314,800
	0	0	0
Total Other Financing Sources (Uses)	**$ 289,800**	$ **289,800**	$ **314,800**
Net Balance	***$ 173,212***	$ ***110,762***	$ ***641,910***

The revenues are tracking slightly ahead of expectations. The largest revenue sources are property tax and parcel fees, which are collected and remitted twice annually. The first distribution was received in mid January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Community Services District (CSD) Zone L – Library**

Zone L - Library
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Property Taxes	$ 1,201,200	$ 1,261,200	$ 1,261,200
Intergovernmental	27,000	27,000	73,600
Charges for services	33,000	33,000	30,000
Use of money and property	0	0	0
Fines and forfeitures	56,500	56,500	46,500
Miscellaneous	2,000	7,255	7,200
	0	0	0
Total Revenues	**$ 1,319,700**	**$ 1,384,955**	**$ 1,418,500**
Expenditures:			
Community and cultural			
Library	1,903,462	1,940,694	1,895,600
Total Expenditures	**$ 1,903,462**	**$ 1,940,694**	**$ 1,895,600**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(583,762)	(555,739)	(477,100)
Other Financing Sources (Uses):			
Transfers in	446,740	446,740	446,800
Total Other Financing Sources (Uses)	**$ 446,740**	**$ 446,740**	**$ 446,800**
Net Balance	***$ (137,022)***	***$ (108,999)***	***$ (30,300)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is property taxes, which are collected and remitted twice annually. The first distribution was received in early January 2011. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Gas Tax**

State Gasoline Tax Special Revenue Fund
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Taxes:			
Intergovernmental (gas tax)	2,702,500	2,702,500	2,862,225
Use of money and property	5,000	5,000	1,500
Miscellaneous	2,000	2,000	10,200
	0	0	0
Total Revenues	**$ 2,709,500**	**$ 2,709,500**	**$ 2,873,925**
Expenditures:			
Public works:			
Infrastructure project engineering	384,086	384,086	306,986
Street maintenance	1,740,356	1,740,356	1,919,100
Graffiti removal	329,014	329,014	366,700
Tree trimming	383,230	383,230	412,100
	0	0	0
Total Expenditures	**$ 2,836,686**	**$ 2,836,686**	**$ 3,004,886**
Excess (Deficiency) of Revenues Over (Under) Expenditures	(127,186)	(127,186)	(130,961)
Net Balance	***$ (127,186)***	***$ (127,186)***	***$ (130,961)***

The revenues are tracking slightly ahead of expectations. The largest revenue source is gas taxes, which are collected and remitted by the State of California monthly. Expenses are slightly lagging expectation as a result of controlling costs and monitoring expenditures.

- **Electric Utility**

Electric Utility
Year-end Projections - Revenues and Expenditures
FY 2010-11

	Adopted Budget	Adjusted Budget	Year-end Projection
Revenues:			
Operating Revenues:			
Generation	$ 9,360,000	$ 9,360,000	$ 8,945,076
Distribution	3,640,000	3,640,000	4,533,022
Special Charges	144,000	144,000	142,831
Public Purpose	500,000	500,000	779,328
Other charges for services (electricity fee refunds)	(146,000)	(146,000)	(73,709)
Use of money and property	56,000	56,000	79,982
Miscellaneous	315,500	315,500	239,772
Total Operating Revenues	**$ 13,869,500**	**$ 13,869,500**	**$ 14,646,302**

Expenditures:			
Operating Expenditures:			
Electricity purchased	6,900,000	6,900,000	7,228,800
Services and supplies	2,842,695	2,842,695	2,673,524
Distribution share	1,425,000	1,425,000	1,567,500
Rate stabilization reserve	327,000	327,000	359,700
Public purpose program:			
Electricity purchased	400,000	400,000	400,000
Services and supplies	100,000	100,000	100,000
Total Operating Expenditures	**$ 11,994,695**	**$ 11,994,695**	**$ 12,329,524**
Operating Income (Loss)	**$ 1,874,805**	**$ 1,874,805**	**$ 2,316,778**
Nonoperating Revenues (Expenses)			
Debt Service:			
Principal retirement	570,200	570,200	470,380
Interest expense and fiscal charges	1,656,200	1,656,200	1,658,207
Capital outlay	87,500	87,500	81,375
	0	0	0
Total Nonoperating Revenues (Expenses)	**$ (2,313,900)**	**$ (2,313,900)**	**$ (2,209,962)**
Income (Loss) Before Transfers	**$ (439,095)**	**$ (439,095)**	**$ 106,816**
Net Balance	***$ (439,095)***	***$ (439,095)***	***$ 106,816***

**Net of depreciation*

As reflected in the previous operational financial summaries (not including capital projects and/or debt service), revenue and expenditure results for Parks, Library, Gas Tax and the Electric Utility through the first quarter of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. Therefore, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by the respective departments.

Proposed Mid-Year Budget Appropriation Adjustments

The Mid-year Budget Review is traditionally the time in which additional budget appropriation adjustments are considered due to unforeseen circumstances that have occurred since the adopted of the budget. There are two items recommended for Council's approval this fiscal year.

I. Recommend the transfer of $150,000 from the General Fund (fund balance) to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort (MOE) requirements:

The City receives Measure A, Local Streets and Roads (LSR) funding from the Riverside County Transportation Commission (RCTC) to augment the City's transportation improvement program. In order to continue to receive Measure A funds, MOE requirements are imposed on local agencies to ensure that local transportation

expenditures are maintained. The MOE requirements include the annual certification of discretionary General Fund expenditures for transportation related construction and maintenance activities that meet or exceed the MOE Base Amount. The City's MOE base amount is $1.6m. In FY 2010-11, it is projected that transportation related activities will be under the MOE base amount by $150,000. A transfer to the Gas Tax street maintenance programs of $150,000 will ensure the City's meeting the MOE requirements. The City currently receives $2.4m in Measure A funds.

II. Recommend the transfer of $157,000 from the General Fund (fund balance) and $33,000 from the Equipment Replacement Fund (fund balance) to the Vehicle Equipment Maintenance and Street Maintenance programs for state-mandated vehicle modifications/replacements:

The California Air Resources Board mandates all public agencies with heavy-duty, diesel vehicles within their fleets to have 100% of the heavy-duty vehicles retrofitted with particulate matter traps (emissions filters) or to retire/replace such vehicles. The City has a total of (17) such vehicles and previously retrofitted (9) vehicles. The remaining (8) vehicles, that belong to the Maintenance & Operations, Transportation Engineering, Parks Maintenance, and Facilities Maintenance divisions, are required to be retrofitted by December 31, 2011 or be retired from service. It is proposed that (7) vehicles are retrofitted and that (1) vehicle (Unit #96-525) be replaced as it is significantly past its normal life cycle. The total combined cost of the retrofits and funds required to supplement available vehicle replacement funds is $190,000. The proposed retrofits/replacements are mandatory and must be complete by December 31, 2011 to comply with California Air Resources Board regulations and retain the use of these vehicles.

SUMMARY

The budget for FY 2010-11 remains balanced using significant one-time sources of funding. Staff has identified four key revenue adjustments that have a net zero effect to the total General Fund revenue stream. One of the key components in balancing the FY 2010-11 General Fund budget was the projected savings of $1,020,000 from the FY 2009-10 Budget, to be carried forward to FY 2010-11. Although audited year-end results will not be available until the end of March, unaudited results indicate that the budget savings is actually $2.4 million. The additional $1.4 million in savings has been applied to additional expenditures approved by the City Council in FY 2010-11 (Police Dept - $580,000 and CED Zone B Residential Street Lights - $675,000).

General Fund revenues received through December 31th are meeting expectations based on historical experience. Generally, expenditures are slightly below the expected expenditure pace for FY 2010-11. Therefore, results through the first half of FY 2010-11 are positive and indicate a stable outlook for the remainder of the fiscal year. As a result, no actions are recommended with respect to workforce reduction or other expenditure reductions, beyond the prudent cost-control measures already being implemented by all departments.

Despite the positive results thus far in FY 2010-11, significant challenges are expected in adopting a balanced General Fund budget for FY 2011-12; with a deficit of $14 million

projected. Staff is preparing the preliminary base operating budget as a two-year budget for FY 2011-12 and FY 2012-13 with no change in staffing or service levels. In addition, staff has prepared a proposed Three-Year Deficit Elimination Plan (DEP) to eliminate the remaining deficit and balance ongoing revenues and expenditures by FY 2013-14. Council approval of a final DEP will include direction to staff to apply the first 2 (two) years of the approved DEP actions to the base budget for FY 2011-12 and FY 2012-13. Staff will return with the Proposed Two-Year Operating Budget for Council review in May 2011.

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Concurred By:
Cynthia Fortune
Financial Operations Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00101061

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: March 22, 2011

TITLE: ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY

RECOMMENDED ACTION

Staff recommends the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

BACKGROUND

The City of Moreno Valley is poised for future growth. With the economy starting to realize some improvement, now is the opportune time to evaluate ways that Moreno Valley can best plan for advancing economic development in the short and near term. The creation of an Economic Development Plan with established Areas of Opportunity in the community for producing major employment hubs, successful retail centers and redevelopment possibilities is aimed at providing a roadmap for Moreno Valley to become a major business development area in Southern California.

Over the years, Moreno Valley has experienced significant growth. Incorporated in December 1984, Moreno Valley has experienced a 379% increase in population in just 26 years. However, the City's jobs to housing ratio is not properly balanced. The need to create more employment opportunities should be made a priority in creating a well rounded community with a strong economic foundation. Adding new logistic and distribution centers will not only create new jobs for residents, but also provide a positive economic stimulus to the existing business community. Furthermore, Moreno Valley should seek to enhance its commercial retail/restaurant make-up and move to improve the City's per capita sales tax revenue stream. Making Moreno Valley a great place to live, work, shop, dine and visit--will improve the overall economic health of the community.

DISCUSSION

Moreno Valley has a strategic location in the Inland Region and is in the path of growth. During the past decade or so, Moreno Valley has experienced strong residential development from many quality home builders. Now it will be important for the City to provide ways for new commercial, office and industrial development to happen in the community. Understanding Moreno Valley's strengths and weaknesses, along with pursuing a balanced mix of residential and business development will be key in planning how Moreno Valley attracts development opportunities in the new global economy.

Ensuring the proper land uses are in place, along with embracing a business friendly environment will help ensure that developers and businesses select Moreno Valley as a place to do business. With the right attitude and proper Economic Development Plan—Moreno Valley can be the future of not only Southern California but also compete to be a major place to be in the new global economy.

The formulation of an effective Economic Development Plan should pursue opportunities for the short and mid-term, as well as consider opportunities throughout the community. As part of the adoption of the Housing Element, staff recommended that the City Council consider opportunities to rezone areas of the community that could facilitate new business development, as well as specifically address the jobs to housing imbalance. The following ten geographic business areas represent specific Areas of Opportunity in Moreno Valley to be considered for incorporating into an Economic Development Plan.

- Eastern Moreno Valley-Rancho Belago (including Highland Fairview Corporate Park-Skechers USA, WestRidge Commerce Center, Prologis, and Moreno Highlands)
- City Center (including a Nason, Moreno Beach and Lasselle loop--with Stoneridge Towne Centre, Moreno Beach Plaza, Moreno Valley Auto Mall, proposed Moreno Beach Marketplace-Lowes Center, Moreno Marketplace-Stater Bros. Center, Moreno Valley Ranch Golf Club, Riverside County Regional Medical Center, Aqua Bella, Kaiser-Moreno Valley Community Hospital, Lakeside Plaza & Terrace, Moreno Valley College, the proposed Winco Center and the City's 60-acre property at NWC of Alessandro/Nason)
- South Moreno Valley Industrial Specific Plan Area
- March LifeCare
- Centerpointe Business Park
- Alessandro Boulevard
- Sunnymead Boulevard
- Festival-Ironwood
- Sunnymead Ranch-Lakeshore Village Marketplace
- TownGate (including the Moreno Valley Mall and five surrounding commercial centers-TownGate Center, TownGate Plaza, TownGate Crossing, TownGate Promenade, and TownGate Square)
- Canyon Springs Plaza and proposed TownGate Highlands
- Edgemont Area

At the March 22 City Council meeting, a PowerPoint presentation will visually outline the Areas of Opportunity. Included with the presentation will be an illustration of the importance of linking the City's Capital Improvement Plan (CIP) and the City's Traffic Circulation Plan to a new Economic Development Plan. Ensuring that revenues to be used for the CIP are focused on advancing the City's Economic Development Plan and its Areas of Opportunity shall provide for a more strategic approach to planning for new public improvements that benefits economic development in the community. As part of this approach to the CIP, staff is recommending advancing the planning of a number of public improvement projects related to the City Center area--including work on SR60/Nason, SR60/Moreno Beach, pursuing the connection of Eucalyptus Avenue to Moreno Beach Drive, along with the connection of Nason Street, from Cactus Avenue to Iris Avenue to provide a much needed north and south arterial thoroughfare from SR60 to Iris Avenue.

After introducing the major components of the Economic Development Plan-Areas of Opportunities, staff recommends that the Economic Development Council Subcommittee (Council Members Co and Molina) work with the City Manager and Community & Economic Development Director, along with a number of developers to further advance the specifics of the Economic Development Plan. Included with this effort will be evaluating many rezoning and redevelopment opportunities, all aimed at furthering the City's economic development efforts. As part of this process, the City shall pursue a 'modified' General Plan process that will include a focused 'Plan' review that will evaluate the highest and best uses for the many areas included with the Areas of Opportunities.

FISCAL IMPACT

There is NO established fiscal impact at time. As the Economic Development Plan-Areas of Opportunity is further refined a budget shall be established for undertaking planning activities.

Prepared By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

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MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
March 22, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Riverside County Board of Supervisors Proclamation Recognizing Moreno Valley Community Senior Center as a Community Focal Point

2. Recognition of Moreno Valley Police Department's Participation in Operation SafeHouse's Stuff the Bus Event

3. Proclamation Recognizing Trent Sauls

4. Mayor's Awards of Valor Recognizing Rodrigo Murguia, David Westerhaus, and Jimmy Zapata

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
March 22, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:39 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Service

MV00102137

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments; there being none, public comments were closed.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 2-15, 2011.

A.4 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-27 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-27

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.5 ALCOHOL BEVERAGE CONTROL (ABC) "MINOR DECOY/SHOULDER TAP" GRANT FUNDING OPPORTUNITY (Report of: Police Department)

Recommendation:
Approve the grant application and authorize acceptance (if awarded) from the Department of Alcohol Beverage Control, State of California,

in the amount of $69,918.00, "Minor Decoy/Shoulder Tap" Grant.

A.6 AUTHORIZATION TO ISSUE A CHANGE ORDER TO INCREASE PURCHASE ORDER TO SOUTHERN CALIFORNIA EDISON (SCE) FOR RELOCATION OF FACILITIES FOR THE KITCHING STREET IMPROVEMENTS PROJECT -- PROJECT NO. 07-50182425 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 38653 to Southern California Edison (SCE) by the amount of $125,400 ($114,000 plus 10% contingency) for a total not-to-exceed amount of $160,400. (Account No. 501.82425.7500); and

2. Authorize payment to SCE in an amount up to $125,400 for relocation of SCE facilities associated with the Kitching Street Improvements project.

A.7 APPROVAL OF CHECK REGISTER FOR JANUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-28, approving the Check Register for the month of January, 2011 in the amount of $12,324,061.41.

Resolution No. 2011-28

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of January, 2011

A.8 AUTHORIZATION TO EXECUTE AGREEMENTS WITH THE YMCA FOR MORRISON PARK FIRE STATION -- PROJECT NO. 11-43472527 (Report of: Public Works Department)

Recommendation:

1. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-015;

2. Approve an "Irrevocable Reciprocal Easement for Ingress and Egress" with the YMCA for access through APN 487-370-017; and

3. Authorize the City Manager to execute said "Irrevocable Reciprocal Easement for Ingress and Egress" for APN 487-370-

MV00102139

015 and APN 487-370-017 with the YMCA.

A.9 2010 ANNUAL REPORT OF THE PLANNING COMMISSION (Report of: Community & Economic Development Department)

Recommendation:

1. Receive and File the 2010 Annual Report of the Planning Commission; and

2. Authorize transmittal to the California State Office of Planning and Research in accordance with Government Code Section 65040.5.

A.10 CONSIDERATION OF THE FOURTH AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT CREATING THE WESTERN RIVERSIDE REGIONAL CONSERVATION AUTHORITY(Report of: City Manager's Office)

Recommendation:

Approve the Fourth Amended and Restated Joint Exercise of Powers Agreement creating the Western Riverside Regional Conservation Authority and authorize the Mayor to execute the proposed document.

A.11 APPROVE TM 34950-1, A FINAL MAP FOR FINANCING PURPOSES, BETWEEN BRODIAEA AVENUE AND CACTUS AVENUE, AND LASSELLE STREET AND MORRISON STREET - DEVELOPER: MORENO VALLEY PROPERTIES, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Approve TM 34950-1, a final map for financing purposes; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.12 A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION PLANNING GRANT PROGRAM (Report of: Community & Economic Development Department)

Recommendation:

Adopt Resolution No. 2011-29, authorizing the submittal of an application entitled "The Alessandro Boulevard Corridor Implementation Project" to the California Department of Transportation (CalTrans) Planning Grant Program.

Resolution No. 2011- 29

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing Submittal of an Application for Grant Funds for the Caltrans Transportation Planning Grant (Fiscal Year 2011-2012)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 8, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to approve Joint Consent Calendar Items A.1 through D.2 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

MV00102141

E. PUBLIC HEARINGS

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

Motion to continue the item to May 24, 2011 Council Meeting by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

E.2 FY 2011/12 PROJECT SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for CDBG and the HOME grant programs to allow public comment on the proposed FY 2011/12

MV00102142

social service programs; and

2. Review and select programs for funding for social service, housing, and economic development activities to be included in the City's FY 2011/12 Annual Action Plan.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder, George Price, Josiah Bruny, Pastor Earnesline Anderson and Hal Tubb.

Motion to receive and file by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - none

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported the following: demolition of an old hospital at March Air Reserve Base scheduled on March 28, at 10 a.m. with a renowned guest speaker Willie Brown; a trip to Washington, D.C. regarding pending projects and reduction in air force reserve staffing

b. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

Council Member Pro Tem Hastings reported the following: announced an upcoming Clean Cities Coalition meeting at the Mission Inn, and the General Assembly meeting in Morongo on June 21 with a guest speaker Condoleezza Rice and encouraged everyone to attend; WRCOG received funding for AB 811 program, and the City will be given an update on how the program will be implemented

G.2 APPOINTMENT TO THE PLANNING COMMISSION (Report of: City Clerk Department)

Recommendation: That the City Council:

1. Appoint one (1) member for a term expiring March 31, 2013; or

MV00102143

2. If the appointment is not made, authorize the City Clerk to re-notice the position as vacant.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to appoint Carlos Ramirez for a term expiring March 31, 2013 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceedings for Southeastern Calif Conf Sev Day Adventist Church—APN 484-030-015 and Buddhadhammo Temple—APN 488-210-014 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 CONDITIONAL COMMITMENT LETTER AMONG THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, THE CITY OF MORENO VALLEY AND RANCHO BELAGO DEVELOPERS INC. (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:
Rescind the action from the last meeting of adopting Resolution No.

MV00102144

2011-26 consenting to the approval of an Affordable Housing Agreement between the Redevelopment Agency and Rancho Belago Developers Inc. and restate the City's approval of the Conditional Commitment Letter Agreement among the Community Redevelopment Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 5-0.

Recommendation: That the RDA:
Rescind the action from the last meeting of adopting Resolution No. RDA 2011-05 approving an Affordable Housing Agreement by and between the Agency and Rancho Belago Developers Inc. and restate the Agency's approval of the Conditional Commitment Letter Agreement among the Agency, the City of Moreno Valley and Rancho Belago Developers Inc.

Motion to Approve by m/Agency Member Robin N. Hastings, s/Agency Member William H. Batey II
Approved by a vote of 5-0.

G.5 MID YEAR BUDGET REVIEW (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:
1. Receive and file this report; and

2. Approve two recommended mid-year appropriation adjustments, including the transfer of $150,000 in General Fund fund balance to the Gas Tax Special Revenue Fund to meet Measure A Maintenance of Effort requirements and transfer $190,000 ($157,000 from General Fund fund balance and $33,000 from Equipment Replacement Fund fund balance) for state-mandated vehicle modifications/replacements.

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder and Pete Bleckert.

Motion to Approve by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings
Approved by a vote of 5-0.

MV00102145

G.6 ECONOMIC DEVELOPMENT PLAN—AREAS OF OPPORTUNITY (POWERPOINT TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Review and provide staff with direction on the development of a new Economic Development Plan—Areas of Opportunity.

Mayor Stewart opened the agenda item for public comments, which were received from Pete Bleckert, Deanna Reeder and Tom Jerele Sr.

Received and filed.

G.7 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Marcia Amino
1. Land use and transportation planning
2. City Manager's salary
3. Car allowances

Pete Bleckert
1. Retirement benefits

Louise Palomarez
1. Audio for Council meetings
2. Rising Star program
3. Use of redevelopment money
4. Red light camera on Day Street

Tom Jerele Sr.
1. Commended public input
2. Red light camera on Day Street
3. Housing issues
4. Edgemont area potential
5. Graffiti at Sunnymead Boulevard area

Deanna Reeder
1. Public input at the Economic Development Subcommittee meetings
2. Requested information regarding Economic Development Subcommittee meetings
3. Public workshop in April
4. Council Member Co's Code Compliance case

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Attended the grand opening of Buffalo Wild Wings restaurant
2. Top five classes from the reading contest will go to a movie at Harkins Theatre on April 21; reading contest is a very successful program

Mayor Pro Tem Molina
1. Attended the Buffalo Wild Wings grand opening on Saturday; it is an indication that possibly the economy has bottomed out
2. On Saturday, went on a tour at Skechers given by Iddo Benzeevi; was very impressed with high technology; the tour, which is very informative, is open to the public

Council Member Co
1. Thanked everybody for participating in the Economic Development Subcommittee meetings
2. Stated that right now we are trying to do the best we can to allocate resources for the best possible results; we need jobs that provide good income; asked for input from the public

Council Member Hastings
1. Attended the Buffalo Wild Wings grand opening - was a standing room only; personally believes that the economy is turning around
2. Asked Community and Economic Development Director Barry Foster to report on the Small Business Development Center (SBDC) receiving an award; SBDC was recognized earlier this year as one of the top 10 SBDCs in the U.S.A and is the only one in California that received that designation; it is fantastic to have this facility in Moreno Valley to provide

MV00102147

assistance to small businesses
3. Congratulated Mayor Pro Tem Molina on bringing forward budget ideas; we need ideas to eliminate 14 million dollars budget deficit; asked the public to please forward any ideas to her; presented suggestions for reducing expenditures

Mayor Stewart
1. Stated that Buffalo Wild Wings received about 1300 job applications and hired about 110; there were long lines on the first day of opening
2. The Police Department made a fantastic arrest for an armed robbery; two people arrested committed about 20 commercial robberies; congratulated officers on fantastic work
3. Reiterated that Mayor's Award of Valor was presented to Rodrigo Murguia, David Westerhaus and Jimmy Zapata for their heroic action to save traffic collision victims from a burning car on November 17, 2010
4. All standing council subcommittee meetings are noticed and posted at least 72 hours before a meeting pursuant to the Brown Act

There being no further business to conduct, the meeting was adjourned at 9:56 p.m. to Closed Session by unanimous informal consent.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda items for public comments; there being none, public comments were closed.

Closed Session was held in the City Manager's Conference Room, Second Floor, City Hall pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

MV00102148

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:13 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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MV00102149

PLANNING COMMISSIONERS

RAY L. BAKER
Vice-Chair

RICHARD DOZIER
Commissioner

GEORGE SALAS, JR.
Commissioner

AMBER CROTHERS
Commissioner

THOMAS A. OWINGS
Commissioner

CARLOS RAMIREZ
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION AGENDA

May 12, 2011

PLANNING COMMISSION MEETING – 7:00 P.M.

CITY OF MORENO VALLEY
City Hall Council Chambers
14177 Frederick Street
Moreno Valley, California 92553

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING

(ON DISPLAY AT THE REAR OF THE ROOM)

COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION

The City of Moreno Valley complies with the Americans with Disabilities Act of 1990. If you need special assistance to participate in this meeting, please contact Mel Alonzo, ADA Coordinator at (951) 413-3027 at least 48 hours prior to the meeting. The 48-hour notification will enable the City to make arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

1. Recognition of Former Planning Commissioners:
Michael Geller, 14 Years of Dedicated Service
Rick De Jong, 9 Years of Dedicated Service
Maria Marzoeki, 8 Years of Dedicated Service

2. PA11-0017 - Fiscal Year 2011-2012 Capital Improvement Plan Conformance with General Plan

Recommendation: That the Planning Commission make a finding that the Fiscal Year 2011-2012 Proposed Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan.

PUBLIC HEARING ITEMS

1.

Case Number:	PA10-0035
Case Description:	PA10-0035 Amendment to Municipal Code for Water Quality requirements.
Case Type:	Municipal Code Amendment
Applicant:	City of Moreno Valley
Owner:	City of Moreno Valley
Representative:	City of Moreno Valley
Location:	City Wide
Proposal:	The proposed amendment is an update to the City's Municipal Code to implement new design standards to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit which is designed to minimize impacts from new development as well as redevelopment projects discharging urban waters entering Waters of the U.S. from municipal separate storm sewer systems which is regulated under the National Pollutant Discharge Elimination System (NPDES) permit.
Case Planner:	Julia Descoteaux

Recommendation: **APPROVE** Resolution No. 2011 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 (Municipal Code Amendment); and,
2. **RECOGNIZE** that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

2. Case Number: P11-029

Case Description: Amendment to Aquabella Development Agreement

Case Type: Development Agreement Amendment

Applicant: Highland Fairview

Owner: Moreno Valley Properties

Representative: Wayne Peterson

Location: NEC Lasselle Street and Cactus Avenue

Proposal: Amendment to Aquabella Development Agreement to remove Planning Area 2 (portion of Parcel 486-280-045).

Case Planner: John C. Terell, AICP

Recommendation:

APPROVE Resolution No. 2011-14 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and,

2. **APPROVE** P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2-acre parcel at the northeast corner of Cactus Avenue and Lasselle Street.

3. Case Number: P08-133
PA08-0097
PA08-0098
PA09-0022
PA10-0017

Case Description: Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Case Type: Environmental Impact Report
Plot Plan with hearing for a 937,260 square foot warehouse building on 55 acres
Zone Change from Business Park (BP) to Light Industrial (LI)
Tentative Parcel Map No. 36207
Municipal Code Amendment to Section 9.05

Applicant: Ridge Rancho Belago, LLC

Owner:	Ridge Rancho Belago, LLC
Representative:	Inland Empire Development Services
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue, approximately 650 feet west of Redlands Boulevard.
Proposal:	West Ridge Commerce Center project for a 937,260 square foot warehouse distribution building on a 55-acre site. Approval of this project requires adoption of a Zone Chanage from the BP to LI and a Municipal Code Amendment to require a buffer in the LI zone between warehouses of 50,000 square and larger and adjacent Residential districts. Tentative Parcel Map No. 36207 is required to combine the multiple parcels of the project site into a single parcel. This project also requires certification of an Environmental Impact Report.
Case Planner:	Jeff Bradshaw

Recommendation: **ADOPT** Resolution No. 2011-13 and thereby **RECOMMEND** that the City Council:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and,

2. **APPROVE** PA08-0097 (Zone Change) for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B; and,

3. **APPROVE** PA10-0017 (Municipal Code Amendment) to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C; and,

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and,

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

OTHER BUSINESS

1. Denial Resolution: PA10-0022 (Municipal Code Amendment - Dark Sky)

Recommendation: **APPROVE** Resolution No. 2011-10, recognizing that any proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines and **RECOMMEND** to City Council the **DENIAL** of proposed Municipal Code amendments to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general, athletic field/park and street lighting citywide.

2. Election of Officers

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

PLANNING COMMISSION STAFF REPORT

Case:	PA11-0017 - Fiscal Year 2011-2012 Capital Improvement Plan Conformance with General Plan
Date:	May 12, 2011
Applicant:	City of Moreno Valley
Representative:	Public Works Department
Location:	Various Locations Throughout the City of Moreno Valley
Proposal:	Make a Finding that the Fiscal Year 2011-2012 Proposed Capital Improvement Plan is in Conformance with the City of Moreno Valley's General Plan
Redevelopment Area:	Yes, For Some Projects
Recommendation:	Approval

SUMMARY

City staff produces an updated Fiscal Year 2011-2012 Proposed Capital Improvement Plan, which is brought annually before City Council for approval and to make a finding that the document is consistent with AB 1600, the California Mitigation Act. The document also is brought annually before the Planning Commission to make a finding that the plan is in conformance with the City of Moreno Valley's General Plan.

PROJECT DESCRIPTION

Background

The intent of the Fiscal Year 2011-2012 Proposed Capital Improvement Plan is to identify the various capital improvements and funding over the next fiscal year and establish a capital improvement plan over the next five years and beyond, to buildout, as referred to in general plan use and circulation plans. The document has been grouped by categories, by fund, and has a detailed project sheet for every project that is requesting carry over funds or new funds for the fiscal year 2011-2012. All of the capital improvements were provided with an estimate of total project cost and anticipated fiscal year of construction. This plan also focuses on establishing funding sources and the availability of funds during the anticipated fiscal year of construction.

The document is designed to be a five year rolling document that will be revised annually as part of the budget adoption process. The Fiscal Year 2011-2012 Proposed Capital Improvement Plan begins with the capital budget year 2011-2012 and extends to the "Plan 2015-2016 and Beyond." All projects listed in the "Plan 2015-2016 and Beyond" time frame are typically unfunded and will be brought forward as the community needs arise.

Description

The streets listed in the Fiscal Year 2011-2012 Proposed Capital Improvement Plan and all of the traffic signals are consistent with the General Plan. The parks projects listed meet the three acre per one thousand population standard set forth in the General Plan, as well as the Library's square foot per capita, and Fire Station response time document.

REVIEW PROCESS

Staff has had numerous meetings with all City Departments in an effort to prepare a complete Capital Budget and Fiscal Year 2011-2012 Proposed Capital Improvement Plan. This document, if approved by the Planning Commission, is tentatively scheduled to be presented to the City Council on June 14, 2011 for adoption as part of the City's Fiscal Year 2011-2012 Budget.

ENVIRONMENTAL

The proposal is not a "project" as defined under the California Environmental Quality Act (CEQA) in that the proposal is a fiscal activity that would not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment. (Section 15378(b) (4) of the CEQA Guidelines).

NOTIFICATION

Publication of the Planning Commission Agenda.

STAFF RECOMMENDATION

That the Planning Commission make a finding that the Fiscal Year 2011-2012 Proposed Capital Improvement Plan is in conformance with the City of Moreno Valley's General Plan.

Prepared by:

Larry Gonzales
Senior Engineer, P.E.

Approved by:

Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

John C. Terell, AICP
Planning Division Manager/Planning Official

ATTACHMENT: Fiscal Year 2011-2012 Proposed Capital Improvement Plan, Projects Listed by Category

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

SUMMARY BY CATEGORY

Category	Carryover FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
STREET IMPROVEMENTS	19,268	8,832	35,434	75,878	62,890	638,803	**841,105**
BRIDGES	18,865	-	-	-	-	100,244	**119,109**
BUILDINGS	9,165	98	1,566	2,462	5,306	236,912	**255,509**
DRAINAGE, SEWERS, AND WATERLINES	270	-	-	230	3,083	34,852	**38,435**
ELECTRIC UTILITY	136	1,025	-	2,000	5,507	4,388	**13,056**
LANDSCAPING	-	-	120	120	120	120	**480**
PARKS	3,335	725	3,509	805	660	322,631	**331,665**
TRAFFIC SIGNALS	970	670	1,593	890	30	42,665	**46,818**
UNDERGROUND UTILITIES	213	-	-	-	-	2,801	**3,014**
TOTAL BY CATEGORY	**52,222**	**11,350**	**42,222**	**82,385**	**77,596**	**1,383,416**	**1,649,191**

Attachment 1

MV00102203

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
Auto Mall Street Upgrades	Roadway construction, including signage	07	897	91725	RDA 2007 TABS	510						510
Bicycle Lane	Construct missing bike lanes (Project completed)	08	125	65320	Measure "A"							0
Boeing Street and McDonnel Street Sidewalks / Bay Avenue to Vought Street	Sidewalk improvements (Project completed)	09	283	68728	CDBG 08/09							0
Citywide Sidewalks and Access Ramps	Install sidewalk and access ramps	10	122	72227	SCAG Article 3	150						150
Cottonwood Avenue / Perris Boulevard to 650 Feet East of Perris Boulevard	Interim street widening improvements	11	416	78528	DIF Arterial Streets		305					305
Day Street Improvements / Alessandro Boulevard to Cottonwood Avenue	Design, R/W, and construction	12	897	91724	RDA 2007 TABS	391						391
Day Street Widening / Eucalyptus Avenue to 660 Feet North	Street widening improvements	13	892	80030	RDA Capital Projects	315						315
Dracaea Avenue Sidewalk / Morrison Street to Mascot Lane	Sidewalk improvements	14	125	67129	Measure "A"							0
			125	67129	Measure "A" (SR2S)	48						48
Dracaea Avenue / Perris Boulevard to Patricia Street	Street improvements	15	285	New	CDBG 10/11		670					670
Heacock Street Improvements / Hemlock Avenue to Ironwood Avenue	Street improvements	16	416	78827	DIF Arterial Streets	345						345
Indian Street / Alessandro Boulevard Sidewalk Improvements	Sidewalk improvements (Projected completed)	17	125	82828	Measure "A"							0
			125	82828	Measure "A" (SR2S)	2						2

MV00102204

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Indian Street Bicycle Lanes / Iris Avenue to Katrina Street	Install bicycle lanes	18	125	56331	Measure "A"	14						14
			125	56331	BTA Award	130						130
Ironwood Avenue Improvements / Day Street to Barclay Drive	Street, storm drain, and traffic signal	19	897	91727	RDA 2007 TABS	724						724
			414	80422	EMWD							0
Ironwood Avenue / Heacock Street to Perris Boulevard	Street improvements and SCE powerpole relocation	20	415	70227	TUMF Capital Projects							0
			416	78727	DIF Arterial Streets		1,550					1,550
			501	82625	2005 Lease Revenue Bonds							0
Lasselle Street / John F. Kennedy Drive to Alessandro Boulevard	Street widening improvements	21	501	82725	2005 Lease Revenue Bonds							0
Perris Boulevard Southbound Lane to SR-60 Westbound On-Ramp	Westbound SR-60 on-ramp widening	22	125	66627	Measure "A"	252						252
Pigeon Pass Road Widening / Climbing Rose Drive to North City Limits	Street widening improvements (Project completed)	23	125	67428	Measure "A"							0
			416	78725	DIF Arterial Streets							0
Sheila Street Sidewalk / Filaree Avenue to Gentian Avenue	Construct sidewalk along the west side of Sheila Street (Project completed)	24	282	68627	CDBG 07/08							0

MV00102205

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
SR-60 / Nason Street Interchange	Interchange improvements	25	125	89720	Measure "A"	446						446
			125	66929	Measure "A" (Fed. Demo Funds)	2,657						2,657
			125	66930	Measure "A" (Demo Toll Credit)	664						664
			125	67029	Measure "A" (STPL (Const))	4,941						4,941
			125	67030	Measure "A" (STPL Toll Credit)	637						637
			418	83630	DIF Interchange (211)	1,740						1,740
Sunnymead Boulevard / Frederick Street to Perris Boulevard	Aesthetic enhancements to increase economic activity (Project completed)	26	125	67128	Measure "A" (TE Grant)							0
			501	82125	2005 Lease Revenue Bonds	10						10
			892	80221	RDA Capital Projects	10						10
Temco Street Sidewalk / Boeing Street to Pan Am Boulevard	Sidewalk improvements (Project completed)	27	283	68428	CDBG 08/09							0
Vought Street Sidewalk / Boeing Street to Pan Am Boulevard and Boeing Street Sidewalk / Vought Street to Temco Street	Sidewalk improvements (Project completed)	28	283	68528	CDBG 08/09							0
Total Funded Projects						**13,986**	**2,525**	**0**	**0**	**0**	**0**	**16,511**

MV00102206

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Partially Funded Projects	**Project Description**	**Page #**	**Fund Source**	**Account Number**	**Fund Description**	**Carryover to FY 11/12**	**New Request FY 11/12**	**Plan FY 12/13**	**Plan FY 13/14**	**Plan FY 14/15**	**Plan FY 15/16 & Beyond**	**Grand Totals**
Annual ADA Compliant Curb Ramp Upgrades	Upgrade existing non-ADA compliant curb ramps	29	125	66629	Measure "A"	100	200					300
			125		Unfunded			200	200	200	200	800
Box Springs Road / West of Clark Street to Day Street	Street improvements (Project on hold)	30	415	72928	TUMF Capital Projects							0
			416		Unfunded			922	1,999			2,921
Cactus Avenue Eastbound 3rd Lane Improvements / I-215 to Veterans Way	Street improvements	31	416	78527	DIF Arterial Streets	14						14
			416		Unfunded				1,460			1,460
Cactus Avenue Eastbound 3rd Lane Improvements / Veterans Way to Heacock	Street improvements	32	416	83328	DIF Arterial Streets	3						3
			416		Unfunded				2,610			2,610
Cactus Avenue / Lasselle Street to Nason Street	Street improvements	33	125	New	Measure "A"		2,300					2,300
			UNF		Unfunded (SLPP Grant)			1,000				1,000
			UNF		Measure "A"			800				800
			UNF		Corporate Yard DIF			2,500				2,500
			UNF		RDA Tax Incr.			2,000				2,000
			UNF		General City Capital Project			300				300

MV00102207

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Citywide Annual Pavement Resurfacing Program	Overlay various streets citywide	34	125	56330	Measure "A"		1,650					1,650
			225	68722	Traffic Congestion Relief							0
			226	79728	Proposition 1B							0
			125		Unfunded			1,250	1,250	1,250	1,250	5,000
Citywide Annual Pavement Resurfacing Program	Supplemental Description	35										0
Heacock Street Sidewalk / Atwood Ave to Myers Ave (Phase 1-Interim Improvements and Phase 2-Ultimate Improvements)	Street improvements	36	125	56333	Measure "A"		200					200
			125		Unfunded						1,185	1,185
Heacock Street / Perris Valley Storm Drain Lateral "A" to Cactus Avenue	Street improvements	37	415	70127	TUMF Capital Projects							0
			416	78825	DIF Arterial Streets	2						2
			415		Unfunded				3,200			3,200
			416		Unfunded				354			354
			417		Unfunded				270			270

MV00102208

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Heacock Street / San Michele Road to Perris Valley Storm Drain Lateral "A"	Street improvements	38	415	72827	TUMF Capital Projects	48	179					227
			415		Unfunded				2,554			2,554
Heacock Street South Extension	Street extension improvements	39	125	66729	Measure "A"	14	130					144
			415		Unfunded			300	1,200			1,500
Indian Street / Manzanita Avenue Intersection Reconfiguration	Configure street intersection	40	125	56334	Measure "A"		25	75				100
Ironwood Avenue / Perris Boulevard to Nason Street	Street widening improvements	41	415	72727	TUMF Capital Projects	20						20
			415		Unfunded				2,700	9,000		11,700
			416	83130	DIF Arterial Streets	20						20
Kitching Street / Alessandro Boulevard to Gentian Avenue	Street widening improvements and traffic Signals upgrade	42	501	82425	2005 Lease Revenue Bonds	15						15
			471	79125	DIF Traffic Signals							0
			416		Unfunded						2,535	2,535
			125		Unfunded						300	300

MV00102209

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Moreno Beach Drive Widening / Cactus Avenue to Auto Mall Drive	Widen Moreno Beach Drive from 2 to 6 lanes	43	416	83428	DIF Arterial Streets							0
			416		Unfunded				434	3,340	19,012	22,786
Nason Street / Cactus Avenue to Iris Avenue	Street improvements	44	892	New	RDA Tax Incr.		1,200					1,200
			UNF		RDA Tax Incr.			2,800				2,800
			UNF		DIF Library			4,000				4,000
			UNF		DIF Arterial Streets			2,500				2,500
			UNF		Gen. City C.P.			1,000				1,000
			UNF		DIF Traffic Signals			272				272
Pavement Rehabilitation Program (formerly Slurry Seal Program)	Slurry various streets citywide	45	125	84830	Measure "A"	64	116					180
			125		Unfunded			130	130	130	130	520
Perris Boulevard Widening / Ironwood Avenue to Manzanita Avenue	Street Improvements	46	415	70225	TUMF Capital Projects	275						275
			416	78726	DIF Arterial Streets	338						338
			417	79226	DIF Traffic Signals							0
			415		Unfunded				1,243			1,243
			416		Unfunded				3,247			3,247
			417		Unfunded				235			235

MV00102210

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Perris Boulevard Widening / Perris Valley Storm Drain Lateral "B" to Cactus Avenue	Street widening and storm drain improvements	47	415	70125	TUMF Capital Projects	400						400
			416	78526	DIF Arterial Streets	200						200
			417	79225	DIF Traffic Signals							0
			415		Unfunded				4,416			4,416
			416		Unfunded				1,584			1,584
			417		Unfunded				400			400
Reche Vista Drive Realignment / Perris Boulevard / Heacock Street to North City Limits	Street widening improvements and traffic Signal	48	125	66722	Measure "A"	30						30
			125		Unfunded						3,196	3,196
			417		Unfunded						272	272
Redlands Boulevard / SR-60 Interchange; Theodore Street / SR-60 Interchange; Interchange	Interchange and bridge replacement	49	011	52913	Development Service (Highland Fairview)	30						30
			415		Unfunded			5,900	8,000	43,000	117,000	173,900
Residential Traffic Management Program (Speed Hump Program)	Traffic management strategies	50	125	82824	Measure "A"	50						50
			125		Unfunded			100	100	100	100	400
SR-60 / Moreno Beach Drive South Side of Interchange (Phase 1)	Interchange reconfiguration, traffic signal and utility relocation	51	897	91731	RDA 2007 TABS	1,702						1,702
			UNF	New	Unfunded				8,048			8,048

MV00102211

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
SR-60 / Moreno Beach Drive Interchange (Phase 2)	Interchange reconfiguration and bridge replacement	52	415	70024	TUMF Capital Projects	538						538
			415		Unfunded			3,000	24,108			27,108
Street Improvement Program (SIP)	Construction of selected private and unmaintained streets	53	125	85523	Measure "A"	378	250					628
			125	66730	HMGP - DR 1731	978						978
			125		Unfunded			250	250	250	250	1,000
Surface Recycling	Various streets Citywide	54	125	85020	Measure "A"	63	57					120
			125		Unfunded			120	120	120	120	480
Total Partially Funded Projects						**5,282**	**6,307**	**29,419**	**70,112**	**57,390**	**145,550**	**314,060**

Unfunded Projects	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Alessandro Boulevard / I-215 to Frederick Street	Street improvements	55	416		Unfunded						3,820	3,820
Alessandro Boulevard / Frederick Street to Indian Street	Street improvements	56	125		Unfunded						1,230	1,230
Alessandro Boulevard / Frederick Street to Theodore Street	Street improvements	57	415		Unfunded						31,403	31,403
			416		Unfunded						22,177	22,177

MV00102212

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Alessandro Boulevard Median / Indian Street to Perris Boulevard	Median improvements	58	125		Unfunded (Measure "A")			75				75
			125		Unfunded (Measure "A" HSIP)				835			835
Alessandro Boulevard (Future) / Theodore Street to Gilman Springs Road	Street improvements	59	415		Unfunded						15,489	15,489
			416		Unfunded						9,770	9,770
Atwood Avenue / Perris Boulevard to Princess Lane	Street improvements	60	UNF		Unfunded						970	970
Barbara Street - Street Extension to Dracaea Avenue	Street extension	61	UNF		Unfunded						411	411
Bay Avenue / Day Street to Grant Street	Street improvements	62	UNF		Unfunded						1,428	1,428
Bay Avenue / Old 215 Frontage Road to Day Street	Street improvements	63	UNF		Unfunded						1,966	1,966
Bicycle Master Plan Update	Bicycle Master Plan	64	137		Unfunded (Air Quality Mgmt.)			40				40
Cactus Avenue / Heacock Street to Lasselle Street and Nason Street to Redlands Boulevard	Street improvements	65	416		Unfunded						7,449	7,449
Cottonwood Avenue / Old 215 Frontage Road to Perris Boulevard & 650 Ft East of Perris Boulevard to Theodore Street	Street improvements	66	416		Unfunded						25,625	25,625
Day Street / Box Springs Road to Cottonwood Avenue	Street improvements	67	416		Unfunded						3,274	3,274

MV00102213

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Day Street / Cottonwood Avenue to Alessandro Boulevard	Street improvements	68	416		Unfunded						1,735	1,735
Day Street / Alessandro Boulevard to Old 215 Frontage Road	Street improvements	69	416		Unfunded						2,259	2,259
David Lane / Graham Street to 230 Ft East of David Place	Street improvements	70	UNF		Unfunded						287	287
Delphinium Avenue Street Lights Relocation / Wintergreen Street to Perris Boulevard	Street lights improvements	71	UNF		Unfunded				31			31
Dracaea Avenue / Old 215 Frontage Road to Day Street	Street improvements	72	UNF		Unfunded						2,058	2,058
Dracaea Avenue / Morrison Street to 1000 Ft East of Morrison Street	Street improvements	73	UNF		Unfunded						779	779
Dracaea Avenue / Nason Street to 700 Ft East of Nason Street	Street improvements	74	UNF		Unfunded						944	944
Dracaea Avenue / Redlands Boulevard to 1,320 Ft East of Redlands Boulevard	Street improvements	75	UNF		Unfunded						1,352	1,352
Dracaea Avenue / 650 Ft West of Theodore Street to Theodore Street	Street improvements	76	UNF		Unfunded						568	568
Dracaea Avenue / Theodore Street to 1,500 Ft East of Theodore Street	Street improvements	77	UNF		Unfunded						1,309	1,309
Edgemont Street / Cottonwood Avenue to Bay Avenue	Street improvements	78	UNF		Unfunded						1,374	1,374
Edgemont Street / Dracaea Avenue to Cottonwood Avenue	Street improvements	79	UNF		Unfunded						1,432	1,432
Edgemont Street / Eucalyptus Avenue to Dracaea Avenue	Street improvements	80	UNF		Unfunded						1,048	1,048

MV00102214

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Elder Avenue / Morrison Street to Nason Street	Street improvements	81	UNF		Unfunded						1,774	1,774
Elsworth Street / Eucalyptus Avenue to Goldencrest Drive	Street improvements	82	416		Unfunded						1,855	1,855
Encilia Avenue (formerly Eucalyptus Avenue) / Eucalyptus Avenue (formerly Fir Avenue) to Eucalyptus Avenue (Future)	Street improvements	83	416		Unfunded						15,383	15,383
Eucalyptus Avenue / I-215 to Perris Boulevard and Kitching Street to Moreno Beach Drive	Street improvements	84	415		Unfunded						1,153	1,153
			416		Unfunded						18,069	18,069
Eucalyptus Avenue (formerly Hickory Avenue) / Moreno Beach Drive to Petit Street	Street improvements	85	415		Unfunded						118	118
			416		Unfunded						1,848	1,848
Eucalyptus Avenue / Perris Boulevard to Kitching Street	Street improvements	86	416		Unfunded						1,200	1,200
Eucalyptus Avenue (formerly Fir Avenue) / Petit Street to Redlands Boulevard	Street improvements	87	415		Unfunded						255	255
			416		Unfunded						3,992	3,992
Eucalyptus Avenue / Redlands Boulevard to Theodore Street	Street improvements	88	416		Unfunded			1,000				1,000
			UNF		Unfunded (SLPP Grant)			1,000				1,000
			UNF		Unfunded (Developer Contribution)			3,425				3,425

MV00102215

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Eucalyptus Avenue (Future) / Theodore Street to Gilman Springs Road	Street improvements	89	415		Unfunded						1,035	1,035
			416		Unfunded						16,203	16,203
Farragut Avenue / Sherman Avenue to Elsworth Street	Street improvements	90	416		Unfunded						611	611
Fir Avenue / Tamara Drive to Kitching Street	Street improvements	91	416		Unfunded						302	302
Frederick Street Permanent Median / Calle San Juan de Los Lagos to Alessandro Boulevard	Construct permanent median	92	416		Unfunded						425	425
Frederick Street / SR-60 to Sunnymead Boulevard	Street improvements	93	416		Unfunded						617	617
Frederick Street / Centerpoint Drive to Cottonwood Avenue	Reconstruction	94	UNF		Unfunded						3,609	3,609
Gentian Avenue / Heacock Street to Perris Boulevard	Street improvements	95	416		Unfunded						2,564	2,564
Gilman Springs Road (Riverside County) / Moreno Valley City Limits to 2.26 Miles Southeasterly	Street improvements	96	125		Unfunded			75				75
Graham Street / Hemlock Avenue to 200 Ft South of Hemlock Avenue	Street improvements	97	UNF		Unfunded						350	350
Hanover Avenue / Sinaloa Street to Singer Street	Design and construct sidewalks	98	UNF		Unfunded						250	250
Heacock Street / Reche Vista Drive to Myers Avenue and Atwood Avenue to Cactus Avenue	Street improvements	99	416		Unfunded						2,988	2,988

MV00102216

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Heacock Street / San Michele Road to Southerly City Limits	Street improvements	100	UNF		Unfunded						2,500	2,500
Hemlock Avenue / Graham Street to David Place	Street improvements	101	UNF		Unfunded						416	416
I-215 / Cactus Avenue Interchange Improvements	Interchange improvements	102	415		Unfunded				4,500	5,100	42,800	52,400
Indian Street / Manzanita Avenue to San Michele Road	Street improvements	103	416		Unfunded						23,563	23,563
Indian Street / San Michele Road to Oleander Avenue	Street improvements	104	415		Unfunded						2,504	2,504
			416		Unfunded						1,630	1,630
Infill Projects at Various Locations	Street improvements	105	416		Unfunded			400	400	400	400	1,600
Iris Avenue / Heacock Street to 200 Ft East of Wedow Drive	Street improvements	106	416		Unfunded						4,488	4,488
Ironwood Avenue / Nason Street to Redlands Boulevard	Street improvements	107	415		Unfunded						5,228	5,228
			416		Unfunded						2,834	2,834
Ironwood Avenue / Redlands Boulevard to Theodore Street	Street improvements	108	416		Unfunded						3,635	3,635
John F. Kennedy Drive / Heacock Street to Lasselle Street	Street improvements	109	UNF		Unfunded						1,171	1,171
Kitching Street / Gentian Avenue to Oleander Avenue	Street improvements	110	UNF		Unfunded						10,129	10,129

MV00102217

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Kitching Street / Sunnymead Boulevard to Alessandro Boulevard	Street improvements	111	UNF		Unfunded						6,062	6,062
Kitching Street / Wedmore Drive to Fir Avenue and Fir Avenue / Kitching Street to Laury Lane	Street improvements	112	UNF		Unfunded						1,470	1,470
Krameria Avenue / Heacock Street to Indian Street	Street improvement	113	UNF		Unfunded						3,760	3,760
Krameria Avenue / Emma Lane to Perris Boulevard	Street improvement	114	UNF		Unfunded						888	888
Lasselle Street / Alessandro Boulevard to Bay Avenue	Street improvements	115	415		Unfunded						803	803
			416		Unfunded						201	201
Lasselle Street / Arroyo Park Drive to Avenida de Plata	Design and construct sidewalks	116	UNF		Unfunded						57	57
Lasselle Street / Boulder Ridge Drive to Wride Street	Street improvements	117	UNF		Unfunded						327	327
Lasselle Street / Franlou Drive to Boulder Ridge Drive	Street improvements	118	UNF		Unfunded						398	398
Lasselle Street / Kalmia Street to Mirage Court	Street improvements	119	UNF		Unfunded						2,457	2,457
Lasselle Street / Lancia Street to 330 Ft South of Dracaea Avenue	Street improvements	120	415		Unfunded						1,920	1,920
			416		Unfunded						480	480
Lasselle Street / Mirage Court to Ironwood Avenue	Street improvements	121	UNF		Unfunded						2,135	2,135

MV00102218

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Lasselle Street / Wride Street to Kalmia Street	Street improvements	122	UNF		Unfunded						565	565
Locust Avenue / 350 Ft West of Trust Way to Trust Way	Street improvements	123	UNF		Unfunded						696	696
Locust Avenue / Moreno Beach Drive to Redlands Boulevard	Street improvements	124	416		Unfunded						3,455	3,455
Locust Avenue / Redlands Boulevard to 1,150 Ft East of Redlands Boulevard	Street improvements	125	UNF		Unfunded						3,474	3,474
Locust Avenue / Trust Way to Moreno Beach Drive	Street improvements	126	UNF		Unfunded						1,114	1,114
Moreno Beach Drive / Locust Avenue to SR-60	Street improvements	127	415		Unfunded						5,020	5,020
			416		Unfunded						643	643
Morrison Street / Hemlock Avenue to Elder Avenue	Street improvements	128	UNF		Unfunded						965	965
Morrison Street / Eucalyptus Avenue to Cactus Avenue	Street improvements	129	416		Unfunded						7,528	7,528
Nandina Avenue / Heacock Street to Indian Street	Street improvements	130	UNF		Unfunded						1,037	1,037
Nandina Avenue / Indian Street to Perris Boulevard	Street improvements	131	416		Unfunded						2,684	2,684
Nason Street / Cactus Avenue to Fir Avenue and Elder Avenue to Ironwood Avenue	Street improvements	132	415		Unfunded						11,300	11,300
Oliver Street / Cottonwood Avenue to Bay Avenue	Street improvements	133	UNF		Unfunded						4,226	4,226

MV00102219

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Oliver Street / Alessandro Boulevard to Iris Avenue	Street improvements	134	416		Unfunded						3,672	3,672
Perris Boulevard / Heacock Street to Manzanita Avenue	Street improvements	135	415		Unfunded						1,150	1,150
			416		Unfunded						1,405	1,405
Perris Boulevard / Hemlock Avenue to Sunnymead Boulevard	Street improvements	136	416		Unfunded						142	142
Perris Boulevard / Sunnymead Boulevard to Cactus Avenue	Street improvements	137	416		Unfunded						1,713	1,713
Perris Boulevard / Cactus Avenue to Southerly City Limits	Median improvements	138	416		Unfunded						1,282	1,282
Pigeon Pass Road / Ironwood Avenue to SR-60	Street improvements	139	416		Unfunded						1,863	1,863
Quincy Street / Northerly City Limits to Locust Avenue	Street improvements	140	UNF		Unfunded						462	462
Quincy Street / Locust Avenue to Kalmia Avenue	Street improvements	141	UNF		Unfunded						650	650
Quincy Street / Kalmia Avenue to SR-60	Street improvements	142	UNF		Unfunded						2,052	2,052
Quincy Street / Eucalyptus Avenue to Cactus Avenue	Street improvements	143	416		Unfunded						12,968	12,968
Reche Canyon Road / Northerly City Limits to Moreno Beach Drive	Street improvements	144	415		Unfunded						3,241	3,241
Redlands Boulevard / Northerly City Limits to Locust Avenue	Street improvements	145	416		Unfunded						1,905	1,905

MV00102220

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Redlands Boulevard / Locust Avenue to Alessandro Boulevard	Street improvements	146	415		Unfunded						7,726	7,726
			416		Unfunded						13,155	13,155
Redlands Boulevard / Alessandro Boulevard to Cactus Avenue	Street improvements	147	416		Unfunded						3,915	3,915
San Michele Road / Heacock Street to Indian Street	Street improvements	148	415		Unfunded						1,679	1,679
			416		Unfunded						39	39
San Michele Road / Indian Street to Perris Boulevard	Street improvements	149	416		Unfunded						1,840	1,840
Sherman Avenue / Day Street to Pepper Street	Street improvements	150	UNF		Unfunded						219	219
Sinaloa Street / Indian Street to 380 Ft East of Hanover Avenue	Design and construct sidewalks	151	UNF		Unfunded						220	220
Sinclair Street / Highland Boulevard to Ironwood Avenue	Street improvements	152	UNF		Unfunded						1,613	1,613
Sinclair Street / Ironwood Avenue to SR-60	Street improvements	153	UNF		Unfunded						3,059	3,059
Sinclair Street / SR-60 to Encilia Avenue (formerly Eucalyptus Avenue)	Street improvements	154	UNF		Unfunded						1,529	1,529
Sinclair Street / Encilia Avenue (formerly Eucalyptus Avenue) to Alessandro Boulevard	Street improvements	155	416		Unfunded						10,156	10,156
Sinclair Street / Alessandro Boulevard to 700 Ft North of Cactus Avenue	Street improvements	156	UNF		Unfunded						2,503	2,503

MV00102221

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

STREET IMPROVEMENTS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Singer Street / Hanover Avenue to 500 Ft East of Hanover Avenue	Design and construct sidewalks	157	UNF		Unfunded						350	350
Spine Road (Future) / Gilman Springs Road to Alessandro Boulevard (Future)	Street improvements	158	416		Unfunded						10,529	10,529
Street In-Lieu Fees Project	Street improvements	159	359		Unfunded						91	91
Theodore Street / Ironwood Avenue to Alessandro Boulevard	Street improvements	160	416		Unfunded						10,304	10,304
Virginia Street (Future) / Dracaea Avenue to Alessandro Boulevard (Future)	Street improvements	161	UNF		Unfunded						12,100	12,100
Total Unfunded Projects						**0**	**0**	**6,015**	**5,766**	**5,500**	**493,253**	**510,534**
Total Street Improvements						**19,268**	**8,832**	**35,434**	**75,878**	**62,890**	**638,803**	**841,105**

MV00102222

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

BRIDGES

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
Bridge Repair Maintenance Program	Assess the need for bridge repair on an annual basis for at least 10 bridges	165	226	79828	Proposition 1B							0
Heacock Street Bridge / Perris Valley Storm Drain Lateral "A "	Replace narrow bridge over flood control channel S/O Iris Ave., design & construction	166	125	66825	Measure "A"	290						290
			125	66825	Measure "A" (HBRRP Grant)	2,235						2,235
SR-60 / Nason Street Overcrossing Bridge	Replacement of SR-60 and Nason Street bridge	167	897	91728	RDA 2007 TABS	16,310						16,310
			414	80429	Public Works General Capital Projects (Stoneridge Center)	30						30
Total Funded Projects						**18,865**	**0**	**0**	**0**	**0**	**0**	**18,865**

Partially Funded Projects												
None Listed												
Total Partially Funded Projects						**0**	**0**	**0**	**0**	**0**	**0**	**0**

MV00102223

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

BRIDGES

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Unfunded Projects												
Brodiaea Avenue Bridge / 735 Ft East of Redlands Boulevard	Brodiaea Avenue bridge over channel Lateral "F"	169	UNF		Unfunded						2,300	2,300
Cactus Avenue Bridge / 405 Ft East of Wilmot Street	Cactus Avenue bridge over Channel Lateral "G"	170	UNF		Unfunded						3,849	3,849
Day Street / SR-60 Interchange	Reconfigure interchange	171	UNF		Unfunded						6,156	6,156
Graham Street Bridge / Sunnymead Boulevard to Hemlock Avenue	Bridge construction	172	416		Unfunded						20,100	20,100
Indian Street / Cardinal Avenue Bridge	Indian Street bridge over Channel Lateral "A"	173	416		Unfunded						2,800	2,800
Indian Street / Lateral "B" Bridge	Indian Street bridge over Channel Lateral "B"	174	UNF		Unfunded						750	750
Indian Street / SR-60 Overpass	Design & construction of replacement bridge	175	UNF		Unfunded						14,120	14,120
Ironwood Avenue / Quincy Street Bridge	Ironwood Avenue bridge over Channel Lateral "A"	176	UNF		Unfunded						2,628	2,628
Kalmia Avenue Bridge / 300 Ft West of Quincy Street	Design & construction of bridge	177	UNF		Unfunded						1,748	1,748
Kitching Street Bridge / Perris Valley Storm Drain Lateral "A"	Kitching Bridge over Perris Valley Storm Drain Lateral "A"	178	416		Unfunded						3,000	3,000
Lasselle Street Bridge Crossing SR-60 between Fir Avenue to Elder Avenue	Lasselle Street Bridge over SR-60	179	UNF		Unfunded						27,403	27,403

MV00102224

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

BRIDGES

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Perris Boulevard / Hemlock Avenue to SR-60 Reconfiguration	Steet reconfiguration & new ramps	180	UNF		Unfunded						15,390	15,390
Total Unfunded Projects						**0**	**0**	**0**	**0**	**0**	**100,244**	**100,244**
Total Bridges						**18,865**	**0**	**0**	**0**	**0**	**100,244**	**119,109**

MV00102225

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

BUILDINGS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
800 MHz Radio Repeater System Centralization	New site at an existing City office	183	750	69026	Management Information Systems	120						120
Box Springs Communications Site	Secure land lease from the County of Riverside Parks Dept to construct a secure site	184	750	69021	Management Information Systems	400						400
Civic Center Site Improvements (Exterior)	Walkway and security improvements	185	412	66225	General City Capital Projects	270						270
Emergency Operations Center (EOC)	Construction of a new facility	186	412	78428	General City Capital Projects	25						25
			501	82527	2005 Lease Revenue Bonds							0
Morrison Park Fire Station (formerly Fire Station #107)	Design and construction of new facility	187	897	91729	RDA 2007 TABS	5,925						5,925
Public Safety Building Parking Lot Expansion	Parking lot expansion (Project completed)	188	501	82427	2005 Lease Revenue Bonds							0
Roof Replacements at Gateway and Westbluff Parks	Roof replacement	189	461	68325	Parks & Recreation Capital Projects (Parkland & DIF)	12						12
			461	68325	Parks & Recreation Capital Projects (Zone "A")	18						18
			461	68325	Parks & Recreation Capital Projects (Quimby in-Lieu)		68					68

MV00102226

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

BUILDINGS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Weston Park Restroom and ADA Improvements	Roof replacement and ADA updates	190	461	65332	Parks & Recreation Capital Projects (Quimby in-Lieu)		30					30
Total Funded Projects						**6,770**	**98**	**0**	**0**	**0**	**0**	**6,868**
Partially Funded Projects												
City Hall Roof Replacement	Roof replacement	191	754	71430	Facilities Internal Service							0
			754		Unfunded						750	750
Corporate Yard Facility	Design and construction of Phase 1 building and sewer line	192	412	66522	Corporate Yard DIF	49						49
			754	71325	Facilities Internal Service	22						22
			412		Unfunded						48,700	48,700
Fire Station #65 (formerly Fire Station #65 Replacement)	Land acquisition, design and construction of new facility	193	434	72526	Fire Services Capital Projects	500						500
			434		Unfunded						7,040	7,040
Highland / East End Fire Station (formerly Highland Fire Station)	Land acquisition, design, and construction of new facility	194	434	67830	Fire Services Capital Projects	500						500
			434		Unfunded					860	6,280	7,140

MV00102227

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

BUILDINGS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Industrial Fire Station	Land acquisition, design, and construction of new facility	195	434	67930	Fire Services Capital Projects	850						850
			434		Unfunded						7,500	7,500
Public Safety Building Conversion	Remodeling and renovation of existing facility	196	501	82327	2005 Lease Revenue Bonds	474						474
			412		Unfunded			1,566			105,000	106,566
Total Partially Funded Projects						**2,395**	**0**	**1,566**	**0**	**860**	**175,270**	**180,091**
Unfunded Projects												
Animal Services New Parcel Property Improvements	Grading and construction of block wall around perimeter of newly purchased land	197	UNF		Unfunded						200	200
City Hall Carpet Replacement	Replace carpet & repair sub-floor as needed	198	754		Unfunded				495			495
City Hall Reconfiguration and Improvements	Interior improvements	199	754		Unfunded						300	300
City Hall Space Study	Space study for budgetary estimate and design schedule	200	412		Unfunded						150	150
Conference and Recreation Center Entry	Design and construction of decorative entry statement	201	UNF		Unfunded						821	821
Conference and Recreation Center Restroom (Stage Area) Design	Design plans for restroom / stage area	202	461		Unfunded						89	89
Cottonwood Park Fire Station (formerly Fire Station #110)	Land acquisition, design, and construction of new facility	203	434		Unfunded						6,760	6,760

MV00102228

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

BUILDINGS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Fire Station (Future) Land Acquisition	Land acquisition	204	UNF		Unfunded						739	739
Fire Station No. 6 Storage Shed	Concrete brick storage shed	205	UNF		Unfunded						150	150
Gilman Station	Design and construction of new facility	206	UNF		Unfunded						6,500	6,500
Main Library	New library building	207	412		Unfunded (General City C.P.)						33,000	33,000
March Air Reserve Base Hobby Shop Roof Replacement	Roof replacement	208	754		Unfunded						125	125
Moreno Valley Equestrian Center - Restroom and Information Center	Design and construction of restrooms and information center	209	461		Unfunded						650	650
Northeast Station	Design and construction of new facility	210	UNF		Unfunded						6,500	6,500
Parks' Community Recreation Buildings	Various park site buildings are needed	211	UNF		Unfunded						5,658	5,658
Remodel Fire Station #48 - Sunnymead Ranch	Remodel	212	434		Unfunded				1,967	2,206		4,173
Renovation of City Hall Annex Building #1	Remodel	213	754		Unfunded					2,240		2,240
Total Unfunded Projects						**0**	**0**	**0**	**2,462**	**4,446**	**61,642**	**68,550**
Total Buildings						**9,165**	**98**	**1,566**	**2,462**	**5,306**	**236,912**	**255,509**

MV00102229

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

DRAINAGE, SEWERS, AND WATERLINES

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
Indian Basin, Appurtenant Storm Drain and Miscellaneous Street Improvements	Detention Basin and Storm Drain Line "H" improvements	217	897	91726	RDA 2007 TABS	20						20
			414	80423	EMWD							0
			414	80424	EMWD							0
Storm Drain Improvements on Day Street South of Cottonwood Avenue	Storm drain improvements	218	892	77922	RDA Capital Projects	250						250
Total Funded Projects						**270**	**0**	**0**	**0**	**0**	**0**	**270**
Partially Funded Projects												
Heacock Street and Cactus Avenue Channel Improvements	Heacock and Cactus Channels improvements	219	412	66226	General City Capital Projects							0
			412		Unfunded					1,250		1,250
Total Partially Funded Projects						**0**	**0**	**0**	**0**	**1,250**	**0**	**1,250**
Unfunded Projects												
Alessandro Boulevard / Elsworth Street Crossgutter	Repair existing crossgutter	221	UNF		Unfunded						486	486
Box Springs Mutual Water Company Upgrade	Replace existing water distribution system	222	UNF		Unfunded						15,000	15,000
Eucalyptus Avenue Channel / 340 Ft East of Indian Street	Widen existing open channel	223	UNF		Unfunded						1,026	1,026

MV00102230

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

DRAINAGE, SEWERS, AND WATERLINES

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Frederick Street / Cottonwood Avenue Crossgutter	Intersection crossgutter improvements	224	UNF		Unfunded						508	508
Hubbard Street Storm Drain	Storm drain improvements	225	UNF		Unfunded						1,539	1,539
Perris Boulevard / John F. Kennedy Drive Crossgutter	Intersection crossgutter improvements	226	UNF		Unfunded						328	328
Storm Drain Line "GG", Edgemont / Old 215 Frontage Road to Day Street	Preliminary engineering through construction	227	UNF		Unfunded						4,309	4,309
Storm Drain Lines "K-1" and "K-4" / Petit Street, Kalmia Avenue, Carrie Lane, and Locust Avenue	Final engineering, project management, and construction	228	UNF		Unfunded				230	1,833		2,063
Storm Drain Line "LL"	Design and construction	229	892		Unfunded						1,500	1,500
SR-60 Culvert Crossing Tie-ins between Indian Street and SR-60 Perris Boulevard Off-Ramp	Storm drain improvements	230	UNF		Unfunded						1,182	1,182
SR-60 / Quincy Street Storm Drain	Modify existing drainage	231	UNF		Unfunded						4,899	4,899
Storm Drain Line in the San Timoteo Foothill Neighborhood	Storm drain improvements	232	HMGP		Unfunded						1,500	1,500
			UNF		Unfunded						500	500
Sunnymead Boulevard Storm Drain from Frederick Street to Heacock Street	Storm drain improvements	233	UNF		Unfunded						910	910

MV00102231

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

DRAINAGE, SEWERS, AND WATERLINES

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Sunnymead Boulevard Storm Drain from Indian Street to SR-60 / Perris Boulevard Off-Ramp	Storm drain improvements	234	UNF		Unfunded						1,165	1,165
Total Unfunded Projects						**0**	**0**	**0**	**230**	**1,833**	**34,852**	**36,915**
Total Drainage, Sewers, and Waterlines						**270**	**0**	**0**	**230**	**3,083**	**34,852**	**38,435**

MV00102232

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

ELECTRIC UTILITY

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
LRB Funded Utility Projects	Electrical distribution infrastructure	237	601	61225	Electric (2005 LRB's)	126						126
MVU-0003 Cottonwood / Moreno Beach / Quincy BB (6)	Electrical distribution infrastructure	238	602	61829	2007 Taxable LRB's							0
MVU-0004 Indian / San Michele / Grove View BB (11)	Electrical distribution infrastructure	239	602	61830	2007 Taxable LRB's							0
MVU-0005 Circuit #5 Substation / Nason / Iris	Electrical distribution infrastructure (Project completed)	240	602	61831	2007 Taxable LRB's							0
MVU-0006 Alessandro 12KV Feeder, Phase 1	Electrical distribution infrastructure	241	602	61832	2007 Taxable LRB's							0
MVU-0007 Goldencrest / Elsworth - 12KV Line Extension	Electrical distribution infrastructure (Project completed)	242	602	61833	2007 Taxable LRB's							0
MVU-0008 Globe Channel Crossing (12)	Electrical distribution infrastructure	243	602	61827	2007 Taxable LRB's							0
MVU-0009 Perris 12KV Feeder, Phase 1	Electrical distribution infrastructure (Project completed)	244	602	61834	2007 Taxable LRB's							0
MVU-0010 Heacock 12KV Feeder, Phase 1	Electrical distribution infrastructure	245	602	61835	2007 Taxable LRB's							0
MVU-0011 Alessandro 12KV Feeder, Phase 2	Electrical distribution infrastructure	246	602	61836	2007 Taxable LRB's							0

MV00102233

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

ELECTRIC UTILITY

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
MVU-0012 Heacock 12KV Feeder, Phase 2	Electrical distribution infrastructure	247	602	61837	2007 Taxable LRB's							0
MVU-0014 Perris 12KV Feeder, Phase 2 - Krameria / Cardinal	Electrical distribution infrastructure	248	602	61839	2007 Taxable LRB's	10						10
MVU-0018 Redlands 12KV Circuit	Electrical distribution infrastructure	249	602	61841	2007 Taxable LRB's		625					625
MVU-0019 Nandina / Heacock / Perris Boulevard	Electrical distribution infrastructure	250	602	61842	2007 Taxable LRB's		200					200
MVU-0020 Nandina / Heacock / Perris Boulevard	Electrical distribution infrastructure	251	602	61843	2007 Taxable LRB's		200					200
Total Funded Projects						**136**	**1,025**	**0**	**0**	**0**	**0**	**1,161**
Partially Funded Projects												
None Listed												0
Total Partially Funded Projects						**0**	**0**	**0**	**0**	**0**	**0**	**0**
Unfunded Projects												
28 MVA Transformer	Increase capacity as needed (projected need date: 2020)	253	UNF		Unfunded						3,850	3,850
MVU-0013 Circuit No. 6 Substation / Alessandro Boulevard to Indian Street	Install electric distribution infrastructure	254	601		Unfunded				2,000	1,676		3,676
MVU-0015 Perris 12KV Feeder, Phase 3 / Cardinal Avenue to San Michele Road	Install 2,500 feet backbone	255	UNF		Unfunded					300	252	552

MV00102234

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

ELECTRIC UTILITY

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
MVU-0016 Rancho Belago 12KV Feeder, Phase 1 Substation / Cottonwood Avenue	Install 6,500 feet backbone	256	UNF		Unfunded					300	286	586
MVU-0017 28 MVA Bank Increase, Phase 1 Substation	Electrical Infrastructure	257	UNF		Unfunded					3,231		3,231
Total Unfunded Projects						**0**	**0**	**0**	**2,000**	**5,507**	**4,388**	**11,895**
Total Electric Utility						**136**	**1,025**	**0**	**2,000**	**5,507**	**4,388**	**13,056**

MV00102235

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

LANDSCAPING

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
None Listed												0
												0
Total Funded Projects						**0**	**0**	**0**	**0**	**0**	**0**	**0**
Partially Funded Projects												
None Listed												0
Total Partially Funded Projects						**0**	**0**	**0**	**0**	**0**	**0**	**0**
Unfunded Projects												
Expansion of CSD Parkway Improvement Partnership (PIP)	Landscaping improvements	1	261		Unfunded			120	120	120	120	480
Total Unfunded Projects						**0**	**0**	**120**	**120**	**120**	**120**	**480**
Total Landscaping						**0**	**0**	**120**	**120**	**120**	**120**	**480**

MV00102236

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
Aqueduct Bikeway Improvements / Indian Street to Fay Avenue	Bikeway / landscaping (Project completed FY 08/09)	267	125	67524	Measure "A"							0
Celebration Park Splash Pad Surfacing	Bikeway improvements	268	184	18429	CFD#1	10						10
Community Park Renovation	Reconstruction of soccer field with synthetic turf and lightings (Project completed in FY 07/08)	269	461	65325	Parks and Recreation Capital Projects (Parkland DIF)	51						51
Install Musco Control Link Automated Lighting Systems	Install Musco Control Link Automated Lighting Systems	270	461	66229	Parks and Recreation Capital Projects (Parkland DIF)	30						30
			461	66229	Parks and Recreation Capital Projects (Quimby In Lieu)	30	10					40
March Field Park Arena Soccer Facility	Arena Soccer field	271	461	65331	Parks and Recreation Capital Projects (Parkland DIF)		200					200
			461	65331	Parks and Recreation Capital Projects (Quimby In Lieu)		100					100
Parks and Recreation Master Plan	Prepare master plan (Project completed)	272	461	68925	Parks and Recreation Capital Projects (Parkland DIF)							0

MV00102237

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Patriot Park (formerly Sheila Street Park)	Park improvements (Project completed)	273	282	68628	CDBG 07/08							0
Shadow Mountain Park Ball Field Lighting	Park development	274	461	66527	Parks and Recreation Capital Projects (Parkland DIF)	346						346
Shadow Mountain Park Fencing	Park fencing	275	184	18430	CFD#1		90					90
Shadow Mountain Park Restrooms	Park development	276	461	66430	Parks and Recreation Capital Projects (Parkland DIF)	195						195
Total Funded Projects						**662**	**400**	**0**	**0**	**0**	**0**	**1,062**

Partially Funded Projects												
Annual ADA Park Improvements	Upgrade non-compliant ADA facilities	277	461	65330	Parks and Recreation Capital Projects (Quimby In Lieu)		100					100
			461		Unfunded			100	100	100	100	400
Bethune Park - Water Feature Retrofit	Water Feature Retrofit	278	461	66230	Parks and Recreation Capital Projects (Quimby In Lieu)	1						1
			461		Unfunded						745	745

MV00102238

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
College Park Phase II Amphitheater	Construction and parking	279	461	66525	Parks and Recreation Capital Projects (Parkland DIF)	400						400
			461		Unfunded			3,071				3,071
Future Park Site Land Acquisition	Park development	280	461	68227	Parks and Recreation Capital Projects (Quimby In Lieu)	2,000						2,000
			461		Unfunded						2,000	2,000
March Field Park Master Plan	Master plan for park site	281	461	66327	Parks and Recreation Capital Projects (Parkland DIF)	20						20
			461		Unfunded			110				110
Park Monument Signs	Install new monument signs	282	461	66330	Parks and Recreation Capital Projects (Quimby In Lieu)	4						4
			461		Unfunded			3				3
Replacement Playground Equipment	Replacement Playground Equipment	283	461	65329	Parks and Recreation Capital Projects (Parkland DIF)	243	225					468
			461		Unfunded			225	225	200	260	910

MV00102239

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Water Conservation and Demonstration Garden	Plan and construction of water conservation & demonstration garden	284	461	66428	Parks and Recreation Capital Projects (Parkland DIF)	5						5
			461		Unfunded						725	725
Total Partially Funded Projects						**2,673**	**325**	**3,509**	**325**	**300**	**3,830**	**10,962**
Unfunded Projects												
Aqueduct Bike Trail / Alessandro Boulevard to Brodiaea Avenue, West of Heacock Street	Bikeway / landscaping	285	UNF (DEV)		Unfunded (Developer-Parks)					360		360
Aqueduct Bike Trail / Dracaea Avenue to Pan Am Boulevard	Bikeway / landscaping	286	UNF (DEV)		Unfunded (Developer-Parks)						1,232	1,232
Aqueduct Bike Trail / Gentian Avenue to Santiago Drive	Bikeway / landscaping	287	UNF (DEV)		Unfunded (Developer-Parks)						2,240	2,240
Aqueduct Bike Trail / Iris Avenue to Red Maple Lane	Bikeway / landscaping	288	UNF (DEV)		Unfunded (Developer-Parks)						1,995	1,995
Aqueduct Bike Trail / La Barca Way, Tract 22810	Bikeway / landscaping	289	UNF (DEV)		Unfunded (Developer-Parks)						1,382	1,382

MV00102240

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Aqueduct Bike Trail Landscaping / Bay Avenue to Caspian Way	Bikeway / landscaping	290	UNF		Unfunded						1,460	1,460
Aqueduct Bike Trail Landscaping / Baywood Drive to Cottonwood Avenue	Bikeway / landscaping	291	UNF		Unfunded						322	322
Aqueduct Bike Trail Landscaping / Delphinium Avenue to Perham Drive	Bikeway / landscaping	292	UNF		Unfunded						600	600
Aqueduct Bike Trail Landscaping / Indian Street to Fay Avenue	Bikeway / landscaping	293	UNF		Unfunded						1,050	1,050
Aqueduct Bike Trail Security Lights and Landscaping	Bikeway / lighting and landscaping	294	UNF		Unfunded						4,163	4,163
Bethune Park - School Ball Field Lighting and Fencing	Ballfield lighting	295	461		Unfunded						680	680
Bikeway Enhancement North of Krameria Avenue and West of Kitching Street	Bikeway enhancement	296	461		Unfunded (Parkland DIF)				240			240
			461		Unfunded (Grants)				240			240
Box Springs Mountain "M" Permanent Lighting	Install / Replace lighting	297	UNF		Unfunded						122	122
Cactus Corridor PA-1	Install / Replace lighting	298	UNF		Unfunded						5,264	5,264
Cactus Corridor PA-2	Park development	299	UNF (DEV)		Unfunded (Developer-Parks)						1,800	1,800
Canyon Springs Golf Course / Poorman's Reservior	Golf course	300	UNF		Unfunded						11,220	11,220
College Park Sports Facility, Phase III	Parking area, restroom, multiuse sports field, and trails	301	UNF		Unfunded						5,412	5,412

MV00102241

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Community Park, Phase II	Parking area, concession area, and restroom	302	UNF		Unfunded						1,770	1,770
Cottonwood Golf Course Parking Lot	Repave & restripe	303	UNF		Unfunded						103	103
Cottonwood Golf Course - Rebuild Greens	Rebuild / replace greens with new turf, soil, and drainage	304	UNF		Unfunded						184	184
Cottonwood Recreation Center Renovation	Renovation	305	UNF		Unfunded						4,590	4,590
Equestrian Park, Phase II	Park design	306	UNF		Unfunded						5,100	5,100
Fairway Park (Skate Park Addition)	Construct Skate Wave	307	UNF		Unfunded						125	125
Festival Park Site Development	Construct tot lot, sports field, lighting, and restrooms	308	UNF		Unfunded						5,100	5,100
Festival Park Site Master Plan	Develop Master Plan	309	UNF		Unfunded						153	153
Future Park Site Development (Approximately 290 Acres)	Future parks within the general plan	310	UNF		Unfunded						81,600	81,600
Future Renovation of Park Restrooms at Various Sites	Renovate park restrooms	311	UNF		Unfunded						1,836	1,836
Hidden Springs Park Development, Phase II	17 acre development	312	UNF		Unfunded						3,315	3,315
In-Fill Parks and Facilities	Development of parks and recreation facility to mitigate current and future deficiencies	313	UNF		Unfunded						52,020	52,020
Lasselle Sports Park	Park development	314	UNF (DEV)		Unfunded (Developer-Parks)						12,000	12,000

MV00102242

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
March Community Teen Center	Improvements	315	UNF		Unfunded						1,530	1,530
March Field Park Construction	Construction	316	UNF		Unfunded						20,910	20,910
March Field Park Design	Design	317	UNF		Unfunded						306	306
Markborough Property Master Plan and Development	Master plan for park site	318	UNF		Unfunded						75	75
Moreno Highlands PA-1	Park development	319	UNF (DEV)		Unfunded (Developer-Parks)						10,000	10,000
Moreno Highlands PA-2	Park development	320	UNF (DEV)		Unfunded (Developer-Parks)						50,000	50,000
Moreno Valley Equestrian Center Master Plan and Design	Master plan	321	UNF		Unfunded						154	154
Moreno Valley Equestrian Center (MVEC) Access from Locust Street	Design and construction of MVEC entrance	322	461		Unfunded						140	140
			461		Unfunded						10	10
Morrison Park Extension	Park expansion	323	UNF		Unfunded						2,514	2,514
Morrison Park Relamping	Metal halide fixtures	324	UNF		Unfunded						765	765
Multi-Use Trails	Right of way and improvements	325	UNF		Unfunded						1,938	1,938
Neighborhood Park at Cottonwood Avenue and Indian Street	Park development (Project on hold)	326	461		Unfunded						6,000	6,000
			461		Unfunded						1,000	1,000
Play Equipment and Play Surfacing at Various Sites	Right of way and improvements	327	UNF		Unfunded						2,754	2,754

MV00102243

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

PARKS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Rancho Verde Park	Park development	328	UNF (DEV)		Unfunded (Developer-Parks)						2,052	2,052
Shadow Mountain Park, Phase II	Park development	329	UNF (DEV)		Unfunded (Developer-Parks)						1,615	1,615
Sports Field Lighting Upgrade at Various Park Sites	Replace inefficient / outdated sports lighting	330	UNF		Unfunded						10,200	10,200
Total Unfunded Projects						**0**	**0**	**0**	**480**	**360**	**318,801**	**319,641**
Total Parks						**3,335**	**725**	**3,509**	**805**	**660**	**322,631**	**331,665**

MV00102244

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
City of Moreno Valley / City of Riverside Intertie	Connection of Riverside and Moreno Valley traffic control centers (Project completed)	335	137	66129	Air Quality Management							0
			137	66129	Air Quality Management (MSRC)							0
Citywide Traffic Sign Retroreflectivity Inventory	Sign replacement	336	125	56332	Measure "A"		75					75
Cottonwood Avenue / Pattilynn Drive School Crossing Traffic Signal	New traffic signal (Project completed)	337	125	66628	Measure "A"							0
Emergency Vehicle Pre-emption at 117 Traffic Signals	Allows fire trucks and ambulances to cause traffic signals to turn green	338	417	79129	DIF Traffic Signals							0
			417	79129	(DIF Traffic Signals) HSIP	504						504
John F. Kennedy Drive / La Brisis Way Traffic Signal	New traffic signal	339	417	79029	DIF Traffic Signals		240					240
Lasselle Street / Bay Avenue Traffic Signal	New traffic signal and street improvements (Project completed)	340	416	83127	DIF Arterial Streets							0
			417	79426	DIF Traffic Signals							0
Lasselle Street / Cottonwood Avenue Traffic Signal	New traffic signal and street improvements (Project completed)	341	416	83227	DIF Arterial Streets							0
			417	79126	DIF Traffic Signals							0
Lasselle Street / Margaret Avenue Traffic Signal	New traffic signal and upgrade curb ramps	342	125	66630	Measure "A"	28						28
			417	79027	DIF Traffic Signals	242						242

MV00102245

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Nason Street / Riverside County Regional Medical Center Main Driveway Traffic Signal	Synchronization of Nason Street and adjacent traffic signals	343	125	66829	Measure "A"		50					50
			417	79030	DIF Traffic Signals		250					250
SR-60 Eastbound Ramps / Redlands Boulevard Traffic Signal	New traffic signal (Project completed)	344	125	66625	Measure "A"							0
Sunnymead Ranch Parkway / Village Road East Traffic Signal	Signalization of the east intersection	345	417	79229	DIF Traffic Signals	2						2
Transportation Management Center	Reconfigure space at City Hall to install computer servers and other equipment	346	417	79528	DIF Traffic Signals	97						97
			137	68129	Air Quality Management	72						72
Total Funded Projects						**945**	**615**	**0**	**0**	**0**	**0**	**1,560**

Partially Funded Projects	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 10/11	New Request FY 10/11	Plan FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15 & Beyond	Grand Totals
ITS Deployment Phase I A	New Transportation Management Center and new traffic signal controllers	347	417	79028	DIF Traffic Signals		30					30
			417		Unfunded			200				200
Sunnymead Boulevard / SR-60 On-Ramp from Perris Boulevard Traffic Signal	New traffic signal	348	417	79032	DIF Traffic Signals		25					25
			417		Unfunded			250				250

MV00102246

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Traffic Signal Coordination Program	Update traffic signal coordination plans	349	137	68125	Air Quality Management	25						25
			137		Unfunded			30	30	30	30	120
Total Partially Funded Projects						**25**	**55**	**480**	**30**	**30**	**30**	**650**

Unfunded Projects	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 10/11	New Request FY 10/11	Plan FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15 & Beyond	Grand Totals
Alessandro Boulevard / Day Street Traffic Signal	Relocate traffic signal	351	UNF		Unfunded						150	150
Alessandro Boulevard / Quincy Street Traffic Signal	New traffic signal	352	UNF		Unfunded						293	293
Alessandro Boulevard / Redlands Boulevard Traffic Signal	New traffic signal	353	UNF		Unfunded						293	293
Alessandro Boulevard / Sinclair Street Traffic Signal	New traffic signal	354	UNF		Unfunded						293	293
Alessandro Boulevard / Theodore Street Traffic Signal	New traffic signal	355	UNF		Unfunded						293	293
Alessandro Boulevard (Future) / Gilman Springs Road Traffic Signal	New traffic signal	356	UNF		Unfunded						293	293
Alessandro Boulevard (Future) / Spine Road (Future) Traffic Signal	New traffic signal	357	UNF		Unfunded						293	293

MV00102247

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Alessandro Boulevard (Future) / Virginia Street (Future) Traffic Signal	New traffic signal	358	UNF		Unfunded						293	293
Box Springs Road / Clark Street Traffic Signal	Relocate traffic signal	359	UNF		Unfunded						100	100
Box Springs Road / Morton Road Traffic Signal	Relocate traffic signal	360	UNF		Unfunded						100	100
Cactus Avenue / Gilbert Street Traffic Signal	Relocate traffic signal	361	UNF		Unfunded						150	150
Cactus Avenue / Graham Street Traffic Signal	Relocate traffic signal	362	UNF		Unfunded						100	100
Cactus Avenue / Joy Street Traffic Signal	Relocate traffic signal	363	UNF		Unfunded						150	150
Cactus Avenue / Quincy Street Traffic Signal	New traffic signal	364	UNF		Unfunded						293	293
Cactus Avenue / Veterans Way Traffic Signal	Relocate traffic signal	365	UNF		Unfunded						150	150
Cottonwood Avenue / Elsworth Street Traffic Signal	New traffic signal and street improvements	366	416		Unfunded						236	236
			417		Unfunded						125	125
Cottonwood Avenue / Eucalyptus Avenue (Future) Traffic Signal	New traffic signal	367	UNF		Unfunded						293	293
Cottonwood Avenue / Morrison Street Traffic Signal	New traffic signal	368	UNF		Unfunded						293	293
Cottonwood Avenue / Old 215 Frontage Road Traffic Signal	New traffic signal	369	UNF		Unfunded						293	293

MV00102248

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Cottonwood Avenue / Quincy Street Traffic Signal	New traffic signal	370	UNF		Unfunded						293	293
Cottonwood Avenue / Redlands Boulevard Traffic Signal	New traffic signal	371	UNF		Unfunded						293	293
Cottonwood Avenue / Sinclair Street Traffic Signal	New traffic signal	372	UNF		Unfunded						293	293
Cottonwood Avenue / Theodore Street Traffic Signal	New traffic signal	373	UNF		Unfunded						293	293
Day Street / Cottonwood Avenue Traffic Signal	Relocate traffic signal	374	UNF		Unfunded						100	100
Day Street / Dracaea Avenue Traffic Signal	Relocate traffic signal	375	UNF		Unfunded						150	150
Day Street / Eucalyptus Avenue Traffic Signal	Relocate traffic signal	376	UNF		Unfunded						200	200
Day Street / Gateway Drive Traffic Signal	Relocate traffic signal	377	UNF		Unfunded						200	200
Day Street / Old 215 Frontage Road Traffic Signal	New traffic signal	378	UNF		Unfunded						293	293
Elder Avenue/ Kitching Street Traffic Signal	New traffic signal	379	UNF		Unfunded						293	293
Elder Avenue/ Lasselle Street Traffic Signal	New traffic signal	380	UNF		Unfunded						293	293
Elder Avenue/ Morrison Street Traffic Signal	New traffic signal	381	UNF		Unfunded						293	293
Elsworth Street / Dracaea Avenue Modern Roundabout	Replace all-way stop-controlled intersection (Project delayed)	382	417		Unfunded				588			588

MV00102249

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Encilia Avenue (formerly Eucalyptus Avenue) / Quincy Street Traffic Signal	New traffic signal	383	UNF		Unfunded						293	293
Encilia Avenue (formerly Eucalyptus Avenue) / Redlands Boulevard Traffic Signal	New traffic signal	384	UNF		Unfunded						293	293
Encilia Avenue (formerly Eucalyptus Avenue) / Theodore Street Traffic Signal	New traffic signal	385	UNF		Unfunded						293	293
Eucalyptus Avenue / Arbor Park Lane Traffic Signal	Relocate traffic signal	386	UNF		Unfunded						150	150
Eucalyptus Avenue/ Indian Street Traffic Signal	New traffic signal	387	UNF		Unfunded						293	293
Eucalyptus Avenue/ Kitching Street Traffic Signal	New traffic signal	388	UNF		Unfunded				272			272
Eucalyptus Avenue / Lasselle Street Traffic Signal	New traffic signal	389	UNF		Unfunded						293	293
Eucalyptus Avenue (formerly Fir Avenue) / Encilia Avenue (formerly Eucalyptus Avenue) Traffic Signal	New traffic signal	390	UNF		Unfunded						293	293
Eucalyptus Avenue (formerly Fir Avenue) / Quincy Street Traffic Signal	New traffic signal	391	UNF		Unfunded						293	293
Eucalyptus Avenue (formerly Fir Avenue) / Redlands Boulevard Traffic Signal	New traffic signal	392	UNF		Unfunded						293	293
Eucalyptus Avenue (formerly Fir Avenue) / Sinclair Street Traffic Signal	New traffic signal	393	UNF		Unfunded						293	293
Eucalyptus Avenue (formerly Fir Avenue) / Theodore Street Traffic Signal	New traffic signal	394	UNF		Unfunded						293	293
Eucalyptus Avenue (Future) / Encilia Avenue (formerly Eucalyptus Avenue) Traffic Signal	New traffic signal	395	UNF		Unfunded						293	293

MV00102250

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Eucalyptus Avenue (Future) / Gilman Springs Road Traffic Signal	New traffic signal	396	UNF		Unfunded						293	293
Eucalyptus Avenue (Future) / Spine Road (Future) Traffic Signal	New traffic signal	397	UNF		Unfunded						293	293
Eucalyptus Avenue (Future) / Virginia Street (Future) Traffic Signal	New traffic signal	398	UNF		Unfunded						293	293
Frederick Street / Brabham Street Traffic Signal	Relocate traffic signal	399	UNF		Unfunded						100	100
Frederick Street / Cactus Avenue Traffic Signal	Relocate traffic signal	400	UNF		Unfunded						150	150
Frederick Street / Centerpoint Drive Traffic Signal	Relocate traffic signal	401	UNF		Unfunded						100	100
Frederick Street / Sunnymead Boulevard - Eastbound SR-60 Traffic Signal	Relocate traffic signal	402	UNF		Unfunded						150	150
Heacock Street / Fir Avenue Traffic Signal	Relocate traffic signal	403	UNF		Unfunded						150	150
Heacock Street / Hemlock Avenue Traffic Signal	Relocate traffic signal	404	UNF		Unfunded						100	100
Heacock Street / Lake Summit Drive Traffic Signal	New traffic signal	405	UNF		Unfunded						293	293
Heacock Street / San Michele Road Traffic Signal	Relocate traffic signal	406	UNF		Unfunded						100	100
Indian Street / Eucalyptus Avenue Traffic Signal	New traffic signal	407	417		DIF Traffic Signals						293	293
Indian Street / Hemlock Avenue Traffic Signal	Relocate traffic signal	408	UNF		Unfunded						150	150

MV00102251

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Indian Street / Iris Avenue Traffic Signal	Relocate traffic signal	409	UNF		Unfunded						100	100
Indian Street / San Michelle Road Traffic Signal	Relocate traffic signal	410	UNF		Unfunded						150	150
Indian Street / Sundial Way Traffic Signal	New traffic signal	411	UNF		Unfunded						293	293
Interconnect Installation	Interconnection of traffic signals throughout City	412	UNF		Unfunded						18,000	18,000
Iris Avenue / Concord Way Traffic Signal	New traffic signal	413	UNF		Unfunded						293	293
Ironwood Avenue / Graham Street Traffic Signal	Relocate traffic signal	414	UNF		Unfunded						100	100
Ironwood Avenue/ Lasselle Street Traffic Signal	New traffic signal	415	UNF		Unfunded						293	293
Ironwood Avenue / Morrison Street Traffic Signal	New traffic signal	416	UNF		Unfunded						293	293
Ironwood Avenue / Quincy Street Traffic Signal	New traffic signal	417	UNF		Unfunded						293	293
Ironwood Avenue / Sinclair Street Traffic Signal	New traffic signal	418	UNF		Unfunded						293	293
Ironwood Avenue / Theodore Street Traffic Signal	New traffic signal	419	UNF		Unfunded						293	293
John F. Kennedy Drive / Redlands Boulevard Traffic Signal	New traffic signal	420	UNF		Unfunded						293	293
Kitching Street / Bay Avenue Traffic Signal	New traffic signal	421	UNF		Unfunded						380	380

MV00102252

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Kitching Street / Ironwood Avenue Traffic Signal	Relocate traffic signal	422	UNF		Unfunded						100	100
Krameria Avenue / Heacock Street Traffic Signal	New traffic signal	423	UNF		Unfunded						293	293
Krameria Avenue / Indian Street Traffic Signal	New traffic signal	424	UNF		Unfunded						293	293
Lasselle Street / Alessandro Boulevard Traffic Signal	Relocate traffic signal	425	UNF		Unfunded						150	150
Moreno Beach Drive / Alessandro Boulevard Traffic Signal	Relocate traffic signal	426	UNF		Unfunded						250	250
Moreno Beach Drive / Championship Drive Traffic Signal	New traffic signal	427	UNF		Unfunded						293	293
Moreno Beach Drive / Cottonwood Avenue Traffic Signal	Relocate traffic signal	428	UNF		Unfunded						200	200
Moreno Beach Drive / Ironwood Avenue Traffic Signal	Relocate traffic signal	429	UNF		Unfunded						250	250
Moreno Beach Drive / Locust Avenue Traffic Signal	New traffic signal	430	UNF		Unfunded						293	293
Nandina Avenue / Kitching Street Traffic Signal	New traffic signal	431	UNF		Unfunded						293	293
Nason Street / Alessandro Boulevard Traffic Signal	Relocate traffic signal	432	UNF		Unfunded						250	250
Nason Street / Cactus Avenue Traffic Signal	Relocate traffic signal	433	UNF		Unfunded						150	150
Nason Street / Clubhouse Drive Traffic Signal	New traffic signal	434	UNF		Unfunded						293	293

MV00102253

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Nason Street / Cottonwood Avenue Traffic Signal	Relocate traffic signal	435	UNF		Unfunded						150	150
Nason Street / Dracaea Avenue Traffic Signal	Relocate traffic signal	436	UNF		Unfunded						100	100
Nason Street / Fir Avenue Traffic Signal	Relocate traffic signal	437	UNF		Unfunded						100	100
Nason Street / Ironwood Avenue Traffic Signal	Relocate traffic signal	438	UNF		Unfunded						200	200
Oliver Street / John F. Kennedy Drive Traffic Signal	New traffic signal	439	UNF		Unfunded						293	293
Perris Boulevard / Dracaea Avenue Traffic Signal	Relocate traffic signal	440	UNF		Unfunded						100	100
Perris Boulevard / Eastgate Traffic Signal	Relocate traffic signal	441	UNF		Unfunded						150	150
Perris Boulevard / Eucalyptus Avenue Traffic Signal	Relocate traffic signal	442	UNF		Unfunded						100	100
Perris Boulevard / Manzanita Avenue Traffic Signal	Relocate traffic signal	443	UNF		Unfunded						150	150
Perris Boulevard / Pico Vista Way Traffic Signal	New traffic signal	444	UNF		Unfunded			293				293
Perris Boulevard / Rivard Road Traffic Signal	New traffic signal	445	UNF		Unfunded						293	293
Perris Boulevard / Santiago Drive Traffic Signal	New traffic signal	446	UNF		Unfunded						293	293
Perris Boulevard / Suburban Lane Traffic Signal	Relocate traffic signal	447	UNF		Unfunded						100	100

MV00102254

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Perris Boulevard / Sunnymead Ranch Parkway Traffic Signal	Relocate traffic signal	448	UNF		Unfunded						100	100
Pigeon Pass Road / Climbing Rose Drive Traffic Signal	Relocate traffic signal	449	UNF		Unfunded						100	100
Pigeon Pass Road / Hemlock Avenue Traffic Signal	Relocate traffic signal	450	UNF		Unfunded						100	100
Pigeon Pass Road / Ironwood Avenue Traffic Signal	Relocate traffic signal	451	UNF		Unfunded						150	150
Pigeon Pass Road / Swan Street Traffic Signal	Relocate traffic signal	452	UNF		Unfunded						100	100
Pigeon Pass Road / Western Ridge Road Traffic Signal	Relocate traffic signal	453	UNF		Unfunded						150	150
Redlands Boulevard / Ironwood Avenue Traffic Signal	Relocate traffic signal	454	UNF		Unfunded						250	250
Spine Road (Future) / Gilman Springs Road Traffic Signal	New traffic signal	455	UNF		Unfunded						293	293
Spine Road (Future) / Virginia Street (Future) Traffic Signal	New traffic signal	456	UNF		Unfunded						293	293
SR-60 Eastbound Ramps / Theodore Street Traffic Signal	New traffic signal	457	UNF		Unfunded						293	293
SR-60 Wastbound Ramps / Redlands Boulevard Traffic Signal	New traffic signal	458	UNF		Unfunded			820				820
SR-60 Westbound Ramps / Theodore Street Traffic Signal	New traffic signal	459	UNF		Unfunded						293	293
Sunnymead Boulevard / Indian Street Traffic Signal	Relocate traffic signal	460	UNF		Unfunded						150	150

MV00102255

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

TRAFFIC SIGNALS

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 13/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Sunnymead Boulevard / Kitching Street Traffic Signal	New traffic signal	461	UNF		Unfunded						293	293
Sunnymead Ranch Parkway / Pigeon Pass Road Traffic Signal	New traffic signal	462	UNF		Unfunded						293	293
Towngate Boulevard / Eucalyptus Avenue Traffic Signal	Relocate traffic signal	463	UNF		Unfunded						150	150
Valley Springs Parkway / Eucalyptus Avenue Traffic Signal	Relocate traffic signal	464	UNF		Unfunded						100	100
Total Unfunded Projects						**0**	**0**	**1,113**	**860**	**0**	**42,635**	**44,608**
Total Traffic Signals						**970**	**670**	**1,593**	**890**	**30**	**42,665**	**46,818**

MV00102256

Capital Improvement Plan
FY 2011-2016 and Beyond
Projects Listed by Category
Amount in $1,000's

UNDERGROUND UTILITIES

Project Name	Project Description	Page #	Fund Source	Account Number	Fund Description	Carryover to FY 11/12	New Request FY 11/12	Plan FY 12/13	Plan FY 12/14	Plan FY 14/15	Plan FY 15/16 & Beyond	Grand Totals
Funded Projects												
Citywide Fiber Optic Communications Expansion	Extension of existing optic fiber cable	467	750	69630	Technology Services	213						213
Total Funded Projects						**213**	**0**	**0**	**0**	**0**	**0**	**213**
Partially Funded Projects												
None Listed												0
Total Partially Funded Projects						**0**	**0**	**0**	**0**	**0**	**0**	**0**
Unfunded Projects												
Nason Street / Dracaea Avenue Booster Pump Relocation	Relocate existing booster pump at NW corner of Nason Street and Dracaea Avenue	469	UNF		Unfunded						2,101	2,101
Underground In-Lieu Fees Project	Construct missing street segment improvements	470	359		Unfunded						700	700
Total Unfunded Projects						**0**	**0**	**0**	**0**	**0**	**2,801**	**2,801**
Total Underground Utilities						**213**	**0**	**0**	**0**	**0**	**2,801**	**3,014**

MV00102257

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0035 Amendment to Municipal Code 9.03 Residential Development 9.08 Grading 9.11 Parking, Pedestrian and Loading Requirements 9.16 Design Guidelines 9.17 Landscape Requirements
Date:	May 12, 2011
Applicant:	City of Moreno Valley
Representative:	Planning Division
Location:	City-wide
Proposal:	The proposed amendment is an update to the City's Municipal Code to implement new design standards to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit which is designed to minimize impacts from new development as well as redevelopment projects discharging urban waters entering Waters of the U.S. from municipal separate storm sewer systems which is regulated under the National Pollutant Discharge Elimination System (NPDES) permit.
Recommendation:	Approval

PROJECT DESCRIPTION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.03 Residential Development, 9.08, Grading 9.11, Parking, Pedestrian and Loading Requirements, 9.16, Design Guidelines, and 9.17 Landscape Requirements providing new design standards promoting green infrastructure/low impact development (LID) techniques to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit requirements with required compliance by July 29, 2011. Additionally, all projects are required to include "Best Management Practices" (BMPs) which provide measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States,

The primary changes include revising design requirements to promote on-site water retention and infiltration in an effort to clean the water of contaminants prior to the water being discharged from the site into storm drains and flood control channels which then enter receiving waters such as the Santa Ana Watershed. Hardscape areas increase the runoff and amount of water that needs to be cleaned by the water quality permit. The proposed site design requirements and preferences are intended to reduce the runoff and the costs associated with cleaning runoff.

In an effort to meet the goals and objectives of the permit requirements and include Best Management Practices into the site design, projects will be required to reduce the hardscape within the parking lots and on site hardscape areas by increasing the landscape areas, using pervious materials in the design, as well as providing additional curb cuts to convey the drainage into landscape areas for water quality retention and absorption.

Included are changes to Municipal Code sections 8.10 Storm Water/Urban runoff Management and Discharge Controls and 8.21 Grading Regulations with the addition of 8.21.200 Permeable Surface Design. The Public Works Department is responsible to ensure projects meet water quality requirements as well as site grading while complying with the MS4 permit requirements. These changes are included to be consistent through inter-departmental reviews. Municipal Code section changes to Title 8 are provided for consistency with Title 9, however, do not require any action from the Planning Commission.

Where applicable in all sections listed, Community Development Director/Department has been changed to Community & Economic Development Director or Community & Economic Development Department. Additionally, minor clerical items have been corrected for consistency.

The following are the proposed changes to the Municipal Code, Title 9 for Planning and Zoning.

9.03.040 Residential Development

CURRENT STANDARDS	PROPOSED CHANGES
Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent	Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent

of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials except for necessary walks and fences.	of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials **to include water efficient native plants,** except for necessary walks and fences. **Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces**. **Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.**
6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.	6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community **& Economic D**evelopment **D**irector may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.	Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. **Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.**
Section G 12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.	Section G 12. **Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.**

9.08.080 Grading

CURRENT STANDARDS	PROPOSED CHANGES
Section A. Lots slope toward, rather than away from the street; unless otherwise approved by the city engineer.	Section A. Lots slope **to landscape areas or pervious surfaces** unless otherwise approved by the city engineer;
New standard.	**Section M.** **Grading shall only be performed on the portion of the site where the building will be located and necessary improvements.**

9.11 Parking, Pedestrian and Loading Requirements

9.11.010 Purpose and intent.

CURRENT	PROPOSED
Section E. Implement general plan circulation and energy conservation policies:(Ord. 359 (part), 1992)	Section E. Implement general plan circulation and energy conservation policies; **and** ~~(Ord. 359 (part), 1992)~~
New	**Section F.** **Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.**

9.11.040 Off-street parking requirements

CURRENT	PROPOSED
Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the minimum off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses	Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the **required** off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. **Parking provided above the amount of required off-street parking must be**

	constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:
911.040 A-12 Table The table states the minimum requirement for parking based on the use.	**The table will state the "required" parking based on the use.**

9.11.060 Off-street bicycle parking requirements

CURRENT	PROPOSED
Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition	Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. **Pervious pavement is recommended**.

9.11.080 Design standards.

CURRENT	PROPOSED
New	**25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.**
Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be a minimum of nine feet in width eighteen (18) feet in depth (see Figure 9.11.080-5).	**Section B** 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine (9) feet in width **and sixteen (16)** feet in **depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be** eighteen (18) feet **of paved** ~~in~~ depth **with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback).** (see Figure 9.11.080-5).
~~Figure 9.11.080-5~~	**Figure 9.11.080-5 modified to reflect 16 feet Nonparallel Parking Spaces**

~~Figure 9.11.080-6~~	**Figure 9.11.080-6 Parking Space Striping Requirements** **modified to reflect both 16 feet and 18 feet in depth parking spaces labeled as 911.080-6A and 9.11.080-6B**
Section C 1. Drainage. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.	Section C 1. Drainage. **Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.** All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.
Figure 9.11.080-6	**Figure 9.11.080-6, Parking Space Striping Requirements-- modified to reflect parking space dimension requirements.**
Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer.	Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. **Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.**

9.11.100 Circulation-Pedestrian

CURRENT	PROPOSED
Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation.	Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. **The use of pervious paving surfaces is recommended**

	where feasible.

9.16 Design Guidelines

9.16.010 Introduction and scope of guidelines.

CURRENT	PROPOSED
~~Section A.~~ ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commissions and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~	**Section A.** **The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.**

9.16.110 Objectives, generally.

CURRENT	PROPOSED
Section C. 6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment,	Section C. 6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, **including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off**;
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape **requirements.** ~~guidelines as adopted by Ordinance No. 247.~~

9.16.120 General guidelines.

CURRENT	PROPOSED
Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view.	Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. **Roof drains shall be integrated into the building design for aesthetics and shall convey water to landscape areas for water quality.**
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape **requirements.** ~~guidelines as adopted by Ordinance No. 247.~~

9.16.130 Single-family residential.

CURRENT	PROPOSED
Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.	Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. **Pervious surfaces are required for such areas within required setbacks.**
11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.	11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. **Pervious surfaces are recommended where feasible.**

9.16.140 Multifamily residential shall be deleted in its entirety.

The multifamily residential design guidelines were incorporated into section 9.03.040 of the Municipal Code which was approved September 22, 2009.

9.16.150 Commercial (retail, office, mixed use).

CURRENT	PROPOSED
Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be located inside the exterior walls of a structure.	Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and **drain into a landscape area for water quality, retention and absorption to reduce water run off**.

9.16.160 Business park/industrial.

CURRENT	PROPOSED
Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided (Ord. 359 (Attach. 2 (part)), 1992)	Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided. **Pervious surfaces are recommended where feasible**. (Ord. 359 (Attach. 2 (part)), 1992)

9.16.220 Roadway Circulation.

CURRENT	PROPOSED
Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)	Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays **(including pervious paving where feasible)** are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)

9.16.235 Hillside Development.

CURRENT	PROPOSED
Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.	Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. **Pervious surfaces are recommended where feasible.**

9.17 Landscape and Water Efficiency Requirements

9.17.050 Parking and drive-through landscape areas.

CURRENT	PROPOSED
Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:	Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, **promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces,** and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:
3. Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director. Openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality.	3. **Curb cut** openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. **Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.**

9.17.070 Single family residential development.

CURRENT	PROPOSED
6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.	6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. **Pervious pavement/surfaces are recommended to reduce water runoff.**

917.080 Multifamily residential development.

CURRENT	PROPOSED
Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls.	Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. **The use of permeable surfaces is recommended for walks and patios to reduce water runoff.**

9.17.090 Commercial, industrial, public and quasi-public development.

CURRENT	PROPOSED
Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged. Such areas should incorporate focal points such as	Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the **use of pervious surface areas that**

water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.	**reduce water run off**. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

917.110 Erosion control/slope planting.

CURRENT	PROPOSED
5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability.	5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, **draining to landscape or permeable surface areas that allow for water retention and absorption.**

917.150 Water efficiency requirements.

CURRENT	PROPOSED
New	**11. Direct all runoff from roofs and hardscape areas to landscaping areas.**
New	**12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.**

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A 1/8 page public notice was published in the local newspaper Saturday, April 30, 2011.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 (Municipal Code Amendment); and,

2. **RECOGNIZE** that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

Prepared by:	Approved by:
Julia Descoteaux Associate Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-11
3. 9.03.040 Residential Development
4. 9.08.080 Grading
5. 9.11 Parking Pedestrian and Loading
6. 9.16 Design Guidelines
7. 9.17 Landscaping

NOTICE
OF
PLANNING COMMISSION
PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER A CITYWIDE AMENDMENT TO THE MUNICIPAL CODE PROVISIONS TO IMPLEMENT NEW DESIGN STANDARDS PROMOTING GREEN INFRASTRUCTURE/LID TECHNIQUES TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER (MS4) PERMIT WHICH IS DESIGNED TO MINIMIZE IMPACTS FROM NEW DEVELOPMENT AS WELL AS REDEVELOPMENT PROJECTS DISCHARGING URBAN WATERS TO WATERS OF THE U.S. THE RESIDENTIAL DEVELOPMENT, GRADING, PARKING, PEDESTRIAN AND LOADING REQUIREMENTS, DESIGN GUIDELINES, AND LANDSCAPE REQUIREMENTS SECTIONS HAVE BEEN REVISED.

The proposed amendment (PA10-0035) would change the various Moreno Valley Municipal Code provisions to minimize the impacts and convey surface drainage into landscape areas for water quality, retention and absorption.

The Municipal Code Amendment (PA10-0035) proposes changes to the following sections:

- 9.03 Residential Development
- 9.08 Grading
- 9.11 Parking, Pedestrian and Loading Requirements
- 9.16 Design Guidelines
- 9.17 Landscape Requirements

This project has been determined to be exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 of the CEQA Guidelines because the amendment does not have the potential to cause a significant effect on the environment.

The Planning Commission may consider any appropriate modifications or alternatives to the amendment or the environmental determination. Any person concerned about the proposal may submit written comments to the Planning Division prior to the hearing date listed below. Any person may appear and be heard in support or opposition to the project or the environmental determination at the time of the hearing. Any person interested in the proposed project may contact Julia Descoteaux, Associate Planner at (951) 413-3206 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission on or before the following meeting date:

Thursday, May 12, 2011
7:00 P.M.
City Council Chambers
14177 Frederick Street
Moreno Valley, CA 92552-0805

Attachment 1

PLANNING COMMISSION RESOLUTION NO. 2011-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING APPROVAL OF PA10-0035 TO THE CITY COUNCIL, AMENDING MORENO VALLEY MUNICIPAL CODE REGULATIONS REGARDING RESIDENTIAL DEVELOPMENT, GRADING, PARKING, PEDESTRIAN AND LOADING REQUIRMENTS, DESIGN GUIDELINES AND LANDSCAPE REQUIREMENTS.

WHEREAS, the City of Moreno Valley has filed an application for the approval of PA10-0035, as described in the title of this Resolution.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the application.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The amendment is consistent with the General Plan, and its goals, objectives, policies and programs, and with any applicable specific plan.

   FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment provides an update to the existing code to ensure compliance with the new National Pollutant Discharge Elimination System (NPDES) permit which is effective July 29, 2011. The updates include sections pertaining to residential development, grading, parking pedestrian and loading requirements, design guidelines and the landscape requirements.

2. **Health, Safety and Welfare –** The proposed use will not be detrimental to the public health, safety or general welfare.

   FACT: The proposed changes do not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. The amendment provides an update to the existing code to ensure compliance with the new National Pollutant

Discharge Elimination System (NPDES) permit which is effective July 29, 2011.

3. **Conformance with Zoning Regulations –** The proposed amendment is consistent with the purposed and intent of Title 9.

   FACT: The amendment to the Municipal Code provides for an internally consistent set of regulations that are compatible with the purpose and intent of Title 9 while meeting the expectations of the National Pollutant Discharge Elimination System permit which promotes green infrastructure/LID techniques to comply with the 2010 NPDES Municipal Separate Storm Sewer (MS4) Permit requirements by July 29, 2011. The updates include sections regarding, residential development, grading, parking pedestrian and loading requirements, design guidelines and the landscape requirements.

   In addition, the amendment furthers the specific purpose and intent of Title 9 to "implement the goals, objectives, policies and programs of the Moreno Valley General Plan and manage future growth and change in accordance with that plan."

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-11, **RECOMMENDING** that the City Council **APPROVE** PA10-0035, thereby amending the Municipal Code as described in the title of this resolution.

APPROVED this 12th day of May, 2011.

_____
Ray Baker
Acting Chair, Planning Commission

ATTEST:

_____
John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

_____
City Attorney

MV00102273

9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac × 0.10 du/ac plus 5 ac × 0.20 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate

governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The Community **& Economic D**evelopment Director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac × 0.25 du/ac plus 5 ac × 0.10 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	**Standards**
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.

1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

2. a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.

b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.

3. Slope Mapping Method.

a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.

b. In preparing a slope map, those portions of ravines, ridges and terraces of less

area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.

D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with

the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.

Figure 9.03.040-1
Residential Lot Information

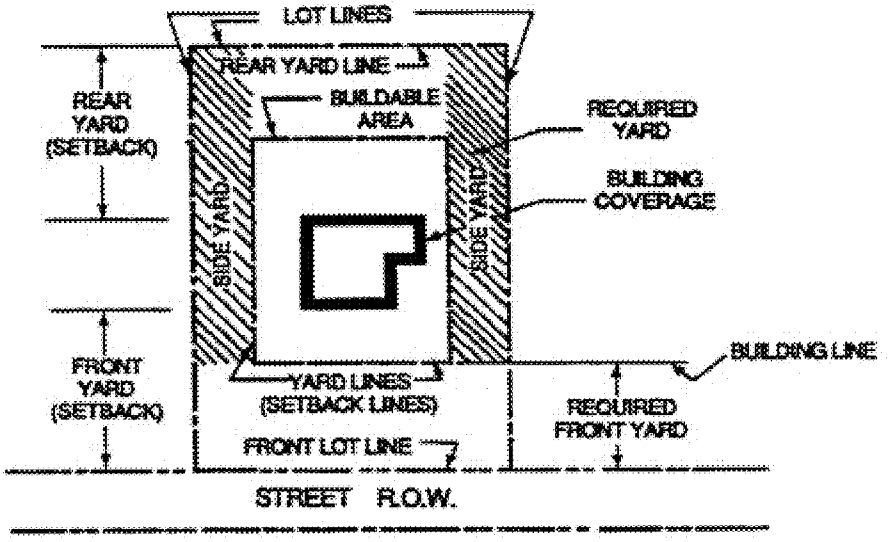

Figure 9.03.040-2
Residential Yard Descriptions

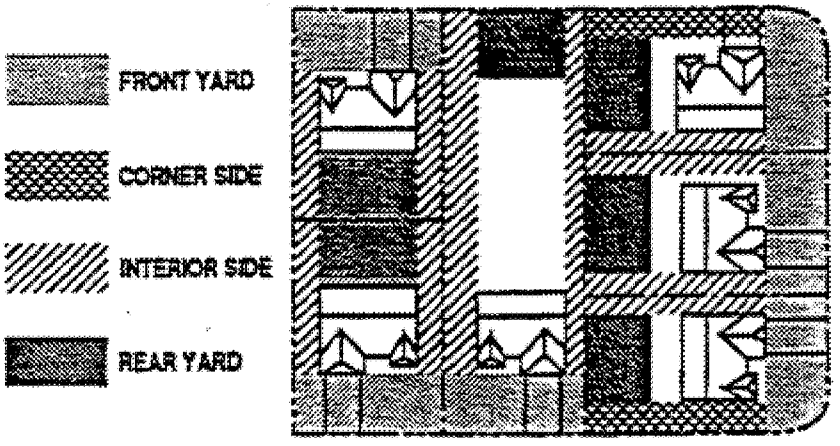

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable					10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040.6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.

3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.

Table 9.03.040-7

Residential Site Development Standards

Multifamily Standards

Requirement	**R10**	**R15**	**R20**	**R30**
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in feet	200	200	200	200
4. Minimum lot depth in feet	175	175	175	175
5. Minimum front yard setback, in feet	20	25	30	30
6. Minimum side yard setback, in feet Interior side yard Street side yard	 10 20	 10 20	 10 20	 10 feet plus 2 feet for every 5 feet in height over 30 feet 20
Requirement	**R10**	**R15**	**R20**	**R30**
7. Minimum rear yard setback, in ft.	15	20	25	10 feet plus 2 for every 5 feet in height over 30 feet
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in feet	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

Note to Residential Site Development Standards Table 9.03.040-7.

1. Minimum dwelling sizes in multiple-family projects shall be as follows:

a. One bedroom: four hundred fifty (450) square feet;

b. Two bedroom: eight hundred (800) square feet;

c. Three bedroom: one thousand (1,000) square feet.

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds,

tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials **to include water efficient native plants,** except for necessary walks and fences. **Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces**. **Hardscape areas are**

recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The ~~c~~**C**ommunity **& Economic** ~~d~~**D**evelopment ~~d~~Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. **Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.**

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.

10. Individual units should have a porch or porch-like space at the front door.

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

12. ~~Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.~~ **Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.**

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.

14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include

interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access (senior housing projects);

g. Parking close to units;

h. Elevators (senior housing projects).

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. (Ord. 808 §§ 2.2—2.2.3, 2010; Ord. 797 §§ 2.4, 2.4.2—4, 2009; Ord. 773 § 3, 2008; Ord. 757 §§ 2.7, 2.72, 2008; Ord. 757

§§ 2.7, 2.7.2, 2008; Ord. 726 § 4.3, 2006; Ord. 698 § 3.1(c), 2005; Ord. 694 § 1.1 (part), 2005; Ord. 616 §§ 2.2.1, 2.2.2, 2003; Ord. 604 § 2.3, 2002; Ord. 520 § 1.9, 1997; Ord. 475 § 1.4, (part), 1995; Ord. 468 §§ 1.4, 1.5, 1995; Ord. 461 § 1.1, 1995; Ord. 386 § 1.13, 1993; Ord. 359 (part), 1992)

9.08.080 Grading.

Whenever a development approval is given for a project requiring grading, or other preparation of the soil, the city may impose

conditions of the approval of the development relating to grading. Such conditions are considered in issuance of any future grading permit and are complied with in addition to the other provisions of the building code. Such conditions may require, but are not limited to, the following:

A. Lots slope ~~toward, rather than away from the street,~~ **to landscape areas or pervious surfaces** unless otherwise approved by the City Engineer;

B. An erosion control plan, prepared by a registered civil engineer, is submitted to and approved by the public works department prior to grading plan approval. The plan addresses methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;

C. Dust control measures are identified;

D. Cut and fill slopes are not constructed steeper than two to one (2:1);

E. All cut or fill slopes over three feet in depth are landscaped prior to the issuance of a certificate of occupancy or building final, and as soon as practicable after completion of final grading;

F. Slopes are designed to minimize scaring of the land by terracing, reducing slope gradients, adding topsoil, building retaining walls, special slope planting or other means. Man-made slopes conform to patterns of the natural terrain. "Landforming" is applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height, and accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping;

G. All dwelling units are located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the public works director and the community development director;

H. Crib walls, or an equivalent, are used to enhance a cut slope's capability to be landscaped and irrigated;

I. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings are protected to the greatest extent feasible in the siting of individual lots and building pads. These features are identified on the grading plan with appropriate protection and relocation notes;

J. The quantity of soil import and export may be limited. Albeit, all excess excavated material is removed or otherwise relocated to become an integral part of the site development;

K. Streets permitting trucks or equipment travel are designated;

L. Hours of operation are limited;

M. Grading shall only be performed on the portion of the site where the building is located and necessary improvements. (what are "necessary" improvements?)

M. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in accordance with the provisions of the project approval. (Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.11, 2003: Ord. 359 (part), 1992)

Chapter 9.11 PARKING, PEDESTRIAN AND LOADING REQUIREMENTS

9.11.010 Purpose and intent.

The purpose of this chapter is to ensure the adequate provision of parking, loading and bicycle facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking, loading and bicycle facilities, it is the intent of this chapter to:

A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;

B. Ensure the maneuverability of emergency and service vehicles;

C. Provide safe, accessible, convenient, attractive and well-maintained off-street parking areas;

D. Protect residential neighborhoods from the adverse effects of vehicular noise and traffic by uses in adjacent nonresidential districts; and

E. Implement general plan circulation and energy conservation policies; **and** ~~(Ord. 359 (part), 1992)~~

F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.

9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the ~~minimum~~ **required** off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. **Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:**

Table 9.11.040A-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Covered Parking	Notes
Residential Uses			
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units Studio 1 bedroom 2 bedrooms 3+ bedrooms	 1.25/unit 1.5/unit 2.0/unit 2.5/unit	 1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing			
Studio 1 bedroom 2+ bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.

Use	~~Minimum~~ Requirement	Covered Parking	Notes
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

Table 9.11.040B-12
Off-Street Parking Requirements

Commercial Uses	~~Minimum~~ Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public.
		2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like)
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	

Commercial Uses	**~~Minimum~~ Requirement**	**Notes**
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	

Commercial Uses	~~Minimum~~ Requirement	Notes
Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to
Research and development	1/350 sq. ft. of gross floor area	

Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	the loading parking stall already provided at the dock door.

Table 9.11.040D-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and

facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

Number of Automobile Spaces Provided	**Number of Accessible Spaces Provided**
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

9.11.060 Off-street bicycle parking requirements.

A. Type of Facilities.

1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.

2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.

3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.

B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobilehome parks and model home complexes are exempt from this section.

C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.

D. General Requirements.

1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.

2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.

3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. **Pervious pavement is recommended**.

4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.

5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from

damage by cars. (Ord. 670 § 3.1 (part), 2004; Ord. 557 § 2.4, 2000: Ord. 406 § 1.3, 1993; Ord. 359 (part), 1992)

9.11.070 Adjustments to off-street parking requirements.

Adjustments to off-street parking for uses included in this chapter may be granted if, in the opinion of the **C**ommunity & **Economic** **D**evelopment **D**irector, the proposed modification to the required number of parking or loading spaces is warranted. Requests for parking adjustments shall be reviewed and approved by the community development director based on the following requirements:

A. Parking Studies. The number of spaces required by this chapter, as noted in Section 9.11.040(A) of this chapter, for provisions of off-street parking and loading spaces may be adjusted by the approval authority if it is demonstrated by a parking study, prepared by a registered traffic engineer or qualified parking study consultant, that the proposed use would have a parking or loading space demand other than the requirements of this chapter.

B. Shared Parking.

1. Shared parking is encouraged to avoid the creation of unused parking spaces and their potential harmful effects such as increased construction and maintenance costs, heat and glare, and water run off requiring treatment of pollutants. A reduction in minimum parking requirements for individual uses may be granted by the Community & Economic Development Director where joint use of parking facilities or other factors will mitigate peak parking demand.

2. Requests for parking reductions resulting from joint usage shall be supported by information prepared by a registered traffic engineer. The investigation used to generate the required information shall generally follow the format described below.

Shared parking requests shall be analyzed as follows:

a. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will also consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. Adjustments for peak parking factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of Section 9.11.040 of this chapter. Other elements to be considered include seasonal adjustment for parking demand and a

determination of the mode of transit used in reaching or departing the area being considered;

c. Analysis of hourly accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day; and

d. Estimate of shared parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. Up to fifty (50) percent of the parking facilities required by this chapter may be utilized as shared parking facilities subject to the requirements of this section. Except that, a church or an auditorium which is part of a public or private school may adjust the required parking by up to one hundred (100) percent of the parking facilities required by this chapter.

4. In granting parking reductions for shared use of parking facilities, the approval authority shall make one or more of the following findings:

a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;

b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities;

c. The traffic engineering report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple-trip purposes to the area in question.

5. As a condition of approval to the granting of a reduction in required parking, the city may require the granting of reciprocal access and parking agreements with surrounding properties.

C. Transportation Management Plans.

1. The number of required parking spaces may be decreased by up to twenty (20) percent of the required employee parking subject to the approval of a transportation management plan supplied by the applicant. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.

2. In evaluating the request, the approval authority shall consider, among other factors:

a. Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs;

b. Proximity to public transportation facilities which could be reasonably expected to serve a significant portion of employees or customers;

c. Evidence of the likelihood that employees or customers will utilize regular transportation alternatives to individual use of automobiles, including transportation management plans prepared pursuant to South Coast Air Quality Management District Rule XV.

D. Off-Site Parking Facilities. Required parking for a development may be provided off the site in certain instances. Requests for off-site parking facilities shall meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the approval authority shall consider the following:

a. Proximity of the off-site parking facilities;

b. Ease of pedestrian access to the off-site parking facility;

c. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and

d. The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.

2. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign and record a reciprocal parking agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve. (Ord. 694 § 1.1 (part), 2005; Ord. 557 § 2.5, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 359 (part), 1992)

9.11.080 Design standards.

A. General Parking Design Standards.

1. Parking lot design shall take into consideration the appropriate integration of commercial uses. Parking facilities shall be designed to eliminate obstacles to pedestrian movement, consider spatial relationships between commercial uses and associated parking, and where appropriate, parking design will dictate the types of uses

that may feasibly be established to ensure that adequate parking is available within a reasonable distance to the use it serves.

2. Special plazas, motor courts or turnarounds are encouraged to identify entrance areas.

3. Project access and circulation shall allow for both vehicles and pedestrians by separating autos and foot traffic, by creating pedestrian entrances to projects and by using enhanced paving treatments, bollards or pergolas to identify pedestrian pathways through parking areas and along buildings.

4. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points should be consolidated to take advantage of planned or existing median breaks.

5. The city may require reciprocal parking and access agreements between individual and adjacent commercial parcels.

6. To discourage excessive speeds within parking areas, the maximum length of straight aisles shall not exceed three hundred (300) feet unless otherwise approved by the community development director.

7. Parking rows shall not be longer than one hundred eighty (180) feet, allowing for easier movement within the parking lot and preventing long queues within aisles unless otherwise approved by the community development director.

8. Drive aisles should make a loop around the structures and avoid dead end parking. In the case of straight drive aisles, provide at least ten (10) feet of setback between the last parking stall and the property line.

9. Parking areas shall be screened from streets through a combination of mounded landscaping, low profile walls and/or grading separations.

10. Parking areas shall not be used for loading or unloading.

11. Internal roadways should be designed so that direct access is available to all structures visible from a particular parking area.

12. Parking areas should use sound walls, screen walls and landscaping to minimize auto noise, glare and increased ambient temperature.

13. Landscaping, signs and walls shall be limited to thirty-six (36) inches in height, measured from top of curb within twenty-five (25) feet of any driveway entrance to protect visibility. Any trees located in these areas shall have trunks not exceeding eight inches in diameter and shall have a minimum branching height of six feet.

14. Trash enclosures shall not impair visibility.

15. Auto headlights in parking areas shall be screened so that they do not shine into adjacent properties or public rights-of-way.

16. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.

17. Driveways shall be designed so entering vehicles do not interfere with the existing vehicles. Main driveways shall employ entry medians whenever possible.

18. The first parking stall perpendicular to a driveway or first aisle juncture shall be at least sixty (60) feet back from the property line, providing sufficient queuing for exiting vehicles unless otherwise approved by the city engineer.

19. In commercial developments, parking aisles should be oriented perpendicular to the major tenant's front entrance, to facilitate pedestrian movement.

20. Dead-end parking aisles which exceed eight standard parking stalls in length, and serving greater than sixteen (16) standard stalls for dual lanes, shall provide turnaround facilities (i.e., hammerhead, cul-de-sac, etc.) adequate to accommodate emergency vehicles.

21. Consideration shall be given to service vehicles (i.e., tractor trailers) when designing landscape and hardscape areas.

22. Bicycle and motorcycle parking shall be provided as required by this code.

23. All projects generating vehicular traffic shall participate in the traffic signal mitigation program as adopted by the city of Moreno Valley.

24. Transportation management programs may be requested of projects generating significant vehicular traffic. These programs may include transportation system strategies or transportation demand strategies targeted to reduce the project's impact on roads, air quality, and energy consumption. System strategies deal with physical improvements to the road or facility network, such as street widening, restriping, bus turnout improvements or consolidation of driveways. Demand strategies deal with the behavior of those using the road system and include carpooling, subsidized transit passes, bicycle racks, showers for employee use located within the facility, transit centers, and flexible work shifts.

25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.

B. Dimensions of Parking Spaces.

1. Covered Spaces. Parking spaces within an enclosed garage shall have an unobstructed, clear area dimension of ten (10) feet by twenty (20) feet for each required parking space provided. All other covered spaces shall each be nine feet in width and eighteen (18) feet in depth. The parking area shall be clear of any obstructions and the measurements shall not include the exterior walls or structural supports.

2. Parallel Space. Each parallel parking space shall have a minimum dimension of eight feet wide by twenty-two (22) feet long. However, if a parallel space does not abut another parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet (see Figure 9.11.080-4).

3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine feet in width **and sixteen (16)** feet in depth of **paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback).** (see Figure 9.11.080-5).

4. Trailer parking stalls shall have a minimum dimension of fourteen (14) feet wide by fifty (50) feet in depth.

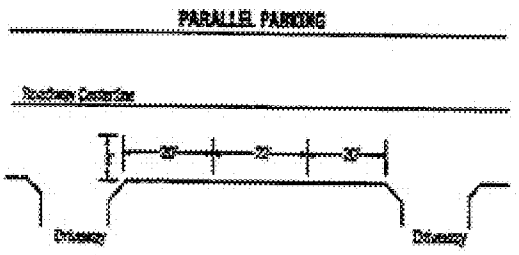

Figure 9.11.080-4

Dimensions of Parallel Parking Spaces

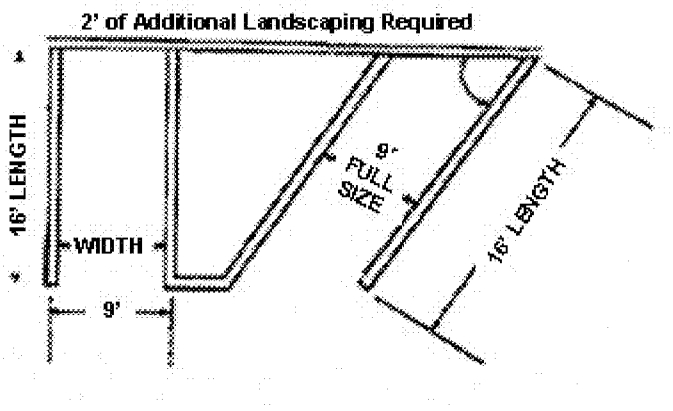

Figure 9.11.080-5

Nonparallel Parking Spaces

5. Tandem Space. Each tandem space shall be a minimum of nine feet in width and twenty-two (22) feet in depth.

C. Standard Improvements.

1. Drainage. **Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.** All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.

2. Safety Features.

a. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation and other design features may be adopted by the city traffic engineer when determined to be appropriate.

b. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian access to and from building entrances is along, rather than across, parking aisles.

c. Parking lots shall be designed to minimize conflicts between vehicles and pedestrians and shall also endeavor to minimize speeding and through traffic.

d. Drive aisles and parking lot drives shall not exceed five percent slope.

e. Streets should intersect others on outside rather than inside horizontal curves.

f. Streets should intersect at as near to a right angle as possible. They should be no more than fifteen (15) degrees skew.

g. Intersections should be offset a minimum of one hundred fifty (150) feet.

h. Deceleration lanes should be a minimum of two hundred ten (210) feet long and ten (10) to twelve (12) feet wide, composed of a minimum sixty (60) foot transition and one hundred fifty (150) foot turn lane.

i. Internal streets and drive lanes should have a minimum radius of two hundred fifty (250) feet (twenty-five (25) mph design speed).

j. Where feasible, bus turnouts and bus stops shall be located on the far side of intersections to reduce conflicts between buses and through traffic.

3. Striping and Identification.

a. All automobile parking spaces shall be clearly outlined with white double lines on the surface of the parking facility as shown in Figure 9.11.080-6 (three-inch line – six-inch space – three-inch line for a total of twelve

(12) inches) or as otherwise specified by the building official.

b. Fire lanes, if required, shall be installed to the specifications of the city of Moreno Valley fire chief, including red curbing and posting with signs.

c. Stop signs and painted stop bars shall be installed in parking areas where drive lanes intersect and at egress points to streets or alleys.

d. Within parking facilities, the city traffic engineer may require all aisles, approach lanes and maneuvering areas to be clearly marked with directional arrows on the pavement surface to facilitate vehicular movement. In addition to directional arrows, the city traffic engineer may require installation of signs to ensure safe and efficient vehicular movement.

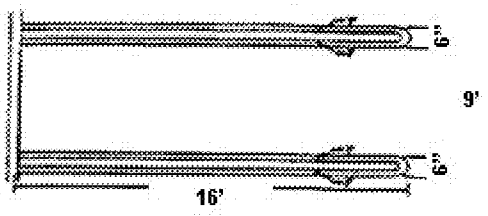

Figure 9.11.080-6A **Figure 9.11.080-6B**

Parking Space Striping Requirements

* Ends of parking stall striping shall be curved or squared off.

D. Accessible Parking Design Standards. The following design standards for accessible parking are intended to be consistent with the state or federal requirements. Any conflicting provisions or future changes in state or federal requirements shall pre-empt the standards for provision of accessible parking spaces contained in this title:

1. All accessible parking spaces shall be striped and marked according to applicable state regulations.

2. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign, of a construction and material approved by the building official, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.

3. At each entrance to a parking facility containing one or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one inch the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

4. Parking spaces reserved for persons with disabilities shall have, in addition to the requirements of subsections (D)(1), (2) and (3) of this section, a surface identification in blue paint of at least three square feet in size, duplicating the international symbol of accessibility.

5. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

6. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine foot parking area and a five foot loading area. Said space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

7. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

8. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this paragraph would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

9. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083 percent gradient) in any direction.

10. Notwithstanding the off-street parking requirements of Subsection 9.11.040(A) of this chapter, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

11. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone as described herein.

12. All disabled spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve and oriented so that the user of the disabled parking space need not go past the rear of automotive parking

spaces in order to reach the building's main entrance.

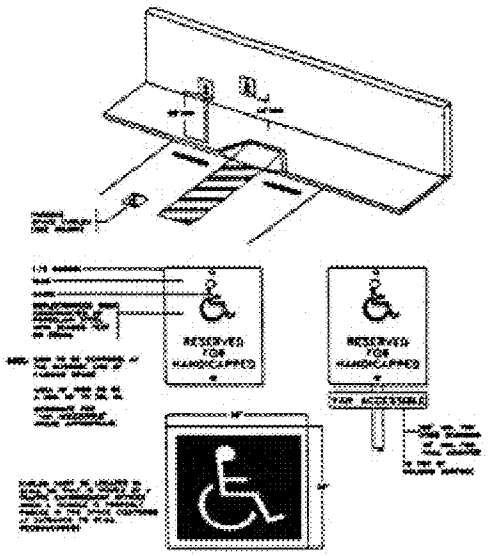

Figure 9.11.080-7

Accessible Parking Stall Requirement

* Ramps shall include a curb-cut type design

* Loading area width: van accessible = 8 feet; all other accessible spaces = 5 feet

E. Surfacing.

1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. **Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.**

2. Temporary parking facilities shall be provided with surfaces which prevent dust, as approved by the city engineer.

F. Location of Parking.

1. All parking spaces required by this chapter shall be provided on the same site as the use requiring the parking spaces, except as authorized in Section 9.11.070, Adjustments to Off-Street Parking Requirements of this chapter.

2. All automobile spaces required for residential uses shall be located a maximum of two hundred fifty (250) feet from the units they are serving. Distances shall be measured from the nearest point of the building to the parking space(s) serving that building.

3. All car pool parking spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve.

G. Landscape and Screening Requirements. Parking lot screening and landscaping shall conform to the requirements of Chapter 9.17 of this title.

H. Access.

1. Parking Access from Streets.

a. Access to parking spaces, other than four or fewer spaces serving a residential use, shall not require backing onto a public or private street or onto a private drive other than a drive designed exclusively to provide access to parking spaces.

b. Commercial developments should orient traffic onto major arterials and not onto local streets or collectors.

c. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points shall be consolidated to take advantage of planned or existing median breaks.

2. Driveway and Aisle Widths and Clearances. For purposes of this section, a driveway shall be defined as an access leading from a public street or right-of-way or a private street to a parking area, or from one parking area to another, but shall not be defined to include any ramp, aisle, or maneuvering area. A ramp is defined as an access driveway from one parking level to another. All driveways and ramps shall comply with the following standards:

a. Driveways and aisles for single-family detached structures shall not be less than sixteen (16) feet in width, and shall be maintained free and clear of all obstructions. Driveways which serve single-family development shall be defined as the paved area leading from a public street or right-of-way or a private street to the designated parking area, and shall not be wider than such designated parking area; and

b. Driveways for single-family attached, multiple-family, and nonresidential uses shall be as shown in Table 9.11.080-13 of this section, except when for health and safety purposes wider dimensions are required for emergency vehicle access.

Table 9.11.080-13
Driveway and Aisle Dimensions for Single-Family Attached, Multiple-Family, and Nonresidential Uses

Width, excluding flares or curb radius	
Minimum (one-way)	20 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Right Turn Radius[1]	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing[2]	
From side property line	10 feet
From street corner	25 feet
Angle[3]	75°

[1] On side of driveway exposed to entry or exit by right-turning vehicle to driveways with curb radius.
[2] Measured along the street side property line from throat to the side property line, or to a line passing through the intersection.
[3] Minimum acute angle measured from the edge of pavement.

3. The following criteria and dimensions may be modified by the City Engineer:

Table 9.11.080-14

Street Classification	Distance from a Driveway to an Intersection	Spacing Between Adjacent Driveways
Expressway 134′ ROW	Restricted* **	1/2 mile
Divided Major/Modified Major	Limited access* **	Limited access
Divided Arterial	Minimum 450 feet	Minimum 450 feet
134′ ROW/120′ ROW		One driveway per parcel
Divided Arterial	Limited Access* **	Minimum 250 feet
110′ ROW	Minimum 350 feet	
Arterial/Minor Arterial/ Industrial Collector		
100′/88′/78′ ROW	Limited access* **	Minimum 150 feet
	Minimum 250 feet	
	Full Access 350 feet	
Collector/66′ ROW	Minimum 200 feet* ***	Minimum 100 feet or one driveway per parcel
Local Street	Minimum 100 feet* ***	Minimum 100 feet or one driveway per parcel

* Access may be limited to the minimum movements necessary to safely expedite traffic.
** Access may be restricted by medians.
*** For residential development.

4. Ramps.

a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a larger dimension is required for emergency vehicle access.

b. Two-way ramps shall have a minimum width of twenty (20) feet.

5. Gated Entries. Requests for gated entries shall be submitted to the city traffic engineer and shall be subject to review and approval by the city traffic engineer and planning official, based on an analysis of the following issues:

a. Type and operation of gate;

b. Adequacy of vehicle stacking area;

c. Effect of gated entry on parking usage and distribution on the site;

d. Effect of gated entry on parking for surrounding or adjacent areas;

e. Emergency vehicle access. (Ord. 808 § 2.5.3, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 643 § 2.6, 2003; Ord. 616 § 2.2.22, 2003; Ord. 604 §§ 2.15—2.18, 2002; Ord. 557 § 2.6, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 406 § 1.4, 1993; Ord. 405 §§ 1.14, 1.15, 1993; Ord. 402 §§ 1.3, 1.4, 1993; Ord. 359 (part), 1992)

9.11.100 Circulation—Pedestrian.

A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. **The use of pervious paving surfaces is recommended where feasible.**

B. Pedestrian walkways shall be connected with public sidewalks, connecting buildings and activity areas within centers. Pedestrian walkways shall be provided to connect adjacent properties when appropriate.

C. Pedestrian walks through open spaces and accessways to buildings should be used to shorten walking distances.

D. Pedestrian walkways, corridors, plazas and other similar areas shall be highly visible and well lit.

E. Amenities including, but not limited to, enhanced paving, street furniture and raised planters should be provided to enhance the pedestrian experience.

F. Handicapped ramps shall be incorporated into all curb and sidewalk designs and shall meet the standards set forth in Title 24 of the California Access Code. (Ord. 808 § 2.5.4, 2010)

9.16.010 Introduction and scope of guidelines.

A. ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commission's and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city's design standards to new development and to remodels, upgrading design citywide and implementing the general plan's policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

Article III Applications for Site Design and Architecture

9.16.110 Objectives, generally.

A. Project design and layout shape the overall character of a project and how that project fits into its surroundings. New development should harmonize with the character of the adjacent area, implementing the general plan's design policies.

B. The Moreno Valley general plan stresses variety in building design and compatibility with surrounding and planned land uses. Architectural treatment can address both, providing varied and sensitive building massing, consistent detailing and compatible building materials and styles. The following guidelines should help to achieve the level of quality, variety and compatibility of architectural design that the general plan requires.

C. Site design and architectural guidelines have several objectives; among these are:

1. Orienting buildings, parking and public spaces to enhance the streetscape, to add variety and to provide for pedestrian spaces and circulation;

2. Translating design principles into architecture and site planning applications;

3. Awakening an interest in urban design and form for Moreno Valley by requiring projects to be reviewed in their context;

4. Reminding project developers of design considerations not usually covered by zoning development standards or design review;

5. Using site planning techniques and architecture to provide for human scale;

6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, **including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off**;

7. Working in concert with the city's landscape **requirements.** ~~guidelines as adopted by Ordinance No. 247.~~

D. Site design and architecture guidelines are separated into five categories:

1. General;

2. Single-family residential;

3. Multifamily residential;

4. Commercial (retail, office and mixed use);

5. Industrial. (Ord. 359 (Attach. 2 (part)), 1992)

9.16.120 General guidelines.

A. General guidelines apply to all uses and projects citywide.

1. The setback from streets and adjacent properties should relate to the scale of the proposed structure. Larger structures require more setback area for a balance of scale and compatibility with adjacent uses.

2. Tall buildings should be made less imposing by stepping upper floors back from the first floor facade plane.

3. Gateway treatments range in scale, identifying an entrance to the city, subcommunity, development project or a single building. Gateways, including enriched paving, raised medians, signs and other features as appropriate, create a sense of entry and should be included in all developments.

4. New developments should respect the view of existing developments. Large developments should maintain view corridors which are oriented toward an existing or proposed amenity such as a park, open space or natural feature.

5. Trash enclosures, loading areas, mechanical equipment and outdoor storage areas shall be screened from public view. Enclosures shall be compatible with the project architecture and shall not detract from the overall design theme.

6. New residential flag lots shall be permitted only in hillside subdivisions and only when no other alternatives are available.

7. Natural drainage courses should be retained in their natural state.

8. Building mass and scale should be in proper proportion to the site, open spaces, street location and surrounding developments.

9. All exterior wall elevations of buildings and screen walls shall have architectural treatments enhancing the building appearance. Uniform materials and consistent style should be evident in all exterior elevations of a building. Secondary materials should be used to highlight building features and to provide visual interest.

10. Building massing should be varied to provide interesting form, proportion and scale. Monolithic forms are discouraged; massing variety should be three dimensional.

11. Building design and siting should be compatible with surrounding land uses and with the climate and physical setting of Southern California.

12. Building architecture should be compatible with surrounding existing or planned architectural character. Within commercial centers, materials, textures, colors and architectural detailing shall be compatible with the center's specified design theme.

13. Shadow patterns created by architectural elements such as overhangs, projections and recesses of stories, balconies, reveals and awnings are encouraged, adding to building interest and aiding in climate control.

14. Multi-story buildings should be detailed to reduce their vertical appearance as much as possible. This can be done by articulating the separate floor levels with horizontal bands, by increasing the level of detail on lower floors, by progressively lessening building mass on upper floors and by using heavier materials on lower floor facades.

15. Building entries should be articulated through massing treatment and should incorporate detailed design elements.

16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. **Roof drains shall be integrated into the building design and convey water to landscape areas for aesthetics and water quality.**

17. Base walls and other large expanses should be light colored. Soft tones ranging from white to very light pastels are encouraged. Natural light colors, such as off-whites, beige and sand, are also acceptable.

18. Building accent elements, like doors, window framing, chimneys, trim, railing, awnings and light fixtures, should contrast with the main building color, producing added interest and a lively streetscape. Care should be taken not to use too many bright colors or too many different types of details to avoid an overwhelming or cluttered building.

19. The use of simple color schemes using no more than three colors is recommended.

20. All paint products, awning fabric or other color elements should be durable and fade resistant and shall be recommended by the manufacturer for the proposed use and location.

21. The use of bright colors such as fluorescent, hot or "day glo" colors is strongly discouraged.

22. Using building materials in their natural state is strongly recommended.

23. Bricks should be left unpainted.

24. Colors should be used to express identity and individuality within a cohesive and attractive framework.

25. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment or have an appropriate setback from the one-story building. (Ord. 604 § 2.21, 2002; Ord. 456 §§ 1.1, 1.2, 1995; Ord. 359 (Attach. 2 (part)), 1992)

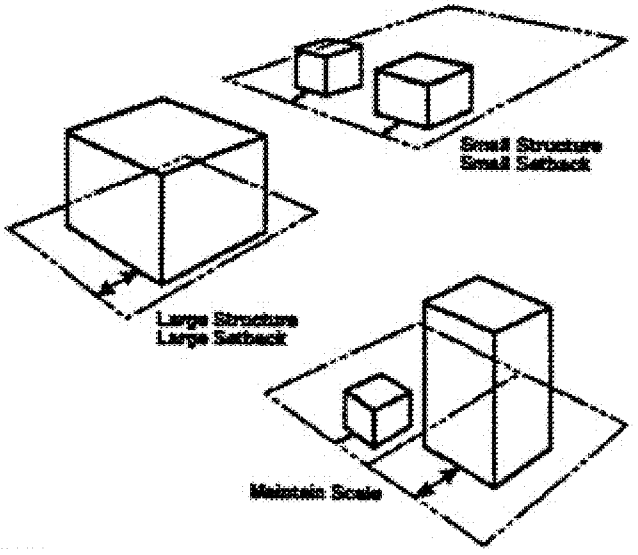

Setbacks in Scale with Building Bulk

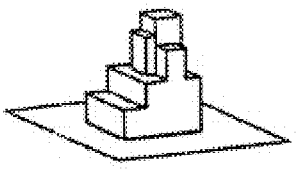

Taller Buildings
Stepping Back from Street

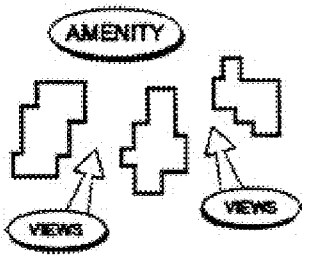

Preserve New Corridors

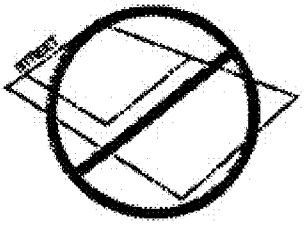

Discourage Flag Lots

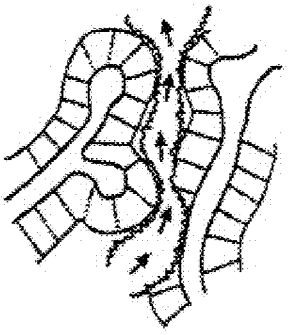

Drainage Course Retained
in Natural State

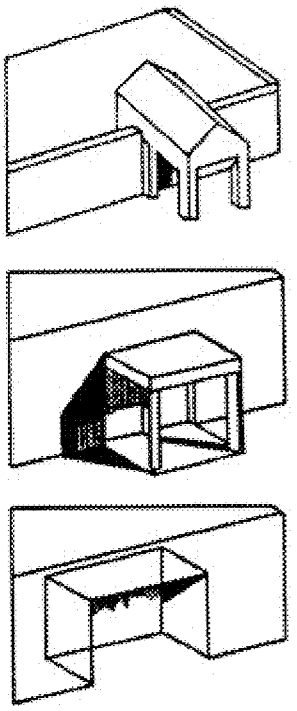

Articulated Building Entries

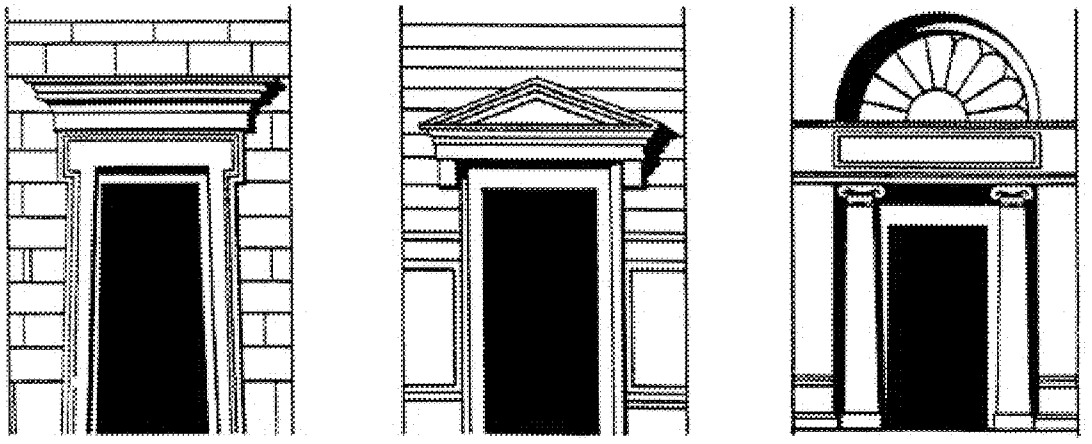

Detailed Design Elements for Building Entries

9.16.130 Single-family residential.

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	Maximum Density
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre

Designation	Maximum Density
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre"

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.

2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

a. Provide projecting and/or recessed entries and windows.

b. Include projecting or recessed balconies.

c. Front porch with a minimum depth of five feet.

d. Dormer windows.

e. Minimum eighteen (18") inch roof overhangs with detailed rafter tails.

f. Offset building planes a minimum of two feet.

g. Stepping back a portion of the second story.

h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks.

Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. **Pervious surfaces are required for such areas within required setbacks.**

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. **Pervious surfaces are recommended where feasible.**

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	**Minimum # of Footprints***	**Minimum # of Elevations/ Footprints**
5-9	1	2
10-24	2	3
25-49	3	3

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
50 plus	Add one additional footprint for every 50 units over 50	4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)

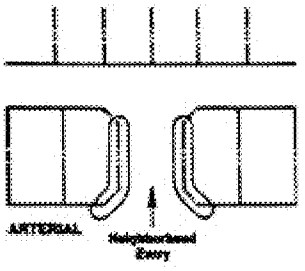

Landscape Treatment Areas at Neigborhood Entries

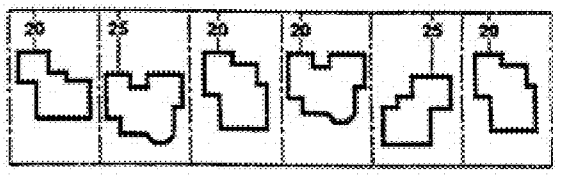

Vary Setbacks by at Least Five Feet

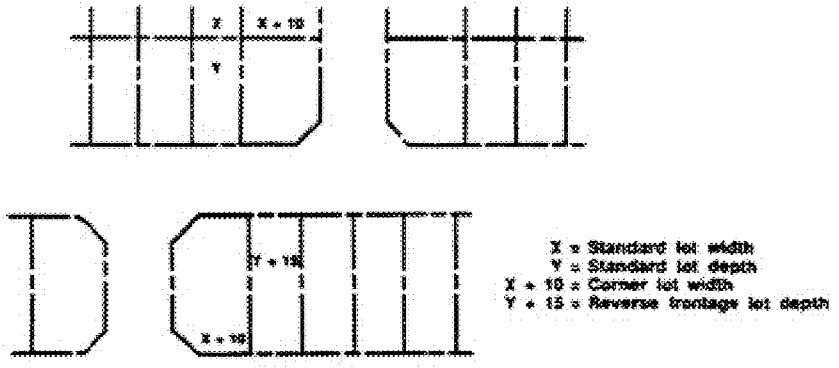

Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots

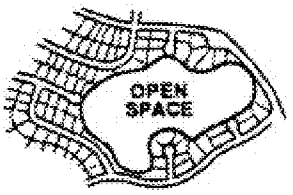

Use Curvilinear Elements and Orient Roads to Open Space and Views

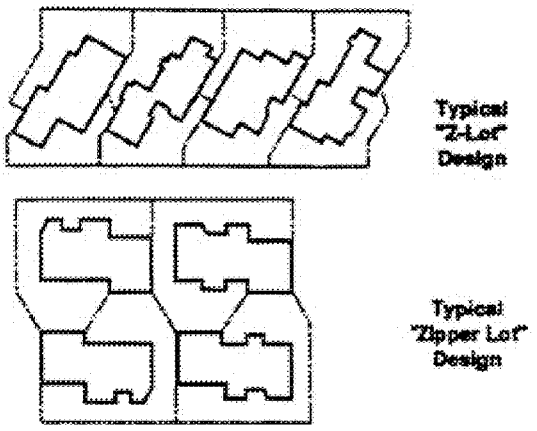

Innovative Subdivision Design

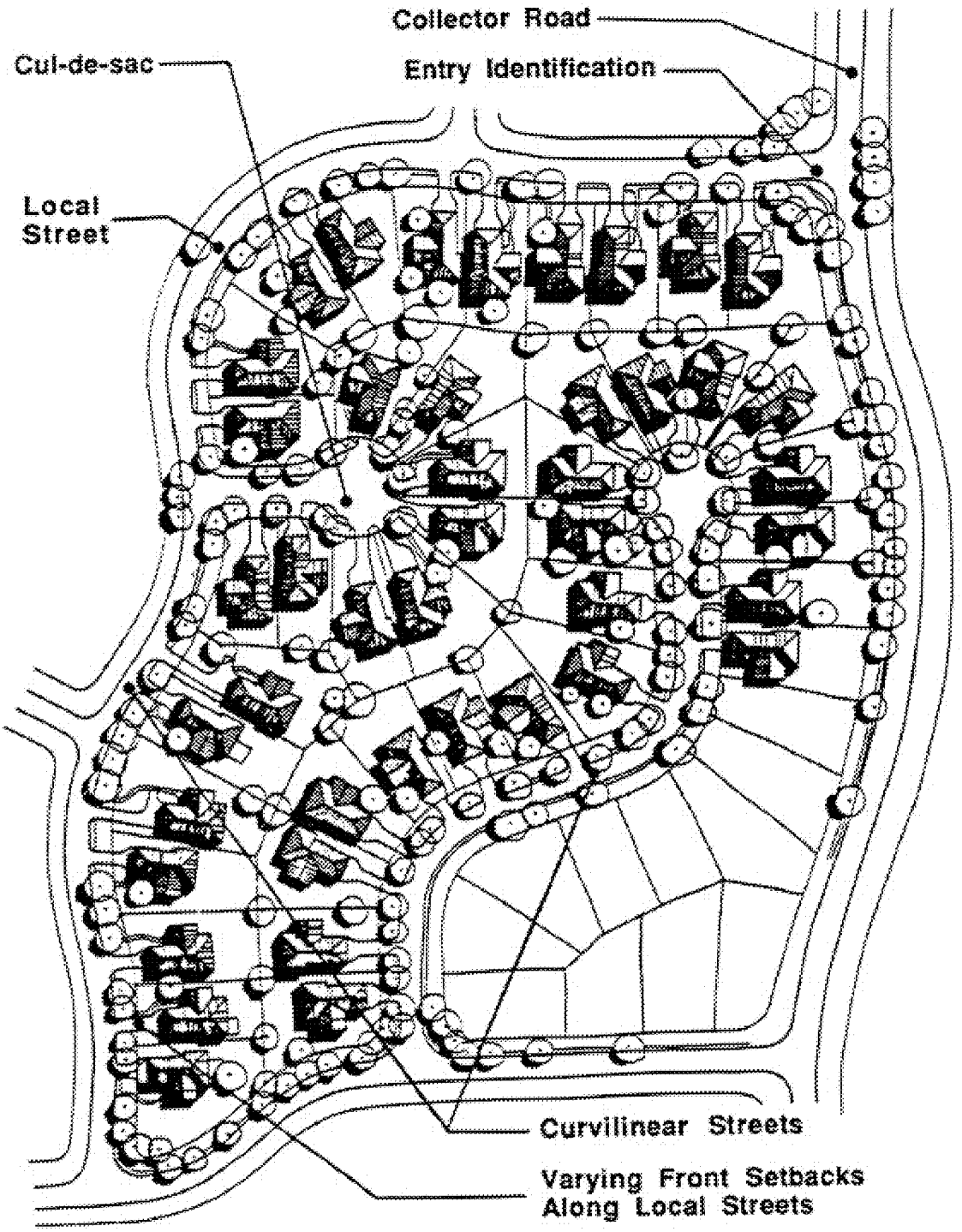

~~9.16.140 Multifamily residential.~~

~~A. These guidelines deal with multifamily residential (R10, R15 and R20) areas as found in the general plan.~~

~~1. Residential 10: provides for a variety of residential products and encourages innovation in housing types. Single-family detached residential, single-family attached residential, multiple-family attached residential, and mobile homes may be appropriate subject to applicable general plan policies and Moreno Valley ordinance provisions.~~

~~2. Residential 15: broadens the range of available housing types, and provides housing for those not desiring dwellings on individual parcels. Single-family attached residential may be appropriate.~~

~~3. Residential 20: provides housing in a more urban setting than found in other areas of the city and provides opportunities for low and moderate income housing.~~

~~Table 9.16.140A~~

~~Designation~~	~~Maximum Density~~	~~Threshold Density~~
~~R10~~	~~10 units/acre~~	~~8 units/acre~~
~~R15~~	~~15 units/acre~~	~~12 units/acre~~
~~R20~~	~~20 units/acre~~	~~16 units/acre~~

~~B. General Guidelines.~~

~~1. Tuck-under parking and/or opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.~~

~~2. Parking areas should be staggered and landscaped to add visual interest, individuality, rhythm and opportunities for accent treatments.~~

~~3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.~~

~~4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.~~

~~5. Open parking areas should be clustered and treated as landscaped plazas and courts.~~

~~6. Landscaping shall be used around the perimeter of the lot, as well as within the lot reducing paved area and providing for a more pedestrian-oriented site.~~

~~7. No more than four units for a two-story structure should be served by one entry.~~

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~

~~9. Each multiple-family unit should have at least one hundred (100) square feet of private open space which may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.~~

~~10. Individual units should have a porch or porch-like space at the front door.~~

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered.~~

~~13. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.~~

~~14. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors, enhanced landscaping or enhanced paving.~~

~~15. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.~~

~~16. There should be at least one trash enclosure for every twenty-four (24) residential units.~~

~~17. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.~~

~~18. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative.~~

~~19. Freestanding structures, like gazebos or pergolas, should be located to define activity nodes at pathway intersections or in secluded landscape areas.~~

~~20. Drive aisles with no adjacent parking shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.~~

~~21. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.~~

~~22. Senior housing needs warrant special design considerations, including:~~

~~a. Intimate, shaded outdoor seating areas;~~

~~b. A network of pathways, providing interesting walking experiences;~~

~~c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;~~

~~d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;~~

~~e. Security;~~

~~f. Direct ambulance access;~~

~~g. Parking close to units;~~

~~h. Elevators.~~

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~

~~24. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.~~

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~

~~26. When appropriate, multifamily projects shall be designed for the needs of families with small children, the disabled and the elderly. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.~~

~~27. Architectural features should be used to increase privacy from nearby units and common or public spaces.~~

~~28. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable shall be discouraged.~~

~~29. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each entrance of a multiple-family development. (Ord. 670 § 3.1 (part), 2004; Ord. 359 (Attach. 2 (part)), 1992)~~

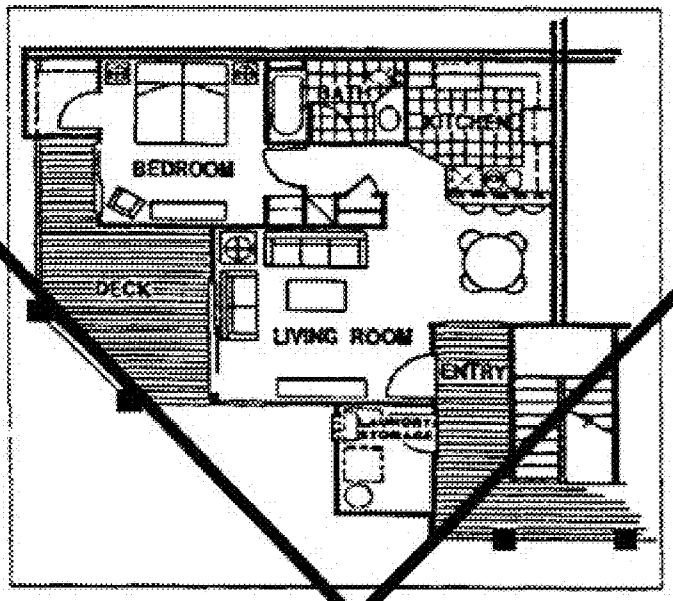

Apartment Unit With Patio Style Entry and Large Balcony

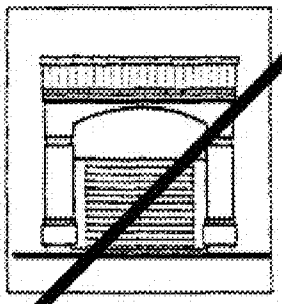

Architecturally Treated Trash Enclosure

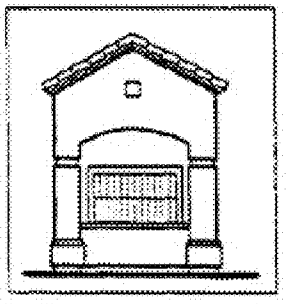

Architecturally Treated Mailbox Kiosk

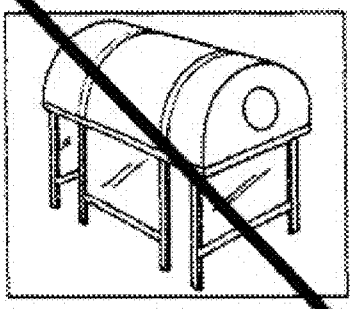

Freestanding Pergola

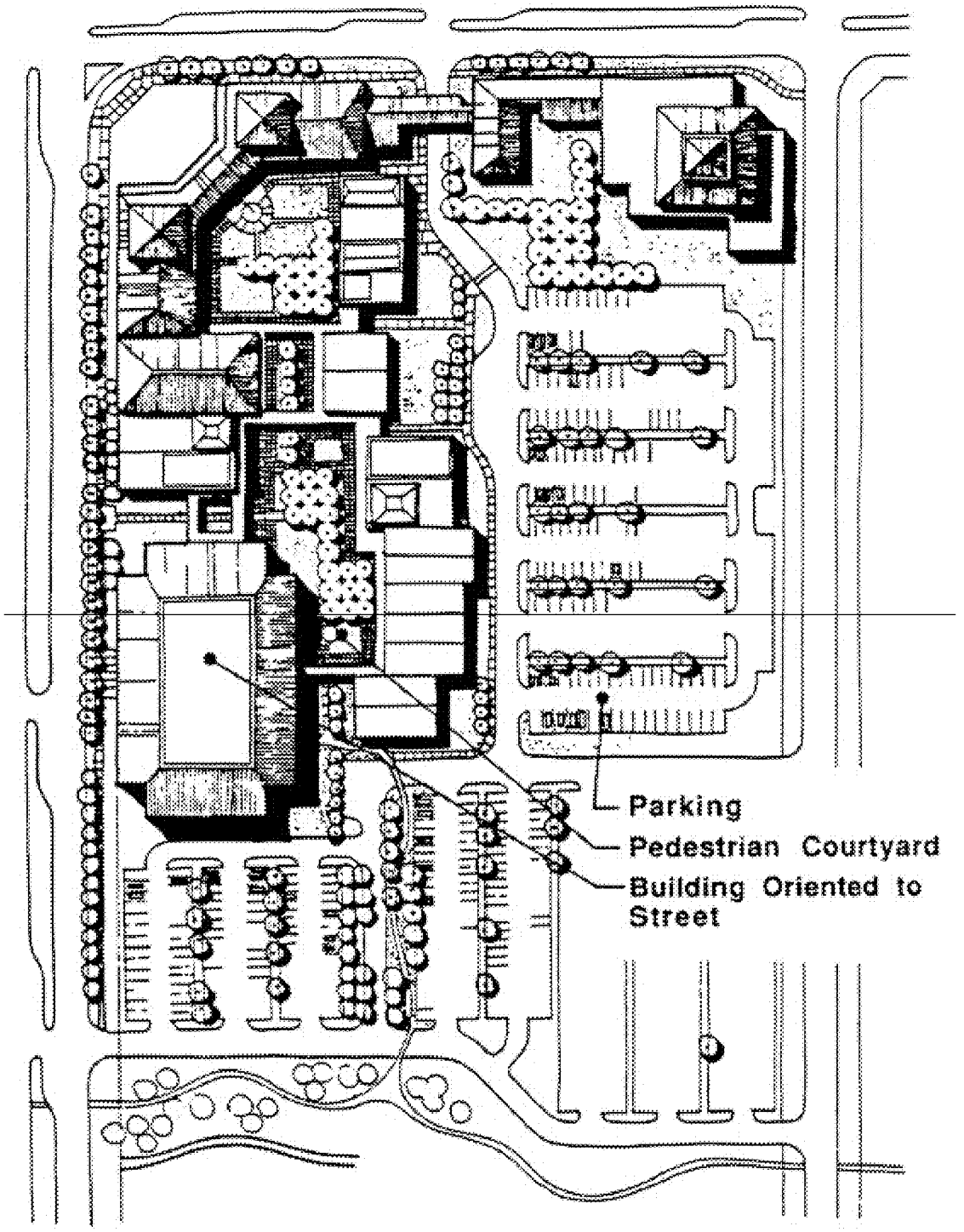

Commercial Center with Focal Points, Courtyards and Street Orientation

9.16.150 Commercial (retail, office, mixed use).

A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.

1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.

2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.

3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.

4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a "turn-of-the-century" architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.

B. General Guidelines.

1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.

2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.

3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.

4. The development of new, small convenience centers on sites less than eight (8) acres is discouraged.

5. Architectural elements shall be an integral part of the facade design, avoiding the "pasted-on" look.

6. Building facades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.

7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.

8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.

9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.

10. Continuous building mass should be divided into smaller units, providing both variety and scale.

11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.

12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.

13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.

14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.

15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.

16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial "crossover."

17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.

18. Each commercial center of five acres or more shall have at least one major entry containing a median.

19. The "strip" commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.

20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.

21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.

22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.

23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.

24. Access to service bays of automotive uses shall be from the interior of the site.

25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.

26. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.

27. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.

28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and **drain into a landscape area for water quality, retention and absorption to reduce water run off**.

29. Architectural design of new projects shall be mindful of the surrounding district's urban fabric, providing a design statement to enhance the context and to upgrade the overall image. (Ord. 475 § 2.1, 1995; Ord. 359 (Attach. 2 (part)), 1992)

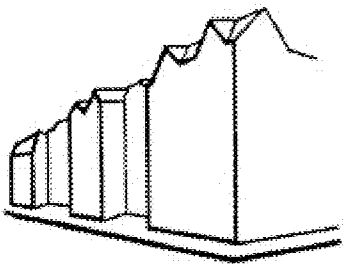

Continuous Mass Divided to Provide Scale

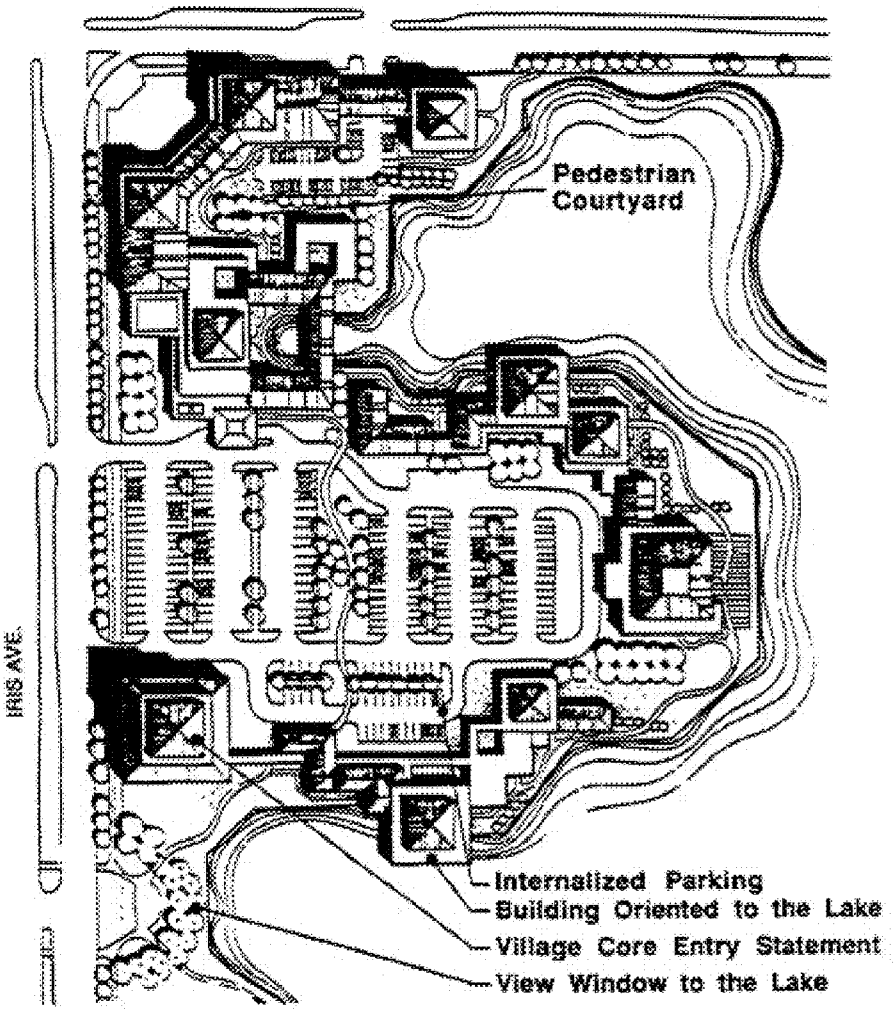

Commercial Center with Separated Pedestrian and Auto Circulation

9.16.160 Business park/industrial.

A. These guidelines address the business park and industrial land use classifications. These uses generally require large floor areas, extensive truck circulation and minimal parking.

B. General Guidelines.

1. Building design shall be innovative and attractive, using various building materials, varied massing, enhanced facade treatments and other techniques to provide an "up-scale" image for the community.

2. Clean, contemporary architectural expressions are encouraged.

3. All sides of all buildings shall have architectural treatment.

4. Entries into industrial buildings shall be well-defined through the use of projections, recesses, space frames, pergolas, colonnades, raised planters, seats, enhanced paving, low-level lighting bollards or other elements.

5. Solid walls (six feet high) and landscaping shall be used to screen loading, service and trash storage areas from public view.

6. Solid walls and landscaping should screen ground-mounted equipment located away from buildings.

7. Truck docks and interior trash storage areas must be closed off by roll-down doors, arranged in an organized manner, integrated within the overall design of the industrial project and oriented away from public view.

8. Roof-mounted equipment shall be screened from public view. All roof screens shall be solid and continuous and shall be treated to be compatible with the project's architecture.

9. Exterior walls shall be architecturally treated to provide relief and variety by using pilasters, deep reveals, offset entries and staggered wall components.

10. All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels.

11. All manufacturing and industrial uses shall be adequately screened and buffered to reduce glare, noise, dust and vibration.

12. Truck traffic shall be channeled directly to truck routes and shall not have access to neighborhood streets.

13. Pedestrian walkways should link building entries to bus turnouts and nearby land planned for or used as eating establishments.

14. Courtyards for resting, gathering and eating by employees shall be provided. **Pervious surfaces are recommended where feasible**. (Ord. 359 (Attach. 2 (part)), 1992)

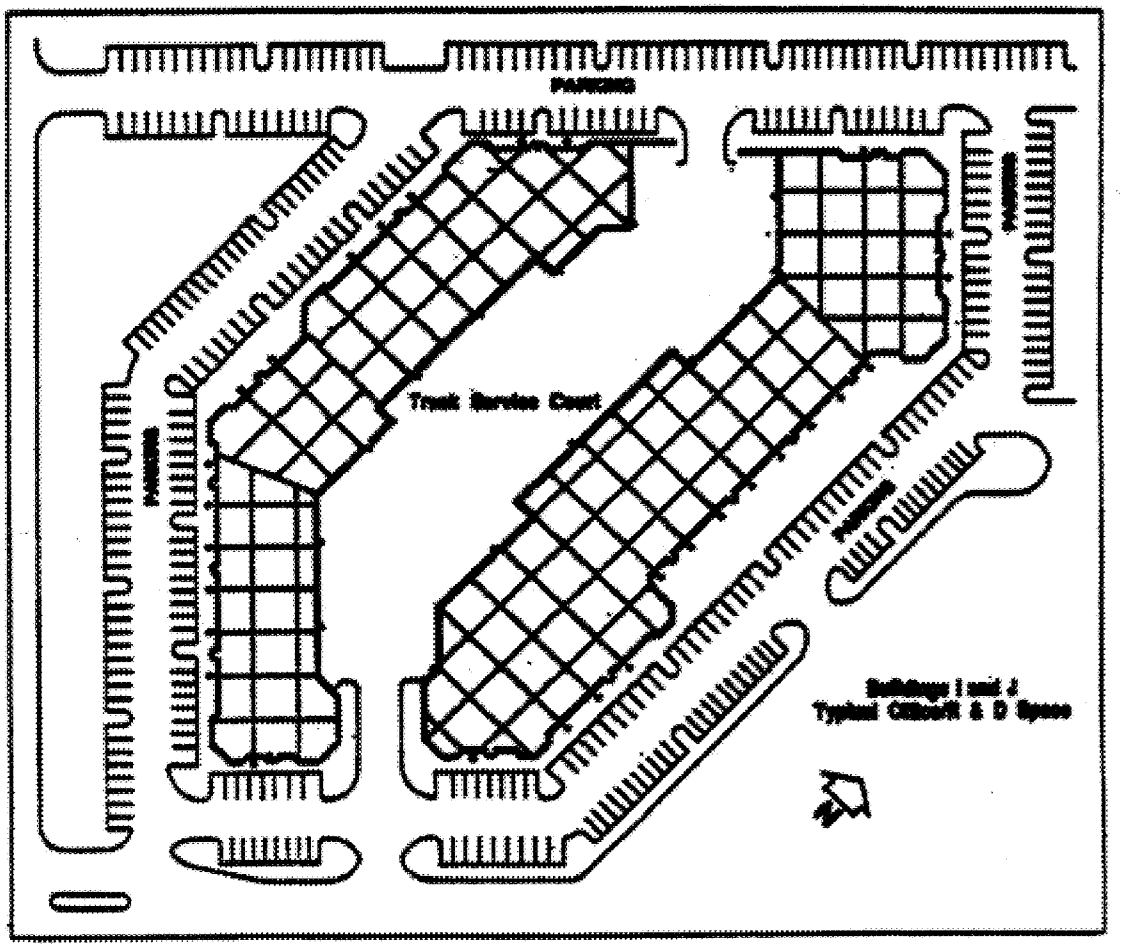

9.16.190 Natural open space standards.

A. All hillside development proposals shall include a portion of the site to be retained in natural area open space.

1. The natural open space area may be comprised of two types:

a. Undeveloped natural areas, that which has been left in its natural state;

b. Restored natural areas, that which have been disrupted during construction but are restored to a natural appearance.

2. The following shall guide the location of undeveloped natural areas:

a. Contiguous areas along drainage channels;

b. Ten (10) foot minimum widths adjacent to roadway improvements;

c. On lots where the average slope exceeds twenty-five (25) percent, the construction of custom homes with multiple foundation levels shall be mandatory while post and beam construction shall be discouraged;

d. Areas contiguous with other natural areas of adjacent properties;

e. Areas containing rock outcroppings;

f. Areas containing soils with high permeability;

g. Significant stands or clusters of native vegetation;

h. Known or discovered archeological or paleontological sites.

3. The following shall guide the location of restored natural areas:

a. In required setbacks;

b. Adjacent to common recreation facilities;

c. Along roadway improvements or over utility easements;

d. Fuel modification zones, as required by the fire department.

4. The percent of the total site required to be retained in natural open space shall be based on the average natural slope of the land surface. The following natural open space area requirements shall apply:

Table 9.16.190A

Natural Area Open Space Requirements

Average Percent Slope	Minimum Percent of Site to Remain as Natural Area Open Space
10% - 15%	35%
15.1% - 25%	50%
Over 25%	60%

5. The following shall guide the allocation of undeveloped and restored natural areas on properties:

a. Undeveloped natural areas shall constitute a minimum of seventy-five (75) percent of the required natural area open space.

b. Restored natural areas may constitute a maximum of twenty-five (25) percent of the required natural area open space.

c. No grading, excavation or construction shall be allowed within areas designated as natural areas. Fuel modification areas may be graded as necessary and replanted to meet fire department requirements.

d. Where construction has inadvertently scarred designated natural areas, the applicant shall restore the affected sites, as approved by the **C**ommunity **& Economic D**evelopment **D**irector or designee.

e. Restored natural areas shall be graded to blend in with the natural terrain and landscaped with rock and plant materials native to the local area.

f. All undeveloped natural areas and restored natural areas shall be clearly shown on all proposed plans and building permit site plans unless otherwise approved by

the city council. A landscaping program for restored natural areas shall be approved by the Community **& Economic D**evelopment Director prior to issuance of building permits. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

9.16.200 Landscaping.

A. All required plans for landscaping are approved prior to issuance of building permits, and in accordance with Chapter 9.17 of this title.

B. Existing vegetation is retained in, and part of the comprehensive development project not designated for grading or construction. Site design preserves native or historic/mature vegetation, unless otherwise approved by the **C**ommunity **& Economic D**evelopment Director.

C. Existing vegetation that cannot be preserved in place, but is suitable for transplanting, is relocated elsewhere on site, as approved by the community development department director.

D. Unimproved disturbed areas are landscaped within one hundred eighty (180) days following issuance of a grading permit and/or within thirty (30) days of issuance of a certificate of occupancy, whichever is earlier.

E. All landscaping within public easements or areas dedicated to the city is of low maintenance, xeriscape or native plant material.

F. An open space network is designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels, where major public trail systems or vista corridors are designated. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.25, 2003: Ord. 359 (Attach. 2 (part)), 1992)

9.16.210 Grading.

A. Man-made slopes shall conform to patterns of the natural terrain. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.

B. "Landforming" shall be applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height.

1. Landforming shall be accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping.

2. Rear and side yard slopes between adjacent lots within the same project need not be landformed unless they are greater than one hundred (100) feet in length or ten (10) feet in vertical height.

C. Any cut or fill slope to be revegetated shall not be steeper than 2:1.

D. All excess excavated material shall be removed or otherwise placed to become an integral part of the site development.

E. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.

F. Whenever archeological or paleontological sites are discovered during excavation, the planning division shall be notified immediately and mutually agreeable precautions taken to preserve the artifacts.

G. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings shall be protected to the greatest extent feasible in the siting of individual lots and building pads. These features shall be shown on the grading plan with appropriate protection and relocation notes. Where trees with four-inch or greater trunk diameters are to be removed, they shall be replaced with at least twenty-four (24) inch box size trees of the same species, or as approved by the planning division, at a ratio of three new trees for each mature tree removed.

H. All dwelling units shall be located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the city engineer and the Community **& Economic** Development Department.

I. Crib walls, or an equivalent, may be used to enhance a cut slope's capability to be landscaped, providing they are properly irrigated. They should not be used, however, to increase flat pad size or to otherwise intensify project grading.

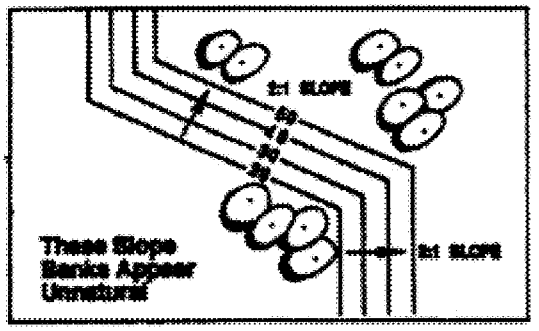

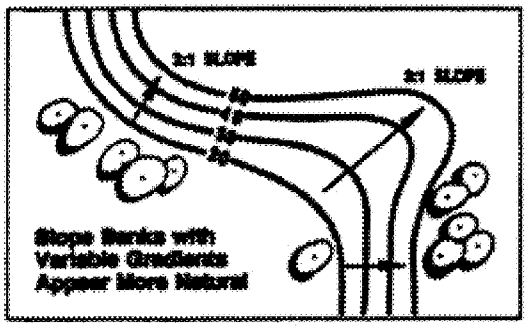

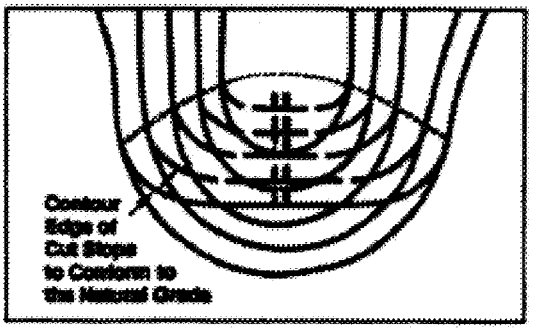

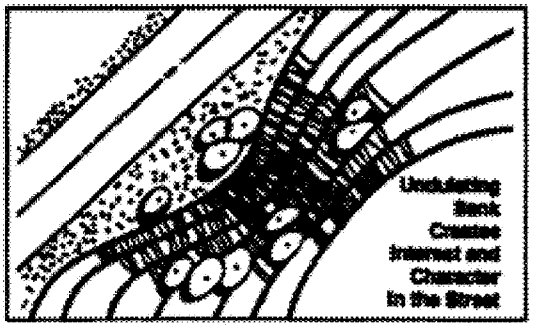

J. Any manufactured slope shall be contoured in a manner to appear to have a natural grade. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1992; Ord. 359 (Attach. 2 (part)), 1992)

9.16.220 Roadways and circulation.

A. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.

B. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.

C. Variations in road design and construction may be permitted to keep grading and cut slopes to a minimum.

D. One-way loop roads may be constructed where appropriate for the terrain.

E. Combinations of collective private driveways, cluster parking areas and off-street parking bays **(including pervious paving where feasible)** are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. **Pervious surfaces are recommended where feasible.**

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed eight (8) feet above finished grade, in or on a building wall not to exceed eight (8) feet above finished grade and shielded, or on a structure to a height of not more than twelve (12) feet for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

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9.17.030 Landscape and irrigation design standards.

A. General. The landscape plans shall incorporate low water use plants, turf trees and ground covers adaptable to the area. A list of plants may be found in the county of Riverside's Guide to California Friendly Landscaping that provides a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Plants not on the list may be used providing the water consumption does not exceed the project's water budget. Consideration should be given to climate, soil types and topographic conditions. Landscapes should group plants using similar watering patterns to eliminate over watering and provide irrigation watering zones of similar use.

The irrigation systems shall be installed using water-conserving equipment including the installation of bubblers, drip systems, low volume sprays and smart irrigation controls. Smart irrigation controls are sensitive to the changing weather patterns and adjust watering cycles automatically to reduce water usage during colder/rainy weather. A water budget shall be completed that meets Eastern Municipal Water District guidelines and submitted with the landscape plans. Based on the landscape design, the water budget will determine the landscape's water demand. Once calculated, the annual maximum allowable water budget (AMAWB) is compared to the estimated annual water use (EAWU) to ensure the design does not exceed the allowed water use.

Projects shall be designed to capture and retain storm water onsite to improve water use efficiency and water quality. The use of

reclaimed water is encouraged. Contact Eastern Municipal Water District for availability.

B. Plan Design Standards. The following design standards are required on all landscape plan submittals:

1. Final landscape and irrigation plans shall be based on the approved site plan and/or the final grading plan for the project.

2. Final landscape and irrigation plans for all projects, with more than one thousand (1,000) SF of landscaped area, except custom homes or projects designed in-house by the public works department or parks and community services department, shall be designed (and wet stamped/certified) by a California state licensed architect, civil engineer or landscape architect. All non-residential projects with one thousand (1,000) square feet or less of landscaped areas shall provide landscape and irrigation plans certified by a certified irrigation designer.

3. Minimum scale is one inch = twenty (20) feet. A smaller scale may be used with prior approval by the city. Standard sheet size is twenty-four (24) inches by thirty-six (36) inches.

4. Existing vegetation shall be retained on any portion of a development not designated for grading or construction, unless otherwise approved or required by the city.

5. Landscape shall include drought-tolerant plants and water conservation principles.

6. All soil surfaces in landscape areas shall be covered with plant materials, walkways or mulch (organic or inorganic).

7. Ground-mounted equipment (e.g., transformers and back flow preventers) shall be screened with landscaping or screening walls, allowing for adequate access for equipment maintenance.

8. Trash enclosures are screened with at least three feet of landscaping on three sides.

9. Unimproved areas are maintained in a weed-free condition, and may require temporary landscape and irrigation.

10. All nonturf landscape areas are covered with a minimum of three inches of mulch following installation, unless otherwise approved by the city.

11. Native or low-water use plant materials shall be used. The use of invasive plants should be avoided. (See the California Invasive Plant Inventory by the California Invasive Plant Council www.cal-ipc.org). No invasive plants are permitted adjacent to Multi-Species Habitat Conservation Plan conservation areas.

12. Water budgets that meet Eastern Municipal Water District guidelines shall be attached to plan submittal. Obtain water budget information from Eastern Municipal Water District.

13. Water budgets are subject to approval by Eastern Municipal Water District. The city of Moreno Valley will cooperate with Eastern Municipal Water District in monitoring to the extent practicable.

14. Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standard as determined by the state of California Code of Regulations and Eastern Municipal Water District. Landscape plans submitted shall meet this standard.

15. Water quality basin design shall ensure that the design between the basin and the required landscaping area complement one another.

C. Turf Areas.

1. Turf areas shall have a maximum design slope of twenty (20) percent and a minimum design slope of one percent.

2. Turf areas shall be limited to less than twenty-five (25) percent and only in gathering areas with the exception of parks and similar recreational facilities. Turf shall not be used solely for decorative purposes. Turfless or xeriscape design concepts are preferred.

3. Where turf areas are allowed, drought-tolerant and warm season turf varieties shall be used.

4. Except for single-family residences, concrete mow strips shall be installed between all turf areas and groundcover/shrub areas, vine pockets, walls, structures, or signs.

5. High quality artificial turf is allowed as an element of a project landscape.

6. Native grasses not requiring regular mowing shall be used in lieu of turf in water quality facilities.

D. Ground Cover/Shrub Areas.

1. Shrubs and groundcover shall be installed in shrub/planting areas in amounts and at intervals that will provide eighty (80) percent coverage within twenty-four (24) months.

2. Shrubs shall be located to provide visual interest to the project site, break-up building massing, and help screen unsightly views.

3. Groundcover (low water use plants are preferred) shall be installed in such a manner to ensure eighty (80) percent coverage within twelve (12) months.

4. No plantings shall be located closer than twenty-four (24) inches from any building or structure, unless otherwise approved by the city.

5. All planting areas adjacent to buildings or structures shall slope away from all buildings, structures or walls, or incorporate drains to direct water away from these elements.

6. Large ground cover areas shall have multiple plant types including a variation in height, texture and color.

7. The plant palette provided in the Riverside County Landscape Guidelines is recommended to identify plants which can be used to establish a balance of drought tolerant plants.

E. Trees.

1. Trees shall be planted in a manner, which maximizes the shading of paved areas, outdoor seating, and both south- and west-facing windows.

2. Street trees for designated streets shall be used, unless a different street tree has already been established along the street segment in question.

3. Trees shall be planted at sufficient size and manner to ensure successful establishment and protection from breakage.

4. All landscape plans shall indicate mature tree canopy diameters.

5. All mature tree canopies in parking lots shall be pruned and maintained to maximize shade potential and ensure healthy, maximum growth. Topping of trees shall be avoided.

6. The tree palette shall provide a balanced use of evergreen and deciduous trees with attention to summer shade, fall and spring color, winter sunlight, and new growth.

7. Parkway tree planting shall provide a buffer effect that creates partial screening between parking lot areas and street vehicular traffic.

8. Existing mature trees that cannot be preserved in-place, shall be transplanted elsewhere on the site, unless transplantation is infeasible due to the type or condition of the trees.

9. Projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.

10. Trees shall be planted in a manner and at locations, which minimize the potential for damage to adjacent walkways and paving.

F. Irrigation.

1. All planted landscape areas shall be provided with an approved "smart" automatic irrigation control systems (labeled as evapotranspiration (E.T.) based), with rain sensing and**/or** soil moisture sensing devices. Watering during the rain shall be avoided.

2. Drip**,** ~~and~~ bubbler-type and ~~MP~~ ~~rotator~~ **rotor sprays or stream roter** sprinkler heads or similar efficient sprinklers shall be used whenever possible. These sprinklers should be used exclusively when positioned adjacent to building walls. (Bubblers and spray heads should be pressure compensating, low volume type).

3. Separate irrigation zones shall be provided for areas with different irrigation requirements, including, but not limited to, trees, turf and nonturf areas.

4. Reduced pressure backflow preventers are required on all irrigation systems.

5. No fixed risers are permitted, unless otherwise approved by the **C**ommunity **& Economic** **D**evelopment **D**irector.

6. A pressure vacuum breaker shall be installed at the top of slopes when irrigation is installed on the top of the slope.

7. Irrigation shall be placed in a manner that eliminates overspray, runoff, wicking action and/or damage to adjacent buildings, walls, walks, driveways, streets, and fences.

8. Irrigation of landscapes should occur between nine p.m. and six a.m. except during the establishment period, when temperatures are predicted to fall below zero or when repairing/adjusting the irrigation system.

9. Eastern Municipal Water District will calculate the annual maximum allowable water budget (AMAWB) for customers requesting a new account. The proposed landscape must meet the AMAWB requirements prior to meter release. (Ord. 786 § 2, 2009)

9.17.050 Parking and drive-through landscape areas.

Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, **promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces,** and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:

A. Design Considerations.

1. Parking lots and drive-throughs shall be screened from the public right-of-way by a thirty-six (36) inch high wall, shrub row and/or by berming. If walls are employed, they must be aesthetically compatible with the project design.

2. Landscape areas in the parking lot shall be designed to minimize the potential for pedestrians to cross any landscape areas to reach building entrances and to access parked cars. Walkways shall be provided to facilitate pedestrian access, especially at corner locations.

3. ~~Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director~~. **Curb cut** openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. **Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.**

4. Turf is not permitted in parking lot planters.

B. Landscape Islands, Diamond, Finger and Perimeter Planters.

1. Landscape finger planters shall have a minimum interior dimension of five feet by sixteen (16) feet, exclusive of curbs, step-outs and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight feet.

2. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.

3. End islands, or finger planters are provided at the end of each aisle of parking to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

4. Where double rows of parking are provided, diamond or island planters are provided at an interval of one planter every three pairs of parking stalls. Minor adjustments are allowed in cases where this exact interval would be infeasible.

5. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

6. The perimeter of the parking lot has a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

C. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.

D. Trees-Number, Location, and Type.

1. Trees may be planted in clusters along the street frontage and side and rear setbacks, if applicable.

2. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

3. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. Within a maximum of ten (10) years, parking lot trees shall shade a minimum of fifty (50) percent of parking space pavement during the summer months, between one and four in the afternoon. A maximum of fifty (50) percent of the parking lot trees may be deciduous unless otherwise approved by the community development department.

4. The selection of parking lot trees shall avoid trees with excessive litter, sap or fruit that could damage vehicles. (Ord. 808 § 2.8, 2010; Ord. 786 § 2, 2009)

9.17.070 Single-family residential development.

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.

2. Use of xeriscape landscaping;

3. Use of approved landscape materials.

4. Use of approved “smart irrigation” controllers.

5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.

6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. **Pervious pavement/surfaces are recommended to reduce water runoff.**

7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

8. Ground cover should be used to absorb runoff from rain or irrigation.

9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)

9.17.080 Multifamily residential development.

A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. **The use of permeable surfaces is recommended for walks and patios to reduce water runoff.**

B. Trees shall be positioned such that trees are planted to shade paved areas and west- and south-facing windows for energy-efficient savings; coniferous or nonwinter deciduous trees are kept away from south-facing windows in order to allow for

heat gain during winter months. The larger sized trees should be placed at entries and accent areas.

C. Turf shall be limited and installed in useable gathering areas only with a maximum of twenty-five (25) percent. (Ord. 786 § 2, 2009)

9.17.090 Commercial, industrial, public and quasi-public development.

A. All required setback areas, exclusive of required walkways and driveways shall be landscaped. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. Gated and screened storage areas may be exempted from this landscape requirement per approval of the community development director.

B. A landscape buffer shall be provided on a nonresidential site when adjacent to residential uses to provide visual relief to the nonresidential side. Plant materials shall be selected so that at maturity (within ten (10) years), intermittent visual obstruction with no unobstructed openings greater than five feet in horizontal distance remain.

C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the **use of pervious surface areas that reduce water run off**. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

D. Additional parking lot trees shall be provided at one tree per thirty (30) linear feet of parking lot adjacent to the interior property.

E. Project entry drives shall incorporate enhanced landscaping (size and variety of vegetation) and pavement.

F. Projects with frontage abutting arterial streets shall be required to construct parkways in conformance with city standard engineering plans unless otherwise approved by the community development director.

G. Turf is limited to gathering areas only. (Ord. 786 § 2, 2009)

9.17.110 Erosion control/slope planting.

Erosion control landscape plans are required for all cut or fill slopes over three feet high. Landscaping provides erosion control while maintaining the aesthetic values of the hillside.

A. General/Design Requirements.

1. Landscape must establish or reinforce a design concept for the specific hillside area, while complimenting buildings and streetscapes.

2. Placement of plant materials shall reinforce the natural terrain and topography of the area.

3. Tree species and placement shall respect potential view sheds of neighboring properties.

4. Erosion control and fire prevention devices may be required depending on the degree and length of slope, soil type, etc.

5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, **draining to landscape or permeable surface areas that allow for water retention and absorption.**

6. Turf shall not be used for slope planting. Hydro seed and water efficient grasses not requiring regular mowing may be permitted per approval by the community development director.

7. Slopes that abut public streets/right-of-ways must also adhere to applicable portions of Section 9.17.090. (Ord. 786 § 2, 2009)

9.17.130 Water quality landscape designs.

Water quality landscapes are designed to encourage the use of landscape areas as a water treatment area incorporating small scale features across a site to assist in watershed hydrology functions.

A. Water treatment areas shall be no deeper than twenty four (24) inches visible within the landscape setback areas unless otherwise approved by the Community **& Economic** Development Director. Rock or other decorative material may provide for greater depth of the treatment areas. No fencing will be required around water treatment areas that do not exceed Building Code fencing requirements (currently twenty four (24) inches in visible depth.

B. Basins and treatment areas shall be landscaped to appear like a natural water feature.

C. Design and site considerations shall be aesthetically consistent with surrounding landscaping using a variation of plants and materials. (Ord. 786 § 2, 2009)

9.17. 150 Water Efficiency Requirements.

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

11. Direct all runoff from roofs and hardscape areas to landscaping areas or water capture systems.

12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions.

PLANNING COMMISSION
STAFF REPORT

Case:	P11-029
Date:	May 12, 2011
Applicant:	Highland Fairview
Representative:	Wayne Peterson
Location:	Northeast corner of Cactus Avenue and Lasselle Street
Proposal:	First Amendment to the Aquabella Development Agreement
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

The applicant proposes to amend the Aquabella Development Agreement to remove Planning Area 2, a 13.2-acre site approved for non-senior multi-family housing units.

PROJECT DESCRIPTION

Project

Highland Fairview has submitted a Development Agreement Amendment application to remove Planning Area 2 from the Aquabella Development Agreement. The Agreement, approved on January 12, 2006, currently covers 685 acres of the Aquabella Specific Plan. This proposal would be the First Amendment to the Agreement.

If approved, the affected site would no longer be covered by the Agreement and not be subject to its requirements nor benefit from its provisions. Any impacts related to the development of the site would be conditioned as part of a future application submitted to the City. All existing requirements of the Agreement remain in effect for the balance of the affected area. The Phasing Plan (Exhibit B) of the Agreement has been revised to ensure coverage of all requirements in the remaining five phases of the Aquabella project (the subject site was Phase 6).

The proposal requires a recommendation from the Planning Commission, with final review and action by the City Council. The site would continue to be a part of the Specific Plan.

Site

Planning Area 2 is a 13.2-acre site at the northeast corner of Cactus Avenue and Lasselle Street. The Aquabella Specific Plan permits the development of up to 220 non-senior multi-family units on the site.

Surrounding Area

Developed single family neighborhoods are located to the west of Lasselle Street. Vacant multi-family zoned property is located to the north of the site. The remainder of the Aquabella Specific Plan, approved for an active adult residential community, is located to the south and east of the site.

Access/Parking

The site has frontage along both Lasselle Street and Cactus Avenue.

Design/Landscaping

No specific development proposal for the site is included in the current application. Development of the site will require a future application to the City.

REVIEW PROCESS

The application was submitted on March 28, 2011. Staff reviewed and provided comments on the proposed amendment to the applicant in early April. The applicant

provided revised amendment documents in late April. Pursuant to the Municipal Code, the application requires a recommendation by the Planning Commission with final review and action by the City Council.

ENVIRONMENTAL

The proposal would be exempt from the California Environmental Quality Act as the Amendment would not result in substantial changes to the Agreement necessitating additional environmental review. No additional land disturbance would be permitted for the site by approval of the proposal.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper on April 30, 2011. As of the date of this report, two property owners that received notice of the hearing contacted staff for information on the proposal.

REVIEW AGENCY COMMENTS

Due to the nature of the proposal, it was not distributed for review by other agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Resolution No. 2011-14, and thereby **RECOMMEND** that the City Council take the following actions:

1. **RECOGNIZE** that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and,

2. **APPROVE** P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2-acre parcel at the northeast corner of Cactus Avenue and Lasselle Street.

Prepared by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-14
3. Proposed First Amendment with Attachments

Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASE :	**P11-029**
APPLICANT:	**Highland Fairview**
OWNER:	**Moreno Valley Properties**
REPRESENTATIVE:	**Wayne Peterson**
LOCATION:	**NEC Lasselle & Cactus**
PROPOSAL:	**Amendment to the approved Aquabella Development Agreement to remove Planning Area 2**
ENVIRONMENTAL DETERMINATION:	**Exempt**
COUNCIL DISTRICT:	**3**
STAFF RECOMMENDATION:	**Approval**

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

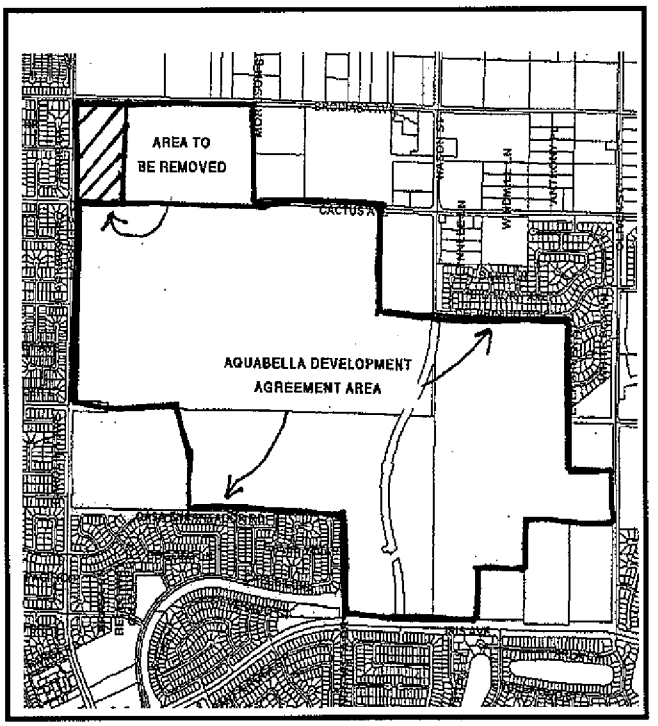

LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: May 12, 2011 at 7 PM

CONTACT PLANNER: John C. Terell AICP
PHONE: (951) 413-3238

Attachment 1

PLANNING COMMISSION RESOLUTION NO. 2011-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING CITY COUNCIL APPROVAL OF P11-029, A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT TO REMOVE PLANNING AREA 2, A 13.2-ACRE PARCEL AT THE NORTHEAST CORNER OF CACTUS AVENUE AND LASSELLE STREET

WHEREAS, Highland Fairview has filed an application for the approval of P11-029, a First Amendment to the Aquabella Development Agreement as described in the title of this Resolution.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the application.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The proposed First Amendment involves only the removal of Planning Area 2 from coverage under the Aquabella Development Agreement. No changes are included related to the General Plan designation of the site.

Attachment 2

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2. **Conformance with Zoning Regulations –** The proposed use complies with all applicable zoning and other regulations.

   FACT: The proposed First Amendment involves only the removal of Planning Area 2 from coverage under the Aquabella Development Agreement. No changes are included related to the zoning and other regulations applicable to the site.

3. **Health, Safety and Welfare –** The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed First Amendment involves only the removal of Planning Area 2 from coverage under the Aquabella Development Agreement. No specific development proposal is included in the current application.

4. **Location, Design and Operation –** The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The proposed First Amendment involves only the removal of Planning Area 2 from coverage under the Aquabella Development Agreement. No specific development proposal is included in the current application.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-14, thereby recommending that the City Council take the following actions:

1. **RECOGNIZE** that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and
2. **APPROVE** P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2-acre parcel at the northeast corner of Cactus Avenue and Lasselle Street.

MV00102367

APPROVED this 12th day of May, 2011.

_____
Ray Baker
Acting Chair, Planning Commission

ATTEST:

_____
John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

_____
City Attorney

MV00102368

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006

June xx, 2011

Attachment 3

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THIS FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006 ("Amendment") is made and entered into this __th day of June 2011 (the "Effective Date"), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the "Master Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the legislature of the State of California adopted Section 65864 *et seq.* of the California Government Code, which authorizes a city to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development. To implement the above-described State laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements. Both Government Code Section 65864 *et seq.* and Section 9.02.100 of the Moreno Valley Municipal Code authorize the amendment and modification of such development agreements from time to time at the mutual discretion of the parties.

B. On January 12, 2006, the Parties executed that certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 ("Agreement"). The Agreement pertains to a development project known as "Aquabella."

C. In the absence of this Amendment, the Agreement applies to real property comprised of approximately six hundred eighty-five (685) acres which is previously described in the property description attached to the Agreement as Exhibit "A."

D. Pursuant to this Amendment, Master Developer and the City desire to remove approximately 13.2 gross acres, representing less than two percent (2%) of the Project area from the coverage of the Agreement ("Removed Property"). The Removed Property was always planned to be developed independently from the Aquabella active adult community as a non-age restricted development. The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the Depiction attached hereto as Exhibit "A-2b." A legal description of the Removed Property is set forth in Exhibit "A-2."

E. The Agreement and the Project governed by the Agreement envisioned the development of approximately 2,702 age-restricted units in a gated community with common amenities to be maintained by one or more Homeowners' Association ("Age-Restricted Project"). The Project, as originally approved, also included the development of the Removed Property in what was defined, in the Aquabella Specific Plan, as Planning Area 2. The Removed Property

and Planning Area 2 were envisioned to be developed with approximately 220 attached rental units or for sale condominiums that were not age-restricted and were therefore not to be part of the Age-Restricted Project.

F. The State of California and the City have been faced with a severe economic crisis, which has negatively impacted the pace and timing of residential development. In light of these economic conditions, the sequencing of phasing originally contemplated may have to be rescheduled so it is responsive to present market conditions. It is possible that development of the Removed Property as 220 attached, non-age restricted rental units or for sale condominiums may occur at an earlier time period than development of the remaining Age-Restricted Project.

G. Excising the Removed Property from the coverage of the Agreement would increase the likelihood that non-age-restricted rental units or for sale condominiums could be developed more quickly than what would occur if the Removed Property were not excised from the Agreement.

H. On February 23, 1999, the City adopted Resolution No. 99-13, certifying a Final Environmental Impact Report, including findings and a statement of overriding considerations and imposing mitigation measures for the Project ("FEIR"). On May 27, 2003, the City adopted Resolution No. 2003-38 certifying a Supplemental EIR for the Project ("SEIR"). Thereafter, on November 22, 2005, the City adopted Resolution No. 2004-12 approving an Addendum to the FEIR and SEIR for the Project. The record of proceedings for all of the aforementioned City actions are expressly incorporated herein by reference as if set forth in full.

I. On August 23, 2008, the City approved Tentative Tract Map No. 34950 for financing purposes. On April 15, 2011 Tract No. 34950-1 was recorded creating a separate legal parcel for the removed property.

J. On _____, 2011, the City made all of the findings and determinations relating to this Amendment which are required by Municipal Code section 9.02.110 and introduced Ordinance No. ___ for first reading. Thereafter, Ordinance No. ___ was approved on ____, 2011 thereby approving this Amendment.

K. The City finds the approval of this Amendment will not result in substantial changes to the Project within the meaning of the California Environmental Quality Act ("CEQA") (Pub. Res. Code sections 21000 *et seq.*) and its implementing Guidelines including, but not limited to, Guideline 15162. The Removed Property will continue to be governed by Specific Plan 218 and the City's General Plan, and the Removed Property will continue to be permitted to be developed with approximately 220 non-age-restricted, rental residential dwelling units or for sale condominiums. No change in land use designations is permitted or contemplated by this Amendment. Further, this Amendment ensures the infrastructure improvements identified in the attached revised Circulation Phasing Improvement Program set forth in the Agreement as Exhibit "B" ("Circulation Program") will be constructed by re-affirming: (i) the Master Developer's obligation to construct the improvements set forth in the Circulation Program and (ii) the City's legal right to impose reasonable off-site and fair share improvement requirements on the Removed Property when a specific development proposal for the Removed Property is filed with and processed by the City. Once the Amendment is approved, the Removed Property can be

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processed independently from the rest of the Project and vice-versa. Therefore, pursuant to CEQA Guideline section 15162, the City finds that executing this Amendment does not result in any substantial changes to the original Project.

L. The City Council finds that execution of this Amendment as set forth herein by the Parties: (i) is in the best interest of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an active adult community; (v) will encourage the development of the project while providing a reasonable level of certainty to the private developer; (vi) will encourage the development of rental or for sale residential dwelling units within the City; and (vii) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above recitals, all which are expressly incorporated into this Amendment, and the mutual promises and obligations of the Parties set forth herein, the Parties agree to this Amendment as follows:

AMENDMENT TO AGREEMENT

1. Section 1 of the Agreement is hereby amended as follows with new Section 1.23 set forth below, replacing Section 1.23 in the Agreement:

> 1.23 "Project" means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to ~~six hundred eighty-five (685)~~ approximately six hundred seventy one point eight (671.8) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The ~~685~~ approximate 671.8 acres will be developed as a gated age-restricted community with common amenities to be maintained by one of more Homeowner's Association(s). The Project contemplates a maximum of two thousand seven hundred and two (2702) ~~two thousand nine hundred twenty-two (2922)~~ dwelling units and other uses as defined in the Project Approvals. ~~, with the exception of two hundred (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.~~

2. Section 1 of the Agreement is hereby amended as follows with new Section 1.25 set forth below, along with new Exhibit "A-1" and Exhibit "A-1b" replacing the Section 1.25 set forth in the Agreement:

> 1.25 "Property" means the real property described on Exhibit "A-1" to this Amendment and depicted on Exhibit "A-1b" of this Amendment and made a part herein by reference.

3. Section 6 of the Agreement is hereby amended as follows with new Section 6 set forth below, replacing the Section 6 set forth in the Agreement:

> 6.2 Construction of Public Street and Traffic Signal Improvements – Circulation and Phasing Improvement Program. While the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master

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Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement. When the development of the Removed Property for the anticipated 220-unit rental or for sale condominium project is proposed, the City retains the legal right to analyze any specific traffic or other environmental impacts of any proposed development for the Removed Property and the City may condition the Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. Pursuant to State law, City retains the right to impose mitigation on the Removed Property to the extent future environmental analysis discloses previously undisclosed impacts.

4. Section 12 of the Agreement is hereby amended as follows with the insertion of new section 12.3:

12.3 Termination of Agreement With Respect to the Removed Property. The Agreement is terminated with respect to the Removed Property. The Parties shall execute and record the Acknowledgement of Termination set forth as Exhibit "C" within thirty (30) calendar days following the execution and recordation of this Amendment.

5. All other provisions of the Agreement not amended by this Amendment shall remain in force and in effect with respect to the Property (and not the Removed Property) and unaltered by this Amendment.

"MASTER DEVELOPER"	"CITY"
MORENO VALLEY PROPERTIES, LLC,	CITY OF MORENO VALLEY,
a California limited liability company	a municipal corporation
By:_____	By:_____
Iddo Benzeevi, President	Richard A. Stewart, Mayor
	ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

Exhibit "A-2b"

Depiction of Removed Property

EXHIBIT "A–2b"

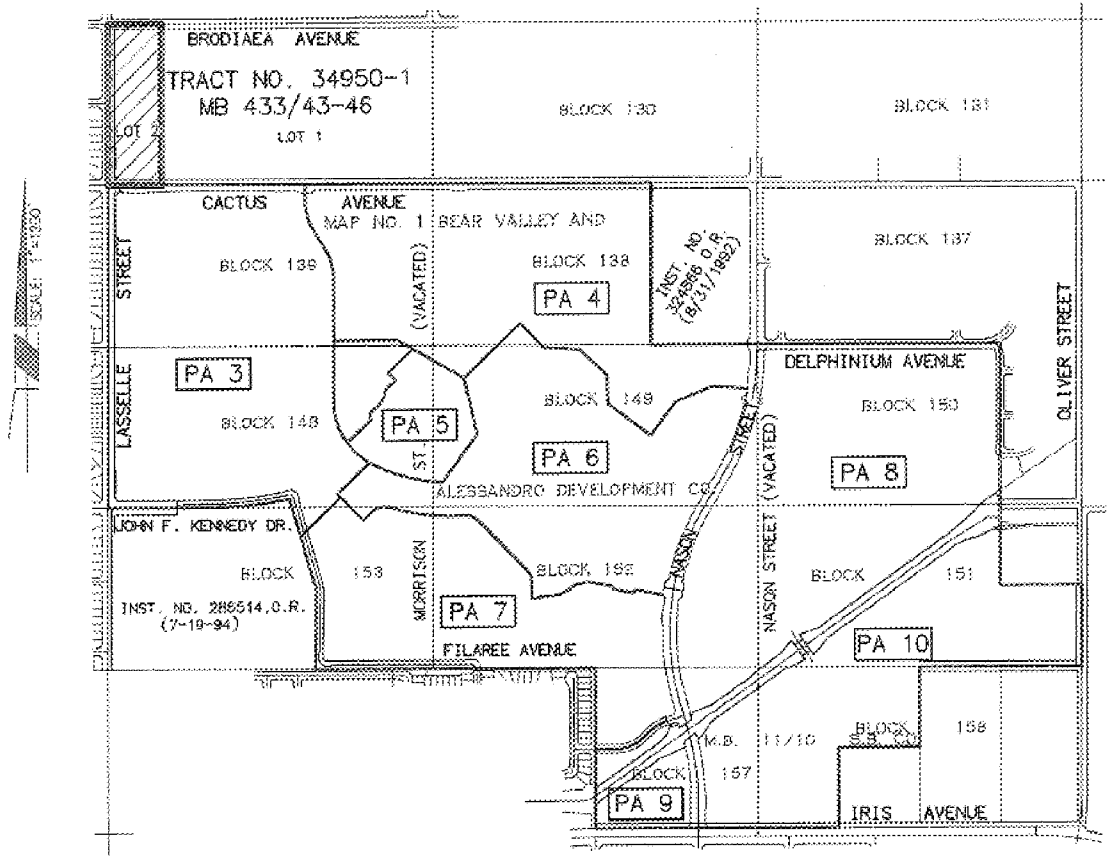

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M1	RBF CONSULTING PLANNING & DESIGN & CONSTRUCTION 40810 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8342 • FAX 951.676.7240 • www.RBF.com

MV00102376

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Exhibit "A-2"

Legal Description of the Area to be Removed from the Aquabella Development Agreement

MV00102377

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

F:\pdata\107827\legals\7827lg001.doc

1032/027722-0008
1143494.08

Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

Those certain parcels of land situated in the City of Moreno Valley, County of Riverside, State of California, being all of Blocks 138, 139, 148, 149, 152 and 153 of Map No. 1 of the Bear Valley and Alessandro Development Company filed in Book 11, Page 10 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California (located within Sections 15, 16, 21 and 22, Township 3 South, Range 3 West, San Bernardino Meridian).

ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

ALSO Lot 1 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California

TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.

EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-1b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"

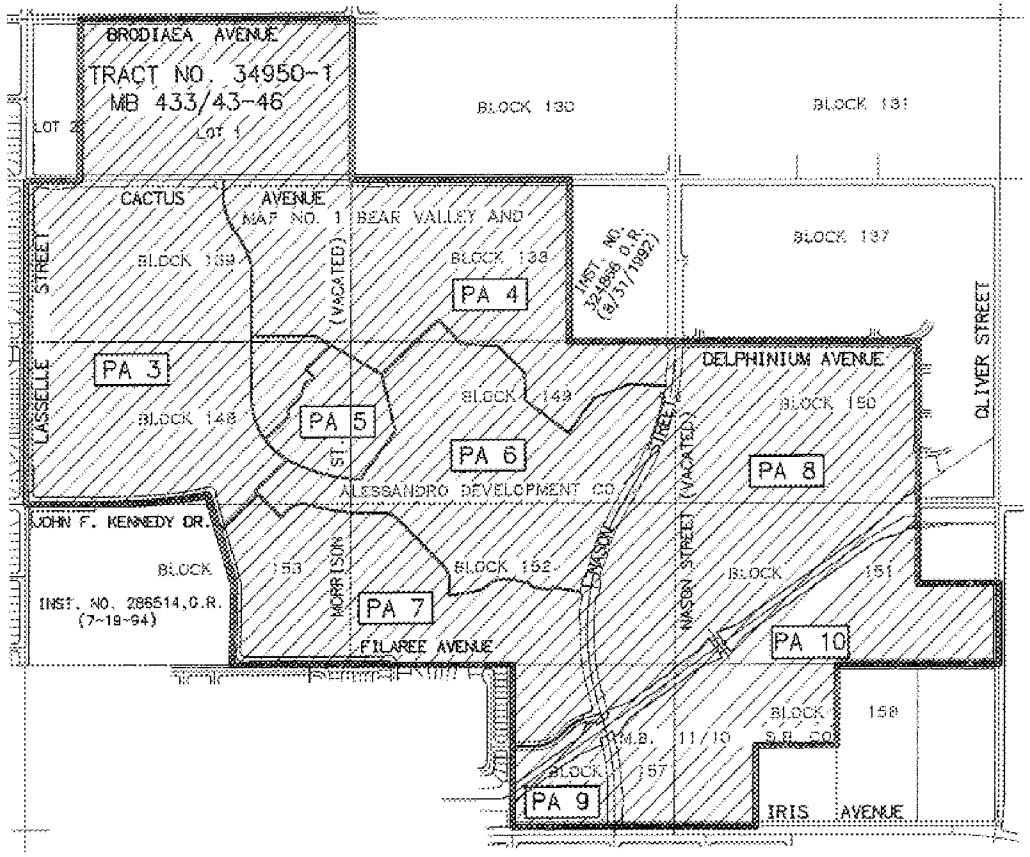

MODIFIED AREA AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M2	RBF CONSULTING PLANNING • DESIGN • CONSTRUCTION 40880 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

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EXHIBIT "B" – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	**Active Adult (+55) Housing** Detached Attached	 **351** **234**	 **DU** **DU**	**July 06 – Jan 08**	**Jan 07 – Feb 08**
2	**Active Adult (+55) Housing** Detached Attached	 **289** **193**	 **DU** **DU**	**July 07 – July 08**	**Jan 08 – Aug 08**
3	**Active Adult (+55) Housing** Detached Attached	 **301** **201**	 **DU** **DU**	**Feb 08 – Mar 08**	**Aug 08 – Apr 09**
4	**Active Adult (+55) Housing** Detached Attached	 **460** **306**	 **DU** **DU**	**Sept 08 – Feb 10**	**Mar 09 – Mar 10**
5	**Active Adult (+55) Housing** Detached Attached	 **220** **147**	 **DU** **DU**	**Aug 09 – Aug 10**	**Feb 10 – Oct 10**
5	**Hotel**	**300**	**Room**	**Mar 11 – Apr 12**	**----------**

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median ($70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris ($3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle ($3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 5	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 5	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 5	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 5	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 5	
Cactus Avenue		Coordination of traffic signals on Cactus ($3500 per intersection)	Phase 5	

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

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END OF EXHIBIT “B”

Exhibit "C"

Acknowledgement of Termination

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

ACKNOWLEDGMENT OF TERMINATION OF DEVELOPMENT AGREEMENT WITH RESPECT TO SPECIFIED PROPERTY BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006

Month, Day, 2011

ACKNOWLEDGEMENT OF TERMINATION OF DEVELOPMENT AGREEMENT WITH RESPECT TO SPECIFIED PROPERTY KNOWN AS PLANNING AREA TWO IN THE AQUABELLA SPECIFIC PLAN

RECITALS

A. On _____, 2011, the City of Moreno Valley ("City") and Moreno Valley Properties, LP ("Master Developer") executed a First Amendment to that Certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP relative to the development known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006. The development is commonly referred to as "Aquabella."

B. The Amendment had the effect of removing approximately 13.2 gross acres representing less than two percent (2%) of the Project area from the coverage of the Agreement as described in the Amendment (defined as the "Removed Property"). The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the depiction set forth as Exhibit "A-2b" attached hereto. In the Aquabella Specific Plan, the Removed Property is described as Planning Area 2. A legal description of the Removed Property is set forth as Exhibit "A-2" attached hereto.

C. Pursuant to Section 3 of the Amendment, the Parties are required to execute and record this Acknowledgment of Termination within 30 calendar days following execution and recordation of the Amendment.

NOW, THEREFORE, in consideration of the above Recitals, and the Recitals set forth in the Amendment, all which are expressly incorporated into this Acknowledgement of Termination, the Parties agree as follows:

ACKNOWLEDGMENT OF TERMINATION

1. Termination of Agreement With Respect to the Removed Property. The Parties hereby acknowledge that the Development Agreement entered into by and between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 is hereby terminated with respect to the Removed Property described in Exhibit "A-2." Following the execution of the Amendment, the Agreement applies to that land legally described in Exhibit "A-1" and depicted in Exhibit "A-1b."

2. Construction of Public Street and Traffic Signal Improvements -- Circulation and Phasing Improvement Program. Notwithstanding the termination of the Agreement with respect to the Removed Property, it is hereby acknowledged and agreed while the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement as amended by the Amendment. When a future development plant for the Removed Property is submitted for the anticipated 220-unit rental or for sale condominium project, the City retains the legal right to analyze any specific traffic impacts of any proposed development for the Removed Property and the City may condition the

Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. The Removed Property can be processed independently from the rest of the Project and vice-versa.

"MASTER DEVELOPER"

MORENO VALLEY PROPERTIES, LLC,
a California limited liability company

By:_____
Iddo Benzeevi, President

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By:_____
Richard A. Stewart, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A-2b"

Depiction of the Removed Property

EXHIBIT "A–2b"

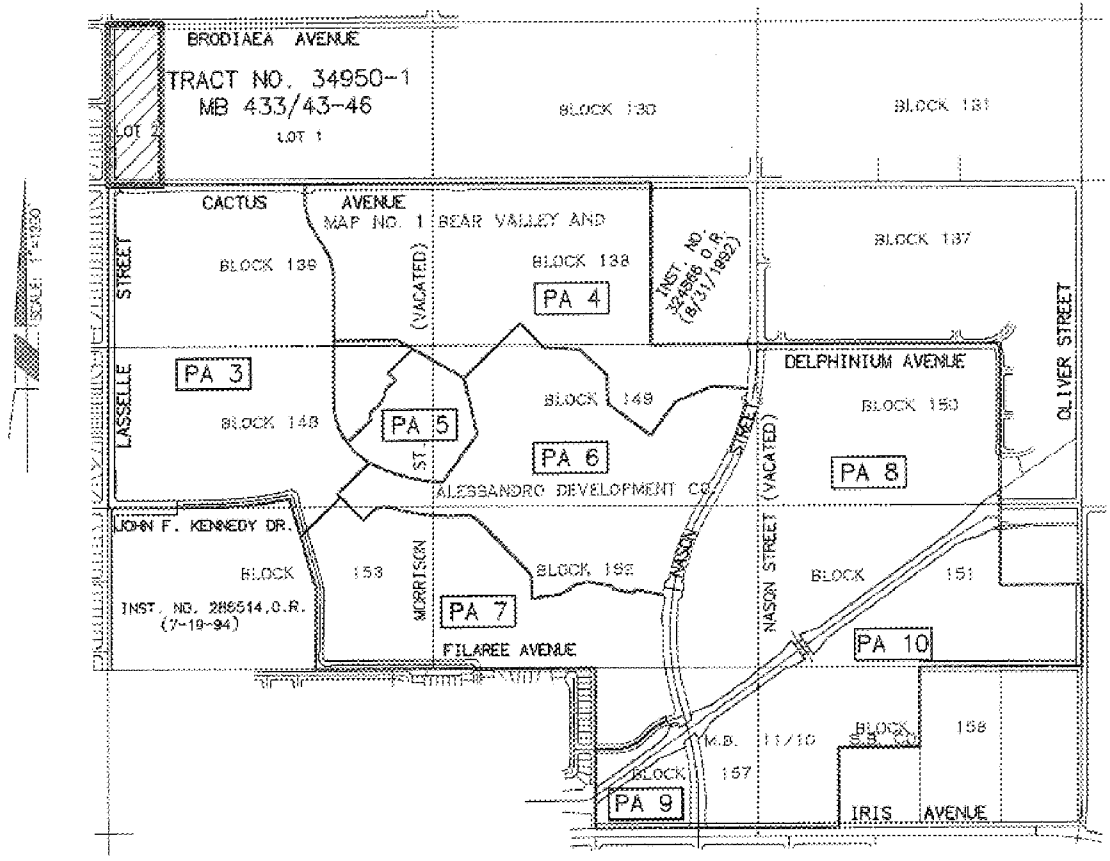

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M1	RBF CONSULTING PLANNING & DESIGN & CONSTRUCTION 40810 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8342 • FAX 951.676.7240 • www.RBF.com

MV00102395

1032/027722-0008
1143494.08

Exhibit "A-2"

Legal Description of the Removed Property

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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1032/027722-0008
1143494.08

Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

Those certain parcels of land situated in the City of Moreno Valley, County of Riverside, State of California, being all of Blocks 138, 139, 148, 149, 152 and 153 of Map No. 1 of the Bear Valley and Alessandro Development Company filed in Book 11, Page 10 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California (located within Sections 15, 16, 21 and 22, Township 3 South, Range 3 West, San Bernardino Meridian).

ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

ALSO Lot 1 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California

TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.

EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-1b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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1143494.08

Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"

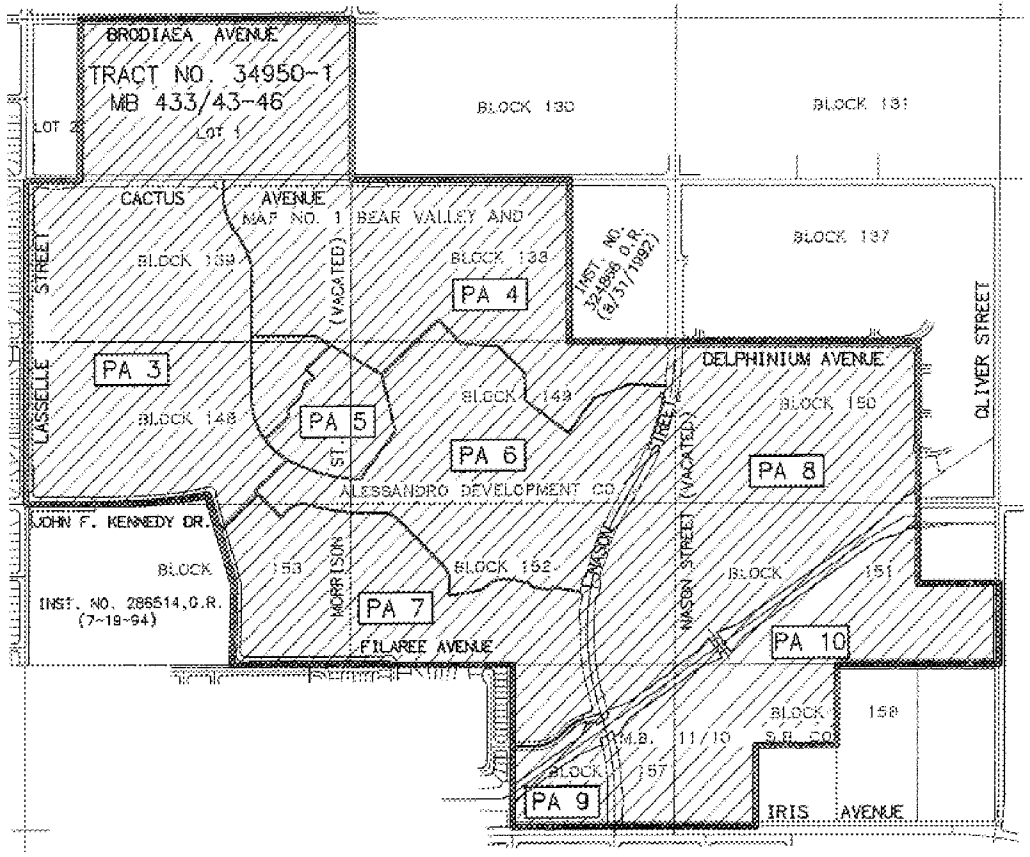

MODIFIED AREA AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M2	RBF CONSULTING PLANNING • DESIGN • CONSTRUCTION 40880 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

MV00102401

1032/027722-0008
1143494.08

PLANNING COMMISSION STAFF REPORT

Case:	PA08-0098 – Zone Change PA10-0017 – Municipal Code Amendment PA08-0097 – Plot Plan PA09-0022 – Tentative Parcel Map No. 36207 P08-133 – Environmental Impact Report
Date:	May 12, 2011
Applicant:	Ridge Rancho Belago LLC
Representative:	Dennis Rice
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard
Proposal:	Plot Plan for a 937,260 square foot warehouse facility on 55 acres; a Zone Change from Business Park to Light Industrial; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal.
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

This project proposes the development of a 937,260 square foot warehouse facility on 55 acres. The project requires approval of a tentative parcel map, Zone Change and a Municipal Code Amendment, and certification of a Final EIR.

PROJECT DESCRIPTION

The applicant, Ridge Rancho Belago, LLC, has submitted five applications for development of the West Ridge Commerce Center Project, which include a Zone Change, a Municipal Code Amendment, a Plot Plan, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 937,260 square foot warehouse facility on a 55-acre site (Assessor's Parcel Numbers 488-330-003 through -006 and -026) located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard within Chapter 9.05 Industrial Districts of Title 9 and is presented as Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was a concern raised and reviewed for the project. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site, this residence and the vacant residential property to the south have been reviewed as sensitive receptors.

In order to provide greater compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone of approximately 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

Application PA10-0017 for a Municipal Code Amendment proposes to add a standard to the Light Industrial zone that would require industrial and warehouse structures greater than 50,000 square feet in building area to be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

If approved, the proposed amendment would be effective City-wide.

Please see Exhibit E to Planning Commission Resolution No. 2011-13 for a copy of the proposed revisions to Chapter 9.05 Industrial Districts of Title 9.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility, to be located on 55 acres located south of the Moreno Valley Freeway and approximately 650 east of Redlands Boulevard. The warehouse facility is a permitted use in the existing Business Park zone and also permitted in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas have been placed on the northern and southern elevations and are screened by perimeter concrete tilt-up walls with slopes with a tree row also required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted with groundcover and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses. Developed land within proximity to the project site includes citrus groves, the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility under construction to the east between Redlands and Theodore and large lot subdivisions approximately 1/4 mile to the south in the RA-2 zone. Developed uses to the north on the other side of State Route 60 include an RV storage site, a telecommunications antenna, a residence and a feed store.

The vacant 120 acre site to the west is currently proposed for development of a 2.2 million square foot industrial park by ProLogis, The site for this neighboring project is currently zoned Business Park, Business Park Mixed Use, R15, R5, and RA-2. That applicant is proposing a General Plan Amendment and Zone Change from existing zoning to Light Industrial.

Access

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones located on the north and south elevations of the building.

Design

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the building is a concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical

features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the building include architectural treatment. The loading bays and trailer storage areas along the northern and southern elevations have been screened from view. The screen wall along the south elevation is a fourteen (14) foot wall of concrete tilt-up construction which will match the building design and colors.

Landscaping for the site is proposed at around 13% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

REVIEW PROCESS

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed Zone Change and Municipal Code Amendment as well as the Plot Plan for the warehouse facility.

Upon review at PRSC on November 19, 2008, modifications were required to the site plan. Comments from staff included revisions to the layout of the parking lot, access from adjacent roads, screening, architecture, typical street sections, grading and the submittal of required technical studies.

Subsequent PRSC reviews occurred in May and September 2009, and April, August and November 2010. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report, a determination was made to schedule this project for a Planning Commission public hearing on May 12, 2011.

The applicant held a community meeting on February 27, 2008, to present the project to neighboring property owners. There were approximately 30 people in attendance. Concerns raised at the meeting were related to the proposed land use changes, traffic, noise, light and glare, aesthetics, quality of life, impacts to property values, air quality, crime, and storm runoff.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required State and local agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. An additional two letters were received after the end of the review period.

Final Environmental Impact Report

Responses to the twenty-four comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Response to Comments and related documents were mailed to all interested parties and responsible agencies on April 28, 2011, to allow for their review prior to Planning Commission hearing, in excess of the minimum notice period of 10 days

required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the document, these noted impacts above are considered to be significant and unavoidable.

Although impacts to traffic and circulation, air quality, noise, and aesthetics cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

Although the proposed Municipal Code Amendment will be effective Citywide, it is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all responsible reviewing agencies.

Agency	Response Date	Comments
Southern California Edison	October 27, 2008	No Issues
Riverside County Flood Control	December 1, 2008	District Master Plan Facilities

Conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission **ADOPT** Resolution No. 2011-13 and thereby **RECOMMEND** that the City Council take the following actions:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and

2. **APPROVE** Zone Change PA08-0097 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B;

3. **APPROVE** Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C;

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-13
   Exhibit A - Final Environmental Impact Report
   Exhibit B – Zone Change Map
   Exhibit C – Municipal Code Amendment
   Exhibit D – Plot Plan Conditions of Approval
   Exhibit E – Parcel Map Conditions of Approval
3. Site Plan
4. Elevations
5. Color Rendering
6. Cross Sections – Line of Sight
7. Preliminary Landscape Plan
8. Tentative Parcel Map 36207
9. Aerial Photograph
10. Response to SCAQMD comments
11. Response to Tom Hyatt comments

NOTICE
OF
PLANNING COMMISSION
PUBLIC HEARING

THE PLANNING COMMISSION WILL CONSIDER A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE DISTRIBUTION FACILITY ON 55 ACRES, AN AMENDMENT (PA10-0017) TO MUNICIPAL CODE CHAPTER 9.05, A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK TO LIGHT INDUSTRIAL, TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) AND AN ENVIRONMENTAL IMPACT REPORT (P08-133).

Applicant: Ridge Rancho Belago, LLC

Owner: Ridge Rancho Belago, LLC

Representative: Inland Empire Development Services

A.P. No's.: 488-330-003 through -006 and -026

Location: South side of State Route 60, on the north side of Eucalyptus Avenue and 650 west of Redlands Boulevard

Proposal: Plot Plan for a 937,260 square foot distribution warehouse facility on 55 acres. The warehouse building includes 173 dock doors and provides parking for 307 employees/visitors and 175 trailer parking spaces within the enclosed truck court. The project site is currently zoned Business Park which limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial is required to allow the larger building proposed by the project. Tentative Parcel Map No. 36207 proposes to combine the multiple parcels of the project site into a single parcel. This project also requires approval of a Municipal Code amendment to Chapter 9.05 Industrial Districts to require a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. The proposed amendment will be effective citywide.

Environmental Determination:
- Environmental Impact Report

Council District: 3

Staff Recommendation: Approval

In connection with the item mentioned above, the Planning Commission may consider any appropriate modification or alternative to the project or the environmental determination. If an environmental determination is not approved, the approval of the project will not be considered.

Attachment 1

Any person affected o[illegible] ay submit written comments to the Plan[illegible] Division prior to the Planning Commission meeting date listed below. In the case of public hearing items, any person may also appear and be heard in support or in opposition to any project or recommended environmental determination at the time of hearing.

Any person interested in the proposal may contact the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), or may telephone (951) 413-3224 for further information. The environmental findings, project application, and other supporting documents will be available for public inspection at the above address.

If you challenge this item in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission on or before the following meeting date:

Date and Time: May 12, 2011, at 7:00 P.M.
Location: City Hall Council Chambers
14177 Frederick Street
Moreno Valley, California 92552-0805
Planner: Jeff Bradshaw
Telephone: (951) 413-3224

PLANNING COMMISSION RESOLUTION NO. 2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY RECOMMENDING THAT THE CITY COUNCIL APPROVE APPLICATION NO'S. P08-133 (FINAL ENVIRONMENTAL IMPACT REPORT), PA08-0098 (ZONE CHANGE FOR 55 ACRES FROM BP TO LI), PA10-0017 (MUNICIPAL CODE AMENDMENT TO CHAPTER 9.05 OF TITLE 9), PA08-0097 (PLOT PLAN FOR A 937,260 SQUARE FOOT WAREHOUSE), AND PA09-0022 (TENTATIVE PARECEL MAP NO. 36207).

Section 1:

WHEREAS, the applicant, Ridge Rancho Belago, LLC submitted applications for the West Ridge Commerce Center Project which include an Environmental Impact Report (P08-133) a Zone Change (PA08-0098), a Municipal Code Amendment (PA10-0017), a Plot Plan for a 937,260 square foot warehouse (PA08-0097), and Tentative Parcel Map No. 36207 (PA09-0022). The above applications shall not be approved unless the Final Environmental Impact Report (P08-133) is certified and approved;

WHEREAS, the applicant, Ridge Rancho Belago, LLC, worked with the City in the preparation of an Initial Study checklist and a Notice of Preparation (NOP). A Notice of Completion and Environmental Document Transmittal was filed with the State Clearinghouse on October 1, 2009 for the Notice of Preparation (NOP) of a Draft EIR for the project. The public review period of the NOP was October 5, 2009 through November 3, 2009. A public scoping meeting was held in connection with the NOP on October 28, 2009 in the Council Chamber at City Hall;

WHEREAS, the applicant, Ridge Rancho Belago, LLC worked with the City in early 2010 in the review of NOP response comments for the preparation of a Draft Environmental Impact Report (EIR) for this project. The Draft EIR was circulated to the public and to responsible agencies for comments for a 45 day period beginning on October 22, 2010 and ending on December 6, 2010. A public information meeting was held in connection with the comment period on December 2, 2010 in the Council Chamber at City Hall;

WHEREAS, the City has prepared responses, which have been included in the Final EIR, to all comments received during the 45 day comment period;

WHEREAS, on April 28, 2011, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR to the State Clearinghouse, local agencies and other interested parties;

Attachment 2

MV00102413

WHEREAS, the draft and final EIR concerning the proposed West Ridge Commerce Center Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, since October 22, 2010, copies of the draft EIR have been made available to the public at the City's offices, on the City's website and at the City's public library;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the West Ridge Commerce Center Project, including, but not limited to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use, noise, transportation/traffic, and utilities/service systems;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented;

WHEREAS, A Final EIR, (including the Draft EIR, and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project;

WHEREAS, on May 12, 2011**,** the Planning Commission conducted a public hearing to consider the Final EIR for the proposed project;

WHEREAS, on May 12, 2011, the Planning Commission forwarded the Final Environmental Impact Report (EIR) document to the City Council for consideration;

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Independent Judgment and Analysis –** The Final Environmental Impact Report represent the City's independent judgment and analysis.

MV00102414

FACT: A public hearing was conducted by the Planning Commission on May 12, 2011, during which opportunity was given to address the adequacy of the Final Environmental Impact Report. All comments on the Final EIR raised during the public and agency comment period and at the Public Hearing(s) on the project were considered by the Planning Commission.

Section 2:

WHEREAS, the applicant, Ridge Rancho Belago, LLC, filed Application No. PA08-0098, requesting an amendment to the zoning classification for certain property, as described in the title of this resolution and the attached Exhibit B.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the Planning Commission considered the Final Environmental Impact Report prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). The above application shall not be approved unless the Final Environmental Impact Report (P08-133) is certified and approved.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 from Business Park (BP) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the

MV00102415

proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. **Health, Safety and Welfare –** The proposed amendment will not adversely affect the public health, safety or general welfare.

   FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. **Conformance with the Zoning Regulations –** The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BP to LI for the 55 acre project site is consistent with the purposes and intent of Title 9.

Section 3:

WHEREAS, the applicant, the City of Moreno Valley, has filed an application for the approval of PA10-0017, requesting an amendment to the City's Municipal, which proposes revisions to Chapter 9.05 of Title 9, as described in the title of this resolution and the attached Exhibit C. The proposed amendment will be effective citywide. This Municipal Code Amendment is being processed concurrently with the related project applications described in the title of this resolution.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and all of the environmental documentation prepared for the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the Planning Commission considered the Final Environmental Impact Report prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). The above application shall not be approved unless the Final Environmental Impact Report (P08-133) is certified and approved.

MV00102416

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities. Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The provision of a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts would provide opportunities for future development of industrial land uses that would achieve the objectives of the City of Moreno Valley's General Plan. The changes proposed to Chapter 9.05 of Title 9 of the Municipal Code are consistent with the General Plan and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. **Health, Safety and Welfare –** The proposed amendment will not adversely affect the public health, safety or general welfare.

   FACT: Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

MV00102417

3. **Conformance with Title 9 –** The proposed amendment is consistent with the purposes and intent of Title 9.

FACT: As proposed, the Municipal Code Amendment is consistent with the purposes and intent of Title 9.

Section 4:

WHEREAS, Ridge Rancho Belago, LLC, has filed an application for the approval of PA08-0097, a plot plan for a 937,260 square foot warehouse distribution facility on 55 acres, as described in the title of this Resolution.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the application.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities. Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the

MV00102418

objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. **Conformance with Zoning Regulations –** The proposed use complies with all applicable zoning and other regulations.

   FACT: The project site is current zoned BP. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA08-0098) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. **Health, Safety and Welfare –** The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed 937,260 square warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

4. **Conformance with City Redevelopment Plans –** The proposed use conforms with any applicable provisions of any city redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

5. **Location, Design and Operation –** The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with BP zone land to the west and Community

MV00102419

Commercial zone land to the east. South of the facility on the other side of Fir Avenue/Future Eucalyptus Avenue is vacant RA-2 zone land with tract homes in the RA-2 zone approximately ¾ miles further south. The proposed warehouse distribution facility is a permitted use in both the BP and LI zones, but the size proposed by the project requires a Zone Change and the proximity to the Residential district to the south requires a Municipal Code Amendment to establish a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. As designed and conditioned and subject to approval of the above mentioned Zone Change and Municipal Code Amendment, is compatible with existing and proposed land uses in the vicinity.

Section 5:

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of PA09-0022 or Tentative Parcel Map No. 36207 to combine the existing five parcels located within the project site into a single 55 acre.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a public hearing to consider the subject applications and the environmental documentation prepared for the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the Planning Commission considered the initial study prepared for the project for the purpose of compliance with the California Environmental Quality Act (CEQA). Based on the initial study, it was determined that the project will not result in significant environmental impacts, therefore adoption of a Negative Declaration is recommended.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

MV00102420

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General and Specific Plans** – That the proposed land division is consistent with applicable general and specific plans.

   FACT: The proposed tentative parcel map is consistent with the General Plan designation of Business Park for the project site. The proposed parcel map will combine the existing five parcels located within the project site into a single 55 acre parcel. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. **Design Conformance with General and Specific Plans** – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

   FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's General Plan land use designation of Business Park.

3. **Physically Suitable for Proposed Development** – That the site of the proposed land division is physically suitable for the type of development.

   FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office zoned land north of the freeway. Land uses to the east include a mix of vacant Business Park, and residential zoned land. Land uses to the east include vacant Community Commercial zoned land. Land uses to the south include vacant RA-2 zone land on the other side of Fir Avenue/Future Eucalyptus Avenue with developed tract homes located approximately ¾ miles to the south. Overall, the project site is well suited for future development of industrial land uses.

4. **Physically Suitable for Proposed Density** – That the site of the proposed land division is physically suitable for the proposed density of the development.

MV00102421

FACT: The project site is mostly flat and at grade along Fir Avenue/Future Eucalyptus Avenue. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

5. **Protection of Fish or Wildlife Habitat –** That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

   FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. **Health, Safety and Welfare –** That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

   FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. **Easements –** That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

   FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. **Consistent with Applicable City Ordinances –** That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

   FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

MV00102422

9. **Passive or Natural Heating and Cooling –** That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. **Regional Housing –** That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not exceed the planned density, the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, future residents will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

Section 6:

FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. **FEES**

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

MV00102423

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0097 and PA09-0022, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

Section 7:

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-13, recommending that the City Council:

1. **APPROVE AND CERTIFY** that the final Environmental Impact Report (EIR) for the West Ridge Commerce Center Project on file with the Community and Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the Planning Commission reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis, attached hereto as Exhibit A; and,

2. **APPROVE** PA08-0097 (Zone Change), as shown on the attachment included as Exhibit B; and,

MV00102424

3. **APPROVE** PA10-0017 (Municipal Code Amendment), as shown on the attachment included as Exhibit C; and,

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and,

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

APPROVED this 12th day of May, 2011.

_____
Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

_____
John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

_____
City Attorney

Attachments

MV00102425

Exhibit A

A copy of the Final Environmental Impact Report is available on the City's website at the following link:

http://www.moval.org/eir.shtml

ZONE CHANGE

Application No. PA08-0098
PC Resolution No. 2011-13

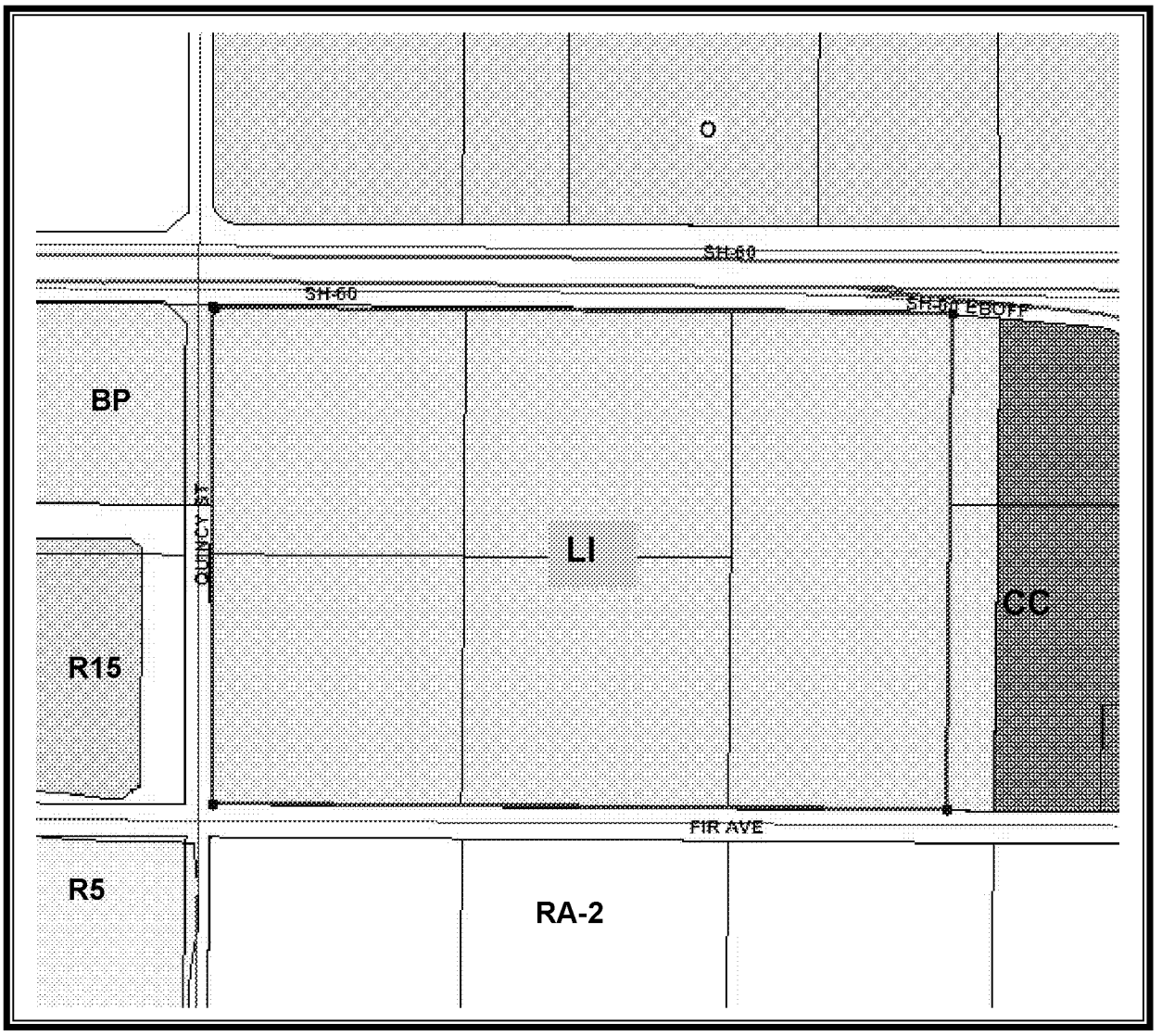

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ADOPTED_____

EFFECTIVE_____

Exhibit B

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area

within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP /I1[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.
*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be

provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

~~9~~10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
PLOT PLAN PA08-0097 FOR A WAREHOUSE DISTRIBUTION FACILITY
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
_X_ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Approval of Plot Plan PA08-0097 is subject to adoption of a Zone Change (PA08-0098) from the Business Park zone to the Light Industrial zone for the project site and adoption of a Municipal Code Amendment (PA10-0017) to establish a minimum buffering/separation from buildings over 50,000 square in area and adjacent residential zoned land.

P2. Plot Plan PA08-0097 has been approved for development of a 937,260 square foot warehouse distribution facility, to be built on a 55 acre site within Assessor's Parcel Numbers 488-330-003 to -006 and -026. The facility includes 173 dock doors and 14,000 square feet of office. Required parking for this use equates to a total of 307 employee/visitor parking spaces and 173 truck/trailer parking spaces.

P3. Development of the warehouse facility is subject to approval of Tentative Parcel Map No. 36207 and the subsequent recordation of this map.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

Exhibit D

P5. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).

P6. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

P7. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).

P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

P9. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue.

P10. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.

P11. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.

P12. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

P13. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P14. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means

the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P16. PA08-0097 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department - Planning Division. (MC 9.12.020)

<u>Prior to Issuance of Grading Permits</u>

P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-of-way or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P25. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.

P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P27. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.

P28. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P29. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P30. (GP) Prior to issuance of any grading permits, mitigation measures contained

in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P33. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

P34. (GP) Prior to the issuance of grading permits, a "no touch" area shall be staked along the westerly limit of project development as defined by the scour wall and a City approved Biologist be retained to monitor construction activities to ensure protection and preservation of Channel areas. Upon the completion of the above mitigation measure an on-site grading permit may be issued for project work to commence.

P35. (GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)

P36. (GP) Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.

P37. (GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.

P38. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:

- **A. A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot.**
- **B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement for the specific plan and/or Municipal Code.**
- **C. A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks from view from Fir/Eucalyptus Avenue and at the northeast corner of the site.**
- **D. Wrought iron/tubular steel fence is required along portions of the northern, western and eastern property lines.**
- **E. A four foot tall three rail fence to match adjacent trail fencing is required to enclose the basins located along Fir/Eucalyptus Avenue.**
- ***F.* An 8 foot tall coated chain link fence is required along the western property line along the Riverside County Flood Control maintenance road.**

<u>Prior to Issuance of Building Permits</u>

P39. (BP) Prior to issuance of building permits, the Community & Economic Development

Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P40. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P41. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P42. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P43. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.

B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)

C. All diamond planters shall be included at an interval of one per 3 parking stalls.

D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.

E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.

F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**

G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.

H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)

I. Landscaping on three sides of trash enclosures shall be provided.

J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**

K. **A minimum size of 24" box mature trees shall be placed along the freeway or northern elevations of the building. Trees shall be in a double row or closely spaced as shown on the preliminary landscape plan?**

L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to achieve the overall 40 foot spacing requirement.**

M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or**

shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.

N. **The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.**

P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.

P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.

P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.

P48. (BP) Prior to issuance of building permits for a final map for Tentative Parcel Map No. 36207 (PA09-0022) must be approved and recorded and all conditions of approval related to the parcel map must be satisfied.

P49. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

<u>Prior to Issuance of Certificate of Occupancy or Building Final</u>

P50. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)

P51. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P52. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

P53. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 or Eucalyptus/Fir Avenue rights of way.

<u>MITIGATION MEASURES</u>

P54. MM 4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

P55. MM 4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:
• Install a traffic signal;
• Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and
• Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

P56. MM 4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct an eastbound right-turn lane and re-stripe the shared left-or-righ turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P57. MM 4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Coordinate traffic signal timing with the signal at the intersection of Moreno

Beach Drive at SR-60 Eastbound Ramps.

P58. MM 4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.

P59. MM 4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P60. MM 4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the

intersection.

- Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer,
- Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.

- Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.

P61. MM 4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
- Install a stop-control on the south leg of the intersection;
- Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;
- Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and
- Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P62. MM 4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:

• Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;

• Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and

• Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.

P63. MM 4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:

• Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;

• Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and

• Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

P64. MM 4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:

• Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded

through fair share fee participation;
• Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;
• Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and
• Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.

P65. MM 4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane;
• Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and
• Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.

P66. MM 4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;
• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the

north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection. The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1.

P67. MM 4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;
• Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P68. MM 4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;
• Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through

participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.; and

• Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.

P69. MM 4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

• Install a traffic signal. This improvement would be funded through participation in the DIF Program;

• Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;

• Re-stripe the eastbound right-turn lane as a through lane and construct an

additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P70. MM 4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

• Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;

• Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P71. MM 4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:

• Construct Quincy Street south of Eucalyptus Avenue as a two-lane

undivided roadway with a minimum of one travel lane in each direction.

P72. MM 4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:
• Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P73. MM 4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.
• Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.
• Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
• In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

P74. MM 4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

P75. **MM 4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).**

P76. **MM 4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.**

P77. **MM 4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.**

P78. **MM 4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.**

P79. **MM 4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.**

P80. **MM 4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations:**

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**
- **Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;**
- **Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;**
- **The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;**
- **The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;**
- **High pressure injectors shall be provided on diesel construction equipment where feasible;**

- Engine size of construction equipment shall be limited to the minimum practical size;
- Substitute gasoline-powered for diesel powered construction equipment where feasible;
- Use electric construction equipment where feasible;
- Install catalytic converters on gasoline-powered equipment where feasible;
- Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;
- Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
- Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;
- All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

P81. MM 4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

P82. MM 4.3.10 All Project entrances shall be posted with signs which state:
- Truck drivers shall turn off engines when not in use;
- Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and
- Telephone numbers of the building facilities manager and CARB, to report violations.

These measures shall be enforced by the on-site facilities manager (or equivalent).

P83. MM 4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.
- Increase in insulation such that heat transfer and thermal bridging is minimized;
- Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
- Incorporate dual-paned or other energy efficient windows;

• Incorporate energy efficient space heating and cooling equipment;
• Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;
• To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.
• Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.

P84. MM 4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.

P85. MM 4.3.13 GHG emissions reductions measures shall also include the following:
• The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;
• The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;
• The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.
• Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);
• The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers

utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;

- The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.
- Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:
  - Implementation of compressed workweek schedules;
  - SmartWay partnership;
  - Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.
  - Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.
  - Use of fleet vehicles conforming to 2010 air quality standards or better.
  - Installation of catalytic converters on gasoline-powered equipment.
  - Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;
  - Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;
  - Provision of preferential parking for EV and CNG vehicles;
  - Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;
  - Use of electric (instead of diesel or gasoline-powered) yard trucks;
  - Use of SmartWay 1.25 rated trucks.

P86. MM 4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement

in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P87. MM 4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P88. MM 4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P89. MM 4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

P90. MM 4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.

P91. MM 4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.

P92. MM 4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the

Project, to be constructed by the Applicant.

P93. MM 4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.

P94. MM 4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

P95. MM 4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

P96. MM 4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following

certain constraints:

• Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;

• A paleontological mitigation-monitoring plan shall be developed before grading begins;

• Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;

• Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and

• Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources

P97. MM 4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

P98. MM 4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

P99. MM 4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

P100. MM 4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any

physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

P101. MM 4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:
• A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;
• A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and
• Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and
• Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.

P102. MM 4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected

during the initial survey, are not disturbed.

P103. MM 4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the

HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction,

compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been

determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Grading Plan Approval or Grading Permit</u>

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

<u>Prior to Map Approval or Recordation</u>

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be

allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per

separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains

which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be

completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. Redlands Boulevard, future Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

b. Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway

approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the

Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the

property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

<u>Prior to Certificate of Occupancy</u>

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or

b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)
- Redlands Boulevard/Future Eucalyptus Avenue

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane

Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

Prior to Certificated of Occupancy or Building Final

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility

services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be

anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA09-0022
TENTATIVE PARCEL MAP NO. 36207
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
___ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Tentative Parcel Map No. 36207 is approved for the purposes of re-configuring the existing five parcels located within the project site and creating a single 55 acre parcel with lettered lots for a storm drain channel and a future off-ramp for State Route 60.

P2. Development within Tentative Parcel Map No. 36207 shall be under separate review and approval of a plot plan or a conditional use permit application(s) and shall be subject to the requirements of the City's Municipal Code.

P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

P4. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Exhibit E Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)

P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective

23.3, DG, CEQA).

P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)

P12. (GP) Prior to approval of any grading permits, any required final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P13. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P14. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P15. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

Prior to Recordation of Final Map

P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. **The following Standard Conditions shall apply.**

With respect to the conditions of approval, the following fire protection measures shall be

provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as

approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other

plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the

HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within

other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the

improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot

plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water

Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90

days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or

the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

<u>Prior to Building Permit</u>

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

<u>Prior to Acceptance of Streets into the City Maintained Road System</u>

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the

required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

b. Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as

approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is

fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such

District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

<u>Prior to Certificate of Occupancy</u>

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition

218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or

b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced

Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

Prior to Certificated of Occupancy or Building Final

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility

infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the

trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as

determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

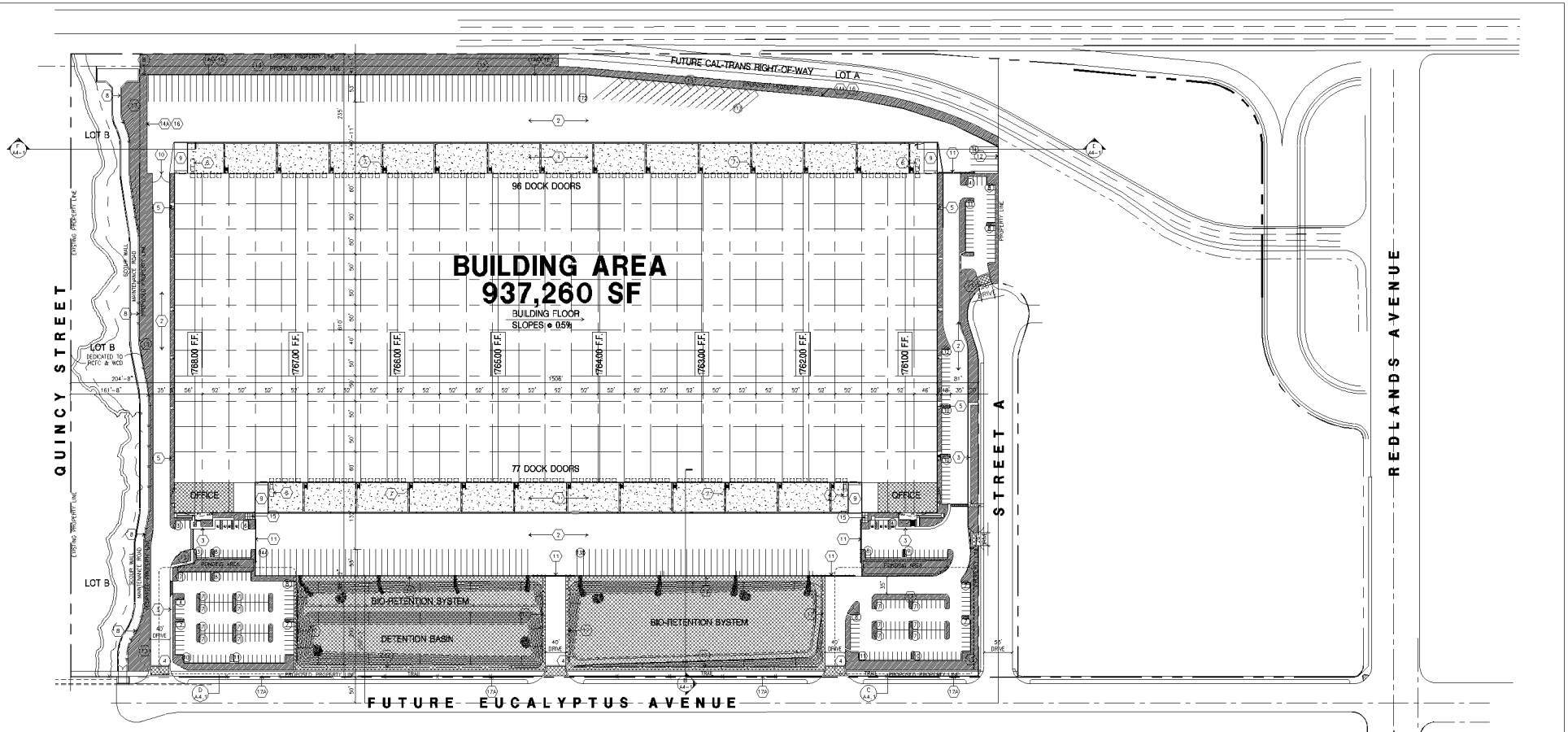

OVERALL SITE PLAN

scale: 1" = 80'-0"

1" = 80'-0"

0 80 160 240

NORTH

TYPICAL STREET SECTIONS

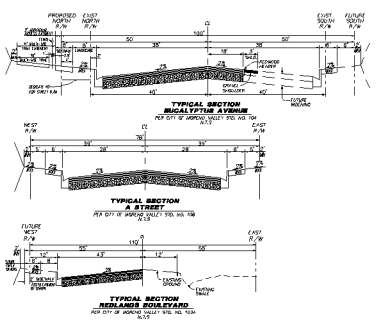

PROJECT TABULATIONS

TABULATION	Bldg 1	Channel	Grand Total
Gross site area (in sq.ft.)		111,865	2,380,905
Gross site area (in acres)		2.57	54.66
Net site area (in sq.ft.)	2,269,040		2,251,064
Net site area (in acres)	52.09		51.68
Warehouse area	923,260		
Office area	14,000		
Total building area	937,260		
Coverage (Gross)			
Coverage (Net)	42%		
Landscape required (10%)	226,904		
Landscape provided	305,038		
% of landscape provided	13%		
Parking required			
1st. 20k @1/1,000 s.f.	20		
2nd. 20k @1/2,000 s.f.	10		
above 40k @1/4,000 s.f.	221		
office @1/250	56		
Total parking required	307		
Parking provided			
Standard	307		
Trailers	175		

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONC. PAVEMENT. SEE "C" & "S" DWGS.
2. ASPHALT CONCRETE (AC) PAVING. SEE "C" DWGS.
3. CONCRETE WALKWAY. SEE "L" DRAWINGS.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C. NO DECORATIVE PAVING WITHIN RIGHT-OF-WAY. SEE "L" DWGS
5. 5'-6"W"x-6"x14" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 7' SIDE X 15' LONG TRASH COMPACTOR W/ 8' WIDE X 22' LONG REFUSE CONTAINER.
7. EXTERIOR CONC. STAIR.
8. 8' H. COATED CHAIN-LINK FENCE OR OTHER AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.
9. CONCRETE RAMP.
10. 6' H. METAL SWING GATE.
11. 8' H. METAL SLIDING GATE.
12. 14' H CONCRETE SCREENWALL, PAINTED.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN
14. 6' H. WROUGHT IRON FENCE.
14A. 14' H. WROUGHT IRON FENCE.
15. COURTYARD PATIO AREA.
16. RETAINING WALL. SEE "C" DWGS.
17. 4' H. THREE RAIL FENCE
17A. 4' H. THREE RAIL FENCE AS PER COMMUNITY DEVELOPMENT DIRECTOR.

GENERAL NOTES - FLOOR PLAN

A. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.

B. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.

C. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.

D. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.

E. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM.

F. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.

G. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.

H. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS

I. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.

J. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 15' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.

K. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT

L. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

M. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.

N. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.

O. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB

P. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

PROJECT INFORMATION

Owner / Applicant

PROE RANCHO BELLADO, LLC
c/o PROE PROPERTY TRUST
201 CANNA AVE. - STE #8
LONG BEACH, CA 90803
TEL: (562) 856-3619
CONTACT: BERNIE PICE

Architect

HPA, INC.
18831 BARDEEN AVE. SUITE #100
IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: BOB CHANG

Applicant's Representative

INLAND EMPIRE DEVELOPMENT SERVICES, INC.
931 MONARCH COURT
BEAUMONT, CA 92223
TEL: (909) 845-1003
CONTACT: GL SHEAT

Civil Engineer

HUITT ZOLLARS
1101 E. MILHEIN - STE.C
ONTARIO, CA 91761
TEL: (909) 390-9450
CONTACT: MAURICE MURAD

Legal Description

ALL OF LOTS 3,4,5,6 BLK. 35 AND A PORTION OF LOTS 2 AND 7 BLK. 25 LYING WITHIN MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY IN THE COUNTY OF RIVERSIDE, STATE OF CALIF. AS PER MAP RECORDED IN BOOK 11, PG. 10 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning

ZONING: EXISTING - BP
PROPOSED - LI

Assessors Parcel Number

APN 488-330-003
APN 488-330-004
APN 488-330-005
APN 488-330-006
APN 488-330-026

SITE LEGEND

- LANDSCAPED AREA
- WQMP AREA
- AC PAVING - SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- HANDICAP PARKING STALL (9' X 18')
- OFFICE AREA
- PROPERTY LINE
- ADA PATH OF TRAVEL
- (#) PARKING STALL COUNT

CIVIL LINETYPES

- DW — PROPOSED DOMESTIC SERVICE
- FW — PROPOSED FIRE SERVICE
- W — PROPOSED WATER LINE
- S — PROPOSED SEWER LINE
- RIGHT OF WAY/SITE BOUNDARY
- EXTNG RIGHT OF WAY/SITE BOUNDARY
- P — PROPOSED RIDGE LINE
- SD — PROPOSED STORM DRAIN
- PROPOSED GRATING INLET

UTILITY INFORMATION

TELEPHONE
VERIZON
1980 ORANGE TREE LANE, STE 100
REDLANDS, CA 92374
PHONE: (909) 748-6639
CONTACT: TIA CARLSON

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA 92552
PHONE: (951) 413-3480
CONTACT: GARY RAMIREZ

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

GAS
SOUTHERN CALIFORNIA GAS CO.
25200 TRUMBLE ROAD SC 8058
ROMOLAND, CA 92380
PHONE: (951) 335-3602
CONTACT: DAVE MULLIGAN

CABLE - TV
TIME WARNER CABLE
1500 AUTO CENTER DR.
ONTARIO, CA 91761
PHONE: (909) 973-3380
(909) 390-4777
CONTACT: MARK DAUENHAUER

VICINITY MAP

N.T.S

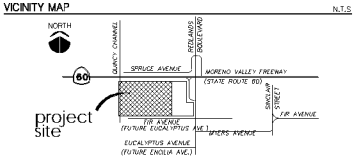

PLOT PLAN
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge

PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

Commerce Center

HPA# 6342

MORENO VALLEY, CALIFORNIA

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A1.1

Attachment 3

MV00102538

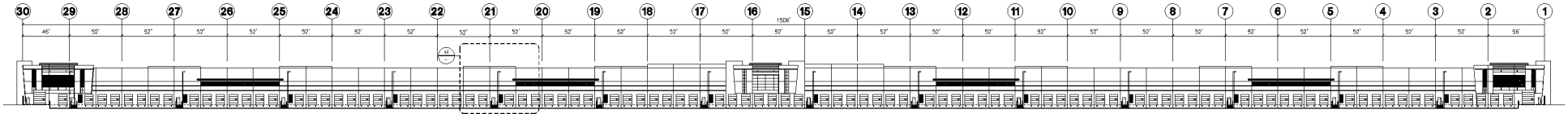

NORTH ELEVATION (A)
scale: 1" = 40'-0"

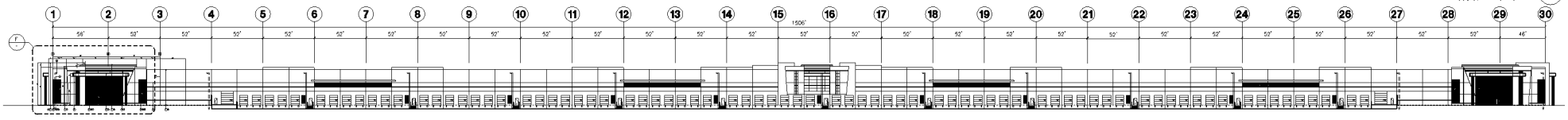

SOUTH ELEVATION (B)
scale: 1" = 40'-0"

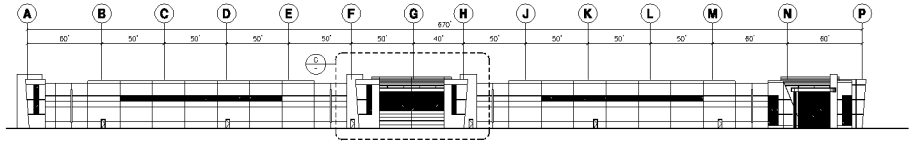

WEST ELEVATION (D)
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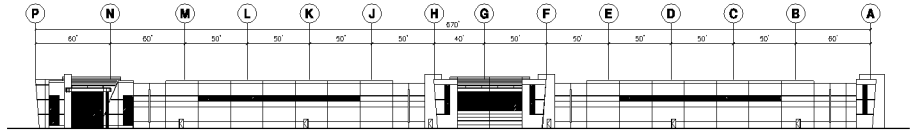

EAST ELEVATION (C)
scale: 1" = 40'-0"

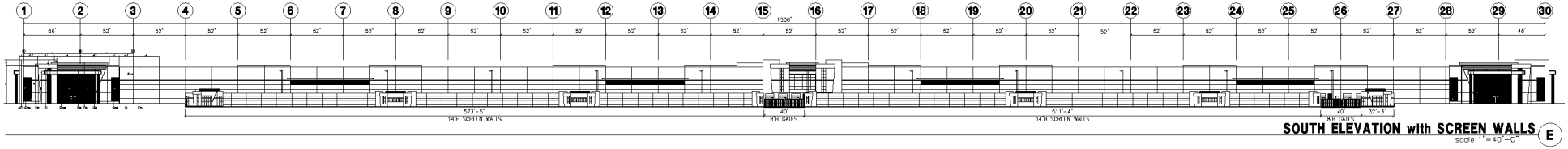

SOUTH ELEVATION with SCREEN WALLS (E)
scale: 1" = 40'-0"

SCALE: 1"=40'
0 40' 80' 120'

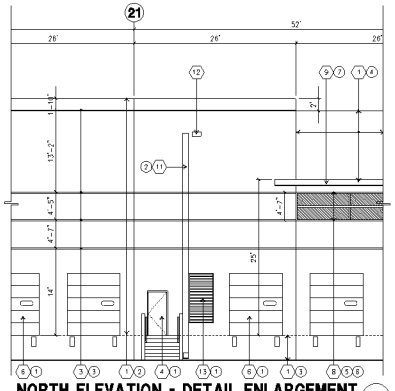

NORTH ELEVATION - DETAIL ENLARGEMENT (H)
scale: 1/8" = 1'-0"

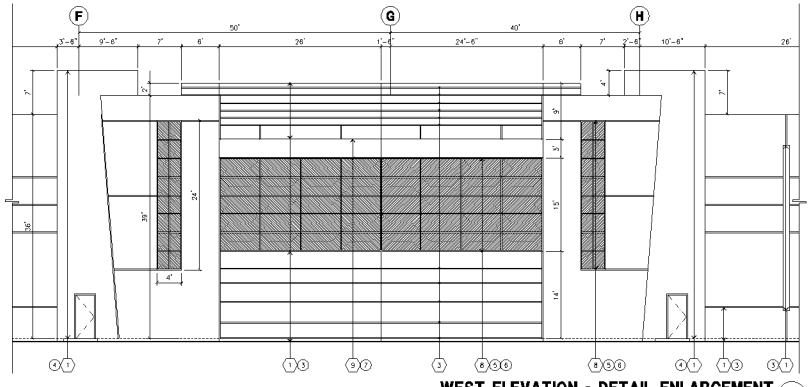

WEST ELEVATION - DETAIL ENLARGEMENT (G)
scale: 1/8" = 1'-0"

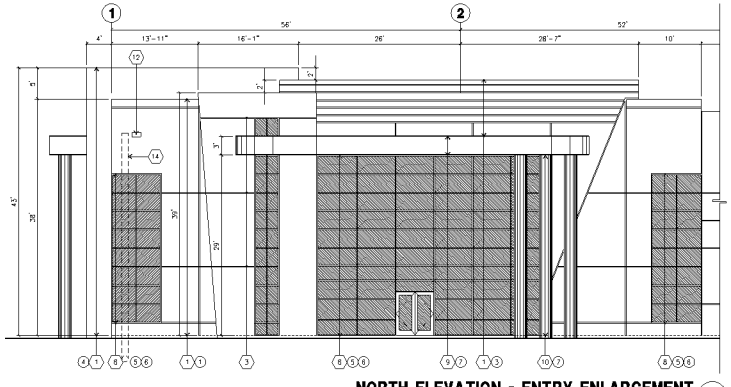

NORTH ELEVATION - ENTRY ENLARGEMENT (F)
scale: 1/8" = 1'-0"

SCALE: 1/8"=1'-0"
0 8' 16' 24'

KEYNOTES - ELEVATION

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL.
4. HOLLOW METAL DOORS.
5. OVERHEAD DOOR @ DRIVE THRU.
6. OVERHEAD DOOR @ DOCK HIGH.
7. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
8. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
9. DECORATIVE CANOPY.
10. DECORATIVE COLUMN SUPPORT FOR CANOPY.
11. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER PAINT TO MATCH BUILDING COLOR.
12. 9" X 18" OPENING METAL SCUPPER @ 2" ABOVE FINISHED ROOF.
13. 4'W. X 8'H METAL LOUVER PAINT TO MATCH BUILDING COLOR.
14. INTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.

B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.

C. T.O.P.= TOP OF PARAPET ELEVATION.
F.F.= FINISH FLOOR ELEVATION.

D. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 105 MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.

E. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.

F. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.

G. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH

H. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS

J. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULES - ELEVATIONS

1	CONCRETE PANEL	PAINT BRAND	FRAZEE OD1 WHITE
2	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3171W SILVER LINING
3	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3172M EXCALIBUR
4	CONCRETE PANEL	PAINT BRAND	FRAZEE CL2366A DEUCE
5	MULLIONS	ALUMINUM	CLEAR ANODIZED
6	GLAZING	COLOR	BLUE REFLECTIVE
7	CANOPY	PAINT BRAND	FRAZEE PRECISION COATINGS INC. SILVER MIST METALLIC FLAT

GLAZING LEGEND

- SPANDREL GLASS
- VISION GLASS
- TEMPERED SPANDREL GLASS
- TEMPERED VISION GLASS

ELEVATIONS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge
Commerce Center
MORENO VALLEY, CALIFORNIA

REDWOOD PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

A3.1

HPA, INC.
16831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

Attachment 4

MV00102539

HPA

18831 Bardeen Ave. - Suite #100
Irvine, CA 92612
(949)863-1770
www.hparchs.com

WestRidge Commerce Center

Moreno Valley, California

Attachment 5

RIDGE PROPERTY TRUST

August 9, 2010/Job#8418

MV00102540

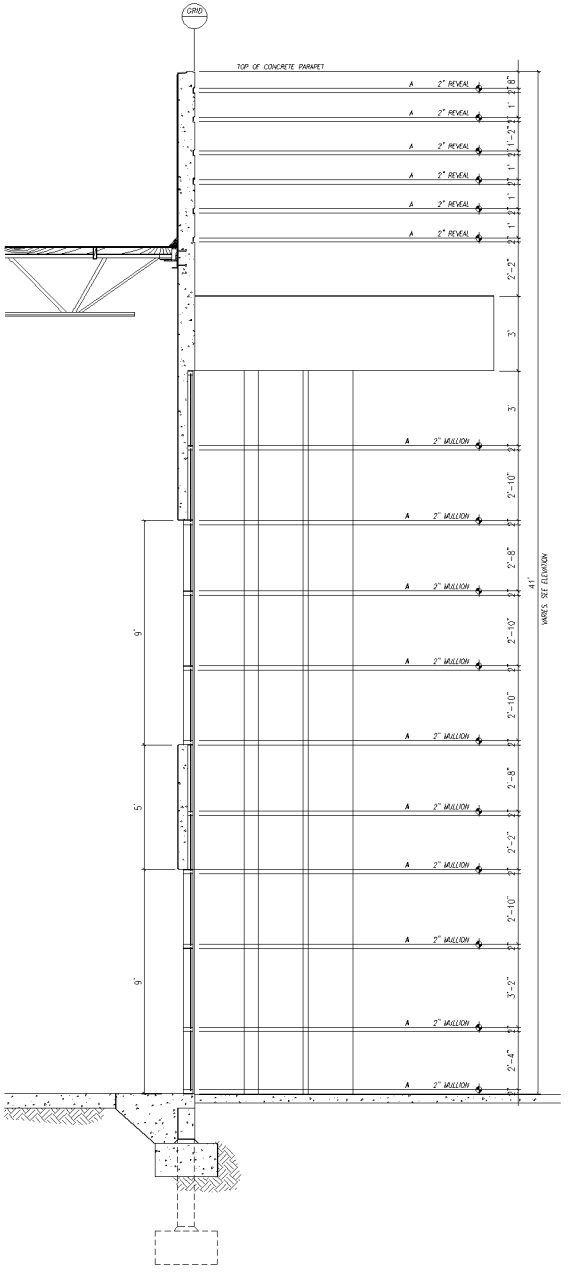

BUILDING SECTION @ OFFICE AREA (A)
scale: 1/2" = 1'-0"

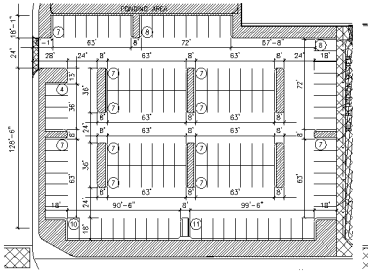

ENLARGED SITE PLAN @ SOUTHWEST (D)
scale: 1" = 40'-0"

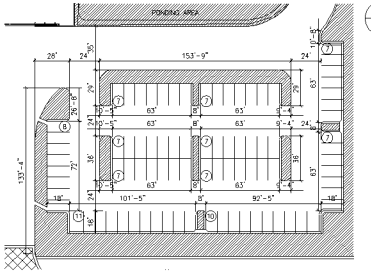

ENLARGED SITE PLAN @ SOUTHEAST (C)
scale: 1" = 40'-0"

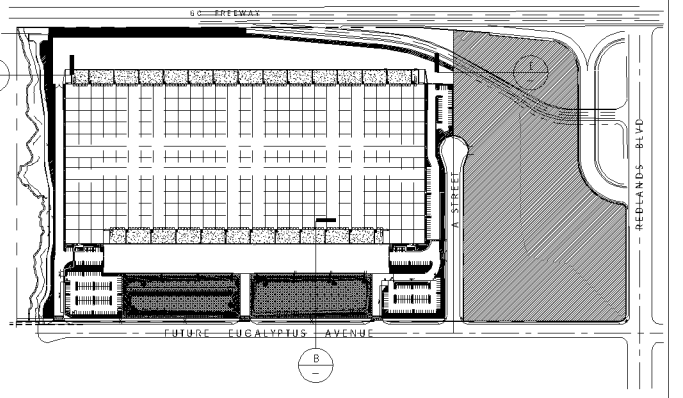

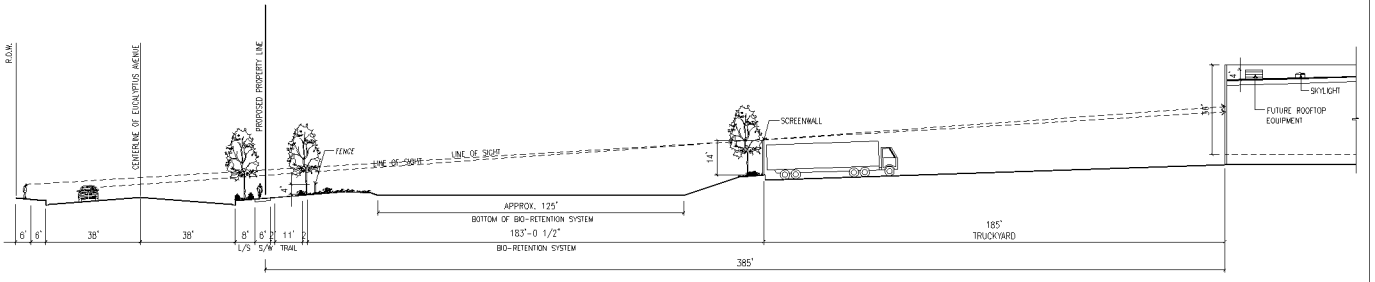

LINE OF SIGHT (B)
scale: 1" = 20'-0"

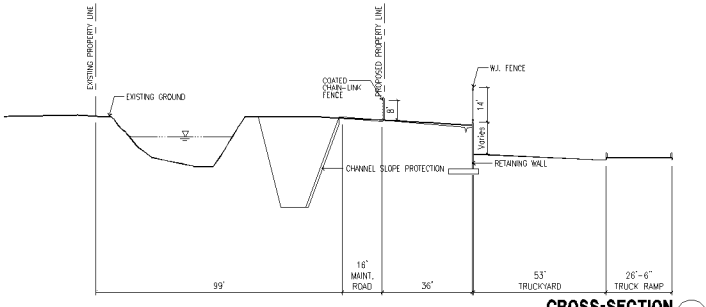

CROSS-SECTION (F)
scale: 1" = 20'-0"

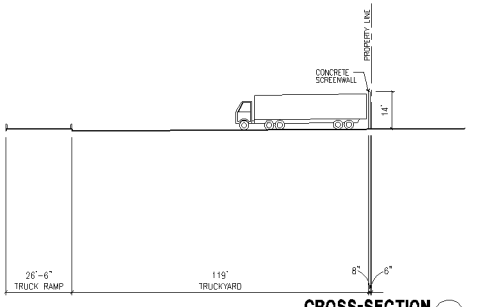

CROSS-SECTION (E)
scale: 1" = 20'-0"

Attachment 6

SITE ANALYSIS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge
Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A4.1

MV00102541

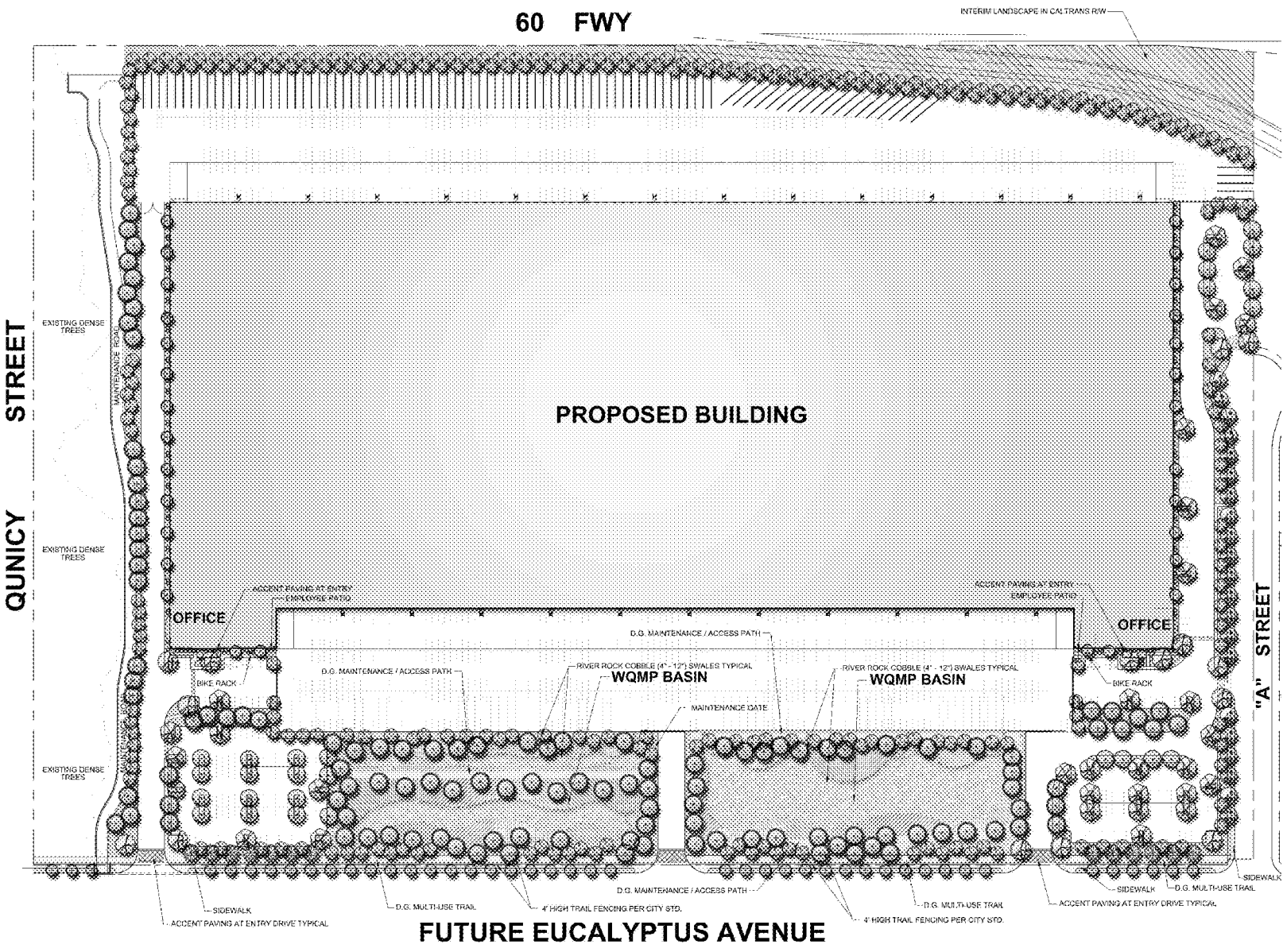

PLANT PALETTE

TREES

SYMBOL	TYPE	SIZE	QUANTITY
	Cupressus sempervirens (Italian Cypress)	15 GAL 24" BOX	30 21
	Eucalyptus sideroxylon (Red Ironbark)	24" BOX	23
	Tilia cordata (European Linden) Multi Trunk	24" BOX	16
	Pinus canariensis (Canary Island Pine) OR Pinus eldarica (Eldarica Pine)	15 GAL 24" BOX	158 108
	Pseudosmyrnium aureum (Golden Alexanders) (Proposed Street Tree)	24" BOX	12
	Platanus racemosa (California Sycamore)	24" BOX	21
	Quercus agrifolia (Coast Live Oak)	24" BOX	25
	Rhus lancea (African Sumac)	15 GAL	20

ROOT BARRIER NOTE

ALL TREES WITHIN 10'-0" HARDSCAPE SHALL BE INSTALLED WITH 24" DEEP ROOT BARRIER SHIELD

SHRUBS

PLANT NAME	SIZE	SPACING
Aloe ferox (Tall Scaly Aloe)	5 gallon	30" o.c. spacing
Aloe x ortholopha (Red Aloe)	5 gallon	4' o.c. spacing
Agave americana (Century Plant)	5 gallon	5' o.c. (to 30' o.c. spacing)
Agave attenuata (Foxtail Agave)	5 gallon	5' o.c. spacing
Aloe species	5 gallon	4' o.c. spacing
Arctostaphylos Manzanita (Manzanita)	5 gallon	5' o.c. spacing
Arbutus unedo (Strawberry Tree)	5 gallon	5' o.c. spacing
Calliandra tweedii (Brazilian Red)	5 gallon	5' o.c. spacing
Ceanothus cuneatus (Buck Brush)	5 gallon	5' o.c. spacing
Cistus x hybridus (Rock Rose)	5 gallon	4' o.c. spacing
Cistus ladanifer (Rock Rose)	5 gallon	4' o.c. spacing
Cotoneaster dielsianus (Cotoneaster)	5 gallon	4' o.c. spacing
Dodonaea viscosa (Hop Bush)	5 gallon	3' o.c. spacing
Dodonaea viscosa purpurea (Purple Hop Bush)	5 gallon	3' o.c. spacing
Elaeagnus angustifolia (Russian Olive)	5 gallon	4' o.c. spacing
Fremontodendron californicum (Flannel Bush)	5 gallon	5' o.c. spacing
Grevillea lanigera (Woolly Grevillea)	5 gallon	5' o.c. spacing
Grevillea lanigera 'Coastal Gem'	5 gallon	5' o.c. spacing
Heteromeles arbutifolia (Toyon)	5 & 15 gallon	7' o.c. minimum
Juniperus species (Juniper)	1 and 5 gallon	varies
Lavandula dentata (Lavender)	1 and 5 gallon	24" o.c. to 36" o.c. spacing
Leucophyllum frutescens 'Rain Cloud'	5 gallon	4' o.c. spacing
Leucophyllum frutescens 'Green Cloud' (Texas Ranger)	5 gallon	4' o.c. spacing
Ligustrum lucidum (Wax-leaf Privet)	5 gallon	24" o.c. spacing
Mahonia nevinii (Nevin's Mahonia) (Evergreen Leader Grape)	5 gallon	24" o.c. spacing
Myrsine africana (African Myrsine)	5 gallon	24" o.c. spacing
Nerium oleander species (Oleander)	5 gallon	24" o.c. spacing
Nerium oleander species (Dwarf Oleander)	5 gallon	24" o.c. spacing
Nandina species (Flame or Heavenly)	5 gallon	24" o.c. (varies)
Photinia fraseri (Red Tipped Photinia)	5 gallon	48" o.c. spacing
Pittosporum species	5 gallon	48" o.c. spacing
Pittosporum species (Green Mondella)	5 gallon	48" o.c. spacing
Rhaphiolepis indica (Indian Hawthorne)	5 gallon	48" o.c. spacing
Rosmarinus officinalis (Rosemary)	5 gallon	varies
Salvia clevelandii (Cleveland Sage)	15 & 5 gallon	36" o.c. spacing
Salvia greggii (Autumn Sage)	5 gallon	5' o.c. spacing
Westringia fruticosa (Coast Rosemary)	5 gallon	48" o.c. spacing
Xylosma congestum (Shiny Xylosma)	5 gallon	48" o.c. spacing

GROUNDCOVERS

PLANT NAME	SIZE	SPACING
Acacia redolens (NCN)	1 and 5 gallon	48" o.c. spacing min.
Baccharis pilularis (Coyote bush)	1 gallon	48" o.c. spacing min.
Carex divulsa (Berkeley)	1 gallon	18" o.c. spacing min.
Cotoneaster horizontalis (Rockspray cotoneaster)	1 gallon	24" o.c. spacing min.
Hypericum calycinum (Aaron's Beard)	1 gallon	24" o.c. spacing
Juniperus species (Juniper)	1 gallon	36" o.c. spacing
Lantana montevidensis 'Alba' (Trailing lantana)	1 and 5 gallon	18" o.c. spacing
(Trailing lantana)		
Myoporum parvifolium (Myoporum)	1 gallon	24" 42" o.c. spacing
Myoporum species (Creeping)	1 gallon	48" o.c. spacing
Rosmarinus officinalis (Rosemary)	1 gallon	18" o.c. spacing
Trachelospermum species (Star jasmine)	1 gallon and 1 gallon	48" o.c. spacing

INTERIM LANDSCAPE IN CALTRANS R/W - PLANT 1 GAL. ACHIEVE MODULAR 12" O.C. WITH 3" FINISH LAYER EMPHASIZE BIOSOIL. TRANSITION TO BE APPROPRIATE WITH SHRUB BASE.

SIDEWALK VINE - AVAILABLE (NON-SEASONAL FLOWER) COLORING VINE

A - 25 VINE BOUGAINVILLEA SPECTABILIS
B - 25 VINE MACFADYENA UNGUIS
C - 25 VINE MONDEVILLA SUAVEOLENS
D - 25 VINE WISTERIA SINENSIS
E - 25 VINE WISTERIA FLORIBUNDA
F - 25 VINE VITIS RIPARIA 'CLAIRETTE'
G - 25 VINE HONEYSUCKLE NIGOSHIMA

VINES FOR SCREENWALLS

SYMBOL	PLANT NAME	SIZE	SPACING
	Ficus repens (Creeping fig)	1 gallon	12" o.c. spacing
	Bougainvillea species and cultivars (Bougainvillea)	1 gallon	12" o.c. spacing

VINES FOR W.I. FENCING AROUND BASIN

SYMBOL	PLANT NAME	SIZE	SPACING
	Beaucarnea recurvata (Bottle Palm)	5 gallon	15' o.c. spacing

NOTE: VINES ARE REQUIRED ON ALL SCREENWALLS & W.I. FENCING AROUND BASIN

MULCH NOTE

ALL PLANTING AREAS TO RECEIVE A 3" LAYER OF DOUBLE MULCH AVAILABLE FROM EARTHWORKS (BY ZOOKER)

West Ridge Commerce Center

Moreno Valley, CA

Ridge Property Trust

Attachment 7

Environsi

PRELIMINARY LANDSCAPE PLAN

NORTH

SCALE: 1" = 60' - 0"

SHEET L-1

DATE: 6-9-10

MV00102542

TENTATIVE PARCEL MAP NO. 36207

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF PORTIONS OF LOTS 2, 3, 4, 5, 6 & 7 INCLUSIVE, BLOCK 33, OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11 PAGE 13, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE.

HUITT-ZOLLARS

NOVEMBER, 2010

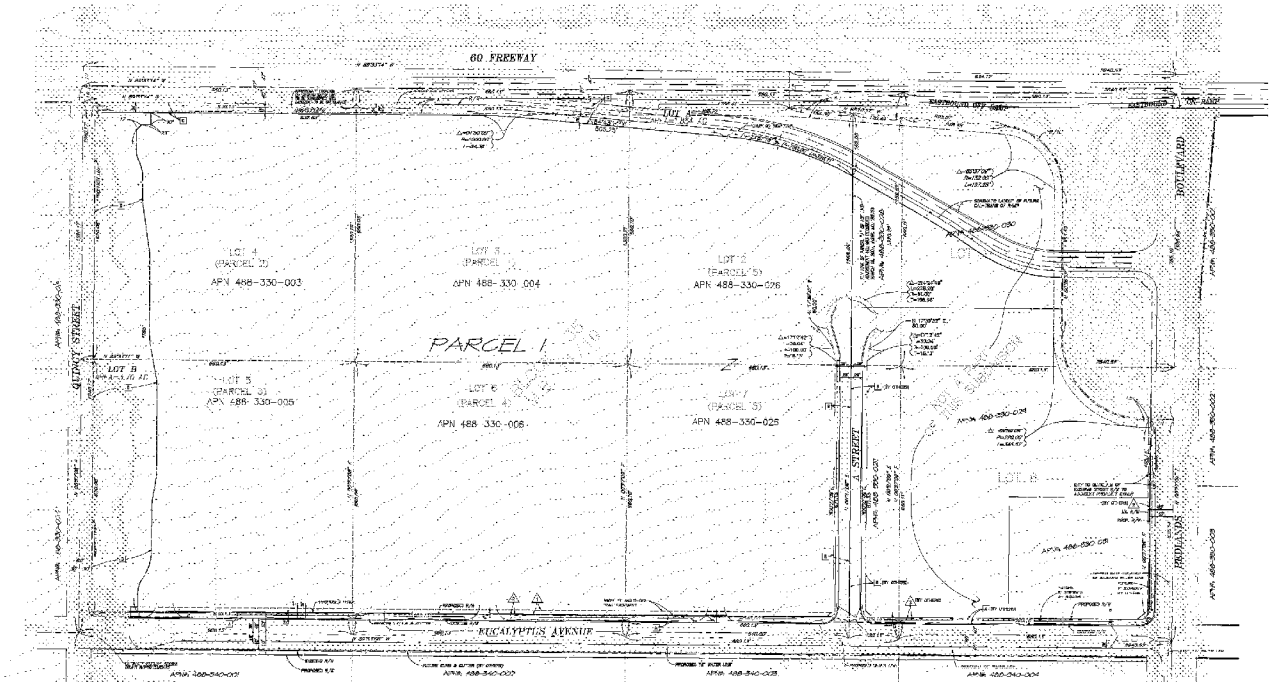

GENERAL NOTES

1. EXISTING LAND USE: VACANT
2. ADJACENT LAND USE: INDUSTRIAL/PUBLIC FACILITY TO THE WEST, RESIDENTIAL TO THE SOUTH, VACANT TO THE NORTH AND COMMERCIAL TO THE EAST
3. MINIMUM LOT SIZE: 1 ACRE
4. EXISTING ZONING: PD
   PROPOSED ZONING: LI
5. FLOOD ZONE X, PANEL 745, FIRM INFORMATION
   MAP REVISED AUGUST 28, 2008
6. PROPOSED LAND USE: LIGHT INDUSTRIAL / WAREHOUSE DISTRIBUTION
7. PROPOSED WATER SERVICE WILL BE PROVIDED BY EASTERN MUNICIPAL WATER DISTRICT
8. PROPOSED SEWER SERVICE WILL BE PROVIDED BY EASTERN MUNICIPAL WATER DISTRICT
9. ALL UTILITIES SHALL BE UNDERGROUND.

   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: CITY OF MORENO VALLEY ELECTRICAL UTILITY
   TELEPHONE: VERIZON TELEPHONE COMPANY

10. ALL SIGNAGE SHALL BE CONSTRUCTED AT A MAXIMUM HEIGHT OF 30.1 UNLESS OTHERWISE INDICATED
11. ALL STREETS WILL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARDS.
12. AERIAL TOPOGRAPHY PROVIDED BY: DIGITAL MAPPING, INC.
13. ANY PUBLIC EASEMENT TO BE ABANDONED SHALL BE DONE ON THE PARCEL MAP.
14. AREA=81.888 ACS

PREPARED FOR OWNER/DEVELOPER
RIDGE RANCHO BELLAGO, LLC
27 CORONA AVENUE, SUITE G
LONG BEACH, CA 90803
PH: 562-596-3610
FAX: 562-596-3620
CONTACT: STEVEN RISE

PREPARED IN THE OFFICE OF
HUITT-ZOLLARS, INC.
3890 CONCOURS, SUITE 400
IRVINE, CA 92604-3191
PHONE: (949) 841-7788

ROBERT S. STANFORD L.S. 4667

UTILITY PROVIDERS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92572
(951) 928-3777

GAS
SOUTHERN CALIFORNIA GAS COMPANY
25200 JEFFERSON, RD. 50 BOX
MONTCLOA, 91763
(800) 309-7800

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92572
(951) 928-3777

TELEPHONE
VERIZON
7900 CHANDLER TREE LANE, STE 100
REDLANDS, CA 92374

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA. 92553
(951) 413-3480

CABLE - TV
ADELPHIA COMMUNICATIONS
2900 AUTO CENTER DR.
CHINO HILLS, CA. 91709
(909) 979-3300

LAND USE

BY _____ 81.888 ACRES

EARTHWORK

RAW CUT = 98,270 CY
RAW FILL = 98,420 CY
RAW EXT = 68,200 CY
FINAL FILL = 68,270 CY

LEGEND / ABBREVIATIONS

- PROPOSED GRADING LINE
- PROPOSED FIRE WATER LINE
- PROPOSED DOMESTIC WATER LINE
- PROPOSED SEWER LINE
- PROPOSED STORM DRAIN
- EXISTING CURB LINE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING STORM DRAIN
- STORM DRAIN OUTLET
- CATCH BASIN
- RIGHT OF WAY/SITE BOUNDARY
- EXISTING RIGHT OF WAY/SITE BOUNDARY
- EASEMENT SEE LINE
- LOT LINE
- FIRE HYDRANT

LEGAL DESCRIPTIONS:

THE DESCRIPTIONS BEING BELOW HAVE BEEN COMPILED FROM A PRELIMINARY TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY ORDER NO. 07-8800-2080 & 08-8800-2080, PREPARED BY FIDELITY NATIONAL TITLE COMPANY, AND PREPARED BY THE SURVEYOR OF RECORD. REFERENCE IS MADE TO SAID PRELIMINARY TITLE REPORTS FOR A TRUE COPY.

PARCEL 1:

LOT 3, BLOCK 33 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, A THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 13, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED DECEMBER 27, 1962, IN BOOK 3388, PAGE 188 OF OFFICIAL RECORDS.

PARCEL 2:

LOT 4, BLOCK 33 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, A THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 13 OF MAPS, TOGETHER WITH THE NORTHERLY HALF OF THE VACATED ALLEY ADJOINING SAID LOT, AS VACATED BY ORDER RECORDED JANUARY 18, 2001 & 01 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THAT PORTION GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED DECEMBER 27, 1962, IN BOOK 3388, PAGE 188 OF OFFICIAL RECORDS.

PARCEL 3:

LOT 5, BLOCK 33 OF MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, A THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 13 OF MAPS, TOGETHER WITH THE SOUTHERLY HALF OF THE VACATED ALLEY ADJOINING SAID LOT, AS VACATED BY ORDER RECORDED JANUARY 18, 2001 & 01 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 4:

LOT 6, BLOCK 33 OF MAP NO.1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, A THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 13 OF MAPS, TOGETHER WITH THE NORTHERLY HALF OF THE VACATED ALLEY ADJOINING SAID LOT, AS VACATED BY ORDER RECORDED JANUARY 18, 2001 & 01 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 5:

A PORTION OF LOTS 2 AND 7 BLOCK 33 OF MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 13, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 7 BLOCK 33 OF MAP NO. 1 BEAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 11, PAGE 13, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE N 00°12'40" W, ALONG THE EAST LINE OF SAID LOT 7, 1320.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 7; THENCE S 89°47'20" W, ALONG THE NORTH LINE OF SAID LOT 7, 1320.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 7; THENCE S 00°12'40" E, ALONG THE WEST LINE OF SAID LOT 7, 1320.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N 89°47'20" E, ALONG THE SOUTH LINE OF SAID LOT 7, 1320.00 FEET TO THE POINT OF BEGINNING.

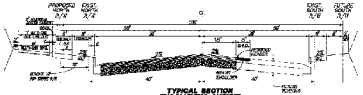

TYPICAL SECTION
EUCALYPTUS AVENUE
PER CITY OF MORENO VALLEY STD. NO. 104

TYPICAL SECTION
A STREET
PER CITY OF MORENO VALLEY STD. NO. 106

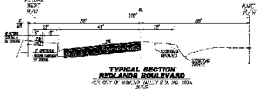

TYPICAL SECTION
REDLANDS BOULEVARD
PER CITY OF MORENO VALLEY STD. NO. 105A

EASEMENT NOTES

A. EASEMENTS FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS DESCRIBED BY A DOCUMENT:

GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT
PURPOSE:	PUBLIC UTILITIES AND INCIDENTAL PURPOSES
RECORDED:	APRIL 28, 1988 AS INSTRUMENT NO. 87863, BOOK 2002, PAGE 1880, OF OFFICIAL RECORDS

PROPOSED EASEMENT

1. 17' EASEMENT FOR WALKWAY TRAIL TO THE CITY OF MORENO VALLEY.
2. 5' EASEMENT FOR THE PURPOSE OF CONSTRUCTION AND LADDERS OR STEPS NEAR TO THE CITY OF MORENO VALLEY.

PROPOSED DEDICATION

A. DEDICATE 10' ADDITIONAL STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY.
B. DEDICATE 30' STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY.
C. *LOT A, DEDICATE TO THE CITY OF MORENO VALLEY FOR FUTURE DETENTION B/M
D. *LOT B, DEDICATE TO RCFC & WCD FOR QUANTY CHANNEL R/W. (FULL SUPERFICIAL INTERSTITIAL).

LINE DATA:

LINE	BEARING	DISTANCE
L1	N 00°07'00" E	41.00'
L2	N 00°08'00" E	80.00'
L3	N 00°08'00" E	70.00'
L4	N 00°08'00" E	60.00'
L5	N 00°08'00" E	10.00'
L6	N 00°07'00" E	40.00'
L7	N 00°07'00" E	40.00'

PARCEL SUMMARY TABLE
PARCEL 1 = 81.888 ACRES
LOT A = 1.000 ACRES
LOT B = 1.000 ACRES

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1"=100'

CITY CASE NO. PA09-0022

HUITT-ZOLLARS
HUITT-ZOLLARS, INC.
3890 CONCOURS STREET, SUITE 400 • IRVINE, CALIFORNIA 92604 • (949) 841-7788

DESIGNED BY: R.S.S.
DRAWN BY: H-Z STAFF
CHECKED BY: R.S.S.
DATE:

SHEET 1 OF 1 SHEETS

JOB NO.: 1 - Date 07

MV00102543

West Ridge Commece Center Project

Legend

- Highways
- Parcels
- Roads
- March Installation Area
- Waterbodies
- Sphere of Influence
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

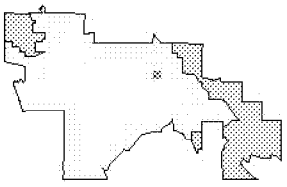

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

N

0 300 600 1200ft

Printed: 5/4/2011 11:52:36 AM

MORENO VALLEY
WHERE DREAMS SOAR

Attachment 9

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: December 10, 2010
jeffreyb@moval.org

December 10, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about the significant regional and localized air quality impacts from the proposed project. In addition, AQMD staff is concerned that the health risks are underestimated in the draft EIR due to calculation errors and the use of low trip generation rates. Given the project's close proximity to sensitive land uses and the significant air quality impacts demonstrated in the air quality analysis, the AQMD staff strongly recommends that the lead agency provide additional mitigation measures to minimize the air quality impacts from the proposed project. AQMD-1

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Attachment 10

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC101021-01
Control Number

1. Health Risk Assessment Emission Calculations

The Health Risk Assessment (HRA) prepared in the Draft EIR relies on emission rates calculated for each roadway segment serving the project. These emission rates are based on heavy duty diesel truck emission factors derived from EMFAC software and are input into the dispersion model after adjusting for the number of trucks using each roadway link. However, the emission calculations provided in the Draft EIR use a unitary truck traffic rate of one vehicle per hour for each roadway link serving the project site. This unitary trip rate does not appear to be adjusted upward prior to deriving the health risk values. As several hundred heavy duty diesel trucks will use each roadway link, the health risk values appear to be substantially underestimated, perhaps by more than one order of magnitude. AQMD-2

In addition, the emission rate calculated for the idling area sources onsite appear to be miscalculated. For example, the idling mitigated emission rate of 6.459 E-6 grams per second does not include the total number of trucks idling per day, it does not include the emissions from onsite truck travel, and it includes one too many conversions of seconds to hours. If the calculation is corrected, the idling emission rate should be approximately 30 times higher at 1.952 E-4 grams per second (assuming half of the trucks use each area source). AQMD staff strongly recommends that the lead agency revisit the emissions calculations and rerun the dispersion model to derive more accurate health risk estimates. If health risks are found to be significant after revising the analysis, mitigation measures should be pursued that would reduce any health risk to a less than significant level (see comment #3 below). AQMD-3

2. Warehouse Trip Rates

As stated on page 51 of the Traffic Impact Analysis prepared for the Draft EIR, the trip generation rates are "hybrid rates" based on two recent traffic studies of high-cube warehouses conducted in the Inland Empire region. The final rate used in the Draft EIR is 1.69 trips per thousand square feet of warehouse space. AQMD staff has recently researched the referenced trip generation studies and others and has concluded that the average trip rates presented in these studies may be underestimated due to the inclusion of potentially vacant warehouses, warehouses served by rail, and the use of average trip rates. In order to provide a reasonable worst case analysis of potential air quality impacts, AQMD staff calculated and recommends that lead agencies utilize a 95th percentile trip generation rate of 2.59 trips per thousand square feet for individual warehouse projects that are not directly serviced by rail lines. The fleet mix described in the Fontana Truck Trip Generation Study is appropriate to determine the proportion of heavy duty vehicles servicing the project. AQMD-4

3. Regional and Localized Operational Air Quality Impacts

Given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff strongly recommends adding AQMD-5

the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible:

- Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks,[1]
- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded,
- Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/distribution center,
- Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors,
- Develop, adopt and enforce truck routes both in an out of city and in and out of facilities,
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride,
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes,
- Require or provide incentives for particulate traps that meet CARB certified level 3 requirements,
- Electrify all service equipment at the facility, and
- Improve traffic flow by signal synchronization.

AQMD-5 cont'd.

4. Regional and Localized Construction Air Quality Impacts

Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from VOC, NOx, PM10 and PM2.5 emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.

[1] An example clean truck program for a similar project approved by another lead agency can be found here (beginning on page 183 of 254):
http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf

- Reroute construction trucks away from congested streets or sensitive receptor areas, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).

Further, AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.5 as follows:

- All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards according to the following:

  ✓ *April 1, 2010, to December 31, 2011:* All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. AQMD-5 cont'd.

  ✓ *January 1, 2012, to December 31, 2014*: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  ✓ *Post-January 1, 2015*: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

  Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction AQMD-6

equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

AQMD-6 cont'd.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Letter Dated December 10, 2010

Response AQMD-1

The commentor provides introductory agency remarks, and expresses concern about significant Project-related localized and regional air quality impacts, and potential (DPM-source) health risks. The commentor alleges errors in the EIR's air quality modeling, which are further detailed in the District's specific comments on the following pages. Responses to specific issues are addressed below at Responses AQMD-2 to AQMD-7. AQMD suggests that additional mitigation be incorporated in the EIR as means of reducing significant air quality impacts.

The comments provided by AQMD were submitted after the close of comments period, and while the Lead Agency may elect to respond to late comments, no response is required, pursuant to Pub. Resources Code Section 21091, subd. (d)(2)(A); *CEQA Guidelines* § 15088, subd. (a). Notwithstanding, in order to provide clarification of baseline issues and assumptions; and in consideration of disclosure and ultimate mitigation of potentially significant impacts, responses to AQMD's comments are provided herein. Feasible mitigation offered by AQMD has been incorporated.

Response AQMD-2

This comment appears to incorrectly interpret the Project's Health Risk Assessment (HRA) data and modeling (DEIR Appendix C, Project HRA), with resulting erroneous conclusions. The Unitary truck traffic rate cited by the commentor was used only in deriving the model input value in grams per second per truck (per day). As reflected in the ISCST3 model output summary sheets, the ISCST3's Model Scalar Option was enabled and hourly truck rates were adjusted upward accordingly (DEIR Appendix C, Project HRA, Attachment A). Additionally, the "Hourly Trucks.xls" file that was previously provided to AQMD by Urban Crossroads, preparer of the Project's Air

MV00102551

Quality Analysis, provides a breakdown of the hourly trucks as they are input in the model's scalar option. The EIR conclusions and results are not affected.

Response AQMD-3

This comment appears to incorrectly interpret the Project emission rate calculations and modeling, with resulting erroneous conclusions. As noted in the preceding Response AQMD-2, the ISCST3's Model Scalar Option was enabled, and hourly truck values were entered accordingly. The emissions from on-site truck travel are included as multiple volume sources in the model and therefore do not need to be included in the area source algorithm.

Additionally, the "Model Emission Rate" provided as 6.459E-06 is representative of grams per second per truck (per day), and is input into the model as a unitized rate. The unitized rate is then adjusted upward based on the model's scalar option. Based on a thorough review, as detailed here, this calculation does not need to be corrected. The vehicle idling time is presented in seconds and the idling rate from EMFAC is in grams per hour. Therefore, the first conversion is to identify the grams per hour a given truck would emit during idle events. This is achieved by first converting the idling time from seconds to hours. In this case, for mitigated emissions, 180 seconds is divided by 3,600 seconds (60 minutes per hour x 60 seconds per minute). The next step is to multiply the resulting value by the EMFAC grams per hour rate, which provides an emission factor in grams per hour for a given truck per day. In order to input this value into the model as a unitized rate, this value is then converted from grams per hour for a given truck per day to grams per second for a given truck per day. This is achieved by taking the grams per hour rate and dividing by 3,600 seconds per hour, which yields the resulting 6.459E-06 grams per second rate that is modeled. Please refer also the DEIR Appendix C, Project HRA, Attachment A-ISCST3 Summary Output, Attachment B-Emissions Rate and Risk Calculations. The EIR conclusions and results are not affected.

MV00102552

Response AQMD-4

AQMD offers alternative trip generation rates for use in the Draft EIR. AQMD cites its own research and conclusions.

Notwithstanding AQMD suggested trip generation rates, trip generation rates and vehicle mix employed in the Draft EIR are supported by definitive studies of high-cube warehouse trip generation characteristics (*City of Fontana Truck Trip Generation Study*, and *San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study).* Both of these studies are available through Lead Agency (a copy of each is available at the Planning Department). The trip generation rates and ranges from these studies were used to define the trip rate employed in the DEIR. This same rate is employed in analyses for similar projects in the City, and is considered by the Lead Agency to be appropriate and accurate. Relevant discussion from the Draft EIR is excerpted below:

> Trip generation characteristics of the Project were derived from studies which reflect the trip generation rates of warehouse facilities storing and transporting international goods imported into the country from the Ports of Los Angeles and Long Beach. These include the *City of Fontana Truck Trip Generation Study* commissioned in 2003 (Fontana Study), and the updated 2007 *National Association of Industrial and Office Properties (NAIOP) Trip Generation Study*. The NAIOP Study included data collected from 13locations within Riverside County, and provides trip generation rates that are use-specific to warehouse distribution projects such as that proposed by the Project. The recent date and geographic orientation of the Study contribute further to its utility and applicability in estimating the likely trip generation characteristics of the Westridge Commerce Center Project. Using data from the NAIOP Study, the City's Transportation Department approved the use of "hybrid" trip generation rates for the Project's trip generation forecast . . . (Draft EIR Page 4.2-17).

MV00102553

The trip generation rates provided by AQMD are noted; however, no revisions to the trip generation rates employed in the Draft EIR are proposed, nor are any required.

Response AQMD-5

AQMD states, "given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM_{10} and $PM_{2.5}$ emissions the AQMD staff strongly recommends adding the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible . . ."

Each of the measures suggested by AQMD are addressed in the following table, and have either been incorporated, or determined infeasible, not applicable, and/or replicate existing requirements, as indicated in the remarks below. The State Legislature has defined "feasible," for purposes of CEQA review, as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Division 13, Chapter 2.5. Definitions, Subd. 21061.1.] In those instances where additional mitigation has been incorporated or mitigation has been revised, incremental reduction in impacts may be realized. However, results and conclusions of the EIR are not affected. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

MV00102554

AQMD-Suggested Measures	Remarks
Operational-source Emissions	
Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks (AQMD offers citation of an example clean truck program at [the following website]: http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf. If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded.	**Incorporated.** Mitigation Measure 4.3.13 has been revised to incorporate the following requirement (please refer to Final EIR Section 4.0). • *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.* • *If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.*
Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/ distribution center.	**Infeasible.** Development of the Project is consistent with City General Plan Land Use designations, and the General Plan currently includes residential land uses within 1,000 feet (0.19 miles) of the Project site. Moreover, as supported by the EIR analysis, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. The measure suggested by AQMD is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors.	**Not Required.** There are no significant and/or unmitigable operational air pollutant emissions impacts related to or resulting from the site plan configuration. As noted above, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. It is further noted that the access concept proposed by the Project has been reviewed and preliminarily approved by the Lead Agency. The measure suggested by AQMD is not necessary.

MV00102555

AQMD-Suggested Measures	Remarks
Develop, adopt and enforce truck routes both in an*[d]* out of city and in and out of facilities.	**Replicates existing requirements.** Designated truck routes exist within the City. As noted in the City's General Plan, "Chapter 12.36 of the City Municipal Code regulates the travel and access of trucks on the City road system, and designates official truck routes. Designated truck routes change over time as new arterials are built, and commercial and industrial projects are completed." [City of Moreno Valley General Plan Circulation Element, Page 5-4.] The Applicant will comply with all designated truck route regulations and ordinances, both in and out of the City. Compliance with existing regulations and ordinances does not constitute mitigation.
Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,	**Replicates existing requirements.** Truck routes are marked by the City consistent with City sign regulations. The Applicant will comply with all City sign regulations and ordinances. Compliance with existing regulations and ordinances does not constitute mitigation.
Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.	**Replicates existing Project design.** Adequate, secure parking areas are provided onsite for the use of Project-related trucks. No off-site parking is required or proposed.
Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes.	**Infeasible.** Current location of the Project adjacent to the SR-60 minimizes non-freeway truck travel, and minimizes travel along residential streets. Addition of direct SR-60 off-ramps for trucks access the Project site is contrary to reasoned freeway design which by its nature limits freeway access and exit points. Within the State, Caltrans ultimately determines freeway access and exit locations and related ramp designs. The proposed measure would result in potentially significant and increased jurisdictional, traffic/circulation, and land use impacts when compared to the Project. Further, the suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and is therefore infeasible. The Applicant will comply with designated truck routes reducing truck traffic along sensitive routes.
Require or provide incentives for particulate traps that meet CARB certified level 3 requirements.	**Replicates existing requirements.** As a matter of California law, all on-road vehicles, whether or not they are used for the Project, are required to meet California Air Resources Board (CARB) emissions standards. Moreover, future tenancy of the Project is not yet known, and that trucks using the facility may include independent truckers. There is no feasible enforcement mechanism by which the operator of the facility could meaningfully enforce pollution control equipment requirements above and beyond state law requirements.

MV00102556

AQMD-Suggested Measures	Remarks
Electrify all service equipment at the facility.	**Incorporated.** Mitigation Measure 4.3.8 has been revised to incorporate the following requirement: • *All service equipment used during construction and in subsequent operation of the Project shall be electric or natural gas powered.* Similar to use of electrical equipment, use of natural gas equipment alternatively allowed under this mitigation measure acts to generally reduce localized criteria pollutant emissions. Natural gas equipment may in some cases be the only available alternative to diesel/gasoline powered equipment. Further, Mitigation Measure 4.3.13 has been revised to incorporate the following requirements (please refer to Final EIR Section 4.0). *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:* • *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance; and* • *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
Improve traffic flow by signal synchronization.	**Replicates existing requirements.** Signal synchronization is currently administered by the City. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.
Construction-source Emissions	
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. "It is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours" (Draft EIR Page 4.2-85).

MV00102557

AQMD-Suggested Measures	Remarks
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation.	**Incorporated.** The following new mitigation measure has been created, and will be included in the Mitigation Monitoring Plan (please refer to Final EIR Section 4.0). *4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.*
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine if and where dedicated turn lanes for construction equipment and trucks are required. Please refer to the preceding construction traffic management remarks.
Reroute construction trucks away from congested streets or sensitive receptor areas.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine appropriate construction truck routes. Please refer to the preceding construction traffic management remarks.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).	**Otherwise Addressed.** Contractors will employ available equipment to include any 2010 and newer vehicles. Restricting the pool of suitable diesel haul trucks solely to model years 2010 or newer unreasonably limits the pool of available contractors and equipment. Moreover, there is no demonstrated nexus between construction model-year requirements and potential reductions in air quality impacts. Arguably, meaningful reductions in air pollutant emissions are achieved as much or more through efficient and appropriate operation of equipment as required herein (see for example Mitigation Measure*4.3.2: The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).* Further, all equipment (regardless of model-year) is required to comply with applicable CARB emissions standards, the appropriate gauge for emissions levels.

MV00102558

AQMD-Suggested Measures	Remarks
All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards.	**Incorporated.** Electric construction equipment is not commonly or widely available or used in Southern California. Requiring sole use of electric construction equipment would effectively preclude participation by most, if not all, locally-based construction contractors. This would act to unnecessarily exclude otherwise qualified contractors, restrict the pool of available construction resources, increase costs through diminished competition. Mitigation Measure 4.3.8 has been revised to incorporate the following requirement(please refer to Final EIR Section 4.0): • *Use electric construction equipment where feasible.*

Response AQMD-6

AQMD suggests that the Lead Agency consider encouraging construction contractors to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) program funds.

- The following notation (incorporated at Mitigation Measure 4.3.9), shall appear on all construction document and plans:

> *Contractors are encouraged to apply for funding/assistance under the AQMD SOON program.*
> *See also www.aqmd.gov/tao/Implementation/SOONProgram.htm*

AQMD contact information is noted.

MV00102559

From: Tom Hyatt [cdftom@aol.com]
Sent: Friday, December 10, 2010 9:18 PM
To: Jeffrey Bradshaw
Cc: Deanna Reeder
Subject: Warehouse

My neighbors and I oppose this project. After having the Mega Sketchers warehouse shoved down our throats by a corrupt developer and a city council that will flip their skirt up for him without question, we are vehemently against more unchecked commercial development. The City Council went to the trouble to re-name this end of the city "Rancho Belago", claiming it would be the upscale end of town yet they approve these ugly polluting warehouses when the zoning should be for 1/2 to 1 acre lots and upscale retail etc... How about a nice softball and swimming sports complex??? Why don't you go lease/ purchase some of the vacant warehouse space that can't even be filled in the south end of town?? How many diesel truck trips will this project generate on top of the Super Walmart and Sketchers projects already do??? Can't wait to see the cumulative air pollution totals! TH-1

Signed,

Tom H.
Moreno Valley Citizen

TOM HYATT

Email Dated December 10, 2010

Response TH-1

The commentor states his opposition to the Project, presents his opinion regarding recent unrelated project approvals in the area, and suggests a "nice softball and swimming sports complex" be developed on-site. These opinions are acknowledged.

The basis for the commentor's statement that "the zoning should be for ½ to 1 acre lots and upscale retail, etc." is unclear. The existing zoning for the site is Business Park, which allows the types of uses proposed by the Project; however, would not allow for buildings of the size proposed by the Project. For this reason, the Project has requested a change of zone to Light Industrial. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23). Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.

MV00102561

The commentor suggests locating the Project in another area of the City. Several alternatives were analyzed as part of the Draft EIR, including, beginning on Draft EIR Page 5-37, alternative sites. As stated in Guidelines Section 15126.6,subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

MV00102562

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is served adequately by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million s.f. warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

MV00102563

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor expresses concern regarding the cumulative traffic and air quality impacts of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Super Walmart and Sketchers*[sic]*").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region.

The commentor is referred to Table 4.2-6 of the Draft EIR for the specific trip generation of the Project. Additionally, Draft EIR Section 5.0 presents a detailed discussion of the cumulative impacts of the Project. Specifically, cumulative impacts related to traffic and circulation are discussed at Draft EIR Pages 5-7 through 5-12. Cumulative impacts related to air quality are discussed on Draft EIR Pages 5-12 through 5-14. Results and conclusions of the Draft EIR are not affected.

MV00102564

CITY OF MORENO VALLEY
Community & Economic Development Department
Planning Division

MEMORANDUM

To: Vice Chair Baker and Members of the Planning Commission

From: Mark Gross, AICP, Senior Planner

Date: May 12, 2011

Subject: Denial Resolution for PA10-0022 (Proposed Dark Sky Ordinance)

On April 14, 2011, the Planning Commission conducted a public hearing on PA10-0022, a proposed dark sky lighting ordinance modifying various sections of the Municipal Code. By a vote of 7/0, the Commission recommended denial of a proposed dark sky lighting ordinance to the City Council.

Attached, is a resolution of denial reflecting the Planning Commissions decision on April 14th.

Approved by: John Terell, AICP, Planning Official

MG

Attachment

PLANNING COMMISSION RESOLUTION NO. 2011-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY, CALIFORNIA RECOMMENDING DENIAL OF PA10-0022 TO THE CITY COUNCIL, WHICH POPOSES TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH THE EMPHASIS OF DARK SKY STANDARDS CITYWIDE

WHEREAS, the City of Moreno Valley has filed an application for the approval of PA10-0022 citywide, as described in the title of this Resolution.

WHEREAS, on April 14, 2011, the Planning Commission of the City of Moreno Valley held a public hearing to consider the application. At said meeting, the Planning Commission by a vote of 7/0 did not recommend or recommended denial of the proposed dark sky ordinance to the City Council.

WHEREAS, on May 12, 2011, a resolution recommending denial of the dark sky ordinance to City Council was brought back to the Planning Commission for approval and signature.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

ATTACHMENT 1

MV00102566

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on April 14, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies** – The proposed modifications to the Municipal Code may not be consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The citywide project consists of proposed modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code have attempted to modify lighting for general site, athletic field and street lighting to provide further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use. The proposed clarifications and modifications included within the Municipal Code amendment may not be consistent with, and in some instances may be in conflict with various goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.8 of the General Plan indicating that on-site lighting should improve the visual identification of structures and Objective 6.9.2 where well-lighted entrances, walkways, and parking lots, street lighting in commercial/industrial areas and multiple-family residential areas are required to facilitate nighttime surveillance and discourage crime could have the potential to conflict with language included in the proposed dark sky lighting ordinance provisions.

2. **Conformance with Zoning Regulations** – The proposed modifications to the Municipal Code may not comply with all applicable zoning and other regulations.

   FACT: The primary purpose of current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, and security. The amendments to include a dark sky ordinance to the Municipal Code are not consistent with applicable zoning standards and all other regulations within the Code for densely populated areas of the City. The potential exists where modified standards within the proposed dark sky ordinance and revisions to existing Municipal Code lighting standards would be intrusive to individual new residential and commercial/industrial projects and would have the potential to create reduced lighting conditions after a 10:00 p.m. curfew and within peripheries in parking lots which may lead to additional crime potential. The newly established language within the proposed Municipal Code amendment may not be compatible with the purpose and intent of Title 9, such as reducing and limiting lighting wattage in residential

MV00102567

areas and commercial/industrial parking lot peripheries and having the potential to reduce lighting and safety in non-residential areas past a 10:00 p.m. curfew established for new development.

3. **Health, Safety and Welfare –** The proposed modifications to the Municipal Code may be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: Although the modification and enhancement of existing Municipal Code general and design standards for on-site, recreation area and street lighting with an emphasis on maintaining dark night skies would have the potential to provide a positive environment for Moreno Valley's future and allow for the preservation of night skies with the reduction of glare, light and overall energy consumption, it may also have the potential to cause unsafe areas, lower light levels in more highly populated areas with the implementation of a lighting curfew for non-residential uses after 10:00 p.m., and reduced lighting levels on the peripheries of public parking lots. In addition, some provisions of the dark sky amendment such as the night lighting curfew and light wattage requirements in residential areas may be difficult to enforce.

BE IT FURTHER RESOLVED that the Planning Commission **APPROVES** Resolution No. 2011-10, recognizing that any proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines and **RECOMMENDS** to City Council the **DENIAL** of proposed Municipal Code amendments to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general, athletic field/park and street lighting citywide.

APPROVED this 12th day of May, 2011.

_____
Ray Baker
Vice-Chair, Planning Commission

ATTEST:

_____
John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

_____
City Attorney

ATTACHMENT 1

MV00102568

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

May 10, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 10, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2011 William H. Batey II Annual Reading Contest Winners

2. Recognition of Riverside Transit Agency (RTA) and Moreno Valley/Perris Transportation NOW Air Aware Contest Winners

3."Spotlight on Moreno Valley Business"

MV00104748

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MAY 10, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00104749

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.5 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 20 - May 3, 2011.

A.6 PA07-0021 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: WESTERN STATES CONSTRUCTION, INC., ANAHEIM, CA 92807 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-37 authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into

the City's maintained street system; and

Resolution No. 2011-37

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA07-0021, and Accepting the Portion of Sunnymead Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor; and

4. Accept the improvements into the City's maintained system.

A.8 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND RAMP PROJECT NO. 08-12566627 (Report of: Public Works Department)

Recommendation:

1. Grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid;

2. Award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder;

3. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc.;

4. Authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties; and

5. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney.

A.9 PA09-0043 (PM 36262) – COMMERCIAL – ACCEPT FINAL MAP, AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE; DEVELOPER: FRANK POZGAJ & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA AND MORENO BEACH STATION, LLC, MORENO VALLEY, CA. (Report of: Public Works Department)

Recommendation:

1. Approve PA09-0043, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation;

2. Accept the Agreement and Bonds for Public Improvements;

3. Authorize the Mayor to execute the Agreement;

4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A.10 PERSONNEL RULES AND REGULATIONS REVISION (Report of: Human Resources Department)

Recommendation:

Approve the Personnel Rules and Regulations.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:

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Approve as submitted.

C.5 REVISIONS TO THE RDA HOMEBUYER ASSISTANCE PROGRAM (Report of: Community & Economic Development Department)

Recommendation:
Approve amendments to the Homebuyer's Assistance Program (HAP) to allow the loan term to be reduced to 20 years and allow the loan to be forgiven upon the expiration of the loan term.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D.3 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2011/12 (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2011/12 Annual Action Plan; and

2. Approve the proposed 2011/12 Annual Action Plan.

MV00104754

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC) (Continued from April 26, 2011)

G.2 RESOLUTION REGARDING THE LIBERTY QUARRY (Continued from April 12, 2011) (Report of: City Manager's Office)

Recommendation: That the City Council:
Discuss and consider adopting Resolution No. 2011-31 regarding the Liberty Quarry.

Resolution No. 2011-31

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Need for and Benefits of Liberty Quarry

G.3 APPROVAL OF ERP SYSTEM REPLACEMENT PROJECT BUDGET AND FUNDING PLAN; AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CONTRACT WITH NEW WORLD SYSTEMS (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Approve the ERP System Replacement Project Budget and Funding Plan in the amount of $1,999,060; and

2. Authorize the City Manager to execute a contract and purchase order with New World Systems (NWS) for a one-time project cost not-to-exceed $1,322,490 and annual maintenance according to the not-to-exceed schedule below:

Year 1 maintenance	No Charge
Year 2 maintenance	$164,640
Year 3 maintenance	$174,930
Year 4 maintenance	$185,220
Year 5 maintenance	$195,510
Year 6 maintenance	$205,800

G.4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 AND 11.80.060

OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT (Report of: City Attorney)

Recommendation: That the City Council:

1. Consider the following alternatives:

   Adopt the proposed changes to Moreno Valley Municipal Code Sections 1.10.080 and 11.80.060; and introduce Ordinance No. 824; or

   Ordinance No. 824

   An Ordinance of the City Council of the City of Moreno Valley, California, Amending Sections 1.10.080 and 11.80.060 of the City of Moreno Valley Municipal Code, Relating to Civil Citations and Noise Enforcement

2. Direct staff to make changes to the ordinance and return to a City Council meeting or study session on a later date with a revised Ordinance; or

3. Take no action. The existing Ordinances will remain in effect.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

AGENDA
May 10, 2011

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a) Property: SR-60/Moreno Beach Dr. Interchange Project
City Negotiator: Chris A. Vogt
Under Negotiation: Price and terms of payment

APN/Caltrans Parcel No.	Owner	Site Address	Site Location
21463	Moreno H & S	12611 Moreno Beach Dr.	Southwest corner of Moreno and Eucalyptus Ave.
21884	Robert Getz, Anita May Rosenstein, Gloria May	None	South side of SR-60, east of Moreno Beach Dr. between

	Offerman – Trustees of the David May II – Dorothy Duffy May Trust, David May II, Trustee of the David May II Revocable Trust, et al.		Eucalyptus Ave. and SR-60 (between Auto Mall and SR-60)
21460	Prologis	None	Northern top portion of parcel, east of Fire Station 58 and south of SR-60.

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 26, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing National Public Works Week

2. Proclamation Recognizing Mental Health Month

3. Presentation of Boy Scouts of America District Award of Merit to Council Member Robin N. Hastings

4. Proclamation Recognizing Child Abuse Prevention Month

5. Letter of Commendation Recognizing Sarah King

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
April 26, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:35 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Hastings

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member (left 8:58 p.m.)
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Paula Smus	Acting Library Services Division Manager
Mike McCarty	Parks & Community Services Director

MV00104761

AGENDA ORDER

REPORTS

G.2 ECONOMIC DEVELOPMENT ACTION PLAN (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Review and provide direction on an Economic Development Action Plan; and

2. Consider the sequencing and funding of Capital Improvement Program projects.

Mayor Stewart opened the agenda item for public comments, which were received from Glenn Moss, Radene Ramos Hiers, Chris Carlson, Christopher Baca, Doug Whitney, Deanna Reeder, Victoria Baca, Jim Jernigan, Kenny Bell, Oscar Valdepena, Steven Figueroa, Librada Murillo, Pete Bleckert, Alicia Espinoza, Raul Wilson, Louise Palomarez, Mark Knorringa, Anthony Fabelo, Marcia Amino, Frank Wright, Tom Jerele Sr, Joe Zmudosky, Ray Baker, and Adolf Kruger.

Motion to Approve Economic Development Action Plan and resequence the funding of Capital Improvement Program projects by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

Recess;
Reconvened

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Tom Jerele, Sr.
1. Public debate - healthy democratic process
2. Skechers project

Chris Baca
1. Nason Street overpass

Courtney Davis (representing Moreno Valley College)
1. Hands Across Moreno Valley College - advocating for education and asking the City to contribute to scholarship fund

MV00104762

Marcia Amino
1. Deficit reduction plan
2. Car allowances
3. Planning Commission stipends

Cesar Torres
1. Hands Across California - Raising funds for college scholarship

Kenny Bell
1. Wider broadcast of council meetings

Deanna Reeder
1. Budget; deficit reduction plan

Radene Hiers
1. Developers need to pay their share of cost
2. Contamination with chemicals/clean up; concerned about safety of residents

Louise Palomarez
1. Red light cameras on Day Street

AGENDA ORDER

G.3 REGIONAL ENERGY EFFICIENCY AND WATER CONSERVATION PROGRAM (RICK BISHOP, WRCOG EXECUTIVE DIRECTOR AND BARBARA SPOONHOUR, PROGRAM MANAGER) (PowerPoint Presentation - (Informational Oral Presentation - not for Council action)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 ENTER INTO A CONTRACT WITH THINK TOGETHER, INC., TO OPERATE DAY-TO-DAY ACTIVITIES AND FUNCTIONS INVOLVING THE PROPOSITION 49 ASES GRANT AFTER SCHOOL PROGRAM (Report of Parks and Community Services Department)

Recommendation: That the CSD:
Authorize the City Manager to enter into a contract with THINK Together Inc., to operate day-to-day activities and functions of the City's Proposition 49 state-funded ASES after school grant program, as outlined within the document.

MV00104763

Mayor Stewart opened the agenda item for public comments, which were received from Shannon Morehouse, and Courtney Davis.

Motion to authorize the City Manager acting in his capacity as the executive director of the CSD to enter into a contract by m/Vice President Jesse L. Molina, s/Board Member Robin N. Hastings
Approved by a vote of 3-1-1, Board Member William H. Batey II opposed, Board Member Marcelo Co absent.

G.5 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:
Receive and file the Comprehensive Annual Financial Report for the fiscal year that ended June 30, 2010.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to receive and file by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

AGENDA ORDER

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder (Item A2: deficit reduction plan) and Stephen Rogers (representing Anti-Corruption Team; Item A7).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 6-19, 2011.

A.4 APPROVAL OF CHECK REGISTER FOR FEBRUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-34, approving the Check Register for the month of February, 2011 in the amount of $10,858,661.77.

Resolution No. 2011-34

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of February, 2011

A.5 APPROVE COOPERATIVE AGREEMENT WITH RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE SUNNYMEAD BOULEVARD MASTER DRAINAGE PLAN LINES H, H-1A, AND H-5 IN CONNECTION WITH THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS - PROJECT NO 09-89791726 (Report of: Public Works Department)

Recommendation:

1. Approve the "Cooperative Agreement" with Riverside County Flood Control and Water Conservation District (the District) for the Sunnymead Boulevard Master Drainage Plan Lines H, H-1A, and H-5 in connection with the Indian Detention Basin Drainage Improvements;

2. Authorize the City Manager to execute the "Cooperative Agreement" upon concurrence by the District;

3. Authorize the City Manager to approve any minor changes that may be requested by the District subject to the approval of the City Attorney; and

4. Authorize the City Manager to execute any future amendments subject to the approval of the City Attorney.

A.6 ART LOAN POLICY (Report of: City Manager's Office)

MV00104765

Recommendation:
Adopt the Art Loan Policy.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR HMGP FUNDED PROJECT: STORM DRAIN AND MISCELLANEOUS STREET IMPROVEMENTS BETWEEN ALESSANDRO BOULEVARD AND DRAINAGE FACILITY LINE F - PROJECT NO. 11-12566730 (Report of: Public Works Department)

Recommendation:

1. Accept an additional grant award amount of $322,000 in the federal funds under the Hazard Mitigation Grant Program (HMGP) to construct a storm drain and miscellaneous street improvements between Alessandro Boulevard and drainage facility Line F east of Redlands Boulevard;

2. Authorize the appropriation of $430,000 from unencumbered Measure "A" (Fund 125) fund balance to account for the additional federal funding and required local funding match in accordance with the HMGP requirements;

3. Approve the Agreement for Design Professional Consultant Services with DMC Design Group, 140 N. Maple Street, Suite 104, Corona, CA 92880 to provide design services for the storm drain and miscellaneous street improvements;

4. Authorize the City Manager to execute said Agreement for Design Professional Consultant Services with DMC Group; and

5. Authorize the issuance of a Purchase Order to DMC Design Group in the amount of $172,016 from Account 125.66730 when the agreement has been signed by all parties.

A.8 APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN (CIP) AND MAINTENANCE OF EFFORT (MOE) CERTIFICATION STATEMENT FOR THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR (FY) 2012-2016 (Report of: Public Works Department)

Recommendation:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2012-2016;

2. Authorize submittal of the RCTC Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2012-2016; and

3. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2011/12 budget approval process.

A.9 RESOLUTION NO. 2011-35 A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA AND THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA REGARDING THE REDISTRICTING OF THE RIVERSIDE COUNTY SUPERVISORIAL DISTRICTS (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2011-35, a joint resolution of the City Council of the City of Moreno Valley, California and the City Council of the City of Perris, California regarding the redistricting of the Riverside County Supervisorial Districts.

Resolution No. 2011-35

A Joint Resolution of the City Council of the City of Moreno Valley, California, and the City Council of the City of Perris, California Regarding the Redistricting of the Riverside County Supervisorial Districts

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 RESOLUTION TO AMEND MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) SERVICE PLAN POLICY (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. CSD 2011-06 to amend General

Management Policy #2.30, Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan Policy.

Resolution No. CSD 2011-06

A Resolution of the Moreno Valley Community Services District Board of Directors of the City of Moreno Valley, California, to Approve and Adopt the Amended Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan Policy to Provide Revised Language Regarding the Service Level Guidelines and Correct Minor Grammatical Errors

B.4 RESOLUTION TO AMEND MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) SERVICE PLAN POLICY (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. CSD 2011-07 to amend General Management Policy #2.41, Moreno Valley Community Services District Zone E (Extensive Landscape Maintenance) Service Plan Policy.

Resolution No. CSD 2011-07

A Resolution of the Moreno Valley Community Services District Board of Directors of the City of Moreno Valley, California, to Approve and Adopt the Amended Moreno Valley Community Services District Zone E (Extensive Landscape Maintenance) Service Plan Policy to Provide Revised Language Regarding the Service Level Guidelines and Correct Minor Grammatical Errors

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

MV00104768

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Continue Items A2, B2, C2 and D2 to the next Council meeting by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

Motion to Approve Joint Consent Calendar Items A1 through D2, as amended (Item A7 - the correct number on the agreement is $172,016, which is consistent with the staff report) by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2011-12; and

2. Adopt Resolution No. 2011-36, approving the Fee Schedule for FY 2011-12.

Resolution No. 2011-36

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2011-12 and Repealing Prior Resolutions that may be in Conflict

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Motion to Approve as amended to include dog license fees by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

MV00104769

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR POZGAJ FRANK & MARIA FAMILY TRUST—APN 486-240-009 BALLOTING FOR NPDES AND CSD ZONE M AND RIDGE MORENO VALLEY—APNS 297-170-005 AND 297-170-066 BALLOTING FOR NPDES (Report of: Public Works Department)

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. After conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Pozgaj Frank & Maria Family Trust—Assessor Parcel Number (APN) 486-240-009 and Ridge Moreno Valley—APNs 297-170-005 and 297-170-066;

   Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
   Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

   The City Clerk announced the results:

   APN 486-240-009, NPDES - "Yes" ;passes
   APN 297-170-005, NPDES - "Yes"; passes
   APN 297-170-066, NPDES - "Yes"; passes

   b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;

   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APNs 486-240-009, 297-170-005, and 297-170-066.

   Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
   Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

2. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

MV00104770

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for Pozgaj Frank & Maria Family Trust—APN 486-240-009;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 4-0-1, Board Member Marcelo Co absent.

The City Clerk announced the results:

APN 486-240-009, Zone M - "Yes"; passes

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APN 486-240-009.

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 4-0-1, Board Member Marcelo Co absent.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - none

AGENDA ORDER

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Continued

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

MV00104771

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Council and staff have to make some tough budget decisions. Instead of criticizing the council for the decisions, speakers should talk to the Council and offer suggestions to solve deficit problem
2. Reading Contest is completed - Five classes were taken to Harkins Theatre to see movie "Rios"; thanked Harkins for their hospitality; The top twenty readers, top two readers and persons helping with the program will be honored on May 10; congratulated all the kids who participated for the great job

Mayor Pro Tem Molina
1. Last Saturday participated in Relay for Life with Chief; encouraged everybody to participate; this kind of event brings the community together

Council Member Hastings
1. Thanked Chief Whittemore, von Lucas and Dean Palmer for the award presented on behalf of the Boy Scouts; it is an honor to be associated with such an organization as Boy Scouts of America; they are a fine group of people who donate a lot of time, energy and commitment to further this program
2. Congratulated Mark Sambito who was honored as the Reserve Deputy of the Year by the Riverside County Sheriff's Department; Moreno Valley police officers have been recognized very frequently, and this is reflected in the lowest crime statistics we have ever had in the City; the Council did an outstanding job to reduce crime; thanked the Police Department on behalf of Moreno Valley residents

Mayor Stewart
1. Responded to speaker's comments - clarified that the fire engine didn't belong to him, and he paid money to run the fire engine in the parades and events; eventually he bought it and donated it to the Fire Museum
2. Everyone has right to criticize and disagree with others, but need to show respect and civility; use of bad language will not be tolerated
3. Last week, was in Michigan to attend his mother-in-law's funeral; it was very stressful

MV00104772

Motion to continue the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

There being no further business to conduct, the meeting was adjourned at 10:59 p.m. to Closed Session by unanimous informal consent.

CLOSED SESSION

The City Attorney announced that the City was served on April 26, 2011 with the lawsuit – A&J Organic, Inc, the California Corporation dba Green Cross Care Group vs. City of Moreno Valley, Riverside Superior Court, Case # RRC1105634. Because this is a civil complaint, directions from the City Council regarding the cross-complaint are needed.

The Closed Session was held in the City Manager's Conference Room pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:05 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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MINUTES

JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SPECIAL MEETING – 6:00 PM
April 19, 2011

CALL TO ORDER

Special Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 6:16 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Co

INVOCATION – Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Cindy Miller	Executive Assistant to the Mayor/City Council
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Paula Smus	Acting Library Services Division Manager
Mike McCarty	Parks & Community Services Director

G. REPORTS

G.1 APPROVE THE THREE-YEAR DEFICIT ELIMINATION PLAN FOR FISCAL YEARS 2011/12 - 2013/14 AND DIRECT STAFF TO IMPLEMENT THE FIRST TWO YEARS OF THE PLAN IN A TWO-YEAR BUDGET FOR FISCAL YEARS 2011/12 AND 2012/13 (Continued from April 12, 2011) (Report of: City Manager's Office)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder, Pete Bleckert, and Daryl Terrell.

Recommendation: That the City Council:

1. Approve the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14; and

2. Direct staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.

Motion to Approve by m/Council Member Batey, s/Council Member Hastings the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14 as adjusted to include Group A; and directed staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.
Approved by a 3-0-2 vote, Council Member Co and Mayor Pro Tem Molina abstained.

There being no further business to conduct, the meeting was adjourned to the Regular Study Session at 8:40 p.m., by unanimous informal consent.

Submitted by:

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

Richard A. Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

MV00104776

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of Award for Excellence in Information Technology Practices to the City's Technology Services Division

2. Proclamation Recognizing National Library Week

3. Proclamation Recognizing Sexual Assault Awareness Month

4. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
April 12, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Pro Tem Molina in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Pro Tem Molina

INVOCATION – Council Member Co

Council:

Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member

Absent:

Richard A. Stewart	Mayor
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

MV00104778

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Pro Tem Molina opened the agenda items for the Consent Calendars for public comments, which were received from Hossein Tajiki (Item A6), Doug Whitney (Item A6), Larry Lange (Item A6) and Tilak Chopra (Item A6).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 16 – April 5, 2011.

A.4 APPROVAL OF THE 2011/2012 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA (CSA) 152 (Report of: Public Works Department)

Recommendation:
1. Approve the County Service Area (CSA) 152 Budget for FY 2011/2012 in the amount of $537,553; and

2. Authorize the levy of CSA 152 Assessment at $8.15 per Benefit Assessment Unit (BAU) for FY 2011/2012.

A.5 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM B.3) (Report of: Parks and Community Services)

Recommendation:
1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play

structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and

2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed $ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

A.6 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-30 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in the staff report for the abatement of nuisances.

Resolution No. 2011-30

A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public Nuisances and Direction that said Statements of Costs Constitute a Lien upon said Properties

A.7 REPORT OF PARTIAL REDUCTIONS PROCESSED DURING THE MONTHS OF FEBRUARY AND MARCH 2011 (Report of: Public Works Department)

Recommendation:
No action required.

A.8 PA07-0090 - REDLANDS ELECTRICAL IMPROVEMENTS – UTILITY ELECTRICAL INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE UTILITY ELECTRICAL INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET: DEVELOPER – HF LOGISTICS – SKX T1, LLC,MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-33 authorizing the acceptance of the Utility Electrical Infrastructure for PA07-0090 - Redlands Electrical Improvements as complete and accepting the Utility

Electrical Infrastructure into the City's maintained system; and

Resolution No. 2011-33

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Redlands Electrical Improvements as Complete within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.9 APPROVAL OF THE FRANCHISE TAX BOARD AGREEMENT TO SHARE TAX INFORMATION (Report of: Financial & Administrative Services Department)

Recommendation:
Authorize the City Manager or his designee to sign a Franchise Tax Board Agreement that will allow both entities to share tax information confidentially.

A.10 RESOLUTION REGARDING THE LIBERTY QUARRY (Report of: City Manager's Office)

Recommendation:
Discuss and consider Resolution No. 2011-31 regarding the Liberty Quarry.

Resolution No. 2011-31

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Need for and Benefits of Liberty Quarry

Motion to continue Item A10 to May 10, 2011 by m/Council Member Marcelo Co, s/Council Member William H. Batey II
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

A.12 TRACTS 22709, 22709-1, 31128, 31129, & 35760 – MAINTENANCE OF PUBLIC IMPROVEMENTS - ACCEPT AGREEMENT AND IRREVOCABLE LETTER OF CREDIT FOR MAINTENANCE OF THE MORENO BEACH CHANNEL (CHANNEL F) PUBLIC IMPROVEMENTS - DEVELOPER:

MV00104781

WESTERN PACIFIC HOUSING - CORONA, CA 92880 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for Tracts 22709, 22709-1, 31128, 31129, & 35760;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and

4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM A.5) (Report of Parks and Community Services)

Recommendation:

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and

2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed $ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

MV00104782

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR – BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2, except Items A10, which was continued to May 10, 2011 and Item A11, which was pulled for separate discussion/action. Motion by m/Council Member William H.Batey II, s/Council Member Marcelo Co
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

E. PUBLIC HEARINGS

AGENDA ORDER

E.2 PUBLIC HEARING REGARDING ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS AND THE ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES OF MULTI-FAMILY HOUSING REVENUE BONDS FOR HEMLOCK FAMILY APARTMENTS (Report of: Community & Economic Development Department)

Mayor Pro Tem Molina opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, at which it will hear and consider information concerning the issuance by the California Statewide Communities Development Authority of

MV00104783

multifamily housing revenue bonds to finance the acquisition, construction and development of a 77-unit multifamily rental housing project known as Hemlock Family Apartments; and

2. Adopt Resolution No. 2011-32, pursuant to Section 147(f) of the Internal Revenue Code of 1986 approving the issuance of bonds by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Hemlock Family Apartments.

Resolution No. 2011-32

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Hemlock Family Apartments

Motion to Approve by m/Council Member Marcelo Co, s/Council Member William H. Batey II
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

E.1 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Mayor Pro Tem Molina opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:
After conducting the Public Hearing and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Southeaster Calif Conf Sev Day Adventist–Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple–APN 488-210-014;

Motion to continue APN 488-210-014 to May 26, 2011 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

Motion to direct the City Clerk to tabulate ballots for APN 484-030-015 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II

Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

The City Clerk announced the results as follows:

APN 484-030-015 (NPDES) – "Yes"

b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing.

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum connercial/industrial regulatory rate to APN–030–015.

Motion to approve by m/Council Member William H. Batey II and s/Council Member Marcelo Co
Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

The above motion was to accept results and impose the CSD charges.

Motion to rescind previous motion by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings, absent.

Motion to approve by m/Council Member William. H. Batey, s/Council Member Marcelo Co
Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

Recommendation: That the CSD:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony.

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for Southeastern Calif Conf Sev Day Adventist–APN 484-030-015 and Buddhadhammo Temple–APN 488-210-014;

Motion to direct the Secretary to tabulate the CSD Zone M ballot for APN 484-030-015 by m/Board Member William H. Batey II, s/Board Member Marcelo Co
Approved by a vote of 3-0-2, President Richard A. Stewart, Board

Member Robin N. Hastings absent.

The City Clerk announced the results as follows:
APN 484-030-015, CSD Zone M – "Yes"

b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charges to APNs 484-030-015.

Motion to approve APN 484-030-015 by m/Board Member William H. Batey II, s/Board Member Marcelo Co
Approved by a vote of 3-0-2, President Richard A. Stewart, Board Member Robin N. Hastings absent.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

Mayor Pro Tem Molina opened the agenda item for public comments, which were received from Erica Hopkins, Kama Burton and Dr. Charles Gibson (Breakthrough CDC).

A.11 CONSIDERATION OF A REQUEST FROM BREAKTHROUGH COMMUNITY DEVELOPMENT CORPORATION (BCDC) TO SPONSOR ITS HOPE FOR OUR YOUTH CAMPAIGN (Report of: City Clerk's Department)

Recommendation:
That the City Council consider the request of Breakthrough Community Corporation (BCDC) to sponsor its Hope for Our Youth Campaign (HYC), in the amount of $2,040.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVIITES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

None

G.2 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR POZGAJ FRANK & MARIA FAMILY TRUST—APN 486-240-009 BALLOTING FOR NPDES AND CSD ZONE M AND RIDGE MORENO VALLEY—APNS 297-170-005 AND 297-170-066 BALLOTING FOR NPDES (Report of: Public Works Department)

Mayor Pro Tem Molina opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceedings for Pozgaj Frank & Maria Family Trust—Assessor Parcel Number (APN) 486-240-009 and Ridge Moreno Valley—APNs 297-170-005 and 297-170-066 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") accept public comments regarding the mail ballot proceeding for Pozgaj Frank & Maria Family Trust—APN 486-240-009 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

No action required.

G.3 APPROVE THE THREE-YEAR DEFICIT ELIMINATION PLAN FOR FISCALYEARS 2011/12 - 2013/14 AND DIRECT STAFF TO IMPLEMENT THE FIRST TWO YEARS OF THE PLAN IN A TWO-YEAR BUDGET FOR FISCAL YEARS 2011/12 AND 2012/13 (Report of: City Manager's Office)

Mayor Pro Tem Molina opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Approve the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14; and

2. Direct staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.

Motion to continue Item G3 to a Special Meeting on April 19, 2011, approved by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

No reports.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS – NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Deanna Reader
1. Budget

Ronald Marks
1. Council comments from a previous meeting
2. Fire Flow

Pete Bleckert
1. Agenda packet

Louise Palomar
1. Skechers project

Daryl Terrell
1. Competing on the world stage

Tom Jerele, Sr.
1. Toured Administrative Center of Eastern Municipal Water District
2. Toured Skechers facility

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,

MV00104788

COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1. Next week the top reading classes will get to see the movie Rio. The top 20 readers will be recognized in May.
2. Made a motion to close tonight's meeting in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer, and condolences to the family.

Council Member Marcelo Co

1. Citizens need to come to the City Council meetings. City leaders must be made aware of what is happening in the city.
2. The cuts being implemented must be even handed.
3. Chief Curley will check on contractors taking pictures of weed abatement and charging the City.
4. People are coming to see the new Skechers building.
5. Progress and jobs are needed. There will be change, and jobs will come to the city.
6. Please support the businesses in Moreno Valley.

Mayor Pro Tem Jesse L. Molina

1. The City needs to come together.
2. The public needs to come to the City Council meetings and make their voices heard.
3. Constituents that call receive attention.
4. Adjourned the meeting in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer.

CLOSED SESSION - Canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:56 p.m. in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer, by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District

Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____

Jesse L. Molina, Mayor Pro Tem
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

MV00104790

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: May 10, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of April 20 – May 3, 2011.

Reports on Reimbursable Activities April 20 – May 3, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	4/27/11	Moreno Valley Chamber of Commerce Wake-Up
Jesse L. Molina		None
Richard A. Stewart	5/3/11	Moreno Valley Hispanic Chamber of Commerce Adelante

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: PA07-0021 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – WESTERN STATES CONSTRUCTION, INC.
4887 E. LA PALMA AVENUE, SUITE 707
ANAHEIM, CA 92807

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-37 authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

PA07-0021 is a commercial development consisting of a retail building, auto repair building, and a carwash located on the north side of Sunnymead Boulevard, east of Graham Street that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, striping, storm drain, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $97,000 issued by SureTec Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into the City's maintained

street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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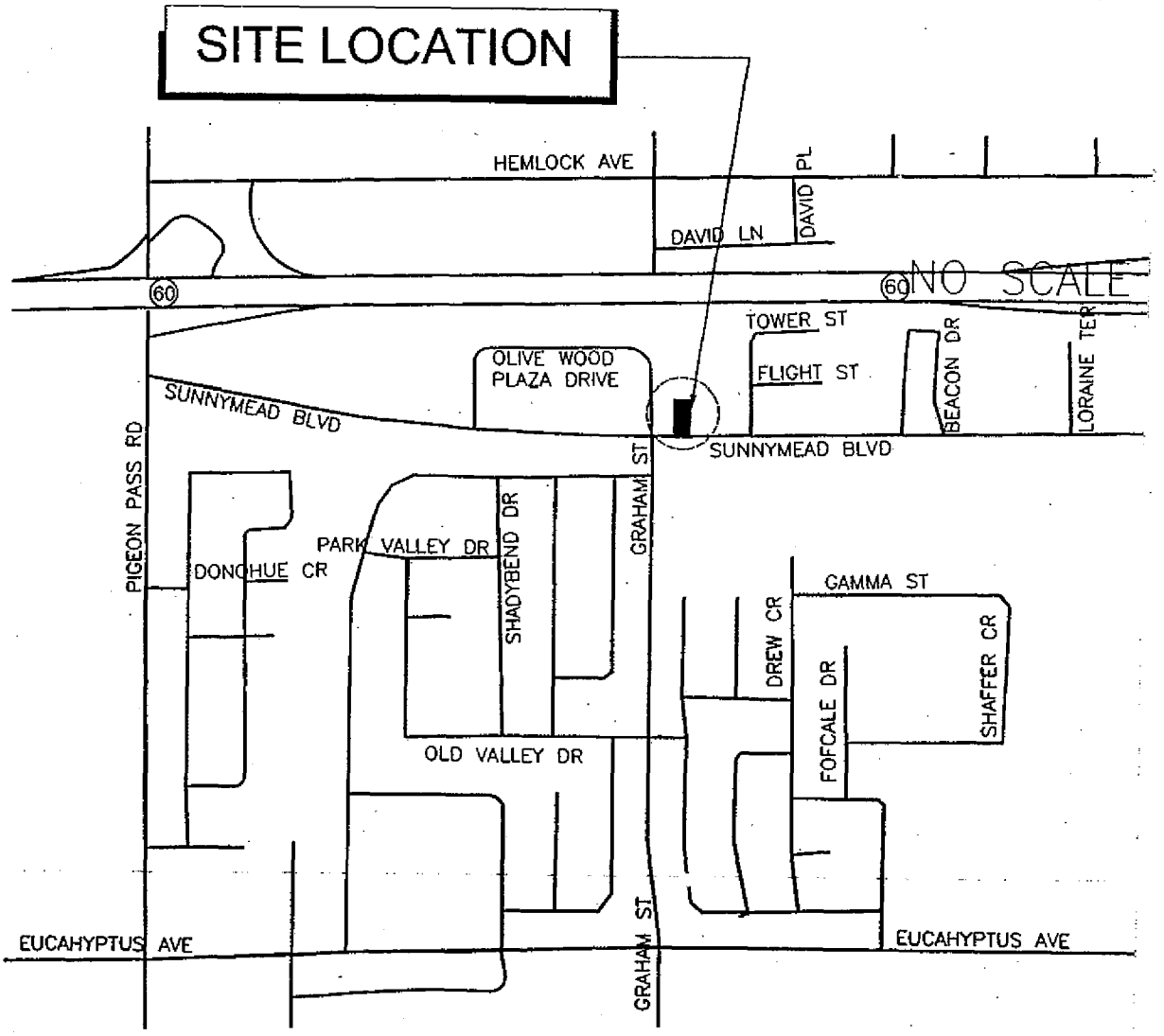

CITY OF MORENO VALLEY
PUBLIC WORKS - LAND DEVELOPMENT
EXHIBIT "A"

PA07-0021
VICINITY MAP

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MV00104796

RESOLUTION NO. 2011-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN PA07-0021, AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Western States Construction, Inc. on the portion of Sunnymead Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within PA07-0021, and accept the portion of Sunnymead Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN PA07-0021 ARE COMPLETE AND THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 10th day of May, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT
PROJECT NO. 04-89280221-2

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor.

4. Accept the improvements into the City's maintained system.

BACKGROUND

On February 26, 2008, the City Council approved a construction contract with Environmental Construction, Inc., for Stage 1, of the Sunnymead Boulevard Revitalization project, which provided improvements for the infrastructure and aesthetic enhancements, which included a gateway entry arch, bus shelters, sign monuments,

parkway landscaping, curbs, gutters, and color sidewalks. Along with this construction, Eastern Municipal Water District (EMWD) installed an 18-inch pipeline from east of Frederick Street to Perris Boulevard.

On November 25, 2008, the City Council awarded the Sunnymead Boulevard Beautification and Enhancement project (Stage 2) construction contract and authorized the issuance of a Purchase Order in the amount of $2,702,636.90 (the bid amount plus 10% contingency) to PALP Inc. dba Excel Paving Company (Excel). The Excel contract included a lighted median sign near Perris Boulevard, median installation along with landscaping and color Portland Cement Concrete (PCC) center turn lanes and intersections.

On July 13, 2010, the City Council approved the Change Order to increase the Purchase Order with Excel in the amount of $50,000 as a contingency to ensure timely payment to the Contractor in accordance with the Public Contract Code in the event the claims are resolved in the Contractor's favor.

DISCUSSION

Excel completed construction of the beautification and enhancement improvements on February 14, 2011 at a total disputed construction cost of $2,670,000 inclusive of Contract Change Order Nos. 1, 2, 3, and 4 (disputed final), which is less than the Purchase Order amount of $2,752,636.90. The original contract completion date was set for August 2, 2010. The Contractor was issued a time extension of 14 rain/weather work days which sets the revised completion date at August 20, 2010. The Contractor's liquidated damages are assessed for a total of 178 calendar days between August 20, 2010 and February 14, 2011 at $2,500 per day for a total of $445,000.

The Contractor did not sign draft Contract Change CCO No. 4 (disputed final) because the Contractor disputes the total compensation amount, due to unresolved claims. Since all the work has now been completed, the City Attorney has recommended to proceed with accepting the project as complete and filing the Notice of Completion with the County. The Contractor filed a claim with the City Clerk's Office on March 4, 2011. The Contractor is claiming additional compensation for construction related work due to costs and expenses incurred on the job that cannot be verified or justified by the City at this time. The Risk Management Division has denied the claim and staff is currently working with the City Attorney's office to mediate a settlement with the Contractor.

The Contractor is claiming $302,912 for disputed extra work, $353,893 for disputed contract balance and unspecified sums for subcontractor claims, delay costs, overhead, interest, and attorneys' fees. The Contractor is disputing the applicability of the contractually specified minimum coefficient of friction for the surface of the concrete pavement at four intersections. The concrete installed by the Contractor did not comply with the specifications. The Contractor is seeking additional compensation associated with remediating the non-conforming surface finish, traffic control activities during construction, and additional landscaping. The City considers all of this disputed work to

be the Contractor's responsibility pursuant to the Contract. Because of the assessment of liquidated damages, there are no undisputed funds due to the Contractor.

ALTERNATIVES

1. Accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806, direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor, and accept the improvements into the City's maintained system. *This alternative will result in acceptance of the improvements into the City's maintained system.*

2. Do not accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor, and do not accept the improvements into the City's maintained system. *This alternative will result in delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Sunnymead Boulevard Beautification and Enhancement project (Stage 2) constructed by Excel was funded with Lease Revenue Bond funds (fund 501), Transportation Enhancement (TE) Federal Grant funds through Measure A funds (fund 125), and Redevelopment Agency (RDA) funds (fund 892) as budgeted in Fiscal Year 2010/2011. There is no impact to the General Fund.

OVERALL PROJECT FINANCIAL STATUS AS OF MARCH 2011:

Total Budget Appropriation Fiscal Year 2001/2002 to
Fiscal Year 2010/2011 (Funds 892, 501, and 125)..... $12,138,000
Total Estimated Planning, Design, Right of Way, and Legal Related Costs.. ($1,735,000)
Miscellaneous Utilities, Banner Installation, Project Coordination..... ($227,000)
Total Estimated Construction Related Costs for
Sidewalk/Parkway (Stage 1) ..... ($5,990,000)
Total Estimated Construction Related Costs for
Median/Intersection (Stage 2) ..... ($3,368,000)

Breakdown of Stage 2 Construction Related Actual Expenses as of March 2011:

Disputed Construction Contract Cost	$2,670,000
Consultant Construction Management/Inspection Services	$381,000
Geotechnical Services	$29,000
Survey Services	$68,000
Project Administration & Miscellaneous Service Costs	$220,000
Total Amount for Stage 2 Construction	$3,368,000

Remaining Project Encumbrances	($718,000)
Remaining Project Balance	$100,000

ANTICIPATED PROJECT SCHEDULE:

Completion of Stage 1 Construction	June 2011
Completion of Stage 2 Construction	February 2011

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Excel has completed the Stage 2 construction for the Sunnymead Boulevard Beautification and Enhancement project from Frederick Street to Perris Boulevard. The City Council is requested to accept the work as complete, direct the City Clerk to record the Notice of Completion, assess liquidated damages against Excel and accept the improvements into the City's maintained system.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Christopher L. Wiberg
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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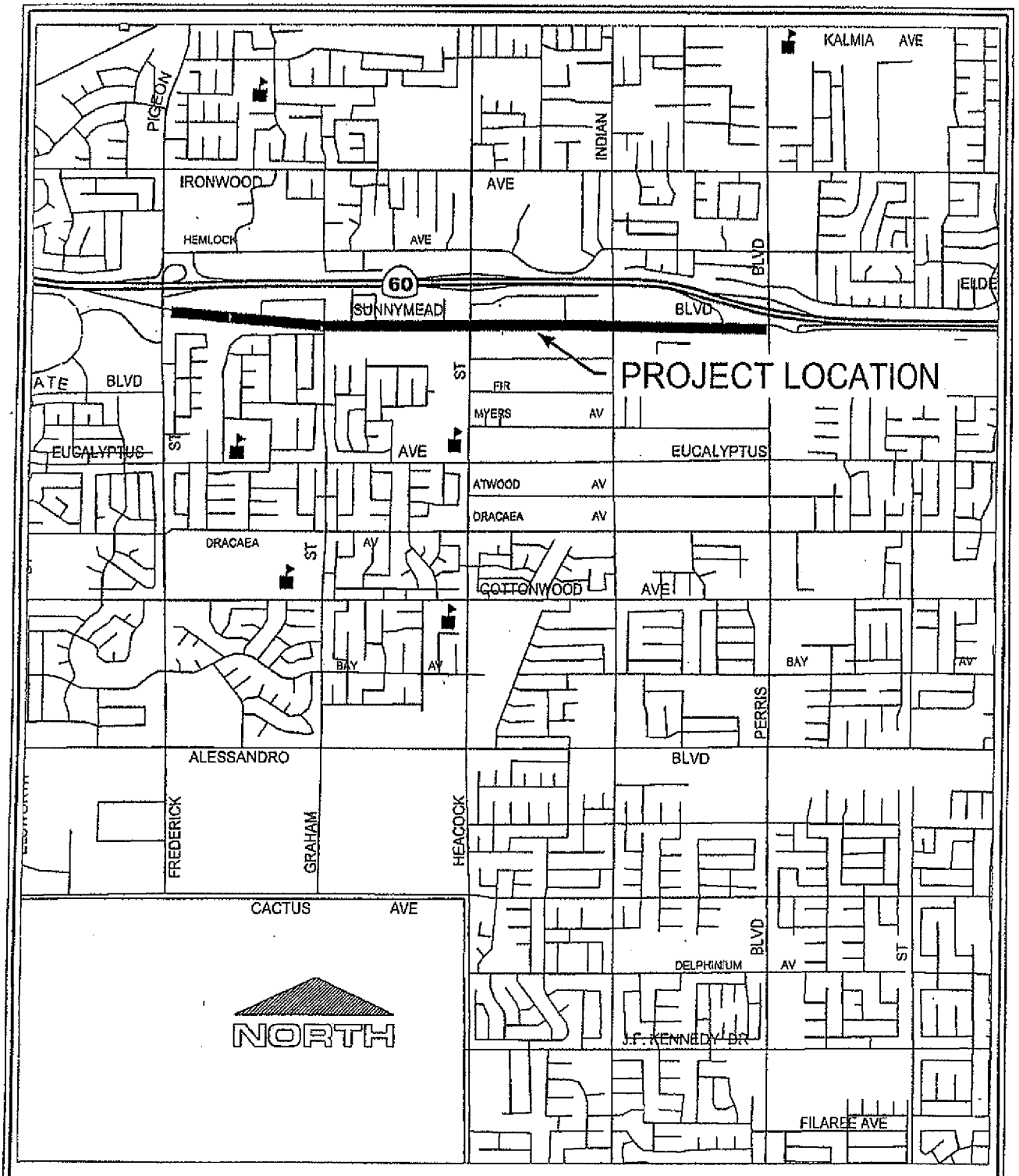

LOCATION MAP

Public Works Department
Capital Projects Division

ATTACHMENT "A"

SUNNYMEAD BLVD. BEAUTIFICATION AND ENHANCEMENT
PROJECT NO. 04-89280221-2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND RAMP PROJECT NO. 08-12566627

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid.

2. Award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder.

3. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto.

4. Authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties.

5. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney.

BACKGROUND

An agreement with KOA Corporation was signed by the City Manager on June 5, 2008 to provide Phase I, preliminary design (35%) services for the widening of southbound Perris Boulevard at State Route 60 westbound on-ramp. On November 12, 2008, the City Council approved the First Amendment to KOA's Agreement to provide Phase II, 100% design, and Phase III, advertising, bid, and construction support services for the widening of southbound Perris Boulevard at State Route 60 westbound on-ramp.

In December 2010, the project was advertised for construction bids.

DISCUSSION

This project will result in the construction of a right-turn lane by widening southbound Perris Boulevard from Elder Avenue to the westbound on-ramp of State Route 60. The project also includes modifications to the City traffic signal at Elder Avenue and the Caltrans traffic signal at the westbound on-ramp. Project benefits include reduced congestion around the westbound on-ramp due to the southbound turn lane addition and traffic signal improvements as well as enhanced pedestrian mobility due to the reconstruction of the curb ramps.

In December 2008, the Planning Division found that the project is exempt from CEQA as it is classified as a Class 1 Categorical Exemption (under Section 15301(c)), and therefore, environmental documents are not required.

Formal Bidding procedures have been followed in conformance with the Public Contract Code (PCC) and the City Clerk opened bids at 2:00 p.m., March 24, 2011, for the subject project. Seven (7) bids were received as follows:

1. Hillcrest Contracting, Inc.	**$247,550.00**
2. Elite Companies US, Inc.	$249,981.00
3. Unique Performance Construction	$267,050.00
4. KORMX, Inc.	$281,650.00
5. DBX, Inc.	$303,438.00
6. All American Asphalt	$360,206.00
7. LSC Construction	Withdrawn
Engineer's Estimate	$276,550.00

Staff has reviewed the lowest bid received by Hillcrest Contracting, Inc. and finds it to be the lowest responsible bidder. Hillcrest Contracting, Inc. possesses a valid California Contractor License in good standing and has provided a bid bond as its required bid security. No outstanding problems were identified through review of the references submitted by Hillcrest Contracting, Inc.

LSC Construction submitted a letter to the City requesting withdrawal of its Bidders Proposal due to a mistake that was made in filling out the bid and not due to error in judgment in accordance with Public Contract Code sections 5101 and 5103. Upon review of the letter, staff concurs that a mistake was made and recommends that the City Council grant the request to withdraw the Bidder's Proposal of LSC Construction.

ALTERNATIVES

1. Grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid, award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder, authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties, and authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney. *This alternative will allow for much needed improvements.*

2. Do not grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid, do not award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder, do not authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, do not authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney. *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Construction phase of this project is included in the Fiscal Year 2010/2011 Capital Improvements Project Budget and will be financed by Measure A (Fund 125). There is no impact to the General Fund.

BUDGETED FUNDS:

Fiscal Year 2010/2011 Funds (Account No. 125.66627)	$482,000
Design and Administrative Costs FY10-11	($43,000)
Total Available Funds	$439,000

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction (includes 20% contingency)	$297,000
Construction Surveying Costs	$15,000
Construction Geotechnical Costs	$15,000
Project Administration and Inspection Services*	$40,000
Total Estimated Construction Related Costs	$367,000

*City staff will provide Project Administration and Inspection Services

ANTICIPATED PROJECT SCHEDULE:

Start Construction	June 2011
Complete Construction	September 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provides a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvement are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project will result in the construction of a right-turn lane by widening southbound Perris Boulevard from Elder Avenue to the westbound on-ramp of State Route 60, which will reduce traffic congestion and enhance pedestrian mobility in that location. The City Council is requested to approve the award of the construction contract to Hillcrest Contracting, Inc.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map
Attachment "B" – Agreement with Hillcrest Contracting, Inc.

Prepared By:
Michael Lloyd
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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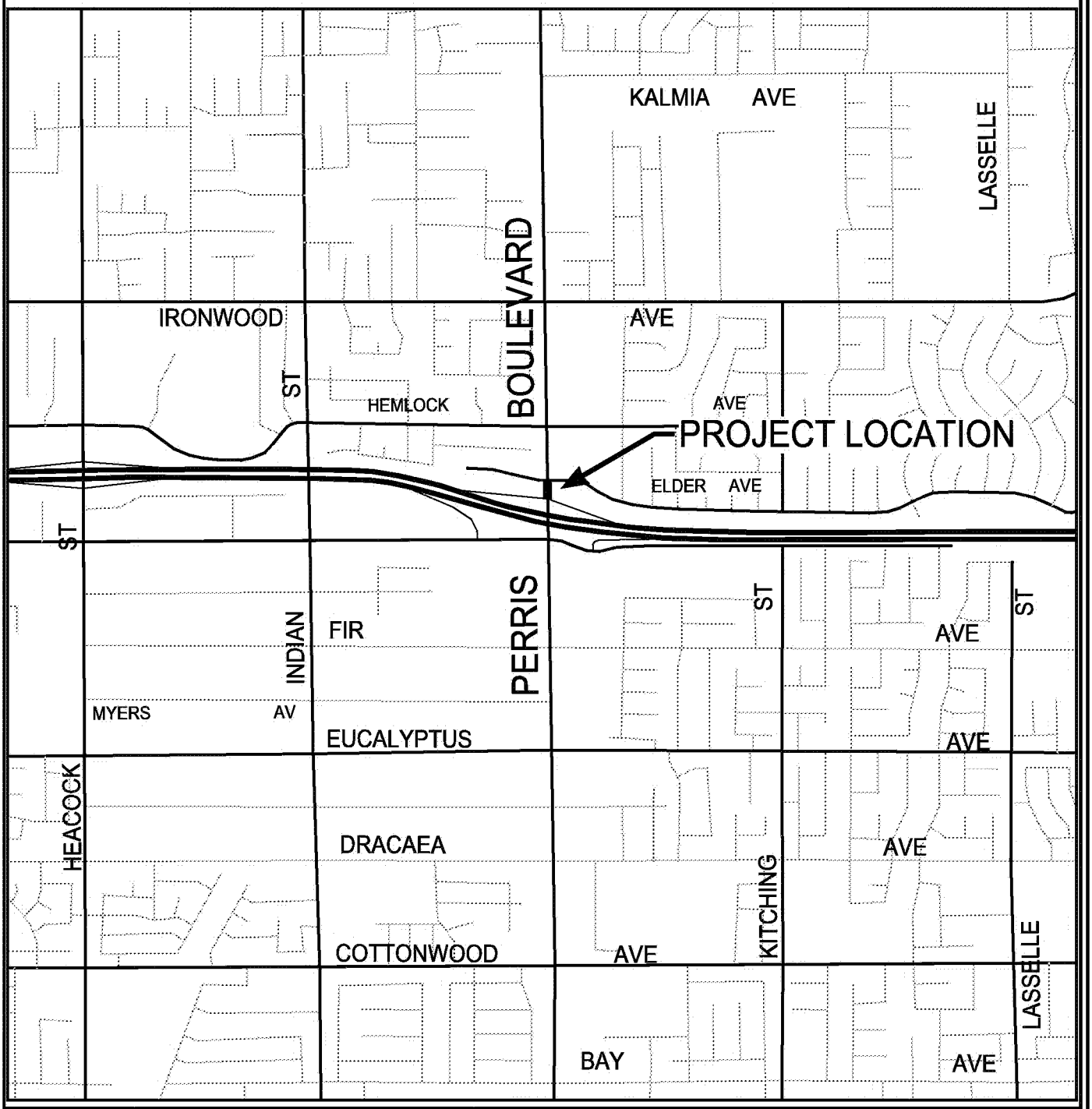

Public Works Department
Capital Projects Division

LOCATION MAP

Scale: None

Attachment "A"

PROJECT NO. 08-12566627
TRAFFIC SIGNAL IMPROVEMENTS ON PERRIS BLVD SOUTHBOUND LANE INTO RTE 60 WESTBOUND ON-RAMP

Agreement No. _____

AGREEMENT

PROJECT NO. 08-12566627

WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND ON-RAMP

THIS Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and Hillcrest Contracting, Inc., hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
   a. Any and all Contract Change Orders issued after execution of this Agreement
   b. Addenda Nos. 1 through 3, inclusive, issued prior to the opening of the Bids
   c. The bound Bid Documents
   d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
   e. The project Plans
   f. The Standard Plans
   g. The Standard Specifications
   h. Reference Specifications, all of which are essential parts of this Agreement
   i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Bid Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) in the sum total amount of **$247,550.00,** subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to order materials pursuant to this Agreement within 7 calendar days after the date of authorization specified in the "Notice to Proceed with Order of Materials." The Contractor hereby agrees to commence work pursuant to this Agreement within 15 calendar days after the date of authorization specified in the "Notice to Proceed with Construction." The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion within **sixty (60) working days** working days after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

Attachment "B"

5. The City and Contractor hereby agree that in case all ordering of materials and construction called for under the Agreement is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of $450.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District,, its officers, employees and agents; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

MV00104812

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Agreement in a form which is substantially similar to the Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

16. The effective date of this Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 08-12566627

CITY OF MORENO VALLEY, Municipal Corporation

BY:_____
City Manager

DATE:_____

COMMUNITY REDEVELOPMENT AGENCY,
Municipal Corporation *[for RDA agreements]*

BY:_____

INTERNAL USE ONLY

ATTEST:

_____
City Clerk
(only needed if Mayor signs)

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Public Works Director/City Engineer
(if contract exceeds $15,000)

_____
Date

Hillcrest Contracting, Inc.

License No./
Classification:_____

Expiration Date:_____

Federal I.D. No.:_____

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public.

Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

BOND NO. _____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12566627

WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND ON-RAMP

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to Hillcrest Contracting, Inc., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as Project No. 08-12566627, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 08-12566627

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20_____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

BOND NO. _____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12566627

WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND ON-RAMP

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to Hillcrest Contracting, Inc., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as Project No. 08-12566627, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 08-12566627

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20_____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS PAYMENT BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: PA09-0043 (PM 36262) – COMMERCIAL – ACCEPT FINAL MAP, AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS

SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE

Developer: Frank Pozgaj & Maria Pozgaj Family Trust
10 Collegiate Circle
Rancho Mirage, CA 92270
&
Moreno Beach Station, LLC
11545 Rockspur Ct
Moreno Valley, CA 92555

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve PA09-0043, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

2. Accept the Agreement and Bonds for Public Improvements.

3. Authorize the Mayor to execute the Agreement in the form attached hereto.

4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On March 11, 2011, the Planning Commission of the City of Moreno Valley approved the plot plan for PA09-0025 and Tentative Parcel Map 36262 also known as PA09-0043. The plot plan is a proposal for a fueling station and convenience store with an attached automated car wash. The parcel map was required to subdivide the land for the fueling station.

DISCUSSION

Final Map 36262 is in substantial conformance with the tentative map, and the developer has requested that the map be approved for recordation. The Conditions of Approval for this project require that the developer provide surety for the required improvements.

The developer has completed and submitted an Agreement for Public Improvements. The developer agrees to perform and complete all of the required street improvements within twenty-four (24) months of the date the agreement is executed. The City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe. The public street improvements include but are not limited to asphalt pavement, curb, gutter, sidewalk, driveway approaches, street lights, sewer, and water. Accompanying the agreement are a Faithful Performance Bond in the amount of $400,000 and a Material and Labor Bond in the amount of $200,000 issued by Suretec Insurance Company.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Agreement for Public Improvements
Exhibit “C” - Faithful Performance Bond
Exhibit “D” - Material and Labor Bond

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\5-10-11 PA09-0043 (PM 36262) - Orig Agmt & Bonds .doc

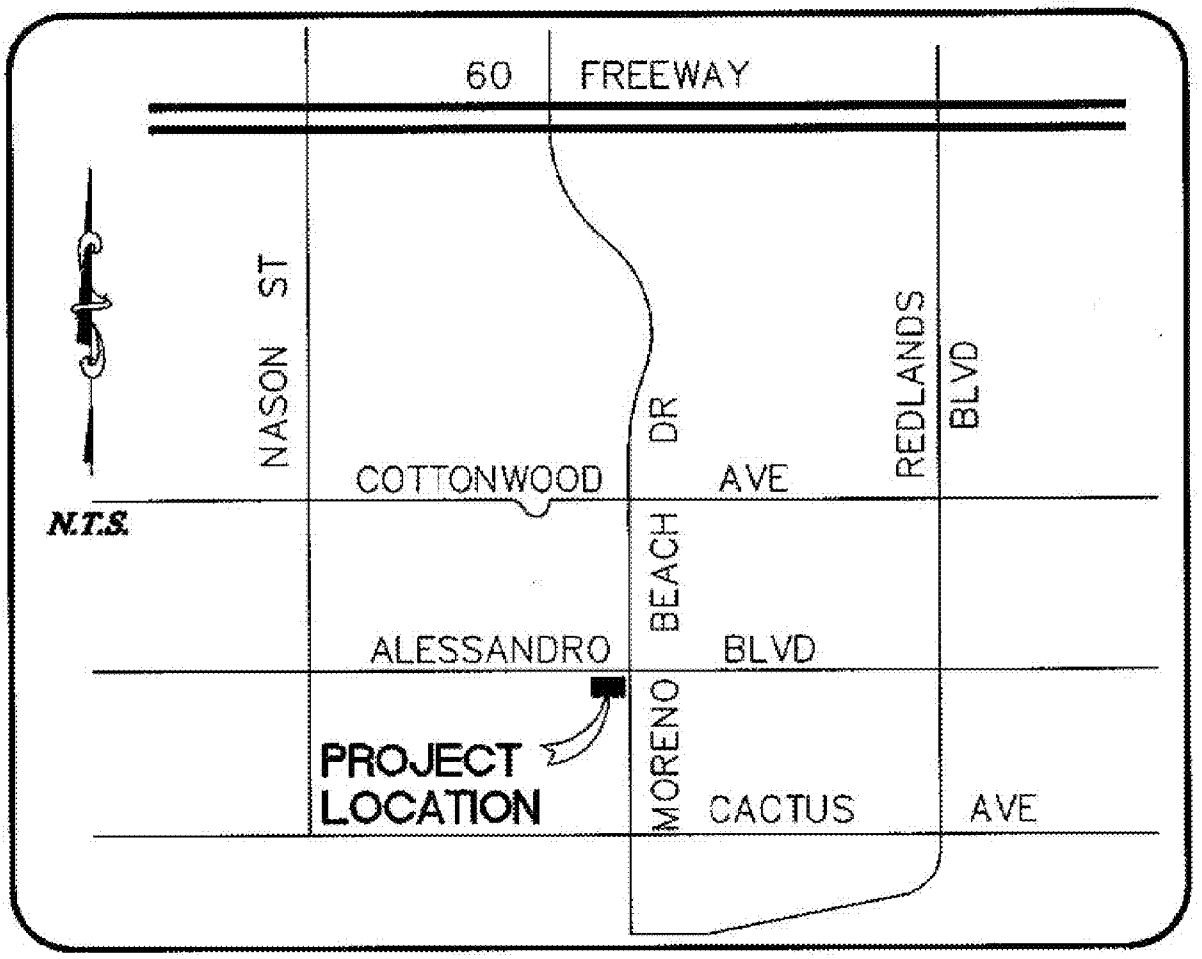

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**PA009-0043** **PM 36262** **LOCATION MAP**

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

AGREEMENT FOR PUBLIC IMPROVEMENTS
FOR STORM DRAIN IMPROVEMENTS
PROJECT NO. PA09-0043 (TENTATIVE PARCEL MAP 36262)

This Agreement, made and entered into by and between the City of Moreno Valley , State of California , hereinafter called City, and **Frank Pozgaj and Maria Pozgaj Family Trust and Moreno Beach Station, LLC**, herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as **PA09-0043 (Tentative Parcel Map 36262)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Faithful Performance security shall be in the sum of **FOUR HUNDRED THOUSAND AND NO/100** Dollars (*****$400,000*****). The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost, is outlined in the worksheet labeled Exhibit A attached hereto.

Labor and Material security shall be in the sum of **TWO HUNDRED THOUSAND AND NO/100** Dollars (*****$200,000*****). The estimated cost securing payment of labor and materials is fifty (50) percent of the total cost estimate of the improvements.

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

EXHIBIT "B"

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of the security or the amount of the bonds or both.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Developer further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developers:
Frank Pozgaj and Maria Pozgaj Family Trust
10 Collegiate Circle
Rancho Mirage, California 92270

Moreno Beach Station, LLC
P.O Box 525
Moreno Valley, CA 92556

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

Frank Pozgaj and Maria Pozgaj Family Trust:
Developer Maria Pozgaj Trustee
BY: Frank Pozgaj Trustee
Signature

FRANK & MARIA POZGAJ
Print/Type Name

_____
Title

Moreno Beach Station, LLC:
BY: Abdo Alberre
Signature

Abdo ALBERRE
Print/Type Name

President
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On December 21, 2010 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Frank Pozgaj & Maria Pozgaj,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she/~~they executed the same in ~~his/her/~~their authorized capacity(ies), and that by ~~his/her/~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Agreement for Improvements
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date 12-21-2010

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of Riverside

On JAN 29 2011 (Date) before me, CARL W JECH NOTARY PUBLIC (Here Insert Name and Title of the Officer),

personally appeared ABDO ALBERTE (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

CARL W. JECH
Commission # 1775708
Notary Public - California
Riverside County
My Comm. Expires Nov 21, 2011

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Carl W Jech
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: AGREEMENT FOR CONFIRMENT

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER: Top of thumb here	RIGHT THUMBPRINT OF SIGNER: Top of thumb here

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Item #5907

MV00104833

J.F.
09-08-10

EXHIBIT "A"
ENGINEER'S ESTIMATE

DATE: 09/08/10
PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262) **PREPARED BY:** JLM
PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II -	1.17	Thickness (ft.)				
Alessandro	11795	S.F.	1000	Ton	33.00	33,000
A.C. - Alessandro	0.5	Thickness (ft.)				
	11795	S.F.	427	Ton	80.00	34,160
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II -	1.17	Thickness (ft.)				
Moreno Beach	3405	S.F.	288	Ton	33.00	9,504
A.C. - Moreno Beach	0.5	Thickness (ft.)				
	3405	S.F.	123	Ton	80.00	9,840
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	86,504

Jerry L. Miles 9-8-10

REGISTERED PROFESSIONAL ENGINEER
JERRY L. MILES
NO. 42593
EXP. 3-31-12
CIVIL
STATE OF CALIFORNIA

EXHIBIT "A"
ENGINEER'S ESTIMATE

DATE: **09/08/10**
PREPARED BY: **JLM**

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)
PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	1968	S.F.	3.25	6,396
A.C. Cap/Overlay	0	Ton	65.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.15	0
Sawcut	555	L.F.	3.00	1,665
Utility Trench	62	L.F.	17.00	1,054
Trench Repaving	186	S.F.	12.00	2,232
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	10.00	0
Curb Only - 8"	174	L.F.	15.00	2,610
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	400.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	266	L.F.	12.00	3,192
Concrete				
P.C.C. Paving - 6"	0	S.F.	14.00	0
P.C.C. Paving - 8"	0	S.F.	16.00	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	277	L.F.	30.00	8,310
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	287	L.F.	25.00	7,175
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	12.00	0
Sidewalk	3230	S.F.	7.00	22,610
Sidewalk (DIF Street Name)	0	S.F.	7.00	0
Sidewalk (TUMF Street Name)	0	S.F.	7.00	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	14.00	0
Driveway Approach - 8"	1460	S.F.	16.00	23,360
Wheelchair Ramp	2	EA.	2,400.00	4,800
Alley Approach - 8"	0	S.F.	16.00	0
1/2 Alley Apron	0	S.F.	16.00	0
Barricade	0	L.F.	100.00	0
Bus Bay	1	EA.	20,000.00	20,000
Miscellaneous				
Relocate Power Poles	2	EA.	30,000.00	60,000
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	5,000.00	0
Erosion Control	0	AC	100.00	0
Walls - Masonry: 6' Maximum	0	L.F.	150.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	163,404
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Striping/raised pavement markers	1	L.S.	--	5,000
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	300.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	250.00	0
Metal Guard Rail **(Removal)**	276	L.F.	40.00	11,040
			SUBTOTAL:	16,040
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Remove Trees	20	EA.	2,500.00	50,000
			SUBTOTAL:	50,000

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	4,000.00	0
Street Lights (22000 lumen)	2	EA.	5,000.00	10,000
			SPECIAL DISTRICTS SUBTOTAL:	10,000
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatior	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	1	EA.	800.00	800
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	1	EA.	330.00	330
Water Service	0	EA.	330.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	1,130

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	100	L.F.	40.00	4,000
8" V.C. Pipe	0	L.F.	55.00	0
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	0	L.F.	70.00	0
15" V.C. Pipe	0	L.F.	80.00	0
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	1	EA.	1,500.00	1,500
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	1	EA.	90.00	90
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	5,590

EXHIBIT "A"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$86,504
OFFSITE STREET WORK	:	$163,404
SPECIAL DISTRICTS	:	$10,000
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$1,130
SEWER SYSTEM	:	$5,590
TRAFFIC IMPROVEMENTS	:	$16,040
BONDABLE WORK (not plan checked)	:	$50,000
TOTAL COST (VALUE) OF IMPROVEMENTS:		$332,668
+20% CONTINGENCY:		$66,534
GRAND TOTAL:		$399,202

BOND AMOUNT: **$400,000**

BOND WILL REMAIN IN EFFECT UNTIL NOTICE OF EXONERATION IS PROVIDED BY THE CITY OF MORENO VALLEY
BOND EXECUTED IN DUPLICATE

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements $400,000

Project No. PA09-0043

Bond No. 4382237

Premium $8,500.00

Surety SURETEC INSURANCE COMPANY A-VII

Principal Frank Pozgaj and Maria Pozgaj Family Trust and Moreno Beach Station, LLC

Address 3033 5TH AVENUE, SUITE 300

Address 10 Collegiate Circle

City/Zip SAN DIEGO, CA 92103

City/Zip Rancho Mirage, CA 92270

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **Frank Pozgaj and Maria Pozgaj Family Trust, and Moreno Beach Station, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA09-0043**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SURETEC INSURANCE COMPANY, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of **FOUR HUNDRED THOUSAND AND NO/100** Dollars (*****$400,000.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

EXHIBIT "C"

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA09-0043

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on FEBRUARY 18, 20 11.

NAME OF PRINCIPAL: Frank Pozgaj and Maria Pozgaj Family Trust, and Moreno Beach Station, LLC
Company Name

AUTHORIZED SIGNATURE(S): By

Frank Pozgaj — Trustee
Name — Title

Manager
Name — Title

NAME OF SURETY: SURETEC INSURANCE COMPANY
Company Name

AUTHORIZED SIGNATURE: _____
YUNG T. MULLICK ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

_____
City Attorney
City of Moreno Valley

W:\LandDev\MANAGEMENT ASSISTANT\Agreement Bond Packets\PA09-0043 - Faithful Performance Bond.DOC

RISK MANAGEMENT
Approved

M. Alloy 3-8-11
By Date

ACKNOWLEDGMENT

State of California
County of Orange)

On February 18, 2011 before me, Peter Austin Neff, Notary Public
(insert name and title of the officer)

personally appeared Yung T. Mullick,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RRS2 PETER AUSTIN NEFF COMM. # 1799389 NOTARY PUBLIC-CALIFORNIA ORANGE COUNTY My Comm. Expires MAY 27, 2012 RRS2

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Frank Pozgay,

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC-CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

Signature of Notary Public (Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Performance Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Bryan Abdo Alberre,

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies),~~ and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public (Notary Seal)

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Performance Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

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- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

POA #: 510002

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Jennifer C. Giboney, James W. Moilanen, Yung T. Mullick

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars ($5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2012 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20th of April, 1999.)*

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 3rd day of September, A.D. 2010.

SURETEC INSURANCE COMPANY

By: _____

John Knox Jr., President

State of Texas ss:
County of Harris

On this 3rd day of September, A.D. 2010 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

JACQUELYN MALDONADO
Notary Public, State of Texas
My Commission Expires
May 18, 2013

Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2013

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 18 day of FEBRUARY, 2011, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

MV00104847

BOND WILL REMAIN IN EFFECT UNTIL NOTICE OF EXONERATION IS PROVIDED BY THE CITY OF MORENO VALLEY
BOND EXECUTED IN DUPLICATE

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $200,000

Project No. PA09-0043

Bond No. 4382237

Premium INCLUDED IN PERFORMANCE BOND

Surety SURETEC INSURANCE COMPANY AV 11

Principal Frank Pozgaj and Maria Pozgaj Family Trust and Moreno Beach Station, LLC

Address 3033 5TH AVENUE, SUITE 300

Address 10 Collegiate Circle

City/Zip SAN DIEGO, CA 92103

City/Zip Rancho Mirage, CA 92270

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **Frank Pozgaj and Maria Pozgaj Family Trust, and Moreno Beach Station, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA09-0043**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of **TWO HUNDRED THOUSAND AND NO/100** Dollars (*****$200,000.00*****), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

EXHIBIT "D"

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA09-0043

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on FEBRUARY 18, 20 11.

NAME OF PRINCIPAL: Frank Pozgaj and Maria Pozgaj Family Trust, and Moreno Beach Station, LLC
Company Name

AUTHORIZED SIGNATURE(S): By:

Name — Trustee
Title

Name — Manager
Title

NAME OF SURETY: SURETEC INSURANCE COMPANY
Company Name

AUTHORIZED SIGNATURE: YUNG T. MULLICK ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

W:\LandDev\MANAGEMENT ASSISTANT\Agreement Bond Packets\PA09-0043 - Material Labor Bond.DOC

RISK MANAGEMENT
Approved

By — Date 3-8-11

ACKNOWLEDGMENT

State of California
County of Orange)

On February 18, 2011 before me, Peter Austin Neff, Notary Public
(insert name and title of the officer)

personally appeared Yung T. Mullick,
who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RRS2 PETER AUSTIN NEFF RRS2
COMM. # 1799389
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Comm. Expires MAY 27, 2012

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Frank Pozgay,

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC-CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

Signature of Notary Public (Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Material & Labor Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

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- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Bryan AbQo Alberre,

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies),~~ and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Material or Labor Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

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POA #: 510002

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Jennifer C. Giboney, James W. Moilanen, Yung T. Mullick

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars ($5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2012 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20th of April, 1999.)*

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 3rd day of September, A.D. 2010.

SURETEC INSURANCE COMPANY

By: _____

John Knox Jr., President

State of Texas ss:
County of Harris

On this 3rd day of September, A.D. 2010 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

JACQUELYN MALDONADO
Notary Public, State of Texas
My Commission Expires
May 18, 2013

Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2013

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this **18** day of **FEBRUARY**, **2011**, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

MORENO VALLEY
WHERE DREAMS SOAR

CITY CLERK'S OFFICE

MEMORANDUM

To:	Mayor and City Council
From:	Sonny Morkus, Human Resource Director
Date:	May 5, 2011
Subject:	CITY COUNCIL REGULAR MEETING AGENDA OF MAY 10, 2011 ITEM A.10 - PERSONNEL RULES AND REGULATIONS REVISION (Report of: Human Resources Department)
cc:	Agenda packet distribution list

Attached are corrections on Attachment B, pages 172, 339, and 346 of the above-mentioned subject item.

Document page numbers are Pages 45, 81 & 88.

MV00104854

C. Professional / Administrative shall earn ~~13.08~~ **9.70** hours of annual leave per pay period of service (~~340~~ **252** hours per year). This accrual shall extend to ~~14.62~~ **11.24** hours per pay period (approximately ~~380~~**292** hours per year) at the beginning of the sixth year and extend to ~~15.54~~**12.16** hours per pay period (approximately ~~404~~ **316** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.
PAM Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~16.15~~**12.77** hours per pay period (approximately ~~420~~ **332** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave.
PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.
D. Non-Exempt Employees shall earn ~~10.77~~ **7.39** hours of annual leave per pay period of service (approximately ~~280~~ **192** hours per year). This accrual shall extend to ~~12.31~~ **8.93** hours per pay period (approximately ~~320~~ **232** hours per year) at the beginning of the sixth year and extend to ~~13.23~~ **9.85** hours per pay period (approximately ~~344~~ **256** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the annual leave accrual rate as a recruitment tool. Employees in these categories may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.
Non-Exempt Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~13.85~~ **10.47** hours of annual leave per pay period (~~360~~ **272** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.
E. Seasonal Employees/Crossing Guards with Leave Accruals shall accrue annual leave at a rate determined by their program agreement or contract. Temporary Employees shall not normally accrue paid annual leave, but may take leave without pay as approved by their supervisors.
7.15 GRANDFATHERED LEAVE BALANCES
Prior Sick Time Accruals: Employees shall retain all existing sick leave hours accrued prior to the enactment of this policy **on December 14, 2007. Such accrued sick leave hours shall be referred to as Grandfathered sick leave balance and are considered Frozen Sick Leave hours.** Although sick leave will no longer continue to accrue for employees, an employee's **frozen** sick leave balance will be available for use in the event of ~~an~~ serious illness or injury which qualifies for disability. **Employees are eligible to use Grandfathered Sick Leave when they are off of work ill for 3 days or more, and provide a doctor's note.** These frozen sick leave hours can ~~not~~ **only** be used for baby bonding or family member's illnesses or injuries**, if the employee is on approved FMLA leave.**
This Grandfathered sick leave balance shall be available for cash out upon separation at a rate of 40% of the accrued balance for full time employees and 20% for part time employees. The remaining balance will be converted to PERS service credit for retiring employees. Separating employees will forfeit the remaining balance.

Employees may at their option contribute a portion of their compensation to the annuity subject to IRS restrictions through payroll deductions.
2. Contributions for the management bargaining unit are being paid into a Voluntary Employee Beneficiary Trust (VEBA), which manages the investment and distribution of the funds.
B. City Paid Retiree Medical Benefit: Effective January 1, 2001, upon retiring, the City shall pay a minimum of the monthly fee required by PERS for enrollment of retirees. Employees who retire **under the CalPERS retirement benefits system with a minimum of** ~~after at least~~ two years of service with the City shall be eligible to receive a benefit which is the lesser of the cost of medical coverage for the retiree and spouse, or the amount stipulated in the following table:

EFFECTIVE DATE	MAXIMUM EMPLOYER CONTRIBUTIONS
January 1, 2007	up to $168.73 per month
January 11, 2008	up to $243.73 per month
January 2, 2009	up to $318.73 per month

To receive the Retiree Medical Benefit, the retiree must submit documentation of payment for medical insurance coverage. Documentation for those enrolled with PERS Health is provided by PERS. In the event of the retiree's death, the surviving spouse continues to be eligible to receive the benefit.

14.20 PERS MEDICAL COVERAGE FOR RETIREES

The City shall contribute a monthly employer fee for retiree medical coverage with the Public Employees Retirement System (PERS), per negotiated contract language as approved by City Council. Retirees must convert to Medicare at age 65.

14.25 CITY RETIREMENT PLAN

The City provides retirement benefits for all employees through the Public Employees Retirement System (PERS). The City pays both the employee's and employer's contributions into the plan **for employees hired prior to July 1, 2009. Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009.** At its option, the City may change its retirement system provider upon adoption by the City Council. Prior to any changes in retirement benefits, those eligible for retirement must be notified at least 30 days in advance. Current retirement benefits are available as follows:

A. Career Full-time Employees **hired prior to July 1, 2009** receive fully-paid PERS retirement benefits. **Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**

B. Career Part-time Employees **hired prior to July 1, 2009** receive fully paid PERS retirement benefits after 1,000 hours. Before that point, the employee will have the employee's portion deducted from salary. **Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(h)(2) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**

C. Part-time/Seasonal, Temporary Employees, and Crossing Guards who are not eligible for PERS, are required to contribute 7.5% of earnings to a PST "457" deferred compensation program. Contributions to this plan will be made through

MV00104856

16.30 TUITION REIMBURSEMENT

Subject to the **pre**-approval of the Department Head, Human Resources Director, and City Manager (or designee), employees may be reimbursed for the cost of pre-approved, job-related, **accredited,** educational and other training courses based upon proof of successful completion **up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30)**. This proof includes a grade "C" or better of the course(s), **"Pass/Fail" grading option for classes,** and must be part of a **recognized associate's degree, bachelor's degree, or master's degree** program, **and the program must be part of a school, college or university that is accredited by a U.S. Department of Education authorized accrediting organization, e.g. Western Association of Schools and Colleges (WASC)** ~~leading to an Associate's degree, undergraduate or graduate degree~~. Further, employees may be reimbursed for certain pre-approved, job related training courses based on the approvals as stated above.

Classes taken which are offered as part of the City's official training program do not count against tuition reimbursement.

Any educational or training course that is a requirement for continuation of employment or is an identified part of a job evaluation shall be paid for by the City. Any other educational course that is job-related may, if prior approval for reimbursement is given by the City Manager (or designee), be reimbursed at 100% or less after successful completion. All college or other graded classes shall require a minimum grade of a "C" in order to receive such reimbursement. Books or other materials shall only be paid if some defined benefit can be shown to the City (i.e. books become part of City reference library).

In general, training time during working hours shall be considered part of the job. Unless the City directs an employee to attend a specific training course, and the course is not available during work hours, training after hours shall be considered voluntary, and no additional pay, overtime or compensatory time shall be given by the City, unless advance special written approval is granted. Study time shall be considered completely voluntary.

Although the City encourages employees to pursue additional education, the City shall not pay for educational degrees or for education in general, but will only reimburse employees for required or job-related classes and training. No reimbursement shall occur if an educational class does not provide a benefit to the City. There is no mileage reimbursement for travel to and from educational classes. Required forms must be completed and necessary documentation (receipts and grades) must be provided, in order to receive reimbursement. Final and conclusive determinations of the reimbursement amount shall be made by the City Manager after review of the request and recommendations by the Department Head and the Human Resources Director.

16.35 TRAINING AND TRAVEL REIMBURSEMENT

Non-exempt employees shall receive training and travel reimbursement as provided in this Section.

Time spent in attending lectures, meeting, training programs, and similar activities during work time shall be counted as time worked only if authorized in advance and in writing by the employee's Department Head. No such authorization shall be given unless the lecture, meeting, program, or other activity is directly related to improving the employee's ability to perform his or her job.

MV00104857

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Sonny Morkus, Human Resources Director

AGENDA DATE: May 10, 2011

TITLE: Personnel Rules and Regulations Revision

RECOMMENDED ACTION

Staff recommends that City Council take action to approve the attached Personnel Rules and Regulations (Attachment A).

ADVISORY BOARD/COMMISSION RECOMMENDATION

"Not applicable."

BACKGROUND

During the 2009 and 2010 labor negotiations, the City approved Memorandums of Understanding (MOU's) for each of the three employee associations: Moreno Valley Management Association (MVMA), Moreno Valley Confidential Management Employees (MVCME), and Moreno Valley City Employees Association (MVCEA). Due to the changes in policies that were agreed to in the MOU's, the City is required to revise the Personnel Rules and Regulations and reflect these changes. The Personnel Rules and Regulations were previously revised in February 2009.

During the period of February 2011 through April 2011, the Human Resources Director met with the three employee associations, in order to discuss and gain agreement on the actual wording for the needed changes to the Personnel Rules and Regulations.

DISCUSSION

The proposed changes are highlighted in the attached Personnel Rules and Regulations (Attachment B). Attachment B includes an index of the changes, as well as the actual changes noted by either strikethrough ~~FONTS~~ for deleted wording,

or bold **FONTS** for newly added wording. The index shows the section that was changed and the page number of the section changed for easy reference.

There is no additional direct cost to the City of Moreno Valley that will result from the City Council taking action to approve the attached Personnel Rules and Regulations revision. The changes to the Personnel Rules and Regulations are reflecting changes that were approved by City Council in the MOU's for FY 2009/10 and FY 2010/11.

ALTERNATIVES

The action of the City Council to approve the attached resolution will fulfill the City's agreement with the three employee associations: Moreno Valley City Employees Association; Moreno Valley Management Association; and Moreno Valley Confidential Management Employees.

FISCAL IMPACT

There will be no added impact on the City budget.

CITY COUNCIL GOALS

The action of the City Council to approve the attached resolution will contribute to one of the City Council's goals, i.e. "Positive Environment: Create a positive environment for the development of Moreno Valley's future."

NOTIFICATION

The three employee associations have been notified of the staff report and staff recommendation for City Council to approve the attached Personnel Rules and Regulations revision. Copies of this staff report and attached resolution were sent to the employee associations, and they concur with the recommended City Council action.

ATTACHMENTS/EXHIBITS

Attachment A is the Personnel Rules and Regulations with the changes made.
Attachment B is the marked-up Personnel Rules and Regulations showing the changes.

Prepared and Approved By:

Sonny Morkus
Human Resources Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY OF MORENO VALLEY

PERSONNEL RULES & REGULATIONS

REVISED MAY 2011

Please complete this form and return to Human Resources. If you have any questions regarding the Personnel Rules & Regulations, please contact the Human Resources Department at extension 3045.

On _____, I received a copy of the City of Moreno Valley's, May 2011, Revised Personnel Rules & Regulations, and I have had an opportunity to ask questions and discuss the information. I understand that a copy of this acknowledgement form will be placed in my central official employee personnel file, located in the Human Resources Department.

Employee Name **(Please Print)** _____

Employee Signature _____

Department/Division _____

. . . . . .

Human Resources Department Use Only

Date Returned _____

ATTACHMENT 'A'

CITY OF MORENO VALLEY
PERSONNEL RULES AND REGULATIONS

REVISED May 2011

TABLE OF CONTENTS

SECTION 1: GENERAL PROVISIONS

1.05	Authority	1
1.10	Objectives	1
1.15	Interpretation	1
1.20	Definition of Terms	1
1.25	Administration of the Personnel System	8
1.30	Contracts for Special Services	8
1.35	Application and Exceptions	9
1.40	Adoption and Amendment of Rules	10
1.45	Validity of Rules (Severability)	10
1.50	Violation of Rules	10
1.55	Conflicts of Interest and Acceptance of Gifts and Other Gratuities	10
1.60	Incompatible Employee Activities	11
1.65	Political Activities	11
1.70	Safety and Health	12
1.75	Drug and Alcohol Free Workplace Policy	13
1.80	Equal Employment Policy	14
1.85	Discrimination and Anti-Harassment Policy	14
1.90	Workplace Violence Policy	16
1.95	Smoking Policy	17

SECTION 2: CLASSIFICATION AND SALARY PLAN

2.05	Preparation, Adoption, and Amendment of Classification Plan	18
2.10	Allocated Positions	18
2.15	New Positions	18
2.20	Classification Manual	18
2.25	Preparation of Salary Schedule	18
2.30	Appropriate Salary Level	18
2.35	Benefit Plan	19

SECTION 3: TYPES OF APPOINTMENTS

3.05	Types of Appointments	20
3.10	Emergency Appointments	20
3.20	Acting Pay	20
3.25	Transfer	21
3.30	Promotion	22
3.35	Demotion	22
3.40	Reclassification	22
3.45	Layoffs, Reduction in Force, Recall	24

MV00104861

SECTION 4: RECRUITMENT AND SELECTION

4.05	Equal Employment Goals and Policies	27
4.10	Personnel Requests	27
4.15	Job Announcements	27
4.20	Personnel Applications	28
4.25	Recruitment	28
4.30	Evaluation of Applications	29
4.35	Candidates' Examination Inspection	29
4.40	Veterans' Points	30
4.45	Nepotism Policy	30
4.50	Driving Safety Check	32
4.55	Eligibility Lists	32
4.60	Final Decisions of Selection	33
4.65	Pre-Employment Physical	33
4.70	Employment Eligibility Verification	34
4.75	Probationary Period	34
4.80	Criminal Conduct – Ineligibility for Employment	34
4.85	Fingerprinting	35
4.90	Resignation	35
4.95	Rehire	35

SECTION 5: PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS

5.05	Salary at Appointment	36
5.10	Employee Performance Evaluation	36
5.15	Progression on Merit Pay	37

SECTION 6: ATTENDANCE AND HOURS OF WORK

6.05	Workweek and Overtime	39
6.06	Overtime Compensation	39
6.08	Compliance with Fair Labor Standards Act	40
6.10	No Guarantee of Hours	40
6.15	Stand-by and Call-back Policy	40
6.20	Time Sheets	40
6.25	Constructive Resignation	41
6.30	Lunch and Break Policy	41

SECTION 7: LEAVES

7.05	Holiday Pay and Holiday Leave	42
7.10	Annual Leave	42
7.15	Grandfathered Leave Balances	46
7.20	Annual Leave Cash Out Upon Separation and Retirement	47
7.30	Bereavement Leave	47
7.35	Jury Duty and Witness Leave	48
7.40	Pregnancy Disability Leave	48
7.45	Family Care and Medical Leave	50
7.50	Leave of Absence Without Pay	51
7.55	Military Leave	52

MV00104862

7.60 On-the-Job Injuries and Workers' Compensation Coverage 53
7.65 Voting Leave 56

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES

8.05 General Statement of Policy 57
8.10 Customer Service Policy 57
8.15 Unlawful Discrimination 57
8.20 Standards of Conduct 57
8.25 Objective of Disciplinary Guidelines 58
8.30 Major and Minor Offenses 59
8.35 Levels of Offenses 59

SECTION 9: DISCIPLINARY ACTIONS

9.05 Definition of Disciplinary Action 64
9.10 Informal Discussion 64
9.15 Formal Warning 64
9.20 Written Reprimand 64
9.25 Disciplinary Suspension 64
9.30 Reduction in Pay 65
9.35 Demotion 65
9.40 Last Chance Employment Agreement 65
9.45 Dismissal 66
9.50 Resignation – An Alternative to Disciplinary Action 66
9.55 Documentation of Disciplinary Action 66
9.60 Employee Representation 66

SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS

10.05 Actions That Are Not Appealable 68
10.10 Disciplinary Action Subject to Skelly Procedure 68
10.15 Administrative Suspensions with Pay 68
10.20 Skelly Procedure/Due Process 68
10.25 Appeal of Department Head's Decision 69
10.30 Amended Notice of Disciplinary Action 70

SECTION 11: APPEALS HEARING PROCESS

11.05 Selection of a Hearing Officer 71
11.10 Scheduling the Hearing 71
11.15 Hearing Representation 71
11.20 Recordation of Hearing 72
11.25 Hearing Expenses 72
11.30 Hearing Procedure 72
11.35 Hearing Officer's Recommendation 72
11.40 City Manager's Decision 73

SECTION 12: GRIEVANCES

12.05 Matters Subject to Grievance Procedures 74

MV00104863

12.10 Matters Not Subject to Grievance Procedures 74
12.15 Freedom from Reprisal 75
12.20 Consolidation 75
12.25 Resolution 75
12.30 Withdrawal 75
12.35 Resubmission 75
12.40 Employee Representation 75
12.45 Miscellaneous 75
12.50 Informal Grievance Procedure 76
12.55 Formal Grievance Procedure 76
12.60 Time Limits 77

SECTION 13: EMPLOYEE RECORDS AND FILES

13.05 Personnel Files 78
13.10 Documents in Personnel Files 78
13.15 Access to Files 79
13.20 Disclosure of Information 79
13.25 Changes-in-Status 79
13.30 Application Retention 80
13.35 Destruction of Personnel Records 80

BENEFIT POLICIES

SECTION 14: EMPLOYEE BENEFIT POLICIES

14.05 Benefit Bank 81
14.10 Management Package 82
14.12 Auto Allowance 83
14.15 Post Retirement Medical Benefits 83
14.20 PERS Medical Coverage for Retirees 84
14.25 City Retirement Plan 84
14.30 IRC Section 125 Plan 85
14.35 IRC Section 457 Plan 85
14.36 IRC Section 401A Plan 86
14.40 Life Insurance 86
14.45 Disability Insurance 87
14.50 Unemployment Compensation 88
14.55 Employee Assistance Program (EAP) 88
14.60 Medicare 88

SECTION 15: SPECIAL COMPENSATION

15.05 Stand-By 89
15.10 Call-back 90
15.15 Bilingual Pay 90
15.16 Safety Equipment 90

MV00104864

SECTION 16: TRAINING

16.05 Training 91
16.10 In-House Training 91
16.15 Departmental Training 91
16.20 Training Courses 91
16.25 Seminars and Conferences 91
16.30 Tuition Reimbursement 92
16.35 Training and Travel Reimbursement 92

DRUG AND ALCOHOL FREE WORKPLACE POLICY

APPENDIX A

Testing for Alcohol and Drugs 94

A. Employee Responsibilities 94
B. Management Responsibilities 95
C. Enforcement 97
D. Physical Examination and Procedure 97
E. Results of Drug and/or Alcohol Analysis 98
F. Confidentiality 98

SUPPLEMENT TO THE DRUG AND ALCOLOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS

A. Employee Questions 99
B. Covered Employees 99
C. Covered Commercial Vehicles 99
D. Safety-Sensitive Functions 100
E. Prohibited Conduct 100
F. Consequences for Employees Found to Have Alcohol 102
G. Circumstances Under Which Drug and/or Alcohol Testing will Be Imposed On Covered Employees 102
H. Procedures to be Used for Detection of Drugs and Alcohol 105
I. Refusal to Submit to a Drug and/or Alcohol Test 106
J. Consequences of Failing a Drug and/or Alcohol Test 106
K. Alcohol Misuse Overview 107

ALCOHOL FACT SHEET 108

A. Signs and Symptoms of Alcohol Use 108

1. Immediate Effects of Alcohol 108
2. Chronic and Long Term Health Effects 108
3. Alcohol's Effects on Society 109
4. Workplace Issues 109
5. Confidentiality Procedures for Internal Control 109

MV00104865

APPENDIX B 111

Employee Education and Training Program 111

A. Education 111
B. Training 111

APPENDIX C 113

Testing will be Conducted in Accordance with Alcohol Testing Procedures as Required by 49 CFR.40 113

A. Alcohol Testing Procedures 113
B. Drug Testing Procedures 114

APPENDIX D 116

Reasonable Suspicion Observation Form 116

APPENDIX E 118

Drug and Alcohol Program Manager (DAPM) and Designated Employer Representative (DER) 118

MV00104866

CITY OF MORENO VALLEY
PERSONNEL RULES AND REGULATIONS
REVISED May 2011

SECTION 1: GENERAL PROVISIONS

1.05. AUTHORITY

The City Council of the City of Moreno Valley is authorized and directed under the Municipal Code and the provisions of Section 1.40 of these Rules to adopt rules for the administration of the City's personnel system.

1.10 OBJECTIVES

The objectives of these Personnel Rules are to facilitate efficient and effective services to meet public needs as well as provide for an equitable system of personnel management in municipal government.

These Rules shall set forth in detail procedures which insure fair and equitable treatment for those who compete for original employment and promotion within City employment and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City.

1.15 INTERPRETATION

Within the limits of administrative feasibility, the City Manager shall be responsible for the interpretation of these Rules in cases where the proper application of a rule or any portion thereof is not clearly ascertainable. When such interpretation is required, the result shall be in harmony with the objectives set forth above.

1.20 DEFINITION OF TERMS

All words and terms used in these Rules and in any ordinance or any resolution dealing with Personnel Rules and Regulations shall be defined as they are normally and generally defined in the field of personnel administration. For the purpose of convenience, the following words and terms most commonly used are defined.

Appointing Authority: The City Manager or designee who, in his or her individual capacity, has the final authority to appoint a person to a position of employment.

Anniversary Date: The date when the employee last completed probation. If an at-will employee, the date the employee was hired to the most recent position.

Except as specifically provided in these Rules, any non-probationary employee who takes an authorized leave of absence without pay shall have his or her anniversary date extended the same amount of time as his or her period of leave.

Appointment: The designation of a person to fill a position of employment.

At-Will Employee: A probationary employee, or contract employee, who does not hold career status.

MV00104867

Career Employee: A permanent employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than one thousand (1,000) hours per year, has successfully completed his or her probationary period, and has been retained as provided in these Rules.

City: The City of Moreno Valley.

City Manager: The City's Chief Executive Officer.

Classification: A certain group of job positions with the same title, salary range, and benefit package.

Classification Manual: A document containing the class specifications for all City positions as approved by the City Manager or designated official.

Classification Plan: A listing of the duties and responsibilities of all City positions, as determined by the City Manager and adopted by the City Council.

Classification Roster: A listing of all City positions including the title and benefit category contained in the annual fiscal year budget, as determined by the City Manager and adopted by City Council.

Compensatory Time: Time accrued or taken off from work with pay, in lieu of paid overtime compensation.

Competitive Service: The merit system whereby City employees are hired and promoted through a competitive process based upon objective standards of merit to assure fair consideration in all aspects of employment/promotion.

Contractual Employee: An employee hired and paid pursuant to the terms and conditions of a specified written contract between such an employee and the City.

Days: Calendar days unless otherwise stated.

Demotion: The voluntary or involuntary transfer of an employee from one classification to another classification with a lower salary or to a lower step in a classification or hierarchy of positions.

Department Head: One who functions directly under the authority of the City Manager, has direct responsibility for a particular department, and manages its staff, policies and budget.

Dependent: A covered person who relies on another person for support; or obtains health coverage through a spouse, domestic partner, parent, grandparent, or legal guardian. For the purpose of insurance eligibility, an eligible dependent is defined as: spouse, registered domestic partner, child, economically dependent child, and adult children up to age 26.

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Disciplinary Action: The discharge, demotion, reduction of pay, suspension, placing on probation, or the issuance of a last chance employment agreement, written reprimand, or formal warning, or any other action for punitive, corrective, or disciplinary reasons.

Disciplinary Suspension: A disciplinary action that temporarily separates an employee from City service without pay.

Dismissal: The discharge of an employee by the City from City employment.

Division Manager: Division Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.

Domestic Partner: As defined by state law and registered accordingly.

Eligibility List: A list of all persons eligible for appointment to a particular classification after final testing/interviews as determined by the Human Resources Director.

Emergency Appointment: An appointment made to meet immediate requirements of an emergency condition, such as fire, flood or earthquake, which threatens life or property, where such employment is not anticipated to endure beyond the duration of such an emergency period.

Employee: An elected or appointed person occupying a position in the City employment, including City Councilmembers, providing personal services to the City or its residents. This excludes independent and outside contractors, commissioners, members of advisory boards, and volunteers.

Employee Assistance Program (EAP): A health and wellness benefit which allows an employee or a member of his or her family to receive personal counseling at City expense, subject to certain limits and available funds.

Employee Relations Officer: The City Manager-designated officer who administers the City's employee relations as defined in Employee Relations Resolution #92-110. The designated Employee Relations Officer functions under the authority of the City Manager.

Executive Management: Department Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.

Fair Labor Standards Act (FLSA): The Federal Law, which guarantees employees certain minimum wages and time and one-half overtime standards.

Fiscal Year: A twelve-month period from July 1 to June 30 in which the City plans, budgets, appropriates, and expends its funds.

Flexible Work Schedule: A City Manager-approved variation from the standard daily work hour schedule of 8:00 a.m. to 5:00 p.m.

Full-time Employee: An employee who is regularly scheduled and expected to work forty (40) hours or more during a workweek.

MV00104869

Furlough: A Management-dictated, mandatory, reduced working period implemented to save City funds during difficult economic times.

General Non-Exempt Employee: An employee who is not exempt from the pay and overtime provisions of FLSA and who qualifies for a certain benefits package.

Human Resources Officer: The City Manager-designated officer, known as the Human Resources Director, who administers the City's personnel system. The designated Human Resources Officer functions under the authority of the City Manager.

In-House Competitive Examination: A type of examination open only to City employees meeting the minimum qualifications for a particular classification.

Immediate Family Member: Mother, father, spouse, domestic partner, natural/step children, children of domestic partner, mother-in-law, father-in-law, brother, or sister, grandparent and grandchild. Step-parents may be included depending on the current situation.

Insubordination: This occurs when an employee refuses a lawful order from a supervisor. Three elements should exist: (a) the employee understood the instructions and consequences of failing to follow the order; (b) the order was in line with the employee's duties; and (c) there was no safety reason for the employee to refuse the order.

Interim Employee: An employee who is appointed to a career classification on an acting or temporary basis pending completion of the recruitment process, issuance of an eligibility list, and filling the classification.

Last Chance Employment Agreement: Is an agreement between the City, an affected employee and a bargaining unit representative. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations – usually termination of employment, with a condition that the employee waive any future rights of appeal of the termination.

Lead Worker: A working daily supervisor who typically schedules, assigns, trains, monitors, and evaluates the work of a crew or group of employees. Additionally, a lead worker performs the more difficult and responsible tasks assigned to classifications within that classification series.

Leave of Absence Without Pay: A period of time during which an employee may take time off without receiving compensation or benefits, unless otherwise stated in these Rules.

Limited Term: An employee hired for a definite term based on the funding available and/or workload requirements.

MV00104870

Merit Salary Increases: The increase of an employee's salary within the salary range established for the classification the employee occupies, resulting from satisfactory job performance, which is based on performance or merit, not solely on longevity.

Misconduct: Any act or unsatisfactory job performance which may be subject to disciplinary action.

Modified Work Schedule: Any work pattern schedule other than a usual 8 to 5 schedule as approved by the City Manager.

Open Competitive Examination: A type of examination open to applicants meeting the minimum qualifications for a particular position.

Overtime: The time which an employee is required or permitted to work beyond the number of hours prescribed for a full-time employee in that classification. Overtime compensation, taken as paid time or as compensatory time, shall be authorized as provided in Section 6.05.

Part-time Employees: The City has three (3) types of part-time employees; career part-time, seasonal or temporary, and crossing guards.

A. Career Part-Time Employee: An employee who works a minimum of twenty (20) scheduled hours per week on a permanent basis.

B. Temporary or Seasonal Employee: An employee, other than a contract employee, who is scheduled to work no more than 1,000 hours in a calendar year, no more than twelve continuous months, or one for whom there is no Council-authorized position and no employee benefits.

C. Crossing Guard: An employee hired as a regular or an alternate crossing guard. A regular crossing guard shall have a usual post near a school site. An alternate or substitute guard shall relieve any regular crossing guard in the case of absence.

Performance Assessment Review (PAR): This is the performance evaluation tool for the City's career employees, wherein performance is evaluated and rendered at three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date.

Permanent Disability: A medical disability which will indefinitely prevent the employee from performing his/her essential job duties without creating unreasonable endangerment to health and safety or inefficiency of the employee or others.

Personnel Ordinance: Chapter 2.30 of the City's Municipal Code, authorizing the establishment of a personnel system for the City.

Position: A specific job assigned to a job classification.

Probationary Employee: An employee who is serving his or her probationary period.

MV00104871

Probationary Period: A working test period which is part of the selection process, during which an employee is required to demonstrate his or her fitness for the position to which assigned. Before an employee may promote, they must successfully complete original probation.

Professional/Administrative/Management Employee: An employee who qualifies for the executive (Professional/Administrative/Management) exemption under FLSA and for a certain benefits package.

Promotion: The advancement of an employee from one classification to another classification having a higher salary range.

Reclassification: The reassignment from one classification description, or status to a different classification description, or status in accordance with a re-evaluation of the minimum qualifications, duties, and responsibilities of the position in question. Simple title changes are not reclassifications.

Reduction in Force (RIF): A layoff in the work force.

Resignation: The voluntary separation by an employee from City employment.

Rules: These Personnel Rules, as they may be amended periodically.

Salary Schedule: The listing of the salary ranges and steps for all defined City classifications.

Salary Range: The range of pay an employee can earn while employed in a particular classification.

Seniority: The length of an employee's continuous service in a City career position.

Staffing Plan: The classification titles, salaries and number of allocated positions in a department or division for a designated fiscal year, as determined by the City Manager and adopted by City Council in the annual budget document.

Standards of Conduct: Those rules which are intended to govern the actions of City employees during their course of employment with the City with respect to the employee's job performance.

Supervisor: Performs full scope of supervisory duties including hiring, training, planning, scheduling, disciplining, and evaluating the work of several crews and/or work units of staff.

Temporary Employee: *(See Part-time Employees)*

Termination: The separation of an employee from City service because of retirement, resignation, permanent disability, death or dismissal.

Transfer: The change of an employee from one department or division to another department or division without changing the employee's salary and usually within the same classification.

MV00104872

Workweek: A regularly recurring period of seven (7) consecutive twenty-four (24) hour days beginning at 12:01 p.m. on Friday and concluding at 12:00 noon the following Friday.

Y-Rate of Pay: The Y-rate of pay shall exist when an employee's salary is frozen at the then current level until such time as the commencing salary at the Y-rate, taken together with subsequent general salary increases, equals or exceeds the employee's salary at the Y-rate. This may occur in situations where an employee is reclassified, voluntarily demoted, or as otherwise stated in these Rules. Typically, benefits will not be Y-rated.

MV00104873

1.25 ADMINISTRATION OF THE PERSONNEL SYSTEM

The City Manager shall administer the City personnel system and may delegate any of the powers and duties related thereto to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided in Section 1.30 of these Rules. The City Manager shall:

A. Act as the appointing authority for all City employees except those officers and employees directly appointed by the City Council.

B. Administer all of the provisions of these Personnel Rules except as specifically reserved to the City Council.

C. Prepare and recommend to the City Council any appropriate Personnel Rules and revisions to such Rules.

D. Prepare or cause to be prepared, and revise as appropriate, a position classification schedule, including class specifications.

E. Have the authority to discipline City employees in accordance with these Personnel Rules.

F. Provide for the publishing or posting of notices of examinations for positions in the competitive service; the flexibility to waive certain job stated qualifications for good cause when it is in the best interests of the City; the receiving of applications therefore; the conducting and grading of examinations; the establishment of a list of all persons eligible for appointment to the appropriate position in the competitive service; and the performance of any other duty which may be desirable or required for the effective implementation of these Rules.

G. Appoint employees on a temporary or seasonal basis without competitive examination.

H. Determine standardized daily work hours and schedules and approve variations to the standard schedule.

1.30 CONTRACTS FOR SPECIAL SERVICES

The City Manager may contract for the performance of technical services in connection with the establishment or operation of the personnel system. In addition, the City Manager may determine the circumstances under which it is in the best interests of the City to contract for such services, and to enter into contracts for such services with City Council approval. The contract may be with any qualified person or public or private agency for the performance of any or all of the following:

A. The preparation of Personnel Rules and subsequent revisions and amendments.

B. The preparation of a position classification plan, and subsequent revisions and amendments.

C. The preparation, conduct, and grading of qualifying tests.

MV00104874

D. The conduct of employee training programs.

E. Special and technical services of advisory or informational character on matters relating to personnel administration.

F. Professional services.

1.35 APPLICATION AND EXCEPTIONS

A. These Rules shall apply to all offices, positions, and employments in the service of the City, as defined in Section 1.20 of these Rules, with the exception of the following:

1. Members of the City Council and other elected officials.

2. Members of commissions and advisory bodies appointed by the City Council or City Manager.

3. Direct appointees of the City Council, including the City Manager, City Clerk, City Treasurer, City Attorney, and any assistant or deputies to the City Attorney. An employee who also holds the position of City Treasurer shall not be excluded from the Rules, unless he or she has entered into an employment agreement pursuant to sub-section "F" herein.

4. Volunteer personnel, such as volunteer fire protection personnel, and others who provide services to the City without receiving compensation (although such persons may receive reimbursement for actual expenses incurred in the service of the City).

5. Outside and independent contractors, engaged to provide expert, professional, technical, or other services.

6. Employees who have entered into an employment agreement with the City, unless otherwise specified in an employment agreement.

B. These Rules, with the exception of Sections 8-12 inclusive, shall apply to the following employees, who serve at the pleasure of their respective appointing authorities and are considered "at will" employees:

1. Emergency employees, such as those hired to meet immediate needs of an emergency condition (i.e., fire, flood or earthquake) which threatens life or property.

2. Employees who are considered temporary or seasonal.

3. Other non-career employees who are not specifically mentioned in Section 1.35 of these Personnel Rules.

4. Alternate Crossing Guards.

MV00104875

5. Volunteers and Interns.

C. The crossing guard manual contains specific personnel policies for crossing guards. It is an extension of these rules. Violations of those written policies are also considered violations of these rules as well.

1.40 ADOPTION AND AMENDMENT OF RULES

Pursuant to the Personnel Ordinance, the City Council may adopt Personnel Rules to provide for the implementation of a personnel system for City employees. Recognized employee organization-proposed amendments to these Rules shall be submitted to that organization for review and recommendation prior to submittal to the City Council. Advance notice and an opportunity to meet and confer shall be given to recognized employee organizations concerning any amendments which affect matters subject to meet and confer such as, wages, hours, and other terms and conditions of employment. Upon request, the Human Resources Director shall provide the opportunity for review and comment and consult with any recognized employee organization so requesting prior to consideration by the City Council.

As provided in Section 3500 et seq. of the California Government Code, in cases of emergency, when the City Council determines that amendment(s) to these Rules must be adopted immediately without prior notice or meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practical time following the adoption of the amendment(s). Amendments shall become effective upon adoption by the City Council or at such other time as the adopting resolution may provide.

With the written approval of the City Manager, Department Heads may promulgate rules not in conflict with these Rules for the effective and efficient operation of their departments.

1.45 VALIDITY OF RULES (SEVERABILITY)

If any section, subsection, sentence, clause, phrase or portion of these rules is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules. The City Council of Moreno Valley hereby declare that it would have adopted these rules and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

1.50 VIOLATION OF RULES

Violation of these Rules may be grounds for disciplinary action, subject to the applicable appeals procedure provided herein.

1.55 CONFLICTS OF INTEREST AND ACCEPTANCE OF GIFTS AND OTHER GRATUITIES

City employees should serve the needs and respond to the wishes of all citizens equally without regard to their personal gain. City employees should perform their duties in an

MV00104876

impartial manner, free from bias caused by their own financial interests or the financial interests of other persons. Therefore, it is the policy of the City of Moreno Valley that all City employees shall avoid situations which might be interpreted as involving or creating a conflict of interest between the employee's duties and responsibilities as a public employee, and the employee's personal and private interest.

Employees should not take part in the consideration of any application, proceeding or other matter involving their own personal property, real estate, investment or other interest, or that of any relative or close personal acquaintance. In all such situations, the employee should disclose the nature of the relationship to his or her immediate supervisor and request to be relieved of any responsibility or involvement in such matter.

The acceptance of gifts, favors, or any form of compensation or gratuity may be viewed as influencing or compromising or attempting to influence or compromise the judgment of an employee. To prevent such a conflict, employees shall discourage any offer of a gift, favor or any form of compensation or gratuity. Gifts that can and will be shared with office staff, such as boxes of candy, flowers, and food, may be viewed as exceptions. Being hosted by a City contractor or potential City contractor is not a conflict of interest, provided that all financial disclosure laws and regulations are complied with.

Employees who receive or are offered an unanticipated gift, favor or gratuity, should consult their Department Head to determine an appropriate response to the donor.

City employees shall not solicit or accept donations for City sponsored events unless waived for specific events by express written authorization of the City Manager.

1.60 INCOMPATIBLE EMPLOYEE ACTIVITIES

During an employee's work day, the employee is expected to devote his or her full time, attention and efforts to the performance of his or her assigned duties as a City employee. At no time shall any outside employment or activity be conducted on City time. No employee shall engage in any employment, outside activity, or enterprise which is inconsistent, incompatible, in conflict with, or interferes with his or her ability to perform the duties, functions, or responsibilities of his or her position as a City employee, nor shall he or she engage in any outside activity which may directly or indirectly contribute to the lessening of his or her effectiveness as a City employee. Employees who undertake outside employment shall notify their immediate supervisors in writing of the nature, duties, and hours of that employment before undertaking such employment, including military service in the Reserves or Guard.

No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly permitted by the City Manager, Federal or State law, Memorandum of Understanding, or City Council directive.

1.65 POLITICAL ACTIVITIES

No restrictions shall be placed on the political activities of any employee of the City of Moreno Valley other than the following.

MV00104877

A. No person who holds, or who is seeking election or appointment to, any office or employment with the City shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position within the City, upon consideration or condition that the vote or political influence or action of such a person or another shall be given or used on behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration (Government Code 3204).

B. No employee shall directly or indirectly solicit political funds or contributions from other employees of the City. Employees, however, are not prohibited from requesting political funds or contributions to a significant segment of the public which may include officers or employees of the City (Government Code 3205).

C. No one who holds, or who is seeking election or appointment to, any office shall, directly or indirectly, offer or arrange for any increase in compensation or salary for an employee of a state or local agency in exchange for, or a promise of, a contribution or loan to any committee controlled, directly or indirectly, by the person who holds, or is seeking election or appointment to office. (Government Code 3205.5)

D. No employee shall participate in any political activities while in uniform (Government Code 3206)

E. No employee shall engage in political activity during working hours or on City premises (Government Code 3207).

F. No employee shall engage, during his or her working hours, in the solicitation or receipt of political funds or contributions to promote the passage or defeat of any ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the employees of the City; nor shall entry be permitted on City premises during working hours for such purposes (Government Code 3209).

1.70 SAFETY AND HEALTH

Each employee shall comply with all applicable safety laws, rules, and regulations. All employees shall follow safety practices, use personal protective equipment as required, render every possible aid to safe operations, and report to proper authority all unsafe conditions or practices.

A. Management may request a fitness-for-duty examination and repeat examinations as necessary to safeguard the employee and co-workers when there is a concern about an employee's ability to perform his or her job, based on the observations of a supervisor, manager, or physician. Specific reasons for the fitness-for-duty request must be stated.

MV00104878

1.75 DRUG AND ALCOHOL FREE WORKPLACE

Because drug and alcohol use can detrimentally affect job performance and employee safety, the City is committed to achieving and maintaining a drug and alcohol free workplace. While the City has no intention of intruding into the private lives of its employees, it will be firm in identifying and disciplining those employees whose impaired mental or physical condition, as a result of drug or alcohol use, may endanger the health or safety of fellow employees and the public at large, or interfere with the operations of the City.

This policy applies to all City employees (including part-time, temporary and hourly employees) and to all applicants for positions with the City.

While on paid duty time, the employee shall not be under the influence of any substances, drugs, medications, legal or illegal which could impair an employee's ability to effectively and safely perform the functions of the job. The use of prescription drugs which would not alter an employee's work performance is acceptable if prescribed by a qualified physician.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law.

The unlawful manufacture, distribution, dispensing, possession, or use of any illegal drug or "controlled substance" is prohibited on the job, in the City's workplace, or while subject to duty (i.e., stand-by).

For the purposes of this Section, the following shall be defined as:

A. "Controlled Substance" denotes any substance which could potentially impair the employee's ability to effectively and safely perform the functions of his or her duties, including, but not limited to: alcohol, coca leaves, cocaine, marijuana, opium and opiates, amphetamines, methamphetamines, lysergic acid (L.S.D.), etc. As outlined below, certain prescription drugs and medications shall also be classified as controlled substances.

B. "Conviction" is a finding of guilt (including a plea of no contest), an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

C. "Criminal Drug Statute" is a criminal statute involving the manufacture, distribution, dispensation, use, or possession of any illegal drug or controlled substance.

Please refer to the City of Moreno Valley's <u>Personnel Rules & Regulations</u>, Appendix A-D, for a detailed description of the City's Drug and Alcohol Free Workplace Policy.

MV00104879

1.80 EQUAL EMPLOYMENT POLICY

It is the policy of the City of Moreno Valley to offer equal opportunity in all matters of employment. Employment with the City is based solely upon the qualifications of the individual applicant, regardless of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability, unless sex, mental, or physical ability is a bona fide occupational qualification.

All employees are to be treated with respect and dignity. The City of Moreno Valley prohibits any harassment of employees in the workplace. Activities and occurrences which may constitute harassment, whether written or oral, include, but are not limited to disparaging comments on the basis of one's religion, age, sex, martial status, race, color, national origin, ancestry, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or mental or physical disability. Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.

The City shall not unlawfully discriminate against a qualified individual with a disability in job applications, hiring, advancement, compensation, training, discharge, and other terms, conditions, or privileges of employment. A disabled person is one who has mental or physical impairment that limits at least one major life activity, who has a record of impairment, or who is regarded as having impairment. A qualified individual with a disability is a person, who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Violation of this policy will result in appropriate disciplinary action pursuant to Section 8 of these Rules.

1.85 DISCRIMINATION AND ANTI-HARASSMENT POLICY

The City of Moreno Valley is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting any form of harassment, including sexual harassment, of all employees. Furthermore, the City prohibits harassment in any form, including verbal, physical, visual, or sexual harassment or retaliation against an employee for filing a harassment and/or discrimination complaint.

Harassment of an employee by a co-worker, supervisor, management employee, or other agent of the City, or a customer, on the basis of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability will not be tolerated. **Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.**

MV00104880

Harassment includes, but is not limited to:

A. Verbal Harassment- For example, epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity, age, or denial of family and medical care leave and denial of pregnancy disability leave.

B. Physical Harassment- For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.

C. Visual Forms of Harassment- For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.

D. Sexual Harassment- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employee benefit, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or an offensive work environment.

The City shall ensure that each employee has a copy of the City's anti-harassment policy which will include information on its internal complaint procedure.

Any employee who believes he or she has been harassed by a co-worker, a supervisor, a management employee, any other agent of the City, or customer should promptly report the facts of the incident or incidents and names of persons involved to his or her supervisor and/or the division manager/department head, and/or the Human Resources Director. If the offending party is a department head or higher, the complaint should be addressed to the offending party's supervisor. Any supervisor, division manager, or department head is obligated to immediately report any complaints and/or incidents of harassment to the Human Resources Director. Failure to make such a report when required by this Section may provide grounds for disciplinary action.

Upon receiving notification of a harassment complaint, the Human Resources Director shall:

A. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with:

1. the complainant;

2. the accused harasser; and

3. any other persons the Human Resources Director has reason to believe have relevant knowledge concerning the complaint. This may include victims of similar conduct.

MV00104881

B. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.

C. Report the results of the investigation, and the determination as to whether harassment occurred, to appropriate persons, including the complainant, the alleged harasser, the supervisor, the department head, and the City Manager. If discipline is imposed, the discipline will not be communicated to the complainant.

D. If the harassment occurred, take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense.

E. Take reasonable steps to protect the complainant from further harassment.

F. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

G. If appropriate, take action to remedy the victim's loss, if any, which resulted from the harassment.

If the employee is not satisfied with the action taken, the employee shall have the right to file a formal grievance in accordance with Section 12.55. If the allegation of harassment implicates any person rendering a decision at any Step in the Grievance Procedure, the employee may omit that particular Step and proceed to the next Step in the Grievance Procedure.

Dissemination of Policy

All employees, shall receive a copy of this Discrimination and Anti-Harassment Policy when they are hired and regularly thereafter. All supervisors hired after January 1, 2005, shall receive harassment training within six (6) months of hire. All supervisors shall receive interactive anti-harassment training at least every two years.

1.90 WORKPLACE VIOLENCE POLICY

This organization does not tolerate workplace violence. We define workplace violence as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. Such actions include:

- Verbal or physical threats, or intimidation;
- Assaults or other violence; and
- Any other behavior that causes others to feel unsafe (e.g., bullying, sexual harassment).

City policy requires an immediate response to all reports of violence. All threatening incidents will be investigated and documented. Counseling may be provided.

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The following disciplinary actions may also be taken:

- Oral reprimand;
- Written reprimand;
- Suspension; or
- Termination.

Employees are expected to behave in a professional manner. It is the responsibility of all employees to report all threatening behavior to management immediately. The goal of this policy is to promote the safety and well-being of all people in our workplace.

1.95 SMOKING POLICY

In compliance with all CALOSHA regulations, smoking is prohibited in all City facilities and in all City vehicles and rolling stock. Consistent with CAL OSHA regulations no one may smoke less than 20 feet from doorways.

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SECTION 2: CLASSIFICATION AND SALARY PLAN

2.05 PREPARATION, ADOPTION, AND AMENDMENT OF CLASSIFICATION PLAN

The City Manager shall determine the duties and responsibilities of all City positions for inclusion in the Classification Plan. The Classification Plan shall be so developed and maintained to ensure that all positions which are substantially similar with respect to duties, responsibilities, authority and character of work, are included within the same classification, and the same schedules of compensation shall apply to all positions in the same classification. Classification specifications are explanatory, but not restrictive. The listing of particular tasks shall not preclude the assignment of other related kinds of tasks or related jobs requiring lesser skills. The Classification Plan may be amended or revised, as required, in the same manner as originally established and described herein and is subject to adoption by the City Council.

2.10 ALLOCATED POSITIONS

The City Manager shall approve the appointment of employees to positions in the Classification Plan.

Only allocated positions which have been approved by City Council may be filled, provided that the following positions can be approved by the City Manager without prior City Council approval: 1) temporary; and 2) emergency.

2.15 NEW POSITIONS

When a new position is created, no person shall be appointed or employed to fill the position prior to the position's assignment to a classification, unless otherwise provided by these Rules. The City Manager shall amend the Classification Plan to establish and assign an appropriate classification for the new positions approved by the City Council.

2.20 CLASSIFICATION MANUAL

This manual shall contain a job description, as well as knowledge, skills, abilities, education, experience, sample duties, and other minimum qualifications for all classifications listed in the Classification Plan. This manual is developed by staff and approved by the City Manager.

2.25 PREPARATION OF SALARY SCHEDULE

The City Manager shall prepare a salary schedule that establishes the salary ranges and steps for all City classifications. The Salary Schedule shall be amended or revised, as required.

2.30 APPROPRIATE SALARY LEVEL

Employees occupying a City position shall be paid a salary range and step established for that position's classification under the adopted Classification and Salary Schedule.

MV00104884

2.35 BENEFIT PLAN:

The City Council shall, at its discretion, adopt a Benefit Plan that establishes the benefits for all City employees. This Benefit Plan is described in the Employee Benefits Section of the City's Compensation and Leave Policies.

MV00104885

SECTION 3: TYPES OF APPOINTMENTS

3.05 TYPES OF APPOINTMENTS

Except for temporary vacancies, all vacancies shall be filled by transfer, promotion, demotion, or from candidates on an appropriate eligibility list, if one is available. In the absence of eligible candidates in one of the above categories, temporary appointments may be made in accordance with these Rules.

3.10 EMERGENCY APPOINTMENTS

To meet immediate requirements of an emergency condition which threatens life or property, the City Manager may create positions and employ such persons as temporary employees as may be needed for the duration of the emergency. If not determined otherwise by an applicable provision or by an Emergency Operations Plan approved by the City Council, the method of hiring for emergency appointments shall be subject to the discretion of the City Manager. All such appointments shall be reported to the City Council as soon as possible, and shall be compensated at an appropriate hourly rate as approved by the Human Resources Director.

3.20 ACTING PAY

When an employee is assigned to perform the significant duties and responsibilities of a higher level position on a full-time basis for more than thirty (30) calendar days, a temporary salary adjustment shall be made to reflect the increase in responsibility until the employee ceases to perform such out-of-class work. All acting assignments must be pre-approved by appropriate management staff, the HR Director and the City Manager in advance unless there is an emergency situation.

An employee who is approved to be working at a higher level in an acting capacity shall be compensated at the rate in the new salary range, which comes nearest to, but not less than, five percent (5%) higher than the rate he or she held in the previous salary range. The higher salary rate payable shall be retroactive to the first day of the acting assignment as approved by City management.

Individuals appointed to work out-of-class must meet minimum qualifications of the higher classification, and must be capable of handling major duties of the higher level classification without any more supervision than another would in the same job.

The mere performance of certain portions of the higher position, or only performing the less demanding responsibilities until the position is filled, does not constitute working out-of-class.

If the higher classification is in a different bargaining unit than the employee's regular classification, the employee would only receive the salary change, not a change in benefits or unit.

At the end of such assignment, the employee performing the temporary assignment shall be returned to his/her original position and salary rate with any merit or salary adjustments, as appropriate. At any time during the out-of-class assignment, an employee may be removed from that appointment without right of appeal or hearing.

MV00104886

Nothing herein shall be construed as limiting management's authority to assign City employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies. While working in an out-of-class assignment, an employee shall continue to accrue, and have recorded, normal step increases in the employee's regular position. Should this assignment continue for 12 months or more, without a merit increase, the employee shall be entitled to a merit increase on the anniversary of the 12th consecutive month (based on performance), which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary schedule for the new position, if there is room within the range, upon approval of the City Manager. The City shall not rotate employees in and out of higher position classification assignments in order to avoid paying out-of-class compensation.

3.25 TRANSFER

An employee may transfer from his or her present position to a vacant position, in the same classification, or a comparable classification, within the same department or to another department. For purposes of this Section, a comparable classification is defined as one with the same salary range which involves the performance of similar duties that require substantially the same general qualifications. A transferred employee shall retain his or her rate of pay and his or her anniversary date for purposes of merit pay increases. No employee shall be transferred to a position for which he or she does not possess the minimum qualifications. A transfer shall not be used to effect a promotion, demotion, advancement or reduction in pay. An employee who voluntarily transfers to a lower position may be Y-rated. The employee who desires to transfer can obtain the appropriate form from the Human Resource Director. The Human Resource Department is under no obligation to notify employees of each potential transfer opportunity. Once the transfer request is received by the Human Resources Department, the Human Resource Director shall inform the Department Head of the request. The employee may be required to compete in an open selection process.

Unless otherwise provided for in these Rules, an employee must be employed with the City for at least six (6) months, or until the employee has completed his or her probationary period, before applying for a transfer. An employee may be requested to defer his or her transfer until his or her current position has been filled, but typically, two-weeks notice will be given to the employee's current department.

A request for transfer to a vacant position may be initiated by an employee or the employee's Department Head. The City Manager may order a transfer for the purposes of economy, efficiency, or for reasons related to the best interest of the City. Such a determination by the City Manager shall not require the consent of the employee, either Department Head, or the Human Resources Director.

MV00104887

3.30 PROMOTION

When it has been determined that a vacant position will be filled by promotional appointment, the Human Resources Director shall authorize a competitive promotional examination in order to fill the position, as stated in these Rules.

When an employee is appointed to a promotional position, that employee shall be paid at a level within the higher salary range which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary range for the new position. In accordance with the provisions in Section 5.15, any employee who is promoted within City service shall be required to successfully complete a probationary period in the new position. *(Refer to Section 4.75)*

3.35 DEMOTION

An employee may be demoted because his or her ability to perform the required duties of his or her position falls below standard, for disciplinary purposes, or for any other reasons as outlined in these Rules. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. The position which has been made vacant by demotion shall then become subject to the provisions of these Rules which govern appointments.

An employee shall not be required to serve a probationary period in the position to which he or she is demoted unless he or she has not completed the probationary period in the higher position. In such cases, the employee shall be required to complete his or her unfinished probationary period in the lower position. The employee shall retain the anniversary date he or she had in the higher position.

A. Involuntary Demotion: An involuntarily demoted employee, who is placed in a position at a lower salary than the position he or she formerly occupied, shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. A demotion which is effected for disciplinary reasons, pursuant to Section 9.35, shall be subject to the disciplinary appeals process.

B. Voluntary Demotion: A voluntary demotion to a lower position and lower salary may be requested by an employee for any reason. Such a voluntary demotion shall require the approval of the Human Resources Director, the employee's present Department Head, and the Department Head under whom the employee will serve, if applicable.

   The voluntarily demoted employee shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. In lieu of a reduction in salary, the City Manager may approve a Y-rated salary for a voluntarily demoted employee.

3.40 RECLASSIFICATION

Existing positions, where the duties have changed materially so as to necessitate reclassification, shall be reclassified by the City Manager to a more appropriate classification, whether new or existing, with the exception of reclassification from training

MV00104888

or internship positions. Except for training or internship positions that are reclassified, the selection of a candidate to fill a reclassified position must be made competitively, unless the incumbent from the reclassified position has been performing the duties for more than one year or unless specifically waived by the City Manager. Such determination must be approved by the City Manager. Regardless of the circumstances, the City Manager may require a competitive examination, and no incumbent shall have a right to be appointed to a reclassified position. No person shall be appointed or employed to fill a reclassified position unless the said reclassified position has been incorporated in the Classification Roster as provided by these Rules. A simple title change is not a reclassification and requires only City Manager approval.

The employee or Department Head may submit a request for a job audit to the Human Resources Director who shall determine if the reclassification is justified and provide a recommendation to the City Manager for approval. The City Manager has the authority to reclassify any employee whose reclassification is justified so long as the position is listed in the existing Classification Roster. If the position is not listed, the City Council must approve the reclassification. Since there is no money budgeted for that specific reclassification increase (normally 5%), the department shall fund for the City Manager-approved reclassification from its general personnel account for the balance of the current fiscal year. The department shall place and fund the reclassified position in the following year's personnel budget. Reclassifications are normally done with the adoption of the fiscal year budget, but may be done at other times.

Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions, promotions, or unit modifications. The Human Resources Director may conduct objective, non-competitive examinations to establish qualifications for the position.

The salary of an employee in a position that is reclassified shall be determined as follows:

A. Classification with Same Salary Range: If the position is reclassified to a classification with the same salary range as the previous classification, and if the incumbent is appointed to the reclassified position, the salary rate and the anniversary date of the employee shall not change. The provision shall also apply to the change of classification title, provided there is no change in the basic duties of the classification.

B. Classification with Higher Salary Range: If the position is reclassified to a classification with a higher salary range than the previous classification, and if the incumbent is appointed to the reclassified position, he or she shall be compensated a pay level within the new salary range which is the lesser of five (5) percent higher than his or her previous salary level or the top of the salary range for the new position. The incumbent's anniversary date shall not change.

C. Classification with Lower Salary Range: If the position is reclassified to a classification with a lower salary range than the previous classification, and if the incumbent is appointed to the reclassified position, the City Manager may approve a Y-rate salary for the employee if the employee's old salary is above the top of the salary range for the new position. Otherwise, the employee's new salary shall be placed at a pay level which yields a salary closest to, but not less

MV00104889

than, the current salary. The incumbent's anniversary date shall not change. Normally, benefits will not be Y-rated, unless specifically approved by the City Manager.

The effective date of reclassification shall coincide with the first working day of a pay period after the reclassification is approved by the City Manager. Any completely new classification, one not listed in the Classification Roster, must be adopted by the City Council before it is approved.

3.45 LAYOFFS/REDUCTION-IN-FORCE/RECALL

The City Manager may lay off permanent and probationary workers at any time for lack of work, budgetary reasons, technological changes, or other City actions that necessitate a reduction in the work force. At least four weeks notice shall be given to any employee who is to be laid off. At the City Manager's discretion, a demotion or transfer to another department or classification may be made to prevent a layoff provided the employee is qualified by education and/or experience and is capable of performing the duties of the classification. The Department Heads, in consultation with the Human Resources Director, and as approved by the City Manager, will effect the layoffs.

Reduction in Force

When it becomes necessary to reduce the work force in the City, the City Manager shall designate the job classification, division, department, or other organizational unit in order to effect a reduction in the work force. Contract, temporary, seasonal, or initial probationary employees in the same job classification as ones proposed to be reduced within the City shall be laid off first. Probationary promotional employees who are laid off shall be returned to their former classification. Employees who accept lower positions or transfers in lieu of lay-off shall be placed at a pay level within the salary range of the new position, which yields a salary closest to current salary.

Order of Layoff

The order of layoff of career employees shall be made in accordance with a system which favors retention of the more meritorious employees, based upon evaluation of the following factors in the listed order of implementation:

A. An overall rating of "unsatisfactory" or "needs improvement" on the most recent performance evaluation once finalized and filed in Human Resources except when an employee has less than one year seniority with the City. In that case, only seniority will be used.

B. Documented disciplinary actions during the preceding twelve (12) months.

C. Seniority (length of service in a career position):

1. in the city
2. in the classification
3. in the department

MV00104890

For employees who are equal in performance and seniority, as established in A-C above, preference will be given to those with proof of honorable military discharge.

Seniority:

Seniority is determined from the day of official appointment to a City department as a career employee, provided that any career employee, who, as a result of promotion, transfer, or voluntary demotion, is appointed to a career position in another department, shall for purposes of layoff, carry seniority previously acquired over to the new department.

Seniority shall continue to accrue during periods of Annual Leave, layoff not exceeding two (2) years, any authorized leave of absence of less than three (3) months, or any call to military service for the duration of the call to duty. Seniority shall not accrue during any other break in continuous service.

Other Policies:

The City may call back as a temporary employee, within the first year after layoff, any laid off employee who is on the recall list when the employee is qualified to fill a vacancy of a full-time position.

Any employee who receives an involuntary transfer shall have the option to be reinstated to a vacated position in the classification said employee was involuntarily transferred from for up to six (6) months from the effective date of the involuntary transfer in the event of layoff.

An employee who chooses to terminate and have his/her name placed on the Reinstatement List under this section shall notify the department in writing of his/her decision at least three (3) working days prior to the effective date of reassignment. Such termination shall be on the same date as the reassignment would have been effective.

Recall List:

The name of every career employee who is laid off, transfers, or elects to demote to a formerly held classification in the same department for longer than one pay period due to a Reduction-in-Force, shall be placed on the Recall List except that the names of those employees laid off under Sections A & B under "order of lay off" above, shall not be placed on the recall list. Vacancies to be filled within a department shall be offered, to individuals named on the Recall List who at the time of the Reduction-in-Force, held a position in the same job classification within the department as the vacancy to be filled. Order of recall shall be same as order of layoff.

Individual names may be removed from the Recall List for any of the following reasons:

A. The expiration of two (2) years from the date of placement on the list.

B. Re-employment with the City in a career full-time position in a department other than that from which the employee was laid off.

MV00104891

C. Failure to respond within 14 calendar days of mailing a certified letter regarding availability for employment.

D. Failure to report to work within 14 calendar days of mailing of a certified letter containing a notice of reinstatement to a position, absent mitigating circumstances.

E. Request in writing to be removed from the list.

Status on Re-employment:

A career employee who has been laid off or terminates in lieu of reassignment and is re-employed in a career position within two (2) years from the date of his layoff or termination shall be entitled to:

A. Buy back and thereby restore all or a portion of Annual Leave credited to the employees' account on the date of layoff or termination and at the same rate as it was sold originally. This restoration must be requested in writing within 30 days of returning to work and must be fully paid back within six (6) months of the return to work.

B. Restoration of seniority accrued prior to and accrued during layoff.

C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave.

D. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same department from which he/she was laid off or terminated.

In the event of a vacancy, if there are no individuals on the recall list who formerly occupied the vacant classification, those individuals on the recall list who possess the necessary qualifications for the vacant classification shall be eligible for recall to the vacancy. Eligibility order shall be the same as the order of lay-off.

No person from outside City employment shall be hired in a career position in the deleted classification until all those displaced due to layoffs or transfers are recalled to their former classification or one classification lower in the same career ladder as the one in which the employee was laid off.

Continuation of Benefits:

Those who are laid off shall have their medical insurance benefits continued to the end of the second month following the date of their layoff in the event that they are not covered by another medical plan at that time.

MV00104892

SECTION 4: RECRUITMENT AND SELECTION

4.05 EQUAL EMPLOYMENT GOALS AND POLICIES

In adopting these Rules, it is the goal of the City to employ the most qualified individuals and to achieve excellence in serving the needs of the community. Employment and promotions in the City shall be based upon merit and qualifications and shall be free from political influence and discrimination based upon religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical condition, mental/physical disability, sexual orientation, including gender identity, or political affiliation, unless sex or physical ability is a bona fide occupational qualification.

Although not expressed in the classification specifications or job announcements, all persons applying for or holding any position in the City shall be required to meet the following general qualifications to a reasonable degree: integrity, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume and fulfill the responsibilities of the employment, good health, and physical and mental abilities compatible with the work assignment. Where the position requires the driving of a motor vehicle, the applicant or employee must have a valid California Driver's license and is expected to drive the motor vehicle safely. The foregoing general qualifications shall be deemed to be part of the minimum qualifications of each classification specification or job announcement and need not be specifically set forth therein.

No residency requirements shall be enforced by the City of Moreno Valley. Extensive efforts shall be undertaken to make local residents aware of personnel openings, encouraging them to apply for any positions for which they qualify, and providing them with full due consideration. It is the City's intention to create an environment wherein employees will want to live and work in this community.

4.10 PERSONNEL REQUESTS

To initiate the filling of an authorized vacant position, the responsible Department Head shall submit to the Human Resources Director a completed Personnel Request Form containing at least the following information:

A. The classification (job) title;

B. The justification for filling the position, including its budgeted cost code; and

C. The duties, responsibilities and qualifications of the position in accordance with the Classification Plan.

Each request shall be reviewed and approved by the Human Resources Director and the City Manager or designee.

4.15 JOB ANNOUNCEMENTS

Job announcements providing information about the position, its title and pay, its major responsibilities and duties, minimum and other qualifications, where and when to apply, and the last day on which applications will be accepted shall be prepared and distributed

MV00104893

by the Human Resources Department. All positions to be filled will be publicized by posting announcements on the City's official bulletin boards and in such other places deemed advisable by the Human Resources Director. Employees may suggest additional locations.

Notice of open competitive examinations shall generally be posted a minimum of ten (10) working days before the filing deadline for applications unless it is in the best interests of the City to do a shorter recruitment, as approved by the City Manager. Notice of promotional openings shall be posted a minimum of five (5) working days before the filing deadline for applications.

4.20 PERSONNEL APPLICATIONS

Applications for employment, transfer, or promotion with the City shall be made on forms provided by the Human Resources Department. All information required by the application shall be provided and the applicant shall certify as to the truth thereof. Any material false statement or omission on the application shall, absent mitigation, disqualify the application and may be cause for termination or other disciplinary action if the applicant is or subsequently becomes an employee of the City regardless of when the error is discovered. Resumes and other supplementary information may be submitted and attached to the application for consideration, but may not be used as a substitute for the application.

In order to be considered, an application must be received by 4:00 p.m. on the final day of the advertised recruitment period. A late application shall be accepted from a qualified current City employee only under the following circumstances:

A. The employee must submit a written letter to the Human Resources Director accompanied with a completed application for the position at least two working days prior to the first interview or testing phase; and

B. The employee must provide documentation establishing that he or she was absent from work on an authorized leave continuously from the date the position was first posted to the date the application period closed.

4.25 RECRUITMENT

It shall be the City's policy to recruit and hire the best-qualified persons available regardless of religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical/physical condition, sexual orientation, including gender identity, mental/physical disability, or political affiliation, unless sex or physical ability is a bona fide occupational qualification. While recognizing the need for introduction of persons from outside City employment at all levels, the policy of the City is to transfer or promote persons already employed by the City when their qualifications, training, work performance, and work experience are determined to be comparable to applicants from other sources. The Human Resources Director shall recommend to the City Manager whether the recruitment shall be open or promotional, on the basis of assuring an adequate number of candidates with appropriate skills to constitute a competitive merit process.

MV00104894

Except as specifically provided otherwise in these Rules, selection for a position in City employment shall be by one of the following types of examinations.

A. Open Competitive: Examinations which are open to all persons who possess the indicated minimum qualifications as set forth in the job announcement. Applicants for open competitive examinations may, but are not required to, be employees of the City.

B. In-House Competitive: Examinations which are open only to City employees who possess the indicated minimum qualifications as set forth in the job announcement.

C. Temporary Position: Employees may be hired on a temporary basis through either a temporary agency or by the City itself. The City Manager approves these positions. These persons may be hired without competitive examination.

Any variations to these procedures shall be reviewed by the Human Resources Director and approved in writing by the City Manager. The City Manager may select a candidate for Department Head solely based on a review of the applicant's application and/or resume from among those screened by the Human Resources Director as finalists.

4.30 EVALUATION OF APPLICATIONS

Each application shall be reviewed to determine if the applicant satisfies minimum educational experience, type and years of job related experience, certificates or licenses and any other requirements.

Selection techniques shall be impartial and relate to those areas which will adequately and fairly indicate the relative capacity of the applicants to perform the duties and responsibilities of the position to which they seek appointment.

The selection procedure may consist of personal interviews, performance tests, evaluation of work performed, work samples, assessment centers, physical agility tests, other written tests, review and investigation of personal background and references, medical examination, psychiatric examination, or any combination thereof. The Human Resources Director may at his or her discretion include as a part of the examination process, tests which determine whether applicants meet minimum qualifications.

In all examinations the minimum grade or standing for which eligibility may be earned may be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

4.35 CANDIDATES' EXAMINATION INSPECTION

If a selection procedure consists of a written examination, the applicant shall be given written notice of his or her tests results. By appointment with the Human Resources Department, an applicant shall have the right to review his or her own written test within ten (10) working days after the examination results are mailed out. However, no

MV00104895

applicant shall be allowed to examine the test key as part of his or her examination inspection.

Any error in rating or grading shall be corrected if it is called to the attention of the Human Resources Director at the time the applicant reviews his or her examination. Any applicant whose corrected score meets or exceeds the examination's established passing score will be placed on the applicable eligibility list for the position, if one exists. Any correction shall not invalidate an appointment or offer of employment that has been made previously.

4.40 VETERANS POINTS

The final score of a veteran who requests employment preference and submits proof of active duty (such as a DD214) shall receive five (5) additional percentage points, provided that he or she has already met minimum qualifications pursuant to Section 4.30, and attained a passing grade in the examination, if applicable. To be eligible for veterans' preference, the candidate must have received an honorable discharge from the Armed Forces of the United States and served on active duty during a period of war or tension as determined by the Veterans Administration. A disabled veteran, who is currently rated by the United States Veterans Administration as ten (10) percent or more disabled as a result of a service-connected disability incurred on active duty in federalized service during a period of war or tension as determined by the Veterans Administration, who requests employment preference and submits proof of such disability shall receive five (5) additional percentage points, for a total of ten (10) additional percentage points. Such percentage points may be awarded to widows or widowers of veterans upon request for such preference and submission of proof of eligibility.

The provisions hereof, relating to veterans' preference, shall not apply to any promotional examination.

4.45 NEPOTISM POLICY

An applicant for a position who has a relative employed by the City may not be denied the right to file an application for employment and compete in the examination process. Following examination, if the applicant is successfully certified as eligible, he or she may be employed in a department, division, or office in which a member of his or her immediate family is employed. Such employment shall be denied if the Human Resources Director determines that such employment would potentially create a conflict of interest or have a potentially adverse impact on supervision, safety, security, or morale, or if the employee would be in a position where he or she would directly supervisor, or be supervised by, a member of his or her immediate family.

For the purposes of this policy, a "relative" or "immediate family member" shall be defined to include the following: mother, father, sister, brother, spouse, domestic partner, children of domestic partner, daughter, son, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandmother, grandfather, granddaughter, grandson, aunt, uncle, first cousin, niece, and nephew. Step-parents may be included if they are members of the immediate family, depending on the current situation.

MV00104896

When the eligible candidate is refused appointment by virtue of this section, the name of the candidate shall remain on the eligibility list for openings in the same classification, as otherwise provided in these Rules, where no member of the employee's immediate family is employed, supervised by, or supervising the vacant position. In no case may an employee participate directly or indirectly in the recruitment or selection process for a position for which the employee's relative has filed an employment application.

Where two relatives are working in the same department, division, or office at the time these Rules are adopted, or if an event occurs in which a familial relationship is established between two employees who work in the same division or office (i.e. if a marriage results in a spousal or in-law relationship), the relationship shall not be deemed a "prohibited relationship" unless the employees' mutual employment creates a potential conflict of interest or has a potentially adverse impact on supervision, safety, security, or morale, and so long as neither employee is in a supervisory capacity over a member of his or her immediate family.

If, as stated above, a familial relationship exists or is established, the employees may continue in their positions so long as the conditions of a prohibited relationship are not met. If, in the determination of the Department Head, such a prohibited relationship does or would exist, the Department Head shall submit the reasons for his or her determination to the Human Resources Director for review. The Human Resources Director shall have one week to investigate the Department Head's findings and determine if a "prohibited relationship" does exist.

If the Human Resources Director's review confirms that a prohibited relationship exists, he or she shall submit his or her results to the Department Head. At this time, the Department Head shall promptly inform the employees of the City's intention to transfer one of the employees to a vacant position of comparable pay and duties in another City division or office, provided that such a vacant position exists, the transferee is qualified therefore, and no offer of employment to fill the vacant position has been made to another eligible candidate. If a position of comparable pay and duties is not open, but one in a lower classification is vacant, either of the employees may elect to voluntarily demote to the lower position, provided that the vacant position is in another department, division, or office, the employee is qualified to fill the position, and the position has not been offered to another candidate. Any voluntary demotion which occurs as a result of this section shall be in accordance with the provisions set forth in Section 3.35. In the event that a transfer or voluntary demotion is not feasible within the time limit set herein, the affected employees shall decide which of them will resign from City employment.

If a transfer or voluntary demotion is not feasible and neither employee has submitted a letter of resignation three weeks after the determination that a prohibited relationship exists, the Human Resources Director and Department Head shall determine which of the employees shall be terminated in good standing. Regardless of which procedure is utilized, the transfer, voluntary demotion, resignation, or termination in good standing shall become effective one month after the Human Resources Director has concurred with the Department Head's determination that a prohibited relationship has been established. This one-month time limit may be extended up to an additional two months with written approval from the City Manager, provided that personal or organizational considerations mandate such an extension.

MV00104897

Except as hereinafter provided, an employee who has been terminated in good standing because of the operation of this Section, may be reinstated to the position which such employee held at the time of termination, or to a position of equal seniority, status, and pay. In order for the employee to be eligible for reinstatement, he or she must be reinstated to a position in a department, division, or office where a prohibited relationship would not be established (or re-established), the position must be open, and the employee must still meet the qualifications for the position. This right of reinstatement shall be effective only through the ninety (90) days immediately following the effective date of the employee's termination in good standing, and shall take precedence over a right of reinstatement which has been derived from a voluntary resignation in good standing. Commencing on the ninety-first (91st) day after the effective date of the termination, the terminated employee shall have a co-equal right of reinstatement with employees who have voluntarily resigned in good standing, up to an additional nine (9) months.

With the exception of the Human Resources Director's review, as provided in this section, any decision to transfer, voluntarily demote, resign, or terminate an employee in good standing (pursuant to this Section), is not subject to any appeal or grievance procedure.

4.50 DRIVING SAFETY CHECK

A verifiable and acceptable driving record and proof of liability insurance shall be required of each final candidate for employment whose position requires the employee to drive a City vehicle or if the employee receives a vehicle allowance or mileage reimbursement. Verification of acceptable driving records of all employees may be conducted periodically. Driving a City vehicle without possessing a valid driver's license is not permitted and may result in disciplinary action up to and including termination. An employee shall notify his/her supervisor immediately if his/her license~~s~~ expires, is suspended, or revoked.

4.55 ELIGIBILITY LISTS

Lists of applicants to be considered for job openings in a particular classification may be established for open competitive or promotional competitive positions. An eligibility list shall be a list of persons who have taken an open competitive or promotional competitive examination for an advertised City position and have qualified for said classification. Each such list shall bear an expiration date. The hiring department may appoint any candidate on the eligibility list, provided all candidates with higher rankings have been interviewed. The best qualified candidate, as determined by the hiring manager, on the eligibility list shall be hired.

Non-Management eligibility lists shall remain in effect for six (6) months or until exhausted, whichever occurs first. Management eligibility lists shall remain in effect for three (3) months. An eligibility list may be terminated at any time when less than three (3) eligible candidates remain. The Human Resources Director shall have the right to extend an eligibility list for one or more periods not to exceed in total one (1) year from the original date of certification.

The Human Resources Director may remove a name from an eligibility list for any of the following reasons:

MV00104898

A. If the eligible person accepts an appointment with the City to a career position of the same or higher classification. Acceptance of a temporary appointment at any level will not in itself be cause for removal from an eligibility list. An eligible person may refuse an appointment to a particular position and request to remain on the eligibility list.

B. If the eligible person requests in writing removal from the list.

C. If the eligible person fails to respond within ten (10) calendar days to a notification or letter which has been mailed to the person's last address on file with the City.

D. If the eligible person is unable to accept any offered position.

E. If a person on a promotional eligibility list resigned from City employment.

F. If other circumstances, such as conviction of a crime involving moral turpitude or loss of a required license, make the person ineligible.

G. If the eligible person has not been offered an appointment after interviewing for three (3) separately budgeted positions which are to be filled from the same eligibility list.

Placement on an eligibility list does not guarantee employment with the City of Moreno Valley.

If a vacancy exists in a classification for which there is no appropriate eligibility list, the Human Resources Director may prepare a list from one or more existing related lists by selecting names of eligibles from eligibility lists for classifications which are assigned to the same or higher salary range and which have minimum qualifications similar to those of the classification in which the vacancy exists.

4.60 FINAL DECISIONS ON SELECTION

The Department Head or designee shall recommend a final candidate for appointment to a vacant position to the City Manager. All appointments shall be subject to Human Resources Director's review and City Manager final approval before becoming effective. If the selected candidate accepts the appointment and reports for duty within the agreed upon time, the applicant shall be deemed appointed to the position. If the selected candidate does not report to duty within the agreed upon time, the candidate shall be deemed to have declined the appointment. By mutual agreement of the Department Head, the Human Resources Director, and the candidate, the date of the appointment may be changed. Upon the affected employee's written petition, effort shall be made to accommodate current City employees who are or will be on an approved leave as of the date of appointment and thereby unable to report for duty at the designated time.

4.65 PRE-EMPLOYMENT PHYSICAL

Each person accepting employment with the City shall be required pass a pre-employment physical and pre-employment drug test at a City-designated medical facility at City cost before an appointment to such employment becomes effective. This Section

MV00104899

shall also apply to changes of employment within the City when the new position places substantially more physical demands upon the employee.

4.70 EMPLOYMENT ELIGIBILITY VERIFICATION

In compliance with law and with regulations of the United States Department of Justice and the Immigration and Naturalization Service, the City of Moreno Valley requires that each person hired by the City complete Section I of the Employment Eligibility Verification Form I-9 to verify that the person is eligible for employment in the United States.

4.75 PROBATIONARY PERIOD

The first six (6) months, or any duly extended longer period, of all new and promotional employment in a career position shall be deemed a probationary period. The probationary period shall commence upon the effective date of the appointment.

During the probationary period, an employee may be terminated without the right of appeal, hearing or resort to any grievance procedure if his or her performance is deemed in any way unsatisfactory or below City standard by the City Manager, upon recommendation of the Department Head. At the conclusion of the probationary period, if the employee's performance does not meet City standards but is not altogether unsatisfactory, the probationary period may be extended up to an additional six (6) months, at the discretion of the City Manager. The decision to extend the length of an employee's probationary period must be based on justifiable reasons and must be made prior to the expiration of the original six (6) month probationary period. Such a decision shall not be appealable or grievable.

An employee who fails to complete his or her promotional probationary period satisfactorily shall be reinstated to the position in the same classification from which he or she was promoted unless discharged from City service as provided in these Personnel Rules. Before an employee may promote, they must first successfully complete original probation.

Crossing Guards shall be required to serve a 650-hour probationary period after becoming regular crossing guards. At the end of a successful probationary period, Crossing Guards shall become eligible for a merit pay increase. An Alternate Crossing Guard shall be deemed "at will/part-time" regardless of the number of hours worked.

4.80 CRIMINAL CONDUCT – INELIGIBILITY FOR EMPLOYMENT

Except as otherwise hereinafter provided, no person convicted of a misdemeanor involving moral turpitude or a felony shall be eligible for employment in the service of the City; however, the City Manager may disregard such conviction if he/she finds and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, the age of such person at the time of conviction, or the fact that the classification applied for is unrelated to such conviction.

Only the City Manager, Employee Relations Officer, City's Attorneys, Human Resources Director, and other Human Resources staff are authorized to have access to the "State

MV00104900

Summary Criminal History Information" as provided for in Section 11105 of the Penal Code of the State of California.

4.85 FINGERPRINTING

To facilitate the City's ability to perform complete background checks on its employees, new City employees will be fingerprinted and their backgrounds researched to ensure that there is nothing which would hinder their ability to perform their job satisfactorily or create any unnecessary liability for the City.

4.90 RESIGNATION

Employees who desire to terminate their service with the City shall submit a written resignation to the Department Head at least two weeks prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying future employment with the City.

4.95 REHIRE

Any career employee who voluntarily or involuntarily resigns or separates and is later rehired, may forfeit all previous seniority and benefits and does not need to be rehired at his/her former classification or pay level, except in the case of lay-off. The rehired employee may be considered the same as a new hire. With approval of the City Manager, a former employee who is eligible for rehire may be rehired by appointment rather than competitively, but may still be placed on six months probation upon return. However, if an employee voluntarily separates from the City and is subsequently rehired by the City within one calendar year of his/her employment separation date, the employee's benefits will be the same as when the employee separated and the City will pay the employee's share of CalPERS contributions in the same manner as done prior to the separation.

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SECTION 5: PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS

5.05 SALARY AT APPOINTMENT

Except as otherwise stated in this Section, all new employees shall be appointed at the 'A' Step of the salary range for the position. When the proposed employee's education, training, experience, and current salary are deemed superior and justify a higher starting salary, the Department Head may offer employment up to the 'C' Step of the salary range without obtaining City Manager approval.

If the Department Head recommends appointing the employee at a pay level above the 'C' Step, City Manager approval must be obtained prior to making an offer of employment. All final appointments are subject to City Manager approval, regardless of the pay level at which the employee is appointed.

When hiring new Department Heads, the City Manager may authorize certain added incentives to aid in the recruitment process. Some added inducements might be the authorization of a moving allowance, additional Annual Leave, educational expenses, etc. Such incentives may be authorized only if in conformance with a written policy, adopted by resolution of the City Council.

5.10 EMPLOYEE PERFORMANCE EVALUATION

The Performance Assessment Review (PAR) is the employee performance evaluation tool. Regular reports on forms prescribed by the Human Resources Director shall be made as to the efficiency, competency, conduct, and merit of all employees appointed by the City Manager. Performance evaluations are required to be given at the following times: three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date. An employee who received a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months. Any decision to extend an employee's probationary period must be made prior to the expiration of the original probationary period. Any evaluation which warrants a merit increase but is not completed by the designated review date shall be retroactively paid back to that review date. In addition to those occasions referenced by this Section, a supervisor may render a performance evaluation when performance issues arise, whether positive or negative; when there is a change in assignment; and/or when there is a change in supervisor or management.

During the performance evaluation meeting, the employee and supervisor shall review and discuss the employee's significant accomplishments, training, problem or improvement areas, and future development and objectives. After reviewing the job descriptions, duties, and any established performance standards for that position, an evaluation shall be made by the supervisor as to whether the employee's performance meets City standards. An explanation must accompany any unacceptable or conditional judgment. The employee shall have an opportunity to review his or her performance evaluation report and agree or disagree with it. Based upon the Performance Assessment Review, the supervisor may make appropriate recommendations regarding a possible merit increase, or other action.

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The employee shall have the right to attach a written response to the corresponding performance evaluation in his or her personnel file. This response must be made within ten (10) working days of receiving the evaluation.

If a career employee's written objection to his/her evaluation is concurred with by the Department Head, the evaluation may be revised accordingly. If there is no denial of merit increase nor an overall below-City standard rating, the Department Head's decision shall be final and conclusive with regard to the validity of the objection.

If a career employee is not in agreement with a performance evaluation which results in an overall below-City Standard rating (other than one which results in denial of a merit increase or in any other direct monetary detriment to the affected employee), the employee may, within ten (10) working days after receipt of the evaluation, request a review of such evaluation by his or her Department Head. If the employee is not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receipt of the determination of the Department Head, request a further review by the City's Human Resources Director, whose decision shall be final and conclusive.

If a performance evaluation results in a denial of a merit increase or in any other direct monetary detriment to the affected career employee, the employee may, within ten (10) working days after receipt of the evaluation, request a review thereof by his or her Department Head. If not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receiving the determination of the Department Head, request a further review of the evaluation by the City's Human Resources Director, whose decision shall be final and conclusive.

In either of the foregoing situations, if the career employee's Department Head prepared the evaluation in question, the employee may omit review by the Department Head and proceed directly to the next level of review by the Human Resources Director.

Probationary employees may attach written responses to their probationary evaluations and submit them to the Department Head for consideration, however, such employees have no appeal rights.

The employee and supervisor must sign and date the report. If the employee refuses to sign the report, the supervisor shall note this fact and any circumstances surrounding the employee's refusal on the Performance Assessment Review. Copies of the Report shall be distributed to the employee, the Department Head, and the Human Resources Department.

5.15 PROGRESSION ON MERIT PAY

A. Career Full-time and Career Part-time Employees shall earn merit pay increases based on meeting or exceeding satisfactory performance of duties in the overall rating rather than simple longevity, as follows:

1. Normal Progression

From the date of employment until the successful conclusion of the probationary period, no merit pay increase shall be granted. At the end of

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a successful probationary period, the employee shall become eligible for a merit pay increase provided that the employee's overall performance has satisfactorily met City Standards. Thereafter, eligibility for merit pay increases shall occur at 12-month intervals provided the employee's performance is satisfactory, until such time as the employee reaches the top of the salary range available for his or her position. Employees must achieve an overall "meets job requirements" to be deemed as having met City Standards. An employee who receives an overall performance rating less than "meets expectations" will not receive a merit increase. An employee who receives a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months.

2. Promotional Progression

From the date of promotion until the successful conclusion of the probationary period, no merit pay increase may be granted. When an employee is promoted to a classification with a greater salary range, his or her salary increases to an appropriate salary step within the salary range of the new position. An employee who is promoted shall be compensated at the pay level within the new salary range which is the lesser of five (5) percent higher than the pay level he or she held in the previous salary range or the top of the salary range for the new position.

All promoted employees who successfully pass their promotional review period are eligible for a step merit pay increase within the salary range of their position, again provided satisfactory performance is achieved. A promoted employee is eligible for another merit pay increase, annually thereafter, from the date of the promotional review until their salary reaches the top of the salary range.

B. Temporary and Seasonal Employees It is the policy of the City of Moreno Valley to grant a merit pay increase to temporary employees after the first 1,000 hours of service, provided the performance is satisfactory. The next increase would occur after completion of 3,000 hours, as long as performance remained satisfactory, and every 2,000 hours thereafter, until such time as the employee reaches the top of their salary range. If a merit increase is warranted, it will be based on an abbreviated evaluation form similar to the one used during probation for a career employee. A temporary or seasonal employee may receive a performance evaluation when his or her period of service concludes to determine whether he or she is eligible for rehire and may be evaluated more frequently at the discretion of the supervisor. This performance evaluation may also be used as a basis for considering salary in the event the employee is rehired.

C. All Crossing Guard employees who have successfully completed training shall become eligible for a merit pay increase. Regular Crossing Guards shall become eligible for a second merit pay increase upon completion of six hundred and fifty (650) hours of service; and shall then be eligible for merit adjustments once in each succeeding period of thirteen hundred (1,300) hours of continuous service, provided that performance meets City standards.

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SECTION 6: ATTENDANCE AND HOURS OF WORK

6.05 WORKWEEK AND OVERTIME

For purposes of applying the overtime requirements of the Fair Labor Standards Act (FLSA), the workweek for City employees shall begin at 12:01 p.m. Friday and end at 12:00 noon the following Friday. For any illness or emergency absence from work, the employee must notify the supervisor within the first half hour of normal reporting time when possible.

6.06 OVERTIME COMPENSATION

Overtime compensation shall be provided to City employees as follows:

A. Executive Management, Division Management, and Professional/Administrative/ Management Employees are salaried employees and shall not receive overtime compensation. Employees in these categories shall receive administrative leave hours, as specified in Section 7.25.

B. Non-Exempt and Part-time Employees may receive overtime compensation in the form of paid time or compensatory time-off, at a time-and-one-half rate. The choice of compensation method is the employee's. Employees in these categories may accrue compensatory time to a maximum cap of 120 hours. The City Manager may allow accrual beyond the maximum if circumstances warrant. Overtime will be paid for hours worked in excess of 40 hours in a workweek in accordance with the Fair Labor Standards Act (FLSA). In addition, career employees will be compensated with overtime for any hours actually worked in excess of 9 hours in a workday for those on a modified schedule or 8 hours in a workday for those on a regular schedule. Part-time Career Employees must use the 9-hour workday for overtime. Career employees will also receive overtime pay for hours worked on a City designated holiday or for a "Call Back" or "Call Out" as described in sections 15.05 and 15.10. All overtime worked must be pre-approved by the employee's manager.

C. An employee who has accumulated the maximum amount of compensatory time shall not work overtime on a compensatory time basis until the accumulation has been reduced to less than the maximum accumulation allowed under these Rules. This in no way limits or caps paid overtime.

For Non-Exempt positions, which do not meet one of the FLSA exemption categories, overtime hours worked shall be compensated for time actually worked in excess of 40 hours in a workweek. In addition, and in accordance with the MOU, Career Non-Exempt employees shall be compensated for time actually worked in excess of 9 hours in a workday and/or 40 hours in a workweek for those employees on a modified work schedule or 8 hours in a workday for those on a regular work schedule. A paid holiday shall count as time labored towards the 40-hour workweek for the purposes of overtime compensation. Annual Leave, or compensatory time will not be included as time worked for purposes of calculating overtime.

Overtime for all Non-Exempt employees shall be compensated in one of the following two ways:

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A. As paid time at the one-and one-half rate of pay; or

B. As compensatory time as accrued at the one and one-half rate of pay.

Prior to overtime being authorized, the employee and his or her supervisor shall agree as to how the employee shall be compensated (i.e. paid time or compensatory time). If the employee and supervisor do not agree on the method of compensation, the supervisor may ask another employee to perform the overtime work. If the supervisor requires that a particular employee perform the overtime, yet they cannot agree on the method of compensation, then the employee shall be given the choice of how he or she wishes to be compensated. Compensatory time accumulated under these Rules and Regulations is vested time and must be utilized or paid in conjunction with termination of employment.

6.08 COMPLIANCE WITH FAIR LABOR STANDARDS ACT

The City is committed to complying with the Fair Labor Standards Act and therefore prohibits improper deductions from FLSA exempt employees' pay. The City will promptly remedy any violations of this policy by reimbursing an affected employee for any amounts which have been improperly deducted from the employee's pay.

Any employee who believes that an improper deduction has been made from his/her pay should submit a complaint to the Human Resources Department as soon as possible. The Human Resources Department shall promptly investigate the complaint and render a written decision as soon as is reasonably possible. If the complaint is determined to be justified, the employee shall promptly be reimbursed in the amount improperly deducted. The City shall thereupon restate its good faith commitment to future compliance with the Fair Labor Standards Act.

6.10 NO GUARANTEE OF HOURS

Nothing contained in these Rules shall be construed to constitute a guarantee of minimum hours of work per day or per work week or of days of work per work week, provided that when reasonably possible at least 14 calendar days advance notice shall be given to each employee whose work hours are to be reduced. When economic conditions dictate, management may direct a reduction of hours, a furlough, or a reduction-in-force.

6.15 STAND-BY AND CALL-BACK POLICY

Policies relating to stand-by and call-back duty shall be established by the City Manager. (*For more information on stand-by and call-back requirements and compensation, see Section 15.)*

6.20 TIME SHEETS

All City employees must complete time sheets showing hours worked and leave taken. Salaried employees are not subject to having their pay reduced for less than 8 hour increments when no other authorized leaves are available to them. The City may make deductions from paid leave accruals for periods of less than 8 hours. Time sheets must

MV00104906

be signed by the individual employee, the employee's supervisor, Division Manager and, where required, Department Head. Time sheets will be reviewed and audited by the Finance Department. Notice of any correction(s) to the time-sheet will be sent to the employee and the Department Head. Such corrections will be deemed final unless questioned by the employee within thirty (30) days after the notice of correction has been given to the employee. Unresolved matters may be taken to the Human Resources Director for a final determination.

6.25 CONSTRUCTIVE RESIGNATION

An employee who is absent, without authorized leave, for three (3) or more consecutive work days is deemed to have resigned. If the Department Head, with the concurrence of the Human Resources Director, determines that extenuating circumstances exist, the resignation may be rescinded, in which case, absence may be covered by leave, with or without pay, if so approved by the Department Head.

6.30 LUNCH AND BREAK POLICY

Employees may take one break in the morning (before 11:00 a.m.), and one in the afternoon (after 2:00 p.m.). Break periods shall not exceed fifteen (15) minutes each. One paid break period is allowed for each 4-hour work period. Part-time employees are not entitled to a paid break unless they work longer than four hours.

Lunch periods shall be at least thirty (30) minutes, but no more than sixty (60) minutes per day. Employees are expected to conform their lunch hours in accordance with department schedules. As department schedules may not permit all employees to take lunch between 12:00 noon and 1:00 p.m., the Department Head may authorize staggered lunch periods throughout the late morning and afternoon. Part-time employees must work six or more consecutive hours to receive an unpaid 30-minute lunch break. If the part-time employee is alone, he/she may be authorized to eat at the work-site on paid time.

An employee who takes a break from his/her normal work station to smoke is using part of the 15-minute break. Employees in transit in the conduct of City business while smoking does not constitute a smoke break.

Break and lunch periods may be taken only in the time period for which they are designated and may not be accrued. Extenuating circumstances, as determined by the immediate supervisor, may establish cause for variation from the scheduling of break and lunch periods.

Salaried employees are expected to conform generally to the established standard for all employees. Although flexibility is provided for salaried employees to exercise judgment in maintaining their work schedule, this schedule should not be to the detriment of work production.

MV00104907

SECTION 7: LEAVES

7.05 HOLIDAY PAY AND HOLIDAY LEAVE

Days designated as legal holidays by the City Council are 11 holidays as follows:

New Year's Day (January 1), Dr. Martin Luther King, Jr. Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4th), Labor Day (1st Monday in September), Veteran's Day (November 11th), Thanksgiving (4th Thursday in November), Day after Thanksgiving (Friday after Thanksgiving), Christmas Eve (December 24th), and Christmas Day (December 25th).

Effective July 10, 2009, career full-time and career part-time employees receive holiday pay for all working hours scheduled to be worked on a holiday. If the holiday occurs on a day the employee is normally scheduled off, e.g. Friday, Saturday, Sunday or a WSR day, then the hours are recorded in the employee's accrued holiday leave bank, and the employee may request to use the banked holiday leave time like paid Annual Leave. However, when a holiday occurs on a Friday, Saturday or Sunday, the City may designate another day during the work week as an observed holiday. Career full-time employees accrue the number of hours of holiday leave time, based on their regular full-time work day schedule and work week schedule, i.e. 8 hours when on a 5/40, 9 hours when on a 4/36, 8 hours when on a 9/80, or 10 hours when on a 4/10 work week schedule. Career part-time employees accrue holiday leave time on a prorated basis. Accrued holiday leave time hours remain in the employee's holiday bank until used, without risk of forfeiture.

Temporary employees do not get paid or accrue holiday leave time.

7.10 ANNUAL LEAVE

In lieu of accruing separate banks of floating holiday, vacation, sick hours, and administrative leave time where applicable, employees will accrue annual leave. Effective December 14, 2007, accrued vacation banks for current employees will be converted to annual leave on an hour-for-hour basis.

Annual Leave Usage

Some of the appropriate uses of this leave time include the following:

A. To provide recuperation time for an employee incapacitated due to illness, injury, or other medical disability;

B. To allow for the quarantine of an employee exposed to a contagious disease which results in the enforced quarantine of an employee in accordance with public health regulations;

MV00104908

C. To attend to the urgent health needs of immediate family members;

D. To attend medical or dental office appointments;

E. To enable employees to conduct important personal business during normal working hours;

F. To provide time for periods of rest and relaxation; or

G. In other instances consistent with all existing Rules and Regulations as authorized by the employee's Executive Manager or representative.

When personal emergencies or situations of personal necessity arise, annual leave may be granted over the telephone within 30 minutes of start time unless special and extenuating circumstances prohibit employees from calling in, but the caller must identify the specific reason for the emergency or necessity and follow up with a written request. Employees are encouraged to accrue annual leave balance as a protection against the adverse affects of short- or long-term absences due to a major illness or injury.

Minimum Use: During each calendar year, each full time career employee shall use at least 80 hours of annual leave. Part-time career employees are required to use forty (40) hours of annual leave. Further, employees are urged to retain a reasonable bank of annual leave in case of unexpected illnesses or injuries to either themselves or family members.

All employees shall generally make a request for said leave to the executive manager in sufficient time to plan work schedules. Consequently, executive management is responsible for planning work schedules to allow each employee to take that leave each calendar year and each employee is responsible for using it. Failure to use the minimum required hours of such leave shall result in City Manager review of the circumstances surrounding such failure. Failure to follow the minimum usage may result in disciplinary action if conditions warrant.

Paid annual leave shall continue to accrue in accordance with the provisions during any authorized period of leave with pay. All annual leave shall be scheduled and taken in accordance with the best interest of the City and the department or division in which the employee is assigned.

If an employee needs to be absent from work on a given day due to any unexpected reason, he/she must notify the supervisor by telephone within the first half hour of normal reporting time or earlier if possible.

Reporting Annual Leave: The reporting of the use of annual leave should normally be in increments of a quarter of an hour for non-exempt employees and

MV00104909

quarter of an hour increments for exempt employees will be used whether the employee works a full or partial day.

Physician's Certificate: An employee absent on unscheduled annual leave in excess of three (3) consecutive working days due to illness or injury, may be required by his/her executive manager to submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. The executive manager may also require a written statement that such employee is able to resume his/her normal duties. Management must list reasons for requesting the doctor's excuse for annual leave of less than three (3) consecutive working days. An employee may be placed on medical certification in instances when leave has not been pre-approved and the employee has exceeded the minimum use requirement for Annual Leave.

Leave Donation: Up to 24 hours of annual leave may be voluntarily donated from one employee to another out of a humanitarian need when the recipient employee has no leave accrued per approval by the Human Resources Director. No more than 480 total hours of leave may be donated to an individual employee.

Annual Leave Accrual

Annual leave time will accrue on a bi-weekly basis for twenty-six (26) pay periods a year. Each career employee shall have annual leave time accrue for each pay period starting from the first day of probationary appointment. Accrual rates are based on years of service.

Employees shall receive annual leave benefits on a pro-rata basis, calculated by the number of hours paid as a percentage of a forty (40) hour workweek, including any WSR. Employees, as outlined in the City's Benefit Plan, shall receive annual leave accruals as follows:

A. Executive Management Employees shall earn 11.39 hours of annual leave per pay period of service (approximately 296 hours per year). This accrual shall extend to 12.93 hours per pay period (approximately 336 hours per year) at the beginning of the sixth year and extend to 14.47 hours per pay period (approximately 376 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave. Once an employee reaches this cap, annual leave accruals will be suspended.

B. Division Management Employees shall earn 10.47 hours of annual leave per pay period of service (272 hours per year). This accrual shall extend

MV00104910

to 12.01 hours per pay period (approximately 312 hours per year) at the beginning of the sixth year and extend to 12.93 hours per pay period (approximately 336 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave including grandfathered amounts. Once an employee reaches this cap, annual leave accruals will be suspended.

Division Management Employees hired prior to 9/22/92, shall accrue annual leave at the rate of 13.55 hours per pay period (approximately 352 hours per year), and may accrue up to 1,664 hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

C. Professional / Administrative shall earn 9.70 hours of annual leave per pay period of service (252 hours per year). This accrual shall extend to 11.24 hours per pay period (approximately 292 hours per year) at the beginning of the sixth year and extend to 12.16 hours per pay period (approximately 316 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave including grandfathered amounts. Once an employee reaches this cap, annual leave accruals will be suspended.

PAM Employees hired prior to 9/22/92, shall accrue annual leave at the rate of 12.77 hours per pay period (approximately 332 hours per year), and may accrue up to 1,664 hours of annual leave.

PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.

D. Non-Exempt Employees shall earn 7.39 hours of annual leave per pay period of service (approximately 192 hours per year). This accrual shall extend to 8.93 hours per pay period (approximately 232 hours per year) at the beginning of the sixth year and extend to 9.85 hours per pay period (approximately 256 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the annual leave accrual rate as a recruitment tool. Employees in these categories may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave. Once an employee reaches this cap, annual leave accruals will be suspended.

Non-Exempt Employees hired prior to 9/22/92, shall accrue annual leave at the rate of 10.47 hours of annual leave per pay period (272 hours per

MV00104911

year), and may accrue up to 1,664 hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

E. Seasonal Employees/Crossing Guards with Leave Accruals shall accrue annual leave at a rate determined by their program agreement or contract.

Temporary Employees shall not normally accrue paid annual leave, but may take leave without pay as approved by their supervisors.

7.15 GRANDFATHERED LEAVE BALANCES

Prior Sick Time Accruals: Employees shall retain all existing sick leave hours accrued prior to the enactment of this policy on December 14, 2007. Such accrued sick leave hours shall be referred to as Grandfathered sick leave balance and are considered Frozen Sick Leave hours. Although sick leave will no longer continue to accrue for employees, an employee's frozen sick leave balance will be available for use in the event of a illness or injury, which qualifies for disability. These frozen sick leave hours can be used for baby bonding or family member's illnesses or injuries, if the employee is on approved FMLA leave.

This Grandfathered sick leave balance shall be available for cash out upon separation at a rate of 40% of the accrued balance for full time employees and 20% for part time employees. The remaining balance will be converted to PERS service credit for retiring employees. Separating employees will forfeit the remaining balance.

At retirement, Frozen Sick Leave balance (sick leave accrued prior to December 14, 2007) will be paid as elected by the employee per the following formulas:

1. 70% PERS Service Credit with 30% Cash Out
2. 80 % PERS Service Credit with 20% Cash Out
3. 90% PERS Service Credit with 10% Cash Out
4. 100% PERS Service Credit with 0% Cash Out

Grandfather Clause: Sick leave balances as of 9/22/92 for Executive Management and Division Management employees shall be available for cash out upon retirement at a rate of 60% of the accrued balance and 40% towards PERS service credit. When sick leave is taken, the hours last accumulated shall be utilized first. Employees not retiring under the City's CalPERS contract benefits at the time of employment separation shall forfeit 40% of their frozen sick leave. An employee absent for three consecutive working days due to illness of injury may access their frozen sick leave bank if they submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. Further, the employee is to complete the Leave of Absence Request Form and attach it to the physician's certification before submission to their supervisor and executive manager for approval.

MV00104912

Converted Vacation, Holiday, Floating Holiday, and Admin Leaves: Balances converted to annual leave will be cashed out upon separation at the 100% rate in effect prior to the enactment of this policy. When annual leave is taken, the hours last accumulated shall be utilized first.

Effective one time only, at the time of conversion to Annual Leave, total hours in excess of 1384 shall be excluded from the 1664 hour annual leave cap.

The beneficiary on file of an employee who has died while actively employed by the City may receive a 100% cash out of the employee's accrued sick leave.

7.20 ANNUAL LEAVE CASH OUT UPON SEPARATION AND RETIREMENT

Separation from the City

Employees separating from the City are entitled to payment for 100% of their unused accrued annual leave balance.

Retirement from the City

Employees retiring from the City are entitled to payment for 100% of their unused accrued annual leave balance.

No compensation for annual leave will be awarded to current City employees until they terminate or retire.

Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15.

7.30 BEREAVEMENT LEAVE

Employees shall be allowed to utilize four (4) days of bereavement leave in the event of the death of an immediate family member. Immediate family in this instance shall be defined as mother, father, spouse, domestic partner, natural/step-children, children of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild. Step-parents may be included if they are currently members of the immediate family.

Employees will be allowed Annual Leave to be taken and/or advanced, if needed, up to ten (10) days in length in addition to bereavement in the event of a death in the employee's immediate family (parent, spouse, child, domestic partner, step-child, child of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild). Step-parents may be included if they are currently members of the immediate family.

MV00104913

7.35 JURY DUTY AND WITNESS LEAVE

No employee shall be dismissed or in any manner discriminated against for taking time off from work to serve as a juror or witness when required by law provided such an employee complies with the provisions of this Section. An employee called to serve as a juror or witness shall notify his or her supervisor at least one (1) week prior to the commencement of such service, unless extenuating circumstances exist.

Any employee of the City called as a juror or witness shall be entitled to be absent from his or her duties with the City shall receive their regular salary limited to one-hundred (100) hours each year for each of the following types of jury service: local and federal. This could be expanded, dependent on an unusual situation, which is subject to the approval of the City Manager. The employee shall obtain a jury calendar or assignment sheet weekly during such service. The employee shall have the jury calendar or assignment sheet signed by the jury clerk or commissioner and shall deliver this sheet to his or her supervisor at the end of each week to verify jury duty or witness service.

If a career employee on an alternative work schedule is summoned for jury duty, the Department Head or designee shall convert the employee's usual work shift to a regular five (5) day, Monday through Friday shift basis. A career employee required to serve on jury duty shall be entitled to his or her regular rate of pay, provided the employee deposits any fees for service, excluding mileage, with the City. A crossing guard, temporary, seasonal, or emergency employee called for jury duty will not be compensated for time lost while on jury duty, but shall be entitled to retain his or her jury fees.

Any employee required to be absent from work on behalf of the City by proper subpoena issued by a court or other legally empowered agency, shall be entitled to be absent from work at his or her regular rate of pay, provided that any fees, except mileage, are deposited with the City. A non-exempt employee required to be present as a witness in any other matter shall not be entitled to be paid during such absence. An exempt employee will be paid his/her regular rate of pay whenever required to provide testimony under oath in any proceeding related to City matters.

An employee who is released by the court from jury duty on any regularly scheduled work day shall contact his or her supervisor to find out whether he or she is required to return to work. An employee who is scheduled for stand-by duty while serving on jury duty shall be rescheduled for stand-by duty after the conclusion of jury duty, unless the employee agrees to serve both.

7.40 PREGNANCY DISABILITY LEAVE

Pregnancy disability leaves of absence shall be granted to employees medically disabled by pregnancy, childbirth, or related conditions, provided such leave shall not exceed four (4) months. At the commencement of a pregnancy disability leave of absence, employees will use accrued Annual Leave and/or compensatory time off, as well as disability pay, and thus, continuing to receive pay. City pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies except as modified herein. The use of accrued time-off shall not extend the length of the leave. The authorized absence is only for the duration of the disability up to four (4) months.

MV00104914

When an employee is on pregnancy disability leave, the City shall continue payment of benefit premiums for the employee and her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. If an employee files for disability, a doctor's certification is required. When the employee is no longer disabled, she may no longer continue pregnancy disability leave. Annual Leave shall not accrue during a pregnancy disability leave of absence unless the employee is continuing to receive pay by utilizing accrued Annual Leave or compensatory time off. Employees on pregnancy disability leave may also be eligible for benefits under the City's Disability Program. Employees must file a claim in order to receive these benefits. Forms are available from the City's Human Resources Department.

Any employee who takes a pregnancy disability leave of absence shall have her anniversary date extended by the same length of time as the unpaid portion of the maternity leave. For purposes of this section, paid portions of pregnancy disability leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a pregnancy disability leave of absence while on probation, her probationary period shall be extended the same length of time as the pregnancy disability leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

A request for a pregnancy disability leave of absence should be submitted by the employee as soon as feasible after the employee learns of her pregnancy. The employee must provide a written statement from her physician indicating the date the physician believes the leave of absence should begin and the estimated date of birth. The City may require a pregnant employee who wishes to continue working to provide a physician's statement approving the continuance of her current work duties.

Before returning to work following a pregnancy disability leave of absence, the employee shall submit a physician's verification stating the employee's ability to return to work. Unless the leave is otherwise extended, at the end of the four (4) month pregnancy disability leave period the employee shall be required to return to work full time. If approved by the employee's physician, the Department Head and the Human Resources Director, the employee may choose the option of returning to work prior to the conclusion of the four (4) month period on either a full-time or part-time basis and receive pro-rated benefits.

Up to an additional two (2) months of pregnancy disability leave may be granted for medical reasons if the employee's physician provides a written statement indicating the employee's inability to perform her duties or any feasible "limited duties." Such an extension of pregnancy disability leave is subject to the approval of the City Manager whose decision is final and conclusive. Nothing herein shall guarantee an extension beyond the standard four (4) months of leave.

An employee may take both pregnancy disability leave and subsequently State family care and medical leave to be with a newborn. The employee is entitled up to four (4) months of pregnancy disability leave, plus an additional twelve (12) weeks using the State family care and medical leave provisions.

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7.45 FAMILY CARE AND MEDICAL LEAVE

Leaves of absence shall be granted to employees who have full-time career service with the City during the previous 12-month period, for the reason of childbirth, adoption, foster care, parental care, serious family illness, or for an immediate family member or the employee's own serious health condition, provided such leave shall not exceed twelve (12) weeks of leave in a twelve (12) month rolling period. When both parents are employed by the City, the two employees are only entitled to receive a combined twelve (12) weeks for the birth, adoption, or foster care of a child.

At the commencement of a family leave of absence, employees may first use all Frozen Sick Leave, and then any other accrued leave available, such as accrued Annual Leave or compensatory time off and, thus, continue to receive pay. Pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies governing leave without pay, except as modified herein. The use of accrued time off shall not extend the length of the leave.

The City requires the following information on a certification of the need for this leave:

A. The date on which the serious health condition commenced.

B. The probable duration of the condition.

C. In the case of caring for a family member, an estimate of the amount of time the employee needs to care for the individual.

D. That the serious health conditions warrant participation of a family member to provide care during the period of treatment.

In the case of an employee's own serious health condition, if the employee is unable to perform the functions of his or her position, the City can seek second and third opinions at its cost.

A serious health condition means an illness, injury, or impairment, or physical or mental condition that involves one of the following: hospitalization; absence of three (3) days plus treatment; pregnancy; chronic conditions regarding treatment; permanent/long term conditions requiring supervision; or multiple treatments (non-chronic conditions).

When an employee is on unpaid family leave, the City shall continue payment of benefit premiums for the employee and his/her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. Annual Leave shall not accrue during a family leave of absence unless the employee is continuing to receive pay.

An employee who takes a family leave of absence shall have his/her anniversary date extended by the same length of time as the unpaid portion of the family leave. For purposes of this section, paid portions of family leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a family leave of absence while on probation, his/her probationary

MV00104916

period shall be extended the same length of time as the family leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance. Family leave shall not constitute a break in service for purposes of longevity or seniority.

The employee should request a family leave of absence by submitting the proper form to his/her supervisor, signed by the Department Head, concurred by the Human Resources Director, and approved by the City Manager. Forms may be obtained in the Human Resources Department. For a more detailed understanding of this policy, the employee should read the complete family leave policy in the City's Administrative Policy Manual.

Employees may take 40 hours of Annual Leave per school year to consult with the school teachers or counselors of children, step-children, or children of domestic partners, or to attend their school activities. This time is to be taken against any leave accruals except sick leave. If no accrual is available, leave without pay may be used. As this is State law, supervisors must approve this leave up to 40 hours annually per child. The employee must provide evidence of this school appointment. Supervisors need not approve more than eight (8) hours in a month.

7.50 LEAVE OF ABSENCE WITHOUT PAY

Any employee who is absent from work and who is not on leave of absence with pay shall be considered to be on leave of absence without pay, if such leave has been authorized by the proper authorities.

This section is designed to grant special requests for leaves of absence without pay that are not specifically addressed in either the military leave, FMLA, or pregnancy disability leave sections of these Personnel Rules.

A leave of absence without pay must be approved by the appropriate Executive Manager. Leave without pay in excess of one week shall also require the approval of the Human Resources Director. No leave of absence without pay shall be granted unless the employee requests the leave in writing and includes the reason for the request. Approval by the appropriate authority shall be in writing. No leave of absence without pay pursuant to this Section shall be requested or authorized for the purpose of imposing disciplinary action upon any employee. The supervisor may require leave without pay in the event an employee is late for work or misses work without valid approval. In this case the supervisor would annotate the employee time sheet with leave without pay for the absent time.

An employee on a leave of absence without pay shall not receive compensation on accrued Annual Leave. After thirty (30) consecutive working days on a leave of absence without pay, contributions to retirement, life insurance, medical, dental, or other designated benefit plans shall be suspended until the employee is reinstated. However, upon approval of a leave of absence without pay, the employee may elect to continue his or her benefits coverage at his or her own expense, with the exception of retirement benefits, which may not be so continued. Any employee requesting a leave of absence without pay shall utilize all of his or her accrued compensatory time off or Annual Leave prior to the start of the leave without pay.

MV00104917

Any employee who takes a leave of absence without pay for more than 30 work-days in a calendar year shall have his or her anniversary date extended by the same length of time as the leave without pay. If an employee takes a leave of absence without pay while on probation, his or her probation period shall be extended the same length of time as the leave without pay. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Upon expiration of an approved leave of absence without pay, the employee shall be reinstated to the position he or she occupied at the time leave was granted. Unauthorized failure on the part of an employee to report to work upon expiration of the leave of absence without pay shall constitute job abandonment and will result in dismissal.

It is the responsibility of the employee to submit a written request for a leave of absence within two weeks before such leave would begin stating the reason for the request, the date such leave will begin, and the duration of the leave. A "Leave of Absence Request" form and a "Payroll Action Form" must also be completed. Failure of an employee to apply for leave of absence and complete all necessary forms will be considered to be absent without leave, and all City-paid benefits will be terminated. Any unauthorized absence of an employee from duty shall be deemed to be absent without pay and may be cause for disciplinary action. Failure to report for work or call in for three (3) consecutive workdays shall be considered a voluntary resignation.

7.55 MILITARY LEAVE

Military Reserve Leave shall be granted under the provisions of State Law, which, in pertinent part at the present time, defines military reserve leave as: "military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days in a fiscal year, including time involved in going to and returning from the duty, but not for inactive duty (for training) such as scheduled reserve drill periods."

For the purposes of this Section, "active military training" shall be defined as a period of training (i.e. encampment, naval cruises, special exercises, or like activities) that normally occurs once a year over a two-week interval. "Inactive duty for training" and "scheduled reserve drill periods" shall be defined as the weekend periods of training that are scheduled once a month. Such weekend drills do not conflict with normal working hours within the City.

Employees must submit a copy of military orders to their Department Head and the Human Resources Director prior to the beginning of the military leave period and as soon as the employee knows of the need to request such leave, except where military necessity dictates.

Employees shall receive their full regular pay during the first thirty (30) calendar days of "military leave" in any one fiscal year. After the first thirty (30) days of military leave in a fiscal year, employees will continue to receive the same compensation less any military pay up to one year during the period of active military leave.

MV00104918

Employees on a military leave of absence shall receive the same Annual Leave and the same rights and privileges to promotions, continuance in office, employment, reappointment to office, or reemployment that they would have enjoyed had they not been absent there from. Contributions to retirement, and medical and dental plans that are not otherwise provided by military coverage during active duty, shall be continued until the employee is reinstated, provided that the period of ordered duty does not exceed three (3) years.

Except for probationary employees, an employee's anniversary date shall be extended if his or her military leave of absence is in excess of thirty (30) days per fiscal year. If an employee's military leave of absence exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as his or her leave of absence, minus the first thirty (30) days (i.e. if the employee's military leave of absence is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee is required to perform military reserve duties while on probation, his or her probationary period shall be extended the same length of time as the military leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

The City shall reinstate those employees returning from a military leave of one year or less to the position they occupied prior to taking a military leave of absence or to a position of comparable seniority, status, and pay, if such position exists, upon presentation of a certificate of satisfactory completion of service and if such employees are qualified to return to their former positions. If no such comparable position exists, the employee shall have the same rights and privileges that he or she would have had if he or she had occupied the position when it ceased to exist and had not taken a temporary military leave of absence.

Any employee who, in time of war or national emergency as proclaimed by the President or Congress, is ordered by the military to active duty, shall have a right, if released, separated, or discharged under conditions other than dishonorable, to return to his/her former classification within one year after termination of his/her active service with the armed forces, but not later than six (6) months after the end of the war or national emergency. (See Government Codes 395.1, 146, and 395.05.)

7.60 ON-THE-JOB INJURIES AND WORKERS' COMPENSATION COVERAGE

All injuries and illnesses arising out of, and in the course and scope of employment with the City, including first aid injuries, shall be reported immediately to the appropriate supervisor. The supervisor, upon receiving notice of the accident, shall be responsible for (1) giving the injured employee an "Employee's Claim For Workers' Compensation Benefits" (DWC-1) form within twenty-four (24) hours; and (2) immediately notifying the Risk Management of the accident in accordance with Labor Code provisions. The Risk Management shall be responsible for completing an "Employer's Report of Occupational Injury or Illness (form 5020)."

An employee incapacitated on account of an injury or illness arising out of and in the course and scope of employment may be entitled to:

A. Medical care to cure the injury;

MV00104919

B. Rehabilitation services necessary to return to work; and

C. "Temporary disability" payments in lieu of lost wages, commencing three (3) days after the injury occurs.

If an occupational injury or illness is severe and requires immediate medical attention, first aid should be rendered and medical treatment should be obtained at the closest City-designated medical treatment facility. For severe accidents occurring outside the City limits, medical treatment should be obtained at the closest medical facility. Use of paramedic services is automatically authorized if the injury is life threatening.

In the case of an occupational injury that requires medical attention within the first twenty-four (24) hours or develops symptoms after the first twenty-four (24) hours following the injury, the employee shall immediately notify his or her supervisor and the employee's supervisor shall notify the Risk Management. If the employee has not submitted a properly completed "Employee Notification of Personal Physician" form to the Risk Management for treatment of job-related injuries, all medical treatment shall be provided through the City's designated medical service providers for the first thirty (30) days after the date of the injury. If the employee has submitted a properly completed "Employee Notification of Personal Physician" form to the Human Resource Department for treatment of job-related injuries, an appointment may be scheduled with the employee-designated medical service provider. The employee shall notify the Risk Management prior to scheduling the appointment, if he or she has chosen to be treated by an employee-designated medical service provider.

A career employee who is disabled by injury or illness arising out of and in the course and scope of his or her duties shall suffer no loss in City pay or accrued Annual Leave for the first three (3) days of absence from work because of such disability. If a career employee's absence persists in excess of three (3) days, the employee may be eligible for "temporary disability" payments. State law shall determine the "temporary disability" payment an employee can expect to receive from Workers' Compensation Insurance. City policy allows for career employees incapacitated by reason of an injury or illness arising out of and in the course and scope of his or her employment to receive fully paid Workers' Compensation Leave (i.e., equal to the employee's regular base pay compensation, including reduced pay due to furlough pay reduction). This is for the first six (6) months and then receive 66-2/3% of the gross salary through the City's Long Term Disability Plan up to the maximum by Labor Code beyond the six (6) months after the injury. This applies unless the employee is hospitalized for greater than 90 days, or is not allowed by the City to return to light duty even though authorized by competent medical authority to return to limited duty. The City shall allow the employee to use Annual Leave or compensatory time in order to equal his/her normal salary after the six (6) months. If the employee is unable to return to work due to a permanent disability and retires under CalPERS benefits, the employee may also be eligible for long-term disability plan benefits under the provisions, requirements and limits of the plan. Once all accrued leave is exhausted, compensation would be 66-2/3% of gross salary and all leave benefits will cease to accrue. Such worker's compensation shall commence three (3) days after the injury occurs, or after temporary disability begins, and shall conclude with the termination of such a temporary disability, upon reaching a permanent and stationary condition, as determined by competent medical evidence, or upon the completion of one (1) year on-the-job injury leave, whichever comes first. If the

MV00104920

employee is still unable to work after one year, the City may initiate processing a PERS disability retirement application on behalf of the employee. Employees with injuries or illnesses that persist beyond six (6) months may be eligible for workers' compensation temporary or permanent disability payments. Workers' Compensation income is non-taxable.

Except for probationary employees, an employee's anniversary date shall be extended if his or her Worker's Compensation related injury or illness is in excess of thirty (30) days per fiscal year. If an employee's Worker's Compensation related injury or illness exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as the injury or illness, minus the first thirty (30) days (i.e. if the employee's injury or illness is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee experiences a Workers' Compensation related injury or illness while on probation, his or her probationary period shall be extended the same length of time as the injury or illness. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Workers' Compensation leave and benefits shall be granted to an employee upon presentation to the City of a properly completed claim form and presentation of a physician's certificate of temporary disability status. A claim denied by the Workers' Compensation Board, a written statement from the treating physician indicating that the employee's condition is permanent and stationary, or separation from City service shall terminate an employee's eligibility for Workers' Compensation leave and any applicable benefits for that particular injury or illness.

The City maintains its right to require that an employee receiving workers' compensation benefits see a City-designated physician on a periodic basis to determine the employee's disability status. When an employee is given a permanent disability rating by the Disability Rating Bureau of Workers' Compensation Appeals Board of the State of California, the employee may return to work provided that he or she can perform his or her assigned duties safely without endangering his or her health or safety, or that of others.

The City also maintains its right to require an employee to return to work on a limited or modified duty status, provided that he or she has received written authorization, including stated restrictions, from the City-designated physician as well as from the Risk Management and the Department Head. Such modified duty must be of a temporary nature, usually limited to 90 days.

The City should communicate in writing with the employee's authorized physician to obtain the modified duty authorization. It should provide the doctor with a description of the employee's regular duties as well as a description of all proposed modified duty to be assigned and provide a copy of that correspondence to the employee. The treating physician should provide to the City and the employee a written modified duty authorization, including specific limitations and restrictions, as well as assignments the doctor authorizes the employee to perform.

An employee who declines a modified duty position, which meets the treating physician's requirements, may be subject to disciplinary action, up to and including termination. If

MV00104921

an employee is medically stationary, but has not been released to his or her regular budgeted position and is one for whom a reasonable accommodation cannot be made, then that employee is subject to medical layoff or medical retirement.

Additional information concerning Workers' Compensation Leave or benefits may be obtained by contacting the Risk Management and by referring to Risk Management Policy 6.19, Modified Duty/Return to Work Policy.

7.65 VOTING LEAVE

In accordance with State law, the City of Moreno Valley encourages all employees to vote in local, state, and national elections. Employees are encouraged to vote outside of normal working hours. Under special circumstances, an employee who does not have ample time to vote outside of normal working hours may make arrangements with his or her supervisor to take up to two hours with pay in order to vote.

MV00104922

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES

8.05 GENERAL STATEMENT OF POLICY

It is the City's belief that rules of conduct are most effective when they are written and communicated to employees and supervisors, consistently enforced, and the difference between major and minor forms of misconduct is recognized.

The City's goal is to administer discipline on an equitable and corrective basis. Effective discipline reinforces training by identifying rules and their reasons, correcting misconduct or improving job performance, serving as a deterrent through enforcement, and penalizing in relation to the severity of the offense and the employee's past record.

8.10 CUSTOMER SERVICE POLICY

Moreno Valley residents depend on each City employee to render service speedily, efficiently, effectively and courteously. The following guidelines express in part the expectations of how employees are to implement the customer service philosophy of the City:

A. Employees shall keep themselves informed in order to perform their jobs effectively.

B. Employees shall be concerned about the welfare of others.

C. Employees shall be considerate, tolerant, patient and fair with others.

D. Employees shall be cheerful and as positive as possible.

E. Employees shall use their training and capabilities to provide residents and businesses with the best service possible. Every effort should be made to provide correct answers and positive results.

8.15 UNLAWFUL DISCRIMINATION

Any employee who harasses or unlawfully discriminates against any other person on the basis of the other person's religion, age, sex, marital status, race, color, national origin, ancestry, medical condition, pregnancy, political affiliation, mental/physical disability, or sexual orientation, including gender identity; or denies family and medical leave (FMLA), or pregnancy disability leave; or as retaliation against an employee for filing a harassment and/or discrimination compliant, shall be subject to discipline in accordance with these Rules.

8.20 STANDARDS OF CONDUCT

Employees are encouraged to excel in their work. City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the City. The following standards are intended to govern the actions of all City employees during their course of employment. Employees who violate these standards shall be subject to appropriate disciplinary actions.

MV00104923

A. Employees shall abide by and carry out the ordinances, resolutions, policies, procedures, and the rules & regulations of the City of Moreno Valley.

B. Employees shall always conduct themselves in a manner which reflects credit to the City and creates positive morale among City employees.

C. Employees shall operate all equipment safely and utilize safe means of carrying out their duties.

D. Employees shall follow instructions for all equipment and property.

E. Supervisors shall manage in an effective, considerate and fair manner.

F. Subordinates shall follow instructions in a positive, cooperative manner.

G. Employees shall provide service with courtesy and a smile and avoid arguments with the public and other employees. If citizens become difficult, they should be referred to a supervisor.

H. Employees shall avoid interpersonal conflict with others as it may affect productivity or the City's image. It is not necessary for everyone to like everyone else, but it is necessary to treat everyone respectfully, professionally, and courteously.

I. Employees shall dress appropriately. Although dress will vary with the type of work done, neatness, cleanliness, and a professional image are essential. Uniforms must be kept in good condition and worn while on duty, if required. All field personnel who are supplied uniforms will wear their complete uniform at all times while on the job. Exceptions may be granted on a case-by-case basis by the immediate supervisor.

   Political buttons or other attire that do not promote a professional image or may not provide adequate protection from work-related injuries shall not be worn while on duty.

J. The use or possession of alcoholic beverage, illegal drugs, or controlled substances while on paid duty time, or working while under the influence thereof, will not be tolerated. Violation will result in disciplinary action, as outlined in Section 8.35 of these Rules. See Section 1.75 and 1.80 of the Rules.

K. Employees should behave in their personal lives in such a manner as not to reflect discredit upon the City.

8.25 OBJECTIVE OF DISCIPLINARY GUIDELINES

The disciplinary guidelines outlined in Section 8 are intended to be standards for applying discipline on the job. The offenses listed are not intended as comprehensive coverage of the subject. The disciplinary actions listed are standards and guidelines. Individual circumstances may justify a supervisor, together with the Department Head and the Human Resources Director, administering more or less severe forms of

MV00104924

disciplinary actions than those listed in these guidelines. The disciplinary authority must use reasonable judgment and proper documentation in each individual instance.

All disciplinary actions should be consistently enforced. "Consistently enforced" does not mean that a supervisor must assign the same penalty in each case, but rather, that the supervisor take some form of disciplinary action for each infraction. The supervisor must also be able to justify the level of discipline imposed in a particular case by objective criteria.
Any variations to these procedures will be reviewed by the Human Resources Director and approved in writing by the City Manager.

8.30 MAJOR AND MINOR OFFENSES

There are two classes of disciplinary actions – major and minor.

A. Major: Misconduct that directly affects the safety or health of other employees or customers or misconduct that directly affects the success or survival of the organization.

B. Minor: Misconduct that interferes with the smooth, orderly, planned, and systematic progression of work.

8.35 LEVELS OF OFFENSES

There are four levels of offenses listed. A documented pattern which shows a history of recent disciplinary problems can result in cumulative or more severe disciplinary actions, including disciplinary suspension, reduction in pay, demotion, or dismissal. Moderating circumstances which may result in less severe disciplinary action include an employee's positive work record, outstanding accomplishments, length of service, and extenuating circumstances of the violation.

A. Engaging in any of the following conduct will most likely result in dismissal:

1. Theft, embezzlement, or fraud.

2. Falsification, unauthorized removal, or alteration of official City records or employment applications.

3. Possession of, use of, or working while under the influence of alcoholic beverages or other controlled substances during City working hours, while on City property, while operating City vehicles, or while subject to duty (i.e. stand-by).

4. Assault, battery, or fighting an individual while on duty or under the guise of office.

5. Illegal possession or brandishing of weapons or firearms on City premises or property, while on duty or under the guise of office.

6. Acceptance of bribes or extortion.

MV00104925

7. Conviction of a felony or any crime involving moral turpitude.

8. Commission of an act involving moral turpitude, whether or not a conviction is obtained.

9. Harassment (as defined in Section 1.90 of these Rules) or unlawful discrimination against employees or others based upon race, color, age, marital status, pregnancy, sex, national origin, ancestry, ethnicity, religion, medical condition, mental or physical disability, or sexual orientation, including gender identity; or retaliation against an employee for filing a harassment and/or discrimination complaint; or denial of family and medical care leave or pregnancy disability leave.

10. Intentionally damaging property of value.

11. Job abandonment of three (3) consecutive work days with no notification or approved absence.

12. Material false statement or omission on the employment application.

13. Driving on City business with a suspended or revoked driver's license.

14. Continuing unsatisfactory job performance.

15. Felony eavesdropping or electronic recording of confidential communication without consent of all parties to such communication.

This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above mentioned disciplinary action.

B. Engaging in any of the following conduct will most likely result in disciplinary suspension without pay for five (5) to thirty (30) days, reduction in pay or dismissal depending upon the circumstances, accumulation, or pattern of offenses. Other recently documented violations along with this incident or the repeating of such offenses will result in dismissal.

1. Intentionally misusing or abusing City property or property of another.

2. Disregard for major safety rules.

3. Insubordination by refusing a supervisor's legitimate order.

4. Unlawfully restricting work efficiency and production.

5. Attempting to provoke a fight on City premises, threatening or deliberately intimidating others through threat of physical force.

6. Unauthorized release of information, which has been validly classified as confidential.

7. Intentional mistakes or gross negligence causing damage.

MV00104926

8. Use of authority for personal gain.

9. Dishonesty, including falsifying time cards or other reports.

10. Driving on City business with an expired license.

This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above-mentioned disciplinary action.

C. Engaging in any of the following conduct will most likely result in a written reprimand on the first offense, a disciplinary suspension of one (1) to five (5) working days, reduction in pay, or demotion on the second offense, and possible dismissal on the third. Other recently documented violations in conjunction with this violation will result in more severe disciplinary action.

1. Unauthorized operation of tools, machinery or equipment.

2. Gambling on City property.

3. Disregard of minor safety rules including failure to report an injury or accident.

4. Abuse of authority.

5. Carelessness or inefficiency in completing assignments.

6. Unauthorized sleeping or unaccounted whereabouts while on duty.

7. Traffic violations, including preventable accidents, in City vehicles or while on City business.

8. Political activity which violates pertinent provisions of state or local law.

9. Unauthorized absences or excessive leave without pay.

10. Abusive language that is personally or professional insulting or derogatory, directed at a person or persons with normal sensibilities, in their presence.

11. Failure to notify the employee's supervisor of the loss of a required certificate or license, including driver's license.

12. Statements or allegations which are malicious, vexatious, or not made in good faith and designed to discredit another individual or agency.

13. Garnishment on two or more different debts within any one-year period.

This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

MV00104927

D. Engaging in any of the following conduct will most likely result in either an informal discussion or formal warning on the first offense and a written reprimand on the second offense. Further incidents will result in more serious disciplinary action, including possible disciplinary suspension, reduction in pay, demotion or dismissal. Other recently documented violations in conjunction with this violation will also result in more severe disciplinary action.

1. Creating or contributing to unsanitary conditions.

2. Violation of smoking policy.

3. Unauthorized soliciting of contributions.

4. Distributing unauthorized printed matter on City time.

5. Failure to meet production or performance standards.

6. Engaging in behavior which prevents or hampers job performance.

7. Tardiness in reporting to work or leaving work early without supervisor approval.

8. Abuse of Annual Leave.

9. Abuse of breaks or lunch time.

10. Inability or unwillingness to work harmoniously with other employees.

11. Failure to contact supervisor when late or absent.

12. Failure to report change of vital information.

13. Failure to observe reasonable standards of personal appearance.

14. Failure to follow specified job instructions.

15. Minor safety violations, including housekeeping rule violations.

16. Frequent personal phone calls.

17. Frequent violations of established departmental rules and procedures.

18. Reading non-related material during work time when not authorized.

19. Misrepresentation of facts which does, or may lead to, a disruption of City business.

20. Posting or distributing materials or telling jokes, which are offensive to a person or persons with normal sensibilities.

MV00104928

This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

MV00104929

SECTION 9: DISCIPLINARY ACTIONS

9.05 DEFINITION OF DISCIPLINARY ACTION

"Disciplinary Action" means action taken by the Department Head or designee for disciplinary reasons, pursuant to these Rules, and consistent with the philosophy of progressive discipline where appropriate. Such disciplinary actions include (1) a formal warning, (2) a written reprimand, (3) disciplinary suspension, (4) reduction in pay, (5) demotion, (6) dismissal, or (7) any other action taken for disciplinary purposes.

9.10 INFORMAL DISCUSSION

Though not a disciplinary action, when a minor job performance problem develops, an informal discussion shall usually occur to assist the employee in clarifying and remedying the problem. An informal discussion is designed to clarify standards, policies and procedures or rules and regulations so that problems are resolved early and thus, the need to utilize disciplinary action may be avoided.

9.15 FORMAL WARNING

The formal warning shall be given in response to minor misconduct. The warning should be prompt, calm, and constructive, and every effort shall be made for the formal warning to be given in private. The supervisor should include in the formal warning a review of appropriate department standards and policies, employee performance expected in the future and consequences for failure to correct performance or behavior.

9.20 WRITTEN REPRIMAND

The written reprimand shall be given by the Department Head or designated authority when a formal warning has not succeeded in stopping the misconduct or when the misconduct is considered too serious to warrant a formal warning. Misconduct includes failure to meet City performance standards. The Department Head should first counsel the employee about the misconduct, as if giving a formal warning. At the end of the discussion, if no extenuating circumstances are discovered, the Department Head shall inform the employee that a letter of reprimand shall follow and shall be placed in his or her central personnel file located in the Human Resources Department. The written reprimand should include a full, accurate and factual statement of the reason for the reprimand including the date and time of the event which is the cause of the reprimand, if applicable, appropriate department standards and policies, employee performance expected in the future, and consequences for failure to correct performance or behavior.

9.25 DISCIPLINARY SUSPENSION

Disciplinary suspensions without pay are actions which generally deprive an employee of pay for any period up to thirty (30) working days and are usually given when serious misconduct or repetition of past problems for which the employee has been reprimanded require a strong management response. The nature of the offense, its severity and the circumstances dictate the length of suspension. Recurrence of the same or similar offenses can result in a second or third disciplinary suspension of progressively increased duration or in a dismissal. A disciplinary suspension is given an employee

MV00104930

when formal warnings or written reprimands have not been effective, or when the misconduct warrants more than a written reprimand.

Employees who are categorized as exempt under the Fair Labor Standards Act may only be suspended without pay for infractions of safety rules of major significance such as rules relating to the prevention of serious danger in the workplace or to other employees. Exempt employees may also be subject to disciplinary suspensions of one or more full days without pay for infraction of workplace conduct rules applicable to all City employees.

The City distinguishes between minor disciplinary suspension as one (1) to five (5) working days and major disciplinary suspensions as six (6) to thirty (30) working days. Minor suspensions can be used as steps in progressive discipline. Major suspensions are used as a more severe step in progressive discipline or where the act of misconduct does not warrant dismissal.

Department Heads shall institute disciplinary suspensions only after receiving approval from the Human Resources Director.

9.30 REDUCTION IN PAY

The reduction of an employee's base pay is the action given when a disciplinary suspension has not been effective, or when the misconduct is too serious for disciplinary suspension alone.

Department Heads shall institute a reduction in an employee's base pay only after receiving approval from the Human Resources Director.

9.35 DEMOTION

The Department Head may demote an employee for disciplinary reasons or because the employee's ability to perform the required duties falls below standards for that position, provided that the employee has been given a reasonable time to improve. Upon request of the employee, and with the consent of the appointing authority, demotion may be made to a vacant position. No employee shall be demoted to a position unless he or she possesses the minimum qualifications for such a position.

Department Heads shall institute a demotion only after Human Resources Director approval.

9.40 LAST CHANCE EMPLOYMENT AGREEMENT

When the City, the bargaining unit representative (only when requested by employee to be involved) and the affected employee all agree that the affected employee should be given one last chance before administering dismissal, a Last Chance Employment Agreement may be administered and signed by all parties. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations – usually

MV00104931

termination of employment, with a condition that the employee waive any future rights of appeal of the termination.

9.45 DISMISSAL

Dismissal or involuntary separation of an employee from City employment shall be imposed only when all other disciplinary measures have failed and the employee is deemed beyond rehabilitation or when an act of misconduct is deemed very serious. A career employee may be dismissed by the Department Head for just cause as outlined in these Rules.

Department Heads shall institute a dismissal only after Human Resources Director approval.

9.50 RESIGNATION – AN ALTERNATIVE TO DISCIPLINARY ACTION

At times, an employee may offer to resign instead of facing disciplinary action. By doing so, the employee loses the right to appeal. A resignation must be completely voluntary.

9.55 DOCUMENTATION OF DISCIPLINARY ACTION

All disciplinary actions should be fully documented and placed in the employee's personnel file.

A formal warning should be documented on a form prescribed by the Human Resources Director. The employee shall receive a copy of the documented formal warning, and a copy shall be placed in the employee's personnel file in the Human Resources Department. If the employee chooses to respond, that reply will also be placed in the employee's personnel file, and be attached to the supervisor's record of formal warning.

If the action taken is a disciplinary probation, a disciplinary suspension, a reduction in pay, a demotion, or a dismissal, documentation shall be in accordance with Section 10.20(1). A copy of all such disciplinary documents shall be placed in the employee's central personnel file located in the Human Resources Department. The employee shall sign and receive a copy of such disciplinary documents. If the employee refuses to sign the statement, that fact should be noted in writing by the supervisor.

9.60 EMPLOYEE REPRESENTATION

A represented employee is entitled to the presence of an Association representative during an investigative interview conducted by the manager whenever the employee reasonably believes that the interview might lead to or result in disciplinary action affecting any property right (i.e., suspension, pay reduction, demotion, or dismissal). The employee must request the representation. The manager is not obligated to inform the employee of the right to representation. The employee does not have a right to representation at every, or any, contact with a supervisor.

The employee does have the right to a specific representative. When the representative is a non-employee agent, the manager is not required to wait to hold the interview at a time the consultant would be available beyond 24 work hours. The employee and

MV00104932

representative must be allowed a reasonable period of time to confer in advance of the interview.

MV00104933

SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS

10.05 ACTIONS THAT ARE NOT APPEALABLE

Denial of merit or pay increases, performance evaluations (except as provided in Section 5.10), informal discussions, oral counselings, formal warnings, and written reprimands cannot be appealed.

10.10 DISCIPLINARY ACTION SUBJECT TO SKELLY PROCEDURE

Prior to a disciplinary suspension, a reduction in pay, a demotion, or a dismissal of a career employee for disciplinary purposes, the procedure set forth in this Section shall be complied with.

Disciplinary suspensions of less than five (5) days may be immediately implemented so long as the "Skelly" procedure is then promptly followed. (Section 10.20).

10.15 ADMINISTRATIVE SUSPENSIONS WITH PAY

Pending investigation of an accusation against an employee, the City Manager may approve the temporary suspension of an employee with pay, pending the undertaking or completion of an investigation or opportunity to respond as may be required to determine if any disciplinary action shall be taken.

10.20 SKELLY PROCEDURE/DUE PROCESS

A. Written Notice: The Department Head or designated authority shall give the employee a written notice of the proposed disciplinary action at least ten (10) working days prior to the effective date. The written notice shall be personally delivered to the employee or sent by certified mail to the employee's last known address.

   The notice should include the following information:

   1. A description of the proposed action to be taken and its proposed effective date or dates;

   2. The specific grounds and particular facts upon which the action is proposed to be taken;

   3. The employee's right to receive a copy of the written materials alleged to support the proposed action; and

   4. A statement advising the employee of the right to respond, orally or in writing, and the time period in which to do so.

B. Employee Review and Response: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based. Within ten (10) working days after receipt of the written notice, the employee shall have the right to respond to the Department Head, orally or in writing, concerning the proposed action. Failure to respond within the time

MV00104934

specified may result in the employee's waiver of his or her pre-disciplinary procedural rights. By mutual agreement, the specified time period may be extended. Appeal shall be addressed to the Department Head regardless of which supervisor may have issued the Skelly Letter.

C. Department Head Decision: The Department Head or designated authority shall, within ten (10) working days, provide a written decision to the employee after reviewing the employee's response, if any. The decision shall be personally delivered to the employee or sent by certified mail to the employee's last known address. The decision shall acknowledge the employee's response and shall be dated and signed by the Department Head. If disciplinary action is to be taken, the written response shall include a statement informing the employee of the right to appeal and the time period within which the appeal must be made.

If mutually agreed upon, the effective date of any proposed disciplinary action may be postponed to allow the Department Head enough time to adequately review the employee's response before making a decision.

10.25 APPEAL OF DEPARTMENT HEAD'S DECISION

A career employee may appeal a Department Head's decision within ten (10) working days of receiving the decision. An appeal shall be accompanied by a copy of the written notice of disciplinary action served on the employee, the Department head's written decision, a brief statement of the facts and reasons for the appeal and a brief statement of the relief requested.

If, within the ten (10) day appeal period, the employee involved does not file an appeal, unless good cause for the failure is shown, the action of the Department Head or designated authority shall be conclusive. If an employee withdraws the appeal, the employee waives the right to further review. Upon approval of the City Manager, the Human Resources Director may designate any other non-involved Department Head to act on his or her behalf on such matters. Appeals filed within the ten (10) day requirement shall be handled in accordance with the following provisions:

A. Minor Disciplinary Suspension, Reduction in Pay, and Demotion: An employee may appeal a disciplinary suspension of 5 days or less, or a reduction in pay of 5% or less annualized by submitting a written response to the Human Resources Director within ten (10) working days after the employee has received the Department Head's decision. Such an appeal and decision of the matter is based only upon the written record.

The Human Resources Director shall render a written decision within ten (10) working days after receipt of the appeal. The Human Resources Director may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The Human Resource Director's written decision is the final and conclusive administrative review.

B. Major Disciplinary Suspension, Reduction in Pay, and Demotion: Disciplinary suspensions of greater than 5 days, reductions in pay greater than 5% annualized, or any demotions from class to class may be appealed to the City Manager. The City Manager may designate a non-involved Department Head or

MV00104935

the Human Resources Director to hear the appeal and act on his behalf on such matters.

The City Manager or designee shall act as Hearing Officer and determine the hearing procedure. The hearing need not be conducted according to technical rules relating to evidence and witnesses. However, the City Manager shall ensure that the matter before him or her can be fairly determined on reliable evidence. The Hearing shall be conducted in accordance with Section 11.30.

The City Manager or designee shall render a written record of his or her findings, conclusion and decision as soon after the conclusion of the hearing as possible and in no event later than twenty (20) working days after conducting the hearing, unless the parties otherwise agree. The City Manager may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The City Manager's decision on the appeal is final and conclusive administrative review.

C. Dismissal: An employee wishing to appeal a dismissal must submit a request for a hearing officer to the Human Resources Director within ten (10) working days from receipt of the Department Head's decision. An Appeals Hearing on the appeal shall be conducted in accordance with Section 11. Upon mutual agreement of the employee and the City Manager, the employee may waive the right to the Appeals Hearing and present the appeal directly to the City Manager. If the employee chooses to appeal the Department Head's decision directly to the Human Resources Director, the employee forfeits the right to appeal to a Hearing Officer.

At any hearing before the Human Resources Director, City Manager or a Hearing Officer, subpoenas may be issued in accordance with the Government Code.

10.30 AMENDED NOTICE OF DISCIPLINARY ACTION

At any time before an appeal is submitted for decision, the Department Head or designated authority may, with the consent of the Human Resources Director, amend the disciplinary action or provide a supplemental notice of disciplinary action.

A decision not to impose any disciplinary action should be accompanied by a directive from the Department Head to delete all references to the pending action from the employee's personnel file(s). Failure by the Department to make further investigations or to provide an additional written answer shall not affect the ability of the City to impose disciplinary action.

If the amended or supplemental notice of disciplinary action presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a response in accordance with Section 10.20, but the employee shall not be required to file a further appeal. Any objections to the amended or supplemental causes or allegations may be made verbally or in writing during the appeal interview.

MV00104936

SECTION 11: APPEALS HEARING PROCESS

11.05 SELECTION OF A HEARING OFFICER

Within ten (10) working days from receipt of the written request for an appeals hearing pursuant to Section 10.25, the employee or designated representative and management representative shall select a Hearing Officer from a designated list. A paid outside Hearing Officer is only allowed in cases involving dismissal. The Hearing Officer shall be selected by mutual agreement or by the alternate striking of names from a pre-determined or standing list of Hearing Officers. The party to strike the first name shall be determined by chance. Only Hearing Officers who do not require transcription services, other than only an electronically recorded record, are to be used unless both parties agree otherwise.

The list shall contain at least seven (7) names and not more than twelve (12) names of persons qualified and willing to serve as a Hearing Officer. Employees, employee representatives and management representatives shall submit nominees for the list of Hearing Officers. If the total number of nominees is greater than the maximum number allowed on the list, the list shall be narrowed to the maximum number by consultation between management and employee representatives utilizing the strike out process. If a person withdraws his or her name from a list bringing the number of names below the designated minimum number, a name shall be added to the list. The list shall be revised at least every three (3) years.

11.10 SCHEDULING THE HEARING

Both parties shall endeavor to schedule the hearing as soon as possible. It is recognized that the schedule of the Hearing Officer, who is mutually selected, is dependent upon his/her already established schedule and availability. The City and the bargaining unit will jointly endeavor to identify the Hearing Officer within ten (10) working days of the employee's written request for one. All affected parties shall be notified in writing of the date, time and place of the hearing at least five (5) working days prior to the hearing. The Hearing Officer, prior to or during the hearing, may grant a continuance for any reason he or she believes to be important to its reaching a fair and proper decision.

All hearings shall be closed unless the employee requests an open hearing. No still photographs, moving pictures, or television pictures shall be taken in the hearing room during a hearing.

11.15 HEARING REPRESENTATION

Each party shall have the right to represent themselves, to be represented by legal counsel, or to be represented by any other person of his or her choice, except that no supervisor or Department Head shall be represented in appeal matters by an employee whom he or she may supervise, and no employee shall be represented in appeal matters by a supervisor or Department Head.

MV00104937

11.20 RECORDATION OF HEARING

All appeal hearings shall be recorded. The Human Resources Director shall arrange for the production of any relevant City record.

11.25 HEARING EXPENSES

All expenses for a Hearing Officer, including but not limited to, per diem expenses, travel and subsistence expenses, and the cost of the hearing room will be borne equally by the City and the employee. Each party shall make arrangements for and pay expenses of witnesses that are called by such party, except that any City employee called as a witness shall be released from work without loss of compensation or other benefits to give testimony at the hearing.

Prior to the hearing, the Hearing Officer shall draw up a contract and each party shall sign the contract agreeing to these payment conditions and any payment terms. A copy of the contract shall be given to the employee and another shall be given to the Human Resources Director. The Hearing Officer shall retain the original contract.

11.30 HEARING PROCEDURE

The Hearing Officer shall give all interested parties a reasonable opportunity to be heard on relevant issues. The hearing procedure shall be determined by the Hearing Officer. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The Hearing Officer shall observe the intent of such rules to the end that the matter before him or her can be fairly determined on reliable evidence. All interested parties shall have the following rights:

A. To call and examine witnesses;

B. To introduce exhibits;

C. To cross-examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;

D. To impeach any witness regardless of which party first called him or her to testify;

E. To rebut the evidence against them; and

F. To present oral and written arguments.

11.35 HEARING OFFICER'S RECOMMENDATION

The Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence, and shall base his or her findings on the preponderance of evidence. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but if objected to, shall not be sufficient in itself to support a finding. The Hearing Officer shall submit a written record of his or her findings, conclusion and recommendation to the City Manager as soon after the conclusion of the hearing as possible and in no event later than thirty (30) working days after conducting

MV00104938

the hearing, unless the parties agree otherwise. The Hearing Officer may recommend sustaining, rejecting, or lessening the disciplinary action invoked against the employee.

11.40 CITY MANAGER'S DECISION

Upon review of the hearing record, the City Manager shall have the right to accept, modify or reject the Hearing Officer's recommendation. If the City Manager decides not to review this matter, the decision of the Hearing Officer on the appeal shall be the final administrative action. Within ten (10) working days, the City Manager should deliver a copy of his or her written decision to the employee. The decision of the City Manager shall be the final administrative action.

MV00104939

SECTION 12: GRIEVANCES

12.05 MATTERS SUBJECT TO GRIEVANCE PROCEDURES

A "grievance" is a job-related complaint by an employee regarding the terms and conditions of employment which arise out of a specific fact situation or transaction, other than discipline, that result in an alleged inequity or damage to the employee. The solution of any such grievance is wholly or partially within the province of the City to rectify and will involve the interpretation or application of existing ordinances, rules, regulations, or policies administered by the employee's Department Head or designated authority concerning wages, hours, other terms and conditions of employment.

12.10 MATTERS NOT SUBJECT TO GRIEVANCE PROCEDURES

The following matters are not subject to the grievance procedure:

A. Employee discipline.

B. Oral or written warnings, reprimands, or counselings.

C. Employee performance evaluations.

D. Management of the City generally and issues of City or Department policy.

E. Necessity and organization of any service or activity conducted by the City including the expansion or reduction of services or workforce.

F. Determination of the nature, manner, means, technology, and extent of services to be provided to the public.

G. Methods of financing.

H. Types of equipment or technology to be used.

I. Determination of and/or change in facilities, methods, technology, means and size of the work force by which City operations are to be conducted.

J. Determination of and change in the location, number of locations, relocations and types of operations, processes and materials to be used in carrying out City functions.

K. Work assignments and schedules in accordance with requirement as determined by the City.

L. Establishment, implementation, and modification of productivity and performance programs and standards.

M. Reductions in force or layoffs for lack of work or other non-disciplinary reasons.

N. Establishment and approved modifications of job classifications.

MV00104940

O. Determination of standards, policies and procedures for selection, training, and promotion of employees.

P. Establishment, implementation, and modification of Departmental organizations, supervisory assignments, chains of command, and reporting responsibilities.

Q. Levels of compensation, pay, and benefits based upon budgetary and fiscal considerations.

12.15 FREEDOM FROM REPRISAL

No employee shall be subject to coercion or disciplinary action for discussing a request or complaint with his or her immediate supervisor, or for filing a grievance petition.

12.20 CONSOLIDATION

Grievance petitions involving the same or similar issues, filed by employees in the same representation unit, may be consolidated for presentation at the discretion of the person hearing the petitions.

12.25 RESOLUTION

Any grievance petitions resolved at any step of the grievance procedure shall be considered conclusive.

12.30 WITHDRAWAL

Any grievance petition may be withdrawn by the grievant at any time, without prejudice.

12.35 RESUBMISSION

Upon consent of the person hearing the grievance petition and the grievant, a petition may be resubmitted to a lower step in the grievance procedure for reconsideration.

12.40 EMPLOYEE REPRESENTATION

If requested, an employee may have representation in the preparation and presentation of the grievance at any step in the formal grievance procedure, except that no supervisor or Department Head shall be represented by an employee whom he or she may supervise, and no employee shall be represented by a supervisor or Department Head.

The employee(s) and one employee representative are entitled to be released from work for a reasonable period of time in order to present the grievance.

12.45 MISCELLANEOUS

If an employee is given a legitimate order that he or she wishes to grieve, the employee must first complete the assignment and file a grievance later unless the assignment endangers the health or safety of the employee or others or if the requested assignment violates the employee's constitutional rights.

MV00104941

12.50 INFORMAL GRIEVANCE PROCEDURE

Every effort should be made to resolve a grievance through discussion between the employee and the employee's immediate supervisor, unless extenuating circumstances exist. If the employee is not satisfied with the decision reached through the informal discussion or if extenuating circumstances exist, the employee shall have the right to file a formal grievance in accordance with Section 12.55.

12.55 FORMAL GRIEVANCE PROCEDURE

Step I

If the employee is not in agreement with the decision rendered in the informal grievance procedure, an employee shall have the right to present a formal grievance to the Department Head within ten (10) working days after the occurrence of the incident causing the grievance, if applicable. Otherwise, the right to file a grievance petition shall be waived.

All grievances shall be submitted on the form prescribed by the Human Resources Director and no grievance petition shall be accepted until the form is complete. The written grievance shall contain a clear, concise statement of the grievance and facts upon which it is based, rule, regulation, or policy allegedly violated, and the specific remedies sought.

The Department Head should render a written decision within ten (10) working days after receipt of the written grievance.

Step II

If the grievance is not satisfactorily resolved in Step I, the employee shall have the right to submit the written grievance to the Human Resources Director within ten (10) working days after the Department Head's decision is received by the employee.

The Human Resources Director should render a written decision within ten (10) working days of receipt of the written grievance.

Step III

If the grievance has not been satisfactorily resolved in the Step II, it may be appealed to the City Manager within ten (10) working days after Human Resources Director's decision is received by the employee.

The City Manager may accept or reject the decision of the Human Resources Director, and should render a written decision within ten (10) working days after receipt of the written grievance. The decision of the City Manager shall be final and conclusive.

If mutually agreeable, a meeting may be conducted involving all affected parties at any step in the grievance procedure prior to the rendering of a decision.

MV00104942

GRIEVANCE PROCEDURES			
STEP	**CONTACT**	**FILE**	**DECISION**
Informal	Supervisor	N/A	Immediate
Step I Formal	Department Head (from incident)	10 working days from filing	10 working days
Step II Formal	Human Resources Director	10 working days from Step I	10 working days from filing decision
Step III Formal	City Manager	10 working days from Step II	10 working days from filing decision

The City Manager may delegate non-involved Department Heads to act on behalf of the City Manager to render an appeals judgment in these processes. The findings and recommendations they render will be advisory to the City Manager whose ultimate decision will be final.

12.60 TIME LIMITS

Grievance petitions shall be processed from one step to the next within the time limit indicated for each step. Time limits shall be strictly enforced. Any time limits established in this procedure, may be waived or extended by mutual agreement confirmed in writing. Any grievance petition not carried to the next step by the grievant within the prescribed time limits shall be deemed resolved upon the basis of the previous disposition.

MV00104943

SECTION 13: EMPLOYEE RECORDS AND FILES

13.05 PERSONNEL FILES

A. Central Personnel Files: The Human Resources Department shall maintain a central personnel file for each City employee indicating the employee's name, title of position, the department assigned, salary, changes in employment status, performance evaluations, disciplinary documents and such other information as may be considered pertinent by the Human Resources Director. Copies of documents concerning disciplinary actions taken by the supervisor or Department Head must be placed in the employee's central Personnel file. There will be no disclosures of this information to third parties except as authorized by State or Federal law or as duly authorized in writing by the employee.

   Personnel files shall be kept in locked, fireproof files located in the Human Resources Department.

B. Payroll Files: The Finance Department shall maintain a file for each City employee showing the name, title of position, the department assigned, salary, changes in employment status, W-4 forms, payroll deductions and such other information as may be considered pertinent by the Finance Director. There will be no disclosures of this information to third parties except as authorized by State and Federal law, or as duly authorized in writing by the employee to third parties.

Nothing herein shall prohibit the City from keeping or placing documents in an observation file for the purpose of investigating alleged criminal conduct. For the purposes of this Section, an observation file shall not be considered a personnel file, and an employee or his or her designated representative shall not have access to observation files nor receive copies of documents placed in such files.

Unless required for a criminal investigation, an observation file on an employee shall remain open for a maximum of six (6) months. If disciplinary action by the City is warranted or if the employee is found guilty of criminal activity, documents in the observation file shall be placed in the employee's personnel file(s).

13.10 DOCUMENTS IN PERSONNEL FILES

Upon request of the employee, an employee may place documents in his or her respective personnel file that commends his or her job performance with the City or demonstrations educational attainment.

Disciplinary documents shall be placed in personnel files in accordance with Section 9.50. An employee shall be provided a copy of any documents placed in his or her personnel file(s), and may review his or her file on request.

If no further conduct requiring disciplinary action occurs, and at the employee's written request, documents concerning minor disciplinary actions shall be removed from an employee's personnel file after one (1) year or upon their incorporation in a performance evaluation, whichever occurs first. If no further conduct requiring disciplinary action

MV00104944

occurs and at the employee's written request, documents concerning major disciplinary actions shall be removed from an employee's personnel file after three (3) years, provided that such documents may be retained thereafter if they establish a pattern of conduct extending past the three (3) year period. With good cause, a department may grant an employee's request to remove the document from the employee's personnel file(s) sooner than the indicated time frames, with the concurrence of the Human Resources Director.

13.15 ACCESS TO FILES

No person other than the City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's hiring Department Head, immediate supervisor, current Department Head, current Division Head, or their designated representatives shall have access to an employee's central or department personnel file. The Department Head must approve in writing anyone below him/her before that authorized person may review a subordinate's central personnel file. No person other than the Financial and Administrative Services Director, payroll division staff, City Manager, City Attorney, or Human Resources Department staff shall have access to an employee's payroll file. Upon appointment, an employee or a person designated in writing by the employee for such purpose may inspect the contents of his or her respective personnel file(s). Upon paying the reasonable cost associated therewith, except as provided in Section 13.10, an employee or his or her designated representative may obtain copies of any documents contained in the employee's personnel file(s).

The employee may file a grievance regarding the contents of his or her personnel file(s) in accordance with the Grievance Procedure regulations outlined in Section 12.

13.20 DISCLOSURE OF INFORMATION

No direct information contained in the personnel files shall be disclosed concerning any current or former City employee other than the employee's job title, inclusive dates of employment, work location, salary, work phone number, departmental assignment, and the nature of separation, resignation, or termination, to any person other than the City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's Department Head, Division Manager or their designated representatives. An employee or former employee may authorize access to or the disclosure of information from their file only when written permission is provided to the Human Resources Department.

Nothing herein shall preclude nor specifically deny the use of any information in personnel files in any phase of a disciplinary or probationary action.

13.25 CHANGES-IN-STATUS

It is the employee's responsibility to notify the Human Resources Department of any changes in his or her address, phone number, marital status, dependent status, name change, training certificates, or other pertinent information.

MV00104945

13.30 APPLICATION RETENTION

Applications submitted by candidates for City employment become the property of the City and must be retained for at least three (3) years.

13.35 DESTRUCTION OF PERSONNEL RECORDS

Personnel records, including employment applications, shall be destroyed only in accordance with the provisions of the City's system for the destruction of public records and then in accordance with other applicable law.

MV00104946

SECTION 14: EMPLOYEE BENEFIT POLICIES

Benefits for City employees shall be provided as outlined in the City's Benefit Plan. Further information on these benefits may be obtained by contacting the Human Resources Department.

The City retains the right to alter the benefit plan, if it finds such changes to be in the best interest of the City.

14.05 BENEFIT BANK

The City has adopted a "flexible or cafeteria" plan that will cover certain City benefits (i.e., medical, dental, vision care, etc.). Employees, other than those listed below, are not eligible for benefit bank benefits. City employees shall receive a negotiated amount of money as approved by City Council, and consistent with the current MOU, on a yearly basis in order to "purchase" benefits from the plan. These benefits are paid on a 24-pay period basis. Employees may change benefit elections only during open enrollment periods unless there is a qualifying event. Qualifying events may include, but are not limited to emergency hardships, changes in employment, or changes in family status such as, births, deaths, adoptions, marriages, or divorce, to the extent permitted by the provisions of the benefit plans carriers.

A. Career Full-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

B. Career Part-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

C. As part of the cafeteria plan, all full-time employees, except City Council members, must purchase group medical insurance coverage for themselves, or provide proof of other medical coverage, i.e., through one's spouse's coverage, military, etc. If the City Council deems it in the City's best interest, the City, at its option, may require all employees to purchase the City's preferred coverage and not allow verification of other coverage. Once this individual medical coverage has been purchased or verified, employees may purchase any of the following options with the balance:

   1. Medical Insurance: Once medical insurance has been purchased for the employee, he or she may also choose to purchase excess coverage for him-or-herself or insure any dependents. Eligible employees may choose from a variety of health care providers as offered by the City. Medical benefits, plan costs, and any deductible costs may vary depending upon the insurance carrier offered by the City and chosen by the employee. Those who choose to use other kinds of medical coverage must report any change in that coverage within sixty (60) days as defined by CalPERS. Failure to do so will result in immediate enrollment in a City offered medical plan.

MV00104947

2. Dental Insurance: Employees may purchase dental insurance for themselves and any dependents. Dental benefits and any deductible costs may vary depending upon the insurance carrier chosen by the employee.

3. Vision Care: Coverage must be purchased for all full-time career employees and may be purchased for any dependents, based upon vision care plans available to City employees.

4. Supplemental Insurance: Employees may purchase supplemental insurances for themselves or their dependents.

5. Dependent Care (Child and Elder): Employees may purchase dependent (child and elder) care reimbursement coverage through a flexible spending account. Documentation of payments with tax identification number of the provider must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.

6. Medical Expense Reimbursement: Employees may purchase medical expense reimbursement through a Flexible Spending Account. Documentation of expenses and payments must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.

7. Annual Leave Buy: Employees with unspent bank dollars may purchase up to two weeks of Annual Leave hours per year. This option is available only at open enrollment. Annual Leave hours bought must be used within the benefit year purchased. Unused Annual Leave which has been purchased will be returned to the benefit bank for cash out to the employee.

8. Cash Out Option: Employees who would have unspent bank dollars for the calendar year will receive the leftover balance as a taxable cash payment. Council members are not eligible by State law for any cash-out option of unspent bank dollars. Annual Leave hours must be requested in writing during open enrollment each year.

9. Use or Lose Provision: Flex dollars may not be carried over from one plan year to the next, according to IRS regulations. Employees who have left over funds and who do not elect additional Annual Leave hours will be paid in cash. This amount will be subject to Federal and State withholding taxes.

D. Temporary Employees are not normally entitled to the benefits of the City's cafeteria plan.

14.10 MANAGEMENT PACKAGE

Certain categories of employees are entitled to a management benefit package as a percentage of their gross annual salary. The dollar amount shall change as salary increases are received during the year. This amount will be disbursed on a 24-pay period basis. These employee categories and percentages are as follows:

A. Executive Management Employees shall receive six (6%) percent of their gross annual salary.

MV00104948

B. Division Management Employees shall receive four (4%) percent of their gross annual salary.

C. Professional/Administrative/Management Employees shall receive two (2%) percent of their gross annual salary.

This management package percentage amount may be expended in any of the flexible benefit plan options previously discussed. Other benefit options will be made available as they are approved by the City Council in accordance with applicable IRS guidelines.

14.12 AUTO ALLOWANCE:

The City provides taxable auto allowance benefits as follows:

A. Executive Management Employees shall receive a monthly auto allowance, as budgeted.

B. Division Management Employees shall receive a monthly auto allowance, as budgeted.

As outlined in the City's Vehicle Policy, certain employees may be assigned a City vehicle on a long-term basis, in lieu of the monthly auto allowance. Employees who utilize personal vehicles for City business, but do not receive an auto allowance, shall be reimbursed at the Federal mileage reimbursement rate.

If any of the above employees are assigned a City vehicle, no auto allowance will be provided.

14.15 POST RETIREMENT MEDICAL BENEFITS

A. Annuity Programs: Effective January 1, 2001, the City of Moreno Valley shall contribute a monthly amount to each non-exempt full-time career employee for an annuity program for 20 years or until termination or retirement, for the purpose of funding retiree medical premiums. New hire probationary employees shall not be eligible to receive the monthly contribution until the successful completion of their probationary period. The effective date of their first contribution will commence the next full month after they have passed probation.

Effective January 1, 2002, after two full years of employment, the monthly contribution to the annuity program shall increase per the negotiated language as approved by City Council. This shall go into effect the next month after their two-year-anniversary date has passed.

Each bargaining unit has selected separate annuity programs.

1. Contributions for the MVCEA bargaining unit are being paid into the Benefit Bank.

In the event MVCEA ceases to be the recognized representative of bargaining unit employees, the control and administration of this program

MV00104949

shall transfer to management and the responsibility for same shall be the exclusive jurisdiction of management.

Employees may at their option contribute a portion of their compensation to the annuity subject to IRS restrictions through payroll deductions.

2. Contributions for the management bargaining unit are being paid into a Voluntary Employee Beneficiary Trust (VEBA), which manages the investment and distribution of the funds.

B. City Paid Retiree Medical Benefit: Effective January 1, 2001, upon retiring, the City shall pay a minimum of the monthly fee required by PERS for enrollment of retirees. Employees who retire under the CalPERS retirement benefits system with a minimum of two years of service with the City shall be eligible to receive a benefit which is the lesser of the cost of medical coverage for the retiree and spouse, or the amount stipulated in the following table:

EFFECTIVE DATE	MAXIMUM EMPLOYER CONTRIBUTIONS
January 1, 2007	up to $168.73 per month
January 11, 2008	up to $243.73 per month
January 2, 2009	up to $318.73 per month

To receive the Retiree Medical Benefit, the retiree must submit documentation of payment for medical insurance coverage. Documentation for those enrolled with PERS Health is provided by PERS. In the event of the retiree's death, the surviving spouse continues to be eligible to receive the benefit.

14.20 PERS MEDICAL COVERAGE FOR RETIREES

The City shall contribute a monthly employer fee for retiree medical coverage with the Public Employees Retirement System (PERS), per negotiated contract language as approved by City Council. Retirees must convert to Medicare at age 65.

14.25 CITY RETIREMENT PLAN

The City provides retirement benefits for all employees through the Public Employees Retirement System (PERS). The City pays both the employee's and employer's contributions into the plan for employees hired prior to July 1, 2009. Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009. At its option, the City may change its retirement system provider upon adoption by the City Council. Prior to any changes in retirement benefits, those eligible for retirement must be notified at least 30 days in advance. Current retirement benefits are available as follows:

A. Career Full-time Employees hired prior to July 1, 2009 receive fully-paid PERS retirement benefits. Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.

MV00104950

B. Career Part-time Employees hired prior to July 1, 2009 receive fully paid PERS retirement benefits after 1,000 hours. Before that point, the employee will have the employee's portion deducted from salary. Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.

C. Part-time/Seasonal, Temporary Employees, and Crossing Guards who are not eligible for PERS, are required to contribute 7.5% of earnings to a PST "457" deferred compensation program. Contributions to this plan will be made through payroll deduction. Employees are eligible for participation in the PERS retirement plan after 1,000 hours worked in a fiscal year; however, they are responsible for the cost of their employee portion of PERS payment.

PERS refunds may be issued ONLY if the member has permanently separated from all PERS-covered or reciprocal employment. Or, if members have been on an unpaid leave of absence for at least six (6) months, they may request a refund of their contributions prior to returning to active employment.

D. Any employee hired prior to July 1, 2009, if promoted on or after July 1, 2009, will still be eligible for all benefit rates provided for employees hired prior to July 1, 2009 for the bargaining unit the employee is in on or after July 1, 2009.

14.30 IRC SECTION 125 PLAN

The City has available to all full-time employees, and those who qualify for the City's group medical coverage, an Internal Revenue Code (IRC) Section 125 account. The monthly cost of plan administration will be borne by those eligible employees who voluntarily elect to enroll. The Health Reimbursement Option is not available until the employee has passed initial probation (normally at six months). An employee's un-expensed redirected Plan contributions from his/her salary account are forfeited and returned to the City at the end of the calendar year. See the Summary Plan Description for details.

14.35 IRC SECTION 457 PLAN

The City has available to all employees an Internal Revenue Code (IRC) Section 457 Account. Participation is voluntary for career employees. It is mandatory for temporary employees who are not yet eligible for, or enrolled in PERS.

Deferred compensation is an IRS-approved method of deferring federal and state income taxes on savings until retirement. Taxes are paid, on both savings and earnings, when they are withdrawn during retirement, or upon separation from City employment.

An employee may defer a maximum amount consistent with the most recent guidelines supplied by the IRS. The employee may increase, decrease, stop and restart voluntary contributions at any time by contacting the Human Resources Department.

MV00104951

In accordance with IRS rules, an employee may not withdraw these assets unless there is a bona fide emergency which is unforeseeable, unbudgetable, severe, beyond the employee's control, and must represent a last resort. All financial hardship requests for withdraw of funds must be made directly to the 457 plan provider.

14.36 IRC SECTION 401A PLAN

Certain management employees may voluntarily enter into a 401(a) Money Purchase Plan to provide additional retirement benefits. The employee contribution is a mandatory fixed amount for everyone within a management group, and is limited to the maximums allowed by law. Eligible employees wanting to enroll into the plan must do so within the first thirty (30) days after being hired, or during the annual open enrollment period. Once enrolled, the participant must remain in the plan. Participant contributions are structured with pre-tax dollars. Earnings accrue tax deferred. Participants may contribute to both a deferred compensation and a money purchase plan. Accounts are individual and loans may be made from the account.

PAM-Confidential employees receive $750.10 per fiscal year ($28.85 per pay period) in a City sponsored 401(a) Plan.

14.40 LIFE INSURANCE

The City provides term life insurance coverage for all City employees. Coverage becomes effective on the first day of the month which follows the first thirty (30) days of employment with the City. The premium is paid by the City. The amount of coverage is determined as follows:

A. Executive Management and Division Management Employees shall receive term life insurance at an amount, which is three (3) times their salary (rounded to the nearest thousand) not to exceed $300,000.

B. Professional/Administrative/Management Employees shall receive term life insurance at an amount, which is two (2) times their annual salary (rounded to the nearest thousand).

C. General Non-Exempt and Career Part-time Employees shall receive term life insurance at an amount, which is two (2) times, their annual salary (rounded to the nearest thousand) or $50,000.00, whichever is greater.

D. City Council Members shall receive $50,000 of term life insurance.

E. The City's death benefit to survivors of a member who dies prior to retirement shall be the PERS 1959 Survivor Level IV Option (Section 21574). It provides for a monthly allowance for the surviving spouse with two children $2280, spouse and one child $1900, and spouse alone $950. The City's retired member PERS lump sum death benefit paid to beneficiaries is $500.

MV00104952

14.45 DISABILITY INSURANCE

Disability Insurance is determined as follows:

A. City Disability Insurance:

The City provides short-term disability insurance to all Career employees who work a minimum of thirty (30) hours per week and who are disabled primarily as a result of a non-work-related illness or injury. This benefit commences after 30 calendar days of disability. In order to be eligible for benefits, an employee must be totally disabled for one month before benefits become payable. For the first twenty-four (24) months of a disability, "totally disabled" means that a former employee is prevented by disability from doing all the material and substantial duties of his or her job. If the disability persists beyond twenty-four (24) months, the former employee is re-evaluated to determine whether he or she can be rehabilitated for another career. If the employee can be rehabilitated, the employee is eligible for Rehabilitative Employment Services. If the employee cannot be rehabilitated for any career, total disability payments will continue.

An eligible employee may receive sixty-six and two-thirds (66⅔ %) percent of his or her salary, up to a maximum monthly amount of $14,000. This income is subject to taxes because the premiums are paid for by the City. Any other income benefits an employee may receive as a result of employment shall be subtracted from the monthly benefit payment. An eligible employee may continue to receive benefits up to the age of sixty-five (65). Between the ages of sixty-five (65) and seventy (70), benefits are awarded on a sliding scale. The remaining amount shall be taken from applicable leave accruals until they are exhausted and the person goes on leave without pay, see Section 7.40, Pregnancy Disability Leave and Section 7.50, Leave of Absence Without Pay.

The City agrees to maintain a long term disability salary continuance program that pays the above described benefits for job-related disabilities when the employee is still on the City's payroll after a minimum 180 calendar day elimination period up to age 65. Workers' Compensation information can be found in Section 7.60 of the City of Moreno Valley's Personnel Rules.

B. Continuation of Accruals and Benefits

The City shall extend payment of the medical insurance contribution for career full-time employees up to an additional ninety (90) calendar days during a twelve-month period while an employee is disabled due to a non-work-related illness or injury. Such an extension of medical coverage shall take effect when existing coverage would otherwise expire. Career full-time employees on paid leave will continue to accrue Annual Leave at their normal rate; however, employees on unpaid leave will not accrue Annual Leave. During an authorized leave under an FMLA leave, career full-time employees will be retained on the City's health insurance program under the same conditions and coverage levels that applied before the leave commenced. Employees' benefits continue as long as the employee is still on disability and the City paid benefits after 30 consecutive working days of being on Non City Paid Payroll Status. The employee must then covert to Consolidated Omnibus Budget Reconciliation Act (COBRA) status and

MV00104953

pay for health insurance premiums, or if eligible, may consider applying for CalPERS disability retirement. Employees not classified as career full-time shall not accrue any leave or receive any benefits once all of their accrued time (Annual Leave or compensatory time) has been exhausted.

14.50 UNEMPLOYMENT COMPENSATION

As required by State law, all City employees are covered under the California Unemployment Compensation Program. Further information can be obtained by contacting the local State of California Employment Development Department or the Human Resources Department.

14.55 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Depending on budget and other considerations, the City may provide an employee assistance program. The EAP provides short term counseling and other services to assist employees and their families to deal with personal and emotional problems which affect or might potentially affect their job performance. This counseling is confidential and free to the employee.

14.60 MEDICARE

By law, employees hired after April 1, 1986, must have a certain percentage (currently 1.45%) deducted from their gross pay for Medicare. The City will deduct the employee contributions in accordance with Federal law. The City shall pay the employer's share, which is equal to the employee's share.

The above policies are based on Federal law and may change from time to time.

MV00104954

SECTION 15: SPECIAL COMPENSATION

15.05 STAND BY

A stand-by roster shall be comprised of City employees from designated departments or divisions who have volunteered to be on call and available to work after regular working hours. A stand-by assignment period shall be for a period of days starting at the time and on the day determined by the departmental coverage requirements and as approved by the employee's manager. Under some circumstances the period is not a seven consecutive day period. An employee on stand-by will be permitted to take home a City vehicle equipped with appropriate tools and supplies for use when called out on stand-by. The City will pay general employees (non-Animal Control Officers) a dollar amount per the negotiated language of the current MOU, as approved by City Council, per regular shift, Monday through Friday, and for weekends and holidays. The current Stand-by Pay amounts are $20.00 per day on Monday through Friday, and $25.00 per day on Saturday, Sunday and Holidays.

The designated department or division supervisor shall be responsible for scheduling his or her employees for stand-by duty and for providing duty rosters to the Police Department. The Police Department will be given a roster of employees with their stand-by duty dates, home telephone numbers, and pager numbers and codes. Once assigned to specific stand-by duty, employees may not trade stand-by assignments, except with the prior approval of the designated supervisor.

For general employees, compensation for call out hours worked will be paid at time-and-one-half for the number of hours actually worked. A minimum of two (2) hours shall be credited as time worked for each call out. For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. An employee on stand-by will be compensated an additional dollar amount, per the negotiated language, as approved by the City Council, for each 7-day week of stand-by duty. Stand-by pay is at the rate of an amount per the negotiated language as approved by the City Council per day (M-F). Stand-by pay will be increased to an amount per the negotiated language in the current Memorandum of Understanding, per day for weekends and holidays.

For Animal Control Standby (Night Truck), the City will pay a dollar amount, per the negotiated language as approved by City Council per regular shift, Monday through Friday, and pay an amount, per the negotiated language as approved by City Council for weekends and holidays. Call out pay will be at the overtime rate with a one-hour minimum. Work time includes 15 minutes each way of travel time for the trip to and from work or the actual time, whichever is less.

An employee assigned to stand-by duty must be available to respond to emergency calls at all times. This requires that the employee remain within fifteen (15) minutes travel time of his or her normal work station during the entire stand-by period. The employee must refrain from consuming alcoholic beverages or other substances which could impair his or her effectiveness or safety on the job. Violation of this policy shall result in disciplinary action, as outlined in Section 8.35 of the Personnel Rules.

Nothing herein shall be construed to require that the City establish stand-by duty for employees in any department or division.

MV00104955

15.10 CALL-BACK

In the event employees who are not assigned to stand-by duty are called back to work during normal off-duty hours to protect the public health or safety, they will be compensated at time-and-one-half for actual time worked, with a minimum of two (2) hours credit for each call out (one for Animal Control). For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. Call back shall be defined as having to return to work after having left work.

15.15 BILINGUAL PAY

Bilingual compensation will be implemented for staff who occupy positions designated as ones in which second language skills are utilized. Employees shall receive an amount per the negotiated language as approved by City Council.

15.16 SAFETY EQUIPMENT

Employees in qualified trade occupations will receive an annual stipend to purchase shoes, jackets, and/or Sam Brown belts in an amount per the negotiated language as approved by City Council.

The City provides uniforms for employees in the Security Guard job classification.

MV00104956

SECTION 16: TRAINING

16.05 TRAINING

The City recognizes the importance of employee development and training. In an effort to improve the capabilities and effectiveness of City personnel, a training program has been established. This training effort shall be geared to both organizational improvement and individual employee development. This development shall not only be the responsibility of Department heads or supervisors, but shall be shared with employees in a total organizational effort.

16.10 IN-HOUSE TRAINING

Employees who have training, knowledge or expertise in a subject area, or have recently attended a seminar or conference in a given subject matter, may be asked to share this information with other employees. Such in-house training may be informal or formal depending upon the nature of the training and can include any variety of topics such as computers, copiers, telephones, supervisory, writing skills, etc.

16.15 DEPARTMENTAL TRAINING

City departments and divisions are encouraged to offer specialized training to their employees. Such training shall be the responsibility of the Department or Division Head and may include topics such as safety, equipment operation and other training in their specific fields of responsibility.

16.20 TRAINING COURSES

The City shall encourage local educational resources to offer courses and workshops at City facilities on matters in which employees of several departments may benefit. Such courses may be offered periodically in such areas as management, supervision, communications, time management, stress management, writing skills, etc.

16.25 SEMINARS AND CONFERENCES

Employees may attend seminars or conferences covering current issues and areas relevant to their positions under the following conditions:

A. Employees must submit their request on forms prescribed by the Financial and Administrative Services Department and follow all applicable procedures.

B. Budgeted funds must exist for all such training and any travel. In-state attendance shall require Department Head approval while out of state travel shall require the approval of the City Manager.

C. Employees must comply with the City's Administrative Travel Policy and provide necessary receipt documentation.

D. Employees who have recently received such training must be willing to provide "in-house" training to other employees, if requested.

MV00104957

16.30 TUITION REIMBURSEMENT

Subject to the pre-approval of the Department Head, Human Resources Director, and City Manager (or designee), employees may be reimbursed for the cost of pre-approved, job-related, accredited, educational and other training courses based upon proof of successful completion up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30). This proof includes a grade "C" or better of the course(s), and must be part of a recognized associate's degree, bachelor's degree, or master's degree program related to the employee's current job, and the program must be part of a school, college or university that is accredited by a U.S. Department of Education authorized accrediting organization, e.g. Western Association of Schools and Colleges (WASC). Further, employees may be reimbursed for certain pre-approved, job related training courses based on the approvals as stated above.

Classes taken which are offered as part of the City's official training program do not count against tuition reimbursement.

Any educational or training course that is a requirement for continuation of employment or is an identified part of a job evaluation shall be paid for by the City. Any other educational course that is job-related may, if prior approval for reimbursement is given by the City Manager (or designee), be reimbursed at 100% or less after successful completion. All college or other graded classes shall require a minimum grade of a "C" in order to receive such reimbursement. Books or other materials shall only be paid if some defined benefit can be shown to the City (i.e. books become part of City reference library).

In general, training time during working hours shall be considered part of the job. Unless the City directs an employee to attend a specific training course, and the course is not available during work hours, training after hours shall be considered voluntary, and no additional pay, overtime or compensatory time shall be given by the City, unless advance special written approval is granted. Study time shall be considered completely voluntary.

Although the City encourages employees to pursue additional education, the City shall not pay for educational degrees or for education in general, but will only reimburse employees for required or job-related classes and training. No reimbursement shall occur if an educational class does not provide a benefit to the City. There is no mileage reimbursement for travel to and from educational classes. Required forms must be completed and necessary documentation (receipts and grades) must be provided, in order to receive reimbursement. Final and conclusive determinations of the reimbursement amount shall be made by the City Manager after review of the request and recommendations by the Department Head and the Human Resources Director.

16.35 TRAINING AND TRAVEL REIMBURSEMENT

Non-exempt employees shall receive training and travel reimbursement as provided in this Section.

MV00104958

Time spent in attending lectures, meeting, training programs, and similar activities during work time shall be counted as time worked only if authorized in advance and in writing by the employee's Department Head. No such authorization shall be given unless the lecture, meeting, program, or other activity is directly related to improving the employee's ability to perform his or her job.

Time spent in attending lectures, meetings, training programs, and similar activities shall not be counted as time worked where such attendance is outside of the employee's regular working hours, except in situations where the employee is directed by his or her Department Head to attend such lecture, meeting, training program, or similar activity. Leisure and meal times are not considered time worked unless they are part of the seminar.

Time spent by an employee traveling between the employee's residence and the regular workplace is not work time and shall not be treated as hours worked. When an employee is assigned by his or her Department Head to travel outside of the City, time spent traveling between the employee's home and assigned destination shall be treated as time worked, only to the extent that it exceeds the amount of time normally taken by the employee to travel between his or her residence and regular workplace.

When an employee is assigned to travel outside the City, return the same day, and he or she utilizes public transportation, the time spent traveling between the employee's home and the location of the public carrier (i.e. airport, bus station, train station) shall not be treated as time worked. However, time spent traveling to a final destination via public carrier is considered time worked.

Employees shall receive mileage and travel reimbursement in accordance with provisions outlined in the City's Administrative Travel Policy.

MV00104959

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX A

TESTING FOR ALCOHOL AND DRUGS

Toward reaching this goal of a drug and alcohol free workplace, the City may conduct pre-employment drug or alcohol testing of applicants for City positions. Pre-employment drug or alcohol tests shall apply only to non-City employees; City employees who apply for another City position shall not be subject to pre-employment drug or alcohol tests. Any applicant who tests positive shall not be hired by the City.

The City also reserves the right to require than an existing employee undergo testing of the City determines that probable cause exists to believe that the employee is under the influence of any illegal drug or controlled substance, as identified in this Section. Employees who (1) refuse to submit to a drug or alcohol test immediately when requested by authorized City or law enforcement personnel; (2) refuse to submit to a search of personal properties if requested by law enforcement personnel; or (3) are "convicted" of a "criminal drug or alcohol statute" violation, shall be subject to the disciplinary procedures which are outlined in these Rules.

All City lockers, desks, cabinets, vehicles, phone voice mail, e-mail, computer files, and disks are the property of the City and are subject to search without the employee's consent by City management at any time with or without notice. Refusal to cooperate with a search may result in a disciplinary action, up to and including termination. Unless the Supervisors are directed otherwise by the Human Resources Director, employees will be given the opportunity to be present when the search is conducted.

In appropriate cases, such as a first offense, the City should make every effort to place an employee with an available employee assistance program or service for the purposes of rehabilitation, in-lieu of disciplinary action or criminal prosecution. If, in such cases, the employee refuses to attend an employee assistance program or service, he or she will be subject to the disciplinary procedures which are outlined in these Rules.

Any reports or complaints which are filed as a result of this Section or the "Drug and Alcohol Free Workplace Policy" and are determined to be malicious, vexatious, or not in good faith, shall not be tolerated. In such cases, the complaining individual shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to drug or alcohol use.

A. EMPLOYEE RESPONSIBILITIES

An employee shall:

1. Not report to work or be subject to duty (i.e., paid stand-by time) while the employee's ability to perform his or her duties is materially impaired due to drug and/or alcohol use.

MV00104960

2. Not report to work with alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) in their systems or the odor of alcohol on their breath, or possess or utilize such substances while they are on duty or subject to duty or during meal periods or breaks.

3. Not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on-call, on breaks, or during meal periods.

4. Not directly or through a third party sell, purchase or provide drugs and/or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to duty.

5. Submit immediately to a drug and/or alcohol test when requested by an authorized City representative, who has probable cause to suspect drug or alcohol abuse or material impairment there from. The employee may request a representative when being tested for probable cause. The representative may be a bargaining unit representative or another employee of choice who shall be immediately available.

6. Before beginning work, notify his or her supervisor when taking any drug or medication (non-prescription or prescription), which may interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to perform assigned duties safely and effectively while using such drugs, clearance from a qualified physician may be required before the employee is allowed to resume his or her regular duties.

7. Have the opportunity, within twenty-four (24) hours (or by the close of the next business day) of request by an authorized City representative, to provide verification of a current prescription for any potentially impairing drug or medication which is identified in a drug test. The prescription must be in the employee's name.

8. Employees shall notify their supervisor of any criminal drug and/or alcohol statute conviction for a violation, no later than five (5) days after such conviction.

9. In the event that an employee suspects that his or her manager or supervisor is under the influence of drugs and/or alcohol, the employee may submit a written or oral complaint, which contains detailed evidence regarding the allegation of substance abuse to his or her department head or the Human Resources Director. Such complaints, if made in good faith, may be made without fear of reprisal. If the written or oral complaint establishes probable cause, the manager or supervisor may be requested to submit to a drug and/or alcohol test.

B. MANAGEMENT RESPONSIBILITIES

Managers and Supervisors shall:

MV00104961

1. Be responsible for enforcing this policy in a fair and consistent manner.

2. Work with the Human Resources Department to encourage employees to utilize an available employee assistance program when the employee's job performance is deteriorating or unsatisfactory, the employee does not respond to supervisory remedies, or when a specific on-the-job incident is cause for concern. As the supervisor's role is to monitor job performance, the supervisor should not attempt to diagnose an employee's problem.

3. Request through the Human Resources Department that an employee submit to a drug and/or alcohol test when a manager or supervisor has probable cause or a reasonable suspicion that an employee is impaired or under the influence of drugs or alcohol while on the job or subject to duty.

   "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

   For example, any of the following, alone or in combination, may constitute reasonable suspicion:

   - Slurred speech;
   - Alcohol or other suspicious odor (i.e. marijuana on breath);
   - Unsteady walking and movement
   - An accident involving City property where it appears that the employee's conduct may be at fault;
   - Physical or verbal altercation;
   - Wide and severe mood swings;
   - Blank, glassy-eyed stare;
   - Inability to perform work properly;
   - Behavior which is unusual for the employee;
   - Possession of drugs and/or alcohol in the workplace or on City property.

4. Work with Human Resources and document within forty-eight (48) hours of requesting an employee to submit to a drug and/or alcohol test, in writing, the facts constituting reasonable suspicion that the employee in question is impaired or under the influence of drugs and/or alcohol.

5. Remind the employee of the requirements and disciplinary consequences of this policy when encountering an employee who refuses an order to submit to a drug and/or alcohol analysis. Where there is reasonable suspicion that the employee is impaired, or under the influence of alcohol or drugs, the manager or supervisor shall require the employee to remain on the premises for a reasonable amount of time until an authorized City representative or law enforcement representative can arrange to transport the employee to a testing facility, or home in the event of the employee's

MV00104962

refusal to submit to a drug or alcohol test. Any time spent remaining on the premises at the request of a supervisor or manager or time spent for City-required drug and/or alcohol testing shall be considered work time and shall be paid for by the City.

6. Not confiscate prescription drugs or medications from an employee who has a valid prescription for such. The prescription must be in the employee's name.

7. Deal with suspected offenders as discreetly, inconspicuously, and respectfully as possible.

8. Notify their Department Head or designee, and Human Resources, when they have probable cause to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City. If the Department Head or designee concurs that there is probable cause to believe that an employee is in possession of illegal drugs, the manager or supervisor shall not physically search employees or their personal possessions, but should request that they remain on the premises until the appropriate law enforcement agency has arrived. Also, the department head or designee shall notify the Human Resources Department as soon as possible.

9. May search areas which are jointly or fully controlled by the City after conferring with the Human Resources Department. In the event such an area is occupied by a Peace Officer all searches shall be consistent with Government Code Section 3309 (Police Officer Bill of Rights).

10. Management shall not use authority under these rules to unlawfully harass, intimidate, or discriminate against employees.

C. ENFORCEMENT

Employees reasonably believed to be impaired, or under the influence of drugs and/or alcohol, shall be prevented from engaging in further work and shall be monitored for a reasonable time until he or she can be safely transported from the work site. In no event should the individual be allowed to operate a vehicle while impaired, including driving home from work.

Refusal to submit immediately to a drug and/or alcohol analysis when requested by City management or law enforcement personnel shall constitute insubordination and may be grounds for discipline up to and including termination.

D. PHYSICAL EXAMINATION AND PROCEDURE

A drug and/or alcohol test may be administered by the City for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job. All testing (including the sample collection, chain of custody and laboratory services) shall be conducted in accordance with

MV00104963

Substance Abuse and Mental Health Services Administration (SAMHSA) and Department of Health and Human Services approved procedures.

E. RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

Post-Employment Offer Medical Examination

A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standard, duties or responsibilities.

If a drug screen is positive, and a result of the post-employment offer medical examination, the applicant must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid current prescription for the drug identified in the drug screen to the Human Resources Department. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

During Medical Examinations or Drug and/or Alcohol Tests

A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.

If the drug screen is positive, the employee must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid prescription for the drug identified in the drug screen, to the Human Resources Department. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action, up to and including discharge.

If a drug and/or alcohol test is positive, the City shall conduct an investigation to gather all the facts. The decision to discipline or discharge will be carried out in conformance with this section.

F. CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate, confidential medical folder that will be securely kept under the control of the Human Resources Director. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

MV00104964

SUPPLEMENT TO THE DRUG AND ALCOHOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS

Effective January 1, 1996, the City of Moreno Valley must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991 and subsequent revisions. Specifically, the City must comply with the regulations of the Federal Motor Carried Safety Administration (FMCSA). Adoption of a policy is one of the City's obligations under the regulations. Where applicable to the City, the requirements of those regulations are reflected in this policy. This policy sets forth the rights and obligations of covered employees. If you are an employee covered under these new requirements, you should familiarize yourself with the Policy provisions BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.

In addition, employees are required to comply with the applicable provisions of the supplement to the Drug and Alcohol Free Workplace Policy.

A. EMPLOYEE QUESTIONS

The regulations required that employers designate a person to answer employee questions about drug and/or alcohol testing. Employees shall refer any questions regarding his or her rights and obligations under the new regulations to the Designated Employer Representative (DER) which is the Human Resources Director or designee for this federally mandated program.

B. COVERED EMPLOYEES

Overall, the regulations cover drivers of commercial motor vehicles. A driver is any person who operates a commercial motor vehicle on a full-time, casual, intermittent, as-needed, or occasional basis. Employees in these job classifications may be required to drive commercial motor vehicles at least on an occasional basis.

Therefore, employees in those job classifications (and applicants for such positions) are considered a covered employee subject to the provisions of this policy. For the purposes of the post-employment offer medical examination, the term "driver" includes persons applying for employment in a position requiring the driving of a commercial motor vehicle on at least an occasional basis.

New employees or employees shall be given a copy of this policy at the time they commence employment with the City. All covered employees currently employed by the City at the time this policy is adopted shall be given a copy thereof within ten (10) days of its adoption. All covered employees will also be asked to sign the Acknowledgement / Receipt Form indicating receipt of a copy of this policy. This policy shall be posted immediately and was effective on January 1, 1996.

C. COVERED COMMERCIAL VEHICLES

The regulations cover drivers of the following commercial motor vehicles:

MV00104965

1. A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

2. A vehicle with a gross vehicle weight of at least 26,001 pounds.

3. A vehicle designed to transport sixteen (16) or more passengers, including the driver; or

4. A vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

D. SAFETY-SENSITIVE FUNCTIONS

The performance of any of the following on-duty functions by a covered employee in connection with that employee's operation, or scheduled operation, of a commercial motor vehicle is considered to be a safety-sensitive function.

1. All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.

2. All time inspecting equipment such as brakes, steering mechanism, lights, tires, horn, windshield wipers, mirrors, or coupling devices; or otherwise inspecting, servicing, or conditioning any commercial motor vehicle.

3. All time spent at the driving controls of a commercial motor vehicle.

4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.

5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle, or time spent performing driver requirements relating to accidents.

E. PROHIBITED CONDUCT

Covered employees may not have a measurable amount in their system or be in possession of controlled substances or alcohol during any work hours. Further, the regulations specifically prohibit certain conduct prior to performing and while performing safety-sensitive functions. The following conduct is prohibited and may result in discipline, up to and including termination:

MV00104966

1. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions while having an alcohol concentration level of 0.04 or greater.

2. Performing a safety-sensitive function within four (4) hours after using alcohol.

3. Being on duty or operating a vehicle, as described in Section C, while possessing alcohol.

4. Using or possessing alcohol while performing a safety-sensitive function.

5. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions when the employee has used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee (who in turn must notify his/her supervisor) that the substance does not adversely affect the employee's ability to safely operate a vehicle.

6. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions if the employee tests positive for controlled substances.

7. Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test shall be treated in the same manner as an employee who tested 0.04 percent or greater on an alcohol test or tested positively on a controlled substance test.

8. A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:

   - A refusal to provide a urine sample drug test.

   - An inability to provide a urine sample within the three (3) hour allowed time without a valid medical explanation.

   - A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test.

   - An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation.

   - Tampering with, attempting to adulterate, or substituting the urine specimen or collection procedure.

   - Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested.

MV00104967

- Leaving the scene of an accident without authorization from a supervisor or manager (who, in conjunction with the Human Resources Department, shall make a determination whether to send the employee for a post-accident drug and/or alcohol test), unless the employee has a valid reason for not obtaining such authorization.

9. Consuming alcohol during the eight (8) hours immediately following an accident, unless the covered employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

10. Use of prescribed drugs are not in direct violation of the City's policy, however inappropriate use or prescribed use that may substantially impair job performance, alter behavior, and/or create a risk to the health and safety of the employee or others, is in direct violation of the City's policy.

In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Action of 1988.

Covered employees are also reminded that they shall inform their supervisors of any over the counter or prescription medication prior to engaging in any safety-sensitive function.

F. CONSEQUENCES FOR EMPLOYEES FOUND TO HAVE ALCOHOL CONCENTRATION LEVELS OF 0.02 OR GREATER BUT LESS THAN 0.04

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 shall be removed from his/her safety-sensitive position for at least twenty-four (24) hours. Such an employee may be subject to discipline up to and including termination. The City shall then retest the employee. Before the employee may be returned to his/her safety-sensitive position, the employee's alcohol concentration must indicate a concentration below 0.02 percent.

G. CIRCUMSTANCES UNDER WHICH DRUG AND/OR ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES

1. Post-Employment Offer Testing

   a. All applicants (whether by initial application or in connection with a transfer) for positions involving the performance of safety-sensitive functions shall be required to submit to post-employment offer/pre-duty drug testing. Applicants will not be hired for or transferred to a safety-sensitive position if they do not pass the test or if they refuse to consent to a drug/alcohol test.

2. Post-Accident Testing

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a. Post-accident drug and alcohol testing shall be conducted on employees following an accident involving injury(s) and/or repair costs.

b. Post-accident alcohol tests shall be administered within two (2) hours following an accident and no test may be administered after eight (8) hours. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident.

3. Post-Accident Testing (urine sample)

a. Conducted after accidents on safety-sensitive employees who have been in an accident involving a human fatality; or a citation has been issued in one of the following situations:

i. There has been bodily injury with the need for immediate medical attention away from the scene, or

ii. There has been disabling damage to any motor vehicle requiring tow away. (Refer to Federal Motor Carrier Safety Regulations, sections 391.113 and 391.117).

Following an accident, the employee shall remain available for drug and/or alcohol testing, or may be deemed to have refused to submit to testing. This rule does not require the delay of necessary medical attention for injured people following an accident, nor does it prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.

4. Random Testing

Covered employees will be subject to random alcohol and drug testing as follows:

A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e. driving), while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The City will subject at least ten (10) percent of the total number of covered employees to random alcohol testing per year.

A random drug test will be administered to at least fifty (50) percent of the total number of covered employees per year. A covered employee may be subjected to drug testing even on a day in which the employee is not expected to perform a safety-sensitive function. To ensure that the process is in fact random, all covered employees, whether or not they have been chosen for testing in the past, will remain in the pool of employees for each subsequent period. This procedure assures that the probability of any individual being selected each period is always the same, whether or not the individual was selected in previous period.

MV00104969

On the date an employee is selected for random drug and/or alcohol testing, his/her supervisor will verify he/she is on the list of those to be tested.

5. Reasonable Suspicion Testing

"Reasonable suspicion" means that the trained supervisor believes that the actions, appearance, speech, body odors, or conduct of an on-duty employee are indicative of the use of drugs or alcohol. The witness must directly observe the behavior. Hearsay or second-hand information is not sufficient cause to require an employee to submit to a drug and/or alcohol test. The determination that a reasonable suspicion exists to require an employee to undergo an alcohol concentration test must be based on short-term specific, objective, contemporaneous, articulable facts concerning the behavior, appearance, speech, or body odors of the employee. The determination must be based upon observations of the trained supervisor making the determination, and may not be based upon hearsay.

The trained supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test. The trained supervisor witnessing the impairment must document the specific observations under which the reasonable suspicion is based.

The reasonable suspicion alcohol test will be administered within two (2) hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight (8) hours following the observation.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and/or alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substance use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Any reports or complaints which are filed as a result of this section and are determined to be malicious, vexatious or not in good faith, shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to alcohol use.

6. Return to Duty/Follow-up Testing

A covered employee who has violated any of the prohibitions of this Policy must submit to a return-to-duty test before he/she may be returned to a position requiring the performance of safety-sensitive functions. The test result must indicate an alcohol concentration of less than 0.02 percent or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest

MV00104970

during the first year of recover, the employee will be subject to follow-up testing, which is separate from the random testing obligation. The employee will be subject at least six (6) unannounced drug and/or alcohol tests during the first year back to the safety-sensitive position following the violation.

A substance abuse professional can direct additional testing during this period or for an additional period up to a maximum of sixty (60) months from the date the employee returns to duty. The Substance Abuse Professional can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the Substance Abuse Professional determines that additional testing is no longer necessary and is supported by the employer. Follow-up testing may include tests for other substances beyond the employee's initial positive test of alcohol and/or drug use when the Substance Abuse Professional has reason to suspect other drug or alcohol use during the follow-up period.

H. PROCEDURES TO BE USED FOR DETECTION OF DRUGS AND ALCOHOL

1. Alcohol Testing

Alcohol testing shall be conducted by using an evidential breath testing devise (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.

A screening test shall be conducted first. This initial screening may be accomplished using a saliva test kit. If the result is an alcohol concentration level of less than 0.02 percent, the test is considered a negative test. If the alcohol concentration level is 0.02 percent or more, a second confirmation test using the EBT shall be conducted.

The procedures that shall be utilized by the lab for collection and testing of the specimen are attached hereto as Appendix "B".

2. Drug Testing

Drug testing is a two-stage process. First, a screening test is performed. If it is positive for one or more drugs, then a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. The GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results.

All urine specimens are analyzed for the following drugs:

- Marijuana (THC Metabolite)
- Cocaine
- Amphetamines

MV00104971

- Opiates (including Heroin)
- Phencyclidine (PCP)

Drug testing will be conducted pursuant to the procedures set forth in Appendix "C"

I. REFUSAL TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST

As set forth in this Policy, a covered employee who refuses to submit to any required drug and/or alcohol testing shall be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

A job applicant who refuses to consent to a drug and/or alcohol test will be denied employment with the City of Moreno Valley. An employee's failure to submit to drug and/or alcohol testing required by the City for any reason may result in disciplinary action, up to and including termination.

Where there is reasonable suspicion that the employee is then under the influence of drugs and/or alcohol, the manager or supervisor shall arrange for the employee to be safely transported home after the testing. An employee shall not be permitted to transport him/herself.

J. CONSEQUENCES OF FAILING A DRUG AND/OR ALCOHOL TEST

It is the employee's responsibility to inform the City if he/she has a substance abuse problem and needs assistance to solve the problem, prior to taking (and possibly failing) the drug and/or alcohol test.

A positive result from a drug or alcohol test may result In disciplinary action, up to and including termination in accordance with this policy.

If a covered employee is not terminated, the employee:

1. Must be removed from performing any safety-sensitive functions.

2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her drug or alcohol abuse. The City is not required to pay for this treatment

3. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) that indicates an alcohol concentration level of less than 0.02 percent or a negative result on a controlled substances test.

4. Shall be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.

MV00104972

K. ALCOHOL MISUSE OVERVIEW

A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user. Alcohol is a drug. It is a central nervous system depressant that slows the body's functions. For some people, the use of alcohol can become addictive. The body develops a tolerance for alcohol, thus needing more of the drug to achieve the same effects. Once addicted to alcohol, the body experiences withdrawal symptoms when alcohol is not present in the bloodstream. Alcohol addiction, or alcoholism, is a disease. If left untreated, alcoholism is progressive as the damage to the body continues, and if unchecked may be ultimately fatal.

Alcohol misuse, alcohol abuse and alcoholism affect an individual's work performance. Alcohol, even in very small amounts, affects the user's judgment, reflexes, thinking ability, coordination, and attention. Alcohol is particularly dangerous when an individual needs to make a decision and act in an emergency or unfamiliar situation. Alcohol in a person's bloodstream affects one's ability to operate a vehicle or complex machinery, and to perform any safety-sensitive related tasks. Coming to work with a "hangover" also affects an employee's ability to perform. Hangover symptoms may include diminished clarity in thinking, tremors that reduce fine motor coordination, and flu-like feelings that decrease alertness and well being.

Alcohol misuse, alcohol abuse and alcoholism also affect an individual's personal and family life. Heavy alcohol drinkers have more illness and medical conditions requiring treatment. Financial and legal complications from excessive drinking are common problems. In the late stages of alcoholism, the individual's life is centered on alcohol; family, job, friends (except drinking buddies) are unimportant and ignored.

The following are indicators that alcohol may be a problem in an individual's life:

- Excessive use of Annual Leave because of heavy drinking or hangover.
- Monday and Friday absences from work; days before and after holidays.
- Making repeated promises to family/friends to "cut down" or stop drinking.
- Needing increasing amounts of alcohol to "feel good" or "get high."
- Morning shakes or tremors that are relieved by taking a drink.
- Being arrested for drunk driving.
- Refusing to participate in leisure activities where alcohol is unavailable.
- Experience periods of "blackout" when drinking (not remembering some events or situations that occurred while drinking).

MV00104973

- Mood swings and unreasonable resentments towards others.

ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical or mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

A. SIGNS AND SYMPTOMS OF ALCOHOL USE

1. IMMEDIATE EFFECTS OF ALCOHOL

- Odor of alcohol on breath
- Initial stimulation followed by depressed nervous system.
- Flushed skin
- Glazed appearance of eyes
- Slowed reaction rate
- Slurred speech
- Dulled mental processes
- Lack of Coordination

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

2. CHRONIC AND LONG TERM HEALTH EFFECTS

The chronic consumption of alcohol that averages three or more servings per day of an alcoholic beverage over time may result in the following health hazards: (one serving of beer is 12 oz., one serving of wine is 6 oz., and one serving of 80 proof liquor is13 oz.)

- Nutritional deficiencies and sleeping difficulties
- Impaired short-term memory and the inability to concentrate
- Brain and nervous system damage
- Liver damage
- Digestive problems (gastric ulcers)

MV00104974

- Higher likelihood of stroke, coronary problems
- Disease of the pancreas and kidneys

- Birth defects in children of heavy-drinking women (up to 54 percent of all birth defects are alcohol related)

- Physical and psychological dependence (up to 10 percent of all people who drink alcohol become dependent on alcohol and can be termed "alcoholic.")

- Increased cancer of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma

3. ALCOHOL'S EFFECTS ON SOCIETY

- Two-thirds of all homicides are committed by people who drink prior to the crime.

- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.

- The rate of separation and divorce in families with alcohol dependency problems is seven times the national average.

- Forty percent of family court cases have alcohol-related problems.

- Alcoholics are 15 times more likely to commit suicide than other segments of the population.

4. WORKPLACE ISSUES

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage through the body.

- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.

- A person who is legally intoxicated is six times more likely to have an accident than a person who is sober.

5. CONFIDENTIALITY PROCEDURES FOR INTERNAL CONTROL

Laboratory reports or test results shall not appear in an employee's general personnel file. The Human Resources Department will keep information of this nature under their control in a separate confidential medical file. Supervisors, managers, and other staff with such knowledge are not to discuss or disclose the results of any employee's drug and/or

MV00104975

alcohol tests with other employees, except under approved reasons as delineated by City policy.
The Human Resources Director or designee may disclose reports or test results to City management on a strictly need-to-know basis and to the tested employee upon request.

Employee's confidentiality is also protected with regard to disclosure by supervisors of any over-the-counter or prescribed medications, when the employee has notified the supervisor of such use as mandated by this policy.

The City may disclose test results without the employee's consent only when:

a. The information is compelled by law or by judicial or administrative process;

b. The information has been placed at issue by the employee in a formal dispute between the employee and the City;

c. The information is necessary to administer an employee benefit plan; or

d. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

MV00104976

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX B

Each employer shall establish an employee education and training program for all covered employees including:

A. EDUCATION

The education component shall include display and distribution to every covered employee of informational material for employee assistance, if available.

B. TRAINING

1. 1. **Covered employees.** Covered employees must receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use, including alcohol; on personal health, safety, and the work environment; and on the signs and symptoms that may indicate prohibited drug abuse.

2. 2. **Supervisors.** Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least sixty (60) minutes of training on the physical, behavioral, and performance indicators of probable drug use, including alcohol, and at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

   The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

   a. The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

   b. The categories of employees who are subject to the provisions of this part.

   c. Specific information concerning the behavior and conduct prohibited by this part.

   d. The specific circumstances under which a covered employee will be tested for prohibited drugs and/or alcohol misuse under this part.

   e. The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and

MV00104977

the integrity of the drug and alcohol testing process, safeguard the validity of the test results and ensure the test results are attributed to the correct covered employee.

f. The requirement that a covered employee submit to drug and/or alcohol testing administered in accordance with this part.

g. A description of the kind of behavior that constitutes a refusal to take a drug and/or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

h. The consequences for a covered employee who has a verified positive drug or confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR part 40.

i. The consequences, as set forth in FTA Part 655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

j. The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

Each employer shall provide written notice to every covered employee, and to representatives of employee organizations, of the employer's anti-drug and alcohol misuse policies and procedures.

MV00104978

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX C

A. ALCOHOL TESTING PROCEDURES

All testing will be conducted in accordance with alcohol testing procedures as required by 49 CFR.40 using the following procedures:

1. The employee arrives at the testing site.

2. If the employee does not arrive at the designated time for testing, the supervisor or designee will be contacted for instructions.

3. The I.D. of the employee to be tested is verified by examining a photo I.D. If the I.D. cannot be established, the Breath Alcohol Technician (BAT) will attempt to notify the employee's supervisor to establish a positive I.D. If that is not possible, the process stops.

4. If the employee being tested requests it, the Breath Alcohol Technician (BAT) should present his/her I.D.

5. Once the employee's I.D. is established, Step 1 of the United States Department of transportation Breath Alcohol Testing Form (DOT) will be completed.

6. The employee will complete Step 2 on the DOT form, signing the certification. If the employee refuses to sign; it is regarded as a refusal to take the test.

7. The employee shall be tested for alcohol using a saliva test kit or screening alcohol breath test. If test results are negative on this screening test, a copy of the DOT form will be completed noting the results, and a copy provided to the employee. One will be forwarded to the supervisor and one will be retained by the BAT.

8. If the screening test indicates an alcohol level greater than 0.02, an EBT test is required as follows:

    a. The employee and BAT shall read the sequential test number displayed on the Evidential Breath Testing (EBT) device for the test.

    b. The employee will open an individually sealed mouthpiece in view of the BAT and attach it to the EBT according to instructions.

    c. The employee will blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.

MV00104979

d. The BAT completes Step 3 of the DOT testing form.

e. The employee will sign Step 4 of the DOT testing form stating that the information on the form is accurate and that the employee must not perform safety-sensitive duties or operate heavy equipment if the results are 0.02 or greater.

f. If the test results are less than 0.02 on this test, a copy of the form will be provided to the employee. The test process is complete and a copy will be forwarded to supervisor and one will be retained by the BAT. If the test results are greater than 0.02 on this test, an EBT confirmation test will be conducted as follows:

i. The BAT will explain that a confirmation test will be conducted.

ii. The employee must stay in the room observed for a fifteen (15) minute waiting period. During this period, the employee may not eat, drink, or put any object or substance into his/her mouth.

iii. The confirmation test will be conducted no less than fifteen (15) minutes after the initial EBT test, but within thirty (30) minutes of the completion of the initial list.

iv. The confirmation test will be completed according to Steps H-M of this procedure.

v. If the result of the confirmation test is different from the EBT screening test, the confirmation test will be considered the accurate result.

vi. If the results are still greater than or equal to 0.02 on the confirmation test, the BAT will contact the employee's supervisor for further instructions before releasing the employee from the test site.

vii. Employees with a reading of 0.02 or more are not to drive or engage in any safety-sensitive operations until further notice from their supervisor and in accordance with this policy.

viii. All results will be transmitted in conformity to confidentiality procedures outlined below.

B. DRUG TESTING PROCEDURES

1. The urine specimen will be split into two bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the lab.

MV00104980

2. If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.

3. The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

4. If the test is positive for one or more drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.

5. All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and then to the City.

6. With all positive drug tests, the physician (a.k.a. medical review officer [MRO]) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as "negative."

MV00104981

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX D

REASONABLE SUSPICION OBSERVATION FORM
(STRICTLY CONFIDENTIAL)

EMPLOYEE NAME: **DAY/TIME OF INCIDENT:**

SUPERVISOR #1 NAME: (Optional) **SUPERVISOR #2 NAME:** (Optional)

The following checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee is under the influence of a prohibited drug substance or alcohol. The supervisor(s) note all pertinent behavior and physical signs or symptoms, which lead you to reasonable belief that the employee has recently used or is under the influence of a prohibited substance. Mark each applicable item on this form and any additional facts or circumstances, which you have noted.

A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION

1. Observed/reported possession or use of a prohibited substance
2. Apparent drug or alcohol intoxication
3. Observed abnormal or erratic behavior
4. Arrest or conviction for drug-related offense
5. Evidence of tampering on a previous drug test
6. Other (e.g., flagrant violation of safety regulations, serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job). Please specify.

_____

_____

_____

B. UNUSUAL BEHAVIOR

1. Verbal abusiveness
2. Physical abusiveness
3. Extreme aggressiveness or agitation
4. Withdrawal, depression, mood changes, or unresponsiveness
5. Inappropriate verbal response to questioning or instruction
6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion). Please specify.

_____

_____

MV00104982

C. PHYSICAL SIGNS OR SYMPTOMS

1. Possessing, dispensing, or using controlled substance.
2. Slurred or incoherent speech.
3. Unsteady gait or other loss of physical control; poor coordination.
4. Dilated or constricted pupils or unusual eye movements.
5. Bloodshot or watery eyes.
6. Extreme fatigue or sleeping on the job.
7. Excessive sweating or clamminess to the skin.
8. Flushed or very pale face.
9. Highly excited or nervous.
10. Nausea or vomiting.
11. Odor of alcohol.
12. Odor of marijuana.
13. Dry mouth (frequent swallowing/lip wetting).
14. Dizziness or fainting.
15. Shaking hands or body tremors/twitching.
16. Irregular or difficult breathing.
17. Runny sores or sores around nostrils.
18. Inappropriate wearing of sunglasses.
19. Puncture marks or "tracks".
20. Other (Please specify.)

_____

_____

_____

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions, and any other pertinent information not previously noted. Please note the date, times, and location of reasonable cause testing or note if employee refused test. Attach additional sheets as needed.

_____

_____

_____

_____

_____

Signature of Supervisor #1 Date/Time **Signature of Supervisor #2 Date/Time**

MV00104983

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX E

I. THE CITY OF MORENO VALLEY DRUG AND ALCOHOL PROGRAM MANAGER (DPMA) AND DESIGNATED EMPLOYER REPRESENTATIVE (DER)

The City of Moreno Valley has designated the Human Resources Director or designee, as the Drug and Alcohol Program Manager (DAPM), and as the Designated Employer Representative (DER) to answer questions about the City of Moreno Valley's anti-drug and alcohol misuse programs.

MV00104984

Personnel Rules and Regulations Revision Index **ATTACHMENT B**

The attached City of Moreno Valley Personnel Rules reflect changes due to the MOU's that were adopted during the past two years. For easy reference purposes, the format of the document and headings were changed to regular font and no line spacing, so that changes can be more easily seen. Fonts with ~~strikethrough~~ indicate that the wording is being deleted. Fonts that are in **bold** indicate that the wording is new added.

The following is an index of the pages and changes made.

Page Number	Change
i	Date of revision to personnel rules and adding "official employee" to the title of the personnel file name
iii	Added Section 7.05 Holiday Pay and Holiday Leave
iv	Added Section 9.40 Last Chance Employment Agreement
3	
5	Added Section 9.40 Last Chance Employment Agreement terms
6	Added 12 months limit to terms of temporary employment
7	Changed "Normally" to "Typically"
20	Changed "determined" to "approved"
21	Changed "must request" to "can obtain"
35	An employee who resigns from the City, and is rehired within one year of his/her rehire date, will receive the same employee benefits, and the City will pay the same share of CalPERS contributions, as prior to the separation
39	All over-time work must be pre-approved by the employee's manager
42	Section 7.05 Holiday Pay and Holiday Leave Lists the City's 11 legal holidays and explains how holiday pay is accrued and how it can be used Section 7.10 Annual Leave Deleted the word "holiday" as part of the combined banks used to calculate annual leave banks Deleted Section A and then renamed Sections B – H
43	Changed required amount of annual leave usage from 168 to 80 hours annually Removed all references to "holiday leave" Annual Leave reporting shall be done in ¼-of-an-hour increments for all employees
44	Annual Leave Donations approved by HR Director instead of City Manager Deleted sentence regarding annual leave donations being taken from forfeitable annual leave balances Annual Leave calculations now include any WSR used in a 40-hour workweek Annual Leave Accrual Rates updated to reflect holiday hours being removed from Annual Leave Bank.

MV00104985

A. Executive Team

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~14.77~~	**11.39**	~~384~~	**296**	~~2,080~~	**1,664**
6 – 10	~~16.31~~	**12.93**	~~424~~	**336**		
11+	~~17.85~~	**14.47**	~~464~~	**376**		

Deleted "including grandfathered amounts"

B. Division Management Employees

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~13.85~~	**10.47**	~~360~~	**272**	~~2,080~~	**1,664**
6 – 10	~~15.38~~	**12.01**	~~400~~	**312**		
11+	~~16.31~~	**12.93**	~~424~~	**336**		
DM's Hired Prior to 9/22/92	~~16.92~~	**13.55**	~~440~~	**352**	~~2,080~~	**1,644**

45 C. Professional/Administrative

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~13.09~~	**9.70**	~~340~~	**252**	~~2,080~~	**1,664**
6 – 10	~~14.62~~	**11.24**	~~380~~	**292**		
11+	~~15.54~~	**12.16**	~~404~~	**316**		
PAM's Hired Prior to 9/22/92	~~16.15~~	**12.77**	~~420~~	**332**	~~2,080~~	**1,644**
Added: **PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.**						

Deleted "including grandfathered amounts"

D. Non-Exempt

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~10.77~~	**7.39**	~~280~~	**192**	~~2,080~~	**1,664**
6 – 10	~~12.31~~	**8.93**	~~320~~	**232**		
11+	~~13.23~~	**9.85**	~~344~~	**256**		
NE's Hired Prior to 9/22/92	~~13.85~~	**10.42**	~~360~~	**272**	~~2,080~~	**1,644**

Section 7.15 Grandfathered Leave Balances

Added policy date of December 14, 2007

Sick Leave shall be referred to as "Grandfathered Sick Leave" and are considered "frozen" sick leave hours

Added the word "frozen"

Changed "an" to "a"

Deleted "not" added "only"

Added "if the employee is on approved FMLA leave"

46 Added formula options for Grandfathered Sick Leave balances at time of retirement

Changed "separation" to "retirement"

	Added that employees who do not retire under the City's CalPERS contract at the time of separation shall forfeit 40% of their frozen sick leave
	Added that an employee absent for three consecutive working days due to illness or injury may access their frozen sick leave bank. In order to do so, employee must complete a Leave of Absence Request Form and submit it, along with a physician's certification of inability to perform required duties to their supervisor and executive manager for approval
	Changed 2080 to 1664 hour annual leave cap
	Section 7.20 Annual Leave Cash Out Upon Separation and Retirement
	Changed separating employees are entitled to payment for "80%" to "100%" of their unused annual leave balance
	Deleted sentence regarding 20% of annual leave being forfeited
	Deleted Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15
	Changes employees retiring from the City
	Changed retiring employees are entitled to payment for "80%" to "100%" of their unused annual leave balance
	Deleted sentence regarding 20% of annual leave being converted to PERS service credit
48	Deleted sentence, "If she chooses to remain away from work longer, she must apply for family leave."
49	Changed "shall" to "may" and added "Frozen Sick Leave, and then any other accrued leave available, such as"
	Changed "continuing" to continue"
53	Section 7.60 On-the-Job Injuries and Workers' Compensation Coverage
	Added "fully paid Workers' Compensation Leave (i.e., equal to the employee's regular base pay compensation, including reduced pay due to furlough pay reduction"
	Deleted "a sum which, when added to the amount of temporary disability payment, will result in a payment equal to such an employee's regular compensation"
	Added "receive"
	Added "through the City's Long Term Disability Plan"
	Added sentence stating that if an employee is unable to return to work due to a permanent disability and retires under CalPERS benefits, the employee may also be eligible for long-term disability plan benefits
54	Added sentence stating that if an employee is still unable to work after one year, the City may initiate processing a PERS disability retirement application on behalf of the employee
55	Added "or medical Retirement"
63	Added Section 9.40 Last Chance Employment Agreement
	Changed "9.40" to "9.45"
64	Changed "9.45" to "9.50"
	Changed "9.50" to "9.55"
	Changed "9.55" to "9.60"

76	Section 13.15 Access to Files Changed "Finance" to Financial and Administrative Services"
78	Section 14.05 Benefit Bank Added "to the extent permitted by the provisions of the benefit plan carriers" Changed "two (2) weeks of any change of active status" to "sixty (60) days as defined by CalPERS
80	Section 14.15 Post Retirement Medical Benefits
81	Deleted "an insurance/annuity program chosen by the MVCEA" Added "the Benefit Bank" Added "under the CalPERS retirement benefits system with a minimum of" and deleted "after at least" Section 14.25 City Retirement Plan Added "for employees hired prior to July 1, 2009. Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009." Added "hired prior to July 1, 2009" Added "Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution." Added "hired prior to July 1, 2009" Added "Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution."
82	Added section "D" Section 14.35 IRC Section 457 Plan Changed requests for emergency/hardship withdrawal will now be made directly to the 457 plan provider and not to Human Resources 14.36 IRC Section 401A Plan Deleted "Open Enrollment is the only opportunity to join the plan." Changed Eligible employees who want to enroll must do so within the first 30 days of hire, or during the annual open enrollment period. Added PAM-Confidential employees receive $750.10 per fiscal year (28.85 per pay period) in a City sponsored 401(a) Plan.
83	14.40 Life Insurance Added section "D" Changed $11,000 to $14,000

84	Added to Section "B" regarding paid vs. unpaid leave in relation to annual leave accruals, FMLA leave, health insurance and COBRA disability retirement options.
85	Section 15.05 Stand-by Deleted "seven (7) consecutive calendar days a" Added "period of days" Deleted "Friday at 4:00 p.m. Added "at the time and on the day determined by the departmental coverage requirements and as approved by the employee's manager. Under some circumstances the period is not a seven consecutive day period." Added current Stand-by Pay amounts
86	15.16 Safety Equipment Added "an", "stipend" Deleted "vouchers with a local vendor" Added "The City provides uniforms for employees in the Security Guard job classification.
87	Section 16.25 Seminars and Conferences Section "A" Changed Finance to "Financial and Administrative Services"
88	16.30 Tuition Reimbursement Added "pre", "accredited", "up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30)" Added that courses must be part of a recognized degree or related to the employee's current job; and the school offering the program must be an accredited school recognized by the U.S. Department of Education or authorized accrediting organization, e.g. WASC Deleted "leading to an Associate's degree, undergraduate or graduate degree"

MV00104989

CITY OF MORENO VALLEY
PERSONNEL RULES & REGULATIONS
REVISED ~~FEBRUARY 2009~~, **May 2011**

Please complete this form and return to Human Resources. If you have any questions regarding the Personnel Rules & Regulations, please contact the Human Resources Department at extension 3045.

On _____, I received a copy of the City of Moreno Valley's, ~~February 2009~~ **May 2011**, Revised Personnel Rules & Regulations, and I have had an opportunity to ask questions and discuss the information. I understand that a copy of this acknowledgement form will be placed in my central **official employee** personnel file, located in the Human Resources Department.

Employee Name (Please Print): _____

Employee Signature: _____

Department/Division: _____

. . . . . .

Human Resources Department Use Only

Date Returned: _____

Received by: _____

CITY OF MORENO VALLEY
PERSONNEL RULES AND REGULATIONS
REVISED ~~February 2009~~ **May 2011**
TABLE OF CONTENTS

SECTION 1: GENERAL PROVISIONS
1.05 Authority 1
1.10 Objectives 1
1.15 Interpretation 1
1.20 Definition of Terms 1
1.25 Administration of the Personnel System 7
1.30 Contracts for Special Services 7
1.35 Application and Exceptions 8
1.40 Adoption and Amendment of Rules 9
1.45 Validity of Rules (Severability) 9
1.50 Violation of Rules 9
1.55 Conflicts of Interest and Acceptance of Gifts and Other Gratuities 9
1.60 Incompatible Employee Activities 10
1.65 Political Activities 10
1.70 Safety and Health 11
1.75 Drug and Alcohol Free Workplace Policy 12
1.80 Equal Employment Policy 13
1.85 Discrimination and Anti-Harassment Policy 13
1.90 Workplace Violence Policy 15
1.95 Smoking Policy 16
SECTION 2: CLASSIFICATION AND SALARY PLAN
2.05 Preparation, Adoption, and Amendment of Classification Plan 17
2.10 Allocated Positions 17
2.15 New Positions 17
2.20 Classification Manual 17
2.25 Preparation of Salary Schedule 17
2.30 Appropriate Salary Level 17
2.35 Benefit Plan 18
SECTION 3: TYPES OF APPOINTMENTS
3.05 Types of Appointments 19
3.10 Emergency Appointments 19
3.20 Acting Pay 19
3.25 Transfer 20
3.30 Promotion 21
3.35 Demotion 21
3.40 Reclassification 21
3.45 Layoffs, Reduction in Force, Recall 23

SECTION 4: RECRUITMENT AND SELECTION

4.05 Equal Employment Goals and Policies 26
4.10 Personnel Requests 26
4.15 Job Announcements 26
4.20 Personnel Applications 27
4.25 Recruitment 27
4.30 Evaluation of Applications 28
4.35 Candidates' Examination Inspection 28
4.40 Veterans' Points 29
4.45 Nepotism Policy 29
4.50 Driving Safety Check 31
4.55 Eligibility Lists 31
4.60 Final Decisions of Selection 32
4.65 Pre-Employment Physical 32
4.70 Employment Eligibility Verification 33
4.75 Probationary Period 33
4.80 Criminal Conduct – Ineligibility for Employment 33
4.85 Fingerprinting 34
4.90 Resignation 34
4.95 Rehire 34
SECTION 5: PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS
5.05 Salary at Appointment 35
5.10 Employee Performance Evaluation 35
5.15 Progression on Merit Pay 36
SECTION 6: ATTENDANCE AND HOURS OF WORK
6.05 Workweek and Overtime 38
6.06 Overtime Compensation 38
6.08 Compliance with Fair Labor Standards Act 39
6.10 No Guarantee of Hours 39
6.15 Stand-by and Call-back Policy 39
6.20 Time Sheets 39
6.25 Constructive Resignation 40
6.30 Lunch and Break Policy 40
SECTION 7: LEAVES
7.05 Holiday Pay and Holiday Leave
7.10 Annual Leave 41
7.15 Grandfathered Leave Balances 44
7.20 Annual Leave Cash Out Upon Separation and Retirement 45
7.30 Bereavement Leave 45
7.35 Jury Duty and Witness Leave 46
7.40 Pregnancy Disability Leave 46
7.45 Family Care and Medical Leave 47
7.50 Leave of Absence Without Pay 49
7.55 Military Leave 50
7.60 On-the-Job Injuries and Workers' Compensation Coverage 51

7.65 Voting Leave 54

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES
8.05 General Statement of Policy 55
8.10 Customer Service Policy 55
8.15 Unlawful Discrimination 55
8.20 Standards of Conduct 55
8.25 Objective of Disciplinary Guidelines 56
8.30 Major and Minor Offenses 57
8.35 Levels of Offenses 57
SECTION 9: DISCIPLINARY ACTIONS
9.05 Definition of Disciplinary Action 62
9.10 Informal Discussion 62
9.15 Formal Warning 62
9.20 Written Reprimand 62
9.25 Disciplinary Suspension 62
9.30 Reduction in Pay 63
9.35 Demotion 63
9.40 Last Chance Employment Agreement 63
9.4**5**~~0~~ Dismissal 63
9.**50**~~45~~ Resignation – An Alternative to Disciplinary Action 64
9.5**5**~~0~~ Documentation of Disciplinary Action 64
9.**60**~~55~~ Employee Representation 64
SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS
10.05 Actions That Are Not Appealable 65
10.10 Disciplinary Action Subject to Skelly Procedure 65
10.15 Administrative Suspensions with Pay 65
10.20 Skelly Procedure/Due Process 65
10.25 Appeal of Department Head's Decision 66
10.30 Amended Notice of Disciplinary Action 67
SECTION 11: APPEALS HEARING PROCESS
11.05 Selection of a Hearing Officer 68
11.10 Scheduling the Hearing 68
11.15 Hearing Representation 68
11.20 Recordation of Hearing 69
11.25 Hearing Expenses 69
11.30 Hearing Procedure 69
11.35 Hearing Officer's Recommendation 69
11.40 City Manager's Decision 70
SECTION 12: GRIEVANCES
12.05 Matters Subject to Grievance Procedures 71
12.10 Matters Not Subject to Grievance Procedures 71
12.15 Freedom from Reprisal 72

12.20 Consolidation 72

12.25 Resolution 72
12.30 Withdrawal 72
12.35 Resubmission 72
12.40 Employee Representation 72
12.45 Miscellaneous 72
12.50 Informal Grievance Procedure 73
12.55 Formal Grievance Procedure 73
12.60 Time Limits 74
SECTION 13: EMPLOYEE RECORDS AND FILES
13.05 Personnel Files 75
13.10 Documents in Personnel Files 75
13.15 Access to Files 76
13.20 Disclosure of Information 76
13.25 Changes-in-Status 76
13.30 Application Retention 77
13.35 Destruction of Personnel Records 77
BENEFIT POLICIES
SECTION 14: EMPLOYEE BENEFIT POLICIES
14.05 Benefit Bank 78
14.10 Management Package 79
14.12 Auto Allowance 80
14.15 Post Retirement Medical Benefits 80
14.20 PERS Medical Coverage for Retirees 81
14.25 City Retirement Plan 81
14.30 IRC Section 125 Plan 82
14.35 IRC Section 457 Plan 82
14.36 IRC Section 401A Plan 82
14.40 Life Insurance 83
14.45 Disability Insurance 83
14.50 Unemployment Compensation 84
14.55 Employee Assistance Program (EAP) 84
14.60 Medicare 84
SECTION 15: SPECIAL COMPENSATION
15.05 Stand-By 85
15.10 Call-back 86
15.15 Bilingual Pay 86
15.16 Safety Equipment 86
SECTION 16: TRAINING
16.05 Training 87
16.10 In-House Training 87

16.15 Departmental Training 87

16.20 Training Courses 87
16.25 Seminars and Conferences 87
16.30 Tuition Reimbursement 88
16.35 Training and Travel Reimbursement 88
DRUG AND ALCOHOL FREE WORKPLACE POLICY
APPENDIX A
Testing for Alcohol and Drugs 90
A. Employee Responsibilities 90
B. Management Responsibilities 92
C. Enforcement 93
D. Physical Examination and Procedure 93
E. Results of Drug and/or Alcohol Analysis 94
F. Confidentiality 94
SUPPLEMENT TO THE DRUG AND ALCOLOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS
A. Employee Questions 95
B. Covered Employees 95
C. Covered Commercial Vehicles 95
D. Safety-Sensitive Functions 96
E. Prohibited Conduct 96
F. Consequences for Employees Found to Have Alcohol 98
G. Circumstances Under Which Drug and/or Alcohol Testing will 98
Be Imposed On Covered Employees
H. Procedures to be Used for Detection of Drugs and Alcohol 101
I. Refusal to Submit to a Drug and/or Alcohol Test 102
J. Consequences of Failing a Drug and/or Alcohol Test 102
K. Alcohol Misuse Overview 102
ALCOHOL FACT SHEET 104
A. Signs and Symptoms of Alcohol Use 104
1. Immediate Effects of Alcohol 104
2. Chronic and Long Term Health Effects 104
3. Alcohol's Effects on Society 105
4. Workplace Issues 105
5. Confidentiality Procedures for Internal Control 105
APPENDIX B 107
Employee Education and Training Program 107

A. Education 107

B. Training 107
APPENDIX C 109
Testing will be Conducted in Accordance with Alcohol Testing 109
Procedures as Required by 49 CFR.40
A. Alcohol Testing Procedures 109
B. Drug Testing Procedures 110
APPENDIX D 112
Reasonable Suspicion Observation Form 112
APPENDIX E 114
Drug and Alcohol Program Manager (DAPM) and Designated Employer 114
Representative (DER)

PERSONNEL RULES AND REGULATIONS
REVISED February **May 2009 11**
SECTION 1: GENERAL PROVISIONS
1.05. AUTHORITY
The City Council of the City of Moreno Valley is authorized and directed under the Municipal Code and the provisions of Section 1.40 of these Rules to adopt rules for the administration of the City's personnel system.
1.10 OBJECTIVES
The objectives of these Personnel Rules are to facilitate efficient and effective services to meet public needs as well as provide for an equitable system of personnel management in municipal government.
These Rules shall set forth in detail procedures which ensure fair and equitable treatment for those who compete for original employment and promotion within City employment and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City.
1.15 INTERPRETATION
Within the limits of administrative feasibility, the City Manager shall be responsible for the interpretation of these Rules in cases where the proper application of a rule or any portion thereof is not clearly ascertainable. When such interpretation is required, the result shall be in harmony with the objectives set forth above.
1.20 DEFINITION OF TERMS
All words and terms used in these Rules and in any ordinance or any resolution dealing with Personnel Rules and Regulations shall be defined as they are normally and generally defined in the field of personnel administration. For the purpose of convenience, the following words and terms most commonly used are defined.
Anniversary Date: The date when the employee last completed probation. If an at-will employee, the date the employee was hired to the most recent position.
Except as specifically provided in these Rules, any non-probationary employee who takes an authorized leave of absence without pay shall have his or her anniversary date extended the same amount of time as his or her period of leave.
Appointing Authority: The City Manager or designee who, in his or her individual capacity, has the final authority to appoint a person to a position of employment.
Appointment: The designation of a person to fill a position of employment.
At-Will Employee: A probationary employee, temporary employee, seasonal employee or contract employee, who does not hold career status.

Career Employee: A permanent employee hired for an indefinite term into a budgeted

position, who is regularly scheduled to work no less than one thousand (1,000) hours per year, has successfully completed his or her probationary period, and has been retained as provided in these Rules.
City: The City of Moreno Valley.
City Manager: The City's Chief Executive Officer.
Classification: A certain group of job positions with the same title, salary range, and benefit package.
Classification Manual: A document containing the class specifications for all City positions as approved by the City Manager or designated official.
Classification Plan: A listing of the duties and responsibilities of all City positions, as determined by the City Manager and adopted by the City Council.
Classification Roster: A listing of all City positions including the title and benefit category contained in the annual fiscal year budget, as determined by the City Manager and adopted by City Council.
Compensatory Time: Time accrued or taken off from work with pay, in lieu of paid overtime compensation.
Competitive Service: The merit system whereby City employees are hired and promoted through a competitive process based upon objective standards of merit to assure fair consideration in all aspects of employment/promotion.
Contractual Employee: An employee hired and paid pursuant to the terms and conditions of a specified written contract between such an employee and the City.
Days: Calendar days unless otherwise stated.
Demotion: The voluntary or involuntary transfer of an employee from one classification to another classification with a lower salary or to a lower step in a classification or hierarchy of positions.
Department Head: One who functions directly under the authority of the City Manager, has direct responsibility for a particular department, and manages its staff, policies and budget.
Dependent: A covered person who relies on another person for support; or obtains health coverage through a spouse, domestic partner, parent, grandparent, or legal guardian. **For the purpose of insurance eligibility, an eligible dependent is defined as: spouse, registered domestic partner, child, economically dependent child, and adult children up to age 26.**
Direct Appointee**:** A person occupying a position in the City employment selected by the City Council or City Manager. Direct Appointees include the City Manager, Assistant City Manager, City Clerk, City Treasurer, City Attorney, and any assistant or deputies to the City Manager, City Clerk, City Treasurer, City Attorney and Department Heads.
Disciplinary Action: The discharge, demotion, reduction of pay, suspension, placing on probation, or the issuance of a **last chance employment agreement,** written reprimand, or formal warning, or any other action for punitive, corrective, or disciplinary reasons.

Disciplinary Suspension: A disciplinary action that temporarily separates an employee

from City service without pay.
Dismissal: The discharge of an employee by the City from City employment.
Division Manager: Division Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.
Domestic Partner: As defined by state law and registered accordingly.
Elected Official: The Mayor and members of the City Council. Members of commissions and advisory bodies appointed by the City Council or City Manager shall be included in this definition for use in the Rules only.
Eligibility List: A list of all persons eligible for appointment to a particular classification after final testing/interviews as determined by the Human Resources Director.
Emergency Appointment: An appointment made to meet immediate requirements of an emergency condition, such as fire, flood or earthquake, which threatens life or property, where such employment is not anticipated to endure beyond the duration of such an emergency period.
Employee: A person occupying a position in the City employment providing services to the City or its residents. This excludes City Council Members, commissioners, members of advisory boards, positions appointed directly by the City Council, independent contractors and outside contractors.
Employee Assistance Program (EAP): A health and wellness benefit which allows an employee or a member of his or her family to receive personal counseling at City expense, subject to certain limits and available funds.
Employee Relations Officer: The City Manager-designated officer who administers the City's employee relations as defined in Employee Relations Resolution #92-110. The designated Employee Relations Officer functions under the authority of the City Manager.
Executive Management: Department Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.
Fair Labor Standards Act (FLSA): The Federal Law, which guarantees employees certain minimum wages and time and one-half overtime standards.
Fiscal Year: A twelve-month period from July 1 to June 30 in which the City plans, budgets, appropriates, and expends its funds.
Flexible Work Schedule: A City Manager-approved variation from the standard daily work hour schedule of 8:00 a.m. to 5:00 p.m.
Full-time Employee: An employee who is regularly scheduled and expected to work forty (40) hours or more during a workweek.
Furlough: A Management-dictated, mandatory, reduced working period implemented to save City funds during difficult economic times.

General Non-Exempt Employee: An employee who is not exempt from the pay and

overtime provisions of FLSA and who qualifies for a certain benefits package.
Human Resources Officer: The City Manager-designated officer, known as the Human Resources Director, who administers the City's personnel system. The designated Human Resources Officer functions under the authority of the City Manager.
In-House Competitive Examination: A type of examination open only to City employees meeting the minimum qualifications for a particular classification.
Immediate Family Member: Mother, father, spouse, domestic partner, natural/step children, children of domestic partner, mother-in-law, father-in-law, brother, or sister, grandparent and grandchild. Step-parents may be included depending on the current situation.
Insubordination: This occurs when an employee refuses a lawful order from a supervisor. Three elements should exist: (a) the employee understood the instructions and consequences of failing to follow the order; (b) the order was in line with the employee's duties; and (c) there was no safety reason for the employee to refuse the order.
Interim Employee: An employee who is appointed to a career classification on an acting or temporary basis pending completion of the recruitment process, issuance of an eligibility list, and filling the classification.
Last Chance Employment Agreement: is an agreement between the City, an affected employee and a bargaining unit representative. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations — usually termination of employment, with a condition that the employee waive any future rights of appeal of the termination.
Lead Worker: A working daily supervisor who typically schedules, assigns, trains, monitors, and evaluates the work of a crew or group of employees. Additionally, a lead worker performs the more difficult and responsible tasks assigned to classifications within that classification series.
Leave of Absence Without Pay: A period of time during which an employee may take time off without receiving compensation or benefits, unless otherwise stated in these Rules.
Limited Term: An employee hired for a definite term based on the funding available and/or workload requirements.
Merit Salary Increases: The increase of an employee's salary within the salary range established for the classification the employee occupies, resulting from satisfactory job performance, which is based on performance or merit, not solely on longevity.
Misconduct: Any act or unsatisfactory job performance which may be subject to disciplinary action.
Modified Work Schedule: Any work pattern schedule other than a usual 8 to 5 schedule as approved by the City Manager.
Open Competitive Examination: A type of examination open to applicants meeting the minimum qualifications for a particular position.

Overtime: The time which an employee is required or permitted to work beyond the

number of hours prescribed for a full-time employee in that classification. Overtime compensation, taken as paid time or as compensatory time, shall be authorized as provided in Section 6.05.

Part-time Employees: The City has three (3) types of part-time employees; career part-time, temporary or seasonal, and crossing guards.

A. Career Part-Time Employee: An employee who works a minimum of twenty (20) scheduled hours per week on a permanent basis.

B. Temporary or Seasonal Employee: An employee, other than a contract employee, who is scheduled to work no more than 1,000 hours in a calendar year, **no more than twelve continuous months,** or one for whom there is no Council-authorized position **and no employee benefits.**

C. Crossing Guard: An employee hired as a regular or an alternate crossing guard. A regular crossing guard shall have a usual post near a school site. An alternate or substitute guard shall relieve any regular crossing guard in the case of absence.

Performance Assessment Review (PAR): This is the performance evaluation tool for the City's career employees, wherein performance is evaluated and rendered at three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date.

Permanent Disability: A medical disability which will indefinitely prevent the employee from performing his/her essential job duties without creating unreasonable endangerment to health and safety or inefficiency of the employee or others.

Personnel Ordinance: Chapter 2.30 of the City's Municipal Code, authorizing the establishment of a personnel system for the City.

Position: A specific job assigned to a job classification.

Probationary Employee: An employee who is serving his or her probationary period.

Probationary Period: A working test period which is part of the selection process, during which an employee is required to demonstrate his or her fitness for the position to which assigned. Before an employee may promote, they must successfully complete original probation.

Professional/Administrative/Management Employee: An employee who qualifies for the executive (Professional/Administrative/Management) exemption under FLSA and for a certain benefits package.

Promotion: The advancement of an employee from one classification to another classification having a higher salary range.

Reclassification: The reassignment from one classification description, or status to a different classification description, or status in accordance with a re-evaluation of the

minimum qualifications, duties, and responsibilities of the position in question. Simple

title changes are not reclassifications.
Reduction in Force (RIF): A layoff in the work force.
Resignation: The voluntary separation by an employee from City employment.
Rules: These Personnel Rules, as they may be amended periodically.
Salary Schedule: The listing of the salary ranges and steps for all defined City classifications.
Salary Range: The range of pay an employee can earn while employed in a particular classification.
Seniority: The length of an employee's continuous service in a City career position.
Staffing Plan: The classification titles, salaries and number of allocated positions in a department or division for a designated fiscal year, as determined by the City Manager and adopted by City Council in the annual budget document.
Standards of Conduct: Those rules which are intended to govern the actions of City employees during their course of employment with the City with respect to the employee's job performance.
Supervisor: Performs full scope of supervisory duties including hiring, training, planning, scheduling, disciplining, and evaluating the work of several crews and/or work units of staff.
Temporary Employee: *(See Part-time Employees)*
Termination: The separation of an employee from City service because of retirement, resignation, permanent disability, death or dismissal.
Transfer: The change of an employee from one department or division to another department or division without changing the employee's salary and usually within the same classification.
Workweek: A regularly recurring period of seven (7) consecutive twenty-four (24) hour days beginning at 12:01 p.m. on Friday and concluding at 12:00 noon the following Friday.
Y-Rate of Pay: The Y-rate of pay shall exist when an employee's salary is frozen at the then current level until such time as the commencing salary at the Y-rate, taken together with subsequent general salary increases, equals or exceeds the employee's salary at the Y-rate. This may occur in situations where an employee is reclassified, voluntarily demoted, or as otherwise stated in these Rules. ~~Normally~~**Typically**, benefits will not be Y-rated.

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The City Manager shall administer the City personnel system and may delegate any of the powers and duties related thereto to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided in Section 1.30 of these Rules. The City Manager shall:

A. Act as the appointing authority for all City employees except those officers and employees directly appointed by the City Council.

B. Administer all of the provisions of these Personnel Rules except as specifically reserved to the City Council.

C. Prepare and recommend to the City Council any appropriate Personnel Rules and revisions to such Rules.

D. Prepare or cause to be prepared, and revise as appropriate, a position classification schedule, including class specifications.

E. Have the authority to discipline City employees in accordance with these Personnel Rules.

F. Provide for the publishing or posting of notices of examinations for positions in the competitive service; the flexibility to waive certain job stated qualifications for good cause when it is in the best interests of the City; the receiving of applications therefore; the conducting and grading of examinations; the establishment of a list of all persons eligible for appointment to the appropriate position in the competitive service; and the performance of any other duty which may be desirable or required for the effective implementation of these Rules.

G. Appoint employees on a temporary or seasonal basis without competitive examination.

H. Determine standardized daily work hours and schedules and approve variations to the standard schedule.

1.30 CONTRACTS FOR SPECIAL SERVICES

The City Manager may contract for the performance of technical services in connection with the establishment or operation of the personnel system. In addition, the City Manager may determine the circumstances under which it is in the best interests of the City to contract for such services, and to enter into contracts for such services with City Council approval. The contract may be with any qualified person or public or private agency for the performance of any or all of the following:

A. The preparation of Personnel Rules and subsequent revisions and amendments.

B. The preparation of a position classification plan, and subsequent revisions and amendments.

C. The preparation, conduct, and grading of qualifying tests.

D. The conduct of employee training programs.

E. Special and technical services of advisory or informational character on matters relating to personnel administration.
F. Professional services.
1.35 APPLICATION AND EXCEPTIONS
A. These Rules shall apply to all offices, positions, and employments in the service of the City, as defined in Section 1.20 of these Rules, with the exception of the following:
1. Members of the City Council and other elected officials. However, only the following provisions of the Rules shall apply to the City Council and other elected officials: 1.65 Political Activities; 1.75 Drug and alcohol Free Workplace; 1.80 Equal Employment Policy; 1.85 Discrimination and Anti-Harassment Policy; 1.90 Workplace Violence Policy; 1.95 Smoking Policy; 4.50 Driving Safely Check; 7.60 On-The-Job Injuries and Workers' Compensation Coverage; 13.15 Access to Files (access as specified in Section 13.15); and 13.20 Disclosure of Information.
2. Members of commissions and advisory bodies appointed by the City Council or City Manager.
3. Direct appointees of the City Council, including the City Manager, City Clerk, City Treasurer, City Attorney, and any assistant or deputies to the City Attorney. An employee who also holds the position of City Treasurer shall not be excluded from the Rules, unless he or she has entered into an employment agreement pursuant to sub-section "F" herein. The following provisions of the Rules shall specifically apply to Direct Appointees: 1.55 Conflicts of Interest and acceptance of Gifts and other Gratuities; 1.60 Incompatible Employee Activities; 1.65 Political Activities; 1.75 Drug and alcohol Free Workplace; 1.80 Equal Employment Policy; 1.85 Discrimination and Anti-Harassment Policy; 1.90 Workplace Violence Policy; 1.95 Smoking Policy; 4.50 Driving Safely Check; 4.65 Pre-Employment Physical; 4.70 Employment Eligibility Verification; 4.80 Criminal Conduct – Ineligibility for Employment; 4.85 Fingerprinting; 7.00 Leaves; 7.60 On-The-Job Injuries and Workers' Compensation Coverage; 13.15 Access to Files; 13.20 Disclosure of Information; and 14.00 Employee Benefit Policies.
4. Volunteer personnel, such as volunteer fire protection personnel, and others who provide services to the City without receiving compensation (although such persons may receive reimbursement for actual expenses incurred in the service of the City).
5. Outside and independent contractors, engaged to provide expert, professional, technical, or other services.
6. Employees who have entered into an employment agreement with the City, unless otherwise specified in an employment agreement.
B. These Rules, with the exception of Sections 8-12 inclusive, shall apply to the following employees, who serve at the pleasure of their respective appointing authorities and are considered "at will" employees:
1. Emergency employees, such as those hired to meet immediate needs of an emergency condition (i.e., fire, flood or earthquake) which threatens life or property.
2. Employees who are considered temporary or seasonal.
3. Other non-career employees who are not specifically mentioned in Section 1.35 of these Personnel Rules.
4. Alternate Crossing Guards.

5. Volunteers and Interns.

C. The crossing guard manual contains specific personnel policies for crossing guards. It is an extension of these rules. Violations of those written policies are also considered violations of these rules as well.

1.40 ADOPTION AND AMENDMENT OF RULES

Pursuant to the Personnel Ordinance, the City Council may adopt Personnel Rules to provide for the implementation of a personnel system for City employees. Recognized employee organization-proposed amendments to these Rules shall be submitted to that organization for review and recommendation prior to submittal to the City Council. Advance notice and an opportunity to meet and confer shall be given to recognized employee organizations concerning any amendments which affect matters subject to meet and confer such as, wages, hours, and other terms and conditions of employment. Upon request, the Human Resources Director shall provide the opportunity for review and comment and consult with any recognized employee organization so requesting prior to consideration by the City Council.

As provided in Section 3500 et seq. of the California Government Code, in cases of emergency, when the City Council determines that amendment(s) to these Rules must be adopted immediately without prior notice or meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practical time following the adoption of the amendment(s). Amendments shall become effective upon adoption by the City Council or at such other time as the adopting resolution may provide.

With the written approval of the City Manager, Department Heads may promulgate rules not in conflict with these Rules for the effective and efficient operation of their departments.

1.45 VALIDITY OF RULES (SEVERABILITY)

If any section, subsection, sentence, clause, phrase or portion of these rules is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules. The City Council of Moreno Valley hereby declare that it would have adopted these rules and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

1.50 VIOLATION OF RULES

Violation of these Rules may be grounds for disciplinary action, subject to the applicable appeals procedure provided herein.

1.55 CONFLICTS OF INTEREST AND ACCEPTANCE OF GIFTS AND OTHER GRATUITIES

City employees should serve the needs and respond to the wishes of all citizens equally without regard to their personal gain. City employees should perform their duties in an

impartial manner, free from bias caused by their own financial interests or the financial

interests of other persons. Therefore, it is the policy of the City of Moreno Valley that all City employees shall avoid situations which might be interpreted as involving or creating a conflict of interest between the employee's duties and responsibilities as a public employee, and the employee's personal and private interest.

Employees should not take part in the consideration of any application, proceeding or other matter involving their own personal property, real estate, investment or other interest, or that of any relative or close personal acquaintance. In all such situations, the employee should disclose the nature of the relationship to his or her immediate supervisor and request to be relieved of any responsibility or involvement in such matter.

The acceptance of gifts, favors, or any form of compensation or gratuity may be viewed as influencing or compromising or attempting to influence or compromise the judgment of an employee. To prevent such a conflict, employees shall discourage any offer of a gift, favor or any form of compensation or gratuity. Gifts that can and will be shared with office staff, such as boxes of candy, flowers, and food, may be viewed as exceptions.

Being hosted by a City contractor or potential City contractor is not a conflict of interest, provided that all financial disclosure laws and regulations are complied with.

Employees who receive or are offered an unanticipated gift, favor or gratuity, should consult their Department Head to determine an appropriate response to the donor.

City employees shall not solicit or accept donations for City sponsored events unless waived for specific events by express written authorization of the City Manager.

1.60 INCOMPATIBLE EMPLOYEE ACTIVITIES

During an employee's work day, the employee is expected to devote his or her full time, attention and efforts to the performance of his or her assigned duties as a City employee. At no time shall any outside employment or activity be conducted on City time. No employee shall engage in any employment, outside activity, or enterprise which is inconsistent, incompatible, in conflict with, or interferes with his or her ability to perform the duties, functions, or responsibilities of his or her position as a City employee, nor shall he or she engage in any outside activity which may directly or indirectly contribute to the lessening of his or her effectiveness as a City employee. Employees who undertake outside employment shall notify their immediate supervisors in writing of the nature, duties, and hours of that employment before undertaking such employment, including military service in the Reserves or Guard.

No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly permitted by the City Manager, Federal or State law, Memorandum of Understanding, or City Council directive.

1.65 POLITICAL ACTIVITIES

No restrictions shall be placed on the political activities of any employee of the City of Moreno Valley other than the following.

A. No person who holds, or who is seeking election or appointment to, any office or

employment with the City shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position within the City, upon consideration or condition that the vote or political influence or action of such a person or another shall be given or used on behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration (Government Code 3204).

B. No employee shall directly or indirectly solicit political funds or contributions from other employees of the City. Employees, however, are not prohibited from requesting political funds or contributions to a significant segment of the public which may include officers or employees of the City (Government Code 3205).

C. No one who holds, or who is seeking election or appointment to, any office shall, directly or indirectly, offer or arrange for any increase in compensation or salary for an employee of a state or local agency in exchange for, or a promise of, a contribution or loan to any committee controlled, directly or indirectly, by the person who holds, or is seeking election or appointment to office. (Government Code 3205.5)

D. No employee shall participate in any political activities while in uniform (Government Code 3206)

E. No employee shall engage in political activity during working hours or on City premises (Government Code 3207).

F. No employee shall engage, during his or her working hours, in the solicitation or receipt of political funds or contributions to promote the passage or defeat of any ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the employees of the City; nor shall entry be permitted on City premises during working hours for such purposes (Government Code 3209).

1.70 SAFETY AND HEALTH

Each employee shall comply with all applicable safety laws, rules, and regulations. All employees shall follow safety practices, use personal protective equipment as required, render every possible aid to safe operations, and report to proper authority all unsafe conditions or practices.

A. Management may request a fitness-for-duty examination and repeat examinations as necessary to safeguard the employee and co-workers when there is a concern about an employee's ability to perform his or her job, based on the observations of a supervisor, manager, or physician. Specific reasons for the fitness-for-duty request must be stated.

1.75 DRUG AND ALCOHOL FREE WORKPLACE

Because drug and alcohol use can detrimentally affect job performance and employee safety, the City is committed to achieving and maintaining a drug and alcohol free workplace. While the City has no intention of intruding into the private lives of its employees, it will be firm in identifying and disciplining those employees whose impaired mental or physical condition, as a result of drug or alcohol use, may endanger the health or safety of fellow employees and the public at large, or interfere with the operations of the City.

This policy applies to all City employees (including part-time, temporary and hourly employees) and to all applicants for positions with the City.

While on paid duty time, the employee shall not be under the influence of any substances, drugs, medications, legal or illegal which could impair an employee's ability to effectively and safely perform the functions of the job. The use of prescription drugs which would not alter an employee's work performance is acceptable if prescribed by a qualified physician.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law.

The unlawful manufacture, distribution, dispensing, possession, or use of any illegal drug or "controlled substance" is prohibited on the job, in the City's workplace, or while subject to duty (i.e., stand-by).

For the purposes of this Section, the following shall be defined as:

A. "Controlled Substance" denotes any substance which could potentially impair the employee's ability to effectively and safely perform the functions of his or her duties, including, but not limited to: alcohol, coca leaves, cocaine, marijuana, opium and opiates, amphetamines, methamphetamines, lysergic acid (L.S.D.), etc. As outlined below, certain prescription drugs and medications shall also be classified as controlled substances.

B. "Conviction" is a finding of guilt (including a plea of no contest), an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

C. "Criminal Drug Statute" is a criminal statute involving the manufacture, distribution, dispensation, use, or possession of any illegal drug or controlled substance.

Please refer to the City of Moreno Valley's Personnel Rules & Regulations, Appendix A-D, for a detailed description of the City's Drug and Alcohol Free Workplace Policy.

1.80 EQUAL EMPLOYMENT POLICY

It is the policy of the City of Moreno Valley to offer equal opportunity in all matters of employment. Employment with the City is based solely upon the qualifications of the individual applicant, regardless of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability, unless sex, mental, or physical ability is a bona fide occupational qualification.

All employees are to be treated with respect and dignity. The City of Moreno Valley prohibits any harassment of employees in the workplace. Activities and occurrences which may constitute harassment, whether written or oral, include, but are not limited to disparaging comments on the basis of one's religion, age, sex, martial status, race, color, national origin, ancestry, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or mental or physical disability. Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.

The City shall not unlawfully discriminate against a qualified individual with a disability in job applications, hiring, advancement, compensation, training, discharge, and other terms, conditions, or privileges of employment. A disabled person is one who has mental or physical impairment that limits at least one major life activity, who has a record of impairment, or who is regarded as having impairment. A qualified individual with a disability is a person, who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Violation of this policy will result in appropriate disciplinary action pursuant to Section 8 of these Rules.

1.85 DISCRIMINATION AND ANTI-HARASSMENT POLICY

The City of Moreno Valley is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting any form of harassment, including sexual harassment, of all employees. Furthermore, the City prohibits harassment in any form, including verbal, physical, visual, or sexual harassment or retaliation against an employee for filing a harassment and/or discrimination complaint.

Harassment of an employee by a co-worker, supervisor, management employee, or other agent of the City, or a customer, on the basis of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability will not be tolerated. Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.

Harassment includes, but is not limited to:

A. Verbal Harassment- For example, epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity, age, or denial of family and medical care leave and denial of pregnancy disability leave.
B. Physical Harassment- For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.
C. Visual Forms of Harassment- For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.
D. Sexual Harassment- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employee benefit, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or an offensive work environment.
The City shall ensure that each employee has a copy of the City's anti-harassment policy which will include information on its internal complaint procedure.
Any employee who believes he or she has been harassed by a co-worker, a supervisor, a management employee, any other agent of the City, or customer should promptly report the facts of the incident or incidents and names of persons involved to his or her supervisor and/or the division manager/department head, and/or the Human Resources Director. If the offending party is a department head or higher, the complaint should be addressed to the offending party's supervisor. Any supervisor, division manager, or department head is obligated to immediately report any complaints and/or incidents of harassment to the Human Resources Director. Failure to make such a report when required by this Section may provide grounds for disciplinary action.
Upon receiving notification of a harassment complaint, the Human Resources Director shall:
A. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with:
1. the complainant;
2. the accused harasser; and
3. any other persons the Human Resources Director has reason to believe have relevant knowledge concerning the complaint. This may include victims of similar conduct.

B. Review the factual information gathered through the investigation to determine

whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.

C. Report the results of the investigation, and the determination as to whether harassment occurred, to appropriate persons, including the complainant, the alleged harasser, the supervisor, the department head, and the City Manager. If discipline is imposed, the discipline will not be communicated to the complainant.

D. If the harassment occurred, take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense.

E. Take reasonable steps to protect the complainant from further harassment.

F. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

G. If appropriate, take action to remedy the victim's loss, if any, which resulted from the harassment.

If the employee is not satisfied with the action taken, the employee shall have the right to file a formal grievance in accordance with Section 12.55. If the allegation of harassment implicates any person rendering a decision at any Step in the Grievance Procedure, the employee may omit that particular Step and proceed to the next Step in the Grievance Procedure.

Dissemination of Policy

All employees, shall receive a copy of this Discrimination and Anti-Harassment Policy when they are hired and regularly thereafter. All supervisors hired after January 1, 2005, shall receive harassment training within six (6) months of hire. All supervisors shall receive interactive anti-harassment training at least every two years.

1.90 WORKPLACE VIOLENCE POLICY

This organization does not tolerate workplace violence. We define workplace violence as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. Such actions include:

- Verbal or physical threats, or intimidation;
- Assaults or other violence; and
- Any other behavior that causes others to feel unsafe (e.g., bullying, sexual harassment).

City policy requires an immediate response to all reports of violence. All threatening incidents will be investigated and documented. Counseling may be provided.

The following disciplinary actions may also be taken:

- Oral reprimand;
- Written reprimand;
- Suspension; or
- Termination.

Employees are expected to behave in a professional manner. It is the responsibility of all employees to report all threatening behavior to management immediately. The goal of this policy is to promote the safety and well-being of all people in our workplace.

1.95 SMOKING POLICY

In compliance with all CALOSHA regulations, smoking is prohibited in all City facilities and in all City vehicles and rolling stock. Consistent with CAL OSHA regulations no one may smoke less than 20 feet from doorways.

2.05 PREPARATION, ADOPTION, AND AMENDMENT OF CLASSIFICATION PLAN
The City Manager shall determine the duties and responsibilities of all City positions for inclusion in the Classification Plan. The Classification Plan shall be so developed and maintained to ensure that all positions which are substantially similar with respect to duties, responsibilities, authority and character of work, are included within the same classification, and the same schedules of compensation shall apply to all positions in the same classification. Classification specifications are explanatory, but not restrictive.
The listing of particular tasks shall not preclude the assignment of other related kinds of tasks or related jobs requiring lesser skills. The Classification Plan may be amended or revised, as required, in the same manner as originally established and described herein and is subject to adoption by the City Council.
2.10 ALLOCATED POSITIONS
The City Manager shall approve the appointment of employees to positions in the Classification Plan.
Only allocated positions which have been approved by City Council may be filled, provided that the following positions can be approved by the City Manager without prior City Council approval: 1) temporary; and 2) emergency.
2.15 NEW POSITIONS
When a new position is created, no person shall be appointed or employed to fill the position prior to the position's assignment to a classification, unless otherwise provided by these Rules. The City Manager shall amend the Classification Plan to establish and assign an appropriate classification for the new positions approved by the City Council.
2.20 CLASSIFICATION MANUAL
This manual shall contain a job description, as well as knowledge, skills, abilities, education, experience, sample duties, and other minimum qualifications for all classifications listed in the Classification Plan. This manual is developed by staff and approved by the City Manager.
2.25 PREPARATION OF SALARY SCHEDULE
The City Manager shall prepare a salary schedule that establishes the salary ranges and steps for all City classifications. The Salary Schedule shall be amended or revised, as required.
2.30 APPROPRIATE SALARY LEVEL
Employees occupying a City position shall be paid a salary range and step established for that position's classification under the adopted Classification and Salary Schedule.

2.35 BENEFIT PLAN:

The City Council shall, at its discretion, adopt a Benefit Plan that establishes the benefits for all City employees. This Benefit Plan is described in the Employee Benefits Section of the City's Compensation and Leave Policies.

3.05 TYPES OF APPOINTMENTS

Except for temporary vacancies, all vacancies shall be filled by transfer, promotion, demotion, or from candidates on an appropriate eligibility list, if one is available. In the absence of eligible candidates in one of the above categories, temporary appointments may be made in accordance with these Rules.

3.10 EMERGENCY APPOINTMENTS

To meet immediate requirements of an emergency condition which threatens life or property, the City Manager may create positions and employ such persons as temporary employees as may be needed for the duration of the emergency. If not determined otherwise by an applicable provision or by an Emergency Operations Plan approved by the City Council, the method of hiring for emergency appointments shall be subject to the discretion of the City Manager. All such appointments shall be reported to the City Council as soon as possible, and shall be compensated at an appropriate hourly rate as approved by the Human Resources Director.

3.20 ACTING PAY

When an employee is assigned to perform the significant duties and responsibilities of a higher level position on a full-time basis for more than thirty (30) calendar days, a temporary salary adjustment shall be made to reflect the increase in responsibility until the employee ceases to perform such out-of-class work. All acting assignments must be pre-approved by appropriate management staff, the HR Director and the City Manager in advance unless there is an emergency situation.

An employee who is ~~determined~~ **approved** to be working at a higher level in an acting capacity shall be compensated at the rate in the new salary range, which comes nearest to, but not less than, five percent (5%) higher than the rate he or she held in the previous salary range. The higher salary rate payable shall be retroactive to the first day of the acting assignment as approved by City management.

Individuals appointed to work out-of-class must meet minimum qualifications of the higher classification, and must be capable of handling major duties of the higher level classification without any more supervision than another would in the same job.

The mere performance of certain portions of the higher position, or only performing the less demanding responsibilities until the position is filled, does not constitute working out-of-class.

If the higher classification is in a different bargaining unit than the employee's regular classification, the employee would only receive the salary change, not a change in benefits or unit.

At the end of such assignment, the employee performing the temporary assignment shall be returned to his/her original position and salary rate with any merit or salary adjustments, as appropriate. At any time during the out-of-class assignment, an employee may be removed from that appointment without right of appeal or hearing.

Nothing herein shall be construed as limiting management's authority to assign City

employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies. While working in an out-of-class assignment, an employee shall continue to accrue, and have recorded, normal step increases in the employee's regular position. Should this assignment continue for 12 months or more, without a merit increase, the employee shall be entitled to a merit increase on the anniversary of the 12th consecutive month (based on performance), which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary schedule for the new position, if there is room within the range, upon approval of the City Manager. The City shall not rotate employees in and out of higher position classification assignments in order to avoid paying out-of-class compensation.

3.25 TRANSFER

An employee may transfer from his or her present position to a vacant position, in the same classification, or a comparable classification, within the same department or to another department. For purposes of this Section, a comparable classification is defined as one with the same salary range which involves the performance of similar duties that require substantially the same general qualifications. A transferred employee shall retain his or her rate of pay and his or her anniversary date for purposes of merit pay increases. No employee shall be transferred to a position for which he or she does not possess the minimum qualifications. A transfer shall not be used to effect a promotion, demotion, advancement or reduction in pay. An employee who voluntarily transfers to a lower position may be Y-rated. The employee who desires to transfer ~~must request~~ **can obtain** the appropriate form from the Human Resource Director. The Human Resource Department is under no obligation to notify employees of each potential transfer opportunity. Once the transfer request is received by the Human Resources Department, the Human Resource Director shall inform the Department Head of the request. The employee may be required to compete in an open selection process.

Unless otherwise provided for in these Rules, an employee must be employed with the City for at least six (6) months, or until the employee has completed his or her probationary period, before applying for a transfer. An employee may be requested to defer his or her transfer until his or her current position has been filled, but typically, two weeks notice will be given to the employee's current department.

A request for transfer to a vacant position may be initiated by an employee or the employee's Department Head. The City Manager may order a transfer for the purposes of economy, efficiency, or for reasons related to the best interest of the City. Such a determination by the City Manager shall not require the consent of the employee, either Department Head, or the Human Resources Director.

3.30 PROMOTION

When it has been determined that a vacant position will be filled by promotional appointment, the Human Resources Director shall authorize a competitive promotional examination in order to fill the position, as stated in these Rules.

When an employee is appointed to a promotional position, that employee shall be paid at a level within the higher salary range which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary range for the new position. In accordance with the provisions in Section 5.15, any employee who is promoted within City service shall be required to successfully complete a probationary period in the new position. *(Refer to Section 4.75)*

3.35 DEMOTION

An employee may be demoted because his or her ability to perform the required duties of his or her position falls below standard, for disciplinary purposes, or for any other reasons as outlined in these Rules. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. The position which has been made vacant by demotion shall then become subject to the provisions of these Rules which govern appointments.

An employee shall not be required to serve a probationary period in the position to which he or she is demoted unless he or she has not completed the probationary period in the higher position. In such cases, the employee shall be required to complete his or her unfinished probationary period in the lower position. The employee shall retain the anniversary date he or she had in the higher position.

A. Involuntary Demotion: An involuntarily demoted employee, who is placed in a position at a lower salary than the position he or she formerly occupied, shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. A demotion which is effected for disciplinary reasons, pursuant to Section 9.35, shall be subject to the disciplinary appeals process.

B. Voluntary Demotion: A voluntary demotion to a lower position and lower salary may be requested by an employee for any reason. Such a voluntary demotion shall require the approval of the Human Resources Director, the employee's present Department Head, and the Department Head under whom the employee will serve, if applicable.

The voluntarily demoted employee shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. In lieu of a reduction in salary, the City Manager may approve a Y-rated salary for a voluntarily demoted employee.

3.40 RECLASSIFICATION

Existing positions, where the duties have changed materially so as to necessitate reclassification, shall be reclassified by the City Manager to a more appropriate classification, whether new or existing, with the exception of reclassification from training

or internship positions. Except for training or internship positions that are reclassified,

the selection of a candidate to fill a reclassified position must be made competitively, unless the incumbent from the reclassified position has been performing the duties for more than one year or unless specifically waived by the City Manager. Such determination must be approved by the City Manager. Regardless of the circumstances, the City Manager may require a competitive examination, and no incumbent shall have a right to be appointed to a reclassified position. No person shall be appointed or employed to fill a reclassified position unless the said reclassified position has been incorporated in the Classification Roster as provided by these Rules. A simple title change is not a reclassification and requires only City Manager approval.

The employee or Department Head may submit a request for a job audit to the Human Resources Director who shall determine if the reclassification is justified and provide a recommendation to the City Manager for approval. The City Manager has the authority to reclassify any employee whose reclassification is justified so long as the position is listed in the existing Classification Roster. If the position is not listed, the City Council must approve the reclassification. Since there is no money budgeted for that specific reclassification increase (normally 5%), the department shall fund for the City Manager approved reclassification from its general personnel account for the balance of the current fiscal year. The department shall place and fund the reclassified position in the following year's personnel budget. Reclassifications are normally done with the adoption of the fiscal year budget, but may be done at other times.

Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions, promotions, or unit modifications. The Human Resources Director may conduct objective, non-competitive examinations to establish qualifications for the position.

The salary of an employee in a position that is reclassified shall be determined as follows:

A. Classification with Same Salary Range: If the position is reclassified to a classification with the same salary range as the previous classification, and if the incumbent is appointed to the reclassified position, the salary rate and the anniversary date of the employee shall not change. The provision shall also apply to the change of classification title, provided there is no change in the basic duties of the classification.

B. Classification with Higher Salary Range: If the position is reclassified to a classification with a higher salary range than the previous classification, and if the incumbent is appointed to the reclassified position, he or she shall be compensated a pay level within the new salary range which is the lesser of five (5) percent higher than his or her previous salary level or the top of the salary range for the new position. The incumbent's anniversary date shall not change.

C. Classification with Lower Salary Range: If the position is reclassified to a classification with a lower salary range than the previous classification, and if the incumbent is appointed to the reclassified position, the City Manager may approve a Y-rate salary for the employee if the employee's old salary is above the top of the salary range for the new position. Otherwise, the employee's new salary shall be placed at a pay level which yields a salary closest to, but not less

than, the current salary. The incumbent's anniversary date shall not change.

Normally, benefits will not be Y-rated, unless specifically approved by the City Manager. The effective date of reclassification shall coincide with the first working day of a pay period after the reclassification is approved by the City Manager. Any completely new classification, one not listed in the Classification Roster, must be adopted by the City Council before it is approved.

3.45 LAYOFFS/REDUCTION-IN-FORCE/RECALL

The City Manager may lay off permanent and probationary workers at any time for lack of work, budgetary reasons, technological changes, or other City actions that necessitate a reduction in the work force. At least four weeks notice shall be given to any employee who is to be laid off. At the City Manager's discretion, a demotion or transfer to another department or classification may be made to prevent a layoff provided the employee is qualified by education and/or experience and is capable of performing the duties of the classification. The Department Heads, in consultation with the Human Resources Director, and as approved by the City Manager, will effect the layoffs.

Reduction in Force

When it becomes necessary to reduce the work force in the City, the City Manager shall designate the job classification, division, department, or other organizational unit in order to effect a reduction in the work force. Contract, temporary, seasonal, or initial probationary employees in the same job classification as ones proposed to be reduced within the City shall be laid off first. Probationary promotional employees who are laid off shall be returned to their former classification. Employees who accept lower positions or transfers in lieu of lay-off shall be placed at a pay level within the salary range of the new position, which yields a salary closest to current salary.

Order of Layoff

The order of layoff of career employees shall be made in accordance with a system which favors retention of the more meritorious employees, based upon evaluation of the following factors in the listed order of implementation:

A. An overall rating of "unsatisfactory" or "needs improvement" on the most recent performance evaluation once finalized and filed in Human Resources except when an employee has less than one year seniority with the City. In that case, only seniority will be used.

B. Documented disciplinary actions during the preceding twelve (12) months.

C. Seniority (length of service in a career position):

1. in the city
2. in the classification
3. in the department

For employees who are equal in performance and seniority, as established in A-C

above, preference will be given to those with proof of honorable military discharge.
Seniority:
Seniority is determined from the day of official appointment to a City department as a career employee, provided that any career employee, who, as a result of promotion, transfer, or voluntary demotion, is appointed to a career position in another department, shall for purposes of layoff, carry seniority previously acquired over to the new department.
Seniority shall continue to accrue during periods of Annual Leave, layoff not exceeding two (2) years, any authorized leave of absence of less than three (3) months, or any call to military service for the duration of the call to duty. Seniority shall not accrue during any other break in continuous service.
Other Policies:
The City may call back as a temporary employee, within the first year after layoff, any laid off employee who is on the recall list when the employee is qualified to fill a vacancy of a full-time position.
Any employee who receives an involuntary transfer shall have the option to be reinstated to a vacated position in the classification said employee was involuntarily transferred from for up to six (6) months from the effective date of the involuntary transfer in the event of layoff.
An employee who chooses to terminate and have his/her name placed on the Reinstatement List under this section shall notify the department in writing of his/her decision at least three (3) working days prior to the effective date of reassignment. Such termination shall be on the same date as the reassignment would have been effective.
Recall List:
The name of every career employee who is laid off, transfers, or elects to demote to a formerly held classification in the same department for longer than one pay period due to a Reduction-in-Force, shall be placed on the Recall List except that the names of those employees laid off under Sections A & B under “order of lay off” above, shall not be placed on the recall list. Vacancies to be filled within a department shall be offered, to individuals named on the Recall List who at the time of the Reduction-in-Force, held a position in the same job classification within the department as the vacancy to be filled. Order of recall shall be same as order of layoff.
Individual names may be removed from the Recall List for any of the following reasons:
A. The expiration of two (2) years from the date of placement on the list.
B. Re-employment with the City in a career full-time position in a department other than that from which the employee was laid off.

C. Failure to respond within 14 calendar days of mailing a certified letter regarding

availability for employment.
D. Failure to report to work within 14 calendar days of mailing of a certified letter containing a notice of reinstatement to a position, absent mitigating circumstances.
E. Request in writing to be removed from the list.
Status on Re-employment:
A career employee who has been laid off or terminates in lieu of reassignment and is reemployed
in a career position within two (2) years from the date of his layoff or termination shall be entitled to:
A. Buy back and thereby restore all or a portion of Annual Leave credited to the employees' account on the date of layoff or termination and at the same rate as it was sold originally. This restoration must be requested in writing within 30 days of returning to work and must be fully paid back within six (6) months of the return to work.
B. Restoration of seniority accrued prior to and accrued during layoff.
C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave.
D. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same department from which he/she was laid off or terminated.
In the event of a vacancy, if there are no individuals on the recall list who formerly occupied the vacant classification, those individuals on the recall list who possess the necessary qualifications for the vacant classification shall be eligible for recall to the vacancy. Eligibility order shall be the same as the order of lay-off.
No person from outside City employment shall be hired in a career position in the deleted classification until all those displaced due to layoffs or transfers are recalled to their former classification or one classification lower in the same career ladder as the one in which the employee was laid off.
Continuation of Benefits:
Those who are laid off shall have their medical insurance benefits continued to the end of the second month following the date of their layoff in the event that they are not covered by another medical plan at that time.

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4.05 EQUAL EMPLOYMENT GOALS AND POLICIES

In adopting these Rules, it is the goal of the City to employ the most qualified individuals and to achieve excellence in serving the needs of the community. Employment and promotions in the City shall be based upon merit and qualifications and shall be free from political influence and discrimination based upon religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical condition, mental/physical disability, sexual orientation, including gender identity, or political affiliation, unless sex or physical ability is a bona fide occupational qualification.

Although not expressed in the classification specifications or job announcements, all persons applying for or holding any position in the City shall be required to meet the following general qualifications to a reasonable degree: integrity, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume and fulfill the responsibilities of the employment, good health, and physical and mental abilities compatible with the work assignment. Where the position requires the driving of a motor vehicle, the applicant or employee must have a valid California Driver's license and is expected to drive the motor vehicle safely. The foregoing general qualifications shall be deemed to be part of the minimum qualifications of each classification specification or job announcement and need not be specifically set forth therein.

No residency requirements shall be enforced by the City of Moreno Valley. Extensive efforts shall be undertaken to make local residents aware of personnel openings, encouraging them to apply for any positions for which they qualify, and providing them with full due consideration. It is the City's intention to create an environment wherein employees will want to live and work in this community.

4.10 PERSONNEL REQUESTS

To initiate the filling of an authorized vacant position, the responsible Department Head shall submit to the Human Resources Director a completed Personnel Request Form containing at least the following information:

A. The classification (job) title;

B. The justification for filling the position, including its budgeted cost code; and

C. The duties, responsibilities and qualifications of the position in accordance with the Classification Plan.

Each request shall be reviewed and approved by the Human Resources Director and the City Manager or designee.

4.15 JOB ANNOUNCEMENTS

Job announcements providing information about the position, its title and pay, its major responsibilities and duties, minimum and other qualifications, where and when to apply, and the last day on which applications will be accepted shall be prepared and distributed

by the Human Resources Department. All positions to be filled will be publicized by

posting announcements on the City's official bulletin boards and in such other places deemed advisable by the Human Resources Director. Employees may suggest additional locations.

Notice of open competitive examinations shall generally be posted a minimum of ten (10) working days before the filing deadline for applications unless it is in the best interests of the City to do a shorter recruitment, as approved by the City Manager. Notice of promotional openings shall be posted a minimum of five (5) working days before the filing deadline for applications.

4.20 PERSONNEL APPLICATIONS

Applications for employment, transfer, or promotion with the City shall be made on forms provided by the Human Resources Department. All information required by the application shall be provided and the applicant shall certify as to the truth thereof. Any material false statement or omission on the application shall, absent mitigation, disqualify the application and may be cause for termination or other disciplinary action if the applicant is or subsequently becomes an employee of the City regardless of when the error is discovered. Resumes and other supplementary information may be submitted and attached to the application for consideration, but may not be used as a substitute for the application.

In order to be considered, an application must be received by 4:00 p.m. on the final day of the advertised recruitment period. A late application shall be accepted from a qualified current City employee only under the following circumstances:

A. The employee must submit a written letter to the Human Resources Director accompanied with a completed application for the position at least two working days prior to the first interview or testing phase; and

B. The employee must provide documentation establishing that he or she was absent from work on an authorized leave continuously from the date the position was first posted to the date the application period closed.

4.25 RECRUITMENT

It shall be the City's policy to recruit and hire the best-qualified persons available regardless of religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical/physical condition, sexual orientation, including gender identity, mental/physical disability, or political affiliation, unless sex or physical ability is a bona fide occupational qualification. While recognizing the need for introduction of persons from outside City employment at all levels, the policy of the City is to transfer or promote persons already employed by the City when their qualifications, training, work performance, and work experience are determined to be comparable to applicants from other sources. The Human Resources Director shall recommend to the City Manager whether the recruitment shall be open or promotional, on the basis of assuring an adequate number of candidates with appropriate skills to constitute a competitive merit process.

Except as specifically provided otherwise in these Rules, selection for a position in City

employment shall be by one of the following types of examinations.
A. Open Competitive: Examinations which are open to all persons who possess the indicated minimum qualifications as set forth in the job announcement.
Applicants for open competitive examinations may, but are not required to, be employees of the City.
B. In-House Competitive: Examinations which are open only to City employees who possess the indicated minimum qualifications as set forth in the job announcement.
C. Temporary Position: Employees may be hired on a temporary basis through either a temporary agency or by the City itself. The City Manager approves these positions. These persons may be hired without competitive examination.
Any variations to these procedures shall be reviewed by the Human Resources Director and approved in writing by the City Manager. The City Manager may select a candidate for Department Head solely based on a review of the applicant's application and/or resume from among those screened by the Human Resources Director as finalists.

4.30 EVALUATION OF APPLICATIONS

Each application shall be reviewed to determine if the applicant satisfies minimum educational experience, type and years of job related experience, certificates or licenses and any other requirements.
Selection techniques shall be impartial and relate to those areas which will adequately and fairly indicate the relative capacity of the applicants to perform the duties and responsibilities of the position to which they seek appointment.
The selection procedure may consist of personal interviews, performance tests, evaluation of work performed, work samples, assessment centers, physical agility tests, other written tests, review and investigation of personal background and references, medical examination, psychiatric examination, or any combination thereof. The Human Resources Director may at his or her discretion include as a part of the examination process, tests which determine whether applicants meet minimum qualifications.
In all examinations the minimum grade or standing for which eligibility may be earned may be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

4.35 CANDIDATES' EXAMINATION INSPECTION

If a selection procedure consists of a written examination, the applicant shall be given written notice of his or her tests results. By appointment with the Human Resources Department, an applicant shall have the right to review his or her own written test within ten (10) working days after the examination results are mailed out. However, no

applicant shall be allowed to examine the test key as part of his or her examination

inspection.
Any error in rating or grading shall be corrected if it is called to the attention of the Human Resources Director at the time the applicant reviews his or her examination. Any applicant whose corrected score meets or exceeds the examination's established passing score will be placed on the applicable eligibility list for the position, if one exists. Any correction shall not invalidate an appointment or offer of employment that has been made previously.

4.40 VETERANS POINTS

The final score of a veteran who requests employment preference and submits proof of active duty (such as a DD214) shall receive five (5) additional percentage points, provided that he or she has already met minimum qualifications pursuant to Section 4.30, and attained a passing grade in the examination, if applicable. To be eligible for veterans' preference, the candidate must have received an honorable discharge from the Armed Forces of the United States and served on active duty during a period of war or tension as determined by the Veterans Administration. A disabled veteran, who is currently rated by the United States Veterans Administration as ten (10) percent or more disabled as a result of a service-connected disability incurred on active duty in federalized service during a period of war or tension as determined by the Veterans Administration, who requests employment preference and submits proof of such disability shall receive five (5) additional percentage points, for a total of ten (10) additional percentage points. Such percentage points may be awarded to widows or widowers of veterans upon request for such preference and submission of proof of eligibility.

The provisions hereof, relating to veterans' preference, shall not apply to any promotional examination.

4.45 NEPOTISM POLICY

An applicant for a position who has a relative employed by the City may not be denied the right to file an application for employment and compete in the examination process. Following examination, if the applicant is successfully certified as eligible, he or she may be employed in a department, division, or office in which a member of his or her immediate family is employed. Such employment shall be denied if the Human Resources Director determines that such employment would potentially create a conflict of interest or have a potentially adverse impact on supervision, safety, security, or morale, or if the employee would be in a position where he or she would directly supervisor, or be supervised by, a member of his or her immediate family.

For the purposes of this policy, a "relative" or "immediate family member" shall be defined to include the following: mother, father, sister, brother, spouse, domestic partner, children of domestic partner, daughter, son, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandmother, grandfather, granddaughter, grandson, aunt, uncle, first cousin, niece, and nephew. Step-parents may be included if they are members of the immediate family, depending on the current situation.

When the eligible candidate is refused appointment by virtue of this section, the name of

the candidate shall remain on the eligibility list for openings in the same classification, as otherwise provided in these Rules, where no member of the employee's immediate family is employed, supervised by, or supervising the vacant position. In no case may an employee participate directly or indirectly in the recruitment or selection process for a position for which the employee's relative has filed an employment application.

Where two relatives are working in the same department, division, or office at the time these Rules are adopted, or if an event occurs in which a familial relationship is established between two employees who work in the same division or office (i.e. if a marriage results in a spousal or in-law relationship), the relationship shall not be deemed a "prohibited relationship" unless the employees' mutual employment creates a potential conflict of interest or has a potentially adverse impact on supervision, safety, security, or morale, and so long as neither employee is in a supervisory capacity over a member of his or her immediate family.

If, as stated above, a familial relationship exists or is established, the employees may continue in their positions so long as the conditions of a prohibited relationship are not met. If, in the determination of the Department Head, such a prohibited relationship does or would exist, the Department Head shall submit the reasons for his or her determination to the Human Resources Director for review. The Human Resources Director shall have one week to investigate the Department Head's findings and determine if a "prohibited relationship" does exist.

If the Human Resources Director's review confirms that a prohibited relationship exists, he or she shall submit his or her results to the Department Head. At this time, the Department Head shall promptly inform the employees of the City's intention to transfer one of the employees to a vacant position of comparable pay and duties in another City division or office, provided that such a vacant position exists, the transferee is qualified therefore, and no offer of employment to fill the vacant position has been made to another eligible candidate. If a position of comparable pay and duties is not open, but one in a lower classification is vacant, either of the employees may elect to voluntarily demote to the lower position, provided that the vacant position is in another department, division, or office, the employee is qualified to fill the position, and the position has not been offered to another candidate. Any voluntary demotion which occurs as a result of this section shall be in accordance with the provisions set forth in Section 3.35. In the event that a transfer or voluntary demotion is not feasible within the time limit set herein, the affected employees shall decide which of them will resign from City employment.

If a transfer or voluntary demotion is not feasible and neither employee has submitted a letter of resignation three weeks after the determination that a prohibited relationship exists, the Human Resources Director and Department Head shall determine which of the employees shall be terminated in good standing. Regardless of which procedure is utilized, the transfer, voluntary demotion, resignation, or termination in good standing shall become effective one month after the Human Resources Director has concurred with the Department Head's determination that a prohibited relationship has been established. This one-month time limit may be extended up to an additional two months with written approval from the City Manager, provided that personal or organizational considerations mandate such an extension.

Except as hereinafter provided, an employee who has been terminated in good standing

because of the operation of this Section, may be reinstated to the position which such employee held at the time of termination, or to a position of equal seniority, status, and pay. In order for the employee to be eligible for reinstatement, he or she must be reinstated to a position in a department, division, or office where a prohibited relationship would not be established (or re-established), the position must be open, and the employee must still meet the qualifications for the position. This right of reinstatement shall be effective only through the ninety (90) days immediately following the effective date of the employee's termination in good standing, and shall take precedence over a right of reinstatement which has been derived from a voluntary resignation in good standing. Commencing on the ninety-first (91st) day after the effective date of the termination, the terminated employee shall have a co-equal right of reinstatement with employees who have voluntarily resigned in good standing, up to an additional nine (9) months.

With the exception of the Human Resources Director's review, as provided in this section, any decision to transfer, voluntarily demote, resign, or terminate an employee in good standing (pursuant to this Section), is not subject to any appeal or grievance procedure.

4.50 DRIVING SAFETY CHECK

A verifiable and acceptable driving record and proof of liability insurance shall be required of each final candidate for employment whose position requires the employee to drive a City vehicle or if the employee receives a vehicle allowance or mileage reimbursement. Verification of acceptable driving records of all employees may be conducted periodically. Driving a City vehicle without possessing a valid driver's license is not permitted and may result in disciplinary action up to and including termination. An employee shall notify his/her supervisor immediately if his/her licenses expires, is suspended, or revoked.

4.55 ELIGIBILITY LISTS

Lists of applicants to be considered for job openings in a particular classification may be established for open competitive or promotional competitive positions. An eligibility list shall be a list of persons who have taken an open competitive or promotional competitive examination for an advertised City position and have qualified for said classification. Each such list shall bear an expiration date. The hiring department may appoint any candidate on the eligibility list, provided all candidates with higher rankings have been interviewed. The best qualified candidate, as determined by the hiring manager, on the eligibility list shall be hired.

Non-Management eligibility lists shall remain in effect for six (6) months or until exhausted, whichever occurs first. Management eligibility lists shall remain in effect for three (3) months. An eligibility list may be terminated at any time when less than three (3) eligible candidates remain. The Human Resources Director shall have the right to extend an eligibility list for one or more periods not to exceed in total one (1) year from the original date of certification.

The Human Resources Director may remove a name from an eligibility list for any of the following reasons:

A. If the eligible person accepts an appointment with the City to a career position of

the same or higher classification. Acceptance of a temporary appointment at any level will not in itself be cause for removal from an eligibility list. An eligible person may refuse an appointment to a particular position and request to remain on the eligibility list.

B. If the eligible person requests in writing removal from the list.

C. If the eligible person fails to respond within ten (10) calendar days to a notification or letter which has been mailed to the person's last address on file with the City.

D. If the eligible person is unable to accept any offered position.

E. If a person on a promotional eligibility list resigned from City employment.

F. If other circumstances, such as conviction of a crime involving moral turpitude or loss of a required license, make the person ineligible.

G. If the eligible person has not been offered an appointment after interviewing for three (3) separately budgeted positions which are to be filled from the same eligibility list.

Placement on an eligibility list does not guarantee employment with the City of Moreno Valley.

If a vacancy exists in a classification for which there is no appropriate eligibility list, the Human Resources Director may prepare a list from one or more existing related lists by selecting names of eligibles from eligibility lists for classifications which are assigned to the same or higher salary range and which have minimum qualifications similar to those of the classification in which the vacancy exists.

4.60 FINAL DECISIONS ON SELECTION

The Department Head or designee shall recommend a final candidate for appointment to a vacant position to the City Manager. All appointments shall be subject to Human Resources Director's review and City Manager final approval before becoming effective. If the selected candidate accepts the appointment and reports for duty within the agreed upon time, the applicant shall be deemed appointed to the position. If the selected candidate does not report to duty within the agreed upon time, the candidate shall be deemed to have declined the appointment. By mutual agreement of the Department Head, the Human Resources Director, and the candidate, the date of the appointment may be changed. Upon the affected employee's written petition, effort shall be made to accommodate current City employees who are or will be on an approved leave as of the date of appointment and thereby unable to report for duty at the designated time.

4.65 PRE-EMPLOYMENT PHYSICAL

Each person accepting employment with the City shall be required pass a pre-employment physical and pre-employment drug test at a City-designated medical facility at City cost before an appointment to such employment becomes effective. This Section

shall also apply to changes of employment within the City when the new position places

substantially more physical demands upon the employee.

4.70 EMPLOYMENT ELIGIBILITY VERIFICATION

In compliance with law and with regulations of the United States Department of Justice and the Immigration and Naturalization Service, the City of Moreno Valley requires that each person hired by the City complete Section I of the Employment Eligibility Verification Form I-9 to verify that the person is eligible for employment in the United States.

4.75 PROBATIONARY PERIOD

The first six (6) months, or any duly extended longer period, of all new and promotional employment in a career position shall be deemed a probationary period. The probationary period shall commence upon the effective date of the appointment. During the probationary period, an employee may be terminated without the right of appeal, hearing or resort to any grievance procedure if his or her performance is deemed in any way unsatisfactory or below City standard by the City Manager, upon recommendation of the Department Head. At the conclusion of the probationary period, if the employee's performance does not meet City standards but is not altogether unsatisfactory, the probationary period may be extended up to an additional six (6) months, at the discretion of the City Manager. The decision to extend the length of an employee's probationary period must be based on justifiable reasons and must be made prior to the expiration of the original six (6) month probationary period. Such a decision shall not be appealable or grievable.

An employee who fails to complete his or her promotional probationary period satisfactorily shall be reinstated to the position in the same classification from which he or she was promoted unless discharged from City service as provided in these Personnel Rules. Before an employee may promote, they must first successfully complete original probation.

Crossing Guards shall be required to serve a 650-hour probationary period after becoming regular crossing guards. At the end of a successful probationary period, Crossing Guards shall become eligible for a merit pay increase. An Alternate Crossing Guard shall be deemed "at will/part-time" regardless of the number of hours worked.

4.80 CRIMINAL CONDUCT – INELIGIBILITY FOR EMPLOYMENT

Except as otherwise hereinafter provided, no person convicted of a misdemeanor involving moral turpitude or a felony shall be eligible for employment in the service of the City; however, the City Manager may disregard such conviction if he/she finds and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, the age of such person at the time of conviction, or the fact that the classification applied for is unrelated to such conviction.

Only the City Manager, Employee Relations Officer, City's Attorneys, Human Resources Director, and other Human Resources staff are authorized to have access to the "State

Summary Criminal History Information" as provided for in Section 11105 of the Penal

Code of the State of California.

4.85 FINGERPRINTING

To facilitate the City's ability to perform complete background checks on its employees, new City employees will be fingerprinted and their backgrounds researched to ensure that there is nothing which would hinder their ability to perform their job satisfactorily or create any unnecessary liability for the City.

4.90 RESIGNATION

Employees who desire to terminate their service with the City shall submit a written resignation to the Department Head at least two weeks prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying future employment with the City.

4.95 REHIRE

Any career employee who voluntarily or involuntarily resigns or separates and is later rehired, may forfeit all previous seniority and benefits and does not need to be rehired at his/her former classification or pay level, except in the case of lay-off. The rehired employee may be considered the same as a new hire. With approval of the City Manager, a former employee who is eligible for rehire may be rehired by appointment rather than competitively, but may still be placed on six months probation upon return. **However, if an employee voluntarily separates from the City and is subsequently rehired by the City within one calendar year of his/her employment separation date, the employee's benefits will be the same as when the employee separated and the City will pay the employee's share of CalPERS contributions in the same manner as done prior to the separation.**

SECTION 5: PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS

5.05 SALARY AT APPOINTMENT

Except as otherwise stated in this Section, all new employees shall be appointed at the 'A' Step of the salary range for the position. When the proposed employee's education, training, experience, and current salary are deemed superior and justify a higher starting salary, the Department Head may offer employment up to the 'C' Step of the salary range without obtaining City Manager approval.

If the Department Head recommends appointing the employee at a pay level above the 'C' Step, City Manager approval must be obtained prior to making an offer of employment. All final appointments are subject to City Manager approval, regardless of the pay level at which the employee is appointed.

When hiring new Department Heads, the City Manager may authorize certain added incentives to aid in the recruitment process. Some added inducements might be the authorization of a moving allowance, additional Annual Leave, educational expenses, etc. Such incentives may be authorized only if in conformance with a written policy, adopted by resolution of the City Council.

5.10 EMPLOYEE PERFORMANCE EVALUATION

The Performance Assessment Review (PAR) is the employee performance evaluation tool. Regular reports on forms prescribed by the Human Resources Director shall be made as to the efficiency, competency, conduct, and merit of all employees appointed by the City Manager. Performance evaluations are required to be given at the following times: three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date. An employee who received a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months. Any decision to extend an employee's probationary period must be made prior to the expiration of the original probationary period. Any evaluation which warrants a merit increase but is not completed by the designated review date shall be retroactively paid back to that review date. In addition to those occasions referenced by this Section, a supervisor may render a performance evaluation when performance issues arise, whether positive or negative; when there is a change in assignment; and/or when there is a change in supervisor or management.

During the performance evaluation meeting, the employee and supervisor shall review and discuss the employee's significant accomplishments, training, problem or improvement areas, and future development and objectives. After reviewing the job descriptions, duties, and any established performance standards for that position, an evaluation shall be made by the supervisor as to whether the employee's performance meets City standards. An explanation must accompany any unacceptable or conditional judgment. The employee shall have an opportunity to review his or her performance evaluation report and agree or disagree with it. Based upon the Performance Assessment Review, the supervisor may make appropriate recommendations regarding a possible merit increase, or other action.

The employee shall have the right to attach a written response to the corresponding

performance evaluation in his or her personnel file. This response must be made within ten (10) working days of receiving the evaluation.
If a career employee's written objection to his/her evaluation is concurred with by the Department Head, the evaluation may be revised accordingly. If there is no denial of merit increase nor an overall below-City standard rating, the Department Head's decision shall be final and conclusive with regard to the validity of the objection.
If a career employee is not in agreement with a performance evaluation which results in an overall below-City Standard rating (other than one which results in denial of a merit increase or in any other direct monetary detriment to the affected employee), the employee may, within ten (10) working days after receipt of the evaluation, request a review of such evaluation by his or her Department Head. If the employee is not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receipt of the determination of the Department Head, request a further review by the City's Human Resources Director, whose decision shall be final and conclusive.
If a performance evaluation results in a denial of a merit increase or in any other direct monetary detriment to the affected career employee, the employee may, within ten (10) working days after receipt of the evaluation, request a review thereof by his or her Department Head. If not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receiving the determination of the Department Head, request a further review of the evaluation by the City's Human Resources Director, whose decision shall be final and conclusive.
In either of the foregoing situations, if the career employee's Department Head prepared the evaluation in question, the employee may omit review by the Department Head and proceed directly to the next level of review by the Human Resources Director.
Probationary employees may attach written responses to their probationary evaluations and submit them to the Department Head for consideration, however, such employees have no appeal rights.
The employee and supervisor must sign and date the report. If the employee refuses to sign the report, the supervisor shall note this fact and any circumstances surrounding the employee's refusal on the Performance Assessment Review. Copies of the Report shall be distributed to the employee, the Department Head, and the Human Resources Department.

5.15 PROGRESSION ON MERIT PAY

A. Career Full-time and Career Part-time Employees shall earn merit pay increases based on meeting or exceeding satisfactory performance of duties in the overall rating rather than simple longevity, as follows:

1. Normal Progression

From the date of employment until the successful conclusion of the probationary period, no merit pay increase shall be granted. At the end of

a successful probationary period, the employee shall become eligible for

a merit pay increase provided that the employee's overall performance has satisfactorily met City Standards. Thereafter, eligibility for merit pay increases shall occur at 12-month intervals provided the employee's performance is satisfactory, until such time as the employee reaches the top of the salary range available for his or her position. Employees must achieve an overall "meets job requirements" to be deemed as having met City Standards. An employee who receives an overall performance rating less than "meets expectations" will not receive a merit increase. An employee who receives a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months.

2. Promotional Progression

From the date of promotion until the successful conclusion of the probationary period, no merit pay increase may be granted. When an employee is promoted to a classification with a greater salary range, his or her salary increases to an appropriate salary step within the salary range of the new position. An employee who is promoted shall be compensated at the pay level within the new salary range which is the lesser of five (5) percent higher than the pay level he or she held in the previous salary range or the top of the salary range for the new position. All promoted employees who successfully pass their promotional review period are eligible for a step merit pay increase within the salary range of their position, again provided satisfactory performance is achieved. A promoted employee is eligible for another merit pay increase, annually thereafter, from the date of the promotional review until their salary reaches the top of the salary range.

B. Temporary and Seasonal Employees It is the policy of the City of Moreno Valley to grant a merit pay increase to temporary employees after the first 1,000 hours of service, provided the performance is satisfactory. The next increase would occur after completion of 3,000 hours, as long as performance remained satisfactory, and every 2,000 hours thereafter, until such time as the employee reaches the top of their salary range. If a merit increase is warranted, it will be based on an abbreviated evaluation form similar to the one used during probation for a career employee. A temporary or seasonal employee may receive a performance evaluation when his or her period of service concludes to determine whether he or she is eligible for rehire and may be evaluated more frequently at the discretion of the supervisor. This performance evaluation may also be used as a basis for considering salary in the event the employee is rehired.

C. All Crossing Guard employees who have successfully completed training shall become eligible for a merit pay increase. Regular Crossing Guards shall become eligible for a second merit pay increase upon completion of six hundred and fifty (650) hours of service; and shall then be eligible for merit adjustments once in each succeeding period of thirteen hundred (1,300) hours of continuous service, provided that performance meets City standards.

SECTION 6: ATTENDANCE AND HOURS OF WORK

6.05 WORKWEEK AND OVERTIME

For purposes of applying the overtime requirements of the Fair Labor Standards Act (FLSA), the workweek for City employees shall begin at 12:01 p.m. Friday and end at 12:00 noon the following Friday. For any illness or emergency absence from work, the employee must notify the supervisor within the first half hour of normal reporting time when possible.

6.06 OVERTIME COMPENSATION

Overtime compensation shall be provided to City employees as follows:

A. Executive Management, Division Management, and Professional/Administrative/ Management Employees are salaried employees and shall not receive overtime compensation. Employees in these categories shall receive administrative leave hours, as specified in Section 7.25.

B. Non-Exempt and Part-time Employees may receive overtime compensation in the form of paid time or compensatory time-off, at a time-and-one-half rate. The choice of compensation method is the employee's. Employees in these categories may accrue compensatory time to a maximum cap of 120 hours. The City Manager may allow accrual beyond the maximum if circumstances warrant. Overtime will be paid for hours worked in excess of 40 hours in a workweek in accordance with the Fair Labor Standards Act (FLSA). In addition, career employees will be compensated with overtime for any hours actually worked in excess of 9 hours in a workday for those on a modified schedule or 8 hours in a workday for those on a regular schedule. Part-time Career Employees must use the 9-hour workday for overtime. Career employees will also receive overtime pay for hours worked on a City designated holiday or for a "Call Back" or "Call Out" as described in sections 15.05 and 15.10. **All overtime worked must be <u>pre-approved</u> by the employee's manager.**

C. An employee who has accumulated the maximum amount of compensatory time shall not work overtime on a compensatory time basis until the accumulation has been reduced to less than the maximum accumulation allowed under these Rules. This in no way limits or caps paid overtime.

For Non-Exempt positions, which do not meet one of the FLSA exemption categories, overtime hours worked shall be compensated for time actually worked in excess of 40 hours in a workweek. In addition, and in accordance with the MOU, Career Non-Exempt employees shall be compensated for time actually worked in excess of 9 hours in a workday and/or 40 hours in a workweek for those employees on a modified work schedule or 8 hours in a workday for those on a regular work schedule. A paid holiday shall count as time labored towards the 40-hour workweek for the purposes of overtime compensation. Annual Leave, or compensatory time will not be included as time worked for purposes of calculating overtime.

Overtime for all Non-Exempt employees shall be compensated in one of the following two ways:

A. As paid time at the one-and one-half rate of pay; or

B. As compensatory time as accrued at the one and one-half rate of pay.
Prior to overtime being authorized, the employee and his or her supervisor shall agree as to how the employee shall be compensated (i.e. paid time or compensatory time). If the employee and supervisor do not agree on the method of compensation, the supervisor may ask another employee to perform the overtime work. If the supervisor requires that a particular employee perform the overtime, yet they cannot agree on the method of compensation, then the employee shall be given the choice of how he or she wishes to be compensated. Compensatory time accumulated under these Rules and Regulations is vested time and must be utilized or paid in conjunction with termination of employment.

6.08 COMPLIANCE WITH FAIR LABOR STANDARDS ACT

The City is committed to complying with the Fair Labor Standards Act and therefore prohibits improper deductions from FLSA exempt employees' pay. The City will promptly remedy any violations of this policy by reimbursing an affected employee for any amounts which have been improperly deducted from the employee's pay.
Any employee who believes that an improper deduction has been made from his/her pay should submit a complaint to the Human Resources Department as soon as possible. The Human Resources Department shall promptly investigate the complaint and render a written decision as soon as is reasonably possible. If the complaint is determined to be justified, the employee shall promptly be reimbursed in the amount improperly deducted. The City shall thereupon restate its good faith commitment to future compliance with the Fair Labor Standards Act.

6.10 NO GUARANTEE OF HOURS

Nothing contained in these Rules shall be construed to constitute a guarantee of minimum hours of work per day or per work week or of days of work per work week, provided that when reasonably possible at least 14 calendar days advance notice shall be given to each employee whose work hours are to be reduced. When economic conditions dictate, management may direct a reduction of hours, a furlough, or a reduction-in-force.

6.15 STAND-BY AND CALL-BACK POLICY

Policies relating to stand-by and call-back duty shall be established by the City Manager. (*For more information on stand-by and call-back requirements and compensation, see Section 15.)*

6.20 TIME SHEETS

All City employees must complete time sheets showing hours worked and leave taken. Salaried employees are not subject to having their pay reduced for less than 8 hour increments when no other authorized leaves are available to them. The City may make deductions from paid leave accruals for periods of less than 8 hours. Time sheets must be signed by the individual employee, the employee's supervisor, Division Manager and,

where required, Department Head. Time sheets will be reviewed and audited by the

Finance Department. Notice of any correction(s) to the time-sheet will be sent to the employee and the Department Head. Such corrections will be deemed final unless questioned by the employee within thirty (30) days after the notice of correction has been given to the employee. Unresolved matters may be taken to the Human Resources Director for a final determination.

6.25 CONSTRUCTIVE RESIGNATION

An employee who is absent, without authorized leave, for three (3) or more consecutive work days is deemed to have resigned. If the Department Head, with the concurrence of the Human Resources Director, determines that extenuating circumstances exist, the resignation may be rescinded, in which case, absence may be covered by leave, with or without pay, if so approved by the Department Head.

6.30 LUNCH AND BREAK POLICY

Employees may take one break in the morning (before 11:00 a.m.), and one in the afternoon (after 2:00 p.m.). Break periods shall not exceed fifteen (15) minutes each. One paid break period is allowed for each 4-hour work period. Part-time employees are not entitled to a paid break unless they work longer than four hours.

Lunch periods shall be at least thirty (30) minutes, but no more than sixty (60) minutes per day. Employees are expected to conform their lunch hours in accordance with department schedules. As department schedules may not permit all employees to take lunch between 12:00 noon and 1:00 p.m., the Department Head may authorize staggered lunch periods throughout the late morning and afternoon. Part-time employees must work six or more consecutive hours to receive an unpaid 30-minute lunch break. If the part-time employee is alone, he/she may be authorized to eat at the work-site on paid time.

An employee who takes a break from his/her normal work station to smoke is using part of the 15-minute break. Employees in transit in the conduct of City business while smoking does not constitute a smoke break.

Break and lunch periods may be taken only in the time period for which they are designated and may not be accrued. Extenuating circumstances, as determined by the immediate supervisor, may establish cause for variation from the scheduling of break and lunch periods.

Salaried employees are expected to conform generally to the established standard for all employees. Although flexibility is provided for salaried employees to exercise judgment in maintaining their work schedule, this schedule should not be to the detriment of work production.

SECTION 7: LEAVES

7.05 HOLIDAY PAY AND HOLIDAY LEAVE

Days designated as legal holidays by the City Council are 11 holidays as follows:
New Year's Day (January 1), Dr. Martin
Luther King, Jr. Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4th), Labor Day (1st Monday in September), Veteran's Day (November 11th), Thanksgiving (4th Thursday in November), Day after Thanksgiving (Friday after Thanksgiving), Christmas Eve (December 24th), and Christmas Day (December 25th).

Effective July 10, 2009, career full-time and career part-time employees receive holiday pay for all working hours scheduled to be worked on a holiday. If the holiday occurs on a day the employee is normally scheduled off, e.g. Friday, Saturday, Sunday or a WSR day, then the hours are recorded in the employee's accrued holiday leave bank, and the employee may request to use the banked holiday leave time like paid Annual Leave. However, when a holiday occurs on a Friday, Saturday or Sunday, the City may designate another day during the work week as an observed holiday. Career full-time employees accrue the number of hours of holiday leave time, based on their regular full-time work day schedule and work week schedule, i.e. 8 hours when on a 5/40, 9 hours when on a 4/36, 8 hours when on a 9/80, or 10 hours when on a 4/10 work week schedule. Career part-time employees accrue holiday leave time on a prorated basis. Accrued holiday leave time hours remain in the employee's holiday bank until used, without risk of forfeiture.

Temporary employees do not get paid or accrue holiday leave time.

7.10 ANNUAL LEAVE

In lieu of accruing separate banks of ~~holiday,~~ floating holiday, vacation, sick hours, and administrative leave time where applicable, employees will accrue annual leave. Effective December 14, 2007, accrued vacation banks for current employees will be converted to annual leave on an hour-for-hour basis.

Annual Leave Usage

Some of the appropriate uses of this leave time include the following:

~~A. To enable employees to get paid on days so designated as legal holidays by the City Council which includes New Year's Day (January 1), Dr. Martin Luther King, Jr. Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4th), Labor Day (1st Monday in September), Veteran's Day (November 11th), Thanksgiving (4th Thursday in November), Day after Thanksgiving (Friday after Thanksgiving), Christmas Eve (December 24th), and Christmas Day (December 25th).~~

~~B~~**A.**To provide recuperation time for an employee incapacitated due to illness, injury, or other medical disability;

~~C~~**B.**To allow for the quarantine of an employee exposed to a contagious disease which results in the enforced quarantine of an employee in accordance with public health regulations;

~~D~~**C.**To attend to the urgent health needs of immediate family members;

~~E~~**D.**To attend medical or dental office appointments;

~~F~~**E.**To enable employees to conduct important personal business during normal working hours;

~~G~~**F.**To provide time for periods of rest and relaxation; or

~~H~~**G.**In other instances consistent with all existing Rules and Regulations as

authorized by the employee's Executive Manager or representative.
When personal emergencies or situations of personal necessity arise, annual leave may be granted over the telephone within 30 minutes of start time unless special and extenuating circumstances prohibit employees from calling in , but the caller must identify the specific reason for the emergency or necessity and follow up with a written request. Employees are encouraged to accrue annual leave balance as a protection against the adverse affects of short- or long-term absences due to a major illness or injury.
Minimum Use: During each calendar year, each full time career employee shall use at least ~~168~~ **80** hours of annual leave**.**, ~~with approximately, 88 hours of this leave provided to enable employees to get paid on days so designated as legal holidays by the City Council when City facilities are closed.~~ Part-time career employees are required to use forty (40) hours of annual leave. ~~Part-time career employees should use a portion of these hours for holidays, as appropriate.~~
Further, employees are urged to retain a reasonable bank of annual leave in case of unexpected illnesses or injuries to either themselves or family members.
All employees shall generally make a request for said leave to the executive manager in sufficient time to plan work schedules. Consequently, executive management is responsible for planning work schedules to allow each employee to take that leave each calendar year and each employee is responsible for using it. Failure to use the minimum required hours of such leave shall result in City Manager review of the circumstances surrounding such failure. Failure to follow the minimum usage may result in disciplinary action if conditions warrant.
Paid annual leave shall continue to accrue in accordance with the provisions during any authorized period of leave with pay. All annual leave shall be scheduled and taken in accordance with the best interest of the City and the department or division in which the employee is assigned.
If an employee needs to be absent from work on a given day due to any unexpected reason, he/she must notify the supervisor by telephone within the first half hour of normal reporting time or earlier if possible.
Reporting Annual Leave: The reporting of the use of annual leave should normally be in increments of a quarter of an hour for non-exempt employees and ~~one~~ **quarter of an** hour increments for exempt employees will be used whether the employee works a full or partial day.
Physician's Certificate: An employee absent on unscheduled annual leave in excess of three (3) consecutive working days due to illness or injury, may be required by his/her executive manager to submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. The executive manager may also require a written statement that such employee is able to resume his/her normal duties.
Management must list reasons for requesting the doctor's excuse for annual leave of less than three (3) consecutive working days. An employee may be placed on medical certification in instances when leave has not been preapproved and the employee has exceeded the minimum use requirement for Annual Leave.

Leave Donation: Up to 24 hours of annual leave may be voluntarily donated from

one employee to another out of a humanitarian need when the recipient employee has no leave accrued per ~~City Manager's~~ approval **by the Human Resources Director**. No more than 480 total hours of leave may be donated to an individual employee. ~~Donated annual leave will be taken from the forfeitable portion of leave balances.~~

Annual Leave Accrual

Annual leave time will accrue on a bi-weekly basis for twenty-six (26) pay periods a year. Each career employee shall have annual leave time accrue for each pay period starting from the first day of probationary appointment. Accrual rates are based on years of service.

Employees shall receive annual leave benefits on a pro-rata basis, calculated by the number of hours paid as a percentage of a forty (40) hour workweek**, including any WSR**. Employees, as outlined in the City's Benefit Plan, shall receive annual leave accruals as follows:

A. Executive Management Employees shall earn ~~14.77~~ **11.39** hours of annual leave per pay period of service (approximately ~~384~~ **296** hours per year). This accrual shall extend to ~~16.31~~ **12.93** hours per pay period (approximately ~~424~~ **336** hours per year) at the beginning of the sixth year and extend to ~~17.85~~ **14.47** hours per pay period (approximately ~~464~~ **376** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.

B. Division Management Employees shall earn ~~13.85~~ **10.47** hours of annual leave per pay period of service (~~360~~ **272** hours per year). This accrual shall extend to ~~15.38~~ **12.01** hours per pay period (approximately ~~400~~ **312** hours per year) at the beginning of the sixth year and extend to ~~16.31~~**12.93** hours per pay period (approximately ~~424~~ **336** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave including grandfathered amounts. Once an employee reaches this cap, annual leave accruals will be suspended.

Division Management Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~16.92~~ **13.55** hours per pay period (approximately ~~440~~ **352** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

C. Professional / Administrative shall earn ~~13.08~~ **9.70** hours of annual leave per

pay period of service (~~340~~ **252** hours per year). This accrual shall extend to ~~14.62~~ **11.24** hours per pay period (approximately ~~380~~**292** hours per year) at the beginning of the sixth year and extend to ~~15.54~~**12.16** hours per pay period (approximately ~~404~~ **316** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.

PAM Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~16.15~~**12.77** hours per pay period (approximately ~~420~~ **332** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave.

PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.

D. Non-Exempt Employees shall earn ~~10.77~~ **7.39** hours of annual leave per pay period of service (approximately ~~280~~ **192** hours per year). This accrual shall extend to ~~12.31~~ **8.93** hours per pay period (approximately ~~320~~ **232** hours per year) at the beginning of the sixth year and extend to ~~13.23~~ **9.85** hours per pay period (approximately ~~344~~ **256** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the annual leave accrual rate as a recruitment tool. Employees in these categories may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.

Non-Exempt Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~13.85~~ **10.47** hours of annual leave per pay period (~~360~~ **272** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

E. Seasonal Employees/Crossing Guards with Leave Accruals shall accrue annual leave at a rate determined by their program agreement or contract. Temporary Employees shall not normally accrue paid annual leave, but may take leave without pay as approved by their supervisors.

7.15 GRANDFATHERED LEAVE BALANCES

Prior Sick Time Accruals: Employees shall retain all existing sick leave hours accrued prior to the enactment of this policy **on December 14, 2007. Such accrued sick leave hours shall be referred to as Grandfathered sick leave balance and are considered Frozen Sick Leave hours.** Although sick leave will no longer continue to accrue for employees, an employee's **frozen** sick leave balance will be available for use in the event of a~~n~~ serious illness or injury which qualifies for disability. These frozen sick leave hours can ~~not~~ be used for baby bonding or family member's illnesses or injuries**, if the employee is on approved FMLA leave**.

This Grandfathered sick leave balance shall be available for cash out upon separation at a rate of 40% of the accrued balance for full time employees and 20% for part time employees. The remaining balance will be converted to PERS service credit for retiring employees. Separating employees will forfeit the remaining balance.

MV00105040

At retirement, Frozen Sick Leave balance (sick leave accrued prior to December 14, 2007) will be paid as elected by the employee per the following formulas:

1. **70% PERS Service Credit with 30% Cash Out**
2. **80 % PERS Service Credit with 20% Cash Out**
3. **90 % PERS Service Credit with 10% Cash Out**
4. **100 % PERS Service Credit with 0% Cash Out**

Grandfather Clause: Sick leave balances as of 9/22/92 for Executive Management and Division Management employees shall be available for cash out upon ~~separation~~ **retirement** at a rate of 60% of the accrued balance and 40% towards PERS service credit. When sick leave is taken, the hours last accumulated shall be utilized first. **Employees not retiring under the City's CalPERS contract benefits at the time of employment separation shall forfeit 40% of their frozen sick leave.**
An employee absent for three consecutive working days due to illness of injury may access their frozen sick leave bank if they submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. Further, the employee is to complete the Leave of Absence Request Form and attach it to the physician's certification before submission to their supervisor and executive manager for approval.
Converted Vacation, Holiday, Floating Holiday, and Admin Leaves: Balances converted to annual leave will be cashed out upon separation at the 100% rate in effect prior to the enactment of this policy. When annual leave is taken, the hours last accumulated shall be utilized first.
Effective one time only, at the time of conversion to Annual Leave, total hours in excess of 1384 shall be excluded from the ~~2080~~ **1664** hour annual leave cap.
The beneficiary on file of an employee who has died while actively employed by the City may receive a 100% cash out of the employee's accrued sick leave.
7.20 ANNUAL LEAVE CASH OUT UPON SEPARATION AND RETIREMENT
Separation from the City
Employees separating from the City are entitled to payment for ~~80%~~ **100%** of their unused accrued annual leave balance. ~~The remaining 20% will be forfeited. Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15.~~
Retirement from the City
Employees retiring from the City are entitled to payment for ~~80~~**100**% of their unused accrued annual leave balance. ~~The remaining 20% will be converted to PERS service credit.~~
No compensation for annual leave will be awarded to current City employees until they terminate or retire.
Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15.
7.30 BEREAVEMENT LEAVE
Employees shall be allowed to utilize four (4) days of bereavement leave in the event of

the death of an immediate family member. Immediate family in this instance shall be defined as mother, father, spouse, domestic partner, natural/step-children, children of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild. Step-parents may be included if they are currently members of the immediate family.

Employees will be allowed Annual Leave to be taken and/or advanced, if needed, up to ten (10) days in length in addition to bereavement in the event of a death in the employee's immediate family (parent, spouse, child, domestic partner, step-child, child of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild). Step-parents may be included if they are currently members of the immediate family.

7.35 JURY DUTY AND WITNESS LEAVE

No employee shall be dismissed or in any manner discriminated against for taking time off from work to serve as a juror or witness when required by law provided such an employee complies with the provisions of this Section. An employee called to serve as a juror or witness shall notify his or her supervisor at least one (1) week prior to the commencement of such service, unless extenuating circumstances exist.

Any employee of the City called as a juror or witness shall be entitled to be absent from his or her duties with the City shall receive their regular salary limited to one-hundred (100) hours each year for each of the following types of jury service: local and federal. This could be expanded, dependent on an unusual situation, which is subject to the approval of the City Manager. The employee shall obtain a jury calendar or assignment sheet weekly during such service. The employee shall have the jury calendar or assignment sheet signed by the jury clerk or commissioner and shall deliver this sheet to his or her supervisor at the end of each week to verify jury duty or witness service.

If a career employee on an alternative work schedule is summoned for jury duty, the Department Head or designee shall convert the employee's usual work shift to a regular five (5) day, Monday through Friday shift basis. A career employee required to serve on jury duty shall be entitled to his or her regular rate of pay, provided the employee deposits any fees for service, excluding mileage, with the City. A crossing guard, temporary, seasonal, or emergency employee called for jury duty will not be compensated for time lost while on jury duty, but shall be entitled to retain his or her jury fees.

Any employee required to be absent from work on behalf of the City by proper subpoena issued by a court or other legally empowered agency, shall be entitled to be absent from work at his or her regular rate of pay, provided that any fees, except mileage, are deposited with the City. A non-exempt employee required to be present as a witness in any other matter shall not be entitled to be paid during such absence. An exempt employee will be paid his/her regular rate of pay whenever required to provide testimony under oath in any proceeding related to City matters.

An employee who is released by the court from jury duty on any regularly scheduled work day shall contact his or her supervisor to find out whether he or she is required to return to work. An employee who is scheduled for stand-by duty while serving on jury duty shall be rescheduled for stand-by duty after the conclusion of jury duty, unless the employee agrees to serve both.

7.40 PREGNANCY DISABILITY LEAVE

Pregnancy disability leaves of absence shall be granted to employees medically disabled by pregnancy, childbirth, or related conditions, provided such leave shall not

MV00105042

exceed four (4) months. At the commencement of a pregnancy disability leave of absence, employees will use accrued Annual Leave and/or compensatory time off, as well as disability pay, and thus, continuing to receive pay. City pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies except as modified herein. The use of accrued time-off shall not extend the length of the leave. The authorized absence is only for the duration of the disability up to four (4) months.

When an employee is on pregnancy disability leave, the City shall continue payment of benefit premiums for the employee and her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. If an employee files for disability, a doctor's certification is required. When the employee is no longer disabled, she may no longer continue pregnancy disability leave. ~~If she chooses to remain away from work longer, she must apply for family leave.~~ Annual Leave shall not accrue during a pregnancy disability leave of absence unless the employee is continuing to receive pay by utilizing accrued Annual Leave or compensatory time off. Employees on pregnancy disability leave may also be eligible for benefits under the City's Disability Program. Employees must file a claim in order to receive these benefits. Forms are available from the City's Human Resources Department.

Any employee who takes a pregnancy disability leave of absence shall have her anniversary date extended by the same length of time as the unpaid portion of the maternity leave. For purposes of this section, paid portions of pregnancy disability leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a pregnancy disability leave of absence while on probation, her probationary period shall be extended the same length of time as the pregnancy disability leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

A request for a pregnancy disability leave of absence should be submitted by the employee as soon as feasible after the employee learns of her pregnancy. The employee must provide a written statement from her physician indicating the date the physician believes the leave of absence should begin and the estimated date of birth. The City may require a pregnant employee who wishes to continue working to provide a physician's statement approving the continuance of her current work duties.

Before returning to work following a pregnancy disability leave of absence, the employee shall submit a physician's verification stating the employee's ability to return to work. Unless the leave is otherwise extended, at the end of the four (4) month pregnancy disability leave period the employee shall be required to return to work full time. If approved by the employee's physician, the Department Head and the Human Resources Director, the employee may choose the option of returning to work prior to the conclusion of the four (4) month period on either a full-time or part-time basis and receive pro-rated benefits.

MV00105043

Up to an additional two (2) months of pregnancy disability leave may be granted for medical reasons if the employee's physician provides a written statement indicating the employee's inability to perform her duties or any feasible "limited duties." Such an extension of pregnancy disability leave is subject to the approval of the City Manager whose decision is final and conclusive. Nothing herein shall guarantee an extension beyond the standard four (4) months of leave.

An employee may take both pregnancy disability leave and subsequently State family care and medical leave to be with a newborn. The employee is entitled up to four (4) months of pregnancy disability leave, plus an additional twelve (12) weeks using the State family care and medical leave provisions.

7.45 FAMILY CARE AND MEDICAL LEAVE

Leaves of absence shall be granted to employees who have full-time career service with the City during the previous 12-month period, for the reason of childbirth, adoption, foster care, parental care, serious family illness, or for an immediate family member or the employee's own serious health condition, provided such leave shall not exceed twelve (12) weeks of leave in a twelve (12) month rolling period. When both parents are employed by the City, the two employees are only entitled to receive a combined twelve (12) weeks for the birth, adoption, or foster care of a child.

At the commencement of a family leave of absence, employees ~~shall~~ **may** first use all **Frozen Sick Leave, and then any other accrued leave available, such as** accrued Annual Leave or compensatory time off and, thus, continu~~ing~~ to receive pay. Pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies governing leave without pay, except as modified herein. The use of accrued time off shall not extend the length of the leave.

The City requires the following information on a certification of the need for this leave:

A. The date on which the serious health condition commenced.

B. The probable duration of the condition.

C. In the case of caring for a family member, an estimate of the amount of time the employee needs to care for the individual.

D. That the serious health conditions warrant participation of a family member to provide care during the period of treatment.

In the case of an employee's own serious health condition, if the employee is unable to perform the functions of his or her position, the City can seek second and third opinions at its cost.

A serious health condition means an illness, injury, or impairment, or physical or mental condition that involves one of the following: hospitalization; absence of three (3) days plus treatment; pregnancy; chronic conditions regarding treatment; permanent/long term conditions requiring supervision; or multiple treatments (non-chronic conditions).

MV00105044

When an employee is on unpaid family leave, the City shall continue payment of benefit premiums for the employee and his/her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. Annual Leave shall not accrue during a family leave of absence unless the employee is continuing to receive pay.

An employee who takes a family leave of absence shall have his/her anniversary date extended by the same length of time as the unpaid portion of the family leave. For purposes of this section, paid portions of family leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a family leave of absence while on probation, his/her probationary period shall be extended the same length of time as the family leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance. Family leave shall not constitute a break in service for purposes of longevity or seniority.

The employee should request a family leave of absence by submitting the proper form to his/her supervisor, signed by the Department Head, concurred by the Human Resources Director, and approved by the City Manager. Forms may be obtained in the Human Resources Department. For a more detailed understanding of this policy, the employee should read the complete family leave policy in the City's Administrative Policy Manual.

Employees may take 40 hours of Annual Leave per school year to consult with the school teachers or counselors of children, step-children, or children of domestic partners, or to attend their school activities. This time is to be taken against any leave accruals except sick leave. If no accrual is available, leave without pay may be used. As this is State law, supervisors must approve this leave up to 40 hours annually per child. The employee must provide evidence of this school appointment. Supervisors need not approve more than eight (8) hours in a month.

7.50 LEAVE OF ABSENCE WITHOUT PAY

Any employee who is absent from work and who is not on leave of absence with pay shall be considered to be on leave of absence without pay, if such leave has been authorized by the proper authorities.

This section is designed to grant special requests for leaves of absence without pay that are not specifically addressed in either the military leave, FMLA, or pregnancy disability leave sections of these Personnel Rules.

A leave of absence without pay must be approved by the appropriate Executive Manager. Leave without pay in excess of one week shall also require the approval of the Human Resources Director. No leave of absence without pay shall be granted unless the employee requests the leave in writing and includes the reason for the request. Approval by the appropriate authority shall be in writing. No leave of absence without pay pursuant to this Section shall be requested or authorized for the purpose of imposing disciplinary action upon any employee. The supervisor may require leave without pay in the event an employee is late for work or misses work without valid approval. In this case the supervisor would annotate the employee time sheet with leave without pay for the absent time.

MV00105045

An employee on a leave of absence without pay shall not receive compensation on accrued Annual Leave. After thirty (30) consecutive working days on a leave of absence without pay, contributions to retirement, life insurance, medical, dental, or other designated benefit plans shall be suspended until the employee is reinstated. However, upon approval of a leave of absence without pay, the employee may elect to continue his or her benefits coverage at his or her own expense, with the exception of retirement benefits, which may not be so continued. Any employee requesting a leave of absence without pay shall utilize all of his or her accrued compensatory time off or Annual Leave prior to the start of the leave without pay.

Any employee who takes a leave of absence without pay for more than 30 work-days in a calendar year shall have his or her anniversary date extended by the same length of time as the leave without pay. If an employee takes a leave of absence without pay while on probation, his or her probation period shall be extended the same length of time as the leave without pay. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Upon expiration of an approved leave of absence without pay, the employee shall be reinstated to the position he or she occupied at the time leave was granted. Unauthorized failure on the part of an employee to report to work upon expiration of the leave of absence without pay shall constitute job abandonment and will result in dismissal.

It is the responsibility of the employee to submit a written request for a leave of absence within two weeks before such leave would begin stating the reason for the request, the date such leave will begin, and the duration of the leave. A “Leave of Absence Request” form and a “Payroll Action Form” must also be completed. Failure of an employee to apply for leave of absence and complete all necessary forms will be considered to be absent without leave, and all City-paid benefits will be terminated. Any unauthorized absence of an employee from duty shall be deemed to be absent without pay and may be cause for disciplinary action. Failure to report for work or call in for three (3) consecutive workdays shall be considered a voluntary resignation.

7.55 MILITARY LEAVE

Military Reserve Leave shall be granted under the provisions of State Law, which, in pertinent part at the present time, defines military reserve leave as: “military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days in a fiscal year, including time involved in going to and returning from the duty, but not for inactive duty (for training) such as scheduled reserve drill periods.” For the purposes of this Section, “active military training” shall be defined as a period of training (i.e. encampment, naval cruises, special exercises, or like activities) that normally occurs once a year over a two-week interval. “Inactive duty for training” and “scheduled reserve drill periods” shall be defined as the weekend periods of training that are scheduled once a month. Such weekend drills do not conflict with normal working hours within the City.

MV00105046

Employees must submit a copy of military orders to their Department Head and the Human Resources Director prior to the beginning of the military leave period and as soon as the employee knows of the need to request such leave, except where military necessity dictates.

Employees shall receive their full regular pay during the first thirty (30) calendar days of "military leave" in any one fiscal year. After the first thirty (30) days of military leave in a fiscal year, employees will continue to receive the same compensation less any military pay up to one year during the period of active military leave.

Employees on a military leave of absence shall receive the same Annual Leave and the same rights and privileges to promotions, continuance in office, employment, reappointment to office, or reemployment that they would have enjoyed had they not been absent there from. Contributions to retirement, and medical and dental plans that are not otherwise provided by military coverage during active duty, shall be continued until the employee is reinstated, provided that the period of ordered duty does not exceed three (3) years.

Except for probationary employees, an employee's anniversary date shall be extended if his or her military leave of absence is in excess of thirty (30) days per fiscal year. If an employee's military leave of absence exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as his or her leave of absence, minus the first thirty (30) days (i.e. if the employee's military leave of absence is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee is required to perform military reserve duties while on probation, his or her probationary period shall be extended the same length of time as the military leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

The City shall reinstate those employees returning from a military leave of one year or less to the position they occupied prior to taking a military leave of absence or to a position of comparable seniority, status, and pay, if such position exists, upon presentation of a certificate of satisfactory completion of service and if such employees are qualified to return to their former positions. If no such comparable position exists, the employee shall have the same rights and privileges that he or she would have had if he or she had occupied the position when it ceased to exist and had not taken a temporary military leave of absence.

Any employee who, in time of war or national emergency as proclaimed by the President or Congress, is ordered by the military to active duty, shall have a right, if released, separated, or discharged under conditions other than dishonorable, to return to his/her former classification within one year after termination of his/her active service with the armed forces, but not later than six (6) months after the end of the war or national emergency. (See Government Codes 395.1, 146, and 395.05.)

7.60 ON-THE-JOB INJURIES AND WORKERS' COMPENSATION COVERAGE

All injuries and illnesses arising out of, and in the course and scope of employment with the City, including first aid injuries, shall be reported immediately to the appropriate supervisor. The supervisor, upon receiving notice of the accident, shall be responsible for (1) giving the injured employee an "Employee's Claim For Workers' Compensation Benefits" (DWC-1) form within twenty-four (24) hours; and (2) immediately notifying ~~the~~ Risk Management of the accident in accordance with Labor Code provisions. The Risk Management shall be responsible for completing an "Employer's Report of Occupational Injury or Illness (form 5020)."

MV00105047

An employee incapacitated on account of an injury or illness arising out of and in the course and scope of employment may be entitled to:

A. Medical care to cure the injury;

B. Rehabilitation services necessary to return to work; and

C. "Temporary disability" payments in lieu of lost wages, commencing three (3) days after the injury occurs.

If an occupational injury or illness is severe and requires immediate medical attention, first aid should be rendered and medical treatment should be obtained at the closest City-designated medical treatment facility. For severe accidents occurring outside the City limits, medical treatment should be obtained at the closest medical facility. Use of paramedic services is automatically authorized if the injury is life threatening.

In the case of an occupational injury that requires medical attention within the first twenty-four (24) hours or develops symptoms after the first twenty-four (24) hours following the injury, the employee shall immediately notify his or her supervisor and the employee's supervisor shall notify ~~the~~ Risk Management. If the employee has not submitted a properly completed "Employee Notification of Personal Physician" form to ~~the~~ Risk Management for treatment of job-related injuries, all medical treatment shall be provided through the City's designated medical service providers for the first thirty (30) days after the date of the injury. If the employee has submitted a properly completed "Employee Notification of Personal Physician" form to the Human Resource Department for treatment of job-related injuries, an appointment may be scheduled with the employee-designated medical service provider. The employee shall notify the Risk Management prior to scheduling the appointment, if he or she has chosen to be treated by an employee-designated medical service provider.

A career employee who is disabled by injury or illness arising out of and in the course and scope of his or her duties shall suffer no loss in City pay or accrued Annual Leave for the first three (3) days of absence from work because of such disability. If a career employee's absence persists in excess of three (3) days, the employee may be eligible for "temporary disability" payments. State law shall determine the "temporary disability" payment an employee can expect to receive from Workers' Compensation Insurance.

City policy allows for career employees incapacitated by reason of an injury or illness arising out of and in the course and scope of his or her employment to receive **fully paid Workers' Compensation Leave (i.e., equal to the employee's regular base pay compensation, including reduced pay due to furlough pay reduction).**~~a sum which, when added to the amount of temporary disability payment, will result in a payment equal to such an employee's regular compensation~~. This is for the first six (6) months and then **receive** 66-2/3% of the gross salary **through the City's Long Term Disability Plan** up to the maximum by Labor Code beyond the six (6) months after the injury. This applies unless the employee is hospitalized for greater than 90 days, or is not allowed by the City to return to light duty even though authorized by competent medical authority to return to limited duty. The City shall allow the employee to use Annual Leave or compensatory time in order to equal his/her normal salary after the six (6) months. **If the employee is unable to return to work due to a permanent disability and retires under CalPERS benefits, the employee may also be eligible for long-term disability plan benefits under the provisions, requirements and limits of the plan.**

MV00105048

Once all accrued leave is exhausted, compensation would be 66-2/3% of gross salary and all leave benefits will cease to accrue. Such worker's compensation shall commence three (3) days after the injury occurs, or after temporary disability begins, and shall conclude with the termination of such a temporary disability, upon reaching a permanent and stationary condition, as determined by competent medical evidence, or upon the completion of one (1) year on-the-job injury leave, whichever comes first. **If the employee is still unable to work after one year, the City may initiate processing a PERS disability retirement application on behalf of the employee.** Employees with injuries or illnesses that persist beyond six (6) months may be eligible for workers' compensation temporary or permanent disability payments. Workers' Compensation income is non-taxable.

Except for probationary employees, an employee's anniversary date shall be extended if his or her Worker's Compensation related injury or illness is in excess of thirty (30) days per fiscal year. If an employee's Worker's Compensation related injury or illness exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as the injury or illness, minus the first thirty (30) days (i.e. if the employee's injury or illness is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee experiences a Workers' Compensation related injury or illness while on probation, his or her probationary period shall be extended the same length of time as the injury or illness. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Workers' Compensation leave and benefits shall be granted to an employee upon presentation to the City of a properly completed claim form and presentation of a physician's certificate of temporary disability status. A claim denied by the Workers' Compensation Board, a written statement from the treating physician indicating that the employee's condition is permanent and stationary, or separation from City service shall terminate an employee's eligibility for Workers' Compensation leave and any applicable benefits for that particular injury or illness.

The City maintains its right to require that an employee receiving workers' compensation benefits see a City-designated physician on a periodic basis to determine the employee's disability status. When an employee is given a permanent disability rating by the Disability Rating Bureau of Workers' Compensation Appeals Board of the State of California, the employee may return to work provided that he or she can perform his or her assigned duties safely without endangering his or her health or safety, or that of others.

The City also maintains its right to require an employee to return to work on a limited or modified duty status, provided that he or she has received written authorization, including stated restrictions, from the City-designated physician as well as from the Risk Management and the Department Head. Such modified duty must be of a temporary nature, usually limited to 90 days.

The City should communicate in writing with the employee's authorized physician to obtain the modified duty authorization. It should provide the doctor with a description of the employee's regular duties as well as a description of all proposed modified duty to be assigned and provide a copy of that correspondence to the employee. The treating physician should provide to the City and the employee a written modified duty

MV00105049

authorization, including specific limitations and restrictions, as well as assignments the doctor authorizes the employee to perform.
An employee who declines a modified duty position, which meets the treating physician's requirements, may be subject to disciplinary action, up to and including termination. If an employee is medically stationary, but has not been released to his or her regular budgeted position and is one for whom a reasonable accommodation cannot be made, then that employee is subject to medical layoff **or medical retirement.**

Additional information concerning Workers' Compensation Leave or benefits may be obtained by contacting ~~the~~ Risk Management and by referring to Risk Management Policy 6.19, Modified Duty/Return to Work Policy.

7.65 VOTING LEAVE

In accordance with State law, the City of Moreno Valley encourages all employees to vote in local, state, and national elections. Employees are encouraged to vote outside of normal working hours. Under special circumstances, an employee who does not have ample time to vote outside of normal working hours may make arrangements with his or her supervisor to take up to two hours with pay in order to vote.

MV00105050

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES

8.05 GENERAL STATEMENT OF POLICY

It is the City's belief that rules of conduct are most effective when they are written and communicated to employees and supervisors, consistently enforced, and the difference between major and minor forms of misconduct is recognized.

The City's goal is to administer discipline on an equitable and corrective basis. Effective discipline reinforces training by identifying rules and their reasons, correcting misconduct or improving job performance, serving as a deterrent through enforcement, and penalizing in relation to the severity of the offense and the employee's past record.

8.10 CUSTOMER SERVICE POLICY

Moreno Valley residents depend on each City employee to render service speedily, efficiently, effectively and courteously. The following guidelines express in part the expectations of how employees are to implement the customer service philosophy of the City:

A. Employees shall keep themselves informed in order to perform their jobs effectively.

B. Employees shall be concerned about the welfare of others.

C. Employees shall be considerate, tolerant, patient and fair with others.

D. Employees shall be cheerful and as positive as possible.

E. Employees shall use their training and capabilities to provide residents and businesses with the best service possible. Every effort should be made to provide correct answers and positive results.

8.15 UNLAWFUL DISCRIMINATION

Any employee who harasses or unlawfully discriminates against any other person on the basis of the other person's religion, age, sex, marital status, race, color, national origin, ancestry, medical condition, pregnancy, political affiliation, mental/physical disability, or sexual orientation, including gender identity; or denies family and medical leave (FMLA), or pregnancy disability leave; or as retaliation against an employee for filing a harassment and/or discrimination compliant, shall be subject to discipline in accordance with these Rules.

8.20 STANDARDS OF CONDUCT

Employees are encouraged to excel in their work. City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the City. The following standards are intended to govern the actions of all City employees during their course of employment. Employees who violate these standards shall be subject to appropriate disciplinary actions.

MV00105051

A. Employees shall abide by and carry out the ordinances, resolutions, policies, procedures, and the rules & regulations of the City of Moreno Valley.
B. Employees shall always conduct themselves in a manner which reflects credit to the City and creates positive morale among City employees.
C. Employees shall operate all equipment safely and utilize safe means of carrying out their duties.
D. Employees shall follow instructions for all equipment and property.
E. Supervisors shall manage in an effective, considerate and fair manner.
F. Subordinates shall follow instructions in a positive, cooperative manner.
G. Employees shall provide service with courtesy and a smile and avoid arguments with the public and other employees. If citizens become difficult, they should be referred to a supervisor.
H. Employees shall avoid interpersonal conflict with others as it may affect productivity or the City's image. It is not necessary for everyone to like everyone else, but it is necessary to treat everyone respectfully, professionally, and courteously.
I. Employees shall dress appropriately. Although dress will vary with the type of work done, neatness, cleanliness, and a professional image are essential. Uniforms must be kept in good condition and worn while on duty, if required. All field personnel who are supplied uniforms will wear their complete uniform at all times while on the job. Exceptions may be granted on a case-by-case basis by the immediate supervisor.
Political buttons, or other attire that do not promote a professional image or may not provide adequate protection from work-related injuries shall not be worn while on duty.
J. The use or possession of alcoholic beverage, illegal drugs, or controlled substances while on paid duty time, or working while under the influence thereof, will not be tolerated. Violation will result in disciplinary action, as outlined in Section 8.35 of these Rules. See Section 1.75 and 1.80 of the Rules.
K. Employees should behave in their personal lives in such a manner as not to reflect discredit upon the City.

8.25 OBJECTIVE OF DISCIPLINARY GUIDELINES

The disciplinary guidelines outlined in Section 8 are intended to be standards for applying discipline on the job. The offenses listed are not intended as comprehensive coverage of the subject. The disciplinary actions listed are standards and guidelines. Individual circumstances may justify a supervisor, together with the Department Head and the Human Resources Director, administering more or less severe forms of

MV00105052

disciplinary actions than those listed in these guidelines. The disciplinary authority must use reasonable judgment and proper documentation in each individual instance.
All disciplinary actions should be consistently enforced. “Consistently enforced” does not mean that a supervisor must assign the same penalty in each case, but rather, that the supervisor take some form of disciplinary action for each infraction. The supervisor must also be able to justify the level of discipline imposed in a particular case by objective criteria.
Any variations to these procedures will be reviewed by the Human Resources Director and approved in writing by the City Manager.

8.30 MAJOR AND MINOR OFFENSES

There are two classes of disciplinary actions – major and minor.
A. Major: Misconduct that directly affects the safety or health of other employees or customers or misconduct that directly affects the success or survival of the organization.
B. Minor: Misconduct that interferes with the smooth, orderly, planned, and systematic progression of work.

8.35 LEVELS OF OFFENSES

There are four levels of offenses listed. A documented pattern which shows a history of recent disciplinary problems can result in cumulative or more severe disciplinary actions, including disciplinary suspension, reduction in pay, demotion, or dismissal. Moderating circumstances which may result in less severe disciplinary action include an employee’s positive work record, outstanding accomplishments, length of service, and extenuating circumstances of the violation.
A. Engaging in any of the following conduct will most likely result in dismissal:
1. Theft, embezzlement, or fraud.
2. Falsification, unauthorized removal, or alteration of official City records or employment applications.
3. Possession of, use of, or working while under the influence of alcoholic beverages or other controlled substances during City working hours, while on City property, while operating City vehicles, or while subject to duty (i.e. stand-by).
4. Assault, battery, or fighting an individual while on duty or under the guise of office.
5. Illegal possession or brandishing of weapons or firearms on City premises or property, while on duty or under the guise of office.
6. Acceptance of bribes or extortion.

MV00105053

7. Conviction of a felony or any crime involving moral turpitude.
8. Commission of an act involving moral turpitude, whether or not a conviction is obtained.
9. Harassment (as defined in Section 1.90 of these Rules) or unlawful discrimination against employees or others based upon race, color, age, marital status, pregnancy, sex, national origin, ancestry, ethnicity, religion, medical condition, mental or physical disability, or sexual orientation, including gender identity; or retaliation against an employee for filing a harassment and/or discrimination complaint; or denial of family and medical care leave or pregnancy disability leave.
10. Intentionally damaging property of value.
11. Job abandonment of three (3) consecutive work days with no notification or approved absence.
12. Material false statement or omission on the employment application.
13. Driving on City business with a suspended or revoked driver's license.
14. Continuing unsatisfactory job performance.
15. Felony eavesdropping or electronic recording of confidential communication without consent of all parties to such communication.

This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above mentioned disciplinary action.

B. Engaging in any of the following conduct will most likely result in disciplinary suspension without pay for five (5) to thirty (30) days, reduction in pay or dismissal depending upon the circumstances, accumulation, or pattern of offenses. Other recently documented violations along with this incident, or the repeating of such offenses will result in dismissal.

1. Intentionally misusing or abusing City property or property of another.
2. Disregard for major safety rules.
3. Insubordination by refusing a supervisor's legitimate order.
4. Unlawfully restricting work efficiency and production.
5. Attempting to provoke a fight on City premises, threatening or deliberately intimidating others through threat of physical force.
6. Unauthorized release of information, which has been validly classified as confidential.
7. Intentional mistakes or gross negligence causing damage.

MV00105054

8. Use of authority for personal gain.
9. Dishonesty, including falsifying time cards or other reports.
10. Driving on City business with an expired license.
This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above-mentioned disciplinary action.
C. Engaging in any of the following conduct will most likely result in a written reprimand on the first offense, a disciplinary suspension of one (1) to five (5) working days, reduction in pay, or demotion on the second offense, and possible dismissal on the third. Other recently documented violations in conjunction with this violation will result in more severe disciplinary action.
1. Unauthorized operation of tools, machinery or equipment.
2. Gambling on City property.
3. Disregard of minor safety rules including failure to report an injury or accident.
4. Abuse of authority.
5. Carelessness or inefficiency in completing assignments.
6. Unauthorized sleeping or unaccounted whereabouts while on duty.
7. Traffic violations, including preventable accidents, in City vehicles or while on City business.
8. Political activity which violates pertinent provisions of state or local law.
9. Unauthorized absences or excessive leave without pay.
10. Abusive language that is personally or professional insulting or derogatory, directed at a person or persons with normal sensibilities, in their presence.
11. Failure to notify the employee's supervisor of the loss of a required certificate or license, including driver's license.
12. Statements or allegations which are malicious, vexatious, or not made in good faith and designed to discredit another individual or agency.
13. Garnishment on two or more different debts within any one-year period.
This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

MV00105055

D. Engaging in any of the following conduct will most likely result in either an informal discussion or formal warning on the first offense and a written reprimand on the second offense. Further incidents will result in more serious disciplinary action, including possible disciplinary suspension, reduction in pay, demotion or dismissal. Other recently documented violations in conjunction with this violation will also result in more severe disciplinary action.

1. Creating or contributing to unsanitary conditions.
2. Violation of smoking policy.
3. Unauthorized soliciting of contributions.
4. Distributing unauthorized printed matter on City time.
5. Failure to meet production or performance standards.
6. Engaging in behavior which prevents or hampers job performance.
7. Tardiness in reporting to work or leaving work early without supervisor approval.
8. Abuse of Annual Leave.
9. Abuse of breaks or lunch time.
10. Inability or unwillingness to work harmoniously with other employees.
11. Failure to contact supervisor when late or absent.
12. Failure to report change of vital information.
13. Failure to observe reasonable standards of personal appearance.
14. Failure to follow specified job instructions.
15. Minor safety violations, including housekeeping rule violations.
16. Frequent personal phone calls.
17. Frequent violations of established departmental rules and procedures.
18. Reading non-related material during work time when not authorized.
19. Misrepresentation of facts which does, or may lead to, a disruption of City business.
20. Posting or distributing materials or telling jokes, which are offensive to a person or persons with normal sensibilities.

This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

MV00105056

SECTION 9: DISCIPLINARY ACTIONS

9.05 DEFINITION OF DISCIPLINARY ACTION

"Disciplinary Action" means action taken by the Department Head or designee for disciplinary reasons, pursuant to these Rules, and consistent with the philosophy of progressive discipline where appropriate. Such disciplinary actions include (1) a formal warning, (2) a written reprimand, (3) disciplinary suspension, (4) reduction in pay, (5) demotion, (6) dismissal, or (7) any other action taken for disciplinary purposes.

9.10 INFORMAL DISCUSSION

Though not a disciplinary action, when a minor job performance problem develops, an informal discussion shall usually occur to assist the employee in clarifying and remedying the problem. An informal discussion is designed to clarify standards, policies and procedures or rules and regulations so that problems are resolved early and thus, the need to utilize disciplinary action may be avoided.

9.15 FORMAL WARNING

The formal warning shall be given in response to minor misconduct. The warning should be prompt, calm, and constructive, and every effort shall be made for the formal warning to be given in private. The supervisor should include in the formal warning a review of appropriate department standards and policies, employee performance expected in the future and consequences for failure to correct performance or behavior.

9.20 WRITTEN REPRIMAND

The written reprimand shall be given by the Department Head or designated authority when a formal warning has not succeeded in stopping the misconduct or when the misconduct is considered too serious to warrant a formal warning. Misconduct includes failure to meet City performance standards. The Department Head should first counsel the employee about the misconduct, as if giving a formal warning. At the end of the discussion, if no extenuating circumstances are discovered, the Department Head shall inform the employee that a letter of reprimand shall follow and shall be placed in his or her central personnel file located in the Human Resources Department. The written reprimand should include a full, accurate and factual statement of the reason for the reprimand including the date and time of the event which is the cause of the reprimand, if applicable, appropriate department standards and policies, employee performance expected in the future, and consequences for failure to correct performance or behavior.

9.25 DISCIPLINARY SUSPENSION

Disciplinary suspensions without pay are actions which generally deprive an employee of pay for any period up to thirty (30) working days and are usually given when serious misconduct or repetition of past problems for which the employee has been reprimanded require a strong management response. The nature of the offense, its severity and the circumstances dictate the length of suspension. Recurrence of the same or similar offenses can result in a second or third disciplinary suspension of progressively increased duration or in a dismissal. A disciplinary suspension is given an employee

MV00105057

when formal warnings or written reprimands have not been effective, or when the misconduct warrants more than a written reprimand.
Employees who are categorized as exempt under the Fair Labor Standards Act may only be suspended without pay for infractions of safety rules of major significance such as rules relating to the prevention of serious danger in the workplace or to other employees. Exempt employees may also be subject to disciplinary suspensions of one or more full days without pay for infraction of workplace conduct rules applicable to all City employees.
The City distinguishes between minor disciplinary suspension as one (1) to five (5) working days and major disciplinary suspensions as six (6) to thirty (30) working days. Minor suspensions can be used as steps in progressive discipline. Major suspensions are used as a more severe step in progressive discipline or where the act of misconduct does not warrant dismissal.
Department Heads shall institute disciplinary suspensions only after receiving approval from the Human Resources Director.
9.30 REDUCTION IN PAY
The reduction of an employee's base pay is the action given when a disciplinary suspension has not been effective, or when the misconduct is too serious for disciplinary suspension alone.
Department Heads shall institute a reduction in an employee's base pay only after receiving approval from the Human Resources Director.
9.35 DEMOTION
The Department Head may demote an employee for disciplinary reasons or because the employee's ability to perform the required duties falls below standards for that position, provided that the employee has been given a reasonable time to improve. Upon request of the employee, and with the consent of the appointing authority, demotion may be made to a vacant position. No employee shall be demoted to a position unless he or she possesses the minimum qualifications for such a position.
Department Heads shall institute a demotion only after Human Resources Director approval.
9.40 LAST CHANCE EMPLOYMENT AGREEMENT
When the City, the bargaining unit representative (only when requested by employee to be involved) and the affected employee all agree that the affected employee should be given one last chance before administering dismissal, a Last Chance Employment Agreement may be administered and signed by all parties. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations — usually termination of employment, with a condition that the employee waive any future rights of appeal of the termination.
9.4~~0~~5 DISMISSAL
Dismissal or involuntary separation of an employee from City employment shall be imposed only when all other disciplinary measures have failed and the employee is deemed beyond rehabilitation or when an act of misconduct is deemed very serious. A career employee may be dismissed by the Department Head for just cause as outlined in these Rules.
Department Heads shall institute a dismissal only after Human Resources Director approval.

9.**50**~~45~~ RESIGNATION – AN ALTERNATIVE TO DISCIPLINARY ACTION

At times, an employee may offer to resign instead of facing disciplinary action. By doing so, the employee loses the right to appeal. A resignation must be completely voluntary.

9.5**5**~~0~~ DOCUMENTATION OF DISCIPLINARY ACTION

All disciplinary actions should be fully documented and placed in the employee's personnel file.

A formal warning should be documented on a form prescribed by the Human Resources Director. The employee shall receive a copy of the documented formal warning, and a copy shall be placed in the employee's personnel file in the Human Resources Department. If the employee chooses to respond, that reply will also be placed in the employee's personnel file, and be attached to the supervisor's record of formal warning. If the action taken is a disciplinary probation, a disciplinary suspension, a reduction in pay, a demotion, or a dismissal, documentation shall be in accordance with Section 10.20(1). A copy of all such disciplinary documents shall be placed in the employee's central personnel file located in the Human Resources Department. The employee shall sign and receive a copy of such disciplinary documents. If the employee refuses to sign the statement, that fact should be noted in writing by the supervisor.

9.**60**~~55~~ EMPLOYEE REPRESENTATION

A represented employee is entitled to the presence of an Association representative during an investigative interview conducted by the manager whenever the employee reasonably believes that the interview might lead to or result in disciplinary action affecting any property right (i.e., suspension, pay reduction, demotion, or dismissal). The employee must request the representation. The manager is not obligated to inform the employee of the right to representation. The employee does not have a right to representation at every, or any, contact with a supervisor.

The employee does have the right to a specific representative. When the representative is a non-employee agent, the manager is not required to wait to hold the interview at a time the consultant would be available beyond 24 work hours. The employee and representative must be allowed a reasonable period of time to confer in advance of the interview.

MV00105059

SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS

10.05 ACTIONS THAT ARE NOT APPEALABLE

Denial of merit or pay increases, performance evaluations (except as provided in Section 5.10), informal discussions, oral counselings, formal warnings, and written reprimands cannot be appealed.

10.10 DISCIPLINARY ACTION SUBJECT TO SKELLY PROCEDURE

Prior to a disciplinary suspension, a reduction in pay, a demotion, or a dismissal of a career employee for disciplinary purposes, the procedure set forth in this Section shall be complied with.

Disciplinary suspensions of less than five (5) days may be immediately implemented so long as the "Skelly" procedure is then promptly followed. (Section 10.20).

10.15 ADMINISTRATIVE SUSPENSIONS WITH PAY

Pending investigation of an accusation against an employee, the City Manager may approve the temporary suspension of an employee with pay, pending the undertaking or completion of an investigation or opportunity to respond as may be required to determine if any disciplinary action shall be taken.

10.20 SKELLY PROCEDURE/DUE PROCESS

A. Written Notice: The Department Head or designated authority shall give the employee a written notice of the proposed disciplinary action at least ten (10) working days prior to the effective date. The written notice shall be personally delivered to the employee or sent by certified mail to the employee's last known address.

The notice should include the following information:

1. A description of the proposed action to be taken and its proposed effective date or dates;
2. The specific grounds and particular facts upon which the action is proposed to be taken;
3. The employee's right to receive a copy of the written materials alleged to support the proposed action; and
4. A statement advising the employee of the right to respond, orally or in writing, and the time period in which to do so.

B. Employee Review and Response: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based. Within ten (10) working days after receipt of the written notice, the employee shall have the right to respond to the Department Head, orally or in writing, concerning the proposed action. Failure to respond within the time

MV00105060

specified may result in the employee's waiver of his or her pre-disciplinary procedural rights. By mutual agreement, the specified time period may be extended. Appeal shall be addressed to the Department Head regardless of which supervisor may have issued the Skelly Letter.

C. Department Head Decision: The Department Head or designated authority shall, within ten (10) working days, provide a written decision to the employee after reviewing the employee's response, if any. The decision shall be personally delivered to the employee or sent by certified mail to the employee's last known address. The decision shall acknowledge the employee's response and shall be dated and signed by the Department Head. If disciplinary action is to be taken, the written response shall include a statement informing the employee of the right to appeal and the time period within which the appeal must be made.

If mutually agreed upon, the effective date of any proposed disciplinary action may be postponed to allow the Department Head enough time to adequately review the employee's response before making a decision.

10.25 APPEAL OF DEPARTMENT HEAD'S DECISION

A career employee may appeal a Department Head's decision within ten (10) working days of receiving the decision. An appeal shall be accompanied by a copy of the written notice of disciplinary action served on the employee, the Department head's written decision, a brief statement of the facts and reasons for the appeal and a brief statement of the relief requested.

If, within the ten (10) day appeal period, the employee involved does not file an appeal, unless good cause for the failure is shown, the action of the Department Head or designated authority shall be conclusive. If an employee withdraws the appeal, the employee waives the right to further review. Upon approval of the City Manager, the Human Resources Director may designate any other non-involved Department Head to act on his or her behalf on such matters. Appeals filed within the ten (10) day requirement shall be handled in accordance with the following provisions:

A. Minor Disciplinary Suspension, Reduction in Pay, and Demotion: An employee may appeal a disciplinary suspension of 5 days or less, or a reduction in pay of 5% or less annualized by submitting a written response to the Human Resources Director within ten (10) working days after the employee has received the Department Head's decision. Such an appeal and decision of the matter is based only upon the written record.

The Human Resources Director shall render a written decision within ten (10) working days after receipt of the appeal. The Human Resources Director may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The Human Resource Director's written decision is the final and conclusive administrative review.

B. Major Disciplinary Suspension, Reduction in Pay, and Demotion: Disciplinary suspensions of greater than 5 days, reductions in pay greater than 5% annualized, or any demotions from class to class may be appealed to the City Manager. The City Manager may designate a non-involved Department Head or

MV00105061

the Human Resources Director to hear the appeal and act on his behalf on such matters.

The City Manager or designee shall act as Hearing Officer and determine the hearing procedure. The hearing need not be conducted according to technical rules relating to evidence and witnesses. However, the City Manager shall ensure that the matter before him or her can be fairly determined on reliable evidence. The Hearing shall be conducted in accordance with Section 11.30.

The City Manager or designee shall render a written record of his or her findings, conclusion and decision as soon after the conclusion of the hearing as possible and in no event later than twenty (20) working days after conducting the hearing, unless the parties otherwise agree. The City Manager may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The City Manager's decision on the appeal is final and conclusive administrative review.

C. Dismissal: An employee wishing to appeal a dismissal must submit a request for a hearing officer to the Human Resources Director within ten (10) working days from receipt of the Department Head's decision. An Appeals Hearing on the appeal shall be conducted in accordance with Section 11. Upon mutual agreement of the employee and the City Manager, the employee may waive the right to the Appeals Hearing and present the appeal directly to the City Manager.

If the employee chooses to appeal the Department Head's decision directly to the Human Resources Director, the employee forfeits the right to appeal to a Hearing Officer.

At any hearing before the Human Resources Director, City Manager or a Hearing Officer, subpoenas may be issued in accordance with the Government Code.

10.30 AMENDED NOTICE OF DISCIPLINARY ACTION

At any time before an appeal is submitted for decision, the Department Head or designated authority may, with the consent of the Human Resources Director, amend the disciplinary action or provide a supplemental notice of disciplinary action.

A decision not to impose any disciplinary action should be accompanied by a directive from the Department Head to delete all references to the pending action from the employee's personnel file(s). Failure by the Department to make further investigations or to provide an additional written answer shall not affect the ability of the City to impose disciplinary action.

If the amended or supplemental notice of disciplinary action presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a response in accordance with Section 10.20, but the employee shall not be required to file a further appeal. Any objections to the amended or supplemental causes or allegations may be made verbally or in writing during the appeal interview.

MV00105062

SECTION 11: APPEALS HEARING PROCESS

11.05 SELECTION OF A HEARING OFFICER

Within ten (10) working days from receipt of the written request for an appeals hearing pursuant to Section 10.25, the employee or designated representative and management representative shall select a Hearing Officer from a designated list. A paid outside Hearing Officer is only allowed in cases involving dismissal. The Hearing Officer shall be selected by mutual agreement or by the alternate striking of names from a predetermined or standing list of Hearing Officers. The party to strike the first name shall be determined by chance. Only Hearing Officers who do not require transcription services, other than only an electronically recorded record, are to be used unless both parties agree otherwise.

The list shall contain at least seven (7) names and not more than twelve (12) names of persons qualified and willing to serve as a Hearing Officer. Employees, employee representatives and management representatives shall submit nominees for the list of Hearing Officers. If the total number of nominees is greater than the maximum number allowed on the list, the list shall be narrowed to the maximum number by consultation between management and employee representatives utilizing the strike out process. If a person withdraws his or her name from a list bringing the number of names below the designated minimum number, a name shall be added to the list. The list shall be revised at least every three (3) years.

11.10 SCHEDULING THE HEARING

Both parties shall endeavor to schedule the hearing as soon as possible. It is recognized that the schedule of the Hearing Officer, who is mutually selected, is dependent upon his/her already established schedule and availability. The City and the bargaining unit will jointly endeavor to identify the Hearing Officer within ten (10) working days of the employee's written request for one. All affected parties shall be notified in writing of the date, time and place of the hearing at least five (5) working days prior to the hearing. The Hearing Officer, prior to or during the hearing, may grant a continuance for any reason he or she believes to be important to its reaching a fair and proper decision.

All hearings shall be closed unless the employee requests an open hearing. No still photographs, moving pictures, or television pictures shall be taken in the hearing room during a hearing.

11.15 HEARING REPRESENTATION

Each party shall have the right to represent themselves, to be represented by legal counsel, or to be represented by any other person of his or her choice, except that no supervisor or Department Head shall be represented in appeal matters by an employee whom he or she may supervise, and no employee shall be represented in appeal matters by a supervisor or Department Head.

MV00105063

11.20 RECORDATION OF HEARING

All appeal hearings shall be recorded. The Human Resources Director shall arrange for the production of any relevant City record.

11.25 HEARING EXPENSES

All expenses for a Hearing Officer, including but not limited to, per diem expenses, travel and subsistence expenses, and the cost of the hearing room will be borne equally by the City and the employee. Each party shall make arrangements for and pay expenses of witnesses that are called by such party, except that any City employee called as a witness shall be released from work without loss of compensation or other benefits to give testimony at the hearing.

Prior to the hearing, the Hearing Officer shall draw up a contract and each party shall sign the contract agreeing to these payment conditions and any payment terms. A copy of the contract shall be given to the employee and another shall be given to the Human Resources Director. The Hearing Officer shall retain the original contract.

11.30 HEARING PROCEDURE

The Hearing Officer shall give all interested parties a reasonable opportunity to be heard on relevant issues. The hearing procedure shall be determined by the Hearing Officer. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The Hearing Officer shall observe the intent of such rules to the end that the matter before him or her can be fairly determined on reliable evidence. All interested parties shall have the following rights:

A. To call and examine witnesses;
B. To introduce exhibits;
C. To cross-examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;
D. To impeach any witness regardless of which party first called him or her to testify;
E. To rebut the evidence against them; and
F. To present oral and written arguments.

11.35 HEARING OFFICER'S RECOMMENDATION

The Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence, and shall base his or her findings on the preponderance of evidence. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but if objected to, shall not be sufficient in itself to support a finding. The Hearing Officer shall submit a written record of his or her findings, conclusion and recommendation to the City Manager as soon after the conclusion of the hearing as possible and in no event later than thirty (30) working days after conducting

MV00105064

the hearing, unless the parties agree otherwise. The Hearing Officer may recommend sustaining, rejecting, or lessening the disciplinary action invoked against the employee.

11.40 CITY MANAGER'S DECISION

Upon review of the hearing record, the City Manager shall have the right to accept, modify or reject the Hearing Officer's recommendation. If the City Manager decides not to review this matter, the decision of the Hearing Officer on the appeal shall be the final administrative action. Within ten (10) working days, the City Manager should deliver a copy of his or her written decision to the employee. The decision of the City Manager shall be the final administrative action.

MV00105065

SECTION 12: GRIEVANCES

12.05 MATTERS SUBJECT TO GRIEVANCE PROCEDURES

A “grievance” is a job-related complaint by an employee regarding the terms and conditions of employment which arise out of a specific fact situation or transaction, other than discipline, that result in an alleged inequity or damage to the employee. The solution of any such grievance is wholly or partially within the province of the City to rectify and will involve the interpretation or application of existing ordinances, rules, regulations, or policies administered by the employee’s Department Head or designated authority concerning wages, hours, other terms and conditions of employment.

12.10 MATTERS NOT SUBJECT TO GRIEVANCE PROCEDURES

The following matters are not subject to the grievance procedure:

A. Employee discipline.
B. Oral or written warnings, reprimands, or counselings.
C. Employee performance evaluations.
D. Management of the City generally and issues of City or Department policy.
E. Necessity and organization of any service or activity conducted by the City including the expansion or reduction of services or workforce.
F. Determination of the nature, manner, means, technology, and extent of services to be provided to the public.
G. Methods of financing.
H. Types of equipment or technology to be used.
I. Determination of and/or change in facilities, methods, technology, means and size of the work force by which City operations are to be conducted.
J. Determination of and change in the location, number of locations, relocations and types of operations, processes and materials to be used in carrying out City functions.
K. Work assignments and schedules in accordance with requirement as determined by the City.
L. Establishment, implementation, and modification of productivity and performance programs and standards.
M. Reductions in force or layoffs for lack of work or other non-disciplinary reasons.
N. Establishment and approved modifications of job classifications.

MV00105066

O. Determination of standards, policies and procedures for selection, training, and promotion of employees.
P. Establishment, implementation, and modification of Departmental organizations, supervisory assignments, chains of command, and reporting responsibilities.
Q. Levels of compensation, pay, and benefits based upon budgetary and fiscal considerations.

12.15 FREEDOM FROM REPRISAL

No employee shall be subject to coercion or disciplinary action for discussing a request or complaint with his or her immediate supervisor, or for filing a grievance petition.

12.20 CONSOLIDATION

Grievance petitions involving the same or similar issues, filed by employees in the same representation unit, may be consolidated for presentation at the discretion of the person hearing the petitions.

12.25 RESOLUTION

Any grievance petitions resolved at any step of the grievance procedure shall be considered conclusive.

12.30 WITHDRAWAL

Any grievance petition may be withdrawn by the grievant at any time, without prejudice.

12.35 RESUBMISSION

Upon consent of the person hearing the grievance petition and the grievant, a petition may be resubmitted to a lower step in the grievance procedure for reconsideration.

12.40 EMPLOYEE REPRESENTATION

If requested, an employee may have representation in the preparation and presentation of the grievance at any step in the formal grievance procedure, except that no supervisor or Department Head shall be represented by an employee whom he or she may supervise, and no employee shall be represented by a supervisor or Department Head. The employee(s) and one employee representative are entitled to be released from work for a reasonable period of time in order to present the grievance.

12.45 MISCELLANEOUS

If an employee is given a legitimate order that he or she wishes to grieve, the employee must first complete the assignment and file a grievance later unless the assignment endangers the health or safety of the employee or others or if the requested assignment violates the employee's constitutional rights.

MV00105067

12.50 INFORMAL GRIEVANCE PROCEDURE

Every effort should be made to resolve a grievance through discussion between the employee and the employee's immediate supervisor, unless extenuating circumstances exist. If the employee is not satisfied with the decision reached through the informal discussion or if extenuating circumstances exist, the employee shall have the right to file a formal grievance in accordance with Section 12.55.

12.55 FORMAL GRIEVANCE PROCEDURE

Step I

If the employee is not in agreement with the decision rendered in the informal grievance procedure, an employee shall have the right to present a formal grievance to the Department Head within ten (10) working days after the occurrence of the incident causing the grievance, if applicable. Otherwise, the right to file a grievance petition shall be waived.

All grievances shall be submitted on the form prescribed by the Human Resources Director and no grievance petition shall be accepted until the form is complete. The written grievance shall contain a clear, concise statement of the grievance and facts upon which it is based, rule, regulation, or policy allegedly violated, and the specific remedies sought.

The Department Head should render a written decision within ten (10) working days after receipt of the written grievance.

Step II

If the grievance is not satisfactorily resolved in Step I, the employee shall have the right to submit the written grievance to the Human Resources Director within ten (10) working days after the Department Head's decision is received by the employee.

The Human Resources Director should render a written decision within ten (10) working days of receipt of the written grievance.

Step III

If the grievance has not been satisfactorily resolved in the Step II, it may be appealed to the City Manager within ten (10) working days after Human Resources Director's decision is received by the employee.

The City Manager may accept or reject the decision of the Human Resources Director, and should render a written decision within ten (10) working days after receipt of the written grievance. The decision of the City Manager shall be final and conclusive.

If mutually agreeable, a meeting may be conducted involving all affected parties at any step in the grievance procedure prior to the rendering of a decision.

MV00105068

GRIEVANCE PROCEDURES
STEP CONTACT FILE DECISION
Informal Supervisor N/A Immediate
Step I Formal Department Head
(from incident)
10 working days
from filing
10 working days
Step II Formal Human Resources
Director
10 working days
from Step I
10 working days
from filing decision
Step III Formal City Manager 10 working days
from Step II
10 working days
from filing decision
The City Manager may delegate non-involved Department Heads to act on behalf of the City Manager to render an appeals judgment in these processes. The findings and recommendations they render will be advisory to the City Manager whose ultimate decision will be final.
12.60 TIME LIMITS
Grievance petitions shall be processed from one step to the next within the time limit indicated for each step. Time limits shall be strictly enforced. Any time limits established in this procedure, may be waived or extended by mutual agreement confirmed in writing. Any grievance petition not carried to the next step by the grievant within the prescribed time limits shall be deemed resolved upon the basis of the previous disposition.

MV00105069

SECTION 13: EMPLOYEE RECORDS AND FILES

13.05 PERSONNEL FILES

A. Central Personnel Files: The Human Resources Department shall maintain a central personnel file for each City employee indicating the employee's name, title of position, the department assigned, salary, changes in employment status, performance evaluations, disciplinary documents and such other information as may be considered pertinent by the Human Resources Director. Copies of documents concerning disciplinary actions taken by the supervisor or Department Head must be placed in the employee's central Personnel file. There will be no disclosures of this information to third parties except as authorized by State or Federal law or as duly authorized in writing by the employee.

Personnel files shall be kept in locked, fireproof files located in the Human Resources Department.

B. Payroll Files: The Finance Department shall maintain a file for each City employee showing the name, title of position, the department assigned, salary, changes in employment status, W-4 forms, payroll deductions and such other information as may be considered pertinent by the Financial and Administrative Services Director. There will be no disclosures of this information to third parties except as authorized by State and Federal law, or as duly authorized in writing by the employee to third parties.

Nothing herein shall prohibit the City from keeping or placing documents in an observation file for the purpose of investigating alleged criminal conduct. For the purposes of this Section, an observation file shall not be considered a personnel file, and an employee or his or her designated representative shall not have access to observation files nor receive copies of documents placed in such files.

Unless required for a criminal investigation, an observation file on an employee shall remain open for a maximum of six (6) months. If disciplinary action by the City is warranted or if the employee is found guilty of criminal activity, documents in the observation file shall be placed in the employee's personnel file(s).

13.10 DOCUMENTS IN PERSONNEL FILES

Upon request of the employee, an employee may place documents in his or her respective personnel file that commends his or her job performance with the City or demonstrations educational attainment.

Disciplinary documents shall be placed in personnel files in accordance with Section 9.50. An employee shall be provided a copy of any documents placed in his or her personnel file(s), and may review his or her file on request.

If no further conduct requiring disciplinary action occurs, and at the employee's written request, documents concerning minor disciplinary actions shall be removed from an employee's personnel file after one (1) year or upon their incorporation in a performance evaluation, whichever occurs first. If no further conduct requiring disciplinary action

MV00105070

occurs and at the employee's written request, documents concerning major disciplinary actions shall be removed from an employee's personnel file after three (3) years, provided that such documents may be retained thereafter if they establish a pattern of conduct extending past the three (3) year period. With good cause, a department may grant an employee's request to remove the document from the employee's personnel file(s) sooner than the indicated time frames, with the concurrence of the Human Resources Director.

13.15 ACCESS TO FILES

No person other than the City Manager, Assistant City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's hiring Department Head, immediate supervisor, current Department Head, current Division Head, or their designated representatives shall have access to an employee's central or department personnel file. The Department Head must approve in writing anyone below him/her before that authorized person may review a subordinate's central personnel file. No person other than the ~~Finance~~ **Financial and Administrative Services** Director, payroll division staff, City Manager, City Attorney, or Human Resources Department staff shall have access to an employee's payroll file. Upon appointment, an employee or a person designated in writing by the employee for such purpose may inspect the contents of his or her respective personnel file(s). Upon paying the reasonable cost associated therewith, except as provided in Section 13.10, an employee or his or her designated representative may obtain copies of any documents contained in the employee's personnel file(s).

The City Council Members shall have access to the personnel files of the City Manager, City Attorney and City Clerk.

The employee may file a grievance regarding the contents of his or her personnel file(s) in accordance with the Grievance Procedure regulations outlined in Section 12.

13.20 DISCLOSURE OF INFORMATION

No direct information contained in the personnel files shall be disclosed concerning any current or former City employee other than the employee's job title, inclusive dates of employment, work location, salary, work phone number, departmental assignment, and the nature of separation, resignation, or termination, to any person other than the City Manager, Assistant City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's Department Head, Division Manager or their designated representatives. An employee or former employee may authorize access to or the disclosure of information from their file only when written permission is provided to the Human Resources Department.

Nothing herein shall preclude nor specifically deny the use of any information in personnel files in any phase of a disciplinary or probationary action.

13.25 CHANGES-IN-STATUS

It is the employee's responsibility to notify the Human Resources Department of any changes in his or her address, phone number, marital status, dependent status, name change, training certificates, or other pertinent information.

MV00105071

13.30 APPLICATION RETENTION

Applications submitted by candidates for City employment become the property of the City and must be retained for at least three (3) years.

13.35 DESTRUCTION OF PERSONNEL RECORDS

Personnel records, including employment applications, shall be destroyed only in accordance with the provisions of the City's system for the destruction of public records and then in accordance with other applicable law.

MV00105072

SECTION 14: EMPLOYEE BENEFIT POLICIES

Benefits for City employees shall be provided as outlined in the City's Benefit Plan. Further information on these benefits may be obtained by contacting the Human Resources Department.

The City retains the right to alter the benefit plan, if it finds such changes to be in the best interest of the City.

14.05 BENEFIT BANK

The City has adopted a "flexible or cafeteria" plan that will cover certain City benefits (i.e., medical, dental, vision care, etc.). Employees, other than those listed below, are not eligible for benefit bank benefits. City employees shall receive a negotiated amount of money as approved by City Council, and consistent with the current MOU, on a yearly basis in order to "purchase" benefits from the plan. These benefits are paid on a 24-pay period basis. Employees may change benefit elections only during open enrollment periods unless there is a qualifying event. Qualifying events may include, but are not limited to emergency hardships, changes in employment, or changes in family status such as, births, deaths, adoptions, marriages, or divorce, **to the extent permitted by the provisions of the benefit plans carriers**

A. Career Full-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

B. Career Part-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

C. As part of the cafeteria plan, all full-time employees, except City Council members, must purchase group medical insurance coverage for themselves, or provide proof of other medical coverage, i.e., through one's spouse's coverage, military, etc. If the City Council deems it in the City's best interest, the City, at its option, may require all employees to purchase the City's preferred coverage and not allow verification of other coverage. Once this individual medical coverage has been purchased or verified, employees may purchase any of the following options with the balance:

1. Medical Insurance: Once medical insurance has been purchased for the employee, he or she may also choose to purchase excess coverage for him or-herself or insure any dependents. Eligible employees may choose from a variety of health care providers as offered by the City. Medical benefits, plan costs, and any deductible costs may vary depending upon the insurance carrier offered by the City and chosen by the employee. Those who choose to use other kinds of medical coverage must report any change in that coverage within ~~two (2) weeks of any change of active status~~ **sixty (60) days as defined by CalPERS.** Failure to do so will result in immediate enrollment in a City offered medical plan.

MV00105073

2. Dental Insurance: Employees may purchase dental insurance for themselves and any dependents. Dental benefits and any deductible costs may vary depending upon the insurance carrier chosen by the employee.
3. Vision Care: Coverage must be purchased for all full-time career employees and may be purchased for any dependents, based upon vision care plans available to City employees.
4. Supplemental Insurance: Employees may purchase supplemental insurances for themselves or their dependents.
5. Dependent Care (Child and Elder): Employees may purchase dependent (child and elder) care reimbursement coverage through a flexible spending account. Documentation of payments with tax identification number of the provider must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.
6. Medical Expense Reimbursement: Employees may purchase medical expense reimbursement through a Flexible Spending Account. Documentation of expenses and payments must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.
7. Annual Leave Buy: Employees with unspent bank dollars may purchase up to two weeks of Annual Leave hours per year. This option is available only at open enrollment. Annual Leave hours bought must be used within the benefit year purchased. Unused Annual Leave which has been purchased will be returned to the benefit bank for cash out to the employee.
8. Cash Out Option: Employees who would have unspent bank dollars for the calendar year will receive the leftover balance as a taxable cash payment. Council members are not eligible by State law for any cash-out option of unspent bank dollars. Annual Leave hours must be requested in writing during open enrollment each year.
9. Use or Lose Provision: Flex dollars may not be carried over from one plan year to the next, according to IRS regulations. Employees who have left over funds and who do not elect additional Annual Leave hours will be paid in cash. This amount will be subject to Federal and State withholding taxes.
D. Temporary Employees are not normally entitled to the benefits of the City's cafeteria plan.

14.10 MANAGEMENT PACKAGE

Certain categories of employees are entitled to a management benefit package as a percentage of their gross annual salary. The dollar amount shall change as salary increases are received during the year. This amount will be disbursed on a 24-pay period basis. These employee categories and percentages are as follows:
A. Executive Management Employees shall receive six (6%) percent of their gross annual salary.

MV00105074

B. Division Management Employees shall receive four (4%) percent of their gross annual salary.
C. Professional/Administrative/Management Employees shall receive two (2%) percent of their gross annual salary.
This management package percentage amount may be expended in any of the flexible benefit plan options previously discussed. Other benefit options will be made available as they are approved by the City Council in accordance with applicable IRS guidelines.
14.12 AUTO ALLOWANCE:
The City provides taxable auto allowance benefits as follows:
A. Executive Management Employees shall receive a monthly auto allowance, as budgeted.
B. Division Management Employees shall receive a monthly auto allowance, as budgeted.
As outlined in the City's Vehicle Policy, certain employees may be assigned a City vehicle on a long-term basis, in lieu of the monthly auto allowance. Employees who utilize personal vehicles for City business, but do not receive an auto allowance, shall be reimbursed at the Federal mileage reimbursement rate.
If any of the above employees are assigned a City vehicle, no auto allowance will be provided.
14.15 POST RETIREMENT MEDICAL BENEFITS
A. Annuity Programs: Effective January 1, 2001, the City of Moreno Valley shall contribute a monthly amount to each exempt full-time career employee for an annuity program for 20 years or until termination or retirement, for the purpose of funding retiree medical premiums. New hire probationary employees shall not be eligible to receive the monthly contribution until the successful completion of their probationary period. The effective date of their first contribution will commence the next full month after they have passed probation.
Effective January 1, 2002, after two full years of employment, the monthly contribution to the annuity program shall increase per the negotiated language as approved by City Council. This shall go into effect the next month after their two year-anniversary date has passed.
Each bargaining unit has selected separate annuity programs.
1. Contributions for the MVCEA bargaining unit are being paid into ~~an insurance/annuity program chosen by the MVCEA~~ **the Benefit Bank.**
In the event MVCEA ceases to be the recognized representative of bargaining unit employees, the control and administration of this program shall transfer to management and the responsibility for same shall be the exclusive jurisdiction of management.

Employees may at their option contribute a portion of their compensation to the annuity subject to IRS restrictions through payroll deductions.
2. Contributions for the management bargaining unit are being paid into a Voluntary Employee Beneficiary Trust (VEBA), which manages the investment and distribution of the funds.
B. City Paid Retiree Medical Benefit: Effective January 1, 2001, upon retiring, the City shall pay a minimum of the monthly fee required by PERS for enrollment of retirees. Employees who retire **under the CalPERS retirement benefits system with a minimum of** ~~after at least~~ two years of service with the City shall be eligible to receive a benefit which is the lesser of the cost of medical coverage for the retiree and spouse, or the amount stipulated in the following table:

EFFECTIVE DATE	MAXIMUM EMPLOYER CONTRIBUTIONS
January 1, 2007	up to $168.73 per month
January 11, 2008	up to $243.73 per month
January 2, 2009	up to $318.73 per month

To receive the Retiree Medical Benefit, the retiree must submit documentation of payment for medical insurance coverage. Documentation for those enrolled with PERS Health is provided by PERS. In the event of the retiree's death, the surviving spouse continues to be eligible to receive the benefit.

14.20 PERS MEDICAL COVERAGE FOR RETIREES

The City shall contribute a monthly employer fee for retiree medical coverage with the Public Employees Retirement System (PERS), per negotiated contract language as approved by City Council. Retirees must convert to Medicare at age 65.

14.25 CITY RETIREMENT PLAN

The City provides retirement benefits for all employees through the Public Employees Retirement System (PERS). The City pays both the employee's and employer's contributions into the plan **for employees hired prior to July 1, 2009**. **Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009.** At its option, the City may change its retirement system provider upon adoption by the City Council. Prior to any changes in retirement benefits, those eligible for retirement must be notified at least 30 days in advance. Current retirement benefits are available as follows:
A. Career Full-time Employees **hired prior to July 1, 2009** receive fully-paid PERS retirement benefits. **Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**
B. Career Part-time Employees **hired prior to July 1, 2009** receive fully paid PERS retirement benefits after 1,000 hours. Before that point, the employee will have the employee's portion deducted from salary. **Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**
C. Part-time/Seasonal, Temporary Employees, and Crossing Guards who are not eligible for PERS, are required to contribute 7.5% of earnings to a PST "457" deferred compensation program. Contributions to this plan will be made through

MV00105076

payroll deduction. Employees are eligible for participation in the PERS retirement plan after 1,000 hours worked in a fiscal year; however, they are responsible for the cost of their employee portion of PERS payment.
PERS refunds may be issued ONLY if the member has permanently separated from all PERS-covered or reciprocal employment. Or, if members have been on an unpaid leave of absence for at least six (6) months, they may request a refund of their contributions prior to returning to active employment.

D. Any employee hired prior to July 1, 2009, if promoted on or after July 1, 2009, will still be eligible for all benefit rates provided for employees hired prior to July 1, 2009 for the bargaining unit the employee is in on or after July 1, 2009.

14.30 IRC SECTION 125 PLAN

The City has available to all full-time employees, an Internal Revenue Code (IRC) Section 125 account. The Health Reimbursement Option is not available until the employee has passed initial probation (normally at six months). An employee's unexpensed redirected Plan contributions from his/her salary account are forfeited and returned to the City at the end of the calendar year. See the Summary Plan Description for details.

14.35 IRC SECTION 457 PLAN

The City has available to all employees an Internal Revenue Code (IRC) Section 457 Account. Participation is voluntary for career employees. It is mandatory for temporary employees who are not yet eligible for, or enrolled in PERS.
Deferred compensation is an IRS-approved method of deferring federal and state income taxes on savings until retirement. Taxes are paid, on both savings and earnings, when they are withdrawn during retirement, or upon separation from City employment.
An employee may defer a maximum amount consistent with the most recent guidelines supplied by the IRS. The employee may increase, decrease, stop and restart voluntary contributions at any time by contacting the Human Resources Department.
In accordance with IRS rules, an employee may not withdraw these assets unless there is a bona fide emergency which is unforeseeable, unbudgetable, severe, beyond the employee's control, and must represent a last resort. ~~A request for emergency withdrawal must be documented and supported in writing to the Human Resources Director.~~ **All financial hardship requests for withdraw of funds must be made directly to the 457 plan provider.**

14.36 IRC SECTION 401A PLAN

Certain management employees may voluntarily enter into a 401(a) Money Purchase Plan to provide additional retirement benefits. The employee contribution is a mandatory fixed amount for everyone within a management group, and is limited to the maximums allowed by law. ~~Open Enrollment is the only opportunity to join the plan~~. **Eligible employees wanting to enroll into the plan must do so within the first thirty (30) days after being hired, or during the annual open enrollment period.** Once enrolled, the participant must remain in the plan. Participant contributions are structured with pretax dollars. Earnings accrue tax deferred. Participants may contribute to both a deferred compensation and a money purchase plan. Accounts are individual and loans may be made from the account.

PAM-Confidential employees receive $750.10 per fiscal year ($28.85 per pay period) in a City sponsored 401 (a) Plan.

MV00105077

14.40 LIFE INSURANCE

The City provides term life insurance coverage for all City employees. Coverage becomes effective on the first day of the month which follows the first thirty (30) days of employment with the City. The premium is paid by the City. The amount of coverage is determined as follows:

A. Executive Management and Division Management Employees shall receive term life insurance at an amount, which is three (3) times their salary (rounded to the nearest thousand) not to exceed $300,000.

B. Professional/Administrative/Management Employees shall receive term life insurance at an amount, which is two (2) times their annual salary (rounded to the nearest thousand).

C. General Non-Exempt and Career Part-time Employees shall receive term life insurance at an amount, which is two (2) times, their annual salary (rounded to the nearest thousand) or $50,000.00, whichever is greater.

D. City Council Members shall receive $50,000 of term life insurance.

E~~D~~. The City's death benefit to survivors of a member who dies prior to retirement shall be the PERS 1959 Survivor Level IV Option (Section 21574). It provides for a monthly allowance for the surviving spouse with two children $2280, spouse and one child $1900, and spouse alone $950. The City's retired member PERS lump sum death benefit paid to beneficiaries is $500.

14.45 DISABILITY INSURANCE

Disability Insurance is determined as follows:

A. City Disability Insurance:

The City provides short-term disability insurance to all Career employees who work a minimum of thirty (30) hours per week and who are disabled primarily as a result of a non-work-related illness or injury. This benefit commences after 30 calendar days of disability. In order to be eligible for benefits, an employee must be totally disabled for one month before benefits become payable. For the first twenty-four (24) months of a disability, "totally disabled" means that a former employee is prevented by disability from doing all the material and substantial duties of his or her job. If the disability persists beyond twenty-four (24) months, the former employee is re-evaluated to determine whether he or she can be rehabilitated for another career. If the employee can be rehabilitated, the employee is eligible for Rehabilitative Employment Services. If the employee cannot be rehabilitated for any career, total disability payments will continue.

An eligible employee may receive sixty-six and two-thirds (66⅔ %) percent of his or her salary, up to a maximum monthly amount of ~~$11,000~~ **$14,000**. This income is subject to taxes because the premiums are paid for by the City. Any other income benefits an employee may receive as a result of employment shall be

MV00105078

subtracted from the monthly benefit payment. An eligible employee may continue to receive benefits up to the age of sixty-five (65). Between the ages of sixty-five (65) and seventy (70), benefits are awarded on a sliding scale. The remaining amount shall be taken from applicable leave accruals until they are exhausted and the person goes on leave without pay, see Section 7.40, Pregnancy Disability Leave and Section 7.50, Leave of Absence Without Pay. The City agrees to maintain a long term disability salary continuance program that pays the above described benefits for job-related disabilities when the employee is still on the City's payroll after a minimum 180 calendar day elimination period up to age 65. Workers' Compensation information can be found in Section 7.60 of the City of Moreno Valley's Personnel Rules.

B. Continuation of Accruals and Benefits

The City shall extend payment of the medical insurance contribution for career full-time employees up to an additional ninety (90) calendar days during a twelvemonth period while an employee is disabled due to a non-work-related illness or injury. Such an extension of medical coverage shall take effect when existing coverage would otherwise expire. **Career full-time employees on paid leave will continue to accrue Annual Leave at their normal rate; however, employees on unpaid leave will not accrue Annual Leave. During an authorized leave under an FMLA leave, career full-time employees will be retained on the City's health insurance program under the same conditions and coverage levels that applied before the leave commenced. Employees' benefits continue as long as the employee is still on disability and the City paid benefits after 30 consecutive working days of being on Non City Paid Payroll Status. The employee must then convert to Consolidated Omnibus Budget Reconciliation Act (COBRA) status and pay for health insurance premiums, or if eligible, may consider applying for CalPERS disability retirement.**

Employees not classified as career full-time shall not accrue any leave or receive any benefits once all of their accrued time (Annual Leave or compensatory time) has been exhausted.

14.50 UNEMPLOYMENT COMPENSATION

As required by State law, all City employees are covered under the California Unemployment Compensation Program. Further information can be obtained by contacting the local State of California Employment Development Department or the Human Resources Department.

14.55 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Depending on budget and other considerations, the City may provide an employee assistance program. The EAP provides short term counseling and other services to assist employees and their families to deal with personal and emotional problems which affect or might potentially affect their job performance. This counseling is confidential and free to the employee.

14.60 MEDICARE

By law, employees hired after April 1, 1986, must have a certain percentage (currently 1.45%) deducted from their gross pay for Medicare. The City will deduct the employee contributions in accordance with Federal law. The City shall pay the employer's share, which is equal to the employee's share.

The above policies are based on Federal law and may change from time to time.

MV00105079

SECTION 15: SPECIAL COMPENSATION

15.05 STAND-BY

A stand-by roster shall be comprised of City employees from designated departments or divisions who have volunteered to be on call and available to work after regular working hours. A stand-by assignment period shall be for ~~seven (7) consecutive calendar days~~ a **period of days** starting ~~on Friday at 4:00 p.m.~~ **at the time and on the day determined by the departmental coverage requirements and as approved by the employee's manager. Under some circumstances the period is not a seven consecutive day period.** An employee on stand-by will be permitted to take home a City vehicle equipped with appropriate tools and supplies for use when called out on stand-by. The City will pay general employees (non-Animal Control Officers) a dollar amount per the negotiated language of the current MOU, as approved by City Council, per regular shift, Monday through Friday, and for weekends and holidays. **The current Stand-by Pay amounts are $20.00 per day on Monday through Friday, and $25.00 per day on Saturday, Sunday and Holidays.**

The designated department or division supervisor shall be responsible for scheduling his or her employees for stand-by duty and for providing duty rosters to the Police Department. The Police Department will be given a roster of employees with their standby duty dates, home telephone numbers, and pager numbers and codes. Once assigned to specific stand-by duty, employees may not trade stand-by assignments, except with the prior approval of the designated supervisor.

For general employees, compensation for call out hours worked will be paid at time-and one-half for the number of hours actually worked. A minimum of two (2) hours shall be credited as time worked for each call out. For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. An employee on stand-by will be compensated an additional dollar amount, per the negotiated language, as approved by the City Council, for each 7-day week of stand-by duty. Stand-by pay is at the rate of an amount per the negotiated language as approved by the City Council per day (M-F). Stand-by pay will be increased to an amount per the negotiated language in the current Memorandum of Understanding, per day for weekends and holidays.

For Animal Control Standby (Night Truck), the City will pay a dollar amount, per the negotiated language as approved by City Council per regular shift, Monday through Friday, and pay an amount, per the negotiated language as approved by City Council for weekends and holidays. Call out pay will be at the overtime rate with a one-hour minimum. Work time includes 15 minutes each way of travel time for the trip to and from work or the actual time, whichever is less.

An employee assigned to stand-by duty must be available to respond to emergency calls at all times. This requires that the employee remain within fifteen (15) minutes travel time of his or her normal work station during the entire stand-by period. The employee must refrain from consuming alcoholic beverages or other substances which could impair his or her effectiveness or safety on the job. Violation of this policy shall result in disciplinary action, as outlined in Section 8.35 of the Personnel Rules.

Nothing herein shall be construed to require that the City establish stand-by duty for employees in any department or division.

MV00105080

15.10 CALL-BACK

In the event employees who are not assigned to stand-by duty are called back to work during normal off-duty hours to protect the public health or safety, they will be compensated at time-and-one-half for actual time worked, with a minimum of two (2) hours credit for each call out (one for Animal Control). For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. Call back shall be defined as having to return to work after having left work.

15.15 BILINGUAL PAY

Bilingual compensation will be implemented for staff who occupy positions designated as ones in which second language skills are utilized. Employees shall receive an amount per the negotiated language as approved by City Council.

15.16 SAFETY EQUIPMENT

Employees in qualified trade occupations will receive **an** annual **stipend** ~~vouchers with a local vendor~~ to purchase shoes, jackets, and/or Sam Brown belts in an amount per the negotiated language as approved by City Council.

The City provids uniforms for employees in the Security Guard job classification.

MV00105081

SECTION 16: TRAINING

16.05 TRAINING

The City recognizes the importance of employee development and training. In an effort to improve the capabilities and effectiveness of City personnel, a training program has been established. This training effort shall be geared to both organizational improvement and individual employee development. This development shall not only be the responsibility of Department heads or supervisors, but shall be shared with employees in a total organizational effort.

16.10 IN-HOUSE TRAINING

Employees who have training, knowledge or expertise in a subject area, or have recently attended a seminar or conference in a given subject matter, may be asked to share this information with other employees. Such in-house training may be informal or formal depending upon the nature of the training and can include any variety of topics such as computers, copiers, telephones, supervisory, writing skills, etc.

16.15 DEPARTMENTAL TRAINING

City departments and divisions are encouraged to offer specialized training to their employees. Such training shall be the responsibility of the Department or Division Head and may include topics such as safety, equipment operation and other training in their specific fields of responsibility.

16.20 TRAINING COURSES

The City shall encourage local educational resources to offer courses and workshops at City facilities on matters in which employees of several departments may benefit. Such courses may be offered periodically in such areas as management, supervision, communications, time management, stress management, writing skills, etc.

16.25 SEMINARS AND CONFERENCES

Employees may attend seminars or conferences covering current issues and areas relevant to their positions under the following conditions:

A. Employees must submit their request on forms prescribed by the Finance**ial and Administrative Services** Department and follow all applicable procedures.

B. Budgeted funds must exist for all such training and any travel. In-state attendance shall require Department Head approval while out of state travel shall require the approval of the City Manager.

C. Employees must comply with the City's Administrative Travel Policy and provide necessary receipt documentation.

D. Employees who have recently received such training must be willing to provide "in-house" training to other employees, if requested.

MV00105082

16.30 TUITION REIMBURSEMENT

Subject to the **pre-**approval of the Department Head, Human Resources Director, and City Manager (or designee), employees may be reimbursed for the cost of pre-approved, job-related, **accredited,** educational and other training courses based upon proof of successful completion **up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30)**. This proof includes a grade "C" or better of the course(s), and must be part of a **recognized associate's degree, bachelor's degree, or master's degree** program **related to the employee's current job, and the program must be part of a school, college or university that is accredited by a U.S. Department of Education authorized accrediting organization, e.g. Western Association of Schools and Colleges (WASC)** ~~leading to an Associate's degree, undergraduate or graduate degree~~. Further, employees may be reimbursed for certain pre-approved, job related training courses based on the approvals as stated above.

Classes taken which are offered as part of the City's official training program do not count against tuition reimbursement.

Any educational or training course that is a requirement for continuation of employment or is an identified part of a job evaluation shall be paid for by the City. Any other educational course that is job-related may, if prior approval for reimbursement is given by the City Manager (or designee), be reimbursed at 100% or less after successful completion. All college or other graded classes shall require a minimum grade of a "C" in order to receive such reimbursement. Books or other materials shall only be paid if some defined benefit can be shown to the City (i.e. books become part of City reference library).

In general, training time during working hours shall be considered part of the job. Unless the City directs an employee to attend a specific training course, and the course is not available during work hours, training after hours shall be considered voluntary, and no additional pay, overtime or compensatory time shall be given by the City, unless advance special written approval is granted. Study time shall be considered completely voluntary.

Although the City encourages employees to pursue additional education, the City shall not pay for educational degrees or for education in general, but will only reimburse employees for required or job-related classes and training. No reimbursement shall occur if an educational class does not provide a benefit to the City. There is no mileage reimbursement for travel to and from educational classes. Required forms must be completed and necessary documentation (receipts and grades) must be provided, in order to receive reimbursement. Final and conclusive determinations of the reimbursement amount shall be made by the City Manager after review of the request and recommendations by the Department Head and the Human Resources Director.

16.35 TRAINING AND TRAVEL REIMBURSEMENT

Non-exempt employees shall receive training and travel reimbursement as provided in this Section.

Time spent in attending lectures, meeting, training programs, and similar activities during work time shall be counted as time worked only if authorized in advance and in writing by the employee's Department Head. No such authorization shall be given unless the lecture, meeting, program, or other activity is directly related to improving the employee's ability to perform his or her job.

MV00105083

Time spent in attending lectures, meetings, training programs, and similar activities shall not be counted as time worked where such attendance is outside of the employee's regular working hours, except in situations where the employee is directed by his or her Department Head to attend such lecture, meeting, training program, or similar activity. Leisure and meal times are not considered time worked unless they are part of the seminar.

Time spent by an employee traveling between the employee's residence and the regular workplace is not work time and shall not be treated as hours worked. When an employee is assigned by his or her Department Head to travel outside of the City, time spent traveling between the employee's home and assigned destination shall be treated as time worked, only to the extent that it exceeds the amount of time normally taken by the employee to travel between his or her residence and regular workplace.

When an employee is assigned to travel outside the City, return the same day, and he or she utilizes public transportation, the time spent traveling between the employee's home and the location of the public carrier (i.e. airport, bus station, train station) shall not be treated as time worked. However, time spent traveling to a final destination via public carrier is considered time worked.

Employees shall receive mileage and travel reimbursement in accordance with provisions outlined in the City's Administrative Travel Policy.

MV00105084

APPENDIX A

TESTING FOR ALCOHOL AND DRUGS

Toward reaching this goal of a drug and alcohol free workplace, the City may conduct pre-employment drug or alcohol testing of applicants for City positions. Pre-employment drug or alcohol tests shall apply only to non-City employees; City employees who apply for another City position shall not be subject to pre-employment drug or alcohol tests. Any applicant who tests positive shall not be hired by the City.

The City also reserves the right to require than an existing employee undergo testing of the City determines that probable cause exists to believe that the employee is under the influence of any illegal drug or controlled substance, as identified in this Section. Employees who (1) refuse to submit to a drug or alcohol test immediately when requested by authorized City or law enforcement personnel; (2) refuse to submit to a search of personal properties if requested by law enforcement personnel; or (3) are "convicted" of a "criminal drug or alcohol statute" violation, shall be subject to the disciplinary procedures which are outlined in these Rules.

All City lockers, desks, cabinets, vehicles, phone voice mail, e-mail, computer files, and disks are the property of the City and are subject to search without the employee's consent by City management at any time with or without notice. Refusal to cooperate with a search may result in a disciplinary action, up to and including termination. Unless the Supervisors are directed otherwise by the Human Resources Director, employees will be given the opportunity to be present when the search is conducted.

In appropriate cases, such as a first offense, the City should make every effort to place an employee with an available employee assistance program or service for the purposes of rehabilitation, in-lieu of disciplinary action or criminal prosecution. If, in such cases, the employee refuses to attend an employee assistance program or service, he or she will be subject to the disciplinary procedures which are outlined in these Rules.

Any reports or complaints which are filed as a result of this Section or the "Drug and Alcohol Free Workplace Policy" and are determined to be malicious, vexatious, or not in good faith, shall not be tolerated. In such cases, the complaining individual shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to drug or alcohol use.

A. EMPLOYEE RESPONSIBILITIES

An employee shall:

MV00105085

1. Not report to work or be subject to duty (i.e., paid stand-by time) while the employee's ability to perform his or her duties is materially impaired due to drug and/or alcohol use.
2. Not report to work with alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) in their systems or the odor of alcohol on their breath, or possess or utilize such substances while they are on duty or subject to duty or during meal periods or breaks.
3. Not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on-call, on breaks, or during meal periods.
4. Not directly or through a third party sell, purchase or provide drugs and/or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to duty.
5. Submit immediately to a drug and/or alcohol test when requested by an authorized City representative, who has probable cause to suspect drug or alcohol abuse or material impairment there from. The employee may request a representative when being tested for probable cause. The representative may be a bargaining unit representative or another employee of choice who shall be immediately available.
6. Before beginning work, notify his or her supervisor when taking any drug or medication (non-prescription or prescription), which may interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to perform assigned duties safely and effectively while using such drugs, clearance from a qualified physician may be required before the employee is allowed to resume his or her regular duties.
7. Have the opportunity, within twenty-four (24) hours (or by the close of the next business day) of request by an authorized City representative, to provide verification of a current prescription for any potentially impairing drug or medication which is identified in a drug test. The prescription must be in the employee's name.
8. Employees shall notify their supervisor of any criminal drug and/or alcohol statute conviction for a violation, no later than five (5) days after such conviction.
9. In the event that an employee suspects that his or her manager or supervisor is under the influence of drugs and/or alcohol, the employee may submit a written or oral complaint, which contains detailed evidence regarding the allegation of substance abuse to his or her department head or the Human Resources Director. Such complaints, if made in good faith, may be made without fear of reprisal. If the written or oral complaint establishes probable cause, the manager or supervisor may be requested to submit to a drug and/or alcohol test.

MV00105086

B. MANAGEMENT RESPONSIBILITIES

Managers and Supervisors shall:

1. Be responsible for enforcing this policy in a fair and consistent manner.
2. Work with the Human Resources Department to encourage employees to utilize an available employee assistance program when the employee's job performance is deteriorating or unsatisfactory, the employee does not respond to supervisory remedies, or when a specific on-the-job incident is cause for concern. As the supervisor's role is to monitor job performance, the supervisor should not attempt to diagnose an employee's problem.
3. Request through the Human Resources Department that an employee submit to a drug and/or alcohol test when a manager or supervisor has probable cause or a reasonable suspicion that an employee is impaired or under the influence of drugs or alcohol while on the job or subject to duty.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- Slurred speech;
- Alcohol or other suspicious odor (i.e. marijuana on breath);
- Unsteady walking and movement
- An accident involving City property where it appears that the employee's conduct may be at fault;
- Physical or verbal altercation;
- Wide and severe mood swings;
- Blank, glassy-eyed stare;
- Inability to perform work properly;
- Behavior which is unusual for the employee;
- Possession of drugs and/or alcohol in the workplace or on City property.

4. Work with Human Resources and document within forty-eight (48) hours of requesting an employee to submit to a drug and/or alcohol test, in writing, the facts constituting reasonable suspicion that the employee in question is impaired or under the influence of drugs and/or alcohol.
5. Remind the employee of the requirements and disciplinary consequences of this policy when encountering an employee who refuses an order to submit to a drug and/or alcohol analysis. Where there is reasonable suspicion that the employee is impaired, or under the influence of alcohol or drugs, the manager or supervisor shall require the employee to remain

MV00105087

on the premises for a reasonable amount of time until an authorized City representative or law enforcement representative can arrange to transport the employee to a testing facility, or home in the event of the employee's refusal to submit to a drug or alcohol test. Any time spent remaining on the premises at the request of a supervisor or manager or time spent for City-required drug and/or alcohol testing shall be considered work time and shall be paid for by the City.

6. Not confiscate prescription drugs or medications from an employee who has a valid prescription for such. The prescription must be in the employee's name.

7. Deal with suspected offenders as discreetly, inconspicuously, and respectfully as possible.

8. Notify their Department Head or designee, and Human Resources, when they have probable cause to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City. If the Department Head or designee concurs that there is probable cause to believe that an employee is in possession of illegal drugs, the manager or supervisor shall not physically search employees or their personal possessions, but should request that they remain on the premises until the appropriate law enforcement agency has arrived. Also, the department head or designee shall notify the Human Resources Department as soon as possible.

9. May search areas which are jointly or fully controlled by the City after conferring with the Human Resources Department. In the event such an area is occupied by a Peace Officer all searches shall be consistent with Government Code Section 3309 (Police Officer Bill of Rights).

10. Management shall not use authority under these rules to unlawfully harass, intimidate, or discriminate against employees.

C. ENFORCEMENT

Employees reasonably believed to be impaired, or under the influence of drugs and/or alcohol, shall be prevented from engaging in further work and shall be monitored for a reasonable time until he or she can be safely transported from the work site. In no event should the individual be allowed to operate a vehicle while impaired, including driving home from work.

Refusal to submit immediately to a drug and/or alcohol analysis when requested by City management or law enforcement personnel shall constitute insubordination and may be grounds for discipline up to and including termination.

D. PHYSICAL EXAMINATION AND PROCEDURE

A drug and/or alcohol test may be administered by the City for any substance which could impair an employee's ability to effectively and safely perform the

MV00105088

functions of his/her job. All testing (including the sample collection, chain of custody and laboratory services) shall be conducted in accordance with Substance Abuse and Mental Health Services Administration (SAMHSA) and Department of Health and Human Services approved procedures.

E. RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

Post-Employment Offer Medical Examination

A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standard, duties or responsibilities.

If a drug screen is positive, and a result of the post-employment offer medical examination, the applicant must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid current prescription for the drug identified in the drug screen to the Human Resources Department. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

During Medical Examinations or Drug and/or Alcohol Tests

A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.

If the drug screen is positive, the employee must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid prescription for the drug identified in the drug screen, to the Human Resources Department. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action, up to and including discharge.

If a drug and/or alcohol test is positive, the City shall conduct an investigation to gather all the facts. The decision to discipline or discharge will be carried out in conformance with this section.

F. CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate, confidential medical folder that will be securely kept under the control of the Human Resources Director. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

MV00105089

SUPPLEMENT TO THE DRUG AND ALCOHOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS

Effective January 1, 1996, the City of Moreno Valley must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991 and subsequent revisions. Specifically, the City must comply with the regulations of the Federal Motor Carried Safety Administration (FMCSA). Adoption of a policy is one of the City's obligations under the regulations. Where applicable to the City, the requirements of those regulations are reflected in this policy. This policy sets forth the rights and obligations of covered employees. If you are an employee covered under these new requirements, you should familiarize yourself with the Policy provisions BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.

In addition, employees are required to comply with the applicable provisions of the supplement to the Drug and Alcohol Free Workplace Policy.

A. EMPLOYEE QUESTIONS

The regulations required that employers designate a person to answer employee questions about drug and/or alcohol testing. Employees shall refer any questions regarding his or her rights and obligations under the new regulations to the Designated Employer Representative (DER) which is the Human Resources Director or designee for this federally mandated program.

B. COVERED EMPLOYEES

Overall, the regulations cover drivers of commercial motor vehicles. A driver is any person who operates a commercial motor vehicle on a full-time, casual, intermittent, as-needed, or occasional basis. Employees in these job classifications may be required to drive commercial motor vehicles at least on an occasional basis.

Therefore, employees in those job classifications (and applicants for such positions) are considered a covered employee subject to the provisions of this policy. For the purposes of the post-employment offer medical examination, the term "driver" includes persons applying for employment in a position requiring the driving of a commercial motor vehicle on at least an occasional basis.

New employees or employees shall be given a copy of this policy at the time they commence employment with the City. All covered employees currently employed by the City at the time this policy is adopted shall be given a copy thereof within ten (10) days of its adoption. All covered employees will also be asked to sign the Acknowledgement / Receipt Form indicating receipt of a copy of this policy. This policy shall be posted immediately and was effective on January 1, 1996.

C. COVERED COMMERCIAL VEHICLES

The regulations cover drivers of the following commercial motor vehicles:

MV00105090

1. A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. A vehicle with a gross vehicle weight of at least 26,001 pounds.
3. A vehicle designed to transport sixteen (16) or more passengers, including the driver; or
4. A vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

D. SAFETY-SENSITIVE FUNCTIONS

The performance of any of the following on-duty functions by a covered employee in connection with that employee's operation, or scheduled operation, of a commercial motor vehicle is considered to be a safety-sensitive function.

1. All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment such as brakes, steering mechanism, lights, tires, horn, windshield wipers, mirrors, or coupling devices; or otherwise inspecting, servicing, or conditioning any commercial motor vehicle.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle, or time spent performing driver requirements relating to accidents.

E. PROHIBITED CONDUCT

Covered employees may not have a measurable amount in their system or be in possession of controlled substances or alcohol during any work hours. Further, the regulations specifically prohibit certain conduct prior to performing and while performing safety-sensitive functions. The following conduct is prohibited and may result in discipline, up to and including termination:

MV00105091

1. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions while having an alcohol concentration level of 0.04 or greater.
2. Performing a safety-sensitive function within four (4) hours after using alcohol.
3. Being on duty or operating a vehicle, as described in Section C, while possessing alcohol.
4. Using or possessing alcohol while performing a safety-sensitive function.
5. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions when the employee has used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee (who in turn must notify his/her supervisor) that the substance does not adversely affect the employee's ability to safely operate a vehicle.
6. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions if the employee tests positive for controlled substances.
7. Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test shall be treated in the same manner as an employee who tested 0.04 percent or greater on an alcohol test or tested positively on a controlled substance test.
8. A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:
• A refusal to provide a urine sample drug test.
• An inability to provide a urine sample within the three (3) hour allowed time without a valid medical explanation.
• A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test.
• An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation.
• Tampering with, attempting to adulterate, or substituting the urine specimen or collection procedure.
• Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested.

MV00105092

• Leaving the scene of an accident without authorization from a supervisor or manager (who, in conjunction with the Human Resources Department, shall make a determination whether to send the employee for a post-accident drug and/or alcohol test), unless the employee has a valid reason for not obtaining such authorization.

9. Consuming alcohol during the eight (8) hours immediately following an accident, unless the covered employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

10. Use of prescribed drugs are not in direct violation of the City's policy, however inappropriate use or prescribed use that may substantially impair job performance, alter behavior, and/or create a risk to the health and safety of the employee or others, is in direct violation of the City's policy.

In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Action of 1988.

Covered employees are also reminded that they shall inform their supervisors of any over the counter or prescription medication prior to engaging in any safety sensitive function.

F. CONSEQUENCES FOR EMPLOYEES FOUND TO HAVE ALCOHOL CONCENTRATION LEVELS OF 0.02 OR GREATER BUT LESS THAN 0.04

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 shall be removed from his/her safety-sensitive position for at least twenty-four (24) hours. Such an employee may be subject to discipline up to and including termination. The City shall then retest the employee. Before the employee may be returned to his/her safety-sensitive position, the employee's alcohol concentration must indicate a concentration below 0.02 percent.

G. CIRCUMSTANCES UNDER WHICH DRUG AND/OR ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES

1. Post-Employment Offer Testing

a. All applicants (whether by initial application or in connection with a transfer) for positions involving the performance of safety-sensitive functions shall be required to submit to post-employment offer/pre-duty drug testing. Applicants will not be hired for or transferred to a safety-sensitive position if they do not pass the test or if they refuse to consent to a drug/alcohol test.

2. Post-Accident Testing

MV00105093

a. Post-accident drug and alcohol testing shall be conducted on employees following an accident involving injury(s) and/or repair costs.
b. Post-accident alcohol tests shall be administered within two (2) hours following an accident and no test may be administered after eight (8) hours. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident.
3. Post-Accident Testing (urine sample)
a. Conducted after accidents on safety-sensitive employees who have been in an accident involving a human fatality; or a citation has been issued in one of the following situations:
i. There has been bodily injury with the need for immediate medical attention away from the scene, or
ii. There has been disabling damage to any motor vehicle requiring tow away. (Refer to Federal Motor Carrier Safety Regulations, sections 391.113 and 391.117).
Following an accident, the employee shall remain available for drug and/or alcohol testing, or may be deemed to have refused to submit to testing. This rule does not require the delay of necessary medical attention for injured people following an accident, nor does it prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.
4. Random Testing
Covered employees will be subject to random alcohol and drug testing as follows:
A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e. driving), while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The City will subject at least ten (10) percent of the total number of covered employees to random alcohol testing per year.
A random drug test will be administered to at least fifty (50) percent of the total number of covered employees per year. A covered employee may be subjected to drug testing even on a day in which the employee is not expected to perform a safety-sensitive function. To ensure that the process is in fact random, all covered employees, whether or not they have been chosen for testing in the past, will remain in the pool of employees for each subsequent period. This procedure assures that the probability of any individual being selected each period is always the same, whether or not the individual was selected in previous period.

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On the date an employee is selected for random drug and/or alcohol testing, his/her supervisor will verify he/she is on the list of those to be tested.

5. Reasonable Suspicion Testing

"Reasonable suspicion" means that the trained supervisor believes that the actions, appearance, speech, body odors, or conduct of an on-duty employee are indicative of the use of drugs or alcohol. The witness must directly observe the behavior. Hearsay or second-hand information is not sufficient cause to require an employee to submit to a drug and/or alcohol test. The determination that a reasonable suspicion exists to require an employee to undergo an alcohol concentration test must be based on short-term specific, objective, contemporaneous, articulable facts concerning the behavior, appearance, speech, or body odors of the employee. The determination must be based upon observations of the trained supervisor making the determination, and may not be based upon hearsay.

The trained supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test. The trained supervisor witnessing the impairment must document the specific observations under which the reasonable suspicion is based. The reasonable suspicion alcohol test will be administered within two (2) hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight (8) hours following the observation.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and/or alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substance use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Any reports or complaints which are filed as a result of this section and are determined to be malicious, vexatious or not in good faith, shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to alcohol use.

6. Return to Duty/Follow-up Testing

A covered employee who has violated any of the prohibitions of this Policy must submit to a return-to-duty test before he/she may be returned to a position requiring the performance of safety-sensitive functions. The test result must indicate an alcohol concentration of less than 0.02 percent or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest

MV00105095

during the first year of recover, the employee will be subject to follow-up testing, which is separate from the random testing obligation. The employee will be subject at least six (6) unannounced drug and/or alcohol tests during the first year back to the safety-sensitive position following the violation.

A substance abuse professional can direct additional testing during this period or for an additional period up to a maximum of sixty (60) months from the date the employee returns to duty. The Substance Abuse Professional can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the Substance Abuse Professional determines that additional testing is no longer necessary and is supported by the employer. Follow-up testing may include tests for other substances beyond the employee's initial positive test of alcohol and/or drug use when the Substance Abuse Professional has reason to suspect other drug or alcohol use during the follow-up period.

H. PROCEDURES TO BE USED FOR DETECTION OF DRUGS AND ALCOHOL

1. Alcohol Testing

Alcohol testing shall be conducted by using an evidential breath testing devise (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests. A screening test shall be conducted first. This initial screening may be accomplished using a saliva test kit. If the result is an alcohol concentration level of less than 0.02 percent, the test is considered a negative test. If the alcohol concentration level is 0.02 percent or more, a second confirmation test using the EBT shall be conducted.

The procedures that shall be utilized by the lab for collection and testing of the specimen are attached hereto as Appendix "B".

2. Drug Testing

Drug testing is a two-stage process. First, a screening test is performed. If it is positive for one or more drugs, then a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. The GC/MS confirmation ensures that over-the counter medications or preparations are not reported as positive results.

All urine specimens are analyzed for the following drugs:

- Marijuana (THC Metabolite)
- Cocaine
- Amphetamines

MV00105096

• Opiates (including Heroin)
• Phencyclidine (PCP)

Drug testing will be conducted pursuant to the procedures set forth in Appendix "C"

I. REFUSAL TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST

As set forth in this Policy, a covered employee who refuses to submit to any required drug and/or alcohol testing shall be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

A job applicant who refuses to consent to a drug and/or alcohol test will be denied employment with the City of Moreno Valley. An employee's failure to submit to drug and/or alcohol testing required by the City for any reason may result in disciplinary action, up to and including termination.

Where there is reasonable suspicion that the employee is then under the influence of drugs and/or alcohol, the manager or supervisor shall arrange for the employee to be safely transported home after the testing. An employee shall not be permitted to transport him/herself.

J. CONSEQUENCES OF FAILING A DRUG AND/OR ALCOHOL TEST

It is the employee's responsibility to inform the City if he/she has a substance abuse problem and needs assistance to solve the problem, prior to taking (and possibly failing) the drug and/or alcohol test.

A positive result from a drug or alcohol test may result In disciplinary action, up to and including termination in accordance with this policy.

If a covered employee is not terminated, the employee:

1. Must be removed from performing any safety-sensitive functions.
2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her drug or alcohol abuse. The City is not required to pay for this treatment
3. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) that indicates an alcohol concentration level of less than 0.02 percent or a negative result on a controlled substances test.
4. Shall be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.

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K. ALCOHOL MISUSE OVERVIEW

A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user. Alcohol is a drug. It is a central nervous system depressant that slows the body's functions. For some people, the use of alcohol can become addictive. The body develops a tolerance for alcohol, thus needing more of the drug to achieve the same effects. Once addicted to alcohol, the body experiences withdrawal symptoms when alcohol is not present in the bloodstream. Alcohol addiction, or alcoholism, is a disease. If left untreated, alcoholism is progressive as the damage to the body continues, and if unchecked may be ultimately fatal.

Alcohol misuse, alcohol abuse and alcoholism affect an individual's work performance. Alcohol, even in very small amounts, affects the user's judgment, reflexes, thinking ability, coordination, and attention. Alcohol is particularly dangerous when an individual needs to make a decision and act in an emergency or unfamiliar situation. Alcohol in a person's bloodstream affects one's ability to operate a vehicle or complex machinery, and to perform any safety-sensitive related tasks. Coming to work with a "hangover" also affects an employee's ability to perform. Hangover symptoms may include diminished clarity in thinking, tremors that reduce fine motor coordination, and flu-like feelings that decrease alertness and well being.

Alcohol misuse, alcohol abuse and alcoholism also affect an individual's personal and family life. Heavy alcohol drinkers have more illness and medical conditions requiring treatment. Financial and legal complications from excessive drinking are common problems. In the late stages of alcoholism, the individual's life is centered on alcohol; family, job, friends (except drinking buddies) are unimportant and ignored.

The following are indicators that alcohol may be a problem in an individual's life:

- Excessive use of Annual Leave because of heavy drinking or hangover.
- Monday and Friday absences from work; days before and after holidays.
- Making repeated promises to family/friends to "cut down" or stop drinking.
- Needing increasing amounts of alcohol to "feel good" or "get high."
- Morning shakes or tremors that are relieved by taking a drink.
- Being arrested for drunk driving.
- Refusing to participate in leisure activities where alcohol is unavailable.
- Experience periods of "blackout" when drinking (not remembering some events or situations that occurred while drinking).

MV00105098

• Mood swings and unreasonable resentments towards others.

ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical or mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

A. SIGNS AND SYMPTOMS OF ALCOHOL USE

1. IMMEDIATE EFFECTS OF ALCOHOL

• Odor of alcohol on breath
• Initial stimulation followed by depressed nervous system.
• Flushed skin
• Glazed appearance of eyes
• Slowed reaction rate
• Slurred speech
• Dulled mental processes
• Lack of Coordination

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

2. CHRONIC AND LONG TERM HEALTH EFFECTS

The chronic consumption of alcohol that averages three or more servings per day of an alcoholic beverage over time may result in the following health hazards: (one serving of beer is 12 oz., one serving of wine is 6 oz., and one serving of 80 proof liquor is13 oz.)

• Nutritional deficiencies and sleeping difficulties
• Impaired short-term memory and the inability to concentrate
• Brain and nervous system damage
• Liver damage
• Digestive problems (gastric ulcers)

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• Higher likelihood of stroke, coronary problems
• Disease of the pancreas and kidneys
• Birth defects in children of heavy-drinking women (up to 54 percent of all birth defects are alcohol related)
• Physical and psychological dependence (up to 10 percent of all people who drink alcohol become dependent on alcohol and can be termed “alcoholic.”)
• Increased cancer of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma

3. ALCOHOL’S EFFECTS ON SOCIETY

• Two-thirds of all homicides are committed by people who drink prior to the crime.
• Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
• Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
• The rate of separation and divorce in families with alcohol dependency problems is seven times the national average.
• Forty percent of family court cases have alcohol-related problems.
• Alcoholics are 15 times more likely to commit suicide than other segments of the population.

4. WORKPLACE ISSUES

• It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage through the body.
• Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
• A person who is legally intoxicated is six times more likely to have an accident than a person who is sober.

5. CONFIDENTIALITY PROCEDURES FOR INTERNAL CONTROL

Laboratory reports or test results shall not appear in an employee’s general personnel file. The Human Resources Department will keep information of this nature under their control in a separate confidential medical file. Supervisors, managers, and other staff with such knowledge are not to discuss or disclose the results of any employee’s drug and/or

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alcohol tests with other employees, except under approved reasons as delineated by City policy.

The Human Resources Director or designee may disclose reports or test results to City management on a strictly need-to-know basis and to the tested employee upon request.

Employee's confidentiality is also protected with regard to disclosure by supervisors of any over-the-counter or prescribed medications, when the employee has notified the supervisor of such use as mandated by this policy.

The City may disclose test results without the employee's consent only when:

a. The information is compelled by law or by judicial or administrative process;

b. The information has been placed at issue by the employee in a formal dispute between the employee and the City;

c. The information is necessary to administer an employee benefit plan; or

d. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

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APPENDIX B

Each employer shall establish an employee education and training program for all covered employees including:

A. EDUCATION

The education component shall include display and distribution to every covered employee of informational material for employee assistance, if available.

B. TRAINING

1. Covered employees. Covered employees must receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use, including alcohol; on personal health, safety, and the work environment; and on the signs and symptoms that may indicate prohibited drug abuse.

2. Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least sixty (60) minutes of training on the physical, behavioral, and performance indicators of probable drug use, including alcohol, and at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

The local governing board of the employer or operator shall adopt an antidrug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

a. The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

b. The categories of employees who are subject to the provisions of this part.

c. Specific information concerning the behavior and conduct prohibited by this part.

d. The specific circumstances under which a covered employee will be tested for prohibited drugs and/or alcohol misuse under this part.

e. The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results and ensure the test results are attributed to the correct covered employee.
f. The requirement that a covered employee submit to drug and/or alcohol testing administered in accordance with this part.
g. A description of the kind of behavior that constitutes a refusal to take a drug and/or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.
h. The consequences for a covered employee who has a verified positive drug or confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR part 40.
i. The consequences, as set forth in FTA Part 655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than .04.
j. The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.
Each employer shall provide written notice to every covered employee, and to representatives of employee organizations, of the employer's anti-drug and alcohol misuse policies and procedures.

APPENDIX C

A. ALCOHOL TESTING PROCEDURES

All testing will be conducted in accordance with alcohol testing procedures as required by 49 CFR.40 using the following procedures:

1. The employee arrives at the testing site.
2. If the employee does not arrive at the designated time for testing, the supervisor or designee will be contacted for instructions.
3. The I.D. of the employee to be tested is verified by examining a photo I.D. If the I.D. cannot be established, the Breath Alcohol Technician (BAT) will attempt to notify the employee's supervisor to establish a positive I.D. If that is not possible, the process stops.
4. If the employee being tested requests it, the Breath Alcohol Technician (BAT) should present his/her I.D.
5. Once the employee's I.D. is established, Step 1 of the United States Department of transportation Breath Alcohol Testing Form (DOT) will be completed.
6. The employee will complete Step 2 on the DOT form, signing the certification. If the employee refuses to sign; it is regarded as a refusal to take the test.
7. The employee shall be tested for alcohol using a saliva test kit or screening alcohol breath test. If test results are negative on this screening test, a copy of the DOT form will be completed noting the results, and a copy provided to the employee. One will be forwarded to the supervisor and one will be retained by the BAT.
8. If the screening test indicates an alcohol level greater than 0.02, an EBT test is required as follows:

a. The employee and BAT shall read the sequential test number displayed on the Evidential Breath Testing (EBT) device for the test.
b. The employee will open an individually sealed mouthpiece in view of the BAT and attach it to the EBT according to instructions.
c. The employee will blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.

d. The BAT completes Step 3 of the DOT testing form.
e. The employee will sign Step 4 of the DOT testing form stating that the information on the form is accurate and that the employee must not perform safety-sensitive duties or operate heavy equipment if the results are 0.02 or greater.
f. If the test results are less than 0.02 on this test, a copy of the form will be provided to the employee. The test process is complete and a copy will be forwarded to supervisor and one will be retained by the BAT. If the test results are greater than 0.02 on this test, an EBT confirmation test will be conducted as follows:
i. The BAT will explain that a confirmation test will be conducted.
ii. The employee must stay in the room observed for a fifteen (15) minute waiting period. During this period, the employee may not eat, drink, or put any object or substance into his/her mouth.
iii. The confirmation test will be conducted no less than fifteen (15) minutes after the initial EBT test, but within thirty (30) minutes of the completion of the initial list.
iv. The confirmation test will be completed according to Steps H-M of this procedure.
v. If the result of the confirmation test is different from the EBT screening test, the confirmation test will be considered the accurate result.
vi. If the results are still greater than or equal to 0.02 on the confirmation test, the BAT will contact the employee's supervisor for further instructions before releasing the employee from the test site.
vii. Employees with a reading of 0.02 or more are not to drive or engage in any safety-sensitive operations until further notice from their supervisor and in accordance with this policy.
viii. All results will be transmitted in conformity to confidentiality procedures outlined below.

B. DRUG TESTING PROCEDURES

1. The urine specimen will be split into two bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the lab.
2. If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.
3. The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.
4. If the test is positive for one or more drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.
5. All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and then to the City.

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6. With all positive drug tests, the physician (a.k.a. medical review officer [MRO]) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as “negative.”

APPENDIX D

REASONABLE SUSPICION OBSERVATION FORM

(STRICTLY CONFIDENTIAL)

EMPLOYEE NAME: DAY/TIME OF INCIDENT:

SUPERVISOR #1 NAME: SUPERVISOR #2 NAME:

(Optional) (Optional)

The following checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee is under the influence of a prohibited drug substance or alcohol. The supervisor(s) note all pertinent behavior and physical signs or symptoms, which lead you to reasonable belief that the employee has recently used or is under the influence of a prohibited substance. Mark each applicable item on this form and any additional facts or circumstances, which you have noted.

A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION

1. Observed/reported possession or use of a prohibited substance
2. Apparent drug or alcohol intoxication
3. Observed abnormal or erratic behavior
4. Arrest or conviction for drug-related offense
5. Evidence of tampering on a previous drug test
6. Other (e.g., flagrant violation of safety regulations, serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job). Please specify.

_____

_____

_____

B. UNUSUAL BEHAVIOR

1. Verbal abusiveness
2. Physical abusiveness
3. Extreme aggressiveness or agitation
4. Withdrawal, depression, mood changes, or unresponsiveness
5. Inappropriate verbal response to questioning or instruction
6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion). Please specify.

_____

_____

_____

C. PHYSICAL SIGNS OR SYMPTOMS

1. Possessing, dispensing, or using controlled substance.
2. Slurred or incoherent speech.
3. Unsteady gait or other loss of physical control; poor coordination.
4. Dilated or constricted pupils or unusual eye movements.
5. Bloodshot or watery eyes.
6. Extreme fatigue or sleeping on the job.

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7. Excessive sweating or clamminess to the skin.
8. Flushed or very pale face.
9. Highly excited or nervous.
10. Nausea or vomiting.
11. Odor of alcohol.
12. Odor of marijuana.
13. Dry mouth (frequent swallowing/lip wetting).
14. Dizziness or fainting.
15. Shaking hands or body tremors/twitching.
16. Irregular or difficult breathing.
17. Runny sores or sores around nostrils.
18. Inappropriate wearing of sunglasses.
19. Puncture marks or “tracks”.
20. Other (Please specify.)

_____
_____
_____

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions, and any other pertinent information not previously noted. Please note the date, times, and location of reasonable cause testing or note if employee refused test. Attach additional sheets as needed.

_____
_____
_____
_____
_____
_____

Signature of Supervisor #1 Date/Time Signature of Supervisor #2 Date/Time

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy
APPENDIX E

I. THE CITY OF MORENO VALLEY DRUG AND ALCOHOL PROGRAM MANAGER (DPMA) AND DESIGNATED EMPLOYER REPRESENTATIVE (DER)

The City of Moreno Valley has designated the Human Resources Director or designee, as the Drug and Alcohol Program Manager (DAPM), and as the Designated Employer Representative (DER) to answer questions about the City of Moreno Valley’s anti-drug and alcohol misuse programs.

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MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES – SPECIAL REGULAR MEETING OF APRIL 19, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.4

MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES – SPECIAL REGULAR MEETING OF APRIL 19, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.4

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Chairperson and Members of the Community Redevelopment Agency Board of the City of Moreno Valley

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: May 10, 2011

TITLE: REVISIONS TO THE REDEVELOPMENT AGENCY HOMEBUYER ASSISTANCE PROGRAM

RECOMMENDED ACTION

Staff recommends the Redevelopment Agency Board (RDA) approve amendments to the Homebuyer's Assistance Program (HAP) to allow the loan term to be reduced to 20 years and allow the loan to be forgiven upon the expiration of the loan term.

BACKGROUND

On July 14, 1998, the RDA Board approved the RDA-HAP. Consistent with State Redevelopment Law, the RDA-HAP makes homeownership affordable and achievable for first-time homebuyers who earn up to 120% of the Area Median Income and are purchasing an existing home in the City of Moreno Valley. Under the original program, homebuyers were provided up to $20,000 of down payment assistance in the form of a 30-year, zero-interest, deferred-payment loan with equity share provisions.

The RDA Board approved policy changes to the RDA-HAP program in April 2004 and September 2010 to better respond to the residential market and provide assistance to homebuyers. These changes included increasing the maximum HAP loan amount to twenty-percent (20%) of the purchase price and increasing the maximum home purchase price for the HAP to 95% of the Federal Housing Administration (FHA) single family mortgage limit as well as allowing a portion of the RDA-HAP loan to be applied to buyer's non-recurring closing costs. All of this was done to react and adjust to a changing residential real estate market and lending environment.

DISCUSSION

The RDA-HAP loan is an important tool used to facilitate the sale of the City's NSP properties. Since no monthly payments are required and the loan is interest free, homebuyer's who may not otherwise qualify for financing to purchase homes, are afforded the opportunity to enjoy the benefits of home ownership. The City also benefits because the RDA-HAP loans help stabilize neighborhoods by increasing home ownership and eliminating the blight created by vacant properties. However, given a changing marketplace, many potential homebuyers are currently reluctant to accept the present loan structure with a 30 year term and balloon payment requirements.

In an effort to better fulfill the commitments of the City's NSP Program by removing impediments to potential homebuyers, staff recommends that the term of the current RDA-HAP loan be amended to 20 years and that the loan be forgiven at the end of the 20 year term. These recommended changes will make the loan more attractive to qualified homebuyers while maintaining the City's NSP and RDA objectives of creating long-term home owners within neighborhoods. The equity sharing requirements of the RDA-HAP remain intact. These provisions discourage the resale, refinance, or rental of the property by requiring a share of equity together with the repayment of principal RDA-HAP loan amount upon the occurrence of one of these events. Before proposing these changes, staff surveyed other jurisdictions and found similar terms on their down payment assistance loans.

ALTERNATIVES

1) Approve an amendment to the RDA-HAP to allow the term of the RDA-HAP loan to be 20 years and that the loan is forgiven at the end of the 20 year term. **Staff recommends this alternative as it will allow the RDA to better respond to the current market conditions and consumer needs of the community.**

2) Decline to approve an amendment to the RDA-HAP to allow the term of the RDA-HAP loan to be 20 years and that the loan is forgiven at the end of the 20 year term. **Staff does not recommend this alternative as it will not allow the RDA to respond to the current market conditions and consumer needs of the community.**

FISCAL IMPACT

Funding for the Homebuyer Assistance Program is provided by the RDA Housing Set-Aside fund. The recommended actions impose no near-term fiscal impact to the RDA Housing Set-Aside fund. The reduction in the loan's term and the forgiveness provision will not affect equity share and principal repayments that occur prior to the loan's 20th anniversary.
These recommended actions impose NO fiscal impact to the General Fund. Under State Redevelopment Law, Housing Set-Aside funds are restricted for uses that support affordable housing.

SUMMARY

Due to the ever-changing real estate market, modifications to the RDA-HAP Program are necessary. The RDA-HAP loan helps to facilitate the sale of the City's NSP properties. With this type of loan, homebuyer's who may not otherwise qualify for financing to purchase homes, are given the opportunity to enjoy the benefits of home ownership. The City benefits because the RDA-HAP loans help stabilize neighborhoods by increasing home ownership and eliminating the blight created by vacant properties. However, many potential homebuyers are reluctant to accept the loan's 30 year term and balloon payment requirements.

In an effort to fulfill the commitments of the City's NSP Program by removing impediments to potential homebuyers, staff recommends that the term of the current RDA-HAP loan is amended to 20 years and that the loan is forgiven at the end of the 20 year term. These changes will make the loan more attractive to qualified homebuyers while maintaining the City's NSP and RDA objectives. The equity sharing requirements of the RDA-HAP remain intact. These provisions discourage the resale, refinance, or rental of the property by requiring a share of equity together with the repayment of principal RDA-HAP loan amount upon the occurrence of one of these events. Before proposing these changes, staff surveyed other jurisdictions and found similar terms and conditions for their down payment assistance loans.

NOTIFICATION

Publication of the Agenda

ATTACHMENTS/EXHIBITS

ATTACHMENT A: RDA-HAP Guidelines

Prepared By:
Michele Patterson
Redevelopment and Housing Programs Administrator

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	**Hearing set for:**

CITY OF MORENO VALLEY HOMEBUYER ASSISTANCE PROGRAM POLICY AND PROCEDURES

Approved May 19, 2004
Revised August 19, 2010
Revised May 10, 2011
Revision 10.2

City of Moreno Valley
Community & Economic Development Department
Neighborhood Preservation Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
951.413.3450

Making the Dream of Homeownership a Reality

MORENO VALLEY
NEIGHBORHOOD PRESERVATION

Attachment A

CITY OF MORENO VALLEY
HOMEBUYER ASSISTANCE PROGRAM (HAP)
PROGRAM PROCEDURES MANUAL

Table of Contents

SECTION 1

HAP OVERVIEW

1.1 Introduction 1
1.2 Purpose and Objective 1
1.3 How a Homebuyer/Borrower Applies for a HAP Loan 1

SECTION 2

HAP LOAN PARAMETERS AND FIRST MORTGAGE REQUIREMENTS

2.1 Loan Terms 2
2.2 Loan Amount 2
2.3 Funds Usage 3
2.4 Program Charges and Fees 3
2.5 Eligible First Mortgage Type 3
2.6 Combined Loan-To Value 3

SECTION 3

BORROWER ELIGIBILITY

3.1 First-Time Homebuyer 4
3.2 Homebuyer Education 4
3.3 Income Limits 5
3.4 Income Qualification Criteria ..... 5 & 6
3.5 Maximum Affordable Housing Cost and Housing Ratio ..... 7 & 8
3.6 Total Debt/Back End Ratio 9
3.7 Credit Standards 9
3.8 Cash Assets 9
3.9 Borrower's Contribution 10
3.10 Owner Occupancy Requirements 10

SECTION 4

PROPERTY ELIGIBILITY AND HOME INSPECTION REQUIREMENTS

4.1 Property Types 11
4.2 Maximum Purchase Price 11
4.3 Property Value 11
4.4 Property Standards and Inspection Requirements 12

SECTION 5

HAP APPLICATION PROCESSING AND CLOSING REQUIREMENTS

5.1 Loan Origination 13
5.2 Request for Reservation of HAP Funds ..... 13 & 14
5.3 Request for HAP Loan Approval ..... 14 & 15
5.4 HAP Loan Closing Conditions and Pre-Funding Requirements 15
5.5 Pre-Closing Processes 16
5.6 Funding Processes 16

MV00105119

5.7 After Funding Processes 17

CITY OF MORENO VALLEY
HOMEBUYER ASSISTANCE PROGRAM (HAP)
PROGRAM PROCEDURES MANUAL

Table of Contents

SECTION 6
MISCELLANEOUS INFORMATION AND ADMINISTRATION PROCESSES
6.1 Cancellation and Commitment Expirations 18
6.2 Revocations 18
6.3 Transferring HAP Applications to Another Lender 18
6.4 Changing Properties during the HAP Application Process 18
6.5 Post Audit 18

SECTION 7
LENDER ELIGIBILITY
7.1 Lender Eligibility 19
7.2 Lender Removal 19

SECTION 8
LOAN MANAGEMENT AFTER CLOSING
Managing Agency 20
Reconveyance of HAP Loan 20

SECTION 9
LOAN DEFINITIONS
Definitions ..... 21 through 23

SECTION 10
HAP EXHIBITS LIST
List 24

MV00105120

SECTION 1: HAP OVERVIEW

1.1 INTRODUCTION

The Homebuyer Assistance Program (HAP) Procedures Manual describes the HAP program and sets forth the role and requirements of the City, participating lenders, escrow companies, real estate agents, and the homebuyer, (hereinafter called the borrower) and seller. This document contains a description of the HAP loan parameters, processing procedures, and program administration. The City may revise these guidelines from time to time as deemed necessary.

The City encourages all eligible first-time borrowers to apply for a HAP loan. Participating lenders are expected to be well informed about all the restrictions contained in this manual so that both borrowers and sellers alike are aware of these restrictions before the loan application is taken.

1.2 PURPOSE AND OBJECTIVE

The City Council authorized the Homebuyer Assistance Program (HAP) for the purpose of providing down payment assistance to low, median, and moderate-income homebuyers purchasing a home within the City of Moreno Valley.

The program funding sources are the Redevelopment Agency (RDA) 20 percent set-aside Low and Moderate Income Housing Fund, and the Federal HOME Investment Partnership Program (HOME).

The Health and Safety Code provides that not less than 20 percent of all taxes allocated to a jurisdiction's RDA set-aside funds must be used to preserve, increase, or improve the community supply of housing available to families of low or moderate and very low-income households.

The purpose of HOME funds is to expand the supply of affordable housing for low- and very low-income families. HOME funds are subject to all federal rules and regulations as published in 24 CFR Part 92.

The objective of the Homebuyer Assistance Program (HAP) is to promote neighborhood stabilization and revitalization.

1.3 HOW A HOMEBUYER/BORROWER APPLIES FOR A HAP LOAN

The borrower must obtain a first mortgage loan and apply for the HAP loan through one of the HAP Participating Lenders approved by the City. The Lender will calculate the needed HAP assistance in conjunction with the City and submit the Application Package to the City for approval.

MV00105121

SECTION 2: HAP LOAN PARAMETERS AND FIRST MORTGAGE REQUIREMENTS

2.1 LOAN TERMS

Second Lien: The City HAP loan is a second mortgage, and must be in second lien position.

Interest Rate: 0% Interest.

Loan Term: Principal is forgiven in 20 years.

If the property is sold, the buyer ceases to occupy the property, or the property is refinanced and cash taken out during the 20-year term, the loan will become immediately due and payable.

Payments: Deferred no (principal or interest) payments are required during the loan term.

Shared Equity: The loan terms include an equity sharing arrangement in lieu of interest on the deferred loan. When the property is sold,, transferred, refinanced with cash taken out, or the loan is prepaid in full prior to loan maturity, the City will receive a share of the gain on sale/value in addition to the original amount loaned. The percentage factor of the equity share percentage is calculated by dividing the original HAP loan amount by the original purchase price.

Share of Equity Example:

If the HAP loan amount was $52,345 and the original purchase price was $261,725, the equity share percentage would be 20% (52,345 divided by 261,725). Next, the equity share percentage is multiplied by the gain on the sale/value (as determined by the sales price or the property value certified by a professional appraiser) to determine the City's share of the profit on the sale. If the gain on the sale/value were $50,000, the City's share would be 20% of $50,000, or $10,000. The equity share amount is added to the HAP loan principal balance. The total repayment to the City would be $62,345.

Assumability: The HAP loan is not assumable or transferable.

2.2 LOAN AMOUNT

The amount of HAP down payment assistance is based on the purchase price and the borrower's income. The borrower may only receive what is needed to close the purchase transaction. The maximum HAP loan amount is 20% of the purchase price as determined by the City. *The purchase price cannot exceed the appraised value.*

MV00105122

2.3 FUNDS USAGE

HAP funds may be used for down payment and/or reasonable closing costs, based upon need and subject to City approval.

2.4 PROGRAM CHARGES AND FEES

The Lender may only charge the borrower reasonable fees as would be charged to a borrower applying for a mortgage not provided in connection with the HAP loan.

The cost for title insurance (limited coverage) for the HAP should also be included as part of the first mortgage loan fees. There will be no other fees incurred by the HAP loan process.

2.5 ELIGIBLE FIRST MORTGAGE TYPE

The HAP loan may only be used in conjunction with fixed-rate, fully amortized, 30-year FHA or Conventional (Fannie Mae or Freddie Mac) loan types.

Lease Option, VA loans, ARM, and Interest Only loans are not eligible for use with the HAP.

The first mortgage lender will estimate the HAP loan amount and process the first mortgage and HAP loans concurrently. The City will determine the final amount of the HAP assistance upon receipt of the HAP Loan Submission Package (Approval Phase). The HAP loan can only be used with original first mortgage financing, and will only be subordinated to the first mortgage.

Lenders will process the underlying mortgages using standard procedures, with adjustments to those procedures to conform to the HAP guidelines. The borrower must accept the highest loan-to-value ratio first mortgage amount for which they can qualify.

Note: Lenders must use the more restrictive program parameters of the HAP loan program or first mortgage loan program, (e.g. FHA, Fannie Mae, Freddie Mac).

2.6 COMBINED LOAN-TO VALUE

The borrower(s) must receive the highest loan-to-value ratio first mortgage amount for which they can qualify. The combined loan-to-value (CLTV) of the first mortgage without financed MIP, if applicable, and the HAP loan **cannot exceed the maximum CLTV of 100%**.

Note: Lenders must use the more restrictive CLTV limits of the HAP Program or the first mortgage loan program, (e.g. FHA, Fannie Mae, Freddie Mac).

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SECTION 3: BORROWER ELIGIBILITY

3.1 FIRST TIME-HOMEBUYER

To qualify, the borrower must not have owned a home or held an interest in residential real property for the previous three (3) years prior to the date of the application. *Exception: A person who qualifies as a displaced homemaker or a single parent* ***(See Definition Section)****, while previously married, owned a home with his/her spouse, does not need to meet this HAP requirement.*

To comply with first-time homebuyer requirements and ensure the household does not exceed the maximum income limit, each borrower and all persons expected to reside in the residence must provide copies of their most recent three years' **Federal Income Tax Returns**. The Returns must be **re-signed and dated (live ink) by the applicable borrower(s) or household member** as certification that they are true and exact copies of the returns submitted to the IRS.

If the borrower(s) or any other household member cannot provide a copy of his or her Federal Income Tax Returns, he or she may:

1. Request copy from the IRS; or
2. Request form #1722 from the IRS (This form may be accepted if it can be determined that the he or she did not itemize their deductions.)

3.2 HOMEBUYER EDUCATION

Each borrower receiving HAP assistance (taking title) is required to attend a Homebuyers Education/Counseling Seminar before the loan documents are drawn .The City has approved the following three non-profit agencies as the providers. Alternate providers are acceptable; however, they must be a HUD-approved homebuyer education provider and offer classroom-based courses. Internet-based homebuyer education courses are not accepted] The first lender is responsible for ensuring the borrower(s) attend a session and must forward the original Certificate of Completion for **each** borrower before the HAP loan documents are drawn.

Approved Providers	Address	Telephone
Fair Housing Council of Riverside County, Inc.	3933 Mission Inn Avenue Riverside, CA 92501 Web: www.fairhousing.net	951.682.6581 800.655.1812
Inland Fair Housing and Mediation Board	60 East 9th Street, Ste. 100 Upland, CA 91786 Web: www.inmedbd.com	909.984.2254 800.321.0911
Springboard	1605 Spruce Street, Ste. 100 Riverside, CA 92507	800.947.3752

MV00105124

	Web: www.credit.org	

SECTION 3: BORROWER ELIGIBILITY CONTINUED…

3.3 INCOME LIMITS

The borrower's **total annualized current gross household income cannot exceed 120%** of the Riverside County area median income (AMI) adjusted by household size.

The annual gross income of the borrower(s) **and** any other adult who will live in the subject property must be included when determining maximum income eligibility. The maximum income limits are subject to change each year.

The 2010 annual income limits effective July 2010 are as follows:

Table 3.1
2010 Annual Income Limits

Household Size	50% (Very Low)	70% (Low)	80% (Lower)	100% (Median)	110% (Moderate)	115%-FHA (Moderate)	120% (Moderate)
1 Person	22,750	31,850	36,400	45,500	50,050	52,300	54,600
2 Person	26,000	36,400	41,600	52,000	57,200	59,800	62,400
3 Person	29,250	40,950	46,800	58,500	64,350	67,250	70,200
4 Person	32,500	45,500	52,000	65,000	71,500	74,750	78,000
5 Person	35,100	49,140	56,200	70,200	77,220	80,750	84,250
6 Person	37,700	52,780	60,350	75,400	82,940	86,700	90,500
7 Person	40,300	56,420	64,500	80,600	88,660	92,700	96,700
8 Person	42,900	60,060	68,650	85,800	94,380	98,650	102,950

Note: Lenders must use the more restrictive income limit of the HAP Program, HOME Program, or first mortgage loan program, (e.g. FHA, Fannie Mae, Freddie Mac).

3.4 INCOME QUALIFICATION CRITERIA

The annual income for purposes of qualifying for a HAP loan includes **all** household income, and may be lower or higher than the income amount utilized by the lender to underwrite the first mortgage **(See the Income Worksheet)**. There are two major differences:

- **Anticipated Income**: The HAP figure represents ANTICIPATED income, while the Lender's figure represents income AVERAGED over the last few years; and

- **Income Sources**: The HAP requires that every source of income, taxed or untaxed,

MV00105125

be included in the HAP computation, while the underwriter for the first mortgage lender may choose not to honor sources of income that are sporadic and lack a strong track record.

SECTION 3: BORROWER ELIGIBILITY CONTINUED…

3.4 INCOME QUALIFICATION CRITERIA CONTINUED…

Gross Income is calculated based on **annual household income** that will be used as set forth as follows:

1. All of the income of all adult working household members over the age of 18 who share the same dwelling unit or share in the ownership of the unit shall be considered in the total family income. If over 18 and a full time student, verification of full time status will be required.
2. Gross income will be the full amount before taxes and any payroll deductions. All overtime, bonuses and commissions will be counted as income.
3. For self-employed individuals, adjusted gross income will be the net income from the operation of the business and profession, as calculated by averaging the net income manifested by their Federal income taxes for the past three (3) years.
4. Interest earned, dividends, and other net income of any kind will be counted as part of the household gross income.
5. Social security payments, income from annuities, insurance policies, retirement funds, pensions, disability or death benefits, including other similar periodic receipt of income will be counted as part of the household gross income.
6. Payments in lieu of earnings, such as unemployment, worker's compensation, severance pay, and welfare assistance will be included in the computation of gross income, even though lenders may not utilize these earnings for the issuance of credit. Food stamps value are not included in the income calculation.
7. Periodic and determinable allowances, such as alimony and child support payments will also be included in the computation of gross income.
8. All regular pay, special pay, and allowances of a member of the Armed Forces will be included as Gross income.
9. Any other income that must be reported for Federal income tax purposes will be included.

If the borrower(s) receives overtime, commission, or other wages in addition to their regular salary/hourly rate, the Verification of Employment (VOE) must have each amount listed separated to determine anticipated income.

In addition to the VOE, the borrower(s) will be required to provide signed and dated

MV00105126

Federal tax returns for the last three (3) years and verification of current income, as evidenced by copies of the most recent pay stubs for the last 30 days.

SECTION 3: BORROWER ELIGIBILITY CONTINUED…

3.5 MAXIMUM AFFORDABLE HOUSING COST AND HOUSING RATIO

Affordable Housing Cost Definition:

The Affordable Housing Cost (AHC) is the maximum monthly housing cost that a borrower in a certain income level may pay based on a percentage of income adjusted by household size.

Section 6920 of Title 25 of the California Code of Regulations defines the affordable housing cost to include the following:

- Principal and interest (first mortgage)
- Property Taxes and Assessments
- Homeowners' Association (HOA) Dues
- Hazard Insurance (if not included in HOA)
- Mortgage Insurance Premium
- Utility Allowance: including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels
- Maintenance and Repair Allowance

Summary of Affordable Housing Cost (AHC) Expense and Housing Ratio:

The following is a summary of the AHC expense and front-end ratio. Refer to **Table 3.2 - Maximum Monthly Housing Cost and Ratio Schedule** for additional requirements.

- **Households earning less than 80% AMI (Lower):** Cannot exceed the **lesser** of:
  - **30%** of the household's gross monthly income; or
  - The affordable housing cost limits stated in the **Maximum Monthly Housing Cost Schedule in Table 3.2.**

- **Households earning more than 80.01% - 120% AMI (Low - Moderate):**
  - Minimum housing expense ratio is 28% of the household's gross monthly income; and
  - cannot exceed the **lesser** of 35% of the borrower's gross monthly

MV00105127

income, or

- The affordable housing cost limits stated in the **Maximum Monthly Housing Cost Schedule in Table 3.2.**

SECTION 3: BORROWER ELIGIBILITY CONTINUED…

3.5 MAXIMUM AFFORDABLE HOUSING COST AND HOUSING RATIO CONTINUED…

Maximum Monthly Housing Cost and Housing Ratios:

Table 3.2 provides the maximum monthly affordable housing cost limits and ratios defined by the applicable income level and unit size. **The maximum monthly housing cost must include utility and maintenance allowance per Table 3.3.**

Table 3.2
Maximum Monthly Housing Cost and Ratio Schedule

AMI Level	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Five Bedroom	Six Bedroom
50% - Very Low 30% of 50% of Median	• No Minimum housing expense ratio requirement • Not to exceed the **lesser** of 30% of borrower's gross monthly income or the amounts listed below					
	$650	$731	$813	$878	$943	$1,008
70% - Low 30% of 70% of Median	• No Minimum housing expense ratio requirement • Not to exceed the **lesser** of 30% of borrower's gross monthly income or the amounts listed below					
	$910	$1,024	$1,138	$1,229	$1,320	$1,411
70.01% - 80.00% Low - Lower	• No Minimum ratio requirement • Not to exceed 30% of Gross Monthly Income					
80.01% - 110% Moderate	• Minimum 28% • Not to exceed the **lesser** of 35% of Gross Monthly Income or the amounts listed below					
	$1,668	$1,877	$2,085	$2,252	$2,419	$2,586
110.01%-120% Moderate	• Minimum 28% • Not to exceed 35% of Gross Monthly Income					

Note: When combining programs lenders must use the more restrictive Monthly Housing Costs and Ratios of the HAP Program, HOME Program, or first mortgage loan program (e.g. FHA, Fannie Mae, Freddie Mac).

Utility and Maintenance Allowance Schedule:

Table 3.3 defines the **2010-2011 Utility and Maintenance Allowance** amounts to include when determining the borrower's Affordable Housing Cost expense. The amounts are subject to change in July of each year.

MV00105128

Table 3.3 2010-2011 Utility and Maintenance Schedule						
Size of Unit	**One Bedroom**	**Two Bedroom**	**Three Bedroom**	**Four Bedroom**	**Five Bedroom**	**Six Bedroom**
Utilities	$125	$154	$192	$225	$260	$284
Maint. & Repairs	**$20**	**$25**	**$30**	**$35**	**$40**	**$60**
Total	**$145**	**$179**	**$222**	**$260**	**$300**	**$344**

Utility Allowance Source: Housing Authority of the County of Riverside. Effective 7/01/10- Expires 6/30/11

MV00105129

3.6 TOTAL DEBT /BACK END RATIO

The borrower's total monthly debt back-end ratio (Total Housing expense and all other debt combined) cannot exceed **42%*** of the borrower's gross monthly income.

**If compensating factors exist, under extenuating circumstances, the borrower(s) may qualify with a higher back-end ratio, not to exceed 45%, subject to supporting documentation and Loan Committee approval.*

Note: When combining programs lenders must use the more restrictive income ratios of the HAP Program, HOME Program, or first mortgage loan program (e.g. FHA, Fannie Mae, Freddie Mac).

3.7 CREDIT STANDARDS

The HAP Program requires the borrower(s) to have a fair credit rating, at minimum. Please refer to chart below:

Score Rating	
Excellent	**750-850**
Good	**660-749**
Fair	**620-659**
Poor	**300-619**

Please note: the first mortgage lender's credit standards may differ from those of the City's, the more restrictive credit standards will be used.

If a bankruptcy and/or a foreclosure exist, a waiting period of **three years** is required before the borrower may participate in the HAP Program. The Loan Committee will reserve the right to approve such loans if extenuating circumstances exist (i.e. death, divorce, etc.) In addition, the credit record(s) must not show substantial disregard for former or existing obligations.

3.8 CASH ASSETS

In order to qualify for the HAP, the borrower(s) must not be able to purchase a home with his/her current assets, yet still have sufficient income and credit with which to qualify for a loan. **The borrower(s) shall have at least one month's total housing expense** (principal, interest, taxes and insurance) in reserves at the time of closing **but not more than six month's total housing expense reserves**.

For purposes of the HAP program, the following are considered assets in determining

MV00105130

program eligibility:

A. Cash savings, marketable securities, stocks, bonds, and other forms of capital investments other than Individual Retirement Accounts, KEOGH plans, or other retirement vehicles.

B. Inheritances, cash lump sum insurance payments, settlements for personal property damage already received will be considered a household asset.

C. Any equity in real estate will be considered an asset.

D. Allowable assets will be the borrower's portions of the down payment and up to six months savings for monthly housing costs. The cash value of an asset is its market value minus reasonable expenses required to convert the asset to cash.

MV00105131

3.9 BORROWER'S CONTRIBUTION

The borrower(s) must have buy-in and make a contribution toward the purchase. A minimum three-percent (3%) of the purchase price is required as a buyer contribution, one-percent (1%) of the contribution must be from the buyer's own funds. A maximum two-percent (2%) of the buyer's contribution may be gifted, supporting documentation will be required. The buyer's contribution may be applied toward the down payment and/or closing costs.

The buyer's contribution must be a cash contribution. The required one month's reserves discussed in Section 3.8 do not satisfy the buyer's contribution requirement.

3.10 OWNER OCCUPANCY REQUIREMENTS

The borrower(s) must occupy the residences within 21 days of closing, and continue to occupy, as long as the HAP loan exists, as his or her principal residence. Non-occupant co-borrowers are not permitted.

Borrowers may not rent, sell, assign or transfer the residence as long as the HAP loan exists on the property.

MV00105132

SECTION 4: PROPERTY ELIGIBILITY AND HOME INSPECTION REQUIREMENTS

4.1 PROPERTY TYPES

Eligible homes must be:

Located within the **City of Moreno Valley**.

Existing single-family residence or condominium. Manufactured homes on individually owned parcels might qualify for assistance if they are on a permanent foundation. Preference will be given for foreclosure properties and others that have been vacant over 90 days. Properties with a pool/spa may be considered on case-by-case basis, subject to Loan Committee approval.

The property must be currently owner occupied by the seller, vacant or occupied by tenant buyer/borrower purchasing the home. The City will not pay relocation expenses for displaced tenants. The Seller's Affidavit requires the seller(s) to certify to the property's occupancy status.

Ineligible homes are:

New homes and mobile homes on rented spaces are not eligible.

4.2 MAXIMUM PURCHASE PRICE

The maximum purchase price cannot exceed **95%** of the Riverside County - FHA Single Family Mortgage Limit under 203(b) of the National Housing Act (12.U.S.C. 1709(b)) as determined by HUD. Effective May 29, 2007, the HAP maximum purchase price limit is **$362,790**. Although HUD has increased the 2008 limit, the city will continue to use the limit in effect in 2007.

(The CEDD Director reserves the right to adjust the maximum purchase price based upon market conditions).

4.3 PROPERTY VALUE

The lender must provide the City with a copy of the Appraisal Report with color pictures. A professional appraiser may only determine the property value, and the purchase price cannot exceed the appraised value.

MV00105133

4.4 PROPERTY STANDARDS AND INSPECTION REQUIREMENTS

The home must be in sound condition and meet established City of Moreno Valley Housing Quality Standards. **(See the Housing Quality Standards Exhibit)**.

The City will require an inspection of the property performed by the City Inspector to ensure the property is eligible under the HAP Program. **City staff will contact the lender to schedule the inspection within five (5) business days from receipt and review of a completed HAP Reservation Request Package**. Generally, the inspection will be conducted within 10 business days from the date of the City's issuance of a Reservation Confirmation; however, increased volume may extend the time period.

Note: Inspections are **not** conducted on Fridays.

The City inspection will include an assessment for lead-based paint for all properties built in or before 1978. The inspection may determine that additional testing and possible abatement may be required due to the age of the property and the condition of the paint. **The HAP Loan Submission Package must include the original City form, "Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards," executed the borrower, seller and listing agent.**

After the City Inspector performs the inspection, and if it is determined that repairs are necessary before the property is HAP program eligible, City staff will prepare an **"Inspection Results Report,"** identifying any deficiency items. The report will be distributed to the lender, borrower, seller and agents.

The seller must complete and return the original Acknowledgement Section of the "Inspection Results Report" to the City, which advises the City of the seller's intention regarding completion of the required repairs. Fax copies are acceptable. **It is the City's recommendation that the seller does not begin the repairs until after the lender submits the HAP Loan Submission Package *and* the Loan Committee approves the borrower(s)**.

In the event that the seller elects to not make repairs that are not merely cosmetic in nature the property would **not** be eligible under the HAP program.

After the seller completes the repairs, the lender must contact the City to schedule a re-inspection of the property. The HAP loan cannot close until all repairs are completed and the City Inspector authorizes clearance.

MV00105134

MV00105135

SECTION 5: HAP APPLICATION PROCESSING AND CLOSING REQUIREMENTS

Lenders must adhere to the HAP processing time frame, and promptly notify the City in writing of any HAP cancellations and/or requests for commitment extensions.

The HAP processing procedures are designed to coincide with standard mortgage loan processing and underwriting procedures that are in place at most mortgage lending institutions. Recognizing there are procedural variations among the participating lenders, the procedures outlined here are meant to serve as guidelines with respect to the sequence of events. However, the City, lender, real estate agent, borrower, escrow, and title companies must at some point complete all the elements of the processing sequence outlined in this manual regardless of sequence.

5.1 LOAN ORIGINATION

1. Borrower applies for the HAP loan with an approved HAP participating lender in conjunction with the first mortgage loan.
2. The lender discusses the program parameters with the borrower and determines that the borrower is an eligible candidate for HAP based on income, prior home ownership and other borrower eligibility factors as referenced in the Borrower Eligibility Section, and the purchase transaction meets the HAP guidelines.
3. The lender and borrower complete the HAP documents that include specific certifications as required by the HAP Program, Federal and/or State regulations and requirements. **(See the Exhibits Section.)**
4. Lender submits Reservation Request Package to the City. **(See Section 5.2 Request for Reservation of HAP Funds below.)**
5. Lender performs standard underwriting procedures and determines that the borrower qualifies for a first mortgage.

5.2 REQUEST FOR RESERVATION OF HAP FUNDS (MINIMUM OF 45 DAYS BEFORE ESTIMATED CLOSE OF ESCROW)

RESERVATION REQUEST WILL BE PROCESSED IN THE DATE AND TIME ORDER RECEIVED – NO EXCEPTIONS. IF A RESERVATION REQUEST PACKAGE IS INCOMPLETE, THE RESERVATION REQUEST WILL BE DECLINED, AND THE LENDER WILL BE REQUIRED TO SUBMIT A NEW RESERVATION REQUEST PACKAGE.

1. The lender submits the Reservation Request Package to the City a minimum of 45 days before the estimated close of escrow date. **(See the HAP Reservation Request Form in the Exhibits Section.)** The Reservation Request Package may be submitted by way of fax; however, applicable original HAP documents must be included in the HAP Loan Submission Package (Approval Phase).

MV00105136

5.2 REQUEST FOR RESERVATION OF HAP FUNDS AND PROCESSING CONTINUED…

2. City staff will review the Reservation Request Package within three (3) business days from the receipt date for completeness, consistency, accuracy, and compliance with the HAP loan eligibility requirements regarding the borrower, the property, and the financing structure of the transaction.
3. If the Reservation Request Package is complete, the City will forward a Reservation Confirmation to the lender within the 5 business day period and schedule the property inspection. **(See the Property Eligibility Section for inspection details.)**

   IF A RESERVATION REQUEST PACKAGE IS INCOMPLETE, THE RESERVATION REQUEST WILL BE DECLINED, AND THE LENDER WILL BE REQUIRED TO SUBMIT A NEW RESERVATION REQUEST PACKAGE.

   Note: the reservation confirmation letter is not a loan approval.
4. The reservation will expire in 45 days. If the lender does not submit the HAP Loan Submission Package (Approval Phase) within 45 days from the reservation confirmation date, the City will cancel the reservation request.

5.3 REQUEST FOR HAP LOAN APPROVAL (MINIMUM OF 30 DAYS BEFORE ESTIMATED CLOSE OF ESCROW)

The lender submits the HAP Loan Submission Package (Approval Phase) to the City a **minimum of 30 days before the estimated close of escrow date**. **(See HAP Loan Submission Checklist (Approval Phase) in the Exhibits Section.)**

1. City staff will review the HAP Loan Submission Package within 10 business days from the receipt date for completeness, consistency, accuracy, and compliance with the HAP loan eligibility requirements regarding the borrower, the property, and financing structure of the transaction.
2. If the package is complete and the borrower(s), the property, and the purchase transaction meet the HAP eligibility guidelines, staff will prepare the file for submission to the Loan Committee at the next available meeting.
3. The Loan Committee meets regularly on the **1st and 3rd Wednesday of each month.** On occasion, it may be necessary to reschedule the meeting due to holiday or staff schedules. A HAP Loan Submission Package must be received a minimum of seven (7) days before the Loan Committee meeting date. If not, it will be presented on the next scheduled meeting date. Please plan accordingly.

   If the HAP Loan Submission Package (Approval Phase) is not complete, the City will suspend the HAP reservation request and/or the incomplete file will be returned to the lender. All suspense items must be received a minimum of seven (7) days before the next Loan Committee meeting date. If the suspense items are not

MV00105137

received in sufficient time for staff review, staff will not submit the loan until the next scheduled meeting. (Continued on next page.)

5.3 REQUEST FOR HAP LOAN APPROVAL CONTINUED…

4. Upon approval/declination, the City will prepare and fax a Approval/Declination Letter to the Lender. The approval is valid for a period of 60 days. The Housing Program Coordinator may grant a 30-day extension, if requested, in writing by the lender. The "approval" shall be contingent on approval of the first mortgage, compliance with all program criteria, and HAP compliance loan conditions.

5.4 HAP LOAN CLOSING CONDITIONS AND PRE-FUNDING REQUIREMENTS (MINIMUM OF 10 BUSINESS DAYS BEFORE CLOSE OF ESCROW)

STANDARD HAP CLOSING CONDITIONS:

1. **Reminder** – the HAP funds are limited for use as down payment assistance only.
2. **DO NOT pad closing cost**. The borrower cannot receive any cash back at closing. The closing agent must return all refunds/overages due to the borrower(s) after closing to the City for principal reduction of the HAP loan along with a copy of the final HUD-1 Settlement Statement.
3. **Hazard Insurance Coverage** – Hazard Insurance cover must include the HAP loan and list the City as the second lien holder/mortgagee on the Declaration of Insurance. The City must review to the Declaration of Insurance before the release of funds to the closing agent.

   The City's Loss Payee is:

   The City of Moreno Valley, The Community Redevelopment Agency, and The Community Service District
   Its Successors and/or Assigns

   Address:
   City of Moreno Valley
   Attention: Neighborhood Preservation Division
   P.O. Box 88005
   City of Moreno Valley, CA 92552-0805

4. **Title Insurance:** A separate Limited Title Insurance policy is required for the HAP loan and the fee collect from the borrower at closing. The City must receive a final Title Policy referencing the following:

   The City of Moreno Valley and The Community Redevelopment Agency, Its

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Successors and/or Assigns

5. **Estimated HUD-1:** Closing Agent to provide the City with a certified copy of Estimated HUD-1 prior to funding for review.

SECTION 5: HAP APPLICATION PROCESSING AND CLOSING REQUIREMENTS CONTINUED…

5.5 PRE-CLOSING PROCESSES
(MINIMUM OF 10 BUSINESS DAYS BEFORE CLOSE OF ESCROW)

The City prepares the loan documents listed below and a Pre-funding Closing Instructions letter to the closing agent listing the HAP standard conditions as referenced above, and any other "Prior to Funding Conditions," if applicable. The City will contact the lender to schedule pickup.

The Closing Documents Include:

☑ HAP Deed of Trust and Assignments of Rent
☑ HAP Promissory Note (HOME or RDA)
☑ Final Equity Share Disclosure
☑ HOME Funds Disclosure, if HOME Funds are applicable
☑ Truth-In-Lending Disclosure Statement
☑ 4506 or 8821-Tax Information Authorization

NOTE: THE CITY ATTORNEY AND CITY MANAGER MUST SIGN THE DEED OF TRUST. THEY WILL ONLY SIGN IT AFTER THE BORROWER(S) HAS EXECUTED THE DOCUMENT.

5.6 FUNDING PROCESSES
(MINIMUM OF 5-7 BUSINESS DAYS BEFORE FUNDING)

After the borrower executes the HAP loan documents and obtains Hazard Insurance, the Closing Agent must return the following items to the City a minimum of 5-7 Business days before funding to facilitate review and execution of the Deed of Trust by the City Attorney and City Manager.

☑ HAP Deed of Trust and Assignments of Rent (ORIGINAL)
☑ HAP Promissory Note (HOME or RDA) (ORIGINAL)
☑ HOME Funds Disclosure, if applicable (ORIGINAL)
☑ Final Equity Share Disclosure (ORIGINAL)
☑ Truth-In-Lending Disclosure Statement (ORIGINAL)
☑ 4506 or 8821-Tax Information Authorization (ORIGINAL)
☑ First Mortgage Deed of Trust (COPY)
☑ First Mortgage Note (COPY)
☑ Declaration of Insurance referencing the City (COPY)
☑ Certified copy of Estimated Final HUD-1 (COPY)

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After the City reviews the Closing Package documents, and the Deed of Trust signed by the City Attorney and City Manager, staff schedules pick up of the HAP Deed of Trust with the closing agent for recordation, and issues wire transfer authorization of the HAP funds.

SECTION 5: HAP APPLICATION PROCESSING AND CLOSING REQUIREMENTS CONTINUED…

5.7 AFTER FUNDING PROCESSES

The closing agent provides the City with a certified copy of the Final HUD-1 Settlement Statement, and a check for any cash proceeds/overages for HAP loan principal balance reduction, if applicable, two weeks after closing.

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SECTION 6: MISCELLANEOUS INFORMATION AND ADMINISTRATION PROCESSES

6.1 CANCELLATION AND COMMITMENT EXPIRATIONS

In a situation where the borrower or seller makes the decision to cancel the purchase transaction, written notice must be given to the City before the expiration of the Reservation Commitment or the Approval Commitment. The notice must include the reason(s) for the cancellation and be signed by both the Lender and the Borrower.

Before the Commitment has expired, the Lender must either: (1) submit the closing package; (2) submit a written request for a 30-day extension; or, (3) submit a notice of cancellation as described above.

6.2 REVOCATIONS

Automatic revocation occurs when the residence for which a HAP loan was issued ceases to be the borrower's principal residence; the HAP loan will become due and payable.

Automatic revocation occurs when the original loan/first mortgage is refinanced, unless the City of Moreno Valley has approved a Streamline Refinance loan for which no cash is taken out by the borrower during the transaction.

Revocation will occur upon discovery by the City or a participating Lender of any material misstatement, whether negligent or fraudulent. If the HAP loan is revoked, it is immediately due and payable.

6.3 TRANSFERRING HAP APPLICATIONS TO ANOTHER LENDER

If a Borrower has a pending HAP Reservation Commitment or Approval Commitment, and decides to change from one participating lender to another, the City will honor the original expiration date as long as all other conditions are unchanged and the new lender verifies the commitment documents and provides updated HAP forms accordingly. The transfer will be acceptable to the City only after written notification from the borrower is received.

6.4 CHANGING PROPERTIES DURING THE HAP APPLICATION PROCESS

Should the borrower elect to change properties, which could be the result of the seller's cancellation or the property's failure to meet the City of Moreno Valley Housing quality Standards, the reservation, and/or commitment is no longer valid. If the borrower finds a replacement property, a new application for reservation and commitment is required and is subject to the availability of funds.

6.5 POST AUDIT

The City or its assignee retains the express authority to perform annual random case post audits of participating lender records.

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SECTION 7: LENDER ELIGIBILITY

7.1 LENDER ELIGIBILITY

The HAP is available to **direct lenders only.** Brokers are not eligible for designation as an approved participating lender (hereinafter called "lender"); however, they may enter into arrangements with an approved participating lender to process HAP applications. The participating lenders will remain responsible for all submittals and correspondence.

All lenders who wish to participate in the HAP must be enrolled in the program, maintain an active status, and meet the following requirements:

1. Lender must have a Corporate License to make first mortgage loans in the State of California;
2. Sign a Lender Participation Agreement and provide copy of Corporate Resolution for signature authority;
3. Each approved branch must obtain a City of Moreno Valley Business License;
4. Require all personnel involved with the HAP to attend a HAP training session;
5. Provide the HAP Manual and the Handbook to all HAP processors;
6. Complete the Lender's Certification for each HAP loan submission perform in accordance with Lender Participation Agreement and the HAP Program Procedures Manual
7. Certify that borrower meets all HAP loan criteria;
8. Cooperate with the City in providing the best possible service to the City's homebuyers;
9. Designate contact person(s) for the program; and
10. Ensure the borrower(s) attend homebuyer education and counseling as soon as the completed application submission package is received by the City.

7.2 LENDER REMOVAL

The Community & Economic Development Department (CEDD) may suspend or remove participating lenders from the Homebuyer Assistance Program in accordance with the terms of the Lender Participation Agreement. Lender may be suspended or removed from the HAP Program based on, but not limited to, the following violations:

1. Failure to follow the HAP Guidelines, as described in this manual and periodic Lender Bulletins.
2. Failure to submit all outstanding documentation within fifteen days of scheduled loan closing.
3. Withholding information that would result in borrower or property disqualification from the program.
4. Negligent or fraudulent misstatements or actions in regard to the Program.
5. Failure to conduct reasonable verification of borrower qualifications for the Program.
6. Failure to maintain complete borrower record for a minimum of seven (7) years after loan closing.

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SECTION 8: LOAN MANAGEMENT AFTER CLOSING

8.1 MANAGING AGENCY

The City of Moreno Valley Redevelopment Agency is the appointed trustee for all loans made through the Homebuyer Assistance Program. Forward correspondence to:

City of Moreno Valley
Community & Economic Development Department
Neighborhood Preservation Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Telephone: 951.413.3450
Fax: 951.413.3459

8.2 RECONVEYANCE OF HAP LOAN

When the assisted property is sold or other circumstances occur requiring loan pay-off, the City of Moreno Valley will calculate the pay-off amount and issue a pay-off demand. Upon receipt of the pay-off funds, the City will complete and submit a Deed of Reconveyance to the Riverside County Recorder's office for recordation.

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SECTION 9: LOAN DEFINITIONS

Affidavit: An affidavit filed in connection with the program made under oath and subject to penalties of perjury.

Affordable Housing Cost: Section 6920 of Title 25 of the California Code of Regulations defines the affordable housing cost to include the following:

- Principal and interest (first mortgage)
- Property Taxes and Assessments
- Homeowners' Association (HOA) Dues
- Hazard Insurance (if not included in HOA)
- Mortgage Insurance Premium
- Utility Allowance*: including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels
- Maintenance and Repair Allowance

Approved Lender: A lender that has been approved by the City to participate in the HAP Program. To participate in the HAP Program, a Lender must: (1) attend the HAP Training session; (2) Sign the Lender Participation Agreement and designate a contact person; and (3) Obtain a City of Moreno Valley Business License.

Assets: A cash or non-cash item that can be converted to cash. Assets exclude personal property. Cash assets at closing cannot exceed six (6) months monthly housing payment (PITI).

Borrower(s): Any person(s) who applies for a HAP loan.

Borrower's Contribution: A cash contribution made by the borrower(s) equal to or greater than three-percent of the purchase price of which one-percent of the contribution must be from borrower(s') own funds.

Commitment: Issued by the City of Moreno Valley based on Loan Committee's approval and are valid for 60 days.

Displaced Homemaker: An individual who, (1) is an adult; (2) has not worked full-time, or worked a full-year in the labor force, but has during such years, worked primarily without remuneration to care for the home and family; and (3) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. For the purpose of the HAP, a displaced homemaker may be eligible to apply for a loan providing that the ownership was previously held with a spouse, as joint tenants.

Eligible Borrower: Any person meeting the criteria of an eligible borrower set forth in this manual that is in the process of securing financing for the purchase of a Principal Residence. Also referred to as "borrower(s)."

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Eligible Dwelling:	Residential real property located in the City that is an existing home which has been previously occupied, designed as a residential unit for one household and which meets the City of Moreno Housing Quality Standards and the criteria set forth in this manual
Existing Home:	Resale home.
HAP:	Homebuyer Assistance Program of the City of Moreno Valley.
HAP Funds Usage:	The HAP funds usage may be used for down payment assistance and/or reasonable closing costs, based upon need and subject to City approval.
Income (Eligibility):	The total gross household income for all borrowers and adults residing in the household that anticipates receiving income during the 12-month period. All income derived from any source as stated in income definitions (See Section 3.4).
Income – Extremely Low (RDA §50106):	30 percent of area median income adjusted for family size.
Income – Very Low (RDA §50105):	50 percent of area median income adjusted for family size.
Income – Lower (RDA §50105):	80 percent of area median income adjusted for family size.
Income - Moderate (RDA §50093):	Households with income at or below 120% of the median income for the area. Maximum income allowed under the HAP of the City of Moreno Valley.
Income – Low (HOME):	Households with income below 80% of the median income for the area.
Interest Recurring:	Lenders usually require borrowers to pay at settlement the interest that accrues on the mortgage from the date of settlement to the beginning of the period covered by the first monthly payment.
Lender:	A direct lender (financial institution) that is licensed by the State, and has met all of the requirements set forth in this manual. (See Section 7.1).
Loan:	An extension of credit provided to an Eligible Borrower to finance the purchase of an Eligible Dwelling which meets the City requirements set forth in this manual.
Non-recurring Closing Costs:	One-time fees and expenses paid at the time of closing. **The HAP funds may be used toward the payment of reasonable closing costs and is subject to City approval.**

Ownership: Any of the following interests in residential real property:

- Fee simple interest
- Joint tenancy
- Tenancy in common
- Interest of a tenant-shareholder in a cooperative
- Life estate
- Interest held in trust for the Borrower that would constitute a present ownership interest if held by the Borrower

Participating Lender: See Lender Eligibility Section 7.

Principal Residence: A single-family house; or any manufactured home (including a mobile home) as defined under Federal law which is of a type customarily used at a location and which sits on a permanent foundation. The borrower must expect to occupy the property as their Principal Residence.

Property Standard: The minimum standards to meet all applicable City of Moreno Valley Housing Quality Standards.

Property Value: The value of the eligible property as determined by a certified appraisal. The property value, not the purchase price, shall not exceed 95% of the area median purchase price for the house, as annually determined by the United States Department of Housing and Urban Development (HUD).

Purchase Price: The cost of acquiring the residence excluding usual and reasonable settlement or finance cost. The purchase price cannot exceed 95% of the Riverside County Single Family Mortgage Limits under 203(b) of the National Housing Act (12 U.S.C. 1709(b)) as determined annually by the United States Department of Housing and Urban Development (HUD).

Related Person: A related person, as that term is defined under the Internal Revenue Code and applicable regulations.

Recurring Closing Costs: Also known as "pre-paids." Means annual renewal fees such as property taxes, insurance and MIP. **The HAP funds may be used toward the payment of reasonable closing costs and is subject to City approval.**

Single Parent: An individual who is (1) unmarried or legally separated from a spouse; and (2) has one or more minor children for whom the individual has custody or joint custody of, or is pregnant. For the purpose of the HAP, a single parent may be eligible to apply for a loan providing that the ownership was previously held as joint tenancy.

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SECTION 10: HAP EXHIBITS LIST

	Form Name	Number of Pages	Revision Date
1.	HAP010-Reservation Request Form	1 Page	07/01/08
2.	HAP011A-Reservation Confirmation (Sample)	1 Page	07/01/08
3.	HAP012-Loan Submission Checklist (Approval Phase)	1 Page	07/01/08
4.	HAP013-Contact Information Sheet	2 Pages	07/01/08
5.	HAP014-Lender's Affidavit	2 Pages	07/01/08
6.	HAP015-Borrower's Affidavit	3 Pages	07/01/08
7.	HAP016-Upfront Equity Share Disclosure	1 Page	07/01/08
8.	HAP017-Income Worksheet & Instructions	2 Pages	07/01/08
9.	HAP018-Non-Filing of Tax Returns Affidavit	1 Page	12/27/07
10.	HAP019-Declaration of Income	1 Page	12/27/07
11.	HAP020-Seller's Affidavit	1 Page	07/01/08
12.	HAP021-Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards	1 Page	06/05/02
13.	HAP022-Protect Your Family From Lead in Your Home (HUD Booklet)	16 Pages	9/01
14.	HAP024-Housing Quality Standards	5 Pages	6/04/02
15.	HAP025-Affordable Housing Cost Limit Worksheet	2 Pages	07/01/09

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MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.4

City of Moreno Valley
Community & Economic Development

MEMORANDUM

To: Mayor and City Council

Henry Garcia, City Manager

Jane Halstead, City Clerk

From: Barry Foster, Community and Economic Development Director

Date: May 10, 2011

Subject: Public Hearing to Adopt the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Annual Action Plan for Fiscal Year 2011/12

The above referenced item is scheduled as a Public Hearing item.

The Department of Housing and Urban Development (HUD) issues funding allocations for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program. However, *as of today*, HUD had not yet released the City's FY 2011/12 grant allocation. Instead of final allocations HUD released *updated estimates* and asked cities use the new figures in their Action Plans. HUD has indicated that the figures are the best figures available at this time. A timeline for release of the final allocations hasn't been established. However, Action Plans must be submitted to HUD by May 13.

Since the release of the Agenda packet, HUD has informed the City that the *estimate* for the City's allocation has changed slightly and will be reduced by 16.63% rather than the original estimate of 16.5% and HOME will be reduced only by 11.7% rather than the original estimate of 16.5%. Below are the revised CDBG and HOME handouts. Additionally, Attachment E has been updated to reflect the revised funding allocations.

ESTIMATED CDBG PROGRAM BUDGET

Funding Category	***Funding Allocation***
2011/12 CDBG Estimated Allocation	$1,618,666
Project Savings (previous year(s)	$333,690
TOTAL AVAILABLE CDBG FUNDS	$1,952,356
Program Administration (20% maximum of annual grant)	$323,733
Public Social Services (15% maximum of annual grant)	$242,799
Public Facilities & Improvements	$650,000
Rehabilitation	$10,000
Code Enforcement	$285,208
Economic Development	$440,616
TOTAL PLANNED CDBG BUDGET	$1,952,356

ESTIMATED HOME PROGRAM BUDGET

Funding Category	***Funding Allocation***
2011/12 HOME Estimated Allocation	$588,314
Funds available under the Multi-Family Housing project account	$1,000,000
TOTAL AVAILABLE HOME FUNDS	**$1,588,314**
Program Administration (maximum 10% of allocation)	$58,831
FY 11/12 CHDO (required 15% of allocation)	$88,247
Mobile Home Grant Program (MHGP)	$100,000
Home Improvement Loan Program (HILP)	$250,000
Hemlock Family Apartments	$1,000,000
TOTAL PLANNED HOME BUDGET	**$1,497,078**

ATTACHMENT E - CDBG PROPOSED PROGRAMS

CDBG - FY 2011/12 - Total Anticipated Funding $1,618,666 plus project savings of $333,690* = $1,952,356

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation	City Council Recommendation
A.	ADMINISTRATION (20% CAP - $323,733)				
0	Administrative Staffing	$338,869		$293,733	
1	Fair Housing Council of Riverside County - Fair Housing Program	$49,453		$30,000	
	Subtotal	$388,322		$323,733	
B.	PUBLIC SERVICES (15% CAP - $242,799)				
2	Community Foreclosure Prevention Workshops	$44,000	$30,000	$28,500	
3	Community Assistance Program (CAP) Food Program	$30,600	$34,220	$29,070	
4	Friends of the Moreno Valley Senior Center (MoVan) Transportation	$30,000	$30,000	$28,500	
5	Problem Orienting Community Policing (POP) Team	$28,241	na	$0	
6	Fair Housing Council of Riv County - Foreclosure Prevention Program	$25,000	$25,000	$21,079	
7	Fair Housing Council of Riv County - Landlord Tenant Mediation Program	na	$15,000	$14,250	
8	Lutheran Social Services (MARB) Homeless Shelter	$15,000	$21,104	$14,250	
9	Path of Life Transitional Family Shelter (MARB)	$15,000	$30,000	$14,250	
10	PW Enhancement Center - Emergency Services Outreach	$15,000	$32,000	$14,250	
11	Neighborhood Clean-ups	$15,000	$15,000	$14,250	
12	Assistance League/Operation School Bell - Clothes/School Supplies	$10,000	$15,000	$9,500	
13	CASA for Riverside County Foster Youth Program	$10,000	$32,535	$9,500	
14	God's Helping Hand Ministries - Food Bank	$9,000	$10,000	$8,550	
15	Operation Safehouse Shelter for Youth	$8,000	$8,000	$7,600	
16	Alternatives to Domestic Violence Emergency Shelter & Services	$7,500	$15,000	$7,125	
17	Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500	$7,500	$7,125	
18	Moreno Valley Community Educators - Tutoring Program	$6,400	na	$0	
19	ARC of Riverside - Disabled Adult Day Care Facility	$5,000	$20,000	$5,000	
20	Salvation Army -Food Program	$5,000	$10,900	$5,000	
21	Catholic Charities - Case Worker	na	$35,000	$0	
22	MVUSD High School Intervention Program	na	$10,500	$0	
23	Smooth Transition Literacy/Job Readiness/Life Skills Trng.	na	$48,872	$0	
24	CVHC - Afterschool/Computer Program	na	$10,000	$0	
25	ReNu Hope Foundation - Pre School Bldg. Improvements	na	$19,413	$0	
26	Volunteer Ctr. '211' Telephone Referral Service	$5,000	$20,000	$5,000	
27	Volunteer Ctr. Rent Gaurantee Program	na	$63,000	$0	
28	Alpha & Assoc. - Reclaiming Youth Intervention Program	na	$50,000	$0	
29	MCL Music Changing Lives - Youth Intervention/Music Program	na	$150,000	$0	
30	Family Service Assoc. Nutrition Program at Supportive Hsg Complex	na	$50,000	$0	
31	Leading Our World - Help the Streets Outreach Program	na	$1,105,000	$0	
	Subtotal	$291,241	$1,913,044	$242,799	
C.	PUBLIC FACILITIES & IMPROVEMENTS				
32	Street Improvement Project	na	$650,000	$650,000	
	Subtotal	$0	$650,000	$650,000	
D.	REHABILITATION				
33	Habitat for Humanity	$10,000	$10,000	$10,000	
	Subtotal	$10,000	$10,000	$10,000	
E.	CODE ENFORCEMENT				
34	Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390	$192,604	$192,604	
35	Code Enforcement - Foreclosure 'Strike Team'	$103,017	$92,604	$92,604	
	Subtotal	$366,407	$285,208	$285,208	
F	ECONOMIC DEVELOPMENT				
37	MV New Business Incentive Program	$540,000	$525,000	$195,616	
38	Employment Resource Center	$145,641	$145,000	$145,000	
40	Youth Opportunity Center	$50,000	$25,000	$25,000	
41	Family Service Assoc. Meal Program Facilities	$50,000	$50,000	$25,000	
42	Small Business Development Center	$50,000	$50,000	$50,000	
	Subtotal	$835,641	$795,000	$440,616	
	GRAND TOTAL	$1,891,611	$3,643,252	$1,952,356	

※ New applicants ※ Organization serving homeless population ※ Recommended funding changes over previous year

* Anticipated funding based on 16.63% reducation of last years actual allocation + past years project savings of $333,690. BY LAW Project savings CANNOT be applied to Public Services. Public Services are capped at 15% of annual grant.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community and Economic Development Department Director

AGENDA DATE: May 10, 2011

TITLE: PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2011/12 Annual Action Plan and,
2. Approve the proposed 2011/12 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or expand employment opportunities for low-to-moderate income persons (see Attachment A for the 2010 Income Limit table). These grants are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to Entitlement Cities (eligible, selected cities with a population exceeding 50,000), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas. Moreno Valley has been classified by HUD as an Entitlement City since 1988.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least 51% of residents earning low-to-moderate incomes. For a map of the CDBG Target Areas see Attachment B.

HUD requires Entitlement Cities (such as Moreno Valley) to prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2011/12 marks the fourth year of the City's FY 2008-2013 Consolidated Plan. Entitlement Cities also adopt Annual Action Plan updates of the Consolidated Plan each year. The Annual Action Plan more specifically identifies the activities for which the City will allocate both CDBG and HOME funds for the upcoming program year. This staff report requests that the City Council conduct a Public Hearing to review and adopt the Annual Action Plan for FY 2011/12, which must be received by HUD no later than May 13, 2011.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used toward the development of affordable housing projects. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development programs. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services. Social services can include but are not limited to the following:

- Homeless and Emergency services,
- Programs for elderly, disabled, or youth,
- Public safety/crime prevention services, or
- Specialized counseling and treatment.

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as sub-recipients) to provide the desired services or programs.

DISCUSSION

At the City Council meeting of March 22, 2011, staff proposed awards for subrecipients based on an estimated budget which called for a 7.5% reduction from last year. At this present time HUD still **has not** released the actual grant allocations. However, HUD has contacted local communities, including Moreno Valley, to advise of even steeper federal funding cuts affecting CDBG allocations. The City was told to expect an approximate 16.5% funding decrease from the previous year instead of the 7.5% decrease that was previously indicated and used to form the budget recommendations reviewed by Council on March 22nd. Based on this new information, the CDBG allocation for FY 2011/12 is estimated at $1,621,245 (this represents a 16.5% decrease from last year).

Attachment D is the proposed Annual Action Plan for Fiscal Year 2011/12. The Annual Action Plan details the specific projects and (estimated) allocated funding for the upcoming

program year. In conformance with HUD requirements, the Annual Action Plan was made available for a 30-day public review from March 29, 2011 through April 29, 2011. To date, there have been public comments received at meetings. These are incorporated in the Action Plan as an attachment. The following tables detail the revised funding allocations. These allocations are included in the Annual Action Plan.

2011/12 CDBG PROGRAMS AND BUDGET

The goal of the CDBG Program is to respond to the needs of low and moderate income persons and neighborhoods. The CDBG program administration is subject to a cap of 20% of the total CDBG allocation. In addition, CDBG social service activities are capped at 15% of the total allocation. The anticipated budget and funding allocations are shown in the following tables.

CDBG PROGRAM BUDGET

Funding Category	*Funding Allocation*
2011/12 CDBG Allocation	$1,621,245
Project Savings (previous year(s)	$412,830
TOTAL AVAILABLE CDBG FUNDS	$2,034,075
Program Administration (20% maximum of annual grant)	$324,249
Public Social Services (15% maximum of annual grant)	$243,186
Public Facilities & Improvements*	$650,000
Rehabilitation	$10,000
Code Enforcement	$366,407
Economic Development	$440,987
TOTAL PLANNED CDBG BUDGET	$2,034,071

* Project shall utilize $350,000 from 2011/12 CDBG allocation plus $300,000 in past year savings.

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2011/12 cap for program administration is estimated to be $324,249. Funding under this category provides for program management by Economic Development Department staff and Fair Housing Services (required by HUD). The Fair Housing Services are free to the public and include: community education on fair housing rights and responsibilities and investigation of public complaints and discriminatory practices.

2) SOCIAL SERVICES

Social services are subject to a fifteen percent (15%) maximum limit of the annual CDBG allocation. Since the March 22nd public hearing, HUD has advised of even steeper federal funding cuts affecting CDBG allocations to local communities, and the City was asked to anticipate a 16.5% funding decrease from the previous year instead of the 7.5% as originally indicated. The City is now required to adjust the social service budget as proposed on March 22nd by $26,212 to accommodate the reduction. Due to less funding, Staff is proposing that:

- there be no new social service programs funded in FY 2011\12[1],
- all existing public service programs that were approved to continue as FY 2011\12 'subrecipients' have the proposed budget allocations trimmed by 5% (i.e., with the exception of programs funded at $5,000 which per adopted local policy, represents the minimum grant amount the City can extend).

This will allow the City to meet the mandatory cap of 15% toward public social services without having to eliminate any valuable service programs.

FY 2011/12 recommendations encompass a wide range of programs and services including: 1) public safety services; 2) emergency and transitional shelter for homeless families; 3) youth services; 4) emergency food distribution; and 5) youth career development programs. The projects listed in Attachment E reflect the community priorities adopted by the City Council on December 14, 2010 and programs the City Council approved for funding at the March 22, 2011 Public Hearing.

3) PUBLIC FACILITIES & IMPROVEMENTS

The City is proposing to provide funding toward the construction of a much needed sidewalk and street widening project in Central Sunnymead. The project will improve Dracaea Street from Perris Boulevard to Patricia Street. The intent is to improve pedestrian access ways to area schools such as Butterfield Elementary and March Mountain High School, as well as provide safer access to bus stops, and local businesses along Perris Boulevard.

4) REHABILITATION

CDBG regulations allow for specific housing rehabilitation activities. The dollars received under the CDBG allocation have enabled staff to recommend continued funding of the Habitat for Humanity 'Helping Hands' Mobile Home Rehabilitation Program. This program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Staff feels this program will assist to

[1] Only one new agency had been recommended for FY 2011/12 at the March 22, 2011 Public Hearing.

supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or cosmetic) and instead focus grant dollars on the more expensive code related improvements.

5) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. The Code Compliance officers provide proactive code compliance within the CDBG-designated Target Areas. Staff is recommending maintaining general Code Enforcement and the 'Foreclosure Strike Team' at its current funding level to allow continued foreclosure enforcement efforts on bank-owned properties.

6) ECONOMIC DEVELOPMENT

a. Small Business Counseling Services

Funding is recommended for Small Business Counseling Services. The Inland Empire Small Business Development Center (SBDC) provides one-on-one counseling services, workshops\seminars, and more free of charge to Moreno Valley businesses.

b. Employment Resource Annex

Continued funding is recommended for the Employment Resource Center. The Employment Resource Center is an office located in the Towngate Center where unemployed or under-employed Moreno Valley residents are able to utilize computers and other standard office equipment to access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The Center also partners with major employers either in or locating to the City to conduct employment recruitments. Due to demand, an expansion completed this past fiscal year. An additional 20 computers, classroom space, and career coaching services, were added to enhance the existing facility and allow it to serve more residents.

c. Moreno Valley New Business Incentive Program

Continued funding is recommended for the New Business Incentive Program intended to incentivize the attraction of businesses to Moreno Valley. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income level persons) and the boosting of sales tax revenues. Several major retailers have utilized this program.

2011/12 HOME PROGRAMS AND ESTIMATED BUDGET

The City anticipates receiving a HOME program allocation of $556,600 in FY 2011/12. This is a 16.5% decrease from the previous year (actual TBD). In addition, there are monies accumulated from past years "Multi-Family Housing Fund" that will be used toward a new affordable housing project called the 'Hemlock Family Apartments'. This project would provide for 77 new, affordable units to residents at 50%-60% of the area median income.

The HOME Program generally funds city-sponsored programs and projects. Program administration has a cap of 10% of the total HOME allocation. In addition, a minimum of 15% of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families.

The anticipated HOME budget and funding allocation is shown in the following table.

HOME PROGRAM BUDGET

Funding Category	*Funding Allocation*
2011/12 HOME Allocation	$556,600
Funds available under the Multi-Family Housing project account	$1,000,000
TOTAL AVAILABLE HOME FUNDS	**$1,556,600**
Program Administration (maximum 10% of allocation)	$55,660
FY 11/12 CHDO (required 15% of allocation)	$83,490
Mobile Home Grant Program (MHGP)	$100,000
Home Improvement Loan Program (HILP)	$250,000
Hemlock Family Apartments	$1,000,000
TOTAL ALLOCATION OF HOME FUNDS	**$1,489,150**

2011/12 RECOMMENDED HOME PROJECTS AND PROGRAMS

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten (10%) cap. Grant funding under this category provides for project management by Economic Development staff.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of fifteen (15%) of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 11/12

$83,490 must be allocated to CHDO-directed projects for potential affordable housing development. Staff will bring recommendations for CHDO allocation to the City Council later in the year.

ALTERNATIVES

Alternative 1 – Staff recommends that the City Council conduct a public hearing to provide the public with an opportunity to comment on the proposed Annual Action Plan and adopt the Annual Action Plan for Fiscal Year 2011/12. **Staff recommends this alternative.**

Alternative 2 – Do not approve the Annual Action Plan for Fiscal Year 2011/12. **Staff does not recommend this alternative because it would result in a failure to meet the HUD deadline for submission of this document.**

FISCAL IMPACT

Available CDBG funds for FY 2011/12 is expected to be about $2,034,075. These funds will provide funding for a variety of improvements and services. The available HOME funds will be approximately $1,556,600. These funds will provide funding for affordable housing projects. Together, the CDBG and HOME programs will afford a variety of affordable housing and neighborhood preservation efforts in Moreno Valley. The following represent the budgets for the two funds – CDBG and HOME.

Fund	Business Unit No/Name	Amounts
	CDBG Account	$2,034,075
285	73952 CDBG Administration	
289	73852 CDBG Programs	
285	74052 Code and Neighborhood Enforcement	
176	77110 - HOME	$1,556,600

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used for eligible activities in Target Areas that contain at least 51% of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. REVENUE DIVERSIFICATION & PRESERVATION

CDBG and HOME funds will enhance the City's ability to create a stable revenue base and fiscal policies that will support essential City improvements and services.

2. PUBLIC SAFETY

Many of the proposed CDBG and HOME projects and programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. POSITIVE ENVIRONMENT

A positive environment for the development of Moreno Valley's future will be created through a variety of community-based CDBG and HOME programs and projects.

4. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, Public Infrastructure Improvements and Housing Rehabilitation will help to preserve, rehabilitate and improve existing neighborhoods.

SUMMARY

HUD requires that grantee Entitlement Cities such as Moreno Valley, prepare an Annual Action Plan for the Community Development Block Program. The Annual Action Plan details the activities and projects the City will undertake in Fiscal Year 2011/12 using CDBG and HOME grant funds. The Annual Action Plan must be submitted to HUD no later than May 13, 2011.

The City Council established CDBG funding priorities at the December 14, 2010 meeting. At the March 22, 2011 Public Hearing, Council reviewed funding recommendations made by staff and the 2011 CDBG Technical Review Committee for the 2011/12 CDBG and HOME Programs. Staff now recommends that the City Council conduct a public hearing and approve the proposed 2011/12 Annual Action Plan for submittal to HUD.

NOTIFICATION

Notice of this meeting was published in the Press-Enterprise newspaper on April 26, 2011.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	2010 Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	Annual Action Plan for Fiscal Year 2011/12
ATTACHMENT E	CDBG Funding Allocations FY 2011/12

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

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ATTACHMENT A

2010 INCOME LIMITS

Effective April 2, 2010 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$13,650	$15,600	$17,550	$19,500	$21,100	$22,650	$24,200	$25,750
Very Low Income	50%	$22,750	$26,000	$29,250	$32,500	$35,100	$37,700	$40,300	$42,900
60% Limits (HOME)	60%	$27,300	$31,200	$35,100	$39,000	$42,120	$45,240	$48,360	$51,480
Low Income	80%	$36,400	$41,600	$46,800	$52,000	$56,200	$60,350	$64,500	$68,650
Median Income	100%	$45,500	$52,000	$58,500	**$65,000**	$70,200	$75,400	$80,600	$85,800
Moderate Income	120%	$54,600	$62,400	$70,200	$78,000	$84,250	$90,500	$96,700	$102,950

City of Moreno Valley CDBG Target Areas

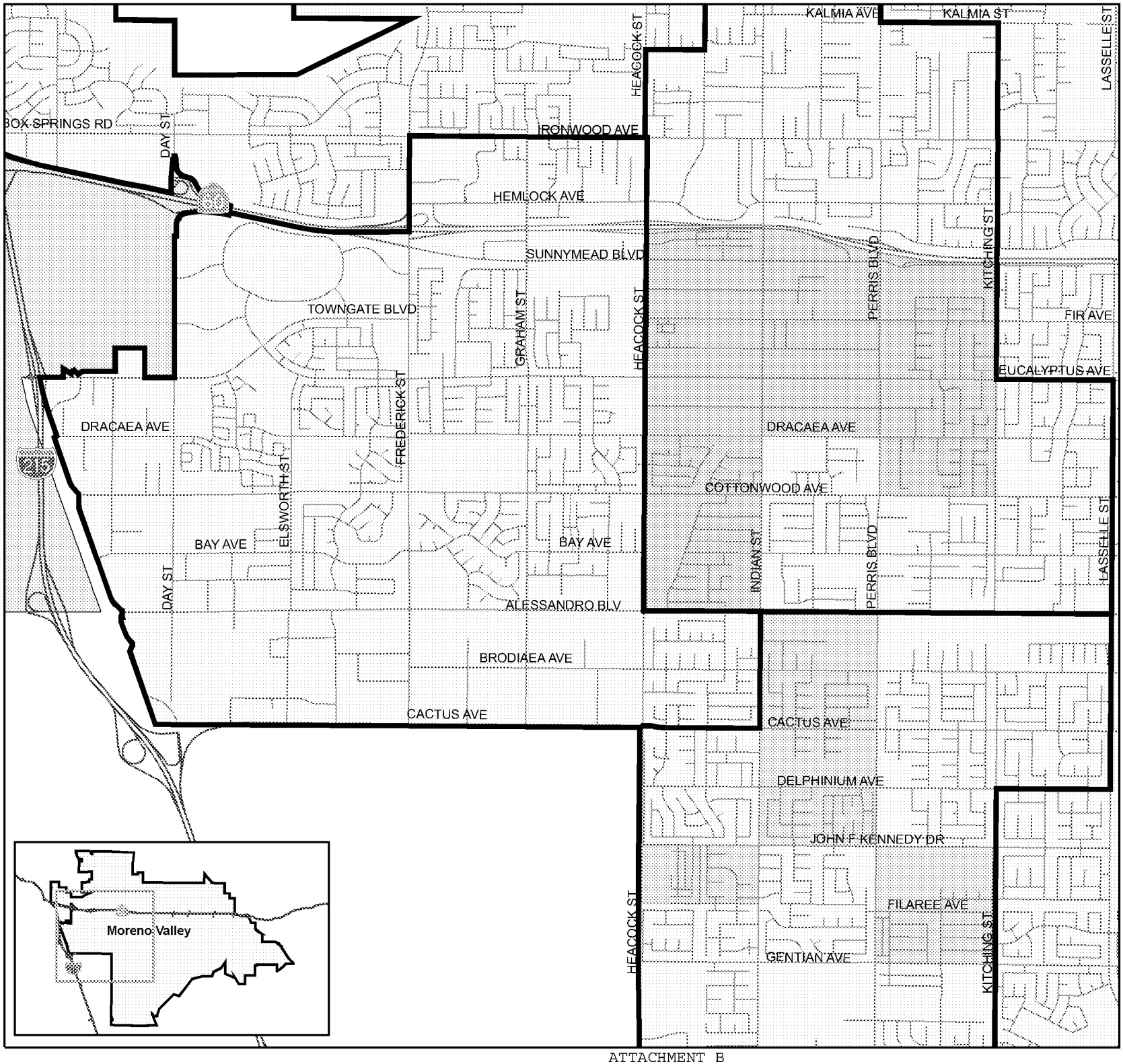

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

ATTACHMENT B

MV00105162

ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

MV00105163

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

MV00105164

MORENO VALLEY

WHERE DREAMS SOAR

Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME)

Annual Action Plan 2011-2012

July 1, 2011 through June 30, 2012

14177 Frederick Street, P.O. Box 88005, Moreno Valley, CA 92552-0805

ATTACHMENT D

CITY OF MORENO VALLEY

Richard A. Stewart
Mayor (District 2)

2011 City Council members

Jesse Molina
District 1 Councilmember

Robin Hastings
District 3 (Mayor Pro-tem)

Marcello Co
District 4 Councilmember

William H. Batey II
District 5 Councilmember

Henry Garcia
City Manager

Barry Foster
Economic Development Department Director

Michele Patterson
Redevelopment and Neighborhood Programs Administrator

Prepared By:

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DUNS # 177134186

SECTION 1 – INTRODUCTION

The Economic Development Department is the lead agency in developing the Consolidated and Annual Action Plans for the City of Moreno Valley. The Annual Action Plan addresses the City's plan for use of Community Development Block Grant ("CDBG") and Home Investment Partnership ("HOME") Funds during the 2011/12 Fiscal Year from July 1, 2011 through June 30, 2012. The Annual Action Plan is based upon the approved 2008-2013 Consolidated Plan prepared for both programs. The Annual Action Plan facilitates the strategy outlined in the Consolidated Plan by addressing community needs through various mechanisms.

The Action Plan provides a basis for assessing performance. It outlines programs for the upcoming program year as well as the proposed accomplishments over the five-year period of the Consolidated Plan. At the end of the program year a Consolidated Annual Performance and Evaluation Report (CAPER) provides information on the annual programmatic accomplishments.

The overall goals of the CDBG and HOME Programs, as included in the Consolidated Plan, are to develop viable urban communities by providing (1) decent housing, (2) a suitable living environment and (3) expanded economic opportunities principally for low and moderate-income persons.

(1). *Decent housing* includes assisting homeless persons, retention of the affordable housing stock, increasing the availability of permanent housing in standard condition and affordable cost to low-income and moderate-income persons.

(2). A *suitable living environment* includes improving the safety and livability of neighborhoods, increasing access to quality public and private facilities and services, and the revitalization of deteriorating or deteriorated neighborhoods.

(3). *Expanded economic opportunities* includes job creation and retention, as well as establishment, stabilization and expansion of small businesses.

The primary means towards this end is to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

MORENO VALLEY
WHERE DREAMS SOAR

SECTION 1 – INTRODUCTION
EXECUTIVE SUMMARY

CONSOLIDATED PLAN

Moreno Valley's Consolidated Plan is a comprehensive five-year strategy that addresses the use of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Grant funds to meet decent housing, suitable living environment, and expanded economic opportunity goals for low- and moderate-income city residents.

ANNUAL ACTION PLAN

The Annual Action Plan identifies specific projects, programs, and resources that will be implemented during the program year with CDBG and HOME Grant funds, consistent with the Consolidated Plan. In fiscal year 2011/12, the City of Moreno Valley will be receiving approximately $1,621,245 in new CDBG funds, and approximately $556,600 in HOME funds. These funds will be used to support housing and community development activities.

Activities meeting Consolidated Plan goals fit into one or more of the following strategies:

- Homeless Strategy
- Special Needs Strategy
- Housing/Fair Housing Strategy
- Community and Economic Development Strategy

For each strategy identified in the Consolidated Plan, a list of activities, resources available, and goals are provided for the upcoming program year.

The Action Plan also addresses other actions such as the anti-poverty strategy, institutional structure to carry out the activities, coordination with other agencies, public housing, a monitoring plan and plans for meeting underserved needs.

Additionally, as part of the grant requirements, a form application SF 424 is included as well as a Citizen Participation Plan, public comments received and required certifications by the City.

GEOGRAPHIC DISTRIBUTION & CDBG TARGET AREAS

Moreno Valley's CDBG Target Areas encompass some of the oldest areas in the city. The City's CDBG Target Areas generally include neighborhoods identified locally as Edgemont, Central Sunnymead, Eastgate, and Warner Ranch. Significant portions of the target areas lack adequate infrastructure such as curbs, gutters, street improvements, sidewalks, water and sewer lines, storm drains, and street lighting. The majority of proposed projects are distributed within the CDBG target areas, because these areas have the greatest concentrations of low-and moderate-income individuals. Other projects such as the Redevelopment (RDA) Agency's housing programs target low- and moderate-income individuals citywide.

SECTION 1 – INTRODUCTION
AVAILABLE RESOURCES

The City of Moreno Valley will utilize a variety of Federal, State, and local funding sources to achieve the community and housing priorities identified. Specific funding resources will be utilized based upon availability, opportunities, and constraints of each particular project or program.

The City is committed to utilizing each funding source to its highest and best use. Therefore, the City will leverage the resources identified in this section to facilitate various programs and projects. Specific resources available to address the needs identified in the plan are included under the Annual Action Plan Section.

The following includes a description of both the resources the City currently uses and those for which funding may be pursued.

Federal Resources

Community Development Block Grant Program (CDBG)

Moreno Valley receives an annual CDBG allocation to meet the following three broad national objectives:

- Benefit to low and moderate income households;
- Removal of slum or blight; or
- Meet urgent community needs.

Approximately 90% of the funding has been used to benefit persons of low and moderate income. Programs and projects funded generally include public services, code compliance activities, and economic development activities. The City's grant allocation available for fiscal year 2011/12 is estimated at $1,621,245. Table 1-A details the available CDBG funds. Table 1-B details the allocations for FY 2011/12.

TABLE 1-A
FY 2011/12 CDBG AVAILABLE FUNDING

Funding Category	Funding Allocation
2011/12 ESTIMATED CDBG Allocation	$1,621,245
Unallocated Project Savings from Previous Years	$412,830
TOTAL AVAILABLE CDBG FUNDS	**$2,034,075**
Program Administration (20% maximum of annual grant)	$324,249
Public Social Services (15% maximum of annual grant)	$243,186
Public Facilities & Improvements	$650,000
Rehabilitation Activities	$10,000
Code Enforcement	$366,407
Economic Development	$440,987
TOTAL PLANNED CDBG BUDGET	**$2,034,071**

TABLE 1-B
CDBG FUNDING ALLOCATIONS FY 2011/12

ADMINISTRATION (20% CAP - $324,249)	
CDBG Program Administration	$324,198
Fair Housing Services	$30,000
SOCIAL SERVICES (15% CAP - $243,186)	
Community Foreclosure Prevention Workshops	$28,500
Community Assistance Food Program (CAP)	$29,070
Friends of the Moreno Valley Senior Center (MoVan)	$28,500
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$20,708
Fair Housing Council of Riverside County – Landlord Tenant Mediation Program	$14,250
Lutheran Social Services Transitional Center (MARB)	$14,250
Path of Life Ministries King Hall Family Shelter (MARB)	$14,250
PW Enhancement Center – Emergency & Homeless Services	$14,250
Neighborhood Clean-up Program	$14,250
Assistance League of Riverside - Operation School Bell	$9,500
CASA for Riverside County	$9,500
God's Helping Hand Ministries Food Program	$8,550
Operation Safehouse Shelter for Youth	$7,600
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,125
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,125
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
PUBLIC FACILITIES & IMPROVEMENTS	
Street Improvement Project, Dracaea from Perris Blvd to Patricia	$650,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$220,987
Community Employment Resource Center	$120,000
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$25,000
Youth Opportunity Center	$25,000
TOTAL CDBG FUNDING ALLOCATIONS	**$2,034,071**

HOME Investment Partnership Program (HOME)

HOME Investment Partnership funding is provided to the City to:

- assist with affordable rental housing
- promote home ownership through acquisition
- construction,
- reconstruction,
- and/or rehabilitation of affordable housing.

Moreno Valley became an Entitlement City for HOME funds during FY 1995/96.

The City of Moreno Valley's HOME allocation for FY 2011/12 is estimated at $556,600. Table 1-C details the estimated HOME funds for FY 2011/12. Table 1-D details the anticipated funding allocations for program year 2011/12. The funding allocations are for new and continuing projects and programs that will be implemented in FY 2011/12.

TABLE 1-C

FY 2011/12 HOME ESTIMATED FUNDING	
2011/12 HOME Allocation	$556,600
Funds accumulated under Multi-Family Housing Fund	$1,000,000
Total Available HOME Funds	**$1,556,600**

TABLE 1-D

HOME FUNDING ALLOCATIONS FY 2011/12	
Program Administration (maximum 10% of allocation)	$55,660
FY 09/10 CHDO (required 15% of allocation)	$83,490
Mobile Home Grant Program (MHGP)	$100,000
Home Improvement Loan Program (HILP)	$250,000
Hemlock Family Apartments	$1,000,000
TOTAL ALLOCATION OF HOME FUNDS	**$1,489,150**

A. <u>Local Resources</u>

- ***Community Redevelopment Agency of the City of Moreno Valley***

As required by California Redevelopment Law, the Redevelopment Agency expends 20% of its tax increment revenue funding affordable housing projects. RDA (Housing Set-Aside) revenue projections for FY 2011/12 indicate an estimated 20% set-aside funding of $3.6 million.

- ***Homelessness Prevention and Rapid Re-housing Program (HPRP)***

In 2009 the City was provided with a one-time HPRP grant allocation of $732,872 under the American Recovery Re-investment Act of 2009. The purpose of the HPRP grant is

to provide homelessness prevention assistance to households who would otherwise become homeless in the current economic crisis and to rapidly re-house individuals and families who are currently homeless as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42U.S.C. 11302). Moreno Valley has established 6 activities that assist families facing homelessness, including: case management, rent/arrears assistance, security deposit assistance, utility/arrears assistance, legal assistance, and administration.

- ***Community Development Block Grant – Recovery (CDBG-R)***

The City was also provided with a one-time CDBG-R grant valued at $472,872 under the American Recovery Re-investment Act of 2009. Moreno Valley's CDBG-R program establishes 4 projects (plus administration) aimed at stimulating the economy by creating jobs, modernizing infrastructure, and promoting energy efficiency.

- ***Neighborhood Stabilization Program (NSP)***

Under the Housing and Economic Recovery Act (HERA), the City of Moreno Valley received a CDBG allocation of $11,390,116, to formulate the Neighborhood Stabilization Program (NSP) which is designed to stabilize neighborhoods most impacted by foreclosures. The City's NSP Program is comprised of four activities: 1) single family residential acquisition, rehabilitation, and resale (SFR-ARR), 2) multi-family residential acquisition, rehabilitation, and resale (MFR-ARR), 3) Homebuyers Assistance Program (HAP), and 4) Administration. In partnership with selected Development Partners, the City acquires and rehabilitates single family residences for the purpose of resale to homebuyers earning up to 120% of the Area Median Income (AMI), and multi-family residences for the purpose of rental to households earning up to 50% AMI. Of the total $11,390,116 allocation received, the funds have been budgeted accordingly:

ACTIVITY	BUDGET
SFR-ARR	$5,203,576.00
MFR-ARR	$4,047,529.00
HAP	$1,000,000.00
ADMINISTRATION	$1,139,011.00

In FY 10/11, the City acquired approximately seventeen single family properties and obligated its entire NSP budget. Over FY11/12, the City will continue efforts to expending the 'obligated' budget as well as program income generated from the sale of the single family properties.

- ***Riverside County Housing Authority***

The County of Riverside serves as the local housing authority for the region. The County operates the Section 8 housing and various public housing facilities throughout the County including those located in Moreno Valley. Sources of funds available to city residents through the Housing Authority are primarily limited to Section 8, Capital Fund Program (formerly the Comprehensive Grant Program), and the Public Housing programs.

B. Private Resources

For-Profit Organizations

- ***Community Reinvestment Act (CRA)***

The city encourages increased cooperation between lending institutions and the communities they serve to meet CRA requirements for the development of affordable housing.

Non-Profit Organizations

Currently, a number of non-profit organizations facilitate a variety of social services and housing activities in Moreno Valley. The City encourages and supports non-profit organizations that apply for funding from various sources.

C. Leveraging and Matching Funds – HOME

The primary source of fund leveraging will occur in conjunction with activities carried out through Redevelopment Agency 20% Set-Aside funds. Specific matching fund activities include housing rehabilitation and development programs for single family, multi-family, and mobile home units. The following table summarizes FY 2011/12 HOME activities and match sources:

TABLE 1-E
HOME MATCH

HOME BUDGET FISCAL YEAR 2011/12	Continuing from Prior Years	2011/12 Allocation	Total Request	RDA Match 25%+
Administration (10% Cap)		$55,660	$55,660	$0
Community Housing Development Organization (15% Min.)		$83,490	$83,490	$0
Home Improvement Loan Program		$250,000		$0
Multi-Family Affordable Housing Project - Hemlock Family Apartments	$1,000,000	0	$1,000,000	
Mobile Home Grant Program		$100,000		$0
GRAND TOTAL	**$1,000,000**	**$489,150**	**$1,139,150**	

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN

The city will pursue housing, community development, and economic development activities to meet the needs of very-low, low, and moderate-income persons in Moreno Valley. To accomplish this, the city plans to expend CDBG, HOME, and other funds as available, such as Homelessness Prevention and Rapid Rehousing Program (HPRP), Neighborhood Stabilization Program (NSP), and Community Development Block Program – Recovery (CDBG-R) to meet community needs. The Consolidated Plan has several strategies for meeting community needs. The following objectives were identified in the Strategic Plan portion of the Consolidated Plan.

HOMELESS STRATEGY – TABLE 2-A, page 10
Objective 1. Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.

SPECIAL NEEDS STRATEGY – TABLE 2-B, page 14
Objective 1. Provide supportive housing and public services to meet the needs of special needs persons.

HOUSING STRATEGY – TABLE 2-C, page 15
Objective 1. - Rehabilitation of existing and construction of new single-family homes, multi-family housing, and mobile homes to create or maintain decent, affordable housing for low and moderate-income residents.
Objective 2. - Create home ownership opportunities for low and moderate-income residents.
Objective 3. - Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.
Objective 4. - Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY – TABLE 2-D, page 25
Objective 1. - Promote expanded employment opportunities in order to create or retain low and moderate-income jobs.
Objective 2. - Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.
Objective 3. - Support social service programs available to serve low and moderate-income residents.
Objective 4. - Provide employment training and placement programs available to serve low and moderate-income residents

The following tables detail the activities the City will undertake to address these objectives in FY 2011/12. The tables identify available funding, the geographic areas covered by the activity, and the target populations.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN (Continued)
HOMELESS STRATEGY

The Five Year Goals and Proposed Accomplishments under the homeless strategy are to assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities. The following programs for FY 2011/12 will be implemented to meet this goal.

TABLE 2-A

HOMELESS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.	
PROGRAM:	**PATH OF LIFE MINISTRIES – KING HALL FAMILY SHELTER**
PROGRAM DESCRIPTION:	Program provides long term (up to 2 years) shelter to homeless families and individuals with children. Residents may live at the shelter for a maximum of two years. While living at the shelter families are provided comprehensive counseling and support services that will assist them in becoming self sufficient. The shelter is located on March Air Reserve Base.
RESOURCES	CDBG Funds 2011/12 $14,250
TARGET POPULATION	Homeless families and homeless individuals with children
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LUTHERAN SOCIAL SERVICES TRANSITIONAL SHELTER PROGRAM**
PROGRAM DESCRIPTION:	A long term (up to 2 years) shelter program that provides assistance to homeless women and children through a comprehensive transitional living program. Counseling, education assessments and other services are provided to assist participants in gaining self sufficiency. Through the City's HPRP Program, Lutheran Social Services also provides assistance with utility payments arrears and security deposits to families at risk of homelessness.
RESOURCES:	CDBG Funds 2011/12 $14,250 HPRP Funds 2009/10 $65,938
TARGET POPULATION:	Homeless Women and Children
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**P. W. ENHANCEMENT CENTER (PWEC)**
PROGRAM DESCRIPTION:	Emergency motel vouchers, shelter placement, security deposit and rental assistance for homeless persons and persons threatened with homelessness. Also provides emergency and supportive services to needy households including food distribution, money management, job preparedness, child development and counseling.
RESOURCES:	CDBG Funds 2011/12 $14,250 HPRP Funds 2009/10 $64,063
TARGET POPULATION:	Homeless; Low and Moderate-Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**OPERATION SAFEHOUSE**
PROGRAM DESCRIPTION:	Operation Safehouse provides emergency shelter, counseling and comprehensive support services for homeless/run-away youth aged 12 – 17, with a goal of family reunification.
RESOURCES:	CDBG Funds 2011/12 $7,600
TARGET POPULATION:	Abused, Neglected, and Homeless Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2011/12 $29,070
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD AND EMERGENCY SERVICES PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing, utility assistance, and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2011/12 $8,550
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides new essential clothing and school supplies, a backpack, hygiene kit to low income children identified by teachers or school officials as homeless or needy.
RESOURCES:	CDBG Funds 2011/12 $9,500
TARGET POPULATION:	Elementary school aged children from low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FORECLOSURE PREVENTION WORKSHOPS**
PROGRAM DESCRIPTION:	Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The seven workshops held over 09/10 attracted approximately 600 struggling homeowners.
RESOURCES:	CDBG Funds 2011/12 $28,500
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**INLAND LEGAL SERVICES**
PROGRAM DESCRIPTION:	Free legal advice\services related to housing issues. Offers tenant legal services for evictions and other related legal needs. Funding also allows for expanded service hours.
RESOURCES:	HPRP Funds 2009/10 $40,000
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**CATHOLIC CHARITIES**
PROGRAM DESCRIPTION:	Catholic Charities provides assistance with rental subsidy and rental arrears payments through the City's HPRP program.
RESOURCES:	HPRP Funds 2009/10 $161,667
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**FAMILY SERVICES ASSOCIATION (FSA)**
PROGRAM DESCRIPTION:	FSA provides case management and assistance with rent subsidies and/or rental arrears payments. Program is funded through the City HPRP program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER**
PROGRAM DESCRIPTION:	Provides assistance with rental subsidy and rental arrears payments through the City's HPRP Program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FAIR HOUSING SERVICES – FORECLOSURE PREVENTION AND MITIGATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. It also offers financial assessments, budget management, mortgage education, training to potential homebuyers, and referral services.
RESOURCES:	CDBG Funds 2011/12 $20,708
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

ASSISTANCE AVAILABLE TO PERSONS THREATENED WITH HOMELESSNESS

In order to prevent low-income families from becoming homeless, local non-profit organizations (i.e. Catholic Charities, Gods Helping Hand, P.W. Enhancement Center), provide one-time emergency rental/mortgage assistance. The goal is to prevent homelessness for persons who missed a rent/mortgage payment due to extenuating circumstances. Some low-income families live "paycheck to paycheck" which makes it difficult for them to pay for the basic necessities when an emergency expense arises. The emergency rental/mortgage assistance program greatly benefits families on the threshold of becoming homeless.

For those families at risk of homelessness due to foreclosure, the city will continue conducting a series of foreclosure prevention workshops and fund the Riverside County Fair Housing Foreclosure Prevention and Mitigation Program to assist with mitigation of the foreclosure and provide valuable referrals. The City will also continue to offer programs under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant provided in 2008/09 under the American Recovery Act. This emergency legislation was established specifically to address the issue of potential homelessness due to the economic crisis. Funds were dedicated to providing various forms of assistance to qualifying families including: monthly rental assistance, rental arrears, security deposit assistance, utility payments and arrears, motel vouchers, legal assistance, and individual case management.

There are several programs administered by Riverside County that aid in the prevention of homelessness. For example, the Emergency Food and Shelter Program meets the needs of the hungry and homeless by providing funds to provide the following housing assistance (as determined by the Local Board in funded jurisdictions): lodging in a mass shelter or hotel; one month's rent or mortgage payment; one month's utility bill; and minimal repairs to allow a sheltering facility to function during the program year.

CONTINUUM OF CARE

The City will continue to actively participate in Riverside County's Continuum of Care Consortium. The Continuum of Care Consortium consists of local government agencies and local non-profits that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services, emergency and transitional shelter. Periodic meetings provide an opportunity for networking and working towards the common goal.

The County of Riverside is the lead agency charged with developing the Continuum of Care's 10 Year Strategy to End Homelessness. A working group of local government agency staff and other community stakeholders has been formed to develop this 10 year plan. The City of Moreno Valley has assigned a staff person to participate in this working group (which meets monthly) to assist in the accomplishment of the goal of ending homelessness in ten (10) years.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
SPECIAL NEEDS STRATEGY

The Five Year Goals and Proposed Accomplishments under the special needs strategy are to assist 15,000 special needs persons, including the elderly and disabled, with housing and public services. In FY 2011/12, the following programs will be implemented to meet this goal.

TABLE 2-B

SPECIAL NEEDS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of special needs persons.	
PROGRAM:	**SENIOR VAN TRANSPORTATION SERVICES (MoVan)**
PROGRAM DESCRIPTION:	The MoVan is used to transport the elderly and adult handicapped to medical appointments and other needed destinations for a small donation or at no cost. The MoVan is a specially equipped 17-passenger bus with two wheel chair tie-downs is available 7 hours a day/ 5 days a week.
RESOURCES:	CDBG Funds 2011/12 $28,500
TARGET POPULATION:	Special Needs Persons – Elderly and Disabled
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**ARC OF RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to continue to provide specialized medical services by an on-site LVN, and to help continue other existing services.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Special Needs Persons – Disabled
GEOGRAPHIC AREAS:	Citywide

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
HOUSING STRATEGY

The Five Year Goals and Proposed Accomplishments under the housing strategy are to:

1. To rehabilitate or construct a minimum of 400 housing units.
2. To provide home ownership to 5 households.
3. To provide increased, proactive Code Compliance, Neighborhood Cleanups and public safety activities to assist 3000 households in the CDBG Target Areas.
4. To assist 2,500 persons with fair housing and landlord/tenant services.

In FY 2011/12, the following programs will be implemented to meet the goals of each Objective:

TABLE 2-C

HOUSING STRATEGY	
OBJECTIVE 1: Rehabilitation of existing housing and/or construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.	
PROGRAM:	**MOBILE HOME GRANT PROGRAM**
PROGRAM DESCRIPTION:	Program offers rehabilitation grants of up to $10,000 to low-income owner occupants of mobile home coaches located in rental parks within the City to repair and eliminate substandard conditions.
RESOURCES:	HOME Funds $100,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	Citywide

HOUSING STRATEGY

OBJECTIVE 1: (Continued)

PROGRAM:	**HOME IMPROVEMENT LOAN PROGRAM (HILP)**
PROGRAM DESCRIPTION:	3% deferred loans for income qualified homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.
RESOURCES:	HOME Funds 2011/12 $250,000
TARGET POPULATION:	Low and Moderate Income Home Owners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**MULTI-FAMILY AFFORDABLE HOUSING PROJECT – HEMLOCK FAMILY APARTMENTS**
PROGRAM DESCRIPTION:	This project provides for new construction of 77 affordable multi-family housing units in Moreno Valley. It shall assist residents at 50%-60% of the area median income and help to improve the amount of decent housing in the community.
RESOURCES:	HOME Funds 2011/12 $1,000,000
TARGET POPULATION:	Low- income renters
GEOGRAPHIC AREAS:	CDBG Target Area

HOUSING STRATEGY
(OBJECTIVE 1 CONTINUED)

PROGRAM:	**SINGLE FAMILY ACQUISITION, REHABILITATION, AND RESALE PROGRAM (SFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the SFR-ARR program purchases, repairs, then re-sells foreclosed and abandoned properties to qualifying families earning up to 120% of the area median income.
RESOURCES:	NSP Funds $5,203,575
TARGET POPULATION:	Low and Moderate Income families
GEOGRAPHIC AREAS:	NSP Target Census Tracts

PROGRAM:	**MULTI-FAMILY ACQUISITION REHABILITATION AND RESALE (MFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the MFR-ARR program purchases, repairs, foreclosed and abandoned multi-family apartments and makes them available to renters earning up to 50% of the area median income.
RESOURCES:	NSP Funds $4,047,529
TARGET POPULATION:	Low and Moderate Income renters
GEOGRAPHIC AREAS:	NSP Target Census Tracts

HOUSING STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**CHDO – COMMUNITY HOUSING DEVELOPMENT ORG, Unprogrammed**
PROGRAM DESCRIPTION:	15% CHDO Set aside money for the future rehabilitation or construction of affordable housing for very low income residents. Specific project to be selected at a later date.
RESOURCES:	HOME CHDO Funds 2011/12 $83,490
TARGET POPULATION:	Very Low- income households
GEOGRAPHIC AREAS:	CDBG Target Area
PROGRAM:	**HABITAT FOR HUMANITY – MOBILE HOME REHABILITATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Program will supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or cosmetic) and focus more grant dollars on the code related improvements.
RESOURCES:	CDBG Funds 2011/12 $10,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 2: Create home ownership opportunities for low and moderate-income residents

PROGRAM:	**HOMEBUYER ASSISTANCE PROGRAM (HAP)**
PROGRAM DESCRIPTION:	Provides down payment assistance of up to 20% of the purchase price, for first time homebuyers purchasing resale homes up to the maximum FHA 203b limit. Loans are deferred for 30 years with no interest.
RESOURCES:	Neighborhood Stabilization Funds 2011/12 $1 million Redevelopment Funds 2011/12 $500,000
TARGET POPULATION:	Low and moderate income households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**OAKWOOD AFFORDABLE HOUSING PROJECT**
PROGRAM DESCRIPTION:	Development of 240 apartment units for low income renters. The project is currently under construction.
RESOURCES:	Redevelopment Housing Set-aside Funds $ 3 million
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

PROGRAM:	**RANCHO DORADO AFFORDABLE HOUSING DEVELOPMENT**
PROGRAM DESCRIPTION:	Development of apartment units for low income renters. Phase 1 of the project is currently under construction. Phase 2 is competing for State Tax Credit funding. The project will provide 148 affordable units once constructed.
RESOURCES:	Redevelopment Housing Set-aside Funds Phase 1 $4,750,000 Phase 2 $4,750,000
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

HOUSING STRATEGY

OBJECTIVE 3: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.

PROGRAM:	**NEIGHBORHOOD CODE COMPLIANCE**
PROGRAM DESCRIPTION:	City Code Compliance Officers provide enhanced, proactive inspection and enforcement services within the CDBG Target Areas to eliminate substandard housing and poor property maintenance conditions. Many low-income tenants are unable to pay for improvements that are the responsibility of the property owner. Increased code enforcement seeks compliance from property owners and assists in eliminating the substandard conditions.
RESOURCES:	CDBG Funds 2011/12 $263,390
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CODE ENFORCEMENT - CITY FORECLOSURE STRIKE TEAM**
PROGRAM DESCRIPTION:	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.
RESOURCES:	CDBG Funds 2011/12 $103,017
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

PROGRAM:	**NEIGHBORHOOD CLEAN-UP PROGRAM**
PROGRAM DESCRIPTION:	This neighborhood program assists in the revitalization of older neighborhoods. Funds will be used to conduct large-scale neighborhood clean-ups (utilizing commercial sized dumpsters and skip loaders) providing haul away and other services to residents within the targeted neighborhoods. Each clean-up typically assists an average of 125 properties.
RESOURCES:	CDBG $14,250
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY	
OBJECTIVE 4: Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.	
PROGRAM:	**FAIR HOUSING SERVICES**
PROGRAM DESCRIPTION:	The Fair Housing Council of Riverside County provides a full range of fair housing services including education, discrimination investigation, landlord/tenant mediation, enforcement, and training and technical assistance. All services designed to affirmatively further fair housing.
RESOURCES:	CDBG Funds 2011/12 $30,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

CITY EFFORTS TO ADDRESS LEAD-BASED PAINT HAZARDS

The City provides four consumer loan products that are impacted by the requirements of lead based paint disclosure. Applicants for the City's Mobile Home Grant Program, the Homebuyers Assistance Program, Home Improvement Loan Program, and the Homeowners Assistance for Minor Rehabilitation Program are given a lead-based paint disclosure booklet and sign an acknowledgment that is included in the loan application. If the home was constructed prior to 1978, the City contracts with Home Safe for a lead-based paint inspection of the property. If the property is found to contain lead-based paint, mitigation measures are incorporated as a part of the revitalization work. Since the HAP loan is down payment assistance, the lead-based paint mitigations are the responsibility of the Seller prior to the title transfer. Both buyer and seller receive the disclosure materials as a part of the loan application process.

SECTION 2 – *AFFORDABLE AND FAIR HOUSING*

Zoning

While not specifically addressed as a barrier to affordable housing, the City will begin re-evaluation of some areas that have been re-zoned to non-residential uses. In most cases, the areas re-zoned are older areas of the City that may offer more affordable housing. The City will continue to review the policies in its Housing Element for consistency with the Consolidated Plan and identify areas in need of improvement.

Strategies to Promote Affordable Housing

The City of Moreno Valley will undertake the following strategies to promote and foster affordable housing:

- Actively support projects that apply for State and Federal funds, on a case-by-case basis.
- Continue to develop and maintain affordable housing through the use of CDBG funds, HOME funds, Redevelopment Agency Housing Set-aside funds, and Neighborhood Stabilization Program funds.
- Complete infrastructure plans for various areas of the City to reduce-up front design costs for construction of improvements.
- Continue to implement Permit streamlining to encourage the development of affordable housing in the City.
- Continue to allocate funding for Code Compliance services in the CDBG target areas to address code compliance issues and encourage housing and property maintenance.

ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING

The City updated its Analysis of Impediments to Fair Housing Choice Report in 2008. The following proposed actions were identified during the process. The recommended actions are directed to the City, lending institutions, and other service agencies that assist Moreno Valley residents. Listed below are the key actions that the City could take to continue its efforts to affirmatively further fair housing:

1. Private Sector Actions

Action 1.1 Hate crime victim services are needed because families may feel threatened and unwanted. The City will develop a directory of victim services.

Action 1.2 Numerous professional organizations guide the day-to-day practice of real estate agents and property management companies. These day-to-day practices impact the delivery of housing on a fair and equal basis. The City will continue to maintain an awareness of these organizations and how they affect housing in Moreno Valley.

Action 1.3 The City will encourage the Press-Enterprise to identify in its Fair Housing Notice the agencies that can respond to fair housing questions. Such agencies would include the Fair Housing Council of Riverside County (FHCRC).

Action 1.4 The City will encourage the Press-Enterprise to publish a "no pets" disclaimer that indicates rental housing owners must provide reasonable accommodations, including "service animals" and "companion animals" for disabled persons.

Action 1.5 The City will encourage the Fair Housing Council to prepare a summary of reasonable accommodation requirements and transmit this information to the owners and managers of Moreno Valley's large apartment communities. The information may also provide a link to the State Department of Fair Employment and Housing video on reasonable accommodations.

2. Public Sector Actions

Action 2.1 The City will continue to support fair housing services in order to ameliorate the impacts of housing discrimination and to inform residents on how to recognize and avoid predatory lending, panic selling, and steering.

Action 2.2 The City's Home Improvement and Homeowner's Assistance Programs will continue to assist loan applicants that may have previously been denied through private banks and institutions, with low interest and deferred loans. The deferred loans would not increase an applicant's debt-to-income ratio. In addition, the City can be somewhat more lenient than a private lender insofar as past credit history.

Action 2.3 Using HPRP funds, the City will fund expanded hours for the provision of income – eligible families facing unlawful eviction and homelessness.

Action 2.4 Over the past few years, homeowners in the City as in other Inland Empire communities, are late with their monthly loan payments and, thus, are receiving notices of default and facing foreclosure and possible bankruptcy. The fair housing services provided by the FHCRC have been augmented to help struggling homeowners.

Action 2.5 The City will continue to provide large scale Foreclosure Prevention Workshops in Moreno Valley. Two workshop will be held, each providing education, counseling, and other assistance to struggling homeowners.

Action 2.6 The City will assist the County of Riverside Housing Authority by transmitting information contained in the Fair Housing Community Profile (Technical Appendix A of the Analysis of impediments to Fair Housing Choice). That information will include the areas of minority and low-income concentrations and an inventory of rental housing communities located outside these areas. In this way, the Housing Authority will have specific geographic information to counsel Section 8 tenants and seek owners outside areas of concentration. This information will be transmitted to the Housing Authority during the first year of the five-year Fair Housing Action Plan.

ACTIONS TO BE TAKEN DURING PROGRAM YEARS 2008-2009 TO 2012-2013 OF THE CONSOLIDATED PLAN

Program Year 2011-2012

- Continue to contract the FHCRC to provide fair housing services to Moreno Valley's residents.
- Prepare a listing or directory of hate crime victim services.
- Provide the public fair housing information by preparing Q&A documents on topics such as service and companion animal guidelines and accessibility guidelines.
- Conduct annual coordination meetings with the FHCRC, Inland Valley Association of Realtors and the Apartment Association of the Greater Inland Empire to discuss emerging fair housing issues.
- Transmit to the County of Riverside Housing Authority information on areas of minority and low income populations. This information will help the Housing Authority to counsel Section 8 tenants and to conduct landlord outreach to the owners and managers of apartments located outside these areas.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

The Five Year Goals and Proposed Accomplishments under the Community and Economic Development Strategy are to:

1. To assist 400 local small businesses with counseling services and loan programs.
2. To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.
3. To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).
4. To assist 150 low and moderate income residents with employment training and placement opportunities.

The following tables outline the activities that the city will undertake during Program Year 2011/12 to meet the Consolidated Plan Goals and Objectives.

TABLE 2-D

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 1: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.	
PROGRAM:	**SMALL BUSINESS COUNSELING SERVICES**
PROGRAM DESCRIPTION:	Counseling services for local small businesses in business planning, finances, marketing, etc. The goal is to create and/or retain low-income jobs in the community.
RESOURCES:	CDBG Funds FY 2011/12 $50,000
TARGET POPULATION:	Low income small business owners and employees
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**EMPLOYMENT RESOURCE CENTER**
PROGRAM DESCRIPTION:	The Center will provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost.
RESOURCES:	CDBG Funds 2011/12 $120,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**MORENO VALLEY NEW BUSINESS INCENTIVE PROGRAM**
PROGRAM DESCRIPTION:	The New Business Incentive Program is intended to attract major employers to locate in large, vacant retail space in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community through loans, grants or interest subsidies. The program intent is to create full-time permanent jobs which, per a formal agreement with the employer, a certain number shall be held by or made available to low and moderate income persons.
RESOURCES:	CDBG Funds 2011/12 $220,987
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**FAMILY SERVICE ASSOCIATION - MEAL PROGRAM FACILITY**
PROGRAM DESCRIPTION:	The local Family Services Association plans to construct a kitchen facility in the City's CDBG Target Area where meals will be prepared for the participants of its daycare centers. CDBG funding would be used for help in acquiring a building for the site. In lieu of the CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.
RESOURCES:	CDBG Funds 2011/12 $25,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LORD'S GYM**
PROGRAM DESCRIPTION:	The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet by focusing on sports. The facility offers a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring. A new facility shall open in Moreno Valley. The proposed CDBG funding will be used toward tenant improvements which are currently underway. In lieu of the CDBG assistance, the 'Lord's Gym' must create or retain a minimum of one full time permanent job held by or made available to low and moderate income level person.
RESOURCES:	CDBG Funds 2010/11 $20,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 2: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.

PROGRAM:	**DRACAEA STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	The project will design and construct sidewalks, while widening Draecea Street, from Perris Boulevard to Patricia Street.
RESOURCES:	CDBG Funds 2011/12 $650,000
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Central Sunnymead

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 3: Support public service programs available to serve low and moderate income residents.

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2011/12 $29,070
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2011/12 $8,550
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CHILD ABUSE PREVENTION & EDUCATION PROGRAM**
PROGRAM DESCRIPTION:	The Riverside Area Rape Crisis Center provides a child abuse prevention program designed to educate children (K-12th grade) through the Moreno Valley schools. They also provide counseling and support services to abuse victims and their families.
RESOURCES:	CDBG Funds 2011/12 $7,125
TARGET POPULATION:	K-12 students
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides a backpack, hygiene kit and back-to-school clothing through a "shopping" experience to children identified by teachers or school officials as being in need.
RESOURCES:	CDBG Funds 2011/12 $9,500
TARGET POPULATION:	Elementary school aged children from homeless and low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**ALTERNATIVES TO DOMESTIC VIOLENCE**
PROGRAM DESCRIPTION:	Alternatives to Domestic Violence provides services to victims of domestic violence. These services include an Outreach Counseling Center which offers a 24-hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.
RESOURCES:	CDBG Funds 2011/12 $7,125
TARGET POPULATION:	Victims of Domestic Violence
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CASA for RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	Advocacy for Abused and Neglected Children. CASA offers court appointed monitoring services to foster youth. CDBG funds will be used to fund the salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.
RESOURCES:	CDBG Funds 2011/12 $9,500
TARGET POPULATION:	Abused/Neglected Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER '211 PROGRAM'**
PROGRAM DESCRIPTION:	The '211 Program' is a quality telephone referral system available 24 hours a day, 7 days a week that residents may use to access information on public and private facilities and services in the City.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 4: Provide employment training and placement programs available to serve low and moderate income residents.	
PROGRAM:	**YOUTH OPPORTUNITY CENTER (YOC)**
PROGRAM DESCRIPTION:	The Center will offer local youth access to an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. The proposed $25,000 in CDBG funding would be used for tenant improvements.
RESOURCES:	CDBG Funds 2011/12 $25,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

SECTION 3 –OTHER ACTIONS
ANTI-POVERTY STRATEGY

The City identified several programs in its strategy to produce and preserve affordable housing. Programs include: the Neighborhood Stabilization Program (NSP), the Home Improvement Loan Program, Mobilehome Rehabilitation Grant Program, and the Homebuyer Assistance Program. The implementation of these programs and the re-evaluation of zoning in specific neighborhoods will assist in maintaining livable conditions for lower income persons. These programs, when coupled with the various social services, such as shelter and food services, and counseling programs, (including homeless prevention programs) provide residents opportunities to utilize programs at little or no cost, thereby reducing financial burden. The City's current structure limits the ability to directly reduce the numbers of households with incomes below the poverty line. However, by utilizing multiple programs and working with County, private, and nonprofit agencies the City can work to reduce the number of persons with incomes below the poverty line.

The City has established several goals to reduce poverty among its population:

1. Economic Development and Job Creation/Retention

In 2009, the City implemented 2 new programs aimed at relieving area unemployment and creating new jobs. The New Business Incentive Program continues this year to function as a tool to assist in the attraction of retail business to Moreno Valley providing full-time jobs to low-and-moderate income individuals. The Employment Resource

Center provides a centrally located office where low-to-moderate income persons may utilize computers and other office equipment to assist in building their resumes and run job searches.

The City partners with the Inland Empire Small Business Development Center (SBDC) to provide small business counseling services and specialized training to local businesses with the goal of improving\expanding businesses thereby creating and/or retaining low and moderate income jobs.

The City continues to implement a $479,292 Community Development Block Grant – Recovery, received in 2009, that incentivizes job creation.

2. Housing Programs

The City identified several programs in its strategy to produce and preserve affordable housing. The implementation of programs such as:

- the Homebuyer Assistance Program,
- the Home Improvement Loan Programs,
- the Mobile Home Grant Program,
- NSP Acquisition, Rehabilitation, Resale of Single Family Homes,
- NSP Acquisition Rehabilitation, Rental of Multi Family Apartments
- New Affordable Housing Development
- Homelessness Prevention and Rapid Re-Housing Program (HPRP)

will assist in maintaining livable conditions for lower income persons.

The City currently makes significant efforts to ensure that the City's Target Area and the Redevelopment Area benefit from the listed programs. Additionally, four other areas of the city were designated Revitalization Areas by HUD. The City is exploring opportunities to acquire and rehabilitate HUD owned properties within these areas to be sold to low-income homebuyers.

3. Public Service Providers

Public service organizations provide direct assistance to low-income persons, including the elderly, homeless, disabled, and persons threatened with homelessness. Providers assist with obtaining and maintaining adequate housing, emergency assistance as needed to meet immediate and urgent individual and family needs, including shelter; and the achievement of self-sufficiency. These programs provide city residents opportunities to utilize various services at little or no cost, thereby reducing their financial burden. The Homelessness Prevention and Rapid Re-housing grant of $732,872 received in 2009, also utilizes Public Service providers to distribute emergency assistance to families facing homelessness.

4. Coordination of Efforts

The City's goal is to continue to establish collaborative relationships between governmental and social service agencies to assure the effective delivery of services to low-income individuals. One example is the Riverside County Continuum of Care. The

Continuum of Care group consists of several local non-profits and local governmental agencies, such as the City of Moreno Valley, who meet periodically to share information, coordinate efforts to assist homeless persons and plan future activities. While the City's ability to directly reduce the numbers of households with incomes below the poverty line is limited, the City will attempt to reduce the number by utilizing multiple programs and working with the county, private and non-profit agencies.

Planning and Meeting Obstacles

The City will continue to evaluate and monitor priority community development needs, including those needs that may be currently underserved. The City will also work toward identifying, assessing and overcoming obstacles to meeting underserved community development needs.

SECTION 3 –OTHER ACTIONS
INSTITUTIONAL STRUCTURE AND COORDINATION

The institutional structure described in the Consolidated Plan demonstrates the diverse types of organizations needed to accomplish its program goals. The City will work with a variety of public and private agencies to accomplish the Consolidated Plan goals set forth in this strategic plan.

In addition, coordination with other public and private agencies is necessary in order to establish solid working relationships that will enable all service providers to better assist those in need. The City enjoys a cooperative relationship with surrounding jurisdictions, agencies, and nonprofit organizations.

Public Agencies

The City shall work with state and federal agencies through several grant programs to facilitate services and programs, which meet housing and safety needs in the community.

The City is a member of the March Joint Powers Authority (JPA). The JPA is a public entity created for the purpose of addressing the use, reuse, and joint use of realigned March Air Reserve Base (MARB) a (size) base located immediately adjacent to Moreno Valley.

On a more local level, City staff will work with Riverside County agencies such as the Departments of Mental Health and Public Social Services, to address regional homeless issues. The City meets on a regular basis with the Riverside County Department of Public Social Services as part of the Continuum of Care process to assist homeless persons. The Continuum of Care Consortium consists of local government agencies as well as non-profit agencies that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services and shelter. Periodic meetings provide an opportunity for networking and working towards the common goal. Riverside County's Economic Development Agency also partners with the City to provide employment assistance services at the City's Employment Resource Center, as well as support services for at-risk youth at the Youth opportunity Center (under development).

Public Housing Authority

The Riverside County Housing Authority administers public housing and Section 8 programs in Moreno Valley. Issues relating to public housing are included in the Consolidated Plan for Riverside County. The City will work with the Riverside County Housing Authority when possible to improve the living environment of public housing and Section 8 residents.

Non-Profit Organizations

The City utilizes a variety of nonprofit organizations to address community needs, such as homelessness, special needs, fair housing and food distribution services. The City will provide information and updates to local social service agencies regarding the availability of private affordable housing opportunities in Moreno Valley. The City will also inform and educate private housing entities on the services, programs, and referrals provided by local social service agencies to persons seeking housing. Distribution of this information may be through a variety of methods including direct mailing, public service announcements, and personal contacts by city staff. Many of the objectives identified in the Annual Plan and associated programs are carried out by non-profit organizations. These organizations are the primary service providers for Moreno Valley's homeless, special needs and low-income populations. CDBG funds are allocated to these organizations to carry out activities benefiting these populations.

HOME funds are provided to non-profit agencies for rehabilitation and new construction of affordable housing units in the city. The city will work with its Community Housing Development Organizations (CHDO's), Riverside Housing Development Corporation (RHDC), and Habitat for Humanity to accomplish the housing goals. As a result of working with the CHDO's, the City has been able to address a wide variety of community needs including housing programs and public safety. The City will continue to work with these entities throughout the program year.

SECTION 3 – OTHER ACTIONS
MONITORING

MONITORING OF CDBG PROGRAMS

Monitoring serves as an effective tool to ensure that expenditures of federal funds are consistent with CDBG National Objectives and achieve program/project goals. The following outlines monitoring requirements for Moreno Valley CDBG program:

Subrecipients – When an organization becomes a City subrecipient, they must sign a contract with the City in which the various scopes of work, time lines, and documentation requirements are outlined. On a monthly basis, each Subrecipient must submit detailed information regarding the number, ethnicity, and income level of individuals benefiting from CDBG funds. Quarterly summary reports are required of some agencies in which further information is provided on activities accomplished in that quarter. The City conducts an on-site inspection of each agency at least once per year, preferably toward the end of the funding cycle. A sample Subrecipient Monitoring Form is attached as Attachment G.

Construction Projects – All construction projects comply with Federal Labor and Procurement Procedures as well as the various affirmative action and equal opportunity requirements required by various federal and state laws. The CDBG Management Analyst oversees and reviews contract preparation at each step from bid preparation, contract document preparation, pre-construction meetings, and ongoing project inspections. All public notices that solicit bids for capital projects are submitted to minority newspapers such as El Chicano, the San Bernardino American and the Precinct Reporter in order to give minority-owned businesses the opportunity to bid on the CDBG capital projects.

MONITORING OF HOME PROGRAMS

Multi-Family Affordable Housing Programs

The City requires property owners who have received funds under the Rental Rehabilitation Program or Multifamily Affordable Housing Program to recertify their tenant's eligibility annually. They report information and provide documentation related to the property, unit occupancy, tenant information and financial reporting. Forms and applicable documentation such as Federal income tax returns are to be completed by tenants of reserved (affordable) units and submitted with the report. If the unit was occupied by multiple tenants, then a copy of the application, rental agreement and the dates of residency must be provided. In addition, a copy of "Determining Affordable Rent" is provided to the owner for the reserved units. A City building inspector will conduct a property inspection to determine if the property is in compliance with code requirements and in good condition. The City will work with a recertification consulting service to ensure that the information is accurate and complete. Examples of the checklists used to monitor the affordable units under the Rental Rehabilitation Loan Program are also included in Attachment G.

Single Family Housing Programs – For Owner-Occupants

The City's Homebuyer Assistance Program offers a low-interest, silent second, down-payment assistance loans to income qualified individuals.

Loan terms include an equity sharing arrangement in lieu of interest on the deferred loan. When the property is sold or transferred, the City will receive a share of the gain on sale in addition to the original amount loaned. The percentage of the equity share percentage is calculated by dividing the original loan amount by the original purchase price.

Example: *If the HAP loan amount was $10,000 and the original purchase price was $90,000, the equity share percentage would be 11%. The equity share percentage is then multiplied by the gain on the sale (as determined by the sales price or the property value determined by a professional appraisal) to determine the City's Share of the profit on the sale. If the gain on the sale were $15,000, the City's share would be 11% of $15,000, or $1,650. The total repayment to the City would be $11,650.*

In addition, a Deed of Trust is recorded to serve as loan collateral (security). The securing deed may take first, second, or third position if it does not exceed the one hundred percent (100%) loan-to-value ratio.

Displacement and Relocation

The City does not have any plans to displace or relocate any residents from their homes using CDBG or HOME funds. If a project necessitated displacement or relocation, it would be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

PROPOSED ACCOMPLISHMENTS

The following table details each of the goals and objectives identified in the Strategic Plan and the proposed accomplishments over the five-year period of the Consolidated Plan. Following the close of the program year on June 30th, the City has 90 days to complete a Consolidated Annual Performance and Evaluation Report (CAPER) for public review and submittal to HUD. The CAPER will include the following table to track the accomplishments during the entire five-year period. Annual goals will be identified in the Annual Action Plan.

TABLE 3-A
PROPOSED FIVE-YEAR ACCOMPLISHMENTS (SAMPLE TABLE. INTENTIONALLY BLANK.)

Priority	Five-Year Goal / Proposed Accomplishments	Complete per Program Year					Summary of Progress
		08/09	09/10	10/11	11/12	12/13	
HOMELESS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.							
1.1	To assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities.						**Goal:** **Completed:**
SPECIAL NEEDS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of special needs persons.							
2.1	To assist 15,000 special needs persons, including the elderly and disabled, with housing and public services.						**Goal:** **Completed:**
HOUSING STRATEGY							
OBJECTIVE: Rehabilitation of existing and construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.							
3.1	To rehabilitate or construct a minimum of 400 housing units.						**Goal:** **Completed:**
OBJECTIVE: Create home ownership opportunities for low and moderate income residents.							
3.2	To provide home ownership to 5 households.						**Goal:** **Completed:**
OBJECTIVE: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.							
3.3	To provide increased, proactive Code Enforcement, Neighborhood Cleanups and public safety activities to assist 3,000 households.						**Goal:** **Completed:**
OBJECTIVE: Provide fair housing services to educate households on their rights and responsibilities and assist residents with fair housing issues.							
3.4	To assist 2,500 households with fair housing services.						**Goal:** **Completed:**

MV00105210

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY							
Priority	Five-Year Goal / Proposed Accomplishments	Complete per Program Year					Summary of Progress
OBJECTIVE: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.							
4.1	To assist 400 local small businesses with counseling services and loan programs.						**Goal:** **Completed:**
OBJECTIVE: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.							
4.2	To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.						**Goal:** **Completed:**
OBJECTIVE: Support public service programs available to serve low and moderate income residents.							
4.3	To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).						**Goal:** **Completed:**
OBJECTIVE: Provide employment training programs available to serve low and moderate income residents.							
4.4	To assist 150 low and moderate income residents with employment training and placement.						**Goal:** **Completed:**

MV00105211

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MV00105212

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
FORM APPLICATION SF424

Form Application SF 424

(behind this page)

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:	*2. Type of Application	* If Revision, select appropriate letter(s)
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	*Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

3. Date Received:

4. Applicant Identifier: B-10-MC-06-0567

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Moreno Valley

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 Frederick Street
Street 2: PO BOX 88005
*City: Moreno Valley
County:
*State: CA
Province:
*Country: USA
*Zip / Postal Code 92553

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms. *First Name: Isa
Middle Name:
*Last Name: Rojas
Suffix:

Title: Management Analyst

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@MoVal.org

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2011/12 Community Development Block Grant funding. Programs/projects receiving new allocations for funding includes public services (landlord/tenant mediation, homeless\transitional housing shelters, emergency food assistance, youth programs, and elderly programs) code enforcement, and economic development programs.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2011 *b. End Date: June 30, 2012

18. Estimated Funding ($):

*a. Federal	TBD
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	TBD

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: Henry

Middle Name:

*Last Name: Garcia

Suffix:

*Title: CITY MANAGER

*Telephone Number: 951-413-3453 | Fax Number: 951-413-3459

* Email: henryg@moval.org

*Signature of Authorized Representative: | *Date Signed:

Authorized for Local Reproduction

Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

NA

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:	*2. Type of Application	* If Revision, select appropriate letter(s)
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	*Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

3. Date Received:

4. Applicant Identifier: M-10-MC-06-0551

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: CITY OF MORENO VALLEY

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 FREDERICK STREET
Street 2: PO BOX 88005
*City: MORENO VALLEY
County: RIVERSIDE
*State: CA
Province:
*Country: USA
*Zip / Postal Code 92552-0805

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: MS. *First Name: ISA
Middle Name:
*Last Name: ROJAS
Suffix:

Title: MANAGEMENT ANALYST

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@moval.org

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development (HUD)

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Parntnership Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2011/12 HOME funding. Programs/projects receiving new allocations for funding include ...TBD.

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2011 *b. End Date: June 30, 2012

18. Estimated Funding ($):

*a. Federal	TBD
*b. Applicant	
*c. State	
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	TBD

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: Henry

Middle Name: L.

*Last Name: Garcia

Suffix:

*Title: City Manager

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: HenryG@moval.org

*Signature of Authorized Representative: *Date Signed:

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CITIZEN PARTICIPATION

CITIZEN PARTICIPATION PROCESS

In preparing the 2011/12 Action Plan, the City took an assertive approach to encourage citizen participation. HUD regulations require that cities consult with public and private community-based non-profit organizations to obtain input on the housing and non-housing needs of low- and moderate-income and homeless members of the community. Those with special needs are included as well. To meet this requirement, the City prepared a Citizen Participation Plan (Attachment D), which outlines the process for encouraging citizen participation in the development of the Action Plan.

Citizen participation was accomplished through a series of meetings, public notices and announcements. City staff hosted community meetings and invited area residents, non-profit organizations and surrounding jurisdictions to provide input on the needs of the community. Public meetings to determine needs were held at the Moreno Valley Conference and Recreation Center and the Senior Center. In addition, several focused meetings with local agencies, surrounding jurisdictions and City committees were also conducted. Information and notification of these meetings was distributed through correspondence, flyers and public notices. Table 4-A, on the following page, outlines the citizen participation schedule.

The information compiled from the meetings (as outlined in the above schedule) was used in determining the needs in the community and the development of strategies. Citizen Comments are included as Attachment E. Organizations that participated in meetings or consultations included the following:

- CASA – Court Advocates Program (for Foster Youth)
- Fair Housing Council of Riverside
- 211 Riverside County
- Community Action Partnership of Riverside County

The proposed Action Plan was available for a 30-day public examination and comment period from March 29, 2011 through April 29, 2011.

The Action Plan was available for public review at the following locations:

- City of Moreno Valley Economic Development Department – City Hall
- Moreno Valley Senior Center
- City of Moreno Valley Corporate Yard
- Moreno Valley City Library

No Public comments on the Annual Action Plan were received during the public review period. Comments received at public meetings and hearings are included in Attachment E.

TABLE 4-A
CITIZEN PARTICIPATION SCHEDULE

Annual Action Plan FY 2011-2012 CDBG & HOME Programs Citizen Participation Schedule	
November 3, 2010	Notice of Community Needs Meetings *(Publish in Newspaper & Mail Out)*
November 17, 2010	Community Needs Assessment Meeting – Conference & Recreation Center (6:00 p.m. to 8:00 p.m.)
December 1, 2010	Publish Notice of Public Hearing for December 14, 2010 to Adopt CDBG/HOME Program Objectives and Policies
December 2, 2010	Community Needs Assessment Meeting – Senior Community Center (6:00 p.m. to 8:00 p.m.)
December 14, 2010	City Council Meeting – Adopt CDBG/HOME Program Objectives and Policies ***(Public Hearing)***
December 14, 2010	Mail NOFA (Notice of Funding Availability) to Interest List
January 3, 2011	**CDBG/HOME Applications Available for Distribution** Notice of Funding Availability Published
January 31, 2011	**All Applications Due (Non Profit and In-House)**
February 1-17, 2011	Technical Review Committee Reviews Public Service and Community Needs Applications; Applicant Oral Presentations
February 15, 2011	Publish Notice of Annual Action Plan Review Period (Mar 15 – Apr 15)
February 17, 2011	Final Technical Committee Project Review & Recommendation
February 18, 2011	Publish Notice of Public Hearing for March 8, 2011 City Council Meeting
March 22, 2011	City Council Meeting - CDBG/HOME Project Selection ***(Public Hearing)***
March 29, 2011	Begin Annual Action Plan 30-Day Review Period
April 26, 2011	Publish Notice of Public Hearing for May 10, 2011 to Approve the Annual Action Plan
April 29, 2011	Close of 30-day Public Comment Period for Annual Action Plan
May 10, 2011	City Council Meeting - Review Citizen Comments & Approve the Annual Action Plan ***(Public Hearing)***
Not later than May 12, 2011	Submittal of Annual Action Plan to HUD

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CERTIFICATIONS

(Behind this page)

CERTIFICATIONS FY 2011-2012

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the City of Moreno Valley certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, and it has concluded an analysis of impediments to fair housing choice within the jurisdiction, and will take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential ant displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;
(b) The grantee's policy of maintaining a drug-free workplace;
(c) Any available drug counseling, rehabilitation, and employee assistance programs; and
(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and
(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

_____ _____

Signature/Authorized Official Date

Henry Garcia, City Manager

Specific CDBG Certifications

The City of Moreno Valley certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2010-2011 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

   However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-Discrimination laws -- The grant will be conducted and administered in conformity within title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

_____ _____

Signature/Authorized Official Date

Henry Garcia, City Manager

Specific HOME Certifications

The City of Moreno Valley certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

_____ _____

Signature/Authorized Official Date

Henry Garcia, City Manager

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Hall
14177 Frederick Street
Moreno Valley, CA 92552

(X) Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

ATTACHMENT A – DEFINITIONS OF TERMS AND ACRONYMS USED

List of acronyms used in this document:

CDBG: Community Development Block Grant

CDBG-R: Community Development Block Grant, Recovery Program

HOME: HOME Investment Partnership Grant

HPRP: Homelessness Prevention and Rapid Re-housing Program

HUD: U.S. Department of Housing and Urban Development

NSP: Neighborhood Stabilization Program

RDA: Community Redevelopment Agency of the City of Moreno Valley

This glossary is designed to provide a comprehensive list of terms used in this Consolidated Plan and future annual plans.

Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

AIDS and Related Diseases: The disease of acquired immune deficiency syndrome or any conditions arising from the etiologic agent for acquired immune deficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit from one or more programs included in the jurisdiction's investment plan. A renter is benefited if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefited during the year if the home's rehabilitation is completed. A first-time homebuyer is benefited if a home is purchased during the year. A homeless person is benefited during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefited, however only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of

a housing unit and/or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unity must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109) See also instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities.

Consolidated Plan: The document that is submitted to HUD that serves as the planning document (comprehensive housing affordability strategy and community development plan) of the jurisdiction and an application for funding under any of the Community Planning and Development formula grant programs (CDBG, ESG, HOME, or HOPWA), which is prepared in accordance with the process prescribed in 24CFR part 91.

Cost Burden: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Disabled Household: A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally developed programs or conduct a variety of special projects designed to promote economic independence and self-sufficiency.

Elderly Household: For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

Emergency Shelter: Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

Extremely Low-Income Family: Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

Family: Family means all persons living in the same household who are related by birth, marriage or adoption.

Family Self-Sufficiency (FSS) Program: A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50% of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be used as the principal residence of the homebuyer, except that any individual who is a displaced homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by the spouse.

For Rent: Year round housing units that are vacant and offered/available for rent. (U.S. Census definition)

For Sale: Year round housing units that are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least 3 activities of daily living (i.e., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless Family: Family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, or a homeless person in the process of securing legal custody of a person under the age of 18.

Homeless Individual/Homeless Person: An unaccompanied youth (17 years or younger) or an adult (18 years or older) without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or a State law), including the following: (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is: (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Homeless Subpopulations: Include but are not limited to the following categories of homeless persons: severely mentally ill only, alcohol/drug addicted only, severely mentally ill and alcohol/drug addicted, fleeing domestic violence, youth, and persons with HIV/AIDS.

Homeless Youth: Unaccompanied person 17 years of age or younger who is living in situations described by terms "sheltered" or "unsheltered".

Household: All the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defects; (2) meet the definition of overcrowded; and (3) meet the definition of cost burden greater than 30%.

Housing Unit: An occupied or vacant house, apartment, or single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

Institutions/Institutional: Group quarters for persons under care or custody. (U.S. Census definition)

Jurisdiction: A State or unit of general local government.

Large Family/Household: Family/household of five or more persons.

Large Related: A household of 5 or more persons that includes at least one person related to the householder by blood, marriage or adoption.

LIHTC: (Federal) Low Income Housing Tax Credit.

Low- and Moderate-Income Household: A household having an income equal to or less than the Section 8 low-income limit established by HUD.

Low- and Moderate-Income Person: A member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.

Low-Income Family/Household: Low-income families/households whose incomes do not exceed 50 percent of the median family/household income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Middle-Income Family/Household: Family/household whose income is between 80 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This corresponds to the term "moderate income family" under the CHAS statute, 42 U.S.C. 12705.)

Moderate-Income Family/Household: Family/household whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Non-Homeless Persons with Special Needs: Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

Non-Institutional: Group quarters for persons not under care or custody. (U.S. Census definition used)

Occupied Housing Unit: A housing unit that is the usual place of residence of the occupant(s).

Other Household: A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

Other Income: Household whose incomes exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to moderate-income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: For purposes of describing relative housing needs, a housing unit containing more than one person per room, as defined by the U.S. Census Bureau, for which data are made available by the Census Bureau. (See 24 CFR 791.402(b).)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Physical Defects: A housing unit lacking complete kitchen or bathroom (U.S. Census definition). Jurisdictions may expand upon the Census definition.

Primary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation or acquisition -- that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity".)

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

Public Housing MROP: Public Housing Major Reconstruction of Obsolete Projects.

Rent Burden > 30% (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden > 50% (Severe Cost Burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Secondary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation, or acquisition -- that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity".)

Section 215: Section 215 of Title II of the National Affordable Housing Act. Section 215 defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up or in overcrowded or substandard conventional housing. Facilities that offer permanent shelter are not shelters, nor are the residents to be considered homeless.

Small Related: A household of 2 to 4 persons that includes at least one person related to the householder by birth, marriage, or adoption.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally not financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This

does not include units that require only cosmetic work, correction or minor livability problems or maintenance work. The jurisdiction must define this term (i.e., standard condition, financially and structurally feasible for rehab) and include this definition in the Appendix (Glossary of Terms) portion of its CHAS submission.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Rehabilitation of residential property at an average cost for the project in excess of $25,000 per dwelling unit.

Supportive Housing: Housing, including Housing Units and Group Quarters, that provides a supportive environment and include a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money management, and household management; counseling home ownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, childcare, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year round housing units. (U.S. Census definition)

Transitional housing: A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: Households whose incomes do not exceed 30 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents. (This term corresponds to low-income households in the CDBG Program.) For the purpose of further distinguishing needs within this category, two subgroups (0 to 30% and 31 to 50% of MFI) have been established in the CHAS tables and narratives.)

Worst-Case Needs: Unassisted, very low income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year round use. (U.S. Census definition.) Housing units for seasonal or migratory use are excluded.

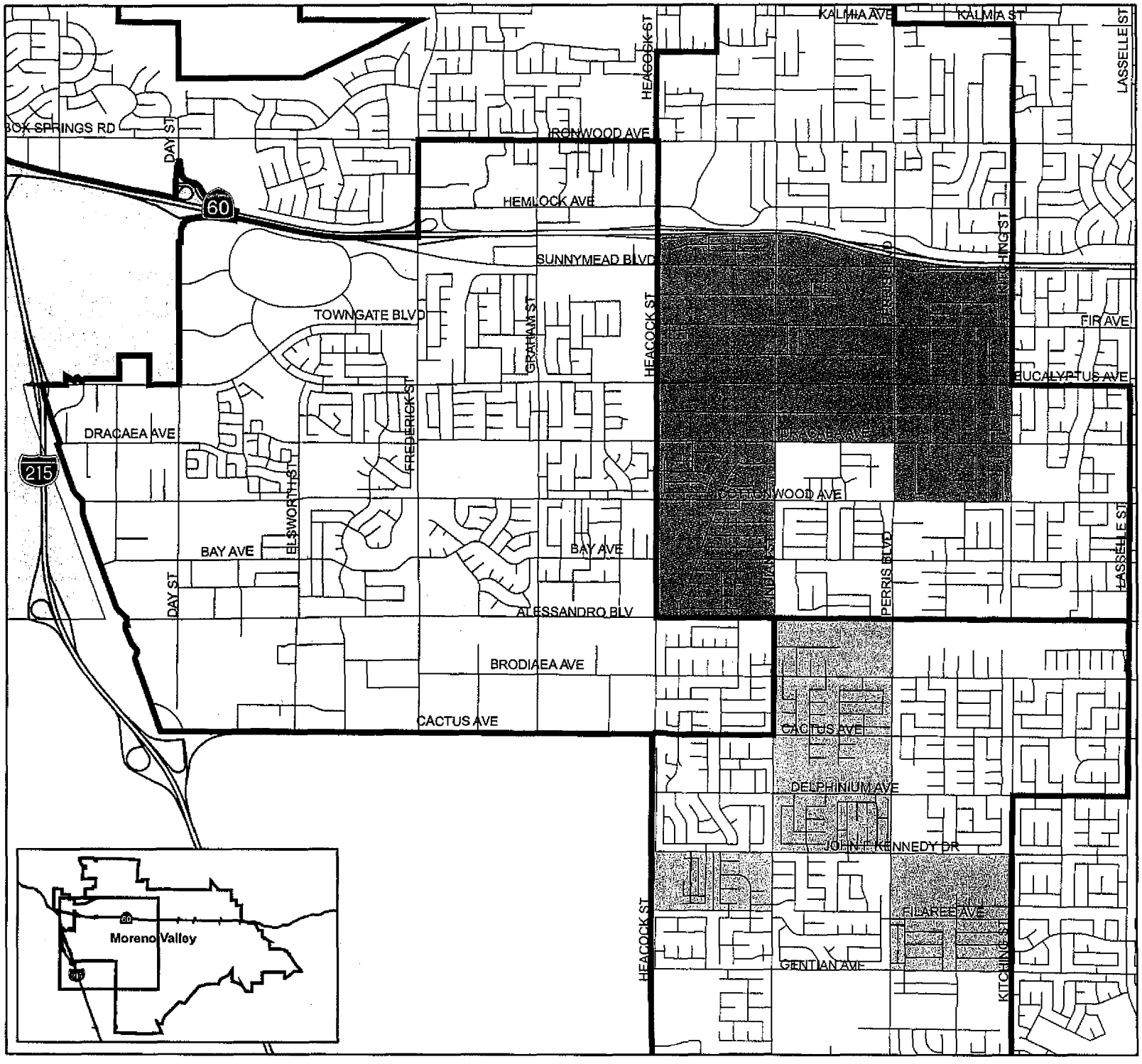

City of Moreno Valley CDBG Target Areas

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

MV00105243

Redevelopment Area

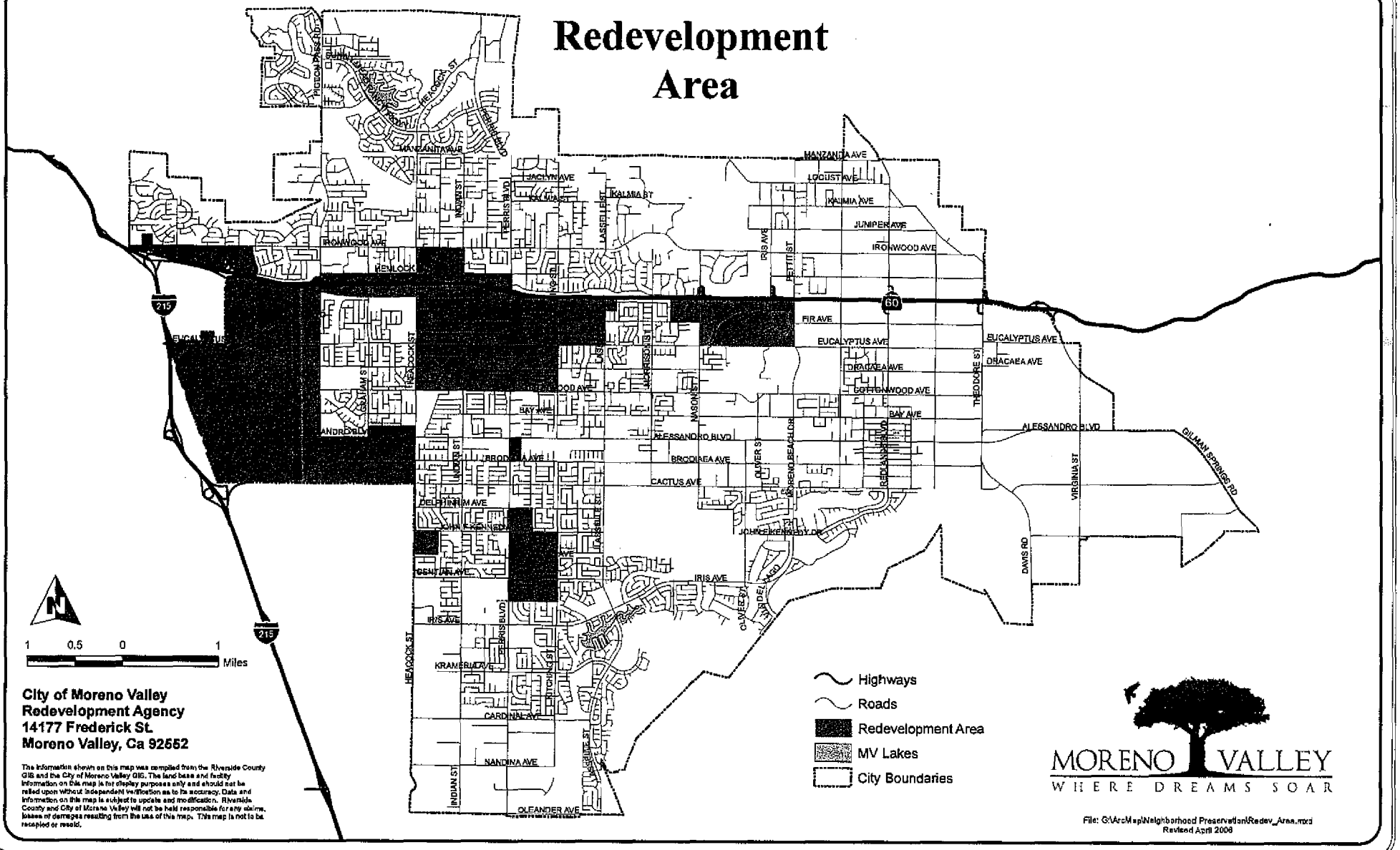

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

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MV00105244

CITY OF MORENO VALLEY
REVITALIZATION AREAS

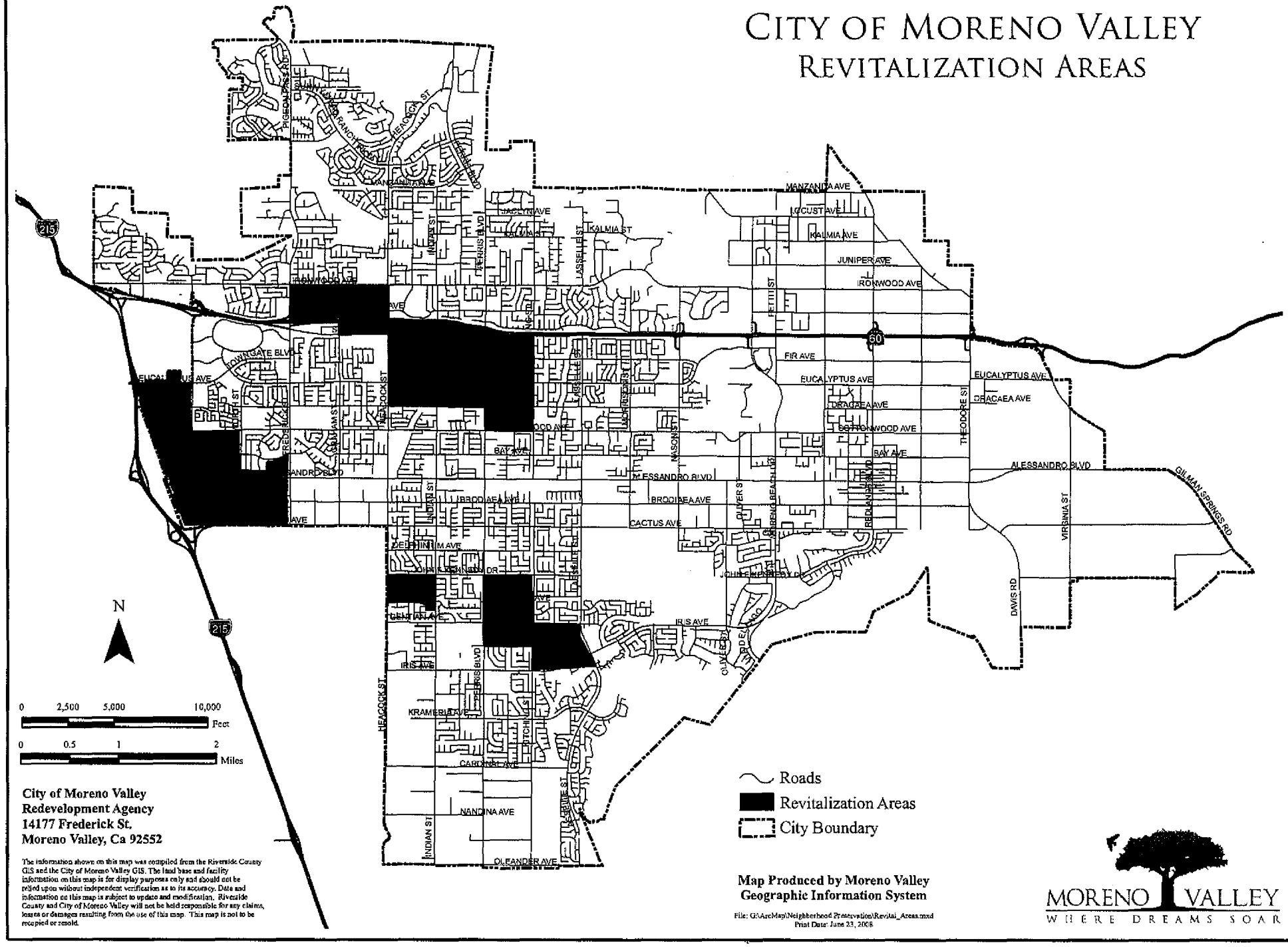

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be reproduced or resold.

Map Produced by Moreno Valley Geographic Information System

File: G:\ArcMap\Neighborhood Preservation\Revital_Areas.mxd
Print Date: June 23, 2008

MORENO VALLEY
WHERE DREAMS SOAR

MV00105245

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

NOTICE OF PUBLIC HEARING

CDBG & HOME PROGRAMS FISCAL YEAR 2011/2012 ANNUAL ACTION PLAN

The Moreno Valley City Council of the City of Moreno Valley will hold a **PUBLIC HEARING** to review and select the programs and projects requesting Community Development Block Grant (CDBG) and HOME Incentive Partnership Program (HOME) Funds for FY 2011/12.

The **Public Hearing** will be held on **Tuesday, March 22, 2011 at 6:30 p.m.** at the following location:

City Council Chambers
City of Moreno Valley - City Hall
14177 Frederick Street.
Moreno Valley, CA 92552

The City anticipates receiving an estimated $1,795,990 in new CDBG funds and $603,264 in HOME funds in FY 2011/2012. Please note that at least 70% of the CDBG funding will be allocated to projects serving lower income residents. The public is invited to attend and give input regarding the programs proposed for funding. Once approved at the City level, the programs will be incorporated into the 2010/11 Annual Action Plan and submitted to the Department of Housing and Urban Development (HUD) for Federal approval.

The Action Plan is the annual update to the City's adopted 5-Year Consolidated Plan that covers the period from July 1, 2008 through June 30, 2013 (FY 2008 - FY 2013). The Consolidated Plan is a comprehensive planning document that identifies priority housing and non-housing needs of the community. It also discusses strategies, projects and funding distributions. The City is required to provide HUD the Annual Action Plan that incorporates how new CDBG and HOME funds will be used to facilitate the strategies and address the needs identified in the Consolidated Plan.

For more information, please contact Isa Rojas, Management Analyst in the Economic Development Department, (951) 413-3450.

3-9-11

CITY OF MORENO VALLEY

NOTICE OF PUBLIC COMMENT PERIOD

PROPOSED 2011/2012 ANNUAL ACTION PLAN

As a recipient of both Federal Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds, the City of Moreno Valley is required to complete a Consolidated Plan and an Annual Action Plan. The Consolidated Plan is a five-year planning document that addresses the housing and community development needs of the City. The Annual Action Plan details the strategies and programs that the City will undertake during each program year.

The 2011/2012 Annual Action Plan covering activity from July 1, 2011 through June 30, 2012 will be available for public review and comments from March 29, 2011 through April 29, 2011. Public comments will only be received during the fifteen (30) day comment period. Upon completion of the comment period, the Action Plan will be revised to include a summary of public comments received. All comments will be incorporated as addendums to the Report and will be forwarded to the U.S. Department of Housing and Urban Development (HUD).

Copies of the Action Plan will be available for review at the Senior Community Center, the Purchasing Division Office at the City Corporate Yard, the Economic Development Department at City Hall, and the Moreno Valley Public Library. Comments must be submitted to the Economic Development Department. Contact information is listed below.

ISA ROJAS, MANAGEMENT ANALYST
CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
NEIGHBORHOOD PRESERVATION DIVISION
14177 FREDERICK STREET
MORENO VALLEY, CA 92552
NP@MOVAL.ORG
(951) 413-3450

ATTACHMENT D – CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Moreno Valley is required by law to have a detailed Citizen Participation Plan that contains the City's policies and procedures for public involvement in the Consolidated Plan process and the use of CDBG and HOME funds. The Moreno Valley Citizen Participation Plan was developed pursuant to the U.S. Department of Housing and Urban Development (HUD), Consolidated Submission for Community Planning and Development Programs as required under 24CFR Part 91 and Part 8. The Citizen Participation Plan provides the method and process by which the City of Moreno Valley will encourage citizen participation in the development of its Consolidated Plan. Through this plan, citizens will be afforded the opportunity to provide input regarding housing and community development needs, issues and problems affecting low- and moderate-income persons, development of strategies, project selections and funding distributions.

Encouraging Public Participation

The law requires that the City's Citizen Participation Plan both provide for and encourage public participation, emphasizing involvement by low- and moderate-income people – especially those living in low- and moderate-income neighborhoods (see CDBG Target Area Map). Also, HUD expects the City to take whatever actions are appropriate to encourage participation of minorities, people who do not speak English, and people with disabilities.

The City also maintains a distribution list of persons, agencies, and organizations that have expressed interest in the City's CDBG or HOME programs. Notifications of events, such as the Community Needs meetings, are mailed directly to those on the distribution list to encourage public participation.

The Role of Low Income People

The law declares that the primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing: decent housing, a suitable living environment, and growing economic opportunities – all principally for low- and moderate-income people.

The City of Moreno Valley will provide the Riverside County Public Housing Authority with a copy of all Public Notices that are published during the Consolidated Plan process. The City encourages input from residents of the Public Housing developments and via the Public Housing Authority, residents are notified of Community Needs Meetings as well as Public Hearings.

Because the amount of federal CDBG and HOME money the City receives each year is mostly based upon the severity of both poverty and substandard housing conditions in the City, it is necessary that public participation genuinely involve low-income residents who experience these conditions. Genuine involvement by low income people must take place at all stages of the process, including:

- Identifying needs
- Setting priorities among these needs, deciding how much money should be allocated to each high-priority need and suggesting the types of programs to meet high-priority needs
- Overseeing the way in which programs are carried out

The Various Stages of the Consolidated Plan Process

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include:

A. Identification of community and housing needs (includes Public Hearing)
B. Preparation of a draft use of funds for the upcoming year, call the Proposed Annual Action Plan (includes Public Hearing)
C. Formal approval by the City Council of the Final Annual Action Plan (includes Public Hearing)
D. In the case where is it necessary to change the use of money already budgeted in an Action Plan or change priorities, a Substantial Amendment will be proposed (includes Public Hearing)
E. After the program year is complete, a Consolidated Annual Performance and Evaluation Report (CAPER) is drafted for public review and comment and then sent to HUD

The Program Year

The program year for Moreno Valley coincides with the City's fiscal year from July 1 through June 30.

PUBLIC NOTICES

Items Covered by the Public Notice Requirement

Advance Public Notice is provided once a federally required document is available for public review and comment, such as the Annual Action Plan or Consolidated Plan. In addition, advance public notice of all public hearings and public meetings is provided at least two weeks in advance.

Public Notice Schedule

Advance notice of all available documents, public hearings and public meetings are provided at least two weeks in advance. The notices will give residents a clear understanding of the event being announced.

The following is a general timeline of when public notices are published:

November-January	Notice of Community Needs Meetings
December-January	Notice of Public Hearing to Identify Community Needs
January	Notice of Funding Availability and Application Process for Funding
March	Notice of Public Hearing to Discuss Proposed Consolidated/Action Plan
March-April	Notice of Consolidated/Action Plan Availability for Public Review
April-May	Notice of Public Hearing to Adopt Final Consolidated/Action Plan
As Needed	Notice of Availability of Amendment to Consolidated/Action Plan
As Needed	Notice of Public Hearing to Amend Consolidated/Action Plan

Forms of Public Notice

Public notices are published in the Press-Enterprise as display advertisements in the non-legal section of the newspaper. A copy of the public notice will be sent to any person or organization requesting to be on the mailing list.

PUBLIC ACCESS TO INFORMATION

As required by law, the City will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual and past use of funds covered by the Citizen Participation Plan. Regarding the past use of funds, the law requires reasonable public access to records about any uses of these funds during the previous five years.

Also, the City will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds.

Standard Documents

Standard documents include:

- The proposed and final Annual Action Plans
- The proposed and final Five-Year Consolidated Plan
- Proposed and final Substantial Amendments to either an Annual Action Plan or the Five-Year Consolidated Plan
- Consolidated Annual Performance and Evaluation Report
- Citizen Participation Plan

Availability of Standard Documents

All documents are available for immediate public review at City Hall in the Economic Development Department. Copies of standard documents that are not currently posted for public review will be provided to the public within five working days of the request at no cost. Copies of draft documents such as the Action Plan and CAPER are available at several locations for public review. These locations are: the Library, the Senior Center, City Hall, and the Purchasing Division at the City Corporate Yard. Documents remain at each of the for the entire required review time that is specified in the applicable public notice. All final documents are available for public review at City Hall during normal business hours.

PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views and to provide the public with the City's responses to public questions and proposals.

The law requires a minimum of two public hearings at two different stages of the process. The City will conduct three public hearings at the following stages of the process: Identifying Needs, Proposed Annual Action Plan, and the Final Annual Action Plan. Public hearings are also conducted for amendments to the Annual Action Plan as needed.

Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan, including a display advertisement in the non-legal section of the newspaper at least two weeks prior to the public hearing. Public hearings are conducted during the regularly scheduled City Council meetings.

Public Hearings and Populations with Unique Needs

All public hearings will be held at locations accessible to people with disabilities and provisions will be made for people with disabilities when requests are made within at least five working days prior to a hearing. Translators will be provided for people who do not speak English when requests are made at least five working days prior to a hearing.

Conduct of Public Hearings

To ensure that public hearings are meaningful to residents, each public hearing will be conducted in the presence of the City Council. Each resident choosing to speak will be allowed a maximum of five minutes to make a verbal presentation.

The following is a general timeline of when public hearings are conducted during the process:

January	Public Hearing to Identify Community Needs
March	Public Hearing to Discuss CDBG and HOME Proposed Projects
May	Public Hearing to Adopt Final Consolidated Plan Amendment/ Action Plan
As Needed	Public Hearing to Amend Consolidated Plan Amendment/ Action Plan

STAGES IN THE PROCESS

A. IDENTIFYING NEEDS

Because the housing and community development needs of low- and moderate-income people are so great and so diverse, priorities must be set in order to decide which needs should get more attention and more resources than other needs. This is the basic reason the Consolidated Plan exists.

A public hearing is required to obtain residents' opinions about needs and what priority those needs have. In order to encourage public involvement, two public community needs meetings are conducted in two separate locations to determine the specific needs and priorities identified by low- and moderate-income people. After information is gathered from the community needs meetings, a public hearing is conducted to allow residents to express comments regarding the needs of the City's low- and moderate-income population.

The public hearing about community needs will be completed at least 15 days before a draft Annual Action Plan is published for comment, so that the needs identified can be considered by the City and addressed in the draft Annual Action Plan.

B. THE PROPOSED ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The law governing the Citizen Participation Plan calls for improved accountability of jurisdiction to the public. In that spirit and in compliance with the terms of the law, the City will use the following procedures.

At the beginning of this stage, the City will provide the public with an estimate of the amount of CDBG and HOME funds it expects to receive in the upcoming year, along with a

description of the range of types of activities that can be funded with these resources. Also, the public will be given an estimate of the amount of these funds that will be used in ways that will benefit low- and moderate-income people.

The plans of the City to minimize the extent to which low- and moderate-income people will have to leave their homes as a result of the use of these federal dollars (called "displacement") will also be available at this time. This "anti-displacement plan" will also describe how the City will compensate people who are actually displaced as a result of the use of these funds, specifying the type and amount of compensation.

Technical Assistance

City staff will work with organizations and individuals representative of low- and moderate-income people who are interested in submitting a proposal to obtain funding for an activity. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing a proposal form.

Availability of a Proposed Annual Action Plan

Within 3 weeks after the Public Hearing about the Proposed Annual Action Plan, the City will make the Proposed Annual Action Plan available to the public. In addition, copies will be available at the locations specified above in the section, "Public Access to Information". A Public Notice will be published at least two weeks prior to the document's availability. The term "notice" described earlier in the section on "Public Notice" will be used.

Also, the date the Proposed Annual Action Plan is available to the public will be at least 30 days prior to the date a Final Annual Action Plan is approved by the City Council so that low- and moderate-income people will have a reasonable opportunity to examine it and to submit comments.

Public Hearing and Further Action

A public hearing about the Proposed Annual Action Plan will be conducted by the City Council within 30 days before it is available to the public. In addition, this public hearing will be held so that there are at least another 30 days before the Final Annual Action Plan is approved by the City Council so that the elected officials can consider the public's comments from the public hearing.

In preparing a Final Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Annual Action Plan will have a section that presents all comments and explains why any comments were not accepted.

C. THE FINAL ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

Copies of the Final Annual Action Plan will be made available to the public at City Hall for review. Copies can be obtained free of charge and within five business days of the request.

D. AMENDMENTS TO THE ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The Final Annual Action Plan will be amended any time there is: a change in one of the Priorities presented on the HUD-required Priority Table, a change in the use of money to an activity not mentioned in the Final Annual Action Plan, or, a change in the purpose, location, scope of beneficiaries of an activity. The public will be notified whenever there is an amendment.

Substantial Amendments

The following will be considered "substantial" amendments:

1. A change in the use of CDBG or HOME money from one activity to another.
2. The elimination of an activity originally described in the Annual Action Plan.
3. The addition of an activity not originally described in the Annual Action Plan.
4. A change in the purpose of an activity, such as a change in the type of activity or its ultimate objective – for example, a change in a construction project from housing to commercial.
5. A meaningful change in the location of an activity.
6. A change in the type or characteristics of people benefiting from the activity. Among the "characteristics" are:
    a. The HUD-recognized income levels of: 0-30 percent of area median income; between 31 percent and 50 percent of AMI; and between 51 percent and 80 percent of AMI
    b. Race or ethnicity
    c. Renter or homeowner

d. Single households, small ones (two to four persons), large ones (five or more persons)

7. A 20% percent decrease in the number of low- and moderate-income people benefiting from an activity.
8. A change in the scope of an activity, such that there is a 20% percent increase or decrease in the amount of money allocated to the activity.

Public Notice and Public Hearing for Substantial Amendments

There must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for Substantial Amendments:

1. There will be advance notice of the availability of a proposed Substantial Amendment 30 days before there is a public hearing.
2. A detailed written description of the proposed Substantial Amendment will be made available to the public. Also, copies will be available at the locations indicated earlier in this Citizen Participation Plan under "Public Access to Information".
3. There will be a public hearing regarding the proposed Substantial Amendment conducted by the City Council. This public hearing will not take place until the public has had 30 days to review the proposed Substantial Amendment.
4. The public hearing will be held no sooner than two weeks prior to submission to HUD.
5. In preparing the Final Substantial Amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Substantial Amendment will have a section that presents all comments and explains why any comments were not accepted.

E. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Every year the City must send into HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the close of the program year. In

general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people.

Public Notice and Public Hearing for Consolidated Annual Performance and Evaluation Report (CAPER)

There must be reasonable notice that the Consolidated Annual Performance and Evaluation Report (CAPER) is available so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for the CAPER:

1. There will be advance notice of the availability of the CAPER two weeks in advance.
2. A complete copy of the CAPER will be made available to the public at the locations indicated earlier in the Citizen Participation Plan under "Public Access to Information".
3. The public will have a minimum of 15 days to review and provide comments on the CAPER.
4. In preparing the CAPER for submission to HUD, careful consideration will be given to all comments and views expressed by the public. The CAPER sent to HUD will have a section that presents all comments and explains why any comments were not accepted.

Contents of the CAPER

The CAPER provides details on the actions taken by the City during the previous program year and accomplishments completed during the year. Accomplishments include the number of low- and moderate-income persons served and the ethnicity of those individuals. Also provided are expenditures taken during the year and funds spent undertaking each activity.

COMPLAINT PROCEDURES

Comments, suggestions or complaints may be addressed to the Economic Development Department as follows:

City of Moreno Valley
Economic Development Department
Attention: Neighborhood Preservation Division
14177 Frederick Street, P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-34507

All written complaints from the public will receive a meaningful written response within 15 working days after receipt.

CHANGES TO THE CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan can be changed only after the public has been notified of the intent to modify it, and only after the public has had a reasonable chance to review and comment on proposed substantial changes to it.

ATTACHMENT E

COMMUNITY NEEDS ASSESSMENT MEETING

Conference & Recreation Center
November 17, 2010
6:00 p.m. – 7:30 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Isa Rojas, Management Analyst

Community members present at the meeting:

- Lyn Garcia, Community Action Partnership of Riverside County
- Debra Jackson, Community Action Partnership of Riverside County
- Craig Redelsperger, 211 Riverside County
- Deborah Sutton, CASA – Court Advocates Program (for Foster Youth)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- It was suggested that future funding consideration go toward foster youth services since there is a substantial need. A detailed discussion centered around the high population of kids in the foster care system, the high number of group homes in Moreno Valley (it was commented that the City has the highest number in the County), and the lack of quality foster parents.

- It was commented that with the economy struggling and the high unemployment, new groups of individuals are seeking assistance for the very first time. It was shared that consequently, telephone referral services to members of the community have increased by 38% with the majority of callers requesting help with utilities and housing.

- There was a recommendation that funding should be directed at addressing the increased demand in certain service areas. It was shared that community members are being turned away at certain service provider organizations, such as food banks -which no longer are receiving donations at the level they were in the past. Emergency services and utility services are in extremely high demand.

- The need for support toward local youth programs, including job training was discussed, as was the need for programs that assist 'special needs' populations (elderly, disabled).

- The need for affordable, safe, childcare in our community was noted, particularly with State budget cuts no longer providing subsidies or licensing.

MV00105259

COMMUNITY NEEDS ASSESSMENT MEETING
Community Senior Center
December 2, 2010
6:00 p.m. – 7:30 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Isa Rojas, Management Analyst

Community members present at the meeting:

- Robin Goins, Smooth Transition, Inc.
- Monica Lopez, Fair Housing Program Manager with the Fair Housing Council of Riverside County
- Sheena Wright, Foreclosure Prevention/Loss Mitigation Specialist, Fair Housing Council of Riverside County

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- It was reported that fair housing issues continue to rise in Moreno Valley. With many homeowners having have lost their homes and now being required to rent, tenant-landlord mediation has spiked. Evictions and repair issues are high, and fair housing discrimination cases involving disabled persons have increased 42%.

- The need for loss mitigation counseling continues especially for repeat services for homeowners with modifications who's employment situation keeps changing. It was also noted that predatory lending and foreclosure prevention scams continue to be prevalent in Moreno Valley.

- With the economy still struggling, it was reported that many Fair Housing clients were in need of rental and utility assistance.

- The Fair Housing Council continues to receive requests for, and to provide, First Time Homebuyer education.

- The need for community education was emphasized particularly life skills education and job training for 'at risk' populations such as emancipated youth. It was a consensus that education is key in preventing future hardships for these individuals.

MV00105260

COMMUNITY NEEDS ASSESSMENT COMMENTS (CONTINUED)

The following is a summary of needs assessment comments made by persons who were unable to attend the meetings but submitted their comments by phone or e-mail:

Community members:

- Judy Neiburger, representing Friends of the Senior Center- MoVan
- Carolyn Sherman, Assistance League of Riverside

- Moreno Valley continues to have a big demand for low cost elderly transportation. It was stated that the MoVan program is ideal for persons on a fixed income and provided for ridership at 1/12 of the cost of other local transportation.

- Special attention was recommended be paid to the increase in homelessness in the community. It was felt that support for services (particularly food) is needed this upcoming funding year.

- It was reported that the Assistance League assisted more needy children with school clothes, backpacks and hygiene kits than ever before. With the recession affecting our local area more severely than the rest of the nation, the need is expected to continue.

MV00105261

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
NEIGHBORHOOD PRESERVATION DIVISION

Community Development Block Grant
"Subrecipient Monitoring Form"

GENERAL INFORMATION:

Interviewer:_____

Interviewer:_____

Project Name: _____

Location:_____

Agency:_____

Project Began:_____

Project Ended:_____

Date:_____

Name(s) and Title(s) of Person(s) Interviewed:

CDBG REGULATIONS

1. What efforts has the Subrecipient made to ensure that employees understand applicable CDBG program requirements?

2. Does the Subrecipient maintain adequate records to comply with CDBG program requirements, including records retention? *(circle one)* Yes No

3. Comments:

INTERNAL CONTROLS

1. Has the Subrecipient ensured that financial management systems are maintained in accordance with 24 CFR, Part 85.20(b), as applicable? *(circle one)* Yes No

   If yes, what are the financial management standards?

2. If Subrecipient employees work on both CDBG-eligible and non-CDBG eligible activities, what system does the Subrecipient have in place to ensure that appropriate time distribution records are kept?

3. Is the Subrecipient in compliance with the procurement and/or subcontracting requirements of 24 CFR, Part 85.36, as applicable? *(circle one)* Yes No

4. Does the Subrecipient significantly review for evidence of conflicts of interest either between the Subrecipient and the employees or between the Subrecipient and its contractors (such as obtaining information on background of staff or board directors and seeking specific assurances from contractors, vendors, and suppliers)? *(circle one)* Yes No

SUBRECIPIENT AGREEMENT (24 CFR, PART 570.503)

1. Does the "Scope of Services" contain a description of the types and amounts of services or products that will result from use of CDBG funds in sufficient detail to allow for effective monitoring? *(circle one)* Yes No

   Give examples of any deficiencies found:

2. Is a deadline designated for accomplishment of each of the major services or projects identified in the "Scope of Services" (reference 24 CFR, Part 570.503(b)(1))? *(circle one)* Yes No

   Give examples of any deficiencies found:

3. Are the costs for carrying out the "Scope of Services" presented in sufficient detail to provide an adequate base for comparison of planned and actual performance (reference 24 CFR, Part 570.403(b)(1))? *(circle one)* Yes No

   Describe any deficiencies:

4. Are the documents presented and required of the Subrecipient in order to receive payment of CDBG funds adequate to ensure that payments are eligible and reasonable in relation to actual performance and that funds are not being requested in excess of immediate needs? *(circle one)* Yes No

   If not, please explain:

5. Where special documentation is required by the contract or project activity type such as but not limited to, necessary or appropriate determinations, or lead-based paint, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   If not, what is lacking?

6. Where special income documentation is required by the contract or project activity type, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   Indicate type of verification required:

7. Are current income limits being utilized for the program? *(circle one)* Yes No

8. Does the Agreement specify that program income is to be retained by the Subrecipient? *(circle one)* Yes No

   If yes, what provisions are made to ensure that such income is recorded and reported, and that it will be used in accordance with CDBG regulations?

9. Has Subrecipient been informed of requirement to submit an annual audit of City funded portion for the program per the CDBG Agreement? Audit shall be performed by a Certified Public Accountant or other independent auditor. *(circle one)* Yes No

REPORTING

1. Does the Subrecipient submit reports such as progress or financial reports on a timely and periodic basis (reference 24 CFR, Part 570.503(b)(2))? *(circle one)* Yes No

   If yes, please describe:

2. How frequently are these reports required to be submitted?

3. Has Subrecipient submitted written reports and is the information submitted sufficient to assess Subrecipient performance against the specifications in the "Scope of Services"? *(circle one)* Yes No

   If not, please explain:

4. Is the reported data verified by the City? *(circle one)* Yes No

   If yes, how does the recipient verify actual beneficiaries of a project?

PROGRAM INCOME MONITORING

1. How does the Subrecipient keep track of generated program income and ensure accurate reporting?

2. Has the Subrecipient established revenue accounts to record program income?

3. If program income is retained by Subrecipient, does the Subrecipient check to determine that:

   a. Program income is being used before new grant funds are requested?

   b. Such income is being used in accordance with CDBG rules and regulations?

ON-SITE REVIEW OF SUBRECIPIENTS BY CITY

1. Did a representative from the City of Moreno Valley monitor this Subrecipient on site? *(circle one)* Yes No

2. Based on this review, does there appear to be any significant differences between actual performance and the reported performance submitted to the City? *(circle one)* Yes No

   If yes, please describe:

3. In reviewing the activities and costs charged by the Subrecipient to the CDBG program, are there any costs that appear clearly unreasonable? *(circle one)* Yes No

4. Are there any expenditures that warrant further review? *(circle one)* Yes No
   If yes, please explain:

SUMMARY

1. Is it evident that the Subrecipient is adequately managing and monitoring its activities? *(circle one)* Yes No

   If not, try to identify the apparent causes of the problem(s). What action is recommended? Does the Subrecipient need additional technical assistance in any particular area? Are there elements of the Sub-recipients management system that are particularly successful? Please note below any general observations, positive and/or negative, which would contribute to a determination as to whether the Subrecipient has an adequate management and monitoring system in place to ensure compliance with regulations and accomplishment of goals and objectives.

FINDINGS:

CONCERNS:

RECOMMENDED ACTIONS:

POSITIVE OBSERVATIONS:

_____ _____
Signature of Reviewer Date

_____
Name and Title

	A	B
1	ATTACHMENT E - CDBG PROPOSED PROGRAMS	
2	CDBG - FY 2011/12 - Total Anticipated Funding $1,621,245 plus project savings of $412,830* =	
3	ACTIVITY	
4	A.	ADMINISTRATION (20% CAP - $324,249)
5	0	Administrative Staffing
6	1	**Fair Housing Council of Riverside County - Fair Housing Program**
7		Subtotal
8	B.	PUBLIC SERVICES (15% CAP - $243,186)
9	2	**Community Foreclosure Prevention Workshops**
10	3	Community Assistance Program (CAP) Food Program
11	4	Friends of the Moreno Valley Senior Center (MoVan) Transportation
12	5	**Problem Orienting Community Policing (POP) Team**
13	6	**Fair Housing Council of Riv County - Foreclosure Prevention Program**
14	7	**Fair Housing Council of Riv County - Landlord Tenant Mediation Program**
15	8	Lutheran Social Services (MARB) Homeless Shelter
16	9	Path of Life Transitional Family Shelter (MARB)
17	10	PW Enhancement Center - Emergency Services Outreach
18	11	Neighborhood Clean-ups
19	12	Assistance League/Operation School Bell - Clothes/School Supplies
20	13	CASA for Riverside County Foster Youth Program
21	14	God's Helping Hand Ministries - Food Bank
22	15	Operation Safehouse Shelter for Youth
23	16	Alternatives to Domestic Violence Emergency Shelter & Services
24	17	Riverside Area Rape Crisis Center - Child Abuse Prevention Program
25	18	**Moreno Valley Community Educators - Tutoring Program**
26	19	ARC of Riverside - Disabled Adult Day Care Facility
27	20	Salvation Army -Food Program
28	21	**Catholic Charities - Case Worker**
29	22	MVUSD High School Intervention Program
30	23	Smooth Transition Literacy/Job Readiness/Life Skills Trng.
31	24	CVHC - Afterschool/Computer Program
32	25	ReNu Hope Foundation - Pre School Bldg. Improvements
33	26	**Volunteer Ctr. '211' Telephone Referral Service**
34	27	Volunteer Ctr. Rent Gaurantee Program
35	28	Alpha & Assoc. - Reclaiming Youth Intervention Program
36	29	MCL Music Changing Lives - Youth Intervention/Music Program
37	30	Family Service Assoc. Nutrition Program at Supportive Hsg Complex
38	31	Leading Our World - Help the Streets Outreach Program
39		Subtotal
40	C.	PUBLIC FACILITIES & IMPROVEMENTS
41	32	**Street Improvement Project**
42		Subtotal
43	D.	REHABILITATION
44	33	Habitat for Humanity
45		Subtotal
46	E.	CODE ENFORCEMENT
47	34	Code & Neighborhood Enforcement Program (CDBG Target Areas)
48	35	Code Enforcement - Foreclosure 'Strike Team'
49		Subtotal
50	F	ECONOMIC DEVELOPMENT
51	37	**MV New Business Incentive Program**
52	38	**Employment Resource Center**
53	40	Youth Opportunity Center
54	41	Family Service Assoc. Meal Program Facilities
55	42	Small Business Development Center
56		Subtotal
57		GRAND TOTAL
58	■ New applicants ■ Organization serving homeless population ■ Recommended funding changes over previous year	
59		

	C	D	E	F	G	H
1						
2	$2,034,075					
3	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation	City Council Recommendation		
4					1794025	
5	$338,869		$294,249		81288	
6	$49,453		$30,000		1875313	
7	$388,322		$324,249		358805	882
8					269103.75	.6235 professional services: printing
9	$44,000	$30,000	$28,500			
10	$30,600	$34,220	$29,070			
11	$30,000	$30,000	$28,500			
12	$28,241	na	$0			
13	$25,000	$25,000	$20,708			
14	na	$15,000	$14,250			
15	$15,000	$21,104	$14,250			
16	$15,000	$30,000	$14,250			
17	$15,000	$32,000	$14,250			
18	$15,000	$15,000	$14,250			
19	$10,000	$15,000	$9,500			
20	$10,000	$32,535	$9,500			
21	$9,000	$10,000	$8,550			
22	$8,000	$8,000	$7,600			
23	$7,500	$15,000	$7,125			
24	$7,500	$7,500	$7,125			
25	$6,400	na	$0			
26	$5,000	$20,000	$5,000			
27	$5,000	$10,900	$5,000			
28	na	$35,000	$0			
29	na	$10,500	$0			
30	na	$48,872	$0			
31	na	$10,000	$0			
32	na	$19,413	$0			
33	$5,000	$20,000	$5,000			
34	na	$63,000	$0			
35	na	$50,000	$0			
36	na	$150,000	$0			
37	na	$50,000	$0			
38	na	$1,105,000	$0			
39	$291,241	$1,913,044	$242,428			
40						
41	na	$650,000	$650,000			
42	$0	$650,000	$650,000			
43						
44	$10,000	$10,000	$10,000			
45	$10,000	$10,000	$10,000			
46						
47	$263,390	$263,390	$263,390			
48	$103,017	$103,017	$103,017			
49	$366,407	$366,407	$366,407			
50						
51	$540,000	$525,000	$220,987			
52	$145,641	$120,000	$120,000			
53	$50,000	$25,000	$25,000			
54	$50,000	$50,000	$25,000			
55	$50,000	$50,000	$50,000			
56	$835,641	$770,000	$440,987			
57	$1,891,611	$3,699,451	$2,034,071			
58						
59						

	A	B
60		
61	* Anticipated funding based on 16.5 % reducation of last years actual allocation + past years project savings of $412,830. BY LAW Project savings CANNOT be applied to Public Services. Public Services are capped at 15% of annu	
62		
63		

	C	D	E	F	G	H
60						
61	**al grant.**					
62						
63			$1,875,313			

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: May 10, 2011 (continued from April 12, 2011)

TITLE: Resolution Regarding the Liberty Quarry

RECOMMENDED ACTION

Staff recommends that the City Council discuss and consider adopting Resolution No. 2011-31 regarding the Liberty Quarry.

BACKGROUND

Granite Construction Incorporated has proposed the Liberty Quarry project in Southwest Riverside County to address the need for construction grade aggregate resources in Southern California. The proposed project would help meet the current and projected demand for construction aggregates in the Temecula-Murrieta area, southwestern Riverside County, and northern San Diego County by providing reliable, high-quality, aggregate products at a maximum permitted production level of 5 million tons per year for a maximum of 75 years. The operations at Liberty Quarry would involve hard rock extraction and crushing, material processing and product production, and truck transport of quarry products to customers.

The proposed site is located within Riverside County at the border to San Diego County, west of I-15, and comprises 414 acres. One hundred fifty-five acres are proposed for the quarry area and associated support operations, 9 acres would be used for an access road and utility pad, and 250 acres would remain as undisturbed open space and would serve as buffers to adjacent properties. The proposed project would include construction of a crushed rock processing plant and associated facilities. The project would also include construction of an additional lane at the southbound I-15 off-ramp at Rainbow Valley Boulevard to accommodate traffic entering the site from the north.

According to the environmental impact report released by Riverside County, in addition to the processing plant and support facilities, the project would include the following specific design features that avoid or reduce potential impacts:

- Open space areas and buffers
- Reclamation plan suitable for habitat open space
- Enclosed equipment to reduce dust and odors
- Low-profile installation, onsite setbacks, and a landscaped berm to limit noise and views
- Water reuse to conserve water resources

Additionally, reclamation activities would be conducted during all phases of development of the Proposed Project, and the post-reclamation end use would be suitable for habitat open space.

In July, 2009, the County of Riverside released the Draft Environmental Impact Report (DEIR) for this project, which assessed potentially significant impacts related to the environment. The DEIR determined that there would be no adverse impact to mineral resources and less than significant impacts with implementation of mitigation measures, design considerations and/or compliance with standard regulations for the following issue areas: aesthetics and light, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, utilities and service systems, and vibration. The DEIR did determine that the proposed project would result in "significant and unavoidable impacts" to air quality and traffic/transportation, which cannot be mitigated to below a level of significance. However it also indicated that those impacts would occur without the project due to diesel trucks traveling long distances to haul aggregate if the quarry is not constructed. As stated in the proposed resolution of support, aggregate supply facilities in Banning, Palm Springs, and Indio currently truck aggregate through the City of Moreno Valley and neighboring communities to meet the needs of Southwest Riverside County and northern San Diego because of a lack of local aggregate. Presumably this traffic would be less frequent if these areas were served by a quarry located closer to that region.

The Draft EIR was circulated for 120 days for review for the period from July 20, 2009 through November 23, 2009 (the review period was extended from the original 60 days to 120 days per public requests) and 232 comment letters and emails were submitted. The Final Environmental Impact Report was released by the County on March 24, 2011 and included no major changes to the Draft EIR.

DISCUSSION

The proposed resolution was placed on the agenda at the direction of members of the City Council. Similar resolutions of support have been adopted by the cities of Banning, Beaumont, and Eastvale. Granite Construction lists among the supporters of the project the Greater Riverside Chambers of Commerce, Moreno Valley Chamber of Commerce, Inland Empire Economic Partnership and the Riverside Building Industry Association.

Proponents of the project cite the need to increase aggregate reserves. According to the California Geological Survey, at the current rate of production the state's permitted aggregate reserves will be exhausted in about 30 years; the California Department of Conservation reports that Western Riverside County currently has less than 16 years of permitted aggregate reserves remaining. California State Geologist John Parrish has stated that increasing demands for a dwindling supply of construction grade aggregates as California's population grows will result in higher market prices for aggregate commodities. This could result in higher project costs for all types of construction.

The City of Temecula passed a resolution opposing the project on March 8, 2011. Temecula's resolution states that the project is incompatible with County development, zoning, and land use standards, as well as the Multiple Species Habitat Conservation Plan, and should be prohibited. The Temecula resolution also states that the project will degrade air quality, increase traffic and negatively impact the economy and that the Draft EIR is "fundamentally misleading and incomplete." On April 12, 2011 City of Temecula Mayor Ron Roberts forwarded a letter to the City Council asking that they not support this project (a copy of the letter is included as Attachment B). Opponents of the Liberty Quarry project include a group of residents from Rainbow, Fallbrook and Southwest Riverside County called "Save our Southwest Hills"; the group's website includes a list of nearly 500 businesses and organizations opposed to the quarry project.

ALTERNATIVES

1) Approve the attached resolution in support of the need for and benefits of the Liberty Quarry.

2) Not approve the attached resolution in support of the need for and benefits of the Liberty Quarry.

3) Direct staff to prepare a different resolution regarding the Liberty Quarry.

4) Take no official position with regard to the Liberty Quarry.

FISCAL IMPACT

The proposed resolution will have no fiscal impact to the City.

SUMMARY

Granite Construction Incorporated has proposed the Liberty Quarry project in Southwest Riverside County to address the need for construction grade aggregate resources in Southern California. A proposed resolution in support of the need for and benefits of the Liberty Quarry project was placed on the agenda at the direction of members of the City Council.

COUNCIL GOALS

Public Facilities and Capital Projects: Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

ATTACHMENTS/EXHIBITS

Attachment A: Resolution No. 2011-31 in support of the need for and benefits of Liberty Quarry.

Attachment B: April 12, 2011 Letter from Temecula Mayor Ron Roberts

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, IN SUPPORT OF THE NEED FOR AND BENEFITS OF LIBERTY QUARRY

WHEREAS, access to high quality, affordable construction materials geographically near major transportation corridors is critical to address sustainable growth and development throughout California; and

WHEREAS, California is facing a critical shortage of aggregate materials and reserves that is both substantial and immediate; and

WHEREAS, according to the California Geological Survey, at the current rate of production the state's permitted aggregate reserves will be exhausted in about 30 years, and according to the California Department of Conservation, Western Riverside County currently has less than 16 years of permitted aggregate reserves remaining; and

WHEREAS, the Liberty Quarry could produce up to 5 million tons per year of aggregate, concrete and asphalt and could supply all of the Southwestern portions of Riverside County with enough aggregate for its needs for the next 75 years; and

WHEREAS, a local quarry project such as Liberty Quarry would contribute $300 million in new sales tax revenue, $41 million in new property taxes and fees and $2.2 million in Riverside County taxes annually; and

WHEREAS, the proposed quarry would provide jobs for residents in Southwest Riverside County as well as generate numerous indirect jobs in other parts of Riverside County; and

WHEREAS, aggregate supply facilities in Banning, Palm Springs, and Indio currently truck aggregate through the City of Moreno Valley and neighboring communities to meet the needs of Southwest Riverside County and northern San Diego because of a lack of local aggregate; and

WHEREAS, the proposed Liberty Quarry in Southwest Riverside County would provide these markets with a local source of aggregate and take hundreds of aggregate-hauling trucks off of State Route 60 and Interstate 215.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That Moreno Valley supports efforts to make available additional aggregate resources nearby major transportation corridors to reduce the impacts of and increased costs related to importing material long distances.

2. Presuming completion of required environmental review and analysis and mitigation of impacts as directed by Riverside County, Moreno Valley supports the Liberty Quarry project and encourages the County to work closely with the other stakeholders in the region and area to ensure that this important facility is permitted and developed for the benefit of all citizens of Riverside County.

APPROVED AND ADOPTED this 10th day of May, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

Rec'd @ Regular CC mtg April 12, 2011 from Betsy Lowrey City of Temecula Planning dept.

City of Temecula

41000 Main Street • Temecula, CA 92590 • Mailing Address: PO. Box 9033 • Temecula, CA 92589-9033
(951) 694-6410 • Fax (951) 694-6499 • www.cityofTemecula.org

Ronald H. Roberts
Mayor

Chuck Washington
Mayor Pro-Tem

Jeff Comerchero
Council Member

Maryann Edwards
Council Member

Michael S. Naggar
Council Member

951-308-6100
FAX 951-694-6499

April 12, 2011

Honorable Richard A. Stewart, Mayor
City of Moreno Valley
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805

Dear Mayor Stewart and Council Members:

The City of Temecula understands that the City of Moreno Valley is considering a Resolution in support of the proposed Liberty Quarry project, adjacent to the Santa Margarita Ecological Reserve, at the City of Temecula's southern boundaries. The City of Temecula and its expert consultants have thoroughly reviewed the Environmental Impact Report (EIR) prepared for Liberty Quarry and have commented extensively on the analyses contained within the Environmental Impact Report. Specific to the City of Moreno Valley's concerns described in its proposed Resolution regarding traffic, aggregate and economic benefits, we offer the following information:

Traffic

Any representation that truck traffic will be displaced or reduced through Moreno Valley by Liberty Quarry, or that the proposed Liberty Quarry would take hundreds of aggregate-hauling trucks off of State Route 60 and Interstate 215 is wholly unsubstantiated and not supported by the Liberty Quarry Environmental Impact Report (EIR). To the contrary, the County of Riverside has concluded Liberty Quarry will increase traffic and congestion, not decrease traffic and congestion anywhere in the County including Moreno Valley. The County of Riverside in fact ultimately determined that the report prepared by Granite Construction's consultant upon which makes the claim of reduced or displaced trucks (Appendix K-1 of the EIR) should not be used in any traffic determination within the EIR.

Aggregate

Granite Construction fails to disclose, in its efforts to advocate that there is a "critical" shortage of aggregate, that there is an abundance of high quality aggregate resources widely available throughout all of Southern California. Resources are the total amount of construction aggregate materials that exist naturally in the ground. Neither Riverside County nor San Diego County lack construction aggregate resources as evidenced by the 5.7 billion tons of aggregate identified by the Department of Conservation in Special Report 153 for San Diego County alone. Moreover, there are vast areas throughout the region that have

Printed on Recycled Paper

Attachment B

aggregate resources not even yet identified by the California Geological Survey that could be mined which could conservatively exceed 10 times the amount of land already identified. Indeed Riverside County has more aggregate mines than any other County in California. The Liberty Quarry proposed site is not unique in its geological conditions. In fact, the geology throughout Riverside and San Diego Counties contains the same geologic resources for mining aggregate and could provide enormous amounts of high quality aggregate, yet not at such an environmentally sensitive location as the proposed Liberty Quarry site. As released in January 2011, a 120 page comprehensive San Diego Region Aggregate Supply Study, written by the San Diego Association of Governments (SANDAG) and CALTRANS, and reviewed by a panel of 50 experts, including Gary Nolan from Granite Construction, confirmed that, "San Diego has ample sources of the necessary rock types to meet the anticipated future aggregate demand." The Report confirms what SANDAG has asserted for many years that "San Diego County is very rich in its own aggregate resources." Since Granite Construction plans to haul 70 percent of the aggregate to San Diego County, and San Diego County is abundantly rich in its aggregate resources, it makes best sense to locate Liberty Quarry in San Diego County where SANDAG has identified more than 90,000 acres appropriate for the high quality aggregate to meet San Diego's demands.

<u>Benefits</u>

The economic benefit analysis presented by Granite Construction provides no evaluation of the costs associated with the substantial negative impacts of a quarry. A more balanced economic report would include an evaluation of the benefits weighed against the costs of the negative impacts associated with one of the largest open pit gravel mines in the United States located at one of the most highly environmentally sensitive areas of the Southwest Riverside County region. The proposed Liberty Quarry project comes at the expense of hundreds of thousands Riverside County residents.

The City of Temecula respectfully requests that the City of Moreno Valley does not support the Liberty Quarry project.

Sincerely,

Ron Roberts
Mayor

cc: Riverside County Supervisor Bob Buster, Chairman, District 1
Riverside County Supervisor John Tavaglione, Vice-Chairman, District 2
Riverside County Supervisor Jeff Stone, District 3
Riverside County Supervisor John Benoit, District 4
Riverside County Supervisor Marion Ashley, District 5

Riverside County Planning Commissioner John Roth, Chairman, District 1
Riverside County Planning Commissioner John Snell, Vice-Chairman, District 2
Riverside County Planning Commissioner John Petty, District 3
Riverside County Planning Commissioner Jim Porras, District 4
Riverside County Planning Commissioner Jan Zuppardo, District 5

City of Temecula Mayor Pro-Tem Chuck Washington
City of Temecula Council Member Mike Naggar
City of Temecula Council Member Maryann Edwards
City of Temecula Council Member Jeff Comerchero
Shawn Nelson, City Manager

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: May 10, 2011

TITLE: APPROVAL OF ERP SYSTEM REPLACEMENT PROJECT BUDGET AND FUNDING PLAN; AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CONTRACT WITH NEW WORLD SYSTEMS

RECOMMENDED ACTION

The Finance Subcommittee recommends that the City Council take the following actions:

1. Approve the ERP System Replacement Project Budget and Funding Plan in the amount of $1,999,060; and

2. Authorize the City Manager to execute a contract and purchase order with New World Systems (NWS) for a one-time project cost not-to-exceed $1,322,490 and annual maintenance according to the not-to-exceed schedule below:

Year 1 maintenance	No Charge
Year 2 maintenance	$164,640
Year 3 maintenance	$174,930
Year 4 maintenance	$185,220
Year 5 maintenance	$195,510
Year 6 maintenance	$205,800

BACKGROUND

The City's current Enterprise Resource Planning (ERP) system, *OneWorld*, was developed by J.D. Edwards and successfully implemented by the City in 1999. While the system has been a reliable performer, announcements marking the end of support for *OneWorld* and advancements in the ERP software sector have caused the City to seek a replacement system. In 2003, J.D. Edwards was acquired by PeopleSoft Inc.;

then in 2005, PeopleSoft was acquired by the Oracle Corporation. Oracle's support for *OneWorld* is not consistent, their vision for the *OneWorld* product is ambiguous, not focused on the government sector, and costly upgrades will be required in order to maintain Oracle's support. Therefore, it is in the City's best interest to find a replacement system for *OneWorld*.

Starting in November 2005 staff undertook a rigorous 24 month process to select a replacement ERP system. The various steps in the process are described below:

- Preparation and issuance of a Request for Proposals (RFP);
- Proposal evaluation;
- Two-day product demonstrations for each of four (4) short-listed vendors;
- Two-day software demonstrations for each of two (2) finalists;
- Comprehensive telephone reference checks with multiple agencies for the two finalists;
- Site visits to evaluate the two finalists' products in a "live" operating environment and to discuss implementation issues with the applicable agencies;
- Corporate visits to the two finalists' headquarters offices to assess the companies' corporate culture, product development, implementation services, technical support, and commitment to customer service;
- Preparation and issuance of a "gap analysis" to give the two finalists an opportunity to address software functionality issues ("gaps") identified by the City and to provide updated pricing.
- Evaluation of responses to "gap analysis" and final pricing.

The City's current Permitting/Community Development system, *Permits Plus*, was developed by Sierra Computer Systems and successfully implemented by the City in 1985. In 1999, Sierra Computer Systems merged with OpenData Systems and the new company was named Accela. While the system has been a reliable performer, Accela has diverted the majority of its development resources to another permitting application, *Accela Automation*, and has actively encouraging customers to implement various versions of the newer product for the past 10 years. *Permits Plus*, along with two other permitting solutions acquired by Accela, are no longer included in Accela's list of available products.

Accela's decision to strategically focus on *Accela Automation* instead of *Permits Plus* has made its support and development very difficult. *Permits Plus* no longer receives product enhancements; this has made integration with our Geographic Information System (GIS) very problematic. There is no existing or planned web-based version of *Permits Plus* which makes modernizing our systems impossible. *Permits Plus* support for the City's use of wireless technologies and digital photos has limitations that the City would like to push beyond, but cannot. Attempts to integrate *Permits Plus* with other systems, particularly the Cashiering and Business Licensing systems, has resulted in many frustrations and required work-arounds that have been less than satisfactory. Additionally, multiple corporate mergers has left Accela with many customer issues surrounding its support while the annual support costs increase at a rate that outpaces all other City systems. All these factors have caused the City to seek a replacement system.

Accumulated depreciation on the *OneWorld* and *Permits Plus* systems is available to purchase and implement a replacement ERP system that encompasses all the features of both the ERP and Community Development systems.

Following this extensive evaluation process, staff has selected New World Systems as the vendor best able to meet the City's long-term needs for an ERP system. Key factors involved in this decision were technology and strategic direction, product functionality, reporting services, and total cost of ownership.

New World Systems (NWS), founded in 1981, is based in Troy, Michigan, with regional offices in 18 states including California. NWS is dedicated to providing software solutions for the public sector, including applications for public safety, court management, and overall public administration. The City is proposing to implement NWS's *Logos.NET* suite of applications, which includes human resources, payroll, budgeting, accounting, purchasing, asset management, project accounting, and employee self-service. Additionally, the agreement gives the City the option to implement NWS's Community Development suite after the completion of the ERP project, contingent on a review and approval of current functionality.

DISCUSSION

Contract negotiations with NWS began on November 28, 2007 but were suspended in December 2007 by the City Manager at the report of an impending financial recession. Over 3 years have passed and it is important that the City address the *OneWorld* end-of-support issues before the ERP system reaches the point of not being supported. It is staff's intent to conclude negotiations and execute a contract by May 10, 2011 to realize the maximum discounts offered by NWS, and so that the project can commence this year. The maximum amount to be expended under the contract, exclusive of any change orders, will be $1,322,490 for one-time project cost plus annual maintenance of $164,640 starting in year 2 of the project and ending at $205,800 in year 6.

Although it has been 3 years and 5 months since the City suspended the project, the RFP process has continued and remains valid, resulting in a competitive bid. The RFP process has remained valid because negotiations have continued since the project was suspended. It has remained the intent of both the City and NWS that negotiations be successfully concluded. Negotiations started in November 2007 with substantive milestones being reached during August 2009, October 2009, October 2010, December 2010, and March 2011. During this time, staff has also monitored the ERP market for changes in other ERP offerings that would warrant reissuing the RFP; no such changes in the ERP market have been found.

It is also noteworthy that the City does not have the necessary lead-time to repeat the RFP process and implement the selected solution before *OneWorld* has reached its end-of-support date. Staff required 24 months with an inter-departmental committee to select the replacement ERP system; budgets for another RFP process do not exist; and the Financial, Payroll and Human Resources (HR) portions of the implementation project are scheduled to take 12 months. With *OneWorld* support ending in December 2013 there is not sufficient time to initiate another competitive process. The City has delayed the ERP replacement project and its associated expenses as long as it can

afford and still implement a new system before the existing system is no longer supported.

Negotiation Progress

Since the initial negotiation in November 2007, staff has negotiated many concessions with NWS to the City's favor. NWS's initial offering to the City consisted of 450 user licenses, 1,200 implementation hours, and 36 modules at a cost of $1.2 million. That is an average cost of $2,705 per user license or $33,808 per module. Staff's negotiations have resulted in 600 user licenses, 1,320 implementation hours, and 59 modules at a cost of $1.3 million. That is an average cost of $2,204 per user license or $22,415 per module.

The additional 23 modules give the City significantly more features in the ERP that will allow staff to be productive even though staff layoffs are planned. The areas of added features include: Finance, Payroll, and HR Business Analytics; Permitting; Code Enforcement, Municipal Inspections; Work Orders; GIS integration; and online access to records for staff and vendors. These additional features were negotiated specifically to enhance staff productivity during a time of declining staff; a reduced workforce cannot maintain current service levels with *OneWorld*.

Project Schedule

The ERP system implementation is expected to begin in October 2011 and last approximately 18 months. It will consist of three separate phases: Phase 1 – Core Financials; Phase 2 – Human Resources and Payroll; and Phase 3 – Community Development. The following is an overview of the project schedule:

Timeframe	Activity/Application
October 2011 – January 2012	Finalize project staffing assignments and revise the City's Chart of Accounts
January – June, 2012	Business Process Review for Core Financial Applications Implement Phase1 – Core Financials Business Process Review for Human Resources & Payroll
July – December, 2012	Implement Phase 2 - Human Resources & Payroll Business Process Review for Community Development
January – June, 2013	Implement Phase 3 – Community Development (subject to a functional review and approval)

Project Budget

Total funding requested for the ERP replacement system project is $1,999,060 as itemized below:

• NWS One-Time Project Cost (not-to-exceed)		$1,322,490
○ Application Software	$729,200	
○ Implementation Services	593,290	
• Staff Backfill		476,570
• Contingency (11%)		200,000
• Total		$1,999,060

Funding requested for staff backfill is needed to hire temporary assistance while project team members are working concentrated periods of time on the project and to fund any necessary acting pay. The project team members who will be assigned to the project will have assignments ranging from 6 to 12 months. Providing backfill for these staff members will be a critical component to the success of this project, particularly given the dramatic staffing reductions already implemented at the City and the additional reductions being planned.

Annual Maintenance

ERP systems, like all software systems, require annual maintenance agreements in order to continue using the system, to receive enhancements and fixes, and to enable support calls when problems arise. NWS prices annual maintenance at 16% of the standard application software cost with an automatic increase of 1% per year for 5 years. NWS has agreed to provide the first year of maintenance at no charge; the schedule for annual maintenance is shown below.

Year 1 maintenance	No Charge
Year 2 maintenance	$164,640
Year 3 maintenance	$174,930
Year 4 maintenance	$185,220
Year 5 maintenance	$195,510
Year 6 maintenance	$205,800

The City currently spends $297,892 per year on *OneWorld* and *Permits Plus* related annual maintenance and consultants; these costs will cease once these systems have been replaced. Thus this contract represents a savings in annual maintenance costs even at the end of the contract period.

ALTERNATIVES

1. Approve the ERP System Replacement Project Budget and Funding Plan.

2. Authorize the City Manager to execute a contract with New World Systems for one-time project cost not-to-exceed $1,322,490 and annual maintenance starting at $164,640.

3. Do not approve the ERP System Replacement Project Budget. ***This action would prevent replacement of the current ERP system, which has many functionality and support deficiencies, and whose developer has announced an end-of-life support date.***

4. Provide staff with further direction.

Staff recommends Alternative Nos. 1 and 2.

FISCAL IMPACT

Funding for the $1,999,060 ERP System Replacement project budget is available through the use of depreciation reserves and previously budgeted project funds, as follows:

- Reserves for depreciation (from current ERP system) $828,966
- Reserves for depreciation (from current Permit system) 1,000,000
- Project Management funds remaining from original project 170,094
- Total project funding sources $1,999,060

The $828,966 reserve for depreciation for the current *OneWorld* ERP system is available as a restricted cash source within the Technology Services internal service fund, and has been accumulating since the *OneWorld* system went live in 1999.

A total of $1 million was allocated in the FY 2005-06 Technology Services budget to replace the City's permitting system following completion of the ERP System Replacement Project. Because NWS has Community Development modules which can be purchased and co-developed more cost-effectively between the City and NWS than by purchasing a new third-party system, this $1 million can be contributed to the ERP System Replacement Project budget without negatively impacting the City's permitting system.

Due to the availability of the funding sources identified above, approval of the ERP System Replacement project budget will have no impact on the City's General Fund operating budget.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

Following an extensive evaluation process, staff has selected New World Systems (NWS) as the preferred vendor for a replacement ERP system through a competitively bid Request for Proposals (RFP) process. Contract negotiations began in November 2007 and have been ongoing since then. In order for the ERP System Replacement Project to commence in October and to maximize the City's discounts, it is recommended that the City Council approve the project budget of $1,999,060 and authorize the City Manager to execute a contract with NWS for a one-time project cost not-to-exceed of $1,322,490 and an annual maintenance budget starting in year 2 of the contract of $164,460. In addition to the NWS contract, components of the project budget will include staff backfill ($476,570), and 10% contingency ($200,000). The ERP system implementation is expected to begin in October 2011 and last approximately 18 months. It will consist of three separate phases: Phase 1 – Core Financials; Phase 2 – Human Resources and Payroll; and Phase 3 – Community Development.

The proposed ERP Replacement Project Budget and Funding Plan have been reviewed and are supported by the Finance Subcommittee.

ATTACHMENTS/EXHIBITS

Exhibit A – New World Systems Logos.NET Standard Software License and Services Agreement dated April 18, 2011

Prepared By:
Steve Hargis
Technology Services Division Manager

Department Head Approval by:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

New World Systems®
The Public Sector Software Company

STANDARD SOFTWARE LICENSE AND SERVICES AGREEMENT

April 18, 2011

This *Standard Software License and Services Agreement* which includes the attached Exhibits ("this **Agreement**") is between **New World Systems® Corporation** ("**New World**"), a Michigan Corporation and the **City of Moreno Valley, California,** ("**Customer**"). This **Agreement** sets forth the terms and conditions under which **New World** will furnish the Licensed Products and will provide certain services described herein to **Customer**.
The attached Exhibits include:

Exhibit AA.....	**TOTAL COST SUMMARY AND PAYMENT SCHEDULE**
Exhibit A	**LICENSED STANDARD SOFTWARE AND FEES**
Exhibit B.....	**IMPLEMENTATION AND TRAINING SUPPORT SERVICES**
Exhibit C	**STANDARD SOFTWARE MAINTENANCE AGREEMENT**
Exhibit D	**NON-DISCLOSURE AND SECURITY AGREEMENT FOR THIRD PARTIES**
Exhibit E.....	**DEMONSTRATION SITE DISCOUNT**
Exhibit F.....	**DATA FILE CONVERSION ASSISTANCE**
Exhibit G.....	**CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS / MODIFICATIONS AND / OR CUSTOM SOFTWARE**
Exhibit H.....	**ESCROW OF SOFTWARE SOURCE CODE**
Exhibit I.....	**ACCEPTANCE TESTING**

By signing below, each of us agrees to the terms and conditions of this Agreement together with the attached Exhibits. This Agreement contains the complete and exclusive statement of the agreement between us relating to the matters referenced herein and replaces any prior oral or written representations or communications between us. Each individual signing below represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met. If the individual is not so authorized then (s)he assumes personal liability for compliance under this Agreement.

ACKNOWLEDGED AND AGREED TO BY:

NEW WORLD SYSTEMS® CORPORATION
(New World)

By: _____
Larry D. Leinweber, President

Date:_____

CITY OF MORENO VALLEY, CALIFORNIA
(Customer)

By: _____
Authorized Signature **Title**

By: _____
Authorized Signature **Title**

Date: _____

The "Effective Date" of this Agreement is the latter of the two dates in the above signature block.

I. DEFINITIONS

The following terms as defined below are used throughout this **Agreement**:

1. *"Authorized Copies":*
   Except as provided in Section II, subparagraph 1.3, the only authorized copies of the Licensed Software and Licensed Documentation are the copies of each application software package defined in this Paragraph. They are:
   (i) the single copy of the Licensed Software and the related Licensed Documentation delivered by **New World** under this **Agreement**; and
   (ii) any additional copies made by **Customer** as authorized in Section II, subparagraph 1.2.
2. *"An Authorized User/Workstation":*
   Subject to the number of users specified in Exhibit A, any PC workstation that is connected to access the Licensed Software resident on Computer and that may be logged on to access the programs, interfaces, data, or files created and/or maintained by the Licensed Software.
3. *"Computer":*
   The .NET Server(s) to be located at:
   City of Moreno Valley
   14177 Frederick Street
   Moreno Valley, CA 92552
   Customer shall identify in writing the serial number of the Computer within ten (10) days of receipt of the Computer or within ten (10) days of the Effective Date, whichever is later. If the Computer is to be relocated, **Customer** shall notify **New World** of the new location in writing prior to the relocation.
4. *"Confidential Information"*:
   Information disclosed or obtained by one party in connection with, and during the term of, this **Agreement** and designated as "Confidential" by the party claiming confidentiality at the time of disclosure. Confidential Information does not include any information which was previously known to the other party without obligation of confidence or without breach of this **Agreement**, is publicly disclosed either prior or subsequent to the other party's receipt of such information, or is rightfully received by the other party from a third party without obligation of confidence.
5. *"Customer Liaison":*
   A **Customer** employee assigned to act as liaison between **Customer** and **New World** for the duration of this **Agreement**. Within ten (10) days of the Effective Date, **Customer** shall notify **New World** of the name of the Customer Liaison.
6. *"Deficiency":*
   A failure of a deliverable or service or an omission or defect in a deliverable or service, which causes it not to conform to its specification. Also referred to as Error, Defect, or Malfunction which are synonymous with Deficiency.
7. *"Delivery of Licensed Standard Software":*
   Licensed Standard Software will be delivered in a machine readable form to Customer via an agreed upon network connection, or on appropriate media if requested, as soon as the software is available after the Effective Date.
8. *"Development Software":*
   Standard application software currently under development by **New World** which, if applicable, will be completed and delivered to **Customer** as Licensed Standard Software when available.
9. *"Go Live":*
   The point at which a software system, module or update/upgrade is implemented into active and live operation mode.
10. *"Hourly Rate":*
    As described in this **Agreement**, **New World** shall provide services to **Customer** at the rate of $150/hour. The hourly rate is protected for 12 months after the Effective Date, at which time the hourly rate shall be the then-current **New World** hourly rate.
11. *"Installation of Licensed Standard Software":*
    Installation of the Licensed Standard Software shall be deemed to occur, for all billings or other events described herein, upon the earlier of:
    (a) the transfer or loading of the Licensed Standard Software onto a **Customer** server or computer, or
    (b) thirty (30) days after delivery of the Licensed Standard Software.
12. *"Licensed Custom Software":*
    Any software (programs or portions of programs) developed by **New World** specifically for **Customer's** own use.
13. *"Licensed Documentation":*
    New World User Manuals which includes the current specifications for the Licensed Standard Software and other written instructions relating to the Licensed Software (such as Product Bulletins, installation instructions, and training materials).
14. *"Licensed Products":*
    The Licensed Software, the related Licensed Documentation, and the Authorized Copies of the foregoing.
15. *"Licensed Software":*
    The Licensed Standard Software, Development Software, Upgrades, and Licensed Custom Software provided under this **Agreement**.
16. *"Licensed Standard Software":*
    The current version of **New World** standard and development application software package(s) (in machine readable code) listed in Exhibit A.
17. *"SSMA":*
    The **New World** Standard Software Maintenance Agreement as set forth in Exhibit C.
18. *"Travel Expenses":*
    All actual and reasonable travel expenses incurred by **New World** for trips relating to this project, including but not limited to, airfare, rental car, lodging, mileage, parking/tolls, and daily per diem expenses.
19. *"Travel Time":*
    Actual **New World** employee travel time billed at the Hourly Rate up to, but not exceeding, four (4) hours per each trip relating to this project.

20. *"Upgrades"*:
Any enhanced and/or improved versions of the Licensed Standard Software provided as Licensed Standard Software under Exhibit C of this **Agreement** and released after the execution of this **Agreement**.

II. GENERAL TERMS AND CONDITIONS

1.0 SINGLE USE LICENSE

1.1 **New World** grants **Customer** a nontransferable, nonexclusive, and non-assignable license to use the Licensed Software only on the Computer and only for its internal processing needs. **Customer** shall have the right and license to use, enhance, or modify the Licensed Software only for **Customer's** own use and only on the Computer and only on an authorized workstation. **New World** will deliver to **Customer** one copy of each application of the Licensed Software (in machine readable form compatible with the specified operating environment) and one copy of the related Licensed Documentation. If **Customer** fails to pay all license fees specified in Exhibit A and the applicable custom software fees, if any, **Customer** shall forfeit the right and license to use the Licensed Products and shall return them to **New World**.

1.2 In order to assist **Customer** in the event of an emergency, **Customer** is permitted to make up to two (2) back-up copies on magnetic media of each application of the Licensed Software and one back-up copy of the related Licensed Documentation. These Authorized Copies may be stored as defined above so long as they are kept in a location secure from unauthorized use. **Customer** or anyone obtaining access through **Customer** shall not copy, distribute, disseminate, or otherwise disclose to any third party the Licensed Products or copies thereof in whole or in part, in any form or media. This restriction on making and distributing the Licensed Products or copies of any Licensed Product, includes without limitation, copies of the following:

(i) Program libraries, either source or object code;
(ii) Operating control language;
(iii) Test data, sample files, or file layouts;
(iv) Program listings; and
(v) Licensed Documentation.

1.3 Upon written request by **Customer**, and with written permission by **New World**, additional Authorized Copies may be made for **Customer's** internal use only.

2.0 OWNERSHIP

2.1 The Licensed Products and all copyright, trade secrets and other proprietary rights, title and interest therein, remain the sole property of **New World** or its licensors, and **Customer** shall obtain no right, title or interest in the Licensed Products by virtue of this **Agreement** other than the nonexclusive, nontransferable, non-assignable license to use the Licensed Products as restricted herein.

2.2 The license to use any Licensed Custom Software provided under this **Agreement**, if any, is included in this license. **New World** shall have the right to use any data processing ideas, techniques, concepts, and/or know-how acquired by it in the performance of services under this **Agreement** including the development of Licensed Custom Software for the advancement of its own technical expertise and the performance of other Software License and Service Agreements or any other applicable agreements. **New World** shall have, without restriction, the right to use all programs, procedures, information, and techniques that are publicly available, obtained or obtainable from third parties and/or developed independently by **New World** without specific reference to **Customer's** organization.

3.0 CORRECTION AND SOFTWARE MAINTENANCE ON STANDARD SOFTWARE

3.1 **New World** provides software correction service and maintenance for the Licensed Standard Software during the term of **Customer's** SSMA. See Exhibit C for a description of the SSMA start date and term, the services available and the applicable fees and procedures.

4.0 WARRANTIES

4.1 **New World** warrants, for Customer's benefit only, that the Licensed Standard Software will perform as specified in its user manuals based on the then-current release of the Licensed Standard Software.

4.2 **New World** warrants, for Customer's benefit only, that it possesses the necessary intellectual rights to license to **Customer** the Licensed Standard Software provided hereunder.

The foregoing warranties do not apply if the Licensed Product(s) have been modified by any party other than **New World**. **New World** does not warrant that the features or functions of the Licensed Software will meet **Customer's** requirements or in any combination or use **Customer** selects. EXCEPT AS SPECIFICALLY PROVIDED IN THIS PARAGRAPH 4.0, AND ITS SUBSECTIONS, **NEW WORLD** EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE LICENSED PRODUCTS, INCLUDING BUT NOT LIMITED TO, THE LICENSED PRODUCTS' CONDITION, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY IMPLIED WARRANTY ARISING FROM COURSE OF PERFORMANCE, COURSE OF DEALING OR USAGE OF TRADE.

5.0 INSTALLATION AND TRAINING SUPPORT SERVICES

5.1 As provided for in Exhibit B and concurrent with timely payments, **New World** shall make available to **Customer** qualified representative(s) who will provide installation and training support services for each application of the Licensed Software delivered. See Exhibit B for a description of the services provided and the applicable fees and procedures.

6.0 CUSTOMER LIAISON AND CUSTOMER RESPONSIBILITIES

The successful implementation of the Licensed Products into **Customer's** environment requires **Customer's** commitment to and cooperation in the implementation process. Accordingly, **Customer** hereby agrees to the following:

6.1 **Customer** understands that the Licensed Software is designed to run in a specified operating environment which includes hardware, software and related equipment not provided by **New World**. **Customer** is responsible for assuring that the appropriate hardware equipment, related components and all cabling are installed timely and are suitable for the successful installation of the Licensed Software.

6.2 **Customer** agrees to provide the management interface and support necessary to successfully complete the implementation of the Licensed Software. This support includes upper level management priority setting and timely involvement during and after a change in **Customer's** organization, **Customer's** operations and/or after changes in **Customer's** internal policies or procedures which directly affect the software implementation.

6.3 **Customer** shall assign an upper level employee to serve as the Customer Liaison for the duration of the Licensed Software implementation. If **Customer** must replace the Customer Liaison for reasons beyond its control, **Customer** will assign a new Customer Liaison as soon as reasonably possible. **New World** is not responsible for any delay caused directly or indirectly by the reassignment of the Customer Liaison. In addition to other duties and responsibilities, the Customer Liaison shall:

(i) provide timely answers to **New World's** requests for information;
(ii) coordinate a mutually agreeable implementation and training schedule;
(iii) have authority to sign for and obligate **Customer** to any matters relating to service requests, design documents, performance test documents and/or delivery and service dates;
(iv) in situations where **Customer** participation is required, provide timely input for systems definition, detail design, and use of the software system.

6.4 **Customer** is responsible for creating and maintaining its master files, tables and the like which includes accurate data entry, accurate file editing and overall file control to assure successful systems performance.

6.5 **Customer** shall provide qualified personnel with sufficient backup to be trained to use the Licensed Software and to interpret the output. Applying the output information in **Customer's** environment is **Customer's** sole responsibility.

7.0 BILLING AND ADDITIONAL AUTHORIZED WORKSTATION CHARGES

7.1 The attached Exhibits set forth the manner in which fees and payments shall be allocated and made under this **Agreement**. Past due amounts are subject to a service charge of 1.5% per month, which charge **Customer** agrees to pay. To the extent **Customer** imposes additional requirements on **New World** for services other than those expressly provided in this **Agreement**, **New World** retains the right to make additional price adjustments and/or any other adjustments that may be necessitated. Before performing these additional services, **New World** will notify **Customer** that the services are subject to additional charge(s).

7.2 If **Customer** wishes to add additional authorized workstations or Licensed Standard Software, **Customer** agrees to pay the additional License fees at the then current software prices in effect.

SSMA fees shall be increased according to the additional Licensed Standard Software fees on the next annual billing date after the additional workstations and/or Licensed Standard software is added, or as specified in the future contract. With said payments, the license provided in Section II, Paragraph 1.0 permits **Customer's** use of the Licensed Software for the specified workstations.

7.3 **Customer** shall notify **New World** if additional authorized workstations need to be added to access the Licensed Software and will pay the additional authorized workstation fees promptly when invoiced.

7.4 Any taxes or fees imposed from the course of this **Agreement** are the responsibility of the **Customer** and **Customer** agrees to remit when imposed. If an exemption is claimed by the **Customer**, an exemption certificate must be submitted to **New World**.

8.0 NON-RECRUITMENT OF PERSONNEL

8.1 During, and for a period of twenty-four (24) months after the expiration of, the Standard Software Maintenance Agreement and/or any renewal maintenance agreement, each party agrees not to solicit or hire current or former employees of the other without the other's prior written consent.

9.0 CONFIDENTIAL INFORMATION / NON-DISCLOSURE AGREEMENT

9.1 Subject to the requirements of the Freedom of Information Act (FOIA) and/or other comparable applicable state law, each party shall hold all Confidential Information in trust and confidence for the party claiming confidentiality and not use such Confidential Information absent express written consent by the party claiming confidentiality. The other party agrees not to disclose any such Confidential Information, by publication or otherwise, to any other person or organization. **Customer** agrees to timely notify **New World** of any request(s) made for disclosure of confidential information.

9.2 **Customer** hereby acknowledges and agrees that all Licensed Products are Confidential Information and proprietary to **New World**. In addition to the other restrictions set forth elsewhere in this **Agreement** or otherwise agreed to in writing, **Customer** agrees to implement all reasonable measures to safeguard **New World's** proprietary rights in the Licensed Products, including without limitation the following measures:

(i) **Customer** shall only permit access to the Licensed Products to those employees who require access and only to the extent necessary to perform **Customer's** internal processing needs.

(ii) With respect to agents or third parties, **Customer** shall permit access to the Licensed Products only after **New World** has received, approved and returned a fully executed Non-Disclosure Agreement to **Customer** (see Exhibit D). **New World** reserves the right to reasonably refuse access to a third party after it has evaluated the request. **Customer** agrees to provide information reasonably requested by **New World** to assist **New World** in evaluating **Customer's** request to permit third party access to the Licensed Products. In addition to any other remedies, **New World** may recover from **Customer** all damages and legal fees incurred in the enforcement of this provision on third party access;

(iii) **Customer** shall cooperate with **New World** in the enforcement of the conditions set forth in the attached Non-Disclosure Agreement or any other reasonable restrictions **New World** may specify in writing in order to permit access;

(iv) **Customer** shall not permit removal of copyright or confidentiality labels or notifications from its proprietary materials; and

(v) **Customer** shall not attempt to disassemble, decompile or reverse engineer the Licensed Software.

9.3 **Customer** agrees that in addition to any other remedies that may be available at law, equity or otherwise, **New World** shall be entitled to seek and obtain a temporary restraining order, injunctive relief, or other equitable relief against the continuance of a breach or threatened breach of this paragraph 9.0 on Confidentiality and Non-Disclosure without the requirement of posting a bond or proof of injury as a condition for the relief sought.

9.4 If **Customer** receives a request for documents pursuant to the California Public Records Act relating to the Licensed Products, **Customer** shall notify **New World** of such request prior to disclosing the requested documents. Should **New World** object to the release of the requested records, **New World** must provide that objection to the **Customer** in writing within five (5) days and file any necessary action to prevent the disclosure of the requested records. **New World** is wholly responsible for

determining and defending what is confidential and acknowledges that **Customer** must timely respond to all Public Records Act requests within ten (10) days.

9.5 **New World** agrees that all data supplied by **Customer** to **New World** shall remain Confidential and shall be stored in a secure location for any purpose related to this **Agreement**. **Customer** data shall not be retained any longer than necessary and shall be deleted immediately upon completion of the task for which it was provided.

10.0 LIMITATION OF LIABILITY AND RECOVERABLE DAMAGES

New World's entire liability and **Customer's** exclusive remedies are set forth below:

10.1 For any claim relating to the non-conformance or imperfection of any licensed software provided under this **Agreement**, **New World** will correct the defect so that it conforms to the warranties set forth in Section II, subparagraph 4.1; or if after repeated attempts to correct the non-conformity, **New World** is unable to correct the non-conformity, then **Customer** may recover its actual damages subject to the limits set forth in subparagraph 10.2 below. For any other claim arising under or in connection with this **Agreement**, **Customer** may recover its actual damages subject to the limits set forth in subparagraph 10.2 below.

10.2 **New World's** total liability to **Customer** for all claims relating to the Licensed Products and this **Agreement**, including any action based upon contract, tort, strict liability, or other legal theory, shall be limited to **Customer's** actual damages and in no event shall **New World's** liability exceed the Exhibit A Licensed Standard Software fees paid to **New World**.

10.3 **New World** shall not be liable for any special, indirect, incidental, punitive, exemplary, or consequential damages, including loss of profits or costs of cover, arising from or related to a breach of this **Agreement** or any order or the operation or use of the Licensed Products including such damages, without limitation, as damages arising from loss of data or programming, loss of revenue or profits, failure to realize savings or other benefits, damage to equipment, and claims against **Customer** by any third person, even if **New World** has been advised of the possibility of such damages. **New World's** liability for any form of action shall only apply after any and all appropriate insurance coverage has been exhausted.

10.4 If it is determined that a limitation of liability or a remedy contained herein fails of its essential purpose, then the parties agree that the exclusion of incidental, consequential, special, indirect, punitive, and/or exemplary damages is still effective.

11.0 INTEGRATION WITH U.S. COPYRIGHT ACT

11.1 In addition to all other provisions provided under this **Agreement**, **Customer** agrees to be bound by and to comply with any and all provisions of the U.S. Copyright Act (*The Copyright Act of 1976, U.S.C. Sections 101-810 (1976) as amended*). If a provision of the U.S. Copyright Act and this **Agreement** conflict, the more restrictive of the two applies. If it cannot be determined which is the more restrictive, then the provision within this **Agreement** shall apply.

12.0 INDEPENDENT CONTRACTOR

12.1 **New World** is an independent contractor. The personnel of one party shall not in any way be considered agents or employees of the other. To the extent provided for by law, each party shall be responsible for the acts of its own employees.

12.2 Each party shall be responsible for Workers' Compensation coverage for its own personnel.

13.0 INSURANCE REQUIREMENTS

New World shall not commence work under this **Agreement** until it has obtained the insurance required under this paragraph.

13.1 **Workers' Compensation Insurance**: **New World** shall procure and maintain during the term of this **Agreement**, Workers' Compensation Insurance for all of its employees who engage in the work to be performed.

13.2 **Liability and Property Insurance – Comprehensive Form**: **New World** shall procure and maintain during the term of this **Agreement**, Liability and Property Damage Insurance in an amount not less than $1,000,000 on account for each accident; and in an amount not less than $1,000,000 for each accident for damage to property.

13.3 **Automobile Liability Insurance**: **New World** shall procure and maintain during the term of this **Agreement**, Hired and Non-Ownership Motor Vehicle Bodily Injury and Property Damage Insurance

in an amount not less than $1,000,000 for injuries, including accidental death, to each person; and, subject to the same limit for each person, in an amount not less than $1,000,000 for each accident; and in an amount not less than $1,000,000 on account for each accident for damage to property, provided however that the combined single limit for all automotive related claims shall not exceed $1,000,000.

14.0 DISPUTE RESOLUTION PROCEDURE

14.1 Any dispute or controversy arising out of or relating to this **Agreement**, or breach thereof, shall be settled by the following procedure.

Level 1: Before entering into Level 2 or Level 3 of this Dispute Resolution Procedure (DRP), the **Customer** shall enter into a series of management meetings for the purpose of resolving the dispute or controversy through normal business management practices. The series of meetings, consisting of not less than two face-to-face meetings, must be held between upper-level managers of both **Customer** and **New World**. Both parties agree to put forth their best efforts in these meetings. The meetings shall be held at **Customer's** offices. The Level 1 period shall begin when one party gives notice to the other by certified mail that it is entering into this Level 1 procedure to resolve the dispute.

Level 2: Only after the parties have completed Level 1 of the DRP without resolving the dispute or controversy and before entering into Level 3 of the DRP, the **Customer** and **New World** shall enter into a mediation process. The mediation process is defined as follows:

Either party may commence mediation by providing to JAMS, and the other party a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate with JAMS and with one another in selecting a mediator from a panel of neutrals, and in scheduling the mediation proceedings. The parties covenant that they will participate in the mediation in good faith, and that they will share equally in joint mediation costs. Mediation will take place in the JAMS Dispute Resolution Center in Southern California. All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by any mediator or JAMS employees or agents, are confidential, privileged and inadmissible for any purpose, in any litigation or other similar proceeding between the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.

Level 3: Only after the completion of both Levels 1 and 2 above without a satisfactory resolution of the dispute or controversy, either party may bring suit in the United States District Court, Central District of California, Eastern Division so long as subject matter jurisdiction is met. In the event subject matter jurisdiction is not met, either party may bring suit in a court of appropriate jurisdiction. Each party shall bear the cost of their own legal expenses if Level 3 is used.

15.0 TERMINATION

15.1 **By Customer**: If **New World** fails to provide the Licensed Software as warranted in accordance with the terms of this **Agreement**, **Customer** may at its option terminate this **Agreement** with ninety (90) days written notice as follows:

(i) The termination notice shall provide a detailed description (with examples) of any warranty defects claimed;

(ii) **New World** shall have ninety (90) days from receipt of said notice to correct any warranty defects in order to satisfy the terms of this **Agreement**;

(iii) During the ninety (90) day cure period, **Customer** shall apply sound management practices and use its best efforts to resolve any issues or obstacles – including cooperating with **New World** and reassigning personnel if necessary to improve the working relationship;

(iv) At the end of ninety (90) days unless the termination has been revoked in writing by **Customer**, the **Agreement** terminates.

15.2 **By New World**: If **Customer** fails to make prompt payments to **New World** when invoiced, or if **Customer** fails to fulfill its responsibilities under this **Agreement,** including but not limited to those outlined in Section II, Paragraph 6.0, then **New World** may at its option terminate this **Agreement** with written notice as follows:

(i) The termination notice shall define the reason for termination;
(ii) If the cited reason for termination is **Customer's** failure to make prompt payment, **Customer** shall have ten (10) days from receipt of said notice to make payment in full for all outstanding invoiced payments due;
(iii) If the cited reason for termination is **Customer's** failure to fulfill its responsibilities, **Customer** shall have ninety (90) days from receipt of said notice to correct any actual deficiencies in order to satisfy the terms of this **Agreement**;
(iv) During the applicable cure period, **New World** will use sound management practices and its best efforts to resolve any issues or obstacles – including the reassignment of personnel if necessary to improve the working relationship;
(v) At the end of the applicable cure period, unless the termination has been revoked in writing by **New World**, the **Agreement** terminates.

15.3 In the event of termination by either party, **New World** shall continue to provide its services, as previously scheduled, through the termination date and the **Customer** shall continue to pay all fees and charges incurred through the termination date as provided in the attached Exhibits.

15.4 Upon termination, **Customer** shall return to **New World** all Licensed Products, including any copies provided to or created by **Customer** under this **Agreement**.

15.5 Nothing in this paragraph on termination is intended to infer that either party has or does not have a claim for damages.

15.6 The Terms and Conditions relating to ownership, warranties, non-recruitment of personnel, confidentiality and non-disclosure, limitation of liability and recoverable damages, Copyright Act, dispute resolution and the General provisions (18.0), survive termination.

16.0 PATENT AND TRADEMARK INDEMNIFICATION

New World agrees to indemnify and save the **Customer** harmless from and against any and all judgments, suits, costs, and expenses subject to the limits set forth in this **Agreement** resulting from any alleged infringement of any patent or copyright arising from the licensing of the Licensed Standard Software pursuant to this **Agreement,** provided that **Customer** has notified **New World** in writing of such allegation within thirty (30) days of the date upon which the **Customer** first receives notice thereof. **New World's** obligation to indemnify and save **Customer** harmless under this paragraph is void if the claim of infringement arises out of or in connection with any modification made to the Licensed Standard Software or any use of the Licensed Standard Software not specifically authorized in writing by **New World**.

17.0 NOTICES

17.1 Notices to **Customer** shall be deemed effective when sent by Registered or Certified U.S. Mail to the business address of the **Customer**.

17.2 Notices to **New World** shall be deemed effective when sent by Registered or Certified U.S. Mail to the following address (or to any other address so specified by **New World**):

New World Systems Corporation
888 West Big Beaver, Suite 600
Troy, Michigan 48084
Attention: President

18.0 GENERAL

18.1 This **Agreement** is the entire agreement between the parties superseding all other communications, written or oral, between the parties relating to the subject matter of this **Agreement**. **This Agreement may be amended or modified only in writing signed by both parties.**

18.2 This **Agreement** is governed by the laws of the State of California and it shall be binding on the successors and assigns of the parties.

18.3 Failure to enforce any provision of this **Agreement** shall not be deemed a waiver of that provision or any other provision of this **Agreement**.

18.4 No action, regardless of form, arising out of the services performed or Licensed Products delivered hereunder, may be brought by either party more than two (2) years after the cause of action has accrued.

18.5 The paragraph headings which appear herein are included solely for convenience and shall not be used in the interpretation of this **Agreement**. Any provision of this **Agreement** determined to be invalid or otherwise unenforceable shall not affect the other provisions, which other provisions remain in full force and effect.

18.6 This **Agreement** is entered into solely for the benefit of **New World** and **Customer**. No third party shall have the right to make any claim or assert any right under it, and no third party shall be deemed a beneficiary of this **Agreement**.

18.7 Notwithstanding anything contained herein to the contrary, these terms and conditions may be extended to other public entities for purchase of the license and/or services described under this **Agreement**. To the extent they are required, the parties shall execute any requisite cooperative agreements authorizing such extension of terms and conditions. If this is done, **Customer** assumes no authority, liability, or obligation on behalf of any other public entity that may use this **Agreement** for any such purchase.

18.8 Other integrated licensed software and services from **New World** may be purchased by **Customer** under the terms and conditions of this **Agreement**.

EXHIBIT AA
TOTAL COST SUMMARY AND PAYMENT SCHEDULE

I. Total Cost Summary: Licensed Standard Software, Implementation Services, And Third Party Products

	DESCRIPTION OF COST		COST
A.	LICENSED STANDARD SOFTWARE as further described in Exhibit A		$528,400
	1. Licensed Standard Software	$748,000	
	2. Less Demonstration Site Discount	(149,600)	
	3. Less Contract Signing Discount if Agreement is Executed by 5/10/11	(70,000)	
B.	IMPLEMENTATION SERVICES		421,900
	1. PROJECT MANAGEMENT as further described in Exhibit B		
	2. INTERFACE INSTALLATION SERVICES as further described in Exhibit B		
	3. IMPLEMENTATION AND TRAINING SERVICES as further described in Exhibit B		
	4. OTHER IMPLEMENTATION SERVICES as further described in Exhibit B		
	5. DATA FILE CONVERSION ASSISTANCE SERVICES as further described in Exhibit F		
	6. CUSTOM SOFTWARE/MODIFICATION SERVICES as further described in Exhibit G		
C.	ESCROW OF SOFTWARE SOURCE CODE FEE		3,000
	1. Source Code Escrow as further described in Exhibit H		
D.	NEW WORLD SYSTEMS' EXECUTIVE CUSTOM CONFERENCE ATTENDANCE		1,890
	1. CONFERENCE ATTENDANCE as further described in Exhibit B		
	ONE TIME PROJECT COST:		**$955,190**
E.	TRAVEL EXPENSES (Estimate) – billed as incurred		$52,500
F.	STANDARD SOFTWARE MAINTENANCE SERVICES – as further described in Exhibit C		
G.	SOURCE CODE ESCROW ANNUAL ADMINISTRATIVE FEE – as further described in Exhibit H		$1,000

PRICING ASSUMES CONTRACT EXECUTION BY MAY 10, 2011.

Exhibit AA / COST SUMMARY AND PAYMENT SCHEDULE

II. Payments for Licensed Standard Software, Implementation Services, and Third Party Products

	DESCRIPTION OF PAYMENT		PAYMENT
A.	LICENSED STANDARD SOFTWARE as further detailed in Exhibit A		$528,400
	1. Amount invoiced upon Effective Date (30%)	$158,520	
	2. Amount invoiced upon delivery of each Licensed Standard Software (20%)	105,680	
	3. Amount due upon acceptance of the Financial Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (30%)	158,520	
	4. Amount due upon acceptance of the Human Resources Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (20%)	105,680	
B.	IMPLEMENTATION SERVICES		$421,900
	1. Amount invoiced upon Project Kickoff Meeting (22.5%)	$94,925	
	2. Amount invoiced upon delivery of the draft Project Implementation Plan (22.5%)	94,925	
	3. Amount invoiced upon acceptance of Financial Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (22.5%)	94,925	
	4. Amount invoiced upon acceptance of the Human Resources Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (22.5%)	94,925	
	5. Amount invoiced upon acceptance of project completion or 540 days after the Effective Date, whichever comes first (10%)	42,200	
C.	ESCROW OF SOFTWARE SOURCE CODE FEE		3,000
	1. Escrow One-time set-up fee – invoiced upon Effective Date	3,000	
D.	EXECUTIVE CUSTOMER CONFERENCE ATTENDANCE		1,890
	1. Amount invoiced on July 15, 2011 for the 2011 Conference	1,890	
		ONE TIME PAYMENTS	**$955,190**

E. TRAVEL EXPENSES (*Estimate) $52,500*

(These expenses are billed as incurred)

1. 35 trips are anticipated
2. Travel Time for the estimated 35 trips is not included in this estimate and will be billed as incurred.

F. STANDARD SOFTWARE MAINTENANCE SERVICES – as further detailed in Exhibit C

G. SOURCE CODE ESCROW FEES

1. Annual Administrative Fee – first year invoiced upon Effective Date. Subsequent year's Annual Administrative Fees will not increase more than 5% over the previous year's Fee. $1,000

ALL PAYMENTS ARE DUE WITHIN THIRTY (30) DAYS FROM RECEIPT OF INVOICE.

Billings are applied ratably to each deliverable included under the total one-time cost. If any deliverable is subject to sales tax, the tax will be calculated and added as applicable to each billing.

EXHIBIT A
LICENSED STANDARD SOFTWARE AND FEES

License Fee for Licensed Standard Software And Documentation Selected By Customer:

LOGOS.NET STANDARD APPLICATION SOFTWARE[1,2,3]		
ITEM	**DESCRIPTION**	**INVESTMENT**

FINANCIAL MANAGEMENT

1. **Logos.NET Financial Management Base Suite**
   - General Ledger
   - Budget Management
   - Annual Budget Preparation
   - Accounts Payable
   - Revenue/Cash Receipting
2. **Logos.NET Additional Financial Management Software**
   - Asset Management
   - Project Accounting
   - Misc. Billing & Receivables
   - Government (GASB) Reporting
   - Bank Reconciliation
   - Work Orders
3. **Expanded Revenue Collections**
   - 3rd Party Receivables Interface (Batch)
   - PC Cash Register Interface
4. **Logos.NET Procurement Management Suite**
   - Purchasing Base
   - Requisition Processing
   - Contract Accounting

SUB-TOTAL FINANCIAL MANAGEMENT MODULES $318,000

PAYROLL & HUMAN RESOURCES SUITE

5. **Logos.NET Human Resources Management Base Suite**
   - Payroll Processing
   - Personnel Management
   - Position Control
6. **Logos.NET Human Resources**
   - Employee Event Tracking
   - Personnel Action Processing
7. **Logos.NET Benefits Management**
   - Benefits Administration
   - Employee Retirement Tracking
8. **Logos.NET Additional Payroll & HR Modules**
   - Applicant Tracking
   - Position Budgeting
   - Benefit Tracking (Non-Employee)

SUB-TOTAL PAYROLL/HUMAN RESOURCES MODULES $228,000

Exhibit A / LICENSED STANDARD SOFTWARE AND FEES

eSUITE

9. **eSuite Base Software**
10. **eFinance**
    - eSupplier
11. **eHR**
    - eEmployee
    - eTimesheets
    - eBenefits Administration
    - eRecruit

SUB-TOTAL eSUITE SOFTWARE MODULES **$144,000**

BUSINESS ANALYTICS

12. **Finance Analytics**
    - Includes 10+ users
13. **Human Resource/Payroll Analytics**
    - Includes 5-6 users

SUB-TOTAL BUSINESS ANALYTICS SOFTWARE MODULES **$90,000**

AUTHORIZED USERS

14. **Site License for up to 600 Authorized Users** [4]

NEW WORLD STANDARD SOFTWARE LICENSE FEE	748,000
Demonstration Site Discount	(149,600)
Contract Signing Discount is Agreement is Executed by 5/10/11	(70,000)
TOTAL SOFTWARE LICENSE FEE [5,6]	**$528,400**

Note: A Site License is included for this solution. This Site License entitles the City of Moreno Valley, CA, to 600 authorized users for the Standard Software licensed in Exhibit A, to be divided up between applications. The Site License is available to only the affiliated Public Administration agencies within the City of Moreno Valley, CA.

Exhibit A / LICENSED STANDARD SOFTWARE AND FEES

ENDNOTES

[1] *Personal Computers must meet the minimum hardware requirements for New World Systems' Logos.NET product. Microsoft Windows XP or greater with IE 7.0 or greater is the required operating systems for all client machines. Windows 2008 Server is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 is required for the Database Server.*

[2] *New World Systems' Logos.NET product requires Microsoft Windows 2008 Server and Microsoft SQL Server 2008 including required Client Access Licenses (CALs) and Windows Server 2008 External Connector (EC) licenses for applicable Microsoft products. Servers must meet minimum hardware requirements provided by New World Systems.*

[3] *Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.*

[4] *Additional cost per group of 5 for authorized users is $5,000.*

[5] *Prices assume that all software proposed is licensed.*

[6] *Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.*

Exhibit A / OPTIONAL LICENSED STANDARD SOFTWARE AND FEES

Optional Licensed Standard Software Pricing

Customer may license the following software modules at the indicated current list prices for up to eighteen (18) months from the date of execution of this **Agreement**.

OPTIONAL SOFTWARE MODULES

LOGOS.NET STANDARD APPLICATION SOFTWARE [1,2,3]		
ITEM	**DESCRIPTION**	**INVESTMENT**

COMMUNITY DEVELOPMENT SUITE

1. **Logos.NET Community Development Software**
   - Business Licensing
   - Parcel Management
   - Permits
   - Municipal Inspections
   - Project Planning
   - Code Enforcement
   - Requests for Services Tracking
   - Special Assessments (development)
2. **Logos.NET Additional Community Development Modules**
   - GIS Integration [4]
     - Community Development
       - *Business Licensing (4 screens)*
       - *Parcel Management (7 screens)*
       - *Permits (2 screens)*
       - *Municipal Inspections (4 screens)*
       - *Code Enforcement (3 screens)*
       - *Requests for Services Tracking (1 screen)*
     - Financial Management
       - *Asset Management (2 screens)*
       - *Work Orders (1 screen)*

eSUITE

3. **eFinance**
   - ePayments
4. **eCommunity**
   - eParcels (development)
   - ePermits
   - eLicense
   - eRequest

Exhibit A / OPTIONAL LICENSED STANDARD SOFTWARE AND FEES

BUSINESS ANALYTICS

5. **Community Development Analytics**
   - Includes 2 users

NEW WORLD STANDARD SOFTWARE LICENSE FEE	$281,000
Demonstration Site Discount	(56,200)
Contract Signing Discount if Agreement is Executed by 5/10/11	(25,000)
TOTAL SOFTWARE LICENSE FEE [5,6]	**$199,800**

Note: Training and Support Services cost as well as Maintenance (SSMA) costs for these optional modules are not included.

ENDNOTES

[1] *Personal Computers must meet the minimum hardware requirements for New World Systems' Logos.NET product. Microsoft Windows XP or greater with IE 7.0 or greater is the required operating systems for all client machines. Windows 2008 Server is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 is required for the Database Server.*

[2] *New World Systems' Logos.NET product requires Microsoft Windows 2008 Server and Microsoft SQL Server 2008 including required Client Access Licenses (CALs) and Windows Server 2008 External Connector (EC) licenses for applicable Microsoft products. Servers must meet minimum hardware requirements provided by New World Systems.*

[3] *Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.*

[4] *GIS integration currently supports either ESRI's ArcIMS or ArcGIS Server software; the ArcIMS and ArcGIS Server software and any services related to the installation and setup of ArcIMS or ArcGIS are not included in this proposal. The ArcIMS or ArcGIS Server software would need to be purchased, installed and setup separately.*

[5] *Prices assume that all software proposed is licensed.*

[6] *Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.*

EXHIBIT B
PROJECT MANAGEMENT, IMPLEMENTATION AND TRAINING SUPPORT SERVICES

1. Project Management Services

New World shall act as Project Manager to assist **Customer's** management in implementing the Exhibit A software. This responsibility will include documenting, coordinating and managing the overall Implementation Plan with **Customer's** management and the Customer Liaison. Project Management Services include:

a) a summary level Implementation Plan;
b) a detail level Implementation Plan;
c) revised Implementation Plans (if required);
d) monthly project status reports; and
e) project status meetings
- a project review (kickoff) meeting at **Customer's** location
- progress status meeting(s) will occur during implementation via telephone conference or at **Customer's** location; and
- a project close-out meeting at **Customer's** location to conclude the project.

The implementation services fees described in Exhibit AA include Project Management fees for a period up to 18 months after the Effective Date.

2. Implementation and Training Support Hours Recommended

It is recommended that appropriate support hours are allocated for all Licensed Standard Software listed in Exhibit A to insure successful implementation of and training on each application package. Based on the Licensed Standard Software listed on Exhibit A, up to **1,020** hours of **New World** implementation and training support services have been allocated for this project. Excess hours requested shall be billed at the Hourly Rate. Avoiding or minimizing custom or modified features will aid in keeping the support costs to the amount allocated. **Customer** agrees to reimburse **New World** for support trips canceled by **Customer** less than ten (10) days before the scheduled start date to cover **New World's** out-of-pocket costs. The recommended implementation and training support services include:

a) implementation of each package of Licensed Standard Software; and
b) **Customer** training and/or assistance in testing for each package of Licensed Standard Software.

The project management, implementation and training support services provided by **New World** may be performed at **Customer's** premises and/or at **New World** national headquarters in Troy, Michigan (e.g., portions of project management are performed in Troy).

3. Other Service Fees

Registration for two (2) Customer participants to the 2011 New World Systems' Executive Customer Conference to include two (2) nights stay at the Conference Hotel on specified conference dates, conference registration and meals. Participation does not include Customer's travel cost, local transportation cost or any other miscellaneous expense incurred by Customer. These fees are non-refundable and may not be used toward a conference other than those specified in payment terms.

Exhibit B / PROJECT MANAGEMENT, IMPLEMENTATION AND TRAINING SUPPORT SERVICES

4. Interface Installation Service

New World shall provide interface installation services as described in this paragraph below. These services do not include hardware and/or third party product costs which shall be **Customer's** responsibility, if required. Whenever possible, these services will be done remotely, resulting in savings in Travel Expenses and Time. If on-site installation and training is required, **Customer** will be responsible for the actual Travel Expenses and Time. The services include the following interfaces.

a) Bank Reconciliation
b) 3rd Party Receivables (Batch)

5. Hardware Quality Assurance Service

New World shall provide Hardware Systems Assurance of **Customer's** Logos.NET server(s). These services do not include hardware and/or third party product costs which shall be **Customer's** responsibility, if required. Whenever possible, these services will be provided remotely, resulting in savings in travel expenses and time. If on-site installation is required, **Customer** will be responsible for the actual travel expenses and time.

a) Hardware Quality Assurance Services (Standard) Environment:
Hardware Systems Assurance and Software Installation:
- Assist with High Level System Design/Layout
- Validate Hardware Configuration and System Specifications
- Validate Network Requirements, including Windows Domain
- Physical Installation of **New World** Application Servers
- Install Operating System and Apply Updates
- Install SQL Server and Apply Updates
- Install New World Applications Software and Apply Updates
- Establish Base SQL Database Structure
- Install Anti-Virus Software and Configure Exclusions
- Install Automated Backup Software and Configure Backup Routines
- Configure System for Electronic Customer Support (i.e. NetMeeting)
- Tune System Performance Including Operating System and SQL Resources
- Test High Availability/Disaster Recovery Scenarios (if applicable)
- Provide Basic System Administrator Training and Knowledge Transfer
- Document Installation Process and System Configuration

6. Additional Services Available

Other **New World** services may be required or requested for the following:

a) additional software training;
b) tailoring of Licensed Standard Software by **New World** technical staff and/or consultation with **New World** technical staff;
c) **New World** consultation with other vendors or third parties;
d) modifying the Licensed Standard Software;
e) designing and programming Licensed Custom Software; and
f) maintaining modified Licensed Standard Software and/or custom software.

Customer may request these additional services in writing using **New World's** Request For Service (RFS) procedure (or other appropriate procedures mutually agreed upon by **Customer** and **New World** and will be provided at the Hourly Rate).

EXHIBIT C
STANDARD SOFTWARE MAINTENANCE AGREEMENT (SSMA)

This Standard Software Maintenance Agreement (SSMA) between **New World** and **Customer** sets forth the standard software maintenance support services provided by **New World**.

1. SSMA Period

This SSMA shall remain in effect for a term of six (6) years (the SSMA term) beginning on the delivery of Licensed Standard Software ("Start Date") and ending on the same calendar date at the conclusion of the SSMA term. **New World** shall provide **Customer** no-charge SSMA for a period of 365 days from the Start Date.

2. Services Included

New World shall provide the following services during the SSMA term.

a) upgrades, including new releases, to the Licensed Standard Software (prior releases of Licensed Standard Software application packages are supported no longer than nine (9) months after a new release is announced by **New World**);

b) temporary fixes to Licensed Standard Software (see paragraph 6 below);

c) revisions to Licensed Documentation;

d) reasonable telephone support for Licensed Standard Software on Monday through Friday from 8:00 a.m. to 8:00 p.m. (Eastern Time Zone); and

e) invitation to and participation in user group meetings.

Items a, b, and c above will be distributed to **Customer** by electronic means.

Additional support services are available as requested by **Customer** at the Hourly Rate.

3. Maintenance for Modified Licensed Standard Software and Custom Software

Customer is advised that if it requests or makes changes or modifications to the Licensed Standard Software, these changes or modifications (no matter who makes them) make the modified Licensed Standard Software more difficult to maintain. If **New World** agrees to provide maintenance support for Custom Software or Licensed Standard Software modified at **Customer's** request, or for prior releases of **New World's** software, then the additional **New World** maintenance or support services provided shall be billed at the Hourly Rate.

4. Billing

Maintenance costs will be billed annually.

Exhibit C / STANDARD SOFTWARE MAINTENANCE AGREEMENT

5. Additions of Software to Maintenance Agreement

Additional Licensed Standard Software licensed from **New World** will be added to the SSMA ninety (90) days after delivery. Costs for the maintenance for the additional software will be billed to **Customer** on a pro rata basis for the remainder of the maintenance year and on a full year basis thereafter.

6. Requests for Software Correction on Licensed Standard Software

At any time during the SSMA term, if **Customer** believes that the Licensed Standard Software does not conform to the warranties provided under this **Agreement**, **Customer** must notify **New World** in writing that there is a claimed defect and specify which feature and/or report it believes to be defective. Before any notice is sent to **New World**, it must be reviewed and approved by the Customer Liaison. Documented examples of the claimed defect must accompany each notice. **New World** will review the documented notice and when a feature or report does not conform to the published specifications, **New World** will provide software correction service at no charge. A non-warranty request is handled as a billable Request For Service (RFS) provided at the Hourly Rate.

The no-charge software correction service does not apply to any of the following:

a) situations where the Licensed Standard Software has been changed by anyone other than **New World** personnel;
b) situations where **Customer's** use or operations error causes incorrect information or reports to be generated; and
c) requests that go beyond the scope of the specifications set forth in the current User Manuals.

7. Maintenance Costs for Licensed Standard Software Packages Covered for .NET Server(s)

New World agrees to provide software maintenance at the costs listed below for the **New World** Licensed Standard Software packages described in Exhibit A.

Annual Maintenance Cost	
Year 1	No charge
Year 2	$119,680
Year 3	127,160
Year 4	134,640
Year 5	142,120
Year 6	149,600

EXHIBIT D
NEW WORLD SYSTEMS CORPORATION
NON-DISCLOSURE AND SECURITY AGREEMENT FOR THIRD PARTIES

This **Agreement**, when accepted and executed by **New World**, grants the undersigned the permission to use and/or have limited access to certain **New World Systems® Corporation (New World)** proprietary and/or confidential information.

Installed At: **City of Moreno Valley**
Customer Name

Located At: **14177 Frederick Street**
Moreno Valley, CA 92552

Authorized Signature of Customer:

_____	_____	_____
Name (Please Print or Type)	Title	Signature

In exchange for the permission to use or have access to **New World** proprietary and/or confidential information, including without limitation, **New World** software and/or documentation, the organization and individual whose names appear below, agree to the following:

1. No copies in any form will be made of **New World** proprietary or confidential information without the expressed written consent of **New World's** President, including without limitation, the following:

a) Program Libraries, whether source code or object code;
b) Operating Control Language;
c) Test or Sample Files;
d) Program Listings;
e) Record Layouts;
f) All written confidential or proprietary information originating from **New World** including without limitation, documentation, such as user manuals and/or system manuals; and/or
g) All **New World** Product Bulletins and/or other **New World** Product related materials.

2. **New World** software, **New World** documentation, or other proprietary or confidential information shall not be used for any purpose other than processing the records of the **Customer** identified above as permitted in the **Customer's** *Standard Software License and Services Agreement* with **New World**.

3. The undersigned agree(s) that this **Agreement** may be enforced by injunction in addition to any other appropriate remedies available to **New World**. If it is determined that the money damages caused by the undersigned's failure to comply with the foregoing terms are difficult to ascertain, they are hereby estimated at liquidated damages of no less than three times the then-current License Fees for the License Software provided to **Customer** under the *Standard Software License and Service Agreement* between **Customer** and **New World**.

Agreed and Accepted by Third Party (Organization)

Organization: _____
By: _____
Title: _____
Date: _____

Agreed and Accepted by Third Party (Individual)

Individual: _____
By: _____
Title: _____
Date: _____

_____
Accepted and Approved by New World Systems Corp.
By: _____
Title: _____
Date: _____

EXHIBIT E
DEMONSTRATION SITE DISCOUNT

New World has provided **Customer** a significant discount in exchange for the privilege of using **Customer's** site for demonstration purposes. Accordingly, after the Licensed Software has been delivered and installed, **Customer** agrees to act as a demonstration site for prospective **New World** customers. **Customer** also agrees to serve as a reference or remote demonstration site on the telephone for prospective **New World** customers. By agreeing to be a demonstration site, **Customer** is not necessarily endorsing the **New World** software and **Customer** will not actively participate in any type of marketing and advertising campaign for or on behalf of **New World**.

Demonstrations will be coordinated with the appropriate **Customer** personnel and will be scheduled to minimize the interruption to **Customer's** operations. **New World** will provide **Customer** reasonable notice for preparation.

EXHIBIT F
DATA FILE CONVERSION ASSISTANCE

New World will provide conversion assistance to **Customer** to help convert the existing data files specified below. If additional files are identified after the contract execution, estimates will be provided to **Customer** prior to **New World** beginning work on those newly identified files.

1. General

a) This conversion effort includes data coming from one unique data source, not multiple sources.
b) No data cleansing, consolidation of records, or editing of data will be part of the data conversion effort. Data cleansing, removal of duplicate records, and editing must take place by **Customer** prior to providing the data to **New World**

2. **New World** Responsibilities

a) **New World** will provide **Customer** with a conversion design document for signoff prior to beginning development work on the data conversion. No conversion programming by **New World** will commence until **Customer** approves this document.
b) **New World** will provide the data conversion programs to convert **Customers** data from a single data source to the **New World Licensed Standard Software** for the specified files that contain 500 or more records.
c) As provided in the approved project plan for conversions, **New World** will schedule a conversion analysis trip and a separate data conversion testing trip to **Customer's** location. The conversion testing trip for each application is a billable support trip, using standard Exhibit B hours, which is scheduled in conjunction with the delivery of the converted data to the **Customer**.
d) **New World** will provide the **Customer** up to 3 test sets of the converted data. Additional test sets requested may/will require additional conversion costs.
e) **New World** will provide the standard conversion record layouts to the **Customer** and convert the available data elements defined in the standard conversion record layouts.
f) Up to twelve years of historic data will be converted by **New World**.

3. **Customer** Responsibilities

a) **Customer** will provide data in standard conversion record layouts as provided by **New World**. Submitted data files must include an accurate count of records contained in the files.
b) Data will be submitted to **New World** in one of the following formats: AS/400 files, Microsoft SQL Server database, Microsoft Access database, Microsoft Excel Spreadsheet, or an ASCII-format delimited text file. Data and databases will be transferred using the New World ftp site.
c) **Customer** understands that files or tables containing less than 500 records or table entries will not be converted.
d) As provided in the project plan for conversions, **Customer** will provide a dedicated resource in each application area to focus on conversion mapping and testing. This includes dedicating a support person(s) whenever **New World** staff is on site regarding conversions. Roughly a one to one commitment exists for **Customer** commitment and **New World** commitment. **Customer** understands that thorough and timely testing of the converted data by **Customer** personnel is a key part of a successful data conversion.
e) **Customer** agrees to promptly review conversion deliveries and signoff on both the conversion design document and on the final conversion after the appropriate review. Applying the converted data to the production (Live) environment will constitute conversion acceptance by **Customer**.
f) If the **Customer** cannot provide data in the format defined in New World's standard conversion record layouts then **New World** will map the data to New World's standard conversion record layout at the Hourly Rate. The **Customer** must provide complete file and field definitions for **New World** to map the data.

Exhibit F / DATA FILE CONVERSION ASSISTANCE

4. <u>Files to be converted</u>

Up to 9 files from the following possible sources are included.

Financial
- -Vendor Information
- -Asset Management (Fixed Assets)
- -General Ledger, including Budget, History
- - Accounts Receivable History
- -Purchase Order History
- -Accounts Payable History

Payroll
- -Employee Information
- -Employee Detailed Check (including deductions, benefits, and accruals) History
- -Position Master File

EXHIBIT G
CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS / MODIFICATIONS AND / OR CUSTOM SOFTWARE

1. Definition of Project

New World will provide the **Customer** requested Standard Software Enhancements and/or Custom Software as discussed below to address the **Customer's** requirements. **Customer** agrees to cooperate in not making modifications and enhancements too extensive as defined in the 2(b)*(1)* procedure below.

An analysis and assessment to verify the scope of effort for the project will be conducted. A revised estimate for the modifications/interfaces may be provided at the conclusion of the assessment. Customer may elect to cancel or proceed with the modifications/interfaces based on the revised estimate.

Capabilities included in the initial scope:

a) Custom Software/Interfaces

(1) **The Active Network, Class**: One-way user initiated batch process to import journal transactions from a third party system, Active, to New World's general ledger.

(2) **Chameleon**: One-way user initiated batch process to import journal transactions from a third party system, Chameleon to New World's general ledger.

(3) **OneWorld**: One-way user initiated batch process to import journal transactions from a third party system, OneWorld, to New World's general ledger.

(4) **AP Purchasing Card**: A one-way user initiated batch process to import purchasing card transaction from the bank, or vendor, to New World's accounts payable purchasing card invoices.

*With **New World** providing consultation, **Customer** is responsible for obtaining technical contacts and/or technical specifications from the third parties involved.*

2. Methodology to Provide Enhancements and/or Custom Software

a) Definition of **New World's** Responsibility

This project includes the following activities to be performed by **New World**.

(1) Review of required features with **Customer**. Only items identified in Paragraph 1 above will be provided in this implementation plan.

(2) Preparation of Requirements Document (RD) to include:
- Detailed description of the required feature
- menu samples
- screen samples
- report samples

(3) Programming and programming test.

(4) On-site training, testing and/or other support services at the Hourly Rate.

For modification requiring over fifty (50) hours of work, **New World** utilizes a design document procedure [see 2(b)*(1)* below]. For smaller modifications, **New World** uses a Request For Service (RFS) procedure. Both procedures are reviewed with **Customer** at a pre-installation planning meeting. The RFS procedure utilizes a form with a narrative description and supporting documentation if applicable to define the work to be done.

Exhibit G / CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS / MODIFICATIONS AND / OR CUSTOM SOFTWARE

b) Implementation Schedule

	Activity	Targeted Time Period
(1)	Complete Design Review with **Customer** Staff. **Customer** agrees to be reasonable and flexible in not attempting to design the modifications to be more extensive than called for in the scope (cost and schedule) of this project.	To be determined
(2)	New World submits completed RD to **Customer.**	To be determined
(3)	RD is accepted and signed off by **Customer** (no programming will be done by **New World** until the formal sign-off and **Customer's** authorization to proceed in writing).	To be determined
(4)	**New World** completes programming from RD and provides modified software to **Customer**.	To be determined
(5)	Software Modification Acceptance Test based on RD.	To be determined

c) **Customer's** Responsibility

All **Customer**-requested changes after RD sign-off must be documented by **Customer** and authorized in writing including potential costs, if any. Additional changes will most likely delay the schedule and may increase the cost.

EXHIBIT H
ESCROW OF SOFTWARE SOURCE CODE

So long as **Customer** pays the applicable fees as described in Exhibit AA, **New World** stipulates that the source code, executable code, and **Customer's** configuration for the Licensed Standard Software, together with the related Documentation as it is or becomes available, will be deposited in an escrow account maintained at a suitable Agent pursuant to an agreement between the Agent and **New World** (the "Escrow Agreement").

New World will deposit into the escrow account copies of source code, executable code, and **Customer's** configuration for Releases and Versions of the Licensed Standard Software and related Documentation within ninety (90) days of the first commercial use of the Releases and Versions.

New World or **New World**'s trustee in bankruptcy shall authorize the Agent to make and release a copy of the applicable deposited materials to **Customer** upon the occurrence of any of the following events: (i) The existence of any one or more of the following circumstances uncorrected for more than thirty (30) days: entry of an order for relief under Title 11 of the United States Code; the making by **New World** of a general assignment for the benefit of creditors; or action by **New World** under any state insolvency or similar law for the purpose of its bankruptcy, reorganization, or liquidation; unless within the specified thirty (30) day period, **New World** provides to **Customer** adequate assurances, reasonably acceptable to **Customer** of its continuing ability and willingness to fulfill its maintenance obligations under this **Agreement**, (ii) **New World** or its successor or assigns has ceased its on-going business operations or that portion of its business operations relating to the sale, licensing and maintenance of the Software.

In the event of release under this **Agreement**, **Customer** agrees that it will treat and preserve the deposited materials as a trade secret of **New World** in accordance with generally accepted standards utilized to safeguard trade secrets against unauthorized use and disclosure. This means their use is for internal processing needs only and no additional copies will be provided to any third parties.

EXHIBIT I
ACCEPTANCE TESTING

Each application of Licensed Software shall be deemed to have been accepted upon the successful completion of either Criteria 1 or Criteria 2 (listed below) whichever occurs first. Acceptance Testing is successful under either Criteria 1 or Criteria 2 unless the Licensed Software application contains a warranty defect which substantially impairs the value and **Customer's** use of the Licensed Software. Any claimed defects must be documented in writing as set forth in Exhibit C.

Criteria 1:

Using Exhibit B support service hours, **New World** shall assist **Customer** in conducting the following software Acceptance Test.

Following published specifications using established procedures and controls, the test criteria includes:

1. the successful entering and editing of a representative sample of transactions;
2. the successful processing of a representative sample of file maintenance transactions for the master file transactions; and
3. the successful generation of standard output reports.

Testing under Criteria 1 may be completed before **Customer** has gone "live" on the application. If Criteria 1 is used, **Customer** agrees to provide the requisite resources to timely complete the Acceptance Test procedure. If **Customer** unreasonably delays the start of the Criteria 1 test procedure for more than fourteen (14) calendar days beyond the designated test date, then successful software acceptance shall be deemed to have occurred for that application of Licensed Software on the fifteenth (15th) day after the designated test date.

Criteria 2:

The Licensed Software shall be deemed accepted ninety (90) days after Customer has had beneficial use of the Licensed Software without occurrence of a Major Failure through its use in a production environment ("live use") that supports Customer operations. Final Acceptance shall not be withheld due to minor or moderate errors.

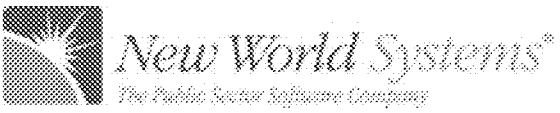

Total Cost Summary

CITY OF MORENO VALLEY, CALIFORNIA

April 18, 2011

[redacted]	[redacted]	[redacted]	[redacted]
A. Application Software			
1) Licensed Standard Software	$748,000	$281,000	$1,029,000
2) Demonstration Site Discount	(149,600)	(56,200)	(205,800)
3) Contract Signing Discount is Agreement is Executed by 5/10/11	(70,000)	(25,000)	(95,000)
	528,400	199,800	$728,200
B. Implementation Services	421,900	99,000	$520,900
1) Project Management			
2) Installation and Training			
3) Interface Installation Service Fee			
4) Windows Operating System Assurance and Software Installation			
5) Data File Conversion (estimate)			
6) Custom Software/Custom Software Interfaces (estimate)			
C. Source Code Escrow Setup Fee	3,000		
D. 2011 Executive Customer Conference	1,890		
[redacted]	[redacted]	[redacted]	[redacted]

[redacted]			
E. 1) Standard Software Maintenance Agreement (SSMA) (Annual Cost):			
One-Year Warranty from Date of Delivery (Year 1 SSMA)	No Charge	No Charge	No Charge
Year 2 Cost:	$119,680	$44,960	$164,640
Year 3 Cost:	127,160	47,770	174,930
Year 4 Cost:	134,640	50,580	185,220
Year 5 Cost:	142,120	53,390	195,510
Year 6 Cost:	149,600	56,200	205,800
2) Source Code Escrow Maintenance (Annual Cost)	$1,000		$1,000
3) Estimated Travel	$52,500	$15,000	$67,500

* Optional CD pricing will be held for 18 months from Effective Date.

NOTE: New World's cost is based on all of the proposed products and services being obtained from New World. Should significant portions of the products or services be deleted, New World reserves the right to adjust its prices accordingly.

This assumes you are purchasing this directly through New World and not thru an RFP procurement procedure.

Subsequent years of Software Maintenance will include a price increase.

Travel and Living expenses are not included in the Total One Time Cost above. New World estimates there to be 35 trips at $1,500/trip (may include airfare, hotel, per diem, car rental, gas), or $52,500. All Travel and Living expenses will be billed on a weekly basis, but only as incurred.

CONFIDENTIAL AND PROPRIETARY

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Robert Hansen, City Attorney

AGENDA DATE: May 10, 2011

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 AND 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT.

BACKGROUND

At a prior Study Session, Council members expressed concern over the enforcement policies relating to noise ordinance violations at private parties. Direction was given to the Police Department and City Attorney's Office to provide alternatives which would allow more discretion for an officer to provide a warning to 1st time offenders in lieu of the currently mandated $100 civil citation.

DISCUSSION

In working with the Police Department, it became evident that two obstacles, one legal and one practical, were preventing officers from issuing warnings to parties that exceeded the parameters for a Noise Disturbance in the Moreno Valley Municipal Code.

The first obstacle was a legal one based on the terms of the police enforcement policy and Section 11.80.060 of the Municipal Code. That section established that a first time offense **shall** be punished by a fine of not less than $50 if charged as an infraction. The alternative method of issuing a civil citation was frequently used; however, this method resulted in a citation of exactly $100. In essence, the citing officer had discretion to cite or not to cite but if a citation was issued, the fine was either $100 as a civil citation or between $50 and $100, as imposed by the court, if cited as an infraction.

The second obstacle was more practical in determining how to track the number of warnings that may be given to a particular party when different patrol officers are responding. The police department already has an efficient system for tracking the issuance of civil citations. Accordingly, we thought to develop and propose a system whereby a civil citation could be issued for less than the $100 fee set by Council. In this manner, a citing officer has the discretion to issue a civil citation with a zero dollar ($0) fine amount. Although in the form of a citation, it would have the practical effect of a warning. The police department can track this as a first citation so any future responders to the property will know that a first citation has already been issued. They may then proceed to the second citation.

The police department has requested that the fine amounts for second and third offenses remain the same, such that in a case where a first citation was issued with no fine, the second citation would remain at $200 and the third at $500 as previously established. This would be established by an enforcement policy adopted by the department.

The proposed amendments to the Municipal Code remove these encumbrances and allow for the procedures set forth above to be implemented. The police department would likewise be amending their policy on noise ordinance enforcement on private residential parties in line with the proposed ordinance changes.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Adopt the proposed changes to Moreno Valley Municipal Code Sections 1.10.080 and 11.80.060, and introduce Ordinance No. 824.

2. Direct staff to make changes to the ordinance and return to a City Council meeting or study session on a later date with a revised Ordinance.

3. Take no action. The existing Ordinances will remain in effect.

FISCAL IMPACT

No significant fiscal impact is anticipated.

ATTACHMENTS/EXHIBITS

1. A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 and 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT.

Prepared By:
Paul Early, Deputy City Attorney

Robert L. Hansen City Attorney

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ORDINANCE NO. 824

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTIONS 1.10.080 and 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE ADDED:

1.1 Section 1.10.080 of the Moreno Valley Municipal Code is hereby amended to read as follows:

"Section 1.10.080 Civil fines – Amounts and penalties

A. The maximum amount of a civil fine for violating particular provisions of this code shall be set forth in a schedule of civil fines adopted by resolution of the city council. The schedule may include escalating civil fine amounts for repeat code violations occurring within specified periods of time. A fine amount, not to exceed those set forth by resolution, may be imposed or reduced at the discretion of the citing officer or the City Attorney.

B. Where no civil fine amount is specified by resolution of the city council, civil fines shall be in accordance with those specified in Section 1.01.230 of this code.

C. A late payment penalty shall be imposed for civil fines not paid within thirty (30) calendar days of their due date. The amount of the late payment penalty shall be one hundred (100) percent of the total amount of the civil fine owed.

D. In addition to any civil fine and/or late payment penalty, a hearing officer shall also assess administrative costs against the responsible person when it finds that a violation has occurred or that compliance has not been achieved within the time specified in the civil citation and any granted extensions thereof. Administrative costs may include any and all costs incurred by the city in connection with the matter including, but not limited to, costs of investigation, staffing costs incurred in preparation for an administrative hearing and for the administrative hearing itself, and costs for all reinspections of the property related to the violation(s).

E. Unless otherwise prohibited by law or regulation, all civil fines and administrative costs imposed pursuant to the provisions of this chapter shall accrue

interest at the rate of eight percent until the civil fine or administrative costs, including interest thereon, is paid in full. Interest shall begin to accrue thirty (30) calendar days after the due date for the civil fine or administrative costs and continue until the civil fine or administrative costs, including interest thereon, is paid in full."

1.2 Section 11.80.060 of the Moreno Valley Municipal Code is hereby amended to read as follows:

"Section 11.80.060 Violation

A. Violation of Sound Level Limits. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) and/or six months in the county jail, or both. Notwithstanding the forgoing, any violation of the provisions of this chapter may, in the discretion of the citing officer or the city attorney, be cited and/or prosecuted as an infraction or be subject to civil citation pursuant to Chapter 1.10.

B. Joint and Several Responsibility. In addition to the person causing the offending sound, the owner, tenant or lessee of property, or a manager, overseer or agent, or any other person lawfully entitled to possess the property from which the offending sound is emitted at the time the offending sound is emitted, shall be responsible for compliance with this chapter if the additionally responsible party knows or should have known of the offending noise disturbance. It shall not be a lawful defense to assert that some other person caused the sound. The lawful possessor or operator of the premises shall be responsible for operating or maintaining the premises in compliance with this chapter and may be cited regardless of whether or not the person actually causing the sound is also cited.

C. Violation May Be Declared a Public Nuisance. The operation or maintenance of any device, equipment, instrument, vehicle or machinery in violation of any provisions of this chapter which endangers the public health, safety and quality of life of residents in the area is declared to be a public nuisance, and may be subject to abatement summarily or by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be publicly posted in three places within the city.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 2011,

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

May 10, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00105326

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
May 10, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of the 2011 William H. Batey II Annual Reading Contest Winners

2. Recognition of Riverside Transit Agency (RTA) and Moreno Valley/Perris Transportation NOW Air Aware Contest Winners

3."Spotlight on Moreno Valley Business"

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
MAY 10, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.5 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 20 - May 3, 2011.

A.6 PA07-0021 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: WESTERN STATES CONSTRUCTION, INC., ANAHEIM, CA 92807 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-37 authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into

the City's maintained street system; and

Resolution No. 2011-37

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA07-0021, and Accepting the Portion of Sunnymead Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 NOTICE OF COMPLETION AND ACCEPTANCE OF SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT - PROJECT NO. 04-89280221-2 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor; and

4. Accept the improvements into the City's maintained system.

A.8 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND RAMP PROJECT NO. 08-12566627 (Report of: Public Works Department)

Recommendation:

1. Grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid;

2. Award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder;

3. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc.;

4. Authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties; and

5. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney.

A.9 PA09-0043 (PM 36262) – COMMERCIAL – ACCEPT FINAL MAP, AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS, SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE; DEVELOPER: FRANK POZGAJ & MARIA POZGAJ FAMILY TRUST, RANCHO MIRAGE, CA AND MORENO BEACH STATION, LLC, MORENO VALLEY, CA. (Report of: Public Works Department)

Recommendation:

1. Approve PA09-0043, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation;

2. Accept the Agreement and Bonds for Public Improvements;

3. Authorize the Mayor to execute the Agreement;

4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation; and

5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

A.10 PERSONNEL RULES AND REGULATIONS REVISION (Report of: Human Resources Department)

Recommendation:

Approve the Personnel Rules and Regulations.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 MINUTES - SPECIAL MEETING OF APRIL 19, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.4 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:

Approve as submitted.

C.5 REVISIONS TO THE RDA HOMEBUYER ASSISTANCE PROGRAM (Report of: Community & Economic Development Department)

Recommendation:
Approve amendments to the Homebuyer's Assistance Program (HAP) to allow the loan term to be reduced to 20 years and allow the loan to be forgiven upon the expiration of the loan term.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D.3 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Continued from April 26, 2011) (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2011/12 (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2011/12 Annual Action Plan; and

2. Approve the proposed 2011/12 Annual Action Plan.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC) (Continued from April 26, 2011)

G.2 RESOLUTION REGARDING THE LIBERTY QUARRY (Continued from April 12, 2011) (Report of: City Manager's Office)

Recommendation: That the City Council:
Discuss and consider adopting Resolution No. 2011-31 regarding the Liberty Quarry.

Resolution No. 2011-31

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Need for and Benefits of Liberty Quarry

G.3 APPROVAL OF ERP SYSTEM REPLACEMENT PROJECT BUDGET AND FUNDING PLAN; AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CONTRACT WITH NEW WORLD SYSTEMS (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Approve the ERP System Replacement Project Budget and Funding Plan in the amount of $1,999,060; and

2. Authorize the City Manager to execute a contract and purchase order with New World Systems (NWS) for a one-time project cost not-to-exceed $1,322,490 and annual maintenance according to the not-to-exceed schedule below:

Year 1 maintenance	No Charge
Year 2 maintenance	$164,640
Year 3 maintenance	$174,930
Year 4 maintenance	$185,220
Year 5 maintenance	$195,510
Year 6 maintenance	$205,800

G.4 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 AND 11.80.060

OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT (Report of: City Attorney)

Recommendation: That the City Council:

1. Consider the following alternatives:

   Adopt the proposed changes to Moreno Valley Municipal Code Sections 1.10.080 and 11.80.060; and introduce Ordinance No. 824; or

   Ordinance No. 824

   An Ordinance of the City Council of the City of Moreno Valley, California, Amending Sections 1.10.080 and 11.80.060 of the City of Moreno Valley Municipal Code, Relating to Civil Citations and Noise Enforcement

2. Direct staff to make changes to the ordinance and return to a City Council meeting or study session on a later date with a revised Ordinance; or

3. Take no action. The existing Ordinances will remain in effect.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

a) Property: SR-60/Moreno Beach Dr. Interchange Project
City Negotiator: Chris A. Vogt
Under Negotiation: Price and terms of payment

APN/Caltrans Parcel No.	Owner	Site Address	Site Location
21463	Moreno H & S	12611 Moreno Beach Dr.	Southwest corner of Moreno and Eucalyptus Ave.
21884	Robert Getz, Anita May Rosenstein, Gloria May	None	South side of SR-60, east of Moreno Beach Dr. between

	Offerman – Trustees of the David May II – Dorothy Duffy May Trust, David May II, Trustee of the David May II Revocable Trust, et al.		Eucalyptus Ave. and SR-60 (between Auto Mall and SR-60)
21460	Prologis	None	Northern top portion of parcel, east of Fire Station 58 and south of SR-60.

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

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MV00105339

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 26, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Proclamation Recognizing National Public Works Week

2. Proclamation Recognizing Mental Health Month

3. Presentation of Boy Scouts of America District Award of Merit to Council Member Robin N. Hastings

4. Proclamation Recognizing Child Abuse Prevention Month

5. Letter of Commendation Recognizing Sarah King

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
April 26, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:35 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Hastings

INVOCATION - Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member (left 8:58 p.m.)
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Paula Smus	Acting Library Services Division Manager
Mike McCarty	Parks & Community Services Director

AGENDA ORDER

REPORTS

G.2 ECONOMIC DEVELOPMENT ACTION PLAN (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Review and provide direction on an Economic Development Action Plan; and

2. Consider the sequencing and funding of Capital Improvement Program projects.

Mayor Stewart opened the agenda item for public comments, which were received from Glenn Moss, Radene Ramos Hiers, Chris Carlson, Christopher Baca, Doug Whitney, Deanna Reeder, Victoria Baca, Jim Jernigan, Kenny Bell, Oscar Valdepena, Steven Figueroa, Librada Murillo, Pete Bleckert, Alicia Espinoza, Raul Wilson, Louise Palomarez, Mark Knorringa, Anthony Fabelo, Marcia Amino, Frank Wright, Tom Jerele Sr, Joe Zmudosky, Ray Baker, and Adolf Kruger.

Motion to Approve Economic Development Action Plan and resequence the funding of Capital Improvement Program projects by m/Mayor Pro Tem Jesse L. Molina, s/Council Member Marcelo Co Approved by a vote of 5-0.

Recess;
Reconvened

AGENDA ORDER

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Tom Jerele, Sr.
1. Public debate - healthy democratic process
2. Skechers project

Chris Baca
1. Nason Street overpass

Courtney Davis (representing Moreno Valley College)
1. Hands Across Moreno Valley College - advocating for education and asking the City to contribute to scholarship fund

Marcia Amino
1. Deficit reduction plan
2. Car allowances
3. Planning Commission stipends

Cesar Torres
1. Hands Across California - Raising funds for college scholarship

Kenny Bell
1. Wider broadcast of council meetings

Deanna Reeder
1. Budget; deficit reduction plan

Radene Hiers
1. Developers need to pay their share of cost
2. Contamination with chemicals/clean up; concerned about safety of residents

Louise Palomarez
1. Red light cameras on Day Street

AGENDA ORDER

G.3 REGIONAL ENERGY EFFICIENCY AND WATER CONSERVATION PROGRAM (RICK BISHOP, WRCOG EXECUTIVE DIRECTOR AND BARBARA SPOONHOUR, PROGRAM MANAGER) (PowerPoint Presentation - (Informational Oral Presentation - not for Council action)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 ENTER INTO A CONTRACT WITH THINK TOGETHER, INC., TO OPERATE DAY-TO-DAY ACTIVITIES AND FUNCTIONS INVOLVING THE PROPOSITION 49 ASES GRANT AFTER SCHOOL PROGRAM (Report of Parks and Community Services Department)

Recommendation: That the CSD:
Authorize the City Manager to enter into a contract with THINK Together Inc., to operate day-to-day activities and functions of the City's Proposition 49 state-funded ASES after school grant program, as outlined within the document.

Mayor Stewart opened the agenda item for public comments, which were received from Shannon Morehouse, and Courtney Davis.

Motion to authorize the City Manager acting in his capacity as the executive director of the CSD to enter into a contract by m/Vice President Jesse L. Molina, s/Board Member Robin N. Hastings
Approved by a vote of 3-1-1, Board Member William H. Batey II opposed, Board Member Marcelo Co absent.

G.5 COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:
Receive and file the Comprehensive Annual Financial Report for the fiscal year that ended June 30, 2010.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to receive and file by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

AGENDA ORDER

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Deanna Reeder (Item A2: deficit reduction plan) and Stephen Rogers (representing Anti-Corruption Team; Item A7).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of April 6-19, 2011.

A.4 APPROVAL OF CHECK REGISTER FOR FEBRUARY, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-34, approving the Check Register for the month of February, 2011 in the amount of $10,858,661.77.

Resolution No. 2011-34

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of February, 2011

A.5 APPROVE COOPERATIVE AGREEMENT WITH RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE SUNNYMEAD BOULEVARD MASTER DRAINAGE PLAN LINES H, H-1A, AND H-5 IN CONNECTION WITH THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS - PROJECT NO 09-89791726 (Report of: Public Works Department)

Recommendation:

1. Approve the "Cooperative Agreement" with Riverside County Flood Control and Water Conservation District (the District) for the Sunnymead Boulevard Master Drainage Plan Lines H, H-1A, and H-5 in connection with the Indian Detention Basin Drainage Improvements;

2. Authorize the City Manager to execute the "Cooperative Agreement" upon concurrence by the District;

3. Authorize the City Manager to approve any minor changes that may be requested by the District subject to the approval of the City Attorney; and

4. Authorize the City Manager to execute any future amendments subject to the approval of the City Attorney.

A.6 ART LOAN POLICY (Report of: City Manager's Office)

Recommendation:
Adopt the Art Loan Policy.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES FOR HMGP FUNDED PROJECT: STORM DRAIN AND MISCELLANEOUS STREET IMPROVEMENTS BETWEEN ALESSANDRO BOULEVARD AND DRAINAGE FACILITY LINE F - PROJECT NO. 11-12566730 (Report of: Public Works Department)

Recommendation:

1. Accept an additional grant award amount of $322,000 in the federal funds under the Hazard Mitigation Grant Program (HMGP) to construct a storm drain and miscellaneous street improvements between Alessandro Boulevard and drainage facility Line F east of Redlands Boulevard;

2. Authorize the appropriation of $430,000 from unencumbered Measure "A" (Fund 125) fund balance to account for the additional federal funding and required local funding match in accordance with the HMGP requirements;

3. Approve the Agreement for Design Professional Consultant Services with DMC Design Group, 140 N. Maple Street, Suite 104, Corona, CA 92880 to provide design services for the storm drain and miscellaneous street improvements;

4. Authorize the City Manager to execute said Agreement for Design Professional Consultant Services with DMC Group; and

5. Authorize the issuance of a Purchase Order to DMC Design Group in the amount of $172,016 from Account 125.66730 when the agreement has been signed by all parties.

A.8 APPROVE THE CITY OF MORENO VALLEY'S FIVE-YEAR MEASURE "A" LOCAL STREETS AND ROADS CAPITAL IMPROVEMENT PLAN (CIP) AND MAINTENANCE OF EFFORT (MOE) CERTIFICATION STATEMENT FOR THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) MEASURE "A" LOCAL FUNDS PROGRAM, FISCAL YEAR (FY) 2012-2016 (Report of: Public Works Department)

Recommendation:

1. Approve the City of Moreno Valley's Five-Year Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2012-2016;

2. Authorize submittal of the RCTC Measure "A" Local Streets and Roads CIP and MOE for the RCTC Measure "A" Local Funds Program, FY 2012-2016; and

3. Authorize staff to submit an amended five-year plan to RCTC if changes are made by City Council to the listed Measure "A" projects as part of the upcoming FY 2011/12 budget approval process.

A.9 RESOLUTION NO. 2011-35 A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA AND THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA REGARDING THE REDISTRICTING OF THE RIVERSIDE COUNTY SUPERVISORIAL DISTRICTS (Report of: City Manager's Office)

Recommendation:

Adopt Resolution No. 2011-35, a joint resolution of the City Council of the City of Moreno Valley, California and the City Council of the City of Perris, California regarding the redistricting of the Riverside County Supervisorial Districts.

Resolution No. 2011-35

A Joint Resolution of the City Council of the City of Moreno Valley, California, and the City Council of the City of Perris, California Regarding the Redistricting of the Riverside County Supervisorial Districts

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 RESOLUTION TO AMEND MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE D (PARKWAY LANDSCAPE MAINTENANCE) SERVICE PLAN POLICY (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. CSD 2011-06 to amend General

Management Policy #2.30, Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan Policy.

Resolution No. CSD 2011-06

A Resolution of the Moreno Valley Community Services District Board of Directors of the City of Moreno Valley, California, to Approve and Adopt the Amended Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan Policy to Provide Revised Language Regarding the Service Level Guidelines and Correct Minor Grammatical Errors

B.4 RESOLUTION TO AMEND MORENO VALLEY COMMUNITY SERVICES DISTRICT ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) SERVICE PLAN POLICY (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. CSD 2011-07 to amend General Management Policy #2.41, Moreno Valley Community Services District Zone E (Extensive Landscape Maintenance) Service Plan Policy.

Resolution No. CSD 2011-07

A Resolution of the Moreno Valley Community Services District Board of Directors of the City of Moreno Valley, California, to Approve and Adopt the Amended Moreno Valley Community Services District Zone E (Extensive Landscape Maintenance) Service Plan Policy to Provide Revised Language Regarding the Service Level Guidelines and Correct Minor Grammatical Errors

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Continue Items A2, B2, C2 and D2 to the next Council meeting by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

Motion to Approve Joint Consent Calendar Items A1 through D2, as amended (Item A7 - the correct number on the agreement is $172,016, which is consistent with the staff report) by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER FEE SCHEDULE FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public input on the proposed Fee Schedule for Fiscal Year (FY) 2011-12; and

2. Adopt Resolution No. 2011-36, approving the Fee Schedule for FY 2011-12.

Resolution No. 2011-36

A Resolution of the City Council of the City of Moreno Valley, California, Establishing Specified Fees for Various Services for Fiscal Year 2011-12 and Repealing Prior Resolutions that may be in Conflict

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Motion to Approve as amended to include dog license fees by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR POZGAJ FRANK & MARIA FAMILY TRUST—APN 486-240-009 BALLOTING FOR NPDES AND CSD ZONE M AND RIDGE MORENO VALLEY—APNS 297-170-005 AND 297-170-066 BALLOTING FOR NPDES (Report of: Public Works Department)

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. After conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Pozgaj Frank & Maria Family Trust—Assessor Parcel Number (APN) 486-240-009 and Ridge Moreno Valley—APNs 297-170-005 and 297-170-066;

   Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
   Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

   The City Clerk announced the results:

   APN 486-240-009, NPDES - "Yes" ;passes
   APN 297-170-005, NPDES - "Yes"; passes
   APN 297-170-066, NPDES - "Yes"; passes

   b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;

   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to APNs 486-240-009, 297-170-005, and 297-170-066.

   Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
   Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

2. Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for Pozgaj Frank & Maria Family Trust—APN 486-240-009;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 4-0-1, Board Member Marcelo Co absent.

The City Clerk announced the results:

APN 486-240-009, Zone M - "Yes"; passes

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APN 486-240-009.

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 4-0-1, Board Member Marcelo Co absent.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - none

AGENDA ORDER

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Continued

G.6 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Council and staff have to make some tough budget decisions. Instead of criticizing the council for the decisions, speakers should talk to the Council and offer suggestions to solve deficit problem
2. Reading Contest is completed - Five classes were taken to Harkins Theatre to see movie "Rios"; thanked Harkins for their hospitality; The top twenty readers, top two readers and persons helping with the program will be honored on May 10; congratulated all the kids who participated for the great job

Mayor Pro Tem Molina
1. Last Saturday participated in Relay for Life with Chief; encouraged everybody to participate; this kind of event brings the community together

Council Member Hastings
1. Thanked Chief Whittemore, von Lucas and Dean Palmer for the award presented on behalf of the Boy Scouts; it is an honor to be associated with such an organization as Boy Scouts of America; they are a fine group of people who donate a lot of time, energy and commitment to further this program
2. Congratulated Mark Sambito who was honored as the Reserve Deputy of the Year by the Riverside County Sheriff's Department; Moreno Valley police officers have been recognized very frequently, and this is reflected in the lowest crime statistics we have ever had in the City; the Council did an outstanding job to reduce crime; thanked the Police Department on behalf of Moreno Valley residents

Mayor Stewart
1. Responded to speaker's comments - clarified that the fire engine didn't belong to him, and he paid money to run the fire engine in the parades and events; eventually he bought it and donated it to the Fire Museum
2. Everyone has right to criticize and disagree with others, but need to show respect and civility; use of bad language will not be tolerated
3. Last week, was in Michigan to attend his mother-in-law's funeral; it was very stressful

Motion to continue the meeting past 11:00 p.m. by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Marcelo Co absent.

There being no further business to conduct, the meeting was adjourned at 10:59 p.m. to Closed Session by unanimous informal consent.

CLOSED SESSION

The City Attorney announced that the City was served on April 26, 2011 with the lawsuit – A&J Organic, Inc, the California Corporation dba Green Cross Care Group vs. City of Moreno Valley, Riverside Superior Court, Case # RRC1105634. Because this is a civil complaint, directions from the City Council regarding the cross-complaint are needed.

The Closed Session was held in the City Manager's Conference Room pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 11:05 p.m. by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____

Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

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MV00105355

MINUTES

JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SPECIAL MEETING – 6:00 PM
April 19, 2011

CALL TO ORDER

Special Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, and the Community Redevelopment Agency of the City of Moreno Valley was called to order at 6:16 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Co

INVOCATION – Mayor Stewart

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Cindy Miller	Executive Assistant to the Mayor/City Council
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Paula Smus	Acting Library Services Division Manager
Mike McCarty	Parks & Community Services Director

G. REPORTS

G.1 APPROVE THE THREE-YEAR DEFICIT ELIMINATION PLAN FOR FISCAL YEARS 2011/12 - 2013/14 AND DIRECT STAFF TO IMPLEMENT THE FIRST TWO YEARS OF THE PLAN IN A TWO-YEAR BUDGET FOR FISCAL YEARS 2011/12 AND 2012/13 (Continued from April 12, 2011) (Report of: City Manager's Office)

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder, Pete Bleckert, and Daryl Terrell.

Recommendation: That the City Council:

1. Approve the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14; and

2. Direct staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.

Motion to Approve by m/Council Member Batey, s/Council Member Hastings the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14 as adjusted to include Group A; and directed staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.
Approved by a 3-0-2 vote, Council Member Co and Mayor Pro Tem Molina abstained.

There being no further business to conduct, the meeting was adjourned to the Regular Study Session at 8:40 p.m., by unanimous informal consent.

Submitted by:

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley

Approved by:

Richard A. Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
April 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Presentation of Award for Excellence in Information Technology Practices to the City's Technology Services Division

2. Proclamation Recognizing National Library Week

3. Proclamation Recognizing Sexual Assault Awareness Month

4. "Spotlight on Moreno Valley Business"

MINUTES
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

REGULAR MEETING – 6:30 PM
April 12, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Pro Tem Molina in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Mayor Pro Tem Molina

INVOCATION – Council Member Co

Council:

Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member

Absent:

Richard A. Stewart	Mayor
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Juliene Clay	Administrative Assistant
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Acting Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Chris Vogt	Public Works Director
Barry Foster	Community and Economic Development Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Pro Tem Molina opened the agenda items for the Consent Calendars for public comments, which were received from Hossein Tajiki (Item A6), Doug Whitney (Item A6), Larry Lange (Item A6) and Tilak Chopra (Item A6).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of March 16 – April 5, 2011.

A.4 APPROVAL OF THE 2011/2012 FISCAL YEAR STORM WATER PROTECTION PROGRAM BUDGET FOR COUNTY SERVICE AREA (CSA) 152 (Report of: Public Works Department)

Recommendation:
1. Approve the County Service Area (CSA) 152 Budget for FY 2011/2012 in the amount of $537,553; and

2. Authorize the levy of CSA 152 Assessment at $8.15 per Benefit Assessment Unit (BAU) for FY 2011/2012.

A.5 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM B.3) (Report of: Parks and Community Services)

Recommendation:
1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play

structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and

2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed $ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

A.6 RESOLUTION FOR THE ABATEMENT OF PUBLIC NUISANCES (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-30 of the City of Moreno Valley, California, confirming assessments on certain real properties as outlined in the Property Assessment List in the staff report for the abatement of nuisances.

Resolution No. 2011-30

A Resolution of the City Council of the City of Moreno Valley, California, Confirming Statements of Costs Against Real Property Located in the City of Moreno Valley, for Abatements of Public Nuisances and Direction that said Statements of Costs Constitute a Lien upon said Properties

A.7 REPORT OF PARTIAL REDUCTIONS PROCESSED DURING THE MONTHS OF FEBRUARY AND MARCH 2011 (Report of: Public Works Department)

Recommendation:
No action required.

A.8 PA07-0090 - REDLANDS ELECTRICAL IMPROVEMENTS – UTILITY ELECTRICAL INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE UTILITY ELECTRICAL INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET: DEVELOPER – HF LOGISTICS – SKX T1, LLC,MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-33 authorizing the acceptance of the Utility Electrical Infrastructure for PA07-0090 - Redlands Electrical Improvements as complete and accepting the Utility

Electrical Infrastructure into the City's maintained system; and

Resolution No. 2011-33

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Redlands Electrical Improvements as Complete within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.9 APPROVAL OF THE FRANCHISE TAX BOARD AGREEMENT TO SHARE TAX INFORMATION (Report of: Financial & Administrative Services Department)

Recommendation:
Authorize the City Manager or his designee to sign a Franchise Tax Board Agreement that will allow both entities to share tax information confidentially.

A.10 RESOLUTION REGARDING THE LIBERTY QUARRY (Report of: City Manager's Office)

Recommendation:
Discuss and consider Resolution No. 2011-31 regarding the Liberty Quarry.

Resolution No. 2011-31

A Resolution of the City Council of the City of Moreno Valley, California, in Support of the Need for and Benefits of Liberty Quarry

Motion to continue Item A10 to May 10, 2011 by m/Council Member Marcelo Co, s/Council Member William H. Batey II
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

A.12 TRACTS 22709, 22709-1, 31128, 31129, & 35760 – MAINTENANCE OF PUBLIC IMPROVEMENTS - ACCEPT AGREEMENT AND IRREVOCABLE LETTER OF CREDIT FOR MAINTENANCE OF THE MORENO BEACH CHANNEL (CHANNEL F) PUBLIC IMPROVEMENTS - DEVELOPER:

WESTERN PACIFIC HOUSING - CORONA, CA 92880 (Report of: Public Works Department)

Recommendation:

1. Accept the Agreement and Irrevocable Letters of Credit for Public Improvements for Tracts 22709, 22709-1, 31128, 31129, & 35760;

2. Authorize the Mayor to execute the agreement;

3. Direct the City Clerk to forward the signed agreement to the County Recorder's office for recordation; and

4. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 REPLACEMENT OF PLAY STRUCTURES AND PLAYGROUND SURFACING AT JOHN F. KENNEDY VETERANS MEMORIAL PARK AND WOODLAND PARK (ALSO LISTED AS ITEM A.5) (Report of Parks and Community Services)

Recommendation:

1. Award to Miracle Recreation Equipment Company, 878 E Hwy 60, Monett, MO 65708 for material and labor to replace play structures and playground surfacing at John F. Kennedy Veterans Memorial Park and Woodland Park; and

2. Authorize the Purchasing Manager to execute a purchase order in an amount not to exceed $ 241,976.03 as appropriated in FY10/11, in account code 461.65329.7500.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR – BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MARCH 22, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2, except Items A10, which was continued to May 10, 2011 and Item A11, which was pulled for separate discussion/action. Motion by m/Council Member William H.Batey II, s/Council Member Marcelo Co
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

E. PUBLIC HEARINGS

AGENDA ORDER

E.2 PUBLIC HEARING REGARDING ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS AND THE ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES OF MULTI-FAMILY HOUSING REVENUE BONDS FOR HEMLOCK FAMILY APARTMENTS (Report of: Community & Economic Development Department)

Mayor Pro Tem Molina opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, at which it will hear and consider information concerning the issuance by the California Statewide Communities Development Authority of

multifamily housing revenue bonds to finance the acquisition, construction and development of a 77-unit multifamily rental housing project known as Hemlock Family Apartments; and

2. Adopt Resolution No. 2011-32, pursuant to Section 147(f) of the Internal Revenue Code of 1986 approving the issuance of bonds by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Hemlock Family Apartments.

Resolution No. 2011-32

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Hemlock Family Apartments

Motion to Approve by m/Council Member Marcelo Co, s/Council Member William H. Batey II
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

E.1 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDINGS FOR SOUTHEASTERN CALIF CONF SEV DAY ADVENTIST CHURCH—APN 484-030-015 AND BUDDHADHAMMO TEMPLE—APN 488-210-014 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Mayor Pro Tem Molina opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation: That the City Council:
After conducting the Public Hearing and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for Southeaster Calif Conf Sev Day Adventist–Assessor Parcel Number (APN) 484-030-015 and Buddhadhammo Temple–APN 488-210-014;

Motion to continue APN 488-210-014 to May 26, 2011 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

Motion to direct the City Clerk to tabulate ballots for APN 484-030-015 by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II

Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

The City Clerk announced the results as follows:

APN 484-030-015 (NPDES) – "Yes"

b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing.

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum connercial/industrial regulatory rate to APN–030–015.

Motion to approve by m/Council Member William H. Batey II and s/Council Member Marcelo Co
Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

The above motion was to accept results and impose the CSD charges.

Motion to rescind previous motion by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings, absent.

Motion to approve by m/Council Member William. H. Batey, s/Council Member Marcelo Co
Approved by a 3-0-2 vote, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

Recommendation: That the CSD:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony.

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballots for Southeastern Calif Conf Sev Day Adventist–APN 484-030-015 and Buddhadhammo Temple–APN 488-210-014;

Motion to direct the Secretary to tabulate the CSD Zone M ballot for APN 484-030-015 by m/Board Member William H. Batey II, s/Board Member Marcelo Co
Approved by a vote of 3-0-2, President Richard A. Stewart, Board

Member Robin N. Hastings absent.

The City Clerk announced the results as follows:
APN 484-030-015, CSD Zone M – "Yes"

b. Verify and accept the result of the mail ballot proceedings as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charges to APNs 484-030-015.

Motion to approve APN 484-030-015 by m/Board Member William H. Batey II, s/Board Member Marcelo Co
Approved by a vote of 3-0-2, President Richard A. Stewart, Board Member Robin N. Hastings absent.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

Mayor Pro Tem Molina opened the agenda item for public comments, which were received from Erica Hopkins, Kama Burton and Dr. Charles Gibson (Breakthrough CDC).

A.11 CONSIDERATION OF A REQUEST FROM BREAKTHROUGH COMMUNITY DEVELOPMENT CORPORATION (BCDC) TO SPONSOR ITS HOPE FOR OUR YOUTH CAMPAIGN (Report of: City Clerk's Department)

Recommendation:
That the City Council consider the request of Breakthrough Community Corporation (BCDC) to sponsor its Hope for Our Youth Campaign (HYC), in the amount of $2,040.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVIITES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

None

G.2 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDINGS FOR POZGAJ FRANK & MARIA FAMILY TRUST—APN 486-240-009 BALLOTING FOR NPDES AND CSD ZONE M AND RIDGE MORENO VALLEY—APNS 297-170-005 AND 297-170-066 BALLOTING FOR NPDES (Report of: Public Works Department)

Mayor Pro Tem Molina opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceedings for Pozgaj Frank & Maria Family Trust—Assessor Parcel Number (APN) 486-240-009 and Ridge Moreno Valley—APNs 297-170-005 and 297-170-066 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate; and

Recommendation: That the CSD:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") accept public comments regarding the mail ballot proceeding for Pozgaj Frank & Maria Family Trust—APN 486-240-009 for inclusion into and approval of the annual charge for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

No action required.

G.3 APPROVE THE THREE-YEAR DEFICIT ELIMINATION PLAN FOR FISCALYEARS 2011/12 - 2013/14 AND DIRECT STAFF TO IMPLEMENT THE FIRST TWO YEARS OF THE PLAN IN A TWO-YEAR BUDGET FOR FISCAL YEARS 2011/12 AND 2012/13 (Report of: City Manager's Office)

Mayor Pro Tem Molina opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Approve the Three-Year Deficit Elimination Plan for Fiscal Years 2011/12 through 2013/14; and

2. Direct staff to incorporate the first two years of the plan in a proposed two-year budget for Fiscal Years 2011/12 and 2012/13 for Council consideration.

Motion to continue Item G3 to a Special Meeting on April 19, 2011, approved by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 3-0-2, Mayor Richard A. Stewart, Council Member Robin N. Hastings absent.

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

No reports.

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS – NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Deanna Reader
1. Budget

Ronald Marks
1. Council comments from a previous meeting
2. Fire Flow

Pete Bleckert
1. Agenda packet

Louise Palomar
1. Skechers project

Daryl Terrell
1. Competing on the world stage

Tom Jerele, Sr.
1. Toured Administrative Center of Eastern Municipal Water District
2. Toured Skechers facility

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,

COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II

1. Next week the top reading classes will get to see the movie Rio. The top 20 readers will be recognized in May.
2. Made a motion to close tonight's meeting in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer, and condolences to the family.

Council Member Marcelo Co

1. Citizens need to come to the City Council meetings. City leaders must be made aware of what is happening in the city.
2. The cuts being implemented must be even handed.
3. Chief Curley will check on contractors taking pictures of weed abatement and charging the City.
4. People are coming to see the new Skechers building.
5. Progress and jobs are needed. There will be change, and jobs will come to the city.
6. Please support the businesses in Moreno Valley.

Mayor Pro Tem Jesse L. Molina

1. The City needs to come together.
2. The public needs to come to the City Council meetings and make their voices heard.
3. Constituents that call receive attention.
4. Adjourned the meeting in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer.

CLOSED SESSION - Canceled

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:56 p.m. in honor of Mayor Stewart's mother-in-law, Agnes R. Beyer, by unanimous informal consent.

Submitted by:

_____

Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District

Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____

Jesse L. Molina, Mayor Pro Tem
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: May 10, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of April 20 – May 3, 2011.

Reports on Reimbursable Activities April 20 – May 3, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	4/27/11	Moreno Valley Chamber of Commerce Wake-Up
Jesse L. Molina		None
Richard A. Stewart	5/3/11	Moreno Valley Hispanic Chamber of Commerce Adelante

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00105373

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: PA07-0021 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – WESTERN STATES CONSTRUCTION, INC.
4887 E. LA PALMA AVENUE, SUITE 707
ANAHEIM, CA 92807

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-37 authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

PA07-0021 is a commercial development consisting of a retail building, auto repair building, and a carwash located on the north side of Sunnymead Boulevard, east of Graham Street that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, striping, storm drain, and water facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $97,000 issued by SureTec Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within PA07-0021 as complete and accepting the portion of Sunnymead Boulevard associated with the project into the City's maintained

street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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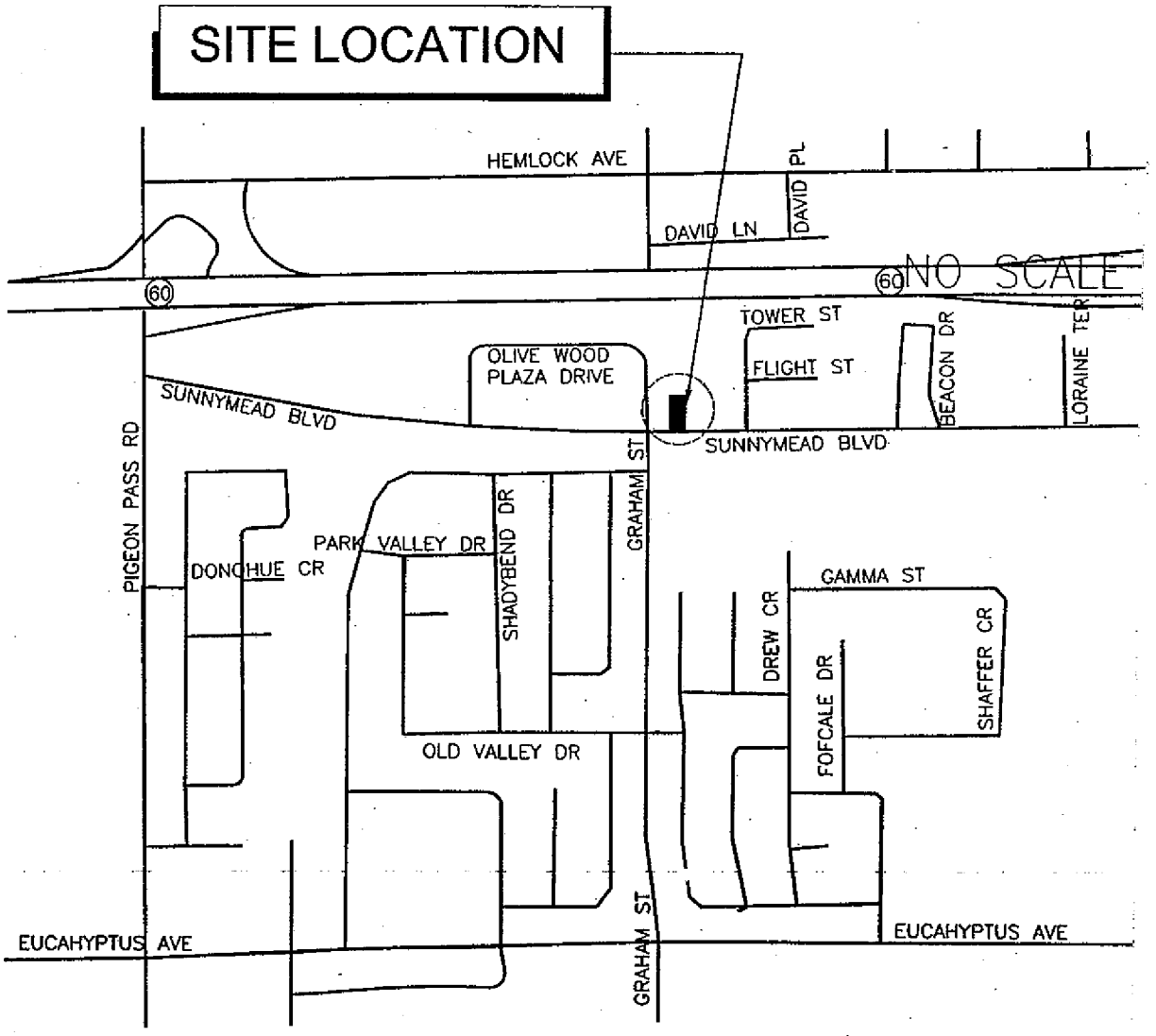

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**PA07-0021** **VICINITY MAP**

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MV00105379

RESOLUTION NO. 2011-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN PA07-0021, AND ACCEPTING THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Western States Construction, Inc. on the portion of Sunnymead Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within PA07-0021, and accept the portion of Sunnymead Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN PA07-0021 ARE COMPLETE AND THE PORTION OF SUNNYMEAD BOULEVARD ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 10th day of May, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "B"

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: NOTICE OF COMPLETION AND ACCEPTANCE OF SUNNYMEAD BOULEVARD BEAUTIFICATION AND ENHANCEMENT FROM FREDERICK STREET TO PERRIS BOULEVARD PROJECT
PROJECT NO. 04-89280221-2

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor.

4. Accept the improvements into the City's maintained system.

BACKGROUND

On February 26, 2008, the City Council approved a construction contract with Environmental Construction, Inc., for Stage 1, of the Sunnymead Boulevard Revitalization project, which provided improvements for the infrastructure and aesthetic enhancements, which included a gateway entry arch, bus shelters, sign monuments,

parkway landscaping, curbs, gutters, and color sidewalks. Along with this construction, Eastern Municipal Water District (EMWD) installed an 18-inch pipeline from east of Frederick Street to Perris Boulevard.

On November 25, 2008, the City Council awarded the Sunnymead Boulevard Beautification and Enhancement project (Stage 2) construction contract and authorized the issuance of a Purchase Order in the amount of $2,702,636.90 (the bid amount plus 10% contingency) to PALP Inc. dba Excel Paving Company (Excel). The Excel contract included a lighted median sign near Perris Boulevard, median installation along with landscaping and color Portland Cement Concrete (PCC) center turn lanes and intersections.

On July 13, 2010, the City Council approved the Change Order to increase the Purchase Order with Excel in the amount of $50,000 as a contingency to ensure timely payment to the Contractor in accordance with the Public Contract Code in the event the claims are resolved in the Contractor's favor.

DISCUSSION

Excel completed construction of the beautification and enhancement improvements on February 14, 2011 at a total disputed construction cost of $2,670,000 inclusive of Contract Change Order Nos. 1, 2, 3, and 4 (disputed final), which is less than the Purchase Order amount of $2,752,636.90. The original contract completion date was set for August 2, 2010. The Contractor was issued a time extension of 14 rain/weather work days which sets the revised completion date at August 20, 2010. The Contractor's liquidated damages are assessed for a total of 178 calendar days between August 20, 2010 and February 14, 2011 at $2,500 per day for a total of $445,000.

The Contractor did not sign draft Contract Change CCO No. 4 (disputed final) because the Contractor disputes the total compensation amount, due to unresolved claims. Since all the work has now been completed, the City Attorney has recommended to proceed with accepting the project as complete and filing the Notice of Completion with the County. The Contractor filed a claim with the City Clerk's Office on March 4, 2011. The Contractor is claiming additional compensation for construction related work due to costs and expenses incurred on the job that cannot be verified or justified by the City at this time. The Risk Management Division has denied the claim and staff is currently working with the City Attorney's office to mediate a settlement with the Contractor.

The Contractor is claiming $302,912 for disputed extra work, $353,893 for disputed contract balance and unspecified sums for subcontractor claims, delay costs, overhead, interest, and attorneys' fees. The Contractor is disputing the applicability of the contractually specified minimum coefficient of friction for the surface of the concrete pavement at four intersections. The concrete installed by the Contractor did not comply with the specifications. The Contractor is seeking additional compensation associated with remediating the non-conforming surface finish, traffic control activities during construction, and additional landscaping. The City considers all of this disputed work to

be the Contractor's responsibility pursuant to the Contract. Because of the assessment of liquidated damages, there are no undisputed funds due to the Contractor.

ALTERNATIVES

1. Accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806, direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor, and accept the improvements into the City's maintained system. *This alternative will result in acceptance of the improvements into the City's maintained system.*

2. Do not accept the work as complete for the Sunnymead Boulevard Beautification and Enhancement from Frederick Street to Perris Boulevard constructed by PALP Inc. dba Excel Paving Company (Excel), 2230 Lemon Avenue, Long Beach, CA 90806, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to assess liquidated damages and withhold further payment to Contractor, and do not accept the improvements into the City's maintained system. *This alternative will result in delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Sunnymead Boulevard Beautification and Enhancement project (Stage 2) constructed by Excel was funded with Lease Revenue Bond funds (fund 501), Transportation Enhancement (TE) Federal Grant funds through Measure A funds (fund 125), and Redevelopment Agency (RDA) funds (fund 892) as budgeted in Fiscal Year 2010/2011. There is no impact to the General Fund.

OVERALL PROJECT FINANCIAL STATUS AS OF MARCH 2011:

Total Budget Appropriation Fiscal Year 2001/2002 to Fiscal Year 2010/2011 (Funds 892, 501, and 125)	$12,138,000
Total Estimated Planning, Design, Right of Way, and Legal Related Costs	($1,735,000)
Miscellaneous Utilities, Banner Installation, Project Coordination	($227,000)
Total Estimated Construction Related Costs for Sidewalk/Parkway (Stage 1)	($5,990,000)
Total Estimated Construction Related Costs for Median/Intersection (Stage 2)	($3,368,000)

Breakdown of Stage 2 Construction Related Actual Expenses as of March 2011:

Disputed Construction Contract Cost	$2,670,000
Consultant Construction Management/Inspection Services	$381,000
Geotechnical Services	$29,000
Survey Services	$68,000
Project Administration & Miscellaneous Service Costs	$220,000
Total Amount for Stage 2 Construction	$3,368,000

Remaining Project Encumbrances	($718,000)
Remaining Project Balance	$100,000

ANTICIPATED PROJECT SCHEDULE:

Completion of Stage 1 Construction	June 2011
Completion of Stage 2 Construction	February 2011

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Excel has completed the Stage 2 construction for the Sunnymead Boulevard Beautification and Enhancement project from Frederick Street to Perris Boulevard. The City Council is requested to accept the work as complete, direct the City Clerk to record the Notice of Completion, assess liquidated damages against Excel and accept the improvements into the City's maintained system.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Christopher L. Wiberg
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\John - 04-89280221 Sunnymead Blvd Revitalization\Construction\04-8920221-2 Median Intersection Improv\CC Reports\051011 Excel NOC Staff Report e.doc

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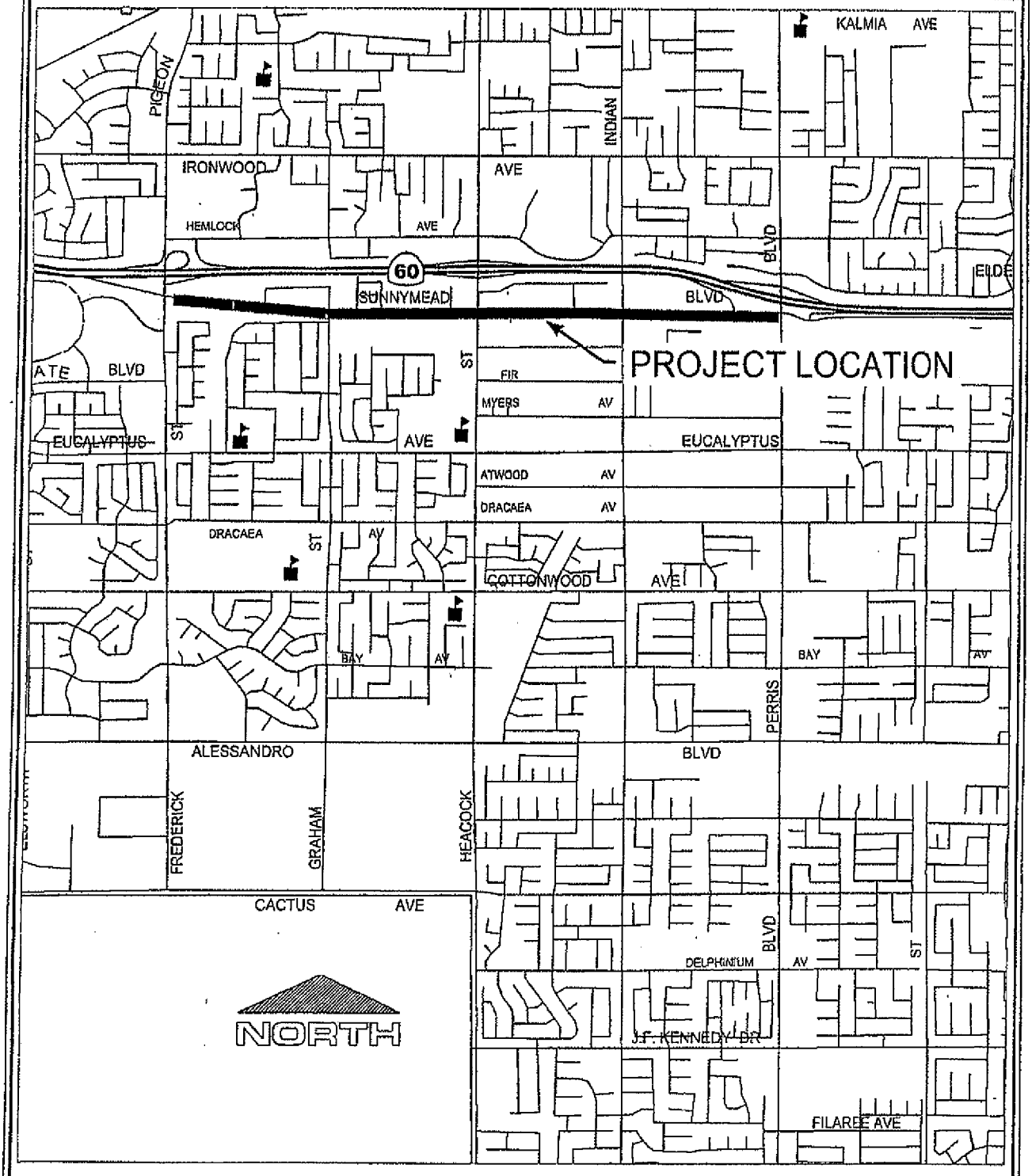

LOCATION MAP

Public Works Department
Capital Projects Division

ATTACHMENT "A"

SUNNYMEAD BLVD. BEAUTIFICATION AND ENHANCEMENT
PROJECT NO. 04-89280221-2

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MV00105389

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND RAMP PROJECT NO. 08-12566627

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid.

2. Award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder.

3. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto.

4. Authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties.

5. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney.

BACKGROUND

An agreement with KOA Corporation was signed by the City Manager on June 5, 2008 to provide Phase I, preliminary design (35%) services for the widening of southbound Perris Boulevard at State Route 60 westbound on-ramp. On November 12, 2008, the City Council approved the First Amendment to KOA's Agreement to provide Phase II, 100% design, and Phase III, advertising, bid, and construction support services for the widening of southbound Perris Boulevard at State Route 60 westbound on-ramp.

In December 2010, the project was advertised for construction bids.

DISCUSSION

This project will result in the construction of a right-turn lane by widening southbound Perris Boulevard from Elder Avenue to the westbound on-ramp of State Route 60. The project also includes modifications to the City traffic signal at Elder Avenue and the Caltrans traffic signal at the westbound on-ramp. Project benefits include reduced congestion around the westbound on-ramp due to the southbound turn lane addition and traffic signal improvements as well as enhanced pedestrian mobility due to the reconstruction of the curb ramps.

In December 2008, the Planning Division found that the project is exempt from CEQA as it is classified as a Class 1 Categorical Exemption (under Section 15301(c)), and therefore, environmental documents are not required.

Formal Bidding procedures have been followed in conformance with the Public Contract Code (PCC) and the City Clerk opened bids at 2:00 p.m., March 24, 2011, for the subject project. Seven (7) bids were received as follows:

1. Hillcrest Contracting, Inc.	**$247,550.00**
2. Elite Companies US, Inc.	$249,981.00
3. Unique Performance Construction	$267,050.00
4. KORMX, Inc.	$281,650.00
5. DBX, Inc.	$303,438.00
6. All American Asphalt	$360,206.00
7. LSC Construction	Withdrawn
Engineer's Estimate	$276,550.00

Staff has reviewed the lowest bid received by Hillcrest Contracting, Inc. and finds it to be the lowest responsible bidder. Hillcrest Contracting, Inc. possesses a valid California Contractor License in good standing and has provided a bid bond as its required bid security. No outstanding problems were identified through review of the references submitted by Hillcrest Contracting, Inc.

LSC Construction submitted a letter to the City requesting withdrawal of its Bidders Proposal due to a mistake that was made in filling out the bid and not due to error in judgment in accordance with Public Contract Code sections 5101 and 5103. Upon review of the letter, staff concurs that a mistake was made and recommends that the City Council grant the request to withdraw the Bidder's Proposal of LSC Construction.

ALTERNATIVES

1. Grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid, award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder, authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties, and authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney. *This alternative will allow for much needed improvements.*

2. Do not grant LSC Construction's request for relief of bid proposal due to a mistake made in filling out the bid, do not award the construction contract for Widening of Perris Boulevard Southbound at State Route 60 Westbound Ramp to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92878, the lowest responsible bidder, do not authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, do not authorize the issuance of a Purchase Order to Hillcrest Contracting, Inc. in the amount of $297,060.00 ($247,550.00 for the bid amount plus 20% contingency) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $49,510.00, subject to the approval of the City Attorney. *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Construction phase of this project is included in the Fiscal Year 2010/2011 Capital Improvements Project Budget and will be financed by Measure A (Fund 125). There is no impact to the General Fund.

BUDGETED FUNDS:

Fiscal Year 2010/2011 Funds (Account No. 125.66627)	$482,000
Design and Administrative Costs FY10-11	($43,000)
Total Available Funds	$439,000

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction (includes 20% contingency)	$297,000
Construction Surveying Costs	$15,000
Construction Geotechnical Costs	$15,000
Project Administration and Inspection Services*	$40,000
Total Estimated Construction Related Costs	$367,000

*City staff will provide Project Administration and Inspection Services

ANTICIPATED PROJECT SCHEDULE:

Start Construction	June 2011
Complete Construction	September 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provides a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvement are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project will result in the construction of a right-turn lane by widening southbound Perris Boulevard from Elder Avenue to the westbound on-ramp of State Route 60, which will reduce traffic congestion and enhance pedestrian mobility in that location. The City Council is requested to approve the award of the construction contract to Hillcrest Contracting, Inc.

ATTACHMENTS/EXHIBITS

Attachment "A" – Location Map
Attachment "B" – Agreement with Hillcrest Contracting, Inc.

Prepared By:
Michael Lloyd
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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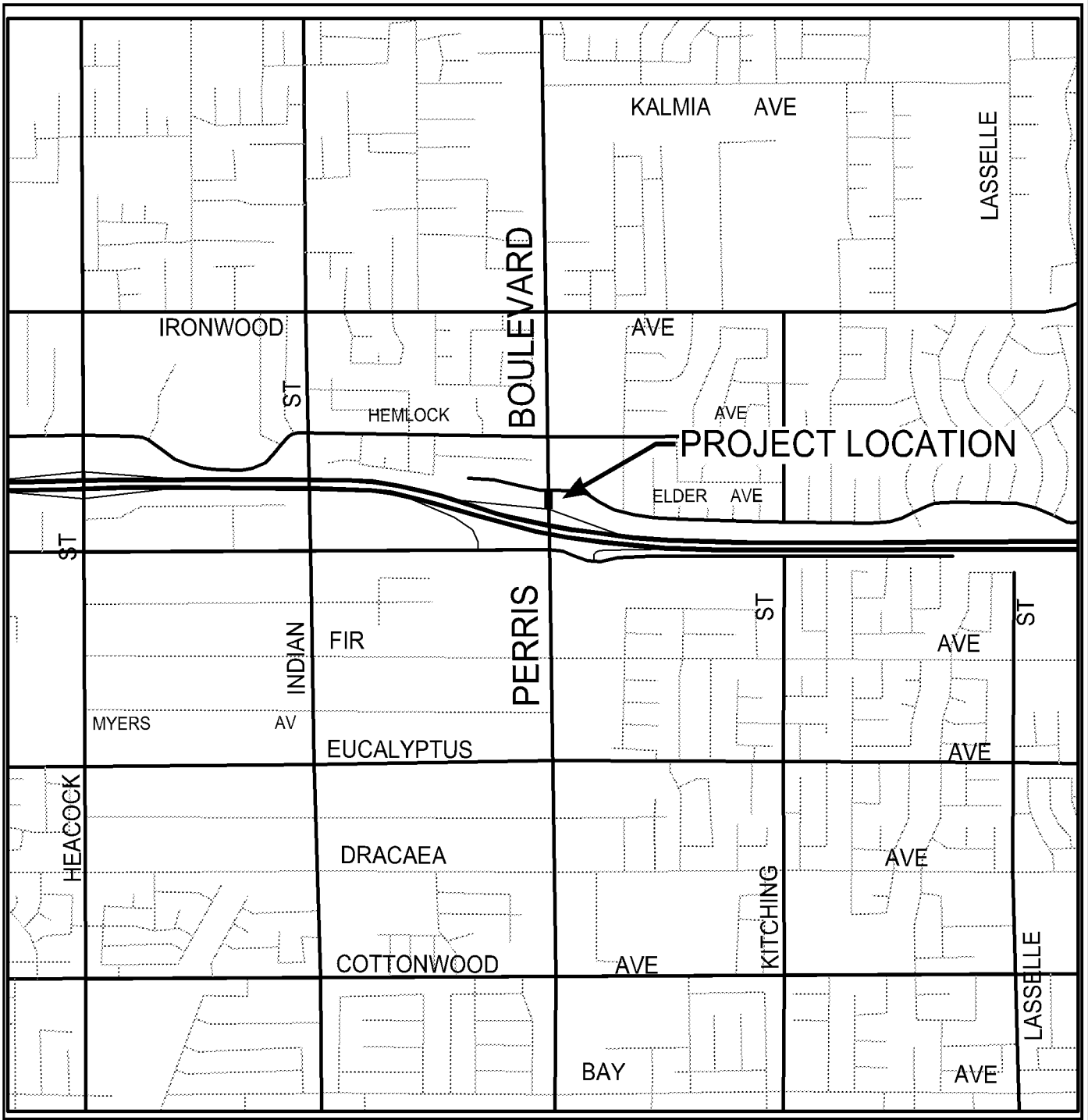

Public Works Department
Capital Projects Division

LOCATION MAP

Scale: None

Attachment "A"

PROJECT NO. 08-12566627
TRAFFIC SIGNAL IMPROVEMENTS ON PERRIS BLVD SOUTHBOUND LANE INTO RTE 60 WESTBOUND ON-RAMP

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MV00105397

Agreement No. _____

AGREEMENT

PROJECT NO. 08-12566627

WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND ON-RAMP

THIS Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and Hillcrest Contracting, Inc., hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
   a. Any and all Contract Change Orders issued after execution of this Agreement
   b. Addenda Nos. 1 through 3, inclusive, issued prior to the opening of the Bids
   c. The bound Bid Documents
   d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
   e. The project Plans
   f. The Standard Plans
   g. The Standard Specifications
   h. Reference Specifications, all of which are essential parts of this Agreement
   i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Bid Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) in the sum total amount of **$247,550.00,** subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to order materials pursuant to this Agreement within 7 calendar days after the date of authorization specified in the "Notice to Proceed with Order of Materials." The Contractor hereby agrees to commence work pursuant to this Agreement within 15 calendar days after the date of authorization specified in the "Notice to Proceed with Construction." The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to completion within **sixty (60) working days** working days after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

5. The City and Contractor hereby agree that in case all ordering of materials and construction called for under the Agreement is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of $450.00 per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District,, its officers, employees and agents; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Agreement in a form which is substantially similar to the Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

16. The effective date of this Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 08-12566627

CITY OF MORENO VALLEY, Municipal Corporation

BY:_____
City Manager

DATE:_____

COMMUNITY REDEVELOPMENT AGENCY, Municipal Corporation *[for RDA agreements]*

BY:_____

INTERNAL USE ONLY

ATTEST:

_____
City Clerk
(only needed if Mayor signs)

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Public Works Director/City Engineer
(if contract exceeds $15,000)

_____
Date

Hillcrest Contracting, Inc.

License No./
Classification:_____

Expiration Date:_____

Federal I.D. No.:_____

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public.

Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

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CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

Item No. A.8

MV00105404

BOND NO._____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12566627

WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND ON-RAMP

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City," has awarded to Hillcrest Contracting, Inc., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as Project No. 08-12566627, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 08-12566627

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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- Signature of the notary public must match the signature on file with the office of the county clerk.
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  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

MV00105407

BOND NO. _____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 08-12566627

WIDENING OF PERRIS BOULEVARD SOUTHBOUND AT STATE ROUTE 60 WESTBOUND ON-RAMP

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, known as "City", has awarded to Hillcrest Contracting, Inc., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as Project No. 08-12566627, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 08-12566627

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS PAYMENT BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

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- Securely attach this document to the signed document.

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MV00105411

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: PA09-0043 (PM 36262) – COMMERCIAL – ACCEPT FINAL MAP, AGREEMENT, AND BONDS FOR PUBLIC IMPROVEMENTS

SOUTHWEST CORNER OF ALESSANDRO BOULEVARD AND MORENO BEACH DRIVE

Developer: Frank Pozgaj & Maria Pozgaj Family Trust
10 Collegiate Circle
Rancho Mirage, CA 92270
&
Moreno Beach Station, LLC
11545 Rockspur Ct
Moreno Valley, CA 92555

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve PA09-0043, authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

2. Accept the Agreement and Bonds for Public Improvements.

3. Authorize the Mayor to execute the Agreement in the form attached hereto.

4. Direct the City Clerk to forward the signed Agreement to the County Recorder's Office for recordation.

5. Authorize the City Engineer to execute any future time extension amendments to the agreement, subject to City Attorney approval, if the required public improvements are not completed within said timeframe.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On March 11, 2011, the Planning Commission of the City of Moreno Valley approved the plot plan for PA09-0025 and Tentative Parcel Map 36262 also known as PA09-0043. The plot plan is a proposal for a fueling station and convenience store with an attached automated car wash. The parcel map was required to subdivide the land for the fueling station.

DISCUSSION

Final Map 36262 is in substantial conformance with the tentative map, and the developer has requested that the map be approved for recordation. The Conditions of Approval for this project require that the developer provide surety for the required improvements.

The developer has completed and submitted an Agreement for Public Improvements. The developer agrees to perform and complete all of the required street improvements within twenty-four (24) months of the date the agreement is executed. The City Engineer may execute any future amendments to the agreement, subject to City Attorney approval, if the required street improvements are not completed within said timeframe. The public street improvements include but are not limited to asphalt pavement, curb, gutter, sidewalk, driveway approaches, street lights, sewer, and water. Accompanying the agreement are a Faithful Performance Bond in the amount of $400,000 and a Material and Labor Bond in the amount of $200,000 issued by Suretec Insurance Company.

ALTERNATIVES

Not applicable.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:

Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Agreement for Public Improvements
Exhibit “C” - Faithful Performance Bond
Exhibit “D” - Material and Labor Bond

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\5-10-11 PA09-0043 (PM 36262) - Orig Agmt & Bonds .doc

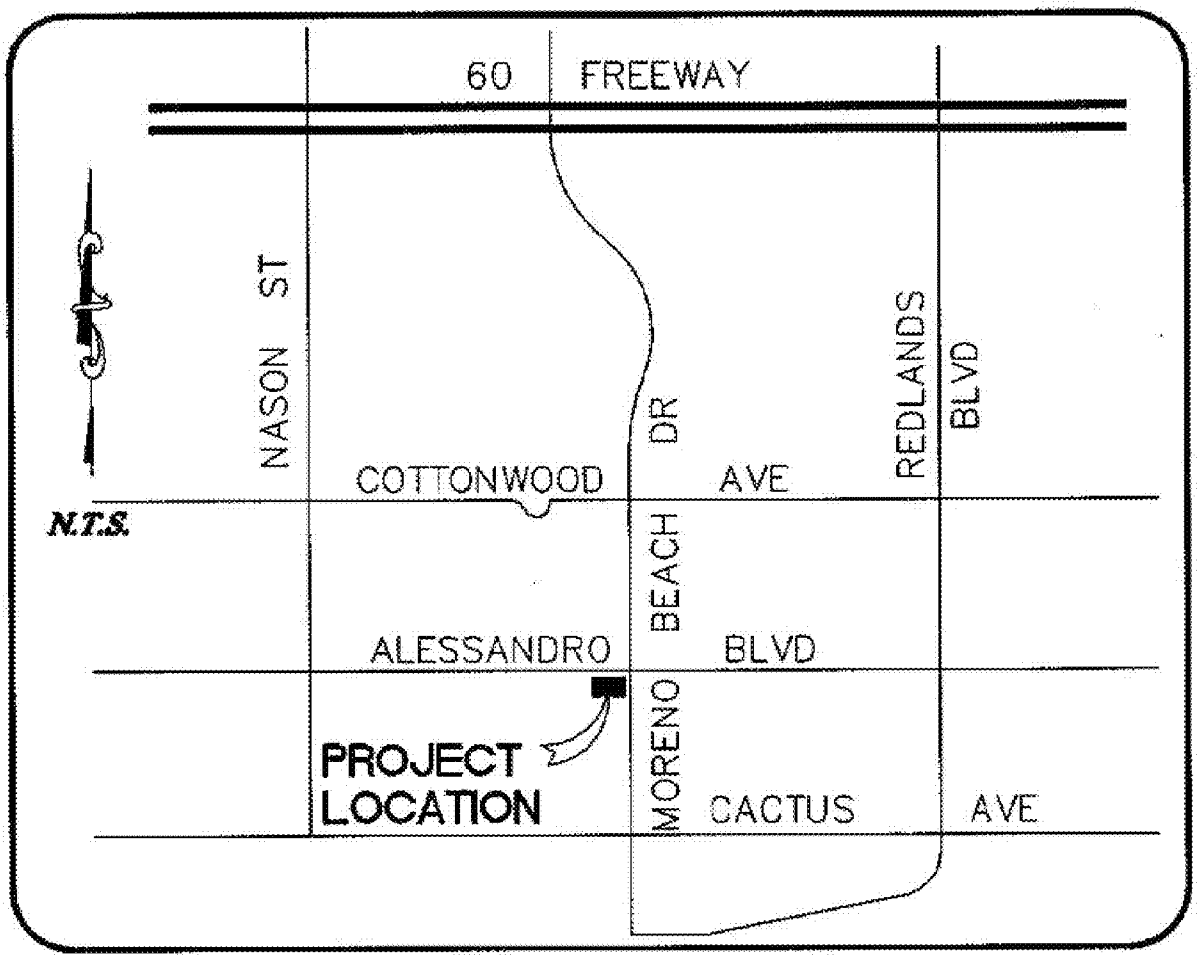

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT "A"	**PA009-0043** **PM 36262** **LOCATION MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\5-10-11 PA09-0043 (PM 36262) - Exhibit A.doc

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MV00105417

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

AGREEMENT FOR PUBLIC IMPROVEMENTS
FOR STORM DRAIN IMPROVEMENTS
PROJECT NO. PA09-0043 (TENTATIVE PARCEL MAP 36262)

This Agreement, made and entered into by and between the City of Moreno Valley , State of California , hereinafter called City, and **Frank Pozgaj and Maria Pozgaj Family Trust and Moreno Beach Station, LLC**, herein after called Developer, on the date the City signs this agreement.

WITNESSETH:

FIRST: Developer, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as **PA09-0043 (Tentative Parcel Map 36262)** agrees, at Developer's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Developer further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Developer shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Developer shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Developer waives the 120 day time limitation set forth in Section 66462.5, Government Code.

Security to guarantee the performance of this agreement shall be in the following amounts:

Faithful Performance security shall be in the sum of **FOUR HUNDRED THOUSAND AND NO/100** Dollars (*****$400,000*****). The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost, is outlined in the worksheet labeled Exhibit A attached hereto.

Labor and Material security shall be in the sum of **TWO HUNDRED THOUSAND AND NO/100** Dollars (*****$200,000*****). The estimated cost securing payment of labor and materials is fifty (50) percent of the total cost estimate of the improvements.

SECOND: Developer agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Developer further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Developer and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

EXHIBIT "B"

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Developer, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Developer. Developer agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Developer, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

FOURTH: The Developer hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Developer has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Developer agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The Developer shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Developer's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Developer, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Developer, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Developer violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Developer because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Developer, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Developer agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Developer agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Developer fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Developer of the insufficiency of the security or the amount of the bonds or both.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Developer, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Developer further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Developers:
Frank Pozgaj and Maria Pozgaj Family Trust
10 Collegiate Circle
Rancho Mirage, California 92270

Moreno Beach Station, LLC
P.O Box 525
Moreno Valley, CA 92556

IN WITNESS WHEREOF Developer has affixed his name, address and seal.

Date approved by the City: _____

Frank Pozgaj and Maria Pozgaj Family Trust:
Developer Maria Pozgaj Trustee

BY: Frank Pozgaj Trustee
Signature

FRANK & MARIA POZGAJ
Print/Type Name

_____
Title

Moreno Beach Station, LLC:

BY: Abdo Alberre
Signature

ABdo ALBERRE
Print/Type Name

President
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: _____
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: _____
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: _____

By: _____
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF DEVELOPER MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - DEVELOPER; GREEN - SURETY; BLUE - PROJECT FILE

W:\LandDev\MANAGEMENT ASSISTANT\Agreement Bond Packets\PA09-0043 - Agreement.doc

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On December 21, 2010 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Frank Pozgaj & Maria Pozgaj,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she/~~they executed the same in ~~his/her/~~their authorized capacity(ies), and that by ~~his/her/~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Agreement for Improvements
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date 12-21-2010

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

2008 Version CAPA v12.10.07 800-873-9865 www.NotaryClasses.com

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of Riverside

On Jan 29 2011 (Date) before me, Carl W Jech Notary Public (Here Insert Name and Title of the Officer),

personally appeared Abdo Albette (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

CARL W. JECH
Commission # 1775708
Notary Public - California
Riverside County
My Comm. Expires Nov 21, 2011

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Carl W Jech
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Agreement For Employment

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Individual	☐ Individual
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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J.F.
09-08-10

EXHIBIT "A"
ENGINEER'S ESTIMATE

DATE: 09/08/10
PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262) **PREPARED BY:** JLM
PUBLIC PAVEMENT SECTIONS

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Street Work - Non DIF Non TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II -	1.17	Thickness (ft.)				
Alessandro	11795	S.F.	1000	Ton	33.00	33,000
A.C. - Alessandro	0.5	Thickness (ft.)				
	11795	S.F.	427	Ton	80.00	34,160
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II -	1.17	Thickness (ft.)				
Moreno Beach	3405	S.F.	288	Ton	33.00	9,504
A.C. - Moreno Beach	0.5	Thickness (ft.)				
	3405	S.F.	123	Ton	80.00	9,840
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - DIF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Street Work - TUMF						
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 1	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 2	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 3	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
Roadway Excavation			0	C.Y.	29.00	0
A.B. Class II - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	33.00	0
A.C. - Street 4	0	Thickness (ft.)				
	0	S.F.	0	Ton	80.00	0
					SUBTOTAL:	86,504

Jerry L. Miles 9-8-10

REGISTERED PROFESSIONAL ENGINEER
JERRY L. MILES
NO. 42593
EXP. 3-31-12
CIVIL
STATE OF CALIFORNIA

EXHIBIT "A"
ENGINEER'S ESTIMATE

DATE: **09/08/10**
PREPARED BY: **JLM**

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)
PUBLIC STREET WORK

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Offsite Street Work				
Pavement				
Grind & Pave 0.15'	1968	S.F.	3.25	6,396
A.C. Cap/Overlay	0	Ton	65.00	0
Slurry Seal (Based on $150/Ton Type II)	0	S.Y.	2.25	0
Paving Fabric	0	S.Y.	1.15	0
Sawcut	555	L.F.	3.00	1,665
Utility Trench	62	L.F.	17.00	1,054
Trench Repaving	186	S.F.	12.00	2,232
Redwood Header	0	L.F.	6.00	0
Curb Only - 6"	0	L.F.	10.00	0
Curb Only - 8"	174	L.F.	15.00	2,610
Adjust M.H. to Grade	0	EA.	800.00	0
Adjust Water Valve to Grade	0	EA.	400.00	0
Remove & Dispose Existing Pavement & Base	0	SF	28.00	0
Remove Existing Curb & Gutter	266	L.F.	12.00	3,192
Concrete				
P.C.C. Paving - 6"	0	S.F.	14.00	0
P.C.C. Paving - 8"	0	S.F.	16.00	0
Curb and Gutter - 6"	0	L.F.	25.00	0
Curb and Gutter - 8"	277	L.F.	30.00	8,310
Curb and Gutter - 8" (DIF Street Name)	0	L.F.	30.00	0
Curb and Gutter - 8" (TUMF Street Name)	0	L.F.	30.00	0
Curb Only - 6"	0	L.F.	20.00	0
Curb Only - 8"	287	L.F.	25.00	7,175
Curb Only - 8" (DIF Street Name)	0	L.F.	25.00	0
Curb Only - 8" (TUMF Street Name)	0	L.F.	25.00	0
A.C. Curb 6"	0	L.F.	12.00	0
A.C. Curb 8"	0	L.F.	15.00	0
Cross Gutter and Spandrel	0	S.F.	12.00	0
Sidewalk	3230	S.F.	7.00	22,610
Sidewalk (DIF Street Name)	0	S.F.	7.00	0
Sidewalk (TUMF Street Name)	0	S.F.	7.00	0
Median Stamped Concrete	0	S.F.	14.00	0
Driveway Approach - 6"	0	S.F.	14.00	0
Driveway Approach - 8"	1460	S.F.	16.00	23,360
Wheelchair Ramp	2	EA.	2,400.00	4,800
Alley Approach - 8"	0	S.F.	16.00	0
1/2 Alley Apron	0	S.F.	16.00	0
Barricade	0	L.F.	100.00	0
Bus Bay	1	EA.	20,000.00	20,000
Miscellaneous				
Relocate Power Poles	2	EA.	30,000.00	60,000
Relocate Power Poles (DIF Street Name)	0	EA.	30,000.00	0
Cluster Mail Boxes	0	EA.	5,000.00	0
Erosion Control	0	AC	100.00	0
Walls - Masonry: 6' Maximum	0	L.F.	150.00	0
Walls - Retaining: 6' Maximum	0	L.F.	150.00	0
				0
			SUBTOTAL	163,404
Traffic Improvements (Plan Checked by Trans. Eng'rg.staff/Inspected by LDD staff)				
Traffic Striping/raised pavement markers	1	L.S.	--	5,000
Traffic Striping (DIF Street -Perris Blvd)	0	L.S.	--	0
Street Name Sign	0	EA.	300.00	0
Stop Sign	0	EA.	200.00	0
Signs and Posts	0	EA.	200.00	0
Signs and Posts (DIF Street -Perris Blvd)	0	EA.	200.00	0
Street Sweeping Sign	0	EA.	200.00	0
Warning Markers - Type L, Type N	0	EA.	100.00	0
Traffic Control	0	L.S.	0	0
Traffic Control (DIF Street Name)	0	L.S.	10000	0
Traffic Signal PB-Adjust to Grade	0	EA.	250.00	0
Metal Guard Rail **(Removal)**	276	L.F.	40.00	11,040
			SUBTOTAL:	16,040
Bondable Street Work Only (not plan checked)				
Undergrounding of Utilities	0	L.F.	196.00	0
Cluster Mail Boxes	0	EA.	4,500.00	0
Relocate Mailbox	0	EA.	350.00	0
Relocate Cluster Mailbox	0	EA.	1,200.00	0
Monuments	0	EA.	300.00	0
Remove Trees	20	EA.	2,500.00	50,000
			SUBTOTAL:	50,000

Item No. A.9

MV00105424

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC STREET WORK (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Special Districts				
Landscaping - Medians	0	S.F.	6.00	0
Landscaping - Parkways	0	S.F.	6.00	0
Street Lights (9500 lumen)	0	EA.	4,000.00	0
Street Lights (22000 lumen)	2	EA.	5,000.00	10,000
			SPECIAL DISTRICTS SUBTOTAL:	10,000
Moreno Valley Utilities				
Electrical Utility Infrastructure	0	L.S.	0.00	0
			MVU SUBTOTAL:	0
Water Quality Basin				
Landscaping	0	S.F.	6.00	0
Filtration Devices	0	EA	0	0
Access Ramp PCC	0	S.F.	0	0
Low-Flow Pipe System	0	L.F.	0	0
Headwalls	0	EA	0	0
Outlets	0	EA	0	0
Risers	0	EA	0	0
Forebay PCC	0	S.F.	0	0
Toe of slope protection PCC	0	S.F.	20.00	0
			WQB SUBTOTAL:	0
Transportation Engineering				
Traffic Signal New (Interconnect, Controller, Software, Initial Coordinatior	0	EA.	272,000.00	0
Traffic Signal Modification	0	L.S.	0	0
Traffic Signal Interconnect (Existing Signals Only)	0	L.F.	30.00	0
			TRANSPORTATION SUBTOTAL:	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipe				
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
24" Reinforced Concrete Pipe (DIF Street Name)	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
39" Reinforced Concrete Pipe	0	L.F.	200.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
66" Reinforced Concrete Pipe	0	L.F.	375.00	0
72" Reinforced Concrete Pipe	0	L.F.	414.00	0
78" Reinforced Concrete Pipe	0	L.F.	459.00	0
84" Reinforced Concrete Pipe	0	L.F.	505.00	0
90" Reinforced Concrete Pipe	0	L.F.	557.00	0
96" Reinforced Concrete Pipe	0	L.F.	613.00	0
102" Reinforced Concrete Pipe	0	L.F.	671.00	0
108" Reinforced Concrete Pipe	0	L.F.	724.00	0
114" Reinforced Concrete Pipe	0	L.F.	785.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
60" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
8' X 10' Reinforced Concrete Box	0	C.Y.	1200.00	0
8' X 12' Reinforced Concrete Box	0	C.Y.	1400.00	0
2 - 72" Reinforced Concrete Pipe	0	L.F.	840.00	0
3 - 4' X 2' Reinforced Concrete Pipe	0	L.F.	461.00	0
	0		0.00	0
Manholes				
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	7200.00	0
Manhole No. 3	0	EA.	8500.00	0
Manhole No. 4	0	EA.	10000.00	0
	0		0.00	0
Catch Basins				
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (10')	0	EA.	6700.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21') (Dif St-Perris Blvd)	0	EA.	12500.00	0
Local Depressions	0	EA.	535.00	0
Catch Basin (3.5') (DIF Street Name)	0	EA.	3100.00	0
Catch Basin (7') (DIF Street Name)	0	EA.	5500.00	0
Catch Basin (14') (DIF Street Name)	0	EA.	8000.00	0
Catch Basin (21') (DIF Street Name)	0	EA.	12500.00	0
Local Depressions (DIF Street Name)	0	EA.	535.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Grated Catch Basin	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC STORM DRAIN SYSTEM (CONTINUED)

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Structures				
Transition Structure	0	EA.	5500.00	0
Junction Structure	0	EA.	6500.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Inlet Structure (drop)	0	EA.	4000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Headwall	0	EA.	5500.00	0
Concrete Collar (Grater than 48")	0	EA.	5000.00	0
Modified Junction Structure	0	EA.	15000.00	0
End Cap	0	EA.	1000.00	0
Drains				
Terrace Drain	0	S.F.	10.00	0
Down Drain	0	S.F.	10.00	0
Parkway Drain	0	EA.	3500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
	0		0	0
Miscellaneous				
Rip Rap	0	TON	60.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Manhole Shaft	0		6000.00	0
Access Opening	0		15000.00	0
			SUBTOTAL:	0

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC WATER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Water System				
4" PVC C-900	0	L.F.	25.00	0
6" PVC C-900	0	L.F.	30.00	0
8" PVC C-900	0	L.F.	35.00	0
10" PVC C-900	0	L.F.	40.00	0
12" PVC C-900	0	L.F.	55.00	0
16" PVC C-900	0	L.F.	90.00	0
18" PVC C-900	0	L.F.	135.00	0
20" PVC C-900	0	L.F.	180.00	0
	0	L.F.	0	0
Valves - Water System				
4" Gate Valve	0	EA.	715.00	0
6" Gate Valve	0	EA.	830.00	0
8" Gate Valve	0	EA.	1,340.00	0
10" Gate Valve	0	EA.	1,500.00	0
12" Gate Valve	0	EA.	2,300.00	0
16" Gate Valve	0	EA.	6,270.00	0
18" Gate Valve	0	EA.	14,300.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Butterfly Valve	0	EA.	520.00	0
8" Butterfly Valve	0	EA.	990.00	0
10" Butterfly Valve	0	EA.	1,200.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
1" Air Vac Release	0	EA.	2,400.00	0
2" Air Vac Release	0	EA.	4,000.00	0
2" Backflow Preventor, Pad & Cover	0	EA.	4,300.00	0
4" Blow Off	0	EA.	3,500.00	0
6" Blow Off	0	EA.	4,000.00	0
	0		0.00	0
Fire Hydrants - Water System				
6" Standard Fire Hydrants	0	EA.	4,000.00	0
6" Super Fire Hydrants	0	EA.	4,500.00	0
	0		0.00	0
Services Connections				
1" Service	1	EA.	800.00	800
1" Service w 5/8" meter	0	EA.	2,000.00	0
1 1/2" Service	0	EA.	1,100.00	0
2" Service	0	EA.	1,600.00	0
	0		0.00	0
Fittings - Water System				
Misc. Fittings 4"	0		120.00	0
Misc. Fittings 6"	0		160.00	0
Misc. Fittings 8"	0		200.00	0
Misc. Fittings 10"	0		240.00	0
Misc. Fittings 12"	0		750.00	0
	0		0.00	0
Water Meters - Water System				
5/8" Meter	0		230.00	0
1" Meter	0		320.00	0
1 1/2" Meter	0		420.00	0
2" Meter	0		525.00	0
Adjust Water Meter Box	0		235.00	0
	0		0.00	0
Hot Tap Connections - Water System				
6" Hot Tap	0	EA.	1,750.00	0
8" Hot Tap	0	EA.	2,200.00	0
12" Hot Tap	0	EA.	3,150.00	0
Hot Tap Service Clamp	1	EA.	330.00	330
Water Service	0	EA.	330.00	0
Miscellaneous - Water System				
Thrust Block	0	CY	150.00	0
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
Adjust Water Meter Box to Grade	0	EA.	150.00	0
	0		0.00	0
			SUBTOTAL:	1,130

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

PUBLIC SEWER SYSTEMS

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
Pipes - Sewer System				
4" V.C. Pipe	0	L.F.	25.00	0
6" V.C. Pipe	100	L.F.	40.00	4,000
8" V.C. Pipe	0	L.F.	55.00	0
10" V.C. Pipe	0	L.F.	60.00	0
12" V.C. Pipe	0	L.F.	70.00	0
15" V.C. Pipe	0	L.F.	80.00	0
18" V.C. Pipe	0	L.F.	160.00	0
21" V.C. Pipe	0	L.F.	180.00	0
24" V.C. Pipe	0	L.F.	195.00	0
27" V.C. Pipe	0	L.F.	215.00	0
30" V.C. Pipe	0	L.F.	235.00	0
33" V.C. Pipe	0	L.F.	280.00	0
36" V.C. Pipe	0	L.F.	300.00	0
4" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	35.00	0
10" SDR - 35	0	L.F.	45.00	0
12" SDR - 35	0	L.F.	54.00	0
15" SDR - 35	0	L.F.	90.00	0
Concrete Encasement	0	L.F.	20.00	0
	0		0.00	0
Cleans Outs - Sewer System				
Clean-outs	0	EA.	730.00	0
Clean Out Lateral	0	EA.	200.00	0
	0		0.00	0
Manholes - Sewer System				
Standard Manhole 48"	0	EA.	3,140.00	0
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,300.00	0
Adjust Manhole to Grade	0	EA.	630.00	0
Tie Into Existing Manhole	0	EA.	2,100.00	0
Rechannel Existing Manhole	1	EA.	1,500.00	1,500
Join Existing 8" Pipe	0	EA.	1,500.00	0
Join Existing 12" Pipe	0	EA.	2,000.00	0
	0		0.00	0
Miscelleneous - Sewer System				
Wyes	1	EA.	90.00	90
TV Sewer	0	L.F.	1.20	0
Trench Paving	0	S.F.	5.00	0
Pavement Replacement	0	S.F.	3.00	0
			SUBTOTAL:	5,590

EXHIBIT "A"
ENGINEER'S ESTIMATE

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: MORENO BEACH STATION, LLC (PA09-0043; PM NO. 36262)

DATE: **09/08/10**
PREPARED BY: **JLM**

IMPROVEMENT TYPE:

PAVEMENT SECTION WORK	:	$86,504
OFFSITE STREET WORK	:	$163,404
SPECIAL DISTRICTS	:	$10,000
MORENO VALLEY UTILITIES	:	$0
WATER QUALITY BASIN	:	$0
TRANSPORTATION ENGINEERING	:	$0
STORM DRAIN SYSTEM	:	$0
WATER SYSTEM	:	$1,130
SEWER SYSTEM	:	$5,590
TRAFFIC IMPROVEMENTS	:	$16,040
BONDABLE WORK (not plan checked)	:	$50,000
TOTAL COST (VALUE) OF IMPROVEMENTS:		$332,668
+20% CONTINGENCY:		$66,534
GRAND TOTAL:		$399,202

BOND AMOUNT: **$400,000**

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MV00105431

BOND WILL REMAIN IN EFFECT UNTIL NOTICE OF EXONERATION IS PROVIDED BY THE CITY OF MORENO VALLEY
BOND EXECUTED IN DUPLICATE

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Public Improvements $400,000

Project No. PA09-0043

Bond No. 4382237

Premium $8,500.00

Surety SURETEC INSURANCE COMPANY A-VII

Principal Frank Pozgaj and Maria Pozgaj Family Trust and Moreno Beach Station, LLC

Address 3033 5TH AVENUE, SUITE 300

Address 10 Collegiate Circle

City/Zip SAN DIEGO, CA 92103

City/Zip Rancho Mirage, CA 92270

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **Frank Pozgaj and Maria Pozgaj Family Trust, and Moreno Beach Station, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA09-0043**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and SURETEC INSURANCE COMPANY, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of **FOUR HUNDRED THOUSAND AND NO/100** Dollars (*****$400,000.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

EXHIBIT "C"

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA09-0043

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on FEBRUARY 18, 20 11.

NAME OF PRINCIPAL: Frank Pozgai and Maria Pozgai Family Trust, and Moreno Beach Station, LLC
Company Name

AUTHORIZED SIGNATURE(S): By

Frank Pozgai — Trustee
Name — Title

Manager
Name — Title

NAME OF SURETY: SURETEC INSURANCE COMPANY
Company Name

AUTHORIZED SIGNATURE: _____
YUNG T MULLICK ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

W:\LandDev\MANAGEMENT ASSISTANT\Agreement Bond Packets\PA09-0043 - Faithful Performance Bond.DOC

RISK MANAGEMENT
Approved

M. Alonzo 3-8-11
By Date

MV00105433

ACKNOWLEDGMENT

State of California
County of Orange)

On February 18, 2011 before me, Peter Austin Neff, Notary Public
(insert name and title of the officer)

personally appeared Yung T. Mullick,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RRS2 PETER AUSTIN NEFF COMM. # 1799389 NOTARY PUBLIC-CALIFORNIA ORANGE COUNTY My Comm. Expires MAY 27, 2012 RRS2

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Frank Pozgay,

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Performance Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Bryan Abdo Alberre,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
My Comm. Exp. JAN. 10, 2014

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Performance Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

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  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

POA #: 510002

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Jennifer C. Giboney, James W. Moilanen, Yung T. Mullick

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars ($5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2012 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20th of April, 1999.)*

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 3rd day of September, A.D. 2010.

SURETEC INSURANCE COMPANY

By: _____

John Knox Jr., President

SURETEC INSURANCE COMPANY TEXAS

State of Texas ss:
County of Harris

On this 3rd day of September, A.D. 2010 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

JACQUELYN MALDONADO
Notary Public, State of Texas
My Commission Expires
May 18, 2013

Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2013

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 18 day of FEBRUARY, 2011, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

BOND WILL REMAIN IN EFFECT UNTIL NOTICE OF EXONERATION IS PROVIDED BY THE CITY OF MORENO VALLEY
BOND EXECUTED IN DUPLICATE

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $200,000

Project No. PA09-0043

Bond No. 4382237

Premium INCLUDED IN PERFORMANCE BOND

Surety SURETEC INSURANCE COMPANY A-VII

Principal Frank Pozgaj and Maria Pozgaj Family Trust and Moreno Beach Station, LLC

Address 3033 5TH AVENUE, SUITE 300

Address 10 Collegiate Circle

City/Zip SAN DIEGO, CA 92103

City/Zip Rancho Mirage, CA 92270

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **Frank Pozgaj and Maria Pozgaj Family Trust, and Moreno Beach Station, LLC,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA09-0043**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of **TWO HUNDRED THOUSAND AND NO/100** Dollars (*****$200,000.00*****), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

EXHIBIT "D"

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA09-0043

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on FEBRUARY 18, 20 11.

NAME OF PRINCIPAL: Frank Pozgaj and Maria Pozgaj Family Trust, and Moreno Beach Station, LLC
Company Name

AUTHORIZED SIGNATURE(S): By:

Name — Trustee
Title

Name — Manager
Title

NAME OF SURETY: SURETEC INSURANCE COMPANY
Company Name

AUTHORIZED SIGNATURE: YUNG T. MULLICK ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: _____

City Attorney
City of Moreno Valley

W:\LandDev\MANAGEMENT ASSISTANT\Agreement Bond Packets\PA09-0043 - Material Labor Bond.DOC

RISK MANAGEMENT
Approved

By — Date 3-8-11

ACKNOWLEDGMENT

State of California
County of Orange)

On February 18, 2011 before me, Peter Austin Neff, Notary Public
(insert name and title of the officer)

personally appeared Yung T. Mullick,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

RRS2 PETER AUSTIN NEFF RRS2
COMM. # 1799389
NOTARY PUBLIC-CALIFORNIA
ORANGE COUNTY
My Comm. Expires MAY 27, 2012

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Frank Pozgay,

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is ~~are~~ subscribed to the within instrument and acknowledged to me that he ~~/she/they~~ executed the same in his ~~/her/their~~ authorized capacity~~(ies)~~, and that by his ~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC-CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

Signature of Notary Public (Notary Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Material & Labor Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On February 22, 2011 before me, JEFF R. KALLMANN, NOTARY PUBLIC,
(Here insert name and title of the officer)

personally appeared Bryan AbQo Alberre,

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~/are~~ subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in his~~/her/their~~ authorized capacity~~(ies),~~ and that by his~~/her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public (Notary Seal)

JEFF R. KALLMANN
COMM. # 1873162
NOTARY PUBLIC - CALIFORNIA
RIVERSIDE COUNTY
MY COMM. EXP. JAN. 10, 2014

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Material or Labor Bond
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages 2 Document Date

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☐ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

POA #: 510002

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Jennifer C. Giboney, James W. Moilanen, Yung T. Mullick

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars ($5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 10/31/2012 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20th of April, 1999.)*

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 3rd day of September, A.D. 2010.

SURETEC INSURANCE COMPANY

By: _____

John Knox Jr., President

State of Texas ss:
County of Harris

On this 3rd day of September, A.D. 2010 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.

JACQUELYN MALDONADO
Notary Public, State of Texas
My Commission Expires
May 18, 2013

Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2013

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this **18** day of **FEBRUARY**, **2011**, A.D.

M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

MORENO VALLEY
WHERE DREAMS SOAR

CITY CLERK'S OFFICE

MEMORANDUM

To: Mayor and City Council

From: Sonny Morkus, Human Resource Director

Date: May 5, 2011

Subject: CITY COUNCIL REGULAR MEETING AGENDA OF MAY 10, 2011
ITEM A.10 - PERSONNEL RULES AND REGULATIONS REVISION
(Report of: Human Resources Department)

cc: Agenda packet distribution list

Attached are corrections on Attachment B, pages 172, 339, and 346 of the above-mentioned subject item.

Document page numbers are Pages 45, 81 & 88.

C. Professional / Administrative shall earn ~~13.08~~ **9.70** hours of annual leave per pay period of service (~~340~~ **252** hours per year). This accrual shall extend to ~~14.62~~ **11.24** hours per pay period (approximately ~~380~~**292** hours per year) at the beginning of the sixth year and extend to ~~15.54~~**12.16** hours per pay period (approximately ~~404~~ **316** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.
PAM Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~16.15~~**12.77** hours per pay period (approximately ~~420~~ **332** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave.
PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.
D. Non-Exempt Employees shall earn ~~10.77~~ **7.39** hours of annual leave per pay period of service (approximately ~~280~~ **192** hours per year). This accrual shall extend to ~~12.31~~ **8.93** hours per pay period (approximately ~~320~~ **232** hours per year) at the beginning of the sixth year and extend to ~~13.23~~ **9.85** hours per pay period (approximately ~~344~~ **256** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the annual leave accrual rate as a recruitment tool. Employees in these categories may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.
Non-Exempt Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~13.85~~ **10.47** hours of annual leave per pay period (~~360~~ **272** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.
E. Seasonal Employees/Crossing Guards with Leave Accruals shall accrue annual leave at a rate determined by their program agreement or contract. Temporary Employees shall not normally accrue paid annual leave, but may take leave without pay as approved by their supervisors.
7.15 GRANDFATHERED LEAVE BALANCES
Prior Sick Time Accruals: Employees shall retain all existing sick leave hours accrued prior to the enactment of this policy **on December 14, 2007. Such accrued sick leave hours shall be referred to as Grandfathered sick leave balance and are considered Frozen Sick Leave hours.** Although sick leave will no longer continue to accrue for employees, an employee's **frozen** sick leave balance will be available for use in the event of a~~n~~ serious illness or injury which qualifies for disability. **Employees are eligible to use Grandfathered Sick Leave when they are off of work ill for 3 days or more, and provide a doctor's note.** These frozen sick leave hours can ~~not~~ **only** be used for baby bonding or family member's illnesses or injuries**, if the employee is on approved FMLA leave**.
This Grandfathered sick leave balance shall be available for cash out upon separation at a rate of 40% of the accrued balance for full time employees and 20% for part time employees. The remaining balance will be converted to PERS service credit for retiring employees. Separating employees will forfeit the remaining balance.

Employees may at their option contribute a portion of their compensation to the annuity subject to IRS restrictions through payroll deductions.
2. Contributions for the management bargaining unit are being paid into a Voluntary Employee Beneficiary Trust (VEBA), which manages the investment and distribution of the funds.
B. City Paid Retiree Medical Benefit: Effective January 1, 2001, upon retiring, the City shall pay a minimum of the monthly fee required by PERS for enrollment of retirees. Employees who retire **under the CalPERS retirement benefits system with a minimum of** ~~after at least~~ two years of service with the City shall be eligible to receive a benefit which is the lesser of the cost of medical coverage for the retiree and spouse, or the amount stipulated in the following table:

EFFECTIVE DATE	MAXIMUM EMPLOYER CONTRIBUTIONS
January 1, 2007	up to $168.73 per month
January 11, 2008	up to $243.73 per month
January 2, 2009	up to $318.73 per month

To receive the Retiree Medical Benefit, the retiree must submit documentation of payment for medical insurance coverage. Documentation for those enrolled with PERS Health is provided by PERS. In the event of the retiree's death, the surviving spouse continues to be eligible to receive the benefit.

14.20 PERS MEDICAL COVERAGE FOR RETIREES

The City shall contribute a monthly employer fee for retiree medical coverage with the Public Employees Retirement System (PERS), per negotiated contract language as approved by City Council. Retirees must convert to Medicare at age 65.

14.25 CITY RETIREMENT PLAN

The City provides retirement benefits for all employees through the Public Employees Retirement System (PERS). The City pays both the employee's and employer's contributions into the plan **for employees hired prior to July 1, 2009. Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009.** At its option, the City may change its retirement system provider upon adoption by the City Council. Prior to any changes in retirement benefits, those eligible for retirement must be notified at least 30 days in advance. Current retirement benefits are available as follows:

A. Career Full-time Employees **hired prior to July 1, 2009** receive fully-paid PERS retirement benefits. **Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**

B. Career Part-time Employees **hired prior to July 1, 2009** receive fully paid PERS retirement benefits after 1,000 hours. Before that point, the employee will have the employee's portion deducted from salary. **Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(h)(2) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**

C. Part-time/Seasonal, Temporary Employees, and Crossing Guards who are not eligible for PERS, are required to contribute 7.5% of earnings to a PST "457" deferred compensation program. Contributions to this plan will be made through

16.30 TUITION REIMBURSEMENT

Subject to the **pre**-approval of the Department Head, Human Resources Director, and City Manager (or designee), employees may be reimbursed for the cost of pre-approved, job-related, **accredited,** educational and other training courses based upon proof of successful completion **up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30)**. This proof includes a grade "C" or better of the course(s), **"Pass/Fail" grading option for classes,** and must be part of a **recognized associate's degree, bachelor's degree, or master's degree** program, **and the program must be part of a school, college or university that is accredited by a U.S. Department of Education authorized accrediting organization, e.g. Western Association of Schools and Colleges (WASC)** ~~leading to an Associate's degree, undergraduate or graduate degree~~. Further, employees may be reimbursed for certain pre-approved, job related training courses based on the approvals as stated above.

Classes taken which are offered as part of the City's official training program do not count against tuition reimbursement.

Any educational or training course that is a requirement for continuation of employment or is an identified part of a job evaluation shall be paid for by the City. Any other educational course that is job-related may, if prior approval for reimbursement is given by the City Manager (or designee), be reimbursed at 100% or less after successful completion. All college or other graded classes shall require a minimum grade of a "C" in order to receive such reimbursement. Books or other materials shall only be paid if some defined benefit can be shown to the City (i.e. books become part of City reference library).

In general, training time during working hours shall be considered part of the job. Unless the City directs an employee to attend a specific training course, and the course is not available during work hours, training after hours shall be considered voluntary, and no additional pay, overtime or compensatory time shall be given by the City, unless advance special written approval is granted. Study time shall be considered completely voluntary.

Although the City encourages employees to pursue additional education, the City shall not pay for educational degrees or for education in general, but will only reimburse employees for required or job-related classes and training. No reimbursement shall occur if an educational class does not provide a benefit to the City. There is no mileage reimbursement for travel to and from educational classes. Required forms must be completed and necessary documentation (receipts and grades) must be provided, in order to receive reimbursement. Final and conclusive determinations of the reimbursement amount shall be made by the City Manager after review of the request and recommendations by the Department Head and the Human Resources Director.

16.35 TRAINING AND TRAVEL REIMBURSEMENT

Non-exempt employees shall receive training and travel reimbursement as provided in this Section.

Time spent in attending lectures, meeting, training programs, and similar activities during work time shall be counted as time worked only if authorized in advance and in writing by the employee's Department Head. No such authorization shall be given unless the lecture, meeting, program, or other activity is directly related to improving the employee's ability to perform his or her job.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Sonny Morkus, Human Resources Director

AGENDA DATE: May 10, 2011

TITLE: Personnel Rules and Regulations Revision

RECOMMENDED ACTION

Staff recommends that City Council take action to approve the attached Personnel Rules and Regulations (Attachment A).

ADVISORY BOARD/COMMISSION RECOMMENDATION

"Not applicable."

BACKGROUND

During the 2009 and 2010 labor negotiations, the City approved Memorandums of Understanding (MOU's) for each of the three employee associations: Moreno Valley Management Association (MVMA), Moreno Valley Confidential Management Employees (MVCME), and Moreno Valley City Employees Association (MVCEA). Due to the changes in policies that were agreed to in the MOU's, the City is required to revise the Personnel Rules and Regulations and reflect these changes. The Personnel Rules and Regulations were previously revised in February 2009.

During the period of February 2011 through April 2011, the Human Resources Director met with the three employee associations, in order to discuss and gain agreement on the actual wording for the needed changes to the Personnel Rules and Regulations.

DISCUSSION

The proposed changes are highlighted in the attached Personnel Rules and Regulations (Attachment B). Attachment B includes an index of the changes, as well as the actual changes noted by either strikethrough ~~FONTS~~ for deleted wording,

or bold **FONTS** for newly added wording. The index shows the section that was changed and the page number of the section changed for easy reference.

There is no additional direct cost to the City of Moreno Valley that will result from the City Council taking action to approve the attached Personnel Rules and Regulations revision. The changes to the Personnel Rules and Regulations are reflecting changes that were approved by City Council in the MOU's for FY 2009/10 and FY 2010/11.

ALTERNATIVES

The action of the City Council to approve the attached resolution will fulfill the City's agreement with the three employee associations: Moreno Valley City Employees Association; Moreno Valley Management Association; and Moreno Valley Confidential Management Employees.

FISCAL IMPACT

There will be no added impact on the City budget.

CITY COUNCIL GOALS

The action of the City Council to approve the attached resolution will contribute to one of the City Council's goals, i.e. "Positive Environment: Create a positive environment for the development of Moreno Valley's future."

NOTIFICATION

The three employee associations have been notified of the staff report and staff recommendation for City Council to approve the attached Personnel Rules and Regulations revision. Copies of this staff report and attached resolution were sent to the employee associations, and they concur with the recommended City Council action.

ATTACHMENTS/EXHIBITS

Attachment A is the Personnel Rules and Regulations with the changes made.
Attachment B is the marked-up Personnel Rules and Regulations showing the changes.

Prepared and Approved By:

Sonny Morkus
Human Resources Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY OF MORENO VALLEY

PERSONNEL RULES & REGULATIONS

REVISED MAY 2011

Please complete this form and return to Human Resources. If you have any questions regarding the Personnel Rules & Regulations, please contact the Human Resources Department at extension 3045.

On _____, I received a copy of the City of Moreno Valley's, May 2011, Revised Personnel Rules & Regulations, and I have had an opportunity to ask questions and discuss the information. I understand that a copy of this acknowledgement form will be placed in my central official employee personnel file, located in the Human Resources Department.

Employee Name **(Please Print)** _____

Employee Signature _____

Department/Division _____

. . . . . .

Human Resources Department Use Only

Date Returned _____

CITY OF MORENO VALLEY
PERSONNEL RULES AND REGULATIONS

REVISED May 2011

TABLE OF CONTENTS

SECTION 1: GENERAL PROVISIONS

1.05	Authority	1
1.10	Objectives	1
1.15	Interpretation	1
1.20	Definition of Terms	1
1.25	Administration of the Personnel System	8
1.30	Contracts for Special Services	8
1.35	Application and Exceptions	9
1.40	Adoption and Amendment of Rules	10
1.45	Validity of Rules (Severability)	10
1.50	Violation of Rules	10
1.55	Conflicts of Interest and Acceptance of Gifts and Other Gratuities	10
1.60	Incompatible Employee Activities	11
1.65	Political Activities	11
1.70	Safety and Health	12
1.75	Drug and Alcohol Free Workplace Policy	13
1.80	Equal Employment Policy	14
1.85	Discrimination and Anti-Harassment Policy	14
1.90	Workplace Violence Policy	16
1.95	Smoking Policy	17

SECTION 2: CLASSIFICATION AND SALARY PLAN

2.05	Preparation, Adoption, and Amendment of Classification Plan	18
2.10	Allocated Positions	18
2.15	New Positions	18
2.20	Classification Manual	18
2.25	Preparation of Salary Schedule	18
2.30	Appropriate Salary Level	18
2.35	Benefit Plan	19

SECTION 3: TYPES OF APPOINTMENTS

3.05	Types of Appointments	20
3.10	Emergency Appointments	20
3.20	Acting Pay	20
3.25	Transfer	21
3.30	Promotion	22
3.35	Demotion	22
3.40	Reclassification	22
3.45	Layoffs, Reduction in Force, Recall	24

SECTION 4: RECRUITMENT AND SELECTION

4.05	Equal Employment Goals and Policies	27
4.10	Personnel Requests	27
4.15	Job Announcements	27
4.20	Personnel Applications	28
4.25	Recruitment	28
4.30	Evaluation of Applications	29
4.35	Candidates' Examination Inspection	29
4.40	Veterans' Points	30
4.45	Nepotism Policy	30
4.50	Driving Safety Check	32
4.55	Eligibility Lists	32
4.60	Final Decisions of Selection	33
4.65	Pre-Employment Physical	33
4.70	Employment Eligibility Verification	34
4.75	Probationary Period	34
4.80	Criminal Conduct – Ineligibility for Employment	34
4.85	Fingerprinting	35
4.90	Resignation	35
4.95	Rehire	35

SECTION 5: PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS

5.05	Salary at Appointment	36
5.10	Employee Performance Evaluation	36
5.15	Progression on Merit Pay	37

SECTION 6: ATTENDANCE AND HOURS OF WORK

6.05	Workweek and Overtime	39
6.06	Overtime Compensation	39
6.08	Compliance with Fair Labor Standards Act	40
6.10	No Guarantee of Hours	40
6.15	Stand-by and Call-back Policy	40
6.20	Time Sheets	40
6.25	Constructive Resignation	41
6.30	Lunch and Break Policy	41

SECTION 7: LEAVES

7.05	Holiday Pay and Holiday Leave	42
7.10	Annual Leave	42
7.15	Grandfathered Leave Balances	46
7.20	Annual Leave Cash Out Upon Separation and Retirement	47
7.30	Bereavement Leave	47
7.35	Jury Duty and Witness Leave	48
7.40	Pregnancy Disability Leave	48
7.45	Family Care and Medical Leave	50
7.50	Leave of Absence Without Pay	51
7.55	Military Leave	52

7.60 On-the-Job Injuries and Workers' Compensation Coverage 53
7.65 Voting Leave 56

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES

8.05 General Statement of Policy 57
8.10 Customer Service Policy 57
8.15 Unlawful Discrimination 57
8.20 Standards of Conduct 57
8.25 Objective of Disciplinary Guidelines 58
8.30 Major and Minor Offenses 59
8.35 Levels of Offenses 59

SECTION 9: DISCIPLINARY ACTIONS

9.05 Definition of Disciplinary Action 64
9.10 Informal Discussion 64
9.15 Formal Warning 64
9.20 Written Reprimand 64
9.25 Disciplinary Suspension 64
9.30 Reduction in Pay 65
9.35 Demotion 65
9.40 Last Chance Employment Agreement 65
9.45 Dismissal 66
9.50 Resignation – An Alternative to Disciplinary Action 66
9.55 Documentation of Disciplinary Action 66
9.60 Employee Representation 66

SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS

10.05 Actions That Are Not Appealable 68
10.10 Disciplinary Action Subject to Skelly Procedure 68
10.15 Administrative Suspensions with Pay 68
10.20 Skelly Procedure/Due Process 68
10.25 Appeal of Department Head's Decision 69
10.30 Amended Notice of Disciplinary Action 70

SECTION 11: APPEALS HEARING PROCESS

11.05 Selection of a Hearing Officer 71
11.10 Scheduling the Hearing 71
11.15 Hearing Representation 71
11.20 Recordation of Hearing 72
11.25 Hearing Expenses 72
11.30 Hearing Procedure 72
11.35 Hearing Officer's Recommendation 72
11.40 City Manager's Decision 73

SECTION 12: GRIEVANCES

12.05 Matters Subject to Grievance Procedures 74

12.10 Matters Not Subject to Grievance Procedures 74
12.15 Freedom from Reprisal 75
12.20 Consolidation 75
12.25 Resolution 75
12.30 Withdrawal 75
12.35 Resubmission 75
12.40 Employee Representation 75
12.45 Miscellaneous 75
12.50 Informal Grievance Procedure 76
12.55 Formal Grievance Procedure 76
12.60 Time Limits 77

SECTION 13: EMPLOYEE RECORDS AND FILES

13.05 Personnel Files 78
13.10 Documents in Personnel Files 78
13.15 Access to Files 79
13.20 Disclosure of Information 79
13.25 Changes-in-Status 79
13.30 Application Retention 80
13.35 Destruction of Personnel Records 80

BENEFIT POLICIES

SECTION 14: EMPLOYEE BENEFIT POLICIES

14.05 Benefit Bank 81
14.10 Management Package 82
14.12 Auto Allowance 83
14.15 Post Retirement Medical Benefits 83
14.20 PERS Medical Coverage for Retirees 84
14.25 City Retirement Plan 84
14.30 IRC Section 125 Plan 85
14.35 IRC Section 457 Plan 85
14.36 IRC Section 401A Plan 86
14.40 Life Insurance 86
14.45 Disability Insurance 87
14.50 Unemployment Compensation 88
14.55 Employee Assistance Program (EAP) 88
14.60 Medicare 88

SECTION 15: SPECIAL COMPENSATION

15.05 Stand-By 89
15.10 Call-back 90
15.15 Bilingual Pay 90
15.16 Safety Equipment 90

SECTION 16: TRAINING

16.05 Training 91
16.10 In-House Training 91
16.15 Departmental Training 91
16.20 Training Courses 91
16.25 Seminars and Conferences 91
16.30 Tuition Reimbursement 92
16.35 Training and Travel Reimbursement 92

DRUG AND ALCOHOL FREE WORKPLACE POLICY

APPENDIX A

Testing for Alcohol and Drugs 94

A. Employee Responsibilities 94
B. Management Responsibilities 95
C. Enforcement 97
D. Physical Examination and Procedure 97
E. Results of Drug and/or Alcohol Analysis 98
F. Confidentiality 98

SUPPLEMENT TO THE DRUG AND ALCOLOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS

A. Employee Questions 99
B. Covered Employees 99
C. Covered Commercial Vehicles 99
D. Safety-Sensitive Functions 100
E. Prohibited Conduct 100
F. Consequences for Employees Found to Have Alcohol 102
G. Circumstances Under Which Drug and/or Alcohol Testing will Be Imposed On Covered Employees 102
H. Procedures to be Used for Detection of Drugs and Alcohol 105
I. Refusal to Submit to a Drug and/or Alcohol Test 106
J. Consequences of Failing a Drug and/or Alcohol Test 106
K. Alcohol Misuse Overview 107

ALCOHOL FACT SHEET 108

A. Signs and Symptoms of Alcohol Use 108

1. Immediate Effects of Alcohol 108
2. Chronic and Long Term Health Effects 108
3. Alcohol's Effects on Society 109
4. Workplace Issues 109
5. Confidentiality Procedures for Internal Control 109

APPENDIX B 111

Employee Education and Training Program 111

A. Education 111
B. Training 111

APPENDIX C 113

Testing will be Conducted in Accordance with Alcohol Testing Procedures as Required by 49 CFR.40 113

A. Alcohol Testing Procedures 113
B. Drug Testing Procedures 114

APPENDIX D 116

Reasonable Suspicion Observation Form 116

APPENDIX E 118

Drug and Alcohol Program Manager (DAPM) and Designated Employer Representative (DER) 118

CITY OF MORENO VALLEY
PERSONNEL RULES AND REGULATIONS
REVISED May 2011

SECTION 1: GENERAL PROVISIONS

1.05. AUTHORITY

The City Council of the City of Moreno Valley is authorized and directed under the Municipal Code and the provisions of Section 1.40 of these Rules to adopt rules for the administration of the City's personnel system.

1.10 OBJECTIVES

The objectives of these Personnel Rules are to facilitate efficient and effective services to meet public needs as well as provide for an equitable system of personnel management in municipal government.

These Rules shall set forth in detail procedures which insure fair and equitable treatment for those who compete for original employment and promotion within City employment and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City.

1.15 INTERPRETATION

Within the limits of administrative feasibility, the City Manager shall be responsible for the interpretation of these Rules in cases where the proper application of a rule or any portion thereof is not clearly ascertainable. When such interpretation is required, the result shall be in harmony with the objectives set forth above.

1.20 DEFINITION OF TERMS

All words and terms used in these Rules and in any ordinance or any resolution dealing with Personnel Rules and Regulations shall be defined as they are normally and generally defined in the field of personnel administration. For the purpose of convenience, the following words and terms most commonly used are defined.

Appointing Authority: The City Manager or designee who, in his or her individual capacity, has the final authority to appoint a person to a position of employment.

Anniversary Date: The date when the employee last completed probation. If an at-will employee, the date the employee was hired to the most recent position.

Except as specifically provided in these Rules, any non-probationary employee who takes an authorized leave of absence without pay shall have his or her anniversary date extended the same amount of time as his or her period of leave.

Appointment: The designation of a person to fill a position of employment.

At-Will Employee: A probationary employee, or contract employee, who does not hold career status.

Career Employee: A permanent employee hired for an indefinite term into a budgeted position, who is regularly scheduled to work no less than one thousand (1,000) hours per year, has successfully completed his or her probationary period, and has been retained as provided in these Rules.

City: The City of Moreno Valley.

City Manager: The City's Chief Executive Officer.

Classification: A certain group of job positions with the same title, salary range, and benefit package.

Classification Manual: A document containing the class specifications for all City positions as approved by the City Manager or designated official.

Classification Plan: A listing of the duties and responsibilities of all City positions, as determined by the City Manager and adopted by the City Council.

Classification Roster: A listing of all City positions including the title and benefit category contained in the annual fiscal year budget, as determined by the City Manager and adopted by City Council.

Compensatory Time: Time accrued or taken off from work with pay, in lieu of paid overtime compensation.

Competitive Service: The merit system whereby City employees are hired and promoted through a competitive process based upon objective standards of merit to assure fair consideration in all aspects of employment/promotion.

Contractual Employee: An employee hired and paid pursuant to the terms and conditions of a specified written contract between such an employee and the City.

Days: Calendar days unless otherwise stated.

Demotion: The voluntary or involuntary transfer of an employee from one classification to another classification with a lower salary or to a lower step in a classification or hierarchy of positions.

Department Head: One who functions directly under the authority of the City Manager, has direct responsibility for a particular department, and manages its staff, policies and budget.

Dependent: A covered person who relies on another person for support; or obtains health coverage through a spouse, domestic partner, parent, grandparent, or legal guardian. For the purpose of insurance eligibility, an eligible dependent is defined as: spouse, registered domestic partner, child, economically dependent child, and adult children up to age 26.

Disciplinary Action: The discharge, demotion, reduction of pay, suspension, placing on probation, or the issuance of a last chance employment agreement, written reprimand, or formal warning, or any other action for punitive, corrective, or disciplinary reasons.

Disciplinary Suspension: A disciplinary action that temporarily separates an employee from City service without pay.

Dismissal: The discharge of an employee by the City from City employment.

Division Manager: Division Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.

Domestic Partner: As defined by state law and registered accordingly.

Eligibility List: A list of all persons eligible for appointment to a particular classification after final testing/interviews as determined by the Human Resources Director.

Emergency Appointment: An appointment made to meet immediate requirements of an emergency condition, such as fire, flood or earthquake, which threatens life or property, where such employment is not anticipated to endure beyond the duration of such an emergency period.

Employee: An elected or appointed person occupying a position in the City employment, including City Councilmembers, providing personal services to the City or its residents. This excludes independent and outside contractors, commissioners, members of advisory boards, and volunteers.

Employee Assistance Program (EAP): A health and wellness benefit which allows an employee or a member of his or her family to receive personal counseling at City expense, subject to certain limits and available funds.

Employee Relations Officer: The City Manager-designated officer who administers the City's employee relations as defined in Employee Relations Resolution #92-110. The designated Employee Relations Officer functions under the authority of the City Manager.

Executive Management: Department Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.

Fair Labor Standards Act (FLSA): The Federal Law, which guarantees employees certain minimum wages and time and one-half overtime standards.

Fiscal Year: A twelve-month period from July 1 to June 30 in which the City plans, budgets, appropriates, and expends its funds.

Flexible Work Schedule: A City Manager-approved variation from the standard daily work hour schedule of 8:00 a.m. to 5:00 p.m.

Full-time Employee: An employee who is regularly scheduled and expected to work forty (40) hours or more during a workweek.

Furlough: A Management-dictated, mandatory, reduced working period implemented to save City funds during difficult economic times.

General Non-Exempt Employee: An employee who is not exempt from the pay and overtime provisions of FLSA and who qualifies for a certain benefits package.

Human Resources Officer: The City Manager-designated officer, known as the Human Resources Director, who administers the City's personnel system. The designated Human Resources Officer functions under the authority of the City Manager.

In-House Competitive Examination: A type of examination open only to City employees meeting the minimum qualifications for a particular classification.

Immediate Family Member: Mother, father, spouse, domestic partner, natural/step children, children of domestic partner, mother-in-law, father-in-law, brother, or sister, grandparent and grandchild. Step-parents may be included depending on the current situation.

Insubordination: This occurs when an employee refuses a lawful order from a supervisor. Three elements should exist: (a) the employee understood the instructions and consequences of failing to follow the order; (b) the order was in line with the employee's duties; and (c) there was no safety reason for the employee to refuse the order.

Interim Employee: An employee who is appointed to a career classification on an acting or temporary basis pending completion of the recruitment process, issuance of an eligibility list, and filling the classification.

Last Chance Employment Agreement: Is an agreement between the City, an affected employee and a bargaining unit representative. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations – usually termination of employment, with a condition that the employee waive any future rights of appeal of the termination.

Lead Worker: A working daily supervisor who typically schedules, assigns, trains, monitors, and evaluates the work of a crew or group of employees. Additionally, a lead worker performs the more difficult and responsible tasks assigned to classifications within that classification series.

Leave of Absence Without Pay: A period of time during which an employee may take time off without receiving compensation or benefits, unless otherwise stated in these Rules.

Limited Term: An employee hired for a definite term based on the funding available and/or workload requirements.

Merit Salary Increases: The increase of an employee's salary within the salary range established for the classification the employee occupies, resulting from satisfactory job performance, which is based on performance or merit, not solely on longevity.

Misconduct: Any act or unsatisfactory job performance which may be subject to disciplinary action.

Modified Work Schedule: Any work pattern schedule other than a usual 8 to 5 schedule as approved by the City Manager.

Open Competitive Examination: A type of examination open to applicants meeting the minimum qualifications for a particular position.

Overtime: The time which an employee is required or permitted to work beyond the number of hours prescribed for a full-time employee in that classification. Overtime compensation, taken as paid time or as compensatory time, shall be authorized as provided in Section 6.05.

Part-time Employees: The City has three (3) types of part-time employees; career part-time, seasonal or temporary, and crossing guards.

A. Career Part-Time Employee: An employee who works a minimum of twenty (20) scheduled hours per week on a permanent basis.

B. Temporary or Seasonal Employee: An employee, other than a contract employee, who is scheduled to work no more than 1,000 hours in a calendar year, no more than twelve continuous months, or one for whom there is no Council-authorized position and no employee benefits.

C. Crossing Guard: An employee hired as a regular or an alternate crossing guard. A regular crossing guard shall have a usual post near a school site. An alternate or substitute guard shall relieve any regular crossing guard in the case of absence.

Performance Assessment Review (PAR): This is the performance evaluation tool for the City's career employees, wherein performance is evaluated and rendered at three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date.

Permanent Disability: A medical disability which will indefinitely prevent the employee from performing his/her essential job duties without creating unreasonable endangerment to health and safety or inefficiency of the employee or others.

Personnel Ordinance: Chapter 2.30 of the City's Municipal Code, authorizing the establishment of a personnel system for the City.

Position: A specific job assigned to a job classification.

Probationary Employee: An employee who is serving his or her probationary period.

Probationary Period: A working test period which is part of the selection process, during which an employee is required to demonstrate his or her fitness for the position to which assigned. Before an employee may promote, they must successfully complete original probation.

Professional/Administrative/Management Employee: An employee who qualifies for the executive (Professional/Administrative/Management) exemption under FLSA and for a certain benefits package.

Promotion: The advancement of an employee from one classification to another classification having a higher salary range.

Reclassification: The reassignment from one classification description, or status to a different classification description, or status in accordance with a re-evaluation of the minimum qualifications, duties, and responsibilities of the position in question. Simple title changes are not reclassifications.

Reduction in Force (RIF): A layoff in the work force.

Resignation: The voluntary separation by an employee from City employment.

Rules: These Personnel Rules, as they may be amended periodically.

Salary Schedule: The listing of the salary ranges and steps for all defined City classifications.

Salary Range: The range of pay an employee can earn while employed in a particular classification.

Seniority: The length of an employee's continuous service in a City career position.

Staffing Plan: The classification titles, salaries and number of allocated positions in a department or division for a designated fiscal year, as determined by the City Manager and adopted by City Council in the annual budget document.

Standards of Conduct: Those rules which are intended to govern the actions of City employees during their course of employment with the City with respect to the employee's job performance.

Supervisor: Performs full scope of supervisory duties including hiring, training, planning, scheduling, disciplining, and evaluating the work of several crews and/or work units of staff.

Temporary Employee: *(See Part-time Employees)*

Termination: The separation of an employee from City service because of retirement, resignation, permanent disability, death or dismissal.

Transfer: The change of an employee from one department or division to another department or division without changing the employee's salary and usually within the same classification.

Workweek: A regularly recurring period of seven (7) consecutive twenty-four (24) hour days beginning at 12:01 p.m. on Friday and concluding at 12:00 noon the following Friday.

Y-Rate of Pay: The Y-rate of pay shall exist when an employee's salary is frozen at the then current level until such time as the commencing salary at the Y-rate, taken together with subsequent general salary increases, equals or exceeds the employee's salary at the Y-rate. This may occur in situations where an employee is reclassified, voluntarily demoted, or as otherwise stated in these Rules. Typically, benefits will not be Y-rated.

1.25 ADMINISTRATION OF THE PERSONNEL SYSTEM

The City Manager shall administer the City personnel system and may delegate any of the powers and duties related thereto to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided in Section 1.30 of these Rules. The City Manager shall:

A. Act as the appointing authority for all City employees except those officers and employees directly appointed by the City Council.

B. Administer all of the provisions of these Personnel Rules except as specifically reserved to the City Council.

C. Prepare and recommend to the City Council any appropriate Personnel Rules and revisions to such Rules.

D. Prepare or cause to be prepared, and revise as appropriate, a position classification schedule, including class specifications.

E. Have the authority to discipline City employees in accordance with these Personnel Rules.

F. Provide for the publishing or posting of notices of examinations for positions in the competitive service; the flexibility to waive certain job stated qualifications for good cause when it is in the best interests of the City; the receiving of applications therefore; the conducting and grading of examinations; the establishment of a list of all persons eligible for appointment to the appropriate position in the competitive service; and the performance of any other duty which may be desirable or required for the effective implementation of these Rules.

G. Appoint employees on a temporary or seasonal basis without competitive examination.

H. Determine standardized daily work hours and schedules and approve variations to the standard schedule.

1.30 CONTRACTS FOR SPECIAL SERVICES

The City Manager may contract for the performance of technical services in connection with the establishment or operation of the personnel system. In addition, the City Manager may determine the circumstances under which it is in the best interests of the City to contract for such services, and to enter into contracts for such services with City Council approval. The contract may be with any qualified person or public or private agency for the performance of any or all of the following:

A. The preparation of Personnel Rules and subsequent revisions and amendments.

B. The preparation of a position classification plan, and subsequent revisions and amendments.

C. The preparation, conduct, and grading of qualifying tests.

D. The conduct of employee training programs.

E. Special and technical services of advisory or informational character on matters relating to personnel administration.

F. Professional services.

1.35 APPLICATION AND EXCEPTIONS

A. These Rules shall apply to all offices, positions, and employments in the service of the City, as defined in Section 1.20 of these Rules, with the exception of the following:

1. Members of the City Council and other elected officials.

2. Members of commissions and advisory bodies appointed by the City Council or City Manager.

3. Direct appointees of the City Council, including the City Manager, City Clerk, City Treasurer, City Attorney, and any assistant or deputies to the City Attorney. An employee who also holds the position of City Treasurer shall not be excluded from the Rules, unless he or she has entered into an employment agreement pursuant to sub-section "F" herein.

4. Volunteer personnel, such as volunteer fire protection personnel, and others who provide services to the City without receiving compensation (although such persons may receive reimbursement for actual expenses incurred in the service of the City).

5. Outside and independent contractors, engaged to provide expert, professional, technical, or other services.

6. Employees who have entered into an employment agreement with the City, unless otherwise specified in an employment agreement.

B. These Rules, with the exception of Sections 8-12 inclusive, shall apply to the following employees, who serve at the pleasure of their respective appointing authorities and are considered "at will" employees:

1. Emergency employees, such as those hired to meet immediate needs of an emergency condition (i.e., fire, flood or earthquake) which threatens life or property.

2. Employees who are considered temporary or seasonal.

3. Other non-career employees who are not specifically mentioned in Section 1.35 of these Personnel Rules.

4. Alternate Crossing Guards.

5. Volunteers and Interns.

C. The crossing guard manual contains specific personnel policies for crossing guards. It is an extension of these rules. Violations of those written policies are also considered violations of these rules as well.

1.40 ADOPTION AND AMENDMENT OF RULES

Pursuant to the Personnel Ordinance, the City Council may adopt Personnel Rules to provide for the implementation of a personnel system for City employees. Recognized employee organization-proposed amendments to these Rules shall be submitted to that organization for review and recommendation prior to submittal to the City Council. Advance notice and an opportunity to meet and confer shall be given to recognized employee organizations concerning any amendments which affect matters subject to meet and confer such as, wages, hours, and other terms and conditions of employment. Upon request, the Human Resources Director shall provide the opportunity for review and comment and consult with any recognized employee organization so requesting prior to consideration by the City Council.

As provided in Section 3500 et seq. of the California Government Code, in cases of emergency, when the City Council determines that amendment(s) to these Rules must be adopted immediately without prior notice or meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practical time following the adoption of the amendment(s). Amendments shall become effective upon adoption by the City Council or at such other time as the adopting resolution may provide.

With the written approval of the City Manager, Department Heads may promulgate rules not in conflict with these Rules for the effective and efficient operation of their departments.

1.45 VALIDITY OF RULES (SEVERABILITY)

If any section, subsection, sentence, clause, phrase or portion of these rules is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules. The City Council of Moreno Valley hereby declare that it would have adopted these rules and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

1.50 VIOLATION OF RULES

Violation of these Rules may be grounds for disciplinary action, subject to the applicable appeals procedure provided herein.

1.55 CONFLICTS OF INTEREST AND ACCEPTANCE OF GIFTS AND OTHER GRATUITIES

City employees should serve the needs and respond to the wishes of all citizens equally without regard to their personal gain. City employees should perform their duties in an

impartial manner, free from bias caused by their own financial interests or the financial interests of other persons. Therefore, it is the policy of the City of Moreno Valley that all City employees shall avoid situations which might be interpreted as involving or creating a conflict of interest between the employee's duties and responsibilities as a public employee, and the employee's personal and private interest.

Employees should not take part in the consideration of any application, proceeding or other matter involving their own personal property, real estate, investment or other interest, or that of any relative or close personal acquaintance. In all such situations, the employee should disclose the nature of the relationship to his or her immediate supervisor and request to be relieved of any responsibility or involvement in such matter.

The acceptance of gifts, favors, or any form of compensation or gratuity may be viewed as influencing or compromising or attempting to influence or compromise the judgment of an employee. To prevent such a conflict, employees shall discourage any offer of a gift, favor or any form of compensation or gratuity. Gifts that can and will be shared with office staff, such as boxes of candy, flowers, and food, may be viewed as exceptions. Being hosted by a City contractor or potential City contractor is not a conflict of interest, provided that all financial disclosure laws and regulations are complied with.

Employees who receive or are offered an unanticipated gift, favor or gratuity, should consult their Department Head to determine an appropriate response to the donor.

City employees shall not solicit or accept donations for City sponsored events unless waived for specific events by express written authorization of the City Manager.

1.60 INCOMPATIBLE EMPLOYEE ACTIVITIES

During an employee's work day, the employee is expected to devote his or her full time, attention and efforts to the performance of his or her assigned duties as a City employee. At no time shall any outside employment or activity be conducted on City time. No employee shall engage in any employment, outside activity, or enterprise which is inconsistent, incompatible, in conflict with, or interferes with his or her ability to perform the duties, functions, or responsibilities of his or her position as a City employee, nor shall he or she engage in any outside activity which may directly or indirectly contribute to the lessening of his or her effectiveness as a City employee. Employees who undertake outside employment shall notify their immediate supervisors in writing of the nature, duties, and hours of that employment before undertaking such employment, including military service in the Reserves or Guard.

No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly permitted by the City Manager, Federal or State law, Memorandum of Understanding, or City Council directive.

1.65 POLITICAL ACTIVITIES

No restrictions shall be placed on the political activities of any employee of the City of Moreno Valley other than the following.

A. No person who holds, or who is seeking election or appointment to, any office or employment with the City shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position within the City, upon consideration or condition that the vote or political influence or action of such a person or another shall be given or used on behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration (Government Code 3204).

B. No employee shall directly or indirectly solicit political funds or contributions from other employees of the City. Employees, however, are not prohibited from requesting political funds or contributions to a significant segment of the public which may include officers or employees of the City (Government Code 3205).

C. No one who holds, or who is seeking election or appointment to, any office shall, directly or indirectly, offer or arrange for any increase in compensation or salary for an employee of a state or local agency in exchange for, or a promise of, a contribution or loan to any committee controlled, directly or indirectly, by the person who holds, or is seeking election or appointment to office. (Government Code 3205.5)

D. No employee shall participate in any political activities while in uniform (Government Code 3206)

E. No employee shall engage in political activity during working hours or on City premises (Government Code 3207).

F. No employee shall engage, during his or her working hours, in the solicitation or receipt of political funds or contributions to promote the passage or defeat of any ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the employees of the City; nor shall entry be permitted on City premises during working hours for such purposes (Government Code 3209).

1.70 SAFETY AND HEALTH

Each employee shall comply with all applicable safety laws, rules, and regulations. All employees shall follow safety practices, use personal protective equipment as required, render every possible aid to safe operations, and report to proper authority all unsafe conditions or practices.

A. Management may request a fitness-for-duty examination and repeat examinations as necessary to safeguard the employee and co-workers when there is a concern about an employee's ability to perform his or her job, based on the observations of a supervisor, manager, or physician. Specific reasons for the fitness-for-duty request must be stated.

1.75 DRUG AND ALCOHOL FREE WORKPLACE

Because drug and alcohol use can detrimentally affect job performance and employee safety, the City is committed to achieving and maintaining a drug and alcohol free workplace. While the City has no intention of intruding into the private lives of its employees, it will be firm in identifying and disciplining those employees whose impaired mental or physical condition, as a result of drug or alcohol use, may endanger the health or safety of fellow employees and the public at large, or interfere with the operations of the City.

This policy applies to all City employees (including part-time, temporary and hourly employees) and to all applicants for positions with the City.

While on paid duty time, the employee shall not be under the influence of any substances, drugs, medications, legal or illegal which could impair an employee's ability to effectively and safely perform the functions of the job. The use of prescription drugs which would not alter an employee's work performance is acceptable if prescribed by a qualified physician.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law.

The unlawful manufacture, distribution, dispensing, possession, or use of any illegal drug or "controlled substance" is prohibited on the job, in the City's workplace, or while subject to duty (i.e., stand-by).

For the purposes of this Section, the following shall be defined as:

A. "Controlled Substance" denotes any substance which could potentially impair the employee's ability to effectively and safely perform the functions of his or her duties, including, but not limited to: alcohol, coca leaves, cocaine, marijuana, opium and opiates, amphetamines, methamphetamines, lysergic acid (L.S.D.), etc. As outlined below, certain prescription drugs and medications shall also be classified as controlled substances.

B. "Conviction" is a finding of guilt (including a plea of no contest), an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

C. "Criminal Drug Statute" is a criminal statute involving the manufacture, distribution, dispensation, use, or possession of any illegal drug or controlled substance.

Please refer to the City of Moreno Valley's <u>Personnel Rules & Regulations</u>, Appendix A-D, for a detailed description of the City's Drug and Alcohol Free Workplace Policy.

1.80 EQUAL EMPLOYMENT POLICY

It is the policy of the City of Moreno Valley to offer equal opportunity in all matters of employment. Employment with the City is based solely upon the qualifications of the individual applicant, regardless of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability, unless sex, mental, or physical ability is a bona fide occupational qualification.

All employees are to be treated with respect and dignity. The City of Moreno Valley prohibits any harassment of employees in the workplace. Activities and occurrences which may constitute harassment, whether written or oral, include, but are not limited to disparaging comments on the basis of one's religion, age, sex, martial status, race, color, national origin, ancestry, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or mental or physical disability. Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.

The City shall not unlawfully discriminate against a qualified individual with a disability in job applications, hiring, advancement, compensation, training, discharge, and other terms, conditions, or privileges of employment. A disabled person is one who has mental or physical impairment that limits at least one major life activity, who has a record of impairment, or who is regarded as having impairment. A qualified individual with a disability is a person, who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Violation of this policy will result in appropriate disciplinary action pursuant to Section 8 of these Rules.

1.85 DISCRIMINATION AND ANTI-HARASSMENT POLICY

The City of Moreno Valley is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting any form of harassment, including sexual harassment, of all employees. Furthermore, the City prohibits harassment in any form, including verbal, physical, visual, or sexual harassment or retaliation against an employee for filing a harassment and/or discrimination complaint.

Harassment of an employee by a co-worker, supervisor, management employee, or other agent of the City, or a customer, on the basis of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability will not be tolerated. **Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.**

Harassment includes, but is not limited to:

A. Verbal Harassment- For example, epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity, age, or denial of family and medical care leave and denial of pregnancy disability leave.

B. Physical Harassment- For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.

C. Visual Forms of Harassment- For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.

D. Sexual Harassment- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employee benefit, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or an offensive work environment.

The City shall ensure that each employee has a copy of the City's anti-harassment policy which will include information on its internal complaint procedure.

Any employee who believes he or she has been harassed by a co-worker, a supervisor, a management employee, any other agent of the City, or customer should promptly report the facts of the incident or incidents and names of persons involved to his or her supervisor and/or the division manager/department head, and/or the Human Resources Director. If the offending party is a department head or higher, the complaint should be addressed to the offending party's supervisor. Any supervisor, division manager, or department head is obligated to immediately report any complaints and/or incidents of harassment to the Human Resources Director. Failure to make such a report when required by this Section may provide grounds for disciplinary action.

Upon receiving notification of a harassment complaint, the Human Resources Director shall:

A. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with:

1. the complainant;

2. the accused harasser; and

3. any other persons the Human Resources Director has reason to believe have relevant knowledge concerning the complaint. This may include victims of similar conduct.

B. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.

C. Report the results of the investigation, and the determination as to whether harassment occurred, to appropriate persons, including the complainant, the alleged harasser, the supervisor, the department head, and the City Manager. If discipline is imposed, the discipline will not be communicated to the complainant.

D. If the harassment occurred, take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense.

E. Take reasonable steps to protect the complainant from further harassment.

F. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

G. If appropriate, take action to remedy the victim's loss, if any, which resulted from the harassment.

If the employee is not satisfied with the action taken, the employee shall have the right to file a formal grievance in accordance with Section 12.55. If the allegation of harassment implicates any person rendering a decision at any Step in the Grievance Procedure, the employee may omit that particular Step and proceed to the next Step in the Grievance Procedure.

Dissemination of Policy

All employees, shall receive a copy of this Discrimination and Anti-Harassment Policy when they are hired and regularly thereafter. All supervisors hired after January 1, 2005, shall receive harassment training within six (6) months of hire. All supervisors shall receive interactive anti-harassment training at least every two years.

1.90 WORKPLACE VIOLENCE POLICY

This organization does not tolerate workplace violence. We define workplace violence as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. Such actions include:

- Verbal or physical threats, or intimidation;
- Assaults or other violence; and
- Any other behavior that causes others to feel unsafe (e.g., bullying, sexual harassment).

City policy requires an immediate response to all reports of violence. All threatening incidents will be investigated and documented. Counseling may be provided.

The following disciplinary actions may also be taken:

- Oral reprimand;
- Written reprimand;
- Suspension; or
- Termination.

Employees are expected to behave in a professional manner. It is the responsibility of all employees to report all threatening behavior to management immediately. The goal of this policy is to promote the safety and well-being of all people in our workplace.

1.95 SMOKING POLICY

In compliance with all CALOSHA regulations, smoking is prohibited in all City facilities and in all City vehicles and rolling stock. Consistent with CAL OSHA regulations no one may smoke less than 20 feet from doorways.

SECTION 2: CLASSIFICATION AND SALARY PLAN

2.05 PREPARATION, ADOPTION, AND AMENDMENT OF CLASSIFICATION PLAN

The City Manager shall determine the duties and responsibilities of all City positions for inclusion in the Classification Plan. The Classification Plan shall be so developed and maintained to ensure that all positions which are substantially similar with respect to duties, responsibilities, authority and character of work, are included within the same classification, and the same schedules of compensation shall apply to all positions in the same classification. Classification specifications are explanatory, but not restrictive. The listing of particular tasks shall not preclude the assignment of other related kinds of tasks or related jobs requiring lesser skills. The Classification Plan may be amended or revised, as required, in the same manner as originally established and described herein and is subject to adoption by the City Council.

2.10 ALLOCATED POSITIONS

The City Manager shall approve the appointment of employees to positions in the Classification Plan.

Only allocated positions which have been approved by City Council may be filled, provided that the following positions can be approved by the City Manager without prior City Council approval: 1) temporary; and 2) emergency.

2.15 NEW POSITIONS

When a new position is created, no person shall be appointed or employed to fill the position prior to the position's assignment to a classification, unless otherwise provided by these Rules. The City Manager shall amend the Classification Plan to establish and assign an appropriate classification for the new positions approved by the City Council.

2.20 CLASSIFICATION MANUAL

This manual shall contain a job description, as well as knowledge, skills, abilities, education, experience, sample duties, and other minimum qualifications for all classifications listed in the Classification Plan. This manual is developed by staff and approved by the City Manager.

2.25 PREPARATION OF SALARY SCHEDULE

The City Manager shall prepare a salary schedule that establishes the salary ranges and steps for all City classifications. The Salary Schedule shall be amended or revised, as required.

2.30 APPROPRIATE SALARY LEVEL

Employees occupying a City position shall be paid a salary range and step established for that position's classification under the adopted Classification and Salary Schedule.

2.35 BENEFIT PLAN:

The City Council shall, at its discretion, adopt a Benefit Plan that establishes the benefits for all City employees. This Benefit Plan is described in the Employee Benefits Section of the City's Compensation and Leave Policies.

SECTION 3: TYPES OF APPOINTMENTS

3.05 TYPES OF APPOINTMENTS

Except for temporary vacancies, all vacancies shall be filled by transfer, promotion, demotion, or from candidates on an appropriate eligibility list, if one is available. In the absence of eligible candidates in one of the above categories, temporary appointments may be made in accordance with these Rules.

3.10 EMERGENCY APPOINTMENTS

To meet immediate requirements of an emergency condition which threatens life or property, the City Manager may create positions and employ such persons as temporary employees as may be needed for the duration of the emergency. If not determined otherwise by an applicable provision or by an Emergency Operations Plan approved by the City Council, the method of hiring for emergency appointments shall be subject to the discretion of the City Manager. All such appointments shall be reported to the City Council as soon as possible, and shall be compensated at an appropriate hourly rate as approved by the Human Resources Director.

3.20 ACTING PAY

When an employee is assigned to perform the significant duties and responsibilities of a higher level position on a full-time basis for more than thirty (30) calendar days, a temporary salary adjustment shall be made to reflect the increase in responsibility until the employee ceases to perform such out-of-class work. All acting assignments must be pre-approved by appropriate management staff, the HR Director and the City Manager in advance unless there is an emergency situation.

An employee who is approved to be working at a higher level in an acting capacity shall be compensated at the rate in the new salary range, which comes nearest to, but not less than, five percent (5%) higher than the rate he or she held in the previous salary range. The higher salary rate payable shall be retroactive to the first day of the acting assignment as approved by City management.

Individuals appointed to work out-of-class must meet minimum qualifications of the higher classification, and must be capable of handling major duties of the higher level classification without any more supervision than another would in the same job.

The mere performance of certain portions of the higher position, or only performing the less demanding responsibilities until the position is filled, does not constitute working out-of-class.

If the higher classification is in a different bargaining unit than the employee's regular classification, the employee would only receive the salary change, not a change in benefits or unit.

At the end of such assignment, the employee performing the temporary assignment shall be returned to his/her original position and salary rate with any merit or salary adjustments, as appropriate. At any time during the out-of-class assignment, an employee may be removed from that appointment without right of appeal or hearing.

Nothing herein shall be construed as limiting management's authority to assign City employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies. While working in an out-of-class assignment, an employee shall continue to accrue, and have recorded, normal step increases in the employee's regular position. Should this assignment continue for 12 months or more, without a merit increase, the employee shall be entitled to a merit increase on the anniversary of the 12th consecutive month (based on performance), which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary schedule for the new position, if there is room within the range, upon approval of the City Manager. The City shall not rotate employees in and out of higher position classification assignments in order to avoid paying out-of-class compensation.

3.25 TRANSFER

An employee may transfer from his or her present position to a vacant position, in the same classification, or a comparable classification, within the same department or to another department. For purposes of this Section, a comparable classification is defined as one with the same salary range which involves the performance of similar duties that require substantially the same general qualifications. A transferred employee shall retain his or her rate of pay and his or her anniversary date for purposes of merit pay increases. No employee shall be transferred to a position for which he or she does not possess the minimum qualifications. A transfer shall not be used to effect a promotion, demotion, advancement or reduction in pay. An employee who voluntarily transfers to a lower position may be Y-rated. The employee who desires to transfer can obtain the appropriate form from the Human Resource Director. The Human Resource Department is under no obligation to notify employees of each potential transfer opportunity. Once the transfer request is received by the Human Resources Department, the Human Resource Director shall inform the Department Head of the request. The employee may be required to compete in an open selection process.

Unless otherwise provided for in these Rules, an employee must be employed with the City for at least six (6) months, or until the employee has completed his or her probationary period, before applying for a transfer. An employee may be requested to defer his or her transfer until his or her current position has been filled, but typically, two-weeks notice will be given to the employee's current department.

A request for transfer to a vacant position may be initiated by an employee or the employee's Department Head. The City Manager may order a transfer for the purposes of economy, efficiency, or for reasons related to the best interest of the City. Such a determination by the City Manager shall not require the consent of the employee, either Department Head, or the Human Resources Director.

3.30 PROMOTION

When it has been determined that a vacant position will be filled by promotional appointment, the Human Resources Director shall authorize a competitive promotional examination in order to fill the position, as stated in these Rules.

When an employee is appointed to a promotional position, that employee shall be paid at a level within the higher salary range which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary range for the new position. In accordance with the provisions in Section 5.15, any employee who is promoted within City service shall be required to successfully complete a probationary period in the new position. *(Refer to Section 4.75)*

3.35 DEMOTION

An employee may be demoted because his or her ability to perform the required duties of his or her position falls below standard, for disciplinary purposes, or for any other reasons as outlined in these Rules. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. The position which has been made vacant by demotion shall then become subject to the provisions of these Rules which govern appointments.

An employee shall not be required to serve a probationary period in the position to which he or she is demoted unless he or she has not completed the probationary period in the higher position. In such cases, the employee shall be required to complete his or her unfinished probationary period in the lower position. The employee shall retain the anniversary date he or she had in the higher position.

A. Involuntary Demotion: An involuntarily demoted employee, who is placed in a position at a lower salary than the position he or she formerly occupied, shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. A demotion which is effected for disciplinary reasons, pursuant to Section 9.35, shall be subject to the disciplinary appeals process.

B. Voluntary Demotion: A voluntary demotion to a lower position and lower salary may be requested by an employee for any reason. Such a voluntary demotion shall require the approval of the Human Resources Director, the employee's present Department Head, and the Department Head under whom the employee will serve, if applicable.

   The voluntarily demoted employee shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. In lieu of a reduction in salary, the City Manager may approve a Y-rated salary for a voluntarily demoted employee.

3.40 RECLASSIFICATION

Existing positions, where the duties have changed materially so as to necessitate reclassification, shall be reclassified by the City Manager to a more appropriate classification, whether new or existing, with the exception of reclassification from training

or internship positions. Except for training or internship positions that are reclassified, the selection of a candidate to fill a reclassified position must be made competitively, unless the incumbent from the reclassified position has been performing the duties for more than one year or unless specifically waived by the City Manager. Such determination must be approved by the City Manager. Regardless of the circumstances, the City Manager may require a competitive examination, and no incumbent shall have a right to be appointed to a reclassified position. No person shall be appointed or employed to fill a reclassified position unless the said reclassified position has been incorporated in the Classification Roster as provided by these Rules. A simple title change is not a reclassification and requires only City Manager approval.

The employee or Department Head may submit a request for a job audit to the Human Resources Director who shall determine if the reclassification is justified and provide a recommendation to the City Manager for approval. The City Manager has the authority to reclassify any employee whose reclassification is justified so long as the position is listed in the existing Classification Roster. If the position is not listed, the City Council must approve the reclassification. Since there is no money budgeted for that specific reclassification increase (normally 5%), the department shall fund for the City Manager-approved reclassification from its general personnel account for the balance of the current fiscal year. The department shall place and fund the reclassified position in the following year's personnel budget. Reclassifications are normally done with the adoption of the fiscal year budget, but may be done at other times.

Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions, promotions, or unit modifications. The Human Resources Director may conduct objective, non-competitive examinations to establish qualifications for the position.

The salary of an employee in a position that is reclassified shall be determined as follows:

A. Classification with Same Salary Range: If the position is reclassified to a classification with the same salary range as the previous classification, and if the incumbent is appointed to the reclassified position, the salary rate and the anniversary date of the employee shall not change. The provision shall also apply to the change of classification title, provided there is no change in the basic duties of the classification.

B. Classification with Higher Salary Range: If the position is reclassified to a classification with a higher salary range than the previous classification, and if the incumbent is appointed to the reclassified position, he or she shall be compensated a pay level within the new salary range which is the lesser of five (5) percent higher than his or her previous salary level or the top of the salary range for the new position. The incumbent's anniversary date shall not change.

C. Classification with Lower Salary Range: If the position is reclassified to a classification with a lower salary range than the previous classification, and if the incumbent is appointed to the reclassified position, the City Manager may approve a Y-rate salary for the employee if the employee's old salary is above the top of the salary range for the new position. Otherwise, the employee's new salary shall be placed at a pay level which yields a salary closest to, but not less

than, the current salary. The incumbent's anniversary date shall not change. Normally, benefits will not be Y-rated, unless specifically approved by the City Manager.

The effective date of reclassification shall coincide with the first working day of a pay period after the reclassification is approved by the City Manager. Any completely new classification, one not listed in the Classification Roster, must be adopted by the City Council before it is approved.

3.45 LAYOFFS/REDUCTION-IN-FORCE/RECALL

The City Manager may lay off permanent and probationary workers at any time for lack of work, budgetary reasons, technological changes, or other City actions that necessitate a reduction in the work force. At least four weeks notice shall be given to any employee who is to be laid off. At the City Manager's discretion, a demotion or transfer to another department or classification may be made to prevent a layoff provided the employee is qualified by education and/or experience and is capable of performing the duties of the classification. The Department Heads, in consultation with the Human Resources Director, and as approved by the City Manager, will effect the layoffs.

Reduction in Force

When it becomes necessary to reduce the work force in the City, the City Manager shall designate the job classification, division, department, or other organizational unit in order to effect a reduction in the work force. Contract, temporary, seasonal, or initial probationary employees in the same job classification as ones proposed to be reduced within the City shall be laid off first. Probationary promotional employees who are laid off shall be returned to their former classification. Employees who accept lower positions or transfers in lieu of lay-off shall be placed at a pay level within the salary range of the new position, which yields a salary closest to current salary.

Order of Layoff

The order of layoff of career employees shall be made in accordance with a system which favors retention of the more meritorious employees, based upon evaluation of the following factors in the listed order of implementation:

A. An overall rating of "unsatisfactory" or "needs improvement" on the most recent performance evaluation once finalized and filed in Human Resources except when an employee has less than one year seniority with the City. In that case, only seniority will be used.

B. Documented disciplinary actions during the preceding twelve (12) months.

C. Seniority (length of service in a career position):

1. in the city
2. in the classification
3. in the department

For employees who are equal in performance and seniority, as established in A-C above, preference will be given to those with proof of honorable military discharge.

Seniority:

Seniority is determined from the day of official appointment to a City department as a career employee, provided that any career employee, who, as a result of promotion, transfer, or voluntary demotion, is appointed to a career position in another department, shall for purposes of layoff, carry seniority previously acquired over to the new department.

Seniority shall continue to accrue during periods of Annual Leave, layoff not exceeding two (2) years, any authorized leave of absence of less than three (3) months, or any call to military service for the duration of the call to duty. Seniority shall not accrue during any other break in continuous service.

Other Policies:

The City may call back as a temporary employee, within the first year after layoff, any laid off employee who is on the recall list when the employee is qualified to fill a vacancy of a full-time position.

Any employee who receives an involuntary transfer shall have the option to be reinstated to a vacated position in the classification said employee was involuntarily transferred from for up to six (6) months from the effective date of the involuntary transfer in the event of layoff.

An employee who chooses to terminate and have his/her name placed on the Reinstatement List under this section shall notify the department in writing of his/her decision at least three (3) working days prior to the effective date of reassignment. Such termination shall be on the same date as the reassignment would have been effective.

Recall List:

The name of every career employee who is laid off, transfers, or elects to demote to a formerly held classification in the same department for longer than one pay period due to a Reduction-in-Force, shall be placed on the Recall List except that the names of those employees laid off under Sections A & B under "order of lay off" above, shall not be placed on the recall list. Vacancies to be filled within a department shall be offered, to individuals named on the Recall List who at the time of the Reduction-in-Force, held a position in the same job classification within the department as the vacancy to be filled. Order of recall shall be same as order of layoff.

Individual names may be removed from the Recall List for any of the following reasons:

A. The expiration of two (2) years from the date of placement on the list.

B. Re-employment with the City in a career full-time position in a department other than that from which the employee was laid off.

C. Failure to respond within 14 calendar days of mailing a certified letter regarding availability for employment.

D. Failure to report to work within 14 calendar days of mailing of a certified letter containing a notice of reinstatement to a position, absent mitigating circumstances.

E. Request in writing to be removed from the list.

Status on Re-employment:

A career employee who has been laid off or terminates in lieu of reassignment and is re-employed in a career position within two (2) years from the date of his layoff or termination shall be entitled to:

A. Buy back and thereby restore all or a portion of Annual Leave credited to the employees' account on the date of layoff or termination and at the same rate as it was sold originally. This restoration must be requested in writing within 30 days of returning to work and must be fully paid back within six (6) months of the return to work.

B. Restoration of seniority accrued prior to and accrued during layoff.

C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave.

D. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same department from which he/she was laid off or terminated.

In the event of a vacancy, if there are no individuals on the recall list who formerly occupied the vacant classification, those individuals on the recall list who possess the necessary qualifications for the vacant classification shall be eligible for recall to the vacancy. Eligibility order shall be the same as the order of lay-off.

No person from outside City employment shall be hired in a career position in the deleted classification until all those displaced due to layoffs or transfers are recalled to their former classification or one classification lower in the same career ladder as the one in which the employee was laid off.

Continuation of Benefits:

Those who are laid off shall have their medical insurance benefits continued to the end of the second month following the date of their layoff in the event that they are not covered by another medical plan at that time.

SECTION 4: RECRUITMENT AND SELECTION

4.05 EQUAL EMPLOYMENT GOALS AND POLICIES

In adopting these Rules, it is the goal of the City to employ the most qualified individuals and to achieve excellence in serving the needs of the community. Employment and promotions in the City shall be based upon merit and qualifications and shall be free from political influence and discrimination based upon religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical condition, mental/physical disability, sexual orientation, including gender identity, or political affiliation, unless sex or physical ability is a bona fide occupational qualification.

Although not expressed in the classification specifications or job announcements, all persons applying for or holding any position in the City shall be required to meet the following general qualifications to a reasonable degree: integrity, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume and fulfill the responsibilities of the employment, good health, and physical and mental abilities compatible with the work assignment. Where the position requires the driving of a motor vehicle, the applicant or employee must have a valid California Driver's license and is expected to drive the motor vehicle safely. The foregoing general qualifications shall be deemed to be part of the minimum qualifications of each classification specification or job announcement and need not be specifically set forth therein.

No residency requirements shall be enforced by the City of Moreno Valley. Extensive efforts shall be undertaken to make local residents aware of personnel openings, encouraging them to apply for any positions for which they qualify, and providing them with full due consideration. It is the City's intention to create an environment wherein employees will want to live and work in this community.

4.10 PERSONNEL REQUESTS

To initiate the filling of an authorized vacant position, the responsible Department Head shall submit to the Human Resources Director a completed Personnel Request Form containing at least the following information:

A. The classification (job) title;

B. The justification for filling the position, including its budgeted cost code; and

C. The duties, responsibilities and qualifications of the position in accordance with the Classification Plan.

Each request shall be reviewed and approved by the Human Resources Director and the City Manager or designee.

4.15 JOB ANNOUNCEMENTS

Job announcements providing information about the position, its title and pay, its major responsibilities and duties, minimum and other qualifications, where and when to apply, and the last day on which applications will be accepted shall be prepared and distributed

by the Human Resources Department. All positions to be filled will be publicized by posting announcements on the City's official bulletin boards and in such other places deemed advisable by the Human Resources Director. Employees may suggest additional locations.

Notice of open competitive examinations shall generally be posted a minimum of ten (10) working days before the filing deadline for applications unless it is in the best interests of the City to do a shorter recruitment, as approved by the City Manager. Notice of promotional openings shall be posted a minimum of five (5) working days before the filing deadline for applications.

4.20 PERSONNEL APPLICATIONS

Applications for employment, transfer, or promotion with the City shall be made on forms provided by the Human Resources Department. All information required by the application shall be provided and the applicant shall certify as to the truth thereof. Any material false statement or omission on the application shall, absent mitigation, disqualify the application and may be cause for termination or other disciplinary action if the applicant is or subsequently becomes an employee of the City regardless of when the error is discovered. Resumes and other supplementary information may be submitted and attached to the application for consideration, but may not be used as a substitute for the application.

In order to be considered, an application must be received by 4:00 p.m. on the final day of the advertised recruitment period. A late application shall be accepted from a qualified current City employee only under the following circumstances:

A. The employee must submit a written letter to the Human Resources Director accompanied with a completed application for the position at least two working days prior to the first interview or testing phase; and

B. The employee must provide documentation establishing that he or she was absent from work on an authorized leave continuously from the date the position was first posted to the date the application period closed.

4.25 RECRUITMENT

It shall be the City's policy to recruit and hire the best-qualified persons available regardless of religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical/physical condition, sexual orientation, including gender identity, mental/physical disability, or political affiliation, unless sex or physical ability is a bona fide occupational qualification. While recognizing the need for introduction of persons from outside City employment at all levels, the policy of the City is to transfer or promote persons already employed by the City when their qualifications, training, work performance, and work experience are determined to be comparable to applicants from other sources. The Human Resources Director shall recommend to the City Manager whether the recruitment shall be open or promotional, on the basis of assuring an adequate number of candidates with appropriate skills to constitute a competitive merit process.

Except as specifically provided otherwise in these Rules, selection for a position in City employment shall be by one of the following types of examinations.

A. Open Competitive: Examinations which are open to all persons who possess the indicated minimum qualifications as set forth in the job announcement. Applicants for open competitive examinations may, but are not required to, be employees of the City.

B. In-House Competitive: Examinations which are open only to City employees who possess the indicated minimum qualifications as set forth in the job announcement.

C. Temporary Position: Employees may be hired on a temporary basis through either a temporary agency or by the City itself. The City Manager approves these positions. These persons may be hired without competitive examination.

Any variations to these procedures shall be reviewed by the Human Resources Director and approved in writing by the City Manager. The City Manager may select a candidate for Department Head solely based on a review of the applicant's application and/or resume from among those screened by the Human Resources Director as finalists.

4.30 EVALUATION OF APPLICATIONS

Each application shall be reviewed to determine if the applicant satisfies minimum educational experience, type and years of job related experience, certificates or licenses and any other requirements.

Selection techniques shall be impartial and relate to those areas which will adequately and fairly indicate the relative capacity of the applicants to perform the duties and responsibilities of the position to which they seek appointment.

The selection procedure may consist of personal interviews, performance tests, evaluation of work performed, work samples, assessment centers, physical agility tests, other written tests, review and investigation of personal background and references, medical examination, psychiatric examination, or any combination thereof. The Human Resources Director may at his or her discretion include as a part of the examination process, tests which determine whether applicants meet minimum qualifications.

In all examinations the minimum grade or standing for which eligibility may be earned may be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

4.35 CANDIDATES' EXAMINATION INSPECTION

If a selection procedure consists of a written examination, the applicant shall be given written notice of his or her tests results. By appointment with the Human Resources Department, an applicant shall have the right to review his or her own written test within ten (10) working days after the examination results are mailed out. However, no

applicant shall be allowed to examine the test key as part of his or her examination inspection.

Any error in rating or grading shall be corrected if it is called to the attention of the Human Resources Director at the time the applicant reviews his or her examination. Any applicant whose corrected score meets or exceeds the examination's established passing score will be placed on the applicable eligibility list for the position, if one exists. Any correction shall not invalidate an appointment or offer of employment that has been made previously.

4.40 VETERANS POINTS

The final score of a veteran who requests employment preference and submits proof of active duty (such as a DD214) shall receive five (5) additional percentage points, provided that he or she has already met minimum qualifications pursuant to Section 4.30, and attained a passing grade in the examination, if applicable. To be eligible for veterans' preference, the candidate must have received an honorable discharge from the Armed Forces of the United States and served on active duty during a period of war or tension as determined by the Veterans Administration. A disabled veteran, who is currently rated by the United States Veterans Administration as ten (10) percent or more disabled as a result of a service-connected disability incurred on active duty in federalized service during a period of war or tension as determined by the Veterans Administration, who requests employment preference and submits proof of such disability shall receive five (5) additional percentage points, for a total of ten (10) additional percentage points. Such percentage points may be awarded to widows or widowers of veterans upon request for such preference and submission of proof of eligibility.

The provisions hereof, relating to veterans' preference, shall not apply to any promotional examination.

4.45 NEPOTISM POLICY

An applicant for a position who has a relative employed by the City may not be denied the right to file an application for employment and compete in the examination process. Following examination, if the applicant is successfully certified as eligible, he or she may be employed in a department, division, or office in which a member of his or her immediate family is employed. Such employment shall be denied if the Human Resources Director determines that such employment would potentially create a conflict of interest or have a potentially adverse impact on supervision, safety, security, or morale, or if the employee would be in a position where he or she would directly supervisor, or be supervised by, a member of his or her immediate family.

For the purposes of this policy, a "relative" or "immediate family member" shall be defined to include the following: mother, father, sister, brother, spouse, domestic partner, children of domestic partner, daughter, son, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandmother, grandfather, granddaughter, grandson, aunt, uncle, first cousin, niece, and nephew. Step-parents may be included if they are members of the immediate family, depending on the current situation.

When the eligible candidate is refused appointment by virtue of this section, the name of the candidate shall remain on the eligibility list for openings in the same classification, as otherwise provided in these Rules, where no member of the employee's immediate family is employed, supervised by, or supervising the vacant position. In no case may an employee participate directly or indirectly in the recruitment or selection process for a position for which the employee's relative has filed an employment application.

Where two relatives are working in the same department, division, or office at the time these Rules are adopted, or if an event occurs in which a familial relationship is established between two employees who work in the same division or office (i.e. if a marriage results in a spousal or in-law relationship), the relationship shall not be deemed a "prohibited relationship" unless the employees' mutual employment creates a potential conflict of interest or has a potentially adverse impact on supervision, safety, security, or morale, and so long as neither employee is in a supervisory capacity over a member of his or her immediate family.

If, as stated above, a familial relationship exists or is established, the employees may continue in their positions so long as the conditions of a prohibited relationship are not met. If, in the determination of the Department Head, such a prohibited relationship does or would exist, the Department Head shall submit the reasons for his or her determination to the Human Resources Director for review. The Human Resources Director shall have one week to investigate the Department Head's findings and determine if a "prohibited relationship" does exist.

If the Human Resources Director's review confirms that a prohibited relationship exists, he or she shall submit his or her results to the Department Head. At this time, the Department Head shall promptly inform the employees of the City's intention to transfer one of the employees to a vacant position of comparable pay and duties in another City division or office, provided that such a vacant position exists, the transferee is qualified therefore, and no offer of employment to fill the vacant position has been made to another eligible candidate. If a position of comparable pay and duties is not open, but one in a lower classification is vacant, either of the employees may elect to voluntarily demote to the lower position, provided that the vacant position is in another department, division, or office, the employee is qualified to fill the position, and the position has not been offered to another candidate. Any voluntary demotion which occurs as a result of this section shall be in accordance with the provisions set forth in Section 3.35. In the event that a transfer or voluntary demotion is not feasible within the time limit set herein, the affected employees shall decide which of them will resign from City employment.

If a transfer or voluntary demotion is not feasible and neither employee has submitted a letter of resignation three weeks after the determination that a prohibited relationship exists, the Human Resources Director and Department Head shall determine which of the employees shall be terminated in good standing. Regardless of which procedure is utilized, the transfer, voluntary demotion, resignation, or termination in good standing shall become effective one month after the Human Resources Director has concurred with the Department Head's determination that a prohibited relationship has been established. This one-month time limit may be extended up to an additional two months with written approval from the City Manager, provided that personal or organizational considerations mandate such an extension.

Except as hereinafter provided, an employee who has been terminated in good standing because of the operation of this Section, may be reinstated to the position which such employee held at the time of termination, or to a position of equal seniority, status, and pay. In order for the employee to be eligible for reinstatement, he or she must be reinstated to a position in a department, division, or office where a prohibited relationship would not be established (or re-established), the position must be open, and the employee must still meet the qualifications for the position. This right of reinstatement shall be effective only through the ninety (90) days immediately following the effective date of the employee's termination in good standing, and shall take precedence over a right of reinstatement which has been derived from a voluntary resignation in good standing. Commencing on the ninety-first (91st) day after the effective date of the termination, the terminated employee shall have a co-equal right of reinstatement with employees who have voluntarily resigned in good standing, up to an additional nine (9) months.

With the exception of the Human Resources Director's review, as provided in this section, any decision to transfer, voluntarily demote, resign, or terminate an employee in good standing (pursuant to this Section), is not subject to any appeal or grievance procedure.

4.50 DRIVING SAFETY CHECK

A verifiable and acceptable driving record and proof of liability insurance shall be required of each final candidate for employment whose position requires the employee to drive a City vehicle or if the employee receives a vehicle allowance or mileage reimbursement. Verification of acceptable driving records of all employees may be conducted periodically. Driving a City vehicle without possessing a valid driver's license is not permitted and may result in disciplinary action up to and including termination. An employee shall notify his/her supervisor immediately if his/her license~~s~~ expires, is suspended, or revoked.

4.55 ELIGIBILITY LISTS

Lists of applicants to be considered for job openings in a particular classification may be established for open competitive or promotional competitive positions. An eligibility list shall be a list of persons who have taken an open competitive or promotional competitive examination for an advertised City position and have qualified for said classification. Each such list shall bear an expiration date. The hiring department may appoint any candidate on the eligibility list, provided all candidates with higher rankings have been interviewed. The best qualified candidate, as determined by the hiring manager, on the eligibility list shall be hired.

Non-Management eligibility lists shall remain in effect for six (6) months or until exhausted, whichever occurs first. Management eligibility lists shall remain in effect for three (3) months. An eligibility list may be terminated at any time when less than three (3) eligible candidates remain. The Human Resources Director shall have the right to extend an eligibility list for one or more periods not to exceed in total one (1) year from the original date of certification.

The Human Resources Director may remove a name from an eligibility list for any of the following reasons:

A. If the eligible person accepts an appointment with the City to a career position of the same or higher classification. Acceptance of a temporary appointment at any level will not in itself be cause for removal from an eligibility list. An eligible person may refuse an appointment to a particular position and request to remain on the eligibility list.

B. If the eligible person requests in writing removal from the list.

C. If the eligible person fails to respond within ten (10) calendar days to a notification or letter which has been mailed to the person's last address on file with the City.

D. If the eligible person is unable to accept any offered position.

E. If a person on a promotional eligibility list resigned from City employment.

F. If other circumstances, such as conviction of a crime involving moral turpitude or loss of a required license, make the person ineligible.

G. If the eligible person has not been offered an appointment after interviewing for three (3) separately budgeted positions which are to be filled from the same eligibility list.

Placement on an eligibility list does not guarantee employment with the City of Moreno Valley.

If a vacancy exists in a classification for which there is no appropriate eligibility list, the Human Resources Director may prepare a list from one or more existing related lists by selecting names of eligibles from eligibility lists for classifications which are assigned to the same or higher salary range and which have minimum qualifications similar to those of the classification in which the vacancy exists.

4.60 FINAL DECISIONS ON SELECTION

The Department Head or designee shall recommend a final candidate for appointment to a vacant position to the City Manager. All appointments shall be subject to Human Resources Director's review and City Manager final approval before becoming effective. If the selected candidate accepts the appointment and reports for duty within the agreed upon time, the applicant shall be deemed appointed to the position. If the selected candidate does not report to duty within the agreed upon time, the candidate shall be deemed to have declined the appointment. By mutual agreement of the Department Head, the Human Resources Director, and the candidate, the date of the appointment may be changed. Upon the affected employee's written petition, effort shall be made to accommodate current City employees who are or will be on an approved leave as of the date of appointment and thereby unable to report for duty at the designated time.

4.65 PRE-EMPLOYMENT PHYSICAL

Each person accepting employment with the City shall be required pass a pre-employment physical and pre-employment drug test at a City-designated medical facility at City cost before an appointment to such employment becomes effective. This Section

shall also apply to changes of employment within the City when the new position places substantially more physical demands upon the employee.

4.70 EMPLOYMENT ELIGIBILITY VERIFICATION

In compliance with law and with regulations of the United States Department of Justice and the Immigration and Naturalization Service, the City of Moreno Valley requires that each person hired by the City complete Section I of the Employment Eligibility Verification Form I-9 to verify that the person is eligible for employment in the United States.

4.75 PROBATIONARY PERIOD

The first six (6) months, or any duly extended longer period, of all new and promotional employment in a career position shall be deemed a probationary period. The probationary period shall commence upon the effective date of the appointment.

During the probationary period, an employee may be terminated without the right of appeal, hearing or resort to any grievance procedure if his or her performance is deemed in any way unsatisfactory or below City standard by the City Manager, upon recommendation of the Department Head. At the conclusion of the probationary period, if the employee's performance does not meet City standards but is not altogether unsatisfactory, the probationary period may be extended up to an additional six (6) months, at the discretion of the City Manager. The decision to extend the length of an employee's probationary period must be based on justifiable reasons and must be made prior to the expiration of the original six (6) month probationary period. Such a decision shall not be appealable or grievable.

An employee who fails to complete his or her promotional probationary period satisfactorily shall be reinstated to the position in the same classification from which he or she was promoted unless discharged from City service as provided in these Personnel Rules. Before an employee may promote, they must first successfully complete original probation.

Crossing Guards shall be required to serve a 650-hour probationary period after becoming regular crossing guards. At the end of a successful probationary period, Crossing Guards shall become eligible for a merit pay increase. An Alternate Crossing Guard shall be deemed "at will/part-time" regardless of the number of hours worked.

4.80 CRIMINAL CONDUCT – INELIGIBILITY FOR EMPLOYMENT

Except as otherwise hereinafter provided, no person convicted of a misdemeanor involving moral turpitude or a felony shall be eligible for employment in the service of the City; however, the City Manager may disregard such conviction if he/she finds and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, the age of such person at the time of conviction, or the fact that the classification applied for is unrelated to such conviction.

Only the City Manager, Employee Relations Officer, City's Attorneys, Human Resources Director, and other Human Resources staff are authorized to have access to the "State

Summary Criminal History Information" as provided for in Section 11105 of the Penal Code of the State of California.

4.85 FINGERPRINTING

To facilitate the City's ability to perform complete background checks on its employees, new City employees will be fingerprinted and their backgrounds researched to ensure that there is nothing which would hinder their ability to perform their job satisfactorily or create any unnecessary liability for the City.

4.90 RESIGNATION

Employees who desire to terminate their service with the City shall submit a written resignation to the Department Head at least two weeks prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying future employment with the City.

4.95 REHIRE

Any career employee who voluntarily or involuntarily resigns or separates and is later rehired, may forfeit all previous seniority and benefits and does not need to be rehired at his/her former classification or pay level, except in the case of lay-off. The rehired employee may be considered the same as a new hire. With approval of the City Manager, a former employee who is eligible for rehire may be rehired by appointment rather than competitively, but may still be placed on six months probation upon return. However, if an employee voluntarily separates from the City and is subsequently rehired by the City within one calendar year of his/her employment separation date, the employee's benefits will be the same as when the employee separated and the City will pay the employee's share of CalPERS contributions in the same manner as done prior to the separation.

SECTION 5: PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS

5.05 SALARY AT APPOINTMENT

Except as otherwise stated in this Section, all new employees shall be appointed at the 'A' Step of the salary range for the position. When the proposed employee's education, training, experience, and current salary are deemed superior and justify a higher starting salary, the Department Head may offer employment up to the 'C' Step of the salary range without obtaining City Manager approval.

If the Department Head recommends appointing the employee at a pay level above the 'C' Step, City Manager approval must be obtained prior to making an offer of employment. All final appointments are subject to City Manager approval, regardless of the pay level at which the employee is appointed.

When hiring new Department Heads, the City Manager may authorize certain added incentives to aid in the recruitment process. Some added inducements might be the authorization of a moving allowance, additional Annual Leave, educational expenses, etc. Such incentives may be authorized only if in conformance with a written policy, adopted by resolution of the City Council.

5.10 EMPLOYEE PERFORMANCE EVALUATION

The Performance Assessment Review (PAR) is the employee performance evaluation tool. Regular reports on forms prescribed by the Human Resources Director shall be made as to the efficiency, competency, conduct, and merit of all employees appointed by the City Manager. Performance evaluations are required to be given at the following times: three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date. An employee who received a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months. Any decision to extend an employee's probationary period must be made prior to the expiration of the original probationary period. Any evaluation which warrants a merit increase but is not completed by the designated review date shall be retroactively paid back to that review date. In addition to those occasions referenced by this Section, a supervisor may render a performance evaluation when performance issues arise, whether positive or negative; when there is a change in assignment; and/or when there is a change in supervisor or management.

During the performance evaluation meeting, the employee and supervisor shall review and discuss the employee's significant accomplishments, training, problem or improvement areas, and future development and objectives. After reviewing the job descriptions, duties, and any established performance standards for that position, an evaluation shall be made by the supervisor as to whether the employee's performance meets City standards. An explanation must accompany any unacceptable or conditional judgment. The employee shall have an opportunity to review his or her performance evaluation report and agree or disagree with it. Based upon the Performance Assessment Review, the supervisor may make appropriate recommendations regarding a possible merit increase, or other action.

The employee shall have the right to attach a written response to the corresponding performance evaluation in his or her personnel file. This response must be made within ten (10) working days of receiving the evaluation.

If a career employee's written objection to his/her evaluation is concurred with by the Department Head, the evaluation may be revised accordingly. If there is no denial of merit increase nor an overall below-City standard rating, the Department Head's decision shall be final and conclusive with regard to the validity of the objection.

If a career employee is not in agreement with a performance evaluation which results in an overall below-City Standard rating (other than one which results in denial of a merit increase or in any other direct monetary detriment to the affected employee), the employee may, within ten (10) working days after receipt of the evaluation, request a review of such evaluation by his or her Department Head. If the employee is not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receipt of the determination of the Department Head, request a further review by the City's Human Resources Director, whose decision shall be final and conclusive.

If a performance evaluation results in a denial of a merit increase or in any other direct monetary detriment to the affected career employee, the employee may, within ten (10) working days after receipt of the evaluation, request a review thereof by his or her Department Head. If not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receiving the determination of the Department Head, request a further review of the evaluation by the City's Human Resources Director, whose decision shall be final and conclusive.

In either of the foregoing situations, if the career employee's Department Head prepared the evaluation in question, the employee may omit review by the Department Head and proceed directly to the next level of review by the Human Resources Director.

Probationary employees may attach written responses to their probationary evaluations and submit them to the Department Head for consideration, however, such employees have no appeal rights.

The employee and supervisor must sign and date the report. If the employee refuses to sign the report, the supervisor shall note this fact and any circumstances surrounding the employee's refusal on the Performance Assessment Review. Copies of the Report shall be distributed to the employee, the Department Head, and the Human Resources Department.

5.15 PROGRESSION ON MERIT PAY

A. Career Full-time and Career Part-time Employees shall earn merit pay increases based on meeting or exceeding satisfactory performance of duties in the overall rating rather than simple longevity, as follows:

1. Normal Progression

From the date of employment until the successful conclusion of the probationary period, no merit pay increase shall be granted. At the end of

a successful probationary period, the employee shall become eligible for a merit pay increase provided that the employee's overall performance has satisfactorily met City Standards. Thereafter, eligibility for merit pay increases shall occur at 12-month intervals provided the employee's performance is satisfactory, until such time as the employee reaches the top of the salary range available for his or her position. Employees must achieve an overall "meets job requirements" to be deemed as having met City Standards. An employee who receives an overall performance rating less than "meets expectations" will not receive a merit increase. An employee who receives a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months.

2. Promotional Progression

From the date of promotion until the successful conclusion of the probationary period, no merit pay increase may be granted. When an employee is promoted to a classification with a greater salary range, his or her salary increases to an appropriate salary step within the salary range of the new position. An employee who is promoted shall be compensated at the pay level within the new salary range which is the lesser of five (5) percent higher than the pay level he or she held in the previous salary range or the top of the salary range for the new position.

All promoted employees who successfully pass their promotional review period are eligible for a step merit pay increase within the salary range of their position, again provided satisfactory performance is achieved. A promoted employee is eligible for another merit pay increase, annually thereafter, from the date of the promotional review until their salary reaches the top of the salary range.

B. Temporary and Seasonal Employees It is the policy of the City of Moreno Valley to grant a merit pay increase to temporary employees after the first 1,000 hours of service, provided the performance is satisfactory. The next increase would occur after completion of 3,000 hours, as long as performance remained satisfactory, and every 2,000 hours thereafter, until such time as the employee reaches the top of their salary range. If a merit increase is warranted, it will be based on an abbreviated evaluation form similar to the one used during probation for a career employee. A temporary or seasonal employee may receive a performance evaluation when his or her period of service concludes to determine whether he or she is eligible for rehire and may be evaluated more frequently at the discretion of the supervisor. This performance evaluation may also be used as a basis for considering salary in the event the employee is rehired.

C. All Crossing Guard employees who have successfully completed training shall become eligible for a merit pay increase. Regular Crossing Guards shall become eligible for a second merit pay increase upon completion of six hundred and fifty (650) hours of service; and shall then be eligible for merit adjustments once in each succeeding period of thirteen hundred (1,300) hours of continuous service, provided that performance meets City standards.

SECTION 6: ATTENDANCE AND HOURS OF WORK

6.05 WORKWEEK AND OVERTIME

For purposes of applying the overtime requirements of the Fair Labor Standards Act (FLSA), the workweek for City employees shall begin at 12:01 p.m. Friday and end at 12:00 noon the following Friday. For any illness or emergency absence from work, the employee must notify the supervisor within the first half hour of normal reporting time when possible.

6.06 OVERTIME COMPENSATION

Overtime compensation shall be provided to City employees as follows:

A. Executive Management, Division Management, and Professional/Administrative/ Management Employees are salaried employees and shall not receive overtime compensation. Employees in these categories shall receive administrative leave hours, as specified in Section 7.25.

B. Non-Exempt and Part-time Employees may receive overtime compensation in the form of paid time or compensatory time-off, at a time-and-one-half rate. The choice of compensation method is the employee's. Employees in these categories may accrue compensatory time to a maximum cap of 120 hours. The City Manager may allow accrual beyond the maximum if circumstances warrant. Overtime will be paid for hours worked in excess of 40 hours in a workweek in accordance with the Fair Labor Standards Act (FLSA). In addition, career employees will be compensated with overtime for any hours actually worked in excess of 9 hours in a workday for those on a modified schedule or 8 hours in a workday for those on a regular schedule. Part-time Career Employees must use the 9-hour workday for overtime. Career employees will also receive overtime pay for hours worked on a City designated holiday or for a "Call Back" or "Call Out" as described in sections 15.05 and 15.10. All overtime worked must be pre-approved by the employee's manager.

C. An employee who has accumulated the maximum amount of compensatory time shall not work overtime on a compensatory time basis until the accumulation has been reduced to less than the maximum accumulation allowed under these Rules. This in no way limits or caps paid overtime.

For Non-Exempt positions, which do not meet one of the FLSA exemption categories, overtime hours worked shall be compensated for time actually worked in excess of 40 hours in a workweek. In addition, and in accordance with the MOU, Career Non-Exempt employees shall be compensated for time actually worked in excess of 9 hours in a workday and/or 40 hours in a workweek for those employees on a modified work schedule or 8 hours in a workday for those on a regular work schedule. A paid holiday shall count as time labored towards the 40-hour workweek for the purposes of overtime compensation. Annual Leave, or compensatory time will not be included as time worked for purposes of calculating overtime.

Overtime for all Non-Exempt employees shall be compensated in one of the following two ways:

A. As paid time at the one-and one-half rate of pay; or

B. As compensatory time as accrued at the one and one-half rate of pay.

Prior to overtime being authorized, the employee and his or her supervisor shall agree as to how the employee shall be compensated (i.e. paid time or compensatory time). If the employee and supervisor do not agree on the method of compensation, the supervisor may ask another employee to perform the overtime work. If the supervisor requires that a particular employee perform the overtime, yet they cannot agree on the method of compensation, then the employee shall be given the choice of how he or she wishes to be compensated. Compensatory time accumulated under these Rules and Regulations is vested time and must be utilized or paid in conjunction with termination of employment.

6.08 COMPLIANCE WITH FAIR LABOR STANDARDS ACT

The City is committed to complying with the Fair Labor Standards Act and therefore prohibits improper deductions from FLSA exempt employees' pay. The City will promptly remedy any violations of this policy by reimbursing an affected employee for any amounts which have been improperly deducted from the employee's pay.

Any employee who believes that an improper deduction has been made from his/her pay should submit a complaint to the Human Resources Department as soon as possible. The Human Resources Department shall promptly investigate the complaint and render a written decision as soon as is reasonably possible. If the complaint is determined to be justified, the employee shall promptly be reimbursed in the amount improperly deducted. The City shall thereupon restate its good faith commitment to future compliance with the Fair Labor Standards Act.

6.10 NO GUARANTEE OF HOURS

Nothing contained in these Rules shall be construed to constitute a guarantee of minimum hours of work per day or per work week or of days of work per work week, provided that when reasonably possible at least 14 calendar days advance notice shall be given to each employee whose work hours are to be reduced. When economic conditions dictate, management may direct a reduction of hours, a furlough, or a reduction-in-force.

6.15 STAND-BY AND CALL-BACK POLICY

Policies relating to stand-by and call-back duty shall be established by the City Manager. (*For more information on stand-by and call-back requirements and compensation, see Section 15.)*

6.20 TIME SHEETS

All City employees must complete time sheets showing hours worked and leave taken. Salaried employees are not subject to having their pay reduced for less than 8 hour increments when no other authorized leaves are available to them. The City may make deductions from paid leave accruals for periods of less than 8 hours. Time sheets must

be signed by the individual employee, the employee's supervisor, Division Manager and, where required, Department Head. Time sheets will be reviewed and audited by the Finance Department. Notice of any correction(s) to the time-sheet will be sent to the employee and the Department Head. Such corrections will be deemed final unless questioned by the employee within thirty (30) days after the notice of correction has been given to the employee. Unresolved matters may be taken to the Human Resources Director for a final determination.

6.25 CONSTRUCTIVE RESIGNATION

An employee who is absent, without authorized leave, for three (3) or more consecutive work days is deemed to have resigned. If the Department Head, with the concurrence of the Human Resources Director, determines that extenuating circumstances exist, the resignation may be rescinded, in which case, absence may be covered by leave, with or without pay, if so approved by the Department Head.

6.30 LUNCH AND BREAK POLICY

Employees may take one break in the morning (before 11:00 a.m.), and one in the afternoon (after 2:00 p.m.). Break periods shall not exceed fifteen (15) minutes each. One paid break period is allowed for each 4-hour work period. Part-time employees are not entitled to a paid break unless they work longer than four hours.

Lunch periods shall be at least thirty (30) minutes, but no more than sixty (60) minutes per day. Employees are expected to conform their lunch hours in accordance with department schedules. As department schedules may not permit all employees to take lunch between 12:00 noon and 1:00 p.m., the Department Head may authorize staggered lunch periods throughout the late morning and afternoon. Part-time employees must work six or more consecutive hours to receive an unpaid 30-minute lunch break. If the part-time employee is alone, he/she may be authorized to eat at the work-site on paid time.

An employee who takes a break from his/her normal work station to smoke is using part of the 15-minute break. Employees in transit in the conduct of City business while smoking does not constitute a smoke break.

Break and lunch periods may be taken only in the time period for which they are designated and may not be accrued. Extenuating circumstances, as determined by the immediate supervisor, may establish cause for variation from the scheduling of break and lunch periods.

Salaried employees are expected to conform generally to the established standard for all employees. Although flexibility is provided for salaried employees to exercise judgment in maintaining their work schedule, this schedule should not be to the detriment of work production.

SECTION 7: LEAVES

7.05 HOLIDAY PAY AND HOLIDAY LEAVE

Days designated as legal holidays by the City Council are 11 holidays as follows:

New Year's Day (January 1), Dr. Martin Luther King, Jr. Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4th), Labor Day (1st Monday in September), Veteran's Day (November 11th), Thanksgiving (4th Thursday in November), Day after Thanksgiving (Friday after Thanksgiving), Christmas Eve (December 24th), and Christmas Day (December 25th).

Effective July 10, 2009, career full-time and career part-time employees receive holiday pay for all working hours scheduled to be worked on a holiday. If the holiday occurs on a day the employee is normally scheduled off, e.g. Friday, Saturday, Sunday or a WSR day, then the hours are recorded in the employee's accrued holiday leave bank, and the employee may request to use the banked holiday leave time like paid Annual Leave. However, when a holiday occurs on a Friday, Saturday or Sunday, the City may designate another day during the work week as an observed holiday. Career full-time employees accrue the number of hours of holiday leave time, based on their regular full-time work day schedule and work week schedule, i.e. 8 hours when on a 5/40, 9 hours when on a 4/36, 8 hours when on a 9/80, or 10 hours when on a 4/10 work week schedule. Career part-time employees accrue holiday leave time on a prorated basis. Accrued holiday leave time hours remain in the employee's holiday bank until used, without risk of forfeiture.

Temporary employees do not get paid or accrue holiday leave time.

7.10 ANNUAL LEAVE

In lieu of accruing separate banks of floating holiday, vacation, sick hours, and administrative leave time where applicable, employees will accrue annual leave. Effective December 14, 2007, accrued vacation banks for current employees will be converted to annual leave on an hour-for-hour basis.

Annual Leave Usage

Some of the appropriate uses of this leave time include the following:

A. To provide recuperation time for an employee incapacitated due to illness, injury, or other medical disability;

B. To allow for the quarantine of an employee exposed to a contagious disease which results in the enforced quarantine of an employee in accordance with public health regulations;

C. To attend to the urgent health needs of immediate family members;

D. To attend medical or dental office appointments;

E. To enable employees to conduct important personal business during normal working hours;

F. To provide time for periods of rest and relaxation; or

G. In other instances consistent with all existing Rules and Regulations as authorized by the employee's Executive Manager or representative.

When personal emergencies or situations of personal necessity arise, annual leave may be granted over the telephone within 30 minutes of start time unless special and extenuating circumstances prohibit employees from calling in, but the caller must identify the specific reason for the emergency or necessity and follow up with a written request. Employees are encouraged to accrue annual leave balance as a protection against the adverse affects of short- or long-term absences due to a major illness or injury.

Minimum Use: During each calendar year, each full time career employee shall use at least 80 hours of annual leave. Part-time career employees are required to use forty (40) hours of annual leave. Further, employees are urged to retain a reasonable bank of annual leave in case of unexpected illnesses or injuries to either themselves or family members.

All employees shall generally make a request for said leave to the executive manager in sufficient time to plan work schedules. Consequently, executive management is responsible for planning work schedules to allow each employee to take that leave each calendar year and each employee is responsible for using it. Failure to use the minimum required hours of such leave shall result in City Manager review of the circumstances surrounding such failure. Failure to follow the minimum usage may result in disciplinary action if conditions warrant.

Paid annual leave shall continue to accrue in accordance with the provisions during any authorized period of leave with pay. All annual leave shall be scheduled and taken in accordance with the best interest of the City and the department or division in which the employee is assigned.

If an employee needs to be absent from work on a given day due to any unexpected reason, he/she must notify the supervisor by telephone within the first half hour of normal reporting time or earlier if possible.

Reporting Annual Leave: The reporting of the use of annual leave should normally be in increments of a quarter of an hour for non-exempt employees and

quarter of an hour increments for exempt employees will be used whether the employee works a full or partial day.

Physician's Certificate: An employee absent on unscheduled annual leave in excess of three (3) consecutive working days due to illness or injury, may be required by his/her executive manager to submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. The executive manager may also require a written statement that such employee is able to resume his/her normal duties. Management must list reasons for requesting the doctor's excuse for annual leave of less than three (3) consecutive working days. An employee may be placed on medical certification in instances when leave has not been pre-approved and the employee has exceeded the minimum use requirement for Annual Leave.

Leave Donation: Up to 24 hours of annual leave may be voluntarily donated from one employee to another out of a humanitarian need when the recipient employee has no leave accrued per approval by the Human Resources Director. No more than 480 total hours of leave may be donated to an individual employee.

Annual Leave Accrual

Annual leave time will accrue on a bi-weekly basis for twenty-six (26) pay periods a year. Each career employee shall have annual leave time accrue for each pay period starting from the first day of probationary appointment. Accrual rates are based on years of service.

Employees shall receive annual leave benefits on a pro-rata basis, calculated by the number of hours paid as a percentage of a forty (40) hour workweek, including any WSR. Employees, as outlined in the City's Benefit Plan, shall receive annual leave accruals as follows:

A. Executive Management Employees shall earn 11.39 hours of annual leave per pay period of service (approximately 296 hours per year). This accrual shall extend to 12.93 hours per pay period (approximately 336 hours per year) at the beginning of the sixth year and extend to 14.47 hours per pay period (approximately 376 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave. Once an employee reaches this cap, annual leave accruals will be suspended.

B. Division Management Employees shall earn 10.47 hours of annual leave per pay period of service (272 hours per year). This accrual shall extend

to 12.01 hours per pay period (approximately 312 hours per year) at the beginning of the sixth year and extend to 12.93 hours per pay period (approximately 336 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave including grandfathered amounts. Once an employee reaches this cap, annual leave accruals will be suspended.

Division Management Employees hired prior to 9/22/92, shall accrue annual leave at the rate of 13.55 hours per pay period (approximately 352 hours per year), and may accrue up to 1,664 hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

C. Professional / Administrative shall earn 9.70 hours of annual leave per pay period of service (252 hours per year). This accrual shall extend to 11.24 hours per pay period (approximately 292 hours per year) at the beginning of the sixth year and extend to 12.16 hours per pay period (approximately 316 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave including grandfathered amounts. Once an employee reaches this cap, annual leave accruals will be suspended.

PAM Employees hired prior to 9/22/92, shall accrue annual leave at the rate of 12.77 hours per pay period (approximately 332 hours per year), and may accrue up to 1,664 hours of annual leave.

PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.

D. Non-Exempt Employees shall earn 7.39 hours of annual leave per pay period of service (approximately 192 hours per year). This accrual shall extend to 8.93 hours per pay period (approximately 232 hours per year) at the beginning of the sixth year and extend to 9.85 hours per pay period (approximately 256 hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the annual leave accrual rate as a recruitment tool. Employees in these categories may accrue up to 1,664 hours of annual leave. This 1,664 hour cap includes previously accrued leave. Once an employee reaches this cap, annual leave accruals will be suspended.

Non-Exempt Employees hired prior to 9/22/92, shall accrue annual leave at the rate of 10.47 hours of annual leave per pay period (272 hours per

year), and may accrue up to 1,664 hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

E. Seasonal Employees/Crossing Guards with Leave Accruals shall accrue annual leave at a rate determined by their program agreement or contract.

Temporary Employees shall not normally accrue paid annual leave, but may take leave without pay as approved by their supervisors.

7.15 GRANDFATHERED LEAVE BALANCES

Prior Sick Time Accruals: Employees shall retain all existing sick leave hours accrued prior to the enactment of this policy on December 14, 2007. Such accrued sick leave hours shall be referred to as Grandfathered sick leave balance and are considered Frozen Sick Leave hours. Although sick leave will no longer continue to accrue for employees, an employee's frozen sick leave balance will be available for use in the event of a illness or injury, which qualifies for disability. These frozen sick leave hours can be used for baby bonding or family member's illnesses or injuries, if the employee is on approved FMLA leave.

This Grandfathered sick leave balance shall be available for cash out upon separation at a rate of 40% of the accrued balance for full time employees and 20% for part time employees. The remaining balance will be converted to PERS service credit for retiring employees. Separating employees will forfeit the remaining balance.

At retirement, Frozen Sick Leave balance (sick leave accrued prior to December 14, 2007) will be paid as elected by the employee per the following formulas:

1. 70% PERS Service Credit with 30% Cash Out
2. 80 % PERS Service Credit with 20% Cash Out
3. 90% PERS Service Credit with 10% Cash Out
4. 100% PERS Service Credit with 0% Cash Out

Grandfather Clause: Sick leave balances as of 9/22/92 for Executive Management and Division Management employees shall be available for cash out upon retirement at a rate of 60% of the accrued balance and 40% towards PERS service credit. When sick leave is taken, the hours last accumulated shall be utilized first. Employees not retiring under the City's CalPERS contract benefits at the time of employment separation shall forfeit 40% of their frozen sick leave. An employee absent for three consecutive working days due to illness of injury may access their frozen sick leave bank if they submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. Further, the employee is to complete the Leave of Absence Request Form and attach it to the physician's certification before submission to their supervisor and executive manager for approval.

Converted Vacation, Holiday, Floating Holiday, and Admin Leaves: Balances converted to annual leave will be cashed out upon separation at the 100% rate in effect prior to the enactment of this policy. When annual leave is taken, the hours last accumulated shall be utilized first.

Effective one time only, at the time of conversion to Annual Leave, total hours in excess of 1384 shall be excluded from the 1664 hour annual leave cap.

The beneficiary on file of an employee who has died while actively employed by the City may receive a 100% cash out of the employee's accrued sick leave.

7.20 ANNUAL LEAVE CASH OUT UPON SEPARATION AND RETIREMENT

Separation from the City

Employees separating from the City are entitled to payment for 100% of their unused accrued annual leave balance.

Retirement from the City

Employees retiring from the City are entitled to payment for 100% of their unused accrued annual leave balance.

No compensation for annual leave will be awarded to current City employees until they terminate or retire.

Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15.

7.30 BEREAVEMENT LEAVE

Employees shall be allowed to utilize four (4) days of bereavement leave in the event of the death of an immediate family member. Immediate family in this instance shall be defined as mother, father, spouse, domestic partner, natural/step-children, children of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild. Step-parents may be included if they are currently members of the immediate family.

Employees will be allowed Annual Leave to be taken and/or advanced, if needed, up to ten (10) days in length in addition to bereavement in the event of a death in the employee's immediate family (parent, spouse, child, domestic partner, step-child, child of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild). Step-parents may be included if they are currently members of the immediate family.

7.35 JURY DUTY AND WITNESS LEAVE

No employee shall be dismissed or in any manner discriminated against for taking time off from work to serve as a juror or witness when required by law provided such an employee complies with the provisions of this Section. An employee called to serve as a juror or witness shall notify his or her supervisor at least one (1) week prior to the commencement of such service, unless extenuating circumstances exist.

Any employee of the City called as a juror or witness shall be entitled to be absent from his or her duties with the City shall receive their regular salary limited to one-hundred (100) hours each year for each of the following types of jury service: local and federal. This could be expanded, dependent on an unusual situation, which is subject to the approval of the City Manager. The employee shall obtain a jury calendar or assignment sheet weekly during such service. The employee shall have the jury calendar or assignment sheet signed by the jury clerk or commissioner and shall deliver this sheet to his or her supervisor at the end of each week to verify jury duty or witness service.

If a career employee on an alternative work schedule is summoned for jury duty, the Department Head or designee shall convert the employee's usual work shift to a regular five (5) day, Monday through Friday shift basis. A career employee required to serve on jury duty shall be entitled to his or her regular rate of pay, provided the employee deposits any fees for service, excluding mileage, with the City. A crossing guard, temporary, seasonal, or emergency employee called for jury duty will not be compensated for time lost while on jury duty, but shall be entitled to retain his or her jury fees.

Any employee required to be absent from work on behalf of the City by proper subpoena issued by a court or other legally empowered agency, shall be entitled to be absent from work at his or her regular rate of pay, provided that any fees, except mileage, are deposited with the City. A non-exempt employee required to be present as a witness in any other matter shall not be entitled to be paid during such absence. An exempt employee will be paid his/her regular rate of pay whenever required to provide testimony under oath in any proceeding related to City matters.

An employee who is released by the court from jury duty on any regularly scheduled work day shall contact his or her supervisor to find out whether he or she is required to return to work. An employee who is scheduled for stand-by duty while serving on jury duty shall be rescheduled for stand-by duty after the conclusion of jury duty, unless the employee agrees to serve both.

7.40 PREGNANCY DISABILITY LEAVE

Pregnancy disability leaves of absence shall be granted to employees medically disabled by pregnancy, childbirth, or related conditions, provided such leave shall not exceed four (4) months. At the commencement of a pregnancy disability leave of absence, employees will use accrued Annual Leave and/or compensatory time off, as well as disability pay, and thus, continuing to receive pay. City pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies except as modified herein. The use of accrued time-off shall not extend the length of the leave. The authorized absence is only for the duration of the disability up to four (4) months.

When an employee is on pregnancy disability leave, the City shall continue payment of benefit premiums for the employee and her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. If an employee files for disability, a doctor's certification is required. When the employee is no longer disabled, she may no longer continue pregnancy disability leave. Annual Leave shall not accrue during a pregnancy disability leave of absence unless the employee is continuing to receive pay by utilizing accrued Annual Leave or compensatory time off. Employees on pregnancy disability leave may also be eligible for benefits under the City's Disability Program. Employees must file a claim in order to receive these benefits. Forms are available from the City's Human Resources Department.

Any employee who takes a pregnancy disability leave of absence shall have her anniversary date extended by the same length of time as the unpaid portion of the maternity leave. For purposes of this section, paid portions of pregnancy disability leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a pregnancy disability leave of absence while on probation, her probationary period shall be extended the same length of time as the pregnancy disability leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

A request for a pregnancy disability leave of absence should be submitted by the employee as soon as feasible after the employee learns of her pregnancy. The employee must provide a written statement from her physician indicating the date the physician believes the leave of absence should begin and the estimated date of birth. The City may require a pregnant employee who wishes to continue working to provide a physician's statement approving the continuance of her current work duties.

Before returning to work following a pregnancy disability leave of absence, the employee shall submit a physician's verification stating the employee's ability to return to work. Unless the leave is otherwise extended, at the end of the four (4) month pregnancy disability leave period the employee shall be required to return to work full time. If approved by the employee's physician, the Department Head and the Human Resources Director, the employee may choose the option of returning to work prior to the conclusion of the four (4) month period on either a full-time or part-time basis and receive pro-rated benefits.

Up to an additional two (2) months of pregnancy disability leave may be granted for medical reasons if the employee's physician provides a written statement indicating the employee's inability to perform her duties or any feasible "limited duties." Such an extension of pregnancy disability leave is subject to the approval of the City Manager whose decision is final and conclusive. Nothing herein shall guarantee an extension beyond the standard four (4) months of leave.

An employee may take both pregnancy disability leave and subsequently State family care and medical leave to be with a newborn. The employee is entitled up to four (4) months of pregnancy disability leave, plus an additional twelve (12) weeks using the State family care and medical leave provisions.

7.45 FAMILY CARE AND MEDICAL LEAVE

Leaves of absence shall be granted to employees who have full-time career service with the City during the previous 12-month period, for the reason of childbirth, adoption, foster care, parental care, serious family illness, or for an immediate family member or the employee's own serious health condition, provided such leave shall not exceed twelve (12) weeks of leave in a twelve (12) month rolling period. When both parents are employed by the City, the two employees are only entitled to receive a combined twelve (12) weeks for the birth, adoption, or foster care of a child.

At the commencement of a family leave of absence, employees may first use all Frozen Sick Leave, and then any other accrued leave available, such as accrued Annual Leave or compensatory time off and, thus, continue to receive pay. Pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies governing leave without pay, except as modified herein. The use of accrued time off shall not extend the length of the leave.

The City requires the following information on a certification of the need for this leave:

A. The date on which the serious health condition commenced.

B. The probable duration of the condition.

C. In the case of caring for a family member, an estimate of the amount of time the employee needs to care for the individual.

D. That the serious health conditions warrant participation of a family member to provide care during the period of treatment.

In the case of an employee's own serious health condition, if the employee is unable to perform the functions of his or her position, the City can seek second and third opinions at its cost.

A serious health condition means an illness, injury, or impairment, or physical or mental condition that involves one of the following: hospitalization; absence of three (3) days plus treatment; pregnancy; chronic conditions regarding treatment; permanent/long term conditions requiring supervision; or multiple treatments (non-chronic conditions).

When an employee is on unpaid family leave, the City shall continue payment of benefit premiums for the employee and his/her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. Annual Leave shall not accrue during a family leave of absence unless the employee is continuing to receive pay.

An employee who takes a family leave of absence shall have his/her anniversary date extended by the same length of time as the unpaid portion of the family leave. For purposes of this section, paid portions of family leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a family leave of absence while on probation, his/her probationary

period shall be extended the same length of time as the family leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance. Family leave shall not constitute a break in service for purposes of longevity or seniority.

The employee should request a family leave of absence by submitting the proper form to his/her supervisor, signed by the Department Head, concurred by the Human Resources Director, and approved by the City Manager. Forms may be obtained in the Human Resources Department. For a more detailed understanding of this policy, the employee should read the complete family leave policy in the City's Administrative Policy Manual.

Employees may take 40 hours of Annual Leave per school year to consult with the school teachers or counselors of children, step-children, or children of domestic partners, or to attend their school activities. This time is to be taken against any leave accruals except sick leave. If no accrual is available, leave without pay may be used. As this is State law, supervisors must approve this leave up to 40 hours annually per child. The employee must provide evidence of this school appointment. Supervisors need not approve more than eight (8) hours in a month.

7.50 LEAVE OF ABSENCE WITHOUT PAY

Any employee who is absent from work and who is not on leave of absence with pay shall be considered to be on leave of absence without pay, if such leave has been authorized by the proper authorities.

This section is designed to grant special requests for leaves of absence without pay that are not specifically addressed in either the military leave, FMLA, or pregnancy disability leave sections of these Personnel Rules.

A leave of absence without pay must be approved by the appropriate Executive Manager. Leave without pay in excess of one week shall also require the approval of the Human Resources Director. No leave of absence without pay shall be granted unless the employee requests the leave in writing and includes the reason for the request. Approval by the appropriate authority shall be in writing. No leave of absence without pay pursuant to this Section shall be requested or authorized for the purpose of imposing disciplinary action upon any employee. The supervisor may require leave without pay in the event an employee is late for work or misses work without valid approval. In this case the supervisor would annotate the employee time sheet with leave without pay for the absent time.

An employee on a leave of absence without pay shall not receive compensation on accrued Annual Leave. After thirty (30) consecutive working days on a leave of absence without pay, contributions to retirement, life insurance, medical, dental, or other designated benefit plans shall be suspended until the employee is reinstated. However, upon approval of a leave of absence without pay, the employee may elect to continue his or her benefits coverage at his or her own expense, with the exception of retirement benefits, which may not be so continued. Any employee requesting a leave of absence without pay shall utilize all of his or her accrued compensatory time off or Annual Leave prior to the start of the leave without pay.

Any employee who takes a leave of absence without pay for more than 30 work-days in a calendar year shall have his or her anniversary date extended by the same length of time as the leave without pay. If an employee takes a leave of absence without pay while on probation, his or her probation period shall be extended the same length of time as the leave without pay. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Upon expiration of an approved leave of absence without pay, the employee shall be reinstated to the position he or she occupied at the time leave was granted. Unauthorized failure on the part of an employee to report to work upon expiration of the leave of absence without pay shall constitute job abandonment and will result in dismissal.

It is the responsibility of the employee to submit a written request for a leave of absence within two weeks before such leave would begin stating the reason for the request, the date such leave will begin, and the duration of the leave. A "Leave of Absence Request" form and a "Payroll Action Form" must also be completed. Failure of an employee to apply for leave of absence and complete all necessary forms will be considered to be absent without leave, and all City-paid benefits will be terminated. Any unauthorized absence of an employee from duty shall be deemed to be absent without pay and may be cause for disciplinary action. Failure to report for work or call in for three (3) consecutive workdays shall be considered a voluntary resignation.

7.55 MILITARY LEAVE

Military Reserve Leave shall be granted under the provisions of State Law, which, in pertinent part at the present time, defines military reserve leave as: "military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days in a fiscal year, including time involved in going to and returning from the duty, but not for inactive duty (for training) such as scheduled reserve drill periods."

For the purposes of this Section, "active military training" shall be defined as a period of training (i.e. encampment, naval cruises, special exercises, or like activities) that normally occurs once a year over a two-week interval. "Inactive duty for training" and "scheduled reserve drill periods" shall be defined as the weekend periods of training that are scheduled once a month. Such weekend drills do not conflict with normal working hours within the City.

Employees must submit a copy of military orders to their Department Head and the Human Resources Director prior to the beginning of the military leave period and as soon as the employee knows of the need to request such leave, except where military necessity dictates.

Employees shall receive their full regular pay during the first thirty (30) calendar days of "military leave" in any one fiscal year. After the first thirty (30) days of military leave in a fiscal year, employees will continue to receive the same compensation less any military pay up to one year during the period of active military leave.

Employees on a military leave of absence shall receive the same Annual Leave and the same rights and privileges to promotions, continuance in office, employment, reappointment to office, or reemployment that they would have enjoyed had they not been absent there from. Contributions to retirement, and medical and dental plans that are not otherwise provided by military coverage during active duty, shall be continued until the employee is reinstated, provided that the period of ordered duty does not exceed three (3) years.

Except for probationary employees, an employee's anniversary date shall be extended if his or her military leave of absence is in excess of thirty (30) days per fiscal year. If an employee's military leave of absence exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as his or her leave of absence, minus the first thirty (30) days (i.e. if the employee's military leave of absence is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee is required to perform military reserve duties while on probation, his or her probationary period shall be extended the same length of time as the military leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

The City shall reinstate those employees returning from a military leave of one year or less to the position they occupied prior to taking a military leave of absence or to a position of comparable seniority, status, and pay, if such position exists, upon presentation of a certificate of satisfactory completion of service and if such employees are qualified to return to their former positions. If no such comparable position exists, the employee shall have the same rights and privileges that he or she would have had if he or she had occupied the position when it ceased to exist and had not taken a temporary military leave of absence.

Any employee who, in time of war or national emergency as proclaimed by the President or Congress, is ordered by the military to active duty, shall have a right, if released, separated, or discharged under conditions other than dishonorable, to return to his/her former classification within one year after termination of his/her active service with the armed forces, but not later than six (6) months after the end of the war or national emergency. (See Government Codes 395.1, 146, and 395.05.)

7.60 ON-THE-JOB INJURIES AND WORKERS' COMPENSATION COVERAGE

All injuries and illnesses arising out of, and in the course and scope of employment with the City, including first aid injuries, shall be reported immediately to the appropriate supervisor. The supervisor, upon receiving notice of the accident, shall be responsible for (1) giving the injured employee an "Employee's Claim For Workers' Compensation Benefits" (DWC-1) form within twenty-four (24) hours; and (2) immediately notifying the Risk Management of the accident in accordance with Labor Code provisions. The Risk Management shall be responsible for completing an "Employer's Report of Occupational Injury or Illness (form 5020)."

An employee incapacitated on account of an injury or illness arising out of and in the course and scope of employment may be entitled to:

A. Medical care to cure the injury;

B. Rehabilitation services necessary to return to work; and

C. "Temporary disability" payments in lieu of lost wages, commencing three (3) days after the injury occurs.

If an occupational injury or illness is severe and requires immediate medical attention, first aid should be rendered and medical treatment should be obtained at the closest City-designated medical treatment facility. For severe accidents occurring outside the City limits, medical treatment should be obtained at the closest medical facility. Use of paramedic services is automatically authorized if the injury is life threatening.

In the case of an occupational injury that requires medical attention within the first twenty-four (24) hours or develops symptoms after the first twenty-four (24) hours following the injury, the employee shall immediately notify his or her supervisor and the employee's supervisor shall notify the Risk Management. If the employee has not submitted a properly completed "Employee Notification of Personal Physician" form to the Risk Management for treatment of job-related injuries, all medical treatment shall be provided through the City's designated medical service providers for the first thirty (30) days after the date of the injury. If the employee has submitted a properly completed "Employee Notification of Personal Physician" form to the Human Resource Department for treatment of job-related injuries, an appointment may be scheduled with the employee-designated medical service provider. The employee shall notify the Risk Management prior to scheduling the appointment, if he or she has chosen to be treated by an employee-designated medical service provider.

A career employee who is disabled by injury or illness arising out of and in the course and scope of his or her duties shall suffer no loss in City pay or accrued Annual Leave for the first three (3) days of absence from work because of such disability. If a career employee's absence persists in excess of three (3) days, the employee may be eligible for "temporary disability" payments. State law shall determine the "temporary disability" payment an employee can expect to receive from Workers' Compensation Insurance. City policy allows for career employees incapacitated by reason of an injury or illness arising out of and in the course and scope of his or her employment to receive fully paid Workers' Compensation Leave (i.e., equal to the employee's regular base pay compensation, including reduced pay due to furlough pay reduction). This is for the first six (6) months and then receive 66-2/3% of the gross salary through the City's Long Term Disability Plan up to the maximum by Labor Code beyond the six (6) months after the injury. This applies unless the employee is hospitalized for greater than 90 days, or is not allowed by the City to return to light duty even though authorized by competent medical authority to return to limited duty. The City shall allow the employee to use Annual Leave or compensatory time in order to equal his/her normal salary after the six (6) months. If the employee is unable to return to work due to a permanent disability and retires under CalPERS benefits, the employee may also be eligible for long-term disability plan benefits under the provisions, requirements and limits of the plan. Once all accrued leave is exhausted, compensation would be 66-2/3% of gross salary and all leave benefits will cease to accrue. Such worker's compensation shall commence three (3) days after the injury occurs, or after temporary disability begins, and shall conclude with the termination of such a temporary disability, upon reaching a permanent and stationary condition, as determined by competent medical evidence, or upon the completion of one (1) year on-the-job injury leave, whichever comes first. If the

employee is still unable to work after one year, the City may initiate processing a PERS disability retirement application on behalf of the employee. Employees with injuries or illnesses that persist beyond six (6) months may be eligible for workers' compensation temporary or permanent disability payments. Workers' Compensation income is non-taxable.

Except for probationary employees, an employee's anniversary date shall be extended if his or her Worker's Compensation related injury or illness is in excess of thirty (30) days per fiscal year. If an employee's Worker's Compensation related injury or illness exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as the injury or illness, minus the first thirty (30) days (i.e. if the employee's injury or illness is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee experiences a Workers' Compensation related injury or illness while on probation, his or her probationary period shall be extended the same length of time as the injury or illness. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Workers' Compensation leave and benefits shall be granted to an employee upon presentation to the City of a properly completed claim form and presentation of a physician's certificate of temporary disability status. A claim denied by the Workers' Compensation Board, a written statement from the treating physician indicating that the employee's condition is permanent and stationary, or separation from City service shall terminate an employee's eligibility for Workers' Compensation leave and any applicable benefits for that particular injury or illness.

The City maintains its right to require that an employee receiving workers' compensation benefits see a City-designated physician on a periodic basis to determine the employee's disability status. When an employee is given a permanent disability rating by the Disability Rating Bureau of Workers' Compensation Appeals Board of the State of California, the employee may return to work provided that he or she can perform his or her assigned duties safely without endangering his or her health or safety, or that of others.

The City also maintains its right to require an employee to return to work on a limited or modified duty status, provided that he or she has received written authorization, including stated restrictions, from the City-designated physician as well as from the Risk Management and the Department Head. Such modified duty must be of a temporary nature, usually limited to 90 days.

The City should communicate in writing with the employee's authorized physician to obtain the modified duty authorization. It should provide the doctor with a description of the employee's regular duties as well as a description of all proposed modified duty to be assigned and provide a copy of that correspondence to the employee. The treating physician should provide to the City and the employee a written modified duty authorization, including specific limitations and restrictions, as well as assignments the doctor authorizes the employee to perform.

An employee who declines a modified duty position, which meets the treating physician's requirements, may be subject to disciplinary action, up to and including termination. If

an employee is medically stationary, but has not been released to his or her regular budgeted position and is one for whom a reasonable accommodation cannot be made, then that employee is subject to medical layoff or medical retirement.

Additional information concerning Workers' Compensation Leave or benefits may be obtained by contacting the Risk Management and by referring to Risk Management Policy 6.19, Modified Duty/Return to Work Policy.

7.65 VOTING LEAVE

In accordance with State law, the City of Moreno Valley encourages all employees to vote in local, state, and national elections. Employees are encouraged to vote outside of normal working hours. Under special circumstances, an employee who does not have ample time to vote outside of normal working hours may make arrangements with his or her supervisor to take up to two hours with pay in order to vote.

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES

8.05 GENERAL STATEMENT OF POLICY

It is the City's belief that rules of conduct are most effective when they are written and communicated to employees and supervisors, consistently enforced, and the difference between major and minor forms of misconduct is recognized.

The City's goal is to administer discipline on an equitable and corrective basis. Effective discipline reinforces training by identifying rules and their reasons, correcting misconduct or improving job performance, serving as a deterrent through enforcement, and penalizing in relation to the severity of the offense and the employee's past record.

8.10 CUSTOMER SERVICE POLICY

Moreno Valley residents depend on each City employee to render service speedily, efficiently, effectively and courteously. The following guidelines express in part the expectations of how employees are to implement the customer service philosophy of the City:

A. Employees shall keep themselves informed in order to perform their jobs effectively.

B. Employees shall be concerned about the welfare of others.

C. Employees shall be considerate, tolerant, patient and fair with others.

D. Employees shall be cheerful and as positive as possible.

E. Employees shall use their training and capabilities to provide residents and businesses with the best service possible. Every effort should be made to provide correct answers and positive results.

8.15 UNLAWFUL DISCRIMINATION

Any employee who harasses or unlawfully discriminates against any other person on the basis of the other person's religion, age, sex, marital status, race, color, national origin, ancestry, medical condition, pregnancy, political affiliation, mental/physical disability, or sexual orientation, including gender identity; or denies family and medical leave (FMLA), or pregnancy disability leave; or as retaliation against an employee for filing a harassment and/or discrimination compliant, shall be subject to discipline in accordance with these Rules.

8.20 STANDARDS OF CONDUCT

Employees are encouraged to excel in their work. City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the City. The following standards are intended to govern the actions of all City employees during their course of employment. Employees who violate these standards shall be subject to appropriate disciplinary actions.

A. Employees shall abide by and carry out the ordinances, resolutions, policies, procedures, and the rules & regulations of the City of Moreno Valley.

B. Employees shall always conduct themselves in a manner which reflects credit to the City and creates positive morale among City employees.

C. Employees shall operate all equipment safely and utilize safe means of carrying out their duties.

D. Employees shall follow instructions for all equipment and property.

E. Supervisors shall manage in an effective, considerate and fair manner.

F. Subordinates shall follow instructions in a positive, cooperative manner.

G. Employees shall provide service with courtesy and a smile and avoid arguments with the public and other employees. If citizens become difficult, they should be referred to a supervisor.

H. Employees shall avoid interpersonal conflict with others as it may affect productivity or the City's image. It is not necessary for everyone to like everyone else, but it is necessary to treat everyone respectfully, professionally, and courteously.

I. Employees shall dress appropriately. Although dress will vary with the type of work done, neatness, cleanliness, and a professional image are essential. Uniforms must be kept in good condition and worn while on duty, if required. All field personnel who are supplied uniforms will wear their complete uniform at all times while on the job. Exceptions may be granted on a case-by-case basis by the immediate supervisor.

   Political buttons or other attire that do not promote a professional image or may not provide adequate protection from work-related injuries shall not be worn while on duty.

J. The use or possession of alcoholic beverage, illegal drugs, or controlled substances while on paid duty time, or working while under the influence thereof, will not be tolerated. Violation will result in disciplinary action, as outlined in Section 8.35 of these Rules. See Section 1.75 and 1.80 of the Rules.

K. Employees should behave in their personal lives in such a manner as not to reflect discredit upon the City.

8.25 OBJECTIVE OF DISCIPLINARY GUIDELINES

The disciplinary guidelines outlined in Section 8 are intended to be standards for applying discipline on the job. The offenses listed are not intended as comprehensive coverage of the subject. The disciplinary actions listed are standards and guidelines. Individual circumstances may justify a supervisor, together with the Department Head and the Human Resources Director, administering more or less severe forms of

disciplinary actions than those listed in these guidelines. The disciplinary authority must use reasonable judgment and proper documentation in each individual instance.

All disciplinary actions should be consistently enforced. "Consistently enforced" does not mean that a supervisor must assign the same penalty in each case, but rather, that the supervisor take some form of disciplinary action for each infraction. The supervisor must also be able to justify the level of discipline imposed in a particular case by objective criteria.
Any variations to these procedures will be reviewed by the Human Resources Director and approved in writing by the City Manager.

8.30 MAJOR AND MINOR OFFENSES

There are two classes of disciplinary actions – major and minor.

A. Major: Misconduct that directly affects the safety or health of other employees or customers or misconduct that directly affects the success or survival of the organization.

B. Minor: Misconduct that interferes with the smooth, orderly, planned, and systematic progression of work.

8.35 LEVELS OF OFFENSES

There are four levels of offenses listed. A documented pattern which shows a history of recent disciplinary problems can result in cumulative or more severe disciplinary actions, including disciplinary suspension, reduction in pay, demotion, or dismissal. Moderating circumstances which may result in less severe disciplinary action include an employee's positive work record, outstanding accomplishments, length of service, and extenuating circumstances of the violation.

A. Engaging in any of the following conduct will most likely result in dismissal:

1. Theft, embezzlement, or fraud.

2. Falsification, unauthorized removal, or alteration of official City records or employment applications.

3. Possession of, use of, or working while under the influence of alcoholic beverages or other controlled substances during City working hours, while on City property, while operating City vehicles, or while subject to duty (i.e. stand-by).

4. Assault, battery, or fighting an individual while on duty or under the guise of office.

5. Illegal possession or brandishing of weapons or firearms on City premises or property, while on duty or under the guise of office.

6. Acceptance of bribes or extortion.

7. Conviction of a felony or any crime involving moral turpitude.

8. Commission of an act involving moral turpitude, whether or not a conviction is obtained.

9. Harassment (as defined in Section 1.90 of these Rules) or unlawful discrimination against employees or others based upon race, color, age, marital status, pregnancy, sex, national origin, ancestry, ethnicity, religion, medical condition, mental or physical disability, or sexual orientation, including gender identity; or retaliation against an employee for filing a harassment and/or discrimination complaint; or denial of family and medical care leave or pregnancy disability leave.

10. Intentionally damaging property of value.

11. Job abandonment of three (3) consecutive work days with no notification or approved absence.

12. Material false statement or omission on the employment application.

13. Driving on City business with a suspended or revoked driver's license.

14. Continuing unsatisfactory job performance.

15. Felony eavesdropping or electronic recording of confidential communication without consent of all parties to such communication.

This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above mentioned disciplinary action.

B. Engaging in any of the following conduct will most likely result in disciplinary suspension without pay for five (5) to thirty (30) days, reduction in pay or dismissal depending upon the circumstances, accumulation, or pattern of offenses. Other recently documented violations along with this incident or the repeating of such offenses will result in dismissal.

1. Intentionally misusing or abusing City property or property of another.

2. Disregard for major safety rules.

3. Insubordination by refusing a supervisor's legitimate order.

4. Unlawfully restricting work efficiency and production.

5. Attempting to provoke a fight on City premises, threatening or deliberately intimidating others through threat of physical force.

6. Unauthorized release of information, which has been validly classified as confidential.

7. Intentional mistakes or gross negligence causing damage.

8. Use of authority for personal gain.

9. Dishonesty, including falsifying time cards or other reports.

10. Driving on City business with an expired license.

This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above-mentioned disciplinary action.

C. Engaging in any of the following conduct will most likely result in a written reprimand on the first offense, a disciplinary suspension of one (1) to five (5) working days, reduction in pay, or demotion on the second offense, and possible dismissal on the third. Other recently documented violations in conjunction with this violation will result in more severe disciplinary action.

1. Unauthorized operation of tools, machinery or equipment.

2. Gambling on City property.

3. Disregard of minor safety rules including failure to report an injury or accident.

4. Abuse of authority.

5. Carelessness or inefficiency in completing assignments.

6. Unauthorized sleeping or unaccounted whereabouts while on duty.

7. Traffic violations, including preventable accidents, in City vehicles or while on City business.

8. Political activity which violates pertinent provisions of state or local law.

9. Unauthorized absences or excessive leave without pay.

10. Abusive language that is personally or professional insulting or derogatory, directed at a person or persons with normal sensibilities, in their presence.

11. Failure to notify the employee's supervisor of the loss of a required certificate or license, including driver's license.

12. Statements or allegations which are malicious, vexatious, or not made in good faith and designed to discredit another individual or agency.

13. Garnishment on two or more different debts within any one-year period.

This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

D. Engaging in any of the following conduct will most likely result in either an informal discussion or formal warning on the first offense and a written reprimand on the second offense. Further incidents will result in more serious disciplinary action, including possible disciplinary suspension, reduction in pay, demotion or dismissal. Other recently documented violations in conjunction with this violation will also result in more severe disciplinary action.

1. Creating or contributing to unsanitary conditions.

2. Violation of smoking policy.

3. Unauthorized soliciting of contributions.

4. Distributing unauthorized printed matter on City time.

5. Failure to meet production or performance standards.

6. Engaging in behavior which prevents or hampers job performance.

7. Tardiness in reporting to work or leaving work early without supervisor approval.

8. Abuse of Annual Leave.

9. Abuse of breaks or lunch time.

10. Inability or unwillingness to work harmoniously with other employees.

11. Failure to contact supervisor when late or absent.

12. Failure to report change of vital information.

13. Failure to observe reasonable standards of personal appearance.

14. Failure to follow specified job instructions.

15. Minor safety violations, including housekeeping rule violations.

16. Frequent personal phone calls.

17. Frequent violations of established departmental rules and procedures.

18. Reading non-related material during work time when not authorized.

19. Misrepresentation of facts which does, or may lead to, a disruption of City business.

20. Posting or distributing materials or telling jokes, which are offensive to a person or persons with normal sensibilities.

This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

SECTION 9: DISCIPLINARY ACTIONS

9.05 DEFINITION OF DISCIPLINARY ACTION

"Disciplinary Action" means action taken by the Department Head or designee for disciplinary reasons, pursuant to these Rules, and consistent with the philosophy of progressive discipline where appropriate. Such disciplinary actions include (1) a formal warning, (2) a written reprimand, (3) disciplinary suspension, (4) reduction in pay, (5) demotion, (6) dismissal, or (7) any other action taken for disciplinary purposes.

9.10 INFORMAL DISCUSSION

Though not a disciplinary action, when a minor job performance problem develops, an informal discussion shall usually occur to assist the employee in clarifying and remedying the problem. An informal discussion is designed to clarify standards, policies and procedures or rules and regulations so that problems are resolved early and thus, the need to utilize disciplinary action may be avoided.

9.15 FORMAL WARNING

The formal warning shall be given in response to minor misconduct. The warning should be prompt, calm, and constructive, and every effort shall be made for the formal warning to be given in private. The supervisor should include in the formal warning a review of appropriate department standards and policies, employee performance expected in the future and consequences for failure to correct performance or behavior.

9.20 WRITTEN REPRIMAND

The written reprimand shall be given by the Department Head or designated authority when a formal warning has not succeeded in stopping the misconduct or when the misconduct is considered too serious to warrant a formal warning. Misconduct includes failure to meet City performance standards. The Department Head should first counsel the employee about the misconduct, as if giving a formal warning. At the end of the discussion, if no extenuating circumstances are discovered, the Department Head shall inform the employee that a letter of reprimand shall follow and shall be placed in his or her central personnel file located in the Human Resources Department. The written reprimand should include a full, accurate and factual statement of the reason for the reprimand including the date and time of the event which is the cause of the reprimand, if applicable, appropriate department standards and policies, employee performance expected in the future, and consequences for failure to correct performance or behavior.

9.25 DISCIPLINARY SUSPENSION

Disciplinary suspensions without pay are actions which generally deprive an employee of pay for any period up to thirty (30) working days and are usually given when serious misconduct or repetition of past problems for which the employee has been reprimanded require a strong management response. The nature of the offense, its severity and the circumstances dictate the length of suspension. Recurrence of the same or similar offenses can result in a second or third disciplinary suspension of progressively increased duration or in a dismissal. A disciplinary suspension is given an employee

when formal warnings or written reprimands have not been effective, or when the misconduct warrants more than a written reprimand.

Employees who are categorized as exempt under the Fair Labor Standards Act may only be suspended without pay for infractions of safety rules of major significance such as rules relating to the prevention of serious danger in the workplace or to other employees. Exempt employees may also be subject to disciplinary suspensions of one or more full days without pay for infraction of workplace conduct rules applicable to all City employees.

The City distinguishes between minor disciplinary suspension as one (1) to five (5) working days and major disciplinary suspensions as six (6) to thirty (30) working days. Minor suspensions can be used as steps in progressive discipline. Major suspensions are used as a more severe step in progressive discipline or where the act of misconduct does not warrant dismissal.

Department Heads shall institute disciplinary suspensions only after receiving approval from the Human Resources Director.

9.30 REDUCTION IN PAY

The reduction of an employee's base pay is the action given when a disciplinary suspension has not been effective, or when the misconduct is too serious for disciplinary suspension alone.

Department Heads shall institute a reduction in an employee's base pay only after receiving approval from the Human Resources Director.

9.35 DEMOTION

The Department Head may demote an employee for disciplinary reasons or because the employee's ability to perform the required duties falls below standards for that position, provided that the employee has been given a reasonable time to improve. Upon request of the employee, and with the consent of the appointing authority, demotion may be made to a vacant position. No employee shall be demoted to a position unless he or she possesses the minimum qualifications for such a position.

Department Heads shall institute a demotion only after Human Resources Director approval.

9.40 LAST CHANCE EMPLOYMENT AGREEMENT

When the City, the bargaining unit representative (only when requested by employee to be involved) and the affected employee all agree that the affected employee should be given one last chance before administering dismissal, a Last Chance Employment Agreement may be administered and signed by all parties. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations – usually

termination of employment, with a condition that the employee waive any future rights of appeal of the termination.

9.45 DISMISSAL

Dismissal or involuntary separation of an employee from City employment shall be imposed only when all other disciplinary measures have failed and the employee is deemed beyond rehabilitation or when an act of misconduct is deemed very serious. A career employee may be dismissed by the Department Head for just cause as outlined in these Rules.

Department Heads shall institute a dismissal only after Human Resources Director approval.

9.50 RESIGNATION – AN ALTERNATIVE TO DISCIPLINARY ACTION

At times, an employee may offer to resign instead of facing disciplinary action. By doing so, the employee loses the right to appeal. A resignation must be completely voluntary.

9.55 DOCUMENTATION OF DISCIPLINARY ACTION

All disciplinary actions should be fully documented and placed in the employee's personnel file.

A formal warning should be documented on a form prescribed by the Human Resources Director. The employee shall receive a copy of the documented formal warning, and a copy shall be placed in the employee's personnel file in the Human Resources Department. If the employee chooses to respond, that reply will also be placed in the employee's personnel file, and be attached to the supervisor's record of formal warning.

If the action taken is a disciplinary probation, a disciplinary suspension, a reduction in pay, a demotion, or a dismissal, documentation shall be in accordance with Section 10.20(1). A copy of all such disciplinary documents shall be placed in the employee's central personnel file located in the Human Resources Department. The employee shall sign and receive a copy of such disciplinary documents. If the employee refuses to sign the statement, that fact should be noted in writing by the supervisor.

9.60 EMPLOYEE REPRESENTATION

A represented employee is entitled to the presence of an Association representative during an investigative interview conducted by the manager whenever the employee reasonably believes that the interview might lead to or result in disciplinary action affecting any property right (i.e., suspension, pay reduction, demotion, or dismissal). The employee must request the representation. The manager is not obligated to inform the employee of the right to representation. The employee does not have a right to representation at every, or any, contact with a supervisor.

The employee does have the right to a specific representative. When the representative is a non-employee agent, the manager is not required to wait to hold the interview at a time the consultant would be available beyond 24 work hours. The employee and

representative must be allowed a reasonable period of time to confer in advance of the interview.

SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS

10.05 ACTIONS THAT ARE NOT APPEALABLE

Denial of merit or pay increases, performance evaluations (except as provided in Section 5.10), informal discussions, oral counselings, formal warnings, and written reprimands cannot be appealed.

10.10 DISCIPLINARY ACTION SUBJECT TO SKELLY PROCEDURE

Prior to a disciplinary suspension, a reduction in pay, a demotion, or a dismissal of a career employee for disciplinary purposes, the procedure set forth in this Section shall be complied with.

Disciplinary suspensions of less than five (5) days may be immediately implemented so long as the "Skelly" procedure is then promptly followed. (Section 10.20).

10.15 ADMINISTRATIVE SUSPENSIONS WITH PAY

Pending investigation of an accusation against an employee, the City Manager may approve the temporary suspension of an employee with pay, pending the undertaking or completion of an investigation or opportunity to respond as may be required to determine if any disciplinary action shall be taken.

10.20 SKELLY PROCEDURE/DUE PROCESS

A. Written Notice: The Department Head or designated authority shall give the employee a written notice of the proposed disciplinary action at least ten (10) working days prior to the effective date. The written notice shall be personally delivered to the employee or sent by certified mail to the employee's last known address.

   The notice should include the following information:

   1. A description of the proposed action to be taken and its proposed effective date or dates;

   2. The specific grounds and particular facts upon which the action is proposed to be taken;

   3. The employee's right to receive a copy of the written materials alleged to support the proposed action; and

   4. A statement advising the employee of the right to respond, orally or in writing, and the time period in which to do so.

B. Employee Review and Response: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based. Within ten (10) working days after receipt of the written notice, the employee shall have the right to respond to the Department Head, orally or in writing, concerning the proposed action. Failure to respond within the time

specified may result in the employee's waiver of his or her pre-disciplinary procedural rights. By mutual agreement, the specified time period may be extended. Appeal shall be addressed to the Department Head regardless of which supervisor may have issued the Skelly Letter.

C. Department Head Decision: The Department Head or designated authority shall, within ten (10) working days, provide a written decision to the employee after reviewing the employee's response, if any. The decision shall be personally delivered to the employee or sent by certified mail to the employee's last known address. The decision shall acknowledge the employee's response and shall be dated and signed by the Department Head. If disciplinary action is to be taken, the written response shall include a statement informing the employee of the right to appeal and the time period within which the appeal must be made.

If mutually agreed upon, the effective date of any proposed disciplinary action may be postponed to allow the Department Head enough time to adequately review the employee's response before making a decision.

10.25 APPEAL OF DEPARTMENT HEAD'S DECISION

A career employee may appeal a Department Head's decision within ten (10) working days of receiving the decision. An appeal shall be accompanied by a copy of the written notice of disciplinary action served on the employee, the Department head's written decision, a brief statement of the facts and reasons for the appeal and a brief statement of the relief requested.

If, within the ten (10) day appeal period, the employee involved does not file an appeal, unless good cause for the failure is shown, the action of the Department Head or designated authority shall be conclusive. If an employee withdraws the appeal, the employee waives the right to further review. Upon approval of the City Manager, the Human Resources Director may designate any other non-involved Department Head to act on his or her behalf on such matters. Appeals filed within the ten (10) day requirement shall be handled in accordance with the following provisions:

A. Minor Disciplinary Suspension, Reduction in Pay, and Demotion: An employee may appeal a disciplinary suspension of 5 days or less, or a reduction in pay of 5% or less annualized by submitting a written response to the Human Resources Director within ten (10) working days after the employee has received the Department Head's decision. Such an appeal and decision of the matter is based only upon the written record.

The Human Resources Director shall render a written decision within ten (10) working days after receipt of the appeal. The Human Resources Director may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The Human Resource Director's written decision is the final and conclusive administrative review.

B. Major Disciplinary Suspension, Reduction in Pay, and Demotion: Disciplinary suspensions of greater than 5 days, reductions in pay greater than 5% annualized, or any demotions from class to class may be appealed to the City Manager. The City Manager may designate a non-involved Department Head or

the Human Resources Director to hear the appeal and act on his behalf on such matters.

The City Manager or designee shall act as Hearing Officer and determine the hearing procedure. The hearing need not be conducted according to technical rules relating to evidence and witnesses. However, the City Manager shall ensure that the matter before him or her can be fairly determined on reliable evidence. The Hearing shall be conducted in accordance with Section 11.30.

The City Manager or designee shall render a written record of his or her findings, conclusion and decision as soon after the conclusion of the hearing as possible and in no event later than twenty (20) working days after conducting the hearing, unless the parties otherwise agree. The City Manager may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The City Manager's decision on the appeal is final and conclusive administrative review.

C. Dismissal: An employee wishing to appeal a dismissal must submit a request for a hearing officer to the Human Resources Director within ten (10) working days from receipt of the Department Head's decision. An Appeals Hearing on the appeal shall be conducted in accordance with Section 11. Upon mutual agreement of the employee and the City Manager, the employee may waive the right to the Appeals Hearing and present the appeal directly to the City Manager. If the employee chooses to appeal the Department Head's decision directly to the Human Resources Director, the employee forfeits the right to appeal to a Hearing Officer.

At any hearing before the Human Resources Director, City Manager or a Hearing Officer, subpoenas may be issued in accordance with the Government Code.

10.30 AMENDED NOTICE OF DISCIPLINARY ACTION

At any time before an appeal is submitted for decision, the Department Head or designated authority may, with the consent of the Human Resources Director, amend the disciplinary action or provide a supplemental notice of disciplinary action.

A decision not to impose any disciplinary action should be accompanied by a directive from the Department Head to delete all references to the pending action from the employee's personnel file(s). Failure by the Department to make further investigations or to provide an additional written answer shall not affect the ability of the City to impose disciplinary action.

If the amended or supplemental notice of disciplinary action presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a response in accordance with Section 10.20, but the employee shall not be required to file a further appeal. Any objections to the amended or supplemental causes or allegations may be made verbally or in writing during the appeal interview.

SECTION 11: APPEALS HEARING PROCESS

11.05 SELECTION OF A HEARING OFFICER

Within ten (10) working days from receipt of the written request for an appeals hearing pursuant to Section 10.25, the employee or designated representative and management representative shall select a Hearing Officer from a designated list. A paid outside Hearing Officer is only allowed in cases involving dismissal. The Hearing Officer shall be selected by mutual agreement or by the alternate striking of names from a pre-determined or standing list of Hearing Officers. The party to strike the first name shall be determined by chance. Only Hearing Officers who do not require transcription services, other than only an electronically recorded record, are to be used unless both parties agree otherwise.

The list shall contain at least seven (7) names and not more than twelve (12) names of persons qualified and willing to serve as a Hearing Officer. Employees, employee representatives and management representatives shall submit nominees for the list of Hearing Officers. If the total number of nominees is greater than the maximum number allowed on the list, the list shall be narrowed to the maximum number by consultation between management and employee representatives utilizing the strike out process. If a person withdraws his or her name from a list bringing the number of names below the designated minimum number, a name shall be added to the list. The list shall be revised at least every three (3) years.

11.10 SCHEDULING THE HEARING

Both parties shall endeavor to schedule the hearing as soon as possible. It is recognized that the schedule of the Hearing Officer, who is mutually selected, is dependent upon his/her already established schedule and availability. The City and the bargaining unit will jointly endeavor to identify the Hearing Officer within ten (10) working days of the employee's written request for one. All affected parties shall be notified in writing of the date, time and place of the hearing at least five (5) working days prior to the hearing. The Hearing Officer, prior to or during the hearing, may grant a continuance for any reason he or she believes to be important to its reaching a fair and proper decision.

All hearings shall be closed unless the employee requests an open hearing. No still photographs, moving pictures, or television pictures shall be taken in the hearing room during a hearing.

11.15 HEARING REPRESENTATION

Each party shall have the right to represent themselves, to be represented by legal counsel, or to be represented by any other person of his or her choice, except that no supervisor or Department Head shall be represented in appeal matters by an employee whom he or she may supervise, and no employee shall be represented in appeal matters by a supervisor or Department Head.

11.20 RECORDATION OF HEARING

All appeal hearings shall be recorded. The Human Resources Director shall arrange for the production of any relevant City record.

11.25 HEARING EXPENSES

All expenses for a Hearing Officer, including but not limited to, per diem expenses, travel and subsistence expenses, and the cost of the hearing room will be borne equally by the City and the employee. Each party shall make arrangements for and pay expenses of witnesses that are called by such party, except that any City employee called as a witness shall be released from work without loss of compensation or other benefits to give testimony at the hearing.

Prior to the hearing, the Hearing Officer shall draw up a contract and each party shall sign the contract agreeing to these payment conditions and any payment terms. A copy of the contract shall be given to the employee and another shall be given to the Human Resources Director. The Hearing Officer shall retain the original contract.

11.30 HEARING PROCEDURE

The Hearing Officer shall give all interested parties a reasonable opportunity to be heard on relevant issues. The hearing procedure shall be determined by the Hearing Officer. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The Hearing Officer shall observe the intent of such rules to the end that the matter before him or her can be fairly determined on reliable evidence. All interested parties shall have the following rights:

A. To call and examine witnesses;

B. To introduce exhibits;

C. To cross-examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;

D. To impeach any witness regardless of which party first called him or her to testify;

E. To rebut the evidence against them; and

F. To present oral and written arguments.

11.35 HEARING OFFICER'S RECOMMENDATION

The Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence, and shall base his or her findings on the preponderance of evidence. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but if objected to, shall not be sufficient in itself to support a finding. The Hearing Officer shall submit a written record of his or her findings, conclusion and recommendation to the City Manager as soon after the conclusion of the hearing as possible and in no event later than thirty (30) working days after conducting

the hearing, unless the parties agree otherwise. The Hearing Officer may recommend sustaining, rejecting, or lessening the disciplinary action invoked against the employee.

11.40 CITY MANAGER'S DECISION

Upon review of the hearing record, the City Manager shall have the right to accept, modify or reject the Hearing Officer's recommendation. If the City Manager decides not to review this matter, the decision of the Hearing Officer on the appeal shall be the final administrative action. Within ten (10) working days, the City Manager should deliver a copy of his or her written decision to the employee. The decision of the City Manager shall be the final administrative action.

SECTION 12: GRIEVANCES

12.05 MATTERS SUBJECT TO GRIEVANCE PROCEDURES

A "grievance" is a job-related complaint by an employee regarding the terms and conditions of employment which arise out of a specific fact situation or transaction, other than discipline, that result in an alleged inequity or damage to the employee. The solution of any such grievance is wholly or partially within the province of the City to rectify and will involve the interpretation or application of existing ordinances, rules, regulations, or policies administered by the employee's Department Head or designated authority concerning wages, hours, other terms and conditions of employment.

12.10 MATTERS NOT SUBJECT TO GRIEVANCE PROCEDURES

The following matters are not subject to the grievance procedure:

A. Employee discipline.

B. Oral or written warnings, reprimands, or counselings.

C. Employee performance evaluations.

D. Management of the City generally and issues of City or Department policy.

E. Necessity and organization of any service or activity conducted by the City including the expansion or reduction of services or workforce.

F. Determination of the nature, manner, means, technology, and extent of services to be provided to the public.

G. Methods of financing.

H. Types of equipment or technology to be used.

I. Determination of and/or change in facilities, methods, technology, means and size of the work force by which City operations are to be conducted.

J. Determination of and change in the location, number of locations, relocations and types of operations, processes and materials to be used in carrying out City functions.

K. Work assignments and schedules in accordance with requirement as determined by the City.

L. Establishment, implementation, and modification of productivity and performance programs and standards.

M. Reductions in force or layoffs for lack of work or other non-disciplinary reasons.

N. Establishment and approved modifications of job classifications.

O. Determination of standards, policies and procedures for selection, training, and promotion of employees.

P. Establishment, implementation, and modification of Departmental organizations, supervisory assignments, chains of command, and reporting responsibilities.

Q. Levels of compensation, pay, and benefits based upon budgetary and fiscal considerations.

12.15 FREEDOM FROM REPRISAL

No employee shall be subject to coercion or disciplinary action for discussing a request or complaint with his or her immediate supervisor, or for filing a grievance petition.

12.20 CONSOLIDATION

Grievance petitions involving the same or similar issues, filed by employees in the same representation unit, may be consolidated for presentation at the discretion of the person hearing the petitions.

12.25 RESOLUTION

Any grievance petitions resolved at any step of the grievance procedure shall be considered conclusive.

12.30 WITHDRAWAL

Any grievance petition may be withdrawn by the grievant at any time, without prejudice.

12.35 RESUBMISSION

Upon consent of the person hearing the grievance petition and the grievant, a petition may be resubmitted to a lower step in the grievance procedure for reconsideration.

12.40 EMPLOYEE REPRESENTATION

If requested, an employee may have representation in the preparation and presentation of the grievance at any step in the formal grievance procedure, except that no supervisor or Department Head shall be represented by an employee whom he or she may supervise, and no employee shall be represented by a supervisor or Department Head.

The employee(s) and one employee representative are entitled to be released from work for a reasonable period of time in order to present the grievance.

12.45 MISCELLANEOUS

If an employee is given a legitimate order that he or she wishes to grieve, the employee must first complete the assignment and file a grievance later unless the assignment endangers the health or safety of the employee or others or if the requested assignment violates the employee's constitutional rights.

12.50 INFORMAL GRIEVANCE PROCEDURE

Every effort should be made to resolve a grievance through discussion between the employee and the employee's immediate supervisor, unless extenuating circumstances exist. If the employee is not satisfied with the decision reached through the informal discussion or if extenuating circumstances exist, the employee shall have the right to file a formal grievance in accordance with Section 12.55.

12.55 FORMAL GRIEVANCE PROCEDURE

Step I

If the employee is not in agreement with the decision rendered in the informal grievance procedure, an employee shall have the right to present a formal grievance to the Department Head within ten (10) working days after the occurrence of the incident causing the grievance, if applicable. Otherwise, the right to file a grievance petition shall be waived.

All grievances shall be submitted on the form prescribed by the Human Resources Director and no grievance petition shall be accepted until the form is complete. The written grievance shall contain a clear, concise statement of the grievance and facts upon which it is based, rule, regulation, or policy allegedly violated, and the specific remedies sought.

The Department Head should render a written decision within ten (10) working days after receipt of the written grievance.

Step II

If the grievance is not satisfactorily resolved in Step I, the employee shall have the right to submit the written grievance to the Human Resources Director within ten (10) working days after the Department Head's decision is received by the employee.

The Human Resources Director should render a written decision within ten (10) working days of receipt of the written grievance.

Step III

If the grievance has not been satisfactorily resolved in the Step II, it may be appealed to the City Manager within ten (10) working days after Human Resources Director's decision is received by the employee.

The City Manager may accept or reject the decision of the Human Resources Director, and should render a written decision within ten (10) working days after receipt of the written grievance. The decision of the City Manager shall be final and conclusive.

If mutually agreeable, a meeting may be conducted involving all affected parties at any step in the grievance procedure prior to the rendering of a decision.

GRIEVANCE PROCEDURES			
STEP	**CONTACT**	**FILE**	**DECISION**
Informal	Supervisor	N/A	Immediate
Step I Formal	Department Head (from incident)	10 working days from filing	10 working days
Step II Formal	Human Resources Director	10 working days from Step I	10 working days from filing decision
Step III Formal	City Manager	10 working days from Step II	10 working days from filing decision

The City Manager may delegate non-involved Department Heads to act on behalf of the City Manager to render an appeals judgment in these processes. The findings and recommendations they render will be advisory to the City Manager whose ultimate decision will be final.

12.60 TIME LIMITS

Grievance petitions shall be processed from one step to the next within the time limit indicated for each step. Time limits shall be strictly enforced. Any time limits established in this procedure, may be waived or extended by mutual agreement confirmed in writing. Any grievance petition not carried to the next step by the grievant within the prescribed time limits shall be deemed resolved upon the basis of the previous disposition.

SECTION 13: EMPLOYEE RECORDS AND FILES

13.05 PERSONNEL FILES

A. Central Personnel Files: The Human Resources Department shall maintain a central personnel file for each City employee indicating the employee's name, title of position, the department assigned, salary, changes in employment status, performance evaluations, disciplinary documents and such other information as may be considered pertinent by the Human Resources Director. Copies of documents concerning disciplinary actions taken by the supervisor or Department Head must be placed in the employee's central Personnel file. There will be no disclosures of this information to third parties except as authorized by State or Federal law or as duly authorized in writing by the employee.

   Personnel files shall be kept in locked, fireproof files located in the Human Resources Department.

B. Payroll Files: The Finance Department shall maintain a file for each City employee showing the name, title of position, the department assigned, salary, changes in employment status, W-4 forms, payroll deductions and such other information as may be considered pertinent by the Finance Director. There will be no disclosures of this information to third parties except as authorized by State and Federal law, or as duly authorized in writing by the employee to third parties.

Nothing herein shall prohibit the City from keeping or placing documents in an observation file for the purpose of investigating alleged criminal conduct. For the purposes of this Section, an observation file shall not be considered a personnel file, and an employee or his or her designated representative shall not have access to observation files nor receive copies of documents placed in such files.

Unless required for a criminal investigation, an observation file on an employee shall remain open for a maximum of six (6) months. If disciplinary action by the City is warranted or if the employee is found guilty of criminal activity, documents in the observation file shall be placed in the employee's personnel file(s).

13.10 DOCUMENTS IN PERSONNEL FILES

Upon request of the employee, an employee may place documents in his or her respective personnel file that commends his or her job performance with the City or demonstrations educational attainment.

Disciplinary documents shall be placed in personnel files in accordance with Section 9.50. An employee shall be provided a copy of any documents placed in his or her personnel file(s), and may review his or her file on request.

If no further conduct requiring disciplinary action occurs, and at the employee's written request, documents concerning minor disciplinary actions shall be removed from an employee's personnel file after one (1) year or upon their incorporation in a performance evaluation, whichever occurs first. If no further conduct requiring disciplinary action

occurs and at the employee's written request, documents concerning major disciplinary actions shall be removed from an employee's personnel file after three (3) years, provided that such documents may be retained thereafter if they establish a pattern of conduct extending past the three (3) year period. With good cause, a department may grant an employee's request to remove the document from the employee's personnel file(s) sooner than the indicated time frames, with the concurrence of the Human Resources Director.

13.15 ACCESS TO FILES

No person other than the City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's hiring Department Head, immediate supervisor, current Department Head, current Division Head, or their designated representatives shall have access to an employee's central or department personnel file. The Department Head must approve in writing anyone below him/her before that authorized person may review a subordinate's central personnel file. No person other than the Financial and Administrative Services Director, payroll division staff, City Manager, City Attorney, or Human Resources Department staff shall have access to an employee's payroll file. Upon appointment, an employee or a person designated in writing by the employee for such purpose may inspect the contents of his or her respective personnel file(s). Upon paying the reasonable cost associated therewith, except as provided in Section 13.10, an employee or his or her designated representative may obtain copies of any documents contained in the employee's personnel file(s).

The employee may file a grievance regarding the contents of his or her personnel file(s) in accordance with the Grievance Procedure regulations outlined in Section 12.

13.20 DISCLOSURE OF INFORMATION

No direct information contained in the personnel files shall be disclosed concerning any current or former City employee other than the employee's job title, inclusive dates of employment, work location, salary, work phone number, departmental assignment, and the nature of separation, resignation, or termination, to any person other than the City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's Department Head, Division Manager or their designated representatives. An employee or former employee may authorize access to or the disclosure of information from their file only when written permission is provided to the Human Resources Department.

Nothing herein shall preclude nor specifically deny the use of any information in personnel files in any phase of a disciplinary or probationary action.

13.25 CHANGES-IN-STATUS

It is the employee's responsibility to notify the Human Resources Department of any changes in his or her address, phone number, marital status, dependent status, name change, training certificates, or other pertinent information.

13.30 APPLICATION RETENTION

Applications submitted by candidates for City employment become the property of the City and must be retained for at least three (3) years.

13.35 DESTRUCTION OF PERSONNEL RECORDS

Personnel records, including employment applications, shall be destroyed only in accordance with the provisions of the City's system for the destruction of public records and then in accordance with other applicable law.

SECTION 14: EMPLOYEE BENEFIT POLICIES

Benefits for City employees shall be provided as outlined in the City's Benefit Plan. Further information on these benefits may be obtained by contacting the Human Resources Department.

The City retains the right to alter the benefit plan, if it finds such changes to be in the best interest of the City.

14.05 BENEFIT BANK

The City has adopted a "flexible or cafeteria" plan that will cover certain City benefits (i.e., medical, dental, vision care, etc.). Employees, other than those listed below, are not eligible for benefit bank benefits. City employees shall receive a negotiated amount of money as approved by City Council, and consistent with the current MOU, on a yearly basis in order to "purchase" benefits from the plan. These benefits are paid on a 24-pay period basis. Employees may change benefit elections only during open enrollment periods unless there is a qualifying event. Qualifying events may include, but are not limited to emergency hardships, changes in employment, or changes in family status such as, births, deaths, adoptions, marriages, or divorce, to the extent permitted by the provisions of the benefit plans carriers.

A. Career Full-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

B. Career Part-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

C. As part of the cafeteria plan, all full-time employees, except City Council members, must purchase group medical insurance coverage for themselves, or provide proof of other medical coverage, i.e., through one's spouse's coverage, military, etc. If the City Council deems it in the City's best interest, the City, at its option, may require all employees to purchase the City's preferred coverage and not allow verification of other coverage. Once this individual medical coverage has been purchased or verified, employees may purchase any of the following options with the balance:

   1. Medical Insurance: Once medical insurance has been purchased for the employee, he or she may also choose to purchase excess coverage for him-or-herself or insure any dependents. Eligible employees may choose from a variety of health care providers as offered by the City. Medical benefits, plan costs, and any deductible costs may vary depending upon the insurance carrier offered by the City and chosen by the employee. Those who choose to use other kinds of medical coverage must report any change in that coverage within sixty (60) days as defined by CalPERS. Failure to do so will result in immediate enrollment in a City offered medical plan.

2. Dental Insurance: Employees may purchase dental insurance for themselves and any dependents. Dental benefits and any deductible costs may vary depending upon the insurance carrier chosen by the employee.

3. Vision Care: Coverage must be purchased for all full-time career employees and may be purchased for any dependents, based upon vision care plans available to City employees.

4. Supplemental Insurance: Employees may purchase supplemental insurances for themselves or their dependents.

5. Dependent Care (Child and Elder): Employees may purchase dependent (child and elder) care reimbursement coverage through a flexible spending account. Documentation of payments with tax identification number of the provider must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.

6. Medical Expense Reimbursement: Employees may purchase medical expense reimbursement through a Flexible Spending Account. Documentation of expenses and payments must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.

7. Annual Leave Buy: Employees with unspent bank dollars may purchase up to two weeks of Annual Leave hours per year. This option is available only at open enrollment. Annual Leave hours bought must be used within the benefit year purchased. Unused Annual Leave which has been purchased will be returned to the benefit bank for cash out to the employee.

8. Cash Out Option: Employees who would have unspent bank dollars for the calendar year will receive the leftover balance as a taxable cash payment. Council members are not eligible by State law for any cash-out option of unspent bank dollars. Annual Leave hours must be requested in writing during open enrollment each year.

9. Use or Lose Provision: Flex dollars may not be carried over from one plan year to the next, according to IRS regulations. Employees who have left over funds and who do not elect additional Annual Leave hours will be paid in cash. This amount will be subject to Federal and State withholding taxes.

D. Temporary Employees are not normally entitled to the benefits of the City's cafeteria plan.

14.10 MANAGEMENT PACKAGE

Certain categories of employees are entitled to a management benefit package as a percentage of their gross annual salary. The dollar amount shall change as salary increases are received during the year. This amount will be disbursed on a 24-pay period basis. These employee categories and percentages are as follows:

A. Executive Management Employees shall receive six (6%) percent of their gross annual salary.

B. Division Management Employees shall receive four (4%) percent of their gross annual salary.

C. Professional/Administrative/Management Employees shall receive two (2%) percent of their gross annual salary.

This management package percentage amount may be expended in any of the flexible benefit plan options previously discussed. Other benefit options will be made available as they are approved by the City Council in accordance with applicable IRS guidelines.

14.12 AUTO ALLOWANCE:

The City provides taxable auto allowance benefits as follows:

A. Executive Management Employees shall receive a monthly auto allowance, as budgeted.

B. Division Management Employees shall receive a monthly auto allowance, as budgeted.

As outlined in the City's Vehicle Policy, certain employees may be assigned a City vehicle on a long-term basis, in lieu of the monthly auto allowance. Employees who utilize personal vehicles for City business, but do not receive an auto allowance, shall be reimbursed at the Federal mileage reimbursement rate.

If any of the above employees are assigned a City vehicle, no auto allowance will be provided.

14.15 POST RETIREMENT MEDICAL BENEFITS

A. Annuity Programs: Effective January 1, 2001, the City of Moreno Valley shall contribute a monthly amount to each non-exempt full-time career employee for an annuity program for 20 years or until termination or retirement, for the purpose of funding retiree medical premiums. New hire probationary employees shall not be eligible to receive the monthly contribution until the successful completion of their probationary period. The effective date of their first contribution will commence the next full month after they have passed probation.

Effective January 1, 2002, after two full years of employment, the monthly contribution to the annuity program shall increase per the negotiated language as approved by City Council. This shall go into effect the next month after their two-year-anniversary date has passed.

Each bargaining unit has selected separate annuity programs.

1. Contributions for the MVCEA bargaining unit are being paid into the Benefit Bank.

In the event MVCEA ceases to be the recognized representative of bargaining unit employees, the control and administration of this program

shall transfer to management and the responsibility for same shall be the exclusive jurisdiction of management.

Employees may at their option contribute a portion of their compensation to the annuity subject to IRS restrictions through payroll deductions.

2. Contributions for the management bargaining unit are being paid into a Voluntary Employee Beneficiary Trust (VEBA), which manages the investment and distribution of the funds.

B. City Paid Retiree Medical Benefit: Effective January 1, 2001, upon retiring, the City shall pay a minimum of the monthly fee required by PERS for enrollment of retirees. Employees who retire under the CalPERS retirement benefits system with a minimum of two years of service with the City shall be eligible to receive a benefit which is the lesser of the cost of medical coverage for the retiree and spouse, or the amount stipulated in the following table:

EFFECTIVE DATE	MAXIMUM EMPLOYER CONTRIBUTIONS
January 1, 2007	up to $168.73 per month
January 11, 2008	up to $243.73 per month
January 2, 2009	up to $318.73 per month

To receive the Retiree Medical Benefit, the retiree must submit documentation of payment for medical insurance coverage. Documentation for those enrolled with PERS Health is provided by PERS. In the event of the retiree's death, the surviving spouse continues to be eligible to receive the benefit.

14.20 PERS MEDICAL COVERAGE FOR RETIREES

The City shall contribute a monthly employer fee for retiree medical coverage with the Public Employees Retirement System (PERS), per negotiated contract language as approved by City Council. Retirees must convert to Medicare at age 65.

14.25 CITY RETIREMENT PLAN

The City provides retirement benefits for all employees through the Public Employees Retirement System (PERS). The City pays both the employee's and employer's contributions into the plan for employees hired prior to July 1, 2009. Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009. At its option, the City may change its retirement system provider upon adoption by the City Council. Prior to any changes in retirement benefits, those eligible for retirement must be notified at least 30 days in advance. Current retirement benefits are available as follows:

A. Career Full-time Employees hired prior to July 1, 2009 receive fully-paid PERS retirement benefits. Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.

B. Career Part-time Employees hired prior to July 1, 2009 receive fully paid PERS retirement benefits after 1,000 hours. Before that point, the employee will have the employee's portion deducted from salary. Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.

C. Part-time/Seasonal, Temporary Employees, and Crossing Guards who are not eligible for PERS, are required to contribute 7.5% of earnings to a PST "457" deferred compensation program. Contributions to this plan will be made through payroll deduction. Employees are eligible for participation in the PERS retirement plan after 1,000 hours worked in a fiscal year; however, they are responsible for the cost of their employee portion of PERS payment.

PERS refunds may be issued ONLY if the member has permanently separated from all PERS-covered or reciprocal employment. Or, if members have been on an unpaid leave of absence for at least six (6) months, they may request a refund of their contributions prior to returning to active employment.

D. Any employee hired prior to July 1, 2009, if promoted on or after July 1, 2009, will still be eligible for all benefit rates provided for employees hired prior to July 1, 2009 for the bargaining unit the employee is in on or after July 1, 2009.

14.30 IRC SECTION 125 PLAN

The City has available to all full-time employees, and those who qualify for the City's group medical coverage, an Internal Revenue Code (IRC) Section 125 account. The monthly cost of plan administration will be borne by those eligible employees who voluntarily elect to enroll. The Health Reimbursement Option is not available until the employee has passed initial probation (normally at six months). An employee's un-expensed redirected Plan contributions from his/her salary account are forfeited and returned to the City at the end of the calendar year. See the Summary Plan Description for details.

14.35 IRC SECTION 457 PLAN

The City has available to all employees an Internal Revenue Code (IRC) Section 457 Account. Participation is voluntary for career employees. It is mandatory for temporary employees who are not yet eligible for, or enrolled in PERS.

Deferred compensation is an IRS-approved method of deferring federal and state income taxes on savings until retirement. Taxes are paid, on both savings and earnings, when they are withdrawn during retirement, or upon separation from City employment.

An employee may defer a maximum amount consistent with the most recent guidelines supplied by the IRS. The employee may increase, decrease, stop and restart voluntary contributions at any time by contacting the Human Resources Department.

In accordance with IRS rules, an employee may not withdraw these assets unless there is a bona fide emergency which is unforeseeable, unbudgetable, severe, beyond the employee's control, and must represent a last resort. All financial hardship requests for withdraw of funds must be made directly to the 457 plan provider.

14.36 IRC SECTION 401A PLAN

Certain management employees may voluntarily enter into a 401(a) Money Purchase Plan to provide additional retirement benefits. The employee contribution is a mandatory fixed amount for everyone within a management group, and is limited to the maximums allowed by law. Eligible employees wanting to enroll into the plan must do so within the first thirty (30) days after being hired, or during the annual open enrollment period. Once enrolled, the participant must remain in the plan. Participant contributions are structured with pre-tax dollars. Earnings accrue tax deferred. Participants may contribute to both a deferred compensation and a money purchase plan. Accounts are individual and loans may be made from the account.

PAM-Confidential employees receive $750.10 per fiscal year ($28.85 per pay period) in a City sponsored 401(a) Plan.

14.40 LIFE INSURANCE

The City provides term life insurance coverage for all City employees. Coverage becomes effective on the first day of the month which follows the first thirty (30) days of employment with the City. The premium is paid by the City. The amount of coverage is determined as follows:

A. Executive Management and Division Management Employees shall receive term life insurance at an amount, which is three (3) times their salary (rounded to the nearest thousand) not to exceed $300,000.

B. Professional/Administrative/Management Employees shall receive term life insurance at an amount, which is two (2) times their annual salary (rounded to the nearest thousand).

C. General Non-Exempt and Career Part-time Employees shall receive term life insurance at an amount, which is two (2) times, their annual salary (rounded to the nearest thousand) or $50,000.00, whichever is greater.

D. City Council Members shall receive $50,000 of term life insurance.

E. The City's death benefit to survivors of a member who dies prior to retirement shall be the PERS 1959 Survivor Level IV Option (Section 21574). It provides for a monthly allowance for the surviving spouse with two children $2280, spouse and one child $1900, and spouse alone $950. The City's retired member PERS lump sum death benefit paid to beneficiaries is $500.

14.45 DISABILITY INSURANCE

Disability Insurance is determined as follows:

A. City Disability Insurance:

The City provides short-term disability insurance to all Career employees who work a minimum of thirty (30) hours per week and who are disabled primarily as a result of a non-work-related illness or injury. This benefit commences after 30 calendar days of disability. In order to be eligible for benefits, an employee must be totally disabled for one month before benefits become payable. For the first twenty-four (24) months of a disability, "totally disabled" means that a former employee is prevented by disability from doing all the material and substantial duties of his or her job. If the disability persists beyond twenty-four (24) months, the former employee is re-evaluated to determine whether he or she can be rehabilitated for another career. If the employee can be rehabilitated, the employee is eligible for Rehabilitative Employment Services. If the employee cannot be rehabilitated for any career, total disability payments will continue.

An eligible employee may receive sixty-six and two-thirds (66⅔ %) percent of his or her salary, up to a maximum monthly amount of $14,000. This income is subject to taxes because the premiums are paid for by the City. Any other income benefits an employee may receive as a result of employment shall be subtracted from the monthly benefit payment. An eligible employee may continue to receive benefits up to the age of sixty-five (65). Between the ages of sixty-five (65) and seventy (70), benefits are awarded on a sliding scale. The remaining amount shall be taken from applicable leave accruals until they are exhausted and the person goes on leave without pay, see Section 7.40, Pregnancy Disability Leave and Section 7.50, Leave of Absence Without Pay.

The City agrees to maintain a long term disability salary continuance program that pays the above described benefits for job-related disabilities when the employee is still on the City's payroll after a minimum 180 calendar day elimination period up to age 65. Workers' Compensation information can be found in Section 7.60 of the City of Moreno Valley's Personnel Rules.

B. Continuation of Accruals and Benefits

The City shall extend payment of the medical insurance contribution for career full-time employees up to an additional ninety (90) calendar days during a twelve-month period while an employee is disabled due to a non-work-related illness or injury. Such an extension of medical coverage shall take effect when existing coverage would otherwise expire. Career full-time employees on paid leave will continue to accrue Annual Leave at their normal rate; however, employees on unpaid leave will not accrue Annual Leave. During an authorized leave under an FMLA leave, career full-time employees will be retained on the City's health insurance program under the same conditions and coverage levels that applied before the leave commenced. Employees' benefits continue as long as the employee is still on disability and the City paid benefits after 30 consecutive working days of being on Non City Paid Payroll Status. The employee must then covert to Consolidated Omnibus Budget Reconciliation Act (COBRA) status and

pay for health insurance premiums, or if eligible, may consider applying for CalPERS disability retirement. Employees not classified as career full-time shall not accrue any leave or receive any benefits once all of their accrued time (Annual Leave or compensatory time) has been exhausted.

14.50 UNEMPLOYMENT COMPENSATION

As required by State law, all City employees are covered under the California Unemployment Compensation Program. Further information can be obtained by contacting the local State of California Employment Development Department or the Human Resources Department.

14.55 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Depending on budget and other considerations, the City may provide an employee assistance program. The EAP provides short term counseling and other services to assist employees and their families to deal with personal and emotional problems which affect or might potentially affect their job performance. This counseling is confidential and free to the employee.

14.60 MEDICARE

By law, employees hired after April 1, 1986, must have a certain percentage (currently 1.45%) deducted from their gross pay for Medicare. The City will deduct the employee contributions in accordance with Federal law. The City shall pay the employer's share, which is equal to the employee's share.

The above policies are based on Federal law and may change from time to time.

SECTION 15: SPECIAL COMPENSATION

15.05 STAND BY

A stand-by roster shall be comprised of City employees from designated departments or divisions who have volunteered to be on call and available to work after regular working hours. A stand-by assignment period shall be for a period of days starting at the time and on the day determined by the departmental coverage requirements and as approved by the employee's manager. Under some circumstances the period is not a seven consecutive day period. An employee on stand-by will be permitted to take home a City vehicle equipped with appropriate tools and supplies for use when called out on stand-by. The City will pay general employees (non-Animal Control Officers) a dollar amount per the negotiated language of the current MOU, as approved by City Council, per regular shift, Monday through Friday, and for weekends and holidays. The current Stand-by Pay amounts are $20.00 per day on Monday through Friday, and $25.00 per day on Saturday, Sunday and Holidays.

The designated department or division supervisor shall be responsible for scheduling his or her employees for stand-by duty and for providing duty rosters to the Police Department. The Police Department will be given a roster of employees with their stand-by duty dates, home telephone numbers, and pager numbers and codes. Once assigned to specific stand-by duty, employees may not trade stand-by assignments, except with the prior approval of the designated supervisor.

For general employees, compensation for call out hours worked will be paid at time-and-one-half for the number of hours actually worked. A minimum of two (2) hours shall be credited as time worked for each call out. For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. An employee on stand-by will be compensated an additional dollar amount, per the negotiated language, as approved by the City Council, for each 7-day week of stand-by duty. Stand-by pay is at the rate of an amount per the negotiated language as approved by the City Council per day (M-F). Stand-by pay will be increased to an amount per the negotiated language in the current Memorandum of Understanding, per day for weekends and holidays.

For Animal Control Standby (Night Truck), the City will pay a dollar amount, per the negotiated language as approved by City Council per regular shift, Monday through Friday, and pay an amount, per the negotiated language as approved by City Council for weekends and holidays. Call out pay will be at the overtime rate with a one-hour minimum. Work time includes 15 minutes each way of travel time for the trip to and from work or the actual time, whichever is less.

An employee assigned to stand-by duty must be available to respond to emergency calls at all times. This requires that the employee remain within fifteen (15) minutes travel time of his or her normal work station during the entire stand-by period. The employee must refrain from consuming alcoholic beverages or other substances which could impair his or her effectiveness or safety on the job. Violation of this policy shall result in disciplinary action, as outlined in Section 8.35 of the Personnel Rules.

Nothing herein shall be construed to require that the City establish stand-by duty for employees in any department or division.

15.10 CALL-BACK

In the event employees who are not assigned to stand-by duty are called back to work during normal off-duty hours to protect the public health or safety, they will be compensated at time-and-one-half for actual time worked, with a minimum of two (2) hours credit for each call out (one for Animal Control). For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. Call back shall be defined as having to return to work after having left work.

15.15 BILINGUAL PAY

Bilingual compensation will be implemented for staff who occupy positions designated as ones in which second language skills are utilized. Employees shall receive an amount per the negotiated language as approved by City Council.

15.16 SAFETY EQUIPMENT

Employees in qualified trade occupations will receive an annual stipend to purchase shoes, jackets, and/or Sam Brown belts in an amount per the negotiated language as approved by City Council.

The City provides uniforms for employees in the Security Guard job classification.

SECTION 16: TRAINING

16.05 TRAINING

The City recognizes the importance of employee development and training. In an effort to improve the capabilities and effectiveness of City personnel, a training program has been established. This training effort shall be geared to both organizational improvement and individual employee development. This development shall not only be the responsibility of Department heads or supervisors, but shall be shared with employees in a total organizational effort.

16.10 IN-HOUSE TRAINING

Employees who have training, knowledge or expertise in a subject area, or have recently attended a seminar or conference in a given subject matter, may be asked to share this information with other employees. Such in-house training may be informal or formal depending upon the nature of the training and can include any variety of topics such as computers, copiers, telephones, supervisory, writing skills, etc.

16.15 DEPARTMENTAL TRAINING

City departments and divisions are encouraged to offer specialized training to their employees. Such training shall be the responsibility of the Department or Division Head and may include topics such as safety, equipment operation and other training in their specific fields of responsibility.

16.20 TRAINING COURSES

The City shall encourage local educational resources to offer courses and workshops at City facilities on matters in which employees of several departments may benefit. Such courses may be offered periodically in such areas as management, supervision, communications, time management, stress management, writing skills, etc.

16.25 SEMINARS AND CONFERENCES

Employees may attend seminars or conferences covering current issues and areas relevant to their positions under the following conditions:

A. Employees must submit their request on forms prescribed by the Financial and Administrative Services Department and follow all applicable procedures.

B. Budgeted funds must exist for all such training and any travel. In-state attendance shall require Department Head approval while out of state travel shall require the approval of the City Manager.

C. Employees must comply with the City's Administrative Travel Policy and provide necessary receipt documentation.

D. Employees who have recently received such training must be willing to provide "in-house" training to other employees, if requested.

16.30 TUITION REIMBURSEMENT

Subject to the pre-approval of the Department Head, Human Resources Director, and City Manager (or designee), employees may be reimbursed for the cost of pre-approved, job-related, accredited, educational and other training courses based upon proof of successful completion up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30). This proof includes a grade "C" or better of the course(s), and must be part of a recognized associate's degree, bachelor's degree, or master's degree program related to the employee's current job, and the program must be part of a school, college or university that is accredited by a U.S. Department of Education authorized accrediting organization, e.g. Western Association of Schools and Colleges (WASC). Further, employees may be reimbursed for certain pre-approved, job related training courses based on the approvals as stated above.

Classes taken which are offered as part of the City's official training program do not count against tuition reimbursement.

Any educational or training course that is a requirement for continuation of employment or is an identified part of a job evaluation shall be paid for by the City. Any other educational course that is job-related may, if prior approval for reimbursement is given by the City Manager (or designee), be reimbursed at 100% or less after successful completion. All college or other graded classes shall require a minimum grade of a "C" in order to receive such reimbursement. Books or other materials shall only be paid if some defined benefit can be shown to the City (i.e. books become part of City reference library).

In general, training time during working hours shall be considered part of the job. Unless the City directs an employee to attend a specific training course, and the course is not available during work hours, training after hours shall be considered voluntary, and no additional pay, overtime or compensatory time shall be given by the City, unless advance special written approval is granted. Study time shall be considered completely voluntary.

Although the City encourages employees to pursue additional education, the City shall not pay for educational degrees or for education in general, but will only reimburse employees for required or job-related classes and training. No reimbursement shall occur if an educational class does not provide a benefit to the City. There is no mileage reimbursement for travel to and from educational classes. Required forms must be completed and necessary documentation (receipts and grades) must be provided, in order to receive reimbursement. Final and conclusive determinations of the reimbursement amount shall be made by the City Manager after review of the request and recommendations by the Department Head and the Human Resources Director.

16.35 TRAINING AND TRAVEL REIMBURSEMENT

Non-exempt employees shall receive training and travel reimbursement as provided in this Section.

Time spent in attending lectures, meeting, training programs, and similar activities during work time shall be counted as time worked only if authorized in advance and in writing by the employee's Department Head. No such authorization shall be given unless the lecture, meeting, program, or other activity is directly related to improving the employee's ability to perform his or her job.

Time spent in attending lectures, meetings, training programs, and similar activities shall not be counted as time worked where such attendance is outside of the employee's regular working hours, except in situations where the employee is directed by his or her Department Head to attend such lecture, meeting, training program, or similar activity. Leisure and meal times are not considered time worked unless they are part of the seminar.

Time spent by an employee traveling between the employee's residence and the regular workplace is not work time and shall not be treated as hours worked. When an employee is assigned by his or her Department Head to travel outside of the City, time spent traveling between the employee's home and assigned destination shall be treated as time worked, only to the extent that it exceeds the amount of time normally taken by the employee to travel between his or her residence and regular workplace.

When an employee is assigned to travel outside the City, return the same day, and he or she utilizes public transportation, the time spent traveling between the employee's home and the location of the public carrier (i.e. airport, bus station, train station) shall not be treated as time worked. However, time spent traveling to a final destination via public carrier is considered time worked.

Employees shall receive mileage and travel reimbursement in accordance with provisions outlined in the City's Administrative Travel Policy.

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX A

TESTING FOR ALCOHOL AND DRUGS

Toward reaching this goal of a drug and alcohol free workplace, the City may conduct pre-employment drug or alcohol testing of applicants for City positions. Pre-employment drug or alcohol tests shall apply only to non-City employees; City employees who apply for another City position shall not be subject to pre-employment drug or alcohol tests. Any applicant who tests positive shall not be hired by the City.

The City also reserves the right to require than an existing employee undergo testing of the City determines that probable cause exists to believe that the employee is under the influence of any illegal drug or controlled substance, as identified in this Section. Employees who (1) refuse to submit to a drug or alcohol test immediately when requested by authorized City or law enforcement personnel; (2) refuse to submit to a search of personal properties if requested by law enforcement personnel; or (3) are "convicted" of a "criminal drug or alcohol statute" violation, shall be subject to the disciplinary procedures which are outlined in these Rules.

All City lockers, desks, cabinets, vehicles, phone voice mail, e-mail, computer files, and disks are the property of the City and are subject to search without the employee's consent by City management at any time with or without notice. Refusal to cooperate with a search may result in a disciplinary action, up to and including termination. Unless the Supervisors are directed otherwise by the Human Resources Director, employees will be given the opportunity to be present when the search is conducted.

In appropriate cases, such as a first offense, the City should make every effort to place an employee with an available employee assistance program or service for the purposes of rehabilitation, in-lieu of disciplinary action or criminal prosecution. If, in such cases, the employee refuses to attend an employee assistance program or service, he or she will be subject to the disciplinary procedures which are outlined in these Rules.

Any reports or complaints which are filed as a result of this Section or the "Drug and Alcohol Free Workplace Policy" and are determined to be malicious, vexatious, or not in good faith, shall not be tolerated. In such cases, the complaining individual shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to drug or alcohol use.

A. EMPLOYEE RESPONSIBILITIES

An employee shall:

1. Not report to work or be subject to duty (i.e., paid stand-by time) while the employee's ability to perform his or her duties is materially impaired due to drug and/or alcohol use.

2. Not report to work with alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) in their systems or the odor of alcohol on their breath, or possess or utilize such substances while they are on duty or subject to duty or during meal periods or breaks.

3. Not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on-call, on breaks, or during meal periods.

4. Not directly or through a third party sell, purchase or provide drugs and/or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to duty.

5. Submit immediately to a drug and/or alcohol test when requested by an authorized City representative, who has probable cause to suspect drug or alcohol abuse or material impairment there from. The employee may request a representative when being tested for probable cause. The representative may be a bargaining unit representative or another employee of choice who shall be immediately available.

6. Before beginning work, notify his or her supervisor when taking any drug or medication (non-prescription or prescription), which may interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to perform assigned duties safely and effectively while using such drugs, clearance from a qualified physician may be required before the employee is allowed to resume his or her regular duties.

7. Have the opportunity, within twenty-four (24) hours (or by the close of the next business day) of request by an authorized City representative, to provide verification of a current prescription for any potentially impairing drug or medication which is identified in a drug test. The prescription must be in the employee's name.

8. Employees shall notify their supervisor of any criminal drug and/or alcohol statute conviction for a violation, no later than five (5) days after such conviction.

9. In the event that an employee suspects that his or her manager or supervisor is under the influence of drugs and/or alcohol, the employee may submit a written or oral complaint, which contains detailed evidence regarding the allegation of substance abuse to his or her department head or the Human Resources Director. Such complaints, if made in good faith, may be made without fear of reprisal. If the written or oral complaint establishes probable cause, the manager or supervisor may be requested to submit to a drug and/or alcohol test.

B. MANAGEMENT RESPONSIBILITIES

Managers and Supervisors shall:

1. Be responsible for enforcing this policy in a fair and consistent manner.

2. Work with the Human Resources Department to encourage employees to utilize an available employee assistance program when the employee's job performance is deteriorating or unsatisfactory, the employee does not respond to supervisory remedies, or when a specific on-the-job incident is cause for concern. As the supervisor's role is to monitor job performance, the supervisor should not attempt to diagnose an employee's problem.

3. Request through the Human Resources Department that an employee submit to a drug and/or alcohol test when a manager or supervisor has probable cause or a reasonable suspicion that an employee is impaired or under the influence of drugs or alcohol while on the job or subject to duty.

   "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

   For example, any of the following, alone or in combination, may constitute reasonable suspicion:

   - Slurred speech;
   - Alcohol or other suspicious odor (i.e. marijuana on breath);
   - Unsteady walking and movement
   - An accident involving City property where it appears that the employee's conduct may be at fault;
   - Physical or verbal altercation;
   - Wide and severe mood swings;
   - Blank, glassy-eyed stare;
   - Inability to perform work properly;
   - Behavior which is unusual for the employee;
   - Possession of drugs and/or alcohol in the workplace or on City property.

4. Work with Human Resources and document within forty-eight (48) hours of requesting an employee to submit to a drug and/or alcohol test, in writing, the facts constituting reasonable suspicion that the employee in question is impaired or under the influence of drugs and/or alcohol.

5. Remind the employee of the requirements and disciplinary consequences of this policy when encountering an employee who refuses an order to submit to a drug and/or alcohol analysis. Where there is reasonable suspicion that the employee is impaired, or under the influence of alcohol or drugs, the manager or supervisor shall require the employee to remain on the premises for a reasonable amount of time until an authorized City representative or law enforcement representative can arrange to transport the employee to a testing facility, or home in the event of the employee's

refusal to submit to a drug or alcohol test. Any time spent remaining on the premises at the request of a supervisor or manager or time spent for City-required drug and/or alcohol testing shall be considered work time and shall be paid for by the City.

6. Not confiscate prescription drugs or medications from an employee who has a valid prescription for such. The prescription must be in the employee's name.

7. Deal with suspected offenders as discreetly, inconspicuously, and respectfully as possible.

8. Notify their Department Head or designee, and Human Resources, when they have probable cause to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City. If the Department Head or designee concurs that there is probable cause to believe that an employee is in possession of illegal drugs, the manager or supervisor shall not physically search employees or their personal possessions, but should request that they remain on the premises until the appropriate law enforcement agency has arrived. Also, the department head or designee shall notify the Human Resources Department as soon as possible.

9. May search areas which are jointly or fully controlled by the City after conferring with the Human Resources Department. In the event such an area is occupied by a Peace Officer all searches shall be consistent with Government Code Section 3309 (Police Officer Bill of Rights).

10. Management shall not use authority under these rules to unlawfully harass, intimidate, or discriminate against employees.

C. ENFORCEMENT

Employees reasonably believed to be impaired, or under the influence of drugs and/or alcohol, shall be prevented from engaging in further work and shall be monitored for a reasonable time until he or she can be safely transported from the work site. In no event should the individual be allowed to operate a vehicle while impaired, including driving home from work.

Refusal to submit immediately to a drug and/or alcohol analysis when requested by City management or law enforcement personnel shall constitute insubordination and may be grounds for discipline up to and including termination.

D. PHYSICAL EXAMINATION AND PROCEDURE

A drug and/or alcohol test may be administered by the City for any substance which could impair an employee's ability to effectively and safely perform the functions of his/her job. All testing (including the sample collection, chain of custody and laboratory services) shall be conducted in accordance with

Substance Abuse and Mental Health Services Administration (SAMHSA) and Department of Health and Human Services approved procedures.

E. RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

Post-Employment Offer Medical Examination

A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standard, duties or responsibilities.

If a drug screen is positive, and a result of the post-employment offer medical examination, the applicant must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid current prescription for the drug identified in the drug screen to the Human Resources Department. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

During Medical Examinations or Drug and/or Alcohol Tests

A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.

If the drug screen is positive, the employee must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid prescription for the drug identified in the drug screen, to the Human Resources Department. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action, up to and including discharge.

If a drug and/or alcohol test is positive, the City shall conduct an investigation to gather all the facts. The decision to discipline or discharge will be carried out in conformance with this section.

F. CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate, confidential medical folder that will be securely kept under the control of the Human Resources Director. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

SUPPLEMENT TO THE DRUG AND ALCOHOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS

Effective January 1, 1996, the City of Moreno Valley must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991 and subsequent revisions. Specifically, the City must comply with the regulations of the Federal Motor Carried Safety Administration (FMCSA). Adoption of a policy is one of the City's obligations under the regulations. Where applicable to the City, the requirements of those regulations are reflected in this policy. This policy sets forth the rights and obligations of covered employees. If you are an employee covered under these new requirements, you should familiarize yourself with the Policy provisions BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.

In addition, employees are required to comply with the applicable provisions of the supplement to the Drug and Alcohol Free Workplace Policy.

A. EMPLOYEE QUESTIONS

The regulations required that employers designate a person to answer employee questions about drug and/or alcohol testing. Employees shall refer any questions regarding his or her rights and obligations under the new regulations to the Designated Employer Representative (DER) which is the Human Resources Director or designee for this federally mandated program.

B. COVERED EMPLOYEES

Overall, the regulations cover drivers of commercial motor vehicles. A driver is any person who operates a commercial motor vehicle on a full-time, casual, intermittent, as-needed, or occasional basis. Employees in these job classifications may be required to drive commercial motor vehicles at least on an occasional basis.

Therefore, employees in those job classifications (and applicants for such positions) are considered a covered employee subject to the provisions of this policy. For the purposes of the post-employment offer medical examination, the term "driver" includes persons applying for employment in a position requiring the driving of a commercial motor vehicle on at least an occasional basis.

New employees or employees shall be given a copy of this policy at the time they commence employment with the City. All covered employees currently employed by the City at the time this policy is adopted shall be given a copy thereof within ten (10) days of its adoption. All covered employees will also be asked to sign the Acknowledgement / Receipt Form indicating receipt of a copy of this policy. This policy shall be posted immediately and was effective on January 1, 1996.

C. COVERED COMMERCIAL VEHICLES

The regulations cover drivers of the following commercial motor vehicles:

1. A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

2. A vehicle with a gross vehicle weight of at least 26,001 pounds.

3. A vehicle designed to transport sixteen (16) or more passengers, including the driver; or

4. A vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

D. SAFETY-SENSITIVE FUNCTIONS

The performance of any of the following on-duty functions by a covered employee in connection with that employee's operation, or scheduled operation, of a commercial motor vehicle is considered to be a safety-sensitive function.

1. All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.

2. All time inspecting equipment such as brakes, steering mechanism, lights, tires, horn, windshield wipers, mirrors, or coupling devices; or otherwise inspecting, servicing, or conditioning any commercial motor vehicle.

3. All time spent at the driving controls of a commercial motor vehicle.

4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.

5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle, or time spent performing driver requirements relating to accidents.

E. PROHIBITED CONDUCT

Covered employees may not have a measurable amount in their system or be in possession of controlled substances or alcohol during any work hours. Further, the regulations specifically prohibit certain conduct prior to performing and while performing safety-sensitive functions. The following conduct is prohibited and may result in discipline, up to and including termination:

1. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions while having an alcohol concentration level of 0.04 or greater.

2. Performing a safety-sensitive function within four (4) hours after using alcohol.

3. Being on duty or operating a vehicle, as described in Section C, while possessing alcohol.

4. Using or possessing alcohol while performing a safety-sensitive function.

5. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions when the employee has used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee (who in turn must notify his/her supervisor) that the substance does not adversely affect the employee's ability to safely operate a vehicle.

6. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions if the employee tests positive for controlled substances.

7. Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test shall be treated in the same manner as an employee who tested 0.04 percent or greater on an alcohol test or tested positively on a controlled substance test.

8. A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:

   - A refusal to provide a urine sample drug test.

   - An inability to provide a urine sample within the three (3) hour allowed time without a valid medical explanation.

   - A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test.

   - An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation.

   - Tampering with, attempting to adulterate, or substituting the urine specimen or collection procedure.

   - Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested.

- Leaving the scene of an accident without authorization from a supervisor or manager (who, in conjunction with the Human Resources Department, shall make a determination whether to send the employee for a post-accident drug and/or alcohol test), unless the employee has a valid reason for not obtaining such authorization.

9. Consuming alcohol during the eight (8) hours immediately following an accident, unless the covered employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

10. Use of prescribed drugs are not in direct violation of the City's policy, however inappropriate use or prescribed use that may substantially impair job performance, alter behavior, and/or create a risk to the health and safety of the employee or others, is in direct violation of the City's policy.

In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Action of 1988.

Covered employees are also reminded that they shall inform their supervisors of any over the counter or prescription medication prior to engaging in any safety-sensitive function.

F. CONSEQUENCES FOR EMPLOYEES FOUND TO HAVE ALCOHOL CONCENTRATION LEVELS OF 0.02 OR GREATER BUT LESS THAN 0.04

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 shall be removed from his/her safety-sensitive position for at least twenty-four (24) hours. Such an employee may be subject to discipline up to and including termination. The City shall then retest the employee. Before the employee may be returned to his/her safety-sensitive position, the employee's alcohol concentration must indicate a concentration below 0.02 percent.

G. CIRCUMSTANCES UNDER WHICH DRUG AND/OR ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES

1. Post-Employment Offer Testing

a. All applicants (whether by initial application or in connection with a transfer) for positions involving the performance of safety-sensitive functions shall be required to submit to post-employment offer/pre-duty drug testing. Applicants will not be hired for or transferred to a safety-sensitive position if they do not pass the test or if they refuse to consent to a drug/alcohol test.

2. Post-Accident Testing

a. Post-accident drug and alcohol testing shall be conducted on employees following an accident involving injury(s) and/or repair costs.

b. Post-accident alcohol tests shall be administered within two (2) hours following an accident and no test may be administered after eight (8) hours. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident.

3. Post-Accident Testing (urine sample)

a. Conducted after accidents on safety-sensitive employees who have been in an accident involving a human fatality; or a citation has been issued in one of the following situations:

i. There has been bodily injury with the need for immediate medical attention away from the scene, or

ii. There has been disabling damage to any motor vehicle requiring tow away. (Refer to Federal Motor Carrier Safety Regulations, sections 391.113 and 391.117).

Following an accident, the employee shall remain available for drug and/or alcohol testing, or may be deemed to have refused to submit to testing. This rule does not require the delay of necessary medical attention for injured people following an accident, nor does it prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.

4. Random Testing

Covered employees will be subject to random alcohol and drug testing as follows:

A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e. driving), while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The City will subject at least ten (10) percent of the total number of covered employees to random alcohol testing per year.

A random drug test will be administered to at least fifty (50) percent of the total number of covered employees per year. A covered employee may be subjected to drug testing even on a day in which the employee is not expected to perform a safety-sensitive function. To ensure that the process is in fact random, all covered employees, whether or not they have been chosen for testing in the past, will remain in the pool of employees for each subsequent period. This procedure assures that the probability of any individual being selected each period is always the same, whether or not the individual was selected in previous period.

On the date an employee is selected for random drug and/or alcohol testing, his/her supervisor will verify he/she is on the list of those to be tested.

5. Reasonable Suspicion Testing

"Reasonable suspicion" means that the trained supervisor believes that the actions, appearance, speech, body odors, or conduct of an on-duty employee are indicative of the use of drugs or alcohol. The witness must directly observe the behavior. Hearsay or second-hand information is not sufficient cause to require an employee to submit to a drug and/or alcohol test. The determination that a reasonable suspicion exists to require an employee to undergo an alcohol concentration test must be based on short-term specific, objective, contemporaneous, articulable facts concerning the behavior, appearance, speech, or body odors of the employee. The determination must be based upon observations of the trained supervisor making the determination, and may not be based upon hearsay.

The trained supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test. The trained supervisor witnessing the impairment must document the specific observations under which the reasonable suspicion is based.

The reasonable suspicion alcohol test will be administered within two (2) hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight (8) hours following the observation.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and/or alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substance use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Any reports or complaints which are filed as a result of this section and are determined to be malicious, vexatious or not in good faith, shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to alcohol use.

6. Return to Duty/Follow-up Testing

A covered employee who has violated any of the prohibitions of this Policy must submit to a return-to-duty test before he/she may be returned to a position requiring the performance of safety-sensitive functions. The test result must indicate an alcohol concentration of less than 0.02 percent or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest

during the first year of recover, the employee will be subject to follow-up testing, which is separate from the random testing obligation. The employee will be subject at least six (6) unannounced drug and/or alcohol tests during the first year back to the safety-sensitive position following the violation.

A substance abuse professional can direct additional testing during this period or for an additional period up to a maximum of sixty (60) months from the date the employee returns to duty. The Substance Abuse Professional can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the Substance Abuse Professional determines that additional testing is no longer necessary and is supported by the employer. Follow-up testing may include tests for other substances beyond the employee's initial positive test of alcohol and/or drug use when the Substance Abuse Professional has reason to suspect other drug or alcohol use during the follow-up period.

H. PROCEDURES TO BE USED FOR DETECTION OF DRUGS AND ALCOHOL

1. Alcohol Testing

Alcohol testing shall be conducted by using an evidential breath testing devise (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.

A screening test shall be conducted first. This initial screening may be accomplished using a saliva test kit. If the result is an alcohol concentration level of less than 0.02 percent, the test is considered a negative test. If the alcohol concentration level is 0.02 percent or more, a second confirmation test using the EBT shall be conducted.

The procedures that shall be utilized by the lab for collection and testing of the specimen are attached hereto as Appendix "B".

2. Drug Testing

Drug testing is a two-stage process. First, a screening test is performed. If it is positive for one or more drugs, then a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. The GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results.

All urine specimens are analyzed for the following drugs:

- Marijuana (THC Metabolite)
- Cocaine
- Amphetamines

- Opiates (including Heroin)
- Phencyclidine (PCP)

Drug testing will be conducted pursuant to the procedures set forth in Appendix "C"

I. REFUSAL TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST

As set forth in this Policy, a covered employee who refuses to submit to any required drug and/or alcohol testing shall be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

A job applicant who refuses to consent to a drug and/or alcohol test will be denied employment with the City of Moreno Valley. An employee's failure to submit to drug and/or alcohol testing required by the City for any reason may result in disciplinary action, up to and including termination.

Where there is reasonable suspicion that the employee is then under the influence of drugs and/or alcohol, the manager or supervisor shall arrange for the employee to be safely transported home after the testing. An employee shall not be permitted to transport him/herself.

J. CONSEQUENCES OF FAILING A DRUG AND/OR ALCOHOL TEST

It is the employee's responsibility to inform the City if he/she has a substance abuse problem and needs assistance to solve the problem, prior to taking (and possibly failing) the drug and/or alcohol test.

A positive result from a drug or alcohol test may result In disciplinary action, up to and including termination in accordance with this policy.

If a covered employee is not terminated, the employee:

1. Must be removed from performing any safety-sensitive functions.

2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her drug or alcohol abuse. The City is not required to pay for this treatment

3. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) that indicates an alcohol concentration level of less than 0.02 percent or a negative result on a controlled substances test.

4. Shall be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.

K. ALCOHOL MISUSE OVERVIEW

A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user. Alcohol is a drug. It is a central nervous system depressant that slows the body's functions. For some people, the use of alcohol can become addictive. The body develops a tolerance for alcohol, thus needing more of the drug to achieve the same effects. Once addicted to alcohol, the body experiences withdrawal symptoms when alcohol is not present in the bloodstream. Alcohol addiction, or alcoholism, is a disease. If left untreated, alcoholism is progressive as the damage to the body continues, and if unchecked may be ultimately fatal.

Alcohol misuse, alcohol abuse and alcoholism affect an individual's work performance. Alcohol, even in very small amounts, affects the user's judgment, reflexes, thinking ability, coordination, and attention. Alcohol is particularly dangerous when an individual needs to make a decision and act in an emergency or unfamiliar situation. Alcohol in a person's bloodstream affects one's ability to operate a vehicle or complex machinery, and to perform any safety-sensitive related tasks. Coming to work with a "hangover" also affects an employee's ability to perform. Hangover symptoms may include diminished clarity in thinking, tremors that reduce fine motor coordination, and flu-like feelings that decrease alertness and well being.

Alcohol misuse, alcohol abuse and alcoholism also affect an individual's personal and family life. Heavy alcohol drinkers have more illness and medical conditions requiring treatment. Financial and legal complications from excessive drinking are common problems. In the late stages of alcoholism, the individual's life is centered on alcohol; family, job, friends (except drinking buddies) are unimportant and ignored.

The following are indicators that alcohol may be a problem in an individual's life:

- Excessive use of Annual Leave because of heavy drinking or hangover.
- Monday and Friday absences from work; days before and after holidays.
- Making repeated promises to family/friends to "cut down" or stop drinking.
- Needing increasing amounts of alcohol to "feel good" or "get high."
- Morning shakes or tremors that are relieved by taking a drink.
- Being arrested for drunk driving.
- Refusing to participate in leisure activities where alcohol is unavailable.
- Experience periods of "blackout" when drinking (not remembering some events or situations that occurred while drinking).

- Mood swings and unreasonable resentments towards others.

ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical or mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

A. SIGNS AND SYMPTOMS OF ALCOHOL USE

1. IMMEDIATE EFFECTS OF ALCOHOL

- Odor of alcohol on breath
- Initial stimulation followed by depressed nervous system.
- Flushed skin
- Glazed appearance of eyes
- Slowed reaction rate
- Slurred speech
- Dulled mental processes
- Lack of Coordination

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

2. CHRONIC AND LONG TERM HEALTH EFFECTS

The chronic consumption of alcohol that averages three or more servings per day of an alcoholic beverage over time may result in the following health hazards: (one serving of beer is 12 oz., one serving of wine is 6 oz., and one serving of 80 proof liquor is13 oz.)

- Nutritional deficiencies and sleeping difficulties
- Impaired short-term memory and the inability to concentrate
- Brain and nervous system damage
- Liver damage
- Digestive problems (gastric ulcers)

- Higher likelihood of stroke, coronary problems
- Disease of the pancreas and kidneys

- Birth defects in children of heavy-drinking women (up to 54 percent of all birth defects are alcohol related)

- Physical and psychological dependence (up to 10 percent of all people who drink alcohol become dependent on alcohol and can be termed "alcoholic.")

- Increased cancer of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma

3. ALCOHOL'S EFFECTS ON SOCIETY

- Two-thirds of all homicides are committed by people who drink prior to the crime.

- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.

- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.

- The rate of separation and divorce in families with alcohol dependency problems is seven times the national average.

- Forty percent of family court cases have alcohol-related problems.

- Alcoholics are 15 times more likely to commit suicide than other segments of the population.

4. WORKPLACE ISSUES

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage through the body.

- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.

- A person who is legally intoxicated is six times more likely to have an accident than a person who is sober.

5. CONFIDENTIALITY PROCEDURES FOR INTERNAL CONTROL

Laboratory reports or test results shall not appear in an employee's general personnel file. The Human Resources Department will keep information of this nature under their control in a separate confidential medical file. Supervisors, managers, and other staff with such knowledge are not to discuss or disclose the results of any employee's drug and/or

alcohol tests with other employees, except under approved reasons as delineated by City policy.
The Human Resources Director or designee may disclose reports or test results to City management on a strictly need-to-know basis and to the tested employee upon request.

Employee's confidentiality is also protected with regard to disclosure by supervisors of any over-the-counter or prescribed medications, when the employee has notified the supervisor of such use as mandated by this policy.

The City may disclose test results without the employee's consent only when:

a. The information is compelled by law or by judicial or administrative process;

b. The information has been placed at issue by the employee in a formal dispute between the employee and the City;

c. The information is necessary to administer an employee benefit plan; or

d. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX B

Each employer shall establish an employee education and training program for all covered employees including:

A. EDUCATION

The education component shall include display and distribution to every covered employee of informational material for employee assistance, if available.

B. TRAINING

1. 1. **Covered employees.** Covered employees must receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use, including alcohol; on personal health, safety, and the work environment; and on the signs and symptoms that may indicate prohibited drug abuse.

2. 2. **Supervisors.** Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least sixty (60) minutes of training on the physical, behavioral, and performance indicators of probable drug use, including alcohol, and at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

   The local governing board of the employer or operator shall adopt an anti-drug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

   a. The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

   b. The categories of employees who are subject to the provisions of this part.

   c. Specific information concerning the behavior and conduct prohibited by this part.

   d. The specific circumstances under which a covered employee will be tested for prohibited drugs and/or alcohol misuse under this part.

   e. The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and

the integrity of the drug and alcohol testing process, safeguard the validity of the test results and ensure the test results are attributed to the correct covered employee.

f. The requirement that a covered employee submit to drug and/or alcohol testing administered in accordance with this part.

g. A description of the kind of behavior that constitutes a refusal to take a drug and/or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.

h. The consequences for a covered employee who has a verified positive drug or confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR part 40.

i. The consequences, as set forth in FTA Part 655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than 0.04.

j. The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.

Each employer shall provide written notice to every covered employee, and to representatives of employee organizations, of the employer's anti-drug and alcohol misuse policies and procedures.

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX C

A. ALCOHOL TESTING PROCEDURES

All testing will be conducted in accordance with alcohol testing procedures as required by 49 CFR.40 using the following procedures:

1. The employee arrives at the testing site.

2. If the employee does not arrive at the designated time for testing, the supervisor or designee will be contacted for instructions.

3. The I.D. of the employee to be tested is verified by examining a photo I.D. If the I.D. cannot be established, the Breath Alcohol Technician (BAT) will attempt to notify the employee's supervisor to establish a positive I.D. If that is not possible, the process stops.

4. If the employee being tested requests it, the Breath Alcohol Technician (BAT) should present his/her I.D.

5. Once the employee's I.D. is established, Step 1 of the United States Department of transportation Breath Alcohol Testing Form (DOT) will be completed.

6. The employee will complete Step 2 on the DOT form, signing the certification. If the employee refuses to sign; it is regarded as a refusal to take the test.

7. The employee shall be tested for alcohol using a saliva test kit or screening alcohol breath test. If test results are negative on this screening test, a copy of the DOT form will be completed noting the results, and a copy provided to the employee. One will be forwarded to the supervisor and one will be retained by the BAT.

8. If the screening test indicates an alcohol level greater than 0.02, an EBT test is required as follows:

    a. The employee and BAT shall read the sequential test number displayed on the Evidential Breath Testing (EBT) device for the test.

    b. The employee will open an individually sealed mouthpiece in view of the BAT and attach it to the EBT according to instructions.

    c. The employee will blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.

d. The BAT completes Step 3 of the DOT testing form.

e. The employee will sign Step 4 of the DOT testing form stating that the information on the form is accurate and that the employee must not perform safety-sensitive duties or operate heavy equipment if the results are 0.02 or greater.

f. If the test results are less than 0.02 on this test, a copy of the form will be provided to the employee. The test process is complete and a copy will be forwarded to supervisor and one will be retained by the BAT. If the test results are greater than 0.02 on this test, an EBT confirmation test will be conducted as follows:

i. The BAT will explain that a confirmation test will be conducted.

ii. The employee must stay in the room observed for a fifteen (15) minute waiting period. During this period, the employee may not eat, drink, or put any object or substance into his/her mouth.

iii. The confirmation test will be conducted no less than fifteen (15) minutes after the initial EBT test, but within thirty (30) minutes of the completion of the initial list.

iv. The confirmation test will be completed according to Steps H-M of this procedure.

v. If the result of the confirmation test is different from the EBT screening test, the confirmation test will be considered the accurate result.

vi. If the results are still greater than or equal to 0.02 on the confirmation test, the BAT will contact the employee's supervisor for further instructions before releasing the employee from the test site.

vii. Employees with a reading of 0.02 or more are not to drive or engage in any safety-sensitive operations until further notice from their supervisor and in accordance with this policy.

viii. All results will be transmitted in conformity to confidentiality procedures outlined below.

B. DRUG TESTING PROCEDURES

1. The urine specimen will be split into two bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the lab.

2. If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.

3. The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

4. If the test is positive for one or more drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.

5. All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and then to the City.

6. With all positive drug tests, the physician (a.k.a. medical review officer [MRO]) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as "negative."

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX D

REASONABLE SUSPICION OBSERVATION FORM
(STRICTLY CONFIDENTIAL)

EMPLOYEE NAME: **DAY/TIME OF INCIDENT:**

SUPERVISOR #1 NAME: (Optional) **SUPERVISOR #2 NAME:** (Optional)

The following checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee is under the influence of a prohibited drug substance or alcohol. The supervisor(s) note all pertinent behavior and physical signs or symptoms, which lead you to reasonable belief that the employee has recently used or is under the influence of a prohibited substance. Mark each applicable item on this form and any additional facts or circumstances, which you have noted.

A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION

1. Observed/reported possession or use of a prohibited substance
2. Apparent drug or alcohol intoxication
3. Observed abnormal or erratic behavior
4. Arrest or conviction for drug-related offense
5. Evidence of tampering on a previous drug test
6. Other (e.g., flagrant violation of safety regulations, serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job). Please specify.

_____

_____

_____

B. UNUSUAL BEHAVIOR

1. Verbal abusiveness
2. Physical abusiveness
3. Extreme aggressiveness or agitation
4. Withdrawal, depression, mood changes, or unresponsiveness
5. Inappropriate verbal response to questioning or instruction
6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion). Please specify.

_____

_____

C. PHYSICAL SIGNS OR SYMPTOMS

1. Possessing, dispensing, or using controlled substance.
2. Slurred or incoherent speech.
3. Unsteady gait or other loss of physical control; poor coordination.
4. Dilated or constricted pupils or unusual eye movements.
5. Bloodshot or watery eyes.
6. Extreme fatigue or sleeping on the job.
7. Excessive sweating or clamminess to the skin.
8. Flushed or very pale face.
9. Highly excited or nervous.
10. Nausea or vomiting.
11. Odor of alcohol.
12. Odor of marijuana.
13. Dry mouth (frequent swallowing/lip wetting).
14. Dizziness or fainting.
15. Shaking hands or body tremors/twitching.
16. Irregular or difficult breathing.
17. Runny sores or sores around nostrils.
18. Inappropriate wearing of sunglasses.
19. Puncture marks or "tracks".
20. Other (Please specify.)

_____

_____

_____

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions, and any other pertinent information not previously noted. Please note the date, times, and location of reasonable cause testing or note if employee refused test. Attach additional sheets as needed.

_____

_____

_____

_____

_____

Signature of Supervisor #1 Date/Time **Signature of Supervisor #2 Date/Time**

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy

APPENDIX E

I. THE CITY OF MORENO VALLEY DRUG AND ALCOHOL PROGRAM MANAGER (DPMA) AND DESIGNATED EMPLOYER REPRESENTATIVE (DER)

The City of Moreno Valley has designated the Human Resources Director or designee, as the Drug and Alcohol Program Manager (DAPM), and as the Designated Employer Representative (DER) to answer questions about the City of Moreno Valley's anti-drug and alcohol misuse programs.

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MV00105575

Personnel Rules and Regulations Revision Index **ATTACHMENT B**

The attached City of Moreno Valley Personnel Rules reflect changes due to the MOU's that were adopted during the past two years. For easy reference purposes, the format of the document and headings were changed to regular font and no line spacing, so that changes can be more easily seen. Fonts with ~~strikethrough~~ indicate that the wording is being deleted. Fonts that are in **bold** indicate that the wording is new added.

The following is an index of the pages and changes made.

Page Number	Change
i	Date of revision to personnel rules and adding "official employee" to the title of the personnel file name
iii	Added Section 7.05 Holiday Pay and Holiday Leave
iv	Added Section 9.40 Last Chance Employment Agreement
3	
5	Added Section 9.40 Last Chance Employment Agreement terms
6	Added 12 months limit to terms of temporary employment
7	Changed "Normally" to "Typically"
20	Changed "determined" to "approved"
21	Changed "must request" to "can obtain"
35	An employee who resigns from the City, and is rehired within one year of his/her rehire date, will receive the same employee benefits, and the City will pay the same share of CalPERS contributions, as prior to the separation
39	All over-time work must be pre-approved by the employee's manager
42	Section 7.05 Holiday Pay and Holiday Leave Lists the City's 11 legal holidays and explains how holiday pay is accrued and how it can be used Section 7.10 Annual Leave Deleted the word "holiday" as part of the combined banks used to calculate annual leave banks Deleted Section A and then renamed Sections B – H
43	Changed required amount of annual leave usage from 168 to 80 hours annually Removed all references to "holiday leave" Annual Leave reporting shall be done in ¼-of-an-hour increments for all employees
44	Annual Leave Donations approved by HR Director instead of City Manager Deleted sentence regarding annual leave donations being taken from forfeitable annual leave balances Annual Leave calculations now include any WSR used in a 40-hour workweek Annual Leave Accrual Rates updated to reflect holiday hours being removed from Annual Leave Bank.

A. Executive Team

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~14.77~~	**11.39**	~~384~~	**296**	~~2,080~~	**1,664**
6 – 10	~~16.31~~	**12.93**	~~424~~	**336**		
11+	~~17.85~~	**14.47**	~~464~~	**376**		

Deleted "including grandfathered amounts"

B. Division Management Employees

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~13.85~~	**10.47**	~~360~~	**272**	~~2,080~~	**1,664**
6 – 10	~~15.38~~	**12.01**	~~400~~	**312**		
11+	~~16.31~~	**12.93**	~~424~~	**336**		
DM's Hired Prior to 9/22/92	~~16.92~~	**13.55**	~~440~~	**352**	~~2,080~~	**1,644**

45 C. Professional/Administrative

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~13.09~~	**9.70**	~~340~~	**252**	~~2,080~~	**1,664**
6 – 10	~~14.62~~	**11.24**	~~380~~	**292**		
11+	~~15.54~~	**12.16**	~~404~~	**316**		
PAM's Hired Prior to 9/22/92	~~16.15~~	**12.77**	~~420~~	**332**	~~2,080~~	**1,644**
Added: **PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.**						

Deleted "including grandfathered amounts"

D. Non-Exempt

Years of Service	Accrual Rate per Pay Period		Hours per Year		Annual Leave Cap	
1 - 5	~~10.77~~	**7.39**	~~280~~	**192**	~~2,080~~	**1,664**
6 – 10	~~12.31~~	**8.93**	~~320~~	**232**		
11+	~~13.23~~	**9.85**	~~344~~	**256**		
NE's Hired Prior to 9/22/92	~~13.85~~	**10.42**	~~360~~	**272**	~~2,080~~	**1,644**

Section 7.15 Grandfathered Leave Balances
Added policy date of December 14, 2007
Sick Leave shall be referred to as "Grandfathered Sick Leave" and are considered "frozen" sick leave hours
Added the word "frozen"
Changed "an" to "a"
Deleted "not" added "only"
Added "if the employee is on approved FMLA leave"
46 Added formula options for Grandfathered Sick Leave balances at time of retirement
Changed "separation" to "retirement"

	Added that employees who do not retire under the City's CalPERS contract at the time of separation shall forfeit 40% of their frozen sick leave
	Added that an employee absent for three consecutive working days due to illness or injury may access their frozen sick leave bank. In order to do so, employee must complete a Leave of Absence Request Form and submit it, along with a physician's certification of inability to perform required duties to their supervisor and executive manager for approval
	Changed 2080 to 1664 hour annual leave cap
	Section 7.20 Annual Leave Cash Out Upon Separation and Retirement
	Changed separating employees are entitled to payment for "80%" to "100%" of their unused annual leave balance
	Deleted sentence regarding 20% of annual leave being forfeited
	Deleted Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15
	Changes employees retiring from the City
	Changed retiring employees are entitled to payment for "80%" to "100%" of their unused annual leave balance
	Deleted sentence regarding 20% of annual leave being converted to PERS service credit
48	Deleted sentence, "If she chooses to remain away from work longer, she must apply for family leave."
49	Changed "shall" to "may" and added "Frozen Sick Leave, and then any other accrued leave available, such as"
	Changed "continuing" to continue"
53	Section 7.60 On-the-Job Injuries and Workers' Compensation Coverage
	Added "fully paid Workers' Compensation Leave (i.e., equal to the employee's regular base pay compensation, including reduced pay due to furlough pay reduction"
	Deleted "a sum which, when added to the amount of temporary disability payment, will result in a payment equal to such an employee's regular compensation"
	Added "receive"
	Added "through the City's Long Term Disability Plan"
	Added sentence stating that if an employee is unable to return to work due to a permanent disability and retires under CalPERS benefits, the employee may also be eligible for long-term disability plan benefits
54	Added sentence stating that if an employee is still unable to work after one year, the City may initiate processing a PERS disability retirement application on behalf of the employee
55	Added "or medical Retirement"
63	Added Section 9.40 Last Chance Employment Agreement
	Changed "9.40" to "9.45"
64	Changed "9.45" to "9.50"
	Changed "9.50" to "9.55"
	Changed "9.55" to "9.60"

76	Section 13.15 Access to Files Changed "Finance" to Financial and Administrative Services"
78	Section 14.05 Benefit Bank Added "to the extent permitted by the provisions of the benefit plan carriers" Changed "two (2) weeks of any change of active status" to "sixty (60) days as defined by CalPERS
80	Section 14.15 Post Retirement Medical Benefits
81	Deleted "an insurance/annuity program chosen by the MVCEA" Added "the Benefit Bank" Added "under the CalPERS retirement benefits system with a minimum of" and deleted "after at least" Section 14.25 City Retirement Plan Added "for employees hired prior to July 1, 2009. Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009." Added "hired prior to July 1, 2009" Added "Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution." Added "hired prior to July 1, 2009" Added "Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution."
82	Added section "D" Section 14.35 IRC Section 457 Plan Changed requests for emergency/hardship withdrawal will now be made directly to the 457 plan provider and not to Human Resources 14.36 IRC Section 401A Plan Deleted "Open Enrollment is the only opportunity to join the plan." Changed Eligible employees who want to enroll must do so within the first 30 days of hire, or during the annual open enrollment period. Added PAM-Confidential employees receive $750.10 per fiscal year (28.85 per pay period) in a City sponsored 401(a) Plan.
83	14.40 Life Insurance Added section "D" Changed $11,000 to $14,000

84	Added to Section "B" regarding paid vs. unpaid leave in relation to annual leave accruals, FMLA leave, health insurance and COBRA disability retirement options.
85	Section 15.05 Stand-by Deleted "seven (7) consecutive calendar days a" Added "period of days" Deleted "Friday at 4:00 p.m. Added "at the time and on the day determined by the departmental coverage requirements and as approved by the employee's manager. Under some circumstances the period is not a seven consecutive day period." Added current Stand-by Pay amounts
86	15.16 Safety Equipment Added "an", "stipend" Deleted "vouchers with a local vendor" Added "The City provides uniforms for employees in the Security Guard job classification.
87	Section 16.25 Seminars and Conferences Section "A" Changed Finance to "Financial and Administrative Services"
88	16.30 Tuition Reimbursement Added "pre", "accredited", "up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30)" Added that courses must be part of a recognized degree or related to the employee's current job; and the school offering the program must be an accredited school recognized by the U.S. Department of Education or authorized accrediting organization, e.g. WASC Deleted "leading to an Associate's degree, undergraduate or graduate degree"

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MV00105581

CITY OF MORENO VALLEY
PERSONNEL RULES & REGULATIONS
REVISED ~~FEBRUARY 2009~~, **May 2011**

Please complete this form and return to Human Resources. If you have any questions regarding the Personnel Rules & Regulations, please contact the Human Resources Department at extension 3045.

On _____, I received a copy of the City of Moreno Valley's, ~~February 2009~~ **May 2011**, Revised Personnel Rules & Regulations, and I have had an opportunity to ask questions and discuss the information. I understand that a copy of this acknowledgement form will be placed in my central **official employee** personnel file, located in the Human Resources Department.

Employee Name (Please Print): _____

Employee Signature: _____

Department/Division: _____

. . . . . .

Human Resources Department Use Only

Date Returned: _____

Received by: _____

CITY OF MORENO VALLEY
PERSONNEL RULES AND REGULATIONS
REVISED ~~February 2009~~ **May 2011**
TABLE OF CONTENTS

SECTION 1: GENERAL PROVISIONS
1.05 Authority 1
1.10 Objectives 1
1.15 Interpretation 1
1.20 Definition of Terms 1
1.25 Administration of the Personnel System 7
1.30 Contracts for Special Services 7
1.35 Application and Exceptions 8
1.40 Adoption and Amendment of Rules 9
1.45 Validity of Rules (Severability) 9
1.50 Violation of Rules 9
1.55 Conflicts of Interest and Acceptance of Gifts and Other Gratuities 9
1.60 Incompatible Employee Activities 10
1.65 Political Activities 10
1.70 Safety and Health 11
1.75 Drug and Alcohol Free Workplace Policy 12
1.80 Equal Employment Policy 13
1.85 Discrimination and Anti-Harassment Policy 13
1.90 Workplace Violence Policy 15
1.95 Smoking Policy 16
SECTION 2: CLASSIFICATION AND SALARY PLAN
2.05 Preparation, Adoption, and Amendment of Classification Plan 17
2.10 Allocated Positions 17
2.15 New Positions 17
2.20 Classification Manual 17
2.25 Preparation of Salary Schedule 17
2.30 Appropriate Salary Level 17
2.35 Benefit Plan 18
SECTION 3: TYPES OF APPOINTMENTS
3.05 Types of Appointments 19
3.10 Emergency Appointments 19
3.20 Acting Pay 19
3.25 Transfer 20
3.30 Promotion 21
3.35 Demotion 21
3.40 Reclassification 21
3.45 Layoffs, Reduction in Force, Recall 23

SECTION 4: RECRUITMENT AND SELECTION

4.05 Equal Employment Goals and Policies 26
4.10 Personnel Requests 26
4.15 Job Announcements 26
4.20 Personnel Applications 27
4.25 Recruitment 27
4.30 Evaluation of Applications 28
4.35 Candidates' Examination Inspection 28
4.40 Veterans' Points 29
4.45 Nepotism Policy 29
4.50 Driving Safety Check 31
4.55 Eligibility Lists 31
4.60 Final Decisions of Selection 32
4.65 Pre-Employment Physical 32
4.70 Employment Eligibility Verification 33
4.75 Probationary Period 33
4.80 Criminal Conduct – Ineligibility for Employment 33
4.85 Fingerprinting 34
4.90 Resignation 34
4.95 Rehire 34
SECTION 5: PERFORMANCE EVALUATIONS AND SALARY ADJUSTMENTS
5.05 Salary at Appointment 35
5.10 Employee Performance Evaluation 35
5.15 Progression on Merit Pay 36
SECTION 6: ATTENDANCE AND HOURS OF WORK
6.05 Workweek and Overtime 38
6.06 Overtime Compensation 38
6.08 Compliance with Fair Labor Standards Act 39
6.10 No Guarantee of Hours 39
6.15 Stand-by and Call-back Policy 39
6.20 Time Sheets 39
6.25 Constructive Resignation 40
6.30 Lunch and Break Policy 40
SECTION 7: LEAVES
7.05 Holiday Pay and Holiday Leave
7.10 Annual Leave 41
7.15 Grandfathered Leave Balances 44
7.20 Annual Leave Cash Out Upon Separation and Retirement 45
7.30 Bereavement Leave 45
7.35 Jury Duty and Witness Leave 46
7.40 Pregnancy Disability Leave 46
7.45 Family Care and Medical Leave 47
7.50 Leave of Absence Without Pay 49
7.55 Military Leave 50
7.60 On-the-Job Injuries and Workers' Compensation Coverage 51

7.65 Voting Leave 54

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES
8.05 General Statement of Policy 55
8.10 Customer Service Policy 55
8.15 Unlawful Discrimination 55
8.20 Standards of Conduct 55
8.25 Objective of Disciplinary Guidelines 56
8.30 Major and Minor Offenses 57
8.35 Levels of Offenses 57
SECTION 9: DISCIPLINARY ACTIONS
9.05 Definition of Disciplinary Action 62
9.10 Informal Discussion 62
9.15 Formal Warning 62
9.20 Written Reprimand 62
9.25 Disciplinary Suspension 62
9.30 Reduction in Pay 63
9.35 Demotion 63
9.40 Last Chance Employment Agreement 63
9.4**5**~~0~~ Dismissal 63
9.**50**~~45~~ Resignation – An Alternative to Disciplinary Action 64
9.5**5**~~0~~ Documentation of Disciplinary Action 64
9.**60**~~55~~ Employee Representation 64
SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS
10.05 Actions That Are Not Appealable 65
10.10 Disciplinary Action Subject to Skelly Procedure 65
10.15 Administrative Suspensions with Pay 65
10.20 Skelly Procedure/Due Process 65
10.25 Appeal of Department Head's Decision 66
10.30 Amended Notice of Disciplinary Action 67
SECTION 11: APPEALS HEARING PROCESS
11.05 Selection of a Hearing Officer 68
11.10 Scheduling the Hearing 68
11.15 Hearing Representation 68
11.20 Recordation of Hearing 69
11.25 Hearing Expenses 69
11.30 Hearing Procedure 69
11.35 Hearing Officer's Recommendation 69
11.40 City Manager's Decision 70
SECTION 12: GRIEVANCES
12.05 Matters Subject to Grievance Procedures 71
12.10 Matters Not Subject to Grievance Procedures 71
12.15 Freedom from Reprisal 72

12.20 Consolidation 72

12.25 Resolution 72
12.30 Withdrawal 72
12.35 Resubmission 72
12.40 Employee Representation 72
12.45 Miscellaneous 72
12.50 Informal Grievance Procedure 73
12.55 Formal Grievance Procedure 73
12.60 Time Limits 74
SECTION 13: EMPLOYEE RECORDS AND FILES
13.05 Personnel Files 75
13.10 Documents in Personnel Files 75
13.15 Access to Files 76
13.20 Disclosure of Information 76
13.25 Changes-in-Status 76
13.30 Application Retention 77
13.35 Destruction of Personnel Records 77
BENEFIT POLICIES
SECTION 14: EMPLOYEE BENEFIT POLICIES
14.05 Benefit Bank 78
14.10 Management Package 79
14.12 Auto Allowance 80
14.15 Post Retirement Medical Benefits 80
14.20 PERS Medical Coverage for Retirees 81
14.25 City Retirement Plan 81
14.30 IRC Section 125 Plan 82
14.35 IRC Section 457 Plan 82
14.36 IRC Section 401A Plan 82
14.40 Life Insurance 83
14.45 Disability Insurance 83
14.50 Unemployment Compensation 84
14.55 Employee Assistance Program (EAP) 84
14.60 Medicare 84
SECTION 15: SPECIAL COMPENSATION
15.05 Stand-By 85
15.10 Call-back 86
15.15 Bilingual Pay 86
15.16 Safety Equipment 86
SECTION 16: TRAINING
16.05 Training 87
16.10 In-House Training 87

16.15 Departmental Training 87

16.20 Training Courses 87
16.25 Seminars and Conferences 87
16.30 Tuition Reimbursement 88
16.35 Training and Travel Reimbursement 88
DRUG AND ALCOHOL FREE WORKPLACE POLICY
APPENDIX A
Testing for Alcohol and Drugs 90
A. Employee Responsibilities 90
B. Management Responsibilities 92
C. Enforcement 93
D. Physical Examination and Procedure 93
E. Results of Drug and/or Alcohol Analysis 94
F. Confidentiality 94
SUPPLEMENT TO THE DRUG AND ALCOLOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS
A. Employee Questions 95
B. Covered Employees 95
C. Covered Commercial Vehicles 95
D. Safety-Sensitive Functions 96
E. Prohibited Conduct 96
F. Consequences for Employees Found to Have Alcohol 98
G. Circumstances Under Which Drug and/or Alcohol Testing will 98
Be Imposed On Covered Employees
H. Procedures to be Used for Detection of Drugs and Alcohol 101
I. Refusal to Submit to a Drug and/or Alcohol Test 102
J. Consequences of Failing a Drug and/or Alcohol Test 102
K. Alcohol Misuse Overview 102
ALCOHOL FACT SHEET 104
A. Signs and Symptoms of Alcohol Use 104
1. Immediate Effects of Alcohol 104
2. Chronic and Long Term Health Effects 104
3. Alcohol's Effects on Society 105
4. Workplace Issues 105
5. Confidentiality Procedures for Internal Control 105
APPENDIX B 107
Employee Education and Training Program 107

A. Education 107

B. Training 107
APPENDIX C 109
Testing will be Conducted in Accordance with Alcohol Testing 109
Procedures as Required by 49 CFR.40
A. Alcohol Testing Procedures 109
B. Drug Testing Procedures 110
APPENDIX D 112
Reasonable Suspicion Observation Form 112
APPENDIX E 114
Drug and Alcohol Program Manager (DAPM) and Designated Employer 114
Representative (DER)

PERSONNEL RULES AND REGULATIONS
REVISED February **May 2009 11**
SECTION 1: GENERAL PROVISIONS
1.05. AUTHORITY
The City Council of the City of Moreno Valley is authorized and directed under the Municipal Code and the provisions of Section 1.40 of these Rules to adopt rules for the administration of the City's personnel system.
1.10 OBJECTIVES
The objectives of these Personnel Rules are to facilitate efficient and effective services to meet public needs as well as provide for an equitable system of personnel management in municipal government.
These Rules shall set forth in detail procedures which ensure fair and equitable treatment for those who compete for original employment and promotion within City employment and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the City.
1.15 INTERPRETATION
Within the limits of administrative feasibility, the City Manager shall be responsible for the interpretation of these Rules in cases where the proper application of a rule or any portion thereof is not clearly ascertainable. When such interpretation is required, the result shall be in harmony with the objectives set forth above.
1.20 DEFINITION OF TERMS
All words and terms used in these Rules and in any ordinance or any resolution dealing with Personnel Rules and Regulations shall be defined as they are normally and generally defined in the field of personnel administration. For the purpose of convenience, the following words and terms most commonly used are defined.
Anniversary Date: The date when the employee last completed probation. If an at-will employee, the date the employee was hired to the most recent position.
Except as specifically provided in these Rules, any non-probationary employee who takes an authorized leave of absence without pay shall have his or her anniversary date extended the same amount of time as his or her period of leave.
Appointing Authority: The City Manager or designee who, in his or her individual capacity, has the final authority to appoint a person to a position of employment.
Appointment: The designation of a person to fill a position of employment.
At-Will Employee: A probationary employee, temporary employee, seasonal employee or contract employee, who does not hold career status.

Career Employee: A permanent employee hired for an indefinite term into a budgeted

position, who is regularly scheduled to work no less than one thousand (1,000) hours per year, has successfully completed his or her probationary period, and has been retained as provided in these Rules.
City: The City of Moreno Valley.
City Manager: The City's Chief Executive Officer.
Classification: A certain group of job positions with the same title, salary range, and benefit package.
Classification Manual: A document containing the class specifications for all City positions as approved by the City Manager or designated official.
Classification Plan: A listing of the duties and responsibilities of all City positions, as determined by the City Manager and adopted by the City Council.
Classification Roster: A listing of all City positions including the title and benefit category contained in the annual fiscal year budget, as determined by the City Manager and adopted by City Council.
Compensatory Time: Time accrued or taken off from work with pay, in lieu of paid overtime compensation.
Competitive Service: The merit system whereby City employees are hired and promoted through a competitive process based upon objective standards of merit to assure fair consideration in all aspects of employment/promotion.
Contractual Employee: An employee hired and paid pursuant to the terms and conditions of a specified written contract between such an employee and the City.
Days: Calendar days unless otherwise stated.
Demotion: The voluntary or involuntary transfer of an employee from one classification to another classification with a lower salary or to a lower step in a classification or hierarchy of positions.
Department Head: One who functions directly under the authority of the City Manager, has direct responsibility for a particular department, and manages its staff, policies and budget.
Dependent: A covered person who relies on another person for support; or obtains health coverage through a spouse, domestic partner, parent, grandparent, or legal guardian. **For the purpose of insurance eligibility, an eligible dependent is defined as: spouse, registered domestic partner, child, economically dependent child, and adult children up to age 26.**
Direct Appointee**:** A person occupying a position in the City employment selected by the City Council or City Manager. Direct Appointees include the City Manager, Assistant City Manager, City Clerk, City Treasurer, City Attorney, and any assistant or deputies to the City Manager, City Clerk, City Treasurer, City Attorney and Department Heads.
Disciplinary Action: The discharge, demotion, reduction of pay, suspension, placing on probation, or the issuance of a **last chance employment agreement,** written reprimand, or formal warning, or any other action for punitive, corrective, or disciplinary reasons.

Disciplinary Suspension: A disciplinary action that temporarily separates an employee

from City service without pay.
Dismissal: The discharge of an employee by the City from City employment.
Division Manager: Division Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.
Domestic Partner: As defined by state law and registered accordingly.
Elected Official: The Mayor and members of the City Council. Members of commissions and advisory bodies appointed by the City Council or City Manager shall be included in this definition for use in the Rules only.
Eligibility List: A list of all persons eligible for appointment to a particular classification after final testing/interviews as determined by the Human Resources Director.
Emergency Appointment: An appointment made to meet immediate requirements of an emergency condition, such as fire, flood or earthquake, which threatens life or property, where such employment is not anticipated to endure beyond the duration of such an emergency period.
Employee: A person occupying a position in the City employment providing services to the City or its residents. This excludes City Council Members, commissioners, members of advisory boards, positions appointed directly by the City Council, independent contractors and outside contractors.
Employee Assistance Program (EAP): A health and wellness benefit which allows an employee or a member of his or her family to receive personal counseling at City expense, subject to certain limits and available funds.
Employee Relations Officer: The City Manager-designated officer who administers the City's employee relations as defined in Employee Relations Resolution #92-110. The designated Employee Relations Officer functions under the authority of the City Manager.
Executive Management: Department Heads and those who qualify for executive exemption under FLSA and for a certain benefits package.
Fair Labor Standards Act (FLSA): The Federal Law, which guarantees employees certain minimum wages and time and one-half overtime standards.
Fiscal Year: A twelve-month period from July 1 to June 30 in which the City plans, budgets, appropriates, and expends its funds.
Flexible Work Schedule: A City Manager-approved variation from the standard daily work hour schedule of 8:00 a.m. to 5:00 p.m.
Full-time Employee: An employee who is regularly scheduled and expected to work forty (40) hours or more during a workweek.
Furlough: A Management-dictated, mandatory, reduced working period implemented to save City funds during difficult economic times.

General Non-Exempt Employee: An employee who is not exempt from the pay and

overtime provisions of FLSA and who qualifies for a certain benefits package.
Human Resources Officer: The City Manager-designated officer, known as the Human Resources Director, who administers the City's personnel system. The designated Human Resources Officer functions under the authority of the City Manager.
In-House Competitive Examination: A type of examination open only to City employees meeting the minimum qualifications for a particular classification.
Immediate Family Member: Mother, father, spouse, domestic partner, natural/step children, children of domestic partner, mother-in-law, father-in-law, brother, or sister, grandparent and grandchild. Step-parents may be included depending on the current situation.
Insubordination: This occurs when an employee refuses a lawful order from a supervisor. Three elements should exist: (a) the employee understood the instructions and consequences of failing to follow the order; (b) the order was in line with the employee's duties; and (c) there was no safety reason for the employee to refuse the order.
Interim Employee: An employee who is appointed to a career classification on an acting or temporary basis pending completion of the recruitment process, issuance of an eligibility list, and filling the classification.
Last Chance Employment Agreement: is an agreement between the City, an affected employee and a bargaining unit representative. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations — usually termination of employment, with a condition that the employee waive any future rights of appeal of the termination.
Lead Worker: A working daily supervisor who typically schedules, assigns, trains, monitors, and evaluates the work of a crew or group of employees. Additionally, a lead worker performs the more difficult and responsible tasks assigned to classifications within that classification series.
Leave of Absence Without Pay: A period of time during which an employee may take time off without receiving compensation or benefits, unless otherwise stated in these Rules.
Limited Term: An employee hired for a definite term based on the funding available and/or workload requirements.
Merit Salary Increases: The increase of an employee's salary within the salary range established for the classification the employee occupies, resulting from satisfactory job performance, which is based on performance or merit, not solely on longevity.
Misconduct: Any act or unsatisfactory job performance which may be subject to disciplinary action.
Modified Work Schedule: Any work pattern schedule other than a usual 8 to 5 schedule as approved by the City Manager.
Open Competitive Examination: A type of examination open to applicants meeting the minimum qualifications for a particular position.

Overtime: The time which an employee is required or permitted to work beyond the

number of hours prescribed for a full-time employee in that classification. Overtime compensation, taken as paid time or as compensatory time, shall be authorized as provided in Section 6.05.

Part-time Employees: The City has three (3) types of part-time employees; career part-time, temporary or seasonal, and crossing guards.

A. Career Part-Time Employee: An employee who works a minimum of twenty (20) scheduled hours per week on a permanent basis.

B. Temporary or Seasonal Employee: An employee, other than a contract employee, who is scheduled to work no more than 1,000 hours in a calendar year, **no more than twelve continuous months,** or one for whom there is no Council-authorized position **and no employee benefits.**

C. Crossing Guard: An employee hired as a regular or an alternate crossing guard. A regular crossing guard shall have a usual post near a school site. An alternate or substitute guard shall relieve any regular crossing guard in the case of absence.

Performance Assessment Review (PAR): This is the performance evaluation tool for the City's career employees, wherein performance is evaluated and rendered at three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date.

Permanent Disability: A medical disability which will indefinitely prevent the employee from performing his/her essential job duties without creating unreasonable endangerment to health and safety or inefficiency of the employee or others.

Personnel Ordinance: Chapter 2.30 of the City's Municipal Code, authorizing the establishment of a personnel system for the City.

Position: A specific job assigned to a job classification.

Probationary Employee: An employee who is serving his or her probationary period.

Probationary Period: A working test period which is part of the selection process, during which an employee is required to demonstrate his or her fitness for the position to which assigned. Before an employee may promote, they must successfully complete original probation.

Professional/Administrative/Management Employee: An employee who qualifies for the executive (Professional/Administrative/Management) exemption under FLSA and for a certain benefits package.

Promotion: The advancement of an employee from one classification to another classification having a higher salary range.

Reclassification: The reassignment from one classification description, or status to a different classification description, or status in accordance with a re-evaluation of the

minimum qualifications, duties, and responsibilities of the position in question. Simple

title changes are not reclassifications.
Reduction in Force (RIF): A layoff in the work force.
Resignation: The voluntary separation by an employee from City employment.
Rules: These Personnel Rules, as they may be amended periodically.
Salary Schedule: The listing of the salary ranges and steps for all defined City classifications.
Salary Range: The range of pay an employee can earn while employed in a particular classification.
Seniority: The length of an employee's continuous service in a City career position.
Staffing Plan: The classification titles, salaries and number of allocated positions in a department or division for a designated fiscal year, as determined by the City Manager and adopted by City Council in the annual budget document.
Standards of Conduct: Those rules which are intended to govern the actions of City employees during their course of employment with the City with respect to the employee's job performance.
Supervisor: Performs full scope of supervisory duties including hiring, training, planning, scheduling, disciplining, and evaluating the work of several crews and/or work units of staff.
Temporary Employee: *(See Part-time Employees)*
Termination: The separation of an employee from City service because of retirement, resignation, permanent disability, death or dismissal.
Transfer: The change of an employee from one department or division to another department or division without changing the employee's salary and usually within the same classification.
Workweek: A regularly recurring period of seven (7) consecutive twenty-four (24) hour days beginning at 12:01 p.m. on Friday and concluding at 12:00 noon the following Friday.
Y-Rate of Pay: The Y-rate of pay shall exist when an employee's salary is frozen at the then current level until such time as the commencing salary at the Y-rate, taken together with subsequent general salary increases, equals or exceeds the employee's salary at the Y-rate. This may occur in situations where an employee is reclassified, voluntarily demoted, or as otherwise stated in these Rules. ~~Normally~~**Typically**, benefits will not be Y-rated.

The City Manager shall administer the City personnel system and may delegate any of the powers and duties related thereto to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided in Section 1.30 of these Rules. The City Manager shall:

A. Act as the appointing authority for all City employees except those officers and employees directly appointed by the City Council.

B. Administer all of the provisions of these Personnel Rules except as specifically reserved to the City Council.

C. Prepare and recommend to the City Council any appropriate Personnel Rules and revisions to such Rules.

D. Prepare or cause to be prepared, and revise as appropriate, a position classification schedule, including class specifications.

E. Have the authority to discipline City employees in accordance with these Personnel Rules.

F. Provide for the publishing or posting of notices of examinations for positions in the competitive service; the flexibility to waive certain job stated qualifications for good cause when it is in the best interests of the City; the receiving of applications therefore; the conducting and grading of examinations; the establishment of a list of all persons eligible for appointment to the appropriate position in the competitive service; and the performance of any other duty which may be desirable or required for the effective implementation of these Rules.

G. Appoint employees on a temporary or seasonal basis without competitive examination.

H. Determine standardized daily work hours and schedules and approve variations to the standard schedule.

1.30 CONTRACTS FOR SPECIAL SERVICES

The City Manager may contract for the performance of technical services in connection with the establishment or operation of the personnel system. In addition, the City Manager may determine the circumstances under which it is in the best interests of the City to contract for such services, and to enter into contracts for such services with City Council approval. The contract may be with any qualified person or public or private agency for the performance of any or all of the following:

A. The preparation of Personnel Rules and subsequent revisions and amendments.

B. The preparation of a position classification plan, and subsequent revisions and amendments.

C. The preparation, conduct, and grading of qualifying tests.

D. The conduct of employee training programs.

E. Special and technical services of advisory or informational character on matters relating to personnel administration.
F. Professional services.
1.35 APPLICATION AND EXCEPTIONS
A. These Rules shall apply to all offices, positions, and employments in the service of the City, as defined in Section 1.20 of these Rules, with the exception of the following:
1. Members of the City Council and other elected officials. However, only the following provisions of the Rules shall apply to the City Council and other elected officials: 1.65 Political Activities; 1.75 Drug and alcohol Free Workplace; 1.80 Equal Employment Policy; 1.85 Discrimination and Anti-Harassment Policy; 1.90 Workplace Violence Policy; 1.95 Smoking Policy; 4.50 Driving Safely Check; 7.60 On-The-Job Injuries and Workers' Compensation Coverage; 13.15 Access to Files (access as specified in Section 13.15); and 13.20 Disclosure of Information.
2. Members of commissions and advisory bodies appointed by the City Council or City Manager.
3. Direct appointees of the City Council, including the City Manager, City Clerk, City Treasurer, City Attorney, and any assistant or deputies to the City Attorney. An employee who also holds the position of City Treasurer shall not be excluded from the Rules, unless he or she has entered into an employment agreement pursuant to sub-section "F" herein. The following provisions of the Rules shall specifically apply to Direct Appointees: 1.55 Conflicts of Interest and acceptance of Gifts and other Gratuities; 1.60 Incompatible Employee Activities; 1.65 Political Activities; 1.75 Drug and alcohol Free Workplace; 1.80 Equal Employment Policy; 1.85 Discrimination and Anti-Harassment Policy; 1.90 Workplace Violence Policy; 1.95 Smoking Policy; 4.50 Driving Safely Check; 4.65 Pre-Employment Physical; 4.70 Employment Eligibility Verification; 4.80 Criminal Conduct – Ineligibility for Employment; 4.85 Fingerprinting; 7.00 Leaves; 7.60 On-The-Job Injuries and Workers' Compensation Coverage; 13.15 Access to Files; 13.20 Disclosure of Information; and 14.00 Employee Benefit Policies.
4. Volunteer personnel, such as volunteer fire protection personnel, and others who provide services to the City without receiving compensation (although such persons may receive reimbursement for actual expenses incurred in the service of the City).
5. Outside and independent contractors, engaged to provide expert, professional, technical, or other services.
6. Employees who have entered into an employment agreement with the City, unless otherwise specified in an employment agreement.
B. These Rules, with the exception of Sections 8-12 inclusive, shall apply to the following employees, who serve at the pleasure of their respective appointing authorities and are considered "at will" employees:
1. Emergency employees, such as those hired to meet immediate needs of an emergency condition (i.e., fire, flood or earthquake) which threatens life or property.
2. Employees who are considered temporary or seasonal.
3. Other non-career employees who are not specifically mentioned in Section 1.35 of these Personnel Rules.
4. Alternate Crossing Guards.

5. Volunteers and Interns.

C. The crossing guard manual contains specific personnel policies for crossing guards. It is an extension of these rules. Violations of those written policies are also considered violations of these rules as well.

1.40 ADOPTION AND AMENDMENT OF RULES

Pursuant to the Personnel Ordinance, the City Council may adopt Personnel Rules to provide for the implementation of a personnel system for City employees. Recognized employee organization-proposed amendments to these Rules shall be submitted to that organization for review and recommendation prior to submittal to the City Council. Advance notice and an opportunity to meet and confer shall be given to recognized employee organizations concerning any amendments which affect matters subject to meet and confer such as, wages, hours, and other terms and conditions of employment. Upon request, the Human Resources Director shall provide the opportunity for review and comment and consult with any recognized employee organization so requesting prior to consideration by the City Council.

As provided in Section 3500 et seq. of the California Government Code, in cases of emergency, when the City Council determines that amendment(s) to these Rules must be adopted immediately without prior notice or meeting with a recognized employee organization, the City shall provide such notice and opportunity to meet at the earliest practical time following the adoption of the amendment(s). Amendments shall become effective upon adoption by the City Council or at such other time as the adopting resolution may provide.

With the written approval of the City Manager, Department Heads may promulgate rules not in conflict with these Rules for the effective and efficient operation of their departments.

1.45 VALIDITY OF RULES (SEVERABILITY)

If any section, subsection, sentence, clause, phrase or portion of these rules is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules. The City Council of Moreno Valley hereby declare that it would have adopted these rules and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

1.50 VIOLATION OF RULES

Violation of these Rules may be grounds for disciplinary action, subject to the applicable appeals procedure provided herein.

1.55 CONFLICTS OF INTEREST AND ACCEPTANCE OF GIFTS AND OTHER GRATUITIES

City employees should serve the needs and respond to the wishes of all citizens equally without regard to their personal gain. City employees should perform their duties in an

impartial manner, free from bias caused by their own financial interests or the financial

interests of other persons. Therefore, it is the policy of the City of Moreno Valley that all City employees shall avoid situations which might be interpreted as involving or creating a conflict of interest between the employee's duties and responsibilities as a public employee, and the employee's personal and private interest.

Employees should not take part in the consideration of any application, proceeding or other matter involving their own personal property, real estate, investment or other interest, or that of any relative or close personal acquaintance. In all such situations, the employee should disclose the nature of the relationship to his or her immediate supervisor and request to be relieved of any responsibility or involvement in such matter.

The acceptance of gifts, favors, or any form of compensation or gratuity may be viewed as influencing or compromising or attempting to influence or compromise the judgment of an employee. To prevent such a conflict, employees shall discourage any offer of a gift, favor or any form of compensation or gratuity. Gifts that can and will be shared with office staff, such as boxes of candy, flowers, and food, may be viewed as exceptions.

Being hosted by a City contractor or potential City contractor is not a conflict of interest, provided that all financial disclosure laws and regulations are complied with.

Employees who receive or are offered an unanticipated gift, favor or gratuity, should consult their Department Head to determine an appropriate response to the donor.

City employees shall not solicit or accept donations for City sponsored events unless waived for specific events by express written authorization of the City Manager.

1.60 INCOMPATIBLE EMPLOYEE ACTIVITIES

During an employee's work day, the employee is expected to devote his or her full time, attention and efforts to the performance of his or her assigned duties as a City employee. At no time shall any outside employment or activity be conducted on City time. No employee shall engage in any employment, outside activity, or enterprise which is inconsistent, incompatible, in conflict with, or interferes with his or her ability to perform the duties, functions, or responsibilities of his or her position as a City employee, nor shall he or she engage in any outside activity which may directly or indirectly contribute to the lessening of his or her effectiveness as a City employee. Employees who undertake outside employment shall notify their immediate supervisors in writing of the nature, duties, and hours of that employment before undertaking such employment, including military service in the Reserves or Guard.

No employee shall engage in any type of activity relating to an employee organization during such time an employee is on duty, except as expressly permitted by the City Manager, Federal or State law, Memorandum of Understanding, or City Council directive.

1.65 POLITICAL ACTIVITIES

No restrictions shall be placed on the political activities of any employee of the City of Moreno Valley other than the following.

A. No person who holds, or who is seeking election or appointment to, any office or

employment with the City shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority or influence, whether then possessed or merely anticipated, to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position within the City, upon consideration or condition that the vote or political influence or action of such a person or another shall be given or used on behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration (Government Code 3204).

B. No employee shall directly or indirectly solicit political funds or contributions from other employees of the City. Employees, however, are not prohibited from requesting political funds or contributions to a significant segment of the public which may include officers or employees of the City (Government Code 3205).

C. No one who holds, or who is seeking election or appointment to, any office shall, directly or indirectly, offer or arrange for any increase in compensation or salary for an employee of a state or local agency in exchange for, or a promise of, a contribution or loan to any committee controlled, directly or indirectly, by the person who holds, or is seeking election or appointment to office. (Government Code 3205.5)

D. No employee shall participate in any political activities while in uniform (Government Code 3206)

E. No employee shall engage in political activity during working hours or on City premises (Government Code 3207).

F. No employee shall engage, during his or her working hours, in the solicitation or receipt of political funds or contributions to promote the passage or defeat of any ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of the employees of the City; nor shall entry be permitted on City premises during working hours for such purposes (Government Code 3209).

1.70 SAFETY AND HEALTH

Each employee shall comply with all applicable safety laws, rules, and regulations. All employees shall follow safety practices, use personal protective equipment as required, render every possible aid to safe operations, and report to proper authority all unsafe conditions or practices.

A. Management may request a fitness-for-duty examination and repeat examinations as necessary to safeguard the employee and co-workers when there is a concern about an employee's ability to perform his or her job, based on the observations of a supervisor, manager, or physician. Specific reasons for the fitness-for-duty request must be stated.

1.75 DRUG AND ALCOHOL FREE WORKPLACE

Because drug and alcohol use can detrimentally affect job performance and employee safety, the City is committed to achieving and maintaining a drug and alcohol free workplace. While the City has no intention of intruding into the private lives of its employees, it will be firm in identifying and disciplining those employees whose impaired mental or physical condition, as a result of drug or alcohol use, may endanger the health or safety of fellow employees and the public at large, or interfere with the operations of the City.

This policy applies to all City employees (including part-time, temporary and hourly employees) and to all applicants for positions with the City.

While on paid duty time, the employee shall not be under the influence of any substances, drugs, medications, legal or illegal which could impair an employee's ability to effectively and safely perform the functions of the job. The use of prescription drugs which would not alter an employee's work performance is acceptable if prescribed by a qualified physician.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law.

The unlawful manufacture, distribution, dispensing, possession, or use of any illegal drug or "controlled substance" is prohibited on the job, in the City's workplace, or while subject to duty (i.e., stand-by).

For the purposes of this Section, the following shall be defined as:

A. "Controlled Substance" denotes any substance which could potentially impair the employee's ability to effectively and safely perform the functions of his or her duties, including, but not limited to: alcohol, coca leaves, cocaine, marijuana, opium and opiates, amphetamines, methamphetamines, lysergic acid (L.S.D.), etc. As outlined below, certain prescription drugs and medications shall also be classified as controlled substances.

B. "Conviction" is a finding of guilt (including a plea of no contest), an imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.

C. "Criminal Drug Statute" is a criminal statute involving the manufacture, distribution, dispensation, use, or possession of any illegal drug or controlled substance.

Please refer to the City of Moreno Valley's Personnel Rules & Regulations, Appendix A-D, for a detailed description of the City's Drug and Alcohol Free Workplace Policy.

It is the policy of the City of Moreno Valley to offer equal opportunity in all matters of employment. Employment with the City is based solely upon the qualifications of the individual applicant, regardless of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability, unless sex, mental, or physical ability is a bona fide occupational qualification.

All employees are to be treated with respect and dignity. The City of Moreno Valley prohibits any harassment of employees in the workplace. Activities and occurrences which may constitute harassment, whether written or oral, include, but are not limited to disparaging comments on the basis of one's religion, age, sex, martial status, race, color, national origin, ancestry, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or mental or physical disability. Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.

The City shall not unlawfully discriminate against a qualified individual with a disability in job applications, hiring, advancement, compensation, training, discharge, and other terms, conditions, or privileges of employment. A disabled person is one who has mental or physical impairment that limits at least one major life activity, who has a record of impairment, or who is regarded as having impairment. A qualified individual with a disability is a person, who, with or without reasonable accommodation, can perform the essential functions of the job in question.

Violation of this policy will result in appropriate disciplinary action pursuant to Section 8 of these Rules.

1.85 DISCRIMINATION AND ANTI-HARASSMENT POLICY

The City of Moreno Valley is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting any form of harassment, including sexual harassment, of all employees. Furthermore, the City prohibits harassment in any form, including verbal, physical, visual, or sexual harassment or retaliation against an employee for filing a harassment and/or discrimination complaint.

Harassment of an employee by a co-worker, supervisor, management employee, or other agent of the City, or a customer, on the basis of race, religion, color, creed, national origin, ancestry, marital status, sex, age, medical condition, pregnancy, sexual orientation, including gender identity, political affiliation, or a mental or physical disability will not be tolerated. Such harassment activities, which may have the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, are prohibited and should be reported immediately to the Human Resources Director.

Harassment includes, but is not limited to:

A. Verbal Harassment- For example, epithets, derogatory comments or slurs on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity, age, or denial of family and medical care leave and denial of pregnancy disability leave.
B. Physical Harassment- For example, assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.
C. Visual Forms of Harassment- For example, derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, sex, sexual orientation, including gender identity or age.
D. Sexual Harassment- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employee benefit, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or an offensive work environment.
The City shall ensure that each employee has a copy of the City's anti-harassment policy which will include information on its internal complaint procedure.
Any employee who believes he or she has been harassed by a co-worker, a supervisor, a management employee, any other agent of the City, or customer should promptly report the facts of the incident or incidents and names of persons involved to his or her supervisor and/or the division manager/department head, and/or the Human Resources Director. If the offending party is a department head or higher, the complaint should be addressed to the offending party's supervisor. Any supervisor, division manager, or department head is obligated to immediately report any complaints and/or incidents of harassment to the Human Resources Director. Failure to make such a report when required by this Section may provide grounds for disciplinary action.
Upon receiving notification of a harassment complaint, the Human Resources Director shall:
A. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with:
1. the complainant;
2. the accused harasser; and
3. any other persons the Human Resources Director has reason to believe have relevant knowledge concerning the complaint. This may include victims of similar conduct.

B. Review the factual information gathered through the investigation to determine

whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.

C. Report the results of the investigation, and the determination as to whether harassment occurred, to appropriate persons, including the complainant, the alleged harasser, the supervisor, the department head, and the City Manager. If discipline is imposed, the discipline will not be communicated to the complainant.

D. If the harassment occurred, take and/or recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense.

E. Take reasonable steps to protect the complainant from further harassment.

F. Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

G. If appropriate, take action to remedy the victim's loss, if any, which resulted from the harassment.

If the employee is not satisfied with the action taken, the employee shall have the right to file a formal grievance in accordance with Section 12.55. If the allegation of harassment implicates any person rendering a decision at any Step in the Grievance Procedure, the employee may omit that particular Step and proceed to the next Step in the Grievance Procedure.

Dissemination of Policy

All employees, shall receive a copy of this Discrimination and Anti-Harassment Policy when they are hired and regularly thereafter. All supervisors hired after January 1, 2005, shall receive harassment training within six (6) months of hire. All supervisors shall receive interactive anti-harassment training at least every two years.

1.90 WORKPLACE VIOLENCE POLICY

This organization does not tolerate workplace violence. We define workplace violence as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. Such actions include:

- Verbal or physical threats, or intimidation;
- Assaults or other violence; and
- Any other behavior that causes others to feel unsafe (e.g., bullying, sexual harassment).

City policy requires an immediate response to all reports of violence. All threatening incidents will be investigated and documented. Counseling may be provided.

The following disciplinary actions may also be taken:

• Oral reprimand;
• Written reprimand;
• Suspension; or
• Termination.

Employees are expected to behave in a professional manner. It is the responsibility of all employees to report all threatening behavior to management immediately. The goal of this policy is to promote the safety and well-being of all people in our workplace.

1.95 SMOKING POLICY

In compliance with all CALOSHA regulations, smoking is prohibited in all City facilities and in all City vehicles and rolling stock. Consistent with CAL OSHA regulations no one may smoke less than 20 feet from doorways.

2.05 PREPARATION, ADOPTION, AND AMENDMENT OF CLASSIFICATION PLAN
The City Manager shall determine the duties and responsibilities of all City positions for inclusion in the Classification Plan. The Classification Plan shall be so developed and maintained to ensure that all positions which are substantially similar with respect to duties, responsibilities, authority and character of work, are included within the same classification, and the same schedules of compensation shall apply to all positions in the same classification. Classification specifications are explanatory, but not restrictive.
The listing of particular tasks shall not preclude the assignment of other related kinds of tasks or related jobs requiring lesser skills. The Classification Plan may be amended or revised, as required, in the same manner as originally established and described herein and is subject to adoption by the City Council.
2.10 ALLOCATED POSITIONS
The City Manager shall approve the appointment of employees to positions in the Classification Plan.
Only allocated positions which have been approved by City Council may be filled, provided that the following positions can be approved by the City Manager without prior City Council approval: 1) temporary; and 2) emergency.
2.15 NEW POSITIONS
When a new position is created, no person shall be appointed or employed to fill the position prior to the position's assignment to a classification, unless otherwise provided by these Rules. The City Manager shall amend the Classification Plan to establish and assign an appropriate classification for the new positions approved by the City Council.
2.20 CLASSIFICATION MANUAL
This manual shall contain a job description, as well as knowledge, skills, abilities, education, experience, sample duties, and other minimum qualifications for all classifications listed in the Classification Plan. This manual is developed by staff and approved by the City Manager.
2.25 PREPARATION OF SALARY SCHEDULE
The City Manager shall prepare a salary schedule that establishes the salary ranges and steps for all City classifications. The Salary Schedule shall be amended or revised, as required.
2.30 APPROPRIATE SALARY LEVEL
Employees occupying a City position shall be paid a salary range and step established for that position's classification under the adopted Classification and Salary Schedule.

2.35 BENEFIT PLAN:

The City Council shall, at its discretion, adopt a Benefit Plan that establishes the benefits for all City employees. This Benefit Plan is described in the Employee Benefits Section of the City's Compensation and Leave Policies.

3.05 TYPES OF APPOINTMENTS

Except for temporary vacancies, all vacancies shall be filled by transfer, promotion, demotion, or from candidates on an appropriate eligibility list, if one is available. In the absence of eligible candidates in one of the above categories, temporary appointments may be made in accordance with these Rules.

3.10 EMERGENCY APPOINTMENTS

To meet immediate requirements of an emergency condition which threatens life or property, the City Manager may create positions and employ such persons as temporary employees as may be needed for the duration of the emergency. If not determined otherwise by an applicable provision or by an Emergency Operations Plan approved by the City Council, the method of hiring for emergency appointments shall be subject to the discretion of the City Manager. All such appointments shall be reported to the City Council as soon as possible, and shall be compensated at an appropriate hourly rate as approved by the Human Resources Director.

3.20 ACTING PAY

When an employee is assigned to perform the significant duties and responsibilities of a higher level position on a full-time basis for more than thirty (30) calendar days, a temporary salary adjustment shall be made to reflect the increase in responsibility until the employee ceases to perform such out-of-class work. All acting assignments must be pre-approved by appropriate management staff, the HR Director and the City Manager in advance unless there is an emergency situation.

An employee who is ~~determined~~ **approved** to be working at a higher level in an acting capacity shall be compensated at the rate in the new salary range, which comes nearest to, but not less than, five percent (5%) higher than the rate he or she held in the previous salary range. The higher salary rate payable shall be retroactive to the first day of the acting assignment as approved by City management.

Individuals appointed to work out-of-class must meet minimum qualifications of the higher classification, and must be capable of handling major duties of the higher level classification without any more supervision than another would in the same job.

The mere performance of certain portions of the higher position, or only performing the less demanding responsibilities until the position is filled, does not constitute working out-of-class.

If the higher classification is in a different bargaining unit than the employee's regular classification, the employee would only receive the salary change, not a change in benefits or unit.

At the end of such assignment, the employee performing the temporary assignment shall be returned to his/her original position and salary rate with any merit or salary adjustments, as appropriate. At any time during the out-of-class assignment, an employee may be removed from that appointment without right of appeal or hearing.

Nothing herein shall be construed as limiting management's authority to assign City

employees temporarily to different or additional work duties and responsibilities for the purpose of responding to emergencies. While working in an out-of-class assignment, an employee shall continue to accrue, and have recorded, normal step increases in the employee's regular position. Should this assignment continue for 12 months or more, without a merit increase, the employee shall be entitled to a merit increase on the anniversary of the 12th consecutive month (based on performance), which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary schedule for the new position, if there is room within the range, upon approval of the City Manager. The City shall not rotate employees in and out of higher position classification assignments in order to avoid paying out-of-class compensation.

3.25 TRANSFER

An employee may transfer from his or her present position to a vacant position, in the same classification, or a comparable classification, within the same department or to another department. For purposes of this Section, a comparable classification is defined as one with the same salary range which involves the performance of similar duties that require substantially the same general qualifications. A transferred employee shall retain his or her rate of pay and his or her anniversary date for purposes of merit pay increases. No employee shall be transferred to a position for which he or she does not possess the minimum qualifications. A transfer shall not be used to effect a promotion, demotion, advancement or reduction in pay. An employee who voluntarily transfers to a lower position may be Y-rated. The employee who desires to transfer ~~must request~~ **can obtain** the appropriate form from the Human Resource Director. The Human Resource Department is under no obligation to notify employees of each potential transfer opportunity. Once the transfer request is received by the Human Resources Department, the Human Resource Director shall inform the Department Head of the request. The employee may be required to compete in an open selection process.

Unless otherwise provided for in these Rules, an employee must be employed with the City for at least six (6) months, or until the employee has completed his or her probationary period, before applying for a transfer. An employee may be requested to defer his or her transfer until his or her current position has been filled, but typically, two weeks notice will be given to the employee's current department.

A request for transfer to a vacant position may be initiated by an employee or the employee's Department Head. The City Manager may order a transfer for the purposes of economy, efficiency, or for reasons related to the best interest of the City. Such a determination by the City Manager shall not require the consent of the employee, either Department Head, or the Human Resources Director.

3.30 PROMOTION

When it has been determined that a vacant position will be filled by promotional appointment, the Human Resources Director shall authorize a competitive promotional examination in order to fill the position, as stated in these Rules.

When an employee is appointed to a promotional position, that employee shall be paid at a level within the higher salary range which is the lesser of a five (5) percent increase over the salary he or she received in the lower position, or the top of the salary range for the new position. In accordance with the provisions in Section 5.15, any employee who is promoted within City service shall be required to successfully complete a probationary period in the new position. *(Refer to Section 4.75)*

3.35 DEMOTION

An employee may be demoted because his or her ability to perform the required duties of his or her position falls below standard, for disciplinary purposes, or for any other reasons as outlined in these Rules. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. The position which has been made vacant by demotion shall then become subject to the provisions of these Rules which govern appointments.

An employee shall not be required to serve a probationary period in the position to which he or she is demoted unless he or she has not completed the probationary period in the higher position. In such cases, the employee shall be required to complete his or her unfinished probationary period in the lower position. The employee shall retain the anniversary date he or she had in the higher position.

A. Involuntary Demotion: An involuntarily demoted employee, who is placed in a position at a lower salary than the position he or she formerly occupied, shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. A demotion which is effected for disciplinary reasons, pursuant to Section 9.35, shall be subject to the disciplinary appeals process.

B. Voluntary Demotion: A voluntary demotion to a lower position and lower salary may be requested by an employee for any reason. Such a voluntary demotion shall require the approval of the Human Resources Director, the employee's present Department Head, and the Department Head under whom the employee will serve, if applicable.

The voluntarily demoted employee shall be placed at a pay level within the lower salary range which is closest to, but lower than, the employee's salary rate in his or her former position. In lieu of a reduction in salary, the City Manager may approve a Y-rated salary for a voluntarily demoted employee.

3.40 RECLASSIFICATION

Existing positions, where the duties have changed materially so as to necessitate reclassification, shall be reclassified by the City Manager to a more appropriate classification, whether new or existing, with the exception of reclassification from training

or internship positions. Except for training or internship positions that are reclassified,

the selection of a candidate to fill a reclassified position must be made competitively, unless the incumbent from the reclassified position has been performing the duties for more than one year or unless specifically waived by the City Manager. Such determination must be approved by the City Manager. Regardless of the circumstances, the City Manager may require a competitive examination, and no incumbent shall have a right to be appointed to a reclassified position. No person shall be appointed or employed to fill a reclassified position unless the said reclassified position has been incorporated in the Classification Roster as provided by these Rules. A simple title change is not a reclassification and requires only City Manager approval.

The employee or Department Head may submit a request for a job audit to the Human Resources Director who shall determine if the reclassification is justified and provide a recommendation to the City Manager for approval. The City Manager has the authority to reclassify any employee whose reclassification is justified so long as the position is listed in the existing Classification Roster. If the position is not listed, the City Council must approve the reclassification. Since there is no money budgeted for that specific reclassification increase (normally 5%), the department shall fund for the City Manager approved reclassification from its general personnel account for the balance of the current fiscal year. The department shall place and fund the reclassified position in the following year's personnel budget. Reclassifications are normally done with the adoption of the fiscal year budget, but may be done at other times.

Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions, promotions, or unit modifications. The Human Resources Director may conduct objective, non-competitive examinations to establish qualifications for the position.

The salary of an employee in a position that is reclassified shall be determined as follows:

A. Classification with Same Salary Range: If the position is reclassified to a classification with the same salary range as the previous classification, and if the incumbent is appointed to the reclassified position, the salary rate and the anniversary date of the employee shall not change. The provision shall also apply to the change of classification title, provided there is no change in the basic duties of the classification.

B. Classification with Higher Salary Range: If the position is reclassified to a classification with a higher salary range than the previous classification, and if the incumbent is appointed to the reclassified position, he or she shall be compensated a pay level within the new salary range which is the lesser of five (5) percent higher than his or her previous salary level or the top of the salary range for the new position. The incumbent's anniversary date shall not change.

C. Classification with Lower Salary Range: If the position is reclassified to a classification with a lower salary range than the previous classification, and if the incumbent is appointed to the reclassified position, the City Manager may approve a Y-rate salary for the employee if the employee's old salary is above the top of the salary range for the new position. Otherwise, the employee's new salary shall be placed at a pay level which yields a salary closest to, but not less

than, the current salary. The incumbent's anniversary date shall not change.

Normally, benefits will not be Y-rated, unless specifically approved by the City Manager. The effective date of reclassification shall coincide with the first working day of a pay period after the reclassification is approved by the City Manager. Any completely new classification, one not listed in the Classification Roster, must be adopted by the City Council before it is approved.

3.45 LAYOFFS/REDUCTION-IN-FORCE/RECALL

The City Manager may lay off permanent and probationary workers at any time for lack of work, budgetary reasons, technological changes, or other City actions that necessitate a reduction in the work force. At least four weeks notice shall be given to any employee who is to be laid off. At the City Manager's discretion, a demotion or transfer to another department or classification may be made to prevent a layoff provided the employee is qualified by education and/or experience and is capable of performing the duties of the classification. The Department Heads, in consultation with the Human Resources Director, and as approved by the City Manager, will effect the layoffs.

Reduction in Force

When it becomes necessary to reduce the work force in the City, the City Manager shall designate the job classification, division, department, or other organizational unit in order to effect a reduction in the work force. Contract, temporary, seasonal, or initial probationary employees in the same job classification as ones proposed to be reduced within the City shall be laid off first. Probationary promotional employees who are laid off shall be returned to their former classification. Employees who accept lower positions or transfers in lieu of lay-off shall be placed at a pay level within the salary range of the new position, which yields a salary closest to current salary.

Order of Layoff

The order of layoff of career employees shall be made in accordance with a system which favors retention of the more meritorious employees, based upon evaluation of the following factors in the listed order of implementation:

A. An overall rating of "unsatisfactory" or "needs improvement" on the most recent performance evaluation once finalized and filed in Human Resources except when an employee has less than one year seniority with the City. In that case, only seniority will be used.

B. Documented disciplinary actions during the preceding twelve (12) months.

C. Seniority (length of service in a career position):

1. in the city
2. in the classification
3. in the department

For employees who are equal in performance and seniority, as established in A-C

above, preference will be given to those with proof of honorable military discharge.
Seniority:
Seniority is determined from the day of official appointment to a City department as a career employee, provided that any career employee, who, as a result of promotion, transfer, or voluntary demotion, is appointed to a career position in another department, shall for purposes of layoff, carry seniority previously acquired over to the new department.
Seniority shall continue to accrue during periods of Annual Leave, layoff not exceeding two (2) years, any authorized leave of absence of less than three (3) months, or any call to military service for the duration of the call to duty. Seniority shall not accrue during any other break in continuous service.
Other Policies:
The City may call back as a temporary employee, within the first year after layoff, any laid off employee who is on the recall list when the employee is qualified to fill a vacancy of a full-time position.
Any employee who receives an involuntary transfer shall have the option to be reinstated to a vacated position in the classification said employee was involuntarily transferred from for up to six (6) months from the effective date of the involuntary transfer in the event of layoff.
An employee who chooses to terminate and have his/her name placed on the Reinstatement List under this section shall notify the department in writing of his/her decision at least three (3) working days prior to the effective date of reassignment. Such termination shall be on the same date as the reassignment would have been effective.
Recall List:
The name of every career employee who is laid off, transfers, or elects to demote to a formerly held classification in the same department for longer than one pay period due to a Reduction-in-Force, shall be placed on the Recall List except that the names of those employees laid off under Sections A & B under “order of lay off” above, shall not be placed on the recall list. Vacancies to be filled within a department shall be offered, to individuals named on the Recall List who at the time of the Reduction-in-Force, held a position in the same job classification within the department as the vacancy to be filled. Order of recall shall be same as order of layoff.
Individual names may be removed from the Recall List for any of the following reasons:
A. The expiration of two (2) years from the date of placement on the list.
B. Re-employment with the City in a career full-time position in a department other than that from which the employee was laid off.

C. Failure to respond within 14 calendar days of mailing a certified letter regarding

availability for employment.
D. Failure to report to work within 14 calendar days of mailing of a certified letter containing a notice of reinstatement to a position, absent mitigating circumstances.
E. Request in writing to be removed from the list.
Status on Re-employment:
A career employee who has been laid off or terminates in lieu of reassignment and is reemployed
in a career position within two (2) years from the date of his layoff or termination shall be entitled to:
A. Buy back and thereby restore all or a portion of Annual Leave credited to the employees' account on the date of layoff or termination and at the same rate as it was sold originally. This restoration must be requested in writing within 30 days of returning to work and must be fully paid back within six (6) months of the return to work.
B. Restoration of seniority accrued prior to and accrued during layoff.
C. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave.
D. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same department from which he/she was laid off or terminated.
In the event of a vacancy, if there are no individuals on the recall list who formerly occupied the vacant classification, those individuals on the recall list who possess the necessary qualifications for the vacant classification shall be eligible for recall to the vacancy. Eligibility order shall be the same as the order of lay-off.
No person from outside City employment shall be hired in a career position in the deleted classification until all those displaced due to layoffs or transfers are recalled to their former classification or one classification lower in the same career ladder as the one in which the employee was laid off.
Continuation of Benefits:
Those who are laid off shall have their medical insurance benefits continued to the end of the second month following the date of their layoff in the event that they are not covered by another medical plan at that time.

4.05 EQUAL EMPLOYMENT GOALS AND POLICIES

In adopting these Rules, it is the goal of the City to employ the most qualified individuals and to achieve excellence in serving the needs of the community. Employment and promotions in the City shall be based upon merit and qualifications and shall be free from political influence and discrimination based upon religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical condition, mental/physical disability, sexual orientation, including gender identity, or political affiliation, unless sex or physical ability is a bona fide occupational qualification.

Although not expressed in the classification specifications or job announcements, all persons applying for or holding any position in the City shall be required to meet the following general qualifications to a reasonable degree: integrity, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work cooperatively with others, willingness and ability to assume and fulfill the responsibilities of the employment, good health, and physical and mental abilities compatible with the work assignment. Where the position requires the driving of a motor vehicle, the applicant or employee must have a valid California Driver's license and is expected to drive the motor vehicle safely. The foregoing general qualifications shall be deemed to be part of the minimum qualifications of each classification specification or job announcement and need not be specifically set forth therein.

No residency requirements shall be enforced by the City of Moreno Valley. Extensive efforts shall be undertaken to make local residents aware of personnel openings, encouraging them to apply for any positions for which they qualify, and providing them with full due consideration. It is the City's intention to create an environment wherein employees will want to live and work in this community.

4.10 PERSONNEL REQUESTS

To initiate the filling of an authorized vacant position, the responsible Department Head shall submit to the Human Resources Director a completed Personnel Request Form containing at least the following information:

A. The classification (job) title;

B. The justification for filling the position, including its budgeted cost code; and

C. The duties, responsibilities and qualifications of the position in accordance with the Classification Plan.

Each request shall be reviewed and approved by the Human Resources Director and the City Manager or designee.

4.15 JOB ANNOUNCEMENTS

Job announcements providing information about the position, its title and pay, its major responsibilities and duties, minimum and other qualifications, where and when to apply, and the last day on which applications will be accepted shall be prepared and distributed

by the Human Resources Department. All positions to be filled will be publicized by

posting announcements on the City's official bulletin boards and in such other places deemed advisable by the Human Resources Director. Employees may suggest additional locations.

Notice of open competitive examinations shall generally be posted a minimum of ten (10) working days before the filing deadline for applications unless it is in the best interests of the City to do a shorter recruitment, as approved by the City Manager. Notice of promotional openings shall be posted a minimum of five (5) working days before the filing deadline for applications.

4.20 PERSONNEL APPLICATIONS

Applications for employment, transfer, or promotion with the City shall be made on forms provided by the Human Resources Department. All information required by the application shall be provided and the applicant shall certify as to the truth thereof. Any material false statement or omission on the application shall, absent mitigation, disqualify the application and may be cause for termination or other disciplinary action if the applicant is or subsequently becomes an employee of the City regardless of when the error is discovered. Resumes and other supplementary information may be submitted and attached to the application for consideration, but may not be used as a substitute for the application.

In order to be considered, an application must be received by 4:00 p.m. on the final day of the advertised recruitment period. A late application shall be accepted from a qualified current City employee only under the following circumstances:

A. The employee must submit a written letter to the Human Resources Director accompanied with a completed application for the position at least two working days prior to the first interview or testing phase; and

B. The employee must provide documentation establishing that he or she was absent from work on an authorized leave continuously from the date the position was first posted to the date the application period closed.

4.25 RECRUITMENT

It shall be the City's policy to recruit and hire the best-qualified persons available regardless of religion, age, sex, marital status, race, color, national origin, ancestry, pregnancy, medical/physical condition, sexual orientation, including gender identity, mental/physical disability, or political affiliation, unless sex or physical ability is a bona fide occupational qualification. While recognizing the need for introduction of persons from outside City employment at all levels, the policy of the City is to transfer or promote persons already employed by the City when their qualifications, training, work performance, and work experience are determined to be comparable to applicants from other sources. The Human Resources Director shall recommend to the City Manager whether the recruitment shall be open or promotional, on the basis of assuring an adequate number of candidates with appropriate skills to constitute a competitive merit process.

Except as specifically provided otherwise in these Rules, selection for a position in City

employment shall be by one of the following types of examinations.
A. Open Competitive: Examinations which are open to all persons who possess the indicated minimum qualifications as set forth in the job announcement.
Applicants for open competitive examinations may, but are not required to, be employees of the City.
B. In-House Competitive: Examinations which are open only to City employees who possess the indicated minimum qualifications as set forth in the job announcement.
C. Temporary Position: Employees may be hired on a temporary basis through either a temporary agency or by the City itself. The City Manager approves these positions. These persons may be hired without competitive examination.
Any variations to these procedures shall be reviewed by the Human Resources Director and approved in writing by the City Manager. The City Manager may select a candidate for Department Head solely based on a review of the applicant's application and/or resume from among those screened by the Human Resources Director as finalists.

4.30 EVALUATION OF APPLICATIONS

Each application shall be reviewed to determine if the applicant satisfies minimum educational experience, type and years of job related experience, certificates or licenses and any other requirements.
Selection techniques shall be impartial and relate to those areas which will adequately and fairly indicate the relative capacity of the applicants to perform the duties and responsibilities of the position to which they seek appointment.
The selection procedure may consist of personal interviews, performance tests, evaluation of work performed, work samples, assessment centers, physical agility tests, other written tests, review and investigation of personal background and references, medical examination, psychiatric examination, or any combination thereof. The Human Resources Director may at his or her discretion include as a part of the examination process, tests which determine whether applicants meet minimum qualifications.
In all examinations the minimum grade or standing for which eligibility may be earned may be based upon all factors in the examination, including educational requirements, experience, and other qualifying elements as shown in the application of the candidate or other verified information. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

4.35 CANDIDATES' EXAMINATION INSPECTION

If a selection procedure consists of a written examination, the applicant shall be given written notice of his or her tests results. By appointment with the Human Resources Department, an applicant shall have the right to review his or her own written test within ten (10) working days after the examination results are mailed out. However, no

applicant shall be allowed to examine the test key as part of his or her examination

inspection.
Any error in rating or grading shall be corrected if it is called to the attention of the Human Resources Director at the time the applicant reviews his or her examination. Any applicant whose corrected score meets or exceeds the examination's established passing score will be placed on the applicable eligibility list for the position, if one exists. Any correction shall not invalidate an appointment or offer of employment that has been made previously.

4.40 VETERANS POINTS

The final score of a veteran who requests employment preference and submits proof of active duty (such as a DD214) shall receive five (5) additional percentage points, provided that he or she has already met minimum qualifications pursuant to Section 4.30, and attained a passing grade in the examination, if applicable. To be eligible for veterans' preference, the candidate must have received an honorable discharge from the Armed Forces of the United States and served on active duty during a period of war or tension as determined by the Veterans Administration. A disabled veteran, who is currently rated by the United States Veterans Administration as ten (10) percent or more disabled as a result of a service-connected disability incurred on active duty in federalized service during a period of war or tension as determined by the Veterans Administration, who requests employment preference and submits proof of such disability shall receive five (5) additional percentage points, for a total of ten (10) additional percentage points. Such percentage points may be awarded to widows or widowers of veterans upon request for such preference and submission of proof of eligibility.

The provisions hereof, relating to veterans' preference, shall not apply to any promotional examination.

4.45 NEPOTISM POLICY

An applicant for a position who has a relative employed by the City may not be denied the right to file an application for employment and compete in the examination process. Following examination, if the applicant is successfully certified as eligible, he or she may be employed in a department, division, or office in which a member of his or her immediate family is employed. Such employment shall be denied if the Human Resources Director determines that such employment would potentially create a conflict of interest or have a potentially adverse impact on supervision, safety, security, or morale, or if the employee would be in a position where he or she would directly supervisor, or be supervised by, a member of his or her immediate family.

For the purposes of this policy, a "relative" or "immediate family member" shall be defined to include the following: mother, father, sister, brother, spouse, domestic partner, children of domestic partner, daughter, son, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandmother, grandfather, granddaughter, grandson, aunt, uncle, first cousin, niece, and nephew. Step-parents may be included if they are members of the immediate family, depending on the current situation.

When the eligible candidate is refused appointment by virtue of this section, the name of

the candidate shall remain on the eligibility list for openings in the same classification, as otherwise provided in these Rules, where no member of the employee's immediate family is employed, supervised by, or supervising the vacant position. In no case may an employee participate directly or indirectly in the recruitment or selection process for a position for which the employee's relative has filed an employment application.

Where two relatives are working in the same department, division, or office at the time these Rules are adopted, or if an event occurs in which a familial relationship is established between two employees who work in the same division or office (i.e. if a marriage results in a spousal or in-law relationship), the relationship shall not be deemed a "prohibited relationship" unless the employees' mutual employment creates a potential conflict of interest or has a potentially adverse impact on supervision, safety, security, or morale, and so long as neither employee is in a supervisory capacity over a member of his or her immediate family.

If, as stated above, a familial relationship exists or is established, the employees may continue in their positions so long as the conditions of a prohibited relationship are not met. If, in the determination of the Department Head, such a prohibited relationship does or would exist, the Department Head shall submit the reasons for his or her determination to the Human Resources Director for review. The Human Resources Director shall have one week to investigate the Department Head's findings and determine if a "prohibited relationship" does exist.

If the Human Resources Director's review confirms that a prohibited relationship exists, he or she shall submit his or her results to the Department Head. At this time, the Department Head shall promptly inform the employees of the City's intention to transfer one of the employees to a vacant position of comparable pay and duties in another City division or office, provided that such a vacant position exists, the transferee is qualified therefore, and no offer of employment to fill the vacant position has been made to another eligible candidate. If a position of comparable pay and duties is not open, but one in a lower classification is vacant, either of the employees may elect to voluntarily demote to the lower position, provided that the vacant position is in another department, division, or office, the employee is qualified to fill the position, and the position has not been offered to another candidate. Any voluntary demotion which occurs as a result of this section shall be in accordance with the provisions set forth in Section 3.35. In the event that a transfer or voluntary demotion is not feasible within the time limit set herein, the affected employees shall decide which of them will resign from City employment.

If a transfer or voluntary demotion is not feasible and neither employee has submitted a letter of resignation three weeks after the determination that a prohibited relationship exists, the Human Resources Director and Department Head shall determine which of the employees shall be terminated in good standing. Regardless of which procedure is utilized, the transfer, voluntary demotion, resignation, or termination in good standing shall become effective one month after the Human Resources Director has concurred with the Department Head's determination that a prohibited relationship has been established. This one-month time limit may be extended up to an additional two months with written approval from the City Manager, provided that personal or organizational considerations mandate such an extension.

Except as hereinafter provided, an employee who has been terminated in good standing

because of the operation of this Section, may be reinstated to the position which such employee held at the time of termination, or to a position of equal seniority, status, and pay. In order for the employee to be eligible for reinstatement, he or she must be reinstated to a position in a department, division, or office where a prohibited relationship would not be established (or re-established), the position must be open, and the employee must still meet the qualifications for the position. This right of reinstatement shall be effective only through the ninety (90) days immediately following the effective date of the employee's termination in good standing, and shall take precedence over a right of reinstatement which has been derived from a voluntary resignation in good standing. Commencing on the ninety-first (91st) day after the effective date of the termination, the terminated employee shall have a co-equal right of reinstatement with employees who have voluntarily resigned in good standing, up to an additional nine (9) months.

With the exception of the Human Resources Director's review, as provided in this section, any decision to transfer, voluntarily demote, resign, or terminate an employee in good standing (pursuant to this Section), is not subject to any appeal or grievance procedure.

4.50 DRIVING SAFETY CHECK

A verifiable and acceptable driving record and proof of liability insurance shall be required of each final candidate for employment whose position requires the employee to drive a City vehicle or if the employee receives a vehicle allowance or mileage reimbursement. Verification of acceptable driving records of all employees may be conducted periodically. Driving a City vehicle without possessing a valid driver's license is not permitted and may result in disciplinary action up to and including termination. An employee shall notify his/her supervisor immediately if his/her licenses expires, is suspended, or revoked.

4.55 ELIGIBILITY LISTS

Lists of applicants to be considered for job openings in a particular classification may be established for open competitive or promotional competitive positions. An eligibility list shall be a list of persons who have taken an open competitive or promotional competitive examination for an advertised City position and have qualified for said classification. Each such list shall bear an expiration date. The hiring department may appoint any candidate on the eligibility list, provided all candidates with higher rankings have been interviewed. The best qualified candidate, as determined by the hiring manager, on the eligibility list shall be hired.

Non-Management eligibility lists shall remain in effect for six (6) months or until exhausted, whichever occurs first. Management eligibility lists shall remain in effect for three (3) months. An eligibility list may be terminated at any time when less than three (3) eligible candidates remain. The Human Resources Director shall have the right to extend an eligibility list for one or more periods not to exceed in total one (1) year from the original date of certification.

The Human Resources Director may remove a name from an eligibility list for any of the following reasons:

A. If the eligible person accepts an appointment with the City to a career position of

the same or higher classification. Acceptance of a temporary appointment at any level will not in itself be cause for removal from an eligibility list. An eligible person may refuse an appointment to a particular position and request to remain on the eligibility list.

B. If the eligible person requests in writing removal from the list.

C. If the eligible person fails to respond within ten (10) calendar days to a notification or letter which has been mailed to the person's last address on file with the City.

D. If the eligible person is unable to accept any offered position.

E. If a person on a promotional eligibility list resigned from City employment.

F. If other circumstances, such as conviction of a crime involving moral turpitude or loss of a required license, make the person ineligible.

G. If the eligible person has not been offered an appointment after interviewing for three (3) separately budgeted positions which are to be filled from the same eligibility list.

Placement on an eligibility list does not guarantee employment with the City of Moreno Valley.

If a vacancy exists in a classification for which there is no appropriate eligibility list, the Human Resources Director may prepare a list from one or more existing related lists by selecting names of eligibles from eligibility lists for classifications which are assigned to the same or higher salary range and which have minimum qualifications similar to those of the classification in which the vacancy exists.

4.60 FINAL DECISIONS ON SELECTION

The Department Head or designee shall recommend a final candidate for appointment to a vacant position to the City Manager. All appointments shall be subject to Human Resources Director's review and City Manager final approval before becoming effective. If the selected candidate accepts the appointment and reports for duty within the agreed upon time, the applicant shall be deemed appointed to the position. If the selected candidate does not report to duty within the agreed upon time, the candidate shall be deemed to have declined the appointment. By mutual agreement of the Department Head, the Human Resources Director, and the candidate, the date of the appointment may be changed. Upon the affected employee's written petition, effort shall be made to accommodate current City employees who are or will be on an approved leave as of the date of appointment and thereby unable to report for duty at the designated time.

4.65 PRE-EMPLOYMENT PHYSICAL

Each person accepting employment with the City shall be required pass a pre-employment physical and pre-employment drug test at a City-designated medical facility at City cost before an appointment to such employment becomes effective. This Section

shall also apply to changes of employment within the City when the new position places

substantially more physical demands upon the employee.

4.70 EMPLOYMENT ELIGIBILITY VERIFICATION

In compliance with law and with regulations of the United States Department of Justice and the Immigration and Naturalization Service, the City of Moreno Valley requires that each person hired by the City complete Section I of the Employment Eligibility Verification Form I-9 to verify that the person is eligible for employment in the United States.

4.75 PROBATIONARY PERIOD

The first six (6) months, or any duly extended longer period, of all new and promotional employment in a career position shall be deemed a probationary period. The probationary period shall commence upon the effective date of the appointment. During the probationary period, an employee may be terminated without the right of appeal, hearing or resort to any grievance procedure if his or her performance is deemed in any way unsatisfactory or below City standard by the City Manager, upon recommendation of the Department Head. At the conclusion of the probationary period, if the employee's performance does not meet City standards but is not altogether unsatisfactory, the probationary period may be extended up to an additional six (6) months, at the discretion of the City Manager. The decision to extend the length of an employee's probationary period must be based on justifiable reasons and must be made prior to the expiration of the original six (6) month probationary period. Such a decision shall not be appealable or grievable.

An employee who fails to complete his or her promotional probationary period satisfactorily shall be reinstated to the position in the same classification from which he or she was promoted unless discharged from City service as provided in these Personnel Rules. Before an employee may promote, they must first successfully complete original probation.

Crossing Guards shall be required to serve a 650-hour probationary period after becoming regular crossing guards. At the end of a successful probationary period, Crossing Guards shall become eligible for a merit pay increase. An Alternate Crossing Guard shall be deemed "at will/part-time" regardless of the number of hours worked.

4.80 CRIMINAL CONDUCT – INELIGIBILITY FOR EMPLOYMENT

Except as otherwise hereinafter provided, no person convicted of a misdemeanor involving moral turpitude or a felony shall be eligible for employment in the service of the City; however, the City Manager may disregard such conviction if he/she finds and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, the age of such person at the time of conviction, or the fact that the classification applied for is unrelated to such conviction.

Only the City Manager, Employee Relations Officer, City's Attorneys, Human Resources Director, and other Human Resources staff are authorized to have access to the "State

Summary Criminal History Information" as provided for in Section 11105 of the Penal

Code of the State of California.

4.85 FINGERPRINTING

To facilitate the City's ability to perform complete background checks on its employees, new City employees will be fingerprinted and their backgrounds researched to ensure that there is nothing which would hinder their ability to perform their job satisfactorily or create any unnecessary liability for the City.

4.90 RESIGNATION

Employees who desire to terminate their service with the City shall submit a written resignation to the Department Head at least two weeks prior to the effective date of the resignation. Failure to comply with this requirement may be cause for denying future employment with the City.

4.95 REHIRE

Any career employee who voluntarily or involuntarily resigns or separates and is later rehired, may forfeit all previous seniority and benefits and does not need to be rehired at his/her former classification or pay level, except in the case of lay-off. The rehired employee may be considered the same as a new hire. With approval of the City Manager, a former employee who is eligible for rehire may be rehired by appointment rather than competitively, but may still be placed on six months probation upon return. **However, if an employee voluntarily separates from the City and is subsequently rehired by the City within one calendar year of his/her employment separation date, the employee's benefits will be the same as when the employee separated and the City will pay the employee's share of CalPERS contributions in the same manner as done prior to the separation.**

5.05 SALARY AT APPOINTMENT

Except as otherwise stated in this Section, all new employees shall be appointed at the 'A' Step of the salary range for the position. When the proposed employee's education, training, experience, and current salary are deemed superior and justify a higher starting salary, the Department Head may offer employment up to the 'C' Step of the salary range without obtaining City Manager approval.

If the Department Head recommends appointing the employee at a pay level above the 'C' Step, City Manager approval must be obtained prior to making an offer of employment. All final appointments are subject to City Manager approval, regardless of the pay level at which the employee is appointed.

When hiring new Department Heads, the City Manager may authorize certain added incentives to aid in the recruitment process. Some added inducements might be the authorization of a moving allowance, additional Annual Leave, educational expenses, etc. Such incentives may be authorized only if in conformance with a written policy, adopted by resolution of the City Council.

5.10 EMPLOYEE PERFORMANCE EVALUATION

The Performance Assessment Review (PAR) is the employee performance evaluation tool. Regular reports on forms prescribed by the Human Resources Director shall be made as to the efficiency, competency, conduct, and merit of all employees appointed by the City Manager. Performance evaluations are required to be given at the following times: three (3) months and six (6) months while on probation, and annually thereafter on the employee's anniversary date. An employee who received a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months. Any decision to extend an employee's probationary period must be made prior to the expiration of the original probationary period. Any evaluation which warrants a merit increase but is not completed by the designated review date shall be retroactively paid back to that review date. In addition to those occasions referenced by this Section, a supervisor may render a performance evaluation when performance issues arise, whether positive or negative; when there is a change in assignment; and/or when there is a change in supervisor or management.

During the performance evaluation meeting, the employee and supervisor shall review and discuss the employee's significant accomplishments, training, problem or improvement areas, and future development and objectives. After reviewing the job descriptions, duties, and any established performance standards for that position, an evaluation shall be made by the supervisor as to whether the employee's performance meets City standards. An explanation must accompany any unacceptable or conditional judgment. The employee shall have an opportunity to review his or her performance evaluation report and agree or disagree with it. Based upon the Performance Assessment Review, the supervisor may make appropriate recommendations regarding a possible merit increase, or other action.

The employee shall have the right to attach a written response to the corresponding

performance evaluation in his or her personnel file. This response must be made within ten (10) working days of receiving the evaluation.
If a career employee's written objection to his/her evaluation is concurred with by the Department Head, the evaluation may be revised accordingly. If there is no denial of merit increase nor an overall below-City standard rating, the Department Head's decision shall be final and conclusive with regard to the validity of the objection.
If a career employee is not in agreement with a performance evaluation which results in an overall below-City Standard rating (other than one which results in denial of a merit increase or in any other direct monetary detriment to the affected employee), the employee may, within ten (10) working days after receipt of the evaluation, request a review of such evaluation by his or her Department Head. If the employee is not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receipt of the determination of the Department Head, request a further review by the City's Human Resources Director, whose decision shall be final and conclusive.
If a performance evaluation results in a denial of a merit increase or in any other direct monetary detriment to the affected career employee, the employee may, within ten (10) working days after receipt of the evaluation, request a review thereof by his or her Department Head. If not in agreement with the determination of the Department Head, the employee may, within ten (10) working days after receiving the determination of the Department Head, request a further review of the evaluation by the City's Human Resources Director, whose decision shall be final and conclusive.
In either of the foregoing situations, if the career employee's Department Head prepared the evaluation in question, the employee may omit review by the Department Head and proceed directly to the next level of review by the Human Resources Director.
Probationary employees may attach written responses to their probationary evaluations and submit them to the Department Head for consideration, however, such employees have no appeal rights.
The employee and supervisor must sign and date the report. If the employee refuses to sign the report, the supervisor shall note this fact and any circumstances surrounding the employee's refusal on the Performance Assessment Review. Copies of the Report shall be distributed to the employee, the Department Head, and the Human Resources Department.

5.15 PROGRESSION ON MERIT PAY

A. Career Full-time and Career Part-time Employees shall earn merit pay increases based on meeting or exceeding satisfactory performance of duties in the overall rating rather than simple longevity, as follows:

1. Normal Progression

From the date of employment until the successful conclusion of the probationary period, no merit pay increase shall be granted. At the end of

a successful probationary period, the employee shall become eligible for

a merit pay increase provided that the employee's overall performance has satisfactorily met City Standards. Thereafter, eligibility for merit pay increases shall occur at 12-month intervals provided the employee's performance is satisfactory, until such time as the employee reaches the top of the salary range available for his or her position. Employees must achieve an overall "meets job requirements" to be deemed as having met City Standards. An employee who receives an overall performance rating less than "meets expectations" will not receive a merit increase. An employee who receives a rating of "Needs Improvement" will be eligible to be re-reviewed in six (6) months.

2. Promotional Progression

From the date of promotion until the successful conclusion of the probationary period, no merit pay increase may be granted. When an employee is promoted to a classification with a greater salary range, his or her salary increases to an appropriate salary step within the salary range of the new position. An employee who is promoted shall be compensated at the pay level within the new salary range which is the lesser of five (5) percent higher than the pay level he or she held in the previous salary range or the top of the salary range for the new position. All promoted employees who successfully pass their promotional review period are eligible for a step merit pay increase within the salary range of their position, again provided satisfactory performance is achieved. A promoted employee is eligible for another merit pay increase, annually thereafter, from the date of the promotional review until their salary reaches the top of the salary range.

B. Temporary and Seasonal Employees It is the policy of the City of Moreno Valley to grant a merit pay increase to temporary employees after the first 1,000 hours of service, provided the performance is satisfactory. The next increase would occur after completion of 3,000 hours, as long as performance remained satisfactory, and every 2,000 hours thereafter, until such time as the employee reaches the top of their salary range. If a merit increase is warranted, it will be based on an abbreviated evaluation form similar to the one used during probation for a career employee. A temporary or seasonal employee may receive a performance evaluation when his or her period of service concludes to determine whether he or she is eligible for rehire and may be evaluated more frequently at the discretion of the supervisor. This performance evaluation may also be used as a basis for considering salary in the event the employee is rehired.

C. All Crossing Guard employees who have successfully completed training shall become eligible for a merit pay increase. Regular Crossing Guards shall become eligible for a second merit pay increase upon completion of six hundred and fifty (650) hours of service; and shall then be eligible for merit adjustments once in each succeeding period of thirteen hundred (1,300) hours of continuous service, provided that performance meets City standards.

6.05 WORKWEEK AND OVERTIME

For purposes of applying the overtime requirements of the Fair Labor Standards Act (FLSA), the workweek for City employees shall begin at 12:01 p.m. Friday and end at 12:00 noon the following Friday. For any illness or emergency absence from work, the employee must notify the supervisor within the first half hour of normal reporting time when possible.

6.06 OVERTIME COMPENSATION

Overtime compensation shall be provided to City employees as follows:

A. Executive Management, Division Management, and Professional/Administrative/ Management Employees are salaried employees and shall not receive overtime compensation. Employees in these categories shall receive administrative leave hours, as specified in Section 7.25.

B. Non-Exempt and Part-time Employees may receive overtime compensation in the form of paid time or compensatory time-off, at a time-and-one-half rate. The choice of compensation method is the employee's. Employees in these categories may accrue compensatory time to a maximum cap of 120 hours. The City Manager may allow accrual beyond the maximum if circumstances warrant. Overtime will be paid for hours worked in excess of 40 hours in a workweek in accordance with the Fair Labor Standards Act (FLSA). In addition, career employees will be compensated with overtime for any hours actually worked in excess of 9 hours in a workday for those on a modified schedule or 8 hours in a workday for those on a regular schedule. Part-time Career Employees must use the 9-hour workday for overtime. Career employees will also receive overtime pay for hours worked on a City designated holiday or for a "Call Back" or "Call Out" as described in sections 15.05 and 15.10. **All overtime worked must be <u>pre-approved</u> by the employee's manager.**

C. An employee who has accumulated the maximum amount of compensatory time shall not work overtime on a compensatory time basis until the accumulation has been reduced to less than the maximum accumulation allowed under these Rules. This in no way limits or caps paid overtime.

For Non-Exempt positions, which do not meet one of the FLSA exemption categories, overtime hours worked shall be compensated for time actually worked in excess of 40 hours in a workweek. In addition, and in accordance with the MOU, Career Non-Exempt employees shall be compensated for time actually worked in excess of 9 hours in a workday and/or 40 hours in a workweek for those employees on a modified work schedule or 8 hours in a workday for those on a regular work schedule. A paid holiday shall count as time labored towards the 40-hour workweek for the purposes of overtime compensation. Annual Leave, or compensatory time will not be included as time worked for purposes of calculating overtime.

Overtime for all Non-Exempt employees shall be compensated in one of the following two ways:

A. As paid time at the one-and one-half rate of pay; or

B. As compensatory time as accrued at the one and one-half rate of pay.
Prior to overtime being authorized, the employee and his or her supervisor shall agree as to how the employee shall be compensated (i.e. paid time or compensatory time). If the employee and supervisor do not agree on the method of compensation, the supervisor may ask another employee to perform the overtime work. If the supervisor requires that a particular employee perform the overtime, yet they cannot agree on the method of compensation, then the employee shall be given the choice of how he or she wishes to be compensated. Compensatory time accumulated under these Rules and Regulations is vested time and must be utilized or paid in conjunction with termination of employment.

6.08 COMPLIANCE WITH FAIR LABOR STANDARDS ACT

The City is committed to complying with the Fair Labor Standards Act and therefore prohibits improper deductions from FLSA exempt employees' pay. The City will promptly remedy any violations of this policy by reimbursing an affected employee for any amounts which have been improperly deducted from the employee's pay.
Any employee who believes that an improper deduction has been made from his/her pay should submit a complaint to the Human Resources Department as soon as possible. The Human Resources Department shall promptly investigate the complaint and render a written decision as soon as is reasonably possible. If the complaint is determined to be justified, the employee shall promptly be reimbursed in the amount improperly deducted. The City shall thereupon restate its good faith commitment to future compliance with the Fair Labor Standards Act.

6.10 NO GUARANTEE OF HOURS

Nothing contained in these Rules shall be construed to constitute a guarantee of minimum hours of work per day or per work week or of days of work per work week, provided that when reasonably possible at least 14 calendar days advance notice shall be given to each employee whose work hours are to be reduced. When economic conditions dictate, management may direct a reduction of hours, a furlough, or a reduction-in-force.

6.15 STAND-BY AND CALL-BACK POLICY

Policies relating to stand-by and call-back duty shall be established by the City Manager. (*For more information on stand-by and call-back requirements and compensation, see Section 15.)*

6.20 TIME SHEETS

All City employees must complete time sheets showing hours worked and leave taken. Salaried employees are not subject to having their pay reduced for less than 8 hour increments when no other authorized leaves are available to them. The City may make deductions from paid leave accruals for periods of less than 8 hours. Time sheets must be signed by the individual employee, the employee's supervisor, Division Manager and,

where required, Department Head. Time sheets will be reviewed and audited by the

Finance Department. Notice of any correction(s) to the time-sheet will be sent to the employee and the Department Head. Such corrections will be deemed final unless questioned by the employee within thirty (30) days after the notice of correction has been given to the employee. Unresolved matters may be taken to the Human Resources Director for a final determination.

6.25 CONSTRUCTIVE RESIGNATION

An employee who is absent, without authorized leave, for three (3) or more consecutive work days is deemed to have resigned. If the Department Head, with the concurrence of the Human Resources Director, determines that extenuating circumstances exist, the resignation may be rescinded, in which case, absence may be covered by leave, with or without pay, if so approved by the Department Head.

6.30 LUNCH AND BREAK POLICY

Employees may take one break in the morning (before 11:00 a.m.), and one in the afternoon (after 2:00 p.m.). Break periods shall not exceed fifteen (15) minutes each. One paid break period is allowed for each 4-hour work period. Part-time employees are not entitled to a paid break unless they work longer than four hours.

Lunch periods shall be at least thirty (30) minutes, but no more than sixty (60) minutes per day. Employees are expected to conform their lunch hours in accordance with department schedules. As department schedules may not permit all employees to take lunch between 12:00 noon and 1:00 p.m., the Department Head may authorize staggered lunch periods throughout the late morning and afternoon. Part-time employees must work six or more consecutive hours to receive an unpaid 30-minute lunch break. If the part-time employee is alone, he/she may be authorized to eat at the work-site on paid time.

An employee who takes a break from his/her normal work station to smoke is using part of the 15-minute break. Employees in transit in the conduct of City business while smoking does not constitute a smoke break.

Break and lunch periods may be taken only in the time period for which they are designated and may not be accrued. Extenuating circumstances, as determined by the immediate supervisor, may establish cause for variation from the scheduling of break and lunch periods.

Salaried employees are expected to conform generally to the established standard for all employees. Although flexibility is provided for salaried employees to exercise judgment in maintaining their work schedule, this schedule should not be to the detriment of work production.

7.05 HOLIDAY PAY AND HOLIDAY LEAVE

Days designated as legal holidays by the City Council are 11 holidays as follows:
New Year's Day (January 1), Dr. Martin
Luther King, Jr. Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4th), Labor Day (1st Monday in September), Veteran's Day (November 11th), Thanksgiving (4th Thursday in November), Day after Thanksgiving (Friday after Thanksgiving), Christmas Eve (December 24th), and Christmas Day (December 25th).

Effective July 10, 2009, career full-time and career part-time employees receive holiday pay for all working hours scheduled to be worked on a holiday. If the holiday occurs on a day the employee is normally scheduled off, e.g. Friday, Saturday, Sunday or a WSR day, then the hours are recorded in the employee's accrued holiday leave bank, and the employee may request to use the banked holiday leave time like paid Annual Leave. However, when a holiday occurs on a Friday, Saturday or Sunday, the City may designate another day during the work week as an observed holiday. Career full-time employees accrue the number of hours of holiday leave time, based on their regular full-time work day schedule and work week schedule, i.e. 8 hours when on a 5/40, 9 hours when on a 4/36, 8 hours when on a 9/80, or 10 hours when on a 4/10 work week schedule. Career part-time employees accrue holiday leave time on a prorated basis. Accrued holiday leave time hours remain in the employee's holiday bank until used, without risk of forfeiture.

Temporary employees do not get paid or accrue holiday leave time.

7.10 ANNUAL LEAVE

In lieu of accruing separate banks of ~~holiday,~~ floating holiday, vacation, sick hours, and administrative leave time where applicable, employees will accrue annual leave. Effective December 14, 2007, accrued vacation banks for current employees will be converted to annual leave on an hour-for-hour basis.

Annual Leave Usage

Some of the appropriate uses of this leave time include the following:

~~A. To enable employees to get paid on days so designated as legal holidays by the City Council which includes New Year's Day (January 1), Dr. Martin Luther King, Jr. Day (3rd Monday in January), President's Day (3rd Monday in February), Memorial Day (last Monday in May), Independence Day (July 4th), Labor Day (1st Monday in September), Veteran's Day (November 11th), Thanksgiving (4th Thursday in November), Day after Thanksgiving (Friday after Thanksgiving), Christmas Eve (December 24th), and Christmas Day (December 25th).~~

~~B~~**A.**To provide recuperation time for an employee incapacitated due to illness, injury, or other medical disability;

~~C~~**B.**To allow for the quarantine of an employee exposed to a contagious disease which results in the enforced quarantine of an employee in accordance with public health regulations;

~~D~~**C.**To attend to the urgent health needs of immediate family members;

~~E~~**D.**To attend medical or dental office appointments;

~~F~~**E.**To enable employees to conduct important personal business during normal working hours;

~~G~~**F.**To provide time for periods of rest and relaxation; or

~~H~~**G.**In other instances consistent with all existing Rules and Regulations as

authorized by the employee's Executive Manager or representative.
When personal emergencies or situations of personal necessity arise, annual leave may be granted over the telephone within 30 minutes of start time unless special and extenuating circumstances prohibit employees from calling in , but the caller must identify the specific reason for the emergency or necessity and follow up with a written request. Employees are encouraged to accrue annual leave balance as a protection against the adverse affects of short- or long-term absences due to a major illness or injury.
Minimum Use: During each calendar year, each full time career employee shall use at least ~~168~~ **80** hours of annual leave**.**, ~~with approximately, 88 hours of this leave provided to enable employees to get paid on days so designated as legal holidays by the City Council when City facilities are closed.~~ Part-time career employees are required to use forty (40) hours of annual leave. ~~Part-time career employees should use a portion of these hours for holidays, as appropriate.~~
Further, employees are urged to retain a reasonable bank of annual leave in case of unexpected illnesses or injuries to either themselves or family members.
All employees shall generally make a request for said leave to the executive manager in sufficient time to plan work schedules. Consequently, executive management is responsible for planning work schedules to allow each employee to take that leave each calendar year and each employee is responsible for using it. Failure to use the minimum required hours of such leave shall result in City Manager review of the circumstances surrounding such failure. Failure to follow the minimum usage may result in disciplinary action if conditions warrant.
Paid annual leave shall continue to accrue in accordance with the provisions during any authorized period of leave with pay. All annual leave shall be scheduled and taken in accordance with the best interest of the City and the department or division in which the employee is assigned.
If an employee needs to be absent from work on a given day due to any unexpected reason, he/she must notify the supervisor by telephone within the first half hour of normal reporting time or earlier if possible.
Reporting Annual Leave: The reporting of the use of annual leave should normally be in increments of a quarter of an hour for non-exempt employees and ~~one~~ **quarter of an** hour increments for exempt employees will be used whether the employee works a full or partial day.
Physician's Certificate: An employee absent on unscheduled annual leave in excess of three (3) consecutive working days due to illness or injury, may be required by his/her executive manager to submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. The executive manager may also require a written statement that such employee is able to resume his/her normal duties.
Management must list reasons for requesting the doctor's excuse for annual leave of less than three (3) consecutive working days. An employee may be placed on medical certification in instances when leave has not been preapproved and the employee has exceeded the minimum use requirement for Annual Leave.

Leave Donation: Up to 24 hours of annual leave may be voluntarily donated from

one employee to another out of a humanitarian need when the recipient employee has no leave accrued per ~~City Manager's~~ approval **by the Human Resources Director**. No more than 480 total hours of leave may be donated to an individual employee. ~~Donated annual leave will be taken from the forfeitable portion of leave balances.~~

Annual Leave Accrual

Annual leave time will accrue on a bi-weekly basis for twenty-six (26) pay periods a year. Each career employee shall have annual leave time accrue for each pay period starting from the first day of probationary appointment. Accrual rates are based on years of service.

Employees shall receive annual leave benefits on a pro-rata basis, calculated by the number of hours paid as a percentage of a forty (40) hour workweek**, including any WSR**. Employees, as outlined in the City's Benefit Plan, shall receive annual leave accruals as follows:

A. Executive Management Employees shall earn ~~14.77~~ **11.39** hours of annual leave per pay period of service (approximately ~~384~~ **296** hours per year). This accrual shall extend to ~~16.31~~ **12.93** hours per pay period (approximately ~~424~~ **336** hours per year) at the beginning of the sixth year and extend to ~~17.85~~ **14.47** hours per pay period (approximately ~~464~~ **376** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.

B. Division Management Employees shall earn ~~13.85~~ **10.47** hours of annual leave per pay period of service (~~360~~ **272** hours per year). This accrual shall extend to ~~15.38~~ **12.01** hours per pay period (approximately ~~400~~ **312** hours per year) at the beginning of the sixth year and extend to ~~16.31~~**12.93** hours per pay period (approximately ~~424~~ **336** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave including grandfathered amounts. Once an employee reaches this cap, annual leave accruals will be suspended.

Division Management Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~16.92~~ **13.55** hours per pay period (approximately ~~440~~ **352** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

C. Professional / Administrative shall earn ~~13.08~~ **9.70** hours of annual leave per

pay period of service (~~340~~ **252** hours per year). This accrual shall extend to ~~14.62~~ **11.24** hours per pay period (approximately ~~380~~**292** hours per year) at the beginning of the sixth year and extend to ~~15.54~~**12.16** hours per pay period (approximately ~~404~~ **316** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the actual accrual rate as a recruitment tool. Employees in this category may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.

PAM Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~16.15~~**12.77** hours per pay period (approximately ~~420~~ **332** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave.

PAM Confidential employees receive an additional 0.62 hours per pay period (approximately 16 hours per year) of annual leave per year.

D. Non-Exempt Employees shall earn ~~10.77~~ **7.39** hours of annual leave per pay period of service (approximately ~~280~~ **192** hours per year). This accrual shall extend to ~~12.31~~ **8.93** hours per pay period (approximately ~~320~~ **232** hours per year) at the beginning of the sixth year and extend to ~~13.23~~ **9.85** hours per pay period (approximately ~~344~~ **256** hours per year) at the beginning of the 11th year. The City Manager has the authority to increase the annual leave accrual rate as a recruitment tool. Employees in these categories may accrue up to ~~2,080~~**1,664** hours of annual leave. This ~~2,080~~**1,664** hour cap includes previously accrued leave ~~including grandfathered amounts~~. Once an employee reaches this cap, annual leave accruals will be suspended.

Non-Exempt Employees hired prior to 9/22/92, shall accrue annual leave at the rate of ~~13.85~~ **10.47** hours of annual leave per pay period (~~360~~ **272** hours per year), and may accrue up to ~~2,080~~**1,664** hours of annual leave. Once an employee reaches this cap, annual leave accruals will be suspended.

E. Seasonal Employees/Crossing Guards with Leave Accruals shall accrue annual leave at a rate determined by their program agreement or contract. Temporary Employees shall not normally accrue paid annual leave, but may take leave without pay as approved by their supervisors.

7.15 GRANDFATHERED LEAVE BALANCES

Prior Sick Time Accruals: Employees shall retain all existing sick leave hours accrued prior to the enactment of this policy **on December 14, 2007. Such accrued sick leave hours shall be referred to as Grandfathered sick leave balance and are considered Frozen Sick Leave hours.** Although sick leave will no longer continue to accrue for employees, an employee's **frozen** sick leave balance will be available for use in the event of a~~n~~ serious illness or injury which qualifies for disability. These frozen sick leave hours can ~~not~~ be used for baby bonding or family member's illnesses or injuries**, if the employee is on approved FMLA leave**.

This Grandfathered sick leave balance shall be available for cash out upon separation at a rate of 40% of the accrued balance for full time employees and 20% for part time employees. The remaining balance will be converted to PERS service credit for retiring employees. Separating employees will forfeit the remaining balance.

At retirement, Frozen Sick Leave balance (sick leave accrued prior to December 14, 2007) will be paid as elected by the employee per the following formulas:

1. **70% PERS Service Credit with 30% Cash Out**
2. **80 % PERS Service Credit with 20% Cash Out**
3. **90 % PERS Service Credit with 10% Cash Out**
4. **100 % PERS Service Credit with 0% Cash Out**

Grandfather Clause: Sick leave balances as of 9/22/92 for Executive Management and Division Management employees shall be available for cash out upon ~~separation~~ **retirement** at a rate of 60% of the accrued balance and 40% towards PERS service credit. When sick leave is taken, the hours last accumulated shall be utilized first. **Employees not retiring under the City's CalPERS contract benefits at the time of employment separation shall forfeit 40% of their frozen sick leave.**
An employee absent for three consecutive working days due to illness of injury may access their frozen sick leave bank if they submit a written statement by a physician certifying that the employee's condition prevented the employee from performing his/her duties. Further, the employee is to complete the Leave of Absence Request Form and attach it to the physician's certification before submission to their supervisor and executive manager for approval.
Converted Vacation, Holiday, Floating Holiday, and Admin Leaves: Balances converted to annual leave will be cashed out upon separation at the 100% rate in effect prior to the enactment of this policy. When annual leave is taken, the hours last accumulated shall be utilized first.
Effective one time only, at the time of conversion to Annual Leave, total hours in excess of 1384 shall be excluded from the ~~2080~~ **1664** hour annual leave cap.
The beneficiary on file of an employee who has died while actively employed by the City may receive a 100% cash out of the employee's accrued sick leave.
7.20 ANNUAL LEAVE CASH OUT UPON SEPARATION AND RETIREMENT
Separation from the City
Employees separating from the City are entitled to payment for ~~80%~~ **100%** of their unused accrued annual leave balance. ~~The remaining 20% will be forfeited. Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15.~~
Retirement from the City
Employees retiring from the City are entitled to payment for ~~80~~**100**% of their unused accrued annual leave balance. ~~The remaining 20% will be converted to PERS service credit.~~
No compensation for annual leave will be awarded to current City employees until they terminate or retire.
Grandfathered leave balances will be cashed out upon separation in accordance with Section 7.15.
7.30 BEREAVEMENT LEAVE
Employees shall be allowed to utilize four (4) days of bereavement leave in the event of

the death of an immediate family member. Immediate family in this instance shall be defined as mother, father, spouse, domestic partner, natural/step-children, children of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild. Step-parents may be included if they are currently members of the immediate family.

Employees will be allowed Annual Leave to be taken and/or advanced, if needed, up to ten (10) days in length in addition to bereavement in the event of a death in the employee's immediate family (parent, spouse, child, domestic partner, step-child, child of domestic partner, mother-in-law, father-in-law, brother or sister, grandparent or grandchild). Step-parents may be included if they are currently members of the immediate family.

7.35 JURY DUTY AND WITNESS LEAVE

No employee shall be dismissed or in any manner discriminated against for taking time off from work to serve as a juror or witness when required by law provided such an employee complies with the provisions of this Section. An employee called to serve as a juror or witness shall notify his or her supervisor at least one (1) week prior to the commencement of such service, unless extenuating circumstances exist.

Any employee of the City called as a juror or witness shall be entitled to be absent from his or her duties with the City shall receive their regular salary limited to one-hundred (100) hours each year for each of the following types of jury service: local and federal. This could be expanded, dependent on an unusual situation, which is subject to the approval of the City Manager. The employee shall obtain a jury calendar or assignment sheet weekly during such service. The employee shall have the jury calendar or assignment sheet signed by the jury clerk or commissioner and shall deliver this sheet to his or her supervisor at the end of each week to verify jury duty or witness service.

If a career employee on an alternative work schedule is summoned for jury duty, the Department Head or designee shall convert the employee's usual work shift to a regular five (5) day, Monday through Friday shift basis. A career employee required to serve on jury duty shall be entitled to his or her regular rate of pay, provided the employee deposits any fees for service, excluding mileage, with the City. A crossing guard, temporary, seasonal, or emergency employee called for jury duty will not be compensated for time lost while on jury duty, but shall be entitled to retain his or her jury fees.

Any employee required to be absent from work on behalf of the City by proper subpoena issued by a court or other legally empowered agency, shall be entitled to be absent from work at his or her regular rate of pay, provided that any fees, except mileage, are deposited with the City. A non-exempt employee required to be present as a witness in any other matter shall not be entitled to be paid during such absence. An exempt employee will be paid his/her regular rate of pay whenever required to provide testimony under oath in any proceeding related to City matters.

An employee who is released by the court from jury duty on any regularly scheduled work day shall contact his or her supervisor to find out whether he or she is required to return to work. An employee who is scheduled for stand-by duty while serving on jury duty shall be rescheduled for stand-by duty after the conclusion of jury duty, unless the employee agrees to serve both.

7.40 PREGNANCY DISABILITY LEAVE

Pregnancy disability leaves of absence shall be granted to employees medically disabled by pregnancy, childbirth, or related conditions, provided such leave shall not

exceed four (4) months. At the commencement of a pregnancy disability leave of absence, employees will use accrued Annual Leave and/or compensatory time off, as well as disability pay, and thus, continuing to receive pay. City pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies except as modified herein. The use of accrued time-off shall not extend the length of the leave. The authorized absence is only for the duration of the disability up to four (4) months.

When an employee is on pregnancy disability leave, the City shall continue payment of benefit premiums for the employee and her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. If an employee files for disability, a doctor's certification is required. When the employee is no longer disabled, she may no longer continue pregnancy disability leave. ~~If she chooses to remain away from work longer, she must apply for family leave.~~ Annual Leave shall not accrue during a pregnancy disability leave of absence unless the employee is continuing to receive pay by utilizing accrued Annual Leave or compensatory time off. Employees on pregnancy disability leave may also be eligible for benefits under the City's Disability Program. Employees must file a claim in order to receive these benefits. Forms are available from the City's Human Resources Department.

Any employee who takes a pregnancy disability leave of absence shall have her anniversary date extended by the same length of time as the unpaid portion of the maternity leave. For purposes of this section, paid portions of pregnancy disability leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a pregnancy disability leave of absence while on probation, her probationary period shall be extended the same length of time as the pregnancy disability leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

A request for a pregnancy disability leave of absence should be submitted by the employee as soon as feasible after the employee learns of her pregnancy. The employee must provide a written statement from her physician indicating the date the physician believes the leave of absence should begin and the estimated date of birth. The City may require a pregnant employee who wishes to continue working to provide a physician's statement approving the continuance of her current work duties.

Before returning to work following a pregnancy disability leave of absence, the employee shall submit a physician's verification stating the employee's ability to return to work. Unless the leave is otherwise extended, at the end of the four (4) month pregnancy disability leave period the employee shall be required to return to work full time. If approved by the employee's physician, the Department Head and the Human Resources Director, the employee may choose the option of returning to work prior to the conclusion of the four (4) month period on either a full-time or part-time basis and receive pro-rated benefits.

Up to an additional two (2) months of pregnancy disability leave may be granted for medical reasons if the employee's physician provides a written statement indicating the employee's inability to perform her duties or any feasible "limited duties." Such an extension of pregnancy disability leave is subject to the approval of the City Manager whose decision is final and conclusive. Nothing herein shall guarantee an extension beyond the standard four (4) months of leave.

An employee may take both pregnancy disability leave and subsequently State family care and medical leave to be with a newborn. The employee is entitled up to four (4) months of pregnancy disability leave, plus an additional twelve (12) weeks using the State family care and medical leave provisions.

7.45 FAMILY CARE AND MEDICAL LEAVE

Leaves of absence shall be granted to employees who have full-time career service with the City during the previous 12-month period, for the reason of childbirth, adoption, foster care, parental care, serious family illness, or for an immediate family member or the employee's own serious health condition, provided such leave shall not exceed twelve (12) weeks of leave in a twelve (12) month rolling period. When both parents are employed by the City, the two employees are only entitled to receive a combined twelve (12) weeks for the birth, adoption, or foster care of a child.

At the commencement of a family leave of absence, employees ~~shall~~ **may** first use all **Frozen Sick Leave, and then any other accrued leave available, such as** accrued Annual Leave or compensatory time off and, thus, continu~~ing~~ to receive pay. Pay will cease when all accrued allowances have been used, and the employee shall receive leave without pay and be subject to all policies governing leave without pay, except as modified herein. The use of accrued time off shall not extend the length of the leave.

The City requires the following information on a certification of the need for this leave:

A. The date on which the serious health condition commenced.

B. The probable duration of the condition.

C. In the case of caring for a family member, an estimate of the amount of time the employee needs to care for the individual.

D. That the serious health conditions warrant participation of a family member to provide care during the period of treatment.

In the case of an employee's own serious health condition, if the employee is unable to perform the functions of his or her position, the City can seek second and third opinions at its cost.

A serious health condition means an illness, injury, or impairment, or physical or mental condition that involves one of the following: hospitalization; absence of three (3) days plus treatment; pregnancy; chronic conditions regarding treatment; permanent/long term conditions requiring supervision; or multiple treatments (non-chronic conditions).

When an employee is on unpaid family leave, the City shall continue payment of benefit premiums for the employee and his/her dependents. The City shall not continue payment of PERS retirement contributions unless the employee is continuing to receive pay from the City by utilizing accrued allowances. Annual Leave shall not accrue during a family leave of absence unless the employee is continuing to receive pay.

An employee who takes a family leave of absence shall have his/her anniversary date extended by the same length of time as the unpaid portion of the family leave. For purposes of this section, paid portions of family leave include only those portions for which payments are received on account of Annual Leave or compensatory time off. If an employee takes a family leave of absence while on probation, his/her probationary period shall be extended the same length of time as the family leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance. Family leave shall not constitute a break in service for purposes of longevity or seniority.

The employee should request a family leave of absence by submitting the proper form to his/her supervisor, signed by the Department Head, concurred by the Human Resources Director, and approved by the City Manager. Forms may be obtained in the Human Resources Department. For a more detailed understanding of this policy, the employee should read the complete family leave policy in the City's Administrative Policy Manual.

Employees may take 40 hours of Annual Leave per school year to consult with the school teachers or counselors of children, step-children, or children of domestic partners, or to attend their school activities. This time is to be taken against any leave accruals except sick leave. If no accrual is available, leave without pay may be used. As this is State law, supervisors must approve this leave up to 40 hours annually per child. The employee must provide evidence of this school appointment. Supervisors need not approve more than eight (8) hours in a month.

7.50 LEAVE OF ABSENCE WITHOUT PAY

Any employee who is absent from work and who is not on leave of absence with pay shall be considered to be on leave of absence without pay, if such leave has been authorized by the proper authorities.

This section is designed to grant special requests for leaves of absence without pay that are not specifically addressed in either the military leave, FMLA, or pregnancy disability leave sections of these Personnel Rules.

A leave of absence without pay must be approved by the appropriate Executive Manager. Leave without pay in excess of one week shall also require the approval of the Human Resources Director. No leave of absence without pay shall be granted unless the employee requests the leave in writing and includes the reason for the request. Approval by the appropriate authority shall be in writing. No leave of absence without pay pursuant to this Section shall be requested or authorized for the purpose of imposing disciplinary action upon any employee. The supervisor may require leave without pay in the event an employee is late for work or misses work without valid approval. In this case the supervisor would annotate the employee time sheet with leave without pay for the absent time.

An employee on a leave of absence without pay shall not receive compensation on accrued Annual Leave. After thirty (30) consecutive working days on a leave of absence without pay, contributions to retirement, life insurance, medical, dental, or other designated benefit plans shall be suspended until the employee is reinstated. However, upon approval of a leave of absence without pay, the employee may elect to continue his or her benefits coverage at his or her own expense, with the exception of retirement benefits, which may not be so continued. Any employee requesting a leave of absence without pay shall utilize all of his or her accrued compensatory time off or Annual Leave prior to the start of the leave without pay.

Any employee who takes a leave of absence without pay for more than 30 work-days in a calendar year shall have his or her anniversary date extended by the same length of time as the leave without pay. If an employee takes a leave of absence without pay while on probation, his or her probation period shall be extended the same length of time as the leave without pay. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Upon expiration of an approved leave of absence without pay, the employee shall be reinstated to the position he or she occupied at the time leave was granted.

Unauthorized failure on the part of an employee to report to work upon expiration of the leave of absence without pay shall constitute job abandonment and will result in dismissal.

It is the responsibility of the employee to submit a written request for a leave of absence within two weeks before such leave would begin stating the reason for the request, the date such leave will begin, and the duration of the leave. A “Leave of Absence Request” form and a “Payroll Action Form” must also be completed. Failure of an employee to apply for leave of absence and complete all necessary forms will be considered to be absent without leave, and all City-paid benefits will be terminated. Any unauthorized absence of an employee from duty shall be deemed to be absent without pay and may be cause for disciplinary action. Failure to report for work or call in for three (3) consecutive workdays shall be considered a voluntary resignation.

7.55 MILITARY LEAVE

Military Reserve Leave shall be granted under the provisions of State Law, which, in pertinent part at the present time, defines military reserve leave as: “military duty ordered for purposes of active military training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days in a fiscal year, including time involved in going to and returning from the duty, but not for inactive duty (for training) such as scheduled reserve drill periods.” For the purposes of this Section, “active military training” shall be defined as a period of training (i.e. encampment, naval cruises, special exercises, or like activities) that normally occurs once a year over a two-week interval. “Inactive duty for training” and “scheduled reserve drill periods” shall be defined as the weekend periods of training that are scheduled once a month. Such weekend drills do not conflict with normal working hours within the City.

Employees must submit a copy of military orders to their Department Head and the Human Resources Director prior to the beginning of the military leave period and as soon as the employee knows of the need to request such leave, except where military necessity dictates.

Employees shall receive their full regular pay during the first thirty (30) calendar days of "military leave" in any one fiscal year. After the first thirty (30) days of military leave in a fiscal year, employees will continue to receive the same compensation less any military pay up to one year during the period of active military leave.

Employees on a military leave of absence shall receive the same Annual Leave and the same rights and privileges to promotions, continuance in office, employment, reappointment to office, or reemployment that they would have enjoyed had they not been absent there from. Contributions to retirement, and medical and dental plans that are not otherwise provided by military coverage during active duty, shall be continued until the employee is reinstated, provided that the period of ordered duty does not exceed three (3) years.

Except for probationary employees, an employee's anniversary date shall be extended if his or her military leave of absence is in excess of thirty (30) days per fiscal year. If an employee's military leave of absence exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as his or her leave of absence, minus the first thirty (30) days (i.e. if the employee's military leave of absence is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee is required to perform military reserve duties while on probation, his or her probationary period shall be extended the same length of time as the military leave. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

The City shall reinstate those employees returning from a military leave of one year or less to the position they occupied prior to taking a military leave of absence or to a position of comparable seniority, status, and pay, if such position exists, upon presentation of a certificate of satisfactory completion of service and if such employees are qualified to return to their former positions. If no such comparable position exists, the employee shall have the same rights and privileges that he or she would have had if he or she had occupied the position when it ceased to exist and had not taken a temporary military leave of absence.

Any employee who, in time of war or national emergency as proclaimed by the President or Congress, is ordered by the military to active duty, shall have a right, if released, separated, or discharged under conditions other than dishonorable, to return to his/her former classification within one year after termination of his/her active service with the armed forces, but not later than six (6) months after the end of the war or national emergency. (See Government Codes 395.1, 146, and 395.05.)

7.60 ON-THE-JOB INJURIES AND WORKERS' COMPENSATION COVERAGE

All injuries and illnesses arising out of, and in the course and scope of employment with the City, including first aid injuries, shall be reported immediately to the appropriate supervisor. The supervisor, upon receiving notice of the accident, shall be responsible for (1) giving the injured employee an "Employee's Claim For Workers' Compensation Benefits" (DWC-1) form within twenty-four (24) hours; and (2) immediately notifying ~~the~~ Risk Management of the accident in accordance with Labor Code provisions. The Risk Management shall be responsible for completing an "Employer's Report of Occupational Injury or Illness (form 5020)."

An employee incapacitated on account of an injury or illness arising out of and in the course and scope of employment may be entitled to:
A. Medical care to cure the injury;
B. Rehabilitation services necessary to return to work; and
C. "Temporary disability" payments in lieu of lost wages, commencing three (3) days after the injury occurs.
If an occupational injury or illness is severe and requires immediate medical attention, first aid should be rendered and medical treatment should be obtained at the closest City-designated medical treatment facility. For severe accidents occurring outside the City limits, medical treatment should be obtained at the closest medical facility. Use of paramedic services is automatically authorized if the injury is life threatening.
In the case of an occupational injury that requires medical attention within the first twenty-four (24) hours or develops symptoms after the first twenty-four (24) hours following the injury, the employee shall immediately notify his or her supervisor and the employee's supervisor shall notify ~~the~~ Risk Management. If the employee has not submitted a properly completed "Employee Notification of Personal Physician" form to ~~the~~ Risk Management for treatment of job-related injuries, all medical treatment shall be provided through the City's designated medical service providers for the first thirty (30) days after the date of the injury. If the employee has submitted a properly completed "Employee Notification of Personal Physician" form to the Human Resource Department for treatment of job-related injuries, an appointment may be scheduled with the employee-designated medical service provider. The employee shall notify the Risk Management prior to scheduling the appointment, if he or she has chosen to be treated by an employee-designated medical service provider.
A career employee who is disabled by injury or illness arising out of and in the course and scope of his or her duties shall suffer no loss in City pay or accrued Annual Leave for the first three (3) days of absence from work because of such disability. If a career employee's absence persists in excess of three (3) days, the employee may be eligible for "temporary disability" payments. State law shall determine the "temporary disability" payment an employee can expect to receive from Workers' Compensation Insurance.
City policy allows for career employees incapacitated by reason of an injury or illness arising out of and in the course and scope of his or her employment to receive **fully paid Workers' Compensation Leave (i.e., equal to the employee's regular base pay compensation, including reduced pay due to furlough pay reduction).**~~a sum which, when added to the amount of temporary disability payment, will result in a payment equal to such an employee's regular compensation~~. This is for the first six (6) months and then **receive** 66-2/3% of the gross salary **through the City's Long Term Disability Plan** up to the maximum by Labor Code beyond the six (6) months after the injury. This applies unless the employee is hospitalized for greater than 90 days, or is not allowed by the City to return to light duty even though authorized by competent medical authority to return to limited duty. The City shall allow the employee to use Annual Leave or compensatory time in order to equal his/her normal salary after the six (6) months. **If the employee is unable to return to work due to a permanent disability and retires under CalPERS benefits, the employee may also be eligible for long-term disability plan benefits under the provisions, requirements and limits of the plan.**

Once all accrued leave is exhausted, compensation would be 66-2/3% of gross salary and all leave benefits will cease to accrue. Such worker's compensation shall commence three (3) days after the injury occurs, or after temporary disability begins, and shall conclude with the termination of such a temporary disability, upon reaching a permanent and stationary condition, as determined by competent medical evidence, or upon the completion of one (1) year on-the-job injury leave, whichever comes first. **If the employee is still unable to work after one year, the City may initiate processing a PERS disability retirement application on behalf of the employee.** Employees with injuries or illnesses that persist beyond six (6) months may be eligible for workers' compensation temporary or permanent disability payments. Workers' Compensation income is non-taxable.

Except for probationary employees, an employee's anniversary date shall be extended if his or her Worker's Compensation related injury or illness is in excess of thirty (30) days per fiscal year. If an employee's Worker's Compensation related injury or illness exceeds thirty (30) days per fiscal year, his or her anniversary date shall be extended the same length of time as the injury or illness, minus the first thirty (30) days (i.e. if the employee's injury or illness is forty-five (45) days, the employee's anniversary date shall be extended fifteen (15) days). If an employee experiences a Workers' Compensation related injury or illness while on probation, his or her probationary period shall be extended the same length of time as the injury or illness. Such extensions of anniversary dates and probationary periods, which arise as a result of this policy, shall not be perceived as casting aspersions on any employee, but rather as a way to more accurately monitor employee performance.

Workers' Compensation leave and benefits shall be granted to an employee upon presentation to the City of a properly completed claim form and presentation of a physician's certificate of temporary disability status. A claim denied by the Workers' Compensation Board, a written statement from the treating physician indicating that the employee's condition is permanent and stationary, or separation from City service shall terminate an employee's eligibility for Workers' Compensation leave and any applicable benefits for that particular injury or illness.

The City maintains its right to require that an employee receiving workers' compensation benefits see a City-designated physician on a periodic basis to determine the employee's disability status. When an employee is given a permanent disability rating by the Disability Rating Bureau of Workers' Compensation Appeals Board of the State of California, the employee may return to work provided that he or she can perform his or her assigned duties safely without endangering his or her health or safety, or that of others.

The City also maintains its right to require an employee to return to work on a limited or modified duty status, provided that he or she has received written authorization, including stated restrictions, from the City-designated physician as well as from the Risk Management and the Department Head. Such modified duty must be of a temporary nature, usually limited to 90 days.

The City should communicate in writing with the employee's authorized physician to obtain the modified duty authorization. It should provide the doctor with a description of the employee's regular duties as well as a description of all proposed modified duty to be assigned and provide a copy of that correspondence to the employee. The treating physician should provide to the City and the employee a written modified duty

authorization, including specific limitations and restrictions, as well as assignments the doctor authorizes the employee to perform.
An employee who declines a modified duty position, which meets the treating physician's requirements, may be subject to disciplinary action, up to and including termination. If an employee is medically stationary, but has not been released to his or her regular budgeted position and is one for whom a reasonable accommodation cannot be made, then that employee is subject to medical layoff **or medical retirement.**

Additional information concerning Workers' Compensation Leave or benefits may be obtained by contacting ~~the~~ Risk Management and by referring to Risk Management Policy 6.19, Modified Duty/Return to Work Policy.

7.65 VOTING LEAVE

In accordance with State law, the City of Moreno Valley encourages all employees to vote in local, state, and national elections. Employees are encouraged to vote outside of normal working hours. Under special circumstances, an employee who does not have ample time to vote outside of normal working hours may make arrangements with his or her supervisor to take up to two hours with pay in order to vote.

SECTION 8: CONDUCT AND DISCIPLINARY GUIDELINES

8.05 GENERAL STATEMENT OF POLICY

It is the City's belief that rules of conduct are most effective when they are written and communicated to employees and supervisors, consistently enforced, and the difference between major and minor forms of misconduct is recognized.

The City's goal is to administer discipline on an equitable and corrective basis. Effective discipline reinforces training by identifying rules and their reasons, correcting misconduct or improving job performance, serving as a deterrent through enforcement, and penalizing in relation to the severity of the offense and the employee's past record.

8.10 CUSTOMER SERVICE POLICY

Moreno Valley residents depend on each City employee to render service speedily, efficiently, effectively and courteously. The following guidelines express in part the expectations of how employees are to implement the customer service philosophy of the City:

A. Employees shall keep themselves informed in order to perform their jobs effectively.

B. Employees shall be concerned about the welfare of others.

C. Employees shall be considerate, tolerant, patient and fair with others.

D. Employees shall be cheerful and as positive as possible.

E. Employees shall use their training and capabilities to provide residents and businesses with the best service possible. Every effort should be made to provide correct answers and positive results.

8.15 UNLAWFUL DISCRIMINATION

Any employee who harasses or unlawfully discriminates against any other person on the basis of the other person's religion, age, sex, marital status, race, color, national origin, ancestry, medical condition, pregnancy, political affiliation, mental/physical disability, or sexual orientation, including gender identity; or denies family and medical leave (FMLA), or pregnancy disability leave; or as retaliation against an employee for filing a harassment and/or discrimination compliant, shall be subject to discipline in accordance with these Rules.

8.20 STANDARDS OF CONDUCT

Employees are encouraged to excel in their work. City employees are prohibited from engaging in any conduct which could reflect unfavorably upon the City. The following standards are intended to govern the actions of all City employees during their course of employment. Employees who violate these standards shall be subject to appropriate disciplinary actions.

A. Employees shall abide by and carry out the ordinances, resolutions, policies, procedures, and the rules & regulations of the City of Moreno Valley.
B. Employees shall always conduct themselves in a manner which reflects credit to the City and creates positive morale among City employees.
C. Employees shall operate all equipment safely and utilize safe means of carrying out their duties.
D. Employees shall follow instructions for all equipment and property.
E. Supervisors shall manage in an effective, considerate and fair manner.
F. Subordinates shall follow instructions in a positive, cooperative manner.
G. Employees shall provide service with courtesy and a smile and avoid arguments with the public and other employees. If citizens become difficult, they should be referred to a supervisor.
H. Employees shall avoid interpersonal conflict with others as it may affect productivity or the City's image. It is not necessary for everyone to like everyone else, but it is necessary to treat everyone respectfully, professionally, and courteously.
I. Employees shall dress appropriately. Although dress will vary with the type of work done, neatness, cleanliness, and a professional image are essential. Uniforms must be kept in good condition and worn while on duty, if required. All field personnel who are supplied uniforms will wear their complete uniform at all times while on the job. Exceptions may be granted on a case-by-case basis by the immediate supervisor.
Political buttons, or other attire that do not promote a professional image or may not provide adequate protection from work-related injuries shall not be worn while on duty.
J. The use or possession of alcoholic beverage, illegal drugs, or controlled substances while on paid duty time, or working while under the influence thereof, will not be tolerated. Violation will result in disciplinary action, as outlined in Section 8.35 of these Rules. See Section 1.75 and 1.80 of the Rules.
K. Employees should behave in their personal lives in such a manner as not to reflect discredit upon the City.

8.25 OBJECTIVE OF DISCIPLINARY GUIDELINES

The disciplinary guidelines outlined in Section 8 are intended to be standards for applying discipline on the job. The offenses listed are not intended as comprehensive coverage of the subject. The disciplinary actions listed are standards and guidelines. Individual circumstances may justify a supervisor, together with the Department Head and the Human Resources Director, administering more or less severe forms of

disciplinary actions than those listed in these guidelines. The disciplinary authority must use reasonable judgment and proper documentation in each individual instance.
All disciplinary actions should be consistently enforced. “Consistently enforced” does not mean that a supervisor must assign the same penalty in each case, but rather, that the supervisor take some form of disciplinary action for each infraction. The supervisor must also be able to justify the level of discipline imposed in a particular case by objective criteria.
Any variations to these procedures will be reviewed by the Human Resources Director and approved in writing by the City Manager.

8.30 MAJOR AND MINOR OFFENSES

There are two classes of disciplinary actions – major and minor.
A. Major: Misconduct that directly affects the safety or health of other employees or customers or misconduct that directly affects the success or survival of the organization.
B. Minor: Misconduct that interferes with the smooth, orderly, planned, and systematic progression of work.

8.35 LEVELS OF OFFENSES

There are four levels of offenses listed. A documented pattern which shows a history of recent disciplinary problems can result in cumulative or more severe disciplinary actions, including disciplinary suspension, reduction in pay, demotion, or dismissal. Moderating circumstances which may result in less severe disciplinary action include an employee’s positive work record, outstanding accomplishments, length of service, and extenuating circumstances of the violation.
A. Engaging in any of the following conduct will most likely result in dismissal:
1. Theft, embezzlement, or fraud.
2. Falsification, unauthorized removal, or alteration of official City records or employment applications.
3. Possession of, use of, or working while under the influence of alcoholic beverages or other controlled substances during City working hours, while on City property, while operating City vehicles, or while subject to duty (i.e. stand-by).
4. Assault, battery, or fighting an individual while on duty or under the guise of office.
5. Illegal possession or brandishing of weapons or firearms on City premises or property, while on duty or under the guise of office.
6. Acceptance of bribes or extortion.

7. Conviction of a felony or any crime involving moral turpitude.
8. Commission of an act involving moral turpitude, whether or not a conviction is obtained.
9. Harassment (as defined in Section 1.90 of these Rules) or unlawful discrimination against employees or others based upon race, color, age, marital status, pregnancy, sex, national origin, ancestry, ethnicity, religion, medical condition, mental or physical disability, or sexual orientation, including gender identity; or retaliation against an employee for filing a harassment and/or discrimination complaint; or denial of family and medical care leave or pregnancy disability leave.
10. Intentionally damaging property of value.
11. Job abandonment of three (3) consecutive work days with no notification or approved absence.
12. Material false statement or omission on the employment application.
13. Driving on City business with a suspended or revoked driver's license.
14. Continuing unsatisfactory job performance.
15. Felony eavesdropping or electronic recording of confidential communication without consent of all parties to such communication.

This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above mentioned disciplinary action.

B. Engaging in any of the following conduct will most likely result in disciplinary suspension without pay for five (5) to thirty (30) days, reduction in pay or dismissal depending upon the circumstances, accumulation, or pattern of offenses. Other recently documented violations along with this incident, or the repeating of such offenses will result in dismissal.

1. Intentionally misusing or abusing City property or property of another.
2. Disregard for major safety rules.
3. Insubordination by refusing a supervisor's legitimate order.
4. Unlawfully restricting work efficiency and production.
5. Attempting to provoke a fight on City premises, threatening or deliberately intimidating others through threat of physical force.
6. Unauthorized release of information, which has been validly classified as confidential.
7. Intentional mistakes or gross negligence causing damage.

8. Use of authority for personal gain.
9. Dishonesty, including falsifying time cards or other reports.
10. Driving on City business with an expired license.
This is not an exhaustive list. Other violations of a similar serious scope and nature will result in the above-mentioned disciplinary action.
C. Engaging in any of the following conduct will most likely result in a written reprimand on the first offense, a disciplinary suspension of one (1) to five (5) working days, reduction in pay, or demotion on the second offense, and possible dismissal on the third. Other recently documented violations in conjunction with this violation will result in more severe disciplinary action.
1. Unauthorized operation of tools, machinery or equipment.
2. Gambling on City property.
3. Disregard of minor safety rules including failure to report an injury or accident.
4. Abuse of authority.
5. Carelessness or inefficiency in completing assignments.
6. Unauthorized sleeping or unaccounted whereabouts while on duty.
7. Traffic violations, including preventable accidents, in City vehicles or while on City business.
8. Political activity which violates pertinent provisions of state or local law.
9. Unauthorized absences or excessive leave without pay.
10. Abusive language that is personally or professional insulting or derogatory, directed at a person or persons with normal sensibilities, in their presence.
11. Failure to notify the employee's supervisor of the loss of a required certificate or license, including driver's license.
12. Statements or allegations which are malicious, vexatious, or not made in good faith and designed to discredit another individual or agency.
13. Garnishment on two or more different debts within any one-year period.
This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

D. Engaging in any of the following conduct will most likely result in either an informal discussion or formal warning on the first offense and a written reprimand on the second offense. Further incidents will result in more serious disciplinary action, including possible disciplinary suspension, reduction in pay, demotion or dismissal. Other recently documented violations in conjunction with this violation will also result in more severe disciplinary action.

1. Creating or contributing to unsanitary conditions.
2. Violation of smoking policy.
3. Unauthorized soliciting of contributions.
4. Distributing unauthorized printed matter on City time.
5. Failure to meet production or performance standards.
6. Engaging in behavior which prevents or hampers job performance.
7. Tardiness in reporting to work or leaving work early without supervisor approval.
8. Abuse of Annual Leave.
9. Abuse of breaks or lunch time.
10. Inability or unwillingness to work harmoniously with other employees.
11. Failure to contact supervisor when late or absent.
12. Failure to report change of vital information.
13. Failure to observe reasonable standards of personal appearance.
14. Failure to follow specified job instructions.
15. Minor safety violations, including housekeeping rule violations.
16. Frequent personal phone calls.
17. Frequent violations of established departmental rules and procedures.
18. Reading non-related material during work time when not authorized.
19. Misrepresentation of facts which does, or may lead to, a disruption of City business.
20. Posting or distributing materials or telling jokes, which are offensive to a person or persons with normal sensibilities.

This is not an exhaustive list. Other violations of similar scope and nature will result in the above-mentioned disciplinary action.

SECTION 9: DISCIPLINARY ACTIONS

9.05 DEFINITION OF DISCIPLINARY ACTION

"Disciplinary Action" means action taken by the Department Head or designee for disciplinary reasons, pursuant to these Rules, and consistent with the philosophy of progressive discipline where appropriate. Such disciplinary actions include (1) a formal warning, (2) a written reprimand, (3) disciplinary suspension, (4) reduction in pay, (5) demotion, (6) dismissal, or (7) any other action taken for disciplinary purposes.

9.10 INFORMAL DISCUSSION

Though not a disciplinary action, when a minor job performance problem develops, an informal discussion shall usually occur to assist the employee in clarifying and remedying the problem. An informal discussion is designed to clarify standards, policies and procedures or rules and regulations so that problems are resolved early and thus, the need to utilize disciplinary action may be avoided.

9.15 FORMAL WARNING

The formal warning shall be given in response to minor misconduct. The warning should be prompt, calm, and constructive, and every effort shall be made for the formal warning to be given in private. The supervisor should include in the formal warning a review of appropriate department standards and policies, employee performance expected in the future and consequences for failure to correct performance or behavior.

9.20 WRITTEN REPRIMAND

The written reprimand shall be given by the Department Head or designated authority when a formal warning has not succeeded in stopping the misconduct or when the misconduct is considered too serious to warrant a formal warning. Misconduct includes failure to meet City performance standards. The Department Head should first counsel the employee about the misconduct, as if giving a formal warning. At the end of the discussion, if no extenuating circumstances are discovered, the Department Head shall inform the employee that a letter of reprimand shall follow and shall be placed in his or her central personnel file located in the Human Resources Department. The written reprimand should include a full, accurate and factual statement of the reason for the reprimand including the date and time of the event which is the cause of the reprimand, if applicable, appropriate department standards and policies, employee performance expected in the future, and consequences for failure to correct performance or behavior.

9.25 DISCIPLINARY SUSPENSION

Disciplinary suspensions without pay are actions which generally deprive an employee of pay for any period up to thirty (30) working days and are usually given when serious misconduct or repetition of past problems for which the employee has been reprimanded require a strong management response. The nature of the offense, its severity and the circumstances dictate the length of suspension. Recurrence of the same or similar offenses can result in a second or third disciplinary suspension of progressively increased duration or in a dismissal. A disciplinary suspension is given an employee

when formal warnings or written reprimands have not been effective, or when the misconduct warrants more than a written reprimand.

Employees who are categorized as exempt under the Fair Labor Standards Act may only be suspended without pay for infractions of safety rules of major significance such as rules relating to the prevention of serious danger in the workplace or to other employees. Exempt employees may also be subject to disciplinary suspensions of one or more full days without pay for infraction of workplace conduct rules applicable to all City employees.

The City distinguishes between minor disciplinary suspension as one (1) to five (5) working days and major disciplinary suspensions as six (6) to thirty (30) working days. Minor suspensions can be used as steps in progressive discipline. Major suspensions are used as a more severe step in progressive discipline or where the act of misconduct does not warrant dismissal.

Department Heads shall institute disciplinary suspensions only after receiving approval from the Human Resources Director.

9.30 REDUCTION IN PAY

The reduction of an employee's base pay is the action given when a disciplinary suspension has not been effective, or when the misconduct is too serious for disciplinary suspension alone.

Department Heads shall institute a reduction in an employee's base pay only after receiving approval from the Human Resources Director.

9.35 DEMOTION

The Department Head may demote an employee for disciplinary reasons or because the employee's ability to perform the required duties falls below standards for that position, provided that the employee has been given a reasonable time to improve. Upon request of the employee, and with the consent of the appointing authority, demotion may be made to a vacant position. No employee shall be demoted to a position unless he or she possesses the minimum qualifications for such a position.

Department Heads shall institute a demotion only after Human Resources Director approval.

9.40 LAST CHANCE EMPLOYMENT AGREEMENT

When the City, the bargaining unit representative (only when requested by employee to be involved) and the affected employee all agree that the affected employee should be given one last chance before administering dismissal, a Last Chance Employment Agreement may be administered and signed by all parties. This written employment agreement gives the employee who has committed serious misconduct one last chance to keep the employee's job. The agreement provides details about the employment misconduct, sets forth the City's expectations for continued job performance, and defines the employment consequences for failure to meet those expectations — usually termination of employment, with a condition that the employee waive any future rights of appeal of the termination.

9.4~~0~~5 DISMISSAL

Dismissal or involuntary separation of an employee from City employment shall be imposed only when all other disciplinary measures have failed and the employee is deemed beyond rehabilitation or when an act of misconduct is deemed very serious. A career employee may be dismissed by the Department Head for just cause as outlined in these Rules.

Department Heads shall institute a dismissal only after Human Resources Director approval.

9.**50**~~45~~ RESIGNATION – AN ALTERNATIVE TO DISCIPLINARY ACTION

At times, an employee may offer to resign instead of facing disciplinary action. By doing so, the employee loses the right to appeal. A resignation must be completely voluntary.

9.5**5**~~0~~ DOCUMENTATION OF DISCIPLINARY ACTION

All disciplinary actions should be fully documented and placed in the employee's personnel file.

A formal warning should be documented on a form prescribed by the Human Resources Director. The employee shall receive a copy of the documented formal warning, and a copy shall be placed in the employee's personnel file in the Human Resources Department. If the employee chooses to respond, that reply will also be placed in the employee's personnel file, and be attached to the supervisor's record of formal warning. If the action taken is a disciplinary probation, a disciplinary suspension, a reduction in pay, a demotion, or a dismissal, documentation shall be in accordance with Section 10.20(1). A copy of all such disciplinary documents shall be placed in the employee's central personnel file located in the Human Resources Department. The employee shall sign and receive a copy of such disciplinary documents. If the employee refuses to sign the statement, that fact should be noted in writing by the supervisor.

9.**60**~~55~~ EMPLOYEE REPRESENTATION

A represented employee is entitled to the presence of an Association representative during an investigative interview conducted by the manager whenever the employee reasonably believes that the interview might lead to or result in disciplinary action affecting any property right (i.e., suspension, pay reduction, demotion, or dismissal). The employee must request the representation. The manager is not obligated to inform the employee of the right to representation. The employee does not have a right to representation at every, or any, contact with a supervisor.

The employee does have the right to a specific representative. When the representative is a non-employee agent, the manager is not required to wait to hold the interview at a time the consultant would be available beyond 24 work hours. The employee and representative must be allowed a reasonable period of time to confer in advance of the interview.

SECTION 10: PROCEDURAL DUE PROCESS FOR DISCIPLINARY ACTIONS

10.05 ACTIONS THAT ARE NOT APPEALABLE

Denial of merit or pay increases, performance evaluations (except as provided in Section 5.10), informal discussions, oral counselings, formal warnings, and written reprimands cannot be appealed.

10.10 DISCIPLINARY ACTION SUBJECT TO SKELLY PROCEDURE

Prior to a disciplinary suspension, a reduction in pay, a demotion, or a dismissal of a career employee for disciplinary purposes, the procedure set forth in this Section shall be complied with.

Disciplinary suspensions of less than five (5) days may be immediately implemented so long as the "Skelly" procedure is then promptly followed. (Section 10.20).

10.15 ADMINISTRATIVE SUSPENSIONS WITH PAY

Pending investigation of an accusation against an employee, the City Manager may approve the temporary suspension of an employee with pay, pending the undertaking or completion of an investigation or opportunity to respond as may be required to determine if any disciplinary action shall be taken.

10.20 SKELLY PROCEDURE/DUE PROCESS

A. Written Notice: The Department Head or designated authority shall give the employee a written notice of the proposed disciplinary action at least ten (10) working days prior to the effective date. The written notice shall be personally delivered to the employee or sent by certified mail to the employee's last known address.

The notice should include the following information:

1. A description of the proposed action to be taken and its proposed effective date or dates;
2. The specific grounds and particular facts upon which the action is proposed to be taken;
3. The employee's right to receive a copy of the written materials alleged to support the proposed action; and
4. A statement advising the employee of the right to respond, orally or in writing, and the time period in which to do so.

B. Employee Review and Response: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based. Within ten (10) working days after receipt of the written notice, the employee shall have the right to respond to the Department Head, orally or in writing, concerning the proposed action. Failure to respond within the time

specified may result in the employee's waiver of his or her pre-disciplinary procedural rights. By mutual agreement, the specified time period may be extended. Appeal shall be addressed to the Department Head regardless of which supervisor may have issued the Skelly Letter.

C. Department Head Decision: The Department Head or designated authority shall, within ten (10) working days, provide a written decision to the employee after reviewing the employee's response, if any. The decision shall be personally delivered to the employee or sent by certified mail to the employee's last known address. The decision shall acknowledge the employee's response and shall be dated and signed by the Department Head. If disciplinary action is to be taken, the written response shall include a statement informing the employee of the right to appeal and the time period within which the appeal must be made.

If mutually agreed upon, the effective date of any proposed disciplinary action may be postponed to allow the Department Head enough time to adequately review the employee's response before making a decision.

10.25 APPEAL OF DEPARTMENT HEAD'S DECISION

A career employee may appeal a Department Head's decision within ten (10) working days of receiving the decision. An appeal shall be accompanied by a copy of the written notice of disciplinary action served on the employee, the Department head's written decision, a brief statement of the facts and reasons for the appeal and a brief statement of the relief requested.

If, within the ten (10) day appeal period, the employee involved does not file an appeal, unless good cause for the failure is shown, the action of the Department Head or designated authority shall be conclusive. If an employee withdraws the appeal, the employee waives the right to further review. Upon approval of the City Manager, the Human Resources Director may designate any other non-involved Department Head to act on his or her behalf on such matters. Appeals filed within the ten (10) day requirement shall be handled in accordance with the following provisions:

A. Minor Disciplinary Suspension, Reduction in Pay, and Demotion: An employee may appeal a disciplinary suspension of 5 days or less, or a reduction in pay of 5% or less annualized by submitting a written response to the Human Resources Director within ten (10) working days after the employee has received the Department Head's decision. Such an appeal and decision of the matter is based only upon the written record.

The Human Resources Director shall render a written decision within ten (10) working days after receipt of the appeal. The Human Resources Director may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The Human Resource Director's written decision is the final and conclusive administrative review.

B. Major Disciplinary Suspension, Reduction in Pay, and Demotion: Disciplinary suspensions of greater than 5 days, reductions in pay greater than 5% annualized, or any demotions from class to class may be appealed to the City Manager. The City Manager may designate a non-involved Department Head or

the Human Resources Director to hear the appeal and act on his behalf on such matters.

The City Manager or designee shall act as Hearing Officer and determine the hearing procedure. The hearing need not be conducted according to technical rules relating to evidence and witnesses. However, the City Manager shall ensure that the matter before him or her can be fairly determined on reliable evidence. The Hearing shall be conducted in accordance with Section 11.30.

The City Manager or designee shall render a written record of his or her findings, conclusion and decision as soon after the conclusion of the hearing as possible and in no event later than twenty (20) working days after conducting the hearing, unless the parties otherwise agree. The City Manager may modify the disciplinary action, but in no event shall have the authority to increase the disciplinary action. The City Manager's decision on the appeal is final and conclusive administrative review.

C. Dismissal: An employee wishing to appeal a dismissal must submit a request for a hearing officer to the Human Resources Director within ten (10) working days from receipt of the Department Head's decision. An Appeals Hearing on the appeal shall be conducted in accordance with Section 11. Upon mutual agreement of the employee and the City Manager, the employee may waive the right to the Appeals Hearing and present the appeal directly to the City Manager.

If the employee chooses to appeal the Department Head's decision directly to the Human Resources Director, the employee forfeits the right to appeal to a Hearing Officer.

At any hearing before the Human Resources Director, City Manager or a Hearing Officer, subpoenas may be issued in accordance with the Government Code.

10.30 AMENDED NOTICE OF DISCIPLINARY ACTION

At any time before an appeal is submitted for decision, the Department Head or designated authority may, with the consent of the Human Resources Director, amend the disciplinary action or provide a supplemental notice of disciplinary action.

A decision not to impose any disciplinary action should be accompanied by a directive from the Department Head to delete all references to the pending action from the employee's personnel file(s). Failure by the Department to make further investigations or to provide an additional written answer shall not affect the ability of the City to impose disciplinary action.

If the amended or supplemental notice of disciplinary action presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a response in accordance with Section 10.20, but the employee shall not be required to file a further appeal. Any objections to the amended or supplemental causes or allegations may be made verbally or in writing during the appeal interview.

SECTION 11: APPEALS HEARING PROCESS

11.05 SELECTION OF A HEARING OFFICER

Within ten (10) working days from receipt of the written request for an appeals hearing pursuant to Section 10.25, the employee or designated representative and management representative shall select a Hearing Officer from a designated list. A paid outside Hearing Officer is only allowed in cases involving dismissal. The Hearing Officer shall be selected by mutual agreement or by the alternate striking of names from a predetermined or standing list of Hearing Officers. The party to strike the first name shall be determined by chance. Only Hearing Officers who do not require transcription services, other than only an electronically recorded record, are to be used unless both parties agree otherwise.

The list shall contain at least seven (7) names and not more than twelve (12) names of persons qualified and willing to serve as a Hearing Officer. Employees, employee representatives and management representatives shall submit nominees for the list of Hearing Officers. If the total number of nominees is greater than the maximum number allowed on the list, the list shall be narrowed to the maximum number by consultation between management and employee representatives utilizing the strike out process. If a person withdraws his or her name from a list bringing the number of names below the designated minimum number, a name shall be added to the list. The list shall be revised at least every three (3) years.

11.10 SCHEDULING THE HEARING

Both parties shall endeavor to schedule the hearing as soon as possible. It is recognized that the schedule of the Hearing Officer, who is mutually selected, is dependent upon his/her already established schedule and availability. The City and the bargaining unit will jointly endeavor to identify the Hearing Officer within ten (10) working days of the employee's written request for one. All affected parties shall be notified in writing of the date, time and place of the hearing at least five (5) working days prior to the hearing. The Hearing Officer, prior to or during the hearing, may grant a continuance for any reason he or she believes to be important to its reaching a fair and proper decision.

All hearings shall be closed unless the employee requests an open hearing. No still photographs, moving pictures, or television pictures shall be taken in the hearing room during a hearing.

11.15 HEARING REPRESENTATION

Each party shall have the right to represent themselves, to be represented by legal counsel, or to be represented by any other person of his or her choice, except that no supervisor or Department Head shall be represented in appeal matters by an employee whom he or she may supervise, and no employee shall be represented in appeal matters by a supervisor or Department Head.

11.20 RECORDATION OF HEARING
All appeal hearings shall be recorded. The Human Resources Director shall arrange for the production of any relevant City record.
11.25 HEARING EXPENSES
All expenses for a Hearing Officer, including but not limited to, per diem expenses, travel and subsistence expenses, and the cost of the hearing room will be borne equally by the City and the employee. Each party shall make arrangements for and pay expenses of witnesses that are called by such party, except that any City employee called as a witness shall be released from work without loss of compensation or other benefits to give testimony at the hearing.
Prior to the hearing, the Hearing Officer shall draw up a contract and each party shall sign the contract agreeing to these payment conditions and any payment terms. A copy of the contract shall be given to the employee and another shall be given to the Human Resources Director. The Hearing Officer shall retain the original contract.
11.30 HEARING PROCEDURE
The Hearing Officer shall give all interested parties a reasonable opportunity to be heard on relevant issues. The hearing procedure shall be determined by the Hearing Officer. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The Hearing Officer shall observe the intent of such rules to the end that the matter before him or her can be fairly determined on reliable evidence. All interested parties shall have the following rights:
A. To call and examine witnesses;
B. To introduce exhibits;
C. To cross-examine opposing witnesses on any matter relevant to the issue, even if the matter is not covered in the direct examination;
D. To impeach any witness regardless of which party first called him or her to testify;
E. To rebut the evidence against them; and
F. To present oral and written arguments.
11.35 HEARING OFFICER'S RECOMMENDATION
The Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence, and shall base his or her findings on the preponderance of evidence. Hearsay evidence shall be admitted and may be used for the purposes of supplementing or explaining any direct evidence, but if objected to, shall not be sufficient in itself to support a finding. The Hearing Officer shall submit a written record of his or her findings, conclusion and recommendation to the City Manager as soon after the conclusion of the hearing as possible and in no event later than thirty (30) working days after conducting

the hearing, unless the parties agree otherwise. The Hearing Officer may recommend sustaining, rejecting, or lessening the disciplinary action invoked against the employee.

11.40 CITY MANAGER'S DECISION

Upon review of the hearing record, the City Manager shall have the right to accept, modify or reject the Hearing Officer's recommendation. If the City Manager decides not to review this matter, the decision of the Hearing Officer on the appeal shall be the final administrative action. Within ten (10) working days, the City Manager should deliver a copy of his or her written decision to the employee. The decision of the City Manager shall be the final administrative action.

SECTION 12: GRIEVANCES

12.05 MATTERS SUBJECT TO GRIEVANCE PROCEDURES

A “grievance” is a job-related complaint by an employee regarding the terms and conditions of employment which arise out of a specific fact situation or transaction, other than discipline, that result in an alleged inequity or damage to the employee. The solution of any such grievance is wholly or partially within the province of the City to rectify and will involve the interpretation or application of existing ordinances, rules, regulations, or policies administered by the employee’s Department Head or designated authority concerning wages, hours, other terms and conditions of employment.

12.10 MATTERS NOT SUBJECT TO GRIEVANCE PROCEDURES

The following matters are not subject to the grievance procedure:

A. Employee discipline.
B. Oral or written warnings, reprimands, or counselings.
C. Employee performance evaluations.
D. Management of the City generally and issues of City or Department policy.
E. Necessity and organization of any service or activity conducted by the City including the expansion or reduction of services or workforce.
F. Determination of the nature, manner, means, technology, and extent of services to be provided to the public.
G. Methods of financing.
H. Types of equipment or technology to be used.
I. Determination of and/or change in facilities, methods, technology, means and size of the work force by which City operations are to be conducted.
J. Determination of and change in the location, number of locations, relocations and types of operations, processes and materials to be used in carrying out City functions.
K. Work assignments and schedules in accordance with requirement as determined by the City.
L. Establishment, implementation, and modification of productivity and performance programs and standards.
M. Reductions in force or layoffs for lack of work or other non-disciplinary reasons.
N. Establishment and approved modifications of job classifications.

O. Determination of standards, policies and procedures for selection, training, and promotion of employees.
P. Establishment, implementation, and modification of Departmental organizations, supervisory assignments, chains of command, and reporting responsibilities.
Q. Levels of compensation, pay, and benefits based upon budgetary and fiscal considerations.

12.15 FREEDOM FROM REPRISAL

No employee shall be subject to coercion or disciplinary action for discussing a request or complaint with his or her immediate supervisor, or for filing a grievance petition.

12.20 CONSOLIDATION

Grievance petitions involving the same or similar issues, filed by employees in the same representation unit, may be consolidated for presentation at the discretion of the person hearing the petitions.

12.25 RESOLUTION

Any grievance petitions resolved at any step of the grievance procedure shall be considered conclusive.

12.30 WITHDRAWAL

Any grievance petition may be withdrawn by the grievant at any time, without prejudice.

12.35 RESUBMISSION

Upon consent of the person hearing the grievance petition and the grievant, a petition may be resubmitted to a lower step in the grievance procedure for reconsideration.

12.40 EMPLOYEE REPRESENTATION

If requested, an employee may have representation in the preparation and presentation of the grievance at any step in the formal grievance procedure, except that no supervisor or Department Head shall be represented by an employee whom he or she may supervise, and no employee shall be represented by a supervisor or Department Head. The employee(s) and one employee representative are entitled to be released from work for a reasonable period of time in order to present the grievance.

12.45 MISCELLANEOUS

If an employee is given a legitimate order that he or she wishes to grieve, the employee must first complete the assignment and file a grievance later unless the assignment endangers the health or safety of the employee or others or if the requested assignment violates the employee's constitutional rights.

12.50 INFORMAL GRIEVANCE PROCEDURE

Every effort should be made to resolve a grievance through discussion between the employee and the employee's immediate supervisor, unless extenuating circumstances exist. If the employee is not satisfied with the decision reached through the informal discussion or if extenuating circumstances exist, the employee shall have the right to file a formal grievance in accordance with Section 12.55.

12.55 FORMAL GRIEVANCE PROCEDURE

Step I

If the employee is not in agreement with the decision rendered in the informal grievance procedure, an employee shall have the right to present a formal grievance to the Department Head within ten (10) working days after the occurrence of the incident causing the grievance, if applicable. Otherwise, the right to file a grievance petition shall be waived.

All grievances shall be submitted on the form prescribed by the Human Resources Director and no grievance petition shall be accepted until the form is complete. The written grievance shall contain a clear, concise statement of the grievance and facts upon which it is based, rule, regulation, or policy allegedly violated, and the specific remedies sought.

The Department Head should render a written decision within ten (10) working days after receipt of the written grievance.

Step II

If the grievance is not satisfactorily resolved in Step I, the employee shall have the right to submit the written grievance to the Human Resources Director within ten (10) working days after the Department Head's decision is received by the employee.

The Human Resources Director should render a written decision within ten (10) working days of receipt of the written grievance.

Step III

If the grievance has not been satisfactorily resolved in the Step II, it may be appealed to the City Manager within ten (10) working days after Human Resources Director's decision is received by the employee.

The City Manager may accept or reject the decision of the Human Resources Director, and should render a written decision within ten (10) working days after receipt of the written grievance. The decision of the City Manager shall be final and conclusive.

If mutually agreeable, a meeting may be conducted involving all affected parties at any step in the grievance procedure prior to the rendering of a decision.

GRIEVANCE PROCEDURES
STEP CONTACT FILE DECISION
Informal Supervisor N/A Immediate
Step I Formal Department Head
(from incident)
10 working days
from filing
10 working days
Step II Formal Human Resources
Director
10 working days
from Step I
10 working days
from filing decision
Step III Formal City Manager 10 working days
from Step II
10 working days
from filing decision
The City Manager may delegate non-involved Department Heads to act on behalf of the City Manager to render an appeals judgment in these processes. The findings and recommendations they render will be advisory to the City Manager whose ultimate decision will be final.
12.60 TIME LIMITS
Grievance petitions shall be processed from one step to the next within the time limit indicated for each step. Time limits shall be strictly enforced. Any time limits established in this procedure, may be waived or extended by mutual agreement confirmed in writing. Any grievance petition not carried to the next step by the grievant within the prescribed time limits shall be deemed resolved upon the basis of the previous disposition.

SECTION 13: EMPLOYEE RECORDS AND FILES

13.05 PERSONNEL FILES

A. Central Personnel Files: The Human Resources Department shall maintain a central personnel file for each City employee indicating the employee's name, title of position, the department assigned, salary, changes in employment status, performance evaluations, disciplinary documents and such other information as may be considered pertinent by the Human Resources Director. Copies of documents concerning disciplinary actions taken by the supervisor or Department Head must be placed in the employee's central Personnel file. There will be no disclosures of this information to third parties except as authorized by State or Federal law or as duly authorized in writing by the employee.

Personnel files shall be kept in locked, fireproof files located in the Human Resources Department.

B. Payroll Files: The Finance Department shall maintain a file for each City employee showing the name, title of position, the department assigned, salary, changes in employment status, W-4 forms, payroll deductions and such other information as may be considered pertinent by the Financial and Administrative Services Director. There will be no disclosures of this information to third parties except as authorized by State and Federal law, or as duly authorized in writing by the employee to third parties.

Nothing herein shall prohibit the City from keeping or placing documents in an observation file for the purpose of investigating alleged criminal conduct. For the purposes of this Section, an observation file shall not be considered a personnel file, and an employee or his or her designated representative shall not have access to observation files nor receive copies of documents placed in such files.

Unless required for a criminal investigation, an observation file on an employee shall remain open for a maximum of six (6) months. If disciplinary action by the City is warranted or if the employee is found guilty of criminal activity, documents in the observation file shall be placed in the employee's personnel file(s).

13.10 DOCUMENTS IN PERSONNEL FILES

Upon request of the employee, an employee may place documents in his or her respective personnel file that commends his or her job performance with the City or demonstrations educational attainment.

Disciplinary documents shall be placed in personnel files in accordance with Section 9.50. An employee shall be provided a copy of any documents placed in his or her personnel file(s), and may review his or her file on request.

If no further conduct requiring disciplinary action occurs, and at the employee's written request, documents concerning minor disciplinary actions shall be removed from an employee's personnel file after one (1) year or upon their incorporation in a performance evaluation, whichever occurs first. If no further conduct requiring disciplinary action

occurs and at the employee's written request, documents concerning major disciplinary actions shall be removed from an employee's personnel file after three (3) years, provided that such documents may be retained thereafter if they establish a pattern of conduct extending past the three (3) year period. With good cause, a department may grant an employee's request to remove the document from the employee's personnel file(s) sooner than the indicated time frames, with the concurrence of the Human Resources Director.

13.15 ACCESS TO FILES

No person other than the City Manager, Assistant City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's hiring Department Head, immediate supervisor, current Department Head, current Division Head, or their designated representatives shall have access to an employee's central or department personnel file. The Department Head must approve in writing anyone below him/her before that authorized person may review a subordinate's central personnel file. No person other than the ~~Finance~~ **Financial and Administrative Services** Director, payroll division staff, City Manager, City Attorney, or Human Resources Department staff shall have access to an employee's payroll file. Upon appointment, an employee or a person designated in writing by the employee for such purpose may inspect the contents of his or her respective personnel file(s). Upon paying the reasonable cost associated therewith, except as provided in Section 13.10, an employee or his or her designated representative may obtain copies of any documents contained in the employee's personnel file(s).

The City Council Members shall have access to the personnel files of the City Manager, City Attorney and City Clerk.

The employee may file a grievance regarding the contents of his or her personnel file(s) in accordance with the Grievance Procedure regulations outlined in Section 12.

13.20 DISCLOSURE OF INFORMATION

No direct information contained in the personnel files shall be disclosed concerning any current or former City employee other than the employee's job title, inclusive dates of employment, work location, salary, work phone number, departmental assignment, and the nature of separation, resignation, or termination, to any person other than the City Manager, Assistant City Manager, City Attorney, Special Legal Counsel, Human Resources Director, Human Resources staff, the employee's Department Head, Division Manager or their designated representatives. An employee or former employee may authorize access to or the disclosure of information from their file only when written permission is provided to the Human Resources Department.

Nothing herein shall preclude nor specifically deny the use of any information in personnel files in any phase of a disciplinary or probationary action.

13.25 CHANGES-IN-STATUS

It is the employee's responsibility to notify the Human Resources Department of any changes in his or her address, phone number, marital status, dependent status, name change, training certificates, or other pertinent information.

13.30 APPLICATION RETENTION
Applications submitted by candidates for City employment become the property of the City and must be retained for at least three (3) years.
13.35 DESTRUCTION OF PERSONNEL RECORDS
Personnel records, including employment applications, shall be destroyed only in accordance with the provisions of the City's system for the destruction of public records and then in accordance with other applicable law.

SECTION 14: EMPLOYEE BENEFIT POLICIES

Benefits for City employees shall be provided as outlined in the City's Benefit Plan. Further information on these benefits may be obtained by contacting the Human Resources Department.

The City retains the right to alter the benefit plan, if it finds such changes to be in the best interest of the City.

14.05 BENEFIT BANK

The City has adopted a "flexible or cafeteria" plan that will cover certain City benefits (i.e., medical, dental, vision care, etc.). Employees, other than those listed below, are not eligible for benefit bank benefits. City employees shall receive a negotiated amount of money as approved by City Council, and consistent with the current MOU, on a yearly basis in order to "purchase" benefits from the plan. These benefits are paid on a 24-pay period basis. Employees may change benefit elections only during open enrollment periods unless there is a qualifying event. Qualifying events may include, but are not limited to emergency hardships, changes in employment, or changes in family status such as, births, deaths, adoptions, marriages, or divorce, **to the extent permitted by the provisions of the benefit plans carriers**

A. Career Full-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

B. Career Part-time Employees shall receive a negotiated amount as approved by the City Council, and consistent with the current MOU, with which to purchase benefits. New benefit amounts may become effective January 1st of each year.

C. As part of the cafeteria plan, all full-time employees, except City Council members, must purchase group medical insurance coverage for themselves, or provide proof of other medical coverage, i.e., through one's spouse's coverage, military, etc. If the City Council deems it in the City's best interest, the City, at its option, may require all employees to purchase the City's preferred coverage and not allow verification of other coverage. Once this individual medical coverage has been purchased or verified, employees may purchase any of the following options with the balance:

1. Medical Insurance: Once medical insurance has been purchased for the employee, he or she may also choose to purchase excess coverage for him or-herself or insure any dependents. Eligible employees may choose from a variety of health care providers as offered by the City. Medical benefits, plan costs, and any deductible costs may vary depending upon the insurance carrier offered by the City and chosen by the employee. Those who choose to use other kinds of medical coverage must report any change in that coverage within ~~two (2) weeks of any change of active status~~ **sixty (60) days as defined by CalPERS.** Failure to do so will result in immediate enrollment in a City offered medical plan.

2. Dental Insurance: Employees may purchase dental insurance for themselves and any dependents. Dental benefits and any deductible costs may vary depending upon the insurance carrier chosen by the employee.
3. Vision Care: Coverage must be purchased for all full-time career employees and may be purchased for any dependents, based upon vision care plans available to City employees.
4. Supplemental Insurance: Employees may purchase supplemental insurances for themselves or their dependents.
5. Dependent Care (Child and Elder): Employees may purchase dependent (child and elder) care reimbursement coverage through a flexible spending account. Documentation of payments with tax identification number of the provider must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.
6. Medical Expense Reimbursement: Employees may purchase medical expense reimbursement through a Flexible Spending Account. Documentation of expenses and payments must be submitted to receive reimbursement. Unreimbursed funds will be forfeited at the end of the year.
7. Annual Leave Buy: Employees with unspent bank dollars may purchase up to two weeks of Annual Leave hours per year. This option is available only at open enrollment. Annual Leave hours bought must be used within the benefit year purchased. Unused Annual Leave which has been purchased will be returned to the benefit bank for cash out to the employee.
8. Cash Out Option: Employees who would have unspent bank dollars for the calendar year will receive the leftover balance as a taxable cash payment. Council members are not eligible by State law for any cash-out option of unspent bank dollars. Annual Leave hours must be requested in writing during open enrollment each year.
9. Use or Lose Provision: Flex dollars may not be carried over from one plan year to the next, according to IRS regulations. Employees who have left over funds and who do not elect additional Annual Leave hours will be paid in cash. This amount will be subject to Federal and State withholding taxes.
D. Temporary Employees are not normally entitled to the benefits of the City's cafeteria plan.

14.10 MANAGEMENT PACKAGE

Certain categories of employees are entitled to a management benefit package as a percentage of their gross annual salary. The dollar amount shall change as salary increases are received during the year. This amount will be disbursed on a 24-pay period basis. These employee categories and percentages are as follows:
A. Executive Management Employees shall receive six (6%) percent of their gross annual salary.

B. Division Management Employees shall receive four (4%) percent of their gross annual salary.
C. Professional/Administrative/Management Employees shall receive two (2%) percent of their gross annual salary.
This management package percentage amount may be expended in any of the flexible benefit plan options previously discussed. Other benefit options will be made available as they are approved by the City Council in accordance with applicable IRS guidelines.
14.12 AUTO ALLOWANCE:
The City provides taxable auto allowance benefits as follows:
A. Executive Management Employees shall receive a monthly auto allowance, as budgeted.
B. Division Management Employees shall receive a monthly auto allowance, as budgeted.
As outlined in the City's Vehicle Policy, certain employees may be assigned a City vehicle on a long-term basis, in lieu of the monthly auto allowance. Employees who utilize personal vehicles for City business, but do not receive an auto allowance, shall be reimbursed at the Federal mileage reimbursement rate.
If any of the above employees are assigned a City vehicle, no auto allowance will be provided.
14.15 POST RETIREMENT MEDICAL BENEFITS
A. Annuity Programs: Effective January 1, 2001, the City of Moreno Valley shall contribute a monthly amount to each exempt full-time career employee for an annuity program for 20 years or until termination or retirement, for the purpose of funding retiree medical premiums. New hire probationary employees shall not be eligible to receive the monthly contribution until the successful completion of their probationary period. The effective date of their first contribution will commence the next full month after they have passed probation.
Effective January 1, 2002, after two full years of employment, the monthly contribution to the annuity program shall increase per the negotiated language as approved by City Council. This shall go into effect the next month after their two year-anniversary date has passed.
Each bargaining unit has selected separate annuity programs.
1. Contributions for the MVCEA bargaining unit are being paid into ~~an insurance/annuity program chosen by the MVCEA~~ **the Benefit Bank.**
In the event MVCEA ceases to be the recognized representative of bargaining unit employees, the control and administration of this program shall transfer to management and the responsibility for same shall be the exclusive jurisdiction of management.

Employees may at their option contribute a portion of their compensation to the annuity subject to IRS restrictions through payroll deductions.
2. Contributions for the management bargaining unit are being paid into a Voluntary Employee Beneficiary Trust (VEBA), which manages the investment and distribution of the funds.
B. City Paid Retiree Medical Benefit: Effective January 1, 2001, upon retiring, the City shall pay a minimum of the monthly fee required by PERS for enrollment of retirees. Employees who retire **under the CalPERS retirement benefits system with a minimum of** ~~after at least~~ two years of service with the City shall be eligible to receive a benefit which is the lesser of the cost of medical coverage for the retiree and spouse, or the amount stipulated in the following table:

EFFECTIVE DATE	MAXIMUM EMPLOYER CONTRIBUTIONS
January 1, 2007	up to $168.73 per month
January 11, 2008	up to $243.73 per month
January 2, 2009	up to $318.73 per month

To receive the Retiree Medical Benefit, the retiree must submit documentation of payment for medical insurance coverage. Documentation for those enrolled with PERS Health is provided by PERS. In the event of the retiree's death, the surviving spouse continues to be eligible to receive the benefit.

14.20 PERS MEDICAL COVERAGE FOR RETIREES

The City shall contribute a monthly employer fee for retiree medical coverage with the Public Employees Retirement System (PERS), per negotiated contract language as approved by City Council. Retirees must convert to Medicare at age 65.

14.25 CITY RETIREMENT PLAN

The City provides retirement benefits for all employees through the Public Employees Retirement System (PERS). The City pays both the employee's and employer's contributions into the plan **for employees hired prior to July 1, 2009**. **Employees hired on or after July 1, 2009 pay their own employee's contribution into the plan, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions. This does not apply to promotional hires, whose original hire date was prior to July 1, 2009.** At its option, the City may change its retirement system provider upon adoption by the City Council. Prior to any changes in retirement benefits, those eligible for retirement must be notified at least 30 days in advance. Current retirement benefits are available as follows:
A. Career Full-time Employees **hired prior to July 1, 2009** receive fully-paid PERS retirement benefits. **Career Full-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**
B. Career Part-time Employees **hired prior to July 1, 2009** receive fully paid PERS retirement benefits after 1,000 hours. Before that point, the employee will have the employee's portion deducted from salary. **Career Part-time Employees hired on or after July 1, 2009 pay for their own employee's contribution for PERS retirement benefits, under the provisions of Internal Revenue Code Section 414(b) for pretax contributions, and at no point will the employer pay any portion of the employee's contribution.**
C. Part-time/Seasonal, Temporary Employees, and Crossing Guards who are not eligible for PERS, are required to contribute 7.5% of earnings to a PST "457" deferred compensation program. Contributions to this plan will be made through

payroll deduction. Employees are eligible for participation in the PERS retirement plan after 1,000 hours worked in a fiscal year; however, they are responsible for the cost of their employee portion of PERS payment.
PERS refunds may be issued ONLY if the member has permanently separated from all PERS-covered or reciprocal employment. Or, if members have been on an unpaid leave of absence for at least six (6) months, they may request a refund of their contributions prior to returning to active employment.
D. Any employee hired prior to July 1, 2009, if promoted on or after July 1, 2009, will still be eligible for all benefit rates provided for employees hired prior to July 1, 2009 for the bargaining unit the employee is in on or after July 1, 2009.
14.30 IRC SECTION 125 PLAN
The City has available to all full-time employees, an Internal Revenue Code (IRC) Section 125 account. The Health Reimbursement Option is not available until the employee has passed initial probation (normally at six months). An employee's unexpensed redirected Plan contributions from his/her salary account are forfeited and returned to the City at the end of the calendar year. See the Summary Plan Description for details.
14.35 IRC SECTION 457 PLAN
The City has available to all employees an Internal Revenue Code (IRC) Section 457 Account. Participation is voluntary for career employees. It is mandatory for temporary employees who are not yet eligible for, or enrolled in PERS.
Deferred compensation is an IRS-approved method of deferring federal and state income taxes on savings until retirement. Taxes are paid, on both savings and earnings, when they are withdrawn during retirement, or upon separation from City employment.
An employee may defer a maximum amount consistent with the most recent guidelines supplied by the IRS. The employee may increase, decrease, stop and restart voluntary contributions at any time by contacting the Human Resources Department.
In accordance with IRS rules, an employee may not withdraw these assets unless there is a bona fide emergency which is unforeseeable, unbudgetable, severe, beyond the employee's control, and must represent a last resort. ~~A request for emergency withdrawal must be documented and supported in writing to the Human Resources Director.~~ **All financial hardship requests for withdraw of funds must be made directly to the 457 plan provider.**
14.36 IRC SECTION 401A PLAN
Certain management employees may voluntarily enter into a 401(a) Money Purchase Plan to provide additional retirement benefits. The employee contribution is a mandatory fixed amount for everyone within a management group, and is limited to the maximums allowed by law. ~~Open Enrollment is the only opportunity to join the plan~~. **Eligible employees wanting to enroll into the plan must do so within the first thirty (30) days after being hired, or during the annual open enrollment period.** Once enrolled, the participant must remain in the plan. Participant contributions are structured with pretax dollars. Earnings accrue tax deferred. Participants may contribute to both a deferred compensation and a money purchase plan. Accounts are individual and loans may be made from the account.
PAM-Confidential employees receive $750.10 per fiscal year ($28.85 per pay period) in a City sponsored 401 (a) Plan.

14.40 LIFE INSURANCE

The City provides term life insurance coverage for all City employees. Coverage becomes effective on the first day of the month which follows the first thirty (30) days of employment with the City. The premium is paid by the City. The amount of coverage is determined as follows:

A. Executive Management and Division Management Employees shall receive term life insurance at an amount, which is three (3) times their salary (rounded to the nearest thousand) not to exceed $300,000.

B. Professional/Administrative/Management Employees shall receive term life insurance at an amount, which is two (2) times their annual salary (rounded to the nearest thousand).

C. General Non-Exempt and Career Part-time Employees shall receive term life insurance at an amount, which is two (2) times, their annual salary (rounded to the nearest thousand) or $50,000.00, whichever is greater.

D. City Council Members shall receive $50,000 of term life insurance.

E~~D~~. The City's death benefit to survivors of a member who dies prior to retirement shall be the PERS 1959 Survivor Level IV Option (Section 21574). It provides for a monthly allowance for the surviving spouse with two children $2280, spouse and one child $1900, and spouse alone $950. The City's retired member PERS lump sum death benefit paid to beneficiaries is $500.

14.45 DISABILITY INSURANCE

Disability Insurance is determined as follows:

A. City Disability Insurance:

The City provides short-term disability insurance to all Career employees who work a minimum of thirty (30) hours per week and who are disabled primarily as a result of a non-work-related illness or injury. This benefit commences after 30 calendar days of disability. In order to be eligible for benefits, an employee must be totally disabled for one month before benefits become payable. For the first twenty-four (24) months of a disability, "totally disabled" means that a former employee is prevented by disability from doing all the material and substantial duties of his or her job. If the disability persists beyond twenty-four (24) months, the former employee is re-evaluated to determine whether he or she can be rehabilitated for another career. If the employee can be rehabilitated, the employee is eligible for Rehabilitative Employment Services. If the employee cannot be rehabilitated for any career, total disability payments will continue.

An eligible employee may receive sixty-six and two-thirds (66⅔ %) percent of his or her salary, up to a maximum monthly amount of ~~$11,000~~ **$14,000**. This income is subject to taxes because the premiums are paid for by the City. Any other income benefits an employee may receive as a result of employment shall be

subtracted from the monthly benefit payment. An eligible employee may continue to receive benefits up to the age of sixty-five (65). Between the ages of sixty-five (65) and seventy (70), benefits are awarded on a sliding scale. The remaining amount shall be taken from applicable leave accruals until they are exhausted and the person goes on leave without pay, see Section 7.40, Pregnancy Disability Leave and Section 7.50, Leave of Absence Without Pay. The City agrees to maintain a long term disability salary continuance program that pays the above described benefits for job-related disabilities when the employee is still on the City's payroll after a minimum 180 calendar day elimination period up to age 65. Workers' Compensation information can be found in Section 7.60 of the City of Moreno Valley's Personnel Rules.

B. Continuation of Accruals and Benefits

The City shall extend payment of the medical insurance contribution for career full-time employees up to an additional ninety (90) calendar days during a twelvemonth period while an employee is disabled due to a non-work-related illness or injury. Such an extension of medical coverage shall take effect when existing coverage would otherwise expire. **Career full-time employees on paid leave will continue to accrue Annual Leave at their normal rate; however, employees on unpaid leave will not accrue Annual Leave. During an authorized leave under an FMLA leave, career full-time employees will be retained on the City's health insurance program under the same conditions and coverage levels that applied before the leave commenced. Employees' benefits continue as long as the employee is still on disability and the City paid benefits after 30 consecutive working days of being on Non City Paid Payroll Status. The employee must then convert to Consolidated Omnibus Budget Reconciliation Act (COBRA) status and pay for health insurance premiums, or if eligible, may consider applying for CalPERS disability retirement.**

Employees not classified as career full-time shall not accrue any leave or receive any benefits once all of their accrued time (Annual Leave or compensatory time) has been exhausted.

14.50 UNEMPLOYMENT COMPENSATION

As required by State law, all City employees are covered under the California Unemployment Compensation Program. Further information can be obtained by contacting the local State of California Employment Development Department or the Human Resources Department.

14.55 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Depending on budget and other considerations, the City may provide an employee assistance program. The EAP provides short term counseling and other services to assist employees and their families to deal with personal and emotional problems which affect or might potentially affect their job performance. This counseling is confidential and free to the employee.

14.60 MEDICARE

By law, employees hired after April 1, 1986, must have a certain percentage (currently 1.45%) deducted from their gross pay for Medicare. The City will deduct the employee contributions in accordance with Federal law. The City shall pay the employer's share, which is equal to the employee's share.

The above policies are based on Federal law and may change from time to time.

SECTION 15: SPECIAL COMPENSATION

15.05 STAND-BY

A stand-by roster shall be comprised of City employees from designated departments or divisions who have volunteered to be on call and available to work after regular working hours. A stand-by assignment period shall be for ~~seven (7) consecutive calendar days~~ a **period of days** starting ~~on Friday at 4:00 p.m.~~ **at the time and on the day determined by the departmental coverage requirements and as approved by the employee's manager. Under some circumstances the period is not a seven consecutive day period.** An employee on stand-by will be permitted to take home a City vehicle equipped with appropriate tools and supplies for use when called out on stand-by. The City will pay general employees (non-Animal Control Officers) a dollar amount per the negotiated language of the current MOU, as approved by City Council, per regular shift, Monday through Friday, and for weekends and holidays. **The current Stand-by Pay amounts are $20.00 per day on Monday through Friday, and $25.00 per day on Saturday, Sunday and Holidays.**

The designated department or division supervisor shall be responsible for scheduling his or her employees for stand-by duty and for providing duty rosters to the Police Department. The Police Department will be given a roster of employees with their standby duty dates, home telephone numbers, and pager numbers and codes. Once assigned to specific stand-by duty, employees may not trade stand-by assignments, except with the prior approval of the designated supervisor.

For general employees, compensation for call out hours worked will be paid at time-and one-half for the number of hours actually worked. A minimum of two (2) hours shall be credited as time worked for each call out. For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. An employee on stand-by will be compensated an additional dollar amount, per the negotiated language, as approved by the City Council, for each 7-day week of stand-by duty. Stand-by pay is at the rate of an amount per the negotiated language as approved by the City Council per day (M-F). Stand-by pay will be increased to an amount per the negotiated language in the current Memorandum of Understanding, per day for weekends and holidays.

For Animal Control Standby (Night Truck), the City will pay a dollar amount, per the negotiated language as approved by City Council per regular shift, Monday through Friday, and pay an amount, per the negotiated language as approved by City Council for weekends and holidays. Call out pay will be at the overtime rate with a one-hour minimum. Work time includes 15 minutes each way of travel time for the trip to and from work or the actual time, whichever is less.

An employee assigned to stand-by duty must be available to respond to emergency calls at all times. This requires that the employee remain within fifteen (15) minutes travel time of his or her normal work station during the entire stand-by period. The employee must refrain from consuming alcoholic beverages or other substances which could impair his or her effectiveness or safety on the job. Violation of this policy shall result in disciplinary action, as outlined in Section 8.35 of the Personnel Rules.

Nothing herein shall be construed to require that the City establish stand-by duty for employees in any department or division.

15.10 CALL-BACK

In the event employees who are not assigned to stand-by duty are called back to work during normal off-duty hours to protect the public health or safety, they will be compensated at time-and-one-half for actual time worked, with a minimum of two (2) hours credit for each call out (one for Animal Control). For the purpose of this Section, actual time worked shall include all time from the time the employee leaves home to respond to the call until the employee has returned home. Call back shall be defined as having to return to work after having left work.

15.15 BILINGUAL PAY

Bilingual compensation will be implemented for staff who occupy positions designated as ones in which second language skills are utilized. Employees shall receive an amount per the negotiated language as approved by City Council.

15.16 SAFETY EQUIPMENT

Employees in qualified trade occupations will receive **an** annual **stipend** ~~vouchers with a local vendor~~ to purchase shoes, jackets, and/or Sam Brown belts in an amount per the negotiated language as approved by City Council.

The City provids uniforms for employees in the Security Guard job classification.

SECTION 16: TRAINING

16.05 TRAINING

The City recognizes the importance of employee development and training. In an effort to improve the capabilities and effectiveness of City personnel, a training program has been established. This training effort shall be geared to both organizational improvement and individual employee development. This development shall not only be the responsibility of Department heads or supervisors, but shall be shared with employees in a total organizational effort.

16.10 IN-HOUSE TRAINING

Employees who have training, knowledge or expertise in a subject area, or have recently attended a seminar or conference in a given subject matter, may be asked to share this information with other employees. Such in-house training may be informal or formal depending upon the nature of the training and can include any variety of topics such as computers, copiers, telephones, supervisory, writing skills, etc.

16.15 DEPARTMENTAL TRAINING

City departments and divisions are encouraged to offer specialized training to their employees. Such training shall be the responsibility of the Department or Division Head and may include topics such as safety, equipment operation and other training in their specific fields of responsibility.

16.20 TRAINING COURSES

The City shall encourage local educational resources to offer courses and workshops at City facilities on matters in which employees of several departments may benefit. Such courses may be offered periodically in such areas as management, supervision, communications, time management, stress management, writing skills, etc.

16.25 SEMINARS AND CONFERENCES

Employees may attend seminars or conferences covering current issues and areas relevant to their positions under the following conditions:

A. Employees must submit their request on forms prescribed by the Finance**ial and Administrative Services** Department and follow all applicable procedures.

B. Budgeted funds must exist for all such training and any travel. In-state attendance shall require Department Head approval while out of state travel shall require the approval of the City Manager.

C. Employees must comply with the City's Administrative Travel Policy and provide necessary receipt documentation.

D. Employees who have recently received such training must be willing to provide "in-house" training to other employees, if requested.

16.30 TUITION REIMBURSEMENT

Subject to the **pre-**approval of the Department Head, Human Resources Director, and City Manager (or designee), employees may be reimbursed for the cost of pre-approved, job-related, **accredited,** educational and other training courses based upon proof of successful completion **up to a maximum annual limit of $1,500.00 per fiscal year (i.e. July 1 through June 30)**. This proof includes a grade "C" or better of the course(s), and must be part of a **recognized associate's degree, bachelor's degree, or master's degree** program **related to the employee's current job, and the program must be part of a school, college or university that is accredited by a U.S. Department of Education authorized accrediting organization, e.g. Western Association of Schools and Colleges (WASC)** ~~leading to an Associate's degree, undergraduate or graduate degree~~. Further, employees may be reimbursed for certain pre-approved, job related training courses based on the approvals as stated above.

Classes taken which are offered as part of the City's official training program do not count against tuition reimbursement.

Any educational or training course that is a requirement for continuation of employment or is an identified part of a job evaluation shall be paid for by the City. Any other educational course that is job-related may, if prior approval for reimbursement is given by the City Manager (or designee), be reimbursed at 100% or less after successful completion. All college or other graded classes shall require a minimum grade of a "C" in order to receive such reimbursement. Books or other materials shall only be paid if some defined benefit can be shown to the City (i.e. books become part of City reference library).

In general, training time during working hours shall be considered part of the job. Unless the City directs an employee to attend a specific training course, and the course is not available during work hours, training after hours shall be considered voluntary, and no additional pay, overtime or compensatory time shall be given by the City, unless advance special written approval is granted. Study time shall be considered completely voluntary.

Although the City encourages employees to pursue additional education, the City shall not pay for educational degrees or for education in general, but will only reimburse employees for required or job-related classes and training. No reimbursement shall occur if an educational class does not provide a benefit to the City. There is no mileage reimbursement for travel to and from educational classes. Required forms must be completed and necessary documentation (receipts and grades) must be provided, in order to receive reimbursement. Final and conclusive determinations of the reimbursement amount shall be made by the City Manager after review of the request and recommendations by the Department Head and the Human Resources Director.

16.35 TRAINING AND TRAVEL REIMBURSEMENT

Non-exempt employees shall receive training and travel reimbursement as provided in this Section.

Time spent in attending lectures, meeting, training programs, and similar activities during work time shall be counted as time worked only if authorized in advance and in writing by the employee's Department Head. No such authorization shall be given unless the lecture, meeting, program, or other activity is directly related to improving the employee's ability to perform his or her job.

Time spent in attending lectures, meetings, training programs, and similar activities shall not be counted as time worked where such attendance is outside of the employee's regular working hours, except in situations where the employee is directed by his or her Department Head to attend such lecture, meeting, training program, or similar activity. Leisure and meal times are not considered time worked unless they are part of the seminar.

Time spent by an employee traveling between the employee's residence and the regular workplace is not work time and shall not be treated as hours worked. When an employee is assigned by his or her Department Head to travel outside of the City, time spent traveling between the employee's home and assigned destination shall be treated as time worked, only to the extent that it exceeds the amount of time normally taken by the employee to travel between his or her residence and regular workplace.

When an employee is assigned to travel outside the City, return the same day, and he or she utilizes public transportation, the time spent traveling between the employee's home and the location of the public carrier (i.e. airport, bus station, train station) shall not be treated as time worked. However, time spent traveling to a final destination via public carrier is considered time worked.

Employees shall receive mileage and travel reimbursement in accordance with provisions outlined in the City's Administrative Travel Policy.

APPENDIX A

TESTING FOR ALCOHOL AND DRUGS

Toward reaching this goal of a drug and alcohol free workplace, the City may conduct pre-employment drug or alcohol testing of applicants for City positions. Pre-employment drug or alcohol tests shall apply only to non-City employees; City employees who apply for another City position shall not be subject to pre-employment drug or alcohol tests. Any applicant who tests positive shall not be hired by the City.

The City also reserves the right to require than an existing employee undergo testing of the City determines that probable cause exists to believe that the employee is under the influence of any illegal drug or controlled substance, as identified in this Section. Employees who (1) refuse to submit to a drug or alcohol test immediately when requested by authorized City or law enforcement personnel; (2) refuse to submit to a search of personal properties if requested by law enforcement personnel; or (3) are "convicted" of a "criminal drug or alcohol statute" violation, shall be subject to the disciplinary procedures which are outlined in these Rules.

All City lockers, desks, cabinets, vehicles, phone voice mail, e-mail, computer files, and disks are the property of the City and are subject to search without the employee's consent by City management at any time with or without notice. Refusal to cooperate with a search may result in a disciplinary action, up to and including termination. Unless the Supervisors are directed otherwise by the Human Resources Director, employees will be given the opportunity to be present when the search is conducted.

In appropriate cases, such as a first offense, the City should make every effort to place an employee with an available employee assistance program or service for the purposes of rehabilitation, in-lieu of disciplinary action or criminal prosecution. If, in such cases, the employee refuses to attend an employee assistance program or service, he or she will be subject to the disciplinary procedures which are outlined in these Rules.

Any reports or complaints which are filed as a result of this Section or the "Drug and Alcohol Free Workplace Policy" and are determined to be malicious, vexatious, or not in good faith, shall not be tolerated. In such cases, the complaining individual shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to drug or alcohol use.

A. EMPLOYEE RESPONSIBILITIES

An employee shall:

1. Not report to work or be subject to duty (i.e., paid stand-by time) while the employee's ability to perform his or her duties is materially impaired due to drug and/or alcohol use.
2. Not report to work with alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) in their systems or the odor of alcohol on their breath, or possess or utilize such substances while they are on duty or subject to duty or during meal periods or breaks.
3. Not possess or use alcohol or impairing drugs (illegal drugs and prescription drugs without a prescription) during working hours or while on-call, on breaks, or during meal periods.
4. Not directly or through a third party sell, purchase or provide drugs and/or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to duty.
5. Submit immediately to a drug and/or alcohol test when requested by an authorized City representative, who has probable cause to suspect drug or alcohol abuse or material impairment there from. The employee may request a representative when being tested for probable cause. The representative may be a bargaining unit representative or another employee of choice who shall be immediately available.
6. Before beginning work, notify his or her supervisor when taking any drug or medication (non-prescription or prescription), which may interfere with the safe and effective performance of duties or operation of City equipment. In the event there is a question regarding an employee's ability to perform assigned duties safely and effectively while using such drugs, clearance from a qualified physician may be required before the employee is allowed to resume his or her regular duties.
7. Have the opportunity, within twenty-four (24) hours (or by the close of the next business day) of request by an authorized City representative, to provide verification of a current prescription for any potentially impairing drug or medication which is identified in a drug test. The prescription must be in the employee's name.
8. Employees shall notify their supervisor of any criminal drug and/or alcohol statute conviction for a violation, no later than five (5) days after such conviction.
9. In the event that an employee suspects that his or her manager or supervisor is under the influence of drugs and/or alcohol, the employee may submit a written or oral complaint, which contains detailed evidence regarding the allegation of substance abuse to his or her department head or the Human Resources Director. Such complaints, if made in good faith, may be made without fear of reprisal. If the written or oral complaint establishes probable cause, the manager or supervisor may be requested to submit to a drug and/or alcohol test.

B. MANAGEMENT RESPONSIBILITIES

Managers and Supervisors shall:

1. Be responsible for enforcing this policy in a fair and consistent manner.
2. Work with the Human Resources Department to encourage employees to utilize an available employee assistance program when the employee's job performance is deteriorating or unsatisfactory, the employee does not respond to supervisory remedies, or when a specific on-the-job incident is cause for concern. As the supervisor's role is to monitor job performance, the supervisor should not attempt to diagnose an employee's problem.
3. Request through the Human Resources Department that an employee submit to a drug and/or alcohol test when a manager or supervisor has probable cause or a reasonable suspicion that an employee is impaired or under the influence of drugs or alcohol while on the job or subject to duty.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs and/or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- Slurred speech;
- Alcohol or other suspicious odor (i.e. marijuana on breath);
- Unsteady walking and movement
- An accident involving City property where it appears that the employee's conduct may be at fault;
- Physical or verbal altercation;
- Wide and severe mood swings;
- Blank, glassy-eyed stare;
- Inability to perform work properly;
- Behavior which is unusual for the employee;
- Possession of drugs and/or alcohol in the workplace or on City property.

4. Work with Human Resources and document within forty-eight (48) hours of requesting an employee to submit to a drug and/or alcohol test, in writing, the facts constituting reasonable suspicion that the employee in question is impaired or under the influence of drugs and/or alcohol.
5. Remind the employee of the requirements and disciplinary consequences of this policy when encountering an employee who refuses an order to submit to a drug and/or alcohol analysis. Where there is reasonable suspicion that the employee is impaired, or under the influence of alcohol or drugs, the manager or supervisor shall require the employee to remain

on the premises for a reasonable amount of time until an authorized City representative or law enforcement representative can arrange to transport the employee to a testing facility, or home in the event of the employee's refusal to submit to a drug or alcohol test. Any time spent remaining on the premises at the request of a supervisor or manager or time spent for City-required drug and/or alcohol testing shall be considered work time and shall be paid for by the City.

6. Not confiscate prescription drugs or medications from an employee who has a valid prescription for such. The prescription must be in the employee's name.

7. Deal with suspected offenders as discreetly, inconspicuously, and respectfully as possible.

8. Notify their Department Head or designee, and Human Resources, when they have probable cause to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City. If the Department Head or designee concurs that there is probable cause to believe that an employee is in possession of illegal drugs, the manager or supervisor shall not physically search employees or their personal possessions, but should request that they remain on the premises until the appropriate law enforcement agency has arrived. Also, the department head or designee shall notify the Human Resources Department as soon as possible.

9. May search areas which are jointly or fully controlled by the City after conferring with the Human Resources Department. In the event such an area is occupied by a Peace Officer all searches shall be consistent with Government Code Section 3309 (Police Officer Bill of Rights).

10. Management shall not use authority under these rules to unlawfully harass, intimidate, or discriminate against employees.

C. ENFORCEMENT

Employees reasonably believed to be impaired, or under the influence of drugs and/or alcohol, shall be prevented from engaging in further work and shall be monitored for a reasonable time until he or she can be safely transported from the work site. In no event should the individual be allowed to operate a vehicle while impaired, including driving home from work.

Refusal to submit immediately to a drug and/or alcohol analysis when requested by City management or law enforcement personnel shall constitute insubordination and may be grounds for discipline up to and including termination.

D. PHYSICAL EXAMINATION AND PROCEDURE

A drug and/or alcohol test may be administered by the City for any substance which could impair an employee's ability to effectively and safely perform the

functions of his/her job. All testing (including the sample collection, chain of custody and laboratory services) shall be conducted in accordance with Substance Abuse and Mental Health Services Administration (SAMHSA) and Department of Health and Human Services approved procedures.

E. RESULTS OF DRUG AND/OR ALCOHOL ANALYSIS

Post-Employment Offer Medical Examination

A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standard, duties or responsibilities.

If a drug screen is positive, and a result of the post-employment offer medical examination, the applicant must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid current prescription for the drug identified in the drug screen to the Human Resources Department. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

During Medical Examinations or Drug and/or Alcohol Tests

A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including discharge.

If the drug screen is positive, the employee must provide, within twenty-four (24) hours (or by the close of the next business day) of request, bona fide verification of a valid prescription for the drug identified in the drug screen, to the Human Resources Department. The prescription must be in the employee's name. If the employee does not provide acceptable verification of a valid prescription, or if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor, the employee will be subject to disciplinary action, up to and including discharge.

If a drug and/or alcohol test is positive, the City shall conduct an investigation to gather all the facts. The decision to discipline or discharge will be carried out in conformance with this section.

F. CONFIDENTIALITY

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate, confidential medical folder that will be securely kept under the control of the Human Resources Director. The reports or test results may be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request.

SUPPLEMENT TO THE DRUG AND ALCOHOL FREE WORKPLACE POLICY; CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY; AND PROCEDURE PURSUANT TO THE DEPARTMENT OF TRANSPORTATION REGULATIONS

Effective January 1, 1996, the City of Moreno Valley must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991 and subsequent revisions. Specifically, the City must comply with the regulations of the Federal Motor Carried Safety Administration (FMCSA). Adoption of a policy is one of the City's obligations under the regulations. Where applicable to the City, the requirements of those regulations are reflected in this policy. This policy sets forth the rights and obligations of covered employees. If you are an employee covered under these new requirements, you should familiarize yourself with the Policy provisions BECAUSE COMPLIANCE WITH THIS POLICY IS A CONDITION OF YOUR EMPLOYMENT.

In addition, employees are required to comply with the applicable provisions of the supplement to the Drug and Alcohol Free Workplace Policy.

A. EMPLOYEE QUESTIONS

The regulations required that employers designate a person to answer employee questions about drug and/or alcohol testing. Employees shall refer any questions regarding his or her rights and obligations under the new regulations to the Designated Employer Representative (DER) which is the Human Resources Director or designee for this federally mandated program.

B. COVERED EMPLOYEES

Overall, the regulations cover drivers of commercial motor vehicles. A driver is any person who operates a commercial motor vehicle on a full-time, casual, intermittent, as-needed, or occasional basis. Employees in these job classifications may be required to drive commercial motor vehicles at least on an occasional basis.

Therefore, employees in those job classifications (and applicants for such positions) are considered a covered employee subject to the provisions of this policy. For the purposes of the post-employment offer medical examination, the term "driver" includes persons applying for employment in a position requiring the driving of a commercial motor vehicle on at least an occasional basis.

New employees or employees shall be given a copy of this policy at the time they commence employment with the City. All covered employees currently employed by the City at the time this policy is adopted shall be given a copy thereof within ten (10) days of its adoption. All covered employees will also be asked to sign the Acknowledgement / Receipt Form indicating receipt of a copy of this policy. This policy shall be posted immediately and was effective on January 1, 1996.

C. COVERED COMMERCIAL VEHICLES

The regulations cover drivers of the following commercial motor vehicles:

1. A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. A vehicle with a gross vehicle weight of at least 26,001 pounds.
3. A vehicle designed to transport sixteen (16) or more passengers, including the driver; or
4. A vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

D. SAFETY-SENSITIVE FUNCTIONS

The performance of any of the following on-duty functions by a covered employee in connection with that employee's operation, or scheduled operation, of a commercial motor vehicle is considered to be a safety-sensitive function.

1. All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment such as brakes, steering mechanism, lights, tires, horn, windshield wipers, mirrors, or coupling devices; or otherwise inspecting, servicing, or conditioning any commercial motor vehicle.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle, or time spent performing driver requirements relating to accidents.

E. PROHIBITED CONDUCT

Covered employees may not have a measurable amount in their system or be in possession of controlled substances or alcohol during any work hours. Further, the regulations specifically prohibit certain conduct prior to performing and while performing safety-sensitive functions. The following conduct is prohibited and may result in discipline, up to and including termination:

1. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions while having an alcohol concentration level of 0.04 or greater.
2. Performing a safety-sensitive function within four (4) hours after using alcohol.
3. Being on duty or operating a vehicle, as described in Section C, while possessing alcohol.
4. Using or possessing alcohol while performing a safety-sensitive function.
5. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions when the employee has used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee (who in turn must notify his/her supervisor) that the substance does not adversely affect the employee's ability to safely operate a vehicle.
6. Reporting for duty or remaining on duty that requires the performance of safety-sensitive functions if the employee tests positive for controlled substances.
7. Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test shall be treated in the same manner as an employee who tested 0.04 percent or greater on an alcohol test or tested positively on a controlled substance test.
8. A refusal to submit to an alcohol or controlled substances test required by this Policy includes, but is not limited to:
• A refusal to provide a urine sample drug test.
• An inability to provide a urine sample within the three (3) hour allowed time without a valid medical explanation.
• A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test.
• An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation.
• Tampering with, attempting to adulterate, or substituting the urine specimen or collection procedure.
• Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested.

• Leaving the scene of an accident without authorization from a supervisor or manager (who, in conjunction with the Human Resources Department, shall make a determination whether to send the employee for a post-accident drug and/or alcohol test), unless the employee has a valid reason for not obtaining such authorization.

9. Consuming alcohol during the eight (8) hours immediately following an accident, unless the covered employee has been informed that his/her actions have been discounted as a contributing factor, or if the employee has been tested.

10. Use of prescribed drugs are not in direct violation of the City's policy, however inappropriate use or prescribed use that may substantially impair job performance, alter behavior, and/or create a risk to the health and safety of the employee or others, is in direct violation of the City's policy.

In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Action of 1988.

Covered employees are also reminded that they shall inform their supervisors of any over the counter or prescription medication prior to engaging in any safety sensitive function.

F. CONSEQUENCES FOR EMPLOYEES FOUND TO HAVE ALCOHOL CONCENTRATION LEVELS OF 0.02 OR GREATER BUT LESS THAN 0.04

An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 shall be removed from his/her safety-sensitive position for at least twenty-four (24) hours. Such an employee may be subject to discipline up to and including termination. The City shall then retest the employee. Before the employee may be returned to his/her safety-sensitive position, the employee's alcohol concentration must indicate a concentration below 0.02 percent.

G. CIRCUMSTANCES UNDER WHICH DRUG AND/OR ALCOHOL TESTING WILL BE IMPOSED ON COVERED EMPLOYEES

1. Post-Employment Offer Testing

a. All applicants (whether by initial application or in connection with a transfer) for positions involving the performance of safety-sensitive functions shall be required to submit to post-employment offer/pre-duty drug testing. Applicants will not be hired for or transferred to a safety-sensitive position if they do not pass the test or if they refuse to consent to a drug/alcohol test.

2. Post-Accident Testing

a. Post-accident drug and alcohol testing shall be conducted on employees following an accident involving injury(s) and/or repair costs.
b. Post-accident alcohol tests shall be administered within two (2) hours following an accident and no test may be administered after eight (8) hours. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident.
3. Post-Accident Testing (urine sample)
a. Conducted after accidents on safety-sensitive employees who have been in an accident involving a human fatality; or a citation has been issued in one of the following situations:
i. There has been bodily injury with the need for immediate medical attention away from the scene, or
ii. There has been disabling damage to any motor vehicle requiring tow away. (Refer to Federal Motor Carrier Safety Regulations, sections 391.113 and 391.117).
Following an accident, the employee shall remain available for drug and/or alcohol testing, or may be deemed to have refused to submit to testing. This rule does not require the delay of necessary medical attention for injured people following an accident, nor does it prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.
4. Random Testing
Covered employees will be subject to random alcohol and drug testing as follows:
A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (i.e. driving), while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The City will subject at least ten (10) percent of the total number of covered employees to random alcohol testing per year.
A random drug test will be administered to at least fifty (50) percent of the total number of covered employees per year. A covered employee may be subjected to drug testing even on a day in which the employee is not expected to perform a safety-sensitive function. To ensure that the process is in fact random, all covered employees, whether or not they have been chosen for testing in the past, will remain in the pool of employees for each subsequent period. This procedure assures that the probability of any individual being selected each period is always the same, whether or not the individual was selected in previous period.

On the date an employee is selected for random drug and/or alcohol testing, his/her supervisor will verify he/she is on the list of those to be tested.

5. Reasonable Suspicion Testing

"Reasonable suspicion" means that the trained supervisor believes that the actions, appearance, speech, body odors, or conduct of an on-duty employee are indicative of the use of drugs or alcohol. The witness must directly observe the behavior. Hearsay or second-hand information is not sufficient cause to require an employee to submit to a drug and/or alcohol test. The determination that a reasonable suspicion exists to require an employee to undergo an alcohol concentration test must be based on short-term specific, objective, contemporaneous, articulable facts concerning the behavior, appearance, speech, or body odors of the employee. The determination must be based upon observations of the trained supervisor making the determination, and may not be based upon hearsay.

The trained supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test. The trained supervisor witnessing the impairment must document the specific observations under which the reasonable suspicion is based. The reasonable suspicion alcohol test will be administered within two (2) hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight (8) hours following the observation.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and/or alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substance use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Any reports or complaints which are filed as a result of this section and are determined to be malicious, vexatious or not in good faith, shall be subject to disciplinary action. This applies to all managers, supervisors, and other employees who file a report or complaint which relates to alcohol use.

6. Return to Duty/Follow-up Testing

A covered employee who has violated any of the prohibitions of this Policy must submit to a return-to-duty test before he/she may be returned to a position requiring the performance of safety-sensitive functions. The test result must indicate an alcohol concentration of less than 0.02 percent or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest

during the first year of recover, the employee will be subject to follow-up testing, which is separate from the random testing obligation. The employee will be subject at least six (6) unannounced drug and/or alcohol tests during the first year back to the safety-sensitive position following the violation.

A substance abuse professional can direct additional testing during this period or for an additional period up to a maximum of sixty (60) months from the date the employee returns to duty. The Substance Abuse Professional can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the Substance Abuse Professional determines that additional testing is no longer necessary and is supported by the employer. Follow-up testing may include tests for other substances beyond the employee's initial positive test of alcohol and/or drug use when the Substance Abuse Professional has reason to suspect other drug or alcohol use during the follow-up period.

H. PROCEDURES TO BE USED FOR DETECTION OF DRUGS AND ALCOHOL

1. Alcohol Testing

Alcohol testing shall be conducted by using an evidential breath testing devise (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests. A screening test shall be conducted first. This initial screening may be accomplished using a saliva test kit. If the result is an alcohol concentration level of less than 0.02 percent, the test is considered a negative test. If the alcohol concentration level is 0.02 percent or more, a second confirmation test using the EBT shall be conducted.

The procedures that shall be utilized by the lab for collection and testing of the specimen are attached hereto as Appendix "B".

2. Drug Testing

Drug testing is a two-stage process. First, a screening test is performed. If it is positive for one or more drugs, then a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. The GC/MS confirmation ensures that over-the counter medications or preparations are not reported as positive results.

All urine specimens are analyzed for the following drugs:

- Marijuana (THC Metabolite)
- Cocaine
- Amphetamines

• Opiates (including Heroin)
• Phencyclidine (PCP)

Drug testing will be conducted pursuant to the procedures set forth in Appendix "C"

I. REFUSAL TO SUBMIT TO A DRUG AND/OR ALCOHOL TEST

As set forth in this Policy, a covered employee who refuses to submit to any required drug and/or alcohol testing shall be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.

A job applicant who refuses to consent to a drug and/or alcohol test will be denied employment with the City of Moreno Valley. An employee's failure to submit to drug and/or alcohol testing required by the City for any reason may result in disciplinary action, up to and including termination.

Where there is reasonable suspicion that the employee is then under the influence of drugs and/or alcohol, the manager or supervisor shall arrange for the employee to be safely transported home after the testing. An employee shall not be permitted to transport him/herself.

J. CONSEQUENCES OF FAILING A DRUG AND/OR ALCOHOL TEST

It is the employee's responsibility to inform the City if he/she has a substance abuse problem and needs assistance to solve the problem, prior to taking (and possibly failing) the drug and/or alcohol test.

A positive result from a drug or alcohol test may result In disciplinary action, up to and including termination in accordance with this policy.

If a covered employee is not terminated, the employee:

1. Must be removed from performing any safety-sensitive functions.
2. Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her drug or alcohol abuse. The City is not required to pay for this treatment
3. May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) that indicates an alcohol concentration level of less than 0.02 percent or a negative result on a controlled substances test.
4. Shall be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position.

K. ALCOHOL MISUSE OVERVIEW

A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user. Alcohol is a drug. It is a central nervous system depressant that slows the body's functions. For some people, the use of alcohol can become addictive. The body develops a tolerance for alcohol, thus needing more of the drug to achieve the same effects. Once addicted to alcohol, the body experiences withdrawal symptoms when alcohol is not present in the bloodstream. Alcohol addiction, or alcoholism, is a disease. If left untreated, alcoholism is progressive as the damage to the body continues, and if unchecked may be ultimately fatal.

Alcohol misuse, alcohol abuse and alcoholism affect an individual's work performance. Alcohol, even in very small amounts, affects the user's judgment, reflexes, thinking ability, coordination, and attention. Alcohol is particularly dangerous when an individual needs to make a decision and act in an emergency or unfamiliar situation. Alcohol in a person's bloodstream affects one's ability to operate a vehicle or complex machinery, and to perform any safety-sensitive related tasks. Coming to work with a "hangover" also affects an employee's ability to perform. Hangover symptoms may include diminished clarity in thinking, tremors that reduce fine motor coordination, and flu-like feelings that decrease alertness and well being.

Alcohol misuse, alcohol abuse and alcoholism also affect an individual's personal and family life. Heavy alcohol drinkers have more illness and medical conditions requiring treatment. Financial and legal complications from excessive drinking are common problems. In the late stages of alcoholism, the individual's life is centered on alcohol; family, job, friends (except drinking buddies) are unimportant and ignored.

The following are indicators that alcohol may be a problem in an individual's life:

- Excessive use of Annual Leave because of heavy drinking or hangover.
- Monday and Friday absences from work; days before and after holidays.
- Making repeated promises to family/friends to "cut down" or stop drinking.
- Needing increasing amounts of alcohol to "feel good" or "get high."
- Morning shakes or tremors that are relieved by taking a drink.
- Being arrested for drunk driving.
- Refusing to participate in leisure activities where alcohol is unavailable.
- Experience periods of "blackout" when drinking (not remembering some events or situations that occurred while drinking).

• Mood swings and unreasonable resentments towards others.

ALCOHOL FACT SHEET

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical or mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

A. SIGNS AND SYMPTOMS OF ALCOHOL USE

1. IMMEDIATE EFFECTS OF ALCOHOL

• Odor of alcohol on breath
• Initial stimulation followed by depressed nervous system.
• Flushed skin
• Glazed appearance of eyes
• Slowed reaction rate
• Slurred speech
• Dulled mental processes
• Lack of Coordination

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

2. CHRONIC AND LONG TERM HEALTH EFFECTS

The chronic consumption of alcohol that averages three or more servings per day of an alcoholic beverage over time may result in the following health hazards: (one serving of beer is 12 oz., one serving of wine is 6 oz., and one serving of 80 proof liquor is13 oz.)

• Nutritional deficiencies and sleeping difficulties
• Impaired short-term memory and the inability to concentrate
• Brain and nervous system damage
• Liver damage
• Digestive problems (gastric ulcers)

• Higher likelihood of stroke, coronary problems
• Disease of the pancreas and kidneys
• Birth defects in children of heavy-drinking women (up to 54 percent of all birth defects are alcohol related)
• Physical and psychological dependence (up to 10 percent of all people who drink alcohol become dependent on alcohol and can be termed “alcoholic.”)
• Increased cancer of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma

3. ALCOHOL’S EFFECTS ON SOCIETY

• Two-thirds of all homicides are committed by people who drink prior to the crime.
• Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
• Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
• The rate of separation and divorce in families with alcohol dependency problems is seven times the national average.
• Forty percent of family court cases have alcohol-related problems.
• Alcoholics are 15 times more likely to commit suicide than other segments of the population.

4. WORKPLACE ISSUES

• It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage through the body.
• Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
• A person who is legally intoxicated is six times more likely to have an accident than a person who is sober.

5. CONFIDENTIALITY PROCEDURES FOR INTERNAL CONTROL

Laboratory reports or test results shall not appear in an employee’s general personnel file. The Human Resources Department will keep information of this nature under their control in a separate confidential medical file. Supervisors, managers, and other staff with such knowledge are not to discuss or disclose the results of any employee’s drug and/or

alcohol tests with other employees, except under approved reasons as delineated by City policy.

The Human Resources Director or designee may disclose reports or test results to City management on a strictly need-to-know basis and to the tested employee upon request.

Employee's confidentiality is also protected with regard to disclosure by supervisors of any over-the-counter or prescribed medications, when the employee has notified the supervisor of such use as mandated by this policy.

The City may disclose test results without the employee's consent only when:

a. The information is compelled by law or by judicial or administrative process;

b. The information has been placed at issue by the employee in a formal dispute between the employee and the City;

c. The information is necessary to administer an employee benefit plan; or

d. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.

APPENDIX B

Each employer shall establish an employee education and training program for all covered employees including:

A. EDUCATION

The education component shall include display and distribution to every covered employee of informational material for employee assistance, if available.

B. TRAINING

1. Covered employees. Covered employees must receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use, including alcohol; on personal health, safety, and the work environment; and on the signs and symptoms that may indicate prohibited drug abuse.

2. Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least sixty (60) minutes of training on the physical, behavioral, and performance indicators of probable drug use, including alcohol, and at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

The local governing board of the employer or operator shall adopt an antidrug and alcohol misuse policy statement. The statement must be made available to each covered employee, and shall include the following:

a. The identity of the person, office, branch and/or position designated by the employer to answer employee questions about the employer's anti-drug use and alcohol misuse programs.

b. The categories of employees who are subject to the provisions of this part.

c. Specific information concerning the behavior and conduct prohibited by this part.

d. The specific circumstances under which a covered employee will be tested for prohibited drugs and/or alcohol misuse under this part.

e. The procedures that will be used to test for the presence of illegal drugs or alcohol misuse, protect the employee and the integrity of the drug and alcohol testing process, safeguard the validity of the test results and ensure the test results are attributed to the correct covered employee.
f. The requirement that a covered employee submit to drug and/or alcohol testing administered in accordance with this part.
g. A description of the kind of behavior that constitutes a refusal to take a drug and/or alcohol test, and a statement that such a refusal constitutes a violation of the employer's policy.
h. The consequences for a covered employee who has a verified positive drug or confirmed alcohol test result with an alcohol concentration of 0.04 or greater, or who refuses to submit to a test under this part, including the mandatory requirements that the covered employee be removed immediately from his or her safety-sensitive function and be evaluated by a substance abuse professional, as required by 49 CFR part 40.
i. The consequences, as set forth in FTA Part 655.35 of subpart D, for a covered employee who is found to have an alcohol concentration of 0.02 or greater but less than .04.
j. The employer shall inform each covered employee if it implements elements of an anti-drug use or alcohol misuse program that are not required by this part. An employer may not impose requirements that are inconsistent with, contrary to, or frustrate the provisions of this part.
Each employer shall provide written notice to every covered employee, and to representatives of employee organizations, of the employer's anti-drug and alcohol misuse policies and procedures.

APPENDIX C

A. ALCOHOL TESTING PROCEDURES

All testing will be conducted in accordance with alcohol testing procedures as required by 49 CFR.40 using the following procedures:

1. The employee arrives at the testing site.
2. If the employee does not arrive at the designated time for testing, the supervisor or designee will be contacted for instructions.
3. The I.D. of the employee to be tested is verified by examining a photo I.D. If the I.D. cannot be established, the Breath Alcohol Technician (BAT) will attempt to notify the employee's supervisor to establish a positive I.D. If that is not possible, the process stops.
4. If the employee being tested requests it, the Breath Alcohol Technician (BAT) should present his/her I.D.
5. Once the employee's I.D. is established, Step 1 of the United States Department of transportation Breath Alcohol Testing Form (DOT) will be completed.
6. The employee will complete Step 2 on the DOT form, signing the certification. If the employee refuses to sign; it is regarded as a refusal to take the test.
7. The employee shall be tested for alcohol using a saliva test kit or screening alcohol breath test. If test results are negative on this screening test, a copy of the DOT form will be completed noting the results, and a copy provided to the employee. One will be forwarded to the supervisor and one will be retained by the BAT.
8. If the screening test indicates an alcohol level greater than 0.02, an EBT test is required as follows:

a. The employee and BAT shall read the sequential test number displayed on the Evidential Breath Testing (EBT) device for the test.
b. The employee will open an individually sealed mouthpiece in view of the BAT and attach it to the EBT according to instructions.
c. The employee will blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.

d. The BAT completes Step 3 of the DOT testing form.
e. The employee will sign Step 4 of the DOT testing form stating that the information on the form is accurate and that the employee must not perform safety-sensitive duties or operate heavy equipment if the results are 0.02 or greater.
f. If the test results are less than 0.02 on this test, a copy of the form will be provided to the employee. The test process is complete and a copy will be forwarded to supervisor and one will be retained by the BAT. If the test results are greater than 0.02 on this test, an EBT confirmation test will be conducted as follows:
i. The BAT will explain that a confirmation test will be conducted.
ii. The employee must stay in the room observed for a fifteen (15) minute waiting period. During this period, the employee may not eat, drink, or put any object or substance into his/her mouth.
iii. The confirmation test will be conducted no less than fifteen (15) minutes after the initial EBT test, but within thirty (30) minutes of the completion of the initial list.
iv. The confirmation test will be completed according to Steps H-M of this procedure.
v. If the result of the confirmation test is different from the EBT screening test, the confirmation test will be considered the accurate result.
vi. If the results are still greater than or equal to 0.02 on the confirmation test, the BAT will contact the employee's supervisor for further instructions before releasing the employee from the test site.
vii. Employees with a reading of 0.02 or more are not to drive or engage in any safety-sensitive operations until further notice from their supervisor and in accordance with this policy.
viii. All results will be transmitted in conformity to confidentiality procedures outlined below.

B. DRUG TESTING PROCEDURES

1. The urine specimen will be split into two bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the lab.
2. If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.
3. The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.
4. If the test is positive for one or more drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.
5. All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and then to the City.

6. With all positive drug tests, the physician (a.k.a. medical review officer [MRO]) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as “negative.”

APPENDIX D

REASONABLE SUSPICION OBSERVATION FORM

(STRICTLY CONFIDENTIAL)

EMPLOYEE NAME: DAY/TIME OF INCIDENT:

SUPERVISOR #1 NAME: SUPERVISOR #2 NAME:

(Optional) (Optional)

The following checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee is under the influence of a prohibited drug substance or alcohol. The supervisor(s) note all pertinent behavior and physical signs or symptoms, which lead you to reasonable belief that the employee has recently used or is under the influence of a prohibited substance. Mark each applicable item on this form and any additional facts or circumstances, which you have noted.

A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION

1. Observed/reported possession or use of a prohibited substance
2. Apparent drug or alcohol intoxication
3. Observed abnormal or erratic behavior
4. Arrest or conviction for drug-related offense
5. Evidence of tampering on a previous drug test
6. Other (e.g., flagrant violation of safety regulations, serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job). Please specify.

_____

_____

_____

B. UNUSUAL BEHAVIOR

1. Verbal abusiveness
2. Physical abusiveness
3. Extreme aggressiveness or agitation
4. Withdrawal, depression, mood changes, or unresponsiveness
5. Inappropriate verbal response to questioning or instruction
6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion). Please specify.

_____

_____

_____

C. PHYSICAL SIGNS OR SYMPTOMS

1. Possessing, dispensing, or using controlled substance.
2. Slurred or incoherent speech.
3. Unsteady gait or other loss of physical control; poor coordination.
4. Dilated or constricted pupils or unusual eye movements.
5. Bloodshot or watery eyes.
6. Extreme fatigue or sleeping on the job.

7. Excessive sweating or clamminess to the skin.
8. Flushed or very pale face.
9. Highly excited or nervous.
10. Nausea or vomiting.
11. Odor of alcohol.
12. Odor of marijuana.
13. Dry mouth (frequent swallowing/lip wetting).
14. Dizziness or fainting.
15. Shaking hands or body tremors/twitching.
16. Irregular or difficult breathing.
17. Runny sores or sores around nostrils.
18. Inappropriate wearing of sunglasses.
19. Puncture marks or “tracks”.
20. Other (Please specify.)

_____
_____
_____

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions, and any other pertinent information not previously noted. Please note the date, times, and location of reasonable cause testing or note if employee refused test. Attach additional sheets as needed.

_____
_____
_____
_____
_____
_____

Signature of Supervisor #1 Date/Time Signature of Supervisor #2 Date/Time

The City of Moreno Valley
Personnel Rules & Regulations
Drug and Alcohol Free Workplace Policy
APPENDIX E

I. THE CITY OF MORENO VALLEY DRUG AND ALCOHOL PROGRAM MANAGER (DPMA) AND DESIGNATED EMPLOYER REPRESENTATIVE (DER)

The City of Moreno Valley has designated the Human Resources Director or designee, as the Drug and Alcohol Program Manager (DAPM), and as the Designated Employer Representative (DER) to answer questions about the City of Moreno Valley’s anti-drug and alcohol misuse programs.

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MV00105701

MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00105703

MINUTES – SPECIAL REGULAR MEETING OF APRIL 19, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00105705

MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.4

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MV00105707

MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00105709

MINUTES – SPECIAL REGULAR MEETING OF APRIL 19, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.3

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MV00105711

MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.4

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MV00105713

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Chairperson and Members of the Community Redevelopment Agency Board of the City of Moreno Valley

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: May 10, 2011

TITLE: REVISIONS TO THE REDEVELOPMENT AGENCY HOMEBUYER ASSISTANCE PROGRAM

RECOMMENDED ACTION

Staff recommends the Redevelopment Agency Board (RDA) approve amendments to the Homebuyer's Assistance Program (HAP) to allow the loan term to be reduced to 20 years and allow the loan to be forgiven upon the expiration of the loan term.

BACKGROUND

On July 14, 1998, the RDA Board approved the RDA-HAP. Consistent with State Redevelopment Law, the RDA-HAP makes homeownership affordable and achievable for first-time homebuyers who earn up to 120% of the Area Median Income and are purchasing an existing home in the City of Moreno Valley. Under the original program, homebuyers were provided up to $20,000 of down payment assistance in the form of a 30-year, zero-interest, deferred-payment loan with equity share provisions.

The RDA Board approved policy changes to the RDA-HAP program in April 2004 and September 2010 to better respond to the residential market and provide assistance to homebuyers. These changes included increasing the maximum HAP loan amount to twenty-percent (20%) of the purchase price and increasing the maximum home purchase price for the HAP to 95% of the Federal Housing Administration (FHA) single family mortgage limit as well as allowing a portion of the RDA-HAP loan to be applied to buyer's non-recurring closing costs. All of this was done to react and adjust to a changing residential real estate market and lending environment.

DISCUSSION

The RDA-HAP loan is an important tool used to facilitate the sale of the City's NSP properties. Since no monthly payments are required and the loan is interest free, homebuyer's who may not otherwise qualify for financing to purchase homes, are afforded the opportunity to enjoy the benefits of home ownership. The City also benefits because the RDA-HAP loans help stabilize neighborhoods by increasing home ownership and eliminating the blight created by vacant properties. However, given a changing marketplace, many potential homebuyers are currently reluctant to accept the present loan structure with a 30 year term and balloon payment requirements.

In an effort to better fulfill the commitments of the City's NSP Program by removing impediments to potential homebuyers, staff recommends that the term of the current RDA-HAP loan be amended to 20 years and that the loan be forgiven at the end of the 20 year term. These recommended changes will make the loan more attractive to qualified homebuyers while maintaining the City's NSP and RDA objectives of creating long-term home owners within neighborhoods. The equity sharing requirements of the RDA-HAP remain intact. These provisions discourage the resale, refinance, or rental of the property by requiring a share of equity together with the repayment of principal RDA-HAP loan amount upon the occurrence of one of these events. Before proposing these changes, staff surveyed other jurisdictions and found similar terms on their down payment assistance loans.

ALTERNATIVES

1) Approve an amendment to the RDA-HAP to allow the term of the RDA-HAP loan to be 20 years and that the loan is forgiven at the end of the 20 year term. **Staff recommends this alternative as it will allow the RDA to better respond to the current market conditions and consumer needs of the community.**

2) Decline to approve an amendment to the RDA-HAP to allow the term of the RDA-HAP loan to be 20 years and that the loan is forgiven at the end of the 20 year term. **Staff does not recommend this alternative as it will not allow the RDA to respond to the current market conditions and consumer needs of the community.**

FISCAL IMPACT

Funding for the Homebuyer Assistance Program is provided by the RDA Housing Set-Aside fund. The recommended actions impose no near-term fiscal impact to the RDA Housing Set-Aside fund. The reduction in the loan's term and the forgiveness provision will not affect equity share and principal repayments that occur prior to the loan's 20th anniversary.
These recommended actions impose NO fiscal impact to the General Fund. Under State Redevelopment Law, Housing Set-Aside funds are restricted for uses that support affordable housing.

SUMMARY

Due to the ever-changing real estate market, modifications to the RDA-HAP Program are necessary. The RDA-HAP loan helps to facilitate the sale of the City's NSP properties. With this type of loan, homebuyer's who may not otherwise qualify for financing to purchase homes, are given the opportunity to enjoy the benefits of home ownership. The City benefits because the RDA-HAP loans help stabilize neighborhoods by increasing home ownership and eliminating the blight created by vacant properties. However, many potential homebuyers are reluctant to accept the loan's 30 year term and balloon payment requirements.

In an effort to fulfill the commitments of the City's NSP Program by removing impediments to potential homebuyers, staff recommends that the term of the current RDA-HAP loan is amended to 20 years and that the loan is forgiven at the end of the 20 year term. These changes will make the loan more attractive to qualified homebuyers while maintaining the City's NSP and RDA objectives. The equity sharing requirements of the RDA-HAP remain intact. These provisions discourage the resale, refinance, or rental of the property by requiring a share of equity together with the repayment of principal RDA-HAP loan amount upon the occurrence of one of these events. Before proposing these changes, staff surveyed other jurisdictions and found similar terms and conditions for their down payment assistance loans.

NOTIFICATION

Publication of the Agenda

ATTACHMENTS/EXHIBITS

ATTACHMENT A: RDA-HAP Guidelines

Prepared By:
Michele Patterson
Redevelopment and Housing Programs Administrator

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	**Hearing set for:**

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MV00105717

CITY OF MORENO VALLEY
HOMEBUYER ASSISTANCE PROGRAM
POLICY AND PROCEDURES

Approved May 19, 2004
Revised August 19, 2010
Revised May 10, 2011
Revision 10.2

City of Moreno Valley
Community & Economic Development Department
Neighborhood Preservation Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
951.413.3450

Making the Dream of Homeownership a Reality

MORENO VALLEY
NEIGHBORHOOD PRESERVATION

Attachment A

CITY OF MORENO VALLEY
HOMEBUYER ASSISTANCE PROGRAM (HAP)

PROGRAM PROCEDURES MANUAL

Table of Contents

SECTION 1

HAP OVERVIEW

1.1 Introduction 1
1.2 Purpose and Objective 1
1.3 How a Homebuyer/Borrower Applies for a HAP Loan 1

SECTION 2

HAP LOAN PARAMETERS AND FIRST MORTGAGE REQUIREMENTS

2.1 Loan Terms 2
2.2 Loan Amount 2
2.3 Funds Usage 3
2.4 Program Charges and Fees 3
2.5 Eligible First Mortgage Type 3
2.6 Combined Loan-To Value 3

SECTION 3

BORROWER ELIGIBILITY

3.1 First-Time Homebuyer 4
3.2 Homebuyer Education 4
3.3 Income Limits 5
3.4 Income Qualification Criteria ..... 5 & 6
3.5 Maximum Affordable Housing Cost and Housing Ratio ..... 7 & 8
3.6 Total Debt/Back End Ratio 9
3.7 Credit Standards 9
3.8 Cash Assets 9
3.9 Borrower's Contribution 10
3.10 Owner Occupancy Requirements 10

SECTION 4

PROPERTY ELIGIBILITY AND HOME INSPECTION REQUIREMENTS

4.1 Property Types 11
4.2 Maximum Purchase Price 11
4.3 Property Value 11
4.4 Property Standards and Inspection Requirements 12

SECTION 5

HAP APPLICATION PROCESSING AND CLOSING REQUIREMENTS

5.1 Loan Origination 13
5.2 Request for Reservation of HAP Funds ..... 13 & 14
5.3 Request for HAP Loan Approval ..... 14 & 15
5.4 HAP Loan Closing Conditions and Pre-Funding Requirements 15
5.5 Pre-Closing Processes 16
5.6 Funding Processes 16
5.7 After Funding Processes 17

CITY OF MORENO VALLEY
HOMEBUYER ASSISTANCE PROGRAM (HAP)
PROGRAM PROCEDURES MANUAL

Table of Contents

SECTION 6

MISCELLANEOUS INFORMATION AND ADMINISTRATION PROCESSES

6.1 Cancellation and Commitment Expirations 18
6.2 Revocations 18
6.3 Transferring HAP Applications to Another Lender 18
6.4 Changing Properties during the HAP Application Process 18
6.5 Post Audit 18

SECTION 7

LENDER ELIGIBILITY

7.1 Lender Eligibility 19
7.2 Lender Removal 19

SECTION 8

LOAN MANAGEMENT AFTER CLOSING

Managing Agency 20
Reconveyance of HAP Loan 20

SECTION 9

LOAN DEFINITIONS

Definitions ..... 21 through 23

SECTION 10

HAP EXHIBITS LIST

List 24

SECTION 1: HAP OVERVIEW

1.1 INTRODUCTION

The Homebuyer Assistance Program (HAP) Procedures Manual describes the HAP program and sets forth the role and requirements of the City, participating lenders, escrow companies, real estate agents, and the homebuyer, (hereinafter called the borrower) and seller. This document contains a description of the HAP loan parameters, processing procedures, and program administration. The City may revise these guidelines from time to time as deemed necessary.

The City encourages all eligible first-time borrowers to apply for a HAP loan. Participating lenders are expected to be well informed about all the restrictions contained in this manual so that both borrowers and sellers alike are aware of these restrictions before the loan application is taken.

1.2 PURPOSE AND OBJECTIVE

The City Council authorized the Homebuyer Assistance Program (HAP) for the purpose of providing down payment assistance to low, median, and moderate-income homebuyers purchasing a home within the City of Moreno Valley.

The program funding sources are the Redevelopment Agency (RDA) 20 percent set-aside Low and Moderate Income Housing Fund, and the Federal HOME Investment Partnership Program (HOME).

The Health and Safety Code provides that not less than 20 percent of all taxes allocated to a jurisdiction's RDA set-aside funds must be used to preserve, increase, or improve the community supply of housing available to families of low or moderate and very low-income households.

The purpose of HOME funds is to expand the supply of affordable housing for low- and very low-income families. HOME funds are subject to all federal rules and regulations as published in 24 CFR Part 92.

The objective of the Homebuyer Assistance Program (HAP) is to promote neighborhood stabilization and revitalization.

1.3 HOW A HOMEBUYER/BORROWER APPLIES FOR A HAP LOAN

The borrower must obtain a first mortgage loan and apply for the HAP loan through one of the HAP Participating Lenders approved by the City. The Lender will calculate the needed HAP assistance in conjunction with the City and submit the Application Package to the City for approval.

SECTION 2: HAP LOAN PARAMETERS AND FIRST MORTGAGE REQUIREMENTS

2.1 LOAN TERMS

Second Lien: The City HAP loan is a second mortgage, and must be in second lien position.

Interest Rate: 0% Interest.

Loan Term: Principal is forgiven in 20 years.

If the property is sold, the buyer ceases to occupy the property, or the property is refinanced and cash taken out during the 20-year term, the loan will become immediately due and payable.

Payments: Deferred no (principal or interest) payments are required during the loan term.

Shared Equity: The loan terms include an equity sharing arrangement in lieu of interest on the deferred loan. When the property is sold,, transferred, refinanced with cash taken out, or the loan is prepaid in full prior to loan maturity, the City will receive a share of the gain on sale/value in addition to the original amount loaned. The percentage factor of the equity share percentage is calculated by dividing the original HAP loan amount by the original purchase price.

Share of Equity Example:

If the HAP loan amount was $52,345 and the original purchase price was $261,725, the equity share percentage would be 20% (52,345 divided by 261,725). Next, the equity share percentage is multiplied by the gain on the sale/value (as determined by the sales price or the property value certified by a professional appraiser) to determine the City's share of the profit on the sale. If the gain on the sale/value were $50,000, the City's share would be 20% of $50,000, or $10,000. The equity share amount is added to the HAP loan principal balance. The total repayment to the City would be $62,345.

Assumability: The HAP loan is not assumable or transferable.

2.2 LOAN AMOUNT

The amount of HAP down payment assistance is based on the purchase price and the borrower's income. The borrower may only receive what is needed to close the purchase transaction. The maximum HAP loan amount is 20% of the purchase price as determined by the City. *The purchase price cannot exceed the appraised value.*

2.3 FUNDS USAGE

HAP funds may be used for down payment and/or reasonable closing costs, based upon need and subject to City approval.

2.4 PROGRAM CHARGES AND FEES

The Lender may only charge the borrower reasonable fees as would be charged to a borrower applying for a mortgage not provided in connection with the HAP loan.

The cost for title insurance (limited coverage) for the HAP should also be included as part of the first mortgage loan fees. There will be no other fees incurred by the HAP loan process.

2.5 ELIGIBLE FIRST MORTGAGE TYPE

The HAP loan may only be used in conjunction with fixed-rate, fully amortized, 30-year FHA or Conventional (Fannie Mae or Freddie Mac) loan types.

Lease Option, VA loans, ARM, and Interest Only loans are not eligible for use with the HAP.

The first mortgage lender will estimate the HAP loan amount and process the first mortgage and HAP loans concurrently. The City will determine the final amount of the HAP assistance upon receipt of the HAP Loan Submission Package (Approval Phase). The HAP loan can only be used with original first mortgage financing, and will only be subordinated to the first mortgage.

Lenders will process the underlying mortgages using standard procedures, with adjustments to those procedures to conform to the HAP guidelines. The borrower must accept the highest loan-to-value ratio first mortgage amount for which they can qualify.

Note: Lenders must use the more restrictive program parameters of the HAP loan program or first mortgage loan program, (e.g. FHA, Fannie Mae, Freddie Mac).

2.6 COMBINED LOAN-TO VALUE

The borrower(s) must receive the highest loan-to-value ratio first mortgage amount for which they can qualify. The combined loan-to-value (CLTV) of the first mortgage without financed MIP, if applicable, and the HAP loan **cannot exceed the maximum CLTV of 100%**.

Note: Lenders must use the more restrictive CLTV limits of the HAP Program or the first mortgage loan program, (e.g. FHA, Fannie Mae, Freddie Mac).

SECTION 3: BORROWER ELIGIBILITY

3.1 FIRST TIME-HOMEBUYER

To qualify, the borrower must not have owned a home or held an interest in residential real property for the previous three (3) years prior to the date of the application. *Exception: A person who qualifies as a displaced homemaker or a single parent* ***(See Definition Section)****, while previously married, owned a home with his/her spouse, does not need to meet this HAP requirement.*

To comply with first-time homebuyer requirements and ensure the household does not exceed the maximum income limit, each borrower and all persons expected to reside in the residence must provide copies of their most recent three years' **Federal Income Tax Returns**. The Returns must be **re-signed and dated (live ink) by the applicable borrower(s) or household member** as certification that they are true and exact copies of the returns submitted to the IRS.

If the borrower(s) or any other household member cannot provide a copy of his or her Federal Income Tax Returns, he or she may:

1. Request copy from the IRS; or
2. Request form #1722 from the IRS (This form may be accepted if it can be determined that the he or she did not itemize their deductions.)

3.2 HOMEBUYER EDUCATION

Each borrower receiving HAP assistance (taking title) is required to attend a Homebuyers Education/Counseling Seminar before the loan documents are drawn .The City has approved the following three non-profit agencies as the providers. Alternate providers are acceptable; however, they must be a HUD-approved homebuyer education provider and offer classroom-based courses. Internet-based homebuyer education courses are not accepted] The first lender is responsible for ensuring the borrower(s) attend a session and must forward the original Certificate of Completion for **each** borrower before the HAP loan documents are drawn.

Approved Providers	Address	Telephone
Fair Housing Council of Riverside County, Inc.	3933 Mission Inn Avenue Riverside, CA 92501 Web: www.fairhousing.net	951.682.6581 800.655.1812
Inland Fair Housing and Mediation Board	60 East 9th Street, Ste. 100 Upland, CA 91786 Web: www.inmedbd.com	909.984.2254 800.321.0911
Springboard	1605 Spruce Street, Ste. 100 Riverside, CA 92507 Web: www.credit.org	800.947.3752

3.3 INCOME LIMITS

The borrower's **total annualized current gross household income cannot exceed 120%** of the Riverside County area median income (AMI) adjusted by household size.

The annual gross income of the borrower(s) **and** any other adult who will live in the subject property must be included when determining maximum income eligibility. The maximum income limits are subject to change each year.

The 2010 annual income limits effective July 2010 are as follows:

Table 3.1
2010 Annual Income Limits

Household Size	50% (Very Low)	70% (Low)	80% (Lower)	100% (Median)	110% (Moderate)	115%-FHA (Moderate)	120% (Moderate)
1 Person	22,750	31,850	36,400	45,500	50,050	52,300	54,600
2 Person	26,000	36,400	41,600	52,000	57,200	59,800	62,400
3 Person	29,250	40,950	46,800	58,500	64,350	67,250	70,200
4 Person	32,500	45,500	52,000	65,000	71,500	74,750	78,000
5 Person	35,100	49,140	56,200	70,200	77,220	80,750	84,250
6 Person	37,700	52,780	60,350	75,400	82,940	86,700	90,500
7 Person	40,300	56,420	64,500	80,600	88,660	92,700	96,700
8 Person	42,900	60,060	68,650	85,800	94,380	98,650	102,950

Note: Lenders must use the more restrictive income limit of the HAP Program, HOME Program, or first mortgage loan program, (e.g. FHA, Fannie Mae, Freddie Mac).

3.4 INCOME QUALIFICATION CRITERIA

The annual income for purposes of qualifying for a HAP loan includes **all** household income, and may be lower or higher than the income amount utilized by the lender to underwrite the first mortgage **(See the Income Worksheet)**. There are two major differences:

- **Anticipated Income**: The HAP figure represents ANTICIPATED income, while the Lender's figure represents income AVERAGED over the last few years; and

- **Income Sources**: The HAP requires that every source of income, taxed or untaxed, be included in the HAP computation, while the underwriter for the first mortgage lender may choose not to honor sources of income that are sporadic and lack a strong track record.

3.4 INCOME QUALIFICATION CRITERIA CONTINUED…

Gross Income is calculated based on **annual household income** that will be used as set forth as follows:

1. All of the income of all adult working household members over the age of 18 who share the same dwelling unit or share in the ownership of the unit shall be considered in the total family income. If over 18 and a full time student, verification of full time status will be required.
2. Gross income will be the full amount before taxes and any payroll deductions. All overtime, bonuses and commissions will be counted as income.
3. For self-employed individuals, adjusted gross income will be the net income from the operation of the business and profession, as calculated by averaging the net income manifested by their Federal income taxes for the past three (3) years.
4. Interest earned, dividends, and other net income of any kind will be counted as part of the household gross income.
5. Social security payments, income from annuities, insurance policies, retirement funds, pensions, disability or death benefits, including other similar periodic receipt of income will be counted as part of the household gross income.
6. Payments in lieu of earnings, such as unemployment, worker's compensation, severance pay, and welfare assistance will be included in the computation of gross income, even though lenders may not utilize these earnings for the issuance of credit. Food stamps value are not included in the income calculation.
7. Periodic and determinable allowances, such as alimony and child support payments will also be included in the computation of gross income.
8. All regular pay, special pay, and allowances of a member of the Armed Forces will be included as Gross income.
9. Any other income that must be reported for Federal income tax purposes will be included.

If the borrower(s) receives overtime, commission, or other wages in addition to their regular salary/hourly rate, the Verification of Employment (VOE) must have each amount listed separated to determine anticipated income.

In addition to the VOE, the borrower(s) will be required to provide signed and dated Federal tax returns for the last three (3) years and verification of current income, as evidenced by copies of the most recent pay stubs for the last 30 days.

3.5 MAXIMUM AFFORDABLE HOUSING COST AND HOUSING RATIO

Affordable Housing Cost Definition:

The Affordable Housing Cost (AHC) is the maximum monthly housing cost that a borrower in a certain income level may pay based on a percentage of income adjusted by household size.

Section 6920 of Title 25 of the California Code of Regulations defines the affordable housing cost to include the following:

- Principal and interest (first mortgage)
- Property Taxes and Assessments
- Homeowners' Association (HOA) Dues
- Hazard Insurance (if not included in HOA)
- Mortgage Insurance Premium
- Utility Allowance: including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels
- Maintenance and Repair Allowance

Summary of Affordable Housing Cost (AHC) Expense and Housing Ratio:

The following is a summary of the AHC expense and front-end ratio. Refer to **Table 3.2 - Maximum Monthly Housing Cost and Ratio Schedule** for additional requirements.

- **Households earning less than 80% AMI (Lower):** Cannot exceed the **lesser** of:
  - **30%** of the household's gross monthly income; or
  - The affordable housing cost limits stated in the **Maximum Monthly Housing Cost Schedule in Table 3.2.**

- **Households earning more than 80.01% - 120% AMI (Low - Moderate):**
  - Minimum housing expense ratio is 28% of the household's gross monthly income; and
  - cannot exceed the **lesser** of 35% of the borrower's gross monthly income, or
  - The affordable housing cost limits stated in the **Maximum Monthly Housing Cost Schedule in Table 3.2.**

3.5 MAXIMUM AFFORDABLE HOUSING COST AND HOUSING RATIO CONTINUED…

Maximum Monthly Housing Cost and Housing Ratios:

Table 3.2 provides the maximum monthly affordable housing cost limits and ratios defined by the applicable income level and unit size. **The maximum monthly housing cost must include utility and maintenance allowance per Table 3.3.**

Table 3.2 Maximum Monthly Housing Cost and Ratio Schedule						
AMI Level	**One Bedroom**	**Two Bedroom**	**Three Bedroom**	**Four Bedroom**	**Five Bedroom**	**Six Bedroom**
50% - Very Low **30% of 50% of Median**	• No Minimum housing expense ratio requirement • Not to exceed the **lesser** of 30% of borrower's gross monthly income or the amounts listed below					
	$650	$731	$813	$878	$943	$1,008
70% - Low **30% of 70% of Median**	• No Minimum housing expense ratio requirement • Not to exceed the **lesser** of 30% of borrower's gross monthly income or the amounts listed below					
	$910	$1,024	$1,138	$1,229	$1,320	$1,411
70.01% - 80.00% **Low - Lower**	• No Minimum ratio requirement • Not to exceed 30% of Gross Monthly Income					
80.01% - 110% **Moderate**	• Minimum 28% • Not to exceed the **lesser** of 35% of Gross Monthly Income or the amounts listed below					
	$1,668	$1,877	$2,085	$2,252	$2,419	$2,586
110.01%-120% **Moderate**	• Minimum 28% • Not to exceed 35% of Gross Monthly Income					

Note: When combining programs lenders must use the more restrictive Monthly Housing Costs and Ratios of the HAP Program, HOME Program, or first mortgage loan program (e.g. FHA, Fannie Mae, Freddie Mac).

Utility and Maintenance Allowance Schedule:

Table 3.3 defines the **2010-2011 Utility and Maintenance Allowance** amounts to include when determining the borrower's Affordable Housing Cost expense. The amounts are subject to change in July of each year.

Table 3.3 2010-2011 Utility and Maintenance Schedule						
Size of Unit	**One Bedroom**	**Two Bedroom**	**Three Bedroom**	**Four Bedroom**	**Five Bedroom**	**Six Bedroom**
Utilities	$125	$154	$192	$225	$260	$284
Maint. & Repairs	**$20**	**$25**	**$30**	**$35**	**$40**	**$60**
Total	**$145**	**$179**	**$222**	**$260**	**$300**	**$344**

Utility Allowance Source: Housing Authority of the County of Riverside. Effective 7/01/10- Expires 6/30/11

3.6 TOTAL DEBT /BACK END RATIO

The borrower's total monthly debt back-end ratio (Total Housing expense and all other debt combined) cannot exceed **42%*** of the borrower's gross monthly income.

**If compensating factors exist, under extenuating circumstances, the borrower(s) may qualify with a higher back-end ratio, not to exceed 45%, subject to supporting documentation and Loan Committee approval.*

Note: When combining programs lenders must use the more restrictive income ratios of the HAP Program, HOME Program, or first mortgage loan program (e.g. FHA, Fannie Mae, Freddie Mac).

3.7 CREDIT STANDARDS

The HAP Program requires the borrower(s) to have a fair credit rating, at minimum. Please refer to chart below:

Score Rating	
Excellent	**750-850**
Good	**660-749**
Fair	**620-659**
Poor	**300-619**

Please note: the first mortgage lender's credit standards may differ from those of the City's, the more restrictive credit standards will be used.

If a bankruptcy and/or a foreclosure exist, a waiting period of **three years** is required before the borrower may participate in the HAP Program. The Loan Committee will reserve the right to approve such loans if extenuating circumstances exist (i.e. death, divorce, etc.) In addition, the credit record(s) must not show substantial disregard for former or existing obligations.

3.8 CASH ASSETS

In order to qualify for the HAP, the borrower(s) must not be able to purchase a home with his/her current assets, yet still have sufficient income and credit with which to qualify for a loan. **The borrower(s) shall have at least one month's total housing expense** (principal, interest, taxes and insurance) in reserves at the time of closing **but not more than six month's total housing expense reserves**.

For purposes of the HAP program, the following are considered assets in determining program eligibility:

A. Cash savings, marketable securities, stocks, bonds, and other forms of

capital investments other than Individual Retirement Accounts, KEOGH plans, or other retirement vehicles.

B. Inheritances, cash lump sum insurance payments, settlements for personal property damage already received will be considered a household asset.

C. Any equity in real estate will be considered an asset.

D. Allowable assets will be the borrower's portions of the down payment and up to six months savings for monthly housing costs. The cash value of an asset is its market value minus reasonable expenses required to convert the asset to cash.

3.9 BORROWER'S CONTRIBUTION

The borrower(s) must have buy-in and make a contribution toward the purchase. A minimum three-percent (3%) of the purchase price is required as a buyer contribution, one-percent (1%) of the contribution must be from the buyer's own funds. A maximum two-percent (2%) of the buyer's contribution may be gifted, supporting documentation will be required. The buyer's contribution may be applied toward the down payment and/or closing costs.

The buyer's contribution must be a cash contribution. The required one month's reserves discussed in Section 3.8 do not satisfy the buyer's contribution requirement.

3.10 OWNER OCCUPANCY REQUIREMENTS

The borrower(s) must occupy the residences within 21 days of closing, and continue to occupy, as long as the HAP loan exists, as his or her principal residence. Non-occupant co-borrowers are not permitted.

Borrowers may not rent, sell, assign or transfer the residence as long as the HAP loan exists on the property.

SECTION 4: PROPERTY ELIGIBILITY AND HOME INSPECTION REQUIREMENTS

4.1 PROPERTY TYPES

Eligible homes must be:

Located within the **City of Moreno Valley**.

Existing single-family residence or condominium. Manufactured homes on individually owned parcels might qualify for assistance if they are on a permanent foundation. Preference will be given for foreclosure properties and others that have been vacant over 90 days. Properties with a pool/spa may be considered on case-by-case basis, subject to Loan Committee approval.

The property must be currently owner occupied by the seller, vacant or occupied by tenant buyer/borrower purchasing the home. The City will not pay relocation expenses for displaced tenants. The Seller's Affidavit requires the seller(s) to certify to the property's occupancy status.

Ineligible homes are:

New homes and mobile homes on rented spaces are not eligible.

4.2 MAXIMUM PURCHASE PRICE

The maximum purchase price cannot exceed **95%** of the Riverside County - FHA Single Family Mortgage Limit under 203(b) of the National Housing Act (12.U.S.C. 1709(b)) as determined by HUD. Effective May 29, 2007, the HAP maximum purchase price limit is **$362,790**. Although HUD has increased the 2008 limit, the city will continue to use the limit in effect in 2007.

(The CEDD Director reserves the right to adjust the maximum purchase price based upon market conditions).

4.3 PROPERTY VALUE

The lender must provide the City with a copy of the Appraisal Report with color pictures. A professional appraiser may only determine the property value, and the purchase price cannot exceed the appraised value.

4.4 PROPERTY STANDARDS AND INSPECTION REQUIREMENTS

The home must be in sound condition and meet established City of Moreno Valley Housing Quality Standards. **(See the Housing Quality Standards Exhibit)**.

The City will require an inspection of the property performed by the City Inspector to ensure the property is eligible under the HAP Program. **City staff will contact the lender to schedule the inspection within five (5) business days from receipt and review of a completed HAP Reservation Request Package**. Generally, the inspection will be conducted within 10 business days from the date of the City's issuance of a Reservation Confirmation; however, increased volume may extend the time period.

Note: Inspections are **not** conducted on Fridays.

The City inspection will include an assessment for lead-based paint for all properties built in or before 1978. The inspection may determine that additional testing and possible abatement may be required due to the age of the property and the condition of the paint. **The HAP Loan Submission Package must include the original City form, "Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards," executed the borrower, seller and listing agent.**

After the City Inspector performs the inspection, and if it is determined that repairs are necessary before the property is HAP program eligible, City staff will prepare an **"Inspection Results Report,"** identifying any deficiency items. The report will be distributed to the lender, borrower, seller and agents.

The seller must complete and return the original Acknowledgement Section of the "Inspection Results Report" to the City, which advises the City of the seller's intention regarding completion of the required repairs. Fax copies are acceptable. **It is the City's recommendation that the seller does not begin the repairs until after the lender submits the HAP Loan Submission Package *and* the Loan Committee approves the borrower(s)**.

In the event that the seller elects to not make repairs that are not merely cosmetic in nature the property would **not** be eligible under the HAP program.

After the seller completes the repairs, the lender must contact the City to schedule a re-inspection of the property. The HAP loan cannot close until all repairs are completed and the City Inspector authorizes clearance.

SECTION 5: HAP APPLICATION PROCESSING AND CLOSING REQUIREMENTS

Lenders must adhere to the HAP processing time frame, and promptly notify the City in writing of any HAP cancellations and/or requests for commitment extensions.

The HAP processing procedures are designed to coincide with standard mortgage loan processing and underwriting procedures that are in place at most mortgage lending institutions. Recognizing there are procedural variations among the participating lenders, the procedures outlined here are meant to serve as guidelines with respect to the sequence of events. However, the City, lender, real estate agent, borrower, escrow, and title companies must at some point complete all the elements of the processing sequence outlined in this manual regardless of sequence.

5.1 LOAN ORIGINATION

1. Borrower applies for the HAP loan with an approved HAP participating lender in conjunction with the first mortgage loan.
2. The lender discusses the program parameters with the borrower and determines that the borrower is an eligible candidate for HAP based on income, prior home ownership and other borrower eligibility factors as referenced in the Borrower Eligibility Section, and the purchase transaction meets the HAP guidelines.
3. The lender and borrower complete the HAP documents that include specific certifications as required by the HAP Program, Federal and/or State regulations and requirements. **(See the Exhibits Section.)**
4. Lender submits Reservation Request Package to the City. **(See Section 5.2 Request for Reservation of HAP Funds below.)**
5. Lender performs standard underwriting procedures and determines that the borrower qualifies for a first mortgage.

5.2 REQUEST FOR RESERVATION OF HAP FUNDS (MINIMUM OF 45 DAYS BEFORE ESTIMATED CLOSE OF ESCROW)

RESERVATION REQUEST WILL BE PROCESSED IN THE DATE AND TIME ORDER RECEIVED – NO EXCEPTIONS. IF A RESERVATION REQUEST PACKAGE IS INCOMPLETE, THE RESERVATION REQUEST WILL BE DECLINED, AND THE LENDER WILL BE REQUIRED TO SUBMIT A NEW RESERVATION REQUEST PACKAGE.

1. The lender submits the Reservation Request Package to the City a minimum of 45 days before the estimated close of escrow date. **(See the HAP Reservation Request Form in the Exhibits Section.)** The Reservation Request Package may be submitted by way of fax; however, applicable original HAP documents must be included in the HAP Loan Submission Package (Approval Phase).

5.2 REQUEST FOR RESERVATION OF HAP FUNDS AND PROCESSING CONTINUED…

2. City staff will review the Reservation Request Package within three (3) business days from the receipt date for completeness, consistency, accuracy, and compliance with the HAP loan eligibility requirements regarding the borrower, the property, and the financing structure of the transaction.
3. If the Reservation Request Package is complete, the City will forward a Reservation Confirmation to the lender within the 5 business day period and schedule the property inspection. **(See the Property Eligibility Section for inspection details.)**

   IF A RESERVATION REQUEST PACKAGE IS INCOMPLETE, THE RESERVATION REQUEST WILL BE DECLINED, AND THE LENDER WILL BE REQUIRED TO SUBMIT A NEW RESERVATION REQUEST PACKAGE.

   Note: the reservation confirmation letter is not a loan approval.
4. The reservation will expire in 45 days. If the lender does not submit the HAP Loan Submission Package (Approval Phase) within 45 days from the reservation confirmation date, the City will cancel the reservation request.

5.3 REQUEST FOR HAP LOAN APPROVAL (MINIMUM OF 30 DAYS BEFORE ESTIMATED CLOSE OF ESCROW)

The lender submits the HAP Loan Submission Package (Approval Phase) to the City a **minimum of 30 days before the estimated close of escrow date**. **(See HAP Loan Submission Checklist (Approval Phase) in the Exhibits Section.)**

1. City staff will review the HAP Loan Submission Package within 10 business days from the receipt date for completeness, consistency, accuracy, and compliance with the HAP loan eligibility requirements regarding the borrower, the property, and financing structure of the transaction.
2. If the package is complete and the borrower(s), the property, and the purchase transaction meet the HAP eligibility guidelines, staff will prepare the file for submission to the Loan Committee at the next available meeting.
3. The Loan Committee meets regularly on the **1st and 3rd Wednesday of each month.** On occasion, it may be necessary to reschedule the meeting due to holiday or staff schedules. A HAP Loan Submission Package must be received a minimum of seven (7) days before the Loan Committee meeting date. If not, it will be presented on the next scheduled meeting date. Please plan accordingly.

   If the HAP Loan Submission Package (Approval Phase) is not complete, the City will suspend the HAP reservation request and/or the incomplete file will be returned to the lender. All suspense items must be received a minimum of seven (7) days before the next Loan Committee meeting date. If the suspense items are not received in sufficient time for staff review, staff will not submit the loan until the next scheduled meeting. (Continued on next page.)

5.3 REQUEST FOR HAP LOAN APPROVAL CONTINUED…

4. Upon approval/declination, the City will prepare and fax a Approval/Declination Letter to the Lender. The approval is valid for a period of 60 days. The Housing Program Coordinator may grant a 30-day extension, if requested, in writing by the lender. The "approval" shall be contingent on approval of the first mortgage, compliance with all program criteria, and HAP compliance loan conditions.

5.4 HAP LOAN CLOSING CONDITIONS AND PRE-FUNDING REQUIREMENTS (MINIMUM OF 10 BUSINESS DAYS BEFORE CLOSE OF ESCROW)

STANDARD HAP CLOSING CONDITIONS:

1. **Reminder** – the HAP funds are limited for use as down payment assistance only.
2. **DO NOT pad closing cost**. The borrower cannot receive any cash back at closing. The closing agent must return all refunds/overages due to the borrower(s) after closing to the City for principal reduction of the HAP loan along with a copy of the final HUD-1 Settlement Statement.
3. **Hazard Insurance Coverage** – Hazard Insurance cover must include the HAP loan and list the City as the second lien holder/mortgagee on the Declaration of Insurance. The City must review to the Declaration of Insurance before the release of funds to the closing agent.

   The City's Loss Payee is:

   The City of Moreno Valley, The Community Redevelopment Agency, and The Community Service District
   Its Successors and/or Assigns

   Address:
   City of Moreno Valley
   Attention: Neighborhood Preservation Division
   P.O. Box 88005
   City of Moreno Valley, CA 92552-0805

4. **Title Insurance:** A separate Limited Title Insurance policy is required for the HAP loan and the fee collect from the borrower at closing. The City must receive a final Title Policy referencing the following:

   The City of Moreno Valley and The Community Redevelopment Agency, Its Successors and/or Assigns

5. **Estimated HUD-1:** Closing Agent to provide the City with a certified copy of Estimated HUD-1 prior to funding for review.

5.5 PRE-CLOSING PROCESSES
(MINIMUM OF 10 BUSINESS DAYS BEFORE CLOSE OF ESCROW)

The City prepares the loan documents listed below and a Pre-funding Closing Instructions letter to the closing agent listing the HAP standard conditions as referenced above, and any other "Prior to Funding Conditions," if applicable. The City will contact the lender to schedule pickup.

The Closing Documents Include:

- ☑ HAP Deed of Trust and Assignments of Rent
- ☑ HAP Promissory Note (HOME or RDA)
- ☑ Final Equity Share Disclosure
- ☑ HOME Funds Disclosure, if HOME Funds are applicable
- ☑ Truth-In-Lending Disclosure Statement
- ☑ 4506 or 8821-Tax Information Authorization

NOTE: THE CITY ATTORNEY AND CITY MANAGER MUST SIGN THE DEED OF TRUST. THEY WILL ONLY SIGN IT AFTER THE BORROWER(S) HAS EXECUTED THE DOCUMENT.

5.6 FUNDING PROCESSES
(MINIMUM OF 5-7 BUSINESS DAYS BEFORE FUNDING)

After the borrower executes the HAP loan documents and obtains Hazard Insurance, the Closing Agent must return the following items to the City a minimum of 5-7 Business days before funding to facilitate review and execution of the Deed of Trust by the City Attorney and City Manager.

- ☑ HAP Deed of Trust and Assignments of Rent (ORIGINAL)
- ☑ HAP Promissory Note (HOME or RDA) (ORIGINAL)
- ☑ HOME Funds Disclosure, if applicable (ORIGINAL)
- ☑ Final Equity Share Disclosure (ORIGINAL)
- ☑ Truth-In-Lending Disclosure Statement (ORIGINAL)
- ☑ 4506 or 8821-Tax Information Authorization (ORIGINAL)
- ☑ First Mortgage Deed of Trust (COPY)
- ☑ First Mortgage Note (COPY)
- ☑ Declaration of Insurance referencing the City (COPY)
- ☑ Certified copy of Estimated Final HUD-1 (COPY)

After the City reviews the Closing Package documents, and the Deed of Trust signed by the City Attorney and City Manager, staff schedules pick up of the HAP Deed of Trust with the closing agent for recordation, and issues wire transfer authorization of the HAP funds.

5.7 AFTER FUNDING PROCESSES

The closing agent provides the City with a certified copy of the Final HUD-1 Settlement Statement, and a check for any cash proceeds/overages for HAP loan principal balance reduction, if applicable, two weeks after closing.

SECTION 6: MISCELLANEOUS INFORMATION AND ADMINISTRATION PROCESSES

6.1 CANCELLATION AND COMMITMENT EXPIRATIONS

In a situation where the borrower or seller makes the decision to cancel the purchase transaction, written notice must be given to the City before the expiration of the Reservation Commitment or the Approval Commitment. The notice must include the reason(s) for the cancellation and be signed by both the Lender and the Borrower.

Before the Commitment has expired, the Lender must either: (1) submit the closing package; (2) submit a written request for a 30-day extension; or, (3) submit a notice of cancellation as described above.

6.2 REVOCATIONS

Automatic revocation occurs when the residence for which a HAP loan was issued ceases to be the borrower's principal residence; the HAP loan will become due and payable.

Automatic revocation occurs when the original loan/first mortgage is refinanced, unless the City of Moreno Valley has approved a Streamline Refinance loan for which no cash is taken out by the borrower during the transaction.

Revocation will occur upon discovery by the City or a participating Lender of any material misstatement, whether negligent or fraudulent. If the HAP loan is revoked, it is immediately due and payable.

6.3 TRANSFERRING HAP APPLICATIONS TO ANOTHER LENDER

If a Borrower has a pending HAP Reservation Commitment or Approval Commitment, and decides to change from one participating lender to another, the City will honor the original expiration date as long as all other conditions are unchanged and the new lender verifies the commitment documents and provides updated HAP forms accordingly. The transfer will be acceptable to the City only after written notification from the borrower is received.

6.4 CHANGING PROPERTIES DURING THE HAP APPLICATION PROCESS

Should the borrower elect to change properties, which could be the result of the seller's cancellation or the property's failure to meet the City of Moreno Valley Housing quality Standards, the reservation, and/or commitment is no longer valid. If the borrower finds a replacement property, a new application for reservation and commitment is required and is subject to the availability of funds.

6.5 POST AUDIT

The City or its assignee retains the express authority to perform annual random case post audits of participating lender records.

SECTION 7: LENDER ELIGIBILITY

7.1 LENDER ELIGIBILITY

The HAP is available to **direct lenders only.** Brokers are not eligible for designation as an approved participating lender (hereinafter called "lender"); however, they may enter into arrangements with an approved participating lender to process HAP applications. The participating lenders will remain responsible for all submittals and correspondence.

All lenders who wish to participate in the HAP must be enrolled in the program, maintain an active status, and meet the following requirements:

1. Lender must have a Corporate License to make first mortgage loans in the State of California;
2. Sign a Lender Participation Agreement and provide copy of Corporate Resolution for signature authority;
3. Each approved branch must obtain a City of Moreno Valley Business License;
4. Require all personnel involved with the HAP to attend a HAP training session;
5. Provide the HAP Manual and the Handbook to all HAP processors;
6. Complete the Lender's Certification for each HAP loan submission perform in accordance with Lender Participation Agreement and the HAP Program Procedures Manual
7. Certify that borrower meets all HAP loan criteria;
8. Cooperate with the City in providing the best possible service to the City's homebuyers;
9. Designate contact person(s) for the program; and
10. Ensure the borrower(s) attend homebuyer education and counseling as soon as the completed application submission package is received by the City.

7.2 LENDER REMOVAL

The Community & Economic Development Department (CEDD) may suspend or remove participating lenders from the Homebuyer Assistance Program in accordance with the terms of the Lender Participation Agreement. Lender may be suspended or removed from the HAP Program based on, but not limited to, the following violations:

1. Failure to follow the HAP Guidelines, as described in this manual and periodic Lender Bulletins.
2. Failure to submit all outstanding documentation within fifteen days of scheduled loan closing.
3. Withholding information that would result in borrower or property disqualification from the program.
4. Negligent or fraudulent misstatements or actions in regard to the Program.
5. Failure to conduct reasonable verification of borrower qualifications for the Program.
6. Failure to maintain complete borrower record for a minimum of seven (7) years after loan closing.

SECTION 8: LOAN MANAGEMENT AFTER CLOSING

8.1 MANAGING AGENCY

The City of Moreno Valley Redevelopment Agency is the appointed trustee for all loans made through the Homebuyer Assistance Program. Forward correspondence to:

City of Moreno Valley
Community & Economic Development Department
Neighborhood Preservation Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Telephone: 951.413.3450
Fax: 951.413.3459

8.2 RECONVEYANCE OF HAP LOAN

When the assisted property is sold or other circumstances occur requiring loan pay-off, the City of Moreno Valley will calculate the pay-off amount and issue a pay-off demand. Upon receipt of the pay-off funds, the City will complete and submit a Deed of Reconveyance to the Riverside County Recorder's office for recordation.

SECTION 9: LOAN DEFINITIONS

Affidavit: An affidavit filed in connection with the program made under oath and subject to penalties of perjury.

Affordable Housing Cost: Section 6920 of Title 25 of the California Code of Regulations defines the affordable housing cost to include the following:

- Principal and interest (first mortgage)
- Property Taxes and Assessments
- Homeowners' Association (HOA) Dues
- Hazard Insurance (if not included in HOA)
- Mortgage Insurance Premium
- Utility Allowance*: including garbage collection, sewer, water, electricity, gas, and other heating, cooking, and refrigeration fuels
- Maintenance and Repair Allowance

Approved Lender: A lender that has been approved by the City to participate in the HAP Program. To participate in the HAP Program, a Lender must: (1) attend the HAP Training session; (2) Sign the Lender Participation Agreement and designate a contact person; and (3) Obtain a City of Moreno Valley Business License.

Assets: A cash or non-cash item that can be converted to cash. Assets exclude personal property. Cash assets at closing cannot exceed six (6) months monthly housing payment (PITI).

Borrower(s): Any person(s) who applies for a HAP loan.

Borrower's Contribution: A cash contribution made by the borrower(s) equal to or greater than three-percent of the purchase price of which one-percent of the contribution must be from borrower(s') own funds.

Commitment: Issued by the City of Moreno Valley based on Loan Committee's approval and are valid for 60 days.

Displaced Homemaker: An individual who, (1) is an adult; (2) has not worked full-time, or worked a full-year in the labor force, but has during such years, worked primarily without remuneration to care for the home and family; and (3) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. For the purpose of the HAP, a displaced homemaker may be eligible to apply for a loan providing that the ownership was previously held with a spouse, as joint tenants.

Eligible Borrower: Any person meeting the criteria of an eligible borrower set forth in this manual that is in the process of securing financing for the purchase of a Principal Residence. Also referred to as "borrower(s)."

Eligible Dwelling:	Residential real property located in the City that is an existing home which has been previously occupied, designed as a residential unit for one household and which meets the City of Moreno Housing Quality Standards and the criteria set forth in this manual
Existing Home:	Resale home.
HAP:	Homebuyer Assistance Program of the City of Moreno Valley.
HAP Funds Usage:	The HAP funds usage may be used for down payment assistance and/or reasonable closing costs, based upon need and subject to City approval.
Income (Eligibility):	The total gross household income for all borrowers and adults residing in the household that anticipates receiving income during the 12-month period. All income derived from any source as stated in income definitions (See Section 3.4).
Income – Extremely Low (RDA §50106):	30 percent of area median income adjusted for family size.
Income – Very Low (RDA §50105):	50 percent of area median income adjusted for family size.
Income – Lower (RDA §50105):	80 percent of area median income adjusted for family size.
Income - Moderate (RDA §50093):	Households with income at or below 120% of the median income for the area. Maximum income allowed under the HAP of the City of Moreno Valley.
Income – Low (HOME):	Households with income below 80% of the median income for the area.
Interest Recurring:	Lenders usually require borrowers to pay at settlement the interest that accrues on the mortgage from the date of settlement to the beginning of the period covered by the first monthly payment.
Lender:	A direct lender (financial institution) that is licensed by the State, and has met all of the requirements set forth in this manual. (See Section 7.1).
Loan:	An extension of credit provided to an Eligible Borrower to finance the purchase of an Eligible Dwelling which meets the City requirements set forth in this manual.
Non-recurring Closing Costs:	One-time fees and expenses paid at the time of closing. **The HAP funds may be used toward the payment of reasonable closing costs and is subject to City approval.**

Ownership: Any of the following interests in residential real property:

- Fee simple interest
- Joint tenancy
- Tenancy in common
- Interest of a tenant-shareholder in a cooperative
- Life estate
- Interest held in trust for the Borrower that would constitute a present ownership interest if held by the Borrower

Participating Lender: See Lender Eligibility Section 7.

Principal Residence: A single-family house; or any manufactured home (including a mobile home) as defined under Federal law which is of a type customarily used at a location and which sits on a permanent foundation. The borrower must expect to occupy the property as their Principal Residence.

Property Standard: The minimum standards to meet all applicable City of Moreno Valley Housing Quality Standards.

Property Value: The value of the eligible property as determined by a certified appraisal. The property value, not the purchase price, shall not exceed 95% of the area median purchase price for the house, as annually determined by the United States Department of Housing and Urban Development (HUD).

Purchase Price: The cost of acquiring the residence excluding usual and reasonable settlement or finance cost. The purchase price cannot exceed 95% of the Riverside County Single Family Mortgage Limits under 203(b) of the National Housing Act (12 U.S.C. 1709(b)) as determined annually by the United States Department of Housing and Urban Development (HUD).

Related Person: A related person, as that term is defined under the Internal Revenue Code and applicable regulations.

Recurring Closing Costs: Also known as "pre-paids." Means annual renewal fees such as property taxes, insurance and MIP. **The HAP funds may be used toward the payment of reasonable closing costs and is subject to City approval.**

Single Parent: An individual who is (1) unmarried or legally separated from a spouse; and (2) has one or more minor children for whom the individual has custody or joint custody of, or is pregnant. For the purpose of the HAP, a single parent may be eligible to apply for a loan providing that the ownership was previously held as joint tenancy.

SECTION 10: HAP EXHIBITS LIST

	Form Name	Number of Pages	Revision Date
1.	HAP010-Reservation Request Form	1 Page	07/01/08
2.	HAP011A-Reservation Confirmation (Sample)	1 Page	07/01/08
3.	HAP012-Loan Submission Checklist (Approval Phase)	1 Page	07/01/08
4.	HAP013-Contact Information Sheet	2 Pages	07/01/08
5.	HAP014-Lender's Affidavit	2 Pages	07/01/08
6.	HAP015-Borrower's Affidavit	3 Pages	07/01/08
7.	HAP016-Upfront Equity Share Disclosure	1 Page	07/01/08
8.	HAP017-Income Worksheet & Instructions	2 Pages	07/01/08
9.	HAP018-Non-Filing of Tax Returns Affidavit	1 Page	12/27/07
10.	HAP019-Declaration of Income	1 Page	12/27/07
11.	HAP020-Seller's Affidavit	1 Page	07/01/08
12.	HAP021-Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards	1 Page	06/05/02
13.	HAP022-Protect Your Family From Lead in Your Home (HUD Booklet)	16 Pages	9/01
14.	HAP024-Housing Quality Standards	5 Pages	6/04/02
15.	HAP025-Affordable Housing Cost Limit Worksheet	2 Pages	07/01/09

W:\NeighborPres\Housing\Programs\HAP\Forms\HAP1- HAP GUIDE (Revision 10.2).doc

MINUTES - REGULAR MEETING OF APRIL 26, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00105747

MINUTES - REGULAR MEETING OF APRIL 12, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.4

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MV00105749

City of Moreno Valley
Community & Economic Development

MEMORANDUM

To: Mayor and City Council
Henry Garcia, City Manager
Jane Halstead, City Clerk

From: Barry Foster, Community and Economic Development Director

Date: May 10, 2011

Subject: Public Hearing to Adopt the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Annual Action Plan for Fiscal Year 2011/12

The above referenced item is scheduled as a Public Hearing item.

The Department of Housing and Urban Development (HUD) issues funding allocations for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program. However, *as of today*, HUD had not yet released the City's FY 2011/12 grant allocation. Instead of final allocations HUD released *updated estimates* and asked cities use the new figures in their Action Plans. HUD has indicated that the figures are the best figures available at this time. A timeline for release of the final allocations hasn't been established. However, Action Plans must be submitted to HUD by May 13.

Since the release of the Agenda packet, HUD has informed the City that the *estimate* for the City's allocation has changed slightly and will be reduced by 16.63% rather than the original estimate of 16.5% and HOME will be reduced only by 11.7% rather than the original estimate of 16.5%. Below are the revised CDBG and HOME handouts. Additionally, Attachment E has been updated to reflect the revised funding allocations.

ESTIMATED CDBG PROGRAM BUDGET

Funding Category	*Funding Allocation*
2011/12 CDBG Estimated Allocation	$1,618,666
Project Savings (previous year(s)	$333,690
TOTAL AVAILABLE CDBG FUNDS	$1,952,356
Program Administration (20% maximum of annual grant)	$323,733
Public Social Services (15% maximum of annual grant)	$242,799
Public Facilities & Improvements	$650,000
Rehabilitation	$10,000
Code Enforcement	$285,208
Economic Development	$440,616
TOTAL PLANNED CDBG BUDGET	$1,952,356

ESTIMATED HOME PROGRAM BUDGET

Funding Category	*Funding Allocation*
2011/12 HOME Estimated Allocation	$588,314
Funds available under the Multi-Family Housing project account	$1,000,000
TOTAL AVAILABLE HOME FUNDS	**$1,588,314**
Program Administration (maximum 10% of allocation)	$58,831
FY 11/12 CHDO (required 15% of allocation)	$88,247
Mobile Home Grant Program (MHGP)	$100,000
Home Improvement Loan Program (HILP)	$250,000
Hemlock Family Apartments	$1,000,000
TOTAL PLANNED HOME BUDGET	**$1,497,078**

ATTACHMENT E - CDBG PROPOSED PROGRAMS

CDBG - FY 2011/12 - Total Anticipated Funding $1,618,666 plus project savings of $333,690* = $1,952,356

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation	City Council Recommendation
A.	ADMINISTRATION (20% CAP - $323,733)				
0	Administrative Staffing	$338,869		$293,733	
1	Fair Housing Council of Riverside County - Fair Housing Program	$49,453		$30,000	
	Subtotal	$388,322		$323,733	
B.	PUBLIC SERVICES (15% CAP - $242,799)				
2	Community Foreclosure Prevention Workshops	$44,000	$30,000	$28,500	
3	Community Assistance Program (CAP) Food Program	$30,600	$34,220	$29,070	
4	Friends of the Moreno Valley Senior Center (MoVan) Transportation	$30,000	$30,000	$28,500	
5	Problem Orienting Community Policing (POP) Team	$28,241	na	$0	
6	Fair Housing Council of Riv County - Foreclosure Prevention Program	$25,000	$25,000	$21,079	
7	Fair Housing Council of Riv County - Landlord Tenant Mediation Program	na	$15,000	$14,250	
8	Lutheran Social Services (MARB) Homeless Shelter	$15,000	$21,104	$14,250	
9	Path of Life Transitional Family Shelter (MARB)	$15,000	$30,000	$14,250	
10	PW Enhancement Center - Emergency Services Outreach	$15,000	$32,000	$14,250	
11	Neighborhood Clean-ups	$15,000	$15,000	$14,250	
12	Assistance League/Operation School Bell - Clothes/School Supplies	$10,000	$15,000	$9,500	
13	CASA for Riverside County Foster Youth Program	$10,000	$32,535	$9,500	
14	God's Helping Hand Ministries - Food Bank	$9,000	$10,000	$8,550	
15	Operation Safehouse Shelter for Youth	$8,000	$8,000	$7,600	
16	Alternatives to Domestic Violence Emergency Shelter & Services	$7,500	$15,000	$7,125	
17	Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500	$7,500	$7,125	
18	Moreno Valley Community Educators - Tutoring Program	$6,400	na	$0	
19	ARC of Riverside - Disabled Adult Day Care Facility	$5,000	$20,000	$5,000	
20	Salvation Army -Food Program	$5,000	$10,900	$5,000	
21	Catholic Charities - Case Worker	na	$35,000	$0	
22	MVUSD High School Intervention Program	na	$10,500	$0	
23	Smooth Transition Literacy/Job Readiness/Life Skills Trng.	na	$48,872	$0	
24	CVHC - Afterschool/Computer Program	na	$10,000	$0	
25	ReNu Hope Foundation - Pre School Bldg. Improvements	na	$19,413	$0	
26	Volunteer Ctr. '211' Telephone Referral Service	$5,000	$20,000	$5,000	
27	Volunteer Ctr. Rent Gaurantee Program	na	$63,000	$0	
28	Alpha & Assoc. - Reclaiming Youth Intervention Program	na	$50,000	$0	
29	MCL Music Changing Lives - Youth Intervention/Music Program	na	$150,000	$0	
30	Family Service Assoc. Nutrition Program at Supportive Hsg Complex	na	$50,000	$0	
31	Leading Our World - Help the Streets Outreach Program	na	$1,105,000	$0	
	Subtotal	$291,241	$1,913,044	$242,799	
C.	PUBLIC FACILITIES & IMPROVEMENTS				
32	Street Improvement Project	na	$650,000	$650,000	
	Subtotal	$0	$650,000	$650,000	
D.	REHABILITATION				
33	Habitat for Humanity	$10,000	$10,000	$10,000	
	Subtotal	$10,000	$10,000	$10,000	
E.	CODE ENFORCEMENT				
34	Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390	$192,604	$192,604	
35	Code Enforcement - Foreclosure 'Strike Team'	$103,017	$92,604	$92,604	
	Subtotal	$366,407	$285,208	$285,208	
F	ECONOMIC DEVELOPMENT				
37	MV New Business Incentive Program	$540,000	$525,000	$195,616	
38	Employment Resource Center	$145,641	$145,000	$145,000	
40	Youth Opportunity Center	$50,000	$25,000	$25,000	
41	Family Service Assoc. Meal Program Facilities	$50,000	$50,000	$25,000	
42	Small Business Development Center	$50,000	$50,000	$50,000	
	Subtotal	$835,641	$795,000	$440,616	
	GRAND TOTAL	$1,891,611	$3,643,252	$1,952,356	

※ New applicants ※ Organization serving homeless population ※ Recommended funding changes over previous year

* Anticipated funding based on 16.63% reducation of last years actual allocation + past years project savings of $333,690. BY LAW Project savings CANNOT be applied to Public Services. Public Services are capped at 15% of annual grant.

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MV00105753

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community and Economic Development Department Director

AGENDA DATE: May 10, 2011

TITLE: PUBLIC HEARING TO ADOPT THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM ANNUAL ACTION PLAN FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program to provide the public with an opportunity to comment on the proposed 2011/12 Annual Action Plan and,
2. Approve the proposed 2011/12 Annual Action Plan.

BACKGROUND

Every year the Department of Housing and Urban Development (HUD) allocates federal grant monies to the City of Moreno Valley for use in programs that provide decent housing and/or expand employment opportunities for low-to-moderate income persons (see Attachment A for the 2010 Income Limit table). These grants are known as Community Development Block Grant (CDBG) and the HOME Investment Partnership Program (HOME).

Grants are provided on an annual basis to Entitlement Cities (eligible, selected cities with a population exceeding 50,000), with allocation amounts varying each year based on a formula that considers the extent of poverty, population, housing overcrowding, the age of housing and the population growth lag in relationship to other metropolitan areas. Moreno Valley has been classified by HUD as an Entitlement City since 1988.

In accordance with HUD requirements, CDBG Target Areas must be established so that Entitlement Cities may concentrate their programs in areas determined to contain at least 51% of residents earning low-to-moderate incomes. For a map of the CDBG Target Areas see Attachment B.

HUD requires Entitlement Cities (such as Moreno Valley) to prepare a Consolidated Plan that directs CDBG activities for a five year period. FY 2011/12 marks the fourth year of the City's FY 2008-2013 Consolidated Plan. Entitlement Cities also adopt Annual Action Plan updates of the Consolidated Plan each year. The Annual Action Plan more specifically identifies the activities for which the City will allocate both CDBG and HOME funds for the upcoming program year. This staff report requests that the City Council conduct a Public Hearing to review and adopt the Annual Action Plan for FY 2011/12, which must be received by HUD no later than May 13, 2011.

Eligible CDBG grant activities can range from social services to capital improvements to economic development programs. HOME funds must be used toward the development of affordable housing projects. Attachment C details eligible and ineligible activities for both programs.

In past years, the City of Moreno Valley has used CDBG to fund a variety of eligible programs including capital improvement projects, code enforcement activities, social service programs, and economic development programs. CDBG regulations allow Entitlement Cities to dedicate up to a maximum 15% of their annual CDBG allocation to the provision of social services. Social services can include but are not limited to the following:

- Homeless and Emergency services,
- Programs for elderly, disabled, or youth,
- Public safety/crime prevention services, or
- Specialized counseling and treatment.

Social services can be provided directly by the Entitlement City or CDBG social service funds can be granted to certified non-profit organizations (known as sub-recipients) to provide the desired services or programs.

DISCUSSION

At the City Council meeting of March 22, 2011, staff proposed awards for subrecipients based on an estimated budget which called for a 7.5% reduction from last year. At this present time HUD still **has not** released the actual grant allocations. However, HUD has contacted local communities, including Moreno Valley, to advise of even steeper federal funding cuts affecting CDBG allocations. The City was told to expect an approximate 16.5% funding decrease from the previous year instead of the 7.5% decrease that was previously indicated and used to form the budget recommendations reviewed by Council on March 22nd. Based on this new information, the CDBG allocation for FY 2011/12 is estimated at $1,621,245 (this represents a 16.5% decrease from last year).

Attachment D is the proposed Annual Action Plan for Fiscal Year 2011/12. The Annual Action Plan details the specific projects and (estimated) allocated funding for the upcoming

program year. In conformance with HUD requirements, the Annual Action Plan was made available for a 30-day public review from March 29, 2011 through April 29, 2011. To date, there have been public comments received at meetings. These are incorporated in the Action Plan as an attachment. The following tables detail the revised funding allocations. These allocations are included in the Annual Action Plan.

2011/12 CDBG PROGRAMS AND BUDGET

The goal of the CDBG Program is to respond to the needs of low and moderate income persons and neighborhoods. The CDBG program administration is subject to a cap of 20% of the total CDBG allocation. In addition, CDBG social service activities are capped at 15% of the total allocation. The anticipated budget and funding allocations are shown in the following tables.

CDBG PROGRAM BUDGET

Funding Category	*Funding Allocation*
2011/12 CDBG Allocation	$1,621,245
Project Savings (previous year(s)	$412,830
TOTAL AVAILABLE CDBG FUNDS	$2,034,075
Program Administration (20% maximum of annual grant)	$324,249
Public Social Services (15% maximum of annual grant)	$243,186
Public Facilities & Improvements*	$650,000
Rehabilitation	$10,000
Code Enforcement	$366,407
Economic Development	$440,987
TOTAL PLANNED CDBG BUDGET	$2,034,071

* Project shall utilize $350,000 from 2011/12 CDBG allocation plus $300,000 in past year savings.

1) CDBG PROGRAM ADMINISTRATION

HUD limits program administration costs to twenty percent (20%) of the annual CDBG allocation. The FY 2011/12 cap for program administration is estimated to be $324,249. Funding under this category provides for program management by Economic Development Department staff and Fair Housing Services (required by HUD). The Fair Housing Services are free to the public and include: community education on fair housing rights and responsibilities and investigation of public complaints and discriminatory practices.

2) SOCIAL SERVICES

Social services are subject to a fifteen percent (15%) maximum limit of the annual CDBG allocation. Since the March 22nd public hearing, HUD has advised of even steeper federal funding cuts affecting CDBG allocations to local communities, and the City was asked to anticipate a 16.5% funding decrease from the previous year instead of the 7.5% as originally indicated. The City is now required to adjust the social service budget as proposed on March 22nd by $26,212 to accommodate the reduction. Due to less funding, Staff is proposing that:

- there be no new social service programs funded in FY 2011\12[1],
- all existing public service programs that were approved to continue as FY 2011\12 'subrecipients' have the proposed budget allocations trimmed by 5% (i.e., with the exception of programs funded at $5,000 which per adopted local policy, represents the minimum grant amount the City can extend).

This will allow the City to meet the mandatory cap of 15% toward public social services without having to eliminate any valuable service programs.

FY 2011/12 recommendations encompass a wide range of programs and services including: 1) public safety services; 2) emergency and transitional shelter for homeless families; 3) youth services; 4) emergency food distribution; and 5) youth career development programs. The projects listed in Attachment E reflect the community priorities adopted by the City Council on December 14, 2010 and programs the City Council approved for funding at the March 22, 2011 Public Hearing.

3) PUBLIC FACILITIES & IMPROVEMENTS

The City is proposing to provide funding toward the construction of a much needed sidewalk and street widening project in Central Sunnymead. The project will improve Dracaea Street from Perris Boulevard to Patricia Street. The intent is to improve pedestrian access ways to area schools such as Butterfield Elementary and March Mountain High School, as well as provide safer access to bus stops, and local businesses along Perris Boulevard.

4) REHABILITATION

CDBG regulations allow for specific housing rehabilitation activities. The dollars received under the CDBG allocation have enabled staff to recommend continued funding of the Habitat for Humanity 'Helping Hands' Mobile Home Rehabilitation Program. This program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Staff feels this program will assist to

[1] Only one new agency had been recommended for FY 2011/12 at the March 22, 2011 Public Hearing.

supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or cosmetic) and instead focus grant dollars on the more expensive code related improvements.

5) CODE ENFORCEMENT

City code enforcement is an important service partially funded by CDBG. The Code Compliance officers provide proactive code compliance within the CDBG-designated Target Areas. Staff is recommending maintaining general Code Enforcement and the 'Foreclosure Strike Team' at its current funding level to allow continued foreclosure enforcement efforts on bank-owned properties.

6) ECONOMIC DEVELOPMENT

a. Small Business Counseling Services

Funding is recommended for Small Business Counseling Services. The Inland Empire Small Business Development Center (SBDC) provides one-on-one counseling services, workshops\seminars, and more free of charge to Moreno Valley businesses.

b. Employment Resource Annex

Continued funding is recommended for the Employment Resource Center. The Employment Resource Center is an office located in the Towngate Center where unemployed or under-employed Moreno Valley residents are able to utilize computers and other standard office equipment to access the internet to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment free of charge. The Center also partners with major employers either in or locating to the City to conduct employment recruitments. Due to demand, an expansion completed this past fiscal year. An additional 20 computers, classroom space, and career coaching services, were added to enhance the existing facility and allow it to serve more residents.

c. Moreno Valley New Business Incentive Program

Continued funding is recommended for the New Business Incentive Program intended to incentivize the attraction of businesses to Moreno Valley. HUD allows Entitlement Cities to use CDBG funds to assist private, for-profit businesses through loans, grants or interest subsidies, so long as the activity provides a public benefit, which in this case would be the creation of full-time permanent jobs (of which 51% are held by or made available to low and moderate income level persons) and the boosting of sales tax revenues. Several major retailers have utilized this program.

2011/12 HOME PROGRAMS AND ESTIMATED BUDGET

The City anticipates receiving a HOME program allocation of $556,600 in FY 2011/12. This is a 16.5% decrease from the previous year (actual TBD). In addition, there are monies accumulated from past years "Multi-Family Housing Fund" that will be used toward a new affordable housing project called the 'Hemlock Family Apartments'. This project would provide for 77 new, affordable units to residents at 50%-60% of the area median income.

The HOME Program generally funds city-sponsored programs and projects. Program administration has a cap of 10% of the total HOME allocation. In addition, a minimum of 15% of the funds must be used by a Community Housing Development Organization (CHDO) to increase the supply of affordable housing for low-income families.

The anticipated HOME budget and funding allocation is shown in the following table.

HOME PROGRAM BUDGET

Funding Category	*Funding Allocation*
2011/12 HOME Allocation	$556,600
Funds available under the Multi-Family Housing project account	$1,000,000
TOTAL AVAILABLE HOME FUNDS	**$1,556,600**
Program Administration (maximum 10% of allocation)	$55,660
FY 11/12 CHDO (required 15% of allocation)	$83,490
Mobile Home Grant Program (MHGP)	$100,000
Home Improvement Loan Program (HILP)	$250,000
Hemlock Family Apartments	$1,000,000
TOTAL ALLOCATION OF HOME FUNDS	**$1,489,150**

2011/12 RECOMMENDED HOME PROJECTS AND PROGRAMS

1) HOME PROGRAM ADMINISTRATION

Program Administration costs are subject to a ten (10%) cap. Grant funding under this category provides for project management by Economic Development staff.

2) COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) SET-A-SIDE

HUD mandates that a minimum of fifteen (15%) of HOME funds be allocated toward affordable housing projects to be undertaken by qualified CHDOs. Over FY 11/12

$83,490 must be allocated to CHDO-directed projects for potential affordable housing development. Staff will bring recommendations for CHDO allocation to the City Council later in the year.

ALTERNATIVES

Alternative 1 – Staff recommends that the City Council conduct a public hearing to provide the public with an opportunity to comment on the proposed Annual Action Plan and adopt the Annual Action Plan for Fiscal Year 2011/12. **Staff recommends this alternative.**

Alternative 2 – Do not approve the Annual Action Plan for Fiscal Year 2011/12. **Staff does not recommend this alternative because it would result in a failure to meet the HUD deadline for submission of this document.**

FISCAL IMPACT

Available CDBG funds for FY 2011/12 is expected to be about $2,034,075. These funds will provide funding for a variety of improvements and services. The available HOME funds will be approximately $1,556,600. These funds will provide funding for affordable housing projects. Together, the CDBG and HOME programs will afford a variety of affordable housing and neighborhood preservation efforts in Moreno Valley. The following represent the budgets for the two funds – CDBG and HOME.

Fund	Business Unit No/Name	Amounts
	CDBG Account	$2,034,075
285	73952 CDBG Administration	
289	73852 CDBG Programs	
285	74052 Code and Neighborhood Enforcement	
176	77110 - HOME	$1,556,600

The proposed program funding selections have NO impact on the City's General Fund. CDBG funding must be used for eligible activities in Target Areas that contain at least 51% of residents earning low to moderate incomes. Eligible programs or projects must meet one of three HUD national objectives, in accordance with City Council adopted community priorities.

CITY COUNCIL GOALS

1. REVENUE DIVERSIFICATION & PRESERVATION

CDBG and HOME funds will enhance the City's ability to create a stable revenue base and fiscal policies that will support essential City improvements and services.

2. PUBLIC SAFETY

Many of the proposed CDBG and HOME projects and programs will directly or indirectly help to provide a secure environment for people and property in the community.

3. POSITIVE ENVIRONMENT

A positive environment for the development of Moreno Valley's future will be created through a variety of community-based CDBG and HOME programs and projects.

4. COMMUNITY IMAGE, NEIGHBORHOOD PRIDE & CLEANLINESS

CDBG and HOME programs such as: Code Enforcement, Neighborhood Policing, Public Infrastructure Improvements and Housing Rehabilitation will help to preserve, rehabilitate and improve existing neighborhoods.

SUMMARY

HUD requires that grantee Entitlement Cities such as Moreno Valley, prepare an Annual Action Plan for the Community Development Block Program. The Annual Action Plan details the activities and projects the City will undertake in Fiscal Year 2011/12 using CDBG and HOME grant funds. The Annual Action Plan must be submitted to HUD no later than May 13, 2011.

The City Council established CDBG funding priorities at the December 14, 2010 meeting. At the March 22, 2011 Public Hearing, Council reviewed funding recommendations made by staff and the 2011 CDBG Technical Review Committee for the 2011/12 CDBG and HOME Programs. Staff now recommends that the City Council conduct a public hearing and approve the proposed 2011/12 Annual Action Plan for submittal to HUD.

NOTIFICATION

Notice of this meeting was published in the Press-Enterprise newspaper on April 26, 2011.

ATTACHMENTS/EXHIBITS

ATTACHMENT A	2010 Income Limits
ATTACHMENT B	CDBG Target Area Map
ATTACHMENT C	Eligible/Ineligible Activities
ATTACHMENT D	Annual Action Plan for Fiscal Year 2011/12
ATTACHMENT E	CDBG Funding Allocations FY 2011/12

Prepared By:
Isa Rojas
Management Analyst

Department Head Approval:
Barry Foster
Economic Development Director

Concurred By:
Michele Patterson
Redevelopment and Neighborhood Programs Administrator

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ATTACHMENT A

2010 INCOME LIMITS

Effective April 2, 2010 – Revised Annually

Neighborhood Preservation Division

Annual Income Level	% of Area Median	Number of Persons In Household							
		1	2	3	4	5	6	7	8
Extremely Low Income	30%	$13,650	$15,600	$17,550	$19,500	$21,100	$22,650	$24,200	$25,750
Very Low Income	50%	$22,750	$26,000	$29,250	$32,500	$35,100	$37,700	$40,300	$42,900
60% Limits (HOME)	60%	$27,300	$31,200	$35,100	$39,000	$42,120	$45,240	$48,360	$51,480
Low Income	80%	$36,400	$41,600	$46,800	$52,000	$56,200	$60,350	$64,500	$68,650
Median Income	100%	$45,500	$52,000	$58,500	**$65,000**	$70,200	$75,400	$80,600	$85,800
Moderate Income	120%	$54,600	$62,400	$70,200	$78,000	$84,250	$90,500	$96,700	$102,950

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MV00105763

City of Moreno Valley CDBG Target Areas

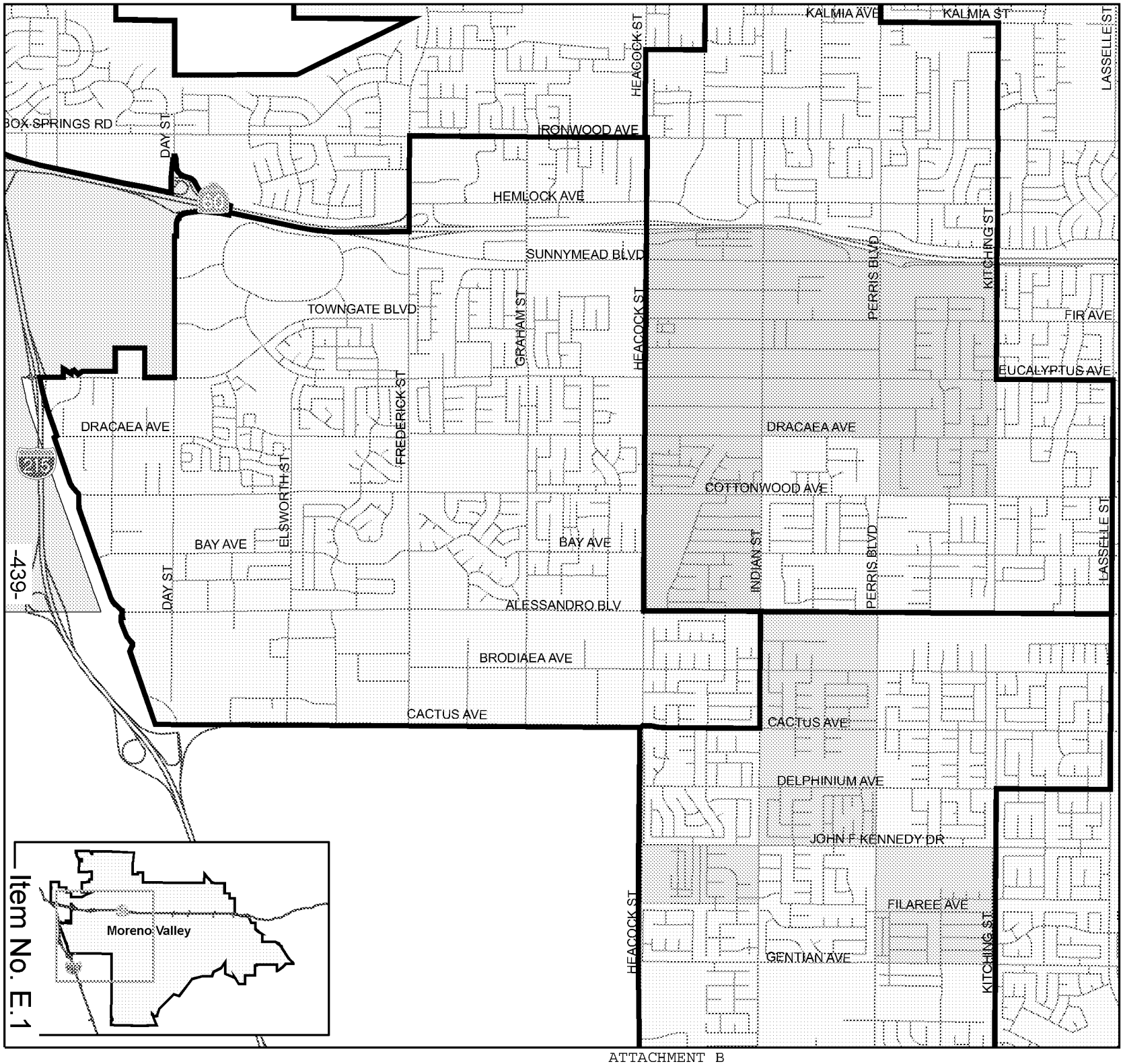

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System

Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

MV00105764

ATTACHMENT B

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MV00105765

ATTACHMENT C

Eligible CDBG Activities

- Acquisition, design, construction, rehabilitation, or installation of certain publicly owned facilities such as:

  - Parks, playgrounds and recreational facilities.
  - Senior centers, except 24-hour care facilities.
  - Neighborhood facilities.
  - Fire protection facilities and equipment.
  - Parking facilities.
  - Street improvements.
  - Flood, drainage, or sewer facilities.
  - Other improvements vital to a community's development.

- Acquisition of property that is: of historic value; appropriate for beautification or conservation of open spaces; appropriate for low or moderate income housing.
- Clearance and demolition of buildings and land which may be a health hazard to the community. Interim assistance or temporary help to alleviate harmful or dangerous conditions.
- Removal of architectural barriers which restrict the mobility of handicapped persons.
- Rehabilitation and preservation of buildings and improvements, both publicly and privately owned.
- Code enforcement in designated target areas.
- Historic preservation activities.
- Eligible economic development activities.
- Eligible planning and environmental design costs.
- Public services including, but not limited to: fair housing activities, public safety services, homeless services, senior citizen services, educational programs, youth services, drug abuse counseling & treatment and recreation programs.

Ineligible CDBG Activities

- Buildings for the general conduct of government, such as city halls, courthouses, and police stations.
- Stadiums, sports arenas, auditoriums, museums and central libraries
  (Note: branch libraries may be built in CDBG Target Areas).
- Purchase of equipment such as construction equipment, fire protection equipment, furnishings, and personal property.
- Schools
- Airports, subways, bus or other stations.
- Hospitals, nursing homes, and other medical facilities.
- Treatment works for liquid industrial wastes or sewage.
- Expenses of general government for operation and maintenance of public facilities.
- Political activities.

- Direct income payments to residents.

Eligible HOME Activities

- Incentives provided by Participating Jurisdictions (the City of Moreno Valley is a Participating Jurisdiction) to develop and support affordable rental housing and homeownership affordability through acquisition, new construction, reconstruction, or rehabilitation of non-luxury housing (including manufactured housing).
- Operating expenses and capacity building costs for eligible Community Housing Development Organizations (CHDO).
- Eligible administrative and planning costs.

Ineligible HOME Activities

- Project reserve accounts or operating subsidies.
- Tenant-based rental assistance for the special purposes of the Section 8 program.
- To provide non-federal matching contributions.
- To provide assistance to annual contributions for the operation of public housing.
- Modernization of public housing.
- Prepayment of low-income housing mortgages.
- Assistance to a project previously assisted with HOME funds during the period of affordability.

MORENO VALLEY

WHERE DREAMS SOAR

Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME)

Annual Action Plan 2011-2012

July 1, 2011 through June 30, 2012

14177 Frederick Street, P.O. Box 88005, Moreno Valley, CA 92552-0805

CITY OF MORENO VALLEY

Richard A. Stewart
Mayor (District 2)

2011 City Council members

Jesse Molina
District 1 Councilmember

Robin Hastings
District 3 (Mayor Pro-tem)

Marcello Co
District 4 Councilmember

William H. Batey II
District 5 Councilmember

Henry Garcia
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Prepared By:

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DUNS # 177134186

SECTION 1 – INTRODUCTION

The Economic Development Department is the lead agency in developing the Consolidated and Annual Action Plans for the City of Moreno Valley. The Annual Action Plan addresses the City's plan for use of Community Development Block Grant ("CDBG") and Home Investment Partnership ("HOME") Funds during the 2011/12 Fiscal Year from July 1, 2011 through June 30, 2012. The Annual Action Plan is based upon the approved 2008-2013 Consolidated Plan prepared for both programs. The Annual Action Plan facilitates the strategy outlined in the Consolidated Plan by addressing community needs through various mechanisms.

The Action Plan provides a basis for assessing performance. It outlines programs for the upcoming program year as well as the proposed accomplishments over the five-year period of the Consolidated Plan. At the end of the program year a Consolidated Annual Performance and Evaluation Report (CAPER) provides information on the annual programmatic accomplishments.

The overall goals of the CDBG and HOME Programs, as included in the Consolidated Plan, are to develop viable urban communities by providing (1) decent housing, (2) a suitable living environment and (3) expanded economic opportunities principally for low and moderate-income persons.

(1). *Decent housing* includes assisting homeless persons, retention of the affordable housing stock, increasing the availability of permanent housing in standard condition and affordable cost to low-income and moderate-income persons.

(2). A *suitable living environment* includes improving the safety and livability of neighborhoods, increasing access to quality public and private facilities and services, and the revitalization of deteriorating or deteriorated neighborhoods.

(3). *Expanded economic opportunities* includes job creation and retention, as well as establishment, stabilization and expansion of small businesses.

The primary means towards this end is to extend and strengthen partnerships among all levels of government and the private sector, including for-profit and non-profit organizations, in the production and operation of affordable housing.

MORENO VALLEY
WHERE DREAMS SOAR

SECTION 1 – INTRODUCTION
EXECUTIVE SUMMARY

CONSOLIDATED PLAN

Moreno Valley's Consolidated Plan is a comprehensive five-year strategy that addresses the use of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Grant funds to meet decent housing, suitable living environment, and expanded economic opportunity goals for low- and moderate-income city residents.

ANNUAL ACTION PLAN

The Annual Action Plan identifies specific projects, programs, and resources that will be implemented during the program year with CDBG and HOME Grant funds, consistent with the Consolidated Plan. In fiscal year 2011/12, the City of Moreno Valley will be receiving approximately $1,621,245 in new CDBG funds, and approximately $556,600 in HOME funds. These funds will be used to support housing and community development activities.

Activities meeting Consolidated Plan goals fit into one or more of the following strategies:

- Homeless Strategy
- Special Needs Strategy
- Housing/Fair Housing Strategy
- Community and Economic Development Strategy

For each strategy identified in the Consolidated Plan, a list of activities, resources available, and goals are provided for the upcoming program year.

The Action Plan also addresses other actions such as the anti-poverty strategy, institutional structure to carry out the activities, coordination with other agencies, public housing, a monitoring plan and plans for meeting underserved needs.

Additionally, as part of the grant requirements, a form application SF 424 is included as well as a Citizen Participation Plan, public comments received and required certifications by the City.

GEOGRAPHIC DISTRIBUTION & CDBG TARGET AREAS

Moreno Valley's CDBG Target Areas encompass some of the oldest areas in the city. The City's CDBG Target Areas generally include neighborhoods identified locally as Edgemont, Central Sunnymead, Eastgate, and Warner Ranch. Significant portions of the target areas lack adequate infrastructure such as curbs, gutters, street improvements, sidewalks, water and sewer lines, storm drains, and street lighting. The majority of proposed projects are distributed within the CDBG target areas, because these areas have the greatest concentrations of low-and moderate-income individuals. Other projects such as the Redevelopment (RDA) Agency's housing programs target low- and moderate-income individuals citywide.

SECTION 1 – INTRODUCTION
AVAILABLE RESOURCES

The City of Moreno Valley will utilize a variety of Federal, State, and local funding sources to achieve the community and housing priorities identified. Specific funding resources will be utilized based upon availability, opportunities, and constraints of each particular project or program.

The City is committed to utilizing each funding source to its highest and best use. Therefore, the City will leverage the resources identified in this section to facilitate various programs and projects. Specific resources available to address the needs identified in the plan are included under the Annual Action Plan Section.

The following includes a description of both the resources the City currently uses and those for which funding may be pursued.

Federal Resources

Community Development Block Grant Program (CDBG)

Moreno Valley receives an annual CDBG allocation to meet the following three broad national objectives:

- Benefit to low and moderate income households;
- Removal of slum or blight; or
- Meet urgent community needs.

Approximately 90% of the funding has been used to benefit persons of low and moderate income. Programs and projects funded generally include public services, code compliance activities, and economic development activities. The City's grant allocation available for fiscal year 2011/12 is estimated at $1,621,245. Table 1-A details the available CDBG funds. Table 1-B details the allocations for FY 2011/12.

TABLE 1-A
FY 2011/12 CDBG AVAILABLE FUNDING

Funding Category	Funding Allocation
2011/12 ESTIMATED CDBG Allocation	$1,621,245
Unallocated Project Savings from Previous Years	$412,830
TOTAL AVAILABLE CDBG FUNDS	$2,034,075
Program Administration (20% maximum of annual grant)	$324,249
Public Social Services (15% maximum of annual grant)	$243,186
Public Facilities & Improvements	$650,000
Rehabilitation Activities	$10,000
Code Enforcement	$366,407
Economic Development	$440,987
TOTAL PLANNED CDBG BUDGET	$2,034,071

TABLE 1-B
CDBG FUNDING ALLOCATIONS FY 2011/12

ADMINISTRATION (20% CAP - $324,249)	
CDBG Program Administration	$324,198
Fair Housing Services	$30,000
SOCIAL SERVICES (15% CAP - $243,186)	
Community Foreclosure Prevention Workshops	$28,500
Community Assistance Food Program (CAP)	$29,070
Friends of the Moreno Valley Senior Center (MoVan)	$28,500
Fair Housing Council of Riverside County – Foreclosure Prevention / Mitigation	$20,708
Fair Housing Council of Riverside County – Landlord Tenant Mediation Program	$14,250
Lutheran Social Services Transitional Center (MARB)	$14,250
Path of Life Ministries King Hall Family Shelter (MARB)	$14,250
PW Enhancement Center – Emergency & Homeless Services	$14,250
Neighborhood Clean-up Program	$14,250
Assistance League of Riverside - Operation School Bell	$9,500
CASA for Riverside County	$9,500
God's Helping Hand Ministries Food Program	$8,550
Operation Safehouse Shelter for Youth	$7,600
Alternatives to Domestic Violence - Prevention and Outreach Program	$7,125
Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,125
Salvation Army Food Program	$5,000
Volunteer Center '211' Program	$5,000
PUBLIC FACILITIES & IMPROVEMENTS	
Street Improvement Project, Dracaea from Perris Blvd to Patricia	$650,000
REHABILITATION	
Habitat for Humanity Mobile Home Grant Program	$10,000
CODE ENFORCEMENT	
Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390
Code Enforcement - Foreclosure 'Strike Team'	$103,017
ECONOMIC DEVELOPMENT	
MV New Business Incentive Program	$220,987
Community Employment Resource Center	$120,000
Small Business Development Center	$50,000
Family Service Association Meal Program Facilities	$25,000
Youth Opportunity Center	$25,000
TOTAL CDBG FUNDING ALLOCATIONS	**$2,034,071**

HOME Investment Partnership Program (HOME)

HOME Investment Partnership funding is provided to the City to:

- assist with affordable rental housing
- promote home ownership through acquisition
- construction,
- reconstruction,
- and/or rehabilitation of affordable housing.

Moreno Valley became an Entitlement City for HOME funds during FY 1995/96.

The City of Moreno Valley's HOME allocation for FY 2011/12 is estimated at $556,600. Table 1-C details the estimated HOME funds for FY 2011/12. Table 1-D details the anticipated funding allocations for program year 2011/12. The funding allocations are for new and continuing projects and programs that will be implemented in FY 2011/12.

TABLE 1-C

FY 2011/12 HOME ESTIMATED FUNDING	
2011/12 HOME Allocation	$556,600
Funds accumulated under Multi-Family Housing Fund	$1,000,000
Total Available HOME Funds	**$1,556,600**

TABLE 1-D

HOME FUNDING ALLOCATIONS FY 2011/12	
Program Administration (maximum 10% of allocation)	$55,660
FY 09/10 CHDO (required 15% of allocation)	$83,490
Mobile Home Grant Program (MHGP)	$100,000
Home Improvement Loan Program (HILP)	$250,000
Hemlock Family Apartments	$1,000,000
TOTAL ALLOCATION OF HOME FUNDS	**$1,489,150**

A. <u>Local Resources</u>

- ***Community Redevelopment Agency of the City of Moreno Valley***

As required by California Redevelopment Law, the Redevelopment Agency expends 20% of its tax increment revenue funding affordable housing projects. RDA (Housing Set-Aside) revenue projections for FY 2011/12 indicate an estimated 20% set-aside funding of $3.6 million.

- ***Homelessness Prevention and Rapid Re-housing Program (HPRP)***

In 2009 the City was provided with a one-time HPRP grant allocation of $732,872 under the American Recovery Re-investment Act of 2009. The purpose of the HPRP grant is

to provide homelessness prevention assistance to households who would otherwise become homeless in the current economic crisis and to rapidly re-house individuals and families who are currently homeless as defined by section 103 of the McKinney-Vento Homeless Assistance Act (42U.S.C. 11302). Moreno Valley has established 6 activities that assist families facing homelessness, including: case management, rent/arrears assistance, security deposit assistance, utility/arrears assistance, legal assistance, and administration.

- ***Community Development Block Grant – Recovery (CDBG-R)***

The City was also provided with a one-time CDBG-R grant valued at $472,872 under the American Recovery Re-investment Act of 2009. Moreno Valley's CDBG-R program establishes 4 projects (plus administration) aimed at stimulating the economy by creating jobs, modernizing infrastructure, and promoting energy efficiency.

- ***Neighborhood Stabilization Program (NSP)***

Under the Housing and Economic Recovery Act (HERA), the City of Moreno Valley received a CDBG allocation of $11,390,116, to formulate the Neighborhood Stabilization Program (NSP) which is designed to stabilize neighborhoods most impacted by foreclosures. The City's NSP Program is comprised of four activities: 1) single family residential acquisition, rehabilitation, and resale (SFR-ARR), 2) multi-family residential acquisition, rehabilitation, and resale (MFR-ARR), 3) Homebuyers Assistance Program (HAP), and 4) Administration. In partnership with selected Development Partners, the City acquires and rehabilitates single family residences for the purpose of resale to homebuyers earning up to 120% of the Area Median Income (AMI), and multi-family residences for the purpose of rental to households earning up to 50% AMI. Of the total $11,390,116 allocation received, the funds have been budgeted accordingly:

ACTIVITY	BUDGET
SFR-ARR	$5,203,576.00
MFR-ARR	$4,047,529.00
HAP	$1,000,000.00
ADMINISTRATION	$1,139,011.00

In FY 10/11, the City acquired approximately seventeen single family properties and obligated its entire NSP budget. Over FY11/12, the City will continue efforts to expending the 'obligated' budget as well as program income generated from the sale of the single family properties.

- ***Riverside County Housing Authority***

The County of Riverside serves as the local housing authority for the region. The County operates the Section 8 housing and various public housing facilities throughout the County including those located in Moreno Valley. Sources of funds available to city residents through the Housing Authority are primarily limited to Section 8, Capital Fund Program (formerly the Comprehensive Grant Program), and the Public Housing programs.

B. Private Resources

For-Profit Organizations

- ***Community Reinvestment Act (CRA)***

The city encourages increased cooperation between lending institutions and the communities they serve to meet CRA requirements for the development of affordable housing.

Non-Profit Organizations

Currently, a number of non-profit organizations facilitate a variety of social services and housing activities in Moreno Valley. The City encourages and supports non-profit organizations that apply for funding from various sources.

C. Leveraging and Matching Funds – HOME

The primary source of fund leveraging will occur in conjunction with activities carried out through Redevelopment Agency 20% Set-Aside funds. Specific matching fund activities include housing rehabilitation and development programs for single family, multi-family, and mobile home units. The following table summarizes FY 2011/12 HOME activities and match sources:

TABLE 1-E
HOME MATCH

HOME BUDGET FISCAL YEAR 2011/12	Continuing from Prior Years	2011/12 Allocation	Total Request	RDA Match 25%+
Administration (10% Cap)		$55,660	$55,660	$0
Community Housing Development Organization (15% Min.)		$83,490	$83,490	$0
Home Improvement Loan Program		$250,000		$0
Multi-Family Affordable Housing Project - Hemlock Family Apartments	$1,000,000	0	$1,000,000	
Mobile Home Grant Program		$100,000		$0
GRAND TOTAL	**$1,000,000**	**$489,150**	**$1,139,150**	

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN

The city will pursue housing, community development, and economic development activities to meet the needs of very-low, low, and moderate-income persons in Moreno Valley. To accomplish this, the city plans to expend CDBG, HOME, and other funds as available, such as Homelessness Prevention and Rapid Rehousing Program (HPRP), Neighborhood Stabilization Program (NSP), and Community Development Block Program – Recovery (CDBG-R) to meet community needs. The Consolidated Plan has several strategies for meeting community needs. The following objectives were identified in the Strategic Plan portion of the Consolidated Plan.

HOMELESS STRATEGY – TABLE 2-A, page 10
Objective 1. Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.

SPECIAL NEEDS STRATEGY – TABLE 2-B, page 14
Objective 1. Provide supportive housing and public services to meet the needs of special needs persons.

HOUSING STRATEGY – TABLE 2-C, page 15
Objective 1. - Rehabilitation of existing and construction of new single-family homes, multi-family housing, and mobile homes to create or maintain decent, affordable housing for low and moderate-income residents.
Objective 2. - Create home ownership opportunities for low and moderate-income residents.
Objective 3. - Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.
Objective 4. - Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY – TABLE 2-D, page 25
Objective 1. - Promote expanded employment opportunities in order to create or retain low and moderate-income jobs.
Objective 2. - Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.
Objective 3. - Support social service programs available to serve low and moderate-income residents.
Objective 4. - Provide employment training and placement programs available to serve low and moderate-income residents

The following tables detail the activities the City will undertake to address these objectives in FY 2011/12. The tables identify available funding, the geographic areas covered by the activity, and the target populations.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN (Continued)
HOMELESS STRATEGY

The Five Year Goals and Proposed Accomplishments under the homeless strategy are to assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities. The following programs for FY 2011/12 will be implemented to meet this goal.

TABLE 2-A

HOMELESS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.	
PROGRAM:	**PATH OF LIFE MINISTRIES – KING HALL FAMILY SHELTER**
PROGRAM DESCRIPTION:	Program provides long term (up to 2 years) shelter to homeless families and individuals with children. Residents may live at the shelter for a maximum of two years. While living at the shelter families are provided comprehensive counseling and support services that will assist them in becoming self sufficient. The shelter is located on March Air Reserve Base.
RESOURCES	CDBG Funds 2011/12 $14,250
TARGET POPULATION	Homeless families and homeless individuals with children
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LUTHERAN SOCIAL SERVICES TRANSITIONAL SHELTER PROGRAM**
PROGRAM DESCRIPTION:	A long term (up to 2 years) shelter program that provides assistance to homeless women and children through a comprehensive transitional living program. Counseling, education assessments and other services are provided to assist participants in gaining self sufficiency. Through the City's HPRP Program, Lutheran Social Services also provides assistance with utility payments arrears and security deposits to families at risk of homelessness.
RESOURCES:	CDBG Funds 2011/12 $14,250 HPRP Funds 2009/10 $65,938
TARGET POPULATION:	Homeless Women and Children
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**P. W. ENHANCEMENT CENTER (PWEC)**
PROGRAM DESCRIPTION:	Emergency motel vouchers, shelter placement, security deposit and rental assistance for homeless persons and persons threatened with homelessness. Also provides emergency and supportive services to needy households including food distribution, money management, job preparedness, child development and counseling.
RESOURCES:	CDBG Funds 2011/12 $14,250 HPRP Funds 2009/10 $64,063
TARGET POPULATION:	Homeless; Low and Moderate-Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**OPERATION SAFEHOUSE**
PROGRAM DESCRIPTION:	Operation Safehouse provides emergency shelter, counseling and comprehensive support services for homeless/run-away youth aged 12 – 17, with a goal of family reunification.
RESOURCES:	CDBG Funds 2011/12 $7,600
TARGET POPULATION:	Abused, Neglected, and Homeless Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2011/12 $29,070
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD AND EMERGENCY SERVICES PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing, utility assistance, and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2011/12 $8,550
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides new essential clothing and school supplies, a backpack, hygiene kit to low income children identified by teachers or school officials as homeless or needy.
RESOURCES:	CDBG Funds 2011/12 $9,500
TARGET POPULATION:	Elementary school aged children from low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FORECLOSURE PREVENTION WORKSHOPS**
PROGRAM DESCRIPTION:	Program will fund workshops aimed at providing much needed foreclosure prevention education services to struggling homeowners in the community. The seven workshops held over 09/10 attracted approximately 600 struggling homeowners.
RESOURCES:	CDBG Funds 2011/12 $28,500
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**INLAND LEGAL SERVICES**
PROGRAM DESCRIPTION:	Free legal advice\services related to housing issues. Offers tenant legal services for evictions and other related legal needs. Funding also allows for expanded service hours.
RESOURCES:	HPRP Funds 2009/10 $40,000
TARGET POPULATION:	Low-income homeowners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**CATHOLIC CHARITIES**
PROGRAM DESCRIPTION:	Catholic Charities provides assistance with rental subsidy and rental arrears payments through the City's HPRP program.
RESOURCES:	HPRP Funds 2009/10 $161,667
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

HOMELESS STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**FAMILY SERVICES ASSOCIATION (FSA)**
PROGRAM DESCRIPTION:	FSA provides case management and assistance with rent subsidies and/or rental arrears payments. Program is funded through the City HPRP program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER**
PROGRAM DESCRIPTION:	Provides assistance with rental subsidy and rental arrears payments through the City's HPRP Program.
RESOURCES:	HPRP Funds $161,667
TARGET POPULATION:	Low and moderate income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**FAIR HOUSING SERVICES – FORECLOSURE PREVENTION AND MITIGATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides homeowners that are at risk of or currently loosing their homes to foreclosure with assistance negotiating with lenders and one-on-one counseling. It also offers financial assessments, budget management, mortgage education, training to potential homebuyers, and referral services.
RESOURCES:	CDBG Funds 2011/12 $20,708
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

ASSISTANCE AVAILABLE TO PERSONS THREATENED WITH HOMELESSNESS

In order to prevent low-income families from becoming homeless, local non-profit organizations (i.e. Catholic Charities, Gods Helping Hand, P.W. Enhancement Center), provide one-time emergency rental/mortgage assistance. The goal is to prevent homelessness for persons who missed a rent/mortgage payment due to extenuating circumstances. Some low-income families live "paycheck to paycheck" which makes it difficult for them to pay for the basic necessities when an emergency expense arises. The emergency rental/mortgage assistance program greatly benefits families on the threshold of becoming homeless.

For those families at risk of homelessness due to foreclosure, the city will continue conducting a series of foreclosure prevention workshops and fund the Riverside County Fair Housing Foreclosure Prevention and Mitigation Program to assist with mitigation of the foreclosure and provide valuable referrals. The City will also continue to offer programs under the Homelessness Prevention and Rapid Re-Housing Program (HPRP) grant provided in 2008/09 under the American Recovery Act. This emergency legislation was established specifically to address the issue of potential homelessness due to the economic crisis. Funds were dedicated to providing various forms of assistance to qualifying families including: monthly rental assistance, rental arrears, security deposit assistance, utility payments and arrears, motel vouchers, legal assistance, and individual case management.

There are several programs administered by Riverside County that aid in the prevention of homelessness. For example, the Emergency Food and Shelter Program meets the needs of the hungry and homeless by providing funds to provide the following housing assistance (as determined by the Local Board in funded jurisdictions): lodging in a mass shelter or hotel; one month's rent or mortgage payment; one month's utility bill; and minimal repairs to allow a sheltering facility to function during the program year.

CONTINUUM OF CARE

The City will continue to actively participate in Riverside County's Continuum of Care Consortium. The Continuum of Care Consortium consists of local government agencies and local non-profits that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services, emergency and transitional shelter. Periodic meetings provide an opportunity for networking and working towards the common goal.

The County of Riverside is the lead agency charged with developing the Continuum of Care's 10 Year Strategy to End Homelessness. A working group of local government agency staff and other community stakeholders has been formed to develop this 10 year plan. The City of Moreno Valley has assigned a staff person to participate in this working group (which meets monthly) to assist in the accomplishment of the goal of ending homelessness in ten (10) years.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
SPECIAL NEEDS STRATEGY

The Five Year Goals and Proposed Accomplishments under the special needs strategy are to assist 15,000 special needs persons, including the elderly and disabled, with housing and public services. In FY 2011/12, the following programs will be implemented to meet this goal.

TABLE 2-B

SPECIAL NEEDS STRATEGY	
OBJECTIVE 1: Provide supportive housing and public services to meet the needs of special needs persons.	
PROGRAM:	**SENIOR VAN TRANSPORTATION SERVICES (MoVan)**
PROGRAM DESCRIPTION:	The MoVan is used to transport the elderly and adult handicapped to medical appointments and other needed destinations for a small donation or at no cost. The MoVan is a specially equipped 17-passenger bus with two wheel chair tie-downs is available 7 hours a day/ 5 days a week.
RESOURCES:	CDBG Funds 2011/12 $28,500
TARGET POPULATION:	Special Needs Persons – Elderly and Disabled
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**ARC OF RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	The ARC of Riverside County serves adults with developmental disabilities at one of the only centers of its kind located in the City. Activities are aimed at increasing interaction, self esteem, and independence. ARC proposes to use grant dollars to continue to provide specialized medical services by an on-site LVN, and to help continue other existing services.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Special Needs Persons – Disabled
GEOGRAPHIC AREAS:	Citywide

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
HOUSING STRATEGY

The Five Year Goals and Proposed Accomplishments under the housing strategy are to:

1. To rehabilitate or construct a minimum of 400 housing units.
2. To provide home ownership to 5 households.
3. To provide increased, proactive Code Compliance, Neighborhood Cleanups and public safety activities to assist 3000 households in the CDBG Target Areas.
4. To assist 2,500 persons with fair housing and landlord/tenant services.

In FY 2011/12, the following programs will be implemented to meet the goals of each Objective:

TABLE 2-C

HOUSING STRATEGY	
OBJECTIVE 1: Rehabilitation of existing housing and/or construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.	
PROGRAM:	**MOBILE HOME GRANT PROGRAM**
PROGRAM DESCRIPTION:	Program offers rehabilitation grants of up to $10,000 to low-income owner occupants of mobile home coaches located in rental parks within the City to repair and eliminate substandard conditions.
RESOURCES:	HOME Funds $100,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	Citywide

HOUSING STRATEGY

OBJECTIVE 1: (Continued)

PROGRAM:	**HOME IMPROVEMENT LOAN PROGRAM (HILP)**
PROGRAM DESCRIPTION:	3% deferred loans for income qualified homeowners to rehabilitate single-family homes. The purpose is to eliminate substandard housing conditions, improve handicap accessibility, and improve the aesthetics of older neighborhoods, thereby contributing to their preservation and revitalization.
RESOURCES:	HOME Funds 2011/12 $250,000
TARGET POPULATION:	Low and Moderate Income Home Owners
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**MULTI-FAMILY AFFORDABLE HOUSING PROJECT – HEMLOCK FAMILY APARTMENTS**
PROGRAM DESCRIPTION:	This project provides for new construction of 77 affordable multi-family housing units in Moreno Valley. It shall assist residents at 50%-60% of the area median income and help to improve the amount of decent housing in the community.
RESOURCES:	HOME Funds 2011/12 $1,000,000
TARGET POPULATION:	Low- income renters
GEOGRAPHIC AREAS:	CDBG Target Area

HOUSING STRATEGY
(OBJECTIVE 1 CONTINUED)

PROGRAM:	**SINGLE FAMILY ACQUISITION, REHABILITATION, AND RESALE PROGRAM (SFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the SFR-ARR program purchases, repairs, then re-sells foreclosed and abandoned properties to qualifying families earning up to 120% of the area median income.
RESOURCES:	NSP Funds $5,203,575
TARGET POPULATION:	Low and Moderate Income families
GEOGRAPHIC AREAS:	NSP Target Census Tracts

PROGRAM:	**MULTI-FAMILY ACQUISITION REHABILITATION AND RESALE (MFR-ARR)**
PROGRAM DESCRIPTION:	Funded by the Neighborhood Stabilization Program grant, the MFR-ARR program purchases, repairs, foreclosed and abandoned multi-family apartments and makes them available to renters earning up to 50% of the area median income.
RESOURCES:	NSP Funds $4,047,529
TARGET POPULATION:	Low and Moderate Income renters
GEOGRAPHIC AREAS:	NSP Target Census Tracts

HOUSING STRATEGY	
(OBJECTIVE 1 CONTINUED)	
PROGRAM:	**CHDO – COMMUNITY HOUSING DEVELOPMENT ORG, Unprogrammed**
PROGRAM DESCRIPTION:	15% CHDO Set aside money for the future rehabilitation or construction of affordable housing for very low income residents. Specific project to be selected at a later date.
RESOURCES:	HOME CHDO Funds 2011/12 $83,490
TARGET POPULATION:	Very Low- income households
GEOGRAPHIC AREAS:	CDBG Target Area
PROGRAM:	**HABITAT FOR HUMANITY – MOBILE HOME REHABILITATION PROGRAM**
PROGRAM DESCRIPTION:	Program provides for the supplies and materials that volunteers shall use to help eligible low income households make exterior improvements to their mobile homes. The program was designed to provide assistance mainly to elderly or disabled persons whom are unable to maintain the exterior of their property and are facing penalties that could lead to eviction. Program will supplement the City's existing Mobile Home Grant Program by relieving it of having to subsidize less critical exterior repairs (which are often general clean-up or cosmetic) and focus more grant dollars on the code related improvements.
RESOURCES:	CDBG Funds 2011/12 $10,000
TARGET POPULATION:	Low Income Mobile Home Owners
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

OBJECTIVE 2: Create home ownership opportunities for low and moderate-income residents

PROGRAM:	**HOMEBUYER ASSISTANCE PROGRAM (HAP)**
PROGRAM DESCRIPTION:	Provides down payment assistance of up to 20% of the purchase price, for first time homebuyers purchasing resale homes up to the maximum FHA 203b limit. Loans are deferred for 30 years with no interest.
RESOURCES:	Neighborhood Stabilization Funds 2011/12 $1 million Redevelopment Funds 2011/12 $500,000
TARGET POPULATION:	Low and moderate income households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**OAKWOOD AFFORDABLE HOUSING PROJECT**
PROGRAM DESCRIPTION:	Development of 240 apartment units for low income renters. The project is currently under construction.
RESOURCES:	Redevelopment Housing Set-aside Funds $ 3 million
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

PROGRAM:	**RANCHO DORADO AFFORDABLE HOUSING DEVELOPMENT**
PROGRAM DESCRIPTION:	Development of apartment units for low income renters. Phase 1 of the project is currently under construction. Phase 2 is competing for State Tax Credit funding. The project will provide 148 affordable units once constructed.
RESOURCES:	Redevelopment Housing Set-aside Funds Phase 1 $4,750,000 Phase 2 $4,750,000
TARGET POPULATION:	Low-income renters
GEOGRAPHIC AREAS:	RDA Project Area

HOUSING STRATEGY

OBJECTIVE 3: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.

PROGRAM:	**NEIGHBORHOOD CODE COMPLIANCE**
PROGRAM DESCRIPTION:	City Code Compliance Officers provide enhanced, proactive inspection and enforcement services within the CDBG Target Areas to eliminate substandard housing and poor property maintenance conditions. Many low-income tenants are unable to pay for improvements that are the responsibility of the property owner. Increased code enforcement seeks compliance from property owners and assists in eliminating the substandard conditions.
RESOURCES:	CDBG Funds 2011/12 $263,390
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CODE ENFORCEMENT - CITY FORECLOSURE STRIKE TEAM**
PROGRAM DESCRIPTION:	This team will address code enforcement activities specific to foreclosures and abandoned homes in the CDBG target area. The objective is to identify these properties within the Target area then pursue property inspections and maintenance activities. The Strike Team is also responsible for working with trustees, lenders, real estate agents, and property managers to obtain code compliance for properties in default/foreclosure in CDBG target areas.
RESOURCES:	CDBG Funds 2011/12 $103,017
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

PROGRAM:	**NEIGHBORHOOD CLEAN-UP PROGRAM**
PROGRAM DESCRIPTION:	This neighborhood program assists in the revitalization of older neighborhoods. Funds will be used to conduct large-scale neighborhood clean-ups (utilizing commercial sized dumpsters and skip loaders) providing haul away and other services to residents within the targeted neighborhoods. Each clean-up typically assists an average of 125 properties.
RESOURCES:	CDBG $14,250
TARGET POPULATION:	CDBG Target Area Neighborhoods
GEOGRAPHIC AREAS:	CDBG Target Areas

HOUSING STRATEGY	
OBJECTIVE 4: Provide fair housing and landlord/tenant services to educate and assist residents on their rights and responsibilities.	
PROGRAM:	**FAIR HOUSING SERVICES**
PROGRAM DESCRIPTION:	The Fair Housing Council of Riverside County provides a full range of fair housing services including education, discrimination investigation, landlord/tenant mediation, enforcement, and training and technical assistance. All services designed to affirmatively further fair housing.
RESOURCES:	CDBG Funds 2011/12 $30,000
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

CITY EFFORTS TO ADDRESS LEAD-BASED PAINT HAZARDS

The City provides four consumer loan products that are impacted by the requirements of lead based paint disclosure. Applicants for the City's Mobile Home Grant Program, the Homebuyers Assistance Program, Home Improvement Loan Program, and the Homeowners Assistance for Minor Rehabilitation Program are given a lead-based paint disclosure booklet and sign an acknowledgment that is included in the loan application. If the home was constructed prior to 1978, the City contracts with Home Safe for a lead-based paint inspection of the property. If the property is found to contain lead-based paint, mitigation measures are incorporated as a part of the revitalization work. Since the HAP loan is down payment assistance, the lead-based paint mitigations are the responsibility of the Seller prior to the title transfer. Both buyer and seller receive the disclosure materials as a part of the loan application process.

SECTION 2 – *AFFORDABLE AND FAIR HOUSING*

Zoning

While not specifically addressed as a barrier to affordable housing, the City will begin re-evaluation of some areas that have been re-zoned to non-residential uses. In most cases, the areas re-zoned are older areas of the City that may offer more affordable housing. The City will continue to review the policies in its Housing Element for consistency with the Consolidated Plan and identify areas in need of improvement.

Strategies to Promote Affordable Housing

The City of Moreno Valley will undertake the following strategies to promote and foster affordable housing:

- Actively support projects that apply for State and Federal funds, on a case-by-case basis.
- Continue to develop and maintain affordable housing through the use of CDBG funds, HOME funds, Redevelopment Agency Housing Set-aside funds, and Neighborhood Stabilization Program funds.
- Complete infrastructure plans for various areas of the City to reduce-up front design costs for construction of improvements.
- Continue to implement Permit streamlining to encourage the development of affordable housing in the City.
- Continue to allocate funding for Code Compliance services in the CDBG target areas to address code compliance issues and encourage housing and property maintenance.

ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING

The City updated its Analysis of Impediments to Fair Housing Choice Report in 2008. The following proposed actions were identified during the process. The recommended actions are directed to the City, lending institutions, and other service agencies that assist Moreno Valley residents. Listed below are the key actions that the City could take to continue its efforts to affirmatively further fair housing:

1. Private Sector Actions

Action 1.1 Hate crime victim services are needed because families may feel threatened and unwanted. The City will develop a directory of victim services.

Action 1.2 Numerous professional organizations guide the day-to-day practice of real estate agents and property management companies. These day-to-day practices impact the delivery of housing on a fair and equal basis. The City will continue to maintain an awareness of these organizations and how they affect housing in Moreno Valley.

Action 1.3 The City will encourage the Press-Enterprise to identify in its Fair Housing Notice the agencies that can respond to fair housing questions. Such agencies would include the Fair Housing Council of Riverside County (FHCRC).

Action 1.4 The City will encourage the Press-Enterprise to publish a "no pets" disclaimer that indicates rental housing owners must provide reasonable accommodations, including "service animals" and "companion animals" for disabled persons.

Action 1.5 The City will encourage the Fair Housing Council to prepare a summary of reasonable accommodation requirements and transmit this information to the owners and managers of Moreno Valley's large apartment communities. The information may also provide a link to the State Department of Fair Employment and Housing video on reasonable accommodations.

2. Public Sector Actions

Action 2.1 The City will continue to support fair housing services in order to ameliorate the impacts of housing discrimination and to inform residents on how to recognize and avoid predatory lending, panic selling, and steering.

Action 2.2 The City's Home Improvement and Homeowner's Assistance Programs will continue to assist loan applicants that may have previously been denied through private banks and institutions, with low interest and deferred loans. The deferred loans would not increase an applicant's debt-to-income ratio. In addition, the City can be somewhat more lenient than a private lender insofar as past credit history.

Action 2.3 Using HPRP funds, the City will fund expanded hours for the provision of income – eligible families facing unlawful eviction and homelessness.

Action 2.4 Over the past few years, homeowners in the City as in other Inland Empire communities, are late with their monthly loan payments and, thus, are receiving notices of default and facing foreclosure and possible bankruptcy. The fair housing services provided by the FHCRC have been augmented to help struggling homeowners.

Action 2.5 The City will continue to provide large scale Foreclosure Prevention Workshops in Moreno Valley. Two workshop will be held, each providing education, counseling, and other assistance to struggling homeowners.

Action 2.6 The City will assist the County of Riverside Housing Authority by transmitting information contained in the Fair Housing Community Profile (Technical Appendix A of the Analysis of impediments to Fair Housing Choice). That information will include the areas of minority and low-income concentrations and an inventory of rental housing communities located outside these areas. In this way, the Housing Authority will have specific geographic information to counsel Section 8 tenants and seek owners outside areas of concentration. This information will be transmitted to the Housing Authority during the first year of the five-year Fair Housing Action Plan.

ACTIONS TO BE TAKEN DURING PROGRAM YEARS 2008-2009 TO 2012-2013 OF THE CONSOLIDATED PLAN

Program Year 2011-2012

- Continue to contract the FHCRC to provide fair housing services to Moreno Valley's residents.
- Prepare a listing or directory of hate crime victim services.
- Provide the public fair housing information by preparing Q&A documents on topics such as service and companion animal guidelines and accessibility guidelines.
- Conduct annual coordination meetings with the FHCRC, Inland Valley Association of Realtors and the Apartment Association of the Greater Inland Empire to discuss emerging fair housing issues.
- Transmit to the County of Riverside Housing Authority information on areas of minority and low income populations. This information will help the Housing Authority to counsel Section 8 tenants and to conduct landlord outreach to the owners and managers of apartments located outside these areas.

SECTION 2 –ACTIVITIES TO BE UNDERTAKEN
COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY

The Five Year Goals and Proposed Accomplishments under the Community and Economic Development Strategy are to:

1. To assist 400 local small businesses with counseling services and loan programs.
2. To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.
3. To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).
4. To assist 150 low and moderate income residents with employment training and placement opportunities.

The following tables outline the activities that the city will undertake during Program Year 2011/12 to meet the Consolidated Plan Goals and Objectives.

TABLE 2-D

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 1: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.	
PROGRAM:	**SMALL BUSINESS COUNSELING SERVICES**
PROGRAM DESCRIPTION:	Counseling services for local small businesses in business planning, finances, marketing, etc. The goal is to create and/or retain low-income jobs in the community.
RESOURCES:	CDBG Funds FY 2011/12 $50,000
TARGET POPULATION:	Low income small business owners and employees
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**EMPLOYMENT RESOURCE CENTER**
PROGRAM DESCRIPTION:	The Center will provide low and moderate income individuals computer/internet access to search for employment opportunities, prepare resumes, fax job applications, and/or apply for unemployment at no cost.
RESOURCES:	CDBG Funds 2011/12 $120,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**MORENO VALLEY NEW BUSINESS INCENTIVE PROGRAM**
PROGRAM DESCRIPTION:	The New Business Incentive Program is intended to attract major employers to locate in large, vacant retail space in the TownGate, Centerpointe Business Park, and the Moreno Valley Industrial areas of the community through loans, grants or interest subsidies. The program intent is to create full-time permanent jobs which, per a formal agreement with the employer, a certain number shall be held by or made available to low and moderate income persons.
RESOURCES:	CDBG Funds 2011/12 $220,987
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide
PROGRAM:	**FAMILY SERVICE ASSOCIATION - MEAL PROGRAM FACILITY**
PROGRAM DESCRIPTION:	The local Family Services Association plans to construct a kitchen facility in the City's CDBG Target Area where meals will be prepared for the participants of its daycare centers. CDBG funding would be used for help in acquiring a building for the site. In lieu of the CDBG assistance FSA must create a minimum of two full time permanent jobs which are held by or made available to low and moderate income level persons.
RESOURCES:	CDBG Funds 2011/12 $25,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 1 CONTINUED)

PROGRAM:	**LORD'S GYM**
PROGRAM DESCRIPTION:	The 'Lord's Gym' is a non-profit organization aimed at providing young people in the community with a safe outlet by focusing on sports. The facility offers a sports and fitness center with weight room, basketball courts, computer room, wellness clinic, and classrooms for life care and mentoring. A new facility shall open in Moreno Valley. The proposed CDBG funding will be used toward tenant improvements which are currently underway. In lieu of the CDBG assistance, the 'Lord's Gym' must create or retain a minimum of one full time permanent job held by or made available to low and moderate income level person.
RESOURCES:	CDBG Funds 2010/11 $20,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 2: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.

PROGRAM:	**DRACAEA STREET SIDEWALK IMPROVEMENTS**
PROGRAM DESCRIPTION:	The project will design and construct sidewalks, while widening Draecea Street, from Perris Boulevard to Patricia Street.
RESOURCES:	CDBG Funds 2011/12 $650,000
TARGET POPULATION:	CDBG Target Areas
GEOGRAPHIC AREAS:	Central Sunnymead

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

OBJECTIVE 3: Support public service programs available to serve low and moderate income residents.

PROGRAM:	**COMMUNITY ASSISTANCE PROGRAM (CAP)**
PROGRAM DESCRIPTION:	CAP provides emergency and supplemental food, utility payment assistance, and social services referrals to Moreno Valley families in need.
RESOURCES:	CDBG Funds 2011/12 $29,070
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**GOD'S HELPING HAND FOOD PROGRAM**
PROGRAM DESCRIPTION:	Emergency and supplemental food, clothing and social services referrals to Moreno Valley persons and families in need.
RESOURCES:	CDBG Funds 2011/12 $8,550
TARGET POPULATION:	Low and Moderate Income Households
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CHILD ABUSE PREVENTION & EDUCATION PROGRAM**
PROGRAM DESCRIPTION:	The Riverside Area Rape Crisis Center provides a child abuse prevention program designed to educate children (K-12th grade) through the Moreno Valley schools. They also provide counseling and support services to abuse victims and their families.
RESOURCES:	CDBG Funds 2011/12 $7,125
TARGET POPULATION:	K-12 students
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**SALVATION ARMY FOOD PROGRAM**
PROGRAM DESCRIPTION:	The Food Pantry offers needy residents emergency food. Funding shall allow for the hire of a part-time driver to pick up food from collaborative partners such as Wal-mart, 2nd Harvest, March ARB, and United Natural Foods. The program expects to assist over 22,000 persons in the coming year.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**ASSISTANCE LEAGUE OF RIVERSIDE OPERATION SCHOOL BELL**
PROGRAM DESCRIPTION:	Program provides a backpack, hygiene kit and back-to-school clothing through a "shopping" experience to children identified by teachers or school officials as being in need.
RESOURCES:	CDBG Funds 2011/12 $9,500
TARGET POPULATION:	Elementary school aged children from homeless and low income families
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**ALTERNATIVES TO DOMESTIC VIOLENCE**
PROGRAM DESCRIPTION:	Alternatives to Domestic Violence provides services to victims of domestic violence. These services include an Outreach Counseling Center which offers a 24-hour crisis line, counseling, support groups, court advocacy, and an emergency shelter for battered women and abused children.
RESOURCES:	CDBG Funds 2011/12 $7,125
TARGET POPULATION:	Victims of Domestic Violence
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY

(OBJECTIVE 3 CONTINUED)

PROGRAM:	**CASA for RIVERSIDE COUNTY**
PROGRAM DESCRIPTION:	Advocacy for Abused and Neglected Children. CASA offers court appointed monitoring services to foster youth. CDBG funds will be used to fund the salary of one supervisor who will train volunteers that in turn will provide service to 57 Moreno Valley foster children over the program year.
RESOURCES:	CDBG Funds 2011/12 $9,500
TARGET POPULATION:	Abused/Neglected Youth
GEOGRAPHIC AREAS:	Citywide

PROGRAM:	**VOLUNTEER CENTER '211 PROGRAM'**
PROGRAM DESCRIPTION:	The '211 Program' is a quality telephone referral system available 24 hours a day, 7 days a week that residents may use to access information on public and private facilities and services in the City.
RESOURCES:	CDBG Funds 2011/12 $5,000
TARGET POPULATION:	Low and moderate income persons
GEOGRAPHIC AREAS:	Citywide

COMMUNITY & ECONOMIC DEVELOPMENT STRATEGY	
OBJECTIVE 4: Provide employment training and placement programs available to serve low and moderate income residents.	
PROGRAM:	**YOUTH OPPORTUNITY CENTER (YOC)**
PROGRAM DESCRIPTION:	The Center will offer local youth access to an array of educational services (tutoring, GED, and college preparation programs), job coaching and placement, support groups, and volunteer/civic engagement coordination. The proposed $25,000 in CDBG funding would be used for tenant improvements.
RESOURCES:	CDBG Funds 2011/12 $25,000
TARGET POPULATION:	Low and Moderate Income Persons
GEOGRAPHIC AREAS:	Citywide

SECTION 3 –OTHER ACTIONS
ANTI-POVERTY STRATEGY

The City identified several programs in its strategy to produce and preserve affordable housing. Programs include: the Neighborhood Stabilization Program (NSP), the Home Improvement Loan Program, Mobilehome Rehabilitation Grant Program, and the Homebuyer Assistance Program. The implementation of these programs and the re-evaluation of zoning in specific neighborhoods will assist in maintaining livable conditions for lower income persons. These programs, when coupled with the various social services, such as shelter and food services, and counseling programs, (including homeless prevention programs) provide residents opportunities to utilize programs at little or no cost, thereby reducing financial burden. The City's current structure limits the ability to directly reduce the numbers of households with incomes below the poverty line. However, by utilizing multiple programs and working with County, private, and nonprofit agencies the City can work to reduce the number of persons with incomes below the poverty line.

The City has established several goals to reduce poverty among its population:

1. Economic Development and Job Creation/Retention

In 2009, the City implemented 2 new programs aimed at relieving area unemployment and creating new jobs. The New Business Incentive Program continues this year to function as a tool to assist in the attraction of retail business to Moreno Valley providing full-time jobs to low-and-moderate income individuals. The Employment Resource

Center provides a centrally located office where low-to-moderate income persons may utilize computers and other office equipment to assist in building their resumes and run job searches.

The City partners with the Inland Empire Small Business Development Center (SBDC) to provide small business counseling services and specialized training to local businesses with the goal of improving\expanding businesses thereby creating and/or retaining low and moderate income jobs.

The City continues to implement a $479,292 Community Development Block Grant – Recovery, received in 2009, that incentivizes job creation.

2. Housing Programs

The City identified several programs in its strategy to produce and preserve affordable housing. The implementation of programs such as:

- the Homebuyer Assistance Program,
- the Home Improvement Loan Programs,
- the Mobile Home Grant Program,
- NSP Acquisition, Rehabilitation, Resale of Single Family Homes,
- NSP Acquisition Rehabilitation, Rental of Multi Family Apartments
- New Affordable Housing Development
- Homelessness Prevention and Rapid Re-Housing Program (HPRP)

will assist in maintaining livable conditions for lower income persons.

The City currently makes significant efforts to ensure that the City's Target Area and the Redevelopment Area benefit from the listed programs. Additionally, four other areas of the city were designated Revitalization Areas by HUD. The City is exploring opportunities to acquire and rehabilitate HUD owned properties within these areas to be sold to low-income homebuyers.

3. Public Service Providers

Public service organizations provide direct assistance to low-income persons, including the elderly, homeless, disabled, and persons threatened with homelessness. Providers assist with obtaining and maintaining adequate housing, emergency assistance as needed to meet immediate and urgent individual and family needs, including shelter; and the achievement of self-sufficiency. These programs provide city residents opportunities to utilize various services at little or no cost, thereby reducing their financial burden. The Homelessness Prevention and Rapid Re-housing grant of $732,872 received in 2009, also utilizes Public Service providers to distribute emergency assistance to families facing homelessness.

4. Coordination of Efforts

The City's goal is to continue to establish collaborative relationships between governmental and social service agencies to assure the effective delivery of services to low-income individuals. One example is the Riverside County Continuum of Care. The

Continuum of Care group consists of several local non-profits and local governmental agencies, such as the City of Moreno Valley, who meet periodically to share information, coordinate efforts to assist homeless persons and plan future activities. While the City's ability to directly reduce the numbers of households with incomes below the poverty line is limited, the City will attempt to reduce the number by utilizing multiple programs and working with the county, private and non-profit agencies.

Planning and Meeting Obstacles

The City will continue to evaluate and monitor priority community development needs, including those needs that may be currently underserved. The City will also work toward identifying, assessing and overcoming obstacles to meeting underserved community development needs.

SECTION 3 –OTHER ACTIONS
INSTITUTIONAL STRUCTURE AND COORDINATION

The institutional structure described in the Consolidated Plan demonstrates the diverse types of organizations needed to accomplish its program goals. The City will work with a variety of public and private agencies to accomplish the Consolidated Plan goals set forth in this strategic plan.

In addition, coordination with other public and private agencies is necessary in order to establish solid working relationships that will enable all service providers to better assist those in need. The City enjoys a cooperative relationship with surrounding jurisdictions, agencies, and nonprofit organizations.

Public Agencies

The City shall work with state and federal agencies through several grant programs to facilitate services and programs, which meet housing and safety needs in the community.

The City is a member of the March Joint Powers Authority (JPA). The JPA is a public entity created for the purpose of addressing the use, reuse, and joint use of realigned March Air Reserve Base (MARB) a (size) base located immediately adjacent to Moreno Valley.

On a more local level, City staff will work with Riverside County agencies such as the Departments of Mental Health and Public Social Services, to address regional homeless issues. The City meets on a regular basis with the Riverside County Department of Public Social Services as part of the Continuum of Care process to assist homeless persons. The Continuum of Care Consortium consists of local government agencies as well as non-profit agencies that work together to address homeless issues in the region. Continuum of Care grant funding is provided to local public and non-profit agencies to provide homeless services and shelter. Periodic meetings provide an opportunity for networking and working towards the common goal. Riverside County's Economic Development Agency also partners with the City to provide employment assistance services at the City's Employment Resource Center, as well as support services for at-risk youth at the Youth opportunity Center (under development).

Public Housing Authority

The Riverside County Housing Authority administers public housing and Section 8 programs in Moreno Valley. Issues relating to public housing are included in the Consolidated Plan for Riverside County. The City will work with the Riverside County Housing Authority when possible to improve the living environment of public housing and Section 8 residents.

Non-Profit Organizations

The City utilizes a variety of nonprofit organizations to address community needs, such as homelessness, special needs, fair housing and food distribution services. The City will provide information and updates to local social service agencies regarding the availability of private affordable housing opportunities in Moreno Valley. The City will also inform and educate private housing entities on the services, programs, and referrals provided by local social service agencies to persons seeking housing. Distribution of this information may be through a variety of methods including direct mailing, public service announcements, and personal contacts by city staff. Many of the objectives identified in the Annual Plan and associated programs are carried out by non-profit organizations. These organizations are the primary service providers for Moreno Valley's homeless, special needs and low-income populations. CDBG funds are allocated to these organizations to carry out activities benefiting these populations.

HOME funds are provided to non-profit agencies for rehabilitation and new construction of affordable housing units in the city. The city will work with its Community Housing Development Organizations (CHDO's), Riverside Housing Development Corporation (RHDC), and Habitat for Humanity to accomplish the housing goals. As a result of working with the CHDO's, the City has been able to address a wide variety of community needs including housing programs and public safety. The City will continue to work with these entities throughout the program year.

SECTION 3 – OTHER ACTIONS
MONITORING

MONITORING OF CDBG PROGRAMS

Monitoring serves as an effective tool to ensure that expenditures of federal funds are consistent with CDBG National Objectives and achieve program/project goals. The following outlines monitoring requirements for Moreno Valley CDBG program:

Subrecipients – When an organization becomes a City subrecipient, they must sign a contract with the City in which the various scopes of work, time lines, and documentation requirements are outlined. On a monthly basis, each Subrecipient must submit detailed information regarding the number, ethnicity, and income level of individuals benefiting from CDBG funds. Quarterly summary reports are required of some agencies in which further information is provided on activities accomplished in that quarter. The City conducts an on-site inspection of each agency at least once per year, preferably toward the end of the funding cycle. A sample Subrecipient Monitoring Form is attached as Attachment G.

Construction Projects – All construction projects comply with Federal Labor and Procurement Procedures as well as the various affirmative action and equal opportunity requirements required by various federal and state laws. The CDBG Management Analyst oversees and reviews contract preparation at each step from bid preparation, contract document preparation, pre-construction meetings, and ongoing project inspections. All public notices that solicit bids for capital projects are submitted to minority newspapers such as El Chicano, the San Bernardino American and the Precinct Reporter in order to give minority-owned businesses the opportunity to bid on the CDBG capital projects.

MONITORING OF HOME PROGRAMS

Multi-Family Affordable Housing Programs

The City requires property owners who have received funds under the Rental Rehabilitation Program or Multifamily Affordable Housing Program to recertify their tenant's eligibility annually. They report information and provide documentation related to the property, unit occupancy, tenant information and financial reporting. Forms and applicable documentation such as Federal income tax returns are to be completed by tenants of reserved (affordable) units and submitted with the report. If the unit was occupied by multiple tenants, then a copy of the application, rental agreement and the dates of residency must be provided. In addition, a copy of "Determining Affordable Rent" is provided to the owner for the reserved units. A City building inspector will conduct a property inspection to determine if the property is in compliance with code requirements and in good condition. The City will work with a recertification consulting service to ensure that the information is accurate and complete. Examples of the checklists used to monitor the affordable units under the Rental Rehabilitation Loan Program are also included in Attachment G.

Single Family Housing Programs – For Owner-Occupants

The City's Homebuyer Assistance Program offers a low-interest, silent second, down-payment assistance loans to income qualified individuals.

Loan terms include an equity sharing arrangement in lieu of interest on the deferred loan. When the property is sold or transferred, the City will receive a share of the gain on sale in addition to the original amount loaned. The percentage of the equity share percentage is calculated by dividing the original loan amount by the original purchase price.

Example: *If the HAP loan amount was $10,000 and the original purchase price was $90,000, the equity share percentage would be 11%. The equity share percentage is then multiplied by the gain on the sale (as determined by the sales price or the property value determined by a professional appraisal) to determine the City's Share of the profit on the sale. If the gain on the sale were $15,000, the City's share would be 11% of $15,000, or $1,650. The total repayment to the City would be $11,650.*

In addition, a Deed of Trust is recorded to serve as loan collateral (security). The securing deed may take first, second, or third position if it does not exceed the one hundred percent (100%) loan-to-value ratio.

Displacement and Relocation

The City does not have any plans to displace or relocate any residents from their homes using CDBG or HOME funds. If a project necessitated displacement or relocation, it would be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA).

PROPOSED ACCOMPLISHMENTS

The following table details each of the goals and objectives identified in the Strategic Plan and the proposed accomplishments over the five-year period of the Consolidated Plan. Following the close of the program year on June 30th, the City has 90 days to complete a Consolidated Annual Performance and Evaluation Report (CAPER) for public review and submittal to HUD. The CAPER will include the following table to track the accomplishments during the entire five-year period. Annual goals will be identified in the Annual Action Plan.

TABLE 3-A
PROPOSED FIVE-YEAR ACCOMPLISHMENTS (SAMPLE TABLE. INTENTIONALLY BLANK.)

Priority	Five-Year Goal / Proposed Accomplishments	Complete per Program Year					Summary of Progress
		08/09	09/10	10/11	11/12	12/13	
HOMELESS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of homeless persons and persons threatened with homelessness.							
1.1	To assist 2500 homeless persons and persons threatened with homelessness with housing and public service activities.						**Goal:** **Completed:**
SPECIAL NEEDS STRATEGY							
OBJECTIVE: Provide supportive housing and public services to meet the needs of special needs persons.							
2.1	To assist 15,000 special needs persons, including the elderly and disabled, with housing and public services.						**Goal:** **Completed:**
HOUSING STRATEGY							
OBJECTIVE: Rehabilitation of existing and construction of new single-family homes, multi-family housing and mobile homes to create or maintain decent, affordable housing for low and moderate income residents.							
3.1	To rehabilitate or construct a minimum of 400 housing units.						**Goal:** **Completed:**
OBJECTIVE: Create home ownership opportunities for low and moderate income residents.							
3.2	To provide home ownership to 5 households.						**Goal:** **Completed:**
OBJECTIVE: Improve the safety and livability in the CDBG Target Areas to create a suitable living environment.							
3.3	To provide increased, proactive Code Enforcement, Neighborhood Cleanups and public safety activities to assist 3,000 households.						**Goal:** **Completed:**
OBJECTIVE: Provide fair housing services to educate households on their rights and responsibilities and assist residents with fair housing issues.							
3.4	To assist 2,500 households with fair housing services.						**Goal:** **Completed:**

COMMUNITY AND ECONOMIC DEVELOPMENT STRATEGY							
Priority	Five-Year Goal / Proposed Accomplishments	Complete per Program Year					Summary of Progress
OBJECTIVE: Promote expanded economic opportunities in order to create or retain low and moderate income jobs.							
4.1	To assist 400 local small businesses with counseling services and loan programs.						**Goal:** **Completed:**
OBJECTIVE: Provide infrastructure improvements in CDBG Target Areas to create a suitable living environment by increasing access to quality public facilities.							
4.2	To construct infrastructure improvements that will assist 250 parcels located within CDBG Target Areas.						**Goal:** **Completed:**
OBJECTIVE: Support public service programs available to serve low and moderate income residents.							
4.3	To assist 50,000 low and moderate income residents with public service activities (other than homeless or special needs activities).						**Goal:** **Completed:**
OBJECTIVE: Provide employment training programs available to serve low and moderate income residents.							
4.4	To assist 150 low and moderate income residents with employment training and placement.						**Goal:** **Completed:**

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SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
FORM APPLICATION SF424

Form Application SF 424

(behind this page)

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:	*2. Type of Application	* If Revision, select appropriate letter(s)
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	*Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

3. Date Received:

4. Applicant Identifier: B-10-MC-06-0567

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Moreno Valley

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 Frederick Street

Street 2: PO BOX 88005

*City: Moreno Valley

County:

*State: CA

Province:

*Country: USA

*Zip / Postal Code 92553

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms. *First Name: Isa

Middle Name:

*Last Name: Rojas

Suffix:

Title: Management Analyst

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@MoVal.org

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2011/12 Community Development Block Grant funding. Programs/projects receiving new allocations for funding includes public services (landlord/tenant mediation, homeless\transitional housing shelters, emergency food assistance, youth programs, and elderly programs) code enforcement, and economic development programs.

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2011 *b. End Date: June 30, 2012

18. Estimated Funding ($):

*a. Federal TBD
*b. Applicant
*c. State
*d. Local
*e. Other
*f. Program Income
*g. TOTAL TBD

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: Henry
Middle Name:
*Last Name: Garcia
Suffix:

*Title: CITY MANAGER

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: henryg@moval.org

*Signature of Authorized Representative: *Date Signed:

Authorized for Local Reproduction

Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

NA

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*1. Type of Submission:	*2. Type of Application	* If Revision, select appropriate letter(s)
☐ Preapplication	☐ New	
☒ Application	☒ Continuation	*Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

3. Date Received:

4. Applicant Identifier: M-10-MC-06-0551

5a. Federal Entity Identifier:

*5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: CITY OF MORENO VALLEY

*b. Employer/Taxpayer Identification Number (EIN/TIN): 33-0076484

*c. Organizational DUNS: 177134186

d. Address:

*Street 1: 14177 FREDERICK STREET
Street 2: PO BOX 88005
*City: MORENO VALLEY
County: RIVERSIDE
*State: CA
Province:
*Country: USA
*Zip / Postal Code 92552-0805

e. Organizational Unit:

Department Name: ECONOMIC DEVELOPMENT

Division Name: NEIGHBORHOOD PRESERVATION

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: MS. *First Name: ISA
Middle Name:
*Last Name: ROJAS
Suffix:

Title: MANAGEMENT ANALYST

Organizational Affiliation:

*Telephone Number: 951-413-3227 Fax Number: 951-413-3459

*Email: IsaR@moval.org

Application for Federal Assistance SF-424 Version 02

***9. Type of Applicant 1: Select Applicant Type:**

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of Housing and Urban Development (HUD)

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Parntnership Program

***12 Funding Opportunity Number:**

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Moreno Valley, CA

***15. Descriptive Title of Applicant's Project:**

Annual Action Plan for FY 2011/12 HOME funding. Programs/projects receiving new allocations for funding include ...TBD.

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

*a. Applicant: 43rd and 44th *b. Program/Project: 43rd and 44th

17. Proposed Project:

*a. Start Date: July 1, 2011 *b. End Date: June 30, 2012

18. Estimated Funding ($):

*a. Federal TBD
*b. Applicant
*c. State
*d. Local
*e. Other
*f. Program Income
*g. TOTAL TBD

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: Henry
Middle Name: L.
*Last Name: Garcia
Suffix:

*Title: City Manager

*Telephone Number: 951-413-3453 Fax Number: 951-413-3459

* Email: HenryG@moval.org

*Signature of Authorized Representative: *Date Signed:

Authorized for Local Reproduction

Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

Application for Federal Assistance SF-424 Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CITIZEN PARTICIPATION

CITIZEN PARTICIPATION PROCESS

In preparing the 2011/12 Action Plan, the City took an assertive approach to encourage citizen participation. HUD regulations require that cities consult with public and private community-based non-profit organizations to obtain input on the housing and non-housing needs of low- and moderate-income and homeless members of the community. Those with special needs are included as well. To meet this requirement, the City prepared a Citizen Participation Plan (Attachment D), which outlines the process for encouraging citizen participation in the development of the Action Plan.

Citizen participation was accomplished through a series of meetings, public notices and announcements. City staff hosted community meetings and invited area residents, non-profit organizations and surrounding jurisdictions to provide input on the needs of the community. Public meetings to determine needs were held at the Moreno Valley Conference and Recreation Center and the Senior Center. In addition, several focused meetings with local agencies, surrounding jurisdictions and City committees were also conducted. Information and notification of these meetings was distributed through correspondence, flyers and public notices. Table 4-A, on the following page, outlines the citizen participation schedule.

The information compiled from the meetings (as outlined in the above schedule) was used in determining the needs in the community and the development of strategies. Citizen Comments are included as Attachment E. Organizations that participated in meetings or consultations included the following:

- CASA – Court Advocates Program (for Foster Youth)
- Fair Housing Council of Riverside
- 211 Riverside County
- Community Action Partnership of Riverside County

The proposed Action Plan was available for a 30-day public examination and comment period from March 29, 2011 through April 29, 2011.

The Action Plan was available for public review at the following locations:

- City of Moreno Valley Economic Development Department – City Hall
- Moreno Valley Senior Center
- City of Moreno Valley Corporate Yard
- Moreno Valley City Library

No Public comments on the Annual Action Plan were received during the public review period. Comments received at public meetings and hearings are included in Attachment E.

TABLE 4-A
CITIZEN PARTICIPATION SCHEDULE

Annual Action Plan FY 2011-2012 CDBG & HOME Programs Citizen Participation Schedule	
November 3, 2010	Notice of Community Needs Meetings *(Publish in Newspaper & Mail Out)*
November 17, 2010	Community Needs Assessment Meeting – Conference & Recreation Center (6:00 p.m. to 8:00 p.m.)
December 1, 2010	Publish Notice of Public Hearing for December 14, 2010 to Adopt CDBG/HOME Program Objectives and Policies
December 2, 2010	Community Needs Assessment Meeting – Senior Community Center (6:00 p.m. to 8:00 p.m.)
December 14, 2010	City Council Meeting – Adopt CDBG/HOME Program Objectives and Policies ***(Public Hearing)***
December 14, 2010	Mail NOFA (Notice of Funding Availability) to Interest List
January 3, 2011	**CDBG/HOME Applications Available for Distribution** Notice of Funding Availability Published
January 31, 2011	**All Applications Due (Non Profit and In-House)**
February 1-17, 2011	Technical Review Committee Reviews Public Service and Community Needs Applications; Applicant Oral Presentations
February 15, 2011	Publish Notice of Annual Action Plan Review Period (Mar 15 – Apr 15)
February 17, 2011	Final Technical Committee Project Review & Recommendation
February 18, 2011	Publish Notice of Public Hearing for March 8, 2011 City Council Meeting
March 22, 2011	City Council Meeting - CDBG/HOME Project Selection ***(Public Hearing)***
March 29, 2011	Begin Annual Action Plan 30-Day Review Period
April 26, 2011	Publish Notice of Public Hearing for May 10, 2011 to Approve the Annual Action Plan
April 29, 2011	Close of 30-day Public Comment Period for Annual Action Plan
May 10, 2011	City Council Meeting - Review Citizen Comments & Approve the Annual Action Plan ***(Public Hearing)***
Not later than May 12, 2011	Submittal of Annual Action Plan to HUD

SECTION 4 – ADDITIONAL GRANT REQUIREMENTS
CERTIFICATIONS

(Behind this page)

CERTIFICATIONS FY 2011-2012

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the City of Moreno Valley certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, and it has concluded an analysis of impediments to fair housing choice within the jurisdiction, and will take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential ant displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

2. Establishing an ongoing drug-free awareness program to inform employees about -

(a) The dangers of drug abuse in the workplace;
(b) The grantee's policy of maintaining a drug-free workplace;
(c) Any available drug counseling, rehabilitation, and employee assistance programs; and
(d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -

(a) Abide by the terms of the statement; and
(b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

_____ _____
Signature/Authorized Official Date

Henry Garcia, City Manager

Specific CDBG Certifications

The City of Moreno Valley certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. Overall Benefit. The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2010-2011 (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

   However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance With Anti-Discrimination laws -- The grant will be conducted and administered in conformity within title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R;

Compliance with Laws -- It will comply with applicable laws.

_____ _____

Signature/Authorized Official Date

Henry Garcia, City Manager

Specific HOME Certifications

The City of Moreno Valley certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

_____ _____

Signature/Authorized Official Date

Henry Garcia, City Manager

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.

2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).

5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).

6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)
City Hall
14177 Frederick Street
Moreno Valley, CA 92552

(X) Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace is required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

W:\NeighborPres\CDBG\2008-09\ACTION PLAN\attachments\Certifications.doc

ATTACHMENT A – DEFINITIONS OF TERMS AND ACRONYMS USED

List of acronyms used in this document:

CDBG: Community Development Block Grant

CDBG-R: Community Development Block Grant, Recovery Program

HOME: HOME Investment Partnership Grant

HPRP: Homelessness Prevention and Rapid Re-housing Program

HUD: U.S. Department of Housing and Urban Development

NSP: Neighborhood Stabilization Program

RDA: Community Redevelopment Agency of the City of Moreno Valley

This glossary is designed to provide a comprehensive list of terms used in this Consolidated Plan and future annual plans.

Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of gross income for gross housing costs, including utility costs.

AIDS and Related Diseases: The disease of acquired immune deficiency syndrome or any conditions arising from the etiologic agent for acquired immune deficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit from one or more programs included in the jurisdiction's investment plan. A renter is benefited if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefited during the year if the home's rehabilitation is completed. A first-time homebuyer is benefited if a home is purchased during the year. A homeless person is benefited during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefited, however only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of

a housing unit and/or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unity must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109) See also instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities.

Consolidated Plan: The document that is submitted to HUD that serves as the planning document (comprehensive housing affordability strategy and community development plan) of the jurisdiction and an application for funding under any of the Community Planning and Development formula grant programs (CDBG, ESG, HOME, or HOPWA), which is prepared in accordance with the process prescribed in 24CFR part 91.

Cost Burden: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Disabled Household: A household composed of one or more persons at least one of whom is an adult (a person of at least 18 years of age) who has a disability. A person shall be considered to have a disability if the person is determined to have a physical, mental or emotional impairment that: (1) is expected to be of long-continued and indefinite duration, (2) substantially impeded his or her ability to live independently, and (3) is such a nature that the ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if he or she has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6006). The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally developed programs or conduct a variety of special projects designed to promote economic independence and self-sufficiency.

Elderly Household: For HUD rental programs, a one or two person household in which the head of the household or spouse is at least 62 years of age.

Emergency Shelter: Any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless.

Extremely Low-Income Family: Family whose income is between 0 and 30 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

Family: Family means all persons living in the same household who are related by birth, marriage or adoption.

Family Self-Sufficiency (FSS) Program: A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services, to enable participating families to achieve economic independence and self-sufficiency.

Federal Preference for Admission: The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in substandard housing, or paying more than 50% of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be used as the principal residence of the homebuyer, except that any individual who is a displaced homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by the spouse.

For Rent: Year round housing units that are vacant and offered/available for rent. (U.S. Census definition)

For Sale: Year round housing units that are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least 3 activities of daily living (i.e., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless Family: Family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, or a homeless person in the process of securing legal custody of a person under the age of 18.

Homeless Individual/Homeless Person: An unaccompanied youth (17 years or younger) or an adult (18 years or older) without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or a State law), including the following: (1) an individual who lacks a fixed, regular, and adequate nighttime residence; and (2) an individual who has a primary nighttime residence that is: (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Homeless Subpopulations: Include but are not limited to the following categories of homeless persons: severely mentally ill only, alcohol/drug addicted only, severely mentally ill and alcohol/drug addicted, fleeing domestic violence, youth, and persons with HIV/AIDS.

Homeless Youth: Unaccompanied person 17 years of age or younger who is living in situations described by terms "sheltered" or "unsheltered".

Household: All the persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defects; (2) meet the definition of overcrowded; and (3) meet the definition of cost burden greater than 30%.

Housing Unit: An occupied or vacant house, apartment, or single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

Institutions/Institutional: Group quarters for persons under care or custody. (U.S. Census definition)

Jurisdiction: A State or unit of general local government.

Large Family/Household: Family/household of five or more persons.

Large Related: A household of 5 or more persons that includes at least one person related to the householder by blood, marriage or adoption.

LIHTC: (Federal) Low Income Housing Tax Credit.

Low- and Moderate-Income Household: A household having an income equal to or less than the Section 8 low-income limit established by HUD.

Low- and Moderate-Income Person: A member of a family having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person families for this purpose.

Low-Income Family/Household: Low-income families/households whose incomes do not exceed 50 percent of the median family/household income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 50 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Middle-Income Family/Household: Family/household whose income is between 80 percent and 95 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 95 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This corresponds to the term "moderate income family" under the CHAS statute, 42 U.S.C. 12705.)

Moderate-Income Family/Household: Family/household whose income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families/households, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

Non-Homeless Persons with Special Needs: Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

Non-Institutional: Group quarters for persons not under care or custody. (U.S. Census definition used)

Occupied Housing Unit: A housing unit that is the usual place of residence of the occupant(s).

Other Household: A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

Other Income: Household whose incomes exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to moderate-income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: For purposes of describing relative housing needs, a housing unit containing more than one person per room, as defined by the U.S. Census Bureau, for which data are made available by the Census Bureau. (See 24 CFR 791.402(b).)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Physical Defects: A housing unit lacking complete kitchen or bathroom (U.S. Census definition). Jurisdictions may expand upon the Census definition.

Primary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation or acquisition -- that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity".)

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

Public Housing MROP: Public Housing Major Reconstruction of Obsolete Projects.

Rent Burden > 30% (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden > 50% (Severe Cost Burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment of rent. (U.S. Census definition)

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Secondary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation, or acquisition -- that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity".)

Section 215: Section 215 of Title II of the National Affordable Housing Act. Section 215 defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up or in overcrowded or substandard conventional housing. Facilities that offer permanent shelter are not shelters, nor are the residents to be considered homeless.

Small Related: A household of 2 to 4 persons that includes at least one person related to the householder by birth, marriage, or adoption.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally not financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This

does not include units that require only cosmetic work, correction or minor livability problems or maintenance work. The jurisdiction must define this term (i.e., standard condition, financially and structurally feasible for rehab) and include this definition in the Appendix (Glossary of Terms) portion of its CHAS submission.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Rehabilitation of residential property at an average cost for the project in excess of $25,000 per dwelling unit.

Supportive Housing: Housing, including Housing Units and Group Quarters, that provides a supportive environment and include a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money management, and household management; counseling home ownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, childcare, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year round housing units. (U.S. Census definition)

Transitional housing: A project that is designed to provide housing and appropriate supportive services to homeless persons to facilitate movement to independent living within 24 months, or a longer period approved by HUD. For purposes of the HOME program, there is no HUD-approved time period for moving to independent living.

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: Households whose incomes do not exceed 30 percent of the median area income for the area, as determined by HUD, with adjustments for smaller and larger families and for areas with unusually high or low incomes or where needed because of prevailing levels of construction costs or fair market rents. (This term corresponds to low-income households in the CDBG Program.) For the purpose of further distinguishing needs within this category, two subgroups (0 to 30% and 31 to 50% of MFI) have been established in the CHAS tables and narratives.)

Worst-Case Needs: Unassisted, very low income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year round use. (U.S. Census definition.) Housing units for seasonal or migratory use are excluded.

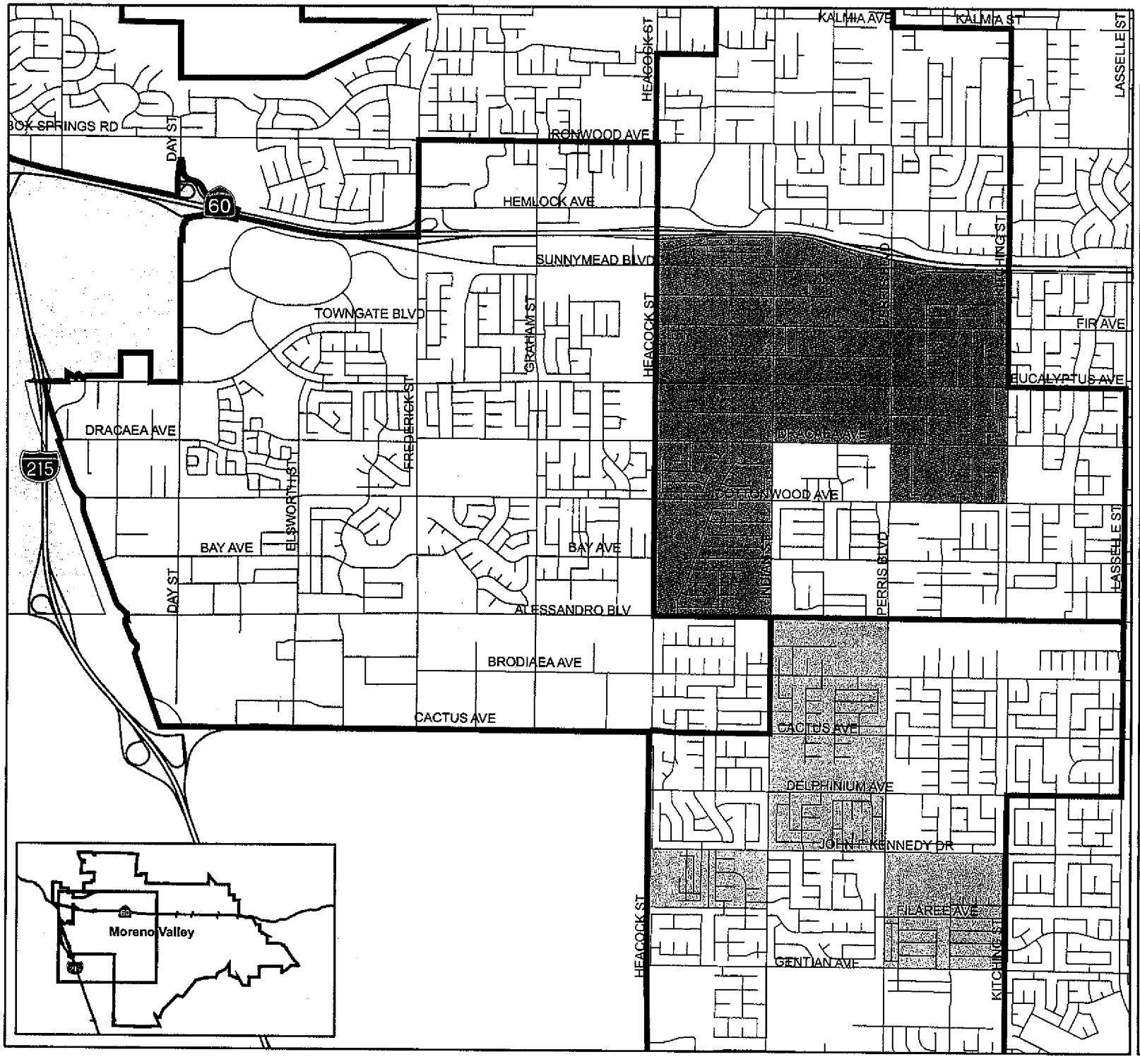

CITY OF MORENO VALLEY CDBG TARGET AREAS

CDBG Districts

- District 1
- District 4
- District 5
- Council District Boundaries
- Moreno Valley
- Riverside

N

0 1,250 2,500 Feet

0 0.25 0.5 Miles

Map Produced by Moreno Valley Geographic Information System
Geographic Information in:
State Plane NAD 83 California Zone 6 Feet
G:\ArcMap\Code\
CDBG_target_areas_1007.mxd
October 30, 2007

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map.

MORENO VALLEY
WHERE DREAMS SOAR

Redevelopment Area

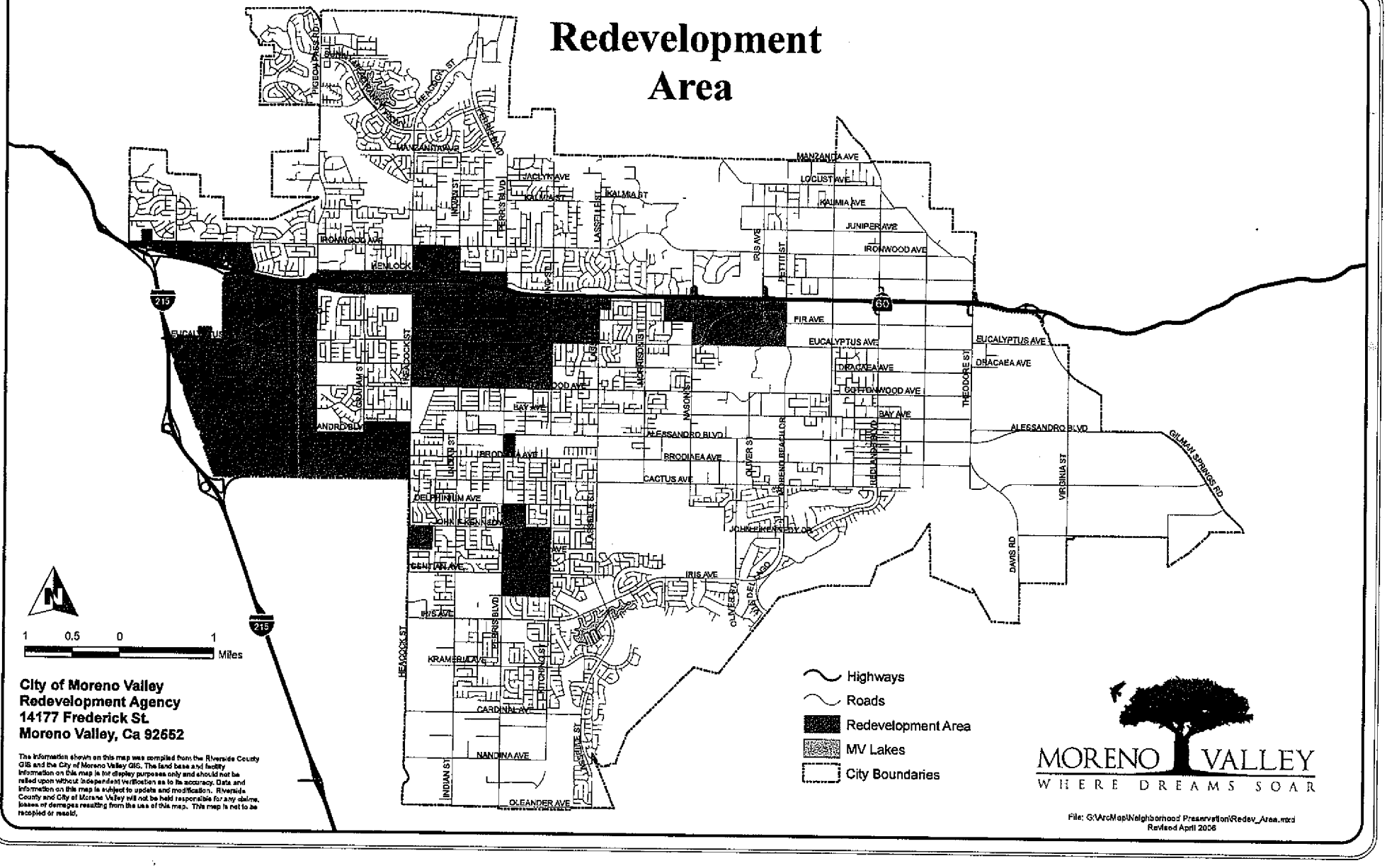

City of Moreno Valley
Revitalization Areas

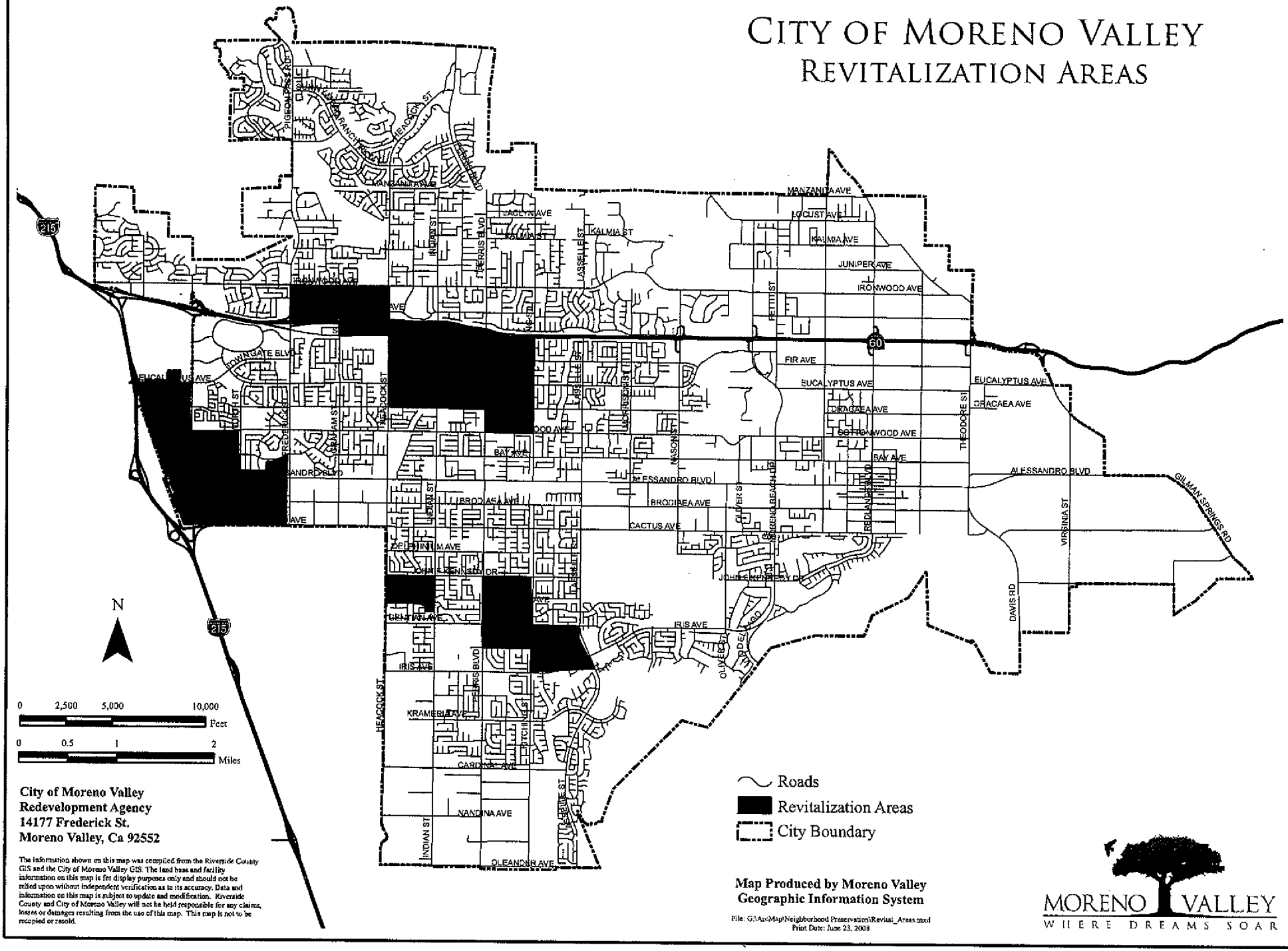

City of Moreno Valley
Redevelopment Agency
14177 Frederick St.
Moreno Valley, Ca 92552

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Map Produced by Moreno Valley Geographic Information System

File: G:\ArcMap\Neighborhood Preservation\Revital_Areas.mxd
Print Date: June 23, 2008

MORENO VALLEY
WHERE DREAMS SOAR

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY

NOTICE OF PUBLIC HEARING

CDBG & HOME PROGRAMS FISCAL YEAR 2011/2012 ANNUAL ACTION PLAN

The Moreno Valley City Council of the City of Moreno Valley will hold a **PUBLIC HEARING** to review and select the programs and projects requesting Community Development Block Grant (CDBG) and HOME Incentive Partnership Program (HOME) Funds for FY 2011/12.

The **Public Hearing** will be held on **Tuesday, March 22, 2011 at 6:30 p.m.** at the following location:

City Council Chambers
City of Moreno Valley - City Hall
14177 Frederick Street.
Moreno Valley, CA 92552

The City anticipates receiving an estimated $1,795,990 in new CDBG funds and $603,264 in HOME funds in FY 2011/2012. Please note that at least 70% of the CDBG funding will be allocated to projects serving lower income residents. The public is invited to attend and give input regarding the programs proposed for funding. Once approved at the City level, the programs will be incorporated into the 2010/11 Annual Action Plan and submitted to the Department of Housing and Urban Development (HUD) for Federal approval.

The Action Plan is the annual update to the City's adopted 5-Year Consolidated Plan that covers the period from July 1, 2008 through June 30, 2013 (FY 2008 - FY 2013). The Consolidated Plan is a comprehensive planning document that identifies priority housing and non-housing needs of the community. It also discusses strategies, projects and funding distributions. The City is required to provide HUD the Annual Action Plan that incorporates how new CDBG and HOME funds will be used to facilitate the strategies and address the needs identified in the Consolidated Plan.

For more information, please contact Isa Rojas, Management Analyst in the Economic Development Department, (951) 413-3450.

3-9-11

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MORENO VALLEY

CITY OF MORENO VALLEY

NOTICE OF PUBLIC COMMENT PERIOD

PROPOSED 2011/2012 ANNUAL ACTION PLAN

As a recipient of both Federal Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funds, the City of Moreno Valley is required to complete a Consolidated Plan and an Annual Action Plan. The Consolidated Plan is a five-year planning document that addresses the housing and community development needs of the City. The Annual Action Plan details the strategies and programs that the City will undertake during each program year.

The 2011/2012 Annual Action Plan covering activity from July 1, 2011 through June 30, 2012 will be available for public review and comments from March 29, 2011 through April 29, 2011. Public comments will only be received during the fifteen (30) day comment period. Upon completion of the comment period, the Action Plan will be revised to include a summary of public comments received. All comments will be incorporated as addendums to the Report and will be forwarded to the U.S. Department of Housing and Urban Development (HUD).

Copies of the Action Plan will be available for review at the Senior Community Center, the Purchasing Division Office at the City Corporate Yard, the Economic Development Department at City Hall, and the Moreno Valley Public Library. Comments must be submitted to the Economic Development Department. Contact information is listed below.

ISA ROJAS, MANAGEMENT ANALYST
CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
NEIGHBORHOOD PRESERVATION DIVISION
14177 FREDERICK STREET
MORENO VALLEY, CA 92552
NP@MOVAL.ORG
(951) 413-3450

ATTACHMENT D – CITIZEN PARTICIPATION PLAN

INTRODUCTION

The City of Moreno Valley is required by law to have a detailed Citizen Participation Plan that contains the City's policies and procedures for public involvement in the Consolidated Plan process and the use of CDBG and HOME funds. The Moreno Valley Citizen Participation Plan was developed pursuant to the U.S. Department of Housing and Urban Development (HUD), Consolidated Submission for Community Planning and Development Programs as required under 24CFR Part 91 and Part 8. The Citizen Participation Plan provides the method and process by which the City of Moreno Valley will encourage citizen participation in the development of its Consolidated Plan. Through this plan, citizens will be afforded the opportunity to provide input regarding housing and community development needs, issues and problems affecting low- and moderate-income persons, development of strategies, project selections and funding distributions.

Encouraging Public Participation

The law requires that the City's Citizen Participation Plan both provide for and encourage public participation, emphasizing involvement by low- and moderate-income people – especially those living in low- and moderate-income neighborhoods (see CDBG Target Area Map). Also, HUD expects the City to take whatever actions are appropriate to encourage participation of minorities, people who do not speak English, and people with disabilities.

The City also maintains a distribution list of persons, agencies, and organizations that have expressed interest in the City's CDBG or HOME programs. Notifications of events, such as the Community Needs meetings, are mailed directly to those on the distribution list to encourage public participation.

The Role of Low Income People

The law declares that the primary purpose of the programs covered by this Citizen Participation Plan is to improve communities by providing: decent housing, a suitable living environment, and growing economic opportunities – all principally for low- and moderate-income people.

The City of Moreno Valley will provide the Riverside County Public Housing Authority with a copy of all Public Notices that are published during the Consolidated Plan process. The City encourages input from residents of the Public Housing developments and via the Public Housing Authority, residents are notified of Community Needs Meetings as well as Public Hearings.

Because the amount of federal CDBG and HOME money the City receives each year is mostly based upon the severity of both poverty and substandard housing conditions in the City, it is necessary that public participation genuinely involve low-income residents who experience these conditions. Genuine involvement by low income people must take place at all stages of the process, including:

- Identifying needs
- Setting priorities among these needs, deciding how much money should be allocated to each high-priority need and suggesting the types of programs to meet high-priority needs
- Overseeing the way in which programs are carried out

The Various Stages of the Consolidated Plan Process

The policies and procedures in this Citizen Participation Plan relate to several stages of action mentioned in law or regulation. In general, these stages or events include:

A. Identification of community and housing needs (includes Public Hearing)
B. Preparation of a draft use of funds for the upcoming year, call the Proposed Annual Action Plan (includes Public Hearing)
C. Formal approval by the City Council of the Final Annual Action Plan (includes Public Hearing)
D. In the case where is it necessary to change the use of money already budgeted in an Action Plan or change priorities, a Substantial Amendment will be proposed (includes Public Hearing)
E. After the program year is complete, a Consolidated Annual Performance and Evaluation Report (CAPER) is drafted for public review and comment and then sent to HUD

The Program Year

The program year for Moreno Valley coincides with the City's fiscal year from July 1 through June 30.

PUBLIC NOTICES

Items Covered by the Public Notice Requirement

Advance Public Notice is provided once a federally required document is available for public review and comment, such as the Annual Action Plan or Consolidated Plan. In addition, advance public notice of all public hearings and public meetings is provided at least two weeks in advance.

Public Notice Schedule

Advance notice of all available documents, public hearings and public meetings are provided at least two weeks in advance. The notices will give residents a clear understanding of the event being announced.

The following is a general timeline of when public notices are published:

November-January	Notice of Community Needs Meetings
December-January	Notice of Public Hearing to Identify Community Needs
January	Notice of Funding Availability and Application Process for Funding
March	Notice of Public Hearing to Discuss Proposed Consolidated/Action Plan
March-April	Notice of Consolidated/Action Plan Availability for Public Review
April-May	Notice of Public Hearing to Adopt Final Consolidated/Action Plan
As Needed	Notice of Availability of Amendment to Consolidated/Action Plan
As Needed	Notice of Public Hearing to Amend Consolidated/Action Plan

Forms of Public Notice

Public notices are published in the Press-Enterprise as display advertisements in the non-legal section of the newspaper. A copy of the public notice will be sent to any person or organization requesting to be on the mailing list.

PUBLIC ACCESS TO INFORMATION

As required by law, the City will provide the public with reasonable and timely access to information and records relating to the data or content of the Consolidated Plan, as well as the proposed, actual and past use of funds covered by the Citizen Participation Plan. Regarding the past use of funds, the law requires reasonable public access to records about any uses of these funds during the previous five years.

Also, the City will provide the public with reasonable and timely access to local meetings relating to the proposed or actual use of funds.

Standard Documents

Standard documents include:

- The proposed and final Annual Action Plans
- The proposed and final Five-Year Consolidated Plan
- Proposed and final Substantial Amendments to either an Annual Action Plan or the Five-Year Consolidated Plan
- Consolidated Annual Performance and Evaluation Report
- Citizen Participation Plan

Availability of Standard Documents

All documents are available for immediate public review at City Hall in the Economic Development Department. Copies of standard documents that are not currently posted for public review will be provided to the public within five working days of the request at no cost. Copies of draft documents such as the Action Plan and CAPER are available at several locations for public review. These locations are: the Library, the Senior Center, City Hall, and the Purchasing Division at the City Corporate Yard. Documents remain at each of the for the entire required review time that is specified in the applicable public notice. All final documents are available for public review at City Hall during normal business hours.

PUBLIC HEARINGS

Public hearings are required by law in order to obtain the public's views and to provide the public with the City's responses to public questions and proposals.

The law requires a minimum of two public hearings at two different stages of the process. The City will conduct three public hearings at the following stages of the process: Identifying Needs, Proposed Annual Action Plan, and the Final Annual Action Plan. Public hearings are also conducted for amendments to the Annual Action Plan as needed.

Access to Public Hearings

Public hearings will be held only after there has been adequate notice as described in the Public Notice part of this Citizen Participation Plan, including a display advertisement in the non-legal section of the newspaper at least two weeks prior to the public hearing. Public hearings are conducted during the regularly scheduled City Council meetings.

Public Hearings and Populations with Unique Needs

All public hearings will be held at locations accessible to people with disabilities and provisions will be made for people with disabilities when requests are made within at least five working days prior to a hearing. Translators will be provided for people who do not speak English when requests are made at least five working days prior to a hearing.

Conduct of Public Hearings

To ensure that public hearings are meaningful to residents, each public hearing will be conducted in the presence of the City Council. Each resident choosing to speak will be allowed a maximum of five minutes to make a verbal presentation.

The following is a general timeline of when public hearings are conducted during the process:

January	Public Hearing to Identify Community Needs
March	Public Hearing to Discuss CDBG and HOME Proposed Projects
May	Public Hearing to Adopt Final Consolidated Plan Amendment/ Action Plan
As Needed	Public Hearing to Amend Consolidated Plan Amendment/ Action Plan

STAGES IN THE PROCESS

A. IDENTIFYING NEEDS

Because the housing and community development needs of low- and moderate-income people are so great and so diverse, priorities must be set in order to decide which needs should get more attention and more resources than other needs. This is the basic reason the Consolidated Plan exists.

A public hearing is required to obtain residents' opinions about needs and what priority those needs have. In order to encourage public involvement, two public community needs meetings are conducted in two separate locations to determine the specific needs and priorities identified by low- and moderate-income people. After information is gathered from the community needs meetings, a public hearing is conducted to allow residents to express comments regarding the needs of the City's low- and moderate-income population.

The public hearing about community needs will be completed at least 15 days before a draft Annual Action Plan is published for comment, so that the needs identified can be considered by the City and addressed in the draft Annual Action Plan.

B. THE PROPOSED ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The law governing the Citizen Participation Plan calls for improved accountability of jurisdiction to the public. In that spirit and in compliance with the terms of the law, the City will use the following procedures.

At the beginning of this stage, the City will provide the public with an estimate of the amount of CDBG and HOME funds it expects to receive in the upcoming year, along with a

description of the range of types of activities that can be funded with these resources. Also, the public will be given an estimate of the amount of these funds that will be used in ways that will benefit low- and moderate-income people.

The plans of the City to minimize the extent to which low- and moderate-income people will have to leave their homes as a result of the use of these federal dollars (called "displacement") will also be available at this time. This "anti-displacement plan" will also describe how the City will compensate people who are actually displaced as a result of the use of these funds, specifying the type and amount of compensation.

Technical Assistance

City staff will work with organizations and individuals representative of low- and moderate-income people who are interested in submitting a proposal to obtain funding for an activity. All potential applicants for funding are encouraged to contact City staff for technical assistance before completing a proposal form.

Availability of a Proposed Annual Action Plan

Within 3 weeks after the Public Hearing about the Proposed Annual Action Plan, the City will make the Proposed Annual Action Plan available to the public. In addition, copies will be available at the locations specified above in the section, "Public Access to Information". A Public Notice will be published at least two weeks prior to the document's availability. The term "notice" described earlier in the section on "Public Notice" will be used.

Also, the date the Proposed Annual Action Plan is available to the public will be at least 30 days prior to the date a Final Annual Action Plan is approved by the City Council so that low- and moderate-income people will have a reasonable opportunity to examine it and to submit comments.

Public Hearing and Further Action

A public hearing about the Proposed Annual Action Plan will be conducted by the City Council within 30 days before it is available to the public. In addition, this public hearing will be held so that there are at least another 30 days before the Final Annual Action Plan is approved by the City Council so that the elected officials can consider the public's comments from the public hearing.

In preparing a Final Annual Action Plan, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Annual Action Plan will have a section that presents all comments and explains why any comments were not accepted.

C. THE FINAL ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

Copies of the Final Annual Action Plan will be made available to the public at City Hall for review. Copies can be obtained free of charge and within five business days of the request.

D. AMENDMENTS TO THE ANNUAL ACTION PLAN (AND/OR FIVE-YEAR STRATEGY)

The Final Annual Action Plan will be amended any time there is: a change in one of the Priorities presented on the HUD-required Priority Table, a change in the use of money to an activity not mentioned in the Final Annual Action Plan, or, a change in the purpose, location, scope of beneficiaries of an activity. The public will be notified whenever there is an amendment.

Substantial Amendments

The following will be considered "substantial" amendments:

1. A change in the use of CDBG or HOME money from one activity to another.
2. The elimination of an activity originally described in the Annual Action Plan.
3. The addition of an activity not originally described in the Annual Action Plan.
4. A change in the purpose of an activity, such as a change in the type of activity or its ultimate objective – for example, a change in a construction project from housing to commercial.
5. A meaningful change in the location of an activity.
6. A change in the type or characteristics of people benefiting from the activity. Among the "characteristics" are:
    a. The HUD-recognized income levels of: 0-30 percent of area median income; between 31 percent and 50 percent of AMI; and between 51 percent and 80 percent of AMI
    b. Race or ethnicity
    c. Renter or homeowner

d. Single households, small ones (two to four persons), large ones (five or more persons)

7. A 20% percent decrease in the number of low- and moderate-income people benefiting from an activity.
8. A change in the scope of an activity, such that there is a 20% percent increase or decrease in the amount of money allocated to the activity.

Public Notice and Public Hearing for Substantial Amendments

There must be reasonable notice of a proposed Substantial Amendment so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for Substantial Amendments:

1. There will be advance notice of the availability of a proposed Substantial Amendment 30 days before there is a public hearing.
2. A detailed written description of the proposed Substantial Amendment will be made available to the public. Also, copies will be available at the locations indicated earlier in this Citizen Participation Plan under "Public Access to Information".
3. There will be a public hearing regarding the proposed Substantial Amendment conducted by the City Council. This public hearing will not take place until the public has had 30 days to review the proposed Substantial Amendment.
4. The public hearing will be held no sooner than two weeks prior to submission to HUD.
5. In preparing the Final Substantial Amendment, careful consideration will be given to all comments and views expressed by the public, whether given as verbal testimony at the public hearing or submitted in writing during the review and comment period. The Final Substantial Amendment will have a section that presents all comments and explains why any comments were not accepted.

E. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Every year the City must send into HUD a Consolidated Annual Performance and Evaluation Report (CAPER) within 90 days of the close of the program year. In

general, the CAPER must describe how funds were actually used and the extent to which these funds were used for activities that benefited low- and moderate-income people.

Public Notice and Public Hearing for Consolidated Annual Performance and Evaluation Report (CAPER)

There must be reasonable notice that the Consolidated Annual Performance and Evaluation Report (CAPER) is available so that residents will have an opportunity to review it and comment on it. Notice will be made according to the procedures described earlier in this Citizen Participation Plan, with the addition of the following procedures specifically for the CAPER:

1. There will be advance notice of the availability of the CAPER two weeks in advance.
2. A complete copy of the CAPER will be made available to the public at the locations indicated earlier in the Citizen Participation Plan under "Public Access to Information".
3. The public will have a minimum of 15 days to review and provide comments on the CAPER.
4. In preparing the CAPER for submission to HUD, careful consideration will be given to all comments and views expressed by the public. The CAPER sent to HUD will have a section that presents all comments and explains why any comments were not accepted.

Contents of the CAPER

The CAPER provides details on the actions taken by the City during the previous program year and accomplishments completed during the year. Accomplishments include the number of low- and moderate-income persons served and the ethnicity of those individuals. Also provided are expenditures taken during the year and funds spent undertaking each activity.

COMPLAINT PROCEDURES

Comments, suggestions or complaints may be addressed to the Economic Development Department as follows:

City of Moreno Valley
Economic Development Department
Attention: Neighborhood Preservation Division
14177 Frederick Street, P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-34507

All written complaints from the public will receive a meaningful written response within 15 working days after receipt.

CHANGES TO THE CITIZEN PARTICIPATION PLAN

The Citizen Participation Plan can be changed only after the public has been notified of the intent to modify it, and only after the public has had a reasonable chance to review and comment on proposed substantial changes to it.

ATTACHMENT E

COMMUNITY NEEDS ASSESSMENT MEETING

Conference & Recreation Center
November 17, 2010
6:00 p.m. – 7:30 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Isa Rojas, Management Analyst

Community members present at the meeting:

- Lyn Garcia, Community Action Partnership of Riverside County
- Debra Jackson, Community Action Partnership of Riverside County
- Craig Redelsperger, 211 Riverside County
- Deborah Sutton, CASA – Court Advocates Program (for Foster Youth)

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- It was suggested that future funding consideration go toward foster youth services since there is a substantial need. A detailed discussion centered around the high population of kids in the foster care system, the high number of group homes in Moreno Valley (it was commented that the City has the highest number in the County), and the lack of quality foster parents.

- It was commented that with the economy struggling and the high unemployment, new groups of individuals are seeking assistance for the very first time. It was shared that consequently, telephone referral services to members of the community have increased by 38% with the majority of callers requesting help with utilities and housing.

- There was a recommendation that funding should be directed at addressing the increased demand in certain service areas. It was shared that community members are being turned away at certain service provider organizations, such as food banks -which no longer are receiving donations at the level they were in the past. Emergency services and utility services are in extremely high demand.

- The need for support toward local youth programs, including job training was discussed, as was the need for programs that assist 'special needs' populations (elderly, disabled).

- The need for affordable, safe, childcare in our community was noted, particularly with State budget cuts no longer providing subsidies or licensing.

COMMUNITY NEEDS ASSESSMENT MEETING
Community Senior Center
December 2, 2010
6:00 p.m. – 7:30 p.m.

Staff members present at the meeting:
Donna Moeller, Housing Program Specialist
Isa Rojas, Management Analyst

Community members present at the meeting:

- Robin Goins, Smooth Transition, Inc.
- Monica Lopez, Fair Housing Program Manager with the Fair Housing Council of Riverside County
- Sheena Wright, Foreclosure Prevention/Loss Mitigation Specialist, Fair Housing Council of Riverside County

Donna Moeller presented an overview of the CDBG and HOME programs, including historical funding levels, identified priorities, and projects underway in the current program year. Attendees were advised that the purpose of the Needs Assessment Meeting was to solicit input from local residents and service providers on the current needs of the community, and attendees were asked to speak on behalf of their agency or to state their concerns and issues. The reference materials packet was reviewed with attendees.

The following is a summary of needs assessment comments made by meeting attendees:

- It was reported that fair housing issues continue to rise in Moreno Valley. With many homeowners having have lost their homes and now being required to rent, tenant-landlord mediation has spiked. Evictions and repair issues are high, and fair housing discrimination cases involving disabled persons have increased 42%.

- The need for loss mitigation counseling continues especially for repeat services for homeowners with modifications who's employment situation keeps changing. It was also noted that predatory lending and foreclosure prevention scams continue to be prevalent in Moreno Valley.

- With the economy still struggling, it was reported that many Fair Housing clients were in need of rental and utility assistance.

- The Fair Housing Council continues to receive requests for, and to provide, First Time Homebuyer education.

- The need for community education was emphasized particularly life skills education and job training for 'at risk' populations such as emancipated youth. It was a consensus that education is key in preventing future hardships for these individuals.

COMMUNITY NEEDS ASSESSMENT COMMENTS (CONTINUED)

The following is a summary of needs assessment comments made by persons who were unable to attend the meetings but submitted their comments by phone or e-mail:

Community members:

- Judy Neiburger, representing Friends of the Senior Center- MoVan
- Carolyn Sherman, Assistance League of Riverside

- Moreno Valley continues to have a big demand for low cost elderly transportation. It was stated that the MoVan program is ideal for persons on a fixed income and provided for ridership at 1/12 of the cost of other local transportation.

- Special attention was recommended be paid to the increase in homelessness in the community. It was felt that support for services (particularly food) is needed this upcoming funding year.

- It was reported that the Assistance League assisted more needy children with school clothes, backpacks and hygiene kits than ever before. With the recession affecting our local area more severely than the rest of the nation, the need is expected to continue.

MORENO VALLEY
WHERE DREAMS SOAR

CITY OF MORENO VALLEY
ECONOMIC DEVELOPMENT DEPARTMENT
NEIGHBORHOOD PRESERVATION DIVISION

Community Development Block Grant
"Subrecipient Monitoring Form"

GENERAL INFORMATION:

Interviewer:_____

Interviewer:_____

Project Name: _____

Location:_____

Agency:_____

Project Began:_____

Project Ended:_____

Date:_____

Name(s) and Title(s) of Person(s) Interviewed:

CDBG REGULATIONS

1. What efforts has the Subrecipient made to ensure that employees understand applicable CDBG program requirements?

2. Does the Subrecipient maintain adequate records to comply with CDBG program requirements, including records retention? *(circle one)* Yes No

3. Comments:

INTERNAL CONTROLS

1. Has the Subrecipient ensured that financial management systems are maintained in accordance with 24 CFR, Part 85.20(b), as applicable? *(circle one)* Yes No

   If yes, what are the financial management standards?

2. If Subrecipient employees work on both CDBG-eligible and non-CDBG eligible activities, what system does the Subrecipient have in place to ensure that appropriate time distribution records are kept?

3. Is the Subrecipient in compliance with the procurement and/or subcontracting requirements of 24 CFR, Part 85.36, as applicable? *(circle one)* Yes No

4. Does the Subrecipient significantly review for evidence of conflicts of interest either between the Subrecipient and the employees or between the Subrecipient and its contractors (such as obtaining information on background of staff or board directors and seeking specific assurances from contractors, vendors, and suppliers)? *(circle one)* Yes No

SUBRECIPIENT AGREEMENT (24 CFR, PART 570.503)

1. Does the "Scope of Services" contain a description of the types and amounts of services or products that will result from use of CDBG funds in sufficient detail to allow for effective monitoring? *(circle one)* Yes No

   Give examples of any deficiencies found:

2. Is a deadline designated for accomplishment of each of the major services or projects identified in the "Scope of Services" (reference 24 CFR, Part 570.503(b)(1))? *(circle one)* Yes No

   Give examples of any deficiencies found:

3. Are the costs for carrying out the "Scope of Services" presented in sufficient detail to provide an adequate base for comparison of planned and actual performance (reference 24 CFR, Part 570.403(b)(1))? *(circle one)* Yes No

   Describe any deficiencies:

4. Are the documents presented and required of the Subrecipient in order to receive payment of CDBG funds adequate to ensure that payments are eligible and reasonable in relation to actual performance and that funds are not being requested in excess of immediate needs? *(circle one)* Yes No

   If not, please explain:

5. Where special documentation is required by the contract or project activity type such as but not limited to, necessary or appropriate determinations, or lead-based paint, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   If not, what is lacking?

6. Where special income documentation is required by the contract or project activity type, is such documentation being maintained by the Subrecipient? *(circle one)* Yes No

   Indicate type of verification required:

7. Are current income limits being utilized for the program? *(circle one)* Yes No

8. Does the Agreement specify that program income is to be retained by the Subrecipient? *(circle one)* Yes No

   If yes, what provisions are made to ensure that such income is recorded and reported, and that it will be used in accordance with CDBG regulations?

9. Has Subrecipient been informed of requirement to submit an annual audit of City funded portion for the program per the CDBG Agreement? Audit shall be performed by a Certified Public Accountant or other independent auditor. *(circle one)* Yes No

REPORTING

1. Does the Subrecipient submit reports such as progress or financial reports on a timely and periodic basis (reference 24 CFR, Part 570.503(b)(2))? *(circle one)* Yes No

   If yes, please describe:

2. How frequently are these reports required to be submitted?

3. Has Subrecipient submitted written reports and is the information submitted sufficient to assess Subrecipient performance against the specifications in the "Scope of Services"? *(circle one)* Yes No

   If not, please explain:

4. Is the reported data verified by the City? *(circle one)* Yes No

   If yes, how does the recipient verify actual beneficiaries of a project?

PROGRAM INCOME MONITORING

1. How does the Subrecipient keep track of generated program income and ensure accurate reporting?

2. Has the Subrecipient established revenue accounts to record program income?

3. If program income is retained by Subrecipient, does the Subrecipient check to determine that:

   a. Program income is being used before new grant funds are requested?

   b. Such income is being used in accordance with CDBG rules and regulations?

ON-SITE REVIEW OF SUBRECIPIENTS BY CITY

1. Did a representative from the City of Moreno Valley monitor this Subrecipient on site? *(circle one)* Yes No

2. Based on this review, does there appear to be any significant differences between actual performance and the reported performance submitted to the City? *(circle one)* Yes No

   If yes, please describe:

3. In reviewing the activities and costs charged by the Subrecipient to the CDBG program, are there any costs that appear clearly unreasonable? *(circle one)* Yes No

4. Are there any expenditures that warrant further review? *(circle one)* Yes No
   If yes, please explain:

SUMMARY

1. Is it evident that the Subrecipient is adequately managing and monitoring its activities? *(circle one)* Yes No

   If not, try to identify the apparent causes of the problem(s). What action is recommended? Does the Subrecipient need additional technical assistance in any particular area? Are there elements of the Sub-recipients management system that are particularly successful? Please note below any general observations, positive and/or negative, which would contribute to a determination as to whether the Subrecipient has an adequate management and monitoring system in place to ensure compliance with regulations and accomplishment of goals and objectives.

FINDINGS:

CONCERNS:

RECOMMENDED ACTIONS:

POSITIVE OBSERVATIONS:

_____ _____
Signature of Reviewer Date

_____
Name and Title

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MV00105869

ATTACHMENT E - CDBG PROPOSED PROGRAMS

CDBG - FY 2011/12 - Total Anticipated Funding $1,621,245 plus project savings of $412,830* = $2,034,075

	ACTIVITY	FY 2010/11 ALLOCATION	FY 2011/12 Request	Staff Recommendation	City Council Recommendation
A.	ADMINISTRATION (20% CAP - $324,249)				
0	Administrative Staffing	$338,869		$294,249	
1	Fair Housing Council of Riverside County - Fair Housing Program	$49,453		$30,000	
	Subtotal	$388,322		$324,249	
B.	PUBLIC SERVICES (15% CAP - $243,186)				
2	Community Foreclosure Prevention Workshops	$44,000	$30,000	$28,500	
3	Community Assistance Program (CAP) Food Program	$30,600	$34,220	$29,070	
4	Friends of the Moreno Valley Senior Center (MoVan) Transportation	$30,000	$30,000	$28,500	
5	Problem Orienting Community Policing (POP) Team	$28,241	na	$0	
6	Fair Housing Council of Riv County - Foreclosure Prevention Program	$25,000	$25,000	$20,708	
7	Fair Housing Council of Riv County - Landlord Tenant Mediation Program	na	$15,000	$14,250	
8	Lutheran Social Services (MARB) Homeless Shelter	$15,000	$21,104	$14,250	
9	Path of Life Transitional Family Shelter (MARB)	$15,000	$30,000	$14,250	
10	PW Enhancement Center - Emergency Services Outreach	$15,000	$32,000	$14,250	
11	Neighborhood Clean-ups	$15,000	$15,000	$14,250	
12	Assistance League/Operation School Bell - Clothes/School Supplies	$10,000	$15,000	$9,500	
13	CASA for Riverside County Foster Youth Program	$10,000	$32,535	$9,500	
14	God's Helping Hand Ministries - Food Bank	$9,000	$10,000	$8,550	
15	Operation Safehouse Shelter for Youth	$8,000	$8,000	$7,600	
16	Alternatives to Domestic Violence Emergency Shelter & Services	$7,500	$15,000	$7,125	
17	Riverside Area Rape Crisis Center - Child Abuse Prevention Program	$7,500	$7,500	$7,125	
18	Moreno Valley Community Educators - Tutoring Program	$6,400	na	$0	
19	ARC of Riverside - Disabled Adult Day Care Facility	$5,000	$20,000	$5,000	
20	Salvation Army -Food Program	$5,000	$10,900	$5,000	
21	Catholic Charities - Case Worker	na	$35,000	$0	
22	MVUSD High School Intervention Program	na	$10,500	$0	
23	Smooth Transition Literacy/Job Readiness/Life Skills Trng.	na	$48,872	$0	
24	CVHC - Afterschool/Computer Program	na	$10,000	$0	
25	ReNu Hope Foundation - Pre School Bldg. Improvements	na	$19,413	$0	
26	Volunteer Ctr. '211' Telephone Referral Service	$5,000	$20,000	$5,000	
27	Volunteer Ctr. Rent Gaurantee Program	na	$63,000	$0	
28	Alpha & Assoc. - Reclaiming Youth Intervention Program	na	$50,000	$0	
29	MCL Music Changing Lives - Youth Intervention /Music Program	na	$150,000	$0	
30	Family Service Assoc. Nutrition Program at Supportive Hsg Complex	na	$50,000	$0	
31	Leading Our World - Help the Streets Outreach Program	na	$1,105,000	$0	
	Subtotal	$291,241	$1,913,044	$242,428	
C.	PUBLIC FACILITIES & IMPROVEMENTS				
32	Street Improvement Project	na	$650,000	$650,000	
	Subtotal	$0	$650,000	$650,000	
D.	REHABILITATION				
33	Habitat for Humanity	$10,000	$10,000	$10,000	
	Subtotal	$10,000	$10,000	$10,000	
E.	CODE ENFORCEMENT				
34	Code & Neighborhood Enforcement Program (CDBG Target Areas)	$263,390	$263,390	$263,390	
35	Code Enforcement - Foreclosure 'Strike Team'	$103,017	$103,017	$103,017	
	Subtotal	$366,407	$366,407	$366,407	
F	ECONOMIC DEVELOPMENT				
37	MV New Business Incentive Program	$540,000	$525,000	$220,987	
38	Employment Resource Center	$145,641	$120,000	$120,000	
40	Youth Opportunity Center	$50,000	$25,000	$25,000	
41	Family Service Assoc. Meal Program Facilities	$50,000	$50,000	$25,000	
42	Small Business Development Center	$50,000	$50,000	$50,000	
	Subtotal	$835,641	$770,000	$440,987	
	GRAND TOTAL	$1,891,611	$3,699,451	$2,034,071	

※ New applicants ⊠ Organization serving homeless population × Recommended funding changes over previous year

* Anticipated funding based on 16.5 % reducation of last years actual allocation + past years project savings of $412,830. BY LAW Project savings CANNOT be applied to Public Services. Public Services are capped at 15% of annual grant.

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MV00105871

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

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MV00105873

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Acting Assistant City Manager

AGENDA DATE: May 10, 2011 (continued from April 12, 2011)

TITLE: Resolution Regarding the Liberty Quarry

RECOMMENDED ACTION

Staff recommends that the City Council discuss and consider adopting Resolution No. 2011-31 regarding the Liberty Quarry.

BACKGROUND

Granite Construction Incorporated has proposed the Liberty Quarry project in Southwest Riverside County to address the need for construction grade aggregate resources in Southern California. The proposed project would help meet the current and projected demand for construction aggregates in the Temecula-Murrieta area, southwestern Riverside County, and northern San Diego County by providing reliable, high-quality, aggregate products at a maximum permitted production level of 5 million tons per year for a maximum of 75 years. The operations at Liberty Quarry would involve hard rock extraction and crushing, material processing and product production, and truck transport of quarry products to customers.

The proposed site is located within Riverside County at the border to San Diego County, west of I-15, and comprises 414 acres. One hundred fifty-five acres are proposed for the quarry area and associated support operations, 9 acres would be used for an access road and utility pad, and 250 acres would remain as undisturbed open space and would serve as buffers to adjacent properties. The proposed project would include construction of a crushed rock processing plant and associated facilities. The project would also include construction of an additional lane at the southbound I-15 off-ramp at Rainbow Valley Boulevard to accommodate traffic entering the site from the north.

According to the environmental impact report released by Riverside County, in addition to the processing plant and support facilities, the project would include the following specific design features that avoid or reduce potential impacts:

- Open space areas and buffers
- Reclamation plan suitable for habitat open space
- Enclosed equipment to reduce dust and odors
- Low-profile installation, onsite setbacks, and a landscaped berm to limit noise and views
- Water reuse to conserve water resources

Additionally, reclamation activities would be conducted during all phases of development of the Proposed Project, and the post-reclamation end use would be suitable for habitat open space.

In July, 2009, the County of Riverside released the Draft Environmental Impact Report (DEIR) for this project, which assessed potentially significant impacts related to the environment. The DEIR determined that there would be no adverse impact to mineral resources and less than significant impacts with implementation of mitigation measures, design considerations and/or compliance with standard regulations for the following issue areas: aesthetics and light, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, utilities and service systems, and vibration. The DEIR did determine that the proposed project would result in "significant and unavoidable impacts" to air quality and traffic/transportation, which cannot be mitigated to below a level of significance. However it also indicated that those impacts would occur without the project due to diesel trucks traveling long distances to haul aggregate if the quarry is not constructed. As stated in the proposed resolution of support, aggregate supply facilities in Banning, Palm Springs, and Indio currently truck aggregate through the City of Moreno Valley and neighboring communities to meet the needs of Southwest Riverside County and northern San Diego because of a lack of local aggregate. Presumably this traffic would be less frequent if these areas were served by a quarry located closer to that region.

The Draft EIR was circulated for 120 days for review for the period from July 20, 2009 through November 23, 2009 (the review period was extended from the original 60 days to 120 days per public requests) and 232 comment letters and emails were submitted. The Final Environmental Impact Report was released by the County on March 24, 2011 and included no major changes to the Draft EIR.

DISCUSSION

The proposed resolution was placed on the agenda at the direction of members of the City Council. Similar resolutions of support have been adopted by the cities of Banning, Beaumont, and Eastvale. Granite Construction lists among the supporters of the project the Greater Riverside Chambers of Commerce, Moreno Valley Chamber of Commerce, Inland Empire Economic Partnership and the Riverside Building Industry Association.

Proponents of the project cite the need to increase aggregate reserves. According to the California Geological Survey, at the current rate of production the state's permitted aggregate reserves will be exhausted in about 30 years; the California Department of Conservation reports that Western Riverside County currently has less than 16 years of permitted aggregate reserves remaining. California State Geologist John Parrish has stated that increasing demands for a dwindling supply of construction grade aggregates as California's population grows will result in higher market prices for aggregate commodities. This could result in higher project costs for all types of construction.

The City of Temecula passed a resolution opposing the project on March 8, 2011. Temecula's resolution states that the project is incompatible with County development, zoning, and land use standards, as well as the Multiple Species Habitat Conservation Plan, and should be prohibited. The Temecula resolution also states that the project will degrade air quality, increase traffic and negatively impact the economy and that the Draft EIR is "fundamentally misleading and incomplete." On April 12, 2011 City of Temecula Mayor Ron Roberts forwarded a letter to the City Council asking that they not support this project (a copy of the letter is included as Attachment B). Opponents of the Liberty Quarry project include a group of residents from Rainbow, Fallbrook and Southwest Riverside County called "Save our Southwest Hills"; the group's website includes a list of nearly 500 businesses and organizations opposed to the quarry project.

ALTERNATIVES

1) Approve the attached resolution in support of the need for and benefits of the Liberty Quarry.

2) Not approve the attached resolution in support of the need for and benefits of the Liberty Quarry.

3) Direct staff to prepare a different resolution regarding the Liberty Quarry.

4) Take no official position with regard to the Liberty Quarry.

FISCAL IMPACT

The proposed resolution will have no fiscal impact to the City.

SUMMARY

Granite Construction Incorporated has proposed the Liberty Quarry project in Southwest Riverside County to address the need for construction grade aggregate resources in Southern California. A proposed resolution in support of the need for and benefits of the Liberty Quarry project was placed on the agenda at the direction of members of the City Council.

COUNCIL GOALS

Public Facilities and Capital Projects: Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

Advocacy: Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

ATTACHMENTS/EXHIBITS

Attachment A: Resolution No. 2011-31 in support of the need for and benefits of Liberty Quarry.

Attachment B: April 12, 2011 Letter from Temecula Mayor Ron Roberts

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

MV00105877

RESOLUTION NO. 2011-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, IN SUPPORT OF THE NEED FOR AND BENEFITS OF LIBERTY QUARRY

WHEREAS, access to high quality, affordable construction materials geographically near major transportation corridors is critical to address sustainable growth and development throughout California; and

WHEREAS, California is facing a critical shortage of aggregate materials and reserves that is both substantial and immediate; and

WHEREAS, according to the California Geological Survey, at the current rate of production the state's permitted aggregate reserves will be exhausted in about 30 years, and according to the California Department of Conservation, Western Riverside County currently has less than 16 years of permitted aggregate reserves remaining; and

WHEREAS, the Liberty Quarry could produce up to 5 million tons per year of aggregate, concrete and asphalt and could supply all of the Southwestern portions of Riverside County with enough aggregate for its needs for the next 75 years; and

WHEREAS, a local quarry project such as Liberty Quarry would contribute $300 million in new sales tax revenue, $41 million in new property taxes and fees and $2.2 million in Riverside County taxes annually; and

WHEREAS, the proposed quarry would provide jobs for residents in Southwest Riverside County as well as generate numerous indirect jobs in other parts of Riverside County; and

WHEREAS, aggregate supply facilities in Banning, Palm Springs, and Indio currently truck aggregate through the City of Moreno Valley and neighboring communities to meet the needs of Southwest Riverside County and northern San Diego because of a lack of local aggregate; and

WHEREAS, the proposed Liberty Quarry in Southwest Riverside County would provide these markets with a local source of aggregate and take hundreds of aggregate-hauling trucks off of State Route 60 and Interstate 215.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That Moreno Valley supports efforts to make available additional aggregate resources nearby major transportation corridors to reduce the impacts of and increased costs related to importing material long distances.

2. Presuming completion of required environmental review and analysis and mitigation of impacts as directed by Riverside County, Moreno Valley supports the Liberty Quarry project and encourages the County to work closely with the other stakeholders in the region and area to ensure that this important facility is permitted and developed for the benefit of all citizens of Riverside County.

APPROVED AND ADOPTED this 10th day of May, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[NOTE: Any attachments or exhibits to this resolution should follow this jurat.]

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MV00105881

Rec'd @ Regular CC mtg April 12, 2011 from Betsy Lowrey City of Temecula Planning dept.

City of Temecula

41000 Main Street • Temecula, CA 92590 • Mailing Address: PO. Box 9033 • Temecula, CA 92589-9033
(951) 694-6410 • Fax (951) 694-6499 • www.cityofTemecula.org

Ronald H. Roberts
Mayor

Chuck Washington
Mayor Pro-Tem

Jeff Comerchero
Council Member

Maryann Edwards
Council Member

Michael S. Naggar
Council Member

951-506-5100
FAX 951-694-6499

April 12, 2011

Honorable Richard A. Stewart, Mayor
City of Moreno Valley
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805

Dear Mayor Stewart and Council Members:

The City of Temecula understands that the City of Moreno Valley is considering a Resolution in support of the proposed Liberty Quarry project, adjacent to the Santa Margarita Ecological Reserve, at the City of Temecula's southern boundaries. The City of Temecula and its expert consultants have thoroughly reviewed the Environmental Impact Report (EIR) prepared for Liberty Quarry and have commented extensively on the analyses contained within the Environmental Impact Report. Specific to the City of Moreno Valley's concerns described in its proposed Resolution regarding traffic, aggregate and economic benefits, we offer the following information:

Traffic

Any representation that truck traffic will be displaced or reduced through Moreno Valley by Liberty Quarry, or that the proposed Liberty Quarry would take hundreds of aggregate-hauling trucks off of State Route 60 and Interstate 215 is wholly unsubstantiated and not supported by the Liberty Quarry Environmental Impact Report (EIR). To the contrary, the County of Riverside has concluded Liberty Quarry will increase traffic and congestion, not decrease traffic and congestion anywhere in the County including Moreno Valley. The County of Riverside in fact ultimately determined that the report prepared by Granite Construction's consultant upon which makes the claim of reduced or displaced trucks (Appendix K-1 of the EIR) should not be used in any traffic determination within the EIR.

Aggregate

Granite Construction fails to disclose, in its efforts to advocate that there is a "critical" shortage of aggregate, that there is an abundance of high quality aggregate resources widely available throughout all of Southern California. Resources are the total amount of construction aggregate materials that exist naturally in the ground. Neither Riverside County nor San Diego County lack construction aggregate resources as evidenced by the 5.7 billion tons of aggregate identified by the Department of Conservation in Special Report 153 for San Diego County alone. Moreover, there are vast areas throughout the region that have

Printed on Recycled Paper

Attachment B

aggregate resources not even yet identified by the California Geological Survey that could be mined which could conservatively exceed 10 times the amount of land already identified. Indeed Riverside County has more aggregate mines than any other County in California. The Liberty Quarry proposed site is not unique in its geological conditions. In fact, the geology throughout Riverside and San Diego Counties contains the same geologic resources for mining aggregate and could provide enormous amounts of high quality aggregate, yet not at such an environmentally sensitive location as the proposed Liberty Quarry site. As released in January 2011, a 120 page comprehensive San Diego Region Aggregate Supply Study, written by the San Diego Association of Governments (SANDAG) and CALTRANS, and reviewed by a panel of 50 experts, including Gary Nolan from Granite Construction, confirmed that, "San Diego has ample sources of the necessary rock types to meet the anticipated future aggregate demand." The Report confirms what SANDAG has asserted for many years that "San Diego County is very rich in its own aggregate resources." Since Granite Construction plans to haul 70 percent of the aggregate to San Diego County, and San Diego County is abundantly rich in its aggregate resources, it makes best sense to locate Liberty Quarry in San Diego County where SANDAG has identified more than 90,000 acres appropriate for the high quality aggregate to meet San Diego's demands.

Benefits

The economic benefit analysis presented by Granite Construction provides no evaluation of the costs associated with the substantial negative impacts of a quarry. A more balanced economic report would include an evaluation of the benefits weighed against the costs of the negative impacts associated with one of the largest open pit gravel mines in the United States located at one of the most highly environmentally sensitive areas of the Southwest Riverside County region. The proposed Liberty Quarry project comes at the expense of hundreds of thousands Riverside County residents.

The City of Temecula respectfully requests that the City of Moreno Valley does not support the Liberty Quarry project.

Sincerely,

Ron Roberts
Mayor

cc: Riverside County Supervisor Bob Buster, Chairman, District 1
Riverside County Supervisor John Tavaglione, Vice-Chairman, District 2
Riverside County Supervisor Jeff Stone, District 3
Riverside County Supervisor John Benoit, District 4
Riverside County Supervisor Marion Ashley, District 5

Riverside County Planning Commissioner John Roth, Chairman, District 1
Riverside County Planning Commissioner John Snell, Vice-Chairman, District 2
Riverside County Planning Commissioner John Petty, District 3
Riverside County Planning Commissioner Jim Porras, District 4
Riverside County Planning Commissioner Jan Zuppardo, District 5

City of Temecula Mayor Pro-Tem Chuck Washington
City of Temecula Council Member Mike Naggar
City of Temecula Council Member Maryann Edwards
City of Temecula Council Member Jeff Comerchero
Shawn Nelson, City Manager

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MV00105885

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: May 10, 2011

TITLE: APPROVAL OF ERP SYSTEM REPLACEMENT PROJECT BUDGET AND FUNDING PLAN; AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE CONTRACT WITH NEW WORLD SYSTEMS

RECOMMENDED ACTION

The Finance Subcommittee recommends that the City Council take the following actions:

1. Approve the ERP System Replacement Project Budget and Funding Plan in the amount of $1,999,060; and

2. Authorize the City Manager to execute a contract and purchase order with New World Systems (NWS) for a one-time project cost not-to-exceed $1,322,490 and annual maintenance according to the not-to-exceed schedule below:

Year 1 maintenance	No Charge
Year 2 maintenance	$164,640
Year 3 maintenance	$174,930
Year 4 maintenance	$185,220
Year 5 maintenance	$195,510
Year 6 maintenance	$205,800

BACKGROUND

The City's current Enterprise Resource Planning (ERP) system, *OneWorld*, was developed by J.D. Edwards and successfully implemented by the City in 1999. While the system has been a reliable performer, announcements marking the end of support for *OneWorld* and advancements in the ERP software sector have caused the City to seek a replacement system. In 2003, J.D. Edwards was acquired by PeopleSoft Inc.;

then in 2005, PeopleSoft was acquired by the Oracle Corporation. Oracle's support for *OneWorld* is not consistent, their vision for the *OneWorld* product is ambiguous, not focused on the government sector, and costly upgrades will be required in order to maintain Oracle's support. Therefore, it is in the City's best interest to find a replacement system for *OneWorld*.

Starting in November 2005 staff undertook a rigorous 24 month process to select a replacement ERP system. The various steps in the process are described below:

- Preparation and issuance of a Request for Proposals (RFP);
- Proposal evaluation;
- Two-day product demonstrations for each of four (4) short-listed vendors;
- Two-day software demonstrations for each of two (2) finalists;
- Comprehensive telephone reference checks with multiple agencies for the two finalists;
- Site visits to evaluate the two finalists' products in a "live" operating environment and to discuss implementation issues with the applicable agencies;
- Corporate visits to the two finalists' headquarters offices to assess the companies' corporate culture, product development, implementation services, technical support, and commitment to customer service;
- Preparation and issuance of a "gap analysis" to give the two finalists an opportunity to address software functionality issues ("gaps") identified by the City and to provide updated pricing.
- Evaluation of responses to "gap analysis" and final pricing.

The City's current Permitting/Community Development system, *Permits Plus*, was developed by Sierra Computer Systems and successfully implemented by the City in 1985. In 1999, Sierra Computer Systems merged with OpenData Systems and the new company was named Accela. While the system has been a reliable performer, Accela has diverted the majority of its development resources to another permitting application, *Accela Automation*, and has actively encouraging customers to implement various versions of the newer product for the past 10 years. *Permits Plus*, along with two other permitting solutions acquired by Accela, are no longer included in Accela's list of available products.

Accela's decision to strategically focus on *Accela Automation* instead of *Permits Plus* has made its support and development very difficult. *Permits Plus* no longer receives product enhancements; this has made integration with our Geographic Information System (GIS) very problematic. There is no existing or planned web-based version of *Permits Plus* which makes modernizing our systems impossible. *Permits Plus* support for the City's use of wireless technologies and digital photos has limitations that the City would like to push beyond, but cannot. Attempts to integrate *Permits Plus* with other systems, particularly the Cashiering and Business Licensing systems, has resulted in many frustrations and required work-arounds that have been less than satisfactory. Additionally, multiple corporate mergers has left Accela with many customer issues surrounding its support while the annual support costs increase at a rate that outpaces all other City systems. All these factors have caused the City to seek a replacement system.

Accumulated depreciation on the *OneWorld* and *Permits Plus* systems is available to purchase and implement a replacement ERP system that encompasses all the features of both the ERP and Community Development systems.

Following this extensive evaluation process, staff has selected New World Systems as the vendor best able to meet the City's long-term needs for an ERP system. Key factors involved in this decision were technology and strategic direction, product functionality, reporting services, and total cost of ownership.

New World Systems (NWS), founded in 1981, is based in Troy, Michigan, with regional offices in 18 states including California. NWS is dedicated to providing software solutions for the public sector, including applications for public safety, court management, and overall public administration. The City is proposing to implement NWS's *Logos.NET* suite of applications, which includes human resources, payroll, budgeting, accounting, purchasing, asset management, project accounting, and employee self-service. Additionally, the agreement gives the City the option to implement NWS's Community Development suite after the completion of the ERP project, contingent on a review and approval of current functionality.

DISCUSSION

Contract negotiations with NWS began on November 28, 2007 but were suspended in December 2007 by the City Manager at the report of an impending financial recession. Over 3 years have passed and it is important that the City address the *OneWorld* end-of-support issues before the ERP system reaches the point of not being supported. It is staff's intent to conclude negotiations and execute a contract by May 10, 2011 to realize the maximum discounts offered by NWS, and so that the project can commence this year. The maximum amount to be expended under the contract, exclusive of any change orders, will be $1,322,490 for one-time project cost plus annual maintenance of $164,640 starting in year 2 of the project and ending at $205,800 in year 6.

Although it has been 3 years and 5 months since the City suspended the project, the RFP process has continued and remains valid, resulting in a competitive bid. The RFP process has remained valid because negotiations have continued since the project was suspended. It has remained the intent of both the City and NWS that negotiations be successfully concluded. Negotiations started in November 2007 with substantive milestones being reached during August 2009, October 2009, October 2010, December 2010, and March 2011. During this time, staff has also monitored the ERP market for changes in other ERP offerings that would warrant reissuing the RFP; no such changes in the ERP market have been found.

It is also noteworthy that the City does not have the necessary lead-time to repeat the RFP process and implement the selected solution before *OneWorld* has reached its end-of-support date. Staff required 24 months with an inter-departmental committee to select the replacement ERP system; budgets for another RFP process do not exist; and the Financial, Payroll and Human Resources (HR) portions of the implementation project are scheduled to take 12 months. With *OneWorld* support ending in December 2013 there is not sufficient time to initiate another competitive process. The City has delayed the ERP replacement project and its associated expenses as long as it can

afford and still implement a new system before the existing system is no longer supported.

Negotiation Progress

Since the initial negotiation in November 2007, staff has negotiated many concessions with NWS to the City's favor. NWS's initial offering to the City consisted of 450 user licenses, 1,200 implementation hours, and 36 modules at a cost of $1.2 million. That is an average cost of $2,705 per user license or $33,808 per module. Staff's negotiations have resulted in 600 user licenses, 1,320 implementation hours, and 59 modules at a cost of $1.3 million. That is an average cost of $2,204 per user license or $22,415 per module.

The additional 23 modules give the City significantly more features in the ERP that will allow staff to be productive even though staff layoffs are planned. The areas of added features include: Finance, Payroll, and HR Business Analytics; Permitting; Code Enforcement, Municipal Inspections; Work Orders; GIS integration; and online access to records for staff and vendors. These additional features were negotiated specifically to enhance staff productivity during a time of declining staff; a reduced workforce cannot maintain current service levels with *OneWorld*.

Project Schedule

The ERP system implementation is expected to begin in October 2011 and last approximately 18 months. It will consist of three separate phases: Phase 1 – Core Financials; Phase 2 – Human Resources and Payroll; and Phase 3 – Community Development. The following is an overview of the project schedule:

Timeframe	Activity/Application
October 2011 – January 2012	Finalize project staffing assignments and revise the City's Chart of Accounts
January – June, 2012	Business Process Review for Core Financial Applications Implement Phase1 – Core Financials Business Process Review for Human Resources & Payroll
July – December, 2012	Implement Phase 2 - Human Resources & Payroll Business Process Review for Community Development
January – June, 2013	Implement Phase 3 – Community Development (subject to a functional review and approval)

Project Budget

Total funding requested for the ERP replacement system project is $1,999,060 as itemized below:

• NWS One-Time Project Cost (not-to-exceed)		$1,322,490
○ Application Software	$729,200	
○ Implementation Services	593,290	
• Staff Backfill		476,570
• Contingency (11%)		200,000
• Total		$1,999,060

Funding requested for staff backfill is needed to hire temporary assistance while project team members are working concentrated periods of time on the project and to fund any necessary acting pay. The project team members who will be assigned to the project will have assignments ranging from 6 to 12 months. Providing backfill for these staff members will be a critical component to the success of this project, particularly given the dramatic staffing reductions already implemented at the City and the additional reductions being planned.

Annual Maintenance

ERP systems, like all software systems, require annual maintenance agreements in order to continue using the system, to receive enhancements and fixes, and to enable support calls when problems arise. NWS prices annual maintenance at 16% of the standard application software cost with an automatic increase of 1% per year for 5 years. NWS has agreed to provide the first year of maintenance at no charge; the schedule for annual maintenance is shown below.

Year 1 maintenance	No Charge
Year 2 maintenance	$164,640
Year 3 maintenance	$174,930
Year 4 maintenance	$185,220
Year 5 maintenance	$195,510
Year 6 maintenance	$205,800

The City currently spends $297,892 per year on *OneWorld* and *Permits Plus* related annual maintenance and consultants; these costs will cease once these systems have been replaced. Thus this contract represents a savings in annual maintenance costs even at the end of the contract period.

ALTERNATIVES

1. Approve the ERP System Replacement Project Budget and Funding Plan.

2. Authorize the City Manager to execute a contract with New World Systems for one-time project cost not-to-exceed $1,322,490 and annual maintenance starting at $164,640.

3. Do not approve the ERP System Replacement Project Budget. ***This action would prevent replacement of the current ERP system, which has many functionality and support deficiencies, and whose developer has announced an end-of-life support date.***

4. Provide staff with further direction.

Staff recommends Alternative Nos. 1 and 2.

FISCAL IMPACT

Funding for the $1,999,060 ERP System Replacement project budget is available through the use of depreciation reserves and previously budgeted project funds, as follows:

• Reserves for depreciation (from current ERP system)	$828,966
• Reserves for depreciation (from current Permit system)	1,000,000
• Project Management funds remaining from original project	170,094
• Total project funding sources	$1,999,060

The $828,966 reserve for depreciation for the current *OneWorld* ERP system is available as a restricted cash source within the Technology Services internal service fund, and has been accumulating since the *OneWorld* system went live in 1999.

A total of $1 million was allocated in the FY 2005-06 Technology Services budget to replace the City's permitting system following completion of the ERP System Replacement Project. Because NWS has Community Development modules which can be purchased and co-developed more cost-effectively between the City and NWS than by purchasing a new third-party system, this $1 million can be contributed to the ERP System Replacement Project budget without negatively impacting the City's permitting system.

Due to the availability of the funding sources identified above, approval of the ERP System Replacement project budget will have no impact on the City's General Fund operating budget.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

Following an extensive evaluation process, staff has selected New World Systems (NWS) as the preferred vendor for a replacement ERP system through a competitively bid Request for Proposals (RFP) process. Contract negotiations began in November 2007 and have been ongoing since then. In order for the ERP System Replacement Project to commence in October and to maximize the City's discounts, it is recommended that the City Council approve the project budget of $1,999,060 and authorize the City Manager to execute a contract with NWS for a one-time project cost not-to-exceed of $1,322,490 and an annual maintenance budget starting in year 2 of the contract of $164,460. In addition to the NWS contract, components of the project budget will include staff backfill ($476,570), and 10% contingency ($200,000). The ERP system implementation is expected to begin in October 2011 and last approximately 18 months. It will consist of three separate phases: Phase 1 – Core Financials; Phase 2 – Human Resources and Payroll; and Phase 3 – Community Development.

The proposed ERP Replacement Project Budget and Funding Plan have been reviewed and are supported by the Finance Subcommittee.

ATTACHMENTS/EXHIBITS

Exhibit A – New World Systems Logos.NET Standard Software License and Services Agreement dated April 18, 2011

Prepared By:
Steve Hargis
Technology Services Division Manager

Department Head Approval by:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00105893

New World Systems®
The Public Sector Software Company

STANDARD SOFTWARE LICENSE AND SERVICES AGREEMENT

April 18, 2011

This *Standard Software License and Services Agreement* which includes the attached Exhibits ("this **Agreement**") is between **New World Systems® Corporation** ("**New World**"), a Michigan Corporation and the **City of Moreno Valley, California,** ("**Customer**"). This **Agreement** sets forth the terms and conditions under which **New World** will furnish the Licensed Products and will provide certain services described herein to **Customer**.
The attached Exhibits include:

Exhibit AA.....	**TOTAL COST SUMMARY AND PAYMENT SCHEDULE**
Exhibit A	**LICENSED STANDARD SOFTWARE AND FEES**
Exhibit B.....	**IMPLEMENTATION AND TRAINING SUPPORT SERVICES**
Exhibit C	**STANDARD SOFTWARE MAINTENANCE AGREEMENT**
Exhibit D	**NON-DISCLOSURE AND SECURITY AGREEMENT FOR THIRD PARTIES**
Exhibit E.....	**DEMONSTRATION SITE DISCOUNT**
Exhibit F.....	**DATA FILE CONVERSION ASSISTANCE**
Exhibit G.....	**CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS / MODIFICATIONS AND / OR CUSTOM SOFTWARE**
Exhibit H.....	**ESCROW OF SOFTWARE SOURCE CODE**
Exhibit I.....	**ACCEPTANCE TESTING**

By signing below, each of us agrees to the terms and conditions of this Agreement together with the attached Exhibits. This Agreement contains the complete and exclusive statement of the agreement between us relating to the matters referenced herein and replaces any prior oral or written representations or communications between us. Each individual signing below represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met. If the individual is not so authorized then (s)he assumes personal liability for compliance under this Agreement.

ACKNOWLEDGED AND AGREED TO BY:

NEW WORLD SYSTEMS® CORPORATION
(New World)

By: _____
Larry D. Leinweber, President

Date:_____

CITY OF MORENO VALLEY, CALIFORNIA
(Customer)

By: _____
Authorized Signature **Title**

By: _____
Authorized Signature **Title**

Date: _____

The "Effective Date" of this Agreement is the latter of the two dates in the above signature block.

I. DEFINITIONS

The following terms as defined below are used throughout this **Agreement**:

1. *"Authorized Copies":*
   Except as provided in Section II, subparagraph 1.3, the only authorized copies of the Licensed Software and Licensed Documentation are the copies of each application software package defined in this Paragraph. They are:
   (i) the single copy of the Licensed Software and the related Licensed Documentation delivered by **New World** under this **Agreement**; and
   (ii) any additional copies made by **Customer** as authorized in Section II, subparagraph 1.2.
2. *"An Authorized User/Workstation":*
   Subject to the number of users specified in Exhibit A, any PC workstation that is connected to access the Licensed Software resident on Computer and that may be logged on to access the programs, interfaces, data, or files created and/or maintained by the Licensed Software.
3. *"Computer":*
   The .NET Server(s) to be located at:
   City of Moreno Valley
   14177 Frederick Street
   Moreno Valley, CA 92552
   Customer shall identify in writing the serial number of the Computer within ten (10) days of receipt of the Computer or within ten (10) days of the Effective Date, whichever is later. If the Computer is to be relocated, **Customer** shall notify **New World** of the new location in writing prior to the relocation.
4. *"Confidential Information":*
   Information disclosed or obtained by one party in connection with, and during the term of, this **Agreement** and designated as "Confidential" by the party claiming confidentiality at the time of disclosure. Confidential Information does not include any information which was previously known to the other party without obligation of confidence or without breach of this **Agreement**, is publicly disclosed either prior or subsequent to the other party's receipt of such information, or is rightfully received by the other party from a third party without obligation of confidence.
5. *"Customer Liaison":*
   A **Customer** employee assigned to act as liaison between **Customer** and **New World** for the duration of this **Agreement**. Within ten (10) days of the Effective Date, **Customer** shall notify **New World** of the name of the Customer Liaison.
6. *"Deficiency":*
   A failure of a deliverable or service or an omission or defect in a deliverable or service, which causes it not to conform to its specification. Also referred to as Error, Defect, or Malfunction which are synonymous with Deficiency.
7. *"Delivery of Licensed Standard Software":*
   Licensed Standard Software will be delivered in a machine readable form to Customer via an agreed upon network connection, or on appropriate media if requested, as soon as the software is available after the Effective Date.
8. *"Development Software":*
   Standard application software currently under development by **New World** which, if applicable, will be completed and delivered to **Customer** as Licensed Standard Software when available.
9. *"Go Live":*
   The point at which a software system, module or update/upgrade is implemented into active and live operation mode.
10. *"Hourly Rate":*
    As described in this **Agreement**, **New World** shall provide services to **Customer** at the rate of $150/hour. The hourly rate is protected for 12 months after the Effective Date, at which time the hourly rate shall be the then-current **New World** hourly rate.
11. *"Installation of Licensed Standard Software":*
    Installation of the Licensed Standard Software shall be deemed to occur, for all billings or other events described herein, upon the earlier of:
    (a) the transfer or loading of the Licensed Standard Software onto a **Customer** server or computer, or
    (b) thirty (30) days after delivery of the Licensed Standard Software.
12. *"Licensed Custom Software":*
    Any software (programs or portions of programs) developed by **New World** specifically for **Customer's** own use.
13. *"Licensed Documentation":*
    New World User Manuals which includes the current specifications for the Licensed Standard Software and other written instructions relating to the Licensed Software (such as Product Bulletins, installation instructions, and training materials).
14. *"Licensed Products":*
    The Licensed Software, the related Licensed Documentation, and the Authorized Copies of the foregoing.
15. *"Licensed Software":*
    The Licensed Standard Software, Development Software, Upgrades, and Licensed Custom Software provided under this **Agreement**.
16. *"Licensed Standard Software":*
    The current version of **New World** standard and development application software package(s) (in machine readable code) listed in Exhibit A.
17. *"SSMA":*
    The **New World** Standard Software Maintenance Agreement as set forth in Exhibit C.
18. *"Travel Expenses":*
    All actual and reasonable travel expenses incurred by **New World** for trips relating to this project, including but not limited to, airfare, rental car, lodging, mileage, parking/tolls, and daily per diem expenses.
19. *"Travel Time":*
    Actual **New World** employee travel time billed at the Hourly Rate up to, but not exceeding, four (4) hours per each trip relating to this project.

20. *"Upgrades"*:
Any enhanced and/or improved versions of the Licensed Standard Software provided as Licensed Standard Software under Exhibit C of this **Agreement** and released after the execution of this **Agreement**.

II. GENERAL TERMS AND CONDITIONS

1.0 SINGLE USE LICENSE

1.1 **New World** grants **Customer** a nontransferable, nonexclusive, and non-assignable license to use the Licensed Software only on the Computer and only for its internal processing needs. **Customer** shall have the right and license to use, enhance, or modify the Licensed Software only for **Customer's** own use and only on the Computer and only on an authorized workstation. **New World** will deliver to **Customer** one copy of each application of the Licensed Software (in machine readable form compatible with the specified operating environment) and one copy of the related Licensed Documentation. If **Customer** fails to pay all license fees specified in Exhibit A and the applicable custom software fees, if any, **Customer** shall forfeit the right and license to use the Licensed Products and shall return them to **New World**.

1.2 In order to assist **Customer** in the event of an emergency, **Customer** is permitted to make up to two (2) back-up copies on magnetic media of each application of the Licensed Software and one back-up copy of the related Licensed Documentation. These Authorized Copies may be stored as defined above so long as they are kept in a location secure from unauthorized use. **Customer** or anyone obtaining access through **Customer** shall not copy, distribute, disseminate, or otherwise disclose to any third party the Licensed Products or copies thereof in whole or in part, in any form or media. This restriction on making and distributing the Licensed Products or copies of any Licensed Product, includes without limitation, copies of the following:

(i) Program libraries, either source or object code;
(ii) Operating control language;
(iii) Test data, sample files, or file layouts;
(iv) Program listings; and
(v) Licensed Documentation.

1.3 Upon written request by **Customer**, and with written permission by **New World**, additional Authorized Copies may be made for **Customer's** internal use only.

2.0 OWNERSHIP

2.1 The Licensed Products and all copyright, trade secrets and other proprietary rights, title and interest therein, remain the sole property of **New World** or its licensors, and **Customer** shall obtain no right, title or interest in the Licensed Products by virtue of this **Agreement** other than the nonexclusive, nontransferable, non-assignable license to use the Licensed Products as restricted herein.

2.2 The license to use any Licensed Custom Software provided under this **Agreement**, if any, is included in this license. **New World** shall have the right to use any data processing ideas, techniques, concepts, and/or know-how acquired by it in the performance of services under this **Agreement** including the development of Licensed Custom Software for the advancement of its own technical expertise and the performance of other Software License and Service Agreements or any other applicable agreements. **New World** shall have, without restriction, the right to use all programs, procedures, information, and techniques that are publicly available, obtained or obtainable from third parties and/or developed independently by **New World** without specific reference to **Customer's** organization.

3.0 CORRECTION AND SOFTWARE MAINTENANCE ON STANDARD SOFTWARE

3.1 **New World** provides software correction service and maintenance for the Licensed Standard Software during the term of **Customer's** SSMA. See Exhibit C for a description of the SSMA start date and term, the services available and the applicable fees and procedures.

4.0 WARRANTIES

4.1 **New World** warrants, for Customer's benefit only, that the Licensed Standard Software will perform as specified in its user manuals based on the then-current release of the Licensed Standard Software.

4.2 **New World** warrants, for Customer's benefit only, that it possesses the necessary intellectual rights to license to **Customer** the Licensed Standard Software provided hereunder.

The foregoing warranties do not apply if the Licensed Product(s) have been modified by any party other than **New World**. **New World** does not warrant that the features or functions of the Licensed Software will meet **Customer's** requirements or in any combination or use **Customer** selects. EXCEPT AS SPECIFICALLY PROVIDED IN THIS PARAGRAPH 4.0, AND ITS SUBSECTIONS, **NEW WORLD** EXPRESSLY DISCLAIMS ANY EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE LICENSED PRODUCTS, INCLUDING BUT NOT LIMITED TO, THE LICENSED PRODUCTS' CONDITION, MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, OR ANY IMPLIED WARRANTY ARISING FROM COURSE OF PERFORMANCE, COURSE OF DEALING OR USAGE OF TRADE.

5.0 INSTALLATION AND TRAINING SUPPORT SERVICES

5.1 As provided for in Exhibit B and concurrent with timely payments, **New World** shall make available to **Customer** qualified representative(s) who will provide installation and training support services for each application of the Licensed Software delivered. See Exhibit B for a description of the services provided and the applicable fees and procedures.

6.0 CUSTOMER LIAISON AND CUSTOMER RESPONSIBILITIES

The successful implementation of the Licensed Products into **Customer's** environment requires **Customer's** commitment to and cooperation in the implementation process. Accordingly, **Customer** hereby agrees to the following:

6.1 **Customer** understands that the Licensed Software is designed to run in a specified operating environment which includes hardware, software and related equipment not provided by **New World**. **Customer** is responsible for assuring that the appropriate hardware equipment, related components and all cabling are installed timely and are suitable for the successful installation of the Licensed Software.

6.2 **Customer** agrees to provide the management interface and support necessary to successfully complete the implementation of the Licensed Software. This support includes upper level management priority setting and timely involvement during and after a change in **Customer's** organization, **Customer's** operations and/or after changes in **Customer's** internal policies or procedures which directly affect the software implementation.

6.3 **Customer** shall assign an upper level employee to serve as the Customer Liaison for the duration of the Licensed Software implementation. If **Customer** must replace the Customer Liaison for reasons beyond its control, **Customer** will assign a new Customer Liaison as soon as reasonably possible. **New World** is not responsible for any delay caused directly or indirectly by the reassignment of the Customer Liaison. In addition to other duties and responsibilities, the Customer Liaison shall:

(i) provide timely answers to **New World's** requests for information;
(ii) coordinate a mutually agreeable implementation and training schedule;
(iii) have authority to sign for and obligate **Customer** to any matters relating to service requests, design documents, performance test documents and/or delivery and service dates;
(iv) in situations where **Customer** participation is required, provide timely input for systems definition, detail design, and use of the software system.

6.4 **Customer** is responsible for creating and maintaining its master files, tables and the like which includes accurate data entry, accurate file editing and overall file control to assure successful systems performance.

6.5 **Customer** shall provide qualified personnel with sufficient backup to be trained to use the Licensed Software and to interpret the output. Applying the output information in **Customer's** environment is **Customer's** sole responsibility.

7.0 BILLING AND ADDITIONAL AUTHORIZED WORKSTATION CHARGES

7.1 The attached Exhibits set forth the manner in which fees and payments shall be allocated and made under this **Agreement**. Past due amounts are subject to a service charge of 1.5% per month, which charge **Customer** agrees to pay. To the extent **Customer** imposes additional requirements on **New World** for services other than those expressly provided in this **Agreement**, **New World** retains the right to make additional price adjustments and/or any other adjustments that may be necessitated. Before performing these additional services, **New World** will notify **Customer** that the services are subject to additional charge(s).

7.2 If **Customer** wishes to add additional authorized workstations or Licensed Standard Software, **Customer** agrees to pay the additional License fees at the then current software prices in effect.

SSMA fees shall be increased according to the additional Licensed Standard Software fees on the next annual billing date after the additional workstations and/or Licensed Standard software is added, or as specified in the future contract. With said payments, the license provided in Section II, Paragraph 1.0 permits **Customer's** use of the Licensed Software for the specified workstations.

7.3 **Customer** shall notify **New World** if additional authorized workstations need to be added to access the Licensed Software and will pay the additional authorized workstation fees promptly when invoiced.

7.4 Any taxes or fees imposed from the course of this **Agreement** are the responsibility of the **Customer** and **Customer** agrees to remit when imposed. If an exemption is claimed by the **Customer**, an exemption certificate must be submitted to **New World**.

8.0 NON-RECRUITMENT OF PERSONNEL

8.1 During, and for a period of twenty-four (24) months after the expiration of, the Standard Software Maintenance Agreement and/or any renewal maintenance agreement, each party agrees not to solicit or hire current or former employees of the other without the other's prior written consent.

9.0 CONFIDENTIAL INFORMATION / NON-DISCLOSURE AGREEMENT

9.1 Subject to the requirements of the Freedom of Information Act (FOIA) and/or other comparable applicable state law, each party shall hold all Confidential Information in trust and confidence for the party claiming confidentiality and not use such Confidential Information absent express written consent by the party claiming confidentiality. The other party agrees not to disclose any such Confidential Information, by publication or otherwise, to any other person or organization. **Customer** agrees to timely notify **New World** of any request(s) made for disclosure of confidential information.

9.2 **Customer** hereby acknowledges and agrees that all Licensed Products are Confidential Information and proprietary to **New World**. In addition to the other restrictions set forth elsewhere in this **Agreement** or otherwise agreed to in writing, **Customer** agrees to implement all reasonable measures to safeguard **New World's** proprietary rights in the Licensed Products, including without limitation the following measures:

(i) **Customer** shall only permit access to the Licensed Products to those employees who require access and only to the extent necessary to perform **Customer's** internal processing needs.

(ii) With respect to agents or third parties, **Customer** shall permit access to the Licensed Products only after **New World** has received, approved and returned a fully executed Non-Disclosure Agreement to **Customer** (see Exhibit D). **New World** reserves the right to reasonably refuse access to a third party after it has evaluated the request. **Customer** agrees to provide information reasonably requested by **New World** to assist **New World** in evaluating **Customer's** request to permit third party access to the Licensed Products. In addition to any other remedies, **New World** may recover from **Customer** all damages and legal fees incurred in the enforcement of this provision on third party access;

(iii) **Customer** shall cooperate with **New World** in the enforcement of the conditions set forth in the attached Non-Disclosure Agreement or any other reasonable restrictions **New World** may specify in writing in order to permit access;

(iv) **Customer** shall not permit removal of copyright or confidentiality labels or notifications from its proprietary materials; and

(v) **Customer** shall not attempt to disassemble, decompile or reverse engineer the Licensed Software.

9.3 **Customer** agrees that in addition to any other remedies that may be available at law, equity or otherwise, **New World** shall be entitled to seek and obtain a temporary restraining order, injunctive relief, or other equitable relief against the continuance of a breach or threatened breach of this paragraph 9.0 on Confidentiality and Non-Disclosure without the requirement of posting a bond or proof of injury as a condition for the relief sought.

9.4 If **Customer** receives a request for documents pursuant to the California Public Records Act relating to the Licensed Products, **Customer** shall notify **New World** of such request prior to disclosing the requested documents. Should **New World** object to the release of the requested records, **New World** must provide that objection to the **Customer** in writing within five (5) days and file any necessary action to prevent the disclosure of the requested records. **New World** is wholly responsible for

determining and defending what is confidential and acknowledges that **Customer** must timely respond to all Public Records Act requests within ten (10) days.

9.5 **New World** agrees that all data supplied by **Customer** to **New World** shall remain Confidential and shall be stored in a secure location for any purpose related to this **Agreement**. **Customer** data shall not be retained any longer than necessary and shall be deleted immediately upon completion of the task for which it was provided.

10.0 LIMITATION OF LIABILITY AND RECOVERABLE DAMAGES

New World's entire liability and **Customer's** exclusive remedies are set forth below:

10.1 For any claim relating to the non-conformance or imperfection of any licensed software provided under this **Agreement**, **New World** will correct the defect so that it conforms to the warranties set forth in Section II, subparagraph 4.1; or if after repeated attempts to correct the non-conformity, **New World** is unable to correct the non-conformity, then **Customer** may recover its actual damages subject to the limits set forth in subparagraph 10.2 below. For any other claim arising under or in connection with this **Agreement**, **Customer** may recover its actual damages subject to the limits set forth in subparagraph 10.2 below.

10.2 **New World's** total liability to **Customer** for all claims relating to the Licensed Products and this **Agreement**, including any action based upon contract, tort, strict liability, or other legal theory, shall be limited to **Customer's** actual damages and in no event shall **New World's** liability exceed the Exhibit A Licensed Standard Software fees paid to **New World**.

10.3 **New World** shall not be liable for any special, indirect, incidental, punitive, exemplary, or consequential damages, including loss of profits or costs of cover, arising from or related to a breach of this **Agreement** or any order or the operation or use of the Licensed Products including such damages, without limitation, as damages arising from loss of data or programming, loss of revenue or profits, failure to realize savings or other benefits, damage to equipment, and claims against **Customer** by any third person, even if **New World** has been advised of the possibility of such damages. **New World's** liability for any form of action shall only apply after any and all appropriate insurance coverage has been exhausted.

10.4 If it is determined that a limitation of liability or a remedy contained herein fails of its essential purpose, then the parties agree that the exclusion of incidental, consequential, special, indirect, punitive, and/or exemplary damages is still effective.

11.0 INTEGRATION WITH U.S. COPYRIGHT ACT

11.1 In addition to all other provisions provided under this **Agreement**, **Customer** agrees to be bound by and to comply with any and all provisions of the U.S. Copyright Act (*The Copyright Act of 1976, U.S.C. Sections 101-810 (1976) as amended*). If a provision of the U.S. Copyright Act and this **Agreement** conflict, the more restrictive of the two applies. If it cannot be determined which is the more restrictive, then the provision within this **Agreement** shall apply.

12.0 INDEPENDENT CONTRACTOR

12.1 **New World** is an independent contractor. The personnel of one party shall not in any way be considered agents or employees of the other. To the extent provided for by law, each party shall be responsible for the acts of its own employees.

12.2 Each party shall be responsible for Workers' Compensation coverage for its own personnel.

13.0 INSURANCE REQUIREMENTS

New World shall not commence work under this **Agreement** until it has obtained the insurance required under this paragraph.

13.1 **Workers' Compensation Insurance**: **New World** shall procure and maintain during the term of this **Agreement**, Workers' Compensation Insurance for all of its employees who engage in the work to be performed.

13.2 **Liability and Property Insurance – Comprehensive Form**: **New World** shall procure and maintain during the term of this **Agreement**, Liability and Property Damage Insurance in an amount not less than $1,000,000 on account for each accident; and in an amount not less than $1,000,000 for each accident for damage to property.

13.3 **Automobile Liability Insurance**: **New World** shall procure and maintain during the term of this **Agreement**, Hired and Non-Ownership Motor Vehicle Bodily Injury and Property Damage Insurance

in an amount not less than $1,000,000 for injuries, including accidental death, to each person; and, subject to the same limit for each person, in an amount not less than $1,000,000 for each accident; and in an amount not less than $1,000,000 on account for each accident for damage to property, provided however that the combined single limit for all automotive related claims shall not exceed $1,000,000.

14.0 DISPUTE RESOLUTION PROCEDURE

14.1 Any dispute or controversy arising out of or relating to this **Agreement**, or breach thereof, shall be settled by the following procedure.

Level 1: Before entering into Level 2 or Level 3 of this Dispute Resolution Procedure (DRP), the **Customer** shall enter into a series of management meetings for the purpose of resolving the dispute or controversy through normal business management practices. The series of meetings, consisting of not less than two face-to-face meetings, must be held between upper-level managers of both **Customer** and **New World**. Both parties agree to put forth their best efforts in these meetings. The meetings shall be held at **Customer's** offices. The Level 1 period shall begin when one party gives notice to the other by certified mail that it is entering into this Level 1 procedure to resolve the dispute.

Level 2: Only after the parties have completed Level 1 of the DRP without resolving the dispute or controversy and before entering into Level 3 of the DRP, the **Customer** and **New World** shall enter into a mediation process. The mediation process is defined as follows:

Either party may commence mediation by providing to JAMS, and the other party a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate with JAMS and with one another in selecting a mediator from a panel of neutrals, and in scheduling the mediation proceedings. The parties covenant that they will participate in the mediation in good faith, and that they will share equally in joint mediation costs. Mediation will take place in the JAMS Dispute Resolution Center in Southern California. All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by any mediator or JAMS employees or agents, are confidential, privileged and inadmissible for any purpose, in any litigation or other similar proceeding between the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation.

Level 3: Only after the completion of both Levels 1 and 2 above without a satisfactory resolution of the dispute or controversy, either party may bring suit in the United States District Court, Central District of California, Eastern Division so long as subject matter jurisdiction is met. In the event subject matter jurisdiction is not met, either party may bring suit in a court of appropriate jurisdiction. Each party shall bear the cost of their own legal expenses if Level 3 is used.

15.0 TERMINATION

15.1 **By Customer**: If **New World** fails to provide the Licensed Software as warranted in accordance with the terms of this **Agreement**, **Customer** may at its option terminate this **Agreement** with ninety (90) days written notice as follows:

(i) The termination notice shall provide a detailed description (with examples) of any warranty defects claimed;

(ii) **New World** shall have ninety (90) days from receipt of said notice to correct any warranty defects in order to satisfy the terms of this **Agreement**;

(iii) During the ninety (90) day cure period, **Customer** shall apply sound management practices and use its best efforts to resolve any issues or obstacles – including cooperating with **New World** and reassigning personnel if necessary to improve the working relationship;

(iv) At the end of ninety (90) days unless the termination has been revoked in writing by **Customer**, the **Agreement** terminates.

15.2 **By New World**: If **Customer** fails to make prompt payments to **New World** when invoiced, or if **Customer** fails to fulfill its responsibilities under this **Agreement,** including but not limited to those outlined in Section II, Paragraph 6.0, then **New World** may at its option terminate this **Agreement** with written notice as follows:

(i) The termination notice shall define the reason for termination;
(ii) If the cited reason for termination is **Customer's** failure to make prompt payment, **Customer** shall have ten (10) days from receipt of said notice to make payment in full for all outstanding invoiced payments due;
(iii) If the cited reason for termination is **Customer's** failure to fulfill its responsibilities, **Customer** shall have ninety (90) days from receipt of said notice to correct any actual deficiencies in order to satisfy the terms of this **Agreement**;
(iv) During the applicable cure period, **New World** will use sound management practices and its best efforts to resolve any issues or obstacles – including the reassignment of personnel if necessary to improve the working relationship;
(v) At the end of the applicable cure period, unless the termination has been revoked in writing by **New World**, the **Agreement** terminates.

15.3 In the event of termination by either party, **New World** shall continue to provide its services, as previously scheduled, through the termination date and the **Customer** shall continue to pay all fees and charges incurred through the termination date as provided in the attached Exhibits.

15.4 Upon termination, **Customer** shall return to **New World** all Licensed Products, including any copies provided to or created by **Customer** under this **Agreement**.

15.5 Nothing in this paragraph on termination is intended to infer that either party has or does not have a claim for damages.

15.6 The Terms and Conditions relating to ownership, warranties, non-recruitment of personnel, confidentiality and non-disclosure, limitation of liability and recoverable damages, Copyright Act, dispute resolution and the General provisions (18.0), survive termination.

16.0 PATENT AND TRADEMARK INDEMNIFICATION

New World agrees to indemnify and save the **Customer** harmless from and against any and all judgments, suits, costs, and expenses subject to the limits set forth in this **Agreement** resulting from any alleged infringement of any patent or copyright arising from the licensing of the Licensed Standard Software pursuant to this **Agreement,** provided that **Customer** has notified **New World** in writing of such allegation within thirty (30) days of the date upon which the **Customer** first receives notice thereof. **New World's** obligation to indemnify and save **Customer** harmless under this paragraph is void if the claim of infringement arises out of or in connection with any modification made to the Licensed Standard Software or any use of the Licensed Standard Software not specifically authorized in writing by **New World**.

17.0 NOTICES

17.1 Notices to **Customer** shall be deemed effective when sent by Registered or Certified U.S. Mail to the business address of the **Customer**.

17.2 Notices to **New World** shall be deemed effective when sent by Registered or Certified U.S. Mail to the following address (or to any other address so specified by **New World**):

New World Systems Corporation
888 West Big Beaver, Suite 600
Troy, Michigan 48084
Attention: President

18.0 GENERAL

18.1 This **Agreement** is the entire agreement between the parties superseding all other communications, written or oral, between the parties relating to the subject matter of this **Agreement**. **This Agreement may be amended or modified only in writing signed by both parties.**

18.2 This **Agreement** is governed by the laws of the State of California and it shall be binding on the successors and assigns of the parties.

18.3 Failure to enforce any provision of this **Agreement** shall not be deemed a waiver of that provision or any other provision of this **Agreement**.

18.4 No action, regardless of form, arising out of the services performed or Licensed Products delivered hereunder, may be brought by either party more than two (2) years after the cause of action has accrued.

18.5 The paragraph headings which appear herein are included solely for convenience and shall not be used in the interpretation of this **Agreement**. Any provision of this **Agreement** determined to be invalid or otherwise unenforceable shall not affect the other provisions, which other provisions remain in full force and effect.

18.6 This **Agreement** is entered into solely for the benefit of **New World** and **Customer**. No third party shall have the right to make any claim or assert any right under it, and no third party shall be deemed a beneficiary of this **Agreement**.

18.7 Notwithstanding anything contained herein to the contrary, these terms and conditions may be extended to other public entities for purchase of the license and/or services described under this **Agreement**. To the extent they are required, the parties shall execute any requisite cooperative agreements authorizing such extension of terms and conditions. If this is done, **Customer** assumes no authority, liability, or obligation on behalf of any other public entity that may use this **Agreement** for any such purchase.

18.8 Other integrated licensed software and services from **New World** may be purchased by **Customer** under the terms and conditions of this **Agreement**.

EXHIBIT AA
TOTAL COST SUMMARY AND PAYMENT SCHEDULE

I. Total Cost Summary: Licensed Standard Software, Implementation Services, And Third Party Products

	DESCRIPTION OF COST		COST
A.	LICENSED STANDARD SOFTWARE as further described in Exhibit A		$528,400
	1. Licensed Standard Software	$748,000	
	2. Less Demonstration Site Discount	(149,600)	
	3. Less Contract Signing Discount if Agreement is Executed by 5/10/11	(70,000)	
B.	IMPLEMENTATION SERVICES		421,900
	1. PROJECT MANAGEMENT as further described in Exhibit B		
	2. INTERFACE INSTALLATION SERVICES as further described in Exhibit B		
	3. IMPLEMENTATION AND TRAINING SERVICES as further described in Exhibit B		
	4. OTHER IMPLEMENTATION SERVICES as further described in Exhibit B		
	5. DATA FILE CONVERSION ASSISTANCE SERVICES as further described in Exhibit F		
	6. CUSTOM SOFTWARE/MODIFICATION SERVICES as further described in Exhibit G		
C.	ESCROW OF SOFTWARE SOURCE CODE FEE		3,000
	1. Source Code Escrow as further described in Exhibit H		
D.	NEW WORLD SYSTEMS' EXECUTIVE CUSTOM CONFERENCE ATTENDANCE		1,890
	1. CONFERENCE ATTENDANCE as further described in Exhibit B		
	ONE TIME PROJECT COST:		**$955,190**
E.	TRAVEL EXPENSES (Estimate) – billed as incurred		$52,500
F.	STANDARD SOFTWARE MAINTENANCE SERVICES – as further described in Exhibit C		
G.	SOURCE CODE ESCROW ANNUAL ADMINISTRATIVE FEE – as further described in Exhibit H		$1,000

PRICING ASSUMES CONTRACT EXECUTION BY MAY 10, 2011.

Exhibit AA / COST SUMMARY AND PAYMENT SCHEDULE

II. Payments for Licensed Standard Software, Implementation Services, and Third Party Products

	DESCRIPTION OF PAYMENT		PAYMENT
A.	LICENSED STANDARD SOFTWARE as further detailed in Exhibit A		$528,400
	1. Amount invoiced upon Effective Date (30%)	$158,520	
	2. Amount invoiced upon delivery of each Licensed Standard Software (20%)	105,680	
	3. Amount due upon acceptance of the Financial Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (30%)	158,520	
	4. Amount due upon acceptance of the Human Resources Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (20%)	105,680	
B.	IMPLEMENTATION SERVICES		$421,900
	1. Amount invoiced upon Project Kickoff Meeting (22.5%)	$94,925	
	2. Amount invoiced upon delivery of the draft Project Implementation Plan (22.5%)	94,925	
	3. Amount invoiced upon acceptance of Financial Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (22.5%)	94,925	
	4. Amount invoiced upon acceptance of the Human Resources Management Base Suite as defined in Exhibit I, but no later than 365 days from Effective Date, whichever occurs first (22.5%)	94,925	
	5. Amount invoiced upon acceptance of project completion or 540 days after the Effective Date, whichever comes first (10%)	42,200	
C.	ESCROW OF SOFTWARE SOURCE CODE FEE		3,000
	1. Escrow One-time set-up fee – invoiced upon Effective Date	3,000	
D.	EXECUTIVE CUSTOMER CONFERENCE ATTENDANCE		1,890
	1. Amount invoiced on July 15, 2011 for the 2011 Conference	1,890	
	ONE TIME PAYMENTS		**$955,190**

E. TRAVEL EXPENSES (*Estimate) $52,500*

(These expenses are billed as incurred)

1. 35 trips are anticipated
2. Travel Time for the estimated 35 trips is not included in this estimate and will be billed as incurred.

F. STANDARD SOFTWARE MAINTENANCE SERVICES – as further detailed in Exhibit C

G. SOURCE CODE ESCROW FEES

1. Annual Administrative Fee – first year invoiced upon Effective Date. Subsequent year's Annual Administrative Fees will not increase more than 5% over the previous year's Fee. $1,000

ALL PAYMENTS ARE DUE WITHIN THIRTY (30) DAYS FROM RECEIPT OF INVOICE.

Billings are applied ratably to each deliverable included under the total one-time cost. If any deliverable is subject to sales tax, the tax will be calculated and added as applicable to each billing.

EXHIBIT A
LICENSED STANDARD SOFTWARE AND FEES

License Fee for Licensed Standard Software And Documentation Selected By Customer:

LOGOS.NET STANDARD APPLICATION SOFTWARE[1,2,3]		
ITEM	**DESCRIPTION**	**INVESTMENT**

FINANCIAL MANAGEMENT

1. **Logos.NET Financial Management Base Suite**
   - General Ledger
   - Budget Management
   - Annual Budget Preparation
   - Accounts Payable
   - Revenue/Cash Receipting
2. **Logos.NET Additional Financial Management Software**
   - Asset Management
   - Project Accounting
   - Misc. Billing & Receivables
   - Government (GASB) Reporting
   - Bank Reconciliation
   - Work Orders
3. **Expanded Revenue Collections**
   - 3rd Party Receivables Interface (Batch)
   - PC Cash Register Interface
4. **Logos.NET Procurement Management Suite**
   - Purchasing Base
   - Requisition Processing
   - Contract Accounting

SUB-TOTAL FINANCIAL MANAGEMENT MODULES $318,000

PAYROLL & HUMAN RESOURCES SUITE

5. **Logos.NET Human Resources Management Base Suite**
   - Payroll Processing
   - Personnel Management
   - Position Control
6. **Logos.NET Human Resources**
   - Employee Event Tracking
   - Personnel Action Processing
7. **Logos.NET Benefits Management**
   - Benefits Administration
   - Employee Retirement Tracking
8. **Logos.NET Additional Payroll & HR Modules**
   - Applicant Tracking
   - Position Budgeting
   - Benefit Tracking (Non-Employee)

SUB-TOTAL PAYROLL/HUMAN RESOURCES MODULES $228,000

Exhibit A / LICENSED STANDARD SOFTWARE AND FEES

eSUITE

9. **eSuite Base Software**
10. **eFinance**
    - eSupplier
11. **eHR**
    - eEmployee
    - eTimesheets
    - eBenefits Administration
    - eRecruit

SUB-TOTAL eSUITE SOFTWARE MODULES [illegible]

BUSINESS ANALYTICS

12. **Finance Analytics**
    - Includes 10+ users
13. **Human Resource/Payroll Analytics**
    - Includes 5-6 users

SUB-TOTAL BUSINESS ANALYTICS SOFTWARE MODULES [illegible]

AUTHORIZED USERS

14. **Site License for up to 600 Authorized Users** [4]

NEW WORLD STANDARD SOFTWARE LICENSE FEE	748,000
Demonstration Site Discount	(149,600)
Contract Signing Discount is Agreement is Executed by 5/10/11	(70,000)
TOTAL SOFTWARE LICENSE FEE [5,6]	**$528,400**

Note: A Site License is included for this solution. This Site License entitles the City of Moreno Valley, CA, to 600 authorized users for the Standard Software licensed in Exhibit A, to be divided up between applications. The Site License is available to only the affiliated Public Administration agencies within the City of Moreno Valley, CA.

Exhibit A / LICENSED STANDARD SOFTWARE AND FEES

ENDNOTES

[1] *Personal Computers must meet the minimum hardware requirements for New World Systems' Logos.NET product. Microsoft Windows XP or greater with IE 7.0 or greater is the required operating systems for all client machines. Windows 2008 Server is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 is required for the Database Server.*

[2] *New World Systems' Logos.NET product requires Microsoft Windows 2008 Server and Microsoft SQL Server 2008 including required Client Access Licenses (CALs) and Windows Server 2008 External Connector (EC) licenses for applicable Microsoft products. Servers must meet minimum hardware requirements provided by New World Systems.*

[3] *Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.*

[4] *Additional cost per group of 5 for authorized users is $5,000.*

[5] *Prices assume that all software proposed is licensed.*

[6] *Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.*

Exhibit A / OPTIONAL LICENSED STANDARD SOFTWARE AND FEES

Optional Licensed Standard Software Pricing

Customer may license the following software modules at the indicated current list prices for up to eighteen (18) months from the date of execution of this **Agreement**.

OPTIONAL SOFTWARE MODULES

LOGOS.NET STANDARD APPLICATION SOFTWARE [1,2,3]		
ITEM	**DESCRIPTION**	**INVESTMENT**

COMMUNITY DEVELOPMENT SUITE

1. **Logos.NET Community Development Software**
   - Business Licensing
   - Parcel Management
   - Permits
   - Municipal Inspections
   - Project Planning
   - Code Enforcement
   - Requests for Services Tracking
   - Special Assessments (development)
2. **Logos.NET Additional Community Development Modules**
   - GIS Integration [4]
     - Community Development
       - *Business Licensing (4 screens)*
       - *Parcel Management (7 screens)*
       - *Permits (2 screens)*
       - *Municipal Inspections (4 screens)*
       - *Code Enforcement (3 screens)*
       - *Requests for Services Tracking (1 screen)*
     - Financial Management
       - *Asset Management (2 screens)*
       - *Work Orders (1 screen)*

eSUITE

3. **eFinance**
   - ePayments
4. **eCommunity**
   - eParcels (development)
   - ePermits
   - eLicense
   - eRequest

Exhibit A / OPTIONAL LICENSED STANDARD SOFTWARE AND FEES

BUSINESS ANALYTICS

5. **Community Development Analytics**
   - Includes 2 users

NEW WORLD STANDARD SOFTWARE LICENSE FEE	$281,000
Demonstration Site Discount	(56,200)
Contract Signing Discount if Agreement is Executed by 5/10/11	(25,000)
TOTAL SOFTWARE LICENSE FEE [5,6]	**$199,800**

Note: Training and Support Services cost as well as Maintenance (SSMA) costs for these optional modules are not included.

ENDNOTES

[1] *Personal Computers must meet the minimum hardware requirements for New World Systems' Logos.NET product. Microsoft Windows XP or greater with IE 7.0 or greater is the required operating systems for all client machines. Windows 2008 Server is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 is required for the Database Server.*

[2] *New World Systems' Logos.NET product requires Microsoft Windows 2008 Server and Microsoft SQL Server 2008 including required Client Access Licenses (CALs) and Windows Server 2008 External Connector (EC) licenses for applicable Microsoft products. Servers must meet minimum hardware requirements provided by New World Systems.*

[3] *Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.*

[4] *GIS integration currently supports either ESRI's ArcIMS or ArcGIS Server software; the ArcIMS and ArcGIS Server software and any services related to the installation and setup of ArcIMS or ArcGIS are not included in this proposal. The ArcIMS or ArcGIS Server software would need to be purchased, installed and setup separately.*

[5] *Prices assume that all software proposed is licensed.*

[6] *Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.*

EXHIBIT B
PROJECT MANAGEMENT, IMPLEMENTATION AND TRAINING SUPPORT SERVICES

1. Project Management Services

New World shall act as Project Manager to assist **Customer's** management in implementing the Exhibit A software. This responsibility will include documenting, coordinating and managing the overall Implementation Plan with **Customer's** management and the Customer Liaison. Project Management Services include:

a) a summary level Implementation Plan;
b) a detail level Implementation Plan;
c) revised Implementation Plans (if required);
d) monthly project status reports; and
e) project status meetings
- a project review (kickoff) meeting at **Customer's** location
- progress status meeting(s) will occur during implementation via telephone conference or at **Customer's** location; and
- a project close-out meeting at **Customer's** location to conclude the project.

The implementation services fees described in Exhibit AA include Project Management fees for a period up to 18 months after the Effective Date.

2. Implementation and Training Support Hours Recommended

It is recommended that appropriate support hours are allocated for all Licensed Standard Software listed in Exhibit A to insure successful implementation of and training on each application package. Based on the Licensed Standard Software listed on Exhibit A, up to **1,020** hours of **New World** implementation and training support services have been allocated for this project. Excess hours requested shall be billed at the Hourly Rate. Avoiding or minimizing custom or modified features will aid in keeping the support costs to the amount allocated. **Customer** agrees to reimburse **New World** for support trips canceled by **Customer** less than ten (10) days before the scheduled start date to cover **New World's** out-of-pocket costs. The recommended implementation and training support services include:

a) implementation of each package of Licensed Standard Software; and
b) **Customer** training and/or assistance in testing for each package of Licensed Standard Software.

The project management, implementation and training support services provided by **New World** may be performed at **Customer's** premises and/or at **New World** national headquarters in Troy, Michigan (e.g., portions of project management are performed in Troy).

3. Other Service Fees

Registration for two (2) Customer participants to the 2011 New World Systems' Executive Customer Conference to include two (2) nights stay at the Conference Hotel on specified conference dates, conference registration and meals. Participation does not include Customer's travel cost, local transportation cost or any other miscellaneous expense incurred by Customer. These fees are non-refundable and may not be used toward a conference other than those specified in payment terms.

Exhibit B / PROJECT MANAGEMENT, IMPLEMENTATION AND TRAINING SUPPORT SERVICES

4. Interface Installation Service

New World shall provide interface installation services as described in this paragraph below. These services do not include hardware and/or third party product costs which shall be **Customer's** responsibility, if required. Whenever possible, these services will be done remotely, resulting in savings in Travel Expenses and Time. If on-site installation and training is required, **Customer** will be responsible for the actual Travel Expenses and Time. The services include the following interfaces.

a) Bank Reconciliation
b) 3rd Party Receivables (Batch)

5. Hardware Quality Assurance Service

New World shall provide Hardware Systems Assurance of **Customer's** Logos.NET server(s). These services do not include hardware and/or third party product costs which shall be **Customer's** responsibility, if required. Whenever possible, these services will be provided remotely, resulting in savings in travel expenses and time. If on-site installation is required, **Customer** will be responsible for the actual travel expenses and time.

a) Hardware Quality Assurance Services (Standard) Environment:
Hardware Systems Assurance and Software Installation:
- Assist with High Level System Design/Layout
- Validate Hardware Configuration and System Specifications
- Validate Network Requirements, including Windows Domain
- Physical Installation of **New World** Application Servers
- Install Operating System and Apply Updates
- Install SQL Server and Apply Updates
- Install New World Applications Software and Apply Updates
- Establish Base SQL Database Structure
- Install Anti-Virus Software and Configure Exclusions
- Install Automated Backup Software and Configure Backup Routines
- Configure System for Electronic Customer Support (i.e. NetMeeting)
- Tune System Performance Including Operating System and SQL Resources
- Test High Availability/Disaster Recovery Scenarios (if applicable)
- Provide Basic System Administrator Training and Knowledge Transfer
- Document Installation Process and System Configuration

6. Additional Services Available

Other **New World** services may be required or requested for the following:

a) additional software training;
b) tailoring of Licensed Standard Software by **New World** technical staff and/or consultation with **New World** technical staff;
c) **New World** consultation with other vendors or third parties;
d) modifying the Licensed Standard Software;
e) designing and programming Licensed Custom Software; and
f) maintaining modified Licensed Standard Software and/or custom software.

Customer may request these additional services in writing using **New World's** Request For Service (RFS) procedure (or other appropriate procedures mutually agreed upon by **Customer** and **New World** and will be provided at the Hourly Rate).

EXHIBIT C
STANDARD SOFTWARE MAINTENANCE AGREEMENT (SSMA)

This Standard Software Maintenance Agreement (SSMA) between **New World** and **Customer** sets forth the standard software maintenance support services provided by **New World**.

1. SSMA Period

This SSMA shall remain in effect for a term of six (6) years (the SSMA term) beginning on the delivery of Licensed Standard Software ("Start Date") and ending on the same calendar date at the conclusion of the SSMA term. **New World** shall provide **Customer** no-charge SSMA for a period of 365 days from the Start Date.

2. Services Included

New World shall provide the following services during the SSMA term.

a) upgrades, including new releases, to the Licensed Standard Software (prior releases of Licensed Standard Software application packages are supported no longer than nine (9) months after a new release is announced by **New World**);

b) temporary fixes to Licensed Standard Software (see paragraph 6 below);

c) revisions to Licensed Documentation;

d) reasonable telephone support for Licensed Standard Software on Monday through Friday from 8:00 a.m. to 8:00 p.m. (Eastern Time Zone); and

e) invitation to and participation in user group meetings.

Items a, b, and c above will be distributed to **Customer** by electronic means.

Additional support services are available as requested by **Customer** at the Hourly Rate.

3. Maintenance for Modified Licensed Standard Software and Custom Software

Customer is advised that if it requests or makes changes or modifications to the Licensed Standard Software, these changes or modifications (no matter who makes them) make the modified Licensed Standard Software more difficult to maintain. If **New World** agrees to provide maintenance support for Custom Software or Licensed Standard Software modified at **Customer's** request, or for prior releases of **New World's** software, then the additional **New World** maintenance or support services provided shall be billed at the Hourly Rate.

4. Billing

Maintenance costs will be billed annually.

Exhibit C / STANDARD SOFTWARE MAINTENANCE AGREEMENT

5. Additions of Software to Maintenance Agreement

Additional Licensed Standard Software licensed from **New World** will be added to the SSMA ninety (90) days after delivery. Costs for the maintenance for the additional software will be billed to **Customer** on a pro rata basis for the remainder of the maintenance year and on a full year basis thereafter.

6. Requests for Software Correction on Licensed Standard Software

At any time during the SSMA term, if **Customer** believes that the Licensed Standard Software does not conform to the warranties provided under this **Agreement**, **Customer** must notify **New World** in writing that there is a claimed defect and specify which feature and/or report it believes to be defective. Before any notice is sent to **New World**, it must be reviewed and approved by the Customer Liaison. Documented examples of the claimed defect must accompany each notice. **New World** will review the documented notice and when a feature or report does not conform to the published specifications, **New World** will provide software correction service at no charge. A non-warranty request is handled as a billable Request For Service (RFS) provided at the Hourly Rate.

The no-charge software correction service does not apply to any of the following:

a) situations where the Licensed Standard Software has been changed by anyone other than **New World** personnel;
b) situations where **Customer's** use or operations error causes incorrect information or reports to be generated; and
c) requests that go beyond the scope of the specifications set forth in the current User Manuals.

7. Maintenance Costs for Licensed Standard Software Packages Covered for .NET Server(s)

New World agrees to provide software maintenance at the costs listed below for the **New World** Licensed Standard Software packages described in Exhibit A.

Annual Maintenance Cost	
Year 1	No charge
Year 2	$119,680
Year 3	127,160
Year 4	134,640
Year 5	142,120
Year 6	149,600

EXHIBIT D
NEW WORLD SYSTEMS CORPORATION
NON-DISCLOSURE AND SECURITY AGREEMENT FOR THIRD PARTIES

This **Agreement**, when accepted and executed by **New World**, grants the undersigned the permission to use and/or have limited access to certain **New World Systems® Corporation (New World)** proprietary and/or confidential information.

Installed At: **City of Moreno Valley**
Customer Name

Located At: **14177 Frederick Street**
Moreno Valley, CA 92552

Authorized Signature of Customer:

Name (Please Print or Type)	Title	Signature

In exchange for the permission to use or have access to **New World** proprietary and/or confidential information, including without limitation, **New World** software and/or documentation, the organization and individual whose names appear below, agree to the following:

1. No copies in any form will be made of **New World** proprietary or confidential information without the expressed written consent of **New World's** President, including without limitation, the following:

a) Program Libraries, whether source code or object code;
b) Operating Control Language;
c) Test or Sample Files;
d) Program Listings;
e) Record Layouts;
f) All written confidential or proprietary information originating from **New World** including without limitation, documentation, such as user manuals and/or system manuals; and/or
g) All **New World** Product Bulletins and/or other **New World** Product related materials.

2. **New World** software, **New World** documentation, or other proprietary or confidential information shall not be used for any purpose other than processing the records of the **Customer** identified above as permitted in the **Customer's** *Standard Software License and Services Agreement* with **New World**.

3. The undersigned agree(s) that this **Agreement** may be enforced by injunction in addition to any other appropriate remedies available to **New World**. If it is determined that the money damages caused by the undersigned's failure to comply with the foregoing terms are difficult to ascertain, they are hereby estimated at liquidated damages of no less than three times the then-current License Fees for the License Software provided to **Customer** under the *Standard Software License and Service Agreement* between **Customer** and **New World**.

Agreed and Accepted by Third Party (Organization)

Organization: _____

By: _____

Title: _____

Date: _____

Agreed and Accepted by Third Party (Individual)

Individual: _____

By: _____

Title: _____

Date: _____

_____
Accepted and Approved by New World Systems Corp.

By: _____

Title: _____

Date: _____

EXHIBIT E
DEMONSTRATION SITE DISCOUNT

New World has provided **Customer** a significant discount in exchange for the privilege of using **Customer's** site for demonstration purposes. Accordingly, after the Licensed Software has been delivered and installed, **Customer** agrees to act as a demonstration site for prospective **New World** customers. **Customer** also agrees to serve as a reference or remote demonstration site on the telephone for prospective **New World** customers. By agreeing to be a demonstration site, **Customer** is not necessarily endorsing the **New World** software and **Customer** will not actively participate in any type of marketing and advertising campaign for or on behalf of **New World**.

Demonstrations will be coordinated with the appropriate **Customer** personnel and will be scheduled to minimize the interruption to **Customer's** operations. **New World** will provide **Customer** reasonable notice for preparation.

EXHIBIT F
DATA FILE CONVERSION ASSISTANCE

New World will provide conversion assistance to **Customer** to help convert the existing data files specified below. If additional files are identified after the contract execution, estimates will be provided to **Customer** prior to **New World** beginning work on those newly identified files.

1. General

a) This conversion effort includes data coming from one unique data source, not multiple sources.
b) No data cleansing, consolidation of records, or editing of data will be part of the data conversion effort. Data cleansing, removal of duplicate records, and editing must take place by **Customer** prior to providing the data to **New World**

2. **New World** Responsibilities

a) **New World** will provide **Customer** with a conversion design document for signoff prior to beginning development work on the data conversion. No conversion programming by **New World** will commence until **Customer** approves this document.
b) **New World** will provide the data conversion programs to convert **Customers** data from a single data source to the **New World Licensed Standard Software** for the specified files that contain 500 or more records.
c) As provided in the approved project plan for conversions, **New World** will schedule a conversion analysis trip and a separate data conversion testing trip to **Customer's** location. The conversion testing trip for each application is a billable support trip, using standard Exhibit B hours, which is scheduled in conjunction with the delivery of the converted data to the **Customer**.
d) **New World** will provide the **Customer** up to 3 test sets of the converted data. Additional test sets requested may/will require additional conversion costs.
e) **New World** will provide the standard conversion record layouts to the **Customer** and convert the available data elements defined in the standard conversion record layouts.
f) Up to twelve years of historic data will be converted by **New World**.

3. **Customer** Responsibilities

a) **Customer** will provide data in standard conversion record layouts as provided by **New World**. Submitted data files must include an accurate count of records contained in the files.
b) Data will be submitted to **New World** in one of the following formats: AS/400 files, Microsoft SQL Server database, Microsoft Access database, Microsoft Excel Spreadsheet, or an ASCII-format delimited text file. Data and databases will be transferred using the New World ftp site.
c) **Customer** understands that files or tables containing less than 500 records or table entries will not be converted.
d) As provided in the project plan for conversions, **Customer** will provide a dedicated resource in each application area to focus on conversion mapping and testing. This includes dedicating a support person(s) whenever **New World** staff is on site regarding conversions. Roughly a one to one commitment exists for **Customer** commitment and **New World** commitment. **Customer** understands that thorough and timely testing of the converted data by **Customer** personnel is a key part of a successful data conversion.
e) **Customer** agrees to promptly review conversion deliveries and signoff on both the conversion design document and on the final conversion after the appropriate review. Applying the converted data to the production (Live) environment will constitute conversion acceptance by **Customer**.
f) If the **Customer** cannot provide data in the format defined in New World's standard conversion record layouts then **New World** will map the data to New World's standard conversion record layout at the Hourly Rate. The **Customer** must provide complete file and field definitions for **New World** to map the data.

Exhibit F / DATA FILE CONVERSION ASSISTANCE

4. <u>Files to be converted</u>

Up to 9 files from the following possible sources are included.

Financial
- -Vendor Information
- -Asset Management (Fixed Assets)
- -General Ledger, including Budget, History
- - Accounts Receivable History
- -Purchase Order History
- -Accounts Payable History

Payroll
- -Employee Information
- -Employee Detailed Check (including deductions, benefits, and accruals) History
- -Position Master File

EXHIBIT G
CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS / MODIFICATIONS AND / OR CUSTOM SOFTWARE

1. Definition of Project

New World will provide the **Customer** requested Standard Software Enhancements and/or Custom Software as discussed below to address the **Customer's** requirements. **Customer** agrees to cooperate in not making modifications and enhancements too extensive as defined in the 2(b)*(1)* procedure below.

An analysis and assessment to verify the scope of effort for the project will be conducted. A revised estimate for the modifications/interfaces may be provided at the conclusion of the assessment. Customer may elect to cancel or proceed with the modifications/interfaces based on the revised estimate.

Capabilities included in the initial scope:

a) Custom Software/Interfaces

(1) **The Active Network, Class**: One-way user initiated batch process to import journal transactions from a third party system, Active, to New World's general ledger.

(2) **Chameleon**: One-way user initiated batch process to import journal transactions from a third party system, Chameleon to New World's general ledger.

(3) **OneWorld**: One-way user initiated batch process to import journal transactions from a third party system, OneWorld, to New World's general ledger.

(4) **AP Purchasing Card**: A one-way user initiated batch process to import purchasing card transaction from the bank, or vendor, to New World's accounts payable purchasing card invoices.

*With **New World** providing consultation, **Customer** is responsible for obtaining technical contacts and/or technical specifications from the third parties involved.*

2. Methodology to Provide Enhancements and/or Custom Software

a) Definition of **New World's** Responsibility

This project includes the following activities to be performed by **New World**.

(1) Review of required features with **Customer**. Only items identified in Paragraph 1 above will be provided in this implementation plan.

(2) Preparation of Requirements Document (RD) to include:
- Detailed description of the required feature
- menu samples
- screen samples
- report samples

(3) Programming and programming test.

(4) On-site training, testing and/or other support services at the Hourly Rate.

For modification requiring over fifty (50) hours of work, **New World** utilizes a design document procedure [see 2(b)*(1)* below]. For smaller modifications, **New World** uses a Request For Service (RFS) procedure. Both procedures are reviewed with **Customer** at a pre-installation planning meeting. The RFS procedure utilizes a form with a narrative description and supporting documentation if applicable to define the work to be done.

Exhibit G / CUSTOMER REQUESTED STANDARD SOFTWARE ENHANCEMENTS / MODIFICATIONS AND / OR CUSTOM SOFTWARE

b) Implementation Schedule

	Activity	Targeted Time Period
(1)	Complete Design Review with **Customer** Staff. **Customer** agrees to be reasonable and flexible in not attempting to design the modifications to be more extensive than called for in the scope (cost and schedule) of this project.	To be determined
(2)	New World submits completed RD to **Customer.**	To be determined
(3)	RD is accepted and signed off by **Customer** (no programming will be done by **New World** until the formal sign-off and **Customer's** authorization to proceed in writing).	To be determined
(4)	**New World** completes programming from RD and provides modified software to **Customer**.	To be determined
(5)	Software Modification Acceptance Test based on RD.	To be determined

c) **Customer's** Responsibility

All **Customer**-requested changes after RD sign-off must be documented by **Customer** and authorized in writing including potential costs, if any. Additional changes will most likely delay the schedule and may increase the cost.

EXHIBIT H
ESCROW OF SOFTWARE SOURCE CODE

So long as **Customer** pays the applicable fees as described in Exhibit AA, **New World** stipulates that the source code, executable code, and **Customer's** configuration for the Licensed Standard Software, together with the related Documentation as it is or becomes available, will be deposited in an escrow account maintained at a suitable Agent pursuant to an agreement between the Agent and **New World** (the "Escrow Agreement").

New World will deposit into the escrow account copies of source code, executable code, and **Customer's** configuration for Releases and Versions of the Licensed Standard Software and related Documentation within ninety (90) days of the first commercial use of the Releases and Versions.

New World or **New World**'s trustee in bankruptcy shall authorize the Agent to make and release a copy of the applicable deposited materials to **Customer** upon the occurrence of any of the following events: (i) The existence of any one or more of the following circumstances uncorrected for more than thirty (30) days: entry of an order for relief under Title 11 of the United States Code; the making by **New World** of a general assignment for the benefit of creditors; or action by **New World** under any state insolvency or similar law for the purpose of its bankruptcy, reorganization, or liquidation; unless within the specified thirty (30) day period, **New World** provides to **Customer** adequate assurances, reasonably acceptable to **Customer** of its continuing ability and willingness to fulfill its maintenance obligations under this **Agreement**, (ii) **New World** or its successor or assigns has ceased its on-going business operations or that portion of its business operations relating to the sale, licensing and maintenance of the Software.

In the event of release under this **Agreement**, **Customer** agrees that it will treat and preserve the deposited materials as a trade secret of **New World** in accordance with generally accepted standards utilized to safeguard trade secrets against unauthorized use and disclosure. This means their use is for internal processing needs only and no additional copies will be provided to any third parties.

EXHIBIT I
ACCEPTANCE TESTING

Each application of Licensed Software shall be deemed to have been accepted upon the successful completion of either Criteria 1 or Criteria 2 (listed below) whichever occurs first. Acceptance Testing is successful under either Criteria 1 or Criteria 2 unless the Licensed Software application contains a warranty defect which substantially impairs the value and **Customer's** use of the Licensed Software. Any claimed defects must be documented in writing as set forth in Exhibit C.

Criteria 1:

Using Exhibit B support service hours, **New World** shall assist **Customer** in conducting the following software Acceptance Test.

Following published specifications using established procedures and controls, the test criteria includes:

1. the successful entering and editing of a representative sample of transactions;
2. the successful processing of a representative sample of file maintenance transactions for the master file transactions; and
3. the successful generation of standard output reports.

Testing under Criteria 1 may be completed before **Customer** has gone "live" on the application. If Criteria 1 is used, **Customer** agrees to provide the requisite resources to timely complete the Acceptance Test procedure. If **Customer** unreasonably delays the start of the Criteria 1 test procedure for more than fourteen (14) calendar days beyond the designated test date, then successful software acceptance shall be deemed to have occurred for that application of Licensed Software on the fifteenth (15th) day after the designated test date.

Criteria 2:

The Licensed Software shall be deemed accepted ninety (90) days after Customer has had beneficial use of the Licensed Software without occurrence of a Major Failure through its use in a production environment ("live use") that supports Customer operations. Final Acceptance shall not be withheld due to minor or moderate errors.

Total Cost Summary

CITY OF MORENO VALLEY, CALIFORNIA

April 18, 2011

New World Software and Services	FM, HR/PY	CD*	Total
A. Application Software			
1) Licensed Standard Software	$748,000	$281,000	$1,029,000
2) Demonstration Site Discount	(149,600)	(56,200)	(205,800)
3) Contract Signing Discount is Agreement is Executed by 5/10/11	(70,000)	(25,000)	(95,000)
	528,400	199,800	$728,200
B. Implementation Services	421,900	99,000	$520,900
1) Project Management			
2) Installation and Training			
3) Interface Installation Service Fee			
4) Windows Operating System Assurance and Software Installation			
5) Data File Conversion (estimate)			
6) Custom Software/Custom Software Interfaces (estimate)			
C. Source Code Escrow Setup Fee	3,000		
D. 2011 Executive Customer Conference	1,890		
TOTAL ONE TIME COST	**$955,190**	**$298,800**	**$1,253,990**

Maintenance			
E. 1) Standard Software Maintenance Agreement (SSMA) (Annual Cost):			
One-Year Warranty from Date of Delivery (Year 1 SSMA)	No Charge	No Charge	No Charge
Year 2 Cost:	$119,680	$44,960	$164,640
Year 3 Cost:	127,160	47,770	174,930
Year 4 Cost:	134,640	50,580	185,220
Year 5 Cost:	142,120	53,390	195,510
Year 6 Cost:	149,600	56,200	205,800
2) Source Code Escrow Maintenance (Annual Cost)	$1,000		$1,000
3) Estimated Travel	$52,500	$15,000	$67,500

* Optional CD pricing will be held for 18 months from Effective Date.

NOTE: New World's cost is based on all of the proposed products and services being obtained from New World. Should significant portions of the products or services be deleted, New World reserves the right to adjust its prices accordingly.

This assumes you are purchasing this directly through New World and not thru an RFP procurement procedure.

Subsequent years of Software Maintenance will include a price increase.

Travel and Living expenses are not included in the Total One Time Cost above. New World estimates there to be 35 trips at $1,500/trip (may include airfare, hotel, per diem, car rental, gas), or $52,500. All Travel and Living expenses will be billed on a weekly basis, but only as incurred.

CONFIDENTIAL AND PROPRIETARY

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Robert Hansen, City Attorney

AGENDA DATE: May 10, 2011

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 AND 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT.

BACKGROUND

At a prior Study Session, Council members expressed concern over the enforcement policies relating to noise ordinance violations at private parties. Direction was given to the Police Department and City Attorney's Office to provide alternatives which would allow more discretion for an officer to provide a warning to 1st time offenders in lieu of the currently mandated $100 civil citation.

DISCUSSION

In working with the Police Department, it became evident that two obstacles, one legal and one practical, were preventing officers from issuing warnings to parties that exceeded the parameters for a Noise Disturbance in the Moreno Valley Municipal Code.

The first obstacle was a legal one based on the terms of the police enforcement policy and Section 11.80.060 of the Municipal Code. That section established that a first time offense **shall** be punished by a fine of not less than $50 if charged as an infraction. The alternative method of issuing a civil citation was frequently used; however, this method resulted in a citation of exactly $100. In essence, the citing officer had discretion to cite or not to cite but if a citation was issued, the fine was either $100 as a civil citation or between $50 and $100, as imposed by the court, if cited as an infraction.

The second obstacle was more practical in determining how to track the number of warnings that may be given to a particular party when different patrol officers are responding. The police department already has an efficient system for tracking the issuance of civil citations. Accordingly, we thought to develop and propose a system whereby a civil citation could be issued for less than the $100 fee set by Council. In this manner, a citing officer has the discretion to issue a civil citation with a zero dollar ($0) fine amount. Although in the form of a citation, it would have the practical effect of a warning. The police department can track this as a first citation so any future responders to the property will know that a first citation has already been issued. They may then proceed to the second citation.

The police department has requested that the fine amounts for second and third offenses remain the same, such that in a case where a first citation was issued with no fine, the second citation would remain at $200 and the third at $500 as previously established. This would be established by an enforcement policy adopted by the department.

The proposed amendments to the Municipal Code remove these encumbrances and allow for the procedures set forth above to be implemented. The police department would likewise be amending their policy on noise ordinance enforcement on private residential parties in line with the proposed ordinance changes.

ALTERNATIVES

The City Council may consider the following alternatives:

1. Adopt the proposed changes to Moreno Valley Municipal Code Sections 1.10.080 and 11.80.060, and introduce Ordinance No. 824.

2. Direct staff to make changes to the ordinance and return to a City Council meeting or study session on a later date with a revised Ordinance.

3. Take no action. The existing Ordinances will remain in effect.

FISCAL IMPACT

No significant fiscal impact is anticipated.

ATTACHMENTS/EXHIBITS

1. A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION 1.10.080 and 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT.

Prepared By:
Paul Early, Deputy City Attorney

Robert L. Hansen City Attorney

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00105927

ORDINANCE NO. 824

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTIONS 1.10.080 and 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. MUNICIPAL CODE ADDED:

1.1 Section 1.10.080 of the Moreno Valley Municipal Code is hereby amended to read as follows:

"Section 1.10.080 Civil fines – Amounts and penalties

A. The maximum amount of a civil fine for violating particular provisions of this code shall be set forth in a schedule of civil fines adopted by resolution of the city council. The schedule may include escalating civil fine amounts for repeat code violations occurring within specified periods of time. A fine amount, not to exceed those set forth by resolution, may be imposed or reduced at the discretion of the citing officer or the City Attorney.

B. Where no civil fine amount is specified by resolution of the city council, civil fines shall be in accordance with those specified in Section 1.01.230 of this code.

C. A late payment penalty shall be imposed for civil fines not paid within thirty (30) calendar days of their due date. The amount of the late payment penalty shall be one hundred (100) percent of the total amount of the civil fine owed.

D. In addition to any civil fine and/or late payment penalty, a hearing officer shall also assess administrative costs against the responsible person when it finds that a violation has occurred or that compliance has not been achieved within the time specified in the civil citation and any granted extensions thereof. Administrative costs may include any and all costs incurred by the city in connection with the matter including, but not limited to, costs of investigation, staffing costs incurred in preparation for an administrative hearing and for the administrative hearing itself, and costs for all reinspections of the property related to the violation(s).

E. Unless otherwise prohibited by law or regulation, all civil fines and administrative costs imposed pursuant to the provisions of this chapter shall accrue

interest at the rate of eight percent until the civil fine or administrative costs, including interest thereon, is paid in full. Interest shall begin to accrue thirty (30) calendar days after the due date for the civil fine or administrative costs and continue until the civil fine or administrative costs, including interest thereon, is paid in full."

1.2 Section 11.80.060 of the Moreno Valley Municipal Code is hereby amended to read as follows:

"Section 11.80.060 Violation

A. Violation of Sound Level Limits. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars ($1,000.00) and/or six months in the county jail, or both. Notwithstanding the forgoing, any violation of the provisions of this chapter may, in the discretion of the citing officer or the city attorney, be cited and/or prosecuted as an infraction or be subject to civil citation pursuant to Chapter 1.10.

B. Joint and Several Responsibility. In addition to the person causing the offending sound, the owner, tenant or lessee of property, or a manager, overseer or agent, or any other person lawfully entitled to possess the property from which the offending sound is emitted at the time the offending sound is emitted, shall be responsible for compliance with this chapter if the additionally responsible party knows or should have known of the offending noise disturbance. It shall not be a lawful defense to assert that some other person caused the sound. The lawful possessor or operator of the premises shall be responsible for operating or maintaining the premises in compliance with this chapter and may be cited regardless of whether or not the person actually causing the sound is also cited.

C. Violation May Be Declared a Public Nuisance. The operation or maintenance of any device, equipment, instrument, vehicle or machinery in violation of any provisions of this chapter which endangers the public health, safety and quality of life of residents in the area is declared to be a public nuisance, and may be subject to abatement summarily or by a restraining order or injunction issued by a court of competent jurisdiction.

SECTION 2. EFFECT OF ENACTMENT:

2.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 3. NOTICE OF ADOPTION:

3.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be publicly posted in three places within the city.

SECTION 4. EFFECTIVE DATE:

4.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 2011,

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this ordinance should follow this jurat.**]

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

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MV00105933

AGENDA

NOTICE AND CALL OF SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

June 14, 2011

SPECIAL MEETING – 5:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

AGENDA
SPECIAL MEETING OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY

SPECIAL MEETING - 5:00 PM
REGULAR MEETING – 6:30 PM
JUNE 14, 2011

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley will be held on June 14, 2011 commencing at 5:00 PM followed by a Regular Meeting at 6:30 PM in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

*All Items on this Agenda, Except for those Items Indicating they are to be Considered on the Regular Meeting Agenda.

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY

9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of May 18 - June 7, 2011.

A.4 TRACT MAP 22709 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-44 authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system; and

   Resolution No. 2011-44

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 22709, and Accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the Portion of John F. Kennedy Drive Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.5 PA04-0010 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: ONE MORENO VALLEY 240 LP, LONG BEACH, CA 90802 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-45 authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system; and

   Resolution No. 2011-45

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA04-0010, and Accepting the Portion of Perris Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 TRACT MAP 22709-1 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE, AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON F.K.A. WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-46 authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-46

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 22709-1, and Accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the Portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 TRACT MAP 31327 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON F.K.A. WESTERN PACIFIC HOUSING INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-47 authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-47

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31327 and Accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the Portions of Alessandro Avenue, Morrison Street and Bay Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.8 FINAL MAPS 29920, 29920-1, 29920-2, AND 29920-3--APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN CITY OF MORENO VALLEY AND PACIFIC MORENO VALLEY, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the Maintenance Agreement by and between the City of Moreno Valley (City) and Pacific Moreno Valley, Inc.;

2. Authorize the Mayor to execute the Maintenance Agreement;

3. Authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement;

4. Authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement;

5. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney; and

6. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

A.9 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) ("CFD No. 87-1") approve and adopt the following: Resolution No. 2011-48 to accept and approve the Special Tax Report for fiscal year (FY) 2011/12 regarding CFD No. 87-1; and

Resolution No. 2011-48

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 87-1 (Towngate)

2. Approve and Adopt Resolution No. 2011-49 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

Resolution No. 2011-49

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) of the City of Moreno Valley, Approving the Submittal of an Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 87-1

A.10 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following: Resolution No. 2011-50 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12 for CFD No. 87-1 Improvement Area No. 1; and

Resolution No. 2011-50

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Report for Fiscal Year 2010/11 Regarding Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1

2. Resolution No. 2011-51 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

Resolution No. 2011-51

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 87-1 Improvement Area No. 1

A.11 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING) (Report of: Public Works Department)

Recommendation:

Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) ("CFD No. 3"), approve and adopt Resolution No. 2011-52 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12, on file in the office of the City Treasurer.

Resolution No. 2011-52

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

A.12 APPROVAL AND ACCEPTANCE OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4—MAINTENANCE FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation:

Acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4—Maintenance ("CFD No. 4—M") approve and adopt Resolution No. 2011-53 to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12.

Resolution No. 2011-53

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Annual Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 4-Maintenance

A.13 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR FISCAL YEAR 2011/12 REGARDING MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5 (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following: Resolution No. 2011-54 to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5.

Resolution No. 2011-54

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Annual Special Tax Report

for Fiscal Year 2011/12 Regarding Community Facilities District No. 5

2. Adopt Resolution No. 2011-55 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

Resolution No. 2011-55

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 5 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5

A.14 PA04-0004 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, SOUTHWEST CORNER OF BAY AVENUE AND PAN AM BOULEVARD, DEVELOPER: MOVAL BAY APARTMENTS, L.P., IRVINE, CA 92614 (Report of: Public Works Department)

Recommendation:

1. Authorize the acceptance of certain public improvements associated with the project; and

2. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with project PA04-0004 for public improvements.

A.15 AUTHORIZE THE FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR STATE ROUTE 60/MORENO BEACH DRIVE INTERCHANGE AND NASON STREET OVERCROSSING IMPROVEMENTS -- PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014;

2. Authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc.; and

3. Authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86.

A.16 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE - PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc.; on behalf of the City;

3. Authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney; and

5. Authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011.

A.17 ADOPTION OF THE PRIORITIZED GOALS AND ACTION PLAN DEVELOPED IN THE CITY COUNCIL GOAL SETTING WORKSHOP (Report of: City Manager's Office)

Recommendation:

Adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop.

A.18 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB)

STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS B7 & C3)

Recommendation:

1. Adopt Resolution No. 2011-62, classifying the various components of fund balance as defined in GASB Statement No. 54; and

   Resolution No. 2011-62

   A Resolution of the City Council of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

2. Designate the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance for inclusion in the annual financial reports.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 APPROVAL AND ACCEPTANCE OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") and as the legislative body of Community Facilities District No. 1 ("CFD No. 1" or "District") approve and adopt Resolution No. CSD 2011-08 to accept and approve the CFD No. 1 Annual Special Tax Report for fiscal year 2011/12, which is on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

Resolution No. CSD 2011-08

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Accepting and Approving the Community Facilities District No. 1 Annual Special Tax Report for Fiscal Year 2011/12

B.4 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-1 (TOWNGATE) AND E-1A (RENAISSANCE PARK) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for CSD Project E-1/11 (the "Agreement") with Marina Landscape Inc.;

2. Authorize the President of the CSD Board to execute said Agreement with Marina Landscape Inc., and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to Marina Landscape Inc., in the amounts of:

   NINETY-SEVEN THOUSAND NINE HUNDRED AND SIX AND 80/100 DOLLARS ($97,906.80) for twelve (12) months of base maintenance services and;

   NINE THOUSAND SEVEN HUNDRED NINETY AND 68/100 DOLLARS ($9,790.68) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

B.5 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-4/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-4 (MORENO VALLEY RANCH - EAST) AND E-4A (DAYBREAK) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for CSD Project E-4/11 (the "Agreement") with TruGreen Landcare;

2. Authorize the President of the CSD Board to execute said Agreement with TruGreen Landcare, and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to TruGreen Landcare, in the amounts of:

ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED AND SIXTY-FOUR AND 76/100 DOLLARS ($179,564.76) for twelve (12) months of base maintenance services and;

FOURTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS ($14,800.00) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

B.6 FIRST EXTENSION OF CONTRACT - PROJECT NO. E-3/10 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (ZONE E-3) AND LASSELLE POWERLINE PARKWAY (ZONE E-3A) (CONTINUED FROM MAY 24, 2011) (Report of: Public Works Department)

Recommendation:

1. Approve the first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:

   a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($139,500.00) for twelve months of base maintenance service, and

   b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS ($13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

B.7 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS A18 & C3)

Recommendation:

Adopt Resolution No. CSD 2011-22, classifying the various components of fund balance as defined in GASB Statement No. 54.

Resolution No. CSD 2011-22

A Resolution of the Moreno Valley Community Services District, Classifying

the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS A18 & B7)

Recommendation:

Acting in its capacity as the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. 2011-09, classifying the various components of fund balance as defined in GASB Statement No. 54.

Resolution No. RDA 2011-09

A Resolution of the Moreno Valley Community Services District, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS
ALL PUBLIC HEARING ITEMS TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 FIRST AMENDMENT - AQUABELLA DEVELOPMENT AGREEMENT (P11-029) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Conduct a public hearing and subsequently introduce Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

E.2 PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation: That the CSD:

1. Conduct a Public Hearing to approve and adopt the following proposed resolutions:

   Resolution No. CSD 2011-09

   A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone A (Parks and Community Services) Services During Fiscal Year 2011/2012

2. Approve and adopt the proposed Resolution No. CSD 2011-10;

   Resolution No. CSD 2011-10

   A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone B (Residential Street Lighting)

Services During Fiscal Year 2011/2012

3. Approve and adopt the proposed Resolution No. CSD 2011-11 (Zone C);

Resolution No. CSD 2011-11

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone C (Arterial Street Lighting and Intersection Lighting) Services During Fiscal Year 2011/2012

4. Approve and adopt the proposed Resolution No. CSD 2011-12 (Zone D);

Resolution No. CSD 2011-12

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone D (Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

5. Approve and adopt the proposed Resolution No. CSD 2011-13 (Zone E);

Resolution No. CSD 2011-13

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E (Extensive Landscape Maintenance) Services During Fiscal Year 2011/2012

6. Approve and adopt the proposed Resolution No. CSD 2011-14 (Zone E-1A);

Resolution No. CSD 2011-14

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-1A (Renaissance Park – Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

7. Approve and adopt the proposed Resolution No. CSD 2011-15 (Zone

E-3A);

Resolution No. CSD 2011-15

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-3A (Lasselle Powerline Parkway Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

8. Approve and adopt the proposed Resolution No. CSD 2011-16 (Zone E-4A);

Resolution No. CSD 2011-16

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-4A (Daybreak Development – Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

9. Approve and adopt the proposed Resolution No. CSD 2011-17 (Zone M);

Resolution No. CSD 2011-17

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone M (Commercial/Industrial/Multifamily Improved Median Maintenance) Services During Fiscal Year 2011/2012

10. Approve and adopt the proposed Resolution No. CSD 2011-18 (ZoneS);

Resolution No. CSD 2011-18

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone S (Sunnymead Boulevard Maintenance) Services During Fiscal Year 2011/2012

E.3 PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT

PROPOSED FISCAL YEAR (FY) 2011/2012 ANNUAL RATES (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice; and

2. Adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

Resolution No. 2011-56

A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll

E.4 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. 2011-57 establishing the appropriations limit at $89,463,807 for the City of Moreno Valley for Fiscal Year 2011-12.

Resolution No. 2011-57

A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Appropriations Limit for Fiscal Year 2011-12

E.5 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

Recommendation: That the CSD:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. CSD 2011-19 establishing the appropriations limit at $14,416,480 for the Moreno Valley Community Services District for Fiscal Year 2011-12.

Resolution No. CSD 2011-19

A Resolution of the Moreno Valley Community Services District Establishing the Appropriations Limit for Fiscal Year 2011-12

E.6 A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA10-0035) TO IMPLEMENT NEW DESIGN STANDARDS TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that PA10-0035 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and

2. Introduce Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

E.7 HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM IRONWOOD

AVENUE TO MANZANITA AVENUE PROJECT - PROJECT NO. 11-41570225 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;

2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt;

4. Find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity;

5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct;

6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; That the Acquisition and Taking of the Easements In the Herein-Described Property is Necessary for the Project; That the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Properties [APN NOs: 474-

064-001, 474-120-008, and 474-120-024]; and

Resolution No. 2011-58

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easement in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
a) Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG) (Informational Oral Presentation - not for Council action)

G.2 RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) 60/215 EAST JUNCTION CONSTRUCTION PROJECT (Informational Oral Presentation - Not for Council Action)

G.3 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department) ***ITEM TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA***

Recommendation: That the City Council:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail

ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED SUB-ZONES FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE (Report of: Public Works Department) ***ITEM TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA***

Recommendation: That the City Council:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone E annual parcel charge for Zone E-1 (TownGate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East) landscape areas.

G.5 ADOPTION OF A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CALPERS CONTRACT TO PROVIDE THE 2% AT AGE 55 AND THREE YEARS HIGHEST AVERAGE COMPENSATION CALCULATION RETIREMENT BENEFITS FOR NEWLY HIRED EMPLOYEES STARTING ON AUGUST 19, 2011, AND CONDUCT THE FIRST READING OF THE RELATED ORDINANCE AS REQUIRED BY CALPERS (Report of: Human Resources Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-59 , to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council City of Moreno Valley

Resolution No. 2011-59

A Resolution of the City Council of the City of Moreno Valley, California, to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council City of Moreno Valley

Ordinance No. 828

An Ordinance of the City of the City Council of the City of Moreno Valley, California Authorizing an Amendment to the Contract Between the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System

G.6 ADOPTION OF FY2011/12-2012/13 OPERATING BUDGET (SUPPORTING MATERIALS PROVIDED UNDER SEPARATE COVER) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-60, approving the Operating Budget for the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

   Resolution No. 2011-60

   A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Operating Budget for Fiscal Years 2011/12 – 2012/13

2. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2011-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

   Resolution No. CSD 2011-20

   A Resolution of the Moreno Valley Community Services District, Adopting the Operating Budget for Fiscal Years 2011/12-2012/13

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-07, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

   Resolution No. RDA 2011-07

   A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California Adopting the Operating Budget for Fiscal Years 2011/12-2012/13

4. Approve the position control as detailed on pages 3-7 in the Proposed Operating Budget Book presented as Attachment A; and

5. Approve the elimination of Fire Truck 58 in FY 2011/12 and direct staff to reserve the additional $1.2 million in savings for the purchase

of a fire engine and the balance of savings for the operating costs to open the Morrison Park Fire Station.

G.7 ADOPTION OF FY 2011/12 CAPITAL IMPROVEMENT PLAN (Report of: Public Works Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A");

   Resolution No. 2011-61

   A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Capital Improvement Plan for Fiscal Year 2011-12

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"); and

   Resolution No. CSD 2011-21

   A Resolution of the Moreno Valley Community Services District, Adopting the Capital Improvement Plan for Fiscal Year 2011-12

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

   Resolution No. RDA 2011-08

   A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California adopting the Capital Improvement Plan for

Fiscal Year 2011-12

G.8 4TH OF JULY PARADE AT A REDUCED COST (STEWART)

G.9 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1 .1 INTRODUCTION OF ORDINANCE NO. 827 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (Report of: Public Works Department)

Recommendation: That the City Council:

Waive the reading of Ordinance No. 827, in its entirety and read by title only (roll call required) and introduce Ordinance No. 827 an Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

ITEM UNDER THE REGULAR MEETING AGENDA

Those wishing to speak should complete and submit a BLUE speaker slip to the

Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00106095

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

REGULAR MEETING - 6:30 PM
MAY 24, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Robin N. Hastings

INVOCATION - Rev. Dennis Krueger, Shepherd of the Valley Lutheran Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Cindy Miller	Executive Assistant to the Mayor/City Council
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Chad Bianco	Police Lieutenant
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the Consent Calendar agenda items for public comments, which were received from David Zeitz (A10), Ms. Smith (B4), Deanna Reeder (A10, A17, and C4), Carolyn Defazio (A10), Ronald Meyers (A10), and Marcia Amino (B3).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of May 4-17, 2011.

A.4 APPROVAL OF CHECK REGISTER FOR MARCH, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-37, approving the Check Register for the month of March, 2011 in the amount of $10,905,638.09.

Resolution No. 2011-37

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of March, 2011

A.5 TRACT MAP 29857-1 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: IRIS PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-38 authorizing the acceptance of the public improvements within Tract Map 29857-1 as complete and

accepting the portion of Iris Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-38

A Resolution of the City Council of the City Of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 29857-1, and Accepting the Portion of Iris Avenue Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 APPROVE THE AMENDED SOLAR INITIATIVE PROGRAM FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

1. Approve the amended Moreno Valley Electric Utility (MVU) Solar Initiative Program, and the MVU Solar Incentive Program Overview and Guidelines; and

2. Authorize the Electric Utility Manager to implement and administer the MVU Solar Initiative Program and execute corresponding agreements.

A.7 PA10-0028 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF A PORTION OF BRODIAEA AVENUE WEST OF GRAHAM STREET LOCATED ALONG A PORTION OF PARCEL 3 OF PARCEL MAP 32326 AND A PORTION OF LOT 8 OF MAP 1 OF THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, NORTH SIDE OF BRODIAEA AVENUE WEST OF GRAHAM STREET, DEVELOPER: RIDGE MORENO VALLEY, LLC, LONG BEACH, CA. 90803 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-40, summarily vacating a portion of the north side of Brodiaea just west of Graham Street; and

Resolution No. 2011-40

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Brodiaea

Avenue West of Graham Street Located Along a Portion of Parcel 3 of Parcel Map 32326 and a Portion of Lot 8 of Map 1 of the Bear Valley and Alessandro Development Company

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

A.8 PURCHASE OF FIRE ENGINE FOR MORRISON PARK FIRE STATION (Report of: Fire Department)

Recommendation:

1. Approve the purchase of a Multi-Function Type 1 Fire Engine and award a bid in the amount of $445,754 to SMEAL Fire Apparatus Company, Snyder Nebraska as being in the best interest of the City;

2. Approve the purchase of $50,000 in fire equipment from the Riverside County Fire Department for the Multi-Function Type 1 Fire Engine;

3. Approve the transfer of $200,000 from Fire Operations operating expense account (133.65110.6251.252) to Fire Operations vehicles expense account (133.65110.6641.645) to partially fund the Fire Engine (the $200,000 is anticipated Fire Department FY 2010/2011 savings);

4. Approve an appropriation in the amount of $295,754 from General Fund fund balance to Fire Services Operations Fund account number 133.65110.6641.645 in the amount of $445,754 and 133.65110.66441.648 in the amount of $50,000 to fund the purchase of the fire engine and fire equipment; and

5. Authorize the Financial & Administrative Services Director to issue a purchase order to SMEAL Fire Apparatus Company in the amount of $445,754 and issue a second purchase order to Riverside County Fire in the amount of $50,000 for the purchase of new fire equipment.

A.9 CITY HALL HEATING VENTILATION AND AIR CONDITIONING (HVAC) - ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT AWARD (Report of: Financial & Administrative Services Department)

Recommendation:

1. Ratify the contract award to Southcoast Heating & Air Conditioning, the lowest bidder, for the installation of the City Hall HVAC equipment, in the amount of $486,735 (four hundred eighty six thousand seven hundred and thirty five dollars) from EECBG funding in account number 229.80501.7200;

2. Ratify the contract award to Trane in the amount of $147,809.70 (one hundred forty seven thousand eight hundred and nine and seventy cents) for the purchase of two 75- ton roof top HVAC units and two 6-ton split system units for the MVTV3 City Hall Studio from EECBG funding in account number 229.80501.7200; and

3. Approve the addition of a 10% contingency fund in an amount of $46,673.00 (forty six thousand six hundred and seventy three dollars) to Southcoast Heating & Air Conditioning from monies in the FY 10/11 budget, account number 754.71425.7400 (will not affect the General Fund).

A.10 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE IRONWOOD AVENUE WIDENING FROM PERRIS BOULEVARD TO NASON STREET PROJECT NO. 07-41572727 (Report of: Public Works Department)

Recommendation:
Adopt a Mitigated Negative Declaration (MND) for the Ironwood Avenue Widening from Perris Boulevard to Nason Street, Project No. 07-41572727, presented as Attachments B and C, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

A.11 ANNUAL STATEMENT OF INVESTMENT POLICY (Report of: Financial & Administrative Services Department)

Recommendation:
Adopt Annual Statement of Investment Policy

A.12 RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED MARCH 31, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:
Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.13 ADOPTION OF RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM C.3) (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-41 authorizing accepting the transfer of certain real property (the Moreno Valley Senior Center) from the RDA to the City of

Moreno Valley for an amount equal to $2,686,600.

Resolution No. 2011-41

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form and Authorizing the Execution of a Substitution of Trustee and Full Reconveyance Relating to a Deed of Trust Executed by the Community Redevelopment Agency of the City of Moreno Valley, as Trustor, for the Benefit of the City, as Beneficiary, and Approving the Transfer of Real Property conveyed by the Agency of the City

A.14 ADOPTION OF RESOLUTION OF THE CITY COUNCIL OF MORENO VALLEY AUTHORIZING CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE REFUNDING OF THE CITY'S VARIABLE RATE DEMAND CERTIFICATES OF PARTICIPATION (1997 CITY HALL REFINANCING PROJECT) (Report of: Financial & Administrative Services Department)

Recommendation:

1. Adopt Resolution 2011-42 authorizing the execution of certain lease financing documents in connection with the refunding of the City's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and authorizing and directing certain actions with respect there to;

   Resolution No. 2011-42

   A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with the Refunding of the City's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and Authorizing and Directing Certain Recommendation: with Respect Thereto

2. Authorize the City Manager to approve an agreement for financial advisor services, in an amount not to exceed $28,500, with Fieldman Rolapp & Associates to serve as financial advisor for the recommended private placement debt issue; and

3. Authorize the City Manager to approve an agreement for bond counsel services, in an amount not to exceed $30,000 with Quint & Thimmig LLP to serve as Bond Counsel to complete the refunding through a private placement process.

A.15 ORDINANCE NO. 824 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION

1.10.080 AND 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT (Report of: City Attorney)

Recommendation:

Adopt Ordinance No. 824.

Ordinance No. 824

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Sections 1.10.080 and 11.80.060 of the City of Moreno Valley Municipal Code, Relating to Civil Citations and Noise Enforcement

A.16 APPROVE STATE-LOCAL PARTNERSHIP PROGRAM (SLPP) FUNDING APPROPRIATION FOR HIGHLAND FAIRVIEW'S EUCALYPTUS AVENUE STREET IMPROVEMENTS PROJECT BETWEEN REDLANDS BOULEVARD AND THEODORE STREET SLPPCL10-5441(048) (Report of: Public Works Department)

Recommendation:

1. Accept and appropriate both $1 million State-Local Partnership Program (SLPP) grants, one for the Eucalyptus Avenue Street Improvement Project between Redlands Boulevard and Theodore Street and one for the Cactus Avenue Street Improvement Project between Lasselle Street and Nason Street, from the California Transportation Commission (CTC); and

2. Adopt Resolution No. 2011-43, authorizing the Public Works Director/City Engineer to execute the Program Supplement Agreements (PSA) with Caltrans for the Eucalyptus Avenue Street Improvement Project between Redlands Boulevard and Theodore Street, and the Cactus Avenue Street Improvement Project between Lasselle Street and Nason Street.

Resolution No. 2011-43

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of Program Supplement Agreements to Administering Agency-State Agreements Between the State of California, Acting by and through the Department of Transportation, and the City of Moreno Valley

A.17 AMENDMENT NO. 1 - COOPERATION AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL & WATER DISTRICT, THE CITY OF MORENO VALLEY AND THE REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM C.4) (Report of: Community & Economic Development Department)

Recommendation:
Approve Amendment No. 1 for the Cooperation Agreement between Riverside County Flood Control, the City of Moreno Valley and the Redevelopment Agency of the City of Moreno Valley.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 SECOND EXTENSION OF CONTRACT - PROJECT NO. E-2/09 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - HIDDEN SPRINGS ZONE E-2 (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for CSD Project No. E-2/09 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said Extension Agreement with Tropical Plaza Nursery, Inc., of Villa Park, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Tropical Plaza Nursery, Inc. in the amounts of:

   a.) ONE HUNDRED EIGHTY-EIGHT THOUSAND FOUR HUNDRED AND 00/100 DOLLARS ($188,400.00) for twelve months of base maintenance service, and

   b.) TWENTY NINE THOUSAND SIX HUNDRED AND 00/100 DOLLARS ($29,600.00) for anticipated Additional Work per Section 5 of the Extension Agreement.

B.4 FIRST EXTENSION OF CONTRACT - PROJECT NO. E-3/10 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (ZONE E-3) AND LASSELLE POWERLINE PARKWAY (ZONE E-3A)(Report of: Public Works Department)

Recommendation:

1. Approve the first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:

   a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($139,500.00) for twelve months of base maintenance service, and

   b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS ($13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 ADOPTION OF RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM A.13) (Report of: Financial & Administrative Services Department)

Recommendation:
Adopt Resolution No. RDA No. 2011-06 authorizing the transfer of certain real property (the Moreno Valley Senior Center) from the RDA to the City of Moreno Valley for an amount equal to $2,686,600.

Resolution No. RDA No. 2011-06

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Resolution Authorizing the Transfer of Certain Real Property to the City of Moreno Valley

C.4 AMENDMENT NO. 1 - COOPERATION AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL & WATER DISTRICT, THE CITY OF MORENO VALLEY AND THE REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM A.17) (Report of: Community & Economic Development Department)

Recommendation:
Approve Amendment No. 1 for the Cooperation Agreement between Riverside County Flood Control, the City of Moreno Valley and the Redevelopment Agency of the City of Moreno Valley.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Continue Agenda Item B4 to June 14, 2011 by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings Approved by a vote of 5-0.

Motion to Approve Joint Consent Calendar Items A1 – D2, except Item B4, which was continued to June 14, 2011 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, AND THE BOARD OF LIBRARY TRUSTEES TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION
(MVPFFC)

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 7:24 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON ANY SUBJECT ON THE AGENDA UNDER THE JURISDICTION OF THE CORPORATION

President Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

SPECIAL ORDER OF BUSINESS

1 ADOPTION OF RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE REFUNDING OF THE CITY OF MORENO VALLEY VARIABLE RATE DEMAND CERTIFICATES OF PARTICIPATION (1997 CITY HALL REFINANCING PROJECT) (Report of: Financial & Administrative Services Department)

Recommendation:

The Board of Directors of the Moreno Valley Public Facilities Financing Corporation adopt Resolution No. MVPFFC 2011-01 authorizing the execution of certain lease financing documents in connection with the refunding of the City of Moreno Valley's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and authorizing and directing certain actions with respect there to.

Resolution No. MVPFFC 2011-01

A Resolution of the Moreno Valley Public Facilities Financing Corporation of the City of Moreno Valley, California Approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with

the Refunding of the City of Moreno Valley Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and Authorizing and Directing Certain Recommendation: with Respect Thereto

Motion to Approve by m/Board Member Robin N. Hastings, s/Board Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNMENT – 7:32 p.m.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, AND THE BOARD OF LIBRARY TRUSTEES

E. PUBLIC HEARINGS

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

Motion to Continue to July 12, 2011 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

E.2 HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;

2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easement necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

4. Find that the proposed "Factual Summary to Support Findings

Required in the Resolution," is true and correct as to the proposed Resolution of Necessity;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council; and

Resolution No. 2011-39

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property [APN: 482-230-013]

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Council Member Batey reported the rail head is no longer an issue; Mayor Stewart reported March HealthCare has come to an impasse with CrossWord Church, chapel will remain in place.

G.2 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE MORENO VALLEY COMMUNITY SERVICES DISTRICT'S PROPOSED FISCAL YEAR 2011/12 ANNUAL CHARGES (Report of: Public Works Department)

President Stewart opened the agenda item for public comments, which were received from Deanna Reeder, E. Hernandez, Pete Bleckert, and Marcia Amino.

Recommendation: That the CSD:
Accept public comments regarding the proposed fiscal year (FY) 2011/2012 annual CSD charges. The proposed charges shall fund program services for parks, recreation programs and services, residential street lighting, arterial street lighting, parkway landscaping, extensive parkway landscaping, internal parkway landscaping, medians, and maintenance of certain Sunnymead Boulevard improvements. These programs, services, and associated charges are discussed in detail in the Preliminary Annual Levy Report, which is on file in the office of the City Clerk.

G.3 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR 2011/2012 ANNUAL RATES. (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

Hold a public meeting to accept public comments regarding the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" proposed Fiscal Year 2011/2012 annual rates.

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

None

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Pete Bleckert
1. Parks in Council District 1
2. Visits to Mexico

Marcia Amino
1. City of Santa Clarita CAL-ED Award
2. City Manager's Economic Development Plan
3. City Manager's salary and benefits
4. Storage of fire truck
5. Vehicle reimbursement

Deanna Reeder
1. June 2 Child-Teen Safety Workshop
2. Rancho Belago signs
3. Crime in Rancho Belago area

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II
1. Congratulated Fire Fighter of the Year and Employees of the Quarter.
2. Thanked the businesses that provided training and internships for the

Workability Program.

Mayor Pro Tem Jesse L. Molina

1. Transfer of parkland inventory.
2. Attended Redistricting Committee meeting and encouraged attendance at future meetings to support the City being within one district, not split among several districts.
3. Requested to move quickly on the City Council Redistricting and hire a consultant.
4. Recognized those who fought for our rights on Memorial Day.
5. Wished everyone a safe Memorial Day.

Council Member Marcelo Co

1. Urged City Council to endorse a resolution regarding the Moreno Valley Unified School District high school site location.
2. Since census figures are available, requested a consultant be designated for the City Council Redistricting by the time Council returns from recess.
3. City can get to the point of no taxes by promoting revenue based business strategies.
4. Encouraged the public to participate in the City Council proceedings.
5. Memorial Day is to recognize those who have sacrificed for our freedoms.

Council Member Robin N. Hastings

1. Advised that Moreno Valley residents received robo calls from Riverside County Sheriff's Association that contained misinformation. Board of Supervisors approved a 10% reduction for the Sheriff's Department which is comparable to other County employee reductions for a one year period. The reduction will result in a 5-7% decrease in the City of Moreno Valley's police contract, which will be $2-3 million reduction. The reduction will impact the unincorporated County areas; it does not impact the level of service in Moreno Valley.
2. Attended Career Day at Moreno Elementary School and acknowledged the participants.
3. Attended the play Kila'Delphia.
4. Will be judging the talent contest at Hendricks Ranch Elementary School.
5. Advised the County redistricting of the Moreno Valley supervisorial district will remain the same.
6. Invited everyone to attend the Memorial Day Ceremony on May 30, and reminded everyone to remember to thank a veteran.

Mayor Richard A. Stewart

1. *Press Enterprise* article on crime rates.
2. CSD Zone parks fee of $87.50 has not changed since 1988. Mixed-in

cost items from the General Fund into districts ignore the reality of law. The districts are set-up to benefit the district, vandalism increases costs, the administrative fee is capped, and the bottom line is property owners get what they pay for.

3. Economic Development Plan is not limited, concentrates on assets.
4. In 1988, Rick Moore secured permission to store a fire truck at the City Yard. When Mayor Stewart purchased the fire truck, he stored it at his partner's backyard and then donated it to a museum.
5. Public should address issues and leave personalities out of it. Attacking the single largest landowner and businessman is ill advised.
6. Panera Bread is open.
7. Attended the Student of the Year Dinner. Announced one of the students received a Congressional appointment to the United States Air Force Academy.
8. Commended the police department.
9. City Council workshop was very successful, saw a commonality among Council Members.
10. Praised Don Allard, who recently passed away, for his commitment to the community, working with students, charities and service clubs.

ADJOURNMENT

Motion to adjourn in memory of Don Allard by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II.
Approved by a vote of 5-0.

There being no further business to conduct, the meeting was adjourned at 8:37 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard A. Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: June 14, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of May 18 – June 7, 2011.

Reports on Reimbursable Activities May 18 – June 7, 2011		
Council Member	Date	Meeting
William H. Batey II	5/25/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Marcelo Co	5/18/11	Western Riverside Council of Governments (WRCOG) Vital Leadership Seminar
	5/26/11	33rd Annual Law Enforcement Appreciation and Awards Ceremony
	5/27/11	Moreno Valley Black Chamber of Commerce Conference and Luncheon
	6/7/11	Moreno Valley Hispanic Chamber of Commerce Adelante
Robin N. Hastings		None
Jesse L. Molina	5/18/11	Western Riverside Council of Governments (WRCOG) Vital Leadership Seminar
	5/24/11	Joe Bautista's Retirement Luncheon
Richard A. Stewart	5/26/11	33rd Annual Law Enforcement Appreciation and Awards Ceremony
	5/27/11	Moreno Valley Black Chamber of Commerce Conference and Luncheon
	6/4/11	Moreno Valley Chamber of Commerce Taste of the

		Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 22709 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-44 authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 22709 is a 97-lot single family residential development located at the west side of Moreno Beach Drive, north of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, water facilities, pedestrian and vehicle bridges, and water quality basin. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $3,940,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The*

required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\6-14-11 - TR 22709 - 90% Bond Reduction.doc

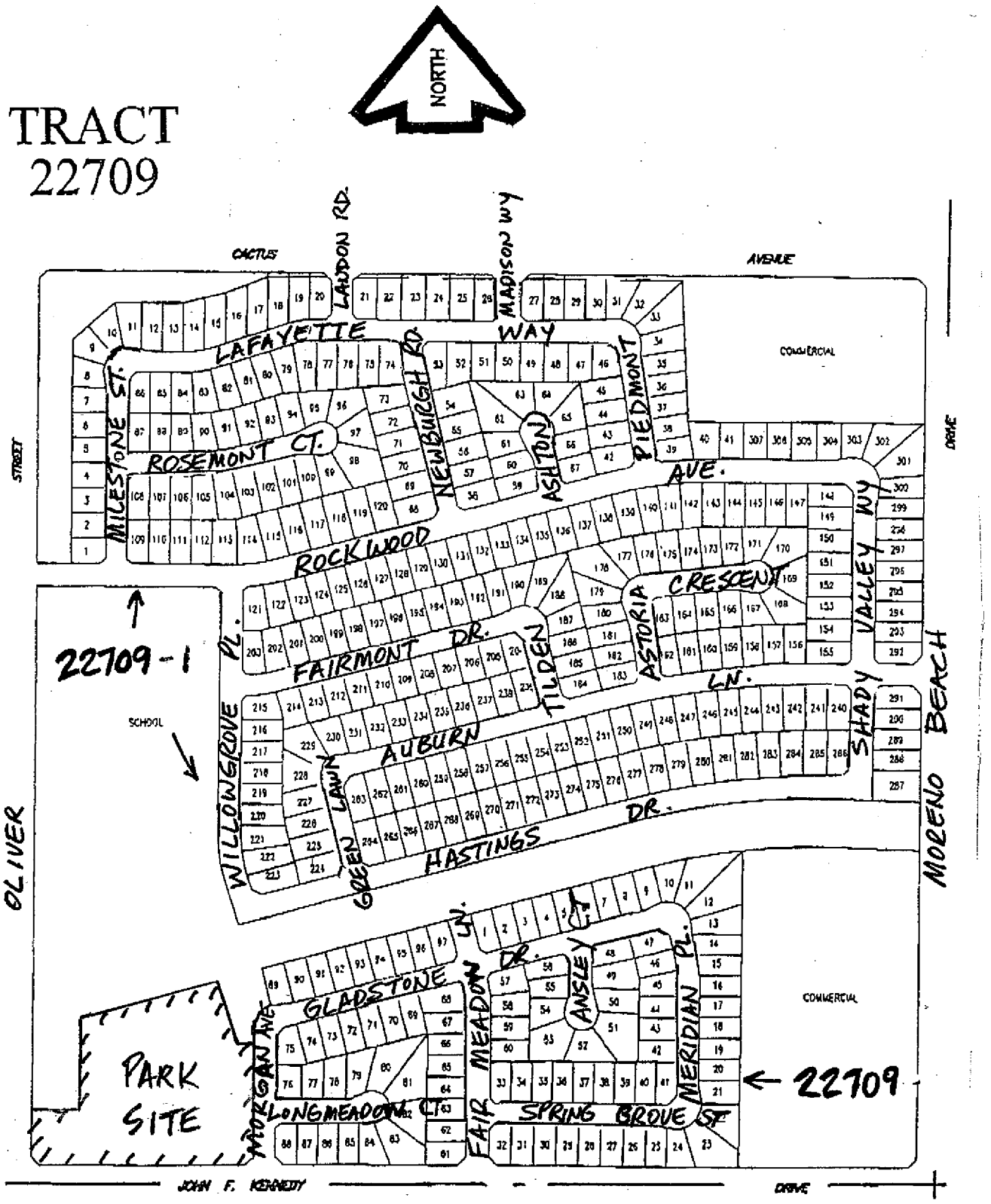

VICINITY MAP SHOWING TRACT 22709, 22709-1, & PARK SITE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT 'A'	**TRACT 22709**

W:\LAND\FORMS\VICINITY MAP.doc (04/99)

MV00106121

RESOLUTION NO. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 22709, AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton, F.K.A. Western Pacific Housing, Inc. on Morgan Avenue, Longmeadow Court, Gladstone Avenue, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 22709, and accept Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 22709 ARE COMPLETE AND MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____

Mayor

EXHIBIT 'B'

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PA04-0010 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – ONE MORENO VALLEY 240 LP
320 GOLDEN SHORE, SUITE 200
LONG BEACH, CA 90802-4217

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-45 authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

PA04-0010 is a 241-unit affordable apartment complex on 19.20 acres located on the east side of Perris Boulevard, approximately 600 feet south of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, street lights, landscaping, storm drain, water, and sewer facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $1,147,000 issued by Westchester Fire Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system.

Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P. E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\6-14-11 - PA04-0010 - 90% Bond Reduction.doc

EXHIBIT "A"

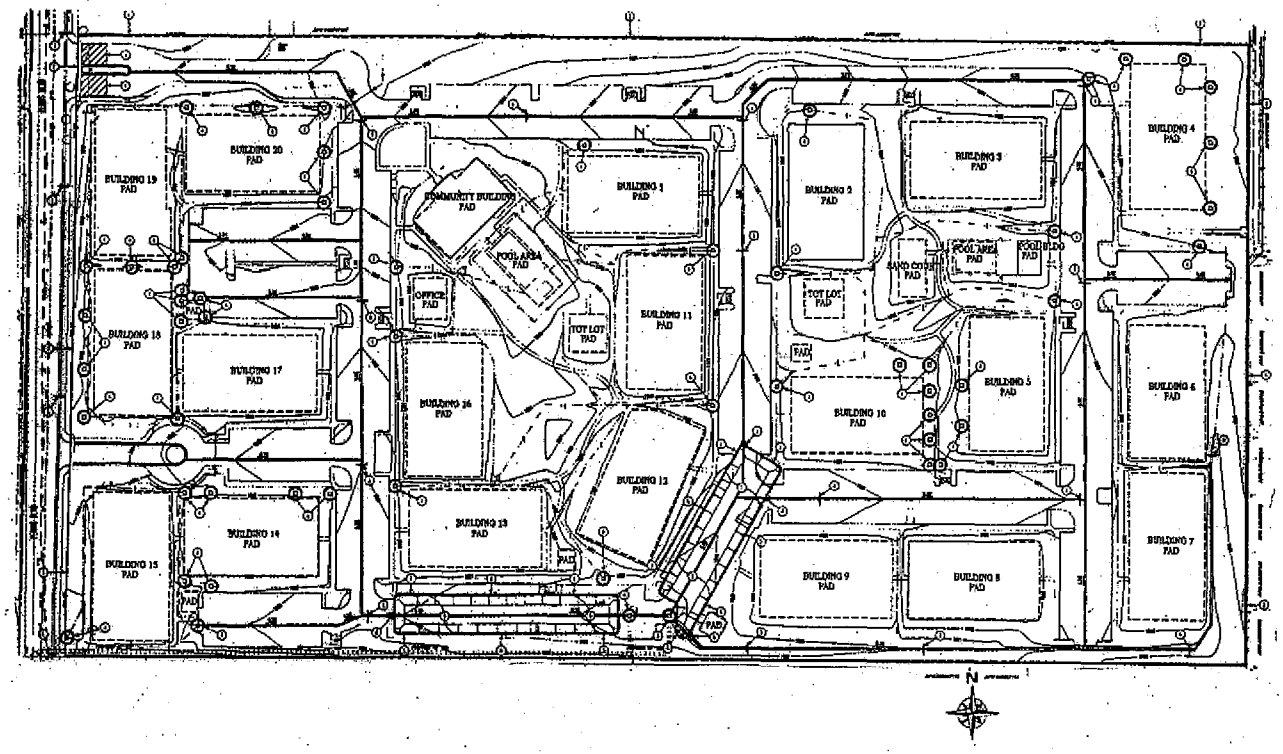

VICINITY MAP

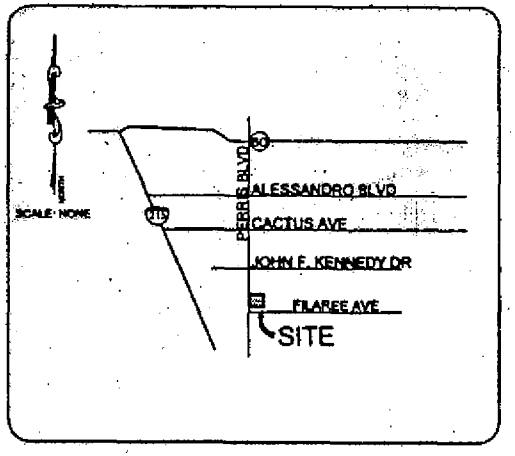

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

PA04-0010
VICINITY MAP

MV00106129

RESOLUTION NO. 2011-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN PA04-0010, AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by One Moreno Valley 240 LP on the portion of Perris Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within PA04-0010 and accept the portion of Perris Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN PA04-0010 ARE COMPLETE AND THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT 'B'

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 22709-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-46 authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno

Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 22709-1 is a 307-lot single family residential development located at the west side of Moreno Beach Drive, north of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, water facilities, pedestrian and vehicle bridges, and water quality basin. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $11,428,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place,

Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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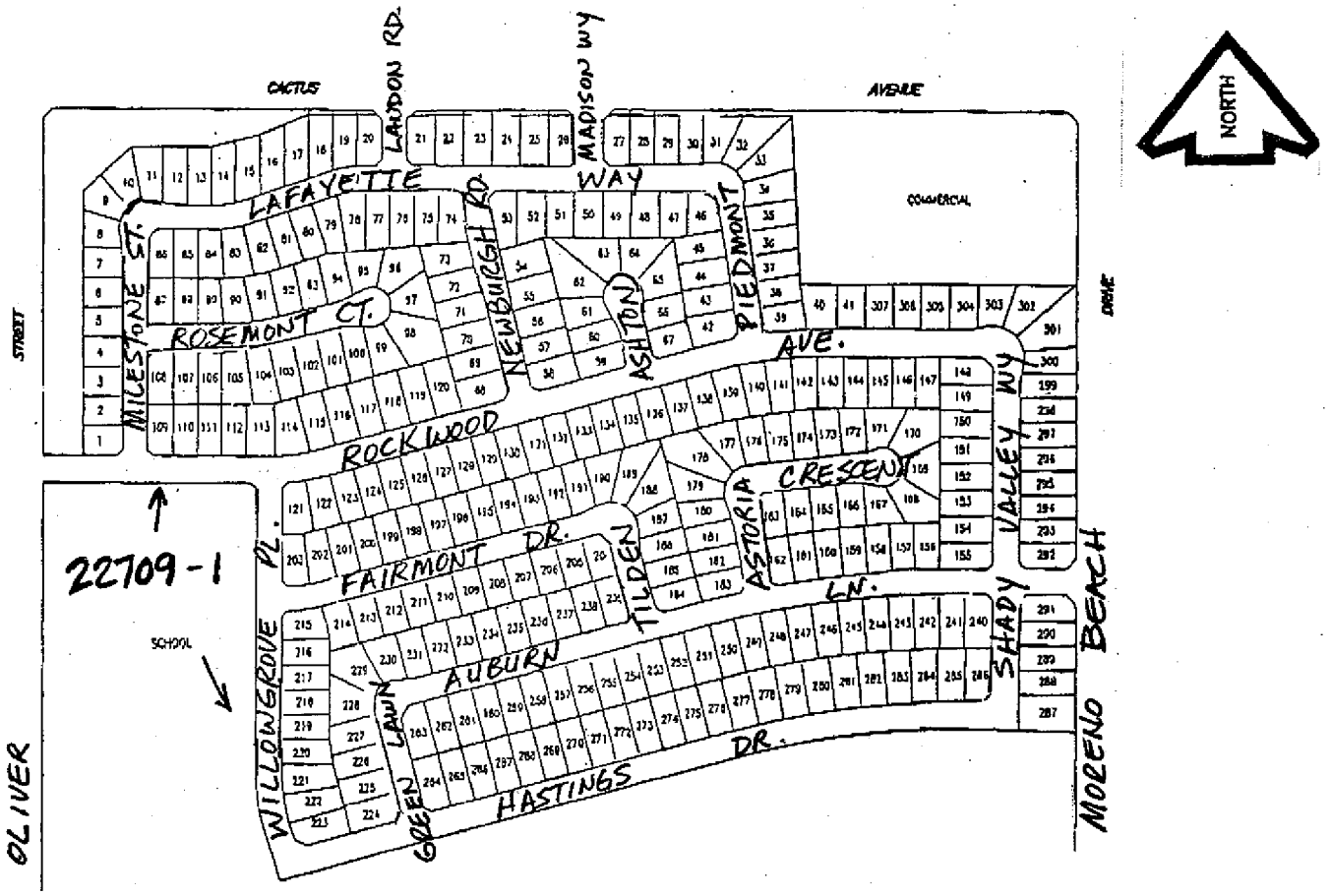

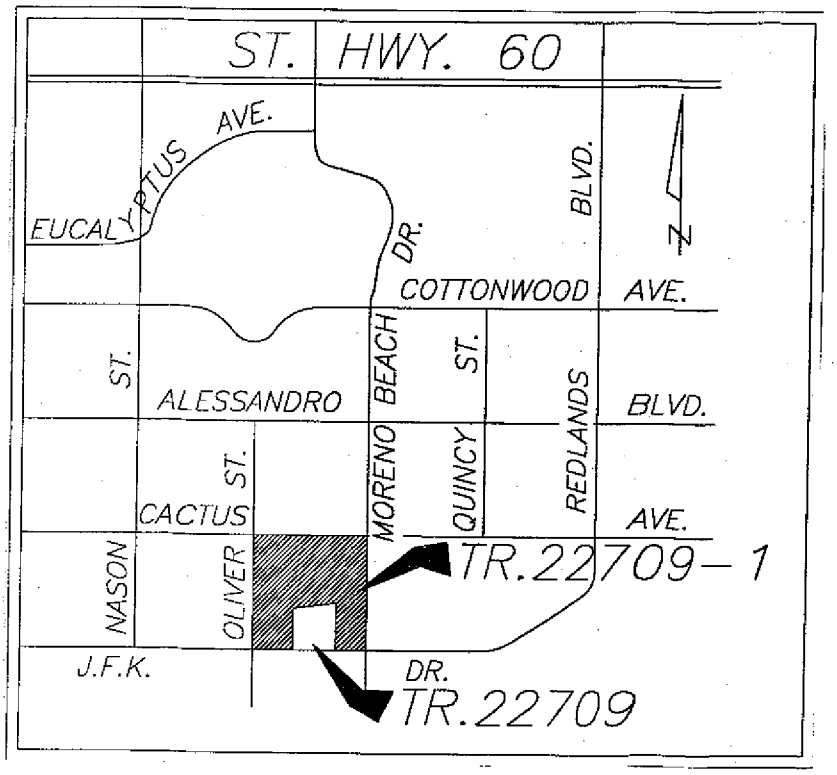

VICINITY MAP
NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**TRACT 22709-1** **VICINITY MAP**

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RESOLUTION NO. 2011-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 22709-1, AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCAIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton F.K.A Western Pacific Housing, Inc. on Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 22709-1, and accept Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

EXHIBIT "B"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 22709-1 ARE COMPLETE AND MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 31327 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A. WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-47 authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31327 is a 65-lot single family residential development located at the northeast corner of Alessandro Boulevard and Morrison Street that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lighting, traffic signal, electrical infrastructure, storm drain, sewer, and water work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $2,700,000 issued by The Continental Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The*

required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sage Brush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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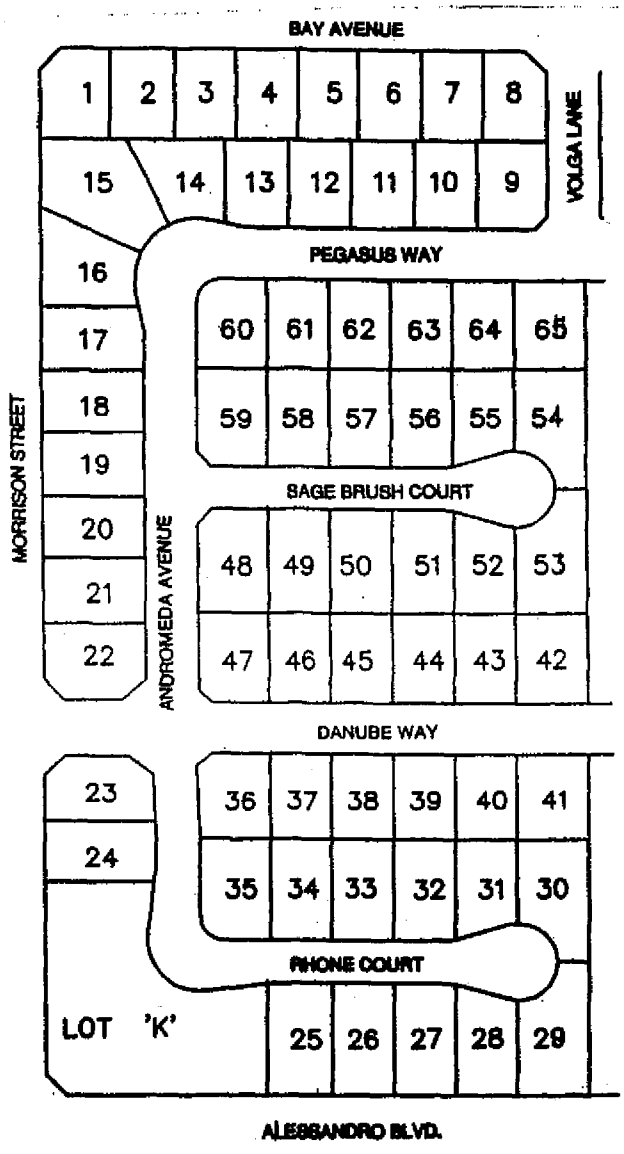

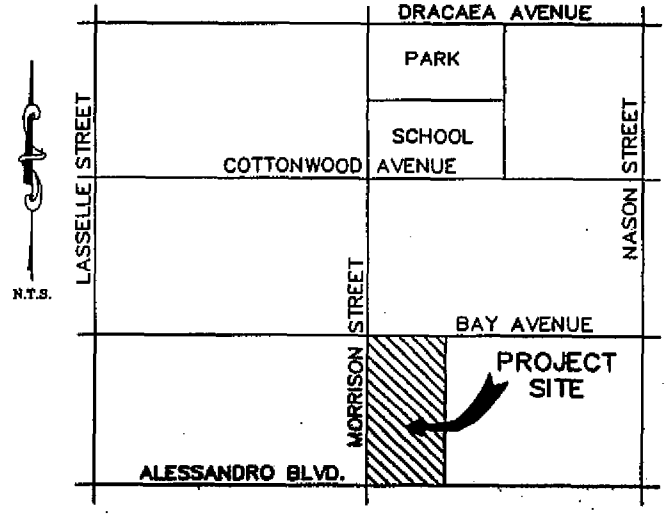

EXHIBIT "A"

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

TRACT 31327

MV00106145

RESOLUTION NO. 2011-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31327 AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton F.K.A. Western Pacific Housing, Inc. on Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31327,and accept Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 31327 ARE COMPLETE AND RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____

Mayor

EXHIBIT 'B'

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: FINAL MAPS 29920, 29920-1, 29920-2, AND 29920-3--APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN CITY OF MORENO VALLEY AND PACIFIC MORENO VALLEY, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Maintenance Agreement by and between the City of Moreno Valley (City) and Pacific Moreno Valley, Inc.;

2. Authorize the Mayor to execute the Maintenance Agreement;

3. Authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement;

4. Authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement;

5. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and;

6. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

Pacific Communities has installed Best Management Practices (BMPs) within Final Maps 29920, 29920-1, 29920-2, and 29920-3 to mitigate the development's impacts on water quality. These BMPs include two water quality basins.

The City will maintain the landscaping within the water quality basins. Staff determined that a maintenance agreement and maintenance easements would be required since the water quality basins will be privately owned.

DISCUSSION

Pacific Communities is the developer and owner of Final Maps 29920, 29920-1, 29920-2, and 29920-3, generally located at the southeast corner of Iris Avenue and Grande Vista Drive. Pacific Communities is constructing the water quality basins to mitigate certain environmental impacts. Pacific Communities has formed a homeowners association (HOA), Pacific Moreno Valley, Inc., to retain ownership of the water quality basins.

The water quality basins not only provide mitigation for certain water quality impacts but also act as an extension of the City's storm drain system. Under the requirements of the 2010 National Pollutant Discharge Elimination System (NPDES) Permit, it is essential that the City monitors and ensures continued maintenance of the water quality basin that will accept storm water and non-storm water discharges from the development. Pacific Communities dedicated Maintenance Easements to the City for maintenance purposes on the final maps previously approved by City Council.

Authorizing the City to maintain the landscaping within the water quality basins will assist the City in the following ways:

- Assure continued maintenance of the required extensive landscaping within the water quality basins, and
- Comply with State and Federal regulations for monitoring storm water and non-storm water discharges to the City storm drains.

The maintenance agreement is necessary to guarantee long-term funding for public maintenance of the landscaping and to ensure continued access to the water quality basin. Some of the key components of the agreement include;

- Thirty (30) year term with provisions for extension(s).

- Identifies specific areas to be maintained by the City.
- Identifies schedules for maintenance.
- Minimum insurance requirements to be carried by the HOA.
- Establishment of a Trust Fund--the sole beneficiary to be the City. The fund must be maintained at three (3) times the deductible amount in the insurance policy.
- A provision that the HOA will assess the City charges via its HOA powers should the future residents remove the approved City maintenance charges via Proposition 218 election procedures.
- Annual City Maintenance Budget to include administrative overhead and CPI adjustment(s).
- Provisions for the City to levy on behalf of the HOA the Annual Levies needed to pay the City and/or create and release property liens should the HOA fail to perform its contractual duties.

ALTERNATIVES

1. Approve the Maintenance Agreement; authorize the Mayor to execute the Maintenance Agreement; authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement; authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and; authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation. *Approval of this alternative ensures the water quality basins will be maintained by a public agency. This ensures the City remains in compliance with NPDES requirements.*

2. Do not approve the Maintenance Agreement; authorize the Mayor to execute the Maintenance Agreement; authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement; authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and; authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation. *This alternative leaves maintenance of the water quality basins with the HOA. Additionally, the alternative may cause the City to be in non-compliance with NPDES requirements.*

FISCAL IMPACT

There is no fiscal impact associated with Alternative One. Pacific Communities previously approved the NPDES Rate Schedule.

CITY COUNCIL GOALS

The recommended action furthers City Council goals by:

1. Revenue Diversification and Preservation - It provides a means to ensure revenue is secured from private parties that receive special benefit for essential and mandated services from City programs.

2. Public Safety - It provides the necessary means to assist staff in implementing State and Federal regulations related to water quality.

SUMMARY

Pacific Communities and Pacific Moreno Valley, Inc. propose the City maintain the water quality basins within Final Maps 29920, 29920-1, 29920-2, and 29920-3, as a means to reduce pollutants in storm water and non-storm water discharges associated with the development. A maintenance agreement and maintenance easements between Pacific Moreno Valley, Inc. and the City are necessary to ensure long-term access, maintenance and funding are provided and secured for this area.

NOTIFICATION

Publication of Agenda

ATTACHMENTS/EXHIBITS

Attachment 1 – Maintenance Agreement by and between City of Moreno Valley and Pacific Moreno Valley, Inc.

Prepared By
Phuong Hunter
Associate Environmental Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Kent Wegelin
Storm Water Program Manager

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\phuongh\Staff Reports\2011\Pacific Comm. TR 29920\Pacific MV M.A Staff Report.doc

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley

(Space Above for Recorder's Use)

MAINTENANCE AGREEMENT
BY AND BETWEEN
CITY OF MORENO VALLEY
AND
PACIFIC MORENO VALLEY, INC.

MAINTENANCE AGREEMENT
BY AND BETWEEN
CITY OF MORENO VALLEY
AND
PACIFIC MORENO VALLEY, INC.

This Maintenance Agreement ("**Agreement**") is made and entered into effective on the date ("**Effective Date**") the Mayor signs this Agreement. This Agreement is by and between PACIFIC MORENO VALLEY, INC., a California nonprofit mutual benefit corporation ("**Association**"), and the CITY OF MORENO VALLEY (the "**City**"). Each of Association and the City are sometimes hereinafter referred to as a "Party" and collectively as the "Parties".

PREAMBLE

A. Association is an incorporated homeowners' association responsible for the operation and maintenance of Association Property (as hereinafter defined) of a single-family residential development known as "Pacific Iris" located on Tract Nos. 29920, 29920-1, 29920-2 and 29920-3 in the City of Moreno Valley, County of Riverside, State of California ("**Project**"). Association's maintenance responsibilities are set forth in Article V of the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements Pacific Iris recorded against the Project (the "**Declaration**"). Unless otherwise expressly provided, all capitalized terms used in this Agreement shall have the definition and meanings set forth in the Declaration.

B. In satisfaction of the City conditions of approval for development of the Project, Association is required to enter into an agreement for the City to provide certain services relating to maintenance ("**Maintenance**") of certain improvements within the Project which are the responsibility of Association pursuant to the Declaration, including without limitation, certain water quality basins, which are located within the Common Area(s) ("**Association Property**"), all as more fully described in **Exhibit "A"**.

NOW THEREFORE, in consideration of the promises contained herein, the City and Association agree as set forth below:

1. Term. Subject to applicable law, the term ("**Term**") of this Agreement shall commence as of the Effective Date of this Agreement, and shall remain in effect for thirty (30) years from the Effective Date of this Agreement. At the end of such thirty (30) year period, this Agreement shall be extended for successive terms of thirty (30) years unless a document executed by each of the Parties hereto or their respective successors-in-interest cancels this Agreement or any portion hereof and said document is recorded in the office of the County Recorder of Riverside County. If applicable law limits the duration of the Term, then this Agreement shall be deemed to have a Term equal to the maximum Term permitted by law, and unless affirmatively terminated by the parties hereto, shall be deemed to be renewed and extended for successive maximum terms as permitted by law. The Maintenance shall commence at such time as such maintenance is required following the Effective Date of this Agreement. During the Term of this Agreement, the Parties hereby covenant and agree to negotiate in good

MV00106155

faith any changes to the terms set forth herein as then required by law or otherwise reasonably required.

2. Maintenance of Association Property by the City. After the termination of the Establishment Period (as defined in **Exhibit "B"**), and throughout the remaining term of this Agreement, the City shall directly provide all Maintenance of Association Property depicted on **Exhibit "A"** attached hereto. Such Maintenance shall include, without limitation, the maintenance responsibilities described on **Exhibit "B"** attached hereto and incorporated herein. For as long as it is authorized to do so, the City shall assess an annual levy, parcel charge, or fee (however such amount shall be denominated, the "**Annual Levy**") against the Lots within the Project designed and intended for the construction of a Residence and ownership by an individual Owner (hereinafter referred to as the "**Residential Lots**") for the cost and expenses related to the Maintenance.

3. Suspension of Payments of the City. For a period ("**Suspension Period**") commencing on the Effective Date of this Agreement and continuing to the date as of which the City is no longer able to assess, through Annual Levies, adequate charges against the Residential Lots within the Project for expenses incurred by the City relating to the Maintenance, Association shall not be responsible for the payment of any cost or expenses related to the Maintenance. Upon receipt of written notice from the City to Association at the address listed in **Section 8** hereof (or such other address of which Association shall have previously notified the City in writing in accordance with **Section 8** hereof), informing Association of the City's inability to assess all or any portion of the Annual levies sufficient for the Maintenance, the Suspension Period shall terminate and Association shall have the absolute obligation to pay the City the full amount necessary to cover all costs and expenses related to the City's Maintenance of Association Property in excess of the amount that the City is able to assess directly against the Residential Lots (the "**HOA Payment Obligations**"). Further, Association hereby assigns to the City, and the City shall have, the first right to any amounts collected by Association from owners of Residential Lots ("**Owners**") in such amounts as necessary to satisfy the HOA Payment Obligations.

4. Budget and Reimbursement to the City. Following termination of the Suspension Period, the City shall prepare and provide to Association a budget for the next Fiscal Year (as defined below) for the Maintenance obligations described in **Exhibit "B" ("Budget")**, which Budget shall set forth the Fiscal Year expenses projected to be incurred by the City for Maintenance and operations of the City with respect to Association Property (including, without limitation, the City's administrative overhead). The expense projections in each year's Budget shall be based upon the Maintenance and operating expenses (including, without limitation, the City's administrative overhead) incurred by the City within the previous three (3) years, and may include (i) normal and customary reserves and contingencies, and (ii) cost of living increases based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the United States Department of Labor's Bureau of Labor Statistics. The Budget shall also reflect an amount for depreciation of facilities, if any, and a reserve for replacement of

MV00106156

plants and other improvements. Following the termination of the Suspension Period and Association's receipt of the Budget, Association shall make annual payments to the City for Maintenance and operations expenses incurred by the City as set forth in such Budget by July 1 of the Fiscal Year to which such payment applies. For the purposes of this Agreement, the City's "Fiscal Year" shall be July 1 through June 30, unless Association is otherwise notified of a change pursuant to **Section 8** hereof.

Notwithstanding any other provision herein, the parties hereto acknowledge, understand and agree that in the event that the right of the City to impose the charges contemplated herein is or becomes prohibited, then, notwithstanding such prohibition, it is the intention of the parties hereto to continue to have the City perform the Maintenance as contemplated hereby, and to have the costs therefor charged to Association. In the event that Association fails or is unable to so assess the Owners for the amounts that the City is prohibited from assessing as contemplated hereby, then, after no less than sixty (60) days prior written notice by the City that Association is in default, Association shall have the absolute obligation to pay the City, and the City shall have the right to collect the HOA Payment Obligations from Association. Further, if and to the extent that there is a change in applicable law, including, without limitation, Section 1367.1 of the California Civil Code (which the Parties acknowledge arguably prohibits an "Assignment" (as defined below)) such that an Assignment is clearly permitted (as reasonably determined by Association), the City shall have the option to require Association to assign to the City Association's right to directly assess Owners for such assessments, together with Association's corresponding remedies of lien and foreclosure provided in the Declaration in the event that any such Owner(s) fail to pay the required assessments (an "**Assignment**"). An Assignment pursuant to this paragraph is expressly subject to the following:

a. Any such delegation and/or assignment of assessment and/or lien rights shall be deemed a partial, non-exclusive assignment;

b. Association shall not make and expressly disclaims any representations and/or warranties that it has the right to assign any of its lien rights or rights to assess real property or levy assessments under the Declaration, and, if any assignment is made or deemed made, the City pursues same at its own risk; and

c. If any Assignment is determined, at any time, by any court or arbitrator, to not be permitted as a matter of law, the City shall immediately cease any actions related thereto.

5. Special Assessments and Increases in Assessments. This Agreement shall have no effect on Association's ability and right, in accordance with the terms of the Declaration, to (i) levy assessments, as may be required, or (ii) increase the budgeted amount of regular assessments, or (iii) to collect any parcel charges and to file assessment liens for such charges.

6. Obligations of Association. Association agrees as follows:

a. Association and its members shall not amend or repeal, directly or indirectly, the Declaration, or the restrictions described therein, and no rules or regulations of the

MV00106157

Board of Association shall be adopted, amended, or repealed, in each case which in any manner increases or may increase the obligations of the City, or decreases or may decrease the obligations of Association, under this Agreement, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion;

b. Association may not assign, transfer, or hypothecate this Agreement or their rights or obligations hereunder; provided, however, that the parties hereto hereby agree and recognize that any right of the City to payment from Association in respect of the HOA Payment Obligations does not constitute an assignment or transfer of the rights or obligations under this Agreement. In addition, in view of the personal nature of this Agreement, Association agrees that, during the term of this Agreement, it will not sell, transfer, encumber, or otherwise dispose of Association Property, or any part thereof, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion, and any purported sale, transfer, hypothecation, or other disposition thereof, without such consent, shall be null and void ab initio; and

c. Association shall pay, the annual amount to the City required pursuant to **Section 4** hereof, if any, which payment obligation shall constitute a "Common Expense" as such term is defined in the Declaration.

7. Establishment and Maintenance of Trust Account.

a. No later than thirty (30) days after the approval of this Agreement by the legislative body of the City, Association and the City shall establish an irrevocable trust account to be held by the City (the "**Trust**" or the "**Trust Account**"), the sole beneficiary of which is the City. The purpose of such Trust shall be to: (i) fund any unfunded liability of Association associated with or arising from the Maintenance, or arising out of or related to the subject matter of this Agreement after giving effect to all applicable insurance as described in **Section 11** hereof; (ii) provide full or partial payment with respect to any lawsuit, claim, charge, or fine associated with the Maintenance; (iii) to pay any insurance premium associated with Association Property or the Maintenance thereof if Association shall default in its obligation to pay same pursuant to **Section 11** hereof; and (iv) pay any amounts not promptly paid by Association with respect to its indemnity under **Section 10** hereof. The amounts held in trust may be invested with other amounts held by the City.

b. The initial deposit into the Trust shall be made by Association and shall equal three (3) times the deductible amount in the insurance policy for bodily injury and property damage insurance that Association must furnish in accordance with **Section 11** hereof. Each year Association shall as quickly as reasonably possible and consistent with all applicable legal authorities increase the amount in the Trust as necessary so that after any additional deposit the Trust value shall equal at least three (3) times the then deductible amount under the then effective liability insurance policy purchased to meet the terms of **Section 11** hereof.

c. All interest earned, dividends paid, or other amounts that accrue to the benefit of Trust shall be credited in the Trust.

d. If any amount in the Trust is withdrawn at any time for any lawful purpose permitted hereunder, Association covenants and agrees to replenish such amounts within ten (10) days upon written notice of such withdrawal to an amount equal at least three (3) times the then deductible amount under the liability insurance policy purchased to meet the terms of **Section 11** hereof.

e. At such time as the amount in the Trust exceeds five times the highest annual liability insurance policy deductible for the preceding five years (the "**Maximum Trust Amount**"), any funds in excess of such Maximum Trust Amount will be paid to Association.

f. Notwithstanding anything to the contrary herein, monies shall not be withdrawn from the Trust (or if withdrawn shall be promptly replenished by the City) if the liability arises due to the City's gross negligence or willful misconduct.

g. The Trust amount will be invested by the City in any investment permitted under the Government Code at the time of such investment.

8. Notices. All notices, statements, or other documents which any party shall be required or desire to give to any other party hereunder must be in writing and shall be given by the party only in one of the following ways: (i) by personal delivery, or (ii) by addressing it as indicated below, and by depositing it, registered or certified mail, postage prepaid, in the United States mail. If so delivered or mailed, each such notice, statement, or other document shall be conclusively deemed to have been given when personally delivered, or forty-eight (48) hours after the date of mailing (excluding Saturdays, Sundays, and federal holidays), as the case may be. The addresses for notices and other communications, until further notice, are:

THE CITY:	City of Moreno Valley 14177 Frederick Street Moreno Valley, California 92553 Attn: Henry Garcia
ASSOCIATION:	Pacific Moreno Valley, Inc. c/o Euclid Management Company P.O. Box 1510 Upland, CA 91785-1510 Attn: Rosan Mickey

9. Resolution of Certain Disputes. Any dispute between the City and Association, which relates to this Agreement shall be settled between them by Judicial Reference as provided by California Law. Accordingly, any such dispute shall be heard by a referee pursuant to the provisions of the California Code of Civil Procedure, §§638 - 645.1, inclusive, and in connection therewith:

a. The Parties to such dispute shall promptly and diligently cooperate with one another and the referee, and shall perform such acts as may be necessary to obtain a prompt

MV00106159

and expeditious resolution of the dispute or controversy in accordance with the terms of this Agreement;

b. The Parties to such dispute shall agree upon a single referee who shall then try all issues, whether of fact or law, and report a finding and judgment thereon. If the Parties are unable to agree upon a referee within ten (10) days of a written request to do so by any party, then any party may seek to have a referee appointed pursuant to the California Code of Civil Procedure §§638 and 640;

c. Subject to the limitations of this Section, the referee shall have the right to award all legal or equitable relief appropriate under the circumstances of the controversy before him or her;

d. The cost of such proceeding shall be apportioned among the Parties to the dispute in accordance with California Code of Civil Procedure §645.1. In no event shall any such reference proceeding or any appeal therefrom result in an award of punitive damages, and all such damages are hereby waived.

10. Indemnity.

a. Association agrees to indemnify, save, defend, and hold harmless the Community Services District of the City of Moreno Valley, the City, the Moreno Valley Redevelopment Agency, and their respective officers, agents and employees (all of the foregoing persons, other than Association, are collectively referred to as the "**City Indemnitees**") from and against any claim, action, damages, costs (including, without limitation, all attorney's fees and litigation costs), injuries, or liability (collectively referred to as "**Claims**") arising out of the performance of any action contemplated by this Agreement by Association. Should any of the City Indemnitees be named in any suit, or should any claim be brought against any of the City Indemnitees by suit or otherwise, arising out of performance by Association of services rendered pursuant to this Agreement, Association will defend each such City Indemnitee (at each such City Indemnitee's request and with counsel satisfactory to each such City Indemnitee) and will indemnify each such City Indemnitee for any judgment rendered against it or any sums paid out in settlement or costs incurred in defense otherwise; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the sole negligence or willful misconduct of such City Indemnitee.

b. The City agrees to indemnify, save, defend and hold harmless the Association and its officers, agents and employees from any and all liability, claims, damages or injuries to any person, including injury to the City's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, its officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the negligence or willful misconduct of the Association, its officers, agents or employees.

11. Insurance.

a. Before commencing performance under this Agreement, and at all other times this Agreement is effective, Association will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

Type of Insurance	Limits (combined single)
Commercial general liability:	$1,000,000 per occurrence $ 500,000 Property Damage $2,000,000 aggregate
Business automobile liability	$1,000,000
Workers' compensation	Statutory requirement.

b. Commercial general liability insurance will meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed (i) to name the City, Moreno Valley Community Services District, Redevelopment Agency of the City of Moreno Valley, and their respective officials and employees as "additional insured" under said insurance coverage, and (ii) to state that such insurance will be deemed "primary" such that any other insurance that may be carried by any of the City Indemnitees will be excess thereto. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancellable or subject to reduction except upon thirty (30) days prior written notice to the City Indemnitees.

c. [Intentionally Omitted]

d. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

e. Each of the City Indemnitees shall be named as additional insured on all policies of insurance except errors and omissions and workers' compensation.

f. Association will furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A-:VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage.

g. Should Association, for any reason, fail to obtain and maintain the insurance required by this Agreement, the City may obtain such coverage at Association's expense and deduct the cost of such insurance from payments due to Association under this Agreement or terminate.

h. If the definitive insurance policy meeting the terms of **Section 11** and corresponding to the pro forma policy is not issued within ninety (90) days from the Effective

MV00106161

Date of this Agreement, then Association covenants and hereby agrees without defense or future objection that the City may do the following without any liability whatsoever:

i. Cease issuing building permits for the Project; and

ii. Cease issuing or otherwise approving certificates of occupancy for any aspect of the Project regardless of the date the building permit was issued.

i. Association further acknowledges and agrees that notwithstanding **Subsections 11(g)** and **11(h)** above, all of its other obligations under this Agreement will become effective and remain in full force and effect upon the execution and delivery of this Agreement and the delivery and acceptance by the City of the documents and material described in **Subsection 11(f)** above and/or the insurance policy.

The requirements for the insurance shall only terminate upon termination of this Agreement as specified in **Section 1** hereof.

12. Recordation. This Agreement and any amendment thereto shall be recorded within the records of the Office of the Recorder for the County of Riverside and shall constitute a covenant running with the land for all the parcels within the Project and shall be binding on Association, all property owners, administrators, executors, assigns, heirs, and all other successors in interest.

13. Default and Remedies. In the event Association fails to make the payments required under **Section 4** hereof, fails to obtain the insurance required under **Section 11** hereof, or fails to take any other required action under this Agreement, the City may take whatever action at law or in equity or under this Agreement to which it is entitled, including but not limited to an action for damages or for specific performance or otherwise to enforce performance and observance of any obligation, condition or covenant of Association under this Agreement. Notwithstanding anything else in this Agreement, if Association fails to obtain the insurance required under **Section 11** hereof, the City may obtain such insurance insuring the City, and if available, Association, and charge Association for same. As permitted under the Declaration, the City may recover such insurance costs and other costs associated with the remedies permitted hereby through the Regular Assessment as defined in the Declaration. In addition, the City shall be entitled to all of its costs associated with enforcing the terms of this Agreement, including, without limitation, attorneys' fees and costs, and court costs. Such costs may also be enforced through the Regular Assessments.

14. Miscellaneous. As used in this Agreement, all words in the masculine, feminine, or neuter gender, and the plural or singular number, shall each be construed to include the others whenever the context so requires. This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties hereto. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Time is of the essence of this Agreement. No change in or addition to, or waiver or termination of this Agreement or any part thereof, shall be valid unless in writing and signed on behalf of each of the Parties hereto. Every provision of this Agreement is intended to be severable. If any term or provision

hereof is illegal or invalid for any reason whatsoever, such illegality or unenforceability shall not affect the validity of the remainder of this Agreement. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

MV00106163

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date set forth below.

THE CITY:

CITY OF MORENO VALLEY

By:_____
Name: Richard Stewart
Title: Mayor

ASSOCIATION:

PACIFIC MORENO VALLEY, INC., a California nonprofit mutual benefit corporation

By: Rosan Mickey
Name: Rosan Mickey
Title: President

By: _____
Name: Rebecca Ngai
Title: Vice President

Effective Date: _____

Attest:

_____
Jane Halstead, the City Clerk
Date

Approved As To Form:

_____
Robert L. Hansen, the City Attorney
Date

MV00106164

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On APRIL 13, 2011, before me, PRIMO ALEGADO ESTILLOMO, a Notary Public,
(ANNA ROSE MICKEY)
personally appeared ROSAN MICKEY AND REBECCA NGAI,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

PRIMO ALEGADO ESTILLOMO
Commission # 1858195
Notary Public - California
Orange County
My Comm. Expires Jul 17, 2013

Signature of Notary Public

Place Notary Seal Above

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On APRIL 13, 2011, before me, PRIMO ALEGADO ESTILLOMO, a Notary Public,
(ANNA ROSE MICKEY)
personally appeared ROSAN MICKEY AND REBECCA NGAI,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

PRIMO ALEGADO ESTILLOMO
Commission # 1858195
Notary Public - California
Orange County
My Comm. Expires Jul 17, 2013

Signature of Notary Public

Place Notary Seal Above

MV00106165

EXHIBIT "A"

Association Property

LOT "I" OF TRACT 29920-1 IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER THAT TRACT MAP RECORDED IN BOOK 369, PAGE(S) 10 – 14, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

LOT "G' OF TRACT 29920 IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER THAT TRACT MAP RECORDED IN BOOK 417, PAGE(S) 90-93, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

EXHIBIT "B"

Maintenance of Association Property by the City

The purpose of the maintenance services program is to ensure the protection of water quality and stormwater control by the successful implementation of those landscape and irrigation improvements, located within Association Property identified in **Exhibit "A"**.

These maintenance guidelines are specifically tailored to establish and sustain material installed within Association Property. The City personnel with experience and knowledge in first flush/water quality ponds, plant habitat creation/preservation and landscaping and irrigation management will supervise all maintenance personnel.

For a minimum period of one hundred twenty (120) days ("**Establishment Period**") following completion of the initial material installation including completion of the landscape and irrigation improvements by Association, Association will be responsible for the care and maintenance of all material and improvements. Association's involvement during this period is proven to increase the successful adaptation of the plant material.

Within fourteen (14) calendar days, following the Establishment Period and the submittal to the City of "As-Built" planting, irrigation and grading plans for all areas to maintained under this Agreement, the City will evaluate Association Property for health of plant material and determine whether the landscape and irrigation systems are fully operable. If judged satisfactory by the City, the Establishment Period will be considered concluded and the City will notify Association pursuant to **Section 8** of this Agreement. At that time, the long-term maintenance program will begin, and the City will assume the maintenance services identified herein. Should the City judge the health of plant material and/or the landscape and irrigation systems are not fully operable, the City will not assume maintenance services and will notify Association at the address set forth in **Section 8** of this Agreement (or such other address of which Association shall have previously notified the City in writing in accordance with **Section 8** hereof) of its decision.

Maintenance Services

In accordance with the City's Plant and Irrigation Maintenance Specifications, and all applicable law or regulations, the City will perform the maintenance services on an as-needed basis within Association Property. The determination of when such services are needed will be in the City's sole discretion.

The City shall not perform or otherwise be responsible to implement any monitoring or mitigation compliance or certify to monitoring or mitigation compliance affecting Association Property pursuant to, (i) any conservation covenant or easement, and (ii) any permits issued by the United States Army Corps of Engineers or other similar governmental regulatory agencies.

No other services by the City may be implied or inferred without amendment or modification to this Agreement.

PACIFIC IRIS III & EAGLE

29920-1; 29920

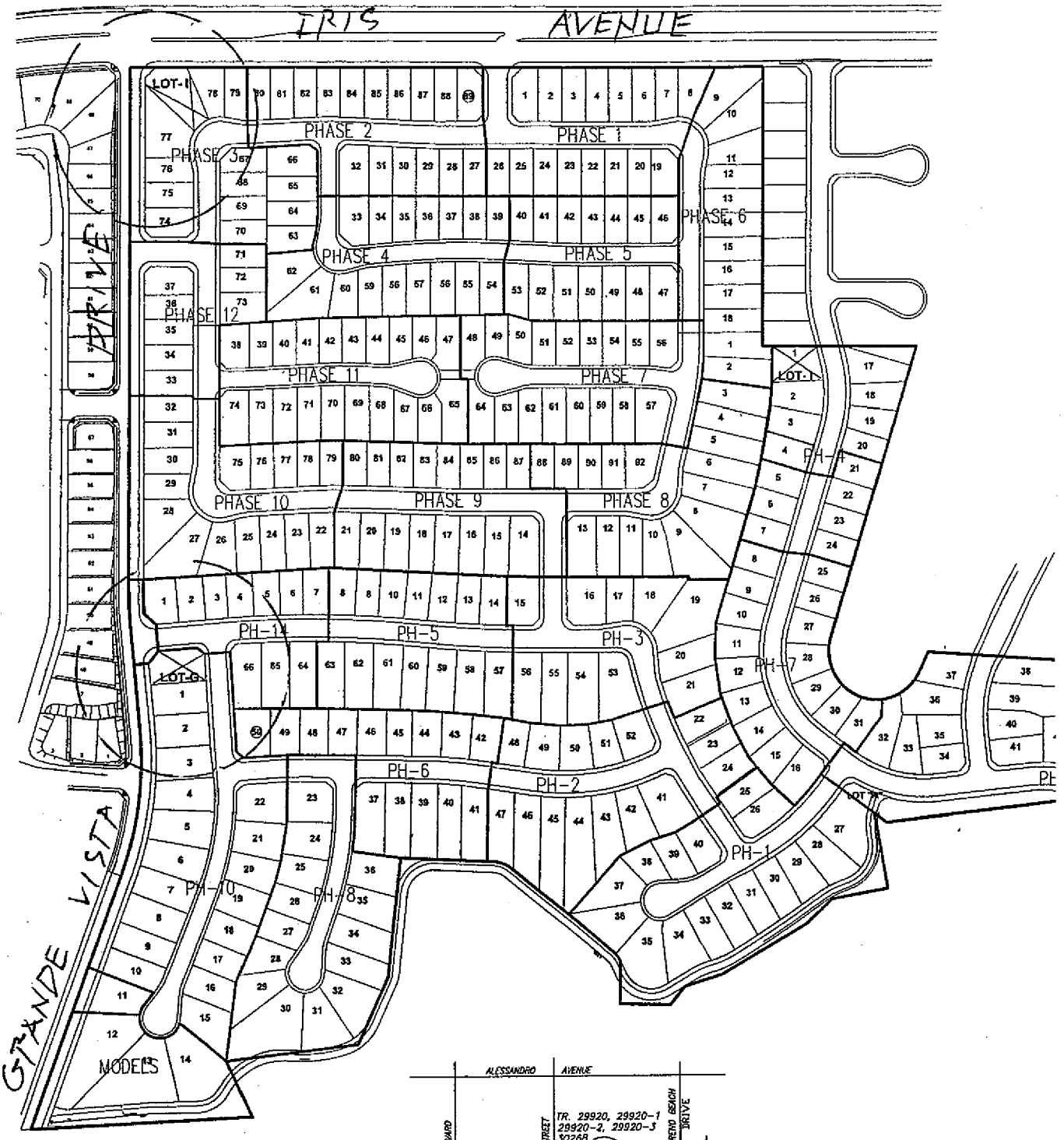

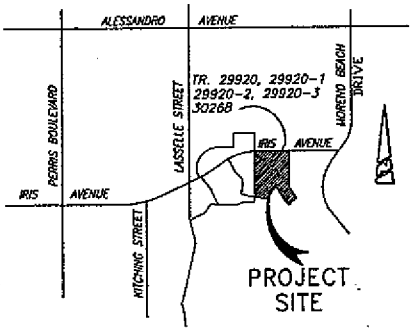

VICINITY MAP
NOT TO SCALE

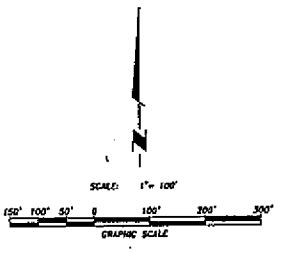

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) ("CFD No. 87-1") approve and adopt the following:

1 Resolution No. 2011-48 to accept and approve the Special Tax Report for fiscal year (FY) 2011/12 regarding CFD No. 87-1; and

2. Resolution No. 2011-49 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1 was authorized to issue bonds. In April 1988, the Series A Bonds were sold in the amount of $9,000,000 to finance certain public infrastructure improvements. The Series B Bonds were sold in August 1991 in the amount of $12,000,000 to fund the remaining improvements within CFD No. 87-1.

In May of 1994, the legislative body of CFD No. 87-1 approved the issuance of the Special Tax Refunding Series A ($14,170,000) and Series B ($8,530,000) Bonds, which were sold on June 24, 1994. These bonds are collectively known as the "Prior Bonds".

In October of 2007, the legislative body of CFD No. 87-1 adopted Resolution No. 2007-119 to authorize the issuance of 2007 Special Tax Refunding Bonds ("Bonds") for CFD No. 87-1. On November 29, 2007, $10,665,000 of CFD No. 87-1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in debt service requirements from the Prior Bonds as a result of receiving a favorable interest rate. Construction and acquisition of public improvements within CFD No. 87-1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 was established to finance the capital costs for roadway improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were issued to provide funding for these improvements. Only commercial properties within CFD No. 87-1 are subject to the annual special tax to repay the bonded indebtedness. Subsequent increases in the special tax, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") required to meet the special tax requirement for CFD No. 87-1, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement.

The maximum special tax rate for CFD No. 87-1 is $11,500 per net acre. This amount is uniformly applied to developed property and may only be applied to undeveloped property if the maximum special tax levy on the developed property is insufficient to cover the annual special tax requirement.

The special tax will be levied per parcel and collected on the annual Riverside County property tax bills. Only taxable parcels within the boundaries of CFD No. 87-1 shall be subject to the special tax. The total special tax requirement will be funded through a combination of CFD No. 87-1 special tax, TownGate Specific Plan Area tax increment as provided by the Redevelopment Agency, and excess Reserve Fund interest earnings.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Annual Accountability Report in compliance with California Government Code Sections 53410 and 53411 ("Code Sections"). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year ("Annual Accountability Report"). Beginning with Fiscal Year (FY) 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Annual

Special Tax and Bond Accountability Report which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information, as required by the Code Sections:

a) The amount of funds collected and expended; and
b) The status of the project.

ALTERNATIVES

1. By approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1 shall: 1) Approve and adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 and 2) Approve and adopt the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds and comply with state reporting requirements.*

2. By not approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1 shall: 1) Not approve nor adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 and 2) Not approve nor adopt the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report. *If the collection of the special taxes are not approved, there may be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales. Failure to file the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the FY 2011/12 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1. **Funds collected through CFD No. 87-1 are restricted funds, which may only be used to pay the debt service for CFD No. 87-1.** The amounts of the individual charges are reported in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. Specific uses of Redevelopment tax increment, as defined in various Owner Participation Agreements, may offset the special taxes. No single family residential property is affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1, shall have an opportunity to consider implementing the RMA to provide the payment of annual debt service for the Bonds. Also being considered is the approval of the Annual Accountability Report for CFD No. 87-1. Both the RMA and the Annual Accountability Report for CFD No. 87-1 are described in the Annual Special Tax and Bond Accountability Report, which are on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Exhibit A	Resolution to accept and approve the Annual Special Tax Report for FY 2010/11 for CFD No. 87-1
Exhibit B	Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1
Exhibit C	Boundary Map for CFD No. 87-1

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 88-13 establishing the terms and conditions pertaining to the issuance of the $9,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Special Tax Bonds, Series "A" ("1988 Bonds"); and, adopted Resolution No. 91-90 establishing the terms and conditions pertaining to the issuance of the $12,000,000 City of Moreno Valley Towngate Community Facilities District No. 87-1 Special Tax Bonds, Series "B" ("1991 Bonds"); and,

WHEREAS, the District, did previously adopt Resolution No. 94-28, which established the terms and conditions pertaining to the issuance of the City of Moreno Valley Community Facilities District No. 87-1 (Towngate) $14,170,000 Special Tax Refunding Bonds, Series A ("1994 Series A Bonds") and $8,330,000 Special Tax Refunding Bonds, Series B ("1994 Series B Bond") (collectively, the "Prior Bonds"); and,

WHEREAS, the legislative body of the District determined that it would be prudent in the management of the fiscal affairs of the District to proceed with issuing bonds for the purpose of refunding the Prior Bonds; and,

WHEREAS, this legislative body, approved Resolution No. 2007-119 to authorize the issuance of 2007 Special Tax Refunding Bonds for CFD No. 87-1, which were sold on November 29, 2007, at $10,665,000; and,

WHEREAS, this legislative body approved the Bond Indenture to establish the terms and conditions pertaining to the issuance of the 2007 Special Tax Refunding Bonds; and,

WHEREAS, an annual special tax report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 87-1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

RESOLUTION NO. 2011-49

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF AN ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 87-1

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file a report with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the report in compliance with the above mentioned Government Code Sections, and that a copy of the Annual Accountability Report is on file in the office of the City Treasurer for review by the public upon request.

.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

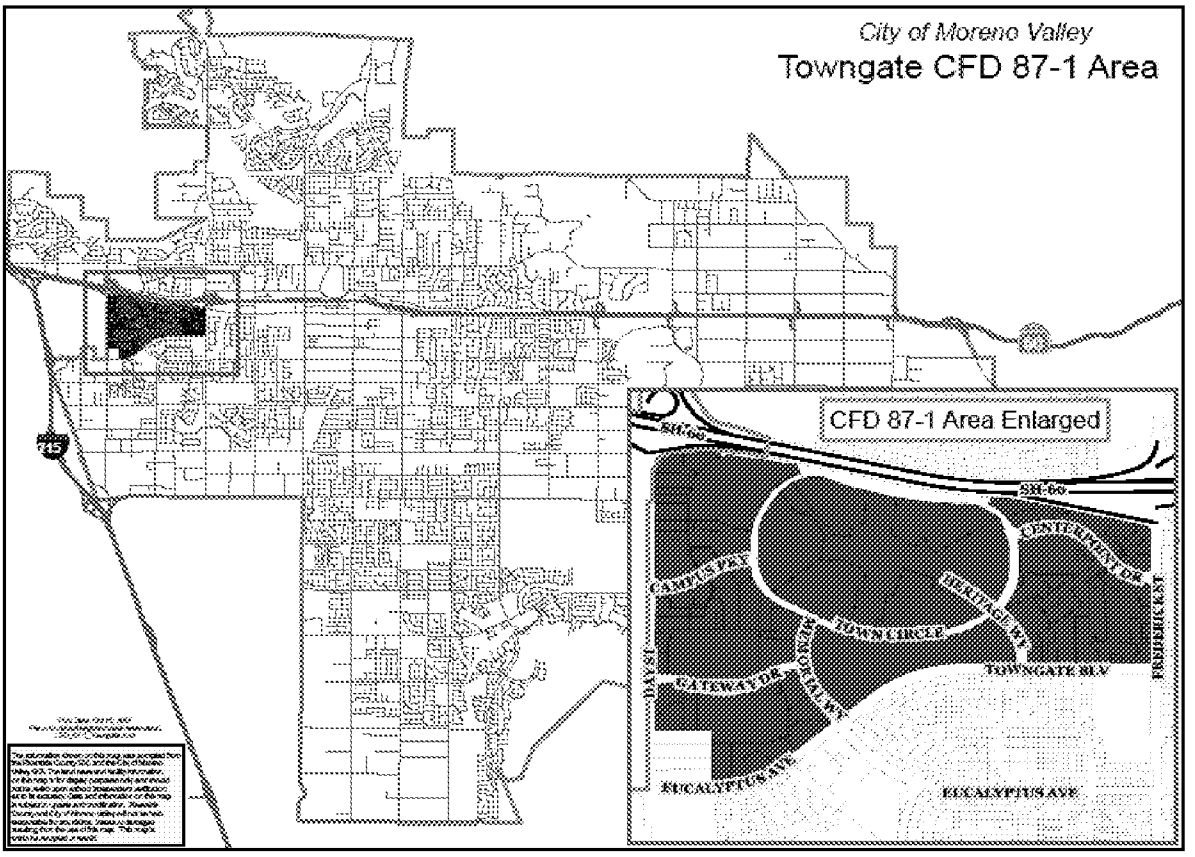
City of Moreno Valley
Towngate CFD 87-1 Area
CFD 87-1 Area Enlarged
SR-60
CAMPUS PL
TOWN CIRCLE
CENTER CIRCLE
CENTER COURT
TOWNGATE BLV
GATEWAY DR
DAY ST
FREDERICK ST
EUCALYPTUS AVE
EUCALYPTUS AVE

Exhibit C

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following:

1) Resolution No. 2011-50 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12 for CFD No. 87-1 Improvement Area No. 1; and

2 Resolution No. 2011-51 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1, Improvement Area No. 1 was authorized to issue bonds. On March 23, 1993, the Moreno Valley City Council approved Resolution No. 93-16 to authorize the issuance of $5,000,000 in bonds for CFD No. 87-1 Improvement Area No. 1, which were sold on June 24, 1994. The bonds contained a capitalized interest component, which precluded the necessity to levy a Special Tax for 1993/94; therefore, fiscal year (FY) 1994/95 was the first year for a Special Tax levy.

In October of 2007, the legislative body of CFD No. 87-1 Improvement Area No. 1 adopted Resolution No. 2007-120 to authorize the issuance of 2007 Special Tax Refunding Bonds ("Bonds") for CFD No. 87-1 Improvement Area No. 1. On November 29, 2007, $4,075,000 of CFD No. 87-1 Improvement Area No. 1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in the debt service requirement from the refunded bonds as a result of receiving a favorable interest rate. Construction and acquisition of public improvements within CFD No. 87-1 Improvement Area No. 1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 Improvement Area No. 1 was established to finance the acquisition, construction, and/or installation of public facilities, which include sewer and water improvements, traffic signals, freeway ramps and land for a detention basin. Bonds were issued to provide funding for these improvements. Only commercial properties within the District are subject to an annual special tax to repay the bonded indebtedness. Subsequent increases, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") required to meet the special tax requirement for CFD No. 87-1 Improvement Area No.1, as submitted in the Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement. The special taxes for CFD 87-1 Improvement Area No. 1 shall be levied at a uniform rate per taxable acre on all parcels within each of two tax rate areas. Tax Rate Area 1 is responsible for 59% of the special tax levy up to the maximum special tax rate of $4,450 per taxable acre. Tax Rate Area 2 is responsible for 41% of the special tax levy up to a maximum special tax rate of $3,850 per taxable acre.

The special tax will be levied per parcel and collected on the annual Riverside County property tax bills. The special tax levy is applied only to those parcels within the boundaries of CFD No. 87-1 Improvement Area No. 1.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Improvement Area No. 1 Annual Accountability Report in compliance with California Government Code Sections 53410 and 53411 ("Code Sections"). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year ("Annual Accountability Report"). Beginning with FY 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Improvement Area No. 1 Annual Special Tax and Bond Accountability

Report, which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information as required by the Code Sections:

a) The amount of funds collected and expended; and
b) The status of the project.

ALTERNATIVES

1. By approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1, Improvement Area No. 1 shall: 1) Approve and adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1 and 2) Approve and adopt the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval will allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Refunding Bonds and comply with state reporting requirements.*

2. By not approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1, Improvement Area No. 1 shall: 1) Not approve nor adopt the proposed resolutions for the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1 and 2) Not approve nor adopt the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 Improvement Area No. 1 Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting the viability of future bond sales. Filing of the Annual Accountability Report is a legal requirement, which would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the 2011/12 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1 Improvement Area No. 1. **The funds collected through the CFD No. 87-1, Improvement Area No. 1 are restricted funds, which may only be used to pay the debt service for CFD No. 87-1, Improvement Area No. 1**. The amounts of the individual charges are reported in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. The property within the CFD No. 87-1 Improvement Area No. 1 boundary is commercial; therefore, there are no residential properties affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 Improvement Area No. 1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1 Improvement Area No. 1, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service for the Bonds. Also being considered is the approval of the Annual Accountability Report for CFD No. 87-1 Improvement Area No. 1. Both the RMA and the Annual Accountability Report for CFD No. 87-1 are described in the Annual Special Tax and Bond Accountability Report, which are on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Exhibit A	Resolution to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1
Exhibit B	Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1
Exhibit C	Boundary Map CFD No. 87-1 Improvement Area No.1

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE REPORT FOR FISCAL YEAR 2010/11 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 Improvement Area No. 1 ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 93-16 approving the Bond Indenture terms and conditions pertaining to the issuance of the $5,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Bonds; and,

WHEREAS, on October 27, 2007, the legislative body adopted Resolution No. 2007-120, which authorized the issuance of Special Tax Refunding Bonds for the District to accomplish a net reduction in the debt service requirement, and approved the Bond Indenture terms and conditions pertaining to the issuance of $4,075,000 for Community Facilities District No. 87-1 Improvement Area No. 1; and,

WHEREAS, an annual special tax report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, on file in the Office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No 87-1 Improvement Area No. 1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00106185

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

RESOLUTION NO. 2011-51

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 87-1 IMPROVEMENT AREA NO. 1

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

Exhibit B

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00106188

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

MV00106190

Boundary Map

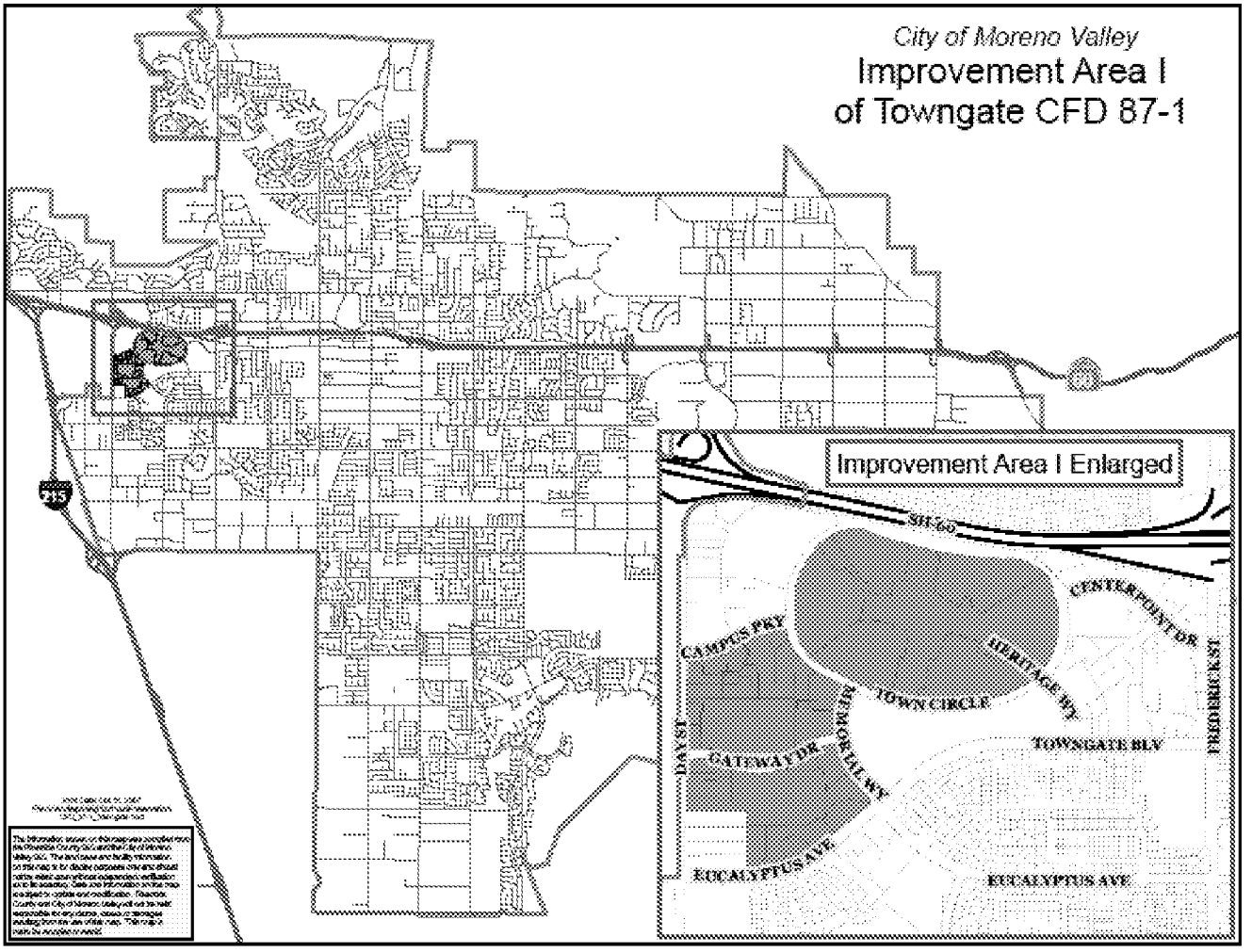

Exhibit C

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of the Moreno Valley Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) ("CFD No. 3"), approve and adopt Resolution No. 2011-52 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12, on file in the office of the City Treasurer.

BACKGROUND

The City of Moreno Valley Community Facilities District No. 2 (Auto Mall) ("CFD No. 2") formation permitted a bonded indebtedness in an amount not to exceed $14,700,000. The sale of bonds in June 1989 financed the construction and acquisition of infrastructure improvements. Except for funds set aside for traffic signal construction at the eastbound off ramp of State Route 60 and Moreno Beach Dr., the improvements were declared complete in 1993, and the excess improvement funds were used to retire $2,805,000 in bonds in December 1993. The traffic signal construction was completed June 14, 1996, and the remaining funds were used to call $95,000 in bonds on June 2, 1997.

There were special tax payment delinquencies on eleven (11) parcels within CFD No. 2. Landmark Land Company of California failed to remit their payments starting with the April 10, 1994 through December 10, 1999 installments on nine parcels. Foreclosure proceedings began in May 1994. The foreclosure was delayed due to bankruptcy proceedings against Oak Tree Federal Savings Bank, Landmark Land Company's

parent corporation. On February 7, 1997, a judicial foreclosure sale was held at the Riverside County Courthouse. No bids were received for the properties. In addition to the nine Landmark Land Company delinquencies, the Federal Deposit Insurance Corporation (FDIC) failed to make the April 10, 1997, through December 10, 1999, payments on two (2) parcels.

The bonds defaulted on December 1999, requiring City staff to work with the current auto dealerships and professional consultants to resolve the delinquencies by refinancing the outstanding debt and providing for the acquisition of the nonperforming parcels by new property owners.

On January 25, 2000, a Settlement Agreement, as developed through a combined effort of City staff, the Auto Mall dealerships, and professional consultants, was approved by the City Council. The City Council adopted the Amended and Restated Agreement on March 7, 2000. These agreements provided for the refinancing of the CFD No. 2 Special Tax Bonds and restructuring of the special taxes, remedied the Event of Default on December 1, 1999, reduced and discharged the delinquent ad valorem taxes and special taxes, provided for the disposition of the nonperforming parcels, facilitated development of the nonperforming parcels, established a defined interpretation of the calculation of special tax, and settled all claims. In March 2000, the City formed Community Facilities District No. 3 ("CFD No. 3") for the purpose of restructuring the special tax and issuing bonds to refinance CFD No. 2. On April 5, 2000, $8,075,000 of CFD No. 3 bonds were sold to refinance the outstanding CFD No. 2 bonds. At formation of CFD No. 3, the rate and method of apportionment ("RMA") established a maximum special tax rate that could be levied against properties within CFD No. 3.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 2 was established to finance the capital costs for public improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were sold to provide the funding for acquisition of these improvements. Only properties benefiting from the improvements had annual special tax levies placed on the property tax roll to repay the bonded indebtedness. CFD No. 3 Special Tax Bonds, Series 2000 (the "Bonds"), were issued to refinance the CFD No. 2 bonds. Subsequent increases if required, not addressed in the March 7, 2000, CFD Report, will be subject to a two-thirds voter approval by the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the RMA required to cover the special tax requirement for CFD No. 3, as submitted in the Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement. The maximum special tax rates are based upon the assigned zone and development status for each parcel within CFD No. 3, as determined by the timing of the building permit. Developed parcels are those parcels that have a building permit issued prior to January of the current year. For each fiscal year following 2000/01, the Maximum Special Tax rates shall increase by an amount equal to 2% of

the Maximum Special Tax in effect for the prior fiscal year. The Maximum Special Tax applicable to each parcel, or portion thereof, shall be obtained by multiplying the taxable acreage for the parcel or portion thereof by the appropriate maximum special tax rate for the parcel's assigned zone as shown within the table below.

Community Facilities District No. 3 (Auto Mall Refinancing) MAXIMUM SPECIAL TAX RATES BY LAND USE CLASSIFICATION FOR FISCAL YEAR 2011/12		
Zone	Developed Property	Undeveloped Property
A	NA*	NA*
B	$14,921/Taxable Acres	$8,963/Taxable Acres
C	$9,946/Taxable Acres	$3,345/Taxable Acres

* *Based upon the application of the RMA, properties located within Zone A of CFD No. 3 are not taxable after FY 2009/10.*

The special tax levy is applied only to those taxable parcels within the boundaries of CFD No. 3 and will be collected on the annual tax bills prepared by the County of Riverside. The debt service shall be paid from a combination of CFD special taxes and Redevelopment tax increment and limited project specific sales tax.

ALTERNATIVES

1. By approving and adopting the proposed resolution, the legislative body for CFD No. 3 shall approve and adopt the resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 3 Bonds.*

2. By not approving and adopting the proposed resolution, the legislative body for CFD No. 3 shall not approve nor adopt the resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 3 Bonds. Bond reserves cover the shortfall and/or the payments to the bondholders to prevent an event of default. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the CFD No. 3 property owner's 2011/12 tax bill. The amounts of the individual charges are reported in the Annual

Special Tax Report on file in the office of the City Treasurer. **The funds collected through the CFD No. 3 are restricted funds, which may only be used to pay the debt service for CFD No. 3.** There are no general fund expenditures involved with this special tax obligation. Specific uses of parcel Redevelopment tax increment and sales tax revenues, as defined in various Participation Agreements, may offset the special tax.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 3 bonded indebtedness shall be collected in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 3, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Exhibit A Resolution to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 3

Exhibit B Boundary Map of CFD No. 3

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 3 OF THE CITY OF MORENO VALLEY (AUTO MALL REFINANCING)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 2000-27 ("Resolution") approving the form of the Bond Indenture ("Indenture") terms and conditions pertaining to the issuance of the Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) Special Tax Bond, Series 2000 in the amount of $8,075,000 of the; and,

WHEREAS, the City has prepared and submitted the Annual Special Tax Report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District, which is on file in the office of the City Treasurer and is incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 3 as set forth in the Report and herby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

Boundary Map

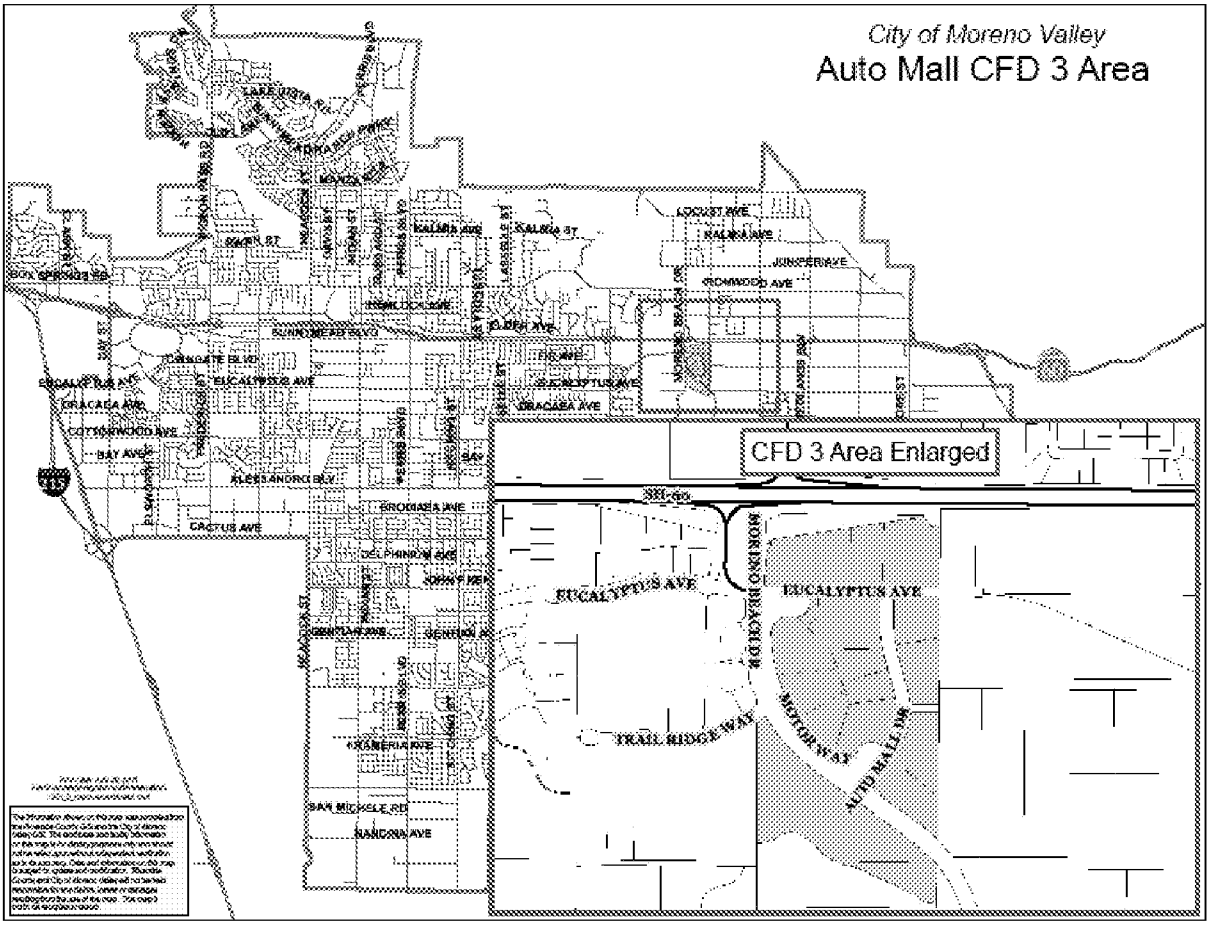

Exhibit B

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 4—Maintenance

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ACCEPTANCE OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4—MAINTENANCE FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4—Maintenance ("CFD No. 4—M") approve and adopt Resolution No. 2011-53 to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12.

BACKGROUND

Centerpointe Business Park is an industrial development area, which is generally located north of Cactus Avenue, south of Alessandro Boulevard, east of Frederick Street, and west of Heacock Street. As a condition of development, stormwater detention basin improvements were constructed to accommodate storm runoff within the Centerpointe Business Park industrial development area and adjoining properties.

On October 25, 2005, City Council adopted Resolution No. 2005-97 to form and establish CFD No. 4—M, to provide stormwater facilities maintenance, and to authorize the submittal of the levy of special taxes on properties within the Centerpointe Business Park industrial development, including adjacent properties that may in the future be annexed into CFD No. 4—M. Maintenance, as defined in the resolution to form CFD No. 4—M includes, but is not limited to, the provisions of all labor, materials, administration, equipment, utilities, and incidental expenses necessary to provide maintenance of the stormwater facilities.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") to cover the special tax requirement for CFD No. 4—M, as submitted in the special tax report on file in the office of the City Treasurer. Detailed within the annual special tax report ("Report") is the calculation of the special tax levy as per the RMA to meet the fiscal year ("FY") 2011/12 special tax requirement.

The maximum annual special tax for each tributary assessor's parcel of developed and undeveloped property, as established by the RMA, shall be increased each fiscal year thereafter, beginning in July 2007, by an amount equal to the Engineering News-Record Building Cost Index ("BCI") for the City of Los Angeles, measured as of the end of the calendar year. For FY 2011/12 the maximum special tax would be increased by 5.26% to $0.008978 per square foot of land area, based upon the application of the BCI. The special tax levy shall be applied proportionately on each parcel of developed and undeveloped property within the boundaries of CFD No. 4—M up to 100% of the applicable maximum annual special tax. The special tax levy per parcel will be collected on the Riverside County property tax bill. However, the special tax levy for the United States Postal Service, assessor parcel number 297-170-071, shall be direct billed.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 4—M. *This approval will allow collection of the special taxes necessary to fund ongoing maintenance and administrative costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4—M.*

2. **Do not approve or adopt the proposed resolution** to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 4—M. *If the special tax levy was not approved, there may be a shortage of funds necessary to fund ongoing maintenance and administrative costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4—M.*

FISCAL IMPACT

There is no impact on the General Fund regarding the levy of the special tax for CFD No. 4—M. The fiscal impact for CFD No. 4—M will be a levy of a special tax applied to the property owner's FY 2011/12 tax bill or a direct bill for tax-exempt properties. The special tax levied on properties within the boundaries of CFD No. 4—M can only be used to cover the annual special tax requirement for this district. Properties within the boundaries of CFD No. 4—M consists of commercial and industrial developments; residential properties are not affected by this special tax levy.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
Special taxes necessary to fund CFD No. 4—M services shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council shall have an opportunity to consider implementing the levy for CFD No. 4—M, per the RMA, to provide ongoing maintenance and administrative services for the stormwater and detention basin improvements.

EXHIBITS

EXHIBIT A A proposed resolution to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12
EXHIBIT B Boundary Map of CFD No. 4—M
EXHIBIT C Future Annexation Area Map of CFD No. 4—M

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 4-Maintenance\Administration\Annual Report\2011-12\staff report and resolution\Staff_Report for CFD No 4-M annual report.doc

RESOLUTION NO. 2011-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 4-MAINTENANCE

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 4-Maintenance ("CFD No. 4-M" or "District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 697 approving the rate and method of apportionment of special taxes ("RMA") to authorize a levy of a special taxes within CFD No. 4-M; and,

WHEREAS, The City has prepared and submitted the Annual Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 4-M as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

PROPOSED BOUNDARY OF

COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE OF THE CITY OF MORENO VALLEY

COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

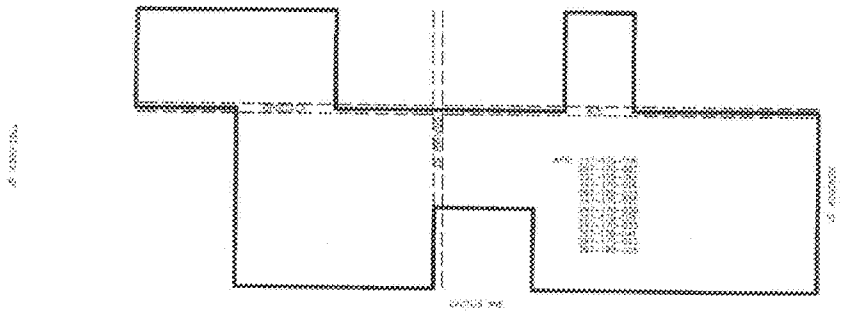

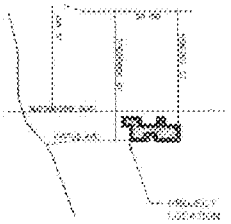

PROPOSED BOUNDARY MAP

Proposed Boundary of
Community Facilities District No. 4–Maintenance
of the City of Moreno Valley
County of Riverside, California

EXHIBIT B

FUTURE ANNEXATION AREA OF

COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE OF THE CITY OF MORENO VALLEY

COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

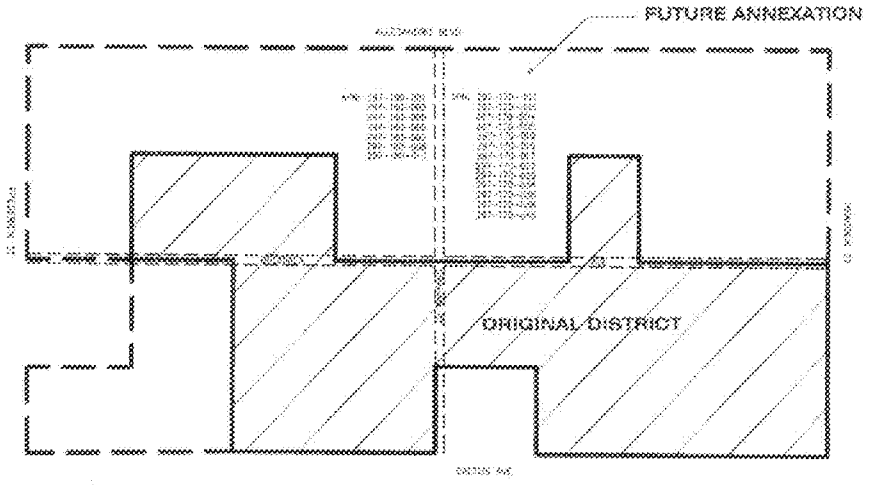

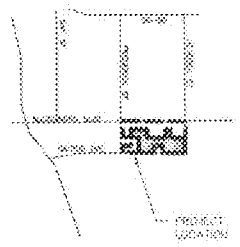

PROPOSED BOUNDARY MAP

Future annexation area of
Community Facilities District No. 4-Maintenance
of the City of Moreno Valley
County of Riverside, California

EXHIBIT C

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 5

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR FISCAL YEAR 2011/12 REGARDING MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following:

1. Resolution No. 2011-54 to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5; and

2. Resolution No. 2011-55 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

BACKGROUND

Community Facilities District No. 5 ("CFD No. 5" or "District") consists of Stoneridge Towne Centre, which is zoned for commercial/retail use. The site, located at the northeast corner of the Nason Street and Fir Avenue, is approximately 64 gross acres, of which 33 are net taxable acres.

On October 25, 2005, City Council adopted Resolution No. 2005-104 to form CFD No. 5 to finance the capital costs related to the Stoneridge Towne Centre commercial development for street improvements (Nason Street, Dracaea Avenue, Eucalyptus Avenue, and Fir Avenue), traffic signals, water, sewer, drainage, and electrical improvements.

California Government Code Sections 53410 and 53411 ("Code Sections") state that any local bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures that include, but are not limited to, the chief fiscal officer of the issuing local agency filing an Annual Accountability Report with its governing body at least once a year. The Annual Accountability Report shall contain the specific purpose of the bonds, both the amount of funds collected and expended, and the status of any project required or authorized to be funded as identified in the statement indicating the specific purpose of the bonds.

DISCUSSION

Each year during the term of the debt, an Annual Special Tax Report must be approved by the City Council to provide funds for the annual debt service requirements. Detailed within the Annual Special Tax Report is the total annual debt service, administrative requirements, and the calculation of the special tax levy, as per the rate and method of apportionment ("RMA"), to meet the fiscal year ("FY") 2011/12 special tax requirement. The FY 2011/12 Annual Special Tax Report is on file with the City Treasurer.

The maximum annual special tax for developed and undeveloped property has been established by the RMA at $10,652.00 per acre for FY 2006/07. Per the RMA, the maximum annual special tax shall be increased by an amount equal to two percent (2%) each fiscal year in order to meet the annual special tax requirement. The maximum special tax rate for FY 2011/12 is $11,760.65 per acre. Subsequent increases, not addressed in the RMA, will be subject to a two-thirds voter approval of the property owners.

The special tax is applied only to those taxable parcels within the District boundaries, excluding parcels not subject to the special tax. The special tax obligation for parcels owned by Target Corp and Kohls Dept Stores, Inc has been prepaid. These parcels are no longer subject to the special tax. The special tax levy is levied on taxable parcels on the annual Riverside County property tax bills.

The CFD No. 5 Annual Accountability Report provides the following accountability measure as required by the Code Sections:

a) The amount of funds collected and expended; and
b) The status of the project.

The Annual Special Tax Report and the Annual Accountability Report have been consolidated into the Annual Special Tax and Bond Accountability Report, which is on file in the office of the City Treasurer.

ALTERNATIVES

1. **Approve and adopt the proposed resolutions:** 1) to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 5 and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. A*pproval of the*

resolutions will allow for the collection of the special taxes necessary to cover the annual debt service for CFD No. 5 and to ensure compliance with the Code Sections.

2. **Do not approve or adopt the proposed resolutions:** 1) to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 5 and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. *If the special tax levy was not approved, there may be a shortage of funds necessary to cover the annual debt service for CFD No. 5. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales. Failure to file the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

There is no fiscal impact on the General Fund associated with the annual debt service or for the submittal of the Annual Special Tax and Bond Accountability Report for CFD No. 5. The fiscal impact will be a special tax applied to the 2011/12 Riverside County property tax bills for those parcels subject to the CFD No. 5 special tax. The special tax levied on properties within the boundaries of CFD No. 5 can only be used to cover the annual special tax requirement for the District.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
Special taxes necessary to cover the annual debt service for CFD No. 5 shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council acting in their capacity as the legislative body of CFD No. 5 shall have an opportunity to consider implementing the special tax levy for CFD No. 5, per the RMA, to cover the special tax requirement for CFD No. 5, as submitted in the Annual Special Tax Report. Also being considered is the approval and submittal of the Annual Accountability Report for CFD No. 5, which has been incorporated into the Annual Special Tax Report. The Annual Special Tax and Bond Accountability Report is on file in the office of the City Treasurer.

EXHIBITS

EXHIBIT A Resolution to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5
EXHIBIT B Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5
EXHIBIT C Boundary Map of Community Facilities District No. 5

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 5 Stoneridge\Administration\Annual Reports\2011-12\staff report and resolutions\CFD 5 11_12 levy - Staff Report.doc

RESOLUTION NO. 2011-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 5 ("CFD No. 5" or "District") pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 701 to authorize a levy of a special tax within CFD No. 5; and,

WHEREAS, The City has prepared and submitted the Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

RESOLUTION NO. 2011-55

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, Government Code §53410 requires that on or after January 1, 2001 any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

64/20

CITY

PROPOSED BOUNDARY OF

COMMUNITY FACILITIES DISTRICT No. 5 OF THE CITY OF MORENO VALLEY

COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

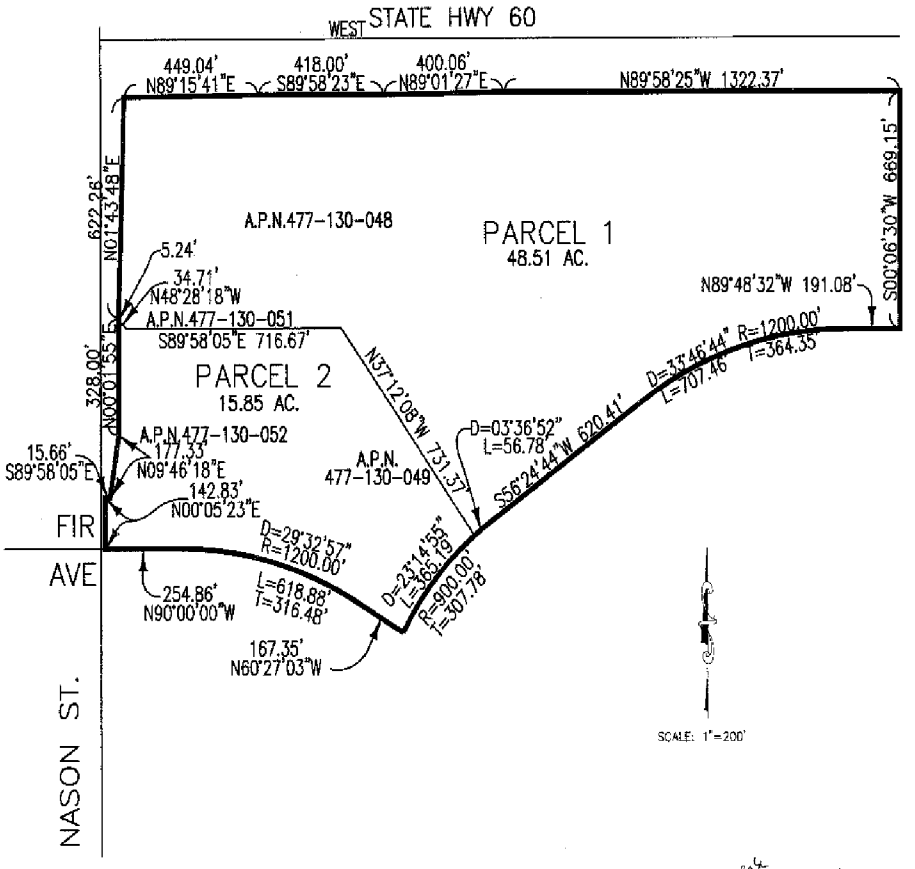

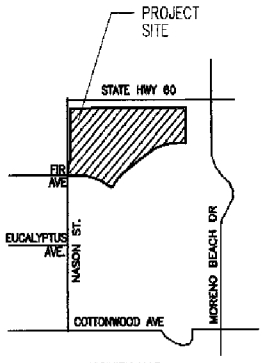

VICINITY MAP
NO SCALE

LEGEND

DISTRICT BOUNDARY

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF September 2005.

CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 5 CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, AT A REGULARLY SCHEDULED MEETING THEREOF, HELD ON THE 13th DAY OF September 2005, BY ITS RESOLUTION No. 2005-78

CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 22nd DAY OF September 2005, AT THE HOUR OF 8 O'CLOCK A.M. IN BOOK 64 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS. 20 THROUGH — AS INSTRUMENT NO. 2005-0785291 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE $ 7.—

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

PROPOSED BOUNDARY MAP

Community Facilities District No. 5
of the City of Moreno Valley
County of Riverside, California

Sheet 1 OF 1

HARRIS & ASSOCIATES
34 Executive Park, Suite 150
Irvine, CA 92614
(949) 655-3900 • FAX (949) 855-3895

04/22/05

G:\Moreno Valley\CFD\GIS\Map\CFD No 5 - Stoneridge Ranch.dwg

MV00106217

64/20

CITY

PROPOSED BOUNDARY OF

COMMUNITY FACILITIES DISTRICT No. 5 OF THE CITY OF MORENO VALLEY

COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

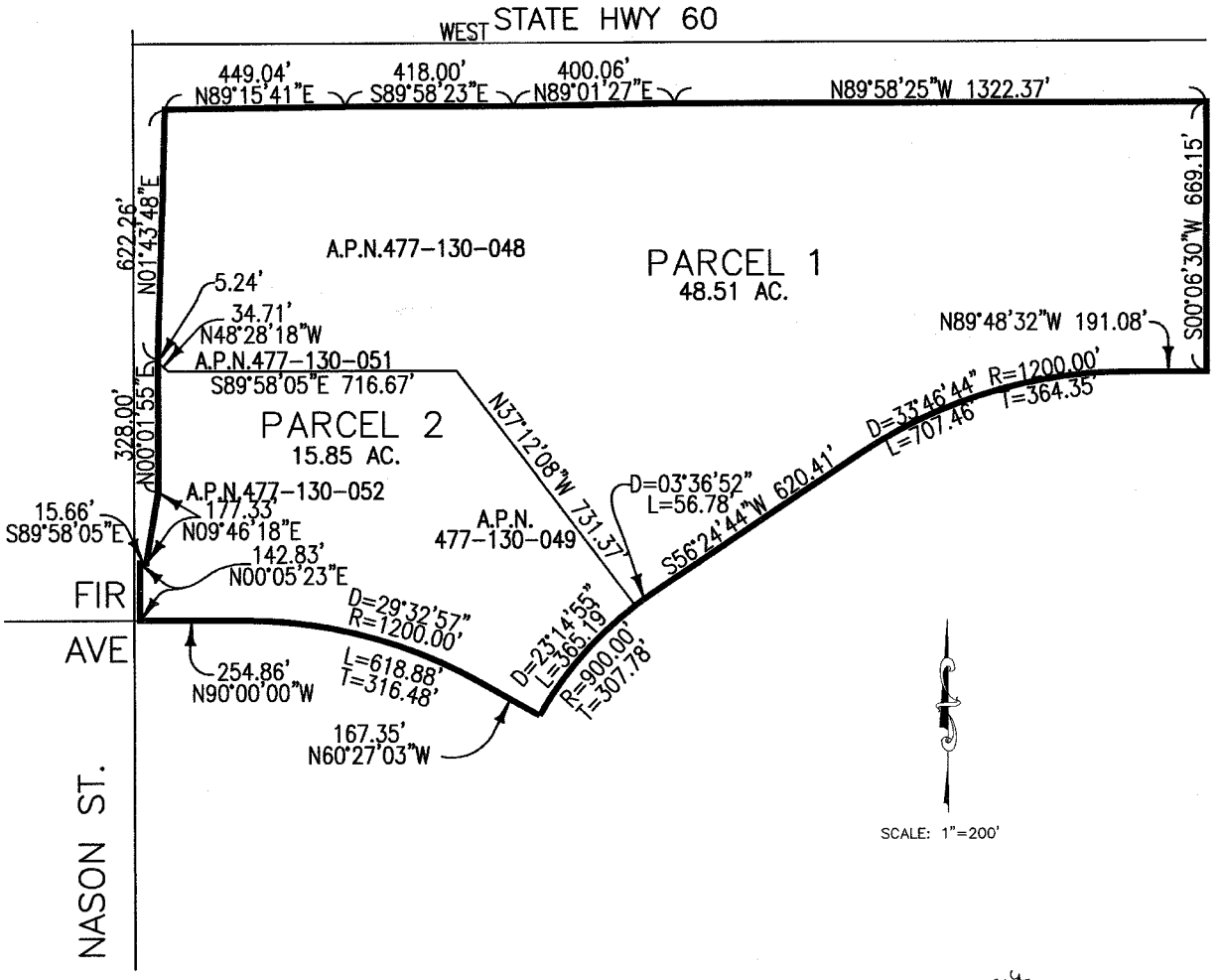

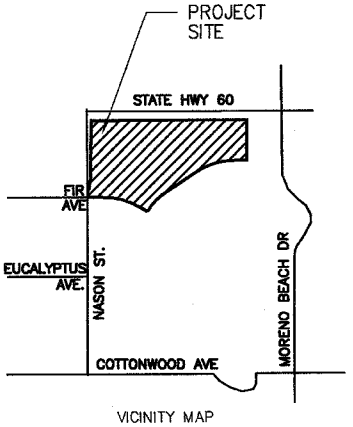

VICINITY MAP
NO SCALE

LEGEND

DISTRICT BOUNDARY

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF September 2005.

Marcia Ayars
CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 5 CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY: AT A REGULARLY SCHEDULED MEETING THEREOF, HELD ON THE 13th DAY OF September, 2005. BY ITS RESOLUTION No. 2005-78.

Marcia Ayars
CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 22nd DAY OF September, 2005. AT THE HOUR OF 8 O'CLOCK A.M. IN BOOK 64 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS. 20 THROUGH — AS INSTRUMENT NO. 2005-0789529 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE $ 7.—

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

PROPOSED BOUNDARY MAP

Community Facilities District No. 5
of the City of Moreno Valley
County of Riverside, California

Sheet 1 OF 1

HARRIS & ASSOCIATES
34 Executive Park, Suite 150
Irvine, CA 92614
(949) 655-3900 ● FAX (949) 655-3995

04/22/05

Q:\Moreno Valley\CFD#5\Map\CFD No 5 – Stoneridge Ranch.dwg

MV00106218

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: PA04-0004 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS

SOUTHWEST CORNER OF BAY AVENUE AND PAN AM BOULEVARD

DEVELOPER – MOVAL BAY APARTMENTS, L.P.
5 PARK PLAZA
SUITE 980
IRVINE, CA 92614

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the acceptance of certain public improvements associated with the project.

2. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with project PA04-0004 for public improvements.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On June 24, 2004, the Planning Commission of the City of Moreno Valley approved PA04-0004. This project is a proposal to develop a 61-unit affordable apartment complex with recreational amenities on 3.6 acres of vacant land.

On July 11, 2006, the City Council of Moreno Valley approved the agreement and bonds for public improvements in the amounts of $207,000 for Faithful Performance and $103,500 Material & Labor. The developer was required to construct certain public street improvements that included driveways, asphalt pavement, sidewalk, curb & gutter, street lights, water, and sewer within Adrienne Street, Bay Avenue and Pan Am Boulevard. Those improvements received on-going inspection during the construction process. The improvements are now eligible for acceptance into the City's maintained street system. The City currently maintains the streets surrounding the project.

DISCUSSION

The completed improvements received a final inspection. The improvements were completed in accordance with the approved plans and standards of the City of Moreno Valley. It is therefore appropriate to accept those improvements and release the bonds.

ALTERNATIVES

1. Authorize the City Engineer to execute the exoneration of the bonds for public improvements.

2. Do not authorize the City Engineer to execute the exoneration of the bonds for public improvements.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Public Improvement Agreement with Bonds

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez
Senior Engineer, P.E.

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\5-10-11 - PA04-0004 - Exoneration of Agreement & Bonds.doc

VICINITY MAP

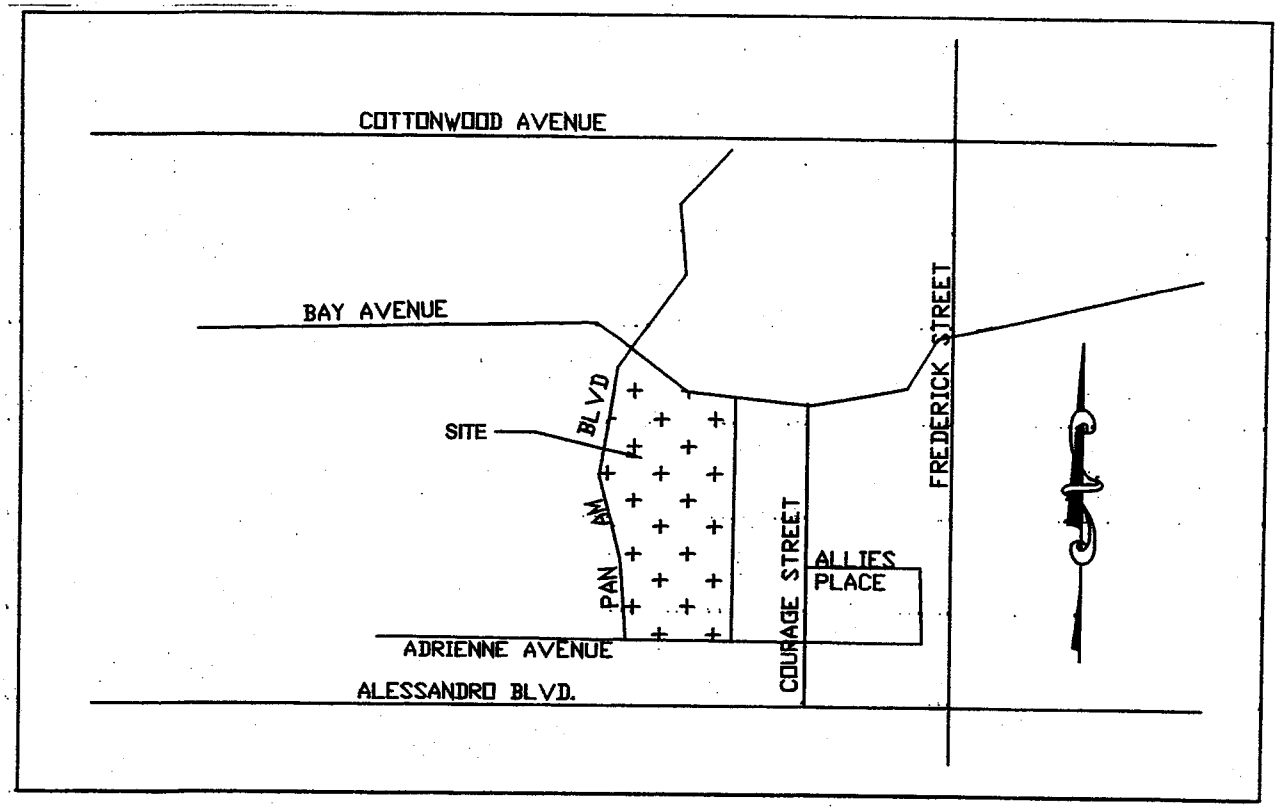

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**Bay Family Apartments** **PA04-0004**

W:\LAND\FORMS\VICINITY MAP.doc (01/04)

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

AGREEMENT FOR PUBLIC IMPROVEMENTS
PROJECT NO. PA04-0004

APN 291-272-001

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **MOVAL BAY APARTMENTS, L.P.,** herein after called Contractor, on the date signed by the Mayor of the City.

WITNESSETH:

FIRST: Contractor, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as **PA04-0004** agrees, at Contractor's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Contractor further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Contractor shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Contractor shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Contractor waives the 120 day time limitation set forth in Section 66462.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of **TWO HUNDRED SEVEN THOUSAND AND NO/100** Dollars (*****$207,000.00*****).

SECOND: Contractor agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Contractor further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Contractor and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Contractor, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Contractor. Contractor agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Contractor, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

EXHIBIT "B"

FOURTH: The Contractor hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Contractor has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Contractor agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The contractor shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Contractor's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Contractor, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Contractor, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Contractor violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Contractor because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Contractor, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Contractor agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Contractor agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Contractor fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Contractor of the insufficiency of the security or the amount of the bonds or both.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Contractor, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Contractor further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Contractor:
MoVal Bay Apartments, L.P.
5 Park Plaza, Suite 980
Irvine, CA 92614

IN WITNESS WHEREOF Contractor has affixed his name, address and seal.

Date approved by the City: July 11, 2006

MOVAL BAY APARTMENTS, L.P.:

By: Christina Alley, Chief Executive Officer
Title

By: President
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: Maynde Cyprosfor
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: Bonnie Flickinger
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: 7/11/06

By: RDA
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF CONTRACTOR MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - CONTRACTOR; GREEN - PUBLIC WORKS/LAND DEVELOPMENT; BLUE - PROJECT FILE

W:\LandDev\Lee Ann\Agreement Bond Packets\PA04-0004 Agreement.doc

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
} ss
County of Merced }

On May 19, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

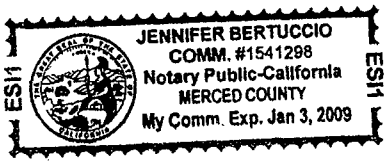

Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

EXHIBIT "A"
ENGINEER'S ESTIMATE

PROJECT: **PA04-0004**

DATE: **01/24/06**
PREPARED BY: **Anitra Holt** AH

STREET WORK

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Roadway Excavation			0	C.Y.	20.00	0
A.B. Class II	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C.	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
A.B. Class II	0.75	Thickness (ft.)				
	555	S.F.	30	Ton	55.00	1,660
A.C.	0.33	Thickness (ft.)				
	555	S.F.	13	Ton	90.00	1,195
A.C. Cap			0	Ton	90.00	0
A.C. Overlay			0	Ton	90.00	0
Grind & Pave 0.15'			0	S.F.	3.25	0
Curb and Gutter - 6"			70	L.F.	22.00	1,540
Curb and Gutter - 8"			0	L.F.	25.00	0
Curb Only - 6"			0	L.F.	18.00	0
Curb Only - 8"			0	L.F.	20.00	0
Cross Gutter and Spandrel			0	S.F.	15.00	0
Sidewalk			1125	S.F.	7.00	7,875
Driveway Approach - 6"			935	S.F.	14.00	13,090
Driveway Approach - 8"			0	S.F.	16.00	0
Alley Approach - 8"			0	S.F.	16.00	0
P.C.C. Paving - 6"			0	S.F.	14.00	0
P.C.C. Paving - 8"			0	S.F.	16.00	0
A.C. Berm - 6"			0	L.F.	10.00	0
A.C. Berm - 8"			0	L.F.	15.00	0
Slurry Seal (Based on $150/Ton Type II)			0	S.Y.	2.25	0
Redwood Header			0	L.F.	6.00	0
Sawcut			190	L.F.	1.50	285
Trench Repaving			1920	S.F.	12.00	23,040
Utility Trench			328	L.F.	17.00	5,576
Wheelchair Ramp			0	EA.	1,200.00	0
Street Name Sign			0	EA.	500.00	0
Stop Sign			1	EA.	200.00	200
Barricade			0	L.F.	100.00	0
Warning Markers - Type L, Type N			0	EA.	100.00	0
Signs and Posts			0	EA.	200.00	0
Street Sweeping Sign			0	EA.	200.00	0
Bus Bay			0	EA.	20,000.00	0
Traffic Striping/raised pavement markers			1	L.S.	2000	3,500
Traffic Signal (Includes Interconnect, Controller, Software			0	EA.	272,000.00	0
Traffic Signal Interconnect (Existing Signals Only)			0	L.F.	30.00	0
Walls - Masonry: 6' Maximum			0	L.F.	100.00	0
Walls - Retaining: 6' Maximum			0	L.F.	150.00	0
Relocate Trees			0	EA.	2,500.00	0
1/2 Alley Apron			0	S.F.	16.00	0
Street Lights (9500 lumen)			4	EA.	4,000.00	16,000
Street Lights (22000 lumen)			0	EA.	5,000.00	0
Adjust M.H. to Grade			0	EA.	800.00	0
Adjust Water Valve to Grade			0	EA.	400.00	0
Erosion Control			4	Ac.	10,000.00	35,000
Cluster Mail Boxes			1	EA.	4,500.00	4,500
Electrical Utility Infrastructure			0	EA.		
Electrical Utility Line Extension			1	L.F.	135.00	
				SUBTOTAL:		113,461
Landscaping			0	S.F.	6.00	0
Water Quality Basins			0	S.F.	6.00	0
				SUBTOTAL:		0
Monuments:			0.00	EA.	100.00	$0

PROJECT: PA04-0004

DATE: 01/24/06
PREPARED BY: Anitra Holt

STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
50" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	5500.00	0
Manhole No. 3	0	EA.	6500.00	0
Manhole No. 4	0	EA.	7000.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	S.F	535.00	0
Grated Catch Basin	0	EA.	6000.00	0
Transition Structure	0	EA.	5500.00	0
Inlet Structure (drop)	0	EA.	5000.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Junction Structure	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0
Rip Rap	0	TON	60.00	0
Parkway Drain	0	EA.	3500.00	0
Terrace Drain	0	S.F	10.00	0
Down Drain	0	S.F	10.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
			SUBTOTAL:	0

EXHIBIT "A"

PROJECT: PA04-0004

DATE: 01/24/06
PREPARED BY: Anitra Holt

WATER SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
20" Water Pipe	0	L.F.	180.00	0
18" Water Pipe	0	L.F.	135.00	0
16" Water Pipe	0	L.F.	90.00	0
12" Water Pipe	0	L.F.	60.00	0
10" Water Pipe	0	L.F.	55.00	0
8" Water Pipe	48	L.F.	50.00	2,400
6" Water Pipe	0	L.F.	40.00	0
4" Water Pipe	0	L.F.	30.00	0
16" Gate Valve	0	EA.	5,000.00	0
12" Gate Valve	0	EA.	2,000.00	0
10" Gate Valve	0	EA.	1,200.00	0
8" Gate Valve	2	EA.	1,000.00	2,000
6" Gate Valve	0	EA.	800.00	0
4" Gate Valve	0	EA.	600.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
10" Butterfly Valve	0	EA.	1,000.00	0
8" Butterfly Valve	0	EA.	800.00	0
6" Butterfly Valve	0	EA.	520.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Fire Hydrants	0	EA.	2,800.00	0
6" Super Fire Hydrants	2	EA.	3,000.00	6,000
Misc. Fittings (Tees, Crosses, Etc.) L/S				
4"	0	EA.	120.00	0
6"	0	EA.	160.00	0
8"	2	EA.	200.00	400
10"	0	EA.	240.00	0
12"	0	EA.	750.00	0
Blow Off 6"	0	EA.	2,500.00	0
Blow Off 4"	0	EA.	2,000.00	0
Air Vac & Release 2"	0	EA.	3,000.00	0
Air Vac & Release 1"	0	EA.	2,000.00	0
Meter 2" W/O Service	0	EA.	455.00	0
Meter 1 1/2" W/O Service	0	EA.	360.00	0
Meter 1" W/O Service	0	EA.	270.00	0
Meter 5/8" W/O Service	0	EA.	200.00	0
Service Connections 2"	1	EA.	1,600.00	1,600
Service Connections 1 1/2"	0	EA.	1,100.00	0
Service Connections 1"	1	EA.	500.00	500
Hot Tap 8"	4	EA.	2,800.00	11,200
Hot Tap Water Service	1	EA.	330.00	330
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
			SUBTOTAL:	24,430

EXHIBIT "A"

PROJECT: PA04-0004

DATE: 01/24/06
PREPARED BY: Anitra Holt

SEWER SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
36" V.C. Pipe	0	L.F.	185.00	0
33" V.C. Pipe	0	L.F.	165.00	0
30" V.C. Pipe	0	L.F.	150.00	0
27" V.C. Pipe	0	L.F.	135.00	0
24" V.C. Pipe	0	L.F.	120.00	0
21" V.C. Pipe	0	L.F.	105.00	0
18" V.C. Pipe	0	L.F.	90.00	0
15" V.C. Pipe	0	L.F.	75.00	0
12" V.C. Pipe	0	L.F.	50.00	0
10" V.C. Pipe	0	L.F.	40.00	0
8" V.C. Pipe	435	L.F.	30.00	13,050
6" V.C. Pipe	0	L.F.	25.00	0
4" V.C. Pipe	0	L.F.	20.00	0
15" SDR - 35	0	L.F.	60.00	0
12" SDR - 35	0	L.F.	50.00	0
10" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	19.00	0
4" SDR - 35	0	L.F.	13.00	0
Standard Manhole 48"	2	EA.	3,000.00	6,000
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,000.00	0
Tie Into Existing Manhole	0	EA.	1,500.00	0
Raise Manhole to Grade	0	EA.	300.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	1	EA.	600.00	600
Join Existing 12" Pipe	0	EA.	800.00	0
Clean-outs	0	EA.	700.00	0
Clean Out Lateral	0	EA.	120.00	0
Wyes	0	EA.	90.00	0
Pavement Replacement	1820	S.F.	3.00	5,460
Concrete Encasement	0	L.F.	20.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	1820	S.F.	5.00	9,100
			SUBTOTAL:	34,210

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: **PA04-0004** DATE: **01/24/06**
PREPARED BY: **Anitra Holt**

IMPROVEMENT TYPE:

ROADWORK	:	$113,461
STORM DRAIN	:	$0
WATER SYSTEM	:	$24,430
SEWER SYSTEM	:	$34,210
SURVEY MONUMENTS	:	$0
TOTAL COST OF IMPROVEMENTS:		$172,101
+20% CONTINGENCY:		$34,420
GRAND TOTAL:		$206,521

BOND AMOUNT: **$207,000**

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Final premium amount is based upon actual final contract price

Public Improvements $207,000.00

Bond No. 726125S

Surety Developers Surety and Indemnity Company A-VI (CA)

Address 17780 Fitch

City/Zip Irvine, CA 92614

Project No. PA04-0004

Premium $6,210.00 / 2 Years

Principal MoVal Bay Apartments, L.P.

Address 5 Park Plaza, Suite 980

City/Zip Irvine, CA 92614

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **MOVAL BAY APARTMENTS, L.P.,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA04-0004**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and Developers Surety and Indemnity Company, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of **TWO HUNDRED SEVEN THOUSAND AND NO/100** Dollars (*****$207,000.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

RISK MANAGEMENT
Approved
6/5/06

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA04-0004

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on May 26, 20 06.

NAME OF PRINCIPAL: MoVal Bay Apartments, L.P.
Company Name

AUTHORIZED SIGNATURE(S): By

Name Andrew Hanna — President
Title

Name Christina Alley — Chief Executive Officer
Title

NAME OF SURETY: Developers Surety and Indemnity Company
Company Name

AUTHORIZED SIGNATURE:
Steven A. Swartz — ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: 7/11/06

City Attorney
City of Moreno Valley

W:\LandDev\Lee Ann\Agreement Bond Packets\PA04-0004 Faithful Performance Bond.DOC

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
} ss
County of Merced }

On May 31, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

ES11 JENNIFER BERTUCCIO
COMM. #1541298
Notary Public-California
MERCED COUNTY
My Comm. Exp. Jan 3, 2009 ES11

Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

CALIFORNIA ALL-PURPOSE ACKNOWLEGMENT

State of California

County of Orange

On May 23, 2006, before me, Don S. Park, notary public,

personally appeared ANDREW HANNA

_____,

proved to me on the basis of satisfactory evidence to be the person(~~s~~)

whose name(~~s~~) is / ~~are~~ subscribed to the within instrument and

acknowledged to me that he/~~she~~/~~they~~ executed the same in

his/~~her~~/~~their~~ authorized capacity(ie~~s~~), and that by his/~~her~~/~~their~~

signature(~~s~~) on the instrument the person(~~s~~) or the entity upon behalf

of which the person(~~s~~) acted, executed the instrument.

Witness my hand and official seal.

DON S. PARK
Commission # 1580958
Notary Public - California
Orange County
My Comm. Expires May 21, 2009

Signature of Notary Public

MV00106235

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $103,500.00

Project No. PA04-0004

Bond No. 726125S

Premium Included in Performance Bond

Surety Developers Surety and Indemnity Company A-VI (CA)

Principal MoVal Bay Apartments, L.P.

Address 17780 Fitch

Address 5 Park Plaza, Suite 980

City/Zip Irvine, CA 92614

City/Zip Irvine, CA 92614

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **MOVAL BAY APARTMENTS, L.P.,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA04-0004**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of **ONE HUNDRED THREE THOUSAND FIVE HUNDRED AND NO/100** Dollars (*****$103,500.00*****), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

RISK MANAGEME
Approved
6/05/06

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA04-0004

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on May 26, 20 06.

NAME OF PRINCIPAL: MoVal Bay Apartments, L.P.
Company Name

AUTHORIZED SIGNATURE(S): By:

Name: Andrew Hanna Title: President

Name: Christina Alley Title: Chief Executive Officer

NAME OF SURETY: Developers Surety and Indemnity Company
Company Name

AUTHORIZED SIGNATURE:
Steven A. Swartz ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: 7/11/06

City Attorney
City of Moreno Valley

W:\LandDev\Lee Ann\Agreement Bond Packets\PA04-0004 Material Labor Bond.DOC

STATE OF California

COUNTY OF Orange

On 5/26/2006, before me, Lorie Mandel, Notary Public,
(here insert name and title of the officer), personally appeared Steven A. Swartz,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Lorie Mandel (SEAL)

LORIE MANDEL
Commission # 1379522
Notary Public - California
Orange County
My Comm. Expires Oct 11, 2006

This area for Official Notarial Seal

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
- ☐ CORPORATE OFFICER
  TITLE(S)
- ☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
- ☑ ATTORNEY-IN-FACT
- ☐ TRUSTEE(S)
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
Developers Surety and Indemnity Company

DESCRIPTION OF ATTACHED DOCUMENT

Performance/Payment Bond #726125S
TITLE OF TYPE OF DOCUMENT

NUMBER OF PAGES

5/26/2006
DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

ID-1232 (REV. 12/05)

ALL-PURPOSE ACKNOWLEDGEMENT

POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA

PO BOX 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

Steven A. Swartz, Nicki Swartz, Patricia R. Minder, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 1, 2000:

RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Executive Vice President and attested by their respective Secretary this 1st day of December, 2005.

By:_____
David H. Rhodes, Executive Vice-President

By:_____
Walter A. Crowell, Secretary

DEVELOPERS SURETY AND INDEMNITY COMPANY CORPORATE OCT. 10 1936 IOWA

INDEMNITY COMPANY OF CALIFORNIA INCORPORATED OCT. 5 1967 CALIFORNIA

STATE OF CALIFORNIA]
COUNTY OF ORANGE

On December 1, 2005 before me, Gina L. Garner, (here insert name and title of the officer), personally appeared David H. Rhodes and Walter A. Crowell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (SEAL)

GINA L. GARNER
COMM. # 1569561
NOTARY PUBLIC CALIFORNIA
ORANGE COUNTY
My comm. expires May 13, 2009

WMD2

CERTIFICATE

The undersigned, as Assistant Secretary, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 26th day of May, 2006.

By _____
Albert Hillebrand, Assistant Secretary

ID-1380 (Rev. 12/05)

MV00106239

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
} ss
County of Merced }

On May 31, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

ESI1 JENNIFER BERTUCCIO
COMM. #1541298
Notary Public-California
MERCED COUNTY
My Comm. Exp. Jan 3, 2009 ESI1

Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

CALIFORNIA ALL-PURPOSE ACKNOWLEGMENT

State of California

County of Orange

On May 23, 2006, before me, Don S. Park, notary public,

personally appeared ANDREW HANNA

_____,

proved to me on the basis of satisfactory evidence to be the person(~~s~~)

whose name(~~s~~) is / ~~are~~ subscribed to the within instrument and

acknowledged to me that he/~~she~~/~~they~~ executed the same in

his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~

signature(~~s~~) on the instrument the person(~~s~~) or the entity upon behalf

of which the person(~~s~~) acted, executed the instrument.

Witness my hand and official seal.

DON S. PARK
Commission # 1580958
Notary Public - California
Orange County
My Comm. Expires May 21, 2009

Signature of Notary Public

MV00106241

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: AUTHORIZE THE FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR STATE ROUTE 60/MORENO BEACH DRIVE INTERCHANGE AND NASON STREET OVERCROSSING IMPROVEMENTS -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014.

2. Authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto.

3. Authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86.

BACKGROUND

On March 14, 2006, the City Council approved an Agreement to Reimburse TUMF Funds between WRCOG and the City of Moreno Valley for the SR-60/Nason Interchange and an Agreement to Reimburse TUMF Funds between WRCOG and the City of Moreno Valley for the SR-60/Moreno Beach Interchange. The agreements have been amended to add the design and right-of-way phases.

On November 29, 2007, Caltrans approved the Negative Declaration for both interchanges.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons for design, right-of-way engineering, and construction support services for both the SR-60/Nason Overcrossing and the SR-60/Moreno Beach Interchange. Design has progressed to the 95% plan stage.

On January 13, 2009, the City Council reprioritized capital projects funded by Redevelopment Agency (RDA) bonds. Funds previously allocated for construction of a new library were reallocated to the SR-60/Nason Overcrossing project. In late January 2009, the City requested that Caltrans split the project since the Nason Overcrossing had full funding but funding for the Moreno Beach Interchange was uncertain due to a projected shortfall in TUMF funding over the next few years. The projects were split and Caltrans approved environmental re-validations for both projects in 2010.

On March 8, 2011, the City Council entered into a Cooperative Agreement with the Redevelopment Agency and again reprioritized projects funded by RDA bonds. Funding remaining from the Edgemont Water Phase I project was reallocated to create a new project phase to build the ultimate freeway ramp alignments at the south side of the SR-60/Moreno Beach Drive Interchange and connect Eucalyptus Avenue to Moreno Beach Drive. On May 10, 2011, the City Council authorized negotiations and settlement for the three remaining parcels to be acquired for SR-60/Moreno Beach Phase 1. Negotiations are underway.

DISCUSSION

SR-60/Moreno Beach Phase 1 south side improvements include reconstruction of the two eastbound ramps (on- and off-ramps) to SR-60, connection of the west leg of Eucalyptus Avenue to Moreno Beach Drive, addition of an eastbound auxiliary lane, addition of a traffic signal at the eastbound ramps/Moreno Beach Drive intersection, utility relocations, and related improvements. In April 2011, City staff met with Caltrans to identify ways to expedite improvements to the south side as a separate construction project. Steps were identified and Caltrans assured their cooperation. The scope of work for Amendment 4 addresses those steps. The tasks consist of separating and generating new plans to prepare stand-alone plans and estimate. The scope also includes environmental re-validation as a stand-alone project, environmental permitting and mitigation, Supplemental Project Report, traffic management strategies, completion

of right-of-way and utility negotiations and Caltrans certification, one open house meeting, pavement analyses required by Caltrans, construction-phase support, burrowing owl survey, and related work. The scope provides for a ready-to-bid project.

The SR-60/Moreno Beach project Phase 2 will consist of remaining improvements including replacement of the overcrossing bridge, realignment of the two existing westbound ramps, addition of a new westbound on-ramp, raising the final grade along Moreno Beach Drive at the eastbound ramp intersection, and building the Caltrans-required drainage Line K-1 improvements in Ironwood Avenue. The consultant's services covered by Amendment 4 consist of revising existing and generating new plans to prepare a stand-alone Phase 2 project, updating specifications, preparing various funding applications to address construction fund shortfalls, environmental re-validation and permitting, continued right-of-way negotiations, bridge utility coordination based on new Caltrans requirements, updated landscape plans, and related work.

The SR-60/Nason Overcrossing project replaces the bridge, constructs a new sound wall, and completes the ultimate improvements at this location. The consultant's services covered by the Fourth Amendment consist of updating specifications, updating plans to reflect final design of the prior ramp project (currently under construction), preparation of a funding application, updating structure plans for new utility requirements, extended utility coordination, geotechnical support, open house meetings, updated landscape plans in accordance with the approved master plan, extended construction support, and related work. The scope also includes preparation of Caltrans-required documents to receive federal funds, which will allow the project to receive excess federal funds from the SR-60/Nason Interchange Ramp project and/or other federal funds.

The Fourth Amendment to Agreement provides for, in general, engineering and environmental services to split the SR-60/Moreno Beach Interchange into two stand-alone construction phases as well as update the SR-60/Nason Overcrossing plans to prepare for construction. The previous Amendments 1, 2, and 3 revised the scope of work within the approved contingency to address appraisal/excess land services, storm water grant application services, environmental re-validations and new Supplemental Project Reports to split Nason and Moreno Beach into two projects, new Caltrans pavement analysis requirements, and extended survey services. The Fourth Amendment also extends the contract termination date from June 30, 2013, to December 31, 2014, to match the services being performed as part of the revised scope.

The City's Economic Development Plan identified the SR-60/Moreno Beach Interchange Phase 1 as a priority project, and the scope of work outlined as part of the Fourth Amendment provides for ready-to-bid documents to be submitted to Caltrans by April 2012. Caltrans approval is anticipated within two to three months of submittal, which allows the City to advertise once approval is obtained.

ALTERNATIVES

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014, and authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto, and authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86. *This alternative will facilitate the construction of needed improvements.*

2. Do not approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014, and do not authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto, and do not authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and do not authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86. *This alternative will delay the construction of needed improvements.*

FISCAL IMPACT

The projects are currently funded with 2007 Redevelopment Agency Tax Allocation Bond proceeds (Series A) (Fund 897), Transportation Uniform Mitigation Fees (Fund 415) and Developer In-lieu Street Improvement Funds (Fund 414). These funds have been allocated for SR-60/Moreno Beach Interchange and SR-60/Nason Overcrossing improvements and cannot be utilized for operational activities. There is no impact to the General Fund.

The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86. Change Orders totaling $723,267.77 will increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group and will be funded from Account

Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27). A new purchase order for $461,708.64 is requested from Account 897.91731.

SR-60/Moreno Beach – Phase 1

AVAILABLE FUNDS

FY 2010/2011 2007 RDA Bond Funds (Account 897.91731)	$2,352,000

ESTIMATED DESIGN & RIGHT OF WAY COSTS – FY 2010/2011

Design – Fourth Amendment	$ 461,700
Right of Way and Utilities	$1,100,000
Total Design & Right of Way Costs	$1,561,700

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way	March 2012
Caltrans Approval and Authorization to Bid	July 2012
Begin Construction	November 2012
Complete Construction	November 2013

SR-60/Moreno Beach – Phase 2

AVAILABLE FUNDS

FY 2010/2011 TUMF Funds (Account 415.70024)	$4,538,000

ESTIMATED DESIGN & RIGHT OF WAY COSTS – FY 2010/2011

Design – Fourth Amendment	$ 323,900
SR-60/Moreno Beach Interchange Improvements (Phase 2)	$4,126,100
Total Design & Right of Way Costs	$4,450,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way*	July 2012
Caltrans Approval	July 2013
Advertise Project*	September 2013

**** Contingent on funding availability***

SR-60/Nason Overcrossing

AVAILABLE FUNDS

FY 2010/2011 2007 RDA Bond Funds (Account 897.91728)	$16,604,000
FY 2010/2011 Developer In-lieu Street Improvement Funds (Account 414.80429)	30,000
Available Funds	$16,634,000

ESTIMATED DESIGN & RIGHT OF WAY (UTILITY) COSTS – FY 2010/2011

Design – Fourth Amendment	$ 399,300
SR-60/Nason Overcrossing	$ 250,700
Total Design & Right of Way Costs	$ 650,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way ..... September 2011
Advertise Project* ..... January 2012
Begin Construction* ..... May 2012
Complete Construction* ..... December 2013

**** Contingent upon Caltrans approval and completion of SR-60/Nason Interchange Ramp Project***

CITY COUNCIL GOALS

ADVOCACY:
Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Additional design, environmental, and right-of-way work is required to split the improvements for the State Route 60/Moreno Beach Drive Street Interchange Improvement project into two separate phases. Additional design, utility coordination, and Caltrans documentation is also needed to complete the SR-60/Nason Overcrossing plans and accept federal funds. The consultant has submitted a proposal for $1,184,976.41 to perform this additional work for all three projects. Staff recommends approval of the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group as well as an $723,267.77 increase to Purchase Order Nos. 35510 and 37342 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731.

ATTACHMENTS

Attachment "A" – Fourth Amendment to Agreement for Professional Consultant Services

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/ City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FOURTH AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 07-41570024

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Parsons Transportation Group, Inc., an Illinois corporation, hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services," hereinafter referred to as "Agreement," dated May 22, 2008.

Whereas, the Consultant is providing consultant design services for State Route 60/Moreno Beach Drive Interchange and Nason Street Overcrossing improvements.

Whereas, the Agreement was amended on May 4, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on September 10, 2009 to extend the professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was further amended on June 20, 2010, to extend the professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to further amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

Attachment "A"

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 07-41570024

Whereas, the Consultant has submitted a Proposal dated May 19, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A -- Fourth Amendment" and is incorporated herein by reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from June 30, 2013 to December 31, 2014, unless the termination date is further extended by an Amendment to the Agreement

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in "Exhibit A -- Fourth Amendment," entitled "SR60/Moreno Beach Drive Interchange and SR60/Nason Overcrossing Improvement Projects -- Amendment #4 Scope of Work."

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof described in "Exhibit A -- Fourth Amendment," entitled "SR60/Moreno Beach Drive Interchange and SR60/Nason Overcrossing Improvement Projects -- Amendment #4 Scope of Work."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $1,184,976.41 in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Fourth Amendment."

1.5 The total "Not to Exceed" fee for this contract is $4,826,047.86 ($3,387,611.00 for the original Agreement plus $49,667.00 for the First Amendment to Agreement; $89,771.86 for the Second Amendment to Agreement, $114,021.59 for the Third Amendment to Agreement, and $1,184,976.41 for the Fourth Amendment to Agreement).

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FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 07-41570024

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 07-41570024

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

Parsons Transportation Group Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

Attachment: "Exhibit A – Fourth Amendment"

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SR 60/ MORENO BEACH DRIVE INTERCHANGE AND SR60/NASON OVERCROSSING IMPROVEMENT PROJECT(S)

AMENDMENT #4 – SCOPE OF WORK

DATE: 5-19-2011

REPACKAGE SR-60/MORENO AND SR-60/NASON UPDATES

Pursuant to City Council Action on 3-8-2011, The City plans to proceed with a "partial project at Moreno Beach Drive". The "Eastbound-freeway-ramps at SR60/Moreno Beach Drive" will be advanced as stand-alone project referred to as "Phase 1" of the overall Interchange project. "Phase 2" will consist of all remaining improvements to reconstruction the Westbound freeway ramps, replace the 2-lane bridge over SR-60 with a new 6-lane bridge, and completion of the Line K-1 Master Plan Drainage improvements in Ironwood. This approach will allow the City to implement Phase 1 sooner – since there are sufficient construction funds to complete this portion of the project. In order to achieve this goal of "splitting "the and Re-packaging the SR-60/Moreno Beach Drive interchange into (2) separate "Design packages", it will be necessary to complete an "Environmental Re-validation" documenting this change. The following scope of work and assumptions will be subject to review and concurrence by City and Caltrans.

Due to lack of full project funding, the SR-60/Moreno Beach Drive Interchange project was partially suspended after the submittal of the 95%PS&E in July 2009. Pursuant to this amendment, Parsons will begin work to separate the PS&E into (2) packages.

Due to project delays to the "SR-60/Nason Ramp Project" the "SR-60/Nason Bridge" project schedule has been extended by over 21 months, while waiting for the ramp job to begin construction. Part 2 of this amendment addresses changes to the SR-60/Nason Bridge PS&E that have occurred during this schedule extension and updates that are required to reflect changes in the Ramps Project and the affected utility relocations.

PART 1 – REPACKAGE SR-60/MORENO INTO (2) Phases

1. **Project Management for Extended PS&E Phase**
2. **Funding Applications**
3. **Phase 1 – Repackage PS&E for EB-Ramps**
4. **Phase 2 – Repackage PS&E for WB-Ramps and Bridge PS&E**
5. **Environmental Re-validation (Split Moreno 2-Phases)**
6. **Environmental Permitting and Mitigation Support**
7. **Right of way Certification for Phase 1 (EB Ramps)**
8. **Additional Right of Way Parcels & Complex Negotiations**
9. **Utility Coordination**
10. **Air Quality Conformity Analysis Report**
11. **Open House Meeting (1)**
12. **Life Cycle Cost Analysis Support**
13. **Line K-1 Drainage Design Changes**

14a. **Construction Phase Design Support for Phase 1 – EB Ramps**

14b. **Construction Phase Design Support for Phase 2 – WB Ramps and Bridge at Moreno**

15. **Burrowing Owls Surveys- (step 1)**
16. **Materials Report Updates**
17. **Additional Services to Address Changes in Caltrans or City Standards or Requirements**

Task 1 Management for extended Project Schedule – PS&E Split

Based upon the city's request to "split the PS&E" at Moreno Beach Drive into (2) separate packages, there will be an additional 12-months of schedule extension to complete the Revalidation and "split" for Phase 1. It is assumed that the Phase 2 package will be developed at the same time but will require a total of 18 months due to the Caltrans District and Headquarters Office Engineer tasks for Phase 2. Hence this task includes management, meetings, and coordination for a total of 18-months beginning at the notice to proceed for Amendment #4.

In addition, the original contract schedule included submittal of 95% PS&E in July 2009. Due to funding issues for this project, the 95% PS&E has been partially suspended since that time. (21-months have elapsed since that submittal). Hence, this task also includes hours and budget for Parsons Participation in the additional PDT meetings and related management activities.

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Task 2 Funding Applications

This task included preparing various Funding Applications including submittals to RCTC pursuant to Measure A Funds, and other potential funding applications. Assume a maximum effort of 74 hours.

Task 3 Phase 1 – Repackage 95% PS&E for Eastbound Ramps

The task includes preparation of a separate stand-alone PS&E package for the eastbound ramps at SR60/Moreno Beach Drive. Included with this task is the additional effort to update the Storm Water Data Report, create stand-alone Drainage report, and reformat all required plan sheets and CAD files to address the revised limits. The Construction phasing plans will be revised to reflect the changed project limits. The traffic signal plan at the EB off ramp/Moreno Beach Drive intersection will be redesigned for the "new" interim condition with the EB ramps in place – with the existing 2-lane bridge still in place. EB off and on ramp profiles and Moreno Beach Drive profile and Construction details will be revised to reflect the revised "interim" condition which must join the existing 2-lane bridge. All CAD files and reference file names and sheet numbering will be updated to match the new Caltrans EA number, and the revised limits of work. Parsons will coordinate with RCTC to update the RTIP descriptions pursuant to the new project definition. The utility sheets will be updated to reflect the limits of utility relocations that will take place prior to or during the phase 1 project. Drainage plans, profiles and details will be updated and re-numbered as needed to reflect the limits of phase 1 project. In addition, there may be some interim condition drainage features that will need to be revised and replaced as part of the phase 2 project. Contour grading plans and earthwork quantities will be updated to reflect the interim profiles at EB on- and off-ramps and Moreno Beach Drive. Signing plans, details and quantity summaries will be revised to segregate the limits of the phase 1 project. Layout sheets will be revised to reflect the City's new sidewalk standard of 6.5' wide.

Cost estimates and quantity back-up files will be segregated and updated to reflect current bid prices and the new project limits for the phase 2 project.

Project special provisions will be updated to match the phase 1 project limits and they will be revised to reflect Caltrans new "plain language SSP's". It is noted that the City's Boiler Plate SSP will be updated to have consistency/compatibility with Caltrans new "plain language SSP's" as part of the Nason Bridge Project (by Parsons), and hence it is anticipated that the effort to modify the City's Boilerplate will be streamlined since it will already be updated as part of the recent Nason Bridge project. It is noted however, that there will be approximately 150 Caltrans Technical Specs for the Moreno Phase 1 project that will have to be updated as part of this task since the last update was prior to the July 2009 – 95% submittal.

It is assumed that there are no new design exceptions or updated Fact Sheets required for the Phase 1 project.

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Task 4 Phase 2 – Repackage 95% PS&E for Westbound Ramps & Bridge

The task includes preparation of a separate stand-alone PS&E package for the westbound ramps at SR60/Moreno Beach Drive and the replacement of the bridge over SR-60. Included with this task is the additional effort to update the Storm Water Data Report, create stand-alone Drainage report, and reformat all required plan sheets and CAD files to address the revised limits. The Construction phasing plans will be revised to reflect the changed project limits. The traffic signal plan at the EB off ramp/Moreno Beach Drive intersection will be updated to reflect the changes to the "new" interim condition at this location (installed with Phase 1). The EB off and on ramp profiles and Moreno Beach Drive profile and Construction details will be revised to reflect the raised "ultimate" profile that will replace the "interim" condition from phase 1. All CAD files and reference file names and sheet numbering will be updated to match the new Caltrans EA number, and the revised limits of work. Parsons will coordinate with RCTC to update the RTIP descriptions pursuant to the new project definition. Contour grading plans and earthwork quantities will be updated to reflect the limits of the construction from phase 1, and the additional grading required raising the EB on- and off-ramps to meet ultimate Moreno Beach Drive finished grade. Signing plans, details and quantity summaries will be revised to segregate the limits of the phase 1 project. Layout sheets will be revised to reflect the City's new sidewalk standard of 6.5' wide.

Cost estimates and quantity back-up files will be segregated to reflect the new project limits for the phase 2 project.

Project Special provisions will be prepared for the phase 2 project limits, pay items and Caltrans new "plain language SSP's".

Task 5 Environmental Revalidation to "Split" PS&E into (2) Phases

This task will include a scoping meeting with Caltrans to confirm the technical studies to be updated, format of the updates (addendum letters), Air Quality and RTIP update process and schedules. It is anticipated that the following tasks will be required:

- Updated CEQA and NEPA Revalidation forms (one for each phase)
- Update the APE maps (one map for each phase)
- Updated Cover memos for each Environmental Technical Studies (no new analysis)
- Air Quality (Cover memo addressing updates to the revised AQ report that was approved by Caltrans in July 2010. No new analysis).
- Air Quality Conformity Determination

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- Supplemental Project Reports (produce 2 SPR's, one for each phase)
- RTIP Updates (phase 1 and phase 2 at Moreno will now be "separate projects" with separate RTIP entries) (Parsons)
- Coordination with CDFG and USFWS to obtain MSHCP Consistency Determination for new project phases
- (2) Revised Environmental Commitment Record Documents (one for each Phase).

The scope and budget for this task cannot be finalized until we have confirmation from Caltrans regarding the anticipated scope and schedule. We anticipate completing the draft cover memoranda within 2 months of NTP. We anticipate completing Caltrans reviews and getting their concurrence on the updated memos within the following 2 months. We expect the AQ conformity, Permit Coordination, and MSHCP consistency determination to require 2 months, followed by 2 months to finalize the SPRs and obtain Caltrans signatures. Hence, the re-validation and related tasks should be completed within 8 months of NTP. The budget for this task will be split 50/50 between Phases 1 and 2.

Task 6 Environmental Permitting and Mitigation Support

Since the project will be split into (2) phases, we anticipate that there will be extended duration of coordination with the permitting agencies as well as the extra effort and possibly a field meeting to explain to the agencies the changes in scope and phasing for the (2) projects. It is assumed that only (1) set of permit applications will be prepared and submitted and these applications will address the impacts for both Phases 1 and 2.

Task 7 Right of Way Certification for Phase 1

The right of way certification form and process for Phase 2 is included in the original scope of work. This task is to cover the effort to complete the R/W certification for Phase 1.

Task 8 Additional Right of Way Parcels and Negotiations

The right of way scope of work for this project was based upon the right of way datasheet from the PA/ED phase-completed in 2007. Since that time there have been changes to the R/W scope of work including the following items:

- Additional parcels including (3) potential "quit-claim deeds" at Ironwood
- (4) additional "denial of access rights" at Automall area
- Revisions to update the Prologis Appraisal.
- New acquisitions from: David May Trust and Lila Jones Trust (not covered in the R/W datasheet)
- Weekly R/W conference calls (33-weekly calls July 2010 – March 2011)
- Additional weekly R/W conference calls are anticipated

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- Additional coordination and research regarding Utility easements and prior rights.

These items were not addressed in the original project scope. This task includes work by OCP (R/W acquisition services) – and by Associated Engineers/PB (R/W Engineering, and Research) and by Parsons (coordination and meetings). The budget for this task is split between Phase 1 and Phase 2 as follows: OPC:

Task 9 Additional Utility Coordination

Caltrans has new requirements for PS&E phase designer support of the Encroachment permit process for the installation of new utilities to be installed in new bridges. There have also been extensive staffing changes at five affected utilities (Time Warner Cable, Gas Company, Southern California Edison, Eastern Municipal Water District, and Verizon). The changes in staffing since the start of the PS&E phase in August-2008 have resulted in additional utility coordination meetings and multiple re-submittals of Utility correspondence for this project.

The Utility coordination activities during the 32-months since the start of the PS&E phase for the Moreno Beach Drive project has included five (5) meetings with SCE and five (5) with EMWD. We anticipate additional meetings in order to resolve all of the pending design coordination issues. In addition, there will be additional meetings needed for coordination with other affected utilities within Ironwood Avenue including Verizon and Time Warner Cable and The Gas Company.

Task 10 Air Quality Conformity Analysis Report (Moreno)

Amendment #3 task #9 included scope to provide updated "Air Quality Report(s) for Nason and Moreno Revalidations, but that task did not include the separate "Air Quality Conformity Determination Reports" that Caltrans required and then submitted to FHWA for their concurrence. The AQ Conformity Determination Report is an FHWA requirement and it involves preparing a separate stand-alone report formatted according to the latest FHWA template. The efforts to prepare this AQ Conformity report were not included in the AQ task from Amendment #3.

Task 11 Open House Meeting

The City anticipates that there will be one open house meeting held during the Construction phase for the SR60/Moreno Beach Drive Project. This task includes hours for (2) Parsons staff to attend this meeting along with the efforts to print and mount several display boards for these meetings.

Task 12 Life Cycle Cost Analysis (LCCA) – Additional Pavement Alternatives

It is assumed that a singled LCCA report will be prepared to cover both the Moreno Interchange (both phases) and the Nason Bridge projects. The total

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hours required to prepare the report will be split 50/50 between the Nason Bridge project and Phase 1 of the Moreno Beach Interchange Project. Parsons has prepared multiple design memoranda and held three conference calls in our attempts to obtain clear direction from Caltrans Materials group regarding the completion of a LCCA for this project. Work to date has included four iterations of a memorandum from Parsons' Geotechnical sub consultant – Earth Mechanics Inc, (Feb 4, 17, 22, 25, - 2011) in an effort to obtain District approval of proposed 20-year and 40-year pavement sections to be studied in the LCCA. (Approval of the pavement sections is still pending). The latest version of the memorandum dated 2-25-2011, includes (2)-rigid pavement and (3)-flexible pavement structural sections for 20- and 40-year pavements for: Ramps, Ramp Shoulders, Ramp termini, Auxiliary Lanes, Freeway Shoulders. It is understood that before completing the LCCA calculations Parsons and City will meet with District Materials to select no more than (2) rigid and (2) flexible pavement structural sections to be analyzed for the 20- and 40- year designs for Ramp, Ramp-shoulder, Ramp termini, Auxiliary Lane, and Mainline shoulder pavements. Note that Amendment #3 scope of work for the LCCA included comparing (1) HMA and (1) RHMA section for the Auxiliary Lanes and the Ramps. The budget requested for this task is to cover the additional alternatives being requested by Caltrans and the additional coordination required to obtain Caltrans approval of the approach and scope of the LCCA.

Task 13 Line K-1 Drainage Design Revisions

The budget for this task will be included in Phase 2 of the Moreno Beach Drive project.

Parsons submitted an original concept design for Line K-1 in February 2009 that was based upon available Line K design data from RCFCD at that time.

Since that original submittal, the RCFCD has completed their conceptual study for Line K and they have elected to obtain right-of-way for an inundation easement but they are do not have sufficient funds to construct the Line K improvements. Based upon this decision, the limits of grading at the downstream end of Line K-1 (where it connects to the future Line K) will require additional grading due to downstream sedimentation – which would have been addressed by RCFCD if they had proceeded with construction of Line K.

Pursuant to utility potholing along Ironwood Avenue for Line K-1, design changes including alignment revisions were made to avoid SCE poles, and utility vaults. East of Moreno Beach Drive the alignment was shifted approximately 10' northerly in order to minimize the cost of utility relocations. The revised alignment for the pipe minimized or eliminated the utility impacts as follows:

- Protect in place (2) SCE poles
- Avoids U/G telephone line and telephone vault and line near north edge of pavement on Ironwood

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- Revised design eliminated the planned replacement of the (2) 48" CMP pipes which cross Ironwood at the upstream end of Line K-1
- Revised design eliminates a complicated inlet structure and replaces it with a less expensive and easy to maintain grated drop inlet structure. This revised design also eliminates the need for an extensive maintenance turn-around and access easement at upstream end of Line K-1.
- Revised design minimized the impacts to jurisdictional waters and thereby reduces permitting fees and mitigation costs

A second benefit of the revised Line K-1 alignment is that it provides additional separation between the existing pavement on Ironwood Avenue and the proposed storm drain, such that the 90-inch pipe can be constructed without requiring temporary widening of the pavement along Ironwood Avenue.

The City has requested traffic control plans be provided (for construction of the crossing of Line K-1 at Moreno Beach Drive, and for the crossing of Line K-1 at the downstream end/Ironwood be prepared and including in the plan set). *(Per page 9 of 51, contract scope, task 22270: "It is anticipated that the storm drain will be constructed within the existing northerly shoulder of Ironwood Avenue and it is assumed that traffic control plans will not be required").* This task will include temporary traffic control plans for the Line K-1 construction at intersection of Ironwood/Moreno Beach Drive.

Task 14a Construction Phase Design Support – Phase 1

Phase 1 will be a separate project advertised, awarded and administered by the City. Parsons will provide Construction phase design support services for Phase 1 as part of this task.

Task 14b Construction Phase Design Support – Phase 2

Phase 2 will be a separate project advertised, awarded and administered by Caltrans. Parsons will provide Construction phase design support services for Phase 2 as part of this task.

Task 15 Burrowing Owls Survey – Step 1 - Habitat Assessment

Pursuant to obtaining "Multiple Species Habitat Conservation Plan" (MSHCP) consistency determination from the California Department of Fish and Game – CDFG required that we perform "step #1-Habitat Assessment for Burrowing Owls" within the project limits. This assessment must be completed during prior to the start of construction for the Moreno Beach Drive interchange project. Parsons staff will conduct the "Step #1" Habitat Assessment for Burrowing Owls' as described in the Environmental Commitment Record (ECR). We anticipate that there will be no evidence of burrowing owls and hence no further steps in the process would be required. The scope and budget for this task will include

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the field work for "Step 1", documentation of the assessment, a brief 1-2 page memorandum documenting the Assessment, and submittal of the assessment to Caltrans District 8 for their records. City authorized the owl surveys via email dated 9-2-2010; however this work has not yet been completed. If the "step 1" assessment identifies evidence of burrowing owls on the project site, then subsequent steps pursuant to burrowing owls survey protocol would be required—these subsequent steps have not been included in the scope and budget for this amendment.

Task 16 Materials Report Updates

The City of Moreno Valley intends to divide the– Moreno Beach Drive project into two phases; the first phase consisting of the improvements for the EB ramps and widening of Moreno Beach Drive south of SR-60, and the second phase consisting of the replacement of the bridge at SR60/Moreno Beach Drive and construction of (3) WB ramps and related auxiliary lanes. It is noted that the Geotechnical Report for the original project (Nason/SR60 and Moreno/SR60 as a combined project) has already been approved by Caltrans. However, the Materials Report has not yet been approved by Caltrans and will need to be updated to reflect an updated range of pavement structural sections pursuant to Caltrans LCCA requirements and to address the changes in project phasing and the fact that there will be (3) separate PS&E packages. It is noted that the Bridge Foundation Reports for SR60/Nason Street and SR60/Moreno Beach Drive, the Geotechnical Design Report and the Foundation Reports for Sound wall 60-954L and Retaining Wall 3805R all have been approved and hence it is assumed that these approved geotechnical reports will not need to be revised or resubmitted. The cost for updates to the Materials Report will be split 50/50 between the Phase 1 and Phase 2 Moreno Beach Drive projects.

Task 17 Additional Services to Address Changes in Caltrans or City Requirements (to be authorized separately by City)

This task is subject to specific authorization by the City, and is intended to provide hours and budget to cover specific unanticipated tasks that may arise due to changes in Caltrans standards or policies that could result in extra work to change or update the plans, specifications, or other project documents. Authorization to utilize any of this task budget is subject to approval by the City.

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PART 2 -- NASON BRIDGE PROJECT

1. **Project Management for extended Schedule**
2. **Funding Applications– (Measure A - RCTC)**
3. **Update Specifications - Caltrans "Plain Language SSP"**
4. **Updated 95% PS&E (Roadway)**
5. **Updated 95% PS&E (Structures)**
6. **Utility Coordination for new Utilities in Bridge**
7. **Geotechnical Support regarding City Stockpile**
8. **Air Quality Conformity Analysis Report**
9. **Open House Meetings (2)**
10. **Life Cycle Cost Analysis Support**
11. **Construction Phase Design Support**

Task 1 Project Management for extended Project Schedule

Due to the schedule extension of PS&E phase from July 2009 to April 2011 and the anticipated completion of the 100% PS&E by July 2011, the net schedule extension is a total of 21 months. This task is to cover meetings, schedule updates, and project management activities for the extended project schedule.

Task 2 Funding Applications Support

This task included preparing Funding Application and submittal to RCTC pursuant to Measure A Funds. Assume a maximum effort of 30 hours.

Task 3 Update Specifications – Caltrans Plain Language SSPs

Caltrans is currently implementing changes to all Caltrans standard special provisions with full implementation of the new "plain Language Specifications" required for any project that will be "Ready To List" after July 1, 2011. In addition, since the city will Advertise-Award-Administer (AAA) the construction phase for this project, we will need to integrate the City's "Contract Administration" boiler-plate specification with Caltrans updated plain language specifications. This task includes these updates to the SSP's and related updates to pay items and payment clauses in the contract bid package.
It is noted that the "City Boiler Plate" SSP was updated to provide consistency and integration with the Caltrans SSP's for the Nason-Ramp-Project (by others). The efforts of updating all Caltrans technical SSP's for the Nason Bridge Project (over 150 SSP's) since the last 95% submittal (July 2009) and the effort to edit the City Boiler Plate SSP for consistency with the new Caltrans SSP is included in this task.

MV00106262

Task 4 Updated 95% PS&E Submittal (Roadway)

Due to the extended project schedule, it has been over 21 months since the submittal of the first 95% PS&E (Roadway) for this project. Due to this elapsed time, there have been changes in design oversight and functional unit personnel at Caltrans. In addition, there have been ongoing changes to the "Nason Ramps Project Plans" during this 21-month period. As a result of these changes, there is a need to review and update the 95% PS&E, verify that changes by the Ramps project are fully reflected in the Nason Bridge PS&E, and that any new comments from new Caltrans reviewers. There have also been changes to the Utility undergrounding design by SCE – which require revisions to the contour grading, typical cross sections, and construction details along Nason Street. In addition, the City has updated their standard plans to require 6.5' wide sidewalks which must be updated in the plans, specifications and estimates. Caltrans will not accept a 100% submittal or consider the PS&E to be 100% until all of the 95% comments have been fully resolved and all the Caltrans functional units have approved the updates.

Task 5 Updated 95% PS&E Submittal (Structures)

This task is to cover the additional design effort that is required to update the 95% Bridge PS&E submittal and the 95% Precast Wall submittal, including updates to Specifications, finalizing bridge plans and combining the "Bridge PS&E" with the "Precast wall PS&E", including the SSP's into a single structures SSP package.

Task 6 Utility Coordination for new Utilities in Bridge

Caltrans has new requirements for PS&E phase designer support during the Encroachment permit process for the installation of new utilities to be installed in new bridges. There have also been extensive staffing changes at five affected utilities (Time Warner Cable, Gas Company, Southern California Edison, Eastern Municipal Water District, and Verizon). These changes in staffing since the start of the PS&E phase in August-2008 have resulted in additional utility coordination by Parsons and multiple re-submittals of Utility correspondence for this project.

This task includes the additional review time and coordination with EMWD and the designers from the Nason-Ramps project related to the EMWD 24" jack-and-bore design and the valve relocations design pursuant to the Nason Ramps project.

Task 7 Geotechnical Support – City Stockpile

The city has a stockpile of excess earthen fill material located several miles south of the Nason/SR60 project site and would like it to be incorporated into the Nason-Bridge-PS&E package as an available Materials Site. This task will include performing the following tasks:

MV00106263

Part A - Assist City in completing and assembling the following documentation: Documentation demonstrating that the site is exempt or in compliance with Surface Mining and Reclamation Act (SMARA), (that is listed on the AB 3098 (SMARA) eligible list); and

1. Provide a site plan, including site limits and access roads
2. Obtain property owner agreements, (see Caltrans Construction Manual, Chapter 3, Section 6, "Local Materials")
3. Provide release of liability (Parsons to prepare letter, City to sign letter)
4. Provide final property owner agreement(s) – (Assumption: Since the City owns site, the agreement will be letter of permission from City. Parsons to draft a letter for City review and signature on City letterhead)
5. Provide environmental compliance documentation prepared by qualified environmental specialists (Assumption: Parsons/EMI will utilize a qualified Laboratory/soils testing firm to test soils samples for contaminants per Caltrans requirements. Work product is limited to test results and brief memo to summarize the results).
6. Obtain or update the necessary permits, licenses, and agreements (include supporting environmental documents from appropriate regulatory and governmental agencies)- Assumption: This task is limited to the memorandum per item #5 above. It is assumed that during the construction phase, if a Contractor elects to utilize this borrow site, he will need to obtain a permit from City for proposed grading and proposed haul route to the project site).
7. Provide final grading plan (This task will consist of preparing a simple grading plan based upon existing topographic base from the 1997 Group Delta Report regarding the subject site. It is assumed that City can provide a microstation CAD file the topographic base from the related Nason Street widening project)
8. Prepare Draft Stormwater Pollution Prevention Plan (for the Borrow site).

Addendum #3 of the Nason Ramp Project in order to obtain Caltrans approval and the geotechnical "clearance process" required to list the City's stockpile as an available "borrow site" for the Nason Bridge Project. If the stockpile is not used by the Contractor for that project, City may then decide to make use of the stockpile a "mandatory requirement" as part of the bid-package for the Phase 1 – Moreno Beach Drive project.

Part B – This task includes the soils boring and testing program proposed by EMI that we anticipate would fulfill Caltrans requirements to "clear" this fill material such that its use within Caltrans embankments would be "pre-approved" and the Contractors bidding on the project would I know that they have a pre-approved local borrow site.

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Task 8 Air Quality Conformity Analysis Report (Nason)

Amendment #3 task #9 included scope to provide an updated "Air Quality Report" for the SR-60/Nason Bridge project Revalidations. However, that task did not include a separate stand-alone "Air Quality Conformity Determination Report" that Caltrans required for submittal to FHWA. The AQ Conformity Determination Report is an FHWA requirement and it involves preparing stand-alone report formatted according to the latest FHWA template. The efforts to prepare this AQ Conformity report are included under this task.

Task 9 Open House Meetings (2)

The City anticipates that there will be (2) open house meetings held during the Construction phase for the SR60/Nason Bridge Project. This task includes hours for (2) Parsons Staff to attend these meetings along with the efforts to print and mount several display boards for these meetings.

Task 10 Life Cycle Cost Analysis (LCCA) – Additional Pavement Alternatives

Parsons has prepared multiple design memoranda and held three conference calls and implemented several strategies with input from City and Caltrans Design oversight staff in the effort to obtain direction from Caltrans Materials group and concurrence for the scope and approach for the completion of a LCCA for this project. Work to date on this task has included four iterations of a memorandum from Parsons' Geotechnical sub consultant – Earth Mechanics Inc, (Feb 4, 17, 22, 25, - 2011) in an effort to get approval from District Materials group regarding the 20-year and 40-year pavement sections to be studied in the LCCA. (Approval of the pavement sections is still pending District Approval). The latest version of the memorandum dated 2-25-2011, includes (2)-rigid pavement and (3)-flexible pavement structural sections for 20- and 40-year pavements for: Ramps, Ramp Shoulders, Ramp termini, Auxiliary Lanes, Freeway Shoulders. It is understood that before completing the LCCA calculations Parsons and City will meet with District Materials to select no more than (2) rigid and (2) flexible pavement structural sections to be analyzed for the 20- and 40- year designs for Ramp, Ramp-shoulder, Ramp termini, Auxiliary Lane, and Mainline shoulder pavements. Note that Amendment #3 scope of work for the LCCA included comparing (1) HMA and (1) RHMA section for the Auxiliary Lanes and the Ramps. The budget requested for this task is to cover the additional alternatives being requested by Caltrans and the additional coordination required to obtain Caltrans approval of the approach and scope of the LCCA.

Task 11 Construction Phase Design Support

The original contract budget for "construction phase design support" was eliminated and this task was de-scoped as part of Amendment #2. The original Hours and budget for this task will be restored herein as part of Amendment #4.

MV00106265

Task 12 Local Assistance Forms (For Federal Funding)

This task includes completion of (1) set of Local Assistance Forms pursuant to Caltrans Local Assistance requirements and procedures in order to request obligation of the Federal Funding that has been identified for this project.

Task 13 Additional Services to Address Changes in Caltrans or City Requirements (to be authorized separately by City)

This task is subject to specific authorization by the City, and is intended to provide hours and budget to cover specific unanticipated tasks that may arise due to changes in Caltrans standards or policies that could result in extra work to change or update the plans, specifications, or other project documents. Authorization to utilize any of this task budget is subject to approval by the City.

ASSUMPTIONS/EXCLUSIONS:

1. Additional Management and Engineering Services due to any additional schedule extensions beyond the 18-month PS&E schedule described herein are not included in this amendment.
2. Timely cooperation by Caltrans in order to complete the environmental revalidation within 8 months of NTP is assumed.
3. Any additional utility coordination to address new utilities or additional changes by Utility companies beyond the items addressed herein is not included in this amendment.
4. Renewal of any expired permits (e.g. biological, environmental) caused by delayed advertisement or construction of project beyond the 12-month (phase 1) and 18-month (phase 2) schedule assumed herein.
5. Before Re-validation begins, there will be a scoping meeting with Caltrans Environmental staff to confirm Schedule, Scope and Deliverables for the Environmental Re-validation phase.
6. Phase 1 and Phase 1 PS&E work will run concurrent with the Environmental Revalidations
7. PS&E for EB Ramps will begin as soon as City provides NTP
8. City Will AAA (Advertise, Award, Administer) the Construction of the EB-Ramps at Moreno.
9. Caltrans will AAA – the construction phase for WB ramps and Bridge and Moreno.
10. Line K-1 will remain a "stand alone" construction package, and will need to be constructed concurrent with or before completion of the Phase 2 – WB ramps project.
11. City and Caltrans will update the Co-op for Moreno Design and Construction Phase

MV00106266

12. City and Parsons will proceed to finalize the R/W for South side first so that R/W cert can be achieved for Phase 1 project.
13. Schedule delays due to R/W condemnation that extend Phase 1 beyond 12-months or Phase 2 beyond 18 months are not included in this amendment.
14. City/Parsons will submit the Environmental Permit Applications for the "entire Moreno Project" (including Phase 1 and 2).
15. Separate R/W requirements maps and R/W appraisal maps for Moreno Beach (Phase 1 and Phase 2) will not be required.
16. The R/W acquisitions for the SR60/Moreno Beach Drive Project are based upon the original # of property impacts. As of May 2, 2011, there are 6 Owners that are in escrow or have closed escrow. As of May 2, 2011, there are 10 Owners remaining for which negotiations are still pending or ongoing. It is assumed the all 10 Owners will reach agreement with City by December 2011, and that none of the 10 will require eminent domain proceedings. It is assumed that all of the required parcels on the south side of SR60/Moreno required for Phase 1, will be obtained and escrow closed such that the project team can achieve a Right of Way Certification target date of February 15, 2012.

MV00106267

AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

SPLIT PS&E INTO (2) PHASES AND COMPLETE ENV REVALIDATIONS

PARSONS STAFF - LABOR HOURS AND COSTS

STAFF & PROJECT TITLE		SPEIRS	Gonzalez Betcher	SAGHAFI	Merrill	LEES	SANDRA - UTHAYA	MULLANGI	PEARMAN	Tedore	STRASSNER	TOTAL	DIRECT	NOTES	PHASE 1	PHASE 2
TASK NO. - Description		Project Manager	Roadway Design Lead Engineer	Senior Engineer	Roadway Associate	SR Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR		Incl OH & fee	Incl OH & fee
	MORENO BEACH DR PS&E															
1	Project Management for extended PS&E phase	80	80								40	200	$14,042	5 hrs/month for 39 months	$19,570.34	$19,570.34
2	Funding Applications	10	10	40					4	10		74	$4,615		$12,871.99	
3	Phase 1 - Repackage PS&E for EB Ramps	8	24	120	280	44			97			553	$27,260	Design revision, and 143 plans + reports, Specs &Est updates	$76,984.52	
4	Phase 2 - Repackage PS&E for WB ramps and Bridge	16	48	180	350	140			154			888	$44,696	Design revisions and 192 plans,+ SSPs, reports and Est to update		$124,586.30
5	Environmental Re-validation (split Moreno 2 packages)	40	40						40	300		420	$20,432	assume cover memos, no new analysis	$56,953.27	
6	Environmental Permitting and Mitigation Support	4							16	60		80	$3,533	coord for MSCHP and explain split etc	$9,848.22	
7	Right of way Certification - Phase 1	16	16									32	$2,476	phase 1 R/W cert	$6,902.94	
8	Additional Right of Way Parcels & Negotiations	20	20									40	$3,096	33 s/w cont calls to date	$4,314.34	$4,314.34
9	Utility Coordination & New Utilities in Bridge	12	12	10		60			20			114	$6,535	expanded utility coord.	$18,216.69	
10	AQ Conformity Analysis Report (First Re-validation)	6								24		30	$1,509	from First Revalidation, was not in the scope	$4,205.52	
11	Open House Meeting (1)	4	4						8			16	$965	one open house only	$2,690.84	
12	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections	$12,094.86	
13	Line K-1 Drainage Design Updates	8	60	60	40				20			188	$11,150	additional plans and design changes		$31,079.73
14a	Construction Phase Design Support (Phase 1)	22	120	20			8	8	92		40	310	$17,971	Phase 1	$50,092.81	
14b	Construction Phase Design Support (Phase 2)	22	134	26			36	56	92		40	406	$23,005	Phase 2		$64,122.80
15	Burrowing Owls Survyeys (Step 1 only)	2								12		14	$670	This survey can be completed upon NTP and must be done	$1,866.78	
16	Materials Report Updates (see below for EMI costs)	2	8						2			12	$817	review & coord for Report updates	$2,276.86	
17	Additional Services to address Changes in Caltrans or City requirements	20	20	80	50	40			40			250	$15,278	additional services (to be authorized by City)	$42,578.21	
	totals	296	600	596	730	284	44	64	585	406	120	3725	$202,391		$320,471.39	$243,673.50
PARSONS TOTAL FOR DESIGN PHASE		296	600	596	730	284	44	64	585	406	120	3725				
TOTAL DIRECT LABOR COSTS		$25,059	$42,072	$36,652	$30,660	$15,114	$2,635	$2,671	$25,319	$16,930	$4,979		$202,391			
											Overhead	153.40%	$310,468			
											Profit	10%	$51,286			
											Escalation	8%	$0			
											TOTAL LABOR COSTS		$564,145			

check: $564,145

	SUBCONSULTANTS AND DIRECT COSTS	MORENO (Phases 1 +2	PHASE 1	PHASE 2
	PARSONS DIRECT COSTS	$8,200	$4,100	$4,100
Task 16	EARTH MECHANICS (Materials Report Updates)	$4,940	$4,940	
Task 3	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 1 split)	$4,206	$4,206	
Task 4	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 2 split)	$3,300		$3,300
Task 3	TATSUMI-LANDSCAPE PLANS (phase 1 split)	$2,500	$2,500	
Task 4	TATSUMI-LANDSCAPE PLANS (phase 2 split)	$15,845		$15,845
Task 7	OPC - R/W Cert for Phase 1 (phase 2 is in org scope)	$5,000	$5,000	
Task 8	OPC - Additional R/W SUPPORT	$157,000	$100,000	$57,000
Task 8	AE/PB -ROW ENGINEERING	$14,087.43	$14,087.43	
Task 18	AE/PB -Prepare EMWD Water line Quit Claim legals, plats, deed	$6,403.82	$6,403.82	
	Subs + ODC	$221,482.25	$141,237	$80,245
	LABOR	$564,144.90	$320,471	$243,674
	TOTAL -PHASE 1 - MORENO		$461,708.64	
	TOTAL -PHASE 2 - MORENO			$323,918.50

S:_OPEN JOBS\47046 - SR60-Moreno Beach Dr. IC\Admin\AMENDMENTS\AMENDMENT_4A\Amend_4_Exhibit B_Costs_2011-05-23.xlsx

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AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

PS&E UPDATES, SCHEDULE EXTENSION, AND NEW TASKS

PARSONS STAFF - LABOR HOURS AND COSTS

	STAFF & PROJECT TITLE	SPEIRS	Gonzalez Bettcher	SAGHAFI	Merritt	LEES	SANDRA - UTHAYA	MULLANGI	PEARMAN	Todaro	STRASSNER	TOTAL	DIRECT	
	TASK NO. - Description	Project Manager	Roadway Design Lead Engineer	senior Engineer	Roadway Associate	SR Utility Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR	notes
		$84.66	$70.12	$52.00	$42.00	$53.22	$59.88	$41.73	$43.28	$41.70	$41.49			
	NASON STREET/SR60 PS&E													
1	Project Management for extended PS&E phase	50	50								20	120	$8,569	3.6 hrs/month X 33 months
2	Funding Application (RCTC)	4	24						2			30	$2,108	1 application
3	Update Specifications - Caltrans Plain Language SSP	4	8	120								132	$8,340	(175) pay items, over 150 SSPs to update
4	Updated 95% PS&E Submittal (Roadway)	32	82	240	240	40			197			831	$44,074	(176) plans, and 3 reports to update
5	Updated 95% PS&E submittal (Structures)	4	4				40	80	80			208	$9,815	(52) plans, specs, estimates
6	Utility Coordination - New Utilities in Bridge	24				80			8			112	$6,636	additional coord, interim poles etc
7	Geotechnical Support - City Stockpile	12	36	30					6			84	$5,660	see scope for details
8	AQ Conformity Analysis Report for Re-Validation	6								24		30	$1,509	from 1st Env Revalidation
9	Open House Meetings (2)	8	8							8		24	$1,572	new
10	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections
11	Construction Phase Design Support (restore Orig Budget)	17	129	26			36	56	52	36	38	390	$21,918	same hrs as original contract (restored)
12	Local Assistance Forms (FOR FEDERAL FUNDING)	20	40									60	$4,498	
13	Additional Services to address Changes in Caltrans or City requirements (to be authorized by City)	20	20	60	60	20			20			200	$11,266	
	Totals	**205**	**405**	**536**	**300**	**140**	**76**	**136**	**365**	**68**	**58**	**2289**	**$130,302**	
	PARSONS TOTAL FOR DESIGN PHASE	205	405	536	300	140	76	136	365	68	58	2289		
	TOTAL DIRECT LABOR COSTS	$17,355	$28,399	$33,232	$12,600	$7,451	$4,551	$5,675	$15,797	$2,836	$2,406		$130,302	

Overhead	153.40%	$199,883
Profit	10%	$33,019
Escalation	0%	$0
TOTAL LABOR COSTS		$363,204

NASON TASK	SUBCONSULTANTS AND DIRECT COSTS	NASON
	PARSONS DIRECT COSTS	$6,062
Task 5	ACT-TRAFFIC ELECTRICAL DESIGN (NASON)	$3,498
Task 5	TATSUMI-LANDSCAPE PLANS (NASON)	$15,845
Task 7	EARTH MECHANICS & PARSONS (STOCK PILE Clearanc	$10,740
	Subs + ODC	$36,145.25

NASON TOTAL	$399,349.27

MV00106269

SR-60/MORENO SUMMARY OF SHEETS FOR "PS&E-SPLIT" --- DATE 5-02-2011

SHEET / DISCIPLINE	MORENO BEACH (ORIGINAL SHEET COUNT)	PHASE 1	PHASE 2	
Title Sheet	1	1	1	
Typical Cross-Sections	8	4	4	
Key Map and Line Index	1	1	1	
Layout Plans	5	4	5	only (5) layouts in original plan set
Profile Plans and Superelevation Diagrams	13	6	9	
Construction Details*	19	15	15	
Water Pollution Control Plans & SWDR	7	4	5	reivsed based upon footprint for P1 and P2
Contour Grading Plans	5	4	5	
Drainage Plans	5	4	5	
Drainage Profiles	10	5	6	
Drainage Details & Quantities	28	14	14	102
Utility Plans	6	4	5	
Stage Construction Index sheets	3	3	3	
Traffic Handling Plans	16	8	16	
Traffic Handling Quantities	5	3	3	
Detour Plans**	3	3	3	
Detour Quantities				
Construction Area Signs and Key map Sheets	4	4	4	
Construction Area Sign Details	1	1	1	
Pavement Delineation Plans	6	4	5	
Pavement Delineation Quantities & Details	3	3	3	includes (1) detail sheet and (2) quant sheets P1 and P2
Sign Plans	5	5	5	
Sign Plans - Overhead & Roadside Sign Details***	17	9	9	
Bridge Mounted Sign Details (included with Sign Details)				
Summary of Quantities Sheets	4	2	2	
Plant List	1	0	1	
Planting plans	5	0	5	
Irrigation Plans	5	0	5	
Sprinkler Schedule	1	0	1	
Electrical - Lighting	11	5	6	
Electrical - Traffic Signals (Ultimate and Temp) & interconnect	15	10	10	updated sheet count P1 and P2, sheets E-20,21,28,30 common to P1 and P2, sheets E-15-19 and 29 are P1-only, sheets E22-27 P2-only
Electrical - Ramp Meter Plans (3 locations)	3	2	3	
Electrical - Bridge	1	0	1	
Electrical - Details (included above)				
retaining wall plans	3	3	0	
Bridge Plans	39	0	39	
TOTAL # PLAN SHEETS	259	131	200	
Plan Sheet by Subs (separate budget item)		17	32	
Plan Sheets by Parsons	242	114	168	

phase 1	phase 2
tatsumi	tatsumi
0	12
ACT	ACT
17	20

128	Road Plans (phase 1)
3	Structure Plans (phase 1)
131	total

161	Road Plans (phase 2)
39	Structure Plans (phase 2)
200	total

hrs/sheet	TASK			
3.50	REPACKAGE 95% PS&E and separate PS&E into phase 1 and phase 2		399	588
1.25	Hours for Parsons to check & update Sheets by Subs		21	40
	District and HQ Office Engineer Review		40	200
	QA/QA plans, Specs and Estimates		60	70
		hours totals	520	898
			phase 1 MORENO	phase 2 MORENO

Ph 1 + 2 (HRS)	
1418	5-2-2011 update
1441	3-25-2011 totals

MV00106270

AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

SPLIT PS&E INTO (2) PHASES AND COMPLETE ENV REVALIDATIONS

PARSONS STAFF - LABOR HOURS AND COSTS

STAFF & PROJECT TITLE		SPEIRS	Gonzalez Betcher	SAGHAFI	Merrin	LEES	SANDRA - UTHAYA	MULLANGI	PEARMAN	Todaro	STRASSNER	TOTAL	DIRECT	NOTES	PHASE 1	PHASE 2
TASK NO. - Description		Project Manager	Roadway Design Lead Engineer	senior Engineer	Roadway Associate	SR Engineer	Structures Lead	Structural Engineer	CADD, Sr.	Environmental Planner	ADMIN	LABOR	LABOR		incl OH & fee	incl OH & fee
	MORENO BEACH DR PS&E															
1	Project Management for extended PS&E phase	80	80								40	200	$14,042	5 hrs/month for 39 months	$19,570.34	$19,570.34
2	Funding Applications	10	10	40					4	10		74	$4,618		$12,871.99	
3	Phase 1 - Repackage PS&E for EB Ramps	8	24	120	260	44			97			553	$27,260	Design revision, and 143 plans + reports, Specs &Est updates	$75,984.52	
4	Phase 2 - Repackage PS&E for WB ramps and Bridge	16	48	180	350	140			154			888	$44,696	Design revisions and 192 plans,+ SSPs, reports and Est to update		$124,586.30
5	Environmental Re-validation (split Moreno 2 packages)	40	40						40	300		420	$20,432	assume cover memos, no new analysis	$66,953.27	
6	Environmental Permitting and Mitigation Support	4							16	60		80	$3,533	coord for MSCHP and explain split etc	$9,848.22	
7	Right of way Certification - Phase 1	16	16									32	$2,476	phase 1 R/W cert	$6,902.94	
8	Additional Right of Way Parcels & Negotiations	20	20									40	$3,096	33 r/w conf calls to date	$4,314.34	$4,314.34
9	Utility Coordination & New Utilities in Bridge	12	12	10		60			20			114	$6,536	expanded utility coord	$18,218.89	
10	AQ Conformity Analysis Report (First Re-validation)	6								24		30	$1,609	from First Revalidation, was not in the scope	$4,205.52	
11	Open House Meeting (1)	4	4						8			16	$965	one open house only	$2,690.84	
12	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections	$12,094.86	
13	Line K-1 Drainage Design Updates	8	60	60	40				20			188	$11,150	additional plans and design changes		$31,079.73
14a	Construction Phase Design Support (Phase 1)	22	120	20			6	6	92		40	310	$17,971	Phase 1	$50,082.81	
14b	Construction Phase Design Support (Phase 2)	22	134	26			36	58	92		40	405	$23,005	Phase 2		$64,122.80
15	Burrowing Owls Survyeys (Step 1 only)	2								12		14	$670	This survey can be completed upon NTP and must be done	$1,866.78	
16	Materials Report Updates (see below for EMI costs)	2	8						2			12	$817	review & coord for Report updates	$2,276.86	
17	Additional Services to address Changes in Caltrans or City requirements	20	20	80	80	40			40			280	$15,278	additional services (to be authorized by City)	$42,579.21	
	totals	296	600	596	730	284	44	64	585	406	120	3725	$202,391		$320,471.39	$243,673.50
PARSONS TOTAL FOR DESIGN PHASE		296	600	596	730	284	44	64	585	406	120	3725				
TOTAL DIRECT LABOR COSTS		$26,059	$42,072	$36,962	$30,660	$15,114	$2,635	$2,671	$26,319	$16,930	$4,979		$202,391		check:	$564,145
											Overhead	153.40%	$310,468			
											Profit	18%	$51,286			
											Escalation	0%	$0			
											TOTAL LABOR COSTS		$564,145			

	SUBCONSULTANTS AND DIRECT COSTS	MORENO (Phases 1 +2	PHASE 1	PHASE 2
	PARSONS DIRECT COSTS	$8,200	$4,100	$4,100
Task 16	EARTH MECHANICS (Materials Report Updates)	$4,940	$4,940	
Task 3	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 1 split)	$4,206	$4,206	
Task 4	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 2 split)	$3,300		$3,300
Task 3	TATSUMI-LANDSCAPE PLANS (phase 1 split)	$2,500	$2,500	
Task 4	TATSUMI-LANDSCAPE PLANS (phase 2 split)	$15,845		$15,845
Task 7	CPC - R/W Cert for Phase 1 (phase 2 is in orig scope)	$5,000	$5,000	
Task 8	CPC - Additional R/W SUPPORT	$157,000	$100,000	$57,000
Task 6	AE/PB -ROW ENGINEERING	$14,087.43	$14,087.43	
Task 18	AE/PB -Prepare ENWD Water line Quit Claim legals, plats, deed	$6,403.82	$6,403.82	
	Subs + ODC	$221,482.25	$141,237	$80,245
	LABOR	$564,144.90	$320,471	$243,674
	TOTAL -PHASE 1 - MORENO		$461,708.64	
	TOTAL -PHASE 2 - MORENO			$323,918.50

S:_OPEN JOBS\847048 - SR60-Moreno Beach Dr. IC\Admin\AMENDMENTS\AMENDMENT_4A\Amend_4_Exhibit B_Costs_2011-05-23.xlsx

MV00106271

AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

PS&E UPDATES, SCHEDULE EXTENSION, AND NEW TASKS

PARSONS STAFF - LABOR HOURS AND COSTS														
STAFF & PROJECT TITLE		SPEIRS	Gonzalez Botcher	SAGHAFI	Merritt	LEES	SANDIRA + UTHAYA	MULLANGI	PEARMAN	Todaro	STRASSNER	TOTAL	DIRECT	
TASK NO. - Description		Project Manager	Roadway Design Lead Engineer	senior Engineer	Roadway Associate	SR Utility Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR	notes
	NASON STREET/SR60 PS&E	$84.66	$70.12	$62.00	$42.00	$53.22	$69.88	$41.73	$43.28	$41.70	$41.49			
1	Project Management for extended PS&E phase	50	50								20	120	$8,569	3.6 hrs/month X 33 months
2	Funding Application (RCTC)	4	24						2			30	$2,108	1 application
3	Update Specifications - Caltrans Plain Language SSP	4	8	120								132	$8,340	(175) pay items, over 150 SSPs to update
4	Updated 95% PS&E Submittal (Roadway)	32	82	240	240	40			197			831	$44,074	(176) plans, and 3 reports to update
5	Updated 95% PS&E submittal (Structures)	4	4				40	80	80			208	$9,815	(52) plans, specs, estimates
6	Utility Coordination - New Utilities in Bridge	24				80			8			112	$6,636	additional coord, interim poles etc
7	Geotechnical Support - City Stockpile	12	36	30					6			84	$5,660	see scope for details
8	AQ Conformity Analysis Report for Re-Validation	6								24		30	$1,509	from 1st Env Revalidation
9	Open House Meetings (2)	8	8							8		24	$1,572	new
10	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections
11	Construction Phase Design Support (restore Orig Budget)	17	129	26			36	56	52	36	38	390	$21,918	same hrs as original contract (restored)
12	Local Assistance Forms (FOR FEDERAL FUNDING)	20	40									60	$4,498	
13	Additional Services to address Changes in Caltrans or City requirements (to be authorized by City)	20	20	60	60	20			20			200	$11,266	
	Totals	**205**	**405**	**536**	**300**	**140**	**76**	**136**	**365**	**68**	**58**	**2289**	**$130,302**	
PARSONS TOTAL FOR DESIGN PHASE		205	405	536	300	140	76	136	365	68	58	2289		
	TOTAL DIRECT LABOR COSTS	$17,355	$26,399	$33,232	$12,600	$7,451	$4,551	$5,675	$15,797	$2,836	$2,406		$130,302	

Overhead	153.40%	$199,883
Profit	10%	$33,019
Escalation	0%	$0
TOTAL LABOR COSTS		$363,204

NASON TASK	SUBCONSULTANTS AND DIRECT COSTS	NASON
	PARSONS DIRECT COSTS	$6,062
Task 5	ACT-TRAFFIC ELECTRICAL DESIGN (NASON)	$3,498
Task 5	TATSUMI-LANDSCAPE PLANS (NASON)	$15,845
Task 7	EARTH MECHANICS & PARSONS (STOCK PILE Clearanc	$10,740
	Subs + ODC	$36,145.25

NASON TOTAL	$399,349.27

MV00106272

SR-60/MORENO SUMMARY OF SHEETS FOR "PS&E-SPLIT" --- DATE 5-02-2011

SHEET / DISCIPLINE	MORENO BEACH (ORIGINAL SHEET COUNT)	PHASE 1	PHASE 2	
Title Sheet	1	1	1	
Typical Cross-Sections	8	4	4	
Key Map and Line Index	1	1	1	
Layout Plans	5	4	5	only (5) layouts in original plan set
Profile Plans and Superelevation Diagrams	13	6	9	
Construction Details*	19	15	15	
Water Pollution Control Plans & SWDR	7	4	5	reivsed based upon footprint for P1 and P2
Contour Grading Plans	5	4	5	
Drainage Plans	5	4	5	
Drainage Profiles	10	5	6	
Drainage Details & Quantities	28	14	14	102
Utility Plans	6	4	5	
Stage Construction Index sheets	3	3	3	
Traffic Handling Plans	16	8	16	
Traffic Handling Quantities	5	3	3	
Detour Plans**	3	3	3	
Detour Quantities				
Construction Area Signs and Key map Sheets	4	4	4	
Construction Area Sign Details	1	1	1	
Pavement Delineation Plans	6	4	5	
Pavement Delineation Quantities & Details	3	3	3	includes (1) detail sheet and (2) quant sheets P1 and P2
Sign Plans	5	5	5	
Sign Plans - Overhead & Roadside Sign Details***	17	9	9	
Bridge Mounted Sign Details (included with Sign Details)				
Summary of Quantities Sheets	4	2	2	
Plant List	1	0	1	phase 1 - phase 2
Planting plans	5	0	5	
Irrigation Plans	5	0	5	tatsumi tatsumi
Sprinkler Schedule	1	0	1	0 12
Electrical - Lighting	11	5	6	
Electrical - Traffic Signals (Ultimate and Temp) & interconnect	15	10	10	updated sheet count P1 and P2, sheets E-20,21,28,30 common to P1 and P2, sheets E-15-19 and 29 are P1-only; sheets E22-27 P2-only
Electrical - Ramp Meter Plans (3 locations)	3	2	3	
Electrical - Bridge	1	0	1	ACT ACT
Electrical - Details (included above)				17 20
retaining wall plans	3	3	0	
Bridge Plans	39	0	39	
TOTAL # PLAN SHEETS	**259**	**131**	**200**	
Plan Sheet by Subs (separate budget item)		**17**	**32**	
Plan Sheets by Parsons	**242**	**114**	**168**	

128	Road Plans (phase 1)
3	Structure Plans (phase 1)
131	total

161	Road Plans (phase 2)
39	Structure Plans (phase 2)
200	total

hrs/sheet	TASK			
3.50	REPACKAGE 95% PS&E and separate PS&E into phase 1 and phase 2		399	588
1.25	Hours for Parsons to check & update Sheets by Subs		21	40
	District and HQ Office Engineer Review		40	200
	QA/QA plans, Specs and Estimates		60	70
		hours totals	**520**	**898**
			phase 1 MORENO	**phase 2 MORENO**

Ph 1 + 2 (HRS)	
1418	5-2-2011 update
1441	3-25-2011 totals

MV00106273

Associated Engineers, Inc.

City of Moreno Valley
State Route 60 / Moreno Beach – PHASE II
02-18-2011

SCOPE OF WORK – ADDITIONAL EFFORT

1.00 Control Survey and Base Data Review

No additional effort.

2.00 Aerial Topographic Mapping

No additional effort.

3.00 Design Data Surveys

No additional effort.

4.00 Utility Surveys and Mapping

No additional effort.

5.00 Right-of-Way Engineering

Additional effort is summarized as follows:

- **Weekly R/W Acquisition Status Meetings** – participation in weekly status meetings was not anticipated in our original scope of work: thirty seven (37) meetings attended through March 7, 2011.

- **Land Title Gap in parcel ownerships at Ironwood** – three affected parcels on the north side of Ironwood have clouded title within the strip of land between the north line of Ironwood, and the south line of Section 34. This strip of land is approximately 55' wide and is caused by inconsistencies in the historic mapping of said section line, and the resulting grant deeds. Effort is required for additional title and survey research, field surveys, boundary analysis and preparation of additional acquisition documents, which was not anticipated in our original scope of work.

ASSOCIATED ENGINEERS, INC.

PB 177725A

02/18/11

SR 60 / Moreno Beach Drive Interchange and Nason Street Overcrossing Improvements, City of Moreno Valley
Additional Effort - Surveying & Mapping Services - Moreno Beach

	TASKS	Survey Task Leader	Chief of Surveys	Land Surveyor	Survey Technician	CADD Technician	3-Man Field Crew*	2-Man Field Crew*	Clerical	Proj Admin	TOTAL HOURS	TOTAL COST
	Rates:	$190.92	$132.57	$138.95	$110.45	$103.52		$245.33	$65.08	$89.78		
3.0	**Design Data Surveys**											
3.1											0	$0.00
3.2											0	$0.00
3.3											0	$0.00
3.4											0	$0.00
4.0	**Utility Surveys & Mapping**											
4.1											0	$0.00
5.0	**Right of Way Engineering**										0	$0.00
5.1	participate in weekly status calls (37 ea)	37								2	39	$7,243.60
5.2	Land title gap, 3 parcels at Ironwood	6	2	12	16	2		5	4	2	49	$6,718.83
5.3											0	$0.00
5.4											0	$0.00
5.5											0	$0.00
5.6											0	$0.00
5.7											0	$0.00
5.8											0	$0.00
5.9											0	$0.00
	Total Hours	43	2	12	16	2	0	5	4	4	88	
	Total Costs	$8,209.56	$265.14	$1,667.40	$1,767.20	$207.04	$0.00	$1,226.65	$260.32	$359.12		$13,962.43

Rates shown are based on Overhead rate of 127.48% plus fee of 10%

* Prevailing Wage rates for field personnel

ODC Sidebar:

Messenger & delivery costs	est.	$75.00
Repro and photocopy	est.	$50.00
Pothole Digging (KanTex)		$0.00
Total Other Direct Costs:		**$125.00**

ODC Total: **$125.00**

Total Cost: **$14,087.43**

AddCost-SR 60-MBeach_02-18-2011.XLS

MV00106275

Associated Engineers
A subsidiary of PB Americas

3311 E. Shelby Street
Ontario, CA 91764-4872
909- 980-1982
Fax: 909-941-0891

City of Moreno Valley
State Route 60 / Moreno Beach – PHASE II
05-17-2011

SCOPE OF WORK – ADDITIONAL EFFORT

1.00 Control Survey and Base Data Review

No additional effort.

2.00 Aerial Topographic Mapping

No additional effort.

3.00 Design Data Surveys

No additional effort.

4.00 Utility Surveys and Mapping

No additional effort.

5.00 Right-of-Way Engineering

Additional effort is summarized as follows:

- **Prepare Exhibits for Quitclaim Deeds for EMWD Easements** – two existing Eastern Municipal Water District easements (approximately 3000 LF) will be quitclaimed following relocation of their facilities for; exhibits (legal description and plats) will be prepared in accordance with EMWD standards for easements recorded 12/17/1962 as Instrument No. 113386, Official Records, and easement recorded in Book 3276, Page 419.

ASSOCIATED ENGINEERS, INC.
PB 177725A

05/16/11

SR 60 / Moreno Beach Drive Interchange and Nason Street Overcrossing Improvements, City of Moreno Valley
Additional Effort - Surveying & Mapping Services - Moreno Beach

	TASKS	Survey Task Leader	Chief of Surveys	Land Surveyor	Survey Technician	CADD Technician	3-Man Field Crew*	2-Man Field Crew*	Clerical	Proj Admin	TOTAL HOURS	TOTAL COST
	Rates:	$190.92	$132.57	$138.95	$110.45	$103.52		$245.33	$65.08	$89.78		
3.0	**Design Data Surveys**											
3.1											0	$0.00
3.2											0	$0.00
3.3											0	$0.00
3.4											0	$0.00
4.0	**Utility Surveys & Mapping**											
4.1											0	$0.00
5.0	**Right of Way Engineering**										0	$0.00
5.1	Prepare EMWD easmt quitclaim deeds	4		10	20	16			4		54	$6,278.82
5.2											0	$0.00
5.3											0	$0.00
5.4											0	$0.00
5.5											0	$0.00
5.6											0	$0.00
5.7											0	$0.00
5.8											0	$0.00
5.9											0	$0.00
	Total Hours	4	0	10	20	16	0	0	4	0	54	
	Total Costs	$763.68	$0.00	$1,389.50	$2,209.00	$1,656.32	$0.00	$0.00	$260.32	$0.00		$6,278.82

Rates shown are based on Overhead rate of 127.48% plus fee of 10%

* Prevailing Wage rates for field personnel

ODC Sidebar:

Messenger & delivery costs	est.	$75.00
Repro and photocopy	est.	$50.00
Pothole Digging (KanTex)		$0.00

Total Other Direct Costs: $125.00

ODC Total: $125.00

Total Cost: $6,403.82

AEPB_Cost-EMWD-QC_05-16-2011.XLS

MV00106277

Earth Mechanics, Inc.

Geotechnical & Earthquake Engineering

MEMORANDUM

EMI Project No. 05-140

Date: May 18, 2011

To: David Speirs / Parsons

From: Eric Brown, Earth Mechanics, Inc.

Subject: ***Additional Scope and Cost for Materials Report***
Moreno Beach Drive, City of Moreno Valley, California

It is our understanding that the City of Moreno Valley intends to divide the Moreno Beach Drive project into two phases; the first phase consisting of the improvements for the EB ramps and widening of Moreno Beach Drive south of SR-60, and the second phase consisting of the replacement of the bridge at SR60/Moreno Beach Drive and construction of (3) WB ramps and related auxiliary lanes. It is noted that the Geotechnical Design Report for the original project (Nason/SR60 and Moreno/SR60 as a combined project) has already been approved by Caltrans. However, the Materials Report has not yet been approved and will need to be updated to reflect an updated range of pavement structural sections pursuant to Caltrans LCCA requirements. The Bridge Foundation Reports for SR60/Nason Street and SR60/Moreno Beach Drive, and the Foundation Reports for Soundwall 60-954L and Retaining Wall 3805R have also been approved. Based upon our conversations, we are assuming that these approved geotechnical reports will not need to be revised or resubmitted.

The cost estimate below summarizes the cost for the additional geotechnical services required to revise the Materials Report to address the (2) phases at Moreno Beach Drive, the fact that SR60/Nason is a separate PS&E but still covered by the Material Report, and to address the additional geotechnical support already provided for the Pavement Life Cycle Cost Analysis.

TABLE 1. MANHOURS AND COST ESTIMATES

TASK	*Project Manager*	*Senior Engineer*	*Staff Engineer*	*Senior Technician*	*Clerical*	*Total Hours*	*Total Cost*
LCCA Support	0	6	0	0	0	6	$ 840.00
Report Preparation	0	24	0	0	0	24	$3,360.00
Response to Caltrans Review	0	5	0	0	0	5	$ 700.00
Total Hours	0	35	0	0	0	35	*$4,900.00*
Hourly Rate	$155	$140	$95	$110	$60		
Subtotal	$ 0.00	$4,900.00	$ 0.00	$ 0.00	$ 0.00		
OTHER COSTS							
Reproduction						$40	
TOTAL							**$4,940.00**

17800 Newhope Street, Suite B, Fountain Valley, California 92708 Tel: (714) 751-3826 Fax: (714) 751-3928

Earth Mechanics, Inc.

Geotechnical & Earthquake Engineering

MEMORANDUM

EMI Project No. 05-140

Date: May 3, 2011

To: David Speirs / Parsons

From: Eric Brown, Earth Mechanics, Inc.

Subject: ***Additional Scope and Cost for Stockpile Investigation***
Nason Street –Moreno Beach Drive, City of Moreno Valley, California

Earth Mechanics, Inc. (EMI) is pleased to assist Parsons and the City of Moreno Valley by providing geotechnical engineering services to investigate the stockpile of borrow material located at the intersection of Nason Street and Alessandro Boulevard. Our scope of work and the associated cost estimate for geotechnical services is presented below.

EMI will perform a geotechnical field investigation by excavating five (5) geotechnical borings through the stockpiled material at the location described above. The borings will be performed with a limited access track mounted drill rig equipped with 8-inch diameter hollow-stem augers. The borings will be conducted for the purpose of characterizing the material and collecting samples for laboratory testing. The spoils from the boring excavations will be temporarily stockpiled adjacent to each boring; immediately after each excavation is completed, the spoils will be mixed with water and used to backfill the boreholes.

Samples recovered during the investigation will be preserved and returned to the lab for testing. The anticipated laboratory tests proposed to be performed on selected samples is provided below. Five of each test listed below will be conducted.

Environmental Tests	Geotechnical Tests
EPA Test 8015B – Nonhalogenated Organics	Compaction (CT 216)
EPA Test 8260B – Volatile Organics	R-Value (CT-301)
Title 22 Metals	Sieve Analysis (CT 202)

After completion of the investigation, EMI will present the results of the field and laboratory testing program in a data memorandum to Parsons.

Services by EMI will be performed only after Parsons has provided authorization to proceed with the services. The cost for the geotechnical services is $10,740 based on the scope of work described above and our 2011 fee and laboratory testing schedule.

17800 Newhope Street, Suite B, Fountain Valley, California 92708 Tel: (714) 751-3826 Fax: (714) 751-3928

TABLE 1. MANHOURS AND COST ESTIMATES

TASK	*Project Manager*	*Senior Engineer*	*Staff Engineer*	*Senior Technician*	*Clerical*	*Total Hours*	*Total Cost*
Field Investigation	0	0	6	12	0	18	$1,890.00
Report Preparation	0	2	16	0	0	18	$1,800.00
Total Hours	0	2	22	12	0	36	*$3,690.00*
Hourly Rate	$155	$140	$95	$110	$60		
Subtotal	$ 0.00	$ 280.00	$2,090.00	$1,320.00	$ 0.00		
OTHER COSTS							
Drill Rig Rental						$3,400	
Laboratory Test						$3,650	
TOTAL							**$10,740.00**

advanced civil technologies
2201 Dupont Drive • Suite 630 • Irvine, CA 92612
phone 949-752-2268 • fax 949-752-2263

Moreno Beach Drive/SR-60 Interchange and Nason Street/SR-60 Overcrossing Improvements
Plan, Specifications and Estimate (PS&E)
Caltrans EA #323011
Amendment No. 1

Lighting, Sign Illumination, Signals, and Ramp Metering System Plans
Additional coordination efforts are required for additional work in electrical design because of splitting the SR-60/Moreno Beach Drive Interchange Improvements Project into two phases. ACT shall re-package and update electrical plans, specifications, and estimates for the Phase 1 project which would include all electrical improvements along the eastbound ramps and Moreno Beach Drive; and Phase 2 project which would include all electrical improvements along the westbound ramps and Moreno Beach Drive. ACT shall also update electrical plans, specifications and estimates for the SR-60/Nason Street Interchange Improvements Project. This scope of work assumes that there is only one submittal to Caltrans for review.

The fee estimates for re-packaging and updating electrical plans are as follow:
SR-60/Moreno Beach Drive Interchange Improvements, Phase 1 - $4,200
SR-60/Moreno Beach Drive Interchange Improvements, Phase 2 - $3,300
SR-60/Nason Street Interchange Improvements - $3,500

MV00106281

www.OPCservices.com

OVERLAND PACIFIC & CUTLER, INC.

2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph | 951.683.3901 fax

March 1, 2011

David Speirs
Engineering Manager
PARSONS
2201 Dupont Drive, Ste. 200
Irvine, CA 92612

RE: Contract Amendment #4 to Subconsultant Agreement Number 647148-04
Amended Scope and Fee Schedule for Right of Way Services
City of Moreno Valley – Moreno Beach Drive Interchange Project
Project No. 0027(012)

Dear Mr. Speirs:

Pursuant to your request, we respectfully submit this Amendment to our contract for additional acquisition, project management, title research and coordination services added to OPC's scope of work for the above-referenced project.

The request for Amendment primarily stems from additional work tasks not anticipated in the original proposal. The additional work tasks include negotiations with owners beyond the proposed four week period, weekly right of way focus conference calls, extensive title research on the Lila Jones and David May Trust parcels, extensive research on ownership contact information, extensive title research on utility easements, analysis of Ironwood Avenue ownership and responding to Public Records Act requests.

OPC has conducted exhaustive title searches to resolve several project issues, including the ownership interests of the David May Trust and Lila Jones parcels, the location of the centerline of Pettit Street, prior rights searches for the SCE poles and other utility easements, ownership of Ironwood Avenue. The title searches were extensive and required significant staff time to conduct and coordinate with the title company and the project team none of which was anticipated in OPC's original proposal.

OPC has conducted extensive research to locate contact information for parcel owners. In some cases, multiple attempts have been made to owners' residences, prior residences

and prior business locations in attempts to locate the owners. In addition, OPC has contracted with on-line locator services to obtain additional owner contact information.

OPC's original proposal provided for owner negotiations for a 4 week period prior to the commencement of eminent domain proceeding or further instructions from the City. OPC has extended negotiations for an additional 10 to 15 weeks beyond the offer presentations and 4 week negotiation period. The City is not in a position to institute eminent domain proceedings for a minimum of at least 4 to 6 months and intends to continue negotiations during this period.

Two owners, Chen and Chado, have obtained legal counsel which has served the City with a Public Records Act request. In order to assist the City with this request, OPC will have to review the request, have discussions with the City as to document criteria and review and copy all project files/documents pertaining to the request. This may require significant staff time to complete.

OPC participates on weekly right of way focus conference calls which extend from 1 hour to 2 ½ hours depending on the weekly issues. The weekly conference calls incur additional staff time in both preparation for and attendance on the conference call.

At the time of the original project proposal, the City had an in-house right of way agent to coordinate and manage the right of way services. In the absence of this City position, OPC has been requested to provide right of way services formerly provided in-house, such as drafting staff reports, closed session items and various project management function, all of which were not anticipated in OPC's original proposal.

The additional work tasks described above were not anticipated in OPC's original proposal and are out of scope items.

OPC's current contract scope of work includes obtaining 20 appraisal reports and reviews. To date, OPC has obtained 13 appraisal reports with 7 additional reports remaining. At this time, it is foreseeable that 3 appraisal reports will be required along the North side of Ironwood Drive and a potential for 3 appraisal reports on the 2 City owned parcels (Fire Station and land north of Auto Mall) and 1 for the future excess land parcel at SR 60 westbound Moreno Beach Off Ramp. In addition, the ProLogis appraisal report will require revisions once the EMWD and SCE easements are resolved. Based upon this summary it appears that the current contract the scope is sufficient to cover remaining appraisals.

The costs associated with the additional services described above are as follows, and are predicated on the assumption that acquisition services will conclude within 120 days (June 30, 2011):

Proposed Fees:

Project Management	$30,000
Acquisition/Complex Negotiations	$85,000
Title Searches	
Lila Jones and David May Trust Ownerships	$15,000
Prior Rights/Utility Easement Research	$5,000
Analysis of Ironwood Avenue Ownership	$5,000
Pettit Street Research	$4,000
Ownership Locator Searches	$10,000
Public Records Act Request	$3,000
Authorized Contract Budget	$257,150
Amount of Amendment #4	$157,000
Total Project Budget	**$414,150**

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Kimberly Reed
Senior Project Manager

www.OPCservices.com

OVERLAND PACIFIC & CUTLER, INC.

2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph | 951.683.3901 fax

March 21, 2011

David Speirs
Engineering Manager
PARSONS
2201 Dupont Drive, Ste. 200
Irvine, CA 92612

RE: Contract Amendment to Subconsultant Agreement Number 647148-04
Amended Scope and Fee Schedule for Right of Way Services
City of Moreno Valley – Moreno Beach Drive Interchange Project
Project No. 0027(012)

Dear Mr. Speirs:

Pursuant to your request, we respectfully submit this Amendment to our contract for right of way certification services to separate out the eastbound freeway ramps for the above-referenced project.

Right of Way Certification Services

1. Attend certification planning meeting with client's Right of Way Local Assistance Coordinator and project team.
2. Prepare real estate components of right of way data sheet and provide current and escalated costs for acquisition and relocation; incorporate engineers' construction and utility information as provided to OPC.
3. Ensure appraisal maps/right of way maps and legal descriptions are all properly identified and prepared in conformance with approved right of way numbering system.
4. Oversee utility relocation activities as required for completion of certification form including compiling utility notices and submittal of hi-low risk utility sheet prepared by engineers for Right of Way Local Assistance Coordinator review.
5. Ensure that all interests necessary for the project have been secured and all relocation activities have been performed in compliance with applicable law and regulations.
6. Prepare certification forms in coordination with engineer and client to include the compilation of all necessary back-up documents required including; deed, final order of condemnation, access easements, cooperative agreements, permits, right of entries, etc.
7. Attend and coordinate pre and post-audit submittal meetings.

The costs associated with the additional services described above are as follows, and are predicated on the assumption that acquisition services will conclude within 120 days (June 30, 2011):

Proposed Fees:

Right of Way Certification – Eastbound Freeway Ramps	$5,000
Authorized Contract Budget	$257,150
Amendment #4 (Pending)	$157,000
Amount of Amendment EB Freeway Ramps	$5,000
Total Project Budget	**$419,150**

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

for Kimberly Reed
Senior Project Manager

KR:klp

TATSUMI
-
AND
-
PARTNERS, INC.

LANDSCAPE ARCHITECTURE
-
PLANNING
-
URBAN DESIGN

5 Corporate Park, Suite 200
Irvine
California 92606-5166

Telephone:
(949) 250-9890

Facsimile:
(949) 250-9891

email@tatsumiandpartners.com
www@tatsumiandpartners.com

David H. Tatsumi, ASLA
Calif. No. 2033

May 23, 2011

Mr. David Speirs
PARSONS
2201 Dupont Drive, Suite 200
Irvine, California 90012

Project Name: SR-60/Moreno Beach Drive Overcrossing – Additional Services for completing the PS&E
TAP Project No.: 2004381.00.02 (r5)

Dear Mr. Speirs:

Per your request, I have prepared the following proposal for the extra services to pick up where the project was left off and move it forward for final submittal.

SCOPE OF WORK

1. Task I: Re-start the project (after a 2 year hold).
   a. Meet with the Engineer and review status of the engineering design.
   b. Update CADD files as needed and as appropriate.
   c. Provide PS&E redline and QAQC review.
   d. Review standards used at the time of the plans preparation, research and determine what, if any, changes to standards have occurred. If changes are needed, implement changes to bring project up to current standards.
2. Task II: Prepare 2nd 95% PS&E Submittal.
   a. Update planting plans, legends, notes, and SSP's.
   b. Update irrigation plans, legends, notes, and SSP's.
   c. Update Quantities and Estimate of Probable Construction Costs.
   d. One (1) coordination meeting is assumed for reviewing comments received.
   e. Provide PS&E redline and QAQC review.

f. Submittal deliverables:
   i. One (1) set of full size drawings in PDF format.
   ii. One (1) set of 11x17 drawings in PDF format.

3. Task III: Prepare Final Submittal (incorporating any comments received from the 2nd 95% PS&E submittal).

   a. Update planting plans, legends, notes, and SSP's.

   b. Update irrigation plans, legends, notes, and SSP's.

   c. Update Quantities and Estimate of Probable Construction Costs.

   d. Provide PS&E redline and QAQC review.

   e. Submittal deliverables:
      i. One (1) set of full size drawings in PDF format.
      ii. One (1) set of 11x17 drawings in PDF format.

4. Task IV: Revise existing irrigation for Phase I east bound ramp construction.

5. Assumptions.

   a. CAD files will be named per Caltrans standard naming convention using EA32300 for Moreno Beach Drive.

   b. It is assumed that there will be additional meetings/site visits and coordination meetings required during the construction phase support for Phase 2. These meetings will be approved by Parsons beforehand and will be billed at Tatsumi's regular hourly rates.

MV00106288

FEES

The fee for the above-listed Scope of Work is Seventeen Thousand Three Hundred and Forty Five Dollars and No Cents ($17,345.00).

A flat fee of One Thousand Dollars ($1,000.00) in addition to the amount above is included for reproduction, mileage, and or delivery and any other costs incurred for the project.

Respectfully,
Tatsumi and Partners, Inc.
A California Corporation

Michael Aceves
Project Manager

MV00106289

FEE PROPOSAL FOR

Moreno Beach (2004381.00.02)

5/2/2011

TASK	STAFF / RATE / HOURS												REIMBURSABLES TOTAL	HOURS TOTAL	FEE TOTAL
	Sr. Principal		Associate		Senior Staff		Tech. Staff II		Tech. Staff I		Staff				
	Hrs	$275.00	Hrs	$126.00	Hrs	$111.00	Hrs	$101.00	Hrs	$88.00	Hrs	$70.00			
Task 1: Re-start Project															
Meeting (1 Assumed)		$0.00		$0.00	2	$222.00		$0.00		$0.00		$0.00		2	$222.00
Update Cadd Files		$0.00		$0.00		$0.00	8	$808.00		$0.00		$0.00		8	$808.00
Redline & QA/QC Review		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Review Standards & Update Per current standards	1	$275.00		$0.00	3	$333.00	6	$606.00	3	$264.00		$0.00		13	$1,478.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	9	$999.00	14	$1,414.00	3	$264.00	0	$0.00		27	$2,952.00
Task II: Prepare 2nd 95% PS&E Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	24	$2,424.00	2	$176.00		$0.00		29	$2,933.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	32	$3,232.00	2	$176.00		$0.00		37	$3,741.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	8	$808.00	2	$176.00	2	$140.00		12	$1,124.00
Meeting (1 Assumed)		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Redline & QA/QC Review	1	$275.00		$0.00	6	$666.00		$0.00		$0.00		$0.00		7	$941.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	16	$1,776.00	64	$6,464.00	6	$528.00	2	$140.00		89	$9,183.00
Task III: Prepare Final Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	4	$404.00	2	$176.00	2	$140.00		8	$720.00
Redline & QA/QC Review	1	$275.00		$0.00	3	$333.00		$0.00		$0.00		$0.00		4	$608.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	5	$555.00	12	$1,212.00	6	$528.00	2	$140.00		26	$2,710.00
Task IV: Revise Existing Irrigation fo Phase I East-Bound Ramp Constuction															
Revise Irrigation		$0.00		$0.00	3	$333.00	21	$2,167.00		$0.00		$0.00		24	$2,500.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	0	$0.00	0	$0.00	3	$333.00	21.46	$2,167.00	0	$0.00	0	$0.00		24	$2,500.00
Misc. ODC's													$1,000.00		
HOURS SUBTOTAL	3		0		33		111.5		15		4			166	
PROPOSAL TOTALS		$825.00		$0.00		$3,663.00		$11,257.00		$1,320.00		$280.00	$1,000.00		$18,345.00

MV00106290

TATSUMI
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AND
-
PARTNERS, INC.

LANDSCAPE ARCHITECTURE
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PLANNING
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URBAN DESIGN

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92606-5166

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(949) 250-9891

email@tatsumiandpartners.com
www@tatsumiandpartners.com

David H. Tatsumi, ASLA
Calif. No. 2033

May 2, 2011

Mr. David Speirs
PARSONS
2201 Dupont Drive, Suite 200
Irvine, California 90012

Project Name: SR-60/Nason Street Overcrossings – Additional Services for completing the PS&E
TAP Project No.: 2004381.01.02 (r3)

Dear Mr. Speirs:

Per your request, I have prepared the following proposal for the extra services to pick up where the project was left off and move it forward for the final submittal.

SCOPE OF WORK

1. Task I: Re-start the project (after a 2 year hold).
   a. Meet with the Engineer and review status of the engineering design.
   b. Update CADD files as needed and as appropriate.
   c. Provide PS&E redline and QAQC review.
   d. Review standards used at the time of the plans preparation, research and determine what, if any, changes to standards have occurred. If changes are needed, implement changes to bring project up to current standards.
2. Task II: Prepare 2nd 95% PS&E Submittal.
   a. Update planting plans, legends, notes, and SSP's.
   b. Update irrigation plans, legends, notes, and SSP's.
   c. Update Quantities and Estimate of Probable Construction Costs.
   d. One (1) coordination meeting is assumed for reviewing comments received.

e. Provide PS&E redline and QAQC review.

f. Submittal deliverables:
   i. One (1) set of full size drawings in PDF format.
   ii. One (1) set of 11x17 drawings in PDF format.

3. Task III: Prepare Final Submittal (incorporating any comments received from the 2nd 95% PS&E submittal).

   a. Update planting plans, legends, notes, and SSP's.

   b. Update irrigation plans, legends, notes, and SSP's.

   c. Update Quantities and Estimate of Probable Construction Costs.

   d. Provide PS&E redline and QAQC review.

   e. Submittal deliverables:
      i. One (1) set of full size drawings in PDF format.
      ii. One (1) set of 11x17 drawings in PDF format.

4. Assumptions.

   a. CAD files will be named per Caltrans standard naming convention using EA 32301 for Nason Street.

   b. Although separated, both interchange packages will continue to progress reasonably concurrent to each other.

   c. It is assumed that there will be additional meetings/site visits and coordination meetings required during the construction phase support for two (2) separate contracts. These meetings will be approved by Parsons beforehand and will be billed at Tatsumi's regular hourly rates.

   d. Bidding and Construction Administration services are not included, but may be provided for an additional fee.

MV00106292

FEES

The fee for the above-listed Scope of Work is Fourteen Thousand Eight Hundred Forty Five Dollars and No Cents ($14,845.00).

A flat fee of One Thousand Dollars ($1,000.00) in addition to the amount above is included for reproduction, mileage, and or delivery and any other costs incurred for the project.

Respectfully,
Tatsumi and Partners, Inc.
A California Corporation

Michael Aceves
Project Manager

MV00106293

FEE PROPOSAL FOR

Nason (2004381.01.02)

5/2/2011

TASK	STAFF / RATE / HOURS												REIMBURSABLES TOTAL	HOURS TOTAL	FEE TOTAL
	Sr. Principal		Associate		Senior Staff		Tech. Staff II		Tech. Staff I		Staff				
	Hrs	$275.00	Hrs	$126.00	Hrs	$111.00	Hrs	$101.00	Hrs	$88.00	Hrs	$70.00			
Task 1: Re-start Project															
Meeting (1 Assumed)		$0.00		$0.00	2	$222.00		$0.00		$0.00		$0.00		2	$222.00
Update Cadd Files		$0.00		$0.00		$0.00	8	$808.00		$0.00		$0.00		8	$808.00
Redline & QA/QC Review		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Review Standards & Update Per current standards	1	$275.00		$0.00	3	$333.00	6	$606.00	3	$264.00		$0.00		13	$1,478.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	9	$999.00	14	$1,414.00	3	$264.00	0	$0.00		27	$2,952.00
Task II: Prepare 2nd 95% PS&E Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	24	$2,424.00	2	$176.00		$0.00		29	$2,933.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	32	$3,232.00	2	$176.00		$0.00		37	$3,741.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	8	$808.00	2	$176.00	2	$140.00		12	$1,124.00
Meeting (1 Assumed)		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Redline & QA/QC Review	1	$275.00		$0.00	6	$666.00		$0.00		$0.00		$0.00		7	$941.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	16	$1,776.00	64	$6,464.00	6	$528.00	2	$140.00		89	$9,183.00
Task III: Prepare Final Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	4	$404.00	2	$176.00	2	$140.00		8	$720.00
Redline & QA/QC Review	1	$275.00		$0.00	3	$333.00		$0.00		$0.00		$0.00		4	$608.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	5	$555.00	12	$1,212.00	6	$528.00	2	$140.00		26	$2,710.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00		0	$0.00
Misc. ODC's													$1,000.00		
HOURS SUBTOTAL	3		0		30		90		15		4			142	
PROPOSAL TOTALS		*$825.00*		*$0.00*		*$3,330.00*		*$9,090.00*		*$1,320.00*		*$280.00*	*$1,000.00*		*$15,845.00*

MV00106294

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE PROJECT NO. 08-41678827

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder.

2. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City.

3. Authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties.

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney.

5. Authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011.

BACKGROUND

An agreement with Associate Engineers, Inc. was signed by the City Manager on January 24, 2008 to provide Phase 1, preliminary design (35%) services for the roadway improvements to the west side of Heacock Street between Hemlock Avenue and Ironwood Avenue. On February 11, 2009, the City Manager approved the First Amendment to Agreement to allow the parent company, PB America, Inc. to assume all the liabilities, obligations, and commitments of its subsidiary company, Associated Engineers, Inc. On August 25, 2009, the City Council approved the Second Amendment Agreement to PB America, Inc. to provide Phase II and Phase III services, which include completing the final design Plans, Specifications, and Estimate (PS&E) for street improvements, right of way acquisition, coordination with utility companies, and design support during construction.

On September 22, 2009, the City Council adopted the Mitigated Negative Declaration (MND) prepared by the Planning Division. The mitigation measures, as described in the Initial Study and ultimately incorporated into the project specifications, will reduce all potential environmental impacts to an acceptable level in compliance with CEQA and the City's rules to implement CEQA.

DISCUSSION

This project will improve approximately 500 feet of the west side of Heacock Street from 390 feet north of Hemlock Avenue to 530 feet south of Ironwood Avenue. The project will expand the roadway and add new sidewalk, curb, and gutter on the west side of Heacock Street. The project will improve sight distance for public safety and improve pedestrian safety by providing a continuous sidewalk by joining the existing sidewalk at the north and south ends of the project limits.

The project will also construct street improvements on the north side of the intersection of Ironwood Avenue and Davis Street and two access ramps on the northeast and southwest corners of Heacock Street and Ironwood Avenue. These proposed improvements were intended to be added to the Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements project; however, the proposed change order price proposed by the Contractor significantly exceeded the engineer's estimate. As a result, staff elected to add the proposed work as a bid addendum to this project. Funds from Account No. 897.91726 (Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements) will be used to fund this additional work.

Formal bidding procedures have been followed in conformance with the Public Contact Code (PCC) and the City Clerk opened bids at 2:00 p.m., May 2, 2011, for the subject project. Four (4) bids were received as follows:

1. Hillcrest Contracting, Inc. $315,998.90
2. Cooley Construction, Inc. $349,918.65
3. EBS General Engineering, Inc. $369,259.00

4. Leland Hoffman, Inc. $448,470.95

Engineer's Estimate $243,618.50

The Engineer's Estimate was significantly lower than the lowest bid received primarily due to the increased unit prices of road-related items such as base material and excavation work. Staff has reviewed the lowest bid received by Hillcrest Contracting, Inc. and finds it to be the lowest responsible bidder. Hillcrest Contracting, Inc. possesses a valid California Contractor License in good standing and has provided a bid bond as its required bid security. No outstanding problems were identified through review of the references submitted by Hillcrest Contracting, Inc.

The Contractor will notify, and provide safe ingress and egress to, all potentially affected property owners about the road closure, as well as law enforcement, the Fire Department, Waste Management of the Inland Empire, the postal service, the school district, etc. The Contractor is required to provide driveway access to residents at all times. In order to construct cross gutter and adjacent pavement improvements, a full road closure of Davis Street north of Ironwood Avenue may be authorized for up to a period of ten working days, as necessary, between July 2011 and September 2011.

ALTERNATIVES

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder, authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City, authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties, authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney, and authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011. *This alternative will allow for much needed improvements.*

2. Do not award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder, do not authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City, do not authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but

not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney, and do not authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011. *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Construction phase of this project is included in the Fiscal Year 2010/2011 Capital Improvements Project Budget and will be funded by Development Impact Fee (DIF) Arterial Street Capital Projects (Fund 416) and 2007 Redevelopment Agency Tax Allocation Bonds (Fund 897) monies. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010-2011 Budget (Account No. 416.78827)	$470,000
Fiscal Year 2010-2011 Expenditures to Date (Account No. 416.78827)	($130,000)
Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements (Account No. 897.91726)	$90,000
Fiscal Year 2010-2011 Available Budgeted Funds	**$430,000**

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction (includes 15% contingency)	$363,400
Construction Surveying Costs	$22,000
Construction Geotechnical Costs	$5,500
Project Administration and Inspection Services*	$25,000
Total Estimated Construction Related Costs	**$415,900**

*City staff will provide Project Administration and Inspection Services

ANTICIPATED PROJECT SCHEDULE:

Start Construction	July 2011
Complete Construction	September 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project will expand the roadway and add new sidewalk, curb, and gutter on the west side of Heacock Street from north of Hemlock Avenue to south of Ironwood Avenue. Improvements will also be constructed at the intersections of Heacock Street at Ironwood Avenue and Ironwood Avenue at Davis Street. The construction funding is from DIF Arterial Street Capital Projects and 2007 Redevelopment Agency Tax Allocation Bonds.

NOTIFICATION

Local residents, law enforcement, the Fire Department, and the school district will be notified of the proposed construction. Construction notification signs will also be installed to notify commuters, businesses, and residents of the construction work.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement with Hillcrest Contracting, Inc.

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 08-41678827 - Heacock from Hemlock to Ironwood\CC Reports\NOA Staff Report (CC 061411)\061411 NOA Staff Report (Revised 060211).doc

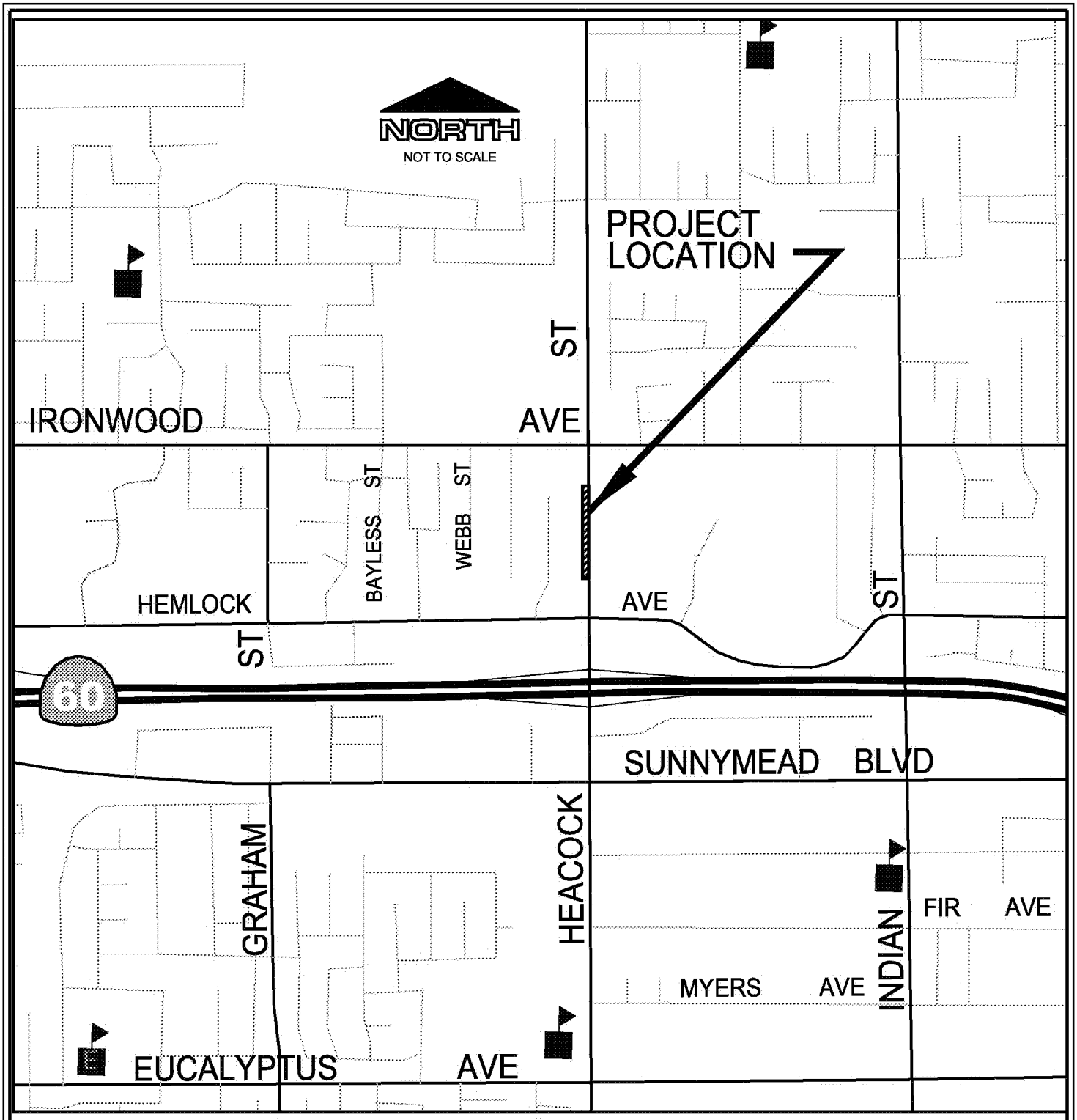

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public Works Department
Capital Projects Division

ATTACHMENT "A"

HEACOCK STREET STREET IMPROVEMENTS
Hemlock Ave. to Ironwood Ave.
Project No. 08-41678827

Agreement No. _____

AGREEMENT

PROJECT NO. 08-41678827

STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue

THIS Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and Hillcrest Contracting, Inc. hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
   a. Any and all Contract Change Orders issued after execution of this Agreement
   b. Addenda Nos. _____ inclusive, issued prior to the opening of the Bids
   c. The bound Bid Documents
   d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
   e. The project Plans
   f. The Standard Plans
   g. The Standard Specifications
   h. Reference Specifications, all of which are essential parts of this Agreement
   i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Bid Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) in the sum total amount of **$315,998.90**, subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to commence work pursuant to this Agreement within fifteen (15) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to

Attachment "B"

completion, within **sixty (60) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

5. The City and Contractor hereby agree that in case all construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of **$350.00** per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Agreement in a form which is substantially similar to the Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

16. The effective date of this Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 08-41678827

CITY OF MORENO VALLEY,
Municipal Corporation

BY:_____
City Manager

DATE:_____

Hillcrest Contracting, Inc.

License No./
Classification:_____

Expiration Date:_____

Federal I.D. No.:_____

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Public Works Director/City Engineer

_____
Date

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public. Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

BOND NO. _____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 08-41678827

STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, hereinafter known as "City," has awarded to **Hillcrest Contracting, Inc.** as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 08-41678827**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 08-41678827

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20_____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20_____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

BOND NO. _____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 08-41678827

STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, California, hereinafter known as "City", has awarded to **Hillcrest Contracting, Inc**., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No. 08-41678827**, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 08-41678827

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20_____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20_____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS PAYMENT BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be property completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Henry Garcia, City Manager

AGENDA DATE: June 14, 2011

TITLE: Adoption of the Prioritized Goals and Action Plan Developed in the City Council Goal Setting Workshop

RECOMMENDED ACTION

Staff recommends that the City Council adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop.

BACKGROUND

On May 18, 2011, the Mayor and City Council participated in a Goal Setting Workshop facilitated by City Manager Henry Garcia. Participants included the City Council, the Executive Team, and members of the public. The purpose of the exercise was to conduct a workshop to include decision making and planning as well as provide staff with clear direction. The Council accomplished the following:

1. Established expectations for the Workshop
2. Identified the organization's Strengths, Weaknesses, Opportunities and Threats (SWOT)
3. Established Prioritized Goals
4. Developed Actions to Achieve the Goals
5. Referred development of the detailed action plans/tasks and schedule to the City Manager and Executive Team

DISCUSSION

The attached Executive Summary includes all of outcomes from discussion of the above. The Prioritized Goals developed by and agreed upon the Council are as follows:

Prioritized Goals:
1. Job Development
    1a. Maximizing Vacant Land Opportunities
2. Focus on Medical Corridor and Health Services/ Educational Opportunities
3. Maximize Transportation and Infrastructure Opportunities
4. Economic and Tax Base Development
5. Enhance City Image

The Council developed expected actions to direct staff's efforts on accomplishing the prioritized goals and referred development of detailed actions and tasks to the City Manager and Executive Team. Each action and task has been assigned to the appropriate department(s) along with the anticipated schedule for completing the tasks. All of this information is included in the Executive Summary from the workshop.

ALTERNATIVES

1) Adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop. *Staff recommends this alternative as the prioritized goals and actions/tasks provide direction and focus to ensure that the efforts of the Council and staff are working as one to accomplish the same goals.*

2) Not adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop. *Staff does not recommend this alternative as the prioritized goals were established by the Mayor and Council Members during the Goal Setting Workshop.*

FISCAL IMPACT

This action will have no fiscal impact to the City.

SUMMARY

On May 18, 2011 the City Council conducted a Goal Setting Workshop and established the following prioritized goals:
1. Job Development
    1a. Maximizing Vacant Land Opportunities
2. Focus on Medical Corridor and Health Services/ Educational Opportunities
3. Maximize Transportation and Infrastructure Opportunities
4. Economic and Tax Base Development
5. Enhance City Image and provided staff with expected actions to fulfill these goals.

The attached Executive Summary includes the expected actions, fully defined tasks assigned to the appropriate department(s), and scheduled time frames for each task to be completed. Council adoption of the goals and action plan will indicate consensus of the City's prioritized goals and provide clear direction to staff.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

ATTACHMENTS/EXHIBITS

Attachment 1: Goal Setting Workshop Executive Summary

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

City of Moreno Valley

Goal Setting Workshop
Executive Summary

May 18, 2011

Henry T. Garcia, Facilitator
City Manager

Attachment 1

Executive Summary

Goal Setting Workshop
May 18, 2011

Attendance:

Richard Stewart.....Mayor
Jesse Molina .....Mayor Pro Tem
William Batey II ..... Council Member
Marcelo Co..... Council Member
Robin Hastings..... Council Member

Henry Garcia ..... City Manager
Michelle Dawson ..... Acting Assistant City Manager
Bob Hansen ..... City Attorney
Barry Foster ..... Community and Economic Development Director
Jane Halstead ..... City Clerk
Richard Teichert.....Financial and Administrative Services Director
Steve Curley..... Fire Chief
Chris Vogt ..... Public Works Director/City Engineer
Chad Bianco.....Lieutenant
Mike McCarty ..... Parks and Community Services Director
Sonny Morkus ..... Human Resources Director
Paula Smus.....Acting Library Services Division Manager

Facilitated by:
Henry T. Garcia, City Manager

Executive Summary

The purpose of the exercise was to hold a Goal Setting Workshop with the Mayor and City Council to include decision making and planning, in order to provide staff with clear direction. To be more specific, the Mayor and City Council engaged in an interactive process in which they accomplished the following:

1. Established expectations for the Workshop
2. Identified the organization's Strengths, Weaknesses, Opportunities and Threats (SWOT)
3. Established Prioritized Goals
4. Developed Actions to Achieve the Goals
5. Referred development of the detailed action plans/tasks and schedule to the City Manager and Executive Team

At the conclusion of the workshop, the Mayor and City Council established a clear direction and focus for the Executive Team to successfully accomplish the goals and schedule set forth during this process. A summary of the prioritized goals and expected actions are included in this report. The City Manager and staff have developed more fully defined tasks and assigned each action/task to the responsible department(s) with an expected schedule for completion. These are also included in this report.

It should be noted that the Council's priorities include short, mid-range, and long-term goals. It is recommended that regular formal review of the newly established work plan occur within six months, or annually, (whichever the Mayor and City Council deems appropriate), in which progress may be determined, and new or shifting priorities addressed.

I would like to thank the Mayor and City Council for their focus and leadership in this important endeavor and for the outstanding team work that provided for a positive and productive Workshop.

Respectfully,

Henry T. Garcia

Expectations

The Mayor and City Council expressed the following expectations related to the goal setting workshop:

▪ To cut through the rhetoric
▪ To establish specific goals
▪ To set goals, milestones, and time lines
▪ To discuss future expectations
▪ To revisit where we have been
▪ To send a clear message regarding change and transparency
▪ To demonstrate partnerships and a relationship with the community

Strengths, Weaknesses, Opportunities, Threats (SWOT Analysis)

Strengths
▪ Affordable Housing
▪ Vacant Land Opportunity
▪ Good Work Force
▪ Good Geographic Location
▪ Diversity
▪ Transportation Corridors
▪ Developing City
▪ March Air Reserve Base
▪ Higher Education
▪ Access to Medical Services
▪ Recreation and Parks

Weaknesses
▪ Perception / Image
▪ Low Property Values
▪ High School Drop Out Rate
▪ Slow Economic Development Process
▪ Bedroom Community
▪ Low Employment Opportunities = No Jobs
▪ Low Tax Base
▪ Jobs to Housing Imbalance
▪ Geography Requires More Infrastructure
▪ Lack of Adequate Infrastructure/ Lack of Planning
▪ Lack of Cultural Activities

Strengths, Weaknesses, Opportunities, Threats (SWOT Analysis)

Opportunities
▪ Job Development
▪ Good Bidding Environment
▪ Open Land
▪ Flexibility For Change
▪ Regional Presence
▪ MARB Reuse / March LifeCare
▪ General Aviation
▪ Maximizing Medical Corridor Opportunities
▪ College Expansion
▪ UCR Medical School Training at RCRMC
▪ Transportation Corridors
▪ BiCorridors
▪ MVU as Economic Opportunity

Threats
▪ Outside Organizations are a Threat
▪ Lack of Organizational Flexibility
▪ Federal and State Budgets
▪ Revenues Still Flat
▪ Resistance to Change
▪ Lack of Communication and Coordination

Prioritized Goals

Priority	Goals
#1 #1a	Job Development Maximizing Vacant Land Opportunities
#2	Focus on Medical Corridor and Health Services/ Educational Opportunities
#3	Maximize Transportation and Infrastructure Opportunities
#4	Economic and Tax Base Development
#5	Enhance City Image

Prioritized Goals/Actions/Schedule

Prioritized Goal #1: Job Development
#1a: Maximizing Vacant Land Opportunities
Actions
1. Identify specific land use types to produce new jobs
2. Identify specific locations in the City to produce new jobs
3. Identify needed infrastructure to support new development
4. Identify and attract related support business services

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Prepare 2-year Economic Development Action Plan for Council adoption	**CEDD**	**Adopted 4/26/11**
Adopt the City's Capital Improvement Plan	**PW/CEDD**	**June, 2011**
Work with Highland Fairview on new Master plan to replace Moreno Highlands Specific Plan	**CMgr/CEDD**	**2011/12**
Work with Highland Fairview and two hospitals to advance medical and health related development projects	**CMgr/CEDD**	**2011/12**
Facilitate construction of new industrial buildings for logistics/distribution uses in the Centerpointe, South Moreno Valley, and Rancho Belago areas	**CEDD**	**2011/12**

Prioritized Goal #2: Focus on Medical Corridor and Health Services/Educational Opportunities
Actions
1. Coordinate planning and development activities with the expansions of Moreno Valley College, Kaiser Permanente Community Hospital, and Riverside County Regional Medical Center
2. Pursue medical office development
3. Coordinate economic development activities with March LifeCare
4. Retool Aquabella (needs discussion)

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Work with Moreno Valley College on expansion plans including growth of the Allied Health Services Program	**CEDD**	**2011-2013**
Facilitate development of Kaiser's 75,000 s.f. expansion of the Community Hospital	**CEDD**	**2011/12**
Cooperate with RCRMC on its master plan expansion	**CEDD**	**2011-2013**
Facilitate medical office development for Medical overlay zone and other areas	**CEDD**	**2011-2013**
Work with March LifeCare on planning and entitlement issues	**CEDD/PW**	**2011-2013**
Work with Highland Fairview on plans to reposition approximately 200 acres of Aquabella site for use as medical and Health related campus	**CEDD**	**2011-2013**

Prioritized Goal #3: Maximize Transportation and Infrastructure Opportunities
Actions
1. Improve arterials to ultimate
2. Increase regional presence

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Prioritize the improvement of arterials to their ultimate configuration, identify funding	**PW**	**Annual within CIP process, amend with resequencing as needed**
Increase staff assistance to the Council and participation with regional agencies by assigning staff liaisons to each committee, discuss and formalize this with the Council	**CMgr/CEDD/PW**	**July 2011**

Prioritized Goal #4: Economic and Tax Base Development
Actions
1. Review development application process
2. Review state vs. self imposed regulations and requirements
3. MVU as economic development tool
4. Evaluate use of incentives

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Conduct developer workshops to identify ways to improve the planning and entitlement process	**CMgr/CEDD/PW**	**April – Oct 2011**
Evaluate building code and development standards to understand State requirements and City imposed development requirements	**CEDD/PW/Fire**	**February 2012**
Formulate ideas and a strategy for using MVU as an economic development tool to attract specific new business development opportunities	**CMgr/CEDD/PW/**	**2011-2012**
Identify a wide variety of cost-effective ways to provide target incentives for new development	**CMgr/CEDD**	**2011-2012**

Prioritized Goal #5: Enhance City Image
Actions
1. Develop Media & Communications Strategy: a. Increase use of Social Networks b. E-mail Blasts c. Expand Communication Outreach/ Networking d. District Town Hall Meetings
2. Corridor Beautification Program

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Develop database of e-mail addresses to distribute immediate information to residents, businesses, and other agencies	**CMgr**	**June 2011**
Transition "City Link" newsletter to an on-line e-newsletter posted on the web site and automatically e-mailed to subscribed residents and businesses	**CMgr**	**July 2011**
Expand options for distributing City information to magazines and news outlets, promote the community and events via alternative publications and through attendance at various meetings	**CMgr**	**September 2011**
Explore and discuss District Town Hall meetings with the Council, establish a schedule for quarterly or semi-annual events	**CMgr**	**June 2011**
Review options for a Citywide Corridor Beautification Program for Council consideration	**PW**	**August 2011**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Mayor and City Council Acting in their capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District and Acting in the Capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 FUND BALANCE CLASSIFICATIONS

RECOMMENDED ACTION

1. Staff recommends that the City Council adopt Resolution No. 2011-62, classifying the various components of fund balance as defined in GASB Statement No. 54; and

2. Acting in its capacity as the Board of Directors of the Moreno Valley Community Services District (CSD), adopt Resolution No. 2011-22, classifying the various components of fund balance as defined in GASB Statement No. 54; and

3. Acting in its capacity as the Board of Directors of the Community Redevelopment Agency of the City Moreno Valley, adopt Resolution No. 2011-09, classifying the various components of fund balance as defined in GASB Statement No. 54; and

4. Designate the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance for inclusion in the annual financial reports.

BACKGROUND

In February 2009, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Government Fund Type Definitions.* The requirements of this statement are intended to improve financial reporting by providing fund balance categories and classifications that will be more easily understood. The categories are more clearly defined to make the nature and extent of the constraints placed on the City's fund balance more transparent.

DISCUSSION

The term *Fund Balance* is used to describe the difference between assets (what is owned) and liabilities (what is owed) reported within a fund. In the past, fund balance has been classified into basically three separate components:

1. Reserved;
2. Unreserved-Designated, and
3. Unreserved-Undesignated.

There are often limitations on the purpose for which all or a portion of the resources of a fund can be used. The force of these limitations can vary significantly, depending on their source. The various components of the "new" fund balance is designed to indicate the extent to which the City is bound by these limitations placed upon the resources.

GASB Statement No. 54 defines five new components of fund balance that will replace the current existing three components. The five new components are:

1. *Nonspendable Fund Balance.* That portion of fund balance that includes amounts that cannot be spent because they are either (a) not in a spendable form, such as prepaid items, inventories of supplies, or loans receivable; or (b) legally or contractually required to be maintained intact, such as the principal portion of an endowment.

2. *Restricted Fund Balance.* That portion of fund balance that reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

3. *Committed Fund Balance.* That portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the City Council, and remain binding unless removed in the same manner.

4. *Assigned Fund Balance*. That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director of the City, the official designated by the City Council for that purpose.

5. *Unassigned Fund Balance*. That portion of fund balance that includes amounts that do not fall into one of the above four categories. The General Fund is the only fund that should report this category of fund balance.

The table below shows the City's fund balance reporting prior to GASB 54 and the new component/category that will replace the existing category (also shown as Attachment A to Resolution):

PRE-GASB 54	Account No.	Definition	**GASB 54 Category**
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for ***future*** debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned

Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	Committed
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed

Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed
Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

This new standard has left unchanged the total amount of reported fund balance, but has substantially altered the categories and terminology used to describe its components. The new categories and terminology reflect an approach that will focus, not on financial resources available for appropriation within a fund, but on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the fund can be spent.

The classification and reporting of fund balance components as required by GASB Statement No. 54 will become effective starting with the 2010/11 fiscal year. The reporting fund balance will be as follows (also shown as Attachment B to Resolution):

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance - Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance - Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance - Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

The next two tables will show the effect of the reclassification on the General Fund's fund balance. The first table shows the General Fund's fund balance as reported in the City's Comprehensive Annual Financial Report (CAFR) as of June 30, 2010:

City of Moreno Valley General Fund Fund Balance, June 30, 2010	
Fund Balances:	
Reserved:	
Reserved for encumbrances	23,256
Reserved for prepaid and other assets	13,456
Reserved for debt service	1,000,000
Reserved for advances to other funds	28,152,248
Reserved for revolving line of credit	4,600,000
Unreserved:	
Designated:	
Designated for continuing appropriations	93,810
Designated for net unrealized investment gain	712,267
Undesignated	16,694,502
Total Fund Balances	51,289,539

The second table shows General Fund's fund balance as of June 30, 2010 as reported using GASB Statement No. 54.

City of Moreno Valley General Fund (Post-GASB 54) after reclassification Fund Balance, June 30, 2010	
Fund Balances:	
Nonspendable:	
Reserved for prepaid and other assets	13,456
Reserved for advances to other funds	28,152,248
Restricted:	
	0
Committed:	
Reserved for revolving line of credit	4,600,000
Assigned:	
Reserved for encumbrances	23,256
Reserved for debt service	1,000,000

Designated for continuing appropriations	93,810
Designated for net unrealized investment gain	712,267
Unassigned:	
Undesignated	16,694,502
Total Fund Balances	51,289,539

ALTERNATIVES

1. Approve the reclassification of the City's fund balance components.

2. Not approve the reclassification of the City's fund balance components and provide further direction to staff.

Staff recommends Alternative 1.

FISCAL IMPACT

There is no direct fiscal impact of implementing GASB Statement No. 54. The amounts reported as total fund balance in any given fund are not altered. Only the reporting of the individual components that make up total fund balance is changed. The intent is to make fund balance more easily understood.

ATTACHMENTS/EXHIBITS

Exhibit A - Resolution No. 2011-62, A Resolution of the City Council of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Exhibit B - Resolution No. CSD 2011-22, A Resolution of the Moreno Valley Community Services District, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Exhibit C - Resolution No. RDA 2011-09, A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Prepared By:
Cynthia A. Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the City Council desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the City Council designates the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the City Council to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.

2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.

3. The City Council designates the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately

Exhibit A

upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00106340

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

ATTACHMENT A
Proposed Reclassification of Fund Balance components

PRE-GASB 54	Account No.	Definition	**GASB 54 Category**
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for ***future*** debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

ATTACHMENT B
Reclassification of Fund Balance components

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance – Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

RESOLUTION NO. CSD 2011-22

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the President and Board of Directors desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the President and Board of Directors designates the Financial & Administrative Services Director of the City of Moreno Valley as the District official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the Moreno Valley Community Services District to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The President and Board of Directors approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.

2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.

3. The President and Board of Directors designates the Financial & Administrative Services Director of the City of Moreno Valley as the District official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vise-President and President)

_____

SECRETARY

(SEAL)

ATTACHMENT A
Proposed Reclassification of Fund Balance components

PRE-GASB 54	Account No.	Definition	**GASB 54 Category**
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for ***future*** debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

ATTACHMENT B
Reclassification of Fund Balance components

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance – Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

RESOLUTION NO. RDA 2011-09

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the Chairperson and Agency Members desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the Chairperson and Agency Members designates the Financial & Administrative Services Director of the City of Moreno Valley as the Agency official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the Community Redevelopment Agency of the City of Moreno Valley to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Chairperson and Agency Members approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.

2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.

3. The Chairperson and Agency Members designates the Financial & Administrative Services Director of the City of Moreno Valley as the Agency official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. _____ was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Agency Members, Vice Chairman and Chairman)

_____

SECRETARY

(SEAL)

ATTACHMENT A
Proposed Reclassification of Fund Balance components

PRE-GASB 54	Account No.	Definition	**GASB 54 Category**
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
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Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
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Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
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ATTACHMENT B
Reclassification of Fund Balance components

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance – Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
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Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ACCEPTANCE OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") and as the legislative body of Community Facilities District No. 1 ("CFD No. 1" or "District") approve and adopt Resolution No. CSD 2011-08 to accept and approve the CFD No. 1 Annual Special Tax Report for fiscal year 2011/12, which is on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

BACKGROUND

In 1986, CSD Zone A was established to fund park and community services. The cost to provide park maintenance services steadily increased over the years, while the CSD Zone A annual charge of $87.50 per parcel or per dwelling unit "DU" for multifamily parcels has remained fixed since fiscal year ("FY") 1992/93. Rising program costs along with an increase of new residential developments created a need for additional funding to support the new neighborhood park areas. CSD Zone A funds could not adequately accommodate the maintenance costs of both existing and newly constructed neighborhood park facilities. The CSD formed CFD No. 1 in an effort to provide for the ongoing maintenance and safety of new neighborhood parks, without jeopardizing CSD Zone A funding for the existing park facilities and community services.

On July 8, 2003, the CSD Board conducted a Public Hearing for the formation of CFD No. 1, approved a resolution to provide for future territory annexation into CFD No. 1,

and authorized a special tax levy. The special tax funds public services such as ongoing maintenance and/or repair of park facilities, park improvements, and all efforts by Park Rangers that are devoted to the maintenance and safety of the newly constructed neighborhood parks accepted by the City of Moreno Valley Parks and Community Services Department for maintenance after District formation in July 2003. FY 2003/04 was the first year for the special tax levy. Residential developments that create the need for new neighborhood parks or are in a proximity to a District facility are conditioned to participate in CFD No. 1.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. Proposition 218 requires that any new or proposed increase in property-related assessments, fees, charges, or taxes be submitted to property owners for approval. Subsequently, increases not addressed in the rate and method of apportionment of special tax ("RMA") will be subject to a two-thirds approval by the property owners within CFD No. 1.

DISCUSSION

The City Council shall consider implementing the RMA to cover the FY 2011/12 special tax requirement for CFD No. 1, as submitted in the special tax report on file in the office of the City Treasurer. Detailed within the annual special tax report ("Report") is the description of the CFD proceedings, identification of participating developments, park facilities maintained within the District, description of services, and the amount of the special tax to be levied for FY 2011/12.

The CFD No. 1 maximum special tax rate for FY 2011/12 is $146.12 per parcel/DU; however, a lower amount may be levied for FY 2011/12 depending on projected District expenses. The special tax is applied only to those parcels annexed into the District and will be collected on the Riverside County property tax bill. The FY 2011/12 CSD Zone A levy of $87.50 per dwelling unit will continue to be collected to support maintenance of existing park facilities and community programs.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA to cover the annual special tax requirement for CFD No. 1. *This approval will allow collection of monies necessary to fund ongoing maintenance and administrative services in CFD No. 1.*

2. **Do not approve or adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA to cover the annual special tax requirement for CFD No. 1. *If the CFD No. 1 special tax is not authorized to be levied, there will be a shortage of funds to pay for ongoing maintenance and administrative services in CFD No. 1.*

FISCAL IMPACT

The special tax shall be levied on all properties within CFD No. 1 on the 2011/12 Riverside County property tax bills. **The special tax collected can only be used to cover costs associated with administration and maintenance of park facilities within the District. Collection of the CFD No. 1 special tax reduces the level of CSD Zone A support necessary to maintain neighborhood parks.** Commercial and industrial properties are not affected by the levy of this special tax.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
A special tax for CFD No. 1 is collected in accordance with the provisions outlined in the Mello-Roos Community Facilities Act of 1982.

SUMMARY

The CSD Board shall consider implementing the special tax levy for CFD No. 1, per the RMA, as identified within the Report on file in the office of the City Treasurer.

EXHIBITS

Exhibit A Resolution to Accept and Approve the CFD No. 1 Annual Special Tax Report for Fiscal Year 2011/12
Exhibit B Boundary Map CFD No. 1

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mike McCarty,
Parks & Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 1 Neighborhood Parks\Annual Report\2011-12\staff report and resolution\staff report and resolution\Staff Report 06.14.11.doc

RESOLUTION NO. CSD 2011-08

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12

WHEREAS, the CITY COUNCIL for the CITY OF MORENO VALLEY, CALIFORNIA, acting in their capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD Board"), did form Community Facilities District No. 1 ("CFD No. 1" or "District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the CSD Board, acting as the legislative body, did introduce and adopt Ordinance Nos. CSD-40 (Urgency Ordinance) and CSD-41 (an Ordinance to authorize the levy of a special tax within CFD No. 1); and,

WHEREAS, the CSD Board adopted Resolution No. CSD 2003-26 authorizing annexation of Territory in the future to CFD No. 1; and,

WHEREAS, annexations to CFD No. 1 have been conducted by the Community Services District following formation of the District; and,

WHEREAS, The City has prepared and submitted the Annual Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover

the annual special tax requirement for CFD No. 1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the Capacity of President
of the Moreno Valley Community
Services District

ATTEST:

_____
City Clerk, Acting in the Capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, Acting in the Capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vise-President and President)

_____
SECRETARY

(SEAL)

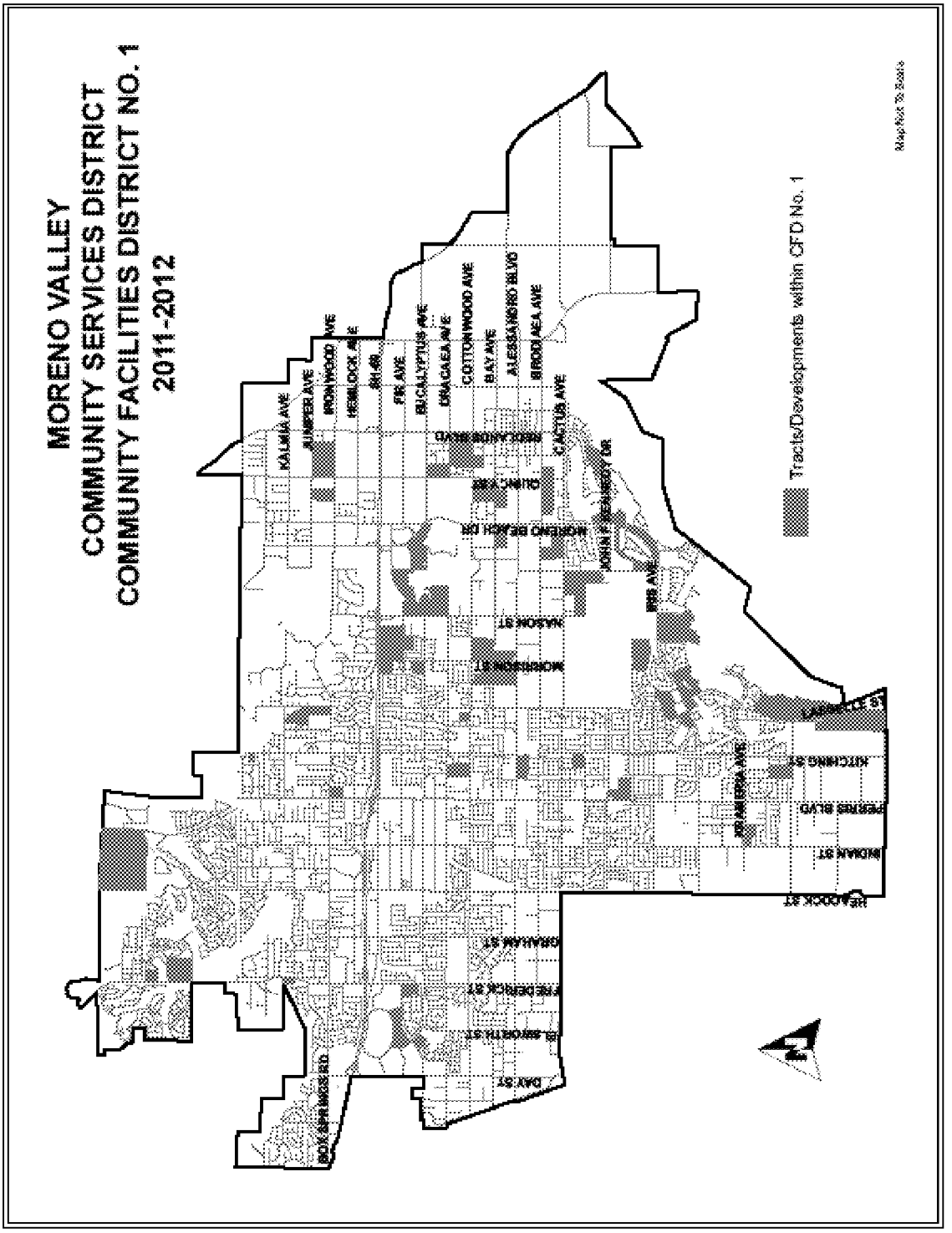
MORENO VALLEY
COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 1
2011-2012
Tracts/Developments within CFD No. 1
Map Not To Scale
KALMIA AVE
JUNIPER AVE
IRONWOOD AVE
HEMLOCK AVE
ELM
FIR AVE
EUCALYPTUS AVE
DRACAEA AVE
COTTONWOOD AVE
BAY AVE
ALESSANDRO BLVD
BROOKLAND AVE
CACTUS AVE
MORENO BEACH DR
JOHN F KENNEDY DR
IRIS AVE
MASON ST
MORRISON ST
LAKESIDE ST
KITCHING ST
PERRIS BLVD
INDIAN ST
REDWOOD ST
ORANGE ST
FREDERICK ST
SOUTH ST
DAY ST
BOX SPRINGS RD

EXHIBIT B

MORENO VALLEY
COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 1
2011-2012

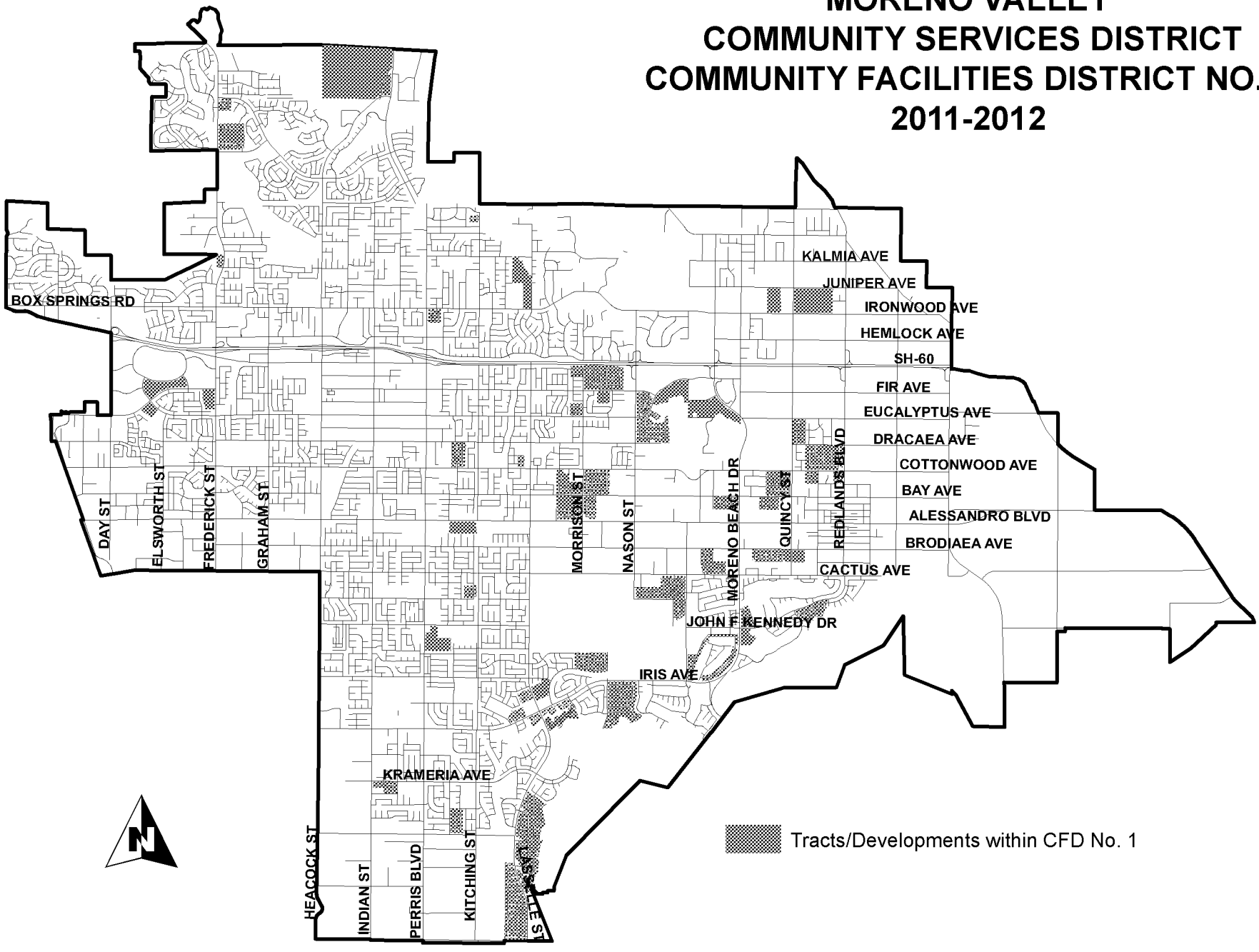

Map Not To Scale

MV00106368

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: **AWARD OF CONTRACT** – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-1 (TOWNGATE) AND E-1A (RENAISSANCE PARK)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Approve the attached Agreement for CSD Project E-1/11 (the "Agreement") with Marina Landscape Inc., and;

2. Authorize the President of the CSD Board to execute said Agreement with Marina Landscape Inc., and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to Marina Landscape Inc., in the amounts of:

    a. NINETY-SEVEN THOUSAND NINE HUNDRED AND SIX AND 80/100 DOLLARS ($97,906.80) for twelve (12) months of base maintenance services and;

    b. NINE THOUSAND SEVEN HUNDRED NINETY AND 68/100 DOLLARS ($9,790.68) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

Advertisements requesting proposals for extensive maintenance of the public parkways and medians within the CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) service areas, which are located within the Towngate Specific Plan development (Project E-1/11), were placed in The Press-Enterprise on January 19, 2011 and January 26, 2011. Copies of the complete RFP document were also sent to F.W. Dodge-McGraw-Hill and Bid America for publishing both in print and on-line. In addition, the RFP document was also posted on the City's website.

Representatives from eighteen (18) landscape maintenance firms attended the mandatory pre-submittal meeting on January 27, 2011. At this meeting staff explained in detail the information requested in the RFP, and the proposal submittal and selection process.

Proposals were submitted to the office of the City Clerk on February 2, 2011, by seven (7) firms. Staff from the Special Districts Division of the Public Works Department reviewed the proposals that were received by the submission deadline. Marina Landscape Inc., met the contracting requirements and was the lowest responsive and responsible proposer (See Attachment 2).

DISCUSSION

R.F.P. No. E-1/11 provides for extensive maintenance of the public parkways and medians within the CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) service areas, which are located within the Towngate Specific Plan development. The proposal submitted by Marina Landscape Inc., demonstrates that this company should be able to perform the required services as requested at a cost that is approximately 66% less than the current contract for this service area, which will terminate on June 30, 2011. The key provisions of the Agreement include:

1. The furnishing of contract labor, specified materials, and equipment necessary to maintain over 11 acres of extensive parkway and median landscaping and irrigation located in the E-1 and E-1A Service Areas.

2. The CSD will furnish the necessary utilities (water, electricity, and irrigation system control communication service), certain ancillary materials, and staff field inspection services to manage the irrigation systems and coordinate contractor operations.

3. The Agreement has an initial term of twelve months, commencing on July 1, 2011, and terminating on June 30, 2012. The CSD, at its option, may enter into negotiations with the contractor to extend the Agreement for additional one-year

periods, not to exceed a total of four such extensions (Exhibit D, Section 1., paragraph B. of the Agreement).

ALTERNATIVES

1. By approving the Agreement with Marina Landscape Inc., and authorizing the issuance of a purchase order at the start of the 2011/12 Fiscal Year, contingent upon execution of the Agreement, submittal of satisfactory proofs of insurance, and payment and submittal of performance bonds, the CSD Board shall provide for base maintenance services for the landscaped parkways and medians associated with CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park). Marina Landscape Inc.'s proposal was complete and comprehensive. The firm's municipal references and the level of care it provides on agency contracts of comparable types indicate its ability to perform satisfactorily under the scope of this Agreement. *By accepting this proposal, the CSD will ensure continuity of service to the E-1 Parkways & Medians and Day St. Medians, and E-1A Parkway & Median landscaped areas.*

2. By not accepting the proposal from Marina Landscape Inc., and directing staff to publish a second solicitation of proposals, landscape maintenance for CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) the landscaping may incur a lapse in maintenance services. *This alternative would consume additional staff time and resources, with no assurance of receiving a more favorable result for the CSD. (Marina's proposal, selected to commence in FY 2011/12, represents approximately a 66% reduction in the current year's contract rate.)*

FISCAL IMPACT

The necessary annual purchase orders for the initial term of this contract are set forth below.

Purchase Order Type/Fund/Business Unit	2011/2012 Fiscal Year P.O. Amount
Base Contract	
00182.78220.6261	$88,429.68
00182.78281.6261	$ 9,477.12
Additional Work	
00182.78220.6261	$ 8,000.00
00182.78281.6261	$ 1,790.68
Total P.O. Amounts	**$107,697.48**

The above amounts have been budgeted for Zone E-1 and Zone E-1A for the coming fiscal year, with costs to be recovered through annual CSD parcel charges. The parcel charges collected may only be used for landscape maintenance services of parkways and medians in the Towngate Specific Plan area. **This action will not impact the City's General Fund**.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS
By accepting the proposal of Marina Landscape Inc., the CSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the CSD Board are to approve the attached Agreement for Project E-1/11, authorize the Board President to execute the Agreement with Marina Landscape Inc., and authorize the Purchasing Division Manager, at the start of Fiscal Year 2011/12, to issue purchase orders to Marina Landscape Inc. for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

Attachment 1. Zones E-1 and E-1A Vicinity Maps

Attachment 2. Proposal Recap Sheet

Attachment 3. Copy of Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Concurred By
Candace E. Cassel
Special Districts Division Manager

Concurred By
Daniel Monto
Senior Landscape Services Inspector

Department Head Approval
Chris A. Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Attachment
1
(Behind this page)

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-1 • Towngate

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

8

Landscaped Parkway
Landscaped Median
Zone E-1 Parcels

Map Created by Moreno Valley GIS
Print Date: November 29, 2007
File: G:\ArcMap\Special Districts\E1_8.5x11.mxd

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-1A • Walls/Internal Landscape Maintenance

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

8

CSD Maintained Aterial Walls
CSD Maintained Landscape and Internal Walls
Zone E-1A Parcels

Map Created by Moreno Valley GIS
Print Date: November 29, 2007
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MV00106376

Project E-1/11
Proposal Recap Sheet

Propopser	PRICE
BEMUS	$141,946.00
MARINA	**$97,906.00**
TRUGREEN	$124,699.44
TROPICAL	$122,160.00
SPECTRUM	$133,860.00
GREEN IT UP	$133,125.36
EXCEL	$142,237.29

Attachment 2

INDEPENDENT CONTRACTOR AGREEMENT

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

This Contract Agreement, effective as of the day signed by the City Manager (acting in the capacity of District Manager to the Moreno Valley Community Services District) or Mayor (acting in the capacity of President to the Moreno Valley Community Services District), is made between the Moreno Valley Community Services District, a Community Services District established pursuant to Section 61000 and following of the California Government Code, hereinafter referred to as the "District", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon District policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

1. CONTRACTOR INFORMATION:

Contractor's Name	Marina Landscape, Inc.
Street Address	
Street Address	1900 S. Lewis Street
City, State, Zip	Anaheim, CA 92805-6621
Mailing Address	
(If same as Street Address,	Same as above
write same or same as above)	
Business Phone (with area code)	(714) 939-6600
Cell or Mobile Phone (with area code)	
Other Contact Number (with area code)	
Fax Number	(714) 935-1199
Email Address	
Social Security Number	
Business License Number	
Federal Tax ID Number	95-3760820
Contractor's License Number	
& Classification	492862 A, B, C27, and C36

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

A. The Contractor's scope of work, responsibilities, requirements, provisions, and additional terms and conditions required to be performed by the Contractor the services of this RFP are described in Exhibit "A" attached hereto and incorporated

herein by this reference.

B. The District's responsibilities, other than payment, are described in Exhibit "B" attached hereto and incorporated herein by this reference.

C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.

D. The Contract Starting Date is July 1, 2011 and the Contract Ending Date is June 30, 2012. Any provisions for extending the term of the Contract for subsequent terms are provided in Exhibit "D" attached hereto and incorporated herein by this reference. The District acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

E. Contractor's Proposal, including but not limited to the Bid Schedule, Additional Work Price List, Contract Proposal, Proposed Project Work Schedules, Proposed Annual Material Schedule, Contractor Information, Certification of Non-Discrimination, and List of Subcontractors, are described in Exhibit "E" attached hereto and incorporated by this reference.

3. STANDARD TERMS AND CONDITIONS:

A. Control of Work. Except for compliance with specifications and performance standards provided for in Exhibit "A," the Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The District will not provide, nor be responsible to provide, any training to the Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services paid by the Contractor, an agent or employee of the District, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the District, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the District.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the District. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Contract, with the exception that the District shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Contract.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City of Moreno Valley (City), the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (District), and the City of Riverside (Riverside), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Contract. Acceptance of these terms by both parties constitutes a Contract and signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible for such coverage.

F. District Indemnification. The District agrees to indemnify, defend and save the Contractor and his/her/its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and the District's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the District under this Contract, or are caused or claim to be caused by the negligent acts of the City, RDA, and the District, their officers, agents or employees, or its subcontractor(s) or any person acting for the District or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the District, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

☒ General Liability Insurance—to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, subcontractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Contract and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/ $2,000,000 aggregate
Property Damage	$1,000,000 per occurrence/ $2,000,000 aggregate

☐ Professional Errors and Omission Insurance—such coverage shall not be less than $1,000,000 per claim and aggregate.

☒ Worker's Compensation Insurance—in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide

legal defense for both the Contractor and the City, RDA, District, and Riverside against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage may be waived if the Contractor is determined to be functioning as a sole proprietor and the city provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Contract

☒ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/RDA/District premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

☐ Insurance requirements waived with Risk Manager's approval.
By: _____ Date: _____
(Risk Manager)

☐ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "F" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City's Risk Manager prior to the execution of this Contract. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

Solely as respect to services done by or on behalf of the named insured for the Moreno Valley Community Services District, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and the City of Riverside, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and/or the City of Riverside, their officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail to the City of amendment or cancellation , except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Contract, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall

become the sole property of the District unless explicitly stated otherwise in this Contract. The Contractor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Contractor in performance of this Contract. The District and the Contractor agree that to the extent permitted by law, until final approval by the District, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire of the Contract. This Contract constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Contract. This Contract applies only to the proposal attached. This Contract may be modified or amended only by a subsequent written Contract signed by both parties. Assignment of this Contract is prohibited without prior written consent.

J. Termination.

1. Either party may terminate this Contract upon breach of the Contract by the other party. In the event the District terminates the Contract, the Contractor shall perform no further services under the Contract unless the notice of termination authorizes such further work.

2. The District may terminate this Contract without fault on the part of the Contractor by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the District. The District shall pay the Contractor within thirty (30) days after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.

K. Payment. Payments to the Contractor, pursuant to this Contract will be reported to Federal and State taxing authorities as required. The District will not withhold any sums from compensation payable to Contractor, except as provided for in Exhibit "C". Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractor's time and materials charges under the Contract. Upon reasonable notice, such records must be made available to the District's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Contract.

L. Restrictions on District / City Employees. The Contractor shall not employ any District or City employee or official in the work performed pursuant to this Contract. No officer or employee of the District or City shall have any financial interest in this Contract in violation of federal, state, or local laws.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Contract, and shall govern the interpretation of this Contract. Any legal proceeding arising from this Contract shall be brought in the appropriate court located in Riverside County, State of California.

N. Notices. All notices, requests, demands or other communications ("notice") under this Contract by any party shall be in writing, shall be properly addressed as set forth below (or to such other address as any party may later designate), and shall be sufficiently given on the date: (a) of service if served personally upon the person to whom notice is to be given, (b) receipt is confirmed with the addressee by telephone if a notice is sent by telex, telecopier, facsimile or other telecommunication facility, or (c) of receipt if a notice is sent by courier or by registered or certified mail, return receipt requested, postage prepaid:

To Contractor:

[Mailing Address (Post Office Box, if applicable]

[Telephone number]

[Fax number]

[Email address]

With a copy to:

[Attorney for Contractor, if applicable]

[Street Address]

[Post Office Box, if applicable]

[City, State, Zip]

[Telephone number]

[Fax number]

[Email address]

To CSD:

MORENO VALLEY COMMUNITY SERVICES DISTRICT
Public Works Department
Special Districts Division
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: Daniel Monto, Senior Landscape Services Inspector
Telephone number: 951. 413-3480
Fax Number: 951. 413-3498

With a copy to: City Attorney's Office [if applicable]
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: City Attorney
Telephone number: 951. 413-3036
Fax number: 951. 413-3034

SIGNATURE PAGE TO FOLLOW:

SIGNATURE PAGE

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

Moreno Valley Community Services District	Contractor
By: _____	By: _____
Title: Mayor, acting in the capacity of President of the Board of Directors of the Moreno Valley Community Services District	Title: (President or Vice President) (Partner) (Joint Venturer) (Owner)
Date: _____	Date: _____

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

By: _____
Title: Corporate Secretary or Assistant Secretary
(If applicable)
Date: _____

Affix Corporate Seal Below
(If applicable)

Attachments

EXHIBIT A
R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. SCOPE OF WORK

A. The work to be performed under this Contract shall include the furnishing of all labor, material, and equipment necessary for the provision of landscape and appurtenant maintenance services within the boundaries of the various zones of the District as determined in the resolutions of the City Council establishing said zones, and as said boundaries may have been heretofore or may be hereafter altered, and as more particularly shown on the Location Map or Maps attached at the end of this exhibit, Section 23, Project Location Map.

B. The Contractor shall have the duty to: mow, edge, trim, and fertilize turf and shrub areas designated hereunder; regularly maintain and prune trees up to eighteen feet (18') in height; remove litter and debris from all sites as required under this Contract; provide general pest control services as requested, including but not limited to weeds, insects, and diseases; maintain irrigation systems; hand water and bleed valves as necessary during emergencies when automatic systems are not functioning.

C. All work shall be performed in accordance with usual and customary horticultural practices to achieve, and maintain healthy, viable landscapes. The Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director" will periodically inspect all the operations and approve or reject the work performed, and methods or materials used, and make changes in work scheduling.

D. The Contractor shall be responsible for carefully reviewing the site(s), and verifying the square footage noted for each location of proposed work is included in the Proposal. The Contractor shall not be relieved of his//her/its liability under this Contract, nor the District or City be held liable for any loss sustained by the Contractor as a result of any variance between conditions as referred to in the Technical Provisions, and the actual conditions revealed during the examination of the locations of the proposed work.

E. All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

2. SCHEDULING OF WORK

A. The Contractor shall adhere to the facilities, equipment and staffing schedule, and

monthly and annual work schedules submitted as a part of the Contractor's bid, and incorporated herein by this reference. These schedules, and any approved revisions thereto, shall be used by the District as a basis for determining Contractor's satisfactory performance.

B. Revisions to facilities, equipment, staffing, or monthly and annual work schedules shall not be implemented without the prior written approval of the Director. The Contractor shall submit proposed revisions to equipment and staffing, or monthly and annual work schedules in writing to the District at the address as set forth in Exhibit A, Section 3, paragraph N. of the Contract at least ten (10) working days prior to commencing work per the proposed revisions.

C. Failure to submit proposed revisions to equipment, staffing, or work schedules by the time limits established hereinabove may result in the Contractor becoming liable to the District for non-performance penalties per Exhibit C, Section 4.

D. The above provisions shall not be construed to eliminate the Contractor's responsibility for complying with the requirement to notify the Director for Specialty type maintenance as set forth immediately hereinafter.

E. The Contractor shall notify the Director in writing at least five (5) working days prior to the date and time of all "Specialty" type maintenance operations, which shall include, but are not limited to:

1. Fertilization;
2. Turf Aeration;
3. Application of pesticides by any method;
4. Other operations so designated by the Director.

Notification of "Specialty" maintenance operations shall include a brief description of intended method(s) of execution, materials to be used, and the dates for commencement and completion of said operations. Failure to complete "Specialty" operations by the indicated date may result in the assessment of non-performance penalties per Exhibit C, Section 4.

F. When inclement weather renders performance per approved schedule unsafe, impractical, or liable to damage landscaping, the Contractor shall adjust his work force in order to accomplish those work items not affected by weather, and shall contact District field staff to inform them of said alternate work assignments. Failure to advise the District may be cause for assessment of non-performance penalties per Exhibit C, Section 4.

G. For the purposes of this Contract, "Working Days" shall be Mondays through Thursdays, excluding holidays as provided herein. The hours of maintenance service shall be from 7:00 a.m. to 4:30 p.m. on those days maintenance is to be provided pursuant to the work schedule as approved by the Director. Any work the Contractor proposes to perform outside of the days and hours set forth

hereinabove, as well as on legal City holidays, shall not be undertaken without the prior written approval of the Director.

The following days have been designated as holidays by the City:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls upon a Sunday, the following Monday shall be the day the holiday is observed. If a holiday falls upon a Saturday, the preceding Friday shall be the day the holiday is observed. If a scheduled maintenance service day falls on a designated holiday, the Contractor shall submit a proposed make-up day for the Director's approval.

3. FUNCTIONS AND RESPONSIBILITIES

A. The Director and Contractor shall conduct an inspection of all sites covered under this Contract as soon as practicable after its execution, and prior to commencement of Contractor's operations. Following said inspection, the Contractor shall submit to the Director a written affidavit certifying the actual condition of the site(s) relative to District Specifications, including but not limited to the nature and extent of any deficiencies noted by the Contractor, and acknowledged by the Director. The Contractor is hereby advised that this affidavit shall serve as the benchmark for the Director's evaluation of Contractor's performance under this Contract. Failure to maintain site(s) up to this established standard may result in the District deducting payment of all or part of the Contractor's compensation, as further described in Exhibit C., Section 3.

B. The Contractor shall on an ongoing basis maintain a monthly log that records all work performed by the Contractor. Said log shall be in a form and content acceptable to the Director (see Appendix B, Monthly Report Form), and shall be submitted to the Director by the tenth day of each month, one (1) month in arrears. The monthly payment for the work so reported will not be authorized until such report (Monthly Report) is received, and approved by the Director.

C. The Contractor shall perform at least one maintenance inspection weekly during daylight hours of all sites. Such inspection shall be both visual and operational, including but not limited to, operation of all automatic irrigation systems to check for proper condition, and reliability. Additionally, the Director may require the

Contractor to attend meetings with the District field staff at some fixed interval to review the Contractor's operations, and schedule such future work as may be ordered by the Director. Failure to conduct said weekly inspections or attend regularly scheduled meetings may result in the assessment of non-performance penalties per Exhibit C., Section 4.

D. The Contractor shall maintain an office at some fixed place, and shall maintain an operable telephone thereat, listed in the telephone directory in Contractor's own name or in the Contractor's company name, and shall at all times employ some responsible person(s) to take the necessary action regarding all inquiries, complaints, and/or emergency calls that may be received from the Director or other authorized individuals or agencies as listed in Exhibit A, Section 3., paragraph E. below. This person(s) shall be reachable twenty-four (24) hours per day, seven (7) days a week. During normal working hours, the Contractor's Supervisor or employee designated as being responsible for providing maintenance services to the District shall be directly available for immediate notification through some type of reliable electronic means, including but not limited to, mobile or cellular phone, two-way radio, or pager. The Contractor or Contractor's designated employee shall confirm said notification within one (1) hour of receipt. An answering service will be considered an acceptable substitute for coverage <u>only</u> during periods outside of normal working hours, provided Contractor is advised of emergency calls within one (1) hour of receipt of the call by the answering service and within twenty-four (24) hours after receipt of non-emergency calls by the answering service. The above provision for Contractor's communication with the District is the <u>minimum</u> acceptable standard under this Contract. Failure to regularly provide said communication capability may result in the Contractor being assessed non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall respond to an emergency call from any of the parties listed below no later than two (2) hours following first notification by facsimile transmission, or in writing, or by telephone. In situations involving emergency repair work after normal working hours, the Contractor shall dispatch qualified personnel, and equipment to reach the site within two (2) hours of first notification. An emergency may be called by the following individuals or agencies at **<u>any</u>** time:

1. City Manager
2. Director of Public Works
3. Police Department
4. Fire Department
5. Special Districts Division Manager
6. Street Maintenance Supervisor
7. Senior Landscape Services Inspector
8. Landscape Services Inspector

Contractor's emergency response and any necessary corrective work shall be considered Additional Work as defined in Exhibit C., Section 2, unless said emergency is determined to have been caused by an act or omission attributable to the Contractor.

4. CONTRACTOR'S STAFF

A. The Contractor shall provide sufficient personnel to perform all work in accordance with the Specifications set forth herein. All of the Contractor's maintenance personnel shall be supervised at the work site(s) by a qualified Supervisor in the employ of the Contractor. Work Site Supervisors must be able to demonstrate to the satisfaction of the Director that they possess adequate technical background, and communication skills to perform the intended services. Adequate and competent supervision shall be provided for all work done by the Contractor's employees to ensure accomplishment of high quality work, which will be acceptable to the Director. Any order or communication given to the Work Site Supervisor shall be deemed to have been delivered to the Contractor.

B. The Contractor and his employees and subcontractors, if any, shall conduct themselves in a proper, professional, and efficient manner at all times, and shall cause the least possible inconvenience to the public.

C. The Director may require the Contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interests of the District.

D. The Contractor shall require each employee performing work under the Contract to adhere to basic public works standards of working attire, including but not limited to wearing of proper clothing, proper shoes, and other gear required by applicable Safety Regulations and/or fertilizer/pesticide label requirements..

   Shirts shall be worn at all times, and shall be buttoned. Approved safety vests shall be worn by Contractor's employees when working on parkway medians, monuments, parkways, and other high traffic-hazard areas as determined by the Director. Failure to comply with the above requirements may make the Contractor liable for assessment of non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall establish an identification system for Contractor's personnel which clearly indicates to the public the name of the Contractor. The identification system shall be furnished at the Contractor's expense and may include appropriate attire, and/or name badges as specified by the Director.

5. EMPLOYMENT OF APPRENTICES

The provisions of Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code regarding the employment of properly registered apprentices may apply to this Contract if the Contractor, or any subcontractors thereunder, employs workers in any apprenticeable craft or trade. It is the Contractor's sole responsibility to comply with the Labor Code sections cited above. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the California Department of Industrial Relations..

6. COMPLAINTS

A. All complaints shall be responded to as soon as possible after notification, but in all cases within twenty-four (24) hours, to the satisfaction of the Director. If any complaint is not satisfactorily responded to within twenty-four (24) hours, the Director shall be notified immediately of the reason for not remedying the complaint followed by a written report to the Director within five (5) working days. If the complaints are not remedied within the time specified, and to the satisfaction of the Director, the Director may correct the specific complaint by using an alternative source. The total cost incurred by the District to effect necessary remedies will be deducted from the payments owing to the Contractor from the District, per Exhibit C., Section 3.

B. The Contractor shall maintain a written log of all complaints, the date and time thereof, and the action taken pursuant thereto, or the reason for non-action. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above.

C. In addition to the provisions of Section 6., paragraph A. above, in the event of a failure by the Contractor to satisfactorily remedy a complaint in a timely manner or for any other breach of this Contract by Contractor, the District may immediately upon written notice to the Contractor terminate this Contract.

7. SAFETY

A. The Contractor agrees to perform all work as outlined in the Provisions listed herein in such a manner as to meet all accepted standards for safe practices and to safely maintain equipment, machines, and materials, and prescribe and employ all precautions and safety procedures related to other hazards consequential to the work; and accepts additionally the sole responsibility for complying with all local, State, Federal and other legal requirements including but not limited to, full compliance with the terms of any and all applicable OSHA and Cal/OSHA Safety Orders at all times so as to protect all persons, including Contractor's employees and subcontractors, agents of the District, City, materialmen, vendors, members of the public and others from foreseeable injury, or damage to their property.

B. The Contractor's operations shall be conducted in such a manner as to cause the least possible obstruction, and inconvenience to public traffic. The Contractor shall furnish, erect and maintain such fences, barriers, lights and warning signs as may be deemed necessary by the Director, or any duly constituted public safety official.

Contractor's work area traffic control, including but not limited to type and placement of signs, barricades, and delineators, shall be in accordance with the "Manual of Uniform Traffic Control Devices, 2010 (or most current) California Supplement".

Contractor's work should not encroach into open lanes of traffic between the hours of 7:00 a.m. and 8:30 a.m., or between the hours of 3:30 p.m. and 6:00 p.m.

C. The Contractor shall maintain all work sites free of hazards to persons or property resulting from Contractor's operations. The Contractor shall inspect for all potential hazards at said areas under maintenance, and keep a log indicating date inspected, and action taken. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above. Any hazardous condition noted by the Contractor, which is not a result of Contractor's operations, shall be immediately reported to the Director.

D. The Contractor shall be responsible for making minor corrections, including but not limited to, filling holes in turf areas, replacing valve box covers, and repairing irrigation systems, so as to protect members of the public or others from injury.

The Contractor shall cooperate fully with the District or City in the investigation of any accidental injury or death occurring on the site, including a complete written report thereof to the Director within five (5) working days following the occurrence.

E. Failure to comply with the provisions of this section of Exhibit A may result in: payment deduction per Exhibit C, Section 3 of the Contract, or assessment of non-performance penalties per Exhibit C., Section 4. Repeated failure to comply with the provisions of this section may result in contract termination, per Exhibit A, Section 3, paragraph J of the Contract Agreement.

8. USE OF CHEMICALS

A. Before the beginning of the Contract period, the Contractor shall submit a list, which shall include the exact Brand Name, Label, and Material Safety and Data Sheet (MSDS).of all chemicals proposed for use under this Contract, including but not limited to fertilizers and pesticides, for approval by the Director. Where applicable, materials included on this list shall be chemicals as approved by the State of California Department of Food and Agriculture.

B. Director shall be notified in writing of any changes or deviations from the above list. Use or application of said materials shall not be made prior to approval by the Director. Failure to comply with this requirement may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. Chemical applications, including but not limited to fertilizers and pesticides, shall be made in strict compliance with the label directions, restrictions, and precautions as well as with any other requirements deemed necessary by any county, state, or federal regulatory agency, or the Public Works Department of the City of Moreno Valley.

D. Contractor shall report all fertilizers and pesticides used in performance of the work as an element of Contractor's Monthly Report, as set forth in Section 3, paragraph B above. This report shall include: the date, time of day, location, type of material, method of application, and environmental data.

9. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - REQUIRED URBAN RUNOFF MANAGEMENT TRAINING

The Contractor shall provide National Pollutant Discharge Elimination System (NPDES) Permit training for Urban Runoff Management to Contractor's employees and subcontractors if any. Failure to provide Urban Runoff Management training is a violation of Order No. R8-2002-0011, NPDES No. CAS 618033 (Municipal Separate Storm Sewer System NPDES Permit), Section XI.I, for each day of which such failure occurs, and shall in addition, be a breach of the Contract with the City of Moreno Valley (City). Contractor understands and agrees that NPDES Permit violations are grounds for enforcement action by the Environmental Protection Agency, the State/Regional Water Resources Control Board, and the City and may result in permit termination (stop work order), civil and criminal fines, and termination of Contract. By submitting a proposal, the Contractor certifies to the City that Contractor's employees and subcontractors, if any, have been trained for Urban Runoff Management, and sufficient sums are included in the proposal's amount to cover costs of such said training.

10. LICENSES AND PERMITS

The Contractor shall, without additional expense to the District or City, possess all licenses and permits, including but not limited to a valid City Business License, required for the performance of the work under this Contract.

11. PREVAILING WAGE

A. Pursuant to provision of Section 1773 of the Labor Code of the State of California, the Moreno Valley Community Services District has obtained the general prevailing rate of per diem wages applicable for the work to be done, including but not limited to: straight time, overtime and holiday work; travel and subsistence payments; employee payments of health and welfare, vacation, pension, and similar purposes. Said rate and scale are on file with the Public Works Department of the City of Moreno Valley, and copies will be made available to any interested party on request. These rates shall be the minimum wage rates for this project. Throughout the term of this Contract, the Contractor will be required to post a copy of said rate, and scale as required by the Labor Code.

B. Pursuant to provisions of Section 1775 of the Labor Code, the Contractor shall forfeit as penalty to the Moreno Valley Community Services District, not more than fifty dollars ($50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinabove stipulated for any work done under the attached contract, by the Contractor or by any subcontractor under Contractor's direction and control, in violation of the provisions of said Labor Code.

12. PAYROLL RECORDS

A. The Contractor, and any subcontractor thereunder, shall keep complete and

accurate payroll records for each workman employed by Contractor/subcontractor in connection with this Contract, as required by California Labor Code Section 1776.

B. The Contractor, and any subcontractor thereunder, shall make available to the District upon its request certified payroll records for each workman employed in connection with this contract as required by California Labor Code Section 1776.

C. The District may withhold from Contractor's progress payments the penal sum of twenty-five dollars ($25.00) per calendar day (or portion thereof) for each worker employed in connection with this Contract should Contractor, or any subcontractors thereunder, fail to strictly comply with California Labor Code 1776 after receiving written notice of non-compliance.

13. BONDS

Pursuant to Section 3247 of the Civil Code, the Contractor hereby agrees to provide and maintain in full force and effect for the duration of this Contract, two (2) good, and sufficient surety bonds, to wit:

A. A "Faithful Performance Bond" in the amount of one hundred percent (100%) of the contract price, which shall guarantee the faithful performance of all work, and;

B. A "Materials and Labor Bond" in the amount of one hundred percent (100%) of the contract price, which shall secure the payment of the claims of labor, mechanics or materialmen for all work performed hereunder.

14. SUBSTITUTION OF SECURITIES

Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the Moreno Valley Community Services District to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the Moreno Valley Community Services District, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld, and shall receive any dividends or interest thereon. The Contractor shall give the District written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow agreement in a form which is substantially similar to the agreement set forth in Section 22300 of the Public Contract Code.

15. CONTRACTOR'S LIABILITY

A. The Contractor shall be responsible for all damages to people and/or property that occur as a result of the fault or negligence attributable to Contractor in connection

with the performance under this Contract. Any and all restitution or repairs deemed necessary by the Director to remedy such damages shall be furnished and performed at the Contractor's sole expense, and shall be completed within the time limits established by the Director.

B. Repairs made to sites and site appurtenances that are damaged as a result of Acts of Nature, vandalism, theft, and acts or omissions by third parties or any other occurrence not attributable to the Contractor's operations shall be repaired by the Contractor as Additional Work and compensated as defined in Exhibit C., Section 2.

16. CONTRACTORS LICENSE

Contractors are required by law to be licensed, and regulated by the Contractors' State License Board. Contractor will comply with all applicable licensing laws, and regulations. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 9821 Business Park Driver, Sacramento, CA 95827. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

17. TECHNICAL PROVISIONS – FULL SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed weekly-on no more than two (2) consecutive days as weather and site conditions permit. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" shall include, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in to any other site.

6. Mowing height for cool season grasses shall not exceed three inches (3") maximum, or two inches (2") minimum, and shall be adjusted within these

parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed one and one-half inches (1½") maximum, or three-quarters of an inch (¾") minimum, and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Whenever trees occur in turf areas, a six inch (6") ring of grass shall be removed from around the trunks in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions Full Service Fertilization, Section 18.

13. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

14. Aeration:

    (a) All turf areas shall be aerated three (3) times annually;

    (b) Aeration shall be done in the spring, mid-summer, and fall, or as directed by District field staff;

    (c) Aeration equipment shall be of the hollow tine type. The tines shall have a minimum diameter of one-half inch (½"), and a penetration depth of at least two inches (2"). There shall be no more than six inches (6") between tines;

    (d) Areas to be treated shall be adequately irrigated prior to treatment to allow maximum tine penetration;

    (e) Any soil cores remaining on the turf surface two (2) weeks after treatment must be removed;

    (f) Humus base fertilizer is to be applied directly following spring and fall aeration operations. See Technical Provisions – Full Service Fertilization, Section 18.

15. Renovation/thatching operations are to be considered Additional Work, per

Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision) standards.

4. Any tree shall be pruned at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

   (a) Be pruned to enable successful adaptation to their particular site situation;

   (b) Have no more than one-third (1/3) of living branches removed annually;

   (c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

   (a) Be inspected annually;

   (b) Pruned and/or trimmed as necessary to maintain proper site orientation;

   (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

   (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

(a) internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

(c) Use of pruning paint/pruning compound/wound dressing;

(d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodge pole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

(a) Remove dead, diseased, or damaged branches;

(b) Remove unwanted encroachments into public and/or utility rights-of-

way;

(c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

(a) To enable successful adaptation to their particular site situation;

(b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

(c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

(a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", "poodling") <u>will be done only when authorized by the Director on a site-specific basis</u>.

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

(c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See <u>Technical Provisions - Full Service Fertilization</u>, Section 18.

9. Pest control: See <u>Technical Provisions – Full Service Pesticide Use</u>, Section 19.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

   (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.

8. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

E. WEED CONTROL

1. All weeds shall be continuously controlled at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are

not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; and non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Full Service Pesticide Use, Section 19.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites shall at all times receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3.- Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per week; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal operation ("wear and tear"), and; 2) vandalism, theft, and acts or omissions by third parties.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

(a) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than one (1) time per week;

(b) Be turned off during periods of rainfall, or as directed by District field staff;

(c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

(a) Be operated only when Contractor's personnel are present on site;

(b) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than at each time of operation;

(c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to effect irrigation system repairs shall be of the same manufacture as those originally installed unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a minimum of one (1) visitation per week of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walks the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites that are, in the opinion of the Director, exceptionally littered shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter, as described in

paragraphs 1 and 2 above, off-site, and in a legal manner.

6. The Contractor shall notify the Director immediately whenever suspicious and/or hazardous waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

7. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from contract sites by the Contractor, or any subcontractors thereunder, in performance of contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested therein and shall include, on a separate Monthly Greenwaste Report form, any greenwaste generated through the operations of any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

18. TECHNICAL PROVISIONS – FULL SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. Per Technical Provisions – Full Service Landscape Section 17, a humus base fertilizer shall be applied to turf areas immediately following spring and fall aeration operations. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Humus base fertilizers to be applied by drop spreader only.

3. Humus base fertilizers to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification is required to Director five (5) working days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
April	1	23-5-10 *	1.5	6.5 lbs
Sept	1	23-5-10 *	1.5	6.5 lbs

* 23-5-10/BEST@POLY SUPREME or approved equal

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification is required to Director five (5) working days prior to

fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required a minimum of five (5) working days prior to fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

19. TECHNICAL PROVISIONS – FULL SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Agreement.

4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used, along with a use recommendation for each pesticide, in the fulfillment of said Contract, per Section 8 – Use of Chemicals. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides listed shall be submitted in writing to the Director for approval prior to any use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for the filing of all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by all county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require that copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. For pesticide application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A written notice shall be provided to the Director five (5) working days prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

   (a) All shrub bed areas shall be treated with an appropriate pre-emergent herbicide at the maximum allowable rate according to the label, and state regulations. This treatment shall be performed twice a year, as determined by the Director.

   (b) Appropriate chemical control must be used on the following weeds.

   Bermuda Grass
   Kikuyu Grass
   Nutsedge
   Field Bindweed
   Spurge

   The aforementioned list is inclusive; other species may be added by the Director as necessary

   (c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

   (a) Snails shall be controlled on a regular basis on the following plant species:

   Agapanthus africanus
   Aptenia sp.
   Gazania sp.
   Hemerocallis sp.

   (b) Snails shall be controlled on an as needed basis on all other plant material.

   (c) Failure to adhere to the above specifications for snail control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

3. Insect and Disease Control

   (a) The Director may require certain tree species, which are subjected to excessively dusty conditions be rinsed off with water, as directed by District field staff. Rinsing operations that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

   (b) The Director may require that all Platanus species be sprayed annually with two applications of a copper based dormant spray should an

infestation be detected. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(c) The Director may require that all Pyrus and Pyracantha species found to be infected with fireblight be treated with annual applications of a copper based dormant spray. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(d) The Director may require that all Juniperus, Pinus, Cupressus and Pyracantha species found to be infested with mites be treated with an appropriate acaricide. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(e) All other insect, disease, and fungus problems will be treated on a site- and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

(a) When the Director determines that the turf weed population at any site(s) exceeds acceptable levels, an appropriate herbicide shall be applied in accordance with all label specifications. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All turf areas that the Director has determined to be prone to annual weed grass intrusion shall require annual applications of pre-emergent herbicides labeled for such use. Any preventative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(c) Failure to apply turf weed control materials within the time frames

established by the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Insect and Disease Control

(a) All turf areas that the Director has determined to have a history of fungus infection shall be treated annually with an appropriate fungicide, as directed. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All other insect, disease, and fungus problems will be treated on a site and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but are not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of being noticed by the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

20. TECHNICAL PROVISIONS – REDUCED SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed **bi-weekly** and completed within no more than two (2) consecutive days, weather and site conditions permitting. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" includes, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect

infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in onto any other site.

6. Mowing height for cool season grasses shall not exceed a maximum of three inches (3"), or minimum of two inches (2"), and shall be adjusted within these parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed a maximum of one and one-half inches (1½"), or a minimum of three-quarters of an inch (¾"), and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Around tree trunks in turf areas, a six inch (6") ring of grass shall be removed in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

13. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

14. Aeration is considered Additional Work, per Exhibit C., Section 2.

15. Renovation/thatching operations are considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision)

standards.

4. Any tree shall be pruned at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

   (a) Be pruned to enable successful adaptation to their particular site situation;

   (b) Have no more than one-third (1/3) of living branches removed annually;

   (c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

   (a) Be inspected annually;

   (b) Pruned and/or trimmed as necessary to maintain proper site orientation;

   (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

   (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

   (a) Internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

   (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

   (c) Use of pruning paint/pruning compound/wound dressing;

(d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodgepole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

   (a) To enable successful adaptation to their particular site situation;

   (b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

   (c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

   (a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", or "poodling") will be done only when authorized by the Director on a site-specific basis.

   (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

   (c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

9. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

(c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

8. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

E. WEED CONTROL

1. All weeds shall be controlled quarterly at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites at all times shall receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3 - Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per **month**; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: a) normal "wear and tear", and; b) vandalism or theft (which includes acts or omissions by third parties) up to the amount of 11 percent of the Contractor's monthly base price as set forth in Exhibit C., Section 1. Repairs due to vandalism or theft (which includes acts or omissions by third parties) in excess of the above indicated amount may be billed as Additional Work, per Exhibit C., Section 2.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

   (a) Be inspected for, and repaired as necessary to ensure, proper operation, and coverage not less than one (1) time per month;

   (b) Be turned off during periods of rainfall, or as directed by District field staff;

   (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

(a) Be operated only when Contractor's personnel are present on site;

(b) Be inspected for, and repaired as necessary to ensure proper operation, and coverage not less than at each time of operation;

(c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to repair irrigation systems shall be of the same manufacture as those originally installed, unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a minimum of one (1) visitation per **month** of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walkways the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites which, in the opinion of the Director, contain an exceptional amount of litter shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter as described in paragraphs 1 and 2 above off-site, and in a legal manner.

   (a) The Contractor shall notify the Director immediately whenever suspicious and/or waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any

way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

(b) Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this Contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from Contract sites by the Contractor, or any subcontractors thereunder, in performance of Contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of Contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of the Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested and include, on a separate Monthly Greenwaste Report form, any greenwaste generated by any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

21. TECHNICAL PROVISIONS – REDUCED SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. All turf areas are to be fertilized as per Table I. All fertilizers are to be of indicated analysis or better.

TABLE I

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
FEB	1	22-0-6**	1	4.5 lbs
JUN	1	22-5-5*	1.25	5.7 lbs

OCT	1	22-5-5*	1.25	5.7 lbs

*22-5-5/BEST® TURF GOLD or approved equal Controlled-Release fertilizer. These fertilizers to contain micronutrients including iron. See following section on fertilizers.

**22-0-6/SCOTTS® PROTURF® + Pre-emergent Weed Control or approved equivalent. These fertilizers to contain micronutrients including iron. See following sections, below, regarding fertilizers.

2. A humus base fertilizer shall be applied to turf areas immediately following aeration operations.

3. Humus base fertilizers are required to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply the Director with a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification to the Director is required five (5) days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Applications	Type of Fertilizer	Rates per 1,000 sq. ft. Lbs. of Actual N	Lbs. of Fertilizer
APR	1	23-5-10*	1.5	6.5 lbs

* 23-5-10/BEST® POLY SUPREME or approved equal.

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director with a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8 – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply a list of all proposed fertilizers to be used in the fulfillment of said contract to the Director, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8. – Use of Chemicals.

22. TECHNICAL PROVISIONS – REDUCED SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Contract.

4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used in the fulfillment of said Contract, per Section 8 – Use of Chemicals. A valid written pesticide use recommendation for each pesticide listed shall be submitted concurrently with this list. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides so listed shall be submitted in writing to the Director for approval prior to use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for filing all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. Pesticide application reporting specifications, - See Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A five (5) working day written notice shall be given to the Director prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

(a) Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

(b) Appropriate chemical control must be used on the following weeds.

Bermuda Grass
Kikuyu Grass
Nutsedge
Field Bindweed
Spurge

This list is inclusive; other species may be added by the Director as necessary.

(c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

Application of molluscicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

2. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of notification from the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

23. PROJECT LOCATION MAP

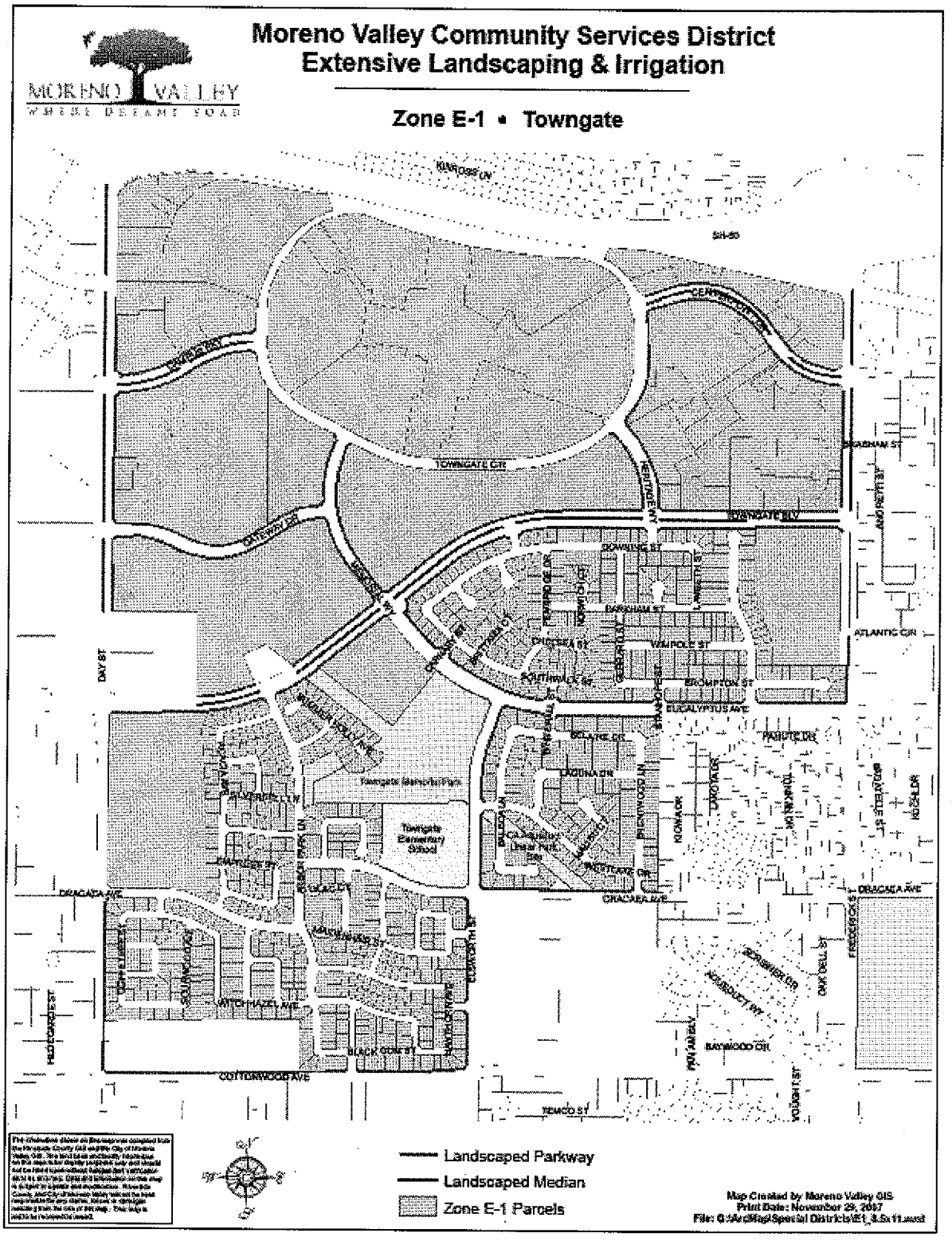

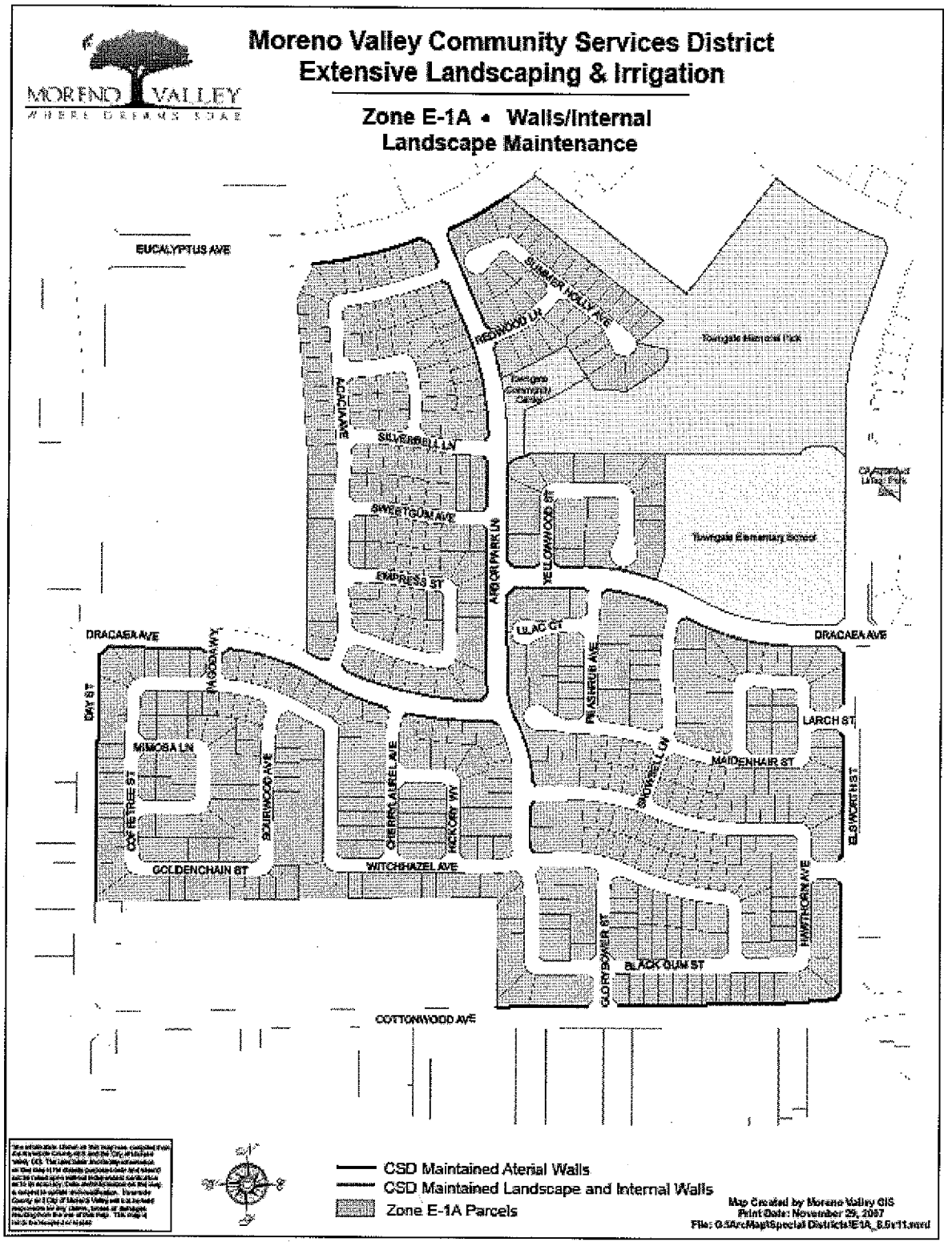
MORENO VALLEY
WHERE DREAMS SOAR
Moreno Valley Community Services District
Extensive Landscaping & Irrigation
Zone E-1A • Walls/Internal
Landscape Maintenance
EUCALYPTUS AVE
SILVER HOLLY AVE
REDWOOD LN
ACACIA AVE
SILVERBELL LN
SWEETGUM AVE
EMPRESS ST
ARBOR PARK LN
YELLOWWOOD ST
LILAC ST
DRACAEA AVE
PAGODA WY
DAY ST
MIMOSA LN
COFFEETREE ST
BOXWOOD AVE
CHERRYLAUREL AVE
HICKORY WY
GOLDENCHAIN ST
WITCHHAZEL AVE
PALISADE LN
SNOWBELL LN
LARCH ST
MAIDENHAIR ST
ELSWORTH ST
HAWTHORN AVE
GLORYBOWER ST
BLACK GUM ST
COTTONWOOD AVE
CSD Maintained Aterial Walls
CSD Maintained Landscape and Internal Walls
Zone E-1A Parcels
Map Created by Moreno Valley GIS
Print Date: November 29, 2007

EXHIBIT B: District Responsibilities

R.F.P. NOE-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACT SUPERVISION

A. The Contract shall be administered on behalf of the District by the Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director."

B. The Director will decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the Contract by the Contractor, interpretation of the Specifications, and compensation to include completion of work by alternate sources.

2. IRRIGATION SYSTEMS

The District shall manage the operation of all automatically controlled irrigation systems, including but not limited to irrigation controller programming and scheduling. The Contractor shall monitor the operation of, and maintain said irrigation systems as required by the Director. The Contractor shall operate manually controlled irrigation systems as directed by District field staff.

3. UTILITIES

It shall be the District's duty to provide the utilities necessary for irrigation (i.e., water, electricity and communications), and to maintain their appurtenances (i.e., water and electrical meters and backflow devices). The District will pay the water, electricity, and communications costs used in the sites covered by this Contract. The Contractor shall report any interruption of these services for whatever reason immediately upon Contractor's observation of same to the Director.

4. RESTRICTED PESTICIDE MATERIALS PERMIT / USE CONSENT

A. The District shall maintain in full force and effect throughout the entire term of the Contract a valid Restricted Materials Permit issued by the Agricultural Commissioner of the County of Riverside on behalf of the California Department of Pesticide Regulation. The Contractor shall comply with all permit conditions that pertain to any of the pest control materials listed on said permit that may be used in the course of Contractor's operations under this Contract.

B. Director must give consent in writing prior to application of any Category I pesticide.

EXHIBIT C: Payment Terms

R.F.P. NO E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACTOR'S COMPENSATION

A. The Contractor will be paid monthly per site for work performed satisfactorily under this Contract. By the tenth of each month the Contractor shall submit to the Director detailed reports for the: 1) maintenance performed, 2) complaints received, 3) hazards noted, and 4) chemicals used in the prior month. These reports shall be accompanied by a billing in accordance with the Contract price for the work performed, and shall become the basis for payment. No payment(s) shall be made until the reports, listed herein, have been submitted and approved.

B. Except where additional compensation is specifically provided for in this Contract, the District will pay the Contractor for all work (labor, material, supplies, equipment, etc.) performed under this Contract the total amount of eight thousand, one hundred and fifty-six dollars and ninety/100 ($8,158.90) per month, one (1) month in arrears, on the last day of the month. The total contract amount for twelve (12) months shall not exceed ninety-seven thousand, nine hundred and six dollars and eighty/100 ($97,906.80), except as provided for in Section 2 below.

C. Should this Contract commence or terminate on other than the first day of a calendar month, the Contractor's compensation for that partial calendar month shall be prorated at the rate of 1/30 of the full month rate per day for the number of days during which the Contract is effective.

2. ADDITIONAL WORK

A. During the term of this Contract the District may, at its discretion, authorize the Contractor to perform certain Additional Work as included in Section 2., paragraph C. herein this Exhibit, ("Additional Landscape Areas"), in addition to the work set forth in Exhibit A, Contractor's Scope of Work.

If the District determines it to be in the District's best interest, said Additional work may include: Acts of God (i.e., earthquake damage, storm damage), or vandalism, theft, and acts or omissions by third parties.

Compensation for all such Additional Work shall be calculated either: at the prices set forth by the Contractor in the Exhibit E, Section 9, or at a price based on the Contractor's written estimate (lump sum, time and materials, or cost plus basis), as determined by the Director. Except as set forth in Section 2, paragraph B. below, the Contractor shall not perform any such Additional Work without first obtaining express written authorization from the District.

B. Notwithstanding the above requirement for prior written authorization, when a condition exists wherein there is imminent danger of injury to the public or damage to property, the District may verbally authorize the work to be performed upon receiving a verbal estimate from the Contractor. Within twenty-four (24) hours after receiving a verbal authorization, the Contractor must submit a written estimate to the District for written approval. Whenever immediate action is required to prevent impending injury, death, or property damage to the facilities being maintained, the District may, after reasonable attempt to notify the Contractor, cause such action to be taken by the District or City's work force.

C. The Contractor shall maintain as Additional Work, at a unit price comparable to landscape areas described herein, additional landscape areas that the District may add to this Contract. In the event that notification is made of a new installation, at other than the beginning of a monthly period, the unit cost as set forth by Contractor in the Exhibit E, Section 9, shall be prorated from the day the Contractor commences work on the additional areas.

D. Routine repairs to project irrigation system(s) shall be considered Additional Work to the extent that the Contractor shall charge only for materials used to perform said repairs at Contractor's cost plus a percentage of that cost, as set forth in Exhibit E, Section 9. For the purposes of this Contract, routine irrigation repairs are defined as replacement of existing sprinklers or sprinkler components, and/or non-pressurized pipe, and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal "wear and tear", and 2) vandalism or theft, (which includes acts or omissions by third parties).

E. Except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize Additional Work pursuant to paragraphs A., B., and C. above in excess of the cumulative total of $9,790.68 for each contract year during the term of this Contract.

3. PAYMENT DEDUCTIONS

The District may deduct payment to such extent as may be necessary to protect the District from loss due to:

A. Work required in the General or Special Provisions which is: not performed, or; not performed to the standards set forth therein, or; not performed at or within the time(s) specified therein, or; is incomplete;

B. Claims filed or reasonable evidence indicating probable filing of claims by laborers, materialmen, subcontractors, or third parties.

4. NON-PERFORMANCE PENALTIES

The Contractor may become liable for payment of non-performance penalties for failure to: provide adequate communications; provide adequate work area safety; complete "Specialty" operations in a timely manner as set forth in the General Provisions; submit notifications or reports required by the Contract, or General or Special Provisions at the intervals and/or

frequencies set forth therein, or; perform work as required by the General or Special Provisions at the intervals and/or frequencies as set forth therein, or as set forth in Contractor's approved work schedule, or as directed by the District. For each of the categories set forth hereinabove, the penal sum of $100.00 (one hundred dollars) per working day will be assessed for each working day the deficiencies remain uncorrected.

If non-performance penalties are to be assessed, the Contractor will be notified immediately by facsimile transmission, or in writing, or by telephone.

The Contractor will not be assessed non-performance penalties for delays caused by the District, or by the owner of a utility to provide for the removal or relocation of utility facilities.

5. EXCESSIVE UTILITY USAGE

Contractor shall pay for all excessive utility usage due to Contractor's failure to monitor irrigation system malfunctions or unauthorized increases in the frequency of irrigation. The excess cost will be determined by comparing the current usage with the historical usage for the same time period. The excess cost factor, to be deducted from the payments to the Contractor, will be presented by the Director to the Contractor prior to actual deduction by the District to allow for explanations.

MV00106428

EXHIBIT D: Term of Contract

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. TERM OF CONTRACT

A. Following approval by both parties, the Contract will commence on July 1, 2011, and shall terminate twelve (12) months thereafter.

B. At the expiration of its term, the Contract may be extended for up to four (4) additional twelve (12) month periods with the concurrence of both parties. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph B.) shall be given to the Contractor at least thirty (30) days prior to the expiration of the initial term of the Contract or any extension thereof.

C. In considering the option to extend the Contract, as set forth in paragraph B. above, the District shall determine the following:

That the Contractor's performance during the preceding twelve months has been satisfactory, and;

That any request for increase of Contractor's compensation is based on an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

D. At the expiration of its term, and with the concurrence of both parties, the Contract may be extended for up to three (3) additional periods of thirty (30) days each, subject to all terms and conditions in effect during the current term of the Contract. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph D.) shall be given to the Contractor at least fifteen (15) days prior to the expiration of the initial term of this Contract, or any extensions thereof.

E. It should be noted that multiyear contracts may be continued each fiscal year only after funding appropriations and program approvals have been granted by the City Council of the City of Moreno Valley and the City Council acting in the capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District. (CSD) In the event that the City Council and/or the City Council acting in the capacity as President and Members of the Board of Directors for the CSD does not grant necessary funding appropriations and/or program approval, the affected multiyear contract becomes null and void, effective July 1st of the fiscal year for which such approvals have been denied.

EXHIBIT E: PROPOSAL SUBMITTAL DOCUMENTS

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

R.F.P. NO.E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

ATTACH ADDITIONAL SHEETS AS NECESSARY FOR COMPLETE RESPONSES

1. SCHEDULE I

A. COMPANY NAME: MARINA LANDSCAPE INC.

TYPE
- Sole proprietor _____
- Partnership _____
- Corporation X

B. COMPANY ADDRESS/PHONE NUMBER

MAIN OFFICE ADDRESS:
1900 S. LEWIS STREET
ANAHEIM, CA 92805

MAIN OFFICE PHONE NUMBER: (714) 939-6600

SATELLITE OFFICE ADDRESS (if applicable):
N/A

SATELLITE OFFICE PHONE NUMBER N/A

C. CONTRACTOR'S LICENSING INFORMATION:

LICENSE NUMBER/CLASSIFICATION/NAME STYLE: #492862 A, B, C27, C36
CORPORATION

NUMBER OF YEARS OPERATING UNDER ABOVE LICENSE/NAME STYLE: 25

LICENSE EXPIRATION DATE: 6/30/2012

CURRENT LICENSE STATUS: ACTIVE

PRIOR ACTIONS AGAINST THIS LICENSE? Yes / No
IF YES, LIST CITATION TYPE AND HOW RESOLVED: N/A

D. COMPANY'S FEDERAL IDENTIFICATION NO.: 95-3760820

E. NAME AND TITLE OF COMPANY OFFICERS:

Robert Cowan	President & Secretary
Ali Tavakoli	Vice President of Construction
Teri Nguyen	CFO

F. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES: 39

G. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES FOR PUBLIC AGENCIES: 39

H. CURRENT LANDSCAPE MAINTENANCE OPERATIONS

THE DISTRICT RECOGNIZES THAT THE INFORMATION PROVIDED TO THIS QUESTION (QUESTION H.) IS PROPRIETARY IN NATURE, AND THEREFORE, THE DISTRICT WILL KEEP THIS INFORMATION CONFIDENTIAL TO THE EXTENT PERMITTED BY LAW.

TOTAL LANDSCAPE MAINTENANCE CONTRACTS: 155
PERCENTAGE OF TOTAL CONTRACTS WITH PUBLIC AGENCIES: 15%
TOTAL DOLLAR VALUE OF LANDSCAPE MAINTENANCE CONTRACTS:
$11,000,000/YEAR

1. NUMBER OF EMPLOYEES COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS

SUPERVISORS: 8	AVERAGE WAGE SCALE: $ 32	/HR.*
TECHNICIANS: 12	AVERAGE WAGE SCALE: $ 22	/Hr.*
FOREMEN: 45	AVERAGE WAGE SCALE: $ 19.65	/Hr.*
LABORERS: 320	AVERAGE WAGE SCALE: $ 15	/Hr.*

*Use fully burdened rate (i.e., taxes, insurance, benefits, OH &P) - This is a prevailing wage project.

2. TYPE & NUMBER OF VEHICLES & POWER EQUIPMENT COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS:

A. MOTOR VEHICLES
- TYPE: Ford F-250 NUMBER: 78
- TYPE: Ford F-350 NUMBER: 15

- TYPE: Dump Truck NUMBER: 2
- TYPE: Low Bed Tractor NUMBER: 2

B POWER EQUIPMENT

- TYPE: Ex Mark Laser Mower NUMBER: 32
- TYPE: Toro Pro-Line 36" Mower NUMBER: 45
- TYPE: Power-Edge Edger NUMBER: 57
- TYPE: Stihl Blowers NUMBER: 110

I. REFERENCES

ATTACH RESPONSES ON ADDITIONAL SHEETS - ONE SHEET PER REFERENCE

1. LIST A MINIMUM OF THREE (3) REFERENCES FOR PUBLIC AGENCY LANDSCAPE MAINTENANCE CONTRACTS THAT ARE EITHER CURRENT AND/OR HAVE BEEN SUCCESSFULLY COMPLETED WITHIN THE LAST TWO (2) YEARS.
2. REFERENCE RESPONSES MUST INCLUDE:
   A. NAME AND ADDRESS OF AGENCY;
   B. NAME AND TELEPHONE NUMBER OF AGENCY PERSON RESPONSIBLE FOR ADMINISTERING CONTRACT;
   C. CONTRACT NAME(S) / NUMBER(S);
   D. ANNUAL CONTRACT AMOUNT(S);
   E. NUMBER OF ACRES MAINTAINED PER CONTRACT(S);
   F. LOCATION(S) OF CONTRACT AREAS – WE WILL VISIT SITE(S);
   G. LENGTH OF CONTRACT(S).
3. **THE FOLLOWING REFERENCE QUESTIONS WILL BE ASKED OF EACH AGENCY REFERENCED:**
   A. How many (number) of contracts and years under contract?
   B What are/were the Scope of the contract(s), acreage amounts, location(s)?C. What are/were the Contract amount(s)?
   D. Do/did they have adequate (quantity/quality) staffing?
   E. How are/were the Training/Technical skills (i.e., Irrigation/Pest Control/ Equipment Operation/Safety)?
   F. Does staff have the ability to comprehend/speak English?
   G. How are/were the appearance, uniforms, and use of safety equipment?
   H. Do/did they have availability of additional personnel for extra work/special projects?
   I. Is/was the equipment used in good working order?
   J. Do/did they have an effective in-company communications system?
   K. How is/was the knowledge of project/contract standards?
   L. Do/did they have the ability to respond to complaints/requests in a timely fashion?

Marina Landscape Inc.

Landscape Maintenance References

City of Anaheim, CA - Eastside Resort District **120 acres**

Contact: Dan Oregel
(714) 765-6961
Fax: (714) 765-5288
doregel@anaheim.net

200 S. Anaheim Blvd.,
Anaheim, CA 92805

$950,000 / year
9/1/09-present

Lake Forest Sports Fields **100 acres**
(2010 C.L.C.A. First Place Prize – Sports Fields Maintenance)

Contact: Oscar Garcia
(949) 283-1737
Fax: (949) 461-3512
lestevez@ci.lake-forest.ca.us

25550 Commercentre Dr., Suite 100
Lake Forest, CA 92630

$650,000/year
1/1/10 – 12/31/2012

Culver City – City wide landscape maintenance **65 acres**

Contact: Patrick Reynolds
(310) 253-6471
Fax: (310) 253-6666
patrick.reynolds@culvercity.org

4117 Overland Avenue
Culver City, CA 90230

$400,000 / year
8/1/09-present

M. Are/were they willing to resolve questions, disputes, and deficiencies short of "formal" sanctions (i.e., monetary penalties, contract deductions, liquidated damages, claims against bonds)?
N. How accurate & timely is/was billing/invoicing?
O. Have Contract(s) been successfully completed to term?
P. Would you accept future proposals/bids from this company?

2. PROPOSED FACILITIES, EQUIPMENT, & STAFFING SCHEDULE

A. **Facilities** – List the facility(ies) location and/or address where work crews and equipment will be dispatched. Use additional sheets as necessary to provide a full and comprehensive response.

1900 S. Lewis Street
Anaheim, CA 92805

B. List the equipment, motor vehicles, and tools, in the areas below that will be furnished to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Indicate with (S) any listed equipment to be shared with another contract/ project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **Equipment:**

See Below

2. **Motor Vehicles:**

Ford F-250 Crew Cab

3. **Turf Maintenance Power Equipment/Tools:**

EzMower Lazer or Toro 36" mower
Weed Eaters
Power-Edge Edgers
Backpack Blowers

4. **Tree, Shrub, Ground Cover Trimming/Pruning Equipment/Tools:**
(List both powered and hand equipment/tools)

Pole Hedge Trimmers
Power Edgers
Weed Eaters
Hedge Trimmers
Rake & Brooms
Stihl Backpack Blowers
Various Hand Tools

5. **Irrigation System Maintenance Equipment:**
(List both powered and hand equipment/tools)

Remote Control
Wire Tracers
Pumps
Rotators
Various Toners/Volt Meters
Cutting Tools
Glue
Wrenches
Routine Irrigation Repair Parts

6. **Fertilizer Application Equipment:**
(List both powered and hand equipment/tools)

Walk Behind Spreaders
Wide Applicator
Hand Spreaders
Deep-Root Injector (if needed)

7. **Pesticide Application Equipment:**
(List both powered and hand equipment/tools)

350-Gallon Spray Rig (if needed)
Backpack Sprayers
Tree Gun
Trailer Mounted Wide Spray Applicator

C. **Staff**: - List the employees, both labor and supervision, to be routinely assigned to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Be sure to note by title any applicable licenses/certifications held by assigned personnel. Indicate with (S) if listed personnel are to be shared with another contract / project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **General Landscape Maintenance:**
(List labor, administrative, and field supervisory personnel – include any relevant education, certification, licensing information for each person listed)

SEE ATTACHED

2. **Tree Trimming/Maintenance:**
(List any ISA or equivalent certified personnel)

VICTOR SOLIS - ISA CERTIFIED TREE TRIMMER

3. **Irrigation System Maintenance:**
(List technical personnel – include any relevant education, certification, licensing information for each person listed)

JOSE LUIS SOLANO - CERTIFIED IRRIGATION TECHNICIAN
CHRIS CURRY - CERTIFIED AUDITOR
GUSTAVO CAMPOS - CERTIFIED IRRIGATION TECHNICIAN
- BACKFLOW INSPECTOR

4. **Pesticide Application:**
(List licensed and/or certified personnel. All non-licensed, non-certified personnel must have received verifiable annual training.)

ROBERT COWAN - PCL, PCA
VICTOR GARIBAY - QAL

Key Personnel

Marty Stowell, Superintendent, Operations Manager

Marty has been in the landscaping industry for over 30 years. He is responsible for the entire Maintenance Operations Department which includes overseeing all of our maintenance jobs and crews. Marty's expertise is found in maintaining city-wide maintenance contracts and HOAs in Southern California. His keen eye for scheduling and the utilization of our crews makes our maintenance operations very efficient and effective. Marty also has vast knowledge in landscape irrigation and installation, estimating and construction.

Jose Luis Solano, Supervisor, Landscape Maintenance

Jose Luis has been working in the landscape industry for over 18 years. His landscape background includes management, irrigation, maintenance and arbor care. Jose Luis is responsible for a crew of 55 employees maintaining large public and private parks, sports venues and commercial landscapes in Los Angeles and Orange Counties. Jose Luis is especially familiar with irrigation repair and maintenance. Notable projects include Anaheim Resort District, Anaheim, CA; Yorba Park, Yorba Linda, CA; and Seal Beach Naval Housing, Seal Beach, CA and Rancho Palos Verdes Parks and Trails.

City of Rancho Palos Verdes (Parks and Trails)

Currently

- Oversee the full-time maintenance crews spread out over the City's 200 acres of parks, trails and landscaped areas.
- Daily maintenance of all baseball fields, parks, trees, trails, landscapes, irrigation and facilities
- Turf renovations include, aerating, verti-cutting, overseeding/reseeding, topdressing, fertilizing, and establishing
- In charge of granular/foliar applications of fertilizer/herbicide/insecticide/ fungicide/PGR

City of Anaheim, General Supervisor on our Anaheim Projects

- Eastside Resort District, Landscape and Power Washing
- Anaheim Convention Center
- Anaheim Parks, Mowing and Trash
- Anaheim Family Justice Center
- Little Warner Basin
- Anaheim Civic Center

Angie Trejo, Office Manager, Landscape Maintenance

Rosa has over 15 years experience in landscape industry, and joined the Marina family in 2007. Angie's key strengths as an office manager include client relations and accounting. Angie is responsible for accounts payable, accounts receivable, payroll reports, and customer service. Angie is also fluent in both English and Spanish.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-1 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 Mow / Edge Planters Weed Control Litter Control 4 men - 8 hrs ea.	Planters Weed Control Litter Control 2 men - 8 hrs. Irrigation Tech 8 hrs.	Planters Weed Control Litter Control Rodent Control Disease Control 1 man - 8 hrs.	Planters Weed Control Litter Control Trees 3 men - 8 hrs.	
WEEK #2 Same as Week #1				
WEEK #3 Same as Week #1				
WEEK #4 Same as Week #1				

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-1 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 Mow / Edge Planters Weed Control (Quantrac) Litter Control 3 men - 8 hrs.	Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Irrigation Tech 6 hrs.	Planters Litter Control Trees 2 men - 8 hrs.	/
WEEK #2 Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Irrigation Tech. 6 hrs.	Planters Litter Control Disease Control 2 men - 8 hrs.	/
WEEK #3 Same as week #1 →				/
WEEK #4 Same As week #2 →				/

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1		Planters Weed Control Litter Control Pest & Disease Trees Irrigation Tech 4 hrs. 2 men - 6 hrs.		
WEEK #2 Same as Week #1				
WEEK #3 Same as Week #1				
WEEK #4 Same as Week #1				

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-1A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1		Planters Weed Control Litter Control Rodent & Disease Trees Irrigation Tech 2 hrs. Mow - 8 hrs.		
WEEK #2 Same as Week #1				
WEEK #3 Same as Week #1				
WEEK #4 Same As Week #1				

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1 ANNUAL SCHEDULE SHEET

JANUARY Monthly Reports.	**FEBRUARY**	**MARCH** Ensure Ground Covers is Pruned - 80 hrs.
APRIL Aerate Turf - 8 hrs Humus Fertilizer - 8 hrs. Shrub & G.C. Fert. - 8 hrs.	**MAY**	**JUNE** Ensure Ground Cover is Pruned, 80 hrs.
JULY Aerate Turf 8 hrs	**AUGUST**	**SEPTEMBER** Ensure Ground Cover is Pruned - 80 hrs. Ensure Shrubs Are Pruned - 160 hrs. Shrub & G.C. Fert - 8 hrs.
OCTOBER Aerate Turf 8 hrs. Humus Fertilizer - 8 hrs.	**NOVEMBER** Inspect All Trees over 18'	**DECEMBER** Ensure Ground Cover is Pruned - 80 hrs.

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PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-1 ANNUAL SCHEDULE SHEET

JANUARY	**FEBRUARY** Turf Fert - 8 hrs.	**MARCH** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs.
APRIL Shrub & G.C. Fert - 8 hrs.	**MAY**	**JUNE** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs. Turf Fert - 8 hrs.
JULY	**AUGUST**	**SEPTEMBER** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs.
OCTOBER	**NOVEMBER** Inspect trees over 18' Ensure Shrubs are pruned - 40 hrs.	**DECEMBER** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-1A ANNUAL SCHEDULE SHEET

JANUARY Monthly Reports	**FEBRUARY**	**MARCH** Ensure Ground Cover is Pruned - 40 hrs.
APRIL Shrub & G.C. Fert. - 8 hrs.	**MAY**	**JUNE** Ensure Ground Cover is Pruned - 40 hrs.
JULY	**AUGUST**	**SEPTEMBER** Ensure Ground Cover & Shrubs are Pruned - 40 hrs. Shrub & G.C. Fert. - 4 hrs.
OCTOBER	**NOVEMBER** Inspect all Trees over 18'	**DECEMBER** Ensure Ground Cover is Pruned - 40 hrs.

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1A ANNUAL SCHEDULE SHEET

JANUARY	**FEBRUARY**	**MARCH** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs.
APRIL Shrub & G.C. Fert - 8 hrs.	**MAY**	**JUNE** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs
JULY	**AUGUST**	**SEPTEMBER** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs.
OCTOBER	**NOVEMBER** Inspect all Trees over 18' Ensure Shrubs are Pruned - 40 hrs.	**DECEMBER** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs.

4. PROPOSED ANNUAL MATERIAL SCHEDULE

A. Fertilizers:

List the fertilizers to be furnished to execute work tasks specified in Exhibit A. Specify the type (analysis/brand name), estimated amount of each type to be supplied annually, and estimated annual cost for each type (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Best Poly Supreme	2,000 LBS.	$1,500
Humus Fert.	1,800 LBS	$1,225

B. Pesticides:

List pesticides to be furnished to execute work tasks specified in Exhibit A. Specify the type (i.e., pre-emergent herbicide, rodent/snail bait, insecticide, etc.), the brand name, estimated amount of each type/brand to be supplied annually, and the estimated annual cost for each type/brand (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Round-Up	4 Gallons	$350
Giant Destroyer	2 cases	$200
Dimension (if needed)	500 LBS.	$650

5. COMMUNICATIONS, TRAFFIC SAFETY, & GREENWASTE RECYCLING

A. Communications:

The General Provisions require that the selected Contractor possess, and maintain an effective company-wide communications system. The Contractor must also designate responsible staff to be available on a twenty-four (24) hour basis to receive, and respond to emergency calls.

Describe your company's internal communications system, both in the office and in the field, and how it will enable your company to provide the communication capability as required in Scope of Services .specifications. Also, describe how your company will provide the required twenty-four (24) hour communication capability. Use additional sheets as necessary to provide a full, and comprehensive response.

See Attached

B. Traffic Safety:

The General Provisions require that the selected Contractor provide safe and effective work area traffic control, per Caltrans' "Manual On Uniform Traffic Control Devices 2010 (or most current) California Supplement, Part 6, Temporary Traffic Control". Please describe your company's general traffic control practices and training, and how your company intends, if selected, to conduct work area traffic control operations to provide service for this project. Use additional sheets as necessary to provide a full and comprehensive response.

See Attached

Communications:

Every morning our whole office and field staff reports to the Anaheim yard. We are directed by the Operations Manager and Supervisors about routes and duties. There is constant communication between all levels of operations via cell phones which are carried by all crews.

All emergency calls can be directed to our office phone number at (714) 939-6600. The after-hour emergency system will re-direct the call to Juan Galindo, who is our emergency on-call supervisor. He will immediately contact Stephen Guise, VP of Maintenance Operations, and Jose Luis Solano, Supervisor, to let them know of the situation. They will determine the best course of action and remedy the situation. This system ensures all levels of management are aware of any emergencies that may arise.

Traffic Safety:

We will set up our traffic control in accordance with the Caltrans's MUTCD Part 6. We will set up an advanced warning sign next to the curb 200 feet from the start of the working area. From that point, cones will be placed next to the curb every 30 feet until the work area is cleared, to let drivers know that work is in progress near the road. In the event we need to close a land of traffic, our trucks have the flashing light hookups. Using flashing lights, cones, warning signs, and channelizing techniques, we can direct traffic safely away from our workers. However, we do not intend to close down any lanes of traffic.

C. **Greenwaste Recycling:**

AB 939 mandates that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction. Please describe your company's program to insure that the City receives credit for the greenwaste that will be generated from executing the project's Scope of Work (Exhibit A). Be sure to include the name(s), address(es) and phone number(s) of the recycling facility(ies) that will be accepting the greenwaste generated from your operations on the project. If planning to use any recycled greenwaste products (mulch, compost, soil amendments, etc.) on the project, please give name/address/phone information of the producer if different from those listed above. Use additional sheets as necessary to provide a full and comprehensive response.

See Attached

MARINA GREEN PLAN

Marina is a landscape firm committed to the environment in everyway The company's diverse projects reflect this commitment, recreation facilities, sport fields, golf courses, hotels, resorts, commercial and industrial developments, public facilities, streetscapes, highway beautification, wetlands, re-vegetation zones, and housing developments.

Marina's landscape projects have won numerous awards from public and private agencies, and contractors' associations.

Marina Landscape is also working in the community as a leader in recycling of "green waste", trash and green waste are separated and disposed of properly. All green waste generated through the maintenance of this project will be delivered to our recycle center where the materials can be re-used to benefit the environment. Receipts will be available for inspection at anytime upon request by the City of Moreno Valley.

Marina Landscape Inc. also mulches the green waste collect from our jobsites, at our in-house location.

Regional Material Recovery
Anaheim Disposal Inc.
1131 N. Blue Gum Street
Anaheim, CA 92805
(714) 238-3300

6. LIST OF SUBCONTRACTORS

A. SUBCONTRACTORS:

In compliance with the provisions of Government Code, Section 4102, the undersigned Proposer sets forth the name and location (address) of the place of business of each subcontractor who will perform work, labor or render service to the Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent (0.5%) of the general contractor's total proposal, and the portion of the work which will be done by each subcontractor, as follows:

Name, License, and Classification No.	Place of Business and Telephone	Description of Work
N/A		

7. CERTIFICATION OF NON-DISCRIMINATION

Pursuant to California Labor Code Section 1735, as added by Chapter 643 statutes of 2039, and as amended,

No discrimination shall be made in the employment of persons upon Public Works because of race, religion creed, color, national origin, ancestry, physical handicaps, mental condition, marital status or sex of such persons, except as provided in Section 12940, of the California Labor Code and every Contractor of Public Works violating this section is subject to all penalties imposed for a violation of the Chapter.

I certify that I have read, and understand the foregoing:

SIGNATURE _____

PRINTED NAME Robert Cowan

TITLE President

COMPANY NAME Marina Landscape Inc.

DATE 2/2/11

8. PROPOSAL AFFIRMATION

With regard to the information provided hereinabove (Exhibit E: Proposal Submittal Documents), I affirm that:

- All information provided is true and correct to the best of my knowledge, and;
- I understand that a materially false statement willfully or fraudulently made in connection with this proposal may result in the termination of any Contract between the Moreno Valley Community Services District and MARINA LANDSCAPE INC., and further , the aforesaid company may be barred from participation in future District contracts and be subject to possible criminal prosecution, and;
- I have legal authority to bind MARINA LANDSCAPE INC. to the terms of this affirmation (See "INSTRUCTION TO PROPOSER", Section D. – Signature of Contract Proposal).

FOR PROPOSAL TO BE VALID, THIS SHEET MUST BE FILLED OUT (PRINTED), SIGNED AND DATED

SIGNATURE _____

NAME ROBERT COWAN

TITLE PRESIDENT

COMPANY NAME MARINA LANDSCAPE INC.

DATE 2/2/11

9. SCHEDULE II

A. BID SCHEDULE

PROPOSER: Marina Landscape Inc.
(Company Name)

SITE	SERVICE LEVEL	ESTIMATED AREA	COST PER SQ. FT.	COST PER MONTH	COST PER TWELVE MONTHS
E-1 LANDSCAPE PARKWAYS & MEDIANS (currently full service)	Full	Planter: 294,598 sq. ft.	$ .01413	$ 4,162.67	$ 49,952.04
		Turf: 148,104 sq. ft.	$ .02035	$ 3,013.92	$ 36,167.04
	Reduced	Planter: 294,598 sq. ft.	$ .00948	$ 2,792.79	$ 33,513.48
		Turf: 148,104 sq. ft.	$ .01365	$ 2,021.62	$ 24,259.44
E-1 LANDSCAPE DAY ST. MEDIANS (currently full service)	Full	Planter: 3,080 sq. ft	$ .01563	$ 48.14	$ 577.68
		Turf 8,800 sq. ft.	$ .01641	$ 144.41	$ 1,732.92
	Reduced	Planter: 3,080 sq. ft	$ .01048	$ 32.28	$ 387.36
		Turf 8,800 sq. ft.	$ .01101	$ 96.89	$ 1,162.68
E-1A LANDSCAPE PARKWAYS & MEDIANS (currently reduced service)	Full	Planter 72,655 sq. ft.	$ .01621	$ 1,177.74	$ 14,132.88
	Reduced	Planter 72,655 sq. ft.	$ .01087	$ 789.76	$ 9,477.12

The Total Amount of the Service Proposal shall be based on current service levels (**Full service for E-1 Parkways & Medians and Day St. Medians, Reduced service for E-1A Parkways & Medians**):

Figures: 97,906 and 80 /100's Dollars

Words: Ninety-Seven Thousand Nine Hundred Six and 80 /100's Dollars

All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

The Contractor shall furnish all labor, equipment, and materials necessary to provide maintenance of median and parkway, irrigation, and landscaping as set forth in Exhibit A: Scope of Work of this Contract, and; any and all addenda issued prior to the opening of Proposals; any Change Orders issued after the execution of the Independent Contractor Agreement and its attached exhibits.

Addendum No(s). N/A **has/have been received and is/are made a part of this proposal.**

President 2/2/11
(AUTHORIZED SIGNATURE AND TITLE) (DATE)

B. ADDITIONAL WORK PRICE LIST

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

Prices for Additional Work, and Routine Irrigation Repair, including, but not limited to: Exhibit A and Exhibit C

UNIT PRICES (Includes all labor and materials)

1.	1 gal. shrub/vine/ground cover in place	@	$ 10	ea
2.	5 gal. shrub/vine/ground cover in place	@	$ 26.50	ea
3.	5 gal. tree in place (stakes included)	@	$ 35 —	ea
4.	15 gal. tree in place (stakes included)	@	$ 100 —	ea
5.	24" box tree in place (stakes included)	@	$ 300 —	ea
6.	36" box tree in place (guy wires included)	@	$ 850 —	ea
7.	Flat of ground cover in place	@	$ 24.50	ea
8.	Planter bed mulch in place	@	$ 75	/cu. yd
9.	Additional labor	@	$ 21.50	/man hour
10.	Additional Irrigation Technician	@	$ 45 —	/man hour

PROPOSER: Marina Landscape Inc.
(Company Name)

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

ROUTINE IRRIGATION REPAIR PRICES

1. Irrigation repair parts for routine repairs @ cost plus 15 %

2. Unit prices for Additional Work (additional **FULL SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .015 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .017 /sq. ft./mo.

3. Unit prices for Additional Work (additional **REDUCED SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .01 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .012 /sq. ft./mo.

4. Any other Additional Work shall be quoted per Exhibit C, Section 2.

PROPOSER: MARINA LANDSCAPE INC.
(Company Name)

10. CONTRACT PROPOSAL

The undersigned declares that he/she has carefully examined the location(s) of the proposed work, that he/she has examined the Specifications and has read the accompanying Instructions to Proposers, and hereby proposes and agrees, if this proposal is accepted, to enter into a Contract with the District for the good and faithful performance thereof, to furnish all material and do all work required to complete the said work in accordance with the Specifications, in the time and manner therein prescribed, for the unit cost and lump sum amounts set forth in the proposal and as listed as follows. The undersigned further declares that the representations made herein are made under penalty of perjury.

TOTAL BASE COMPENSATION AMOUNT (FROM Exhibit E, Section 9 (Schedule II) A. "Bid Schedule"):

Ninety-Seven Thousand Nine Hundred Six & 80/100
(Dollar Amount in Words)

$ 97,906.80
(Dollar Amount in Figures)

Date: 2/2/11

Proposer: Marina Landscape Inc.
(Company Name)

By: [signature]
(Signature)

Title: President

State License Number and Classification: #492862 A,B,C27,C36

If a corporation, complete the following:
INCORPORATED UNDER LAWS OF THE STATE OF California

PRESIDENT Robert Cowan

(Corporate Seal)

SECRETARY Robert Cowan

11. AFFIRMATION OF PROPOSAL GUARANTEE

The undersigned also affirms that:

Accompanying this proposal is cash, a cashier's check, or a certified check, or a Proposal Surety Bond for 10% of Total Bid, payable to the Moreno Valley Community Services District, which is deemed to constitute liquidated damages, if, in the event this proposal is accepted, the undersigned shall fail to execute the Contract and furnish satisfactory bonds under the conditions and within the time specified in this proposal, otherwise said cash, cashier's check, certified check or Proposal Surety Bond is to be returned to the undersigned.

Dated 2/2/11

Signature of Proposer

By Marina Landscape Inc.

Address of Proposer 1900 S. Lewis Street
Anaheim, CA 92805

Telephone Number of Proposer (714) 939-6600

Names and Addresses of Members of the Company:

Robert Cowan 1900 S. Lewis Street, Anaheim, CA 92805

Richard Cowan 1900 S. Lewis Street, Anaheim, CA 92805

(If a Corporation)

Signature of Proposer

By Robert Cowan

Title President

Business Address 1900 S. Lewis Street
Anaheim, CA 92805

Affirmation of Proposal Guarantee (cont.)

Incorporated Under Laws of the State of CALIFORNIA

State License Number and Classification # 492862 A, B, C21, C36

PRESIDENT ROBERT COWAN

SECRETARY ROBERT COWAN

TREASURER ROBERT COWAN

(Corporate Seal)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: **AWARD OF CONTRACT** – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-4/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-4 (MORENO VALLEY RANCH – EAST) AND E-4A (DAYBREAK)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Approve the attached Agreement for CSD Project E-4/11 (the "Agreement") with TruGreen Landcare, and;

2. Authorize the President of the CSD Board to execute said Agreement with TruGreen Landcare, and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to TruGreen Landcare, in the amounts of:

    a. ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED AND SIXTY-FOUR AND 76/100 DOLLARS ($179,564.76) for twelve (12) months of base maintenance services and;

    b. FOURTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS ($14,800.00) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

Advertisements requesting proposals for extensive maintenance of the public parkways and medians within the CSD Zone E-4 (Moreno Valley Ranch – East) and the parkways in Zone E-4A (Daybreak) service areas, Project E-4/11 were placed in The Press-Enterprise on February 2, 2011 and February 8, 2011. Copies of the complete RFP document were also sent to F.W. Dodge-McGraw-Hill and Bid America for publishing both in print and on-line. In addition, the RFP document was also posted on the City's website.

Representatives from eleven (11) landscape maintenance firms attended the mandatory pre-submittal meeting on February 9, 2011. At this meeting staff explained in detail the information requested in the RFP, and the proposal submittal and selection process.

Proposals were submitted to the office of the City Clerk on February 17, 2011, by eight (8) firms. Staff from the Special Districts Division of the Public Works Department reviewed the proposals that were received by the submission deadline and selected, TruGreen Landcare's proposal based on their commitment to provide the greatest amount of man power to perform the maintenance services needed as compared to the compensation rate. (See Attachment 2 – Proposal Recap Sheet).

DISCUSSION

R.F.P. No. E-4/11 provides for extensive maintenance of the public parkways and medians within the CSD Zone E-4 (Moreno Valley Ranch – East) and the parkways in Zone E-4A (Daybreak) service areas, which are located within the Moreno Valley Ranch Specific Plan development. The proposal submitted by TruGreen Landcare demonstrates that this company shall be able to perform the required services as requested and is the lowest responsible proposer by demonstrating that they will commit the necessary man power to perform the services required at a lower cost than the current contract service, which will terminate on June 30, 2011. The key provisions of the Agreement include:

1. The furnishing of contract labor, specified materials, and equipment necessary to maintain over 28 acres of extensive parkway and median landscaping and irrigation located in the E-4 and E-4A Service Areas.

2. The CSD will furnish the necessary utilities (water, electricity, and irrigation system control communication service), certain ancillary materials, and staff field inspection services to manage the irrigation systems and coordinate contractor operations.

3. The Agreement has an initial term of twelve months, commencing on July 1, 2011, and terminating on June 30, 2012. The CSD, at its option, may enter into negotiations with the contractor to extend the Agreement for additional one-year

periods, not to exceed a total of four such extensions (Exhibit D, Section 1, paragraph B. of the Agreement).

ALTERNATIVES

1. By approving the Agreement with TruGreen Landcare, and authorizing the issuance of a purchase order at the start of the 2011/12 fiscal year, contingent upon execution of the Agreement, submittal of satisfactory proofs of insurance, and payment and submittal of performance bonds the CSD Board will provide for base maintenance services for the landscaped parkways and medians associated with CSD Zone E-4 (Moreno Valley Ranch – East) and parkways of Zone E-4A (Daybreak). TruGreen Landcare's proposal was complete and comprehensive. The firm's municipal references and the level of care it provides on agency contracts of comparable types indicate its ability to perform satisfactorily under the scope of this Agreement. *By accepting this proposal, the CSD will ensure continuity of service to the E-4 Parkways & Medians and to the E-4A Parkway landscaped areas.*

2. By not accepting the proposal from TruGreen Landcare, and directing staff to publish a second solicitation of proposals maintenance for CSD Zone E-4 (Moreno Valley Ranch – East) and Zone E-4A (Daybreak) landscaped parkways and medians may incur a lapse in maintenance services while attempting to obtain a more favorable contract term. *This alternative would consume additional staff time and resources with no assurance of receiving a more favorable result for the CSD.*

FISCAL IMPACT

The necessary annual purchase orders for the initial term of this contract are set forth below.

Purchase Order Type/Fund/Business Unit	2011/2012 Fiscal Year P.O. Amount
Base Contract	
00182.78250.6261	$173,984.76
00182.78282.6261	$ 5,580.00
Additional Work	
00182.78250.6261	$ 13,500.00
00182.78282.6261	$ 1,300.00
Total P.O. Amounts	**$194,364.76**

The above amounts have been budgeted for Zone E-4 and Zone E-4A for the coming fiscal year, with costs to be recovered through annual CSD parcel charges. The parcel charges collected may only be used for landscape maintenance services of parkways and medians in the Moreno Valley Ranch Specific Plan area. **This action will not impact the City's General Fund.**

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS
By accepting the proposal of TruGreen Landcare, the CSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the CSD Board are to approve the attached Agreement for Project E-4/11, authorize the Board President to execute the Agreement with TruGreen Landcare, and authorize the Purchasing Division Manager, at the start of Fiscal Year 2011/12, to issue purchase orders to TruGreen Landcare for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

Attachment 1. Zones E-4 and E-4A Vicinity Maps

Attachment 2. Proposal Recap Sheet

Attachment 3. Copy of Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Concurred By
Candace E. Cassel
Special Districts Division Manager

Concurred By
Daniel Monto
Senior Landscape Services Inspector

Department Head Approval
Chris A. Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Attachment
1
(Behind this page)

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-4 • Moreno Valley Ranch - East

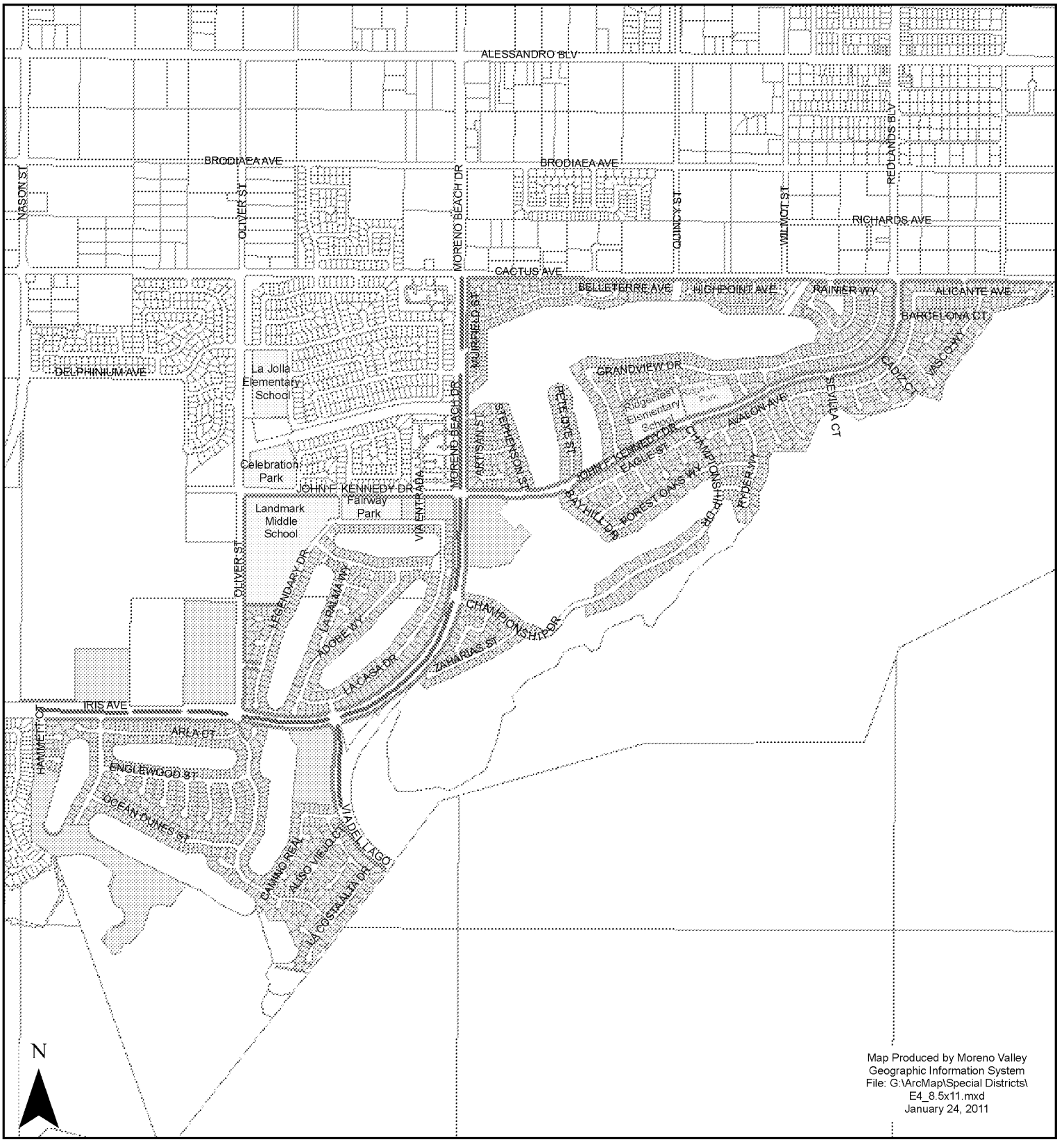

Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E4_8.5x11.mxd
January 24, 2011

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Parkway

Landscaped Median

Zone E-4 Parcels

MORENO VALLEY
WHERE DREAMS SOAR

MV00106468

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-4A • Daybreak - Internal Landscape Maintenance

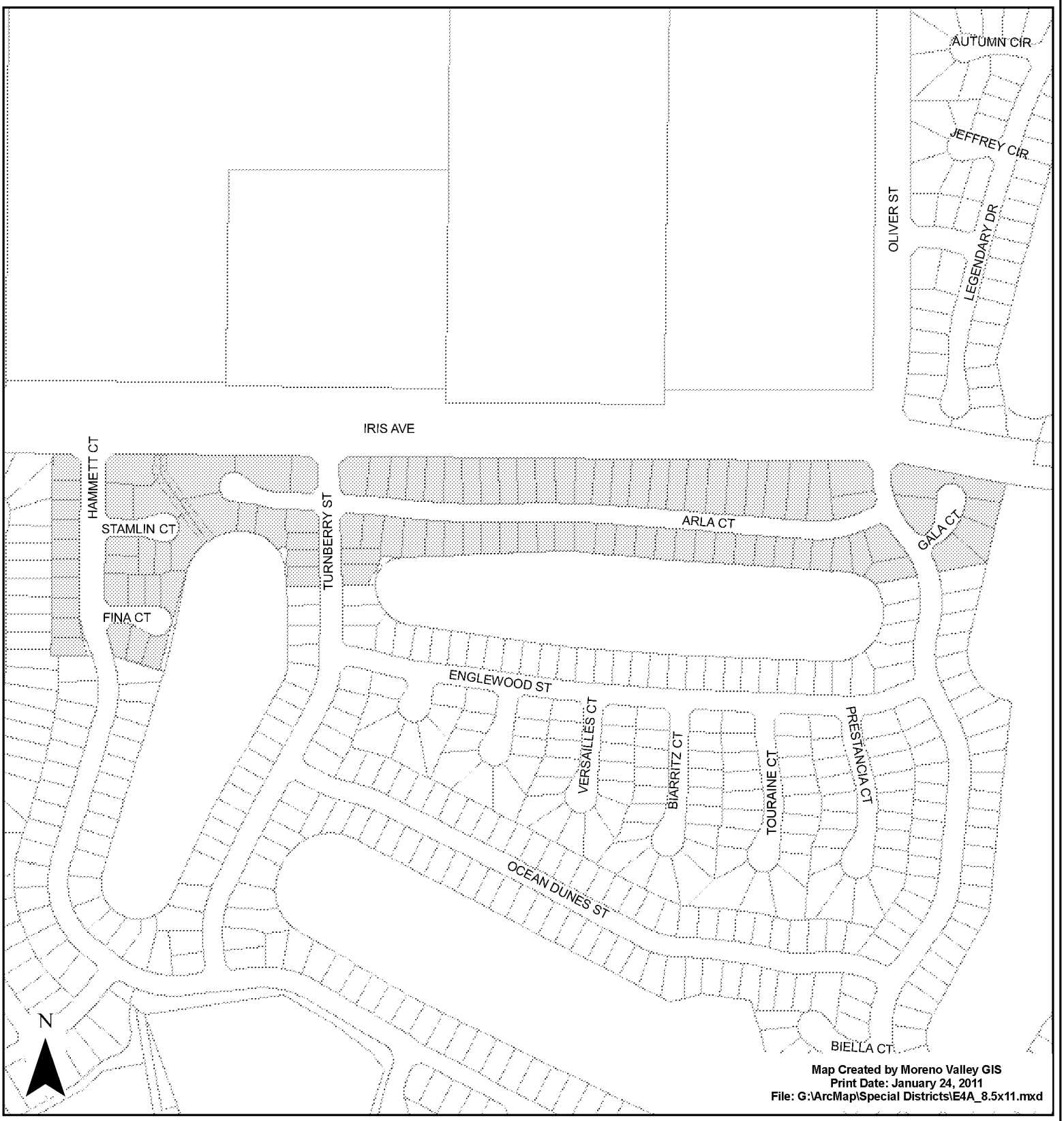

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Open Space

Zone E-4A Parcels

MORENO VALLEY

MV00106469

PROJECT E-4/11
PROPOSAL RECAP SHEET
LOWEST RESPONSIVE AND RESPONSIBLE PROPOSAL

Proposer	PRICE	SCH. 1 COMPLETED ?	CERT. OF NON. DISCRIM.?	SCH. 2 COMPLETED ?	PROPOSPAL SURETY?	SIGNATURES NOTARIZED?	NON-COLLUSION AFFIDAVIT?	ADDENDUM ACKNOWLEDGED	MEETS SPECIFICATIONS AND TERMS & CONDITIONS OF RFP
BEMUS	$189,468.00	YES	YES	YES	YES	YES	YES	N/A	YES
MARINA	$148,076.52	YES	YES	YES	YES	YES	YES	N/A	YES
TRUGREEN	$179,564.76	YES	YES	YES	YES	YES	YES	N/A	YES
MERCHANTS	$194,234.00	YES	YES	YES	YES	YES	YES	N/A	YES
SPECTRUM	$224,712.00	YES	YES	YES	YES	YES	YES	N/A	YES
MIDORI GARDENS	$273,397.56	YES	YES	YES	YES	YES	YES	N/A	YES
EXCEL	$281,973.76	YES	YES	YES	YES	YES	YES	N/A	YES
MARIPOSA	$135,168.00	YES	YES	YES	YES	YES	YES	N/A	YES

Note:

Although TruGreen was not the lowest proposer, they were the lowest responsible proposer, as demonstrated in their proposal. TruGreen's proposal will commit 32% more man power while asking for 25% more compensation than Mariposa and 33% more man power while asking for 18% more compensation than Marina. The current contractor for the 2010/11 fiscal year, Bemus Landscape Inc. provides 192 man hours per week at a cost of $192,223.20 per year. TruGreen is willing to commit 168 man hours per week as compared to Mariposa Landscape Inc. who is willing to commit 115 man hours per week and Marina Landscape Inc. who is willing to commit 112 man hours per week.

MV00106470

INDEPENDENT CONTRACTOR AGREEMENT

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

This Contract Agreement, effective as of the day signed by the City Manager (acting in the capacity of District Manager to the Moreno Valley Community Services District) or Mayor (acting in the capacity of President to the Moreno Valley Community Services District), is made between the Moreno Valley Community Services District, a Community Services District established pursuant to Section 61000 and following of the California Government Code, hereinafter referred to as the "District", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon District policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

1. CONTRACTOR INFORMATION:

Contractor's Name	TruGreen Landcare
Street Address	1616 Marlborough Ave.,
Street Address	Bldg. S
City, State, Zip	Riverside, CA 92507
Mailing Address	
(If same as Street Address, write same or same as above)	Same as Above
Business Phone (with area code)	(951) 688-6880
Cell or Mobile Phone (with area code)	
Other Contact Number (with area code)	
Fax Number	(951) 686-1436
Email Address	
Social Security Number	
Business License Number	07754
Federal Tax ID Number	36-4313318
Contractor's License Number & Classification	774548 C-51, D-49, C-27

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

A. The Contractor's scope of work, responsibilities, requirements, provisions, and additional terms and conditions required to be performed by the Contractor the services of this RFP are described in Exhibit "A" attached hereto and incorporated herein by this reference.

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B. The District's responsibilities, other than payment, are described in Exhibit "B" attached hereto and incorporated herein by this reference.

C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.

D. The Contract Starting Date is July 1, 2011 and the Contract Ending Date is June 30, 2012. Any provisions for extending the term of the Contract for subsequent terms are provided in Exhibit "D" attached hereto and incorporated herein by this reference. The District acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

E. Contractor's Proposal, including but not limited to the Bid Schedule, Additional Work Price List, Contract Proposal, Proposed Project Work Schedules, Proposed Annual Material Schedule, Contractor Information, Certification of Non-Discrimination, and List of Subcontractors, are described in Exhibit "E" attached hereto and incorporated by this reference.

3. STANDARD TERMS AND CONDITIONS:

A. Control of Work. Except for compliance with specifications and performance standards provided for in Exhibit "A," the Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The District will not provide, nor be responsible to provide, any training to the Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services paid by the Contractor, an agent or employee of the District, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the District, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the District.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the District. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Contract, with the exception that the District shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Contract.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City of Moreno Valley (City), the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (District), and the their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Contract. Acceptance of these terms by both parties constitutes a Contract and signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible for such coverage.

F. District Indemnification. The District agrees to indemnify, defend and save the Contractor and his/her/its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and the District's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the District under this Contract, or are caused or claim to be caused by the negligent acts of the City, RDA, and the District, their officers, agents or employees, or its subcontractor(s) or any person acting for the District or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the District, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

☒ General Liability Insurance—to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, subcontractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Contract and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/ $2,000,000 aggregate
Property Damage	$1,000,000 per occurrence/ $2,000,000 aggregate

☐ Professional Errors and Omission Insurance—such coverage shall not be less than $1,000,000 per claim and aggregate.

☒ Worker's Compensation Insurance—in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the City, RDA, and District against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the

Agreement. This coverage may be waived if the Contractor is determined to be functioning as a sole proprietor and the city provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Contract

☒ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/RDA/District premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

☐ Insurance requirements waived with Risk Manager's approval.
By: _____ Date: _____
(Risk Manager)

☐ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "F" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City's Risk Manager prior to the execution of this Contract. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

Solely as respect to services done by or on behalf of the named insured for the Moreno Valley Community Services District, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and, their officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail to the City of amendment or cancellation , except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Contract, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the District unless explicitly stated otherwise in this Contract. The Contractor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Contractor in performance of this Contract. The District and the Contractor agree that to the extent permitted by law, until final approval by the District, all data shall be treated

as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire of the Contract. This Contract constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Contract. This Contract applies only to the proposal attached. This Contract may be modified or amended only by a subsequent written Contract signed by both parties. Assignment of this Contract is prohibited without prior written consent.

J. Termination.

1. Either party may terminate this Contract upon breach of the Contract by the other party. In the event the District terminates the Contract, the Contractor shall perform no further services under the Contract unless the notice of termination authorizes such further work.

2. The District may terminate this Contract without fault on the part of the Contractor by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the District. The District shall pay the Contractor within thirty (30) days after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.

K. Payment. Payments to the Contractor, pursuant to this Contract will be reported to Federal and State taxing authorities as required. The District will not withhold any sums from compensation payable to Contractor, except as provided for in Exhibit "C". Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractor's time and materials charges under the Contract. Upon reasonable notice, such records must be made available to the District's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Contract.

L. Restrictions on District / City Employees. The Contractor shall not employ any District or City employee or official in the work performed pursuant to this Contract. No officer or employee of the District or City shall have any financial interest in this Contract in violation of federal, state, or local laws.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Contract, and shall govern the interpretation of this Contract. Any legal proceeding arising from this Contract shall be brought in the appropriate court located in Riverside County, State of California.

N. Notices. All notices, requests, demands or other communications ("notice") under this Contract by any party shall be in writing, shall be properly addressed as set forth below (or to such other address as any party may later designate), and shall be sufficiently given on the date: (a) of service if served personally upon the person to whom notice is to be given, (b) receipt is confirmed with the addressee by telephone if a notice is sent by telex, telecopier, facsimile or other telecommunication facility, or (c) of receipt if a notice is sent by courier or by registered or certified mail, return receipt requested, postage prepaid:

To Contractor: 1616 Marlborough Ave., Bldg. S, Riverside, CA 92507
[Mailing Address (Post Office Box, if applicable]
(951) 688-6880
[Telephone number]
(951) 686-1436
[Fax number]
[Email address]

With a copy to:
[Attorney for Contractor, if applicable]
[Street Address]
[Post Office Box, if applicable]
[City, State, Zip]
[Telephone number]
[Fax number]
[Email address]

To CSD: MORENO VALLEY COMMUNITY SERVICES DISTRICT
Public Works Department
Special Districts Division
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: Daniel Monto, Senior Landscape Services Inspector
Telephone number: 951. 413-3480
Fax Number: 951. 413-3498

With a copy to: City Attorney's Office [if applicable]
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: City Attorney
Telephone number: 951. 413-3036
Fax number: 951. 413-3034

SIGNATURE PAGE TO FOLLOW:

SIGNATURE PAGE

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

Moreno Valley Community Services District	TruGreen Landcare
By: _____	By: Manuel Mendez
Title: Mayor, acting in the capacity of President of the Board of Directors of the Moreno Valley Community Services District	Title: (President or Vice President) BRANCH MANAGER
Date: _____	Date: 4-14-11

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

By: _____
Title: Corporate Secretary or Assistant Secretary
(If applicable)

Date: _____

Affix Corporate Seal Below
(If applicable)

Attachments

EXHIBIT A
R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. SCOPE OF WORK

A. The work to be performed under this Contract shall include the furnishing of all labor, material, and equipment necessary for the provision of landscape and appurtenant maintenance services within the boundaries of the various zones of the District as determined in the resolutions of the City Council establishing said zones, and as said boundaries may have been heretofore or may be hereafter altered, and as more particularly shown on the Location Map or Maps attached at the end of this exhibit, Section 23, Project Location Map.

B. The Contractor shall have the duty to: mow, edge, trim, and fertilize turf and shrub areas designated hereunder; regularly maintain and prune trees up to eighteen feet (18') in height; remove litter and debris from all sites as required under this Contract; provide general pest control services as requested, including but not limited to weeds, insects, and diseases; maintain irrigation systems; hand water and bleed valves as necessary during emergencies when automatic systems are not functioning.

C. All work shall be performed in accordance with usual and customary horticultural practices to achieve, and maintain healthy, viable landscapes. The Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director" will periodically inspect all the operations and approve or reject the work performed, and methods or materials used, and make changes in work scheduling.

D. The Contractor shall be responsible for carefully reviewing the site(s), and verifying the square footage noted for each location of proposed work is included in the Proposal. The Contractor shall not be relieved of his/her/its liability under this Contract, nor the District or City be held liable for any loss sustained by the Contractor as a result of any variance between conditions as referred to in the Technical Provisions, and the actual conditions revealed during the examination of the locations of the proposed work.

E. All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

2. SCHEDULING OF WORK

A. The Contractor shall adhere to the facilities, equipment and staffing schedule, and monthly and annual work schedules submitted as a part of the Contractor's bid, and incorporated herein by this reference. These schedules, and any approved revisions thereto, shall be used by the District as a basis for determining Contractor's satisfactory performance.

B. Revisions to facilities, equipment, staffing, or monthly and annual work schedules shall not be implemented without the prior written approval of the Director. The Contractor shall submit proposed revisions to equipment and staffing, or monthly and annual work schedules in writing to the District at the address as set forth in Exhibit A, Section 3, paragraph N. of the Contract at least ten (10) working days prior to commencing work per the proposed revisions.

C. Failure to submit proposed revisions to equipment, staffing, or work schedules by the time limits established hereinabove may result in the Contractor becoming liable to the District for non-performance penalties per Exhibit C, Section 4.

D. The above provisions shall not be construed to eliminate the Contractor's responsibility for complying with the requirement to notify the Director for Specialty type maintenance as set forth immediately hereinafter.

E. The Contractor shall notify the Director in writing at least five (5) working days prior to the date and time of all "Specialty" type maintenance operations, which shall include, but are not limited to:

1. Fertilization;
2. Turf Aeration;
3. Application of pesticides by any method;
4. Other operations so designated by the Director.

Notification of "Specialty" maintenance operations shall include a brief description of intended method(s) of execution, materials to be used, and the dates for commencement and completion of said operations. Failure to complete "Specialty" operations by the indicated date may result in the assessment of non-performance penalties per Exhibit C, Section 4.

F. When inclement weather renders performance per approved schedule unsafe, impractical, or liable to damage landscaping, the Contractor shall adjust his work force in order to accomplish those work items not affected by weather, and shall contact District field staff to inform them of said alternate work assignments. Failure to advise the District may be cause for assessment of non-performance penalties per Exhibit C, Section 4.

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G. For the purposes of this Contract, "Working Days" shall be Mondays through Thursdays, excluding holidays as provided herein. The hours of maintenance service shall be from 7:00 a.m. to 4:30 p.m. on those days maintenance is to be provided pursuant to the work schedule as approved by the Director. Any work the Contractor proposes to perform outside of the days and hours set forth hereinabove, as well as on legal City holidays, shall not be undertaken without the prior written approval of the Director.

The following days have been designated as holidays by the City:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls upon a Sunday, the following Monday shall be the day the holiday is observed. If a holiday falls upon a Saturday, the preceding Friday shall be the day the holiday is observed. If a scheduled maintenance service day falls on a designated holiday, the Contractor shall submit a proposed make-up day for the Director's approval.

3. FUNCTIONS AND RESPONSIBILITIES

A. The Director and Contractor shall conduct an inspection of all sites covered under this Contract as soon as practicable after its execution, and prior to commencement of Contractor's operations. Following said inspection, the Contractor shall submit to the Director a written affidavit certifying the actual condition of the site(s) relative to District Specifications, including but not limited to the nature and extent of any deficiencies noted by the Contractor, and acknowledged by the Director. The Contractor is hereby advised that this affidavit shall serve as the benchmark for the Director's evaluation of Contractor's performance under this Contract. Failure to maintain site(s) up to this established standard may result in the District deducting payment of all or part of the Contractor's compensation, as further described in Exhibit C., Section 3.

B. The Contractor shall on an ongoing basis maintain a monthly log that records all work performed by the Contractor. Said log shall be in a form and content acceptable to the Director (see Appendix B, Monthly Report Form), and shall be submitted to the Director by the tenth day of each month, one (1) month in arrears. The monthly payment for the work so reported will not be authorized until such report (Monthly Report) is received, and approved by the Director.

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C. The Contractor shall perform at least one maintenance inspection weekly during daylight hours of all sites. Such inspection shall be both visual and operational, including but not limited to, operation of all automatic irrigation systems to check for proper condition, and reliability. Additionally, the Director may require the Contractor to attend meetings with the District field staff at some fixed interval to review the Contractor's operations, and schedule such future work as may be ordered by the Director. Failure to conduct said weekly inspections or attend regularly scheduled meetings may result in the assessment of non-performance penalties per Exhibit C., Section 4.

D. The Contractor shall maintain an office at some fixed place, and shall maintain an operable telephone thereat, listed in the telephone directory in Contractor's own name or in the Contractor's company name, and shall at all times employ some responsible person(s) to take the necessary action regarding all inquiries, complaints, and/or emergency calls that may be received from the Director or other authorized individuals or agencies as listed in Exhibit A, Section 3., paragraph E. below. This person(s) shall be reachable twenty-four (24) hours per day, seven (7) days a week. During normal working hours, the Contractor's Supervisor or employee designated as being responsible for providing maintenance services to the District shall be directly available for immediate notification through some type of reliable electronic means, including but not limited to, mobile or cellular phone, two-way radio, or pager. The Contractor or Contractor's designated employee shall confirm said notification within one (1) hour of receipt. An answering service will be considered an acceptable substitute for coverage only during periods outside of normal working hours, provided Contractor is advised of emergency calls within one (1) hour of receipt of the call by the answering service and within twenty-four (24) hours after receipt of non-emergency calls by the answering service. The above provision for Contractor's communication with the District is the minimum acceptable standard under this Contract. Failure to regularly provide said communication capability may result in the Contractor being assessed non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall respond to an emergency call from any of the parties listed below no later than two (2) hours following first notification by facsimile transmission, or in writing, or by telephone. In situations involving emergency repair work after normal working hours, the Contractor shall dispatch qualified personnel, and equipment to reach the site within two (2) hours of first notification. An emergency may be called by the following individuals or agencies at **any** time:

1. City Manager
2. Director of Public Works
3. Police Department
4. Fire Department
5. Special Districts Division Manager
6. Street Maintenance Supervisor
7. Senior Landscape Services Inspector
8. Landscape Services Inspector

Contractor's emergency response and any necessary corrective work shall be considered Additional Work as defined in Exhibit C., Section 2, unless said emergency is determined to have been caused by an act or omission attributable to the Contractor.

4. CONTRACTOR'S STAFF

A. The Contractor shall provide sufficient personnel to perform all work in accordance with the Specifications set forth herein. All of the Contractor's maintenance personnel shall be supervised at the work site(s) by a qualified Supervisor in the employ of the Contractor. Work Site Supervisors must be able to demonstrate to the satisfaction of the Director that they possess adequate technical background, and communication skills to perform the intended services. Adequate and competent supervision shall be provided for all work done by the Contractor's employees to ensure accomplishment of high quality work, which will be acceptable to the Director. Any order or communication given to the Work Site Supervisor shall be deemed to have been delivered to the Contractor.

B. The Contractor and his employees and subcontractors, if any, shall conduct themselves in a proper, professional, and efficient manner at all times, and shall cause the least possible inconvenience to the public.

C. The Director may require the Contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interests of the District.

D. The Contractor shall require each employee performing work under the Contract to adhere to basic public works standards of working attire, including but not limited to wearing of proper clothing, proper shoes, and other gear required by applicable Safety Regulations and/or fertilizer/pesticide label requirements..

   Shirts shall be worn at all times, and shall be buttoned. Approved safety vests shall be worn by Contractor's employees when working on parkway medians, monuments, parkways, and other high traffic-hazard areas as determined by the Director. Failure to comply with the above requirements may make the Contractor liable for assessment of non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall establish an identification system for Contractor's personnel which clearly indicates to the public the name of the Contractor. The identification system shall be furnished at the Contractor's expense and may include appropriate attire, and/or name badges as specified by the Director.

5. EMPLOYMENT OF APPRENTICES

The provisions of Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code regarding the employment of properly registered apprentices may apply to this Contract if the Contractor, or any subcontractors thereunder, employs workers in any apprenticeable craft or

MV00106483

trade. It is the Contractor's sole responsibility to comply with the Labor Code sections cited above. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the California Department of Industrial Relations.

6. COMPLAINTS

A. All complaints shall be responded to as soon as possible after notification, but in all cases within twenty-four (24) hours, to the satisfaction of the Director. If any complaint is not satisfactorily responded to within twenty-four (24) hours, the Director shall be notified immediately of the reason for not remedying the complaint followed by a written report to the Director within five (5) working days. If the complaints are not remedied within the time specified, and to the satisfaction of the Director, the Director may correct the specific complaint by using an alternative source. The total cost incurred by the District to effect necessary remedies will be deducted from the payments owing to the Contractor from the District, per Exhibit C., Section 3.

B. The Contractor shall maintain a written log of all complaints, the date and time thereof, and the action taken pursuant thereto, or the reason for non-action. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above.

C. In addition to the provisions of Section 6., paragraph A. above, in the event of a failure by the Contractor to satisfactorily remedy a complaint in a timely manner or for any other breach of this Contract by Contractor, the District may immediately upon written notice to the Contractor terminate this Contract.

7. SAFETY

A. The Contractor agrees to perform all work as outlined in the Provisions listed herein in such a manner as to meet all accepted standards for safe practices and to safely maintain equipment, machines, and materials, and prescribe and employ all precautions and safety procedures related to other hazards consequential to the work; and accepts additionally the sole responsibility for complying with all local, State, Federal and other legal requirements including but not limited to, full compliance with the terms of any and all applicable OSHA and Cal/OSHA Safety Orders at all times so as to protect all persons, including Contractor's employees and subcontractors, agents of the District, City, materialmen, vendors, members of the public and others from foreseeable injury, or damage to their property.

B. The Contractor's operations shall be conducted in such a manner as to cause the least possible obstruction, and inconvenience to public traffic. The Contractor shall furnish, erect and maintain such fences, barriers, lights and warning signs as may be deemed necessary by the Director, or any duly constituted public safety official.

Contractor's work area traffic control, including but not limited to type and placement of signs, barricades, and delineators, shall be in accordance with the "Manual of Uniform Traffic Control Devices, 2010 (or most current) California Supplement".

Contractor's work should not encroach into open lanes of traffic between the hours of 7:00 a.m. and 8:30 a.m., or between the hours of 3:30 p.m. and 6:00 p.m.

C. The Contractor shall maintain all work sites free of hazards to persons or property resulting from Contractor's operations. The Contractor shall inspect for all potential hazards at said areas under maintenance, and keep a log indicating date inspected, and action taken. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above. Any hazardous condition noted by the Contractor, which is not a result of Contractor's operations, shall be immediately reported to the Director.

D. The Contractor shall be responsible for making minor corrections, including but not limited to, filling holes in turf areas, replacing valve box covers, and repairing irrigation systems, so as to protect members of the public or others from injury.

The Contractor shall cooperate fully with the District or City in the investigation of any accidental injury or death occurring on the site, including a complete written report thereof to the Director within five (5) working days following the occurrence.

E. Failure to comply with the provisions of this section of Exhibit A may result in: payment deduction per Exhibit C, Section 3 of the Contract, or assessment of non-performance penalties per Exhibit C., Section 4. Repeated failure to comply with the provisions of this section may result in contract termination, per Exhibit A, Section 3, paragraph J of the Contract Agreement.

8. USE OF CHEMICALS

A. Before the beginning of the Contract period, the Contractor shall submit a list, which shall include the exact Brand Name, Label, and Material Safety and Data Sheet (MSDS).of all chemicals proposed for use under this Contract, including but not limited to fertilizers and pesticides, for approval by the Director. Where applicable, materials included on this list shall be chemicals as approved by the State of California Department of Food and Agriculture.

B. Director shall be notified in writing of any changes or deviations from the above list. Use or application of said materials shall not be made prior to approval by the Director. Failure to comply with this requirement may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. Chemical applications, including but not limited to fertilizers and pesticides, shall be made in strict compliance with the label directions, restrictions, and precautions as well as with any other requirements deemed necessary by any county, state, or federal regulatory agency, or the Public Works Department of the City of Moreno Valley.

D. Contractor shall report all fertilizers and pesticides used in performance of the work as an element of Contractor's Monthly Report, as set forth in Section 3, paragraph B above. This report shall include: the date, time of day, location, type of material, method of application, and environmental data.

9. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - REQUIRED URBAN RUNOFF MANAGEMENT TRAINING

The Contractor shall provide National Pollutant Discharge Elimination System (NPDES) Permit training for Urban Runoff Management to Contractor's employees and subcontractors if any. Failure to provide Urban Runoff Management training is a violation of Order No. R8-2002-0011, NPDES No. CAS 618033 (Municipal Separate Storm Sewer System NPDES Permit), Section XI.I, for each day of which such failure occurs, and shall in addition, be a breach of the Contract with the City of Moreno Valley (City). Contractor understands and agrees that NPDES Permit violations are grounds for enforcement action by the Environmental Protection Agency, the State/Regional Water Resources Control Board, and the City and may result in permit termination (stop work order), civil and criminal fines, and termination of Contract. By submitting a proposal, the Contractor certifies to the City that Contractor's employees and subcontractors, if any, have been trained for Urban Runoff Management, and sufficient sums are included in the proposal's amount to cover costs of such said training.

10. LICENSES AND PERMITS

The Contractor shall, without additional expense to the District or City, possess all licenses and permits, including but not limited to a valid City Business License, required for the performance of the work under this Contract.

11. PREVAILING WAGE

A. Pursuant to provision of Section 1773 of the Labor Code of the State of California, the Moreno Valley Community Services District has obtained the general prevailing rate of per diem wages applicable for the work to be done, including but not limited to: straight time, overtime and holiday work; travel and subsistence payments; employee payments of health and welfare, vacation, pension, and similar purposes. Said rate and scale are on file with the Public Works Department of the City of Moreno Valley, and copies will be made available to any interested party on request. These rates shall be the minimum wage rates for this project. Throughout the term of this Contract, the Contractor will be required to post a copy of said rate, and scale as required by the Labor Code.

B. Pursuant to provisions of Section 1775 of the Labor Code, the Contractor shall forfeit as penalty to the Moreno Valley Community Services District, not more than fifty dollars ($50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinabove stipulated for any work done under the attached contract, by the Contractor or by any subcontractor under Contractor's direction and control, in violation of the provisions of said Labor Code.

12. PAYROLL RECORDS

A. The Contractor, and any subcontractor thereunder, shall keep complete and accurate payroll records for each workman employed by Contractor/subcontractor in connection with this Contract, as required by California Labor Code Section 1776.

B. The Contractor, and any subcontractor thereunder, shall make available to the District upon its request certified payroll records for each workman employed in connection with this contract as required by California Labor Code Section 1776.

C. The District may withhold from Contractor's progress payments the penal sum of twenty-five dollars ($25.00) per calendar day (or portion thereof) for each worker employed in connection with this Contract should Contractor, or any subcontractors thereunder, fail to strictly comply with California Labor Code 1776 after receiving written notice of non-compliance.

13. BONDS

Pursuant to Section 3247 of the Civil Code, the Contractor hereby agrees to provide and maintain in full force and effect for the duration of this Contract, two (2) good, and sufficient surety bonds, to wit:

A. A "Faithful Performance Bond" in the amount of one hundred percent (100%) of the contract price, which shall guarantee the faithful performance of all work, and;

B. A "Materials and Labor Bond" in the amount of one hundred percent (100%) of the contract price, which shall secure the payment of the claims of labor, mechanics or materialmen for all work performed hereunder.

14. SUBSTITUTION OF SECURITIES

Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the Moreno Valley Community Services District to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the Moreno Valley Community Services District, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld, and shall receive any dividends or interest thereon. The Contractor shall give the District written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow agreement in a form which is substantially similar to the agreement set forth in Section 22300 of the Public Contract Code.

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15. CONTRACTOR'S LIABILITY

A. The Contractor shall be responsible for all damages to people and/or property that occur as a result of the fault or negligence attributable to Contractor in connection with the performance under this Contract. Any and all restitution or repairs deemed necessary by the Director to remedy such damages shall be furnished and performed at the Contractor's sole expense, and shall be completed within the time limits established by the Director.

B. Repairs made to sites and site appurtenances that are damaged as a result of Acts of Nature, vandalism, theft, and acts or omissions by third parties or any other occurrence not attributable to the Contractor's operations shall be repaired by the Contractor as Additional Work and compensated as defined in Exhibit C., Section 2.

16. CONTRACTORS LICENSE

Contractors are required by law to be licensed, and regulated by the Contractors' State License Board. Contractor will comply with all applicable licensing laws, and regulations. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 9821 Business Park Driver, Sacramento, CA 95827. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

17. TECHNICAL PROVISIONS – FULL SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed weekly-on no more than two (2) consecutive days as weather and site conditions permit. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" shall include, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

MV00106488

5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in to any other site.

6. Mowing height for cool season grasses shall not exceed three inches (3") maximum, or two inches (2") minimum, and shall be adjusted within these parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed one and one-half inches (1½") maximum, or three-quarters of an inch (¾") minimum, and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Whenever trees occur in turf areas, a six inch (6") ring of grass shall be removed from around the trunks in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions Full Service Fertilization, Section 18.

13. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

14. Aeration:

    (a) All turf areas shall be aerated three (3) times annually;

    (b) Aeration shall be done in the spring, mid-summer, and fall, or as directed by District field staff;

    (c) Aeration equipment shall be of the hollow tine type. The tines shall have a minimum diameter of one-half inch (½"), and a penetration depth of at least two inches (2"). There shall be no more than six inches (6") between tines;

    (d) Areas to be treated shall be adequately irrigated prior to treatment to allow maximum tine penetration;

    (e) Any soil cores remaining on the turf surface two (2) weeks after treatment must be removed;

(f) Humus base fertilizer is to be applied directly following spring and fall aeration operations. See Technical Provisions – Full Service Fertilization, Section 18.

15. Renovation/thatching operations are to be considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision) standards.

4. Any tree shall be pruned at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

   (a) Be pruned to enable successful adaptation to their particular site situation;

   (b) Have no more than one-third (1/3) of living branches removed annually;

   (c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

   (a) Be inspected annually;

   (b) Pruned and/or trimmed as necessary to maintain proper site orientation;

   (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

(d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

   (a) internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

   (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

   (c) Use of pruning paint/pruning compound/wound dressing;

   (d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodge pole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

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(a) Remove dead, diseased, or damaged branches;

(b) Remove unwanted encroachments into public and/or utility rights-of-way;

(c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

(a) To enable successful adaptation to their particular site situation;

(b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

(c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

(a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", "poodling") <u>will be done only when authorized by the Director on a site-specific basis</u>.

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

(c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See <u>Technical Provisions - Full Service Fertilization</u>, Section 18.

9. Pest control: See <u>Technical Provisions – Full Service Pesticide Use</u>, Section 19.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

   (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.

8. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

E. WEED CONTROL

1. All weeds shall be continuously controlled at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the

plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; and non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Full Service Pesticide Use, Section 19.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites shall at all times receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3.- Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per week; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal operation ("wear and tear"), and; 2) vandalism, theft, and acts or omissions by third parties.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

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5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

   (a) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than one (1) time per week;

   (b) Be turned off during periods of rainfall, or as directed by District field staff;

   (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

   (a) Be operated only when Contractor's personnel are present on site;

   (b) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than at each time of operation;

   (c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to effect irrigation system repairs shall be of the same manufacture as those originally installed unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a <u>minimum</u> of one (1) visitation per week of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walks the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites that are, in the opinion of the Director, exceptionally littered shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and

gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter, as described in paragraphs 1 and 2 above, off-site, and in a legal manner.

6. The Contractor shall notify the Director immediately whenever suspicious and/or hazardous waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

7. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from contract sites by the Contractor, or any subcontractors thereunder, in performance of contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested therein and shall include, on a separate Monthly Greenwaste Report form, any greenwaste generated through the operations of any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

18. TECHNICAL PROVISIONS – FULL SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. Per Technical Provisions – Full Service Landscape Section 17, a humus base fertilizer shall be applied to turf areas immediately following spring and fall aeration operations. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Humus base fertilizers to be applied by drop spreader only.

3. Humus base fertilizers to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification is required to Director five (5) working days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
April	1	23-5-10 *	1.5	6.5 lbs
Sept	1	23-5-10 *	1.5	6.5 lbs

* 23-5-10/BEST@POLY SUPREME or approved equal

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of

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Chemicals.

4. Written notification is required to Director five (5) working days prior to fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required a minimum of five (5) working days prior to fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

19. TECHNICAL PROVISIONS – FULL SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and

the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Agreement.

4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used, along with a use recommendation for each pesticide, in the fulfillment of said Contract, per Section 8 – Use of Chemicals. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides listed shall be submitted in writing to the Director for approval prior to any use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for the filing of all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by all county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require that copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. For pesticide application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A written notice shall be provided to the Director five (5) working days prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

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C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

   (a) All shrub bed areas shall be treated with an appropriate pre-emergent herbicide at the maximum allowable rate according to the label, and state regulations. This treatment shall be performed twice a year, as determined by the Director.

   (b) Appropriate chemical control must be used on the following weeds.

   Bermuda Grass
   Kikuyu Grass
   Nutsedge
   Field Bindweed
   Spurge

   The aforementioned list is inclusive; other species may be added by the Director as necessary

   (c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

   (a) Snails shall be controlled on a regular basis on the following plant species:

   Agapanthus africanus
   Aptenia sp.
   Gazania sp.
   Hemerocallis sp.

   (b) Snails shall be controlled on an as needed basis on all other plant material.

   (c) Failure to adhere to the above specifications for snail control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

3. Insect and Disease Control

   (a) The Director may require certain tree species, which are subjected to excessively dusty conditions be rinsed off with water, as directed by District field staff. Rinsing operations that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

   (b) The Director may require that all Platanus species be sprayed annually with two applications of a copper based dormant spray should an infestation be detected. Applications that require the use of powered

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delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(c) The Director may require that all Pyrus and Pyracantha species found to be infected with fireblight be treated with annual applications of a copper based dormant spray. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(d) The Director may require that all Juniperus, Pinus, Cupressus and Pyracantha species found to be infested with mites be treated with an appropriate acaricide. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(e) All other insect, disease, and fungus problems will be treated on a site- and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

(a) When the Director determines that the turf weed population at any site(s) exceeds acceptable levels, an appropriate herbicide shall be applied in accordance with all label specifications. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All turf areas that the Director has determined to be prone to annual weed grass intrusion shall require annual applications of pre-emergent herbicides labeled for such use. Any preventative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(c) Failure to apply turf weed control materials within the time frames established by the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Insect and Disease Control

(a) All turf areas that the Director has determined to have a history of fungus infection shall be treated annually with an appropriate fungicide, as directed. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All other insect, disease, and fungus problems will be treated on a site and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but are not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of being noticed by the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

20. TECHNICAL PROVISIONS – REDUCED SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed **bi-weekly** and completed within no more than two (2) consecutive days, weather and site conditions permitting. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" includes, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in onto any other site.

6. Mowing height for cool season grasses shall not exceed a maximum of three inches (3"), or minimum of two inches (2"), and shall be adjusted within these parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed a maximum of one and one-half inches (1½"), or a minimum of three-quarters of an inch (¾"), and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Around tree trunks in turf areas, a six inch (6") ring of grass shall be removed in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

13. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

14. Aeration is considered Additional Work, per Exhibit C., Section 2.

15. Renovation/thatching operations are considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision) standards.

4. Any tree shall be pruned at any time in order to:

(a) Remove dead, diseased, or damaged branches;

(b) Remove unwanted encroachments into public and/or utility rights-of-way;

(c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

(a) Be pruned to enable successful adaptation to their particular site situation;

(b) Have no more than one-third (1/3) of living branches removed annually;

(c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

(a) Be inspected annually;

(b) Pruned and/or trimmed as necessary to maintain proper site orientation;

(c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

(d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

(a) Internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

(c) Use of pruning paint/pruning compound/wound dressing;

(d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodgepole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

   (a) To enable successful adaptation to their particular site situation;

   (b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

   (c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach and water solution

before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

   (a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", or "poodling") will be done only when authorized by the Director on a site-specific basis.

   (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

   (c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

9. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

   (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

8. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

E. WEED CONTROL

1. All weeds shall be controlled quarterly at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites at all times shall receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather

conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3 - Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per **month**; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: a) normal "wear and tear", and; b) vandalism or theft (which includes acts or omissions by third parties) up to the amount of 11 percent of the Contractor's monthly base price as set forth in Exhibit C., Section 1. Repairs due to vandalism or theft (which includes acts or omissions by third parties) in excess of the above indicated amount may be billed as Additional Work, per Exhibit C., Section 2.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

   (a) Be inspected for, and repaired as necessary to ensure, proper operation, and coverage not less than one (1) time per month;

   (b) Be turned off during periods of rainfall, or as directed by District field staff;

   (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

   (a) Be operated only when Contractor's personnel are present on site;

   (b) Be inspected for, and repaired as necessary to ensure proper operation, and coverage not less than at each time of operation;

(c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to repair irrigation systems shall be of the same manufacture as those originally installed, unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a minimum of one (1) visitation per **month** of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walkways the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites which, in the opinion of the Director, contain an exceptional amount of litter shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter as described in paragraphs 1 and 2 above off-site, and in a legal manner.

   (a) The Contractor shall notify the Director immediately whenever suspicious and/or waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

   (b) Failure to adhere to the specifications of this section of the Special

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Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this Contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from Contract sites by the Contractor, or any subcontractors thereunder, in performance of Contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of Contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of the Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested and include, on a separate Monthly Greenwaste Report form, any greenwaste generated by any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

21. TECHNICAL PROVISIONS – REDUCED SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. All turf areas are to be fertilized as per Table I. All fertilizers are to be of indicated analysis or better.

TABLE I

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
FEB	1	22-0-6**	1	4.5 lbs
JUN	1	22-5-5*	1.25	5.7 lbs
OCT	1	22-5-5*	1.25	5.7 lbs

*22-5-5/BEST® TURF GOLD or approved equal Controlled-Release fertilizer. These fertilizers to contain micronutrients including iron. See following section on fertilizers.

**22-0-6/SCOTTS® PROTURF® + Pre-emergent Weed Control or approved equivalent. These fertilizers to contain micronutrients including iron. See following sections, below, regarding fertilizers.

2. A humus base fertilizer shall be applied to turf areas immediately following aeration operations.

3. Humus base fertilizers are required to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply the Director with a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification to the Director is required five (5) days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Applications	Type of Fertilizer	Rates per 1,000 sq. ft. Lbs. of Actual N	Lbs. of Fertilizer
APR	1	23-5-10*	1.5	6.5 lbs

* 23-5-10/BEST® POLY SUPREME or approved equal.

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director with a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8 – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of

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trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply a list of all proposed fertilizers to be used in the fulfillment of said contract to the Director, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8. – Use of Chemicals.

22. TECHNICAL PROVISIONS – REDUCED SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Contract.

4. Before the beginning of the Contract period, Contractor shall supply to the

Director a list of all proposed pesticides to be used in the fulfillment of said Contract, per Section 8 – Use of Chemicals. A valid written pesticide use recommendation for each pesticide listed shall be submitted concurrently with this list. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides so listed shall be submitted in writing to the Director for approval prior to use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for filing all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. Pesticide application reporting specifications, - See Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A five (5) working day written notice shall be given to the Director prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

   (a) Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

   (b) Appropriate chemical control must be used on the following weeds.

   Bermuda Grass
   Kikuyu Grass
   Nutsedge

Field Bindweed
Spurge

This list is inclusive; other species may be added by the Director as necessary.

(c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

Application of molluscicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

2. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of notification from the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

23. PROJECT LOCATION MAP

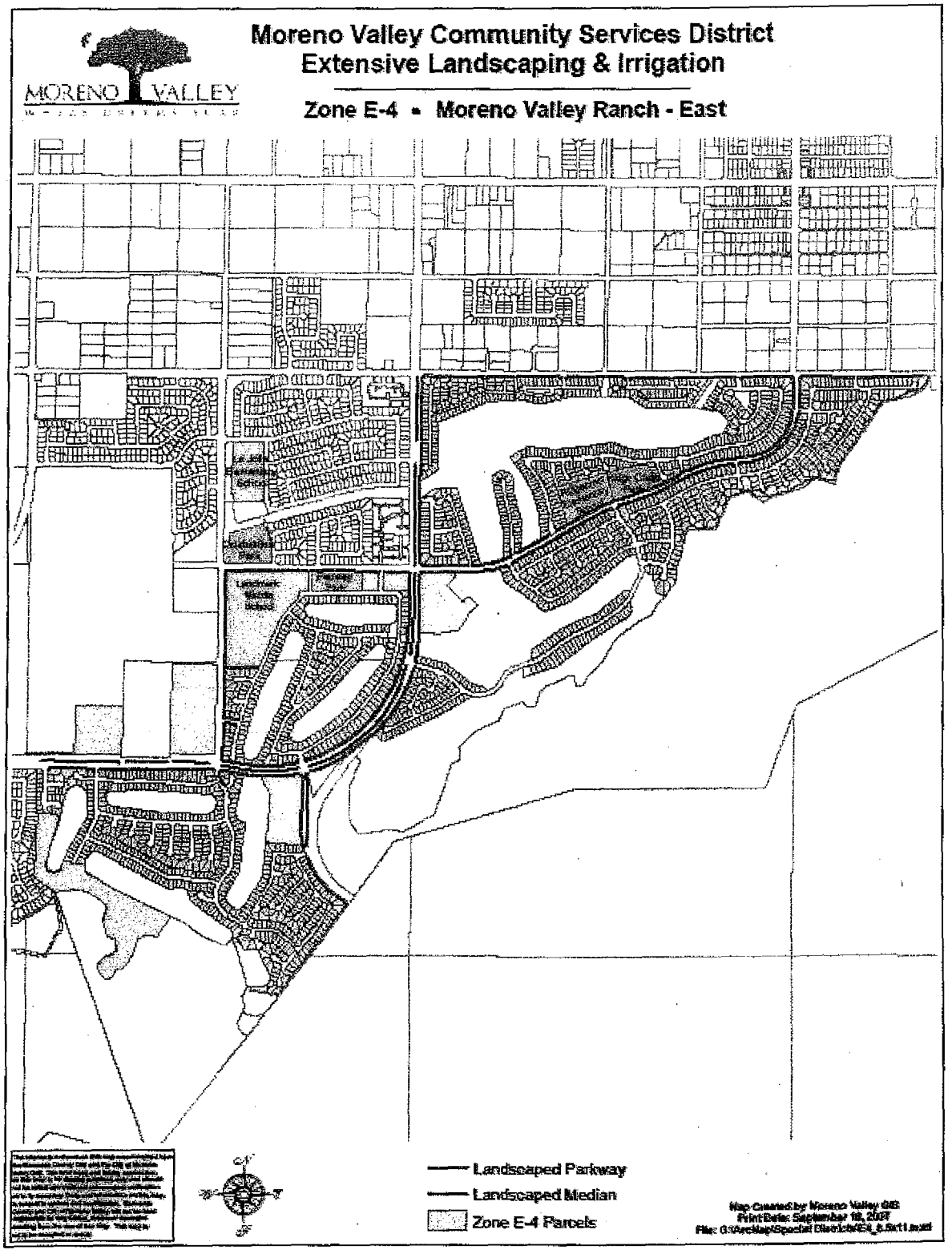

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-4A • Daybreak - Internal Landscape Maintenance

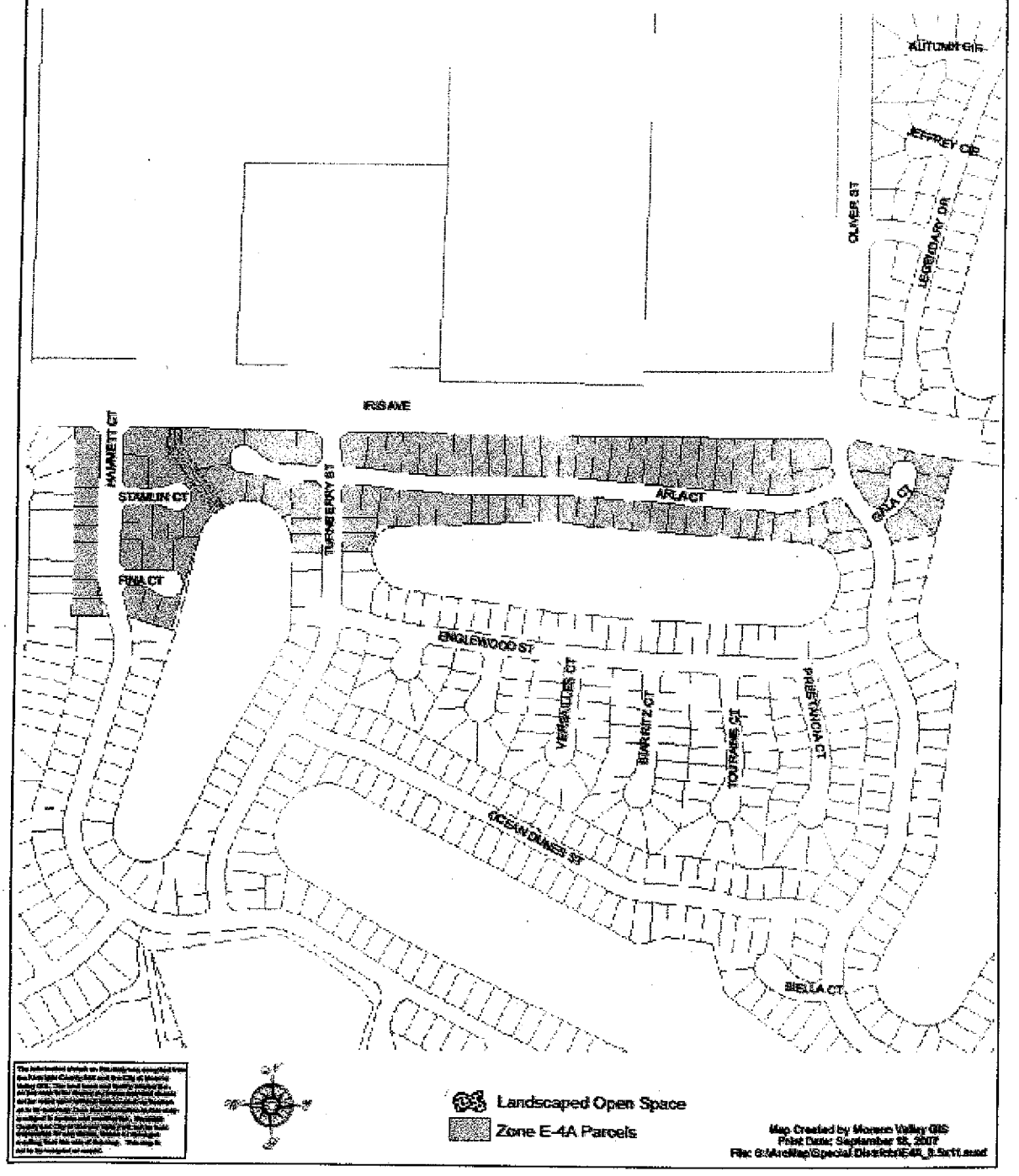

EXHIBIT B: District Responsibilities
R.F.P. NOE-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACT SUPERVISION

A. The Contract shall be administered on behalf of the District by the Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director."

B. The Director will decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the Contract by the Contractor, interpretation of the Specifications, and compensation to include completion of work by alternate sources.

2. IRRIGATION SYSTEMS

The District shall manage the operation of all automatically controlled irrigation systems, including but not limited to irrigation controller programming and scheduling. The Contractor shall monitor the operation of, and maintain said irrigation systems as required by the Director. The Contractor shall operate manually controlled irrigation systems as directed by District field staff.

3. UTILITIES

It shall be the District's duty to provide the utilities necessary for irrigation (i.e., water, electricity and communications), and to maintain their appurtenances (i.e., water and electrical meters and backflow devices). The District will pay the water, electricity, and communications costs used in the sites covered by this Contract. The Contractor shall report any interruption of these services for whatever reason immediately upon Contractor's observation of same to the Director.

4. RESTRICTED PESTICIDE MATERIALS PERMIT / USE CONSENT

A. The District shall maintain in full force and effect throughout the entire term of the Contract a valid Restricted Materials Permit issued by the Agricultural Commissioner of the County of Riverside on behalf of the California Department of Pesticide Regulation. The Contractor shall comply with all permit conditions that pertain to any of the pest control materials listed on said permit that may be used in the course of Contractor's operations under this Contract.

B. Director must give consent in writing prior to application of any Category I pesticide.

EXHIBIT C: Payment Terms
R.F.P. NO E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACTOR'S COMPENSATION

A. The Contractor will be paid monthly per site for work performed satisfactorily under this Contract. By the tenth of each month the Contractor shall submit to the Director detailed reports for the: 1) maintenance performed, 2) complaints received, 3) hazards noted, and 4) chemicals used in the prior month. These reports shall be accompanied by a billing in accordance with the Contract price for the work performed, and shall become the basis for payment. No payment(s) shall be made until the reports, listed herein, have been submitted and approved.

B. Except where additional compensation is specifically provided for in this Contract, the District will pay the Contractor for all work (labor, material, supplies, equipment, etc.) performed under this Contract the total amount of fourteen thousand, nine hundred and sixty three dollars and seventy-three/100 ($14,963.73) per month, one (1) month in arrears, on the last day of the month. The total contract amount for twelve (12) months shall not exceed one hundred seventy-nine thousand, five hundred and sixty four dollars and seventy-six/100 ($179,564.76), except as provided for in Section 2 below.

C. Should this Contract commence or terminate on other than the first day of a calendar month, the Contractor's compensation for that partial calendar month shall be prorated at the rate of 1/30 of the full month rate per day for the number of days during which the Contract is effective.

2. ADDITIONAL WORK

A. During the term of this Contract the District may, at its discretion, authorize the Contractor to perform certain Additional Work as included in Section 2, paragraph C. herein this Exhibit, ("Additional Landscape Areas"), in addition to the work set forth in Exhibit A, Contractor's Scope of Work.

If the District determines it to be in the District's best interest, said Additional work may include: Acts of God (i.e., earthquake damage, storm damage), or vandalism, theft, and acts or omissions by third parties.

Compensation for all such Additional Work shall be calculated either: at the prices set forth by the Contractor in the Exhibit E, Section 9, or at a price based on the Contractor's written estimate (lump sum, time and materials, or cost plus basis), as determined by the Director. Except as set forth in Section 2, paragraph B. below, the Contractor shall not perform any such Additional Work without first obtaining express written authorization from the District.

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B. Notwithstanding the above requirement for prior written authorization, when a condition exists wherein there is imminent danger of injury to the public or damage to property, the District may verbally authorize the work to be performed upon receiving a verbal estimate from the Contractor. Within twenty-four (24) hours after receiving a verbal authorization, the Contractor must submit a written estimate to the District for written approval. Whenever immediate action is required to prevent impending injury, death, or property damage to the facilities being maintained, the District may, after reasonable attempt to notify the Contractor, cause such action to be taken by the District or City's work force.

C. The Contractor shall maintain as Additional Work, at a unit price comparable to landscape areas described herein, additional landscape areas that the District may add to this Contract. In the event that notification is made of a new installation, at other than the beginning of a monthly period, the unit cost as set forth by Contractor in the Exhibit E, Section 9, shall be prorated from the day the Contractor commences work on the additional areas.

D. Routine repairs to project irrigation system(s) shall be considered Additional Work to the extent that the Contractor shall charge only for materials used to perform said repairs at Contractor's cost plus a percentage of that cost, as set forth in Exhibit E, Section 9. For the purposes of this Contract, routine irrigation repairs are defined as replacement of existing sprinklers or sprinkler components, and/or non-pressurized pipe, and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal "wear and tear", and 2) vandalism or theft, (which includes acts or omissions by third parties).

E. Except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize Additional Work pursuant to paragraphs A., B., and C. above in excess of the cumulative total of $14,800.00 for each contract year during the term of this Contract.

3. PAYMENT DEDUCTIONS

The District may deduct payment to such extent as may be necessary to protect the District from loss due to:

A. Work required in the General or Special Provisions which is: not performed, or; not performed to the standards set forth therein, or; not performed at or within the time(s) specified therein, or; is incomplete;

B. Claims filed or reasonable evidence indicating probable filing of claims by laborers, materialmen, subcontractors, or third parties.

4. NON-PERFORMANCE PENALTIES

The Contractor may become liable for payment of non-performance penalties for failure to: provide adequate communications; provide adequate work area safety; complete "Specialty" operations in a timely manner as set forth in the General Provisions; submit notifications or reports required by the Contract, or General or Special Provisions at the intervals and/or

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frequencies set forth therein, or; perform work as required by the General or Special Provisions at the intervals and/or frequencies as set forth therein, or as set forth in Contractor's approved work schedule, or as directed by the District. For each of the categories set forth hereinabove, the penal sum of $100.00 (one hundred dollars) per working day will be assessed for each working day the deficiencies remain uncorrected.

If non-performance penalties are to be assessed, the Contractor will be notified immediately by facsimile transmission, or in writing, or by telephone.

The Contractor will not be assessed non-performance penalties for delays caused by the District, or by the owner of a utility to provide for the removal or relocation of utility facilities.

5. EXCESSIVE UTILITY USAGE

Contractor shall pay for all excessive utility usage due to Contractor's failure to monitor irrigation system malfunctions or unauthorized increases in the frequency of irrigation. The excess cost will be determined by comparing the current usage with the historical usage for the same time period. The excess cost factor, to be deducted from the payments to the Contractor, will be presented by the Director to the Contractor prior to actual deduction by the District to allow for explanations.

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EXHIBIT D: Term of Contract

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. TERM OF CONTRACT

A. Following approval by both parties, the Contract will commence on July 1, 2011, and shall terminate twelve (12) months thereafter.

B. At the expiration of its term, the Contract may be extended for up to four (4) additional twelve (12) month periods with the concurrence of both parties. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph B.) shall be given to the Contractor at least thirty (30) days prior to the expiration of the initial term of the Contract or any extension thereof.

C. In considering the option to extend the Contract, as set forth in paragraph B. above, the District shall determine the following:

That the Contractor's performance during the preceding twelve months has been satisfactory, and;

That any request for increase of Contractor's compensation is based on an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

D. At the expiration of its term, and with the concurrence of both parties, the Contract may be extended for up to three (3) additional periods of thirty (30) days each, subject to all terms and conditions in effect during the current term of the Contract. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph D.) shall be given to the Contractor at least fifteen (15) days prior to the expiration of the initial term of this Contract, or any extensions thereof.

E. It should be noted that multiyear contracts may be continued each fiscal year only after funding appropriations and program approvals have been granted by the City Council of the City of Moreno Valley and the City Council acting in the capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District. (CSD) In the event that the City Council and/or the City Council acting in the capacity as President and Members of the Board of Directors for the CSD does not grant necessary funding appropriations and/or program approval, the affected multiyear contract becomes null and void, effective July 1st of the fiscal year for which such approvals have been denied.

EXHIBIT E: PROPOSAL SUBMITTAL DOCUMENTS

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

R.F.P. NO.E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

ATTACH ADDITIONAL SHEETS AS NECESSARY FOR COMPLETE RESPONSES

1. SCHEDULE I

A. COMPANY NAME: TRUGREEN LANDCARE

TYPE
- Sole proprietor ____
- Partnership X
- Corporation ____

B. COMPANY ADDRESS/PHONE NUMBER

MAIN OFFICE ADDRESS:
1616 MARLBOROUGH AV. Bld. S
RIVERSIDE, CA. 92507

MAIN OFFICE PHONE NUMBER: 951-688-6880

SATELLITE OFFICE ADDRESS (if applicable):

SATELLITE OFFICE PHONE NUMBER ____

C. CONTRACTOR'S LICENSING INFORMATION:

LICENSE NUMBER/CLASSIFICATION/NAME STYLE: 774548
C-61, D-49, C-27

NUMBER OF YEARS OPERATING UNDER ABOVE LICENSE/NAME STYLE: 10

LICENSE EXPIRATION DATE: 2-29-12

CURRENT LICENSE STATUS: ACTIVE

PRIOR ACTIONS AGAINST THIS LICENSE? Yes / (No)
IF YES, LIST CITATION TYPE AND HOW RESOLVED: _____

D. COMPANY'S FEDERAL IDENTIFICATION NO.: 36-4313318

E. NAME AND TITLE OF COMPANY OFFICERS:

PATRICK SPAINHOUR	CEO
MAC McIlvried	PRESIDENT
MARK WESEL	REGION VICE PRESIDENT
MANNY MENDES	BRANCH MANAGER

F. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES: 27

G. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES FOR PUBLIC AGENCIES: 27

H. CURRENT LANDSCAPE MAINTENANCE OPERATIONS

THE DISTRICT RECOGNIZES THAT THE INFORMATION PROVIDED TO THIS QUESTION (QUESTION H.) IS PROPRIETARY IN NATURE, AND THEREFORE, THE DISTRICT WILL KEEP THIS INFORMATION CONFIDENTIAL TO THE EXTENT PERMITTED BY LAW.

TOTAL LANDSCAPE MAINTENANCE CONTRACTS: OVER 200
PERCENTAGE OF TOTAL CONTRACTS WITH PUBLIC AGENCIES: 6%
TOTAL DOLLAR VALUE OF LANDSCAPE MAINTENANCE CONTRACTS: $3,600,000 out of RIVERSIDE BRANCH

1. NUMBER OF EMPLOYEES COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS

SUPERVISORS:	6	AVERAGE WAGE SCALE: $45-65/K* Salary
TECHNICIANS:	10	AVERAGE WAGE SCALE: $ 15 /Hr.*
FOREMEN:	34	AVERAGE WAGE SCALE: $ 13.75 /Hr.*
LABORERS:	54	AVERAGE WAGE SCALE: $ 8.75 /Hr.*

*Use fully burdened rate (i.e., taxes, insurance, benefits, OH &P) - This is a prevailing wage project.

2. TYPE & NUMBER OF VEHICLES & POWER EQUIPMENT COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS:

A. MOTOR VEHICLES
- TYPE: PICK-UP F-150 NUMBER: 15
- TYPE: STAKE BEDS NUMBER: 22

- TYPE: DUMP TRUCKS F-450 NUMBER: 9
- TYPE: NUMBER:

B POWER EQUIPMENT

- TYPE: MOWERS 21", 36", 48", 60" NUMBER: 64
- TYPE: BLOWERS NUMBER: 48
- TYPE: HEDGE TRIMMERS NUMBER: 47
- TYPE: WEEDEATERS NUMBER: 52

I. REFERENCES

ATTACH RESPONSES ON ADDITIONAL SHEETS - ONE SHEET PER REFERENCE

1. LIST A MINIMUM OF THREE (3) REFERENCES FOR PUBLIC AGENCY LANDSCAPE MAINTENANCE CONTRACTS THAT ARE EITHER CURRENT AND/OR HAVE BEEN SUCCESSFULLY COMPLETED WITHIN THE LAST TWO (2) YEARS.
2. REFERENCE RESPONSES MUST INCLUDE:
   A. NAME AND ADDRESS OF AGENCY;
   B. NAME AND TELEPHONE NUMBER OF AGENCY PERSON RESPONSIBLE FOR ADMINISTERING CONTRACT;
   C. CONTRACT NAME(S) / NUMBER(S);
   D. ANNUAL CONTRACT AMOUNT(S);
   E. NUMBER OF ACRES MAINTAINED PER CONTRACT(S);
   F. LOCATION(S) OF CONTRACT AREAS – WE WILL VISIT SITE(S);
   G. LENGTH OF CONTRACT(S).
3. **THE FOLLOWING REFERENCE QUESTIONS WILL BE ASKED OF EACH AGENCY REFERENCED:**
   A. How many (number) of contracts and years under contract?
   B What are/were the Scope of the contract(s), acreage amounts, location(s)?
   C. What are/were the Contract amount(s)?
   D. Do/did they have adequate (quantity/quality) staffing?
   E. How are/were the Training/Technical skills (i.e., Irrigation/Pest Control/ Equipment Operation/Safety)?
   F. Does staff have the ability to comprehend/speak English?
   G. How are/were the appearance, uniforms, and use of safety equipment?
   H. Do/did they have availability of additional personnel for extra work/special projects?
   I. Is/was the equipment used in good working order?
   J. Do/did they have an effective in-company communications system?
   K. How is/was the knowledge of project/contract standards?
   L. Do/did they have the ability to respond to complaints/requests in a timely fashion?

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References:

1. City of Rancho Cucamonga
   9153 9th Street
   Rancho Cucamonga CA 91730
   Don Gentry (909) 477-2700
   December 1999 to Present
   $505,000.00 Annually
   Square Footage: 45 Acres.
   Areas Serviced: LMD's throughout the City

2. Marriott Desert Springs Villas
   1091 Pinehurst
   Palm Desert CA 92260
   Glenn Knorr (760) 779-1291
   2005 to Current
   $536,400.00 Annually.
   Square Footage: 30 Acres.
   Areas Serviced: Common Areas & High Profile Areas.

3. City of Banning
   5261 W. Wilson
   Banning CA 92220
   Carl Szoyska (951) 922-3286
   Septembe4 2005 to Present
   $31,000.00 Annually.
   Square Footage: 2.5 Acres.
   Areas Serviced: City Hall, Aquatic Center, Police Departments.

M. Are/were they willing to resolve questions, disputes, and deficiencies short of "formal" sanctions (i.e., monetary penalties, contract deductions, liquidated damages, claims against bonds)?
N. How accurate & timely is/was billing/invoicing?
O. Have Contract(s) been successfully completed to term?
P. Would you accept future proposals/bids from this company?

2. PROPOSED FACILITIES, EQUIPMENT, & STAFFING SCHEDULE

A. **Facilities** – List the facility(ies) location and/or address where work crews and equipment will be dispatched. Use additional sheets as necessary to provide a full and comprehensive response.

RIVERSIDE OFFICE
1616 MARLBOROUGH AV. BLD. S
RIVERSIDE, CA. 92507

B. List the equipment, motor vehicles, and tools, in the areas below that will be furnished to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Indicate with (S) any listed equipment to be shared with another contract/ project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **Equipment:** LAZER RIDING MOWER, 36" Walk behind Mower, 21" Mower, Power Edger, Hedge Trimmers, Blowers, Weed eater, Chain saw.

2. **Motor Vehicles:**
1- Stake Bed F-350
1- Pick-up F-150
1- Spray Truck F-350 w/ Bubble Tanks.

3. **Turf Maintenance Power Equipment/Tools:**
Power Edgers & Mowers above under equipment.

4. **Tree, Shrub, Ground Cover Trimming/Pruning Equipment/Tools:**
(List both powered and hand equipment/tools)

Vermeer 1800 Chipper
Vermeer Stump grinder
Hedge Trimmers, Weedeater

5. **Irrigation System Maintenance Equipment:**
(List both powered and hand equipment/tools)

Irrigation Truck & Rain Master remote controls

6. **Fertilizer Application Equipment:**
(List both powered and hand equipment/tools)

Lesco Spreader & Belly grinders.

7. **Pesticide Application Equipment:**
(List both powered and hand equipment/tools)

Spray Truck with Tanks & Lesco Back-Pack.

C. **Staff**: - List the employees, both labor and supervision, to be routinely assigned to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Be sure to note by title any applicable licenses/certifications held by assigned personnel. Indicate with (S) if listed personnel are to be shared with another contract / project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **General Landscape Maintenance:**
(List labor, administrative, and field supervisory personnel – include any relevant education, certification, licensing information for each person listed)

Conrado Sigala - Area Manager
Lori Ledesma - Office Admin.
Foreman and labors who be assigned to job.

2. **Tree Trimming/Maintenance:**
(List any ISA or equivalent certified personnel)

Rafael Gomez - ISA Certified

3. **Irrigation System Maintenance:**
(List technical personnel – include any relevant education, certification, licensing information for each person listed)

Gilberto Castillo - Irrigation Tech

4. **Pesticide Application:**
(List licensed and/or certified personnel. All non-licensed, non-certified personnel must have received verifiable annual training.)

Ray Velasquez - QAL 103311
Manny Mendes - QAL 100444

3. PROPOSED PROJECT WORK SCHEDULES

The following two pages contain blank Monthly and Annual Schedule Sheets. Proposers are to complete these schedule sheets by writing in their proposed schedules for performing the work described in Exhibit A. Use additional sheets as necessary to provide a full and comprehensive response.

A. MONTHLY SCHEDULE SHEET (Full and Reduced Service Levels)

1. List all tasks specified to be performed on a weekly or monthly basis for the E-4 and E-4A areas in the box corresponding to the day of the week/month the work is proposed to be performed. List man-hours estimated to complete each task.

2. Be sure to include administrative tasks such as report submittals, meetings, etc.

3. Fill in the schedule sheet for the entire month. Schedule sheets that are not completed for the entire month will be considered to be non-responsive.

B. ANNUAL SCHEDULE SHEET (Full and Reduced Service Levels)

1. List all tasks specified to be performed for the E-4 and E-4A areas at intervals greater than one (1) month in the box corresponding to the month(s) of the year in which they are either so specified, or, if not specified, the month(s) in which the work is proposed to be performed. List man-hours estimated to complete each task.

2. Be sure to include any administrative tasks such as report submittals, meetings, etc.

3. Fill in the schedule sheet for the entire year. Schedule sheets that are not completed for the entire year will be considered to be non-responsive.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 -Detail Trimming -Trash Pick up - Weeding & Spraying - Blowing Sidewalks 5 Men Crew 40 HRS 1-Irrigator 8 Hrs.	-Mowing + Edging -Trash Pickup -Weeding - Blowing Sidewalks 5 Men Crew 40 HRS 1-Irrigator 8 Hrs.	-Mowing & Edging -Trash Pick up - Weeding - Blowing Sidewalks 5 Men Crew 40 HRS 1-Irrigator 8 HRS.	-Detail Trimming -Trash Pick up - Weeding & Spraying - Blowing Sidewalks. 4-Men Crew 32 HRS. 1-Irrigator 8 HRS.	OFF (mm)
WEEK #2 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1-Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs.	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks Meeting - Inspector 1 HR 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs	OFF (mm)
WEEK #3 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs.	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs	OFF (mm)
WEEK #4 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks Meeting Inspector - 1 HR 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs	OFF -Reports Submittals 1 HR

SUMMER SCHEDULE MAY - OCT.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew - 32 HR. 1 Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 - Man Crew 32 HRS. 1 - Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks - Meeting Inspector 1 HR. 3 Man Crew 24 HRS 1 Irrigator 8 HRS	OFF (min)
WEEK #2 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew - 32 HRS. 1 Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew - 32 HRS 1 Irrigator 8 HRS.	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 3 Man Crew 24 HRS. 1 Irrigator 8 HRS.	OFF (min)
WEEK #3 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew - 32 HRS 1 Irrigator 8 HRS	Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS. 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks - Meeting Inspector - 1 HR. 3 Man Crew 24 HRS 1 Irrigator 8 HRS.	OFF (min)
WEEK #4 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew 32 HRS. 1 Irrigator 8 HRS.	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS.	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS. 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 3 Man Crew 24 HRS. 1 Irrigator 8 HRS	OFF - Reports Submittals 1 HR (min)

WINTER SCHEDULE NOV - APRIL

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		-Mowing & Edging -Trash Pick-up -Weeding -Blowing Sidewalks. 4 Men Crew 32 HRS 1 Irrigator 8 HRS.	Meeting Inspector - 1 HR	
WEEK #2 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS		-Mowing & Edging -Trash Pick up -Weeding -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS		
WEEK #3 -Detail Trimming -Trash Pick-up -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 4 Men Crew 32 HRS. 1-Irrigator 8 HRS.		
WEEK #4 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks. 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		Reports Submittals 1 HR

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/2 day 8 HRS.	
WEEK #2			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/2 day 8 HRS	
WEEK #3		Irrigator 2 HRS.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/2 day 8 HRS.	
WEEK #4		Meeting Inspector. 1/2 HR.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing sidewalks. 2 Men Crew 1/2 day 8 HRS.	Report Submittals 1/4 HR.

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-4A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	
WEEK #2			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	
WEEK #3		Irrigator 1 Hr. ~~Irrigator 4 Hrs.~~ MM	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/4 day 4 Hrs.	
WEEK #4		Meeting Inspector 1/4 Hr.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/4 day 4 Hrs.	Reports Submittals 1/4 Hr.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4 ANNUAL SCHEDULE SHEET

JANUARY	**FEBRUARY**	**MARCH** - Turf Aeration - Growpower - Turf - Pre-emergent granual for bed areas.
APRIL 23-5-10 / Best Poly Supreme (Shrub & Ground Cover)	**MAY**	**JUNE**
JULY	**AUGUST**	**SEPTEMBER** 23-5-10 / Best Poly Supreme (Shrub & Ground Cover)
OCTOBER Turf Aeration Growpower - Turf - Pre-emergent granual for bed areas.	**NOVEMBER**	**DECEMBER**

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-4 ANNUAL SCHEDULE SHEET

JANUARY	FEBRUARY Dimension Pre-emergent Fertilizer 22-06	MARCH
APRIL 23-5-10 Best Poly Supreme (Shrubs + Ground Cover)	MAY	JUNE 22-5-5 Best Turf Gold
JULY	AUGUST	SEPTEMBER
OCTOBER 22-5-5 Best Turf Gold	NOVEMBER	DECEMBER

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4A ANNUAL SCHEDULE SHEET

JANUARY	FEBRUARY	MARCH -Pre-emergent granual for bed areas.
APRIL 23-5-10 / Best Poly Supreme (Shrub + Ground Cover)	MAY	JUNE
JULY	AUGUST	SEPTEMBER 23-5-10 / Best Poly Supreme (Shrub + Ground Cover)
OCTOBER -Pre-emergent granual for bed areas.	NOVEMBER	DECEMBER

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-4A ANNUAL SCHEDULE SHEET

JANUARY	FEBRUARY	MARCH
APRIL 23-5-10 Best Poly Supreme (Shrubs & Ground Cover)	MAY	JUNE
JULY	AUGUST	SEPTEMBER
OCTOBER	NOVEMBER	DECEMBER

MV00106539

4. PROPOSED ANNUAL MATERIAL SCHEDULE

A. Fertilizers:

List the fertilizers to be furnished to execute work tasks specified in Exhibit A. Specify the type (analysis/brand name), estimated amount of each type to be supplied annually, and estimated annual cost for each type (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
-Growpower Fertilizer	3500 lbs.	$2050.00
-Best 23-5-10 Poly Supreme	3500 lbs.	$1800.00

B. Pesticides:

List pesticides to be furnished to execute work tasks specified in Exhibit A. Specify the type (i.e., pre-emergent herbicide, rodent/snail bait, insecticide, etc.), the brand name, estimated amount of each type/brand to be supplied annually, and the estimated annual cost for each type/brand (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Riverdale Razor-Pro	28 Gal	$550
Fusilade - Post grass control	3 QT.	$250
Ronstar - Pre-emergent	35 Bags	$3075
Snail bait	200 lbs.	$475

5. COMMUNICATIONS, TRAFFIC SAFETY, & GREENWASTE RECYCLING

A. Communications:

The General Provisions require that the selected Contractor possess, and maintain an effective company-wide communications system. The Contractor must also designate responsible staff to be available on a twenty-four (24) hour basis to receive, and respond to emergency calls.

Describe your company's internal communications system, both in the office and in the field, and how it will enable your company to provide the communication capability as required in Scope of Services .specifications. Also, describe how your company will provide the required twenty-four (24) hour communication capability. Use additional sheets as necessary to provide a full, and comprehensive response.

In the Field 6:30 - 5:00pm Area Manager - Cell phone
Office 8:00 - 4:30pm Office Staff
After Hours 5:00 - 8:00am Emergency phone #

B. Traffic Safety:

The General Provisions require that the selected Contractor provide safe and effective work area traffic control, per Caltrans' "Manual On Uniform Traffic Control Devices 2010 (or most current) California Supplement, Part 6, Temporary Traffic Control". Please describe your company's general traffic control practices and training, and how your company intends, if selected, to conduct work area traffic control operations to provide service for this project. Use additional sheets as necessary to provide a full and comprehensive response.

Trugreen Workzone Safety program - All employees are certified (Safety Cordinator - Ray Velasquez) does weekly on site inspections and tailgate meetings. Traffic cones & arrow boards are used as needed.

C. **Greenwaste Recycling:**

AB 939 mandates that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction. Please describe your company's program to insure that the City receives credit for the greenwaste that will be generated from executing the project's Scope of Work (Exhibit A). Be sure to include the name(s), address(es) and phone number(s) of the recycling facility(ies) that will be accepting the greenwaste generated from your operations on the project. If planning to use any recycled greenwaste products (mulch, compost, soil amendments, etc.) on the project, please give name/address/phone information of the producer if different from those listed above. Use additional sheets as necessary to provide a full and comprehensive response.

Burrtec Industries
1850 Agua Mansa Rd.
Riverside, CA. 92509
951-685-5516

6. LIST OF SUBCONTRACTORS

A. SUBCONTRACTORS:

In compliance with the provisions of Government Code, Section 4102, the undersigned Proposer sets forth the name and location (address) of the place of business of each subcontractor who will perform work, labor or render service to the Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent (0.5%) of the general contractor's total proposal, and the portion of the work which will be done by each subcontractor, as follows:

Name, License, and Classification No.	Place of Business and Telephone	Description of Work
	N/A	

7. CERTIFICATION OF NON-DISCRIMINATION

Pursuant to California Labor Code Section 1735, as added by Chapter 643 statutes of 2039, and as amended,

No discrimination shall be made in the employment of persons upon Public Works because of race, religion creed, color, national origin, ancestry, physical handicaps, mental condition, marital status or sex of such persons, except as provided in Section 12940, of the California Labor Code and every Contractor of Public Works violating this section is subject to all penalties imposed for a violation of the Chapter.

I certify that I have read, and understand the foregoing:

SIGNATURE Manuel Mendes

PRINTED NAME MANUEL MENDES

TITLE BRANCH MANAGER

COMPANY NAME TRUGREEN LANDCARE

DATE 02-17-11

8. PROPOSAL AFFIRMATION

With regard to the information provided hereinabove (Exhibit E: Proposal Submittal Documents), I affirm that:

- All information provided is true and correct to the best of my knowledge, and;
- I understand that a materially false statement willfully or fraudulently made in connection with this proposal may result in the termination of any Contract between the Moreno Valley Community Services District and TRUGREEN LANDCARE, and further , the aforesaid company may be barred from participation in future District contracts and be subject to possible criminal prosecution, and;
- I have legal authority to bind the terms of contract to the terms of this affirmation (See "INSTRUCTION TO PROPOSER", Section D. – Signature of Contract Proposal).

FOR PROPOSAL TO BE VALID, THIS SHEET MUST BE FILLED OUT (PRINTED), SIGNED AND DATED

SIGNATURE Manuel Mendes

NAME MANUEL MENDES

TITLE BRANCH MANAGER

COMPANY NAME TRUGREEN LANDCARE

DATE 02-17-11

9. SCHEDULE II

A. BID SCHEDULE

PROPOSER: TRUGREEN LANDCARE
(Company Name)

SITE	SERVICE LEVEL	ESTIMATED AREA	COST PER SQ. FT.	COST PER MONTH	COST PER TWELVE MONTHS
E-4 LANDSCAPE PARKWAYS & MEDIANS (currently full service)	Full	Planter: 617,667 sq. ft.	$ 0.015	$9,265.00	$111,180.00
		Turf: 588,060 sq. ft.	$ 0.0089	$5,233.73	$62,804.76
	Reduced	Planter: 617,667 sq. ft.	$ 0.0075	$4632.50	$55,590.00
		Turf: 558,060 sq. ft.	$ 0.006	$3348.36	$40,180.32
E-4A LANDSCAPE PARKWAYS (currently full service)	Full	Planter 31,000 sq. ft.	$ 0.015	$465.00	$5,580.00
	Reduced	Planter 31,000 sq. ft.	$ 0.0075	$232.50	$2,790.00

The Total Amount of the Service Proposal shall be based on current service levels (**Full service for E-4 Parkways & Medians and Full service for E-4A Parkways**):

Figures: $ 179,564 and 76 /100's Dollars

Words: One hundred seventy-nine thousand, five hundred sixty-four and seventy-six /100's Dollars

All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

The Contractor shall furnish all labor, equipment, and materials necessary to provide maintenance of median and parkway, irrigation, and landscaping as set forth in Exhibit A: Scope of Work of this Contract, and; any and all addenda issued prior to the opening of Proposals; any Change Orders issued after the execution of the Independent Contractor Agreement and its attached exhibits.

Addendum No(s). 0 has/have been received and is/are made a part of this proposal.

Manuel Mendez — 02-17-11
(AUTHORIZED SIGNATURE AND TITLE) (DATE)

B. ADDITIONAL WORK PRICE LIST

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

Prices for Additional Work, and Routine Irrigation Repair, including, but not limited to: Exhibit A and Exhibit C

UNIT PRICES (Includes all labor and materials)

1. 1 gal. shrub/vine/ground cover in place	@	$ 8.00	ea
2. 5 gal. shrub/vine/ground cover in place	@	$ 25.00	ea
3. 5 gal. tree in place (stakes included)	@	$ 32.00	ea
4. 15 gal. tree in place (stakes included)	@	$ 80.00	ea
5. 24" box tree in place (stakes included)	@	$ 275.00	ea
6. 36" box tree in place (guy wires included)	@	$ 675.00	ea
7. Flat of ground cover in place	@	$ 23.00	ea
8. Planter bed mulch in place	@	$ 37.00	/cu. yd
9. Additional labor	@	$ 30.00	/man hour
10. Additional Irrigation Technician	@	$ 55.00	/man hour

PROPOSER: TRUGREEN LANDCARE
(Company Name)

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

ROUTINE IRRIGATION REPAIR PRICES

1. Irrigation repair parts for routine repairs @ cost plus 15 %

2. Unit prices for Additional Work (additional **FULL SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.015 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.0089 /sq. ft./mo.

3. Unit prices for Additional Work (additional **REDUCED SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.0075 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.006 /sq. ft./mo.

4. Any other Additional Work shall be quoted per Exhibit C, Section 2.

PROPOSER: TRUGREEN LANDCARE
(Company Name)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P. E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011 (continued from May 24, 2011)

TITLE: **FIRST EXTENSION OF CONTRACT** - Project No. E-3/10 - Maintenance of Extensive Landscaping and Irrigation – Moreno Valley Ranch – West (Zone E-3) and Lasselle Powerline Parkway (Zone E-3A)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD), herein referred to as the CSD Board:

1. Approve the attached first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:

   a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($139,500.00) for twelve months of base maintenance service, and

   b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS ($13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

On December 17, 2009, the Special Districts Division of the Public Works Department received valid proposals from seven landscape contracting firms in response to the Request for Proposal for Project E-3/10, maintenance of landscaping and irrigation of the parkways and medians for Moreno Valley Ranch – West (Zone E-3) and Lasselle Powerline Parkway (Zone E-3A). On April 27, 2010, the CSD Board awarded the E-3/10 contract to Bemus Landscape, Inc., San Clemente, California (the "Contractor"). The contract amount for the initial twelve-month term for fiscal year (FY) 2010/11, was $152,745.00 ($139,500.00 for Base Service; $13,245.00 for estimated Additional Work). Staff is recommending that the Contractor be awarded the first of a possible three extensions, as discussed below.

DISCUSSION

In December 2010, Special Districts' staff had a discussion with Bemus Landscape, Inc., on their performance to date, the possibility of the CSD extending the term of the contract, and the first Extension Agreement (see Attachment 2). The key provisions of the document are as follows:

1. Extension of the contract term to June 30, 2012.

The Contractor has provided a satisfactory service level over the last year and has expressed a desire to extend the contract. Due to the current economic climate, the terms negotiated and agreed upon resulted in a zero percent (0%) overall increase in the current compensation amount. Therefore, based on performance and price, staff recommends that the CSD Board exercise the first extension of the Contractor's contract.

ALTERNATIVES

1. Approve the first Extension Agreement for Project No. E-3/10 to extend the term of the contract for an additional one-year period; authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc.; and authorize the Purchasing Manager to issue open purchase orders for Base Service and estimated Additional Work to Bemus Landscape, Inc., at the start of FY 2011/12. *Approval of this first Extension Agreement will ensure uninterrupted landscape maintenance service is provided to the parkways and medians of the Moreno Valley Ranch – West Specific Plan Development.*

2. Do not approve the first Extension Agreement for Project No. E-3/10 to extend the term of the contract for an additional one-year period. *By not approving this first Extension Agreement, the continuity of parkway and median landscape services for the Moreno Valley Ranch – West Specific Plan may be disrupted.*

FISCAL IMPACT

The sum of $127,500.00 will be encumbered in Account 00182.78240.6261 (Zone E-3) and $12,000.00 will be encumbered in Account 00182.78282.6261 (Zone E-3A) by open purchase order. Upon staff approval, monthly disbursements of $11,625 to pay for base services will be made to Bemus Landscape, Inc. Staff also requests that the CSD Board authorize the encumbrance of $10,260.00 in Account 00182.48240.6261 (Zone E-3) and $3,000.00 in Account No. 00182.78283.6261(E-3A) to cover the cost of performing estimated Additional Work (e.g., repairs/replacements due to vandalism, theft, Acts of God, normal wear and tear) under the terms of this first Extension Agreement and as anticipated to be performed during the coming fiscal year. The combined cost of the Base Contract services and the Estimated Additional Work performed by Bemus Landscape, Inc., shall not exceed $152,760.00 for FY 2011/12. The above amounts have been budgeted for in Zones E-3 and E-3A for the coming FY, with costs to be recovered through annual CSD Zone E parcel charges. This action will not impact the City's General Fund.

It should be noted that Zone E-3A, Lasselle Powerline Parkway, is scheduled for a mail ballot proceeding to allow property owners the opportunity to approve or reject an increase in the current CSD Zone E-3A parcel charge to retain maintenance at the full service level. The annual parcel charges collected for Zone E-3A may only be used for landscape maintenance services of the parkways associated with Zone E-3A. The funds collected pay for water and electric utility charges, along with their designated contractor maintenance, which includes mowing, trimming, pruning, and weeding of turf, shrubs, and trees, fertilizer applications, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, providing staff support, and other items necessary for the satisfactory maintenance of the landscaped areas, and administration of the Zone E-3A program.

Zone E-3, Moreno Valley Ranch – West, is presently at a reduced service level. Zone E-3 services are provided in accordance with the CSD Zone E Policy, No. 2.41, as originally adopted by the CSD Board on September 25, 2007, which describes the CSD Zone E Reduced Services. The Zone E-3 annual parcel charges received from properties within Zone E-3 are used to pay all costs to provide landscape maintenance of the parkways and medians within Zone E-3. The funds collected pay for water and electric utility charges, along with their designated contractor maintenance, which includes mowing, trimming, pruning, and weeding of turf, shrubs, and trees, fertilizer applications, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, providing staff support, and other items necessary for the

satisfactory maintenance of the landscaped and median at a reduced service level, and the administration of the Zone E-3 program.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS
CSD landscape maintenance services help enhance community image, neighborhood pride and cleanliness. Residential properties, which have landscaped parkways and/or medians, as maintained by the CSD, help to foster a pleasant environment and neighborhood atmosphere. Proper placement of plant materials helps in the prevention of graffiti.

SUMMARY

The CSD furnishes ongoing landscape maintenance of extensive parkways and medians within its Zone E through the use of contract services. At the end of the initial term, the maintenance agreement may be renewed for up to three additional twelve month periods. Staff is recommending that the CSD Board exercise its option to authorize the first Extension Agreement with Bemus Landscape, Inc., for an additional twelve months.

NOTIFICATION

Not applicable.

ATTACHMENTS

1. Project E-3 and E-3A Vicinity Maps

2. First Extension Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West

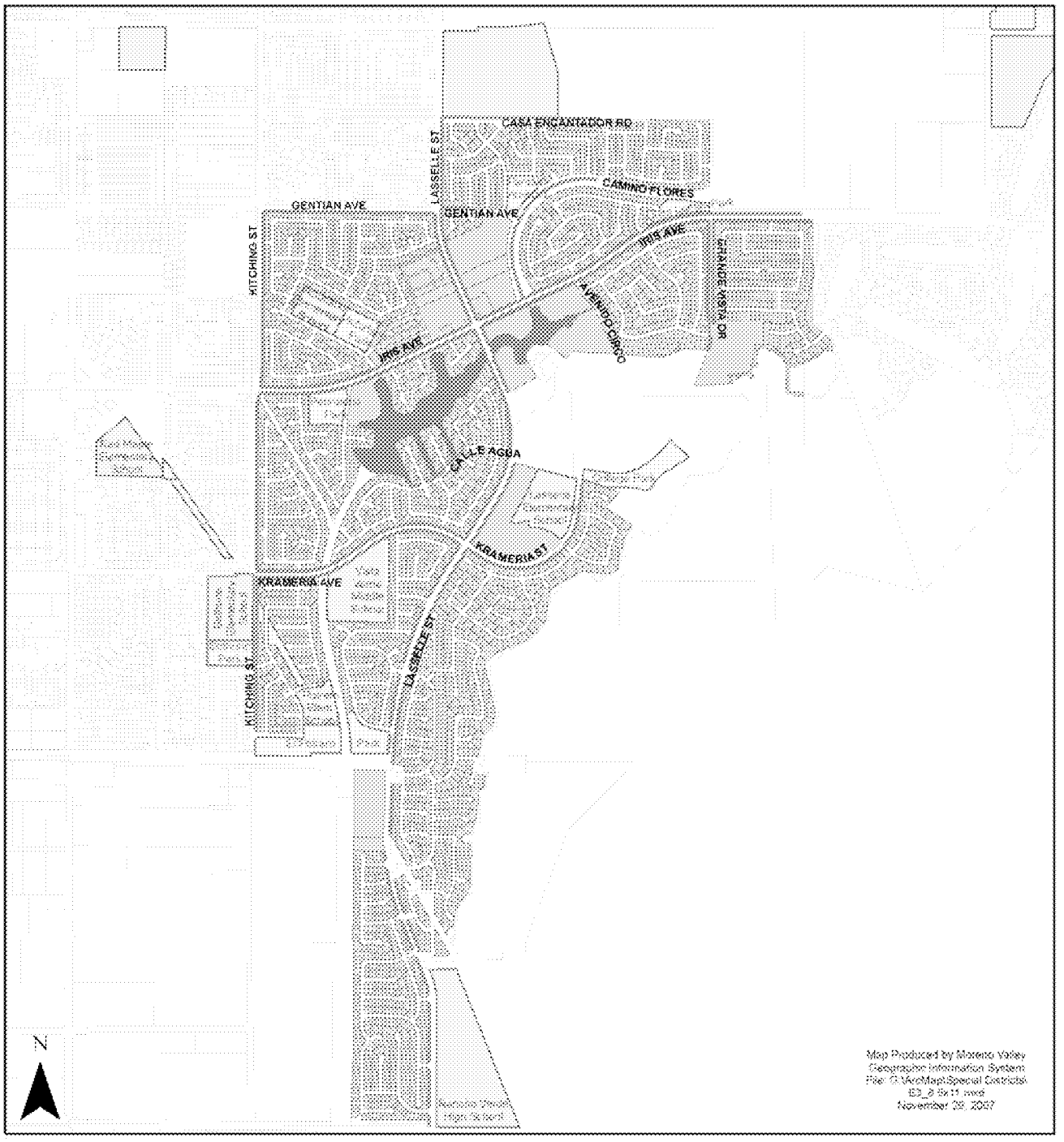

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be reproduced or resold.

Landscaped Parkway

Zone E-3 Parcels

MORENO VALLEY

ATTACHMENT 1

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3A • Lasselle Powerline Parkway

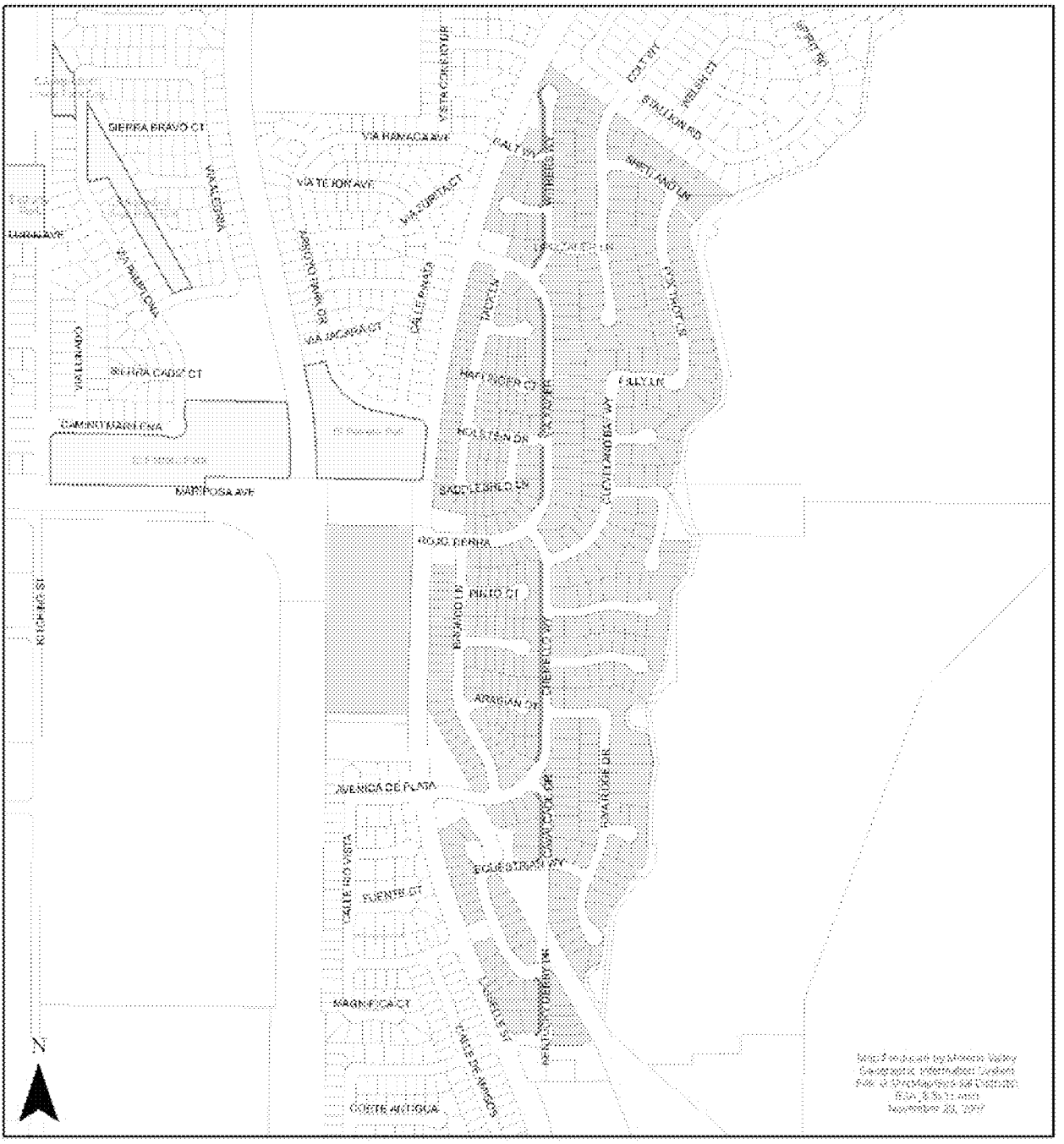

Landscaped Parkway

Zone E-3A Parcels

MORENO VALLEY

ATTACHMENT 1

EXTENSION AGREEMENT
PROJECT NO. E-3/10
MORENO VALLEY RANCH - WEST
MAINTENANCE OF LANDSCAPING AND IRRIGATION

THIS AGREEMENT is made and entered into by and between the Moreno Valley Community Services District (hereafter, "District") and **Bemus Landscape, Inc.,** (hereafter, "Contractor").

WHEREAS, the District and Contractor entered into an agreement dated June 29, 2010, referencing Project No. E-3/10 regarding maintenance of District landscaping and irrigation systems (hereafter, "Agreement").

WHEREAS, pursuant to the terms of the Agreement, both parties wish to extend the Agreement by a period of twelve (12) months under the following additional terms:

1. The extension period shall commence on **July 1, 2011**, and shall terminate on **June 30, 2012.**

2. In accordance with paragraph 5(b) of the Agreement, this Extension shall be considered the first of four possible extensions of the Agreement.

3. Notwithstanding paragraph 3(b) of the Agreement, for the period of this Extension and except where additional compensation is specifically provided for in the Agreement, the District will pay the Contractor for all work (labor, materials, supplies, equipment, etc.) performed under this Extension the total amount of **ELEVEN THOUSAND SIX HUNDRED AND 00/100 DOLLARS ($11,625.00)** per month, one month in arrears, on the last day of the month. The total contract amount for the twelve (12) month extension period shall not exceed **ONE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED 00/100 DOLLARS ($139,500.00)**

4. Notwithstanding paragraph 3(f) of the Agreement, the unit cost set forth in the Additional Work Price List, Section B. for any landscape areas added to the project during the period of this Extension shall be as follows:

    a. Additional parkway areas, turf (trees up to 18-feet height, as applicable). **$0.015/ sq. ft. / mo**.

    b. Additional parkway areas, planters (trees up to 18-feet height, shrubs, ground cover included, as applicable). **$0.011/ sq. ft. / mo**.

5. Notwithstanding paragraph 3(h) of the Agreement, for the period of this Extension and except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize additional work pursuant to this Extension or the original Agreement in excess of the cumulative total of **THIRTEEN THOUSAND TWO HUNDRED AND 00/100 DOLLARS ($13,260.00).**

6. Except as set forth above, all other terms and conditions of the Agreement shall remain in full force and effect.

ATTACHMENT 2

Dated:_____

MORENO VALLEY COMMUNITY SERVICES DISTRICT

By:_____
Mayor, acting in the capacity
of President to the Moreno
Valley Community Services District

CONTRACTOR:

_____	_____
Signature	Signature
_____	_____
Printed Name	Printed Name
_____	_____
Title	Title
_____	
Company Name	(Corporate Seal)

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SEE AGENDA ITEM A.18

B7. GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) **(Also listed as Item A.18- SEE ITEM A.18)**

MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

SEE AGENDA ITEM A.18

C3. GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) **(Also listed as Item A.18- SEE ITEM A.18)**

MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: June 14, 2011

TITLE: First Amendment - Aquabella Development Agreement (P11-029)

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing and subsequently introduce Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

ADVISORY BOARD/COMMISSION RECOMMENDATION

On May 12, 2011, the Planning Commission recommended approval of the Amendment by a vote of 6-0-1 (absent). After substantial discussion regarding the proposal and questions of the applicant and staff, the Commission determined that the Amendment would not materially affect the existing contractual rights and responsibilities of the applicant or City.

BACKGROUND

Highland Fairview submitted a Development Agreement Amendment application on March 28, 2011, to remove Planning Area 2 from the Aquabella Development Agreement. The Agreement, approved on January 12, 2006, currently covers 685 acres of the Aquabella Specific Plan. This proposal would be the First Amendment to the Agreement.

DISCUSSION

Planning Area 2 is a 13.2-acre site at the northeast corner of Cactus Avenue and Lasselle Street (the "Site"). The Aquabella Specific Plan permits the development of up to 220 non-senior multi-family units on the Site. If approved, the Site would no longer be covered by the Agreement and not be subject to its requirements nor benefit from its provisions. Any impacts related to the development of the Site would be conditioned as part of a future application submitted to the City. The site would continue to be a part of the Specific Plan. The site would continue to be a part of the Specific Plan. Exhibit A of the Amendment provides a legal description and plat map for both the Site and the remainder area covered by the Agreement.

All existing requirements of the Agreement remain in effect for remainder area. The Phasing Plan (Exhibit B) of the Amendment has been revised to ensure coverage of all requirements in the remaining five phases of the Aquabella project (the Site was Phase 6).

The proposal would be exempt from the California Environmental Quality Act as the Amendment would not result in substantial changes to the Agreement necessitating additional environmental review. No additional land disturbance would be permitted for the site by approval of the proposal.

As a legislative decision, the proposal requires final review and action by the City Council.

ALTERNATIVES

1. Approve the proposed Amendment as recommended by the Planning Commission.
2. Approve the proposed Amendment with modifications to address City Council concerns.
3. Refer the proposed Amendment back to the Planning Commission with direction for further review and recommendation.
4. Deny the proposed Amendment.

FISCAL IMPACT

Not applicable.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper on May 25, 2011.

ATTACHMENTS/EXHIBITS

1. Proposed Ordinance.
2. Proposed Amendment with Attachments.
3. Planning Commission Minutes.
4. Public Hearing Notice.

Prepared By:
John C. Terell AICP
Planning Official

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ORDINANCE NO. 825

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The First Amendment to the Aquabella Development Agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the public hearing regarding the First Amendment on June 14, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed First Amendment is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: The First Amendment does not remove any responsibilities of the developer identified in the Development Agreement, nor does it change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

2. **The proposed First Amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

   FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

ATTACHMENT 1

3. **The proposed First Amendment will not be detrimental to the public health, safety or general welfare.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

4. **The proposed First Amendment is in conformity with public convenience, general welfare and good land use practice.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not

cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the First Amendment to the Aquabella Development Agreement attached hereto as Exhibit A, and does hereby authorize the Mayor to sign the First Amendment on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006

June xx, 2011

ATTACHMENT 2

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THIS FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006 ("Amendment") is made and entered into this __th day of June 2011 (the "Effective Date"), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the "Master Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the legislature of the State of California adopted Section 65864 *et seq.* of the California Government Code, which authorizes a city to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development. To implement the above-described State laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements. Both Government Code Section 65864 *et seq.* and Section 9.02.100 of the Moreno Valley Municipal Code authorize the amendment and modification of such development agreements from time to time at the mutual discretion of the parties.

B. On January 12, 2006, the Parties executed that certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 ("Agreement"). The Agreement pertains to a development project known as "Aquabella."

C. In the absence of this Amendment, the Agreement applies to real property comprised of approximately six hundred eighty-five (685) acres which is previously described in the property description attached to the Agreement as Exhibit "A."

D. Pursuant to this Amendment, Master Developer and the City desire to remove approximately 13.2 gross acres, representing less than two percent (2%) of the Project area from the coverage of the Agreement ("Removed Property"). The Removed Property was always planned to be developed independently from the Aquabella active adult community as a non-age restricted development. The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the Depiction attached hereto as Exhibit "A-2b." A legal description of the Removed Property is set forth in Exhibit "A-2."

E. The Agreement and the Project governed by the Agreement envisioned the development of approximately 2,702 age-restricted units in a gated community with common amenities to be maintained by one or more Homeowners' Association ("Age-Restricted Project").

The Project, as originally approved, also included the development of the Removed Property in what was defined, in the Aquabella Specific Plan, as Planning Area 2. The Removed Property and Planning Area 2 were envisioned to be developed with approximately 220 attached rental units or for sale condominiums that were not age-restricted and were therefore not to be part of the Age-Restricted Project.

F. The State of California and the City have been faced with a severe economic crisis, which has negatively impacted the pace and timing of residential development. In light of these economic conditions, the sequencing of phasing originally contemplated may have to be rescheduled so it is responsive to present market conditions. It is possible that development of the Removed Property as 220 attached, non-age restricted rental units or for sale condominiums may occur at an earlier time period than development of the remaining Age-Restricted Project.

G. Excising the Removed Property from the coverage of the Agreement would increase the likelihood that non-age-restricted rental units or for sale condominiums could be developed more quickly than what would occur if the Removed Property were not excised from the Agreement.

H. On February 23, 1999, the City adopted Resolution No. 99-13, certifying a Final Environmental Impact Report, including findings and a statement of overriding considerations and imposing mitigation measures for the Project ("FEIR"). On May 27, 2003, the City adopted Resolution No. 2003-38 certifying a Supplemental EIR for the Project ("SEIR"). Thereafter, on November 22, 2005, the City adopted Resolution No. 2004-12 approving an Addendum to the FEIR and SEIR for the Project. The record of proceedings for all of the aforementioned City actions are expressly incorporated herein by reference as if set forth in full.

I. On August 23, 2008, the City approved Tentative Tract Map No. 34950 for financing purposes. On April 15, 2011 Tract No. 34950-1 was recorded creating a separate legal parcel for the removed property.

J. On _____, 2011, the City made all of the findings and determinations relating to this Amendment which are required by Municipal Code section 9.02.110 and introduced Ordinance No. ___ for first reading. Thereafter, Ordinance No. ___ was approved on ____, 2011 thereby approving this Amendment.

K. The City finds the approval of this Amendment will not result in substantial changes to the Project within the meaning of the California Environmental Quality Act ("CEQA") (Pub. Res. Code sections 21000 *et seq.*) and its implementing Guidelines including, but not limited to, Guideline 15162. The Removed Property will continue to be governed by Specific Plan 218 and the City's General Plan, and the Removed Property will continue to be permitted to be developed with approximately 220 non-age-restricted, rental residential dwelling units or for sale condominiums. No change in land use designations is permitted or contemplated by this Amendment. Further, this Amendment ensures the infrastructure improvements identified in the attached revised Circulation Phasing Improvement Program set forth in the Agreement as Exhibit "B" ("Circulation Program") will be constructed by re-affirming: (i) the Master Developer's obligation to construct the improvements set forth in the Circulation Program and (ii) the City's legal right to impose reasonable off-site and fair share improvement requirements on the

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Removed Property when a specific development proposal for the Removed Property is filed with and processed by the City. Once the Amendment is approved, the Removed Property can be processed independently from the rest of the Project and vice-versa. Therefore, pursuant to CEQA Guideline section 15162, the City finds that executing this Amendment does not result in any substantial changes to the original Project.

L. The City Council finds that execution of this Amendment as set forth herein by the Parties: (i) is in the best interest of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an active adult community; (v) will encourage the development of the project while providing a reasonable level of certainty to the private developer; (vi) will encourage the development of rental or for sale residential dwelling units within the City; and (vii) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above recitals, all which are expressly incorporated into this Amendment, and the mutual promises and obligations of the Parties set forth herein, the Parties agree to this Amendment as follows:

AMENDMENT TO AGREEMENT

1. Section 1 of the Agreement is hereby amended as follows with new Section 1.23 set forth below, replacing Section 1.23 in the Agreement:

> 1.23 "Project" means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to ~~six hundred eighty-five (685)~~ approximately six hundred seventy one point eight (671.8) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The ~~685~~ approximate 671.8 acres will be developed as a gated age-restricted community with common amenities to be maintained by one of more Homeowner's Association(s). The Project contemplates a maximum of two thousand seven hundred and two (2702) ~~two thousand nine hundred twenty-two (2922)~~ dwelling units and other uses as defined in the Project Approvals. ~~, with the exception of two hundred (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.~~

2. Section 1 of the Agreement is hereby amended as follows with new Section 1.25 set forth below, along with new Exhibit "A-1" and Exhibit "A-1b" replacing the Section 1.25 set forth in the Agreement:

> 1.25 "Property" means the real property described on Exhibit "A-1" to this Amendment and depicted on Exhibit "A-1b" of this Amendment and made a part herein by reference.

3. Section 6 of the Agreement is hereby amended as follows with new Section 6 set forth below, replacing the Section 6 set forth in the Agreement:

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6.2 Construction of Public Street and Traffic Signal Improvements – Circulation and Phasing Improvement Program. While the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement. When the development of the Removed Property for the anticipated 220-unit rental or for sale condominium project is proposed, the City retains the legal right to analyze any specific traffic or other environmental impacts of any proposed development for the Removed Property and the City may condition the Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. Pursuant to State law, City retains the right to impose mitigation on the Removed Property to the extent future environmental analysis discloses previously undisclosed impacts.

4. Section 12 of the Agreement is hereby amended as follows with the insertion of new section 12.3:

12.3 Termination of Agreement With Respect to the Removed Property. The Agreement is terminated with respect to the Removed Property. The Parties shall execute and record the Acknowledgement of Termination set forth as Exhibit "C" within thirty (30) calendar days following the execution and recordation of this Amendment.

5. All other provisions of the Agreement not amended by this Amendment shall remain in force and in effect with respect to the Property (and not the Removed Property) and unaltered by this Amendment.

"MASTER DEVELOPER"	"CITY"
MORENO VALLEY PROPERTIES, LLC,	CITY OF MORENO VALLEY,
a California limited liability company	a municipal corporation
By:_____	By:_____
Iddo Benzeevi, President	Richard A. Stewart, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

Exhibit "A-2b"

Depiction of Removed Property

EXHIBIT "A–2b"

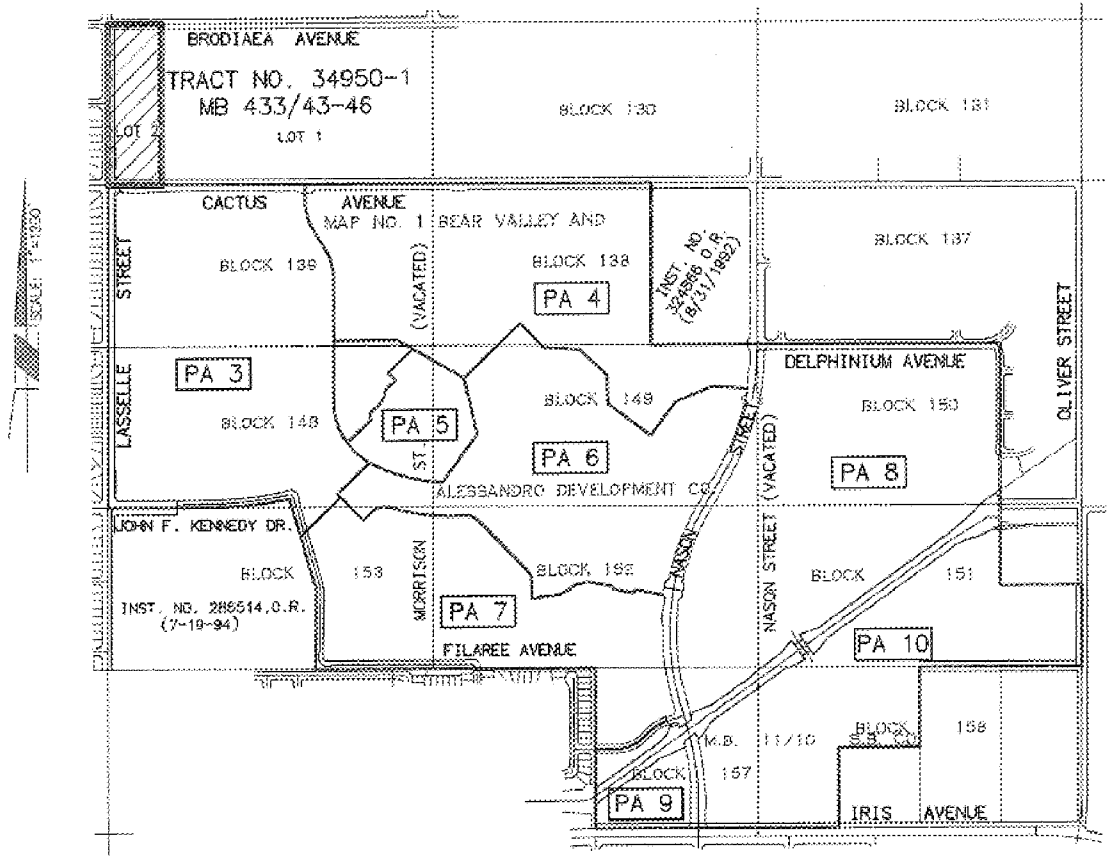

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M1	RBF CONSULTING PLANNING & DESIGN & CONSTRUCTION 40810 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8342 • FAX 951.676.7240 • www.RBF.com

MV00106576

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Exhibit "A-2"

Legal Description of the Area to be Removed from the Aquabella Development Agreement

MV00106577

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

Those certain parcels of land situated in the City of Moreno Valley, County of Riverside, State of California, being all of Blocks 138, 139, 148, 149, 152 and 153 of Map No. 1 of the Bear Valley and Alessandro Development Company filed in Book 11, Page 10 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California (located within Sections 15, 16, 21 and 22, Township 3 South, Range 3 West, San Bernardino Meridian).

ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

ALSO Lot 1 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California

TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.

EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-1b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"

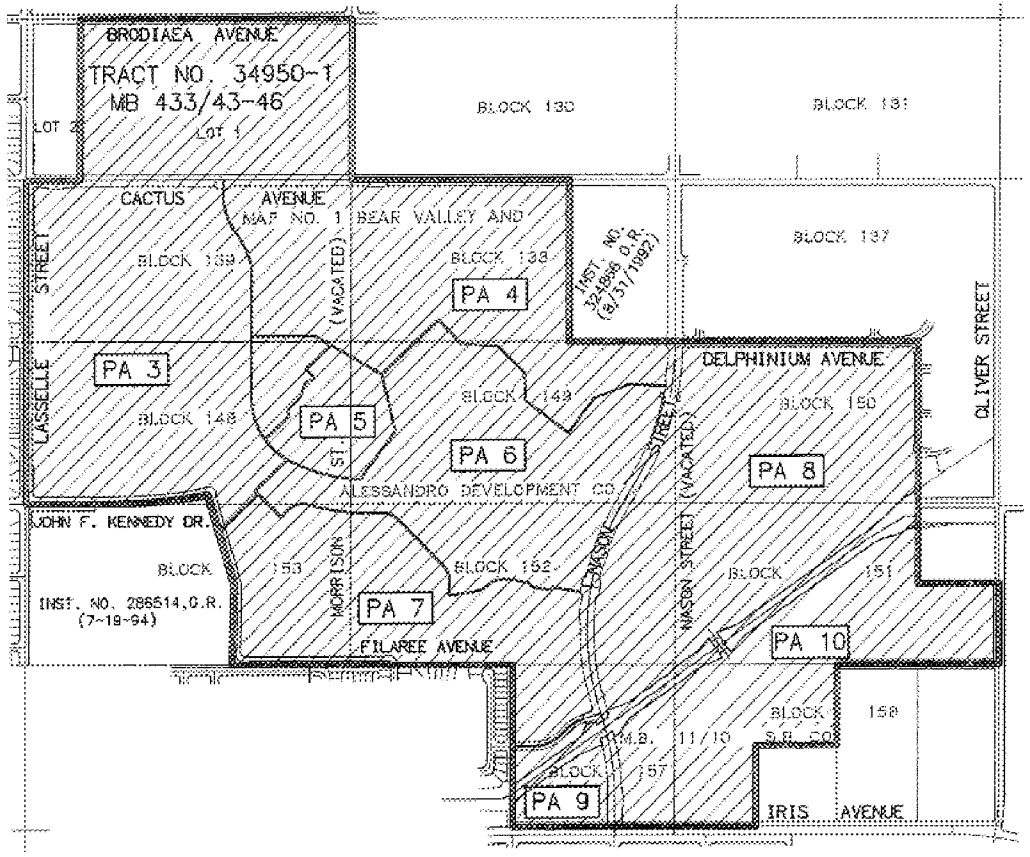

MODIFIED AREA AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M2	RBF CONSULTING PLANNING • DESIGN • CONSTRUCTION 40880 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

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EXHIBIT "B" – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	**Active Adult (+55) Housing** Detached Attached	 **351** **234**	 **DU** **DU**	**July 06 – Jan 08**	**Jan 07 – Feb 08**
2	**Active Adult (+55) Housing** Detached Attached	 **289** **193**	 **DU** **DU**	**July 07 – July 08**	**Jan 08 – Aug 08**
3	**Active Adult (+55) Housing** Detached Attached	 **301** **201**	 **DU** **DU**	**Feb 08 – Mar 08**	**Aug 08 – Apr 09**
4	**Active Adult (+55) Housing** Detached Attached	 **460** **306**	 **DU** **DU**	**Sept 08 – Feb 10**	**Mar 09 – Mar 10**
5	**Active Adult (+55) Housing** Detached Attached	 **220** **147**	 **DU** **DU**	**Aug 09 – Aug 10**	**Feb 10 – Oct 10**
5	**Hotel**	**300**	**Room**	**Mar 11 – Apr 12**	**----------**

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median ($70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris ($3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle ($3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 5	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 5	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 5	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 5	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 5	
Cactus Avenue		Coordination of traffic signals on Cactus ($3500 per intersection)	Phase 5	

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK.]

END OF EXHIBIT “B”

Exhibit "C"

Acknowledgement of Termination

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

ACKNOWLEDGMENT OF TERMINATION OF DEVELOPMENT AGREEMENT WITH RESPECT TO SPECIFIED PROPERTY BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006

Month, Day, 2011

ACKNOWLEDGEMENT OF TERMINATION OF DEVELOPMENT AGREEMENT WITH RESPECT TO SPECIFIED PROPERTY KNOWN AS PLANNING AREA TWO IN THE AQUABELLA SPECIFIC PLAN

RECITALS

A. On _____, 2011, the City of Moreno Valley ("City") and Moreno Valley Properties, LP ("Master Developer") executed a First Amendment to that Certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP relative to the development known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006. The development is commonly referred to as "Aquabella."

B. The Amendment had the effect of removing approximately 13.2 gross acres representing less than two percent (2%) of the Project area from the coverage of the Agreement as described in the Amendment (defined as the "Removed Property"). The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the depiction set forth as Exhibit "A-2b" attached hereto. In the Aquabella Specific Plan, the Removed Property is described as Planning Area 2. A legal description of the Removed Property is set forth as Exhibit "A-2" attached hereto.

C. Pursuant to Section 3 of the Amendment, the Parties are required to execute and record this Acknowledgment of Termination within 30 calendar days following execution and recordation of the Amendment.

NOW, THEREFORE, in consideration of the above Recitals, and the Recitals set forth in the Amendment, all which are expressly incorporated into this Acknowledgement of Termination, the Parties agree as follows:

ACKNOWLEDGMENT OF TERMINATION

1. Termination of Agreement With Respect to the Removed Property. The Parties hereby acknowledge that the Development Agreement entered into by and between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 is hereby terminated with respect to the Removed Property described in Exhibit "A-2." Following the execution of the Amendment, the Agreement applies to that land legally described in Exhibit "A-1" and depicted in Exhibit "A-1b."

2. Construction of Public Street and Traffic Signal Improvements -- Circulation and Phasing Improvement Program. Notwithstanding the termination of the Agreement with respect to the Removed Property, it is hereby acknowledged and agreed while the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement as amended by the Amendment. When a future development plant for the Removed Property is submitted for the anticipated 220-unit rental or for sale condominium project, the City retains the legal right to analyze any specific traffic impacts of any proposed development for the Removed Property and the City may condition the

Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. The Removed Property can be processed independently from the rest of the Project and vice-versa.

"MASTER DEVELOPER"

MORENO VALLEY PROPERTIES, LLC,
a California limited liability company

By:_____
Iddo Benzeevi, President

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By:_____
Richard A. Stewart, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A-2b"

Depiction of the Removed Property

EXHIBIT "A–2b"

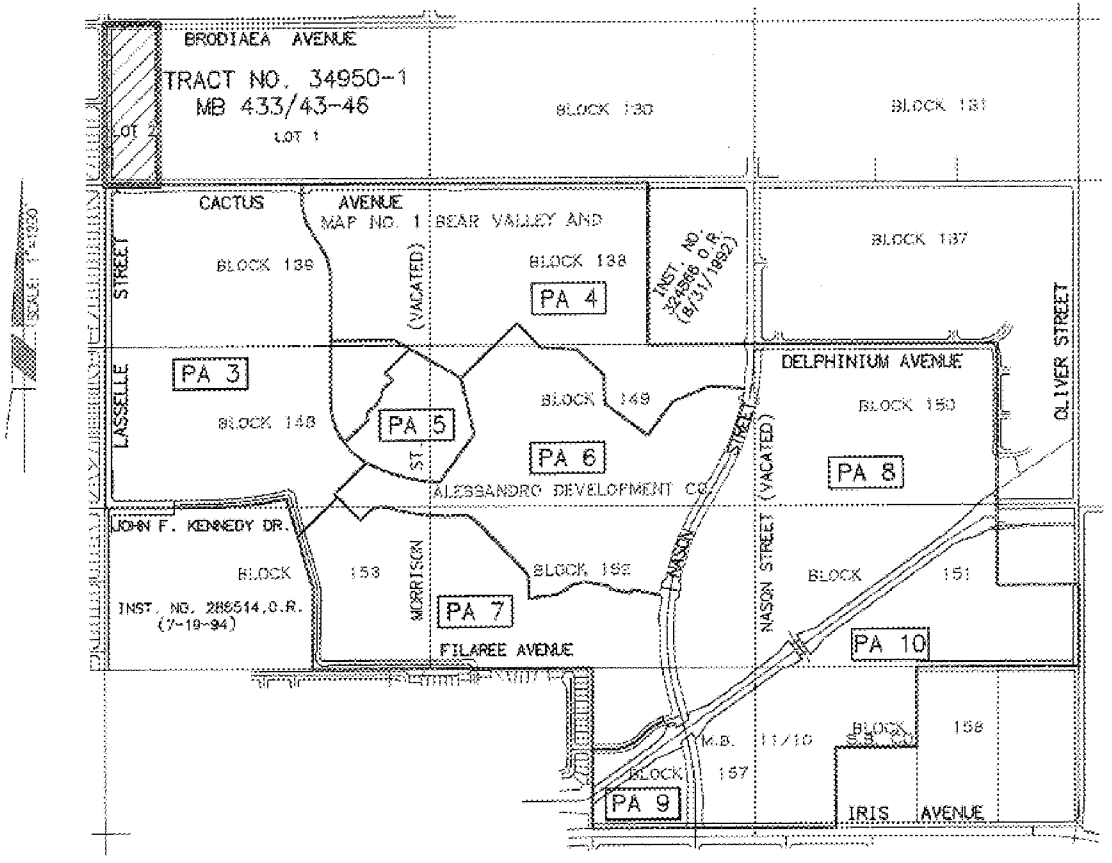

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M1	RBF CONSULTING PLANNING & DESIGN & CONSTRUCTION 40810 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8342 • FAX 951.676.7240 • www.RBF.com

MV00106595

1032/027722-0008
1143494.08

Exhibit "A-2"

Legal Description of the Removed Property

MV00106596

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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1032/027722-0008
1143494.08

Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

Those certain parcels of land situated in the City of Moreno Valley, County of Riverside, State of California, being all of Blocks 138, 139, 148, 149, 152 and 153 of Map No. 1 of the Bear Valley and Alessandro Development Company filed in Book 11, Page 10 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California (located within Sections 15, 16, 21 and 22, Township 3 South, Range 3 West, San Bernardino Meridian).

ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

ALSO Lot 1 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California

TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.

EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-1b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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1032/027722-0008
1143494.08

Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"

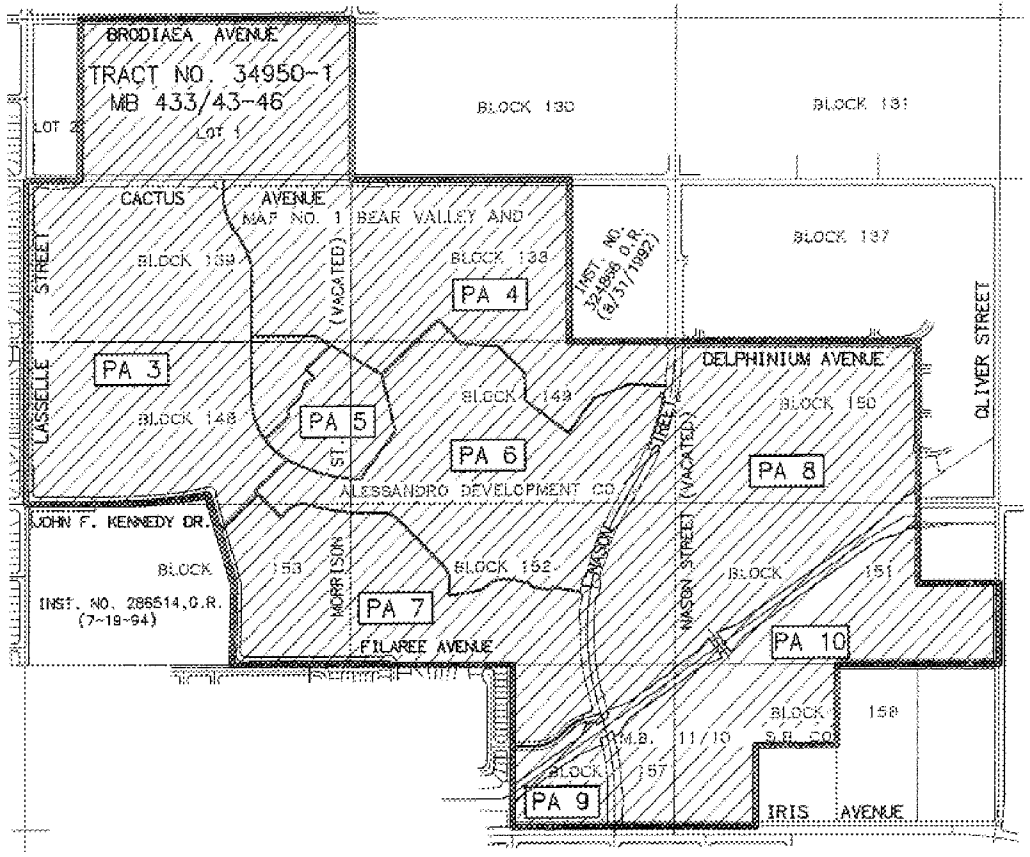

MODIFIED AREA AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M2	RBF CONSULTING PLANNING • DESIGN • CONSTRUCTION 40880 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

MV00106601

1032/027722-0008
1143494.08

2. Case Number: P11-029
Amendment to Aquabella Development Agreement

Case Planner: John Terell, AICP

VICE CHAIR BAKER – Mr. John Terrell will handle this item for us.

PLANNING OFFICIAL TERELL – Yes this item is the first amendment to the Aquabella Development Agreement. The Development Agreement was adopted at the same time as the approval of the Aquabella Specific Plan which is roughly located south of Alessandro, north of Iris, east of Lasselle and generally west of Nason and the Development Agreement is something that is permitted under State Law to allow a developer to get long term protection on the zoning and the entitlements that they receive in exchange for agreeing to do certain things and in this particular Development Agreement there is an extensive list of capital improvements that are required as part of this Development Agreement as well as the quality of the development, which is identified in the Specific Plan as well as in the Development Agreement. The Development Agreement specifically requires the construction of a clubhouse that has a minimum value of 25 million dollars. The other was a payment that was already made which was a one million dollar payment that was made to support the extension of lines; not to this property but in the service area of the Moreno Valley Utilities. The first amendment is quite simple. The applicant has requested to remove the parcel at the northeast corner of Cactus and Lasselle. That particular parcel is the only parcel in the Aquabella project that is not age restricted. It is a non-senior parcel and so they are requesting to remove from the benefits and the responsibilities of the Development Agreement I believe so they can sell that to some third party. The list of improvements that are required under the Development Agreement are not changing. They still stay the same. They are actually moved up in priority to the next higher phase because this particular parcel was phase 6 and now there will only be 5 phases. Your action would be a recommendation. Final action will occur by the City Council. The project was noticed in the newspaper, sent to all property owners within 300 feet of the project and that was not just the corner of Lasselle and Cactus, it was the entire Aquabella Specific Plan and it was also noticed on the property. I did receive four phone calls regarding the project. Generally they were interested to know what was going to be developed on the site and it is very important to note that there is no development application for this site. That would be a separate future application that would require its own public hearing before the Planning Commission. So with that I will close my remarks and be open for questions.

VICE CHAIR BAKER – Alright, thank you John. Do any of the Commissioners have questions of John Terell on this item?

ATTACHMENT 3

MV00106602

COMMISSIONER OWINGS – I do. I am sure I'm going to have more questions as we go into this and as other Commissioners delve into it, but you say the Development Agreement was signed when and what is the length or the term of the Development Agreement?

PLANNING OFFICIAL TERELL – The Development Agreement was approved January 12, 2006 and it has an initial term of 15 years with two 5 year extensions possible, so it is in effect for some time and then there is certain performance that has to occur to extend it beyond that term.

COMMISSIONER OWINGS – So were any of the improvements that you mentioned like the clubhouse or anything, were they to be located on this parcel.

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – So this parcel was originally in the Development Agreement solely just a residential non-age restricted residential area?

PLANNING OFFICIAL TERELL – That's correct. There are certain improvements that are in the Development Agreement that are still required in the Development Agreement that would obviously be the frontage along Lasselle and Cactus. If this property is developed separately in advance of the rest of the Aquabella Project, then that project will most likely be responsible for those improvements because they are immediately adjacent to the site, but if they do not occur, then if this site is not developed for many years then the Aquabella Project would be required to do it based on the phase.

COMMISSIONER OWINGS – When you say most likely, that leads me to believe that there is a possibility they may not.

PLANNING OFFICIAL TERELL – The only reason they may not is if the City should choose to develop those improvements and therefore there would be a reduction in the benefits accruing to the project or most likely what would happen…

COMMISSIONER OWINGS – In which case… not to interrupt you, but I suffer early onset Alzheimer's, so I may forget, but in that particular case that the City does those, what remedy does the City have with the developer to kind of equal the scale here. If he is doing less, the City is doing more, how he compensates the City for that

PLANNING OFFICIAL TERELL – The Development Agreement requires the improvements provided by the development to exceed the amount of the credits they are receiving, so that's the balance sheet.

COMMISSIONER OWINGS – So that could be determined at a later time?

MV00106603

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - And what assurance does anyone have that that will happen?

PLANNING OFFICIAL TERELL – It's required by the agreement. I mean that's all I can say. It is a contractual agreement.

COMMISSIONER OWINGS – And you were going to go onto a second one and we'll see if your memory is better than mine.

PLANNING OFFICIAL TERELL – Oh well I was going to say most likely what will occur is this property will be developed in advance of phase 5 of Aquabella, which is really the last phase in Aquabella, which is a very large phase and therefore the improvements will most likely be constructed by the developer of this parcel.

COMMISSIONER OWINGS – In the master agreement, those developments; when are they required in which phase.

PLANNING OFFICIAL TERELL - They are required in phase… In the existing agreement it is Phase 6, but since this property is Phase 6, all those improvements were moved up to Phase 5.

COMMISSIONER OWINGS – Isn't that sort of unusual that development would have all of those improvements after the whole project is complete

PLANNING OFFICIAL TERELL – Well there are five phases and as each phase occurs there is more impact both onsite as well as offsite and that is why its phased so as the impacts occur, the improvements are required rather than requiring all the improvements up front, even before any of the impacts occur.

COMMISSIONER OWINGS – And that's normal?

PLANNING OFFICIAL TERELL – That is normal; yes

COMMISSIONER OWINGS – Okay, then what does the removal of this property…well first of all let me ask you, originally in the master plan, why was this property not designated with an age restriction. There must have been some logic for the marketing of this plan. Why was it not consistent with the bigger portion of the project?

PLANNING OFFICIAL TERELL – Well at time there was recognition that this property is close to the County Hospital, which is the largest employer in the City of Moreno Valley and there is no multi-family housing in close proximity or multi-family zoning at that time and therefore this was included as a recognition that at

MV00106604

least one site on this property that was near the hospital would have the potential to provide workforce housing for the hospital.

COMMISSIONER OWINGS – So is this workforce housing still required? I mean is there a need for that still? I know this was done in 2006, so since 2006 has that requirement for work related housing for the hospital workers, has that been filled by someone else.

PLANNING OFFICIAL TERELL – It has not

COMMISSIONER OWINGS – So there would still the need. Are there other areas of property in this area that could fulfill that need?

PLANNING OFFICIAL TERELL – Well as part of the recently adopted Housing Element for the City, there are a certain number of multi-family housing units that are required in the City. A large portion of those that are identified in the Housing Element involve rezoning property to R30, which is 30 units per acre. That is a new zone that is required by the State and one of the areas that was identified was the area immediately north and west of the hospital and north of this property and should all that rezoning occur this property may or may not be needed to meet those requirements.

COMMISSIONER OWINGS – So let me ask you a question. If we were to approve this tonight, is there any assurance that it would still be designated… I mean if someone wanted to do medical offices there instead of residences for workers, it is conceivable it would come back to the Planning Commission and we would probably in some later future date be asked to change the zoning of it from its current zoning to something that would allow medical offices or something of that nature, so there is no assurance then that that specific housing need that was identified when this plan was put together would be met if we make this change tonight.

PLANNING OFFICIAL TERELL – The change tonight doesn't affect the land use on this property. The land use was established by the Specific Plan.

COMMISSIONER OWINGS – But if you take it out of the master plan then it could be changed. It cannot be changed if it stays in the master plan. Am I correct?

PLANNING OFFICIAL TERELL – Maybe it's the terminology… the Specific Plan is the land use plan and…

COMMISSIONER OWINGS – Not the Master Plan, I mean the Development Agreement

MV00106605

PLANNING OFFICIAL TERELL – With the Development Agreement; the only change that taking it out of the Development Agreement because in a Development Agreement the land use can change, but it requires the concurrence of both the City and the property owner.

COMMISSIONER OWINGS – Which is only fair…?

PLANNING OFFICIAL TERELL – If it is outside the Development Agreement, the City could if it wanted to, change the land use without the concurrence of the developer.

COMMISSIONER OWINGS – So there could be a benefit to the City by taking it out?

PLANNING OFFICIAL TERELL – Well I'm not saying it is a benefit, but the City has more rights relative to the land use if it is outside of the Development Agreement than if it is in the Development Agreement; more flexibility

COMMISSIONER OWINGS – To allow some of the other Commissioners to question further, but could you finally just kind of persuade me or alleviate my fear here. It seems as though if I'm just a little tiny developer, it's my main occupation, but it would seem to me that someone in the City made this agreement with this developer to put that little chunk in there to do meet the need of the hospital, it wasn't probably his idea, it was probably the City's idea. Am I correct in that?

PLANNING OFFICIAL TERELL – It was a suggestion from not myself but from City Staff that it be included and the developer was amenable to that.

COMMISSIONER OWINGS – Right so he was amenable to it because he has this bigger project he wanted to do, but the need you guys saw back 2006 still exists and has not been met and so persuade me that that need could be met somewhere else so at least we have some feeling that it could be met somewhere else or you know some hope that it could down the line future met with some other parcel or other property.

PLANNING OFFICIAL TERELL – Well I'm not here to convince you one way or the other. I will tell you if someone came forward, either the City or the property owner and wanted to change that from multi-family housing to some other use, the Planning Commission and City Council would have to determine that other sites already existed to meet the housing needs of the City.

COMMISSIONER OWINGS – Not to be argumentative, I know you are not here to change my mind or persuade me, but you did recommend approval of this, so you are in a sense putting your stamp of approval on it. I think that the Staff does need to address that concern.

MV00106606

PLANNING OFFICIAL TERELL – I'm not quite sure what the concern is because… The concern is there is no land use change before tonight.

COMMISSIONER OWINGS – Well the concern is that the City Staff in 2006 say there was a need for this particular parcel to be used for the hospital workers and it now no longer sees that need?

PLANNING OFFICIAL TERELL – Again, the land use is not changing tonight and therefore the only action before the Commission is to recommend whether it is in or out of the Development Agreement

COMMISSIONER OWINGS – But if it is in the Development Plan it is pretty much assured it is going forward as it is. If it's not in this Development Agreement, there is a possibility that it might not. Am I correct?

PLANNING OFFICIAL TERELL – No, I'm sorry that's not correct. The Specific Plan which identifies the land use is not changing. All that is changing is it goes from being in a Development Agreement which means the property owner has to agree a change of land use.

COMMISSIONER OWINGS – John hypothetically, excuse me for cutting you off, cut you are just really not getting my point, so I've not made it clear. Hypothetically, if you take this out of this agreement, Mr. Benzeevi, the owner of this could come over to you one night and ask you to change the zoning to office or some sort of multiple use zoning; correct

PLANNING OFFICIAL TERELL – He could do that now

COMMISSIONER OWINGS – Even though it is in the Master Development Plan

PLANNING OFFICIAL TERELL – Correct because he is the property owner and the property owner always has; even under the Development Agreement, has the right to request a change in land use.

COMMISSIONER OWINGS – Would the City Planning Commission be the sole authority of that or would it have to go to the Council. I would assume this agreement would have to go to the Council wouldn't it if you change it?

PLANNING OFFICIAL TERELL – Yes, this agreement has to go to Council and any land use would have to go to Council as well.

COMMISSIONER OWINGS – Well thank you very much. I think really clarified it for me.

PLANNING OFFICIAL TERELL – I'm sorry if I didn't understand you clearly…

MV00106607

COMMISSIONER OWINGS – No, no, it's my fault. I wasn't communicating clearly.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – Okay so I'm still not clear. Maybe you can fill me in. So aside from little section of land there was there any other non-age restricted multiple family dwellings within the Development Agreement?

PLANNING OFFICIAL TERELL – No there are not

COMMISSIONER VAN NATTA – Okay, so conceivably by taking that out of the Development Agreement and selling it to somebody or even without selling it to somebody else, then the developer of Aquabella could go ahead and finish his complete development without having to worry about putting in the multi-family units that he had originally agreed to when he entered into this Development Agreement?

PLANNING OFFICIAL TERELL – They are not required to put in the multi-family housing but it is Phase 6. So the idea is to complete the Aquabella Development, this is one of the parcels that would be developed. If it is not developed then certain… within the Development Agreement if this parcel was not developed, certain responsibilities would not be required and certain benefits; meaning certain fee credits would not accrue to the developer, so this like most development agreements is performance based. If you do develop something you have certain responsibilities and certain benefits. If you don't develop, then you don't have certain responsibilities and you don't get certain benefits

COMMISSIONER VAN NATTA – Right, but as part of the original Development Agreement the whole project as a whole has a certain number of multi-family units in it, which if we take this part out then he no longer has the requirement when he develops it completely to put in the multiple family units.

COMMISSIONER VAN NATTA – He could complete the whole thing without building any multi-family units

PLANNING OFFICIAL TERELL – That are non age-restricted; yes

COMMISSIONER VAN NATTA – Non-age restricted multiple family units

PLANNING OFFICIAL TERELL – Yes and even under the current agreement, since this was the last phase, he theoretically could have developed everything else without developing this parcel.

COMMISSIONER VAN NATTA – Just leave an undeveloped parcel there that he couldn't…that if he were to develop it, it would have to be non-age restricted

MV00106608

multi-family unless there was an agreement between him and the City to change it to something else.

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER VAN NATTA – But now by taking it out and saying it is not part of the Master Development, and then he doesn't have to worry about that.

PLANNING OFFICIAL TERELL – Well, it's not part of the Development Agreement. It still is Highland Fairview's property and therefore to develop it, they have certain responsibilities. They don't necessarily have the same benefits as being in the agreement but and I'll kind of defer this to the Applicant Representative, but I'm assuming and the Applicant's Representative can confirm this, that they want to take this property out the Development Agreement to sell it to some third party and to make it more marketable to a third party that doesn't want to be responsible for the rest of Aquabella; they are separating it out so there are Aquabella's responsibilities and rights and then this property is free of those responsibilities. So it doesn't tie this property in with the development of the rest of Aquabella. It allows it to be separately developed by a third party.

COMMISSIONER VAN NATTA – I would like to hear more explanation about why they're doing it because it looks kind of strange to take that little corner out of a development that was originally planned to be a certain way and all cohesive and you know all flow together and everything like that and then you take a little chunk out of the corner which is the frontage on a fairly well travelled road; yes I'd like to hear a little more about that.

PLANNING OFFICIAL TERELL – I think the Applicant has to make that case for you.

COMMISSIONER VAN NATTA – Alright, thank you

VICE CHAIR BAKER – Okay are there are more questions of Staff before we have the Applicant come forward.

COMMISSIONER OWINGS – I was fairly certain I understood you to begin with. You told me that the major contribution by the developer to the City would not occur till phase 6.

PLANNING OFFICIAL TERELL – For this parcel

COMMISSIONER OWINGS – For this parcel… but the complete development, under the Master Agreement, which is just nothing but a contract between the City and the developer to do certain things; correct

PLANNING OFFICIAL TERELL – That's correct

MV00106609

COMMISSIONER OWINGS – So when would… you said that on the developers part that contribution would be made at the completion of Phase 6. Did I misunderstand you?

PLANNING OFFICIAL TERELL – Possibly… this particular property is Phase 6 and there were certain requirements… there were certain improvements required in Phase 6 and those have now been moved up to Phase 5 and if under the current plan Development Agreement; if this parcel is not taken out of it, it's not required to do anything until Phase 6. Every phase has major improvements that are required and actually much larger than Phase 6.

COMMISSIONER OWINGS – So that's the part I misunderstood. I thought you were leading me to believe that Phase 6 was the larger portion. I couldn't figure out why they got to the end with… So could you please, if you know John and I know you may not, it's been a long time, but what were the developer's responsibilities at the completion of Phase 6?

PLANNING OFFICIAL TERELL – I couldn't point out exactly which ones, but in Phase 5 there is a very long list and several those are primarily relating to what is adjacent to this parcel were required in Phase 6. Phase 6 has a very short list. Most of the improvements were required well in advance of Phase 6. It was a short list. As I recall it was only three or four items.

COMMISSIONER OWINGS – Okay thank you John

VICE CHAIR BAKER – Okay is there anyone else?

COMMISSIONER CROTHERS – The phase 6 items that we're looking at right here or the Phase 5, does that include the ones that were from Phase 6?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER CROTHERS – Okay thank you

VICE CHAIR BAKER – Anyone else? Okay, we'll bring the Applicant forward and he can present… Mr. Wayne Peterson. Would you please state your name and address sir.

SPEAKER PETERSON – Sure, Wayne Peterson with Highland Fairview and we're located here in Moreno Valley. I'd be happy to address the Planning Commission on this and want to thank John for responding to many of those questions. It really is a very simple amendment. I can appreciate the Commission's questions because it is simpler than it may appear. The only change being proposed is to eliminate the small planning area from the Development Agreement. All of the obligations under the Development Agreement today remain with the Aquabella property without this piece, so all of

MV00106610

the obligations; all the street improvements; all the improvements within Aquabella are all still in place; nothing changes whatsoever in terms of the mitigations that are required; the public improvements; the private improvements; all those things are all still in the plan. The only thing that changes is the fact that this small piece of property is no longer protected by the Development Agreement. As John said, it essentially removes the guarantee that the Development Agreement provides, that the City cannot unilaterally change the zoning on that property. In this particular case and it's not for a potential sale; it is for a potential financing purpose that this particular piece is being removed from the agreement. There is no pending sale of the property, it is still owned by Highland Fairview and will continue to be owned Highland Fairview, so my goal would be to try to assure the Council or Commission I'm sorry, that the proposed amendment is in fact as simple as it sounds. It does not reduce in any way, shape or form any of the obligations that Highland Fairview agreed to back in 2006 and essentially its three items. I can point those out to you in the back of your package. At the end of Exhibit…

COMMISSIONER OWINGS – Maybe you could just give us the page number

SPEAKER PETERSON – It doesn't have pages in my copy of the Staff Report. If you go through the Staff Report… there is Attachment 3 is the draft of the first amendment to the agreement. If you go to the back of Attachment 3 there is spreadsheet that looks like this…

PLANNING OFFICIAL TERELL – Page 199 I believe

SPEAKER PETERSON – Oh your Staff Report is numbered and the copy I have isn't. It should be the last page of the spreadsheet that lists all of the improvements that are required in Aquabella

PLANNING OFFICIAL TERELL – So that would be 203

SPEAKER PETERSON – Okay, sorry

COMMISSIONER OWINGS – John I'm looking at page 203 and I don't see Phase 6

PLANNING OFFICIAL TERELL – Right, they are all in Phase 5 now

COMMISSIONER OWINGS – Okay, so which are the three that would have been in Phase 6?

SPEAKER PETERSON – The last three

COMMISSIONER OWINGS – The last three

MV00106611

SPEAKER PETERSON – Correct… the two on the last page refer to all phases.

COMMISSIONER VAN NATTA – So you are referring to modify the traffic signal, widening and restriping and signing for a left turn lane and coordination of traffic signals.

SPEAKER PETERSON – Correct

COMMISSIONER OWINGS – And then on the back page it is the money items; the TUMF fees, correct.

COMMISSIONER VAN NATTA – Those just aren't in that phase, those are for all phases

COMMISSIONER OWINGS – Would those fees be reduced as a result of removing this parcel?

SPEAKER PETERSON – As John indicated, the zoning on the property stays the same; no change whatsoever in density; no change in type of land uses; its multi-family residential and in the Development Agreement a key point is that there is no requirement to build those units at any particular point in the overall development of the community. The point is when they are developed; they are subject to all of the regulations that normally apply to any residential development in the City, including review by this Planning Commission and potentially the City Council.

COMMISSIONER OWINGS - Your name again, I didn't get your last name sir

SPEAKER PETERSON – Peterson… Wayne Peterson

COMMISSIONER OWINGS – Mr. Peterson my name is Tom Owings. I would like to assure you that I'm not trying to make something simple into complicated. I have enough complications in my life, but there is a fiduciary function for each of the Commissioners here to understand when the City; when two people enter into a contract and one of them wants of modify it. We were not here. We have a fiduciary function to ask the questions, so I hope you understand that were not in any way trying to complicate something. So you know in looking; I think can simplify it with one simple question. Wayne if you were to look at me straight in the eyes and tell me that is going to be developed with multiple unit, non-aged restricted units, then my concern about meeting the housing need that was identified in 2006 would be alleviated. So can you tell me that the ultimate use of this will be the units that were initially envisioned when this agreement was agreed to by the developer and by the City.

SPEAKER PETERSON – No, but the key point is if it is anything different then what is in the Development Agreement today and in the zoning, it would be an

MV00106612

application on the part of the property owner that would have to come through the City review process.

COMMISSIONER OWINGS – And when you say property owner that makes me believe that wouldn't be fair of Fairview Highland

SPEAKER PETERSON – Well I can't stand here and tell this Planning Commission that the Highland Fairview is going to forever be the owner of all the property it owns.

COMMISSIONER OWINGS – Let me ask you hypothetically; if you were in the party of a master agreement like this and you were kind of thinking about and I appreciate your comment about later down the line, the zoning would come before the Planning Commission, but that is kind of kicking the question down the line when it really our responsibility to deal with it now, so hypothetically if you were a developer and you kind of decided that this project may not happen; the whole project; you might start picking it apart piece by piece and so I guess I have to ask you what are the likelihoods that a few years from now another Planning Commission member with my curiosity might be asking you or might asked to say we want to take Phase 5 out and then Phase 4 and then Phase 3; so the City is bound to allow you to have this long term agreement, but piece by piece it is being taken away, so I guess my question to you is this the first step in that process.

SPEAKER PETERSON – No

COMMISSIONER OWINGS – It's because a little tiny guy who tried to develop some housing units, you know there is generally a five year period on these types of entitlements and then you get a couple of extensions here and there. You guys really have a 30 year period here to which the City is bound by this agreement and of course you are too, so that's my concern. So you have no plans. Highland Fairview two years from now is not going to be here trying to pull out parcel 5 or section 5 of this.

SPEAKER PETERSON – No

COMMISSIONER OWINGS – Okay thank you

COMMISSIONER VAN NATTA – Was this the only parcel in the development that was not age restricted? Is now the rest of Aquabella age restricted?

SPEAKER PETERSON – That's correct. Well the exception and to just be completely accurate; the High School site was technically part of the Specific Plan. It is obviously not age restricted.

COMMISSIONER VAN NATTA – But all the residences that are…

MV00106613

SPEAKER PETERSON – Correct, all the residential property…

COMMISSIONER VAN NATTA - …that are under the program now, the rest of them are age restricted.

SPEAKER PETERSON – That is correct

COMMISSIONER VAN NATTA – And this was the only section that was not

SPEAKER PETERSON – That is correct

COMMISSIONER PETERSON – Okay

VICE CHAIR BAKER – Are there any other questions of the Representative or the Applicant? Thank you very much. Now we will open this up to Public Testimony. I have no Speaker Slips on this item so I will close the Public Testimony on this item and we will go forth with Commissioner's Debate.

PLANNING OFFICIAL TERELL – Chair Baker; just to clarify the questioning that was occurring; no property owner can agree not to ever change their mind in the future but in a development agreement the City is not required to approve any change that the owner of that property has. They are only required to consider it, so not that it will occur in this case, but we've got other Development Agreements in town and the owner of the property has the right to request, but they don't have the right to change it; the City always has the right to review and either agree or disagree. Just to clarify that; you know if you see a change in this Development Agreement or say Towngate or some other project that has a Development Agreement, you are not required to approve it but the owner of the property can never bargain away their right to ask.

COMMISSIONER OWINGS – You know John I'm not trying to suggest that they know because I don't know what I'd I'm going to do with the piece of property that I am stuck with in Oregon in the same situation they are, but we sure have a pretty good idea when we have that much money invested in it and I think it is a fair question to ask what is the plans as of today.

PLANNING OFFICIAL TERELL – Agreed, I just want to make sure that it was clear that they could change their mind.

COMMISSIONER VAN NATTA – As I see this, this gives even though it has been taken out of the Master Plan for Aquabella; if anything, the City now has more control over what happens with the development of that piece of property than we had when it was within the development and since there was no guarantee that at any point that phase would have ever been reached, it would have turned into multiple family units anyway, I don't see much harm in approving this because they can't do anything other than it was slated for without

MV00106614

for without coming back to us for permission anyway. I am a great believer in owners being able to do what they can with what they want to with their own property as long as they are staying within the rules and there is no harm in what changes they want to make and so I don't see any harm in approving it.

COMMISSIONER OWINGS – You know I just respectfully disagree with that analysis. This is different. This is a contractual arrangement between the City and a developer. This is not a question of property rights because there is nobody on this dais that believes in property rights more than me, but this is between a contract… you know the developer got something out of this or they wouldn't have entered into the agreement, so the City got something; the developer got something and now the agreement is being altered and I do not believe this is a property right; this is a contractual agreement.

COMMISSIONER VAN NATTA – Let me just respond to that. But the City isn't giving up anything that they agreed to and in a way neither is the owner and he has the right to ask and if there is no harm in making the change, I don't see the harm in approving it.

COMMISSIONER OWINGS – You know and I may agree with that final analysis, but the point is how we got there has to be correct and clear in our mind. We have every right to question this and it is not a matter of property rights, this is a question of contractual agreement between two parties and one party wants to change it.

PLANNING OFFICIAL TERELL – Commissioner Owings is exactly correct, that's why this item is before you because the City and the Applicant have to agree in order to change this contract.

VICE CHAIR BAKER – Okay another other comments?

COMMISSIONER RAMIREZ – Having said that, I believe that we need to be flexible. We need to be able to work together. Times change and things happen in a five year period, so whenever this contract was proposed and put in place, a lot has changed since. One thing I can agree with is our developer has a great proven track record. In fact when that Skechers was built, it was built way ahead of time and up to the cutting edge and as far as time frame goes, I believe that the developer completed and fulfilled all their obligations way ahead of schedule, so having said that, I find no harm in trusting the developer that either one day if he decides to sell this particular property or they decide to develop it, the fact is that this will help them and it will help us in moving the City forward. Now it is better for us to not develop something than not develop it and sit there for many, many years and have no one move into it. That doesn't make anybody any money and that doesn't make any sense, I believe that as long as we can come to an agreement to work together and be flexible, we'll be able to accomplish our mission. Thank you.

MV00106615

COMMISSIONER OWINGS – Respectfully I would like to point out to the Commissioner that this Development Agreement assures that there is a possibility that we could be 30 years from now and that land would be vacant, so if you want to do rapid development, you shouldn't enter into these kinds of agreements.

COMMISSIONER VAN NATTA – And I may add to that that I feel that we have to look at each one of these projects on their merit and on what was decided on this particular property. We can't go into something saying I trust this developer and I don't trust that developer or point to how a developer has behaved in any other development that he has done. We're talking about a specific plan for this specific piece of property and that's what we need to look at.

VICE CHAIR BAKER – Okay, any other comments? Okay, I guess we're at a point where we'll ask for a motion to approve this Resolution 2011-14. Do I have a motion?

COMMISSIONER RAMIREZ – I motion that we approve…

VICE CHAIR BAKER – Okay, would you do this for me Commissioner. Would you read in there that resolution? Here I'll give the sheet. We just need you to read into the record all the items there. Thank you.

COMMISSIONER RAMIREZ – I make a motion that we **APPROVE** Resolution No. 2011-14 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not Result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and,

2. **APPROVE** P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2 acre Parcel at the northeast corner of Cactus Avenue and Lasselle Street

VICE CHAIR BAKER – Do we have a second to Commissioner Ramirez's motion?

COMMISSIONER VAN NATTA – I'll second that

VICE CHAIR BAKER – That is seconded by Commissioner Van Natta. Okay let's poll the Commission and all those in favor?

Opposed – 0

MV00106616

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Thank you

PLANNING OFFICIAL TERELL – This item will be forwarded to the City Council for final review and action. That would tentatively occur on June 14th and that's all at this time.

MV00106617

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE :	**P11-029**
APPLICANT:	**Highland Fairview**
OWNER:	**Moreno Valley Properties**
REPRESENTATIVE:	**Wayne Peterson**
LOCATION:	**Northeast Corner of Lasselle Street & Cactus Avenue**
PROPOSAL:	**First Amendment to the Aquabella Development Agreement to remove Planning Area 2**
ENVIRONMENTAL DETERMINATION:	**Exempt**
COUNCIL DISTRICT:	**3**
STAFF RECOMMENDATION:	**Approval**

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

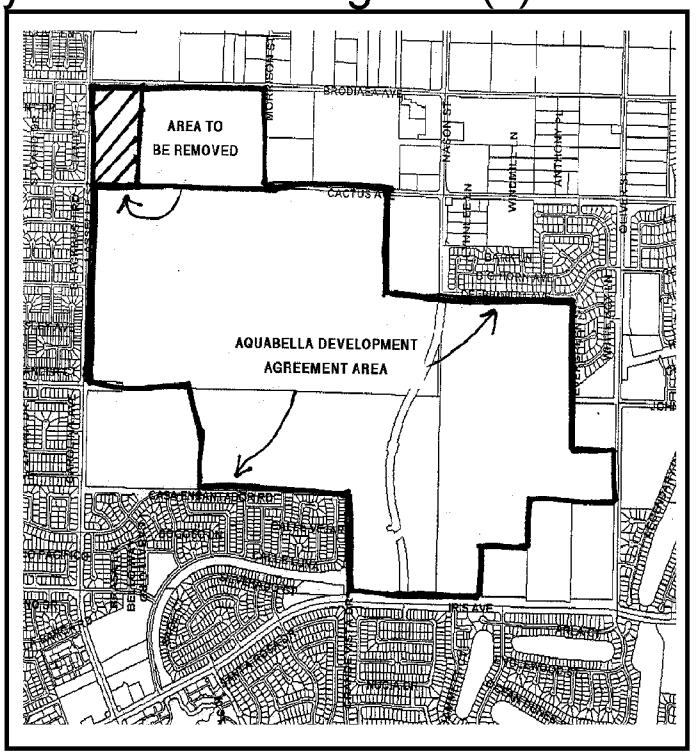

LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: June 14, 2011 at 6:30 PM

CONTACT PLANNER: John C. Terell AICP
PHONE: (951) 413-3238

ATTACHMENT 4

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board") conduct a Public Hearing to *approve and adopt the following proposed resolutions:*

Resolution No. CSD 2011-09	(Zone A)
Resolution No. CSD 2011-10	(Zone B)
Resolution No. CSD 2011-11	(Zone C)
Resolution No. CSD 2011-12	(Zone D)
Resolution No. CSD 2011-13	(Zone E)
Resolution No. CSD 2011-14	(Zone E-1A)
Resolution No. CSD 2011-15	(Zone E-3A)
Resolution No. CSD 2011-16	(Zone E-4A)
Resolution No. CSD 2011-17	(Zone M)
Resolution No. CSD 2011-18	(Zone S)

Approval of the proposed resolutions will continue the currently approved annual parcel charges and the proposed amount for each charge in fiscal year (FY) 2011/12. Parcel charges help to fund parks and community services, residential street lighting, arterial street lighting, maintenance of parkway landscaping, extensive parkway landscaping, internal parkway landscaping in certain areas, medians, and certain improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard, as described in the Preliminary Annual Levy Report on file in the office of the City Clerk.

ADVISORY COMMITTEE RECOMMENDATION

N/A.

BACKGROUND

The CSD was formed simultaneously with City incorporation to provide a variety of benefit services. Zones within the CSD were established to allocate costs to those parcels that receive proportional benefit from the services provided. Each of the zones represents either a different service or degree of service to particular properties within each zone.

The CSD Board conducted the Public Meeting on May 24, 2011, to provide the first opportunity for the public to address the CSD Board on the annual CSD charges.

Proposition 218
Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments. The City of Moreno Valley has reviewed Proposition 218 with respect to the CSD charge collection process. Based upon this review, it has been determined that the CSD charges as currently collected are in compliance with Proposition 218. Any future charge increases, other than an inflation adjustment that has been approved during a prior mail ballot proceeding, shall require a ballot, which will be conducted as outlined in Proposition 218 and in compliance with the Policy for Conducting Mail Ballot Proceedings as originally adopted by the City Council and the CSD Board on January 22, 2002, and as most recently amended on April 26, 2011.

DISCUSSION

The following section lists the zones and summarizes the services provided by the CSD to each zone, along with the current FY 2010/11 and proposed FY 2011/ 12 annual charges. No charge increases for the following zones are proposed for FY 2011/12, unless adjusted through the mail ballot proceeding process or a previously authorized inflation adjustment implemented to achieve full-cost recovery. The inflation adjustment for FY 2011/12 is 1.34% and is based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index (CPI), as published by the Department of Labor's Bureau of Labor Statistics.

Zone A is authorized to provide park and community services citywide. All properties within the City boundaries are levied this charge to aid with current programs. The proposed FY 2011/12 charge is $87.50 per dwelling unit (residential), nonresidential parcels (commercial and industrial) and undeveloped parcels. (The current FY 2010/10 charge is $87.50.) The proposed FY 2011/12 levy for Zone A is approximately $4,964,837.50.

Zone B is authorized to provide residential street lighting services to specific residential areas within the zone. The funds collected pay for the monthly energy and maintenance charges to

operate residential streetlights. The charge is $23.00 per parcel for those properties which were annexed into the zone prior to 1999. Property owners that balloted after 1999 for Zone B services authorized an annual inflation adjustment, and will be charged $24.74 per parcel. There are also 65 parcels located south of Ironwood Avenue, east of Nason Street, with reduced streetlight services that pay $6.00 per parcel. The proposed FY 2011/12 levy for Zone B is approximately $935,414.24.

For 2010/11, to continue residential streetlight services, the General Fund will have contributed up to $675,000 of which $51,700 is a loan and $623,300 is a gift, to fund the revenue shortfall. For 2011/12, to continue the current level of residential streetlight services, Zone B shall continue to require an additional $675,000 from the City's General Fund, all of which will be a gift unless services are reduced or additional funding is provided by the property owners.

Zone C is authorized to provide arterial street lighting and intersection lighting on major roadways throughout the City. All properties within the City are levied this charge except those located within the boundaries of the Edgemont Community Services District, which contribute to an independent District for street light services. For FY 2011/12, the proposed charge for each parcel in the CSD is $9.00. (The current FY 2011/12 charge is $9.00.) The proposed FY 2011/12 levy for Zone C is approximately $428,200.

For 2011/12, unless services are reduced or additional funding is provided by the property owners Zone C shall require additional funding of approximately $130,000 to continue the current level of arterial streetlight services. If the City's General Fund provides any funds to meet the revenue shortfall, such contribution shall be considered a gift.

Zone D is authorized to provide parkway landscape maintenance services to the perimeters and/or entry statements of designated residential tract developments. A listing of the current FY 2010/11 charges per parcel for each tract and the proposed charges for FY 2011/12 are included in the Zone D Resolution. A majority of affected property owners, of certain tracts, authorized an inflation adjustment. For FY 2011/12, the CPI adjustment shall be applied to certain tracts as noted on the Zone D Resolution.

The CSD is in the process of conducting a mail ballot proceeding for an increase to the proposed charges to recover costs for the following tracts: 19862, 19912, 20941, 21737, 22371 and 31591. Tracts not approving the proposed increase shall receive a reduced service level of landscape maintenance in accordance with the Zone D Policy guidelines. The proposed FY 2011/12 levy for all Zone D tracts is approximately $1,272,898.50, which does not include the proposed increase for those Zone D tracts that are currently in the process of balloting.

Zone E is authorized to provide extensive parkway landscape maintenance of landscaped areas adjacent to ten (10) major residential/commercial developments. For FY 2011/12, the CPI charge adjustment shall be applied to each Zone E subzone if previously approved. The proposed annual charges for the subzones are included in the Zone E Resolution.

The CSD is in the process of conducting a mail ballot proceeding for an increase to the proposed charges to recover costs for the following Zone E subzones: E-1 (TownGate), E-2 (Hidden Springs), and E-4 (Moreno Valley Ranch East). Zone E subzones not approving the proposed increase shall receive a reduced service level of landscape maintenance in accordance with the Zone E Policy guidelines. The proposed FY 2011/12 levy for all Zone E subzones is approximately $2,375,583.64, which does not include the proposed increase for those Zone E subzones that are currently in the process of balloting.

Zone E-1A is authorized to provide internal parkway landscape maintenance to the Renaissance Park development. The proposed Zone E-1A charge for FY 2011/12 is $78.40 per parcel. (Current FY 2010/11 charge is $77.38.) The total FY 2011/12 levy for Zone E-1A is approximately $43,668.80.

Zone E-3A is authorized to provide internal parkway landscape maintenance to those tracts associated with the Lasselle Powerline Parkway area. The proposed Zone E-3A charge for FY 2011/12 is $68.10 per parcel. (Current FY 2010/11 charge is $67.20.)

The CSD is in the process of conducting a mail ballot proceeding for an increase to the Zone E-3A charge to cover increased costs of providing landscape maintenance services. If the proposed increase is not approved, E-3A shall receive a reduced service level of landscape maintenance in accordance with the Zone E Policy guidelines. The total FY 2011/12 levy for Zone E-3A is approximately $32,007.00, which does not include the proposed increase for Zone E-3A.

Zone E-4A is authorized to provide internal parkway landscape maintenance to the Daybreak development. The proposed Zone E-4A charge for FY 2011/12 is $110.46. (Current FY 2010/11 charge is $109.00.) The total FY 2011/12 levy for Zone E-4A is approximately $10,935.54.

Zone M is authorized to provide maintenance for improved medians constructed as a condition of approval for commercial/industrial/multifamily developments. Charges for this zone are calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties. The current FY 2010/11 charges and the proposed FY 2011/12 annual charges for Zone M are included in the Zone M Resolution. The total FY 2011/12 levy for Zone M is approximately $226,888.74.

Zone S is authorized to provide maintenance services to certain improvements along Sunnymead Boulevard between Frederick Street and Perris Boulevard. Charges for this zone are calculated by determining the proportional financial obligation, based on front linear footage, of the properties adjacent to the improvements. The Zone S charge for 2011/12 is $2.837520 per front linear footage, per year, which includes an inflation factor. The total FY 2011/12 levy for Zone S is approximately $54,007.74. (Current FY 2010/11 charge is $2.80 per front liner footage).

ALTERNATIVES

1. By conducting a Public Hearing, the CSD Board shall allow for the approval and adoption of the proposed resolutions. *Although not required under Proposition 218, City policy has been to continue holding a Public Hearing. By conducting the Public Hearing on June 14, 2011, property owners shall be given an opportunity to address the CSD Board regarding the continuation of the CSD annual charges for the associated benefit services. Approving CSD Zones D, E, E-1A, E-3A, E-4A and S charges as proposed by staff shall authorize the CSD to continue providing maintenance at the applicable service levels. Approving the proposed charge for CSD Zones A, B, C and M will partially fund park and community services (Zone A), residential street lighting services (Zone B), arterial street lighting services (Zone C) and improved median maintenance (Zone M). The County of Riverside requires that resolutions be approved annually to authorize collection of the annual CSD parcel charges on the property tax bills. Approval of these resolutions will satisfy the County requirement.*

2. By not approving and adopting the proposed resolutions, the charges may not be able to be levied by the County of Riverside. *Even though a Public Hearing is not required under Proposition 218 for the continuation of the CSD annual charges, City policy has been to continue holding a Public Hearing to allow the public to address the CSD Board. By not adopting the resolutions, the County may challenge the CSD's ability to place the CSD charges on the County property tax bill.*

FISCAL IMPACT

Property owners pay the CSD annual charges as a part of their property tax bill. Charges, including CPI adjustments, have been approved by the affected property owners through prior proceedings or are part of a current mail ballot proceeding. The annual inflation factor is based on the percentage change in the CPI for the prior calendar year. For FY 2011/12, the CPI adjustment is 1.34%.

CSD Zones D, E, E-1A, E-3A, E-4A and S annual charges are based on full-cost recovery and program operations that have no effect on the General Fund. Zones A, B, C, and M charges reduce any General Fund support required to provide services for these programs. **The funds collected through the CSD charges for Zones A, B, C, D, E, E-1A, E-3A, E-4A, M and S are restricted funds, which may only be used to pay for costs within each respective CSD Zone.**

Approving charges less than those proposed by staff may require a decrease to both the level and quality of service from that provided during FY 2010/11. The service levels may be adjusted according to the approved funding level.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS

CSD landscape maintenance services help enhance community image, neighborhood pride and cleanliness. Residential properties, which have landscaped parkways and/or medians, as maintained by the CSD, help to foster a pleasant environment and neighborhood atmosphere. Proper placement of plant materials helps in the prevention of graffiti.

REVENUE DIVERSIFICATION AND PRESERVATION
The CSD annual charges comply with the City's goal of revenue diversification and preservation and are based upon actual costs, which include maintenance and administration. The CSD annual charges support the preservation of the current services provided by the CSD.

PUBLIC FACILITIES
Providing services for parks, streetlights, landscaping, and medians allows for construction and maintenance of public facilities. The CSD maintenance of these public facilities ensures proper development and preservation of capital resources.

SUMMARY

The actions before the CSD Board are to conduct the Public Hearing, and to approve and adopt the resolutions for the continuation of the currently approved CSD parcel charges within each of the existing zones as submitted in the Preliminary Annual Levy Report. Since the adoption of Proposition 218 state legislation, public hearings to consider charges or fees already in place are not mandated; such hearings were required under state statutes before the adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County requires resolutions be approved annually to establish the authority to collect the annual CSD parcel charges on the property tax bills. Approval of the resolutions will satisfy the County requirement. The resolutions also include information in compliance with Proposition 218.

NOTIFICATION

On April 18, 2011, the CSD mailed individual notices to property owners of 48,229 parcels.

Newspaper advertising was published on May 6, 2011, for the May 24, 2011 Public Meeting and June 14, 2011 Public Hearing. Additionally, the June 14, 2011 Public Hearing notification was published on May 27, 2011 and again on June 8, 2011.

ATTACHMENTS

Attachment 1	Resolution for Zone A
Attachment 2	Resolution for Zone B
Attachment 3	Resolution for Zone C
Attachment 4	Resolution for Zone D
Attachment 5	Resolution for Zone E
Attachment 6	Resolution for Zone E-1A

Attachment 7 Resolution for Zone E-3A
Attachment 8 Resolution for Zone E-4A
Attachment 9 Resolution for Zone M
Attachment 10 Resolution for Zone S

Prepared by:
Sharon Sharp
Senior Management Analyst

Department Head approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. CSD 2011-09

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE A (PARKS AND COMMUNITY SERVICES) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for parks and community services within the CSD and provides funding for such services, in part, through CSD Zone A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone A (Parks and Community Services) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each per dwelling unit, nonresidential parcel or per undeveloped parcel within CSD Zone A is a necessary and equitable charge to fund, in part, the furnishing of parks and community services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of eighty-seven dollars and fifty cents ($87.50) to defray in part the costs of furnishing parks and community services within the CSD is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone A parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and are therefore not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-10

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE B (RESIDENTIAL STREET LIGHTING) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for residential street lighting services within the CSD and provides funding for such services, in part, through CSD Zone B; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone B (Residential Street Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index ("CPI") adjustment, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone B is a necessary and equitable charge to fund, in part, the residential street lighting services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The charge is hereby approved to be levied at the existing and previously approved respective rates of twenty-three dollars ($23.00), twenty-four dollars and seventy-four cents ($24.74), and six dollars ($6.00) as applicable.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone B, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone B is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

MV00106631

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-11

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE C (ARTERIAL STREET LIGHTING AND INTERSECTION LIGHTING) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for intersection and arterial street lighting services within the CSD and provides funding for such services, in part, through CSD Zone C; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone C (Arterial Street Lighting and Intersection Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone C is a necessary and equitable charge to fund, in part, the arterial and intersection street lighting services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared that identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of nine dollars ($9.00) to defray in part the costs of furnishing arterial and intersection street lighting services within the CSD is hereby approved and adopted.

2. The herein approved service charge is hereby confirmed for each parcel of real property within CSD Zone C, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone C parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and therefore are not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-12

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE D (PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide parkway landscape improvement and maintenance services within the CSD and provides funding for such services, in part, through CSD Zone D; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone D (Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Adjustment ("CPI") adjustment (if applicable), and application of charge as previously approved by the property owners for each assessable parcel or unit of real property within CSD Zone D is a necessary and equitable charge to fund, in part, the parkway landscape services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing parkway landscape services to the following tracts within the CSD is hereby approved and adopted as follows:

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
12305	Standard	$57.00	
12902	Standard	$74.28	
14387/12268	Standard	$57.00	
16769	Standard	$62.92	
18283	Standard	$57.00	
19141	Standard	$77.38	
19142	Standard	$57.00	
19233	Standard	$57.00	
19474	Standard	$57.00	
19496	Standard	$66.02	
19529	Standard	$72.22	
19533	Standard	$57.00	
19541	Standard	$95.96	
19675	Standard	$82.54	
19862	Standard	$152.82	$252.00
19912	Standard	$85.62	$129.00
20120	Standard	$97.00	
20197	Standard	$57.00	
20941	Standard	$106.38	$166.00
21345	Standard	$117.72	
21597	Standard	$479.32	
21737	Standard	$216.90	$431.00
21806	Standard	$71.20	
22180	Standard	$250.30	

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
22371	Standard	$295.32	$497.00
22999	Standard	$67.00	
27251-1	Standard	$471.22	
30967	Standard	$473.64	
31129	Standard	$83.58	
31268	Standard	$186.86	
31269	Standard	$221.84	
31305	Standard	$502.64	
31424	Standard	$221.84	
31591	Standard	$468.90	$628.00
31618	Standard	$368.86	
32005	Standard	$113.50	
32625	Standard	$1,013.40	
32715	Standard	$925.22	
33436	Standard	$42.56	
33637	Standard	$300.96	
33962	Standard	$500.60	
4-Custom Homes	Standard	$574.58	
10191/18468	Street Tree Program	$71.20	
11848	Reduced	$86.66	
12773	Reduced	$82.54	
13576/19080/19081	Street Tree Program	$33.00	
13585	Reduced	$57.00	
15387	Reduced	$57.00	
15433	Reduced	$92.86	
16768	Reduced	$66.02	
16770	Reduced	$57.00	
17033	Reduced	$178.62	
17176	Reduced	$57.00	
17334	Reduced	$349.62	
17387	Reduced	$57.00	
17457	Reduced	$81.50	
17867	Reduced	$57.00	
18512/21322	Reduced	$83.08	
18784/20906	Reduced	$179.36	

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
18930	Reduced	$79.44	
19032	Street Tree	$131.74	
19143	Reduced	$57.00	
19208	Reduced	$74.98	
19210	Reduced	$70.16	
19363	Reduced	$57.00	
19434	Reduced	$57.00	
19500	Reduced	$75.30	
19509	Reduced	$57.00	
19518/18372	Reduced	$57.00	
19551	Reduced	$97.28	
19685	Reduced	$72.22	
19799	Street Tree	$275.84	
19852	Reduced	$69.92	
19937	Reduced	$110.50	
19957	Street Tree	$69.92	
20030	Reduced	$103.28	
20032	Reduced	$57.00	
20072	Reduced	$90.18	
20272	Reduced	$121.70	
20301	Reduced	$57.00	
20404	Reduced	$106.40	
20525	Reduced	$57.00	
20552	Reduced	$57.00	
20660	Reduced	$108.44	
20715	Reduced	$95.24	
20718	Reduced	$143.52	
20859	Reduced	$66.88	
20869	Reduced	$57.00	
21113	Reduced	$57.00	
21332	Reduced	$99.04	
21333	Reduced	$214.84	
21616	Reduced	$382.84	
22093	Reduced	$139.84	
22276	Reduced	$199.24	
22277	Reduced	$272.62	

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
22889	Reduced	$191.92	
23046	Reduced	$183.00	
24721	Reduced	$57.00	
27526	Reduced	$165.20	
28882	Reduced	$106.38	
29038	Reduced	$61.88	
30027	Reduced	$203.68	
31257	Reduced	$1,083.52	
31269-1	Reduced	$304.62	
31284	Reduced	$128.80	
32018	Reduced	$70.16	

In the event that Tracts: 19862, 19912, 20941, 21737, 22371 or 31591 do not individually approve the maximum balloted charge by the majority of the property owners in the separate mail ballot proceedings, currently scheduled to be concluded at the public hearing on June 28, 2011, the charges hereby approved will be the FY 2011/12 Noticed/Maximum Parcel Charges prior to the results of mail ballot proceedings, as identified above.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone D, as set forth in the report on said charge filed with the Secretary of the District, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone D is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-13

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide extensive landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E and the various subzones thereof; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E (Extensive Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within the various subzones of Zone E of the CSD is a necessary and equitable charge to fund, in part, the extensive landscape maintenance services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing extensive landscape maintenance services within the CSD is hereby approved and adopted as follows:

Zone E (Extensive Landscape Maintenance)
FY 2011/12 Proposed Charges

Zone E	Specific Plan or Major Development	Landscape Maintenance Service Level	Charge Category	FY 2011/12 Noticed/Maximum Annual Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
E-1	TownGate	Standard	Per parcel	$128.04	$152.00
			Per acre for nonresidential/undeveloped parcels	$512.16	$608.00
			Per condo unit		
			Tract 34299	$57.78	$69.00
E-1A	Renaissance Park	Reduced	Per parcel	$78.40	
E-2	Hidden Springs	Standard	Per parcel	$403.78	$518.00
			Per Equivalent Dwelling Unit for undeveloped parcels	$403.78	$518.00
E-3	Moreno Valley Ranch - West	Reduced	Per parcel	$128.04	
			Per acre for nonresidential/undeveloped parcels	$512.16	
			Per condo unit		
			Tract 32142	$56.74	
			Tract 32143	$54.68	
			Tract 32144	$54.68	
			Tract 32145	$31.98	
			Tract 32146	$30.94	
E-3A	Lasselle Powerline Parkway	Standard	Per parcel	$68.10	$108.00
E-4	Moreno Valley Ranch - East	Standard	Per parcel	$110.00	$240.00
			Per acre for nonresidential/undeveloped parcels	$440.00	$960.00
E-4A	Daybreak	Standard	Per parcel	$110.46	
E-7	Centerpointe	Standard	Per acre	$688.90	
E-8	Promontory Park	Standard	Per condo unit	$190.50	
			Per parcel	$538.10	
E-12	Stoneridge Ranch	Standard	Per parcel	$402.30	
E-14	Mahogany Fields	Standard	Per parcel	$281.70	
E-15	Celebration	Standard	Per parcel	$337.46	
E-16	Shadow Mountain	Standard	Per parcel	$297.18	

2. The herein approved charges are hereby confirmed for each parcel of real property within the various subzones of CSD Zone E, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the service charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-14

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-1A (RENAISSANCE PARK – INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide Renaissance Park walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-1A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-1A (Renaissance Park Internal Parkway Landscape Maintenance) so collected on the tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index ("CPI") adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property, within CSD Zone E-1A is a necessary and equitable charge to fund, in part, the internal parkway landscape maintenance services for Renaissance Park by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of seventy-eight dollars and forty cents ($78.40), which includes previously approved CPI adjustments, to defray in part the cost of furnishing Renaissance Park internal parkway landscape maintenance services within the CSD, is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-1A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-1A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-15

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-3A (LASSELLE POWERLINE PARKWAY INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide Lasselle Powerline Parkway walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-3A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-3A (Lasselle Powerline Parkway Internal Parkway Landscape Maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including a Consumer Price Index ("CPI") adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property within CSD Zone E-3A is a necessary and equitable charge to fund, in part, walls/internal parkway landscape maintenance services for the Lasselle Powerline Parkway by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property that is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of the public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of sixty-eight dollars and thirty cents ($68.30), which includes previously approved CPI adjustments for CSD Zone E-3A (Lasselle Powerline Parkway) to defray in part the costs of furnishing internal parkway landscape maintenance services within the CSD is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-3A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone E-3A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-16

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-4A (DAYBREAK DEVELOPMENT – INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-4A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-4A (Daybreak Development - Internal Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone E-4A is a necessary and equitable charge to fund, in part, internal parkway landscape maintenance services for the Daybreak Development by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of one hundred ten dollars and forty-six cents ($110.46), which includes previously approved CPI adjustments for Zone E-4A (Daybreak Development) to defray in part the costs of internal parkway landscape maintenance services within the CSD hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-4A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-4A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-17

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE M (COMMERCIAL/ INDUSTRIAL/MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide commercial/industrial/multifamily improved median maintenance services within the CSD and provides funding for such services, in part, through CSD Zone M; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for CSD Zone M (Commercial/industrial/multifamily improved median maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable commercial/industrial/multifamily property within CSD Zone M is a necessary and equitable charge to fund, in part, the improved median maintenance services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge is calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties, which includes previously approved CPI adjustments, to defray in part the costs of furnishing commercial/industrial/multifamily improved median maintenance services within the CSD, is hereby approved and adopted as follows:

Zone M
(Commercial/Industrial/Multifamily Median Maintenance)
FY 2011/12 Proposed Charges

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
297-120-002	$994.74
297-120-003	$719.94
297-120-011	$1,501.92
297-120-012	$1,501.92
291-191-024	$347.06
297-130-046	$2,075.24
297-130-064	$855.28
297-140-049	$1,167.24
297-140-050	$1,200.30
297-141-001	$222.60
297-141-002	$222.60
297-141-003	$222.60
297-141-004	$222.60
297-141-005	$222.60
297-141-006	$222.60
297-140-052	$1,055.68
297-170-004	$3,687.72
482-700-001	$393.54
482-700-005	$393.54
484-020-023	$6,038.76
484-020-024	$7,380.60
297-130-039	$798.00
297-130-041	$1,957.00
297-130-042	$1,610.00
297-170-067	$14,825.26

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
297-170-069	$10,998.10
297-170-071	$4,977.90
297-100-066	$789.54
297-100-074	$224.64
297-100-075	$150.98
297-120-016	$5,265.04
297-150-055	$6,089.36
486-250-021	$8,258.64
486-250-024	$7,973.02
486-250-025	$285.60
312-250-046	$3,739.36
482-540-030	$409.04
484-020-026	$2,852.02
479-070-050	$1,636.20
312-270-036	$2,677.46
316-210-074	$1,909.94
312-020-017	$1,613.48
312-020-018	$1,538.06
312-020-020	$600.14
312-360-001	$1,438.98
312-360-002	$677.20
312-360-003	$463.64
312-360-004	$1,625.12
312-360-005	$1,261.96
312-360-006	$2,043.12
312-360-007	$798.26
312-360-008	$752.58
312-360-009	$835.96
312-360-010	$845.08
312-360-011	$678.36
485-220-030	$2,045.28
485-220-031	$306.76
486-070-004	$3,021.44
486-070-012	$263.56
486-070-013	$261.16
486-070-011	$3,021.44
485-081-035	$320.20
484-030-015	$1,600.76
478-070-029	$7,655.38
486-240-009	$9,962.10

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
484-030-020	$628.02
484-030-022	$628.02
488-090-031	$2,133.04
488-090-032	$125.90
488-090-033	$1,434.74
488-090-037	$385.38
488-090-038	$356.76
488-090-039	$333.88
488-090-040	$381.56
488-090-043	$112.54
488-090-047	$364.38
488-090-048	$291.88
488-090-049	$70.56
488-090-050	$137.34
488-090-051	$873.80
488-090-052	$59.12
488-090-053	$49.56
488-090-054	$259.46
488-090-055	$150.70
488-090-056	$110.64
488-090-057	$202.20
488-090-064	$175.52
488-090-071	$1,013.08
488-090-073	$148.80
488-090-074	$465.50
488-090-076	$272.80
488-090-082	$99.18
488-090-083	$360.58
488-090-084	$11.42
488-090-085	$356.74
474-120-037	$3,222.86
484-242-020	$3,026.62
488-350-041	$33,016.04
488-350-047	$2,822.34
488-350-035	$6,973.86
486-280-041	$9,906.66
292-230-006	$220.00
292-230-055	$374.94
263-111-046	$2,355.18

(1) The applied parcel charge may be less than the noticed amount based on either estimated or actual costs.

2. The herein approved charge calculation is hereby confirmed for each parcel of real property within CSD Zone M, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone M is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-18

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE S (SUNNYMEAD BOULEVARD MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") shall provide maintenance for improvements under construction along Sunnymead Boulevard from Frederick Street to Perris Boulevard; and,

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and,

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone S (Sunnymead Boulevard Maintenance) along from Frederick Street to Perris Boulevard be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI"), and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone S is a necessary and equitable charge to fund, in part, the furnishing of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held a said hearing, at which time all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and,

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of $2.837520 per front linear footage, per year, which includes an inflation factor, to defray in part the costs of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard within the CSD is hereby approved and adopted.

2. The herein approved parcel charges calculated is hereby confirmed for each said parcel of real property within CSD Zone S, as set forth in the report on said charge filed with the CSD Secretary, as such may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone S is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passages of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charge calculation to the Auditor of the County of Riverside and to the Tax Collector of said County, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR (FY) 2011/2012 ANNUAL RATES

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice;

2. Adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

The 1972 Federal Clean Water Act requires public agencies to obtain permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains and flood control channels. This Act also requires local

agencies to clean urban runoff to the maximum extent practicable (MEP), which has not been defined by the federal or state government.

On October 25, 2002, the Santa Ana Regional Water Quality Control Board (SARWQCB) adopted new requirements the City must implement to remain in compliance. The requirements include a higher-level effort to divert pollutants from entering the drainage system. The service levels require site inspection, discharge monitoring, remedial cleanup efforts, and a higher level of maintenance of the streets and storm drain system before discharging water into the larger storm water collection system.

On June 10, 2003, the City Council approved the "NPDES Regulatory Rate Schedule for New Residential Development." The "NPDES Regulatory Rate Schedule for New Residential Development" was designed to fund NPDES administration and maintenance of water quality ponds and bioswales associated with new single-family residential subdivisions. On January 27, 2004, the City Council authorized the collection of the NPDES regulatory rates for new residential development consisting of single-family dwellings.

On January 10, 2006, the City Council approved the "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development." The "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development" was designed to fund NPDES public education, administration and monitoring of site design, source control and treatment control best management practices (BMPs) associated with new common interest, commercial, industrial and quasi-public use development.

On January 29, 2010, the SARWQCB issued a new NPDES permit. The new permit continues the 2002 mandates for the higher-level effort to divert pollutants and service levels.

The City Council conducted the Public Meeting on May 24, 2011, to provide an opportunity for the public to address the City Council on the proposed FY 2011/2012 annual NPDES regulatory rates.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments as an incidence of property ownership. The City of Moreno Valley has reviewed Proposition 218 with respect to the NPDES regulatory rate collection process. Based upon this review, it has been determined that the NPDES regulatory rate as currently collected, is in compliance with Proposition 218. Conducting the Public Hearing allows property owners an opportunity to address the City Council regarding the continuation of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development."

DISCUSSION

The NPDES regulatory rates are necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from benefiting parcels.

Proposed Regulatory Rates

The proposed rates shall be levied against each assessable benefiting parcel of real property that is required to comply with the City's NPDES Storm Water Management Program. The Consumer Price Index (CPI) for Los Angeles, Riverside, and Orange Counties from Feb. 2009 – Feb. 2010 was +1.4%. Due to that small increase, staff recommended at that time no adjustment to the annual rates occur. From Feb. 2010 – Feb. 2011, the CPI was +2.4%. Due to this increase, staff recommends that we combine the CPI from Feb. 2009 – Feb. 2010 and Feb. 2010 – Feb. 2011 for a total adjustment of the annual rates of +3.8% (1.4% + 2.4%). This increase is associated with utility cost increases and maintaining program service levels.

The following tables outline the services provided by each level of service, the current annual rates and the proposed annual rates.

Table 1 reflects the annual rates for New Residential Development.

TABLE 1

NPDES Regulatory Rate for New Residential Development			
Service Level		**Current Maximum Annual Rate FY 2010/2011**	**Proposed Maximum Annual Rate FY 2011/2012 (rounded to the nearest whole dollar)**
LEVEL I	NPDES Administration and overhead.	$35.00/Parcel	$36.00/Parcel
LEVEL II	Water Quality Pond/Basin Maintenance.	$69.00/Parcel	$72.00/Parcel
LEVEL II-A	Sand Filter Maintenance.	$31.00/Parcel	$32.00/Parcel
LEVEL III	Water Quality Pond/Basin Remediation/Reconstruction.	$60.00/Parcel	$62.00/Parcel
LEVEL IV	Water Quality System Retrofit.	$138.00/Parcel	$143.00/Parcel

Table 2 reflects the annual rates for New Common Interest, Commercial, Industrial and Quasi-Public Use Development.

TABLE 2

NPDES Regulatory Rate for New Common Interest, Commercial, Industrial and Quasi-Public Use Development			
Service Level		**Current Maximum Annual Rate FY 2010/2011**	**Proposed Maximum Annual Rate FY 2011/2012 (rounded to the nearest whole dollar)**
LEVEL I	NPDES Administration and overhead.	$35.00/Parcel	$36.00/Parcel
LEVEL II	Storm water and non-storm water runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site storm water compliance site activities; review site-specific technical reports and treatment control BMP maintenance records.	$170.00/Parcel	$176.00/Parcel

ALTERNATIVES

1. Approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

2. Do not approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the

Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll." *By not conducting the Public Hearing and adopting the resolution, the County of Riverside ("County") may challenge our ability to place the NPDES rates on the County property tax bill.*

FISCAL IMPACT

Regulatory rate increases (including increases due to inflation) have been approved by the benefiting property owners through the mail ballot proceeding. The inflation factor is based on the percentage change in the Los Angeles-Riverside-Orange County CPI for the prior calendar year. For FY 2009/2010, the percentage change was +1.4%. For FY 2010/2011 the percentage change was +2.4%. Over the two year period the combined percentage change is +3.8%.

For Fiscal Year 2011/2012 the maximum annual regulatory rate per parcel for single-family residential development is $283 (includes Levels I, II, II-A and IV combined from Table 1). The Level III rate is levied when a water quality pond/basin is taken out of service for remediation/reconstruction thus replaces the Level II rate. Since the Level III rate is lower than the Level II rate the maximum rate for residential development cannot be greater than the summation of Levels I, II, II-A and IV. The maximum annual regulatory rate for new common interest, commercial, industrial and quasi-public use development is $212 (includes Levels I and II combined from Table 2).

Approving annual rates less than that proposed by staff may require a decrease in both the level and quality of service from that provided and approved by benefiting property owners in the previous year. The service level provided would be adjusted according to the approved funding level.

The NPDES Regulatory Rate levy collected from property owners supports current NPDES programs as identified herein. Funds collected from the NPDES Regulatory Rate levy are restricted for use only within the Storm Water Management Program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

The proposed "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" provides a revenue source to fund the federally mandated requirements of the NPDES Storm Water Management Program for these types of development.

Public Facilities and Capital Projects

The revenue collected from the proposed "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" will ensure that all site designs, source controls and treatment controls are properly implemented and maintained.

SUMMARY

The action before City Council is to conduct the Public Hearing, and to adopt the resolution authorizing and approving the levy of the annual NPDES regulatory rates, on certain benefiting properties within the City as submitted in the NPDES Special Levy Report. While state law, after adoption of Proposition 218, does not mandate public hearings to consider charges, rates or fees already in place, such hearings were required under state statutes before adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County collects the rates each year on the property tax bill. The County requires an annual resolution be approved to establish the authority to collect the annual NPDES rate on the tax bill. Approval of the resolution will satisfy the County requirement. The resolution also includes information on compliance with Proposition 218.

NOTIFICATION

- Publication of Agenda

- Newspaper advertising was published on May 4, 2011, with information about the May 24, 2011, Public Meeting and the June 14, 2011, Public Hearing. Additionally, the June 14, 2011, Public Hearing notification was published on May 19, 2011, and again on May 26, 2011.

ATTACHMENTS/EXHIBITS

Attachment "1" – Proposed Resolution

Prepared By
Phuong Hunter
Associate Environmental Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Kent Wegelin
Storm Water Program Manager

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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RESOLUTION NO. 2011-56

A RESOLUTION OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AND APPROVING THE LEVY OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT ON THE COUNTY OF RIVERSIDE PROPERTY TAX ROLL

WHEREAS, as part of the 1972 Federal Clean Water Act, the federal government mandated that public agencies comply with the NPDES program to obtain Permits to discharge storm water runoff into municipally owned drainage facilities; and,

WHEREAS, on January 29, 2010, the Santa Ana Regional Water Quality Control Board issued new requirements that cities must address, regarding the water pollution contained in storm water runoff to remain in compliance with federal mandates; and,

WHEREAS, the City Council introduced Ordinance No. 708, on January 10, 2006, to repeal and reenact Chapter 3.50 of Title 3 of the City of Moreno Valley Municipal Code by relating to the establishment and collection of the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development based on the approved NPDES regulatory rate and authorization of subsequent rate adjustments by resolution; and,

WHEREAS, Sections 5473 through 5473.8 of the California Health and Safety Code provides that such services may be funded, in whole or in part, by rates which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the City; and,

WHEREAS, the City Council, has determined, and hereby does determine, that it is in the interest of the City to have the NPDES regulatory rate on new residential, common interest, commercial, industrial, and quasi-public use development be so collected on the County of Riverside property tax roll; and,

WHEREAS, the City Council has determined that levying a regulatory rate against each assessable parcel of real property that is required to comply with the NPDES Permit program, as hereinafter established, is necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from these land uses; and,

WHEREAS, the City Council heretofore caused a report to be prepared that identified each parcel of real property, which is subject to the regulatory rate, and has caused notice of said report and of the public hearing thereon to be duly given; and,

WHEREAS, the City Council held a Public Hearing on June 14, 2011, at which time all persons wishing to be heard were heard, and at which hearing the City Council heard and considered all objections and protests, if any; and,

WHEREAS, on June 14, 2011, the City Council reviewed and considered the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development to fund the federally mandated NPDES program; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council shall authorize collection of the NPDES regulatory rate on the County of Riverside tax bill for federally mandated NPDES requirements to address the discharge of storm water runoff into municipally owned drainage facilities.

2. The maximum rate to be collected for fiscal year (FY) 2011/2012 shall be $283.00 per parcel for new residential development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.

3. The maximum rate to be collected for FY 2011/2012 shall be $212.00 per parcel for new common interest, commercial, industrial, and quasi-public-use development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.

4. The NPDES regulatory rate, as herein confirmed, shall be collected on the tax roll at the same time and by the same persons, and in the same manner as, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties, as provided for in Sections 5473 through 5473.8 of the California Health and Safety Code.

5. The City Council made a finding that collection of the NPDES regulatory rate is in compliance with Proposition 218.

6. The effective date of this Resolution shall be June 14, 2011.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2011-12

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. 2011-57 establishing the appropriations limit at $89,463,807 for the City of Moreno Valley for Fiscal Year 2011-12.

BACKGROUND

On November 6, 1979, California voters approved the Gann Spending Limitation Initiative (Proposition 4) establishing Article XIIIB of the State Constitution. Article XIIIB sets limits on the amount of tax revenues that the State and most local governments can appropriate within a given fiscal year. Its basic provisions are as follows:

- Each year, the State and local governments must adopt a resolution establishing an appropriations limit, also known as the "Gann Limit". Fiscal Year 1984-85 appropriations serve as the base for this limit, with adjustments being made annually to reflect increases in population, the cost of living, and financial responsibility transfers.

- Only tax proceeds are subject to the limit. Charges for services, regulatory fees, grants, loans, donations and other non-tax proceeds are not subject to the limit. Exemptions are also made for voter-approved debt, debt that existed prior to January 1, 1979, and for the cost of compliance with court or Federal government mandates.

- All tax revenues received in excess of the appropriations limit must be refunded to taxpayers within a two-year period.

- The voters may approve an increase in the appropriations limit. For the increase to remain in effect, however, it must be re-approved by voters at four-year intervals.

On June 5, 1990, California voters approved the Traffic Congestion Relief and Spending Limitation Act (Proposition 111), which made various amendments to Article XIIIB of the State Constitution. The major changes, which became effective July 1, 1990, are as follows:

- The change in the cost of living is defined to be either the change in California per capita personal income or the change in assessed valuation due to the addition of non-residential new construction. Previously, the change in the cost of living was defined as the lesser of the change in the U.S. Consumer Price Index or the change in California per capita personal income.

- The change in population is defined as either a change in the City's population or a change in the County's population, whichever is greater.

- "Qualified capital outlay projects" were added to the items exempted from the appropriations limit. Qualified capital outlay projects must have a useful life of ten or more years and a cost that equals or exceeds $100,000.

- Tax revenues received in excess of the appropriations limit must be refunded to taxpayers only if the limit is exceeded over a two-year period.

- The annual calculation of the appropriations limit must be reviewed as part of the City's annual financial audit.

DISCUSSION

The information used to calculate the City's Fiscal Year 2011-12 appropriations limit is presented in Exhibit A, Proceeds of Tax Calculation and Exhibit B, Appropriations (Gann) Limit Calculation. The City's appropriations limit for Fiscal Year 2009-10 was $84,193,306. The change factor allowed by Proposition 111 due to population and cost of living changes is 1.0626. This results in a Fiscal Year 2011-12 appropriations limit of $89,463,807.

As previously indicated, Proposition 111 provides several options for calculating increases in the appropriations limit. With respect to the change in population, the increase in County population was used since it was greater than the City's (+3.54% vs. +3.66%).

With respect to the change in the cost-of-living criterion, the change in California per capita personal income (+2.51%) was used, as the change in non-residential assessed valuation information is not yet available from the County.

The City's total projected revenue proceeds from the General Fund are $71,600,310. Of this amount, $54,120,708 is identified as coming from tax proceeds, while $17,479,602 is identified as coming from non-tax proceeds. Exhibit A provides a breakdown of budgeted revenues and their classification as tax proceeds or non-tax proceeds.

The Fiscal Year 2011-12 Preliminary Base Operating Budget contains appropriations subject to the limitation of $54,120,708. This amount is $35,343,099 below the City's legal appropriations limit of $89,463,807.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Adopt Resolution No. 2011-57 establishing the City's Fiscal Year 2011-12 appropriations limit at $89,463,807;

2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

There is no fiscal impact. The City is safely within its legal appropriations limit for Fiscal Year 2011-12.

CITY COUNCIL GOALS

None applicable

SUMMARY

Each year the City is required to adopt a resolution establishing a limit on its appropriations of tax proceeds. The Traffic Congestion Relief and Spending Limitation Act (Proposition 111), approved by the voters on June 5, 1990, changed some of the factors used in the calculation of this limit. For Fiscal Year 2011-12, the City's appropriations limit is calculated to be $89,463,807. The City's Preliminary Base Operating Budget contains appropriations subject to the limit totaling $54,120,708. Therefore, the portion of the Fiscal Year 2011-12 Preliminary Base Operating Budget subject to the limit is $35,343,099 less than the City's Fiscal Year 2011-12 appropriations limit.

NOTIFICATION

This agenda item on the Fiscal Year 2011-12 Appropriations ("Gann") Limit was properly noticed as a Public Hearing.

ATTACHMENTS/EXHIBITS

Attachment 1- Resolution No. 2011-57
Exhibit A - Proceeds of Tax Calculation
Exhibit B - Appropriations (Gann) Limit Calculation
Exhibit C - Summary of Annual Appropriation (Gann) Limits

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12

-

WHEREAS, Article XIIIB of the California Constitution and Section 7910 of the California Government Code require that each year the City of Moreno Valley shall by resolution, establish an appropriations limit for the City for the following fiscal year; and

WHEREAS, the City Council has received the Preliminary Base Operating Budget for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said budget contains the estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the City; and

WHEREAS, the City's Financial & Administrative Services Department has heretofore prepared and submitted data and documentation required for and to be used in the determination of certain matters and for the establishment of an appropriations limit for the City for Fiscal Year 2011-12 and such data and documentation has been available to the public for at least fifteen days prior to adoption of this Resolution; and

WHEREAS, the City Council has considered pertinent data and documentation and made such determinations as may be required by law, and has adopted this Resolution at a regularly scheduled meeting of the City Council; and

WHEREAS, the appropriations limit for the City of Moreno Valley for Fiscal Year 2011-12 is hereby established at $89,463,807, and the total annual appropriations subject to such limitation for Fiscal Year 2011-12 is estimated to be $54,120,708.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That $89,463,807 is hereby established as the appropriations limit for the City of Moreno Valley for Fiscal Year 2011-12.

2. The City Council hereby adopts the findings and methods of calculations set forth in Exhibit A, the Proceeds of Tax Calculation, Exhibit B, the Appropriations (Gann) Limit Calculation, and Exhibit C, the Summary of Annual Appropriation (Gann) Limits. To the extent permitted by applicable law, the City of Moreno Valley reserves the right to change or revise any gross factors associated with the calculation of the limit established pursuant to Article XIIIB of the California Constitution if such changes or revisions would result in a more advantageous appropriation limit in the present or future.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor of the County of Riverside.

4. Within fifteen days after the adoption of this Resolution, the City Clerk shall certify to the adoption thereof and, as so certified, cause a copy to be posted in at least three public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

EXHIBIT A

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMIT
PROCEEDS OF TAX CALCULATION
GENERAL FUND FY 11/12

REVENUE SOURCE	BUDGETED PROCEEDS OF TAX	BUDGETED NON-PROCEEDS OF TAX	TOTAL REVENUE
Taxes			
Property (1)	$ 22,086,000		$ 22,086,000
Sales (2)	10,949,760		10,949,760
Motor Vehicle In-Lieu	400,000		400,000
Business Gross Receipts	1,100,000		1,100,000
Utility Users	15,700,000		15,700,000
Other Taxes	1,025,000		1,025,000
Fees			
Franchise		5,030,000	5,030,000
Development Fees		2,832,750	2,832,750
Other Fees, Permits & Licenses		3,490,904	3,490,904
Fines & Forfeitures		1,000,000	1,000,000
Administrative Charges		2,270,000	2,270,000
Intergovernmental		247,000	247,000
Miscellaneous		1,685,396	1,685,396
Total	$ 51,260,760	$ 16,556,050	$ 67,816,810
% of Total	75.59	24.41	100.00
Allocation of Interest	2,859,948	923,552	3,783,500
Adjusted Total	$ 54,120,708	$ 17,479,602	$ 71,600,310

Revenues are based on FY 2011/12 Proposed Budget

Notes:
(1) Includes Property Tax In-Lieu of Vehicle License Fees In-Lieu
(2) Includes Property Tax In-Lieu of Sales Tax

EXHIBIT B

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMITS
LIMIT CALCULATION
GENERAL FUND FY 11/12

APPROPRIATIONS SUBJECT TO THE LIMIT			
FY 2011/12 Total Revenue *			$ 71,600,310
Less: Non-Proceeds of Tax			17,479,602
A) Total Appropriations Subject to the Limit			$ 54,120,708
APPROPRIATIONS LIMIT			
B) FY 2010/11 Appropriations Limit			$ 84,193,306
C) Change Factor **	% Increase	Factor	
Cost of Living Adjustment - CPI	2.51	1.0251	
Population Adjustment - PA	3.66	1.0366	
Change Factor (CPI x PA)		1.0626	
D) Increase in Appropriations Limit			5,270,501
E) FY 2011/12 Appropriations Limit (B x C)			$ 89,463,807
REMAINING APPROPRIATIONS CAPACITY			
(E - A)			$ 35,343,099
Remaining Capacity as a Percent of the FY 2011/12 Appropriations Limit			39.51

* Revenues based upon FY 2011/12 Proposed Budget

** State Department of Finance
Percent of Change in California Per Capita Income
Percent of Change in City of Moreno Valley Population

EXHIBIT C

CITY OF MORENO VALLEY
SUMMARY OF ANNUAL APPROPRIATION (GANN) LIMITS
GENERAL FUND AND COMMUNITY SERVICES DISTRICT

			GENERAL FUND			COMMUNITY SERVICES DISTRICT		
FISCAL YEAR	COST OF LIVING CHANGE	POPULATION CHANGE	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY
1984/85	-	-	$8,000,000	$1,489,525	$6,510,475	$1,000,000	$225,224	$774,776
1985/86	3.74%	-	$8,299,200	$5,801,524	$2,497,676	$1,037,400	$366,257	$671,143
1986/87	2.30%	13.34%	$10,739,623	$7,182,998	$3,556,625	$1,730,616	$571,404	$1,159,212
1987/88	3.40%	21.27%	$13,419,869	$8,186,487	$5,233,382	$2,162,519	$514,685	$1,647,834
1988/89	3.93%	13.98%	$15,897,098	$9,117,625	$6,779,473	$2,561,707	$595,770	$1,965,937
1989/90	4.98%	11.53%	$18,612,989	$10,193,243	$8,419,746	$2,999,354	$973,431	$2,025,923
1990/91	4.21%	12.34%	$21,790,136	$12,168,319	$9,621,817	$3,511,329	$1,447,368	$2,063,961
1991/92	4.14%	9.53%	$25,184,125	$12,702,824	$12,481,301	$4,058,248	$1,068,016	$2,990,232
1992/93	-0.64%	4.74%	$26,209,119	$21,751,950	$4,457,169	$4,223,419	$1,127,115	$3,096,304
1993/94	2.72%	3.69%	$27,915,333	$22,167,783	$5,747,550	$4,498,364	$1,090,166	$3,408,198
1994/95	0.71%	2.56%	$28,833,747	$22,191,470	$6,642,277	$4,646,360	$839,650	$3,806,710
1995/96	4.72%	2.66%	$30,999,161	$21,770,020	$9,229,141	$4,995,302	$1,018,520	$3,976,782
1996/97	4.67%	1.91%	$33,066,805	$22,117,750	$10,949,055	$5,328,489	$952,480	$4,376,009
1997/98	4.67%	0.19%	$34,677,158	$22,635,500	$12,041,658	$5,587,986	$952,480	$4,635,506
1998/99	4.15%	4.44%	$37,718,345	$23,919,000	$13,799,345	$6,078,052	$1,000,500	$5,077,552
1999/00	4.53%	2.29%	$40,328,454	$26,298,904	$14,029,550	$6,498,653	$1,796,366	$4,702,287
2000/01	4.91%	3.36%	$43,728,143	$27,701,784	$16,026,359	$7,046,489	$1,831,589	$5,214,900
2001/02	7.82%	5.68%	$49,823,846	$30,910,955	$18,912,891	$8,028,770	$2,074,425	$5,954,345
2002/03	-1.27%	3.88%	$51,099,336	$34,456,312	$16,643,024	$8,234,307	$2,244,708	$5,989,599
2003/04	2.31%	3.72%	$54,226,615	$37,805,936	$16,420,679	$8,738,247	$2,465,590	$6,272,657
2004/05	3.28%	4.17%	$58,342,415	$42,094,636	$16,247,779	$9,401,480	$2,727,571	$6,673,909
2005/06	5.26%	6.59%	$65,460,190	$48,100,800	$17,359,390	$10,548,461	$3,016,336	$7,532,125
2006/07	3.96%	5.59%	$71,855,651	$59,592,475	$12,263,176	$11,579,046	$3,987,532	$7,591,514
2007/08	4.42%	3.38%	$77,568,175	$72,653,027	$4,915,148	$12,499,580	$4,615,504	$7,884,076
2008/09	4.29%	2.79%	$83,153,084	$68,506,576	$14,646,508	$13,399,550	$4,685,689	$8,713,861
2009/10	0.62%	1.83%	$85,198,650	$56,124,960	$29,073,690	$13,729,179	$4,108,012	$9,621,167
2010/11	-2.54%	1.40%	$84,193,306	$50,777,288	$33,416,018	$13,567,175	$3,059,579	$10,507,596
2011/12	2.51%	3.66%	$89,463,807	$54,120,708	$35,343,099	$14,416,480	$3,146,478	$11,270,002

MV00106693

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board Members of the Moreno Valley Community Services District

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2011-12

RECOMMENDED ACTION

Staff recommends that the Board:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. CSD 2011-19 establishing the appropriations limit at $14,416,480 for the Moreno Valley Community Services District for Fiscal Year 2011-12.

BACKGROUND

On November 6, 1979, California voters approved the Gann Spending Limitation Initiative (Proposition 4) establishing Article XIIIB of the State Constitution. Article XIIIB sets limits on the amount of tax revenues that the State and most local governments can appropriate within a given fiscal year. Its basic provisions are as follows:

- Each year, the State and local governments must adopt a resolution establishing an appropriations limit, also known as the "Gann Limit". Fiscal Year 1984-85

appropriations serve as the base for this limit, with adjustments being made annually to reflect increases in population, the cost of living, and financial responsibility transfers.

- Only tax proceeds are subject to the limit. Charges for services, regulatory fees, grants, loans, donations and other non-tax proceeds are not subject to the limit. Exemptions are also made for voter-approved debt, debt that existed prior to January 1, 1979, and for the cost of compliance with court or Federal government mandates.

- All tax revenues received in excess of the appropriations limit must be refunded to taxpayers within a two-year period.

- The voters may approve an increase in the appropriations limit. For the increase to remain in effect, however, it must be re-approved by voters at four-year intervals.

On June 5, 1990, California voters approved the Traffic Congestion Relief and Spending Limitation Act (Proposition 111), which made various amendments to Article XIIIB of the State Constitution. The major changes, which became effective July 1, 1990, are as follows:

- The change in the cost of living is defined to be either the change in California per capita personal income or the change in assessed valuation due to the addition of non-residential new construction. Previously, the change in the cost of living was defined as the lesser of the change in the U.S. Consumer Price Index or the change in California per capita personal income.

- The change in population is defined as either a change in the City's population or a change in the County's population, whichever is greater.

- "Qualified capital outlay projects" were added to the items exempted from the appropriations limit. Qualified capital outlay projects must have a useful life of ten or more years and a cost that equals or exceeds $100,000.

- Tax revenues received in excess of the appropriations limit must be refunded to taxpayers only if the limit is exceeded over a two-year period.

- The annual calculation of the appropriations limit must be reviewed as part of the City's annual financial audit.

DISCUSSION

The information used to calculate the Fiscal Year 2011-12 appropriations limit for the Moreno Valley Community Services District (District) is presented in Exhibit A, Proceeds

of Tax Calculation and Exhibit B, Appropriations (Gann) Limit Calculation. The District's appropriations limit for Fiscal Year 2010-11 was $13,567,175. The change factor allowed by Proposition 111 due to population and cost of living changes is 1.0626. This results in a Fiscal Year 2011-12 appropriations limit of $14,416,480.

As previously indicated, Proposition 111 provides several options for calculating increases in the appropriations limit. With respect to the change in population, the increase in County population was used since it was greater than the City's (+3.54% vs. +3.66%).

With respect to the change in the cost-of-living criterion, the change in California per capita personal income (+2.51%) was used, as the change in non-residential assessed valuation information is not yet available from the County.

The total projected revenue proceeds from the District are $16,236,807. Of this amount, $3,146,478 is identified as coming from tax proceeds, while $13,090,329 is identified as coming from non-tax proceeds. Exhibit A provides a breakdown of budgeted revenues and their classification as tax proceeds or non-tax proceeds.

The Fiscal Year 2011-12 Preliminary Base Operating Budget contains appropriations subject to the limitation of $3,146,478. This amount is $11,270,002 below the District's legal appropriations limit of $14,416,480.

ALTERNATIVES

The following alternatives are available to the Board:

1. Adopt Resolution No. CSD 2011-19 establishing the District's Fiscal Year 2011-12 appropriations limit at $14,416,480.

2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

There is no fiscal impact. The District is safely within its legal appropriations limit for Fiscal Year 2011-12.

CITY COUNCIL GOALS

None applicable

SUMMARY

Each year the Moreno Valley Community Services District (District) is required to adopt a resolution establishing a limit on its appropriations of tax proceeds. The Traffic Congestion Relief and Spending Limitation Act (Proposition 111), approved by the voters on June 5, 1990, changed some of the factors used in the calculation of this limit. For Fiscal Year 2011-12, the District's appropriations limit is calculated to be $14,416,480. The District's Preliminary Base Operating Budget contains appropriations subject to the limit totaling $3,146,478. Therefore, the portion of the Fiscal Year 2011-12 Preliminary Base Operating Budget subject to the limit is $11,270,002 less than the District's Fiscal Year 2011-12 appropriations limit.

NOTIFICATION

This agenda item on the Fiscal Year 2011-12 Appropriations ("Gann") Limit was properly noticed as a Public Hearing.

ATTACHMENTS/EXHIBITS

Attachment 1- Resolution No. CSD 2011-19
Exhibit A - Proceeds of Tax Calculation
Exhibit B – Appropriations (Gann) Limit Calculation
Exhibit C - Summary of Annual Appropriation (Gann) Limits

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. CSD 2011-19

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12

WHEREAS, Article XIIIB of the California Constitution and Section 7910 of the California Government Code require that each year the Moreno Valley Community Services District (District) shall by resolution, establish an appropriations limit for the District for the following fiscal year; and

WHEREAS, the City Council, acting in its capacity as the Board of Directors of the District, has received the Preliminary Base Operating Budget for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said budget contains the estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the District; and

WHEREAS, the District's Financial & Administrative Services Department has heretofore prepared and submitted data and documentation required for and to be used in the determination of certain matters and for the establishment of an appropriations limit for the District for Fiscal Year 2011-12 and such data and documentation has been available to the public for at least fifteen days prior to adoption of this Resolution; and

WHEREAS, the City Council, acting in its capacity as the Board of Directors of the District, has considered pertinent data and documentation and made such determinations as may be required by law, and has adopted this Resolution at a regularly scheduled meeting of the Board of Directors of the District; and

WHEREAS, the appropriations limit for the Moreno Valley Community Services District for Fiscal Year 2011-12 is hereby established at $14,416,480, and the total annual appropriations subject to such limitation for Fiscal Year 2011-12 is estimated to be $3,146,478.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. That $14,416,480 is hereby established as the appropriations limit for the Moreno Valley Community Services District for Fiscal Year 2011-12.

2. The District's Board of Directors hereby adopts the findings and methods of calculations set forth in Exhibit A, the Proceeds of Tax Calculation, Exhibit B, the Appropriation (Gann) Limit Calculation, and Exhibit C, the Summary of Annual Appropriation (Gann) Limits. To the extent permitted by applicable law, the

District reserves the right to change or revise any gross factors associated with the calculation of the limit established pursuant to Article XIIIB of the California Constitution if such changes or revisions would result in a more advantageous appropriations limit in the present or future.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk, acting in the capacity of Secretary of the Moreno Valley Community Services District, shall file a copy of this Resolution with the Auditor of the County of Riverside.

4. Within fifteen days after the adoption of this Resolution, the City Clerk, acting in the capacity of Secretary of the Moreno Valley Community Services District, shall certify to the adoption thereof and, as so certified, cause a copy to be posted in at least three public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

EXHIBIT A

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMIT
PROCEEDS OF TAX CALCULATION
COMMUNITY SERVICES DISTRICT FY 11/12

REVENUE SOURCE	BUDGETED PROCEEDS OF TAX	BUDGETED NON-PROCEEDS OF TAX	TOTAL REVENUE
Taxes			
Zone A - Parks & Recreation	$ 1,695,100		$ 1,695,100
Zone B - Residential Lights	94,200		94,200
Zone C - Arterial Lights	97,800		97,800
Zone L - Library Services	1,244,800		1,244,800
Fees			
Zone A - Parks & Recreation		5,734,800	5,734,800
Zone B - Residential Lights		933,352	933,352
Zone C - Arterial Lights		431,186	431,186
Zone D - Standard Landscaping		1,138,180	1,138,180
Zone E - Extensive Landscaping		2,444,438	2,444,438
Zone L - Library Services		73,600	73,600
Zone M - Median Fund		182,031	182,031
Miscellaneous			
Zone A - Parks & Recreation		495,600	495,600
Zone E - Extensive Landscaping		3,800	3,800
Transfers In			
Zone A - Parks & Recreation		307,500	307,500
Zone B - Residential Lights		675,000	675,000
Zone L - Library Services		506,800	506,800
Zone M - Median Fund		103,400	103,400
Total	$ 3,131,900	$ 13,029,687	$ 16,161,587
% of Total	19.38	80.62	100.00
Allocation of Interest *	14,578	60,642	75,220
Adjusted Total	$ 3,146,478	$ 13,090,329	$ 16,236,807

Interest consists of the following:
Zone A - $0
Zone B - $0
Zone C - $4,500
Zone D - $720
Zone E - $70,000
Zone L - $0
Zone M - $0

Revenues are based upon FY 2011/12 Proposed Budget

EXHIBIT B

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMITS
LIMIT CALCULATION
COMMUNITY SERVICES DISTRICT FY 11/12

APPROPRIATIONS SUBJECT TO THE LIMIT			
FY 2011/12 Total Revenue *			$ 16,236,807
Less: Non-Proceeds of Tax			13,090,329
A) Total Appropriations Subject to the Limit			$ 3,146,478
APPROPRIATIONS LIMIT			
B) FY 2010/11 Appropriations Limit			13,567,175
C) Change Factor **	% Increase	Factor	
Cost of Living Adjustment - CPI	2.51	1.0251	
Population Adjustment - PA	3.66	1.0366	
Change Factor (CPI x PA)		1.0626	
D) Increase in Appropriations Limit			849,305
E) FY 2011/12 Appropriations Limit (B x C)			$ 14,416,480
REMAINING APPROPRIATIONS CAPACITY (E - A)			$ 11,270,002
Remaining Capacity as a Percent of the FY 2011/12 Appropriations Limit			78.17

* Revenues based upon FY 2011/12 Proposed Budget

** State Department of Finance
Percent of Change in California Per Capita Income
Percent of Change in City of Moreno Valley Population

EXHIBIT C

CITY OF MORENO VALLEY
SUMMARY OF ANNUAL APPROPRIATION (GANN) LIMITS
GENERAL FUND AND COMMUNITY SERVICES DISTRICT

			GENERAL FUND			COMMUNITY SERVICES DISTRICT		
FISCAL YEAR	COST OF LIVING CHANGE	POPULATION CHANGE	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY
1984/85	-	-	$8,000,000	$1,489,525	$6,510,475	$1,000,000	$225,224	$774,776
1985/86	3.74%	-	$8,299,200	$5,801,524	$2,497,676	$1,037,400	$366,257	$671,143
1986/87	2.30%	13.34%	$10,739,623	$7,182,998	$3,556,625	$1,730,616	$571,404	$1,159,212
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2008/09	4.29%	2.79%	$83,153,084	$68,506,576	$14,646,508	$13,399,550	$4,685,689	$8,713,861
2009/10	0.62%	1.83%	$85,198,650	$56,124,960	$29,073,690	$13,729,179	$4,108,012	$9,621,167
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2011/12	2.51%	3.66%	$89,463,807	$54,120,708	$35,343,099	$14,416,480	$3,146,478	$11,270,002

MV00106703

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: June 14, 2011

TITLE: A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA10-0035) TO IMPLEMENT NEW DESIGN STANDARDS TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. RECOGNIZE that PA10-0035 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and

2. Introduce Ordinance No 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4)

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, at its May 12, 2011, meeting approved Planning Commission Resolution 2011-11, recommending by a 6-0 vote that the City Council recognize that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section15061 (Minor Alterations in Land Use Limitation) as defined by Section 15378.

During the Planning Commission Hearing, the Commission voted to approve the item with no questions or discussion.

BACKGROUND

The proposed changes are required to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit covering The City of Moreno Valley. Compliance is required by July 29, 2011. The MS4 permit requires that the City promote green infrastructure/Low Impact Development (LID) techniques for all new and redevelopment projects. The City is currently regulated under the 2002 NPDES MS4 permit which is now expired and has been superseded by the new 2010 NPDES MS4 permit, effective January 29, 2010.

Low Impact Development (LID) is used to describe the land planning and engineering design approach to managing stormwater runoff by reducing and/or retaining runoff. LID emphasizes conservation and the use of on-site natural features to protect water quality. Various design techniques including the use of permeable surfaces, increased landscape areas, and limited hardscape areas help to promote on-site water retention and infiltration to clean the water of contaminants prior to the water being discharged form the site into storm drains and flood control channels. Hardscape areas increase the runoff and the amount of water that needs to be cleaned for water quality purposes.

DISCUSSION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.03 Residential Development, 9.08, Grading 9.11, Parking, Pedestrian and Loading Requirements, 9.16, Design Guidelines, and 9.17 Landscape Requirements providing new design standards promoting green infrastructure/low impact development (LID) techniques. The proposed site design requirements and preferences are intended to reduce the runoff and the costs associated with cleaning runoff. Additionally, all projects are required to include "Best Management Practices" (BMPs) which provide measures designed to prevent or reduce the discharge of pollutants directly or indirectly into regulated waters of the United States.

The following are the proposed changes to the Municipal Code, Title 9 for Planning and Zoning.

9.03.040 Residential Development

CURRENT STANDARDS	PROPOSED CHANGES
Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of	Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of

private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials except for necessary walks and fences.	private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with permeable surfaces where feasible to reduce run off.
6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.	6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community & Economic Development Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.	Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.
Section G 12. Trash enclosures shall be designed to be compatible with the project's	Section G 12. Trash enclosures shall include solid roofs and be designed to be

architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.	compatible with the project's architecture.

9.08.080 Grading

CURRENT STANDARDS	PROPOSED CHANGES
Section A. Lots slope toward, rather than away from the street; unless otherwise approved by the city engineer.	Section A. Lots slope to landscape areas or permeable surfaces unless otherwise approved by the city engineer;

9.11 Parking, Pedestrian and Loading Requirements

9.11.010 Purpose and intent.

CURRENT	PROPOSED
Section E. Implement general plan circulation and energy conservation policies (Ord. 359 (part), 1992)	Section E. Implement general plan circulation and energy conservation policies; and ~~(Ord. 359 (part), 1992)~~
New	Section F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.

9.11.040 Off-street parking requirements

CURRENT	PROPOSED
Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the minimum off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-	Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-

public uses	public uses. Parking provided above the amount of required off-street parking must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas;
911.040 A-12 Table The table states the minimum requirement for parking based on the use.	The table will state the "required" parking based on the use.

9.11.060 Off-street bicycle parking requirements

CURRENT	PROPOSED
Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition	Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.

9.11.080 Design standards.

CURRENT	PROPOSED
New	25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Permeable surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.
Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be a minimum of nine feet in width eighteen (18) feet in depth (see Figure 9.11.080-5).	Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine (9) feet in width and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved ~~in~~ depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be

	included in the required landscape setback). (see Figure 9.11.080-5).
~~Figure 9.11.080-5~~	Figure 9.11.080-5 modified to reflect 16 feet Nonparallel Parking Spaces
~~Figure 9.11.080-6~~	Figure 9.11.080-6 Parking Space Striping Requirements modified to reflect both 16 feet and 18 feet in depth parking spaces labeled as 911.080-6A and 9.11.080-6B
Section C 1. Drainage. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.	Section C 1. Drainage. Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.
Figure 9.11.080-6	Figure 9.11.080-6, Parking Space Striping Requirements-- modified to reflect parking space dimension requirements.
Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer.	Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. Every effort should be made to use permeable surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.

9.11.100 Circulation-Pedestrian

CURRENT	PROPOSED
Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation.	Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. The use of permeable paving surfaces is recommended where feasible.

9.16 Design Guidelines

9.16.010 Introduction and scope of guidelines.

CURRENT	PROPOSED
~~Section A.~~ ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commissions and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~	Section A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

9.16.110 Objectives, generally.

CURRENT	PROPOSED
Section C. 6. Providing for conservation of	Section C. 6. Providing for conservation of

natural resources through building orientation, site amenities and architectural treatment,	natural resources through building orientation, site amenities and architectural treatment, including water quality features integrated into the site design such as water retention and absorption areas and the use of permeable surfaces to reduce water run off;
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape requirements. ~~guidelines as adopted by Ordinance No. 247.~~

9.16.120 General guidelines.

CURRENT	PROPOSED
Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view.	Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. Roof drains shall be integrated into the building design for aesthetics and shall convey water to landscape areas for water quality.
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape requirements. ~~guidelines as adopted by Ordinance No. 247.~~

9.16.130 Single-family residential.

CURRENT	PROPOSED
Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for	Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for

storage/yard access.	storage/yard access. Permeable surfaces are required for such areas within required setbacks.
11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.	11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. Permeable surfaces are recommended where feasible.

9.16.140 Multifamily residential shall be deleted in its entirety.

The multifamily residential design guidelines were incorporated into section 9.03.040 of the Municipal Code which was approved September 22, 2009.

9.16.150 Commercial (retail, office, mixed use).

CURRENT	PROPOSED
Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be located inside the exterior walls of a structure.	Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run off.

9.16.160 Business park/industrial.

CURRENT	PROPOSED
Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided (Ord. 359 (Attach. 2 (part)), 1992)	Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided. Permeable surfaces are recommended where feasible. (Ord.

	359 (Attach. 2 (part)), 1992)

9.16.220 Roadway Circulation.

CURRENT	PROPOSED
Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)	Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays (including pervious paving where feasible) are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)

9.16.235 Hillside Development.

CURRENT	PROPOSED
Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.	Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. Permeable surfaces are recommended where feasible.

9.17 Landscape and Water Efficiency Requirements

9.17.050 Parking and drive-through landscape areas.

CURRENT	PROPOSED
Opening paragraph. Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and	Opening paragraph. Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces, and to enhance

ambient temperatures through the use of canopy trees. The following standards apply:	the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:
3. Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director. Openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality.	3. Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.

9.17.070 Single family residential development.

CURRENT	PROPOSED
6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.	6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

917.080 Multifamily residential development.

CURRENT	PROPOSED
Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of	Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of

plant materials, except for necessary walks and fences/walls.	plant materials, except for necessary walks and fences/walls. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.

9.17.090 Commercial, industrial, public and quasi-public development.

CURRENT	PROPOSED
Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.	Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the use of permeable surface areas that reduce water run off. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

917.110 Erosion control/slope planting.

CURRENT	PROPOSED
5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability.	5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.

917.150 Water efficiency requirements.

CURRENT	PROPOSED
New	11. Direct all runoff from roofs and hardscape areas to landscaping areas.

New	12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

ALTERNATIVES

1. Approve the proposal as submitted.
2. Approve the proposal with modifications to address City Council concerns.
3. Refer the proposal back to the Planning Commission.
4. Deny the proposal.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

The proposed amendments to the City of Moreno Valley Municipal Code would provide a comprehensive document promoting green infrastructure/Low Impact Development (LID) techniques for all projects to reduce on-site water retention and infiltration to clean the water of contaminants prior to the water being discharged form the site into storm drains and flood control channels, in compliance with the adopted 2010 NPDES MS4 permit covering the City.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on June 3, 2011.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Ordinance for Municipal Code Amendment
3. Municipal Code Revisions for Title 9 w/strike out and additions underlined/bolded in blue.
4. Landscape Standards pages with additions bolded in blue.
5. Planning Commission Staff Report dated May 12, 2011
6. Planning Commission Minutes for May 12, 2011

Prepared By:
Julia Descoteaux
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

NOTICE OF CITY COUNCIL PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT TO THE MUNICIPAL CODE PROVISIONS TO IMPLEMENT NEW DESIGN STANDARDS PROMOTING GREEN INFRASTRUCTURE/LID TECHNIQUES TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT WHICH IS DESIGNED TO MINIMIZE IMPACTS FROM NEW DEVELOPMENT AS WELL AS REDEVELOPMENT PROJECTS DISCHARGING URBAN WATERS TO WATERS OF THE U.S. THE RESIDENTIAL DEVELOPMENT, GRADING, PARKING, PEDESTRIAN AND LOADING REQUIREMENTS, DESIGN GUIDELINES, AND LANDSCAPE REQUIREMENTS SECTIONS HAVE BEEN REVISED.

The proposed amendment (PA10-0035) would change the various Moreno Valley Municipal Code provisions to minimize the impacts and convey surface drainage into landscape areas for water quality, retention and absorption.

The Municipal Code Amendment (PA10-0035) proposes changes to the following sections:

- 9.03 Residential Development
- 9.08 Grading
- 9.11 Parking, Pedestrian and Loading Requirements
- 9.16 Design Guidelines
- 9.17 Landscape Requirements and Landscape Standards

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. The amendment is proposed to be exempt under California Environmental Quality Act Guidelines Section 15061 as defined by Section 15378.

Any person interested in the proposed project may contact Julia Descoteaux, Associate Planner at (951) 413-3209 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday) or may telephone (951) 413-3206 for further information.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

Tuesday, June 14, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

ATTACHMENT 1

ORDINANCE NO. 826

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. FINDINGS:

1.1 All prior enactments of the City, which are in conflict with the Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 2 FINDINGS:

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on June14, 2011, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

   FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment provides an update to the existing code to ensure compliance with the new National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit which was effective January 29, 2010, with compliance by July 29, 2011. The updates include sections pertaining to residential development, grading, parking pedestrian and loading requirements, design guidelines and the landscape requirements.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

   FACT: The proposed changes do not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Intent of Zoning Regulations – The proposed amendment is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

3.2 Section 9.03.040 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended with the following:

"9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac × 0.10 du/ac plus 5 ac × 0.20 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**

Lot Size	Standards
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The Community & Economic Development Director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac × 0.25 du/ac plus 5 ac × 0.10 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes

as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	**Standards**
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.

Slope Class	Standards
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.

1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

2. a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.

b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.

3. Slope Mapping Method.

a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.

b. In preparing a slope map, those portions of ravines, ridges and terraces of less

area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.

D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with

the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.

Figure 9.03.040-1
Residential Lot Information

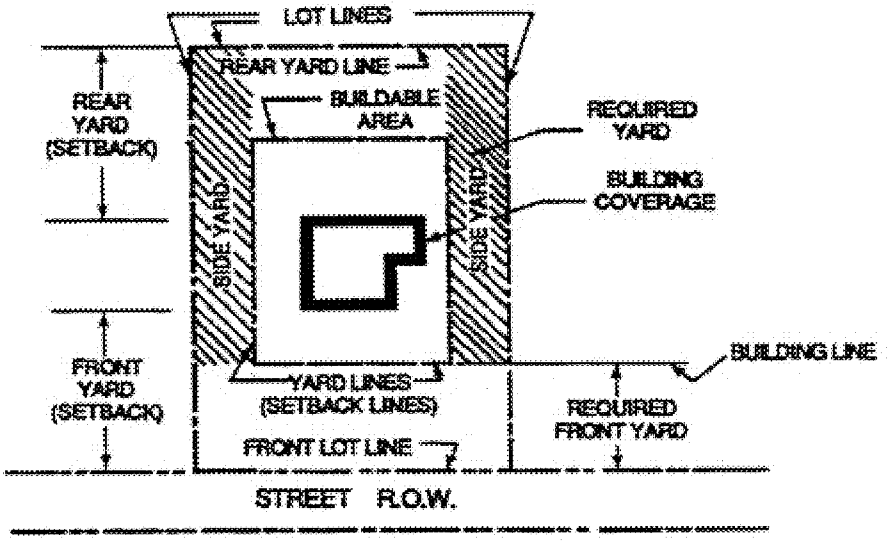

Figure 9.03.040-2
Residential Yard Descriptions

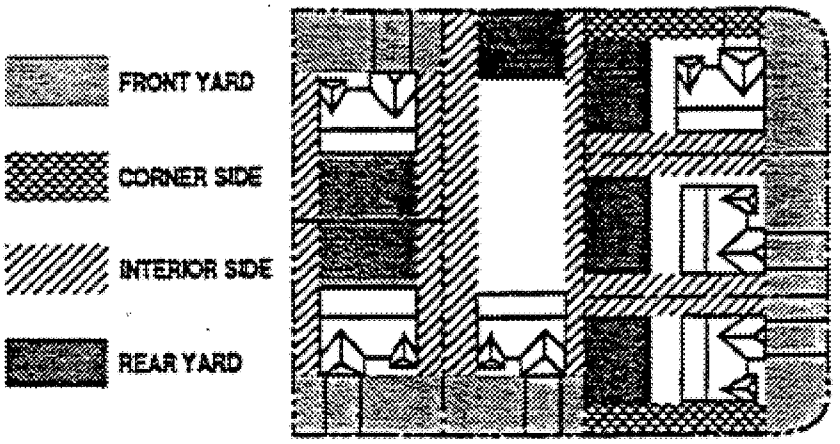

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	**R1**	**R2**	**RA2**	**R3**	**R5**	**RS10**
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable					10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%

Requirement	R1	R2	RA2	R3	R5	RS10
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040.6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.

3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.

Table 9.03.040-7

Residential Site Development Standards

Multifamily Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in feet	200	200	200	200
4. Minimum lot depth in feet	175	175	175	175
5. Minimum front yard setback, in feet	20	25	30	30
6. Minimum side yard setback, in feet Interior side yard Street side yard	 10 20	 10 20	 10 20	 10 feet plus 2 feet for every 5 feet in height over 30 feet 20
Requirement	**R10**	**R15**	**R20**	**R30**
7. Minimum rear yard setback, in ft.	15	20	25	10 feet plus 2 for every 5 feet in height over 30 feet
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in feet	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

Note to Residential Site Development Standards Table 9.03.040-7.

1. Minimum dwelling sizes in multiple-family projects shall be as follows:

a. One bedroom: four hundred fifty (450) square feet;

b. Two bedroom: eight hundred (800) square feet;

c. Three bedroom: one thousand (1,000) square feet.

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community & Economic Development Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.

10. Individual units should have a porch or porch-like space at the front door.

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.

14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access (senior housing projects);

g. Parking close to units;

h. Elevators (senior housing projects).

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. (Ord. 808 §§ 2.2—2.2.3, 2010; Ord. 797 §§ 2.4, 2.4.2—4, 2009; Ord. 773 § 3, 2008; Ord. 757 §§ 2.7, 2.72, 2008; Ord. 757

§§ 2.7, 2.7.2, 2008; Ord. 726 § 4.3, 2006; Ord. 698 § 3.1(c), 2005; Ord. 694 § 1.1 (part), 2005; Ord. 616 §§ 2.2.1, 2.2.2, 2003; Ord. 604 § 2.3, 2002; Ord. 520 § 1.9, 1997; Ord. 475 § 1.4, (part), 1995; Ord. 468 §§ 1.4, 1.5, 1995; Ord. 461 § 1.1, 1995; Ord. 386 § 1.13, 1993; Ord. 359 (part), 1992)"

3.3 Section 9.08.080 Grading of Chapter 9 of the City of Moreno Valley Municipal Code is herby amended to read as follows:

"9.08.080 Grading.

Whenever a development approval is given for a project requiring grading, or other preparation of the soil, the city may impose

conditions of the approval of the development relating to grading. Such conditions are considered in issuance of any future grading permit and are complied with in addition to the other provisions of the building code. Such conditions may require, but are not limited to, the following:

A. Lots slope to landscape areas or pervious surfaces unless otherwise approved by the City Engineer;

B. An erosion control plan, prepared by a registered civil engineer, is submitted to and approved by the public works department prior to grading plan approval. The plan addresses methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;

C. Dust control measures are identified;

D. Cut and fill slopes are not constructed steeper than two to one (2:1);

E. All cut or fill slopes over three feet in depth are landscaped prior to the issuance of a certificate of occupancy or building final, and as soon as practicable after completion of final grading;

F. Slopes are designed to minimize scaring of the land by terracing, reducing slope gradients, adding topsoil, building retaining walls, special slope planting or other means. Man-made slopes conform to patterns of the natural terrain. "Landforming" is applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height, and accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping;

G. All dwelling units are located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the public works director and the community development director;

H. Crib walls, or an equivalent, are used to enhance a cut slope's capability to be landscaped and irrigated;

I. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings are protected to the greatest extent feasible in the siting of individual lots and building pads. These features are identified on the grading plan with appropriate protection and relocation notes;

J. The quantity of soil import and export may be limited. Albeit, all excess excavated material is removed or otherwise relocated to become an integral part of the site development;

K. Streets permitting trucks or equipment travel are designated;

L. Hours of operation are limited;

M. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in accordance with the provisions of the project approval. (Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.11, 2003: Ord. 359 (part), 1992)"

3.4 Section 9.11 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

"**9.11.010 Purpose and intent.**

The purpose of this chapter is to ensure the adequate provision of parking, loading and bicycle facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking, loading and bicycle facilities, it is the intent of this chapter to:

A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;

B. Ensure the maneuverability of emergency and service vehicles;

C. Provide safe, accessible, convenient, attractive and well-maintained off-street parking areas;

D. Protect residential neighborhoods from the adverse effects of vehicular noise and traffic by uses in adjacent nonresidential districts; and

E. Implement general plan circulation and energy conservation policies; and

F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters."

"**9.11.040 Off-street parking requirements.**

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

Table 9.11.040A-12

Off-Street Parking Requirements

Use	Requirement	Covered Parking	Notes
Residential Uses			
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units Studio 1 bedroom 2 bedrooms 3+ bedrooms	 1.25/unit 1.5/unit 2.0/unit 2.5/unit	 1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing			
Studio 1 bedroom 2+ bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.

Use	Requirement	Covered Parking	Notes
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

Table 9.11.040B-12
Off-Street Parking Requirements

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public.
		2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like)
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	

Commercial Uses	Requirement	Notes
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	

Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	

Commercial Uses	Requirement	Notes
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

Table 9.11.040D-12

Off-Street Parking Requirements

Use	Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

Number of Automobile Spaces Provided	Number of Accessible Spaces Provided
1—25	1
26—50	2
51—75	3

Number of Automobile Spaces Provided	Number of Accessible Spaces Provided
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)"

"**9.11.060 Off-street bicycle parking requirements.**

A. Type of Facilities.

1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.

2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.

3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.

B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobilehome parks and model home complexes are exempt from this section.

C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.

D. General Requirements.

1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.

2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.

3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.

4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.

5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from damage by cars. (Ord. 670 § 3.1 (part), 2004; Ord. 557 § 2.4, 2000: Ord. 406 § 1.3, 1993; Ord. 359 (part), 1992)"

"**9.11.070 Adjustments to off-street parking requirements.**

Adjustments to off-street parking for uses included in this chapter may be granted if, in the opinion of the Community & Economic Development Director, the proposed modification to the required number of parking or loading spaces is warranted. Requests for parking adjustments shall be reviewed and approved by the community development director based on the following requirements:

A. Parking Studies. The number of spaces required by this chapter, as noted in Section 9.11.040(A) of this chapter, for provisions of off-street parking and loading spaces may be adjusted by the approval authority if it is demonstrated by a parking study, prepared by a registered traffic engineer or qualified parking study consultant, that the proposed use would have a parking or loading space demand other than the requirements of this chapter.

B. Shared Parking.

1. Shared parking is encouraged to avoid the creation of unused parking spaces and their potential harmful effects such as increased construction and maintenance costs, heat and glare, and water run off requiring treatment of pollutants. A reduction in minimum parking requirements for individual uses may be granted by the Community & Economic Development Director where joint use of parking facilities or other factors will mitigate peak parking demand.

2. Requests for parking reductions resulting from joint usage shall be supported by information prepared by a registered traffic engineer. The investigation used to generate the required information shall generally follow the format described below.

Shared parking requests shall be analyzed as follows:

a. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will also consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. Adjustments for peak parking factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of Section 9.11.040 of this chapter. Other elements to be considered include seasonal adjustment for parking demand and a determination of the mode of transit used in reaching or departing the area being considered;

c. Analysis of hourly accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day; and

d. Estimate of shared parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. Up to fifty (50) percent of the parking facilities required by this chapter may be utilized as shared parking facilities subject to the requirements of this section. Except that, a church or an auditorium which is part of a public or private school may adjust the required parking by up to one hundred (100) percent of the parking facilities required by this chapter.

4. In granting parking reductions for shared use of parking facilities, the approval authority shall make one or more of the following findings:

a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;

b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities;

c. The traffic engineering report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple-trip purposes to the area in question.

5. As a condition of approval to the granting of a reduction in required parking, the city may require the granting of reciprocal access and parking agreements with surrounding properties.

C. Transportation Management Plans.

1. The number of required parking spaces may be decreased by up to twenty (20) percent of the required employee parking subject to the approval of a transportation management plan supplied by the applicant. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.

2. In evaluating the request, the approval authority shall consider, among other factors:

a. Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs;

b. Proximity to public transportation facilities which could be reasonably expected to serve a significant portion of employees or customers;

c. Evidence of the likelihood that employees or customers will utilize regular transportation alternatives to individual use of automobiles, including transportation management plans prepared pursuant to South Coast Air Quality Management District Rule XV.

D. Off-Site Parking Facilities. Required parking for a development may be provided off the site in certain instances. Requests for off-site parking facilities shall meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the approval authority shall consider the following:

a. Proximity of the off-site parking facilities;

b. Ease of pedestrian access to the off-site parking facility;

c. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and

d. The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.

2. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign and record a reciprocal parking agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve. (Ord. 694 § 1.1 (part), 2005; Ord. 557 § 2.5, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 359 (part), 1992)"

"**9.11.080 Design standards.**

A. General Parking Design Standards.

1. Parking lot design shall take into consideration the appropriate integration of commercial uses. Parking facilities shall be designed to eliminate obstacles to

pedestrian movement, consider spatial relationships between commercial uses and associated parking, and where appropriate, parking design will dictate the types of uses that may feasibly be established to ensure that adequate parking is available within a reasonable distance to the use it serves.

2. Special plazas, motor courts or turnarounds are encouraged to identify entrance areas.

3. Project access and circulation shall allow for both vehicles and pedestrians by separating autos and foot traffic, by creating pedestrian entrances to projects and by using enhanced paving treatments, bollards or pergolas to identify pedestrian pathways through parking areas and along buildings.

4. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points should be consolidated to take advantage of planned or existing median breaks.

5. The city may require reciprocal parking and access agreements between individual and adjacent commercial parcels.

6. To discourage excessive speeds within parking areas, the maximum length of straight aisles shall not exceed three hundred (300) feet unless otherwise approved by the community development director.

7. Parking rows shall not be longer than one hundred eighty (180) feet, allowing for easier movement within the parking lot and preventing long queues within aisles unless otherwise approved by the community development director.

8. Drive aisles should make a loop around the structures and avoid dead end parking. In the case of straight drive aisles, provide at least ten (10) feet of setback between the last parking stall and the property line.

9. Parking areas shall be screened from streets through a combination of mounded landscaping, low profile walls and/or grading separations.

10. Parking areas shall not be used for loading or unloading.

11. Internal roadways should be designed so that direct access is available to all structures visible from a particular parking area.

12. Parking areas should use sound walls, screen walls and landscaping to minimize auto noise, glare and increased ambient temperature.

13. Landscaping, signs and walls shall be limited to thirty-six (36) inches in height, measured from top of curb within twenty-five (25) feet of any driveway entrance to protect visibility. Any trees located in these areas shall have trunks not exceeding eight inches in diameter and shall have a minimum branching height of six feet.

14. Trash enclosures shall not impair visibility.

15. Auto headlights in parking areas shall be screened so that they do not shine into adjacent properties or public rights-of-way.

16. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.

17. Driveways shall be designed so entering vehicles do not interfere with the existing vehicles. Main driveways shall employ entry medians whenever possible.

18. The first parking stall perpendicular to a driveway or first aisle juncture shall be at least sixty (60) feet back from the property line, providing sufficient queuing for exiting vehicles unless otherwise approved by the city engineer.

19. In commercial developments, parking aisles should be oriented perpendicular to the major tenant's front entrance, to facilitate pedestrian movement.

20. Dead-end parking aisles which exceed eight standard parking stalls in length, and serving greater than sixteen (16) standard stalls for dual lanes, shall provide turnaround facilities (i.e., hammerhead, cul-de-sac, etc.) adequate to accommodate emergency vehicles.

21. Consideration shall be given to service vehicles (i.e., tractor trailers) when designing landscape and hardscape areas.

22. Bicycle and motorcycle parking shall be provided as required by this code.

23. All projects generating vehicular traffic shall participate in the traffic signal mitigation program as adopted by the city of Moreno Valley.

24. Transportation management programs may be requested of projects generating significant vehicular traffic. These programs may include transportation system strategies or transportation demand strategies targeted to reduce the project's impact on roads, air quality, and energy consumption. System strategies deal with physical improvements to the road or facility network, such as street widening, restriping, bus turnout improvements or consolidation of driveways. Demand strategies deal with the behavior of those using the road system and include carpooling, subsidized transit passes, bicycle racks, showers for employee use located within the facility, transit centers, and flexible work shifts.

25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.

B. Dimensions of Parking Spaces.

1. Covered Spaces. Parking spaces within an enclosed garage shall have an unobstructed, clear area dimension of ten (10) feet by twenty (20) feet for each required

parking space provided. All other covered spaces shall each be nine feet in width and eighteen (18) feet in depth. The parking area shall be clear of any obstructions and the measurements shall not include the exterior walls or structural supports.

2. Parallel Space. Each parallel parking space shall have a minimum dimension of eight feet wide by twenty-two (22) feet long. However, if a parallel space does not abut another parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet (see Figure 9.11.080-4).

3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine feet in width and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback). (see Figure 9.11.080-5).

4. Trailer parking stalls shall have a minimum dimension of fourteen (14) feet wide by fifty (50) feet in depth.

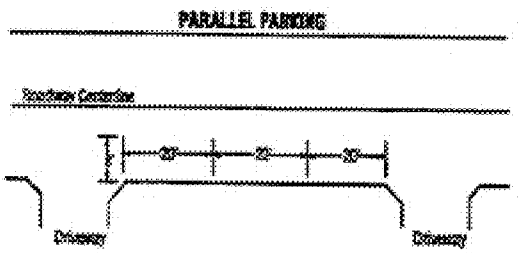

Figure 9.11.080-4

Dimensions of Parallel Parking Spaces

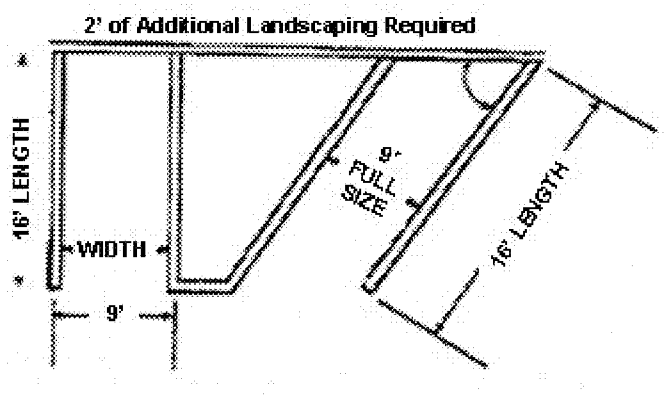

Figure 9.11.080-5

Nonparallel Parking Spaces

5. Tandem Space. Each tandem space shall be a minimum of nine feet in width and twenty-two (22) feet in depth.

C. Standard Improvements.

1. Drainage. Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.

2. Safety Features.

a. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation and other design features may be adopted by the city traffic engineer when determined to be appropriate.

b. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian access to and from building entrances is along, rather than across, parking aisles.

c. Parking lots shall be designed to minimize conflicts between vehicles and pedestrians and shall also endeavor to minimize speeding and through traffic.

d. Drive aisles and parking lot drives shall not exceed five percent slope.

e. Streets should intersect others on outside rather than inside horizontal curves.

f. Streets should intersect at as near to a right angle as possible. They should be no more than fifteen (15) degrees skew.

g. Intersections should be offset a minimum of one hundred fifty (150) feet.

h. Deceleration lanes should be a minimum of two hundred ten (210) feet long and ten (10) to twelve (12) feet wide, composed of a minimum sixty (60) foot transition and one hundred fifty (150) foot turn lane.

i. Internal streets and drive lanes should have a minimum radius of two hundred fifty (250) feet (twenty-five (25) mph design speed).

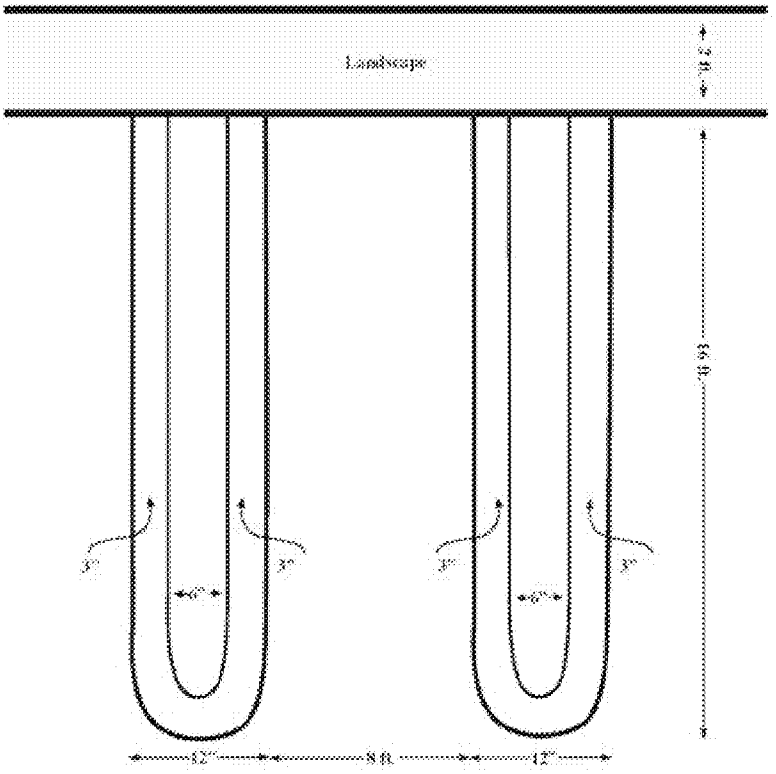

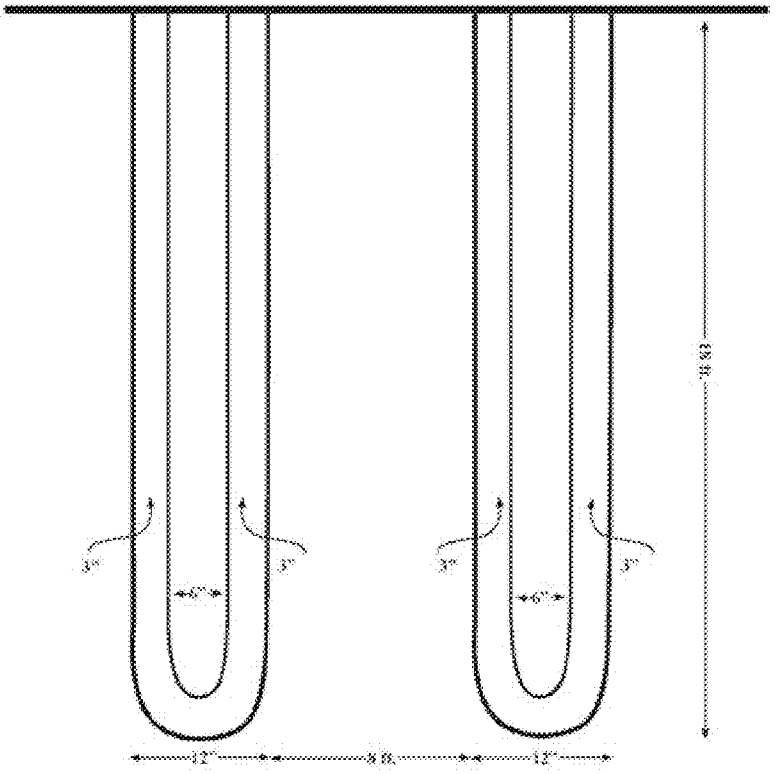

j. Where feasible, bus turnouts and bus stops shall be located on the far side of intersections to reduce conflicts between buses and through traffic.

3. Striping and Identification.

a. All automobile parking spaces shall be clearly outlined with white double lines on the surface of the parking facility as shown in Figure 9.11.080-6 (three-inch line – six-inch space – three-inch line for a total of twelve (12) inches) or as otherwise specified by the Building Official.

b. Fire lanes, if required, shall be installed to the specifications of the city of Moreno Valley fire chief, including red curbing and posting with signs.

c. Stop signs and painted stop bars shall be installed in parking areas where drive lanes intersect and at egress points to streets or alleys.

d. Within parking facilities, the city traffic engineer may require all aisles, approach lanes and maneuvering areas to be clearly marked with directional arrows on the pavement surface to facilitate vehicular movement. In addition to directional arrows, the city traffic engineer may require installation of signs to ensure safe and efficient vehicular movement.

Figure 9.11.080-6A **Figure 9.11.080-6B**

Parking Space Striping Requirements

* Ends of parking stall striping shall be curved or squared off.

D. Accessible Parking Design Standards. The following design standards for accessible parking are intended to be consistent with the state or federal requirements. Any conflicting provisions or future changes in state or federal requirements shall pre-empt the standards for provision of accessible parking spaces contained in this title:

1. All accessible parking spaces shall be striped and marked according to applicable state regulations.

2. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign, of a construction and material approved by the building official, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.

3. At each entrance to a parking facility containing one or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one inch the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

4. Parking spaces reserved for persons with disabilities shall have, in addition to the requirements of subsections (D)(1), (2) and (3) of this section, a surface identification in blue paint of at least three square feet in size, duplicating the international symbol of accessibility.

5. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

6. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine foot parking area and a five foot

loading area. Said space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

7. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

8. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this paragraph would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

9. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083 percent gradient) in any direction.

10. Notwithstanding the off-street parking requirements of Subsection 9.11.040(A) of this chapter, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

11. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone as described herein.

12. All disabled spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve and oriented so that the user of the disabled parking space need not go past the rear of automotive parking spaces in order to reach the building's main entrance.

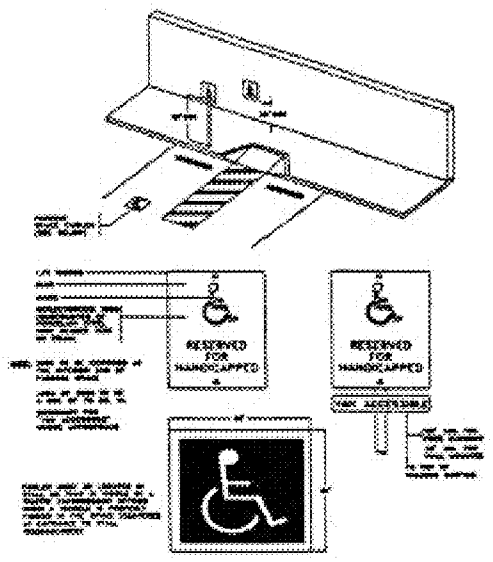

Figure 9.11.080-7

Accessible Parking Stall Requirement

* Ramps shall include a curb-cut type design

* Loading area width: van accessible = 8 feet; all other accessible spaces = 5 feet

E. Surfacing.

1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.

2. Temporary parking facilities shall be provided with surfaces which prevent dust, as approved by the city engineer.

F. Location of Parking.

1. All parking spaces required by this chapter shall be provided on the same site as the use requiring the parking spaces, except as authorized in Section 9.11.070, Adjustments to Off-Street Parking Requirements of this chapter.

2. All automobile spaces required for residential uses shall be located a maximum of two hundred fifty (250) feet from the units they are serving. Distances shall be measured from the nearest point of the building to the parking space(s) serving that building.

3. All car pool parking spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve.

G. Landscape and Screening Requirements. Parking lot screening and landscaping shall conform to the requirements of Chapter 9.17 of this title.

H. Access.

1. Parking Access from Streets.

a. Access to parking spaces, other than four or fewer spaces serving a residential use, shall not require backing onto a public or private street or onto a private drive other than a drive designed exclusively to provide access to parking spaces.

b. Commercial developments should orient traffic onto major arterials and not onto local streets or collectors.

c. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points shall be consolidated to take advantage of planned or existing median breaks.

2. Driveway and Aisle Widths and Clearances. For purposes of this section, a driveway shall be defined as an access leading from a public street or right-of-way or a private street to a parking area, or from one parking area to another, but shall not be defined to include any ramp, aisle, or maneuvering area. A ramp is defined as an access driveway from one parking level to another. All driveways and ramps shall comply with the following standards:

a. Driveways and aisles for single-family detached structures shall not be less than sixteen (16) feet in width, and shall be maintained free and clear of all obstructions. Driveways which serve single-family development shall be defined as the paved area leading from a public street or right-of-way or a private street to the designated parking area, and shall not be wider than such designated parking area; and

b. Driveways for single-family attached, multiple-family, and nonresidential uses shall be as shown in Table 9.11.080-13 of this section, except when for health and safety purposes wider dimensions are required for emergency vehicle access.

Table 9.11.080-13
Driveway and Aisle Dimensions for Single-Family Attached, Multiple-Family, and Nonresidential Uses

Width, excluding flares or curb radius	
Minimum (one-way)	20 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Right Turn Radius[1]	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing[2]	
From side property line	10 feet
From street corner	25 feet
Angle[3]	75°

[1] On side of driveway exposed to entry or exit by right-turning vehicle to driveways with curb radius.
[2] Measured along the street side property line from throat to the side property line, or to a line passing through the intersection.
[3] Minimum acute angle measured from the edge of pavement.

3. The following criteria and dimensions may be modified by the City Engineer:

Table 9.11.080-14

Street Classification	Distance from a Driveway to an Intersection	Spacing Between Adjacent Driveways
Expressway 134′ ROW	Restricted* **	1/2 mile
Divided Major/Modified Major	Limited access* **	Limited access
Divided Arterial	Minimum 450 feet	Minimum 450 feet
134′ ROW/120′ ROW		One driveway per parcel
Divided Arterial	Limited Access* **	Minimum 250 feet
110′ ROW	Minimum 350 feet	
Arterial/Minor Arterial/ Industrial Collector		
100′/88′/78′ ROW	Limited access* **	Minimum 150 feet
	Minimum 250 feet	
	Full Access 350 feet	
Collector/66′ ROW	Minimum 200 feet* ***	Minimum 100 feet or one driveway per parcel
Local Street	Minimum 100 feet* ***	Minimum 100 feet or one driveway per parcel

* Access may be limited to the minimum movements necessary to safely expedite traffic.
** Access may be restricted by medians.
***For residential development.

4. Ramps.

a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a larger dimension is required for emergency vehicle access.

b. Two-way ramps shall have a minimum width of twenty (20) feet.

5. Gated Entries. Requests for gated entries shall be submitted to the city traffic engineer and shall be subject to review and approval by the city traffic engineer and planning official, based on an analysis of the following issues:

a. Type and operation of gate;

b. Adequacy of vehicle stacking area;

c. Effect of gated entry on parking usage and distribution on the site;

d. Effect of gated entry on parking for surrounding or adjacent areas;

e. Emergency vehicle access. (Ord. 808 § 2.5.3, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 643 § 2.6, 2003; Ord. 616 § 2.2.22, 2003; Ord. 604 §§ 2.15—2.18, 2002; Ord. 557 § 2.6, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 406 § 1.4, 1993; Ord. 405 §§ 1.14, 1.15, 1993; Ord. 402 §§ 1.3, 1.4, 1993; Ord. 359 (part), 1992)"

"**9.11.100 Circulation—Pedestrian.**

A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. The use of pervious paving surfaces is recommended where feasible.

B. Pedestrian walkways shall be connected with public sidewalks, connecting buildings and activity areas within centers. Pedestrian walkways shall be provided to connect adjacent properties when appropriate.

C. Pedestrian walks through open spaces and accessways to buildings should be used to shorten walking distances.

D. Pedestrian walkways, corridors, plazas and other similar areas shall be highly visible and well lit.

E. Amenities including, but not limited to, enhanced paving, street furniture and raised planters should be provided to enhance the pedestrian experience.

F. Handicapped ramps shall be incorporated into all curb and sidewalk designs and shall meet the standards set forth in Title 24 of the California Access Code. (Ord. 808 § 2.5.4, 2010)"

3.6 Title 9.16 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended with the following:

"9.16.010 Introduction and scope of guidelines.

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city's design standards to new development and to remodels, upgrading design citywide and implementing the general plan's policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)"

"**9.16.110 Objectives, generally.**

A. Project design and layout shape the overall character of a project and how that project fits into its surroundings. New development should harmonize with the character of the adjacent area, implementing the general plan's design policies.

B. The Moreno Valley general plan stresses variety in building design and compatibility with surrounding and planned land uses. Architectural treatment can address both, providing varied and sensitive building massing, consistent detailing and compatible building materials and styles. The following guidelines should help to achieve the level of quality, variety and compatibility of architectural design that the general plan requires.

C. Site design and architectural guidelines have several objectives; among these are:

1. Orienting buildings, parking and public spaces to enhance the streetscape, to add variety and to provide for pedestrian spaces and circulation;

2. Translating design principles into architecture and site planning applications;

3. Awakening an interest in urban design and form for Moreno Valley by requiring projects to be reviewed in their context;

4. Reminding project developers of design considerations not usually covered by zoning development standards or design review;

5. Using site planning techniques and architecture to provide for human scale;

6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off;

7. Working in concert with the city's landscape requirements.

D. Site design and architecture guidelines are separated into five categories:

1. General;

2. Single-family residential;

3. Multifamily residential;

4. Commercial (retail, office and mixed use);

5. Industrial. (Ord. 359 (Attach. 2 (part)), 1992)"

"**9.16.120 General guidelines.**

A. General guidelines apply to all uses and projects citywide.

1. The setback from streets and adjacent properties should relate to the scale of the proposed structure. Larger structures require more setback area for a balance of scale and compatibility with adjacent uses.

2. Tall buildings should be made less imposing by stepping upper floors back from the first floor facade plane.

3. Gateway treatments range in scale, identifying an entrance to the city, subcommunity, development project or a single building. Gateways, including enriched paving, raised medians, signs and other features as appropriate, create a sense of entry and should be included in all developments.

4. New developments should respect the view of existing developments. Large developments should maintain view corridors which are oriented toward an existing or proposed amenity such as a park, open space or natural feature.

5. Trash enclosures, loading areas, mechanical equipment and outdoor storage areas shall be screened from public view. Enclosures shall be compatible with the project architecture and shall not detract from the overall design theme.

6. New residential flag lots shall be permitted only in hillside subdivisions and only when no other alternatives are available.

7. Natural drainage courses should be retained in their natural state.

8. Building mass and scale should be in proper proportion to the site, open spaces, street location and surrounding developments.

9. All exterior wall elevations of buildings and screen walls shall have architectural treatments enhancing the building appearance. Uniform materials and consistent style should be evident in all exterior elevations of a building. Secondary materials should be used to highlight building features and to provide visual interest.

10. Building massing should be varied to provide interesting form, proportion and scale. Monolithic forms are discouraged; massing variety should be three dimensional.

11. Building design and siting should be compatible with surrounding land uses and with the climate and physical setting of Southern California.

12. Building architecture should be compatible with surrounding existing or planned architectural character. Within commercial centers, materials, textures, colors and architectural detailing shall be compatible with the center's specified design theme.

13. Shadow patterns created by architectural elements such as overhangs, projections and recesses of stories, balconies, reveals and awnings are encouraged, adding to building interest and aiding in climate control.

14. Multi-story buildings should be detailed to reduce their vertical appearance as much as possible. This can be done by articulating the separate floor levels with horizontal bands, by increasing the level of detail on lower floors, by progressively lessening building mass on upper floors and by using heavier materials on lower floor facades.

15. Building entries should be articulated through massing treatment and should incorporate detailed design elements.

16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. Roof drains shall be integrated into the building design and convey water to landscape areas for aesthetics and water quality.

17. Base walls and other large expanses should be light colored. Soft tones ranging from white to very light pastels are encouraged. Natural light colors, such as off-whites, beige and sand, are also acceptable.

18. Building accent elements, like doors, window framing, chimneys, trim, railing, awnings and light fixtures, should contrast with the main building color, producing added interest and a lively streetscape. Care should be taken not to use too many bright colors or too many different types of details to avoid an overwhelming or cluttered building.

19. The use of simple color schemes using no more than three colors is recommended.

20. All paint products, awning fabric or other color elements should be durable and fade resistant and shall be recommended by the manufacturer for the proposed use and location.

21. The use of bright colors such as fluorescent, hot or "day glo" colors is strongly discouraged.

22. Using building materials in their natural state is strongly recommended.

23. Bricks should be left unpainted.

24. Colors should be used to express identity and individuality within a cohesive and attractive framework.

25. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment or have an appropriate setback from the one-story building. (Ord. 604 § 2.21, 2002; Ord. 456 §§ 1.1, 1.2, 1995; Ord. 359 (Attach. 2 (part)), 1992)

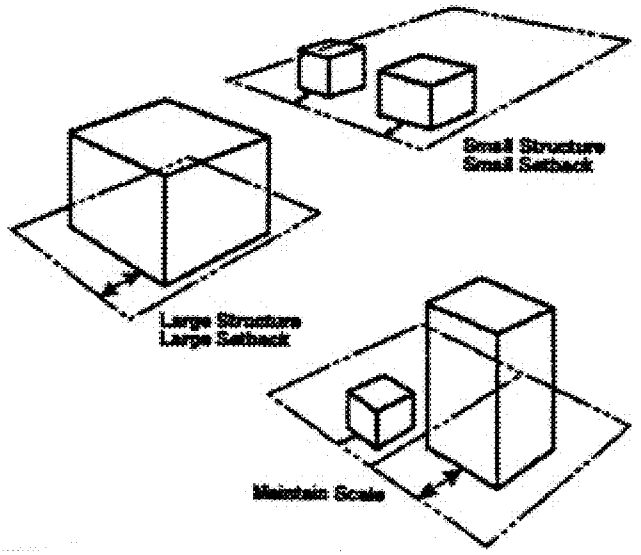

Setbacks in Scale with Building Bulk

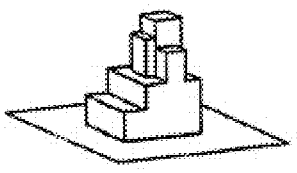

Taller Buildings
Stepping Back from Street

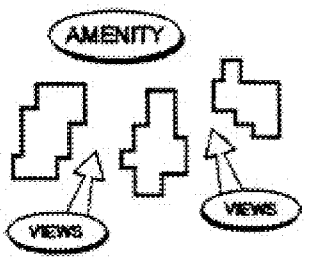

Preserve New Corridors

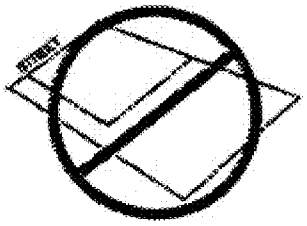

Discourage Flag Lots

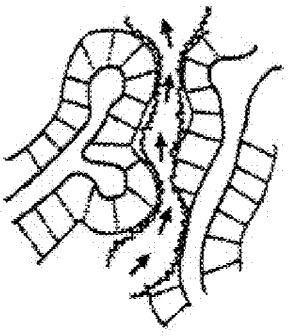

Drainage Course Retained in Natural State

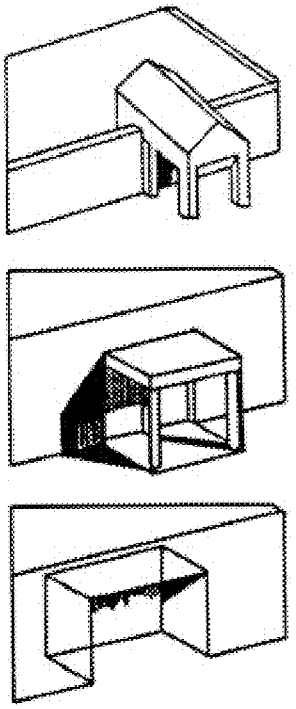

Articulated Building Entries

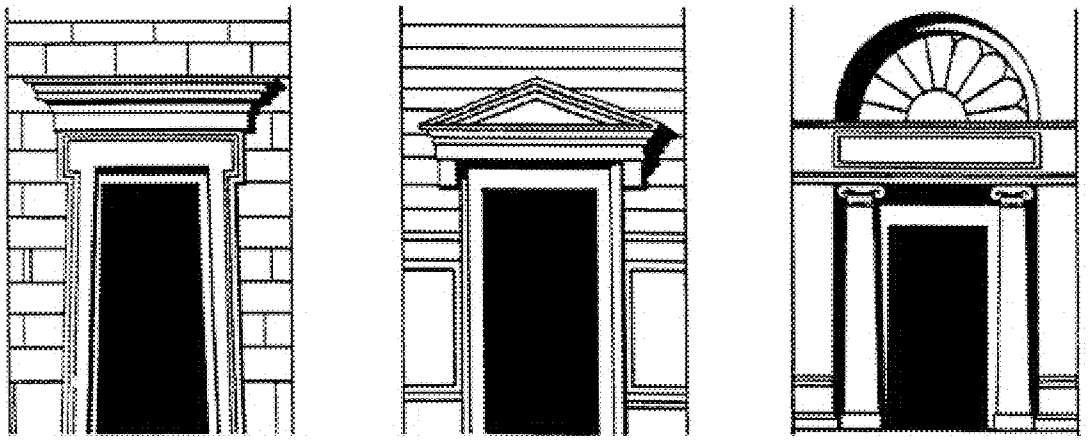

Detailed Design Elements for Building Entries"

"**9.16.130 Single-family residential.**

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	**Maximum Density**
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre"

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.

2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

a. Provide projecting and/or recessed entries and windows.

b. Include projecting or recessed balconies.

c. Front porch with a minimum depth of five feet.

d. Dormer windows.

e. Minimum eighteen (18") inch roof overhangs with detailed rafter tails.

f. Offset building planes a minimum of two feet.

g. Stepping back a portion of the second story.

h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks. Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. Pervious surfaces are required for such areas within required setbacks.

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. Pervious surfaces are recommended where feasible.

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	**Minimum # of Footprints***	**Minimum # of Elevations/ Footprints**
5-9	1	2

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
10-24	2	3
25-49	3	3
50 plus	Add one additional footprint for every 50 units over 50	4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)"

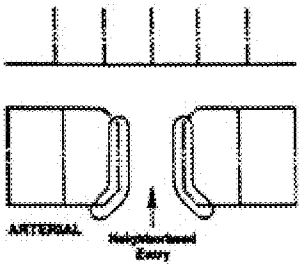

Landscape Treatment Areas at Neigborhood Entries

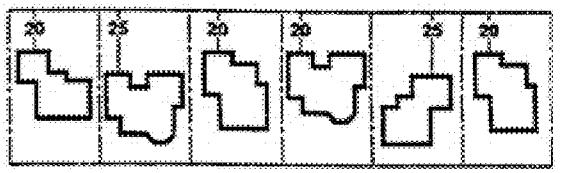

Vary Setbacks by at Least Five Feet

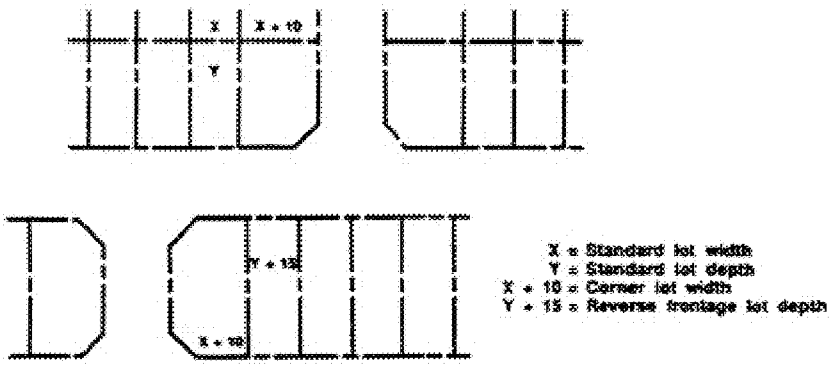

Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots

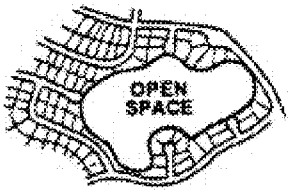

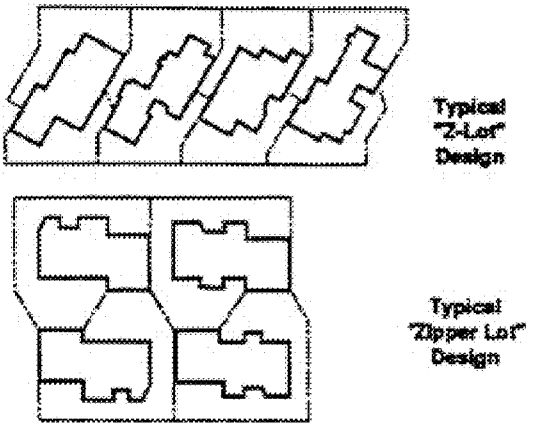

Use Curvilinear Elements and Innovative Subdivision Design

Orient Roads to Open Space and Views

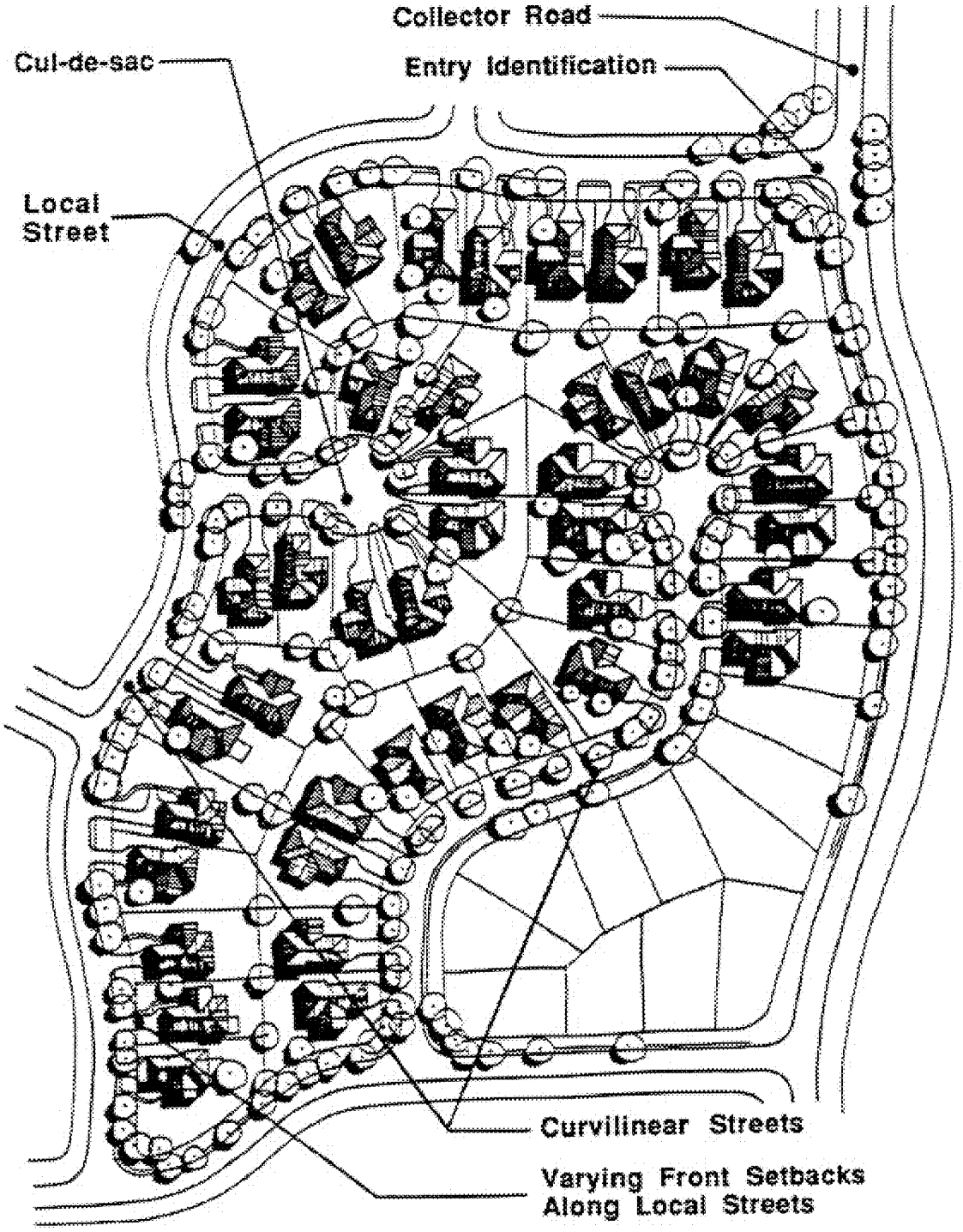

"**9.16.140 Multi-Family Residential.**

Section, 9.16.140 shall be removed from Section 9.16 the City of Moreno Valley Municipal Code."

"**9.16.150 Commercial (retail, office, mixed use).**

A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.

1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.

2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.

3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.

4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a "turn-of-the-century" architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.

B. General Guidelines.

1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.

2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.

3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from

the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.

4. The development of new, small convenience centers on sites less than eight (8) acres is discouraged.

5. Architectural elements shall be an integral part of the facade design, avoiding the "pasted-on" look.

6. Building facades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.

7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.

8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.

9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.

10. Continuous building mass should be divided into smaller units, providing both variety and scale.

11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.

12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.

13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.

14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.

15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.

16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial "crossover."

17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.

18. Each commercial center of five acres or more shall have at least one major entry containing a median.

19. The "strip" commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.

20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.

21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.

22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.

23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.

24. Access to service bays of automotive uses shall be from the interior of the site.

25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.

26. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.

27. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.

28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run off.

29. Architectural design of new projects shall be mindful of the surrounding district's urban fabric, providing a design statement to enhance the context and to upgrade the overall image. (Ord. 475 § 2.1, 1995; Ord. 359 (Attach. 2 (part)), 1992)

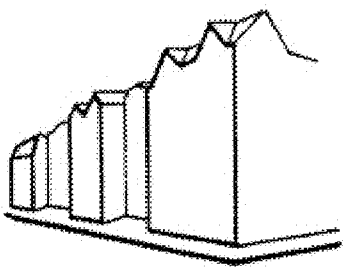

Continuous Mass Divided to Provide Scale

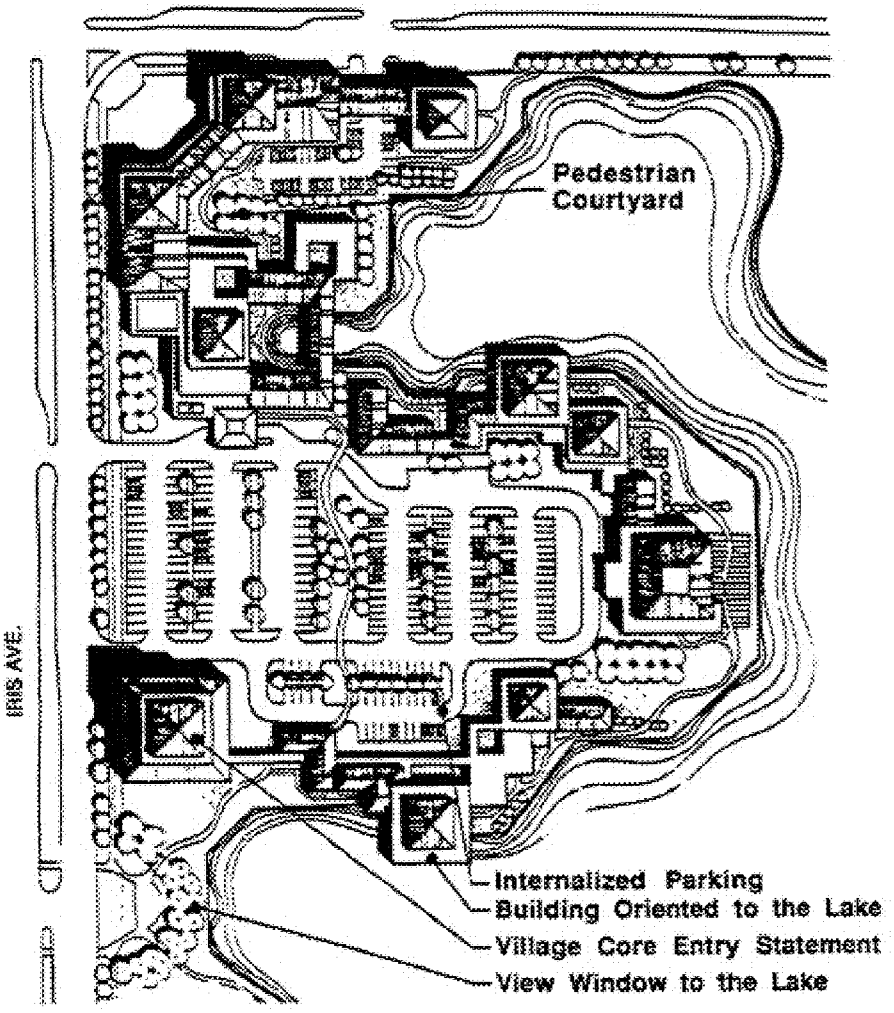

Commercial Center with Separated Pedestrian and Auto Circulation"

"**9.16.160 Business park/industrial.**

A. These guidelines address the business park and industrial land use classifications. These uses generally require large floor areas, extensive truck circulation and minimal parking.

B. General Guidelines.

1. Building design shall be innovative and attractive, using various building materials, varied massing, enhanced facade treatments and other techniques to provide an "up-scale" image for the community.

2. Clean, contemporary architectural expressions are encouraged.

3. All sides of all buildings shall have architectural treatment.

4. Entries into industrial buildings shall be well-defined through the use of projections, recesses, space frames, pergolas, colonnades, raised planters, seats, enhanced paving, low-level lighting bollards or other elements.

5. Solid walls (six feet high) and landscaping shall be used to screen loading, service and trash storage areas from public view.

6. Solid walls and landscaping should screen ground-mounted equipment located away from buildings.

7. Truck docks and interior trash storage areas must be closed off by roll-down doors, arranged in an organized manner, integrated within the overall design of the industrial project and oriented away from public view.

8. Roof-mounted equipment shall be screened from public view. All roof screens shall be solid and continuous and shall be treated to be compatible with the project's architecture.

9. Exterior walls shall be architecturally treated to provide relief and variety by using pilasters, deep reveals, offset entries and staggered wall components.

10. All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels.

11. All manufacturing and industrial uses shall be adequately screened and buffered to reduce glare, noise, dust and vibration.

12. Truck traffic shall be channeled directly to truck routes and shall not have access to neighborhood streets.

13. Pedestrian walkways should link building entries to bus turnouts and nearby land planned for or used as eating establishments.

14. Courtyards for resting, gathering and eating by employees shall be provided. Pervious surfaces are recommended where feasible. (Ord. 359 (Attach. 2 (part)), 1992)

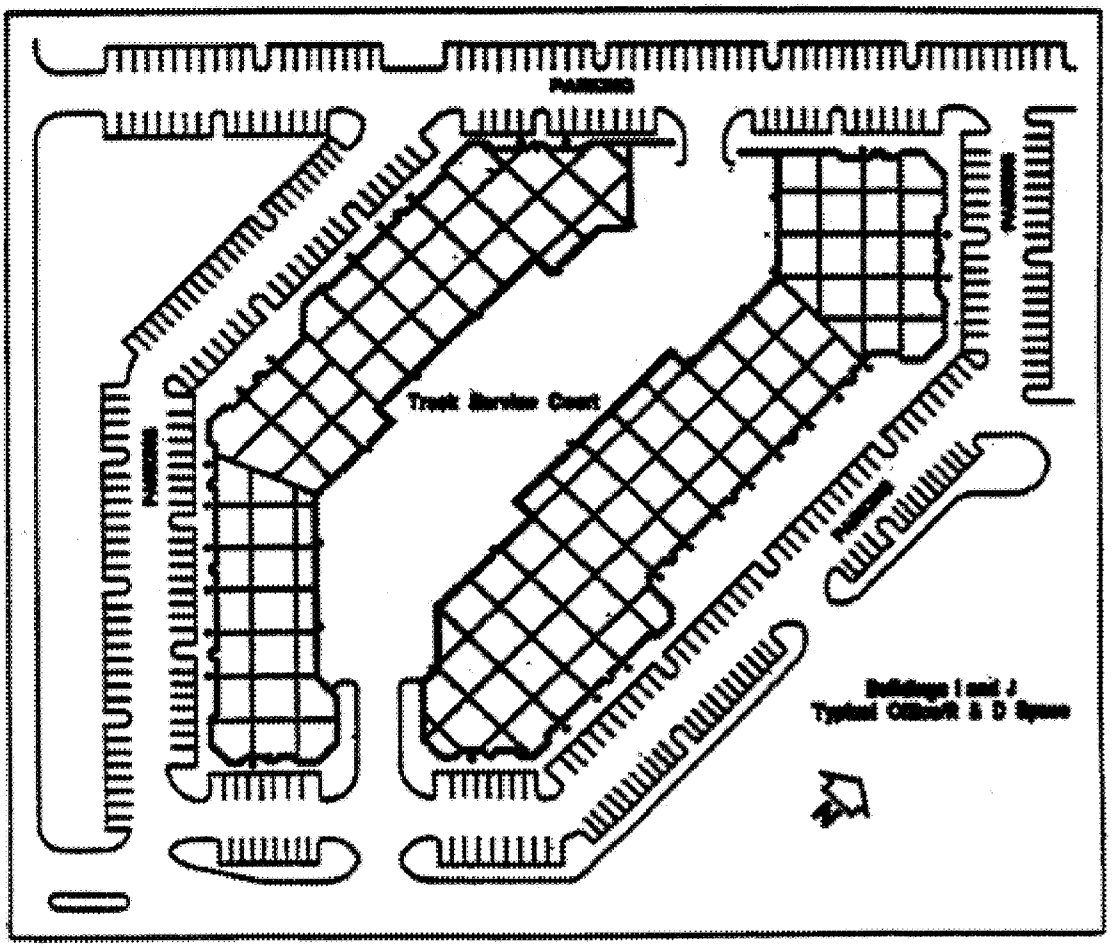

"

"**9.16.190 Natural open space standards.**

A. All hillside development proposals shall include a portion of the site to be retained in natural area open space.

1. The natural open space area may be comprised of two types:

a. Undeveloped natural areas, that which has been left in its natural state;

b. Restored natural areas, that which have been disrupted during construction but are restored to a natural appearance.

2. The following shall guide the location of undeveloped natural areas:

a. Contiguous areas along drainage channels;

b. Ten (10) foot minimum widths adjacent to roadway improvements;

c. On lots where the average slope exceeds twenty-five (25) percent, the construction of custom homes with multiple foundation levels shall be mandatory while post and beam construction shall be discouraged;

d. Areas contiguous with other natural areas of adjacent properties;

e. Areas containing rock outcroppings;

f. Areas containing soils with high permeability;

g. Significant stands or clusters of native vegetation;

h. Known or discovered archeological or paleontological sites.

3. The following shall guide the location of restored natural areas:

a. In required setbacks;

b. Adjacent to common recreation facilities;

c. Along roadway improvements or over utility easements;

d. Fuel modification zones, as required by the fire department.

4. The percent of the total site required to be retained in natural open space shall be based on the average natural slope of the land surface. The following natural open space area requirements shall apply:

Table 9.16.190A

Natural Area Open Space Requirements

Average Percent Slope	Minimum Percent of Site to Remain as

	Natural Area Open Space
10% - 15%	35%
15.1% - 25%	50%
Over 25%	60%

5. The following shall guide the allocation of undeveloped and restored natural areas on properties:

a. Undeveloped natural areas shall constitute a minimum of seventy-five (75) percent of the required natural area open space.

b. Restored natural areas may constitute a maximum of twenty-five (25) percent of the required natural area open space.

c. No grading, excavation or construction shall be allowed within areas designated as natural areas. Fuel modification areas may be graded as necessary and replanted to meet fire department requirements.

d. Where construction has inadvertently scarred designated natural areas, the applicant shall restore the affected sites, as approved by the Community & Economic Development Director or designee.

e. Restored natural areas shall be graded to blend in with the natural terrain and landscaped with rock and plant materials native to the local area.

f. All undeveloped natural areas and restored natural areas shall be clearly shown on all proposed plans and building permit site plans unless otherwise approved by the city council. A landscaping program for restored natural areas shall be approved by the Community & Economic Development Director prior to issuance of building permits. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)"

"**9.16.200 Landscaping.**

A. All required plans for landscaping are approved prior to issuance of building permits, and in accordance with Chapter 9.17 of this title.

B. Existing vegetation is retained in, and part of the comprehensive development project not designated for grading or construction. Site design preserves native or historic/mature vegetation, unless otherwise approved by the Community & Economic Development Director.

C. Existing vegetation that cannot be preserved in place, but is suitable for transplanting, is relocated elsewhere on site, as approved by the community development department director.

D. Unimproved disturbed areas are landscaped within one hundred eighty (180) days following issuance of a grading permit and/or within thirty (30) days of issuance of a certificate of occupancy, whichever is earlier.

E. All landscaping within public easements or areas dedicated to the city is of low maintenance, xeriscape or native plant material.

F. An open space network is designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels, where major public trail systems or vista corridors are designated. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.25, 2003: Ord. 359 (Attach. 2 (part)), 1992)"

"**9.16.210 Grading.**

A. Man-made slopes shall conform to patterns of the natural terrain. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.

B. "Landforming" shall be applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height.

1. Landforming shall be accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping.

2. Rear and side yard slopes between adjacent lots within the same project need not be landformed unless they are greater than one hundred (100) feet in length or ten (10) feet in vertical height.

C. Any cut or fill slope to be revegetated shall not be steeper than 2:1.

D. All excess excavated material shall be removed or otherwise placed to become an integral part of the site development.

E. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.

F. Whenever archeological or paleontological sites are discovered during excavation, the planning division shall be notified immediately and mutually agreeable precautions taken to preserve the artifacts.

G. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings shall be protected to the greatest extent feasible in the siting of individual lots and building pads. These features shall be shown on the grading plan with appropriate protection and relocation notes. Where trees with four-inch or greater trunk diameters are to be removed, they shall be replaced with at least twenty-four (24) inch box size trees of the same species, or as approved by the planning division, at a ratio of three new trees for each mature tree removed.

H. All dwelling units shall be located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the city engineer and the Community & Economic Development Department.

I. Crib walls, or an equivalent, may be used to enhance a cut slope's capability to be landscaped, providing they are properly irrigated. They should not be used, however, to increase flat pad size or to otherwise intensify project grading.

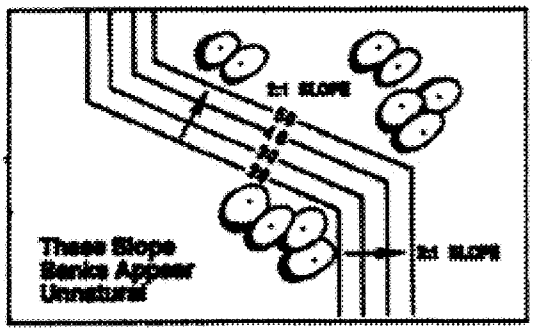

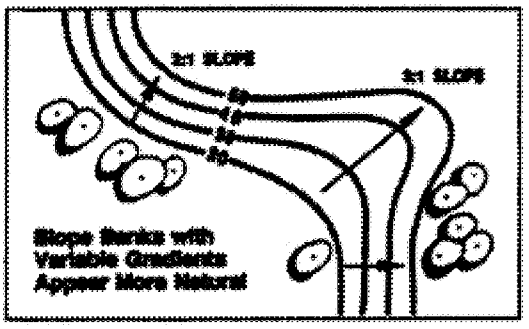

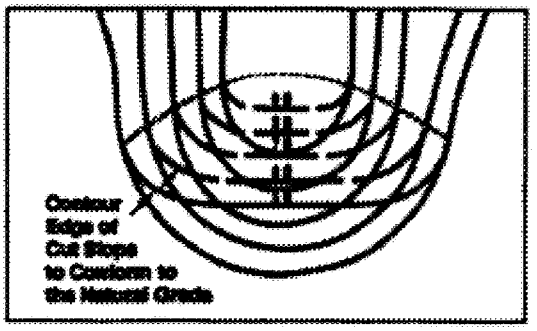

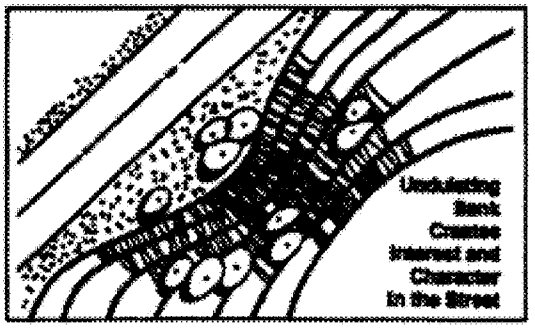

J. Any manufactured slope shall be contoured in a manner to appear to have a natural grade. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1992; Ord. 359 (Attach. 2 (part)), 1992)"

"**9.16.220 Roadways and circulation.**

A. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.

B. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.

C. Variations in road design and construction may be permitted to keep grading and cut slopes to a minimum.

D. One-way loop roads may be constructed where appropriate for the terrain.

E. Combinations of collective private driveways, cluster parking areas and off-street parking bays (including pervious paving where feasible) are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)"

"**9.16.235 Hillside design standards.**

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. Pervious surfaces are recommended where feasible.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are

encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed eight (8) feet above finished grade, in or on a building wall not to exceed eight (8) feet above finished grade and shielded, or on a structure to a height of not more than twelve (12) feet for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)"

3.7 Section 9.17 Title 9 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

"**9.17.030 Landscape and irrigation design standards.**

A. General. The landscape plans shall incorporate low water use plants, turf trees and ground covers adaptable to the area. A list of plants may be found in the county of Riverside's Guide to California Friendly Landscaping that provides a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Plants not on the list may be used providing the water consumption does not exceed the project's water budget. Consideration should be given to climate, soil types and topographic conditions. Landscapes should group plants using similar watering patterns to eliminate over watering and provide irrigation watering zones of similar use.

The irrigation systems shall be installed using water-conserving equipment including the installation of bubblers, drip systems, low volume sprays and smart irrigation controls. Smart irrigation controls are sensitive to the changing weather patterns and adjust watering cycles automatically to reduce water usage during colder/rainy weather. A water budget shall be completed that meets Eastern Municipal Water District guidelines and submitted with the landscape plans. Based on the landscape design, the water budget will determine the landscape's water demand. Once calculated, the annual maximum allowable water budget (AMAWB) is compared to the estimated annual water use (EAWU) to ensure the design does not exceed the allowed water use.

Projects shall be designed to capture and retain storm water onsite to improve water use efficiency and water quality. The use of

reclaimed water is encouraged. Contact Eastern Municipal Water District for availability.

B. Plan Design Standards. The following design standards are required on all landscape plan submittals:

1. Final landscape and irrigation plans shall be based on the approved site plan and/or the final grading plan for the project.

2. Final landscape and irrigation plans for all projects, with more than one thousand (1,000) SF of landscaped area, except custom homes or projects designed in-house by the public works department or parks and community services department, shall be designed (and wet stamped/certified) by a California state licensed architect, civil engineer or landscape architect. All non-residential projects with one thousand (1,000) square feet or less of landscaped areas shall provide landscape and irrigation plans certified by a certified irrigation designer.

3. Minimum scale is one inch = twenty (20) feet. A smaller scale may be used with prior approval by the city. Standard sheet size is twenty-four (24) inches by thirty-six (36) inches.

4. Existing vegetation shall be retained on any portion of a development not designated for grading or construction, unless otherwise approved or required by the city.

5. Landscape shall include drought-tolerant plants and water conservation principles.

6. All soil surfaces in landscape areas shall be covered with plant materials, walkways or mulch (organic or inorganic).

7. Ground-mounted equipment (e.g., transformers and back flow preventers) shall be screened with landscaping or screening walls, allowing for adequate access for equipment maintenance.

8. Trash enclosures are screened with at least three feet of landscaping on three sides.

9. Unimproved areas are maintained in a weed-free condition, and may require temporary landscape and irrigation.

10. All nonturf landscape areas are covered with a minimum of three inches of mulch following installation, unless otherwise approved by the city.

11. Native or low-water use plant materials shall be used. The use of invasive plants should be avoided. (See the California Invasive Plant Inventory by the California Invasive Plant Council www.cal-ipc.org). No invasive plants are permitted adjacent to Multi-Species Habitat Conservation Plan conservation areas.

12. Water budgets that meet Eastern Municipal Water District guidelines shall be attached to plan submittal. Obtain water budget information from Eastern Municipal Water District.

13. Water budgets are subject to approval by Eastern Municipal Water District. The city of Moreno Valley will cooperate with Eastern Municipal Water District in monitoring to the extent practicable.

14. Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standard as determined by the state of California Code of Regulations and Eastern Municipal Water District. Landscape plans submitted shall meet this standard.

15. Water quality basin design shall ensure that the design between the basin and the required landscaping area complement one another.

C. Turf Areas.

1. Turf areas shall have a maximum design slope of twenty (20) percent and a minimum design slope of one percent.

2. Turf areas shall be limited to less than twenty-five (25) percent and only in gathering areas with the exception of parks and similar recreational facilities. Turf shall not be used solely for decorative purposes. Turfless or xeriscape design concepts are preferred.

3. Where turf areas are allowed, drought-tolerant and warm season turf varieties shall be used.

4. Except for single-family residences, concrete mow strips shall be installed between all turf areas and groundcover/shrub areas, vine pockets, walls, structures, or signs.

5. High quality artificial turf is allowed as an element of a project landscape.

6. Native grasses not requiring regular mowing shall be used in lieu of turf in water quality facilities.

D. Ground Cover/Shrub Areas.

1. Shrubs and groundcover shall be installed in shrub/planting areas in amounts and at intervals that will provide eighty (80) percent coverage within twenty-four (24) months.

2. Shrubs shall be located to provide visual interest to the project site, break-up building massing, and help screen unsightly views.

3. Groundcover (low water use plants are preferred) shall be installed in such a manner to ensure eighty (80) percent coverage within twelve (12) months.

4. No plantings shall be located closer than twenty-four (24) inches from any building or structure, unless otherwise approved by the city.

5. All planting areas adjacent to buildings or structures shall slope away from all buildings, structures or walls, or incorporate drains to direct water away from these elements.

6. Large ground cover areas shall have multiple plant types including a variation in height, texture and color.

7. The plant palette provided in the Riverside County Landscape Guidelines is recommended to identify plants which can be used to establish a balance of drought tolerant plants.

E. Trees.

1. Trees shall be planted in a manner, which maximizes the shading of paved areas, outdoor seating, and both south- and west-facing windows.

2. Street trees for designated streets shall be used, unless a different street tree has already been established along the street segment in question.

3. Trees shall be planted at sufficient size and manner to ensure successful establishment and protection from breakage.

4. All landscape plans shall indicate mature tree canopy diameters.

5. All mature tree canopies in parking lots shall be pruned and maintained to maximize shade potential and ensure healthy, maximum growth. Topping of trees shall be avoided.

6. The tree palette shall provide a balanced use of evergreen and deciduous trees with attention to summer shade, fall and spring color, winter sunlight, and new growth.

7. Parkway tree planting shall provide a buffer effect that creates partial screening between parking lot areas and street vehicular traffic.

8. Existing mature trees that cannot be preserved in-place, shall be transplanted elsewhere on the site, unless transplantation is infeasible due to the type or condition of the trees.

9. Projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.

10. Trees shall be planted in a manner and at locations, which minimize the potential for damage to adjacent walkways and paving.

F. Irrigation.

1. All planted landscape areas shall be provided with an approved “smart” automatic irrigation control systems (labeled as evapotranspiration (E.T.) based), with rain sensing and/or soil moisture sensing devices. Watering during the rain shall be avoided.

2. Drip, bubbler-type and rotor sprays or stream roter sprinkler heads or similar efficient sprinklers shall be used whenever possible. These sprinklers should be used exclusively when positioned adjacent to building walls. (Bubblers and spray heads should be pressure compensating, low volume type).

3. Separate irrigation zones shall be provided for areas with different irrigation requirements, including, but not limited to, trees, turf and nonturf areas.

4. Reduced pressure backflow preventers are required on all irrigation systems.

5. No fixed risers are permitted, unless otherwise approved by the Community & Economic Development Director.

6. A pressure vacuum breaker shall be installed at the top of slopes when irrigation is installed on the top of the slope.

7. Irrigation shall be placed in a manner that eliminates overspray, runoff, wicking action and/or damage to adjacent buildings, walls, walks, driveways, streets, and fences.

8. Irrigation of landscapes should occur between nine p.m. and six a.m. except during the establishment period, when temperatures are predicted to fall below zero or when repairing/adjusting the irrigation system.

9. Eastern Municipal Water District will calculate the annual maximum allowable water budget (AMAWB) for customers requesting a new account. The proposed landscape must meet the AMAWB requirements prior to meter release. (Ord. 786 § 2, 2009)"

"9.17.050 Parking and drive-through landscape areas.

Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:

A. Design Considerations.

1. Parking lots and drive-throughs shall be screened from the public right-of-way by a thirty-six (36) inch high wall, shrub row and/or by berming. If walls are employed, they must be aesthetically compatible with the project design.

2. Landscape areas in the parking lot shall be designed to minimize the potential for pedestrians to cross any landscape areas to reach building entrances and to access parked cars. Walkways shall be provided to facilitate pedestrian access, especially at corner locations.

3. Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.

4. Turf is not permitted in parking lot planters.

B. Landscape Islands, Diamond, Finger and Perimeter Planters.

1. Landscape finger planters shall have a minimum interior dimension of five feet by sixteen (16) feet, exclusive of curbs, step-outs and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight feet.

2. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.

3. End islands, or finger planters are provided at the end of each aisle of parking to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

4. Where double rows of parking are provided, diamond or island planters are provided at an interval of one planter every three pairs of parking stalls. Minor adjustments are allowed in cases where this exact interval would be infeasible.

5. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

6. The perimeter of the parking lot has a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

C. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.

D. Trees-Number, Location, and Type.

1. Trees may be planted in clusters along the street frontage and side and rear setbacks, if applicable.

2. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

3. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. Within a maximum of ten (10) years, parking lot trees shall shade a minimum of fifty (50) percent of parking space pavement during the summer months, between one and four in the afternoon. A maximum of fifty (50) percent of the parking lot trees may be deciduous unless otherwise approved by the community development department.

4. The selection of parking lot trees shall avoid trees with excessive litter, sap or fruit that could damage vehicles. (Ord. 808 § 2.8, 2010; Ord. 786 § 2, 2009)"

"**9.17.070 Single-family residential development.**

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.

2. Use of xeriscape landscaping;

3. Use of approved landscape materials.

4. Use of approved "smart irrigation" controllers.

5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.

6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

8. Ground cover should be used to absorb runoff from rain or irrigation.

9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)"

"**9.17.080 Multifamily residential development.**

A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.

B. Trees shall be positioned such that trees are planted to shade paved areas and west- and south-facing windows for energy-efficient savings; coniferous or nonwinter deciduous trees are kept away from south-facing windows in order to allow for heat gain during winter months. The larger sized trees should be placed at entries and accent areas.

C. Turf shall be limited and installed in useable gathering areas only with a maximum of twenty-five (25) percent. (Ord. 786 § 2, 2009)"

"**9.17.090 Commercial, industrial, public and quasi-public development.**

A. All required setback areas, exclusive of required walkways and driveways shall be landscaped. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. Gated and screened storage areas may be exempted from this landscape requirement per approval of the community development director.

B. A landscape buffer shall be provided on a nonresidential site when adjacent to residential uses to provide visual relief to the nonresidential side. Plant materials shall be selected so that at maturity (within ten (10) years), intermittent visual obstruction with no unobstructed openings greater than five feet in horizontal distance remain.

C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the use of pervious surface areas that reduce water run off. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

D. Additional parking lot trees shall be provided at one tree per thirty (30) linear feet of parking lot adjacent to the interior property.

E. Project entry drives shall incorporate enhanced landscaping (size and variety of vegetation) and pavement.

F. Projects with frontage abutting arterial streets shall be required to construct parkways in conformance with city standard engineering plans unless otherwise approved by the community development director.

G. Turf is limited to gathering areas only. (Ord. 786 § 2, 2009)"

"**9.17.110 Erosion control/slope planting.**

Erosion control landscape plans are required for all cut or fill slopes over three feet high. Landscaping provides erosion control while maintaining the aesthetic values of the hillside.

A. General/Design Requirements.

1. Landscape must establish or reinforce a design concept for the specific hillside area, while complimenting buildings and streetscapes.

2. Placement of plant materials shall reinforce the natural terrain and topography of the area.

3. Tree species and placement shall respect potential view sheds of neighboring properties.

4. Erosion control and fire prevention devices may be required depending on the degree and length of slope, soil type, etc.

5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.

6. Turf shall not be used for slope planting. Hydro seed and water efficient grasses not requiring regular mowing may be permitted per approval by the community development director.

7. Slopes that abut public streets/right-of-ways must also adhere to applicable portions of Section 9.17.090. (Ord. 786 § 2, 2009)"

"**9.17.130 Water quality landscape designs.**

Water quality landscapes are designed to encourage the use of landscape areas as a water treatment area incorporating small scale features across a site to assist in watershed hydrology functions.

A. Water treatment areas shall be no deeper than twenty four (24) inches visible within the landscape setback areas unless otherwise approved by the Community & Economic Development Director. Rock or other decorative material may provide for greater depth of the treatment areas. No fencing will be required around water treatment areas that do not exceed Building Code fencing requirements (currently twenty four (24) inches in visible depth.

B. Basins and treatment areas shall be landscaped to appear like a natural water feature.

C. Design and site considerations shall be aesthetically consistent with surrounding landscaping using a variation of plants and materials. (Ord. 786 § 2, 2009)"

"**9.17. 150 Water Efficiency Requirements.**

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

11. Direct all runoff from roofs and hardscape areas to landscaping areas or water capture systems.

12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions."

SECTION 4 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 5 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

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9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac × 0.10 du/ac plus 5 ac × 0.20 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate

governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The Community **& Economic** Development Director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac × 0.25 du/ac plus 5 ac × 0.10 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	**Standards**
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.

1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

2. a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.

b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.

3. Slope Mapping Method.

a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.

b. In preparing a slope map, those portions of ravines, ridges and terraces of less

area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.

D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with

the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.

Figure 9.03.040-1
Residential Lot Information

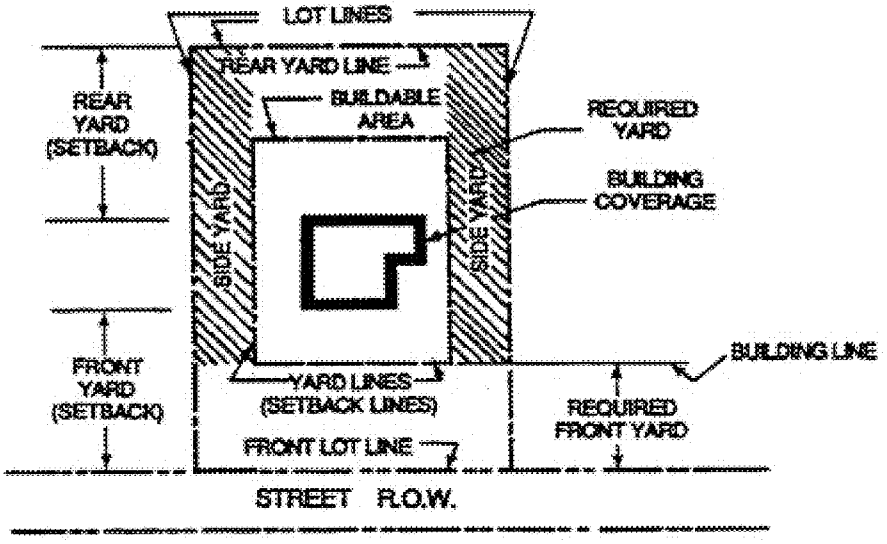

Figure 9.03.040-2
Residential Yard Descriptions

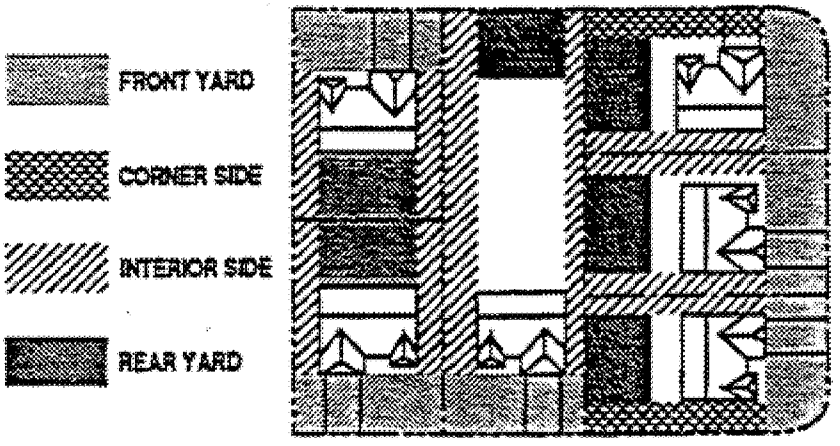

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable					10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040.6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.

3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.

Table 9.03.040-7

Residential Site Development Standards

Multifamily Standards

Requirement	**R10**	**R15**	**R20**	**R30**
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in feet	200	200	200	200
4. Minimum lot depth in feet	175	175	175	175
5. Minimum front yard setback, in feet	20	25	30	30
6. Minimum side yard setback, in feet Interior side yard Street side yard	 10 20	 10 20	 10 20	 10 feet plus 2 feet for every 5 feet in height over 30 feet 20
Requirement	**R10**	**R15**	**R20**	**R30**
7. Minimum rear yard setback, in ft.	15	20	25	10 feet plus 2 for every 5 feet in height over 30 feet
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in feet	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

Note to Residential Site Development Standards Table 9.03.040-7.

1. Minimum dwelling sizes in multiple-family projects shall be as follows:

a. One bedroom: four hundred fifty (450) square feet;

b. Two bedroom: eight hundred (800) square feet;

c. Three bedroom: one thousand (1,000) square feet.

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds,

tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials **to include water efficient native plants,** except for necessary walks and fences. **Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces**. **Hardscape areas are**

recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The ~~c~~**C**ommunity **& Economic** ~~d~~**D**evelopment ~~d~~Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. **Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.**

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.

10. Individual units should have a porch or porch-like space at the front door.

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

12. ~~Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.~~ **Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.**

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.

14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include

interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access (senior housing projects);

g. Parking close to units;

h. Elevators (senior housing projects).

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. (Ord. 808 §§ 2.2—2.2.3, 2010; Ord. 797 §§ 2.4, 2.4.2—4, 2009; Ord. 773 § 3, 2008; Ord. 757 §§ 2.7, 2.72, 2008; Ord. 757

§§ 2.7, 2.7.2, 2008; Ord. 726 § 4.3, 2006; Ord. 698 § 3.1(c), 2005; Ord. 694 § 1.1 (part), 2005; Ord. 616 §§ 2.2.1, 2.2.2, 2003; Ord. 604 § 2.3, 2002; Ord. 520 § 1.9, 1997; Ord. 475 § 1.4, (part), 1995; Ord. 468 §§ 1.4, 1.5, 1995; Ord. 461 § 1.1, 1995; Ord. 386 § 1.13, 1993; Ord. 359 (part), 1992)

9.08.080 Grading.

Whenever a development approval is given for a project requiring grading, or other preparation of the soil, the city may impose

conditions of the approval of the development relating to grading. Such conditions are considered in issuance of any future grading permit and are complied with in addition to the other provisions of the building code. Such conditions may require, but are not limited to, the following:

A. Lots slope ~~toward, rather than away from the street,~~ **to landscape areas or pervious surfaces** unless otherwise approved by the City Engineer;

B. An erosion control plan, prepared by a registered civil engineer, is submitted to and approved by the public works department prior to grading plan approval. The plan addresses methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;

C. Dust control measures are identified;

D. Cut and fill slopes are not constructed steeper than two to one (2:1);

E. All cut or fill slopes over three feet in depth are landscaped prior to the issuance of a certificate of occupancy or building final, and as soon as practicable after completion of final grading;

F. Slopes are designed to minimize scaring of the land by terracing, reducing slope gradients, adding topsoil, building retaining walls, special slope planting or other means. Man-made slopes conform to patterns of the natural terrain. "Landforming" is applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height, and accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping;

G. All dwelling units are located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the public works director and the community development director;

H. Crib walls, or an equivalent, are used to enhance a cut slope's capability to be landscaped and irrigated;

I. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings are protected to the greatest extent feasible in the siting of individual lots and building pads. These features are identified on the grading plan with appropriate protection and relocation notes;

J. The quantity of soil import and export may be limited. Albeit, all excess excavated material is removed or otherwise relocated to become an integral part of the site development;

K. Streets permitting trucks or equipment travel are designated;

L. Hours of operation are limited;

M. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in accordance with the provisions of the project approval. (Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.11, 2003: Ord. 359 (part), 1992)

Chapter 9.11 PARKING, PEDESTRIAN AND LOADING REQUIREMENTS

9.11.010 Purpose and intent.

The purpose of this chapter is to ensure the adequate provision of parking, loading and bicycle facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking, loading and bicycle facilities, it is the intent of this chapter to:

A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;

B. Ensure the maneuverability of emergency and service vehicles;

C. Provide safe, accessible, convenient, attractive and well-maintained off-street parking areas;

D. Protect residential neighborhoods from the adverse effects of vehicular noise and traffic by uses in adjacent nonresidential districts; and

E. Implement general plan circulation and energy conservation policies; **and** ~~(Ord. 359 (part), 1992)~~

F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.

9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the ~~minimum~~ **required** off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. **Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:**

Table 9.11.040A-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Covered Parking	Notes
Residential Uses			
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units Studio 1 bedroom 2 bedrooms 3+ bedrooms	 1.25/unit 1.5/unit 2.0/unit 2.5/unit	 1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing			
Studio 1 bedroom 2+ bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.

Use	~~Minimum~~ Requirement	Covered Parking	Notes
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

Table 9.11.040B-12
Off-Street Parking Requirements

Commercial Uses	~~Minimum~~ Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public.
		2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like)
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	

Commercial Uses	**~~Minimum~~ Requirement**	**Notes**
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	

Commercial Uses	~~Minimum~~ Requirement	Notes
Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to
Research and development	1/350 sq. ft. of gross floor area	

Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	the loading parking stall already provided at the dock door.

Table 9.11.040D-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and

facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

Number of Automobile Spaces Provided	**Number of Accessible Spaces Provided**
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

9.11.060 Off-street bicycle parking requirements.

A. Type of Facilities.

1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.

2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.

3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.

B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobilehome parks and model home complexes are exempt from this section.

C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.

D. General Requirements.

1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.

2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.

3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. **Pervious pavement is recommended**.

4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.

5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from

damage by cars. (Ord. 670 § 3.1 (part), 2004; Ord. 557 § 2.4, 2000: Ord. 406 § 1.3, 1993; Ord. 359 (part), 1992)

9.11.070 Adjustments to off-street parking requirements.

Adjustments to off-street parking for uses included in this chapter may be granted if, in the opinion of the **C**ommunity & **Economic D**evelopment **D**irector, the proposed modification to the required number of parking or loading spaces is warranted. Requests for parking adjustments shall be reviewed and approved by the community development director based on the following requirements:

A. Parking Studies. The number of spaces required by this chapter, as noted in Section 9.11.040(A) of this chapter, for provisions of off-street parking and loading spaces may be adjusted by the approval authority if it is demonstrated by a parking study, prepared by a registered traffic engineer or qualified parking study consultant, that the proposed use would have a parking or loading space demand other than the requirements of this chapter.

B. Shared Parking.

1. Shared parking is encouraged to avoid the creation of unused parking spaces and their potential harmful effects such as increased construction and maintenance costs, heat and glare, and water run off requiring treatment of pollutants. A reduction in minimum parking requirements for individual uses may be granted by the Community & Economic Development Director where joint use of parking facilities or other factors will mitigate peak parking demand.

2. Requests for parking reductions resulting from joint usage shall be supported by information prepared by a registered traffic engineer. The investigation used to generate the required information shall generally follow the format described below.

Shared parking requests shall be analyzed as follows:

a. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will also consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. Adjustments for peak parking factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of Section 9.11.040 of this chapter. Other elements to be considered include seasonal adjustment for parking demand and a

determination of the mode of transit used in reaching or departing the area being considered;

c. Analysis of hourly accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day; and

d. Estimate of shared parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. Up to fifty (50) percent of the parking facilities required by this chapter may be utilized as shared parking facilities subject to the requirements of this section. Except that, a church or an auditorium which is part of a public or private school may adjust the required parking by up to one hundred (100) percent of the parking facilities required by this chapter.

4. In granting parking reductions for shared use of parking facilities, the approval authority shall make one or more of the following findings:

a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;

b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities;

c. The traffic engineering report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple-trip purposes to the area in question.

5. As a condition of approval to the granting of a reduction in required parking, the city may require the granting of reciprocal access and parking agreements with surrounding properties.

C. Transportation Management Plans.

1. The number of required parking spaces may be decreased by up to twenty (20) percent of the required employee parking subject to the approval of a transportation management plan supplied by the applicant. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.

2. In evaluating the request, the approval authority shall consider, among other factors:

a. Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs;

b. Proximity to public transportation facilities which could be reasonably expected to serve a significant portion of employees or customers;

c. Evidence of the likelihood that employees or customers will utilize regular transportation alternatives to individual use of automobiles, including transportation management plans prepared pursuant to South Coast Air Quality Management District Rule XV.

D. Off-Site Parking Facilities. Required parking for a development may be provided off the site in certain instances. Requests for off-site parking facilities shall meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the approval authority shall consider the following:

a. Proximity of the off-site parking facilities;

b. Ease of pedestrian access to the off-site parking facility;

c. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and

d. The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.

2. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign and record a reciprocal parking agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve. (Ord. 694 § 1.1 (part), 2005; Ord. 557 § 2.5, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 359 (part), 1992)

9.11.080 Design standards.

A. General Parking Design Standards.

1. Parking lot design shall take into consideration the appropriate integration of commercial uses. Parking facilities shall be designed to eliminate obstacles to pedestrian movement, consider spatial relationships between commercial uses and associated parking, and where appropriate, parking design will dictate the types of uses

that may feasibly be established to ensure that adequate parking is available within a reasonable distance to the use it serves.

2. Special plazas, motor courts or turnarounds are encouraged to identify entrance areas.

3. Project access and circulation shall allow for both vehicles and pedestrians by separating autos and foot traffic, by creating pedestrian entrances to projects and by using enhanced paving treatments, bollards or pergolas to identify pedestrian pathways through parking areas and along buildings.

4. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points should be consolidated to take advantage of planned or existing median breaks.

5. The city may require reciprocal parking and access agreements between individual and adjacent commercial parcels.

6. To discourage excessive speeds within parking areas, the maximum length of straight aisles shall not exceed three hundred (300) feet unless otherwise approved by the community development director.

7. Parking rows shall not be longer than one hundred eighty (180) feet, allowing for easier movement within the parking lot and preventing long queues within aisles unless otherwise approved by the community development director.

8. Drive aisles should make a loop around the structures and avoid dead end parking. In the case of straight drive aisles, provide at least ten (10) feet of setback between the last parking stall and the property line.

9. Parking areas shall be screened from streets through a combination of mounded landscaping, low profile walls and/or grading separations.

10. Parking areas shall not be used for loading or unloading.

11. Internal roadways should be designed so that direct access is available to all structures visible from a particular parking area.

12. Parking areas should use sound walls, screen walls and landscaping to minimize auto noise, glare and increased ambient temperature.

13. Landscaping, signs and walls shall be limited to thirty-six (36) inches in height, measured from top of curb within twenty-five (25) feet of any driveway entrance to protect visibility. Any trees located in these areas shall have trunks not exceeding eight inches in diameter and shall have a minimum branching height of six feet.

14. Trash enclosures shall not impair visibility.

15. Auto headlights in parking areas shall be screened so that they do not shine into adjacent properties or public rights-of-way.

16. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.

17. Driveways shall be designed so entering vehicles do not interfere with the existing vehicles. Main driveways shall employ entry medians whenever possible.

18. The first parking stall perpendicular to a driveway or first aisle juncture shall be at least sixty (60) feet back from the property line, providing sufficient queuing for exiting vehicles unless otherwise approved by the city engineer.

19. In commercial developments, parking aisles should be oriented perpendicular to the major tenant's front entrance, to facilitate pedestrian movement.

20. Dead-end parking aisles which exceed eight standard parking stalls in length, and serving greater than sixteen (16) standard stalls for dual lanes, shall provide turnaround facilities (i.e., hammerhead, cul-de-sac, etc.) adequate to accommodate emergency vehicles.

21. Consideration shall be given to service vehicles (i.e., tractor trailers) when designing landscape and hardscape areas.

22. Bicycle and motorcycle parking shall be provided as required by this code.

23. All projects generating vehicular traffic shall participate in the traffic signal mitigation program as adopted by the city of Moreno Valley.

24. Transportation management programs may be requested of projects generating significant vehicular traffic. These programs may include transportation system strategies or transportation demand strategies targeted to reduce the project's impact on roads, air quality, and energy consumption. System strategies deal with physical improvements to the road or facility network, such as street widening, restriping, bus turnout improvements or consolidation of driveways. Demand strategies deal with the behavior of those using the road system and include carpooling, subsidized transit passes, bicycle racks, showers for employee use located within the facility, transit centers, and flexible work shifts.

25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.

B. Dimensions of Parking Spaces.

1. Covered Spaces. Parking spaces within an enclosed garage shall have an unobstructed, clear area dimension of ten (10) feet by twenty (20) feet for each required parking space provided. All other covered spaces shall each be nine feet in width and eighteen (18) feet in depth. The parking area shall be clear of any obstructions and the measurements shall not include the exterior walls or structural supports.

2. Parallel Space. Each parallel parking space shall have a minimum dimension of eight feet wide by twenty-two (22) feet long. However, if a parallel space does not abut another parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet (see Figure 9.11.080-4).

3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine feet in width **and sixteen (16)** feet in depth of **paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback).** (see Figure 9.11.080-5).

4. Trailer parking stalls shall have a minimum dimension of fourteen (14) feet wide by fifty (50) feet in depth.

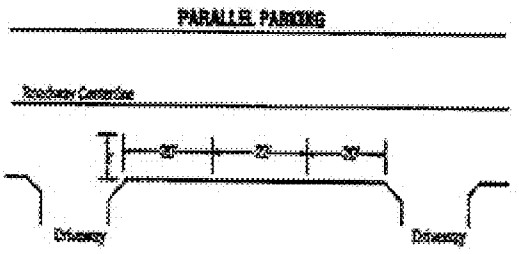

Figure 9.11.080-4

Dimensions of Parallel Parking Spaces

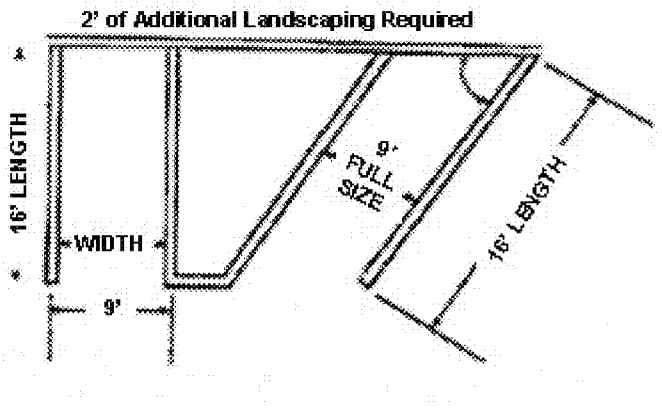

Figure 9.11.080-5

Nonparallel Parking Spaces

5. Tandem Space. Each tandem space shall be a minimum of nine feet in width and twenty-two (22) feet in depth.

C. Standard Improvements.

1. Drainage. **Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.** All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.

2. Safety Features.

a. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation and other design features may be adopted by the city traffic engineer when determined to be appropriate.

b. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian access to and from building entrances is along, rather than across, parking aisles.

c. Parking lots shall be designed to minimize conflicts between vehicles and pedestrians and shall also endeavor to minimize speeding and through traffic.

d. Drive aisles and parking lot drives shall not exceed five percent slope.

e. Streets should intersect others on outside rather than inside horizontal curves.

f. Streets should intersect at as near to a right angle as possible. They should be no more than fifteen (15) degrees skew.

g. Intersections should be offset a minimum of one hundred fifty (150) feet.

h. Deceleration lanes should be a minimum of two hundred ten (210) feet long and ten (10) to twelve (12) feet wide, composed of a minimum sixty (60) foot transition and one hundred fifty (150) foot turn lane.

i. Internal streets and drive lanes should have a minimum radius of two hundred fifty (250) feet (twenty-five (25) mph design speed).

j. Where feasible, bus turnouts and bus stops shall be located on the far side of intersections to reduce conflicts between buses and through traffic.

3. Striping and Identification.

a. All automobile parking spaces shall be clearly outlined with white double lines on the surface of the parking facility as shown in Figure 9.11.080-6 (three-inch line – six-inch space – three-inch line for a total of twelve (12) inches) or as otherwise specified by the **B**uilding **O**fficial.

b. Fire lanes, if required, shall be installed to the specifications of the city of Moreno Valley fire chief, including red curbing and posting with signs.

c. Stop signs and painted stop bars shall be installed in parking areas where drive lanes intersect and at egress points to streets or alleys.

d. Within parking facilities, the city traffic engineer may require all aisles, approach lanes and maneuvering areas to be clearly marked with directional arrows on the pavement surface to facilitate vehicular movement. In addition to directional arrows, the city traffic engineer may require installation of signs to ensure safe and efficient vehicular movement.

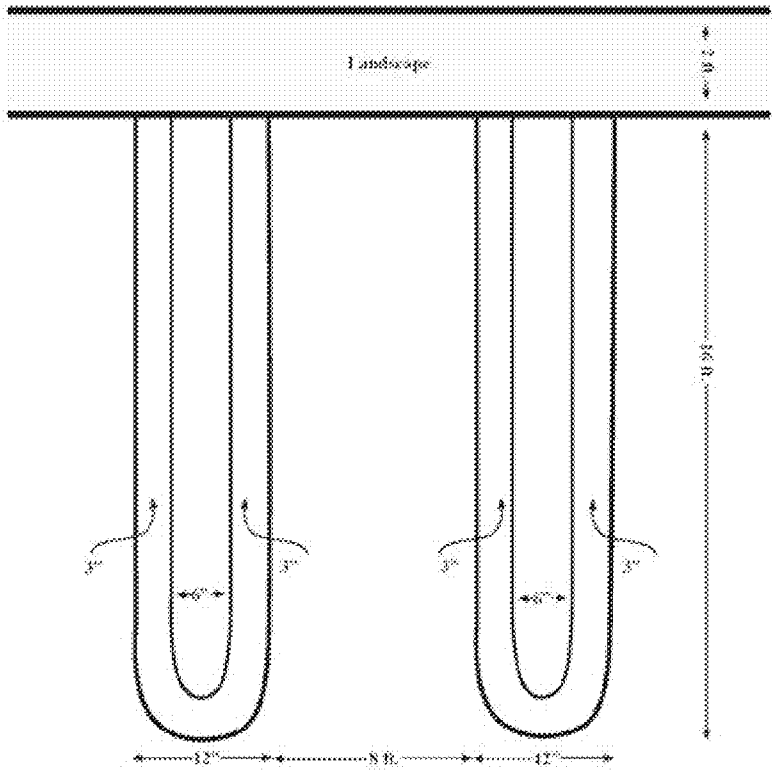

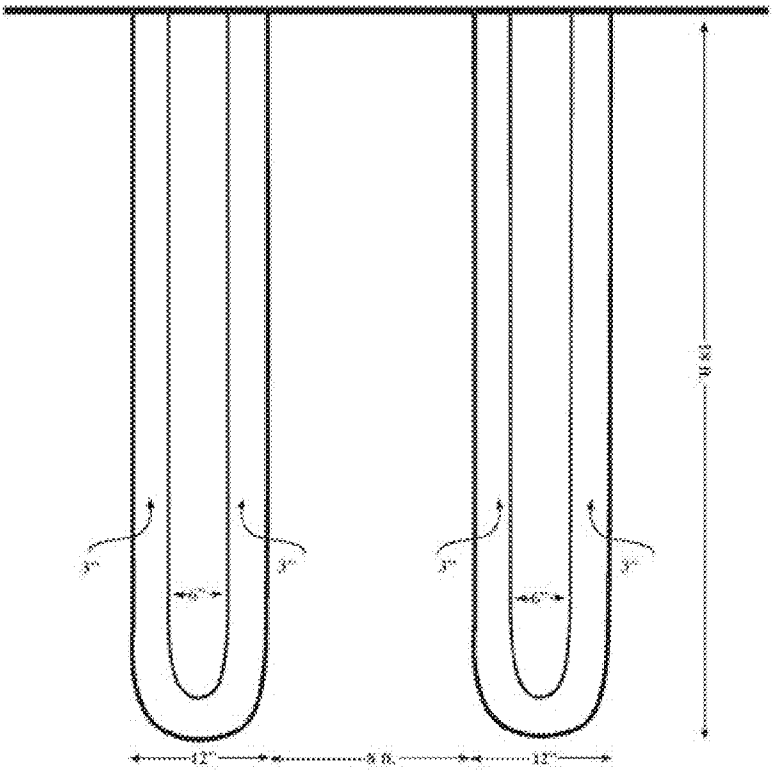

Figure 9.11.080-6A **Figure 9.11.080-6B**

<u>Parking Space Striping Requirements</u>

* Ends of parking stall striping shall be curved or squared off.

D. Accessible Parking Design Standards. The following design standards for accessible parking are intended to be consistent with the state or federal requirements. Any conflicting provisions or future changes in state or federal requirements shall pre-empt the standards for provision of accessible parking spaces contained in this title:

1. All accessible parking spaces shall be striped and marked according to applicable state regulations.

2. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign, of a construction and material

approved by the building official, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.

3. At each entrance to a parking facility containing one or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one inch the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

4. Parking spaces reserved for persons with disabilities shall have, in addition to the requirements of subsections (D)(1), (2) and (3) of this section, a surface identification in blue paint of at least three square feet in size, duplicating the international symbol of accessibility.

5. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

6. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine foot parking area and a five foot loading area. Said space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

7. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

8. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this paragraph would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

9. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083 percent gradient) in any direction.

10. Notwithstanding the off-street parking requirements of Subsection 9.11.040(A) of this chapter, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

11. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone as described herein.

12. All disabled spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve and oriented so that the user of the disabled parking space need not go past the rear of automotive parking

spaces in order to reach the building's main entrance.

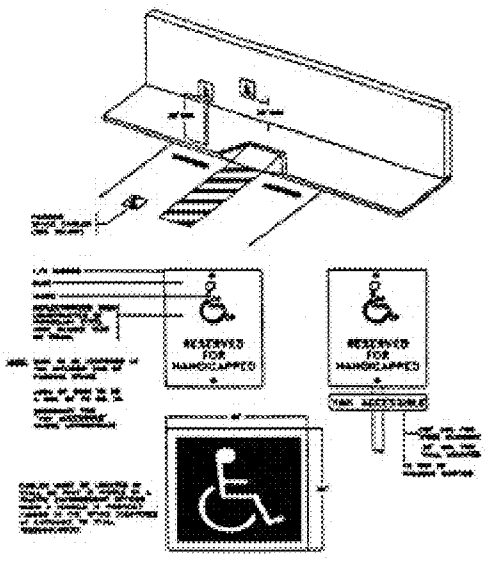

Figure 9.11.080-7

Accessible Parking Stall Requirement

* Ramps shall include a curb-cut type design

* Loading area width: van accessible = 8 feet; all other accessible spaces = 5 feet

E. Surfacing.

1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. **Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.**

2. Temporary parking facilities shall be provided with surfaces which prevent dust, as approved by the city engineer.

F. Location of Parking.

1. All parking spaces required by this chapter shall be provided on the same site as the use requiring the parking spaces, except as authorized in Section 9.11.070, Adjustments to Off-Street Parking Requirements of this chapter.

2. All automobile spaces required for residential uses shall be located a maximum of two hundred fifty (250) feet from the units they are serving. Distances shall be measured from the nearest point of the building to the parking space(s) serving that building.

3. All car pool parking spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve.

G. Landscape and Screening Requirements. Parking lot screening and landscaping shall conform to the requirements of Chapter 9.17 of this title.

H. Access.

1. Parking Access from Streets.

a. Access to parking spaces, other than four or fewer spaces serving a residential use, shall not require backing onto a public or private street or onto a private drive other than a drive designed exclusively to provide access to parking spaces.

b. Commercial developments should orient traffic onto major arterials and not onto local streets or collectors.

c. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points shall be consolidated to take advantage of planned or existing median breaks.

2. Driveway and Aisle Widths and Clearances. For purposes of this section, a driveway shall be defined as an access leading from a public street or right-of-way or a private street to a parking area, or from one parking area to another, but shall not be defined to include any ramp, aisle, or maneuvering area. A ramp is defined as an access driveway from one parking level to another. All driveways and ramps shall comply with the following standards:

a. Driveways and aisles for single-family detached structures shall not be less than sixteen (16) feet in width, and shall be maintained free and clear of all obstructions. Driveways which serve single-family development shall be defined as the paved area leading from a public street or right-of-way or a private street to the designated parking area, and shall not be wider than such designated parking area; and

b. Driveways for single-family attached, multiple-family, and nonresidential uses shall be as shown in Table 9.11.080-13 of this section, except when for health and safety purposes wider dimensions are required for emergency vehicle access.

Table 9.11.080-13
Driveway and Aisle Dimensions for Single-Family Attached, Multiple-Family, and Nonresidential Uses

Width, excluding flares or curb radius	
Minimum (one-way)	20 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Right Turn Radius[1]	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing[2]	
From side property line	10 feet
From street corner	25 feet
Angle[3]	75°

[1] On side of driveway exposed to entry or exit by right-turning vehicle to driveways with curb radius.
[2] Measured along the street side property line from throat to the side property line, or to a line passing through the intersection.
[3] Minimum acute angle measured from the edge of pavement.

3. The following criteria and dimensions may be modified by the City Engineer:

Table 9.11.080-14

Street Classification	Distance from a Driveway to an Intersection	Spacing Between Adjacent Driveways
Expressway 134′ ROW	Restricted* **	1/2 mile
Divided Major/Modified Major	Limited access* **	Limited access
Divided Arterial	Minimum 450 feet	Minimum 450 feet
134′ ROW/120′ ROW		One driveway per parcel

Divided Arterial	Limited Access* **	Minimum 250 feet
110′ ROW	Minimum 350 feet	
Arterial/Minor Arterial/ Industrial Collector		
100′/88′/78′ ROW	Limited access* **	Minimum 150 feet
	Minimum 250 feet	
	Full Access 350 feet	
Collector/66′ ROW	Minimum 200 feet* ***	Minimum 100 feet or one driveway per parcel
Local Street	Minimum 100 feet* ***	Minimum 100 feet or one driveway per parcel

* Access may be limited to the minimum movements necessary to safely expedite traffic.
** Access may be restricted by medians.
*** For residential development.

4. Ramps.

a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a larger dimension is required for emergency vehicle access.

b. Two-way ramps shall have a minimum width of twenty (20) feet.

5. Gated Entries. Requests for gated entries shall be submitted to the city traffic engineer and shall be subject to review and approval by the city traffic engineer and planning official, based on an analysis of the following issues:

a. Type and operation of gate;

b. Adequacy of vehicle stacking area;

c. Effect of gated entry on parking usage and distribution on the site;

d. Effect of gated entry on parking for surrounding or adjacent areas;

e. Emergency vehicle access. (Ord. 808 § 2.5.3, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 643 § 2.6, 2003; Ord. 616 § 2.2.22, 2003; Ord. 604 §§ 2.15—2.18, 2002; Ord. 557 § 2.6, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 406 § 1.4, 1993; Ord. 405 §§ 1.14, 1.15, 1993; Ord. 402 §§ 1.3, 1.4, 1993; Ord. 359 (part), 1992)

9.11.100 Circulation—Pedestrian.

A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. **The use of pervious paving surfaces is recommended where feasible.**

B. Pedestrian walkways shall be connected with public sidewalks, connecting buildings and activity areas within centers. Pedestrian walkways shall be provided to connect adjacent properties when appropriate.

C. Pedestrian walks through open spaces and accessways to buildings should be used to shorten walking distances.

D. Pedestrian walkways, corridors, plazas and other similar areas shall be highly visible and well lit.

E. Amenities including, but not limited to, enhanced paving, street furniture and raised planters should be provided to enhance the pedestrian experience.

F. Handicapped ramps shall be incorporated into all curb and sidewalk designs and shall meet the standards set forth in Title 24 of the California Access Code. (Ord. 808 § 2.5.4, 2010)

9.16.010 Introduction and scope of guidelines.

A. ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commission's and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~

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B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city's design standards to new development and to remodels, upgrading design citywide and implementing the general plan's policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

Article III Applications for Site Design and Architecture

9.16.110 Objectives, generally.

A. Project design and layout shape the overall character of a project and how that project fits into its surroundings. New development should harmonize with the character of the adjacent area, implementing the general plan's design policies.

B. The Moreno Valley general plan stresses variety in building design and compatibility with surrounding and planned land uses. Architectural treatment can address both, providing varied and sensitive building massing, consistent detailing and compatible building materials and styles. The following guidelines should help to achieve the level of quality, variety and compatibility of architectural design that the general plan requires.

C. Site design and architectural guidelines have several objectives; among these are:

1. Orienting buildings, parking and public spaces to enhance the streetscape, to add variety and to provide for pedestrian spaces and circulation;

2. Translating design principles into architecture and site planning applications;

3. Awakening an interest in urban design and form for Moreno Valley by requiring projects to be reviewed in their context;

4. Reminding project developers of design considerations not usually covered by zoning development standards or design review;

5. Using site planning techniques and architecture to provide for human scale;

6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, **including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off**;

7. Working in concert with the city's landscape **requirements.** ~~guidelines as adopted by Ordinance No. 247.~~

D. Site design and architecture guidelines are separated into five categories:

1. General;

2. Single-family residential;

3. Multifamily residential;

4. Commercial (retail, office and mixed use);

5. Industrial. (Ord. 359 (Attach. 2 (part)), 1992)

9.16.120 General guidelines.

A. General guidelines apply to all uses and projects citywide.

1. The setback from streets and adjacent properties should relate to the scale of the proposed structure. Larger structures require more setback area for a balance of scale and compatibility with adjacent uses.

2. Tall buildings should be made less imposing by stepping upper floors back from the first floor facade plane.

3. Gateway treatments range in scale, identifying an entrance to the city, subcommunity, development project or a single building. Gateways, including enriched paving, raised medians, signs and other features as appropriate, create a sense of entry and should be included in all developments.

4. New developments should respect the view of existing developments. Large developments should maintain view corridors which are oriented toward an existing or proposed amenity such as a park, open space or natural feature.

5. Trash enclosures, loading areas, mechanical equipment and outdoor storage areas shall be screened from public view. Enclosures shall be compatible with the project architecture and shall not detract from the overall design theme.

6. New residential flag lots shall be permitted only in hillside subdivisions and only when no other alternatives are available.

7. Natural drainage courses should be retained in their natural state.

8. Building mass and scale should be in proper proportion to the site, open spaces, street location and surrounding developments.

9. All exterior wall elevations of buildings and screen walls shall have architectural treatments enhancing the building appearance. Uniform materials and consistent style should be evident in all exterior elevations of a building. Secondary materials should be used to highlight building features and to provide visual interest.

10. Building massing should be varied to provide interesting form, proportion and scale. Monolithic forms are discouraged; massing variety should be three dimensional.

11. Building design and siting should be compatible with surrounding land uses and with the climate and physical setting of Southern California.

12. Building architecture should be compatible with surrounding existing or planned architectural character. Within commercial centers, materials, textures, colors and architectural detailing shall be compatible with the center's specified design theme.

13. Shadow patterns created by architectural elements such as overhangs, projections and recesses of stories, balconies, reveals and awnings are encouraged, adding to building interest and aiding in climate control.

14. Multi-story buildings should be detailed to reduce their vertical appearance as much as possible. This can be done by articulating the separate floor levels with horizontal bands, by increasing the level of detail on lower floors, by progressively lessening building mass on upper floors and by using heavier materials on lower floor facades.

15. Building entries should be articulated through massing treatment and should incorporate detailed design elements.

16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. **Roof drains shall be integrated into the building design and convey water to landscape areas for aesthetics and water quality.**

17. Base walls and other large expanses should be light colored. Soft tones ranging from white to very light pastels are encouraged. Natural light colors, such as off-whites, beige and sand, are also acceptable.

18. Building accent elements, like doors, window framing, chimneys, trim, railing, awnings and light fixtures, should contrast with the main building color, producing added interest and a lively streetscape. Care should be taken not to use too many bright colors or too many different types of details to avoid an overwhelming or cluttered building.

19. The use of simple color schemes using no more than three colors is recommended.

20. All paint products, awning fabric or other color elements should be durable and fade resistant and shall be recommended by the manufacturer for the proposed use and location.

21. The use of bright colors such as fluorescent, hot or "day glo" colors is strongly discouraged.

22. Using building materials in their natural state is strongly recommended.

23. Bricks should be left unpainted.

24. Colors should be used to express identity and individuality within a cohesive and attractive framework.

25. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment or have an appropriate setback from the one-story building. (Ord. 604 § 2.21, 2002; Ord. 456 §§ 1.1, 1.2, 1995; Ord. 359 (Attach. 2 (part)), 1992)

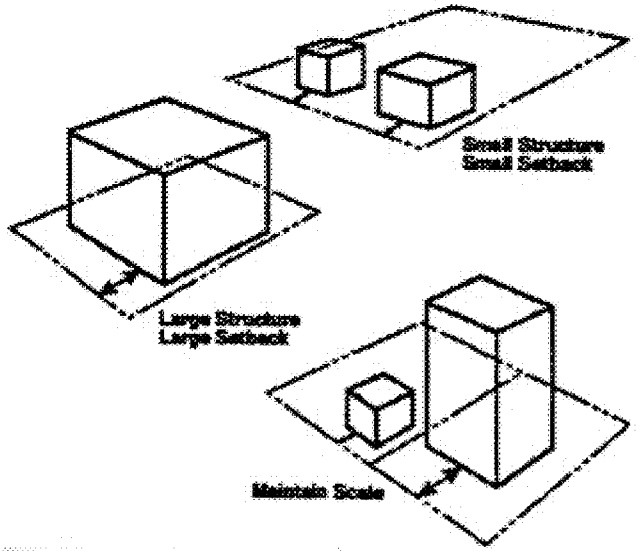

Setbacks in Scale with Building Bulk

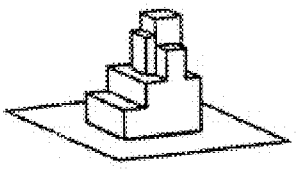

Taller Buildings
Stepping Back from Street

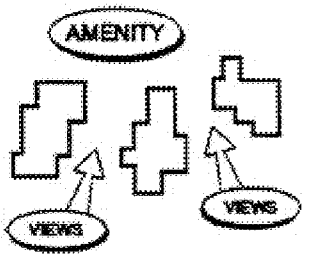

Preserve New Corridors

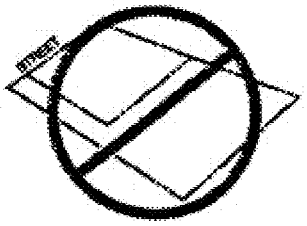

Discourage Flag Lots

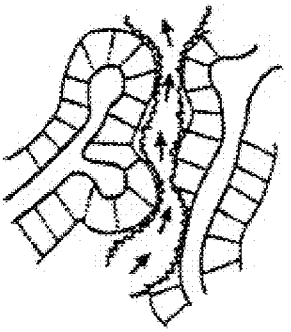

Drainage Course Retained
in Natural State

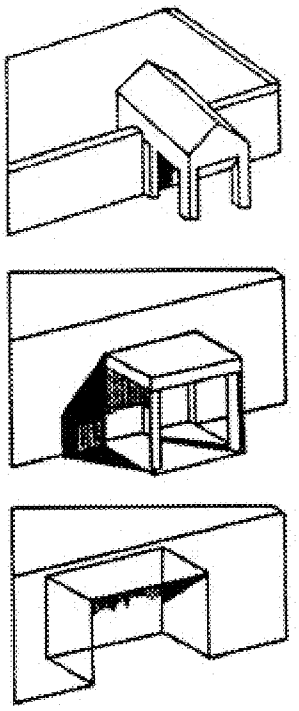

Articulated Building Entries

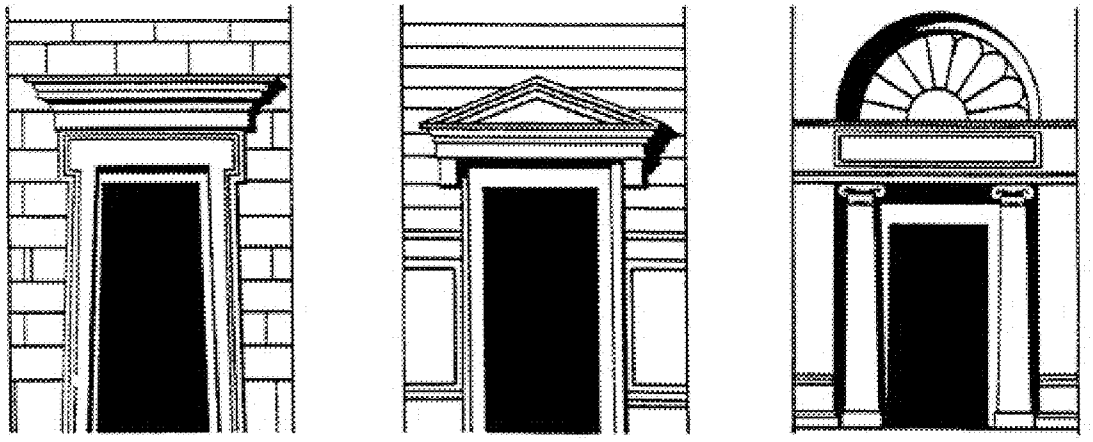

Detailed Design Elements for Building Entries

9.16.130 Single-family residential.

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	Maximum Density
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre

Designation	Maximum Density
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre"

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.

2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

a. Provide projecting and/or recessed entries and windows.

b. Include projecting or recessed balconies.

c. Front porch with a minimum depth of five feet.

d. Dormer windows.

e. Minimum eighteen (18") inch roof overhangs with detailed rafter tails.

f. Offset building planes a minimum of two feet.

g. Stepping back a portion of the second story.

h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks.

Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. **Pervious surfaces are required for such areas within required setbacks.**

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. **Pervious surfaces are recommended where feasible.**

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	**Minimum # of Footprints***	**Minimum # of Elevations/ Footprints**
5-9	1	2
10-24	2	3
25-49	3	3

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
50 plus	Add one additional footprint for every 50 units over 50	4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)

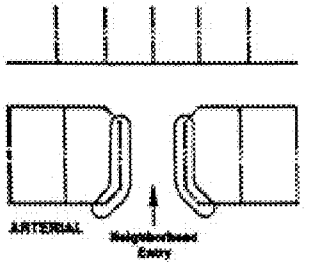

Landscape Treatment Areas at Neigborhood Entries

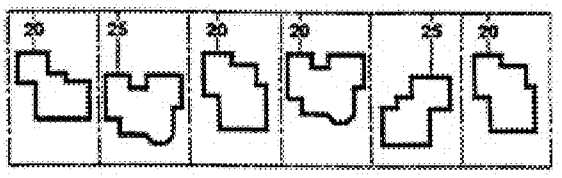

Vary Setbacks by at Least Five Feet

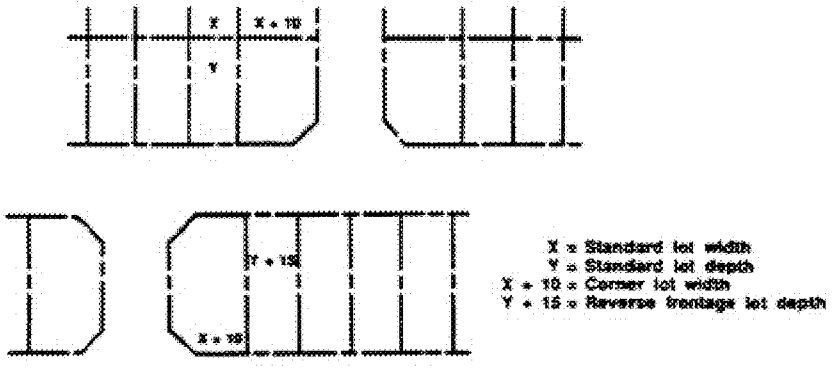

Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots

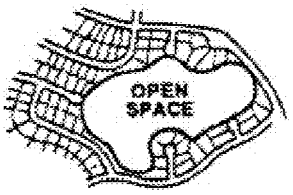

Use Curvilinear Elements and Orient Roads to Open Space and Views

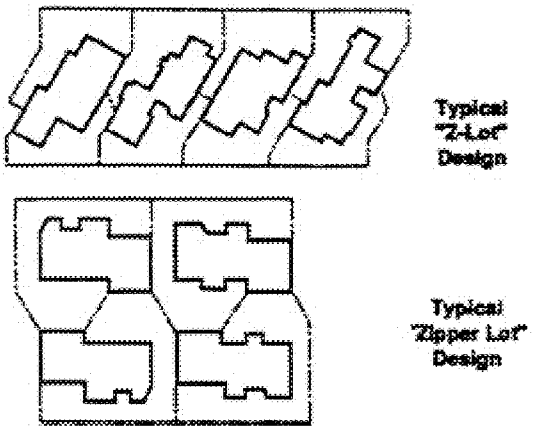

Innovative Subdivision Design

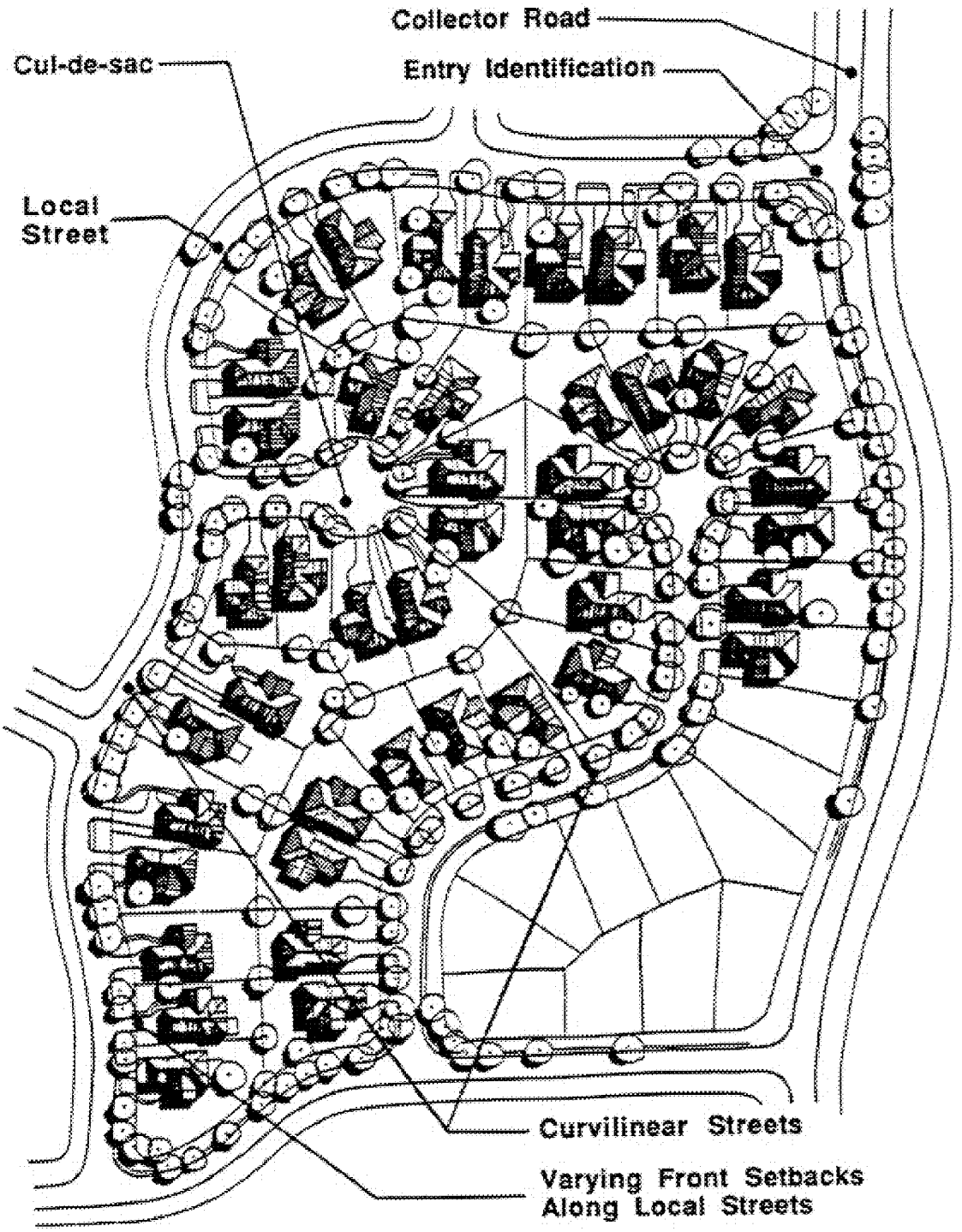

~~9.16.140 Multifamily residential.~~

~~A. These guidelines deal with multifamily residential (R10, R15 and R20) areas as found in the general plan.~~

~~1. Residential 10: provides for a variety of residential products and encourages innovation in housing types. Single-family detached residential, single-family attached residential, multiple-family attached residential, and mobile homes may be appropriate subject to applicable general plan policies and Moreno Valley ordinance provisions.~~

~~2. Residential 15: broadens the range of available housing types, and provides housing for those not desiring dwellings on individual parcels. Single-family attached residential may be appropriate.~~

~~3. Residential 20: provides housing in a more urban setting than found in other areas of the city and provides opportunities for low and moderate income housing.~~

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~~Table 9.16.140A~~

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~~Designation~~	~~Maximum Density~~	~~Threshold Density~~
~~R10~~	~~10 units/acre~~	~~8 units/acre~~
~~R15~~	~~15 units/acre~~	~~12 units/acre~~
~~R20~~	~~20 units/acre~~	~~16 units/acre~~

-

~~B. General Guidelines.~~

~~1. Tuck-under parking and/or opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.~~

~~2. Parking areas should be staggered and landscaped to add visual interest, individuality, rhythm and opportunities for accent treatments.~~

~~3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.~~

~~4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.~~

~~5. Open parking areas should be clustered and treated as landscaped plazas and courts.~~

~~6. Landscaping shall be used around the perimeter of the lot, as well as within the lot reducing paved area and providing for a more pedestrian-oriented site.~~

~~7. No more than four units for a two-story structure should be served by one entry.~~

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~

~~9. Each multiple-family unit should have at least one hundred (100) square feet of private open space which may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.~~

~~10. Individual units should have a porch or porch-like space at the front door.~~

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered.~~

~~13. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.~~

~~14. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors, enhanced landscaping or enhanced paving.~~

~~15. Trash enclosures shall not be located on dead-end drive aisles, unless adequate turnaround is provided for collection vehicles.~~

~~16. There should be at least one trash enclosure for every twenty-four (24) residential units.~~

~~17. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.~~

~~18. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative.~~

~~19. Freestanding structures, like gazebos or pergolas, should be located to define activity nodes at pathway intersections or in secluded landscape areas.~~

~~20. Drive aisles with no adjacent parking shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.~~

~~21. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.~~

~~22. Senior housing needs warrant special design considerations, including:~~

~~a. Intimate, shaded outdoor seating areas;~~

~~b. A network of pathways, providing interesting walking experiences;~~

~~c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;~~

~~d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;~~

~~e. Security;~~

~~f. Direct ambulance access;~~

~~g. Parking close to units;~~

~~h. Elevators.~~

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~

~~24. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.~~

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~

~~26. When appropriate, multifamily projects shall be designed for the needs of families with small children, the disabled and the elderly. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.~~

~~27. Architectural features should be used to increase privacy from nearby units and common or public spaces.~~

~~28. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable shall be discouraged.~~

~~29. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each entrance of a multiple-family development. (Ord. 670 § 3.1 (part), 2004; Ord. 359 (Attach. 2 (part)), 1992)~~

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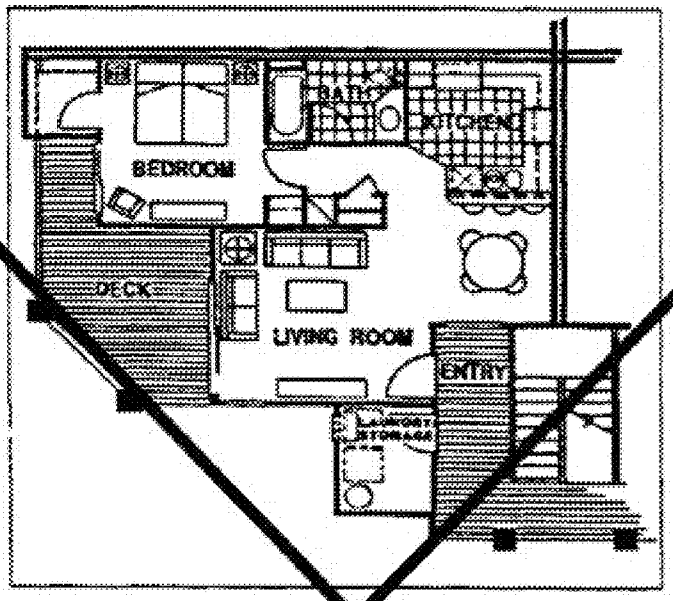

Apartment Unit With Patio Style Entry and Large Balcony

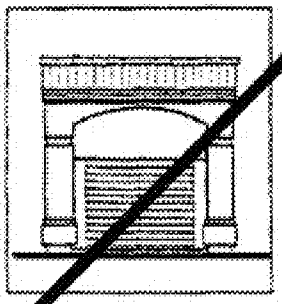

Architecturally Treated Trash Enclosure

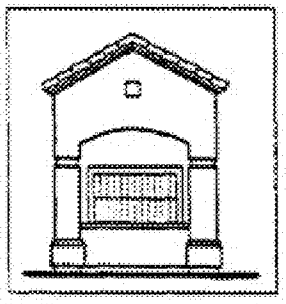

Architecturally Treated Mailbox Kiosk

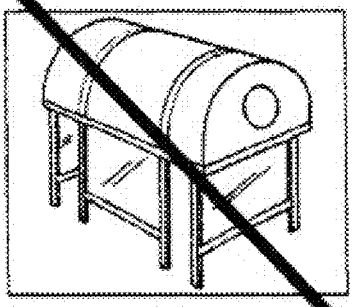

Freestanding Pergola

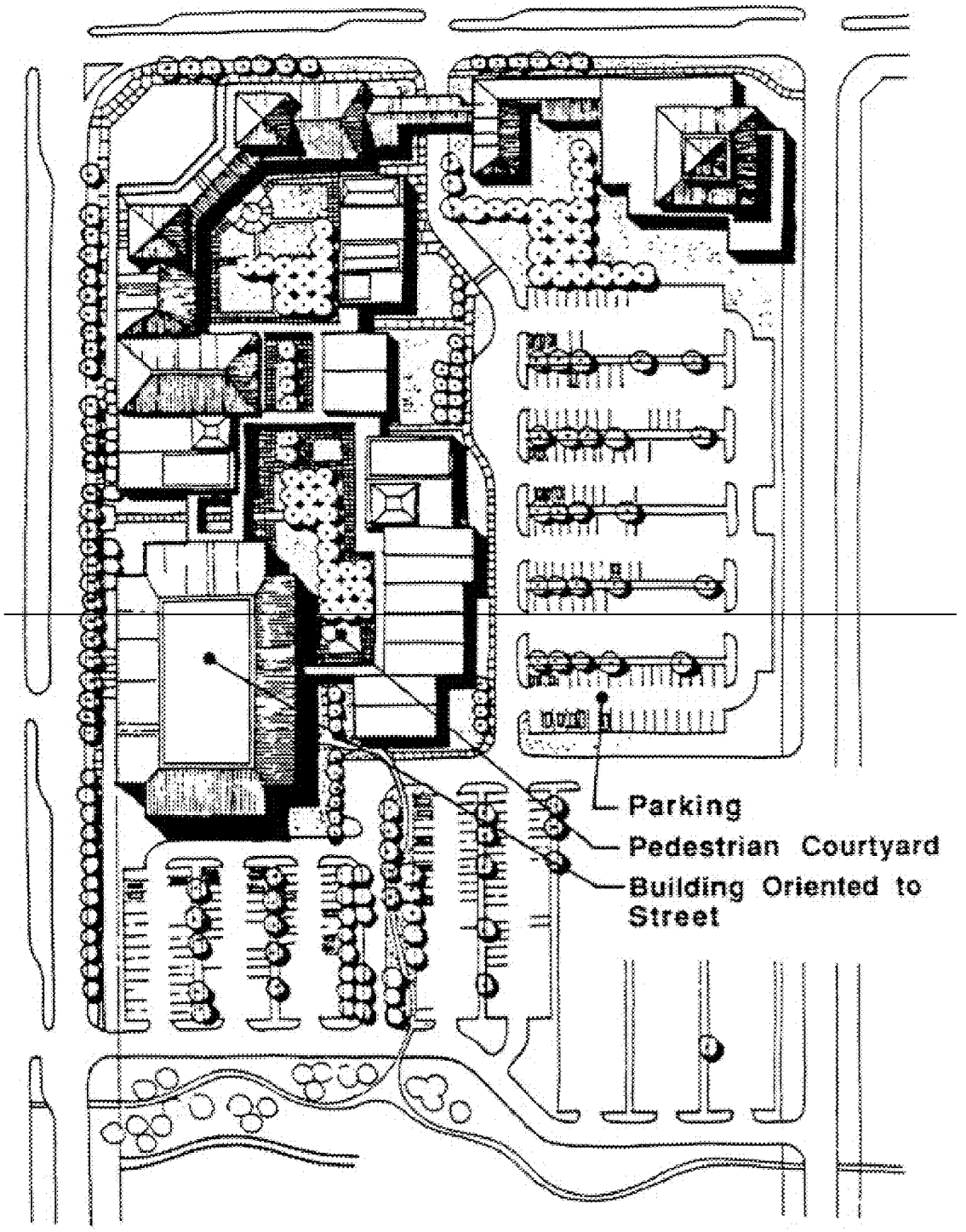

Commercial Center with Focal Points, Courtyards and Street Orientation

9.16.150 Commercial (retail, office, mixed use).

A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.

1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.

2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.

3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.

4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a "turn-of-the-century" architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.

B. General Guidelines.

1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.

2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.

3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.

4. The development of new, small convenience centers on sites less than eight (8) acres is discouraged.

5. Architectural elements shall be an integral part of the facade design, avoiding the "pasted-on" look.

6. Building facades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.

7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.

8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.

9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.

10. Continuous building mass should be divided into smaller units, providing both variety and scale.

11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.

12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.

13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.

14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.

15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.

16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial "crossover."

17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.

18. Each commercial center of five acres or more shall have at least one major entry containing a median.

19. The "strip" commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.

20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.

21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.

22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.

23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.

24. Access to service bays of automotive uses shall be from the interior of the site.

25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.

26. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.

27. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.

28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and **drain into a landscape area for water quality, retention and absorption to reduce water run off**.

29. Architectural design of new projects shall be mindful of the surrounding district's urban fabric, providing a design statement to enhance the context and to upgrade the overall image. (Ord. 475 § 2.1, 1995; Ord. 359 (Attach. 2 (part)), 1992)

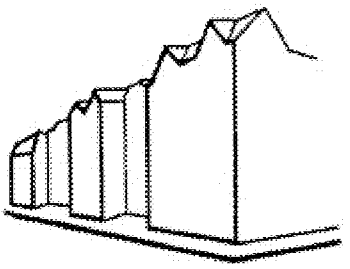

Continuous Mass Divided to Provide Scale

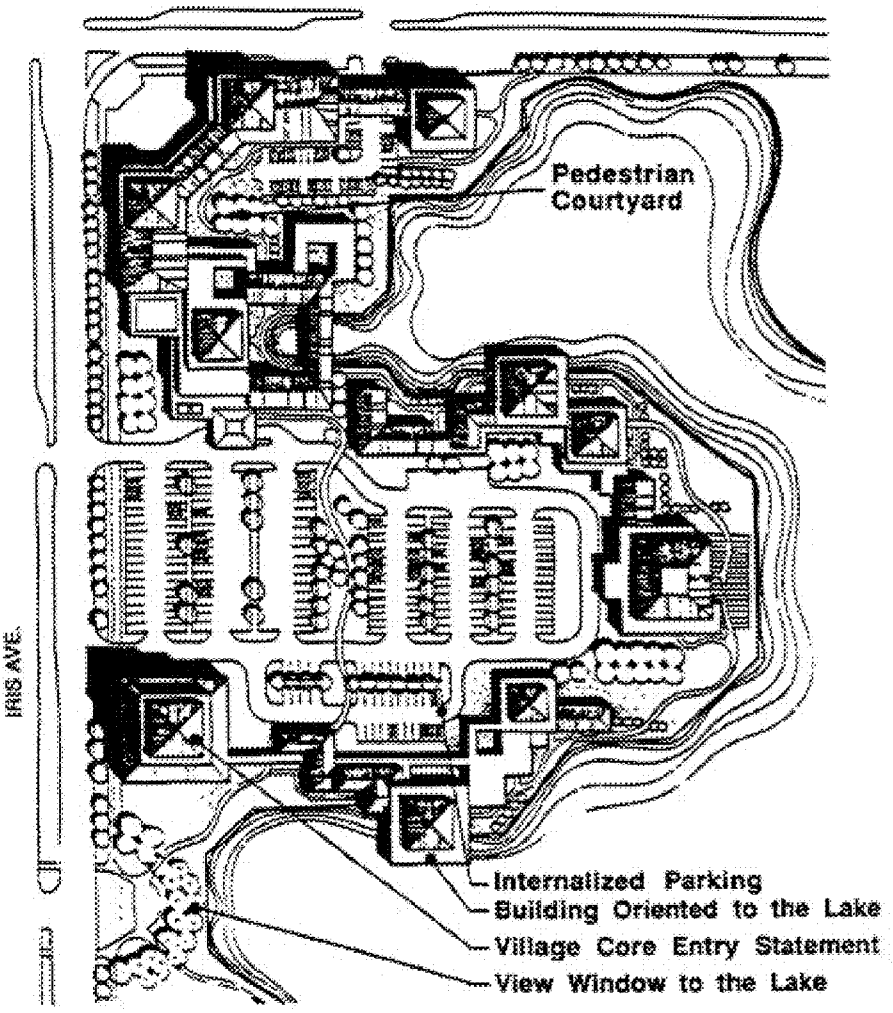

Commercial Center with Separated Pedestrian and Auto Circulation

9.16.160 Business park/industrial.

A. These guidelines address the business park and industrial land use classifications. These uses generally require large floor areas, extensive truck circulation and minimal parking.

B. General Guidelines.

1. Building design shall be innovative and attractive, using various building materials, varied massing, enhanced facade treatments and other techniques to provide an "up-scale" image for the community.

2. Clean, contemporary architectural expressions are encouraged.

3. All sides of all buildings shall have architectural treatment.

4. Entries into industrial buildings shall be well-defined through the use of projections, recesses, space frames, pergolas, colonnades, raised planters, seats, enhanced paving, low-level lighting bollards or other elements.

5. Solid walls (six feet high) and landscaping shall be used to screen loading, service and trash storage areas from public view.

6. Solid walls and landscaping should screen ground-mounted equipment located away from buildings.

7. Truck docks and interior trash storage areas must be closed off by roll-down doors, arranged in an organized manner, integrated within the overall design of the industrial project and oriented away from public view.

8. Roof-mounted equipment shall be screened from public view. All roof screens shall be solid and continuous and shall be treated to be compatible with the project's architecture.

9. Exterior walls shall be architecturally treated to provide relief and variety by using pilasters, deep reveals, offset entries and staggered wall components.

10. All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels.

11. All manufacturing and industrial uses shall be adequately screened and buffered to reduce glare, noise, dust and vibration.

12. Truck traffic shall be channeled directly to truck routes and shall not have access to neighborhood streets.

13. Pedestrian walkways should link building entries to bus turnouts and nearby land planned for or used as eating establishments.

14. Courtyards for resting, gathering and eating by employees shall be provided. **Pervious surfaces are recommended where feasible**. (Ord. 359 (Attach. 2 (part)), 1992)

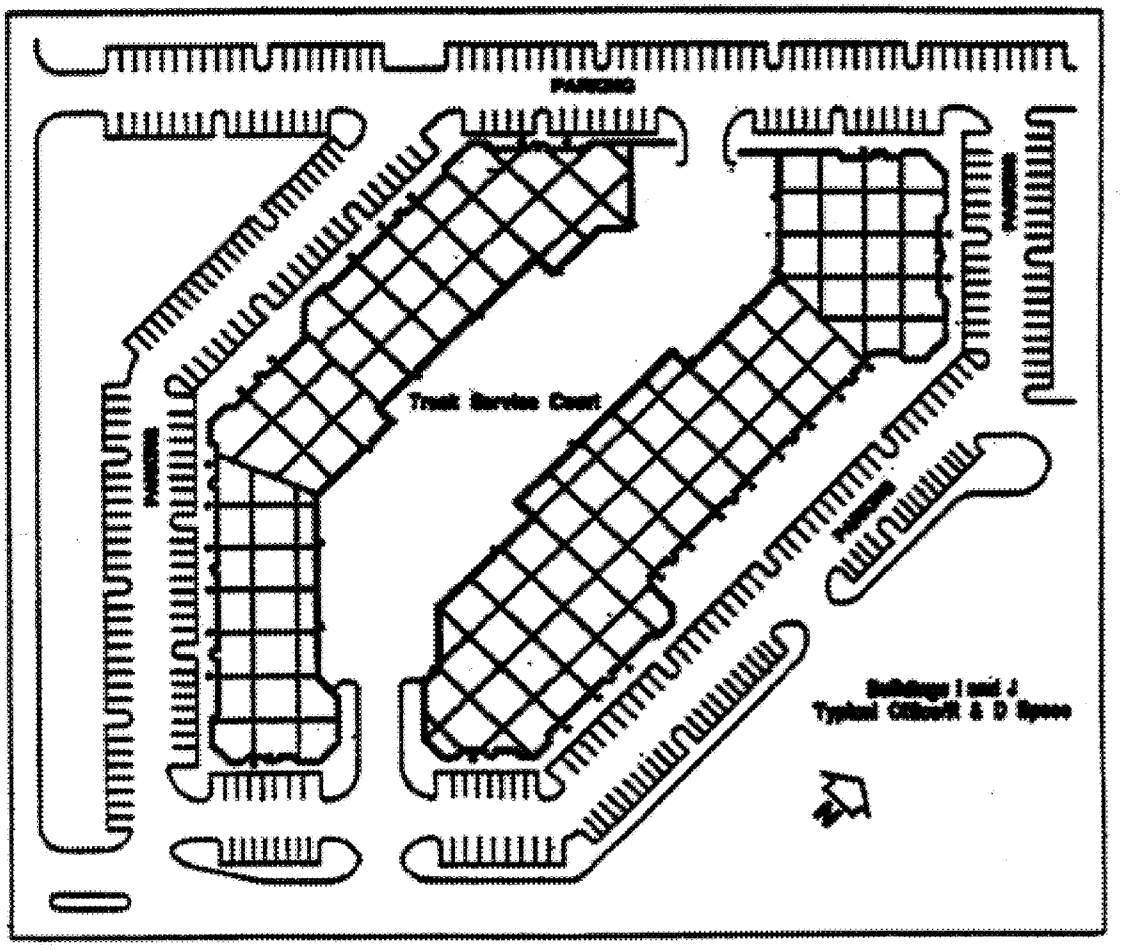

9.16.190 Natural open space standards.

A. All hillside development proposals shall include a portion of the site to be retained in natural area open space.

1. The natural open space area may be comprised of two types:

a. Undeveloped natural areas, that which has been left in its natural state;

b. Restored natural areas, that which have been disrupted during construction but are restored to a natural appearance.

2. The following shall guide the location of undeveloped natural areas:

a. Contiguous areas along drainage channels;

b. Ten (10) foot minimum widths adjacent to roadway improvements;

c. On lots where the average slope exceeds twenty-five (25) percent, the construction of custom homes with multiple foundation levels shall be mandatory while post and beam construction shall be discouraged;

d. Areas contiguous with other natural areas of adjacent properties;

e. Areas containing rock outcroppings;

f. Areas containing soils with high permeability;

g. Significant stands or clusters of native vegetation;

h. Known or discovered archeological or paleontological sites.

3. The following shall guide the location of restored natural areas:

a. In required setbacks;

b. Adjacent to common recreation facilities;

c. Along roadway improvements or over utility easements;

d. Fuel modification zones, as required by the fire department.

4. The percent of the total site required to be retained in natural open space shall be based on the average natural slope of the land surface. The following natural open space area requirements shall apply:

Table 9.16.190A

Natural Area Open Space Requirements

Average Percent Slope	Minimum Percent of Site to Remain as Natural Area Open Space
10% - 15%	35%
15.1% - 25%	50%
Over 25%	60%

5. The following shall guide the allocation of undeveloped and restored natural areas on properties:

a. Undeveloped natural areas shall constitute a minimum of seventy-five (75) percent of the required natural area open space.

b. Restored natural areas may constitute a maximum of twenty-five (25) percent of the required natural area open space.

c. No grading, excavation or construction shall be allowed within areas designated as natural areas. Fuel modification areas may be graded as necessary and replanted to meet fire department requirements.

d. Where construction has inadvertently scarred designated natural areas, the applicant shall restore the affected sites, as approved by the Community **& Economic** Development Director or designee.

e. Restored natural areas shall be graded to blend in with the natural terrain and landscaped with rock and plant materials native to the local area.

f. All undeveloped natural areas and restored natural areas shall be clearly shown on all proposed plans and building permit site plans unless otherwise approved by

the city council. A landscaping program for restored natural areas shall be approved by the Community **& Economic D**evelopment Director prior to issuance of building permits. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

9.16.200 Landscaping.

A. All required plans for landscaping are approved prior to issuance of building permits, and in accordance with Chapter 9.17 of this title.

B. Existing vegetation is retained in, and part of the comprehensive development project not designated for grading or construction. Site design preserves native or historic/mature vegetation, unless otherwise approved by the **C**ommunity **& Economic D**evelopment Director.

C. Existing vegetation that cannot be preserved in place, but is suitable for transplanting, is relocated elsewhere on site, as approved by the community development department director.

D. Unimproved disturbed areas are landscaped within one hundred eighty (180) days following issuance of a grading permit and/or within thirty (30) days of issuance of a certificate of occupancy, whichever is earlier.

E. All landscaping within public easements or areas dedicated to the city is of low maintenance, xeriscape or native plant material.

F. An open space network is designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels, where major public trail systems or vista corridors are designated. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.25, 2003: Ord. 359 (Attach. 2 (part)), 1992)

9.16.210 Grading.

A. Man-made slopes shall conform to patterns of the natural terrain. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.

B. "Landforming" shall be applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height.

1. Landforming shall be accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping.

2. Rear and side yard slopes between adjacent lots within the same project need not be landformed unless they are greater than one hundred (100) feet in length or ten (10) feet in vertical height.

C. Any cut or fill slope to be revegetated shall not be steeper than 2:1.

D. All excess excavated material shall be removed or otherwise placed to become an integral part of the site development.

E. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.

F. Whenever archeological or paleontological sites are discovered during excavation, the planning division shall be notified immediately and mutually agreeable precautions taken to preserve the artifacts.

G. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings shall be protected to the greatest extent feasible in the siting of individual lots and building pads. These features shall be shown on the grading plan with appropriate protection and relocation notes. Where trees with four-inch or greater trunk diameters are to be removed, they shall be replaced with at least twenty-four (24) inch box size trees of the same species, or as approved by the planning division, at a ratio of three new trees for each mature tree removed.

H. All dwelling units shall be located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the city engineer and the Community **& Economic** Development Department.

I. Crib walls, or an equivalent, may be used to enhance a cut slope's capability to be landscaped, providing they are properly irrigated. They should not be used, however, to increase flat pad size or to otherwise intensify project grading.

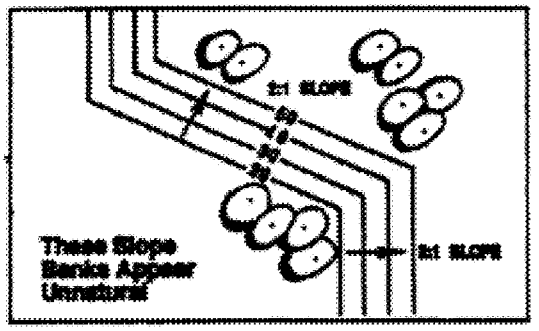

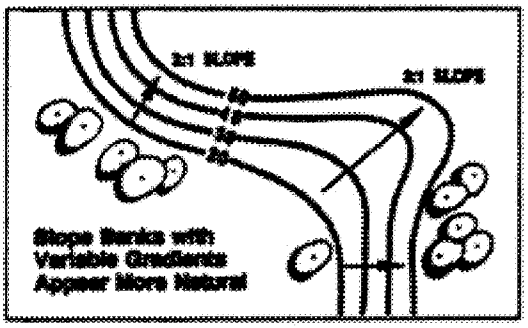

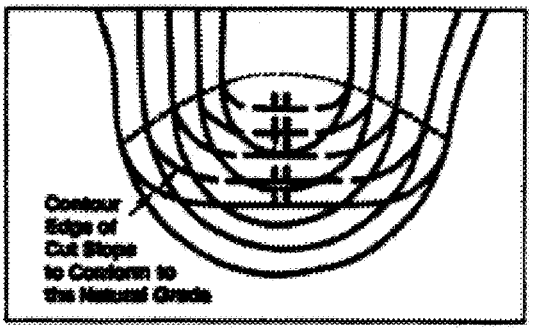

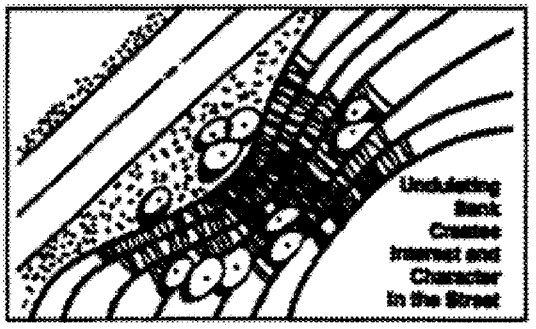

J. Any manufactured slope shall be contoured in a manner to appear to have a natural grade. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1992; Ord. 359 (Attach. 2 (part)), 1992)

9.16.220 Roadways and circulation.

A. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.

B. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.

C. Variations in road design and construction may be permitted to keep grading and cut slopes to a minimum.

D. One-way loop roads may be constructed where appropriate for the terrain.

E. Combinations of collective private driveways, cluster parking areas and off-street parking bays **(including pervious paving where feasible)** are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. **Pervious surfaces are recommended where feasible.**

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed eight (8) feet above finished grade, in or on a building wall not to exceed eight (8) feet above finished grade and shielded, or on a structure to a height of not more than twelve (12) feet for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.17.030 Landscape and irrigation design standards.

A. General. The landscape plans shall incorporate low water use plants, turf trees and ground covers adaptable to the area. A list of plants may be found in the county of Riverside's Guide to California Friendly Landscaping that provides a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Plants not on the list may be used providing the water consumption does not exceed the project's water budget. Consideration should be given to climate, soil types and topographic conditions. Landscapes should group plants using similar watering patterns to eliminate over watering and provide irrigation watering zones of similar use.

The irrigation systems shall be installed using water-conserving equipment including the installation of bubblers, drip systems, low volume sprays and smart irrigation controls. Smart irrigation controls are sensitive to the changing weather patterns and adjust watering cycles automatically to reduce water usage during colder/rainy weather. A water budget shall be completed that meets Eastern Municipal Water District guidelines and submitted with the landscape plans. Based on the landscape design, the water budget will determine the landscape's water demand. Once calculated, the annual maximum allowable water budget (AMAWB) is compared to the estimated annual water use (EAWU) to ensure the design does not exceed the allowed water use.

Projects shall be designed to capture and retain storm water onsite to improve water use efficiency and water quality. The use of

reclaimed water is encouraged. Contact Eastern Municipal Water District for availability.

B. Plan Design Standards. The following design standards are required on all landscape plan submittals:

1. Final landscape and irrigation plans shall be based on the approved site plan and/or the final grading plan for the project.

2. Final landscape and irrigation plans for all projects, with more than one thousand (1,000) SF of landscaped area, except custom homes or projects designed in-house by the public works department or parks and community services department, shall be designed (and wet stamped/certified) by a California state licensed architect, civil engineer or landscape architect. All non-residential projects with one thousand (1,000) square feet or less of landscaped areas shall provide landscape and irrigation plans certified by a certified irrigation designer.

3. Minimum scale is one inch = twenty (20) feet. A smaller scale may be used with prior approval by the city. Standard sheet size is twenty-four (24) inches by thirty-six (36) inches.

4. Existing vegetation shall be retained on any portion of a development not designated for grading or construction, unless otherwise approved or required by the city.

5. Landscape shall include drought-tolerant plants and water conservation principles.

6. All soil surfaces in landscape areas shall be covered with plant materials, walkways or mulch (organic or inorganic).

7. Ground-mounted equipment (e.g., transformers and back flow preventers) shall be screened with landscaping or screening walls, allowing for adequate access for equipment maintenance.

8. Trash enclosures are screened with at least three feet of landscaping on three sides.

9. Unimproved areas are maintained in a weed-free condition, and may require temporary landscape and irrigation.

10. All nonturf landscape areas are covered with a minimum of three inches of mulch following installation, unless otherwise approved by the city.

11. Native or low-water use plant materials shall be used. The use of invasive plants should be avoided. (See the California Invasive Plant Inventory by the California Invasive Plant Council www.cal-ipc.org). No invasive plants are permitted adjacent to Multi-Species Habitat Conservation Plan conservation areas.

12. Water budgets that meet Eastern Municipal Water District guidelines shall be attached to plan submittal. Obtain water budget information from Eastern Municipal Water District.

13. Water budgets are subject to approval by Eastern Municipal Water District. The city of Moreno Valley will cooperate with Eastern Municipal Water District in monitoring to the extent practicable.

14. Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standard as determined by the state of California Code of Regulations and Eastern Municipal Water District. Landscape plans submitted shall meet this standard.

15. Water quality basin design shall ensure that the design between the basin and the required landscaping area complement one another.

C. Turf Areas.

1. Turf areas shall have a maximum design slope of twenty (20) percent and a minimum design slope of one percent.

2. Turf areas shall be limited to less than twenty-five (25) percent and only in gathering areas with the exception of parks and similar recreational facilities. Turf shall not be used solely for decorative purposes. Turfless or xeriscape design concepts are preferred.

3. Where turf areas are allowed, drought-tolerant and warm season turf varieties shall be used.

4. Except for single-family residences, concrete mow strips shall be installed between all turf areas and groundcover/shrub areas, vine pockets, walls, structures, or signs.

5. High quality artificial turf is allowed as an element of a project landscape.

6. Native grasses not requiring regular mowing shall be used in lieu of turf in water quality facilities.

D. Ground Cover/Shrub Areas.

1. Shrubs and groundcover shall be installed in shrub/planting areas in amounts and at intervals that will provide eighty (80) percent coverage within twenty-four (24) months.

2. Shrubs shall be located to provide visual interest to the project site, break-up building massing, and help screen unsightly views.

3. Groundcover (low water use plants are preferred) shall be installed in such a manner to ensure eighty (80) percent coverage within twelve (12) months.

4. No plantings shall be located closer than twenty-four (24) inches from any building or structure, unless otherwise approved by the city.

5. All planting areas adjacent to buildings or structures shall slope away from all buildings, structures or walls, or incorporate drains to direct water away from these elements.

6. Large ground cover areas shall have multiple plant types including a variation in height, texture and color.

7. The plant palette provided in the Riverside County Landscape Guidelines is recommended to identify plants which can be used to establish a balance of drought tolerant plants.

E. Trees.

1. Trees shall be planted in a manner, which maximizes the shading of paved areas, outdoor seating, and both south- and west-facing windows.

2. Street trees for designated streets shall be used, unless a different street tree has already been established along the street segment in question.

3. Trees shall be planted at sufficient size and manner to ensure successful establishment and protection from breakage.

4. All landscape plans shall indicate mature tree canopy diameters.

5. All mature tree canopies in parking lots shall be pruned and maintained to maximize shade potential and ensure healthy, maximum growth. Topping of trees shall be avoided.

6. The tree palette shall provide a balanced use of evergreen and deciduous trees with attention to summer shade, fall and spring color, winter sunlight, and new growth.

7. Parkway tree planting shall provide a buffer effect that creates partial screening between parking lot areas and street vehicular traffic.

8. Existing mature trees that cannot be preserved in-place, shall be transplanted elsewhere on the site, unless transplantation is infeasible due to the type or condition of the trees.

9. Projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.

10. Trees shall be planted in a manner and at locations, which minimize the potential for damage to adjacent walkways and paving.

F. Irrigation.

1. All planted landscape areas shall be provided with an approved "smart" automatic irrigation control systems (labeled as evapotranspiration (E.T.) based), with rain sensing and/**or** soil moisture sensing devices. Watering during the rain shall be avoided.

2. Drip**,** ~~and~~ bubbler-type and ~~MP~~ ~~rotator~~ **rotor sprays or stream roter** sprinkler heads or similar efficient sprinklers shall be used whenever possible. These sprinklers should be used exclusively when positioned adjacent to building walls. (Bubblers and spray heads should be pressure compensating, low volume type).

3. Separate irrigation zones shall be provided for areas with different irrigation requirements, including, but not limited to, trees, turf and nonturf areas.

4. Reduced pressure backflow preventers are required on all irrigation systems.

5. No fixed risers are permitted, unless otherwise approved by the Community **& Economic** Development Director.

6. A pressure vacuum breaker shall be installed at the top of slopes when irrigation is installed on the top of the slope.

7. Irrigation shall be placed in a manner that eliminates overspray, runoff, wicking action and/or damage to adjacent buildings, walls, walks, driveways, streets, and fences.

8. Irrigation of landscapes should occur between nine p.m. and six a.m. except during the establishment period, when temperatures are predicted to fall below zero or when repairing/adjusting the irrigation system.

9. Eastern Municipal Water District will calculate the annual maximum allowable water budget (AMAWB) for customers requesting a new account. The proposed landscape must meet the AMAWB requirements prior to meter release. (Ord. 786 § 2, 2009)

9.17.050 Parking and drive-through landscape areas.

Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, **promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces,** and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:

A. Design Considerations.

1. Parking lots and drive-throughs shall be screened from the public right-of-way by a thirty-six (36) inch high wall, shrub row and/or by berming. If walls are employed, they must be aesthetically compatible with the project design.

2. Landscape areas in the parking lot shall be designed to minimize the potential for pedestrians to cross any landscape areas to reach building entrances and to access parked cars. Walkways shall be provided to facilitate pedestrian access, especially at corner locations.

3. ~~Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director~~. **Curb cut** openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. **Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.**

4. Turf is not permitted in parking lot planters.

B. Landscape Islands, Diamond, Finger and Perimeter Planters.

1. Landscape finger planters shall have a minimum interior dimension of five feet by sixteen (16) feet, exclusive of curbs, step-outs and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight feet.

2. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.

3. End islands, or finger planters are provided at the end of each aisle of parking to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

4. Where double rows of parking are provided, diamond or island planters are provided at an interval of one planter every three pairs of parking stalls. Minor adjustments are allowed in cases where this exact interval would be infeasible.

5. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

6. The perimeter of the parking lot has a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

C. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.

D. Trees-Number, Location, and Type.

1. Trees may be planted in clusters along the street frontage and side and rear setbacks, if applicable.

2. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

3. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. Within a maximum of ten (10) years, parking lot trees shall shade a minimum of fifty (50) percent of parking space pavement during the summer months, between one and four in the afternoon. A maximum of fifty (50) percent of the parking lot trees may be deciduous unless otherwise approved by the community development department.

4. The selection of parking lot trees shall avoid trees with excessive litter, sap or fruit that could damage vehicles. (Ord. 808 § 2.8, 2010; Ord. 786 § 2, 2009)

9.17.070 Single-family residential development.

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.

2. Use of xeriscape landscaping;

3. Use of approved landscape materials.

4. Use of approved “smart irrigation” controllers.

5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.

6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. **Pervious pavement/surfaces are recommended to reduce water runoff.**

7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

8. Ground cover should be used to absorb runoff from rain or irrigation.

9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)

9.17.080 Multifamily residential development.

A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. **The use of permeable surfaces is recommended for walks and patios to reduce water runoff.**

B. Trees shall be positioned such that trees are planted to shade paved areas and west- and south-facing windows for energy-efficient savings; coniferous or nonwinter deciduous trees are kept away from south-facing windows in order to allow for

heat gain during winter months. The larger sized trees should be placed at entries and accent areas.

C. Turf shall be limited and installed in useable gathering areas only with a maximum of twenty-five (25) percent. (Ord. 786 § 2, 2009)

9.17.090 Commercial, industrial, public and quasi-public development.

A. All required setback areas, exclusive of required walkways and driveways shall be landscaped. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. Gated and screened storage areas may be exempted from this landscape requirement per approval of the community development director.

B. A landscape buffer shall be provided on a nonresidential site when adjacent to residential uses to provide visual relief to the nonresidential side. Plant materials shall be selected so that at maturity (within ten (10) years), intermittent visual obstruction with no unobstructed openings greater than five feet in horizontal distance remain.

C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the **use of pervious surface areas that reduce water run off**. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

D. Additional parking lot trees shall be provided at one tree per thirty (30) linear feet of parking lot adjacent to the interior property.

E. Project entry drives shall incorporate enhanced landscaping (size and variety of vegetation) and pavement.

F. Projects with frontage abutting arterial streets shall be required to construct parkways in conformance with city standard engineering plans unless otherwise approved by the community development director.

G. Turf is limited to gathering areas only. (Ord. 786 § 2, 2009)

9.17.110 Erosion control/slope planting.

Erosion control landscape plans are required for all cut or fill slopes over three feet high. Landscaping provides erosion control while maintaining the aesthetic values of the hillside.

A. General/Design Requirements.

1. Landscape must establish or reinforce a design concept for the specific hillside area, while complimenting buildings and streetscapes.

2. Placement of plant materials shall reinforce the natural terrain and topography of the area.

3. Tree species and placement shall respect potential view sheds of neighboring properties.

4. Erosion control and fire prevention devices may be required depending on the degree and length of slope, soil type, etc.

5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, **draining to landscape or permeable surface areas that allow for water retention and absorption.**

6. Turf shall not be used for slope planting. Hydro seed and water efficient grasses not requiring regular mowing may be permitted per approval by the community development director.

7. Slopes that abut public streets/right-of-ways must also adhere to applicable portions of Section 9.17.090. (Ord. 786 § 2, 2009)

9.17.130 Water quality landscape designs.

Water quality landscapes are designed to encourage the use of landscape areas as a water treatment area incorporating small scale features across a site to assist in watershed hydrology functions.

A. Water treatment areas shall be no deeper than twenty four (24) inches visible within the landscape setback areas unless otherwise approved by the Community **& Economic** Development Director. Rock or other decorative material may provide for greater depth of the treatment areas. No fencing will be required around water treatment areas that do not exceed Building Code fencing requirements (currently twenty four (24) inches in visible depth.

B. Basins and treatment areas shall be landscaped to appear like a natural water feature.

C. Design and site considerations shall be aesthetically consistent with surrounding landscaping using a variation of plants and materials. (Ord. 786 § 2, 2009)

9.17. 150 Water Efficiency Requirements.

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

11. Direct all runoff from roofs and hardscape areas to landscaping areas or water capture systems.

12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions.

Landscape Standards

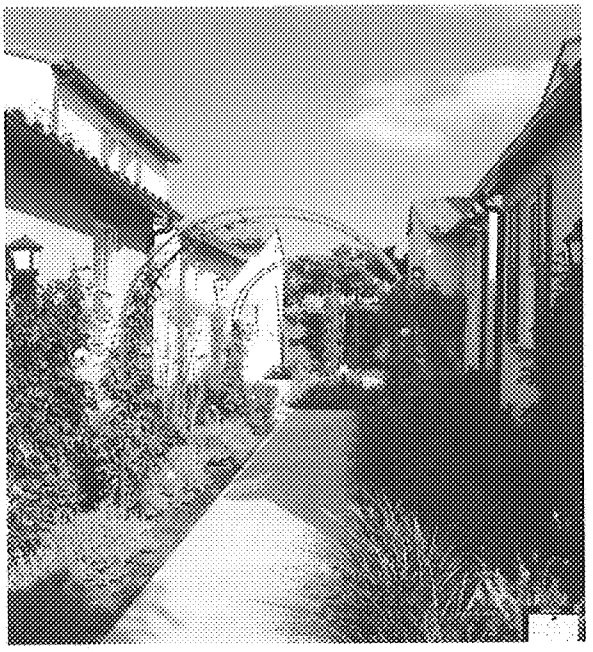

City of Moreno Valley

California

ATTACHMENT 4

Single Family Residential

Front yards: 25% turf (maximum) with the remaining yard planted with shrubs, ground covers and required trees. Turf shall be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/ surfaces are recommended to reduce water runoff.

Trees: Street trees 40-ft on center (2-ft on private side of property line); minimum 1 tree per lot (see graphic on page 5).

Minimum: 1 tree on short frontage, 2 trees on long.

Shade trees: minimum one per lot in addition to street trees (see graphic on page 5).

Reverse Frontage parkways: see page 8-9

Erosion Control: see page 12

See Street tree list- pages 18-23 Landscape planting specifications: see pages 15-17.

Tree Size - see page 17

MV00106884

Multi-Family Residential

- Minimum 35% of site (exclusive of private yards and patios) shall be landscaped. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.
- Turf shall be limited and installed in useable gathering areas only with a maximum of 25%.
- All setback areas must be landscaped exclusive of drives and sidewalks.
- Street trees: 40-ft on center in the right-of-way (ROW).
- Landscape Trees: 1 tree per 30-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 30-linear feet of perimeter planter areas.
- Residential 30: 1 tree per 20-ft linear perimeter building dimension for the portion of building visible from the parking lot or ROW and 1 tree per 20-linear feet of perimeter planting areas.
- Parking lot trees: provide trees pursuant to parking lot specifications.
- 25% of trees must be minimum 24 inch box.
- Off-street parking must be screened (3-ft high berm, shrubs or wall) from ROW. • Provide buffer landscaping (evergreen trees) adjacent to single family residential and commercial uses (maximum 5-ft openings at maturity [assumed 10-years]).
- Provide enhanced landscape and paving at entry drives.
- Encourage use of winter-deciduous trees at south facing elevations.
- Place larger trees as street trees, near the street ROW, entries, and focal points.
- Mass plantings for a pleasing effect with clustering of plant material of various heights.
- Incorporate plazas or paseos where possible.
- Incorporate water features, seating walls, benches, tables, trellises, sculpture, and other elements to establish social gathering places and integrated pedestrian network throughout development.
- Parking lots - see page 10 &11.
- Erosion Control - see page 12.
- Landscape planting specifications - see pages 15-17.
- See street tree list - pages 18-23.

Parking Lots

- Paved area of parking space may be reduced from 18 to 16 feet if there is an extra 2 feet of planter width beyond minimum requirement (see graphic pg.11).
- Provide tree and other plantings to provide a minimum 50% lot shading at maturity (assumed 10 years).
- Maximum 50% of trees shall be winter-deciduous. Evergreen trees are encouraged.
- Screen from streets (3 ft-high berm, shrubs or wall required) (see graphic on page 10).
- Design to minimize pedestrian crossing of landscape areas from street to buildings and parking.
- Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved.
- Provide minimum 6 inch-wide curb for planters adjacent to stalls; plus a 12-inch minimum step-out adjacent to long side of stall (total min. 18in concrete surface) (see graphic on page 11).

Provide planters:

- End Planters (with 2 trees/planter) at terminus of each aisle.
- Finger planters (with 1 tree/planter) every 12 stalls along building and perimeter of lot. Minimum dimensions –interior 5'x16'.
- Planters with parking along 1 side – 7 ft minimum curb face-to-curb face (including curb and step-outs).
- Planters with parking along both sides – 8 ft minimum curb face-to-curb face (including curb and step-outs).
- Diamond planters for double rows of parking (spaced minimum 1 per 6 stalls. For single loaded not adjacent to building, one diamond planter for every 3 spaces. Minimum dimensions – interior –25 SF with 5-foot width; exterior –6-ft curb face-to-curb face.
- Planters at perimeter of parking lot - Minimum 5 feet interior dimension, exclusive of footings, curbs, and step-outs (see graphic pg.11).
- Cluster excess trees along street frontage, and side/rear setbacks.
- Alternate planting arrangements may be considered if demonstrated to provide same number of trees, minimum planter areas and lot shading, as identified above.

MV00106886

Slopes and Erosion Control

- Establish or reinforce design concept adjacent to natural hillside area.
- Place plants to stabilize slope.
- Select species and placement to respect viewsheds.
- Provide a variety of planting materials; a weed-free hydro-seed mix (that provides some flowering color may be used in special circumstances: i.e. natural slope), groundcover, shrubs and trees. Turf shall not be used for slope planting. Water efficient grasses not requiring regular mowing may be permitted with approval. (The variety of planting will provide a variety of root depths which is key to soil stability on slopes.)

  Slopes 3-5ft: groundcover .

  Slopes 5-8ft: groundcover and shrubs.

  Slopes 8ft or greater: groundcover, shrubs, and trees.
- Provide rooted cuttings or liners, where visible from ROW or slopes greater than 30 feet high.
- Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.
- Plant in bands and clusters on the slope.
- Trees: provide one 15 gallon/500SF of landscaped area.
- Temporary irrigation may be required to establish landscaping.
- See irrigation - p. 25.
- Shrubs and groundcover - page 16.

MV00106887

Irrigation

- Automatic irrigation systems are required.
- Approved "smart"automatic irrigation control systems(labeled as evapotranspiration (E.T.) based) with rain sensing or soil moisture sensing devices are required.
- Provide backflow preventers, except for single-family residential.
- Do not use fixed risers, unless otherwise approved.
- Drip, bubbler systems and/or rotor sprays or stream roter sprinkler heads or similar efficient sprinklers are to be used wherever feasible. (Required adjacent to walls, buildings or structures, where they are to be located no closer than 24".)
- Spray-type sprinklers shall be used no closer than 5-feet from walls, buildings, or structures (spray must be 3-feet or less.)
- Irrigation lines must be buried if directed to building.
- Provide separate irrigation zones and sprinkler types for areas with different watering requirements.
- Do not use Atmospheric Vacuum Breakers at top of slope.
- Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standards as determined by the State of California Code of Regulations meeting the current evapotranspiration rate and the Annual Maximum Allowable Water Budget as determined by Eastern Municipal Water District.
- Irrigation systems shall be designed to eliminate overspray.
- Landscape irrigation shall be limited to the hours of 9:00 p.m. to 6:00 a.m.

MV00106888

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0035 Amendment to Municipal Code 9.03 Residential Development 9.08 Grading 9.11 Parking, Pedestrian and Loading Requirements 9.16 Design Guidelines 9.17 Landscape Requirements
Date:	May 12, 2011
Applicant:	City of Moreno Valley
Representative:	Planning Division
Location:	City-wide
Proposal:	The proposed amendment is an update to the City's Municipal Code to implement new design standards to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit which is designed to minimize impacts from new development as well as redevelopment projects discharging urban waters entering Waters of the U.S. from municipal separate storm sewer systems which is regulated under the National Pollutant Discharge Elimination System (NPDES) permit.
Recommendation:	Approval

ATTACHMENT 5

PROJECT DESCRIPTION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.03 Residential Development, 9.08, Grading 9.11, Parking, Pedestrian and Loading Requirements, 9.16, Design Guidelines, and 9.17 Landscape Requirements providing new design standards promoting green infrastructure/low impact development (LID) techniques to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit requirements with required compliance by July 29, 2011. Additionally, all projects are required to include "Best Management Practices" (BMPs) which provide measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States,

The primary changes include revising design requirements to promote on-site water retention and infiltration in an effort to clean the water of contaminants prior to the water being discharged from the site into storm drains and flood control channels which then enter receiving waters such as the Santa Ana Watershed. Hardscape areas increase the runoff and amount of water that needs to be cleaned by the water quality permit. The proposed site design requirements and preferences are intended to reduce the runoff and the costs associated with cleaning runoff.

In an effort to meet the goals and objectives of the permit requirements and include Best Management Practices into the site design, projects will be required to reduce the hardscape within the parking lots and on site hardscape areas by increasing the landscape areas, using pervious materials in the design, as well as providing additional curb cuts to convey the drainage into landscape areas for water quality retention and absorption.

Included are changes to Municipal Code sections 8.10 Storm Water/Urban runoff Management and Discharge Controls and 8.21 Grading Regulations with the addition of 8.21.200 Permeable Surface Design. The Public Works Department is responsible to ensure projects meet water quality requirements as well as site grading while complying with the MS4 permit requirements. These changes are included to be consistent through inter-departmental reviews. Municipal Code section changes to Title 8 are provided for consistency with Title 9, however, do not require any action from the Planning Commission.

Where applicable in all sections listed, Community Development Director/Department has been changed to Community & Economic Development Director or Community & Economic Development Department. Additionally, minor clerical items have been corrected for consistency.

The following are the proposed changes to the Municipal Code, Title 9 for Planning and Zoning.

9.03.040 Residential Development

CURRENT STANDARDS	PROPOSED CHANGES
Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent	Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent

of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials except for necessary walks and fences.	of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials **to include water efficient native plants,** except for necessary walks and fences. **Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces**. **Hardscape areas are recommended to be constructed with permeable surfaces where feasible to reduce run off.**
6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.	6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community **& Economic D**evelopment **D**irector may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.	Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. **Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.**
Section G 12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.	Section G 12. **Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.**

9.08.080 Grading

CURRENT STANDARDS	PROPOSED CHANGES
Section A. Lots slope toward, rather than away from the street; unless otherwise approved by the city engineer.	Section A. Lots slope **to landscape areas or permeable surfaces** unless otherwise approved by the city engineer;
New standard.	**Section M.** **Grading shall only be performed on the portion of the site where the building will be located and necessary improvements.**

9.11 Parking, Pedestrian and Loading Requirements

9.11.010 Purpose and intent.

CURRENT	PROPOSED
Section E. Implement general plan circulation and energy conservation policies:(Ord. 359 (part), 1992)	Section E. Implement general plan circulation and energy conservation policies; **and** ~~(Ord. 359 (part), 1992)~~
New	**Section F.** **Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.**

9.11.040 Off-street parking requirements

CURRENT	PROPOSED
Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the minimum off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses	Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the **required** off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. **Parking provided above the amount of required off-street parking must be**

	constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:
911.040 A-12 Table The table states the minimum requirement for parking based on the use.	**The table will state the "required" parking based on the use.**

9.11.060 Off-street bicycle parking requirements

CURRENT	PROPOSED
Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition	Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. **Pervious pavement is recommended**.

9.11.080 Design standards.

CURRENT	PROPOSED
New	**25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. permeable surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.**
Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be a minimum of nine feet in width eighteen (18) feet in depth (see Figure 9.11.080-5).	**Section B** 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine (9) feet in width **and sixteen (16)** feet in **depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be** eighteen (18) feet **of paved** ~~in~~ depth **with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback).** (see Figure 9.11.080-5).
~~Figure 9.11.080-5~~	**Figure 9.11.080-5 modified to reflect 16 feet Nonparallel Parking Spaces**

~~Figure 9.11.080-6~~	**Figure 9.11.080-6 Parking Space Striping Requirements** **modified to reflect both 16 feet and 18 feet in depth parking spaces labeled as 911.080-6A and 9.11.080-6B**
Section C 1. Drainage. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.	Section C 1. Drainage. **Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.** All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.
Figure 9.11.080-6	**Figure 9.11.080-6, Parking Space Striping Requirements-- modified to reflect parking space dimension requirements.**
Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer.	Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. **Every effort should be made to use permeable surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.**

9.11.100 Circulation-Pedestrian

CURRENT	PROPOSED
Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation.	Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. **The use of**

	permeable paving surfaces is recommended where feasible.

9.16 Design Guidelines

9.16.010 Introduction and scope of guidelines.

CURRENT	PROPOSED
~~Section A.~~ ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commissions and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~	**Section A.** **The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.**

9.16.110 Objectives, generally.

CURRENT	PROPOSED
Section C. 6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment,	Section C. 6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, **including water quality features integrated into the site design such as water retention and absorption areas and the use of permeable surfaces to reduce water run off**;
7. Working in concert with the city's landscape guidelines as adopted by	7. Working in concert with the city's landscape **requirements.** ~~guidelines as~~

Ordinance No. 247.	~~adopted by Ordinance No. 247.~~

9.16.120 General guidelines.

CURRENT	PROPOSED
Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view.	Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. **Roof drains shall be integrated into the building design for aesthetics and shall convey water to landscape areas for water quality.**
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape **requirements.** ~~guidelines as adopted by Ordinance No. 247.~~

9.16.130 Single-family residential.

CURRENT	PROPOSED
Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.	Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. **Permeable surfaces are required for such areas within required setbacks.**
11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.	11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. **Permeable surfaces are recommended where feasible.**

9.16.140 Multifamily residential shall be deleted in its entirety.

The multifamily residential design guidelines were incorporated into section 9.03.040 of the Municipal Code which was approved September 22, 2009.

9.16.150 Commercial (retail, office, mixed use).

CURRENT	PROPOSED
Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be located inside the exterior walls of a structure.	Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and **drain into a landscape area for water quality, retention and absorption to reduce water run off**.

9.16.160 Business park/industrial.

CURRENT	PROPOSED
Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided (Ord. 359 (Attach. 2 (part)), 1992)	Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided. **Permeable surfaces are recommended where feasible**. (Ord. 359 (Attach. 2 (part)), 1992)

9.16.220 Roadway Circulation.

CURRENT	PROPOSED
Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)	Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays **(including pervious paving where feasible)** are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach.

	2 (part)), 1992)

9.16.235 Hillside Development.

CURRENT	PROPOSED
Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.	Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. **Permeable surfaces are recommended where feasible.**

9.17 Landscape and Water Efficiency Requirements

9.17.050 Parking and drive-through landscape areas.

CURRENT	PROPOSED
Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:	Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, **promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces,** and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:
3. Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director. Openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality.	3. **Curb cut** openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. **Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.**

9.17.070 Single family residential development.

CURRENT	PROPOSED
6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.	6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. **Pervious pavement/surfaces are recommended to reduce water runoff.**

917.080 Multifamily residential development.

CURRENT	PROPOSED
Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls.	Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. **The use of permeable surfaces is recommended for walks and patios to reduce water runoff.**

9.17.090 Commercial, industrial, public and quasi-public development.

CURRENT	PROPOSED
Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged. Such areas should incorporate focal points such as	Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the **use of permeable surface areas that**

water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.	**reduce water run off**. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

917.110 Erosion control/slope planting.

CURRENT	PROPOSED
5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability.	5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, **draining to landscape or permeable surface areas that allow for water retention and absorption.**

917.150 Water efficiency requirements.

CURRENT	PROPOSED
New	**11. Direct all runoff from roofs and hardscape areas to landscaping areas.**
New	**12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.**

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A 1/8 page public notice was published in the local newspaper Saturday, April 30, 2011.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 (Municipal Code Amendment); and,

2. **RECOGNIZE** that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

Prepared by:	Approved by:
Julia Descoteaux Associate Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-11
3. 9.03.040 Residential Development
4. 9.08.080 Grading
5. 9.11 Parking Pedestrian and Loading
6. 9.16 Design Guidelines
7. 9.17 Landscaping

PUBLIC HEARING ITEMS

1. Case Number: PA10-0035
Amendment to Municipal Code for Water Quality Requirements

Case Planner: Julia Descoteaux, Associate Planner

VICE CHAIR BAKER - Julia, you're up.

ASSOCIATE PLANNER DESCOTEAUX – Good evening Planning Commissioners. I'm Julia Descoteaux, Associate Planner. Before you this evening is an Amendment to the City's Municipal Code, Title 9 for Planning and Zoning. The proposed changes are a result of compliance with the 2010 National Pollutant Discharge Elimination System or NPDES, Municipal Separate Storm Sewer MS4 Permit, with compliance required by July 29th, 2011. The MS4 Permit Requires that the City promote green infrastructure/low impact development LID techniques for all projects. The primary changes include revising design requirements to promote onsite water retention and infiltration in an effort to clean water of contaminants prior to the water being discharged from the site into the storm drains or flood control channels which then enter receiving waters such as the Santa Ana Watershed. The proposed changes include the use of water efficient native plants, landscape areas increased and designed to promote water retention, the use of permeable surfaces, having openings in the curbs to convey surface drainage into landscape areas, require parking in excess of the required parking to be constructed of permeable surfaces, reducing the depth of the parking stalls and increasing the landscape, reducing the hardscape areas and the use of permeable surfaces wherever feasible. The Planning Division works with the Applicants and the design requirements, however the Public Works Department is responsible to ensure that the projects meet water quality requirements as well as site grading while complying with the MS4 Permits and they will be providing changes to Municipal Code Section 8.10, which does not require Planning Commission approval. The project does not have the potential to cause a significant effect on the environment, so the project is exempt from the provisions of the California Environmental Quality Act in accordance with Section 15061 as defined by Section 15378. The project was noticed in the local newspaper and to date I have had no inquiries on the proposed changes. There were several changes to the report and I believe you received a green memo regarding that and all sections were appropriate. The word pervious will be replaced with the word permeable in an effort to be consistent with the proposed changes to Municipal Code Title 8 and in addition, Section 9.08.080, the Grading Section, the addition of letter "M" will be deleted from the Attachment 4 on page 100 and on page 70, number 4. This concludes Staff's presentation and at this time I am available to answer any questions for you. Thank you.

VICE CHAIR BAKER – Okay, thank you Julia. Do we have any Commissioner questions?

ASSOCIATE PLANNER DESCOTEAUX – Excuse me…Kent Wegelin is also here to answer questions on the NPDES that you might have as well.

VICE CHAIR BAKER – Okay, thank you

COMMISSIONER VAN NATTA – Did I understand you to say that instead pervious we are using permeable and those changes have already been made in this document?

ASSOCIATE PLANNER DESCOTEAUX – No, I'll be making those

COMMISSIONER VAN NATTA – Oh okay, thank you

VICE CHAIR BAKER – Commissioner Salas, do you? Commissioner Owings, are you okay with this? Do have any comments?

COMMISSIONER OWINGS – No comments; no questions.

VICE CHAIR BAKER – Okay, very good. So we will open this item up to Public Testimony. I have no Speaker Slips on this Item No. 1 from the public, so I'll close Public Testimony and we will open Commissioner's Debate for discussion and if there is any additional discussion on this before we move for a motion and second. Okay, everybody is okay so I will move for a motion and second. On this particular one here, Julia one thing we need to know on that Resolution No., there is 2011… do you know that actual number so we can put that in the minutes.

ASSOCIATE PLANNER DESCOTEAUX – It is 11

VICE CHAIR BAKER – It is 2011-11?

ASSOCIATE PLANNER DESCOTEAUX – Yes

VICE CHAIR BAKER – Okay so whoever makes a motion here, what we need to do is make a motion to approve this resolution and then recommend to the City Council to approve the PA and then recognize the PA10-0035 okay. Do I have a motion for this?

COMMISSIONER VAN NATTA – Okay I move that we **APPROVE** Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 Municipal Code Amendment; and,

2. **RECOGNIZE** that PA10-0035 Municipal Code Amendment qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

VICE CHAIR BAKER – Thank you Commissioner Van Natta. Do I have a second?

COMMISSIONER SALAS – I'll second that

VICE CHAIR BAKER – Commissioner Salas will second that. Let's have a vote; all those in favor?

Opposed – 0

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Okay, wrap up

PLANNING OFFICIAL TERELL – Yes this item shall be forwarded to the City Council for final action and I believe that is scheduled like you said for June 14th.

VICE CHAIR BAKER – Okay, thank you very much. Okay we're going to move onto Item No. 2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM IRONWOOD AVENUE TO MANZANITA AVENUE PROJECT - PROJECT NO. 11-41570225

RECOMMENDED ACTION

Staff recommends that the City Council

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing.

2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan.

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt.

4. Find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity.

5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct.

6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024].

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

BACKGROUND

This project is to widen and improve Perris Boulevard from Ironwood Avenue to Manzanita Avenue to an arterial street standard with a curb-to-curb width of 76 feet (76') to 86 feet (86') within a 100 feet (100') to 110 feet (110') right of way. The proposed Perris Boulevard improvements will include curb, gutter, sidewalk, pavement, traffic signal modifications, one new traffic signal, streetlight relocations, signing and striping, and related road improvements. Additionally, right of way acquisition is required for areas where the ultimate street right of way has not been previously obtained.

On September 9, 2008, the environmental document, which was a Mitigated Negative Declaration (MND), was approved by City Council. On September 11, 2008, the Notice of Determination for the MND was filed with the Riverside County Clerk.

In Closed Session on June 1, 2010, the City Council approved appraisals for the fair market value of the right of way for ten (10) properties sought to be acquired, and the City Council authorized staff to proceed with negotiations to purchase all required right of way.

DISCUSSION

The City has been progressing in the steps necessary for the completion of design and acquisition of right of way in order to begin construction of the Project by November

2011. Offer letters required under Government Code § 7267.2 were sent to the property owners for acquisition of easements necessary for the Project. To date the City has acquired easements from all but three of the property owners. City staff is continuing good faith negotiations in an attempt to reach agreement with the remaining property owners, who own the properties identified by APN 474-064-001 (Bernard and Martha Bueche), APN 474-120-008 (Geoffrey and Abira Breskal), and APN 474-120-024 (RPV Investment Group, LLC / Perris Boulevard Trust #11846). If the City is successful in acquisition of the necessary easements through negotiations with any of the remaining three of the property owners, the City can immediately discontinue the eminent domain process for the respective property.

At the hearing on the proposed Resolution of Necessity, the City Council will consider evidence presented by staff, property owners and other interested parties and decide if the requirements set out below are met. The Council may elect to adopt the Resolution of Necessity by a two-thirds vote of all members of the City Council. The amount of compensation to be paid will not be an issue at the hearing nor in determining whether to adopt the Resolution of Necessity. The issues the City Council must consider to adopt the Resolution of Necessity are whether:

(a) The public interest and necessity require the Project (Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue).

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(c) The properties sought to be acquired are necessary for the Project.

(d) The offers required by Government Code § 7267.2 have been made to the owners of record.

Staff has carefully analyzed the requirement for the proposed Project and, based on that analysis has concluded the acquisition of the roadway easement as identified in the proposed Resolution of Necessity are necessary to implement the Project. Staff recommends acquiring three remaining easements, as Perris Boulevard is a major arterial gateway to the City and a critical segment that will benefit residents, commuters, and the City as a whole.

It is also necessary that the Council find that the adoption of the proposed Resolution of Necessity and acquisition of the roadway easement necessary for the Project are exempt from CEQA under § 15061 (b) (3) of the CEQA Guidelines. It has been determined that the proposed activity is within the scope of and is consistent with the approved MND prepared for the Project.

Recent changes in the state eminent domain law have increased the advance time necessary to obtain possession prior to judgment. In order to commence construction work in or about November 2011, the City Council will have to authorize counsel to deposit funds equal to the appraised fair market value of the interests to be acquired and to seek and obtain orders for possession prior to judgment. The properties in

question are either a vacant residential lot or are improved with single family residences and no residents, business, or agricultural use will be displaced by the action.

Staff is requesting the adoption of the proposed Resolution of Necessity for the properties authorizing the filing of eminent domain proceedings, obtaining orders for the deposit of funds for the probable amount of compensation and seeking orders for possession prior to judgment to allow the work to proceed in a timely manner. Staff is providing the City Council with a proposed "Factual Summary to Support Findings Required in the Resolution," attached to this report as Attachments "B" to support the findings necessary for the adoption of the Resolution of Necessity.

ALTERNATIVES

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing, approve and adopt the Planning Division's finding that the Project is consistent with the General Plan, find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt, find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity, find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct, adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024], and direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders. *This alternative will allow the filing of an eminent domain(s) action to acquire properties necessary so the Project will proceed without interruption.*

2. Do not conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Do not close the hearing, do not approve and adopt the Planning Division's finding that the Project is consistent with the General Plan, do not find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt, do not find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity, do not find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct, do not adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024], and do not direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders. *This alternative will delay the construction of needed improvements.*

FISCAL IMPACT

The Court action(s) authorized by the proposed Resolution of Necessity will require a deposit of funds equal to the amounts of the projected just compensation for the roadway easement sought in the eminent domain action (the probable compensation). The final just compensation will be determined through further negotiations and settlement or by the final disposition of the court proceeding through entry of judgments and final orders of condemnation in the action after trial. Additional court costs, appraisal, and legal expenses for the eminent domain filing will also accrue.

Transportation Uniform Mitigation Fee (Fund 415 – TUMF) provides a 51.8% reimbursement to the City's 48.2% matching funds from Fund 416 – DIF Arterial Streets

and Fund 417 – DIF Traffic Signals for the Design and Right of Way phases of this project. These funds have been allocated for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue and cannot be utilized for operational activities. There is no impact to the General Fund.

Acquisition costs were budgeted in FY 2010/2011. The costs to proceed with filing the Resolution of Necessity can be paid from the existing budget. If the property goes to trial, the expenses for such will be estimated and addressed at the appropriate time.

BUDGETED FUNDS FOR FISCAL YEAR 2010/2011

TUMF (Account No. 415.70225)	$549,400
DIF Arterial Streets (Account No. 416.78726)	$569,800
DIF Traffic Signals (Account No. 417.79226)	$19,500
Total Funding	$1,138,700

ESTIMATED DESIGN/RIGHT OF WAY COSTS

Remaining Design Costs	$250,000
Right of Way & Utility Relocation	$600,000
Total Estimated Costs	$850,000

ANTICIPATED PROJECT SCHEDULE

Complete Right of Way Acquisition Phase*	September 2011
Construction Start Date**	November 2011
Construction End Date	November 2012

*Contingent upon agreement with remaining property owners
**Contingent on obtaining all right of way via agreement or eminent domain and obtaining full construction funding from Riverside County Transportation Commission (RCTC)

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff is requesting the above recommended actions relating to and including adoption of the Resolution of Necessity to authorize eminent domain proceedings for the Project because settlements with all property owners have not been reached to date.

ATTACHMENTS/EXHIBITS

Attachment "A" - Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easement In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024]

Attachment “B” - Factual Summary to Support Findings Required in of the Resolution of Necessity

Attachment “C” - Location Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
John Terell
Planning Division Manager/Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Viren - 11-41570225 - Perris Blvd.- Ironwood to Manzanita & TS\CC Reports\Staff Report - Resolution of Necessity\Staff Report - Resolution of Necessity 061411 CC Report.doc

RESOLUTION N0. 2011-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY FOR PUBLIC STREET AND HIGHWAY PURPOSES INCLUDING RELATED IMPROVEMENTS AND FACILITIES; THAT THE ACQUISITION AND TAKING OF THE EASEMENT IN THE HEREIN-DESCRIBED PROPERTY IS NECESSARY FOR THE PROJECT; THAT THE PROJECT IS PLANNED IN A MANNER THAT IS MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AUTHORIZING PROCEEDINGS TO BE COMMENCED IN EMINENT DOMAIN; AND AUTHORIZING THE DEPOSIT OF NECESSARY FUNDS AND THE PAYMENT OF NECESSARY EXPENSES AND FEES FOR ACQUISITION OF SAID PROPERTY; AND AUTHORIZING COUNSEL TO OBTAIN AN ORDER FOR PREJUDGMENT POSSESSION OF THE SUBJECT PROPERTY.

WHEREAS, notice and a reasonable opportunity to appear and be heard has been given to the persons who appear to be the owners of the hereinafter described parcels of property in accordance with CCP Section 1245.235, relating to whether the public interest and necessity require the herein-described project; the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and the property sought to be acquired is necessary for the project; and said hearing was held and conducted before the City Council on June 14, 2011, at the time and place indicated in the notice of hearing; and

WHEREAS, the City Council has considered all matters necessary to be considered and duly presented at said hearing; and

WHEREAS, at least two-thirds of the City Council do hereby vote to adopt this Resolution;

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

Section 1. Pursuant to the provisions of the California Constitution, including Article I, Section 19 thereof, and as authorized by Government Code, Sections 37350, 37350.5, 37351, 40401 and 40404 and pursuant to the applicable provisions of California Code of Civil Procedure, Sections 1230.010, et seq, and other applicable provisions of law, the City of Moreno Valley is authorized to acquire the permanent

easement interests in the parcels of real property which are shown on the map attached hereto; and described more fully in the description set forth in Exhibit "A" - Right of Way Easement attached hereto; said real property sometimes being hereinafter referred to as "the property" and more commonly known as Assessor's Parcel Nos. 474-064-001, 474-120-008, and 474-120-024. And said Exhibit, as attached hereto and incorporated herein by this reference, describe the general location and extent of the parcels of property, including the easement interests therein, being taken.

Section 2. Acquisition of the hereinabove described parcels of property sought to be condemned herein or of one or more interest therein, is for a public use, to wit: for the widening and improvement of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, for street and highway purposes, for construction, reconstruction, operation, removal, replacement, widening, relocation, repair and maintenance of public street and highway and incidental improvements, uses and purposes, including drains, sewers and utilities, and all improvements described in the construction plans, including any modifications thereof, and for uses and purposes consistent therewith and related thereto, and including, without limitation by this reference, the right to enter upon and for ingress and egress upon, to and from said parcel of property, said proposed acquisition and use being hereinafter referred to as "the Project".

Section 3. The interests in the parcels of property sought to be condemned herein, which constitutes only a portion of a larger parcel of property, is described herein, and the Property is situated in the City of Moreno Valley, County of Riverside, State of California.

Section 4. The City Council further hereby declares, finds, determines and resolves as follows:

(a) The public interest and necessity require the Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) The Parcels of Property, or the interest to be acquired therein, is necessary for the Project; and

(d) The offer required by Government Code §7267.2 has been made to the property owner or owners of record.

Section 5. In the event any of the Property or the interests to be acquired therein is already appropriated to an existing and different public use, the City Council hereby finds that the herein-described public use or uses are more necessary than said existing public use, and acquisition hereby is permitted under the provisions of California Code of Civil Procedure, Sections 1240.610, et seq.

Section 6. The City Attorney is authorized to make such minor changes in the descriptions of the Property, and in the pleadings to be filed which have been authorized herein, as deemed necessary, for the conduct of the condemnation action or other proceedings required to acquire the Property.

Section 7. The City Council finds and determines that the purposes for which the above-described property is to be taken are public purposes and the uses therefor are authorized by law, and the taking of said property or property interest is necessary to such uses.

Section 8. The City Council hereby authorizes and directs the preparation and prosecution of proceedings in the name of the City of Moreno Valley in the Superior Court of the State of California, for the County of Riverside, or in any other court having jurisdiction thereof, as may be necessary for the acquisition of the Property and property interests by condemnation in accordance with the provisions of the Constitution and laws of the State of California relating to eminent domain, to obtain easements in, over, under, across, along, through, and within the Property, as described herein, and to obtain an order permitting the City, as plaintiff, to take immediate possession of the Property for use in construction and completion of the Project, and to obtain all other proper orders and judgment as may be necessary.

Section 9. The City Attorney, and/or the firm retained as counsel to represent the City in the proceedings, are hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings as are necessary to such acquisition; and to prepare and file such pleadings, briefs and other documents, and to make such arguments and to take such actions as may be necessary in the opinion of said attorneys to acquire for said City possession including prejudgment possession and title and ownership of the Property and real property interests sought herein. Said attorneys are specifically authorized to take whatever steps and procedures are available to them under the eminent domain law of the State of California (Code of Civil Procedure, Title 7, Chapters 1-12, Sections 1230.010 and following).

Section 10. Deposit in court and payment of money out of proper funds of the City for probable just compensation according to law, for jury fees, reporter's fees, and other litigation expenses, is hereby authorized.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____

Richard Stewart, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

EXHIBIT "A"
RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-064-001

PARCEL 1

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 2, 2005 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2005-0727587 OF OFFICIAL RECORDS, BEING A PORTION OF THE SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 89°31'02" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY) AND THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), BEING A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

1st : NORTH 00°19'45" WEST, A DISTANCE OF 45.95 FEET TO A POINT ON A 2250.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 78°11'33" EAST; THENCE LEAVING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY),

2nd : SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°11'27", AN ARC DISTANCE OF 46.76 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

3rd : SOUTH 89°31'02" WEST, A DISTANCE OF 8.83 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 207 SQUARE FEET (0.005 ACRES), MORE OR LESS.

PARCEL 2

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 2, 2005 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2005-0727587 OF OFFICIAL RECORDS, BEING A PORTION OF THE SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 89°31'02" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), BEING A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 00°19'45" WEST, A DISTANCE OF 123.22 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG SAID LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

1st : NORTH 00°19'45" WEST, A DISTANCE OF 11.78 FEET TO THE NORTHWEST CORNER OF SAID SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32; THENCE LEAVING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

2nd : NORTH 89°31'02" EAST, A DISTANCE OF 9.56 FEET; THENCE

3rd : SOUTH 38°40'40" WEST, A DISTANCE OF 15.19 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 56 SQUARE FEET (0.001 ACRES), MORE OR LESS.

THE BASIS OF BEARINGS FOR THESE LEGAL DESCRIPTIONS IS THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN ON RIVERSIDE COUNTY PARCEL MAP NO. 13152, RECORDED DECEMBER 26, 1979 IN PARCEL MAP BOOK 73, PAGE 61, I.E. NORTH 00°19'45" WEST.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 18, 2009

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
EXPIRES 06-30-10
No. 5758
STATE OF CALIFORNIA

EXHIBIT "A"

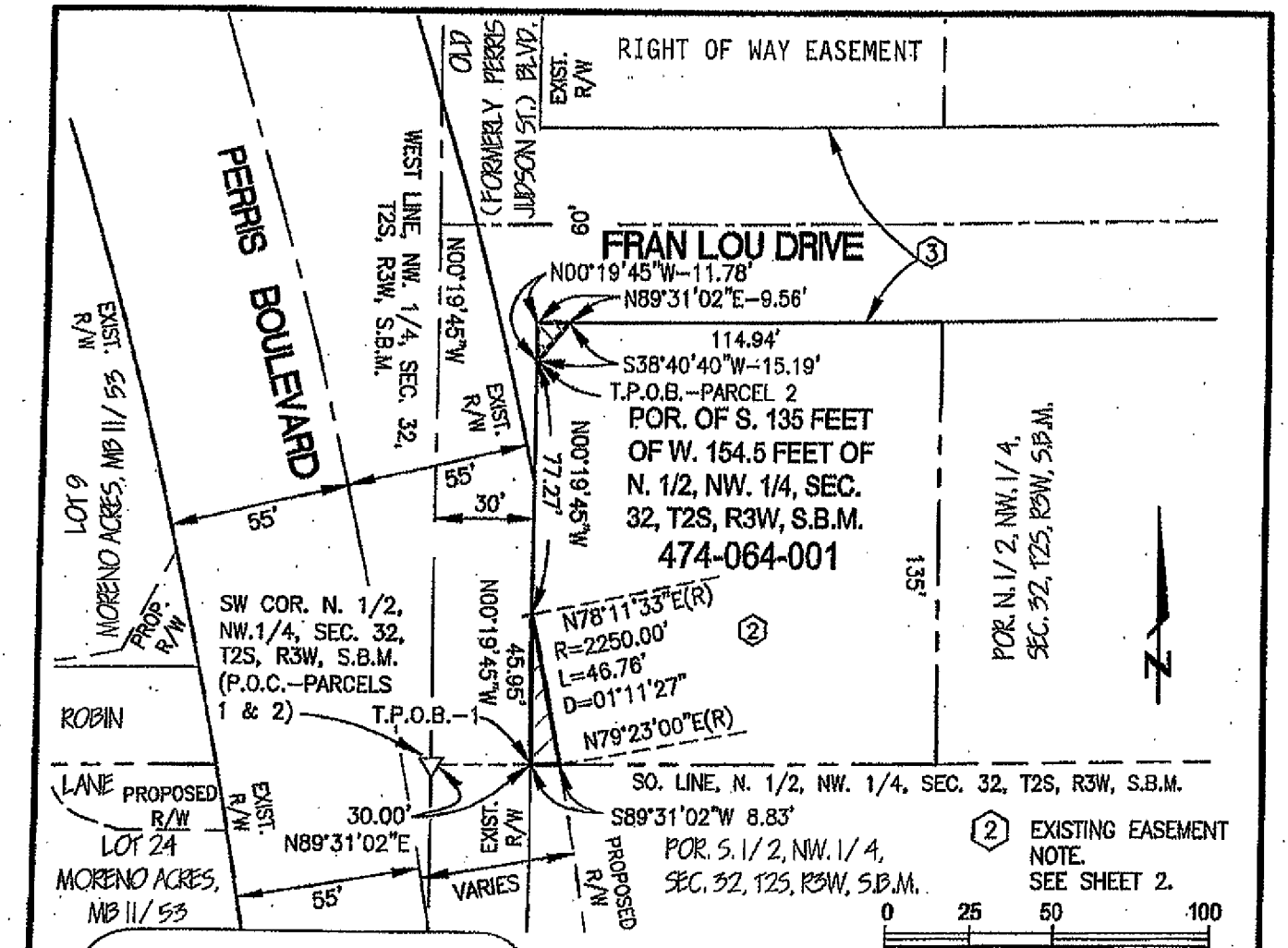

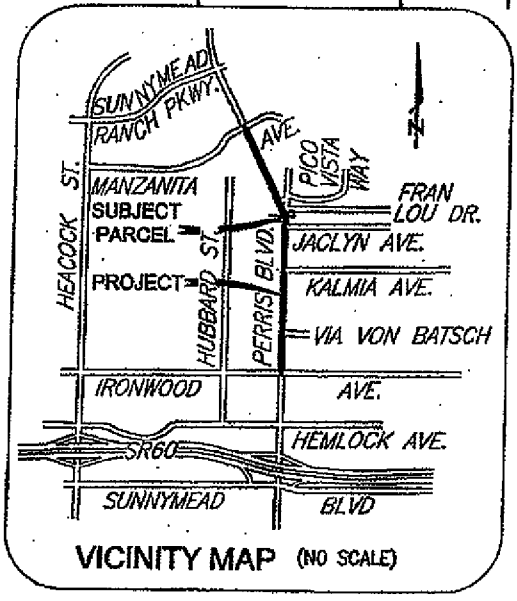

VICINITY MAP (NO SCALE)

LEGEND

- LAND ACQUISITION AREA – PARCEL 1 207 SQ. FT. (0.005 AC.)
- LAND ACQUISITION AREA – PARCEL 2 56 SQ. FT. (0.001 AC.)
- P.O.C. DENOTES POINT OF COMMENCEMENT
- T.P.O.B. DENOTES TRUE POINT OF BEGINNING
- R/W DENOTES RIGHT-OF-WAY

THE BASIS OF BEARINGS IS THE WESTERLY LINE OF THE NW1/4, SEC. 32, T2S, R3W, S.B.B.M. AS SHOWN ON PARCEL MAP NO. 13152, REC. AS PM BK. 73, PG. 61, AS N00°19'45"W.

REFERENCE: TITLE REPORT BY STEWART TITLE OF CALIFORINIA, ORDER NO. 92700295, DATED 03/01/2007.

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
Exp. 6-30-2010
No. 5758
STATE OF CALIFORNIA

SEPTEMBER 18, 2009

AECOM Transportation AECOM
1131 West Sixth Street, Suite 350
Ontario, California 91762
T 909.933.5225 F 909.933.5228
www.aecom.com

CITY OF MORENO VALLEY

PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.

EXHIBIT "A"

EXHIBIT "A"

RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-120-008

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED FEBRUARY 29, 2008 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2008-0099852 OF OFFICIAL RECORDS, BEING A PORTION OF THE WEST 180 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 32 AND SAID CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), SOUTH 00°00'51" EAST, A DISTANCE OF 1155.47 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE LEAVING SAID WESTERLY LINE, ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, NORTH 89°53'24" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY) ON THE FOLLOWING COURSE;

1st: NORTH 00°00'51" WEST, A DISTANCE OF 165.07 FEET TO A POINT ON THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE LEAVING SAID EASTERLY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32,

2nd: NORTH 89°53'42" EAST, A DISTANCE OF 40.00 FEET; THENCE LEAVING SAID NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, ALONG A LINE PARALLEL WITH AND 70.00 FEET EASTERLY OF SAID WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 32 AND SAID CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY),

3rd: SOUTH 00°00'51" EAST, A DISTANCE OF165.06 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32,

4th: SOUTH 89°53'24" WEST, A DISTANCE OF 40.00 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 6,603 SQUARE FEET (0.152 ACRES), MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 16, 2009

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
EXPIRES 06-30-10
No. 5758
STATE OF CALIFORNIA

EXHIBIT "A"

MV00106920

RIGHT OF WAY EASEMENT

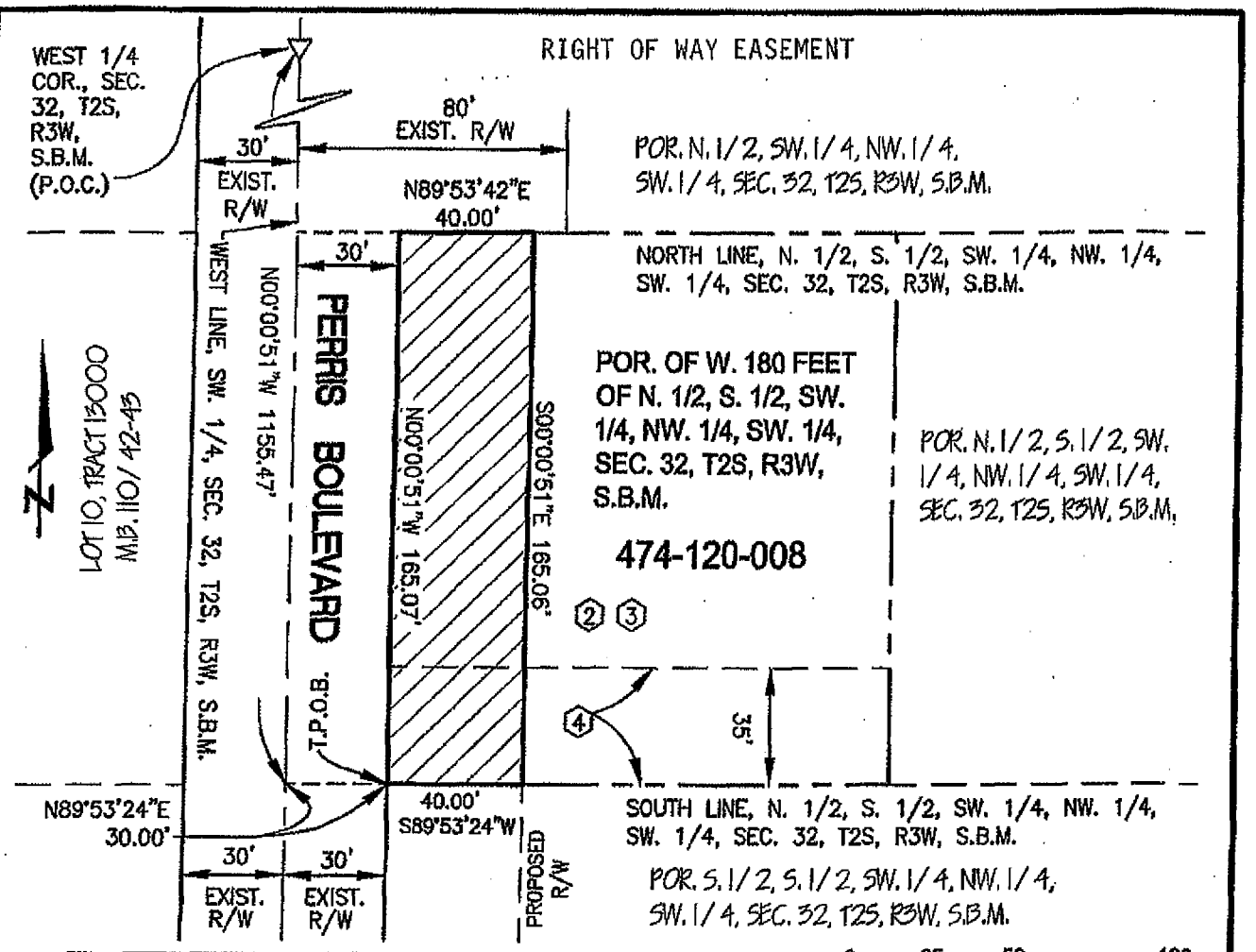

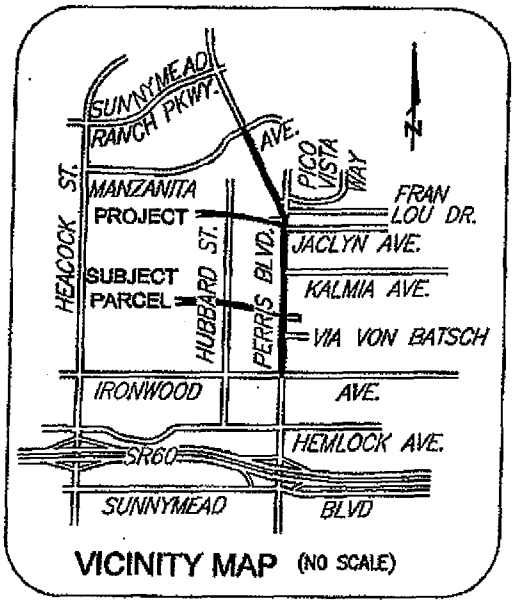

VICINITY MAP (NO SCALE)

LEGEND

▨	LAND ACQUISITION AREA 6,603 SQ. FT. (0.152 AC.)
T.P.O.B.	DENOTES TRUE POINT OF BEGINNING
P.O.C.	DENOTES POINT OF COMMENCEMENT
R/W	DENOTES RIGHT-OF-WAY
(2)	EXISTING EASEMENT NOTE. SEE SHEET 2.

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
Exp. 6-30-2010
No. 5758
STATE OF CALIFORNIA

SEPTEMBER 16, 2009

REFERENCE: TITLE REPORT BY STEWART TITLE OF CALIFORNIA, ORDER NO. 92701300, DATED 03/06/2007.

AECOM Transportation AECOM
1131 West Sixth Street, Suite 350
Ontario, California 91762
T 909.933.5225 F 909.933.5228
www.aecom.com

CITY OF MORENO VALLEY

PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.

EXHIBIT "A"

EXHIBIT "A"

RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-120-024

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED JUNE 4, 2003 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2003-401096 OF OFFICIAL RECORDS, BEING A PORTION OF PARCEL 1 OF PARCEL MAP NO. 7520, RECORDED AUGUST 13, 1976 IN BOOK 26, PAGE 47 OF PARCEL MAPS, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1 OF PARCEL MAP NO. 7520, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PERRIS BOULEVARD; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520 AND SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD ON THE FOLLOWING COURSES;

1st : NORTH 00°00'51" WEST (NORTH 00°00'30" EAST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 125.19 FEET; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

2nd : NORTH 42°32'16" EAST (NORTH 42°33'13" EAST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 33.94 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

3rd: NORTH 89°51'36" EAST, A DISTANCE OF14.99 FEET; THENCE LEAVING SAID NORTHERLY LINE,

4th: SOUTH 44°54'47" WEST, A DISTANCE OF 32.49 FEET TO A POINT ON A LINE PARALLEL WITH AND 15.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520 AND SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD; THENCE ALONG SAID PARALLEL LINE,

5th: SOUTH 00°00'51" EAST, A DISTANCE OF 127.19 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

6th: SOUTH 89°51'08" WEST (SOUTH 89°52'29" WEST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2,229 SQUARE FEET (0.051 ACRES), MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 22, 2009

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
EXPIRES 06-30-10
No. 5758
STATE OF CALIFORNIA

EXHIBIT "A"

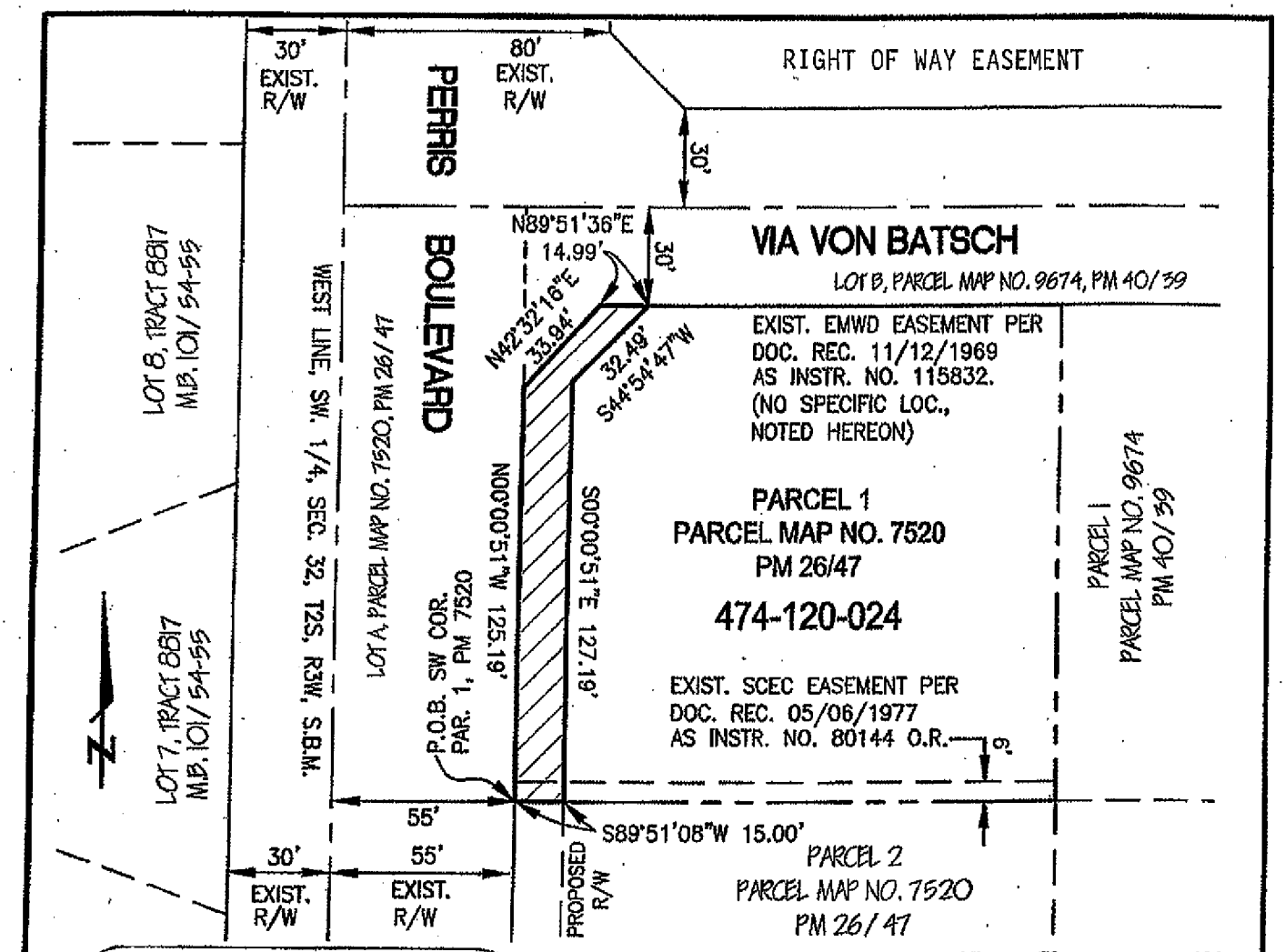

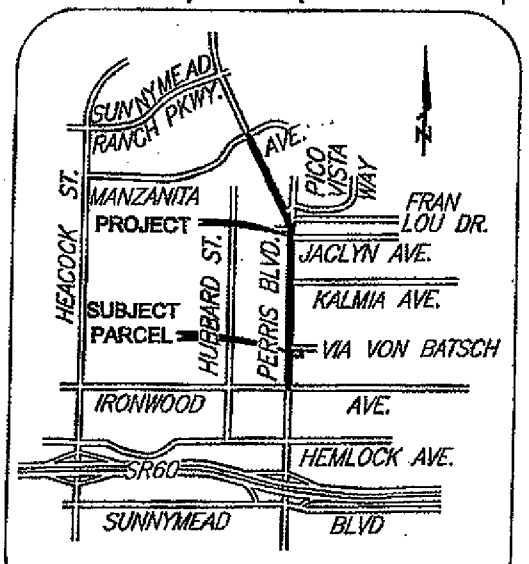

VICINITY MAP (NO SCALE)

LEGEND

▨	LAND ACQUISITION AREA 2,229 SQ. FT. (0.051 AC.)
P.O.B.	DENOTES POINT OF BEGINNING
R/W	DENOTES RIGHT-OF-WAY

REFERENCE: TITLE REPORT BY STEWART TITLE OF CALIFORINIA, ORDER NO. 92701302, DATED 03/05/2007.

LICENSED LAND SURVEYOR ★ STEVEN M. HOWELL ★ Exp. 6-30-2010 No. 5758 STATE OF CALIFORNIA

SEPTEMBER 22, 2009

AECOM Transportation AECOM
1131 West Sixth Street, Suite 350
Ontario, California 91762
T 909.933.5225 F 909.933.5228
www.aecom.com

CITY OF MORENO VALLEY

PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.

EXHIBIT "A"

FACTUAL SUMMARY TO SUPPORT
FINDINGS REQUIRED IN RESOLUTION NO. 2011-_____

a) Notice and reasonable opportunity to appear and be heard has been given to the property owner affected by the Resolution of Necessity by the mailing of the Notice of Intent to Adopt Resolution of Necessity to Acquire Certain Real Property or Interest in Property by Eminent Domain on May 26, 2011, in conformance with and as required by statute.

b) The public interest and necessity require this project:

Perris Boulevard from Ironwood Avenue to Manzanita Avenue and the adjoining streets have experienced rapid and heavy increases in traffic volume and the heavy use of the existing street improvements creates significant traffic congestion and constitutes traffic safety hazards. Future growth of the region and development within the area will further add traffic volume. The existing right of way for Perris Boulevard in the area of the Project is insufficient to allow the street improvements as designed to be completed that is necessary to accommodate future increases in anticipated traffic volumes.

It is also necessary to complete the roadway improvements to comply with the City's General Plan and Circulation Element and to provide for more efficient and safe vehicular travel.

The proposed roadway easement will provide sufficient right of way to allow the improvement of Perris Boulevard from Ironwood Avenue to Manzanita Avenue (Project). Without the acquisition of the roadway easement, the Project cannot be completed as planned and the goals and policies of the General Plan cannot be implemented.

The Project involves the widening and rehabilitation of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, including street, signing, striping, and other related road improvements.

The implementation of the Project will implement the City's General Plan and the City Council's goals to create proper and free flowing streets and highways to further implement the Circulation Element of the General Plan.

It is further necessary to adopt the Resolution of Necessity to permit the City to file an eminent domain proceeding, deposit the amount of probable compensation, and obtain an order for possession prior to judgment to allow possession to occur by November 2011, to meet the time schedule for the improvements to Perris Boulevard from Ironwood Avenue to Manzanita Avenue.

Attachment "B"

c) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury:

The design of the improvements for the Project in the area contemplated has been carefully considered to minimize the impact of the Project on adjacent privately owned property while addressing the need for proper traffic flow, circulation and safety. The improvements contemplated by the Project to complete the work of the Project require the acquisition of the roadway easement for the installation, operation, and maintenance of the proposed roadway improvements. The roadway easement acquisition is designed to require the take of the minimum amount of property interests necessary to accomplish and permit the construction of the Project. The Project was planned and located in such a manner that the properties to be acquired in the action have no residents, businesses, or agricultural uses that will be displaced by the Project - thereby minimizing private injury.

d) The fee and easement interests are necessary to the project:

The existing right of way for the Project is not large enough to allow for the construction of the proposed roadway improvements. The additional right of way is necessary to allow for the construction, operation, and maintenance of the proposed roadway improvements. The Project will improve traffic safety and circulation in the area.

e) All required offers have been made to the property owner in conformance with and in the manner required by § 7267.2 of the California Government Code.

MV00106926

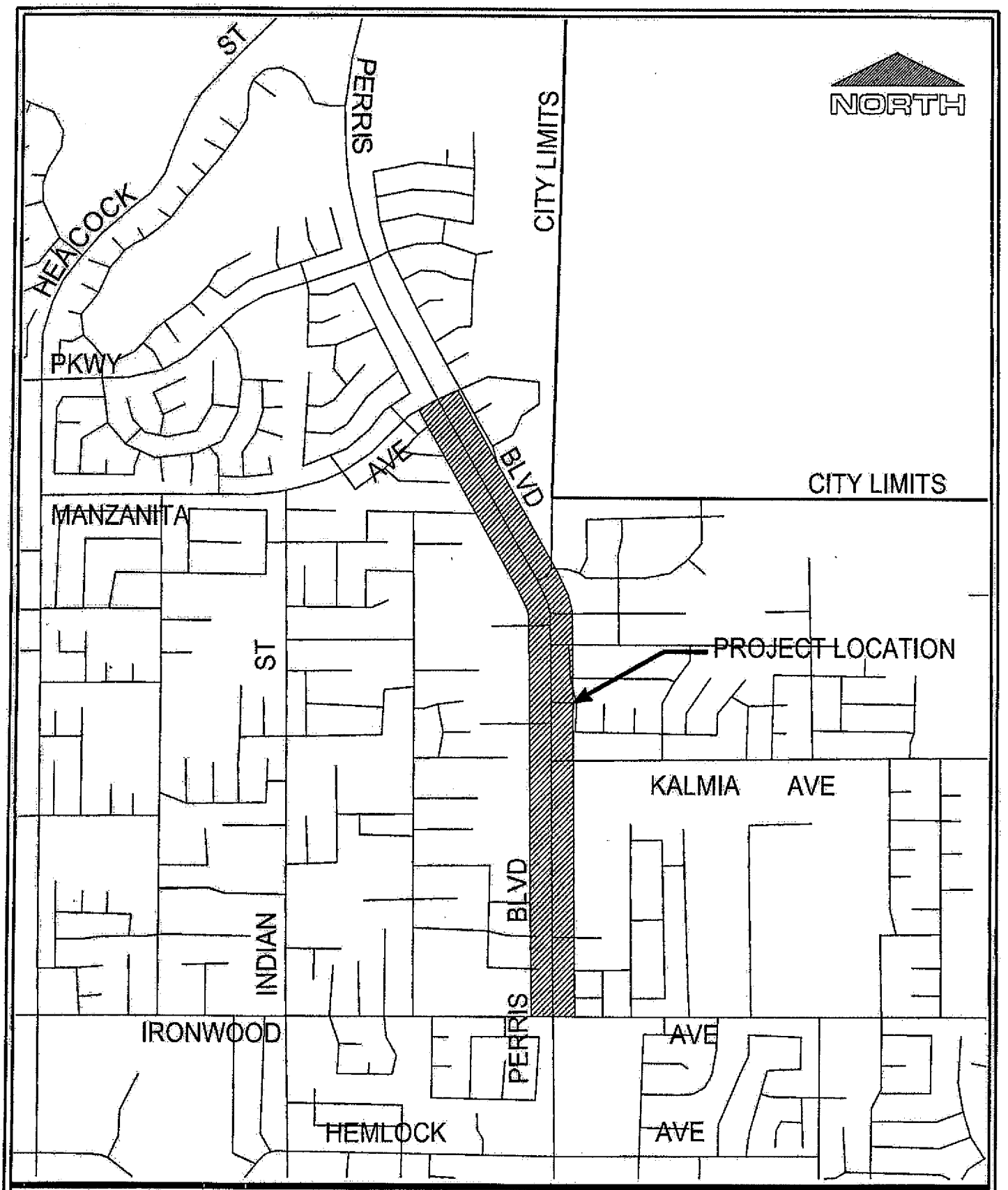

Public Works Department
Capital Projects Division

LOCATION MAP

Scale: None

MORENO VALLEY
WHERE DREAMS SOAR

PERRIS BLVD IMPROVEMENTS FROM IRONWOOD AVE TO MANZANITA AVE
PROJECT NO. 11-41570225

Attachment "C"

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Pro Tem Jesse L. Molina Report on Riverside Transit Agency (RTA)

b. Council Member Co Report on Riverside County Transportation Commission (RCTC)

c. Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)

d. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G. 2 RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) 60/215 EAST JUNCTION CONSTRUCTION PROJECT **(Informational Oral Presentation - Not for Council Action)**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone D program provides parkway landscape maintenance at the entry of a tract, around its perimeter, or in the median adjacent to the tract.

The Moreno Valley CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, fertilizing, replacing plant material(s) as necessary, maintaining the irrigation systems, weed control, litter removal, payment of water and electric

utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service areas have incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient fund balances are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. Since the Zone D program was set up to be a full cost recovery program there are no other revenue sources to pay for landscape maintenance. Because the current parcel charges do not provide adequate funding to cover the full cost of landscape maintenance, the CSD is required to ballot the property owners of the affected tracts to seek approval for an increase to the annual charge to maintain services at the standard service level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Tracts 19862, 19912, 20941, 21737, 22371, and 31591 the opportunity to approve or oppose the proposed increase in the CSD Zone D annual parcel charge. The proposed CSD Zone D parcel charge for each tract is listed below.

Tract	Number of Parcels	Council District	Location *	2010/11 CSD Zone D Annual Parcel Charge	Proposed 2011/12 CSD Zone D Annual Parcel Charge
19862	35	1	On Ironwood at Weller Place	$150.80	$252.00
19912	138	4	Northwest of Kitching & Iris	84.50	129.00
20941	76	3	Northeast of Lasselle & Bay	104.98	166.00
21737	14	1	On Ironwood at Kilgore	214.04	431.00
22371	39	1	Southeast of Eucalyptus & Kitching	291.42	497.00
31591	33	3	Northwest of Eucalyptus & Morrison	462.70	628.00

* Maps identifying the parcels and landscaped areas are included with each mail ballot packet.

The CSD Zone D charges are subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 14, 2011 and the Public Hearing on June 28, 2011.

If a tract approves the proposed increase by a simple majority (50%+1) of the returned valid ballots, the proposed CSD Zone D parcel charge will be levied on the 2011/12 Riverside County property tax bill. If a tract does not approve the proposed increase by a simple majority of the returned valid ballots, the current CSD Zone D parcel charge shall continue to be levied on the property tax bill, which includes an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan, General Management Policy #2.30.

If revenues from a tract do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for the selected tracts for the proposed increase in the CSD Zone D annual parcel charge. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*

2. **Do not accept public comments** regarding the mail ballot proceedings for the selected tracts for the proposed increase in the CSD Zone D annual parcel charge. *This alternative would be contrary to state statutes.*

FISCAL IMPACT

There is no impact on the General Fund for the operation of the CSD Zone D program. The CSD provides services through various zones, such as Zone D (Parkway Landscape Maintenance), which are full-cost recovery programs. The collection of the CSD Zone D annual charge is restricted for landscape maintenance services and administration of the CSD Zone D program.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
Continuation of the Zone D services in the landscaped areas of the selected tracts shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation
The proposed CSD Zone D parcel charge for the selected tracts is based upon actual costs, which include maintenance and administration.

SUMMARY

The action before the CSD Board is to accept public comments regarding the mail ballot proceedings for Tracts 19862, 19912, 20941, 21737, 22371, and 31591. All property owners within the described tracts have two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 14, 2011, and the Public Hearing on June 28, 2011, when the results of the ballot proceedings will be announced.

NOTIFICATION

On May 9, 2011, a ballot packet was mailed to each property owner within the affected tracts. The packet included a notice to property owner, 2011/12 budget, map with the location of the landscaping and the contributing parcels, CSD Zone D service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each tract is included as Attachments 1 through 6.

Newspaper advertising for the June 14, 2011, Public Meeting and June 28, 2011, Public Hearing was published in The Press-Enterprise on May 26, 2011. Additionally, the Public Hearing notification was published on June 9 and will be published again on June 16, 2011.

ATTACHMENTS

Attachment 1: Sample mail ballot packet for Tract 19862
Attachment 2: Sample mail ballot packet for Tract 19912
Attachment 3: Sample mail ballot packet for Tract 20941
Attachment 4: Sample mail ballot packet for Tract 21737
Attachment 5: Sample mail ballot packet for Tract 22371
Attachment 6: Sample mail ballot packet for Tract 31591

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Services District CSD\Ballots\Ballots for FY 11.12\Zone D\Stfrpt Zone D PM 06.14.11.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 19862 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 19862 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $8.43 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 1

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 19862 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL
******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 19862. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $8.43 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 19862 annual charge for standard landscape maintenance services is $150.80 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $252.00 per parcel. This equates to an estimated annual increase of approximately 67% or $101.20 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 19862.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$143.00
2007-08	$148.00
2008-09	$148.00
2009-10	$148.10
2010-11	$150.80

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

MV00106936

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 19862 es de $150.80 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $252.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 67% o $101.20 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 19862.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$143.00
2007-08	$148.00
2008-09	$148.00
2009-10	$148.10
2010-11	$150.80

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

MV00106937

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $252.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00106938

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $252.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

MV00106939

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00106940

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00106941

CSD ZONE D, TRACT 19862
FY 2011/12 BUDGET

LANDSCAPE AREA		8,805	Square Feet or
		0.20	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**252.00**	**or $21.00 per month**
Number of parcels		35	
Total Revenue	**$**	**8,820.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	2,472.48	
Water (Eastern Municipal Water District)		855.63	
Electricity		-	(Solar Powered)
Vandalism Repair		81.70	
Repair and Replacement/Miscellaneous Direct Expenses		650.29	
Landscape Inspectors/Technicians and Support Services		3,249.78	
Parts and Equipment		212.99	
Subtotal Direct Costs	$	7,522.87	
Indirect Costs			
Miscellaneous Indirect Expenses	$	154.12	
Special Districts Program Administration		377.95	
City Administration		762.88	
Subtotal Indirect Costs	$	1,294.95	
Total Expenses	**$**	**8,817.82**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement/Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 19862
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		8,805	Pies Cuadrados
		0.20	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**252.00**	**o $21.00 mensual**
Números de parcelas		35	
Total de Ingresos	**$**	**8,820.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	2,472.48	
Agua (Eastern Municipal Water District)		855.63	
Electricidad (SCE)		-	(Reloj Solar)
Reparación de Vandalismo		81.70	
Reparación o Reemplazo/Egresos Misceláneos Directos		650.29	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		3,249.78	
Partes y Equipo		212.99	
Subtotal de Costos Directos	$	7,522.87	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	154.12	
Administración de Programa de Servicios Especiales		377.95	
Administración de la Ciudad		762.88	
Subtotal de Costos Indirectos	$	1,294.95	
Total de Egresos	**$**	**8,817.82**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

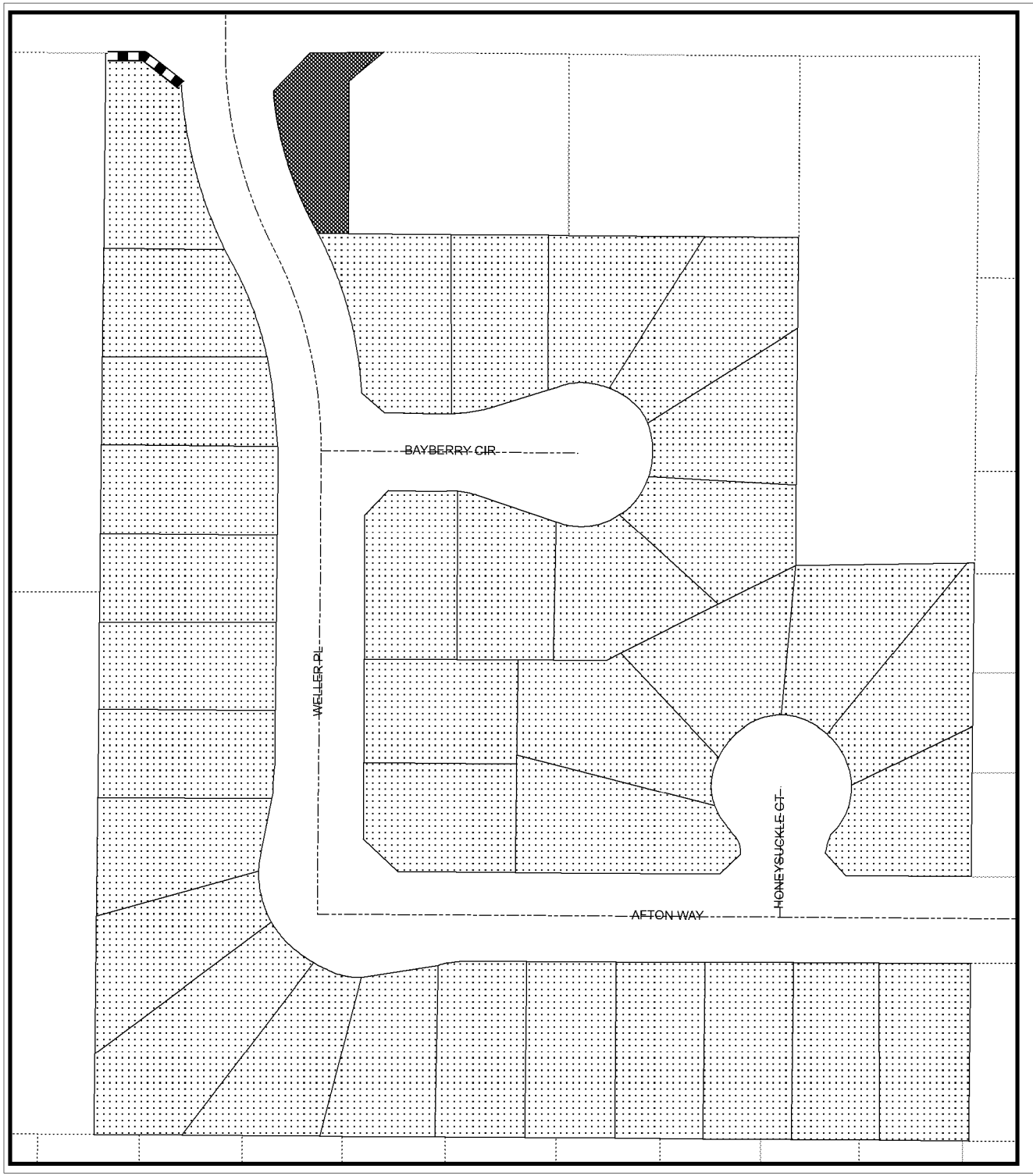

Tract/Fraccionamiento 19862

Median/Camellon

Landscaped Areas/Areas de jardin

Roads/Calles

Parcels/Parcelas

City Boundary/Limite de la ciudad

Tract/Fraccionamiento 19862

Expanded Landscaped Entry Statement

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\Zone D Tract 19862.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00106946

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341010
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 19862

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $101.20 per parcel **(approximately $8.43 per month)**. The increase will adjust the approved annual charge from $150.80 to $252.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial **(aproximadamente $8.43 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $150.80 a $252.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $101.20 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000313
JOSE LUIS CARRILLO

12113 WELLER PL
MORENO VALLEY CA 92557-7846

MV00106947

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 19912 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 19912 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $3.71 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 2

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 19912 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL
******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 19912. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $3.71 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 19912 annual charge for standard landscape maintenance services is $84.50 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $129.00 per parcel. This equates to an estimated annual increase of approximately 53% or $44.50 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 19912.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$77.00
2007-08	$80.00
2008-09	$83.00
2009-10	$83.00
2010-11	$84.50

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

MV00106950

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 19912 es de $84.50 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $129.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 53% o $44.50 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 19912.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$77.00
2007-08	$80.00
2008-09	$83.00
2009-10	$83.00
2010-11	$84.50

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

MV00106951

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $129.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00106952

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $129.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

MV00106953

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00106954

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00106955

CSD ZONE D, TRACT 19912
FY 2011/12 BUDGET

LANDSCAPE AREA		11,750	Square Feet or
		0.27	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**129.00**	**or $10.75 per month**
Number of parcels		138	
Total Revenue	**$**	**17,802.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	3,299.40	
Water (Eastern Municipal Water District)		3,135.21	
Electricity (SCE)		299.00	
Vandalism Repair		81.23	
Repair and Replacement/Miscellaneous Direct Expenses		1,368.27	
Landscape Inspectors/Technicians and Support Services		6,549.92	
Parts and Equipment		429.27	
Subtotal Direct Costs	$	15,162.30	
Indirect Costs			
Miscellaneous Indirect Expenses	$	310.64	
Special Districts Program Administration		761.76	
City Administration		1,537.58	
Subtotal Indirect Costs	$	2,609.98	
Total Expenses	**$**	**17,772.28**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 19912
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		11,750	Pies Cuadrados
		0.27	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**129.00**	**o $10.75 mensual**
Números de parcelas		138	
Total de Ingresos	**$**	**17,802.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	3,299.40	
Agua (Eastern Municipal Water District)		3,135.21	
Electricidad (SCE)		299.00	
Reparación de Vandalismo		81.23	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,368.27	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		6,549.92	
Partes y Equipo		429.27	
Subtotal de Costos Directos	$	15,162.30	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	310.64	
Administración de Programa de Servicios Especiales		761.76	
Administración de la Ciudad		1,537.58	
Subtotal de Costos Indirectos	$	2,609.98	
Total de Egresos	**$**	**17,772.28**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

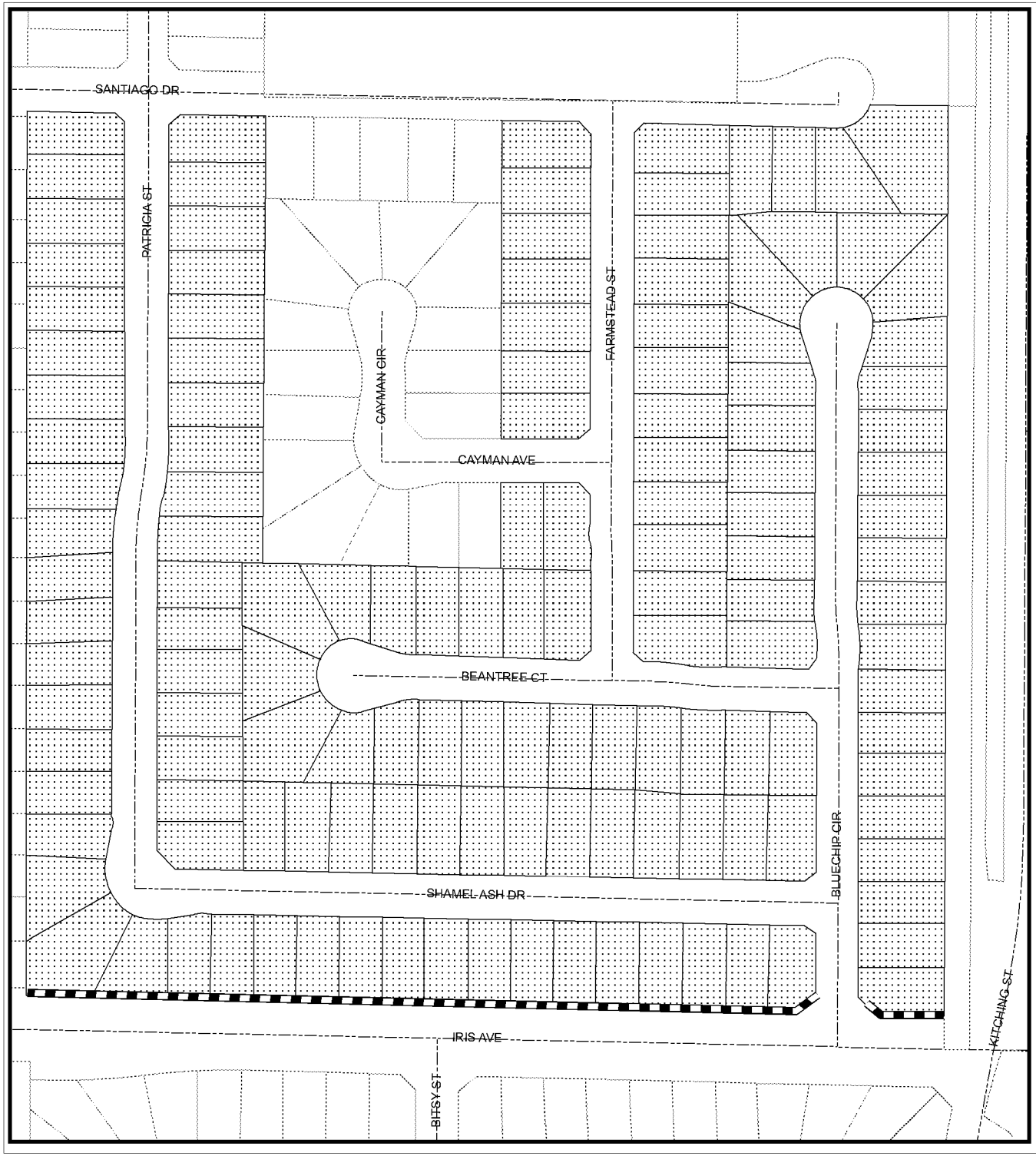

Tract/Fraccionamiento 19912

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 19912

Map reflects all changes indicated on Riverside County Assessor Maps as of March 28, 2011.

N

0 150 300 450 600 Feet

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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00106960

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341010
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 19862

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $101.20 per parcel **(approximately $8.43 per month)**. The increase will adjust the approved annual charge from $150.80 to $252.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial **(aproximadamente $8.43 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $150.80 a $252.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $101.20 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000313
JOSE LUIS CARRILLO

12113 WELLER PL
MORENO VALLEY CA 92557-7846

MV00106961

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 20941 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 20941 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $5.09 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 3

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 20941 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL
******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 20941. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $5.09 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 20941 annual charge for standard landscape maintenance services is $104.98 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $166.00 per parcel. This equates to an estimated annual increase of approximately 58% or $61.02 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 20941.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$96.00
2007-08	$99.00
2008-09	$103.00
2009-10	$103.10
2010-11	$104.98

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

MV00106964

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 20941 es de $104.98 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $166.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 58% o $61.02 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 20941.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$96.00
2007-08	$99.00
2008-09	$103.00
2009-10	$103.10
2010-11	$104.98

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

MV00106965

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $166.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00106966

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $166.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

MV00106967

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00106968

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00106969

CSD ZONE D, TRACT 20941
FY 2011/12 BUDGET

LANDSCAPE AREA		9,600	Square Feet or
		0.22	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**166.00**	**or $13.83 per month**
Number of parcels		76	
Total Revenue	**$**	**12,616.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	2,695.68	
Water (Eastern Municipal Water District)		1,132.40	
Electricity (SCE)		301.07	
Repair and Replacement/Miscellaneous Direct Expenses		1,676.36	
Landscape Inspectors/Technicians and Support Services		4,646.84	
Parts and Equipment		304.55	
Subtotal Direct Costs	$	10,756.90	
Indirect Costs			
Miscellaneous Indirect Expenses	$	220.38	
Special Districts Program Administration		540.43	
City Administration		1,090.83	
Subtotal Indirect Costs	$	1,851.64	
Total Expenses	**$**	**12,608.54**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 20941
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		9,600	Pies Cuadrados
		0.22	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**166.00**	**o $13.83 mensual**
Números de parcelas		76	
Total de Ingresos	**$**	**12,616.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	2,695.68	
Agua (Eastern Municipal Water District)		1,132.40	
Electricidad (SCE)		301.07	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,676.36	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		4,646.84	
Partes y Equipo		304.55	
Subtotal de Costos Directos	$	10,756.90	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	220.38	
Administración de Programa de Servicios Especiales		540.43	
Administración de la Ciudad		1,090.83	
Subtotal de Costos Indirectos	$	1,851.64	
Total de Egresos	**$**	**12,608.54**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Tract/Fraccionamiento 20941

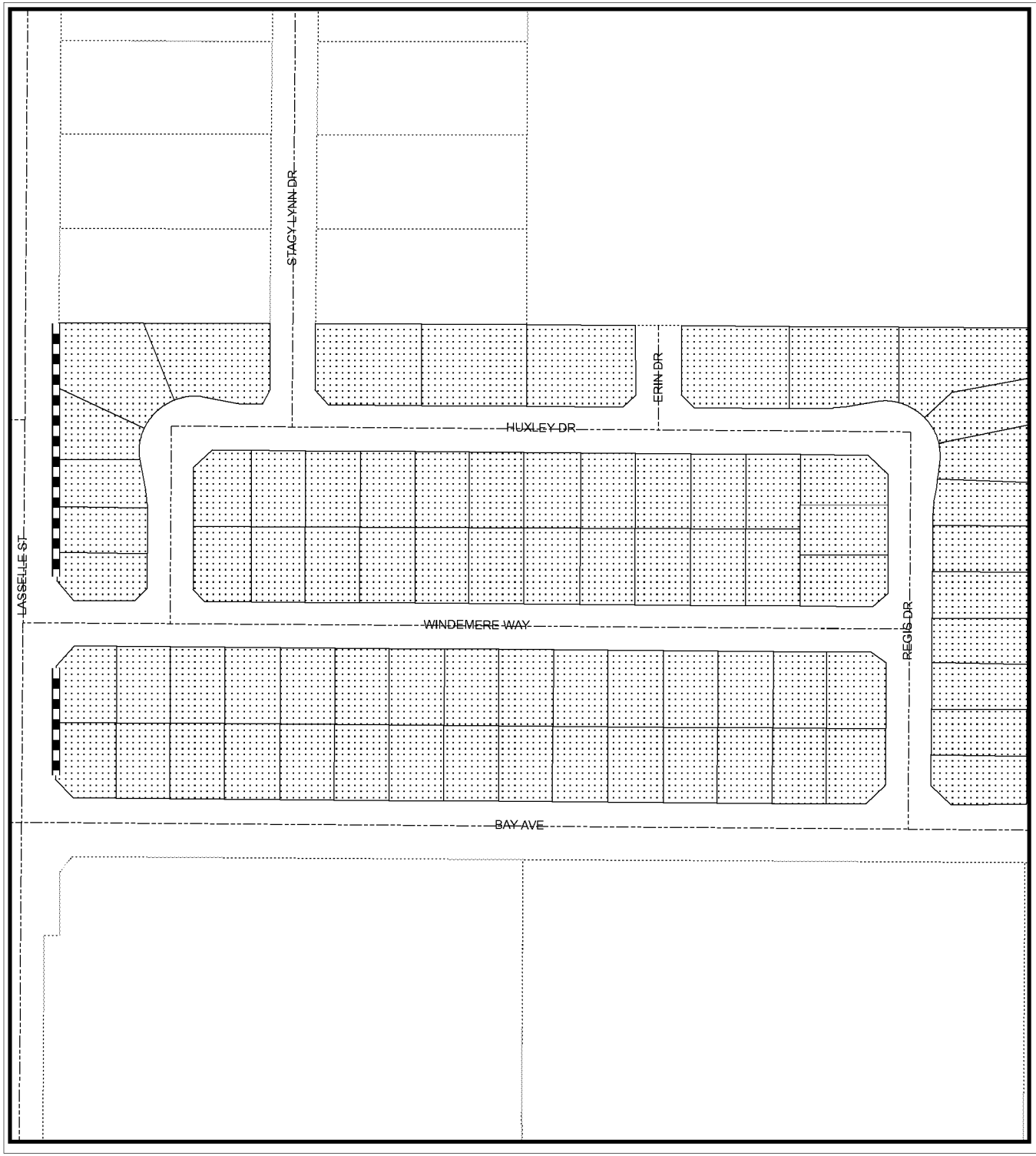

Median/Camellon

Landscaped Areas/Areas de jardin

Roads/Calles

Parcels/Parcelas

City Boundary/Limite de la ciudad

Tract/Fraccionamiento 20941

Map reflects all changes indicated on Riverside County Assessor Maps as of March 28, 2011.

N

0 145 290 435 580 Feet

G:\AVP\SDA\Zone D Tract 20941.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00106974

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. «PARCEL»
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 20941 «APNI»

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si** «APNY»

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO **DATE/FECHA**

Yes, ***I approve*** the increase in the annual charge for Zone D services of $61.02 per parcel **(approximately $5.09 per month)**. The increase will adjust the approved annual charge from $104.98 to $166.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $61.02 por parcela **(aproximadamente $5.09 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $104.98 a $166.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No** «APNN»

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO **DATE/FECHA**

No, ***I do not approve*** the increase in the annual charge for Zone D services of $61.02 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $61.02 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

«endorse» «sequence»
«Owner1»
«co»
«MAIL_TO_STREET_ADDRESS»
«MAIL_TO_CITY» «State» «zip»

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 21737 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 21737 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $21.63 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 4

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 21737 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 21737. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $21.63 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

MV00106977

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 21737 annual charge for standard landscape maintenance services is $214.04 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $468.00 per parcel. This equates to an estimated annual increase of approximately 119% or $253.96 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 21737.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$196.00
2007-08	$202.00
2008-09	$210.00
2009-10	$210.20
2010-11	$214.04

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

MV00106978

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 21737 es de $214.04 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $468.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 119% o $253.96 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 21737.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$196.00
2007-08	$202.00
2008-09	$210.00
2009-10	$210.20
2010-11	$214.04

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

MV00106979

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $468.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00106980

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $468.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

MV00106981

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00106982

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00106983

CSD ZONE D, TRACT 21737
FY 2011/12 BUDGET

LANDSCAPE AREA		3,920	Square Feet or
		0.09	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**431.00**	**or $35.92 per month**
Number of parcels		14	
Total Revenue	**$**	**6,034.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	1,100.76	
Water (Eastern Municipal Water District)		515.51	
Electricity (SCE)		299.23	
Repair and Replacement/Miscellaneous Direct Expenses		862.83	
Landscape Inspectors/Technicians and Support Services		2,223.83	
Parts and Equipment		145.75	
Subtotal Direct Costs	$	5,147.91	
Indirect Costs			
Miscellaneous Indirect Expenses	$	105.47	
Special Districts Program Administration		258.63	
City Administration		522.04	
Subtotal Indirect Costs	$	886.14	
Total Expenses	**$**	**6,034.05**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 21737
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		3,920	Pies Cuadrados
		0.09	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**431.00**	**o $35.92 mensual**
Números de parcelas		14	
Total de Ingresos	**$**	**6,034.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	1,100.76	
Agua (Eastern Municipal Water District)		515.51	
Electricidad (SCE)		299.23	
Reparación o Reemplazo/Egresos Misceláneos Directos		862.83	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		2,223.83	
Partes y Equipo		145.75	
Subtotal de Costos Directos	$	5,147.91	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	105.47	
Administración de Programa de Servicios Especiales		258.63	
Administración de la Ciudad		522.04	
Subtotal de Costos Indirectos	$	886.14	
Total de Egresos	**$**	**6,034.05**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

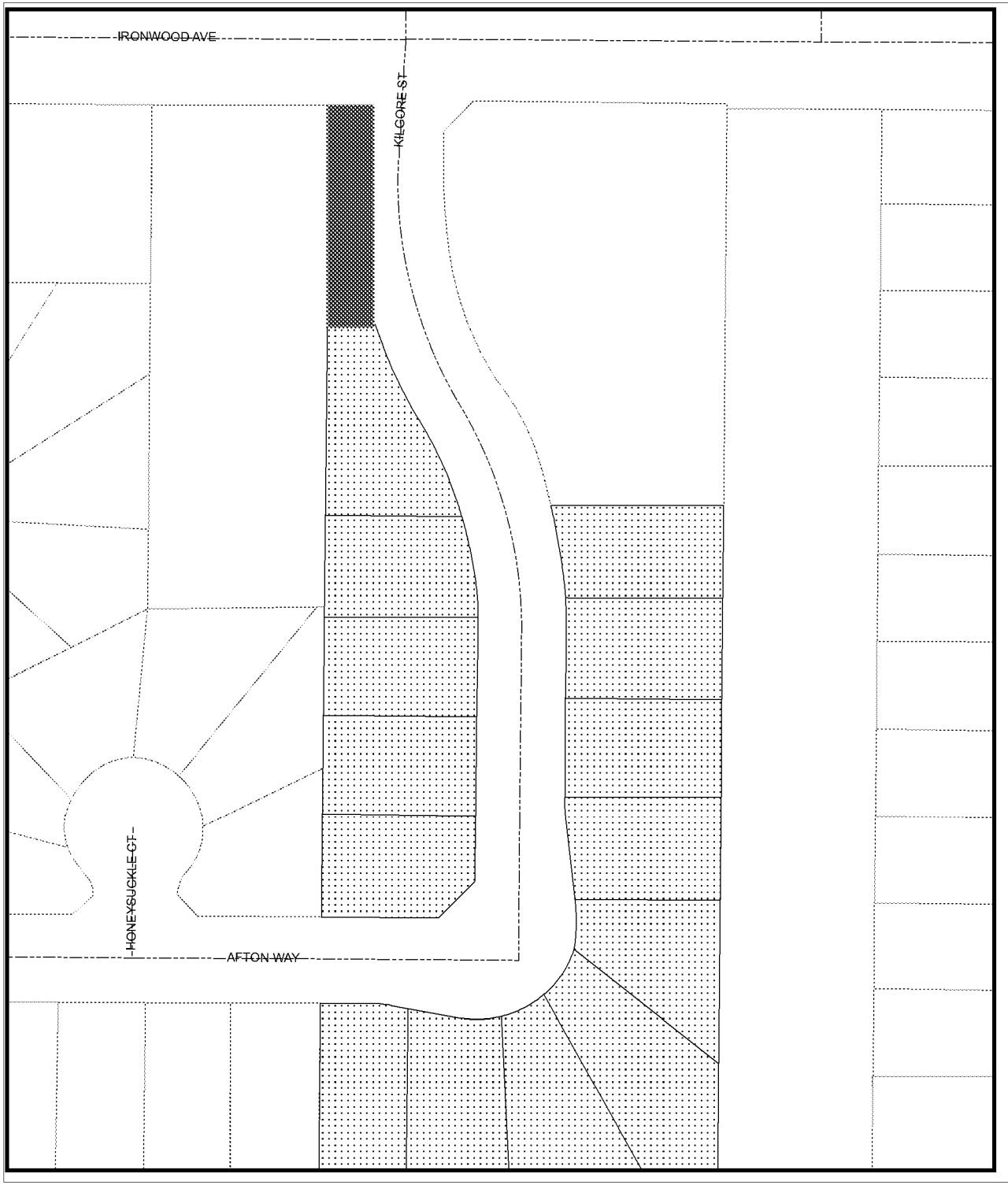

Tract/Fraccionamiento 21737

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 21737
- Expanded Landscaped Entry Statement

Map reflects all changes indicated
on Riverside County Assessor Maps
as of April 4, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\Zone D Tract 21737.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00106988

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341024
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 21737

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $216.96 per parcel **(approximately $18.08 per month)** The increase will adjust the approved annual charge from $214.04 to $431.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $216.96 por parcela **(aproximadamente $18.08 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $214.04 a $431.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $216.96 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $216.96 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000295
MANUEL ENRIGUEZ

24697 AFTON WAY
MORENO VALLEY CA 92557-7842

MV00106989

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 22371 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 22371 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $20.72 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 5

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 22371 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 22371. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $20.72 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-1 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 22371 annual charge for standard landscape maintenance services is $291.42 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $540.00 per parcel. This equates to an estimated annual increase of approximately 85% or $248.58 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 22371.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$265.00
2007-08	$274.00
2008-09	$286.00
2009-10	$286.20
2010-11	$291.42

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

MV00106992

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 22371 es de $291.42 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $540.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 85% o $248.58 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 22371.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$265.00
2007-08	$274.00
2008-09	$286.00
2009-10	$286.20
2010-11	$291.42

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

MV00106993

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $540.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00106994

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $540.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

MV00106995

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00106996

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00106997

CSD ZONE D, TRACT 22371
FY 2011/12 BUDGET

LANDSCAPE AREA		17,844	Square Feet or
		0.41	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**497.00**	**or $41.42 per month**
Number of parcels		39	
Total Revenue	**$**	**19,383.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	5,010.60	
Water (Eastern Municipal Water District)		2,199.50	
Electricity (SCE)		302.38	
Repair and Replacement/Miscellaneous Direct Expenses		1,406.96	
Landscape Inspectors/Technicians and Support Services		7,139.29	
Parts and Equipment		467.90	
Subtotal Direct Costs	$	16,526.63	
Indirect Costs			
Miscellaneous Indirect Expenses	$	338.59	
Special Districts Program Administration		830.31	
City Administration		1,675.93	
Subtotal Indirect Costs	$	2,844.83	
Total Expenses	**$**	**19,371.46**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 22371
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		17,844	Pies Cuadrados
		0.41	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**497.00**	**o $41.42 mensual**
Números de parcelas		39	
Total de Ingresos	**$**	**19,383.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	5,010.60	
Agua (Eastern Municipal Water District)		2,199.50	
Electricidad (SCE)		302.38	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,406.96	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		7,139.29	
Partes y Equipo		467.90	
Subtotal de Costos Directos	$	16,526.63	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	338.59	
Administración de Programa de Servicios Especiales		830.31	
Administración de la Ciudad		1,675.93	
Subtotal de Costos Indirectos	$	2,844.83	
Total de Egresos	**$**	**19,371.46**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

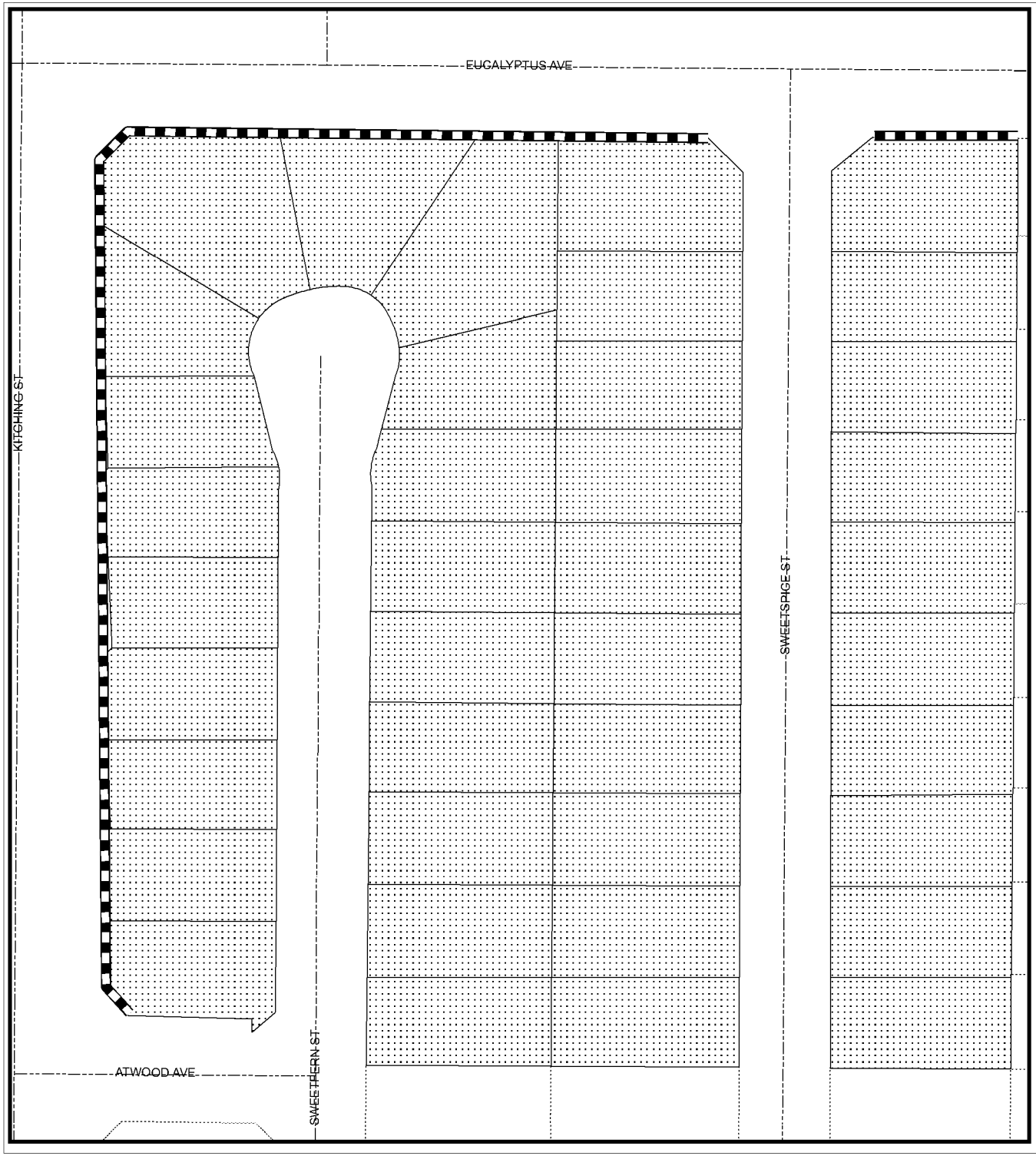

Tract/Fraccionamiento 22371

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 22371

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

N

0 75 150 225 300 Feet

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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00107002

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 479524018
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 22371

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $205.58 per parcel **(approximately $17.13 per month)**. The increase will adjust the approved annual charge from $291.42 to $497.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $205.58 por parcela **(aproximadamente $17.13 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $291.42 a $497.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $205.58 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $205.58 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000332
LOS ARCOS INV INC

390 N MCKINLEY ST STE 106
CORONA CA 92879-6572

MV00107003

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 31591 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 31591 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $18.19 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 6

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 31591 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 31591. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $18.19 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona Des un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 31591 annual charge for standard landscape maintenance services is $462.70 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $681.00 per parcel. This equates to an estimated annual increase of approximately 47% or $218.30 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 31591.

Per Parcel	
Fiscal Year	**Annual Charge**
2007-08	$454.00
2008-09	$454.00
2009-10	$454.40
2010-11	$462.70

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 31591 es de $462.70 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $681.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 47% o $218.30 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 31591.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2007-08	$454.00
2008-09	$454.00
2009-10	$454.40
2010-11	$462.70

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $681.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00107008

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $681.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00107010

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE D, TRACT 31591
FY 2011/12 BUDGET

LANDSCAPE AREA		16,445	Square Feet or
		0.38	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**628.00**	**or $52.33 per month**
Number of parcels		33	
Total Revenue	**$**	**20,724.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	4,617.60	
Water (Eastern Municipal Water District)		3,043.65	
Electricity (SCE)		306.94	
Vandalism Repair		93.02	
Repair and Replacement/Miscellaneous Direct Expenses		1,467.38	
Landscape Inspectors/Technicians and Support Services		7,626.86	
Parts and Equipment		499.85	
Subtotal Direct Costs	$	17,655.30	
Indirect Costs			
Miscellaneous Indirect Expenses	$	361.71	
Special Districts Program Administration		887.01	
City Administration		1,790.39	
Subtotal Indirect Costs	$	3,039.11	
Total Expenses	**$**	**20,694.41**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 31591
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		16,445	Pies Cuadrados
		0.38	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**628.00**	**o $52.33 mensual**
Números de parcelas		33	
Total de Ingresos	**$**	**20,724.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	4,617.60	
Agua (Eastern Municipal Water District)		3,043.65	
Electricidad (SCE)		306.94	
Reparación de Vandalismo		93.02	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,467.38	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		7,626.86	
Partes y Equipo		499.85	
Subtotal de Costos Directos	$	17,655.30	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	361.71	
Administración de Programa de Servicios Especiales		887.01	
Administración de la Ciudad		1,790.39	
Subtotal de Costos Indirectos	$	3,039.11	
Total de Egresos	**$**	**20,694.41**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debidc tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

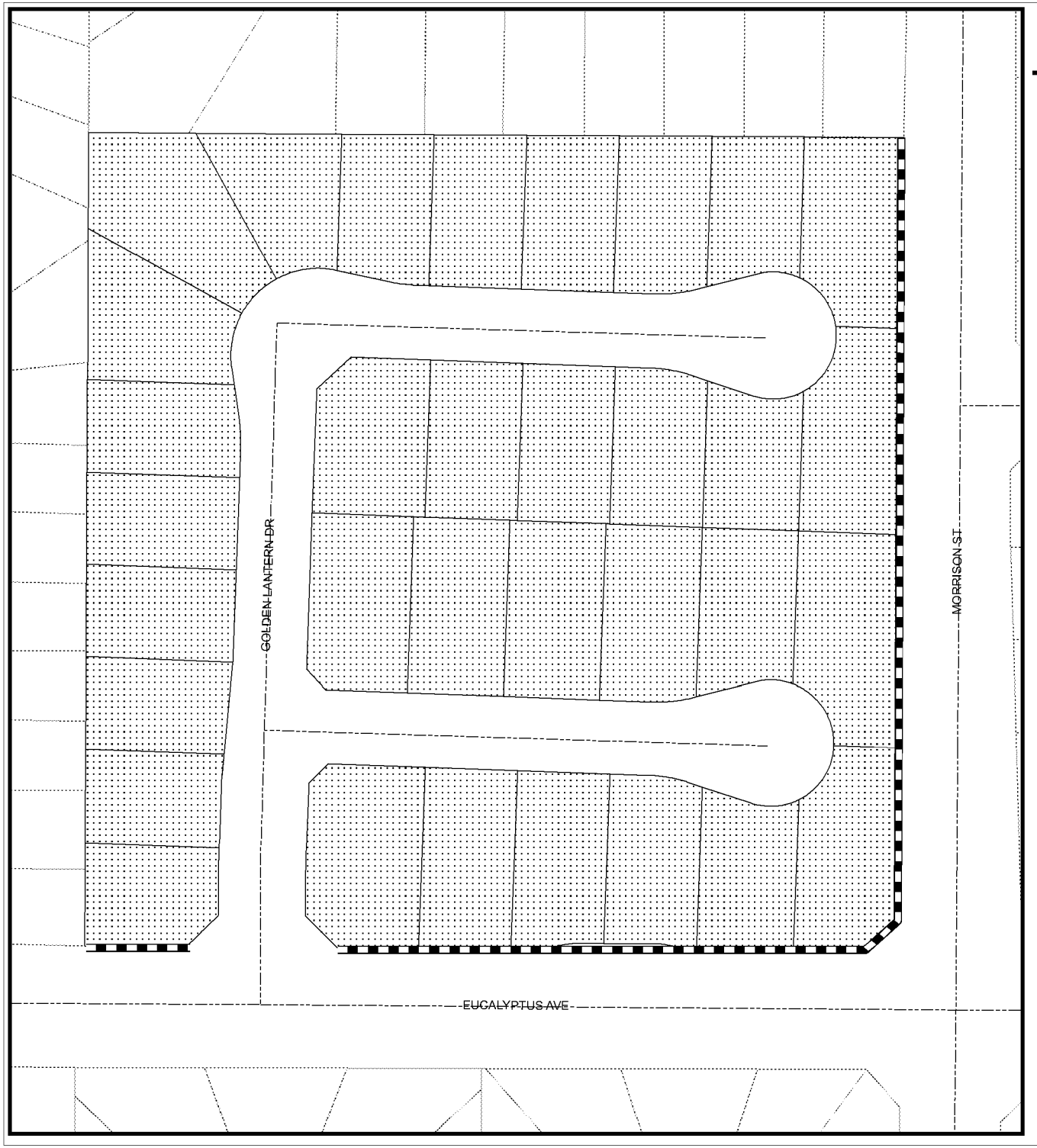

Tract/Fraccionamiento 31591

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 31591

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

N

0 85 170 255 340 Feet

G:\AVP\SDA\Zone D Tract 31591.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00107016

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 487310027
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 31591

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $165.30 per parcel **(approximately $13.78 per month)**. The increase will adjust the approved annual charge from $462.70 to $628.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $165.30 por parcela **(aproximadamente $13.78 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $462.70 a $628.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $165.30 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $165.30 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000332
LOS ARCOS INV INC

390 N MCKINLEY ST STE 106
CORONA CA 92879-6572

MV00107017

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED SUB-ZONES FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone E annual parcel charge for Zone E-1 (TownGate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East) landscape areas.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to commercial and residential properties in designated areas that have landscaped perimeters, open space, medians, and/or entry statements.

The CSD provides extensive landscape maintenance to the landscape areas in Zones E-1, E-2, E-3A, and E-4. Special Districts staff manages private landscape maintenance firms to ensure landscape preservation activities are completed on a regular schedule. Landscape

maintenance includes mowing, trimming, pruning, fertilizing, replacing plant material(s) as necessary, maintaining the irrigation systems, weed control, litter removal, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service areas have incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient fund balances are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. Since the Zone E program was set up to be a full cost recovery program there are no other revenue sources to pay for landscape maintenance. Because the current parcel charges do not provide adequate funding to cover the full cost of landscape maintenance, the CSD is required to ballot the property owners of the affected sub-zones to seek approval for an increase in the annual charge to maintain landscape services at the standard service level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Zones E-1, E-2, E-3A, and E-4 the opportunity to approve or oppose the proposed increase in the CSD Zone E annual parcel charge. The proposed CSD Zone E parcel charges for each sub-zone are listed below.

CSD Zone	2010/11 CSD Zone E Annual Parcel Charge			Proposed 2011/12 CSD Zone E Annual Parcel Charge		
	Per Residential Parcel or Equivalent Dwelling Unit for Undeveloped Parcels	Per Condo Unit	Per Acre	Per Residential Parcel or Equivalent Dwelling Unit for Undeveloped Parcels	Per Condo Unit	Per Acre
E-1	$126.36	$57.02	$505.44	$152.00	$69.00	$608.00
E-2	398.46	N/A	N/A	518.00	N/A	N/A
E-3A	67.20	N/A	N/A	108.00	N/A	N/A
E-4	110.00	N/A	440.00	240.00	N/A	960.00

The CSD Zone E charges may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The proposed increase in the CSD Zone E (extensive landscape maintenance) parcel charge for each designated sub-zone will be annually levied through the property tax bill process if a simple majority (50%+1) of the returned valid ballots are marked in favor of the increase.

If a majority of the valid ballots returned do not approve the proposed annual parcel charge for each designated sub-zone, the parcel charge shall continue to be levied on the property tax bill at the current rate, which may include an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Moreno Valley Community Services District Zone E (Extensive Parkway Landscape Maintenance) Service Plan, General Management Policy #2.41. If revenues from a sub-zone do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for the proposed increase in the annual parcel charges for CSD Zones E-1, E-2, E-3A, and E-4. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding*.

2. **Do not accept public comments** regarding the mail ballot proceeding for the proposed increase in the annual parcel charges for CSD Zones E-1, E-2, E-3A, and E-4. *This alternative would be contrary to state statutes*.

FISCAL IMPACT

There is no impact on the General Fund for the operation of the Community Services District Zone E program. The CSD provides services through various zones, such as Zone E (Extensive Landscape Maintenance), which is a full-cost recovery program. The collection of the CSD Zone E annual charge is restricted for landscape maintenance services and administration of the Zone E program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
The proposed increase in the CSD Zone E parcel charges for Zones E-1, E-2, E-3A, and E-4 are based upon actual costs, which include maintenance and administration.

Community Image, Neighborhood Pride and Cleanliness
Continuation of the Zone E services in the landscaped areas within the described sub-zones will allow the CSD to maintain the current appearance of the areas.

SUMMARY

The action before the CSD Board is to accept public comments regarding the proposed increase in the Zone E annual parcel charge for Zones E-1, E-2, E-3A, and E-4. All property owners within the described zones have two opportunities to address the legislative body.

These two opportunities are the Public Meeting on June 14, 2011, and the Public Hearing on June 28, 2011, when the results of the ballot proceedings will be announced.

NOTIFICATION

On May 9, 2011, a ballot packet was mailed to each property owner within the affected sub-zones. The packet included a notice to property owner, 2011/12 budget, map with the location of the landscaping and the contributing parcels, CSD Zone E service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each sub-zone is included as Attachments 1 through 4.

Newspaper advertising for the June 14, 2011, Public Meeting and June 28, 2011, Public Hearing was published in The Press-Enterprise on May 26, 2011. Additionally, the Public Hearing notification was published on June 9 and will be published again on June 16, 2011.

ATTACHMENTS

Attachment 1: Sample mail ballot packet for Zone E-1
Attachment 2: Sample mail ballot packet for Zone E-2
Attachment 3: Sample mail ballot packet for Zone E-3A
Attachment 4: Sample mail ballot packet for Zone E-4

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Services District CSD\Ballots\Ballots for FY 11.12\Zone E\Zone E PM Stfrpt 06.14.11.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-1 ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-1 annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by approximately $2.14 per month** to meet current costs. The Zone E-1 charges will be collected on the County of Riverside property tax bills. The Zone E-1 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-1 are divided proportionally by the number of parcels, acres, or condo units to determine the annual charge per parcel, acre, or condo unit.

ATTACHMENT 1

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-1

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-1. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $2.14 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-1 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-1 son divididos en proporción al número de parcelas, unidades de condominio y acres para determinar el costo anual por parcela, unidades de condominio y acre.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-1 annual charges for standard landscape maintenance services are $126.36 per residential parcel, $505.44 per acre for nonresidential or undeveloped parcels, or $57.02 per condo unit. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-1 program for FY 2010/11 is $281,584.08.

Proposed Charge

To meet current costs, the Zone E-1 charges are proposed to be adjusted to $152 per residential parcel, $608 per acre for nonresidential or undeveloped parcels, or $69 per condo unit. This equates to an estimated annual increase of approximately 20% or $25.64 per residential parcel, $102.56 per acre for nonresidential or undeveloped parcels, or $11.98 per condo unit.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-1 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Acre (Nonresidential or Undeveloped)		Per Condo Unit	
Fiscal Year	**Annual Charge**	**Fiscal Year**	**Annual Charge**	**Fiscal Year**	**Annual Charge**
2005-06	$110.00	2005-06	$440.00	2005-06	N/A
2006-07	$115.00	2006-07	$460.00	2006-07	N/A
2007-08	$119.00	2007-08	$476.00	2007-08	N/A
2008-09	$124.00	2008-09	$496.00	2008-09	$56.00
2009-10	$124.10	2009-10	$496.40	2009-10	$56.00
2010-11	$126.36	2010-11	$505.44	2010-11	$57.02

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

MV00107024

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-1 es de $126.36 por parcela residencial, $505.44 por acre no residencial o parcelas subdesarrolladas, o $57.02 por unidad de condominio. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-1 durante el año fiscal 2010/11 es de $281,584.08.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-1 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $152 por parcela residencial, $608 por acre no residencial o parcelas subdesarrolladas y $69 por unidad de condominio. Este ajuste equivaldría a un aumento anual aproximado de 20% o $25.64 por parcela residencial, $102.56 por acre no residencial o parcelas subdesarrolladas y $11.98 por unidad de condominio.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-1

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Acre (No Residencial/ Subdesarrollado)		Por Unidad de Condominio	
Año Fiscal	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**
2005-06	$110.00	2005-06	$440.00	2005-06	N/A
2006-07	$115.00	2006-07	$460.00	2006-07	N/A
2007-08	$119.00	2007-08	$476.00	2007-08	N/A
2008-09	$124.00	2008-09	$496.00	2008-09	$56.00
2009-10	$124.10	2009-10	$496.40	2009-10	$56.00
2010-11	$126.36	2010-11	$505.44	2010-11	$57.02

MV00107025

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approves the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $152 per residential parcel, $608 per acre for nonresidential or undeveloped parcels, or $69 per condo unit shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

MV00107026

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	**Audiencia Publica**
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $152 por parcela residencial, $608 por acre no residencial o parcelas subdesarrolladas y $69 por unidad de condominio será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00107028

2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*

3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.

4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00107029

CSD ZONE E-1
FY 2011/12 BUDGET

LANDSCAPE AREA		442,569	Square Feet or
		10.16	Acres
REVENUES			
Single Family Parcels (1,042)	**$**	**152.00**	**or $12.67 per month**
Condo Units (67)	**$**	**69.00**	**or $5.75 per month**
Nonresidential/undeveloped Acres (289.19 acres)	**$**	**608.00**	**or $50.67 per month**
Total Revenue	**$**	**338,834.52**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	88,430.00	
Water (Eastern Municipal Water District)		69,200.00	
Electricity (SCE)		4,000.00	
Vandalism Repair		3,400.00	
Repair and Replacement		40,143.52	
Other (mulching, plant material replacement, etc.)		25,400.00	
Landscape Inspectors/Technicians and Support Services		65,511.00	
Parts and Equipment/Miscellaneous Direct Expenses		14,383.00	
Subtotal Direct Costs	$	310,467.52	
Indirect Costs			
Miscellaneous Indirect Expenses	$	2,625.00	
Special Districts Program Administration		8,256.31	
City Administration		17,485.69	
Subtotal Indirect Costs	$	28,367.00	
Total Expenses	**$**	**338,834.52**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-1
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		442,569	Pies Cuadrados
		10.16	Acres
INGRESOS			
Parcelas de Unidades Familiar (1042)	**$**	**152.00**	**o $12.67 mensual**
Unidades de Condominio (67)	**$**	**69.00**	**o $5.75 mensual**
Acres No Residenciales o Subdesarrollados (289.19 acres)	**$**	**608.00**	**o $50.67 mensual**
Total de Ingresos	**$**	**338,834.52**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	88,430.00	
Agua (Eastern Municipal Water District)		69,200.00	
Electricidad (SCE)		4,000.00	
Reparación de Vandalismo		3,400.00	
Reparación o Reemplazo		40,143.52	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		25,400.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		65,511.00	
Partes y Equipo/Egresos Misceláneos Directos		14,383.00	
Subtotal de Costos Directos	$	310,467.52	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	2,625.00	
Administración de Programa de Servicios Especiales		8,256.31	
Administración de la Ciudad		17,485.69	
Subtotal de Costos Indirectos	$	28,367.00	
Total de Egresos	**$**	**338,834.52**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-1 • Towngate

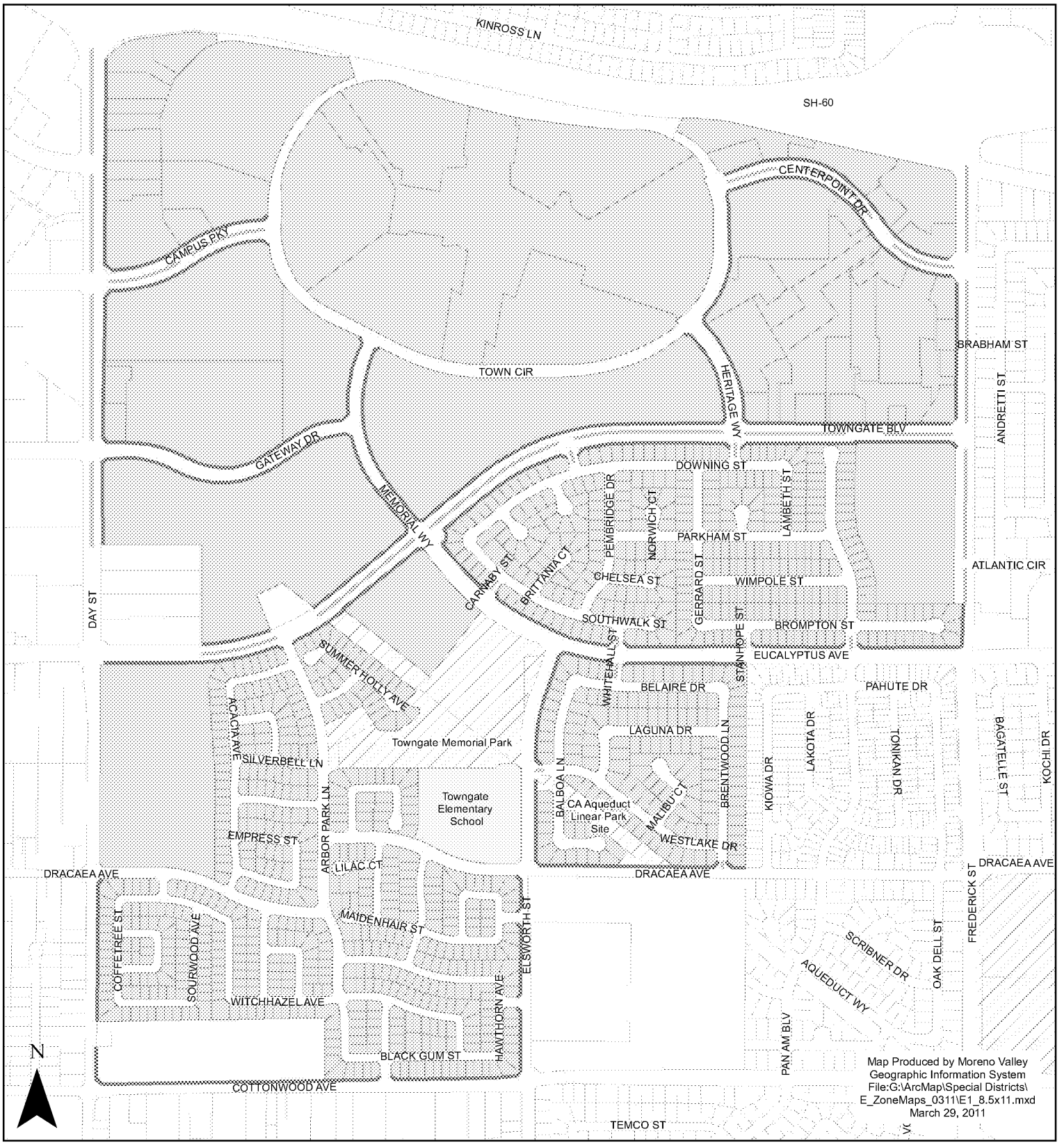

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Median *(Medianas Ajardinadas)*

Landscaped Parkway *(Areas Ajardinadas)*

Zone E-1 Parcels *(Zona E-1 Parcelas)*

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 291535016
CSD ZONE E-1 (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-1 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-1. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-1 services of $25.64 per residential parcel **(approximately $2.14 per month)**. The increase will adjust the approved annual charge from $126.36 to $152.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-1 de $25.64 por parcela residencial **(aproximadamente $2.14 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $126.36 a $152.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-1 services of $25.64 per residential parcel. I understand landscaping services for Zone E-1 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-1 de $25.64 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-1 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

MIXED AADC 923 0001169
FEDERAL NATL MORTGAGE ASSN
C/O IBM LENDER BUSINESS PROC SVCS
14523 SW MILLIKAN WAY STE 200
BEAVERTON OR 97005-2352

MV00107035

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-2 ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-2 annual charges. If approved, beginning in FY 2011/12 annual charge shall be **increased by approximately $9.96 per month per residential parcel or Equivalent Dwelling Unit (EDU) for undeveloped parcels** to meet current costs. The Zone E-2 charge is collected on the County of Riverside property tax bills. The Zone E-2 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-2 are divided proportionally by the number of residential parcels or EDUs to determine the annual charge per parcel or EDU.

ATTACHMENT 2

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-2

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-2. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual **por parcela residencial o Unidad de Vivencia Equivalente en parcelas subdesarrolladas (UVE) aumentara aproximadamente $9.96 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-2 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-2 son divididos en proporción al número de parcelas residenciales o UVE's para determinar el costo anual por parcela residencial o UVE.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize these cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-2 annual charges for standard landscape maintenance services are $398.46 per residential parcel or EDU. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-2 program for FY 2010/11 is $480,941.22.

Proposed Charge

To meet current costs, the Zone E-2 charges are proposed to be adjusted to $518.00 per residential parcel or EDU. This equates to an estimated annual increase of approximately 30% or $119.54 per residential parcel or EDU.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-2 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Equivalent Dwelling Unit (Undeveloped Parcels)	
Fiscal Year	**Annual Charge**	**Fiscal Year**	**Annual Charge**
2007-08	$375.00	2007-08	$375.00
2008-09	$391.00	2008-09	$391.00
2009-10	$391.30	2009-10	$391.30
2010-11	$398.46	2010-11	$398.46

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

MV00107038

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-2 es de $398.46 por parcela residencial o UVE. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-2 durante el año fiscal 2010/11 es de $480,941.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-2 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $518.00 por parcela residencial o UVE. Este ajuste equivaldría a un aumento anual aproximado de 30% o $119.54 por parcela residencial o UVE.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-2

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Unidad de Vivienda Equivalente (Parcelas Subdesarrolladas)	
Año Fiscal	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**
2007-08	$375.00	2007-08	$375.00
2008-09	$391.00	2008-09	$391.00
2009-10	$391.30	2009-10	$391.30
2010-11	$398.46	2010-11	$398.46

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

MV00107039

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $518.00 per residential parcel or EDU shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00107040

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	**Audiencia Publica**
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $518 por parcela residencial o UVE será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00107042

su boleta personalmente si así lo desea a la misma dirección.

4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00107043

CSD ZONE E-2
FY 2011/12 BUDGET

LANDSCAPE AREA	3,574,098	Square Feet or
	82.05	Acres
REVENUES		
Proposed Annual Zone E-2 Charge	**$ 518.00**	**or $43.16 per month**
Number of parcels/EDUs	1,207	
Total Revenue	**$ 625,226.00**	
EXPENSES		
Direct Costs		
Base Maintenance Contract	$ 188,400.00	
Water (Eastern Municipal Water District)	105,300.00	
Electricity (SCE)	6,300.00	
Vandalism Repair	5,400.00	
Repair and Replacement	94,070.00	
Other (mulching, plant material replacement, etc.)	47,700.00	
Landscape Inspectors/Technicians and Support Services	114,929.00	
Parts and Equipment/Miscellaneous Direct Expenses	14,284.00	
Subtotal Direct Costs	$ 576,383.00	
Indirect Costs		
Miscellaneous Indirect Expenses	$ 4,602.00	
Special Districts Program Administration	13,565.66	
City Administration	30,675.34	
Subtotal Indirect Costs	$ 48,843.00	
Total Expenses	**$ 625,226.00**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-2
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		3,574,098	Pies Cuadrados
		82.05	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona E-2	**$**	**518.00**	**o $43.16 mensual**
Números de parcelas/UVE		**1,207.00**	
Total de Ingresos	**$**	**625,226.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	188,400.00	
Agua (Eastern Municipal Water District)		105,300.00	
Electricidad (SCE)		6,300.00	
Reparación de Vandalismo		5,400.00	
Reparación o Reemplazo		94,070.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		47,700.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		114,929.00	
Partes y Equipo/Egresos Misceláneos Directos		14,284.00	
Subtotal de Costos Directos	$	576,383.00	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	4,602.00	
Administración de Programa de Servicios Especiales		13,565.66	
Administración de la Ciudad		30,675.34	
Subtotal de Costos Indirectos	$	48,843.00	
Total de Egresos	**$**	**625,226.00**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-2 • Hidden Springs

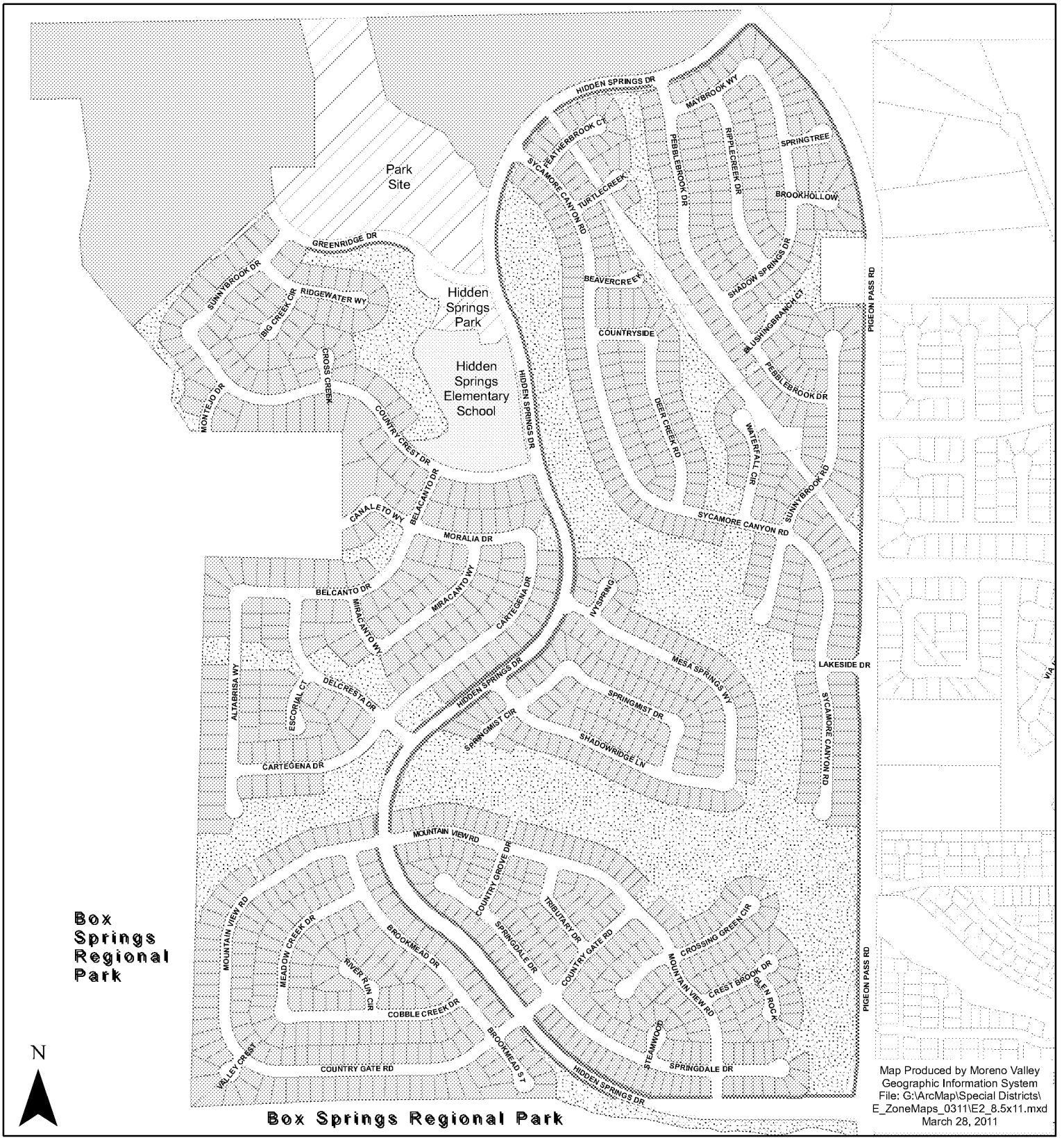

Map Produced by Moreno Valley Geographic Information System
File: G:\ArcMap\Special Districts\E_ZoneMaps_0311\E2_8.5x11.mxd
March 28, 2011

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Parkway *(Areas Ajardinadas)*

Landscaped Open Space *(Area abierta Ajardinada)*

Zone E-2 Properties *(Zona E-2 Propiedades)*

MORENO VALLEY
WHERE DREAMS SOAR

MV00107048

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 260413014
CSD ZONE E-2 (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-2 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-2. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-2 services of $119.54 per residential parcel or Equivalent Dwelling Unit **(approximately $9.96 per month)**. The increase will adjust the approved annual charge from $398.46 to $518.00 per residential parcel or Equivalent Dwelling Unit for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-2 de $119.54 por parcela residencial o Unidad de Vivienda Equivalente **(aproximadamente $9.96 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $398.46 a $518.00 por parcela o Unidad de Vivienda Equivalente para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-2 services of $119.54 per residential parcel or Equivalent Dwelling Unit. I understand landscaping services for Zone E-2 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-2 de $119.54 por parcela residencial o Unidad de Vivienda Equivalente. Entiendo que los servicios de jardinería de la Zona E-2 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SCH 5-DIGIT 92554 0000001
YASER R TELLO

11411 STEEPLECHASE DR
MORENO VALLEY CA 92555-1407

MV00107049

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-3A ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. In order to maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-3A annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by $3.40 per month** to meet current costs. The Zone E-3A charges are collected on the County of Riverside property tax bills. The Zone E-3A annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-3A are divided proportionally by the number of parcels to determine the annual charge per parcel.

ATTACHMENT 3

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-1

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-3A. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara a $3.40 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-3A es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-3A son divididos en proporción al número de parcelas para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-3A annual charges for standard landscape maintenance services are $67.20 per residential parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-3A program for FY 2010/11 is $31,516.80.

Proposed Charge

To meet current costs, the Zone E-3A charges are proposed to be adjusted to $108.00 per residential parcel. This equates to an estimated annual increase of approximately 61% or $40.80 per residential parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-3A Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel	
Fiscal Year	**Annual Charge**
2005-06	$63.00
2006-07	$63.00
2007-08	$63.00
2008-09	$66.00
2009-10	$66.00
2010-11	$67.20

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

MV00107052

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-3A es de $67.20 por parcela residencial. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-3A durante el año fiscal 2010/11 es de $31,516.80.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-3A para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $108.00 por parcela residencial. Este ajuste equivaldría a un aumento anual aproximado de 61% o $40.80 por parcela residencial.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-3A

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2005-06	$63.00
2006-07	$63.00
2007-08	$63.00
2008-09	$66.00
2009-10	$66.00
2010-11	$67.20

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $108.00 per residential parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00107054

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	**Audiencia Publica**
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $108 por parcela residencial será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.

2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*

MV00107055

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00107056

3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.

4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00107057

CSD ZONE E-3A
FY 2011/12 BUDGET

LANDSCAPE AREA		771,002.80	Square Feet or
		1.63	Acres
REVENUES			
Proposed Annual Zone E-3A Charge	**$**	**108.00**	**or $9.00 per month**
Number of parcels		470	
Total Revenue	**$**	**50,760.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	12,000.00	
Water (Eastern Municipal Water District)		2,400.00	
Electricity (SCE)		1,100.00	
Vandalism Repair		1,500.00	
Repair and Replacement		1,420.00	
Other (mulching, plant material replacement, etc.)		7,300.00	
Landscape Inspectors/Technicians and Support Services		15,604.00	
Parts and Equipment/Miscellaneous Direct Expenses		2,291.00	
Subtotal Direct Costs	$	43,615.00	
Indirect Costs			
Miscellaneous Indirect Expenses	$	625.00	
Special Districts Program Administration		2,354.99	
City Administration		4,165.01	
Subtotal Indirect Costs	$	7,145.00	
Total Expenses	**$**	**50,760.00**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-3A
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		771,002.80	Pies Cuadrados
		1.63	Acres
INGRESOS			
Carga Anual Propuesto para la Zona E-3A	**$**	**108.00**	**o $9.00 mensual**
Numero de parcelas		**470.00**	
Total de Ingresos	**$**	**50,760.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	12,000.00	
Agua (Eastern Municipal Water District)		2,400.00	
Electricidad (SCE)		1,100.00	
Reparación de Vandalismo		1,500.00	
Reparación o Reemplazo		1,420.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		7,300.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		15,604.00	
Partes y Equipo/Egresos Misceláneos Directos		2,291.00	
Subtotal de Costos Directos	$	43,615.00	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	625.00	
Administración de Programa de Servicios Especiales		2,354.99	
Administración de la Ciudad		4,165.01	
Subtotal de Costos Indirectos	$	7,145.00	
Total de Egresos	**$**	**50,760.00**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-3A • Lasselle Powerline Parkway
(Areas de lineas de alta tensión por la Lasselle)

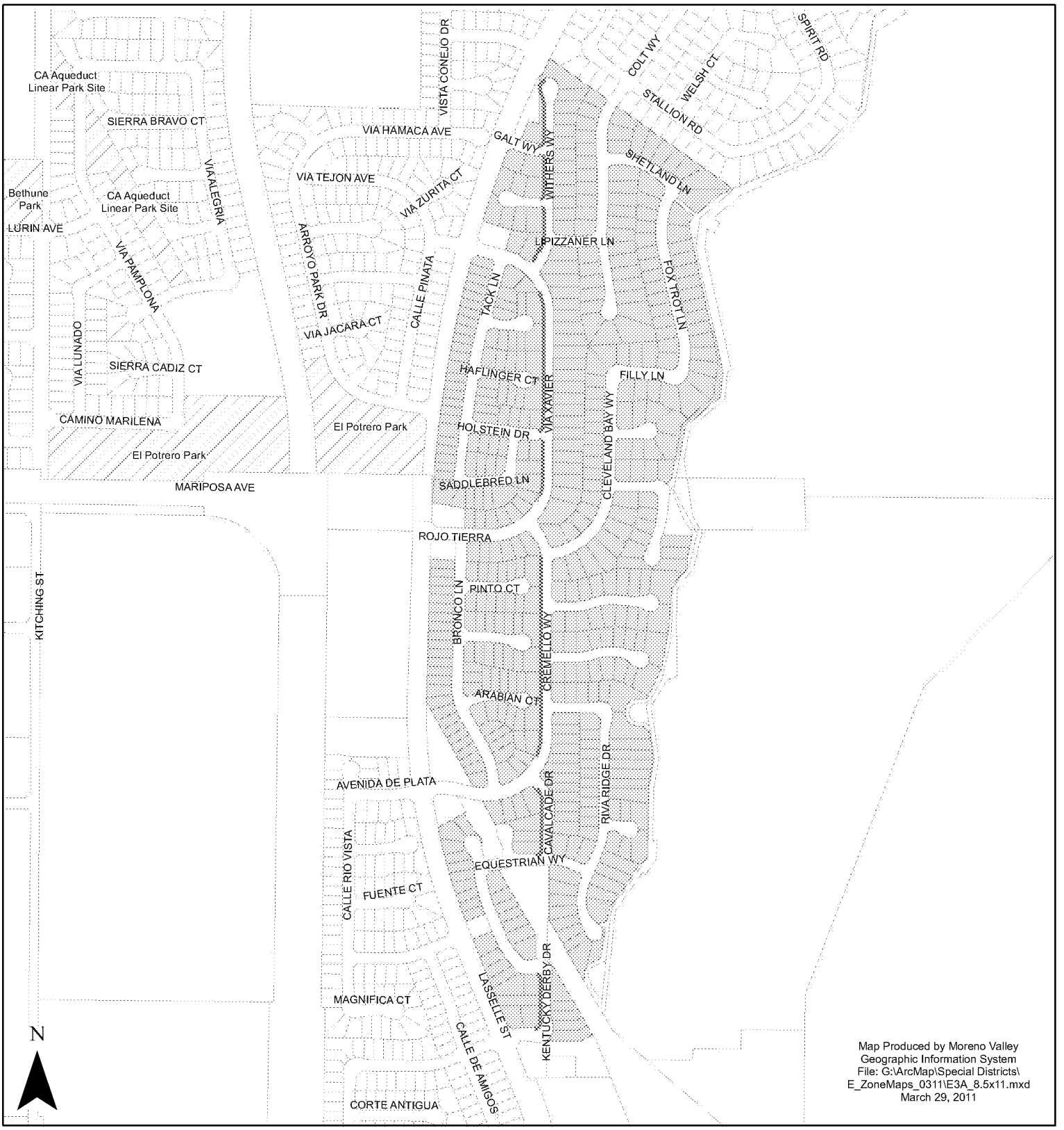

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Parkway *(Areas Ajardinadas)*

Zone E-3A Parcels *(Zona E-3A Parcelas)*

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 308511024
CSD ZONE E-3A (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-3A annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-3A. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-3A services of $40.80 per residential parcel **($3.40 per month)**. The increase will adjust the approved annual charge from $67.20 to $108.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-3A de $40.80 por parcela residencial **(a $3.40 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $67.20 a $108.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-3A services of $40.80 per residential parcel. I understand landscaping services for Zone E-3A shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-3A de $40.80 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-3A serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000095
ROSA ESPINOZA

16556 WITHERS WAY
MORENO VALLEY CA 92555-3343

MV00107063

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-4 ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-4 annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by approximately $10.83 per month** to meet current costs. The Zone E-4 annual charges are collected on the County of Riverside property tax bills. The Zone E-4 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-4 are divided proportionally by the number of parcels or acres to determine the annual charge per parcel or acre.

ATTACHMENT 4

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-4

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-4. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $10.83 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-4 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-4 son divididos en proporción al número de parcelas o acres para determinar el costo anual por parcela o acres.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-4 annual charges for standard landscape maintenance services are $110.00 per residential parcel or $440.00 per acre for nonresidential or undeveloped parcels. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-4 program for FY 2010/11 is $251,873.60.

Proposed Charge

To meet current costs, the Zone E-4 charges are proposed to be adjusted to $240.00 per residential parcel or $960.00 per acre for nonresidential or undeveloped parcels. This equates to an estimated annual increase of approximately 118% or $130.00 per residential parcel or $520.00 per acre for nonresidential or undeveloped parcels.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-4 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Acre (Nonresidential or Undeveloped)	
Fiscal Year	**Annual Charge**	**Fiscal Year**	**Annual Charge**
2007-08	$110.00	2007-08	$440.00
2008-09	$110.00	2008-09	$440.00
2009-10	$110.00	2009-10	$440.00
2010-11	$110.00	2010-11	$440.00

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-4 es de $110.00 por parcela residencial, $960.00 por acre no residencial o parcelas subdesarrolladas. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-4 durante el año fiscal 2010/11 es de $251,873.60.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-4 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $240 por parcela residencial, $960 por acre no residencial o parcelas subdesarrolladas. Este ajuste equivaldría a un aumento anual aproximado de 118% o $130.00 por parcela residencial, $520.00 por acre no residencial o parcelas subdesarrolladas.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-4

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Acre (No Residencial/ Subdesarrollado)	
Año Fiscal	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**
2007-08	$110.00	2007-08	$440.00
2008-09	$110.00	2008-09	$440.00
2009-10	$110.00	2009-10	$440.00
2010-11	$110.00	2010-11	$440.00

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

MV00107067

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $240.00 per residential parcel or $960.00 per acre for nonresidential or undeveloped parcels shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

MV00107068

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $240 por parcela residencial, $960 por acre no residencial o parcelas subdesarrolladas será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk).

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

MV00107070

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

MV00107071

CSD ZONE E-4
FY 2011/12 BUDGET

LANDSCAPE AREA		1,205,727	Square Feet or
		27.80	Acres
REVENUES			
Single Family Parcels (2,063)	**$**	**240.00**	**or $20.00 per month**
Nonresidential/undeveloped parcels (56.69 acres)	**$**	**960.00**	**or $80.00 per month**
Total Revenue	**$**	**549,542.40**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	173,985.00	
Water (Eastern Municipal Water District)		39,700.00	
Electricity (SCE)		3,500.00	
Vandalism Repair		1,900.00	
Other (mulching, plant material replacement, etc.)		101,586.40	
Landscape Inspectors/Technicians and Support Services		146,320.00	
Parts and Equipment/Miscellaneous Direct Expenses		19,801.00	
Subtotal Direct Costs	$	486,792.40	
Indirect Costs			
Miscellaneous Indirect Expenses	$	5,858.00	
Special Districts Program Administration		17,838.04	
City Administration		39,053.96	
Subtotal Indirect Costs	$	62,750.00	
Total Expenses	**$**	**549,542.40**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-4
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		1,205,727	Pies Cuadrados
		27.80	Acres
INGRESOS			
Parcelas de Unidades Familiar (2063)	**$**	**240.00**	**o $20.00 mensual**
Acres No Residenciales o Subdesarrollados (56.69 acres)	**$**	**960.00**	**o $80.00mensual**
Total de Ingresos	**$**	**549,542.40**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	173,985.00	
Agua (Eastern Municipal Water District)		39,700.00	
Electricidad (SCE)		3,500.00	
Reparación de Vandalismo		1,900.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		101,586.40	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		146,320.00	
Partes y Equipo/Egresos Misceláneos Directos		19,801.00	
Subtotal de Costos Directos	$	486,792.40	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	5,858.00	
Administración de Programa de Servicios Especiales		17,838.04	
Administración de la Ciudad		39,053.96	
Subtotal de Costos Indirectos	$	62,750.00	
Total de Egresos	**$**	**549,542.40**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-4 • Moreno Valley Ranch - East *(Este)*

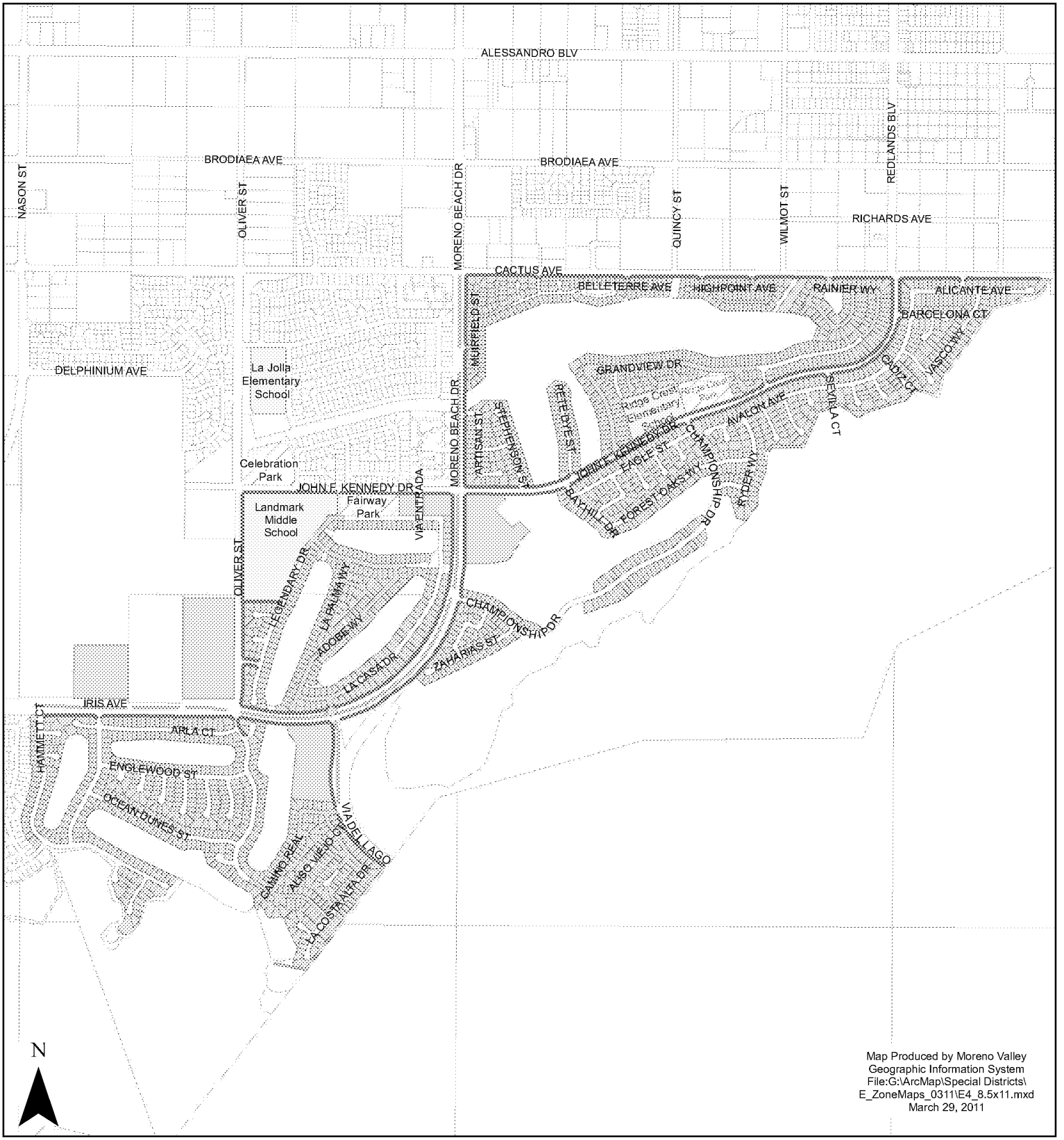

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Parkway *(Areas Ajardinadas)*

Landscaped Median *(Medianas Ajardinadas)*

Zone E-4 Parcels *(Zona E-4 Parcelas)*

MORENO VALLEY
WHERE DREAMS SOAR

MV00107076

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 304153013
CSD ZONE E-4 (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-4 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-4. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-4 services of $130.00 per residential parcel **(approximately $10.83 per month)**. The increase will adjust the approved annual charge from $110.00 to $240.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-4 de $130.00 por parcela residencial **(aproximadamente $10.83 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $110.00 a $240.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-4 services of $130.00 per residential parcel. I understand landscaping services for Zone E-4 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-4 de $130.00 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-4 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0002069
PETTY ERNESTINE DEFINED PENSIO
C/O RENEE PETTY
4200 PARK BLV NO 202
OAKLAND CA 94602

MV00107077

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Sonny Morkus, Human Resources Director

AGENDA DATE: June 14, 2011

TITLE: Adoption of a Resolution of Intention to Approve an Amendment to the CalPERS Contract to provide the 2% at Age 55 and Three Years Highest Average Compensation Calculation Retirement Benefits for Newly Hired Employees Starting on August 19, 2011, and Conduct the First Reading of the Related Ordinance as required by CalPERS.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-59, to announce the City's intention to approve an amendment to the CalPERS Contract to provide the 2% at Age 55 and Three Years Highest Average Compensation Calculation Retirement Benefits for newly hired employees starting on August 19, 2011, and conduct the first reading of the related ordinance as required by CalPERS.

ADVISORY BOARD/COMMISSION RECOMMENDATION

"Not applicable."

BACKGROUND

During the Meet & Confer Process for the FY 2011/12 successor MOU's for the City three employees associations, the City's labor negotiating team introduced the proposal of providing the 2% at Age 55 and Three Years Highest Average Compensation Calculation CalPERS retirement benefits for new hires starting on August 19, 2011.

DISCUSSION

There is a three-month schedule that CalPERS requires for an amendment to the City's current contract with CalPERS for the provision of retirement benefits. The first step in the process is the adoption of a Resolution of Intent and the first reading of the related

ordinance. This staff report and City Council action will start the schedule process. On July 12, 2011, another staff report will be submitted for City Council recommending the approval of a Resolution Adopting the Amendment to the CalPERS Contract, and the adoption of the related ordinance. It is anticipated that the Meet & Confer process with the three employees associations will be concluded prior to the actual effective date of the amendment to the City's CalPERS Contract. If for any reason the Meet & Confer process is not completed prior to the City Council meeting on July 12, 2011, City staff will postpone the final adoption of the resolution and the adoption of the related ordinance.

ALTERNATIVES

The action of the City Council to approve the attached resolution and to conduct the first reading of the related ordinance relates to the current labor negotiations with the three employee associations: Moreno Valley City Employees Association; Moreno Valley Management Association; and Moreno Valley Confidential Management Employees.

FISCAL IMPACT

The implementation of the 2% at Age 55 and Three Years Highest Average Compensation Calculation CalPERS retirement benefits for new hires is expected to reduce the cost to the City budget for benefits between a range of $1,710.00 to $3,000.00 per employee per year, depending on the employees' compensation levels. The City's CalPERS Employer Rate will be reduced from 19.344% to 15.922% for the new hires. The newly hired employees will be required to pay for the 7% employee's member contribution, and the City will not pay any portion of the employee's member contribution.

CITY COUNCIL GOALS

The action of the City Council to approve the attached resolution will contribute to one of the City Council's goals, i.e. "Positive Environment: Create a positive environment for the development of Moreno Valley's future."

NOTIFICATION

The three employee associations have been notified of the staff report and staff recommendation for City Council to approve the attached resolution and related ordinance. Copies of this staff report and attached resolution were sent to the employee associations, and two of the three concur with the recommended City Council action. MVCEA is not in support at this time.

ATTACHMENTS/EXHIBITS

1. Resolution of Intent to Approve an Amendment to the CalPERS Contract.
2. Ordinance related to the amendment of the CalPERS Contract.

Prepared and Approved By:

Sonny Morkus
Human Resources Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF MORENO VALLEY

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

> To provide Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By:_____
Presiding Officer

_____
Title

_____
Date adopted and approved

Resolution No. 2011-59
Date Adopted: June 14, 2011

(Amendment)
CON-302 (Rev. 4/96)

ATTACHMENT 1

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

ORDINANCE NO. 828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORENO VALLEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1.

That an amendment to the contract between the City of Moreno Valley and the Board of Administration, California Public Employees' Retirement system is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

SECTION 2.

The Mayor of the City of Moreno Valley is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3.

This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from passage thereof shall be published at least in the Press Enterprise, a newspaper of general circulation, published and circulated in the County of Riverside and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this 28th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

ATTACHMENT 2

MV00107083

APPROVED AS TO FORM:

_____

City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CalPERS

EXHIBIT: A

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Moreno Valley

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 16, 1985, and witnessed October 15, 1985, and as amended effective February 14, 1992, July 5, 1995, July 15, 1997, January 6, 1999, July 18, 2003, January 13, 2007 and March 27, 2009 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective March 27, 2009, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 16, 1985 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

   (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

   (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

   (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

   (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   a. SAFETY EMPLOYEES.

6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after January 13, 2007 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after January 13, 2007 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

9. Public Agency elected and elects to be subject to the following optional provisions:

   a. Section 20042 (One-Year Final Compensation) for those local miscellaneous members entering membership on or prior to the effective date of this amendment to contract.

   b. Section 20938 (Limit Prior Service to Members Employed on Contract Date).

   c. Section 21574 (Fourth Level of 1959 Survivor Benefits).

d. Section 21024 (Military Service Credit as Public Service).

e. Section 20965 (Credit for Unused Sick Leave).

f. Section 20903 (Two Years Additional Service Credit).

g. Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

10. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.

11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.

12. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.

b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
DARRYL WATSON, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MORENO VALLEY

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"
PLEASE DO NOT SIGN "EXHIBIT ONLY"

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
(888) CalPERS (225-7377)

SUMMARY OF MAJOR PROVISIONS

2% @ 55 Formula (Section 21354)
Local Miscellaneous Members

SERVICE RETIREMENT

To be eligible for service retirement, a member must be at least age 50 and have five years of CalPERS credited service. There is no compulsory retirement age.

The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 55. If retirement is earlier than age 55, the percentage of final compensation decreases for each quarter year of attained age to 1.426% at age 50. If retirement is deferred beyond age 55, the percentage of final compensation increases for each quarter year of attained age to 2.418% at age 63.

Final compensation is the average monthly pay rate during the last consecutive 36 months of employment, or 12 months if provided by the employer's contract, unless the member designates a different period of 36 or 12 consecutive months when the average pay rate was higher.

DISABILITY RETIREMENT

Members substantially incapacitated from performing the usual duties for the position for his/her current employer, and from performing the usual duties of the position for other CalPERS covered employers (including State agencies, schools, and local public agencies), and where similar positions with these other employers with reasonably comparable in pay, benefits, and promotional opportunities are not available, would be eligible for disability retirement provided they have at least five years of service credit. The monthly retirement allowance is 1.8% of final compensation for each year of service. The maximum percentage for members who have between 10.000 and 18.518 years of service credit is one-third of their final compensation. If the member is eligible for service retirement the member will receive the highest allowance payable, service or disability. If provided by the employer's contract, the benefit would be a minimum of 30% of final compensation for the first five years of service credit, plus 1% for each additional year of service to a maximum benefit of 50% of final compensation.

INDUSTRIAL DISABILITY RETIREMENT

If provided by the employer's contract, members permanently incapacitated from performing their duties, as defined above under Disability Retirement, and the disability is a result of a job-related injury or illness may receive an Industrial Disability Retirement benefit equal to 50% of their final compensation. If provided in the employer's contract and the member is totally disabled, the disability retirement allowance would equal 75% of final compensation in lieu of the disability retirement allowance otherwise provided. If the member is eligible for service retirement, the service retirement allowance is payable. The total allowance cannot exceed 90% of final compensation.

PRE-RETIREMENT DEATH BENEFITS

Basic Death Benefit: This benefit is a refund of the member's contributions plus interest and up to six months' pay (one month's salary rate for each year of current service to a maximum of six months).

1957 Survivor Benefit: An eligible beneficiary may elect to receive either the Basic Death Benefit or the 1957 Survivor Benefit. The 1957 Survivor Benefit provides a monthly allowance equal to one-half of the highest service retirement allowance the member would have received had he/she retired on the date of death. The 1957 Survivor Benefit is payable to the surviving spouse or registered domestic partner until death or to eligible unmarried children until age 18.

1959 Survivor Benefit: (If provided by the employer's contract and the member is not covered under social security.) A surviving spouse or registered domestic partner and eligible children may receive a monthly allowance as determine by the level of coverage. This benefit is payable in addition to the Basic Death Benefit or 1957 Survivor Benefit. Children are eligible if under age 22 and unmarried.

Pre-Retirement Optional Settlement 2 Death Benefit: (If provided by the employer's contract.) The spouse or registered domestic partner of a deceased member, who was eligible to retire for service at the time of death, may to elect to receive the Pre-Retirement Optional Settlement 2 Death Benefit in lieu of the lump sum Basic Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Optional Settlement 2, the highest monthly allowance a member can leave a spouse or registered domestic partner.

COST-OF-LIVING ADJUSTMENTS

The cost of living allowance increases are limited to a maximum of 2% compounded annually unless the employer's contract provides a 3, 4, or 5% increase.

DEATH AFTER RETIREMENT

The lump sum death benefit is $500 (or $600, $2,000, $3,000, $4,000 or $5,000 if provided by the employer's contract) regardless of the retirement plan chosen by the member at the time of retirement.

TERMINATION OF EMPLOYMENT

Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

EMPLOYEE CONTRIBUTIONS

Miscellaneous members covered by the 2% @ 55 formula contribute 7% of reportable earnings. Those covered under a modified formula (coordinated with Social Security) do not contribute on the first $133.33 earned.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service retirement benefits generally exceeds the cost to the employee. In addition, the employer bears the entire cost of prior service benefits (the period of time before the employer provided retirement coverage under CalPERS). All employer contribution rates are subject to adjustment by the CalPERS Board of Administration.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District and Mayor and City Council Acting in their Capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: ADOPTION OF FISCAL YEAR 2011/12 – 2012/13 OPERATING BUDGET

RECOMMENDED ACTION

Staff recommends that the City Council take the following actions:

1. Adopt Resolution No. 2011-60, approving the Operating Budget for the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

2. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2011-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-07, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

4. Approve the position control as detailed on pages 3-7 in the Proposed Operating Budget Book presented as Attachment A.

5. Approve the elimination of Fire Truck 58 in FY 2011/12 and direct staff to reserve the additional $1.2 million in savings for the purchase of a fire engine and the balance of savings for the operating costs to open the Morrison Park Fire Station.

BACKGROUND

The Proposed Operating Budget presents projected operating revenues and expenditures for the two fiscal years: Fiscal Years (FY) 2011/12 – 2012/13. The budget includes all component units of the City, including the General Fund, Community Services District and Redevelopment Agency.

Although the Proposed Operating Budget includes a summary of capital improvement project requests, the projects are compiled in a separate Proposed Capital Improvement Plan (CIP). The CIP is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings and infrastructure.

DISCUSSION

The approach to this budget process has been unique. The City Council recently adopted a Three-Year Deficit Elimination Plan (DEP) that identified expense reductions and a few revenue increases with a goal of stabilizing the City's revenue and expense structure by FY 2013/14. Specific actions for balancing the General Fund budget were adopted by Council through the DEP on April 19, 2011. A copy of the DEP can be found in the Appendices tab of the Proposed Operating Budget. The Plan focuses primarily on eliminating the deficit of $14.2 million in the City's General Fund. The Proposed Operating Budget applies the actions approved in the first two years of the DEP against the base budget of FY 2010/11 to create a two-year operating budget for FY 2011/12 and FY 2012/13. The DEP reduces the General Fund Deficit by $5.1 million in FY 2011/12 and an additional $5.5 million in FY 2012/13.

The DEP represented significant effort on the part of the City Council and staff to construct a reasonable balance of expenditure and service reductions to significantly reduce the deficit each year, while maintaining core City services. This was and is a significant challenge since the City had already experienced major reductions in staffing, expenditures and services during the previous three fiscal years.

As the City experiences stability in the General Fund revenue sources, the City is returning to the "best practice" of utilizing a Two-Year Operating Budget. Although the economic recovery that we are experiencing will be slow and gradual, the two-year budget allows the City to lock in two years of expense reductions to ensure achievement of the financial goal of balancing the General Fund budget.

During this period of gradual economic recovery, the City Council will be kept apprised of the City's financial condition through First Quarter and Mid-Year Budget Reviews. This practice has been utilized the past three years and will be continued during FY

2011/12 to ensure that the City Council is apprised of the revenue and expense progress compared to the plan. Staff anticipates few variances from the plan. Any unexpected increases in revenue are proposed to be applied toward the third year of the DEP to try to avoid the extent of reductions proposed in the final year. Any unexpected decreases in revenue will be analyzed and addressed quickly to maintain the integrity of the Three-Year DEP. As a result, few service changes that deviate from the two-year budget are anticipated.

Despite the challenges in balancing the FY 2011/12 – 2012/13 General Fund Operating Budget, the two budget years are balanced using $6.7 and $4.3 million in General Fund "fund balance" in FY 2011/12 and FY 2012/13, respectively.

City Council Prioritized Goals

On May 18, 2011, the Mayor and City Council participated in a goal setting workshop to establish prioritized goals and provide direction and expected actions to staff to achieve those goals. The departments have each established their own goals, which complement the prioritized goals and are included in the Appendices tab of this document. The following prioritized goals established by the City Council at their workshop provide additional direction to staff and illustrate the priorities on which the City Council and staff will focus its combined efforts during the 2011/12 and 2012/13 Fiscal Years. Each prioritized goal has specific actions assigned to a specific department; these actions will help guide our efforts in moving Moreno Valley forward:

No.	City Council Prioritized Goal
1	**Job Development (including maximizing vacant land opportunities)** Actions to include identifying specific land uses and locations; identifying corresponding infrastructure; and identifying and attracting related support services
2	**Focus on Medical Corridor and Health Services/Educational Opportunities** Actions to include coordinating planning and development activities with the expansions of Moreno Valley College, Kaiser Permanente, and Riverside County Regional Medical Center; facilitating medical office development; coordinating economic development activities with March LifeCare; and working with Highland Fairview to "retool" the AquaBella project area.
3	**Maximize Transportation and Infrastructure Opportunities** Actions to include improving arterial streets to their ultimate configuration and increasing the City's regional presence at WRCOG, RCTC, etc.
4	**Economic and Tax Base Development** Actions to include reviewing the current development application process; reviewing State v. Self Imposed restrictions or impediments; using Moreno Valley Utility as an economic development tool; and evaluating the City's use of incentives.
5	**Enhance City Image** Actions to include the development of a Media and Communications Strategy to include increased use of social networks, e-mail blasts, expanding

	communication outreach and networking opportunities, and establishing Council District Town hall meetings; and development of a Corridor Beautification strategy.

Economic Development Action Plan

Through the goal setting workshop, the City Council is prepared to capitalize on the opportunities that the dynamic changes in the real estate and housing market have created. The City Council and staff worked together to prepare a two-year Economic Development Action Plan to capitalize on this opportunity. The plan focuses on the following objectives:

- Create jobs locally to address the City's high unemployment rate
- Address the community's jobs to housing imbalance
- Strengthen and broaden the City's economic foundation
- Enhance City revenue generation to improve the quality of life in the community

Budget Issues for FY 2011/12 – 2012-13

The General Fund Operating Budget is decreasing from $82.4 million in FY 2010/11 to $78.3 million in FY 2011/12. This reflects a reduction of $4.1 million in operating expenses. The DEP planned for expenditure reductions of $4.5 million. The $400,000 difference reflects the increase in the CalPERS employer rate, which increased by over 3% of payroll, or about $300,000 in added General Fund expense. Police contract costs are estimated to increase by 2-2.5% which is included in the rollover base budget. The Fire services contract costs are assumed to be within the rollover budget base. Staff has been requested to contact all vendors that provide service under contract with the City to lower their contract rates or amounts by 10% for the next year. A number of vendors have responded positively to this request, allowing the base budget to absorb uncontrollable cost increases, such as fuel and utilities. One example is the response from our copier contract vendor, who responded with a 23% price reduction, saving the City over $81,000 during the next three years.

The General Fund expenditure budget in FY 2012/13 totals $77.2 million or $1.2 million less than FY 2011/12. The DEP planned reductions of $4.2 million. The primary difference from the plan is due to Police and Fire contracts increasing by 5% each, which increased costs by $1.5 million and $300,000 respectively. The CalPERS costs are also budgeted to increase an additional 3% of payroll in the second budget year, adding another $300,000 in expense.

Staff is focused on delivering the planned expense reductions committed through the approval of the DEP. Based on the two-year budget plan, the City's deficit will reduce from $14 million as a preliminary base budget, to $4.2 million at the end of FY 2012/13.

The proposed position control reflects the decrease of 34.5 positions City-wide in the first budget year, from 411.0 in FY 2010/11 to 376.5 in FY 2011/12. An additional 6.5 positions are reduced in FY 2012/13, for a total of 370.0 positions. In addition, staff is

proposing to reorganize positions in the City Clerks office that varies from the DEP approved by City Council. The proposal reflects the reduction of one part-time Senior Office Assistant and one temporary Senior Office Assistant while adding one Executive Assistant I position to the staffing roster. This change is cost neutral and will provide the necessary skills to meet the workload of the City Clerk department with the reduced staffing level. The temporary Sr. Office Assistant position is scheduled for elimination in year two and the part-time Sr. Office Assistant position is scheduled for elimination in year three of the plan; the Executive Assistant position will follow this planned schedule.

The budget and position control also reflect the addition of one part-time Customer Service Assistant to assist at the one-stop customer counter. This position is funded by salary savings in the City Manager's department budget. Based upon the resignation of the Sr. Administrative Assistant in the Fire Prevention Division, staff is recommending eliminating the vacated position and changing position control to retain the Permit Technician that was on the layoff list as an element of the DEP. The Library Services Division Manager is funded in the budget and remains currently under-filled by a Principal Librarian. Five additional positions that have been under-filled for over one year are being reclassified to the lower level positions.

Staff is also reviewing potential alternative reductions in the Community and Economic Development Department to retain the shopping cart retrieval program in the amount of $48,000 per year. This change will have no net budget effect

Staff is also requesting that the City Council direct the elimination of Fire Truck 58 in FY 2011/12 (originally slated for the second year of the DEP) and that staff reserve the additional savings of $1.2 million to be used for the purchase of one fire engine for approximately $500,000 and the balance for the first year or more of operating the engine when the Morrison Park Fire Station is completed.

The Proposed Operating Budget addresses the City's challenges to balance the budget and maintain core services in a positive manner as summarized below:

- Maintains a high priority on public safety services, deferring the budgetary reductions to later in the DEP timeframe, while maintaining the possibility that the Year 3 reductions may be avoided if revenues increase;
- Maintains essential City services;
- Minimizes the number of staff layoffs;
- Addresses the General Fund structural deficit by reducing expenditures by $5.1 million in year one and $5.5 million in year 2;
- Provides a reasonable balance between General Fund expenditure reductions and use of reserves (fund balance);
- Maintains General Fund contingency reserve policy at or above 20% of budgeted expenditures;

- Addresses operating deficits in non General Funds by implementing budgetary reductions in the respective funds.

Budget Adoption Actions

Resolutions Adopting the FY 2011/12 – 2012/13 Proposed Operating Budget (Exhibits "A", "B" and "C") - As a long-standing practice, each of the City's primary entities (the City, Community Services District, and Redevelopment Agency) will adopt separate resolutions to approve their respective operating budgets.

ALTERNATIVES

1. Approve the Fiscal Year 2011/12 – 2012/13 Operating Budget.

2. Provide staff with further direction.

Staff recommends Alternative 1.

FISCAL IMPACT

The FY 2011/12 – 2012/13 Operating Budget provides the funding and expenditure plan for all operating funds. As such, it serves as the City's financial plan for the upcoming two fiscal years. The City Council will be kept apprised regarding actual operating results through First Quarter and Mid-Year Budget Reviews occurring in November and February of each fiscal year. The mid-year budget review in February 2012 will also include an update of the FY 2012/13 projected revenues and any recommended modification for that fiscal year budget at that time.

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

ATTACHMENTS/EXHIBITS

Exhibit A - Resolution No. 2011-60, A Resolution of the City Council of the City of Moreno Valley, California, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Exhibit B - Resolution No. CSD 2011-20, A resolution of the Moreno Valley Community Services District, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Exhibit C - Resolution No. RDA 2011-07, A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Attachment A – City of Moreno Valley Proposed Operating Budget for Fiscal Years 2011/12 – 2012/13

Prepared By:
Cynthia Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Interim Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12 – 2012/13

WHEREAS, the City Manager has heretofore submitted to the City Council a Proposed Operating Budget for the City for Fiscal Years 2011/12 – 2012/13, a copy of which, as may have been amended by the City Council, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the City; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City services during periods of operational deficits; and

WHEREAS, the City Council has made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the City Council, is hereby approved and adopted as the Annual Operating Budget of the City of Moreno Valley for the Fiscal Years 2011/12 – 2012/13.

2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal years.

3. Direct staff to reserve $1.2 million of fund balance reflecting the additional savings from eliminating Fire Truck 58 for the purchase of a fire engine and/or the operating costs for opening the Morrison Park Fire Station.

4. Pursuant to Section 53901 of the California Government Code, by not later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

5. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00107101

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

RESOLUTION NO. CSD 2011-20

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12-2012/13

WHEREAS, the City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District a Proposed Operating Budget for the District for Fiscal Years 2011/12-2012/13, a copy of which, as may have been amended by the District's Board of Directors, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the Community Services District; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City; and

WHEREAS, the President and Board of Directors have made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the Community Services District to make adequate financial plans and will ensure that District officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the Community Services District's Board of Directors, is hereby approved and adopted as the Annual Operating Budget of the Moreno Valley Community Services District for the Fiscal Years 2011/12-2012/13.

2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.

3. Pursuant to Section 61047 of the California Government Code, compensation for the City Council acting in the capacity of the Directors of the Community Services District, shall be $100 per meeting or for each day's service rendered as a Director, not to exceed six days or $600 in any calendar month. In addition, the Directors shall be compensated for actual and necessary

traveling and incidental expenses incurred while on official business.

4. Pursuant to Section 53901 of the California Government Code, by no later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

5. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vise-President and President)

_____

SECRETARY

(SEAL)

RESOLUTION NO. RDA 2011-07

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12-2012/13

WHEREAS, the City Manager has heretofore submitted to the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley a Proposed Operating Budget for the Agency for Fiscal Years 2011/12-2012/13, a copy of which, as may have been amended by the Agency Members, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the Community Redevelopment Agency; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City services; and

WHEREAS, the Chairperson and Agency Members have made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the Community Redevelopment Agency to make adequate financial plans and will ensure that Agency officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the Agency Members, is hereby approved and adopted as the Annual Operating Budget of the Community Redevelopment Agency of the City of Moreno Valley for the Fiscal Years 2011/12-2012/13.

2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. _____ was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Agency Members, Vice Chairman and Chairman)

_____

SECRETARY

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: ADOPTION OF FY 2011-12 CAPITAL IMPROVEMENT PLAN

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

BACKGROUND

The purpose of the Proposed CIP is to identify needed improvements and establish long-term funding priorities. The Proposed CIP contains the list of projects comprising the budget and expenditures that will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

DISCUSSION

The Proposed CIP identifies and projects the costs of constructing the following types of projects anticipated through build-out of the City:

- Street Improvements
- Buildings
- Electric Utility
- Parks
- Underground Utilities
- Bridges
- Drainage, Sewers, and Waterlines
- Landscaping
- Traffic Signals

City staff has completed a full review of all project needs through "build-out" of the City. The priorities, as proposed, are based on status and funding of existing projects, availability of matching federal, state, or regional grant funds, and anticipated development trends within the City.

During the Study Session on May 17, 2011, City Council had an opportunity to review the project forms in the FY 2011–12 Proposed CIP and staff subsequently incorporated necessary revisions resulting from receiving updated information. All revisions are documented in Attachment "A".

Capital Budget Adoption Actions

Revisions to the Proposed Capital Improvement Plan (Attachment "A") - This is a list of revisions, resulting from receiving updated information, that were incorporated in the Proposed CIP following the Study Session on May 17, 2011. The list includes proposed revisions to the Proposed CIP that would, upon City Council approval, be incorporated in the Adopted CIP. By incorporating Revisions to the Proposed CIP, the Adopted CIP, as the capital budget for the City of Moreno Valley for FY 2011-12, will be a more accurate, current, and superior document.

Resolutions Adopting the Capital Improvement Plan for Fiscal Year 2011-12 (Attachments "B", "C", and "D") – As a long-standing best practice, each of the City's primary entities (the City, RDA, and CSD) will adopt separate resolutions to approve their respective budget.

ALTERNATIVES

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-61, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to

the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), and acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"). *This alternative will allow needed improvements.*

2. Do not adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, do not adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), and acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, do not adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"). *This alternative will result in the delaying of needed improvements.*

FISCAL IMPACT

Projects have been identified as funded, partially funded, and unfunded for FY 2011-12 through FY 2015-16 and Beyond. The Capital Improvement Plan provides the funding and expenditure plan for FY 2011-12.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.

SUMMARY

Staff recommends that the City Council adopt the Resolutions Adopting the Capital Improvement Plan for Fiscal Year 2011-12 (Attachments "B", "C", and "D"), approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley, Community Services District, and Community Redevelopment Agency for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

ATTACHMENT

Attachment "A" – Revisions to the Proposed Capital Improvement Plan
Attachment "B" – Proposed Resolution No. 2011-61
Attachment "C" – Proposed Resolution No. CSD 2011-21
Attachment "D" – Proposed Resolution No. RDA 2011-08

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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CITY OF MORENO VALLEY
REVISIONS TO THE PROPOSED CAPITAL IMPROVEMENT PLAN
FY 2011-2012 CIP BUDGET

Funded Projects

Reference Page No.	Project Name	Submitted Amount ($)	Revised Amount ($)	Reason/Justification
33	Cactus Avenue / Lasselle Street to Nason Street	2,300,000	9,900,000	Project moved from Partially Funded to Funded and made cost adjustments
34	Citywide Annual Pavement Resurfacing Program	1,650,000	1,400,000	Revised Funding Sources and made cost adjustments
44	Nason Street / Cactus Avenue to Iris Avenue	1,200,000	13,400,000	Project moved from Partially Funded to Funded and made cost adjustments
53	Street Improvement Program (SIP)	1,605,734	1,713,734	Cost adjustment approved at 04/26/11 City Council meeting
Added	Renovation of City Hall Annex #1	0	1,000,000	Added new project as directed by Financial and Administrative Services Department / Purchasing & Facilities Division
342	Lasselle Street / Margaret Avenue Traffic Signal	270,000	300,000	Cost adjustment

Note: City Council's decision to fund and accelerate the SR-60 / Moreno Beach Drive South Side of Interchange (Phase 1) project at the March 8, 2011 City Council meeting was already incorporated in the Proposed CIP when presented to City Council during the May 17, 2011 Study Session.

Attachment "A"

RESOLUTION NO. 2011-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the City Council a Proposed Capital Improvement Plan (CIP) for the City for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the City; and

WHEREAS, the City Council has made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by the City Council per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the City of Moreno Valley for the Fiscal Year 2011-12.

2. The projects are hereby appropriated as the capital budget for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately

upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION NO. CSD 2011-21

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District a Proposed Capital Improvement Plan (CIP) for the Agency for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the Community Services District; and

WHEREAS, the President and Board of Directors have made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the Community Services District to make adequate financial plans and will ensure that District officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by the President and Board of Directors per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the Moreno Valley Community Services District for the Fiscal Year 2011-12.

2. The projects are hereby appropriated as the capital budget for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Resolution No. CSD 2011-21
Date adopted: June 14, 2011

Attachment "C"

_____
Mayor of the City of Moreno Valley
acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION NO. RDA 2011-08

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley a Proposed Capital Improvement Plan (CIP) for the Agency for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the Redevelopment Agency; and

WHEREAS, the Chairperson and Agency Members have made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the Redevelopment Agency to make adequate financial plans and will ensure that Agency officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by the Chairperson and Agency Members per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the Redevelopment Agency of the City of Moreno Valley for the Fiscal Year 2011-12.

2. The projects are hereby appropriated as the capital budget for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be

posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

G. 8 4TH OF JULY PARADE AT A REDUCED COST (STEWART)

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Christ A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: INTRODUCTION OF ORDINANCE NO. 827 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS

RECOMMENDED ACTION

Staff recommends that the City Council waive the reading of Ordinance No. 827, in its entirety and read by title only (roll call required) and introduce Ordinance No. 827 an Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The federal Clean Water Act requires that urban runoff entering Waters of the U.S. from Municipal Separate Storm Sewer Systems (MS4)s be regulated under the National Pollutant Discharge Elimination System (NPDES) permit. As a discharger of urban runoff to Waters of the U.S., the City of Moreno Valley was regulated under the 2002 NPDES MS4 permit. That permit has since expired and has been superseded by the new 2010 NPDES MS4 permit, effective January 29, 2010. This new permit requires that by July 29, 2011, the City revise, where feasible its ordinances, codes, building and landscape design standards to promote green infrastructure/Low Impact Development (LID) techniques. The proposed changes to Title 8 of the MVMC complement the

proposed changes to Title 9 of the MVMC, which was approved by the Planning Commission on May 12, 2011.

DISCUSSION

City staff is recommending an update to Title 8 of the MVMC in order to remain in compliance with the MS4 permit. The changes include adding/revising and grammatical cleanup of various subsections throughout section 8.10 and 8.21 of Title 8. Staff has not listed the grammatical changes, however, listed below are key proposed changes to the existing municipal code:

- Allow more types of LID techniques within the City such as rain gardens and green roofs.
- Add definitions pertaining to LID and other green infrastructure.
- Update information pertaining to the 2010 NPDES MS4 permit.

ALTERNATIVES

1. Approve waive the reading and introduce the proposed Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.10, regarding Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations. **This alternative is recommended by staff.** *Approval would put the City in compliance with the MS4 permit.*

2. Do not approve waive the reading and introduce the proposed Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.10, regarding Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading; maintain the current ordinance without revision. **This alternative is not recommended by staff.** *The City would be in violation of the MS4 permit and would be subject to fines by the State Water Resources Control Board.*

FISCAL IMPACT

There are no fiscal impacts associated with the proposed action.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment 1 - Proposed Ordinance No. 827
Attachment 2 - Proposed Ordinance No. 827 with revisions

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Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ORDINANCE NO. 827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS AND CHAPTER 8.21 GRADING REGULATIONS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 PRIOR ENACTMENTS REPEALED:

1.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.10, as set forth in Section 2 of this Ordinance

1.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.21, as set forth in Section 2 of this Ordinance

SECTION 2 REENACTMENT OF CHAPTER 8.10 AND CHAPTER 8.21:

2.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

8.10.010 Purpose and intent.

The purpose of this chapter is to protect the health, safety and welfare of the public by:

A. Reducing pollutants in storm water discharges to the maximum extent practicable;

B. Regulating illicit connections and discharges to the storm drain system; and

C. Regulating nonstorm water discharges to the storm drain system.

The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, ground water and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act, the state Porter-Cologne Water Quality Control Act and the conditions of any NPDES permit issued to the City.

8.10.020 Definitions.

The terms as used in this chapter shall have the following meanings:

"Best Management Practices" (BMPs) mean any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs mean and include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for municipal, industrial/commercial, new development and redevelopment and construction activity and other measures approved by the City Engineer.

"City" means the City of Moreno Valley.

"City Engineer" means the City Engineer of the City.

"Discharge" means, when used as a verb, to allow pollutants to directly or indirectly enter storm water, or to allow storm water or nonstorm water to directly or indirectly enter the MS4 or receiving waters from an activity or operation. When used as a noun, "discharge" means the pollutants, stormwater and non-storm water that are discharged.

"Discharger" shall mean any person engaged in activities or operations, or owning facilities, which may result in pollutants entering storm water, the MS4 or receiving waters. Dischargers include, but are not limited to, real property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

"Green Infrastructure" shall mean an array of products, technologies, and practices that use natural or engineered systems that mimic natural processes to enhance overall environmental quality. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspirate, and/or recycle stormwater runoff.

"Illicit discharge" shall mean any discharge to the MS4 that is not composed entirely of storm water runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

"Illicit connection" shall mean any physical connection to a MS4 which has not been permitted by the City, the Riverside County Flood Control and Water Conservation District or other appropriate public agency.

"Low Impact Development (LID)" shall mean any ecosystem-based approach to designing a hydrologically functional site that mimics predevelopment conditions.

"Low volume road" shall mean roads with traffic indexes less than or equal to six (6.0).

"MS4—Municipal Separate Storm Sewer System" shall mean any facility within the City limits by which storm water may be conveyed to waters of the United States. MS4 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

"Municipal NPDES permit" shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of storm water from a MS4.

"Non-storm water discharge" shall mean any discharge to the MS4 that is not entirely composed of storm water.

"National Pollutant Discharge Elimination System (NPDES) permit" shall mean a storm water discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

"Person" shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

"Pollutant" shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal matter, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

"Premises" shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

"Storm water runoff" shall mean surface runoff and drainage associated with rainstorm events and snow melt.

8.10.030 Responsibility for administration.

This chapter shall be administered for the City by the City Engineer. The City Engineer may appoint and authorize one or more members of the City staff to act as his/her designee[s] to administer or enforce this chapter. In the context of this chapter, the phrase "City Engineer" includes each and all persons designated by the City Engineer to assist in the administration and enforcement of this chapter, as limited by the terms of the delegation

8.10.040 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act, the Porter-Cologne Water Quality Control Act and acts amending or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES permits and any amendments or revisions thereto or reissuance thereof.

8.10.050 Reduction of pollutants in storm water runoff.

A. In General. It is a violation of this chapter to throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City. The only exception is where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this chapter to cause or permit any dumpster, solid waste bin or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City.

B. Construction Sites. Any person performing construction work in the City shall comply with the provisions of the ordinance codified in this chapter and other City ordinances for erosion and sediment control.

C. New Development and Redevelopment. New development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to

prevent such deterioration and shall identify the manner of implementation. The BMPs may include, but are not limited to the following and may, among other things, require new developments or redevelopments to do any of the following:

1. Increase permeable areas by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping, green roofs and open space into the project design, by using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways and by incorporating detention ponds and infiltration pits into the project design;

2. Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas;

3. Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

4. Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

D. Existing Development. Existing development shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation.

8.10.060 Illicit connections or discharges.

It is a violation of this chapter to establish, use, maintain or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

8.10.070 Non-storm water discharges.

The discharge of non-storm water into the storm drain system is a violation of this chapter except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES permit or waiver issued to the discharger and administered by the state of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this chapter when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensate, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

8.10.080 Discharges in violation of permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future municipal NPDES permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge

B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Santa Ana Regional Water Quality Control Board, shall comply with all requirements of such permit. Such discharges shall specifically comply with the following permits: the industrial storm water general permit, and the dewatering general permit. Proof of compliance with said NPDES general permits may be required in a form acceptable to the City Engineer prior to issuance of any City grading, building, or occupancy permits.

8.10.090 Permits and approvals.

Compliance with this chapter shall be a condition of every permit, license or approval granted or issued by the City. Failure to comply with the chapter shall be grounds for revocation of any such permit, license or approval.

8.10.100 City authority to sample, inspect and monitor.

A. Regulatory Inspections. The City Engineer may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for inspection, an inspection warrant shall be obtained prior to inspection.

B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illicit discharge/connection exist, whether the BMPs installed and implemented are adequate to comply with the chapter, whether those BMPs are being properly maintained and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections and records review. Records, reports, analyses or other required information may be inspected and copied, and photographs may be taken for purposes of enforcement of this chapter.

8.10.110 Establishment of a fee.

The City Council may establish a fee by resolution to recover the cost of inspection, sampling, metering and monitoring by the City Engineer.

8.10.120 Orders by the City Engineer.

The City Engineer is authorized to issue cease and desist orders or stop-work orders to any person who is in violation of this chapter. Failure to comply with a written order of the City Engineer shall be a violation of this chapter and shall be grounds for the imposition of civil penalties described in this chapter.

8.10.130 Notice of violation.

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

A. The performance of monitoring, analyses and reporting;

B. The elimination of illicit connections or discharges;

C. That violating discharges, practices or operations cease and desist;

D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

E. Payment of a fine to cover administrative and remediation costs; and

F. The implementation or maintenance of source control and treatment control BMPs.

If an abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Chapter 6.04 of this code. A notice issued under this chapter shall identify the provisions of this chapter which have been violated and shall state the recipient has a right to appeal as set forth in Chapter 1.10 of this code.

The notice shall be served upon the recipient as set forth in Chapter 1.10 of this code.

8.10.140 Violations—Misdemeanors or infractions.

A violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute an infraction. Repeated violations may be prosecuted as misdemeanors at the discretion of the City attorney.

8.10.150 Penalty for violation.

Upon conviction of a misdemeanor for violating any provision of this chapter, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth by law. Upon conviction of an infraction for violating any provision of this chapter, a person shall be subject to payment of a fine, not to exceed the limits set forth by law

8.10.160 Separate offenses.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

8.10.170 Violations deemed a public nuisance.

The City Council hereby declares that any violation of this chapter is a threat to the public health, safety and welfare, and is therefore a public nuisance which may be summarily abated. The cost of such abatement shall be borne by the owner of the premises and the cost thereof may be imposed as a lien upon the premises, and such lien shall continue in existence until it is paid.

8.10.180 Administrative enforcement powers.

In addition to any other enforcement powers and remedies established by this chapter, an authorized enforcement officer has the authority to issue civil citations and fines for violations of this chapter pursuant to Chapter 1.10 of this code.

8.10.190 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court may grant, as appropriate, any or all of the following remedies:

A. A temporary and/or permanent injunction;

B. Assessment of the violator for the costs of any investigation, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; or

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life

8.10.200 Severability.

If any provision, clause, sentence or paragraph of the ordinance codified in this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of that ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

2.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

Chapter 8.21 GRADING REGULATIONS

8.21.010 General.
8.21.020 Permits required.
8.21.030 Hazards.
8.21.040 Definitions.
8.21.050 Grading permit requirements.
8.21.060 Fees.
8.21.070 Grading security.
8.21.080 Cuts.
8.21.090 Fills.
8.21.100 Setbacks.
8.21.110 Drainage and terracing.
8.21.120 Retaining walls.
8.21.130 Expansive soils.
8.21.140 Asphalt paving.
8.21.150 Permeable surface designs.
8.21.160 Erosion control.
8.21.170 National Pollutant Discharge Elimination System (NPDES).
8.21.180 Grading inspection.
8.21.190 Completion of work.
8.21.200 Penalty for violation.

8.21.010 General.

A. Name. This chapter shall be known as the "Grading Regulations."

B. Purpose. The purpose of this chapter is to establish an official set of standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground

surface to protect and preserve the public health, safety, and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural runoff waters; to require engineering analysis of expansive soil conditions, erosion control and drainage; and criteria to provide a basis for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered as described herein; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction.

C. Intent. It is the intent of this chapter and the erosion control procedures contained within this chapter to establish a guideline enabling the City with the ability to regulate grading operations as well as to protect environmentally sensitive areas and biological and wildlife resources within and surrounding the City of Moreno Valley. The procedures established by this chapter and the conditions of approval implemented with all discretionary approvals and permits are intended to accomplish this protection. However, in the event that City staff encounter situations that are deemed to endanger environmental resources, the City Engineer is authorized to take necessary action to protect the environment pursuant to this chapter and other applicable laws, provided there is no conflict with other City regulations or codes.

"Environmentally sensitive areas" are any lands in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the City to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

D. Scope. This chapter sets forth rules and relations to control excavation, grading and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) with deletions, modifications, or amendments to meet local conditions.

E. Powers and Duties of the City Engineer. All references in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) to "Building Official" shall mean the "City Engineer" in this chapter.

8.21.020 Permits required.

A. Grading Permits. No person shall conduct any grading, clearing, brushing or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the City Engineer.

Exceptions to this requirement are:

1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or an unsupported excavation with vertical banks more than two feet high. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer, stability considerations warrant such inspection;

2. An excavation which does not exceed fifty (50) cubic yards on any one site and which is less than two feet in vertical depth, and which does not create a cut slope greater than five feet in vertical height and steeper than one and one-half to one (1.5:1) horizontal to vertical;

3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Earthwork construction regulated by federal, state, county, or city governments, or by a local agency as defined by Government Code Sections 53090 through 53095 (special districts); pipeline or conduit excavation and backfill conducted by local agencies or public utilities; earthwork construction performed by railway companies. This exemption, however, shall apply only when the earthwork takes place on the property, or dedicated rights-of-way or easements of the aforementioned agencies;

6. Excavation and backfill for installation of underground utilities by public utility companies of companies operating under the authority of a franchise or public property permit;

7. Mining, quarrying, excavating, processing, stock-piling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property, or alter the orientation of natural water courses which may result in adverse changes on adjoining property;

8. Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologists or paleontologists, provided all excavations are properly backfilled and compacted or otherwise restored. All excavations and trenches are subject to the applicable sections of the state of California, Division of Safety or Cal-OSHA;

9. A fill less than one foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one lot and does not obstruct any drainage course;

10. A fill less than three feet in depth, not intended to support structures or mobile homes, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course;

11. Clearing, brushing, and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property, or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in dumping of organic or hazardous waste not regulated by law. This grading includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three vertical feet of either excavation or fill for row crops, installation of irrigation systems, and stockpiling of fertilizer or other amendments.

B. Grading Permit, Paving. No person shall construct pavement surfacing in excess of five thousand (5,000) square feet, on natural or existing grade for the purpose of a private road or driveway, commercial, industrial, or multi-residential parking lot or travelway without a valid grading permit unless waived by the City Engineer or a separate improvement plan is approved and signed by the City Engineer. Resurfacing or maintenance of paved surfaces is exempt from this requirement.

8.21.030 Hazards.

A. Hazardous Conditions.

1. Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage devices are situated on private property in such a manner that they are a hazard to life or limb, or a danger to public safety, or endangers the safety, usability, or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.

2. The City Engineer or designee (including City code compliance) may examine, or cause to be examined, every condition reported as hazardous as set forth in subsection (A)(1) of this section.

3. Upon confirmation of a hazardous condition, the City Engineer or designee (including code compliance) shall provide written notification to the owner or agent in control of property with confirmed hazardous condition requiring mitigation of said hazardous condition and stipulation of an acceptable time frame for compliance.

4. The owner or agent in control shall comply with any demand for corrective work or repairs as required. In the event that corrective action is not completed within the period as specified in writing, the City may exercise any available legal recourse for correction of said hazardous condition.

8.21.040 Definitions.

The words and phrases set out in this section, when used in this chapter, shall, for the purpose of this chapter, have the following respective meanings except where the context clearly indicates a different meaning:

"Approval" means a written engineering or geological opinion by the responsible engineer, geologist of record, or responsible principal of the engineering company, whichever is applicable, concerning the satisfactory progress and completion of the grading work, unless it specifically refers to the City Engineer.

"Approved plans" means the current grading plans, which bear the City Engineer's signature of approval on the plans.

"Approved testing agency" means the facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the City Engineer.

"As-graded" means the surface configuration upon completion of grading.

"Bedrock" means in-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, geotechnical engineer or registered civil engineer, as bedrock.

"Bench" means a relatively level step excavated into stable earth material on which fill is to be placed.

"Borrow" means earth material acquired from an offsite location for use in grading on a site.

"Borrow Site Permit" means a permit that is issued to complete borrow grading operations as defined above.

"California Building Code (CBC)" means the California Code of Regulations Title 24 as adopted by ordinance by the City Council of the City of Moreno Valley.

"Civil engineer" means a professional engineer registered in the State of California authorized to practice in the field of civil engineering. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Clearing, brushing and grubbing" means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

"Compaction" means the densification of a fill by mechanical means.

"Earth material" means any rock, natural soil, or fill and/or any combination thereof.

"Engineering geologist" means a geologist certified in the state of California to practice engineering geology. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Erosion control system" means a combination of desilting facilities, and erosion protection, including effective planting and the maintenance thereof, to

protect adjacent private property, watercourses, public facilities, and receiving waters from the deposition of sediment or dust.

"Excavation" means the mechanical removal of earth material.

"Fault" means a fracture in the earth's crust along which movement has occurred. A fault is considered active if movement has occurred within the last eleven thousand (11,000) years (Holocene geologic time).

"Fill" means the deposit of earth material placed by artificial means.

"Geotechnical engineer" see "soil engineer". For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Geotechnical report" means a report, which contains all appropriate soil engineering, geologic, hydrologic, and seismic information, evaluation, recommendations, and findings.

"Grade" means the vertical elevation of the ground surface.

Grade, Existing. "Existing grade" means the ground surface prior to grading.

Grade, Finish. "Finish grade" means the final grade of the site, which conforms to the approved plans.

Grade, Natural. "Natural grade" means the ground surface unaltered by artificial means.

Grade, Rough. "Rough grade" means the stage at which the grade approximately conforms to the approved plans.

"Grading" means any excavation or filling or combination thereof.

"Grading contractor" means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

"Grading permit" means an official document or certificate issued by the City Engineer authorizing grading activity as specified by approved plans and specifications.

"Hillside site" means a site with a natural slope of ten (10) percent or more as further defined in Section 9.03.040(B) of this code.

"Indeterminate stockpile" means storage of soil for an indeterminate period of time in excess of the time permitted for a temporary stockpile.

"Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Keyway" means an excavated trench into competent earth material beneath the toe of a proposed fill slope.

"Landslide" means the downward and outward movement of soil, rock, fill or a combination thereof.

"Mass grading" means grading that is completed on a large scale over a large area prior to preliminary grading and which when completed is within two vertical feet of the sites final grade elevations.

"Mass grading permit" means a permit that is issued to complete mass grading operations as defined above.

"Massive landslide" means a landslide too large to be stabilized by retaining methods or normal control methods.

"NPDES" stands for National Pollutant Discharge Elimination System.

"Owner" means any person, agency, firm, or corporation having a legal or equitable interest in a given real property.

"Precise grading permit" means a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations and all on-site improvements.

"Permeable Paving" means a special type of pavement that allows rain to pass through the paved surface into the ground beneath, thereby reducing the runoff from a site.

"Preliminary grading permit" means a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the City Engineer.

"References" unless indicated otherwise, or as reasonably appears from the context, references in this chapter to the civil engineer, engineering geologist, geotechnical engineer and soils engineer refer to the professional person(s) preparing, signing, stamping or approving the project plans and specifications which comprise the approved grading plan, and which professional person(s) appears of record pursuant to Section 8.21.170(D) of this chapter, or his/her successor appearing pursuant to Section 8.21.170(E) of this chapter.

"Retaining wall" means a wall designed to resist the lateral displacement of soil or other materials.

"Rough Grading Permit" means a permit that is issued to complete rough grading operations as defined in this section.

"Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" means any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times one hundred (100).

"Slope stability—Gross stability" means the factor of safety against failure of the slope material below the surface approximately three to four feet deep measured from and perpendicular to the slope face.

"Slope stability—Surficial stability" means the factor of safety against failure of the outer three to four feet of slope material measured from and perpendicular to the slope face.

"Soil" means naturally occurring surficial deposits overlaying bedrock.

"Soil engineer (geotechnical engineer)" means a civil engineer registered in the State of California experienced and knowledgeable in the area of soil mechanics. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Soil engineering (geotechnical engineering)" is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials.

"Sulfate (SO_4)" means a chemical compound occurring in soil or water, which in concentration, has a corrosive effect on ordinary portland cement concrete and some materials.

"Temporary stockpile" means the temporary storage of earth material greater than fifty (50) cubic yards for a period not to exceed the term of the grading permit issued for the project associated with the stockpile.

"Terrace" means a relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

"WDID# means Waste Discharge Identification number.

8.21.050 Grading permit requirements.

A. Application for Permit.

1. The application for a grading permit shall be made on a form as provided by the City Engineer. All required discretionary approvals under the zoning ordinance and municipal code must be obtained prior to issuance of a grading permit.

2. No grading permit for a development project subject to approval by the planning commission, city council or administrative approval process shall be issued until such commission, council or administrative process has approved the grading concept as part of the discretionary approval process. Any application for a grading permit which effects environmentally sensitive areas shall contain information showing that the proposed grading will be accomplished without significant harm to the environment or appropriate environmental mitigation measures that have been identified within an environmental impact report for the proposed site have been complied with.

B. Responsibility of Land Owners.

1. It is unlawful for any persons owning, leasing, occupying or having charge of any real property in the City to stockpile, deposit, or allow the placement, construction or deposition of earth material on any real property in excess of fifty (50) cubic yards without first obtaining a grading permit as hereinafter described (unless exempt as noted in Section 8.21.020 exceptions. Processing of said earth material must result in a relative compaction of at least ninety (90) percent of the maximum density compaction of the surrounding material, unless otherwise provided for as part of an approved grading plan.

2. Clearing, brushing and grubbing of vegetation done in preparation of land development shall not be undertaken until all discretionary approvals for the land development project have been issued and a grading permit for the project has been obtained. For the purposes of this section, land development shall be defined as any use of real property for which discretionary approval is required as further defined in the this code.

3. A grading permit issued by the City Engineer is required prior to any grading or clearing and grubbing operations on:

a. Previously undisturbed land; or

b. Land covered by native vegetation; or

c. Land which has not been used for agricultural purposes for three years immediately prior to the initiation of a grading operation for the purpose of conducting agricultural activities.

A grading permit may be issued by the City Engineer, prior to discretionary approval, if the City Engineer, in cooperation with the planning official, determines that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause the elimination of any significant wildlife habitat for riparian area.

4. This section shall not regulate routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation upon the order of the fire marshal for the elimination of a potential fire hazard.

C. Types of Grading Permits.

1. Either a mass grading permit, borrow site permit, rough grading permit, preliminary grading permit, precise grading permit or a stockpile permit all as defined in Section 8.21.040 of this chapter may be issued for grading work upon completion of a proper application and approval by the City Engineer.

2. Building permits may be issued for a site graded under an approved grading plan and valid grading permit upon completion and approval of rough grade and geotechnical inspection as specified in Section 8.21.170 of this chapter. Building permits for construction of model homes may be issued for the model home sites only, prior to completion of rough grading for the site, provided that rough grading has been completed and approved as noted for the model home sites.

3. Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading plan has been approved and a permit has been issued and the provisions as noted above have been satisfied.

D. Stockpile Permits.

1. A temporary stockpile permit is subject to conditions which may include, but not limited to, the following items: a stockpile plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, fencing, hydroseeding or other maintenance requirements. Other conditions may be established, even after the permit has been issued, in the interest of public health, safety or welfare, and shall be as determined by the City Engineer.

2. An indeterminate stockpile permit may be issued for soil that is to be used for the future development of the stockpile site where there is no current project, or for storage of soil for current or future sale, or for some other purpose as stated by the property owner. Requests for indeterminate stockpile permits will be reviewed on a case-by-case basis. Such requests may be considered to be the establishment of a business and may require review by other City department or divisions and shall be subject to all of the conditions of approval for such projects. An indeterminate stockpile permit is subject to all of the same requirements as a temporary stockpile permit.

E. Grading Permit Application. A grading permit application shall consist of the following items and forms completed and signed by the applicant or his/her representative, unless otherwise specified by the City Engineer:

1. Application form;

2. Four sets of grading plans;

3. Two copies of a preliminary soils report (see subsection (M)(1) of this section);

4. Two copies of a preliminary geology report if applicable (see subsection (M)(2) of this section);

5. Two sets of erosion control plans;

6. Payment of the grading plan check and inspection fees.

The City Engineer will inspect the project site as necessary and determine whether additional reports or other data are required prior to issuance of a grading permit. The City Engineer will notify the applicant of his determination.

F. Grading Plan Clearances. The City Engineer shall notify the applicant when clearance is required for the project from other departments or divisions within the City as well as clearance required from other agencies. All required clearances from other departments, divisions or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the grading permit. The City Engineer will not notify the applicant for South Coast Air Quality District (SCAQMD) required clearances and permits.

G. Data to Accompany Application.

1. A grading plan, approved and signed by a California registered civil engineer, soils engineer and engineering geologist shall accompany each application for a grading permit, unless waived by the City Engineer. The grading plans shall be prepared on twenty-four (24) inch by thirty-six (36) inch Mylar film

with a standard City title block, and shall be drawn in ink. The plans shall show the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within fifteen (15) feet of the common property lines.

2. Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, engineering geology report, and the grading plans and specifications. All such plans shall be drawn to engineering scales as approved by the City Engineer. The title sheet of the plan set shall contain the names, addresses and phone numbers of the site owner, the civil engineer responsible for the plans preparation, the project soil engineer and engineering geologist, including registration numbers. The title sheet shall also contain a locality sketch of the project site.

3. A statement of quantities shall be furnished, giving the estimated cubic yards of excavation, embankment, fill, and shrinkage or swell factor. Also, types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work.

4. The grading plans shall show scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement.

H. Grading Plan Check. All grading plans submitted to the City will be checked for conformance with the provisions of this chapter, conditions of approval, the City of Moreno Valley Municipal Code, applicable specific plans, other City ordinances, rules and regulations, all applicable Federal and State requirements, 2010 California Code of Regulations Title 24, Chapter 11 accessibility requirements, City technical requirements and plan requirements, and any other applicable requirements for the development.

I. Mass Grading Plans, Rough Grading Plans, Stockpile Plans, Borrow Site Plans and Preliminary Grading Plans. The plans shall include, but not limited to, the following information.

1. Vicinity map of the site;

2. Property limits clearly labeled or otherwise identified, accurate contours of existing ground and details of terrain, and area of drainage a minimum of fifteen (15) feet beyond the property limits (spot elevations may be used on flatland sites);

3. Prominent existing or natural terrain features;

4. Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices, and related construction;

5. Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work, together with a map showing the drainage area and estimated runoff from the area served by the drains;

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings of structures on land of adjacent owners which may be affected by the proposed grading operations;

7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the City engineer, the permittee shall submit a haul route for review and approval by the public works department, land development division. The City Engineer may prescribe as a condition of the grading permit and submitted haul route, alternate routes or special requirement in consideration on the possible impact on the adjacent community environment or effect on the public right-of-way itself;

8. Additional plans, drawings, calculations, environmental impact information, or other reports and information required by the City Engineer.

J. Precise Grading Plans. The plans shall include of the information required in subsection I of this section plus the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage including spot elevations for the drainage swales, details for building footings and sideyard swale relationship (including extra height of or deepened footings), and all proposed PCC flatwork and PCC/AC driveways.

K. Grading Plan Correction Sheet. A grading plan standards and correction sheet which is used as the basis for plan checking, is available from the Public Works Department, Land Development Division which identifies the items typically required on grading plans depending on site conditions.

L. Geotechnical Reports. A soil engineering and engineering geology report shall be required for all grading projects unless otherwise waived by the City Engineer. The reports shall include information useful to the site and any additional information required by the City Engineer. Recommendations included in the reports and approved by the City Engineer, shall be incorporated into the grading plans and specifications. The Building Official may require a soil report of additional information related to the building structure in accordance with the California Code of Regulations Title 24 (IBC).

M. Geotechnical Report Standards. Two copies of each geotechnical report required in subsection L of this section, shall be submitted as part of the application for a grading permit. Each report shall contain information applicable to the project as shall be prepared in accordance with generally accepted geotechnical engineering practice. Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

1. Preliminary Soil Report. Soil engineering reports shall be required for all residential subdivisions, commercial or industrial development projects, multi- residential projects, and similar developments for which a grading permit is required. Soil reports shall also be required for grading or building permits on single lot projects when specified by the City Engineer or Building Official. The preliminary (initial) soil engineering report shall include information and data regarding the nature, distribution, and physical and chemical properties of existing soils, conclusions as to the adequacy of the site for the proposed grading, recommendations for general and corrective grading procedures, foundation and pavement design criteria, and shall provide other recommendations, as necessary, for the project grading and development.

2. Preliminary Engineering Geology Report. Engineering geologic reports shall be required for all developments on hillside sites where geologic conditions are considered to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the City Engineer. The preliminary (initial) engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary, a geologic map; and opinion as to the adequacy of the proposed development from an engineering geologic standpoint; and opinion as to the extent that known or as reasonably should be known instability on adjacent properties may adversely effect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed project; and specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development; and shall provide other recommendations as necessary for the project grading and development. The preliminary engineering geology report may be combined with the soil engineering report.

3. Seismicity Report. A seismicity report as determined by the City Engineer, may be required as a condition for issuance of a grading permit and/or building permit for all residential subdivisions, and for commercial or industrial developments, and shall be required as a condition of development for all essential facilities (as defined in the California Building Code) or as determined by the City Engineer, Building Official or Planning Official. Additionally, sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report as a condition for issuance of a grading permit. The report shall be prepared by

an engineering geologist, geophysicist, or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The seismicity report may be combined with the soil and engineering geology reports.

N. Import and Export of Earth Material. Where an excess of five thousand (5,000) cubic yards of earth material for a project site is moved on public roadways to or from the project site as part of the grading operations, all of the following requirements shall apply:

1. Either water of dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth to or from the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way, used for transporting materials, in a condition free of dust, earth, or debris attributed to the grading operations.

2. Loading and transporting of earth materials to or from the site must be accomplished within the limitations established in subsection O of this section.

3. Access roads to the site shall be only at points designated on the approved grading plans.

4. At a minimum, the first fifty (50) feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a three hundred (300) foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five percent grade or three hundred (300) foot sight distance requirements can not be obtained due to site constraints, then flagman shall be posted at the access road and shall remain for the entire duration of material transportation operations.

5. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.

6. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer and shall be posted on the public roadway in the vicinity of the access intersection as required by the current State of California Department of Transportation "Manual of Traffic Control—Warning Signs, Lights and Devices for use in Performance of Work Upon Highways." The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation "Traffic Manual." The

advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

O. Time of Grading Operations. Grading and equipment operations shall only be completed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding holidays and from 8:00 a.m. to 4:00 p.m. on weekends and holidays. The City Engineer may, however, permit grading or equipment operations before or after the allowable hours of operation if he determines that such operations are not detrimental to the health, safety, or welfare of residents or the general public. Permitted hours of operations may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

P. Responsibility of Permittee. It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this chapter, and as contained on the approved grading plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable with the obvious and accessible location on the site, and with a copy of the grading plans bearing the stamp or signature of approval by the City Engineer. The applicant will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD) prior to beginning grading.

Q. Haul Routes. Where excavation of embankment material is imported or exported from one grading site to another, over public streets, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transportation of the materials on public streets.

Deviation from the designated haul route shall constitute a violation of the condition of the permit issued under this chapter. When the City Engineer does specify a route, he shall do so in writing on the permit document, and shall immediately notify the Traffic Division of the Public Works department as well as the traffic division of the City police department, that said haul route has been specified and approved.

The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractor or project site owner/permittee, moving earth materials in violation of the chapter, shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Moreno Valley the cost, as determined by the City Engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the City Engineer.

At least twenty-four (24) hours before hauling is to commence, the applicant shall be required to notify the City of Moreno Valley Public Works Department, Traffic Division, and Land Development Division as well as the City Police Department, Traffic Division. The permit may specify other necessary conditions or restrictions, where the use of public streets would disrupt the normal traffic activities or cause a public inconvenience.

R. Debris on Public Streets. Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the provisions of this chapter, shall refrain from depositing dirt or debris on public streets by any means, including but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The City Engineer may require a cash deposit to insure the clean-up of public streets.

S. Clean-Up. The permittee conducting any earth-moving operation under this chapter which requires vehicles to haul earth materials, including but not limited to, earth, mud, rock or other materials, on any public streets shall be responsible for the complete removal of such materials if spilled, dumped or deposited on a public street within twenty-four (24) hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the City to complete the removal, the permittee and/or property owner from where the material was removed from or deposited to, shall be liable to pay the City the full cost of such removal work. A cash deposit may be required to insure cleanup of public streets.

T. Dust Control. The contractor or permittee conducting any earth-moving or grading operation under this chapter shall be responsible for controlling dust at all times. The owner, contractor and permittee shall be responsible for implementing any and all Best Management Practices (BMPs) for all grading and earth-moving operations in accordance with the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

U. Protection of Adjoining Property. Each adjacent owner is entitled to the lateral and subjacent support which his/her land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to permit or to make an excavation greater than ten (10) feet in depth within fifty (50) feet of his property line(s) shall give reasonable notice to the owner or owners of land abutting the property line(s) affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken so that the soil of adjoining properties will not cave in or settle without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to of greater depth than are the walls or foundation of an adjoining building or other structure, and the distance from the edge of the excavation to an adjoining building or other structure is less than the depth of the excavation, then the permittee or person completing the excavation must take any and all necessary steps to protect the adjacent building or other structure from possible damage resulting from the excavation or the permittee or person completing the excavation must notify the owner of the adjoining building or other structure and allow at least ten (10) days, if so desired, in which to take measures to protect the same from any damage, or to brace or extend the foundations of the noted building or other structure from possible damage from the excavation.

V. Issuance, Expiration and Renewal.

1. Every grading permit issued shall be valid for a period of one hundred eighty (180) days from the date of issuance.

2. Every permit shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

3. The time limitations for all grading permits issued by the City are also subject to the following provisions:

a. A permit issued in accordance with these requirements shall expire upon a change of ownership, if the grading work thereon, for which said permit was issued has not been completed, and a new permit shall be required for the completion of the work. If the time limitations as noted above are not applicable, and if no changes have been made to the plans and specifications last submitted to the City Engineer, no charge shall be made for the issuance of a new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the City Engineer, fees based on the valuation of the additional or new work, additional yardage and necessary plan checking shall be charged to the permit applicant.

b. The City Engineer may extend the one hundred eighty (180) day expiration time limit on permits not to exceed three successive periods for one

hundred eighty (180) days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

4. The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued.

5. If the permittee presents satisfactory reasons for failure to begin or complete the work within the periods specified above, the City Engineer, upon written request, may grant an extension of time reasonably necessary or as specified in subsection (V)(3)(b) of this section for an additional three hundred sixty-five (365) days without additional fees, provided that:

a. No changes have been made in the original plans and specifications for such work.

b. Suspension of abandonment has not exceeded one hundred eighty (180) days.

c. A re-endorsement of the compliance of the plans with the current and applicable regulations has been obtained by the permittee from the Land Development Division.

Such requests for extensions must be submitted no later than the thirtieth day following the date on which said permit would otherwise expire.

6. If the permittee is unable to complete the work by the end of a two calendar year period (initial one hundred eighty (180) days plus one and one-half year extension) or fails to request an extension within the time provided in subsection (V)(5) of this section, the City Engineer, upon written request and justification, may renew the grading permit for a fee of one-half the amount required for the original permit for such work, provided no changes have been made to the original plans and specifications for such work.

W. Denial of Permit. The City Engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in debris being deposited on any public street or public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the City Engineer that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the City Engineer may issue a permit with the condition that such work be performed. If, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or

sufficiently reduce the hazard to human life or property, the grading permit and any proposed building permits for habitable structures shall be denied.

The City Engineer may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The City Engineer may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated in accordance with the requirements of the California Environmental Quality Act (CEQA), deny the issuance of a grading permit.

The City Engineer shall require plans and specifications to be modified in order to make them consistent with the City of Moreno Valley general plan, specific plans, municipal code requirements, or other rules, regulations, or conditions of approval applicable to the project. The City Engineer may deny the grading permit if the proposed project cannot be designed in accordance with this chapter, applicable rules, regulations, or conditions.

8.21.060 Fees.

A. Plan-Checking Fees. Before accepting a set of plans and specifications for checking, the City Engineer shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures. The amount of plan-checking fee for grading plans is set forth by City Council resolution.

The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the required fee for the entire project.

B. Review of Geotechnical Reports Fee. The fees paid in accordance with subsection A of this section (plan-checking fee) includes all necessary fees for review of all geotechnical report(s) for the project and no additional or separate fee will be charged for said review.

C. Grading Permit Fees. A fee for each grading permit shall be paid to the City Engineer for issuance of said permit. The fee for grading permit issuance is set forth by City Council resolution. The fee for a grading permit authorizing additional work to that under a valid grading permit shall be the difference between the fee paid for the original permit and the required fee for the entire project.

8.21.070 Grading security.

The City Engineer may require bonds or other approved security in such form and amounts as may be deemed necessary to assure that the work for a valid grading permit is completed in accordance with the approved plans and specifications or to insure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate any potentially hazardous condition without additional cost or obligation to the City. One form of security will be required to cover all grading and drainage facilities. Separate securities may be required for slope planting, landscaping, irrigation and erosion control.

8.21.080 Cuts.

Cut slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

Slope stability analysis shall be included in all soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height regardless of the slope ratio. The soil engineer shall consider both gross and surficial stability of the slope and provide a written statement approving the slope stability.

8.21.090 Fills.

A. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical (2:1), or where the base (toe) of the fill slope would be within twelve (12) feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer and/or engineering geologist which indicates that the stability of the slope is adequate and the proposed slope is approved by the City Engineer.

B. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation; noncomplying fill; topsoil and other unsuitable materials; and by scarifying to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than five horizontal to one vertical (5:1), the ground shall be prepared by benching into sound bedrock, or other competent or formational material, as determined by the soil engineer and

approved by the City Engineer. The lowermost bench beneath the toe of a fill slope shall be a minimum of ten (10) feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff, or an appropriate drainage system shall be provided.

Where fill is to be placed over a cut slope, the bench under the toe of the fill shall be at least fifteen (15) feet wide and shall meet the approval of the soil engineer and/or engineering geologist as suitable foundation for the fill. Unsuitable soil is soil which is not dense, firm, or unyielding; is highly fractured; or has a high organic content; and in the opinion of the City Engineer, civil engineer of record, soil engineer, or engineering geologist is not competent to support other soil or fill, to support structures, or to satisfactorily perform the other functions for which the soil is intended.

C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

The City Engineer may permit placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement, and approved the fill stability and competency. The following conditions shall also apply:

1. Prior to issuance of a grading permit, potential rock disposal area(s) shall be identified on the grading plan.

2. Rock sizes greater than eighteen (18) inches shall be placed a minimum of six feet below grade, measured vertically and/or ten (10) feet measured horizontally from any slope face.

3. Rocks sizes greater than twelve (12) inches shall be placed so as to be completely surrounded by soil; no nesting of rocks will be permitted.

D. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of the maximum density as determined by ASTM DI557. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the City Engineer. At least twenty-five (25) percent of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results.

Locations of the field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.

Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling.

E. Exceptions:

1. Fills excepted in Section 8.21.020 of this chapter if the City Engineer determines that compaction is not a necessary safety measure to aid in preventing saturation, settlement, slippage or erosion.

2. Where lower density and very high potential expansion characteristics exist, (as defined in the California Building Code), lesser compaction requirements may be approved by the City Engineer upon justification and recommendation by the soil engineer.

Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading operations to verify that the maximum density curves used are representative of the material placed throughout the fill.

F. Fill Slopes. Fill slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

All fill slopes shall be overfilled to a distance from finish slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finished grade to expose the compacted core. Alternate methods for fill slope compaction may be used by the grading contractor subject to approval by the soil engineer and City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil.

A slope stability analysis shall be included in soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height, regardless of the slope ratio. The soil engineer shall consider both the gross and surficial stability of the slope and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial stability.

At least twenty (20) percent of the field density tests performed during grading shall be located within three feet of the final slope location, and at least one density test shall be taken in the outer twelve (12) inches of the finished slope face for every five thousand (5,000) square feet of slope area.

G. Buttress/Stabilization Fills. Recommendations for buttress/stabilization fills by the soil engineer shall be included in the soil report setting forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudo static conditions, (analysis of pseudo static loads are not normally needed when the bedding planes are flatter than twelve (12) degrees from horizontal), laboratory test data upon which the calculations are based, a copy of the approved grading plan showing the location of the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

H. Utility Line Backfill. Backfill for on-site utility line trenches, including but not limited to, water, sewer, gas, electrical, telephone and cable television services which effect the stability of foundations or other structures, or which are in sloping surfaces steeper than ten horizontal to one vertical (10:1), and which utilize onsite material as backfill, shall be compacted and tested in accordance with subsection D of this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling.

Utility line trench backfill for on-site areas other than those stated above need no specific placement method or compaction criteria, but shall be sufficiently compacted to preclude detrimental settlement. In no case shall this be construed to mean utility line trench backfill within any public rights-of-way.

The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements in accordance with subsection D of this section.

8.21.100 Setbacks.

A. General. The setbacks and other restrictions specified by this section are minimum and may be increased by the City Engineer or by the recommendation of the civil engineer of record, soil engineer or engineering geologist, if necessary for safety and stability, or to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. Where zoning requirements exceed the minimum herein, the zoning setbacks shall govern.

B. Setbacks From Property Lines. The tops and toes of slopes shall be setback from the outer boundaries of the permit area, including slope right

areas and easements, in accordance with Figures A and B. Lot lines shall be located at the top of slopes whenever possible.

C. Design Standards for Setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figures A and B. A usable side yard of at least five feet from any building wall shall be provided to the top or toe of a slope unless waived by the City Engineer.

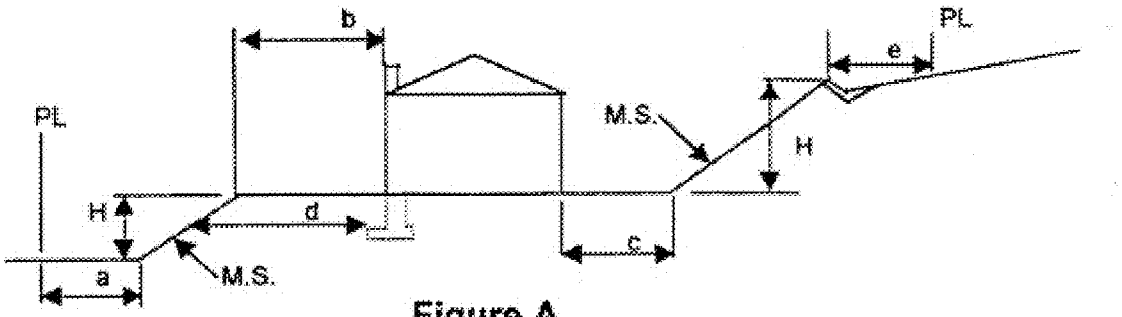

Figure A

Table A Minimum Setback from Adjacent Slope					
H (hgt-ft)	a	b	c	d	e
0<6	3′	5′	3′	5′	3′
6 to 14	5′	5′	H/2	H/2 (5′Min)	3′
14 to 30	5′	H/2 (10′ Max)	H/2	H/2 (10′ max)	6′
30+	5′	10′ Max	15′ Max	10′ Max	6′

NOTES:

1 PL means property line and/or permit boundary. M.S. means manufactured surface.

2 Setbacks shall also comply with applicable zoning regulations.

3 Table A applies to manufactured slopes and 2:1 or steeper natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer.

4 “b” may be reduced to 5′ minimum if an approved drainage device is used; roof gutters and downspouts may also be required.

5 “b” may be reduced to less than 5′ if no drainage is carried on this side and if roof gutters are included; “d” may not be reduced.

6 If the slope between “a” and “b” is replaced by a retaining wall, “a” may be reduced to zero and “b” shall remain as shown in Table A. The height of the retaining wall shall be controlled by zoning regulations.

7 “b” is measured from the face of the structure to the top of the slope.

8 “d” is measured from the lower outside edge of the footing along a horizontal line to the face of the slope. Under special circumstances, “d” may be reduced as recommended in the soil report and approved by the Building Official

Figure B

Minimum Setback

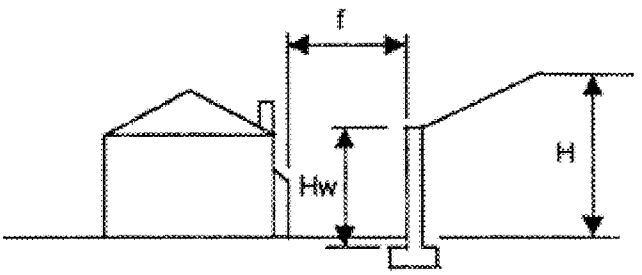

Figure B

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
0 to 6	3′ Max	3′ Min
6 to 8	4′	4′

Ordinance No. XXX
Date Adopted:

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
8 to 10	5′	5′
10 to 12	6′ Max	6′
12 to 30	6′ Max	H/2
30+	6′ Max	15′ Max

NOTES:

1 The use of retaining walls to reduce setbacks must be approved by the City Engineer.

2 "f" may be reduced to zero (0) feet if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from the project structural engineer and after the City Engineer approved the necessary drainage devices.

3 "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall.

8.21.110 Drainage and terracing.

A. General. Unless otherwise noted on the approved grading plan, drainage facilities and terracing of graded slopes shall conform to this section, to the currently adopted City design standards, this code and to Riverside County Flood Control and Water Conservation District's master drainage plans for the City, except where otherwise specified.

B. Terraces. Terraces at least eight feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill graded slopes in order to control surface drainage and debris. Where only one terrace is required, it shall be at the mid-height of the slope. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the project civil engineer based upon recommendations of the project soil engineer and approved by the City Engineer. Suitable access shall be provided to all terraces to permit proper cleaning and maintenance.

Terrace drains shall have a minimum gradient of two percent unless waived by the City Engineer. Terrace drains shall have a minimum depth at the deepest point of no less than one foot and a minimum paved width of at least

three feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the project soil engineer and/or engineering geologist.

D. Storm Water Discharge. All drainage facilities shall be designed to carry storm water runoff to the nearest practicable drainage way approved by the City Engineer and/or other appropriate jurisdiction, as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters, or other devices as approved by the City Engineer.

E. Interceptor Drains. Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the City Engineer. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the City Engineer.

F. Storm water Runoff. Storm water runoff shall not be allowed to flow over cut or fill slopes, which are greater than five horizontal to one vertical (5:1), but shall be provided for as follows:

1. Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than one percent. Where possible, drainage shall not be directed across other lots nor over cut or fill slopes.

2. When the above is not feasible, as determined by the City Engineer, storm water shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters, and carried to properly sized outfall or area drains which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of eighteen (18) inches deep.

3. Where slopes are terraced at thirty (30) foot intervals, drainage shall be provided in paved ditches a minimum of thirty-six (36) inches wide and twelve (12) inches deep. Construction of the ditches shall be as described below, and shall be located on the terraces with one side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the drainage ditch requirements, if a satisfactory surety bond, or other means to grantee the improvement, is posted with the City.

4. Down drains, interceptor drains and terrace drains shall be connected together to collect and transport all storm water runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for an unimpeded flow when terraces are crossed. Down drains, interceptor drains and terrace drains shall be constructed of portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the City Engineer. If pipe is used for down drains to transport runoff from terrace ditches, it shall be either reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material as approved by the City Engineer. Anchor lugs or collars may be required by the City Engineer if the pipe slope is equal to or greater than two horizontal to one vertical (2:1). Pipe specifications shall be approved by the City Engineer. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains.

5. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials as approved by the City Engineer.

G. Drainage Easements. For all drainage-ways where the continuous functioning of the drainage-way is essential to the protection and use of the property other than the lot on which the drainage-way is located, a covenant and/or deed restriction shall be recorded by the applicant, placing the responsibility for the maintenance of the drainage-ways on the owner of record of each respective lot. Permanent off-site drainage easements, as required by the City Engineer, shall be acquired by the permittee. Such easements shall be subject to the approval of the City Engineer and City attorney and recorded prior to the issuance of the grading permit.

8.21.120 Retaining walls.

Retaining walls shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geosynthetic fabric, or a combination of the aforementioned materials. Retaining walls shall be designed to resist all earth pressures acting upon them including embankment or structure/vehicle surcharge loads. All retaining walls shall be designed by a registered civil or structural engineer and submitted to the building division, including appropriate structural calculations, for review and approval prior to installation. All retaining walls that are to be constructed in connection with a grading plan shall be shown on the grading plan. Sufficient top of wall (TW) and top of footing (TF) elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations.

8.21.130 Expansive soils.

A. Expansive soil is any soil with an expansion index greater than twenty (20), as determined by the expansion index tests (2010 California Building Code, Section 1803

B. Whenever expansive soils are encountered within four feet of the finish grade of any area intended or designed as a location for a building then the following shall be observed:

1. The permittee shall remove such expansive soil to a minimum depth of four feet below finish grade within the building footprint area. Nonexpansive, properly compacted soil shall then be installed in the area where the expansive soil was removed; or

2. In the event that sufficient non-expansive material is not readily available on site, the permittee may at his option import nonexpansive material to be used as fill or the soil engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project. The soil engineer shall, however, make recommendations for the design of footings, foundations, slabs, and other load bearing features, or other special procedures which will alleviate any potential problem created by the remaining expansive soils; or

3. Based on recommendations for the soil engineer, expansive soil from cut areas may be placed in the lower extremities of embankments, and nonexpansive materials shall be reserved and stockpiled so that they may be placed as a cap over expansive soil. Whenever expansive soil is placed closer than four feet of finish grade, the soil engineer shall so indicate and make corrective recommendations as noted above.

8.21.140 Asphalt paving.

A. Requirements. For the purpose of this section, asphalt concrete (A.C.), aggregate base material (A.B.), prime coat, tack coat, and seal coat shall all meet the current material specification standards of the City of Moreno Valley for public road construction and/or the approval of the City Engineer.

B. Subgrade Compaction. Compaction of subgrade materials shall be in accordance with the requirements of Section 8.21.090(D) of this chapter.

C. Soil Sterilization. Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

D. Pavement Structural Section. The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots, service roads, private streets and dedicated streets on new private development projects. The structural section shall be based on:

1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of test method number California 302 and anticipated traffic and/or loading conditions.

2. The design shall be determined by R-value testing in accordance with CalTrans design method with recommended safety factors. The minimum design structural section(s) for dedicated streets shall be as noted in the current edition of the City of Moreno Valley standard plans.

E. Alternative Design Method for New Parking Lots/Service Roads and Private Streets. In lieu of the recommended structural section from the soil engineer or civil engineer based on testing as noted above, the following standards may be used for new private parking lots/service roads and private streets:

Industrial and Commercial Developments	**Min. Structural Section**
Parking area less driveways and perimeter drives	.25′ AC / .33′ AB
Driveways and perimeter drives for industrial developments	.25′ AC / .83′ AB
Driveways and perimeter drives for commercial developments	.25′ AC / .67′ AB
High Density Residential	
Parking areas and access lanes	.25′ AC / .33′ AB
Drives and areas subject to heavy truck use	.25′ AC / .67′ AB
Private Streets	
Structural roadway section for private streets	.30′ AC / .50′ AB

AC means asphalt concrete pavement.

AB means Class II aggregate base material.

F. Exceptions. The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than two single-family residences, proposed in conjunction with a project subject to a grading permit or to commercial, industrial or high-density residential developments where all pavements areas are constructed of Portland cement concrete (PCC) pavement.

8.21.150 Permeable surface designs

A. Permeable surface designs include, but is not limited to pervious concrete, permeable pavement, permeable pavers, and porous asphalt. These BMPs may be allowed in low flow traffic roads and parking lots and other paved areas upon approval from the City Engineer.

8.21.160 Erosion control.

A. General.

1. All earth moving or grading operations requiring a grading permit (as noted in Section 8.21.020 of this chapter) shall be required to also have an approved erosion control plan. In addition, any grading, clearing, brushing and grubbing within one hundred (100) feet of environmentally sensitive areas, is prohibited from October 1st to May 31st except for the following:

a. The construction and maintenance of erosion control systems, which have been approved by the City Engineer.

2. Grading work is prohibited on any single grading site under permit between October 1st and May 31st unless an erosion control plan has been approved or waived by the City Engineer. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the City Engineer, shall be employed to control erosion and provide safety during this period.

3. The City Engineer may order restriction or cessation of land disturbance or development operations upon determination that the weather, soil, slope, or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site.

B. Erosion Control Plans.

1. Erosion control plans shall be submitted to the City Engineer for approval concurrent with the grading permit application and/or with grading plan submittal unless otherwise waived by the City Engineer. No grading permit shall be issued unless an erosion control plan has been submitted or waived by the

City Engineer. The erosion control plan may be waived for grading on single residential lot projects, provided that an erosion control system, approved by the City Engineer, is installed, placed, planted or constructed before October 1st. An erosion control and/or sediment control plan is required for all projects if the City Engineer determines that erosion or sediment discharge adversely affects adjacent properties. The approved erosion control plan shall be updated if necessary by October 1st each year, for projects under a grading permit.

2. The erosion control plan shall include details of protective measures, including desiltation basins or other temporary drainage or control measures or both, as may be necessary to protect adjoining public or private property from damage by erosion, flooding, or mud and/or debris deposits which may originate from the site or result from the grading operations.

3. All slope planting, as required by the erosion control plans, which is to be completed after October 1st, will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding.

C. Submittal and Processing Requirements.

1. All projects requiring a grading permit must have erosion control plans submitted for approval. Projects that have an approved erosion control plan from the previous year must submit an updated erosion control plan for approval reflecting existing conditions or necessary changes that are needed for conformance with current conditions.

2. The erosion control plans must be approved and erosion control devices installed and certified and inspected as being properly constructed by the engineer of record. Sediment control must be continuously maintained throughout the construction process. Updating of the plans will be required for phases of construction not covered by the previously approved plans.

3. Approval and processing of the erosion control plans requires payment of plan checking fees, inspection fees and the posting of securities as further noted in this section.

4. First submittal for erosion control plans shall include the plan checking fee, two blueline copies of the plans and two copies of the bond estimate.

D. Information on Erosion Control Plans. Erosion control plan shall include but not be limited to, the following information:

1. A twenty-four (24) hour telephone number of the person responsible for performing emergency erosion control work;

2. The stamp and signature of the civil engineer that prepared the erosion control plan;

3. The erosion control general notes (copies available for the public works department, land development division);

4. Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition;

5. Identification of the streets and drainage devices that will be completed and paved by October 1st;

6. Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public;

7. Provision for maintaining access to desilting facilities during wet weather;

8. A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities;

9. Identification of discharge points where concentrated runoff occurs.

E. Erosion Control Systems.

1. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by berms, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading operations and shall be maintained throughout the development process.

2. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

3. All erosion control measures required to retain sediment on-site and to safely discharge any accelerated runoff generated by the project shall be installed during the initial construction phase of the project.

4. Desilting facilities shall be provided at drainage outlets from the graded site.

5. Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow sediment of suspended particles.

6. Desilting basins shall be constructed around the perimeter of projects. Basins should be located where maintenance access is provided from paved roads during wet weather.

7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report including the type of field-testing performed, location and results of testing, shall be submitted to the City Engineer for approval upon completing the desilting basin(s).

8. Equipment and workers, for emergency work, shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed.

9. Unless otherwise approved by the City Engineer, erosion protection shall include effective planting of all slopes in excess of three feet in height. Slopes exceeding fifteen (15) feet in height may require an adequate sprinkler system, as determined by the City Engineer.

10. All slopes greater than five feet in height shall be permanently landscaped with the landscaping established prior to October 1st. If the permanent landscaping is not installed and sufficiently established prior to October 1st, the slope(s) shall be covered with protective materials and soil stabilizers approved by the City Engineer.

11. All disturbed slopes shall be planted and protected within forty-five (45) days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including but not limited to, rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability.

12. Erosion control provisions shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season.

13. Graded areas around the project perimeter must drain away from the face of slopes at the conclusion of each working day.

F. Erosion Control Maintenance.

1. Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any twelve (12) hour period, or upon direction of the City Engineer, silt and debris shall be removed form check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition.

2. The performance of the erosion control system shall be evaluated by the City Engineer and revised and replaced as ordered.

3. The construction and maintenance of all erosion control systems shall conform to the approved erosion control plan unless otherwise approved by the City Engineer.

4. The contractor, permittee, or project owner shall be responsible for and take necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions may include, but not limited to, appropriate perimeter fencing, or a twenty-four (24) hour guard in order to prevent unauthorized persons from entering the basin(s).

5. Any sprinkler system, controlled by timers, used with an erosion control system, shall be inspected every thirty days to assure proper functioning of the timer device.

G. Erosion Control Design and Implementation.

1. If a project design includes grading or construction within one hundred (100) feet of any environmentally sensitive areas, additional erosion control measures may be required within all disturbed areas in order to minimize the impacts to the environment. These measures may require the approval of the City Engineer as well as approval and certification by the engineer of record for the project. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. The additional erosion control measures may include, but not limited to, installing protective materials and stabilizers, along banks and within waterways and over all disturbed areas. The additional erosion control measures may also include a full time (twenty-four (24) hour) on-site guard during storms and when the precipitation amount is expected to exceed one-half inch in any twenty-four (24) hour period. The precipitation forecast shall be as established by the National Weather Service.

2. All erosion control systems require approval by the City Engineer and approval and certification by the engineer of record. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. All erosion control systems shall remain in place at all times for all areas in which construction is not scheduled to commence within the next seven days. All erosion control systems shall remain in place until May 31st. The May

31st date may be extended by the City Engineer upon determination that there is a substantial likelihood of significant precipitation after May 31. The City Engineer shall use information as provided by the National Weather Service to make such determination.

3. All removable protective devices shown shall be in place at the end of each working day when the five day rain probability forecast exceeds forty (40) percent. The forecast shall be as determined by the National Weather Service.

4. The faces of cut and fill slopes and the project site shall be prepared and maintain to control erosion. Slope protection may be waived by the City Engineer for cut slopes, which are not subject to erosion because of the erosion resistant character of the materials.

5. If construction of erosion control systems outside of the project boundaries are necessary, permission to construct such systems from the owner of such off-site property. Plans for the off-site systems shall be included with the on-site plans submitted to the City Engineer. The plans for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

6. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion, which has been deposited on streets or sidewalks. Watering shall not be used to clean streets except for the removal of fine material not otherwise removed by sweeping or other mechanical means.

7. The contractor, permittee, or property owner shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the contractor, permittee, or property owner fails or refuses to properly maintain the erosion control devices, the City Engineer:

a. May cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted for the erosion control security posted for the project pursuant to subsection (H)(4) of this section and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

b. Shall revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the City engineer is installed or necessary maintenance of an existing system is completed.

8. If any grading subject to Section 8.21.020 of this chapter has commenced on private property without a valid grading permit, the property owner shall be required to obtain a valid permit before continuing and grading, and may be required to prepare and implement an erosion control plan, approved by the City Engineer. If the property owner fails to install an approved erosion control system, the City Engineer shall cause emergency work to be done to protect potentially impacted property and to protect environmentally sensitive areas. The procedures of subsections B, C and D of this section need not apply for emergency erosion control work between October 1st and May 31st. The cost of such emergency work shall be charged to the owner pursuant to the procedures set forth in subsection (H)(4) of this section.

H. Erosion Control Security.

1. Requirement for Security. Prior to approval of the grading permit, an erosion control plans for the project site shall be submitted to and approved by the City Engineer and securities meeting the requirements contained herein shall be posted with the City. The security shall guarantee the following:

a. Compliance with all provisions of this section and all other applicable ordinances;

b. Compliance with any and all terms and conditions of the permittee's approved erosion control plan;

c. Completion of the erosion control system, to the satisfaction of the City Engineer, and in accordance with the approved erosion control plan;

d. Completion of all emergency and routine maintenance and repair of the erosion control system(s) to insure the continuous integrity of the system(s) to the satisfaction of the City Engineer and as may otherwise be required by this section;

e. Restoration and repair of public streets or other property adversely impacted by erosion from permittee's project.

2. Amount and Form of Security. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the City and shall be subject to the review and approval of the City Engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City Engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and city attorney, and consist of one or more of the following:

a. Cash deposit;

b. A bond;

c. A certificate of deposit;

d. A letter of credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government.

3. Failure to Provide Security. If a permittee fails to provide the security required by this section prior to October 1st each year, the City Engineer may revoke the permittee's grading permit without prior notice to the permittee. Any such revocation shall be in writing.

4. Use of Cash Deposit. The City Engineer may cause certain erosion control work to be done under any of the following circumstances:

a. Failure of the permittee to commence emergency repair or maintenance work within twelve (12) hours of receipt of a written demand therefor from the City Engineer, or within twelve (12) hours of the City Engineer's attempt to communicate such demand via the telephone number listed on the approved plans or as provided by the permittee.

b. Failure of the permittee to commence other repair or maintenance work within seventy-two (72) hours of receipt of a written demand therefore from the City Engineer.

c. Failure of the permittee to diligently pursue completion of any required repair or maintenance work or to complete such work within a reasonable time period established by the City Engineer.

d. Failure of the permittee to complete installation of a erosion control system prior to October 1st.

e. Failure of the permittee, after notice from the City Engineer, to clean or repair public streets or other public property, where debris, damage or erosion resulted from the permittee project.

The permittee shall be liable to the City for the cost of any repair work that was necessary as a result of and in accordance with the provisions of this section. The City Engineer may withdraw from the permittee's cash deposit for erosion control security, any funds necessary to pay for such work. The City Engineer shall notify the permittee of any withdrawal from the permittee's cash deposit. If the cost for such work exceeds the balance of the permittee's funds on deposit, the City Engineer shall cause an invoice to be sent to the permittee demanding payment of the amount by which the cost of the work exceeds the permittee's deposit. The permittee shall, within ten (10) days of receipt of such invoice, deposit with the City Engineer, that amount of cash necessary to bring the

permittee's deposit up to its original balance. If the permittee fails to pay such amount in full within thirty (30) days from the date of the invoice, the permittee's grading permit shall be automatically revoked. Renewal of the grading permit shall not be completed until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the City imposed pursuant to the provisions of this section. Additionally, no further construction permits, including but not limited to, building permits or occupancy permits, shall be issued until such monetary obligations are fully satisfied.

5. Release of Security. On June 1st of each year, or upon the end of the actual rainy season (as determined by the City Engineer) whichever occurs later in time, the City Engineer may release any erosion control security posted or deposited pursuant to this section, upon receipt of a written request for such release by the permittee.

The City Engineer shall be responsible for determining the end of the rainy season if it occurs after May 31st of any given year. The determination shall be based upon available meteorological information.

The City Engineer shall not release a permittee's security if the permittee has an outstanding monetary obligation to the City incurred pursuant to the provisions of subsection (H)(4) of this section or if cleanup or repair of public streets or other public property for which the permittee is responsible, has not been completed to the satisfaction of the City Engineer.

Any unused portion of the permittee's erosion control security may also remain on deposit with the City throughout the grading of the project and not be released until completion of the landscaping improvements for the project if it is determined by the City Engineer that due to the nature, configuration, or location of the project, it is in the best interest of the City to retain said erosion control security until to projects completion.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

A. General Requirements. On September 2, 2009, the State Water Resources Control Board (SWRCB) approved waste discharge requirements associated with construction activity. The regulations affect all construction sites that disturb an area of one acre or more.

As a condition of the Santa Ana Regional Water Quality Control Board, a National Pollutant Discharge Elimination System permit will be required for all sites that disturb an area of one acre or more. Prior to issuance of a grading permit, each applicant shall provide an NPDES permit number (WDID#) to the City Engineer.

A complete NPDES permit for storm water runoff associated with construction activity application and general requirements may be obtained from the State Water Quality Control Board .

In general, the permit requires the following information to be filed with the California State Water Resource Control Board (SWRCB):

1. A notice of intention (NOI). The NOI application is in the construction permit package;

2. Risk Assessment.

3. Site Map.

4. A stormwater pollution prevention plan (SWPPP). Conditions are outlined in the construction permit package;

5. Annual Fee.

6. Signed Certification Statement.

It is the permittee's responsibility to obtain the application package, complete the information and reports as noted above, and maintain the site throughout the duration of the project as required by the permit. All of the information noted above shall be maintained on-site during construction and shall be presented upon demand by State Water Resource Control Board inspectors, the City of Moreno Valley inspectors or any member of the public.

8.21.180 Grading inspection.

A. Grading Inspection.

1. Site Inspection by the City Engineer. Prior to any grading, brushing, or clearing, there shall be a pre-grading meeting held on the site unless waived by the City Engineer. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvement in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the City Engineer. The permittee, or agent for the permittee, shall notify the City Engineer and request the meeting(s) at least two working days prior to the meeting(s) and shall also be responsible for notifying all principals responsible for grading or paving operations.

It shall be the responsibility of the person doing the work authorized by a permit, to notice the City Engineer at least two working days prior to the work being ready for the following inspections:

a. Excavation and Fill Inspection.

i. Canyon Clean Out. After all brush and unsuitable material has been removed and an acceptable base has been exposed, but before any fill has been placed;

ii. Toe Bench and Key. After the natural ground or bedrock has been exposed and prepared to receive fill, but before fill is placed;

iii. Over Excavation. After the area has been excavated but before fill is placed;

iv. Excavation. After the excavation has started, but before the vertical depth of the excavation exceeds ten (10) feet, and every ten (10) foot interval thereafter;

v. Fill. After the fill has started, but before the vertical height of the fill exceeds ten (10) feet and every ten (10) foot interval thereafter.

2. Concrete or Gunite Drainage Device Inspection.

a. Alley Gutter or Concrete Drainage Device. After the sub-grade is prepared and any reinforcement placed but prior to concrete placement and then again after concrete placement;

b. Terrace Drains, Down Drains, Brow Ditches. After grade has been established but before placement of welded wire mesh or reinforcement and then again after placement of concrete or gunite.

3. Other Drainage Devices.

a. Subdrains. After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfill;

b. City Storm Drains and Inlets. After installation of form-work and placement of reinforcement but before concrete placement and then again after placement of concrete and removal of form-work but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain;

c. Earth Swales. Prior to rough grading approval and then again prior to final grading approval.

4. Rough Grade Inspection.

a. When all rough grading as been completed. Inspection may be called for at the completion of rough grading after the City Engineer has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on City approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading approval.

5. Paving Inspection (In Public Right-of-Way).

a. Subgrade. After subgrade has been established, tested, and approved by the soil engineer, or his qualified representative, the soil engineer may leave a field memo of compaction test results on site. The civil engineer shall provide approval of line and grade;

b. Base. After base course has been placed, tested, and approved by the soil engineer or his qualified representative, but prior to prime coat and asphalt placement, the soil engineer may leave a field memo of compaction test results on site. Material invoices or weight tickets shall be required;

c. Asphalt Concrete. During asphalt placement to verify compliance with plans and specifications. Material invoices or weight tickets shall be required. Prior to application of seal cost, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.

6. Final Inspection.

a. When all work, including installation of all drainage structures and other protective devices has been completed and all written professional approvals and the required reports have been submitted.

7. Siltation Control Facilities (October 1st to May 31st).

a. After excavation of desilting basins but prior to fill placement. Pre-fabricated drainage devices are to be available on site for inspection;

b. After fill placement of desiltation basins but prior to placement of concrete or other non-erosive materials (if applicable);

c. After completion of an erosion control system in accordance with an approved erosion control plan and the requirement of the City Engineer.

B. Notification of Non-Compliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not begin completed in accordance with the approved plans, specifications,

recommendations or requirements of this chapter, the discrepancies shall immediately be reported in writing to the grading contractor, the owner and the City Engineer. Recommendations for corrective measures shall be submitted to the City Engineer for approval and shall be incorporated on to the approved plans upon approval by the City Engineer.

C. Special Inspections. The City Engineer may establish special inspection requirements in accordance with the 2010 edition of the California Building Code, amended, for special cases involving grading or paving related operations. Special cases may apply to work where, in the opinion of the City Engineer, it is necessary to supplement the resources or expertise available for inspection.

D. General. It shall be the responsibility of the civil engineer that prepared the grading plans to incorporate the applicable recommendations for the soil engineering and engineering geology reports into the grading plan. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements, and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, unless waived by the City Engineer, and upon completion of the work, the submission of as-built grading plans incorporating all changes and/or additional made during construction.

Soil engineering and engineering geology reports shall be required as specified in Section 8.21.190(A). During grading, all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted for distribution as required.

The soil engineer's area of responsibility shall include, but not limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required, and incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but not limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the needs for subdrains or other ground water drainage devices. The engineering geologist shall report all findings to the soil engineer for engineering analysis.

The City Engineer shall inspect the project at various stages of work requiring approval, and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to insure conformance with the approved plans and specifications.

When preliminary soil engineering reports are not required by the City Engineer, inspection and testing may be required by an approved testing agency. The testing agency's responsibility shall include, but not limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

E. Transfer of Responsibility for Approval. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record are changed during the course of the work, the work may be stopped until:

1. The owner submits a letter of notification to the City Engineer verifying the change of the responsible professional; and

2. The new responsible professional submits in writing that he has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that he concurs with the findings, conclusions, and recommendations, and is satisfied with the work performed. He must also state that he assumes all responsibility within his purview as of the specified date.

All exceptions to the noted requirements must be justified to the satisfaction of the City Engineer.

Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility without the requirement for written notification to the City Engineer.

F. Other Inspections by the City Engineer.

1. Prior to the approval of any building or grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

2. The permittee or agent for the permittee shall notify the City Engineer when the grading operations specified are ready for inspection.

3. If the inspector finds the soil or other conditions not as shown on the approved plans or stated in the geotechnical reports or as noted within any additional information which was required for issuance of the grading permit, he may issue a stop work order until approval is obtained for a revised grading plan or modification to any applicable reports which will conform to the actual site conditions.

4. The provisions of Section 115, Stop Orders, of the 2010California Building Code (CBC) shall apply to all grading work, whenever the City Engineer

determines that any work does not comply with the terms of the permit, or this chapter, or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the City Engineer to proceed with the work.

5. Prior to issuance of building permits for a graded site, the rough grading shall be completed in accordance with the approved plans and specification, and this chapter, and to the satisfaction of the civil engineer, or architect, engineering geologist, soil engineer, and City Engineer.

6. Whenever any work on which inspection are required, is covered or concealed by additional work without first being inspected, the City Engineer may require, by written notice, that such work be exposed for examination. Any cost for exposing and recovering such noninspected work shall not entail or be subject to expense by the City.

8.21.190 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work under a grading permit, but prior to the release of grading security or issuance of a certificate of occupancy, the City Engineer will require:

1. An as-built grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities location with scaled sections of all buttress/stabilization fill, and location and depth of all areas of unsuitable soil.

2. A written approval by the civil engineer approving the grading as being in conformance with the approved grading plan and which specifically approves the following items as appropriate to the project or stage of grading:

a. Construction of line and grade for all engineered drainage devices and retaining walls (rough and final grading);

b. Staking of property corners for proper building locations (rough grading);

c. Setting of all monuments in accordance with the recorded tract map (rough or final grading);

d. Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading);

e. Location and inclination of all manufactured slopes (rough and final grading);

f. Construction of earthen berms and positive building pad drainage (rough and final grading).

3. A soil engineering report (compaction report) prepared by the soil engineer, including type of field testing performed, stability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown, and the method of obtaining the in-place density described; either ASTM 1556-78 or the approved equal shall be so noted. The soil engineer shall provide written approval as to the adequacy of the site for the intended use, as effected by soil engineering factors and a statement of compliance to finish grade.

4. A geologic report prepared by the engineering geologist, including a final description of the geology of the site including any new information disclosed during the grading, and the effect of the same on recommendations incorporated in the approved grading plan. He shall provide written approval as to the adequacy of the site for the intended use as effected by geologic factors, a statement of compliance to finish grade, and when required by the City Engineer, shall submit an as-built geologic map.

5. A statement of compliance prepared by the grading contractor that the work was completed in accordance with the approved plans may be required by the City Engineer in certain cases.

B. Notification of Completion. The permittee or agent for the permittee shall notify the City Engineer when the grading operation is ready for inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed in accordance with the approved grading plan and the required reports and statements of compliance have been submitted and approved

8.21.200 Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in

a court of law, shall be punishable by fine of not more than five hundred dollars ($500.00) or imprisonment for not more than six months, or by both. Each such person, firm or corporation shall be deemed guilty of a separate offence for every day during any portion of which any violations of any provisions of the chapter, including any physical condition created in violation of this chapter, is permitted, continued, or committed by such person, firm or corporation, and shall be punishable therefor as provided for in this chapter. Any lot, street, alley, road, driveway which is constructed contrary to the provisions of this chapter shall constitute a public nuisance.

SECTION 3 SEVERABILITY:

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 4 EFFECT OF REENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 2011.

_____
Mayor

Ordinance No. XXX
Date Adopted:

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00107183

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. XXX
Date Adopted:

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS AND CHAPTER 8.21 GRADING REGULATIONS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 PRIOR ENACTMENTS REPEALED:

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1.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.10, as set forth in Section 2 of this Ordinance

1.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.21, as set forth in Section 2 of this Ordinance

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SECTION 2 REENACTMENT OF CHAPTER 8.10 AND CHAPTER 8.21:

2.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

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8.10.010 Purpose and intent.

The purpose of this chapter is to protect the health, safety and welfare of the public by:

A. Reducing pollutants in storm water discharges to the maximum extent practicable;

B. Regulating illicit connections and discharges to the storm drain system; and

C. Regulating nonstorm water discharges to the storm drain system.

The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, ground water and wetlands in a manner pursuant to and

consistent with the Federal Clean Water Act, the state Porter-Cologne Water Quality Control Act and the conditions of any NPDES permit issued to the City.

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8.10.020 Definitions.

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The terms as used in this chapter shall have the following meanings:

"Best Management Practices" (BMPs) mean any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs mean and include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for municipal, industrial/commercial, new development and redevelopment and construction activity and other measures approved by the City Engineer.

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"City" means the City of Moreno Valley.

"City Engineer" means the City Engineer of the City.

"Discharge" means, when used as a verb, to allow pollutants to directly or indirectly enter storm water, or to allow storm water or nonstorm water to directly or indirectly enter the MS4 or receiving waters from an activity or operation. When used as a noun, "discharge" means the pollutants, stormwater and non-storm water that are discharged.

"Discharger" shall mean any person engaged in activities or operations, or owning facilities, which may result in pollutants entering storm water, the MS4 or receiving waters. Dischargers include, but are not limited to, real property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

"Green Infrastructure" shall mean an array of products, technologies, and practices that use natural or engineered systems that mimic natural processes to enhance overall environmental quality. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspirate, and/or recycle stormwater runoff.

"Illicit discharge" shall mean any discharge to the MS4 that is not composed entirely of storm water runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

"Illicit connection" shall mean any physical connection to a MS4 which has not been permitted by the City, the Riverside County Flood Control and Water Conservation District or other appropriate public agency.

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"Low Impact Development (LID)" shall mean any ecosystem-based approach to designing a hydrologically functional site that mimics predevelopment conditions.

"Low volume road" shall mean roads with traffic indexes less than or equal to six (6.0).

"MS4—Municipal Separate Storm Sewer System" shall mean any facility within the City limits by which storm water may be conveyed to waters of the United States. MS4 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

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"Municipal NPDES permit" shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of storm water from a MS4.

"Non-storm water discharge" shall mean any discharge to the MS4 that is not entirely composed of storm water.

"National Pollutant Discharge Elimination System (NPDES) permit" shall mean a storm water discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

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"Person" shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

"Pollutant" shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal matter, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

"Premises" shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

"Storm water runoff" shall mean surface runoff and drainage associated with rainstorm events and snow melt.

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8.10.030 Responsibility for administration.

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This chapter shall be administered for the City by the City Engineer. The City Engineer may appoint and authorize one or more members of the City staff to act as

his/her designee[s] to administer or enforce this chapter. In the context of this chapter, the phrase "City Engineer" includes each and all persons designated by the City Engineer to assist in the administration and enforcement of this chapter, as limited by the terms of the delegation

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8.10.040 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act, the Porter-Cologne Water Quality Control Act and acts amending or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES permits and any amendments or revisions thereto or reissuance thereof.

8.10.050 Reduction of pollutants in storm water runoff.

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A. In General. It is a violation of this chapter to throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City. The only exception is where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this chapter to cause or permit any dumpster, solid waste bin or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City.

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B. Construction Sites. Any person performing construction work in the City shall comply with the provisions of the ordinance codified in this chapter and other City ordinances for erosion and sediment control.

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C. New Development and Redevelopment. New development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. The BMPs may include, but are not limited to the following and may, among other things, require new developments or redevelopments to do any of the following:

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1. Increase permeable areas by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping, green roofs and open space into the project design, by using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways and by incorporating detention ponds and infiltration pits into the project design;

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2. Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas;

3. Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

4. Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

D. Existing Development. Existing development shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation.

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8.10.060 Illicit connections or discharges.

It is a violation of this chapter to establish, use, maintain or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

8.10.070 Non-storm water discharges.

The discharge of non-storm water into the storm drain system is a violation of this chapter except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES permit or waiver issued to the discharger and administered by the state of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this chapter when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated

pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensate, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

8.10.080 Discharges in violation of permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future municipal NPDES permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge

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B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Santa Ana Regional Water Quality Control Board, shall comply with all requirements of such permit. Such discharges shall specifically comply with the following permits: the industrial storm water general permit, and the dewatering general permit. Proof of compliance with said NPDES general permits may be required in a form acceptable to the City Engineer prior to issuance of any City grading, building, or occupancy permits.

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8.10.090 Permits and approvals.

Compliance with this chapter shall be a condition of every permit, license or approval granted or issued by the City. Failure to comply with the chapter shall be grounds for revocation of any such permit, license or approval.

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8.10.100 City authority to sample, inspect and monitor.

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A. Regulatory Inspections. The City Engineer may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for inspection, an inspection warrant shall be obtained prior to inspection.

B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illicit discharge/connection exist, whether the BMPs installed and implemented are adequate to comply with the chapter, whether those BMPs are being properly maintained and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections and records review. Records, reports, analyses or other required information may be inspected and copied, and photographs may be taken for purposes of enforcement of this chapter.

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8.10.110 Establishment of a fee.

The City Council may establish a fee by resolution to recover the cost of inspection, sampling, metering and monitoring by the City Engineer.

8.10.120 Orders by the City Engineer.

The City Engineer is authorized to issue cease and desist orders or stop-work orders to any person who is in violation of this chapter. Failure to comply with a written order of the City Engineer shall be a violation of this chapter and shall be grounds for the imposition of civil penalties described in this chapter.

8.10.130 Notice of violation.

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

A. The performance of monitoring, analyses and reporting;

B. The elimination of illicit connections or discharges;

C. That violating discharges, practices or operations cease and desist;

D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

E. Payment of a fine to cover administrative and remediation costs; and

F. The implementation or maintenance of source control and treatment control BMPs.

If an abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Chapter 6.04 of this code. A notice issued under this chapter shall identify the provisions of this chapter which have been violated and shall state the recipient has a right to appeal as set forth in Chapter 1.10 of this code.

The notice shall be served upon the recipient as set forth in Chapter 1.10 of this code.

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8.10.140 Violations—Misdemeanors or infractions.

A violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute an infraction. Repeated violations may be prosecuted as misdemeanors at the discretion of the City attorney.

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8.10.150 Penalty for violation.

Upon conviction of a misdemeanor for violating any provision of this chapter, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth by law. Upon conviction of an infraction for violating any provision of this chapter, a person shall be subject to payment of a fine, not to exceed the limits set forth by law

8.10.160 Separate offenses.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

8.10.170 Violations deemed a public nuisance.

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The City Council hereby declares that any violation of this chapter is a threat to the public health, safety and welfare, and is therefore a public nuisance which may be summarily abated. The cost of such abatement shall be borne by the owner of the premises and the cost thereof may be imposed as a lien upon the premises, and such lien shall continue in existence until it is paid.

8.10.180 Administrative enforcement powers.

In addition to any other enforcement powers and remedies established by this chapter, an authorized enforcement officer has the authority to issue civil citations and fines for violations of this chapter pursuant to Chapter 1.10 of this code.

8.10.190 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court may grant, as appropriate, any or all of the following remedies:

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A. A temporary and/or permanent injunction;

B. Assessment of the violator for the costs of any investigation, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; or

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life

8.10.200 Severability.

If any provision, clause, sentence or paragraph of the ordinance codified in this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of that ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

2.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

Chapter 8.21 GRADING REGULATIONS

8.21.010 General.
8.21.020 Permits required.
8.21.030 Hazards.
8.21.040 Definitions.
8.21.050 Grading permit requirements.
8.21.060 Fees.
8.21.070 Grading security.
8.21.080 Cuts.
8.21.090 Fills.
8.21.100 Setbacks.
8.21.110 Drainage and terracing.
8.21.120 Retaining walls.
8.21.130 Expansive soils.
8.21.140 Asphalt paving.
8.21.150 Permeable surface designs
8.21.160 Erosion control.
8.21.170 National Pollutant Discharge Elimination System (NPDES).
8.21.180 Grading inspection.
8.21.190 Completion of work.
8.21.200 Penalty for violation.

8.21.010 General.

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A. Name. This chapter shall be known as the "Grading Regulations."

B. Purpose. The purpose of this chapter is to establish an official set of standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground surface to protect and preserve the public health, safety, and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural runoff waters; to require engineering analysis of expansive soil conditions, erosion control and drainage; and criteria to provide a basis for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered as described herein; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction.

C. Intent. It is the intent of this chapter and the erosion control procedures contained within this chapter to establish a guideline enabling the City with the ability to regulate grading operations as well as to protect environmentally sensitive areas and biological and wildlife resources within and surrounding the City of Moreno Valley. The procedures established by this chapter and the conditions of approval implemented with all discretionary approvals and permits are intended to accomplish this protection. However, in the event that City staff encounter situations that are deemed to endanger environmental resources, the City Engineer is authorized to take necessary action to protect the environment pursuant to this chapter and other applicable laws, provided there is no conflict with other City regulations or codes.

"Environmentally sensitive areas" are any lands in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the City to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

D. Scope. This chapter sets forth rules and relations to control excavation, grading and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) with deletions, modifications, or amendments to meet local conditions.

E. Powers and Duties of the City Engineer. All references in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) to "Building Official" shall mean the "City Engineer" in this chapter.

8.21.020 Permits required.

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A. Grading Permits. No person shall conduct any grading, clearing, brushing or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the City Engineer.

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Exceptions to this requirement are:

1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or an unsupported excavation with vertical banks more than two feet high. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer, stability considerations warrant such inspection;

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2. An excavation which does not exceed fifty (50) cubic yards on any one site and which is less than two feet in vertical depth, and which does not create a cut slope greater than five feet in vertical height and steeper than one and one-half to one (1.5:1) horizontal to vertical;

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3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Earthwork construction regulated by federal, state, county, or city governments, or by a local agency as defined by Government Code Sections 53090 through 53095 (special districts); pipeline or conduit excavation and backfill conducted by local agencies or public utilities; earthwork construction performed by railway companies. This exemption, however, shall apply only when the earthwork takes place on the property, or dedicated rights-of-way or easements of the aforementioned agencies;

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6. Excavation and backfill for installation of underground utilities by public utility companies of companies operating under the authority of a franchise or public property permit;

7. Mining, quarrying, excavating, processing, stock-piling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property, or alter the orientation of natural water courses which may result in adverse changes on adjoining property;

8. Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologists or paleontologists, provided all excavations are properly

backfilled and compacted or otherwise restored. All excavations and trenches are subject to the applicable sections of the state of California, Division of Safety or Cal-OSHA;

9. A fill less than one foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one lot and does not obstruct any drainage course;

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10. A fill less than three feet in depth, not intended to support structures or mobile homes, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course;

11. Clearing, brushing, and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property, or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in dumping of organic or hazardous waste not regulated by law. This grading includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three vertical feet of either excavation or fill for row crops, installation of irrigation systems, and stockpiling of fertilizer or other amendments.

B. Grading Permit, Paving. No person shall construct pavement surfacing in excess of five thousand (5,000) square feet, on natural or existing grade for the purpose of a private road or driveway, commercial, industrial, or multi-residential parking lot or travelway without a valid grading permit unless waived by the City Engineer or a separate improvement plan is approved and signed by the City Engineer. Resurfacing or maintenance of paved surfaces is exempt from this requirement.

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8.21.030 Hazards.

A. Hazardous Conditions.

1. Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage devices are situated on private property in such a manner that they are a hazard to life or limb, or a danger to public safety, or endangers the safety, usability, or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.

2. The City Engineer or designee (including City code compliance) may examine, or cause to be examined, every condition reported as hazardous as set forth in subsection (A)(1) of this section.

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3. Upon confirmation of a hazardous condition, the City Engineer or designee (including code compliance) shall provide written notification to the owner or agent in control of property with confirmed hazardous condition requiring mitigation of said hazardous condition and stipulation of an acceptable time frame for compliance.

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4. The owner or agent in control shall comply with any demand for corrective work or repairs as required. In the event that corrective action is not completed within the period as specified in writing, the City may exercise any available legal recourse for correction of said hazardous condition.

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8.21.040 Definitions.

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The words and phrases set out in this section, when used in this chapter, shall, for the purpose of this chapter, have the following respective meanings except where the context clearly indicates a different meaning:

"Approval" means a written engineering or geological opinion by the responsible engineer, geologist of record, or responsible principal of the engineering company, whichever is applicable, concerning the satisfactory progress and completion of the grading work, unless it specifically refers to the City Engineer.

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"Approved plans" means the current grading plans, which bear the City Engineer's signature of approval on the plans.

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"Approved testing agency" means the facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the City Engineer.

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"As-graded" means the surface configuration upon completion of grading.

"Bedrock" means in-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, geotechnical engineer or registered civil engineer, as bedrock.

"Bench" means a relatively level step excavated into stable earth material on which fill is to be placed.

"Borrow" means earth material acquired from an offsite location for use in grading on a site.

"Borrow Site Permit" means a permit that is issued to complete borrow grading operations as defined above.

"California Building Code (CBC)" means the California Code of Regulations Title 24 as adopted by ordinance by the City Council of the City of Moreno Valley.

"Civil engineer" means a professional engineer registered in the State of California authorized to practice in the field of civil engineering. For a complete

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definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Clearing, brushing and grubbing" means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

"Compaction" means the densification of a fill by mechanical means.

"Earth material" means any rock, natural soil, or fill and/or any combination thereof.

"Engineering geologist" means a geologist certified in the state of California to practice engineering geology. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Erosion control system" means a combination of desilting facilities, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities, and receiving waters from the deposition of sediment or dust.

"Excavation" means the mechanical removal of earth material.

"Fault" means a fracture in the earth's crust along which movement has occurred. A fault is considered active if movement has occurred within the last eleven thousand (11,000) years (Holocene geologic time).

"Fill" means the deposit of earth material placed by artificial means.

"Geotechnical engineer" see "soil engineer". For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Geotechnical report" means a report, which contains all appropriate soil engineering, geologic, hydrologic, and seismic information, evaluation, recommendations, and findings.

"Grade" means the vertical elevation of the ground surface.

Grade, Existing. "Existing grade" means the ground surface prior to grading.

Grade, Finish. "Finish grade" means the final grade of the site, which conforms to the approved plans.

Grade, Natural. "Natural grade" means the ground surface unaltered by artificial means.

Grade, Rough. "Rough grade" means the stage at which the grade approximately conforms to the approved plans.

"Grading" means any excavation or filling or combination thereof.

"Grading contractor" means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

"Grading permit" means an official document or certificate issued by the City Engineer authorizing grading activity as specified by approved plans and specifications.

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"Hillside site" means a site with a natural slope of ten (10) percent or more as further defined in Section 9.03.040(B) of this code.

"Indeterminate stockpile" means storage of soil for an indeterminate period of time in excess of the time permitted for a temporary stockpile.

Deleted: "International Building Code (IBC)" means the California Code of Regulations Title 24 as adopted by ordinance by the city council of the city of Moreno Valley.

"Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Keyway" means an excavated trench into competent earth material beneath the toe of a proposed fill slope.

"Landslide" means the downward and outward movement of soil, rock, fill or a combination thereof.

"Mass grading" means grading that is completed on a large scale over a large area prior to preliminary grading and which when completed is within two vertical feet of the sites final grade elevations.

"Mass grading permit" means a permit that is issued to complete mass grading operations as defined above.

"Massive landslide" means a landslide too large to be stabilized by retaining methods or normal control methods.

"NPDES" stands for National Pollutant Discharge Elimination System.

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"Owner" means any person, agency, firm, or corporation having a legal or equitable interest in a given real property.

"Precise grading permit" means a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations and all on-site improvements.

"Permeable Paving" means a special type of pavement that allows rain to pass through the paved surface into the ground beneath, thereby reducing the runoff from a site.

"Preliminary grading permit" means a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the City Engineer.

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"References" unless indicated otherwise, or as reasonably appears from the context, references in this chapter to the civil engineer, engineering geologist, geotechnical engineer and soils engineer refer to the professional person(s) preparing, signing, stamping or approving the project plans and specifications which comprise the approved grading plan, and which professional person(s) appears of record pursuant to Section 8.21.170(D) of this chapter, or his/her successor appearing pursuant to Section 8.21.170(E) of this chapter.

"Retaining wall" means a wall designed to resist the lateral displacement of soil or other materials.

"Rough Grading Permit" means a permit that is issued to complete rough grading operations as defined in this section.

"Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" means any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times one hundred (100).

"Slope stability—Gross stability" means the factor of safety against failure of the slope material below the surface approximately three to four feet deep measured from and perpendicular to the slope face.

"Slope stability—Surficial stability" means the factor of safety against failure of the outer three to four feet of slope material measured from and perpendicular to the slope face.

"Soil" means naturally occurring surficial deposits overlaying bedrock.

"Soil engineer (geotechnical engineer)" means a civil engineer registered in the State of California experienced and knowledgeable in the area of soil mechanics. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Soil engineering (geotechnical engineering)" is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials.

"Sulfate (SO_4)" means a chemical compound occurring in soil or water, which in concentration, has a corrosive effect on ordinary portland cement concrete and some materials.

"Temporary stockpile" means the temporary storage of earth material greater than fifty (50) cubic yards for a period not to exceed the term of the grading permit issued for the project associated with the stockpile.

"Terrace" means a relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

"WDID# means Waste Discharge Identification number.

8.21.050 Grading permit requirements.

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A. Application for Permit.

1. The application for a grading permit shall be made on a form as provided by the City Engineer. All required discretionary approvals under the zoning ordinance and municipal code must be obtained prior to issuance of a grading permit.

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2. No grading permit for a development project subject to approval by the planning commission, city council or administrative approval process shall be issued until

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such commission, council or administrative process has approved the grading concept as part of the discretionary approval process. Any application for a grading permit which effects environmentally sensitive areas shall contain information showing that the proposed grading will be accomplished without significant harm to the environment or appropriate environmental mitigation measures that have been identified within an environmental impact report for the proposed site have been complied with.

B. Responsibility of Land Owners.

1. It is unlawful for any persons owning, leasing, occupying or having charge of any real property in the City to stockpile, deposit, or allow the placement, construction or deposition of earth material on any real property in excess of fifty (50) cubic yards without first obtaining a grading permit as hereinafter described (unless exempt as noted in Section 8.21.020 exceptions. Processing of said earth material must result in a relative compaction of at least ninety (90) percent of the maximum density compaction of the surrounding material, unless otherwise provided for as part of an approved grading plan.

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2. Clearing, brushing and grubbing of vegetation done in preparation of land development shall not be undertaken until all discretionary approvals for the land development project have been issued and a grading permit for the project has been obtained. For the purposes of this section, land development shall be defined as any use of real property for which discretionary approval is required as further defined in the this code.

3. A grading permit issued by the City Engineer is required prior to any grading or clearing and grubbing operations on:

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a. Previously undisturbed land; or

b. Land covered by native vegetation; or

c. Land which has not been used for agricultural purposes for three years immediately prior to the initiation of a grading operation for the purpose of conducting agricultural activities.

A grading permit may be issued by the City Engineer, prior to discretionary approval, if the City Engineer, in cooperation with the planning official, determines that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause the elimination of any significant wildlife habitat for riparian area.

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4. This section shall not regulate routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation upon the order of the fire marshal for the elimination of a potential fire hazard.

C. Types of Grading Permits.

1. Either a mass grading permit, borrow site permit, rough grading permit, preliminary grading permit, precise grading permit or a stockpile permit all as defined in Section 8.21.040 of this chapter may be issued for grading work upon completion of a proper application and approval by the City Engineer.

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2. Building permits may be issued for a site graded under an approved grading plan and valid grading permit upon completion and approval of rough grade and geotechnical inspection as specified in Section 8.21.170 of this chapter. Building permits for construction of model homes may be issued for the model home sites only, prior to completion of rough grading for the site, provided that rough grading has been completed and approved as noted for the model home sites.

3. Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading plan has been approved and a permit has been issued and the provisions as noted above have been satisfied.

D. Stockpile Permits.

1. A temporary stockpile permit is subject to conditions which may include, but not limited to, the following items: a stockpile plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, fencing, hydroseeding or other maintenance requirements. Other conditions may be established, even after the permit has been issued, in the interest of public health, safety or welfare, and shall be as determined by the City Engineer.

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2. An indeterminate stockpile permit may be issued for soil that is to be used for the future development of the stockpile site where there is no current project, or for storage of soil for current or future sale, or for some other purpose as stated by the property owner. Requests for indeterminate stockpile permits will be reviewed on a case-by-case basis. Such requests may be considered to be the establishment of a business and may require review by other City department or divisions and shall be subject to all of the conditions of approval for such projects. An indeterminate stockpile permit is subject to all of the same requirements as a temporary stockpile permit.

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E. Grading Permit Application. A grading permit application shall consist of the following items and forms completed and signed by the applicant or his/her representative, unless otherwise specified by the City Engineer:

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1. Application form;

2. Four sets of grading plans;

3. Two copies of a preliminary soils report (see subsection (M)(1) of this section);

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4. Two copies of a preliminary geology report if applicable (see subsection (M)(2) of this section);

5. Two sets of erosion control plans;

6. Payment of the grading plan check and inspection fees.

The City Engineer will inspect the project site as necessary and determine whether additional reports or other data are required prior to issuance of a grading permit. The City Engineer will notify the applicant of his determination.

F. Grading Plan Clearances. The City Engineer shall notify the applicant when clearance is required for the project from other departments or divisions within the City as well as clearance required from other agencies. All required clearances from other departments, divisions or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the grading permit. The City Engineer will not notify the applicant for South Coast Air Quality District (SCAQMD) required clearances and permits.

G. Data to Accompany Application.

1. A grading plan, approved and signed by a California registered civil engineer, soils engineer and engineering geologist shall accompany each application for a grading permit, unless waived by the City Engineer. The grading plans shall be prepared on twenty-four (24) inch by thirty-six (36) inch Mylar film with a standard City title block, and shall be drawn in ink. The plans shall show the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within fifteen (15) feet of the common property lines.

2. Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, engineering geology report, and the grading plans and specifications. All such plans shall be drawn to engineering scales as approved by the City Engineer. The title sheet of the plan set shall contain the names, addresses and phone numbers of the site owner, the civil engineer responsible for the plans preparation, the project soil engineer and engineering geologist, including registration numbers. The title sheet shall also contain a locality sketch of the project site.

3. A statement of quantities shall be furnished, giving the estimated cubic yards of excavation, embankment, fill, and shrinkage or swell factor. Also, types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work.

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4. The grading plans shall show scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement.

H. Grading Plan Check. All grading plans submitted to the City will be checked for conformance with the provisions of this chapter, conditions of approval, the City of Moreno Valley Municipal Code, applicable specific plans, other City ordinances, rules and regulations, all applicable Federal and State requirements, 2010 California Code of Regulations Title 24, Chapter 11 accessibility requirements, City technical requirements and plan requirements, and any other applicable requirements for the development.

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I. Mass Grading Plans, Rough Grading Plans, Stockpile Plans, Borrow Site Plans and Preliminary Grading Plans. The plans shall include, but not limited to, the following information.

1. Vicinity map of the site;

2. Property limits clearly labeled or otherwise identified, accurate contours of existing ground and details of terrain, and area of drainage a minimum of fifteen (15) feet beyond the property limits (spot elevations may be used on flatland sites);

3. Prominent existing or natural terrain features;

4. Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices, and related construction;

5. Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work, together with a map showing the drainage area and estimated runoff from the area served by the drains;

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings of structures on land of adjacent owners which may be affected by the proposed grading operations;

7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the City engineer, the permittee shall submit a haul route for review and approval by the public works department, land development division. The City Engineer may prescribe as a condition of the grading permit and submitted haul route, alternate routes or special requirement in consideration on the possible impact on the adjacent community environment or effect on the public right-of-way itself;

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8. Additional plans, drawings, calculations, environmental impact information, or other reports and information required by the City Engineer.

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J. Precise Grading Plans. The plans shall include of the information required in subsection I of this section plus the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage including spot elevations for the drainage swales, details for building footings and sideyard swale relationship (including extra height of or deepened footings), and all proposed PCC flatwork and PCC/AC driveways.

K. Grading Plan Correction Sheet. A grading plan standards and correction sheet which is used as the basis for plan checking, is available from the Public Works Department, Land Development Division which identifies the items typically required on grading plans depending on site conditions.

L. Geotechnical Reports. A soil engineering and engineering geology report shall be required for all grading projects unless otherwise waived by the City Engineer. The reports shall include information useful to the site and any additional information required by the City Engineer. Recommendations included in the reports and approved by the City Engineer, shall be incorporated into the grading plans and specifications. The Building Official may require a soil report of additional information related to the building structure in accordance with the California Code of Regulations Title 24 (IBC).

M. Geotechnical Report Standards. Two copies of each geotechnical report required in subsection L of this section, shall be submitted as part of the application for a grading permit. Each report shall contain information applicable to the project as shall be prepared in accordance with generally accepted geotechnical engineering practice. Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

1. Preliminary Soil Report. Soil engineering reports shall be required for all residential subdivisions, commercial or industrial development projects, multi- residential projects, and similar developments for which a grading permit is required. Soil reports shall also be required for grading or building permits on single lot projects when specified by the City Engineer or Building Official. The preliminary (initial) soil engineering report shall include information and data regarding the nature, distribution, and physical and chemical properties of existing soils, conclusions as to the adequacy of the site for the proposed grading, recommendations for general and corrective grading procedures, foundation and pavement design criteria, and shall provide other recommendations, as necessary, for the project grading and development.

2. Preliminary Engineering Geology Report. Engineering geologic reports shall be required for all developments on hillside sites where geologic conditions are considered to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the City Engineer. The preliminary (initial) engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary, a geologic

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map; and opinion as to the adequacy of the proposed development from an engineering geologic standpoint; and opinion as to the extent that known or as reasonably should be known instability on adjacent properties may adversely effect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed project; and specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development; and shall provide other recommendations as necessary for the project grading and development. The preliminary engineering geology report may be combined with the soil engineering report.

3. Seismicity Report. A seismicity report as determined by the City Engineer, may be required as a condition for issuance of a grading permit and/or building permit for all residential subdivisions, and for commercial or industrial developments, and shall be required as a condition of development for all essential facilities (as defined in the California Building Code) or as determined by the City Engineer, Building Official or Planning Official. Additionally, sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report as a condition for issuance of a grading permit. The report shall be prepared by an engineering geologist, geophysicist, or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The seismicity report may be combined with the soil and engineering geology reports.

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N. Import and Export of Earth Material. Where an excess of five thousand (5,000) cubic yards of earth material for a project site is moved on public roadways to or from the project site as part of the grading operations, all of the following requirements shall apply:

1. Either water of dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth to or from the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way, used for transporting materials, in a condition free of dust, earth, or debris attributed to the grading operations.

2. Loading and transporting of earth materials to or from the site must be accomplished within the limitations established in subsection O of this section.

3. Access roads to the site shall be only at points designated on the approved grading plans.

4. At a minimum, the first fifty (50) feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a three hundred (300) foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five percent grade or three

hundred (300) foot sight distance requirements can not be obtained due to site constraints, then flagman shall be posted at the access road and shall remain for the entire duration of material transportation operations.

5. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.

6. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer and shall be posted on the public roadway in the vicinity of the access intersection as required by the current State of California Department of Transportation "Manual of Traffic Control—Warning Signs, Lights and Devices for use in Performance of Work Upon Highways." The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation "Traffic Manual." The advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

O. Time of Grading Operations. Grading and equipment operations shall only be completed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding holidays and from 8:00 a.m. to 4:00 p.m. on weekends and holidays. The City Engineer may, however, permit grading or equipment operations before or after the allowable hours of operation if he determines that such operations are not detrimental to the health, safety, or welfare of residents or the general public. Permitted hours of operations may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

P. Responsibility of Permittee. It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this chapter, and as contained on the approved grading plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable with the obvious and accessible location on the site, and with a copy of the grading plans bearing the stamp or signature of approval by the City Engineer. The applicant will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD) prior to beginning grading.

Q. Haul Routes. Where excavation of embankment material is imported or exported from one grading site to another, over public streets, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transportation of the materials on public streets.

Deviation from the designated haul route shall constitute a violation of the condition of the permit issued under this chapter. When the City Engineer does specify a route, he shall do so in writing on the permit document, and shall immediately notify the Traffic Division of the Public Works department as well as the traffic division of the City police department, that said haul route has been specified and approved.

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The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractor or project site owner/permittee, moving earth materials in violation of the chapter, shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Moreno Valley the cost, as determined by the City Engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the City Engineer.

At least twenty-four (24) hours before hauling is to commence, the applicant shall be required to notify the City of Moreno Valley Public Works Department, Traffic Division, and Land Development Division as well as the City Police Department, Traffic Division. The permit may specify other necessary conditions or restrictions, where the use of public streets would disrupt the normal traffic activities or cause a public inconvenience.

R. Debris on Public Streets. Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the provisions of this chapter, shall refrain from depositing dirt or debris on public streets by any means, including but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The City Engineer may require a cash deposit to insure the clean-up of public streets.

S. Clean-Up. The permittee conducting any earth-moving operation under this chapter which requires vehicles to haul earth materials, including but not limited to, earth, mud, rock or other materials, on any public streets shall be responsible for the complete removal of such materials if spilled, dumped or deposited on a public street within twenty-four (24) hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the City to complete the removal, the permittee and/or property owner from where the material was removed from or deposited to, shall be liable to pay the City the full cost of such removal work. A cash deposit may be required to insure cleanup of public streets.

T. Dust Control. The contractor or permittee conducting any earth-moving or grading operation under this chapter shall be responsible for controlling dust at all times. The owner, contractor and permittee shall be responsible for implementing any and all Best Management Practices (BMPs) for all grading and earth-moving operations in accordance with the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

U. Protection of Adjoining Property. Each adjacent owner is entitled to the lateral and subjacent support which his/her land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

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1. Any owner of land or his lessee intending to permit or to make an excavation greater than ten (10) feet in depth within fifty (50) feet of his property line(s) shall give reasonable notice to the owner or owners of land abutting the property line(s) affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken so that the soil of adjoining properties will not cave in or settle without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to of greater depth than are the walls or foundation of an adjoining building or other structure, and the distance from the edge of the excavation to an adjoining building or other structure is less than the depth of the excavation, then the permittee or person completing the excavation must take any and all necessary steps to protect the adjacent building or other structure from possible damage resulting from the excavation or the permittee or person completing the excavation must notify the owner of the adjoining building or other structure and allow at least ten (10) days, if so desired, in which to take measures to protect the same from any damage, or to brace or extend the foundations of the noted building or other structure from possible damage from the excavation.

V. Issuance, Expiration and Renewal.

1. Every grading permit issued shall be valid for a period of one hundred eighty (180) days from the date of issuance.

2. Every permit shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

3. The time limitations for all grading permits issued by the City are also subject to the following provisions:

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a. A permit issued in accordance with these requirements shall expire upon a change of ownership, if the grading work thereon, for which said permit was issued has not been completed, and a new permit shall be required for the completion of the work. If the time limitations as noted above are not applicable, and if no changes have been made to the plans and specifications last submitted to the City Engineer, no charge shall be made for the issuance of a new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the City Engineer, fees based on the valuation of the additional or new work, additional yardage and necessary plan checking shall be charged to the permit applicant.

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b. The City Engineer may extend the one hundred eighty (180) day expiration time limit on permits not to exceed three successive periods for one hundred eighty (180) days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

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4. The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued.

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5. If the permittee presents satisfactory reasons for failure to begin or complete the work within the periods specified above, the City Engineer, upon written request, may grant an extension of time reasonably necessary or as specified in subsection (V)(3)(b) of this section for an additional three hundred sixty-five (365) days without additional fees, provided that:

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a. No changes have been made in the original plans and specifications for such work.

b. Suspension of abandonment has not exceeded one hundred eighty (180) days.

c. A re-endorsement of the compliance of the plans with the current and applicable regulations has been obtained by the permittee from the Land Development Division.

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Such requests for extensions must be submitted no later than the thirtieth day following the date on which said permit would otherwise expire.

6. If the permittee is unable to complete the work by the end of a two calendar year period (initial one hundred eighty (180) days plus one and one-half year extension) or fails to request an extension within the time provided in subsection (V)(5) of this section, the City Engineer, upon written request and justification, may renew the grading permit for a fee of one-half the amount required for the original permit for such work, provided no changes have been made to the original plans and specifications for such work.

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W. Denial of Permit. The City Engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in debris being deposited on any public street or public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the City Engineer that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the City Engineer may issue a permit with the condition that such work be performed. If, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or

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sufficiently reduce the hazard to human life or property, the grading permit and any proposed building permits for habitable structures shall be denied.

The City Engineer may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The City Engineer may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated in accordance with the requirements of the California Environmental Quality Act (CEQA), deny the issuance of a grading permit.

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The City Engineer shall require plans and specifications to be modified in order to make them consistent with the City of Moreno Valley general plan, specific plans, municipal code requirements, or other rules, regulations, or conditions of approval applicable to the project. The City Engineer may deny the grading permit if the proposed project cannot be designed in accordance with this chapter, applicable rules, regulations, or conditions.

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8.21.060 Fees.

A. Plan-Checking Fees. Before accepting a set of plans and specifications for checking, the City Engineer shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures. The amount of plan-checking fee for grading plans is set forth by City Council resolution.

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The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the required fee for the entire project.

B. Review of Geotechnical Reports Fee. The fees paid in accordance with subsection A of this section (plan-checking fee) includes all necessary fees for review of all geotechnical report(s) for the project and no additional or separate fee will be charged for said review.

C. Grading Permit Fees. A fee for each grading permit shall be paid to the City Engineer for issuance of said permit. The fee for grading permit issuance is set forth by City Council resolution. The fee for a grading permit authorizing additional work to that under a valid grading permit shall be the difference between the fee paid for the original permit and the required fee for the entire project.

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8.21.070 Grading security.

The City Engineer may require bonds or other approved security in such form and amounts as may be deemed necessary to assure that the work for a valid grading permit is completed in accordance with the approved plans and specifications or to insure that the work, if not completed in accordance with the approved plans and specifications, will be

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corrected to eliminate any potentially hazardous condition without additional cost or obligation to the City. One form of security will be required to cover all grading and drainage facilities. Separate securities may be required for slope planting, landscaping, irrigation and erosion control.

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8.21.080 Cuts.

Cut slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

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Slope stability analysis shall be included in all soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height regardless of the slope ratio. The soil engineer shall consider both gross and surficial stability of the slope and provide a written statement approving the slope stability.

8.21.090 Fills.

A. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical (2:1), or where the base (toe) of the fill slope would be within twelve (12) feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer and/or engineering geologist which indicates that the stability of the slope is adequate and the proposed slope is approved by the City Engineer.

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B. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation; noncomplying fill; topsoil and other unsuitable materials; and by scarifying to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than five horizontal to one vertical (5:1), the ground shall be prepared by benching into sound bedrock, or other competent or formational material, as determined by the soil engineer and approved by the City Engineer. The lowermost bench beneath the toe of a fill slope shall be a minimum of ten (10) feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff, or an appropriate drainage system shall be provided.

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Where fill is to be placed over a cut slope, the bench under the toe of the fill shall be at least fifteen (15) feet wide and shall meet the approval of the soil engineer and/or engineering geologist as suitable foundation for the fill. Unsuitable soil is soil which is not dense, firm, or unyielding; is highly fractured; or has a high organic content; and in the opinion of the City Engineer, civil engineer of record, soil engineer, or engineering geologist is not competent to support other soil or fill, to support structures, or to satisfactorily perform the other functions for which the soil is intended.

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C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

The City Engineer may permit placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement, and approved the fill stability and competency. The following conditions shall also apply:

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1. Prior to issuance of a grading permit, potential rock disposal area(s) shall be identified on the grading plan.

2. Rock sizes greater than eighteen (18) inches shall be placed a minimum of six feet below grade, measured vertically and/or ten (10) feet measured horizontally from any slope face.

3. Rocks sizes greater than twelve (12) inches shall be placed so as to be completely surrounded by soil; no nesting of rocks will be permitted.

D. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of the maximum density as determined by ASTM D1557. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the City Engineer. At least twenty-five (25) percent of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results.

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Locations of the field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.

Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling.

E. Exceptions:

1. Fills excepted in Section 8.21.020 of this chapter if the City Engineer determines that compaction is not a necessary safety measure to aid in preventing saturation, settlement, slippage or erosion.

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2. Where lower density and very high potential expansion characteristics exist, (as defined in the California Building Code), lesser compaction requirements may be approved by the City Engineer upon justification and recommendation by the soil engineer.

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Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading operations to verify that the maximum density curves used are representative of the material placed throughout the fill.

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F. Fill Slopes. Fill slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

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All fill slopes shall be overfilled to a distance from finish slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finished grade to expose the compacted core. Alternate methods for fill slope compaction may be used by the grading contractor subject to approval by the soil engineer and City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil.

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A slope stability analysis shall be included in soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height, regardless of the slope ratio. The soil engineer shall consider both the gross and surficial stability of the slope and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial stability.

At least twenty (20) percent of the field density tests performed during grading shall be located within three feet of the final slope location, and at least one density test shall be taken in the outer twelve (12) inches of the finished slope face for every five thousand (5,000) square feet of slope area.

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G. Buttress/Stabilization Fills. Recommendations for buttress/stabilization fills by the soil engineer shall be included in the soil report setting forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudo static conditions, (analysis of pseudo static loads are not normally needed when the bedding planes are flatter than twelve (12) degrees from horizontal), laboratory test data upon which the calculations are based, a copy of the approved grading plan showing the location of the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

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H. Utility Line Backfill. Backfill for on-site utility line trenches, including but not limited to, water, sewer, gas, electrical, telephone and cable television services which effect the stability of foundations or other structures, or which are in sloping surfaces steeper than ten horizontal to one vertical (10:1), and which utilize onsite material as backfill, shall be compacted and tested in accordance with subsection D of this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling.

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Utility line trench backfill for on-site areas other than those stated above need no specific placement method or compaction criteria, but shall be sufficiently compacted to

preclude detrimental settlement. In no case shall this be construed to mean utility line trench backfill within any public rights-of-way.

The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements in accordance with subsection D of this section.

8.21.100 Setbacks.

A. General. The setbacks and other restrictions specified by this section are minimum and may be increased by the City Engineer or by the recommendation of the civil engineer of record, soil engineer or engineering geologist, if necessary for safety and stability, or to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. Where zoning requirements exceed the minimum herein, the zoning setbacks shall govern.

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B. Setbacks From Property Lines. The tops and toes of slopes shall be setback from the outer boundaries of the permit area, including slope right areas and easements, in accordance with Figures A and B. Lot lines shall be located at the top of slopes whenever possible.

C. Design Standards for Setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figures A and B. A usable side yard of at least five feet from any building wall shall be provided to the top or toe of a slope unless waived by the City Engineer.

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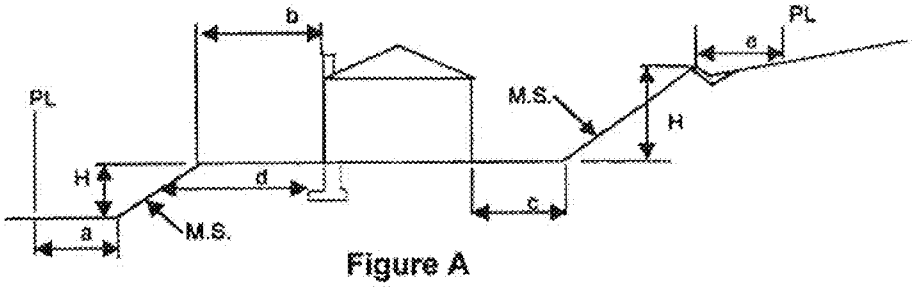

Figure A

Table A Minimum Setback from Adjacent Slope

H (hgt-ft)	a	b	c	d	e
0<6	3′	5′	3′	5′	3′
6 to 14	5′	5′	H/2	H/2 (5′Min)	3′
14 to 30	5′	H/2 (10′ Max)	H/2	H/2 (10′ max)	6′
30+	5′	10′ Max	15′ Max	10′ Max	6′

NOTES:

1 PL means property line and/or permit boundary. M.S. means manufactured surface.

2 Setbacks shall also comply with applicable zoning regulations.

3 Table A applies to manufactured slopes and 2:1 or steeper natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer.

4 "b" may be reduced to 5′ minimum if an approved drainage device is used; roof gutters and downspouts may also be required.

5 "b" may be reduced to less than 5′ if no drainage is carried on this side and if roof gutters are included; "d" may not be reduced.

6 If the slope between "a" and "b" is replaced by a retaining wall, "a" may be reduced to zero and "b" shall remain as shown in Table A. The height of the retaining wall shall be controlled by zoning regulations.

7 "b" is measured from the face of the structure to the top of the slope.

8 "d" is measured from the lower outside edge of the footing along a horizontal line to the face of the slope. Under special circumstances, "d" may be reduced as recommended in the soil report and approved by the Building Official

Figure B

Minimum Setback

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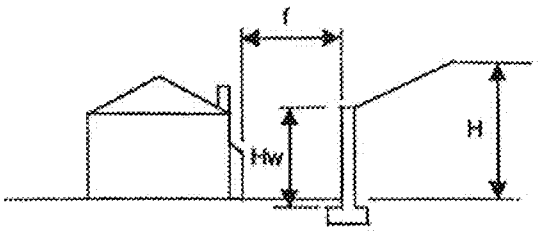

Figure B

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
0 to 6	3' Max	3' Min
6 to 8	4'	4'
8 to 10	5'	5'
10 to 12	6' Max	6'
12 to 30	6' Max	H/2
30+	6' Max	15' Max

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NOTES:

1 The use of retaining walls to reduce setbacks must be approved by the City Engineer.

2 "f" may be reduced to zero (0) feet if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from the project structural engineer and after the City Engineer approved the necessary drainage devices.

3 "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall.

8.21.110 Drainage and terracing.

A. General. Unless otherwise noted on the approved grading plan, drainage facilities and terracing of graded slopes shall conform to this section, to the currently adopted City design standards, this code and to Riverside County Flood Control and Water Conservation District's master drainage plans for the City, except where otherwise specified.

B. Terraces. Terraces at least eight feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill graded slopes in order to control surface drainage and debris. Where only one terrace is required, it shall be at the mid-height of the slope. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the project civil engineer based upon recommendations of the project soil engineer and approved by the City Engineer. Suitable access shall be provided to all terraces to permit proper cleaning and maintenance.

Terrace drains shall have a minimum gradient of two percent unless waived by the City Engineer. Terrace drains shall have a minimum depth at the deepest point of no less than one foot and a minimum paved width of at least three feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the project soil engineer and/or engineering geologist.

D. Storm Water Discharge. All drainage facilities shall be designed to carry storm water runoff to the nearest practicable drainage way approved by the City Engineer and/or other appropriate jurisdiction, as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters, or other devices as approved by the City Engineer.

E. Interceptor Drains. Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the City Engineer. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the City Engineer.

F. Storm water Runoff. Storm water runoff shall not be allowed to flow over cut or fill slopes, which are greater than five horizontal to one vertical (5:1), but shall be provided for as follows:

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1. Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than one percent. Where possible, drainage shall not be directed across other lots nor over cut or fill slopes.

2. When the above is not feasible, as determined by the City Engineer, storm water shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters, and carried to properly sized outfall or area drains which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of eighteen (18) inches deep.

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3. Where slopes are terraced at thirty (30) foot intervals, drainage shall be provided in paved ditches a minimum of thirty-six (36) inches wide and twelve (12) inches deep. Construction of the ditches shall be as described below, and shall be located on the terraces with one side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the drainage ditch requirements, if a satisfactory surety bond, or other means to grantee the improvement, is posted with the City.

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4. Down drains, interceptor drains and terrace drains shall be connected together to collect and transport all storm water runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for an unimpeded flow when terraces are crossed. Down drains, interceptor drains and terrace drains shall be constructed of portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the City Engineer. If pipe is used for down drains to transport runoff from terrace ditches, it shall be either reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material as approved by the City Engineer. Anchor lugs or collars may be required by the City Engineer if the pipe slope is equal to or greater than two horizontal to one vertical (2:1). Pipe specifications shall be approved by the City Engineer. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains.

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5. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials as approved by the City Engineer.

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G. Drainage Easements. For all drainage-ways where the continuous functioning of the drainage-way is essential to the protection and use of the property other than the lot on which the drainage-way is located, a covenant and/or deed restriction shall be recorded by the applicant, placing the responsibility for the

maintenance of the drainage-ways on the owner of record of each respective lot. Permanent off-site drainage easements, as required by the City Engineer, shall be acquired by the permittee. Such easements shall be subject to the approval of the City Engineer and City attorney and recorded prior to the issuance of the grading permit.

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8.21.120 Retaining walls.

Retaining walls shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geosynthetic fabric, or a combination of the aforementioned materials. Retaining walls shall be designed to resist all earth pressures acting upon them including embankment or structure/vehicle surcharge loads. All retaining walls shall be designed by a registered civil or structural engineer and submitted to the building division, including appropriate structural calculations, for review and approval prior to installation. All retaining walls that are to be constructed in connection with a grading plan shall be shown on the grading plan. Sufficient top of wall (TW) and top of footing (TF) elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations.

8.21.130 Expansive soils.

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A. Expansive soil is any soil with an expansion index greater than twenty (20), as determined by the expansion index tests (2010 California Building Code, Section 1803,

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B. Whenever expansive soils are encountered within four feet of the finish grade of any area intended or designed as a location for a building then the following shall be observed:

1. The permittee shall remove such expansive soil to a minimum depth of four feet below finish grade within the building footprint area. Nonexpansive, properly compacted soil shall then be installed in the area where the expansive soil was removed; or

2. In the event that sufficient non-expansive material is not readily available on site, the permittee may at his option import nonexpansive material to be used as fill or the soil engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project. The soil engineer shall, however, make recommendations for the design of footings, foundations, slabs, and other load bearing features, or other special procedures which will alleviate any potential problem created by the remaining expansive soils; or

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3. Based on recommendations for the soil engineer, expansive soil from cut areas may be placed in the lower extremities of embankments, and nonexpansive

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materials shall be reserved and stockpiled so that they may be placed as a cap over expansive soil. Whenever expansive soil is placed closer than four feet of finish grade, the soil engineer shall so indicate and make corrective recommendations as noted above.

8.21.140 Asphalt paving.

A. Requirements. For the purpose of this section, asphalt concrete (A.C.), aggregate base material (A.B.), prime coat, tack coat, and seal coat shall all meet the current material specification standards of the City of Moreno Valley for public road construction and/or the approval of the City Engineer.

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B. Subgrade Compaction. Compaction of subgrade materials shall be in accordance with the requirements of Section 8.21.090(D) of this chapter.

C. Soil Sterilization. Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

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D. Pavement Structural Section. The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots, service roads, private streets and dedicated streets on new private development projects. The structural section shall be based on:

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1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of test method number California 302 and anticipated traffic and/or loading conditions.

2. The design shall be determined by R-value testing in accordance with CalTrans design method with recommended safety factors. The minimum design structural section(s) for dedicated streets shall be as noted in the current edition of the City of Moreno Valley standard plans.

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E. Alternative Design Method for New Parking Lots/Service Roads and Private Streets. In lieu of the recommended structural section from the soil engineer or civil engineer based on testing as noted above, the following standards may be used for new private parking lots/service roads and private streets:

Industrial and Commercial Developments	**Min. Structural Section**
Parking area less driveways and perimeter drives	.25' AC / .33' AB
Driveways and perimeter drives for industrial developments	.25' AC / .83' AB
Driveways and perimeter drives for commercial developments	.25' AC / .67' AB

High Density Residential	
Parking areas and access lanes	.25' AC / .33' AB
Drives and areas subject to heavy truck use	.25' AC / .67' AB
Private Streets	
Structural roadway section for private streets	.30' AC / .50' AB

AC means asphalt concrete pavement.

AB means Class II aggregate base material.

E. Exceptions. The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than two single-family residences, proposed in conjunction with a project subject to a grading permit or to commercial, industrial or high-density residential developments where all pavements areas are constructed of Portland cement concrete (PCC) pavement.

8.21.150 Permeable surface designs

A. Permeable surface designs include, but is not limited to pervious concrete, permeable pavement, permeable pavers, and porous asphalt. These BMPs may be allowed in low flow traffic roads and parking lots and other paved areas upon approval from the City Engineer.

8.21.160 Erosion control.

A. General.

1. All earth moving or grading operations requiring a grading permit (as noted in Section 8.21.020 of this chapter) shall be required to also have an approved erosion control plan. In addition, any grading, clearing, brushing and grubbing within one hundred (100) feet of environmentally sensitive areas, is prohibited from October 1st to May 31st except for the following:

a. The construction and maintenance of erosion control systems, which have been approved by the City Engineer.

2. Grading work is prohibited on any single grading site under permit between October 1st and May 31st unless an erosion control plan has been approved or

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Deleted: F. Dedicated Streets. Structural pavement sections for dedicated residential development shall be as determined in accordance with Section 8.21.140. Minimum structural sections for dedicated city streets shall be as noted in the current addition of the city of Moreno Valley standard plans.

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waived by the City Engineer. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the City Engineer, shall be employed to control erosion and provide safety during this period.

3. The City Engineer may order restriction or cessation of land disturbance or development operations upon determination that the weather, soil, slope, or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site.

B. Erosion Control Plans.

1. Erosion control plans shall be submitted to the City Engineer for approval concurrent with the grading permit application and/or with grading plan submittal unless otherwise waived by the City Engineer. No grading permit shall be issued unless an erosion control plan has been submitted or waived by the City Engineer. The erosion control plan may be waived for grading on single residential lot projects, provided that an erosion control system, approved by the City Engineer, is installed, placed, planted or constructed before October 1st. An erosion control and/or sediment control plan is required for all projects if the City Engineer determines that erosion or sediment discharge adversely affects adjacent properties. The approved erosion control plan shall be updated if necessary by October 1st each year, for projects under a grading permit.

2. The erosion control plan shall include details of protective measures, including desiltation basins or other temporary drainage or control measures or both, as may be necessary to protect adjoining public or private property from damage by erosion, flooding, or mud and/or debris deposits which may originate from the site or result from the grading operations.

3. All slope planting, as required by the erosion control plans, which is to be completed after October 1st, will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding.

C. Submittal and Processing Requirements.

1. All projects requiring a grading permit must have erosion control plans submitted for approval. Projects that have an approved erosion control plan from the previous year must submit an updated erosion control plan for approval reflecting existing conditions or necessary changes that are needed for conformance with current conditions.

2. The erosion control plans must be approved and erosion control devices installed and certified and inspected as being properly constructed by the engineer of record. Sediment control must be continuously maintained throughout the construction process. Updating of the plans will be required for phases of construction not covered by the previously approved plans.

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3. Approval and processing of the erosion control plans requires payment of plan checking fees, inspection fees and the posting of securities as further noted in this section.

4. First submittal for erosion control plans shall include the plan checking fee, two blueline copies of the plans and two copies of the bond estimate.

D. Information on Erosion Control Plans. Erosion control plan shall include but not be limited to, the following information:

1. A twenty-four (24) hour telephone number of the person responsible for performing emergency erosion control work;

2. The stamp and signature of the civil engineer that prepared the erosion control plan;

3. The erosion control general notes (copies available for the public works department, land development division);

4. Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition;

5. Identification of the streets and drainage devices that will be completed and paved by October 1st;

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6. Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public;

7. Provision for maintaining access to desilting facilities during wet weather;

8. A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities;

9. Identification of discharge points where concentrated runoff occurs.

E. Erosion Control Systems.

1. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by berms, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading operations and shall be maintained throughout the development process.

2. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

3. All erosion control measures required to retain sediment on-site and to safely discharge any accelerated runoff generated by the project shall be installed during the initial construction phase of the project.

4. Desilting facilities shall be provided at drainage outlets from the graded site.

5. Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow sediment of suspended particles.

6. Desilting basins shall be constructed around the perimeter of projects. Basins should be located where maintenance access is provided from paved roads during wet weather.

7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report including the type of field-testing performed, location and results of testing, shall be submitted to the City Engineer for approval upon completing the desilting basin(s).

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8. Equipment and workers, for emergency work, shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed.

9. Unless otherwise approved by the City Engineer, erosion protection shall include effective planting of all slopes in excess of three feet in height. Slopes exceeding fifteen (15) feet in height may require an adequate sprinkler system, as determined by the City Engineer.

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10. All slopes greater than five feet in height shall be permanently landscaped with the landscaping established prior to October 1st. If the permanent landscaping is not installed and sufficiently established prior to October 1st, the slope(s) shall be covered with protective materials and soil stabilizers approved by the City Engineer.

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11. All disturbed slopes shall be planted and protected within forty-five (45) days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including but not limited to, rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability.

12. Erosion control provisions shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season.

13. Graded areas around the project perimeter must drain away from the face of slopes at the conclusion of each working day.

F. Erosion Control Maintenance.

1. Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any twelve (12) hour period, or upon direction of the City Engineer, silt and debris shall be removed form check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition.

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2. The performance of the erosion control system shall be evaluated by the City Engineer and revised and replaced as ordered.

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3. The construction and maintenance of all erosion control systems shall conform to the approved erosion control plan unless otherwise approved by the City Engineer.

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4. The contractor, permittee, or project owner shall be responsible for and take necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions may include, but not limited to, appropriate perimeter fencing, or a twenty-four (24) hour guard in order to prevent unauthorized persons from entering the basin(s).

5. Any sprinkler system, controlled by timers, used with an erosion control system, shall be inspected every thirty days to assure proper functioning of the timer device.

G. Erosion Control Design and Implementation.

1. If a project design includes grading or construction within one hundred (100) feet of any environmentally sensitive areas, additional erosion control measures may be required within all disturbed areas in order to minimize the impacts to the environment. These measures may require the approval of the City Engineer as well as approval and certification by the engineer of record for the project. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. The additional erosion control measures may include, but not limited to, installing protective materials and stabilizers, along banks and within waterways and over all disturbed areas. The additional erosion control measures may also include a full time (twenty-four (24) hour) on-site guard during storms and when the precipitation amount is expected to exceed one-half inch in any twenty-four (24) hour period. The precipitation forecast shall be as established by the National Weather Service.

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2. All erosion control systems require approval by the City Engineer and approval and certification by the engineer of record. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. All erosion control

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systems shall remain in place at all times for all areas in which construction is not scheduled to commence within the next seven days. All erosion control systems shall remain in place until May 31st. The May 31st date may be extended by the City Engineer upon determination that there is a substantial likelihood of significant precipitation after May 31. The City Engineer shall use information as provided by the National Weather Service to make such determination.

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3. All removable protective devices shown shall be in place at the end of each working day when the five day rain probability forecast exceeds forty (40) percent. The forecast shall be as determined by the National Weather Service.

4. The faces of cut and fill slopes and the project site shall be prepared and maintain to control erosion. Slope protection may be waived by the City Engineer for cut slopes, which are not subject to erosion because of the erosion resistant character of the materials.

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5. If construction of erosion control systems outside of the project boundaries are necessary, permission to construct such systems from the owner of such off-site property. Plans for the off-site systems shall be included with the on-site plans submitted to the City Engineer. The plans for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

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6. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion, which has been deposited on streets or sidewalks. Watering shall not be used to clean streets except for the removal of fine material not otherwise removed by sweeping or other mechanical means.

7. The contractor, permittee, or property owner shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the contractor, permittee, or property owner fails or refuses to properly maintain the erosion control devices, the City Engineer:

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a. May cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted for the erosion control security posted for the project pursuant to subsection (H)(4) of this section and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

b. Shall revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the City engineer is installed or necessary maintenance of an existing system is completed.

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8. If any grading subject to Section 8.21.020 of this chapter has commenced on private property without a valid grading permit, the property owner shall be required to obtain a valid permit before continuing and grading, and may be required to prepare and implement an erosion control plan, approved by the City Engineer. If the property owner fails to install an approved erosion control system, the City Engineer shall cause emergency work to be done to protect potentially impacted property and to protect environmentally sensitive areas. The procedures of subsections B, C and D of this section need not apply for emergency erosion control work between October 1st and May 31st. The cost of such emergency work shall be charged to the owner pursuant to the procedures set forth in subsection (H)(4) of this section.

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H. Erosion Control Security.

1. Requirement for Security. Prior to approval of the grading permit, an erosion control plans for the project site shall be submitted to and approved by the City Engineer and securities meeting the requirements contained herein shall be posted with the City. The security shall guarantee the following:

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a. Compliance with all provisions of this section and all other applicable ordinances;

b. Compliance with any and all terms and conditions of the permittee's approved erosion control plan;

c. Completion of the erosion control system, to the satisfaction of the City Engineer, and in accordance with the approved erosion control plan;

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d. Completion of all emergency and routine maintenance and repair of the erosion control system(s) to insure the continuous integrity of the system(s) to the satisfaction of the City Engineer and as may otherwise be required by this section;

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e. Restoration and repair of public streets or other property adversely impacted by erosion from permittee's project.

2. Amount and Form of Security. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the City and shall be subject to the review and approval of the City Engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City Engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and city attorney, and consist of one or more of the following:

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a. Cash deposit;

b. A bond;

c. A certificate of deposit;

d. A letter of credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government.

3. Failure to Provide Security. If a permittee fails to provide the security required by this section prior to October 1st each year, the City Engineer may revoke the permittee's grading permit without prior notice to the permittee. Any such revocation shall be in writing.

4. Use of Cash Deposit. The City Engineer may cause certain erosion control work to be done under any of the following circumstances:

a. Failure of the permittee to commence emergency repair or maintenance work within twelve (12) hours of receipt of a written demand therefor from the City Engineer, or within twelve (12) hours of the City Engineer's attempt to communicate such demand via the telephone number listed on the approved plans or as provided by the permittee.

b. Failure of the permittee to commence other repair or maintenance work within seventy-two (72) hours of receipt of a written demand therefore from the City Engineer.

c. Failure of the permittee to diligently pursue completion of any required repair or maintenance work or to complete such work within a reasonable time period established by the City Engineer.

d. Failure of the permittee to complete installation of a erosion control system prior to October 1st.

e. Failure of the permittee, after notice from the City Engineer, to clean or repair public streets or other public property, where debris, damage or erosion resulted from the permittee project.

The permittee shall be liable to the City for the cost of any repair work that was necessary as a result of and in accordance with the provisions of this section. The City Engineer may withdraw from the permittee's cash deposit for erosion control security, any funds necessary to pay for such work. The City Engineer shall notify the permittee of any withdrawal from the permittee's cash deposit. If the cost for such work exceeds the balance of the permittee's funds on deposit, the City Engineer shall cause an invoice to be sent to the permittee demanding payment of the amount by which the cost of the work exceeds the permittee's deposit. The permittee shall, within ten (10) days of receipt of such invoice, deposit with the City Engineer, that amount of cash necessary to bring the permittee's deposit up to its original balance. If the permittee fails to pay such amount in full within thirty (30) days from the date of the invoice, the permittee's grading permit shall be automatically revoked. Renewal of the grading permit shall not be completed

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until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the City imposed pursuant to the provisions of this section. Additionally, no further construction permits, including but not limited to, building permits or occupancy permits, shall be issued until such monetary obligations are fully satisfied.

5. Release of Security. On June 1st of each year, or upon the end of the actual rainy season (as determined by the City Engineer) whichever occurs later in time, the City Engineer may release any erosion control security posted or deposited pursuant to this section, upon receipt of a written request for such release by the permittee.

The City Engineer shall be responsible for determining the end of the rainy season if it occurs after May 31st of any given year. The determination shall be based upon available meteorological information.

The City Engineer shall not release a permittee's security if the permittee has an outstanding monetary obligation to the City incurred pursuant to the provisions of subsection (H)(4) of this section or if cleanup or repair of public streets or other public property for which the permittee is responsible, has not been completed to the satisfaction of the City Engineer.

Any unused portion of the permittee's erosion control security may also remain on deposit with the City throughout the grading of the project and not be released until completion of the landscaping improvements for the project if it is determined by the City Engineer that due to the nature, configuration, or location of the project, it is in the best interest of the City to retain said erosion control security until to projects completion.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

A. General Requirements. On September 2, 2009, the State Water Resources Control Board (SWRCB) approved waste discharge requirements associated with construction activity. The regulations affect all construction sites that disturb an area of one acre or more.

As a condition of the Santa Ana Regional Water Quality Control Board, a National Pollutant Discharge Elimination System permit will be required for all sites that disturb an area of one acre or more. Prior to issuance of a grading permit, each applicant shall provide an NPDES permit number (WDID#) to the City Engineer.

A complete NPDES permit for storm water runoff associated with construction activity application and general requirements may be obtained from the State Water Quality Control Board.

In general, the permit requires the following information to be filed with the California State Water Resource Control Board (SWRCB):

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1. A notice of intention (NOI). The NOI application is in the construction permit package;

2. Risk Assessment.

3. Site Map.

4. A stormwater pollution prevention plan (SWPPP). Conditions are outlined in the construction permit package;

5. Annual Fee.

6. Signed Certification Statement.

It is the permittee's responsibility to obtain the application package, complete the information and reports as noted above, and maintain the site throughout the duration of the project as required by the permit. All of the information noted above shall be maintained on-site during construction and shall be presented upon demand by State Water Resource Control Board inspectors, the City of Moreno Valley inspectors or any member of the public.

8.21.180 Grading inspection.

A. Grading Inspection.

1. Site Inspection by the City Engineer. Prior to any grading, brushing, or clearing, there shall be a pre-grading meeting held on the site unless waived by the City Engineer. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvement in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the City Engineer. The permittee, or agent for the permittee, shall notify the City Engineer and request the meeting(s) at least two working days prior to the meeting(s) and shall also be responsible for notifying all principals responsible for grading or paving operations.

It shall be the responsibility of the person doing the work authorized by a permit, to notice the City Engineer at least two working days prior to the work being ready for the following inspections:

a. Excavation and Fill Inspection.

i. Canyon Clean Out. After all brush and unsuitable material has been removed and an acceptable base has been exposed, but before any fill has been placed;

ii. Toe Bench and Key. After the natural ground or bedrock has been exposed and prepared to receive fill, but before fill is placed;

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iii. Over Excavation. After the area has been excavated but before fill is placed;

iv. Excavation. After the excavation has started, but before the vertical depth of the excavation exceeds ten (10) feet, and every ten (10) foot interval thereafter;

v. Fill. After the fill has started, but before the vertical height of the fill exceeds ten (10) feet and every ten (10) foot interval thereafter.

2. Concrete or Gunite Drainage Device Inspection.

a. Alley Gutter or Concrete Drainage Device. After the sub-grade is prepared and any reinforcement placed but prior to concrete placement and then again after concrete placement;

b. Terrace Drains, Down Drains, Brow Ditches. After grade has been established but before placement of welded wire mesh or reinforcement and then again after placement of concrete or gunite.

3. Other Drainage Devices.

a. Subdrains. After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfill;

b. City Storm Drains and Inlets. After installation of form-work and placement of reinforcement but before concrete placement and then again after placement of concrete and removal of form-work but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain;

c. Earth Swales. Prior to rough grading approval and then again prior to final grading approval.

4. Rough Grade Inspection.

a. When all rough grading as been completed. Inspection may be called for at the completion of rough grading after the City Engineer has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on City approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading approval.

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5. Paving Inspection (In Public Right-of-Way).

a. Subgrade. After subgrade has been established, tested, and approved by the soil engineer, or his qualified representative, the soil engineer may leave a field memo

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of compaction test results on site. The civil engineer shall provide approval of line and grade;

b. Base. After base course has been placed, tested, and approved by the soil engineer or his qualified representative, but prior to prime coat and asphalt placement, the soil engineer may leave a field memo of compaction test results on site. Material invoices or weight tickets shall be required;

c. Asphalt Concrete. During asphalt placement to verify compliance with plans and specifications. Material invoices or weight tickets shall be required. Prior to application of seal cost, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.

6. Final Inspection.

a. When all work, including installation of all drainage structures and other protective devices has been completed and all written professional approvals and the required reports have been submitted.

7. Siltation Control Facilities (October 1st to May 31st).

a. After excavation of desilting basins but prior to fill placement. Pre-fabricated drainage devices are to be available on site for inspection;

b. After fill placement of desiltation basins but prior to placement of concrete or other non-erosive materials (if applicable);

c. After completion of an erosion control system in accordance with an approved erosion control plan and the requirement of the City Engineer.

B. Notification of Non-Compliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not begin completed in accordance with the approved plans, specifications, recommendations or requirements of this chapter, the discrepancies shall immediately be reported in writing to the grading contractor, the owner and the City Engineer. Recommendations for corrective measures shall be submitted to the City Engineer for approval and shall be incorporated on to the approved plans upon approval by the City Engineer.

C. Special Inspections. The City Engineer may establish special inspection requirements in accordance with the 2010 edition of the California Building Code, amended, for special cases involving grading or paving related operations. Special cases may apply to work where, in the opinion of the City Engineer, it is necessary to supplement the resources or expertise available for inspection.

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D. General. It shall be the responsibility of the civil engineer that prepared the grading plans to incorporate the applicable recommendations for the soil engineering and engineering geology reports into the grading plan. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements, and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, unless waived by the City Engineer, and upon completion of the work, the submission of as-built grading plans incorporating all changes and/or additional made during construction.

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Soil engineering and engineering geology reports shall be required as specified in Section 8.21.190(A). During grading, all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted for distribution as required.

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The soil engineer's area of responsibility shall include, but not limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required, and incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but not limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the needs for subdrains or other ground water drainage devices. The engineering geologist shall report all findings to the soil engineer for engineering analysis.

The City Engineer shall inspect the project at various stages of work requiring approval, and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to insure conformance with the approved plans and specifications.

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When preliminary soil engineering reports are not required by the City Engineer, inspection and testing may be required by an approved testing agency. The testing agency's responsibility shall include, but not limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

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E. Transfer of Responsibility for Approval. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record are changed during the course of the work, the work may be stopped until:

1. The owner submits a letter of notification to the City Engineer verifying the change of the responsible professional; and

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2. The new responsible professional submits in writing that he has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that he concurs with the findings, conclusions, and

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recommendations, and is satisfied with the work performed. He must also state that he assumes all responsibility within his purview as of the specified date.

All exceptions to the noted requirements must be justified to the satisfaction of the City Engineer.

Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility without the requirement for written notification to the City Engineer.

F. Other Inspections by the City Engineer.

1. Prior to the approval of any building or grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

2. The permittee or agent for the permittee shall notify the City Engineer when the grading operations specified are ready for inspection.

3. If the inspector finds the soil or other conditions not as shown on the approved plans or stated in the geotechnical reports or as noted within any additional information which was required for issuance of the grading permit, he may issue a stop work order until approval is obtained for a revised grading plan or modification to any applicable reports which will conform to the actual site conditions.

4. The provisions of Section 115, Stop Orders, of the 2010California Building Code (CBC) shall apply to all grading work, whenever the City Engineer determines that any work does not comply with the terms of the permit, or this chapter, or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the City Engineer to proceed with the work.

5. Prior to issuance of building permits for a graded site, the rough grading shall be completed in accordance with the approved plans and specification, and this chapter, and to the satisfaction of the civil engineer, or architect, engineering geologist, soil engineer, and City Engineer.

6. Whenever any work on which inspection are required, is covered or concealed by additional work without first being inspected, the City Engineer may require, by written notice, that such work be exposed for examination. Any cost for exposing and recovering such noninspected work shall not entail or be subject to expense by the City.

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8.21.190 Completion of work.

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A. Final Reports. Upon completion of the rough grading work and at the final completion of the work under a grading permit, but prior to the release of grading security or issuance of a certificate of occupancy, the City Engineer will require:

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1. An as-built grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities location with scaled sections of all buttress/stabilization fill, and location and depth of all areas of unsuitable soil.

2. A written approval by the civil engineer approving the grading as being in conformance with the approved grading plan and which specifically approves the following items as appropriate to the project or stage of grading:

a. Construction of line and grade for all engineered drainage devices and retaining walls (rough and final grading);

b. Staking of property corners for proper building locations (rough grading);

c. Setting of all monuments in accordance with the recorded tract map (rough or final grading);

d. Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading);

e. Location and inclination of all manufactured slopes (rough and final grading);

f. Construction of earthen berms and positive building pad drainage (rough and final grading).

3. A soil engineering report (compaction report) prepared by the soil engineer, including type of field testing performed, stability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown, and the method of obtaining the in-place density described; either ASTM 1556-78 or the approved equal shall be so noted. The soil engineer shall provide written approval as to the adequacy of the site for the intended use, as effected by soil engineering factors and a statement of compliance to finish grade.

4. A geologic report prepared by the engineering geologist, including a final description of the geology of the site including any new information disclosed during the grading, and the effect of the same on recommendations incorporated in the approved grading plan. He shall provide written approval as to the adequacy of the site for the intended use as effected by geologic factors, a statement of compliance to finish grade, and when required by the City Engineer, shall submit an as-built geologic map.

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5. A statement of compliance prepared by the grading contractor that the work was completed in accordance with the approved plans may be required by the City Engineer in certain cases.

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B. Notification of Completion. The permittee or agent for the permittee shall notify the City Engineer when the grading operation is ready for inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed in accordance with the approved grading plan and the required reports and statements of compliance have been submitted and approved

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8.21.200 Penalty for violation.

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Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of law, shall be punishable by fine of not more than five hundred dollars ($500.00) or imprisonment for not more than six months, or by both. Each such person, firm or corporation shall be deemed guilty of a separate offence for every day during any portion of which any violations of any provisions of the chapter, including any physical condition created in violation of this chapter, is permitted, continued, or committed by such person, firm or corporation, and shall be punishable therefor as provided for in this chapter. Any lot, street, alley, road, driveway which is constructed contrary to the provisions of this chapter shall constitute a public nuisance.

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SECTION 3 EFFECT OF REENACTMENT:

3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4 SEVERABILITY:

4.1 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the

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fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 5 NOTICE OF ADOPTION:

5.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 6 NOTICE OF ADOPTION:

6.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the City.

SECTION 7 EFFECTIVE DATE:

7.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____

Mayor

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AGENDA

NOTICE AND CALL OF SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY MORENO VALLEY COMMUNITY SERVICES DISTRICT COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

June 14, 2011

SPECIAL MEETING – 5:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

AGENDA
SPECIAL MEETING OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

SPECIAL MEETING - 5:00 PM
REGULAR MEETING – 6:30 PM
JUNE 14, 2011

NOTICE IS HEREBY GIVEN that a special meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District and the Community Redevelopment Agency of the City of Moreno Valley will be held on June 14, 2011 commencing at 5:00 PM followed by a Regular Meeting at 6:30 PM in the City Council Chamber, City Hall, located at 14177 Frederick Street, Moreno Valley, California.

Said special meeting shall be for the purpose of:

*All Items on this Agenda, Except for those Items Indicating they are to be Considered on the Regular Meeting Agenda.

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY

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9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of May 18 - June 7, 2011.

A.4 TRACT MAP 22709 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

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Recommendation:

1. Adopt Resolution No. 2011-44 authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system; and

   Resolution No. 2011-44

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 22709, and Accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the Portion of John F. Kennedy Drive Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.5 PA04-0010 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: ONE MORENO VALLEY 240 LP, LONG BEACH, CA 90802 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-45 authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system; and

   Resolution No. 2011-45

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within PA04-0010, and Accepting the Portion of Perris Boulevard Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 TRACT MAP 22709-1 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE, AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON F.K.A. WESTERN PACIFIC HOUSING, INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-46 authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-46

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 22709-1, and Accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the Portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.7 TRACT MAP 31327 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: D.R. HORTON F.K.A. WESTERN PACIFIC HOUSING INC., IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-47 authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-47

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 31327 and Accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the Portions of Alessandro Avenue, Morrison Street and Bay Avenue Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.8 FINAL MAPS 29920, 29920-1, 29920-2, AND 29920-3--APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN CITY OF MORENO VALLEY AND PACIFIC MORENO VALLEY, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the Maintenance Agreement by and between the City of Moreno Valley (City) and Pacific Moreno Valley, Inc.;

2. Authorize the Mayor to execute the Maintenance Agreement;

3. Authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement;

4. Authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement;

5. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney; and

6. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

A.9 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) ("CFD No. 87-1") approve and adopt the following: Resolution No. 2011-48 to accept and approve the Special Tax Report for fiscal year (FY) 2011/12 regarding CFD No. 87-1; and

   Resolution No. 2011-48

   A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 87-1 (Towngate)

2. Approve and Adopt Resolution No. 2011-49 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

   Resolution No. 2011-49

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) of the City of Moreno Valley, Approving the Submittal of an Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 87-1

A.10 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following: Resolution No. 2011-50 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12 for CFD No. 87-1 Improvement Area No. 1; and

Resolution No. 2011-50

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Report for Fiscal Year 2010/11 Regarding Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1

2. Resolution No. 2011-51 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

Resolution No. 2011-51

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 87-1 Improvement Area No. 1

A.11 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING) (Report of: Public Works Department)

Recommendation:

Acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) ("CFD No. 3"), approve and adopt Resolution No. 2011-52 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12, on file in the office of the City Treasurer.

Resolution No. 2011-52

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

A.12 APPROVAL AND ACCEPTANCE OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4—MAINTENANCE FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation:

Acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4—Maintenance ("CFD No. 4—M") approve and adopt Resolution No. 2011-53 to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12.

Resolution No. 2011-53

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Annual Special Tax Report for Fiscal Year 2011/12 Regarding Community Facilities District No. 4-Maintenance

A.13 APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR FISCAL YEAR 2011/12 REGARDING MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5 (Report of: Public Works Department)

Recommendation:

1. Acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following: Resolution No. 2011-54 to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5.

Resolution No. 2011-54

A Resolution of the City Council of the City of Moreno Valley, California, Accepting and Approving the Annual Special Tax Report

for Fiscal Year 2011/12 Regarding Community Facilities District No. 5

2. Adopt Resolution No. 2011-55 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

Resolution No. 2011-55

A Resolution of the City Council of the City of Moreno Valley, California, Acting as the Legislative Body of Community Facilities District No. 5 of the City of Moreno Valley, Approving the Submittal of the Annual Accountability Report in Compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5

A.14 PA04-0004 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS, SOUTHWEST CORNER OF BAY AVENUE AND PAN AM BOULEVARD, DEVELOPER: MOVAL BAY APARTMENTS, L.P., IRVINE, CA 92614 (Report of: Public Works Department)

Recommendation:

1. Authorize the acceptance of certain public improvements associated with the project; and

2. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with project PA04-0004 for public improvements.

A.15 AUTHORIZE THE FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR STATE ROUTE 60/MORENO BEACH DRIVE INTERCHANGE AND NASON STREET OVERCROSSING IMPROVEMENTS -- PROJECT NO. 07-41570024 (Report of: Public Works Department)

Recommendation:

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014;

2. Authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc.; and

3. Authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86.

A.16 AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE - PROJECT NO. 08-41678827 (Report of: Public Works Department)

Recommendation:

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder;

2. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc.; on behalf of the City;

3. Authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties;

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney; and

5. Authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011.

A.17 ADOPTION OF THE PRIORITIZED GOALS AND ACTION PLAN DEVELOPED IN THE CITY COUNCIL GOAL SETTING WORKSHOP (Report of: City Manager's Office)

Recommendation:

Adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop.

A.18 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB)

MV00107250

STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS B7 & C3)

Recommendation:

1. Adopt Resolution No. 2011-62, classifying the various components of fund balance as defined in GASB Statement No. 54; and

   Resolution No. 2011-62

   A Resolution of the City Council of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

2. Designate the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance for inclusion in the annual financial reports.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 APPROVAL AND ACCEPTANCE OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation:

Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") and as the legislative body of Community Facilities District No. 1 ("CFD No. 1" or "District") approve and adopt Resolution No. CSD 2011-08 to accept and approve the CFD No. 1 Annual Special Tax Report for fiscal year 2011/12, which is on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

MV00107251

Resolution No. CSD 2011-08

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Accepting and Approving the Community Facilities District No. 1 Annual Special Tax Report for Fiscal Year 2011/12

B.4 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-1 (TOWNGATE) AND E-1A (RENAISSANCE PARK) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for CSD Project E-1/11 (the "Agreement") with Marina Landscape Inc.;

2. Authorize the President of the CSD Board to execute said Agreement with Marina Landscape Inc., and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to Marina Landscape Inc., in the amounts of:

   NINETY-SEVEN THOUSAND NINE HUNDRED AND SIX AND 80/100 DOLLARS ($97,906.80) for twelve (12) months of base maintenance services and;

   NINE THOUSAND SEVEN HUNDRED NINETY AND 68/100 DOLLARS ($9,790.68) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

B.5 AWARD OF CONTRACT – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-4/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-4 (MORENO VALLEY RANCH - EAST) AND E-4A (DAYBREAK) (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for CSD Project E-4/11 (the "Agreement") with TruGreen Landcare;

2. Authorize the President of the CSD Board to execute said Agreement with TruGreen Landcare, and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to TruGreen Landcare, in the amounts of:

ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED AND SIXTY-FOUR AND 76/100 DOLLARS ($179,564.76) for twelve (12) months of base maintenance services and;

FOURTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS ($14,800.00) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

B.6 FIRST EXTENSION OF CONTRACT - PROJECT NO. E-3/10 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (ZONE E-3) AND LASSELLE POWERLINE PARKWAY (ZONE E-3A) (CONTINUED FROM MAY 24, 2011) (Report of: Public Works Department)

Recommendation:

1. Approve the first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:

   a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($139,500.00) for twelve months of base maintenance service, and

   b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS ($13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

B.7 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS A18 & C3)

Recommendation:

Adopt Resolution No. CSD 2011-22, classifying the various components of fund balance as defined in GASB Statement No. 54.

Resolution No. CSD 2011-22

A Resolution of the Moreno Valley Community Services District, Classifying

MV00107253

the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) (ALSO LISTED AS A18 & B7)

Recommendation:

Acting in its capacity as the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. 2011-09, classifying the various components of fund balance as defined in GASB Statement No. 54.

Resolution No. RDA 2011-09

A Resolution of the Moreno Valley Community Services District, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS
ALL PUBLIC HEARING ITEMS TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 FIRST AMENDMENT - AQUABELLA DEVELOPMENT AGREEMENT (P11-029) (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

Conduct a public hearing and subsequently introduce Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

E.2 PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2011/12 (Report of: Public Works Department)

Recommendation: That the CSD:

1. Conduct a Public Hearing to approve and adopt the following proposed resolutions:

   Resolution No. CSD 2011-09

   A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone A (Parks and Community Services) Services During Fiscal Year 2011/2012

2. Approve and adopt the proposed Resolution No. CSD 2011-10;

   Resolution No. CSD 2011-10

   A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone B (Residential Street Lighting)

Services During Fiscal Year 2011/2012

3. Approve and adopt the proposed Resolution No. CSD 2011-11 (Zone C);

Resolution No. CSD 2011-11

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone C (Arterial Street Lighting and Intersection Lighting) Services During Fiscal Year 2011/2012

4. Approve and adopt the proposed Resolution No. CSD 2011-12 (Zone D);

Resolution No. CSD 2011-12

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone D (Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

5. Approve and adopt the proposed Resolution No. CSD 2011-13 (Zone E);

Resolution No. CSD 2011-13

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E (Extensive Landscape Maintenance) Services During Fiscal Year 2011/2012

6. Approve and adopt the proposed Resolution No. CSD 2011-14 (Zone E-1A);

Resolution No. CSD 2011-14

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-1A (Renaissance Park – Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

7. Approve and adopt the proposed Resolution No. CSD 2011-15 (Zone

E-3A);

Resolution No. CSD 2011-15

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-3A (Lasselle Powerline Parkway Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

8. Approve and adopt the proposed Resolution No. CSD 2011-16 (Zone E-4A);

Resolution No. CSD 2011-16

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone E-4A (Daybreak Development – Internal Parkway Landscape Maintenance) Services During Fiscal Year 2011/2012

9. Approve and adopt the proposed Resolution No. CSD 2011-17 (Zone M);

Resolution No. CSD 2011-17

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone M (Commercial/Industrial/Multifamily Improved Median Maintenance) Services During Fiscal Year 2011/2012

10. Approve and adopt the proposed Resolution No. CSD 2011-18 (ZoneS);

Resolution No. CSD 2011-18

A Resolution of the Moreno Valley Community Services District of the City of Moreno Valley, California, Approving the Calculation of the Parcel Charge for Providing Zone S (Sunnymead Boulevard Maintenance) Services During Fiscal Year 2011/2012

E.3 PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT

PROPOSED FISCAL YEAR (FY) 2011/2012 ANNUAL RATES (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice; and

2. Adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

Resolution No. 2011-56

A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll

E.4 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. 2011-57 establishing the appropriations limit at $89,463,807 for the City of Moreno Valley for Fiscal Year 2011-12.

Resolution No. 2011-57

A Resolution of the City Council of the City of Moreno Valley, California, Establishing the Appropriations Limit for Fiscal Year 2011-12

E.5 PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2011-12 (Report of: Financial & Administrative Services Department)

MV00107258

Recommendation: That the CSD:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. CSD 2011-19 establishing the appropriations limit at $14,416,480 for the Moreno Valley Community Services District for Fiscal Year 2011-12.

Resolution No. CSD 2011-19

A Resolution of the Moreno Valley Community Services District Establishing the Appropriations Limit for Fiscal Year 2011-12

E.6 A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA10-0035) TO IMPLEMENT NEW DESIGN STANDARDS TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

1. RECOGNIZE that PA10-0035 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and

2. Introduce Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

E.7 HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM IRONWOOD

AVENUE TO MANZANITA AVENUE PROJECT - PROJECT NO. 11-41570225 (Report of: Public Works Department)

Recommendation: That the City Council:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;

2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt;

4. Find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity;

5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct;

6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; That the Acquisition and Taking of the Easements In the Herein-Described Property is Necessary for the Project; That the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Properties [APN NOs: 474-

064-001, 474-120-008, and 474-120-024]; and

Resolution No. 2011-58

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easement in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES
a) Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG) (Informational Oral Presentation - not for Council action)

G.2 RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) 60/215 EAST JUNCTION CONSTRUCTION PROJECT (Informational Oral Presentation - Not for Council Action)

G.3 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department) ***ITEM TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA***

Recommendation: That the City Council:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail

ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

G.4 PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED SUB-ZONES FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE (Report of: Public Works Department) ***ITEM TO BE CONSIDERED UNDER THE REGULAR MEETING AGENDA***

Recommendation: That the City Council:
Acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone E annual parcel charge for Zone E-1 (TownGate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East) landscape areas.

G.5 ADOPTION OF A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CALPERS CONTRACT TO PROVIDE THE 2% AT AGE 55 AND THREE YEARS HIGHEST AVERAGE COMPENSATION CALCULATION RETIREMENT BENEFITS FOR NEWLY HIRED EMPLOYEES STARTING ON AUGUST 19, 2011, AND CONDUCT THE FIRST READING OF THE RELATED ORDINANCE AS REQUIRED BY CALPERS (Report of: Human Resources Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-59 , to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council City of Moreno Valley

Resolution No. 2011-59

A Resolution of the City Council of the City of Moreno Valley, California, to Approve an Amendment to Contract Between the Board of Administration California Public Employees' Retirement System and the City Council City of Moreno Valley

Ordinance No. 828

An Ordinance of the City of the City Council of the City of Moreno Valley, California Authorizing an Amendment to the Contract Between the City of Moreno Valley and the Board of Administration of the California Public Employees' Retirement System

G.6 ADOPTION OF FY2011/12-2012/13 OPERATING BUDGET (SUPPORTING MATERIALS PROVIDED UNDER SEPARATE COVER) (Report of: Financial & Administrative Services Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-60, approving the Operating Budget for the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

   Resolution No. 2011-60

   A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Operating Budget for Fiscal Years 2011/12 – 2012/13

2. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2011-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

   Resolution No. CSD 2011-20

   A Resolution of the Moreno Valley Community Services District, Adopting the Operating Budget for Fiscal Years 2011/12-2012/13

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-07, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

   Resolution No. RDA 2011-07

   A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California Adopting the Operating Budget for Fiscal Years 2011/12-2012/13

4. Approve the position control as detailed on pages 3-7 in the Proposed Operating Budget Book presented as Attachment A; and

5. Approve the elimination of Fire Truck 58 in FY 2011/12 and direct staff to reserve the additional $1.2 million in savings for the purchase

of a fire engine and the balance of savings for the operating costs to open the Morrison Park Fire Station.

G.7 ADOPTION OF FY 2011/12 CAPITAL IMPROVEMENT PLAN (Report of: Public Works Department)

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A");

   Resolution No. 2011-61

   A Resolution of the City Council of the City of Moreno Valley, California, Adopting the Capital Improvement Plan for Fiscal Year 2011-12

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"); and

   Resolution No. CSD 2011-21

   A Resolution of the Moreno Valley Community Services District, Adopting the Capital Improvement Plan for Fiscal Year 2011-12

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

   Resolution No. RDA 2011-08

   A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California adopting the Capital Improvement Plan for

Fiscal Year 2011-12

G.8 4TH OF JULY PARADE AT A REDUCED COST (STEWART)

G.9 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION

H.1 .1 INTRODUCTION OF ORDINANCE NO. 827 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (Report of: Public Works Department)

Recommendation: That the City Council:

Waive the reading of Ordinance No. 827, in its entirety and read by title only (roll call required) and introduce Ordinance No. 827 an Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

ITEM UNDER THE REGULAR MEETING AGENDA

Those wishing to speak should complete and submit a BLUE speaker slip to the

Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00107266

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

REGULAR MEETING - 6:30 PM
MAY 24, 2011

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:33 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by Council Member Robin N. Hastings

INVOCATION - Rev. Dennis Krueger, Shepherd of the Valley Lutheran Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Cindy Miller	Executive Assistant to the Mayor/City Council
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Chad Bianco	Police Lieutenant
Abdul Ahmad	Battalion Chief
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the Consent Calendar agenda items for public comments, which were received from David Zeitz (A10), Ms. Smith (B4), Deanna Reeder (A10, A17, and C4), Carolyn Defazio (A10), Ronald Meyers (A10), and Marcia Amino (B3).

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of May 4-17, 2011.

A.4 APPROVAL OF CHECK REGISTER FOR MARCH, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-37, approving the Check Register for the month of March, 2011 in the amount of $10,905,638.09.

Resolution No. 2011-37

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Check Register for the Month of March, 2011

A.5 TRACT MAP 29857-1 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF IRIS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: IRIS PARTNERS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-38 authorizing the acceptance of the public improvements within Tract Map 29857-1 as complete and

accepting the portion of Iris Avenue associated with the project into the City's maintained street system; and

Resolution No. 2011-38

A Resolution of the City Council of the City Of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 29857-1, and Accepting the Portion of Iris Avenue Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.6 APPROVE THE AMENDED SOLAR INITIATIVE PROGRAM FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

1. Approve the amended Moreno Valley Electric Utility (MVU) Solar Initiative Program, and the MVU Solar Incentive Program Overview and Guidelines; and

2. Authorize the Electric Utility Manager to implement and administer the MVU Solar Initiative Program and execute corresponding agreements.

A.7 PA10-0028 – APPROVAL OF PROPOSED RESOLUTION FOR A SUMMARY VACATION OF A PORTION OF BRODIAEA AVENUE WEST OF GRAHAM STREET LOCATED ALONG A PORTION OF PARCEL 3 OF PARCEL MAP 32326 AND A PORTION OF LOT 8 OF MAP 1 OF THE BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, NORTH SIDE OF BRODIAEA AVENUE WEST OF GRAHAM STREET, DEVELOPER: RIDGE MORENO VALLEY, LLC, LONG BEACH, CA. 90803 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-40, summarily vacating a portion of the north side of Brodiaea just west of Graham Street; and

Resolution No. 2011-40

A Resolution of the City Council of the City of Moreno Valley, California, Ordering the Summary Vacation of a Portion of Brodiaea

Avenue West of Graham Street Located Along a Portion of Parcel 3 of Parcel Map 32326 and a Portion of Lot 8 of Map 1 of the Bear Valley and Alessandro Development Company

2. Direct the City Clerk to certify said resolution and transmit a copy of the resolution to the County Recorder's office for recording.

A.8 PURCHASE OF FIRE ENGINE FOR MORRISON PARK FIRE STATION (Report of: Fire Department)

Recommendation:

1. Approve the purchase of a Multi-Function Type 1 Fire Engine and award a bid in the amount of $445,754 to SMEAL Fire Apparatus Company, Snyder Nebraska as being in the best interest of the City;

2. Approve the purchase of $50,000 in fire equipment from the Riverside County Fire Department for the Multi-Function Type 1 Fire Engine;

3. Approve the transfer of $200,000 from Fire Operations operating expense account (133.65110.6251.252) to Fire Operations vehicles expense account (133.65110.6641.645) to partially fund the Fire Engine (the $200,000 is anticipated Fire Department FY 2010/2011 savings);

4. Approve an appropriation in the amount of $295,754 from General Fund fund balance to Fire Services Operations Fund account number 133.65110.6641.645 in the amount of $445,754 and 133.65110.66441.648 in the amount of $50,000 to fund the purchase of the fire engine and fire equipment; and

5. Authorize the Financial & Administrative Services Director to issue a purchase order to SMEAL Fire Apparatus Company in the amount of $445,754 and issue a second purchase order to Riverside County Fire in the amount of $50,000 for the purchase of new fire equipment.

A.9 CITY HALL HEATING VENTILATION AND AIR CONDITIONING (HVAC) - ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT AWARD (Report of: Financial & Administrative Services Department)

Recommendation:

1. Ratify the contract award to Southcoast Heating & Air Conditioning, the lowest bidder, for the installation of the City Hall HVAC equipment, in the amount of $486,735 (four hundred eighty six thousand seven hundred and thirty five dollars) from EECBG funding in account number 229.80501.7200;

2. Ratify the contract award to Trane in the amount of $147,809.70 (one hundred forty seven thousand eight hundred and nine and seventy cents) for the purchase of two 75- ton roof top HVAC units and two 6-ton split system units for the MVTV3 City Hall Studio from EECBG funding in account number 229.80501.7200; and

3. Approve the addition of a 10% contingency fund in an amount of $46,673.00 (forty six thousand six hundred and seventy three dollars) to Southcoast Heating & Air Conditioning from monies in the FY 10/11 budget, account number 754.71425.7400 (will not affect the General Fund).

A.10 ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE IRONWOOD AVENUE WIDENING FROM PERRIS BOULEVARD TO NASON STREET PROJECT NO. 07-41572727 (Report of: Public Works Department)

Recommendation:
Adopt a Mitigated Negative Declaration (MND) for the Ironwood Avenue Widening from Perris Boulevard to Nason Street, Project No. 07-41572727, presented as Attachments B and C, in that mitigation measures included in the Initial Study and ultimately incorporated into the project specifications will reduce all potential environmental impacts to an acceptable level.

A.11 ANNUAL STATEMENT OF INVESTMENT POLICY (Report of: Financial & Administrative Services Department)

Recommendation:
Adopt Annual Statement of Investment Policy

A.12 RECEIPT OF QUARTERLY INVESTMENT REPORT – QUARTER ENDED MARCH 31, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:
Receive and file the Quarterly Investment Report, in compliance with the City's Investment Policy.

A.13 ADOPTION OF RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM C.3) (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-41 authorizing accepting the transfer of certain real property (the Moreno Valley Senior Center) from the RDA to the City of

Moreno Valley for an amount equal to $2,686,600.

Resolution No. 2011-41

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form and Authorizing the Execution of a Substitution of Trustee and Full Reconveyance Relating to a Deed of Trust Executed by the Community Redevelopment Agency of the City of Moreno Valley, as Trustor, for the Benefit of the City, as Beneficiary, and Approving the Transfer of Real Property conveyed by the Agency of the City

A.14 ADOPTION OF RESOLUTION OF THE CITY COUNCIL OF MORENO VALLEY AUTHORIZING CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE REFUNDING OF THE CITY'S VARIABLE RATE DEMAND CERTIFICATES OF PARTICIPATION (1997 CITY HALL REFINANCING PROJECT) (Report of: Financial & Administrative Services Department)

Recommendation:

1. Adopt Resolution 2011-42 authorizing the execution of certain lease financing documents in connection with the refunding of the City's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and authorizing and directing certain actions with respect there to;

   Resolution No. 2011-42

   A Resolution of the City Council of the City of Moreno Valley, California, Approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with the Refunding of the City's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and Authorizing and Directing Certain Recommendation: with Respect Thereto

2. Authorize the City Manager to approve an agreement for financial advisor services, in an amount not to exceed $28,500, with Fieldman Rolapp & Associates to serve as financial advisor for the recommended private placement debt issue; and

3. Authorize the City Manager to approve an agreement for bond counsel services, in an amount not to exceed $30,000 with Quint & Thimmig LLP to serve as Bond Counsel to complete the refunding through a private placement process.

A.15 ORDINANCE NO. 824 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING SECTION

1.10.080 AND 11.80.060 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE, RELATING TO CIVIL CITATIONS AND NOISE ENFORCEMENT (Report of: City Attorney)

Recommendation:

Adopt Ordinance No. 824.

Ordinance No. 824

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Sections 1.10.080 and 11.80.060 of the City of Moreno Valley Municipal Code, Relating to Civil Citations and Noise Enforcement

A.16 APPROVE STATE-LOCAL PARTNERSHIP PROGRAM (SLPP) FUNDING APPROPRIATION FOR HIGHLAND FAIRVIEW'S EUCALYPTUS AVENUE STREET IMPROVEMENTS PROJECT BETWEEN REDLANDS BOULEVARD AND THEODORE STREET SLPPCL10-5441(048) (Report of: Public Works Department)

Recommendation:

1. Accept and appropriate both $1 million State-Local Partnership Program (SLPP) grants, one for the Eucalyptus Avenue Street Improvement Project between Redlands Boulevard and Theodore Street and one for the Cactus Avenue Street Improvement Project between Lasselle Street and Nason Street, from the California Transportation Commission (CTC); and

2. Adopt Resolution No. 2011-43, authorizing the Public Works Director/City Engineer to execute the Program Supplement Agreements (PSA) with Caltrans for the Eucalyptus Avenue Street Improvement Project between Redlands Boulevard and Theodore Street, and the Cactus Avenue Street Improvement Project between Lasselle Street and Nason Street.

Resolution No. 2011-43

A Resolution of the City Council of the City of Moreno Valley, California, Approving and Authorizing Execution of Program Supplement Agreements to Administering Agency-State Agreements Between the State of California, Acting by and through the Department of Transportation, and the City of Moreno Valley

A.17 AMENDMENT NO. 1 - COOPERATION AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL & WATER DISTRICT, THE CITY OF MORENO VALLEY AND THE REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM C.4) (Report of: Community & Economic Development Department)

Recommendation:
Approve Amendment No. 1 for the Cooperation Agreement between Riverside County Flood Control, the City of Moreno Valley and the Redevelopment Agency of the City of Moreno Valley.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

B.3 SECOND EXTENSION OF CONTRACT - PROJECT NO. E-2/09 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - HIDDEN SPRINGS ZONE E-2 (Report of: Public Works Department)

Recommendation:

1. Approve the Extension Agreement for CSD Project No. E-2/09 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said Extension Agreement with Tropical Plaza Nursery, Inc., of Villa Park, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Tropical Plaza Nursery, Inc. in the amounts of:

   a.) ONE HUNDRED EIGHTY-EIGHT THOUSAND FOUR HUNDRED AND 00/100 DOLLARS ($188,400.00) for twelve months of base maintenance service, and

   b.) TWENTY NINE THOUSAND SIX HUNDRED AND 00/100 DOLLARS ($29,600.00) for anticipated Additional Work per Section 5 of the Extension Agreement.

B.4 FIRST EXTENSION OF CONTRACT - PROJECT NO. E-3/10 - MAINTENANCE OF EXTENSIVE LANDSCAPING AND IRRIGATION - MORENO VALLEY RANCH-WEST (ZONE E-3) AND LASSELLE POWERLINE PARKWAY (ZONE E-3A)(Report of: Public Works Department)

Recommendation:

1. Approve the first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:

   a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($139,500.00) for twelve months of base maintenance service, and

   b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS ($13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 ADOPTION OF RESOLUTION AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY FROM THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM A.13) (Report of: Financial & Administrative Services Department)

Recommendation:
Adopt Resolution No. RDA No. 2011-06 authorizing the transfer of certain real property (the Moreno Valley Senior Center) from the RDA to the City of Moreno Valley for an amount equal to $2,686,600.

Resolution No. RDA No. 2011-06

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Resolution Authorizing the Transfer of Certain Real Property to the City of Moreno Valley

C.4 AMENDMENT NO. 1 - COOPERATION AGREEMENT BETWEEN THE RIVERSIDE COUNTY FLOOD CONTROL & WATER DISTRICT, THE CITY OF MORENO VALLEY AND THE REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY (ALSO LISTED AS ITEM A.17) (Report of: Community & Economic Development Department)

Recommendation:
Approve Amendment No. 1 for the Cooperation Agreement between Riverside County Flood Control, the City of Moreno Valley and the Redevelopment Agency of the City of Moreno Valley.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF MAY 10, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Continue Agenda Item B4 to June 14, 2011 by m/Council Member William H. Batey II, s/Council Member Robin N. Hastings Approved by a vote of 5-0.

Motion to Approve Joint Consent Calendar Items A1 – D2, except Item B4, which was continued to June 14, 2011 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, AND THE BOARD OF LIBRARY TRUSTEES TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING
MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 7:24 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON ANY SUBJECT ON THE AGENDA UNDER THE JURISDICTION OF THE CORPORATION

President Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

SPECIAL ORDER OF BUSINESS

1 ADOPTION OF RESOLUTION OF THE BOARD OF DIRECTORS OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION AUTHORIZING THE EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS IN CONNECTION WITH THE REFUNDING OF THE CITY OF MORENO VALLEY VARIABLE RATE DEMAND CERTIFICATES OF PARTICIPATION (1997 CITY HALL REFINANCING PROJECT) (Report of: Financial & Administrative Services Department)

Recommendation:

The Board of Directors of the Moreno Valley Public Facilities Financing Corporation adopt Resolution No. MVPFFC 2011-01 authorizing the execution of certain lease financing documents in connection with the refunding of the City of Moreno Valley's Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and authorizing and directing certain actions with respect there to.

Resolution No. MVPFFC 2011-01

A Resolution of the Moreno Valley Public Facilities Financing Corporation of the City of Moreno Valley, California Approving the Form and Authorizing the Execution of Certain Lease Financing Documents in Connection with

the Refunding of the City of Moreno Valley Variable Rate Demand Certificates of Participation (1997 City Hall Refinancing Project), and Authorizing and Directing Certain Recommendation: with Respect Thereto

Motion to Approve by m/Board Member Robin N. Hastings, s/Board Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNMENT – 7:32 p.m.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, AND THE BOARD OF LIBRARY TRUSTEES

E. PUBLIC HEARINGS

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

Motion to Continue to July 12, 2011 by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

E.2 HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM PERRIS VALLEY STORM DRAIN LATERAL "B" TO CACTUS AVENUE PROJECT - PROJECT NO. 11-41570125 (Report of: Public Works Department)

Mayor Stewart opened the public testimony portion of the public hearing; there being none, public testimony was closed.

Recommendation:

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing;

2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easement necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

4. Find that the proposed "Factual Summary to Support Findings

Required in the Resolution," is true and correct as to the proposed Resolution of Necessity;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct;

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council; and

Resolution No. 2011-39

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Necessity Require the Acquisition of Property for Public Street and Highway Purposes Including Related Improvements and Facilities; that the Acquisition and Taking of the Easements in the Herein-Described Property is Necessary for the Project; that the Project is Planned in a Manner that is Most Compatible with the Greatest Public Good and the Least Private Injury; Authorizing Proceedings to be Commenced in Eminent Domain; and Authorizing the Deposit of Necessary Funds and the Payment of Necessary Expenses and Fees for Acquisition of Said Property; and Authorizing Counsel to Obtain an Order for Prejudgment Possession of the Subject Property [APN: 482-230-013]

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

Motion to Approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Council Member Batey reported the rail head is no longer an issue; Mayor Stewart reported March HealthCare has come to an impasse with CrossWord Church, chapel will remain in place.

G.2 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE MORENO VALLEY COMMUNITY SERVICES DISTRICT'S PROPOSED FISCAL YEAR 2011/12 ANNUAL CHARGES (Report of: Public Works Department)

President Stewart opened the agenda item for public comments, which were received from Deanna Reeder, E. Hernandez, Pete Bleckert, and Marcia Amino.

Recommendation: That the CSD:
Accept public comments regarding the proposed fiscal year (FY) 2011/2012 annual CSD charges. The proposed charges shall fund program services for parks, recreation programs and services, residential street lighting, arterial street lighting, parkway landscaping, extensive parkway landscaping, internal parkway landscaping, medians, and maintenance of certain Sunnymead Boulevard improvements. These programs, services, and associated charges are discussed in detail in the Preliminary Annual Levy Report, which is on file in the office of the City Clerk.

G.3 REPORT TO CONSIDER PUBLIC COMMENTS REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR 2011/2012 ANNUAL RATES. (Report of: Public Works Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

Hold a public meeting to accept public comments regarding the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" proposed Fiscal Year 2011/2012 annual rates.

G.4 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

None

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Pete Bleckert
1. Parks in Council District 1
2. Visits to Mexico

Marcia Amino
1. City of Santa Clarita CAL-ED Award
2. City Manager's Economic Development Plan
3. City Manager's salary and benefits
4. Storage of fire truck
5. Vehicle reimbursement

Deanna Reeder
1. June 2 Child-Teen Safety Workshop
2. Rancho Belago signs
3. Crime in Rancho Belago area

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member William H. Batey II
1. Congratulated Fire Fighter of the Year and Employees of the Quarter.
2. Thanked the businesses that provided training and internships for the

Workability Program.

Mayor Pro Tem Jesse L. Molina

1. Transfer of parkland inventory.
2. Attended Redistricting Committee meeting and encouraged attendance at future meetings to support the City being within one district, not split among several districts.
3. Requested to move quickly on the City Council Redistricting and hire a consultant.
4. Recognized those who fought for our rights on Memorial Day.
5. Wished everyone a safe Memorial Day.

Council Member Marcelo Co

1. Urged City Council to endorse a resolution regarding the Moreno Valley Unified School District high school site location.
2. Since census figures are available, requested a consultant be designated for the City Council Redistricting by the time Council returns from recess.
3. City can get to the point of no taxes by promoting revenue based business strategies.
4. Encouraged the public to participate in the City Council proceedings.
5. Memorial Day is to recognize those who have sacrificed for our freedoms.

Council Member Robin N. Hastings

1. Advised that Moreno Valley residents received robo calls from Riverside County Sheriff's Association that contained misinformation. Board of Supervisors approved a 10% reduction for the Sheriff's Department which is comparable to other County employee reductions for a one year period. The reduction will result in a 5-7% decrease in the City of Moreno Valley's police contract, which will be $2-3 million reduction. The reduction will impact the unincorporated County areas; it does not impact the level of service in Moreno Valley.
2. Attended Career Day at Moreno Elementary School and acknowledged the participants.
3. Attended the play Kila'Delphia.
4. Will be judging the talent contest at Hendricks Ranch Elementary School.
5. Advised the County redistricting of the Moreno Valley supervisorial district will remain the same.
6. Invited everyone to attend the Memorial Day Ceremony on May 30, and reminded everyone to remember to thank a veteran.

Mayor Richard A. Stewart

1. *Press Enterprise* article on crime rates.
2. CSD Zone parks fee of $87.50 has not changed since 1988. Mixed-in

cost items from the General Fund into districts ignore the reality of law. The districts are set-up to benefit the district, vandalism increases costs, the administrative fee is capped, and the bottom line is property owners get what they pay for.

3. Economic Development Plan is not limited, concentrates on assets.
4. In 1988, Rick Moore secured permission to store a fire truck at the City Yard. When Mayor Stewart purchased the fire truck, he stored it at his partner's backyard and then donated it to a museum.
5. Public should address issues and leave personalities out of it. Attacking the single largest landowner and businessman is ill advised.
6. Panera Bread is open.
7. Attended the Student of the Year Dinner. Announced one of the students received a Congressional appointment to the United States Air Force Academy.
8. Commended the police department.
9. City Council workshop was very successful, saw a commonality among Council Members.
10. Praised Don Allard, who recently passed away, for his commitment to the community, working with students, charities and service clubs.

ADJOURNMENT

Motion to adjourn in memory of Don Allard by m/Council Member Robin N. Hastings, s/Council Member William H. Batey II.
Approved by a vote of 5-0.

There being no further business to conduct, the meeting was adjourned at 8:37 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard A. Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: June 14, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of May 18 – June 7, 2011.

Reports on Reimbursable Activities May 18 – June 7, 2011		
Council Member	Date	Meeting
William H. Batey II	5/25/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
Marcelo Co	5/18/11	Western Riverside Council of Governments (WRCOG) Vital Leadership Seminar
	5/26/11	33rd Annual Law Enforcement Appreciation and Awards Ceremony
	5/27/11	Moreno Valley Black Chamber of Commerce Conference and Luncheon
	6/7/11	Moreno Valley Hispanic Chamber of Commerce Adelante
Robin N. Hastings		None
Jesse L. Molina	5/18/11	Western Riverside Council of Governments (WRCOG) Vital Leadership Seminar
	5/24/11	Joe Bautista's Retirement Luncheon
Richard A. Stewart	5/26/11	33rd Annual Law Enforcement Appreciation and Awards Ceremony
	5/27/11	Moreno Valley Black Chamber of Commerce Conference and Luncheon
	6/4/11	Moreno Valley Chamber of Commerce Taste of the Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 22709 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-44 authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 22709 is a 97-lot single family residential development located at the west side of Moreno Beach Drive, north of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, water facilities, pedestrian and vehicle bridges, and water quality basin. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $3,940,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The*

required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709 as complete and accepting Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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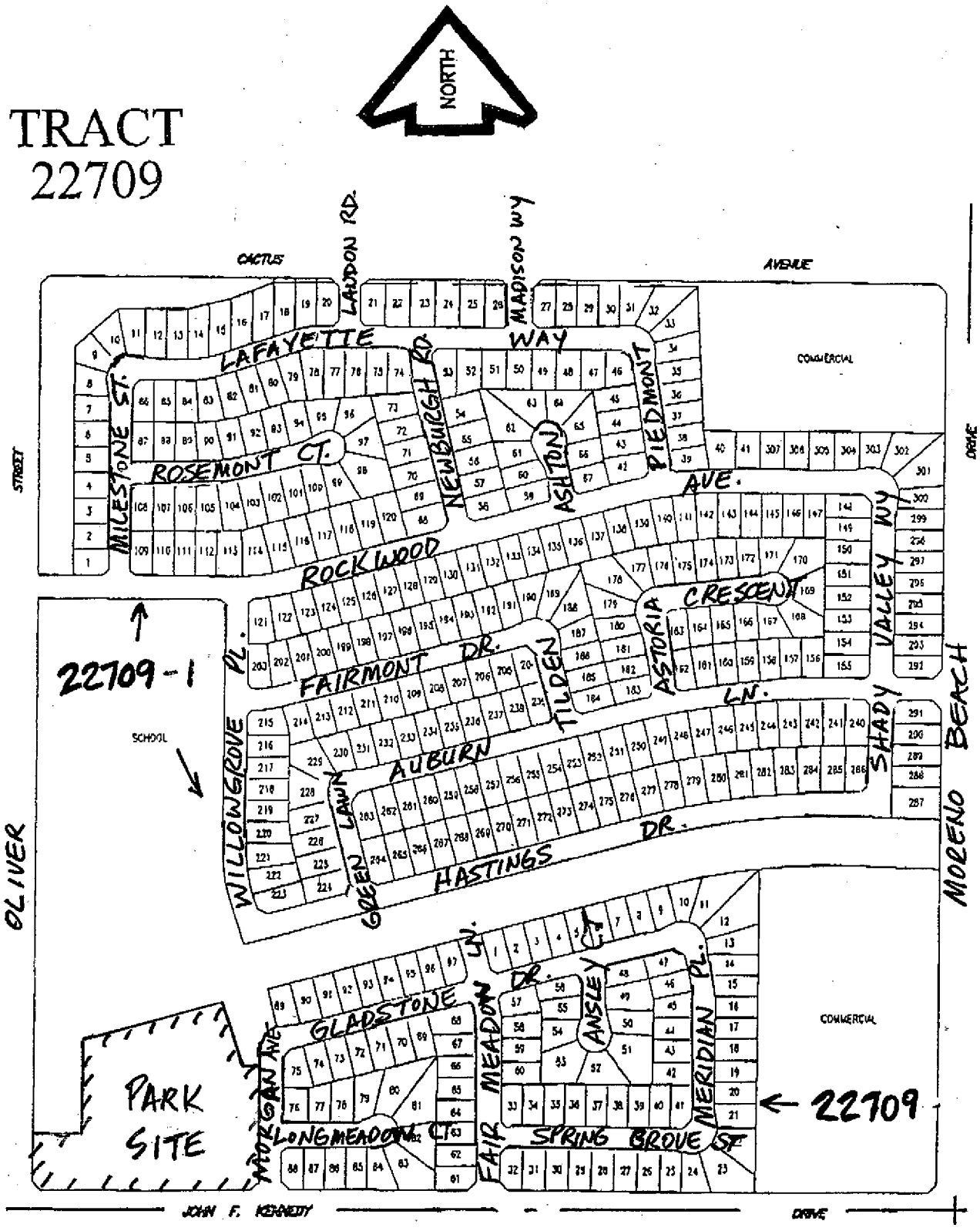

VICINITY MAP SHOWING TRACT 22709, 22709-1, & PARK SITE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** EXHIBIT 'A'	**TRACT 22709**

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Item No. A.4

MV00107292

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MV00107293

RESOLUTION NO. 2011-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 22709, AND ACCEPTING MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton, F.K.A. Western Pacific Housing, Inc. on Morgan Avenue, Longmeadow Court, Gladstone Avenue, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 22709, and accept Morgan Avenue, Longmeadow Court, Gladstone Drive, Fair Meadow Lane, Spring Grove Street, Ansley Court, Meridian Place, and the portion of John F. Kennedy Drive associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 22709 ARE COMPLETE AND MORGAN AVENUE, LONGMEADOW COURT, GLADSTONE DRIVE, FAIR MEADOW LANE, SPRING GROVE STREET, ANSLEY COURT, MERIDIAN PLACE, AND THE PORTION OF JOHN F. KENNEDY DRIVE ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

EXHIBIT 'B'

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00107297

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PA04-0010 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – ONE MORENO VALLEY 240 LP
320 GOLDEN SHORE, SUITE 200
LONG BEACH, CA 90802-4217

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-45 authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

PA04-0010 is a 241-unit affordable apartment complex on 19.20 acres located on the east side of Perris Boulevard, approximately 600 feet south of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, wheelchair ramp, street lights, landscaping, storm drain, water, and sewer facilities. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $1,147,000 issued by Westchester Fire Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within PA04-0010 as complete and accepting the portion of Perris Boulevard associated with the project into the City's maintained street system.

Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P. E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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VICINITY MAP

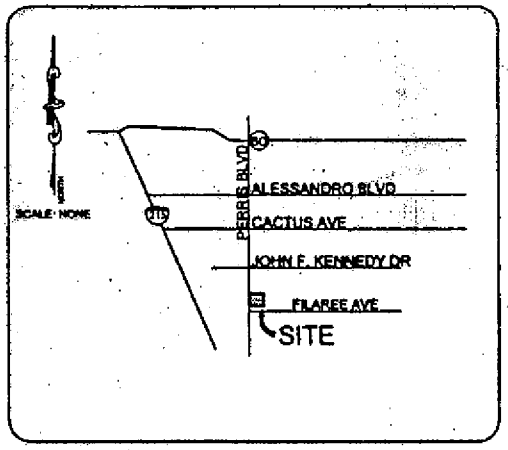

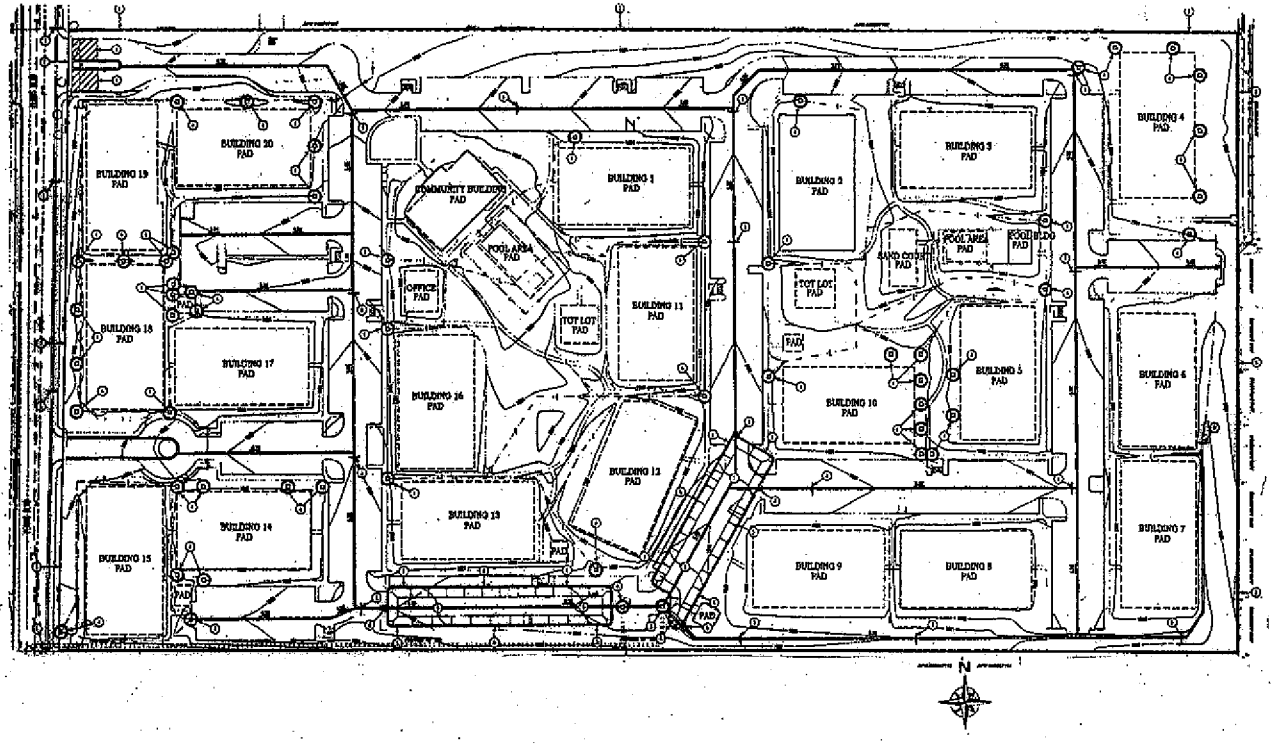

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

PA04-0010
VICINITY MAP

EXHIBIT "A"

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MV00107303

RESOLUTION NO. 2011-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN PA04-0010, AND ACCEPTING THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by One Moreno Valley 240 LP on the portion of Perris Boulevard associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within PA04-0010 and accept the portion of Perris Boulevard associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN PA04-0010 ARE COMPLETE AND THE PORTION OF PERRIS BOULEVARD ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT 'B'

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 22709-1 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-46 authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno

Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 22709-1 is a 307-lot single family residential development located at the west side of Moreno Beach Drive, north of John F. Kennedy Drive that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lights, storm drain, sewer, water facilities, pedestrian and vehicle bridges, and water quality basin. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $11,428,000 issued by Fidelity and Deposit Company of Maryland. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place,

Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 22709-1 as complete and accepting Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107311

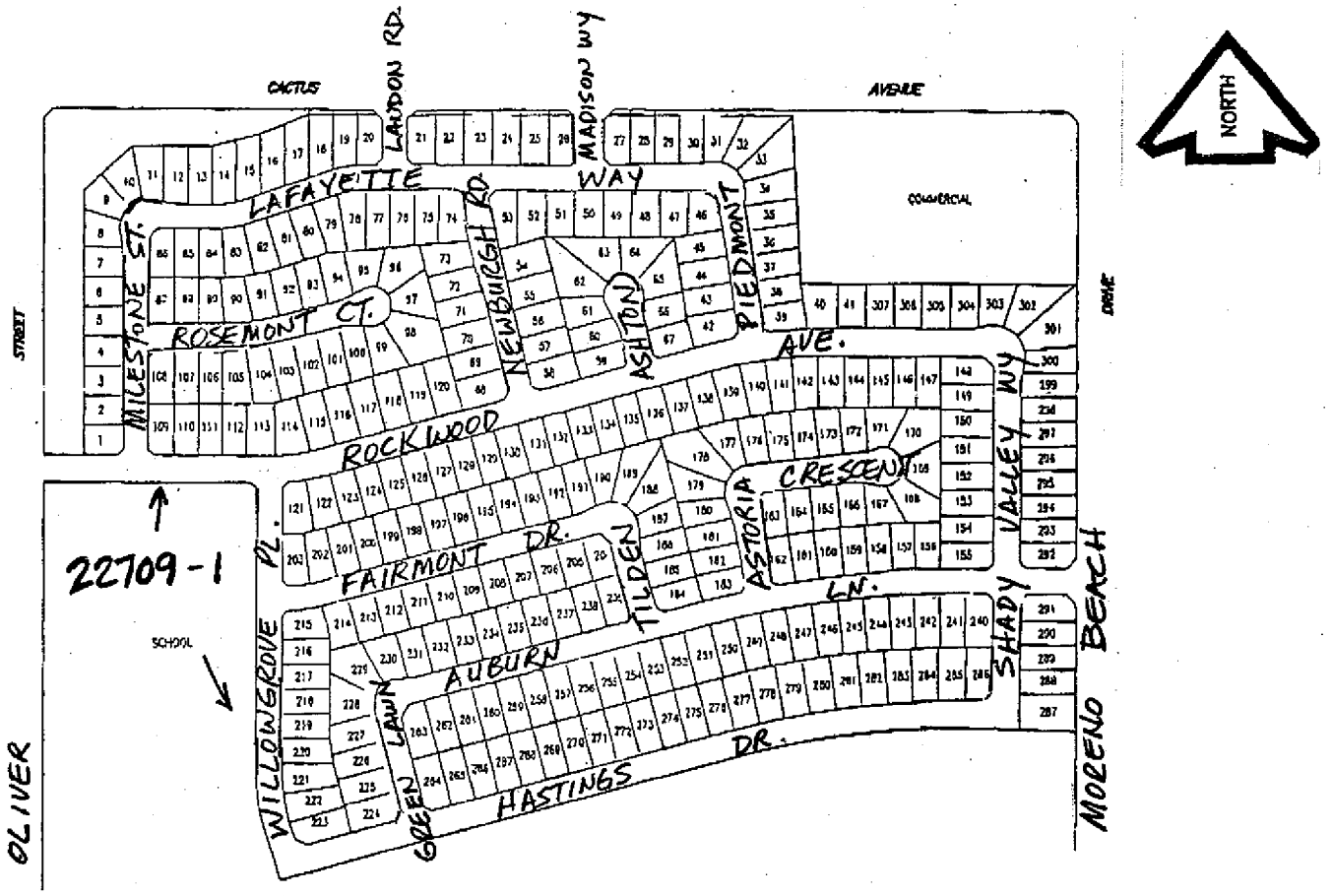

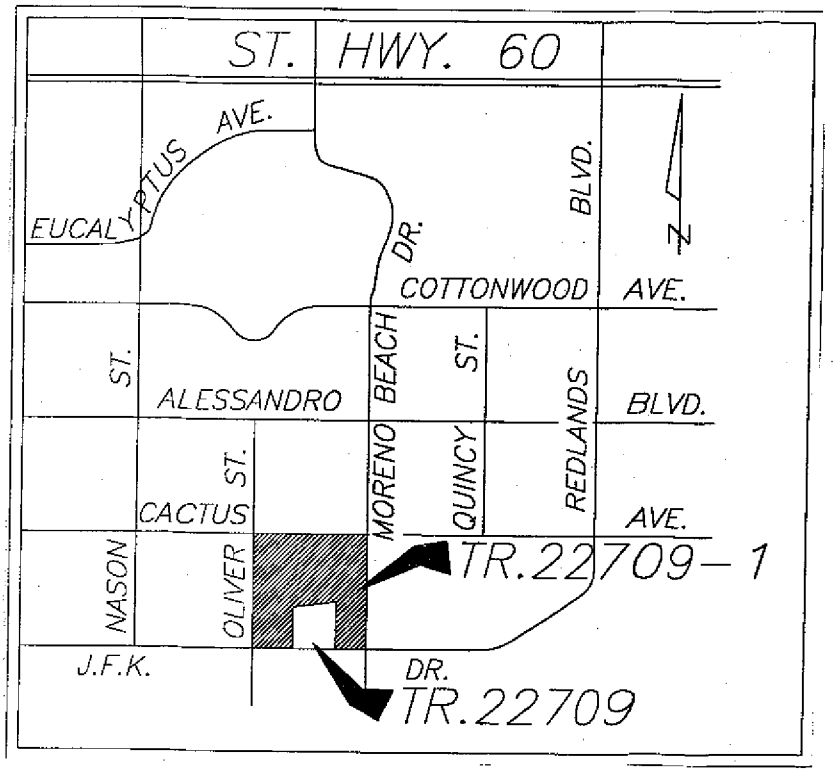

VICINITY MAP
NOT TO SCALE

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT EXHIBIT "A"	TRACT 22709-1 VICINITY MAP

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MV00107313

RESOLUTION NO. 2011-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 22709-1, AND ACCEPTING MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ASSOCAIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton F.K.A Western Pacific Housing, Inc. on Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 22709-1, and accept Milestone Street, Rosemont Court, Lafayette Way, Landon Road, Madison Way, Newburgh Road, Ashton Court, Piedmont Drive, Rockwood Avenue, Willowgrove Place, Fairmont Drive, Tilden Lane, Astoria Drive, Crescent Court, Green Lawn Avenue, Auburn Lane, Shady Valley Way, Hastings Drive and the portions of Moreno Beach Drive, John F. Kennedy Drive, Oliver Street and Cactus Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

EXHIBIT "B"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 22709-1 ARE COMPLETE AND MILESTONE STREET, ROSEMONT COURT, LAFAYETTE WAY, LANDON ROAD, MADISON WAY, NEWBURGH ROAD, ASHTON COURT, PIEDMONT DRIVE, ROCKWOOD AVENUE, WILLOWGROVE PLACE, FAIRMONT DRIVE, TILDEN LANE, ASTORIA DRIVE, CRESCENT COURT, GREEN LAWN AVENUE, AUBURN LANE, SHADY VALLEY WAY, HASTINGS DRIVE AND THE PORTIONS OF MORENO BEACH DRIVE, JOHN F. KENNEDY DRIVE, OLIVER STREET AND CACTUS AVENUE ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00107317

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: TRACT MAP 31327 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – D.R. HORTON, F.K.A. WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN AVENUE, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-47 authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 31327 is a 65-lot single family residential development located at the northeast corner of Alessandro Boulevard and Morrison Street that was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, driveway approaches, landscaping, street lighting, traffic signal, electrical infrastructure, storm drain, sewer, and water work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $2,700,000 issued by The Continental Insurance Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The*

required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 31327 as complete and accepting Rhone Court, Andromeda Avenue, Danube Way, Sage Brush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required public improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107322

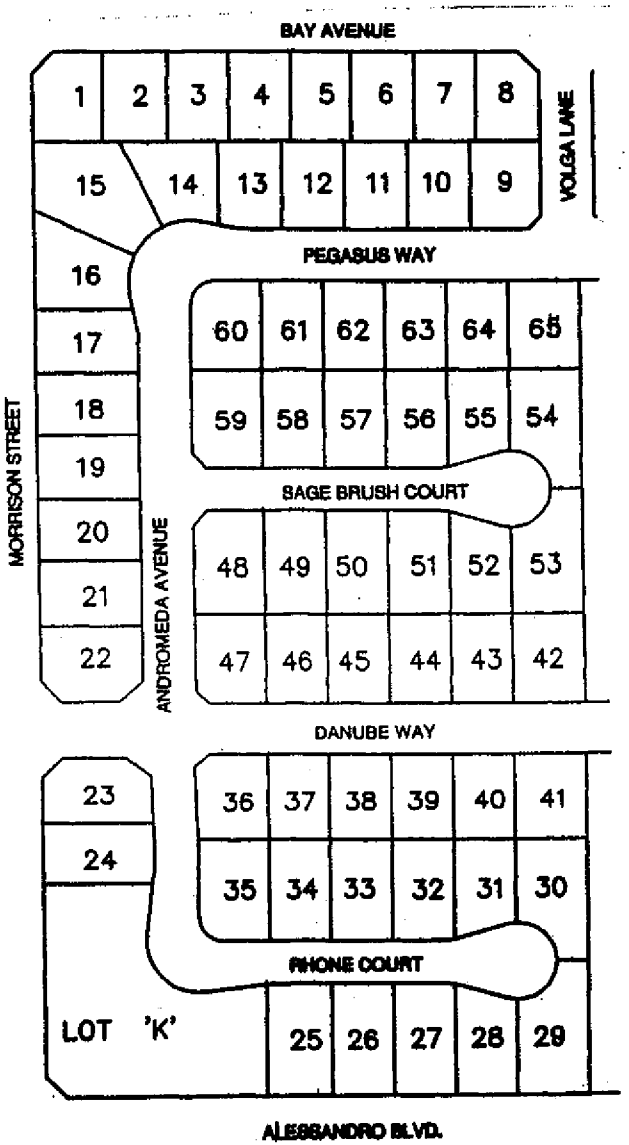

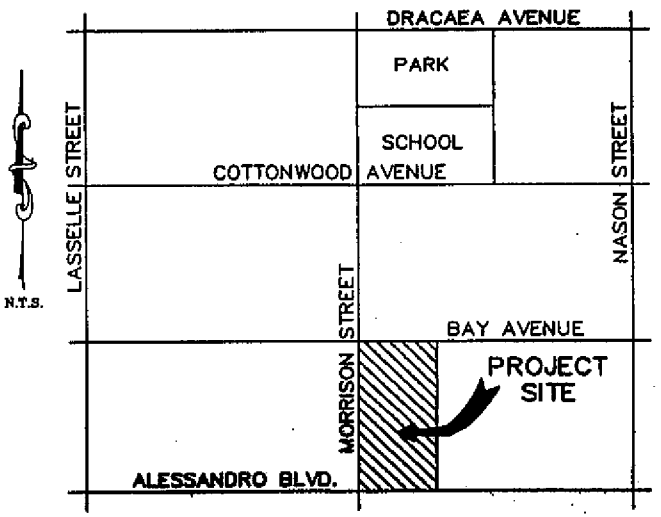

CITY OF MORENO VALLEY
PUBLIC WORKS – LAND DEVELOPMENT

TRACT 31327

EXHIBIT "A"

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MV00107323

RESOLUTION NO. 2011-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 31327 AND ACCEPTING RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by D.R. Horton F.K.A. Western Pacific Housing, Inc. on Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 31327,and accept Rhone Court, Andromeda Avenue, Danube Way, Sagebrush Court, Pegasus Way, Volga Lane, and the portions of Alessandro Avenue, Morrison Street and Bay Avenue associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: THE PUBLIC IMPROVEMENTS WITHIN TRACT MAP 31327 ARE COMPLETE AND RHONE COURT, ANDROMEDA AVENUE, DANUBE WAY, SAGEBRUSH COURT, PEGASUS WAY, VOLGA LANE, AND THE PORTIONS OF ALESSANDRO AVENUE, MORRISON STREET AND BAY AVENUE ASSOCIATED WITH THE PROJECT ARE ACCEPTED INTO THE CITY'S MAINTAINED STREET SYSTEM.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

EXHIBIT 'B'

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00107327

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: FINAL MAPS 29920, 29920-1, 29920-2, AND 29920-3--APPROVAL OF MAINTENANCE AGREEMENT BY AND BETWEEN CITY OF MORENO VALLEY AND PACIFIC MORENO VALLEY, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Maintenance Agreement by and between the City of Moreno Valley (City) and Pacific Moreno Valley, Inc.;

2. Authorize the Mayor to execute the Maintenance Agreement;

3. Authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement;

4. Authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement;

5. Authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and;

6. Authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

Pacific Communities has installed Best Management Practices (BMPs) within Final Maps 29920, 29920-1, 29920-2, and 29920-3 to mitigate the development's impacts on water quality. These BMPs include two water quality basins.

The City will maintain the landscaping within the water quality basins. Staff determined that a maintenance agreement and maintenance easements would be required since the water quality basins will be privately owned.

DISCUSSION

Pacific Communities is the developer and owner of Final Maps 29920, 29920-1, 29920-2, and 29920-3, generally located at the southeast corner of Iris Avenue and Grande Vista Drive. Pacific Communities is constructing the water quality basins to mitigate certain environmental impacts. Pacific Communities has formed a homeowners association (HOA), Pacific Moreno Valley, Inc., to retain ownership of the water quality basins.

The water quality basins not only provide mitigation for certain water quality impacts but also act as an extension of the City's storm drain system. Under the requirements of the 2010 National Pollutant Discharge Elimination System (NPDES) Permit, it is essential that the City monitors and ensures continued maintenance of the water quality basin that will accept storm water and non-storm water discharges from the development. Pacific Communities dedicated Maintenance Easements to the City for maintenance purposes on the final maps previously approved by City Council.

Authorizing the City to maintain the landscaping within the water quality basins will assist the City in the following ways:

- Assure continued maintenance of the required extensive landscaping within the water quality basins, and
- Comply with State and Federal regulations for monitoring storm water and non-storm water discharges to the City storm drains.

The maintenance agreement is necessary to guarantee long-term funding for public maintenance of the landscaping and to ensure continued access to the water quality basin. Some of the key components of the agreement include;

- Thirty (30) year term with provisions for extension(s).

- Identifies specific areas to be maintained by the City.
- Identifies schedules for maintenance.
- Minimum insurance requirements to be carried by the HOA.
- Establishment of a Trust Fund--the sole beneficiary to be the City. The fund must be maintained at three (3) times the deductible amount in the insurance policy.
- A provision that the HOA will assess the City charges via its HOA powers should the future residents remove the approved City maintenance charges via Proposition 218 election procedures.
- Annual City Maintenance Budget to include administrative overhead and CPI adjustment(s).
- Provisions for the City to levy on behalf of the HOA the Annual Levies needed to pay the City and/or create and release property liens should the HOA fail to perform its contractual duties.

ALTERNATIVES

1. Approve the Maintenance Agreement; authorize the Mayor to execute the Maintenance Agreement; authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement; authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and; authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation. *Approval of this alternative ensures the water quality basins will be maintained by a public agency. This ensures the City remains in compliance with NPDES requirements.*

2. Do not approve the Maintenance Agreement; authorize the Mayor to execute the Maintenance Agreement; authorize the City Attorney to work with Pacific Moreno Valley, Inc. to draft modifications or amendments to the Maintenance Agreement as necessary from time to time to clarify the intent and effectuate the provisions of said Agreement; authorize the City Treasurer to invest the required Trust Funds pursuant to Section 7 of the Maintenance Agreement; authorize the City Manager to execute modifications or amendments to the Maintenance Agreement as prepared by the City Attorney and; authorize the City Clerk to transmit the executed Maintenance Agreement to the Office of the Recorder for the County of Riverside for recordation. *This alternative leaves maintenance of the water quality basins with the HOA. Additionally, the alternative may cause the City to be in non-compliance with NPDES requirements.*

FISCAL IMPACT

There is no fiscal impact associated with Alternative One. Pacific Communities previously approved the NPDES Rate Schedule.

CITY COUNCIL GOALS

The recommended action furthers City Council goals by:

1. Revenue Diversification and Preservation - It provides a means to ensure revenue is secured from private parties that receive special benefit for essential and mandated services from City programs.

2. Public Safety - It provides the necessary means to assist staff in implementing State and Federal regulations related to water quality.

SUMMARY

Pacific Communities and Pacific Moreno Valley, Inc. propose the City maintain the water quality basins within Final Maps 29920, 29920-1, 29920-2, and 29920-3, as a means to reduce pollutants in storm water and non-storm water discharges associated with the development. A maintenance agreement and maintenance easements between Pacific Moreno Valley, Inc. and the City are necessary to ensure long-term access, maintenance and funding are provided and secured for this area.

NOTIFICATION

Publication of Agenda

ATTACHMENTS/EXHIBITS

Attachment 1 – Maintenance Agreement by and between City of Moreno Valley and Pacific Moreno Valley, Inc.

Prepared By
Phuong Hunter
Associate Environmental Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Kent Wegelin
Storm Water Program Manager

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107333

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley

(Space Above for Recorder's Use)

MAINTENANCE AGREEMENT
BY AND BETWEEN
CITY OF MORENO VALLEY
AND
PACIFIC MORENO VALLEY, INC.

MAINTENANCE AGREEMENT
BY AND BETWEEN
CITY OF MORENO VALLEY
AND
PACIFIC MORENO VALLEY, INC.

This Maintenance Agreement ("**Agreement**") is made and entered into effective on the date ("**Effective Date**") the Mayor signs this Agreement. This Agreement is by and between PACIFIC MORENO VALLEY, INC., a California nonprofit mutual benefit corporation ("**Association**"), and the CITY OF MORENO VALLEY (the "**City**"). Each of Association and the City are sometimes hereinafter referred to as a "Party" and collectively as the "Parties".

PREAMBLE

A. Association is an incorporated homeowners' association responsible for the operation and maintenance of Association Property (as hereinafter defined) of a single-family residential development known as "Pacific Iris" located on Tract Nos. 29920, 29920-1, 29920-2 and 29920-3 in the City of Moreno Valley, County of Riverside, State of California ("**Project**"). Association's maintenance responsibilities are set forth in Article V of the Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements Pacific Iris recorded against the Project (the "**Declaration**"). Unless otherwise expressly provided, all capitalized terms used in this Agreement shall have the definition and meanings set forth in the Declaration.

B. In satisfaction of the City conditions of approval for development of the Project, Association is required to enter into an agreement for the City to provide certain services relating to maintenance ("**Maintenance**") of certain improvements within the Project which are the responsibility of Association pursuant to the Declaration, including without limitation, certain water quality basins, which are located within the Common Area(s) ("**Association Property**"), all as more fully described in **Exhibit "A"**.

NOW THEREFORE, in consideration of the promises contained herein, the City and Association agree as set forth below:

1. Term. Subject to applicable law, the term ("**Term**") of this Agreement shall commence as of the Effective Date of this Agreement, and shall remain in effect for thirty (30) years from the Effective Date of this Agreement. At the end of such thirty (30) year period, this Agreement shall be extended for successive terms of thirty (30) years unless a document executed by each of the Parties hereto or their respective successors-in-interest cancels this Agreement or any portion hereof and said document is recorded in the office of the County Recorder of Riverside County. If applicable law limits the duration of the Term, then this Agreement shall be deemed to have a Term equal to the maximum Term permitted by law, and unless affirmatively terminated by the parties hereto, shall be deemed to be renewed and extended for successive maximum terms as permitted by law. The Maintenance shall commence at such time as such maintenance is required following the Effective Date of this Agreement. During the Term of this Agreement, the Parties hereby covenant and agree to negotiate in good

faith any changes to the terms set forth herein as then required by law or otherwise reasonably required.

2. Maintenance of Association Property by the City. After the termination of the Establishment Period (as defined in **Exhibit "B"**), and throughout the remaining term of this Agreement, the City shall directly provide all Maintenance of Association Property depicted on **Exhibit "A"** attached hereto. Such Maintenance shall include, without limitation, the maintenance responsibilities described on **Exhibit "B"** attached hereto and incorporated herein. For as long as it is authorized to do so, the City shall assess an annual levy, parcel charge, or fee (however such amount shall be denominated, the "**Annual Levy**") against the Lots within the Project designed and intended for the construction of a Residence and ownership by an individual Owner (hereinafter referred to as the "**Residential Lots**") for the cost and expenses related to the Maintenance.

3. Suspension of Payments of the City. For a period ("**Suspension Period**") commencing on the Effective Date of this Agreement and continuing to the date as of which the City is no longer able to assess, through Annual Levies, adequate charges against the Residential Lots within the Project for expenses incurred by the City relating to the Maintenance, Association shall not be responsible for the payment of any cost or expenses related to the Maintenance. Upon receipt of written notice from the City to Association at the address listed in **Section 8** hereof (or such other address of which Association shall have previously notified the City in writing in accordance with **Section 8** hereof), informing Association of the City's inability to assess all or any portion of the Annual levies sufficient for the Maintenance, the Suspension Period shall terminate and Association shall have the absolute obligation to pay the City the full amount necessary to cover all costs and expenses related to the City's Maintenance of Association Property in excess of the amount that the City is able to assess directly against the Residential Lots (the "**HOA Payment Obligations**"). Further, Association hereby assigns to the City, and the City shall have, the first right to any amounts collected by Association from owners of Residential Lots ("**Owners**") in such amounts as necessary to satisfy the HOA Payment Obligations.

4. Budget and Reimbursement to the City. Following termination of the Suspension Period, the City shall prepare and provide to Association a budget for the next Fiscal Year (as defined below) for the Maintenance obligations described in **Exhibit "B" ("Budget")**, which Budget shall set forth the Fiscal Year expenses projected to be incurred by the City for Maintenance and operations of the City with respect to Association Property (including, without limitation, the City's administrative overhead). The expense projections in each year's Budget shall be based upon the Maintenance and operating expenses (including, without limitation, the City's administrative overhead) incurred by the City within the previous three (3) years, and may include (i) normal and customary reserves and contingencies, and (ii) cost of living increases based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the United States Department of Labor's Bureau of Labor Statistics. The Budget shall also reflect an amount for depreciation of facilities, if any, and a reserve for replacement of

plants and other improvements. Following the termination of the Suspension Period and Association's receipt of the Budget, Association shall make annual payments to the City for Maintenance and operations expenses incurred by the City as set forth in such Budget by July 1 of the Fiscal Year to which such payment applies. For the purposes of this Agreement, the City's "Fiscal Year" shall be July 1 through June 30, unless Association is otherwise notified of a change pursuant to **Section 8** hereof.

Notwithstanding any other provision herein, the parties hereto acknowledge, understand and agree that in the event that the right of the City to impose the charges contemplated herein is or becomes prohibited, then, notwithstanding such prohibition, it is the intention of the parties hereto to continue to have the City perform the Maintenance as contemplated hereby, and to have the costs therefor charged to Association. In the event that Association fails or is unable to so assess the Owners for the amounts that the City is prohibited from assessing as contemplated hereby, then, after no less than sixty (60) days prior written notice by the City that Association is in default, Association shall have the absolute obligation to pay the City, and the City shall have the right to collect the HOA Payment Obligations from Association. Further, if and to the extent that there is a change in applicable law, including, without limitation, Section 1367.1 of the California Civil Code (which the Parties acknowledge arguably prohibits an "Assignment" (as defined below)) such that an Assignment is clearly permitted (as reasonably determined by Association), the City shall have the option to require Association to assign to the City Association's right to directly assess Owners for such assessments, together with Association's corresponding remedies of lien and foreclosure provided in the Declaration in the event that any such Owner(s) fail to pay the required assessments (an "**Assignment**"). An Assignment pursuant to this paragraph is expressly subject to the following:

a. Any such delegation and/or assignment of assessment and/or lien rights shall be deemed a partial, non-exclusive assignment;

b. Association shall not make and expressly disclaims any representations and/or warranties that it has the right to assign any of its lien rights or rights to assess real property or levy assessments under the Declaration, and, if any assignment is made or deemed made, the City pursues same at its own risk; and

c. If any Assignment is determined, at any time, by any court or arbitrator, to not be permitted as a matter of law, the City shall immediately cease any actions related thereto.

5. Special Assessments and Increases in Assessments. This Agreement shall have no effect on Association's ability and right, in accordance with the terms of the Declaration, to (i) levy assessments, as may be required, or (ii) increase the budgeted amount of regular assessments, or (iii) to collect any parcel charges and to file assessment liens for such charges.

6. Obligations of Association. Association agrees as follows:

a. Association and its members shall not amend or repeal, directly or indirectly, the Declaration, or the restrictions described therein, and no rules or regulations of the

Board of Association shall be adopted, amended, or repealed, in each case which in any manner increases or may increase the obligations of the City, or decreases or may decrease the obligations of Association, under this Agreement, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion;

b. Association may not assign, transfer, or hypothecate this Agreement or their rights or obligations hereunder; provided, however, that the parties hereto hereby agree and recognize that any right of the City to payment from Association in respect of the HOA Payment Obligations does not constitute an assignment or transfer of the rights or obligations under this Agreement. In addition, in view of the personal nature of this Agreement, Association agrees that, during the term of this Agreement, it will not sell, transfer, encumber, or otherwise dispose of Association Property, or any part thereof, without the prior written consent of the City, which consent the City may grant or withhold in its sole and absolute discretion, and any purported sale, transfer, hypothecation, or other disposition thereof, without such consent, shall be null and void ab initio; and

c. Association shall pay, the annual amount to the City required pursuant to **Section 4** hereof, if any, which payment obligation shall constitute a "Common Expense" as such term is defined in the Declaration.

7. Establishment and Maintenance of Trust Account.

a. No later than thirty (30) days after the approval of this Agreement by the legislative body of the City, Association and the City shall establish an irrevocable trust account to be held by the City (the "**Trust**" or the "**Trust Account**"), the sole beneficiary of which is the City. The purpose of such Trust shall be to: (i) fund any unfunded liability of Association associated with or arising from the Maintenance, or arising out of or related to the subject matter of this Agreement after giving effect to all applicable insurance as described in **Section 11** hereof; (ii) provide full or partial payment with respect to any lawsuit, claim, charge, or fine associated with the Maintenance; (iii) to pay any insurance premium associated with Association Property or the Maintenance thereof if Association shall default in its obligation to pay same pursuant to **Section 11** hereof; and (iv) pay any amounts not promptly paid by Association with respect to its indemnity under **Section 10** hereof. The amounts held in trust may be invested with other amounts held by the City.

b. The initial deposit into the Trust shall be made by Association and shall equal three (3) times the deductible amount in the insurance policy for bodily injury and property damage insurance that Association must furnish in accordance with **Section 11** hereof. Each year Association shall as quickly as reasonably possible and consistent with all applicable legal authorities increase the amount in the Trust as necessary so that after any additional deposit the Trust value shall equal at least three (3) times the then deductible amount under the then effective liability insurance policy purchased to meet the terms of **Section 11** hereof.

c. All interest earned, dividends paid, or other amounts that accrue to the benefit of Trust shall be credited in the Trust.

d. If any amount in the Trust is withdrawn at any time for any lawful purpose permitted hereunder, Association covenants and agrees to replenish such amounts within ten (10) days upon written notice of such withdrawal to an amount equal at least three (3) times the then deductible amount under the liability insurance policy purchased to meet the terms of **Section 11** hereof.

e. At such time as the amount in the Trust exceeds five times the highest annual liability insurance policy deductible for the preceding five years (the "**Maximum Trust Amount**"), any funds in excess of such Maximum Trust Amount will be paid to Association.

f. Notwithstanding anything to the contrary herein, monies shall not be withdrawn from the Trust (or if withdrawn shall be promptly replenished by the City) if the liability arises due to the City's gross negligence or willful misconduct.

g. The Trust amount will be invested by the City in any investment permitted under the Government Code at the time of such investment.

8. Notices. All notices, statements, or other documents which any party shall be required or desire to give to any other party hereunder must be in writing and shall be given by the party only in one of the following ways: (i) by personal delivery, or (ii) by addressing it as indicated below, and by depositing it, registered or certified mail, postage prepaid, in the United States mail. If so delivered or mailed, each such notice, statement, or other document shall be conclusively deemed to have been given when personally delivered, or forty-eight (48) hours after the date of mailing (excluding Saturdays, Sundays, and federal holidays), as the case may be. The addresses for notices and other communications, until further notice, are:

THE CITY:	City of Moreno Valley 14177 Frederick Street Moreno Valley, California 92553 Attn: Henry Garcia
ASSOCIATION:	Pacific Moreno Valley, Inc. c/o Euclid Management Company P.O. Box 1510 Upland, CA 91785-1510 Attn: Rosan Mickey

9. Resolution of Certain Disputes. Any dispute between the City and Association, which relates to this Agreement shall be settled between them by Judicial Reference as provided by California Law. Accordingly, any such dispute shall be heard by a referee pursuant to the provisions of the California Code of Civil Procedure, §§638 - 645.1, inclusive, and in connection therewith:

a. The Parties to such dispute shall promptly and diligently cooperate with one another and the referee, and shall perform such acts as may be necessary to obtain a prompt

and expeditious resolution of the dispute or controversy in accordance with the terms of this Agreement;

b. The Parties to such dispute shall agree upon a single referee who shall then try all issues, whether of fact or law, and report a finding and judgment thereon. If the Parties are unable to agree upon a referee within ten (10) days of a written request to do so by any party, then any party may seek to have a referee appointed pursuant to the California Code of Civil Procedure §§638 and 640;

c. Subject to the limitations of this Section, the referee shall have the right to award all legal or equitable relief appropriate under the circumstances of the controversy before him or her;

d. The cost of such proceeding shall be apportioned among the Parties to the dispute in accordance with California Code of Civil Procedure §645.1. In no event shall any such reference proceeding or any appeal therefrom result in an award of punitive damages, and all such damages are hereby waived.

10. Indemnity.

a. Association agrees to indemnify, save, defend, and hold harmless the Community Services District of the City of Moreno Valley, the City, the Moreno Valley Redevelopment Agency, and their respective officers, agents and employees (all of the foregoing persons, other than Association, are collectively referred to as the "**City Indemnitees**") from and against any claim, action, damages, costs (including, without limitation, all attorney's fees and litigation costs), injuries, or liability (collectively referred to as "**Claims**") arising out of the performance of any action contemplated by this Agreement by Association. Should any of the City Indemnitees be named in any suit, or should any claim be brought against any of the City Indemnitees by suit or otherwise, arising out of performance by Association of services rendered pursuant to this Agreement, Association will defend each such City Indemnitee (at each such City Indemnitee's request and with counsel satisfactory to each such City Indemnitee) and will indemnify each such City Indemnitee for any judgment rendered against it or any sums paid out in settlement or costs incurred in defense otherwise; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the sole negligence or willful misconduct of such City Indemnitee.

b. The City agrees to indemnify, save, defend and hold harmless the Association and its officers, agents and employees from any and all liability, claims, damages or injuries to any person, including injury to the City's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, its officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any Claims arising from the negligence or willful misconduct of the Association, its officers, agents or employees.

11. Insurance.

a. Before commencing performance under this Agreement, and at all other times this Agreement is effective, Association will procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

Type of Insurance	Limits (combined single)
Commercial general liability:	$1,000,000 per occurrence $ 500,000 Property Damage $2,000,000 aggregate
Business automobile liability	$1,000,000
Workers' compensation	Statutory requirement.

b. Commercial general liability insurance will meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above will be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies will be endorsed (i) to name the City, Moreno Valley Community Services District, Redevelopment Agency of the City of Moreno Valley, and their respective officials and employees as "additional insured" under said insurance coverage, and (ii) to state that such insurance will be deemed "primary" such that any other insurance that may be carried by any of the City Indemnitees will be excess thereto. Such insurance will be on an "occurrence," not a "claims made," basis and will not be cancellable or subject to reduction except upon thirty (30) days prior written notice to the City Indemnitees.

c. [Intentionally Omitted]

d. Automobile coverage will be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

e. Each of the City Indemnitees shall be named as additional insured on all policies of insurance except errors and omissions and workers' compensation.

f. Association will furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A-:VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage.

g. Should Association, for any reason, fail to obtain and maintain the insurance required by this Agreement, the City may obtain such coverage at Association's expense and deduct the cost of such insurance from payments due to Association under this Agreement or terminate.

h. If the definitive insurance policy meeting the terms of **Section 11** and corresponding to the pro forma policy is not issued within ninety (90) days from the Effective

Date of this Agreement, then Association covenants and hereby agrees without defense or future objection that the City may do the following without any liability whatsoever:

i. Cease issuing building permits for the Project; and

ii. Cease issuing or otherwise approving certificates of occupancy for any aspect of the Project regardless of the date the building permit was issued.

i. Association further acknowledges and agrees that notwithstanding **Subsections 11(g)** and **11(h)** above, all of its other obligations under this Agreement will become effective and remain in full force and effect upon the execution and delivery of this Agreement and the delivery and acceptance by the City of the documents and material described in **Subsection 11(f)** above and/or the insurance policy.

The requirements for the insurance shall only terminate upon termination of this Agreement as specified in **Section 1** hereof.

12. Recordation. This Agreement and any amendment thereto shall be recorded within the records of the Office of the Recorder for the County of Riverside and shall constitute a covenant running with the land for all the parcels within the Project and shall be binding on Association, all property owners, administrators, executors, assigns, heirs, and all other successors in interest.

13. Default and Remedies. In the event Association fails to make the payments required under **Section 4** hereof, fails to obtain the insurance required under **Section 11** hereof, or fails to take any other required action under this Agreement, the City may take whatever action at law or in equity or under this Agreement to which it is entitled, including but not limited to an action for damages or for specific performance or otherwise to enforce performance and observance of any obligation, condition or covenant of Association under this Agreement. Notwithstanding anything else in this Agreement, if Association fails to obtain the insurance required under **Section 11** hereof, the City may obtain such insurance insuring the City, and if available, Association, and charge Association for same. As permitted under the Declaration, the City may recover such insurance costs and other costs associated with the remedies permitted hereby through the Regular Assessment as defined in the Declaration. In addition, the City shall be entitled to all of its costs associated with enforcing the terms of this Agreement, including, without limitation, attorneys' fees and costs, and court costs. Such costs may also be enforced through the Regular Assessments.

14. Miscellaneous. As used in this Agreement, all words in the masculine, feminine, or neuter gender, and the plural or singular number, shall each be construed to include the others whenever the context so requires. This Agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties hereto. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Time is of the essence of this Agreement. No change in or addition to, or waiver or termination of this Agreement or any part thereof, shall be valid unless in writing and signed on behalf of each of the Parties hereto. Every provision of this Agreement is intended to be severable. If any term or provision

hereof is illegal or invalid for any reason whatsoever, such illegality or unenforceability shall not affect the validity of the remainder of this Agreement. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date set forth below.

THE CITY:

CITY OF MORENO VALLEY

By:_____
Name: Richard Stewart
Title: Mayor

ASSOCIATION:

PACIFIC MORENO VALLEY, INC., a California nonprofit mutual benefit corporation

By: Rosan Mickey
Name: Rosan Mickey
Title: President

By: _____
Name: Rebecca Ngai
Title: Vice President

Effective Date: _____

Attest:

_____
Jane Halstead, the City Clerk
Date

Approved As To Form:

_____
Robert L. Hansen, the City Attorney
Date

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On APRIL 13, 2011, before me, PRIMO ALEGADO ESTILLOMO, a Notary Public,
(ANNA ROSE MICKEY)
personally appeared ROSAN MICKEY AND REBECCA NGAI,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

PRIMO ALEGADO ESTILLOMO
Commission # 1858195
Notary Public - California
Orange County
My Comm. Expires Jul 17, 2013

Signature of Notary Public

Place Notary Seal Above

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On APRIL 13, 2011, before me, PRIMO ALEGADO ESTILLOMO, a Notary Public,
(ANNA ROSE MICKEY)
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PRIMO ALEGADO ESTILLOMO
Commission # 1858195
Notary Public - California
Orange County
My Comm. Expires Jul 17, 2013

Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

Association Property

LOT "I" OF TRACT 29920-1 IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER THAT TRACT MAP RECORDED IN BOOK 369, PAGE(S) 10 – 14, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

LOT "G' OF TRACT 29920 IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER THAT TRACT MAP RECORDED IN BOOK 417, PAGE(S) 90-93, INCLUSIVE, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

EXHIBIT "B"

Maintenance of Association Property by the City

The purpose of the maintenance services program is to ensure the protection of water quality and stormwater control by the successful implementation of those landscape and irrigation improvements, located within Association Property identified in **Exhibit "A"**.

These maintenance guidelines are specifically tailored to establish and sustain material installed within Association Property. The City personnel with experience and knowledge in first flush/water quality ponds, plant habitat creation/preservation and landscaping and irrigation management will supervise all maintenance personnel.

For a minimum period of one hundred twenty (120) days (**"Establishment Period"**) following completion of the initial material installation including completion of the landscape and irrigation improvements by Association, Association will be responsible for the care and maintenance of all material and improvements. Association's involvement during this period is proven to increase the successful adaptation of the plant material.

Within fourteen (14) calendar days, following the Establishment Period and the submittal to the City of "As-Built" planting, irrigation and grading plans for all areas to maintained under this Agreement, the City will evaluate Association Property for health of plant material and determine whether the landscape and irrigation systems are fully operable. If judged satisfactory by the City, the Establishment Period will be considered concluded and the City will notify Association pursuant to **Section 8** of this Agreement. At that time, the long-term maintenance program will begin, and the City will assume the maintenance services identified herein. Should the City judge the health of plant material and/or the landscape and irrigation systems are not fully operable, the City will not assume maintenance services and will notify Association at the address set forth in **Section 8** of this Agreement (or such other address of which Association shall have previously notified the City in writing in accordance with **Section 8** hereof) of its decision.

Maintenance Services

In accordance with the City's Plant and Irrigation Maintenance Specifications, and all applicable law or regulations, the City will perform the maintenance services on an as-needed basis within Association Property. The determination of when such services are needed will be in the City's sole discretion.

The City shall not perform or otherwise be responsible to implement any monitoring or mitigation compliance or certify to monitoring or mitigation compliance affecting Association Property pursuant to, (i) any conservation covenant or easement, and (ii) any permits issued by the United States Army Corps of Engineers or other similar governmental regulatory agencies.

No other services by the City may be implied or inferred without amendment or modification to this Agreement.

PACIFIC IRIS III & EAGLE
29920-1; 29920

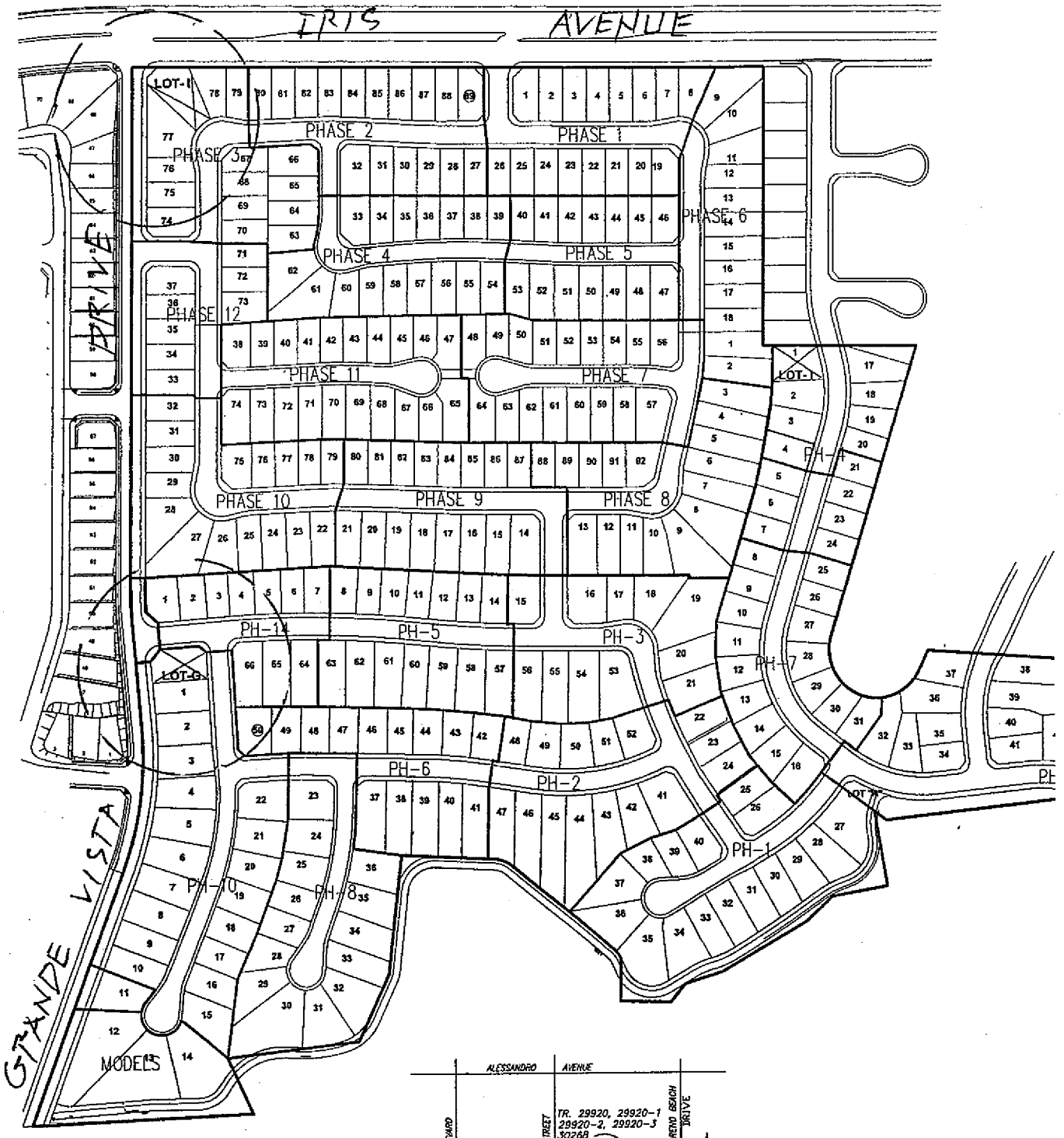

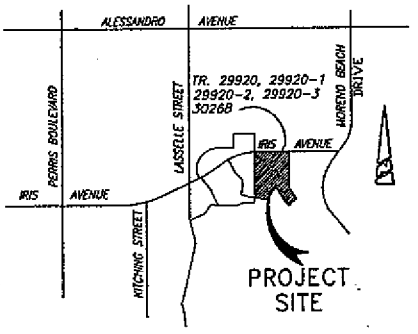

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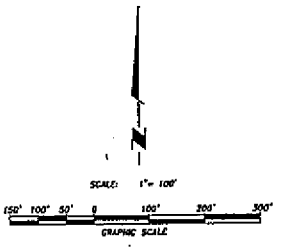

Item No. A.8

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MV00107349

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) ("CFD No. 87-1") approve and adopt the following:

1 Resolution No. 2011-48 to accept and approve the Special Tax Report for fiscal year (FY) 2011/12 regarding CFD No. 87-1; and

2. Resolution No. 2011-49 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1 was authorized to issue bonds. In April 1988, the Series A Bonds were sold in the amount of $9,000,000 to finance certain public infrastructure improvements. The Series B Bonds were sold in August 1991 in the amount of $12,000,000 to fund the remaining improvements within CFD No. 87-1.

In May of 1994, the legislative body of CFD No. 87-1 approved the issuance of the Special Tax Refunding Series A ($14,170,000) and Series B ($8,530,000) Bonds, which were sold on June 24, 1994. These bonds are collectively known as the "Prior Bonds".

In October of 2007, the legislative body of CFD No. 87-1 adopted Resolution No. 2007-119 to authorize the issuance of 2007 Special Tax Refunding Bonds ("Bonds") for CFD No. 87-1. On November 29, 2007, $10,665,000 of CFD No. 87-1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in debt service requirements from the Prior Bonds as a result of receiving a favorable interest rate. Construction and acquisition of public improvements within CFD No. 87-1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 was established to finance the capital costs for roadway improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were issued to provide funding for these improvements. Only commercial properties within CFD No. 87-1 are subject to the annual special tax to repay the bonded indebtedness. Subsequent increases in the special tax, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") required to meet the special tax requirement for CFD No. 87-1, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement.

The maximum special tax rate for CFD No. 87-1 is $11,500 per net acre. This amount is uniformly applied to developed property and may only be applied to undeveloped property if the maximum special tax levy on the developed property is insufficient to cover the annual special tax requirement.

The special tax will be levied per parcel and collected on the annual Riverside County property tax bills. Only taxable parcels within the boundaries of CFD No. 87-1 shall be subject to the special tax. The total special tax requirement will be funded through a combination of CFD No. 87-1 special tax, TownGate Specific Plan Area tax increment as provided by the Redevelopment Agency, and excess Reserve Fund interest earnings.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Annual Accountability Report in compliance with California Government Code Sections 53410 and 53411 ("Code Sections"). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year ("Annual Accountability Report"). Beginning with Fiscal Year (FY) 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Annual

Special Tax and Bond Accountability Report which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information, as required by the Code Sections:

a) The amount of funds collected and expended; and
b) The status of the project.

ALTERNATIVES

1. By approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1 shall: 1) Approve and adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 and 2) Approve and adopt the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds and comply with state reporting requirements.*

2. By not approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1 shall: 1) Not approve nor adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 and 2) Not approve nor adopt the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report. *If the collection of the special taxes are not approved, there may be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales. Failure to file the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the FY 2011/12 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1. **Funds collected through CFD No. 87-1 are restricted funds, which may only be used to pay the debt service for CFD No. 87-1.** The amounts of the individual charges are reported in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. Specific uses of Redevelopment tax increment, as defined in various Owner Participation Agreements, may offset the special taxes. No single family residential property is affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1, shall have an opportunity to consider implementing the RMA to provide the payment of annual debt service for the Bonds. Also being considered is the approval of the Annual Accountability Report for CFD No. 87-1. Both the RMA and the Annual Accountability Report for CFD No. 87-1 are described in the Annual Special Tax and Bond Accountability Report, which are on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Exhibit A Resolution to accept and approve the Annual Special Tax Report for FY 2010/11 for CFD No. 87-1

Exhibit B Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1

Exhibit C Boundary Map for CFD No. 87-1

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 88-13 establishing the terms and conditions pertaining to the issuance of the $9,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Special Tax Bonds, Series "A" ("1988 Bonds"); and, adopted Resolution No. 91-90 establishing the terms and conditions pertaining to the issuance of the $12,000,000 City of Moreno Valley Towngate Community Facilities District No. 87-1 Special Tax Bonds, Series "B" ("1991 Bonds"); and,

WHEREAS, the District, did previously adopt Resolution No. 94-28, which established the terms and conditions pertaining to the issuance of the City of Moreno Valley Community Facilities District No. 87-1 (Towngate) $14,170,000 Special Tax Refunding Bonds, Series A ("1994 Series A Bonds") and $8,330,000 Special Tax Refunding Bonds, Series B ("1994 Series B Bond") (collectively, the "Prior Bonds"); and,

WHEREAS, the legislative body of the District determined that it would be prudent in the management of the fiscal affairs of the District to proceed with issuing bonds for the purpose of refunding the Prior Bonds; and,

WHEREAS, this legislative body, approved Resolution No. 2007-119 to authorize the issuance of 2007 Special Tax Refunding Bonds for CFD No. 87-1, which were sold on November 29, 2007, at $10,665,000; and,

WHEREAS, this legislative body approved the Bond Indenture to establish the terms and conditions pertaining to the issuance of the 2007 Special Tax Refunding Bonds; and,

WHEREAS, an annual special tax report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 87-1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

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MV00107357

RESOLUTION NO. 2011-49

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF AN ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 87-1

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file a report with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the report in compliance with the above mentioned Government Code Sections, and that a copy of the Annual Accountability Report is on file in the office of the City Treasurer for review by the public upon request.

.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00107361

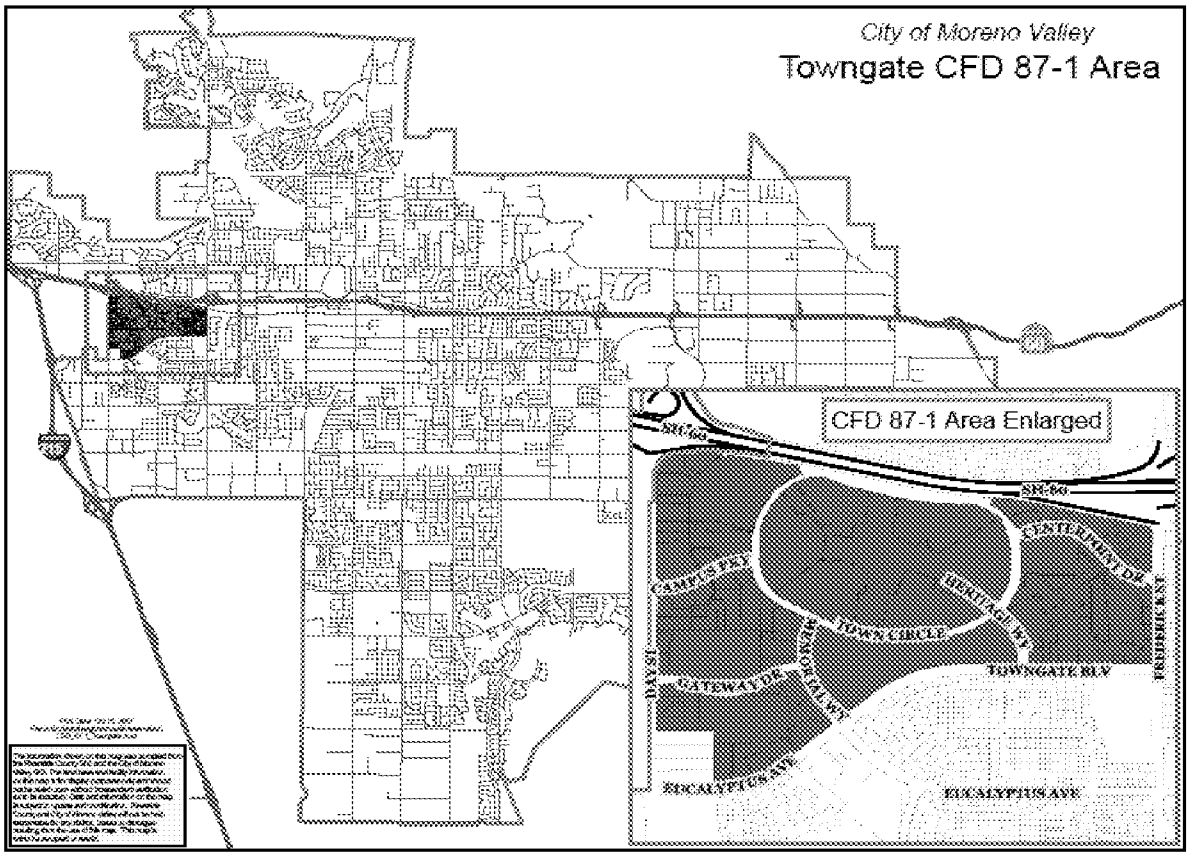
City of Moreno Valley
Towngate CFD 87-1 Area
CFD 87-1 Area Enlarged
SR-60
CAMPUS TR
TOWN CIRCLE
GATEWAY DR
DAY ST
TOWNGATE BLV
FRIDERICK ST
EUCALYPTUS AVE
EUCALYPTUS AVE

Exhibit C

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MV00107363

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 87-1 (Towngate) Improvement Area No. 1 ("CFD No. 87-1, Improvement Area No. 1") approve and adopt the following:

1) Resolution No. 2011-50 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12 for CFD No. 87-1 Improvement Area No. 1; and

2 Resolution No. 2011-51 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1.

BACKGROUND

As part of the formation proceedings, CFD No. 87-1, Improvement Area No. 1 was authorized to issue bonds. On March 23, 1993, the Moreno Valley City Council approved Resolution No. 93-16 to authorize the issuance of $5,000,000 in bonds for CFD No. 87-1 Improvement Area No. 1, which were sold on June 24, 1994. The bonds contained a capitalized interest component, which precluded the necessity to levy a Special Tax for 1993/94; therefore, fiscal year (FY) 1994/95 was the first year for a Special Tax levy.

In October of 2007, the legislative body of CFD No. 87-1 Improvement Area No. 1 adopted Resolution No. 2007-120 to authorize the issuance of 2007 Special Tax Refunding Bonds ("Bonds") for CFD No. 87-1 Improvement Area No. 1. On November 29, 2007, $4,075,000 of CFD No. 87-1 Improvement Area No. 1 Bonds were sold. The issuance of the Bonds accomplished a net reduction in the debt service requirement from the refunded bonds as a result of receiving a favorable interest rate. Construction and acquisition of public improvements within CFD No. 87-1 Improvement Area No. 1 have been completed for more than a decade.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 87-1 Improvement Area No. 1 was established to finance the acquisition, construction, and/or installation of public facilities, which include sewer and water improvements, traffic signals, freeway ramps and land for a detention basin. Bonds were issued to provide funding for these improvements. Only commercial properties within the District are subject to an annual special tax to repay the bonded indebtedness. Subsequent increases, not addressed in the original CFD Report, will be subject to a two-thirds voter approval of the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") required to meet the special tax requirement for CFD No. 87-1 Improvement Area No.1, as submitted in the Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement. The special taxes for CFD 87-1 Improvement Area No. 1 shall be levied at a uniform rate per taxable acre on all parcels within each of two tax rate areas. Tax Rate Area 1 is responsible for 59% of the special tax levy up to the maximum special tax rate of $4,450 per taxable acre. Tax Rate Area 2 is responsible for 41% of the special tax levy up to a maximum special tax rate of $3,850 per taxable acre.

The special tax will be levied per parcel and collected on the annual Riverside County property tax bills. The special tax levy is applied only to those parcels within the boundaries of CFD No. 87-1 Improvement Area No. 1.

Additionally, City Council is being asked to approve and adopt a resolution to approve the submittal of the CFD 87-1 Improvement Area No. 1 Annual Accountability Report in compliance with California Government Code Sections 53410 and 53411 ("Code Sections"). Sales of local bonds require the chief fiscal officer of the issuing local agency to file a report with its governing body at least once a year ("Annual Accountability Report"). Beginning with FY 2008/09, and every year thereafter, Special Districts shall include the requirements of this Annual Accountability Report as part of the CFD 87-1 Improvement Area No. 1 Annual Special Tax and Bond Accountability

Report, which is on file in the office of the City Treasurer. The Annual Accountability Report provides the following information as required by the Code Sections:

a) The amount of funds collected and expended; and
b) The status of the project.

ALTERNATIVES

1. By approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1, Improvement Area No. 1 shall: 1) Approve and adopt the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1 and 2) Approve and adopt the submittal of the Annual Accountability Report in compliance with the Code Sections, as submitted in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. *This approval will allow collection of funds necessary to pay the annual debt service on CFD No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Refunding Bonds and comply with state reporting requirements.*

2. By not approving and adopting the proposed resolutions, the legislative body for CFD No. 87-1, Improvement Area No. 1 shall: 1) Not approve nor adopt the proposed resolutions for the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1 and 2) Not approve nor adopt the Annual Accountability Report, as submitted in the Annual Special Tax and Bond Accountability Report. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 87-1 Improvement Area No. 1 Special Tax Refunding Bonds. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting the viability of future bond sales. Filing of the Annual Accountability Report is a legal requirement, which would be a violation of the Code Sections.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the 2011/12 tax bill for each of the taxable parcels within the boundary of CFD No. 87-1 Improvement Area No. 1. **The funds collected through the CFD No. 87-1, Improvement Area No. 1 are restricted funds, which may only be used to pay the debt service for CFD No. 87-1, Improvement Area No. 1**. The amounts of the individual charges are reported in the Annual Special Tax and Bond Accountability Report on file in the office of the City Treasurer. There are no general fund expenditures involved with this special tax obligation. The property within the CFD No. 87-1 Improvement Area No. 1 boundary is commercial; therefore, there are no residential properties affected by this special tax levy. There is no fiscal impact associated with filing a report in compliance with the Code Sections.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 87-1 Improvement Area No. 1 bonded indebtedness shall be collected and accounted for in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 87-1 Improvement Area No. 1, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service for the Bonds. Also being considered is the approval of the Annual Accountability Report for CFD No. 87-1 Improvement Area No. 1. Both the RMA and the Annual Accountability Report for CFD No. 87-1 are described in the Annual Special Tax and Bond Accountability Report, which are on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Exhibit A	Resolution to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 87-1 Improvement Area No. 1
Exhibit B	Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for CFD No. 87-1 Improvement Area No. 1
Exhibit C	Boundary Map CFD No. 87-1 Improvement Area No.1

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE REPORT FOR FISCAL YEAR 2010/11 REGARDING COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, formed Community Facilities District No. 87-1 Improvement Area No. 1 ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 93-16 approving the Bond Indenture terms and conditions pertaining to the issuance of the $5,000,000 City of Moreno Valley Community Facilities District No. 87-1 (Towngate) Improvement Area No. 1 Special Tax Bonds; and,

WHEREAS, on October 27, 2007, the legislative body adopted Resolution No. 2007-120, which authorized the issuance of Special Tax Refunding Bonds for the District to accomplish a net reduction in the debt service requirement, and approved the Bond Indenture terms and conditions pertaining to the issuance of $4,075,000 for Community Facilities District No. 87-1 Improvement Area No. 1; and,

WHEREAS, an annual special tax report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District is on file in the office of the City Treasurer and is incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, on file in the Office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No 87-1 Improvement Area No. 1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

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MV00107371

RESOLUTION NO. 2011-51

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 87-1 (TOWNGATE) IMPROVEMENT AREA NO. 1 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 87-1 IMPROVEMENT AREA NO. 1

WHEREAS, Government Code §53410 requires that on or after January 1, 2001, any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

Exhibit B

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00107375

Boundary Map

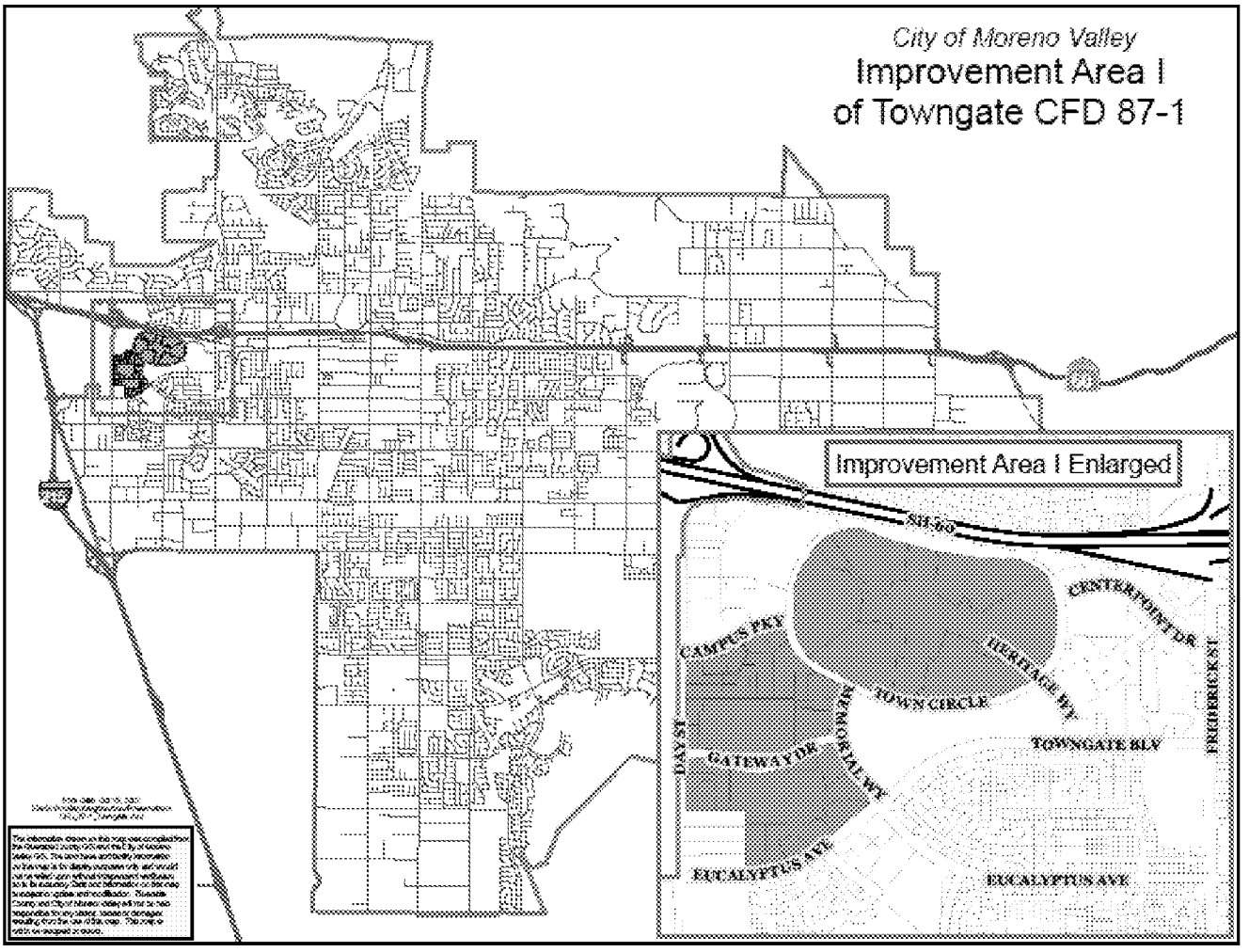

Exhibit C

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MV00107377

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of the Moreno Valley Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 3 (AUTO MALL REFINANCING)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the legislative body of the Moreno Valley Community Facilities District (CFD) No. 3 (Auto Mall Refinancing) ("CFD No. 3"), approve and adopt Resolution No. 2011-52 to accept and approve the Annual Special Tax Report for fiscal year (FY) 2011/12, on file in the office of the City Treasurer.

BACKGROUND

The City of Moreno Valley Community Facilities District No. 2 (Auto Mall) ("CFD No. 2") formation permitted a bonded indebtedness in an amount not to exceed $14,700,000. The sale of bonds in June 1989 financed the construction and acquisition of infrastructure improvements. Except for funds set aside for traffic signal construction at the eastbound off ramp of State Route 60 and Moreno Beach Dr., the improvements were declared complete in 1993, and the excess improvement funds were used to retire $2,805,000 in bonds in December 1993. The traffic signal construction was completed June 14, 1996, and the remaining funds were used to call $95,000 in bonds on June 2, 1997.

There were special tax payment delinquencies on eleven (11) parcels within CFD No. 2. Landmark Land Company of California failed to remit their payments starting with the April 10, 1994 through December 10, 1999 installments on nine parcels. Foreclosure proceedings began in May 1994. The foreclosure was delayed due to bankruptcy proceedings against Oak Tree Federal Savings Bank, Landmark Land Company's

parent corporation. On February 7, 1997, a judicial foreclosure sale was held at the Riverside County Courthouse. No bids were received for the properties. In addition to the nine Landmark Land Company delinquencies, the Federal Deposit Insurance Corporation (FDIC) failed to make the April 10, 1997, through December 10, 1999, payments on two (2) parcels.

The bonds defaulted on December 1999, requiring City staff to work with the current auto dealerships and professional consultants to resolve the delinquencies by refinancing the outstanding debt and providing for the acquisition of the nonperforming parcels by new property owners.

On January 25, 2000, a Settlement Agreement, as developed through a combined effort of City staff, the Auto Mall dealerships, and professional consultants, was approved by the City Council. The City Council adopted the Amended and Restated Agreement on March 7, 2000. These agreements provided for the refinancing of the CFD No. 2 Special Tax Bonds and restructuring of the special taxes, remedied the Event of Default on December 1, 1999, reduced and discharged the delinquent ad valorem taxes and special taxes, provided for the disposition of the nonperforming parcels, facilitated development of the nonperforming parcels, established a defined interpretation of the calculation of special tax, and settled all claims. In March 2000, the City formed Community Facilities District No. 3 ("CFD No. 3") for the purpose of restructuring the special tax and issuing bonds to refinance CFD No. 2. On April 5, 2000, $8,075,000 of CFD No. 3 bonds were sold to refinance the outstanding CFD No. 2 bonds. At formation of CFD No. 3, the rate and method of apportionment ("RMA") established a maximum special tax rate that could be levied against properties within CFD No. 3.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. CFD No. 2 was established to finance the capital costs for public improvements, including grading, paving, sewers, sidewalks, landscaping, etc. Bonds were sold to provide the funding for acquisition of these improvements. Only properties benefiting from the improvements had annual special tax levies placed on the property tax roll to repay the bonded indebtedness. CFD No. 3 Special Tax Bonds, Series 2000 (the "Bonds"), were issued to refinance the CFD No. 2 bonds. Subsequent increases if required, not addressed in the March 7, 2000, CFD Report, will be subject to a two-thirds voter approval by the property owners.

DISCUSSION

The City Council shall have the opportunity to consider implementing the RMA required to cover the special tax requirement for CFD No. 3, as submitted in the Special Tax Report on file in the office of the City Treasurer. Detailed within the Annual Special Tax Report is the calculation of the special tax levy as per the RMA to meet the FY 2011/12 special tax requirement. The maximum special tax rates are based upon the assigned zone and development status for each parcel within CFD No. 3, as determined by the timing of the building permit. Developed parcels are those parcels that have a building permit issued prior to January of the current year. For each fiscal year following 2000/01, the Maximum Special Tax rates shall increase by an amount equal to 2% of

the Maximum Special Tax in effect for the prior fiscal year. The Maximum Special Tax applicable to each parcel, or portion thereof, shall be obtained by multiplying the taxable acreage for the parcel or portion thereof by the appropriate maximum special tax rate for the parcel's assigned zone as shown within the table below.

Community Facilities District No. 3 (Auto Mall Refinancing) MAXIMUM SPECIAL TAX RATES BY LAND USE CLASSIFICATION FOR FISCAL YEAR 2011/12		
Zone	Developed Property	Undeveloped Property
A	NA*	NA*
B	$14,921/Taxable Acres	$8,963/Taxable Acres
C	$9,946/Taxable Acres	$3,345/Taxable Acres

** Based upon the application of the RMA, properties located within Zone A of CFD No. 3 are not taxable after FY 2009/10.*

The special tax levy is applied only to those taxable parcels within the boundaries of CFD No. 3 and will be collected on the annual tax bills prepared by the County of Riverside. The debt service shall be paid from a combination of CFD special taxes and Redevelopment tax increment and limited project specific sales tax.

ALTERNATIVES

1. By approving and adopting the proposed resolution, the legislative body for CFD No. 3 shall approve and adopt the resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *This approval would allow collection of funds necessary to pay the annual debt service on CFD No. 3 Bonds.*

2. By not approving and adopting the proposed resolution, the legislative body for CFD No. 3 shall not approve nor adopt the resolution to implement the rate and method of apportionment of the special tax levy required to cover the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer. *If the collection of the special taxes are not approved, there will be a shortage of funds necessary to pay the annual debt service on CFD No. 3 Bonds. Bond reserves cover the shortfall and/or the payments to the bondholders to prevent an event of default. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales.*

FISCAL IMPACT

The fiscal impact will be a special tax applied to the CFD No. 3 property owner's 2011/12 tax bill. The amounts of the individual charges are reported in the Annual

Special Tax Report on file in the office of the City Treasurer. **The funds collected through the CFD No. 3 are restricted funds, which may only be used to pay the debt service for CFD No. 3.** There are no general fund expenditures involved with this special tax obligation. Specific uses of parcel Redevelopment tax increment and sales tax revenues, as defined in various Participation Agreements, may offset the special tax.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

Special taxes necessary to repay the CFD No. 3 bonded indebtedness shall be collected in accordance with the provisions outlined within the RMA and the Bond Indenture.

SUMMARY

City Council, acting in their capacity as the legislative body of the Moreno Valley CFD No. 3, shall have an opportunity to consider implementing the RMA to provide the payment of the annual debt service of CFD No. 3, as submitted in the Annual Special Tax Report on file in the office of the City Treasurer.

NOTIFICATION

Not Applicable

ATTACHMENTS/EXHIBITS

Exhibit A Resolution to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 3

Exhibit B Boundary Map of CFD No. 3

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 3 OF THE CITY OF MORENO VALLEY (AUTO MALL REFINANCING)

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) ("District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Resolution No. 2000-27 ("Resolution") approving the form of the Bond Indenture ("Indenture") terms and conditions pertaining to the issuance of the Community Facilities District No. 3 of the City of Moreno Valley (Auto Mall Refinancing) Special Tax Bond, Series 2000 in the amount of $8,075,000 of the; and,

WHEREAS, the City has prepared and submitted the Annual Special Tax Report ("Report") for fiscal year ("FY") 2011/12, which fully sets forth all information concerning the District, which is on file in the office of the City Treasurer and is incorporated herein by this reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 3 as set forth in the Report and herby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

Exhibit A

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

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MV00107385

Boundary Map

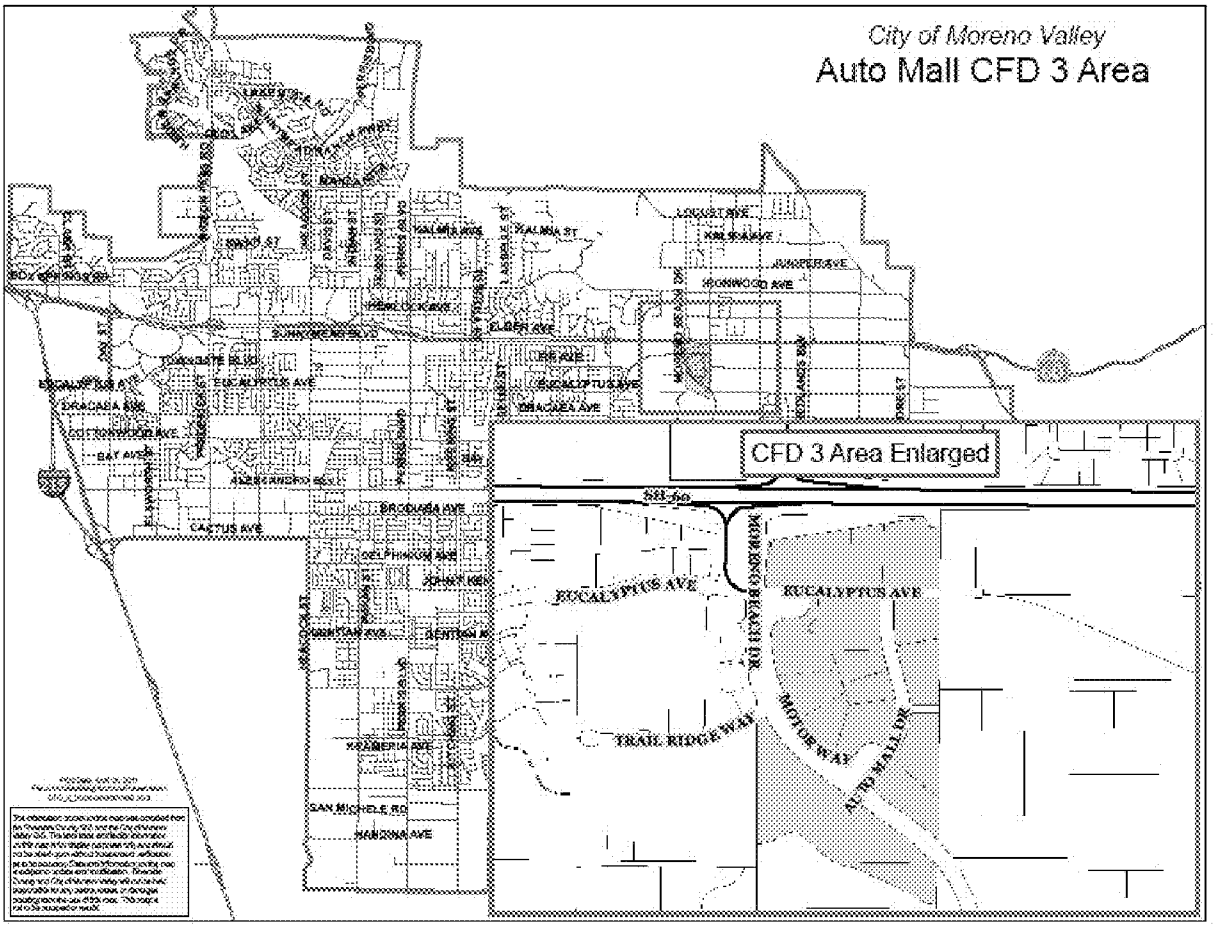

Exhibit B

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MV00107387

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 4—Maintenance

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ACCEPTANCE OF THE ANNUAL SPECIAL TAX REPORT FOR MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 4—MAINTENANCE FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 4—Maintenance ("CFD No. 4—M") approve and adopt Resolution No. 2011-53 to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12.

BACKGROUND

Centerpointe Business Park is an industrial development area, which is generally located north of Cactus Avenue, south of Alessandro Boulevard, east of Frederick Street, and west of Heacock Street. As a condition of development, stormwater detention basin improvements were constructed to accommodate storm runoff within the Centerpointe Business Park industrial development area and adjoining properties.

On October 25, 2005, City Council adopted Resolution No. 2005-97 to form and establish CFD No. 4—M, to provide stormwater facilities maintenance, and to authorize the submittal of the levy of special taxes on properties within the Centerpointe Business Park industrial development, including adjacent properties that may in the future be annexed into CFD No. 4—M. Maintenance, as defined in the resolution to form CFD No. 4—M includes, but is not limited to, the provisions of all labor, materials, administration, equipment, utilities, and incidental expenses necessary to provide maintenance of the stormwater facilities.

DISCUSSION

The City Council shall have the opportunity to consider implementing the rate and method of apportionment of the special tax ("RMA") to cover the special tax requirement for CFD No. 4—M, as submitted in the special tax report on file in the office of the City Treasurer. Detailed within the annual special tax report ("Report") is the calculation of the special tax levy as per the RMA to meet the fiscal year ("FY") 2011/12 special tax requirement.

The maximum annual special tax for each tributary assessor's parcel of developed and undeveloped property, as established by the RMA, shall be increased each fiscal year thereafter, beginning in July 2007, by an amount equal to the Engineering News-Record Building Cost Index ("BCI") for the City of Los Angeles, measured as of the end of the calendar year. For FY 2011/12 the maximum special tax would be increased by 5.26% to $0.008978 per square foot of land area, based upon the application of the BCI. The special tax levy shall be applied proportionately on each parcel of developed and undeveloped property within the boundaries of CFD No. 4—M up to 100% of the applicable maximum annual special tax. The special tax levy per parcel will be collected on the Riverside County property tax bill. However, the special tax levy for the United States Postal Service, assessor parcel number 297-170-071, shall be direct billed.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 4—M. *This approval will allow collection of the special taxes necessary to fund ongoing maintenance and administrative costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4—M.*

2. **Do not approve or adopt the proposed resolution** to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 4—M. *If the special tax levy was not approved, there may be a shortage of funds necessary to fund ongoing maintenance and administrative costs associated with stormwater and detention basin facilities to service the properties within the boundaries of CFD No. 4—M.*

FISCAL IMPACT

There is no impact on the General Fund regarding the levy of the special tax for CFD No. 4—M. The fiscal impact for CFD No. 4—M will be a levy of a special tax applied to the property owner's FY 2011/12 tax bill or a direct bill for tax-exempt properties. The special tax levied on properties within the boundaries of CFD No. 4—M can only be used to cover the annual special tax requirement for this district. Properties within the boundaries of CFD No. 4—M consists of commercial and industrial developments; residential properties are not affected by this special tax levy.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
Special taxes necessary to fund CFD No. 4—M services shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council shall have an opportunity to consider implementing the levy for CFD No. 4—M, per the RMA, to provide ongoing maintenance and administrative services for the stormwater and detention basin improvements.

EXHIBITS

EXHIBIT A A proposed resolution to accept and approve the Annual Special Tax Report for CFD No. 4—M for fiscal year 2011/12
EXHIBIT B Boundary Map of CFD No. 4—M
EXHIBIT C Future Annexation Area Map of CFD No. 4—M

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 4-Maintenance\Administration\Annual Report\2011-12\staff report and resolution\Staff_Report for CFD No 4-M annual report.doc

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MV00107391

RESOLUTION NO. 2011-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 4-MAINTENANCE

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 4-Maintenance ("CFD No. 4-M" or "District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 697 approving the rate and method of apportionment of special taxes ("RMA") to authorize a levy of a special taxes within CFD No. 4-M; and,

WHEREAS, The City has prepared and submitted the Annual Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 4-M as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

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MV00107395

PROPOSED BOUNDARY OF

COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE OF THE CITY OF MORENO VALLEY

COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

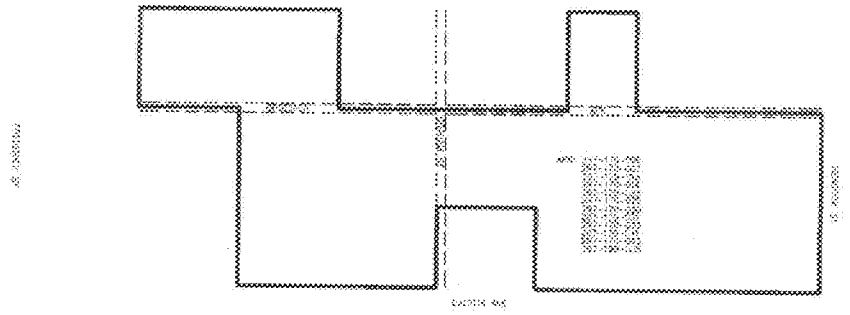

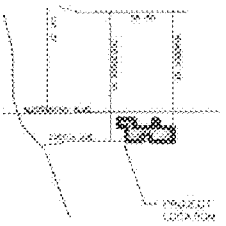

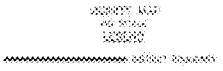

PROPOSED BOUNDARY MAP

Proposed Boundary of
Community Facilities District No. 4-Maintenance
of the City of Moreno Valley
County of Riverside, California

Sheet 1 of 2

EXHIBIT B

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MV00107397

FUTURE ANNEXATION AREA OF

COMMUNITY FACILITIES DISTRICT No. 4 – MAINTENANCE OF THE CITY OF MORENO VALLEY

COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

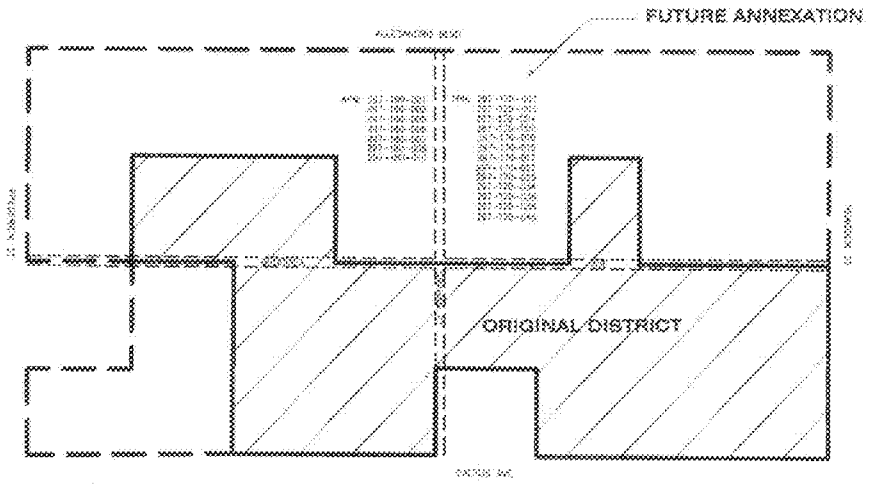

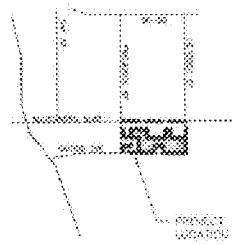

PROPOSED BOUNDARY MAP

Future Annexation Area of
Community Facilities District No. 4 - Maintenance
of the City of Moreno Valley
County of Riverside, California

Sheet 3 of 3

EXHIBIT C

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MV00107399

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the Legislative Body of Moreno Valley Community Facilities District No. 5

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ADOPTION OF THE ANNUAL SPECIAL TAX REPORT AND ANNUAL ACCOUNTABILITY REPORT FOR FISCAL YEAR 2011/12 REGARDING MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 5

RECOMMENDED ACTION

Staff recommends that the City Council acting in their capacity as the legislative body of Moreno Valley Community Facilities District No. 5 adopt the following:

1. Resolution No. 2011-54 to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5; and

2. Resolution No. 2011-55 to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5.

BACKGROUND

Community Facilities District No. 5 ("CFD No. 5" or "District") consists of Stoneridge Towne Centre, which is zoned for commercial/retail use. The site, located at the northeast corner of the Nason Street and Fir Avenue, is approximately 64 gross acres, of which 33 are net taxable acres.

On October 25, 2005, City Council adopted Resolution No. 2005-104 to form CFD No. 5 to finance the capital costs related to the Stoneridge Towne Centre commercial development for street improvements (Nason Street, Dracaea Avenue, Eucalyptus Avenue, and Fir Avenue), traffic signals, water, sewer, drainage, and electrical improvements.

California Government Code Sections 53410 and 53411 ("Code Sections") state that any local bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures that include, but are not limited to, the chief fiscal officer of the issuing local agency filing an Annual Accountability Report with its governing body at least once a year. The Annual Accountability Report shall contain the specific purpose of the bonds, both the amount of funds collected and expended, and the status of any project required or authorized to be funded as identified in the statement indicating the specific purpose of the bonds.

DISCUSSION

Each year during the term of the debt, an Annual Special Tax Report must be approved by the City Council to provide funds for the annual debt service requirements. Detailed within the Annual Special Tax Report is the total annual debt service, administrative requirements, and the calculation of the special tax levy, as per the rate and method of apportionment ("RMA"), to meet the fiscal year ("FY") 2011/12 special tax requirement. The FY 2011/12 Annual Special Tax Report is on file with the City Treasurer.

The maximum annual special tax for developed and undeveloped property has been established by the RMA at $10,652.00 per acre for FY 2006/07. Per the RMA, the maximum annual special tax shall be increased by an amount equal to two percent (2%) each fiscal year in order to meet the annual special tax requirement. The maximum special tax rate for FY 2011/12 is $11,760.65 per acre. Subsequent increases, not addressed in the RMA, will be subject to a two-thirds voter approval of the property owners.

The special tax is applied only to those taxable parcels within the District boundaries, excluding parcels not subject to the special tax. The special tax obligation for parcels owned by Target Corp and Kohls Dept Stores, Inc has been prepaid. These parcels are no longer subject to the special tax. The special tax levy is levied on taxable parcels on the annual Riverside County property tax bills.

The CFD No. 5 Annual Accountability Report provides the following accountability measure as required by the Code Sections:

a) The amount of funds collected and expended; and
b) The status of the project.

The Annual Special Tax Report and the Annual Accountability Report have been consolidated into the Annual Special Tax and Bond Accountability Report, which is on file in the office of the City Treasurer.

ALTERNATIVES

1. **Approve and adopt the proposed resolutions:** 1) to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 5 and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. A*pproval of the*

resolutions will allow for the collection of the special taxes necessary to cover the annual debt service for CFD No. 5 and to ensure compliance with the Code Sections.

2. **Do not approve or adopt the proposed resolutions:** 1) to accept and approve the Annual Special Tax Report for FY 2011/12 for CFD No. 5 and 2) to approve the submittal of the Annual Accountability Report for CFD No. 5. *If the special tax levy was not approved, there may be a shortage of funds necessary to cover the annual debt service for CFD No. 5. Bond reserves would be used to cover the shortfall and a technical default would occur. Default to bondholders may significantly impact the City of Moreno Valley's reputation in the bond market, thereby, possibly affecting viability of future bond sales. Failure to file the Annual Accountability Report would be a violation of the Code Sections.*

FISCAL IMPACT

There is no fiscal impact on the General Fund associated with the annual debt service or for the submittal of the Annual Special Tax and Bond Accountability Report for CFD No. 5. The fiscal impact will be a special tax applied to the 2011/12 Riverside County property tax bills for those parcels subject to the CFD No. 5 special tax. The special tax levied on properties within the boundaries of CFD No. 5 can only be used to cover the annual special tax requirement for the District.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
Special taxes necessary to cover the annual debt service for CFD No. 5 shall be collected in accordance with the provisions outlined within the RMA.

SUMMARY

The City Council acting in their capacity as the legislative body of CFD No. 5 shall have an opportunity to consider implementing the special tax levy for CFD No. 5, per the RMA, to cover the special tax requirement for CFD No. 5, as submitted in the Annual Special Tax Report. Also being considered is the approval and submittal of the Annual Accountability Report for CFD No. 5, which has been incorporated into the Annual Special Tax Report. The Annual Special Tax and Bond Accountability Report is on file in the office of the City Treasurer.

EXHIBITS

EXHIBIT A Resolution to accept and approve the Annual Special Tax Report for fiscal year 2011/12 regarding Community Facilities District No. 5
EXHIBIT B Resolution to approve the submittal of the Annual Accountability Report in compliance with Government Code Sections 53410 and 53411 for Community Facilities District No. 5
EXHIBIT C Boundary Map of Community Facilities District No. 5

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 5 Stoneridge\Administration\Annual Reports\2011-12\staff report and resolutions\CFD 5 11_12 levy - Staff Report.doc

RESOLUTION NO. 2011-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12 REGARDING COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, the CITY COUNCIL of the CITY OF MORENO VALLEY, CALIFORNIA, did form Community Facilities District No. 5 ("CFD No. 5" or "District") pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982", as amended, being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the legislative body did adopt Ordinance No. 701 to authorize a levy of a special tax within CFD No. 5; and,

WHEREAS, The City has prepared and submitted the Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual debt service of Community Facilities District No. 5 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District, excluding parcels not subject to the special tax.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____
CITY CLERK

(SEAL)

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MV00107407

RESOLUTION NO. 2011-55

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 OF THE CITY OF MORENO VALLEY, APPROVING THE SUBMITTAL OF THE ANNUAL ACCOUNTABILITY REPORT IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 53410 and 53411 FOR COMMUNITY FACILITIES DISTRICT NO. 5

WHEREAS, Government Code §53410 requires that on or after January 1, 2001 any bond measure that is subject to voter approval that would provide for the sale of bonds by a local agency shall provide accountability measures; and,

WHEREAS, Government Code §54311 requires the chief fiscal officer of the issuing local agency to file an Annual Accountability Report ("Report") with its governing body no later than January 1, 2001, and at least once a year thereafter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE that the City of Moreno Valley submits the Report in compliance with the above mentioned Government Code Sections, and that the Report shall remain on file in the office of the City Treasurer for review by the public upon request.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

64/20

City

PROPOSED BOUNDARY OF

COMMUNITY FACILITIES DISTRICT No. 5 OF THE CITY OF MORENO VALLEY

COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

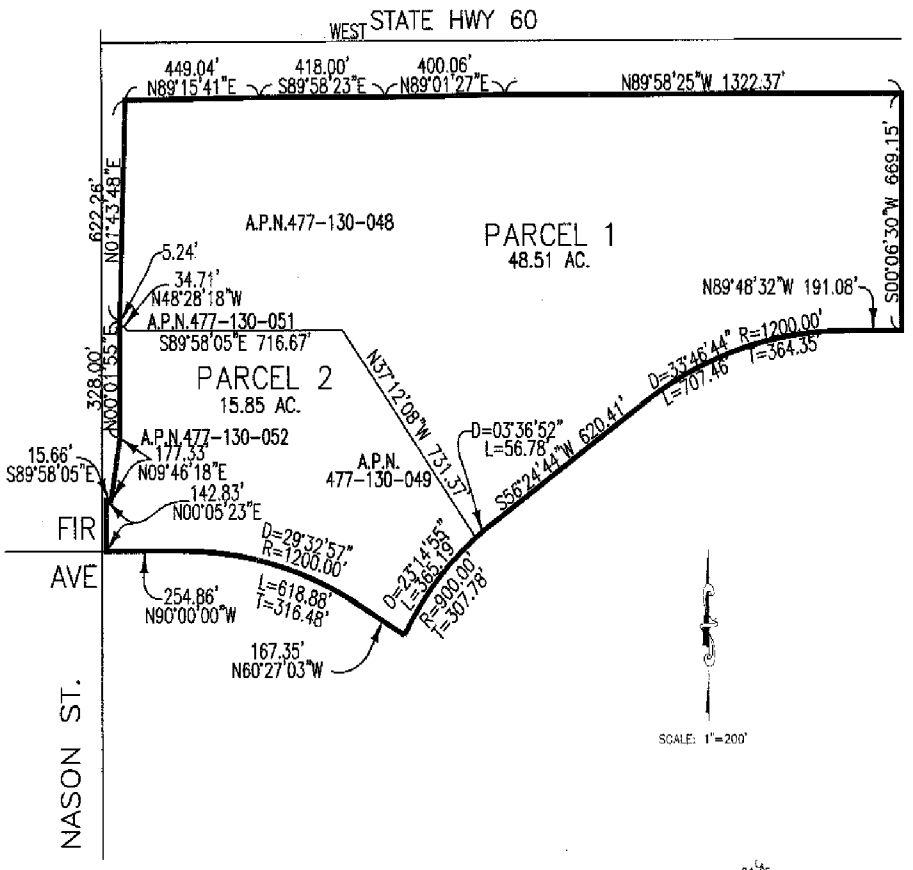

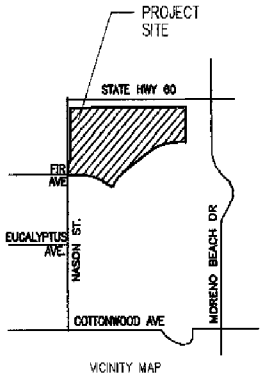

VICINITY MAP
NO SCALE

LEGEND

DISTRICT BOUNDARY

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MORENO VALLEY THIS 20th DAY OF September 2005.

CITY CLERK OF THE CITY OF MORENO VALLEY

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 5 CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, AT A REGULARLY SCHEDULED MEETING THEREOF, HELD ON THE 13th DAY OF September 2005, BY ITS RESOLUTION No. 2005-78.

CITY CLERK OF THE CITY OF MORENO VALLEY

FILED THIS 20th DAY OF September 2005, AT THE HOUR OF 8 O'CLOCK A.M. IN BOOK 64 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS PAGE NOS. 20 THROUGH — AS INSTRUMENT NO. 2005-0786291 IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA.

COUNTY RECORDER OF THE COUNTY OF RIVERSIDE

FEE $ 7

REFERENCE THE RIVERSIDE COUNTY ASSESSOR'S MAPS FOR A DETAILED DESCRIPTION OF PARCEL LINES AND DIMENSIONS

PROPOSED BOUNDARY MAP

Community Facilities District No. 5
of the City of Moreno Valley
County of Riverside, California

Sheet 1 OF 1

HARRIS & ASSOCIATES
34 Executive Park, Suite 150
Irvine, CA 92614
(949) 655-3900 • FAX (949) 655-3995

04/22/05

D:\Moreno Valley\CFD\B\Map\CFD No 5 — Stonebridge Ranch.dwg

EXHIBIT C

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MV00107411

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: May 10, 2011

TITLE: PA04-0004 – EXONERATION OF BONDS FOR PUBLIC IMPROVEMENTS

SOUTHWEST CORNER OF BAY AVENUE AND PAN AM BOULEVARD

DEVELOPER – MOVAL BAY APARTMENTS, L.P.
5 PARK PLAZA
SUITE 980
IRVINE, CA 92614

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the acceptance of certain public improvements associated with the project.

2. Authorize the City Engineer to execute the exoneration of the Faithful Performance and Material and Labor bond associated with project PA04-0004 for public improvements.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On June 24, 2004, the Planning Commission of the City of Moreno Valley approved PA04-0004. This project is a proposal to develop a 61-unit affordable apartment complex with recreational amenities on 3.6 acres of vacant land.

On July 11, 2006, the City Council of Moreno Valley approved the agreement and bonds for public improvements in the amounts of $207,000 for Faithful Performance and $103,500 Material & Labor. The developer was required to construct certain public street improvements that included driveways, asphalt pavement, sidewalk, curb & gutter, street lights, water, and sewer within Adrienne Street, Bay Avenue and Pan Am Boulevard. Those improvements received on-going inspection during the construction process. The improvements are now eligible for acceptance into the City's maintained street system. The City currently maintains the streets surrounding the project.

DISCUSSION

The completed improvements received a final inspection. The improvements were completed in accordance with the approved plans and standards of the City of Moreno Valley. It is therefore appropriate to accept those improvements and release the bonds.

ALTERNATIVES

1. Authorize the City Engineer to execute the exoneration of the bonds for public improvements.

2. Do not authorize the City Engineer to execute the exoneration of the bonds for public improvements.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Public Improvement Agreement with Bonds

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez
Senior Engineer, P.E.

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\5-10-11 - PA04-0004 - Exoneration of Agreement & Bonds.doc

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MV00107415

VICINITY MAP

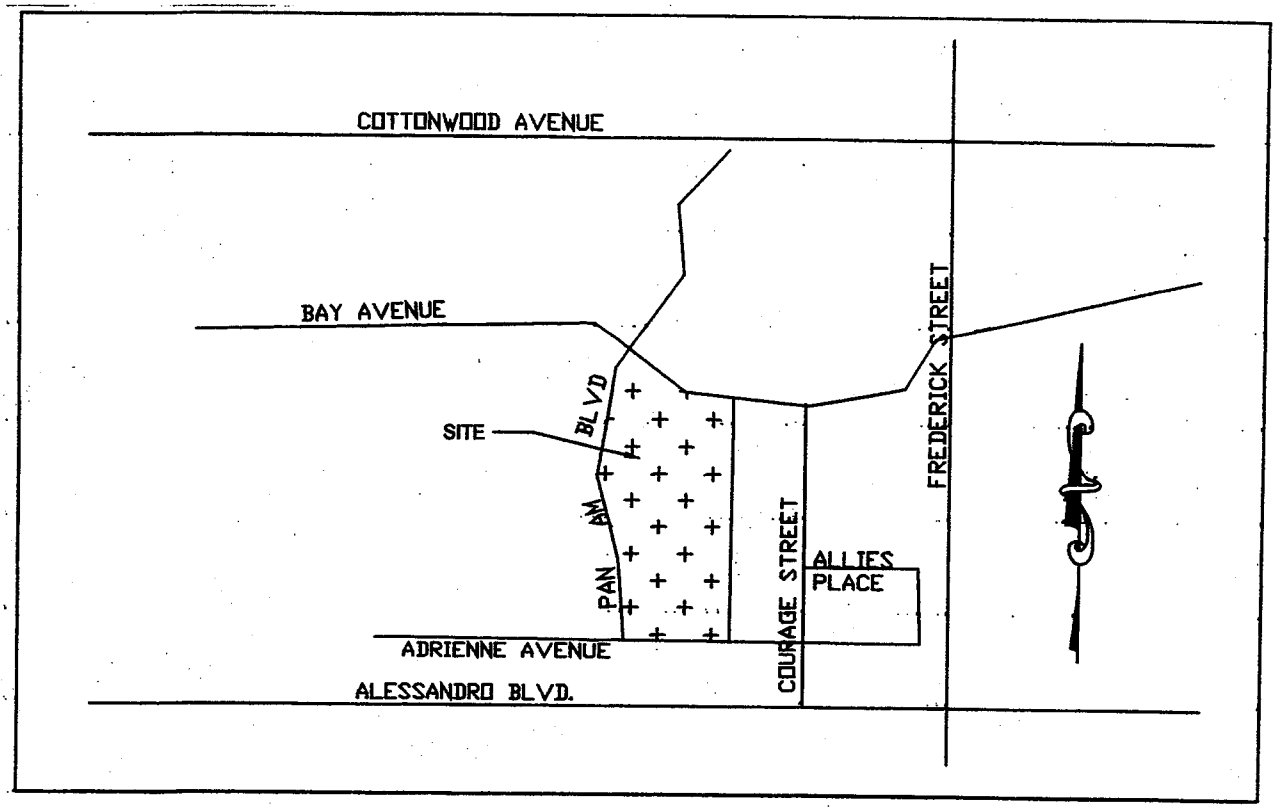

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**Bay Family Apartments** **PA04-0004**

W:\LAND\FORMS\VICINITY MAP.doc (01/04)

Item No. A.14

MV00107416

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MV00107417

RECORDING REQUESTED BY:
City of Moreno Valley

WHEN RECORDED, RETURN TO:

CITY OF MORENO VALLEY
City Clerk
P. O. Box 88005
Moreno Valley, CA 92552-0805

No recording fee per Government Code, Section 6103

This space for Recorder's use only.

AGREEMENT FOR PUBLIC IMPROVEMENTS
PROJECT NO. PA04-0004

APN 291-272-001

This Agreement, made and entered into by and between the City of Moreno Valley, State of California, hereinafter called City, and **MOVAL BAY APARTMENTS, L.P.,** herein after called Contractor, on the date signed by the Mayor of the City.

WITNESSETH:

FIRST: Contractor, for and in consideration of the approval by the City of the final map of that certain land division, or that certain other land development project, known as **PA04-0004** agrees, at Contractor's own expense, to furnish all labor, equipment and material necessary, and within **TWENTY-FOUR (24)** months from the date this Agreement is executed, to perform and complete in a good and workmanlike manner, all of the required improvements in accordance with those improvement plans for said project which have been approved by the City Engineer, and are on file in the office of the City Engineer, and to do all work incidental thereto in accordance with the standards set forth in City ordinances and regulations, and pay all costs of engineering necessary in connection therewith, which are expressly made a part of this Agreement. All of the above required work shall be done under the inspection of and to the satisfaction of the City Engineer, and shall not be deemed complete until approved and accepted as complete by the City. Contractor further agrees to guarantee the required improvements for a period of one year following acceptance by the City and during this one year period to repair and replace, to the satisfaction of the City Engineer, any defective work or labor done or defective materials furnished. Contractor shall complete the improvements described in this paragraph pursuant to Section 66462, Government Code. Contractor shall also complete any offsite improvements required as a condition of approval and with plans approved by the City Engineer at such time as the City acquires an interest in the land which will permit the improvements to be made, and the Contractor waives the 120 day time limitation set forth in Section 66462.5, Government Code. The estimated cost of said work and improvements, pursuant to the Preliminary Estimate of Cost labeled Exhibit A attached hereto, is the sum of **TWO HUNDRED SEVEN THOUSAND AND NO/100** Dollars (*****$207,000.00*****).

SECOND: Contractor agrees to pay to the City the actual cost of such inspection of the works and improvements as may be required by the City Engineer. Contractor further agrees that, if suit is brought upon this Agreement or any bond guaranteeing the completion of the required improvements, all costs and reasonable expenses and fees incurred by the City in successfully enforcing such obligations shall be paid by Contractor and guaranteed by the surety in addition to the face amount of the security, including reasonable attorney's fees, and that, upon entry of judgment, such costs, expenses and fees shall be taxed as costs and included in any judgment rendered.

THIRD: City shall not, nor shall any officer or employee of City, except for its or their sole negligence, be liable or responsible for any accident, loss or damage happening or occurring to the works specified in this Agreement prior to the completion and approval thereof, nor shall City or any officer or employee thereof, be liable for any persons or property injured by reason of the nature of the work, or by reason of the acts or omissions of Contractor, his agents or employees, in the performance of the work, and all of said liabilities are assumed by Contractor. Contractor agrees to protect, defend and hold harmless City and the officers and employees thereof from all loss, liability or claim because of, or arising out of the acts or omissions of Contractor, his agents and employees, in the performance of this Agreement, or arising out of the use of any patent or patented article in the performance of this Agreement.

EXHIBIT "B"

FOURTH: The Contractor hereby grants to the City and/or to any authorized agent or employee of the City, the irrevocable permission to enter upon the lands of the above-referenced land division for the purpose of completing the improvements. This permission shall terminate in the event that the Contractor has completed the work within the time specified or any extension thereof granted by the City.

FIFTH: Contractor agrees at all times, up to the completion and acceptance of the improvements by the City, to give good and adequate warning to the traveling public of each and every dangerous condition caused by the construction of the improvements, and to protect the traveling public from such defective or dangerous conditions. The contractor shall keep all traveled ways that are a part of, or affected by the construction of this project free and clear of mud, dirt and debris and shall provide twice monthly street sweeping service. A copy of the contract for street sweeping service shall be provided to the City. The Contractor's obligation under this provision shall be secured by the bonds securing performance of this Agreement.

SIXTH: The Contractor, his agents and employees, shall give notice to the City Engineer at least 48 hours before beginning any work and shall furnish said City Engineer all reasonable facilities for obtaining full information with respect to the progress and manner of work.

SEVENTH: If the Contractor, or his agents or employees, neglects, refuses, or fails to prosecute the work with such diligence as to insure its completion within the specified time, or within such extensions of time as have been granted by the City, or if the Contractor violates, neglects, refuses, or fails to perform satisfactorily any of the provisions of the plans and specifications, he shall be in default of this Agreement and notice in writing of such default shall be served upon him. The City Council shall have the power, on recommendation by the City Engineer, to terminate all rights of the Contractor because of such default. The determination by the City Engineer of the question as to whether any of the terms of the Agreement or specifications have been violated, or have not been performed satisfactorily, shall be conclusive upon the Contractor, and any and all parties who may have any interest in the Agreement or any portion thereof. The foregoing provisions of this section shall be in addition to all other rights and remedies available to the City under law.

EIGHTH: Contractor agrees to file with City, prior to the date this Agreement is executed, a good and sufficient improvement security in an amount not less than the estimated cost of the work and improvements for the faithful performance of the terms and conditions of this Agreement, and good and sufficient security for payment of labor and materials in the amount prescribed by City ordinances and regulations to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California. Contractor agrees to renew each and every said bond or bonds with good and sufficient sureties or increase the amounts of said bond or bonds, or both, within ten (10) days after being notified by the City Engineer that the sureties or amounts are insufficient. Notwithstanding any other provision herein, if Contractor fails to take such action as is necessary to comply with said notice, he shall be in default of this Agreement unless all required improvements are completed within ninety (90) days of the date on which the City Engineer notified the Contractor of the insufficiency of the security or the amount of the bonds or both.

NINTH: It is further agreed by and between the parties hereto, including the surety or sureties on the bonds securing this Agreement that, in the event it is deemed necessary to extend the time of completion of the work contemplated to be done under this Agreement, extensions of time **may** be granted by the City from time to time, either at its own option, or upon request of Contractor, and such extensions shall in no way affect the validity of this Agreement or release the surety or sureties on said bonds, Contractor further agrees to maintain the aforesaid bonds in full force and effect during the terms of this Agreement, including any extensions of time as may be granted therein.

TENTH: It is understood and agreed by the parties hereto that if any part, term or provision of this Agreement is by the courts held to be unlawful and void, the validity of the remaining portions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

ELEVENTH: Any notice or notices required or permitted to be given pursuant to this Agreement shall be served on the other party by mail, postage prepaid, at the following addresses:

City:
City Engineer
P.O. Box 88005
14177 Frederick
Moreno Valley, CA 92552-0805

Contractor:
MoVal Bay Apartments, L.P.
5 Park Plaza, Suite 980
Irvine, CA 92614

IN WITNESS WHEREOF Contractor has affixed his name, address and seal.

Date approved by the City: July 11, 2006

MOVAL BAY APARTMENTS, L.P.:

By: Christina Alley, Chief Executive Officer
Title

By: President
Title

ATTEST:
CITY CLERK
OF THE CITY OF MORENO VALLEY

By: Marnie Campos Jr
City Clerk

(SEAL)

CITY OF MORENO VALLEY

By: Bonnie Flickinger
Mayor

APPROVED AS TO FORM:
CITY ATTORNEY

Date: 7/11/06

By: RDA
City Attorney

NOTE: TWO SIGNATURES ARE REQUIRED FOR CORPORATIONS UNLESS CORPORATE DOCUMENTS ARE PROVIDED THAT INDICATE OTHERWISE.

SIGNATURES OF CONTRACTOR MUST BE EXECUTED IN QUADRUPLICATE AND THE EXECUTION OF THE ORIGINAL COPY MUST BE ACKNOWLEDGED BEFORE A NOTARY
ORIGINAL - CITY CLERK; PINK - CONTRACTOR; GREEN - PUBLIC WORKS/LAND DEVELOPMENT; BLUE - PROJECT FILE

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
} ss
County of Merced }

On May 19, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

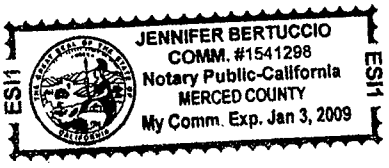

Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

MV00107421

EXHIBIT "A"
ENGINEER'S ESTIMATE

DATE: **01/24/06**
PREPARED BY: **Anitra Holt**

PROJECT: **PA04-0004**

STREET WORK

TYPE			QUANTITY	UNIT	UNIT PRICE	TOTAL
Roadway Excavation			0	C.Y.	20.00	0
A.B. Class II	0	Thickness (ft.)				
	0	S.F.	0	Ton	55.00	0
A.C.	0	Thickness (ft.)				
	0	S.F.	0	Ton	90.00	0
A.B. Class II	0.75	Thickness (ft.)				
	555	S.F.	30	Ton	55.00	1,660
A.C.	0.33	Thickness (ft.)				
	555	S.F.	13	Ton	90.00	1,195
A.C. Cap			0	Ton	90.00	0
A.C. Overlay			0	Ton	90.00	0
Grind & Pave 0.15'			0	S.F.	3.25	0
Curb and Gutter - 6"			70	L.F.	22.00	1,540
Curb and Gutter - 8"			0	L.F.	25.00	0
Curb Only - 6"			0	L.F.	18.00	0
Curb Only - 8"			0	L.F.	20.00	0
Cross Gutter and Spandrel			0	S.F.	15.00	0
Sidewalk			1125	S.F.	7.00	7,875
Driveway Approach - 6"			935	S.F.	14.00	13,090
Driveway Approach - 8"			0	S.F.	16.00	0
Alley Approach - 8"			0	S.F.	16.00	0
P.C.C. Paving - 6"			0	S.F.	14.00	0
P.C.C. Paving - 8"			0	S.F.	16.00	0
A.C. Berm - 6"			0	L.F.	10.00	0
A.C. Berm - 8"			0	L.F.	15.00	0
Slurry Seal (Based on $150/Ton Type II)			0	S.Y.	2.25	0
Redwood Header			0	L.F.	6.00	0
Sawcut			190	L.F.	1.50	285
Trench Repaving			1920	S.F.	12.00	23,040
Utility Trench			328	L.F.	17.00	5,576
Wheelchair Ramp			0	EA.	1,200.00	0
Street Name Sign			0	EA.	500.00	0
Stop Sign			1	EA.	200.00	200
Barricade			0	L.F.	100.00	0
Warning Markers - Type L, Type N			0	EA.	100.00	0
Signs and Posts			0	EA.	200.00	0
Street Sweeping Sign			0	EA.	200.00	0
Bus Bay			0	EA.	20,000.00	0
Traffic Striping/raised pavement markers			1	L.S.	2000	3,500
Traffic Signal (Includes Interconnect, Controller, Software			0	EA.	272,000.00	0
Traffic Signal Interconnect (Existing Signals Only)			0	L.F.	30.00	0
Walls - Masonry: 6' Maximum			0	L.F.	100.00	0
Walls - Retaining: 6' Maximum			0	L.F.	150.00	0
Relocate Trees			0	EA.	2,500.00	0
1/2 Alley Apron			0	S.F.	16.00	0
Street Lights (9500 lumen)			4	EA.	4,000.00	16,000
Street Lights (22000 lumen)			0	EA.	5,000.00	0
Adjust M.H. to Grade			0	EA.	800.00	0
Adjust Water Valve to Grade			0	EA.	400.00	0
Erosion Control			4	Ac.	10,000.00	35,000
Cluster Mail Boxes			1	EA.	4,500.00	4,500
Electrical Utility Infrastructure			0	EA.		
Electrical Utility Line Extension			1	L.F.	135.00	
					SUBTOTAL:	113,461
Landscaping			0	S.F.	6.00	0
Water Quality Basins			0	S.F.	6.00	0
					SUBTOTAL:	0
Monuments:			0.00	EA.	100.00	$0

Item No. A.14

MV00107422

PROJECT: **PA04-0004**

DATE: **01/24/06**
PREPARED BY: **Anitra Holt** Ha

STORM DRAIN SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
12" Reinforced Concrete Pipe	0	L.F.	130.00	0
18" Reinforced Concrete Pipe	0	L.F.	140.00	0
24" Reinforced Concrete Pipe	0	L.F.	160.00	0
30" Reinforced Concrete Pipe	0	L.F.	180.00	0
36" Reinforced Concrete Pipe	0	L.F.	190.00	0
42" Reinforced Concrete Pipe	0	L.F.	210.00	0
48" Reinforced Concrete Pipe	0	L.F.	250.00	0
54" Reinforced Concrete Pipe	0	L.F.	300.00	0
60" Reinforced Concrete Pipe	0	L.F.	350.00	0
12" HDPE	0	L.F.	45.00	0
18" HDPE	0	L.F.	50.00	0
24" HDPE	0	L.F.	55.00	0
30" HDPE	0	L.F.	60.00	0
36" HDPE	0	L.F.	70.00	0
42" HDPE	0	L.F.	80.00	0
48" HDPE	0	L.F.	90.00	0
54" HDPE	0	L.F.	125.00	0
50" HDPE	0	L.F.	140.00	0
4" PVC SCH. 40	0	L.F.	25.00	0
4" PVC SCH. 80	0	L.F.	30.00	0
6" PVC SCH. 40	0	L.F.	30.00	0
6" PVC SCH. 80	0	L.F.	35.00	0
8" PVC SCH. 40	0	L.F.	40.00	0
8" PVC SCH. 80	0	L.F.	48.00	0
Manhole No. 1	0	EA.	5000.00	0
Manhole No. 2	0	EA.	5500.00	0
Manhole No. 3	0	EA.	6500.00	0
Manhole No. 4	0	EA.	7000.00	0
24" X 24" Grate basin	0	EA.	2500.00	0
18" X 18" Grate Basin	0	EA.	2100.00	0
6" Wide Strip Basin	0	EA.	3000.00	0
Catch Basin (3.5')	0	EA.	3100.00	0
Catch Basin (7')	0	EA.	5500.00	0
Catch Basin (14')	0	EA.	8000.00	0
Catch Basin (21')	0	EA.	12500.00	0
Local Depressions	0	S.F	535.00	0
Grated Catch Basin	0	EA.	6000.00	0
Transition Structure	0	EA.	5500.00	0
Inlet Structure (drop)	0	EA.	5000.00	0
Type IX Inlet Structure	0	EA.	2500.00	0
Junction Structure	0	EA.	6000.00	0
Headwall	0	EA.	5500.00	0
Rip Rap	0	TON	60.00	0
Parkway Drain	0	EA.	3500.00	0
Terrace Drain	0	S.F	10.00	0
Down Drain	0	S.F	10.00	0
Removal/Relocation- Catch Basin	0	EA.	5000.00	0
Outlet Structure	0	EA.	8000.00	0
Concrete Collar (to 48")	0	EA.	3000.00	0
Concrete Pipe Slope Anchor	0	EA.	2500.00	0
Reinforced Concrete Structure	0	C.Y.	500.00	0
Under Sidewalk	0	EA.	600.00	0
Curb Outlet	0	EA.	250.00	0
"V" Gutter	0	S.F.	10.00	0
			SUBTOTAL:	0

EXHIBIT "A"

PROJECT: PA04-0004

DATE: 01/24/06
PREPARED BY: Anitra Holt

WATER SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
20" Water Pipe	0	L.F.	180.00	0
18" Water Pipe	0	L.F.	135.00	0
16" Water Pipe	0	L.F.	90.00	0
12" Water Pipe	0	L.F.	60.00	0
10" Water Pipe	0	L.F.	55.00	0
8" Water Pipe	48	L.F.	50.00	2,400
6" Water Pipe	0	L.F.	40.00	0
4" Water Pipe	0	L.F.	30.00	0
16" Gate Valve	0	EA.	5,000.00	0
12" Gate Valve	0	EA.	2,000.00	0
10" Gate Valve	0	EA.	1,200.00	0
8" Gate Valve	2	EA.	1,000.00	2,000
6" Gate Valve	0	EA.	800.00	0
4" Gate Valve	0	EA.	600.00	0
24" Butterfly Valve	0	EA.	5,200.00	0
20" Butterfly Valve	0	EA.	4,200.00	0
18" Butterfly Valve	0	EA.	2,800.00	0
16" Butterfly Valve	0	EA.	2,700.00	0
12" Butterfly Valve	0	EA.	1,800.00	0
10" Butterfly Valve	0	EA.	1,000.00	0
8" Butterfly Valve	0	EA.	800.00	0
6" Butterfly Valve	0	EA.	520.00	0
4" Butterfly Valve	0	EA.	330.00	0
6" Fire Hydrants	0	EA.	2,800.00	0
6" Super Fire Hydrants	2	EA.	3,000.00	6,000
Misc. Fittings (Tees, Crosses, Etc.) L/S				
4"	0	EA.	120.00	0
6"	0	EA.	160.00	0
8"	2	EA.	200.00	400
10"	0	EA.	240.00	0
12"	0	EA.	750.00	0
Blow Off 6"	0	EA.	2,500.00	0
Blow Off 4"	0	EA.	2,000.00	0
Air Vac & Release 2"	0	EA.	3,000.00	0
Air Vac & Release 1"	0	EA.	2,000.00	0
Meter 2" W/O Service	0	EA.	455.00	0
Meter 1 1/2" W/O Service	0	EA.	360.00	0
Meter 1" W/O Service	0	EA.	270.00	0
Meter 5/8" W/O Service	0	EA.	200.00	0
Service Connections 2"	1	EA.	1,600.00	1,600
Service Connections 1 1/2"	0	EA.	1,100.00	0
Service Connections 1"	1	EA.	500.00	500
Hot Tap 8"	4	EA.	2,800.00	11,200
Hot Tap Water Service	1	EA.	330.00	330
Jack & Bore	0	L.F.	300.00	0
Joint at Existing 8"	0	EA.	650.00	0
			SUBTOTAL:	24,430

Item No. A.14

MV00107424

EXHIBIT "A"

PROJECT: PA04-0004

DATE: 01/24/06
PREPARED BY: Anitra Holt

SEWER SYSTEM

TYPE	QUANTITY	UNIT	UNIT PRICE	TOTAL
36" V.C. Pipe	0	L.F.	185.00	0
33" V.C. Pipe	0	L.F.	165.00	0
30" V.C. Pipe	0	L.F.	150.00	0
27" V.C. Pipe	0	L.F.	135.00	0
24" V.C. Pipe	0	L.F.	120.00	0
21" V.C. Pipe	0	L.F.	105.00	0
18" V.C. Pipe	0	L.F.	90.00	0
15" V.C. Pipe	0	L.F.	75.00	0
12" V.C. Pipe	0	L.F.	50.00	0
10" V.C. Pipe	0	L.F.	40.00	0
8" V.C. Pipe	435	L.F.	30.00	13,050
6" V.C. Pipe	0	L.F.	25.00	0
4" V.C. Pipe	0	L.F.	20.00	0
15" SDR - 35	0	L.F.	60.00	0
12" SDR - 35	0	L.F.	50.00	0
10" SDR - 35	0	L.F.	30.00	0
8" SDR - 35	0	L.F.	25.00	0
6" SDR - 35	0	L.F.	19.00	0
4" SDR - 35	0	L.F.	13.00	0
Standard Manhole 48"	2	EA.	3,000.00	6,000
Standard Manhole 48" Extra Depth	0	EA.	3,500.00	0
Standard Manhole 60"	0	EA.	4,500.00	0
Shallow Manhole	0	EA.	3,000.00	0
Tie Into Existing Manhole	0	EA.	1,500.00	0
Raise Manhole to Grade	0	EA.	300.00	0
Rechannel Existing Manhole	0	EA.	1,500.00	0
Join Existing 8" Pipe	1	EA.	600.00	600
Join Existing 12" Pipe	0	EA.	800.00	0
Clean-outs	0	EA.	700.00	0
Clean Out Lateral	0	EA.	120.00	0
Wyes	0	EA.	90.00	0
Pavement Replacement	1820	S.F.	3.00	5,460
Concrete Encasement	0	L.F.	20.00	0
TV Sewer	0	L.F.	1.00	0
Trench Paving	1820	S.F.	5.00	9,100
			SUBTOTAL:	34,210

EXHIBIT "A"

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
BOND COMPUTATION SHEET

PROJECT: PA04-0004

DATE: 01/24/06
PREPARED BY: Anitra Holt

IMPROVEMENT TYPE:

ROADWORK	:	$113,461
STORM DRAIN	:	$0
WATER SYSTEM	:	$24,430
SEWER SYSTEM	:	$34,210
SURVEY MONUMENTS	:	$0
TOTAL COST OF IMPROVEMENTS:		$172,101
+20% CONTINGENCY:		$34,420
GRAND TOTAL:		$206,521

BOND AMOUNT: **$207,000**

FAITHFUL PERFORMANCE BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.1)

Final premium amount is based upon actual final contract price

Public Improvements $207,000.00

Project No. PA04-0004

Bond No. 726125S

Premium $6,210.00 / 2 Years

Surety Developers Surety and Indemnity Company A-VI (CA)

Principal MoVal Bay Apartments, L.P.

Address 17780 Fitch

Address 5 Park Plaza, Suite 980

City/Zip Irvine, CA 92614

City/Zip Irvine, CA 92614

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **MOVAL BAY APARTMENTS, L.P.,** as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA04-0004**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, said principal is required under the terms of said agreement to furnish bond for the faithful performance of said agreement;

NOW, THEREFORE, we the Principal, and Developers Surety and Indemnity Company, as Surety, are held and firmly bound to the City of Moreno Valley in the penal sum of **TWO HUNDRED SEVEN THOUSAND AND NO/100** Dollars (*****$207,000.00*****), lawful money of the United States, for the payment of which sum will and truly to be made, we bind ourselves, our heirs, successors, executors and administrator, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bonded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby, and in addition to the face amount specified therefore, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

RISK MANAGEMENT
Approved
6/5/06

Item No. A.14

MV00107427

FAITHFUL PERFORMANCE BOND (Page 2 of 2)
PROJECT NO. PA04-0004

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or to the work to be performed thereunder or the specifications accompanying the same shall in anywise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specifications. Surety further stipulates and agrees that the provisions of Section 2845 of the Civil Code are not a condition precedent to Surety's obligations hereunder and are hereby waived by Surety.

When the work covered by the agreement is complete, the City Council of the City of Moreno Valley will accept the work and thereupon the amount of the obligation of this bond is reduced by 90%, with the remaining 10% held as security for the one-year maintenance period provided for in the agreement(s).

IN WITNESS WHEREOF, this instrument has been duly executed by the Principal and Surety above named on May 26, 20 06.

NAME OF PRINCIPAL: MoVal Bay Apartments, L.P.
Company Name

AUTHORIZED SIGNATURE(S): By

Name Andrew Hanna — Title President

Name Christina Alley — Title Chief Executive Officer

NAME OF SURETY: Developers Surety and Indemnity Company
Company Name

AUTHORIZED SIGNATURE:
Steven A. Swartz — ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:

Date: 7/11/06

City Attorney
City of Moreno Valley

W:\LandDev\Lee Ann\Agreement Bond Packets\PA04-0004 Faithful Performance Bond.DOC

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
} ss
County of Merced }

On May 31, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

ESI1 JENNIFER BERTUCCIO
COMM. #1541298
Notary Public-California
MERCED COUNTY
My Comm. Exp. Jan 3, 2009 ESI1

Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

MV00107429

CALIFORNIA ALL-PURPOSE ACKNOWLEGMENT

State of California

County of Orange

On May 23, 2006, before me, Don S. Park, notary public,

personally appeared ANDREW HANNA

,

proved to me on the basis of satisfactory evidence to be the person(~~s~~)

whose name(~~s~~) is / ~~are~~ subscribed to the within instrument and

acknowledged to me that he/~~she~~/~~they~~ executed the same in

his/~~her~~/~~their~~ authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~

signature(~~s~~) on the instrument the person(~~s~~) or the entity upon behalf

of which the person(~~s~~) acted, executed the instrument.

Witness my hand and official seal.

DON S. PARK
Commission # 1580958
Notary Public - California
Orange County
My Comm. Expires May 21, 2009

Signature of Notary Public

MATERIAL AND LABOR BOND

City of Moreno Valley
County of Riverside
State of California
(Government Code Section 66499.2)

Public Improvements $103,500.00

Project No. PA04-0004

Bond No. 726125S

Premium Included in Performance Bond

Surety Developers Surety and Indemnity Company A-VI (CA)

Principal MoVal Bay Apartments, L.P.

Address 17780 Fitch

Address 5 Park Plaza, Suite 980

City/Zip Irvine, CA 92614

City/Zip Irvine, CA 92614

WHEREAS, the City Council of the City of Moreno Valley, County of Riverside, State of California, and **MOVAL BAY APARTMENTS, L.P.,** (hereinafter designated as "Principal") have entered into, or are about to enter into the attached agreement whereby Principal agrees to install and complete the above-designated public improvements, relating to **PA04-0004**, which agreement is hereby referred to and made a part hereof; and,

WHEREAS, under the terms of said agreement, principal is required before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Moreno Valley to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, we the Principal, and the undersigned as corporate Surety, are held and firmly bound unto the City of Moreno Valley and all contractors, subcontractors, laborers, material persons and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Civil Code in the sum of **ONE HUNDRED THREE THOUSAND FIVE HUNDRED AND NO/100** Dollars (*****$103,500.00*****), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, also in case suit is brought upon this bond, will pay, in addition to the face amount hereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgement therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

RISK MANAGEMENT
Approved
6/05/06

Item No. A.14

MATERIAL AND LABOR BOND (Page 2 of 2)
PROJECT NO. PA04-0004

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the agreement or the specifications accompanying the same shall in any manner affect its obligation on this bond, and it does hereby waive notice of any such change, extension, alteration or addition. Surety further stipulates and agrees that the provision of Section 2845 of the Civil Code are not a condition precedent to the Surety's obligations hereunder and hereby waived by the Surety.

In witness whereof, this instrument has been duly executed by the Principal and Surety above named, on May 26, 20 06.

NAME OF PRINCIPAL: MoVal Bay Apartments, L.P.
Company Name

AUTHORIZED SIGNATURE(S): By:

Name: Andrew Hanna — Title: President

Name: Christina Alley — Title: Chief Executive Officer

NAME OF SURETY: Developers Surety and Indemnity Company
Company Name

AUTHORIZED SIGNATURE:
Steven A. Swartz — ITS ATTORNEY-IN-FACT

ATTACH NOTARIAL ACKNOWLEDGMENT OF SIGNATURE OF PRINCIPAL AND ATTORNEY-IN-FACT.
BOND COMPANY – ATTACH POWER OF ATTORNEY

Approved as to form:
Date: 7/11/06
RDH
City Attorney
City of Moreno Valley

W:\LandDev\Lee Ann\Agreement Bond Packets\PA04-0004 Material Labor Bond.DOC

STATE OF California

COUNTY OF Orange

On 5/26/2006, before me, Lorie Mandel, Notary Public, (here insert name and title of the officer), personally appeared Steven A. Swartz,

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Lorie Mandel (SEAL)

LORIE MANDEL
Commission # 1379522
Notary Public - California
Orange County
My Comm. Expires Oct 11, 2006

This area for Official Notarial Seal

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
- ☐ CORPORATE OFFICER
  TITLE(S)
- ☐ PARTNER(S) ☐ LIMITED ☐ GENERAL
- ☑ ATTORNEY-IN-FACT
- ☐ TRUSTEE(S)
- ☐ GUARDIAN/CONSERVATOR
- ☐ OTHER:

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
Developers Surety and Indemnity Company

DESCRIPTION OF ATTACHED DOCUMENT

Performance/Payment Bond #726125S
TITLE OF TYPE OF DOCUMENT

NUMBER OF PAGES

5/26/2006
DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

ID-1232 (REV. 12/05)

ALL-PURPOSE ACKNOWLEDGEMENT

POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
INDEMNITY COMPANY OF CALIFORNIA

PO BOX 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL MEN BY THESE PRESENTS, that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, do each, hereby make, constitute and appoint:

Steven A. Swartz, Nicki Swartz, Patricia R. Minder, jointly or severally

as their true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporations, as sureties, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporations could do, but reserving to each of said corporations full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolutions adopted by the respective Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, effective as of November 1, 2000:

RESOLVED, that the Chairman of the Board, the President and any Vice President of the corporation be, and that each of them hereby is, authorized to execute Powers of Attorney, qualifying the attorney(s) named in the Powers of Attorney to execute, on behalf of the corporations, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporations be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA have severally caused these presents to be signed by their respective Executive Vice President and attested by their respective Secretary this 1st day of December, 2005.

By:_____
David H. Rhodes, Executive Vice-President

By:_____
Walter A. Crowell, Secretary

DEVELOPERS SURETY AND INDEMNITY COMPANY CORPORATE OCT. 10 1936 IOWA

INDEMNITY COMPANY OF CALIFORNIA INCORPORATED OCT. 5 1967 CALIFORNIA

STATE OF CALIFORNIA]
COUNTY OF ORANGE

On December 1, 2005 before me, Gina L. Garner, (here insert name and title of the officer), personally appeared David H. Rhodes and Walter A. Crowell, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (SEAL)

GINA L. GARNER
COMM. # 1569561
NOTARY PUBLIC CALIFORNIA
ORANGE COUNTY
My comm. expires May 13, 2009

CERTIFICATE

The undersigned, as Assistant Secretary, of DEVELOPERS SURETY AND INDEMNITY COMPANY and INDEMNITY COMPANY OF CALIFORNIA, does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked, and furthermore, that the provisions of the resolutions of the respective Boards of Directors of said corporations set forth in the Power of Attorney, are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, the 26th day of May, 2006.

By _____
Albert Hillebrand, Assistant Secretary

ID-1380 (Rev. 12/05)

Item No. A.14

MV00107434

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California }
} ss
County of Merced }

On May 31, 2006, before me, Jennifer Bertuccio, Notary Public, personally appeared Christina Alley, personally known to me [or proved to me on the basis of satisfactory evidence] to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

ESI1 JENNIFER BERTUCCIO
COMM. #1541298
Notary Public-California
MERCED COUNTY
My Comm. Exp. Jan 3, 2009 ESI1

Jennifer Bertuccio
Notary Public

My Commission Expires:
January 3, 2009

MV00107435

CALIFORNIA ALL-PURPOSE ACKNOWLEGMENT

State of California

County of Orange

On May 23, 2006, before me, Don S. Park, notary public,

personally appeared ANDREW HANNA

,

proved to me on the basis of satisfactory evidence to be the person(~~s~~)

whose name(~~s~~) is / ~~are~~ subscribed to the within instrument and

acknowledged to me that he/~~she~~/~~they~~ executed the same in

his/~~her~~/~~their~~ authorized capacity(ie~~s~~), and that by his/~~her~~/~~their~~

signature(~~s~~) on the instrument the person(~~s~~) or the entity upon behalf

of which the person(~~s~~) acted, executed the instrument.

Witness my hand and official seal.

DON S. PARK
Commission # 1580958
Notary Public - California
Orange County
My Comm. Expires May 21, 2009

Signature of Notary Public

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MV00107437

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: AUTHORIZE THE FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES FOR STATE ROUTE 60/MORENO BEACH DRIVE INTERCHANGE AND NASON STREET OVERCROSSING IMPROVEMENTS -- PROJECT NO. 07-41570024

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014.

2. Authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto.

3. Authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86.

BACKGROUND

On March 14, 2006, the City Council approved an Agreement to Reimburse TUMF Funds between WRCOG and the City of Moreno Valley for the SR-60/Nason Interchange and an Agreement to Reimburse TUMF Funds between WRCOG and the City of Moreno Valley for the SR-60/Moreno Beach Interchange. The agreements have been amended to add the design and right-of-way phases.

On November 29, 2007, Caltrans approved the Negative Declaration for both interchanges.

On May 13, 2008, the City Council awarded an "Agreement for Professional Consultant Services" to Parsons for design, right-of-way engineering, and construction support services for both the SR-60/Nason Overcrossing and the SR-60/Moreno Beach Interchange. Design has progressed to the 95% plan stage.

On January 13, 2009, the City Council reprioritized capital projects funded by Redevelopment Agency (RDA) bonds. Funds previously allocated for construction of a new library were reallocated to the SR-60/Nason Overcrossing project. In late January 2009, the City requested that Caltrans split the project since the Nason Overcrossing had full funding but funding for the Moreno Beach Interchange was uncertain due to a projected shortfall in TUMF funding over the next few years. The projects were split and Caltrans approved environmental re-validations for both projects in 2010.

On March 8, 2011, the City Council entered into a Cooperative Agreement with the Redevelopment Agency and again reprioritized projects funded by RDA bonds. Funding remaining from the Edgemont Water Phase I project was reallocated to create a new project phase to build the ultimate freeway ramp alignments at the south side of the SR-60/Moreno Beach Drive Interchange and connect Eucalyptus Avenue to Moreno Beach Drive. On May 10, 2011, the City Council authorized negotiations and settlement for the three remaining parcels to be acquired for SR-60/Moreno Beach Phase 1. Negotiations are underway.

DISCUSSION

SR-60/Moreno Beach Phase 1 south side improvements include reconstruction of the two eastbound ramps (on- and off-ramps) to SR-60, connection of the west leg of Eucalyptus Avenue to Moreno Beach Drive, addition of an eastbound auxiliary lane, addition of a traffic signal at the eastbound ramps/Moreno Beach Drive intersection, utility relocations, and related improvements. In April 2011, City staff met with Caltrans to identify ways to expedite improvements to the south side as a separate construction project. Steps were identified and Caltrans assured their cooperation. The scope of work for Amendment 4 addresses those steps. The tasks consist of separating and generating new plans to prepare stand-alone plans and estimate. The scope also includes environmental re-validation as a stand-alone project, environmental permitting and mitigation, Supplemental Project Report, traffic management strategies, completion

of right-of-way and utility negotiations and Caltrans certification, one open house meeting, pavement analyses required by Caltrans, construction-phase support, burrowing owl survey, and related work. The scope provides for a ready-to-bid project.

The SR-60/Moreno Beach project Phase 2 will consist of remaining improvements including replacement of the overcrossing bridge, realignment of the two existing westbound ramps, addition of a new westbound on-ramp, raising the final grade along Moreno Beach Drive at the eastbound ramp intersection, and building the Caltrans-required drainage Line K-1 improvements in Ironwood Avenue. The consultant's services covered by Amendment 4 consist of revising existing and generating new plans to prepare a stand-alone Phase 2 project, updating specifications, preparing various funding applications to address construction fund shortfalls, environmental re-validation and permitting, continued right-of-way negotiations, bridge utility coordination based on new Caltrans requirements, updated landscape plans, and related work.

The SR-60/Nason Overcrossing project replaces the bridge, constructs a new sound wall, and completes the ultimate improvements at this location. The consultant's services covered by the Fourth Amendment consist of updating specifications, updating plans to reflect final design of the prior ramp project (currently under construction), preparation of a funding application, updating structure plans for new utility requirements, extended utility coordination, geotechnical support, open house meetings, updated landscape plans in accordance with the approved master plan, extended construction support, and related work. The scope also includes preparation of Caltrans-required documents to receive federal funds, which will allow the project to receive excess federal funds from the SR-60/Nason Interchange Ramp project and/or other federal funds.

The Fourth Amendment to Agreement provides for, in general, engineering and environmental services to split the SR-60/Moreno Beach Interchange into two stand-alone construction phases as well as update the SR-60/Nason Overcrossing plans to prepare for construction. The previous Amendments 1, 2, and 3 revised the scope of work within the approved contingency to address appraisal/excess land services, storm water grant application services, environmental re-validations and new Supplemental Project Reports to split Nason and Moreno Beach into two projects, new Caltrans pavement analysis requirements, and extended survey services. The Fourth Amendment also extends the contract termination date from June 30, 2013, to December 31, 2014, to match the services being performed as part of the revised scope.

The City's Economic Development Plan identified the SR-60/Moreno Beach Interchange Phase 1 as a priority project, and the scope of work outlined as part of the Fourth Amendment provides for ready-to-bid documents to be submitted to Caltrans by April 2012. Caltrans approval is anticipated within two to three months of submittal, which allows the City to advertise once approval is obtained.

ALTERNATIVES

1. Approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014, and authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto, and authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86. *This alternative will facilitate the construction of needed improvements.*

2. Do not approve the Fourth Amendment to the Agreement for Professional Consultant Services with Parsons Transportation Group Inc. (Parsons), 1133 Fifteenth Street NW, Washington, DC 20005-2701, to provide design, environmental, right-of-way, and extend the contract termination date from June 30, 2013, to December 31, 2014, and do not authorize the City Manager to execute the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group Inc. in the form attached hereto, and do not authorize Change Orders to increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group totaling $723,267.77 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and do not authorize the issuance of a purchase order for $461,708.64 from Account 897.91731 when the Fourth Amendment has been signed by all parties. The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86. *This alternative will delay the construction of needed improvements.*

FISCAL IMPACT

The projects are currently funded with 2007 Redevelopment Agency Tax Allocation Bond proceeds (Series A) (Fund 897), Transportation Uniform Mitigation Fees (Fund 415) and Developer In-lieu Street Improvement Funds (Fund 414). These funds have been allocated for SR-60/Moreno Beach Interchange and SR-60/Nason Overcrossing improvements and cannot be utilized for operational activities. There is no impact to the General Fund.

The Fourth Amendment for $1,184,976.41 brings the not-to-exceed contract total to $4,826,047.86. Change Orders totaling $723,267.77 will increase Purchase Order Nos. 35510 and 37342 with Parsons Transportation Group and will be funded from Account

Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27). A new purchase order for $461,708.64 is requested from Account 897.91731.

SR-60/Moreno Beach – Phase 1

AVAILABLE FUNDS

FY 2010/2011 2007 RDA Bond Funds (Account 897.91731)	$2,352,000

ESTIMATED DESIGN & RIGHT OF WAY COSTS – FY 2010/2011

Design – Fourth Amendment	$ 461,700
Right of Way and Utilities	$1,100,000
Total Design & Right of Way Costs	$1,561,700

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way	March 2012
Caltrans Approval and Authorization to Bid	July 2012
Begin Construction	November 2012
Complete Construction	November 2013

SR-60/Moreno Beach – Phase 2

AVAILABLE FUNDS

FY 2010/2011 TUMF Funds (Account 415.70024)	$4,538,000

ESTIMATED DESIGN & RIGHT OF WAY COSTS – FY 2010/2011

Design – Fourth Amendment	$ 323,900
SR-60/Moreno Beach Interchange Improvements (Phase 2)	$4,126,100
Total Design & Right of Way Costs	$4,450,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way*	July 2012
Caltrans Approval	July 2013
Advertise Project*	September 2013

**** Contingent on funding availability***

SR-60/Nason Overcrossing

AVAILABLE FUNDS

FY 2010/2011 2007 RDA Bond Funds (Account 897.91728)	$16,604,000
FY 2010/2011 Developer In-lieu Street Improvement Funds (Account 414.80429)	30,000
Available Funds	$16,634,000

ESTIMATED DESIGN & RIGHT OF WAY (UTILITY) COSTS – FY 2010/2011

Design – Fourth Amendment	$ 399,300
SR-60/Nason Overcrossing	$ 250,700
Total Design & Right of Way Costs	$ 650,000

ANTICIPATED PROJECT SCHEDULE

Complete Design and Right-of-Way ..... September 2011
Advertise Project* ..... January 2012
Begin Construction* ..... May 2012
Complete Construction* ..... December 2013

**** Contingent upon Caltrans approval and completion of SR-60/Nason Interchange Ramp Project***

CITY COUNCIL GOALS

ADVOCACY:
Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives and goals to appropriate external governments, agencies and corporations.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Additional design, environmental, and right-of-way work is required to split the improvements for the State Route 60/Moreno Beach Drive Street Interchange Improvement project into two separate phases. Additional design, utility coordination, and Caltrans documentation is also needed to complete the SR-60/Nason Overcrossing plans and accept federal funds. The consultant has submitted a proposal for $1,184,976.41 to perform this additional work for all three projects. Staff recommends approval of the Fourth Amendment to Agreement for Professional Consultant Services with Parsons Transportation Group as well as an $723,267.77 increase to Purchase Order Nos. 35510 and 37342 to be funded from Account Nos. 415.70024 ($323,918.50) and 897.91728 ($399,349.27) and authorize the issuance of a purchase order for $461,708.64 from Account 897.91731.

ATTACHMENTS

Attachment "A" – Fourth Amendment to Agreement for Professional Consultant Services

Prepared By:
Margery A. Lazarus
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/ City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107445

FOURTH AMENDMENT TO AGREEMENT
FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 07-41570024

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Parsons Transportation Group, Inc., an Illinois corporation, hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "Agreement for Professional Consultant Services," hereinafter referred to as "Agreement," dated May 22, 2008.

Whereas, the Consultant is providing consultant design services for State Route 60/Moreno Beach Drive Interchange and Nason Street Overcrossing improvements.

Whereas, the Agreement was amended on May 4, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on September 10, 2009 to extend the professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was further amended on June 20, 2010, to extend the professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to further amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

Attachment "A"

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 07-41570024

Whereas, the Consultant has submitted a Proposal dated May 19, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as "Exhibit A -- Fourth Amendment" and is incorporated herein by reference.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from June 30, 2013 to December 31, 2014, unless the termination date is further extended by an Amendment to the Agreement

1.2 Exhibit "B" to the Agreement is hereby amended by adding to the scope of work section described in "Exhibit A -- Fourth Amendment," entitled "SR60/Moreno Beach Drive Interchange and SR60/Nason Overcrossing Improvement Projects -- Amendment #4 Scope of Work."

1.3 Exhibit "D" to the Agreement is hereby further amended by adding to the cost proposal section thereof described in "Exhibit A -- Fourth Amendment," entitled "SR60/Moreno Beach Drive Interchange and SR60/Nason Overcrossing Improvement Projects -- Amendment #4 Scope of Work."

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $1,184,976.41 in consideration of the Consultant's performance of the work set forth in "Exhibit A -- Fourth Amendment."

1.5 The total "Not to Exceed" fee for this contract is $4,826,047.86 ($3,387,611.00 for the original Agreement plus $49,667.00 for the First Amendment to Agreement; $89,771.86 for the Second Amendment to Agreement, $114,021.59 for the Third Amendment to Agreement, and $1,184,976.41 for the Fourth Amendment to Agreement).

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 07-41570024

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 07-41570024

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

Parsons Transportation Group Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head
(if contract exceeds $15,000)

_____
Date

Attachment: "Exhibit A – Fourth Amendment"

W:\CapProj\CapProj\PROJECTS\Marge - 07-41570024 Rte 60 Nason-Moreno Beach Bridge Intrchng\Design Phase\Consultant - Parsons\Agreement\Design Phase\Fourth Amendment\Fourth Amendment - Parsons.doc

SR 60/ MORENO BEACH DRIVE INTERCHANGE AND SR60/NASON OVERCROSSING IMPROVEMENT PROJECT(S)

AMENDMENT #4 – SCOPE OF WORK

DATE: 5-19-2011

REPACKAGE SR-60/MORENO AND SR-60/NASON UPDATES

Pursuant to City Council Action on 3-8-2011, The City plans to proceed with a "partial project at Moreno Beach Drive". The "Eastbound-freeway-ramps at SR60/Moreno Beach Drive" will be advanced as stand-alone project referred to as "Phase 1" of the overall Interchange project. "Phase 2" will consist of all remaining improvements to reconstruction the Westbound freeway ramps, replace the 2-lane bridge over SR-60 with a new 6-lane bridge, and completion of the Line K-1 Master Plan Drainage improvements in Ironwood. This approach will allow the City to implement Phase 1 sooner – since there are sufficient construction funds to complete this portion of the project. In order to achieve this goal of "splitting "the and Re-packaging the SR-60/Moreno Beach Drive interchange into (2) separate "Design packages", it will be necessary to complete an "Environmental Re-validation" documenting this change. The following scope of work and assumptions will be subject to review and concurrence by City and Caltrans.

Due to lack of full project funding, the SR-60/Moreno Beach Drive Interchange project was partially suspended after the submittal of the 95%PS&E in July 2009. Pursuant to this amendment, Parsons will begin work to separate the PS&E into (2) packages.

Due to project delays to the "SR-60/Nason Ramp Project" the "SR-60/Nason Bridge" project schedule has been extended by over 21 months, while waiting for the ramp job to begin construction. Part 2 of this amendment addresses changes to the SR-60/Nason Bridge PS&E that have occurred during this schedule extension and updates that are required to reflect changes in the Ramps Project and the affected utility relocations.

Exhibit "A" – Fourth Amendment

PART 1 – REPACKAGE SR-60/MORENO INTO (2) Phases

1. **Project Management for Extended PS&E Phase**
2. **Funding Applications**
3. **Phase 1 – Repackage PS&E for EB-Ramps**
4. **Phase 2 – Repackage PS&E for WB-Ramps and Bridge PS&E**
5. **Environmental Re-validation (Split Moreno 2-Phases)**
6. **Environmental Permitting and Mitigation Support**
7. **Right of way Certification for Phase 1 (EB Ramps)**
8. **Additional Right of Way Parcels & Complex Negotiations**
9. **Utility Coordination**
10. **Air Quality Conformity Analysis Report**
11. **Open House Meeting (1)**
12. **Life Cycle Cost Analysis Support**
13. **Line K-1 Drainage Design Changes**

14a. **Construction Phase Design Support for Phase 1 – EB Ramps**

14b. **Construction Phase Design Support for Phase 2 – WB Ramps and Bridge at Moreno**

15. **Burrowing Owls Surveys- (step 1)**
16. **Materials Report Updates**
17. **Additional Services to Address Changes in Caltrans or City Standards or Requirements**

Task 1 Management for extended Project Schedule – PS&E Split

Based upon the city's request to "split the PS&E" at Moreno Beach Drive into (2) separate packages, there will be an additional 12-months of schedule extension to complete the Revalidation and "split" for Phase 1. It is assumed that the Phase 2 package will be developed at the same time but will require a total of 18 months due to the Caltrans District and Headquarters Office Engineer tasks for Phase 2. Hence this task includes management, meetings, and coordination for a total of 18-months beginning at the notice to proceed for Amendment #4.

In addition, the original contract schedule included submittal of 95% PS&E in July 2009. Due to funding issues for this project, the 95% PS&E has been partially suspended since that time. (21-months have elapsed since that submittal). Hence, this task also includes hours and budget for Parsons Participation in the additional PDT meetings and related management activities.

Task 2 Funding Applications

This task included preparing various Funding Applications including submittals to RCTC pursuant to Measure A Funds, and other potential funding applications. Assume a maximum effort of 74 hours.

Task 3 Phase 1 – Repackage 95% PS&E for Eastbound Ramps

The task includes preparation of a separate stand-alone PS&E package for the eastbound ramps at SR60/Moreno Beach Drive. Included with this task is the additional effort to update the Storm Water Data Report, create stand-alone Drainage report, and reformat all required plan sheets and CAD files to address the revised limits. The Construction phasing plans will be revised to reflect the changed project limits. The traffic signal plan at the EB off ramp/Moreno Beach Drive intersection will be redesigned for the "new" interim condition with the EB ramps in place – with the existing 2-lane bridge still in place. EB off and on ramp profiles and Moreno Beach Drive profile and Construction details will be revised to reflect the revised "interim" condition which must join the existing 2-lane bridge. All CAD files and reference file names and sheet numbering will be updated to match the new Caltrans EA number, and the revised limits of work. Parsons will coordinate with RCTC to update the RTIP descriptions pursuant to the new project definition. The utility sheets will be updated to reflect the limits of utility relocations that will take place prior to or during the phase 1 project. Drainage plans, profiles and details will be updated and re-numbered as needed to reflect the limits of phase 1 project. In addition, there may be some interim condition drainage features that will need to be revised and replaced as part of the phase 2 project. Contour grading plans and earthwork quantities will be updated to reflect the interim profiles at EB on- and off-ramps and Moreno Beach Drive. Signing plans, details and quantity summaries will be revised to segregate the limits of the phase 1 project. Layout sheets will be revised to reflect the City's new sidewalk standard of 6.5' wide.

Cost estimates and quantity back-up files will be segregated and updated to reflect current bid prices and the new project limits for the phase 2 project.

Project special provisions will be updated to match the phase 1 project limits and they will be revised to reflect Caltrans new "plain language SSP's". It is noted that the City's Boiler Plate SSP will be updated to have consistency/compatibility with Caltrans new "plain language SSP's" as part of the Nason Bridge Project (by Parsons), and hence it is anticipated that the effort to modify the City's Boilerplate will be streamlined since it will already be updated as part of the recent Nason Bridge project. It is noted however, that there will be approximately 150 Caltrans Technical Specs for the Moreno Phase 1 project that will have to be updated as part of this task since the last update was prior to the July 2009 – 95% submittal.

It is assumed that there are no new design exceptions or updated Fact Sheets required for the Phase 1 project.

Task 4 Phase 2 – Repackage 95% PS&E for Westbound Ramps & Bridge

The task includes preparation of a separate stand-alone PS&E package for the westbound ramps at SR60/Moreno Beach Drive and the replacement of the bridge over SR-60. Included with this task is the additional effort to update the Storm Water Data Report, create stand-alone Drainage report, and reformat all required plan sheets and CAD files to address the revised limits. The Construction phasing plans will be revised to reflect the changed project limits. The traffic signal plan at the EB off ramp/Moreno Beach Drive intersection will be updated to reflect the changes to the "new" interim condition at this location (installed with Phase 1). The EB off and on ramp profiles and Moreno Beach Drive profile and Construction details will be revised to reflect the raised "ultimate" profile that will replace the "interim" condition from phase 1. All CAD files and reference file names and sheet numbering will be updated to match the new Caltrans EA number, and the revised limits of work. Parsons will coordinate with RCTC to update the RTIP descriptions pursuant to the new project definition. Contour grading plans and earthwork quantities will be updated to reflect the limits of the construction from phase 1, and the additional grading required raising the EB on- and off-ramps to meet ultimate Moreno Beach Drive finished grade. Signing plans, details and quantity summaries will be revised to segregate the limits of the phase 1 project. Layout sheets will be revised to reflect the City's new sidewalk standard of 6.5' wide.

Cost estimates and quantity back-up files will be segregated to reflect the new project limits for the phase 2 project.

Project Special provisions will be prepared for the phase 2 project limits, pay items and Caltrans new "plain language SSP's".

Task 5 Environmental Revalidation to "Split" PS&E into (2) Phases

This task will include a scoping meeting with Caltrans to confirm the technical studies to be updated, format of the updates (addendum letters), Air Quality and RTIP update process and schedules. It is anticipated that the following tasks will be required:

- Updated CEQA and NEPA Revalidation forms (one for each phase)
- Update the APE maps (one map for each phase)
- Updated Cover memos for each Environmental Technical Studies (no new analysis)
- Air Quality (Cover memo addressing updates to the revised AQ report that was approved by Caltrans in July 2010. No new analysis).
- Air Quality Conformity Determination

- Supplemental Project Reports (produce 2 SPR's, one for each phase)
- RTIP Updates (phase 1 and phase 2 at Moreno will now be "separate projects" with separate RTIP entries) (Parsons)
- Coordination with CDFG and USFWS to obtain MSHCP Consistency Determination for new project phases
- (2) Revised Environmental Commitment Record Documents (one for each Phase).

The scope and budget for this task cannot be finalized until we have confirmation from Caltrans regarding the anticipated scope and schedule. We anticipate completing the draft cover memoranda within 2 months of NTP. We anticipate completing Caltrans reviews and getting their concurrence on the updated memos within the following 2 months. We expect the AQ conformity, Permit Coordination, and MSHCP consistency determination to require 2 months, followed by 2 months to finalize the SPRs and obtain Caltrans signatures. Hence, the re-validation and related tasks should be completed within 8 months of NTP. The budget for this task will be split 50/50 between Phases 1 and 2.

Task 6 Environmental Permitting and Mitigation Support

Since the project will be split into (2) phases, we anticipate that there will be extended duration of coordination with the permitting agencies as well as the extra effort and possibly a field meeting to explain to the agencies the changes in scope and phasing for the (2) projects. It is assumed that only (1) set of permit applications will be prepared and submitted and these applications will address the impacts for both Phases 1 and 2.

Task 7 Right of Way Certification for Phase 1

The right of way certification form and process for Phase 2 is included in the original scope of work. This task is to cover the effort to complete the R/W certification for Phase 1.

Task 8 Additional Right of Way Parcels and Negotiations

The right of way scope of work for this project was based upon the right of way datasheet from the PA/ED phase-completed in 2007. Since that time there have been changes to the R/W scope of work including the following items:

- Additional parcels including (3) potential "quit-claim deeds" at Ironwood
- (4) additional "denial of access rights" at Automall area
- Revisions to update the Prologis Appraisal.
- New acquisitions from: David May Trust and Lila Jones Trust (not covered in the R/W datasheet)
- Weekly R/W conference calls (33-weekly calls July 2010 – March 2011)
- Additional weekly R/W conference calls are anticipated

- Additional coordination and research regarding Utility easements and prior rights.

These items were not addressed in the original project scope. This task includes work by OCP (R/W acquisition services) – and by Associated Engineers/PB (R/W Engineering, and Research) and by Parsons (coordination and meetings). The budget for this task is split between Phase 1 and Phase 2 as follows: OPC:

Task 9 Additional Utility Coordination

Caltrans has new requirements for PS&E phase designer support of the Encroachment permit process for the installation of new utilities to be installed in new bridges. There have also been extensive staffing changes at five affected utilities (Time Warner Cable, Gas Company, Southern California Edison, Eastern Municipal Water District, and Verizon). The changes in staffing since the start of the PS&E phase in August-2008 have resulted in additional utility coordination meetings and multiple re-submittals of Utility correspondence for this project.

The Utility coordination activities during the 32-months since the start of the PS&E phase for the Moreno Beach Drive project has included five (5) meetings with SCE and five (5) with EMWD. We anticipate additional meetings in order to resolve all of the pending design coordination issues. In addition, there will be additional meetings needed for coordination with other affected utilities within Ironwood Avenue including Verizon and Time Warner Cable and The Gas Company.

Task 10 Air Quality Conformity Analysis Report (Moreno)

Amendment #3 task #9 included scope to provide updated "Air Quality Report(s) for Nason and Moreno Revalidations, but that task did not include the separate "Air Quality Conformity Determination Reports" that Caltrans required and then submitted to FHWA for their concurrence. The AQ Conformity Determination Report is an FHWA requirement and it involves preparing a separate stand-alone report formatted according to the latest FHWA template. The efforts to prepare this AQ Conformity report were not included in the AQ task from Amendment #3.

Task 11 Open House Meeting

The City anticipates that there will be one open house meeting held during the Construction phase for the SR60/Moreno Beach Drive Project. This task includes hours for (2) Parsons staff to attend this meeting along with the efforts to print and mount several display boards for these meetings.

Task 12 Life Cycle Cost Analysis (LCCA) – Additional Pavement Alternatives

It is assumed that a singled LCCA report will be prepared to cover both the Moreno Interchange (both phases) and the Nason Bridge projects. The total

hours required to prepare the report will be split 50/50 between the Nason Bridge project and Phase 1 of the Moreno Beach Interchange Project. Parsons has prepared multiple design memoranda and held three conference calls in our attempts to obtain clear direction from Caltrans Materials group regarding the completion of a LCCA for this project. Work to date has included four iterations of a memorandum from Parsons' Geotechnical sub consultant – Earth Mechanics Inc, (Feb 4, 17, 22, 25, - 2011) in an effort to obtain District approval of proposed 20-year and 40-year pavement sections to be studied in the LCCA. (Approval of the pavement sections is still pending). The latest version of the memorandum dated 2-25-2011, includes (2)-rigid pavement and (3)-flexible pavement structural sections for 20- and 40-year pavements for: Ramps, Ramp Shoulders, Ramp termini, Auxiliary Lanes, Freeway Shoulders. It is understood that before completing the LCCA calculations Parsons and City will meet with District Materials to select no more than (2) rigid and (2) flexible pavement structural sections to be analyzed for the 20- and 40- year designs for Ramp, Ramp-shoulder, Ramp termini, Auxiliary Lane, and Mainline shoulder pavements. Note that Amendment #3 scope of work for the LCCA included comparing (1) HMA and (1) RHMA section for the Auxiliary Lanes and the Ramps. The budget requested for this task is to cover the additional alternatives being requested by Caltrans and the additional coordination required to obtain Caltrans approval of the approach and scope of the LCCA.

Task 13 Line K-1 Drainage Design Revisions

The budget for this task will be included in Phase 2 of the Moreno Beach Drive project.

Parsons submitted an original concept design for Line K-1 in February 2009 that was based upon available Line K design data from RCFCD at that time.

Since that original submittal, the RCFCD has completed their conceptual study for Line K and they have elected to obtain right-of-way for an inundation easement but they are do not have sufficient funds to construct the Line K improvements. Based upon this decision, the limits of grading at the downstream end of Line K-1 (where it connects to the future Line K) will require additional grading due to downstream sedimentation – which would have been addressed by RCFCD if they had proceeded with construction of Line K.

Pursuant to utility potholing along Ironwood Avenue for Line K-1, design changes including alignment revisions were made to avoid SCE poles, and utility vaults. East of Moreno Beach Drive the alignment was shifted approximately 10' northerly in order to minimize the cost of utility relocations. The revised alignment for the pipe minimized or eliminated the utility impacts as follows:

- Protect in place (2) SCE poles
- Avoids U/G telephone line and telephone vault and line near north edge of pavement on Ironwood

- Revised design eliminated the planned replacement of the (2) 48" CMP pipes which cross Ironwood at the upstream end of Line K-1
- Revised design eliminates a complicated inlet structure and replaces it with a less expensive and easy to maintain grated drop inlet structure. This revised design also eliminates the need for an extensive maintenance turn-around and access easement at upstream end of Line K-1.
- Revised design minimized the impacts to jurisdictional waters and thereby reduces permitting fees and mitigation costs

A second benefit of the revised Line K-1 alignment is that it provides additional separation between the existing pavement on Ironwood Avenue and the proposed storm drain, such that the 90-inch pipe can be constructed without requiring temporary widening of the pavement along Ironwood Avenue.

The City has requested traffic control plans be provided (for construction of the crossing of Line K-1 at Moreno Beach Drive, and for the crossing of Line K-1 at the downstream end/Ironwood be prepared and including in the plan set). *(Per page 9 of 51, contract scope, task 22270: "It is anticipated that the storm drain will be constructed within the existing northerly shoulder of Ironwood Avenue and it is assumed that traffic control plans will not be required").* This task will include temporary traffic control plans for the Line K-1 construction at intersection of Ironwood/Moreno Beach Drive.

Task 14a Construction Phase Design Support – Phase 1

Phase 1 will be a separate project advertised, awarded and administered by the City. Parsons will provide Construction phase design support services for Phase 1 as part of this task.

Task 14b Construction Phase Design Support – Phase 2

Phase 2 will be a separate project advertised, awarded and administered by Caltrans. Parsons will provide Construction phase design support services for Phase 2 as part of this task.

Task 15 Burrowing Owls Survey – Step 1 - Habitat Assessment

Pursuant to obtaining "Multiple Species Habitat Conservation Plan" (MSHCP) consistency determination from the California Department of Fish and Game – CDFG required that we perform "step #1-Habitat Assessment for Burrowing Owls" within the project limits. This assessment must be completed during prior to the start of construction for the Moreno Beach Drive interchange project. Parsons staff will conduct the "Step #1" Habitat Assessment for Burrowing Owls' as described in the Environmental Commitment Record (ECR). We anticipate that there will be no evidence of burrowing owls and hence no further steps in the process would be required. The scope and budget for this task will include

the field work for "Step 1", documentation of the assessment, a brief 1-2 page memorandum documenting the Assessment, and submittal of the assessment to Caltrans District 8 for their records. City authorized the owl surveys via email dated 9-2-2010; however this work has not yet been completed. If the "step 1" assessment identifies evidence of burrowing owls on the project site, then subsequent steps pursuant to burrowing owls survey protocol would be required—these subsequent steps have not been included in the scope and budget for this amendment.

Task 16 Materials Report Updates

The City of Moreno Valley intends to divide the– Moreno Beach Drive project into two phases; the first phase consisting of the improvements for the EB ramps and widening of Moreno Beach Drive south of SR-60, and the second phase consisting of the replacement of the bridge at SR60/Moreno Beach Drive and construction of (3) WB ramps and related auxiliary lanes. It is noted that the Geotechnical Report for the original project (Nason/SR60 and Moreno/SR60 as a combined project) has already been approved by Caltrans. However, the Materials Report has not yet been approved by Caltrans and will need to be updated to reflect an updated range of pavement structural sections pursuant to Caltrans LCCA requirements and to address the changes in project phasing and the fact that there will be (3) separate PS&E packages. It is noted that the Bridge Foundation Reports for SR60/Nason Street and SR60/Moreno Beach Drive, the Geotechnical Design Report and the Foundation Reports for Sound wall 60-954L and Retaining Wall 3805R all have been approved and hence it is assumed that these approved geotechnical reports will not need to be revised or resubmitted. The cost for updates to the Materials Report will be split 50/50 between the Phase 1 and Phase 2 Moreno Beach Drive projects.

Task 17 Additional Services to Address Changes in Caltrans or City Requirements (to be authorized separately by City)

This task is subject to specific authorization by the City, and is intended to provide hours and budget to cover specific unanticipated tasks that may arise due to changes in Caltrans standards or policies that could result in extra work to change or update the plans, specifications, or other project documents. Authorization to utilize any of this task budget is subject to approval by the City.

PART 2 -- NASON BRIDGE PROJECT

1. **Project Management for extended Schedule**
2. **Funding Applications– (Measure A - RCTC)**
3. **Update Specifications - Caltrans "Plain Language SSP"**
4. **Updated 95% PS&E (Roadway)**
5. **Updated 95% PS&E (Structures)**
6. **Utility Coordination for new Utilities in Bridge**
7. **Geotechnical Support regarding City Stockpile**
8. **Air Quality Conformity Analysis Report**
9. **Open House Meetings (2)**
10. **Life Cycle Cost Analysis Support**
11. **Construction Phase Design Support**

Task 1 Project Management for extended Project Schedule

Due to the schedule extension of PS&E phase from July 2009 to April 2011 and the anticipated completion of the 100% PS&E by July 2011, the net schedule extension is a total of 21 months. This task is to cover meetings, schedule updates, and project management activities for the extended project schedule.

Task 2 Funding Applications Support

This task included preparing Funding Application and submittal to RCTC pursuant to Measure A Funds. Assume a maximum effort of 30 hours.

Task 3 Update Specifications – Caltrans Plain Language SSPs

Caltrans is currently implementing changes to all Caltrans standard special provisions with full implementation of the new "plain Language Specifications" required for any project that will be "Ready To List" after July 1, 2011. In addition, since the city will Advertise-Award-Administer (AAA) the construction phase for this project, we will need to integrate the City's "Contract Administration" boiler-plate specification with Caltrans updated plain language specifications. This task includes these updates to the SSP's and related updates to pay items and payment clauses in the contract bid package.
It is noted that the "City Boiler Plate" SSP was updated to provide consistency and integration with the Caltrans SSP's for the Nason-Ramp-Project (by others). The efforts of updating all Caltrans technical SSP's for the Nason Bridge Project (over 150 SSP's) since the last 95% submittal (July 2009) and the effort to edit the City Boiler Plate SSP for consistency with the new Caltrans SSP is included in this task.

Task 4 Updated 95% PS&E Submittal (Roadway)

Due to the extended project schedule, it has been over 21 months since the submittal of the first 95% PS&E (Roadway) for this project. Due to this elapsed time, there have been changes in design oversight and functional unit personnel at Caltrans. In addition, there have been ongoing changes to the "Nason Ramps Project Plans" during this 21-month period. As a result of these changes, there is a need to review and update the 95% PS&E, verify that changes by the Ramps project are fully reflected in the Nason Bridge PS&E, and that any new comments from new Caltrans reviewers. There have also been changes to the Utility undergrounding design by SCE – which require revisions to the contour grading, typical cross sections, and construction details along Nason Street. In addition, the City has updated their standard plans to require 6.5' wide sidewalks which must be updated in the plans, specifications and estimates. Caltrans will not accept a 100% submittal or consider the PS&E to be 100% until all of the 95% comments have been fully resolved and all the Caltrans functional units have approved the updates.

Task 5 Updated 95% PS&E Submittal (Structures)

This task is to cover the additional design effort that is required to update the 95% Bridge PS&E submittal and the 95% Precast Wall submittal, including updates to Specifications, finalizing bridge plans and combining the "Bridge PS&E" with the "Precast wall PS&E", including the SSP's into a single structures SSP package.

Task 6 Utility Coordination for new Utilities in Bridge

Caltrans has new requirements for PS&E phase designer support during the Encroachment permit process for the installation of new utilities to be installed in new bridges. There have also been extensive staffing changes at five affected utilities (Time Warner Cable, Gas Company, Southern California Edison, Eastern Municipal Water District, and Verizon). These changes in staffing since the start of the PS&E phase in August-2008 have resulted in additional utility coordination by Parsons and multiple re-submittals of Utility correspondence for this project.

This task includes the additional review time and coordination with EMWD and the designers from the Nason-Ramps project related to the EMWD 24" jack-and-bore design and the valve relocations design pursuant to the Nason Ramps project.

Task 7 Geotechnical Support – City Stockpile

The city has a stockpile of excess earthen fill material located several miles south of the Nason/SR60 project site and would like it to be incorporated into the Nason-Bridge-PS&E package as an available Materials Site. This task will include performing the following tasks:

Part A - Assist City in completing and assembling the following documentation: Documentation demonstrating that the site is exempt or in compliance with Surface Mining and Reclamation Act (SMARA), (that is listed on the AB 3098 (SMARA) eligible list); and

1. Provide a site plan, including site limits and access roads
2. Obtain property owner agreements, (see Caltrans Construction Manual, Chapter 3, Section 6, "Local Materials")
3. Provide release of liability (Parsons to prepare letter, City to sign letter)
4. Provide final property owner agreement(s) – (Assumption: Since the City owns site, the agreement will be letter of permission from City. Parsons to draft a letter for City review and signature on City letterhead)
5. Provide environmental compliance documentation prepared by qualified environmental specialists (Assumption: Parsons/EMI will utilize a qualified Laboratory/soils testing firm to test soils samples for contaminants per Caltrans requirements. Work product is limited to test results and brief memo to summarize the results).
6. Obtain or update the necessary permits, licenses, and agreements (include supporting environmental documents from appropriate regulatory and governmental agencies)- Assumption: This task is limited to the memorandum per item #5 above. It is assumed that during the construction phase, if a Contractor elects to utilize this borrow site, he will need to obtain a permit from City for proposed grading and proposed haul route to the project site).
7. Provide final grading plan (This task will consist of preparing a simple grading plan based upon existing topographic base from the 1997 Group Delta Report regarding the subject site. It is assumed that City can provide a microstation CAD file the topographic base from the related Nason Street widening project)
8. Prepare Draft Stormwater Pollution Prevention Plan (for the Borrow site).

Addendum #3 of the Nason Ramp Project in order to obtain Caltrans approval and the geotechnical "clearance process" required to list the City's stockpile as an available "borrow site" for the Nason Bridge Project. If the stockpile is not used by the Contractor for that project, City may then decide to make use of the stockpile a "mandatory requirement" as part of the bid-package for the Phase 1 – Moreno Beach Drive project.

Part B – This task includes the soils boring and testing program proposed by EMI that we anticipate would fulfill Caltrans requirements to "clear" this fill material such that its use within Caltrans embankments would be "pre-approved" and the Contractors bidding on the project would I know that they have a pre-approved local borrow site.

Task 8 Air Quality Conformity Analysis Report (Nason)

Amendment #3 task #9 included scope to provide an updated "Air Quality Report" for the SR-60/Nason Bridge project Revalidations. However, that task did not include a separate stand-alone "Air Quality Conformity Determination Report" that Caltrans required for submittal to FHWA. The AQ Conformity Determination Report is an FHWA requirement and it involves preparing stand-alone report formatted according to the latest FHWA template. The efforts to prepare this AQ Conformity report are included under this task.

Task 9 Open House Meetings (2)

The City anticipates that there will be (2) open house meetings held during the Construction phase for the SR60/Nason Bridge Project. This task includes hours for (2) Parsons Staff to attend these meetings along with the efforts to print and mount several display boards for these meetings.

Task 10 Life Cycle Cost Analysis (LCCA) – Additional Pavement Alternatives

Parsons has prepared multiple design memoranda and held three conference calls and implemented several strategies with input from City and Caltrans Design oversight staff in the effort to obtain direction from Caltrans Materials group and concurrence for the scope and approach for the completion of a LCCA for this project. Work to date on this task has included four iterations of a memorandum from Parsons' Geotechnical sub consultant – Earth Mechanics Inc, (Feb 4, 17, 22, 25, - 2011) in an effort to get approval from District Materials group regarding the 20-year and 40-year pavement sections to be studied in the LCCA. (Approval of the pavement sections is still pending District Approval). The latest version of the memorandum dated 2-25-2011, includes (2)-rigid pavement and (3)-flexible pavement structural sections for 20- and 40-year pavements for: Ramps, Ramp Shoulders, Ramp termini, Auxiliary Lanes, Freeway Shoulders. It is understood that before completing the LCCA calculations Parsons and City will meet with District Materials to select no more than (2) rigid and (2) flexible pavement structural sections to be analyzed for the 20- and 40- year designs for Ramp, Ramp-shoulder, Ramp termini, Auxiliary Lane, and Mainline shoulder pavements. Note that Amendment #3 scope of work for the LCCA included comparing (1) HMA and (1) RHMA section for the Auxiliary Lanes and the Ramps. The budget requested for this task is to cover the additional alternatives being requested by Caltrans and the additional coordination required to obtain Caltrans approval of the approach and scope of the LCCA.

Task 11 Construction Phase Design Support

The original contract budget for "construction phase design support" was eliminated and this task was de-scoped as part of Amendment #2. The original Hours and budget for this task will be restored herein as part of Amendment #4.

Task 12 Local Assistance Forms (For Federal Funding)

This task includes completion of (1) set of Local Assistance Forms pursuant to Caltrans Local Assistance requirements and procedures in order to request obligation of the Federal Funding that has been identified for this project.

Task 13 Additional Services to Address Changes in Caltrans or City Requirements (to be authorized separately by City)

This task is subject to specific authorization by the City, and is intended to provide hours and budget to cover specific unanticipated tasks that may arise due to changes in Caltrans standards or policies that could result in extra work to change or update the plans, specifications, or other project documents. Authorization to utilize any of this task budget is subject to approval by the City.

ASSUMPTIONS/EXCLUSIONS:

1. Additional Management and Engineering Services due to any additional schedule extensions beyond the 18-month PS&E schedule described herein are not included in this amendment.
2. Timely cooperation by Caltrans in order to complete the environmental revalidation within 8 months of NTP is assumed.
3. Any additional utility coordination to address new utilities or additional changes by Utility companies beyond the items addressed herein is not included in this amendment.
4. Renewal of any expired permits (e.g. biological, environmental) caused by delayed advertisement or construction of project beyond the 12-month (phase 1) and 18-month (phase 2) schedule assumed herein.
5. Before Re-validation begins, there will be a scoping meeting with Caltrans Environmental staff to confirm Schedule, Scope and Deliverables for the Environmental Re-validation phase.
6. Phase 1 and Phase 1 PS&E work will run concurrent with the Environmental Revalidations
7. PS&E for EB Ramps will begin as soon as City provides NTP
8. City Will AAA (Advertise, Award, Administer) the Construction of the EB-Ramps at Moreno.
9. Caltrans will AAA – the construction phase for WB ramps and Bridge and Moreno.
10. Line K-1 will remain a "stand alone" construction package, and will need to be constructed concurrent with or before completion of the Phase 2 – WB ramps project.
11. City and Caltrans will update the Co-op for Moreno Design and Construction Phase

12. City and Parsons will proceed to finalize the R/W for South side first so that R/W cert can be achieved for Phase 1 project.
13. Schedule delays due to R/W condemnation that extend Phase 1 beyond 12-months or Phase 2 beyond 18 months are not included in this amendment.
14. City/Parsons will submit the Environmental Permit Applications for the "entire Moreno Project" (including Phase 1 and 2).
15. Separate R/W requirements maps and R/W appraisal maps for Moreno Beach (Phase 1 and Phase 2) will not be required.
16. The R/W acquisitions for the SR60/Moreno Beach Drive Project are based upon the original # of property impacts. As of May 2, 2011, there are 6 Owners that are in escrow or have closed escrow. As of May 2, 2011, there are 10 Owners remaining for which negotiations are still pending or ongoing. It is assumed the all 10 Owners will reach agreement with City by December 2011, and that none of the 10 will require eminent domain proceedings. It is assumed that all of the required parcels on the south side of SR60/Moreno required for Phase 1, will be obtained and escrow closed such that the project team can achieve a Right of Way Certification target date of February 15, 2012.

AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

SPLIT PS&E INTO (2) PHASES AND COMPLETE ENV REVALIDATIONS

PARSONS STAFF - LABOR HOURS AND COSTS

TASK NO.	STAFF & PROJECT TITLE / TASK NO. - Description	SPEIRS Project Manager	Gonzalez Beltcher Roadway Design Lead Engineer	SADHAFI Senior Engineer	Merritt Roadway Associate	LEES SR Engineer	SANDIRA - UTHAYA Structures Lead	MULLANGI Structural Engineer	PEARMAN CADD Sr.	Tedaro Environmental Planner	STRASSNER ADMIN	TOTAL LABOR	DIRECT LABOR	NOTES	PHASE 1 incl OH & fee	PHASE 2 incl OH & fee
	MORENO BEACH DR PS&E															
1	Project Management for extended PS&E phase	80	60								40	200	$14,042	5 hrs/month for 39 months	$19,570.34	$19,570.34
2	Funding Applications	10	10	40					4	10		74	$4,618		$12,871.99	
3	Phase 1 - Repackage PS&E for EB Ramps	8	24	120	280	44			97			553	$27,260	Design revision, and 143 plans + reports, Specs &Est updates	$76,984.52	
4	Phase 2 - Repackage PS&E for WB ramps and Bridge	16	48	180	350	140			154			888	$44,696	Design revisions and 192 plans,+ SSPs, reports and Est to update		$124,586.30
5	Environmental Re-validation (split Moreno 2 packages)	40	40						40	300		420	$20,432	assume cover memos, no new analysis	$56,953.27	
6	Environmental Permitting and Mitigation Support	4							16	60		80	$3,533	coord for MSCHP and explain split etc	$9,848.22	
7	Right of way Certification - Phase 1	16	16									32	$2,476	phase 1 R/W cert	$6,902.94	
8	Additional Right of Way Parcels & Negotiations	20	20									40	$3,096	33 s/w cont calls to date	$4,314.34	$4,314.34
9	Utility Coordination & New Utilities in Bridge	12	12	10		60			20			114	$6,535	expanded utility coord.	$18,218.69	
10	AQ Conformity Analysis Report (First Re-validation)	6								24		30	$1,509	from First Revalidation, was not in the scope	$4,205.52	
11	Open House Meeting (1)	4	4						8			16	$965	one open house only	$2,690.84	
12	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections	$12,094.86	
13	Line K-1 Drainage Design Updates	8	60	60	40				20			188	$11,150	additional plans and design changes		$31,079.73
14a	Construction Phase Design Support (Phase 1)	22	120	20			8	8	92		40	310	$17,971	Phase 1	$50,092.81	
14b	Construction Phase Design Support (Phase 2)	22	134	26			36	56	92		40	406	$23,005	Phase 2		$64,122.80
15	Burrowing Owls Surveyes (Step 1 only)	2								12		14	$670	This survey can be completed upon NTP and must be done	$1,866.78	
16	Materials Report Updates (see below for EMI costs)	2	8						2			12	$817	review & coord for Report updates	$2,276.86	
17	Additional Services to address Changes in Caltrans or City requirements	20	20	80	80	40			40			280	$15,276	additional services (to be authorized by City)	$42,579.21	
	totals	296	600	596	730	284	44	64	585	406	120	3725	$202,391		$320,471.39	$243,673.50
	PARSONS TOTAL FOR DESIGN PHASE	296	600	596	730	284	44	64	585	406	120	3725				
	TOTAL DIRECT LABOR COSTS	$25,059	$42,072	$36,652	$30,660	$15,114	$2,635	$2,671	$25,318	$16,930	$4,979		$202,391			
											Overhead	153.40%	$310,468			
											Profit	10%	$51,286			
											Escalation	0%	$0			
											TOTAL LABOR COSTS		$564,145			

check: $564,145

	SUBCONSULTANTS AND DIRECT COSTS	MORENO (Phases 1 +2	PHASE 1	PHASE 2
	PARSONS DIRECT COSTS	$8,200	$4,100	$4,100
Task 16	EARTH MECHANICS (Materials Report Updates)	$4,940	$4,940	
Task 3	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 1 split)	$4,206	$4,206	
Task 4	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 2 split)	$3,300		$3,300
Task 3	TATSUMI-LANDSCAPE PLANS (phase 1 split)	$2,500	$2,500	
Task 4	TATSUMI-LANDSCAPE PLANS (phase 2 split)	$15,845		$15,845
Task 7	OPC - R/W Cert for Phase 1 (phase 2 is in org scope)	$5,000	$5,000	
Task 8	OPC - Additional R/W SUPPORT	$157,000	$100,000	$57,000
Task 8	AE/PB -ROW ENGINEERING	$14,087.43	$14,087.43	
Task 18	AE/PB -Prepare EMWD Water line Quit Claim legals, plats, deed	$6,403.82	$6,403.82	
	Subs + ODC	$221,482.25	$141,237	$80,245
	LABOR	$564,144.90	$320,471	$243,674
	TOTAL -PHASE 1 - MORENO		$461,708.64	
	TOTAL -PHASE 2 - MORENO			$323,918.50

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AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

PS&E UPDATES, SCHEDULE EXTENSION, AND NEW TASKS

PARSONS STAFF - LABOR HOURS AND COSTS

	STAFF & PROJECT TITLE	SPEIRS	Gonzalez Bettcher	SAGHAFI	Merritt	LEES	SANDRA - UTHAYA	MULLANGI	PEARMAN	Todaro	STRASSNER	TOTAL	DIRECT	
	TASK NO. - Description	Project Manager	Roadway Design Lead Engineer	senior Engineer	Roadway Associate	SR Utility Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR	notes
		$84.66	$70.12	$52.00	$42.00	$53.22	$59.88	$41.73	$43.28	$41.70	$41.49			
	NASON STREET/SR60 PS&E													
1	Project Management for extended PS&E phase	50	50								20	120	$8,569	3.6 hrs/month X 33 months
2	Funding Application (RCTC)	4	24						2			30	$2,108	1 application
3	Update Specifications - Caltrans Plain Language SSP	4	8	120								132	$8,340	(175) pay items, over 150 SSPs to update
4	Updated 95% PS&E Submittal (Roadway)	32	82	240	240	40			197			831	$44,074	(176) plans, and 3 reports to update
5	Updated 95% PS&E submittal (Structures)	4	4				40	80	80			208	$9,815	(52) plans, specs, estimates
6	Utility Coordination - New Utilties in Bridge	24				80			8			112	$6,636	additional coord, interim poles etc
7	Geotechnical Support - City Stockpile	12	36	30					6			84	$5,660	see scope for details
8	AQ Conformity Analysis Report for Re-Validation	6								24		30	$1,509	from 1st Env Revalidation
9	Open House Meetings (2)	8	8							8		24	$1,572	new
10	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections
11	Construction Phase Design Support (restore Orig Budget)	17	129	26			36	56	52	36	38	390	$21,918	same hrs as original contract (restored)
12	Local Assistance Forms (FOR FEDERAL FUNDING)	20	40									60	$4,498	
13	Additional Services to address Changes in Caltrans or City requirements (to be authorized by City)	20	20	60	60	20			20			200	$11,266	
	Totals	**205**	**405**	**536**	**300**	**140**	**76**	**136**	**365**	**68**	**58**	**2289**	**$130,302**	
	PARSONS TOTAL FOR DESIGN PHASE	205	405	536	300	140	76	136	365	68	58	2289		
	TOTAL DIRECT LABOR COSTS	$17,355	$28,399	$33,232	$12,600	$7,451	$4,551	$5,675	$15,797	$2,836	$2,406		$130,302	
											Overhead	153.40%	$199,883	
											Profit	10%	$33,019	
											Escalation	0%	$0	
											TOTAL LABOR COSTS		$363,204	

NASON TASK	SUBCONSULTANTS AND DIRECT COSTS	NASON
	PARSONS DIRECT COSTS	$6,062
Task 5	ACT-TRAFFIC ELECTRICAL DESIGN (NASON)	$3,498
Task 5	TATSUMI-LANDSCAPE PLANS (NASON)	$15,845
Task 7	EARTH MECHANICS & PARSONS (STOCK PILE Clearanc	$10,740
	Subs + ODC	$36,145.25
	NASON TOTAL	$399,349.27

SR-60/MORENO SUMMARY OF SHEETS FOR "PS&E-SPLIT" --- DATE 5-02-2011

SHEET / DISCIPLINE	MORENO BEACH (ORIGINAL SHEET COUNT)	PHASE 1	PHASE 2	
Title Sheet	1	1	1	
Typical Cross-Sections	8	4	4	
Key Map and Line Index	1	1	1	
Layout Plans	5	4	5	only (5) layouts in original plan set
Profile Plans and Superelevation Diagrams	13	6	9	
Construction Details*	19	15	15	
Water Pollution Control Plans & SWDR	7	4	5	reivsed based upon footprint for P1 and P2
Contour Grading Plans	5	4	5	
Drainage Plans	5	4	5	
Drainage Profiles	10	5	6	
Drainage Details & Quantities	28	14	14	102
Utility Plans	6	4	5	
Stage Construction Index sheets	3	3	3	
Traffic Handling Plans	16	8	16	
Traffic Handling Quantities	5	3	3	
Detour Plans**	3	3	3	
Detour Quantities				
Construction Area Signs and Key map Sheets	4	4	4	
Construction Area Sign Details	1	1	1	
Pavement Delineation Plans	6	4	5	
Pavement Delineation Quantities & Details	3	3	3	includes (1) detail sheet and (2) quant sheets P1 and P2
Sign Plans	5	5	5	
Sign Plans - Overhead & Roadside Sign Details***	17	9	9	
Bridge Mounted Sign Details (included with Sign Details)				
Summary of Quantities Sheets	4	2	2	
Plant List	1	0	1	
Planting plans	5	0	5	
Irrigation Plans	5	0	5	
Sprinkler Schedule	1	0	1	
Electrical - Lighting	11	5	6	
Electrical - Traffic Signals (Ultimate and Temp) & interconnect	15	10	10	updated sheet count P1 and P2, sheets E-20,21,28,30 common to P1 and P2, sheets E-15-19 and 29 are P1-only, sheets E22-27 P2-only
Electrical - Ramp Meter Plans (3 locations)	3	2	3	
Electrical - Bridge	1	0	1	
Electrical - Details (included above)				
retaining wall plans	3	3	0	
Bridge Plans	39	0	39	
TOTAL # PLAN SHEETS	**259**	**131**	**200**	
Plan Sheet by Subs (separate budget item)		**17**	**32**	
Plan Sheets by Parsons	**242**	**114**	**168**	

phase 1	phase 2
tatsumi	tatsumi
0	12
ACT	ACT
17	20

128	Road Plans (phase 1)
3	Structure Plans (phase 1)
131	total

161	Road Plans (phase 2)
39	Structure Plans (phase 2)
200	total

Ph 1 + 2 (HRS)	
1418	5-2-2011 update
1441	3-25-2011 totals

hrs/sheet	TASK			
3.50	REPACKAGE 95% PS&E and separate PS&E into phase 1 and phase 2		399	588
1.25	Hours for Parsons to check & update Sheets by Subs		21	40
	District and HQ Office Engineer Review		40	200
	QA/QA plans, Specs and Estimates		60	70
		hours totals	**520**	**898**
			phase 1 MORENO	**phase 2 MORENO**

AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

SPLIT PS&E INTO (2) PHASES AND COMPLETE ENV REVALIDATIONS

PARSONS STAFF - LABOR HOURS AND COSTS

	STAFF & PROJECT TITLE	SPEIRS	Gonzalez Betcher	RAGHATI	Merritt	LEES	SANDRA - LITHAYA	MULLANGI	PEARMAN	Todaro	STRASSNER	TOTAL	DIRECT	NOTES	PHASE 1	PHASE 2
	TASK NO. - Description	Project Manager	Roadway Design Lead Engineer	senior Engineer	Roadway Associate	SR Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR		Incl OH & fee	Incl OH & fee
	MORENO BEACH DR PS&E															
1	Project Management for extended PS&E phase	80	80								40	200	$14,042	5 hrs/month for 39 months	$19,570.34	$19,570.34
2	Funding Applications	10	10	40					4	10		74	$4,618		$12,871.99	
3	Phase 1 - Repackage PS&E for EB Ramps	8	24	120	260	44			97			553	$27,260	Design revision, and 143 plans + reports, Specs &Est updates	$75,984.52	
4	Phase 2 - Repackage PS&E for WB ramps and Bridge	16	48	180	350	140			154			888	$44,696	Design revisions and 192 plans,+ SSPs, reports and Est to update		$124,586.30
5	Environmental Re-validation (split Moreno 2 packages)	40	40						40	300		420	$20,432	assume cover memos, no new analysis	$66,953.27	
6	Environmental Permitting and Mitigation Support	4							16	60		80	$3,533	coord for MSCHP and explain split etc	$9,848.22	
7	Right of way Certification - Phase 1	16	16									32	$2,476	phase 1 R/W cert	$6,902.94	
8	Additional Right of Way Parcels & Negotiations	20	20									40	$3,096	33 r/w conf calls to date	$4,314.34	$4,314.34
9	Utility Coordination & New Utilities in Bridge	12	12	10		60			20			114	$5,536	expanded utility coord	$18,218.89	
10	AQ Conformity Analysis Report (First Re-validation)	6								24		30	$1,509	from First Revalidation, was not in the scope	$4,205.52	
11	Open House Meeting (1)	4	4						8			16	$965	one open house only	$2,690.84	
12	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections	$12,094.86	
13	Line K-1 Drainage Design Updates	8	60	60	40				20			188	$11,150	additional plans and design changes		$31,079.73
14a	Construction Phase Design Support (Phase 1)	22	120	20			6	8	92		40	310	$17,971	Phase 1	$50,082.81	
14b	Construction Phase Design Support (Phase 2)	22	134	26			36	56	92		40	406	$23,005	Phase 2		$64,122.80
15	Burrowing Owls Surveyes (Step 1 only)	2								12		14	$570	This survey can be completed upon NTP and must be cons	$1,866.78	
16	Materials Report Updates (see below for EMI costs)	2	8						2			12	$817	review & coord for Report updates	$2,276.86	
17	Additional Services to address Changes in Caltrans or City requirements	20	20	80	80	40			40			280	$15,276	additional services (to be authorized by City)	$42,579.21	
	totals	295	600	596	730	284	44	64	585	406	120	3725	$202,391		$320,471.39	$243,673.50
	PARSONS TOTAL FOR DESIGN PHASE	295	600	596	730	284	44	64	585	406	120	3725				
	TOTAL DIRECT LABOR COSTS	$25,059	$42,072	$36,962	$30,660	$15,114	$2,635	$2,671	$25,319	$16,930	$4,979		$202,391		check:	$564,145
											Overhead	163.40%	$310,468			
											Profit	10%	$51,286			
											Escalation	0%	$0			
											TOTAL LABOR COSTS		$564,145			

	SUBCONSULTANTS AND DIRECT COSTS	MORENO (Phases 1 +2	PHASE 1	PHASE 2
	PARSONS DIRECT COSTS	$8,200	$4,100	$4,100
Task 16	EARTH MECHANICS (Materials Report Updates)	$4,940	$4,940	
Task 3	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 1 split)	$4,206	$4,206	
Task 4	ACT-TRAFFIC ELECTRICAL DESIGN (Phase 2 split)	$3,300		$3,300
Task 3	TATSUMI-LANDSCAPE PLANS (phase 1 split)	$2,500	$2,500	
Task 4	TATSUMI-LANDSCAPE PLANS (phase 2 split)	$15,845		$15,845
Task 7	CPC - R/W Cert for Phase 1 (phase 2 is in org scope)	$5,000	$5,000	
Task 8	CPC - Additional R/W SUPPORT	$157,000	$100,000	$57,000
Task 8	AE/PB -RCW ENGINEERING	$14,087.43	$14,087.43	
Task 18	AE/PB -Prepare EMWD Water line Quit Claim legals, plats, deed	$6,403.82	$6,403.82	
	Subs + ODC	$221,482.25	$141,237	$80,245
	LABOR	$564,144.90	$320,471	$243,674
	TOTAL -PHASE 1 - MORENO		$461,708.64	
	TOTAL -PHASE 2 - MORENO			$323,918.50

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AMENDMENT #4 MORENO/SR60 DATE: 05-23-2011

PS&E UPDATES, SCHEDULE EXTENSION, AND NEW TASKS

PARSONS STAFF - LABOR HOURS AND COSTS

STAFF & PROJECT TITLE		SPEIRS	Gonzalez Bottcher	SAGHAFI	Merritt	LEES	SANDIRA - UTHAYA	MULLANGI	PEARMAN	Todaro	STRASSNER	TOTAL	DIRECT	
TASK NO. - Description		Project Manager	Roadway Design Lead Engineer	senior Engineer	Roadway Associate	SR Utility Engineer	Structures Lead	Structural Engineer	CADD Sr.	Environmental Planner	ADMIN	LABOR	LABOR	notes
		$84.66	$70.12	$62.00	$42.00	$53.22	$69.88	$41.73	$43.28	$41.70	$41.49			
	NASON STREET/SR60 PS&E													
1	Project Management for extended PS&E phase	50	50								20	120	$8,569	3.6 hrs/month X 33 months
2	Funding Application (RCTC)	4	24						2			30	$2,108	1 application
3	Update Specifications - Caltrans Plain Language SSP	4	8	120								132	$8,340	(175) pay items, over 150 SSPs to update
4	Updated 95% PS&E Submittal (Roadway)	32	82	240	240	40			197			831	$44,074	(176) plans, and 3 reports to update
5	Updated 95% PS&E submittal (Structures)	4	4				40	80	80			208	$9,815	(52) plans, specs, estimates
6	Utility Coordination - New Utilities in Bridge	24				80			8			112	$6,636	additional coord, interim poles etc
7	Geotechnical Support - City Stockpile	12	36	30					6			84	$5,660	see scope for details
8	AQ Conformity Analysis Report for Re-Validation	6								24		30	$1,509	from 1st Env Revalidation
9	Open House Meetings (2)	8	8							8		24	$1,572	new
10	Life Cycle Cost Analysis Support	4	4	60								68	$4,339	assumes max (2) rigid and (2) flexible pvmt sections
11	Construction Phase Design Support (restore Orig Budget)	17	129	26			36	56	62	36	38	390	$21,918	same hrs as original contract (restored)
12	Local Assistance Forms (FOR FEDERAL FUNDING)	20	40									60	$4,498	
13	Additional Services to address Changes in Caltrans or City requirements (to be authorized by City)	20	20	60	60	20			20			200	$11,266	
	Totals	**205**	**405**	**536**	**300**	**140**	**76**	**136**	**365**	**68**	**58**	**2289**	**$130,302**	
PARSONS TOTAL FOR DESIGN PHASE		205	405	536	300	140	76	136	365	68	58	2289		
	TOTAL DIRECT LABOR COSTS	$17,355	$28,399	$33,232	$12,600	$7,451	$4,551	$5,675	$15,797	$2,836	$2,406		$130,302	

Overhead	153.40%	$199,883
Profit	10%	$33,019
Escalation	0%	$0
TOTAL LABOR COSTS		$363,204

NASON TASK	SUBCONSULTANTS AND DIRECT COSTS	NASON
	PARSONS DIRECT COSTS	$6,062
Task 5	ACT-TRAFFIC ELECTRICAL DESIGN (NASON)	$3,498
Task 5	TATSUMI-LANDSCAPE PLANS (NASON)	$15,845
Task 7	EARTH MECHANICS & PARSONS (STOCK PILE Clearanc	$10,740
	Subs + ODC	$36,145.25

NASON TOTAL	**$399,349.27**

SR-60/MORENO SUMMARY OF SHEETS FOR "PS&E-SPLIT" --- DATE 5-02-2011

SHEET / DISCIPLINE	MORENO BEACH (ORIGINAL SHEET COUNT)	PHASE 1	PHASE 2	
Title Sheet	1	1	1	
Typical Cross-Sections	8	4	4	
Key Map and Line Index	1	1	1	
Layout Plans	5	4	5	only (5) layouts in original plan set
Profile Plans and Superelevation Diagrams	13	6	9	
Construction Details*	19	15	15	
Water Pollution Control Plans & SWDR	7	4	5	reivsed based upon footprint for P1 and P2
Contour Grading Plans	5	4	5	
Drainage Plans	5	4	5	
Drainage Profiles	10	5	6	
Drainage Details & Quantities	28	14	14	102
Utility Plans	6	4	5	
Stage Construction Index sheets	3	3	3	
Traffic Handling Plans	16	8	16	
Traffic Handling Quantities	5	3	3	
Detour Plans**	3	3	3	
Detour Quantities				
Construction Area Signs and Key map Sheets	4	4	4	
Construction Area Sign Details	1	1	1	
Pavement Delineation Plans	6	4	5	
Pavement Delineation Quantities & Details	3	3	3	includes (1) detail sheet and (2) quant sheets P1 and P2
Sign Plans	5	5	5	
Sign Plans - Overhead & Roadside Sign Details***	17	9	9	
Bridge Mounted Sign Details (included with Sign Details)				
Summary of Quantities Sheets	4	2	2	
Plant List	1	0	1	
Planting plans	5	0	5	
Irrigation Plans	5	0	5	
Sprinkler Schedule	1	0	1	
Electrical - Lighting	11	5	6	
Electrical - Traffic Signals (Ultimate and Temp) & interconnect	15	10	10	updated sheet count P1 and P2, sheets E-20,21,28,30 common to P1 and P2, sheets E-15-19 and 29 are P1-only; sheets E22-27 P2-only
Electrical - Ramp Meter Plans (3 locations)	3	2	3	
Electrical - Bridge	1	0	1	
Electrical - Details (included above)				
retaining wall plans	3	3	0	
Bridge Plans	39	0	39	
TOTAL # PLAN SHEETS	**259**	**131**	**200**	
Plan Sheet by Subs (separate budget item)		**17**	**32**	
Plan Sheets by Parsons	**242**	**114**	**168**	

phase 1	phase 2
tatsumi	tatsumi
0	12
ACT	ACT
17	20

128	Road Plans (phase 1)
3	Structure Plans (phase 1)
131	total

161	Road Plans (phase 2)
39	Structure Plans (phase 2)
200	total

hrs/sheet	TASK			
3.50	REPACKAGE 95% PS&E and separate PS&E into phase 1 and phase 2		399	588
1.25	Hours for Parsons to check & update Sheets by Subs		21	40
	District and HQ Office Engineer Review		40	200
	QA/QA plans, Specs and Estimates		60	70
		hours totals	**520**	**898**
			phase 1 MORENO	**phase 2 MORENO**

Ph 1 + 2 (HRS)	
1418	5-2-2011 update
1441	3-25-2011 totals

Associated Engineers, Inc.

City of Moreno Valley
State Route 60 / Moreno Beach – PHASE II
02-18-2011

SCOPE OF WORK – ADDITIONAL EFFORT

1.00 Control Survey and Base Data Review

No additional effort.

2.00 Aerial Topographic Mapping

No additional effort.

3.00 Design Data Surveys

No additional effort.

4.00 Utility Surveys and Mapping

No additional effort.

5.00 Right-of-Way Engineering

Additional effort is summarized as follows:

- **Weekly R/W Acquisition Status Meetings** – participation in weekly status meetings was not anticipated in our original scope of work: thirty seven (37) meetings attended through March 7, 2011.

- **Land Title Gap in parcel ownerships at Ironwood** – three affected parcels on the north side of Ironwood have clouded title within the strip of land between the north line of Ironwood, and the south line of Section 34. This strip of land is approximately 55' wide and is caused by inconsistencies in the historic mapping of said section line, and the resulting grant deeds. Effort is required for additional title and survey research, field surveys, boundary analysis and preparation of additional acquisition documents, which was not anticipated in our original scope of work.

ASSOCIATED ENGINEERS, INC.
PB 177725A

02/18/11

SR 60 / Moreno Beach Drive Interchange and Nason Street Overcrossing Improvements, City of Moreno Valley
Additional Effort - Surveying & Mapping Services - Moreno Beach

	TASKS	Survey Task Leader	Chief of Surveys	Land Surveyor	Survey Technician	CADD Technician	3-Man Field Crew*	2-Man Field Crew*	Clerical	Proj Admin	TOTAL HOURS	TOTAL COST
	Rates:	$190.92	$132.57	$138.95	$110.45	$103.52		$245.33	$65.08	$89.78		
3.0	**Design Data Surveys**											
3.1											0	$0.00
3.2											0	$0.00
3.3											0	$0.00
3.4											0	$0.00
4.0	**Utility Surveys & Mapping**											
4.1											0	$0.00
5.0	**Right of Way Engineering**										0	$0.00
5.1	participate in weekly status calls (37 ea)	37								2	39	$7,243.60
5.2	Land title gap, 3 parcels at Ironwood	6	2	12	16	2		5	4	2	49	$6,718.83
5.3											0	$0.00
5.4											0	$0.00
5.5											0	$0.00
5.6											0	$0.00
5.7											0	$0.00
5.8											0	$0.00
5.9											0	$0.00
	Total Hours	43	2	12	16	2	0	5	4	4	88	
	Total Costs	$8,209.56	$265.14	$1,667.40	$1,767.20	$207.04	$0.00	$1,226.65	$260.32	$359.12		$13,962.43

Rates shown are based on Overhead rate of 127.48% plus fee of 10%

* Prevailing Wage rates for field personnel

ODC Sidebar:

Messenger & delivery costs	est.	$75.00
Repro and photocopy	est.	$50.00
Pothole Digging (KanTex)		$0.00

Total Other Direct Costs: **$125.00**

ODC Total: **$125.00**

Total Cost: **$14,087.43**

AddCost-SR 60-MBeach_02-18-2011.XLS

Associated Engineers
A subsidiary of PB Americas

3311 E. Shelby Street
Ontario, CA 91764-4872
909- 980-1982
Fax: 909-941-0891

City of Moreno Valley
State Route 60 / Moreno Beach – PHASE II
05-17-2011

SCOPE OF WORK – ADDITIONAL EFFORT

1.00 Control Survey and Base Data Review

No additional effort.

2.00 Aerial Topographic Mapping

No additional effort.

3.00 Design Data Surveys

No additional effort.

4.00 Utility Surveys and Mapping

No additional effort.

5.00 Right-of-Way Engineering

Additional effort is summarized as follows:

- **Prepare Exhibits for Quitclaim Deeds for EMWD Easements** – two existing Eastern Municipal Water District easements (approximately 3000 LF) will be quitclaimed following relocation of their facilities for; exhibits (legal description and plats) will be prepared in accordance with EMWD standards for easements recorded 12/17/1962 as Instrument No. 113386, Official Records, and easement recorded in Book 3276, Page 419.

ASSOCIATED ENGINEERS, INC.
PB 177725A

05/16/11

SR 60 / Moreno Beach Drive Interchange and Nason Street Overcrossing Improvements, City of Moreno Valley
Additional Effort - Surveying & Mapping Services - Moreno Beach

	TASKS	Survey Task Leader	Chief of Surveys	Land Surveyor	Survey Technician	CADD Technician	3-Man Field Crew*	2-Man Field Crew*	Clerical	Proj Admin	TOTAL HOURS	TOTAL COST
	Rates:	$190.92	$132.57	$138.95	$110.45	$103.52		$245.33	$65.08	$89.78		
3.0	**Design Data Surveys**											
3.1											0	$0.00
3.2											0	$0.00
3.3											0	$0.00
3.4											0	$0.00
4.0	**Utility Surveys & Mapping**											
4.1											0	$0.00
5.0	**Right of Way Engineering**										0	$0.00
5.1	Prepare EMWD easmt quitclaim deeds	4		10	20	16			4		54	$6,278.82
5.2											0	$0.00
5.3											0	$0.00
5.4											0	$0.00
5.5											0	$0.00
5.6											0	$0.00
5.7											0	$0.00
5.8											0	$0.00
5.9											0	$0.00
	Total Hours	4	0	10	20	16	0	0	4	0	54	
	Total Costs	$763.68	$0.00	$1,389.50	$2,209.00	$1,656.32	$0.00	$0.00	$260.32	$0.00		$6,278.82

Rates shown are based on Overhead rate of 127.48% plus fee of 10%

* Prevailing Wage rates for field personnel

ODC Sidebar:

Messenger & delivery costs	est.	$75.00
Repro and photocopy	est.	$50.00
Pothole Digging (KanTex)		$0.00

Total Other Direct Costs: $125.00

ODC Total: $125.00

Total Cost: $6,403.82

AEPB_Cost-EMWD-QC_05-16-2011.XLS

Earth Mechanics, Inc.

Geotechnical & Earthquake Engineering

MEMORANDUM

EMI Project No. 05-140

Date: May 18, 2011

To: David Speirs / Parsons

From: Eric Brown, Earth Mechanics, Inc.

Subject: ***Additional Scope and Cost for Materials Report***
Moreno Beach Drive, City of Moreno Valley, California

It is our understanding that the City of Moreno Valley intends to divide the Moreno Beach Drive project into two phases; the first phase consisting of the improvements for the EB ramps and widening of Moreno Beach Drive south of SR-60, and the second phase consisting of the replacement of the bridge at SR60/Moreno Beach Drive and construction of (3) WB ramps and related auxiliary lanes. It is noted that the Geotechnical Design Report for the original project (Nason/SR60 and Moreno/SR60 as a combined project) has already been approved by Caltrans. However, the Materials Report has not yet been approved and will need to be updated to reflect an updated range of pavement structural sections pursuant to Caltrans LCCA requirements. The Bridge Foundation Reports for SR60/Nason Street and SR60/Moreno Beach Drive, and the Foundation Reports for Soundwall 60-954L and Retaining Wall 3805R have also been approved. Based upon our conversations, we are assuming that these approved geotechnical reports will not need to be revised or resubmitted.

The cost estimate below summarizes the cost for the additional geotechnical services required to revise the Materials Report to address the (2) phases at Moreno Beach Drive, the fact that SR60/Nason is a separate PS&E but still covered by the Material Report, and to address the additional geotechnical support already provided for the Pavement Life Cycle Cost Analysis.

TABLE 1. MANHOURS AND COST ESTIMATES

TASK	*Project Manager*	*Senior Engineer*	*Staff Engineer*	*Senior Technician*	*Clerical*	*Total Hours*	*Total Cost*
LCCA Support	0	6	0	0	0	6	$ 840.00
Report Preparation	0	24	0	0	0	24	$3,360.00
Response to Caltrans Review	0	5	0	0	0	5	$ 700.00
Total Hours	0	35	0	0	0	35	*$4,900.00*
Hourly Rate	$155	$140	$95	$110	$60		
Subtotal	$ 0.00	$4,900.00	$ 0.00	$ 0.00	$ 0.00		
OTHER COSTS							
Reproduction						$40	
TOTAL							**$4,940.00**

17800 Newhope Street, Suite B, Fountain Valley, California 92708 Tel: (714) 751-3826 Fax: (714) 751-3928

Earth Mechanics, Inc.

Geotechnical & Earthquake Engineering

MEMORANDUM

EMI Project No. 05-140

Date: May 3, 2011

To: David Speirs / Parsons

From: Eric Brown, Earth Mechanics, Inc.

Subject: ***Additional Scope and Cost for Stockpile Investigation***
Nason Street –Moreno Beach Drive, City of Moreno Valley, California

Earth Mechanics, Inc. (EMI) is pleased to assist Parsons and the City of Moreno Valley by providing geotechnical engineering services to investigate the stockpile of borrow material located at the intersection of Nason Street and Alessandro Boulevard. Our scope of work and the associated cost estimate for geotechnical services is presented below.

EMI will perform a geotechnical field investigation by excavating five (5) geotechnical borings through the stockpiled material at the location described above. The borings will be performed with a limited access track mounted drill rig equipped with 8-inch diameter hollow-stem augers. The borings will be conducted for the purpose of characterizing the material and collecting samples for laboratory testing. The spoils from the boring excavations will be temporarily stockpiled adjacent to each boring; immediately after each excavation is completed, the spoils will be mixed with water and used to backfill the boreholes.

Samples recovered during the investigation will be preserved and returned to the lab for testing. The anticipated laboratory tests proposed to be performed on selected samples is provided below. Five of each test listed below will be conducted.

Environmental Tests	Geotechnical Tests
EPA Test 8015B – Nonhalogenated Organics	Compaction (CT 216)
EPA Test 8260B – Volatile Organics	R-Value (CT-301)
Title 22 Metals	Sieve Analysis (CT 202)

After completion of the investigation, EMI will present the results of the field and laboratory testing program in a data memorandum to Parsons.

Services by EMI will be performed only after Parsons has provided authorization to proceed with the services. The cost for the geotechnical services is $10,740 based on the scope of work described above and our 2011 fee and laboratory testing schedule.

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TABLE 1. MANHOURS AND COST ESTIMATES

TASK	*Project Manager*	*Senior Engineer*	*Staff Engineer*	*Senior Technician*	*Clerical*	*Total Hours*	*Total Cost*
Field Investigation	0	0	6	12	0	18	$1,890.00
Report Preparation	0	2	16	0	0	18	$1,800.00
Total Hours	0	2	22	12	0	36	*$3,690.00*
Hourly Rate	$155	$140	$95	$110	$60		
Subtotal	$ 0.00	$ 280.00	$2,090.00	$1,320.00	$ 0.00		
OTHER COSTS							
Drill Rig Rental						$3,400	
Laboratory Test						$3,650	
TOTAL							**$10,740.00**

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advanced civil technologies
2201 Dupont Drive • Suite 630 • Irvine, CA 92612
phone 949-752-2268 • fax 949-752-2263

Moreno Beach Drive/SR-60 Interchange and Nason Street/SR-60 Overcrossing Improvements
Plan, Specifications and Estimate (PS&E)
Caltrans EA #323011
Amendment No. 1

Lighting, Sign Illumination, Signals, and Ramp Metering System Plans
Additional coordination efforts are required for additional work in electrical design because of splitting the SR-60/Moreno Beach Drive Interchange Improvements Project into two phases. ACT shall re-package and update electrical plans, specifications, and estimates for the Phase 1 project which would include all electrical improvements along the eastbound ramps and Moreno Beach Drive; and Phase 2 project which would include all electrical improvements along the westbound ramps and Moreno Beach Drive. ACT shall also update electrical plans, specifications and estimates for the SR-60/Nason Street Interchange Improvements Project. This scope of work assumes that there is only one submittal to Caltrans for review.

The fee estimates for re-packaging and updating electrical plans are as follow:
SR-60/Moreno Beach Drive Interchange Improvements, Phase 1 - $4,200
SR-60/Moreno Beach Drive Interchange Improvements, Phase 2 - $3,300
SR-60/Nason Street Interchange Improvements - $3,500

www.OPCservices.com

OVERLAND PACIFIC & CUTLER, INC.

2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph | 951.683.3901 fax

March 1, 2011

David Speirs
Engineering Manager
PARSONS
2201 Dupont Drive, Ste. 200
Irvine, CA 92612

RE: Contract Amendment #4 to Subconsultant Agreement Number 647148-04
Amended Scope and Fee Schedule for Right of Way Services
City of Moreno Valley – Moreno Beach Drive Interchange Project
Project No. 0027(012)

Dear Mr. Speirs:

Pursuant to your request, we respectfully submit this Amendment to our contract for additional acquisition, project management, title research and coordination services added to OPC's scope of work for the above-referenced project.

The request for Amendment primarily stems from additional work tasks not anticipated in the original proposal. The additional work tasks include negotiations with owners beyond the proposed four week period, weekly right of way focus conference calls, extensive title research on the Lila Jones and David May Trust parcels, extensive research on ownership contact information, extensive title research on utility easements, analysis of Ironwood Avenue ownership and responding to Public Records Act requests.

OPC has conducted exhaustive title searches to resolve several project issues, including the ownership interests of the David May Trust and Lila Jones parcels, the location of the centerline of Pettit Street, prior rights searches for the SCE poles and other utility easements, ownership of Ironwood Avenue. The title searches were extensive and required significant staff time to conduct and coordinate with the title company and the project team none of which was anticipated in OPC's original proposal.

OPC has conducted extensive research to locate contact information for parcel owners. In some cases, multiple attempts have been made to owners' residences, prior residences

and prior business locations in attempts to locate the owners. In addition, OPC has contracted with on-line locator services to obtain additional owner contact information.

OPC's original proposal provided for owner negotiations for a 4 week period prior to the commencement of eminent domain proceeding or further instructions from the City. OPC has extended negotiations for an additional 10 to 15 weeks beyond the offer presentations and 4 week negotiation period. The City is not in a position to institute eminent domain proceedings for a minimum of at least 4 to 6 months and intends to continue negotiations during this period.

Two owners, Chen and Chado, have obtained legal counsel which has served the City with a Public Records Act request. In order to assist the City with this request, OPC will have to review the request, have discussions with the City as to document criteria and review and copy all project files/documents pertaining to the request. This may require significant staff time to complete.

OPC participates on weekly right of way focus conference calls which extend from 1 hour to 2 ½ hours depending on the weekly issues. The weekly conference calls incur additional staff time in both preparation for and attendance on the conference call.

At the time of the original project proposal, the City had an in-house right of way agent to coordinate and manage the right of way services. In the absence of this City position, OPC has been requested to provide right of way services formerly provided in-house, such as drafting staff reports, closed session items and various project management function, all of which were not anticipated in OPC's original proposal.

The additional work tasks described above were not anticipated in OPC's original proposal and are out of scope items.

OPC's current contract scope of work includes obtaining 20 appraisal reports and reviews. To date, OPC has obtained 13 appraisal reports with 7 additional reports remaining. At this time, it is foreseeable that 3 appraisal reports will be required along the North side of Ironwood Drive and a potential for 3 appraisal reports on the 2 City owned parcels (Fire Station and land north of Auto Mall) and 1 for the future excess land parcel at SR 60 westbound Moreno Beach Off Ramp. In addition, the ProLogis appraisal report will require revisions once the EMWD and SCE easements are resolved. Based upon this summary it appears that the current contract the scope is sufficient to cover remaining appraisals.

The costs associated with the additional services described above are as follows, and are predicated on the assumption that acquisition services will conclude within 120 days (June 30, 2011):

Proposed Fees:

Project Management	$30,000
Acquisition/Complex Negotiations	$85,000
Title Searches	
Lila Jones and David May Trust Ownerships	$15,000
Prior Rights/Utility Easement Research	$5,000
Analysis of Ironwood Avenue Ownership	$5,000
Pettit Street Research	$4,000
Ownership Locator Searches	$10,000
Public Records Act Request	$3,000
Authorized Contract Budget	$257,150
Amount of Amendment #4	$157,000
Total Project Budget	**$414,150**

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Kimberly Reed
Senior Project Manager

www.OPCservices.com

OVERLAND PACIFIC & CUTLER, INC.

2280 Market Street, Suite 340
Riverside, CA 92501
951.683.2353 ph | 951.683.3901 fax

March 21, 2011

David Speirs
Engineering Manager
PARSONS
2201 Dupont Drive, Ste. 200
Irvine, CA 92612

RE: Contract Amendment to Subconsultant Agreement Number 647148-04
Amended Scope and Fee Schedule for Right of Way Services
City of Moreno Valley – Moreno Beach Drive Interchange Project
Project No. 0027(012)

Dear Mr. Speirs:

Pursuant to your request, we respectfully submit this Amendment to our contract for right of way certification services to separate out the eastbound freeway ramps for the above-referenced project.

Right of Way Certification Services

1. Attend certification planning meeting with client's Right of Way Local Assistance Coordinator and project team.
2. Prepare real estate components of right of way data sheet and provide current and escalated costs for acquisition and relocation; incorporate engineers' construction and utility information as provided to OPC.
3. Ensure appraisal maps/right of way maps and legal descriptions are all properly identified and prepared in conformance with approved right of way numbering system.
4. Oversee utility relocation activities as required for completion of certification form including compiling utility notices and submittal of hi-low risk utility sheet prepared by engineers for Right of Way Local Assistance Coordinator review.
5. Ensure that all interests necessary for the project have been secured and all relocation activities have been performed in compliance with applicable law and regulations.
6. Prepare certification forms in coordination with engineer and client to include the compilation of all necessary back-up documents required including; deed, final order of condemnation, access easements, cooperative agreements, permits, right of entries, etc.
7. Attend and coordinate pre and post-audit submittal meetings.

The costs associated with the additional services described above are as follows, and are predicated on the assumption that acquisition services will conclude within 120 days (June 30, 2011):

Proposed Fees:

Right of Way Certification – Eastbound Freeway Ramps	$5,000
Authorized Contract Budget	$257,150
Amendment #4 (Pending)	$157,000
Amount of Amendment EB Freeway Ramps	$5,000
Total Project Budget	**$419,150**

If you have any questions or concerns regarding the above, please do not hesitate to contact me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

for Kimberly Reed
Senior Project Manager

KR:klp

TATSUMI
-
AND
-
PARTNERS, INC.

LANDSCAPE ARCHITECTURE
-
PLANNING
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URBAN DESIGN

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David H. Tatsumi, ASLA
Calif. No. 2033

May 23, 2011

Mr. David Speirs
PARSONS
2201 Dupont Drive, Suite 200
Irvine, California 90012

Project Name: SR-60/Moreno Beach Drive Overcrossing – Additional Services for completing the PS&E
TAP Project No.: 2004381.00.02 (r5)

Dear Mr. Speirs:

Per your request, I have prepared the following proposal for the extra services to pick up where the project was left off and move it forward for final submittal.

SCOPE OF WORK

1. Task I: Re-start the project (after a 2 year hold).
   a. Meet with the Engineer and review status of the engineering design.
   b. Update CADD files as needed and as appropriate.
   c. Provide PS&E redline and QAQC review.
   d. Review standards used at the time of the plans preparation, research and determine what, if any, changes to standards have occurred. If changes are needed, implement changes to bring project up to current standards.
2. Task II: Prepare 2nd 95% PS&E Submittal.
   a. Update planting plans, legends, notes, and SSP's.
   b. Update irrigation plans, legends, notes, and SSP's.
   c. Update Quantities and Estimate of Probable Construction Costs.
   d. One (1) coordination meeting is assumed for reviewing comments received.
   e. Provide PS&E redline and QAQC review.

f. Submittal deliverables:
   i. One (1) set of full size drawings in PDF format.
   ii. One (1) set of 11x17 drawings in PDF format.

3. Task III: Prepare Final Submittal (incorporating any comments received from the 2nd 95% PS&E submittal).

   a. Update planting plans, legends, notes, and SSP's.

   b. Update irrigation plans, legends, notes, and SSP's.

   c. Update Quantities and Estimate of Probable Construction Costs.

   d. Provide PS&E redline and QAQC review.

   e. Submittal deliverables:
      i. One (1) set of full size drawings in PDF format.
      ii. One (1) set of 11x17 drawings in PDF format.

4. Task IV: Revise existing irrigation for Phase I east bound ramp construction.

5. Assumptions.

   a. CAD files will be named per Caltrans standard naming convention using EA32300 for Moreno Beach Drive.

   b. It is assumed that there will be additional meetings/site visits and coordination meetings required during the construction phase support for Phase 2. These meetings will be approved by Parsons beforehand and will be billed at Tatsumi's regular hourly rates.

FEES

The fee for the above-listed Scope of Work is Seventeen Thousand Three Hundred and Forty Five Dollars and No Cents ($17,345.00).

A flat fee of One Thousand Dollars ($1,000.00) in addition to the amount above is included for reproduction, mileage, and or delivery and any other costs incurred for the project.

Respectfully,
Tatsumi and Partners, Inc.
A California Corporation

Michael Aceves
Project Manager

FEE PROPOSAL FOR

Moreno Beach (2004381.00.02)

5/2/2011

TASK	STAFF / RATE / HOURS												REIMBURSABLES TOTAL	HOURS TOTAL	FEE TOTAL
	Sr. Principal		Associate		Senior Staff		Tech. Staff II		Tech. Staff I		Staff				
	Hrs	$275.00	Hrs	$126.00	Hrs	$111.00	Hrs	$101.00	Hrs	$88.00	Hrs	$70.00			
Task 1: Re-start Project															
Meeting (1 Assumed)		$0.00		$0.00	2	$222.00		$0.00		$0.00		$0.00		2	$222.00
Update Cadd Files		$0.00		$0.00		$0.00	8	$808.00		$0.00		$0.00		8	$808.00
Redline & QA/QC Review		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Review Standards & Update Per current standards	1	$275.00		$0.00	3	$333.00	6	$606.00	3	$264.00		$0.00		13	$1,478.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	9	$999.00	14	$1,414.00	3	$264.00	0	$0.00		27	$2,952.00
Task II: Prepare 2nd 95% PS&E Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	24	$2,424.00	2	$176.00		$0.00		29	$2,933.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	32	$3,232.00	2	$176.00		$0.00		37	$3,741.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	8	$808.00	2	$176.00	2	$140.00		12	$1,124.00
Meeting (1 Assumed)		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Redline & QA/QC Review	1	$275.00		$0.00	6	$666.00		$0.00		$0.00		$0.00		7	$941.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	16	$1,776.00	64	$6,464.00	6	$528.00	2	$140.00		89	$9,183.00
Task III: Prepare Final Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	4	$404.00	2	$176.00	2	$140.00		8	$720.00
Redline & QA/QC Review	1	$275.00		$0.00	3	$333.00		$0.00		$0.00		$0.00		4	$608.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	5	$555.00	12	$1,212.00	6	$528.00	2	$140.00		26	$2,710.00
Task IV: Revise Existing Irrigation fo Phase I East-Bound Ramp Constuction															
Revise Irrigation		$0.00		$0.00	3	$333.00	21	$2,167.00		$0.00		$0.00		24	$2,500.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	0	$0.00	0	$0.00	3	$333.00	21.46	$2,167.00	0	$0.00	0	$0.00		24	$2,500.00
Misc. ODC's													$1,000.00		
HOURS SUBTOTAL	3		0		33		111.5		15		4			166	
PROPOSAL TOTALS		$825.00		$0.00		$3,663.00		$11,257.00		$1,320.00		$280.00	$1,000.00		$18,345.00

TATSUMI
-
AND
-
PARTNERS, INC.

LANDSCAPE ARCHITECTURE
-
PLANNING
-
URBAN DESIGN

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92606-5166

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www@tatsumiandpartners.com

David H. Tatsumi, ASLA
Calif. No. 2033

May 2, 2011

Mr. David Speirs
PARSONS
2201 Dupont Drive, Suite 200
Irvine, California 90012

Project Name: SR-60/Nason Street Overcrossings – Additional Services for completing the PS&E
TAP Project No.: 2004381.01.02 (r3)

Dear Mr. Speirs:

Per your request, I have prepared the following proposal for the extra services to pick up where the project was left off and move it forward for the final submittal.

SCOPE OF WORK

1. Task I: Re-start the project (after a 2 year hold).
   a. Meet with the Engineer and review status of the engineering design.
   b. Update CADD files as needed and as appropriate.
   c. Provide PS&E redline and QAQC review.
   d. Review standards used at the time of the plans preparation, research and determine what, if any, changes to standards have occurred. If changes are needed, implement changes to bring project up to current standards.
2. Task II: Prepare 2nd 95% PS&E Submittal.
   a. Update planting plans, legends, notes, and SSP's.
   b. Update irrigation plans, legends, notes, and SSP's.
   c. Update Quantities and Estimate of Probable Construction Costs.
   d. One (1) coordination meeting is assumed for reviewing comments received.

e. Provide PS&E redline and QAQC review.

f. Submittal deliverables:
   i. One (1) set of full size drawings in PDF format.
   ii. One (1) set of 11x17 drawings in PDF format.

3. Task III: Prepare Final Submittal (incorporating any comments received from the 2nd 95% PS&E submittal).

   a. Update planting plans, legends, notes, and SSP's.

   b. Update irrigation plans, legends, notes, and SSP's.

   c. Update Quantities and Estimate of Probable Construction Costs.

   d. Provide PS&E redline and QAQC review.

   e. Submittal deliverables:
      i. One (1) set of full size drawings in PDF format.
      ii. One (1) set of 11x17 drawings in PDF format.

4. Assumptions.

   a. CAD files will be named per Caltrans standard naming convention using EA 32301 for Nason Street.

   b. Although separated, both interchange packages will continue to progress reasonably concurrent to each other.

   c. It is assumed that there will be additional meetings/site visits and coordination meetings required during the construction phase support for two (2) separate contracts. These meetings will be approved by Parsons beforehand and will be billed at Tatsumi's regular hourly rates.

   d. Bidding and Construction Administration services are not included, but may be provided for an additional fee.

FEES

The fee for the above-listed Scope of Work is Fourteen Thousand Eight Hundred Forty Five Dollars and No Cents ($14,845.00).

A flat fee of One Thousand Dollars ($1,000.00) in addition to the amount above is included for reproduction, mileage, and or delivery and any other costs incurred for the project.

Respectfully,
Tatsumi and Partners, Inc.
A California Corporation

Michael Aceves
Project Manager

FEE PROPOSAL FOR

Nason (2004381.01.02)

5/2/2011

TASK	STAFF / RATE / HOURS												REIMBURSABLES TOTAL	HOURS TOTAL	FEE TOTAL
	Sr. Principal		Associate		Senior Staff		Tech. Staff II		Tech. Staff I		Staff				
	Hrs	$275.00	Hrs	$126.00	Hrs	$111.00	Hrs	$101.00	Hrs	$88.00	Hrs	$70.00			
Task 1: Re-start Project															
Meeting (1 Assumed)		$0.00		$0.00	2	$222.00		$0.00		$0.00		$0.00		2	$222.00
Update Cadd Files		$0.00		$0.00		$0.00	8	$808.00		$0.00		$0.00		8	$808.00
Redline & QA/QC Review		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Review Standards & Update Per current standards	1	$275.00		$0.00	3	$333.00	6	$606.00	3	$264.00		$0.00		13	$1,478.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	9	$999.00	14	$1,414.00	3	$264.00	0	$0.00		27	$2,952.00
Task II: Prepare 2nd 95% PS&E Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	24	$2,424.00	2	$176.00		$0.00		29	$2,933.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	3	$333.00	32	$3,232.00	2	$176.00		$0.00		37	$3,741.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	8	$808.00	2	$176.00	2	$140.00		12	$1,124.00
Meeting (1 Assumed)		$0.00		$0.00	4	$444.00		$0.00		$0.00		$0.00		4	$444.00
Redline & QA/QC Review	1	$275.00		$0.00	6	$666.00		$0.00		$0.00		$0.00		7	$941.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	16	$1,776.00	64	$6,464.00	6	$528.00	2	$140.00		89	$9,183.00
Task III: Prepare Final Submittal															
Update Planting Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Irrigation Plans, Legends, Notes, and SSP's		$0.00		$0.00	1	$111.00	4	$404.00	2	$176.00		$0.00		7	$691.00
Update Qty's & Estimate of Probable Costs		$0.00		$0.00		$0.00	4	$404.00	2	$176.00	2	$140.00		8	$720.00
Redline & QA/QC Review	1	$275.00		$0.00	3	$333.00		$0.00		$0.00		$0.00		4	$608.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	1	$275.00	0	$0.00	5	$555.00	12	$1,212.00	6	$528.00	2	$140.00		26	$2,710.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
		$0.00		$0.00		$0.00		$0.00		$0.00		$0.00		0	$0.00
Subtotal:	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00	0	$0.00		0	$0.00
Misc. ODC's													$1,000.00		
HOURS SUBTOTAL	3		0		30		90		15		4			142	
PROPOSAL TOTALS		*$825.00*		*$0.00*		*$3,330.00*		*$9,090.00*		*$1,320.00*		*$280.00*	*$1,000.00*		*$15,845.00*

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: AUTHORIZATION TO AWARD THE CONSTRUCTION CONTRACT FOR STREET IMPROVEMENTS FOR HEACOCK STREET FROM HEMLOCK AVENUE TO IRONWOOD AVENUE PROJECT NO. 08-41678827

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder.

2. Authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City.

3. Authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties.

4. Authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney.

5. Authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011.

BACKGROUND

An agreement with Associate Engineers, Inc. was signed by the City Manager on January 24, 2008 to provide Phase 1, preliminary design (35%) services for the roadway improvements to the west side of Heacock Street between Hemlock Avenue and Ironwood Avenue. On February 11, 2009, the City Manager approved the First Amendment to Agreement to allow the parent company, PB America, Inc. to assume all the liabilities, obligations, and commitments of its subsidiary company, Associated Engineers, Inc. On August 25, 2009, the City Council approved the Second Amendment Agreement to PB America, Inc. to provide Phase II and Phase III services, which include completing the final design Plans, Specifications, and Estimate (PS&E) for street improvements, right of way acquisition, coordination with utility companies, and design support during construction.

On September 22, 2009, the City Council adopted the Mitigated Negative Declaration (MND) prepared by the Planning Division. The mitigation measures, as described in the Initial Study and ultimately incorporated into the project specifications, will reduce all potential environmental impacts to an acceptable level in compliance with CEQA and the City's rules to implement CEQA.

DISCUSSION

This project will improve approximately 500 feet of the west side of Heacock Street from 390 feet north of Hemlock Avenue to 530 feet south of Ironwood Avenue. The project will expand the roadway and add new sidewalk, curb, and gutter on the west side of Heacock Street. The project will improve sight distance for public safety and improve pedestrian safety by providing a continuous sidewalk by joining the existing sidewalk at the north and south ends of the project limits.

The project will also construct street improvements on the north side of the intersection of Ironwood Avenue and Davis Street and two access ramps on the northeast and southwest corners of Heacock Street and Ironwood Avenue. These proposed improvements were intended to be added to the Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements project; however, the proposed change order price proposed by the Contractor significantly exceeded the engineer's estimate. As a result, staff elected to add the proposed work as a bid addendum to this project. Funds from Account No. 897.91726 (Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements) will be used to fund this additional work.

Formal bidding procedures have been followed in conformance with the Public Contact Code (PCC) and the City Clerk opened bids at 2:00 p.m., May 2, 2011, for the subject project. Four (4) bids were received as follows:

1. Hillcrest Contracting, Inc. $315,998.90
2. Cooley Construction, Inc. $349,918.65
3. EBS General Engineering, Inc. $369,259.00

4. Leland Hoffman, Inc. $448,470.95

Engineer's Estimate $243,618.50

The Engineer's Estimate was significantly lower than the lowest bid received primarily due to the increased unit prices of road-related items such as base material and excavation work. Staff has reviewed the lowest bid received by Hillcrest Contracting, Inc. and finds it to be the lowest responsible bidder. Hillcrest Contracting, Inc. possesses a valid California Contractor License in good standing and has provided a bid bond as its required bid security. No outstanding problems were identified through review of the references submitted by Hillcrest Contracting, Inc.

The Contractor will notify, and provide safe ingress and egress to, all potentially affected property owners about the road closure, as well as law enforcement, the Fire Department, Waste Management of the Inland Empire, the postal service, the school district, etc. The Contractor is required to provide driveway access to residents at all times. In order to construct cross gutter and adjacent pavement improvements, a full road closure of Davis Street north of Ironwood Avenue may be authorized for up to a period of ten working days, as necessary, between July 2011 and September 2011.

ALTERNATIVES

1. Award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder, authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City, authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties, authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney, and authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011. *This alternative will allow for much needed improvements.*

2. Do not award the construction contract for the Street Improvements for Heacock Street from Hemlock Avenue to Ironwood Avenue to Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92789, the lowest responsible bidder, do not authorize the City Manager to execute a contract with Hillcrest Contracting, Inc. in the form attached hereto, on behalf of the City, do not authorize the issuance of Purchase Orders to Hillcrest Contracting, Inc. totaling of $363,398.74 ($315,998.90 for the bid amount plus 15% contingency) when the contract has been signed by all parties, do not authorize the Public Works Director/City Engineer to execute any subsequent change orders to the contract with Hillcrest Contracting, Inc., up to, but

not exceeding, the total contingency amount of $47,399.84, subject to the approval of the City Attorney, and do not authorize a full road closure of Davis Street north of Ironwood Avenue for up to a period of ten working days, as necessary, for the construction of roadway improvements between July 2011 and September 2011. *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Construction phase of this project is included in the Fiscal Year 2010/2011 Capital Improvements Project Budget and will be funded by Development Impact Fee (DIF) Arterial Street Capital Projects (Fund 416) and 2007 Redevelopment Agency Tax Allocation Bonds (Fund 897) monies. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010-2011 Budget (Account No. 416.78827)	$470,000
Fiscal Year 2010-2011 Expenditures to Date (Account No. 416.78827)	($130,000)
Indian Basin Appurtenant Storm Drain and Miscellaneous Street Improvements (Account No. 897.91726)	$90,000
Fiscal Year 2010-2011 Available Budgeted Funds	**$430,000**

ESTIMATED CONSTRUCTION RELATED COSTS:

Construction (includes 15% contingency)	$363,400
Construction Surveying Costs	$22,000
Construction Geotechnical Costs	$5,500
Project Administration and Inspection Services*	$25,000
Total Estimated Construction Related Costs	**$415,900**

*City staff will provide Project Administration and Inspection Services

ANTICIPATED PROJECT SCHEDULE:

Start Construction	July 2011
Complete Construction	September 2011

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project will expand the roadway and add new sidewalk, curb, and gutter on the west side of Heacock Street from north of Hemlock Avenue to south of Ironwood Avenue. Improvements will also be constructed at the intersections of Heacock Street at Ironwood Avenue and Ironwood Avenue at Davis Street. The construction funding is from DIF Arterial Street Capital Projects and 2007 Redevelopment Agency Tax Allocation Bonds.

NOTIFICATION

Local residents, law enforcement, the Fire Department, and the school district will be notified of the proposed construction. Construction notification signs will also be installed to notify commuters, businesses, and residents of the construction work.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement with Hillcrest Contracting, Inc.

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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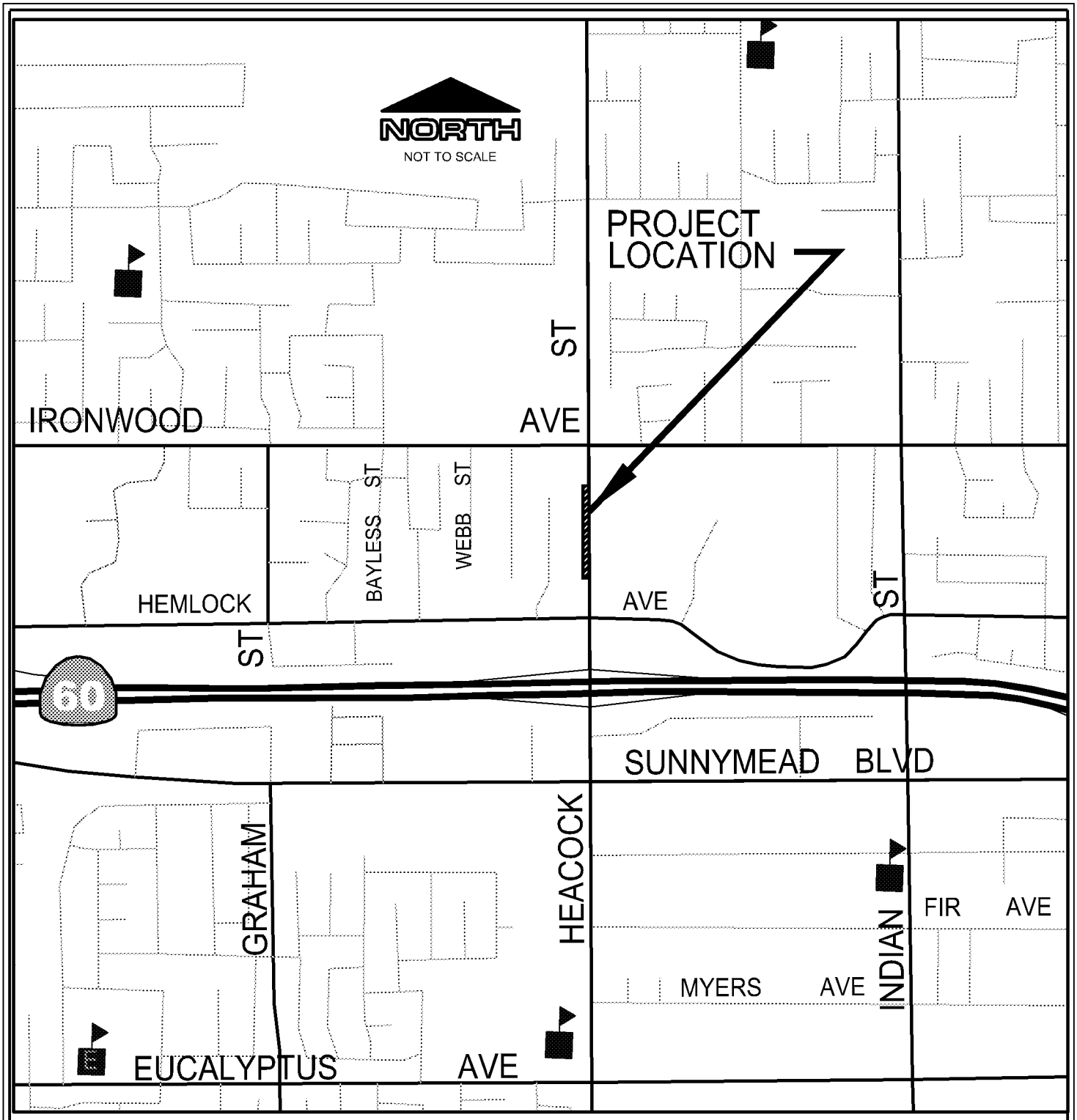

LOCATION MAP

Public Works Department
Capital Projects Division

ATTACHMENT "A"

HEACOCK STREET STREET IMPROVEMENTS
Hemlock Ave. to Ironwood Ave.
Project No. 08-41678827

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MV00107499

Agreement No._____

AGREEMENT

PROJECT NO. 08-41678827

STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue

THIS Agreement, made and entered into as of the date signed by the City Manager, by and between the City of Moreno Valley, a municipal corporation, County of Riverside, State of California, hereinafter called the "City" and Hillcrest Contracting, Inc. hereinafter called the "Contractor."

That the City and the Contractor for the consideration hereinafter named, agree as follows:

1. The written Agreement includes all of the following:
   a. Any and all Contract Change Orders issued after execution of this Agreement
   b. Addenda Nos. _____ inclusive, issued prior to the opening of the Bids
   c. The bound Bid Documents
   d. The Special Provisions which include the General Provisions and Technical Provisions, all of which are parts of this Agreement
   e. The project Plans
   f. The Standard Plans
   g. The Standard Specifications
   h. Reference Specifications, all of which are essential parts of this Agreement
   i. The Bidder's Proposal which includes the Bidder's Bond and Noncollusion Affidavit

In the event of any conflict in the provisions thereof, the terms of said Bid Documents as set forth above shall control, each over the other, in the order provided. The above items are incorporated in this Agreement as though set forth in full.

2. The Contractor shall furnish all materials, tools, equipment and labor, except as otherwise provided in the Plans or Special Provisions, and will perform all the work which is necessary to complete in a good, workmanlike and substantial manner the above said project in accordance with the Bid Documents for this project, the Bid Documents which are hereby specifically referred to and by such reference made a part hereof.

3. The City will pay the Contractor and the Contractor agrees to receive and accept the prices set forth in the Bid Schedule as full compensation for the work required under the bid items awarded by the City, to wit, the Base Bid Item(s) in the sum total amount of $315,998.90, subject to additions or reductions of the quantities of the various bid items at the unit prices bid, for furnishing all materials and for doing all the work contemplated and embraced under this Agreement; for all loss or damages arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work, until the work is accepted by the City Council; for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, the whole thereof, in the manner and in accordance with the Bid Documents therefore and the requirements of the Engineer under them.

4. The Contractor hereby agrees to commence work pursuant to this Agreement within fifteen (15) calendar days after the date of authorization specified in the Notice to Proceed. The Contractor agrees to diligently prosecute the contracted work, including corrective items of work, day to day thereafter, to

Attachment "B"

completion, within **sixty (60) working days** after said date in the "Notice to Proceed with Construction," except as adjusted by subsequent Contract Change Order(s).

5. The City and Contractor hereby agree that in case all construction called for under the Contract is not completed within the time hereinabove specified, including City caused delays or extensions, damages will be sustained by the City and that, it is and will be impracticable or extremely difficult to ascertain and determine the actual amount of damages the City will sustain in the event of, and by reason of, such delay.

It is, therefore, agreed that such damages shall be presumed to be in the amount of **$350.00** per calendar day, and that the Contractor will pay to the City, or City may retain from amounts otherwise payable to Contractor, said amount for each calendar day by which the Contractor fails to complete the work, including corrective items of work, under this Agreement within the time hereinabove specified and as adjusted by Contract Change Order(s). The Contractor will not be assessed liquidated damages for delay(s) occasioned by the failure of the City or of the owner of a utility to provide for the removal or relocation of utility facilities.

6. The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement, any extension thereof, and for a one (1) year warranty period, General Liability, Automobile Liability, and Workers' Compensation Insurance with such coverage limits as described in this Agreement.

The Contractor shall name as additional insured, the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), and shall furnish the City with a certificate of insurance evidencing liability insurance policy or policies which shall provide coverage for owned and non-owned automobiles; manufacturers and Contractor's liability; broad form property damage in any case where the Contractor has any property belonging to the City in his care, custody or control; owners and Contractor's protective liability; blanket contractual liability; products and completed operations coverage; coverage for collapse, explosion, and where any excavation, digging or trenching is done with power equipment; and shall bear an endorsement containing the following Provisions:

> Solely as respect to work done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, employees and agents, are added as additional insured under this policy and the coverage provided hereunder shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, California, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents; under any third party liability policy.
>
> It is further agreed that the other insurance provision(s) of the policy are amended to conform therewith.

The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. Insurance companies providing insurance here under shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

The terms of the insurance policy or policies issued to provide the below insurance coverage(s) shall not be amended or canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendments or cancellation to the City, except that cancellation for non-payment of premium shall require (10) days prior written notice by certified or registered mail. In the event the said insurance is

canceled, the Contractor shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

All liability insurance policies shall bear an endorsement or shall have an attached rider which provides that the City of Moreno Valley will be notified by certified or registered mail at least 30 days prior to the effective date of cancellation, non-renewal, or material alteration of such policy.

All liability insurance shall cover comprehensive general liability for both bodily injury (including death) and property damage, including but not limited to aggregate products, aggregate operations, aggregate protective and aggregate contractual with the following minimum limits:

	Each Person	Each Occurrence	Aggregate
Bodily Injury	$500,000.00	$1,000,000.00	$2,000,000.00
Property Damage	---	$1,000,000.00	$2,000,000.00

A combined single limit for Bodily Injury Liability and Property Damage Liability of $2,000,000.00 for each occurrence will be considered equivalent to the above minimum limits for Comprehensive General Liability.

Property Damage Insurance shall cover full replacement value for damages to any property caused directly or indirectly by or from acts or activities of the Contractor or its sub-contractors or any person acting for the Contractor or under its control or direction.

The Contractor shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated. Such coverage limits shall not be less than $1,000,000 combined single limit.

Any deductibles or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retention as respects the City, its officers, officials, employees and volunteers; or the contractor shall procure a bond guaranteeing payment of losses and related investigation, claim administration, and defense expenses.

The Contractor shall also furnish the City with a certificate evidencing Worker's Compensation Insurance with limits as established by the State of California.

The Contractor shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. The Contractor hereby agrees to provide and maintain in effect two (2) good and sufficient Surety Bonds for one hundred percent (100%) each of the contract price. The bonds shall be a "Faithful Performance Bond" which shall guarantee the faithful performance of all work and a "Labor and Materials Payment Bond" which shall secure the payment of the claims of labor, mechanics, or materialmen for all work under the Contract pursuant to Section 3247 of the Civil Code.

8. The Contractor, the Contractor's heirs, executors, administrators, successors, or assigns guarantee that all work performed under this Agreement fully meets the requirements thereof as to quality of workmanship and materials furnished. If any defects in materials or workmanship become evident within a period of one year from the date of the acceptance of the work by the City Council, the Contractor shall, at

his or her own expense, make any repair(s) or replacement(s) necessary to restore the work to full compliance with the Plans and Specifications.

9. The Contractor and any agents or subcontractors of the Contractor shall pay the prevailing rates of per diem wages established by the California Department of Industrial Relations. The Contractor and any agents or subcontractors of the Contractor shall also adhere to the California Labor Code, Division 2, Part 7, "Public Works and Public Agencies," and the California Administrative Code, Title 8, Group 3, "Payment of Prevailing Wages upon Public Works," all of which are made a part of the Contract documents.

10. The Contractor agrees that he or she and its subcontractors shall maintain and keep books, payrolls, invoices of materials, records on a current basis, and recording all transactions pertaining to this Agreement in a form in accordance with generally acceptable accounting principles. Said books and records shall be made available to the City of Moreno Valley, County, the State of California, the Federal Government and to any authorized representative thereof for purposes of audit and inspection at all reasonable times and places. All such books, payrolls, invoices of materials, and records shall be retained for such periods of time as required by law, provided, however, notwithstanding any shorter period of retention, all books, records, and supporting detail shall be retained for a period of at least three years after expiration of the term of this Agreement.

11. Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the City of Moreno Valley to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the City of Moreno Valley, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any dividends or interest thereon. The Contractor shall give the City written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow Agreement in a form which is substantially similar to the Agreement set forth in Section 22300, of the Public Contract Code.

12. The Contractor agrees to indemnify, defend, and save the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), its officers, agents, and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the Contractor's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of this Agreement, or are caused or claimed to be caused by the negligent acts of the Contractor its officers, agents, employees, sub-contractors or suppliers, and all expenses of investigating and defending against the same; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, its officers, agents, or employees.

The obligation to indemnify, defend and hold harmless set forth herein shall include, without limitation, any and all attorney's fees incurred by the party to be indemnified, defended, or held harmless, whether in a judicial or administrative action or in arbitration, and whether the issue is between the parties or involves one or more third parties.

13. The parties do for themselves, their heirs, executors, administrators, successors and assigns agree to the full performance of all of the provisions herein contained. The Contractor may not, either voluntarily or by action of law, assign any obligation assumed by the Contractor hereunder without prior written consent of the City.

14. Should either party bring any legal or equitable action for the purpose of protecting or enforcing its rights under this Agreement, the prevailing party in such action shall recover in addition to all other relief, its reasonable attorney's fees and court costs to be fixed by the court.

In addition to the foregoing award of attorney's fees, the prevailing party shall be entitled to its attorneys' fees incurred in any post judgment proceedings to enforce any judgments in connection with this Agreement. The Provision is separate and several and shall survive the merge of this Provision into any judgment.

15. By my signature hereunder, as Contractor, I certify that I am aware of the Provisions of Section 3700, of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the Provisions of that code, and I will comply with such Provisions before commencing the performance of the work of this Agreement.

16. The effective date of this Agreement shall be the date of the Award of Contract by the City of Moreno Valley.

17. Contractors are required by law to be licensed and regulated by the Contractors' State License Board. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 3132 Bradshaw Road, Sacramento, CA 95826. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

(SIGNATURE PAGE FOLLOWS)

AGREEMENT
PROJECT NO. 08-41678827

CITY OF MORENO VALLEY,
Municipal Corporation

BY:_____
City Manager

DATE:_____

Hillcrest Contracting, Inc.

License No./
Classification:_____

Expiration Date:_____

Federal I.D. No.:_____

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Public Works Director/City Engineer

_____
Date

PRINT NAME:_____

SIGNATURE:_____

TITLE:_____

DATE:_____

SIGNING INSTRUCTION TO THE CONTRACTOR:

All signatures on the Agreement on behalf of the Contractor must be acknowledged before a notary public. Attach Notary Certificates following this page.

General Partners must sign on behalf of the partnership.

In the event that the contracting firm is a corporation, two (2) corporate officer's having authority from the corporation MUST sign (two (2) signatures total). If the corporation has a corporate resolution stating that one person is authorized to sign on behalf of all officers, attach corporate resolution immediately following the notary certificates. Corporate Seal may be affixed hereto.

W:\CapProj\CapProj\PROJECTS\Larry - 08-41678827 - Heacock from Hemlock to Ironwood\CC Reports\NOA Staff Report (CC 062811)\Attchement B - Agreement with Hillcrest Contracting, Inc..DOC

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

INSTRUCTIONS FOR COMPLETING THIS FORM

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- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, is/~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

Item No. A.16

MV00107506

BOND NO._____

PREMIUM $_____

FAITHFUL PERFORMANCE BOND
(100% of Total Contract Amount)

PROJECT NO. 08-41678827

STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS:

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, hereinafter known as "City," has awarded to Hillcrest Contracting, Inc. as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No**. 08-41678827, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond guaranteeing the faithful performance of said Agreement;

NOW THEREFORE, we the undersigned Contractor and_____, as Surety, are held and firmly bound unto the City of Moreno Valley, County of Riverside in the penal sum of _____ dollars, ($_____), lawful money of the United States, to be paid to the said City or its certain attorney, its successors and assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Contractor, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in said Agreement and any alterations thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of Moreno Valley, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect. In the event suit is brought upon this bond by the City and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Agreement or to the work to be performed thereunder, or the Provisions accompanying the same shall in any way affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or the Provisions.

(SIGNATURE PAGE FOLLOWS)

FAITHFUL PERFORMANCE BOND
PROJECT NO. 08-41678827

BOND NO._____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20_____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20_____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

FAITHFUL PERFORMANCE BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

ADDITIONAL OPTIONAL INFORMATION

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  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

MV00107509

BOND NO._____

PREMIUM $_____

LABOR AND MATERIALS PAYMENT BOND
(100% of Total Contract Amount)

PROJECT NO. 08-41678827

STREET IMPROVEMENTS FOR HEACOCK STREET
from Hemlock Avenue to Ironwood Avenue

KNOW ALL MEN AND WOMEN BY THESE PRESENTS

THAT WHEREAS, the City Council of the City of Moreno Valley, State of California, California, hereinafter known as "City", has awarded to Hillcrest Contracting, Inc., as Principal hereinafter designated as "Contractor" and have entered into an Agreement whereby the Contractor agrees to construct or install and complete certain designated public improvements, which said Agreement, effective on the date signed by the City Manager, and identified as **Project No**. 08-41678827, is hereby referred to and made a part hereof; and

WHEREAS, said Contractor under the terms of said Agreement is required to furnish a bond to secure the payment of claims of laborers, mechanics, materialmen, and other persons, as provided by law;

NOW, THEREFORE, we the undersigned Contractor and _____, as Surety are held and firmly bound unto the City of Moreno Valley, County of Riverside, in the penal sum of _____dollars, ($_____), lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally liable (CCP 995.320 (a)(1)), firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Contractor, his or her or its heirs, executors, administrator, successors or assigns, or subcontractors, shall fail to pay any of the persons described in the State of California Civil Code, Section 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, or any amounts required to be deducted, withheld, and paid over to the Franchise Tax Board from the wages of employees of the Contractor and his or her subcontractors, pursuant to Section 13020, of the Unemployment Insurance Code, with respect to such work and labor, that the Surety or Sureties herein will pay for the same in an amount not exceeding the sum specified in this bond, otherwise the above obligation shall be void. In the event suit is brought upon this bond by the City or other person entitled to bring such an action and judgement is recovered, the Surety shall pay all costs incurred by the City in such suit, including a reasonable attorney fee to be fixed by the court.

This bond shall inure to the benefit of any of the persons described in the State of California Civil Code Section 3181, to give a right of action to such persons or their assigns in any suit brought upon this bond.

(SIGNATURE PAGE FOLLOWS)

LABOR AND MATERIALS PAYMENT BOND
PROJECT NO. 08-41678827

BOND NO. _____

IN WITNESS WHEREOF, we have hereunto set our hands, and seals on this _____ day of _____ 20_____.

CONTRACTOR (Principal)	SURETY
Contractor Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
Telephone No.: _____	Telephone No.: _____
Print Name: _____	Print Name: _____ Attorney-in-Fact
Signature: _____	Signature: _____

Approved as to Form this

_____ day of _____20_____

_____
City Attorney
City of Moreno Valley

NOTE:

- The bond shall be executed by an admitted Surety insurer (CCP 995.311) and the Surety must be registered as an admitted insurer in at least one county in the State of California.
- The bond shall include an attached Notary Certificate for the Attorney-in-Fact and the Contractor.
- The bond shall include an attached original Power of Attorney duly authorizing the Attorney-in-Fact to act for the Surety (CCP 1305).
- The bond shall include the address at which the Principal (contractor) and Surety may be served with notices, papers and other documents (CCP 995.320 (a)(2)).

Corporate Seal may be affixed hereto

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

SAMPLE

State of California

County of _____

On _____ before me, _____,
(Here insert name and title of the officer)

personally appeared _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledgement to me that he/she they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)
Signature of Notary Public

DESCRIPTION OF THE ATTACHED DOCUMENT

LABOR AND MATERIALS PAYMENT BOND SIGNATURE PAGE
(Title or description of attached document)

_____
(Title or description of attached document continued)

Number of Pages _____

Document Date _____

_____
Additional Information

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
- ☐ Corporate Officer

_____
(Title)

- ☐ Partner (s)
- ☐ Attorney-in-Fact
- ☐ Other _____

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  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

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MV00107513

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Henry Garcia, City Manager

AGENDA DATE: June 14, 2011

TITLE: Adoption of the Prioritized Goals and Action Plan Developed in the City Council Goal Setting Workshop

RECOMMENDED ACTION

Staff recommends that the City Council adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop.

BACKGROUND

On May 18, 2011, the Mayor and City Council participated in a Goal Setting Workshop facilitated by City Manager Henry Garcia. Participants included the City Council, the Executive Team, and members of the public. The purpose of the exercise was to conduct a workshop to include decision making and planning as well as provide staff with clear direction. The Council accomplished the following:

1. Established expectations for the Workshop
2. Identified the organization's Strengths, Weaknesses, Opportunities and Threats (SWOT)
3. Established Prioritized Goals
4. Developed Actions to Achieve the Goals
5. Referred development of the detailed action plans/tasks and schedule to the City Manager and Executive Team

DISCUSSION

The attached Executive Summary includes all of outcomes from discussion of the above. The Prioritized Goals developed by and agreed upon the Council are as follows:

Prioritized Goals:
1. Job Development
    1a. Maximizing Vacant Land Opportunities
2. Focus on Medical Corridor and Health Services/ Educational Opportunities
3. Maximize Transportation and Infrastructure Opportunities
4. Economic and Tax Base Development
5. Enhance City Image

The Council developed expected actions to direct staff's efforts on accomplishing the prioritized goals and referred development of detailed actions and tasks to the City Manager and Executive Team. Each action and task has been assigned to the appropriate department(s) along with the anticipated schedule for completing the tasks. All of this information is included in the Executive Summary from the workshop.

ALTERNATIVES

1) Adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop. *Staff recommends this alternative as the prioritized goals and actions/tasks provide direction and focus to ensure that the efforts of the Council and staff are working as one to accomplish the same goals.*

2) Not adopt the prioritized goals and action plan developed in the City Council Goal Setting Workshop. *Staff does not recommend this alternative as the prioritized goals were established by the Mayor and Council Members during the Goal Setting Workshop.*

FISCAL IMPACT

This action will have no fiscal impact to the City.

SUMMARY

On May 18, 2011 the City Council conducted a Goal Setting Workshop and established the following prioritized goals:
1. Job Development
    1a. Maximizing Vacant Land Opportunities
2. Focus on Medical Corridor and Health Services/ Educational Opportunities
3. Maximize Transportation and Infrastructure Opportunities
4. Economic and Tax Base Development
5. Enhance City Image and provided staff with expected actions to fulfill these goals.

The attached Executive Summary includes the expected actions, fully defined tasks assigned to the appropriate department(s), and scheduled time frames for each task to be completed. Council adoption of the goals and action plan will indicate consensus of the City's prioritized goals and provide clear direction to staff.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

ATTACHMENTS/EXHIBITS

Attachment 1: Goal Setting Workshop Executive Summary

Prepared By:
Michelle Dawson
Acting Assistant City Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107517

City of Moreno Valley

Goal Setting Workshop
Executive Summary

May 18, 2011

Henry T. Garcia, Facilitator
City Manager

Attachment 1

Executive Summary

Goal Setting Workshop
May 18, 2011

Attendance:

Richard Stewart ..... Mayor
Jesse Molina ..... Mayor Pro Tem
William Batey II ..... Council Member
Marcelo Co ..... Council Member
Robin Hastings ..... Council Member

Henry Garcia ..... City Manager
Michelle Dawson ..... Acting Assistant City Manager
Bob Hansen ..... City Attorney
Barry Foster ..... Community and Economic Development Director
Jane Halstead ..... City Clerk
Richard Teichert ..... Financial and Administrative Services Director
Steve Curley ..... Fire Chief
Chris Vogt ..... Public Works Director/City Engineer
Chad Bianco ..... Lieutenant
Mike McCarty ..... Parks and Community Services Director
Sonny Morkus ..... Human Resources Director
Paula Smus ..... Acting Library Services Division Manager

Facilitated by:
Henry T. Garcia, City Manager

MV00107519

Executive Summary

The purpose of the exercise was to hold a Goal Setting Workshop with the Mayor and City Council to include decision making and planning, in order to provide staff with clear direction. To be more specific, the Mayor and City Council engaged in an interactive process in which they accomplished the following:

1. Established expectations for the Workshop
2. Identified the organization's Strengths, Weaknesses, Opportunities and Threats (SWOT)
3. Established Prioritized Goals
4. Developed Actions to Achieve the Goals
5. Referred development of the detailed action plans/tasks and schedule to the City Manager and Executive Team

At the conclusion of the workshop, the Mayor and City Council established a clear direction and focus for the Executive Team to successfully accomplish the goals and schedule set forth during this process. A summary of the prioritized goals and expected actions are included in this report. The City Manager and staff have developed more fully defined tasks and assigned each action/task to the responsible department(s) with an expected schedule for completion. These are also included in this report.

It should be noted that the Council's priorities include short, mid-range, and long-term goals. It is recommended that regular formal review of the newly established work plan occur within six months, or annually, (whichever the Mayor and City Council deems appropriate), in which progress may be determined, and new or shifting priorities addressed.

I would like to thank the Mayor and City Council for their focus and leadership in this important endeavor and for the outstanding team work that provided for a positive and productive Workshop.

Respectfully,

Henry T. Garcia

Expectations

The Mayor and City Council expressed the following expectations related to the goal setting workshop:

▪ To cut through the rhetoric
▪ To establish specific goals
▪ To set goals, milestones, and time lines
▪ To discuss future expectations
▪ To revisit where we have been
▪ To send a clear message regarding change and transparency
▪ To demonstrate partnerships and a relationship with the community

MV00107521

Strengths, Weaknesses, Opportunities, Threats (SWOT Analysis)

Strengths
▪ Affordable Housing
▪ Vacant Land Opportunity
▪ Good Work Force
▪ Good Geographic Location
▪ Diversity
▪ Transportation Corridors
▪ Developing City
▪ March Air Reserve Base
▪ Higher Education
▪ Access to Medical Services
▪ Recreation and Parks

Weaknesses
▪ Perception / Image
▪ Low Property Values
▪ High School Drop Out Rate
▪ Slow Economic Development Process
▪ Bedroom Community
▪ Low Employment Opportunities = No Jobs
▪ Low Tax Base
▪ Jobs to Housing Imbalance
▪ Geography Requires More Infrastructure
▪ Lack of Adequate Infrastructure/ Lack of Planning
▪ Lack of Cultural Activities

Strengths, Weaknesses, Opportunities, Threats (SWOT Analysis)

Opportunities
▪ Job Development
▪ Good Bidding Environment
▪ Open Land
▪ Flexibility For Change
▪ Regional Presence
▪ MARB Reuse / March LifeCare
▪ General Aviation
▪ Maximizing Medical Corridor Opportunities
▪ College Expansion
▪ UCR Medical School Training at RCRMC
▪ Transportation Corridors
▪ BiCorridors
▪ MVU as Economic Opportunity

Threats
▪ Outside Organizations are a Threat
▪ Lack of Organizational Flexibility
▪ Federal and State Budgets
▪ Revenues Still Flat
▪ Resistance to Change
▪ Lack of Communication and Coordination

MV00107523

Prioritized Goals

Priority	Goals
#1 #1a	Job Development Maximizing Vacant Land Opportunities
#2	Focus on Medical Corridor and Health Services/ Educational Opportunities
#3	Maximize Transportation and Infrastructure Opportunities
#4	Economic and Tax Base Development
#5	Enhance City Image

Prioritized Goals/Actions/Schedule

Prioritized Goal #1: Job Development
#1a: Maximizing Vacant Land Opportunities
Actions
1. Identify specific land use types to produce new jobs
2. Identify specific locations in the City to produce new jobs
3. Identify needed infrastructure to support new development
4. Identify and attract related support business services

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Prepare 2-year Economic Development Action Plan for Council adoption	**CEDD**	**Adopted 4/26/11**
Adopt the City's Capital Improvement Plan	**PW/CEDD**	**June, 2011**
Work with Highland Fairview on new Master plan to replace Moreno Highlands Specific Plan	**CMgr/CEDD**	**2011/12**
Work with Highland Fairview and two hospitals to advance medical and health related development projects	**CMgr/CEDD**	**2011/12**
Facilitate construction of new industrial buildings for logistics/distribution uses in the Centerpointe, South Moreno Valley, and Rancho Belago areas	**CEDD**	**2011/12**

MV00107525

Prioritized Goal #2: Focus on Medical Corridor and Health Services/Educational Opportunities
Actions
1. Coordinate planning and development activities with the expansions of Moreno Valley College, Kaiser Permanente Community Hospital, and Riverside County Regional Medical Center
2. Pursue medical office development
3. Coordinate economic development activities with March LifeCare
4. Retool Aquabella (needs discussion)

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Work with Moreno Valley College on expansion plans including growth of the Allied Health Services Program	**CEDD**	**2011-2013**
Facilitate development of Kaiser's 75,000 s.f. expansion of the Community Hospital	**CEDD**	**2011/12**
Cooperate with RCRMC on its master plan expansion	**CEDD**	**2011-2013**
Facilitate medical office development for Medical overlay zone and other areas	**CEDD**	**2011-2013**
Work with March LifeCare on planning and entitlement issues	**CEDD/PW**	**2011-2013**
Work with Highland Fairview on plans to reposition approximately 200 acres of Aquabella site for use as medical and Health related campus	**CEDD**	**2011-2013**

Prioritized Goal #3: Maximize Transportation and Infrastructure Opportunities
Actions
1. Improve arterials to ultimate
2. Increase regional presence

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Prioritize the improvement of arterials to their ultimate configuration, identify funding	**PW**	**Annual within CIP process, amend with resequencing as needed**
Increase staff assistance to the Council and participation with regional agencies by assigning staff liaisons to each committee, discuss and formalize this with the Council	**CMgr/CEDD/PW**	**July 2011**

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Prioritized Goal #4: Economic and Tax Base Development
Actions
1. Review development application process
2. Review state vs. self imposed regulations and requirements
3. MVU as economic development tool
4. Evaluate use of incentives

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Conduct developer workshops to identify ways to improve the planning and entitlement process	**CMgr/CEDD/PW**	**April – Oct 2011**
Evaluate building code and development standards to understand State requirements and City imposed development requirements	**CEDD/PW/Fire**	**February 2012**
Formulate ideas and a strategy for using MVU as an economic development tool to attract specific new business development opportunities	**CMgr/CEDD/PW/**	**2011-2012**
Identify a wide variety of cost-effective ways to provide target incentives for new development	**CMgr/CEDD**	**2011-2012**

Prioritized Goal #5: Enhance City Image
Actions
1. Develop Media & Communications Strategy: a. Increase use of Social Networks b. E-mail Blasts c. Expand Communication Outreach/ Networking d. District Town Hall Meetings
2. Corridor Beautification Program

Further defined tasks, responsible department, and schedule:

TASK	DEPARTMENT	SCHEDULE
Develop database of e-mail addresses to distribute immediate information to residents, businesses, and other agencies	**CMgr**	**June 2011**
Transition "City Link" newsletter to an on-line e-newsletter posted on the web site and automatically e-mailed to subscribed residents and businesses	**CMgr**	**July 2011**
Expand options for distributing City information to magazines and news outlets, promote the community and events via alternative publications and through attendance at various meetings	**CMgr**	**September 2011**
Explore and discuss District Town Hall meetings with the Council, establish a schedule for quarterly or semi-annual events	**CMgr**	**June 2011**
Review options for a Citywide Corridor Beautification Program for Council consideration	**PW**	**August 2011**

MV00107529

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Mayor and City Council Acting in their capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District and Acting in the Capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 FUND BALANCE CLASSIFICATIONS

RECOMMENDED ACTION

1. Staff recommends that the City Council adopt Resolution No. 2011-62, classifying the various components of fund balance as defined in GASB Statement No. 54; and

2. Acting in its capacity as the Board of Directors of the Moreno Valley Community Services District (CSD), adopt Resolution No. 2011-22, classifying the various components of fund balance as defined in GASB Statement No. 54; and

3. Acting in its capacity as the Board of Directors of the Community Redevelopment Agency of the City Moreno Valley, adopt Resolution No. 2011-09, classifying the various components of fund balance as defined in GASB Statement No. 54; and

4. Designate the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as "Assigned" fund balance for inclusion in the annual financial reports.

BACKGROUND

In February 2009, the Governmental Accounting Standards Board (GASB) issued Statement No. 54, *Fund Balance Reporting and Government Fund Type Definitions.* The requirements of this statement are intended to improve financial reporting by providing fund balance categories and classifications that will be more easily understood. The categories are more clearly defined to make the nature and extent of the constraints placed on the City's fund balance more transparent.

DISCUSSION

The term *Fund Balance* is used to describe the difference between assets (what is owned) and liabilities (what is owed) reported within a fund. In the past, fund balance has been classified into basically three separate components:

1. Reserved;
2. Unreserved-Designated, and
3. Unreserved-Undesignated.

There are often limitations on the purpose for which all or a portion of the resources of a fund can be used. The force of these limitations can vary significantly, depending on their source. The various components of the "new" fund balance is designed to indicate the extent to which the City is bound by these limitations placed upon the resources.

GASB Statement No. 54 defines five new components of fund balance that will replace the current existing three components. The five new components are:

1. *Nonspendable Fund Balance.* That portion of fund balance that includes amounts that cannot be spent because they are either (a) not in a spendable form, such as prepaid items, inventories of supplies, or loans receivable; or (b) legally or contractually required to be maintained intact, such as the principal portion of an endowment.

2. *Restricted Fund Balance.* That portion of fund balance that reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

3. *Committed Fund Balance.* That portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the City Council, and remain binding unless removed in the same manner.

4. *Assigned Fund Balance.* That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director of the City, the official designated by the City Council for that purpose.

5. *Unassigned Fund Balance.* That portion of fund balance that includes amounts that do not fall into one of the above four categories. The General Fund is the only fund that should report this category of fund balance.

The table below shows the City's fund balance reporting prior to GASB 54 and the new component/category that will replace the existing category (also shown as Attachment A to Resolution):

PRE-GASB 54	Account No.	Definition	**GASB 54 Category**
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for ***future*** debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned

Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	Committed
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed

Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed
Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

This new standard has left unchanged the total amount of reported fund balance, but has substantially altered the categories and terminology used to describe its components. The new categories and terminology reflect an approach that will focus, not on financial resources available for appropriation within a fund, but on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the fund can be spent.

The classification and reporting of fund balance components as required by GASB Statement No. 54 will become effective starting with the 2010/11 fiscal year. The reporting fund balance will be as follows (also shown as Attachment B to Resolution):

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance - Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance - Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance - Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

The next two tables will show the effect of the reclassification on the General Fund's fund balance. The first table shows the General Fund's fund balance as reported in the City's Comprehensive Annual Financial Report (CAFR) as of June 30, 2010:

City of Moreno Valley General Fund Fund Balance, June 30, 2010	
Fund Balances:	
Reserved:	
Reserved for encumbrances	23,256
Reserved for prepaid and other assets	13,456
Reserved for debt service	1,000,000
Reserved for advances to other funds	28,152,248
Reserved for revolving line of credit	4,600,000
Unreserved:	
Designated:	
Designated for continuing appropriations	93,810
Designated for net unrealized investment gain	712,267
Undesignated	16,694,502
Total Fund Balances	51,289,539

The second table shows General Fund's fund balance as of June 30, 2010 as reported using GASB Statement No. 54.

City of Moreno Valley General Fund (Post-GASB 54) after reclassification Fund Balance, June 30, 2010	
Fund Balances:	
Nonspendable:	
Reserved for prepaid and other assets	13,456
Reserved for advances to other funds	28,152,248
Restricted:	
	0
Committed:	
Reserved for revolving line of credit	4,600,000
Assigned:	
Reserved for encumbrances	23,256
Reserved for debt service	1,000,000

Designated for continuing appropriations	93,810
Designated for net unrealized investment gain	712,267
Unassigned:	
Undesignated	16,694,502
Total Fund Balances	51,289,539

ALTERNATIVES

1. Approve the reclassification of the City's fund balance components.

2. Not approve the reclassification of the City's fund balance components and provide further direction to staff.

Staff recommends Alternative 1.

FISCAL IMPACT

There is no direct fiscal impact of implementing GASB Statement No. 54. The amounts reported as total fund balance in any given fund are not altered. Only the reporting of the individual components that make up total fund balance is changed. The intent is to make fund balance more easily understood.

ATTACHMENTS/EXHIBITS

Exhibit A - Resolution No. 2011-62, A Resolution of the City Council of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Exhibit B - Resolution No. CSD 2011-22, A Resolution of the Moreno Valley Community Services District, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Exhibit C - Resolution No. RDA 2011-09, A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, Classifying the Various Components of Fund Balance as Defined in Governmental Accounting Standards Board Statement No. 54

Attachment A – Proposed Reclassification of Fund Balance Components
Attachment B – Reclassification of Fund Balance Components

Prepared By:
Cynthia A. Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107539

RESOLUTION NO. 2011-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the City Council desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the City Council designates the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the City Council to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.

2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.

3. The City Council designates the Financial & Administrative Services Director as the City official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

Exhibit A

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00107543

ATTACHMENT A
Proposed Reclassification of Fund Balance components

PRE-GASB 54	Account No.	Definition	**GASB 54 Category**
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for ***future*** debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

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MV00107547

ATTACHMENT B
Reclassification of Fund Balance components

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance – Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

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MV00107549

RESOLUTION NO. CSD 2011-22

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the President and Board of Directors desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the President and Board of Directors designates the Financial & Administrative Services Director of the City of Moreno Valley as the District official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the Moreno Valley Community Services District to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The President and Board of Directors approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.

2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.

3. The President and Board of Directors designates the Financial & Administrative Services Director of the City of Moreno Valley as the District official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vise-President and President)

_____

SECRETARY

(SEAL)

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MV00107553

ATTACHMENT A
Proposed Reclassification of Fund Balance components

PRE-GASB 54	Account No.	Definition	**GASB 54 Category**
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for ***future*** debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

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MV00107557

ATTACHMENT B
Reclassification of Fund Balance components

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance – Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

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MV00107559

RESOLUTION NO. RDA 2011-09

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, CLASSIFYING THE VARIOUS COMPONENTS OF FUND BALANCE AS DEFINED IN GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENT NO. 54

WHEREAS, the Governmental Accounting Standards Board has issued Statement No. 54 entitled "Fund Balance Reporting and Governmental Fund Type Definitions"; and

WHEREAS, the Chairperson and Agency Members desires to classify the various components of fund balance reported by the City as defined in Governmental Accounting Standards Board Statement No. 54 as shown in Exhibit A; and

WHEREAS, the Chairperson and Agency Members designates the Financial & Administrative Services Director of the City of Moreno Valley as the Agency official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance; and

WHEREAS, the reclassification of fund balance, as shown in Exhibit B, as herein approved, will enable the Community Redevelopment Agency of the City of Moreno Valley to meet the requirements set forth in Governmental Accounting Standards Board Statement No. 54.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Chairperson and Agency Members approves and defines the various components of fund balance as reported by the City as presented in Exhibits A & B to this resolution.

2. The classification and reporting of fund balance components as required by Governmental Accounting Standards Board Statement No. 54 will become effective starting with the 2010/11 fiscal year.

3. The Chairperson and Agency Members designates the Financial & Administrative Services Director of the City of Moreno Valley as the Agency official to determine and define the amounts of those components of fund balance that are classified as “Assigned” fund balance.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. _____ was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Agency Members, Vice Chairman and Chairman)

_____

SECRETARY

(SEAL)

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MV00107563

ATTACHMENT A
Proposed Reclassification of Fund Balance components

PRE-GASB 54	Account No.	Definition	GASB 54 Category
FUND BALANCE, RESERVED			
Reserve - Debt Service	3105	The portion of fund balance derived from those funds within a given fund that has been set aside for ***current*** debt service/payments.	Assigned
Reserve - Encumbrances	3106	The portion of fund balance used to account for encumbrances being carried over from the prior fiscal year into the current fiscal year.	Assigned
Reserve - Long-Term Receivables	3107	The portion of fund balance that represents the asset amount of long-term receivables, held by a given fund.	Nonspendable
Reserve - Special Reward	3108	The portion of fund balance derived from those funds within a given fund that has been set aside for special rewards.	Assigned
Reserve - Future Projects	3109	The portion of fund balance derived from those funds within a given fund that has been set aside for future projects.	Assigned
Reserve - Prepaid/Other Assets	3110	The portion of fund balance that represents the asset amount of prepaid expenditures, held by a given fund.	Nonspendable
Reserve - Future Debt Service	3110.10	The portion of fund balance derived from those funds within a given fund that has been set aside for ***future*** debt service/payments.	Assigned
Reserve - Land Held for Redevelopment	3110.11	The portion of fund balance that represents the asset amount of land inventory that is being held for redevelopment, held by a given fund.	Nonspendable
Reserve - Advances to Other Funds	3110.5	The portion of fund balance that represents the asset amount of cash advanced to other funds, held by a given fund.	Nonspendable
Reserve - Development Services	3110.6	The portion of fund balance derived from those funds within a given fund that has been set aside for development services activities.	Assigned
Reserve - Revolving Line of Credit (LOC)	3110.7	The portion of General Fund fund balance that has been set aside to establish a revolving line of credit to support electric energy purchases in the amount of $2,600,000.	Committed
Reserve - Water Quality	3110.8	The portion of fund balance derived from Utility Rates Revenue reserved to maintain environmental water ponds. $69 per year shall be levied on all residential properties within	Committed

		tracts required to construct bioswales/water quality basins. This levy is subject to an annual adjustment of the Consumer Price Index (CPI) for Los Angeles/Riverside County.	
FUND BALANCE - UNRESERVED, DESIGNATED			
Designated - Equipment Replacement	3112	The portion of fund balance derived from those funds within a given fund to be used for funding replacement equipment.	Assigned
Designated - Capital Projects	3200	The portion of fund balance derived from those funds within a given fund to be used for funding capital projects.	Assigned
Designated - Operating Deficit	3201	The portion of fund balance derived from those funds within a given fund to be used for stabilizing the delivery of City services during periods of operational budget deficits and to mitigate the effects of major economic uncertainties resulting from unforeseen changes in revenues and/or expenditures.	Unassigned
Designated - Continuing Appropriations	3202	Used to account for that portion of fund balance that is being used to fund appropriations being carried over from the prior fiscal year into the current fiscal year.	Assigned
Designated - GASB 31	3203	Used to account for that portion of fund balance that is a result of unrealized investment gains that have been recorded in accordance with GASB Statement No. 31.	Assigned
Designated - Emergency Fire Equipment	3205	The portion of fund balance derived from those funds within a given fund to be used for funding emergency fire equipment.	Assigned
Designated - GASB 45	3208	That portion of fund balance that is set aside for Other Post Employment Benefits (OPEB) in accordance with GASB Statement No. 45.	Assigned
Designated - Developer Credits and reimbursements	3209	That portion of fund balance that is set aside for Development Impact Fee (DIF) revenue credits & reimbursements at 10% of the gross DIF revenues collected each fiscal year. Current year DIF revenue shall first be applied to current year debt service (principal & interest) prior to the setting aside funds for this reserve as stated in Council Resolution 2008-104.	Committed
Designated - Scholarship program	3210	This account object only exists in Community Services District Zone A - Parks Fund (161); is used to designate proceeds from VSP snack proceeds and After School Store.com donations received.	Committed

MV00107565

Designated - Contingencies	3900	The portion of fund balance that has been set aside as the City's emergency or "rainy day" fund.	Unassigned
FUND BALANCE - UNRESERVED, UNDESIGNATED			
Fund Balance - Unreserved, Undesignated	3911	The portion of fund balance that hasn't been restricted or designated for any purpose and only exists in the General Fund.	Unassigned
NEW CATEGORIES			
Fund Balance - Restricted	XXXX	The portion of fund balance that is in any non-General Fund governmental fund reflects constraints placed on the use of resources (other than nonspendable items) that are either (a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.	Restricted
Fund Balance - Committed	XXXX	The portion of fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of City Council, and remain binding unless removed in the same manner.	Committed
Fund Balance - Assigned	XXXX	That portion of fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes, but that are neither restricted nor committed. Such intent needs to be established by the Financial & Administrative Services Director.	Assigned

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MV00107567

ATTACHMENT B
Reclassification of Fund Balance components

POST GASB 54	Account No.
FUND BALANCE, NON-SPENDABLE	
Reserve - Long-Term Receivables	3107
Reserve - Prepaid/Other Assets	3110
Reserve - Land Held for Redevelopment	3110.11
Reserve - Advances to Other Funds	3110.5
FUND BALANCE, RESTRICTED	
Fund Balance – Restricted	XXXX
FUND BALANCE, COMMITTED	
Reserve - Revolving Line of Credit (LOC)	3110.7
Reserve - Water Quality	3110.8
Designated - Developer Credits and reimbursements	3209
Designated - Scholarship program	3210
Fund Balance – Committed	XXXX
FUND BALANCE, ASSIGNED	
Reserve - Debt Service	3105
Reserve - Encumbrances	3106
Reserve - Special Reward	3108
Reserve - Future Projects	3109
Reserve - Future Debt Service	3110.10
Reserve - Development Services	3110.6
Designated - Equipment Replacement	3112
Designated - Capital Projects	3200
Designated - Continuing Appropriations	3202
Designated - GASB 31	3203
Designated - Emergency Equipment	3205
Designated - GASB 45	3208
Fund Balance – Assigned	XXXX
FUND BALANCE, UNASSIGNED	
Designated - Operating Deficit	3201
Designated - Contingencies	3900
Fund Balance - Unreserved, Undesignated	3911

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MV00107569

MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00107571

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: APPROVAL AND ACCEPTANCE OF MORENO VALLEY COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board") and as the legislative body of Community Facilities District No. 1 ("CFD No. 1" or "District") approve and adopt Resolution No. CSD 2011-08 to accept and approve the CFD No. 1 Annual Special Tax Report for fiscal year 2011/12, which is on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover the annual special tax requirement of CFD No. 1.

BACKGROUND

In 1986, CSD Zone A was established to fund park and community services. The cost to provide park maintenance services steadily increased over the years, while the CSD Zone A annual charge of $87.50 per parcel or per dwelling unit "DU" for multifamily parcels has remained fixed since fiscal year ("FY") 1992/93. Rising program costs along with an increase of new residential developments created a need for additional funding to support the new neighborhood park areas. CSD Zone A funds could not adequately accommodate the maintenance costs of both existing and newly constructed neighborhood park facilities. The CSD formed CFD No. 1 in an effort to provide for the ongoing maintenance and safety of new neighborhood parks, without jeopardizing CSD Zone A funding for the existing park facilities and community services.

On July 8, 2003, the CSD Board conducted a Public Hearing for the formation of CFD No. 1, approved a resolution to provide for future territory annexation into CFD No. 1,

and authorized a special tax levy. The special tax funds public services such as ongoing maintenance and/or repair of park facilities, park improvements, and all efforts by Park Rangers that are devoted to the maintenance and safety of the newly constructed neighborhood parks accepted by the City of Moreno Valley Parks and Community Services Department for maintenance after District formation in July 2003. FY 2003/04 was the first year for the special tax levy. Residential developments that create the need for new neighborhood parks or are in a proximity to a District facility are conditioned to participate in CFD No. 1.

Proposition 218, a constitutional initiative known as the Right to Vote on Taxes Act, was approved by California voters in November 1996. Proposition 218 requires that any new or proposed increase in property-related assessments, fees, charges, or taxes be submitted to property owners for approval. Subsequently, increases not addressed in the rate and method of apportionment of special tax ("RMA") will be subject to a two-thirds approval by the property owners within CFD No. 1.

DISCUSSION

The City Council shall consider implementing the RMA to cover the FY 2011/12 special tax requirement for CFD No. 1, as submitted in the special tax report on file in the office of the City Treasurer. Detailed within the annual special tax report ("Report") is the description of the CFD proceedings, identification of participating developments, park facilities maintained within the District, description of services, and the amount of the special tax to be levied for FY 2011/12.

The CFD No. 1 maximum special tax rate for FY 2011/12 is $146.12 per parcel/DU; however, a lower amount may be levied for FY 2011/12 depending on projected District expenses. The special tax is applied only to those parcels annexed into the District and will be collected on the Riverside County property tax bill. The FY 2011/12 CSD Zone A levy of $87.50 per dwelling unit will continue to be collected to support maintenance of existing park facilities and community programs.

ALTERNATIVES

1. **Approve and adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA to cover the annual special tax requirement for CFD No. 1. *This approval will allow collection of monies necessary to fund ongoing maintenance and administrative services in CFD No. 1.*

2. **Do not approve or adopt the proposed resolution** to accept and approve the Annual Special Tax Report on file in the office of the City Treasurer and authorize the City Treasurer to levy the special tax in accordance with the RMA to cover the annual special tax requirement for CFD No. 1. *If the CFD No. 1 special tax is not authorized to be levied, there will be a shortage of funds to pay for ongoing maintenance and administrative services in CFD No. 1.*

FISCAL IMPACT

The special tax shall be levied on all properties within CFD No. 1 on the 2011/12 Riverside County property tax bills. **The special tax collected can only be used to cover costs associated with administration and maintenance of park facilities within the District. Collection of the CFD No. 1 special tax reduces the level of CSD Zone A support necessary to maintain neighborhood parks.** Commercial and industrial properties are not affected by the levy of this special tax.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
A special tax for CFD No. 1 is collected in accordance with the provisions outlined in the Mello-Roos Community Facilities Act of 1982.

SUMMARY

The CSD Board shall consider implementing the special tax levy for CFD No. 1, per the RMA, as identified within the Report on file in the office of the City Treasurer.

EXHIBITS

Exhibit A Resolution to Accept and Approve the CFD No. 1 Annual Special Tax Report for Fiscal Year 2011/12
Exhibit B Boundary Map CFD No. 1

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mike McCarty,
Parks & Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Facilities Districts CFD\CFD 1 Neighborhood Parks\Annual Report\2011-12\staff report and resolution\staff report and resolution\Staff Report 06.14.11.doc

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MV00107575

RESOLUTION NO. CSD 2011-08

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, ACCEPTING AND APPROVING THE COMMUNITY FACILITIES DISTRICT NO. 1 ANNUAL SPECIAL TAX REPORT FOR FISCAL YEAR 2011/12

WHEREAS, the CITY COUNCIL for the CITY OF MORENO VALLEY, CALIFORNIA, acting in their capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD Board"), did form Community Facilities District No. 1 ("CFD No. 1" or "District") pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California; and,

WHEREAS, following approval by the qualified electors of the District, the CSD Board, acting as the legislative body, did introduce and adopt Ordinance Nos. CSD-40 (Urgency Ordinance) and CSD-41 (an Ordinance to authorize the levy of a special tax within CFD No. 1); and,

WHEREAS, the CSD Board adopted Resolution No. CSD 2003-26 authorizing annexation of Territory in the future to CFD No. 1; and,

WHEREAS, annexations to CFD No. 1 have been conducted by the Community Services District following formation of the District; and,

WHEREAS, The City has prepared and submitted the Annual Special Tax Report ("Report") for FY 2011/12; and a copy of said Report is on file in the office of the City Treasurer and is incorporated herein by this reference as if fully set forth.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the above recitals are all true and correct.

2. That the Report for FY 2011/12, as on file in the office of the City Treasurer, is hereby approved.

3. That this legislative body hereby authorizes the City Treasurer to levy the special tax in accordance with the rate and method of apportionment required to cover

the annual special tax requirement for CFD No. 1 as set forth in the Report and hereby is levied during FY 2011/12 against the parcels within the District.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the Capacity of President
of the Moreno Valley Community
Services District

ATTEST:

_____
City Clerk, Acting in the Capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, Acting in the Capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vise-President and President)

_____
SECRETARY

(SEAL)

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MV00107579

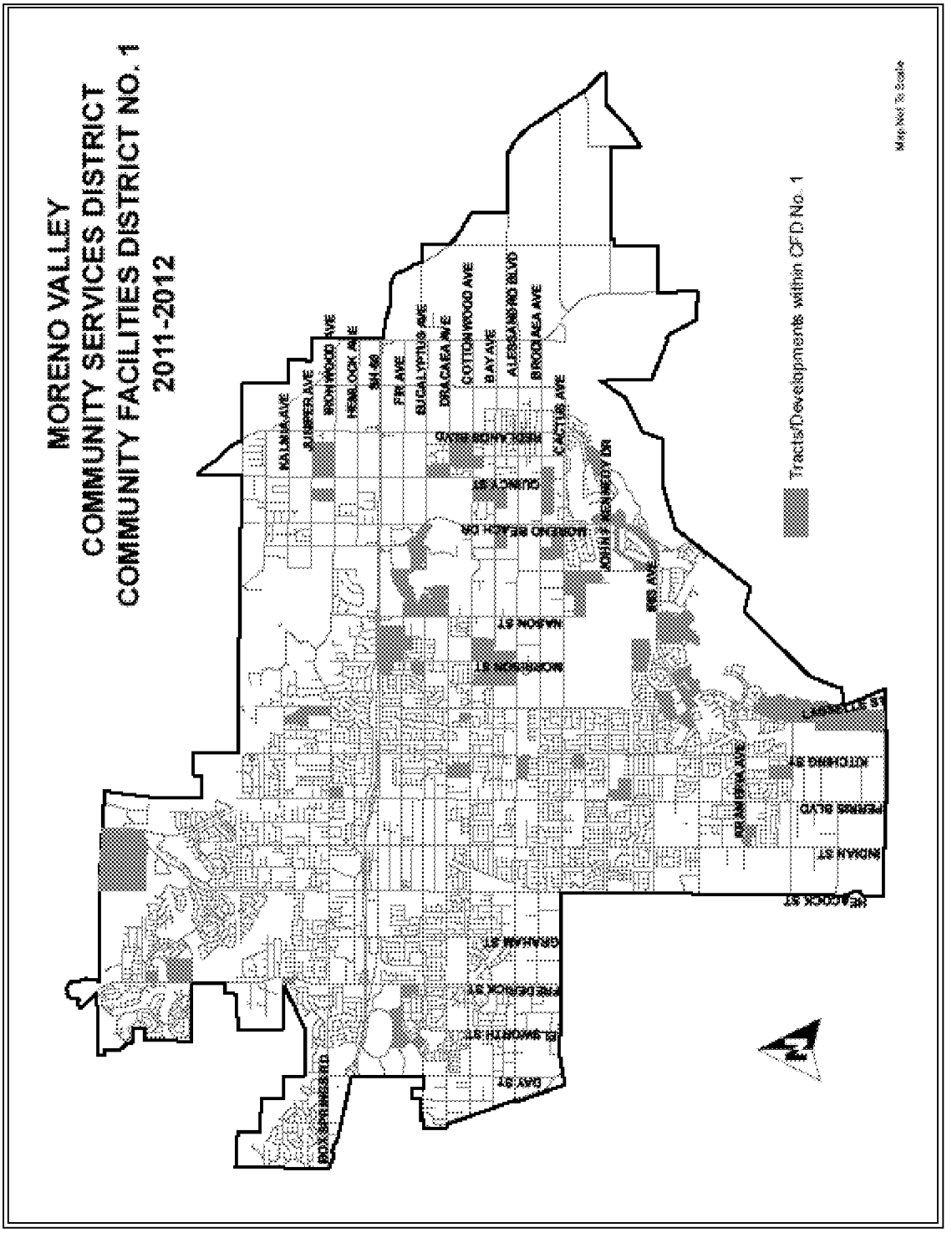
MORENO VALLEY
COMMUNITY SERVICES DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 1
2011-2012
Tracts/Developments within CFD No. 1
Map Not To Scale
KALMIA AVE
JUNIPER AVE
IRONWOOD AVE
HEMLOCK AVE
SH 60
FIR AVE
EUCALYPTUS AVE
DRACAEA AVE
COTTONWOOD AVE
BAY AVE
ALESSANDRO BLVD
BROCAEA AVE
CACTUS AVE
WEST KENNEDY DR
CLARK ST
MORENO BEACH DR
JOHN F KENNEDY DR
IRIS AVE
MASON ST
MORRISON ST
EL SOBRANTE
KITCHING ST
PERRIS BLVD
INDIAN ST
MEADOWCK ST
GRAHAM ST
FIRE DERRICK ST
EL SUNCREST ST
DAY ST
BOX SPRINGS BLVD

EXHIBIT B

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MV00107581

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: **AWARD OF CONTRACT** – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-1/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-1 (TOWNGATE) AND E-1A (RENAISSANCE PARK)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Approve the attached Agreement for CSD Project E-1/11 (the "Agreement") with Marina Landscape Inc., and;

2. Authorize the President of the CSD Board to execute said Agreement with Marina Landscape Inc., and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to Marina Landscape Inc., in the amounts of:

    a. NINETY-SEVEN THOUSAND NINE HUNDRED AND SIX AND 80/100 DOLLARS ($97,906.80) for twelve (12) months of base maintenance services and;

    b. NINE THOUSAND SEVEN HUNDRED NINETY AND 68/100 DOLLARS ($9,790.68) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

Advertisements requesting proposals for extensive maintenance of the public parkways and medians within the CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) service areas, which are located within the Towngate Specific Plan development (Project E-1/11), were placed in The Press-Enterprise on January 19, 2011 and January 26, 2011. Copies of the complete RFP document were also sent to F.W. Dodge-McGraw-Hill and Bid America for publishing both in print and on-line. In addition, the RFP document was also posted on the City's website.

Representatives from eighteen (18) landscape maintenance firms attended the mandatory pre-submittal meeting on January 27, 2011. At this meeting staff explained in detail the information requested in the RFP, and the proposal submittal and selection process.

Proposals were submitted to the office of the City Clerk on February 2, 2011, by seven (7) firms. Staff from the Special Districts Division of the Public Works Department reviewed the proposals that were received by the submission deadline. Marina Landscape Inc., met the contracting requirements and was the lowest responsive and responsible proposer (See Attachment 2).

DISCUSSION

R.F.P. No. E-1/11 provides for extensive maintenance of the public parkways and medians within the CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) service areas, which are located within the Towngate Specific Plan development. The proposal submitted by Marina Landscape Inc., demonstrates that this company should be able to perform the required services as requested at a cost that is approximately 66% less than the current contract for this service area, which will terminate on June 30, 2011. The key provisions of the Agreement include:

1. The furnishing of contract labor, specified materials, and equipment necessary to maintain over 11 acres of extensive parkway and median landscaping and irrigation located in the E-1 and E-1A Service Areas.

2. The CSD will furnish the necessary utilities (water, electricity, and irrigation system control communication service), certain ancillary materials, and staff field inspection services to manage the irrigation systems and coordinate contractor operations.

3. The Agreement has an initial term of twelve months, commencing on July 1, 2011, and terminating on June 30, 2012. The CSD, at its option, may enter into negotiations with the contractor to extend the Agreement for additional one-year

periods, not to exceed a total of four such extensions (Exhibit D, Section 1., paragraph B. of the Agreement).

ALTERNATIVES

1. By approving the Agreement with Marina Landscape Inc., and authorizing the issuance of a purchase order at the start of the 2011/12 Fiscal Year, contingent upon execution of the Agreement, submittal of satisfactory proofs of insurance, and payment and submittal of performance bonds, the CSD Board shall provide for base maintenance services for the landscaped parkways and medians associated with CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park). Marina Landscape Inc.'s proposal was complete and comprehensive. The firm's municipal references and the level of care it provides on agency contracts of comparable types indicate its ability to perform satisfactorily under the scope of this Agreement. *By accepting this proposal, the CSD will ensure continuity of service to the E-1 Parkways & Medians and Day St. Medians, and E-1A Parkway & Median landscaped areas.*

2. By not accepting the proposal from Marina Landscape Inc., and directing staff to publish a second solicitation of proposals, landscape maintenance for CSD Zone E-1 (Towngate) and Zone E-1A (Renaissance Park) the landscaping may incur a lapse in maintenance services. *This alternative would consume additional staff time and resources, with no assurance of receiving a more favorable result for the CSD. (Marina's proposal, selected to commence in FY 2011/12, represents approximately a 66% reduction in the current year's contract rate.)*

FISCAL IMPACT

The necessary annual purchase orders for the initial term of this contract are set forth below.

Purchase Order Type/Fund/Business Unit	2011/2012 Fiscal Year P.O. Amount
Base Contract	
00182.78220.6261	$88,429.68
00182.78281.6261	$ 9,477.12
Additional Work	
00182.78220.6261	$ 8,000.00
00182.78281.6261	$ 1,790.68
Total P.O. Amounts	**$107,697.48**

The above amounts have been budgeted for Zone E-1 and Zone E-1A for the coming fiscal year, with costs to be recovered through annual CSD parcel charges. The parcel charges collected may only be used for landscape maintenance services of parkways and medians in the Towngate Specific Plan area. **This action will not impact the City's General Fund**.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS
By accepting the proposal of Marina Landscape Inc., the CSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the CSD Board are to approve the attached Agreement for Project E-1/11, authorize the Board President to execute the Agreement with Marina Landscape Inc., and authorize the Purchasing Division Manager, at the start of Fiscal Year 2011/12, to issue purchase orders to Marina Landscape Inc. for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

Attachment 1. Zones E-1 and E-1A Vicinity Maps

Attachment 2. Proposal Recap Sheet

Attachment 3. Copy of Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Concurred By
Candace E. Cassel
Special Districts Division Manager

Concurred By
Daniel Monto
Senior Landscape Services Inspector

Department Head Approval
Chris A. Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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Attachment
1
(Behind this page)

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-1 • Towngate

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held

Item No. B.4

8

Landscaped Parkway

Landscaped Median

Zone E-1 Parcels

Map Created by Moreno Valley GIS
Print Date: November 29, 2007
File: G:\ArcMap\Special Districts\E1_8.5x11.mxd

MV00107589

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-1A • Walls/Internal Landscape Maintenance

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

8

CSD Maintained Aterial Walls
CSD Maintained Landscape and Internal Walls
Zone E-1A Parcels

Map Created by Moreno Valley GIS
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Item No. B.4

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Project E-1/11
Proposal Recap Sheet

Propopser	PRICE
BEMUS	$141,946.00
MARINA	**$97,906.00**
TRUGREEN	$124,699.44
TROPICAL	$122,160.00
SPECTRUM	$133,860.00
GREEN IT UP	$133,125.36
EXCEL	$142,237.29

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MV00107593

INDEPENDENT CONTRACTOR AGREEMENT

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

This Contract Agreement, effective as of the day signed by the City Manager (acting in the capacity of District Manager to the Moreno Valley Community Services District) or Mayor (acting in the capacity of President to the Moreno Valley Community Services District), is made between the Moreno Valley Community Services District, a Community Services District established pursuant to Section 61000 and following of the California Government Code, hereinafter referred to as the "District", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon District policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

1. CONTRACTOR INFORMATION:

Contractor's Name	Marina Landscape, Inc.
Street Address	
Street Address	1900 S. Lewis Street
City, State, Zip	Anaheim, CA 92805-6621
Mailing Address	
(If same as Street Address,	Same as above
write same or same as above)	
Business Phone (with area code)	(714) 939-6600
Cell or Mobile Phone (with area code)	
Other Contact Number (with area code)	
Fax Number	(714) 935-1199
Email Address	
Social Security Number	
Business License Number	
Federal Tax ID Number	95-3760820
Contractor's License Number	
& Classification	492862 A, B, C27, and C36

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

A. The Contractor's scope of work, responsibilities, requirements, provisions, and additional terms and conditions required to be performed by the Contractor the services of this RFP are described in Exhibit "A" attached hereto and incorporated

herein by this reference.

B. The District's responsibilities, other than payment, are described in Exhibit "B" attached hereto and incorporated herein by this reference.

C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.

D. The Contract Starting Date is July 1, 2011 and the Contract Ending Date is June 30, 2012. Any provisions for extending the term of the Contract for subsequent terms are provided in Exhibit "D" attached hereto and incorporated herein by this reference. The District acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

E. Contractor's Proposal, including but not limited to the Bid Schedule, Additional Work Price List, Contract Proposal, Proposed Project Work Schedules, Proposed Annual Material Schedule, Contractor Information, Certification of Non-Discrimination, and List of Subcontractors, are described in Exhibit "E" attached hereto and incorporated by this reference.

3. STANDARD TERMS AND CONDITIONS:

A. Control of Work. Except for compliance with specifications and performance standards provided for in Exhibit "A," the Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The District will not provide, nor be responsible to provide, any training to the Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services paid by the Contractor, an agent or employee of the District, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the District, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the District.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the District. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Contract, with the exception that the District shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Contract.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City of Moreno Valley (City), the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (District), and the City of Riverside (Riverside), their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Contract. Acceptance of these terms by both parties constitutes a Contract and signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible for such coverage.

F. District Indemnification. The District agrees to indemnify, defend and save the Contractor and his/her/its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and the District's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the District under this Contract, or are caused or claim to be caused by the negligent acts of the City, RDA, and the District, their officers, agents or employees, or its subcontractor(s) or any person acting for the District or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the District, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

☒ General Liability Insurance—to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, subcontractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Contract and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/ $2,000,000 aggregate
Property Damage	$1,000,000 per occurrence/ $2,000,000 aggregate

☐ Professional Errors and Omission Insurance—such coverage shall not be less than $1,000,000 per claim and aggregate.

☒ Worker's Compensation Insurance—in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide

legal defense for both the Contractor and the City, RDA, District, and Riverside against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the Agreement. This coverage may be waived if the Contractor is determined to be functioning as a sole proprietor and the city provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Contract

☒ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/RDA/District premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

☐ Insurance requirements waived with Risk Manager's approval.
By: _____ Date: _____
(Risk Manager)

☐ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "F" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City's Risk Manager prior to the execution of this Contract. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

Solely as respect to services done by or on behalf of the named insured for the Moreno Valley Community Services District, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and the City of Riverside, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and/or the City of Riverside, their officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail to the City of amendment or cancellation , except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Contract, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall

become the sole property of the District unless explicitly stated otherwise in this Contract. The Contractor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Contractor in performance of this Contract. The District and the Contractor agree that to the extent permitted by law, until final approval by the District, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire of the Contract. This Contract constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Contract. This Contract applies only to the proposal attached. This Contract may be modified or amended only by a subsequent written Contract signed by both parties. Assignment of this Contract is prohibited without prior written consent.

J. Termination.

1. Either party may terminate this Contract upon breach of the Contract by the other party. In the event the District terminates the Contract, the Contractor shall perform no further services under the Contract unless the notice of termination authorizes such further work.

2. The District may terminate this Contract without fault on the part of the Contractor by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the District. The District shall pay the Contractor within thirty (30) days after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.

K. Payment. Payments to the Contractor, pursuant to this Contract will be reported to Federal and State taxing authorities as required. The District will not withhold any sums from compensation payable to Contractor, except as provided for in Exhibit "C". Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractor's time and materials charges under the Contract. Upon reasonable notice, such records must be made available to the District's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Contract.

L. Restrictions on District / City Employees. The Contractor shall not employ any District or City employee or official in the work performed pursuant to this Contract. No officer or employee of the District or City shall have any financial interest in this Contract in violation of federal, state, or local laws.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Contract, and shall govern the interpretation of this Contract. Any legal proceeding arising from this Contract shall be brought in the appropriate court located in Riverside County, State of California.

N. Notices. All notices, requests, demands or other communications ("notice") under this Contract by any party shall be in writing, shall be properly addressed as set forth below (or to such other address as any party may later designate), and shall be sufficiently given on the date: (a) of service if served personally upon the person to whom notice is to be given, (b) receipt is confirmed with the addressee by telephone if a notice is sent by telex, telecopier, facsimile or other telecommunication facility, or (c) of receipt if a notice is sent by courier or by registered or certified mail, return receipt requested, postage prepaid:

To Contractor:

[Mailing Address (Post Office Box, if applicable]

[Telephone number]

[Fax number]

[Email address]

With a copy to:

[Attorney for Contractor, if applicable]

[Street Address]

[Post Office Box, if applicable]

[City, State, Zip]

[Telephone number]

[Fax number]

[Email address]

To CSD:

MORENO VALLEY COMMUNITY SERVICES DISTRICT
Public Works Department
Special Districts Division
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: Daniel Monto, Senior Landscape Services Inspector
Telephone number: 951. 413-3480
Fax Number: 951. 413-3498

With a copy to: City Attorney's Office [if applicable]
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: City Attorney
Telephone number: 951. 413-3036
Fax number: 951. 413-3034

SIGNATURE PAGE TO FOLLOW:

SIGNATURE PAGE

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

Moreno Valley Community Services District	Contractor
By: _____	By: _____
Title: Mayor, acting in the capacity of President of the Board of Directors of the Moreno Valley Community Services District	Title: (President or Vice President) (Partner) (Joint Venturer) (Owner)
Date: _____	Date: _____

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

By: _____
Title: Corporate Secretary or Assistant Secretary
(If applicable)
Date: _____

Affix Corporate Seal Below
(If applicable)

Attachments

EXHIBIT A
R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. SCOPE OF WORK

A. The work to be performed under this Contract shall include the furnishing of all labor, material, and equipment necessary for the provision of landscape and appurtenant maintenance services within the boundaries of the various zones of the District as determined in the resolutions of the City Council establishing said zones, and as said boundaries may have been heretofore or may be hereafter altered, and as more particularly shown on the Location Map or Maps attached at the end of this exhibit, Section 23, Project Location Map.

B. The Contractor shall have the duty to: mow, edge, trim, and fertilize turf and shrub areas designated hereunder; regularly maintain and prune trees up to eighteen feet (18') in height; remove litter and debris from all sites as required under this Contract; provide general pest control services as requested, including but not limited to weeds, insects, and diseases; maintain irrigation systems; hand water and bleed valves as necessary during emergencies when automatic systems are not functioning.

C. All work shall be performed in accordance with usual and customary horticultural practices to achieve, and maintain healthy, viable landscapes. The Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director" will periodically inspect all the operations and approve or reject the work performed, and methods or materials used, and make changes in work scheduling.

D. The Contractor shall be responsible for carefully reviewing the site(s), and verifying the square footage noted for each location of proposed work is included in the Proposal. The Contractor shall not be relieved of his//her/its liability under this Contract, nor the District or City be held liable for any loss sustained by the Contractor as a result of any variance between conditions as referred to in the Technical Provisions, and the actual conditions revealed during the examination of the locations of the proposed work.

E. All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

2. SCHEDULING OF WORK

A. The Contractor shall adhere to the facilities, equipment and staffing schedule, and

monthly and annual work schedules submitted as a part of the Contractor's bid, and incorporated herein by this reference. These schedules, and any approved revisions thereto, shall be used by the District as a basis for determining Contractor's satisfactory performance.

B. Revisions to facilities, equipment, staffing, or monthly and annual work schedules shall not be implemented without the prior written approval of the Director. The Contractor shall submit proposed revisions to equipment and staffing, or monthly and annual work schedules in writing to the District at the address as set forth in Exhibit A, Section 3, paragraph N. of the Contract at least ten (10) working days prior to commencing work per the proposed revisions.

C. Failure to submit proposed revisions to equipment, staffing, or work schedules by the time limits established hereinabove may result in the Contractor becoming liable to the District for non-performance penalties per Exhibit C, Section 4.

D. The above provisions shall not be construed to eliminate the Contractor's responsibility for complying with the requirement to notify the Director for Specialty type maintenance as set forth immediately hereinafter.

E. The Contractor shall notify the Director in writing at least five (5) working days prior to the date and time of all "Specialty" type maintenance operations, which shall include, but are not limited to:

1. Fertilization;
2. Turf Aeration;
3. Application of pesticides by any method;
4. Other operations so designated by the Director.

Notification of "Specialty" maintenance operations shall include a brief description of intended method(s) of execution, materials to be used, and the dates for commencement and completion of said operations. Failure to complete "Specialty" operations by the indicated date may result in the assessment of non-performance penalties per Exhibit C, Section 4.

F. When inclement weather renders performance per approved schedule unsafe, impractical, or liable to damage landscaping, the Contractor shall adjust his work force in order to accomplish those work items not affected by weather, and shall contact District field staff to inform them of said alternate work assignments. Failure to advise the District may be cause for assessment of non-performance penalties per Exhibit C, Section 4.

G. For the purposes of this Contract, "Working Days" shall be Mondays through Thursdays, excluding holidays as provided herein. The hours of maintenance service shall be from 7:00 a.m. to 4:30 p.m. on those days maintenance is to be provided pursuant to the work schedule as approved by the Director. Any work the Contractor proposes to perform outside of the days and hours set forth

hereinabove, as well as on legal City holidays, shall not be undertaken without the prior written approval of the Director.

The following days have been designated as holidays by the City:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls upon a Sunday, the following Monday shall be the day the holiday is observed. If a holiday falls upon a Saturday, the preceding Friday shall be the day the holiday is observed. If a scheduled maintenance service day falls on a designated holiday, the Contractor shall submit a proposed make-up day for the Director's approval.

3. FUNCTIONS AND RESPONSIBILITIES

A. The Director and Contractor shall conduct an inspection of all sites covered under this Contract as soon as practicable after its execution, and prior to commencement of Contractor's operations. Following said inspection, the Contractor shall submit to the Director a written affidavit certifying the actual condition of the site(s) relative to District Specifications, including but not limited to the nature and extent of any deficiencies noted by the Contractor, and acknowledged by the Director. The Contractor is hereby advised that this affidavit shall serve as the benchmark for the Director's evaluation of Contractor's performance under this Contract. Failure to maintain site(s) up to this established standard may result in the District deducting payment of all or part of the Contractor's compensation, as further described in Exhibit C., Section 3.

B. The Contractor shall on an ongoing basis maintain a monthly log that records all work performed by the Contractor. Said log shall be in a form and content acceptable to the Director (see Appendix B, Monthly Report Form), and shall be submitted to the Director by the tenth day of each month, one (1) month in arrears. The monthly payment for the work so reported will not be authorized until such report (Monthly Report) is received, and approved by the Director.

C. The Contractor shall perform at least one maintenance inspection weekly during daylight hours of all sites. Such inspection shall be both visual and operational, including but not limited to, operation of all automatic irrigation systems to check for proper condition, and reliability. Additionally, the Director may require the

Contractor to attend meetings with the District field staff at some fixed interval to review the Contractor's operations, and schedule such future work as may be ordered by the Director. Failure to conduct said weekly inspections or attend regularly scheduled meetings may result in the assessment of non-performance penalties per Exhibit C., Section 4.

D. The Contractor shall maintain an office at some fixed place, and shall maintain an operable telephone thereat, listed in the telephone directory in Contractor's own name or in the Contractor's company name, and shall at all times employ some responsible person(s) to take the necessary action regarding all inquiries, complaints, and/or emergency calls that may be received from the Director or other authorized individuals or agencies as listed in Exhibit A, Section 3., paragraph E. below. This person(s) shall be reachable twenty-four (24) hours per day, seven (7) days a week. During normal working hours, the Contractor's Supervisor or employee designated as being responsible for providing maintenance services to the District shall be directly available for immediate notification through some type of reliable electronic means, including but not limited to, mobile or cellular phone, two-way radio, or pager. The Contractor or Contractor's designated employee shall confirm said notification within one (1) hour of receipt. An answering service will be considered an acceptable substitute for coverage <u>only</u> during periods outside of normal working hours, provided Contractor is advised of emergency calls within one (1) hour of receipt of the call by the answering service and within twenty-four (24) hours after receipt of non-emergency calls by the answering service. The above provision for Contractor's communication with the District is the <u>minimum</u> acceptable standard under this Contract. Failure to regularly provide said communication capability may result in the Contractor being assessed non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall respond to an emergency call from any of the parties listed below no later than two (2) hours following first notification by facsimile transmission, or in writing, or by telephone. In situations involving emergency repair work after normal working hours, the Contractor shall dispatch qualified personnel, and equipment to reach the site within two (2) hours of first notification. An emergency may be called by the following individuals or agencies at **<u>any</u>** time:

1. City Manager
2. Director of Public Works
3. Police Department
4. Fire Department
5. Special Districts Division Manager
6. Street Maintenance Supervisor
7. Senior Landscape Services Inspector
8. Landscape Services Inspector

Contractor's emergency response and any necessary corrective work shall be considered Additional Work as defined in Exhibit C., Section 2, unless said emergency is determined to have been caused by an act or omission attributable to the Contractor.

4. CONTRACTOR'S STAFF

A. The Contractor shall provide sufficient personnel to perform all work in accordance with the Specifications set forth herein. All of the Contractor's maintenance personnel shall be supervised at the work site(s) by a qualified Supervisor in the employ of the Contractor. Work Site Supervisors must be able to demonstrate to the satisfaction of the Director that they possess adequate technical background, and communication skills to perform the intended services. Adequate and competent supervision shall be provided for all work done by the Contractor's employees to ensure accomplishment of high quality work, which will be acceptable to the Director. Any order or communication given to the Work Site Supervisor shall be deemed to have been delivered to the Contractor.

B. The Contractor and his employees and subcontractors, if any, shall conduct themselves in a proper, professional, and efficient manner at all times, and shall cause the least possible inconvenience to the public.

C. The Director may require the Contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interests of the District.

D. The Contractor shall require each employee performing work under the Contract to adhere to basic public works standards of working attire, including but not limited to wearing of proper clothing, proper shoes, and other gear required by applicable Safety Regulations and/or fertilizer/pesticide label requirements..

   Shirts shall be worn at all times, and shall be buttoned. Approved safety vests shall be worn by Contractor's employees when working on parkway medians, monuments, parkways, and other high traffic-hazard areas as determined by the Director. Failure to comply with the above requirements may make the Contractor liable for assessment of non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall establish an identification system for Contractor's personnel which clearly indicates to the public the name of the Contractor. The identification system shall be furnished at the Contractor's expense and may include appropriate attire, and/or name badges as specified by the Director.

5. EMPLOYMENT OF APPRENTICES

The provisions of Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code regarding the employment of properly registered apprentices may apply to this Contract if the Contractor, or any subcontractors thereunder, employs workers in any apprenticeable craft or trade. It is the Contractor's sole responsibility to comply with the Labor Code sections cited above. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the California Department of Industrial Relations..

6. COMPLAINTS

A. All complaints shall be responded to as soon as possible after notification, but in all cases within twenty-four (24) hours, to the satisfaction of the Director. If any complaint is not satisfactorily responded to within twenty-four (24) hours, the Director shall be notified immediately of the reason for not remedying the complaint followed by a written report to the Director within five (5) working days. If the complaints are not remedied within the time specified, and to the satisfaction of the Director, the Director may correct the specific complaint by using an alternative source. The total cost incurred by the District to effect necessary remedies will be deducted from the payments owing to the Contractor from the District, per Exhibit C., Section 3.

B. The Contractor shall maintain a written log of all complaints, the date and time thereof, and the action taken pursuant thereto, or the reason for non-action. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above.

C. In addition to the provisions of Section 6., paragraph A. above, in the event of a failure by the Contractor to satisfactorily remedy a complaint in a timely manner or for any other breach of this Contract by Contractor, the District may immediately upon written notice to the Contractor terminate this Contract.

7. SAFETY

A. The Contractor agrees to perform all work as outlined in the Provisions listed herein in such a manner as to meet all accepted standards for safe practices and to safely maintain equipment, machines, and materials, and prescribe and employ all precautions and safety procedures related to other hazards consequential to the work; and accepts additionally the sole responsibility for complying with all local, State, Federal and other legal requirements including but not limited to, full compliance with the terms of any and all applicable OSHA and Cal/OSHA Safety Orders at all times so as to protect all persons, including Contractor's employees and subcontractors, agents of the District, City, materialmen, vendors, members of the public and others from foreseeable injury, or damage to their property.

B. The Contractor's operations shall be conducted in such a manner as to cause the least possible obstruction, and inconvenience to public traffic. The Contractor shall furnish, erect and maintain such fences, barriers, lights and warning signs as may be deemed necessary by the Director, or any duly constituted public safety official.

Contractor's work area traffic control, including but not limited to type and placement of signs, barricades, and delineators, shall be in accordance with the "Manual of Uniform Traffic Control Devices, 2010 (or most current) California Supplement".

Contractor's work should not encroach into open lanes of traffic between the hours of 7:00 a.m. and 8:30 a.m., or between the hours of 3:30 p.m. and 6:00 p.m.

C. The Contractor shall maintain all work sites free of hazards to persons or property resulting from Contractor's operations. The Contractor shall inspect for all potential hazards at said areas under maintenance, and keep a log indicating date inspected, and action taken. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above. Any hazardous condition noted by the Contractor, which is not a result of Contractor's operations, shall be immediately reported to the Director.

D. The Contractor shall be responsible for making minor corrections, including but not limited to, filling holes in turf areas, replacing valve box covers, and repairing irrigation systems, so as to protect members of the public or others from injury.

The Contractor shall cooperate fully with the District or City in the investigation of any accidental injury or death occurring on the site, including a complete written report thereof to the Director within five (5) working days following the occurrence.

E. Failure to comply with the provisions of this section of Exhibit A may result in: payment deduction per Exhibit C, Section 3 of the Contract, or assessment of non-performance penalties per Exhibit C., Section 4. Repeated failure to comply with the provisions of this section may result in contract termination, per Exhibit A, Section 3, paragraph J of the Contract Agreement.

8. USE OF CHEMICALS

A. Before the beginning of the Contract period, the Contractor shall submit a list, which shall include the exact Brand Name, Label, and Material Safety and Data Sheet (MSDS).of all chemicals proposed for use under this Contract, including but not limited to fertilizers and pesticides, for approval by the Director. Where applicable, materials included on this list shall be chemicals as approved by the State of California Department of Food and Agriculture.

B. Director shall be notified in writing of any changes or deviations from the above list. Use or application of said materials shall not be made prior to approval by the Director. Failure to comply with this requirement may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. Chemical applications, including but not limited to fertilizers and pesticides, shall be made in strict compliance with the label directions, restrictions, and precautions as well as with any other requirements deemed necessary by any county, state, or federal regulatory agency, or the Public Works Department of the City of Moreno Valley.

D. Contractor shall report all fertilizers and pesticides used in performance of the work as an element of Contractor's Monthly Report, as set forth in Section 3, paragraph B above. This report shall include: the date, time of day, location, type of material, method of application, and environmental data.

9. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - REQUIRED URBAN RUNOFF MANAGEMENT TRAINING

The Contractor shall provide National Pollutant Discharge Elimination System (NPDES) Permit training for Urban Runoff Management to Contractor's employees and subcontractors if any. Failure to provide Urban Runoff Management training is a violation of Order No. R8-2002-0011, NPDES No. CAS 618033 (Municipal Separate Storm Sewer System NPDES Permit), Section XI.I, for each day of which such failure occurs, and shall in addition, be a breach of the Contract with the City of Moreno Valley (City). Contractor understands and agrees that NPDES Permit violations are grounds for enforcement action by the Environmental Protection Agency, the State/Regional Water Resources Control Board, and the City and may result in permit termination (stop work order), civil and criminal fines, and termination of Contract. By submitting a proposal, the Contractor certifies to the City that Contractor's employees and subcontractors, if any, have been trained for Urban Runoff Management, and sufficient sums are included in the proposal's amount to cover costs of such said training.

10. LICENSES AND PERMITS

The Contractor shall, without additional expense to the District or City, possess all licenses and permits, including but not limited to a valid City Business License, required for the performance of the work under this Contract.

11. PREVAILING WAGE

A. Pursuant to provision of Section 1773 of the Labor Code of the State of California, the Moreno Valley Community Services District has obtained the general prevailing rate of per diem wages applicable for the work to be done, including but not limited to: straight time, overtime and holiday work; travel and subsistence payments; employee payments of health and welfare, vacation, pension, and similar purposes. Said rate and scale are on file with the Public Works Department of the City of Moreno Valley, and copies will be made available to any interested party on request. These rates shall be the minimum wage rates for this project. Throughout the term of this Contract, the Contractor will be required to post a copy of said rate, and scale as required by the Labor Code.

B. Pursuant to provisions of Section 1775 of the Labor Code, the Contractor shall forfeit as penalty to the Moreno Valley Community Services District, not more than fifty dollars ($50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinabove stipulated for any work done under the attached contract, by the Contractor or by any subcontractor under Contractor's direction and control, in violation of the provisions of said Labor Code.

12. PAYROLL RECORDS

A. The Contractor, and any subcontractor thereunder, shall keep complete and

accurate payroll records for each workman employed by Contractor/subcontractor in connection with this Contract, as required by California Labor Code Section 1776.

B. The Contractor, and any subcontractor thereunder, shall make available to the District upon its request certified payroll records for each workman employed in connection with this contract as required by California Labor Code Section 1776.

C. The District may withhold from Contractor's progress payments the penal sum of twenty-five dollars ($25.00) per calendar day (or portion thereof) for each worker employed in connection with this Contract should Contractor, or any subcontractors thereunder, fail to strictly comply with California Labor Code 1776 after receiving written notice of non-compliance.

13. BONDS

Pursuant to Section 3247 of the Civil Code, the Contractor hereby agrees to provide and maintain in full force and effect for the duration of this Contract, two (2) good, and sufficient surety bonds, to wit:

A. A "Faithful Performance Bond" in the amount of one hundred percent (100%) of the contract price, which shall guarantee the faithful performance of all work, and;

B. A "Materials and Labor Bond" in the amount of one hundred percent (100%) of the contract price, which shall secure the payment of the claims of labor, mechanics or materialmen for all work performed hereunder.

14. SUBSTITUTION OF SECURITIES

Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the Moreno Valley Community Services District to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the Moreno Valley Community Services District, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld, and shall receive any dividends or interest thereon. The Contractor shall give the District written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow agreement in a form which is substantially similar to the agreement set forth in Section 22300 of the Public Contract Code.

15. CONTRACTOR'S LIABILITY

A. The Contractor shall be responsible for all damages to people and/or property that occur as a result of the fault or negligence attributable to Contractor in connection

with the performance under this Contract. Any and all restitution or repairs deemed necessary by the Director to remedy such damages shall be furnished and performed at the Contractor's sole expense, and shall be completed within the time limits established by the Director.

B. Repairs made to sites and site appurtenances that are damaged as a result of Acts of Nature, vandalism, theft, and acts or omissions by third parties or any other occurrence not attributable to the Contractor's operations shall be repaired by the Contractor as Additional Work and compensated as defined in Exhibit C., Section 2.

16. CONTRACTORS LICENSE

Contractors are required by law to be licensed, and regulated by the Contractors' State License Board. Contractor will comply with all applicable licensing laws, and regulations. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 9821 Business Park Driver, Sacramento, CA 95827. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

17. TECHNICAL PROVISIONS – FULL SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed weekly-on no more than two (2) consecutive days as weather and site conditions permit. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" shall include, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in to any other site.

6. Mowing height for cool season grasses shall not exceed three inches (3") maximum, or two inches (2") minimum, and shall be adjusted within these

parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed one and one-half inches (1½") maximum, or three-quarters of an inch (¾") minimum, and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Whenever trees occur in turf areas, a six inch (6") ring of grass shall be removed from around the trunks in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions Full Service Fertilization, Section 18.

13. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

14. Aeration:

    (a) All turf areas shall be aerated three (3) times annually;

    (b) Aeration shall be done in the spring, mid-summer, and fall, or as directed by District field staff;

    (c) Aeration equipment shall be of the hollow tine type. The tines shall have a minimum diameter of one-half inch (½"), and a penetration depth of at least two inches (2"). There shall be no more than six inches (6") between tines;

    (d) Areas to be treated shall be adequately irrigated prior to treatment to allow maximum tine penetration;

    (e) Any soil cores remaining on the turf surface two (2) weeks after treatment must be removed;

    (f) Humus base fertilizer is to be applied directly following spring and fall aeration operations. See Technical Provisions – Full Service Fertilization, Section 18.

15. Renovation/thatching operations are to be considered Additional Work, per

Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision) standards.

4. Any tree shall be pruned at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

   (a) Be pruned to enable successful adaptation to their particular site situation;

   (b) Have no more than one-third (1/3) of living branches removed annually;

   (c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

   (a) Be inspected annually;

   (b) Pruned and/or trimmed as necessary to maintain proper site orientation;

   (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

   (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

(a) internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

(c) Use of pruning paint/pruning compound/wound dressing;

(d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodge pole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

(a) Remove dead, diseased, or damaged branches;

(b) Remove unwanted encroachments into public and/or utility rights-of-

way;

(c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

(a) To enable successful adaptation to their particular site situation;

(b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

(c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

(a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", "poodling") <u>will be done only when authorized by the Director on a site-specific basis</u>.

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

(c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See <u>Technical Provisions - Full Service Fertilization</u>, Section 18.

9. Pest control: See <u>Technical Provisions – Full Service Pesticide Use</u>, Section 19.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

   (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.

8. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

E. WEED CONTROL

1. All weeds shall be continuously controlled at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are

not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; and non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Full Service Pesticide Use, Section 19.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites shall at all times receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3.- Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per week; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal operation ("wear and tear"), and; 2) vandalism, theft, and acts or omissions by third parties.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

(a) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than one (1) time per week;

(b) Be turned off during periods of rainfall, or as directed by District field staff;

(c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

(a) Be operated only when Contractor's personnel are present on site;

(b) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than at each time of operation;

(c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to effect irrigation system repairs shall be of the same manufacture as those originally installed unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a minimum of one (1) visitation per week of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walks the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites that are, in the opinion of the Director, exceptionally littered shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter, as described in

paragraphs 1 and 2 above, off-site, and in a legal manner.

6. The Contractor shall notify the Director immediately whenever suspicious and/or hazardous waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

7. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from contract sites by the Contractor, or any subcontractors thereunder, in performance of contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested therein and shall include, on a separate Monthly Greenwaste Report form, any greenwaste generated through the operations of any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

18. TECHNICAL PROVISIONS – FULL SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. Per Technical Provisions – Full Service Landscape Section 17, a humus base fertilizer shall be applied to turf areas immediately following spring and fall aeration operations. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Humus base fertilizers to be applied by drop spreader only.

3. Humus base fertilizers to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification is required to Director five (5) working days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
April	1	23-5-10 *	1.5	6.5 lbs
Sept	1	23-5-10 *	1.5	6.5 lbs

* 23-5-10/BEST@POLY SUPREME or approved equal

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification is required to Director five (5) working days prior to

fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required a minimum of five (5) working days prior to fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

19. TECHNICAL PROVISIONS – FULL SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Agreement.

4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used, along with a use recommendation for each pesticide, in the fulfillment of said Contract, per Section 8 – Use of Chemicals. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides listed shall be submitted in writing to the Director for approval prior to any use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for the filing of all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by all county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require that copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. For pesticide application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A written notice shall be provided to the Director five (5) working days prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

   (a) All shrub bed areas shall be treated with an appropriate pre-emergent herbicide at the maximum allowable rate according to the label, and state regulations. This treatment shall be performed twice a year, as determined by the Director.

   (b) Appropriate chemical control must be used on the following weeds.

   Bermuda Grass
   Kikuyu Grass
   Nutsedge
   Field Bindweed
   Spurge

   The aforementioned list is inclusive; other species may be added by the Director as necessary

   (c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

   (a) Snails shall be controlled on a regular basis on the following plant species:

   Agapanthus africanus
   Aptenia sp.
   Gazania sp.
   Hemerocallis sp.

   (b) Snails shall be controlled on an as needed basis on all other plant material.

   (c) Failure to adhere to the above specifications for snail control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

3. Insect and Disease Control

   (a) The Director may require certain tree species, which are subjected to excessively dusty conditions be rinsed off with water, as directed by District field staff. Rinsing operations that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

   (b) The Director may require that all Platanus species be sprayed annually with two applications of a copper based dormant spray should an

infestation be detected. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(c) The Director may require that all Pyrus and Pyracantha species found to be infected with fireblight be treated with annual applications of a copper based dormant spray. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(d) The Director may require that all Juniperus, Pinus, Cupressus and Pyracantha species found to be infested with mites be treated with an appropriate acaricide. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(e) All other insect, disease, and fungus problems will be treated on a site- and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

(a) When the Director determines that the turf weed population at any site(s) exceeds acceptable levels, an appropriate herbicide shall be applied in accordance with all label specifications. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All turf areas that the Director has determined to be prone to annual weed grass intrusion shall require annual applications of pre-emergent herbicides labeled for such use. Any preventative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(c) Failure to apply turf weed control materials within the time frames

established by the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Insect and Disease Control

(a) All turf areas that the Director has determined to have a history of fungus infection shall be treated annually with an appropriate fungicide, as directed. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All other insect, disease, and fungus problems will be treated on a site and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but are not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of being noticed by the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

20. TECHNICAL PROVISIONS – REDUCED SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed **bi-weekly** and completed within no more than two (2) consecutive days, weather and site conditions permitting. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" includes, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect

infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in onto any other site.

6. Mowing height for cool season grasses shall not exceed a maximum of three inches (3"), or minimum of two inches (2"), and shall be adjusted within these parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed a maximum of one and one-half inches (1½"), or a minimum of three-quarters of an inch (¾"), and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Around tree trunks in turf areas, a six inch (6") ring of grass shall be removed in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

13. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

14. Aeration is considered Additional Work, per Exhibit C., Section 2.

15. Renovation/thatching operations are considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision)

standards.

4. Any tree shall be pruned at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

   (a) Be pruned to enable successful adaptation to their particular site situation;

   (b) Have no more than one-third (1/3) of living branches removed annually;

   (c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

   (a) Be inspected annually;

   (b) Pruned and/or trimmed as necessary to maintain proper site orientation;

   (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

   (d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

   (a) Internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

   (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

   (c) Use of pruning paint/pruning compound/wound dressing;

(d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodgepole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

   (a) To enable successful adaptation to their particular site situation;

   (b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

   (c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

   (a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", or "poodling") will be done only when authorized by the Director on a site-specific basis.

   (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

   (c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

9. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

(c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

8. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

E. WEED CONTROL

1. All weeds shall be controlled quarterly at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites at all times shall receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3 - Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per **month**; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: a) normal "wear and tear", and; b) vandalism or theft (which includes acts or omissions by third parties) up to the amount of 11 percent of the Contractor's monthly base price as set forth in Exhibit C., Section 1. Repairs due to vandalism or theft (which includes acts or omissions by third parties) in excess of the above indicated amount may be billed as Additional Work, per Exhibit C., Section 2.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

   (a) Be inspected for, and repaired as necessary to ensure, proper operation, and coverage not less than one (1) time per month;

   (b) Be turned off during periods of rainfall, or as directed by District field staff;

   (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

(a) Be operated only when Contractor's personnel are present on site;

(b) Be inspected for, and repaired as necessary to ensure proper operation, and coverage not less than at each time of operation;

(c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to repair irrigation systems shall be of the same manufacture as those originally installed, unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a minimum of one (1) visitation per **month** of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walkways the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites which, in the opinion of the Director, contain an exceptional amount of litter shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter as described in paragraphs 1 and 2 above off-site, and in a legal manner.

   (a) The Contractor shall notify the Director immediately whenever suspicious and/or waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any

way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

(b) Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this Contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from Contract sites by the Contractor, or any subcontractors thereunder, in performance of Contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of Contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of the Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested and include, on a separate Monthly Greenwaste Report form, any greenwaste generated by any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

21. TECHNICAL PROVISIONS – REDUCED SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. All turf areas are to be fertilized as per Table I. All fertilizers are to be of indicated analysis or better.

TABLE I

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
FEB	1	22-0-6**	1	4.5 lbs
JUN	1	22-5-5*	1.25	5.7 lbs

OCT	1	22-5-5*	1.25	5.7 lbs

*22-5-5/BEST® TURF GOLD or approved equal Controlled-Release fertilizer. These fertilizers to contain micronutrients including iron. See following section on fertilizers.

**22-0-6/SCOTTS® PROTURF® + Pre-emergent Weed Control or approved equivalent. These fertilizers to contain micronutrients including iron. See following sections, below, regarding fertilizers.

2. A humus base fertilizer shall be applied to turf areas immediately following aeration operations.

3. Humus base fertilizers are required to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply the Director with a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification to the Director is required five (5) days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Applications	Type of Fertilizer	Rates per 1,000 sq. ft. Lbs. of Actual N	Lbs. of Fertilizer
APR	1	23-5-10*	1.5	6.5 lbs

* 23-5-10/BEST® POLY SUPREME or approved equal.

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director with a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8 – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply a list of all proposed fertilizers to be used in the fulfillment of said contract to the Director, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8. – Use of Chemicals.

22. TECHNICAL PROVISIONS – REDUCED SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Contract.

4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used in the fulfillment of said Contract, per Section 8 – Use of Chemicals. A valid written pesticide use recommendation for each pesticide listed shall be submitted concurrently with this list. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides so listed shall be submitted in writing to the Director for approval prior to use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for filing all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. Pesticide application reporting specifications, - See Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A five (5) working day written notice shall be given to the Director prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

(a) Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

(b) Appropriate chemical control must be used on the following weeds.

Bermuda Grass
Kikuyu Grass
Nutsedge
Field Bindweed
Spurge

This list is inclusive; other species may be added by the Director as necessary.

(c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

Application of molluscicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

2. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of notification from the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

23. PROJECT LOCATION MAP

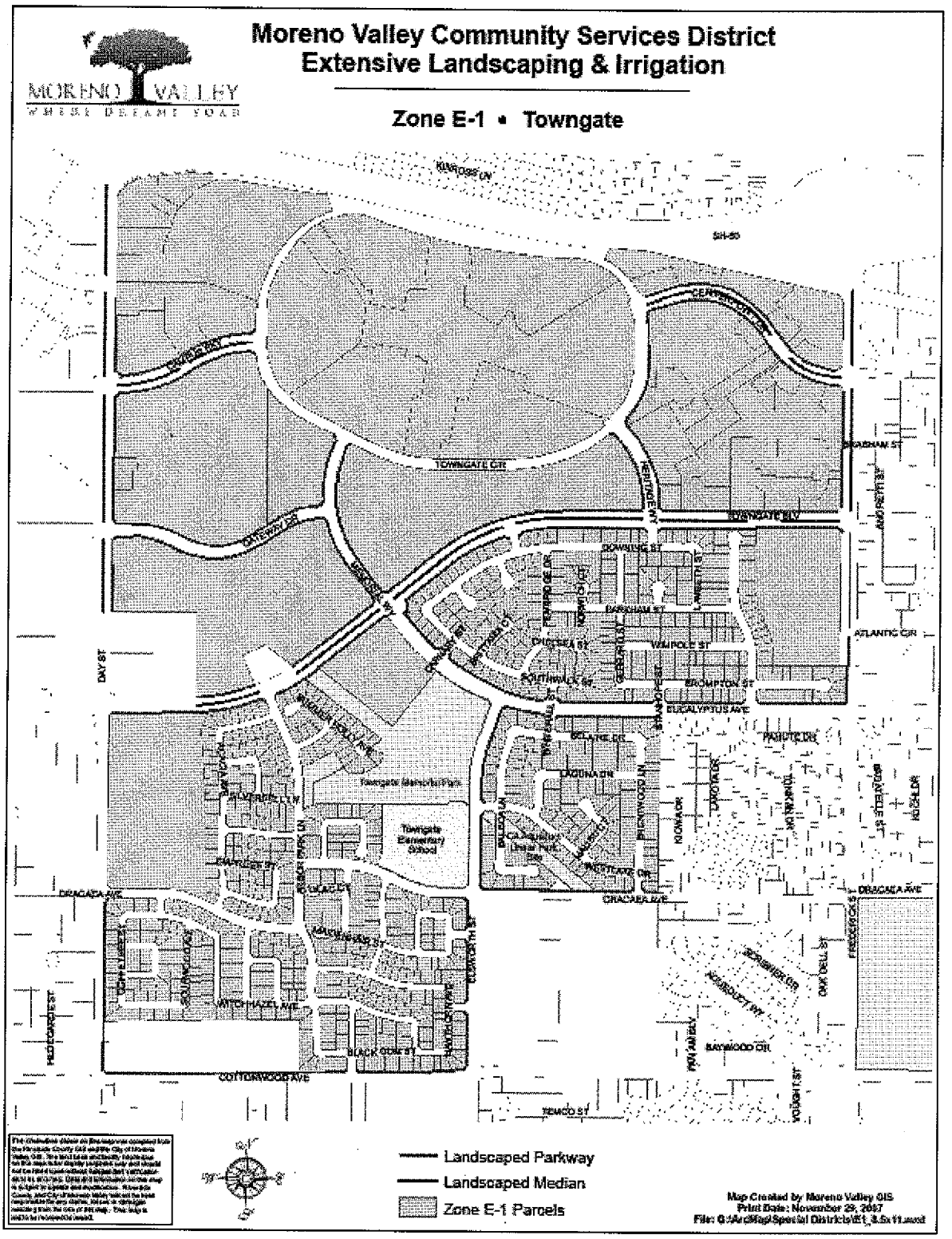

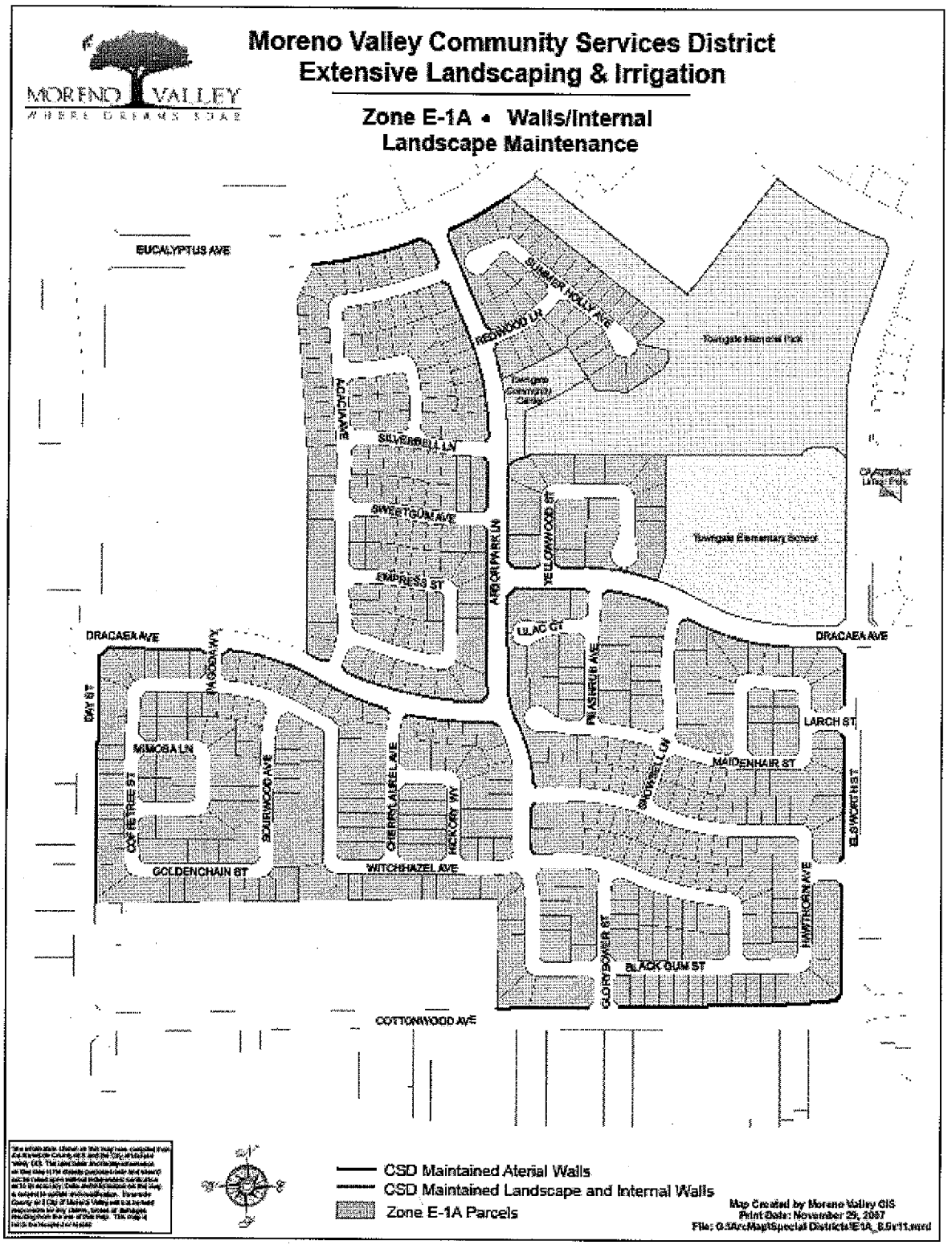
Moreno Valley Community Services District
Extensive Landscaping & Irrigation
Zone E-1A • Walls/Internal
Landscape Maintenance
MORENO VALLEY
EUCALYPTUS AVE
SILVER HOLLY AVE
REDWOOD LN
ACACIA AVE
SILVERBELL LN
SWEETGUM AVE
EMPRESS ST
ARBOR PARK LN
YELLOWWOOD ST
LILAC CT
DRACAEA AVE
PAGODA WY
DAY ST
MIMOSA LN
COFFEETREE ST
BOXWOOD AVE
CHERRYLAUREL AVE
HICKORY WY
GOLDENCHAIN ST
WITCHHAZEL AVE
PASTEUR AVE
LARCH ST
MAIDENHAIR ST
SILVERBELL LN
ELSWORTH ST
HAWTHORN AVE
GLORYBOWER ST
BLACK GUM ST
COTTONWOOD AVE
CSD Maintained Aterial Walls
CSD Maintained Landscape and Internal Walls
Zone E-1A Parcels
Map Created by Moreno Valley GIS
Print Date: November 29, 2007

EXHIBIT B: District Responsibilities

R.F.P. NOE-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACT SUPERVISION

A. The Contract shall be administered on behalf of the District by the Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director."

B. The Director will decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the Contract by the Contractor, interpretation of the Specifications, and compensation to include completion of work by alternate sources.

2. IRRIGATION SYSTEMS

The District shall manage the operation of all automatically controlled irrigation systems, including but not limited to irrigation controller programming and scheduling. The Contractor shall monitor the operation of, and maintain said irrigation systems as required by the Director. The Contractor shall operate manually controlled irrigation systems as directed by District field staff.

3. UTILITIES

It shall be the District's duty to provide the utilities necessary for irrigation (i.e., water, electricity and communications), and to maintain their appurtenances (i.e., water and electrical meters and backflow devices). The District will pay the water, electricity, and communications costs used in the sites covered by this Contract. The Contractor shall report any interruption of these services for whatever reason immediately upon Contractor's observation of same to the Director.

4. RESTRICTED PESTICIDE MATERIALS PERMIT / USE CONSENT

A. The District shall maintain in full force and effect throughout the entire term of the Contract a valid Restricted Materials Permit issued by the Agricultural Commissioner of the County of Riverside on behalf of the California Department of Pesticide Regulation. The Contractor shall comply with all permit conditions that pertain to any of the pest control materials listed on said permit that may be used in the course of Contractor's operations under this Contract.

B. Director must give consent in writing prior to application of any Category I pesticide.

EXHIBIT C: Payment Terms

R.F.P. NO E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACTOR'S COMPENSATION

A. The Contractor will be paid monthly per site for work performed satisfactorily under this Contract. By the tenth of each month the Contractor shall submit to the Director detailed reports for the: 1) maintenance performed, 2) complaints received, 3) hazards noted, and 4) chemicals used in the prior month. These reports shall be accompanied by a billing in accordance with the Contract price for the work performed, and shall become the basis for payment. No payment(s) shall be made until the reports, listed herein, have been submitted and approved.

B. Except where additional compensation is specifically provided for in this Contract, the District will pay the Contractor for all work (labor, material, supplies, equipment, etc.) performed under this Contract the total amount of eight thousand, one hundred and fifty-six dollars and ninety/100 ($8,158.90) per month, one (1) month in arrears, on the last day of the month. The total contract amount for twelve (12) months shall not exceed ninety-seven thousand, nine hundred and six dollars and eighty/100 ($97,906.80), except as provided for in Section 2 below.

C. Should this Contract commence or terminate on other than the first day of a calendar month, the Contractor's compensation for that partial calendar month shall be prorated at the rate of 1/30 of the full month rate per day for the number of days during which the Contract is effective.

2. ADDITIONAL WORK

A. During the term of this Contract the District may, at its discretion, authorize the Contractor to perform certain Additional Work as included in Section 2., paragraph C. herein this Exhibit, ("Additional Landscape Areas"), in addition to the work set forth in Exhibit A, Contractor's Scope of Work.

If the District determines it to be in the District's best interest, said Additional work may include: Acts of God (i.e., earthquake damage, storm damage), or vandalism, theft, and acts or omissions by third parties.

Compensation for all such Additional Work shall be calculated either: at the prices set forth by the Contractor in the Exhibit E, Section 9, or at a price based on the Contractor's written estimate (lump sum, time and materials, or cost plus basis), as determined by the Director. Except as set forth in Section 2, paragraph B. below, the Contractor shall not perform any such Additional Work without first obtaining express written authorization from the District.

B. Notwithstanding the above requirement for prior written authorization, when a condition exists wherein there is imminent danger of injury to the public or damage to property, the District may verbally authorize the work to be performed upon receiving a verbal estimate from the Contractor. Within twenty-four (24) hours after receiving a verbal authorization, the Contractor must submit a written estimate to the District for written approval. Whenever immediate action is required to prevent impending injury, death, or property damage to the facilities being maintained, the District may, after reasonable attempt to notify the Contractor, cause such action to be taken by the District or City's work force.

C. The Contractor shall maintain as Additional Work, at a unit price comparable to landscape areas described herein, additional landscape areas that the District may add to this Contract. In the event that notification is made of a new installation, at other than the beginning of a monthly period, the unit cost as set forth by Contractor in the Exhibit E, Section 9, shall be prorated from the day the Contractor commences work on the additional areas.

D. Routine repairs to project irrigation system(s) shall be considered Additional Work to the extent that the Contractor shall charge only for materials used to perform said repairs at Contractor's cost plus a percentage of that cost, as set forth in Exhibit E, Section 9. For the purposes of this Contract, routine irrigation repairs are defined as replacement of existing sprinklers or sprinkler components, and/or non-pressurized pipe, and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal "wear and tear", and 2) vandalism or theft, (which includes acts or omissions by third parties).

E. Except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize Additional Work pursuant to paragraphs A., B., and C. above in excess of the cumulative total of $9,790.68 for each contract year during the term of this Contract.

3. PAYMENT DEDUCTIONS

The District may deduct payment to such extent as may be necessary to protect the District from loss due to:

A. Work required in the General or Special Provisions which is: not performed, or; not performed to the standards set forth therein, or; not performed at or within the time(s) specified therein, or; is incomplete;

B. Claims filed or reasonable evidence indicating probable filing of claims by laborers, materialmen, subcontractors, or third parties.

4. NON-PERFORMANCE PENALTIES

The Contractor may become liable for payment of non-performance penalties for failure to: provide adequate communications; provide adequate work area safety; complete "Specialty" operations in a timely manner as set forth in the General Provisions; submit notifications or reports required by the Contract, or General or Special Provisions at the intervals and/or

frequencies set forth therein, or; perform work as required by the General or Special Provisions at the intervals and/or frequencies as set forth therein, or as set forth in Contractor's approved work schedule, or as directed by the District. For each of the categories set forth hereinabove, the penal sum of $100.00 (one hundred dollars) per working day will be assessed for each working day the deficiencies remain uncorrected.

If non-performance penalties are to be assessed, the Contractor will be notified immediately by facsimile transmission, or in writing, or by telephone.

The Contractor will not be assessed non-performance penalties for delays caused by the District, or by the owner of a utility to provide for the removal or relocation of utility facilities.

5. EXCESSIVE UTILITY USAGE

Contractor shall pay for all excessive utility usage due to Contractor's failure to monitor irrigation system malfunctions or unauthorized increases in the frequency of irrigation. The excess cost will be determined by comparing the current usage with the historical usage for the same time period. The excess cost factor, to be deducted from the payments to the Contractor, will be presented by the Director to the Contractor prior to actual deduction by the District to allow for explanations.

EXHIBIT D: Term of Contract

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. TERM OF CONTRACT

A. Following approval by both parties, the Contract will commence on July 1, 2011, and shall terminate twelve (12) months thereafter.

B. At the expiration of its term, the Contract may be extended for up to four (4) additional twelve (12) month periods with the concurrence of both parties. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph B.) shall be given to the Contractor at least thirty (30) days prior to the expiration of the initial term of the Contract or any extension thereof.

C. In considering the option to extend the Contract, as set forth in paragraph B. above, the District shall determine the following:

That the Contractor's performance during the preceding twelve months has been satisfactory, and;

That any request for increase of Contractor's compensation is based on an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

D. At the expiration of its term, and with the concurrence of both parties, the Contract may be extended for up to three (3) additional periods of thirty (30) days each, subject to all terms and conditions in effect during the current term of the Contract. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph D.) shall be given to the Contractor at least fifteen (15) days prior to the expiration of the initial term of this Contract, or any extensions thereof.

E. It should be noted that multiyear contracts may be continued each fiscal year only after funding appropriations and program approvals have been granted by the City Council of the City of Moreno Valley and the City Council acting in the capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District. (CSD) In the event that the City Council and/or the City Council acting in the capacity as President and Members of the Board of Directors for the CSD does not grant necessary funding appropriations and/or program approval, the affected multiyear contract becomes null and void, effective July 1st of the fiscal year for which such approvals have been denied.

EXHIBIT E: PROPOSAL SUBMITTAL DOCUMENTS

R.F.P. NO. E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

R.F.P. NO.E-1/11
PROJECT NO. E-1/11

TOWNGATE
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

ATTACH ADDITIONAL SHEETS AS NECESSARY FOR COMPLETE RESPONSES

1. SCHEDULE I

A. COMPANY NAME: Marina Landscape Inc.

TYPE
- Sole proprietor _____
- Partnership _____
- Corporation X

B. COMPANY ADDRESS/PHONE NUMBER

MAIN OFFICE ADDRESS:
1900 S. Lewis Street
Anaheim, CA 92805

MAIN OFFICE PHONE NUMBER: (714) 939-6600

SATELLITE OFFICE ADDRESS (if applicable):
N/A

SATELLITE OFFICE PHONE NUMBER N/A

C. CONTRACTOR'S LICENSING INFORMATION:

LICENSE NUMBER/CLASSIFICATION/NAME STYLE: #492862 A, B, C27, C36
Corporation

NUMBER OF YEARS OPERATING UNDER ABOVE LICENSE/NAME STYLE: 25

LICENSE EXPIRATION DATE: 6/30/2012

CURRENT LICENSE STATUS: Active

PRIOR ACTIONS AGAINST THIS LICENSE? Yes / No
IF YES, LIST CITATION TYPE AND HOW RESOLVED: N/A

D. COMPANY'S FEDERAL IDENTIFICATION NO.: 95-3760820

E. NAME AND TITLE OF COMPANY OFFICERS:

Robert Cowan	President & Secretary
Ali Tavakoli	Vice President of Construction
Teri Nguyen	CFO

F. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES: 39

G. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES FOR PUBLIC AGENCIES: 39

H. CURRENT LANDSCAPE MAINTENANCE OPERATIONS

THE DISTRICT RECOGNIZES THAT THE INFORMATION PROVIDED TO THIS QUESTION (QUESTION H.) IS PROPRIETARY IN NATURE, AND THEREFORE, THE DISTRICT WILL KEEP THIS INFORMATION CONFIDENTIAL TO THE EXTENT PERMITTED BY LAW.

TOTAL LANDSCAPE MAINTENANCE CONTRACTS: 155
PERCENTAGE OF TOTAL CONTRACTS WITH PUBLIC AGENCIES: 15%
TOTAL DOLLAR VALUE OF LANDSCAPE MAINTENANCE CONTRACTS: $11,000,000/YEAR

1. NUMBER OF EMPLOYEES COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS

SUPERVISORS: 8	AVERAGE WAGE SCALE: $ 32	/HR.*
TECHNICIANS: 12	AVERAGE WAGE SCALE: $ 22	/Hr.*
FOREMEN: 45	AVERAGE WAGE SCALE: $ 19.65	/Hr.*
LABORERS: 320	AVERAGE WAGE SCALE: $ 15	/Hr.*

*Use fully burdened rate (i.e., taxes, insurance, benefits, OH &P) - This is a prevailing wage project.

2. TYPE & NUMBER OF VEHICLES & POWER EQUIPMENT COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS:

A. MOTOR VEHICLES
- TYPE: Ford F-250 NUMBER: 78
- TYPE: Ford F-350 NUMBER: 15

- TYPE: Dump Truck NUMBER: 2
- TYPE: Low Boy Tractor NUMBER: 2

B POWER EQUIPMENT

- TYPE: Ex Mark Laser Mower NUMBER: 32
- TYPE: Toro Pro-Line 36" Mower NUMBER: 45
- TYPE: Power-Edge Edger NUMBER: 57
- TYPE: Stihl Blowers NUMBER: 110

I. REFERENCES

ATTACH RESPONSES ON ADDITIONAL SHEETS - ONE SHEET PER REFERENCE

1. LIST A MINIMUM OF THREE (3) REFERENCES FOR PUBLIC AGENCY LANDSCAPE MAINTENANCE CONTRACTS THAT ARE EITHER CURRENT AND/OR HAVE BEEN SUCCESSFULLY COMPLETED WITHIN THE LAST TWO (2) YEARS.
2. REFERENCE RESPONSES MUST INCLUDE:
   A. NAME AND ADDRESS OF AGENCY;
   B. NAME AND TELEPHONE NUMBER OF AGENCY PERSON RESPONSIBLE FOR ADMINISTERING CONTRACT;
   C. CONTRACT NAME(S) / NUMBER(S);
   D. ANNUAL CONTRACT AMOUNT(S);
   E. NUMBER OF ACRES MAINTAINED PER CONTRACT(S);
   F. LOCATION(S) OF CONTRACT AREAS – WE WILL VISIT SITE(S);
   G. LENGTH OF CONTRACT(S).
3. **THE FOLLOWING REFERENCE QUESTIONS WILL BE ASKED OF EACH AGENCY REFERENCED:**
   A. How many (number) of contracts and years under contract?
   B What are/were the Scope of the contract(s), acreage amounts, location(s)?C. What are/were the Contract amount(s)?
   D. Do/did they have adequate (quantity/quality) staffing?
   E. How are/were the Training/Technical skills (i.e., Irrigation/Pest Control/ Equipment Operation/Safety)?
   F. Does staff have the ability to comprehend/speak English?
   G. How are/were the appearance, uniforms, and use of safety equipment?
   H. Do/did they have availability of additional personnel for extra work/special projects?
   I. Is/was the equipment used in good working order?
   J. Do/did they have an effective in-company communications system?
   K. How is/was the knowledge of project/contract standards?
   L. Do/did they have the ability to respond to complaints/requests in a timely fashion?

Marina Landscape Inc.

Landscape Maintenance References

City of Anaheim, CA - Eastside Resort District **120 acres**

Contact: Dan Oregel
(714) 765-6961
Fax: (714) 765-5288
doregel@anaheim.net

200 S. Anaheim Blvd.,
Anaheim, CA 92805

$950,000 / year
9/1/09-present

Lake Forest Sports Fields **100 acres**
(2010 C.L.C.A. First Place Prize – Sports Fields Maintenance)

Contact: Oscar Garcia
(949) 283-1737
Fax: (949) 461-3512
lestevez@ci.lake-forest.ca.us

25550 Commercentre Dr., Suite 100
Lake Forest, CA 92630

$650,000/year
1/1/10 – 12/31/2012

Culver City – City wide landscape maintenance **65 acres**

Contact: Patrick Reynolds
(310) 253-6471
Fax: (310) 253-6666
patrick.reynolds@culvercity.org

4117 Overland Avenue
Culver City, CA 90230

$400,000 / year
8/1/09-present

M. Are/were they willing to resolve questions, disputes, and deficiencies short of "formal" sanctions (i.e., monetary penalties, contract deductions, liquidated damages, claims against bonds)?
N. How accurate & timely is/was billing/invoicing?
O. Have Contract(s) been successfully completed to term?
P. Would you accept future proposals/bids from this company?

2. PROPOSED FACILITIES, EQUIPMENT, & STAFFING SCHEDULE

A. **Facilities** – List the facility(ies) location and/or address where work crews and equipment will be dispatched. Use additional sheets as necessary to provide a full and comprehensive response.

1900 S. Lewis Street
Anaheim, CA 92805

B. List the equipment, motor vehicles, and tools, in the areas below that will be furnished to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Indicate with (S) any listed equipment to be shared with another contract/ project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **Equipment:**

See Below

2. **Motor Vehicles:**

Ford F-250 Crew Cab

3. **Turf Maintenance Power Equipment/Tools:**

EzMark Lazer or Toro 36" mower
Weed Eaters
Power-Edge Edgers
Backpack Blowers

4. **Tree, Shrub, Ground Cover Trimming/Pruning Equipment/Tools:**
(List both powered and hand equipment/tools)

Pole & Edge Trimmers
Power Edgers
Weed Eaters
Hedge Trimmers
Rake & Brooms
Stihl Backpack Blowers
Various Hand Tools

5. **Irrigation System Maintenance Equipment:**
(List both powered and hand equipment/tools)

Remote Control
Wire Tracers
Pumps
Rotators
Various Toners/Volt Meters
Cutting Tools
Glue
Wrenches
Routine Irrigation Repair Parts.

6. **Fertilizer Application Equipment:**
(List both powered and hand equipment/tools)

Walk Behind Spreaders
Wide Applicator
Hand Spreaders
Deep-Root Injector (if needed)

7. **Pesticide Application Equipment:**
(List both powered and hand equipment/tools)

350-Gallon Spray Rig (if needed)
Backpack Sprayers
Tree Gun
Trailor Mounted Wide Spray Applicator

C. **Staff**: - List the employees, both labor and supervision, to be routinely assigned to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Be sure to note by title any applicable licenses/certifications held by assigned personnel. Indicate with (S) if listed personnel are to be shared with another contract / project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **General Landscape Maintenance:**
(List labor, administrative, and field supervisory personnel – include any relevant education, certification, licensing information for each person listed)

SEE ATTACHED

2. **Tree Trimming/Maintenance:**
(List any ISA or equivalent certified personnel)

VICTOR SOLIS - ISA CERTIFIED TREE TRIMMER

3. **Irrigation System Maintenance:**
(List technical personnel – include any relevant education, certification, licensing information for each person listed)

JOSE LUIS SOLANO - CERTIFIED IRRIGATION TECHNICIAN
CHRIS CURRY - CERTIFIED AUDITOR
GUSTAVO CAMPOS - CERTIFIED IRRIGATION TECHNICIAN
- BACKFLOW INSPECTOR

4. **Pesticide Application:**
(List licensed and/or certified personnel. All non-licensed, non-certified personnel must have received verifiable annual training.)

ROBERT COWAN - PCL, PCA
VICTOR GARIBAY - QAL

Key Personnel

Marty Stowell, Superintendent, Operations Manager

Marty has been in the landscaping industry for over 30 years. He is responsible for the entire Maintenance Operations Department which includes overseeing all of our maintenance jobs and crews. Marty's expertise is found in maintaining city-wide maintenance contracts and HOAs in Southern California. His keen eye for scheduling and the utilization of our crews makes our maintenance operations very efficient and effective. Marty also has vast knowledge in landscape irrigation and installation, estimating and construction.

Jose Luis Solano, Supervisor, Landscape Maintenance

Jose Luis has been working in the landscape industry for over 18 years. His landscape background includes management, irrigation, maintenance and arbor care. Jose Luis is responsible for a crew of 55 employees maintaining large public and private parks, sports venues and commercial landscapes in Los Angeles and Orange Counties. Jose Luis is especially familiar with irrigation repair and maintenance. Notable projects include Anaheim Resort District, Anaheim, CA; Yorba Park, Yorba Linda, CA; and Seal Beach Naval Housing, Seal Beach, CA and Rancho Palos Verdes Parks and Trails.

City of Rancho Palos Verdes (Parks and Trails)

Currently

- Oversee the full-time maintenance crews spread out over the City's 200 acres of parks, trails and landscaped areas.
- Daily maintenance of all baseball fields, parks, trees, trails, landscapes, irrigation and facilities
- Turf renovations include, aerating, verti-cutting, overseeding/reseeding, topdressing, fertilizing, and establishing
- In charge of granular/foliar applications of fertilizer/herbicide/insecticide/ fungicide/PGR

City of Anaheim, General Supervisor on our Anaheim Projects

- Eastside Resort District, Landscape and Power Washing
- Anaheim Convention Center
- Anaheim Parks, Mowing and Trash
- Anaheim Family Justice Center
- Little Warner Basin
- Anaheim Civic Center

Angie Trejo, Office Manager, Landscape Maintenance

Rosa has over 15 years experience in landscape industry, and joined the Marina family in 2007. Angie's key strengths as an office manager include client relations and accounting. Angie is responsible for accounts payable, accounts receivable, payroll reports, and customer service. Angie is also fluent in both English and Spanish.

MV00107655

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 Mow / Edge Planters Weed Control Litter Control 4 men - 8 hrs ea.	Planters Weed Control Litter Control 2 men - 8 hrs. Irrigation Tech 8 hrs.	Planters Weed Control Litter Control Rodent Control Disease Control 1 man - 8 hrs.	Planters Weed Control Litter Control Trees 3 men - 8 hrs.	
WEEK #2 Same as Week #1				
WEEK #3 Same as Week #1				
WEEK #4 Same as Week #1				

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 Mow / Edge Planters Weed Control (Quantrac) Litter Control 3 men - 8 hrs.	Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Irrigation Tech 6 hrs.	Planters Litter Control Trees 2 men - 8 hrs.	/
WEEK #2 Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Litter Control Rodent Control 2 men - 8 hrs.	Planters Irrigation Tech. 6 hrs.	Planters Litter Control Disease Control 2 men - 8 hrs.	/
WEEK #3 Same as week #1 →				/
WEEK #4 Same As week #2 →				/

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1		Planters Weed Control Litter Control Pest & Disease Trees Irrigation Tech 4 hrs. 2 men - 6 hrs.		
WEEK #2 Same as Week #1				
WEEK #3 Same as Week #1				
WEEK #4 Same as Week #1				

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1		Planters Weed Control Litter Control Rodent & Disease Trees Irrigation Tech 2 HRS. Mow - 8 HRS.		
WEEK #2 Same as Week #1				
WEEK #3 Same as Week #1				
WEEK #4 Same As Week #1				

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1 ANNUAL SCHEDULE SHEET

JANUARY Monthly Reports.	**FEBRUARY**	**MARCH** Ensure Ground Covers is Pruned - 80 hrs.
APRIL Aerate Turf - 8 hrs Humus Fertilizer - 8 hrs. Shrub & G.C. Fert. - 8 hrs.	**MAY**	**JUNE** Ensure Ground Cover is Pruned, 80 hrs.
JULY Aerate Turf 8 hrs	**AUGUST**	**SEPTEMBER** Ensure Ground Cover is Pruned - 80 hrs. Ensure Shrubs Are Pruned - 160 hrs. Shrub & G.C. Fert - 8 hrs.
OCTOBER Aerate Turf 8 hrs. Humus Fertilizer - 8 hrs.	**NOVEMBER** Inspect all Trees over 18'	**DECEMBER** Ensure Ground Cover is Pruned - 80 hrs.

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1 ANNUAL SCHEDULE SHEET

JANUARY	**FEBRUARY** Turf Fert - 8 hrs.	**MARCH** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs.
APRIL Shrub & G.C. Fert - 8 hrs.	**MAY**	**JUNE** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs. Turf Fert - 8 hrs.
JULY	**AUGUST**	**SEPTEMBER** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs.
OCTOBER	**NOVEMBER** Inspect trees over 18' Ensure Shrubs are pruned - 40 hrs.	**DECEMBER** Ensure G.C. is Pruned - 80 hrs. Weed Control - 40 hrs.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-1A ANNUAL SCHEDULE SHEET

JANUARY Monthly Reports	**FEBRUARY**	**MARCH** Ensure Ground Cover is Pruned - 40 hrs.
APRIL Shrub & G.C. Fert. - 8 hrs.	**MAY**	**JUNE** Ensure Ground Cover is Pruned - 40 hrs.
JULY	**AUGUST**	**SEPTEMBER** Ensure Ground Cover & Shrubs are Pruned - 40 hrs. Shrub & G.C. Fert. - 8 hrs.
OCTOBER	**NOVEMBER** Inspect all Trees over 18'	**DECEMBER** Ensure Ground Cover is Pruned - 40 hrs.

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-1A ANNUAL SCHEDULE SHEET

JANUARY	**FEBRUARY**	**MARCH** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs.
APRIL Shrub & G.C. Fert - 8 hrs.	**MAY**	**JUNE** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs
JULY	**AUGUST**	**SEPTEMBER** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs.
OCTOBER	**NOVEMBER** Inspect all Trees over 18' Ensure Shrubs are Pruned - 40 hrs.	**DECEMBER** Ensure G.C. is Pruned - 40 hrs. Weed Control - 20 hrs.

4. PROPOSED ANNUAL MATERIAL SCHEDULE

A. Fertilizers:

List the fertilizers to be furnished to execute work tasks specified in Exhibit A. Specify the type (analysis/brand name), estimated amount of each type to be supplied annually, and estimated annual cost for each type (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Best Poly Supreme	2,000 LBS.	$1,500
Humus Fert.	1,800 LBS	$1,225

B. Pesticides:

List pesticides to be furnished to execute work tasks specified in Exhibit A. Specify the type (i.e., pre-emergent herbicide, rodent/snail bait, insecticide, etc.), the brand name, estimated amount of each type/brand to be supplied annually, and the estimated annual cost for each type/brand (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Round-Up	4 Gallons	$350
Giant Destroyer	2 cases	$200
Dimension (if needed)	500 LBS.	$650

5. COMMUNICATIONS, TRAFFIC SAFETY, & GREENWASTE RECYCLING

A. Communications:

The General Provisions require that the selected Contractor possess, and maintain an effective company-wide communications system. The Contractor must also designate responsible staff to be available on a twenty-four (24) hour basis to receive, and respond to emergency calls.

Describe your company's internal communications system, both in the office and in the field, and how it will enable your company to provide the communication capability as required in Scope of Services .specifications. Also, describe how your company will provide the required twenty-four (24) hour communication capability. Use additional sheets as necessary to provide a full, and comprehensive response.

See Attached

B. Traffic Safety:

The General Provisions require that the selected Contractor provide safe and effective work area traffic control, per Caltrans' "Manual On Uniform Traffic Control Devices 2010 (or most current) California Supplement, Part 6, Temporary Traffic Control". Please describe your company's general traffic control practices and training, and how your company intends, if selected, to conduct work area traffic control operations to provide service for this project. Use additional sheets as necessary to provide a full and comprehensive response.

See Attached

Communications:

Every morning our whole office and field staff reports to the Anaheim yard. We are directed by the Operations Manager and Supervisors about routes and duties. There is constant communication between all levels of operations via cell phones which are carried by all crews.

All emergency calls can be directed to our office phone number at (714) 939-6600. The after-hour emergency system will re-direct the call to Juan Galindo, who is our emergency on-call supervisor. He will immediately contact Stephen Guise, VP of Maintenance Operations, and Jose Luis Solano, Supervisor, to let them know of the situation. They will determine the best course of action and remedy the situation. This system ensures all levels of management are aware of any emergencies that may arise.

Traffic Safety:

We will set up our traffic control in accordance with the Caltrans's MUTCD Part 6. We will set up an advanced warning sign next to the curb 200 feet from the start of the working area. From that point, cones will be placed next to the curb every 30 feet until the work area is cleared, to let drivers know that work is in progress near the road. In the event we need to close a land of traffic, our trucks have the flashing light hookups. Using flashing lights, cones, warning signs, and channelizing techniques, we can direct traffic safely away from our workers. However, we do not intend to close down any lanes of traffic.

C. **Greenwaste Recycling:**

AB 939 mandates that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction. Please describe your company's program to insure that the City receives credit for the greenwaste that will be generated from executing the project's Scope of Work (Exhibit A). Be sure to include the name(s), address(es) and phone number(s) of the recycling facility(ies) that will be accepting the greenwaste generated from your operations on the project. If planning to use any recycled greenwaste products (mulch, compost, soil amendments, etc.) on the project, please give name/address/phone information of the producer if different from those listed above. Use additional sheets as necessary to provide a full and comprehensive response.

See Attached

MARINA GREEN PLAN

Marina is a landscape firm committed to the environment in everyway The company's diverse projects reflect this commitment, recreation facilities, sport fields, golf courses, hotels, resorts, commercial and industrial developments, public facilities, streetscapes, highway beautification, wetlands, re-vegetation zones, and housing developments.

Marina's landscape projects have won numerous awards from public and private agencies, and contractors' associations.

Marina Landscape is also working in the community as a leader in recycling of "green waste", trash and green waste are separated and disposed of properly. All green waste generated through the maintenance of this project will be delivered to our recycle center where the materials can be re-used to benefit the environment. Receipts will be available for inspection at anytime upon request by the City of Moreno Valley.

Marina Landscape Inc. also mulches the green waste collect from our jobsites, at our in-house location.

Regional Material Recovery
Anaheim Disposal Inc.
1131 N. Blue Gum Street
Anaheim, CA 92805
(714) 238-3300

6. LIST OF SUBCONTRACTORS

A. SUBCONTRACTORS:

In compliance with the provisions of Government Code, Section 4102, the undersigned Proposer sets forth the name and location (address) of the place of business of each subcontractor who will perform work, labor or render service to the Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent (0.5%) of the general contractor's total proposal, and the portion of the work which will be done by each subcontractor, as follows:

Name, License, and Classification No.	Place of Business and Telephone	Description of Work
N/A		

7. CERTIFICATION OF NON-DISCRIMINATION

Pursuant to California Labor Code Section 1735, as added by Chapter 643 statutes of 2039, and as amended,

No discrimination shall be made in the employment of persons upon Public Works because of race, religion creed, color, national origin, ancestry, physical handicaps, mental condition, marital status or sex of such persons, except as provided in Section 12940, of the California Labor Code and every Contractor of Public Works violating this section is subject to all penalties imposed for a violation of the Chapter.

I certify that I have read, and understand the foregoing:

SIGNATURE _____

PRINTED NAME Robert Cowan

TITLE President

COMPANY NAME Marina Landscape Inc.

DATE 2/2/11

8. PROPOSAL AFFIRMATION

With regard to the information provided hereinabove (Exhibit E: Proposal Submittal Documents), I affirm that:

- All information provided is true and correct to the best of my knowledge, and;
- I understand that a materially false statement willfully or fraudulently made in connection with this proposal may result in the termination of any Contract between the Moreno Valley Community Services District and MARINA LANDSCAPE INC., and further , the aforesaid company may be barred from participation in future District contracts and be subject to possible criminal prosecution, and;
- I have legal authority to bind MARINA LANDSCAPE INC. to the terms of this affirmation (See "INSTRUCTION TO PROPOSER", Section D. – Signature of Contract Proposal).

FOR PROPOSAL TO BE VALID, THIS SHEET MUST BE FILLED OUT (PRINTED), SIGNED AND DATED

SIGNATURE _____

NAME ROBERT COWAN

TITLE PRESIDENT

COMPANY NAME MARINA LANDSCAPE INC.

DATE 2/2/11

9. SCHEDULE II

A. BID SCHEDULE

PROPOSER: Marina Landscape Inc.
(Company Name)

SITE	SERVICE LEVEL	ESTIMATED AREA	COST PER SQ. FT.	COST PER MONTH	COST PER TWELVE MONTHS
E-1 LANDSCAPE PARKWAYS & MEDIANS (currently full service)	Full	Planter: 294,598 sq. ft.	$ .01413	$ 4,162.67	$ 49,952.04
		Turf: 148,104 sq. ft.	$ .02035	$ 3,013.92	$ 36,167.04
	Reduced	Planter: 294,598 sq. ft.	$ .00948	$ 2,792.79	$ 33,513.48
		Turf: 148,104 sq. ft.	$ .01365	$ 2,021.62	$ 24,259.44
E-1 LANDSCAPE DAY ST. MEDIANS (currently full service)	Full	Planter: 3,080 sq. ft	$ .01563	$ 48.14	$ 577.68
		Turf 8,800 sq. ft.	$ .01641	$ 144.41	$ 1,732.92
	Reduced	Planter: 3,080 sq. ft	$ .01048	$ 32.28	$ 387.36
		Turf 8,800 sq. ft.	$ .01101	$ 96.89	$ 1,162.68
E-1A LANDSCAPE PARKWAYS & MEDIANS (currently reduced service)	Full	Planter 72,655 sq. ft.	$ .01621	$ 1,177.74	$ 14,132.88
	Reduced	Planter 72,655 sq. ft.	$ .01087	$ 789.76	$ 9,477.12

The Total Amount of the Service Proposal shall be based on current service levels (**Full service for E-1 Parkways & Medians and Day St. Medians, Reduced service for E-1A Parkways & Medians**):

Figures: 97,906 and 80 /100's Dollars

Words: Ninety-Seven Thousand Nine Hundred Six and 80 /100's Dollars

All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

The Contractor shall furnish all labor, equipment, and materials necessary to provide maintenance of median and parkway, irrigation, and landscaping as set forth in Exhibit A: Scope of Work of this Contract, and; any and all addenda issued prior to the opening of Proposals; any Change Orders issued after the execution of the Independent Contractor Agreement and its attached exhibits.

Addendum No(s). N/A **has/have been received and is/are made a part of this proposal.**

President 2/2/11
(AUTHORIZED SIGNATURE AND TITLE) (DATE)

B. ADDITIONAL WORK PRICE LIST

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

Prices for Additional Work, and Routine Irrigation Repair, including, but not limited to: Exhibit A and Exhibit C

UNIT PRICES (Includes all labor and materials)

1.	1 gal. shrub/vine/ground cover in place	@	$ 10	ea
2.	5 gal. shrub/vine/ground cover in place	@	$ 26.50	ea
3.	5 gal. tree in place (stakes included)	@	$ 35 —	ea
4.	15 gal. tree in place (stakes included)	@	$ 100 —	ea
5.	24" box tree in place (stakes included)	@	$ 300 —	ea
6.	36" box tree in place (guy wires included)	@	$ 850 —	ea
7.	Flat of ground cover in place	@	$ 24.50	ea
8.	Planter bed mulch in place	@	$ 75	/cu. yd
9.	Additional labor	@	$ 21.50	/man hour
10.	Additional Irrigation Technician	@	$ 45 —	/man hour

PROPOSER: Marina Landscape Inc.
(Company Name)

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

ROUTINE IRRIGATION REPAIR PRICES

1. Irrigation repair parts for routine repairs @ cost plus 15 %

2. Unit prices for Additional Work (additional **FULL SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .015 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .017 /sq. ft./mo.

3. Unit prices for Additional Work (additional **REDUCED SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .01 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ .012 /sq. ft./mo.

4. Any other Additional Work shall be quoted per Exhibit C, Section 2.

PROPOSER: MARINA LANDSCAPE INC.
(Company Name)

10. CONTRACT PROPOSAL

The undersigned declares that he/she has carefully examined the location(s) of the proposed work, that he/she has examined the Specifications and has read the accompanying Instructions to Proposers, and hereby proposes and agrees, if this proposal is accepted, to enter into a Contract with the District for the good and faithful performance thereof, to furnish all material and do all work required to complete the said work in accordance with the Specifications, in the time and manner therein prescribed, for the unit cost and lump sum amounts set forth in the proposal and as listed as follows. The undersigned further declares that the representations made herein are made under penalty of perjury.

TOTAL BASE COMPENSATION AMOUNT (FROM Exhibit E, Section 9 (Schedule II) A. "Bid Schedule"):

Ninety-Seven Thousand Nine Hundred Six & 80/100
(Dollar Amount in Words)

$ 97,906.80
(Dollar Amount in Figures)

Date: 2/2/11

Proposer: Marina Landscape Inc.
(Company Name)

By: [signature]
(Signature)

Title: President

State License Number and Classification: #492862 A,B,C27,C36

If a corporation, complete the following:
INCORPORATED UNDER LAWS OF THE STATE OF California

PRESIDENT Robert Cowan

(Corporate Seal)

SECRETARY Robert Cowan

11. AFFIRMATION OF PROPOSAL GUARANTEE

The undersigned also affirms that:

Accompanying this proposal is cash, a cashier's check, or a certified check, or a Proposal Surety Bond for 10% of Total Bid, payable to the Moreno Valley Community Services District, which is deemed to constitute liquidated damages, if, in the event this proposal is accepted, the undersigned shall fail to execute the Contract and furnish satisfactory bonds under the conditions and within the time specified in this proposal, otherwise said cash, cashier's check, certified check or Proposal Surety Bond is to be returned to the undersigned.

Dated 2/2/11

Signature of Proposer

By Marina Landscape Inc.

Address of Proposer 1900 S. Lewis Street
Anaheim, CA 92805

Telephone Number of Proposer (714) 939-6600

Names and Addresses of Members of the Company:

Robert Cowan 1900 S. Lewis Street, Anaheim, CA 92805

Richard Cowan 1900 S. Lewis Street, Anaheim, CA 92805

(If a Corporation)

Signature of Proposer

By Robert Cowan

Title President

Business Address 1900 S. Lewis Street
Anaheim, CA 92805

Affirmation of Proposal Guarantee (cont.)

Incorporated Under Laws of the State of CALIFORNIA

State License Number and Classification # 492862 A, B, C21, C36

PRESIDENT ROBERT COWAN

SECRETARY ROBERT COWAN

TREASURER ROBERT COWAN

(Corporate Seal)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: **AWARD OF CONTRACT** – MORENO VALLEY COMMUNITY SERVICES DISTRICT PROJECT NO. E-4/11 – MAINTENANCE OF PARKWAY LANDSCAPING AND IRRIGATION FOR ZONES E-4 (MORENO VALLEY RANCH – EAST) AND E-4A (DAYBREAK)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD):

1. Approve the attached Agreement for CSD Project E-4/11 (the "Agreement") with TruGreen Landcare, and;

2. Authorize the President of the CSD Board to execute said Agreement with TruGreen Landcare, and;

3. Authorize the Purchasing Division Manager, to issue purchase orders on July 1, 2011 to TruGreen Landcare, in the amounts of:

    a. ONE HUNDRED SEVENTY-NINE THOUSAND FIVE HUNDRED AND SIXTY-FOUR AND 76/100 DOLLARS ($179,564.76) for twelve (12) months of base maintenance services and;

    b. FOURTEEN THOUSAND EIGHT HUNDRED AND 00/100 DOLLARS ($14,800.00) for anticipated Additional Work, per Exhibit C, Section 2, paragraph E. of the Agreement.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable

BACKGROUND

Advertisements requesting proposals for extensive maintenance of the public parkways and medians within the CSD Zone E-4 (Moreno Valley Ranch – East) and the parkways in Zone E-4A (Daybreak) service areas, Project E-4/11 were placed in The Press-Enterprise on February 2, 2011 and February 8, 2011. Copies of the complete RFP document were also sent to F.W. Dodge-McGraw-Hill and Bid America for publishing both in print and on-line. In addition, the RFP document was also posted on the City's website.

Representatives from eleven (11) landscape maintenance firms attended the mandatory pre-submittal meeting on February 9, 2011. At this meeting staff explained in detail the information requested in the RFP, and the proposal submittal and selection process.

Proposals were submitted to the office of the City Clerk on February 17, 2011, by eight (8) firms. Staff from the Special Districts Division of the Public Works Department reviewed the proposals that were received by the submission deadline and selected, TruGreen Landcare's proposal based on their commitment to provide the greatest amount of man power to perform the maintenance services needed as compared to the compensation rate. (See Attachment 2 – Proposal Recap Sheet).

DISCUSSION

R.F.P. No. E-4/11 provides for extensive maintenance of the public parkways and medians within the CSD Zone E-4 (Moreno Valley Ranch – East) and the parkways in Zone E-4A (Daybreak) service areas, which are located within the Moreno Valley Ranch Specific Plan development. The proposal submitted by TruGreen Landcare demonstrates that this company shall be able to perform the required services as requested and is the lowest responsible proposer by demonstrating that they will commit the necessary man power to perform the services required at a lower cost than the current contract service, which will terminate on June 30, 2011. The key provisions of the Agreement include:

1. The furnishing of contract labor, specified materials, and equipment necessary to maintain over 28 acres of extensive parkway and median landscaping and irrigation located in the E-4 and E-4A Service Areas.

2. The CSD will furnish the necessary utilities (water, electricity, and irrigation system control communication service), certain ancillary materials, and staff field inspection services to manage the irrigation systems and coordinate contractor operations.

3. The Agreement has an initial term of twelve months, commencing on July 1, 2011, and terminating on June 30, 2012. The CSD, at its option, may enter into negotiations with the contractor to extend the Agreement for additional one-year

periods, not to exceed a total of four such extensions (Exhibit D, Section 1, paragraph B. of the Agreement).

ALTERNATIVES

1. By approving the Agreement with TruGreen Landcare, and authorizing the issuance of a purchase order at the start of the 2011/12 fiscal year, contingent upon execution of the Agreement, submittal of satisfactory proofs of insurance, and payment and submittal of performance bonds the CSD Board will provide for base maintenance services for the landscaped parkways and medians associated with CSD Zone E-4 (Moreno Valley Ranch – East) and parkways of Zone E-4A (Daybreak). TruGreen Landcare's proposal was complete and comprehensive. The firm's municipal references and the level of care it provides on agency contracts of comparable types indicate its ability to perform satisfactorily under the scope of this Agreement. *By accepting this proposal, the CSD will ensure continuity of service to the E-4 Parkways & Medians and to the E-4A Parkway landscaped areas.*

2. By not accepting the proposal from TruGreen Landcare, and directing staff to publish a second solicitation of proposals maintenance for CSD Zone E-4 (Moreno Valley Ranch – East) and Zone E-4A (Daybreak) landscaped parkways and medians may incur a lapse in maintenance services while attempting to obtain a more favorable contract term. *This alternative would consume additional staff time and resources with no assurance of receiving a more favorable result for the CSD.*

FISCAL IMPACT

The necessary annual purchase orders for the initial term of this contract are set forth below.

Purchase Order Type/Fund/Business Unit	2011/2012 Fiscal Year P.O. Amount
Base Contract	
00182.78250.6261	$173,984.76
00182.78282.6261	$ 5,580.00
Additional Work	
00182.78250.6261	$ 13,500.00
00182.78282.6261	$ 1,300.00
Total P.O. Amounts	**$194,364.76**

The above amounts have been budgeted for Zone E-4 and Zone E-4A for the coming fiscal year, with costs to be recovered through annual CSD parcel charges. The parcel charges collected may only be used for landscape maintenance services of parkways and medians in the Moreno Valley Ranch Specific Plan area. **This action will not impact the City's General Fund.**

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS
By accepting the proposal of TruGreen Landcare, the CSD Board will continue to promote community image, as well as neighborhood pride and cleanliness, while ensuring that these public facilities are properly cared for.

SUMMARY

The actions before the CSD Board are to approve the attached Agreement for Project E-4/11, authorize the Board President to execute the Agreement with TruGreen Landcare, and authorize the Purchasing Division Manager, at the start of Fiscal Year 2011/12, to issue purchase orders to TruGreen Landcare for twelve months of base maintenance services and anticipated Additional Work.

NOTIFICATION

Not applicable.

ATTACHMENTS

Attachment 1. Zones E-4 and E-4A Vicinity Maps

Attachment 2. Proposal Recap Sheet

Attachment 3. Copy of Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Concurred By
Candace E. Cassel
Special Districts Division Manager

Concurred By
Daniel Monto
Senior Landscape Services Inspector

Department Head Approval
Chris A. Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107683

Attachment
1
(Behind this page)

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-4 • Moreno Valley Ranch - East

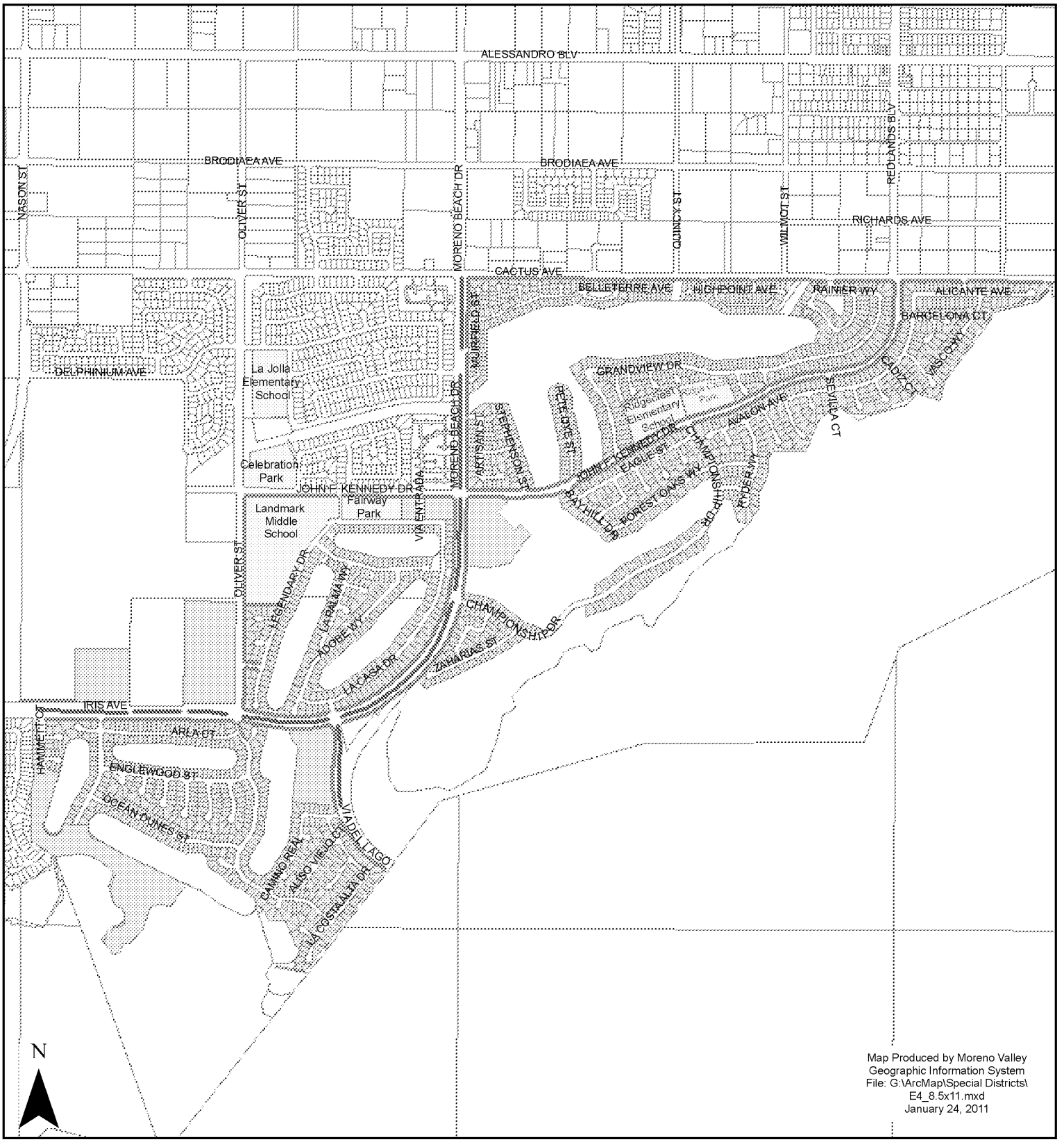

Map Produced by Moreno Valley
Geographic Information System
File: G:\ArcMap\Special Districts\
E4_8.5x11.mxd
January 24, 2011

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages [illegible] map is

Landscaped Parkway

Landscaped Median

Zone E-4 Parcels

MORENO VALLEY
WHERE DREAMS SOAR

Item No. B.5

MV00107685

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-4A • Daybreak - Internal Landscape Maintenance

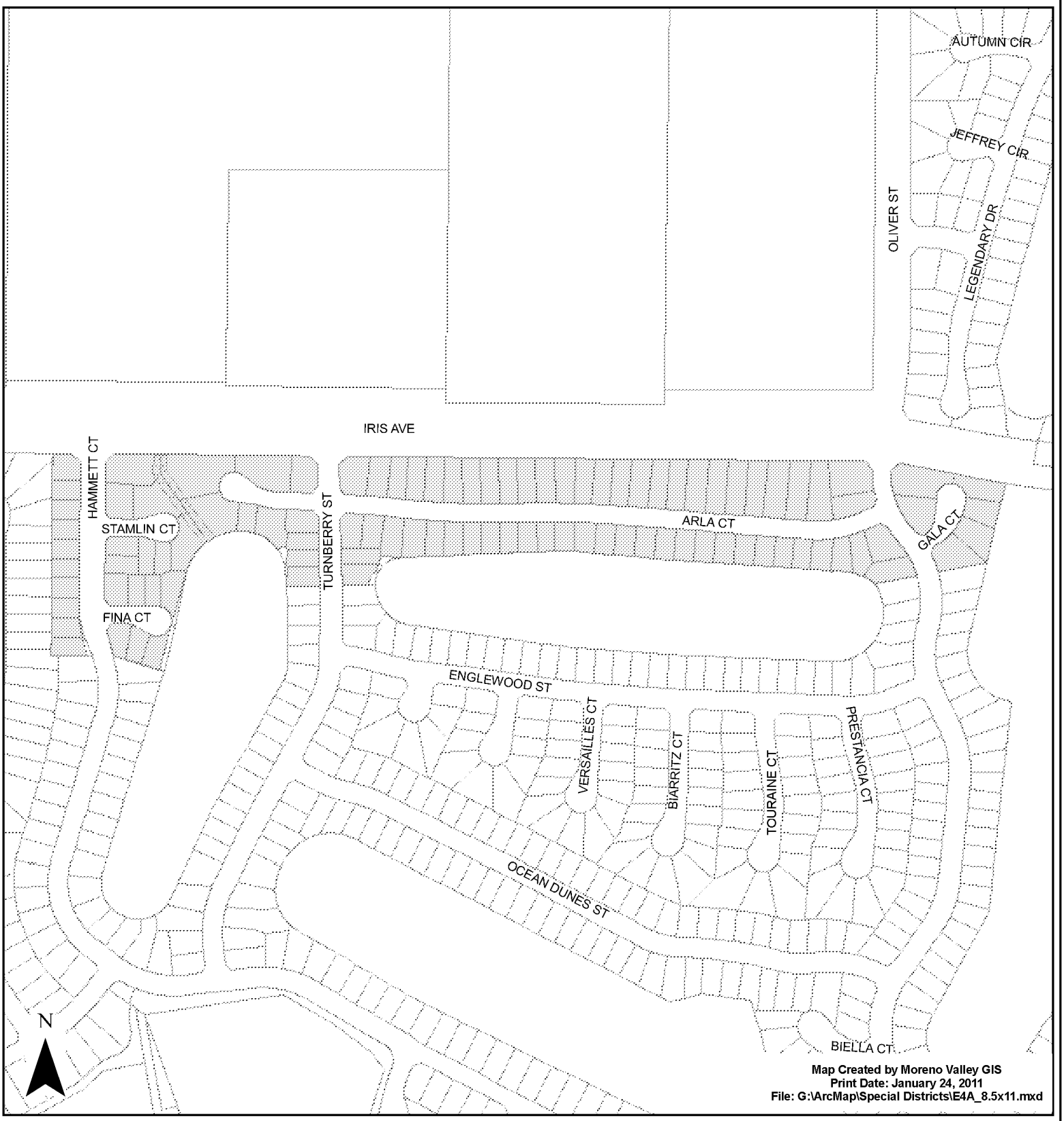

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Landscaped Open Space

Zone E-4A Parcels

MORENO VALLEY

Item No. B.5

MV00107686

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MV00107687

PROJECT E-4/11
PROPOSAL RECAP SHEET
LOWEST RESPONSIVE AND RESPONSIBLE PROPOSAL

Proposer	PRICE	SCH. 1 COMPLETED ?	CERT. OF NON. DISCRIM.?	SCH. 2 COMPLETED ?	PROPOSPAL SURETY?	SIGNATURES NOTARIZED?	NON-COLLUSION AFFIDAVIT?	ADDENDUM ACKNOWLEDGED	MEETS SPECIFICATIONS AND TERMS & CONDITIONS OF RFP
BEMUS	$189,468.00	YES	YES	YES	YES	YES	YES	N/A	YES
MARINA	$148,076.52	YES	YES	YES	YES	YES	YES	N/A	YES
TRUGREEN	$179,564.76	YES	YES	YES	YES	YES	YES	N/A	YES
MERCHANTS	$194,234.00	YES	YES	YES	YES	YES	YES	N/A	YES
SPECTRUM	$224,712.00	YES	YES	YES	YES	YES	YES	N/A	YES
MIDORI GARDENS	$273,397.56	YES	YES	YES	YES	YES	YES	N/A	YES
EXCEL	$281,973.76	YES	YES	YES	YES	YES	YES	N/A	YES
MARIPOSA	$135,168.00	YES	YES	YES	YES	YES	YES	N/A	YES

Note:

Although TruGreen was not the lowest proposer, they were the lowest responsible proposer, as demonstrated in their proposal. TruGreen's proposal will commit 32% more man power while asking for 25% more compensation than Mariposa and 33% more man power while asking for 18% more compensation than Marina. The current contractor for the 2010/11 fiscal year, Bemus Landscape Inc. provides 192 man hours per week at a cost of $192,223.20 per year. TruGreen is willing to commit 168 man hours per week as compared to Mariposa Landscape Inc. who is willing to commit 115 man hours per week and Marina Landscape Inc. who is willing to commit 112 man hours per week.

Attachment 2

MV00107688

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MV00107689

INDEPENDENT CONTRACTOR AGREEMENT

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

This Contract Agreement, effective as of the day signed by the City Manager (acting in the capacity of District Manager to the Moreno Valley Community Services District) or Mayor (acting in the capacity of President to the Moreno Valley Community Services District), is made between the Moreno Valley Community Services District, a Community Services District established pursuant to Section 61000 and following of the California Government Code, hereinafter referred to as the "District", and the following named independent contractor, hereinafter referred to as the "Contractor," based upon District policies and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

1. CONTRACTOR INFORMATION:

Contractor's Name	TruGreen Landcare
Street Address	1616 Marlborough Ave.,
Street Address	Bldg. S
City, State, Zip	Riverside, CA 92507
Mailing Address (If same as Street Address, write same or same as above)	Same as Above
Business Phone (with area code)	(951) 688-6880
Cell or Mobile Phone (with area code)	
Other Contact Number (with area code)	
Fax Number	(951) 686-1436
Email Address	
Social Security Number	
Business License Number	07754
Federal Tax ID Number	36-4313318
Contractor's License Number & Classification	774548 C-51, D-49, C-27

2. CONTRACTOR SERVICES, FEES, AND RELEVANT DATES:

A. The Contractor's scope of work, responsibilities, requirements, provisions, and additional terms and conditions required to be performed by the Contractor the services of this RFP are described in Exhibit "A" attached hereto and incorporated herein by this reference.

B. The District's responsibilities, other than payment, are described in Exhibit "B" attached hereto and incorporated herein by this reference.

C. Payment terms are provided in Exhibit "C" attached hereto and incorporated herein by this reference.

D. The Contract Starting Date is July 1, 2011 and the Contract Ending Date is June 30, 2012. Any provisions for extending the term of the Contract for subsequent terms are provided in Exhibit "D" attached hereto and incorporated herein by this reference. The District acknowledges that it will not unreasonably withhold approval of the Contractor's requests for extensions of time in which to complete the work required. The Contractor shall not be responsible for performance delays caused by others or delays beyond the Contractor's reasonable control (excluding delays caused by non-performance or unjustified delay by Contractor, his/her/its employees, or subcontractors), and such delays shall extend the time for performance of the work by the Contractor.

E. Contractor's Proposal, including but not limited to the Bid Schedule, Additional Work Price List, Contract Proposal, Proposed Project Work Schedules, Proposed Annual Material Schedule, Contractor Information, Certification of Non-Discrimination, and List of Subcontractors, are described in Exhibit "E" attached hereto and incorporated by this reference.

3. STANDARD TERMS AND CONDITIONS:

A. Control of Work. Except for compliance with specifications and performance standards provided for in Exhibit "A," the Contractor is solely responsible for the content and sequence of the work, and will not be subject to control and direction as to the details and means for accomplishing the anticipated results of services. The District will not provide, nor be responsible to provide, any training to the Contractor or his/her/its employees.

B. Intent of Parties. Contractor is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Contractor or any individual whose compensation for services paid by the Contractor, an agent or employee of the District, or authorizing the Contractor to create or assume any obligation or liability for or on behalf of the District, or entitling the Contractor to any right, benefit, or privilege applicable to any officer or employee of the District.

C. Subcontracting. Contractor may retain or subcontract for the services of other necessary contractors with the prior written approval of the District. Payment for such services shall be the responsibility of the Contractor. Any and all subcontractors shall be subject to the terms and conditions of this Contract, with the exception that the District shall have no obligation to pay for any subcontractor services rendered. Contractor shall be responsible for paying prevailing wages where required by law [See California Labor Code Sections 1770 through 1777.7].

D. Legal Considerations. The Contractor shall comply with applicable federal, state, and local laws in the performance of this Contract.

E. Contractor Indemnification. Contractor shall indemnify, defend and hold the City of Moreno Valley (City), the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (District), and the their officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of Contractor's performance of the work contemplated by this Contract. Acceptance of these terms by both parties constitutes a Contract and signifies that the Contractor is not covered under the City's general liability insurance, employee benefits, or worker's compensation. It further establishes that the Contractor shall be fully responsible for such coverage.

F. District Indemnification. The District agrees to indemnify, defend and save the Contractor and his/her/its officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and the District's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the District under this Contract, or are caused or claim to be caused by the negligent acts of the City, RDA, and the District, their officers, agents or employees, or its subcontractor(s) or any person acting for the District or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the sole negligence or willful misconduct of the Contractor, its officers, agent, employees, or subcontractors.

G. Insurance Requirements. Where determined applicable by the District, Contractor will comply with the following insurance requirements at its sole expense. Insurance companies shall be rated (A Minus: VII—Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct business in the State of California:

☒ General Liability Insurance—to protect against loss from liability imposed by law for damages on account of bodily injury, including death, and/or property damage suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Contractor, subcontractor, or any person acting for the Contractor or under its control or direction. Such insurance shall be maintained in full force and effect throughout the terms of the Contract and any extension thereof in the minimum amounts provided below:

Bodily Injury	$1,000,000 per occurrence/ $2,000,000 aggregate
Property Damage	$1,000,000 per occurrence/ $2,000,000 aggregate

☐ Professional Errors and Omission Insurance—such coverage shall not be less than $1,000,000 per claim and aggregate.

☒ Worker's Compensation Insurance—in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Contractor and the City, RDA, and District against any loss, claim or damage arising from any injuries or occupational diseases happening to any worker employed by the Contractor in the course of carrying out the

Agreement. This coverage may be waived if the Contractor is determined to be functioning as a sole proprietor and the city provided form "Exception to Worker's Compensation Coverage" is signed, notarized and attached to this Contract

☒ Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City/RDA/District premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

☐ Insurance requirements waived with Risk Manager's approval.
By: _____ Date: _____
(Risk Manager)

☐ Insurance requirements modified with Risk Manager's approval and attached hereto as Exhibit "F" and incorporated herein by this reference.

A Certificate of Insurance and appropriate additional insured endorsement evidencing the above applicable insurance coverage shall be submitted to the City's Risk Manager prior to the execution of this Contract. The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

Solely as respect to services done by or on behalf of the named insured for the Moreno Valley Community Services District, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, the Moreno Valley Community Services District, and, their officers, employees and agents, under any third party liability policy.

The terms of the insurance policy or policies issued to provide the above coverage shall neither be amended to reduce the required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail to the City of amendment or cancellation , except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the insurance is canceled, the Contractor shall, prior to the cancellation date, submit to the Risk Manager new evidence of insurance in the amounts established.

H. Intellectual Property. Any system or documents developed, produced or provided under this Contract, including any intellectual property discovered or developed by Contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the District unless explicitly stated otherwise in this Contract. The Contractor may retain copies of any and all material, including drawings, documents, and specifications, produced by the Contractor in performance of this Contract. The District and the Contractor agree that to the extent permitted by law, until final approval by the District, all data shall be treated

as confidential and will not be released to third parties without the prior written consent of both parties.

I. Entire of the Contract. This Contract constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Contract. This Contract applies only to the proposal attached. This Contract may be modified or amended only by a subsequent written Contract signed by both parties. Assignment of this Contract is prohibited without prior written consent.

J. Termination.

1. Either party may terminate this Contract upon breach of the Contract by the other party. In the event the District terminates the Contract, the Contractor shall perform no further services under the Contract unless the notice of termination authorizes such further work.

2. The District may terminate this Contract without fault on the part of the Contractor by giving at least ten (10) days written notice to the Contractor. The written notice shall specify the date of termination. Upon receipt of such notice, the Contractor may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the District. The District shall pay the Contractor within thirty (30) days after the date of termination for all non-objected to services performed by the Contractor in accordance herewith through the date of termination.

K. Payment. Payments to the Contractor, pursuant to this Contract will be reported to Federal and State taxing authorities as required. The District will not withhold any sums from compensation payable to Contractor, except as provided for in Exhibit "C". Contractor is independently responsible for the payment of all applicable taxes. Where the payment terms provide for compensation on a time and materials basis, the Contractor shall maintain adequate records to permit inspection and audit of the Contractor's time and materials charges under the Contract. Upon reasonable notice, such records must be made available to the District's agent; however, nothing herein shall convert such records into public records. Such records shall be retained by the Contractor for three (3) years following completion of the services under the Contract.

L. Restrictions on District / City Employees. The Contractor shall not employ any District or City employee or official in the work performed pursuant to this Contract. No officer or employee of the District or City shall have any financial interest in this Contract in violation of federal, state, or local laws.

M. Choice of Law and Venue. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Contract, and shall govern the interpretation of this Contract. Any legal proceeding arising from this Contract shall be brought in the appropriate court located in Riverside County, State of California.

N. Notices. All notices, requests, demands or other communications ("notice") under this Contract by any party shall be in writing, shall be properly addressed as set forth below (or to such other address as any party may later designate), and shall be sufficiently given on the date: (a) of service if served personally upon the person to whom notice is to be given, (b) receipt is confirmed with the addressee by telephone if a notice is sent by telex, telecopier, facsimile or other telecommunication facility, or (c) of receipt if a notice is sent by courier or by registered or certified mail, return receipt requested, postage prepaid:

To Contractor: 1616 Marlborough Ave., Bldg. S, Riverside, CA 92507
[Mailing Address (Post Office Box, if applicable]
(951) 688-6880
[Telephone number]
(951) 686-1436
[Fax number]

[Email address]

With a copy to:

[Attorney for Contractor, if applicable]

[Street Address]

[Post Office Box, if applicable]

[City, State, Zip]

[Telephone number]

[Fax number]

[Email address]

To CSD: MORENO VALLEY COMMUNITY SERVICES DISTRICT
Public Works Department
Special Districts Division
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: Daniel Monto, Senior Landscape Services Inspector
Telephone number: 951. 413-3480
Fax Number: 951. 413-3498

With a copy to: City Attorney's Office [if applicable]
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Attn: City Attorney
Telephone number: 951. 413-3036
Fax number: 951. 413-3034

SIGNATURE PAGE TO FOLLOW:

SIGNATURE PAGE

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement

Moreno Valley Community Services District	TruGreen Landcare
By: _____	By: Manuel Mendez
Title: Mayor, acting in the capacity of President of the Board of Directors of the Moreno Valley Community Services District	Title: (President or Vice President) BRANCH MANAGER
Date: _____	Date: 4-14-11

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

By: _____
Title: Corporate Secretary or Assistant Secretary
(If applicable)

Date: _____

Affix Corporate Seal Below
(If applicable)

Attachments

EXHIBIT A
R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. SCOPE OF WORK

A. The work to be performed under this Contract shall include the furnishing of all labor, material, and equipment necessary for the provision of landscape and appurtenant maintenance services within the boundaries of the various zones of the District as determined in the resolutions of the City Council establishing said zones, and as said boundaries may have been heretofore or may be hereafter altered, and as more particularly shown on the Location Map or Maps attached at the end of this exhibit, Section 23, Project Location Map.

B. The Contractor shall have the duty to: mow, edge, trim, and fertilize turf and shrub areas designated hereunder; regularly maintain and prune trees up to eighteen feet (18') in height; remove litter and debris from all sites as required under this Contract; provide general pest control services as requested, including but not limited to weeds, insects, and diseases; maintain irrigation systems; hand water and bleed valves as necessary during emergencies when automatic systems are not functioning.

C. All work shall be performed in accordance with usual and customary horticultural practices to achieve, and maintain healthy, viable landscapes. The Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director" will periodically inspect all the operations and approve or reject the work performed, and methods or materials used, and make changes in work scheduling.

D. The Contractor shall be responsible for carefully reviewing the site(s), and verifying the square footage noted for each location of proposed work is included in the Proposal. The Contractor shall not be relieved of his/her/its liability under this Contract, nor the District or City be held liable for any loss sustained by the Contractor as a result of any variance between conditions as referred to in the Technical Provisions, and the actual conditions revealed during the examination of the locations of the proposed work.

E. All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

2. SCHEDULING OF WORK

A. The Contractor shall adhere to the facilities, equipment and staffing schedule, and monthly and annual work schedules submitted as a part of the Contractor's bid, and incorporated herein by this reference. These schedules, and any approved revisions thereto, shall be used by the District as a basis for determining Contractor's satisfactory performance.

B. Revisions to facilities, equipment, staffing, or monthly and annual work schedules shall not be implemented without the prior written approval of the Director. The Contractor shall submit proposed revisions to equipment and staffing, or monthly and annual work schedules in writing to the District at the address as set forth in Exhibit A, Section 3, paragraph N. of the Contract at least ten (10) working days prior to commencing work per the proposed revisions.

C. Failure to submit proposed revisions to equipment, staffing, or work schedules by the time limits established hereinabove may result in the Contractor becoming liable to the District for non-performance penalties per Exhibit C, Section 4.

D. The above provisions shall not be construed to eliminate the Contractor's responsibility for complying with the requirement to notify the Director for Specialty type maintenance as set forth immediately hereinafter.

E. The Contractor shall notify the Director in writing at least five (5) working days prior to the date and time of all "Specialty" type maintenance operations, which shall include, but are not limited to:

1. Fertilization;
2. Turf Aeration;
3. Application of pesticides by any method;
4. Other operations so designated by the Director.

Notification of "Specialty" maintenance operations shall include a brief description of intended method(s) of execution, materials to be used, and the dates for commencement and completion of said operations. Failure to complete "Specialty" operations by the indicated date may result in the assessment of non-performance penalties per Exhibit C, Section 4.

F. When inclement weather renders performance per approved schedule unsafe, impractical, or liable to damage landscaping, the Contractor shall adjust his work force in order to accomplish those work items not affected by weather, and shall contact District field staff to inform them of said alternate work assignments. Failure to advise the District may be cause for assessment of non-performance penalties per Exhibit C, Section 4.

G. For the purposes of this Contract, "Working Days" shall be Mondays through Thursdays, excluding holidays as provided herein. The hours of maintenance service shall be from 7:00 a.m. to 4:30 p.m. on those days maintenance is to be provided pursuant to the work schedule as approved by the Director. Any work the Contractor proposes to perform outside of the days and hours set forth hereinabove, as well as on legal City holidays, shall not be undertaken without the prior written approval of the Director.

The following days have been designated as holidays by the City:

New Year's Day	January 1
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If a holiday falls upon a Sunday, the following Monday shall be the day the holiday is observed. If a holiday falls upon a Saturday, the preceding Friday shall be the day the holiday is observed. If a scheduled maintenance service day falls on a designated holiday, the Contractor shall submit a proposed make-up day for the Director's approval.

3. FUNCTIONS AND RESPONSIBILITIES

A. The Director and Contractor shall conduct an inspection of all sites covered under this Contract as soon as practicable after its execution, and prior to commencement of Contractor's operations. Following said inspection, the Contractor shall submit to the Director a written affidavit certifying the actual condition of the site(s) relative to District Specifications, including but not limited to the nature and extent of any deficiencies noted by the Contractor, and acknowledged by the Director. The Contractor is hereby advised that this affidavit shall serve as the benchmark for the Director's evaluation of Contractor's performance under this Contract. Failure to maintain site(s) up to this established standard may result in the District deducting payment of all or part of the Contractor's compensation, as further described in Exhibit C., Section 3.

B. The Contractor shall on an ongoing basis maintain a monthly log that records all work performed by the Contractor. Said log shall be in a form and content acceptable to the Director (see Appendix B, Monthly Report Form), and shall be submitted to the Director by the tenth day of each month, one (1) month in arrears. The monthly payment for the work so reported will not be authorized until such report (Monthly Report) is received, and approved by the Director.

C. The Contractor shall perform at least one maintenance inspection weekly during daylight hours of all sites. Such inspection shall be both visual and operational, including but not limited to, operation of all automatic irrigation systems to check for proper condition, and reliability. Additionally, the Director may require the Contractor to attend meetings with the District field staff at some fixed interval to review the Contractor's operations, and schedule such future work as may be ordered by the Director. Failure to conduct said weekly inspections or attend regularly scheduled meetings may result in the assessment of non-performance penalties per Exhibit C., Section 4.

D. The Contractor shall maintain an office at some fixed place, and shall maintain an operable telephone thereat, listed in the telephone directory in Contractor's own name or in the Contractor's company name, and shall at all times employ some responsible person(s) to take the necessary action regarding all inquiries, complaints, and/or emergency calls that may be received from the Director or other authorized individuals or agencies as listed in Exhibit A, Section 3., paragraph E. below. This person(s) shall be reachable twenty-four (24) hours per day, seven (7) days a week. During normal working hours, the Contractor's Supervisor or employee designated as being responsible for providing maintenance services to the District shall be directly available for immediate notification through some type of reliable electronic means, including but not limited to, mobile or cellular phone, two-way radio, or pager. The Contractor or Contractor's designated employee shall confirm said notification within one (1) hour of receipt. An answering service will be considered an acceptable substitute for coverage only during periods outside of normal working hours, provided Contractor is advised of emergency calls within one (1) hour of receipt of the call by the answering service and within twenty-four (24) hours after receipt of non-emergency calls by the answering service. The above provision for Contractor's communication with the District is the minimum acceptable standard under this Contract. Failure to regularly provide said communication capability may result in the Contractor being assessed non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall respond to an emergency call from any of the parties listed below no later than two (2) hours following first notification by facsimile transmission, or in writing, or by telephone. In situations involving emergency repair work after normal working hours, the Contractor shall dispatch qualified personnel, and equipment to reach the site within two (2) hours of first notification. An emergency may be called by the following individuals or agencies at **any** time:

1. City Manager
2. Director of Public Works
3. Police Department
4. Fire Department
5. Special Districts Division Manager
6. Street Maintenance Supervisor
7. Senior Landscape Services Inspector
8. Landscape Services Inspector

Contractor's emergency response and any necessary corrective work shall be considered Additional Work as defined in Exhibit C., Section 2, unless said emergency is determined to have been caused by an act or omission attributable to the Contractor.

4. CONTRACTOR'S STAFF

A. The Contractor shall provide sufficient personnel to perform all work in accordance with the Specifications set forth herein. All of the Contractor's maintenance personnel shall be supervised at the work site(s) by a qualified Supervisor in the employ of the Contractor. Work Site Supervisors must be able to demonstrate to the satisfaction of the Director that they possess adequate technical background, and communication skills to perform the intended services. Adequate and competent supervision shall be provided for all work done by the Contractor's employees to ensure accomplishment of high quality work, which will be acceptable to the Director. Any order or communication given to the Work Site Supervisor shall be deemed to have been delivered to the Contractor.

B. The Contractor and his employees and subcontractors, if any, shall conduct themselves in a proper, professional, and efficient manner at all times, and shall cause the least possible inconvenience to the public.

C. The Director may require the Contractor to remove from the work site any employee(s) deemed careless, incompetent, or otherwise objectionable, whose continued employment on the job is considered to be contrary to the best interests of the District.

D. The Contractor shall require each employee performing work under the Contract to adhere to basic public works standards of working attire, including but not limited to wearing of proper clothing, proper shoes, and other gear required by applicable Safety Regulations and/or fertilizer/pesticide label requirements..

   Shirts shall be worn at all times, and shall be buttoned. Approved safety vests shall be worn by Contractor's employees when working on parkway medians, monuments, parkways, and other high traffic-hazard areas as determined by the Director. Failure to comply with the above requirements may make the Contractor liable for assessment of non-performance penalties, per Exhibit C., Section 4.

E. The Contractor shall establish an identification system for Contractor's personnel which clearly indicates to the public the name of the Contractor. The identification system shall be furnished at the Contractor's expense and may include appropriate attire, and/or name badges as specified by the Director.

5. EMPLOYMENT OF APPRENTICES

The provisions of Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code regarding the employment of properly registered apprentices may apply to this Contract if the Contractor, or any subcontractors thereunder, employs workers in any apprenticeable craft or

trade. It is the Contractor's sole responsibility to comply with the Labor Code sections cited above. Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the California Department of Industrial Relations.

6. COMPLAINTS

A. All complaints shall be responded to as soon as possible after notification, but in all cases within twenty-four (24) hours, to the satisfaction of the Director. If any complaint is not satisfactorily responded to within twenty-four (24) hours, the Director shall be notified immediately of the reason for not remedying the complaint followed by a written report to the Director within five (5) working days. If the complaints are not remedied within the time specified, and to the satisfaction of the Director, the Director may correct the specific complaint by using an alternative source. The total cost incurred by the District to effect necessary remedies will be deducted from the payments owing to the Contractor from the District, per Exhibit C., Section 3.

B. The Contractor shall maintain a written log of all complaints, the date and time thereof, and the action taken pursuant thereto, or the reason for non-action. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above.

C. In addition to the provisions of Section 6., paragraph A. above, in the event of a failure by the Contractor to satisfactorily remedy a complaint in a timely manner or for any other breach of this Contract by Contractor, the District may immediately upon written notice to the Contractor terminate this Contract.

7. SAFETY

A. The Contractor agrees to perform all work as outlined in the Provisions listed herein in such a manner as to meet all accepted standards for safe practices and to safely maintain equipment, machines, and materials, and prescribe and employ all precautions and safety procedures related to other hazards consequential to the work; and accepts additionally the sole responsibility for complying with all local, State, Federal and other legal requirements including but not limited to, full compliance with the terms of any and all applicable OSHA and Cal/OSHA Safety Orders at all times so as to protect all persons, including Contractor's employees and subcontractors, agents of the District, City, materialmen, vendors, members of the public and others from foreseeable injury, or damage to their property.

B. The Contractor's operations shall be conducted in such a manner as to cause the least possible obstruction, and inconvenience to public traffic. The Contractor shall furnish, erect and maintain such fences, barriers, lights and warning signs as may be deemed necessary by the Director, or any duly constituted public safety official.

Contractor's work area traffic control, including but not limited to type and placement of signs, barricades, and delineators, shall be in accordance with the "Manual of Uniform Traffic Control Devices, 2010 (or most current) California Supplement".

Contractor's work should not encroach into open lanes of traffic between the hours of 7:00 a.m. and 8:30 a.m., or between the hours of 3:30 p.m. and 6:00 p.m.

C. The Contractor shall maintain all work sites free of hazards to persons or property resulting from Contractor's operations. The Contractor shall inspect for all potential hazards at said areas under maintenance, and keep a log indicating date inspected, and action taken. Said log shall be submitted to the Director monthly as set forth in Section 3, paragraph B. above. Any hazardous condition noted by the Contractor, which is not a result of Contractor's operations, shall be immediately reported to the Director.

D. The Contractor shall be responsible for making minor corrections, including but not limited to, filling holes in turf areas, replacing valve box covers, and repairing irrigation systems, so as to protect members of the public or others from injury.

The Contractor shall cooperate fully with the District or City in the investigation of any accidental injury or death occurring on the site, including a complete written report thereof to the Director within five (5) working days following the occurrence.

E. Failure to comply with the provisions of this section of Exhibit A may result in: payment deduction per Exhibit C, Section 3 of the Contract, or assessment of non-performance penalties per Exhibit C., Section 4. Repeated failure to comply with the provisions of this section may result in contract termination, per Exhibit A, Section 3, paragraph J of the Contract Agreement.

8. USE OF CHEMICALS

A. Before the beginning of the Contract period, the Contractor shall submit a list, which shall include the exact Brand Name, Label, and Material Safety and Data Sheet (MSDS).of all chemicals proposed for use under this Contract, including but not limited to fertilizers and pesticides, for approval by the Director. Where applicable, materials included on this list shall be chemicals as approved by the State of California Department of Food and Agriculture.

B. Director shall be notified in writing of any changes or deviations from the above list. Use or application of said materials shall not be made prior to approval by the Director. Failure to comply with this requirement may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. Chemical applications, including but not limited to fertilizers and pesticides, shall be made in strict compliance with the label directions, restrictions, and precautions as well as with any other requirements deemed necessary by any county, state, or federal regulatory agency, or the Public Works Department of the City of Moreno Valley.

D. Contractor shall report all fertilizers and pesticides used in performance of the work as an element of Contractor's Monthly Report, as set forth in Section 3, paragraph B above. This report shall include: the date, time of day, location, type of material, method of application, and environmental data.

9. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - REQUIRED URBAN RUNOFF MANAGEMENT TRAINING

The Contractor shall provide National Pollutant Discharge Elimination System (NPDES) Permit training for Urban Runoff Management to Contractor's employees and subcontractors if any. Failure to provide Urban Runoff Management training is a violation of Order No. R8-2002-0011, NPDES No. CAS 618033 (Municipal Separate Storm Sewer System NPDES Permit), Section XI.I, for each day of which such failure occurs, and shall in addition, be a breach of the Contract with the City of Moreno Valley (City). Contractor understands and agrees that NPDES Permit violations are grounds for enforcement action by the Environmental Protection Agency, the State/Regional Water Resources Control Board, and the City and may result in permit termination (stop work order), civil and criminal fines, and termination of Contract. By submitting a proposal, the Contractor certifies to the City that Contractor's employees and subcontractors, if any, have been trained for Urban Runoff Management, and sufficient sums are included in the proposal's amount to cover costs of such said training.

10. LICENSES AND PERMITS

The Contractor shall, without additional expense to the District or City, possess all licenses and permits, including but not limited to a valid City Business License, required for the performance of the work under this Contract.

11. PREVAILING WAGE

A. Pursuant to provision of Section 1773 of the Labor Code of the State of California, the Moreno Valley Community Services District has obtained the general prevailing rate of per diem wages applicable for the work to be done, including but not limited to: straight time, overtime and holiday work; travel and subsistence payments; employee payments of health and welfare, vacation, pension, and similar purposes. Said rate and scale are on file with the Public Works Department of the City of Moreno Valley, and copies will be made available to any interested party on request. These rates shall be the minimum wage rates for this project. Throughout the term of this Contract, the Contractor will be required to post a copy of said rate, and scale as required by the Labor Code.

B. Pursuant to provisions of Section 1775 of the Labor Code, the Contractor shall forfeit as penalty to the Moreno Valley Community Services District, not more than fifty dollars ($50.00) for each laborer, workman, or mechanic employed for each calendar day or portion thereof, if such laborer, workman, or mechanic is paid less than the general prevailing rate of wages hereinabove stipulated for any work done under the attached contract, by the Contractor or by any subcontractor under Contractor's direction and control, in violation of the provisions of said Labor Code.

12. PAYROLL RECORDS

A. The Contractor, and any subcontractor thereunder, shall keep complete and accurate payroll records for each workman employed by Contractor/subcontractor in connection with this Contract, as required by California Labor Code Section 1776.

B. The Contractor, and any subcontractor thereunder, shall make available to the District upon its request certified payroll records for each workman employed in connection with this contract as required by California Labor Code Section 1776.

C. The District may withhold from Contractor's progress payments the penal sum of twenty-five dollars ($25.00) per calendar day (or portion thereof) for each worker employed in connection with this Contract should Contractor, or any subcontractors thereunder, fail to strictly comply with California Labor Code 1776 after receiving written notice of non-compliance.

13. BONDS

Pursuant to Section 3247 of the Civil Code, the Contractor hereby agrees to provide and maintain in full force and effect for the duration of this Contract, two (2) good, and sufficient surety bonds, to wit:

A. A "Faithful Performance Bond" in the amount of one hundred percent (100%) of the contract price, which shall guarantee the faithful performance of all work, and;

B. A "Materials and Labor Bond" in the amount of one hundred percent (100%) of the contract price, which shall secure the payment of the claims of labor, mechanics or materialmen for all work performed hereunder.

14. SUBSTITUTION OF SECURITIES

Pursuant to California Public Contract Code Section 22300, the Contractor will be permitted the substitution of securities for any monies withheld by the Moreno Valley Community Services District to ensure performance under Contract. At the request and expense of the Contractor, securities equivalent to the amount withheld shall be deposited with the Moreno Valley Community Services District, or with a state or federally chartered bank as the escrow agent, who shall pay such monies to the Contractor. Securities eligible for substitution under this section shall include those listed in Section 16430 of the Government Code, bank or savings and loan certificates of deposit, interest-bearing demand deposit accounts, and standby letters of credit. The Contractor shall be the beneficial owner of any securities substituted for monies withheld, and shall receive any dividends or interest thereon. The Contractor shall give the District written notice within thirty (30) days after the Contract is awarded that it desires to substitute securities for money that would ordinarily be withheld. If the substituted securities are deposited into an escrow, the escrow shall be governed by a written escrow agreement in a form which is substantially similar to the agreement set forth in Section 22300 of the Public Contract Code.

15. CONTRACTOR'S LIABILITY

A. The Contractor shall be responsible for all damages to people and/or property that occur as a result of the fault or negligence attributable to Contractor in connection with the performance under this Contract. Any and all restitution or repairs deemed necessary by the Director to remedy such damages shall be furnished and performed at the Contractor's sole expense, and shall be completed within the time limits established by the Director.

B. Repairs made to sites and site appurtenances that are damaged as a result of Acts of Nature, vandalism, theft, and acts or omissions by third parties or any other occurrence not attributable to the Contractor's operations shall be repaired by the Contractor as Additional Work and compensated as defined in Exhibit C., Section 2.

16. CONTRACTORS LICENSE

Contractors are required by law to be licensed, and regulated by the Contractors' State License Board. Contractor will comply with all applicable licensing laws, and regulations. Any questions concerning a Contractor may be referred to the Registrar, Contractors' State License Board, 9821 Business Park Driver, Sacramento, CA 95827. Mailing address: P.O. Box 26000, Sacramento, CA 95826.

17. TECHNICAL PROVISIONS – FULL SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed weekly-on no more than two (2) consecutive days as weather and site conditions permit. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" shall include, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in to any other site.

6. Mowing height for cool season grasses shall not exceed three inches (3") maximum, or two inches (2") minimum, and shall be adjusted within these parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed one and one-half inches (1½") maximum, or three-quarters of an inch (¾") minimum, and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Whenever trees occur in turf areas, a six inch (6") ring of grass shall be removed from around the trunks in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions Full Service Fertilization, Section 18.

13. Pest control: See Technical Provisions - Full Service Pesticide Use, Section 19.

14. Aeration:

    (a) All turf areas shall be aerated three (3) times annually;

    (b) Aeration shall be done in the spring, mid-summer, and fall, or as directed by District field staff;

    (c) Aeration equipment shall be of the hollow tine type. The tines shall have a minimum diameter of one-half inch (½"), and a penetration depth of at least two inches (2"). There shall be no more than six inches (6") between tines;

    (d) Areas to be treated shall be adequately irrigated prior to treatment to allow maximum tine penetration;

    (e) Any soil cores remaining on the turf surface two (2) weeks after treatment must be removed;

(f) Humus base fertilizer is to be applied directly following spring and fall aeration operations. See Technical Provisions – Full Service Fertilization, Section 18.

15. Renovation/thatching operations are to be considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision) standards.

4. Any tree shall be pruned at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

   (a) Be pruned to enable successful adaptation to their particular site situation;

   (b) Have no more than one-third (1/3) of living branches removed annually;

   (c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

   (a) Be inspected annually;

   (b) Pruned and/or trimmed as necessary to maintain proper site orientation;

   (c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

(d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

(a) internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

(c) Use of pruning paint/pruning compound/wound dressing;

(d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodge pole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

(a) Remove dead, diseased, or damaged branches;

(b) Remove unwanted encroachments into public and/or utility rights-of-way;

(c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

(a) To enable successful adaptation to their particular site situation;

(b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

(c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

(a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", "poodling") <u>will be done only when authorized by the Director on a site-specific basis</u>.

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

(c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See <u>Technical Provisions - Full Service Fertilization</u>, Section 18.

9. Pest control: See <u>Technical Provisions – Full Service Pesticide Use</u>, Section 19.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

   (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Full Service Fertilization, Section 18.

8. Pest control: See Technical Provisions – Full Service Pesticide Use, Section 19.

E. WEED CONTROL

1. All weeds shall be continuously controlled at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the

plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; and non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Full Service Pesticide Use, Section 19.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites shall at all times receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3.- Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per week; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal operation ("wear and tear"), and; 2) vandalism, theft, and acts or omissions by third parties.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

   (a) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than one (1) time per week;

   (b) Be turned off during periods of rainfall, or as directed by District field staff;

   (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

   (a) Be operated only when Contractor's personnel are present on site;

   (b) Be inspected for, and repaired as necessary to, ensure proper operation and coverage not less than at each time of operation;

   (c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to effect irrigation system repairs shall be of the same manufacture as those originally installed unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a <u>minimum</u> of one (1) visitation per week of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walks the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites that are, in the opinion of the Director, exceptionally littered shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and

gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter, as described in paragraphs 1 and 2 above, off-site, and in a legal manner.

6. The Contractor shall notify the Director immediately whenever suspicious and/or hazardous waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

7. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from contract sites by the Contractor, or any subcontractors thereunder, in performance of contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested therein and shall include, on a separate Monthly Greenwaste Report form, any greenwaste generated through the operations of any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

18. TECHNICAL PROVISIONS – FULL SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. Per Technical Provisions – Full Service Landscape Section 17, a humus base fertilizer shall be applied to turf areas immediately following spring and fall aeration operations. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Humus base fertilizers to be applied by drop spreader only.

3. Humus base fertilizers to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification is required to Director five (5) working days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
April	1	23-5-10 *	1.5	6.5 lbs
Sept	1	23-5-10 *	1.5	6.5 lbs

* 23-5-10/BEST@POLY SUPREME or approved equal

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of

Chemicals.

4. Written notification is required to Director five (5) working days prior to fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply to the Director a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required a minimum of five (5) working days prior to fertilizer application.

5. For fertilizer application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

19. TECHNICAL PROVISIONS – FULL SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and

the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Agreement.

4. Before the beginning of the Contract period, Contractor shall supply to the Director a list of all proposed pesticides to be used, along with a use recommendation for each pesticide, in the fulfillment of said Contract, per Section 8 – Use of Chemicals. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides listed shall be submitted in writing to the Director for approval prior to any use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for the filing of all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by all county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require that copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. For pesticide application reporting specifications, see Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A written notice shall be provided to the Director five (5) working days prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

   (a) All shrub bed areas shall be treated with an appropriate pre-emergent herbicide at the maximum allowable rate according to the label, and state regulations. This treatment shall be performed twice a year, as determined by the Director.

   (b) Appropriate chemical control must be used on the following weeds.

   Bermuda Grass
   Kikuyu Grass
   Nutsedge
   Field Bindweed
   Spurge

   The aforementioned list is inclusive; other species may be added by the Director as necessary

   (c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

   (a) Snails shall be controlled on a regular basis on the following plant species:

   Agapanthus africanus
   Aptenia sp.
   Gazania sp.
   Hemerocallis sp.

   (b) Snails shall be controlled on an as needed basis on all other plant material.

   (c) Failure to adhere to the above specifications for snail control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

3. Insect and Disease Control

   (a) The Director may require certain tree species, which are subjected to excessively dusty conditions be rinsed off with water, as directed by District field staff. Rinsing operations that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

   (b) The Director may require that all Platanus species be sprayed annually with two applications of a copper based dormant spray should an infestation be detected. Applications that require the use of powered

delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(c) The Director may require that all Pyrus and Pyracantha species found to be infected with fireblight be treated with annual applications of a copper based dormant spray. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(d) The Director may require that all Juniperus, Pinus, Cupressus and Pyracantha species found to be infested with mites be treated with an appropriate acaricide. Applications that require the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

(e) All other insect, disease, and fungus problems will be treated on a site- and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

(a) When the Director determines that the turf weed population at any site(s) exceeds acceptable levels, an appropriate herbicide shall be applied in accordance with all label specifications. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All turf areas that the Director has determined to be prone to annual weed grass intrusion shall require annual applications of pre-emergent herbicides labeled for such use. Any preventative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(c) Failure to apply turf weed control materials within the time frames established by the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Insect and Disease Control

(a) All turf areas that the Director has determined to have a history of fungus infection shall be treated annually with an appropriate fungicide, as directed. Treatments that require the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

(b) All other insect, disease, and fungus problems will be treated on a site and need-specific basis as determined by the Director. Any preventative or curative treatment that requires the use of powered delivery systems may be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but are not limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of being noticed by the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

20. TECHNICAL PROVISIONS – REDUCED SERVICE LANDSCAPE

A. TURF CARE

1. All turf areas shall be mowed, edged, and trimmed **bi-weekly** and completed within no more than two (2) consecutive days, weather and site conditions permitting. Any prolonged deviation from this schedule shall require the approval of the Director. Failure to adhere to this specification without the Director's approval may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. At the discretion of the Director, turf areas may be mowed with mulching-type mowers of a type acceptable to the District.

3. All mowing and edging equipment shall: be in proper working order; have blades properly sharpened, balanced, and aligned; be thoroughly cleaned of all excess clippings, soil, and debris prior to move-in at each site.

4. All clippings, soil, and debris generated by mowing and edging operations shall be immediately collected, removed from the site, and disposed of in a legal manner. For the purposes of this Specification the term "site" includes, but is not limited to, appurtenant hardscaping, sidewalks, curbs and gutters.

5. Machines operating on turf known to have a disease, fungus, or insect infestation shall be sterilized with a ten percent (10%) chlorine bleach, and water solution prior to move-in onto any other site.

6. Mowing height for cool season grasses shall not exceed a maximum of three inches (3"), or minimum of two inches (2"), and shall be adjusted within these parameters on a seasonal basis.

7. Mowing height for warm season grasses shall not exceed a maximum of one and one-half inches (1½"), or a minimum of three-quarters of an inch (¾"), and shall be adjusted within these parameters on a seasonal basis.

8. All turf borders shall be cut with a vertical blade edger. Use of string trimmers to perform this task is not acceptable.

9. Trimming around turf appurtenances (i.e., valve and meter boxes, backflow devices and controller enclosures, sprinklers) may be accomplished through the use of string trimmers.

10. Around tree trunks in turf areas, a six inch (6") ring of grass shall be removed in order to protect the crowns from mechanical damage. These rings shall be maintained in a clean, weed free condition.

11. Thin areas in turf shall be resodded or reseeded as necessary to prevent invasion of weeds.

12. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

13. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

14. Aeration is considered Additional Work, per Exhibit C., Section 2.

15. Renovation/thatching operations are considered Additional Work, per Exhibit C., Section 2.

B. TREE CARE

1. All trees are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, trimming, pruning, and pest control operations for those portions of trees in excess of eighteen feet (18') in height is to be considered Additional Work, per Exhibit C., Section 2.

3. Whenever site conditions permit, trees are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and tree survival. All tree pruning shall be done in conformance with **ANSI 300-2001**, (or most current revision); safety requirements shall be per **ANSI Z133-1994** (or most current revision) standards.

4. Any tree shall be pruned at any time in order to:

(a) Remove dead, diseased, or damaged branches;

(b) Remove unwanted encroachments into public and/or utility rights-of-way;

(c) Correct any condition which the Director has deemed to be hazardous.

5. Trees up to eighteen feet (18') in height shall:

(a) Be pruned to enable successful adaptation to their particular site situation;

(b) Have no more than one-third (1/3) of living branches removed annually;

(c) Be fertilized only as directed by District field staff.

6. Trees over eighteen feet (18') in height shall:

(a) Be inspected annually;

(b) Pruned and/or trimmed as necessary to maintain proper site orientation;

(c) Pruned and/or trimmed as necessary to remove unwanted encroachments into public, and/or utility rights-of-way;

(d) Pruned and/or trimmed as necessary to correct any condition which the Director has deemed to be hazardous.

7. Pruning tools shall:

(a) Be kept properly sharpened, and in proper working order;

(b) Be sterilized with a five percent (5%) chlorine bleach and water solution before commencing work, and between cuts on any tree known to be diseased.

8. The following practices shall not be allowed:

(a) Internodal cuts of any kind (a.k.a. "stubbing", "shearing", "tipping", "topping");

(b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times;

(c) Use of pruning paint/pruning compound/wound dressing;

(d) Use of climbing spurs or gaffs.

9. All prunings/trimmings and debris generated by pruning operations shall be immediately removed from the site, and disposed of in a legal manner.

10. Trees shall be staked/guyed in a manner, and with materials that are acceptable to the Director. Double staking with two (2) lodgepole-type stakes is the minimum District standard.

11. Tree stakes, tree ties, and guy wires shall be inspected regularly to ensure against girdling and abrasion, and removed as soon as possible after tree establishment, and site conditions allow.

12. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

C. SHRUB CARE

1. All shrubs are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, shrubs are defined as any multi-stemmed/low branching woody plants whose height at maturity is not less than one foot (1'), or greater than ten feet (10').

3. Whenever site conditions permit, shrubs are to be allowed to grow to assume their full, natural shape, with the minimum constraints necessary to assure public safety and plant survival.

4. Any shrub shall be pruned and/or trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches;

   (b) Remove unwanted encroachments into public and/or utility rights-of-way;

   (c) Correct any condition which the Director has deemed to be hazardous.

5. Shrubs shall be pruned:

   (a) To enable successful adaptation to their particular site situation;

   (b) Following the maturation of the leaves/needles of the first seasonal growth flush, unless accepted practices for a particular species (i.e. roses) dictate otherwise;

   (c) As often as necessary to meet the specification standard, but not less than one (1) time per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

6. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach and water solution

before commencing work, and between cuts on any shrub known to be diseased.

7. The following practices shall not be allowed:

   (a) Internodal cuts (a.k.a. "stubbing", "tipping", "topping"). Shearing (a.k.a. "boxing", "hedging", "balling", or "poodling") will be done only when authorized by the Director on a site-specific basis.

   (b) Cuts made flush with trunk or branch. The integrity of branch collars is to be maintained at all times.

   (c) Use of pruning paint/pruning compound/wound dressing.

8. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

9. Pest control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

D. GROUND COVER CARE

1. All ground covers are to be maintained in a manner that will promote normal, healthy growth.

2. For the purposes of these Specifications, ground covers are defined as mass plantings of same-species, multi-stemmed plants with a trailing growth habit, whose height at maturity does not exceed ± one foot (1').

3. Ground covers shall be pruned/trimmed at any time in order to:

   (a) Remove dead, diseased, or damaged branches/crowns;

   (b) Remove unwanted encroachments into or upon public and/or utility rights-of-way, as well as other landscape components (i.e., shrubs, trees, turf areas, irrigation equipment, walls, and monuments);

   (c) Correct any condition which the Director has deemed to be hazardous.

4. Ground covers shall be pruned/trimmed/renovated:

   (a) To enable successful adaptation to their particular site situation;

   (b) In accordance with accepted practices for the particular species in question;

   (c) As often as is necessary to accomplish the results intended in paragraphs (a) and (b) above, but not less than four (4) times per year. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Pruning tools shall:

   (a) Be kept properly sharpened, and in proper working order;

   (b) Be sterilized with a five percent (5%) chlorine bleach, and water solution before commencing operations at any site.

6. String trimmers shall not be used for any of the above described operations unless authorized by the Director on a site-specific, task-specific basis.

7. Fertilization: See Technical Provisions - Reduced Service Fertilization, Section 21.

8. Pest control: See Technical Provisions - Reduced Service Pesticide Use, Section 22.

E. WEED CONTROL

1. All weeds shall be controlled quarterly at all sites.

2. For the purposes of these Specifications, weeds are defined as any plant species whose presence on a site is detrimental to: the appearance of the site, as determined by the Director, and; the normal, healthy growth of the plant materials intended for that site. Any plants which, in the opinion of the Director, constitute a public health or safety hazard shall also be defined as weeds.

3. Site areas subject to weed control per these Specifications include, but are not limited to: turf areas, tree wells, shrub, planter, and ground cover beds; hardscape areas, including, but not limited to curbs, gutters, and sidewalks; non-landscaped portions of sites, as determined by the Director.

4. Debris generated by manual and/or mechanical weed control operations shall be immediately removed from the site, and disposed of in a legal manner.

5. Chemical weed control: See Technical Provisions – Reduced Service Pesticide Use, Section 22.

6. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties per Exhibit C., Section 4.

F. IRRIGATION

1. All landscape sites at all times shall receive irrigation in amounts adequate to promote normal, healthy growth of plant material. Water shall be delivered by means of automatic or manually operated sprinkler systems, quick couplers, hose bibbs, or water tank, as specific site and/or weather

conditions require.

2. It shall be the Contractor's duty to maintain all District irrigation systems in a manner that assures their full working capability at all times. See Section 3 - Functions and Responsibilities. Said maintenance shall include, but not be limited to: visual and operational inspections one (1) time per **month**; cleaning/adjusting sprinkler nozzles; flushing of lines; trimming around sprinklers to assure proper coverage; routine repairs; and other tasks as assigned by District field staff.

3. For the purposes of these Special Provisions, routine irrigation repairs are defined as repair and/or replacement of existing sprinklers or sprinkler components and/or non-pressurized pipe and/or fittings ("lateral lines") that have been rendered inoperable due to: a) normal "wear and tear", and; b) vandalism or theft (which includes acts or omissions by third parties) up to the amount of 11 percent of the Contractor's monthly base price as set forth in Exhibit C., Section 1. Repairs due to vandalism or theft (which includes acts or omissions by third parties) in excess of the above indicated amount may be billed as Additional Work, per Exhibit C., Section 2.

4. All repairs to, and/or replacement of, irrigation system control components (i.e., backflow prevention assemblies, controllers and control wires, manual and remote control valves) and pressurized pipe and fittings ("mainlines") rendered inoperable due to circumstances other than Contractor's operations, shall be considered Additional Work, per Exhibit C., Section 2.

5. The Contractor shall furnish, at no cost to the District, a remote valve actuating device that is compatible with the make, and model installed at the site(s). This device shall be used by Contractor's personnel while conducting operational irrigation system inspections, and/or repairs.

6. Automatic irrigation systems shall:

   (a) Be inspected for, and repaired as necessary to ensure, proper operation, and coverage not less than one (1) time per month;

   (b) Be turned off during periods of rainfall, or as directed by District field staff;

   (c) Have controller and backflow preventer enclosures, utility vaults and/or pedestals, and valve boxes properly secured at all times.

7. Manually operated irrigation systems shall:

   (a) Be operated only when Contractor's personnel are present on site;

   (b) Be inspected for, and repaired as necessary to ensure proper operation, and coverage not less than at each time of operation;

(c) Have any and/or all enclosures, vaults, and valve boxes properly secured at all times.

8. Parts/components used to repair irrigation systems shall be of the same manufacture as those originally installed, unless otherwise approved by the Director prior to repair operations.

9. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

G. DEBRIS/LITTER

1. The Contractor shall remove immediately after pruning, trimming, weeding, edging or other work required under this Agreement, all debris generated by his or her performance of the work.

2. Contractor shall make a minimum of one (1) visitation per **month** of all sites covered under this Agreement for the express purpose of removing from both planted areas and adjacent hardscapes/walkways the following items, including but not limited to: bottles, cans, paper/plastic, cardboard, dog litter, tumbleweeds/windblown plant litter, automobile tires, or metallic items. Sites which, in the opinion of the Director, contain an exceptional amount of litter shall be cleared by Contractor before the close of business the working day following notification of this condition.

3. All hardscape areas, including but not limited to sidewalks, curbs, and gutters shall be maintained in a hazard-free condition.

4. From time to time the Director may require Contractor to perform Special Clean-Ups on a site-specific basis. Said Special Clean-Ups shall be considered Additional Work per Exhibit C., Section 2.

5. The Contractor shall dispose of all debris and litter as described in paragraphs 1 and 2 above off-site, and in a legal manner.

   (a) The Contractor shall notify the Director immediately whenever suspicious and/or waste materials are discovered within service area sites. Such materials may include, but are not limited to: discarded motor oil, or other petroleum-based liquids; paint; chemical compounds, including but not limited to pesticides, both liquid and dry; any unknown liquid or dry material in an unmarked container; household appliances; household electronic devices, including but not limited to, televisions, computers and computer monitors; firearms or ammunition. Any such articles shall not be touched, handled, or in any way disturbed or moved from the location where they were discovered. Contractor's staff shall secure the area against entry by any third party until District staff arrives at the site.

   (b) Failure to adhere to the specifications of this section of the Special

Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

H. GREENWASTE RECYCLING

1. The Public Resources Code (PRC), Division 30, Sections 41000 through 41780 requires that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction.

2. For the purposes of this Contract, materials defined as "greenwaste" shall include all plant parts (i.e., trimmings, prunings, grass clippings, etc.) removed from Contract sites by the Contractor, or any subcontractors thereunder, in performance of Contract's Scope of Work.

3. Contractor, or any subcontractor thereunder, shall deposit all greenwaste generated in performance of Contract's Scope of Work at a landscape material recycling center, or reuse said greenwaste in some manner. Contractor, or any subcontractor thereunder, shall be solely responsible for all costs incurred in complying with this requirement.

4. The Contractor shall submit a Monthly Greenwaste Report (see Appendix C) as an element of the Contractor's Monthly Report, as set forth in Section 3. – Functions and Responsibilities. The Contractor shall provide responses to all information requested and include, on a separate Monthly Greenwaste Report form, any greenwaste generated by any subcontractors performing under Contractor's Scope of Work.

5. Failure to adhere to the specifications of this section of the Special Provisions may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

21. TECHNICAL PROVISIONS – REDUCED SERVICE FERTILIZATION

A. TURF FERTILIZATION

1. All turf areas are to be fertilized as per Table I. All fertilizers are to be of indicated analysis or better.

TABLE I

			Rates per 1,000 sq. ft.	
Month	Number of Apps	Type of Fertilizer	Lbs. of Actual N	Lbs. of Fertilizer
FEB	1	22-0-6**	1	4.5 lbs
JUN	1	22-5-5*	1.25	5.7 lbs
OCT	1	22-5-5*	1.25	5.7 lbs

*22-5-5/BEST® TURF GOLD or approved equal Controlled-Release fertilizer. These fertilizers to contain micronutrients including iron. See following section on fertilizers.

**22-0-6/SCOTTS® PROTURF® + Pre-emergent Weed Control or approved equivalent. These fertilizers to contain micronutrients including iron. See following sections, below, regarding fertilizers.

2. A humus base fertilizer shall be applied to turf areas immediately following aeration operations.

3. Humus base fertilizers are required to be composted, screened, and have a minimum nitrogen level of one-half of one percent (0.5%) (Growpower, EZ Green or equal).

4. Any fertilizers containing iron will be completely removed from concrete sidewalks before irrigation to prevent staining.

5. Contractor shall supply the Director with a list of all proposed fertilizers to be used in the fulfillment of this specification, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

6. Written notification to the Director is required five (5) days prior to fertilizer application.

B. SHRUB & GROUND COVER FERTILIZATION

1. All shrubs and ground covers shall be fertilized as per Table II. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

TABLE II

Month	Number of Applications	Type of Fertilizer	Rates per 1,000 sq. ft. Lbs. of Actual N	Lbs. of Fertilizer
APR	1	23-5-10*	1.5	6.5 lbs

* 23-5-10/BEST® POLY SUPREME or approved equal.

2. Any fertilizers containing iron will be removed from concrete sidewalks before irrigation to prevent staining.

3. Contractor shall supply to the Director with a list of all proposed fertilizers to be used in the fulfillment of said Contract, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8 – Use of Chemicals.

C. TREE FERTILIZATION

1. The intent of tree fertilization is to maintain normal and healthy growth of

trees, not to produce excessive, rapid, or unnatural growth. Tree fertilization shall be considered Additional Work, per Exhibit C., Section 2.

2. All trees shall be fertilized as directed by District field staff. Fertilizer type and rates will be specified on a per job basis.

   (a) Fertilizer will be placed per manufacturer's recommendations, or as directed by District field staff.

   (b) No injecting or drilling into tree trunk will be allowed.

   (c) Applications shall be made when the first growth flush of the year is at 80% leaf expansion, but not before April 30.

   (d) Any fertilizers containing iron will be removed from concrete surfaces before irrigation to prevent staining.

3. Contractor shall supply a list of all proposed fertilizers to be used in the fulfillment of said contract to the Director, per Section 8. – Use of Chemicals. Any changes to said list shall be reported per Section 8. – Use of Chemicals.

4. Written notification to the Director is required five (5) days prior to fertilizer application.

5. Fertilizer application reporting specifications, - See Section 3. – Functions and Responsibilities and Section 8. – Use of Chemicals.

22. TECHNICAL PROVISIONS – REDUCED SERVICE PESTICIDE USE

A. GENERAL

1. The Moreno Valley Community Services District solicits, and encourages the use of effective alternative pest control measures.

2. All pesticide applications shall be made by or under the supervision of a person holding a valid license, permit or certificate issued pursuant to Sections 11701 and following, and Sections 14151 and following, of the California Food and Agricultural Code. Said person or company is to be registered to conduct a pest control business in the State of California, and the County of Riverside during the entire term of this Contract.

3. All pesticide use recommendations shall be in writing, and shall be made by a person holding a valid State of California pest control adviser license pursuant to Sections 12001, and following of the California Food and Agricultural Code. Said person is to be registered with the office of the Agricultural Commissioner of the County of Riverside during the entire term of this Contract.

4. Before the beginning of the Contract period, Contractor shall supply to the

Director a list of all proposed pesticides to be used in the fulfillment of said Contract, per Section 8 – Use of Chemicals. A valid written pesticide use recommendation for each pesticide listed shall be submitted concurrently with this list. No pesticide application shall be made prior to Contractor's submittal and Director's approval of said list, and recommendations. Per Section 8. – Use of Chemicals, any changes, additions, deletions or substitutions to the recommended pesticides so listed shall be submitted in writing to the Director for approval prior to use of newly recommended material. Failure to adhere to any part of this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

5. Disposal of empty pesticide containers, if made in the County of Riverside, shall be in strict compliance with label direction, restrictions and precautions, and all applicable federal, state, county, and local regulations, including but not limited to California Code of Regulations, Sections 6684, 3142, and 3143. The Director may require proof of such compliance in the form of a copy of Contractor's annual Letter of Compliance, as issued by the County Agricultural Commissioner, and submitted by Contractor to the County Waste Management Department.

B. REPORTING SPECIFICATIONS

1. Contractor shall be responsible for filing all required records and reports, including but not limited to Notice of Intent to Apply, and Pesticide Use Reports, as specified by county, state and federal agencies. Said reports shall contain accurate and valid information. The Director may require copies of all such records and reports be made available for inspection by District staff after giving twenty-four (24) hour notice to Contractor.

2. Pesticide application reporting specifications, - See Section 3 – Functions and Responsibilities and Section 8. – Use of Chemicals.

3. A five (5) working day written notice shall be given to the Director prior to any pesticide application. Notice shall include: name of chemical, area, rate and method of application, and time of day. Failure to adhere to this specification may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

C. GROUND COVERS, SHRUBS, & TREES - PESTICIDE USAGE CRITERIA

1. Weed Control

   (a) Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

   (b) Appropriate chemical control must be used on the following weeds.

   Bermuda Grass
   Kikuyu Grass
   Nutsedge

Field Bindweed
Spurge

This list is inclusive; other species may be added by the Director as necessary.

(c) Failure to adhere to the above specifications for weed control may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

2. Snail Control

Application of molluscicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

4. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests within seven (7) calendar days of notification from the Director may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

D. TURF - PESTICIDE USAGE CRITERIA

1. Weed Control

Weed Control – Application of pre-emergent herbicides shall be considered Additional Work, per Exhibit C., Section 2.

2. Insect and Disease Control

Insect and Disease Control - Application of insecticides/fungicides shall be considered Additional Work, per Exhibit C., Section 2.

3. Vertebrate Pest Control

All vertebrate pests, including but not limited to gophers, ground squirrels, moles, voles, and mice, shall be controlled on a regular basis wherever, and whenever found on the site(s). Control methods shall be as approved by the Director and shall include, but not be limited to, chemical, and mechanical methods. Failure to treat site(s) for vertebrate pests, within forty-eight (48) hours of notification from the Director, may result in the assessment of non-performance penalties, per Exhibit C., Section 4.

23. PROJECT LOCATION MAP

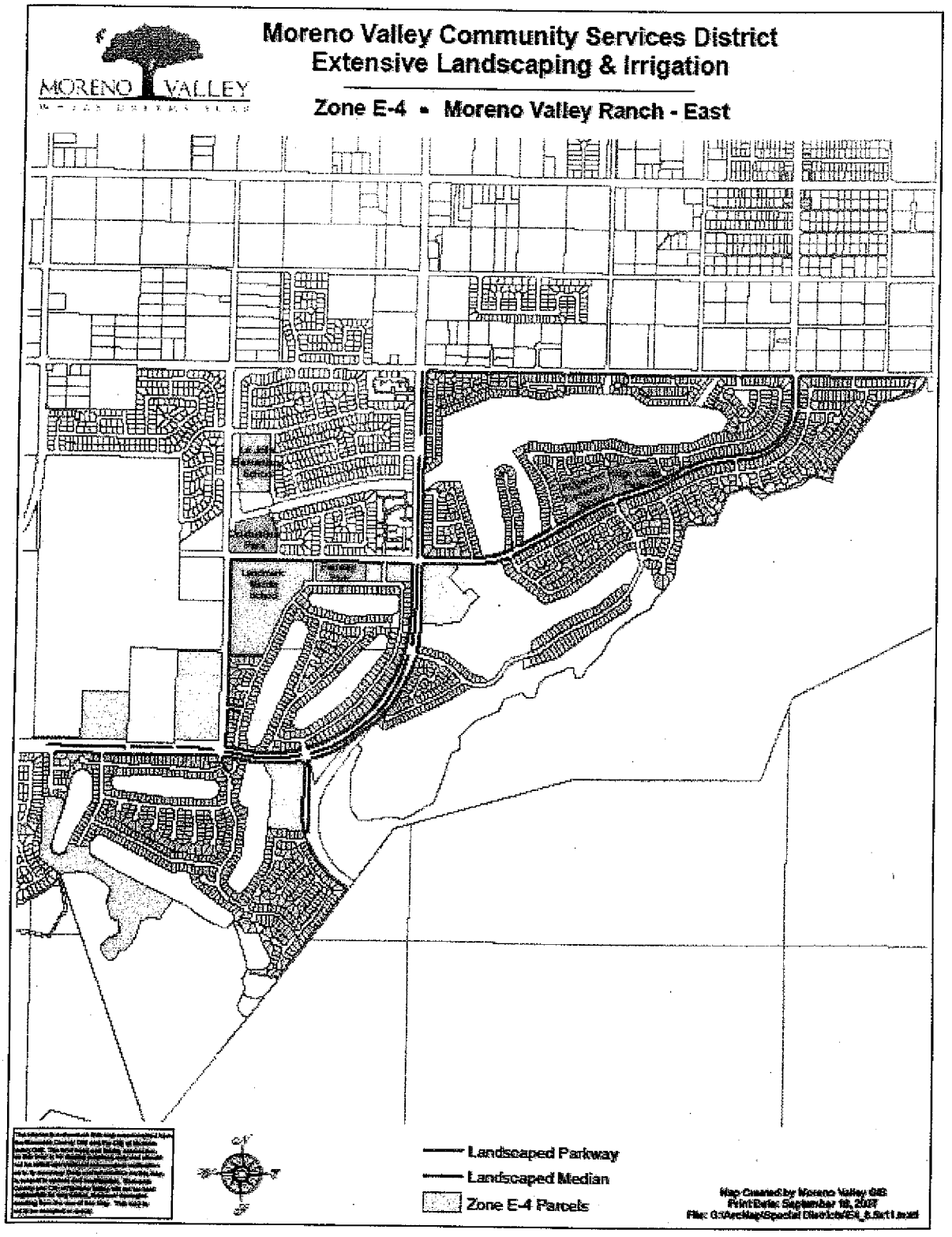

Item No. B.5

MV00107734

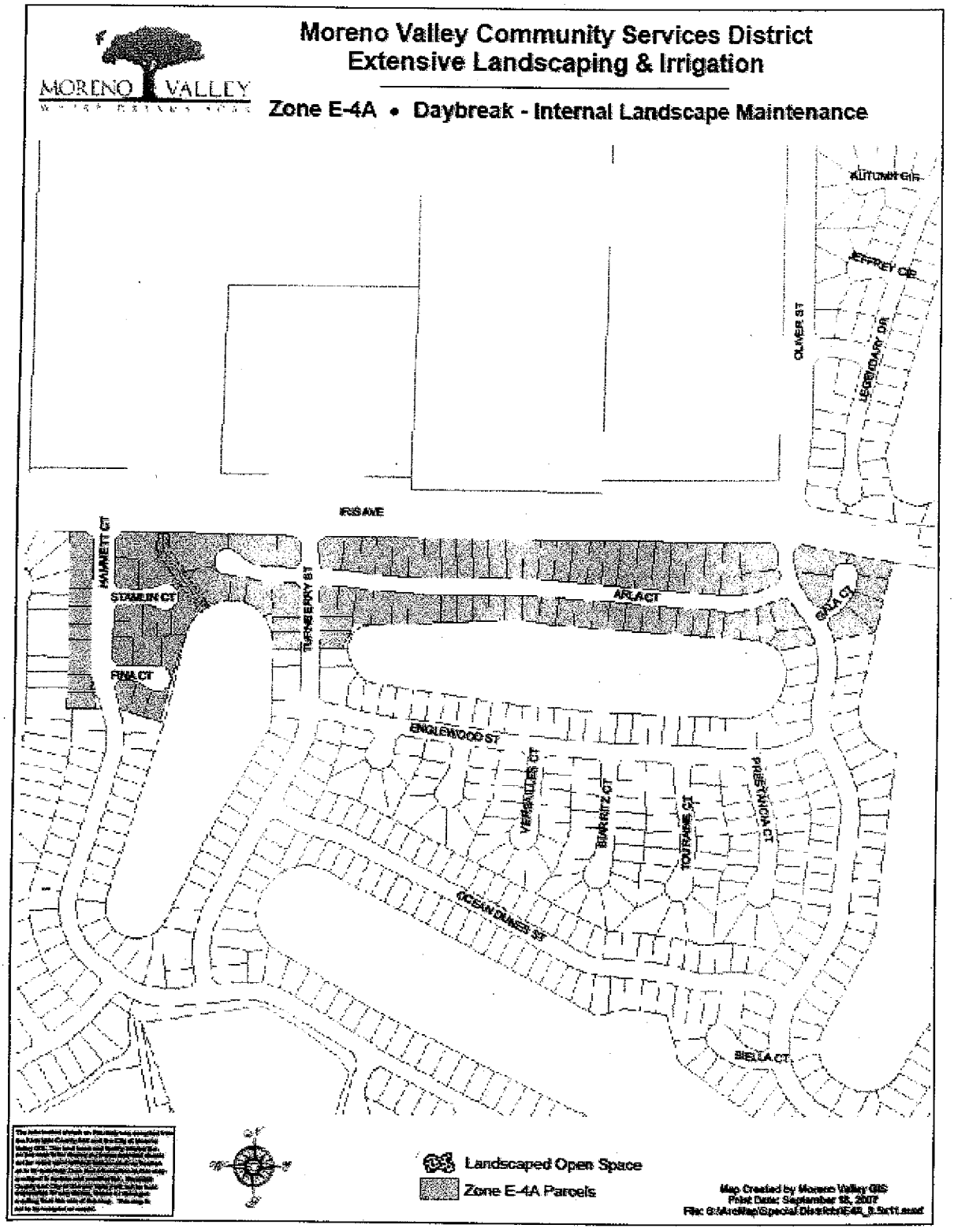
Moreno Valley Community Services District
Extensive Landscaping & Irrigation
MORENO VALLEY
Zone E-4A • Daybreak - Internal Landscape Maintenance
ALTUMIRA DR
JEFFREY CIR
OLIVER ST
LEGRIDGE DR
IRIS AVE
HAUNETT CT
STAMLIN CT
TURNBERRY ST
ARLA CT
BALA CT
FINA CT
ENGLEWOOD ST
VERSAILLES CT
BIARRITZ CT
TOURAINE CT
PRESTWICK CT
OCEAN DUNES ST
BELLA CT
Landscaped Open Space
Zone E-4A Parcels
Map Created by Moreno Valley GIS
Print Date: September 18, 2007

EXHIBIT B: District Responsibilities
R.F.P. NOE-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACT SUPERVISION

A. The Contract shall be administered on behalf of the District by the Director of Public Works of the City of Moreno Valley, or his/her delegated representative(s), hereinafter designated as "Director."

B. The Director will decide all questions which may arise as to the manner of performance and completion per schedule, acceptable fulfillment of the Contract by the Contractor, interpretation of the Specifications, and compensation to include completion of work by alternate sources.

2. IRRIGATION SYSTEMS

The District shall manage the operation of all automatically controlled irrigation systems, including but not limited to irrigation controller programming and scheduling. The Contractor shall monitor the operation of, and maintain said irrigation systems as required by the Director. The Contractor shall operate manually controlled irrigation systems as directed by District field staff.

3. UTILITIES

It shall be the District's duty to provide the utilities necessary for irrigation (i.e., water, electricity and communications), and to maintain their appurtenances (i.e., water and electrical meters and backflow devices). The District will pay the water, electricity, and communications costs used in the sites covered by this Contract. The Contractor shall report any interruption of these services for whatever reason immediately upon Contractor's observation of same to the Director.

4. RESTRICTED PESTICIDE MATERIALS PERMIT / USE CONSENT

A. The District shall maintain in full force and effect throughout the entire term of the Contract a valid Restricted Materials Permit issued by the Agricultural Commissioner of the County of Riverside on behalf of the California Department of Pesticide Regulation. The Contractor shall comply with all permit conditions that pertain to any of the pest control materials listed on said permit that may be used in the course of Contractor's operations under this Contract.

B. Director must give consent in writing prior to application of any Category I pesticide.

EXHIBIT C: Payment Terms
R.F.P. NO E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. CONTRACTOR'S COMPENSATION

A. The Contractor will be paid monthly per site for work performed satisfactorily under this Contract. By the tenth of each month the Contractor shall submit to the Director detailed reports for the: 1) maintenance performed, 2) complaints received, 3) hazards noted, and 4) chemicals used in the prior month. These reports shall be accompanied by a billing in accordance with the Contract price for the work performed, and shall become the basis for payment. No payment(s) shall be made until the reports, listed herein, have been submitted and approved.

B. Except where additional compensation is specifically provided for in this Contract, the District will pay the Contractor for all work (labor, material, supplies, equipment, etc.) performed under this Contract the total amount of fourteen thousand, nine hundred and sixty three dollars and seventy-three/100 ($14,963.73) per month, one (1) month in arrears, on the last day of the month. The total contract amount for twelve (12) months shall not exceed one hundred seventy-nine thousand, five hundred and sixty four dollars and seventy-six/100 ($179,564.76), except as provided for in Section 2 below.

C. Should this Contract commence or terminate on other than the first day of a calendar month, the Contractor's compensation for that partial calendar month shall be prorated at the rate of 1/30 of the full month rate per day for the number of days during which the Contract is effective.

2. ADDITIONAL WORK

A. During the term of this Contract the District may, at its discretion, authorize the Contractor to perform certain Additional Work as included in Section 2, paragraph C. herein this Exhibit, ("Additional Landscape Areas"), in addition to the work set forth in Exhibit A, Contractor's Scope of Work.

If the District determines it to be in the District's best interest, said Additional work may include: Acts of God (i.e., earthquake damage, storm damage), or vandalism, theft, and acts or omissions by third parties.

Compensation for all such Additional Work shall be calculated either: at the prices set forth by the Contractor in the Exhibit E, Section 9, or at a price based on the Contractor's written estimate (lump sum, time and materials, or cost plus basis), as determined by the Director. Except as set forth in Section 2, paragraph B. below, the Contractor shall not perform any such Additional Work without first obtaining express written authorization from the District.

B. Notwithstanding the above requirement for prior written authorization, when a condition exists wherein there is imminent danger of injury to the public or damage to property, the District may verbally authorize the work to be performed upon receiving a verbal estimate from the Contractor. Within twenty-four (24) hours after receiving a verbal authorization, the Contractor must submit a written estimate to the District for written approval. Whenever immediate action is required to prevent impending injury, death, or property damage to the facilities being maintained, the District may, after reasonable attempt to notify the Contractor, cause such action to be taken by the District or City's work force.

C. The Contractor shall maintain as Additional Work, at a unit price comparable to landscape areas described herein, additional landscape areas that the District may add to this Contract. In the event that notification is made of a new installation, at other than the beginning of a monthly period, the unit cost as set forth by Contractor in the Exhibit E, Section 9, shall be prorated from the day the Contractor commences work on the additional areas.

D. Routine repairs to project irrigation system(s) shall be considered Additional Work to the extent that the Contractor shall charge only for materials used to perform said repairs at Contractor's cost plus a percentage of that cost, as set forth in Exhibit E, Section 9. For the purposes of this Contract, routine irrigation repairs are defined as replacement of existing sprinklers or sprinkler components, and/or non-pressurized pipe, and/or fittings ("lateral lines") that have been rendered inoperable due to: 1) normal "wear and tear", and 2) vandalism or theft, (which includes acts or omissions by third parties).

E. Except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize Additional Work pursuant to paragraphs A., B., and C. above in excess of the cumulative total of $14,800.00 for each contract year during the term of this Contract.

3. PAYMENT DEDUCTIONS

The District may deduct payment to such extent as may be necessary to protect the District from loss due to:

A. Work required in the General or Special Provisions which is: not performed, or; not performed to the standards set forth therein, or; not performed at or within the time(s) specified therein, or; is incomplete;

B. Claims filed or reasonable evidence indicating probable filing of claims by laborers, materialmen, subcontractors, or third parties.

4. NON-PERFORMANCE PENALTIES

The Contractor may become liable for payment of non-performance penalties for failure to: provide adequate communications; provide adequate work area safety; complete "Specialty" operations in a timely manner as set forth in the General Provisions; submit notifications or reports required by the Contract, or General or Special Provisions at the intervals and/or

frequencies set forth therein, or; perform work as required by the General or Special Provisions at the intervals and/or frequencies as set forth therein, or as set forth in Contractor's approved work schedule, or as directed by the District. For each of the categories set forth hereinabove, the penal sum of $100.00 (one hundred dollars) per working day will be assessed for each working day the deficiencies remain uncorrected.

If non-performance penalties are to be assessed, the Contractor will be notified immediately by facsimile transmission, or in writing, or by telephone.

The Contractor will not be assessed non-performance penalties for delays caused by the District, or by the owner of a utility to provide for the removal or relocation of utility facilities.

5. EXCESSIVE UTILITY USAGE

Contractor shall pay for all excessive utility usage due to Contractor's failure to monitor irrigation system malfunctions or unauthorized increases in the frequency of irrigation. The excess cost will be determined by comparing the current usage with the historical usage for the same time period. The excess cost factor, to be deducted from the payments to the Contractor, will be presented by the Director to the Contractor prior to actual deduction by the District to allow for explanations.

EXHIBIT D: Term of Contract
R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

1. TERM OF CONTRACT

A. Following approval by both parties, the Contract will commence on July 1, 2011, and shall terminate twelve (12) months thereafter.

B. At the expiration of its term, the Contract may be extended for up to four (4) additional twelve (12) month periods with the concurrence of both parties. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph B.) shall be given to the Contractor at least thirty (30) days prior to the expiration of the initial term of the Contract or any extension thereof.

C. In considering the option to extend the Contract, as set forth in paragraph B. above, the District shall determine the following:

That the Contractor's performance during the preceding twelve months has been satisfactory, and;

That any request for increase of Contractor's compensation is based on an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

D. At the expiration of its term, and with the concurrence of both parties, the Contract may be extended for up to three (3) additional periods of thirty (30) days each, subject to all terms and conditions in effect during the current term of the Contract. Written notice of the District's intent to invoke this subsection of the Contract (Exhibit D., Section 1., paragraph D.) shall be given to the Contractor at least fifteen (15) days prior to the expiration of the initial term of this Contract, or any extensions thereof.

E. It should be noted that multiyear contracts may be continued each fiscal year only after funding appropriations and program approvals have been granted by the City Council of the City of Moreno Valley and the City Council acting in the capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District. (CSD) In the event that the City Council and/or the City Council acting in the capacity as President and Members of the Board of Directors for the CSD does not grant necessary funding appropriations and/or program approval, the affected multiyear contract becomes null and void, effective July 1st of the fiscal year for which such approvals have been denied.

EXHIBIT E: PROPOSAL SUBMITTAL DOCUMENTS

R.F.P. NO. E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

R.F.P. NO.E-4/11
PROJECT NO. E-4/11

MORENO VALLEY RANCH-EAST/DAYBREAK
MAINTENANCE OF PARKWAY AND MEDIAN
LANDSCAPING AND IRRIGATION

ATTACH ADDITIONAL SHEETS AS NECESSARY FOR COMPLETE RESPONSES

1. SCHEDULE I

A. COMPANY NAME: TRUGREEN LANDCARE

TYPE
- Sole proprietor ____
- Partnership X
- Corporation ____

B. COMPANY ADDRESS/PHONE NUMBER

MAIN OFFICE ADDRESS:
1616 MARLBOROUGH AV. Bld. S
RIVERSIDE, CA. 92507

MAIN OFFICE PHONE NUMBER: 951-688-6880

SATELLITE OFFICE ADDRESS (if applicable):

SATELLITE OFFICE PHONE NUMBER ____

C. CONTRACTOR'S LICENSING INFORMATION:

LICENSE NUMBER/CLASSIFICATION/NAME STYLE: 774548
C-61, D-49, C-27

NUMBER OF YEARS OPERATING UNDER ABOVE LICENSE/NAME STYLE: 10

LICENSE EXPIRATION DATE: 2-29-12

CURRENT LICENSE STATUS: ACTIVE

PRIOR ACTIONS AGAINST THIS LICENSE? Yes / (No)
IF YES, LIST CITATION TYPE AND HOW RESOLVED: _____

D. COMPANY'S FEDERAL IDENTIFICATION NO.: 36-4313318

E. NAME AND TITLE OF COMPANY OFFICERS:

PATRICK SPAINHOUR	CEO
MAC McIlvried	PRESIDENT
MARK WESEL	REGION VICE PRESIDENT
MANNY MENDES	BRANCH MANAGER

F. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES: 27

G. NUMBER OF YEARS COMPANY HAS PERFORMED LANDSCAPE MAINTENANCE SERVICES FOR PUBLIC AGENCIES: 27

H. CURRENT LANDSCAPE MAINTENANCE OPERATIONS

THE DISTRICT RECOGNIZES THAT THE INFORMATION PROVIDED TO THIS QUESTION (QUESTION H.) IS PROPRIETARY IN NATURE, AND THEREFORE, THE DISTRICT WILL KEEP THIS INFORMATION CONFIDENTIAL TO THE EXTENT PERMITTED BY LAW.

TOTAL LANDSCAPE MAINTENANCE CONTRACTS: OVER 200
PERCENTAGE OF TOTAL CONTRACTS WITH PUBLIC AGENCIES: 6%
TOTAL DOLLAR VALUE OF LANDSCAPE MAINTENANCE CONTRACTS: $3,600,000 out of RIVERSIDE BRANCH

1. NUMBER OF EMPLOYEES COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS

SUPERVISORS:	6	AVERAGE WAGE SCALE: $45-65/K* Salary
TECHNICIANS:	10	AVERAGE WAGE SCALE: $ 15 /Hr.*
FOREMEN:	34	AVERAGE WAGE SCALE: $ 13.75 /Hr.*
LABORERS:	54	AVERAGE WAGE SCALE: $ 8.75 /Hr.*

*Use fully burdened rate (i.e., taxes, insurance, benefits, OH &P) - This is a prevailing wage project.

2. TYPE & NUMBER OF VEHICLES & POWER EQUIPMENT COMMITTED TO LANDSCAPE MAINTENANCE OPERATIONS:

A. MOTOR VEHICLES
- TYPE: PICK-UP F-150 NUMBER: 15
- TYPE: STAKE BEDS NUMBER: 22

- TYPE: DUMP TRUCKS F-450 NUMBER: 9
- TYPE: NUMBER:

B POWER EQUIPMENT

- TYPE: MOWERS 21", 36", 48", 60" NUMBER: 64
- TYPE: BLOWERS NUMBER: 48
- TYPE: HEDGE TRIMMERS NUMBER: 47
- TYPE: WEEDEATERS NUMBER: 52

I. REFERENCES

ATTACH RESPONSES ON ADDITIONAL SHEETS - ONE SHEET PER REFERENCE

1. LIST A MINIMUM OF THREE (3) REFERENCES FOR PUBLIC AGENCY LANDSCAPE MAINTENANCE CONTRACTS THAT ARE EITHER CURRENT AND/OR HAVE BEEN SUCCESSFULLY COMPLETED WITHIN THE LAST TWO (2) YEARS.
2. REFERENCE RESPONSES MUST INCLUDE:
   A. NAME AND ADDRESS OF AGENCY;
   B. NAME AND TELEPHONE NUMBER OF AGENCY PERSON RESPONSIBLE FOR ADMINISTERING CONTRACT;
   C. CONTRACT NAME(S) / NUMBER(S);
   D. ANNUAL CONTRACT AMOUNT(S);
   E. NUMBER OF ACRES MAINTAINED PER CONTRACT(S);
   F. LOCATION(S) OF CONTRACT AREAS – WE WILL VISIT SITE(S);
   G. LENGTH OF CONTRACT(S).
3. **THE FOLLOWING REFERENCE QUESTIONS WILL BE ASKED OF EACH AGENCY REFERENCED:**
   A. How many (number) of contracts and years under contract?
   B What are/were the Scope of the contract(s), acreage amounts, location(s)?
   C. What are/were the Contract amount(s)?
   D. Do/did they have adequate (quantity/quality) staffing?
   E. How are/were the Training/Technical skills (i.e., Irrigation/Pest Control/ Equipment Operation/Safety)?
   F. Does staff have the ability to comprehend/speak English?
   G. How are/were the appearance, uniforms, and use of safety equipment?
   H. Do/did they have availability of additional personnel for extra work/special projects?
   I. Is/was the equipment used in good working order?
   J. Do/did they have an effective in-company communications system?
   K. How is/was the knowledge of project/contract standards?
   L. Do/did they have the ability to respond to complaints/requests in a timely fashion?

References:

1. City of Rancho Cucamonga
   9153 9th Street
   Rancho Cucamonga CA 91730
   Don Gentry (909) 477-2700
   December 1999 to Present
   $505,000.00 Annually
   Square Footage: 45 Acres.
   Areas Serviced: LMD's throughout the City

2. Marriott Desert Springs Villas
   1091 Pinehurst
   Palm Desert CA 92260
   Glenn Knorr (760) 779-1291
   2005 to Current
   $536,400.00 Annually.
   Square Footage: 30 Acres.
   Areas Serviced: Common Areas & High Profile Areas.

3. City of Banning
   5261 W. Wilson
   Banning CA 92220
   Carl Szoyska (951) 922-3286
   Septembe4 2005 to Present
   $31,000.00 Annually.
   Square Footage: 2.5 Acres.
   Areas Serviced: City Hall, Aquatic Center, Police Departments.

M. Are/were they willing to resolve questions, disputes, and deficiencies short of "formal" sanctions (i.e., monetary penalties, contract deductions, liquidated damages, claims against bonds)?
N. How accurate & timely is/was billing/invoicing?
O. Have Contract(s) been successfully completed to term?
P. Would you accept future proposals/bids from this company?

2. PROPOSED FACILITIES, EQUIPMENT, & STAFFING SCHEDULE

A. **Facilities** – List the facility(ies) location and/or address where work crews and equipment will be dispatched. Use additional sheets as necessary to provide a full and comprehensive response.

RIVERSIDE OFFICE
1616 MARLBOROUGH AV. BLD. S
RIVERSIDE, CA. 92507

B. List the equipment, motor vehicles, and tools, in the areas below that will be furnished to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Indicate with (S) any listed equipment to be shared with another contract/ project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **Equipment:** LAZER RIDING MOWER, 36" Walk behind Mower, 21" Mower, Power Edger, Hedge Trimmers, Blowers, Weed eater, Chain saw.

2. **Motor Vehicles:**
1- Stake Bed F-350
1- Pick-up F-150
1- Spray Truck F-350 w/ Bubble Tanks.

3. **Turf Maintenance Power Equipment/Tools:**
Power Edgers & Mowers above under equipment.

4. **Tree, Shrub, Ground Cover Trimming/Pruning Equipment/Tools:**
(List both powered and hand equipment/tools)

Vermeer 1800 Chipper
Vermeer Stump grinder
Hedge Trimmers, Weedeater

5. **Irrigation System Maintenance Equipment:**
(List both powered and hand equipment/tools)

Irrigation Truck & Rain Master remote controls

6. **Fertilizer Application Equipment:**
(List both powered and hand equipment/tools)

Lesco Spreader & Belly grinders.

7. **Pesticide Application Equipment:**
(List both powered and hand equipment/tools)

Spray Truck with Tanks & Lesco Back-Pack.

C. **Staff**: - List the employees, both labor and supervision, to be routinely assigned to execute work tasks specified in the Agreement, General Provisions, and Special Provisions. Be sure to note by title any applicable licenses/certifications held by assigned personnel. Indicate with (S) if listed personnel are to be shared with another contract / project. Use additional sheets as necessary to provide a full and comprehensive response.

1. **General Landscape Maintenance:**
(List labor, administrative, and field supervisory personnel – include any relevant education, certification, licensing information for each person listed)

Conrado Sigala - Area Manager
Lori Ledesma - Office Admin.
Foreman and labors who be assigned to job.

2. **Tree Trimming/Maintenance:**
(List any ISA or equivalent certified personnel)

Rafael Gomez - ISA Certified

3. **Irrigation System Maintenance:**
(List technical personnel – include any relevant education, certification, licensing information for each person listed)

Gilberto Castillo - Irrigation Tech

4. **Pesticide Application:**
(List licensed and/or certified personnel. All non-licensed, non-certified personnel must have received verifiable annual training.)

Ray Velasquez - QAL 103311
Manny Mendes - QAL 100444

3. PROPOSED PROJECT WORK SCHEDULES

The following two pages contain blank Monthly and Annual Schedule Sheets. Proposers are to complete these schedule sheets by writing in their proposed schedules for performing the work described in Exhibit A. Use additional sheets as necessary to provide a full and comprehensive response.

A. MONTHLY SCHEDULE SHEET (Full and Reduced Service Levels)

1. List all tasks specified to be performed on a weekly or monthly basis for the E-4 and E-4A areas in the box corresponding to the day of the week/month the work is proposed to be performed. List man-hours estimated to complete each task.

2. Be sure to include administrative tasks such as report submittals, meetings, etc.

3. Fill in the schedule sheet for the entire month. Schedule sheets that are not completed for the entire month will be considered to be non-responsive.

B. ANNUAL SCHEDULE SHEET (Full and Reduced Service Levels)

1. List all tasks specified to be performed for the E-4 and E-4A areas at intervals greater than one (1) month in the box corresponding to the month(s) of the year in which they are either so specified, or, if not specified, the month(s) in which the work is proposed to be performed. List man-hours estimated to complete each task.

2. Be sure to include any administrative tasks such as report submittals, meetings, etc.

3. Fill in the schedule sheet for the entire year. Schedule sheets that are not completed for the entire year will be considered to be non-responsive.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 -Detail Trimming -Trash Pick up - Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 HRS. 1-Irrigator 8 Hrs.	-Mowing & Edging -Trash Pick up -Weeding - Blowing Sidewalks. 5 Men Crew 40 HRS 1-Irrigator 8 Hrs.	-Mowing & Edging -Trash Pick up - Weeding - Blowing Sidewalks 5 Men Crew 40 HRS 1-Irrigator 8 HRS.	-Detail Trimming -Trash Pick up - Weeding & Spraying - Blowing Sidewalks. 4-Men Crew 32 HRS. 1-Irrigator 8 HRS.	OFF mm
WEEK #2 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1-Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs.	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks Meeting - Inspector 1 HR 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs	OFF mm
WEEK #3 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs.	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs	OFF mm
WEEK #4 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 5 Men Crew 40 Hrs 1 Irrigator 8 Hrs	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks Meeting Inspector - 1 HR 4 Men Crew 32 Hrs 1 Irrigator 8 Hrs mm	OFF -Reports Submittals 1 HR

SUMMER SCHEDULE MAY - OCT.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew - 32 HR 1 Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 - Man Crew 32 HRS. 1 - Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks - Meeting Inspector 1 HR ~~5~~ Man Crew ~~24~~ HRS 1 Irrigator 8 HRS	OFF AM
WEEK #2 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew - 32 HRS. 1 Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew - 32 HRS 1 Irrigator 8 HRS.	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks ~~5~~ Man Crew ~~24~~ HRS. 1 Irrigator 8 HRS.	OFF AM
WEEK #3 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew - 32 HRS 1 Irrigator 8 HRS	Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS. 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks - Meeting Inspector - 1 HR. ~~5~~ Man Crew ~~24~~ HRS 1 Irrigator 8 HRS.	OFF AM
WEEK #4 - Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks 4 Man Crew 32 HRS. 1 Irrigator 8 HRS.	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS 1 Irrigator 8 HRS.	- Mowing & Edging - Trash Pickup - Weeding - Blowing Sidewalks 4 Man Crew 32 HRS. 1 Irrigator 8 HRS.	- Detail Trimming - Trash Pickup - Weeding & Spraying - Blowing Sidewalks ~~5~~ Man Crew ~~24~~ HRS. 1 Irrigator 8 HRS	OFF - Reports Submittals 1 HR AM

WINTER SCHEDULE NOV - APRIL

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-4 MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		-Mowing & Edging -Trash Pick-up -Weeding -Blowing Sidewalks. 4 Men Crew 32 HRS 1 Irrigator 8 HRS.	Meeting Inspector - 1 HR	
WEEK #2 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS		-Mowing & Edging -Trash Pick up -Weeding -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS		
WEEK #3 -Detail Trimming -Trash Pick-up -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks 4 Men Crew 32 HRS. 1-Irrigator 8 HRS.		
WEEK #4 -Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		-Mowing & Edging -Trash Pickup -Weeding -Blowing Sidewalks. 4 Men Crew 32 HRS. 1 Irrigator 8 HRS.		Reports Submittals 1 HR

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE

E-4A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/2 day 8 HRS.	
WEEK #2			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/2 day 8 HRS	
WEEK #3		Irrigator 2 HRS.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/2 day 8 HRS.	
WEEK #4		Meeting Inspector. 1/2 HR.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing sidewalks. 2 Men Crew 1/2 day 8 HRS.	Report Submittals 1/4 HR.

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-4A MONTHLY SCHEDULE SHEET

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK #1			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	
WEEK #2			-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks 2 Men Crew 1/4 day 4 Hrs.	
WEEK #3		Irrigator 1 Hr. ~~Irrigator 4 Hrs.~~ MM	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/4 day 4 Hrs.	
WEEK #4		Meeting Inspector 1/4 Hr.	-Detail Trimming -Trash Pickup -Weeding & Spraying -Blowing Sidewalks. 2 Men Crew 1/4 day 4 Hrs.	Reports Submittals 1/4 Hr.

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-4 ANNUAL SCHEDULE SHEET

JANUARY	**FEBRUARY**	**MARCH** - Turf Aeration - Growpower - Turf - Pre-emergent granual for bed areas.
APRIL 23-5-10 / Best Poly Supreme (Shrub & Ground Cover)	**MAY**	**JUNE**
JULY	**AUGUST**	**SEPTEMBER** 23-5-10 / Best Poly Supreme (Shrub & Ground Cover)
OCTOBER Turf Aeration Growpower - Turf - Pre-emergent granual for bed areas.	**NOVEMBER**	**DECEMBER**

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE
E-4 ANNUAL SCHEDULE SHEET

JANUARY	FEBRUARY Dimension Pre-emergent Fertilizer 22-06	MARCH
APRIL 23-5-10 Best Poly Supreme (Shrubs & Ground Cover)	MAY	JUNE 22-5-5 Best Turf Gold
JULY	AUGUST	SEPTEMBER
OCTOBER 22-5-5 Best Turf Gold	NOVEMBER	DECEMBER

PROPOSED PROJECT WORK SCHEDULES – FULL SERVICE
E-4A ANNUAL SCHEDULE SHEET

JANUARY	FEBRUARY	MARCH -Pre-emergent granual for bed areas.
APRIL 23-5-10 / Best Poly Supreme (Shrub + Ground Cover)	MAY	JUNE
JULY	AUGUST	SEPTEMBER 23-5-10 / Best Poly Supreme (Shrub + Ground Cover)
OCTOBER -Pre-emergent granual for bed areas.	NOVEMBER	DECEMBER

PROPOSED PROJECT WORK SCHEDULES – REDUCED SERVICE

E-4A ANNUAL SCHEDULE SHEET

JANUARY	FEBRUARY	MARCH
APRIL 23-5-10 Best Poly Supreme (Shrubs & Ground Cover)	MAY	JUNE
JULY	AUGUST	SEPTEMBER
OCTOBER	NOVEMBER	DECEMBER

4. PROPOSED ANNUAL MATERIAL SCHEDULE

A. Fertilizers:

List the fertilizers to be furnished to execute work tasks specified in Exhibit A. Specify the type (analysis/brand name), estimated amount of each type to be supplied annually, and estimated annual cost for each type (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
-Growpower Fertilizer	3500 lbs.	$2050.00
-Best 23-5-10 Poly Supreme	3500 lbs.	$1800.00

B. Pesticides:

List pesticides to be furnished to execute work tasks specified in Exhibit A. Specify the type (i.e., pre-emergent herbicide, rodent/snail bait, insecticide, etc.), the brand name, estimated amount of each type/brand to be supplied annually, and the estimated annual cost for each type/brand (include applicable sales tax, overhead, and mark-up). Use additional sheets as necessary to provide a full and comprehensive response.

TYPE	ESTIMATED ANNUAL AMOUNT	ESTIMATED ANNUAL COST
Riverdale Razor-Pro	28 Gal	$550
Fusilade - Post grass control	3 QT.	$250
Ronstar - Pre-emergent	35 Bags	$3075
Snail bait	200 lbs.	$475

5. COMMUNICATIONS, TRAFFIC SAFETY, & GREENWASTE RECYCLING

A. Communications:

The General Provisions require that the selected Contractor possess, and maintain an effective company-wide communications system. The Contractor must also designate responsible staff to be available on a twenty-four (24) hour basis to receive, and respond to emergency calls.

Describe your company's internal communications system, both in the office and in the field, and how it will enable your company to provide the communication capability as required in Scope of Services .specifications. Also, describe how your company will provide the required twenty-four (24) hour communication capability. Use additional sheets as necessary to provide a full, and comprehensive response.

In the Field 6:30 - 5:00pm Area Manager - Cell phone
Office 8:00 - 4:30pm Office Staff
After Hours 5:00 - 8:00am Emergency phone #

B. Traffic Safety:

The General Provisions require that the selected Contractor provide safe and effective work area traffic control, per Caltrans' "Manual On Uniform Traffic Control Devices 2010 (or most current) California Supplement, Part 6, Temporary Traffic Control". Please describe your company's general traffic control practices and training, and how your company intends, if selected, to conduct work area traffic control operations to provide service for this project. Use additional sheets as necessary to provide a full and comprehensive response.

Trugreen Workzone Safety program - All employees are certified (Safety Cordinator - Ray Velasquez) does weekly on site inspections and tailgate meetings. Traffic cones & arrow boards are used as needed.

C. **Greenwaste Recycling:**

AB 939 mandates that the City of Moreno Valley divert from landfills fifty percent (50%) of the solid waste, including greenwaste, generated within its jurisdiction. Please describe your company's program to insure that the City receives credit for the greenwaste that will be generated from executing the project's Scope of Work (Exhibit A). Be sure to include the name(s), address(es) and phone number(s) of the recycling facility(ies) that will be accepting the greenwaste generated from your operations on the project. If planning to use any recycled greenwaste products (mulch, compost, soil amendments, etc.) on the project, please give name/address/phone information of the producer if different from those listed above. Use additional sheets as necessary to provide a full and comprehensive response.

Burrtec Industries
1850 Agua Mansa Rd.
Riverside, CA. 92509
951-685-5516

6. LIST OF SUBCONTRACTORS

A. SUBCONTRACTORS:

In compliance with the provisions of Government Code, Section 4102, the undersigned Proposer sets forth the name and location (address) of the place of business of each subcontractor who will perform work, labor or render service to the Contractor in or about the construction of the work or improvement in an amount in excess of one-half of one percent (0.5%) of the general contractor's total proposal, and the portion of the work which will be done by each subcontractor, as follows:

Name, License, and Classification No.	Place of Business and Telephone	Description of Work
	N/A	

7. CERTIFICATION OF NON-DISCRIMINATION

Pursuant to California Labor Code Section 1735, as added by Chapter 643 statutes of 2039, and as amended,

No discrimination shall be made in the employment of persons upon Public Works because of race, religion creed, color, national origin, ancestry, physical handicaps, mental condition, marital status or sex of such persons, except as provided in Section 12940, of the California Labor Code and every Contractor of Public Works violating this section is subject to all penalties imposed for a violation of the Chapter.

I certify that I have read, and understand the foregoing:

SIGNATURE Manuel Mendes

PRINTED NAME MANUEL MENDES

TITLE BRANCH MANAGER

COMPANY NAME TRUGREEN LANDCARE

DATE 02-17-11

8. PROPOSAL AFFIRMATION

With regard to the information provided hereinabove (Exhibit E: Proposal Submittal Documents), I affirm that:

- All information provided is true and correct to the best of my knowledge, and;
- I understand that a materially false statement willfully or fraudulently made in connection with this proposal may result in the termination of any Contract between the Moreno Valley Community Services District and TRUGREEN LANDCARE, and further , the aforesaid company may be barred from participation in future District contracts and be subject to possible criminal prosecution, and;
- I have legal authority to bind the terms of contract to the terms of this affirmation (See "INSTRUCTION TO PROPOSER", Section D. – Signature of Contract Proposal).

FOR PROPOSAL TO BE VALID, THIS SHEET MUST BE FILLED OUT (PRINTED), SIGNED AND DATED

SIGNATURE Manuel Mendes

NAME MANUEL MENDES

TITLE BRANCH MANAGER

COMPANY NAME TRUGREEN LANDCARE

DATE 02-17-11

9. SCHEDULE II

A. BID SCHEDULE

PROPOSER: TRUGREEN LANDCARE
(Company Name)

SITE	SERVICE LEVEL	ESTIMATED AREA	COST PER SQ. FT.	COST PER MONTH	COST PER TWELVE MONTHS
E-4 LANDSCAPE PARKWAYS & MEDIANS (currently full service)	Full	Planter: 617,667 sq. ft.	$ 0.015	$9,265.00	$111,180.00
		Turf: 588,060 sq. ft.	$ 0.0089	$5,233.73	$ 62,804.76
	Reduced	Planter: 617,667 sq. ft.	$ 0.0075	$4632.50	$ 55,590.00
		Turf: 558,060 sq. ft.	$ 0.006	$3348.36	$ 40,180.32
E-4A LANDSCAPE PARKWAYS (currently full service)	Full	Planter 31,000 sq. ft.	$ 0.015	$ 465.00	$ 5,580.00
	Reduced	Planter 31,000 sq. ft.	$ 0.0075	$ 232.50	$ 2,790.00

The Total Amount of the Service Proposal shall be based on current service levels (**Full service for E-4 Parkways & Medians and Full service for E-4A Parkways**):

Figures: $ 179,564 and 76 /100's Dollars

Words: One hundred seventy-nine thousand, five hundred sixty-four and seventy-six /100's Dollars

All work shall be performed in accordance with the Technical Provisions for Full Service or Reduced Service. Determination of the level of service shall be made per written direction by the City. Service levels may be converted from Full to Reduced or from Reduced to Full with 30 days advance written notice by the City.

The Contractor shall furnish all labor, equipment, and materials necessary to provide maintenance of median and parkway, irrigation, and landscaping as set forth in Exhibit A: Scope of Work of this Contract, and; any and all addenda issued prior to the opening of Proposals; any Change Orders issued after the execution of the Independent Contractor Agreement and its attached exhibits.

Addendum No(s). 0 has/have been received and is/are made a part of this proposal.

Manuel Mendez — 02-17-11
(AUTHORIZED SIGNATURE AND TITLE) (DATE)

B. ADDITIONAL WORK PRICE LIST

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

Prices for Additional Work, and Routine Irrigation Repair, including, but not limited to: Exhibit A and Exhibit C

UNIT PRICES (Includes all labor and materials)

1. 1 gal. shrub/vine/ground cover in place	@	$ 8.00	ea
2. 5 gal. shrub/vine/ground cover in place	@	$ 25.00	ea
3. 5 gal. tree in place (stakes included)	@	$ 32.00	ea
4. 15 gal. tree in place (stakes included)	@	$ 80.00	ea
5. 24" box tree in place (stakes included)	@	$ 275.00	ea
6. 36" box tree in place (guy wires included)	@	$ 675.00	ea
7. Flat of ground cover in place	@	$ 23.00	ea
8. Planter bed mulch in place	@	$ 37.00	/cu. yd
9. Additional labor	@	$ 30.00	/man hour
10. Additional Irrigation Technician	@	$ 55.00	/man hour

PROPOSER: TRUGREEN LANDCARE
(Company Name)

THE FOLLOWING PRICES ARE HEREBY MADE A PART OF THIS AGREEMENT

ROUTINE IRRIGATION REPAIR PRICES

1. Irrigation repair parts for routine repairs @ cost plus 15 %

2. Unit prices for Additional Work (additional **FULL SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.015 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.0089 /sq. ft./mo.

3. Unit prices for Additional Work (additional **REDUCED SERVICE** landscape areas) per Exhibit C, Section 2.

   A. Additional parkway areas, planters (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.0075 /sq. ft./mo.

   B. Additional parkway areas, turf (trees to 18-ft. height, shrubs, ground cover included, as applicable). $ 0.006 /sq. ft./mo.

4. Any other Additional Work shall be quoted per Exhibit C, Section 2.

PROPOSER: TRUGREEN LANDCARE
(Company Name)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, Acting in their Respective Capacities as President and Members of the Board of Directors of the Moreno Valley Community Services District

FROM: Chris A. Vogt, P. E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011 (continued from May 24, 2011)

TITLE: **FIRST EXTENSION OF CONTRACT** - Project No. E-3/10 - Maintenance of Extensive Landscaping and Irrigation – Moreno Valley Ranch – West (Zone E-3) and Lasselle Powerline Parkway (Zone E-3A)

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as the Board of Directors of the Moreno Valley Community Services District (CSD), herein referred to as the CSD Board:

1. Approve the attached first Extension Agreement for CSD Project No. E-3/10 to extend the term of the contract for an additional one-year period;

2. Authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc., San Clemente, California; and

3. Authorize the Purchasing Manager, on July 1, 2011, to issue open purchase orders to Bemus Landscape, Inc., in the amounts of:

   a.) ONE HUNDRED THIRTY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($139,500.00) for twelve months of base maintenance service, and

   b.) THIRTEEN THOUSAND TWO HUNDRED SIXTY AND 00/100 DOLLARS ($13,260.00) for anticipated Additional Work per Section 5 of the first Extension Agreement.

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

On December 17, 2009, the Special Districts Division of the Public Works Department received valid proposals from seven landscape contracting firms in response to the Request for Proposal for Project E-3/10, maintenance of landscaping and irrigation of the parkways and medians for Moreno Valley Ranch – West (Zone E-3) and Lasselle Powerline Parkway (Zone E-3A). On April 27, 2010, the CSD Board awarded the E-3/10 contract to Bemus Landscape, Inc., San Clemente, California (the "Contractor"). The contract amount for the initial twelve-month term for fiscal year (FY) 2010/11, was $152,745.00 ($139,500.00 for Base Service; $13,245.00 for estimated Additional Work). Staff is recommending that the Contractor be awarded the first of a possible three extensions, as discussed below.

DISCUSSION

In December 2010, Special Districts' staff had a discussion with Bemus Landscape, Inc., on their performance to date, the possibility of the CSD extending the term of the contract, and the first Extension Agreement (see Attachment 2). The key provisions of the document are as follows:

1. Extension of the contract term to June 30, 2012.

The Contractor has provided a satisfactory service level over the last year and has expressed a desire to extend the contract. Due to the current economic climate, the terms negotiated and agreed upon resulted in a zero percent (0%) overall increase in the current compensation amount. Therefore, based on performance and price, staff recommends that the CSD Board exercise the first extension of the Contractor's contract.

ALTERNATIVES

1. Approve the first Extension Agreement for Project No. E-3/10 to extend the term of the contract for an additional one-year period; authorize the President of the CSD Board to execute said first Extension Agreement with Bemus Landscape, Inc.; and authorize the Purchasing Manager to issue open purchase orders for Base Service and estimated Additional Work to Bemus Landscape, Inc., at the start of FY 2011/12. *Approval of this first Extension Agreement will ensure uninterrupted landscape maintenance service is provided to the parkways and medians of the Moreno Valley Ranch – West Specific Plan Development.*

2. Do not approve the first Extension Agreement for Project No. E-3/10 to extend the term of the contract for an additional one-year period. *By not approving this first Extension Agreement, the continuity of parkway and median landscape services for the Moreno Valley Ranch – West Specific Plan may be disrupted.*

FISCAL IMPACT

The sum of $127,500.00 will be encumbered in Account 00182.78240.6261 (Zone E-3) and $12,000.00 will be encumbered in Account 00182.78282.6261 (Zone E-3A) by open purchase order. Upon staff approval, monthly disbursements of $11,625 to pay for base services will be made to Bemus Landscape, Inc. Staff also requests that the CSD Board authorize the encumbrance of $10,260.00 in Account 00182.48240.6261 (Zone E-3) and $3,000.00 in Account No. 00182.78283.6261(E-3A) to cover the cost of performing estimated Additional Work (e.g., repairs/replacements due to vandalism, theft, Acts of God, normal wear and tear) under the terms of this first Extension Agreement and as anticipated to be performed during the coming fiscal year. The combined cost of the Base Contract services and the Estimated Additional Work performed by Bemus Landscape, Inc., shall not exceed $152,760.00 for FY 2011/12. The above amounts have been budgeted for in Zones E-3 and E-3A for the coming FY, with costs to be recovered through annual CSD Zone E parcel charges. This action will not impact the City's General Fund.

It should be noted that Zone E-3A, Lasselle Powerline Parkway, is scheduled for a mail ballot proceeding to allow property owners the opportunity to approve or reject an increase in the current CSD Zone E-3A parcel charge to retain maintenance at the full service level. The annual parcel charges collected for Zone E-3A may only be used for landscape maintenance services of the parkways associated with Zone E-3A. The funds collected pay for water and electric utility charges, along with their designated contractor maintenance, which includes mowing, trimming, pruning, and weeding of turf, shrubs, and trees, fertilizer applications, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, providing staff support, and other items necessary for the satisfactory maintenance of the landscaped areas, and administration of the Zone E-3A program.

Zone E-3, Moreno Valley Ranch – West, is presently at a reduced service level. Zone E-3 services are provided in accordance with the CSD Zone E Policy, No. 2.41, as originally adopted by the CSD Board on September 25, 2007, which describes the CSD Zone E Reduced Services. The Zone E-3 annual parcel charges received from properties within Zone E-3 are used to pay all costs to provide landscape maintenance of the parkways and medians within Zone E-3. The funds collected pay for water and electric utility charges, along with their designated contractor maintenance, which includes mowing, trimming, pruning, and weeding of turf, shrubs, and trees, fertilizer applications, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, providing staff support, and other items necessary for the

satisfactory maintenance of the landscaped and median at a reduced service level, and the administration of the Zone E-3 program.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS
CSD landscape maintenance services help enhance community image, neighborhood pride and cleanliness. Residential properties, which have landscaped parkways and/or medians, as maintained by the CSD, help to foster a pleasant environment and neighborhood atmosphere. Proper placement of plant materials helps in the prevention of graffiti.

SUMMARY

The CSD furnishes ongoing landscape maintenance of extensive parkways and medians within its Zone E through the use of contract services. At the end of the initial term, the maintenance agreement may be renewed for up to three additional twelve month periods. Staff is recommending that the CSD Board exercise its option to authorize the first Extension Agreement with Bemus Landscape, Inc., for an additional twelve months.

NOTIFICATION

Not applicable.

ATTACHMENTS

1. Project E-3 and E-3A Vicinity Maps

2. First Extension Agreement

Prepared By
Sharon Sharp
Senior Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107773

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3 • Moreno Valley Ranch - West

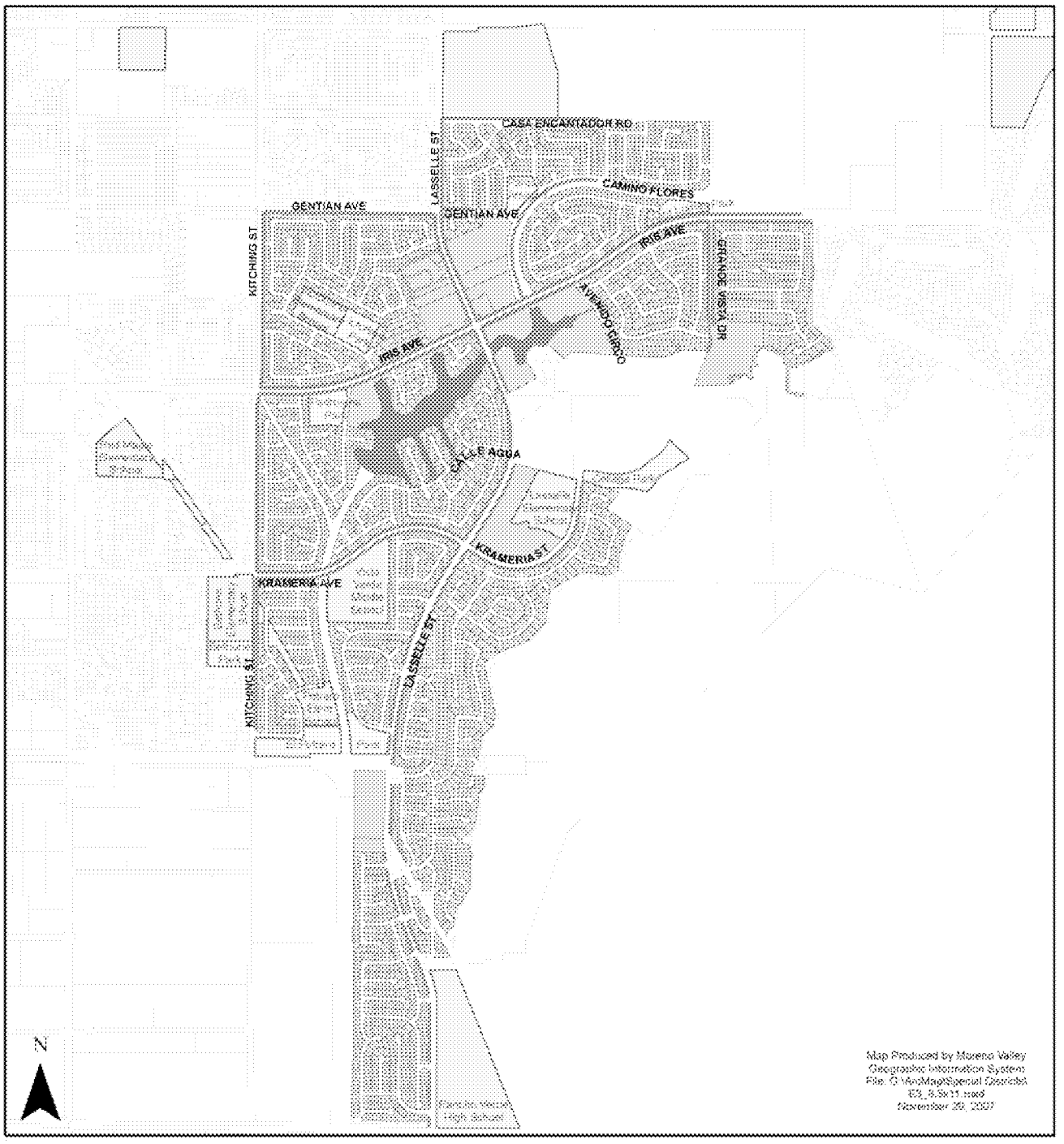

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be reproduced or resold.

Landscaped Parkway

Zone E-3 Parcels

MORENO VALLEY

ATTACHMENT 1

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MV00107775

Moreno Valley Community Services District
Extensive Landscaping & Irrigation

Zone E-3A • Lasselle Powerline Parkway

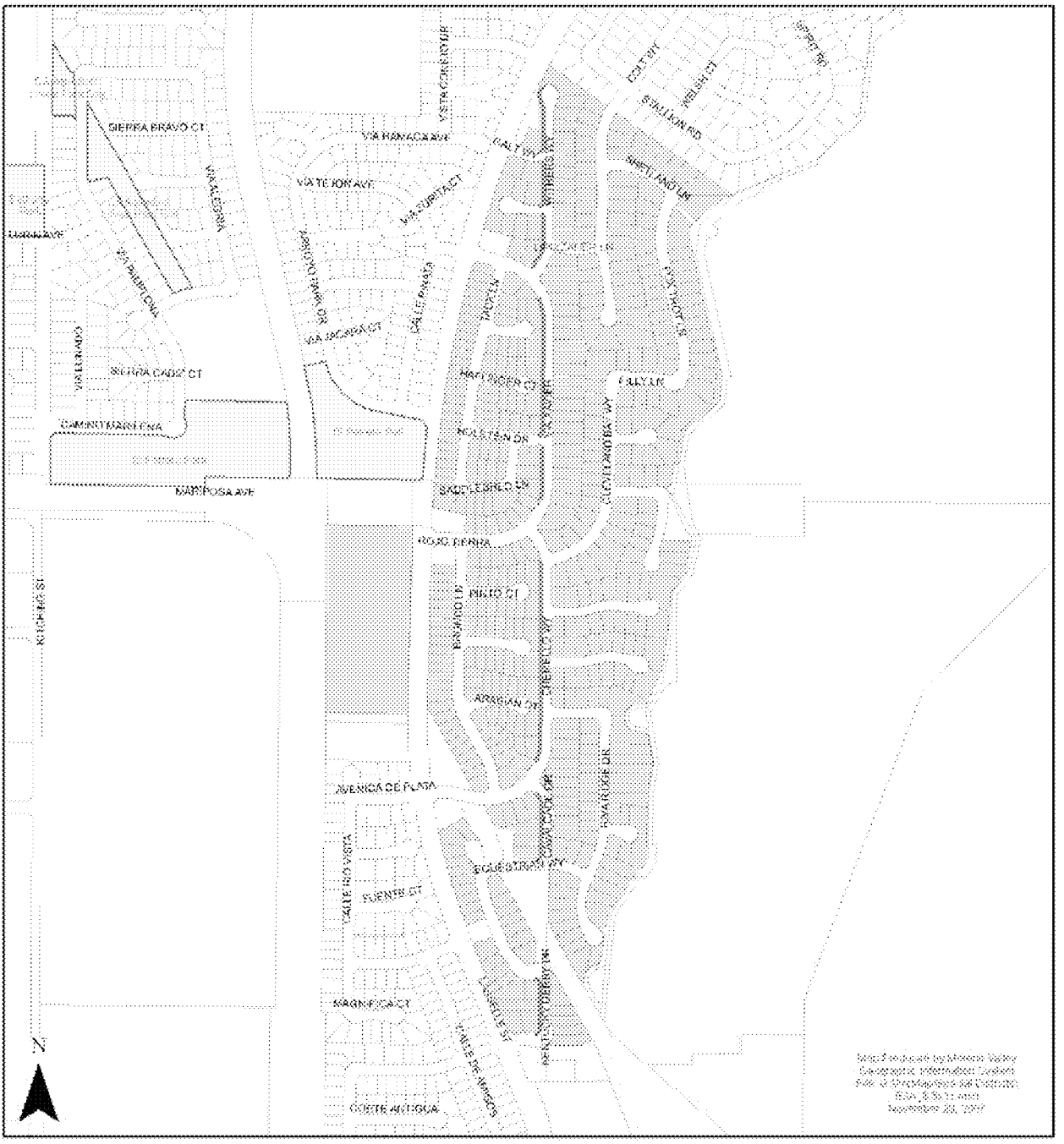

Landscaped Parkway

Zone E-3A Parcels

MORENO VALLEY

ATTACHMENT 1

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MV00107777

EXTENSION AGREEMENT
PROJECT NO. E-3/10
MORENO VALLEY RANCH - WEST
MAINTENANCE OF LANDSCAPING AND IRRIGATION

THIS AGREEMENT is made and entered into by and between the Moreno Valley Community Services District (hereafter, "District") and **Bemus Landscape, Inc.,** (hereafter, "Contractor").

WHEREAS, the District and Contractor entered into an agreement dated June 29, 2010, referencing Project No. E-3/10 regarding maintenance of District landscaping and irrigation systems (hereafter, "Agreement").

WHEREAS, pursuant to the terms of the Agreement, both parties wish to extend the Agreement by a period of twelve (12) months under the following additional terms:

1. The extension period shall commence on **July 1, 2011**, and shall terminate on **June 30, 2012.**

2. In accordance with paragraph 5(b) of the Agreement, this Extension shall be considered the first of four possible extensions of the Agreement.

3. Notwithstanding paragraph 3(b) of the Agreement, for the period of this Extension and except where additional compensation is specifically provided for in the Agreement, the District will pay the Contractor for all work (labor, materials, supplies, equipment, etc.) performed under this Extension the total amount of **ELEVEN THOUSAND SIX HUNDRED AND 00/100 DOLLARS ($11,625.00)** per month, one month in arrears, on the last day of the month. The total contract amount for the twelve (12) month extension period shall not exceed **ONE HUNDRED THIRTY-NINE THOUSAND FIVE HUNDRED 00/100 DOLLARS ($139,500.00)**

4. Notwithstanding paragraph 3(f) of the Agreement, the unit cost set forth in the Additional Work Price List, Section B. for any landscape areas added to the project during the period of this Extension shall be as follows:

    a. Additional parkway areas, turf (trees up to 18-feet height, as applicable). **$0.015/ sq. ft. / mo**.

    b. Additional parkway areas, planters (trees up to 18-feet height, shrubs, ground cover included, as applicable). **$0.011/ sq. ft. / mo**.

5. Notwithstanding paragraph 3(h) of the Agreement, for the period of this Extension and except as specifically approved by subsequent action of the District Board of Directors, the Director may not authorize additional work pursuant to this Extension or the original Agreement in excess of the cumulative total of **THIRTEEN THOUSAND TWO HUNDRED AND 00/100 DOLLARS ($13,260.00).**

6. Except as set forth above, all other terms and conditions of the Agreement shall remain in full force and effect.

ATTACHMENT 2

Dated:_____

MORENO VALLEY COMMUNITY SERVICES DISTRICT

By:_____
Mayor, acting in the capacity
of President to the Moreno
Valley Community Services District

CONTRACTOR:

_____	_____
Signature	Signature
_____	_____
Printed Name	Printed Name
_____	_____
Title	Title
_____	
Company Name	(Corporate Seal)

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SEE AGENDA ITEM A.18

B7. GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) **(Also listed as Item A.18- SEE ITEM A.18)**

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MV00107781

MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00107783

SEE AGENDA ITEM A.18

C3. GOVERNMENTAL ACCOUNTING STANDARDS BOARD (GASB) STATEMENT NO. 54 – FUND BALANCE CLASSIFICATIONS (Report of: Financial & Administrative Services Department) **(Also listed as Item A.18- SEE ITEM A.18)**

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MV00107785

MINUTES - REGULAR MEETING OF MAY 24, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00107787

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: June 14, 2011

TITLE: First Amendment - Aquabella Development Agreement (P11-029)

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing and subsequently introduce Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

ADVISORY BOARD/COMMISSION RECOMMENDATION

On May 12, 2011, the Planning Commission recommended approval of the Amendment by a vote of 6-0-1 (absent). After substantial discussion regarding the proposal and questions of the applicant and staff, the Commission determined that the Amendment would not materially affect the existing contractual rights and responsibilities of the applicant or City.

BACKGROUND

Highland Fairview submitted a Development Agreement Amendment application on March 28, 2011, to remove Planning Area 2 from the Aquabella Development Agreement. The Agreement, approved on January 12, 2006, currently covers 685 acres of the Aquabella Specific Plan. This proposal would be the First Amendment to the Agreement.

DISCUSSION

Planning Area 2 is a 13.2-acre site at the northeast corner of Cactus Avenue and Lasselle Street (the "Site"). The Aquabella Specific Plan permits the development of up to 220 non-senior multi-family units on the Site. If approved, the Site would no longer be covered by the Agreement and not be subject to its requirements nor benefit from its provisions. Any impacts related to the development of the Site would be conditioned as part of a future application submitted to the City. The site would continue to be a part of the Specific Plan. The site would continue to be a part of the Specific Plan. Exhibit A of the Amendment provides a legal description and plat map for both the Site and the remainder area covered by the Agreement.

All existing requirements of the Agreement remain in effect for remainder area. The Phasing Plan (Exhibit B) of the Amendment has been revised to ensure coverage of all requirements in the remaining five phases of the Aquabella project (the Site was Phase 6).

The proposal would be exempt from the California Environmental Quality Act as the Amendment would not result in substantial changes to the Agreement necessitating additional environmental review. No additional land disturbance would be permitted for the site by approval of the proposal.

As a legislative decision, the proposal requires final review and action by the City Council.

ALTERNATIVES

1. Approve the proposed Amendment as recommended by the Planning Commission.
2. Approve the proposed Amendment with modifications to address City Council concerns.
3. Refer the proposed Amendment back to the Planning Commission with direction for further review and recommendation.
4. Deny the proposed Amendment.

FISCAL IMPACT

Not applicable.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper on May 25, 2011.

ATTACHMENTS/EXHIBITS

1. Proposed Ordinance.
2. Proposed Amendment with Attachments.
3. Planning Commission Minutes.
4. Public Hearing Notice.

Prepared By:
John C. Terell AICP
Planning Official

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107791

ORDINANCE NO. 825

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The First Amendment to the Aquabella Development Agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the public hearing regarding the First Amendment on June 14, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed First Amendment is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: The First Amendment does not remove any responsibilities of the developer identified in the Development Agreement, nor does it change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

2. **The proposed First Amendment is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

   FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

ATTACHMENT 1

3. **The proposed First Amendment will not be detrimental to the public health, safety or general welfare.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

4. **The proposed First Amendment is in conformity with public convenience, general welfare and good land use practice.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The First Amendment does not change any land use or development standard identified in the Aquabella Specific Plan. The area proposed to be removed encompasses less than two percent (2%) of the territory subject to the Development Agreement.

No specific development proposal has been submitted for the area proposed to be removed from the Development Agreement. Any future development proposal will be reviewed for conformance with the General Plan and zoning district to ensure that it would not

cause serious public health problems or be materially injurious to properties or improvements in the general vicinity.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the First Amendment to the Aquabella Development Agreement attached hereto as Exhibit A, and does hereby authorize the Mayor to sign the First Amendment on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006

June xx, 2011

ATTACHMENT 2

1032/027722-0008
1143494.08 a05/19/11

THIS FIRST AMENDMENT TO THAT CERTAIN DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006 ("Amendment") is made and entered into this __th day of June 2011 (the "Effective Date"), by and between (i) the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and (ii) MORENO VALLEY PROPERTIES, LP, a Delaware limited partnership (the "Master Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Master Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the legislature of the State of California adopted Section 65864 *et seq.* of the California Government Code, which authorizes a city to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development. To implement the above-described State laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements. Both Government Code Section 65864 *et seq.* and Section 9.02.100 of the Moreno Valley Municipal Code authorize the amendment and modification of such development agreements from time to time at the mutual discretion of the parties.

B. On January 12, 2006, the Parties executed that certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 ("Agreement"). The Agreement pertains to a development project known as "Aquabella."

C. In the absence of this Amendment, the Agreement applies to real property comprised of approximately six hundred eighty-five (685) acres which is previously described in the property description attached to the Agreement as Exhibit "A."

D. Pursuant to this Amendment, Master Developer and the City desire to remove approximately 13.2 gross acres, representing less than two percent (2%) of the Project area from the coverage of the Agreement ("Removed Property"). The Removed Property was always planned to be developed independently from the Aquabella active adult community as a non-age restricted development. The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the Depiction attached hereto as Exhibit "A-2b." A legal description of the Removed Property is set forth in Exhibit "A-2."

E. The Agreement and the Project governed by the Agreement envisioned the development of approximately 2,702 age-restricted units in a gated community with common amenities to be maintained by one or more Homeowners' Association ("Age-Restricted Project").

The Project, as originally approved, also included the development of the Removed Property in what was defined, in the Aquabella Specific Plan, as Planning Area 2. The Removed Property and Planning Area 2 were envisioned to be developed with approximately 220 attached rental units or for sale condominiums that were not age-restricted and were therefore not to be part of the Age-Restricted Project.

F. The State of California and the City have been faced with a severe economic crisis, which has negatively impacted the pace and timing of residential development. In light of these economic conditions, the sequencing of phasing originally contemplated may have to be rescheduled so it is responsive to present market conditions. It is possible that development of the Removed Property as 220 attached, non-age restricted rental units or for sale condominiums may occur at an earlier time period than development of the remaining Age-Restricted Project.

G. Excising the Removed Property from the coverage of the Agreement would increase the likelihood that non-age-restricted rental units or for sale condominiums could be developed more quickly than what would occur if the Removed Property were not excised from the Agreement.

H. On February 23, 1999, the City adopted Resolution No. 99-13, certifying a Final Environmental Impact Report, including findings and a statement of overriding considerations and imposing mitigation measures for the Project ("FEIR"). On May 27, 2003, the City adopted Resolution No. 2003-38 certifying a Supplemental EIR for the Project ("SEIR"). Thereafter, on November 22, 2005, the City adopted Resolution No. 2004-12 approving an Addendum to the FEIR and SEIR for the Project. The record of proceedings for all of the aforementioned City actions are expressly incorporated herein by reference as if set forth in full.

I. On August 23, 2008, the City approved Tentative Tract Map No. 34950 for financing purposes. On April 15, 2011 Tract No. 34950-1 was recorded creating a separate legal parcel for the removed property.

J. On _____, 2011, the City made all of the findings and determinations relating to this Amendment which are required by Municipal Code section 9.02.110 and introduced Ordinance No. ___ for first reading. Thereafter, Ordinance No. ___ was approved on ____, 2011 thereby approving this Amendment.

K. The City finds the approval of this Amendment will not result in substantial changes to the Project within the meaning of the California Environmental Quality Act ("CEQA") (Pub. Res. Code sections 21000 *et seq.*) and its implementing Guidelines including, but not limited to, Guideline 15162. The Removed Property will continue to be governed by Specific Plan 218 and the City's General Plan, and the Removed Property will continue to be permitted to be developed with approximately 220 non-age-restricted, rental residential dwelling units or for sale condominiums. No change in land use designations is permitted or contemplated by this Amendment. Further, this Amendment ensures the infrastructure improvements identified in the attached revised Circulation Phasing Improvement Program set forth in the Agreement as Exhibit "B" ("Circulation Program") will be constructed by re-affirming: (i) the Master Developer's obligation to construct the improvements set forth in the Circulation Program and (ii) the City's legal right to impose reasonable off-site and fair share improvement requirements on the

Removed Property when a specific development proposal for the Removed Property is filed with and processed by the City. Once the Amendment is approved, the Removed Property can be processed independently from the rest of the Project and vice-versa. Therefore, pursuant to CEQA Guideline section 15162, the City finds that executing this Amendment does not result in any substantial changes to the original Project.

L. The City Council finds that execution of this Amendment as set forth herein by the Parties: (i) is in the best interest of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide an active adult community; (v) will encourage the development of the project while providing a reasonable level of certainty to the private developer; (vi) will encourage the development of rental or for sale residential dwelling units within the City; and (vii) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above recitals, all which are expressly incorporated into this Amendment, and the mutual promises and obligations of the Parties set forth herein, the Parties agree to this Amendment as follows:

AMENDMENT TO AGREEMENT

1. Section 1 of the Agreement is hereby amended as follows with new Section 1.23 set forth below, replacing Section 1.23 in the Agreement:

> 1.23 "Project" means the development of the Property contemplated by the SPA and implemented through PADIPs as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to ~~six hundred eighty-five (685)~~ approximately six hundred seventy one point eight (671.8) acres of the seven hundred sixty (760) acres comprising the Specific Plan area. The ~~685~~ approximate 671.8 acres will be developed as a gated age-restricted community with common amenities to be maintained by one of more Homeowner's Association(s). The Project contemplates a maximum of two thousand seven hundred and two (2702) ~~two thousand nine hundred twenty-two (2922)~~ dwelling units and other uses as defined in the Project Approvals. ~~, with the exception of two hundred (220) dwelling units (specifically identified in the SPA) that may or may not be age-restricted.~~

2. Section 1 of the Agreement is hereby amended as follows with new Section 1.25 set forth below, along with new Exhibit "A-1" and Exhibit "A-1b" replacing the Section 1.25 set forth in the Agreement:

> 1.25 "Property" means the real property described on Exhibit "A-1" to this Amendment and depicted on Exhibit "A-1b" of this Amendment and made a part herein by reference.

3. Section 6 of the Agreement is hereby amended as follows with new Section 6 set forth below, replacing the Section 6 set forth in the Agreement:

6.2 Construction of Public Street and Traffic Signal Improvements – Circulation and Phasing Improvement Program. While the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement. When the development of the Removed Property for the anticipated 220-unit rental or for sale condominium project is proposed, the City retains the legal right to analyze any specific traffic or other environmental impacts of any proposed development for the Removed Property and the City may condition the Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. Pursuant to State law, City retains the right to impose mitigation on the Removed Property to the extent future environmental analysis discloses previously undisclosed impacts.

4. Section 12 of the Agreement is hereby amended as follows with the insertion of new section 12.3:

12.3 Termination of Agreement With Respect to the Removed Property. The Agreement is terminated with respect to the Removed Property. The Parties shall execute and record the Acknowledgement of Termination set forth as Exhibit "C" within thirty (30) calendar days following the execution and recordation of this Amendment.

5. All other provisions of the Agreement not amended by this Amendment shall remain in force and in effect with respect to the Property (and not the Removed Property) and unaltered by this Amendment.

"MASTER DEVELOPER"	"CITY"
MORENO VALLEY PROPERTIES, LLC,	CITY OF MORENO VALLEY,
a California limited liability company	a municipal corporation
By:_____	By:_____
Iddo Benzeevi, President	Richard A. Stewart, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

Exhibit "A-2b"

Depiction of Removed Property

EXHIBIT "A–2b"

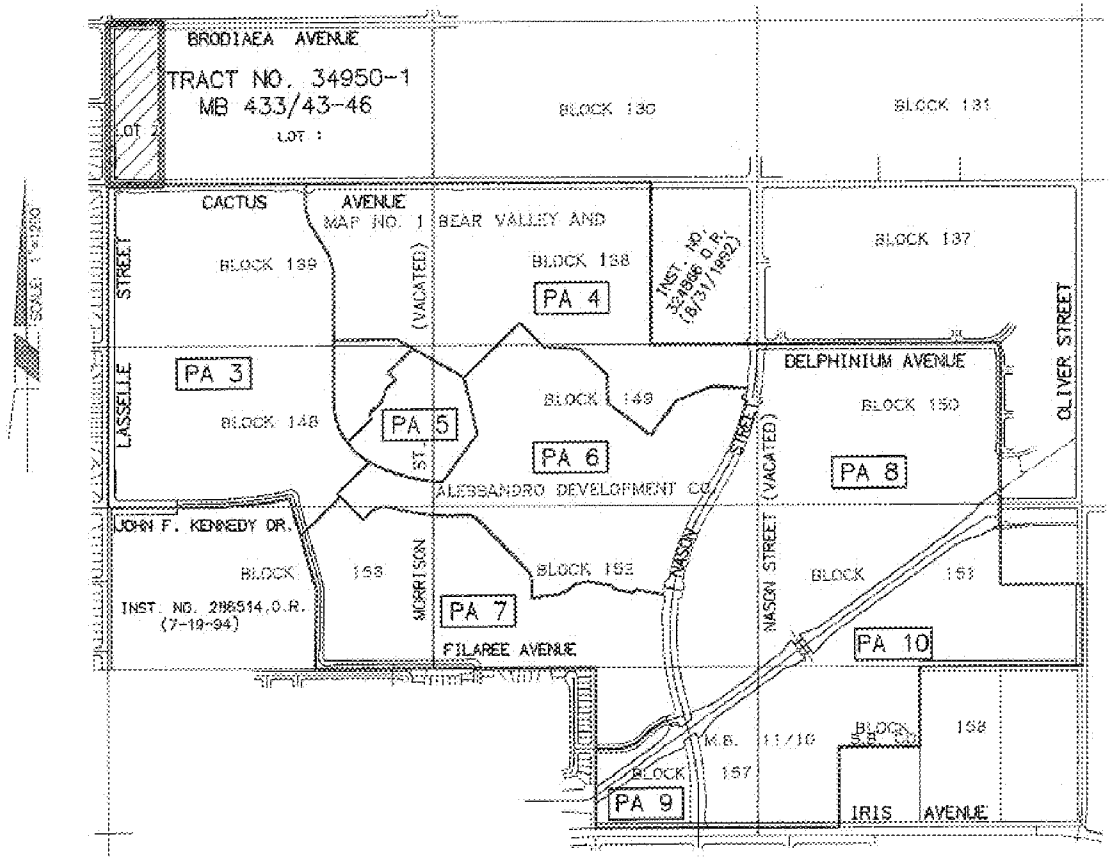

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M1	RBF CONSULTING PLANNING • DESIGN • CONSTRUCTION 40810 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

Exhibit "A-2"

Legal Description of the Area to be Removed from the Aquabella Development Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

H:\data\10107827\legals\7827lgl001.doc

Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

Those certain parcels of land situated in the City of Moreno Valley, County of Riverside, State of California, being all of Blocks 138, 139, 148, 149, 152 and 153 of Map No. 1 of the Bear Valley and Alessandro Development Company filed in Book 11, Page 10 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California (located within Sections 15, 16, 21 and 22, Township 3 South, Range 3 West, San Bernardino Meridian).

ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

ALSO Lot 1 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California

TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.

EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-1b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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1032/027722-0008
1143494.08 a05/19/11

Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"

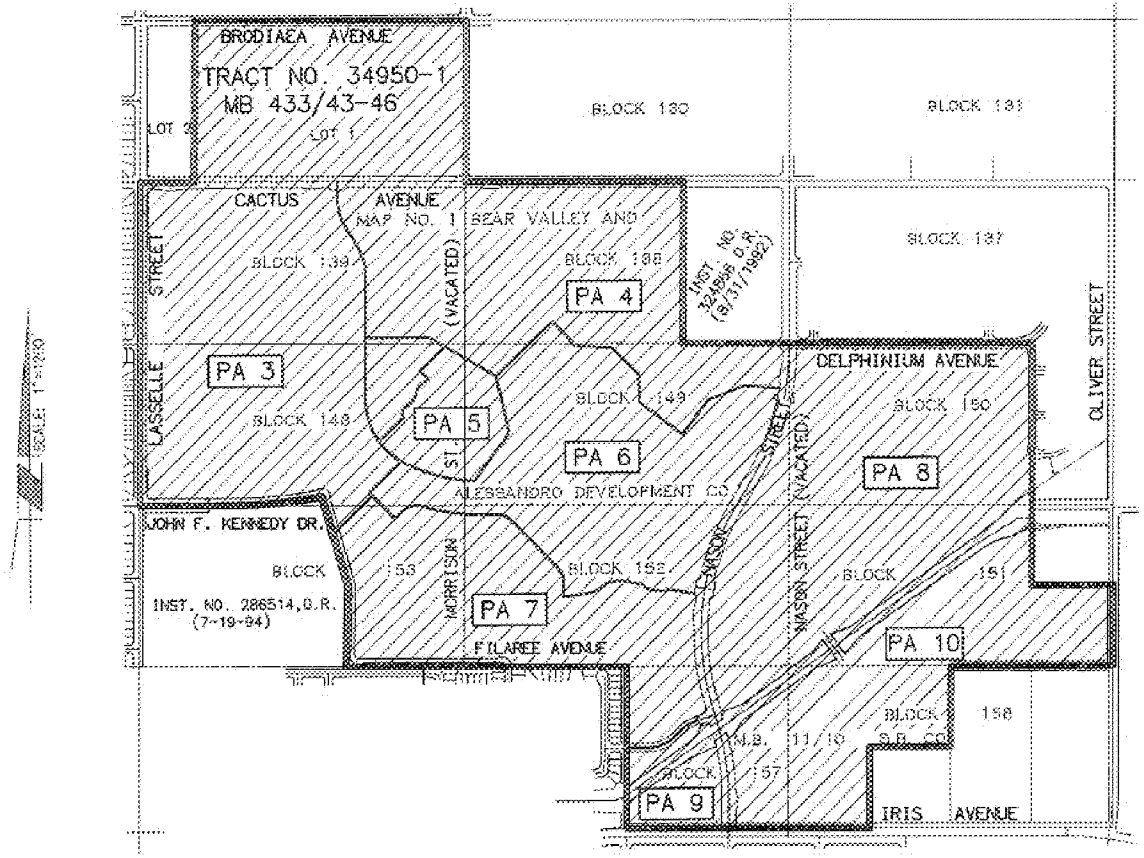

MODIFIED AREA AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M2	RBF CONSULTING — PLANNING • DESIGN • CONSTRUCTION 40880 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

EXHIBIT "B" – (6 Pages)

AquaBella – Circulation Phasing Improvement Program

Phasing Summary

Phase	Type	Quantity	Units	Construction	Occupancy
1	**Active Adult (+55) Housing** Detached Attached	 **351** **234**	 **DU** **DU**	**July 06 – Jan 08**	**Jan 07 – Feb 08**
2	**Active Adult (+55) Housing** Detached Attached	 **289** **193**	 **DU** **DU**	**July 07 – July 08**	**Jan 08 – Aug 08**
3	**Active Adult (+55) Housing** Detached Attached	 **301** **201**	 **DU** **DU**	**Feb 08 – Mar 08**	**Aug 08 – Apr 09**
4	**Active Adult (+55) Housing** Detached Attached	 **460** **306**	 **DU** **DU**	**Sept 08 – Feb 10**	**Mar 09 – Mar 10**
5	**Active Adult (+55) Housing** Detached Attached	 **220** **147**	 **DU** **DU**	**Aug 09 – Aug 10**	**Feb 10 – Oct 10**
5	**Hotel**	**300**	**Room**	**Mar 11 – Apr 12**	**----------**

Phasing Improvement Details

Location	Direction	Improvement	Phase	Footnotes
Nason St from Iris to Delphinium	NB / SB	Widen to half-width (1 lane per direction)	Phase 1	
Nason Street at Iris Avenue	I	Install traffic signal	Phase 1	
Nason Street at Iris Avenue	SB	Construct dual right-turn lane	Phase 1	
Nason Street at Iris Avenue	EB	Construct one ADDITIONAL left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one left turn lane	Phase 1	
Nason Street at Iris Avenue	WB	Construct one right turn lane	Phase 1	
Nason Street at Dracaea Avenue	I	Install traffic signal	Phase 1	
Lasselle Street at Margaret Avenue	I	Install traffic signal	Phase 1	
Nason Street at Fir Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Fir Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 1	
Nason Street at Fir Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW) including dual left-turn lane	Phase 1	
Nason Street at Fir Avenue	EB	Construct one left turn lane.	Phase 1	
Nason Street at Fir Avenue	WB	Construct one left turn lane	Phase 1	
Lasselle Street at Delphinium Avenue	I	Install traffic signal	Phase 1	

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Eucalyptus Avenue	I	Modify Traffic Signal	Phase 2	
Nason Street at Eucalyptus Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Re-stripe lane configuration	Phase 2	
Nason Street at Eucalyptus Avenue	EB	Construct one through lane	Phase 2	
Nason Street at Eucalyptus Avenue	WB	Construct one left turn lane	Phase 2	
Delphinium Avenue		Traffic Calming on Delphinium	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Construct one additional left turn lane (Including traffic signal modification to implement Split-Phase Signal Timing)	Phase 2	
Lasselle Street at John F Kennedy Drive	EB	Re-stripe lane configuration	Phase 2	
Lasselle Street at Gentian Avenue		Re-striping lane configuration / Signal Modification	Phase 2	
Clubhouse Drive at Cactus Avenue	I	Install traffic signal	Phase 2	
Clubhouse Drive at Cactus Avenue	NB	Construct one left turn lane	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Clubhouse Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 2	
Clubhouse Drive at Cactus Avenue	EB	Construct one left turn lane	Phase 2	
Clubhouse Drive at Cactus Avenue	WB	Construct one left turn lane	Phase 2	
Cactus Ave from Lasselle to Nason	EB / WB	Widen to half-width (1 lane per direction)	Phase 2	

Location	Direction	Improvement	Phase	Footnotes
Nason St from Cottonwood to Dracaea	NB	Construct 1 NB lane	Phase 3	
Nason Street at Cottonwood Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Delphinium Avenue	I	Modify traffic signal	Phase 3	
Nason Street at Cactus Avenue	I	Modify traffic signal	Phase 3	
Nason St from Delphinium to Cactus	SB	Construct 1 SB lane	Phase 3	
Nason St from Brodiaea to Alessandro	SB	Construct 1 SB lane	Phase 3	
Nason St from Alessandro to Cottonwood	NB / SB	Construct 1 lane per direction	Phase 3	
Cactus Ave from Nason to Oliver	WB	Construct 1 WB lane	Phase 3	

Location	Direction	Improvement	Phase	Footnotes

Location	Direction	Improvement	Phase	Footnotes
Nason Street at Clubhouse Drive	I	Install traffic signal	Phase 4	
Nason Street at Clubhouse Drive	NB	Construct one left turn lane	Phase 4	
Nason Street at Clubhouse Drive	SB	Construct one left turn lane	Phase 4	
Nason St from Iris to Delphinium	NB / SB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Cactus Ave from Lasselle to Nason	EB / WB	Complete the remaining half-width (add 1 lane per direction)	Phase 4	
Oliver St, project frontage	NB / SB	Widen to ultimate width	Phase 4	700' Project frontage only btw J.F.K and Iris

Location	Direction	Improvement	Phase	Footnotes
Morrison St from Brodiaea to Cactus	NB / SB	Construct half-ultimate plus 12 feet	Phase 5	
Morrison Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Morrison Street at Cactus Avenue	I	Install traffic signal	Phase 5	
Oliver Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	
Oliver Street at Cactus Avenue	SB	Widen Oliver to ultimate width (ROW) w/ signing & striping	Phase 5	
Oliver Street at Iris Avenue	I	Modify traffic signal	Phase 5	
Oliver Street at Iris Avenue	SB	Construct one right turn lane	Phase 5	
Iris Ave from Lasselle to Camino Flores		Modification of Iris Median ($70 per LF)	Phase 5	
Iris Avenue		Coordination of traffic signals on Iris ($3500 per intersection)	Phase 5	
Lasselle Street		Coordination of traffic signals on Lasselle ($3500 per intersection)	Phase 5	
Lasselle Street at Cactus Avenue	I	Modify Traffic Signal	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	NB	Construct one FREE right-turn lane	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	EB	Re-stripe lane configuration	Phase 5	Or concurrent with City Project
Lasselle Street at Cactus Avenue	WB	Construct one additional left turn lane	Phase 5	Or concurrent with City Project

Lasselle Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Brodiaea Ave from Lasselle to Morrison	EB / WB	Construct half ultimate plus 12 feet (include power poles)	Phase 5	
Cactus Avenue at Apartment Access	I	Construct raised median to restrict left-turn in/out movements from apartment access	Phase 5	
Lasselle Street at Apartment Access	I	Construct raised median to restrict left-turn out movement from apartment access	Phase 5	
Nason Street at Bay Avenue	I	Install traffic signal	Phase 5	
Nason Street at Bay Avenue	NB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Bay Avenue	SB	Widen westside/eastside Nason to ultimate width (ROW)	Phase 5	
Nason Street at Brodiaea Avenue	I	Install traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at Cactus Avenue	NB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	SB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	EB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Re-stripe shared left-through turn lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one through lane	Phase 5	
Moreno Beach Drive at Cactus Avenue	WB	Construct one shared through-right turn lane.	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	I	Modify traffic signal	Phase 5	
Moreno Beach Drive at John F. Kennedy Drive	WB	Widening & re-striping & signing for additional left-turn lane	Phase 5	
Cactus Avenue		Coordination of traffic signals on Cactus ($3500 per intersection)	Phase 5	

Location	Direction	Improvement	Phase	Footnotes		
Nason St at SR-60 WB Ramps / Elder Ave	I	Participate in interchange improvements through payment of TUMF program fees	All			
Nason St at SR-60 EB Ramps	I	Participate in interchange improvements through payment of TUMF program fees	All			

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END OF EXHIBIT “B”

Exhibit "C"

Acknowledgement of Termination

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Clerk
P.O. Box 88005
Moreno Valley, California 92552-0805

ACKNOWLEDGMENT OF TERMINATION OF DEVELOPMENT AGREEMENT WITH RESPECT TO SPECIFIED PROPERTY BY AND BETWEEN THE CITY OF MORENO VALLEY AND MORENO VALLEY PROPERTIES, LP, RELATIVE TO THE DEVELOPMENT KNOWN AS SPECIFIC PLAN NUMBER 218 AND AMENDMENTS THERETO DATED JANUARY 12, 2006

Month, Day, 2011

ACKNOWLEDGEMENT OF TERMINATION OF DEVELOPMENT AGREEMENT WITH RESPECT TO SPECIFIED PROPERTY KNOWN AS PLANNING AREA TWO IN THE AQUABELLA SPECIFIC PLAN

RECITALS

A. On _____, 2011, the City of Moreno Valley ("City") and Moreno Valley Properties, LP ("Master Developer") executed a First Amendment to that Certain Development Agreement By and Between the City of Moreno Valley and Moreno Valley Properties, LP relative to the development known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006. The development is commonly referred to as "Aquabella."

B. The Amendment had the effect of removing approximately 13.2 gross acres representing less than two percent (2%) of the Project area from the coverage of the Agreement as described in the Amendment (defined as the "Removed Property"). The Removed Property is located at the northeast corner of Cactus Avenue and Lasselle Street in the City as set forth in the depiction set forth as Exhibit "A-2b" attached hereto. In the Aquabella Specific Plan, the Removed Property is described as Planning Area 2. A legal description of the Removed Property is set forth as Exhibit "A-2" attached hereto.

C. Pursuant to Section 3 of the Amendment, the Parties are required to execute and record this Acknowledgment of Termination within 30 calendar days following execution and recordation of the Amendment.

NOW, THEREFORE, in consideration of the above Recitals, and the Recitals set forth in the Amendment, all which are expressly incorporated into this Acknowledgement of Termination, the Parties agree as follows:

ACKNOWLEDGMENT OF TERMINATION

1. Termination of Agreement With Respect to the Removed Property. The Parties hereby acknowledge that the Development Agreement entered into by and between the City of Moreno Valley and Moreno Valley Properties, LP, Relative to the Development Known as Specific Plan Number 218 and Amendments Thereto dated January 12, 2006 is hereby terminated with respect to the Removed Property described in Exhibit "A-2." Following the execution of the Amendment, the Agreement applies to that land legally described in Exhibit "A-1" and depicted in Exhibit "A-1b."

2. Construction of Public Street and Traffic Signal Improvements -- Circulation and Phasing Improvement Program. Notwithstanding the termination of the Agreement with respect to the Removed Property, it is hereby acknowledged and agreed while the timing of the phasing has been changed by market forces, to the extent the Project proceeds, Master Developer agrees to construct all required public street and traffic signal improvements in accordance with the Circulation Program set forth in the Agreement as amended by the Amendment. When a future development plant for the Removed Property is submitted for the anticipated 220-unit rental or for sale condominium project, the City retains the legal right to analyze any specific traffic impacts of any proposed development for the Removed Property and the City may condition the

Removed Property to construct any improvements set forth in the Circulation Program and/or to construct or pay fair share amounts towards any other additional and necessary improvements identified in a separate traffic study prepared to analyze any impacts of any proposed development of the Removed Property. The Removed Property can be processed independently from the rest of the Project and vice-versa.

"MASTER DEVELOPER"

MORENO VALLEY PROPERTIES, LLC,
a California limited liability company

By:_____
Iddo Benzeevi, President

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By:_____
Richard A. Stewart, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A-2b"

Depiction of the Removed Property

EXHIBIT "A–2b"

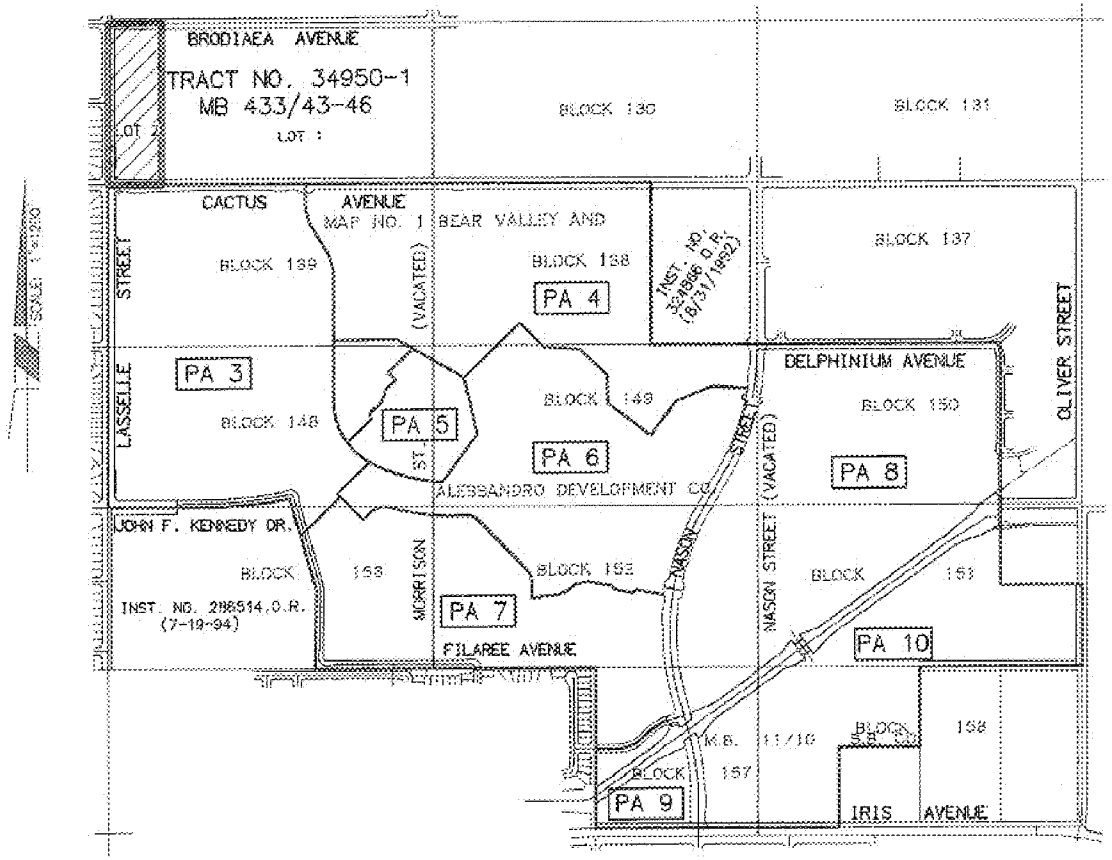

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M1	RBF CONSULTING — PLANNING • DESIGN • CONSTRUCTION — 40810 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

Exhibit "A-2"

Legal Description of the Removed Property

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10-107827-M1

EXHIBIT "A-2"

AREA TO BE REMOVED FROM AQUABELLA DEVELOPMENT AGREEMENT

That certain parcel of land situated in the City of Moreno Valley, County of Riverside, State of California, being Lot 2 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-2b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

1 of 1

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1032/027722-0008
1143494.08 a05/19/11

Exhibit "A-1"

Legal Description of Property Covered by the Agreement

RBF CONSULTING
40810 County Center Drive, Suite 100
Temecula, CA 92591

April 28, 2011
JN 10107827-M2

EXHIBIT "A-1"

MODIFIED AREA - AQUABELLA DEVELOPMENT AGREEMENT

Those certain parcels of land situated in the City of Moreno Valley, County of Riverside, State of California, being all of Blocks 138, 139, 148, 149, 152 and 153 of Map No. 1 of the Bear Valley and Alessandro Development Company filed in Book 11, Page 10 of Maps in the Office of the County Recorder of the County of San Bernardino, State of California (located within Sections 15, 16, 21 and 22, Township 3 South, Range 3 West, San Bernardino Meridian).

ALSO Lot 2 through 7, inclusive, of Block 150; Lots 2 through 8, inclusive of Block 151; Lots 1, 2, 7 and 8 of Block 157; and Lots 3, 4 and 5 of Block 158; as shown on said Map No. 1 of the Bear Valley and Alessandro Development Company.

ALSO Lot 1 of Tract No. 34950-1 as shown on the map recorded in Book 433, Pages 43 through 46, inclusive of Maps in the Office of the County Recorder of said Riverside County, California

TOGETHER with those portions of the Streets and Avenues vacated by Resolution of the Board of Supervisors of the County of Riverside, a Certified Copy of which was recorded on August 11, 1966 as Instrument No. 81996, of Official Records of said Riverside County, which would pass with a conveyance of said land.

EXCEPTING from Block 138 those portions described in the deed to the County of Riverside, recorded August 31, 1992 as Instrument No. 324866 of Official Records of said Riverside County.

ALSO EXCEPTING from Block 148 and Block 153 those portions described in the deed to the Moreno Valley Unified School District recorded July 19, 1994 as Instrument No. 286514 of Official Records of said Riverside County.

SUBJECT to all covenants, rights, rights-of-way and easements of record.

EXHIBIT "A-1b" attached hereto and by this reference made a part hereof.

This description was prepared by me or under my direction.

04/28/2011

Thomas E. Verloop, PLS 5348 Date
My license expires 12/31/11

LICENSED LAND SURVEYOR
THOMAS E. VERLOOP
L.S. 5348
Exp. 12/31/11
STATE OF CALIFORNIA

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1032/027722-0008
1143494.08 a05/19/11

Exhibit "A-1b"

Depiction of the Property Covered by the Agreement

EXHIBIT "A-1b"

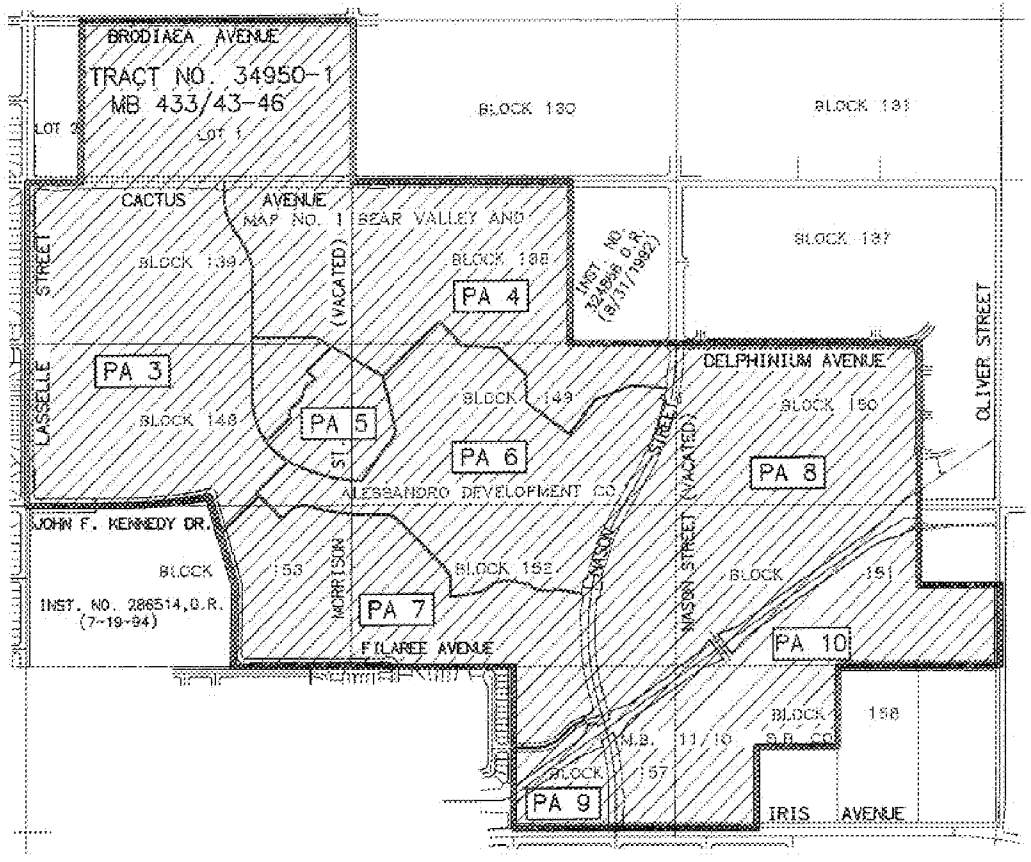

MODIFIED AREA AQUABELLA DEVELOPMENT AGREEMENT	DATE 04/28/2011	SCALE 1"=1200'	SHEET 1 OF 1 JOB NO. 10107827-M2	RBF CONSULTING — PLANNING • DESIGN • CONSTRUCTION 40880 COUNTY CENTER DRIVE, SUITE 100 TEMECULA, CALIFORNIA 92591-6022 951.676.8042 • FAX 951.676.7240 • www.RBF.com

Item No. E.1

MV00107828

1032/027722-0008
1143494.08 a05/19/11

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MV00107829

2. Case Number: P11-029
Amendment to Aquabella Development Agreement

Case Planner: John Terell, AICP

VICE CHAIR BAKER – Mr. John Terrell will handle this item for us.

PLANNING OFFICIAL TERELL – Yes this item is the first amendment to the Aquabella Development Agreement. The Development Agreement was adopted at the same time as the approval of the Aquabella Specific Plan which is roughly located south of Alessandro, north of Iris, east of Lasselle and generally west of Nason and the Development Agreement is something that is permitted under State Law to allow a developer to get long term protection on the zoning and the entitlements that they receive in exchange for agreeing to do certain things and in this particular Development Agreement there is an extensive list of capital improvements that are required as part of this Development Agreement as well as the quality of the development, which is identified in the Specific Plan as well as in the Development Agreement. The Development Agreement specifically requires the construction of a clubhouse that has a minimum value of 25 million dollars. The other was a payment that was already made which was a one million dollar payment that was made to support the extension of lines; not to this property but in the service area of the Moreno Valley Utilities. The first amendment is quite simple. The applicant has requested to remove the parcel at the northeast corner of Cactus and Lasselle. That particular parcel is the only parcel in the Aquabella project that is not age restricted. It is a non-senior parcel and so they are requesting to remove from the benefits and the responsibilities of the Development Agreement I believe so they can sell that to some third party. The list of improvements that are required under the Development Agreement are not changing. They still stay the same. They are actually moved up in priority to the next higher phase because this particular parcel was phase 6 and now there will only be 5 phases. Your action would be a recommendation. Final action will occur by the City Council. The project was noticed in the newspaper, sent to all property owners within 300 feet of the project and that was not just the corner of Lasselle and Cactus, it was the entire Aquabella Specific Plan and it was also noticed on the property. I did receive four phone calls regarding the project. Generally they were interested to know what was going to be developed on the site and it is very important to note that there is no development application for this site. That would be a separate future application that would require its own public hearing before the Planning Commission. So with that I will close my remarks and be open for questions.

VICE CHAIR BAKER – Alright, thank you John. Do any of the Commissioners have questions of John Terell on this item?

ATTACHMENT 3

COMMISSIONER OWINGS – I do. I am sure I'm going to have more questions as we go into this and as other Commissioners delve into it, but you say the Development Agreement was signed when and what is the length or the term of the Development Agreement?

PLANNING OFFICIAL TERELL – The Development Agreement was approved January 12, 2006 and it has an initial term of 15 years with two 5 year extensions possible, so it is in effect for some time and then there is certain performance that has to occur to extend it beyond that term.

COMMISSIONER OWINGS – So were any of the improvements that you mentioned like the clubhouse or anything, were they to be located on this parcel.

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – So this parcel was originally in the Development Agreement solely just a residential non-age restricted residential area?

PLANNING OFFICIAL TERELL – That's correct. There are certain improvements that are in the Development Agreement that are still required in the Development Agreement that would obviously be the frontage along Lasselle and Cactus. If this property is developed separately in advance of the rest of the Aquabella Project, then that project will most likely be responsible for those improvements because they are immediately adjacent to the site, but if they do not occur, then if this site is not developed for many years then the Aquabella Project would be required to do it based on the phase.

COMMISSIONER OWINGS – When you say most likely, that leads me to believe that there is a possibility they may not.

PLANNING OFFICIAL TERELL – The only reason they may not is if the City should choose to develop those improvements and therefore there would be a reduction in the benefits accruing to the project or most likely what would happen…

COMMISSIONER OWINGS – In which case… not to interrupt you, but I suffer early onset Alzheimer's, so I may forget, but in that particular case that the City does those, what remedy does the City have with the developer to kind of equal the scale here. If he is doing less, the City is doing more, how he compensates the City for that

PLANNING OFFICIAL TERELL – The Development Agreement requires the improvements provided by the development to exceed the amount of the credits they are receiving, so that's the balance sheet.

COMMISSIONER OWINGS – So that could be determined at a later time?

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - And what assurance does anyone have that that will happen?

PLANNING OFFICIAL TERELL – It's required by the agreement. I mean that's all I can say. It is a contractual agreement.

COMMISSIONER OWINGS – And you were going to go onto a second one and we'll see if your memory is better than mine.

PLANNING OFFICIAL TERELL – Oh well I was going to say most likely what will occur is this property will be developed in advance of phase 5 of Aquabella, which is really the last phase in Aquabella, which is a very large phase and therefore the improvements will most likely be constructed by the developer of this parcel.

COMMISSIONER OWINGS – In the master agreement, those developments; when are they required in which phase.

PLANNING OFFICIAL TERELL - They are required in phase… In the existing agreement it is Phase 6, but since this property is Phase 6, all those improvements were moved up to Phase 5.

COMMISSIONER OWINGS – Isn't that sort of unusual that development would have all of those improvements after the whole project is complete

PLANNING OFFICIAL TERELL – Well there are five phases and as each phase occurs there is more impact both onsite as well as offsite and that is why its phased so as the impacts occur, the improvements are required rather than requiring all the improvements up front, even before any of the impacts occur.

COMMISSIONER OWINGS – And that's normal?

PLANNING OFFICIAL TERELL – That is normal; yes

COMMISSIONER OWINGS – Okay, then what does the removal of this property…well first of all let me ask you, originally in the master plan, why was this property not designated with an age restriction. There must have been some logic for the marketing of this plan. Why was it not consistent with the bigger portion of the project?

PLANNING OFFICIAL TERELL – Well at time there was recognition that this property is close to the County Hospital, which is the largest employer in the City of Moreno Valley and there is no multi-family housing in close proximity or multi-family zoning at that time and therefore this was included as a recognition that at

least one site on this property that was near the hospital would have the potential to provide workforce housing for the hospital.

COMMISSIONER OWINGS – So is this workforce housing still required? I mean is there a need for that still? I know this was done in 2006, so since 2006 has that requirement for work related housing for the hospital workers, has that been filled by someone else.

PLANNING OFFICIAL TERELL – It has not

COMMISSIONER OWINGS – So there would still the need. Are there other areas of property in this area that could fulfill that need?

PLANNING OFFICIAL TERELL – Well as part of the recently adopted Housing Element for the City, there are a certain number of multi-family housing units that are required in the City. A large portion of those that are identified in the Housing Element involve rezoning property to R30, which is 30 units per acre. That is a new zone that is required by the State and one of the areas that was identified was the area immediately north and west of the hospital and north of this property and should all that rezoning occur this property may or may not be needed to meet those requirements.

COMMISSIONER OWINGS – So let me ask you a question. If we were to approve this tonight, is there any assurance that it would still be designated… I mean if someone wanted to do medical offices there instead of residences for workers, it is conceivable it would come back to the Planning Commission and we would probably in some later future date be asked to change the zoning of it from its current zoning to something that would allow medical offices or something of that nature, so there is no assurance then that that specific housing need that was identified when this plan was put together would be met if we make this change tonight.

PLANNING OFFICIAL TERELL – The change tonight doesn't affect the land use on this property. The land use was established by the Specific Plan.

COMMISSIONER OWINGS – But if you take it out of the master plan then it could be changed. It cannot be changed if it stays in the master plan. Am I correct?

PLANNING OFFICIAL TERELL – Maybe it's the terminology… the Specific Plan is the land use plan and…

COMMISSIONER OWINGS – Not the Master Plan, I mean the Development Agreement

PLANNING OFFICIAL TERELL – With the Development Agreement; the only change that taking it out of the Development Agreement because in a Development Agreement the land use can change, but it requires the concurrence of both the City and the property owner.

COMMISSIONER OWINGS – Which is only fair…?

PLANNING OFFICIAL TERELL – If it is outside the Development Agreement, the City could if it wanted to, change the land use without the concurrence of the developer.

COMMISSIONER OWINGS – So there could be a benefit to the City by taking it out?

PLANNING OFFICIAL TERELL – Well I'm not saying it is a benefit, but the City has more rights relative to the land use if it is outside of the Development Agreement than if it is in the Development Agreement; more flexibility

COMMISSIONER OWINGS – To allow some of the other Commissioners to question further, but could you finally just kind of persuade me or alleviate my fear here. It seems as though if I'm just a little tiny developer, it's my main occupation, but it would seem to me that someone in the City made this agreement with this developer to put that little chunk in there to do meet the need of the hospital, it wasn't probably his idea, it was probably the City's idea. Am I correct in that?

PLANNING OFFICIAL TERELL – It was a suggestion from not myself but from City Staff that it be included and the developer was amenable to that.

COMMISSIONER OWINGS – Right so he was amenable to it because he has this bigger project he wanted to do, but the need you guys saw back 2006 still exists and has not been met and so persuade me that that need could be met somewhere else so at least we have some feeling that it could be met somewhere else or you know some hope that it could down the line future met with some other parcel or other property.

PLANNING OFFICIAL TERELL – Well I'm not here to convince you one way or the other. I will tell you if someone came forward, either the City or the property owner and wanted to change that from multi-family housing to some other use, the Planning Commission and City Council would have to determine that other sites already existed to meet the housing needs of the City.

COMMISSIONER OWINGS – Not to be argumentative, I know you are not here to change my mind or persuade me, but you did recommend approval of this, so you are in a sense putting your stamp of approval on it. I think that the Staff does need to address that concern.

PLANNING OFFICIAL TERELL – I'm not quite sure what the concern is because… The concern is there is no land use change before tonight.

COMMISSIONER OWINGS – Well the concern is that the City Staff in 2006 say there was a need for this particular parcel to be used for the hospital workers and it now no longer sees that need?

PLANNING OFFICIAL TERELL – Again, the land use is not changing tonight and therefore the only action before the Commission is to recommend whether it is in or out of the Development Agreement

COMMISSIONER OWINGS – But if it is in the Development Plan it is pretty much assured it is going forward as it is. If it's not in this Development Agreement, there is a possibility that it might not. Am I correct?

PLANNING OFFICIAL TERELL – No, I'm sorry that's not correct. The Specific Plan which identifies the land use is not changing. All that is changing is it goes from being in a Development Agreement which means the property owner has to agree a change of land use.

COMMISSIONER OWINGS – John hypothetically, excuse me for cutting you off, cut you are just really not getting my point, so I've not made it clear. Hypothetically, if you take this out of this agreement, Mr. Benzeevi, the owner of this could come over to you one night and ask you to change the zoning to office or some sort of multiple use zoning; correct

PLANNING OFFICIAL TERELL – He could do that now

COMMISSIONER OWINGS – Even though it is in the Master Development Plan

PLANNING OFFICIAL TERELL – Correct because he is the property owner and the property owner always has; even under the Development Agreement, has the right to request a change in land use.

COMMISSIONER OWINGS – Would the City Planning Commission be the sole authority of that or would it have to go to the Council. I would assume this agreement would have to go to the Council wouldn't it if you change it?

PLANNING OFFICIAL TERELL – Yes, this agreement has to go to Council and any land use would have to go to Council as well.

COMMISSIONER OWINGS – Well thank you very much. I think really clarified it for me.

PLANNING OFFICIAL TERELL – I'm sorry if I didn't understand you clearly…

COMMISSIONER OWINGS – No, no, it's my fault. I wasn't communicating clearly.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – Okay so I'm still not clear. Maybe you can fill me in. So aside from little section of land there was there any other non-age restricted multiple family dwellings within the Development Agreement?

PLANNING OFFICIAL TERELL – No there are not

COMMISSIONER VAN NATTA – Okay, so conceivably by taking that out of the Development Agreement and selling it to somebody or even without selling it to somebody else, then the developer of Aquabella could go ahead and finish his complete development without having to worry about putting in the multi-family units that he had originally agreed to when he entered into this Development Agreement?

PLANNING OFFICIAL TERELL – They are not required to put in the multi-family housing but it is Phase 6. So the idea is to complete the Aquabella Development, this is one of the parcels that would be developed. If it is not developed then certain… within the Development Agreement if this parcel was not developed, certain responsibilities would not be required and certain benefits; meaning certain fee credits would not accrue to the developer, so this like most development agreements is performance based. If you do develop something you have certain responsibilities and certain benefits. If you don't develop, then you don't have certain responsibilities and you don't get certain benefits

COMMISSIONER VAN NATTA – Right, but as part of the original Development Agreement the whole project as a whole has a certain number of multi-family units in it, which if we take this part out then he no longer has the requirement when he develops it completely to put in the multiple family units.

COMMISSIONER VAN NATTA – He could complete the whole thing without building any multi-family units

PLANNING OFFICIAL TERELL – That are non age-restricted; yes

COMMISSIONER VAN NATTA – Non-age restricted multiple family units

PLANNING OFFICIAL TERELL – Yes and even under the current agreement, since this was the last phase, he theoretically could have developed everything else without developing this parcel.

COMMISSIONER VAN NATTA – Just leave an undeveloped parcel there that he couldn't…that if he were to develop it, it would have to be non-age restricted

multi-family unless there was an agreement between him and the City to change it to something else.

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER VAN NATTA – But now by taking it out and saying it is not part of the Master Development, and then he doesn't have to worry about that.

PLANNING OFFICIAL TERELL – Well, it's not part of the Development Agreement. It still is Highland Fairview's property and therefore to develop it, they have certain responsibilities. They don't necessarily have the same benefits as being in the agreement but and I'll kind of defer this to the Applicant Representative, but I'm assuming and the Applicant's Representative can confirm this, that they want to take this property out the Development Agreement to sell it to some third party and to make it more marketable to a third party that doesn't want to be responsible for the rest of Aquabella; they are separating it out so there are Aquabella's responsibilities and rights and then this property is free of those responsibilities. So it doesn't tie this property in with the development of the rest of Aquabella. It allows it to be separately developed by a third party.

COMMISSIONER VAN NATTA – I would like to hear more explanation about why they're doing it because it looks kind of strange to take that little corner out of a development that was originally planned to be a certain way and all cohesive and you know all flow together and everything like that and then you take a little chunk out of the corner which is the frontage on a fairly well travelled road; yes I'd like to hear a little more about that.

PLANNING OFFICIAL TERELL – I think the Applicant has to make that case for you.

COMMISSIONER VAN NATTA – Alright, thank you

VICE CHAIR BAKER – Okay are there are more questions of Staff before we have the Applicant come forward.

COMMISSIONER OWINGS – I was fairly certain I understood you to begin with. You told me that the major contribution by the developer to the City would not occur till phase 6.

PLANNING OFFICIAL TERELL – For this parcel

COMMISSIONER OWINGS – For this parcel… but the complete development, under the Master Agreement, which is just nothing but a contract between the City and the developer to do certain things; correct

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS – So when would… you said that on the developers part that contribution would be made at the completion of Phase 6. Did I misunderstand you?

PLANNING OFFICIAL TERELL – Possibly… this particular property is Phase 6 and there were certain requirements… there were certain improvements required in Phase 6 and those have now been moved up to Phase 5 and if under the current plan Development Agreement; if this parcel is not taken out of it, it's not required to do anything until Phase 6. Every phase has major improvements that are required and actually much larger than Phase 6.

COMMISSIONER OWINGS – So that's the part I misunderstood. I thought you were leading me to believe that Phase 6 was the larger portion. I couldn't figure out why they got to the end with… So could you please, if you know John and I know you may not, it's been a long time, but what were the developer's responsibilities at the completion of Phase 6?

PLANNING OFFICIAL TERELL – I couldn't point out exactly which ones, but in Phase 5 there is a very long list and several those are primarily relating to what is adjacent to this parcel were required in Phase 6. Phase 6 has a very short list. Most of the improvements were required well in advance of Phase 6. It was a short list. As I recall it was only three or four items.

COMMISSIONER OWINGS – Okay thank you John

VICE CHAIR BAKER – Okay is there anyone else?

COMMISSIONER CROTHERS – The phase 6 items that we're looking at right here or the Phase 5, does that include the ones that were from Phase 6?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER CROTHERS – Okay thank you

VICE CHAIR BAKER – Anyone else? Okay, we'll bring the Applicant forward and he can present… Mr. Wayne Peterson. Would you please state your name and address sir.

SPEAKER PETERSON – Sure, Wayne Peterson with Highland Fairview and we're located here in Moreno Valley. I'd be happy to address the Planning Commission on this and want to thank John for responding to many of those questions. It really is a very simple amendment. I can appreciate the Commission's questions because it is simpler than it may appear. The only change being proposed is to eliminate the small planning area from the Development Agreement. All of the obligations under the Development Agreement today remain with the Aquabella property without this piece, so all of

the obligations; all the street improvements; all the improvements within Aquabella are all still in place; nothing changes whatsoever in terms of the mitigations that are required; the public improvements; the private improvements; all those things are all still in the plan. The only thing that changes is the fact that this small piece of property is no longer protected by the Development Agreement. As John said, it essentially removes the guarantee that the Development Agreement provides, that the City cannot unilaterally change the zoning on that property. In this particular case and it's not for a potential sale; it is for a potential financing purpose that this particular piece is being removed from the agreement. There is no pending sale of the property, it is still owned by Highland Fairview and will continue to be owned Highland Fairview, so my goal would be to try to assure the Council or Commission I'm sorry, that the proposed amendment is in fact as simple as it sounds. It does not reduce in any way, shape or form any of the obligations that Highland Fairview agreed to back in 2006 and essentially its three items. I can point those out to you in the back of your package. At the end of Exhibit…

COMMISSIONER OWINGS – Maybe you could just give us the page number

SPEAKER PETERSON – It doesn't have pages in my copy of the Staff Report. If you go through the Staff Report… there is Attachment 3 is the draft of the first amendment to the agreement. If you go to the back of Attachment 3 there is spreadsheet that looks like this…

PLANNING OFFICIAL TERELL – Page 199 I believe

SPEAKER PETERSON – Oh your Staff Report is numbered and the copy I have isn't. It should be the last page of the spreadsheet that lists all of the improvements that are required in Aquabella

PLANNING OFFICIAL TERELL – So that would be 203

SPEAKER PETERSON – Okay, sorry

COMMISSIONER OWINGS – John I'm looking at page 203 and I don't see Phase 6

PLANNING OFFICIAL TERELL – Right, they are all in Phase 5 now

COMMISSIONER OWINGS – Okay, so which are the three that would have been in Phase 6?

SPEAKER PETERSON – The last three

COMMISSIONER OWINGS – The last three

SPEAKER PETERSON – Correct… the two on the last page refer to all phases.

COMMISSIONER VAN NATTA – So you are referring to modify the traffic signal, widening and restriping and signing for a left turn lane and coordination of traffic signals.

SPEAKER PETERSON – Correct

COMMISSIONER OWINGS – And then on the back page it is the money items; the TUMF fees, correct.

COMMISSIONER VAN NATTA – Those just aren't in that phase, those are for all phases

COMMISSIONER OWINGS – Would those fees be reduced as a result of removing this parcel?

SPEAKER PETERSON – As John indicated, the zoning on the property stays the same; no change whatsoever in density; no change in type of land uses; its multi-family residential and in the Development Agreement a key point is that there is no requirement to build those units at any particular point in the overall development of the community. The point is when they are developed; they are subject to all of the regulations that normally apply to any residential development in the City, including review by this Planning Commission and potentially the City Council.

COMMISSIONER OWINGS - Your name again, I didn't get your last name sir

SPEAKER PETERSON – Peterson… Wayne Peterson

COMMISSIONER OWINGS – Mr. Peterson my name is Tom Owings. I would like to assure you that I'm not trying to make something simple into complicated. I have enough complications in my life, but there is a fiduciary function for each of the Commissioners here to understand when the City; when two people enter into a contract and one of them wants of modify it. We were not here. We have a fiduciary function to ask the questions, so I hope you understand that were not in any way trying to complicate something. So you know in looking; I think can simplify it with one simple question. Wayne if you were to look at me straight in the eyes and tell me that is going to be developed with multiple unit, non-aged restricted units, then my concern about meeting the housing need that was identified in 2006 would be alleviated. So can you tell me that the ultimate use of this will be the units that were initially envisioned when this agreement was agreed to by the developer and by the City.

SPEAKER PETERSON – No, but the key point is if it is anything different then what is in the Development Agreement today and in the zoning, it would be an

application on the part of the property owner that would have to come through the City review process.

COMMISSIONER OWINGS – And when you say property owner that makes me believe that wouldn't be fair of Fairview Highland

SPEAKER PETERSON – Well I can't stand here and tell this Planning Commission that the Highland Fairview is going to forever be the owner of all the property it owns.

COMMISSIONER OWINGS – Let me ask you hypothetically; if you were in the party of a master agreement like this and you were kind of thinking about and I appreciate your comment about later down the line, the zoning would come before the Planning Commission, but that is kind of kicking the question down the line when it really our responsibility to deal with it now, so hypothetically if you were a developer and you kind of decided that this project may not happen; the whole project; you might start picking it apart piece by piece and so I guess I have to ask you what are the likelihoods that a few years from now another Planning Commission member with my curiosity might be asking you or might asked to say we want to take Phase 5 out and then Phase 4 and then Phase 3; so the City is bound to allow you to have this long term agreement, but piece by piece it is being taken away, so I guess my question to you is this the first step in that process.

SPEAKER PETERSON – No

COMMISSIONER OWINGS – It's because a little tiny guy who tried to develop some housing units, you know there is generally a five year period on these types of entitlements and then you get a couple of extensions here and there. You guys really have a 30 year period here to which the City is bound by this agreement and of course you are too, so that's my concern. So you have no plans. Highland Fairview two years from now is not going to be here trying to pull out parcel 5 or section 5 of this.

SPEAKER PETERSON – No

COMMISSIONER OWINGS – Okay thank you

COMMISSIONER VAN NATTA – Was this the only parcel in the development that was not age restricted? Is now the rest of Aquabella age restricted?

SPEAKER PETERSON – That's correct. Well the exception and to just be completely accurate; the High School site was technically part of the Specific Plan. It is obviously not age restricted.

COMMISSIONER VAN NATTA – But all the residences that are…

SPEAKER PETERSON – Correct, all the residential property…

COMMISSIONER VAN NATTA - …that are under the program now, the rest of them are age restricted.

SPEAKER PETERSON – That is correct

COMMISSIONER VAN NATTA – And this was the only section that was not

SPEAKER PETERSON – That is correct

COMMISSIONER PETERSON – Okay

VICE CHAIR BAKER – Are there any other questions of the Representative or the Applicant? Thank you very much. Now we will open this up to Public Testimony. I have no Speaker Slips on this item so I will close the Public Testimony on this item and we will go forth with Commissioner's Debate.

PLANNING OFFICIAL TERELL – Chair Baker; just to clarify the questioning that was occurring; no property owner can agree not to ever change their mind in the future but in a development agreement the City is not required to approve any change that the owner of that property has. They are only required to consider it, so not that it will occur in this case, but we've got other Development Agreements in town and the owner of the property has the right to request, but they don't have the right to change it; the City always has the right to review and either agree or disagree. Just to clarify that; you know if you see a change in this Development Agreement or say Towngate or some other project that has a Development Agreement, you are not required to approve it but the owner of the property can never bargain away their right to ask.

COMMISSIONER OWINGS – You know John I'm not trying to suggest that they know because I don't know what I'd I'm going to do with the piece of property that I am stuck with in Oregon in the same situation they are, but we sure have a pretty good idea when we have that much money invested in it and I think it is a fair question to ask what is the plans as of today.

PLANNING OFFICIAL TERELL – Agreed, I just want to make sure that it was clear that they could change their mind.

COMMISSIONER VAN NATTA – As I see this, this gives even though it has been taken out of the Master Plan for Aquabella; if anything, the City now has more control over what happens with the development of that piece of property than we had when it was within the development and since there was no guarantee that at any point that phase would have ever been reached, it would have turned into multiple family units anyway, I don't see much harm in approving this because they can't do anything other than it was slated for without

for without coming back to us for permission anyway. I am a great believer in owners being able to do what they can with what they want to with their own property as long as they are staying within the rules and there is no harm in what changes they want to make and so I don't see any harm in approving it.

COMMISSIONER OWINGS – You know I just respectfully disagree with that analysis. This is different. This is a contractual arrangement between the City and a developer. This is not a question of property rights because there is nobody on this dais that believes in property rights more than me, but this is between a contract… you know the developer got something out of this or they wouldn't have entered into the agreement, so the City got something; the developer got something and now the agreement is being altered and I do not believe this is a property right; this is a contractual agreement.

COMMISSIONER VAN NATTA – Let me just respond to that. But the City isn't giving up anything that they agreed to and in a way neither is the owner and he has the right to ask and if there is no harm in making the change, I don't see the harm in approving it.

COMMISSIONER OWINGS – You know and I may agree with that final analysis, but the point is how we got there has to be correct and clear in our mind. We have every right to question this and it is not a matter of property rights, this is a question of contractual agreement between two parties and one party wants to change it.

PLANNING OFFICIAL TERELL – Commissioner Owings is exactly correct, that's why this item is before you because the City and the Applicant have to agree in order to change this contract.

VICE CHAIR BAKER – Okay another other comments?

COMMISSIONER RAMIREZ – Having said that, I believe that we need to be flexible. We need to be able to work together. Times change and things happen in a five year period, so whenever this contract was proposed and put in place, a lot has changed since. One thing I can agree with is our developer has a great proven track record. In fact when that Skechers was built, it was built way ahead of time and up to the cutting edge and as far as time frame goes, I believe that the developer completed and fulfilled all their obligations way ahead of schedule, so having said that, I find no harm in trusting the developer that either one day if he decides to sell this particular property or they decide to develop it, the fact is that this will help them and it will help us in moving the City forward. Now it is better for us to not develop something than not develop it and sit there for many, many years and have no one move into it. That doesn't make anybody any money and that doesn't make any sense, I believe that as long as we can come to an agreement to work together and be flexible, we'll be able to accomplish our mission. Thank you.

COMMISSIONER OWINGS – Respectfully I would like to point out to the Commissioner that this Development Agreement assures that there is a possibility that we could be 30 years from now and that land would be vacant, so if you want to do rapid development, you shouldn't enter into these kinds of agreements.

COMMISSIONER VAN NATTA – And I may add to that that I feel that we have to look at each one of these projects on their merit and on what was decided on this particular property. We can't go into something saying I trust this developer and I don't trust that developer or point to how a developer has behaved in any other development that he has done. We're talking about a specific plan for this specific piece of property and that's what we need to look at.

VICE CHAIR BAKER – Okay, any other comments? Okay, I guess we're at a point where we'll ask for a motion to approve this Resolution 2011-14. Do I have a motion?

COMMISSIONER RAMIREZ – I motion that we approve…

VICE CHAIR BAKER – Okay, would you do this for me Commissioner. Would you read in there that resolution? Here I'll give the sheet. We just need you to read into the record all the items there. Thank you.

COMMISSIONER RAMIREZ – I make a motion that we **APPROVE** Resolution No. 2011-14 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not Result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and,

2. **APPROVE** P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2 acre Parcel at the northeast corner of Cactus Avenue and Lasselle Street

VICE CHAIR BAKER – Do we have a second to Commissioner Ramirez's motion?

COMMISSIONER VAN NATTA – I'll second that

VICE CHAIR BAKER – That is seconded by Commissioner Van Natta. Okay let's poll the Commission and all those in favor?

Opposed – 0

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Thank you

PLANNING OFFICIAL TERELL – This item will be forwarded to the City Council for final review and action. That would tentatively occur on June 14th and that's all at this time.

Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE :	**P11-029**
APPLICANT:	**Highland Fairview**
OWNER:	**Moreno Valley Properties**
REPRESENTATIVE:	**Wayne Peterson**
LOCATION:	**Northeast Corner of Lasselle Street & Cactus Avenue**
PROPOSAL:	**First Amendment to the Aquabella Development Agreement to remove Planning Area 2**
ENVIRONMENTAL DETERMINATION:	**Exempt**
COUNCIL DISTRICT:	**3**
STAFF RECOMMENDATION:	**Approval**

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

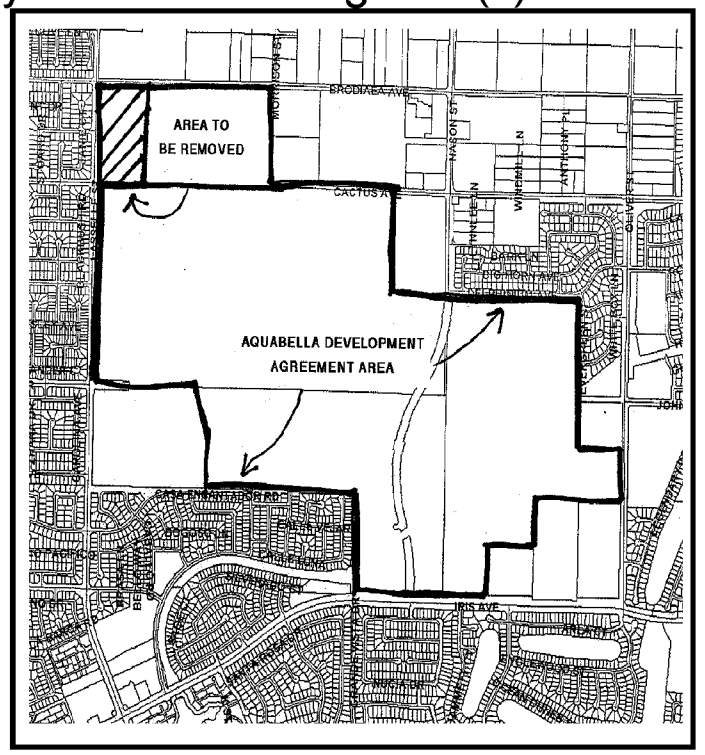

LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: June 14, 2011 at 6:30 PM

CONTACT PLANNER: John C. Terell AICP
PHONE: (951) 413-3238

ATTACHMENT 4

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MV00107847

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING TO CONSIDER APPROVING THE CONTINUANCE OF CURRENT MORENO VALLEY COMMUNITY SERVICES DISTRICT ANNUAL PARCEL CHARGES PROPOSED FOR FISCAL YEAR 2011/12

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Members of the Board of Directors of the Moreno Valley CSD ("CSD Board") conduct a Public Hearing to *approve and adopt the following proposed resolutions:*

Resolution No. CSD 2011-09	(Zone A)
Resolution No. CSD 2011-10	(Zone B)
Resolution No. CSD 2011-11	(Zone C)
Resolution No. CSD 2011-12	(Zone D)
Resolution No. CSD 2011-13	(Zone E)
Resolution No. CSD 2011-14	(Zone E-1A)
Resolution No. CSD 2011-15	(Zone E-3A)
Resolution No. CSD 2011-16	(Zone E-4A)
Resolution No. CSD 2011-17	(Zone M)
Resolution No. CSD 2011-18	(Zone S)

Approval of the proposed resolutions will continue the currently approved annual parcel charges and the proposed amount for each charge in fiscal year (FY) 2011/12. Parcel charges help to fund parks and community services, residential street lighting, arterial street lighting, maintenance of parkway landscaping, extensive parkway landscaping, internal parkway landscaping in certain areas, medians, and certain improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard, as described in the Preliminary Annual Levy Report on file in the office of the City Clerk.

ADVISORY COMMITTEE RECOMMENDATION

N/A.

BACKGROUND

The CSD was formed simultaneously with City incorporation to provide a variety of benefit services. Zones within the CSD were established to allocate costs to those parcels that receive proportional benefit from the services provided. Each of the zones represents either a different service or degree of service to particular properties within each zone.

The CSD Board conducted the Public Meeting on May 24, 2011, to provide the first opportunity for the public to address the CSD Board on the annual CSD charges.

Proposition 218
Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments. The City of Moreno Valley has reviewed Proposition 218 with respect to the CSD charge collection process. Based upon this review, it has been determined that the CSD charges as currently collected are in compliance with Proposition 218. Any future charge increases, other than an inflation adjustment that has been approved during a prior mail ballot proceeding, shall require a ballot, which will be conducted as outlined in Proposition 218 and in compliance with the Policy for Conducting Mail Ballot Proceedings as originally adopted by the City Council and the CSD Board on January 22, 2002, and as most recently amended on April 26, 2011.

DISCUSSION

The following section lists the zones and summarizes the services provided by the CSD to each zone, along with the current FY 2010/11 and proposed FY 2011/ 12 annual charges. No charge increases for the following zones are proposed for FY 2011/12, unless adjusted through the mail ballot proceeding process or a previously authorized inflation adjustment implemented to achieve full-cost recovery. The inflation adjustment for FY 2011/12 is 1.34% and is based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index (CPI), as published by the Department of Labor's Bureau of Labor Statistics.

Zone A is authorized to provide park and community services citywide. All properties within the City boundaries are levied this charge to aid with current programs. The proposed FY 2011/12 charge is $87.50 per dwelling unit (residential), nonresidential parcels (commercial and industrial) and undeveloped parcels. (The current FY 2010/10 charge is $87.50.) The proposed FY 2011/12 levy for Zone A is approximately $4,964,837.50.

Zone B is authorized to provide residential street lighting services to specific residential areas within the zone. The funds collected pay for the monthly energy and maintenance charges to

operate residential streetlights. The charge is $23.00 per parcel for those properties which were annexed into the zone prior to 1999. Property owners that balloted after 1999 for Zone B services authorized an annual inflation adjustment, and will be charged $24.74 per parcel. There are also 65 parcels located south of Ironwood Avenue, east of Nason Street, with reduced streetlight services that pay $6.00 per parcel. The proposed FY 2011/12 levy for Zone B is approximately $935,414.24.

For 2010/11, to continue residential streetlight services, the General Fund will have contributed up to $675,000 of which $51,700 is a loan and $623,300 is a gift, to fund the revenue shortfall. For 2011/12, to continue the current level of residential streetlight services, Zone B shall continue to require an additional $675,000 from the City's General Fund, all of which will be a gift unless services are reduced or additional funding is provided by the property owners.

Zone C is authorized to provide arterial street lighting and intersection lighting on major roadways throughout the City. All properties within the City are levied this charge except those located within the boundaries of the Edgemont Community Services District, which contribute to an independent District for street light services. For FY 2011/12, the proposed charge for each parcel in the CSD is $9.00. (The current FY 2011/12 charge is $9.00.) The proposed FY 2011/12 levy for Zone C is approximately $428,200.

For 2011/12, unless services are reduced or additional funding is provided by the property owners Zone C shall require additional funding of approximately $130,000 to continue the current level of arterial streetlight services. If the City's General Fund provides any funds to meet the revenue shortfall, such contribution shall be considered a gift.

Zone D is authorized to provide parkway landscape maintenance services to the perimeters and/or entry statements of designated residential tract developments. A listing of the current FY 2010/11 charges per parcel for each tract and the proposed charges for FY 2011/12 are included in the Zone D Resolution. A majority of affected property owners, of certain tracts, authorized an inflation adjustment. For FY 2011/12, the CPI adjustment shall be applied to certain tracts as noted on the Zone D Resolution.

The CSD is in the process of conducting a mail ballot proceeding for an increase to the proposed charges to recover costs for the following tracts: 19862, 19912, 20941, 21737, 22371 and 31591. Tracts not approving the proposed increase shall receive a reduced service level of landscape maintenance in accordance with the Zone D Policy guidelines. The proposed FY 2011/12 levy for all Zone D tracts is approximately $1,272,898.50, which does not include the proposed increase for those Zone D tracts that are currently in the process of balloting.

Zone E is authorized to provide extensive parkway landscape maintenance of landscaped areas adjacent to ten (10) major residential/commercial developments. For FY 2011/12, the CPI charge adjustment shall be applied to each Zone E subzone if previously approved. The proposed annual charges for the subzones are included in the Zone E Resolution.

The CSD is in the process of conducting a mail ballot proceeding for an increase to the proposed charges to recover costs for the following Zone E subzones: E-1 (TownGate), E-2 (Hidden Springs), and E-4 (Moreno Valley Ranch East). Zone E subzones not approving the proposed increase shall receive a reduced service level of landscape maintenance in accordance with the Zone E Policy guidelines. The proposed FY 2011/12 levy for all Zone E subzones is approximately $2,375,583.64, which does not include the proposed increase for those Zone E subzones that are currently in the process of balloting.

Zone E-1A is authorized to provide internal parkway landscape maintenance to the Renaissance Park development. The proposed Zone E-1A charge for FY 2011/12 is $78.40 per parcel. (Current FY 2010/11 charge is $77.38.) The total FY 2011/12 levy for Zone E-1A is approximately $43,668.80.

Zone E-3A is authorized to provide internal parkway landscape maintenance to those tracts associated with the Lasselle Powerline Parkway area. The proposed Zone E-3A charge for FY 2011/12 is $68.10 per parcel. (Current FY 2010/11 charge is $67.20.)

The CSD is in the process of conducting a mail ballot proceeding for an increase to the Zone E-3A charge to cover increased costs of providing landscape maintenance services. If the proposed increase is not approved, E-3A shall receive a reduced service level of landscape maintenance in accordance with the Zone E Policy guidelines. The total FY 2011/12 levy for Zone E-3A is approximately $32,007.00, which does not include the proposed increase for Zone E-3A.

Zone E-4A is authorized to provide internal parkway landscape maintenance to the Daybreak development. The proposed Zone E-4A charge for FY 2011/12 is $110.46. (Current FY 2010/11 charge is $109.00.) The total FY 2011/12 levy for Zone E-4A is approximately $10,935.54.

Zone M is authorized to provide maintenance for improved medians constructed as a condition of approval for commercial/industrial/multifamily developments. Charges for this zone are calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties. The current FY 2010/11 charges and the proposed FY 2011/12 annual charges for Zone M are included in the Zone M Resolution. The total FY 2011/12 levy for Zone M is approximately $226,888.74.

Zone S is authorized to provide maintenance services to certain improvements along Sunnymead Boulevard between Frederick Street and Perris Boulevard. Charges for this zone are calculated by determining the proportional financial obligation, based on front linear footage, of the properties adjacent to the improvements. The Zone S charge for 2011/12 is $2.837520 per front linear footage, per year, which includes an inflation factor. The total FY 2011/12 levy for Zone S is approximately $54,007.74. (Current FY 2010/11 charge is $2.80 per front liner footage).

ALTERNATIVES

1. By conducting a Public Hearing, the CSD Board shall allow for the approval and adoption of the proposed resolutions. *Although not required under Proposition 218, City policy has been to continue holding a Public Hearing. By conducting the Public Hearing on June 14, 2011, property owners shall be given an opportunity to address the CSD Board regarding the continuation of the CSD annual charges for the associated benefit services. Approving CSD Zones D, E, E-1A, E-3A, E-4A and S charges as proposed by staff shall authorize the CSD to continue providing maintenance at the applicable service levels. Approving the proposed charge for CSD Zones A, B, C and M will partially fund park and community services (Zone A), residential street lighting services (Zone B), arterial street lighting services (Zone C) and improved median maintenance (Zone M). The County of Riverside requires that resolutions be approved annually to authorize collection of the annual CSD parcel charges on the property tax bills. Approval of these resolutions will satisfy the County requirement.*

2. By not approving and adopting the proposed resolutions, the charges may not be able to be levied by the County of Riverside. *Even though a Public Hearing is not required under Proposition 218 for the continuation of the CSD annual charges, City policy has been to continue holding a Public Hearing to allow the public to address the CSD Board. By not adopting the resolutions, the County may challenge the CSD's ability to place the CSD charges on the County property tax bill.*

FISCAL IMPACT

Property owners pay the CSD annual charges as a part of their property tax bill. Charges, including CPI adjustments, have been approved by the affected property owners through prior proceedings or are part of a current mail ballot proceeding. The annual inflation factor is based on the percentage change in the CPI for the prior calendar year. For FY 2011/12, the CPI adjustment is 1.34%.

CSD Zones D, E, E-1A, E-3A, E-4A and S annual charges are based on full-cost recovery and program operations that have no effect on the General Fund. Zones A, B, C, and M charges reduce any General Fund support required to provide services for these programs. **The funds collected through the CSD charges for Zones A, B, C, D, E, E-1A, E-3A, E-4A, M and S are restricted funds, which may only be used to pay for costs within each respective CSD Zone.**

Approving charges less than those proposed by staff may require a decrease to both the level and quality of service from that provided during FY 2010/11. The service levels may be adjusted according to the approved funding level.

CITY COUNCIL GOALS

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS

CSD landscape maintenance services help enhance community image, neighborhood pride and cleanliness. Residential properties, which have landscaped parkways and/or medians, as maintained by the CSD, help to foster a pleasant environment and neighborhood atmosphere. Proper placement of plant materials helps in the prevention of graffiti.

REVENUE DIVERSIFICATION AND PRESERVATION
The CSD annual charges comply with the City's goal of revenue diversification and preservation and are based upon actual costs, which include maintenance and administration. The CSD annual charges support the preservation of the current services provided by the CSD.

PUBLIC FACILITIES
Providing services for parks, streetlights, landscaping, and medians allows for construction and maintenance of public facilities. The CSD maintenance of these public facilities ensures proper development and preservation of capital resources.

SUMMARY

The actions before the CSD Board are to conduct the Public Hearing, and to approve and adopt the resolutions for the continuation of the currently approved CSD parcel charges within each of the existing zones as submitted in the Preliminary Annual Levy Report. Since the adoption of Proposition 218 state legislation, public hearings to consider charges or fees already in place are not mandated; such hearings were required under state statutes before the adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County requires resolutions be approved annually to establish the authority to collect the annual CSD parcel charges on the property tax bills. Approval of the resolutions will satisfy the County requirement. The resolutions also include information in compliance with Proposition 218.

NOTIFICATION

On April 18, 2011, the CSD mailed individual notices to property owners of 48,229 parcels.

Newspaper advertising was published on May 6, 2011, for the May 24, 2011 Public Meeting and June 14, 2011 Public Hearing. Additionally, the June 14, 2011 Public Hearing notification was published on May 27, 2011 and again on June 8, 2011.

ATTACHMENTS

Attachment 1	Resolution for Zone A
Attachment 2	Resolution for Zone B
Attachment 3	Resolution for Zone C
Attachment 4	Resolution for Zone D
Attachment 5	Resolution for Zone E
Attachment 6	Resolution for Zone E-1A

Attachment 7 Resolution for Zone E-3A
Attachment 8 Resolution for Zone E-4A
Attachment 9 Resolution for Zone M
Attachment 10 Resolution for Zone S

Prepared by:
Sharon Sharp
Senior Management Analyst

Department Head approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107855

RESOLUTION NO. CSD 2011-09

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE A (PARKS AND COMMUNITY SERVICES) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for parks and community services within the CSD and provides funding for such services, in part, through CSD Zone A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone A (Parks and Community Services) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each per dwelling unit, nonresidential parcel or per undeveloped parcel within CSD Zone A is a necessary and equitable charge to fund, in part, the furnishing of parks and community services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of eighty-seven dollars and fifty cents ($87.50) to defray in part the costs of furnishing parks and community services within the CSD is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone A parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and are therefore not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-10

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE B (RESIDENTIAL STREET LIGHTING) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for residential street lighting services within the CSD and provides funding for such services, in part, through CSD Zone B; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone B (Residential Street Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index ("CPI") adjustment, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone B is a necessary and equitable charge to fund, in part, the residential street lighting services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The charge is hereby approved to be levied at the existing and previously approved respective rates of twenty-three dollars ($23.00), twenty-four dollars and seventy-four cents ($24.74), and six dollars ($6.00) as applicable.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone B, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone B is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-11

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE C (ARTERIAL STREET LIGHTING AND INTERSECTION LIGHTING) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides improvements and maintenance for intersection and arterial street lighting services within the CSD and provides funding for such services, in part, through CSD Zone C; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone C (Arterial Street Lighting and Intersection Lighting) services be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone C is a necessary and equitable charge to fund, in part, the arterial and intersection street lighting services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared that identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of nine dollars ($9.00) to defray in part the costs of furnishing arterial and intersection street lighting services within the CSD is hereby approved and adopted.

2. The herein approved service charge is hereby confirmed for each parcel of real property within CSD Zone C, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. That the CSD Board adopted CSD Resolution 97-01, finding that the existing Zone C parcel charges are exempt from the provision of Proposition 218 as long as they are not increased and therefore are not subject to voter ratification at this time.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-12

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE D (PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide parkway landscape improvement and maintenance services within the CSD and provides funding for such services, in part, through CSD Zone D; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone D (Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Adjustment ("CPI") adjustment (if applicable), and application of charge as previously approved by the property owners for each assessable parcel or unit of real property within CSD Zone D is a necessary and equitable charge to fund, in part, the parkway landscape services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing parkway landscape services to the following tracts within the CSD is hereby approved and adopted as follows:

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
12305	Standard	$57.00	
12902	Standard	$74.28	
14387/12268	Standard	$57.00	
16769	Standard	$62.92	
18283	Standard	$57.00	
19141	Standard	$77.38	
19142	Standard	$57.00	
19233	Standard	$57.00	
19474	Standard	$57.00	
19496	Standard	$66.02	
19529	Standard	$72.22	
19533	Standard	$57.00	
19541	Standard	$95.96	
19675	Standard	$82.54	
19862	Standard	$152.82	$252.00
19912	Standard	$85.62	$129.00
20120	Standard	$97.00	
20197	Standard	$57.00	
20941	Standard	$106.38	$166.00
21345	Standard	$117.72	
21597	Standard	$479.32	
21737	Standard	$216.90	$431.00
21806	Standard	$71.20	
22180	Standard	$250.30	

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
22371	Standard	$295.32	$497.00
22999	Standard	$67.00	
27251-1	Standard	$471.22	
30967	Standard	$473.64	
31129	Standard	$83.58	
31268	Standard	$186.86	
31269	Standard	$221.84	
31305	Standard	$502.64	
31424	Standard	$221.84	
31591	Standard	$468.90	$628.00
31618	Standard	$368.86	
32005	Standard	$113.50	
32625	Standard	$1,013.40	
32715	Standard	$925.22	
33436	Standard	$42.56	
33637	Standard	$300.96	
33962	Standard	$500.60	
4-Custom Homes	Standard	$574.58	
10191/18468	Street Tree Program	$71.20	
11848	Reduced	$86.66	
12773	Reduced	$82.54	
13576/19080/19081	Street Tree Program	$33.00	
13585	Reduced	$57.00	
15387	Reduced	$57.00	
15433	Reduced	$92.86	
16768	Reduced	$66.02	
16770	Reduced	$57.00	
17033	Reduced	$178.62	
17176	Reduced	$57.00	
17334	Reduced	$349.62	
17387	Reduced	$57.00	
17457	Reduced	$81.50	
17867	Reduced	$57.00	
18512/21322	Reduced	$83.08	
18784/20906	Reduced	$179.36	

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
18930	Reduced	$79.44	
19032	Street Tree	$131.74	
19143	Reduced	$57.00	
19208	Reduced	$74.98	
19210	Reduced	$70.16	
19363	Reduced	$57.00	
19434	Reduced	$57.00	
19500	Reduced	$75.30	
19509	Reduced	$57.00	
19518/18372	Reduced	$57.00	
19551	Reduced	$97.28	
19685	Reduced	$72.22	
19799	Street Tree	$275.84	
19852	Reduced	$69.92	
19937	Reduced	$110.50	
19957	Street Tree	$69.92	
20030	Reduced	$103.28	
20032	Reduced	$57.00	
20072	Reduced	$90.18	
20272	Reduced	$121.70	
20301	Reduced	$57.00	
20404	Reduced	$106.40	
20525	Reduced	$57.00	
20552	Reduced	$57.00	
20660	Reduced	$108.44	
20715	Reduced	$95.24	
20718	Reduced	$143.52	
20859	Reduced	$66.88	
20869	Reduced	$57.00	
21113	Reduced	$57.00	
21332	Reduced	$99.04	
21333	Reduced	$214.84	
21616	Reduced	$382.84	
22093	Reduced	$139.84	
22276	Reduced	$199.24	
22277	Reduced	$272.62	

Zone D (Parkway Landscape Maintenance)
FY 2011/12 Proposed Charges

Tract Number	Landscape Maintenance Service Level	FY 2011/12 Noticed/Maximum Parcel Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
22889	Reduced	$191.92	
23046	Reduced	$183.00	
24721	Reduced	$57.00	
27526	Reduced	$165.20	
28882	Reduced	$106.38	
29038	Reduced	$61.88	
30027	Reduced	$203.68	
31257	Reduced	$1,083.52	
31269-1	Reduced	$304.62	
31284	Reduced	$128.80	
32018	Reduced	$70.16	

In the event that Tracts: 19862, 19912, 20941, 21737, 22371 or 31591 do not individually approve the maximum balloted charge by the majority of the property owners in the separate mail ballot proceedings, currently scheduled to be concluded at the public hearing on June 28, 2011, the charges hereby approved will be the FY 2011/12 Noticed/Maximum Parcel Charges prior to the results of mail ballot proceedings, as identified above.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone D, as set forth in the report on said charge filed with the Secretary of the District, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone D is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

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MV00107875

RESOLUTION NO. CSD 2011-13

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide extensive landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E and the various subzones thereof; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E (Extensive Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within the various subzones of Zone E of the CSD is a necessary and equitable charge to fund, in part, the extensive landscape maintenance services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the maximum calculated rates set forth below, which includes previously approved CPI adjustments, to defray in part the costs of furnishing extensive landscape maintenance services within the CSD is hereby approved and adopted as follows:

Zone E (Extensive Landscape Maintenance)
FY 2011/12 Proposed Charges

Zone E	Specific Plan or Major Development	Landscape Maintenance Service Level	Charge Category	FY 2011/12 Noticed/Maximum Annual Charges	Mail Ballot Proceeding Public Hearing June 28, 2011
E-1	TownGate	Standard	Per parcel	$128.04	$152.00
			Per acre for nonresidential/undeveloped parcels	$512.16	$608.00
			Per condo unit		
			Tract 34299	$57.78	$69.00
E-1A	Renaissance Park	Reduced	Per parcel	$78.40	
E-2	Hidden Springs	Standard	Per parcel	$403.78	$518.00
			Per Equivalent Dwelling Unit for undeveloped parcels	$403.78	$518.00
E-3	Moreno Valley Ranch - West	Reduced	Per parcel	$128.04	
			Per acre for nonresidential/undeveloped parcels	$512.16	
			Per condo unit		
			Tract 32142	$56.74	
			Tract 32143	$54.68	
			Tract 32144	$54.68	
			Tract 32145	$31.98	
			Tract 32146	$30.94	
E-3A	Lasselle Powerline Parkway	Standard	Per parcel	$68.10	$108.00
E-4	Moreno Valley Ranch - East	Standard	Per parcel	$110.00	$240.00
			Per acre for nonresidential/undeveloped parcels	$440.00	$960.00
E-4A	Daybreak	Standard	Per parcel	$110.46	
E-7	Centerpointe	Standard	Per acre	$688.90	
E-8	Promontory Park	Standard	Per condo unit	$190.50	
			Per parcel	$538.10	
E-12	Stoneridge Ranch	Standard	Per parcel	$402.30	
E-14	Mahogany Fields	Standard	Per parcel	$281.70	
E-15	Celebration	Standard	Per parcel	$337.46	
E-16	Shadow Mountain	Standard	Per parcel	$297.18	

2. The herein approved charges are hereby confirmed for each parcel of real property within the various subzones of CSD Zone E, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the service charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

SECRETARY

(SEAL)

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MV00107881

RESOLUTION NO. CSD 2011-14

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-1A (RENAISSANCE PARK – INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide Renaissance Park walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-1A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 and following of the provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-1A (Renaissance Park Internal Parkway Landscape Maintenance) so collected on the tax roll; and

WHEREAS, the CSD Board has determined that continuing the calculation, including a Consumer Price Index ("CPI") adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property, within CSD Zone E-1A is a necessary and equitable charge to fund, in part, the internal parkway landscape maintenance services for Renaissance Park by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of seventy-eight dollars and forty cents ($78.40), which includes previously approved CPI adjustments, to defray in part the cost of furnishing Renaissance Park internal parkway landscape maintenance services within the CSD, is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-1A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-1A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-15

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-3A (LASSELLE POWERLINE PARKWAY INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide Lasselle Powerline Parkway walls/internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-3A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-3A (Lasselle Powerline Parkway Internal Parkway Landscape Maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including a Consumer Price Index ("CPI") adjustment, and application of charge as previously approved by the property owner for each assessable parcel of real property within CSD Zone E-3A is a necessary and equitable charge to fund, in part, walls/internal parkway landscape maintenance services for the Lasselle Powerline Parkway by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property that is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of the public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of sixty-eight dollars and thirty cents ($68.30), which includes previously approved CPI adjustments for CSD Zone E-3A (Lasselle Powerline Parkway) to defray in part the costs of furnishing internal parkway landscape maintenance services within the CSD is hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-3A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone E-3A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-16

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE E-4A (DAYBREAK DEVELOPMENT – INTERNAL PARKWAY LANDSCAPE MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide internal parkway landscape maintenance services within the CSD and provides funding for such services, in part, through CSD Zone E-4A; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone E-4A (Daybreak Development - Internal Parkway Landscape Maintenance) be so collected on the Riverside County tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone E-4A is a necessary and equitable charge to fund, in part, internal parkway landscape maintenance services for the Daybreak Development by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of one hundred ten dollars and forty-six cents ($110.46), which includes previously approved CPI adjustments for Zone E-4A (Daybreak Development) to defray in part the costs of internal parkway landscape maintenance services within the CSD hereby approved and adopted.

2. The herein approved charge is hereby confirmed for each parcel of real property within CSD Zone E-4A, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any service charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone E-4A is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

RESOLUTION NO. CSD 2011-17

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE M (COMMERCIAL/ INDUSTRIAL/MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") provides or will provide commercial/industrial/multifamily improved median maintenance services within the CSD and provides funding for such services, in part, through CSD Zone M; and

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for CSD Zone M (Commercial/industrial/multifamily improved median maintenance) be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI") adjustments, and application of charge as previously approved by the property owners for each assessable commercial/industrial/multifamily property within CSD Zone M is a necessary and equitable charge to fund, in part, the improved median maintenance services by the CSD for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge is calculated by determining the proportional obligation for the total median maintenance and administrative costs attributable to the improved median area associated with the affected commercial/industrial/multifamily properties, which includes previously approved CPI adjustments, to defray in part the costs of furnishing commercial/industrial/multifamily improved median maintenance services within the CSD, is hereby approved and adopted as follows:

Zone M
(Commercial/Industrial/Multifamily Median Maintenance)
FY 2011/12 Proposed Charges

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
297-120-002	$994.74
297-120-003	$719.94
297-120-011	$1,501.92
297-120-012	$1,501.92
291-191-024	$347.06
297-130-046	$2,075.24
297-130-064	$855.28
297-140-049	$1,167.24
297-140-050	$1,200.30
297-141-001	$222.60
297-141-002	$222.60
297-141-003	$222.60
297-141-004	$222.60
297-141-005	$222.60
297-141-006	$222.60
297-140-052	$1,055.68
297-170-004	$3,687.72
482-700-001	$393.54
482-700-005	$393.54
484-020-023	$6,038.76
484-020-024	$7,380.60
297-130-039	$798.00
297-130-041	$1,957.00
297-130-042	$1,610.00
297-170-067	$14,825.26

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
297-170-069	$10,998.10
297-170-071	$4,977.90
297-100-066	$789.54
297-100-074	$224.64
297-100-075	$150.98
297-120-016	$5,265.04
297-150-055	$6,089.36
486-250-021	$8,258.64
486-250-024	$7,973.02
486-250-025	$285.60
312-250-046	$3,739.36
482-540-030	$409.04
484-020-026	$2,852.02
479-070-050	$1,636.20
312-270-036	$2,677.46
316-210-074	$1,909.94
312-020-017	$1,613.48
312-020-018	$1,538.06
312-020-020	$600.14
312-360-001	$1,438.98
312-360-002	$677.20
312-360-003	$463.64
312-360-004	$1,625.12
312-360-005	$1,261.96
312-360-006	$2,043.12
312-360-007	$798.26
312-360-008	$752.58
312-360-009	$835.96
312-360-010	$845.08
312-360-011	$678.36
485-220-030	$2,045.28
485-220-031	$306.76
486-070-004	$3,021.44
486-070-012	$263.56
486-070-013	$261.16
486-070-011	$3,021.44
485-081-035	$320.20
484-030-015	$1,600.76
478-070-029	$7,655.38
486-240-009	$9,962.10

Assessor Parcel Number (APN)	FY 2011/12 Noticed/Maximum Parcel Charges (1)
484-030-020	$628.02
484-030-022	$628.02
488-090-031	$2,133.04
488-090-032	$125.90
488-090-033	$1,434.74
488-090-037	$385.38
488-090-038	$356.76
488-090-039	$333.88
488-090-040	$381.56
488-090-043	$112.54
488-090-047	$364.38
488-090-048	$291.88
488-090-049	$70.56
488-090-050	$137.34
488-090-051	$873.80
488-090-052	$59.12
488-090-053	$49.56
488-090-054	$259.46
488-090-055	$150.70
488-090-056	$110.64
488-090-057	$202.20
488-090-064	$175.52
488-090-071	$1,013.08
488-090-073	$148.80
488-090-074	$465.50
488-090-076	$272.80
488-090-082	$99.18
488-090-083	$360.58
488-090-084	$11.42
488-090-085	$356.74
474-120-037	$3,222.86
484-242-020	$3,026.62
488-350-041	$33,016.04
488-350-047	$2,822.34
488-350-035	$6,973.86
486-280-041	$9,906.66
292-230-006	$220.00
292-230-055	$374.94
263-111-046	$2,355.18

(1) The applied parcel charge may be less than the noticed amount based on either estimated or actual costs.

2. The herein approved charge calculation is hereby confirmed for each parcel of real property within CSD Zone M, as set forth in the report on said charge filed with the CSD Secretary, as such report may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that CSD Zone M is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passage of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charges to the Auditor of the County of Riverside, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

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MV00107901

RESOLUTION NO. CSD 2011-18

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING THE CALCULATION OF THE PARCEL CHARGE FOR PROVIDING ZONE S (SUNNYMEAD BOULEVARD MAINTENANCE) SERVICES DURING FISCAL YEAR 2011/2012

WHEREAS, the Moreno Valley Community Services District ("CSD") shall provide maintenance for improvements under construction along Sunnymead Boulevard from Frederick Street to Perris Boulevard; and,

WHEREAS, the Community Services District Law of the State of California, California Government Code Section 61000 et seq. provides that such services may be funded, in whole or in part, by charges which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the CSD; and,

WHEREAS, the City Council, acting in their capacity as President and Members of the Board of Directors CSD ("CSD Board"), has determined, and hereby does determine, that it is in the best interests of the CSD to have its charges for Zone S (Sunnymead Boulevard Maintenance) along from Frederick Street to Perris Boulevard be so collected on the tax roll; and

WHEREAS, the CSD Board, has determined that continuing the calculation, including Consumer Price Index ("CPI"), and application of charge as previously approved by the property owners for each assessable parcel of real property within CSD Zone S is a necessary and equitable charge to fund, in part, the furnishing of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard for Fiscal Year 2011/2012; and

WHEREAS, the CSD Board has heretofore caused a report to be prepared which identifies each parcel of real property which is subject to the charge, and specifies the charge which is to be levied against each such parcel, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the CSD Board has held a said hearing, at which time all persons wishing to be heard were heard, and at which hearing the CSD Board heard and considered all objections and protests, if any; and,

WHEREAS, the CSD Board has reviewed Proposition 218.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The application of the charge at the calculated rate of $2.837520 per front linear footage, per year, which includes an inflation factor, to defray in part the costs of ongoing maintenance for improvements along Sunnymead Boulevard from Frederick Street to Perris Boulevard within the CSD is hereby approved and adopted.

2. The herein approved parcel charges calculated is hereby confirmed for each said parcel of real property within CSD Zone S, as set forth in the report on said charge filed with the CSD Secretary, as such may have been modified pursuant to order of the CSD Board duly given.

3. The charges set forth in said report, as herein confirmed, shall be collected on the Riverside County tax roll at the same time and in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, the CSD may utilize a direct billing procedure for any charge that cannot be collected on the Riverside County tax roll or may, by resolution, elect to collect the charges at a different time or in a different manner if necessary to meet its financial obligations, and if so collected, a delinquent penalty of 10% of the charge will attach at 5:00 pm on the date the charge becomes delinquent and interest at 1.5% per month of the delinquent charge will attach on July 1st after the delinquency date and the first of each month thereafter until such charge is paid.

4. The CSD Board made a finding that Zone S is in compliance with Proposition 218.

5. The CSD Secretary is hereby ordered to certify to the passages of this Resolution and to forward a copy hereof, so certified, to the Auditor of the County of Riverside and to the Tax Collector of said County.

6. The CSD Secretary is hereby further ordered to forward a certified copy of the herein confirmed report of charge calculation to the Auditor of the County of Riverside and to the Tax Collector of said County, together with the certified copy of this Resolution as hereinabove provided.

APPROVED AND ADOPTED this 14th day of June 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity of
Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, California, do hereby certify that Resolution No. CSD _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
SECRETARY

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING REGARDING THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE SCHEDULE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT PROPOSED FISCAL YEAR (FY) 2011/2012 ANNUAL RATES

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice;

2. Adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

ADVISORY COMMITTEE RECOMMENDATION

Not Applicable

BACKGROUND

The 1972 Federal Clean Water Act requires public agencies to obtain permits to discharge urban storm water runoff from municipally owned drainage facilities, including streets, highways, storm drains and flood control channels. This Act also requires local

agencies to clean urban runoff to the maximum extent practicable (MEP), which has not been defined by the federal or state government.

On October 25, 2002, the Santa Ana Regional Water Quality Control Board (SARWQCB) adopted new requirements the City must implement to remain in compliance. The requirements include a higher-level effort to divert pollutants from entering the drainage system. The service levels require site inspection, discharge monitoring, remedial cleanup efforts, and a higher level of maintenance of the streets and storm drain system before discharging water into the larger storm water collection system.

On June 10, 2003, the City Council approved the "NPDES Regulatory Rate Schedule for New Residential Development." The "NPDES Regulatory Rate Schedule for New Residential Development" was designed to fund NPDES administration and maintenance of water quality ponds and bioswales associated with new single-family residential subdivisions. On January 27, 2004, the City Council authorized the collection of the NPDES regulatory rates for new residential development consisting of single-family dwellings.

On January 10, 2006, the City Council approved the "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development." The "NPDES Regulatory Rate Schedule for New Common Interest, Commercial, Industrial and Quasi-Public Use Development" was designed to fund NPDES public education, administration and monitoring of site design, source control and treatment control best management practices (BMPs) associated with new common interest, commercial, industrial and quasi-public use development.

On January 29, 2010, the SARWQCB issued a new NPDES permit. The new permit continues the 2002 mandates for the higher-level effort to divert pollutants and service levels.

The City Council conducted the Public Meeting on May 24, 2011, to provide an opportunity for the public to address the City Council on the proposed FY 2011/2012 annual NPDES regulatory rates.

Proposition 218

Proposition 218, approved in the November 1996 election as a constitutional amendment, specifically addresses the ability of public agencies to collect taxes, fees, charges, and/or assessments as an incidence of property ownership. The City of Moreno Valley has reviewed Proposition 218 with respect to the NPDES regulatory rate collection process. Based upon this review, it has been determined that the NPDES regulatory rate as currently collected, is in compliance with Proposition 218. Conducting the Public Hearing allows property owners an opportunity to address the City Council regarding the continuation of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development."

DISCUSSION

The NPDES regulatory rates are necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from benefiting parcels.

Proposed Regulatory Rates

The proposed rates shall be levied against each assessable benefiting parcel of real property that is required to comply with the City's NPDES Storm Water Management Program. The Consumer Price Index (CPI) for Los Angeles, Riverside, and Orange Counties from Feb. 2009 – Feb. 2010 was +1.4%. Due to that small increase, staff recommended at that time no adjustment to the annual rates occur. From Feb. 2010 – Feb. 2011, the CPI was +2.4%. Due to this increase, staff recommends that we combine the CPI from Feb. 2009 – Feb. 2010 and Feb. 2010 – Feb. 2011 for a total adjustment of the annual rates of +3.8% (1.4% + 2.4%). This increase is associated with utility cost increases and maintaining program service levels.

The following tables outline the services provided by each level of service, the current annual rates and the proposed annual rates.

Table 1 reflects the annual rates for New Residential Development.

TABLE 1

NPDES Regulatory Rate for New Residential Development			
Service Level		**Current Maximum Annual Rate FY 2010/2011**	**Proposed Maximum Annual Rate FY 2011/2012 (rounded to the nearest whole dollar)**
LEVEL I	NPDES Administration and overhead.	$35.00/Parcel	$36.00/Parcel
LEVEL II	Water Quality Pond/Basin Maintenance.	$69.00/Parcel	$72.00/Parcel
LEVEL II-A	Sand Filter Maintenance.	$31.00/Parcel	$32.00/Parcel
LEVEL III	Water Quality Pond/Basin Remediation/Reconstruction.	$60.00/Parcel	$62.00/Parcel
LEVEL IV	Water Quality System Retrofit.	$138.00/Parcel	$143.00/Parcel

Table 2 reflects the annual rates for New Common Interest, Commercial, Industrial and Quasi-Public Use Development.

TABLE 2

NPDES Regulatory Rate for New Common Interest, Commercial, Industrial and Quasi-Public Use Development			
Service Level		**Current Maximum Annual Rate FY 2010/2011**	**Proposed Maximum Annual Rate FY 2011/2012 (rounded to the nearest whole dollar)**
LEVEL I	NPDES Administration and overhead.	$35.00/Parcel	$36.00/Parcel
LEVEL II	Storm water and non-storm water runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site storm water compliance site activities; review site-specific technical reports and treatment control BMP maintenance records.	$170.00/Parcel	$176.00/Parcel

ALTERNATIVES

1. Approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll."

2. Do not approve that the City Council conduct a Public Hearing to consider all objections or protests of the "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" as provided in the Public Notice and adopt "Resolution No. 2011-56, A Resolution of the City of Moreno Valley, California, Authorizing and Approving the

Levy of the National Pollutant Discharge Elimination System (NPDES) Regulatory Rate for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development on the County of Riverside Property Tax Roll." *By not conducting the Public Hearing and adopting the resolution, the County of Riverside ("County") may challenge our ability to place the NPDES rates on the County property tax bill.*

FISCAL IMPACT

Regulatory rate increases (including increases due to inflation) have been approved by the benefiting property owners through the mail ballot proceeding. The inflation factor is based on the percentage change in the Los Angeles-Riverside-Orange County CPI for the prior calendar year. For FY 2009/2010, the percentage change was +1.4%. For FY 2010/2011 the percentage change was +2.4%. Over the two year period the combined percentage change is +3.8%.

For Fiscal Year 2011/2012 the maximum annual regulatory rate per parcel for single-family residential development is $283 (includes Levels I, II, II-A and IV combined from Table 1). The Level III rate is levied when a water quality pond/basin is taken out of service for remediation/reconstruction thus replaces the Level II rate. Since the Level III rate is lower than the Level II rate the maximum rate for residential development cannot be greater than the summation of Levels I, II, II-A and IV. The maximum annual regulatory rate for new common interest, commercial, industrial and quasi-public use development is $212 (includes Levels I and II combined from Table 2).

Approving annual rates less than that proposed by staff may require a decrease in both the level and quality of service from that provided and approved by benefiting property owners in the previous year. The service level provided would be adjusted according to the approved funding level.

The NPDES Regulatory Rate levy collected from property owners supports current NPDES programs as identified herein. Funds collected from the NPDES Regulatory Rate levy are restricted for use only within the Storm Water Management Program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation

The proposed "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" provides a revenue source to fund the federally mandated requirements of the NPDES Storm Water Management Program for these types of development.

Public Facilities and Capital Projects

The revenue collected from the proposed "NPDES Regulatory Rate Schedule for New Residential and Common Interest, Commercial, Industrial and Quasi-Public Use Development" will ensure that all site designs, source controls and treatment controls are properly implemented and maintained.

SUMMARY

The action before City Council is to conduct the Public Hearing, and to adopt the resolution authorizing and approving the levy of the annual NPDES regulatory rates, on certain benefiting properties within the City as submitted in the NPDES Special Levy Report. While state law, after adoption of Proposition 218, does not mandate public hearings to consider charges, rates or fees already in place, such hearings were required under state statutes before adoption of Proposition 218. City policy has been to continue the past practice as a courtesy to the public.

The County collects the rates each year on the property tax bill. The County requires an annual resolution be approved to establish the authority to collect the annual NPDES rate on the tax bill. Approval of the resolution will satisfy the County requirement. The resolution also includes information on compliance with Proposition 218.

NOTIFICATION

- Publication of Agenda

- Newspaper advertising was published on May 4, 2011, with information about the May 24, 2011, Public Meeting and the June 14, 2011, Public Hearing. Additionally, the June 14, 2011, Public Hearing notification was published on May 19, 2011, and again on May 26, 2011.

ATTACHMENTS/EXHIBITS

Attachment "1" – Proposed Resolution

Prepared By
Phuong Hunter
Associate Environmental Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Kent Wegelin
Storm Water Program Manager

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00107913

RESOLUTION NO. 2011-56

A RESOLUTION OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AND APPROVING THE LEVY OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REGULATORY RATE FOR NEW RESIDENTIAL AND COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE DEVELOPMENT ON THE COUNTY OF RIVERSIDE PROPERTY TAX ROLL

WHEREAS, as part of the 1972 Federal Clean Water Act, the federal government mandated that public agencies comply with the NPDES program to obtain Permits to discharge storm water runoff into municipally owned drainage facilities; and,

WHEREAS, on January 29, 2010, the Santa Ana Regional Water Quality Control Board issued new requirements that cities must address, regarding the water pollution contained in storm water runoff to remain in compliance with federal mandates; and,

WHEREAS, the City Council introduced Ordinance No. 708, on January 10, 2006, to repeal and reenact Chapter 3.50 of Title 3 of the City of Moreno Valley Municipal Code by relating to the establishment and collection of the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development based on the approved NPDES regulatory rate and authorization of subsequent rate adjustments by resolution; and,

WHEREAS, Sections 5473 through 5473.8 of the California Health and Safety Code provides that such services may be funded, in whole or in part, by rates which may be collected on the tax roll in the same manner, by the same persons, at the same time as, and together with and not separately from, the general taxes of the City; and,

WHEREAS, the City Council, has determined, and hereby does determine, that it is in the interest of the City to have the NPDES regulatory rate on new residential, common interest, commercial, industrial, and quasi-public use development be so collected on the County of Riverside property tax roll; and,

WHEREAS, the City Council has determined that levying a regulatory rate against each assessable parcel of real property that is required to comply with the NPDES Permit program, as hereinafter established, is necessary to fund the costs of the storm water management services for the discharge of storm water runoff into municipally owned drainage facilities for pollution control from these land uses; and,

WHEREAS, the City Council heretofore caused a report to be prepared that identified each parcel of real property, which is subject to the regulatory rate, and has caused notice of said report and of the public hearing thereon to be duly given; and,

WHEREAS, the City Council held a Public Hearing on June 14, 2011, at which time all persons wishing to be heard were heard, and at which hearing the City Council heard and considered all objections and protests, if any; and,

WHEREAS, on June 14, 2011, the City Council reviewed and considered the NPDES regulatory rate for new residential and common interest, commercial, industrial, and quasi-public use development to fund the federally mandated NPDES program; and,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council shall authorize collection of the NPDES regulatory rate on the County of Riverside tax bill for federally mandated NPDES requirements to address the discharge of storm water runoff into municipally owned drainage facilities.

2. The maximum rate to be collected for fiscal year (FY) 2011/2012 shall be $283.00 per parcel for new residential development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.

3. The maximum rate to be collected for FY 2011/2012 shall be $212.00 per parcel for new common interest, commercial, industrial, and quasi-public-use development, which may be subject to an annual adjustment, if necessary, based on the percentage change calculated for the prior calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index, as published by the Department of Labor's Bureau of Labor Statistics.

4. The NPDES regulatory rate, as herein confirmed, shall be collected on the tax roll at the same time and by the same persons, and in the same manner as, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties, as provided for in Sections 5473 through 5473.8 of the California Health and Safety Code.

5. The City Council made a finding that collection of the NPDES regulatory rate is in compliance with Proposition 218.

6. The effective date of this Resolution shall be June 14, 2011.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE CITY OF MORENO VALLEY FOR FISCAL YEAR 2011-12

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a Public Hearing to receive public comments on the City's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. 2011-57 establishing the appropriations limit at $89,463,807 for the City of Moreno Valley for Fiscal Year 2011-12.

BACKGROUND

On November 6, 1979, California voters approved the Gann Spending Limitation Initiative (Proposition 4) establishing Article XIIIB of the State Constitution. Article XIIIB sets limits on the amount of tax revenues that the State and most local governments can appropriate within a given fiscal year. Its basic provisions are as follows:

- Each year, the State and local governments must adopt a resolution establishing an appropriations limit, also known as the "Gann Limit". Fiscal Year 1984-85 appropriations serve as the base for this limit, with adjustments being made annually to reflect increases in population, the cost of living, and financial responsibility transfers.

- Only tax proceeds are subject to the limit. Charges for services, regulatory fees, grants, loans, donations and other non-tax proceeds are not subject to the limit. Exemptions are also made for voter-approved debt, debt that existed prior to January 1, 1979, and for the cost of compliance with court or Federal government mandates.

- All tax revenues received in excess of the appropriations limit must be refunded to taxpayers within a two-year period.

- The voters may approve an increase in the appropriations limit. For the increase to remain in effect, however, it must be re-approved by voters at four-year intervals.

On June 5, 1990, California voters approved the Traffic Congestion Relief and Spending Limitation Act (Proposition 111), which made various amendments to Article XIIIB of the State Constitution. The major changes, which became effective July 1, 1990, are as follows:

- The change in the cost of living is defined to be either the change in California per capita personal income or the change in assessed valuation due to the addition of non-residential new construction. Previously, the change in the cost of living was defined as the lesser of the change in the U.S. Consumer Price Index or the change in California per capita personal income.

- The change in population is defined as either a change in the City's population or a change in the County's population, whichever is greater.

- "Qualified capital outlay projects" were added to the items exempted from the appropriations limit. Qualified capital outlay projects must have a useful life of ten or more years and a cost that equals or exceeds $100,000.

- Tax revenues received in excess of the appropriations limit must be refunded to taxpayers only if the limit is exceeded over a two-year period.

- The annual calculation of the appropriations limit must be reviewed as part of the City's annual financial audit.

DISCUSSION

The information used to calculate the City's Fiscal Year 2011-12 appropriations limit is presented in Exhibit A, Proceeds of Tax Calculation and Exhibit B, Appropriations (Gann) Limit Calculation. The City's appropriations limit for Fiscal Year 2009-10 was $84,193,306. The change factor allowed by Proposition 111 due to population and cost of living changes is 1.0626. This results in a Fiscal Year 2011-12 appropriations limit of $89,463,807.

As previously indicated, Proposition 111 provides several options for calculating increases in the appropriations limit. With respect to the change in population, the increase in County population was used since it was greater than the City's (+3.54% vs. +3.66%).

With respect to the change in the cost-of-living criterion, the change in California per capita personal income (+2.51%) was used, as the change in non-residential assessed valuation information is not yet available from the County.

The City's total projected revenue proceeds from the General Fund are $71,600,310. Of this amount, $54,120,708 is identified as coming from tax proceeds, while $17,479,602 is identified as coming from non-tax proceeds. Exhibit A provides a breakdown of budgeted revenues and their classification as tax proceeds or non-tax proceeds.

The Fiscal Year 2011-12 Preliminary Base Operating Budget contains appropriations subject to the limitation of $54,120,708. This amount is $35,343,099 below the City's legal appropriations limit of $89,463,807.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Adopt Resolution No. 2011-57 establishing the City's Fiscal Year 2011-12 appropriations limit at $89,463,807;

2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

There is no fiscal impact. The City is safely within its legal appropriations limit for Fiscal Year 2011-12.

CITY COUNCIL GOALS

None applicable

SUMMARY

Each year the City is required to adopt a resolution establishing a limit on its appropriations of tax proceeds. The Traffic Congestion Relief and Spending Limitation Act (Proposition 111), approved by the voters on June 5, 1990, changed some of the factors used in the calculation of this limit. For Fiscal Year 2011-12, the City's appropriations limit is calculated to be $89,463,807. The City's Preliminary Base Operating Budget contains appropriations subject to the limit totaling $54,120,708. Therefore, the portion of the Fiscal Year 2011-12 Preliminary Base Operating Budget subject to the limit is $35,343,099 less than the City's Fiscal Year 2011-12 appropriations limit.

NOTIFICATION

This agenda item on the Fiscal Year 2011-12 Appropriations ("Gann") Limit was properly noticed as a Public Hearing.

ATTACHMENTS/EXHIBITS

Attachment 1- Resolution No. 2011-57
Exhibit A - Proceeds of Tax Calculation
Exhibit B - Appropriations (Gann) Limit Calculation
Exhibit C - Summary of Annual Appropriation (Gann) Limits

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12

-

WHEREAS, Article XIIIB of the California Constitution and Section 7910 of the California Government Code require that each year the City of Moreno Valley shall by resolution, establish an appropriations limit for the City for the following fiscal year; and

WHEREAS, the City Council has received the Preliminary Base Operating Budget for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said budget contains the estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the City; and

WHEREAS, the City's Financial & Administrative Services Department has heretofore prepared and submitted data and documentation required for and to be used in the determination of certain matters and for the establishment of an appropriations limit for the City for Fiscal Year 2011-12 and such data and documentation has been available to the public for at least fifteen days prior to adoption of this Resolution; and

WHEREAS, the City Council has considered pertinent data and documentation and made such determinations as may be required by law, and has adopted this Resolution at a regularly scheduled meeting of the City Council; and

WHEREAS, the appropriations limit for the City of Moreno Valley for Fiscal Year 2011-12 is hereby established at $89,463,807, and the total annual appropriations subject to such limitation for Fiscal Year 2011-12 is estimated to be $54,120,708.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That $89,463,807 is hereby established as the appropriations limit for the City of Moreno Valley for Fiscal Year 2011-12.

2. The City Council hereby adopts the findings and methods of calculations set forth in Exhibit A, the Proceeds of Tax Calculation, Exhibit B, the Appropriations (Gann) Limit Calculation, and Exhibit C, the Summary of Annual Appropriation (Gann) Limits. To the extent permitted by applicable law, the City of Moreno Valley reserves the right to change or revise any gross factors associated with the calculation of the limit established pursuant to Article XIIIB of the California Constitution if such changes or revisions would result in a more advantageous appropriation limit in the present or future.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor of the County of Riverside.

4. Within fifteen days after the adoption of this Resolution, the City Clerk shall certify to the adoption thereof and, as so certified, cause a copy to be posted in at least three public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

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MV00107925

EXHIBIT A

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMIT
PROCEEDS OF TAX CALCULATION
GENERAL FUND FY 11/12

REVENUE SOURCE	BUDGETED PROCEEDS OF TAX	BUDGETED NON-PROCEEDS OF TAX	TOTAL REVENUE
Taxes			
Property (1)	$ 22,086,000		$ 22,086,000
Sales (2)	10,949,760		10,949,760
Motor Vehicle In-Lieu	400,000		400,000
Business Gross Receipts	1,100,000		1,100,000
Utility Users	15,700,000		15,700,000
Other Taxes	1,025,000		1,025,000
Fees			
Franchise		5,030,000	5,030,000
Development Fees		2,832,750	2,832,750
Other Fees, Permits & Licenses		3,490,904	3,490,904
Fines & Forfeitures		1,000,000	1,000,000
Administrative Charges		2,270,000	2,270,000
Intergovernmental		247,000	247,000
Miscellaneous		1,685,396	1,685,396
Total	$ 51,260,760	$ 16,556,050	$ 67,816,810
% of Total	75.59	24.41	100.00
Allocation of Interest	2,859,948	923,552	3,783,500
Adjusted Total	$ 54,120,708	$ 17,479,602	$ 71,600,310

Revenues are based on FY 2011/12 Proposed Budget

Notes:
(1) Includes Property Tax In-Lieu of Vehicle License Fees In-Lieu
(2) Includes Property Tax In-Lieu of Sales Tax

EXHIBIT B

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMITS
LIMIT CALCULATION
GENERAL FUND FY 11/12

APPROPRIATIONS SUBJECT TO THE LIMIT			
FY 2011/12 Total Revenue *			$ 71,600,310
Less: Non-Proceeds of Tax			17,479,602
A) Total Appropriations Subject to the Limit			$ 54,120,708
APPROPRIATIONS LIMIT			
B) FY 2010/11 Appropriations Limit			$ 84,193,306
C) Change Factor **	% Increase	Factor	
Cost of Living Adjustment - CPI	2.51	1.0251	
Population Adjustment - PA	3.66	1.0366	
Change Factor (CPI x PA)		1.0626	
D) Increase in Appropriations Limit			5,270,501
E) FY 2011/12 Appropriations Limit (B x C)			$ 89,463,807
REMAINING APPROPRIATIONS CAPACITY			
(E - A)			$ 35,343,099
Remaining Capacity as a Percent of the FY 2011/12 Appropriations Limit			39.51

* Revenues based upon FY 2011/12 Proposed Budget

** State Department of Finance
Percent of Change in California Per Capita Income
Percent of Change in City of Moreno Valley Population

EXHIBIT C

CITY OF MORENO VALLEY
SUMMARY OF ANNUAL APPROPRIATION (GANN) LIMITS
GENERAL FUND AND COMMUNITY SERVICES DISTRICT

			GENERAL FUND			COMMUNITY SERVICES DISTRICT		
FISCAL YEAR	COST OF LIVING CHANGE	POPULATION CHANGE	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY
1984/85	-	-	$8,000,000	$1,489,525	$6,510,475	$1,000,000	$225,224	$774,776
1985/86	3.74%	-	$8,299,200	$5,801,524	$2,497,676	$1,037,400	$366,257	$671,143
1986/87	2.30%	13.34%	$10,739,623	$7,182,998	$3,556,625	$1,730,616	$571,404	$1,159,212
1987/88	3.40%	21.27%	$13,419,869	$8,186,487	$5,233,382	$2,162,519	$514,685	$1,647,834
1988/89	3.93%	13.98%	$15,897,098	$9,117,625	$6,779,473	$2,561,707	$595,770	$1,965,937
1989/90	4.98%	11.53%	$18,612,989	$10,193,243	$8,419,746	$2,999,354	$973,431	$2,025,923
1990/91	4.21%	12.34%	$21,790,136	$12,168,319	$9,621,817	$3,511,329	$1,447,368	$2,063,961
1991/92	4.14%	9.53%	$25,184,125	$12,702,824	$12,481,301	$4,058,248	$1,068,016	$2,990,232
1992/93	-0.64%	4.74%	$26,209,119	$21,751,950	$4,457,169	$4,223,419	$1,127,115	$3,096,304
1993/94	2.72%	3.69%	$27,915,333	$22,167,783	$5,747,550	$4,498,364	$1,090,166	$3,408,198
1994/95	0.71%	2.56%	$28,833,747	$22,191,470	$6,642,277	$4,646,360	$839,650	$3,806,710
1995/96	4.72%	2.66%	$30,999,161	$21,770,020	$9,229,141	$4,995,302	$1,018,520	$3,976,782
1996/97	4.67%	1.91%	$33,066,805	$22,117,750	$10,949,055	$5,328,489	$952,480	$4,376,009
1997/98	4.67%	0.19%	$34,677,158	$22,635,500	$12,041,658	$5,587,986	$952,480	$4,635,506
1998/99	4.15%	4.44%	$37,718,345	$23,919,000	$13,799,345	$6,078,052	$1,000,500	$5,077,552
1999/00	4.53%	2.29%	$40,328,454	$26,298,904	$14,029,550	$6,498,653	$1,796,366	$4,702,287
2000/01	4.91%	3.36%	$43,728,143	$27,701,784	$16,026,359	$7,046,489	$1,831,589	$5,214,900
2001/02	7.82%	5.68%	$49,823,846	$30,910,955	$18,912,891	$8,028,770	$2,074,425	$5,954,345
2002/03	-1.27%	3.88%	$51,099,336	$34,456,312	$16,643,024	$8,234,307	$2,244,708	$5,989,599
2003/04	2.31%	3.72%	$54,226,615	$37,805,936	$16,420,679	$8,738,247	$2,465,590	$6,272,657
2004/05	3.28%	4.17%	$58,342,415	$42,094,636	$16,247,779	$9,401,480	$2,727,571	$6,673,909
2005/06	5.26%	6.59%	$65,460,190	$48,100,800	$17,359,390	$10,548,461	$3,016,336	$7,532,125
2006/07	3.96%	5.59%	$71,855,651	$59,592,475	$12,263,176	$11,579,046	$3,987,532	$7,591,514
2007/08	4.42%	3.38%	$77,568,175	$72,653,027	$4,915,148	$12,499,580	$4,615,504	$7,884,076
2008/09	4.29%	2.79%	$83,153,084	$68,506,576	$14,646,508	$13,399,550	$4,685,689	$8,713,861
2009/10	0.62%	1.83%	$85,198,650	$56,124,960	$29,073,690	$13,729,179	$4,108,012	$9,621,167
2010/11	-2.54%	1.40%	$84,193,306	$50,777,288	$33,416,018	$13,567,175	$3,059,579	$10,507,596
2011/12	2.51%	3.66%	$89,463,807	$54,120,708	$35,343,099	$14,416,480	$3,146,478	$11,270,002

MV00107928

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MV00107929

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board Members of the Moreno Valley Community Services District

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: PUBLIC HEARING AND ADOPTION OF RESOLUTION ESTABLISHING APPROPRIATIONS ("GANN") LIMIT FOR THE MORENO VALLEY COMMUNITY SERVICES DISTRICT FOR FISCAL YEAR 2011-12

RECOMMENDED ACTION

Staff recommends that the Board:

1. Conduct a Public Hearing to receive public comments on the Moreno Valley Community Services District's appropriations limit for Fiscal Year 2011-12; and

2. Adopt Resolution No. CSD 2011-19 establishing the appropriations limit at $14,416,480 for the Moreno Valley Community Services District for Fiscal Year 2011-12.

BACKGROUND

On November 6, 1979, California voters approved the Gann Spending Limitation Initiative (Proposition 4) establishing Article XIIIB of the State Constitution. Article XIIIB sets limits on the amount of tax revenues that the State and most local governments can appropriate within a given fiscal year. Its basic provisions are as follows:

- Each year, the State and local governments must adopt a resolution establishing an appropriations limit, also known as the "Gann Limit". Fiscal Year 1984-85

appropriations serve as the base for this limit, with adjustments being made annually to reflect increases in population, the cost of living, and financial responsibility transfers.

- Only tax proceeds are subject to the limit. Charges for services, regulatory fees, grants, loans, donations and other non-tax proceeds are not subject to the limit. Exemptions are also made for voter-approved debt, debt that existed prior to January 1, 1979, and for the cost of compliance with court or Federal government mandates.

- All tax revenues received in excess of the appropriations limit must be refunded to taxpayers within a two-year period.

- The voters may approve an increase in the appropriations limit. For the increase to remain in effect, however, it must be re-approved by voters at four-year intervals.

On June 5, 1990, California voters approved the Traffic Congestion Relief and Spending Limitation Act (Proposition 111), which made various amendments to Article XIIIB of the State Constitution. The major changes, which became effective July 1, 1990, are as follows:

- The change in the cost of living is defined to be either the change in California per capita personal income or the change in assessed valuation due to the addition of non-residential new construction. Previously, the change in the cost of living was defined as the lesser of the change in the U.S. Consumer Price Index or the change in California per capita personal income.

- The change in population is defined as either a change in the City's population or a change in the County's population, whichever is greater.

- "Qualified capital outlay projects" were added to the items exempted from the appropriations limit. Qualified capital outlay projects must have a useful life of ten or more years and a cost that equals or exceeds $100,000.

- Tax revenues received in excess of the appropriations limit must be refunded to taxpayers only if the limit is exceeded over a two-year period.

- The annual calculation of the appropriations limit must be reviewed as part of the City's annual financial audit.

DISCUSSION

The information used to calculate the Fiscal Year 2011-12 appropriations limit for the Moreno Valley Community Services District (District) is presented in Exhibit A, Proceeds

of Tax Calculation and Exhibit B, Appropriations (Gann) Limit Calculation. The District's appropriations limit for Fiscal Year 2010-11 was $13,567,175. The change factor allowed by Proposition 111 due to population and cost of living changes is 1.0626. This results in a Fiscal Year 2011-12 appropriations limit of $14,416,480.

As previously indicated, Proposition 111 provides several options for calculating increases in the appropriations limit. With respect to the change in population, the increase in County population was used since it was greater than the City's (+3.54% vs. +3.66%).

With respect to the change in the cost-of-living criterion, the change in California per capita personal income (+2.51%) was used, as the change in non-residential assessed valuation information is not yet available from the County.

The total projected revenue proceeds from the District are $16,236,807. Of this amount, $3,146,478 is identified as coming from tax proceeds, while $13,090,329 is identified as coming from non-tax proceeds. Exhibit A provides a breakdown of budgeted revenues and their classification as tax proceeds or non-tax proceeds.

The Fiscal Year 2011-12 Preliminary Base Operating Budget contains appropriations subject to the limitation of $3,146,478. This amount is $11,270,002 below the District's legal appropriations limit of $14,416,480.

ALTERNATIVES

The following alternatives are available to the Board:

1. Adopt Resolution No. CSD 2011-19 establishing the District's Fiscal Year 2011-12 appropriations limit at $14,416,480.

2. Provide staff with further direction.

Staff recommends Alternative No. 1.

FISCAL IMPACT

There is no fiscal impact. The District is safely within its legal appropriations limit for Fiscal Year 2011-12.

CITY COUNCIL GOALS

None applicable

SUMMARY

Each year the Moreno Valley Community Services District (District) is required to adopt a resolution establishing a limit on its appropriations of tax proceeds. The Traffic Congestion Relief and Spending Limitation Act (Proposition 111), approved by the voters on June 5, 1990, changed some of the factors used in the calculation of this limit. For Fiscal Year 2011-12, the District's appropriations limit is calculated to be $14,416,480. The District's Preliminary Base Operating Budget contains appropriations subject to the limit totaling $3,146,478. Therefore, the portion of the Fiscal Year 2011-12 Preliminary Base Operating Budget subject to the limit is $11,270,002 less than the District's Fiscal Year 2011-12 appropriations limit.

NOTIFICATION

This agenda item on the Fiscal Year 2011-12 Appropriations ("Gann") Limit was properly noticed as a Public Hearing.

ATTACHMENTS/EXHIBITS

Attachment 1- Resolution No. CSD 2011-19
Exhibit A - Proceeds of Tax Calculation
Exhibit B – Appropriations (Gann) Limit Calculation
Exhibit C - Summary of Annual Appropriation (Gann) Limits

Prepared By:
Brooke McKinney
Treasury Operations Division Manager

Department Head Approval:
Richard Teichert
Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. CSD 2011-19

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-12

WHEREAS, Article XIIIB of the California Constitution and Section 7910 of the California Government Code require that each year the Moreno Valley Community Services District (District) shall by resolution, establish an appropriations limit for the District for the following fiscal year; and

WHEREAS, the City Council, acting in its capacity as the Board of Directors of the District, has received the Preliminary Base Operating Budget for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said budget contains the estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the District; and

WHEREAS, the District's Financial & Administrative Services Department has heretofore prepared and submitted data and documentation required for and to be used in the determination of certain matters and for the establishment of an appropriations limit for the District for Fiscal Year 2011-12 and such data and documentation has been available to the public for at least fifteen days prior to adoption of this Resolution; and

WHEREAS, the City Council, acting in its capacity as the Board of Directors of the District, has considered pertinent data and documentation and made such determinations as may be required by law, and has adopted this Resolution at a regularly scheduled meeting of the Board of Directors of the District; and

WHEREAS, the appropriations limit for the Moreno Valley Community Services District for Fiscal Year 2011-12 is hereby established at $14,416,480, and the total annual appropriations subject to such limitation for Fiscal Year 2011-12 is estimated to be $3,146,478.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. That $14,416,480 is hereby established as the appropriations limit for the Moreno Valley Community Services District for Fiscal Year 2011-12.

2. The District's Board of Directors hereby adopts the findings and methods of calculations set forth in Exhibit A, the Proceeds of Tax Calculation, Exhibit B, the Appropriation (Gann) Limit Calculation, and Exhibit C, the Summary of Annual Appropriation (Gann) Limits. To the extent permitted by applicable law, the

District reserves the right to change or revise any gross factors associated with the calculation of the limit established pursuant to Article XIIIB of the California Constitution if such changes or revisions would result in a more advantageous appropriations limit in the present or future.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk, acting in the capacity of Secretary of the Moreno Valley Community Services District, shall file a copy of this Resolution with the Auditor of the County of Riverside.

4. Within fifteen days after the adoption of this Resolution, the City Clerk, acting in the capacity of Secretary of the Moreno Valley Community Services District, shall certify to the adoption thereof and, as so certified, cause a copy to be posted in at least three public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley,
Acting in the capacity of President of the
Moreno Valley Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno
Valley Community Services District

RESOLUTION JURAT

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EXHIBIT A

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMIT
PROCEEDS OF TAX CALCULATION
COMMUNITY SERVICES DISTRICT FY 11/12

REVENUE SOURCE	BUDGETED PROCEEDS OF TAX	BUDGETED NON-PROCEEDS OF TAX	TOTAL REVENUE
Taxes			
Zone A - Parks & Recreation	$ 1,695,100		$ 1,695,100
Zone B - Residential Lights	94,200		94,200
Zone C - Arterial Lights	97,800		97,800
Zone L - Library Services	1,244,800		1,244,800
Fees			
Zone A - Parks & Recreation		5,734,800	5,734,800
Zone B - Residential Lights		933,352	933,352
Zone C - Arterial Lights		431,186	431,186
Zone D - Standard Landscaping		1,138,180	1,138,180
Zone E - Extensive Landscaping		2,444,438	2,444,438
Zone L - Library Services		73,600	73,600
Zone M - Median Fund		182,031	182,031
Miscellaneous			
Zone A - Parks & Recreation		495,600	495,600
Zone E - Extensive Landscaping		3,800	3,800
Transfers In			
Zone A - Parks & Recreation		307,500	307,500
Zone B - Residential Lights		675,000	675,000
Zone L - Library Services		506,800	506,800
Zone M - Median Fund		103,400	103,400
Total	$ 3,131,900	$ 13,029,687	$ 16,161,587
% of Total	19.38	80.62	100.00
Allocation of Interest *	14,578	60,642	75,220
Adjusted Total	$ 3,146,478	$ 13,090,329	$ 16,236,807

Interest consists of the following:
Zone A - $0
Zone B - $0
Zone C - $4,500
Zone D - $720
Zone E - $70,000
Zone L - $0
Zone M - $0

Revenues are based upon FY 2011/12 Proposed Budget

EXHIBIT B

CITY OF MORENO VALLEY
APPROPRIATIONS (GANN) LIMITS
LIMIT CALCULATION
COMMUNITY SERVICES DISTRICT FY 11/12

APPROPRIATIONS SUBJECT TO THE LIMIT			
FY 2011/12 Total Revenue *			$ 16,236,807
Less: Non-Proceeds of Tax			13,090,329
A) Total Appropriations Subject to the Limit			$ 3,146,478
APPROPRIATIONS LIMIT			
B) FY 2010/11 Appropriations Limit			13,567,175
C) Change Factor **	% Increase	Factor	
Cost of Living Adjustment - CPI	2.51	1.0251	
Population Adjustment - PA	3.66	1.0366	
Change Factor (CPI x PA)		1.0626	
D) Increase in Appropriations Limit			849,305
E) FY 2011/12 Appropriations Limit (B x C)			$ 14,416,480
REMAINING APPROPRIATIONS CAPACITY			
(E - A)			$ 11,270,002
Remaining Capacity as a Percent of the FY 2011/12 Appropriations Limit			78.17

* Revenues based upon FY 2011/12 Proposed Budget

** State Department of Finance
Percent of Change in California Per Capita Income
Percent of Change in City of Moreno Valley Population

EXHIBIT C

CITY OF MORENO VALLEY
SUMMARY OF ANNUAL APPROPRIATION (GANN) LIMITS
GENERAL FUND AND COMMUNITY SERVICES DISTRICT

			GENERAL FUND			COMMUNITY SERVICES DISTRICT		
FISCAL YEAR	COST OF LIVING CHANGE	POPULATION CHANGE	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY	APPROPRIATIONS LIMIT	APPROPRIATIONS SUBJECT TO THE LIMIT	REMAINING CAPACITY
1984/85	-	-	$8,000,000	$1,489,525	$6,510,475	$1,000,000	$225,224	$774,776
1985/86	3.74%	-	$8,299,200	$5,801,524	$2,497,676	$1,037,400	$366,257	$671,143
1986/87	2.30%	13.34%	$10,739,623	$7,182,998	$3,556,625	$1,730,616	$571,404	$1,159,212
1987/88	3.40%	21.27%	$13,419,869	$8,186,487	$5,233,382	$2,162,519	$514,685	$1,647,834
1988/89	3.93%	13.98%	$15,897,098	$9,117,625	$6,779,473	$2,561,707	$595,770	$1,965,937
1989/90	4.98%	11.53%	$18,612,989	$10,193,243	$8,419,746	$2,999,354	$973,431	$2,025,923
1990/91	4.21%	12.34%	$21,790,136	$12,168,319	$9,621,817	$3,511,329	$1,447,368	$2,063,961
1991/92	4.14%	9.53%	$25,184,125	$12,702,824	$12,481,301	$4,058,248	$1,068,016	$2,990,232
1992/93	-0.64%	4.74%	$26,209,119	$21,751,950	$4,457,169	$4,223,419	$1,127,115	$3,096,304
1993/94	2.72%	3.69%	$27,915,333	$22,167,783	$5,747,550	$4,498,364	$1,090,166	$3,408,198
1994/95	0.71%	2.56%	$28,833,747	$22,191,470	$6,642,277	$4,646,360	$839,650	$3,806,710
1995/96	4.72%	2.66%	$30,999,161	$21,770,020	$9,229,141	$4,995,302	$1,018,520	$3,976,782
1996/97	4.67%	1.91%	$33,066,805	$22,117,750	$10,949,055	$5,328,489	$952,480	$4,376,009
1997/98	4.67%	0.19%	$34,677,158	$22,635,500	$12,041,658	$5,587,986	$952,480	$4,635,506
1998/99	4.15%	4.44%	$37,718,345	$23,919,000	$13,799,345	$6,078,052	$1,000,500	$5,077,552
1999/00	4.53%	2.29%	$40,328,454	$26,298,904	$14,029,550	$6,498,653	$1,796,366	$4,702,287
2000/01	4.91%	3.36%	$43,728,143	$27,701,784	$16,026,359	$7,046,489	$1,831,589	$5,214,900
2001/02	7.82%	5.68%	$49,823,846	$30,910,955	$18,912,891	$8,028,770	$2,074,425	$5,954,345
2002/03	-1.27%	3.88%	$51,099,336	$34,456,312	$16,643,024	$8,234,307	$2,244,708	$5,989,599
2003/04	2.31%	3.72%	$54,226,615	$37,805,936	$16,420,679	$8,738,247	$2,465,590	$6,272,657
2004/05	3.28%	4.17%	$58,342,415	$42,094,636	$16,247,779	$9,401,480	$2,727,571	$6,673,909
2005/06	5.26%	6.59%	$65,460,190	$48,100,800	$17,359,390	$10,548,461	$3,016,336	$7,532,125
2006/07	3.96%	5.59%	$71,855,651	$59,592,475	$12,263,176	$11,579,046	$3,987,532	$7,591,514
2007/08	4.42%	3.38%	$77,568,175	$72,653,027	$4,915,148	$12,499,580	$4,615,504	$7,884,076
2008/09	4.29%	2.79%	$83,153,084	$68,506,576	$14,646,508	$13,399,550	$4,685,689	$8,713,861
2009/10	0.62%	1.83%	$85,198,650	$56,124,960	$29,073,690	$13,729,179	$4,108,012	$9,621,167
2010/11	-2.54%	1.40%	$84,193,306	$50,777,288	$33,416,018	$13,567,175	$3,059,579	$10,507,596
2011/12	2.51%	3.66%	$89,463,807	$54,120,708	$35,343,099	$14,416,480	$3,146,478	$11,270,002

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: June 14, 2011

TITLE: A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE MUNICIPAL CODE (PA10-0035) TO IMPLEMENT NEW DESIGN STANDARDS TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. RECOGNIZE that PA10-0035 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines; and

2. Introduce Ordinance No 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4)

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, at its May 12, 2011, meeting approved Planning Commission Resolution 2011-11, recommending by a 6-0 vote that the City Council recognize that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section15061 (Minor Alterations in Land Use Limitation) as defined by Section 15378.

During the Planning Commission Hearing, the Commission voted to approve the item with no questions or discussion.

BACKGROUND

The proposed changes are required to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit covering The City of Moreno Valley. Compliance is required by July 29, 2011. The MS4 permit requires that the City promote green infrastructure/Low Impact Development (LID) techniques for all new and redevelopment projects. The City is currently regulated under the 2002 NPDES MS4 permit which is now expired and has been superseded by the new 2010 NPDES MS4 permit, effective January 29, 2010.

Low Impact Development (LID) is used to describe the land planning and engineering design approach to managing stormwater runoff by reducing and/or retaining runoff. LID emphasizes conservation and the use of on-site natural features to protect water quality. Various design techniques including the use of permeable surfaces, increased landscape areas, and limited hardscape areas help to promote on-site water retention and infiltration to clean the water of contaminants prior to the water being discharged form the site into storm drains and flood control channels. Hardscape areas increase the runoff and the amount of water that needs to be cleaned for water quality purposes.

DISCUSSION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.03 Residential Development, 9.08, Grading 9.11, Parking, Pedestrian and Loading Requirements, 9.16, Design Guidelines, and 9.17 Landscape Requirements providing new design standards promoting green infrastructure/low impact development (LID) techniques. The proposed site design requirements and preferences are intended to reduce the runoff and the costs associated with cleaning runoff. Additionally, all projects are required to include "Best Management Practices" (BMPs) which provide measures designed to prevent or reduce the discharge of pollutants directly or indirectly into regulated waters of the United States.

The following are the proposed changes to the Municipal Code, Title 9 for Planning and Zoning.

9.03.040 Residential Development

CURRENT STANDARDS	PROPOSED CHANGES
Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of	Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of

private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials except for necessary walks and fences.	private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with permeable surfaces where feasible to reduce run off.
6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.	6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community & Economic Development Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.	Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.
Section G 12. Trash enclosures shall be designed to be compatible with the project's	Section G 12. Trash enclosures shall include solid roofs and be designed to be

architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.	compatible with the project's architecture.

9.08.080 Grading

CURRENT STANDARDS	PROPOSED CHANGES
Section A. Lots slope toward, rather than away from the street; unless otherwise approved by the city engineer.	Section A. Lots slope to landscape areas or permeable surfaces unless otherwise approved by the city engineer;

9.11 Parking, Pedestrian and Loading Requirements

9.11.010 Purpose and intent.

CURRENT	PROPOSED
Section E. Implement general plan circulation and energy conservation policies.(Ord. 359 (part), 1992)	Section E. Implement general plan circulation and energy conservation policies; and ~~(Ord. 359 (part), 1992)~~
New	Section F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.

9.11.040 Off-street parking requirements

CURRENT	PROPOSED
Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the minimum off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-	Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-

public uses	public uses. Parking provided above the amount of required off-street parking must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas;
911.040 A-12 Table The table states the minimum requirement for parking based on the use.	The table will state the "required" parking based on the use.

9.11.060 Off-street bicycle parking requirements

CURRENT	PROPOSED
Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition	Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.

9.11.080 Design standards.

CURRENT	PROPOSED
New	25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Permeable surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.
Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be a minimum of nine feet in width eighteen (18) feet in depth (see Figure 9.11.080-5).	Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine (9) feet in width and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved ~~in~~ depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be

	included in the required landscape setback). (see Figure 9.11.080-5).
~~Figure 9.11.080-5~~	Figure 9.11.080-5 modified to reflect 16 feet Nonparallel Parking Spaces
~~Figure 9.11.080-6~~	Figure 9.11.080-6 Parking Space Striping Requirements modified to reflect both 16 feet and 18 feet in depth parking spaces labeled as 911.080-6A and 9.11.080-6B
Section C 1. Drainage. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.	Section C 1. Drainage. Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.
Figure 9.11.080-6	Figure 9.11.080-6, Parking Space Striping Requirements-- modified to reflect parking space dimension requirements.
Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer.	Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. Every effort should be made to use permeable surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.

9.11.100 Circulation-Pedestrian

CURRENT	PROPOSED
Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation.	Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. The use of permeable paving surfaces is recommended where feasible.

9.16 Design Guidelines

9.16.010 Introduction and scope of guidelines.

CURRENT	PROPOSED
~~Section A.~~ ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commissions and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~	Section A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

9.16.110 Objectives, generally.

CURRENT	PROPOSED
Section C. 6. Providing for conservation of	Section C. 6. Providing for conservation of

natural resources through building orientation, site amenities and architectural treatment,	natural resources through building orientation, site amenities and architectural treatment, including water quality features integrated into the site design such as water retention and absorption areas and the use of permeable surfaces to reduce water run off;
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape requirements. ~~guidelines as adopted by Ordinance No. 247.~~

9.16.120 General guidelines.

CURRENT	PROPOSED
Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view.	Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. Roof drains shall be integrated into the building design for aesthetics and shall convey water to landscape areas for water quality.
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape requirements. ~~guidelines as adopted by Ordinance No. 247.~~

9.16.130 Single-family residential.

CURRENT	PROPOSED
Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for	Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for

storage/yard access.	storage/yard access. Permeable surfaces are required for such areas within required setbacks.
11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.	11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. Permeable surfaces are recommended where feasible.

9.16.140 Multifamily residential shall be deleted in its entirety.

The multifamily residential design guidelines were incorporated into section 9.03.040 of the Municipal Code which was approved September 22, 2009.

9.16.150 Commercial (retail, office, mixed use).

CURRENT	PROPOSED
Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be located inside the exterior walls of a structure.	Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run off.

9.16.160 Business park/industrial.

CURRENT	PROPOSED
Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided (Ord. 359 (Attach. 2 (part)), 1992)	Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided. Permeable surfaces are recommended where feasible. (Ord.

	359 (Attach. 2 (part)), 1992)

9.16.220 Roadway Circulation.

CURRENT	PROPOSED
Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)	Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays (including pervious paving where feasible) are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)

9.16.235 Hillside Development.

CURRENT	PROPOSED
Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.	Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. Permeable surfaces are recommended where feasible.

9.17 Landscape and Water Efficiency Requirements

9.17.050 Parking and drive-through landscape areas.

CURRENT	PROPOSED
Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and	Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces, and to enhance

ambient temperatures through the use of canopy trees. The following standards apply:	the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:
3. Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director. Openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality.	3. Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.

9.17.070 Single family residential development.

CURRENT	PROPOSED
6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.	6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

917.080 Multifamily residential development.

CURRENT	PROPOSED
Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of	Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of

plant materials, except for necessary walks and fences/walls.	plant materials, except for necessary walks and fences/walls. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.

9.17.090 Commercial, industrial, public and quasi-public development.

CURRENT	PROPOSED
Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.	Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the use of permeable surface areas that reduce water run off. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

917.110 Erosion control/slope planting.

CURRENT	PROPOSED
5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability.	5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.

917.150 Water efficiency requirements.

CURRENT	PROPOSED
New	11. Direct all runoff from roofs and hardscape areas to landscaping areas.

New	12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

ALTERNATIVES

1. Approve the proposal as submitted.
2. Approve the proposal with modifications to address City Council concerns.
3. Refer the proposal back to the Planning Commission.
4. Deny the proposal.

FISCAL IMPACT

Not applicable.

CITY COUNCIL GOALS

Not applicable.

SUMMARY

The proposed amendments to the City of Moreno Valley Municipal Code would provide a comprehensive document promoting green infrastructure/Low Impact Development (LID) techniques for all projects to reduce on-site water retention and infiltration to clean the water of contaminants prior to the water being discharged form the site into storm drains and flood control channels, in compliance with the adopted 2010 NPDES MS4 permit covering the City.

NOTIFICATION

Notice of the City Council public hearing of the public notice, appeared in the *Press Enterprise* newspaper on June 3, 2011.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. Ordinance for Municipal Code Amendment
3. Municipal Code Revisions for Title 9 w/strike out and additions underlined/bolded in blue.
4. Landscape Standards pages with additions bolded in blue.
5. Planning Commission Staff Report dated May 12, 2011
6. Planning Commission Minutes for May 12, 2011

Prepared By:
Julia Descoteaux
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Director

Concurred By:
John Terell
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

NOTICE OF CITY COUNCIL PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT TO THE MUNICIPAL CODE PROVISIONS TO IMPLEMENT NEW DESIGN STANDARDS PROMOTING GREEN INFRASTRUCTURE/LID TECHNIQUES TO COMPLY WITH THE 2010 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT WHICH IS DESIGNED TO MINIMIZE IMPACTS FROM NEW DEVELOPMENT AS WELL AS REDEVELOPMENT PROJECTS DISCHARGING URBAN WATERS TO WATERS OF THE U.S. THE RESIDENTIAL DEVELOPMENT, GRADING, PARKING, PEDESTRIAN AND LOADING REQUIREMENTS, DESIGN GUIDELINES, AND LANDSCAPE REQUIREMENTS SECTIONS HAVE BEEN REVISED.

The proposed amendment (PA10-0035) would change the various Moreno Valley Municipal Code provisions to minimize the impacts and convey surface drainage into landscape areas for water quality, retention and absorption.

The Municipal Code Amendment (PA10-0035) proposes changes to the following sections:

- 9.03 Residential Development
- 9.08 Grading
- 9.11 Parking, Pedestrian and Loading Requirements
- 9.16 Design Guidelines
- 9.17 Landscape Requirements and Landscape Standards

The City Council may consider any appropriate modifications or alternatives to the amendment or the environmental determination. The amendment is proposed to be exempt under California Environmental Quality Act Guidelines Section 15061 as defined by Section 15378.

Any person interested in the proposed project may contact Julia Descoteaux, Associate Planner at (951) 413-3209 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday) or may telephone (951) 413-3206 for further information.

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council on or before the following meeting date:

Tuesday, June 14, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

ATTACHMENT 1

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MV00107957

ORDINANCE NO. 826

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1. FINDINGS:

1.1 All prior enactments of the City, which are in conflict with the Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 2 FINDINGS:

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on June14, 2011, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan – The proposed amendment is consistent with the General Plan and its goals, objectives, policies and programs.

   FACT: All of the proposed changes are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan or any specific plan. The amendment provides an update to the existing code to ensure compliance with the new National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit which was effective January 29, 2010, with compliance by July 29, 2011. The updates include sections pertaining to residential development, grading, parking pedestrian and loading requirements, design guidelines and the landscape requirements.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

   FACT: The proposed changes do not have the potential of adversely affecting the public health, safety or welfare of the residents of City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Intent of Zoning Regulations – The proposed amendment is consistent with the purposes and intent of Title 9 of the Municipal Code.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

3.2 Section 9.03.040 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended with the following:

"9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac × 0.10 du/ac plus 5 ac × 0.20 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Under 40,000 s.f.	R2 district standards

Lot Size	Standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The Community & Economic Development Director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac × 0.25 du/ac plus 5 ac × 0.10 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The

ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	**Standards**
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.

Slope Class	Standards
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.

1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

2. a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.

b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.

3. Slope Mapping Method.

a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.

b. In preparing a slope map, those portions of ravines, ridges and terraces of less

area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.

D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with

the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.

Figure 9.03.040-1
Residential Lot Information

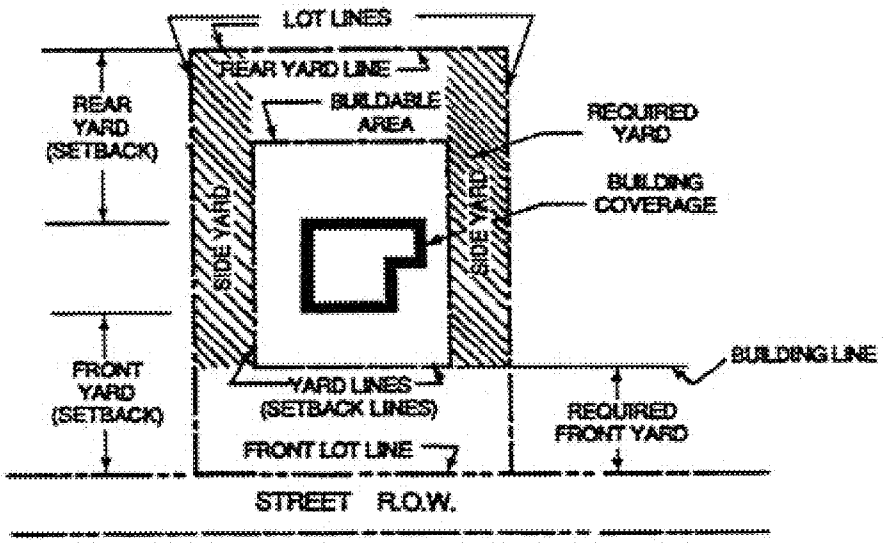

Figure 9.03.040-2
Residential Yard Descriptions

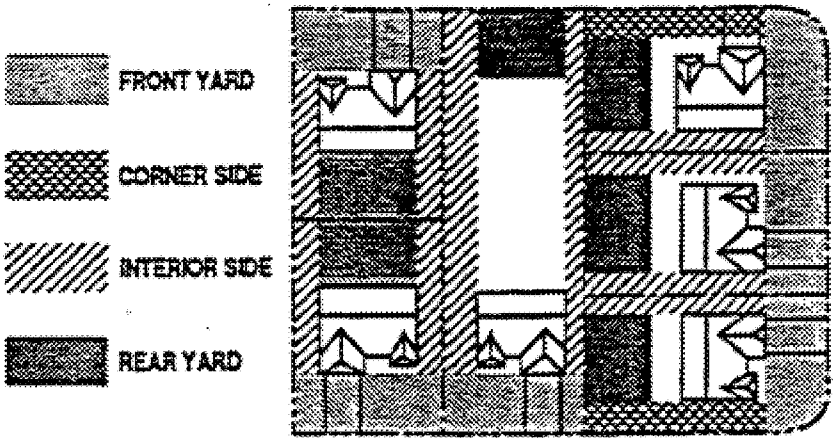

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable					10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%

Requirement	R1	R2	RA2	R3	R5	RS10
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040.6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.

3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.

Table 9.03.040-7

Residential Site Development Standards

Multifamily Standards

Requirement	R10	R15	R20	R30
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in feet	200	200	200	200
4. Minimum lot depth in feet	175	175	175	175
5. Minimum front yard setback, in feet	20	25	30	30
6. Minimum side yard setback, in feet Interior side yard Street side yard	 10 20	 10 20	 10 20	 10 feet plus 2 feet for every 5 feet in height over 30 feet 20
Requirement	**R10**	**R15**	**R20**	**R30**
7. Minimum rear yard setback, in ft.	15	20	25	10 feet plus 2 for every 5 feet in height over 30 feet
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in feet	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

Note to Residential Site Development Standards Table 9.03.040-7.

1. Minimum dwelling sizes in multiple-family projects shall be as follows:

a. One bedroom: four hundred fifty (450) square feet;

b. Two bedroom: eight hundred (800) square feet;

c. Three bedroom: one thousand (1,000) square feet.

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds, tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community & Economic Development Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.

10. Individual units should have a porch or porch-like space at the front door.

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.

14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access (senior housing projects);

g. Parking close to units;

h. Elevators (senior housing projects).

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. (Ord. 808 §§ 2.2—2.2.3, 2010; Ord. 797 §§ 2.4, 2.4.2—4, 2009; Ord. 773 § 3, 2008; Ord. 757 §§ 2.7, 2.72, 2008; Ord. 757

§§ 2.7, 2.7.2, 2008; Ord. 726 § 4.3, 2006; Ord. 698 § 3.1(c), 2005; Ord. 694 § 1.1 (part), 2005; Ord. 616 §§ 2.2.1, 2.2.2, 2003; Ord. 604 § 2.3, 2002; Ord. 520 § 1.9, 1997; Ord. 475 § 1.4, (part), 1995; Ord. 468 §§ 1.4, 1.5, 1995; Ord. 461 § 1.1, 1995; Ord. 386 § 1.13, 1993; Ord. 359 (part), 1992)"

3.3 Section 9.08.080 Grading of Chapter 9 of the City of Moreno Valley Municipal Code is herby amended to read as follows:

"9.08.080 Grading.

Whenever a development approval is given for a project requiring grading, or other preparation of the soil, the city may impose

conditions of the approval of the development relating to grading. Such conditions are considered in issuance of any future grading permit and are complied with in addition to

the other provisions of the building code. Such conditions may require, but are not limited to, the following:

A. Lots slope to landscape areas or pervious surfaces unless otherwise approved by the City Engineer;

B. An erosion control plan, prepared by a registered civil engineer, is submitted to and approved by the public works department prior to grading plan approval. The plan addresses methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;

C. Dust control measures are identified;

D. Cut and fill slopes are not constructed steeper than two to one (2:1);

E. All cut or fill slopes over three feet in depth are landscaped prior to the issuance of a certificate of occupancy or building final, and as soon as practicable after completion of final grading;

F. Slopes are designed to minimize scaring of the land by terracing, reducing slope gradients, adding topsoil, building retaining walls, special slope planting or other means. Man-made slopes conform to patterns of the natural terrain. "Landforming" is applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height, and accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping;

G. All dwelling units are located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the public works director and the community development director;

H. Crib walls, or an equivalent, are used to enhance a cut slope's capability to be landscaped and irrigated;

I. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings are protected to the greatest extent feasible in the siting of individual lots and building pads. These features are identified on the grading plan with appropriate protection and relocation notes;

J. The quantity of soil import and export may be limited. Albeit, all excess excavated material is removed or otherwise relocated to become an integral part of the site development;

K. Streets permitting trucks or equipment travel are designated;

L. Hours of operation are limited;

M. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in

accordance with the provisions of the project approval. (Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.11, 2003: Ord. 359 (part), 1992)"

3.4 Section 9.11 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

"9.11.010 Purpose and intent.

The purpose of this chapter is to ensure the adequate provision of parking, loading and bicycle facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking, loading and bicycle facilities, it is the intent of this chapter to:

A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;

B. Ensure the maneuverability of emergency and service vehicles;

C. Provide safe, accessible, convenient, attractive and well-maintained off-street parking areas;

D. Protect residential neighborhoods from the adverse effects of vehicular noise and traffic by uses in adjacent nonresidential districts; and

E. Implement general plan circulation and energy conservation policies; and

F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters."

"9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:

Table 9.11.040A-12

Off-Street Parking Requirements

Use	Requirement	Covered Parking	Notes
Residential Uses			

Use	Requirement	Covered Parking	Notes
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units Studio 1 bedroom 2 bedrooms 3+ bedrooms	 1.25/unit 1.5/unit 2.0/unit 2.5/unit	 1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing			
Studio 1 bedroom 2+ bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

Table 9.11.040B-12
Off-Street Parking Requirements

Commercial Uses	Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public.
		2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like)
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	

Commercial Uses	Requirement	Notes
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	
Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to the loading parking stall already provided at the dock door.
Research and development	1/350 sq. ft. of gross floor area	
Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	

Table 9.11.040D-12

Off-Street Parking Requirements

Use	Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal

requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

Number of Automobile Spaces Provided	**Number of Accessible Spaces Provided**
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot

loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)"

"9.11.060 Off-street bicycle parking requirements.

A. Type of Facilities.

1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.

2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.

3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.

B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobilehome parks and model home complexes are exempt from this section.

C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.

D. General Requirements.

1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.

2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.

3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.

4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.

5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from damage by cars. (Ord. 670 § 3.1 (part), 2004; Ord. 557 § 2.4, 2000: Ord. 406 § 1.3, 1993; Ord. 359 (part), 1992)"

"9.11.070 Adjustments to off-street parking requirements.

Adjustments to off-street parking for uses included in this chapter may be granted if, in the opinion of the Community & Economic Development Director, the proposed modification to the required number of parking or loading spaces is warranted. Requests for parking adjustments shall be reviewed and approved by the community development director based on the following requirements:

A. Parking Studies. The number of spaces required by this chapter, as noted in Section 9.11.040(A) of this chapter, for provisions of off-street parking and loading

spaces may be adjusted by the approval authority if it is demonstrated by a parking study, prepared by a registered traffic engineer or qualified parking study consultant, that the proposed use would have a parking or loading space demand other than the requirements of this chapter.

B. Shared Parking.

1. Shared parking is encouraged to avoid the creation of unused parking spaces and their potential harmful effects such as increased construction and maintenance costs, heat and glare, and water run off requiring treatment of pollutants. A reduction in minimum parking requirements for individual uses may be granted by the Community & Economic Development Director where joint use of parking facilities or other factors will mitigate peak parking demand.

2. Requests for parking reductions resulting from joint usage shall be supported by information prepared by a registered traffic engineer. The investigation used to generate the required information shall generally follow the format described below.

Shared parking requests shall be analyzed as follows:

a. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will also consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. Adjustments for peak parking factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of Section 9.11.040 of this chapter. Other elements to be considered include seasonal adjustment for parking demand and a determination of the mode of transit used in reaching or departing the area being considered;

c. Analysis of hourly accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day; and

d. Estimate of shared parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. Up to fifty (50) percent of the parking facilities required by this chapter may be utilized as shared parking facilities subject to the requirements of this section. Except that, a church or an auditorium which is part of a public or private school may adjust the required parking by up to one hundred (100) percent of the parking facilities required by this chapter.

4. In granting parking reductions for shared use of parking facilities, the approval authority shall make one or more of the following findings:

a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;

b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities;

c. The traffic engineering report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple-trip purposes to the area in question.

5. As a condition of approval to the granting of a reduction in required parking, the city may require the granting of reciprocal access and parking agreements with surrounding properties.

C. Transportation Management Plans.

1. The number of required parking spaces may be decreased by up to twenty (20) percent of the required employee parking subject to the approval of a transportation management plan supplied by the applicant. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.

2. In evaluating the request, the approval authority shall consider, among other factors:

a. Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs;

b. Proximity to public transportation facilities which could be reasonably expected to serve a significant portion of employees or customers;

c. Evidence of the likelihood that employees or customers will utilize regular transportation alternatives to individual use of automobiles, including transportation management plans prepared pursuant to South Coast Air Quality Management District Rule XV.

D. Off-Site Parking Facilities. Required parking for a development may be provided off the site in certain instances. Requests for off-site parking facilities shall meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the approval authority shall consider the following:

a. Proximity of the off-site parking facilities;

b. Ease of pedestrian access to the off-site parking facility;

c. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and

d. The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.

2. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign and record a reciprocal parking agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve. (Ord. 694 § 1.1 (part), 2005; Ord. 557 § 2.5, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 359 (part), 1992)"

"9.11.080 Design standards.

A. General Parking Design Standards.

1. Parking lot design shall take into consideration the appropriate integration of commercial uses. Parking facilities shall be designed to eliminate obstacles to pedestrian movement, consider spatial relationships between commercial uses and associated parking, and where appropriate, parking design will dictate the types of uses that may feasibly be established to ensure that adequate parking is available within a reasonable distance to the use it serves.

2. Special plazas, motor courts or turnarounds are encouraged to identify entrance areas.

3. Project access and circulation shall allow for both vehicles and pedestrians by separating autos and foot traffic, by creating pedestrian entrances to projects and by using enhanced paving treatments, bollards or pergolas to identify pedestrian pathways through parking areas and along buildings.

4. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points should be consolidated to take advantage of planned or existing median breaks.

5. The city may require reciprocal parking and access agreements between individual and adjacent commercial parcels.

6. To discourage excessive speeds within parking areas, the maximum length of straight aisles shall not exceed three hundred (300) feet unless otherwise approved by the community development director.

7. Parking rows shall not be longer than one hundred eighty (180) feet, allowing for easier movement within the parking lot and preventing long queues within aisles unless otherwise approved by the community development director.

8. Drive aisles should make a loop around the structures and avoid dead end parking. In the case of straight drive aisles, provide at least ten (10) feet of setback between the last parking stall and the property line.

9. Parking areas shall be screened from streets through a combination of mounded landscaping, low profile walls and/or grading separations.

10. Parking areas shall not be used for loading or unloading.

11. Internal roadways should be designed so that direct access is available to all structures visible from a particular parking area.

12. Parking areas should use sound walls, screen walls and landscaping to minimize auto noise, glare and increased ambient temperature.

13. Landscaping, signs and walls shall be limited to thirty-six (36) inches in height, measured from top of curb within twenty-five (25) feet of any driveway entrance to protect visibility. Any trees located in these areas shall have trunks not exceeding eight inches in diameter and shall have a minimum branching height of six feet.

14. Trash enclosures shall not impair visibility.

15. Auto headlights in parking areas shall be screened so that they do not shine into adjacent properties or public rights-of-way.

16. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.

17. Driveways shall be designed so entering vehicles do not interfere with the existing vehicles. Main driveways shall employ entry medians whenever possible.

18. The first parking stall perpendicular to a driveway or first aisle juncture shall be at least sixty (60) feet back from the property line, providing sufficient queuing for exiting vehicles unless otherwise approved by the city engineer.

19. In commercial developments, parking aisles should be oriented perpendicular to the major tenant's front entrance, to facilitate pedestrian movement.

20. Dead-end parking aisles which exceed eight standard parking stalls in length, and serving greater than sixteen (16) standard stalls for dual lanes, shall provide turnaround facilities (i.e., hammerhead, cul-de-sac, etc.) adequate to accommodate emergency vehicles.

21. Consideration shall be given to service vehicles (i.e., tractor trailers) when designing landscape and hardscape areas.

22. Bicycle and motorcycle parking shall be provided as required by this code.

23. All projects generating vehicular traffic shall participate in the traffic signal mitigation program as adopted by the city of Moreno Valley.

24. Transportation management programs may be requested of projects generating significant vehicular traffic. These programs may include transportation

system strategies or transportation demand strategies targeted to reduce the project's impact on roads, air quality, and energy consumption. System strategies deal with physical improvements to the road or facility network, such as street widening, restriping, bus turnout improvements or consolidation of driveways. Demand strategies deal with the behavior of those using the road system and include carpooling, subsidized transit passes, bicycle racks, showers for employee use located within the facility, transit centers, and flexible work shifts.

25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.

B. Dimensions of Parking Spaces.

1. Covered Spaces. Parking spaces within an enclosed garage shall have an unobstructed, clear area dimension of ten (10) feet by twenty (20) feet for each required parking space provided. All other covered spaces shall each be nine feet in width and eighteen (18) feet in depth. The parking area shall be clear of any obstructions and the measurements shall not include the exterior walls or structural supports.

2. Parallel Space. Each parallel parking space shall have a minimum dimension of eight feet wide by twenty-two (22) feet long. However, if a parallel space does not abut another parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet (see Figure 9.11.080-4).

3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine feet in width and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback). (see Figure 9.11.080-5).

4. Trailer parking stalls shall have a minimum dimension of fourteen (14) feet wide by fifty (50) feet in depth.

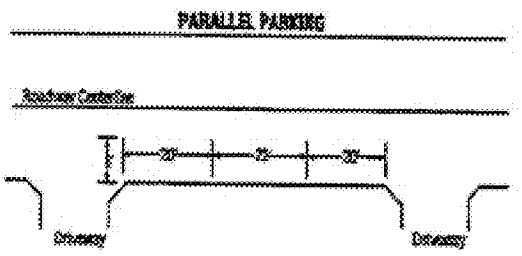

Figure 9.11.080-4

Dimensions of Parallel Parking Spaces

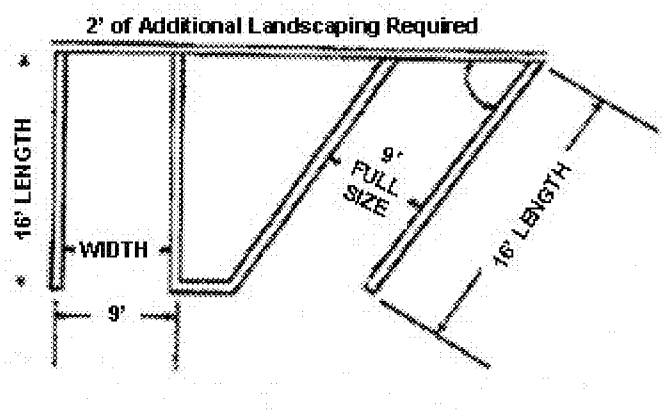

Figure 9.11.080-5

Nonparallel Parking Spaces

5. Tandem Space. Each tandem space shall be a minimum of nine feet in width and twenty-two (22) feet in depth.

C. Standard Improvements.

1. Drainage. Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.

2. Safety Features.

a. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation and other design features may be adopted by the city traffic engineer when determined to be appropriate.

b. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian access to and from building entrances is along, rather than across, parking aisles.

c. Parking lots shall be designed to minimize conflicts between vehicles and pedestrians and shall also endeavor to minimize speeding and through traffic.

d. Drive aisles and parking lot drives shall not exceed five percent slope.

e. Streets should intersect others on outside rather than inside horizontal curves.

f. Streets should intersect at as near to a right angle as possible. They should be no more than fifteen (15) degrees skew.

g. Intersections should be offset a minimum of one hundred fifty (150) feet.

h. Deceleration lanes should be a minimum of two hundred ten (210) feet long and ten (10) to twelve (12) feet wide, composed of a minimum sixty (60) foot transition and one hundred fifty (150) foot turn lane.

i. Internal streets and drive lanes should have a minimum radius of two hundred fifty (250) feet (twenty-five (25) mph design speed).

j. Where feasible, bus turnouts and bus stops shall be located on the far side of intersections to reduce conflicts between buses and through traffic.

3. Striping and Identification.

a. All automobile parking spaces shall be clearly outlined with white double lines on the surface of the parking facility as shown in Figure 9.11.080-6 (three-inch line – six-inch space – three-inch line for a total of twelve (12) inches) or as otherwise specified by the Building Official.

b. Fire lanes, if required, shall be installed to the specifications of the city of Moreno Valley fire chief, including red curbing and posting with signs.

c. Stop signs and painted stop bars shall be installed in parking areas where drive lanes intersect and at egress points to streets or alleys.

d. Within parking facilities, the city traffic engineer may require all aisles, approach lanes and maneuvering areas to be clearly marked with directional arrows on the pavement surface to facilitate vehicular movement. In addition to directional arrows, the city traffic engineer may require installation of signs to ensure safe and efficient vehicular movement.

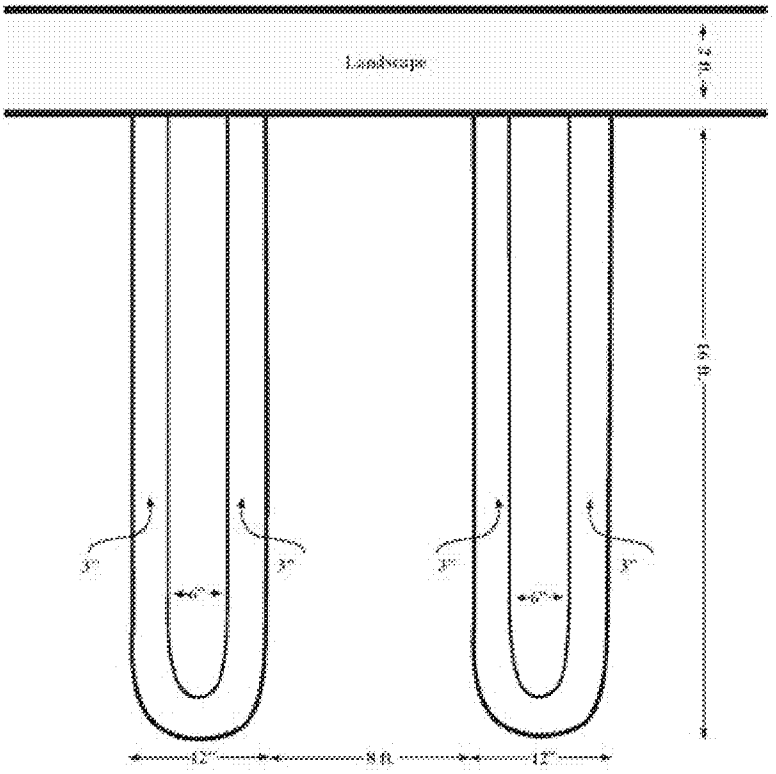

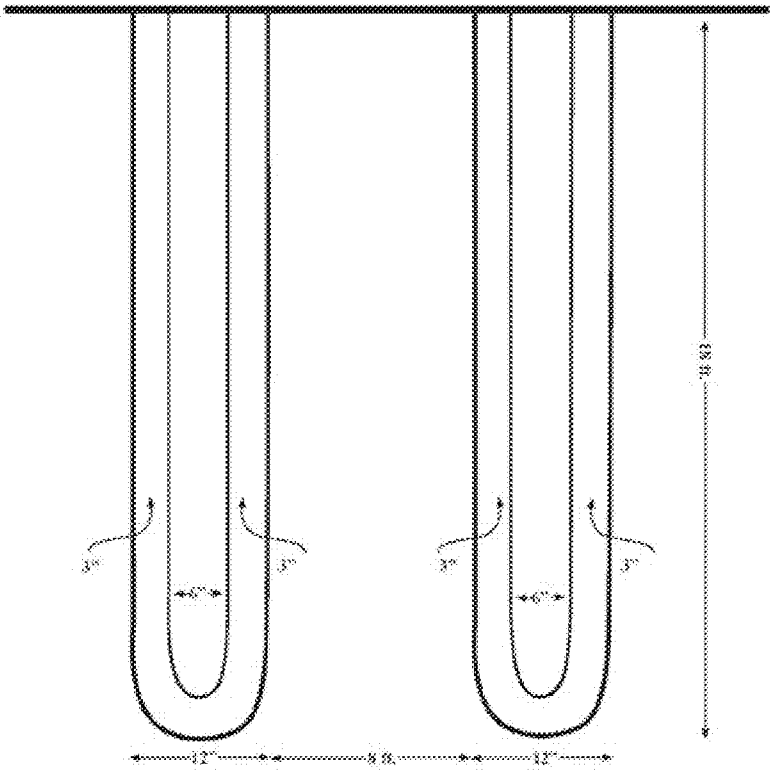

Figure 9.11.080-6A **Figure 9.11.080-6B**

<u>Parking Space Striping Requirements</u>

* Ends of parking stall striping shall be curved or squared off.

D. Accessible Parking Design Standards. The following design standards for accessible parking are intended to be consistent with the state or federal requirements. Any conflicting provisions or future changes in state or federal requirements shall pre-empt the standards for provision of accessible parking spaces contained in this title:

1. All accessible parking spaces shall be striped and marked according to applicable state regulations.

2. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign, of a construction and material approved by the building official, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at

the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.

3. At each entrance to a parking facility containing one or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one inch the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

4. Parking spaces reserved for persons with disabilities shall have, in addition to the requirements of subsections (D)(1), (2) and (3) of this section, a surface identification in blue paint of at least three square feet in size, duplicating the international symbol of accessibility.

5. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

6. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine foot parking area and a five foot loading area. Said space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

7. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

8. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of

this paragraph would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

9. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083 percent gradient) in any direction.

10. Notwithstanding the off-street parking requirements of Subsection 9.11.040(A) of this chapter, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

11. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone as described herein.

12. All disabled spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve and oriented so that the user of the disabled parking space need not go past the rear of automotive parking spaces in order to reach the building's main entrance.

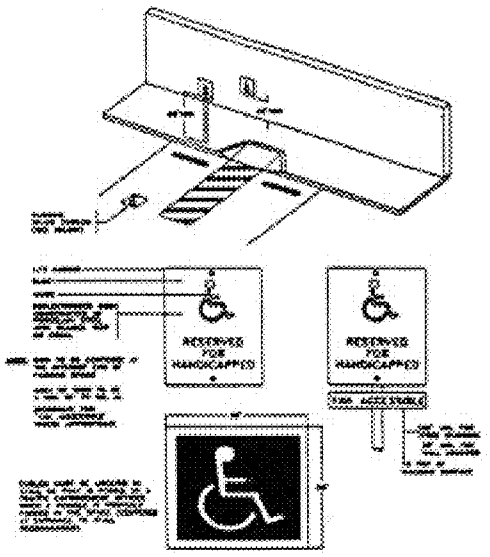

Figure 9.11.080-7

Accessible Parking Stall Requirement

* Ramps shall include a curb-cut type design

* Loading area width: van accessible = 8 feet; all other accessible spaces = 5 feet

E. Surfacing.

1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.

2. Temporary parking facilities shall be provided with surfaces which prevent dust, as approved by the city engineer.

F. Location of Parking.

1. All parking spaces required by this chapter shall be provided on the same site as the use requiring the parking spaces, except as authorized in Section 9.11.070, Adjustments to Off-Street Parking Requirements of this chapter.

2. All automobile spaces required for residential uses shall be located a maximum of two hundred fifty (250) feet from the units they are serving. Distances shall be measured from the nearest point of the building to the parking space(s) serving that building.

3. All car pool parking spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve.

G. Landscape and Screening Requirements. Parking lot screening and landscaping shall conform to the requirements of Chapter 9.17 of this title.

H. Access.

1. Parking Access from Streets.

a. Access to parking spaces, other than four or fewer spaces serving a residential use, shall not require backing onto a public or private street or onto a private drive other than a drive designed exclusively to provide access to parking spaces.

b. Commercial developments should orient traffic onto major arterials and not onto local streets or collectors.

c. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points shall be consolidated to take advantage of planned or existing median breaks.

2. Driveway and Aisle Widths and Clearances. For purposes of this section, a driveway shall be defined as an access leading from a public street or right-of-way or a private street to a parking area, or from one parking area to another, but shall not be defined to include any ramp, aisle, or maneuvering area. A ramp is defined as an access driveway from one parking level to another. All driveways and ramps shall comply with the following standards:

a. Driveways and aisles for single-family detached structures shall not be less than sixteen (16) feet in width, and shall be maintained free and clear of all obstructions. Driveways which serve single-family development shall be defined as the paved area leading from a public street or right-of-way or a private street to the designated parking area, and shall not be wider than such designated parking area; and

b. Driveways for single-family attached, multiple-family, and nonresidential uses shall be as shown in Table 9.11.080-13 of this section, except when for health and safety purposes wider dimensions are required for emergency vehicle access.

Table 9.11.080-13
Driveway and Aisle Dimensions for Single-Family Attached, Multiple-Family, and Nonresidential Uses

Width, excluding flares or curb radius	
Minimum (one-way)	20 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Right Turn Radius[1]	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing[2]	
From side property line	10 feet
From street corner	25 feet
Angle[3]	75°

[1] On side of driveway exposed to entry or exit by right-turning vehicle to driveways with curb radius.
[2] Measured along the street side property line from throat to the side property line, or to a line passing through the intersection.
[3] Minimum acute angle measured from the edge of pavement.

3. The following criteria and dimensions may be modified by the City Engineer:

Table 9.11.080-14

Street Classification	Distance from a Driveway to an Intersection	Spacing Between Adjacent Driveways
Expressway 134′ ROW	Restricted* **	1/2 mile
Divided Major/Modified Major	Limited access* **	Limited access
Divided Arterial	Minimum 450 feet	Minimum 450 feet
134′ ROW/120′ ROW		One driveway per parcel
Divided Arterial	Limited Access* **	Minimum 250 feet
110′ ROW	Minimum 350 feet	
Arterial/Minor Arterial/ Industrial Collector		
100′/88′/78′ ROW	Limited access* **	Minimum 150 feet
	Minimum 250 feet	
	Full Access 350 feet	
Collector/66′ ROW	Minimum 200 feet* ***	Minimum 100 feet or one driveway per parcel
Local Street	Minimum 100 feet* ***	Minimum 100 feet or one driveway per parcel

* Access may be limited to the minimum movements necessary to safely expedite traffic.
** Access may be restricted by medians.
***For residential development.

4. Ramps.

a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a larger dimension is required for emergency vehicle access.

b. Two-way ramps shall have a minimum width of twenty (20) feet.

5. Gated Entries. Requests for gated entries shall be submitted to the city traffic engineer and shall be subject to review and approval by the city traffic engineer and planning official, based on an analysis of the following issues:

a. Type and operation of gate;

b. Adequacy of vehicle stacking area;

c. Effect of gated entry on parking usage and distribution on the site;

d. Effect of gated entry on parking for surrounding or adjacent areas;

e. Emergency vehicle access. (Ord. 808 § 2.5.3, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 643 § 2.6, 2003; Ord. 616 § 2.2.22, 2003; Ord. 604 §§ 2.15—2.18, 2002;

Ord. 557 § 2.6, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 406 § 1.4, 1993; Ord. 405 §§ 1.14, 1.15, 1993; Ord. 402 §§ 1.3, 1.4, 1993; Ord. 359 (part), 1992)"

"9.11.100 Circulation—Pedestrian.

A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. The use of pervious paving surfaces is recommended where feasible.

B. Pedestrian walkways shall be connected with public sidewalks, connecting buildings and activity areas within centers. Pedestrian walkways shall be provided to connect adjacent properties when appropriate.

C. Pedestrian walks through open spaces and accessways to buildings should be used to shorten walking distances.

D. Pedestrian walkways, corridors, plazas and other similar areas shall be highly visible and well lit.

E. Amenities including, but not limited to, enhanced paving, street furniture and raised planters should be provided to enhance the pedestrian experience.

F. Handicapped ramps shall be incorporated into all curb and sidewalk designs and shall meet the standards set forth in Title 24 of the California Access Code. (Ord. 808 § 2.5.4, 2010)"

3.6 Title 9.16 of Title 9 of the City of Moreno Valley Municipal Code is hereby amended with the following:

"9.16.010 Introduction and scope of guidelines.

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city's design standards to new development and to remodels, upgrading design citywide and implementing the general plan's policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When

combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)"

"9.16.110 Objectives, generally.

A. Project design and layout shape the overall character of a project and how that project fits into its surroundings. New development should harmonize with the character of the adjacent area, implementing the general plan's design policies.

B. The Moreno Valley general plan stresses variety in building design and compatibility with surrounding and planned land uses. Architectural treatment can address both, providing varied and sensitive building massing, consistent detailing and compatible building materials and styles. The following guidelines should help to achieve the level of quality, variety and compatibility of architectural design that the general plan requires.

C. Site design and architectural guidelines have several objectives; among these are:

1. Orienting buildings, parking and public spaces to enhance the streetscape, to add variety and to provide for pedestrian spaces and circulation;

2. Translating design principles into architecture and site planning applications;

3. Awakening an interest in urban design and form for Moreno Valley by requiring projects to be reviewed in their context;

4. Reminding project developers of design considerations not usually covered by zoning development standards or design review;

5. Using site planning techniques and architecture to provide for human scale;

6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off;

7. Working in concert with the city's landscape requirements.

D. Site design and architecture guidelines are separated into five categories:

1. General;

2. Single-family residential;

3. Multifamily residential;

4. Commercial (retail, office and mixed use);

5. Industrial. (Ord. 359 (Attach. 2 (part)), 1992)"

"9.16.120 General guidelines.

A. General guidelines apply to all uses and projects citywide.

1. The setback from streets and adjacent properties should relate to the scale of the proposed structure. Larger structures require more setback area for a balance of scale and compatibility with adjacent uses.

2. Tall buildings should be made less imposing by stepping upper floors back from the first floor facade plane.

3. Gateway treatments range in scale, identifying an entrance to the city, subcommunity, development project or a single building. Gateways, including enriched paving, raised medians, signs and other features as appropriate, create a sense of entry and should be included in all developments.

4. New developments should respect the view of existing developments. Large developments should maintain view corridors which are oriented toward an existing or proposed amenity such as a park, open space or natural feature.

5. Trash enclosures, loading areas, mechanical equipment and outdoor storage areas shall be screened from public view. Enclosures shall be compatible with the project architecture and shall not detract from the overall design theme.

6. New residential flag lots shall be permitted only in hillside subdivisions and only when no other alternatives are available.

7. Natural drainage courses should be retained in their natural state.

8. Building mass and scale should be in proper proportion to the site, open spaces, street location and surrounding developments.

9. All exterior wall elevations of buildings and screen walls shall have architectural treatments enhancing the building appearance. Uniform materials and consistent style should be evident in all exterior elevations of a building. Secondary materials should be used to highlight building features and to provide visual interest.

10. Building massing should be varied to provide interesting form, proportion and scale. Monolithic forms are discouraged; massing variety should be three dimensional.

11. Building design and siting should be compatible with surrounding land uses and with the climate and physical setting of Southern California.

12. Building architecture should be compatible with surrounding existing or planned architectural character. Within commercial centers, materials, textures, colors and architectural detailing shall be compatible with the center's specified design theme.

13. Shadow patterns created by architectural elements such as overhangs, projections and recesses of stories, balconies, reveals and awnings are encouraged, adding to building interest and aiding in climate control.

14. Multi-story buildings should be detailed to reduce their vertical appearance as much as possible. This can be done by articulating the separate floor levels with horizontal bands, by increasing the level of detail on lower floors, by progressively lessening building mass on upper floors and by using heavier materials on lower floor facades.

15. Building entries should be articulated through massing treatment and should incorporate detailed design elements.

16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. Roof drains shall be integrated into the building design and convey water to landscape areas for aesthetics and water quality.

17. Base walls and other large expanses should be light colored. Soft tones ranging from white to very light pastels are encouraged. Natural light colors, such as off-whites, beige and sand, are also acceptable.

18. Building accent elements, like doors, window framing, chimneys, trim, railing, awnings and light fixtures, should contrast with the main building color, producing added interest and a lively streetscape. Care should be taken not to use too many bright colors or too many different types of details to avoid an overwhelming or cluttered building.

19. The use of simple color schemes using no more than three colors is recommended.

20. All paint products, awning fabric or other color elements should be durable and fade resistant and shall be recommended by the manufacturer for the proposed use and location.

21. The use of bright colors such as fluorescent, hot or "day glo" colors is strongly discouraged.

22. Using building materials in their natural state is strongly recommended.

23. Bricks should be left unpainted.

24. Colors should be used to express identity and individuality within a cohesive and attractive framework.

25. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment or have an appropriate setback from the one-story building. (Ord. 604 § 2.21, 2002; Ord. 456 §§ 1.1, 1.2, 1995; Ord. 359 (Attach. 2 (part)), 1992)

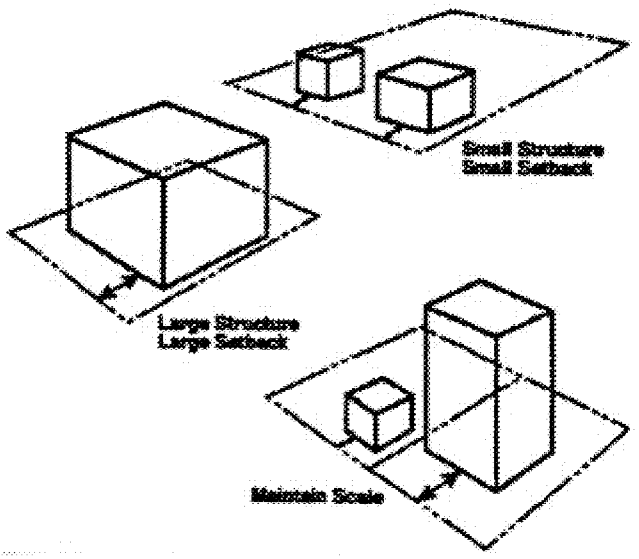

Setbacks in Scale with Building Bulk

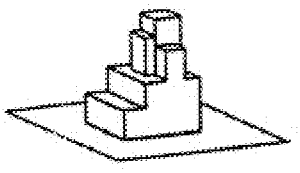

Taller Buildings Stepping Back from Street

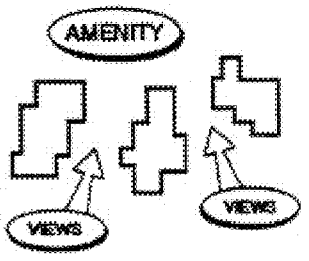

Preserve New Corridors

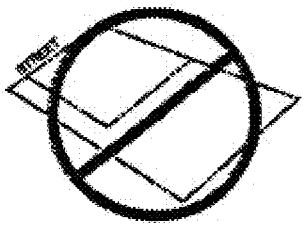

Discourage Flag Lots

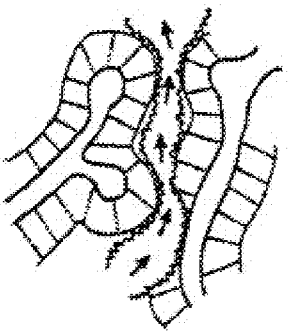

Drainage Course Retained in Natural State

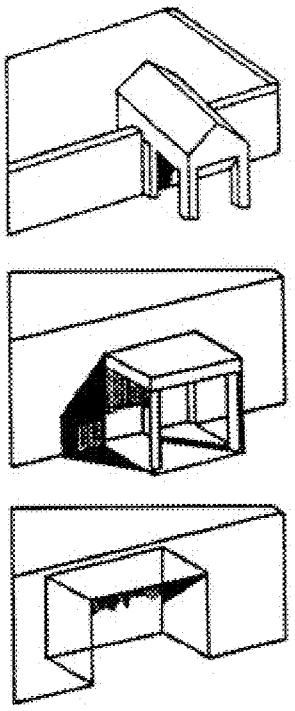

Articulated Building Entries

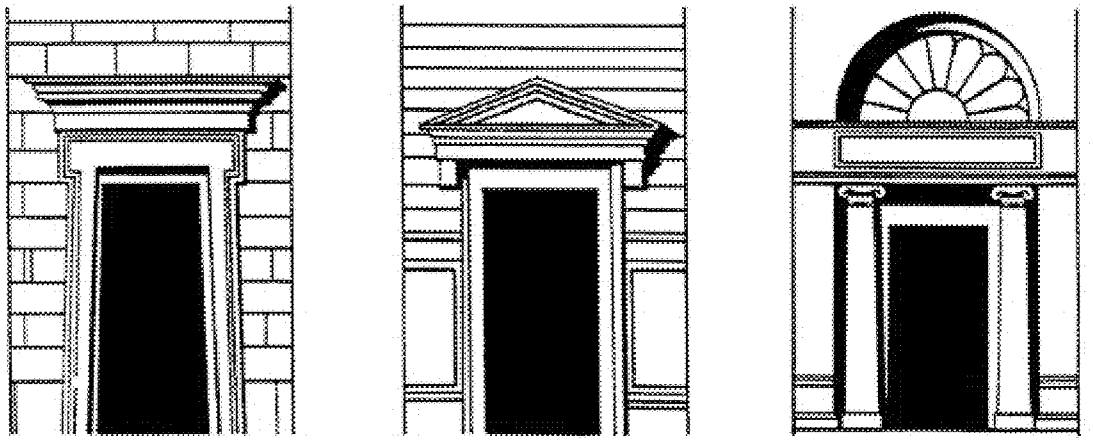

Detailed Design Elements for Building Entries"

"9.16.130 Single-family residential.

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	**Maximum Density**
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre”

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.

2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

a. Provide projecting and/or recessed entries and windows.

b. Include projecting or recessed balconies.

c. Front porch with a minimum depth of five feet.

d. Dormer windows.

e. Minimum eighteen (18”) inch roof overhangs with detailed rafter tails.

f. Offset building planes a minimum of two feet.

g. Stepping back a portion of the second story.

h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks. Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. Pervious surfaces are required for such areas within required setbacks.

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. Pervious surfaces are recommended where feasible.

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
5-9	1	2
10-24	2	3
25-49	3	3
50 plus	Add one additional footprint for every 50 units over 50	4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)"

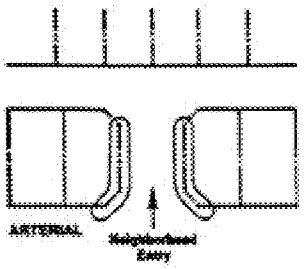

Landscape Treatment Areas at Neigborhood Entries

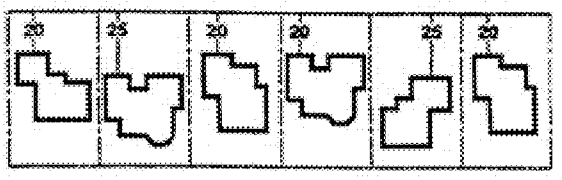

Vary Setbacks by at Least Five Feet

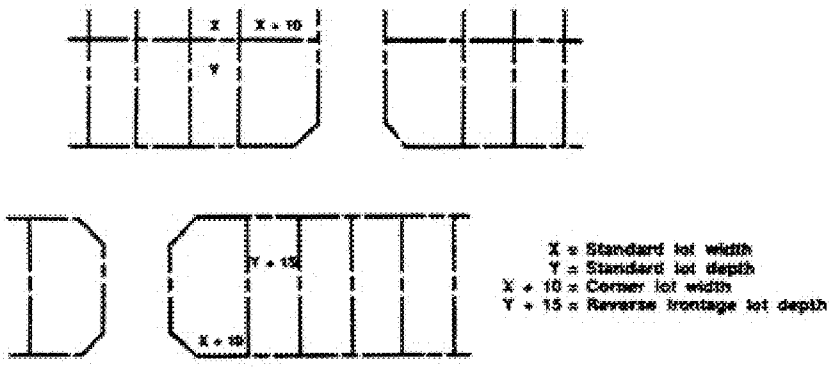

Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots

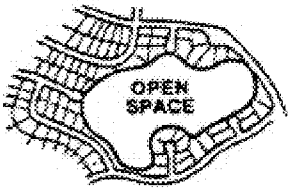

Use Curvilinear Elements and Orient Roads to Open Space and

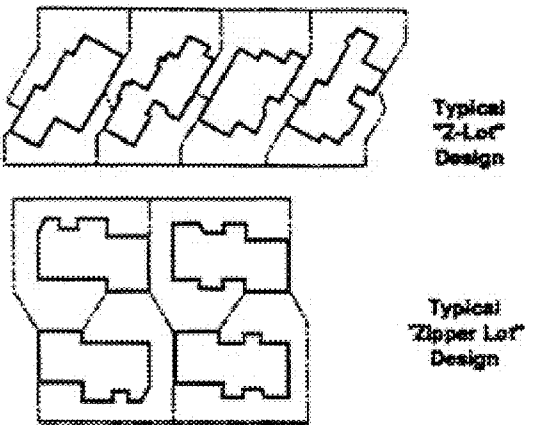

Innovative Subdivision Design

Views

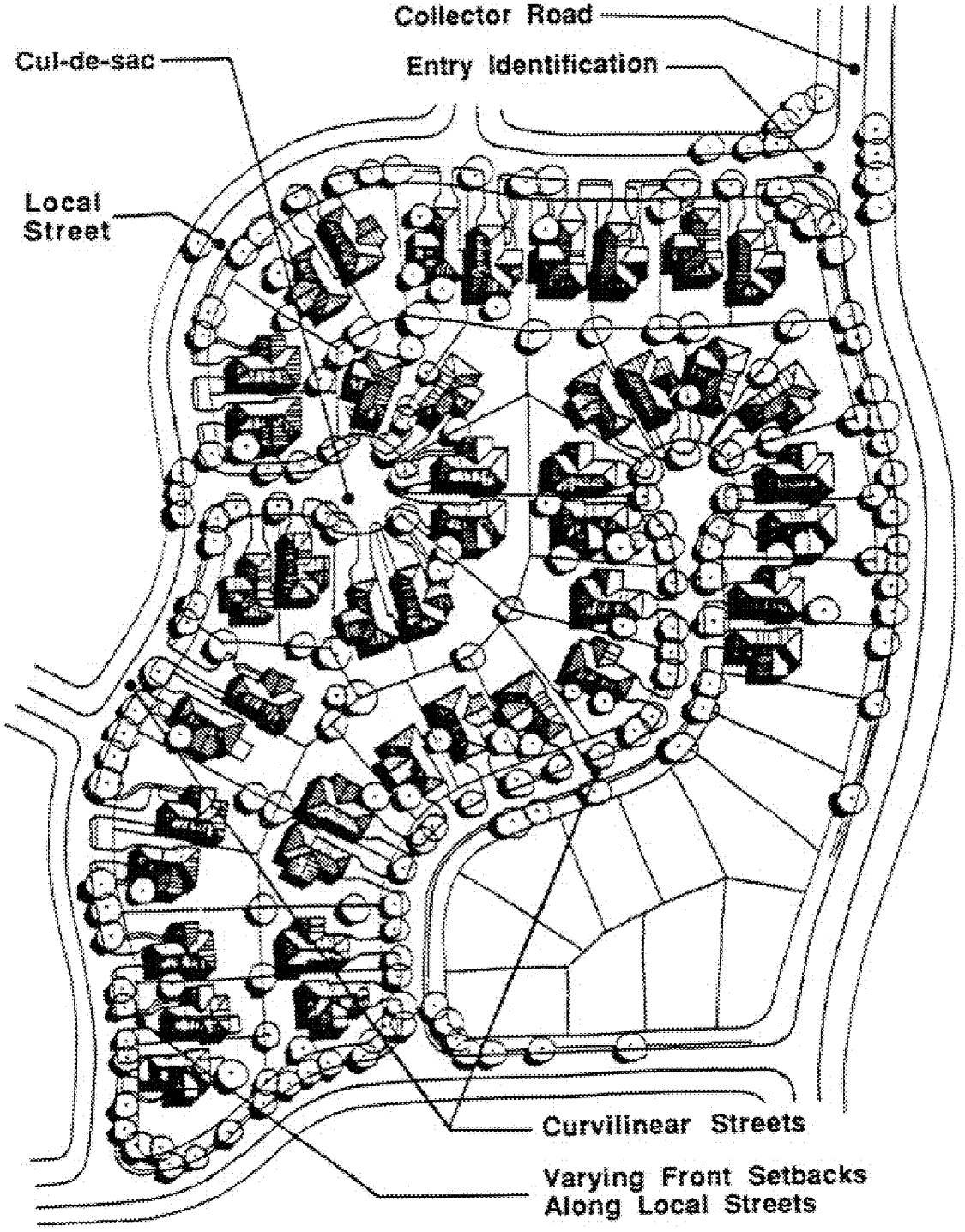
Collector Road
Cul-de-sac
Entry Identification
Local Street
Curvilinear Streets
Varying Front Setbacks Along Local Streets

"9.16.140 Multi-Family Residential.

Section, 9.16.140 shall be removed from Section 9.16 the City of Moreno Valley Municipal Code."

"9.16.150 Commercial (retail, office, mixed use).

A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.

1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.

2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.

3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.

4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a "turn-of-the-century" architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.

B. General Guidelines.

1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.

2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.

3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.

4. The development of new, small convenience centers on sites less than eight (8) acres is discouraged.

5. Architectural elements shall be an integral part of the facade design, avoiding the "pasted-on" look.

6. Building facades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.

7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.

8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.

9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.

10. Continuous building mass should be divided into smaller units, providing both variety and scale.

11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.

12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.

13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.

14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.

15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.

16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial "crossover."

17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.

18. Each commercial center of five acres or more shall have at least one major entry containing a median.

19. The “strip” commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.

20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.

21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.

22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.

23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.

24. Access to service bays of automotive uses shall be from the interior of the site.

25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.

26. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.

27. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.

28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run off.

29. Architectural design of new projects shall be mindful of the surrounding district’s urban fabric, providing a design statement to enhance the context and to upgrade the overall image. (Ord. 475 § 2.1, 1995; Ord. 359 (Attach. 2 (part)), 1992)

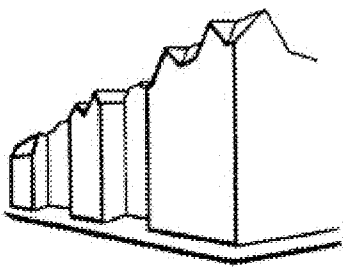

Continuous Mass Divided to Provide Scale

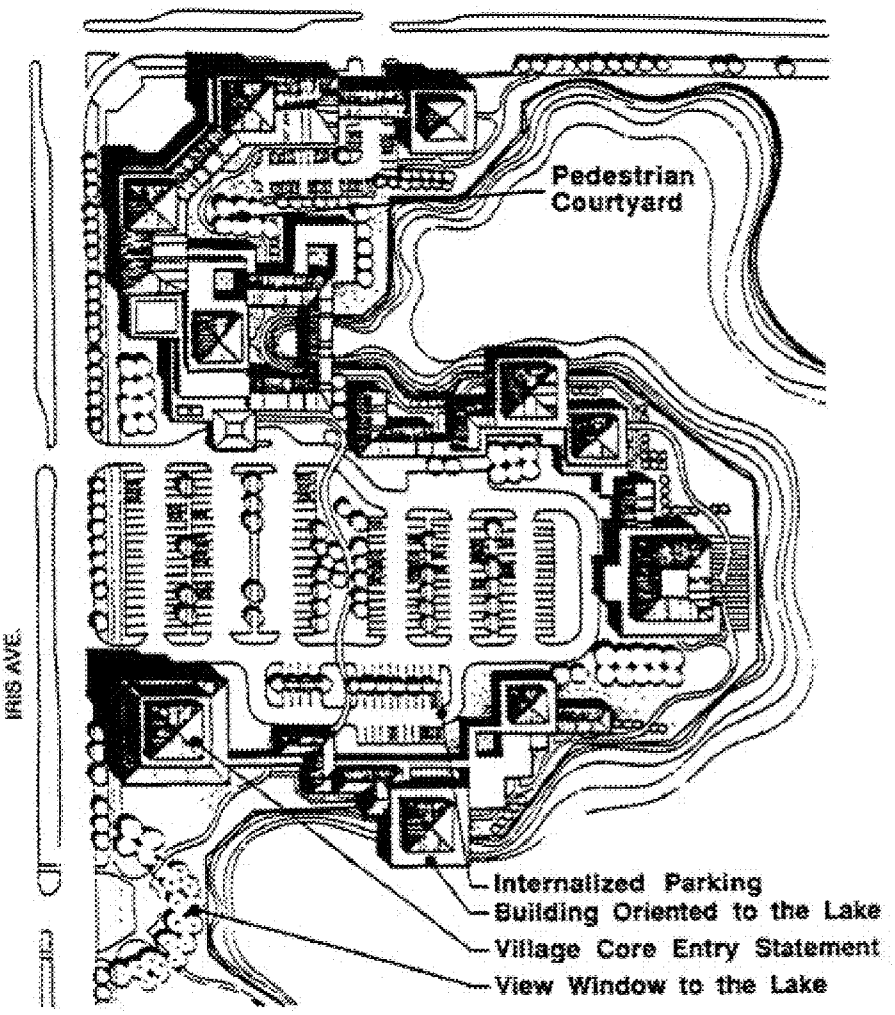

Commercial Center with Separated Pedestrian and Auto Circulation"

"9.16.160 Business park/industrial.

A. These guidelines address the business park and industrial land use classifications. These uses generally require large floor areas, extensive truck circulation and minimal parking.

B. General Guidelines.

1. Building design shall be innovative and attractive, using various building materials, varied massing, enhanced facade treatments and other techniques to provide an “up-scale” image for the community.

2. Clean, contemporary architectural expressions are encouraged.

3. All sides of all buildings shall have architectural treatment.

4. Entries into industrial buildings shall be well-defined through the use of projections, recesses, space frames, pergolas, colonnades, raised planters, seats, enhanced paving, low-level lighting bollards or other elements.

5. Solid walls (six feet high) and landscaping shall be used to screen loading, service and trash storage areas from public view.

6. Solid walls and landscaping should screen ground-mounted equipment located away from buildings.

7. Truck docks and interior trash storage areas must be closed off by roll-down doors, arranged in an organized manner, integrated within the overall design of the industrial project and oriented away from public view.

8. Roof-mounted equipment shall be screened from public view. All roof screens shall be solid and continuous and shall be treated to be compatible with the project’s architecture.

9. Exterior walls shall be architecturally treated to provide relief and variety by using pilasters, deep reveals, offset entries and staggered wall components.

10. All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels.

11. All manufacturing and industrial uses shall be adequately screened and buffered to reduce glare, noise, dust and vibration.

12. Truck traffic shall be channeled directly to truck routes and shall not have access to neighborhood streets.

13. Pedestrian walkways should link building entries to bus turnouts and nearby land planned for or used as eating establishments.

14. Courtyards for resting, gathering and eating by employees shall be provided. Pervious surfaces are recommended where feasible. (Ord. 359 (Attach. 2 (part)), 1992)

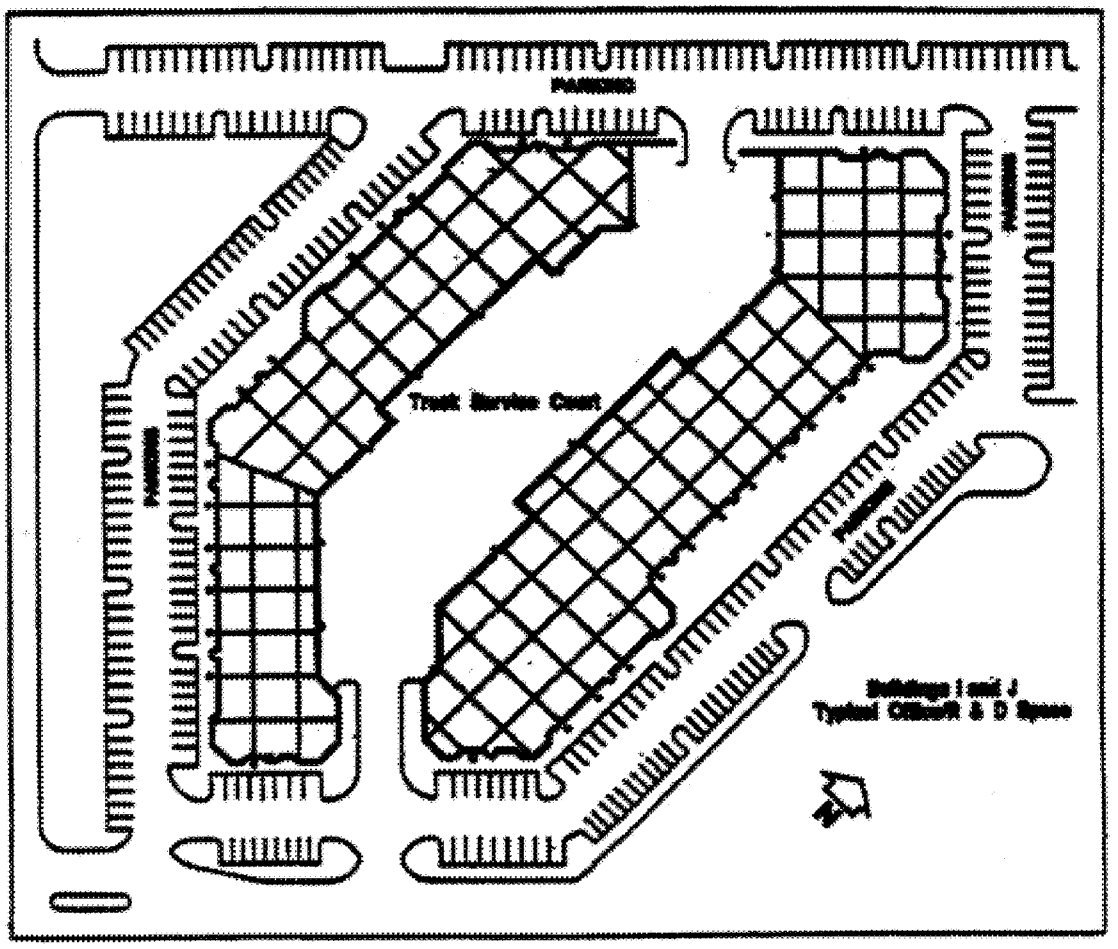

"

"9.16.190 Natural open space standards.

A. All hillside development proposals shall include a portion of the site to be retained in natural area open space.

1. The natural open space area may be comprised of two types:

a. Undeveloped natural areas, that which has been left in its natural state;

b. Restored natural areas, that which have been disrupted during construction but are restored to a natural appearance.

2. The following shall guide the location of undeveloped natural areas:

a. Contiguous areas along drainage channels;

b. Ten (10) foot minimum widths adjacent to roadway improvements;

c. On lots where the average slope exceeds twenty-five (25) percent, the construction of custom homes with multiple foundation levels shall be mandatory while post and beam construction shall be discouraged;

d. Areas contiguous with other natural areas of adjacent properties;

e. Areas containing rock outcroppings;

f. Areas containing soils with high permeability;

g. Significant stands or clusters of native vegetation;

h. Known or discovered archeological or paleontological sites.

3. The following shall guide the location of restored natural areas:

a. In required setbacks;

b. Adjacent to common recreation facilities;

c. Along roadway improvements or over utility easements;

d. Fuel modification zones, as required by the fire department.

4. The percent of the total site required to be retained in natural open space shall be based on the average natural slope of the land surface. The following natural open space area requirements shall apply:

Table 9.16.190A

Natural Area Open Space Requirements

Average Percent Slope	Minimum Percent of Site to Remain as Natural Area Open Space
10% - 15%	35%
15.1% - 25%	50%
Over 25%	60%

5. The following shall guide the allocation of undeveloped and restored natural areas on properties:

a. Undeveloped natural areas shall constitute a minimum of seventy-five (75) percent of the required natural area open space.

b. Restored natural areas may constitute a maximum of twenty-five (25) percent of the required natural area open space.

c. No grading, excavation or construction shall be allowed within areas designated as natural areas. Fuel modification areas may be graded as necessary and replanted to meet fire department requirements.

d. Where construction has inadvertently scarred designated natural areas, the applicant shall restore the affected sites, as approved by the Community & Economic Development Director or designee.

e. Restored natural areas shall be graded to blend in with the natural terrain and landscaped with rock and plant materials native to the local area.

f. All undeveloped natural areas and restored natural areas shall be clearly shown on all proposed plans and building permit site plans unless otherwise approved by the city council. A landscaping program for restored natural areas shall be approved by the Community & Economic Development Director prior to issuance of building permits. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)"

"9.16.200 Landscaping.

A. All required plans for landscaping are approved prior to issuance of building permits, and in accordance with Chapter 9.17 of this title.

B. Existing vegetation is retained in, and part of the comprehensive development project not designated for grading or construction. Site design preserves native or historic/mature vegetation, unless otherwise approved by the Community & Economic Development Director.

C. Existing vegetation that cannot be preserved in place, but is suitable for transplanting, is relocated elsewhere on site, as approved by the community development department director.

D. Unimproved disturbed areas are landscaped within one hundred eighty (180) days following issuance of a grading permit and/or within thirty (30) days of issuance of a certificate of occupancy, whichever is earlier.

E. All landscaping within public easements or areas dedicated to the city is of low maintenance, xeriscape or native plant material.

F. An open space network is designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels, where major public trail systems or vista corridors are designated. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.25, 2003: Ord. 359 (Attach. 2 (part)), 1992)"

"9.16.210 Grading.

A. Man-made slopes shall conform to patterns of the natural terrain. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.

B. "Landforming" shall be applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height.

1. Landforming shall be accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping.

2. Rear and side yard slopes between adjacent lots within the same project need not be landformed unless they are greater than one hundred (100) feet in length or ten (10) feet in vertical height.

C. Any cut or fill slope to be revegetated shall not be steeper than 2:1.

D. All excess excavated material shall be removed or otherwise placed to become an integral part of the site development.

E. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.

F. Whenever archeological or paleontological sites are discovered during excavation, the planning division shall be notified immediately and mutually agreeable precautions taken to preserve the artifacts.

G. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings shall be protected to the greatest extent feasible in the siting of individual lots and building pads. These features shall be shown on the grading plan with appropriate protection and relocation notes. Where trees with four-inch or greater trunk diameters are to be removed, they shall be replaced with at least twenty-four (24) inch box size trees of the same species, or as approved by the planning division, at a ratio of three new trees for each mature tree removed.

H. All dwelling units shall be located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the city engineer and the Community & Economic Development Department.

I. Crib walls, or an equivalent, may be used to enhance a cut slope's capability to be landscaped, providing they are properly irrigated. They should not be used, however, to increase flat pad size or to otherwise intensify project grading.

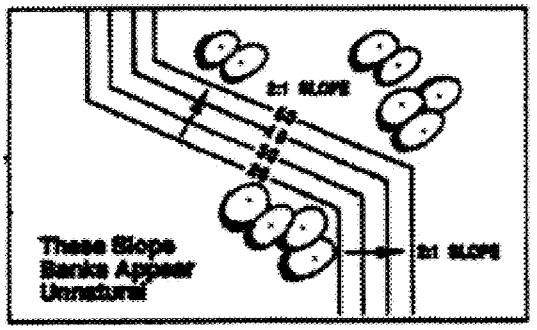

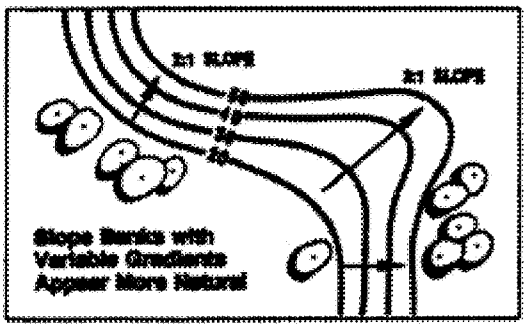

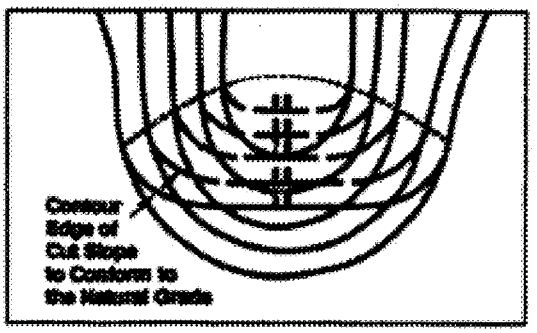

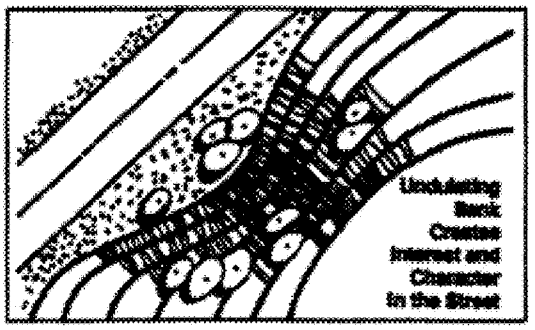

J. Any manufactured slope shall be contoured in a manner to appear to have a natural grade. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1992; Ord. 359 (Attach. 2 (part)), 1992)"

"9.16.220 Roadways and circulation.

A. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.

B. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.

C. Variations in road design and construction may be permitted to keep grading and cut slopes to a minimum.

D. One-way loop roads may be constructed where appropriate for the terrain.

E. Combinations of collective private driveways, cluster parking areas and off-street parking bays (including pervious paving where feasible) are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)"

"9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. Pervious surfaces are recommended where feasible.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch

should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed eight (8) feet above finished grade, in or on a building wall not to exceed eight (8) feet above finished grade and shielded, or on a structure to a height of not more than twelve (12) feet for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)"

3.7 Section 9.17 Title 9 of the City of Moreno Valley Municipal Code is hereby amended to read as follows:

"9.17.030 Landscape and irrigation design standards.

A. General. The landscape plans shall incorporate low water use plants, turf trees and ground covers adaptable to the area. A list of plants may be found in the county of Riverside's Guide to California Friendly Landscaping that provides a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Plants not on the list may be used providing the water consumption does not exceed the project's water budget. Consideration should be given to climate, soil types and topographic conditions. Landscapes should group plants using similar watering patterns to eliminate over watering and provide irrigation watering zones of similar use.

The irrigation systems shall be installed using water-conserving equipment including the installation of bubblers, drip systems, low volume sprays and smart irrigation controls. Smart irrigation controls are sensitive to the changing weather patterns and adjust watering cycles automatically to reduce water usage during colder/rainy weather. A water budget shall be completed that meets Eastern Municipal Water District guidelines and submitted with the landscape plans. Based on the landscape design, the water budget will determine the landscape's water demand. Once calculated, the annual maximum allowable water budget (AMAWB) is compared to the estimated annual water use (EAWU) to ensure the design does not exceed the allowed water use.

Projects shall be designed to capture and retain storm water onsite to improve water use efficiency and water quality. The use of

reclaimed water is encouraged. Contact Eastern Municipal Water District for availability.

B. Plan Design Standards. The following design standards are required on all landscape plan submittals:

1. Final landscape and irrigation plans shall be based on the approved site plan and/or the final grading plan for the project.

2. Final landscape and irrigation plans for all projects, with more than one thousand (1,000) SF of landscaped area, except custom homes or projects designed in-house by the public works department or parks and community services department, shall be designed (and wet stamped/certified) by a California state licensed architect, civil engineer or landscape architect. All non-residential projects with one thousand (1,000) square feet or less of landscaped areas shall provide landscape and irrigation plans certified by a certified irrigation designer.

3. Minimum scale is one inch = twenty (20) feet. A smaller scale may be used with prior approval by the city. Standard sheet size is twenty-four (24) inches by thirty-six (36) inches.

4. Existing vegetation shall be retained on any portion of a development not designated for grading or construction, unless otherwise approved or required by the city.

5. Landscape shall include drought-tolerant plants and water conservation principles.

6. All soil surfaces in landscape areas shall be covered with plant materials, walkways or mulch (organic or inorganic).

7. Ground-mounted equipment (e.g., transformers and back flow preventers) shall be screened with landscaping or screening walls, allowing for adequate access for equipment maintenance.

8. Trash enclosures are screened with at least three feet of landscaping on three sides.

9. Unimproved areas are maintained in a weed-free condition, and may require temporary landscape and irrigation.

10. All nonturf landscape areas are covered with a minimum of three inches of mulch following installation, unless otherwise approved by the city.

11. Native or low-water use plant materials shall be used. The use of invasive plants should be avoided. (See the California Invasive Plant Inventory by the California Invasive Plant Council www.cal-ipc.org). No invasive plants are permitted adjacent to Multi-Species Habitat Conservation Plan conservation areas.

12. Water budgets that meet Eastern Municipal Water District guidelines shall be attached to plan submittal. Obtain water budget information from Eastern Municipal Water District.

13. Water budgets are subject to approval by Eastern Municipal Water District. The city of Moreno Valley will cooperate with Eastern Municipal Water District in monitoring to the extent practicable.

14. Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standard as determined by the state of California Code of Regulations and Eastern Municipal Water District. Landscape plans submitted shall meet this standard.

15. Water quality basin design shall ensure that the design between the basin and the required landscaping area complement one another.

C. Turf Areas.

1. Turf areas shall have a maximum design slope of twenty (20) percent and a minimum design slope of one percent.

2. Turf areas shall be limited to less than twenty-five (25) percent and only in gathering areas with the exception of parks and similar recreational facilities. Turf shall not be used solely for decorative purposes. Turfless or xeriscape design concepts are preferred.

3. Where turf areas are allowed, drought-tolerant and warm season turf varieties shall be used.

4. Except for single-family residences, concrete mow strips shall be installed between all turf areas and groundcover/shrub areas, vine pockets, walls, structures, or signs.

5. High quality artificial turf is allowed as an element of a project landscape.

6. Native grasses not requiring regular mowing shall be used in lieu of turf in water quality facilities.

D. Ground Cover/Shrub Areas.

1. Shrubs and groundcover shall be installed in shrub/planting areas in amounts and at intervals that will provide eighty (80) percent coverage within twenty-four (24) months.

2. Shrubs shall be located to provide visual interest to the project site, break-up building massing, and help screen unsightly views.

3. Groundcover (low water use plants are preferred) shall be installed in such a manner to ensure eighty (80) percent coverage within twelve (12) months.

4. No plantings shall be located closer than twenty-four (24) inches from any building or structure, unless otherwise approved by the city.

5. All planting areas adjacent to buildings or structures shall slope away from all buildings, structures or walls, or incorporate drains to direct water away from these elements.

6. Large ground cover areas shall have multiple plant types including a variation in height, texture and color.

7. The plant palette provided in the Riverside County Landscape Guidelines is recommended to identify plants which can be used to establish a balance of drought tolerant plants.

E. Trees.

1. Trees shall be planted in a manner, which maximizes the shading of paved areas, outdoor seating, and both south- and west-facing windows.

2. Street trees for designated streets shall be used, unless a different street tree has already been established along the street segment in question.

3. Trees shall be planted at sufficient size and manner to ensure successful establishment and protection from breakage.

4. All landscape plans shall indicate mature tree canopy diameters.

5. All mature tree canopies in parking lots shall be pruned and maintained to maximize shade potential and ensure healthy, maximum growth. Topping of trees shall be avoided.

6. The tree palette shall provide a balanced use of evergreen and deciduous trees with attention to summer shade, fall and spring color, winter sunlight, and new growth.

7. Parkway tree planting shall provide a buffer effect that creates partial screening between parking lot areas and street vehicular traffic.

8. Existing mature trees that cannot be preserved in-place, shall be transplanted elsewhere on the site, unless transplantation is infeasible due to the type or condition of the trees.

9. Projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.

10. Trees shall be planted in a manner and at locations, which minimize the potential for damage to adjacent walkways and paving.

F. Irrigation.

1. All planted landscape areas shall be provided with an approved "smart" automatic irrigation control systems (labeled as evapotranspiration (E.T.) based), with rain sensing and/or soil moisture sensing devices. Watering during the rain shall be avoided.

2. Drip, bubbler-type and rotor sprays or stream roter sprinkler heads or similar efficient sprinklers shall be used whenever possible. These sprinklers should be used exclusively when positioned adjacent to building walls. (Bubblers and spray heads should be pressure compensating, low volume type).

3. Separate irrigation zones shall be provided for areas with different irrigation requirements, including, but not limited to, trees, turf and nonturf areas.

4. Reduced pressure backflow preventers are required on all irrigation systems.

5. No fixed risers are permitted, unless otherwise approved by the Community & Economic Development Director.

6. A pressure vacuum breaker shall be installed at the top of slopes when irrigation is installed on the top of the slope.

7. Irrigation shall be placed in a manner that eliminates overspray, runoff, wicking action and/or damage to adjacent buildings, walls, walks, driveways, streets, and fences.

8. Irrigation of landscapes should occur between nine p.m. and six a.m. except during the establishment period, when temperatures are predicted to fall below zero or when repairing/adjusting the irrigation system.

9. Eastern Municipal Water District will calculate the annual maximum allowable water budget (AMAWB) for customers requesting a new account. The proposed landscape must meet the AMAWB requirements prior to meter release. (Ord. 786 § 2, 2009)"

"9.17.050 Parking and drive-through landscape areas.

Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:

A. Design Considerations.

1. Parking lots and drive-throughs shall be screened from the public right-of-way by a thirty-six (36) inch high wall, shrub row and/or by berming. If walls are employed, they must be aesthetically compatible with the project design.

2. Landscape areas in the parking lot shall be designed to minimize the potential for pedestrians to cross any landscape areas to reach building entrances and to access parked cars. Walkways shall be provided to facilitate pedestrian access, especially at corner locations.

3. Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.

4. Turf is not permitted in parking lot planters.

B. Landscape Islands, Diamond, Finger and Perimeter Planters.

1. Landscape finger planters shall have a minimum interior dimension of five feet by sixteen (16) feet, exclusive of curbs, step-outs and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight feet.

2. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.

3. End islands, or finger planters are provided at the end of each aisle of parking to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

4. Where double rows of parking are provided, diamond or island planters are provided at an interval of one planter every three pairs of parking stalls. Minor adjustments are allowed in cases where this exact interval would be infeasible.

5. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

6. The perimeter of the parking lot has a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

C. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.

D. Trees-Number, Location, and Type.

1. Trees may be planted in clusters along the street frontage and side and rear setbacks, if applicable.

2. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

3. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. Within a maximum of ten (10) years, parking lot trees shall shade a minimum of fifty (50) percent of parking space pavement during the summer months, between one and four in the afternoon. A maximum of fifty (50) percent of the parking lot trees may be deciduous unless otherwise approved by the community development department.

4. The selection of parking lot trees shall avoid trees with excessive litter, sap or fruit that could damage vehicles. (Ord. 808 § 2.8, 2010; Ord. 786 § 2, 2009)"

"9.17.070 Single-family residential development.

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.

2. Use of xeriscape landscaping;

3. Use of approved landscape materials.

4. Use of approved "smart irrigation" controllers.

5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.

6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

8. Ground cover should be used to absorb runoff from rain or irrigation.

9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)"

"9.17.080 Multifamily residential development.

A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.

B. Trees shall be positioned such that trees are planted to shade paved areas and west- and south-facing windows for energy-efficient savings; coniferous or nonwinter deciduous trees are kept away from south-facing windows in order to allow for heat gain during winter months. The larger sized trees should be placed at entries and accent areas.

C. Turf shall be limited and installed in useable gathering areas only with a maximum of twenty-five (25) percent. (Ord. 786 § 2, 2009)"

"9.17.090 Commercial, industrial, public and quasi-public development.

A. All required setback areas, exclusive of required walkways and driveways shall be landscaped. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. Gated and screened storage areas may be exempted from this landscape requirement per approval of the community development director.

B. A landscape buffer shall be provided on a nonresidential site when adjacent to residential uses to provide visual relief to the nonresidential side. Plant materials shall be selected so that at maturity (within ten (10) years), intermittent visual obstruction with no unobstructed openings greater than five feet in horizontal distance remain.

C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the use of pervious surface areas that reduce water run off. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

D. Additional parking lot trees shall be provided at one tree per thirty (30) linear feet of parking lot adjacent to the interior property.

E. Project entry drives shall incorporate enhanced landscaping (size and variety of vegetation) and pavement.

F. Projects with frontage abutting arterial streets shall be required to construct parkways in conformance with city standard engineering plans unless otherwise approved by the community development director.

G. Turf is limited to gathering areas only. (Ord. 786 § 2, 2009)"

"9.17.110 Erosion control/slope planting.

Erosion control landscape plans are required for all cut or fill slopes over three feet high. Landscaping provides erosion control while maintaining the aesthetic values of the hillside.

A. General/Design Requirements.

1. Landscape must establish or reinforce a design concept for the specific hillside area, while complimenting buildings and streetscapes.

2. Placement of plant materials shall reinforce the natural terrain and topography of the area.

3. Tree species and placement shall respect potential view sheds of neighboring properties.

4. Erosion control and fire prevention devices may be required depending on the degree and length of slope, soil type, etc.

5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.

6. Turf shall not be used for slope planting. Hydro seed and water efficient grasses not requiring regular mowing may be permitted per approval by the community development director.

7. Slopes that abut public streets/right-of-ways must also adhere to applicable portions of Section 9.17.090. (Ord. 786 § 2, 2009)"

"9.17.130 Water quality landscape designs.

Water quality landscapes are designed to encourage the use of landscape areas as a water treatment area incorporating small scale features across a site to assist in watershed hydrology functions.

A. Water treatment areas shall be no deeper than twenty four (24) inches visible within the landscape setback areas unless otherwise approved by the Community & Economic Development Director. Rock or other decorative material may provide for greater depth of the treatment areas. No fencing will be required around water treatment areas that do not exceed Building Code fencing requirements (currently twenty four (24) inches in visible depth.

B. Basins and treatment areas shall be landscaped to appear like a natural water feature.

C. Design and site considerations shall be aesthetically consistent with surrounding landscaping using a variation of plants and materials. (Ord. 786 § 2, 2009)"

"9.17. 150 Water Efficiency Requirements.

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

11. Direct all runoff from roofs and hardscape areas to landscaping areas or water capture systems.

12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions."

SECTION 4 EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 5 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

9.03.040 Residential site development standards.

The following standards shall apply to land and permitted or conditionally permitted buildings and structures located within the herein described residential districts. The standards stated herein are not intended to prevent more restrictive private site development standards contained in the covenants, conditions and restrictions or other private consensual restrictions imposed on any property or dwelling unit. However, in no case shall private deed or other property restrictions be applied or recognized so as to permit a lesser standard than the minimum standards established in this title or to otherwise revise the standards established by this title.

A. Rural Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the minimum percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-4.

Slope Class	Allowable Density (DU/Acre)	Amount of Open Space Required
Greater than 25%	0.05 (1 du/20 ac)	60%
15.1% to 25%	0.10 (1 du/10 ac)	50%
10% to 15%	0.20 (1 du/5 ac)	35%
Less than 10%	0.40 (1 du/2.5 ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The slope analysis shall be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the ten (10) to fifteen (15) percent slope class and five acres falls within the 15.1 percent to twenty-five (25) percent slope class, then the total permitted yield shall be two dwelling units (10 ac × 0.10 du/ac plus 5 ac × 0.20 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one dwelling unit per 2.5 acres within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, minimum lot size within the rural residential district may be reduced to twenty thousand (20,000) square feet, or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate

governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Under 40,000 s.f.	R2 district standards
40,000 s.f. or greater	R1 district standards

6. Grading within the rural residential district shall be performed as described under the hillside residential requirements, subsection (B)(6) of this section.

B. Hillside Residential Requirements.

1. Slope-Density-Natural Area Relationship. The maximum density (du/ac) and the percent of a site to remain in a natural state shall be determined by a slope analysis applied to the Slope-Density-Natural Area Table, as defined below.

a. Slope-Density-Natural Area Table 9.03.040-5.

Slope Class	Allowable Density (DU/Acre)	Minimum Amount of Open Space Required
Greater than 25%	0.10 (1 du/10 ac)	60%
15.1% to 25%	0.25 (1 du/4 ac)	50%
10% to 15%	0.50 (1 du/2 ac)	35%
Less than 10%	1.00 (1 du/ac)	n/a

b. Slope analysis calculations and mapping shall be provided by the applicant as described under subsection C of this section. The Community **& Economic** Development Director may require the slope analysis to be certified by a qualified civil engineer or licensed surveyor.

c. The total number of dwelling units permitted within a project area shall be the sum of the allowable dwelling units within each slope class. For example, if ten (10) acres of the project falls within the 15.1 percent to twenty-five (25) percent slope class and five acres falls within the greater than twenty-five (25) percent slope class, then the total permitted yield shall be three dwelling units (10 ac × 0.25 du/ac plus 5 ac × 0.10 du/ac).

2. Minimum Lot Size. Minimum lot size shall be one acre within a slope category of ten (10) percent or less unless determined to be reduced by an approved slope analysis. Based on the outcome of a slope analysis, the lot size within the hillside residential district may be reduced to ten thousand (10,000) square feet or the minimum lot size of the adjacent zone, whichever is greater, if clustered on slopes of less than ten (10) percent and the lots are part of a project that preserves the steeper slope classes as natural open space by dedication to an appropriate governmental entity, open space easement, transfer of development rights or other means approved by the city. The ongoing maintenance of such open space areas shall be ensured through a mechanism approved by the city.

3. Subdivision Design and Future Land Divisions.

a. Subdivisions shall be compatible with the surrounding development pattern. A subdivision shall be considered compatible if the lots created along the outside boundary of the project are no smaller than the average lot size within three hundred (300) feet of the project boundary. Parcels greater than five acres in area shall be excluded from the calculations when determining the average lot size within three hundred (300) feet of the project boundary.

b. Subdivisions shall be designed in such a way as to transfer development density to the lower slope classes and preserve the steeper slopes for very low density and/or open space. Subdivisions created in this way are prohibited from further division so as not to circumvent the density transfer and the purpose of the district. This restriction shall be binding on the subdivider and subsequent land owners. Therefore, this restriction shall be secured by development agreement or other type of recorded deed restriction approved by the city.

4. Building Height. Dwellings and other accessory structures shall not exceed thirty (30) feet in overall height, provided that on slopes of less than ten (10) percent, the overall height shall not exceed thirty-five (35) feet.

5. Setbacks and Other Site Development Criteria. Front, side and rear setbacks and other site development standards not specifically referenced in this section shall be subject to the following standards:

Lot Size	**Standards**
Less than 20,000 s.f.	R-3 district standards
20,000 s.f. to 40,000 s.f.	R-2 district standards
40,000 s.f. or greater	R-1 district standards

6. Grading of any site shall be minimized and shall conform to the provisions contained in the city of Moreno Valley design guidelines, Ch. 9.16, under Applications for hillside development, Article IV, Sections 9.16.170 through 9.16.230 of this title, and the following standards:

Slope Class	**Standards**
15.1—25%	Padded building sites may be allowed, but maximum use of custom foundations and split level designs shall be employed to reduce the need for large padded building areas.
Above 25%	Mass grading is not permitted. Special hillside architectural and design techniques are expected in order to conform to the natural landform. Homes constructed on lots within this terrain shall use custom, multiple-level foundations.
For all areas	All graded areas shall be protected from wind and water erosion through acceptable slope stabilization methods such as planting, walls or jute netting.

C. Slope Calculations. For the purposes of this section, the following method will be used to determine slope.

1. "Slope" is defined as the relationship between the change in elevation (rise) of the land and the horizontal distance (run) over which that change in elevation occurs. The percent of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).

2. a. For the purpose of determining the amount and location of land falling into each slope category, the applicant shall submit to the community development department, at the time of application, a base topographic map of the subject site prepared and signed by a registered civil engineer or licensed land surveyor. Such a map shall have a scale of not less than one inch to two hundred (200) feet and a contour interval of not more than ten (10) feet.

b. This base topographic map shall include all adjoining properties within three hundred (300) feet of the site boundaries. Slope bands in the range of less than ten (10) percent, ten (10) to fifteen (15) percent, fifteen (15) to twenty-five (25) percent, and greater than twenty-five (25) percent shall be delineated on the topographic map. The map shall be accompanied by a tabulation of the land area in each slope category specified in acres. The exact method for computing the percent slope and area by percent slope category is to be sufficiently described and presented so that a review can readily be made.

3. Slope Mapping Method.

a. The percent slope of any particular piece of land shall be plotted on the map as described in this subsection.

b. In preparing a slope map, those portions of ravines, ridges and terraces of less

area generally sloping at twenty-five (25) percent slope or greater, shall be regarded as part of the bordering twenty-five (25) percent slope or greater band.

D. General Residential Requirements. The following tables sets forth minimum site development standards for residential development projects in the specified residential districts. In addition, projects must comply with

the special development standards enumerated in this section, the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and standards.

Figure 9.03.040-1
Residential Lot Information

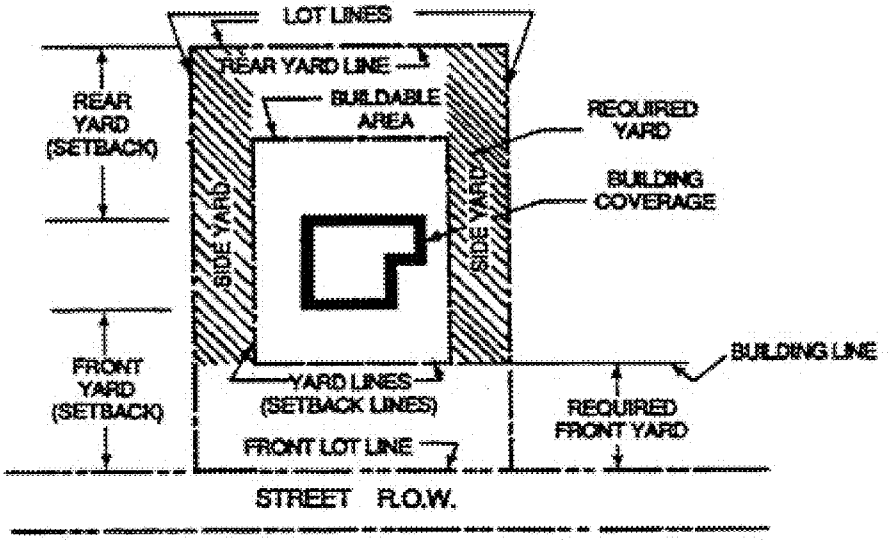

Figure 9.03.040-2
Residential Yard Descriptions

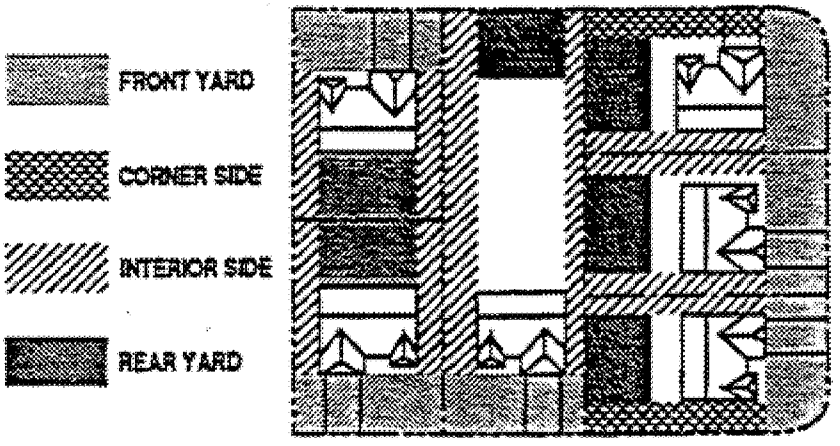

Table 9.03.040-6

Residential Site Development Standards

Single-Family Standards

Requirement	R1	R2	RA2	R3	R5	RS10
1. Maximum density (DUs* per net acre)	1	2	2	3	5	10
2. Minimum lot size (sq. ft. net area)	40K**	20K	20K	10K	7,200	4,500
3. Minimum lot width, in feet	150	100	100	90	70	45
Cul-de-sac/knuckle lot frontage	50	50	50	50	50	45
4. Minimum lot depth, in feet	170	120	120	100	100	85
5. Minimum front yard setback	25	25	25	25	20	20
Front-facing garages	Not applicable					10
Buildings other than front-facing garages						10
6. Minimum side yard setback, in feet***						
a. Interior side yard	See Note 1	See Note 1	See Note 1	See Note 1	See Note 2	See Note 3
b. Street side yard	20	20	20	15	15	10
7. Minimum rear yard setback, in feet***	40	35	35	30	15	50
8. Maximum lot coverage	25%	30%	30%	40%	40%	50%
9. Maximum building and structure height, in feet	Two stories not to exceed 35 feet.					
10. Minimum dwelling size (sq. ft.)	1500	1500	1500	1250	1250	1000
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	15	15	10	10	10
12. Floor area ratio						
a. One-story home	.25	.30	.30	.40	.40	.50
b. Multi-story home	.50	.60	.60	.70	.70	.75

* The term "DUs" means dwelling units.

** The term "K" means thousands.

*** See Section 9.08.030 regarding accessory structures and room additions.

Notes to Residential Site Development Standards Table 9.03.040.6.

1. Combined interior side yard setbacks of twenty (20) feet shall be provided with a minimum of five feet on one side.

2. Combined interior side yard setbacks of fifteen (15) feet shall be provided with a minimum of five feet on one side.

3. In the RS10 district the minimum street side setback shall be ten (10) feet. The interior side setback shall be five feet, except in the case of zero lot line developments with houses placed on an interior side lot line. When a house is placed on an interior side lot line, the other minimum side yard setback shall be ten (10) feet. Where applicable, an easement at least five feet in width shall be provided along the common lot line. The easement shall guarantee the right to use and occupy the easement for a roof overhang(s), stormwater drainage and for building maintenance and repair.

Table 9.03.040-7

Residential Site Development Standards

Multifamily Standards

Requirement	**R10**	**R15**	**R20**	**R30**
1. Maximum density (DUs*/net acre)	10	15	20	30
2. Minimum lot size (net area in sq. ft.)	1 acre	1 acre	1 acre	1 acre
3. Minimum lot width in feet	200	200	200	200
4. Minimum lot depth in feet	175	175	175	175
5. Minimum front yard setback, in feet	20	25	30	30
6. Minimum side yard setback, in feet				
Interior side yard	10	10	10	10 feet plus 2 feet for every 5 feet in height over 30 feet
Street side yard	20	20	20	20
Requirement	**R10**	**R15**	**R20**	**R30**
7. Minimum rear yard setback, in ft.	15	20	25	10 feet plus 2 for every 5 feet in height over 30 feet
8. Maximum lot coverage	40%	45%	50%	50%
9. Maximum building and structure height, in feet	50 feet			
10. Minimum dwelling size (sq. ft.)	See Note 1			
11. Minimum distance between buildings, in feet (including main DUs and accessory structures)	20	20	20	20
12. Floor area ratio	.75	.75	.75	1.0

* The term "DUs" means dwelling units.

Note to Residential Site Development Standards Table 9.03.040-7.

1. Minimum dwelling sizes in multiple-family projects shall be as follows:

a. One bedroom: four hundred fifty (450) square feet;

b. Two bedroom: eight hundred (800) square feet;

c. Three bedroom: one thousand (1,000) square feet.

E. Special Single-Family Residential Development Standards.

1. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

2. In the R5 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

3. In the RS10 district, driveways and fire hydrants shall be designed and located to maximize on-street parking opportunities in front of each residence.

4. Within the RS10 district, small lot single-family subdivisions on less than fifteen (15) gross acres shall provide landscaping and decorative walls along the street side of corner lots and at least two of the following amenities throughout the project:

a. Front porches;

b. Automatic garage door openers;

c. Electronic security systems;

5. Within the RS10 district, small lot single-family subdivisions on fifteen (15) gross acres or more shall include usable common open space encompassing a minimum of ten (10) percent of each development. Usable common open space does not include individually owned lots, parking areas, nor vehicular rights-of-way. Usable common open space is open space and/or recreational amenities under joint (common) ownership, including, but not necessarily limited to, landscaped areas, trails, playgrounds,

tennis courts, swimming pools and recreational buildings. A homeowners' association shall be established to provide continual maintenance of the commonly owned facilities.

6. For all developments within the R5 land use district, a buffer of lots held to the development standards of the R3 land use district shall be included for all portions of a subdivision located adjacent to lower density single-family residential land use districts, including the R1, R2, RA-2, and RR zones.

7. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

F. Special Multiple-Family Residential Development Standards.

1. In the R10, R15, R20 and R30 districts, buildings exceeding one story in height shall maintain a minimum building setback of fifty (50) feet from any single-family district. Any single-story building within the R10, R15, R20 or R30 district shall maintain a minimum setback of twenty (20) feet from any single-family district.

2. In any residential district, front yard setbacks in subdivision developments may be reduced by twenty (20) percent provided the mean of all such setbacks in the development is not less than the minimum required for the district.

3. In all residential districts, air conditioners, heating, cooling and ventilating equipment and all other mechanical, lighting or electrical devices shall be operated so that noise levels do not exceed sixty (60) dBA (Ldn) at the property line. Additionally, such equipment, including roof-mounted installation, shall be screened from surrounding properties and streets and shall not be located in the required front yard or street side yard. All equipment shall be installed and operated in accordance with other applicable city ordinances.

4. In the RS10, R10, R15, R20 and R30 districts, developments of five or more dwelling units shall include front and street side yard landscaping and shall consist predominantly of plant materials, except for necessary walks, drives and fences.

5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials **to include water efficient native plants,** except for necessary walks and fences. **Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces**. **Hardscape areas are**

recommended to be constructed with pervious surfaces where feasible to reduce run off.

6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The ~~c~~**C**ommunity **& Economic** ~~d~~**D**evelopment ~~d~~Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.

7. Parking for each use shall comply with the requirements of Chapter 9.11 of this title.

8. In the R30 District, Landscape Trees. One tree per twenty (20) linear feet of building dimension for the portions of building visible from parking lot or ROW and one tree per twenty (20) linear feet of perimeter planter areas.

9. In the R30 district, for a development of three acres or greater, up to sixty (60) percent of the units may be in buildings with three or four stories, fifty (50) feet maximum height subject to planning commission approval.

Table 9.03.040-8

Designation	Minimum Density*	Maximum Density
R10	8 units/acre	10 units/acre
R15	12 units/acre	15 units/acre
R20	16 units/acre	20 units/acre
R30	24 units/acre	30 units/acre

* Eighty (80) percent of allowable density must be achieved by all multiple-family residential developments.

G. General Multiple-Family Guidelines.

1. Opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.

2. Parking areas should be staggered and landscaped to add visual interest, and opportunities for accent treatments.

3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.

4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. **Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.**

5. Open parking areas should be clustered and treated as landscaped plazas and courts.

6. Landscaping shall be used around the perimeter of the lot, as well as within the lot, reducing paved area and providing for a more pedestrian oriented site.

7. No more than four units for a two-story structure should be served by one entry.

8. Each multiple-family unit shall have at least one hundred and fifty (150) square feet of private open space per downstairs unit and a minimum of one hundred (100) square feet of private open space per upstairs unit. Private open space may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.

9. Common Open Space at a minimum of three hundred (300) square feet per each residential dwelling in the project is required.

10. Individual units should have a porch or porch-like space at the front door.

11. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.

12. ~~Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.~~ **Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.**

13. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.

14. There shall be at least one double-bin trash enclosure for every forty-eight (48) residential units.

15. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.

16. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include

interlocking paver bands or etchings across drives. Speed bumps or Botts' dots are not an acceptable alternative.

17. Freestanding structures, like gazebos or pergolas, should be located to define activity areas at pathway intersections or in secluded landscape areas.

18. Drive aisles shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.

19. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.

20. Multiple-family projects warrant special design considerations, including:

a. Intimate, shaded outdoor seating areas;

b. A network of pathways, providing interesting walking experiences;

c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;

d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;

e. Security;

f. Direct ambulance access (senior housing projects);

g. Parking close to units;

h. Elevators (senior housing projects).

21. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest.

22. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.

23. Multifamily projects shall be designed for the needs of the intended residents. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.

24. Architectural features should be used to increase privacy from nearby units and common or public spaces.

25. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable is not permitted.

26. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each visitor entrance of a multiple-family development.

27. Buildings shall provide for a variety of colors and architectural features to break up the massing of buildings and provide visual interest. (Ord. 808 §§ 2.2—2.2.3, 2010; Ord. 797 §§ 2.4, 2.4.2—4, 2009; Ord. 773 § 3, 2008; Ord. 757 §§ 2.7, 2.72, 2008; Ord. 757

§§ 2.7, 2.7.2, 2008; Ord. 726 § 4.3, 2006; Ord. 698 § 3.1(c), 2005; Ord. 694 § 1.1 (part), 2005; Ord. 616 §§ 2.2.1, 2.2.2, 2003; Ord. 604 § 2.3, 2002; Ord. 520 § 1.9, 1997; Ord. 475 § 1.4, (part), 1995; Ord. 468 §§ 1.4, 1.5, 1995; Ord. 461 § 1.1, 1995; Ord. 386 § 1.13, 1993; Ord. 359 (part), 1992)

9.08.080 Grading.

Whenever a development approval is given for a project requiring grading, or other preparation of the soil, the city may impose

conditions of the approval of the development relating to grading. Such conditions are considered in issuance of any future grading permit and are complied with in addition to the other provisions of the building code. Such conditions may require, but are not limited to, the following:

A. Lots slope ~~toward, rather than away from the street,~~ **to landscape areas or pervious surfaces** unless otherwise approved by the City Engineer;

B. An erosion control plan, prepared by a registered civil engineer, is submitted to and approved by the public works department prior to grading plan approval. The plan addresses methods of control (such as desilting basins, checkdams, sandbagging), and interim storm drain construction, if necessary;

C. Dust control measures are identified;

D. Cut and fill slopes are not constructed steeper than two to one (2:1);

E. All cut or fill slopes over three feet in depth are landscaped prior to the issuance of a certificate of occupancy or building final, and as soon as practicable after completion of final grading;

F. Slopes are designed to minimize scaring of the land by terracing, reducing slope gradients, adding topsoil, building retaining walls, special slope planting or other means. Man-made slopes conform to patterns of the natural terrain. "Landforming" is applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height, and accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping;

G. All dwelling units are located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the public works director and the community development director;

H. Crib walls, or an equivalent, are used to enhance a cut slope's capability to be landscaped and irrigated;

I. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings are protected to the greatest extent feasible in the siting of individual lots and building pads. These features are identified on the grading plan with appropriate protection and relocation notes;

J. The quantity of soil import and export may be limited. Albeit, all excess excavated material is removed or otherwise relocated to become an integral part of the site development;

K. Streets permitting trucks or equipment travel are designated;

L. Hours of operation are limited;

M. Such other conditions deemed necessary to protect the public health, safety or welfare while still providing for orderly development of the property in accordance with the provisions of the project approval. (Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.11, 2003: Ord. 359 (part), 1992)

Chapter 9.11 PARKING, PEDESTRIAN AND LOADING REQUIREMENTS

9.11.010 Purpose and intent.

The purpose of this chapter is to ensure the adequate provision of parking, loading and bicycle facilities proportionate to the needs created by the various land uses within the city. In providing adequate parking, loading and bicycle facilities, it is the intent of this chapter to:

A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards;

B. Ensure the maneuverability of emergency and service vehicles;

C. Provide safe, accessible, convenient, attractive and well-maintained off-street parking areas;

D. Protect residential neighborhoods from the adverse effects of vehicular noise and traffic by uses in adjacent nonresidential districts; and

E. Implement general plan circulation and energy conservation policies; **and** ~~(Ord. 359 (part), 1992)~~

F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.

9.11.040 Off-street parking requirements.

A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the ~~minimum~~ **required** off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. **Parking provided above required off-street must be constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas:**

Table 9.11.040A-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Covered Parking	Notes
Residential Uses			
Single-family	2/unit	Within an enclosed garage	
Second units	2/unit	Carport or garage	
Duplex	2/unit	Within an enclosed garage	
3 or more units Studio 1 bedroom 2 bedrooms 3+ bedrooms	 1.25/unit 1.5/unit 2.0/unit 2.5/unit	 1 covered/unit 1 covered/unit 1 covered/unit 2 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard.
Senior housing			
Studio 1 bedroom 2+ bedrooms	1.0/unit 1.25/unit 1.5/unit	1 covered/unit 1 covered/unit 1 covered/unit	Guest parking is required for all units at 0.25 spaces/unit. Guest parking is included in the minimum required parking standard. Alternate parking requirements may be permitted subject to approval of a parking study pursuant to Section 9.11.070(A) of this chapter.
Mobile home parks	2.5/unit		Tandem spaces may be used to meet resident parking requirements.

Use	~~Minimum~~ Requirement	Covered Parking	Notes
Residential care homes	Parking requirements shall be determined by the community development director subject to an approved parking study.		

Table 9.11.040B-12
Off-Street Parking Requirements

Commercial Uses	~~Minimum~~ Requirement	Notes
General retail (unless specified elsewhere)	1/225 sq. ft. of gross floor area	
Automobile, boat, mobile home, or trailer sales, retail nurseries, or other similar outdoor commercial activities	1/2,000 sq. ft. of display area	1. Display area shall include all office, service and repair, or other related activities and areas that are accessible to the public.
		2. No required off-street parking spaces shall be used for display, sales, service or repair of vehicles.
Automobile service stations, repair and service facilities	2 spaces + 4/service bay for 4 or less bays and 2/service bay for 5 or more bays	Any related retail activities shall be subject to the general retail parking standards (mini-markets, tire sales, and the like)
Automobile washing and waxing establishments:		
Self-serve	2 spaces + 2/washing stall	
Automated	10 + 1 per 2 employees	
Business and professional offices	1/250 sq. ft. of gross floor area	

Commercial Uses	**~~Minimum~~ Requirement**	**Notes**
Banks, savings and loans and medical/dental offices	1/225 sq. ft. of gross floor area	
Day care center	1/employee + 1/500 sq. ft. of gross floor area	Special design requirements shall apply for bus loading or parent drop-off points.
Eating and drinking establishments	1/100 sq. ft. of gross floor area up to 6,000 sq. ft. 1/75 sq. ft. of gross floor area over 6,000 sq. ft.	A minimum of 10 spaces required for stand alone use.
Hotel, motel	1/guest room	
Kennels	2 spaces per 1,000 sq. ft.	2 spaces per 1,000 sq. ft. of indoor animal enclosure.
Mortuaries	1/4 seats + funeral procession queue capacity for 5 cars	
Nail salons	1 space for every 2 work stations	
School, private		
Business and trade	10 spaces + 24/classroom	
College	10 spaces + 30/classroom	
Elementary/junior high	10 spaces + 2/classroom	Special design requirements shall apply for bus loading and parent drop-off points.
Senior high	10 spaces + 10/classroom	
Storage lots and mini-warehouses	1/100 storage spaces and 2/caretaker residence	2 spaces minimum
Medical and health services:		
Convalescent and nursing homes	1/3 beds	
Homeless shelter	1/4 beds	
Hospitals	1/bed	
Residential care facilities	(See Residential Uses, Section 9.11.040 Table 9.11.040A-12)	
Veterinary hospital and clinic	1/200 sq. ft. of gross floor area	

Commercial Uses	~~Minimum~~ Requirement	Notes
Recreation:		
Arcades	1/75 sq. ft. of gross floor area	
Bowling and billiards	5/alley + 2/billiard table	
Commercial stables	1/5 horse capacity for boarding on-site	
Golf course	6/hole	
Golf driving range	1/tee	
Golf, miniature	3/hole	
Health club	1/100 sq. ft. of gross floor area	
Parks—Public and private	To be determined by the approval authority based upon an approved parking study	
Skating rink	1/100 sq. ft. of gross floor area	
Tennis, handball and racquetball facilities	3/court	
Theaters	1/3 fixed seats	

Table 9.11.040C-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Notes
Industrial Uses		
Manufacturing	1/500 sq. ft. of gross floor area	Trailer parking: parking stalls for trailers shall be provided at a ratio of 1 stall per truck loading dock door. This is in addition to
Research and development	1/350 sq. ft. of gross floor area	

Warehouse and distribution	1/1,000 sq. ft. of gross floor area for the first 20,000 sq. ft.; 1/ea. 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1/ea. 4,000 sq. ft. of gross floor area for areas in excess of the initial 40,000 sq. ft.	the loading parking stall already provided at the dock door.

Table 9.11.040D-12

Off-Street Parking Requirements

Use	~~Minimum~~ Requirement	Notes
Public and Quasi-Public Uses		
Libraries, museums and galleries	1/300 sq. ft. of gross floor area	
Public utility facilities without an office on-site	2/employee on the largest shift + 1/company vehicle	A minimum of 2 spaces shall be required.
Auditorium, places of public assembly and places of worship	1/3 fixed seats or 1/35 sq. ft. of gross floor area of the assembly area or 1 space for every 4.5 lineal feet of benches/pews, whichever is greater	
Government offices	To be determined by a parking study approved by the community development director	

B. Schedule of Accessible Parking Requirements. The following requirements for accessible parking are intended to be consistent with the state requirements. Any conflicting provisions or future changes in state or federal requirements shall preempt the standards for provision of accessible parking spaces contained in this title.

1. Accessible parking for residential uses shall be provided at a rate of one space for each dwelling unit that is designed for accessibility and occupancy by the disabled, unless an adjustment is allowed, based on a parking study approved by the community development director.

2. Accessible parking for outpatient units and facilities providing medical care and other services for persons with mobility impairments shall be provided at a rate of ten (10) percent of the total number of parking spaces provided serving such outpatient unit or facility. Accessible parking for units and

facilities that specialize in treatment or services for persons with mobility impairments shall be provided at a rate of twenty (20) percent of the total number of parking spaces provided serving each such unit or facility.

3. Accessible parking spaces for other uses shall be provided at the following rates:

Number of Automobile Spaces Provided	**Number of Accessible Spaces Provided**
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total spaces
1,001 and over	20 plus 1 for each 100 spaces or fraction thereof over 1,001

4. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum of eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

5. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine-foot parking area and a five-foot loading area. Such space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

6. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

7. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this subsection (B)(7) would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

8. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083% gradient) in any direction.

9. Notwithstanding the off-street parking requirements of subsection A of this section, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

10. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone, as described herein. (Ord. 808 § 2.5.2, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 670 § 3.1 (part), 2004; Ord. 557 §§ 2.2, 2.3, 2000; Ord. 520 § 1.14, 1997; Ord. 475 § 1.4 (part), 1995; Ord. 405 §§ 1.8, 1.13, 1993; Ord. 402 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

9.11.060 Off-street bicycle parking requirements.

A. Type of Facilities.

1. Class 1 Facilities. Class 1 bicycle facilities required pursuant to the provisions of this chapter are intended for long-term parking, and shall be protected against theft of the entire bicycle and of its components and accessories.

2. Class 2 Facilities. Class 2 facilities are intended for short-term parking, and shall include a stationary object to which the owner or operator can lock the frame and both wheels with a user-provided lock. The facility shall be designed so as to protect the lock from physical assault.

3. Class 3 Facilities. Class 3 facilities are also intended for short-term parking, and shall include a stationary object to which the user can lock the frame and both wheels with a user-provided six-foot cable (or chain) and lock.

B. Number of Parking Spaces Required. Bicycle parking spaces shall be provided in all commercial, office and industrial districts equal to five percent of the required automobile parking spaces, with a minimum of two bicycle parking stalls required for any one use. Single-family and multiple-family residences, senior housing complexes, mobilehome parks and model home complexes are exempt from this section.

C. Class Requirements. All required bicycle parking spaces shall include a Class 2 or 3 facility, except elementary and junior high schools, which shall include an enclosed Class 1 facility.

D. General Requirements.

1. All bicycle spaces shall be located as close as possible to the entrance(s) of the use that they are intended to serve, but situated as not to obstruct primary pedestrian circulation.

2. All bicycle facilities shall be located in highly visible areas to minimize theft and vandalism.

3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. **Pervious pavement is recommended**.

4. A minimum aisle width of five feet shall be provided between and adjacent to rows of bicycle spaces for access and pedestrian pathways.

5. Bicycle parking areas shall be separated from automobile parking areas by a physical barrier of sufficient identification and distance to protect parked bicycles from

damage by cars. (Ord. 670 § 3.1 (part), 2004; Ord. 557 § 2.4, 2000: Ord. 406 § 1.3, 1993; Ord. 359 (part), 1992)

9.11.070 Adjustments to off-street parking requirements.

Adjustments to off-street parking for uses included in this chapter may be granted if, in the opinion of the **C**ommunity & **Economic D**evelopment **D**irector, the proposed modification to the required number of parking or loading spaces is warranted. Requests for parking adjustments shall be reviewed and approved by the community development director based on the following requirements:

A. Parking Studies. The number of spaces required by this chapter, as noted in Section 9.11.040(A) of this chapter, for provisions of off-street parking and loading spaces may be adjusted by the approval authority if it is demonstrated by a parking study, prepared by a registered traffic engineer or qualified parking study consultant, that the proposed use would have a parking or loading space demand other than the requirements of this chapter.

B. Shared Parking.

1. Shared parking is encouraged to avoid the creation of unused parking spaces and their potential harmful effects such as increased construction and maintenance costs, heat and glare, and water run off requiring treatment of pollutants. A reduction in minimum parking requirements for individual uses may be granted by the Community & Economic Development Director where joint use of parking facilities or other factors will mitigate peak parking demand.

2. Requests for parking reductions resulting from joint usage shall be supported by information prepared by a registered traffic engineer. The investigation used to generate the required information shall generally follow the format described below.

Shared parking requests shall be analyzed as follows:

a. Initial project review involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of different land uses. The initial review will also consist of data gathering regarding proximity to transit facilities, general location of parking facilities, surrounding land uses and mix, predicted pedestrian patterns, and similar variables which affect parking needs;

b. Adjustments for peak parking factor includes calculating the number of off-street parking spaces required for each land use within the area proposed for joint parking use based upon the requirements of Section 9.11.040 of this chapter. Other elements to be considered include seasonal adjustment for parking demand and a

determination of the mode of transit used in reaching or departing the area being considered;

c. Analysis of hourly accumulation involves an estimation of hourly parking accumulations for each land use during a typical week day or weekend day; and

d. Estimate of shared parking merges the hourly parking demand estimate to calculate the overall parking required to be provided within the area being considered for shared parking facilities.

3. Up to fifty (50) percent of the parking facilities required by this chapter may be utilized as shared parking facilities subject to the requirements of this section. Except that, a church or an auditorium which is part of a public or private school may adjust the required parking by up to one hundred (100) percent of the parking facilities required by this chapter.

4. In granting parking reductions for shared use of parking facilities, the approval authority shall make one or more of the following findings:

a. The traffic engineering report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of their substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities;

b. The traffic engineering report indicates that there are public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking facilities;

c. The traffic engineering report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple-trip purposes to the area in question.

5. As a condition of approval to the granting of a reduction in required parking, the city may require the granting of reciprocal access and parking agreements with surrounding properties.

C. Transportation Management Plans.

1. The number of required parking spaces may be decreased by up to twenty (20) percent of the required employee parking subject to the approval of a transportation management plan supplied by the applicant. Such a plan may include, but is not limited to car pooling, van pools, and staggered work hours.

2. In evaluating the request, the approval authority shall consider, among other factors:

a. Projected effectiveness of car pool, van pool, staggered work hours, or similar transportation management programs;

b. Proximity to public transportation facilities which could be reasonably expected to serve a significant portion of employees or customers;

c. Evidence of the likelihood that employees or customers will utilize regular transportation alternatives to individual use of automobiles, including transportation management plans prepared pursuant to South Coast Air Quality Management District Rule XV.

D. Off-Site Parking Facilities. Required parking for a development may be provided off the site in certain instances. Requests for off-site parking facilities shall meet the following requirements:

1. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the approval authority shall consider the following:

a. Proximity of the off-site parking facilities;

b. Ease of pedestrian access to the off-site parking facility;

c. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and

d. The need for locating parking facilities off-site, and the resulting urban design benefits of off-site parking, if any.

2. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign and record a reciprocal parking agreement ensuring the continued availability of the off-street parking facilities for the use they are intended to serve. (Ord. 694 § 1.1 (part), 2005; Ord. 557 § 2.5, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 359 (part), 1992)

9.11.080 Design standards.

A. General Parking Design Standards.

1. Parking lot design shall take into consideration the appropriate integration of commercial uses. Parking facilities shall be designed to eliminate obstacles to pedestrian movement, consider spatial relationships between commercial uses and associated parking, and where appropriate, parking design will dictate the types of uses

that may feasibly be established to ensure that adequate parking is available within a reasonable distance to the use it serves.

2. Special plazas, motor courts or turnarounds are encouraged to identify entrance areas.

3. Project access and circulation shall allow for both vehicles and pedestrians by separating autos and foot traffic, by creating pedestrian entrances to projects and by using enhanced paving treatments, bollards or pergolas to identify pedestrian pathways through parking areas and along buildings.

4. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points should be consolidated to take advantage of planned or existing median breaks.

5. The city may require reciprocal parking and access agreements between individual and adjacent commercial parcels.

6. To discourage excessive speeds within parking areas, the maximum length of straight aisles shall not exceed three hundred (300) feet unless otherwise approved by the community development director.

7. Parking rows shall not be longer than one hundred eighty (180) feet, allowing for easier movement within the parking lot and preventing long queues within aisles unless otherwise approved by the community development director.

8. Drive aisles should make a loop around the structures and avoid dead end parking. In the case of straight drive aisles, provide at least ten (10) feet of setback between the last parking stall and the property line.

9. Parking areas shall be screened from streets through a combination of mounded landscaping, low profile walls and/or grading separations.

10. Parking areas shall not be used for loading or unloading.

11. Internal roadways should be designed so that direct access is available to all structures visible from a particular parking area.

12. Parking areas should use sound walls, screen walls and landscaping to minimize auto noise, glare and increased ambient temperature.

13. Landscaping, signs and walls shall be limited to thirty-six (36) inches in height, measured from top of curb within twenty-five (25) feet of any driveway entrance to protect visibility. Any trees located in these areas shall have trunks not exceeding eight inches in diameter and shall have a minimum branching height of six feet.

14. Trash enclosures shall not impair visibility.

15. Auto headlights in parking areas shall be screened so that they do not shine into adjacent properties or public rights-of-way.

16. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.

17. Driveways shall be designed so entering vehicles do not interfere with the existing vehicles. Main driveways shall employ entry medians whenever possible.

18. The first parking stall perpendicular to a driveway or first aisle juncture shall be at least sixty (60) feet back from the property line, providing sufficient queuing for exiting vehicles unless otherwise approved by the city engineer.

19. In commercial developments, parking aisles should be oriented perpendicular to the major tenant's front entrance, to facilitate pedestrian movement.

20. Dead-end parking aisles which exceed eight standard parking stalls in length, and serving greater than sixteen (16) standard stalls for dual lanes, shall provide turnaround facilities (i.e., hammerhead, cul-de-sac, etc.) adequate to accommodate emergency vehicles.

21. Consideration shall be given to service vehicles (i.e., tractor trailers) when designing landscape and hardscape areas.

22. Bicycle and motorcycle parking shall be provided as required by this code.

23. All projects generating vehicular traffic shall participate in the traffic signal mitigation program as adopted by the city of Moreno Valley.

24. Transportation management programs may be requested of projects generating significant vehicular traffic. These programs may include transportation system strategies or transportation demand strategies targeted to reduce the project's impact on roads, air quality, and energy consumption. System strategies deal with physical improvements to the road or facility network, such as street widening, restriping, bus turnout improvements or consolidation of driveways. Demand strategies deal with the behavior of those using the road system and include carpooling, subsidized transit passes, bicycle racks, showers for employee use located within the facility, transit centers, and flexible work shifts.

25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. Pervious surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.

B. Dimensions of Parking Spaces.

1. Covered Spaces. Parking spaces within an enclosed garage shall have an unobstructed, clear area dimension of ten (10) feet by twenty (20) feet for each required parking space provided. All other covered spaces shall each be nine feet in width and eighteen (18) feet in depth. The parking area shall be clear of any obstructions and the measurements shall not include the exterior walls or structural supports.

2. Parallel Space. Each parallel parking space shall have a minimum dimension of eight feet wide by twenty-two (22) feet long. However, if a parallel space does not abut another parallel space, and access is adequate to that space, the length may be reduced to twenty (20) feet (see Figure 9.11.080-4).

3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine feet in width **and sixteen (16)** feet in depth of **paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback).** (see Figure 9.11.080-5).

4. Trailer parking stalls shall have a minimum dimension of fourteen (14) feet wide by fifty (50) feet in depth.

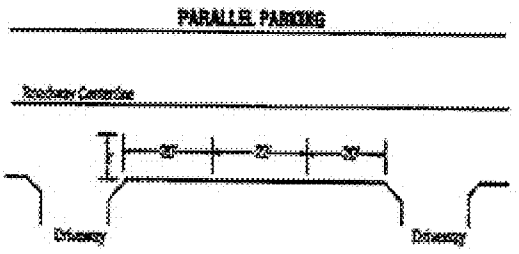

Figure 9.11.080-4

Dimensions of Parallel Parking Spaces

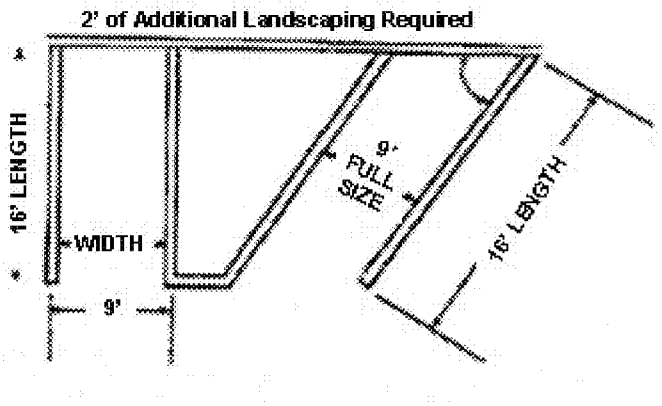

Figure 9.11.080-5

Nonparallel Parking Spaces

5. Tandem Space. Each tandem space shall be a minimum of nine feet in width and twenty-two (22) feet in depth.

C. Standard Improvements.

1. Drainage. **Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading.** All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.

2. Safety Features.

a. Additional requirements and guidelines for parking facility safety, including design, internal layout, acceptable turning radii, pavement slope, vehicular and pedestrian circulation and other design features may be adopted by the city traffic engineer when determined to be appropriate.

b. Visibility of and between pedestrians, bicyclists, and motorists shall be assured when entering individual parking spaces, when circulating within a parking facility, and when entering and exiting a parking facility. To the extent possible, the parking facility shall be designed so that primary pedestrian access to and from building entrances is along, rather than across, parking aisles.

c. Parking lots shall be designed to minimize conflicts between vehicles and pedestrians and shall also endeavor to minimize speeding and through traffic.

d. Drive aisles and parking lot drives shall not exceed five percent slope.

e. Streets should intersect others on outside rather than inside horizontal curves.

f. Streets should intersect at as near to a right angle as possible. They should be no more than fifteen (15) degrees skew.

g. Intersections should be offset a minimum of one hundred fifty (150) feet.

h. Deceleration lanes should be a minimum of two hundred ten (210) feet long and ten (10) to twelve (12) feet wide, composed of a minimum sixty (60) foot transition and one hundred fifty (150) foot turn lane.

i. Internal streets and drive lanes should have a minimum radius of two hundred fifty (250) feet (twenty-five (25) mph design speed).

j. Where feasible, bus turnouts and bus stops shall be located on the far side of intersections to reduce conflicts between buses and through traffic.

3. Striping and Identification.

a. All automobile parking spaces shall be clearly outlined with white double lines on the surface of the parking facility as shown in Figure 9.11.080-6 (three-inch line – six-inch space – three-inch line for a total of twelve (12) inches) or as otherwise specified by the **B**uilding **O**fficial.

b. Fire lanes, if required, shall be installed to the specifications of the city of Moreno Valley fire chief, including red curbing and posting with signs.

c. Stop signs and painted stop bars shall be installed in parking areas where drive lanes intersect and at egress points to streets or alleys.

d. Within parking facilities, the city traffic engineer may require all aisles, approach lanes and maneuvering areas to be clearly marked with directional arrows on the pavement surface to facilitate vehicular movement. In addition to directional arrows, the city traffic engineer may require installation of signs to ensure safe and efficient vehicular movement.

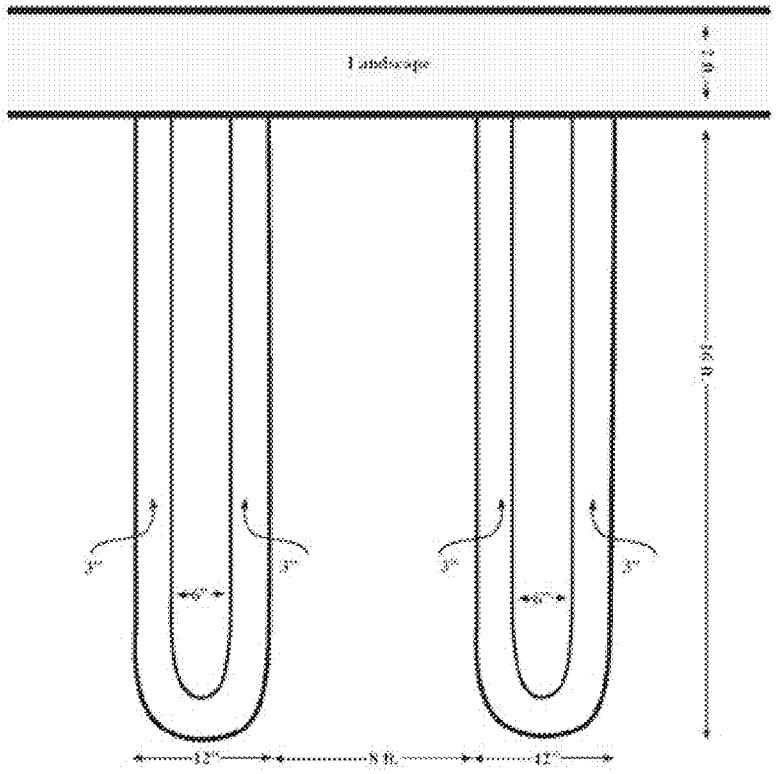

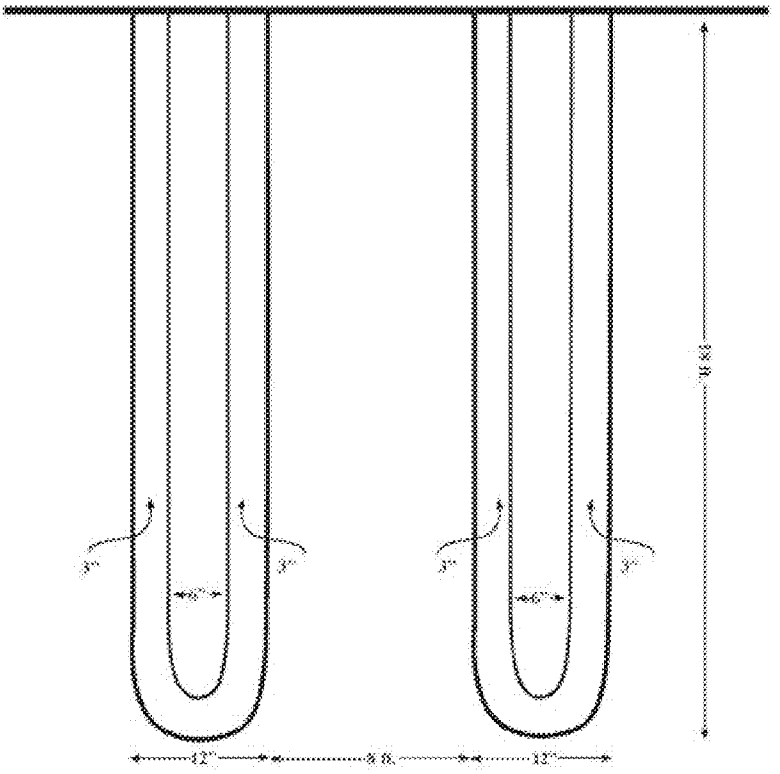

Figure 9.11.080-6A **Figure 9.11.080-6B**

Parking Space Striping Requirements

* Ends of parking stall striping shall be curved or squared off.

D. Accessible Parking Design Standards. The following design standards for accessible parking are intended to be consistent with the state or federal requirements. Any conflicting provisions or future changes in state or federal requirements shall pre-empt the standards for provision of accessible parking spaces contained in this title:

1. All accessible parking spaces shall be striped and marked according to applicable state regulations.

2. Each parking space reserved for persons with disabilities shall be identified by a permanently affixed reflectorized sign, of a construction and material

approved by the building official, displaying the international symbol of accessibility. The sign shall have a minimum size of seventy (70) square inches, and shall be centered at the interior end of the parking space at a maximum height of eighty (80) inches from the bottom of the sign to the finished grade of the parking space.

3. At each entrance to a parking facility containing one or more parking spaces for the handicapped, a sign with a minimum size of seventeen (17) inches by twenty-two (22) inches shall be posted, stating clearly and conspicuously in letters with a minimum height of one inch the following:

Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for physically handicapped persons may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____.

4. Parking spaces reserved for persons with disabilities shall have, in addition to the requirements of subsections (D)(1), (2) and (3) of this section, a surface identification in blue paint of at least three square feet in size, duplicating the international symbol of accessibility.

5. Each accessible parking space shall be fourteen (14) feet wide, striped to provide a nine-foot wide parking area and a five-foot wide loading area (access aisle) and shall be a minimum eighteen (18) feet in length. If two accessible spaces are located adjacent to each other, they may share the five-foot wide loading area, resulting in a width of twenty-three (23) feet for the two spaces. One in every eight handicapped spaces, but not less than one, shall be van accessible; served by a loading area not less than eight feet wide. If two van accessible parking spaces are located adjacent to each other, they may share a common eight-foot wide loading area.

6. When less than five parking spaces are provided, at least one shall be fourteen (14) feet wide, striped to provide a nine foot parking area and a five foot loading area. Said space shall not be required to be reserved or identified exclusively for use by persons with disabilities.

7. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

8. In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. The space shall be so located that persons with disabilities are not compelled to wheel or walk behind cars other than their own. Pedestrian ways that are accessible to people with disabilities shall be provided from each such parking space to the related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any parking space, with the exception that ramps located at the front of accessible parking spaces may encroach into the length of such spaces when such encroachment does not limit the capability of a person with a disability to leave or enter their vehicle, thus providing equivalent facilitation. Where the building official determines that compliance with any regulation of this paragraph would create an unreasonable hardship, a waiver may be granted when equivalent facilitation is provided.

9. The slope of an accessible parking stall shall be the minimum possible and shall not exceed one-quarter inch per foot (2.083 percent gradient) in any direction.

10. Notwithstanding the off-street parking requirements of Subsection 9.11.040(A) of this chapter, the number of parking spaces that are not accessible may be reduced to the extent necessary for modification of an existing facility to comply with the requirements described in this subsection.

11. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least five feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull up space. Such zones shall be located on a surface with a slope not exceeding one vertical in fifty (50) horizontal and shall be located on an accessible route of travel to the entrance of the facility. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. Valet parking facilities shall provide a passenger loading zone as described herein.

12. All disabled spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve and oriented so that the user of the disabled parking space need not go past the rear of automotive parking

spaces in order to reach the building's main entrance.

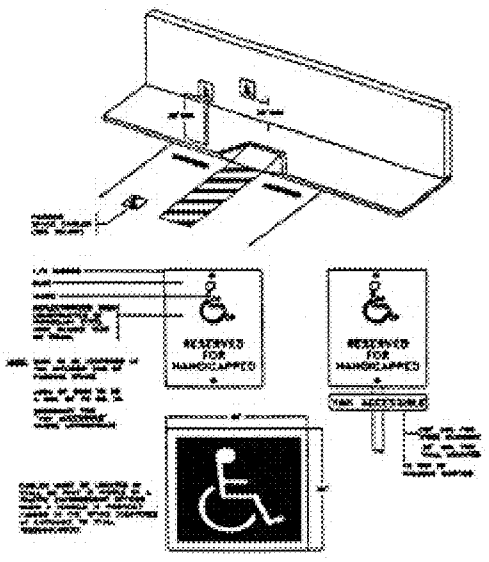

Figure 9.11.080-7

Accessible Parking Stall Requirement

* Ramps shall include a curb-cut type design

* Loading area width: van accessible = 8 feet; all other accessible spaces = 5 feet

E. Surfacing.

1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. **Every effort should be made to use pervious surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.**

2. Temporary parking facilities shall be provided with surfaces which prevent dust, as approved by the city engineer.

F. Location of Parking.

1. All parking spaces required by this chapter shall be provided on the same site as the use requiring the parking spaces, except as authorized in Section 9.11.070, Adjustments to Off-Street Parking Requirements of this chapter.

2. All automobile spaces required for residential uses shall be located a maximum of two hundred fifty (250) feet from the units they are serving. Distances shall be measured from the nearest point of the building to the parking space(s) serving that building.

3. All car pool parking spaces shall be located as close as possible to the entrance(s) of the use they are intended to serve.

G. Landscape and Screening Requirements. Parking lot screening and landscaping shall conform to the requirements of Chapter 9.17 of this title.

H. Access.

1. Parking Access from Streets.

a. Access to parking spaces, other than four or fewer spaces serving a residential use, shall not require backing onto a public or private street or onto a private drive other than a drive designed exclusively to provide access to parking spaces.

b. Commercial developments should orient traffic onto major arterials and not onto local streets or collectors.

c. Projects shall minimize impacts on adjacent streets by consolidating access points. Access points shall be consolidated to take advantage of planned or existing median breaks.

2. Driveway and Aisle Widths and Clearances. For purposes of this section, a driveway shall be defined as an access leading from a public street or right-of-way or a private street to a parking area, or from one parking area to another, but shall not be defined to include any ramp, aisle, or maneuvering area. A ramp is defined as an access driveway from one parking level to another. All driveways and ramps shall comply with the following standards:

a. Driveways and aisles for single-family detached structures shall not be less than sixteen (16) feet in width, and shall be maintained free and clear of all obstructions. Driveways which serve single-family development shall be defined as the paved area leading from a public street or right-of-way or a private street to the designated parking area, and shall not be wider than such designated parking area; and

b. Driveways for single-family attached, multiple-family, and nonresidential uses shall be as shown in Table 9.11.080-13 of this section, except when for health and safety purposes wider dimensions are required for emergency vehicle access.

Table 9.11.080-13
Driveway and Aisle Dimensions for Single-Family Attached, Multiple-Family, and Nonresidential Uses

Width, excluding flares or curb radius	
Minimum (one-way)	20 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Right Turn Radius[1]	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing[2]	
From side property line	10 feet
From street corner	25 feet
Angle[3]	75°

[1] On side of driveway exposed to entry or exit by right-turning vehicle to driveways with curb radius.
[2] Measured along the street side property line from throat to the side property line, or to a line passing through the intersection.
[3] Minimum acute angle measured from the edge of pavement.

3. The following criteria and dimensions may be modified by the City Engineer:

Table 9.11.080-14

Street Classification	Distance from a Driveway to an Intersection	Spacing Between Adjacent Driveways
Expressway 134′ ROW	Restricted* **	1/2 mile
Divided Major/Modified Major	Limited access* **	Limited access
Divided Arterial	Minimum 450 feet	Minimum 450 feet
134′ ROW/120′ ROW		One driveway per parcel

Divided Arterial	Limited Access* **	Minimum 250 feet
110′ ROW	Minimum 350 feet	
Arterial/Minor Arterial/ Industrial Collector		
100′/88′/78′ ROW	Limited access* **	Minimum 150 feet
	Minimum 250 feet	
	Full Access 350 feet	
Collector/66′ ROW	Minimum 200 feet* ***	Minimum 100 feet or one driveway per parcel
Local Street	Minimum 100 feet* ***	Minimum 100 feet or one driveway per parcel

* Access may be limited to the minimum movements necessary to safely expedite traffic.
** Access may be restricted by medians.
*** For residential development.

4. Ramps.

a. One-way ramps shall have a minimum width of fourteen (14) feet, unless a larger dimension is required for emergency vehicle access.

b. Two-way ramps shall have a minimum width of twenty (20) feet.

5. Gated Entries. Requests for gated entries shall be submitted to the city traffic engineer and shall be subject to review and approval by the city traffic engineer and planning official, based on an analysis of the following issues:

a. Type and operation of gate;

b. Adequacy of vehicle stacking area;

c. Effect of gated entry on parking usage and distribution on the site;

d. Effect of gated entry on parking for surrounding or adjacent areas;

e. Emergency vehicle access. (Ord. 808 § 2.5.3, 2010; Ord. 694 § 1.1 (part), 2005; Ord. 643 § 2.6, 2003; Ord. 616 § 2.2.22, 2003; Ord. 604 §§ 2.15—2.18, 2002; Ord. 557 § 2.6, 2000: Ord. 475 § 1.4 (part), 1995; Ord. 406 § 1.4, 1993; Ord. 405 §§ 1.14, 1.15, 1993; Ord. 402 §§ 1.3, 1.4, 1993; Ord. 359 (part), 1992)

9.11.100 Circulation—Pedestrian.

A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. **The use of pervious paving surfaces is recommended where feasible.**

B. Pedestrian walkways shall be connected with public sidewalks, connecting buildings and activity areas within centers. Pedestrian walkways shall be provided to connect adjacent properties when appropriate.

C. Pedestrian walks through open spaces and accessways to buildings should be used to shorten walking distances.

D. Pedestrian walkways, corridors, plazas and other similar areas shall be highly visible and well lit.

E. Amenities including, but not limited to, enhanced paving, street furniture and raised planters should be provided to enhance the pedestrian experience.

F. Handicapped ramps shall be incorporated into all curb and sidewalk designs and shall meet the standards set forth in Title 24 of the California Access Code. (Ord. 808 § 2.5.4, 2010)

9.16.010 Introduction and scope of guidelines.

A. ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commission's and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~

A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

B. The design guidelines reflect the Moreno Valley general plan design policies and objectives, functioning as a tool for the general public, project developers, city staff and reviewing boards and commissions.

C. These guidelines will help apply the city's design standards to new development and to remodels, upgrading design citywide and implementing the general plan's policies.

D. Several design philosophies prevail throughout the guidelines. These include compatibility, sensitivity, human scale, variety, function and aesthetics. When combined and tailored for specific uses, these philosophies should yield high quality products that are consistent with the general plan's intent, practical and pleasing to the eye. (Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

Article III Applications for Site Design and Architecture

9.16.110 Objectives, generally.

A. Project design and layout shape the overall character of a project and how that project fits into its surroundings. New development should harmonize with the character of the adjacent area, implementing the general plan's design policies.

B. The Moreno Valley general plan stresses variety in building design and compatibility with surrounding and planned land uses. Architectural treatment can address both, providing varied and sensitive building massing, consistent detailing and compatible building materials and styles. The following guidelines should help to achieve the level of quality, variety and compatibility of architectural design that the general plan requires.

C. Site design and architectural guidelines have several objectives; among these are:

1. Orienting buildings, parking and public spaces to enhance the streetscape, to add variety and to provide for pedestrian spaces and circulation;

2. Translating design principles into architecture and site planning applications;

3. Awakening an interest in urban design and form for Moreno Valley by requiring projects to be reviewed in their context;

4. Reminding project developers of design considerations not usually covered by zoning development standards or design review;

5. Using site planning techniques and architecture to provide for human scale;

6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, **including water quality features integrated into the site design such as water retention and absorption areas and the use of pervious surfaces to reduce water run off**;

7. Working in concert with the city's landscape **requirements.** ~~guidelines as adopted by Ordinance No. 247.~~

D. Site design and architecture guidelines are separated into five categories:

1. General;

2. Single-family residential;

3. Multifamily residential;

4. Commercial (retail, office and mixed use);

5. Industrial. (Ord. 359 (Attach. 2 (part)), 1992)

9.16.120 General guidelines.

A. General guidelines apply to all uses and projects citywide.

1. The setback from streets and adjacent properties should relate to the scale of the proposed structure. Larger structures require more setback area for a balance of scale and compatibility with adjacent uses.

2. Tall buildings should be made less imposing by stepping upper floors back from the first floor facade plane.

3. Gateway treatments range in scale, identifying an entrance to the city, subcommunity, development project or a single building. Gateways, including enriched paving, raised medians, signs and other features as appropriate, create a sense of entry and should be included in all developments.

4. New developments should respect the view of existing developments. Large developments should maintain view corridors which are oriented toward an existing or proposed amenity such as a park, open space or natural feature.

5. Trash enclosures, loading areas, mechanical equipment and outdoor storage areas shall be screened from public view. Enclosures shall be compatible with the project architecture and shall not detract from the overall design theme.

6. New residential flag lots shall be permitted only in hillside subdivisions and only when no other alternatives are available.

7. Natural drainage courses should be retained in their natural state.

8. Building mass and scale should be in proper proportion to the site, open spaces, street location and surrounding developments.

9. All exterior wall elevations of buildings and screen walls shall have architectural treatments enhancing the building appearance. Uniform materials and consistent style should be evident in all exterior elevations of a building. Secondary materials should be used to highlight building features and to provide visual interest.

10. Building massing should be varied to provide interesting form, proportion and scale. Monolithic forms are discouraged; massing variety should be three dimensional.

11. Building design and siting should be compatible with surrounding land uses and with the climate and physical setting of Southern California.

12. Building architecture should be compatible with surrounding existing or planned architectural character. Within commercial centers, materials, textures, colors and architectural detailing shall be compatible with the center's specified design theme.

13. Shadow patterns created by architectural elements such as overhangs, projections and recesses of stories, balconies, reveals and awnings are encouraged, adding to building interest and aiding in climate control.

14. Multi-story buildings should be detailed to reduce their vertical appearance as much as possible. This can be done by articulating the separate floor levels with horizontal bands, by increasing the level of detail on lower floors, by progressively lessening building mass on upper floors and by using heavier materials on lower floor facades.

15. Building entries should be articulated through massing treatment and should incorporate detailed design elements.

16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. **Roof drains shall be integrated into the building design and convey water to landscape areas for aesthetics and water quality.**

17. Base walls and other large expanses should be light colored. Soft tones ranging from white to very light pastels are encouraged. Natural light colors, such as off-whites, beige and sand, are also acceptable.

18. Building accent elements, like doors, window framing, chimneys, trim, railing, awnings and light fixtures, should contrast with the main building color, producing added interest and a lively streetscape. Care should be taken not to use too many bright colors or too many different types of details to avoid an overwhelming or cluttered building.

19. The use of simple color schemes using no more than three colors is recommended.

20. All paint products, awning fabric or other color elements should be durable and fade resistant and shall be recommended by the manufacturer for the proposed use and location.

21. The use of bright colors such as fluorescent, hot or "day glo" colors is strongly discouraged.

22. Using building materials in their natural state is strongly recommended.

23. Bricks should be left unpainted.

24. Colors should be used to express identity and individuality within a cohesive and attractive framework.

25. To facilitate compatibility in massing and scale, two-story buildings adjacent to one-story buildings should contain a one-story element or intermediate roof treatment or have an appropriate setback from the one-story building. (Ord. 604 § 2.21, 2002; Ord. 456 §§ 1.1, 1.2, 1995; Ord. 359 (Attach. 2 (part)), 1992)

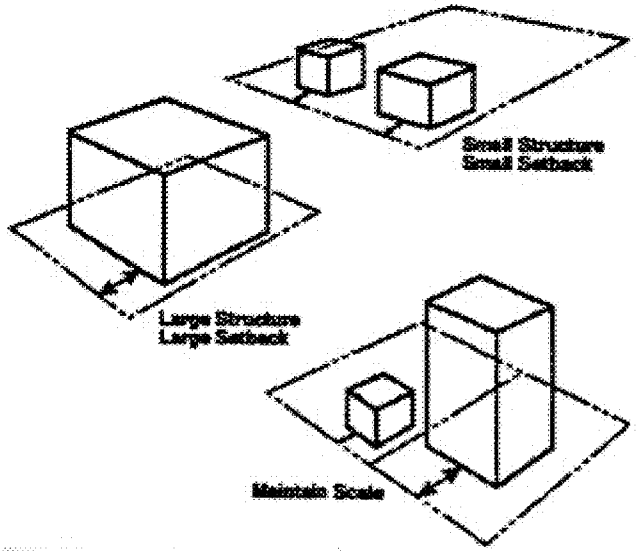

Setbacks in Scale with Building Bulk

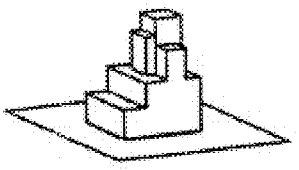

Taller Buildings
Stepping Back from Street

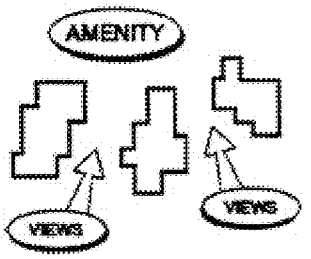

Preserve New Corridors

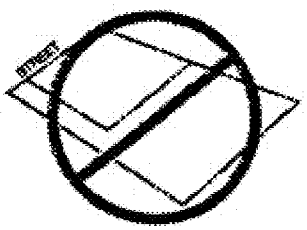

Discourage Flag Lots

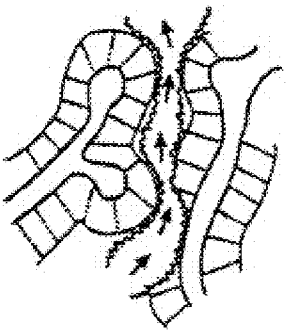

Drainage Course Retained
in Natural State

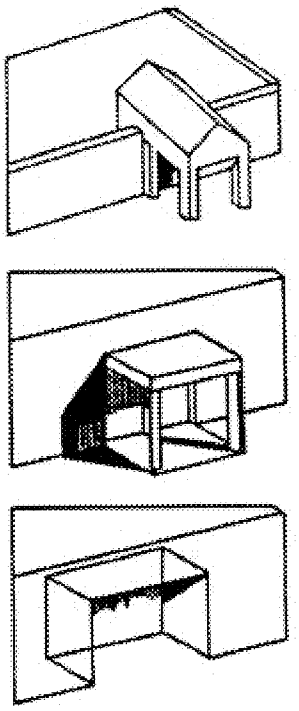

Articulated Building Entries

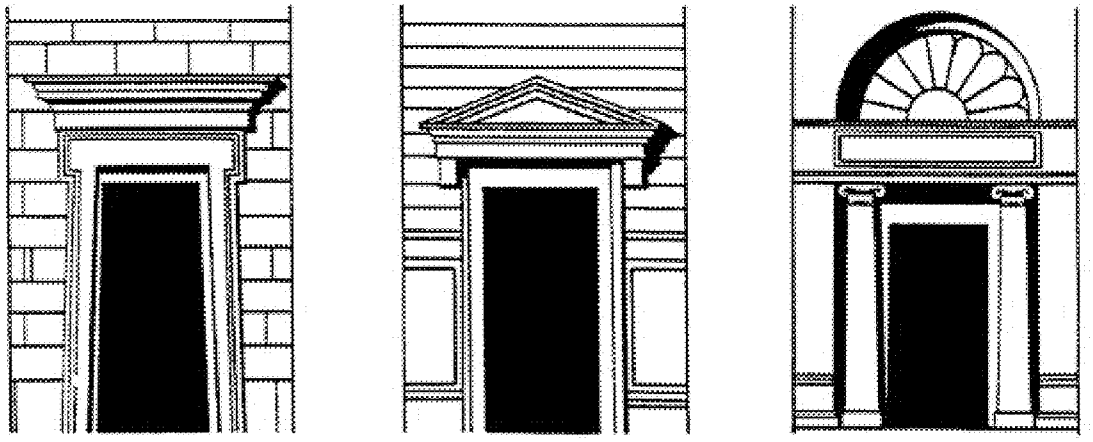

Detailed Design Elements for Building Entries

9.16.130 Single-family residential.

A. These guidelines deal with single-family residential (R1, R2, RA-2, R3, R5) areas as well as areas designated hillside residential (HR) and rural residential (RR). They strive to improve the quality of life for single-family housing residents, to ensure attractive single-family neighborhoods and to offer solutions to recurring design problems.

1. R1: provides for and protects the rural lifestyle by having large residential lots and the keeping of large animals.

2. R2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivisions, and to allow residential developments in a rural atmosphere.

3. RA-2: provides for suburban lifestyles on residential lots larger than commonly available in suburban subdivision, and for the keeping of animals that have historically characterized these areas.

4. R3: provides for a transition between rural and urban density development areas and provides for suburban lifestyle on residential lots larger than those commonly found in suburban subdivisions.

5. R5: provides for single-family detached housing on common-sized suburban lots.

6. Hillside residential (HR): balances the preservation of hillside areas with the development of view-oriented residential uses. These include large lot residential, and single-family residential on lots larger than twenty thousand (20,000) square feet.

7. Rural residential (RR): provides for the protection of the rural lifestyles, as well as protects natural resources and hillsides in the rural portions of the city. Within the rural residential area large residential lots are appropriate and the keeping of large animals shall be permitted.

Table 9.16.130A

Designation	Maximum Density
Hillside Residential	Depends on slope
Rural Residential	Depends on slope
R1	1 unit/acre

Designation	Maximum Density
R2	2 units/acre
RA-2	2 units/acre
R3	3 units/acre
R5	5 units/acre"

B. General Guidelines.

1. A combination of a wall and bermed landscaping shall be provided adjacent to the rear or side yards of lots at neighborhood entries.

2. Residential units should be provided with a minimum five feet variation in their front and side yard setbacks along the streetscape.

3. Residential units shall be articulated and detailed to provide visual interest and scale by using a minimum of three of the following design elements.

a. Provide projecting and/or recessed entries and windows.

b. Include projecting or recessed balconies.

c. Front porch with a minimum depth of five feet.

d. Dormer windows.

e. Minimum eighteen (18") inch roof overhangs with detailed rafter tails.

f. Offset building planes a minimum of two feet.

g. Stepping back a portion of the second story.

h. Use of different building materials with varying textures and colors.

4. All units shall be designed with four sided architecture using the details from the front elevation.

5. Increased setbacks shall be provided on lots that are sited at corners or have rear yards bordering an arterial roadway.

6. Home builders shall consider the after-market construction of patio covers; room additions or second-floor balconies by providing ample rear yard setbacks.

Rear yards shall be designed with minimum of 15 feet of flat areas adjacent to the structure.

7. Residential projects should maximize the feeling of openness by curving streets, varying front and side yard setbacks and, if possible, orienting roads to open space areas and views.

8. Small lot single-family subdivisions should utilize innovative design techniques to provide more usable and private exterior area.

9. Residential mechanical equipment, including but not limited to air-conditioning units, shall be screened with walls and landscaping from surrounding properties and streets and shall not be located in the required front yard or street side yard.

10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. **Pervious surfaces are required for such areas within required setbacks.**

11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. **Pervious surfaces are recommended where feasible.**

12. Mailboxes, if required to be clustered, shall be designed to be compatible with surrounding homes, while conforming to Post Office guidelines.

13. Property lines shall be located on the tops of slopes.

14. Natural topographic variations should be retained to divide residential developments into distinct neighborhood areas.

15. Within individual residential projects, a variety of floor plans and elevations should be offered as follows:

Table 9.16.130B

Number of Units	**Minimum # of Footprints***	**Minimum # of Elevations/ Footprints**
5-9	1	2
10-24	2	3
25-49	3	3

Number of Units	Minimum # of Footprints*	Minimum # of Elevations/ Footprints
50 plus	Add one additional footprint for every 50 units over 50	4

Each floor plan shall not be repeated more than each fourth house. Please note that adding or deleting false shutters or similar types of minimal elevation changes will not suffice as one of the required distinct elevations.

16. To minimize visual impact, corner residential units shall be single story or if two story, shall incorporate single story elements into the design. The short and low side of the unit should be sited toward the street corner.

17. Automatic garage door openers shall be required to be installed in houses with less than a twenty-foot front setback. Garage doors with windows shall be required for three or more car garages or other architecturally enhanced garage doors or as approved by the Community Development Director.

18. Fence and wall materials should be durable and architecturally compatible with the neighborhood appearance. Walls and fences constructed of slump stone, stucco-coated block or wrought iron are encouraged. Fences and walls constructed of nondurable materials, including but not limited to plywood and chicken wire are prohibited. A front yard fence or wall shall be erected in a manner that does not obscure visibility through the fence or wall. (MC 9.08.070)

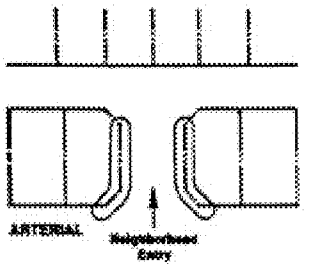

Landscape Treatment Areas at Neigborhood Entries

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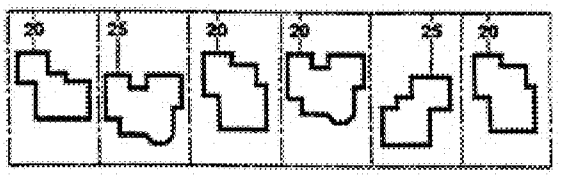

Vary Setbacks by at Least Five Feet

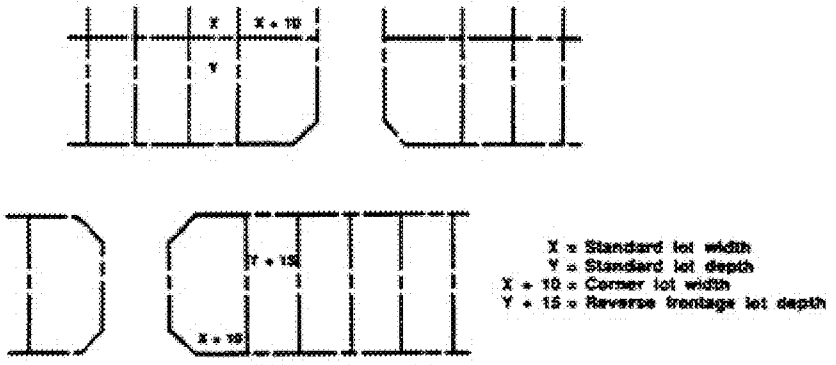

Corner Lots and Reserve Frontage Lots Should Be Larger than Standard Lots

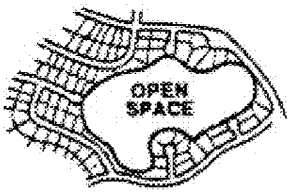

Use Curvilinear Elements and Orient Roads to Open Space and Views

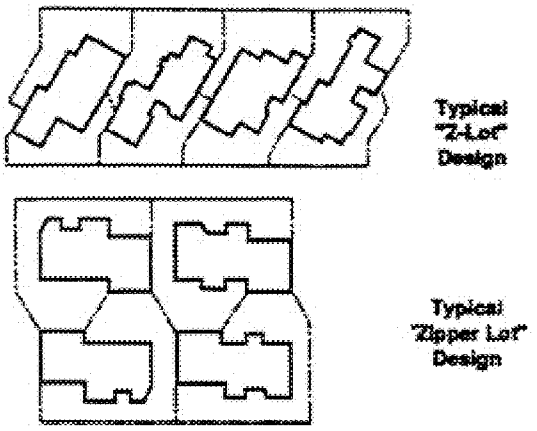

Innovative Subdivision Design

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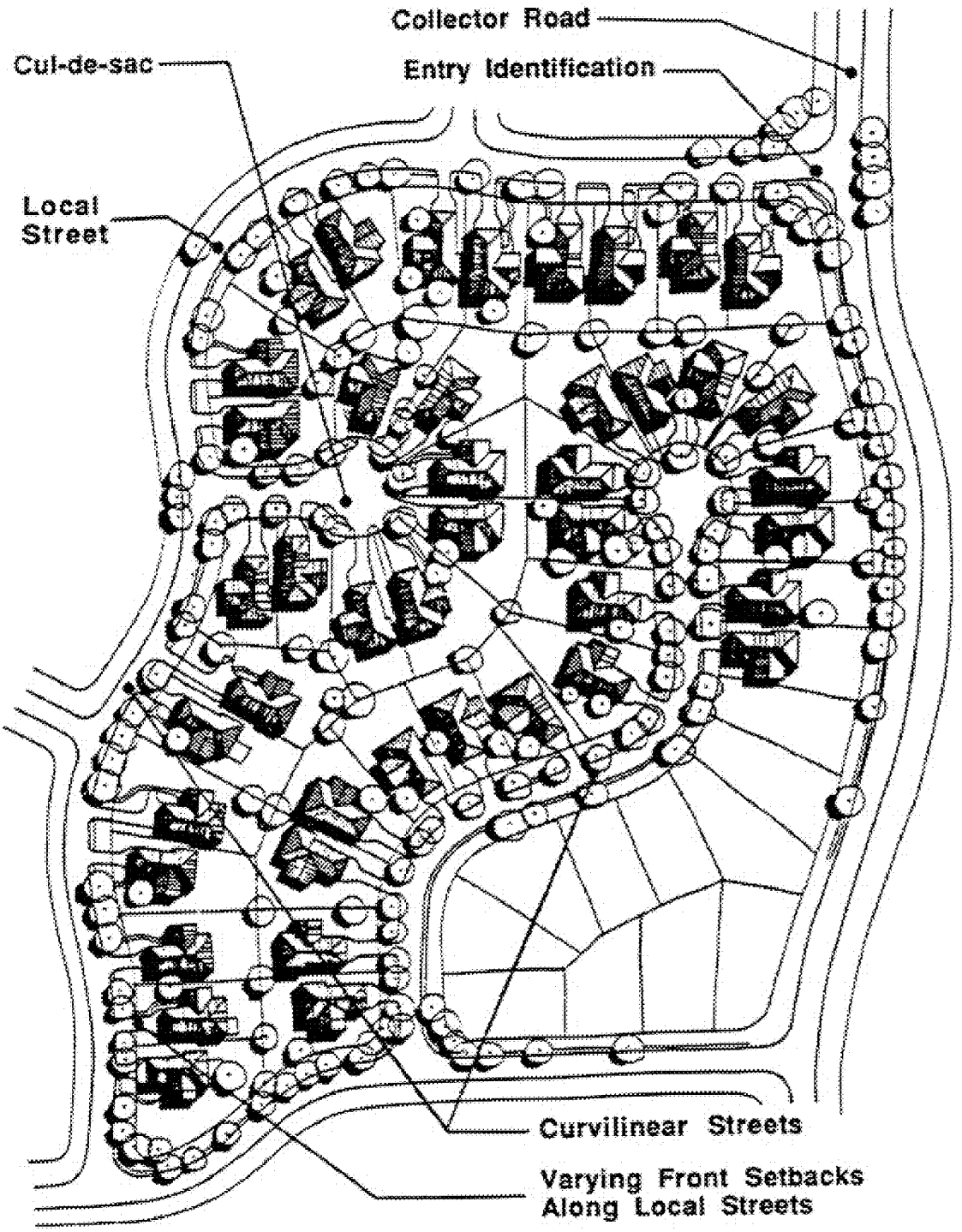

~~9.16.140 Multifamily residential.~~

~~A. These guidelines deal with multifamily residential (R10, R15 and R20) areas as found in the general plan.~~

~~1. Residential 10: provides for a variety of residential products and encourages innovation in housing types. Single-family detached residential, single-family attached residential, multiple-family attached residential, and mobile homes may be appropriate subject to applicable general plan policies and Moreno Valley ordinance provisions.~~

~~2. Residential 15: broadens the range of available housing types, and provides housing for those not desiring dwellings on individual parcels. Single-family attached residential may be appropriate.~~

~~3. Residential 20: provides housing in a more urban setting than found in other areas of the city and provides opportunities for low and moderate income housing.~~

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~~Table 9.16.140A~~

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~~Designation~~	~~Maximum Density~~	~~Threshold Density~~
~~R10~~	~~10 units/acre~~	~~8 units/acre~~
~~R15~~	~~15 units/acre~~	~~12 units/acre~~
~~R20~~	~~20 units/acre~~	~~16 units/acre~~

-

~~B. General Guidelines.~~

~~1. Tuck-under parking and/or opposing garages or carports should be turned to avoid the monotony of alley-like parking corridors.~~

~~2. Parking areas should be staggered and landscaped to add visual interest, individuality, rhythm and opportunities for accent treatments.~~

~~3. Parking spaces within multifamily areas shall be located within two hundred fifty (250) feet of the dwellings they serve.~~

~~4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.~~

~~5. Open parking areas should be clustered and treated as landscaped plazas and courts.~~

~~6. Landscaping shall be used around the perimeter of the lot, as well as within the lot reducing paved area and providing for a more pedestrian-oriented site.~~

~~7. No more than four units for a two-story structure should be served by one entry.~~

~~8. Ground-floor dwellings should have a front and back entry, one of which is the main entry for the use of guests and is oriented to their arrival points.~~

~~9. Each multiple-family unit should have at least one hundred (100) square feet of private open space which may consist of a fenced yard area, patio or balcony. Fenced yards and patios shall have a minimum dimension of at least eight feet. Balconies shall be at least five feet deep.~~

~~10. Individual units should have a porch or porch-like space at the front door.~~

~~11. Areas for the storage of R.V.'s, boats, and campers shall be contained within multifamily projects and shall be heavily landscaped to protect views from other developments in the community.~~

~~12. One covered parking space shall be provided for every bedroom with no more than two covered parking spaces required per unit. The guest parking spaces do not need to be covered.~~

~~13. Trash enclosures shall be located to provide a maximum walking distance of two hundred fifty (250) feet from the units they serve.~~

~~14. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors, enhanced landscaping or enhanced paving.~~

~~15. Trash enclosures shall not be located on dead end drive aisles, unless adequate turnaround is provided for collection vehicles.~~

~~16. There should be at least one trash enclosure for every twenty-four (24) residential units.~~

~~17. Mail boxes should be located at various places on the site and treated to match the building's architecture, avoiding the institutional and monumental "gang box" appearance, while conforming to Post Office guidelines.~~

~~18. Drive aisles should be curved and should incorporate landscaping and paving treatments to reduce vehicle speed. Landscaping treatments may include pinched planters and a mix of canopy and vertical trees. Paving treatments may include interlocking paver bands or etchings across drives. Speed bumps or botts dots are not an acceptable alternative.~~

~~19. Freestanding structures, like gazebos or pergolas, should be located to define activity nodes at pathway intersections or in secluded landscape areas.~~

~~20. Drive aisles with no adjacent parking shall be at least twenty-four (24) feet wide for two-way traffic and shall be at least twenty (20) feet wide for one-way traffic.~~

~~21. Buffer setbacks and landscaping shall be provided along all property lines. Buffers may also be appropriate within the complex, separating recreational areas from units and limiting lines of sight between balconies and into parking areas.~~

~~22. Senior housing needs warrant special design considerations, including:~~

~~a. Intimate, shaded outdoor seating areas;~~

~~b. A network of pathways, providing interesting walking experiences;~~

~~c. Gentle slopes for outdoor pathways and ramps to entry doors and between floors;~~

~~d. Convenient and attractive access to transit, including portecocheres, information kiosks, seating areas and water elements;~~

~~e. Security;~~

~~f. Direct ambulance access;~~

~~g. Parking close to units;~~

~~h. Elevators.~~

~~23. Individual dwelling units should be distinguishable from one another and have separate entrances.~~

~~24. Multifamily units shall be clustered to minimize grading and to help maintain the natural landscape.~~

~~25. Stacked flat condominium arrangements shall be discouraged, while townhouse styles shall be encouraged.~~

~~26. When appropriate, multifamily projects shall be designed for the needs of families with small children, the disabled and the elderly. For example, children's needs would require open space, tot lots, handrails, and enclosed yards on ground floor units. Disabled or elderly needs would require ramps, parking close to units, minimum and gradual elevation changes and elevators.~~

~~27. Architectural features should be used to increase privacy from nearby units and common or public spaces.~~

~~28. Roof forms should be mixed and combined to vary the perception of building height, to differentiate units and to add interest to building mass. The long, straight roofline of a single gable shall be discouraged.~~

~~29. A diagram of the complex showing the location of the viewer and the building designations shall be positioned at each entrance of a multiple-family development. (Ord. 670 § 3.1 (part), 2004; Ord. 359 (Attach. 2 (part)), 1992)~~

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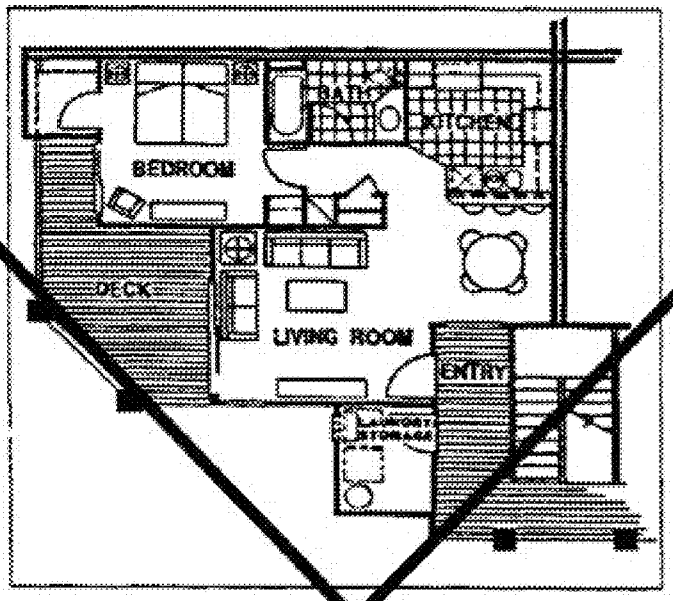

Apartment Unit With Patio Style Entry and Large Balcony

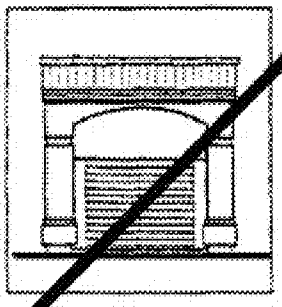

Architecturally Treated Trash Enclosure

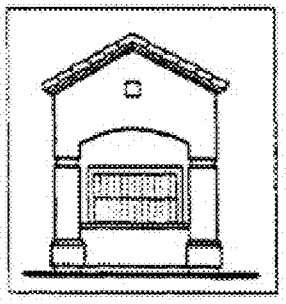

Architecturally Treated Mailbox Kiosk

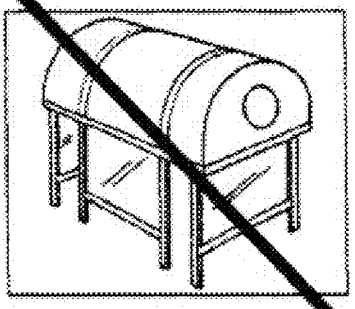

Freestanding Pergola

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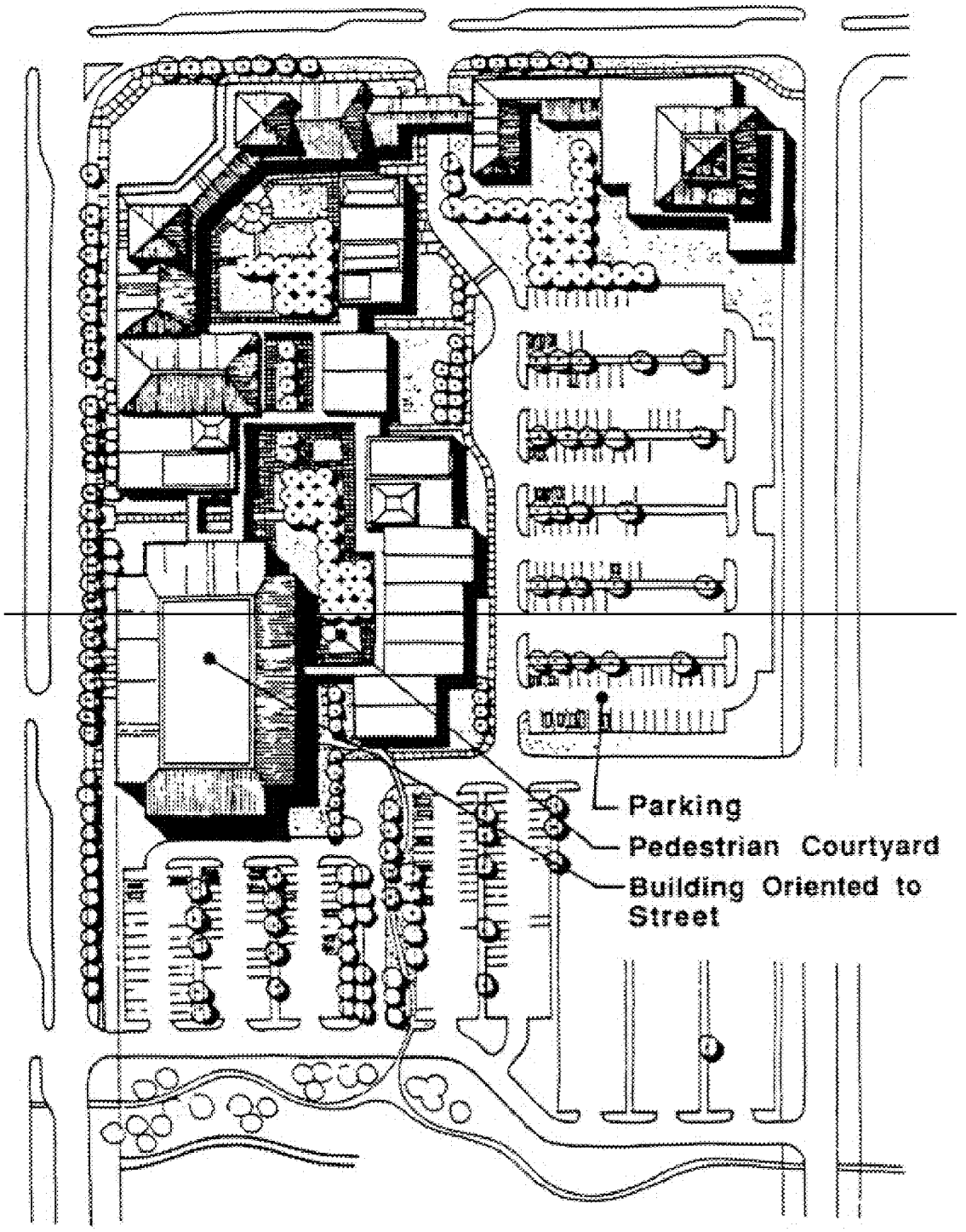

Commercial Center with Focal Points, Courtyards and Street Orientation

9.16.150 Commercial (retail, office, mixed use).

A. Commercial design guidelines address the various types and intensities of commercial uses allowed for in the general plan. They include neighborhood commercial, community commercial, tourist recreational commercial, village commercial, office commercial and office.

1. Neighborhood Commercial: provides for the daily shopping needs of area residents with a wide range of common retail and personal service needs.

2. Community Commercial: more intense than neighborhood commercial, provides for the general shopping needs of area residents and workers with a wide variety of retail and personal services.

3. Tourist Recreational Commercial: provides those commercial support activities that are necessary or incidental to recreation uses while meeting the personal service needs of both tourists and city residents alike.

4. Village Commercial: provides for office-related and commercial development within the Moreno townsite. It is the further intent of this designation to promote development which recognizes the historic significance of the site and projects a "turn-of-the-century" architectural atmosphere, yet provides limited retail commercial services that are compatible with the surrounding residential community.

B. General Guidelines.

1. Commercial development shall be compatible with adjacent residential areas by incorporating landscape buffers planted with a mix of flowering, screening and spreading plants, by using low mass, low height building elements, by locating loading and trash collection areas away from residential property lines and by directing circulation away from residential neighborhoods.

2. Commercial development shall have a central place, main focal feature or point-of-emphasis, including pedestrian seating, shade structures, sculpture, water elements, centralized outdoor dining or any combination of these elements.

3. New development should respect pedestrian needs by incorporating pedestrian ways and plazas that provide visual interest at the street level, shelter from the elements and adequate street furniture. This guideline is intended to enhance pedestrian related features in concert with quality architecture that would not require variance approval if incorporated as a feature of design.

4. The development of new, small convenience centers on sites less than eight (8) acres is discouraged.

5. Architectural elements shall be an integral part of the facade design, avoiding the "pasted-on" look.

6. Building facades should relate to overhangs, awnings, trellises and porticoes, incorporating these elements into building massing.

7. Pedestrian covered walks should have a clear walking width of seven feet along retail storefronts. Walkway width may be up to twelve (12) feet to accommodate columns, furniture or building articulation.

8. Large structures shall incorporate varied setbacks and variations in massing of building bulk.

9. Continuous, blank building elevations shall be avoided, particularly when visible from public rights-of-way.

10. Continuous building mass should be divided into smaller units, providing both variety and scale.

11. Loading areas shall be oriented away from street side elevations whenever possible and shall be screened from public view with a combination of walls and landscaping.

12. Building placement within office developments shall occur at or near the street setback line to bring the architectural image to the street and to remove parking lots to the extent possible from the streetscape.

13. Vehicular and pedestrian travel shall be separated to the best possible extent, providing for a safe pedestrian environment and smooth traffic flow.

14. Pedestrian walkways shall be provided in larger parking lots, encouraging foot travel out of vehicular drive lanes.

15. Freestanding or clustered retail, restaurant and office pads are encouraged, helping to add variety to the site plan and to introduce interesting architectural elements.

16. Interparcel access shall be provided between commercial centers, reducing the number of drive approaches from the street and encouraging commercial "crossover."

17. Entry drive throats shall be at least sixty (60) feet long from property line for major commercial projects, providing adequate queuing for outbound traffic and smoothing inbound traffic flow.

18. Each commercial center of five acres or more shall have at least one major entry containing a median.

19. The "strip" commercial image is discouraged. New development should provide variety and articulation in storefront footprints, elevations and roofline.

20. There shall be landscaped strip equal to the building height where a commercial use is located adjacent to residentially zoned property.

21. Office developments shall provide courtyards for each building convenient to office users, incorporating seating, sculpture, accent landscaping and shelter. These shelters will allow for small lunch gatherings or relaxation.

22. Office developments shall have decentralized parking. Parking shall be oriented to the building it is intended to serve and shall be spread throughout the site, lessening the impact of an expansive parking lot.

23. Office developments shall offer interesting site plans by providing several detached or clustered buildings.

24. Access to service bays of automotive uses shall be from the interior of the site.

25. Service stations, mini markets and other automobile-related uses shall have architectural details consistent with the overall project design. Access to service bays will be from the interior of the service station site. Window placement should be sensitive to casual police surveillance.

26. Freestanding buildings should incorporate distinctive massing, adding interest to the site and vicinity.

27. Intimate scale in building design and materials selection is encouraged, emphasizing comfort and warmth.

28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and **drain into a landscape area for water quality, retention and absorption to reduce water run off**.

29. Architectural design of new projects shall be mindful of the surrounding district's urban fabric, providing a design statement to enhance the context and to upgrade the overall image. (Ord. 475 § 2.1, 1995; Ord. 359 (Attach. 2 (part)), 1992)

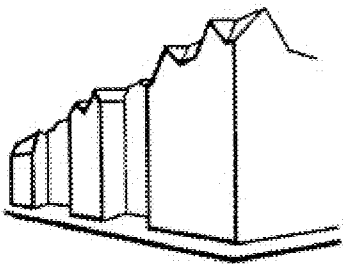

Continuous Mass Divided to Provide Scale

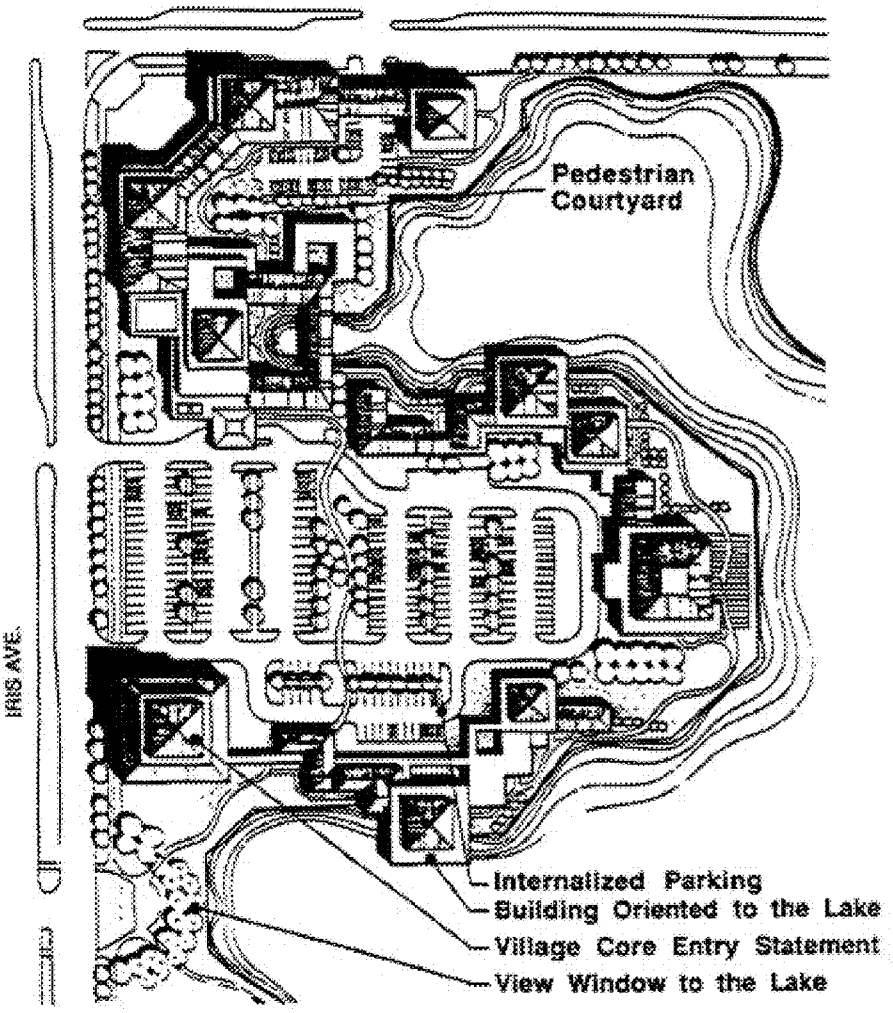

Commercial Center with Separated Pedestrian and Auto Circulation

9.16.160 Business park/industrial.

A. These guidelines address the business park and industrial land use classifications. These uses generally require large floor areas, extensive truck circulation and minimal parking.

B. General Guidelines.

1. Building design shall be innovative and attractive, using various building materials, varied massing, enhanced facade treatments and other techniques to provide an "up-scale" image for the community.

2. Clean, contemporary architectural expressions are encouraged.

3. All sides of all buildings shall have architectural treatment.

4. Entries into industrial buildings shall be well-defined through the use of projections, recesses, space frames, pergolas, colonnades, raised planters, seats, enhanced paving, low-level lighting bollards or other elements.

5. Solid walls (six feet high) and landscaping shall be used to screen loading, service and trash storage areas from public view.

6. Solid walls and landscaping should screen ground-mounted equipment located away from buildings.

7. Truck docks and interior trash storage areas must be closed off by roll-down doors, arranged in an organized manner, integrated within the overall design of the industrial project and oriented away from public view.

8. Roof-mounted equipment shall be screened from public view. All roof screens shall be solid and continuous and shall be treated to be compatible with the project's architecture.

9. Exterior walls shall be architecturally treated to provide relief and variety by using pilasters, deep reveals, offset entries and staggered wall components.

10. All manufacturing and industrial uses adjacent to residential land uses shall include a buffer zone and/or noise attenuation wall to reduce outside noise levels.

11. All manufacturing and industrial uses shall be adequately screened and buffered to reduce glare, noise, dust and vibration.

12. Truck traffic shall be channeled directly to truck routes and shall not have access to neighborhood streets.

13. Pedestrian walkways should link building entries to bus turnouts and nearby land planned for or used as eating establishments.

14. Courtyards for resting, gathering and eating by employees shall be provided. **Pervious surfaces are recommended where feasible**. (Ord. 359 (Attach. 2 (part)), 1992)

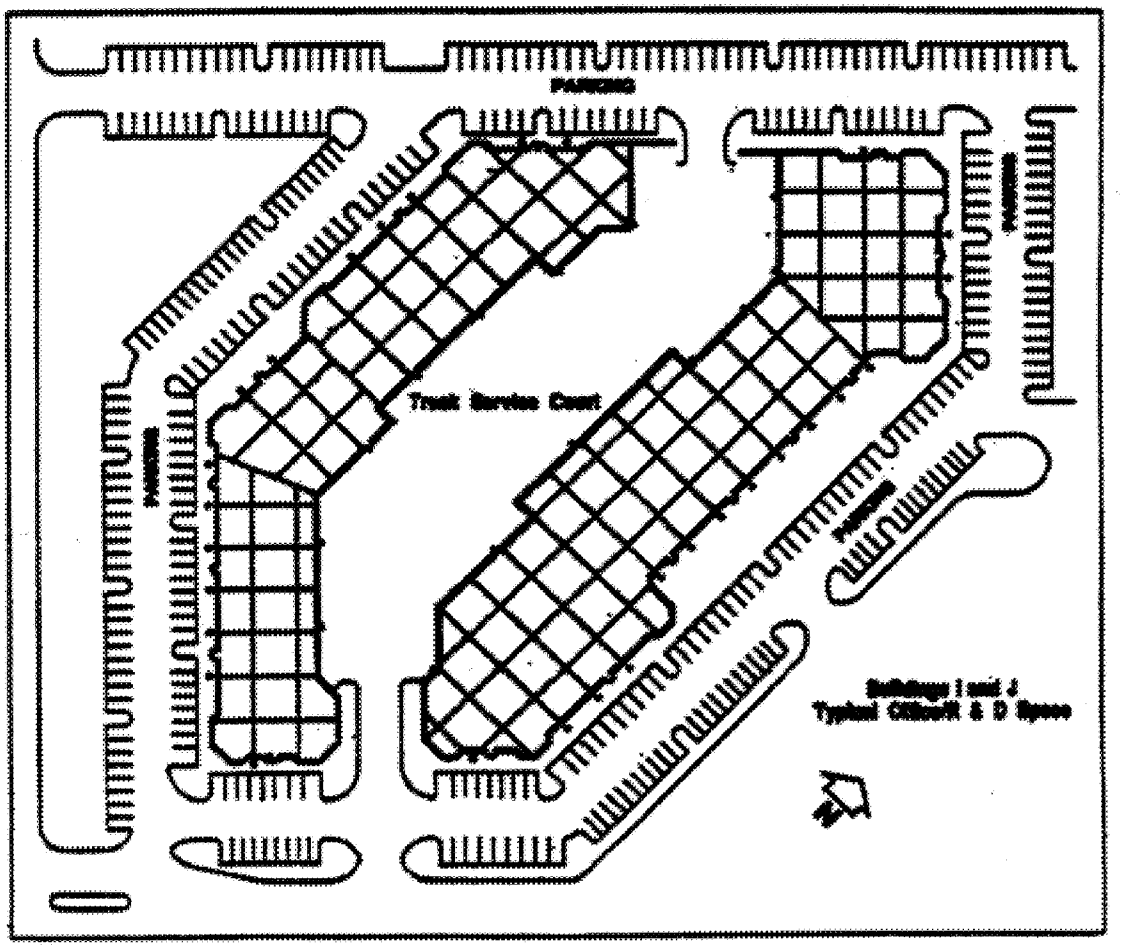

9.16.190 Natural open space standards.

A. All hillside development proposals shall include a portion of the site to be retained in natural area open space.

1. The natural open space area may be comprised of two types:

a. Undeveloped natural areas, that which has been left in its natural state;

b. Restored natural areas, that which have been disrupted during construction but are restored to a natural appearance.

2. The following shall guide the location of undeveloped natural areas:

a. Contiguous areas along drainage channels;

b. Ten (10) foot minimum widths adjacent to roadway improvements;

c. On lots where the average slope exceeds twenty-five (25) percent, the construction of custom homes with multiple foundation levels shall be mandatory while post and beam construction shall be discouraged;

d. Areas contiguous with other natural areas of adjacent properties;

e. Areas containing rock outcroppings;

f. Areas containing soils with high permeability;

g. Significant stands or clusters of native vegetation;

h. Known or discovered archeological or paleontological sites.

3. The following shall guide the location of restored natural areas:

a. In required setbacks;

b. Adjacent to common recreation facilities;

c. Along roadway improvements or over utility easements;

d. Fuel modification zones, as required by the fire department.

4. The percent of the total site required to be retained in natural open space shall be based on the average natural slope of the land surface. The following natural open space area requirements shall apply:

Table 9.16.190A

Natural Area Open Space Requirements

Average Percent Slope	Minimum Percent of Site to Remain as Natural Area Open Space
10% - 15%	35%
15.1% - 25%	50%
Over 25%	60%

5. The following shall guide the allocation of undeveloped and restored natural areas on properties:

a. Undeveloped natural areas shall constitute a minimum of seventy-five (75) percent of the required natural area open space.

b. Restored natural areas may constitute a maximum of twenty-five (25) percent of the required natural area open space.

c. No grading, excavation or construction shall be allowed within areas designated as natural areas. Fuel modification areas may be graded as necessary and replanted to meet fire department requirements.

d. Where construction has inadvertently scarred designated natural areas, the applicant shall restore the affected sites, as approved by the Community **& Economic** Development Director or designee.

e. Restored natural areas shall be graded to blend in with the natural terrain and landscaped with rock and plant materials native to the local area.

f. All undeveloped natural areas and restored natural areas shall be clearly shown on all proposed plans and building permit site plans unless otherwise approved by

the city council. A landscaping program for restored natural areas shall be approved by the Community **& Economic D**evelopment Director prior to issuance of building permits. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1994; Ord. 359 (Attach. 2 (part)), 1992)

9.16.200 Landscaping.

A. All required plans for landscaping are approved prior to issuance of building permits, and in accordance with Chapter 9.17 of this title.

B. Existing vegetation is retained in, and part of the comprehensive development project not designated for grading or construction. Site design preserves native or historic/mature vegetation, unless otherwise approved by the **C**ommunity **& Economic D**evelopment Director.

C. Existing vegetation that cannot be preserved in place, but is suitable for transplanting, is relocated elsewhere on site, as approved by the community development department director.

D. Unimproved disturbed areas are landscaped within one hundred eighty (180) days following issuance of a grading permit and/or within thirty (30) days of issuance of a certificate of occupancy, whichever is earlier.

E. All landscaping within public easements or areas dedicated to the city is of low maintenance, xeriscape or native plant material.

F. An open space network is designed to provide contiguous linkages throughout the development parcel, and between adjacent parcels, where major public trail systems or vista corridors are designated. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 616 § 2.2.25, 2003: Ord. 359 (Attach. 2 (part)), 1992)

9.16.210 Grading.

A. Man-made slopes shall conform to patterns of the natural terrain. All cut and fill slopes shall be landscaped and shall be stabilized to control erosion.

B. "Landforming" shall be applied to all slopes adjacent to public streets, gateways, and public view areas, as well as to all slopes greater than one hundred (100) feet in length or ten (10) feet in vertical height.

1. Landforming shall be accomplished by the use of variable slope ratios, undulating of tops and toes, screening of terraces and downdrains, varying of surface features, and by landscaping.

2. Rear and side yard slopes between adjacent lots within the same project need not be landformed unless they are greater than one hundred (100) feet in length or ten (10) feet in vertical height.

C. Any cut or fill slope to be revegetated shall not be steeper than 2:1.

D. All excess excavated material shall be removed or otherwise placed to become an integral part of the site development.

E. During construction, measures such as sediment traps or terracing shall be used around all graded areas to minimize erosion.

F. Whenever archeological or paleontological sites are discovered during excavation, the planning division shall be notified immediately and mutually agreeable precautions taken to preserve the artifacts.

G. Natural features such as trees with four-inch or larger trunk diameters and significant rock outcroppings shall be protected to the greatest extent feasible in the siting of individual lots and building pads. These features shall be shown on the grading plan with appropriate protection and relocation notes. Where trees with four-inch or greater trunk diameters are to be removed, they shall be replaced with at least twenty-four (24) inch box size trees of the same species, or as approved by the planning division, at a ratio of three new trees for each mature tree removed.

H. All dwelling units shall be located a minimum of ten (10) feet from the tops and toes of all slopes, unless otherwise approved by the city engineer and the Community **& Economic** Development Department.

I. Crib walls, or an equivalent, may be used to enhance a cut slope's capability to be landscaped, providing they are properly irrigated. They should not be used, however, to increase flat pad size or to otherwise intensify project grading.

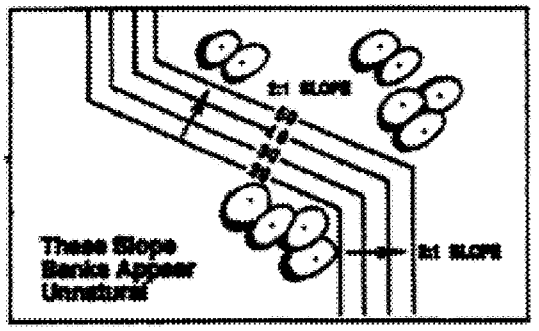

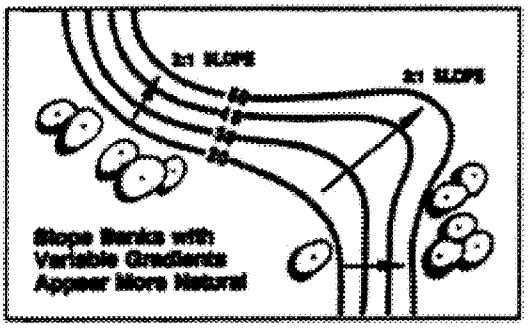

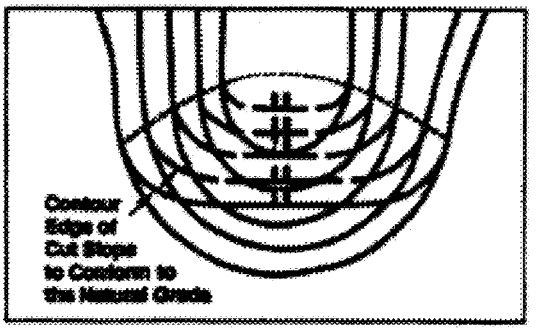

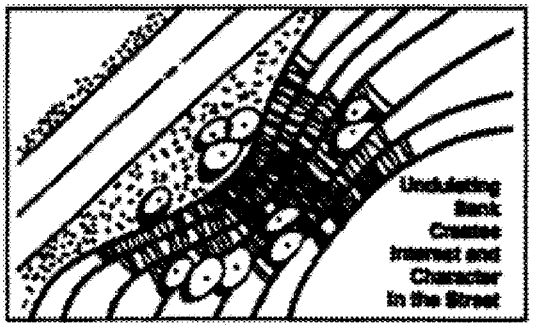

J. Any manufactured slope shall be contoured in a manner to appear to have a natural grade. (Ord. 773 § 3, 2008; Ord. 694 § 1.1 (part), 2005; Ord. 475 § 1.4 (part), 1995; Ord. 426 § 3.1 (part), 1992; Ord. 359 (Attach. 2 (part)), 1992)

9.16.220 Roadways and circulation.

A. Road alignments, driveways and parking areas shall conform as closely as possible to natural topography.

B. Existing vegetation shall be preserved to the greatest extent possible in the location of roads and shall be retained as medians or buffers wherever possible within the unimproved right-of-way.

C. Variations in road design and construction may be permitted to keep grading and cut slopes to a minimum.

D. One-way loop roads may be constructed where appropriate for the terrain.

E. Combinations of collective private driveways, cluster parking areas and off-street parking bays **(including pervious paving where feasible)** are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. **Pervious surfaces are recommended where feasible.**

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed eight (8) feet above finished grade, in or on a building wall not to exceed eight (8) feet above finished grade and shielded, or on a structure to a height of not more than twelve (12) feet for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.17.030 Landscape and irrigation design standards.

A. General. The landscape plans shall incorporate low water use plants, turf trees and ground covers adaptable to the area. A list of plants may be found in the county of Riverside's Guide to California Friendly Landscaping that provides a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Plants not on the list may be used providing the water consumption does not exceed the project's water budget. Consideration should be given to climate, soil types and topographic conditions. Landscapes should group plants using similar watering patterns to eliminate over watering and provide irrigation watering zones of similar use.

The irrigation systems shall be installed using water-conserving equipment including the installation of bubblers, drip systems, low volume sprays and smart irrigation controls. Smart irrigation controls are sensitive to the changing weather patterns and adjust watering cycles automatically to reduce water usage during colder/rainy weather. A water budget shall be completed that meets Eastern Municipal Water District guidelines and submitted with the landscape plans. Based on the landscape design, the water budget will determine the landscape's water demand. Once calculated, the annual maximum allowable water budget (AMAWB) is compared to the estimated annual water use (EAWU) to ensure the design does not exceed the allowed water use.

Projects shall be designed to capture and retain storm water onsite to improve water use efficiency and water quality. The use of

reclaimed water is encouraged. Contact Eastern Municipal Water District for availability.

B. Plan Design Standards. The following design standards are required on all landscape plan submittals:

1. Final landscape and irrigation plans shall be based on the approved site plan and/or the final grading plan for the project.

2. Final landscape and irrigation plans for all projects, with more than one thousand (1,000) SF of landscaped area, except custom homes or projects designed in-house by the public works department or parks and community services department, shall be designed (and wet stamped/certified) by a California state licensed architect, civil engineer or landscape architect. All non-residential projects with one thousand (1,000) square feet or less of landscaped areas shall provide landscape and irrigation plans certified by a certified irrigation designer.

3. Minimum scale is one inch = twenty (20) feet. A smaller scale may be used with prior approval by the city. Standard sheet size is twenty-four (24) inches by thirty-six (36) inches.

4. Existing vegetation shall be retained on any portion of a development not designated for grading or construction, unless otherwise approved or required by the city.

5. Landscape shall include drought-tolerant plants and water conservation principles.

6. All soil surfaces in landscape areas shall be covered with plant materials, walkways or mulch (organic or inorganic).

7. Ground-mounted equipment (e.g., transformers and back flow preventers) shall be screened with landscaping or screening walls, allowing for adequate access for equipment maintenance.

8. Trash enclosures are screened with at least three feet of landscaping on three sides.

9. Unimproved areas are maintained in a weed-free condition, and may require temporary landscape and irrigation.

10. All nonturf landscape areas are covered with a minimum of three inches of mulch following installation, unless otherwise approved by the city.

11. Native or low-water use plant materials shall be used. The use of invasive plants should be avoided. (See the California Invasive Plant Inventory by the California Invasive Plant Council www.cal-ipc.org). No invasive plants are permitted adjacent to Multi-Species Habitat Conservation Plan conservation areas.

12. Water budgets that meet Eastern Municipal Water District guidelines shall be attached to plan submittal. Obtain water budget information from Eastern Municipal Water District.

13. Water budgets are subject to approval by Eastern Municipal Water District. The city of Moreno Valley will cooperate with Eastern Municipal Water District in monitoring to the extent practicable.

14. Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standard as determined by the state of California Code of Regulations and Eastern Municipal Water District. Landscape plans submitted shall meet this standard.

15. Water quality basin design shall ensure that the design between the basin and the required landscaping area complement one another.

C. Turf Areas.

1. Turf areas shall have a maximum design slope of twenty (20) percent and a minimum design slope of one percent.

2. Turf areas shall be limited to less than twenty-five (25) percent and only in gathering areas with the exception of parks and similar recreational facilities. Turf shall not be used solely for decorative purposes. Turfless or xeriscape design concepts are preferred.

3. Where turf areas are allowed, drought-tolerant and warm season turf varieties shall be used.

4. Except for single-family residences, concrete mow strips shall be installed between all turf areas and groundcover/shrub areas, vine pockets, walls, structures, or signs.

5. High quality artificial turf is allowed as an element of a project landscape.

6. Native grasses not requiring regular mowing shall be used in lieu of turf in water quality facilities.

D. Ground Cover/Shrub Areas.

1. Shrubs and groundcover shall be installed in shrub/planting areas in amounts and at intervals that will provide eighty (80) percent coverage within twenty-four (24) months.

2. Shrubs shall be located to provide visual interest to the project site, break-up building massing, and help screen unsightly views.

3. Groundcover (low water use plants are preferred) shall be installed in such a manner to ensure eighty (80) percent coverage within twelve (12) months.

4. No plantings shall be located closer than twenty-four (24) inches from any building or structure, unless otherwise approved by the city.

5. All planting areas adjacent to buildings or structures shall slope away from all buildings, structures or walls, or incorporate drains to direct water away from these elements.

6. Large ground cover areas shall have multiple plant types including a variation in height, texture and color.

7. The plant palette provided in the Riverside County Landscape Guidelines is recommended to identify plants which can be used to establish a balance of drought tolerant plants.

E. Trees.

1. Trees shall be planted in a manner, which maximizes the shading of paved areas, outdoor seating, and both south- and west-facing windows.

2. Street trees for designated streets shall be used, unless a different street tree has already been established along the street segment in question.

3. Trees shall be planted at sufficient size and manner to ensure successful establishment and protection from breakage.

4. All landscape plans shall indicate mature tree canopy diameters.

5. All mature tree canopies in parking lots shall be pruned and maintained to maximize shade potential and ensure healthy, maximum growth. Topping of trees shall be avoided.

6. The tree palette shall provide a balanced use of evergreen and deciduous trees with attention to summer shade, fall and spring color, winter sunlight, and new growth.

7. Parkway tree planting shall provide a buffer effect that creates partial screening between parking lot areas and street vehicular traffic.

8. Existing mature trees that cannot be preserved in-place, shall be transplanted elsewhere on the site, unless transplantation is infeasible due to the type or condition of the trees.

9. Projects necessitating the removal of existing trees with four-inch or greater trunk diameters (calipers), shall be replaced at a three to one ratio, with minimum twenty-four (24) inch box size trees of the same species, or a minimum thirty-six (36) inch box for a one to one replacement, where approved.

10. Trees shall be planted in a manner and at locations, which minimize the potential for damage to adjacent walkways and paving.

F. Irrigation.

1. All planted landscape areas shall be provided with an approved "smart" automatic irrigation control systems (labeled as evapotranspiration (E.T.) based), with rain sensing and**/or** soil moisture sensing devices. Watering during the rain shall be avoided.

2. Drip**,** ~~and~~ bubbler-type and ~~MP~~ ~~rotator~~ **rotor sprays or stream roter** sprinkler heads or similar efficient sprinklers shall be used whenever possible. These sprinklers should be used exclusively when positioned adjacent to building walls. (Bubblers and spray heads should be pressure compensating, low volume type).

3. Separate irrigation zones shall be provided for areas with different irrigation requirements, including, but not limited to, trees, turf and nonturf areas.

4. Reduced pressure backflow preventers are required on all irrigation systems.

5. No fixed risers are permitted, unless otherwise approved by the Community **& Economic** Development Director.

6. A pressure vacuum breaker shall be installed at the top of slopes when irrigation is installed on the top of the slope.

7. Irrigation shall be placed in a manner that eliminates overspray, runoff, wicking action and/or damage to adjacent buildings, walls, walks, driveways, streets, and fences.

8. Irrigation of landscapes should occur between nine p.m. and six a.m. except during the establishment period, when temperatures are predicted to fall below zero or when repairing/adjusting the irrigation system.

9. Eastern Municipal Water District will calculate the annual maximum allowable water budget (AMAWB) for customers requesting a new account. The proposed landscape must meet the AMAWB requirements prior to meter release. (Ord. 786 § 2, 2009)

9.17.050 Parking and drive-through landscape areas.

Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, **promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces,** and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:

A. Design Considerations.

1. Parking lots and drive-throughs shall be screened from the public right-of-way by a thirty-six (36) inch high wall, shrub row and/or by berming. If walls are employed, they must be aesthetically compatible with the project design.

2. Landscape areas in the parking lot shall be designed to minimize the potential for pedestrians to cross any landscape areas to reach building entrances and to access parked cars. Walkways shall be provided to facilitate pedestrian access, especially at corner locations.

3. ~~Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director~~. **Curb cut** openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. **Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.**

4. Turf is not permitted in parking lot planters.

B. Landscape Islands, Diamond, Finger and Perimeter Planters.

1. Landscape finger planters shall have a minimum interior dimension of five feet by sixteen (16) feet, exclusive of curbs, step-outs and other hard surfaces. A finger planter with parking on one side has a minimum curb-face-to-curb-face dimension of seven feet. An island with parking on both sides has a minimum curb-face-to-curb-face dimension of eight feet.

2. Diamond planters have a minimum of twenty-five (25) square foot interior area (exclusive of perimeter curbing) with minimum interior dimensions of five feet by five feet. The minimum exterior area (including perimeter curbing) is thirty-six (36) square feet.

3. End islands, or finger planters are provided at the end of each aisle of parking to define parking lot circulation, provide sight distance at the intersection of drive aisles and places for trees.

4. Where double rows of parking are provided, diamond or island planters are provided at an interval of one planter every three pairs of parking stalls. Minor adjustments are allowed in cases where this exact interval would be infeasible.

5. A finger planter is provided at an interval of every twelve (12) parking stalls along any row of parking. Minor adjustments are allowed in cases where this exact interval would be infeasible.

6. The perimeter of the parking lot has a planter with a minimum width of five feet, interior dimension, exclusive of footings, curbs and step-outs.

C. Planter Curbs and Step-Outs. Planters shall be separated from parking spaces by a six-inch wide concrete curb. Where a planter (finger or island) is located on the side of a parking space, a twelve (12) inch wide concrete step-out is required along the long dimension of the parking space. A step-out is required, in addition to a six-inch curb, resulting in a combined concrete surface measuring eighteen (18) inches in width.

D. Trees-Number, Location, and Type.

1. Trees may be planted in clusters along the street frontage and side and rear setbacks, if applicable.

2. Parking lot trees shall be planted to align with the ends of parking lot stripes (between cars) and away from light standards, in order to create adequate shade canopies, and avoid damage to tree trunks.

3. The selection of parking lot trees should emphasize the provision of summer shading of pavement and vehicles. Within a maximum of ten (10) years, parking lot trees shall shade a minimum of fifty (50) percent of parking space pavement during the summer months, between one and four in the afternoon. A maximum of fifty (50) percent of the parking lot trees may be deciduous unless otherwise approved by the community development department.

4. The selection of parking lot trees shall avoid trees with excessive litter, sap or fruit that could damage vehicles. (Ord. 808 § 2.8, 2010; Ord. 786 § 2, 2009)

9.17.070 Single-family residential development.

A. Plans for landscape construction or reconstruction of existing single family units, custom homes and model home complexes are subject to review by the Planning Division to ensure:

1. Conformance with prevailing building design guidelines, with pleasing visual aesthetics and water efficient design.

2. Use of xeriscape landscaping;

3. Use of approved landscape materials.

4. Use of approved “smart irrigation” controllers.

5. Irrigation systems minimize overspray onto structures or hard surfaces such as sidewalks, driveways and walls/fences.

6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. **Pervious pavement/surfaces are recommended to reduce water runoff.**

7. New and existing single family front yard setbacks include front and street side yard landscaping consisting predominantly of plant materials including shrubs, ground covers and required trees, except for necessary walks, drives and fences, not including weeds, as defined in Municipal Code Section 6.04, or concrete/hardscape materials.

8. Ground cover should be used to absorb runoff from rain or irrigation.

9. Reduction of hardscape/paving, incorporating permeable surfaces to reduce runoff.

10. The plant palette provided in the County of Riverside Guide to Friendly Landscaping is recommended to identify plants which can be used to establish an aesthetically pleasing and water efficient landscape.

B. Model homes are provided by a developer as examples of the housing product for sale within the subject tract. A xeriscape planting concept with a turfless front yard is incorporated for at least one of the models. The concept must be used in at least 25% of the production units. Promotional information on xeriscape-planting concepts is made available for prospective homebuyers.

C. For parking lot, walls, screening and other landscape requirements, see applicable sections of the title. (Ord. 616 § 2.2.27 (part), 2003)

9.17.080 Multifamily residential development.

A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. **The use of permeable surfaces is recommended for walks and patios to reduce water runoff.**

B. Trees shall be positioned such that trees are planted to shade paved areas and west- and south-facing windows for energy-efficient savings; coniferous or nonwinter deciduous trees are kept away from south-facing windows in order to allow for

heat gain during winter months. The larger sized trees should be placed at entries and accent areas.

C. Turf shall be limited and installed in useable gathering areas only with a maximum of twenty-five (25) percent. (Ord. 786 § 2, 2009)

9.17.090 Commercial, industrial, public and quasi-public development.

A. All required setback areas, exclusive of required walkways and driveways shall be landscaped. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. Gated and screened storage areas may be exempted from this landscape requirement per approval of the community development director.

B. A landscape buffer shall be provided on a nonresidential site when adjacent to residential uses to provide visual relief to the nonresidential side. Plant materials shall be selected so that at maturity (within ten (10) years), intermittent visual obstruction with no unobstructed openings greater than five feet in horizontal distance remain.

C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the **use of pervious surface areas that reduce water run off**. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

D. Additional parking lot trees shall be provided at one tree per thirty (30) linear feet of parking lot adjacent to the interior property.

E. Project entry drives shall incorporate enhanced landscaping (size and variety of vegetation) and pavement.

F. Projects with frontage abutting arterial streets shall be required to construct parkways in conformance with city standard engineering plans unless otherwise approved by the community development director.

G. Turf is limited to gathering areas only. (Ord. 786 § 2, 2009)

9.17.110 Erosion control/slope planting.

Erosion control landscape plans are required for all cut or fill slopes over three feet high. Landscaping provides erosion control while maintaining the aesthetic values of the hillside.

A. General/Design Requirements.

1. Landscape must establish or reinforce a design concept for the specific hillside area, while complimenting buildings and streetscapes.

2. Placement of plant materials shall reinforce the natural terrain and topography of the area.

3. Tree species and placement shall respect potential view sheds of neighboring properties.

4. Erosion control and fire prevention devices may be required depending on the degree and length of slope, soil type, etc.

5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, **draining to landscape or permeable surface areas that allow for water retention and absorption.**

6. Turf shall not be used for slope planting. Hydro seed and water efficient grasses not requiring regular mowing may be permitted per approval by the community development director.

7. Slopes that abut public streets/right-of-ways must also adhere to applicable portions of Section 9.17.090. (Ord. 786 § 2, 2009)

9.17.130 Water quality landscape designs.

Water quality landscapes are designed to encourage the use of landscape areas as a water treatment area incorporating small scale features across a site to assist in watershed hydrology functions.

A. Water treatment areas shall be no deeper than twenty four (24) inches visible within the landscape setback areas unless otherwise approved by the Community **& Economic** Development Director. Rock or other decorative material may provide for greater depth of the treatment areas. No fencing will be required around water treatment areas that do not exceed Building Code fencing requirements (currently twenty four (24) inches in visible depth.

B. Basins and treatment areas shall be landscaped to appear like a natural water feature.

C. Design and site considerations shall be aesthetically consistent with surrounding landscaping using a variation of plants and materials. (Ord. 786 § 2, 2009)

9.17. 150 Water Efficiency Requirements.

1. Refrain from hosing down driveways and other hard surfaces, except from health or sanitary reasons and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device or a low-volume, high-pressure cleaning machine equipped to recycle any water used.

2. Repair faucets, toilets, pipes and other potential sources of water leaks.

3. Irrigate landscape only between 9:00 p.m. and 6:00 a.m. This provision does not apply when:

- manually watering during the establishment period of a new landscape;
- temperatures are predicted to fall below freezing;
- for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

4. Refrain from watering or irrigating of any lawn, landscape or other vegetated area with potable water using a landscape irrigation system or watering device that is not continuously attended unless it is limited to no more than fifteen (15) minutes watering per day per station. This 15 minute limitation can be extended for:

- Landscape irrigation systems that exclusively use very low flow drip irrigation systems when no emitter produces more than two (2) gallons of water per hour.
- Weather based controllers or stream rotor sprinklers that meet a 70% efficiency.

Run-off or over watering is not permitted in any case.

5. Adjust and operate all landscape irrigation systems in a manner which will maximize irrigation efficiency and avoid over watering or watering of hardscape and the resulting run-off.

6. Refrain from watering or irrigating any lawn, landscape or other vegetated area that causes or allows excessive water flow or run-off onto an adjoining sidewalk, driveway, street, alley, gutter or ditch.

7. Do not use decorative fountains unless they are equipped with a recycling system.

8. Do not allow water to run while washing vehicles. Use a bucket or similar container and/or a hand-held hose equipped with a positive self-closing water shut-off device to avoid run-off into gutters, street or alleys.

9. When installing new landscaping, plant low-water demand trees and plants. Do not incorporate non-functional turf areas.

10. Refrain from watering during rain.

11. Direct all runoff from roofs and hardscape areas to landscaping areas or water capture systems.

12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

It is important to adhere to these measures to help maximize the impacts and prevent more stringent actions.

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MV00108119

Landscape Standards

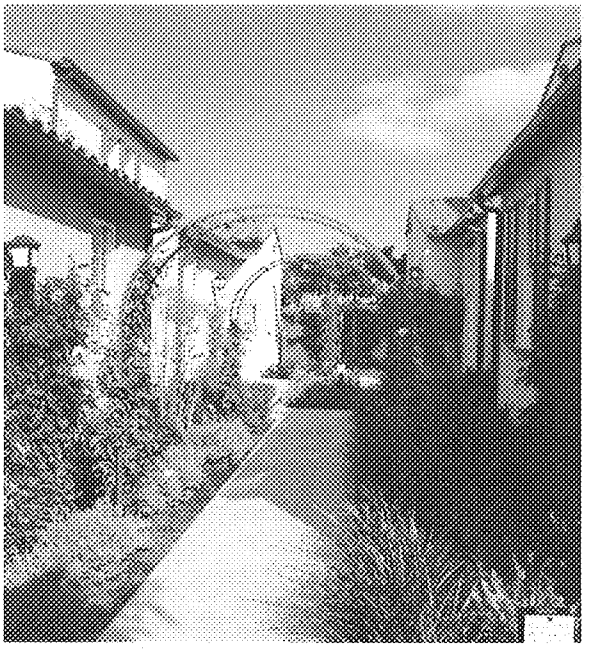

City of Moreno Valley

California

Single Family Residential

Front yards: 25% turf (maximum) with the remaining yard planted with shrubs, ground covers and required trees. Turf shall be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/ surfaces are recommended to reduce water runoff.

Trees: Street trees 40-ft on center (2-ft on private side of property line); minimum 1 tree per lot (see graphic on page 5).

Minimum: 1 tree on short frontage, 2 trees on long.

Shade trees: minimum one per lot in addition to street trees (see graphic on page 5).

Reverse Frontage parkways: see page 8-9

Erosion Control: see page 12

See Street tree list- pages 18-23 Landscape planting specifications: see pages 15-17.

Tree Size - see page 17

Multi-Family Residential

- Minimum 35% of site (exclusive of private yards and patios) shall be landscaped. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.
- Turf shall be limited and installed in useable gathering areas only with a maximum of 25%.
- All setback areas must be landscaped exclusive of drives and sidewalks.
- Street trees: 40-ft on center in the right-of-way (ROW).
- Landscape Trees: 1 tree per 30-ft linear building dimension for the portions of building visible from parking lot or ROW and 1 tree per 30-linear feet of perimeter planter areas.
- Residential 30: 1 tree per 20-ft linear perimeter building dimension for the portion of building visible from the parking lot or ROW and 1 tree per 20-linear feet of perimeter planting areas.
- Parking lot trees: provide trees pursuant to parking lot specifications.
- 25% of trees must be minimum 24 inch box.
- Off-street parking must be screened (3-ft high berm, shrubs or wall) from ROW. • Provide buffer landscaping (evergreen trees) adjacent to single family residential and commercial uses (maximum 5-ft openings at maturity [assumed 10-years]).
- Provide enhanced landscape and paving at entry drives.
- Encourage use of winter-deciduous trees at south facing elevations.
- Place larger trees as street trees, near the street ROW, entries, and focal points.
- Mass plantings for a pleasing effect with clustering of plant material of various heights.
- Incorporate plazas or paseos where possible.
- Incorporate water features, seating walls, benches, tables, trellises, sculpture, and other elements to establish social gathering places and integrated pedestrian network throughout development.
- Parking lots - see page 10 &11.
- Erosion Control - see page 12.
- Landscape planting specifications - see pages 15-17.
- See street tree list - pages 18-23.

Parking Lots

- Paved area of parking space may be reduced from 18 to 16 feet if there is an extra 2 feet of planter width beyond minimum requirement (see graphic pg.11).
- Provide tree and other plantings to provide a minimum 50% lot shading at maturity (assumed 10 years).
- Maximum 50% of trees shall be winter-deciduous. Evergreen trees are encouraged.
- Screen from streets (3 ft-high berm, shrubs or wall required) (see graphic on page 10).
- Design to minimize pedestrian crossing of landscape areas from street to buildings and parking.
- Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved.
- Provide minimum 6 inch-wide curb for planters adjacent to stalls; plus a 12-inch minimum step-out adjacent to long side of stall (total min. 18in concrete surface) (see graphic on page 11).

Provide planters:

- End Planters (with 2 trees/planter) at terminus of each aisle.
- Finger planters (with 1 tree/planter) every 12 stalls along building and perimeter of lot. Minimum dimensions –interior 5'x16'.
- Planters with parking along 1 side – 7 ft minimum curb face-to-curb face (including curb and step-outs).
- Planters with parking along both sides – 8 ft minimum curb face-to-curb face (including curb and step-outs).
- Diamond planters for double rows of parking (spaced minimum 1 per 6 stalls. For single loaded not adjacent to building, one diamond planter for every 3 spaces. Minimum dimensions – interior –25 SF with 5-foot width; exterior –6-ft curb face-to-curb face.
- Planters at perimeter of parking lot - Minimum 5 feet interior dimension, exclusive of footings, curbs, and step-outs (see graphic pg.11).
- Cluster excess trees along street frontage, and side/rear setbacks.
- Alternate planting arrangements may be considered if demonstrated to provide same number of trees, minimum planter areas and lot shading, as identified above.

Slopes and Erosion Control

- Establish or reinforce design concept adjacent to natural hillside area.
- Place plants to stabilize slope.
- Select species and placement to respect viewsheds.
- Provide a variety of planting materials; a weed-free hydro-seed mix (that provides some flowering color may be used in special circumstances: i.e. natural slope), groundcover, shrubs and trees. Turf shall not be used for slope planting. Water efficient grasses not requiring regular mowing may be permitted with approval. (The variety of planting will provide a variety of root depths which is key to soil stability on slopes.)

  Slopes 3-5ft: groundcover .

  Slopes 5-8ft: groundcover and shrubs.

  Slopes 8ft or greater: groundcover, shrubs, and trees.
- Provide rooted cuttings or liners, where visible from ROW or slopes greater than 30 feet high.
- Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.
- Plant in bands and clusters on the slope.
- Trees: provide one 15 gallon/500SF of landscaped area.
- Temporary irrigation may be required to establish landscaping.
- See irrigation - p. 25.
- Shrubs and groundcover - page 16.

Irrigation

- Automatic irrigation systems are required.
- Approved "smart"automatic irrigation control systems(labeled as evapotranspiration (E.T.) based) with rain sensing or soil moisture sensing devices are required.
- Provide backflow preventers, except for single-family residential.
- Do not use fixed risers, unless otherwise approved.
- Drip, bubbler systems and/or rotor sprays or stream roter sprinkler heads or similar efficient sprinklers are to be used wherever feasible. (Required adjacent to walls, buildings or structures, where they are to be located no closer than 24".)
- Spray-type sprinklers shall be used no closer than 5-feet from walls, buildings, or structures (spray must be 3-feet or less.)
- Irrigation lines must be buried if directed to building.
- Provide separate irrigation zones and sprinkler types for areas with different watering requirements.
- Do not use Atmospheric Vacuum Breakers at top of slope.
- Irrigation systems shall be designed, maintained and managed to meet the current irrigation efficiency standards as determined by the State of California Code of Regulations meeting the current evapotranspiration rate and the Annual Maximum Allowable Water Budget as determined by Eastern Municipal Water District.
- Irrigation systems shall be designed to eliminate overspray.
- Landscape irrigation shall be limited to the hours of 9:00 p.m. to 6:00 a.m.

PLANNING COMMISSION STAFF REPORT

Case:	PA10-0035 Amendment to Municipal Code 9.03 Residential Development 9.08 Grading 9.11 Parking, Pedestrian and Loading Requirements 9.16 Design Guidelines 9.17 Landscape Requirements
Date:	May 12, 2011
Applicant:	City of Moreno Valley
Representative:	Planning Division
Location:	City-wide
Proposal:	The proposed amendment is an update to the City's Municipal Code to implement new design standards to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit which is designed to minimize impacts from new development as well as redevelopment projects discharging urban waters entering Waters of the U.S. from municipal separate storm sewer systems which is regulated under the National Pollutant Discharge Elimination System (NPDES) permit.
Recommendation:	Approval

ATTACHMENT 5

PROJECT DESCRIPTION

This proposed amendment would modify various provisions of the Municipal Code Sections 9.03 Residential Development, 9.08, Grading 9.11, Parking, Pedestrian and Loading Requirements, 9.16, Design Guidelines, and 9.17 Landscape Requirements providing new design standards promoting green infrastructure/low impact development (LID) techniques to comply with the 2010 National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) Permit requirements with required compliance by July 29, 2011. Additionally, all projects are required to include "Best Management Practices" (BMPs) which provide measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States,

The primary changes include revising design requirements to promote on-site water retention and infiltration in an effort to clean the water of contaminants prior to the water being discharged from the site into storm drains and flood control channels which then enter receiving waters such as the Santa Ana Watershed. Hardscape areas increase the runoff and amount of water that needs to be cleaned by the water quality permit. The proposed site design requirements and preferences are intended to reduce the runoff and the costs associated with cleaning runoff.

In an effort to meet the goals and objectives of the permit requirements and include Best Management Practices into the site design, projects will be required to reduce the hardscape within the parking lots and on site hardscape areas by increasing the landscape areas, using pervious materials in the design, as well as providing additional curb cuts to convey the drainage into landscape areas for water quality retention and absorption.

Included are changes to Municipal Code sections 8.10 Storm Water/Urban runoff Management and Discharge Controls and 8.21 Grading Regulations with the addition of 8.21.200 Permeable Surface Design. The Public Works Department is responsible to ensure projects meet water quality requirements as well as site grading while complying with the MS4 permit requirements. These changes are included to be consistent through inter-departmental reviews. Municipal Code section changes to Title 8 are provided for consistency with Title 9, however, do not require any action from the Planning Commission.

Where applicable in all sections listed, Community Development Director/Department has been changed to Community & Economic Development Director or Community & Economic Development Department. Additionally, minor clerical items have been corrected for consistency.

The following are the proposed changes to the Municipal Code, Title 9 for Planning and Zoning.

9.03.040 Residential Development

CURRENT STANDARDS	PROPOSED CHANGES
Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent	Section F 5. In the RS10, R10, R15, R20 and R30 districts, a minimum of thirty-five (35) percent

of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials except for necessary walks and fences.	of the net site area, exclusive of private patio and yard areas, shall be landscaped. Turf shall not exceed fifty (50) percent of this area. Required setback areas and outdoor recreation areas may be counted toward this minimum. Landscaping shall consist predominately plant materials to include water efficient native plants, except for necessary walks and fences. Landscape areas shall be designed to promote water retention and allow runoff from impervious surfaces. Hardscape areas are recommended to be constructed with permeable surfaces where feasible to reduce run off.
6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community development director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.	6. Where a multiple-family project abuts property in a single-family district, a decorative masonry wall at least six feet in height and screening landscaping within a planter of at least five-foot interior width shall be erected and maintained between such uses and the single-family district. Decorative walls composed of block, brick, stone, stucco-treated masonry or concrete panels are acceptable. The Community & Economic Development Director may approve alternative materials, provided that the materials are decorative and comparable to masonry walls or concrete panels in durability and ability to attenuate light and sound.
Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving.	Section G 4. Multifamily parking lots shall be limited to two double aisles of cars to help reduce expanses of paving. Parking lots shall provide openings in curbs to convey surface drainage into landscape areas for water quality, retention and absorption.
Section G 12. Trash enclosures shall be designed to be compatible with the project's architecture, perhaps including roofs, treated walls, special doors and enhanced landscaping.	Section G 12. Trash enclosures shall include solid roofs and be designed to be compatible with the project's architecture.

9.08.080 Grading

CURRENT STANDARDS	PROPOSED CHANGES
Section A. Lots slope toward, rather than away from the street; unless otherwise approved by the city engineer.	Section A. Lots slope to landscape areas or permeable surfaces unless otherwise approved by the city engineer;
New standard.	Section M. Grading shall only be performed on the portion of the site where the building will be located and necessary improvements.

9.11 Parking, Pedestrian and Loading Requirements

9.11.010 Purpose and intent.

CURRENT	PROPOSED
Section E. Implement general plan circulation and energy conservation policies:(Ord. 359 (part), 1992)	Section E. Implement general plan circulation and energy conservation policies; and ~~(Ord. 359 (part), 1992)~~
New	Section F. Integrate water quality practices into parking lot design to improve post-construction water quality and reduce run off quantity conveyed to protect receiving waters.

9.11.040 Off-street parking requirements

CURRENT	PROPOSED
Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the minimum off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses	Section A. Automobile Parking Requirements. Off-street automobile parking shall be provided in accordance with the requirements of this chapter. The following tables set forth the required off-street parking requirements and certain notations for various residential, commercial, industrial, public and quasi-public uses. Parking provided above the amount of required off-street parking must be

	constructed with permeable surfaces and/or enhanced landscaped retention and absorption areas;
911.040 A-12 Table The table states the minimum requirement for parking based on the use.	The table will state the "required" parking based on the use.

9.11.060 Off-street bicycle parking requirements

CURRENT	PROPOSED
Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition	Section D 3. All bicycle parking and storage areas shall be surfaced so as to keep the area in a dust-free condition. Pervious pavement is recommended.

9.11.080 Design standards.

CURRENT	PROPOSED
New	25. Parking lot design shall include openings in curbs to convey water run off into landscape areas for water quality, retention and absorption. permeable surfaces are recommended where feasible and required for parking areas provided in excess of City requirements.
Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be a minimum of nine feet in width eighteen (18) feet in depth (see Figure 9.11.080-5).	Section B 3. Uncovered Spaces, Full-Size. Each full-size uncovered space shall be nine (9) feet in width and sixteen (16) feet in depth of paved area and two feet of landscaped depth in excess of the adjacent landscape requirement. Spaces may be eighteen (18) feet of paved ~~in~~ depth with no additional landscape depth subject to approval by the Planning Official. (The two feet of additional landscape may not be included in the required landscape setback). (see Figure 9.11.080-5).
~~Figure 9.11.080-5~~	Figure 9.11.080-5 modified to reflect 16 feet Nonparallel Parking Spaces

~~Figure 9.11.080-6~~	Figure 9.11.080-6 Parking Space Striping Requirements modified to reflect both 16 feet and 18 feet in depth parking spaces labeled as 911.080-6A and 9.11.080-6B
Section C 1. Drainage. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.	Section C 1. Drainage. Parking lots shall be designed to drain into landscape planters using openings in curbs and site grading. All parking facilities, except those serving two or fewer dwelling units, shall be graded and provided with drainage facilities so as to provide for the disposal of water without surface flow over sidewalks within public rights-of-way.
Figure 9.11.080-6	Figure 9.11.080-6. Parking Space Striping Requirements-- modified to reflect parking space dimension requirements.
Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer.	Section E. 1. All permanent automobile and disabled parking spaces, loading and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or other all-weather surfacing, as approved by the city engineer. Every effort should be made to use permeable surfaces to reduce water run off. All parking areas in excess of the requirements of the Municipal Code shall use pervious pavement and/or increased landscape water retention and absorption areas.

9.11.100 Circulation-Pedestrian

CURRENT	PROPOSED
Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation.	Section A. Pedestrian walkways shall be provided to reduce pedestrian/vehicle conflicts. Decorative paving and bollards can help provide safety and separation. The use of

	permeable paving surfaces is recommended where feasible.

9.16 Design Guidelines

9.16.010 Introduction and scope of guidelines.

CURRENT	PROPOSED
~~Section A.~~ ~~The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines represent the Community Development Director's, the planning commissions and the city council's policy with respect to the quality of design expected for all projects within the city. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.~~	Section A. The city of Moreno Valley design guidelines are intended to promote quality site planning and architecture without restricting innovation or creativity. These guidelines provide the City's policy with respect to the quality of design expected for all projects. However, it is recognized that each project represents a unique development opportunity which is intended to be enhanced by the guidelines, not stymied by them. Compatibility with surrounding development is emphasized to achieve a unified and sensitive appearance, but variety and distinctiveness in design and architectural styles are encouraged.

9.16.110 Objectives, generally.

CURRENT	PROPOSED
Section C. 6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment,	Section C. 6. Providing for conservation of natural resources through building orientation, site amenities and architectural treatment, including water quality features integrated into the site design such as water retention and absorption areas and the use of permeable surfaces to reduce water run off;
7. Working in concert with the city's landscape guidelines as adopted by	7. Working in concert with the city's landscape requirements. ~~guidelines as~~

Ordinance No. 247.	~~adopted by Ordinance No. 247.~~

9.16.120 General guidelines.

CURRENT	PROPOSED
Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view.	Section A. 16. Roofs should be designed to be attractive when viewed from adjacent buildings or roadways. Roof-mounted equipment shall be concealed from public view. Roof drains shall be integrated into the building design for aesthetics and shall convey water to landscape areas for water quality.
7. Working in concert with the city's landscape guidelines as adopted by Ordinance No. 247.	7. Working in concert with the city's landscape requirements. ~~guidelines as adopted by Ordinance No. 247.~~

9.16.130 Single-family residential.

CURRENT	PROPOSED
Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access.	Section B. 10. Storage of recreational vehicles, boats and campers should be provided for residents by either an enlarged side yard setback to allow access to the rear yard or an off-site storage area, both of which are to be out of public view. Residential units should be designed with the larger side yard, a minimum of ten (10) feet, on the garage side of the structure for storage/yard access. Permeable surfaces are required for such areas within required setbacks.
11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements.	11. Driveways shall be placed to maximize off-street parking opportunities and still maintain minimum landscape requirements. Permeable surfaces are recommended where feasible.

9.16.140 Multifamily residential shall be deleted in its entirety.

The multifamily residential design guidelines were incorporated into section 9.03.040 of the Municipal Code which was approved September 22, 2009.

9.16.150 Commercial (retail, office, mixed use).

CURRENT	PROPOSED
Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be located inside the exterior walls of a structure.	Section B. 28. All rooftop equipment shall be part of the project design or be screened and located out of view from the pedestrian level, public rights-of-way, adjacent freeways and neighboring structures. Flat-roof drainage pipes shall be integrated into the project design and drain into a landscape area for water quality, retention and absorption to reduce water run off.

9.16.160 Business park/industrial.

CURRENT	PROPOSED
Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided (Ord. 359 (Attach. 2 (part)), 1992)	Section B. 14. Courtyards for resting, gathering and eating by employees shall be provided. Permeable surfaces are recommended where feasible. (Ord. 359 (Attach. 2 (part)), 1992)

9.16.220 Roadway Circulation.

CURRENT	PROPOSED
Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach. 2 (part)), 1992)	Section E. Combinations of collective private driveways, cluster parking areas and off-street parking bays (including pervious paving where feasible) are encouraged to minimize paved areas. (Ord. 773 § 3, 2008; Ord. 359 (Attach.

	2 (part)), 1992)

9.16.235 Hillside Development.

CURRENT	PROPOSED
Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.	Section A 2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline. Permeable surfaces are recommended where feasible.

9.17 Landscape and Water Efficiency Requirements

9.17.050 Parking and drive-through landscape areas.

CURRENT	PROPOSED
Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:	Opening paragraph: Landscaping in parking and drive-through areas shall be designed to provide safety and comfort for both drivers and pedestrians, to provide shade, reduce heat-gain, reduce air pollutant emissions, promote areas for water retention and evapotranspiration, allow runoff from impervious surfaces, and to enhance the visual quality of the project and the city. The design shall reduce auto noise, light and glare, and ambient temperatures through the use of canopy trees. The following standards apply:
3. Continuous curbing is used whenever possible; wheel stops shall not be permitted unless approved by the community development director. Openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality.	3. Curb cut openings must be provided to permit parking lot drainage to enter landscape areas for retention and water quality. Wheel stops shall not be permitted unless approved by the Community & Economic Development Director.

9.17.070 Single family residential development.

CURRENT	PROPOSED
6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback.	6. The front yard area have a maximum of 25% turf with the remaining yard planted with shrubs, ground covers and required trees. Turf should be planted in gathering areas only. Pavement and other solid surfaces shall not cover more than half of the required front yard setback. Pervious pavement/surfaces are recommended to reduce water runoff.

917.080 Multifamily residential development.

CURRENT	PROPOSED
Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls.	Section A. A minimum of thirty-five (35) percent of the site area, exclusive of private patio and yard areas, shall be landscaped. Required setback areas and outdoor recreation areas may be counted towards this minimum, but not public rights-of-way. Landscape areas consist predominately of plant materials, except for necessary walks and fences/walls. The use of permeable surfaces is recommended for walks and patios to reduce water runoff.

9.17.090 Commercial, industrial, public and quasi-public development.

CURRENT	PROPOSED
Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged. Such areas should incorporate focal points such as	Section C. In addition to the required street trees, trees shall be planted at the equivalent of one tree per thirty (30) linear feet of building dimension that is visible from the parking lot or public right-of-way. Trees may be massed for pleasing aesthetic effects. The creation of plaza or paseo areas is encouraged, including the use of permeable surface areas that

water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.	reduce water run off. Such areas should incorporate focal points such as water features or specimen trees and establish a social gathering place with such elements as tables, benches, and seating walls.

917.110 Erosion control/slope planting.

CURRENT	PROPOSED
5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability.	5. Slope areas shall be planted in a manner to ensure adequate vegetation coverage and slope stability, draining to landscape or permeable surface areas that allow for water retention and absorption.

917.150 Water efficiency requirements.

CURRENT	PROPOSED
New	11. Direct all runoff from roofs and hardscape areas to landscaping areas.
New	12. Water capture systems are encouraged subject to the requirements of the Eastern Municipal Water District.

ENVIRONMENTAL

The project is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 as defined by Section 15378 of the CEQA Guidelines. The amendment does not have the potential to cause a significant effect on the environment.

NOTIFICATION

A 1/8 page public notice was published in the local newspaper Saturday, April 30, 2011.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 (Municipal Code Amendment); and,

2. **RECOGNIZE** that PA10-0035 (Municipal Code Amendment) qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

Prepared by:	Approved by:
Julia Descoteaux Associate Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-11
3. 9.03.040 Residential Development
4. 9.08.080 Grading
5. 9.11 Parking Pedestrian and Loading
6. 9.16 Design Guidelines
7. 9.17 Landscaping

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MV00108139

PUBLIC HEARING ITEMS

1. Case Number: PA10-0035
Amendment to Municipal Code for Water Quality Requirements

Case Planner: Julia Descoteaux, Associate Planner

VICE CHAIR BAKER - Julia, you're up.

ASSOCIATE PLANNER DESCOTEAUX – Good evening Planning Commissioners. I'm Julia Descoteaux, Associate Planner. Before you this evening is an Amendment to the City's Municipal Code, Title 9 for Planning and Zoning. The proposed changes are a result of compliance with the 2010 National Pollutant Discharge Elimination System or NPDES, Municipal Separate Storm Sewer MS4 Permit, with compliance required by July 29th, 2011. The MS4 Permit Requires that the City promote green infrastructure/low impact development LID techniques for all projects. The primary changes include revising design requirements to promote onsite water retention and infiltration in an effort to clean water of contaminants prior to the water being discharged from the site into the storm drains or flood control channels which then enter receiving waters such as the Santa Ana Watershed. The proposed changes include the use of water efficient native plants, landscape areas increased and designed to promote water retention, the use of permeable surfaces, having openings in the curbs to convey surface drainage into landscape areas, require parking in excess of the required parking to be constructed of permeable surfaces, reducing the depth of the parking stalls and increasing the landscape, reducing the hardscape areas and the use of permeable surfaces wherever feasible. The Planning Division works with the Applicants and the design requirements, however the Public Works Department is responsible to ensure that the projects meet water quality requirements as well as site grading while complying with the MS4 Permits and they will be providing changes to Municipal Code Section 8.10, which does not require Planning Commission approval. The project does not have the potential to cause a significant effect on the environment, so the project is exempt from the provisions of the California Environmental Quality Act in accordance with Section 15061 as defined by Section 15378. The project was noticed in the local newspaper and to date I have had no inquiries on the proposed changes. There were several changes to the report and I believe you received a green memo regarding that and all sections were appropriate. The word pervious will be replaced with the word permeable in an effort to be consistent with the proposed changes to Municipal Code Title 8 and in addition, Section 9.08.080, the Grading Section, the addition of letter "M" will be deleted from the Attachment 4 on page 100 and on page 70, number 4. This concludes Staff's presentation and at this time I am available to answer any questions for you. Thank you.

ATTACHMENT 6

VICE CHAIR BAKER – Okay, thank you Julia. Do we have any Commissioner questions?

ASSOCIATE PLANNER DESCOTEAUX – Excuse me…Kent Wegelin is also here to answer questions on the NPDES that you might have as well.

VICE CHAIR BAKER – Okay, thank you

COMMISSIONER VAN NATTA – Did I understand you to say that instead pervious we are using permeable and those changes have already been made in this document?

ASSOCIATE PLANNER DESCOTEAUX – No, I'll be making those

COMMISSIONER VAN NATTA – Oh okay, thank you

VICE CHAIR BAKER – Commissioner Salas, do you? Commissioner Owings, are you okay with this? Do have any comments?

COMMISSIONER OWINGS – No comments; no questions.

VICE CHAIR BAKER – Okay, very good. So we will open this item up to Public Testimony. I have no Speaker Slips on this Item No. 1 from the public, so I'll close Public Testimony and we will open Commissioner's Debate for discussion and if there is any additional discussion on this before we move for a motion and second. Okay, everybody is okay so I will move for a motion and second. On this particular one here, Julia one thing we need to know on that Resolution No., there is 2011… do you know that actual number so we can put that in the minutes.

ASSOCIATE PLANNER DESCOTEAUX – It is 11

VICE CHAIR BAKER – It is 2011-11?

ASSOCIATE PLANNER DESCOTEAUX – Yes

VICE CHAIR BAKER – Okay so whoever makes a motion here, what we need to do is make a motion to approve this resolution and then recommend to the City Council to approve the PA and then recognize the PA10-0035 okay. Do I have a motion for this?

COMMISSIONER VAN NATTA – Okay I move that we **APPROVE** Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 Municipal Code Amendment; and,

2. **RECOGNIZE** that PA10-0035 Municipal Code Amendment qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

VICE CHAIR BAKER – Thank you Commissioner Van Natta. Do I have a second?

COMMISSIONER SALAS – I'll second that

VICE CHAIR BAKER – Commissioner Salas will second that. Let's have a vote; all those in favor?

Opposed – 0

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Okay, wrap up

PLANNING OFFICIAL TERELL – Yes this item shall be forwarded to the City Council for final action and I believe that is scheduled like you said for June 14th.

VICE CHAIR BAKER – Okay, thank you very much. Okay we're going to move onto Item No. 2

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MV00108143

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: HEARING ON PROPOSED RESOLUTION OF NECESSITY, TO MAKE FINDING AND DETERMINATION AND TO AUTHORIZE EMINENT DOMAIN PROCEEDINGS TO ACQUIRE NECESSARY RIGHT OF WAY FOR THE PERRIS BOULEVARD WIDENING FROM IRONWOOD AVENUE TO MANZANITA AVENUE PROJECT - PROJECT NO. 11-41570225

RECOMMENDED ACTION

Staff recommends that the City Council

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing.

2. Approve and adopt the Planning Division's finding that the Project is consistent with the General Plan.

3. Find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt.

4. Find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity.

5. Find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct.

6. Adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024].

7. Direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders.

BACKGROUND

This project is to widen and improve Perris Boulevard from Ironwood Avenue to Manzanita Avenue to an arterial street standard with a curb-to-curb width of 76 feet (76') to 86 feet (86') within a 100 feet (100') to 110 feet (110') right of way. The proposed Perris Boulevard improvements will include curb, gutter, sidewalk, pavement, traffic signal modifications, one new traffic signal, streetlight relocations, signing and striping, and related road improvements. Additionally, right of way acquisition is required for areas where the ultimate street right of way has not been previously obtained.

On September 9, 2008, the environmental document, which was a Mitigated Negative Declaration (MND), was approved by City Council. On September 11, 2008, the Notice of Determination for the MND was filed with the Riverside County Clerk.

In Closed Session on June 1, 2010, the City Council approved appraisals for the fair market value of the right of way for ten (10) properties sought to be acquired, and the City Council authorized staff to proceed with negotiations to purchase all required right of way.

DISCUSSION

The City has been progressing in the steps necessary for the completion of design and acquisition of right of way in order to begin construction of the Project by November

2011. Offer letters required under Government Code § 7267.2 were sent to the property owners for acquisition of easements necessary for the Project. To date the City has acquired easements from all but three of the property owners. City staff is continuing good faith negotiations in an attempt to reach agreement with the remaining property owners, who own the properties identified by APN 474-064-001 (Bernard and Martha Bueche), APN 474-120-008 (Geoffrey and Abira Breskal), and APN 474-120-024 (RPV Investment Group, LLC / Perris Boulevard Trust #11846). If the City is successful in acquisition of the necessary easements through negotiations with any of the remaining three of the property owners, the City can immediately discontinue the eminent domain process for the respective property.

At the hearing on the proposed Resolution of Necessity, the City Council will consider evidence presented by staff, property owners and other interested parties and decide if the requirements set out below are met. The Council may elect to adopt the Resolution of Necessity by a two-thirds vote of all members of the City Council. The amount of compensation to be paid will not be an issue at the hearing nor in determining whether to adopt the Resolution of Necessity. The issues the City Council must consider to adopt the Resolution of Necessity are whether:

(a) The public interest and necessity require the Project (Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue).

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

(c) The properties sought to be acquired are necessary for the Project.

(d) The offers required by Government Code § 7267.2 have been made to the owners of record.

Staff has carefully analyzed the requirement for the proposed Project and, based on that analysis has concluded the acquisition of the roadway easement as identified in the proposed Resolution of Necessity are necessary to implement the Project. Staff recommends acquiring three remaining easements, as Perris Boulevard is a major arterial gateway to the City and a critical segment that will benefit residents, commuters, and the City as a whole.

It is also necessary that the Council find that the adoption of the proposed Resolution of Necessity and acquisition of the roadway easement necessary for the Project are exempt from CEQA under § 15061 (b) (3) of the CEQA Guidelines. It has been determined that the proposed activity is within the scope of and is consistent with the approved MND prepared for the Project.

Recent changes in the state eminent domain law have increased the advance time necessary to obtain possession prior to judgment. In order to commence construction work in or about November 2011, the City Council will have to authorize counsel to deposit funds equal to the appraised fair market value of the interests to be acquired and to seek and obtain orders for possession prior to judgment. The properties in

question are either a vacant residential lot or are improved with single family residences and no residents, business, or agricultural use will be displaced by the action.

Staff is requesting the adoption of the proposed Resolution of Necessity for the properties authorizing the filing of eminent domain proceedings, obtaining orders for the deposit of funds for the probable amount of compensation and seeking orders for possession prior to judgment to allow the work to proceed in a timely manner. Staff is providing the City Council with a proposed "Factual Summary to Support Findings Required in the Resolution," attached to this report as Attachments "B" to support the findings necessary for the adoption of the Resolution of Necessity.

ALTERNATIVES

1. Conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Close the hearing, approve and adopt the Planning Division's finding that the Project is consistent with the General Plan, find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt, find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity, find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct, adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024], and direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders. *This alternative will allow the filing of an eminent domain(s) action to acquire properties necessary so the Project will proceed without interruption.*

2. Do not conduct hearing, allowing testimony, including property owners who have requested the right to appear and be heard. Do not close the hearing, do not approve and adopt the Planning Division's finding that the Project is consistent with the General Plan, do not find the adoption of the proposed Resolution of Necessity and acquisition of the roadway easements necessary for the Project are exempt from CEQA in that under §15061 (b) (3) of the CEQA Guidelines, this activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant impact on the environment and it can be seen with certainty that there is no possibility this activity would have a significant effect on the environment. Further, it has been determined that the proposed activity is within the scope of and is consistent with the approved Mitigated Negative Declaration (MND) prepared for the Project, that there have been no changes to the approved Project since the approval of the MND, and no changes to the circumstances under which the Project is to be undertaken that would alter the determination the Project is exempt, do not find that the proposed "Factual Summary to Support Findings Required in the Resolution," is true and correct as to the proposed Resolution of Necessity, do not find and determine that the statement, finding, and fact in the proposed Resolution of Necessity are true and correct, do not adopt the following Resolution by a vote of two-thirds of all members of the City Council, Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easements In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024], and do not direct the City Attorney or retained counsel for the City to file appropriate actions in Eminent Domain, including Making Deposits of Probable Compensation and for Orders for Prejudgment Possession and for all other appropriate orders. *This alternative will delay the construction of needed improvements.*

FISCAL IMPACT

The Court action(s) authorized by the proposed Resolution of Necessity will require a deposit of funds equal to the amounts of the projected just compensation for the roadway easement sought in the eminent domain action (the probable compensation). The final just compensation will be determined through further negotiations and settlement or by the final disposition of the court proceeding through entry of judgments and final orders of condemnation in the action after trial. Additional court costs, appraisal, and legal expenses for the eminent domain filing will also accrue.

Transportation Uniform Mitigation Fee (Fund 415 – TUMF) provides a 51.8% reimbursement to the City's 48.2% matching funds from Fund 416 – DIF Arterial Streets

and Fund 417 – DIF Traffic Signals for the Design and Right of Way phases of this project. These funds have been allocated for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue and cannot be utilized for operational activities. There is no impact to the General Fund.

Acquisition costs were budgeted in FY 2010/2011. The costs to proceed with filing the Resolution of Necessity can be paid from the existing budget. If the property goes to trial, the expenses for such will be estimated and addressed at the appropriate time.

BUDGETED FUNDS FOR FISCAL YEAR 2010/2011

TUMF (Account No. 415.70225)	$549,400
DIF Arterial Streets (Account No. 416.78726)	$569,800
DIF Traffic Signals (Account No. 417.79226)	$19,500
Total Funding	$1,138,700

ESTIMATED DESIGN/RIGHT OF WAY COSTS

Remaining Design Costs	$250,000
Right of Way & Utility Relocation	$600,000
Total Estimated Costs	$850,000

ANTICIPATED PROJECT SCHEDULE

Complete Right of Way Acquisition Phase*	September 2011
Construction Start Date**	November 2011
Construction End Date	November 2012

*Contingent upon agreement with remaining property owners
**Contingent on obtaining all right of way via agreement or eminent domain and obtaining full construction funding from Riverside County Transportation Commission (RCTC)

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff is requesting the above recommended actions relating to and including adoption of the Resolution of Necessity to authorize eminent domain proceedings for the Project because settlements with all property owners have not been reached to date.

ATTACHMENTS/EXHIBITS

Attachment "A" - Resolution No. 2011-58, A Resolution Of The City Council Of The City Of Moreno Valley, California, Finding And Determining That The Public Interest And Necessity Require The Acquisition Of Property For Public Street And Highway Purposes Including Related Improvements And Facilities; That The Acquisition And Taking Of The Easement In The Herein-Described Property Is Necessary For The Project; That The Project Is Planned In A Manner That Is Most Compatible With The Greatest Public Good And The Least Private Injury; Authorizing Proceedings To Be Commenced In Eminent Domain; And Authorizing The Deposit Of Necessary Funds And The Payment Of Necessary Expenses And Fees For Acquisition Of Said Property; And Authorizing Counsel To Obtain An Order For Prejudgment Possession Of The Subject Properties [APN NOs: 474-064-001, 474-120-008, and 474-120-024]

Attachment “B” - Factual Summary to Support Findings Required in of the Resolution of Necessity

Attachment “C” - Location Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
John Terell
Planning Division Manager/Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Viren - 11-41570225 - Perris Blvd.- Ironwood to Manzanita & TS\CC Reports\Staff Report - Resolution of Necessity\Staff Report - Resolution of Necessity 061411 CC Report.doc

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MV00108151

RESOLUTION N0. 2011-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PROPERTY FOR PUBLIC STREET AND HIGHWAY PURPOSES INCLUDING RELATED IMPROVEMENTS AND FACILITIES; THAT THE ACQUISITION AND TAKING OF THE EASEMENT IN THE HEREIN-DESCRIBED PROPERTY IS NECESSARY FOR THE PROJECT; THAT THE PROJECT IS PLANNED IN A MANNER THAT IS MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AUTHORIZING PROCEEDINGS TO BE COMMENCED IN EMINENT DOMAIN; AND AUTHORIZING THE DEPOSIT OF NECESSARY FUNDS AND THE PAYMENT OF NECESSARY EXPENSES AND FEES FOR ACQUISITION OF SAID PROPERTY; AND AUTHORIZING COUNSEL TO OBTAIN AN ORDER FOR PREJUDGMENT POSSESSION OF THE SUBJECT PROPERTY.

WHEREAS, notice and a reasonable opportunity to appear and be heard has been given to the persons who appear to be the owners of the hereinafter described parcels of property in accordance with CCP Section 1245.235, relating to whether the public interest and necessity require the herein-described project; the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and the property sought to be acquired is necessary for the project; and said hearing was held and conducted before the City Council on June 14, 2011, at the time and place indicated in the notice of hearing; and

WHEREAS, the City Council has considered all matters necessary to be considered and duly presented at said hearing; and

WHEREAS, at least two-thirds of the City Council do hereby vote to adopt this Resolution;

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

Section 1. Pursuant to the provisions of the California Constitution, including Article I, Section 19 thereof, and as authorized by Government Code, Sections 37350, 37350.5, 37351, 40401 and 40404 and pursuant to the applicable provisions of California Code of Civil Procedure, Sections 1230.010, et seq, and other applicable provisions of law, the City of Moreno Valley is authorized to acquire the permanent

easement interests in the parcels of real property which are shown on the map attached hereto; and described more fully in the description set forth in Exhibit "A" - Right of Way Easement attached hereto; said real property sometimes being hereinafter referred to as "the property" and more commonly known as Assessor's Parcel Nos. 474-064-001, 474-120-008, and 474-120-024. And said Exhibit, as attached hereto and incorporated herein by this reference, describe the general location and extent of the parcels of property, including the easement interests therein, being taken.

Section 2. Acquisition of the hereinabove described parcels of property sought to be condemned herein or of one or more interest therein, is for a public use, to wit: for the widening and improvement of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, for street and highway purposes, for construction, reconstruction, operation, removal, replacement, widening, relocation, repair and maintenance of public street and highway and incidental improvements, uses and purposes, including drains, sewers and utilities, and all improvements described in the construction plans, including any modifications thereof, and for uses and purposes consistent therewith and related thereto, and including, without limitation by this reference, the right to enter upon and for ingress and egress upon, to and from said parcel of property, said proposed acquisition and use being hereinafter referred to as "the Project".

Section 3. The interests in the parcels of property sought to be condemned herein, which constitutes only a portion of a larger parcel of property, is described herein, and the Property is situated in the City of Moreno Valley, County of Riverside, State of California.

Section 4. The City Council further hereby declares, finds, determines and resolves as follows:

(a) The public interest and necessity require the Project;

(b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) The Parcels of Property, or the interest to be acquired therein, is necessary for the Project; and

(d) The offer required by Government Code §7267.2 has been made to the property owner or owners of record.

Section 5. In the event any of the Property or the interests to be acquired therein is already appropriated to an existing and different public use, the City Council hereby finds that the herein-described public use or uses are more necessary than said existing public use, and acquisition hereby is permitted under the provisions of California Code of Civil Procedure, Sections 1240.610, et seq.

Section 6. The City Attorney is authorized to make such minor changes in the descriptions of the Property, and in the pleadings to be filed which have been authorized herein, as deemed necessary, for the conduct of the condemnation action or other proceedings required to acquire the Property.

Section 7. The City Council finds and determines that the purposes for which the above-described property is to be taken are public purposes and the uses therefor are authorized by law, and the taking of said property or property interest is necessary to such uses.

Section 8. The City Council hereby authorizes and directs the preparation and prosecution of proceedings in the name of the City of Moreno Valley in the Superior Court of the State of California, for the County of Riverside, or in any other court having jurisdiction thereof, as may be necessary for the acquisition of the Property and property interests by condemnation in accordance with the provisions of the Constitution and laws of the State of California relating to eminent domain, to obtain easements in, over, under, across, along, through, and within the Property, as described herein, and to obtain an order permitting the City, as plaintiff, to take immediate possession of the Property for use in construction and completion of the Project, and to obtain all other proper orders and judgment as may be necessary.

Section 9. The City Attorney, and/or the firm retained as counsel to represent the City in the proceedings, are hereby authorized to prepare and prosecute in the name of the City such proceeding or proceedings as are necessary to such acquisition; and to prepare and file such pleadings, briefs and other documents, and to make such arguments and to take such actions as may be necessary in the opinion of said attorneys to acquire for said City possession including prejudgment possession and title and ownership of the Property and real property interests sought herein. Said attorneys are specifically authorized to take whatever steps and procedures are available to them under the eminent domain law of the State of California (Code of Civil Procedure, Title 7, Chapters 1-12, Sections 1230.010 and following).

Section 10. Deposit in court and payment of money out of proper funds of the City for probable just compensation according to law, for jury fees, reporter's fees, and other litigation expenses, is hereby authorized.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____

Richard Stewart, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

Resolution No. 2011-58
Date Adopted: June 14, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Resolution No. 2011-58
Date Adopted: June 14, 2011

EXHIBIT "A"
RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-064-001

PARCEL 1

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 2, 2005 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2005-0727587 OF OFFICIAL RECORDS, BEING A PORTION OF THE SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 89°31'02" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY) AND THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), BEING A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

1st : NORTH 00°19'45" WEST, A DISTANCE OF 45.95 FEET TO A POINT ON A 2250.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 78°11'33" EAST; THENCE LEAVING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY),

2nd : SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°11'27", AN ARC DISTANCE OF 46.76 FEET TO A POINT ON SAID SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32; THENCE ALONG SAID SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

3rd : SOUTH 89°31'02" WEST, A DISTANCE OF 8.83 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 207 SQUARE FEET (0.005 ACRES), MORE OR LESS.

PARCEL 2

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED SEPTEMBER 2, 2005 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2005-0727587 OF OFFICIAL RECORDS, BEING A PORTION OF THE SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 89°31'02" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), BEING A LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32, NORTH 00°19'45" WEST, A DISTANCE OF 123.22 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG SAID LINE PARALLEL WITH AND 30.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

1st : NORTH 00°19'45" WEST, A DISTANCE OF 11.78 FEET TO THE NORTHWEST CORNER OF SAID SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32; THENCE LEAVING SAID EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG THE NORTHERLY LINE OF SAID SOUTHERLY 135 FEET OF THE WESTERLY 154.5 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 32,

2nd : NORTH 89°31'02" EAST, A DISTANCE OF 9.56 FEET; THENCE

3rd : SOUTH 38°40'40" WEST, A DISTANCE OF 15.19 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 56 SQUARE FEET (0.001 ACRES), MORE OR LESS.

THE BASIS OF BEARINGS FOR THESE LEGAL DESCRIPTIONS IS THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN AS SHOWN ON RIVERSIDE COUNTY PARCEL MAP NO. 13152, RECORDED DECEMBER 26, 1979 IN PARCEL MAP BOOK 73, PAGE 61, I.E. NORTH 00°19'45" WEST.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 18, 2009

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
EXPIRES 06-30-10
No. 5758
STATE OF CALIFORNIA

EXHIBIT "A"

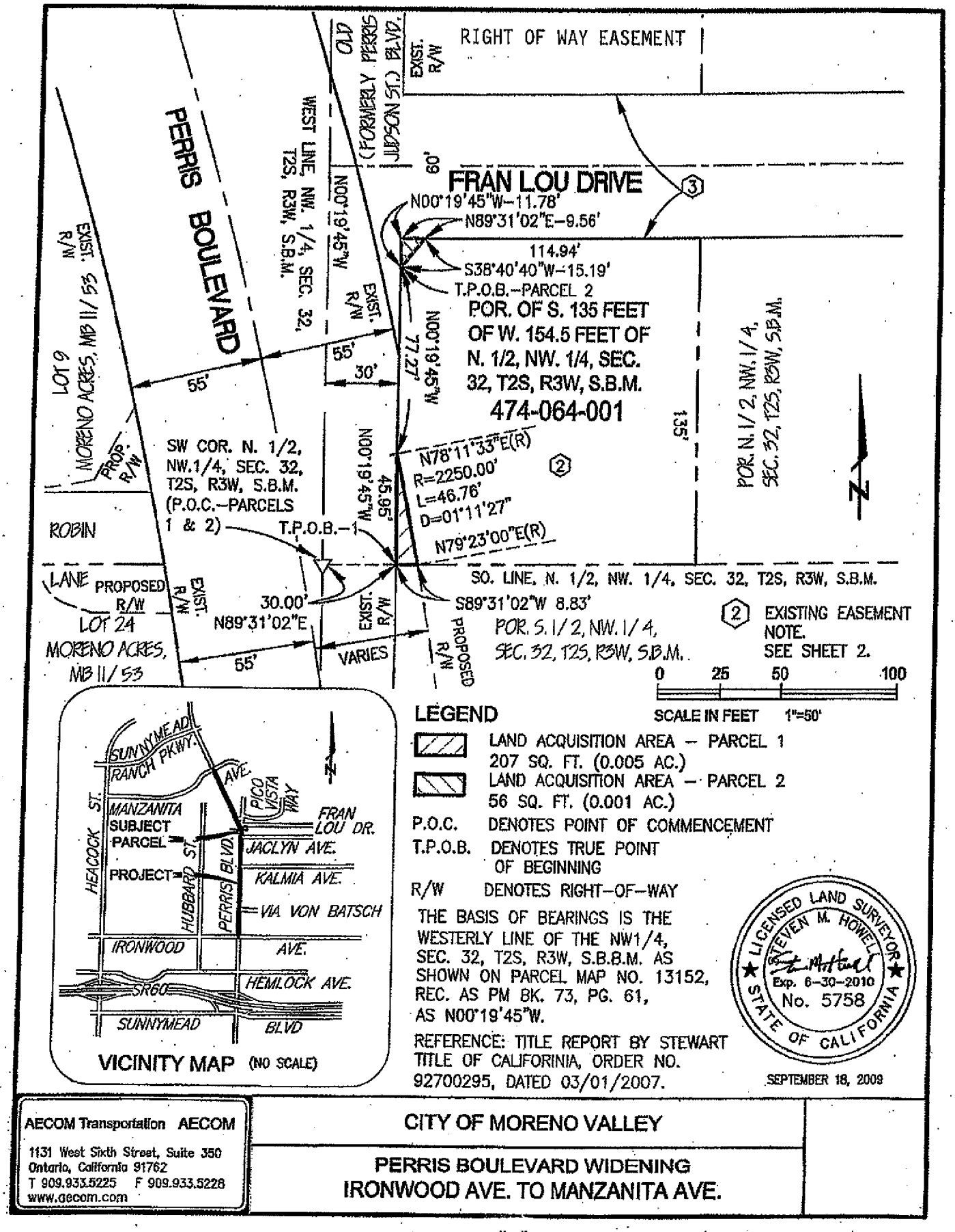

EXHIBIT "A"

Item No. E.7

MV00108158

EXHIBIT "A"

RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-120-008

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED FEBRUARY 29, 2008 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2008-0099852 OF OFFICIAL RECORDS, BEING A PORTION OF THE WEST 180 FEET OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE QUARTER CORNER OF SAID SECTION 32, TOWNSHIP 2 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, BEING A POINT ON THE CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY); THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 32 AND SAID CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), SOUTH 00°00'51" EAST, A DISTANCE OF 1155.47 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE LEAVING SAID WESTERLY LINE, ALONG THE SOUTHERLY LINE OF SAID NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, NORTH 89°53'24" EAST, A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY) ON THE FOLLOWING COURSE;

1st: NORTH 00°00'51" WEST, A DISTANCE OF 165.07 FEET TO A POINT ON THE NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE LEAVING SAID EASTERLY LINE OF SAID PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY), ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32,

2nd: NORTH 89°53'42" EAST, A DISTANCE OF 40.00 FEET; THENCE LEAVING SAID NORTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32, ALONG A LINE PARALLEL WITH AND 70.00 FEET EASTERLY OF SAID WESTERLY LINE OF SAID SOUTHWEST QUARTER OF SECTION 32 AND SAID CENTERLINE OF PERRIS BOULEVARD (60 FOOT RIGHT-OF-WAY),

3rd: SOUTH 00°00'51" EAST, A DISTANCE OF165.06 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32; THENCE ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32,

4th: SOUTH 89°53'24" WEST, A DISTANCE OF 40.00 FEET TO THE **TRUE POINT OF BEGINNING.**

CONTAINING 6,603 SQUARE FEET (0.152 ACRES), MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 16, 2009

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
EXPIRES 06-30-10
No. 5758
STATE OF CALIFORNIA

EXHIBIT "A"

RIGHT OF WAY EASEMENT

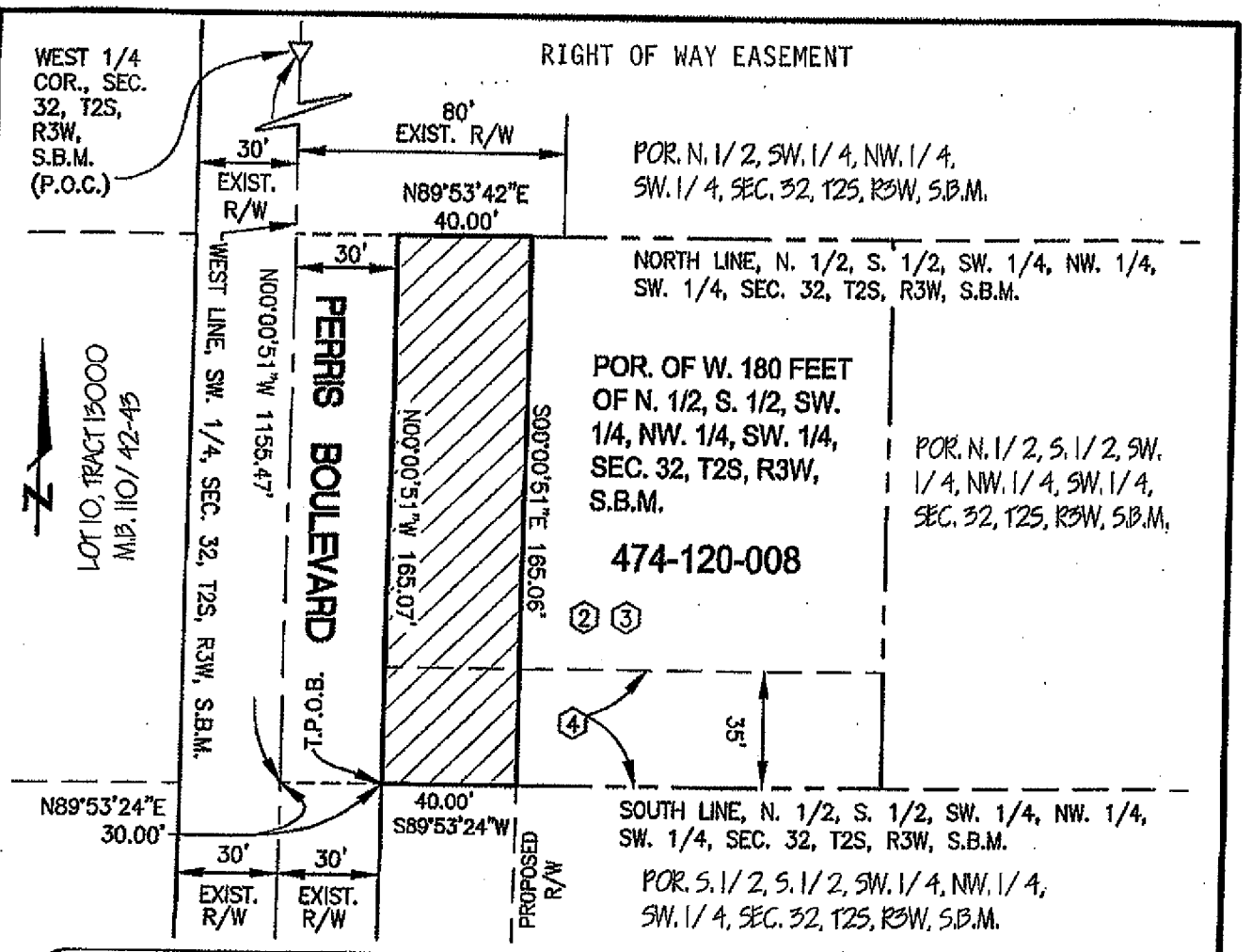

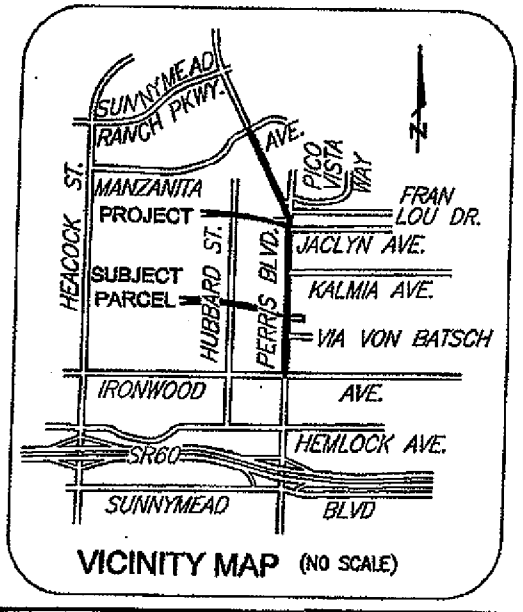

VICINITY MAP (NO SCALE)

LEGEND

▨	LAND ACQUISITION AREA 6,603 SQ. FT. (0.152 AC.)
T.P.O.B.	DENOTES TRUE POINT OF BEGINNING
P.O.C.	DENOTES POINT OF COMMENCEMENT
R/W	DENOTES RIGHT-OF-WAY
(2)	EXISTING EASEMENT NOTE. SEE SHEET 2.

REFERENCE: TITLE REPORT BY STEWART TITLE OF CALIFORINIA, ORDER NO. 92701300, DATED 03/06/2007.

LICENSED LAND SURVEYOR STEVEN M. HOWELL Exp. 6-30-2010 No. 5758 STATE OF CALIFORNIA

SEPTEMBER 16, 2009

AECOM Transportation AECOM
1131 West Sixth Street, Suite 350
Ontario, California 91762
T 909.933.5225 F 909.933.5228
www.aecom.com

CITY OF MORENO VALLEY

PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.

EXHIBIT "A"

EXHIBIT "A"

RIGHT OF WAY EASEMENT

ASSESSOR'S PARCEL 474-120-024

A PORTION OF THAT CERTAIN REAL PROPERTY DESCRIBED IN DEED RECORDED JUNE 4, 2003 IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, STATE OF CALIFORNIA AS INSTRUMENT NO. 2003-401096 OF OFFICIAL RECORDS, BEING A PORTION OF PARCEL 1 OF PARCEL MAP NO. 7520, RECORDED AUGUST 13, 1976 IN BOOK 26, PAGE 47 OF PARCEL MAPS, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 1 OF PARCEL MAP NO. 7520, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF PERRIS BOULEVARD; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520 AND SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD ON THE FOLLOWING COURSES;

1st : NORTH 00°00'51" WEST (NORTH 00°00'30" EAST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 125.19 FEET; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

2nd : NORTH 42°32'16" EAST (NORTH 42°33'13" EAST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 33.94 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

3rd: NORTH 89°51'36" EAST, A DISTANCE OF14.99 FEET; THENCE LEAVING SAID NORTHERLY LINE,

4th: SOUTH 44°54'47" WEST, A DISTANCE OF 32.49 FEET TO A POINT ON A LINE PARALLEL WITH AND 15.00 FEET EASTERLY OF THE WESTERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520 AND SAID EASTERLY RIGHT-OF-WAY LINE OF SAID PERRIS BOULEVARD; THENCE ALONG SAID PARALLEL LINE,

5th: SOUTH 00°00'51" EAST, A DISTANCE OF 127.19 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 OF PARCEL MAP NO. 7520,

6th: SOUTH 89°51'08" WEST (SOUTH 89°52'29" WEST PER SAID PARCEL MAP NO. 7520), A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 2,229 SQUARE FEET (0.051 ACRES), MORE OR LESS.

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE: _____
STEVEN M. HOWELL, LS 5758
LICENSE EXPIRES 6/30/10
DATE: September 22, 2009

LICENSED LAND SURVEYOR
STEVEN M. HOWELL
EXPIRES 06-30-10
No. 5758
STATE OF CALIFORNIA

EXHIBIT "A"

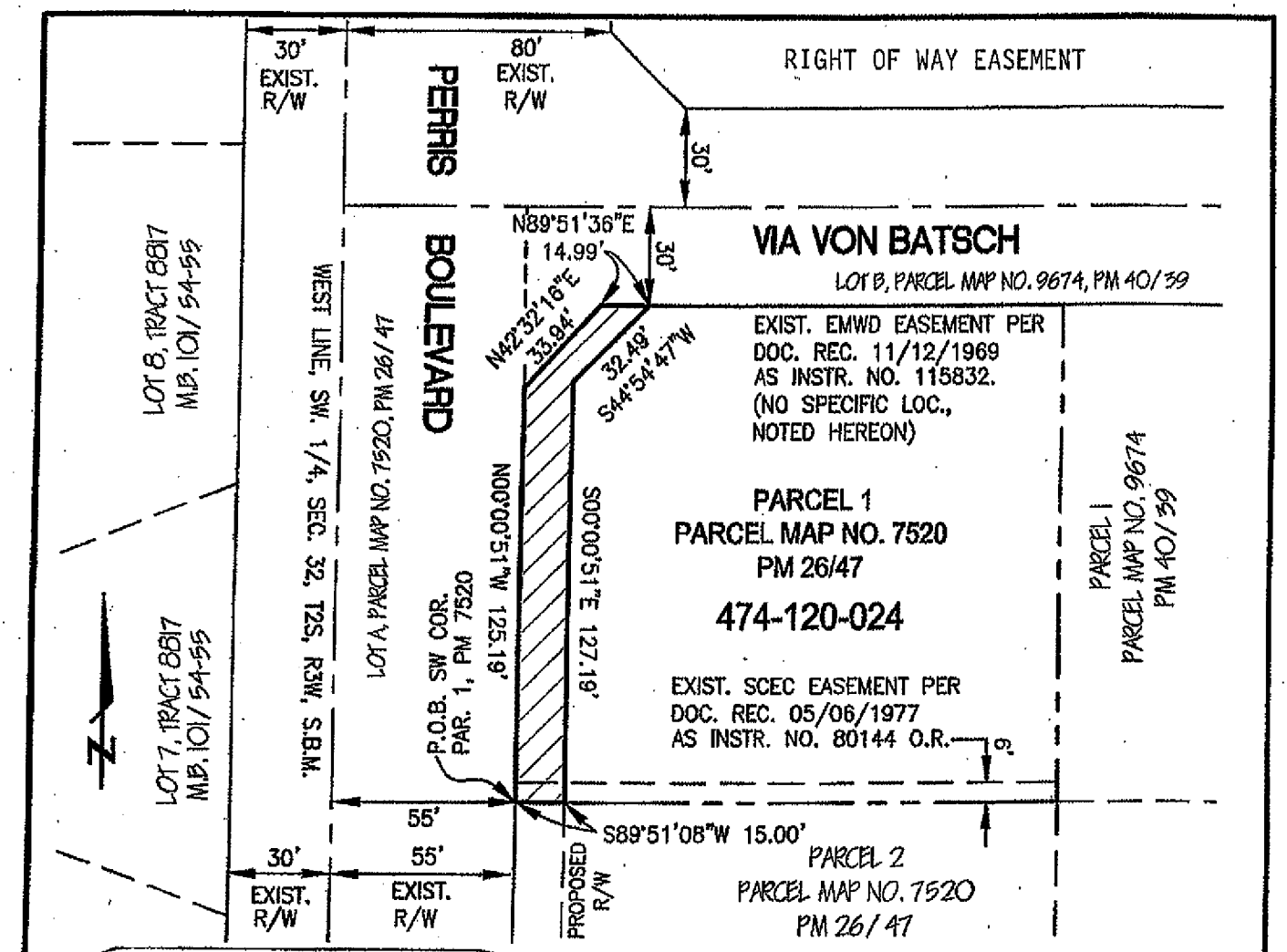

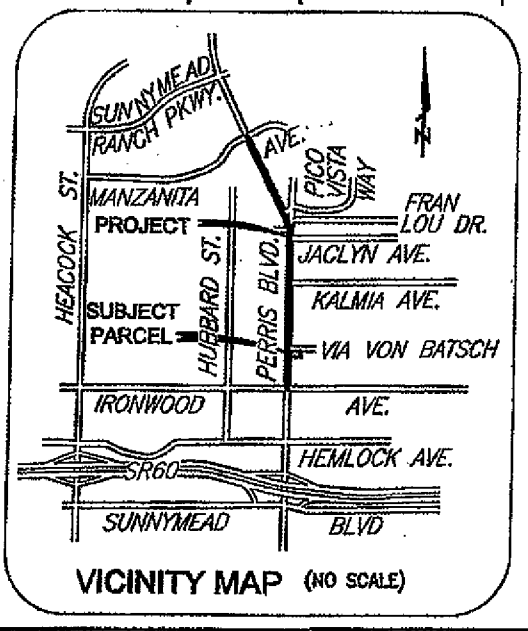

VICINITY MAP (NO SCALE)

LEGEND

▨	LAND ACQUISITION AREA 2,229 SQ. FT. (0.051 AC.)
P.O.B.	DENOTES POINT OF BEGINNING
R/W	DENOTES RIGHT-OF-WAY

LICENSED LAND SURVEYOR ★ STEVEN M. HOWELL ★ Exp. 6-30-2010 No. 5758 STATE OF CALIFORNIA

REFERENCE: TITLE REPORT BY STEWART TITLE OF CALIFORINIA, ORDER NO. 92701302, DATED 03/05/2007.

SEPTEMBER 22, 2009

AECOM Transportation AECOM
1131 West Sixth Street, Suite 350
Ontario, California 91762
T 909.933.5225 F 909.933.5228
www.aecom.com

CITY OF MORENO VALLEY

PERRIS BOULEVARD WIDENING
IRONWOOD AVE. TO MANZANITA AVE.

EXHIBIT "A"

Item No. E.7

MV00108164

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MV00108165

FACTUAL SUMMARY TO SUPPORT
FINDINGS REQUIRED IN RESOLUTION NO. 2011-_____

a) Notice and reasonable opportunity to appear and be heard has been given to the property owner affected by the Resolution of Necessity by the mailing of the Notice of Intent to Adopt Resolution of Necessity to Acquire Certain Real Property or Interest in Property by Eminent Domain on May 26, 2011, in conformance with and as required by statute.

b) The public interest and necessity require this project:

Perris Boulevard from Ironwood Avenue to Manzanita Avenue and the adjoining streets have experienced rapid and heavy increases in traffic volume and the heavy use of the existing street improvements creates significant traffic congestion and constitutes traffic safety hazards. Future growth of the region and development within the area will further add traffic volume. The existing right of way for Perris Boulevard in the area of the Project is insufficient to allow the street improvements as designed to be completed that is necessary to accommodate future increases in anticipated traffic volumes.

It is also necessary to complete the roadway improvements to comply with the City's General Plan and Circulation Element and to provide for more efficient and safe vehicular travel.

The proposed roadway easement will provide sufficient right of way to allow the improvement of Perris Boulevard from Ironwood Avenue to Manzanita Avenue (Project). Without the acquisition of the roadway easement, the Project cannot be completed as planned and the goals and policies of the General Plan cannot be implemented.

The Project involves the widening and rehabilitation of Perris Boulevard from Ironwood Avenue to Manzanita Avenue, including street, signing, striping, and other related road improvements.

The implementation of the Project will implement the City's General Plan and the City Council's goals to create proper and free flowing streets and highways to further implement the Circulation Element of the General Plan.

It is further necessary to adopt the Resolution of Necessity to permit the City to file an eminent domain proceeding, deposit the amount of probable compensation, and obtain an order for possession prior to judgment to allow possession to occur by November 2011, to meet the time schedule for the improvements to Perris Boulevard from Ironwood Avenue to Manzanita Avenue.

Attachment "B"

c) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury:

The design of the improvements for the Project in the area contemplated has been carefully considered to minimize the impact of the Project on adjacent privately owned property while addressing the need for proper traffic flow, circulation and safety. The improvements contemplated by the Project to complete the work of the Project require the acquisition of the roadway easement for the installation, operation, and maintenance of the proposed roadway improvements. The roadway easement acquisition is designed to require the take of the minimum amount of property interests necessary to accomplish and permit the construction of the Project. The Project was planned and located in such a manner that the properties to be acquired in the action have no residents, businesses, or agricultural uses that will be displaced by the Project - thereby minimizing private injury.

d) The fee and easement interests are necessary to the project:

The existing right of way for the Project is not large enough to allow for the construction of the proposed roadway improvements. The additional right of way is necessary to allow for the construction, operation, and maintenance of the proposed roadway improvements. The Project will improve traffic safety and circulation in the area.

e) All required offers have been made to the property owner in conformance with and in the manner required by § 7267.2 of the California Government Code.

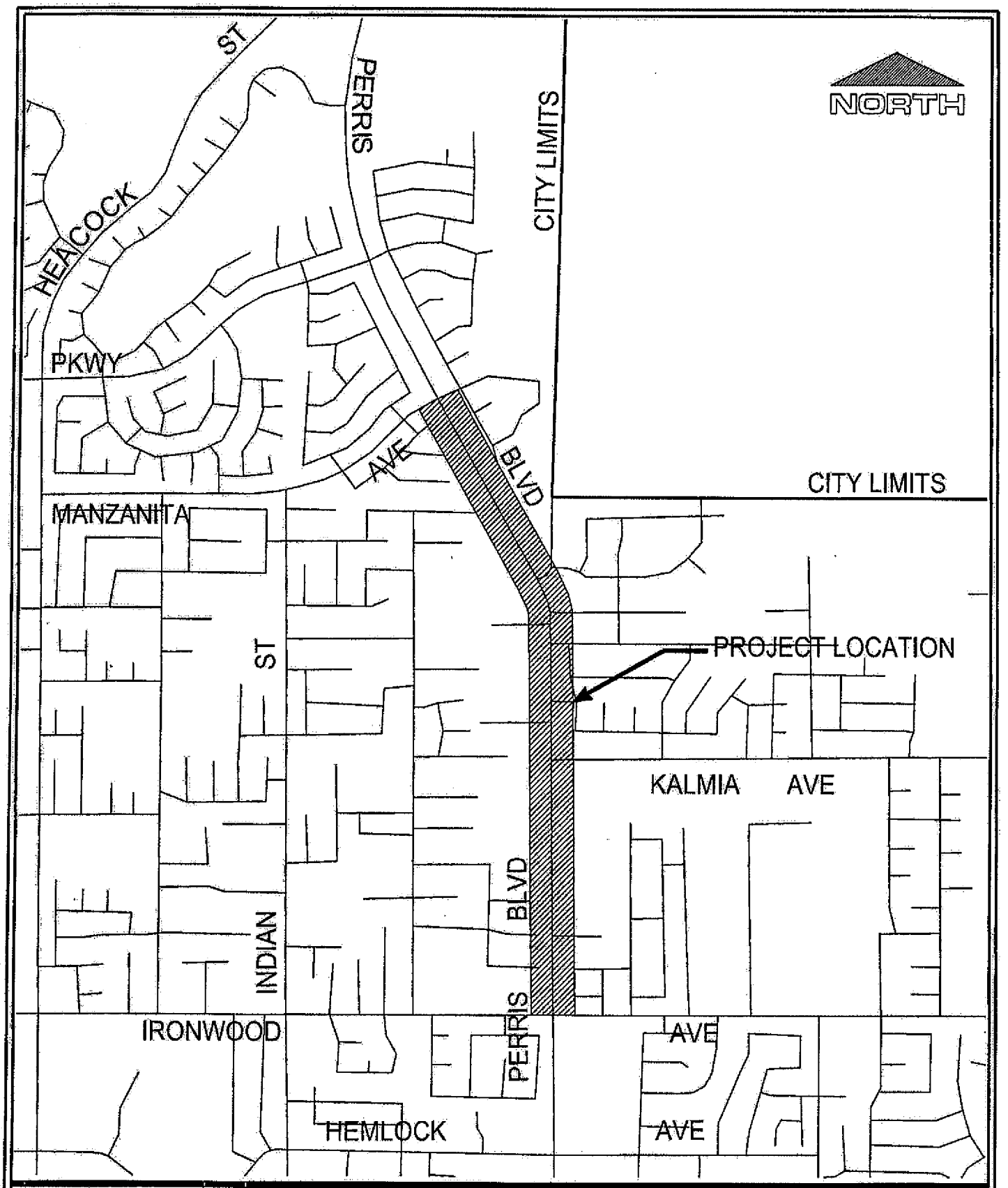

Public Works Department
Capital Projects Division

Scale: None

MORENO VALLEY
WHERE DREAMS SOAR

LOCATION MAP

PERRIS BLVD IMPROVEMENTS FROM IRONWOOD AVE TO MANZANITA AVE
PROJECT NO. 11-41570225

Attachment "C"

Item No. E.7

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MV00108169

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. **Mayor Pro Tem Jesse L. Molina Report on Riverside Transit Agency (RTA)**

b. **Council Member Co Report on Riverside County Transportation Commission (RCTC)**

c. **Council Member Robin N. Hastings report on Western Riverside Council of Governments (WRCOG)**

d. **Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)**

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MV00108171

G. 2 RIVERSIDE COUNTY TRANSPORTATION COMMISSION (RCTC) 60/215 EAST JUNCTION CONSTRUCTION PROJECT **(Informational Oral Presentation - Not for Council Action)**

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MV00108173

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for a proposed increase in the CSD Zone D annual parcel charge for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone D program provides parkway landscape maintenance at the entry of a tract, around its perimeter, or in the median adjacent to the tract.

The Moreno Valley CSD provides services through full-cost recovery programs. The annual Zone D parcel charge funds administration and service costs for the landscape maintenance, which include: mowing, trimming, pruning, fertilizing, replacing plant material(s) as necessary, maintaining the irrigation systems, weed control, litter removal, payment of water and electric

utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service areas have incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient fund balances are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. Since the Zone D program was set up to be a full cost recovery program there are no other revenue sources to pay for landscape maintenance. Because the current parcel charges do not provide adequate funding to cover the full cost of landscape maintenance, the CSD is required to ballot the property owners of the affected tracts to seek approval for an increase to the annual charge to maintain services at the standard service level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Tracts 19862, 19912, 20941, 21737, 22371, and 31591 the opportunity to approve or oppose the proposed increase in the CSD Zone D annual parcel charge. The proposed CSD Zone D parcel charge for each tract is listed below.

Tract	Number of Parcels	Council District	Location *	2010/11 CSD Zone D Annual Parcel Charge	Proposed 2011/12 CSD Zone D Annual Parcel Charge
19862	35	1	On Ironwood at Weller Place	$150.80	$252.00
19912	138	4	Northwest of Kitching & Iris	84.50	129.00
20941	76	3	Northeast of Lasselle & Bay	104.98	166.00
21737	14	1	On Ironwood at Kilgore	214.04	431.00
22371	39	1	Southeast of Eucalyptus & Kitching	291.42	497.00
31591	33	3	Northwest of Eucalyptus & Morrison	462.70	628.00

* Maps identifying the parcels and landscaped areas are included with each mail ballot packet.

The CSD Zone D charges are subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 14, 2011 and the Public Hearing on June 28, 2011.

If a tract approves the proposed increase by a simple majority (50%+1) of the returned valid ballots, the proposed CSD Zone D parcel charge will be levied on the 2011/12 Riverside County property tax bill. If a tract does not approve the proposed increase by a simple majority of the returned valid ballots, the current CSD Zone D parcel charge shall continue to be levied on the property tax bill, which includes an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Moreno Valley Community Services District Zone D (Parkway Landscape Maintenance) Service Plan, General Management Policy #2.30.

If revenues from a tract do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for the selected tracts for the proposed increase in the CSD Zone D annual parcel charge. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding.*

2. **Do not accept public comments** regarding the mail ballot proceedings for the selected tracts for the proposed increase in the CSD Zone D annual parcel charge. *This alternative would be contrary to state statutes.*

FISCAL IMPACT

There is no impact on the General Fund for the operation of the CSD Zone D program. The CSD provides services through various zones, such as Zone D (Parkway Landscape Maintenance), which are full-cost recovery programs. The collection of the CSD Zone D annual charge is restricted for landscape maintenance services and administration of the CSD Zone D program.

CITY COUNCIL GOALS

Community Image, Neighborhood Pride, and Cleanliness
Continuation of the Zone D services in the landscaped areas of the selected tracts shall allow the CSD to maintain the current appearance of the area.

Revenue Diversification and Preservation
The proposed CSD Zone D parcel charge for the selected tracts is based upon actual costs, which include maintenance and administration.

SUMMARY

The action before the CSD Board is to accept public comments regarding the mail ballot proceedings for Tracts 19862, 19912, 20941, 21737, 22371, and 31591. All property owners within the described tracts have two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 14, 2011, and the Public Hearing on June 28, 2011, when the results of the ballot proceedings will be announced.

NOTIFICATION

On May 9, 2011, a ballot packet was mailed to each property owner within the affected tracts. The packet included a notice to property owner, 2011/12 budget, map with the location of the landscaping and the contributing parcels, CSD Zone D service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each tract is included as Attachments 1 through 6.

Newspaper advertising for the June 14, 2011, Public Meeting and June 28, 2011, Public Hearing was published in The Press-Enterprise on May 26, 2011. Additionally, the Public Hearing notification was published on June 9 and will be published again on June 16, 2011.

ATTACHMENTS

Attachment 1: Sample mail ballot packet for Tract 19862
Attachment 2: Sample mail ballot packet for Tract 19912
Attachment 3: Sample mail ballot packet for Tract 20941
Attachment 4: Sample mail ballot packet for Tract 21737
Attachment 5: Sample mail ballot packet for Tract 22371
Attachment 6: Sample mail ballot packet for Tract 31591

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\Special Dist Administration\Community Services District CSD\Ballots\Ballots for FY 11.12\Zone D\Stfrpt Zone D PM 06.14.11.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 19862 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 19862 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $8.43 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 1

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 19862 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL
******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 19862. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $8.43 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 19862 annual charge for standard landscape maintenance services is $150.80 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $252.00 per parcel. This equates to an estimated annual increase of approximately 67% or $101.20 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 19862.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$143.00
2007-08	$148.00
2008-09	$148.00
2009-10	$148.10
2010-11	$150.80

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 19862 es de $150.80 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $252.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 67% o $101.20 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 19862.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$143.00
2007-08	$148.00
2008-09	$148.00
2009-10	$148.10
2010-11	$150.80

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $252.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $252.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

✔	A check mark substantially inside a box;
✕	An X mark substantially inside a box;
●	A dot or oval mark substantially inside a box;
■	A completely shaded or filled mark substantially inside a box;
✳	A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;
	A circle around the box and/or associated clause; or
	A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE D, TRACT 19862
FY 2011/12 BUDGET

LANDSCAPE AREA		8,805	Square Feet or
		0.20	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**252.00**	**or $21.00 per month**
Number of parcels		35	
Total Revenue	**$**	**8,820.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	2,472.48	
Water (Eastern Municipal Water District)		855.63	
Electricity		-	(Solar Powered)
Vandalism Repair		81.70	
Repair and Replacement/Miscellaneous Direct Expenses		650.29	
Landscape Inspectors/Technicians and Support Services		3,249.78	
Parts and Equipment		212.99	
Subtotal Direct Costs	$	7,522.87	
Indirect Costs			
Miscellaneous Indirect Expenses	$	154.12	
Special Districts Program Administration		377.95	
City Administration		762.88	
Subtotal Indirect Costs	$	1,294.95	
Total Expenses	**$**	**8,817.82**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement/Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 19862
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		8,805	Pies Cuadrados
		0.20	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**252.00**	**o $21.00 mensual**
Números de parcelas		35	
Total de Ingresos	**$**	**8,820.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	2,472.48	
Agua (Eastern Municipal Water District)		855.63	
Electricidad (SCE)		-	(Reloj Solar)
Reparación de Vandalismo		81.70	
Reparación o Reemplazo/Egresos Misceláneos Directos		650.29	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		3,249.78	
Partes y Equipo		212.99	
Subtotal de Costos Directos	$	7,522.87	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	154.12	
Administración de Programa de Servicios Especiales		377.95	
Administración de la Ciudad		762.88	
Subtotal de Costos Indirectos	$	1,294.95	
Total de Egresos	**$**	**8,817.82**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

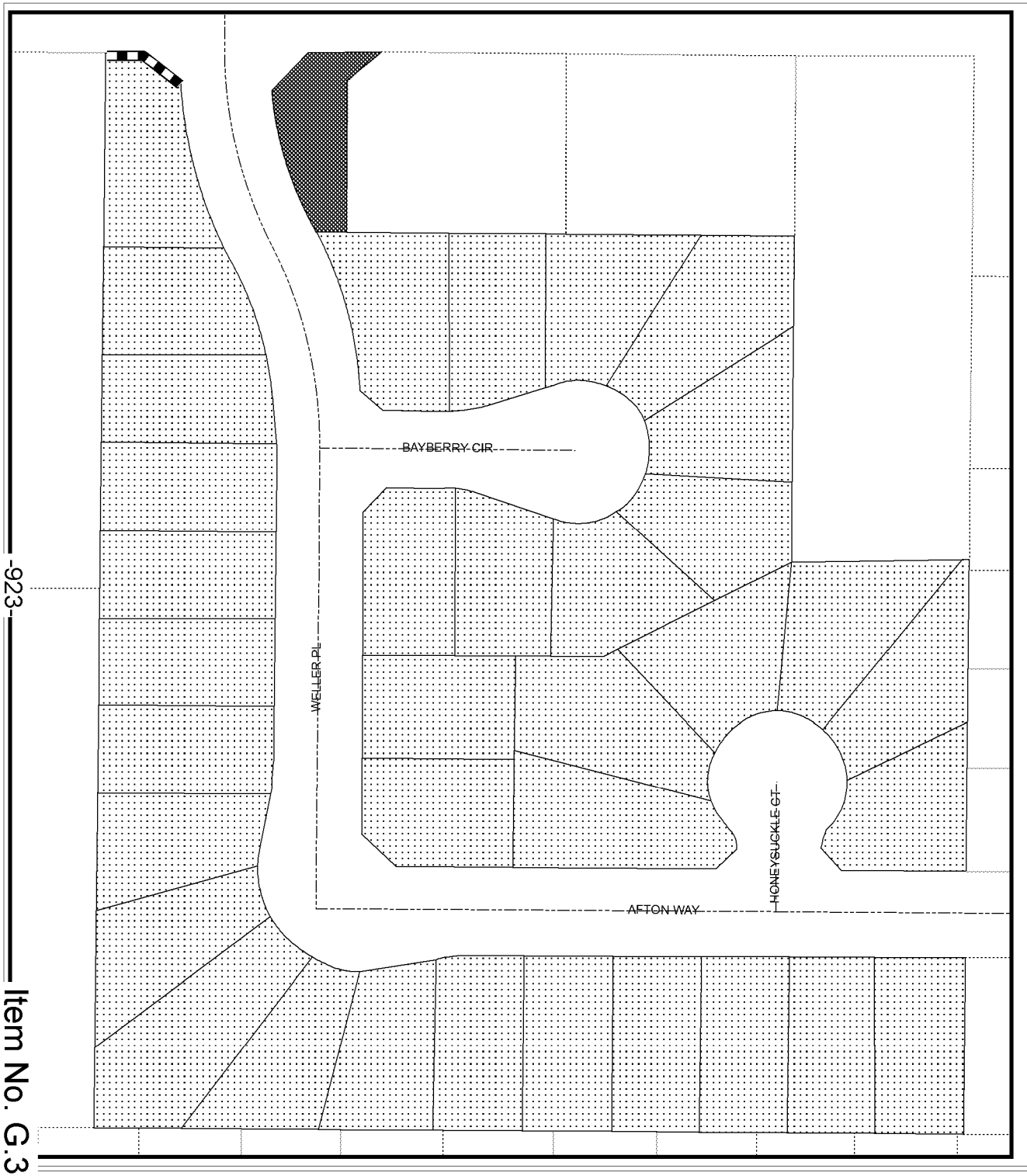

Tract/Fraccionamiento 19862

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 19862
- Expanded Landscaped Entry Statement

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\Zone D Tract 19862.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341010
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 19862

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $101.20 per parcel **(approximately $8.43 per month)**. The increase will adjust the approved annual charge from $150.80 to $252.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial **(aproximadamente $8.43 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $150.80 a $252.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $101.20 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000313
JOSE LUIS CARRILLO

12113 WELLER PL
MORENO VALLEY CA 92557-7846

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 19912 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 19912 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $3.71 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 2

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 19912 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 19912. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $3.71 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 19912 annual charge for standard landscape maintenance services is $84.50 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $129.00 per parcel. This equates to an estimated annual increase of approximately 53% or $44.50 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 19912.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$77.00
2007-08	$80.00
2008-09	$83.00
2009-10	$83.00
2010-11	$84.50

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 19912 es de $84.50 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $129.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 53% o $44.50 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 19912.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$77.00
2007-08	$80.00
2008-09	$83.00
2009-10	$83.00
2010-11	$84.50

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $129.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $129.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE D, TRACT 19912
FY 2011/12 BUDGET

LANDSCAPE AREA		11,750	Square Feet or
		0.27	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**129.00**	**or $10.75 per month**
Number of parcels		138	
Total Revenue	**$**	**17,802.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	3,299.40	
Water (Eastern Municipal Water District)		3,135.21	
Electricity (SCE)		299.00	
Vandalism Repair		81.23	
Repair and Replacement/Miscellaneous Direct Expenses		1,368.27	
Landscape Inspectors/Technicians and Support Services		6,549.92	
Parts and Equipment		429.27	
Subtotal Direct Costs	$	15,162.30	
Indirect Costs			
Miscellaneous Indirect Expenses	$	310.64	
Special Districts Program Administration		761.76	
City Administration		1,537.58	
Subtotal Indirect Costs	$	2,609.98	
Total Expenses	**$**	**17,772.28**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 19912
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		11,750	Pies Cuadrados
		0.27	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**129.00**	**o $10.75 mensual**
Números de parcelas		138	
Total de Ingresos	**$**	**17,802.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	3,299.40	
Agua (Eastern Municipal Water District)		3,135.21	
Electricidad (SCE)		299.00	
Reparación de Vandalismo		81.23	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,368.27	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		6,549.92	
Partes y Equipo		429.27	
Subtotal de Costos Directos	$	15,162.30	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	310.64	
Administración de Programa de Servicios Especiales		761.76	
Administración de la Ciudad		1,537.58	
Subtotal de Costos Indirectos	$	2,609.98	
Total de Egresos	**$**	**17,772.28**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

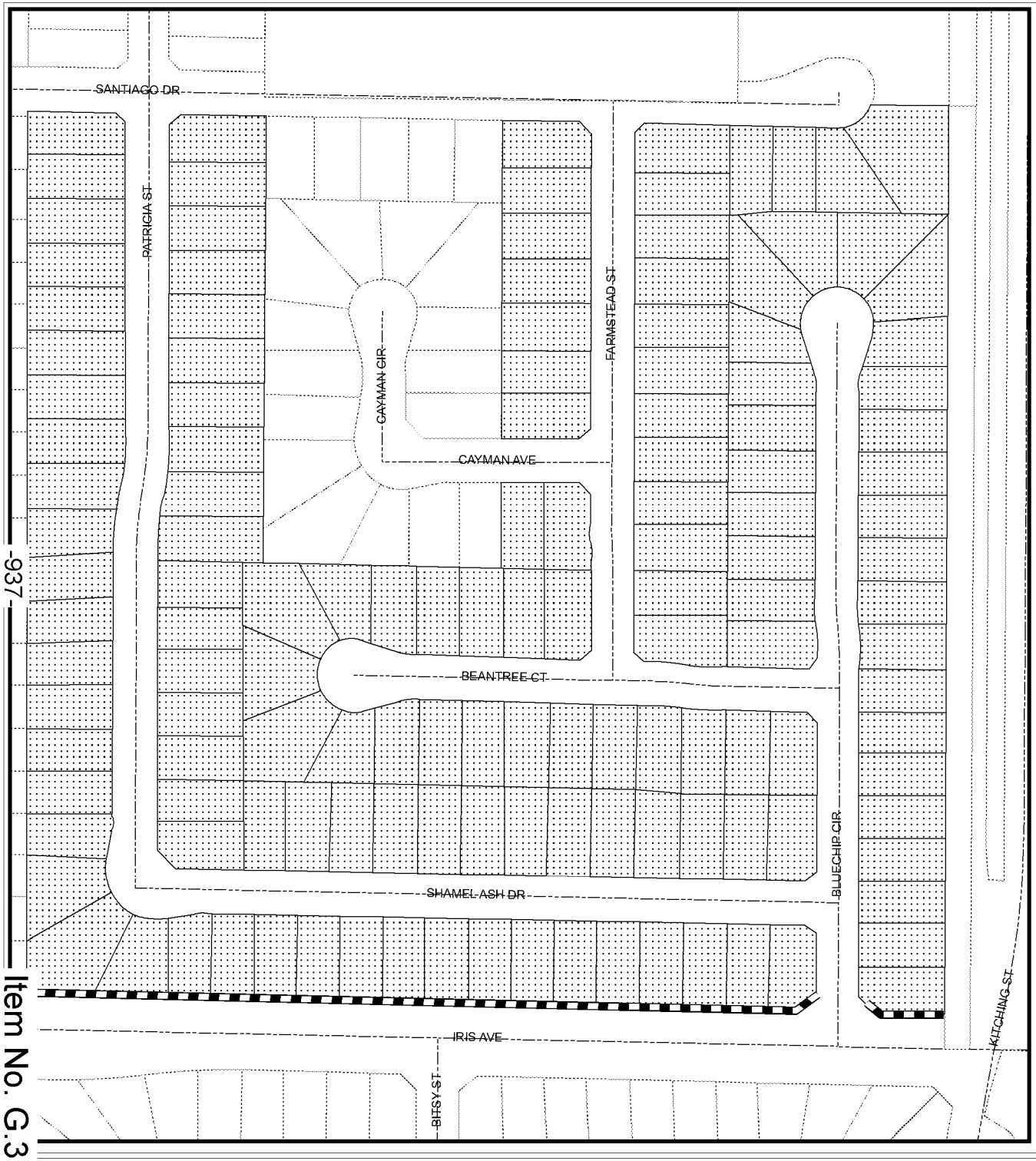

Tract/Fraccionamiento 19912

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 19912

Map reflects all changes indicated on Riverside County Assessor Maps as of March 28, 2011.

N

0 150 300 450 600 Feet

G:\AVP\SDA\Zone D Tract 19912.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341010
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 19862

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $101.20 per parcel **(approximately $8.43 per month)**. The increase will adjust the approved annual charge from $150.80 to $252.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial **(aproximadamente $8.43 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $150.80 a $252.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $101.20 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $101.20 por parcela residencial. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000313
JOSE LUIS CARRILLO

12113 WELLER PL
MORENO VALLEY CA 92557-7846

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 20941 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 20941 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $5.09 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 3

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 20941 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 20941. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $5.09 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level.

Current Charge

The 2010/11 Tract 20941 annual charge for standard landscape maintenance services is $104.98 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $166.00 per parcel. This equates to an estimated annual increase of approximately 58% or $61.02 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 20941.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$96.00
2007-08	$99.00
2008-09	$103.00
2009-10	$103.10
2010-11	$104.98

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 20941 es de $104.98 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $166.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 58% o $61.02 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 20941.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$96.00
2007-08	$99.00
2008-09	$103.00
2009-10	$103.10
2010-11	$104.98

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $166.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $166.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE D, TRACT 20941
FY 2011/12 BUDGET

LANDSCAPE AREA		9,600	Square Feet or
		0.22	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**166.00**	**or $13.83 per month**
Number of parcels		76	
Total Revenue	**$**	**12,616.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	2,695.68	
Water (Eastern Municipal Water District)		1,132.40	
Electricity (SCE)		301.07	
Repair and Replacement/Miscellaneous Direct Expenses		1,676.36	
Landscape Inspectors/Technicians and Support Services		4,646.84	
Parts and Equipment		304.55	
Subtotal Direct Costs	$	10,756.90	
Indirect Costs			
Miscellaneous Indirect Expenses	$	220.38	
Special Districts Program Administration		540.43	
City Administration		1,090.83	
Subtotal Indirect Costs	$	1,851.64	
Total Expenses	**$**	**12,608.54**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 20941
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		9,600	Pies Cuadrados
		0.22	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**166.00**	**o $13.83 mensual**
Números de parcelas		76	
Total de Ingresos	**$**	**12,616.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	2,695.68	
Agua (Eastern Municipal Water District)		1,132.40	
Electricidad (SCE)		301.07	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,676.36	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		4,646.84	
Partes y Equipo		304.55	
Subtotal de Costos Directos	$	10,756.90	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	220.38	
Administración de Programa de Servicios Especiales		540.43	
Administración de la Ciudad		1,090.83	
Subtotal de Costos Indirectos	$	1,851.64	
Total de Egresos	**$**	**12,608.54**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

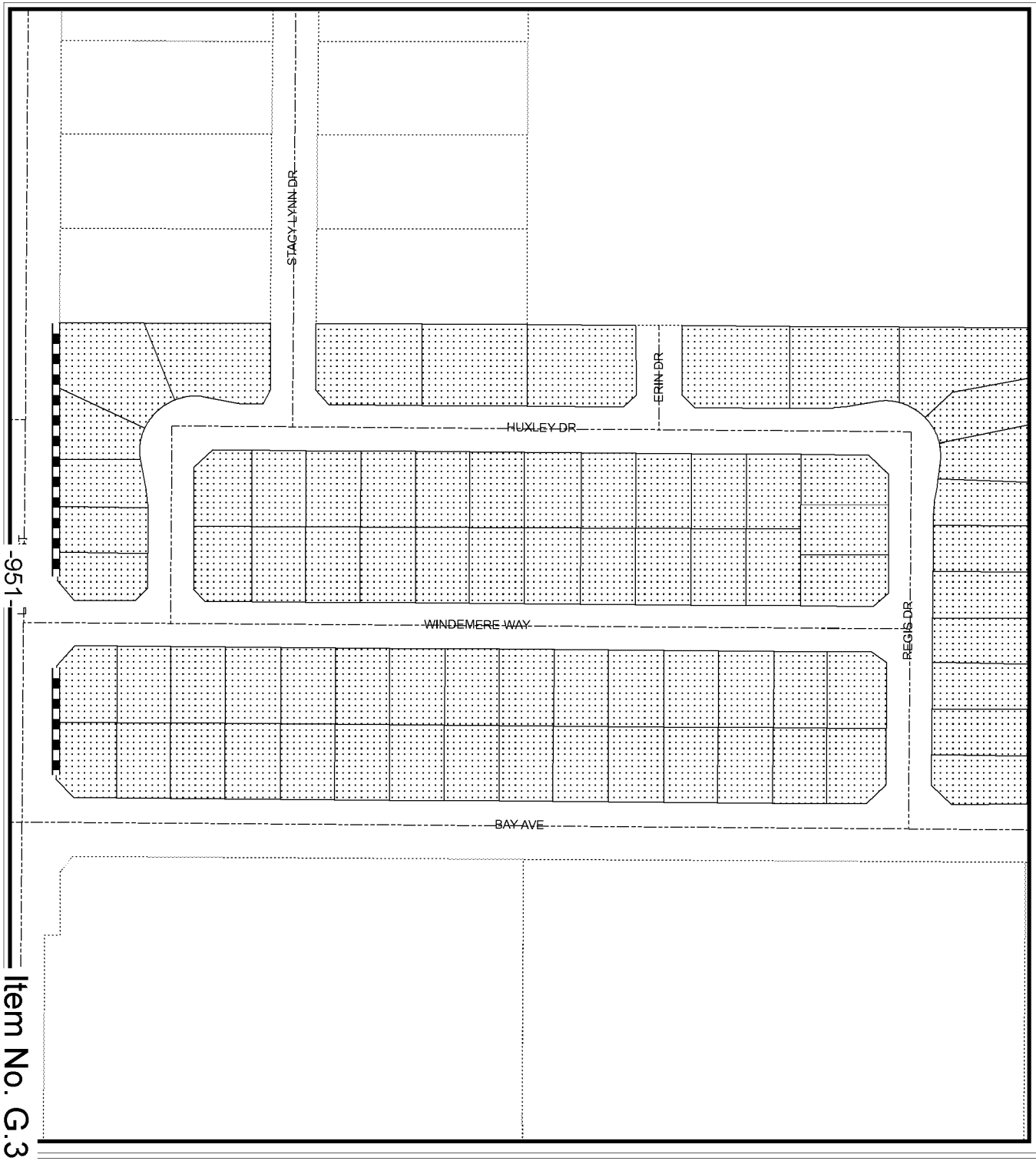

Tract/Fraccionamiento 20941

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 20941

Map reflects all changes indicated on Riverside County Assessor Maps as of March 28, 2011.

N

0 145 290 435 580 Feet

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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. «PARCEL»
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 20941 «APNI»

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si** «APNY»

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO **DATE/FECHA**

Yes, ***I approve*** the increase in the annual charge for Zone D services of $61.02 per parcel **(approximately $5.09 per month)**. The increase will adjust the approved annual charge from $104.98 to $166.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $61.02 por parcela **(aproximadamente $5.09 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $104.98 a $166.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No** «APNN»

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO **DATE/FECHA**

No, ***I do not approve*** the increase in the annual charge for Zone D services of $61.02 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $61.02 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

«endorse» «sequence»
«Owner1»
«co»
«MAIL_TO_STREET_ADDRESS»
«MAIL_TO_CITY» «State» «zip»

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 21737 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 21737 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $21.63 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 4

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 21737 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 21737. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $21.63 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona D es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 21737 annual charge for standard landscape maintenance services is $214.04 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $468.00 per parcel. This equates to an estimated annual increase of approximately 119% or $253.96 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 21737.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$196.00
2007-08	$202.00
2008-09	$210.00
2009-10	$210.20
2010-11	$214.04

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 21737 es de $214.04 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $468.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 119% o $253.96 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 21737.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$196.00
2007-08	$202.00
2008-09	$210.00
2009-10	$210.20
2010-11	$214.04

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $468.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $468.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE D, TRACT 21737
FY 2011/12 BUDGET

LANDSCAPE AREA		3,920	Square Feet or
		0.09	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**431.00**	**or $35.92 per month**
Number of parcels		14	
Total Revenue	**$**	**6,034.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	1,100.76	
Water (Eastern Municipal Water District)		515.51	
Electricity (SCE)		299.23	
Repair and Replacement/Miscellaneous Direct Expenses		862.83	
Landscape Inspectors/Technicians and Support Services		2,223.83	
Parts and Equipment		145.75	
Subtotal Direct Costs	$	5,147.91	
Indirect Costs			
Miscellaneous Indirect Expenses	$	105.47	
Special Districts Program Administration		258.63	
City Administration		522.04	
Subtotal Indirect Costs	$	886.14	
Total Expenses	**$**	**6,034.05**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 21737
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		3,920	Pies Cuadrados
		0.09	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**431.00**	**o $35.92 mensual**
Números de parcelas		14	
Total de Ingresos	**$**	**6,034.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	1,100.76	
Agua (Eastern Municipal Water District)		515.51	
Electricidad (SCE)		299.23	
Reparación o Reemplazo/Egresos Misceláneos Directos		862.83	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		2,223.83	
Partes y Equipo		145.75	
Subtotal de Costos Directos	$	5,147.91	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	105.47	
Administración de Programa de Servicios Especiales		258.63	
Administración de la Ciudad		522.04	
Subtotal de Costos Indirectos	$	886.14	
Total de Egresos	**$**	**6,034.05**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

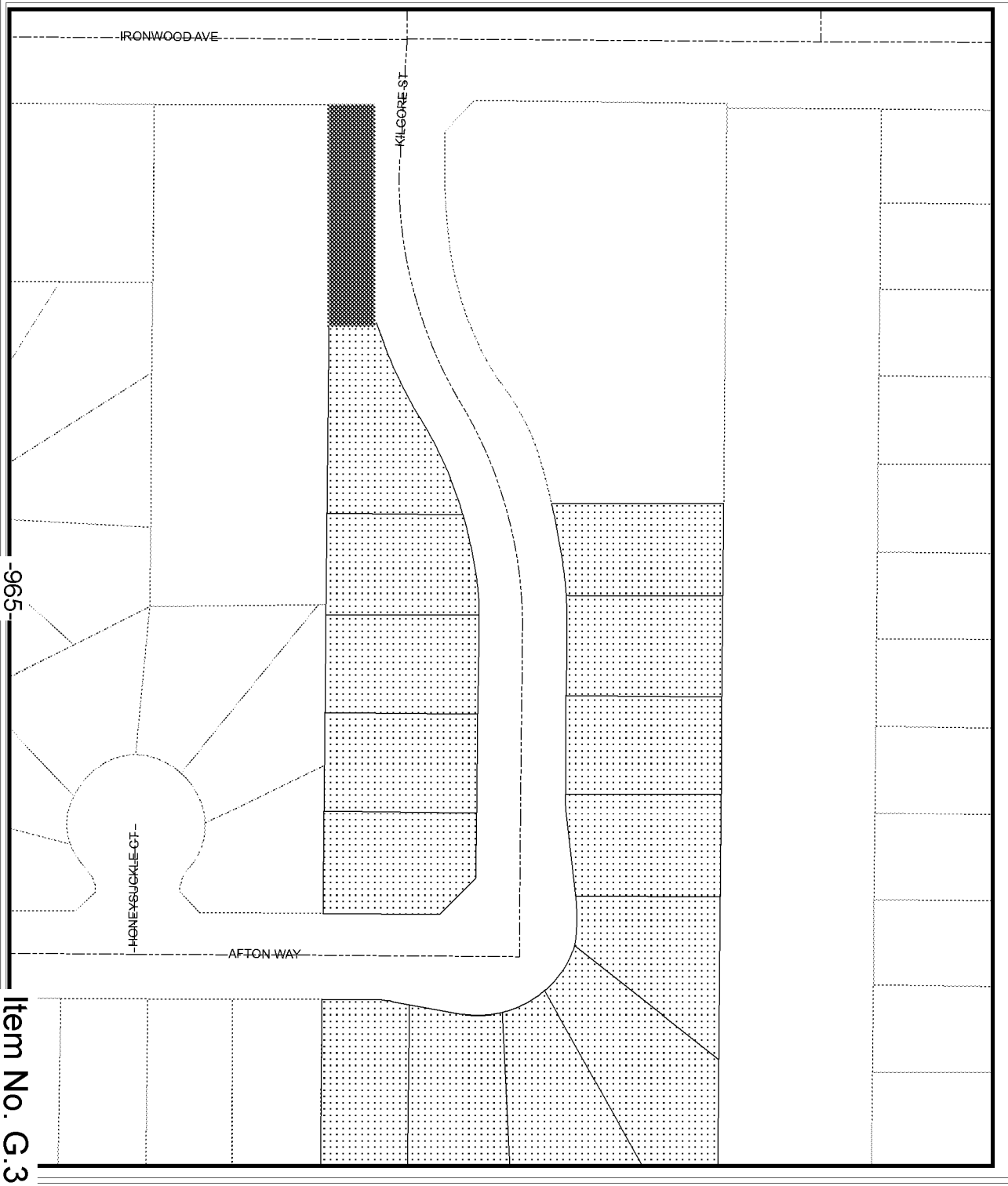

Tract/Fraccionamiento 21737

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 21737
- Expanded Landscaped Entry Statement

Map reflects all changes indicated on Riverside County Assessor Maps as of April 4, 2011.

N

0 75 150 225 300 Feet

G:\AVP\SDA\Zone D Tract 21737.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 481341024
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 21737

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $216.96 per parcel **(approximately $18.08 per month)** The increase will adjust the approved annual charge from $214.04 to $431.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $216.96 por parcela **(aproximadamente $18.08 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $214.04 a $431.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $216.96 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $216.96 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000295
MANUEL ENRIGUEZ

24697 AFTON WAY
MORENO VALLEY CA 92557-7842

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 22371 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 22371 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $20.72 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 5

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 22371 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 22371. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $20.72 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-1 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 22371 annual charge for standard landscape maintenance services is $291.42 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $540.00 per parcel. This equates to an estimated annual increase of approximately 85% or $248.58 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 22371.

Per Parcel	
Fiscal Year	**Annual Charge**
2006-07	$265.00
2007-08	$274.00
2008-09	$286.00
2009-10	$286.20
2010-11	$291.42

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 22371 es de $291.42 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $540.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 85% o $248.58 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 22371.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2006-07	$265.00
2007-08	$274.00
2008-09	$286.00
2009-10	$286.20
2010-11	$291.42

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $540.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $540.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE D, TRACT 22371
FY 2011/12 BUDGET

LANDSCAPE AREA		17,844	Square Feet or
		0.41	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**497.00**	**or $41.42 per month**
Number of parcels		39	
Total Revenue	**$**	**19,383.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	5,010.60	
Water (Eastern Municipal Water District)		2,199.50	
Electricity (SCE)		302.38	
Repair and Replacement/Miscellaneous Direct Expenses		1,406.96	
Landscape Inspectors/Technicians and Support Services		7,139.29	
Parts and Equipment		467.90	
Subtotal Direct Costs	$	16,526.63	
Indirect Costs			
Miscellaneous Indirect Expenses	$	338.59	
Special Districts Program Administration		830.31	
City Administration		1,675.93	
Subtotal Indirect Costs	$	2,844.83	
Total Expenses	**$**	**19,371.46**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 22371
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		17,844	Pies Cuadrados
		0.41	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**497.00**	**o $41.42 mensual**
Números de parcelas		39	
Total de Ingresos	**$**	**19,383.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	5,010.60	
Agua (Eastern Municipal Water District)		2,199.50	
Electricidad (SCE)		302.38	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,406.96	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		7,139.29	
Partes y Equipo		467.90	
Subtotal de Costos Directos	$	16,526.63	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	338.59	
Administración de Programa de Servicios Especiales		830.31	
Administración de la Ciudad		1,675.93	
Subtotal de Costos Indirectos	$	2,844.83	
Total de Egresos	**$**	**19,371.46**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

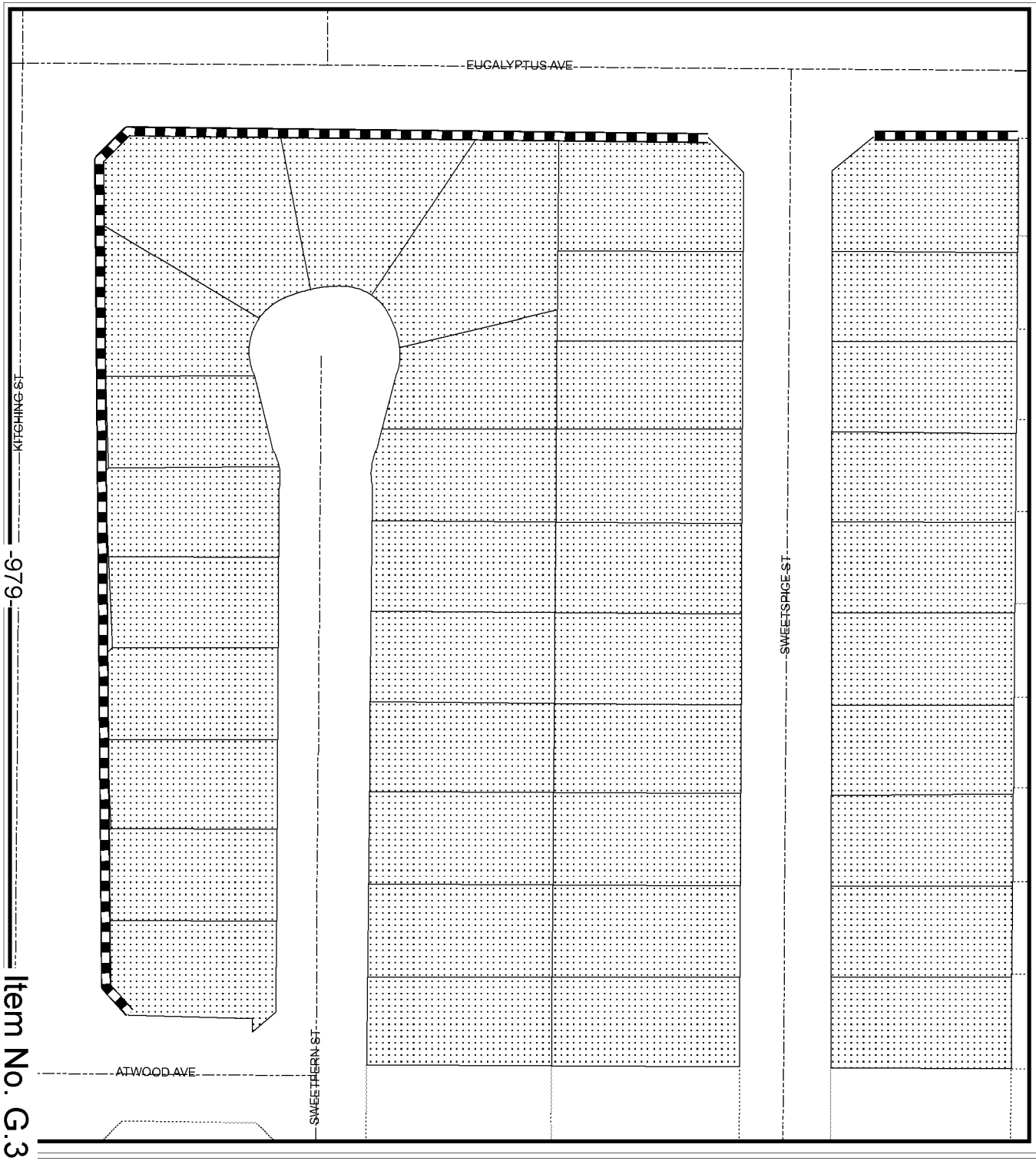

Tract/Fraccionamiento 22371

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 22371

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

N

0 75 150 225 300 Feet

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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 479524018
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 22371

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $205.58 per parcel **(approximately $17.13 per month)**. The increase will adjust the approved annual charge from $291.42 to $497.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $205.58 por parcela **(aproximadamente $17.13 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $291.42 a $497.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $205.58 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $205.58 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000332
LOS ARCOS INV INC

390 N MCKINLEY ST STE 106
CORONA CA 92879-6572

MV00108247

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE D (PARKWAY LANDSCAPE MAINTENANCE) - TRACT 31591 REGARDING A PROPOSED INCREASE TO THE ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone D program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone D, Tract 31591 annual charges. If approved, beginning in FY 2011/12 each parcel's annual charge shall be **increased by approximately $18.19 per month** to meet current costs. The Zone D charges are collected on the County of Riverside property tax bills. The Zone D annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone D (Parkway Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone D annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses per tract are divided by the number of parcels in the tract to determine the annual charge per parcel.

ATTACHMENT 6

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P.O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA D (MANTENIMIENTO DE LAS AREAS AJARDINADAS) FRACCIONAMIENTO 31591 REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona D del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona D, Fraccionamiento 31591. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $18.19 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona Des un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona D (Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona D del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de cada fraccionamiento son divididos en proporción al número de parcelas acres para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charge to maintain services at the standard service level. This is a direct-benefit charge for your community. There are no other revenue sources to pay for landscape maintenance.

Current Charge

The 2010/11 Tract 31591 annual charge for standard landscape maintenance services is $462.70 per parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for all tracts within the Zone D program for FY 2010/11 is $1,104,179.22.

Proposed Charge

To meet current costs, the Zone D annual charges are proposed to be adjusted to $681.00 per parcel. This equates to an estimated annual increase of approximately 47% or $218.30 per parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone D Parcel Charge History

The following table sets forth the history of the annual Zone D charge for Tract 31591.

Per Parcel	
Fiscal Year	**Annual Charge**
2007-08	$454.00
2008-09	$454.00
2009-10	$454.40
2010-11	$462.70

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone D (Parkway Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar del fraccionamiento 31591 es de $462.70 por parcela. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona D durante el año fiscal 2010/11 es de $1,104,179.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona D para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $681.00 por parcela. Este ajuste equivaldría a un aumento anual aproximado de 47% o $218.30 por parcela.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona D

La siguiente tabla estadística refleja el historial de los cargos anuales de la Zona D, Fraccionamiento 31591.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2007-08	$454.00
2008-09	$454.00
2009-10	$454.40
2010-11	$462.70

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $681.00 per parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona D (Mantenimiento de Áreas Ajardinadas) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $681.00 por parcela será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada nula y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE D, TRACT 31591
FY 2011/12 BUDGET

LANDSCAPE AREA		16,445	Square Feet or
		0.38	Acres
REVENUES			
Proposed Annual Zone D Charge	**$**	**628.00**	**or $52.33 per month**
Number of parcels		33	
Total Revenue	**$**	**20,724.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	4,617.60	
Water (Eastern Municipal Water District)		3,043.65	
Electricity (SCE)		306.94	
Vandalism Repair		93.02	
Repair and Replacement/Miscellaneous Direct Expenses		1,467.38	
Landscape Inspectors/Technicians and Support Services		7,626.86	
Parts and Equipment		499.85	
Subtotal Direct Costs	$	17,655.30	
Indirect Costs			
Miscellaneous Indirect Expenses	$	361.71	
Special Districts Program Administration		887.01	
City Administration		1,790.39	
Subtotal Indirect Costs	$	3,039.11	
Total Expenses	**$**	**20,694.41**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement and Miscellaneous Direct Expense: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA D, FRACCIONAMIENTO 31591
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		16,445	Pies Cuadrados
		0.38	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona D	**$**	**628.00**	**o $52.33 mensual**
Números de parcelas		33	
Total de Ingresos	**$**	**20,724.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	4,617.60	
Agua (Eastern Municipal Water District)		3,043.65	
Electricidad (SCE)		306.94	
Reparación de Vandalismo		93.02	
Reparación o Reemplazo/Egresos Misceláneos Directos		1,467.38	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		7,626.86	
Partes y Equipo		499.85	
Subtotal de Costos Directos	$	17,655.30	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	361.71	
Administración de Programa de Servicios Especiales		887.01	
Administración de la Ciudad		1,790.39	
Subtotal de Costos Indirectos	$	3,039.11	
Total de Egresos	**$**	**20,694.41**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas.

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debidc tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE D (Parkway Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	7 applications per year	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed	As needed
Pesticides:			
Shrubs/Ground Covers (pre-emergent)	2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers (insect/disease control)	As needed	As needed (budget permitting)	N/A
Shrubs/Ground Covers (vertebrate pest control)	As needed	As needed (budget permitting)	N/A
Turf (weed control)	As needed	As needed (budget permitting)	N/A
Turf (vertebrate pest control)	As needed	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA D (Mantenimiento de Área Ajardinada) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	7 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario	Como sea necesario
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	2 aplicaciones por año	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

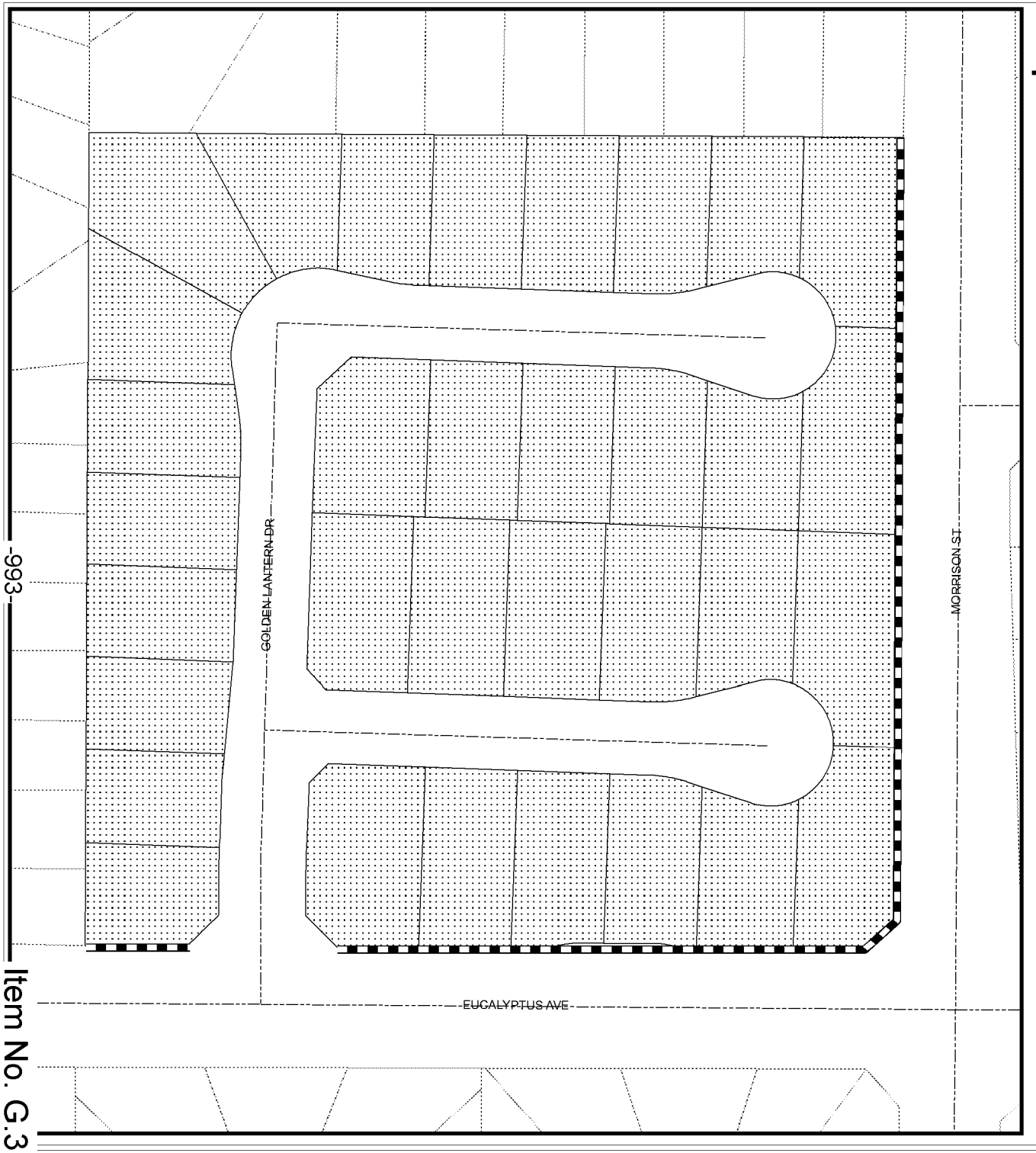

Tract/Fraccionamiento 31591

- Median/Camellon
- Landscaped Areas/Areas de jardin
- Roads/Calles
- Parcels/Parcelas
- City Boundary/Limite de la ciudad
- Tract/Fraccionamiento 31591

Map reflects all changes indicated on Riverside County Assessor Maps as of March 29, 2011.

N

0 85 170 255 340 Feet

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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 487310027
CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) – TRACT 31591

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone D annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona D. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone D services of $165.30 per parcel **(approximately $13.78 per month)**. The increase will adjust the approved annual charge from $462.70 to $628.00 per parcel for fiscal year 2011/12. The approved charge shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona D de $165.30 por parcela **(aproximadamente $13.78 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $462.70 a $628.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone D services of $165.30 per parcel. I understand landscaping services for Zone D shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona D de $165.30 por parcela. Entiendo que los servicios de jardinería de la Zona D serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000332
LOS ARCOS INV INC

390 N MCKINLEY ST STE 106
CORONA CA 92879-6572

MV00108261

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District (CSD)

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: PUBLIC MEETING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED SUB-ZONES FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE

RECOMMENDED ACTION

Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), accept public comments regarding the mail ballot proceedings for the proposed increase in the CSD Zone E annual parcel charge for Zone E-1 (TownGate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East) landscape areas.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The Moreno Valley CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the cost of special services to those parcels receiving the service. Each zone provides specific services to designated areas. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to commercial and residential properties in designated areas that have landscaped perimeters, open space, medians, and/or entry statements.

The CSD provides extensive landscape maintenance to the landscape areas in Zones E-1, E-2, E-3A, and E-4. Special Districts staff manages private landscape maintenance firms to ensure landscape preservation activities are completed on a regular schedule. Landscape

maintenance includes mowing, trimming, pruning, fertilizing, replacing plant material(s) as necessary, maintaining the irrigation systems, weed control, litter removal, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas.

DISCUSSION

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service areas have incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient fund balances are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. Since the Zone E program was set up to be a full cost recovery program there are no other revenue sources to pay for landscape maintenance. Because the current parcel charges do not provide adequate funding to cover the full cost of landscape maintenance, the CSD is required to ballot the property owners of the affected sub-zones to seek approval for an increase in the annual charge to maintain landscape services at the standard service level.

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, mail ballot proceedings are being conducted to allow property owners within Zones E-1, E-2, E-3A, and E-4 the opportunity to approve or oppose the proposed increase in the CSD Zone E annual parcel charge. The proposed CSD Zone E parcel charges for each sub-zone are listed below.

CSD Zone	2010/11 CSD Zone E Annual Parcel Charge			Proposed 2011/12 CSD Zone E Annual Parcel Charge		
	Per Residential Parcel or Equivalent Dwelling Unit for Undeveloped Parcels	Per Condo Unit	Per Acre	Per Residential Parcel or Equivalent Dwelling Unit for Undeveloped Parcels	Per Condo Unit	Per Acre
E-1	$126.36	$57.02	$505.44	$152.00	$69.00	$608.00
E-2	398.46	N/A	N/A	518.00	N/A	N/A
E-3A	67.20	N/A	N/A	108.00	N/A	N/A
E-4	110.00	N/A	440.00	240.00	N/A	960.00

The CSD Zone E charges may be subject to an annual inflation adjustment in subsequent years based on the annual percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The proposed increase in the CSD Zone E (extensive landscape maintenance) parcel charge for each designated sub-zone will be annually levied through the property tax bill process if a simple majority (50%+1) of the returned valid ballots are marked in favor of the increase.

If a majority of the valid ballots returned do not approve the proposed annual parcel charge for each designated sub-zone, the parcel charge shall continue to be levied on the property tax bill at the current rate, which may include an annual inflation adjustment. The CSD will evaluate the level of landscape service to be provided based on the City Council/CSD Board approved Moreno Valley Community Services District Zone E (Extensive Parkway Landscape Maintenance) Service Plan, General Management Policy #2.41. If revenues from a sub-zone do not support the lowest level of reduced landscape maintenance service, the property owners will be notified that the CSD is unable to provide the landscape maintenance service.

ALTERNATIVES

1. **Accept public comments** regarding the mail ballot proceedings for the proposed increase in the annual parcel charges for CSD Zones E-1, E-2, E-3A, and E-4. *By accepting public comment, the City complies with Proposition 218 state statutes for providing public comment in a mail ballot proceeding*.

2. **Do not accept public comments** regarding the mail ballot proceeding for the proposed increase in the annual parcel charges for CSD Zones E-1, E-2, E-3A, and E-4. *This alternative would be contrary to state statutes*.

FISCAL IMPACT

There is no impact on the General Fund for the operation of the Community Services District Zone E program. The CSD provides services through various zones, such as Zone E (Extensive Landscape Maintenance), which is a full-cost recovery program. The collection of the CSD Zone E annual charge is restricted for landscape maintenance services and administration of the Zone E program.

CITY COUNCIL GOALS

Revenue Diversification and Preservation
The proposed increase in the CSD Zone E parcel charges for Zones E-1, E-2, E-3A, and E-4 are based upon actual costs, which include maintenance and administration.

Community Image, Neighborhood Pride and Cleanliness
Continuation of the Zone E services in the landscaped areas within the described sub-zones will allow the CSD to maintain the current appearance of the areas.

SUMMARY

The action before the CSD Board is to accept public comments regarding the proposed increase in the Zone E annual parcel charge for Zones E-1, E-2, E-3A, and E-4. All property owners within the described zones have two opportunities to address the legislative body.

These two opportunities are the Public Meeting on June 14, 2011, and the Public Hearing on June 28, 2011, when the results of the ballot proceedings will be announced.

NOTIFICATION

On May 9, 2011, a ballot packet was mailed to each property owner within the affected sub-zones. The packet included a notice to property owner, 2011/12 budget, map with the location of the landscaping and the contributing parcels, CSD Zone E service levels, official mail ballot, and a postage-paid envelope for returning the ballot. A sample mail ballot packet for each sub-zone is included as Attachments 1 through 4.

Newspaper advertising for the June 14, 2011, Public Meeting and June 28, 2011, Public Hearing was published in The Press-Enterprise on May 26, 2011. Additionally, the Public Hearing notification was published on June 9 and will be published again on June 16, 2011.

ATTACHMENTS

Attachment 1: Sample mail ballot packet for Zone E-1
Attachment 2: Sample mail ballot packet for Zone E-2
Attachment 3: Sample mail ballot packet for Zone E-3A
Attachment 4: Sample mail ballot packet for Zone E-4

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel
Special Districts Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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TEL: 951.413.3480
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WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-1 ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-1 annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by approximately $2.14 per month** to meet current costs. The Zone E-1 charges will be collected on the County of Riverside property tax bills. The Zone E-1 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-1 are divided proportionally by the number of parcels, acres, or condo units to determine the annual charge per parcel, acre, or condo unit.

ATTACHMENT 1

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-1

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-1. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $2.14 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-1 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-1 son divididos en proporción al número de parcelas, unidades de condominio y acres para determinar el costo anual por parcela, unidades de condominio y acre.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-1 annual charges for standard landscape maintenance services are $126.36 per residential parcel, $505.44 per acre for nonresidential or undeveloped parcels, or $57.02 per condo unit. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-1 program for FY 2010/11 is $281,584.08.

Proposed Charge

To meet current costs, the Zone E-1 charges are proposed to be adjusted to $152 per residential parcel, $608 per acre for nonresidential or undeveloped parcels, or $69 per condo unit. This equates to an estimated annual increase of approximately 20% or $25.64 per residential parcel, $102.56 per acre for nonresidential or undeveloped parcels, or $11.98 per condo unit.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-1 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Acre (Nonresidential or Undeveloped)		Per Condo Unit	
Fiscal Year	**Annual Charge**	**Fiscal Year**	**Annual Charge**	**Fiscal Year**	**Annual Charge**
2005-06	$110.00	2005-06	$440.00	2005-06	N/A
2006-07	$115.00	2006-07	$460.00	2006-07	N/A
2007-08	$119.00	2007-08	$476.00	2007-08	N/A
2008-09	$124.00	2008-09	$496.00	2008-09	$56.00
2009-10	$124.10	2009-10	$496.40	2009-10	$56.00
2010-11	$126.36	2010-11	$505.44	2010-11	$57.02

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-1 es de $126.36 por parcela residencial, $505.44 por acre no residencial o parcelas subdesarrolladas, o $57.02 por unidad de condominio. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-1 durante el año fiscal 2010/11 es de $281,584.08.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-1 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $152 por parcela residencial, $608 por acre no residencial o parcelas subdesarrolladas y $69 por unidad de condominio. Este ajuste equivaldría a un aumento anual aproximado de 20% o $25.64 por parcela residencial, $102.56 por acre no residencial o parcelas subdesarrolladas y $11.98 por unidad de condominio.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-1

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Acre (No Residencial/ Subdesarrollado)		Por Unidad de Condominio	
Año Fiscal	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**
2005-06	$110.00	2005-06	$440.00	2005-06	N/A
2006-07	$115.00	2006-07	$460.00	2006-07	N/A
2007-08	$119.00	2007-08	$476.00	2007-08	N/A
2008-09	$124.00	2008-09	$496.00	2008-09	$56.00
2009-10	$124.10	2009-10	$496.40	2009-10	$56.00
2010-11	$126.36	2010-11	$505.44	2010-11	$57.02

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approves the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $152 per residential parcel, $608 per acre for nonresidential or undeveloped parcels, or $69 per condo unit shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $152 por parcela residencial, $608 por acre no residencial o parcelas subdesarrolladas y $69 por unidad de condominio será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.

3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*

3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.

4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE E-1
FY 2011/12 BUDGET

LANDSCAPE AREA		442,569	Square Feet or
		10.16	Acres
REVENUES			
Single Family Parcels (1,042)	**$**	**152.00**	**or $12.67 per month**
Condo Units (67)	**$**	**69.00**	**or $5.75 per month**
Nonresidential/undeveloped Acres (289.19 acres)	**$**	**608.00**	**or $50.67 per month**
Total Revenue	**$**	**338,834.52**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	88,430.00	
Water (Eastern Municipal Water District)		69,200.00	
Electricity (SCE)		4,000.00	
Vandalism Repair		3,400.00	
Repair and Replacement		40,143.52	
Other (mulching, plant material replacement, etc.)		25,400.00	
Landscape Inspectors/Technicians and Support Services		65,511.00	
Parts and Equipment/Miscellaneous Direct Expenses		14,383.00	
Subtotal Direct Costs	$	310,467.52	
Indirect Costs			
Miscellaneous Indirect Expenses	$	2,625.00	
Special Districts Program Administration		8,256.31	
City Administration		17,485.69	
Subtotal Indirect Costs	$	28,367.00	
Total Expenses	**$**	**338,834.52**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-1
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		442,569	Pies Cuadrados
		10.16	Acres
INGRESOS			
Parcelas de Unidades Familiar (1042)	**$**	**152.00**	**o $12.67 mensual**
Unidades de Condominio (67)	**$**	**69.00**	**o $5.75 mensual**
Acres No Residenciales o Subdesarrollados (289.19 acres)	**$**	**608.00**	**o $50.67 mensual**
Total de Ingresos	**$**	**338,834.52**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	88,430.00	
Agua (Eastern Municipal Water District)		69,200.00	
Electricidad (SCE)		4,000.00	
Reparación de Vandalismo		3,400.00	
Reparación o Reemplazo		40,143.52	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		25,400.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		65,511.00	
Partes y Equipo/Egresos Misceláneos Directos		14,383.00	
Subtotal de Costos Directos	$	310,467.52	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	2,625.00	
Administración de Programa de Servicios Especiales		8,256.31	
Administración de la Ciudad		17,485.69	
Subtotal de Costos Indirectos	$	28,367.00	
Total de Egresos	**$**	**338,834.52**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-1 • Towngate

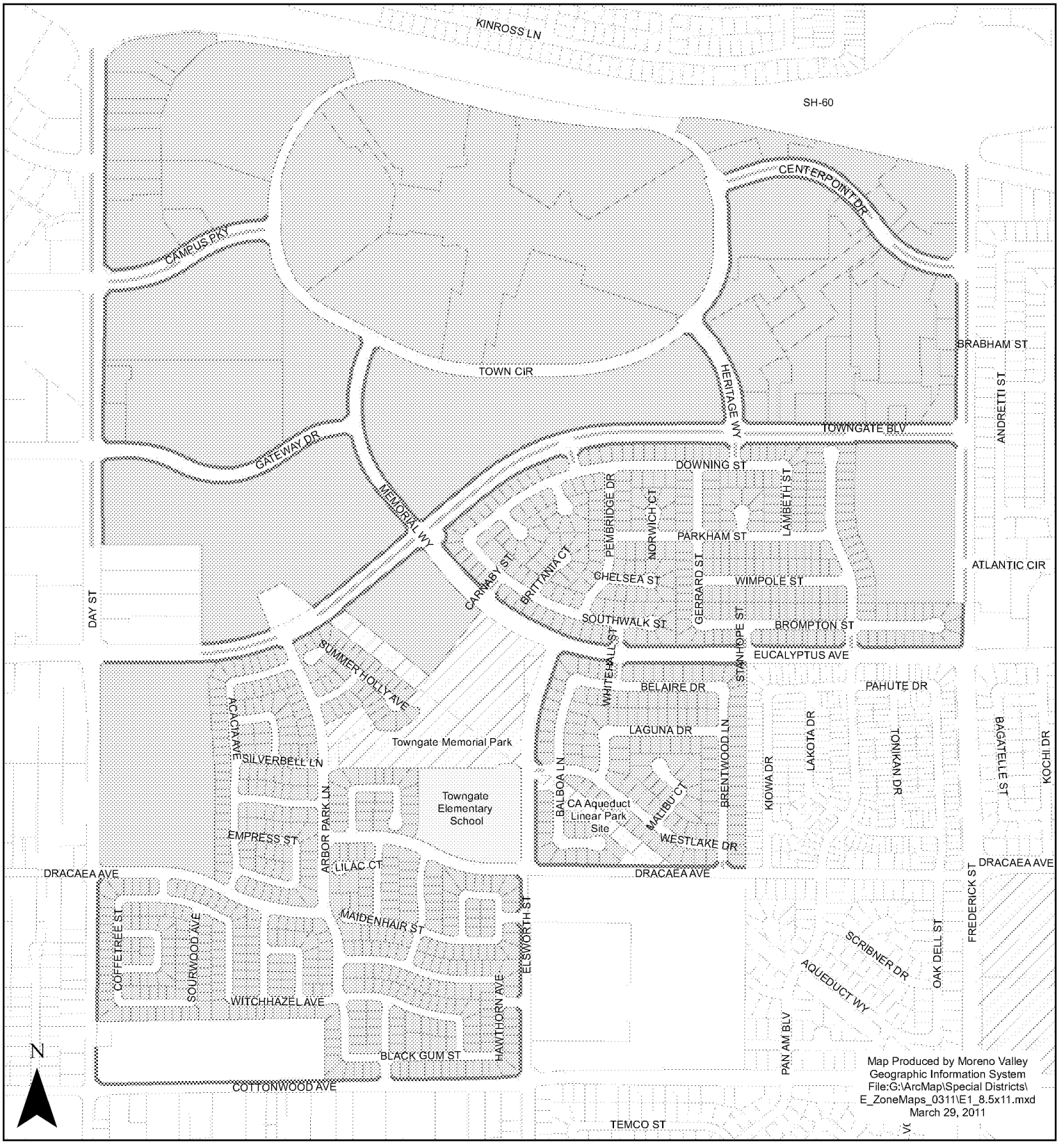

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Median *(Medianas Ajardinadas)*

Landscaped Parkway *(Areas Ajardinadas)*

Zone E-1 Parcels *(Zona E-1 Parcelas)*

MORENO VALLEY

Item No. G.4

MV00108278

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 291535016
CSD ZONE E-1 (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-1 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-1. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-1 services of $25.64 per residential parcel **(approximately $2.14 per month)**. The increase will adjust the approved annual charge from $126.36 to $152.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-1 de $25.64 por parcela residencial **(aproximadamente $2.14 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $126.36 a $152.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-1 services of $25.64 per residential parcel. I understand landscaping services for Zone E-1 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-1 de $25.64 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-1 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

MIXED AADC 923 0001169
FEDERAL NATL MORTGAGE ASSN
C/O IBM LENDER BUSINESS PROC SVCS
14523 SW MILLIKAN WAY STE 200
BEAVERTON OR 97005-2352

MV00108279

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-2 ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-2 annual charges. If approved, beginning in FY 2011/12 annual charge shall be **increased by approximately $9.96 per month per residential parcel or Equivalent Dwelling Unit (EDU) for undeveloped parcels** to meet current costs. The Zone E-2 charge is collected on the County of Riverside property tax bills. The Zone E-2 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-2 are divided proportionally by the number of residential parcels or EDUs to determine the annual charge per parcel or EDU.

ATTACHMENT 2

Tel: 951.413.3480
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MORENO VALLEY
WHERE DREAMS SOAR

14325 Frederick Street, Suite 9
P. O. Box 88005
Moreno Valley, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-2

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-2. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual **por parcela residencial o Unidad de Vivencia Equivalente en parcelas subdesarrolladas (UVE) aumentara aproximadamente $9.96 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-2 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-2 son divididos en proporción al número de parcelas residenciales o UVE's para determinar el costo anual por parcela residencial o UVE.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize these cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-2 annual charges for standard landscape maintenance services are $398.46 per residential parcel or EDU. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-2 program for FY 2010/11 is $480,941.22.

Proposed Charge

To meet current costs, the Zone E-2 charges are proposed to be adjusted to $518.00 per residential parcel or EDU. This equates to an estimated annual increase of approximately 30% or $119.54 per residential parcel or EDU.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-2 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Equivalent Dwelling Unit (Undeveloped Parcels)	
Fiscal Year	**Annual Charge**	**Fiscal Year**	**Annual Charge**
2007-08	$375.00	2007-08	$375.00
2008-09	$391.00	2008-09	$391.00
2009-10	$391.30	2009-10	$391.30
2010-11	$398.46	2010-11	$398.46

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-2 es de $398.46 por parcela residencial o UVE. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-2 durante el año fiscal 2010/11 es de $480,941.22.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-2 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $518.00 por parcela residencial o UVE. Este ajuste equivaldría a un aumento anual aproximado de 30% o $119.54 por parcela residencial o UVE.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-2

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Unidad de Vivienda Equivalente (Parcelas Subdesarrolladas)	
Año Fiscal	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**
2007-08	$375.00	2007-08	$375.00
2008-09	$391.00	2008-09	$391.00
2009-10	$391.30	2009-10	$391.30
2010-11	$398.46	2010-11	$398.46

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $518.00 per residential parcel or EDU shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	**Audiencia Publica**
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $518 por parcela residencial o UVE será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

su boleta personalmente si así lo desea a la misma dirección.

4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE E-2
FY 2011/12 BUDGET

LANDSCAPE AREA	3,574,098	Square Feet or
	82.05	Acres
REVENUES		
Proposed Annual Zone E-2 Charge	**$ 518.00**	**or $43.16 per month**
Number of parcels/EDUs	1,207	
Total Revenue	**$ 625,226.00**	
EXPENSES		
Direct Costs		
Base Maintenance Contract	$ 188,400.00	
Water (Eastern Municipal Water District)	105,300.00	
Electricity (SCE)	6,300.00	
Vandalism Repair	5,400.00	
Repair and Replacement	94,070.00	
Other (mulching, plant material replacement, etc.)	47,700.00	
Landscape Inspectors/Technicians and Support Services	114,929.00	
Parts and Equipment/Miscellaneous Direct Expenses	14,284.00	
Subtotal Direct Costs	$ 576,383.00	
Indirect Costs		
Miscellaneous Indirect Expenses	$ 4,602.00	
Special Districts Program Administration	13,565.66	
City Administration	30,675.34	
Subtotal Indirect Costs	$ 48,843.00	
Total Expenses	**$ 625,226.00**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-2
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		3,574,098	Pies Cuadrados
		82.05	Acres
INGRESOS			
Cargo Anual Propuesto para la Zona E-2	**$**	**518.00**	**o $43.16 mensual**
Números de parcelas/UVE		**1,207.00**	
Total de Ingresos	**$**	**625,226.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	188,400.00	
Agua (Eastern Municipal Water District)		105,300.00	
Electricidad (SCE)		6,300.00	
Reparación de Vandalismo		5,400.00	
Reparación o Reemplazo		94,070.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		47,700.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		114,929.00	
Partes y Equipo/Egresos Misceláneos Directos		14,284.00	
Subtotal de Costos Directos	$	576,383.00	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	4,602.00	
Administración de Programa de Servicios Especiales		13,565.66	
Administración de la Ciudad		30,675.34	
Subtotal de Costos Indirectos	$	48,843.00	
Total de Egresos	**$**	**625,226.00**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-2 • Hidden Springs

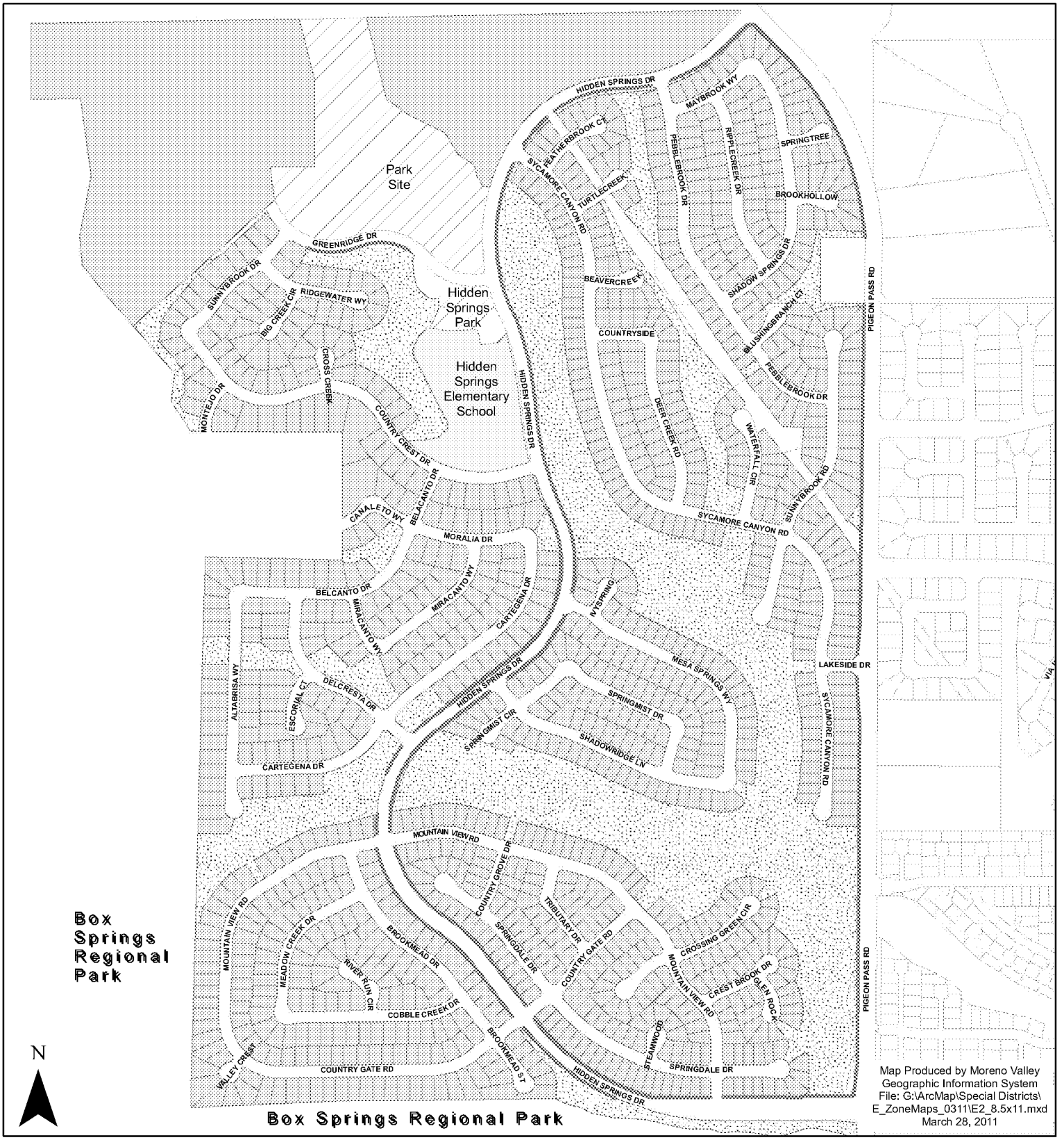

Map Produced by Moreno Valley Geographic Information System
File: G:\ArcMap\Special Districts\E_ZoneMaps_0311\E2_8.5x11.mxd
March 28, 2011

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Parkway *(Areas Ajardinadas)*

Landscaped Open Space *(Area abierta Ajardinada)*

Zone E-2 Properties *(Zona E-2 Propiedades)*

MORENO VALLEY

Item No. G.4

MV00108292

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 260413014
CSD ZONE E-2 (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-2 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-2. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-2 services of $119.54 per residential parcel or Equivalent Dwelling Unit **(approximately $9.96 per month)**. The increase will adjust the approved annual charge from $398.46 to $518.00 per residential parcel or Equivalent Dwelling Unit for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-2 de $119.54 por parcela residencial o Unidad de Vivienda Equivalente **(aproximadamente $9.96 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $398.46 a $518.00 por parcela o Unidad de Vivienda Equivalente para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-2 services of $119.54 per residential parcel or Equivalent Dwelling Unit. I understand landscaping services for Zone E-2 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-2 de $119.54 por parcela residencial o Unidad de Vivienda Equivalente. Entiendo que los servicios de jardinería de la Zona E-2 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SCH 5-DIGIT 92554 0000001
YASER R TELLO

11411 STEEPLECHASE DR
MORENO VALLEY CA 92555-1407

MV00108293

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-3A ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. In order to maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-3A annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by $3.40 per month** to meet current costs. The Zone E-3A charges are collected on the County of Riverside property tax bills. The Zone E-3A annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-3A are divided proportionally by the number of parcels to determine the annual charge per parcel.

ATTACHMENT 3

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-1

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-3A. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara a $3.40 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-3A es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-3A son divididos en proporción al número de parcelas para determinar el costo anual por parcela.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-3A annual charges for standard landscape maintenance services are $67.20 per residential parcel. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-3A program for FY 2010/11 is $31,516.80.

Proposed Charge

To meet current costs, the Zone E-3A charges are proposed to be adjusted to $108.00 per residential parcel. This equates to an estimated annual increase of approximately 61% or $40.80 per residential parcel.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-3A Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel	
Fiscal Year	**Annual Charge**
2005-06	$63.00
2006-07	$63.00
2007-08	$63.00
2008-09	$66.00
2009-10	$66.00
2010-11	$67.20

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-3A es de $67.20 por parcela residencial. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-3A durante el año fiscal 2010/11 es de $31,516.80.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-3A para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $108.00 por parcela residencial. Este ajuste equivaldría a un aumento anual aproximado de 61% o $40.80 por parcela residencial.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-3A

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial	
Año Fiscal	**Cargo Anual**
2005-06	$63.00
2006-07	$63.00
2007-08	$63.00
2008-09	$66.00
2009-10	$66.00
2010-11	$67.20

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $108.00 per residential parcel shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $108 por parcela residencial será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk)

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.

2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.

4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE E-3A
FY 2011/12 BUDGET

LANDSCAPE AREA		771,002.80	Square Feet or
		1.63	Acres
REVENUES			
Proposed Annual Zone E-3A Charge	**$**	**108.00**	**or $9.00 per month**
Number of parcels		470	
Total Revenue	**$**	**50,760.00**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	12,000.00	
Water (Eastern Municipal Water District)		2,400.00	
Electricity (SCE)		1,100.00	
Vandalism Repair		1,500.00	
Repair and Replacement		1,420.00	
Other (mulching, plant material replacement, etc.)		7,300.00	
Landscape Inspectors/Technicians and Support Services		15,604.00	
Parts and Equipment/Miscellaneous Direct Expenses		2,291.00	
Subtotal Direct Costs	$	43,615.00	
Indirect Costs			
Miscellaneous Indirect Expenses	$	625.00	
Special Districts Program Administration		2,354.99	
City Administration		4,165.01	
Subtotal Indirect Costs	$	7,145.00	
Total Expenses	**$**	**50,760.00**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-3A
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		771,002.80	Pies Cuadrados
		1.63	Acres
INGRESOS			
Carga Anual Propuesto para la Zona E-3A	**$**	**108.00**	**o $9.00 mensual**
Numero de parcelas		**470.00**	
Total de Ingresos	**$**	**50,760.00**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	12,000.00	
Agua (Eastern Municipal Water District)		2,400.00	
Electricidad (SCE)		1,100.00	
Reparación de Vandalismo		1,500.00	
Reparación o Reemplazo		1,420.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		7,300.00	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		15,604.00	
Partes y Equipo/Egresos Misceláneos Directos		2,291.00	
Subtotal de Costos Directos	$	43,615.00	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	625.00	
Administración de Programa de Servicios Especiales		2,354.99	
Administración de la Ciudad		4,165.01	
Subtotal de Costos Indirectos	$	7,145.00	
Total de Egresos	**$**	**50,760.00**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

Administración de la Ciudad: servicios administrativos y seguro de responsabilidad civil.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-3A • Lasselle Powerline Parkway
(Areas de lineas de alta tensión por la Lasselle)

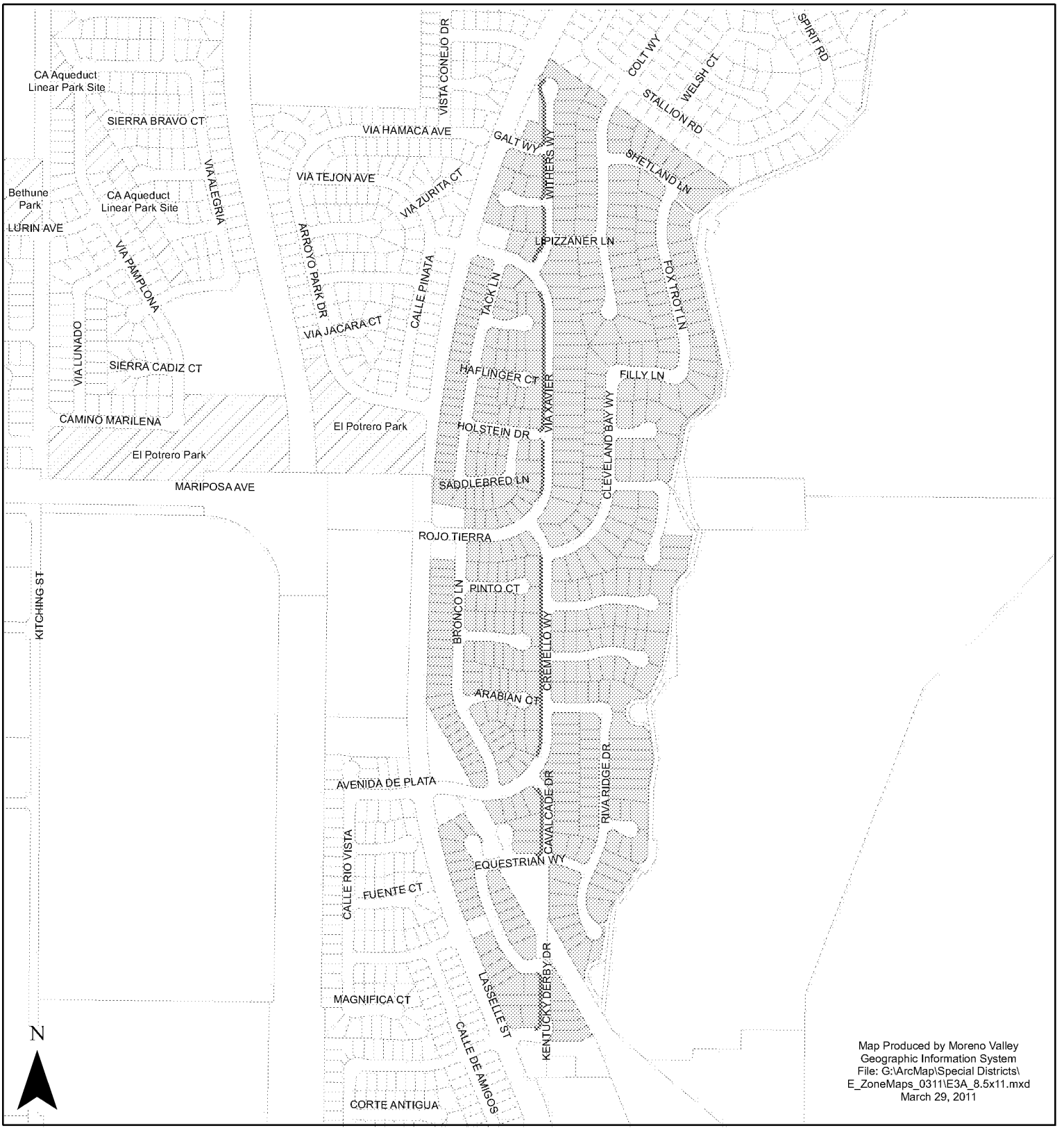

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Parkway *(Areas Ajardinadas)*

Zone E-3A Parcels *(Zona E-3A Parcelas)*

MORENO VALLEY CITY

Item No. G.4

MV00108306

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 308511024
CSD ZONE E-3A (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-3A annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-3A. Después, firme en la línea que corresponda al recuadro elegido solamente. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-3A services of $40.80 per residential parcel **($3.40 per month)**. The increase will adjust the approved annual charge from $67.20 to $108.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-3A de $40.80 por parcela residencial **(a $3.40 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $67.20 a $108.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-3A services of $40.80 per residential parcel. I understand landscaping services for Zone E-3A shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-3A de $40.80 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-3A serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0000095
ROSA ESPINOZA

16556 WITHERS WAY
MORENO VALLEY CA 92555-3343

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

Español al reverso

May 9, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR COMMUNITY SERVICES DISTRICT (CSD) ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) REGARDING A PROPOSED INCREASE TO THE ZONE E-4 ANNUAL CHARGE

******* OFFICIAL BALLOT ENCLOSED *******

Introduction

The Moreno Valley Community Services District (CSD) Zone E program funds administration and service costs for maintenance of designated common landscaped areas throughout your community. To maintain landscape services at the standard service level, the CSD submits to you the enclosed ballot along with this notification. The ballot provides property owners an opportunity to approve or oppose the proposed increase to the Zone E-4 annual charges. If approved, beginning in FY 2011/12 each residential parcel's annual charge shall be **increased by approximately $10.83 per month** to meet current costs. The Zone E-4 annual charges are collected on the County of Riverside property tax bills. The Zone E-4 annual charge is a direct-benefit charge for your community; there are no other revenue sources to pay for landscape maintenance.

Background

The Moreno Valley CSD was formed when the City incorporated in 1984. The CSD established benefit zones to allocate the cost of special services to those parcels receiving benefit from designated CSD programs. The Zone E (Extensive Landscape Maintenance) program provides landscape maintenance services to designated areas that have landscaped perimeters, open space, medians, and/or entry statements. See enclosed map for the location of these landscaped areas. In compliance with Proposition 218, "The Right to Vote on Taxes Act", the CSD is conducting a mail ballot proceeding to provide property owners the opportunity to submit a ballot in support of or opposition to the proposed increase in the annual charge.

Services Provided

The Zone E annual charges fund administration and service costs for the landscape maintenance, which includes: mowing, trimming, pruning, weeding, fertilizing, replacing plant material(s) as necessary, removing litter, maintaining the irrigation systems, paying water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the identified landscape areas. Included with this notice is a description of the general service level guidelines which may be performed for each service level.

How is the Amount of the Charge Determined?

The CSD zones are structured to be full cost recovery programs. The annual expenses for Zone E-4 are divided proportionally by the number of parcels or acres to determine the annual charge per parcel or acre.

ATTACHMENT 4

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

NOTICIA A LOS PROPIETARIOS DE HOGAR – PROCEDIMIENTO DE VOTACION POR CORREO PARA EL DISTRITO DE SERVICIOS COMUNITARIOS (CSD) ZONA E (MANTENIMIENTO DE LAS AREAS AJARDINADAS EXTENSIVO) REFERENTE A UN PROPUESTO INCREMENTO DEL CARGO ANUAL DE LA ZONA E-4

******* BOLETA OFICIAL ADJUNTA*******

Introducción

El programa Zona E del Distrito de Servicios Comunitarios de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento de las áreas ajardinadas designadas dentro de su comunidad inmediata. Para continuar con el servicio de mantenimiento de nivel estándar, el CSD a incluido una boleta junto con este comunicado. La boleta brinda a los propietarios la oportunidad de votar a favor o en contra al propuesto incremento del cargo anual de la Zona E-4. De ser aprobado, comenzando el año fiscal 2011/12 el cargo anual por parcela residencial **aumentara aproximadamente $10.83 mensual** para poder solventar los costos actuales. Este cargo es colectado mediante los impuestos de la propiedad que colecta el Condado de Riverside. El cargo anual de la Zona E-4 es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Historial

El CSD de Moreno Valley fue formado cuando la Ciudad se incorporo en 1984. El CSD estableció subsidios para asignar los costos de servicios especializados a aquellas parcelas que reciban beneficios de ciertos programas designados por el CSD. El programa de la Zona E (El Mantenimiento de las Áreas Ajardinadas) provee servicio de mantenimiento a áreas designadas que tengan jardín en los camellones, perímetro o monumentos en las entradas. Véase el mapa adjunto para localizar las áreas ajardinadas dentro de su comunidad. En cumplimiento con la Proposición 218, que estipula el derecho de voto en cuanto a impuestos a la propiedad, "The Right to Vote on Taxes Act", el CSD esta llevando a cabo este procedimiento electoral brindando la oportunidad a los propietarios de presentar su boleta a favor u oposición al propuesto incremento del cargo anual.

Los Servicios que se Proveen

El programa Zona E del Distrito de Servicios Comunitario de Moreno Valley (CSD) costea los costos relacionados con la administración y servicios de mantenimiento: corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación, el costo de agua y electricidad, personal, al igual que otros elementos necesarios para el mantenimiento del jardín. Adjunta con esta nota, encontrara un resumen de los servicios que se proveen dependiendo del nivel de servicio.

¿Como se Determina la Cantidad del Cargo Anual?

Los programas de las zonas CSD, son programas de recuperación de costo total. Los egresos anuales de la Zona E-4 son divididos en proporción al número de parcelas o acres para determinar el costo anual por parcela o acres.

Reason for the Increase

Over the years, higher costs for electricity, water, and maintenance have impacted the overall program costs. Additionally, the service area has incurred various costs for vandal and irrigation repairs, replacement of plant materials, and tree maintenance. The CSD has used fund balances to subsidize cost increases for several years and has implemented a range of efficiency measures. However, sufficient funds are no longer available to offset the difference between the actual costs and the annual parcel charges paid by the property owners. There are no other revenue sources to pay for landscape maintenance. Since the current parcel charges do not provide adequate funding for the full cost of landscape maintenance, the CSD is required to ballot the property owners to seek approval for an increase to the annual charges to maintain services at the standard service level.

Current Charge

The 2010/11 Zone E-4 annual charges for standard landscape maintenance services are $110.00 per residential parcel or $440.00 per acre for nonresidential or undeveloped parcels. The annual charges are collected on the County of Riverside property tax bills. The total amount levied for the Zone E-4 program for FY 2010/11 is $251,873.60.

Proposed Charge

To meet current costs, the Zone E-4 charges are proposed to be adjusted to $240.00 per residential parcel or $960.00 per acre for nonresidential or undeveloped parcels. This equates to an estimated annual increase of approximately 118% or $130.00 per residential parcel or $520.00 per acre for nonresidential or undeveloped parcels.

Annual Adjustment

The charges shall be subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Zone E-4 Parcel Charge History

The following table sets forth the history of the annual charges.

Per Residential Parcel		Per Acre (Nonresidential or Undeveloped)	
Fiscal Year	**Annual Charge**	**Fiscal Year**	**Annual Charge**
2007-08	$110.00	2007-08	$440.00
2008-09	$110.00	2008-09	$440.00
2009-10	$110.00	2009-10	$440.00
2010-11	$110.00	2010-11	$440.00

Duration of the Charge

If approved, the increase in the charges shall be levied on the County of Riverside property tax bills beginning with the FY 2011/12 tax bills, and each following year at the property owner approved charge.

Public Hearing

To provide information concerning the proposed mail ballot proceeding for the Zone E (Extensive Landscape Maintenance) program the CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

¿La Razón por el Incremento?

A través de los anos, el aumento en los costos del agua, la electricidad y de las compañías de mantenimiento han impactado los costos del programa por entero. Adicionalmente, las áreas de servicio han incurrido otros costos debido a vandalismo y reparaciones del sistema de irrigación, reemplazo de plantas y el podado de los árboles. Por algunos años, el CSD ha subvencionado estos altos costos mediante un saldo de fondos y mediante implementar diversas medidas eficaces. Sin embargo, los fondos disponibles necesarios para sufragar la diferencia entre el costo actual y los fondos que se recaudan actualmente mediante el cargo que paga cada parcela anualmente se han agotado. Debido a que el cargo por parcela actual no provee los suficientes fondos para costear los costos de mantenimiento de la áreas ajardinadas, el CSD es requerido que lleve a cabo una votación de los propietarios buscando aprobación a un incremento al cargo anual para seguir suministrando el servicio actual de mantenimiento estándar. Este es un cargo de beneficio directo para su comunidad; no hay otras fuentes de ingresos que se usen para pagar los costos de mantenimiento.

Cargo Actual

Para el año 2010/11 el cargo anual para los servicios de mantenimiento estándar de la Zona E-4 es de $110.00 por parcela residencial, $960.00 por acre no residencial o parcelas subdesarrolladas. El cargo anual se colecta mediante la factura de impuesto a la propiedad que se paga al Condado de Riverside. La cantidad total que se recaudo para el programa de la Zona E-4 durante el año fiscal 2010/11 es de $251,873.60.

Cargo Que Se Propone

Se ha propuesto un ajuste al cargo anual de la Zona E-4 para el año fiscal 2011/12, para poder solventar los costos actuales. El ajuste que se propone aumentaría el cargo anual a $240 por parcela residencial, $960 por acre no residencial o parcelas subdesarrolladas. Este ajuste equivaldría a un aumento anual aproximado de 118% o $130.00 por parcela residencial, $520.00 por acre no residencial o parcelas subdesarrolladas.

Ajuste Anual

El cargo anual estará sujeto ha un ajuste anual basado en el cambio a el porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales del Departamento de Trabajo en los próximos anos.

Historial de Cargos Por Parcela Para La Zona E-4

La siguiente tabla estadística refleja el historial de los cargos anuales.

Por Parcela Residencial		Por Acre (No Residencial/ Subdesarrollado)	
Año Fiscal	**Cargo Anual**	**Año Fiscal**	**Cargo Anual**
2007-08	$110.00	2007-08	$440.00
2008-09	$110.00	2008-09	$440.00
2009-10	$110.00	2009-10	$440.00
2010-11	$110.00	2010-11	$440.00

Duración del Cargo

De ser aprobado, el incremento al cargo anual será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12 y cada siguiente año.

Public Meeting	**Public Hearing**
Tuesday, June 14, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing, at a time and location as confirmed by the CSD Board. All ballots received shall be tabulated under the direction of the Secretary of the CSD Board of Directors (City Clerk) in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Increase is Approved

If a simple majority (50%+1) of the returned valid weighted ballots approve the increase in the annual charge, landscape maintenance services shall continue at the current level. The total approved charges of $240.00 per residential parcel or $960.00 per acre for nonresidential or undeveloped parcels shall be placed on the 2011/12 Riverside County property tax bill.

Effect if Increase is Not Approved

If there is a tie or if a majority of the returned valid weighted ballots oppose the increase in the annual charges, the landscape maintenance service level shall be reduced to a level consistent with available funding. The net result may be that the overall appearance of these landscaped areas will be reduced from their present condition. If available funding cannot support the lowest level of service, property owners will be notified and maintenance services may be discontinued.

For More Information

If you have any questions about the proposed increase in the annual charges, the landscape maintenance services, about the mail ballot proceeding process, would like to schedule a community meeting for a detailed briefing, or would like to request additional supporting documentation such as detailed budget information, please contact the City's Special Districts Division, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3480.

Completing Your Ballot

Property owners may submit the enclosed ballot to the CSD in support of or opposition to the proposed increase to the annual charges. Please follow the instructions listed below to complete and return your ballot. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballot in support of or opposition to the proposed increase to the annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballot. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballot in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, a postage-paid envelope has been included for return of the ballot.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing which will be held on **Tuesday, June 28, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Audiencia Pública

Para proveer mas información en cuanto al procedimiento de votación por correo propuesto para la Zona E (Mantenimiento de Jardín Extensivo) se ha programado una Junta Publica y una Audiencia Publica, que se llevaran a cabo en la **Cámara de Ayuntamiento de la Ciudad de Moreno Valley (City Hall Council Chamber) localizada en el 14177 Frederick Street, Moreno Valley**.

Junta Publica	Audiencia Publica
Martes, 14 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)	Martes, 28 de Junio del 2011 6:30 P.M. (o tan pronto come el asunto sea presentado)

Las boletas regresadas serán tabuladas después del cierre de la Audiencia Publica, a una hora y lugar que sea confirmado por el Comité Ejecutivo de CSD. Todas las boletas recibidas serán tabuladas bajo la dirección del Secretario del Comité Ejecutivo del CSD (Secretario de la Ciudad) en conformidad con la corriente Política Para Conducir Procedimientos De Votación Por Correo 1.12.

El Efecto de Ser Aprobado el Incremento

Si una simple mayoría (50%+1) de las boletas validas aprueban el incremento al cargo anual, el nivel de servicio de mantenimiento continuara vigente. El cargo anual aprobado de $240 por parcela residencial, $960 por acre no residencial o parcelas subdesarrolladas será colectado mediante el impuesto a la propiedad, que colecta el Condado de Riverside, comenzando con el año fiscal 2011/12.

El Efecto Si el Incremento No Es Aprobado

Si la mayoría de las boletas validas regresadas se oponen al incremento al cargo anual o si hay un empate, el servicio de mantenimiento será reducido a un nivel basado en los fondos disponibles. Si los fondos disponibles no llegasen a cubrir el nivel de servicio mínimo, los propietarios recibirán un comunicado por carta que los servicios serán descontinuados. El resultado final seria que la apariencia actual de las áreas ajardinadas se verá afectada.

Para Más Información

Si tiene alguna pregunta acerca del incremento anual propuesto, los servicios de mantenimiento, le gustaría organizar una junta comunitaria para mas detalles, o incurrir mas detalles sobre el presupuesto, por favor llame al la División de Distritos Especiales de la Ciudad de Lunes a Jueves, 7:30 a.m. a 5:30 p.m. al 951.413.4380.

Como Llenar La Boleta

Los propietarios podrán enviar la boleta adjunta al CSD en apoyo u oposición al propuesto aumento al cargo anual. Por favor siga las siguientes instrucciones en cuanto a como llenar y devolver la boleta correctamente. También, podrá encontrar información en cuanto a los procedimientos de cómo llenar, regresar y como se tabulan las boletas en la oficina de Secretaria de la Ciudad (City Clerk).

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time prior to the conclusion of public testimony at the Public Hearing. The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.

1. En la boleta **ponga una marca en la caja correspondiente**, ya sea que este votando a favor o en contra.
2. Firme la boleta. Cualquier boleta que sea devuelta sin firma(s) será considerada invalida y *por lo tanto no será contada.*
3. Envié la boleta en el sobre adjunto a la oficina de Secretaria de la Ciudad (City Clerk's office) a la siguiente dirección, 14177 Frederick Street, Moreno Valley, CA, 92553. Para su conveniencia, el sobre incluido tiene el franqueo pagado. También puede traer su boleta personalmente si así lo desea a la misma dirección.
4. Las boletas deberán ser **recibidas** por el Secretario de la Ciudad antes del cierre de la Audiencia Publica que se llevara a cabo el **Martes, 28 de Junio del 2011**,en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber). La audiencia comenzara a las 6:30 p.m. o en tanto sea posible tratar el asunto. Legalmente, las boletas que sean recibidas después del cierre de la Audiencia Publica, no podrán ser contadas

Marcas Validas

Los siguientes son ejemplos de marcas que se consideran apropiadas para votar Si/Aprobado o No/No Aprobado en su boleta electoral.

Una marca que este mayormente dentro de la caja;

Una X que este mayormente dentro de la caja;

Un punto o marca ovalada que este mayormente dentro de la caja;

Llenar la caja completamente mayormente dentro de las líneas;

Una línea, llena o quebrada, o combinación de líneas. Podrá usar líneas verticales, horizontales o diagonales. Puede marcar de una esquina a otra. Sin embargo, para que su voto sea valido, siempre manténgase mayormente dentro de la caja que este marcando sin marcar la quede vacía;

Un circulo alrededor de la caja y/o la cláusula asociada; o

Un cuadro o rectángulo alrededor de la caja y/o cláusula asociada.

Las marcas en las boletas no deberán extenderse mas allá del área de la caja que ha escogido. Si la marca de una caja se extiende a la otra o al la porción que explica el significado de esta, la boleta será considerada invalida y por lo tanto no será contada.

Cambios o revisiones a las marcas de la boleta

Si comete un error al marcar su voto en la boleta o simplemente desea cambiar su voto, podrá hacerlo mediante poner sus iniciales claramente marcadas al derecho de la selección que halla ajustado. Cualquier cambio deberá ser iniciado por el propietario solamente. Solo se aceptaran estos cambios o ajustes a las boletas si son recibidas antes del cierre del testimonio publico en la Audiencia Publica.

CSD ZONE E-4
FY 2011/12 BUDGET

LANDSCAPE AREA		1,205,727	Square Feet or
		27.80	Acres
REVENUES			
Single Family Parcels (2,063)	**$**	**240.00**	**or $20.00 per month**
Nonresidential/undeveloped parcels (56.69 acres)	**$**	**960.00**	**or $80.00 per month**
Total Revenue	**$**	**549,542.40**	
EXPENSES			
Direct Costs			
Base Maintenance Contract	$	173,985.00	
Water (Eastern Municipal Water District)		39,700.00	
Electricity (SCE)		3,500.00	
Vandalism Repair		1,900.00	
Other (mulching, plant material replacement, etc.)		101,586.40	
Landscape Inspectors/Technicians and Support Services		146,320.00	
Parts and Equipment/Miscellaneous Direct Expenses		19,801.00	
Subtotal Direct Costs	$	486,792.40	
Indirect Costs			
Miscellaneous Indirect Expenses	$	5,858.00	
Special Districts Program Administration		17,838.04	
City Administration		39,053.96	
Subtotal Indirect Costs	$	62,750.00	
Total Expenses	**$**	**549,542.40**	

Base Maintenance Contract: includes total annual costs for contract services of bonded and insured professional landscape contracting firm, based upon prevailing wage requirements. Services may include mowing, trimming, pruning, fertilizing, weed control, litter removal, and maintaining the irrigation systems.

Vandalism Repair: includes abatement of nuisance and necessary repairs.

Repair and Replacement: may include, but are not limited to, major and intermediate irrigation rehabilitation and/or renovation projects (including parts), replacement of plant materials, fertilizers and pesticides, tree trimming, and mulching.

Landscape Inspectors/Technicians and Support Services: personnel costs for oversight of landscape contractor, manual labor time for assistance with major and minor repairs, renovation, and landscape replacement/removal projects. Administrative staff manages maintenance contracts, ensures timely payment of all invoices, creates and monitors the annual program budget, and applies the annual charges on the property tax.

Parts and Equipment/Miscellaneous Direct Expense: landscape irrigation parts (for minor and/or emergency repairs), and equipment (used by personnel). Service vehicle, fuel and telecommunications equipment.

Miscellaneous Indirect Expenses: tools, uniforms, training, copying, mailing, postage, etc.

Special Districts Administration: includes professional services, Riverside County fees, and other municipal agency services.

City Administration: administrative services and liability insurance.

CSD ZONA E-4
PRESUPUESTO DEL ANO FISCAL 2011/12

ÁREA AJARDINADA		1,205,727	Pies Cuadrados
		27.80	Acres
INGRESOS			
Parcelas de Unidades Familiar (2063)	**$**	**240.00**	**o $20.00 mensual**
Acres No Residenciales o Subdesarrollados (56.69 acres)	**$**	**960.00**	**o $80.00mensual**
Total de Ingresos	**$**	**549,542.40**	
EGRESOS			
Costos Directos			
Contrato de Mantenimiento Base	$	173,985.00	
Agua (Eastern Municipal Water District)		39,700.00	
Electricidad (SCE)		3,500.00	
Reparación de Vandalismo		1,900.00	
Otros Gastos (Mantillo, Reemplazo de Plantas, etc.)		101,586.40	
Inspectores de Jardinería/Servicios de Apoyo Técnicos		146,320.00	
Partes y Equipo/Egresos Misceláneos Directos		19,801.00	
Subtotal de Costos Directos	$	486,792.40	
Costos Indirectos			
Egresos Misceláneos Indirectos	$	5,858.00	
Administración de Programa de Servicios Especiales		17,838.04	
Administración de la Ciudad		39,053.96	
Subtotal de Costos Indirectos	$	62,750.00	
Total de Egresos	**$**	**549,542.40**	

Contrato de Mantenimiento Base: incluye el total de costo anual de los servicios contratados de las compañías de mantenimiento, basado en salarios prevalecientes requeridos. Los servicios incluyen corte de césped, podado de árboles y arbustos, fertilización, control de hierbas y basura, mantenimiento y reparación al sistema de irrigación.

Reparación de Vandalismo: incluye reparaciones y alivio de molestias publicas

Reparación o Reemplazo: pudiera incluir, pero no limitado a, rehabilitación del sistema de riego, sea de índole mayor o intermediaria y/o proyecto de renovación (incluyendo partes necesaria), reemplazo de plantas, fertilizantes y pesticidas, podado de árboles e instalación de mantillo.

Inspectores de Jardinería/Servicios de Apoyo Técnico: costos relacionados con el personal de supervisión a los contratistas, costo de mano de obra en reparaciones mayores o mínimas, renovaciones y proyectos de reemplazo de plantas. Costos relacionados con el personal administrativo encargado del administro de los contratos de mantenimiento, pago de facturas al debido tiempo, crear y controlar el presupuesto anual del programa y aplicar los cargos anuales de impuestos a la propiedad.

Partes y Equipo/Egresos Misceláneos Directos: Partes para el sistema de irrigación y equipo (usado por el personal) para reparaciones menores o de emergencia. Servicio de los vehículos, combustible y equipo de telecomunicación.

Egresos Misceláneos Indirectos: herramientas, uniformes, entrenamientos, gastos de envió, etc.

Administración del Programa de Servicios Especiales: incluye los servicios profesionales, cuotas del Condado de Riverside y otros servicios de agencias municipales.

COMMUNITY SERVICES DISTRICTS ZONE E (Extensive Landscape Maintenance) GENERAL SERVICE LEVEL GUIDELINES *			
DESCRIPTION OF LANDSCAPE MAINTENANCE SERVICE	**STANDARD MAINTENANCE SERVICE**	**REDUCED MAINTENANCE SERVICE**	**STREET TREE MAINTENANCE SERVICE**
Mowing, Edging & Trimming (Of Turf Areas Only)	Weekly	Monthly (or Bi-monthly as needed)	N/A
Aeration	3 times per year	As needed (budget permitting)	N/A
Tree Trimming	1 time every 3-4 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment	1 time every 5-7 years or when necessary to eliminate hazard and/or ROW encroachment
Shrub Trimming	1 time per year (minimum) to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment	1 time per year to eliminate hazard and/or ROW encroachment
Ground Cover Trimming	4 times per year (quarterly) to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment	2 times per year to eliminate hazard and/or ROW encroachment
Weed Control	Monthly	4 times per year (quarterly)	4 times per year (quarterly)
Irrigation	Weekly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)	Monthly (inspect/adjust/repair)
Litter Removal	Weekly	1 time per month or at least 1 time per 2 months	1 time per month or at least 1 time per 2 months
Turf Fertilizer	8 applications per year (minimum)	3 applications per year	N/A
Shrub Fertilizer	2 applications per year	1 application per year	N/A
Tree Fertilizer	As needed	As needed (budget permitting)	As needed (budget permitting)
Pesticides:			
Shrubs/Ground Covers	Pre-emergent 2 times per year	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Insect/disease control (as needed)	As needed (budget permitting)	N/A
Shrubs/Ground Covers	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A
Turf	Weed control, insect, and disease control (as needed)	As needed (budget permitting)	N/A
Turf	Vertebrate pest control Monthly (minimum)	As needed (budget permitting)	N/A

* The table sets forth the general guidelines for landscape maintenance services. Since every service area is unique and may require adjusted services based on seasonal demands and available funding, the actual services provided shall be determined by the Special Districts Division Manager. The service level for each service area is contingent upon available funding to support the designated level of service.

DISTRITO DE SERVICIOS COMUNITARIOS ZONA E (Mantenimiento de Jardín Extensivo) PAUTAS DE NIVEL DE SERVICIO GENERAL*			
DESCRIPCIÓN DE LOS NIVELES DE SERVICIO DE MANTENIMIENTO	**SERVICIO DE MANTENIMIENTO ESTANDAR**	**SERVICIO DE MANTENIMIENTO REDUCIDO**	**SERVICIO DE MANTENIMIENTO STREET TREE**
CORTADO DEL CESPED	Semanalmente	Mensual (o bimensual como sea necesario)	N/A
AERACIÓN DEL CESPED	3 veces por año	Como sea necesario (de acuerdo al presupuesto)	N/A
PODADO DE ÁRBOLES	1 vez cada 3-4 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía	1 vez cada 5-7 años o cuando sea necesario para eliminar peligros/o invasión al derecho de vía
PODADO DE ARBUSTOS	1 vez por año (mínimo) para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía	1 vez por año para eliminar peligros/o invasión al derecho de vía
PODADO DE CUBIERTA VEGETAL	4 veces por año (trimestralmente) para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía	2 veces por año para eliminar peligros/o invasión al derecho de vía
CONTROL DE HIERBAS	Mensualmente	4 veces por año (trimestralmente)	4 veces por año (trimestralmente)
IRRIGACIÓN	Semanalmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)	Mensualmente (inspección/ajuste/reparar)
RECOGIMIENTO DE BASURA	Semanalmente	1 vez por mes o por lo menos 1 vez cada 2 meses	1 vez por mes o por lo menos 1 vez cada 2 meses
FERTILIZACIÓN DE CÉSPED	8 aplicaciones por año (mínimo)	3 aplicaciones por año	N/A
FERTILIZACIÓN DE ARBUSTOS	2 aplicaciones por año	1 aplicación por año	N/A
FERTILIZACIÓN DE ÁRBOLES	Como sea necesario	Como sea necesario (de acuerdo al presupuesto)	Como sea necesario (de acuerdo al presupuesto)
Pesticidas:			
ARBUSTOS/CUBIERTA VEGETAL	Pre-crecido (2 veces por año)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de insectos/plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
ARBUSTOS/ CUBIERTA VEGETAL	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de hierbas, insectos y plagas (como sea necesario)	Como sea necesario (de acuerdo al presupuesto)	N/A
CÉSPED	Control de animal(es) vertebrados (mínimo)	Como sea necesario (de acuerdo al presupuesto)	N/A

* La tabla refleja las pautas estipuladas par los servicios de mantenimiento. Debido a que cada área es distinta y el que los servicios podrían ser ajustados debido a la temporada del año o debido a fondos disponibles, el Gerente de la División de Distritos Especiales dictara que tipo de servicios serán apropiados. El nivel de servicio para cada área será sujeto a un ajuste dependiendo los fondos disponibles.

Moreno Valley Community Services District
Extensive Landscape Maintenance *(Jardineria y mantenimiento general)*

Zone *(Zona)* E-4 • Moreno Valley Ranch - East *(Este)*

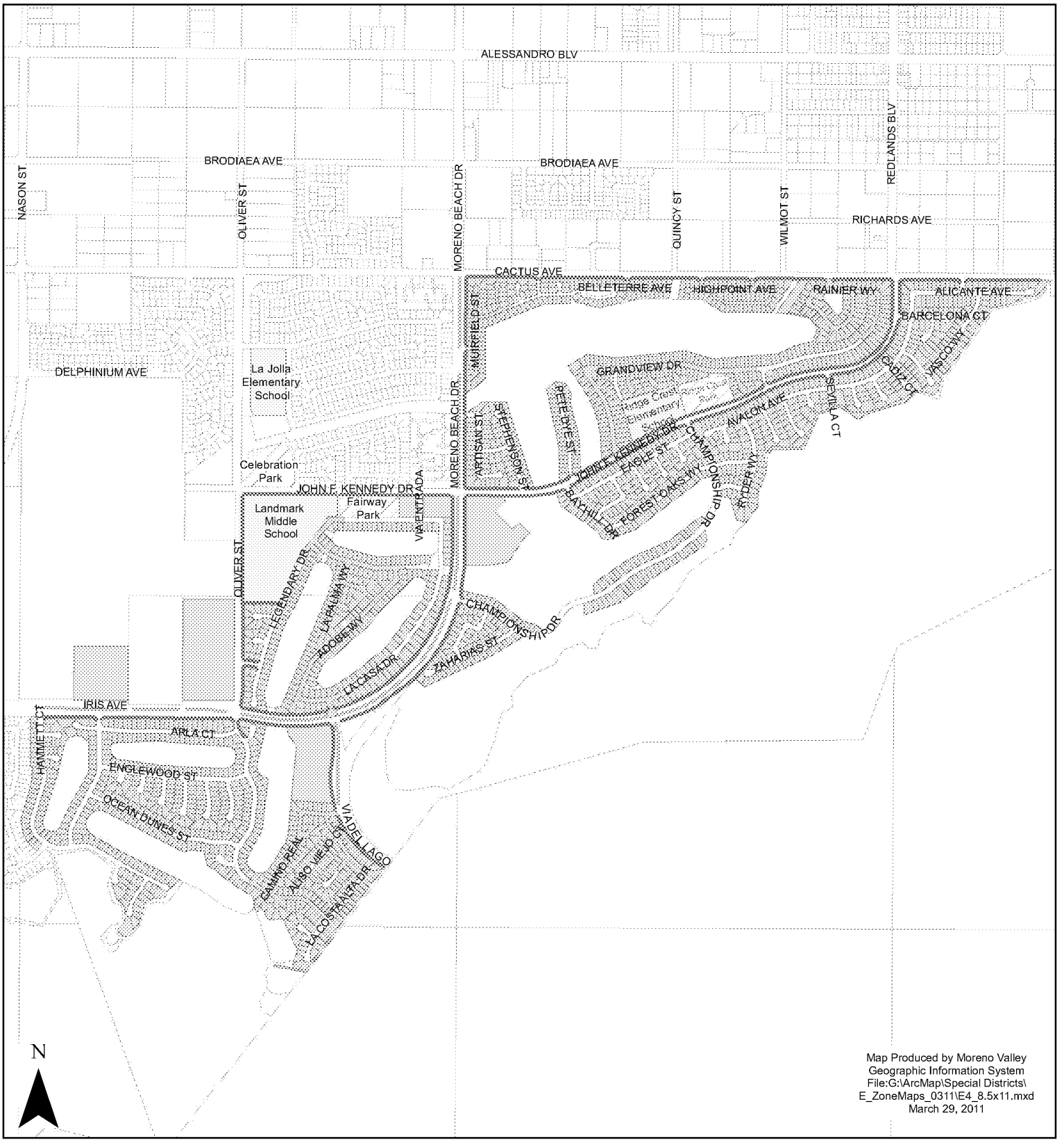

Map Produced by Moreno Valley Geographic Information System
File:G:\ArcMap\Special Districts\E_ZoneMaps_0311\E4_8.5x11.mxd
March 29, 2011

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

Landscaped Parkway *(Areas Ajardinadas)*

Landscaped Median *(Medianas Ajardinadas)*

Zone E-4 Parcels *(Zona E-4 Parcelas)*

MORENO VALLEY

Item No. G.4

MV00108320

OFFICIAL BALLOT/BOLETA OFICIAL for Assessor Parcel No. 304153013
CSD ZONE E-4 (EXTENSIVE LANDSCAPE MAINTENANCE)

Mark the enclosed ballot in support of or opposition to the proposed increase in the Zone E-4 annual charge by placing a mark in the corresponding box and signing your name on the adjacent signature line. An unmarked or unsigned ballot will be considered invalid and will not be counted. This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing on June 28, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

Marque la boleta en el recuadro correspondiente si esta a favor o en contra al incremento propuesto al cargo anual para la Zona E-4. **Después, firme en la línea que corresponda al recuadro elegido solamente**. Cualquier boleta que sea devuelta sin voto o firma(s) o ambas será considerada invalida y por lo tanto no será contada. Esta boleta deberá ser recibida por el Secretario del Comité de CSD (Secretario de la Ciudad) antes del cierre de la Audiencia Publica que se llevara a cabo el 28 de Junio del 2011, en la Cámara de Ayuntamiento de Moreno Valley (Moreno Valley City Hall Council Chamber), a las 6:30 p.m. o en tanto sea posible tratar el asunto.

☐ **Yes/Si**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

Yes, ***I approve*** the increase in the annual charge for Zone E-4 services of $130.00 per residential parcel **(approximately $10.83 per month)**. The increase will adjust the approved annual charge from $110.00 to $240.00 per parcel for fiscal year 2011/12. The approved charge is subject to an annual inflation adjustment based on the percentage increase calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics in future years.

Si, ***yo apruebo*** el incremento anual a los servicios de la Zona E-4 de $130.00 por parcela residencial **(aproximadamente $10.83 mensual).** Dicho incremento resultara en un ajuste al cargo anual aprobado de $110.00 a $240.00 por parcela para el próximo año fiscal 2011/2012. Este cargo esta sujeto a un ajuste inflacionario basado en el cambio al porcentaje calculado durante el año anterior al Índice Regional de Precio al Consumidor para Todos Los Consumidores Urbanos de los Condados de Los Ángeles-Riverside y Orange, publicado por la Oficina de Estadísticas Laborales para los anos venideros del Departamento de Trabajo.

☐ **No/No**

PROPERTY OWNER SIGNATURE/FIRMA DEL PROPIETARIO DATE/FECHA

No, ***I do not approve*** the increase in the annual charge for Zone E-4 services of $130.00 per residential parcel. I understand landscaping services for Zone E-4 shall be reduced to a level consistent with available funding. If available funding cannot support the lowest level of service, maintenance services may be discontinued.

No, ***yo no apruebo*** el incremento anual a los servicios de la Zona E-4 de $130.00 por parcela residencial. Entiendo que los servicios de jardinería de la Zona E-4 serán reducidos a un nivel basado en los fondos disponibles. El servicio de mantenimiento de las áreas ajardinadas podría ser descontinuado si los fondos disponibles no llegasen a costear el servicio más básico.

Weighted Ballot Count: 1

THIS IS YOUR OFFICIAL BALLOT

SINGLE-PIECE 92553 0002069
PETTY ERNESTINE DEFINED PENSIO
C/O RENEE PETTY
4200 PARK BLV NO 202
OAKLAND CA 94602

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Sonny Morkus, Human Resources Director

AGENDA DATE: June 14, 2011

TITLE: Adoption of a Resolution of Intention to Approve an Amendment to the CalPERS Contract to provide the 2% at Age 55 and Three Years Highest Average Compensation Calculation Retirement Benefits for Newly Hired Employees Starting on August 19, 2011, and Conduct the First Reading of the Related Ordinance as required by CalPERS.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-59, to announce the City's intention to approve an amendment to the CalPERS Contract to provide the 2% at Age 55 and Three Years Highest Average Compensation Calculation Retirement Benefits for newly hired employees starting on August 19, 2011, and conduct the first reading of the related ordinance as required by CalPERS.

ADVISORY BOARD/COMMISSION RECOMMENDATION

"Not applicable."

BACKGROUND

During the Meet & Confer Process for the FY 2011/12 successor MOU's for the City three employees associations, the City's labor negotiating team introduced the proposal of providing the 2% at Age 55 and Three Years Highest Average Compensation Calculation CalPERS retirement benefits for new hires starting on August 19, 2011.

DISCUSSION

There is a three-month schedule that CalPERS requires for an amendment to the City's current contract with CalPERS for the provision of retirement benefits. The first step in the process is the adoption of a Resolution of Intent and the first reading of the related

ordinance. This staff report and City Council action will start the schedule process. On July 12, 2011, another staff report will be submitted for City Council recommending the approval of a Resolution Adopting the Amendment to the CalPERS Contract, and the adoption of the related ordinance. It is anticipated that the Meet & Confer process with the three employees associations will be concluded prior to the actual effective date of the amendment to the City's CalPERS Contract. If for any reason the Meet & Confer process is not completed prior to the City Council meeting on July 12, 2011, City staff will postpone the final adoption of the resolution and the adoption of the related ordinance.

ALTERNATIVES

The action of the City Council to approve the attached resolution and to conduct the first reading of the related ordinance relates to the current labor negotiations with the three employee associations: Moreno Valley City Employees Association; Moreno Valley Management Association; and Moreno Valley Confidential Management Employees.

FISCAL IMPACT

The implementation of the 2% at Age 55 and Three Years Highest Average Compensation Calculation CalPERS retirement benefits for new hires is expected to reduce the cost to the City budget for benefits between a range of $1,710.00 to $3,000.00 per employee per year, depending on the employees' compensation levels. The City's CalPERS Employer Rate will be reduced from 19.344% to 15.922% for the new hires. The newly hired employees will be required to pay for the 7% employee's member contribution, and the City will not pay any portion of the employee's member contribution.

CITY COUNCIL GOALS

The action of the City Council to approve the attached resolution will contribute to one of the City Council's goals, i.e. "Positive Environment: Create a positive environment for the development of Moreno Valley's future."

NOTIFICATION

The three employee associations have been notified of the staff report and staff recommendation for City Council to approve the attached resolution and related ordinance. Copies of this staff report and attached resolution were sent to the employee associations, and two of the three concur with the recommended City Council action. MVCEA is not in support at this time.

ATTACHMENTS/EXHIBITS

1. Resolution of Intent to Approve an Amendment to the CalPERS Contract.
2. Ordinance related to the amendment of the CalPERS Contract.

Prepared and Approved By:

Sonny Morkus
Human Resources Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00108325

RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF MORENO VALLEY

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

> To provide Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By:_____
Presiding Officer

_____
Title

_____
Date adopted and approved

(Amendment)
CON-302 (Rev. 4/96)

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

ORDINANCE NO. 828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF MORENO VALLEY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1.

That an amendment to the contract between the City of Moreno Valley and the Board of Administration, California Public Employees' Retirement system is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

SECTION 2.

The Mayor of the City of Moreno Valley is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3.

This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from passage thereof shall be published at least in the Press Enterprise, a newspaper of general circulation, published and circulated in the County of Riverside and thenceforth and thereafter the same shall be in full force and effect.

APPROVED AND ADOPTED this 28th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CalPERS

EXHIBIT: A

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Moreno Valley

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 16, 1985, and witnessed October 15, 1985, and as amended effective February 14, 1992, July 5, 1995, July 15, 1997, January 6, 1999, July 18, 2003, January 13, 2007 and March 27, 2009 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective March 27, 2009, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 16, 1985 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

   (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.

   (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.

   (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

   (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

   a. SAFETY EMPLOYEES.

6. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment before and not on or after January 13, 2007 shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

7. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member in employment on or after January 13, 2007 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law (2.7% at age 55 Full).

8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

9. Public Agency elected and elects to be subject to the following optional provisions:

   a. Section 20042 (One-Year Final Compensation) for those local miscellaneous members entering membership on or prior to the effective date of this amendment to contract.

   b. Section 20938 (Limit Prior Service to Members Employed on Contract Date).

   c. Section 21574 (Fourth Level of 1959 Survivor Benefits).

d. Section 21024 (Military Service Credit as Public Service).

e. Section 20965 (Credit for Unused Sick Leave).

f. Section 20903 (Two Years Additional Service Credit).

g. Section 20475 (Different Level of Benefits). Section 21354 (2% @ 55 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

10. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.

11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.

12. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.

b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
DARRYL WATSON, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF MORENO VALLEY

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"
PLEASE DO NOT SIGN "EXHIBIT ONLY"

AMENDMENT ER# 1384
PERS-CON-702A

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
(888) CalPERS (225-7377)

SUMMARY OF MAJOR PROVISIONS

2% @ 55 Formula (Section 21354)
Local Miscellaneous Members

SERVICE RETIREMENT

To be eligible for service retirement, a member must be at least age 50 and have five years of CalPERS credited service. There is no compulsory retirement age.

The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 55. If retirement is earlier than age 55, the percentage of final compensation decreases for each quarter year of attained age to 1.426% at age 50. If retirement is deferred beyond age 55, the percentage of final compensation increases for each quarter year of attained age to 2.418% at age 63.

Final compensation is the average monthly pay rate during the last consecutive 36 months of employment, or 12 months if provided by the employer's contract, unless the member designates a different period of 36 or 12 consecutive months when the average pay rate was higher.

DISABILITY RETIREMENT

Members substantially incapacitated from performing the usual duties for the position for his/her current employer, and from performing the usual duties of the position for other CalPERS covered employers (including State agencies, schools, and local public agencies), and where similar positions with these other employers with reasonably comparable in pay, benefits, and promotional opportunities are not available, would be eligible for disability retirement provided they have at least five years of service credit. The monthly retirement allowance is 1.8% of final compensation for each year of service. The maximum percentage for members who have between 10.000 and 18.518 years of service credit is one-third of their final compensation. If the member is eligible for service retirement the member will receive the highest allowance payable, service or disability. If provided by the employer's contract, the benefit would be a minimum of 30% of final compensation for the first five years of service credit, plus 1% for each additional year of service to a maximum benefit of 50% of final compensation.

INDUSTRIAL DISABILITY RETIREMENT

If provided by the employer's contract, members permanently incapacitated from performing their duties, as defined above under Disability Retirement, and the disability is a result of a job-related injury or illness may receive an Industrial Disability Retirement benefit equal to 50% of their final compensation. If provided in the employer's contract and the member is totally disabled, the disability retirement allowance would equal 75% of final compensation in lieu of the disability retirement allowance otherwise provided. If the member is eligible for service retirement, the service retirement allowance is payable. The total allowance cannot exceed 90% of final compensation.

PRE-RETIREMENT DEATH BENEFITS

Basic Death Benefit: This benefit is a refund of the member's contributions plus interest and up to six months' pay (one month's salary rate for each year of current service to a maximum of six months).

1957 Survivor Benefit: An eligible beneficiary may elect to receive either the Basic Death Benefit or the 1957 Survivor Benefit. The 1957 Survivor Benefit provides a monthly allowance equal to one-half of the highest service retirement allowance the member would have received had he/she retired on the date of death. The 1957 Survivor Benefit is payable to the surviving spouse or registered domestic partner until death or to eligible unmarried children until age 18.

1959 Survivor Benefit: (If provided by the employer's contract and the member is not covered under social security.) A surviving spouse or registered domestic partner and eligible children may receive a monthly allowance as determine by the level of coverage. This benefit is payable in addition to the Basic Death Benefit or 1957 Survivor Benefit. Children are eligible if under age 22 and unmarried.

Pre-Retirement Optional Settlement 2 Death Benefit: (If provided by the employer's contract.) The spouse or registered domestic partner of a deceased member, who was eligible to retire for service at the time of death, may to elect to receive the Pre-Retirement Optional Settlement 2 Death Benefit in lieu of the lump sum Basic Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Optional Settlement 2, the highest monthly allowance a member can leave a spouse or registered domestic partner.

COST-OF-LIVING ADJUSTMENTS

The cost of living allowance increases are limited to a maximum of 2% compounded annually unless the employer's contract provides a 3, 4, or 5% increase.

DEATH AFTER RETIREMENT

The lump sum death benefit is $500 (or $600, $2,000, $3,000, $4,000 or $5,000 if provided by the employer's contract) regardless of the retirement plan chosen by the member at the time of retirement.

TERMINATION OF EMPLOYMENT

Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

EMPLOYEE CONTRIBUTIONS

Miscellaneous members covered by the 2% @ 55 formula contribute 7% of reportable earnings. Those covered under a modified formula (coordinated with Social Security) do not contribute on the first $133.33 earned.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service retirement benefits generally exceeds the cost to the employee. In addition, the employer bears the entire cost of prior service benefits (the period of time before the employer provided retirement coverage under CalPERS). All employer contribution rates are subject to adjustment by the CalPERS Board of Administration.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Mayor and City Council Acting in their Capacity as President and Members of the Board of Directors of the Moreno Valley Community Services District and Mayor and City Council Acting in their Capacity as Chairman and Members of the Board of Directors of the Community Redevelopment Agency of the City of Moreno Valley

FROM: Richard Teichert, Financial & Administrative Services Director

AGENDA DATE: June 14, 2011

TITLE: ADOPTION OF FISCAL YEAR 2011/12 – 2012/13 OPERATING BUDGET

RECOMMENDED ACTION

Staff recommends that the City Council take the following actions:

1. Adopt Resolution No. 2011-60, approving the Operating Budget for the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

2. Acting in its capacity as the President and Board of Directors of the Moreno Valley Community Services District, adopt Resolution No. CSD 2011-20, approving the Operating Budget for the Moreno Valley Community Services District for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-07, approving the Operating Budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011/12 – 2012/13, pursuant to the appropriations presented in the Budget Book presented as Attachment A;

4. Approve the position control as detailed on pages 3-7 in the Proposed Operating Budget Book presented as Attachment A.

5. Approve the elimination of Fire Truck 58 in FY 2011/12 and direct staff to reserve the additional $1.2 million in savings for the purchase of a fire engine and the balance of savings for the operating costs to open the Morrison Park Fire Station.

BACKGROUND

The Proposed Operating Budget presents projected operating revenues and expenditures for the two fiscal years: Fiscal Years (FY) 2011/12 – 2012/13. The budget includes all component units of the City, including the General Fund, Community Services District and Redevelopment Agency.

Although the Proposed Operating Budget includes a summary of capital improvement project requests, the projects are compiled in a separate Proposed Capital Improvement Plan (CIP). The CIP is a multi-year plan that identifies and prioritizes funding for future capital improvements such as land acquisitions, buildings and infrastructure.

DISCUSSION

The approach to this budget process has been unique. The City Council recently adopted a Three-Year Deficit Elimination Plan (DEP) that identified expense reductions and a few revenue increases with a goal of stabilizing the City's revenue and expense structure by FY 2013/14. Specific actions for balancing the General Fund budget were adopted by Council through the DEP on April 19, 2011. A copy of the DEP can be found in the Appendices tab of the Proposed Operating Budget. The Plan focuses primarily on eliminating the deficit of $14.2 million in the City's General Fund. The Proposed Operating Budget applies the actions approved in the first two years of the DEP against the base budget of FY 2010/11 to create a two-year operating budget for FY 2011/12 and FY 2012/13. The DEP reduces the General Fund Deficit by $5.1 million in FY 2011/12 and an additional $5.5 million in FY 2012/13.

The DEP represented significant effort on the part of the City Council and staff to construct a reasonable balance of expenditure and service reductions to significantly reduce the deficit each year, while maintaining core City services. This was and is a significant challenge since the City had already experienced major reductions in staffing, expenditures and services during the previous three fiscal years.

As the City experiences stability in the General Fund revenue sources, the City is returning to the "best practice" of utilizing a Two-Year Operating Budget. Although the economic recovery that we are experiencing will be slow and gradual, the two-year budget allows the City to lock in two years of expense reductions to ensure achievement of the financial goal of balancing the General Fund budget.

During this period of gradual economic recovery, the City Council will be kept apprised of the City's financial condition through First Quarter and Mid-Year Budget Reviews. This practice has been utilized the past three years and will be continued during FY

2011/12 to ensure that the City Council is apprised of the revenue and expense progress compared to the plan. Staff anticipates few variances from the plan. Any unexpected increases in revenue are proposed to be applied toward the third year of the DEP to try to avoid the extent of reductions proposed in the final year. Any unexpected decreases in revenue will be analyzed and addressed quickly to maintain the integrity of the Three-Year DEP. As a result, few service changes that deviate from the two-year budget are anticipated.

Despite the challenges in balancing the FY 2011/12 – 2012/13 General Fund Operating Budget, the two budget years are balanced using $6.7 and $4.3 million in General Fund "fund balance" in FY 2011/12 and FY 2012/13, respectively.

City Council Prioritized Goals

On May 18, 2011, the Mayor and City Council participated in a goal setting workshop to establish prioritized goals and provide direction and expected actions to staff to achieve those goals. The departments have each established their own goals, which complement the prioritized goals and are included in the Appendices tab of this document. The following prioritized goals established by the City Council at their workshop provide additional direction to staff and illustrate the priorities on which the City Council and staff will focus its combined efforts during the 2011/12 and 2012/13 Fiscal Years. Each prioritized goal has specific actions assigned to a specific department; these actions will help guide our efforts in moving Moreno Valley forward:

No.	City Council Prioritized Goal
1	**Job Development (including maximizing vacant land opportunities)** Actions to include identifying specific land uses and locations; identifying corresponding infrastructure; and identifying and attracting related support services
2	**Focus on Medical Corridor and Health Services/Educational Opportunities** Actions to include coordinating planning and development activities with the expansions of Moreno Valley College, Kaiser Permanente, and Riverside County Regional Medical Center; facilitating medical office development; coordinating economic development activities with March LifeCare; and working with Highland Fairview to "retool" the AquaBella project area.
3	**Maximize Transportation and Infrastructure Opportunities** Actions to include improving arterial streets to their ultimate configuration and increasing the City's regional presence at WRCOG, RCTC, etc.
4	**Economic and Tax Base Development** Actions to include reviewing the current development application process; reviewing State v. Self Imposed restrictions or impediments; using Moreno Valley Utility as an economic development tool; and evaluating the City's use of incentives.
5	**Enhance City Image** Actions to include the development of a Media and Communications Strategy to include increased use of social networks, e-mail blasts, expanding

	communication outreach and networking opportunities, and establishing Council District Town hall meetings; and development of a Corridor Beautification strategy.

Economic Development Action Plan
Through the goal setting workshop, the City Council is prepared to capitalize on the opportunities that the dynamic changes in the real estate and housing market have created. The City Council and staff worked together to prepare a two-year Economic Development Action Plan to capitalize on this opportunity. The plan focuses on the following objectives:

- Create jobs locally to address the City's high unemployment rate
- Address the community's jobs to housing imbalance
- Strengthen and broaden the City's economic foundation
- Enhance City revenue generation to improve the quality of life in the community

Budget Issues for FY 2011/12 – 2012-13
The General Fund Operating Budget is decreasing from $82.4 million in FY 2010/11 to $78.3 million in FY 2011/12. This reflects a reduction of $4.1 million in operating expenses. The DEP planned for expenditure reductions of $4.5 million. The $400,000 difference reflects the increase in the CalPERS employer rate, which increased by over 3% of payroll, or about $300,000 in added General Fund expense. Police contract costs are estimated to increase by 2-2.5% which is included in the rollover base budget. The Fire services contract costs are assumed to be within the rollover budget base. Staff has been requested to contact all vendors that provide service under contract with the City to lower their contract rates or amounts by 10% for the next year. A number of vendors have responded positively to this request, allowing the base budget to absorb uncontrollable cost increases, such as fuel and utilities. One example is the response from our copier contract vendor, who responded with a 23% price reduction, saving the City over $81,000 during the next three years.

The General Fund expenditure budget in FY 2012/13 totals $77.2 million or $1.2 million less than FY 2011/12. The DEP planned reductions of $4.2 million. The primary difference from the plan is due to Police and Fire contracts increasing by 5% each, which increased costs by $1.5 million and $300,000 respectively. The CalPERS costs are also budgeted to increase an additional 3% of payroll in the second budget year, adding another $300,000 in expense.

Staff is focused on delivering the planned expense reductions committed through the approval of the DEP. Based on the two-year budget plan, the City's deficit will reduce from $14 million as a preliminary base budget, to $4.2 million at the end of FY 2012/13.

The proposed position control reflects the decrease of 34.5 positions City-wide in the first budget year, from 411.0 in FY 2010/11 to 376.5 in FY 2011/12. An additional 6.5 positions are reduced in FY 2012/13, for a total of 370.0 positions. In addition, staff is

proposing to reorganize positions in the City Clerks office that varies from the DEP approved by City Council. The proposal reflects the reduction of one part-time Senior Office Assistant and one temporary Senior Office Assistant while adding one Executive Assistant I position to the staffing roster. This change is cost neutral and will provide the necessary skills to meet the workload of the City Clerk department with the reduced staffing level. The temporary Sr. Office Assistant position is scheduled for elimination in year two and the part-time Sr. Office Assistant position is scheduled for elimination in year three of the plan; the Executive Assistant position will follow this planned schedule.

The budget and position control also reflect the addition of one part-time Customer Service Assistant to assist at the one-stop customer counter. This position is funded by salary savings in the City Manager's department budget. Based upon the resignation of the Sr. Administrative Assistant in the Fire Prevention Division, staff is recommending eliminating the vacated position and changing position control to retain the Permit Technician that was on the layoff list as an element of the DEP. The Library Services Division Manager is funded in the budget and remains currently under-filled by a Principal Librarian. Five additional positions that have been under-filled for over one year are being reclassified to the lower level positions.

Staff is also reviewing potential alternative reductions in the Community and Economic Development Department to retain the shopping cart retrieval program in the amount of $48,000 per year. This change will have no net budget effect

Staff is also requesting that the City Council direct the elimination of Fire Truck 58 in FY 2011/12 (originally slated for the second year of the DEP) and that staff reserve the additional savings of $1.2 million to be used for the purchase of one fire engine for approximately $500,000 and the balance for the first year or more of operating the engine when the Morrison Park Fire Station is completed.

The Proposed Operating Budget addresses the City's challenges to balance the budget and maintain core services in a positive manner as summarized below:

- Maintains a high priority on public safety services, deferring the budgetary reductions to later in the DEP timeframe, while maintaining the possibility that the Year 3 reductions may be avoided if revenues increase;
- Maintains essential City services;
- Minimizes the number of staff layoffs;
- Addresses the General Fund structural deficit by reducing expenditures by $5.1 million in year one and $5.5 million in year 2;
- Provides a reasonable balance between General Fund expenditure reductions and use of reserves (fund balance);
- Maintains General Fund contingency reserve policy at or above 20% of budgeted expenditures;

- Addresses operating deficits in non General Funds by implementing budgetary reductions in the respective funds.

Budget Adoption Actions

Resolutions Adopting the FY 2011/12 – 2012/13 Proposed Operating Budget (Exhibits "A", "B" and "C") - As a long-standing practice, each of the City's primary entities (the City, Community Services District, and Redevelopment Agency) will adopt separate resolutions to approve their respective operating budgets.

ALTERNATIVES

1. Approve the Fiscal Year 2011/12 – 2012/13 Operating Budget.

2. Provide staff with further direction.

Staff recommends Alternative 1.

FISCAL IMPACT

The FY 2011/12 – 2012/13 Operating Budget provides the funding and expenditure plan for all operating funds. As such, it serves as the City's financial plan for the upcoming two fiscal years. The City Council will be kept apprised regarding actual operating results through First Quarter and Mid-Year Budget Reviews occurring in November and February of each fiscal year. The mid-year budget review in February 2012 will also include an update of the FY 2012/13 projected revenues and any recommended modification for that fiscal year budget at that time.

CITY COUNCIL GOALS

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

ATTACHMENTS/EXHIBITS

Exhibit A - Resolution No. 2011-60, A Resolution of the City Council of the City of Moreno Valley, California, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Exhibit B - Resolution No. CSD 2011-20, A resolution of the Moreno Valley Community Services District, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Exhibit C - Resolution No. RDA 2011-07, A Resolution of the Community Redevelopment Agency of the City of Moreno Valley, California, adopting the operating budget for Fiscal Years 2011/12 – 2012/13

Attachment A – City of Moreno Valley Proposed Operating Budget for Fiscal Years 2011/12 – 2012/13

Prepared By:
Cynthia Fortune
Financial Operations Division Manager

Department Head Approval:
Richard Teichert
Interim Financial & Administrative Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00108345

RESOLUTION NO. 2011-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12 – 2012/13

WHEREAS, the City Manager has heretofore submitted to the City Council a Proposed Operating Budget for the City for Fiscal Years 2011/12 – 2012/13, a copy of which, as may have been amended by the City Council, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the City; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City services during periods of operational deficits; and

WHEREAS, the City Council has made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the City Council, is hereby approved and adopted as the Annual Operating Budget of the City of Moreno Valley for the Fiscal Years 2011/12 – 2012/13.

2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal years.

3. Direct staff to reserve $1.2 million of fund balance reflecting the additional savings from eliminating Fire Truck 58 for the purchase of a fire engine and/or the operating costs for opening the Morrison Park Fire Station.

4. Pursuant to Section 53901 of the California Government Code, by not later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

5. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00108349

RESOLUTION NO. CSD 2011-20

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12-2012/13

WHEREAS, the City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District a Proposed Operating Budget for the District for Fiscal Years 2011/12-2012/13, a copy of which, as may have been amended by the District's Board of Directors, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the Community Services District; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City; and

WHEREAS, the President and Board of Directors have made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the Community Services District to make adequate financial plans and will ensure that District officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE MORENO VALLEY COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the Community Services District's Board of Directors, is hereby approved and adopted as the Annual Operating Budget of the Moreno Valley Community Services District for the Fiscal Years 2011/12-2012/13.

2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.

3. Pursuant to Section 61047 of the California Government Code, compensation for the City Council acting in the capacity of the Directors of the Community Services District, shall be $100 per meeting or for each day's service rendered as a Director, not to exceed six days or $600 in any calendar month. In addition, the Directors shall be compensated for actual and necessary

traveling and incidental expenses incurred while on official business.

4. Pursuant to Section 53901 of the California Government Code, by no later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

5. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Moreno Valley Community Services District, Moreno Valley, California do hereby certify that CSD Resolution No. _____ was duly and regularly adopted by the Board of Directors of the Moreno Valley Community Services District at a regular meeting held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Boardmembers, Vise-President and President)

_____

SECRETARY

(SEAL)

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MV00108353

RESOLUTION NO. RDA 2011-07

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA ADOPTING THE OPERATING BUDGET FOR FISCAL YEARS 2011/12-2012/13

WHEREAS, the City Manager has heretofore submitted to the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley a Proposed Operating Budget for the Agency for Fiscal Years 2011/12-2012/13, a copy of which, as may have been amended by the Agency Members, is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed Operating Budget contains estimates of the services, activities and projects comprising the budget, and contains expenditure requirements and the resources available to the Community Redevelopment Agency; and

WHEREAS, the said Proposed Operating Budget contains the estimates of uses of fund balance as required to stabilize the delivery of City services; and

WHEREAS, the Chairperson and Agency Members have made such revisions to the Proposed Operating Budget as so desired; and

WHEREAS, the Proposed Operating Budget, as herein approved, will enable the Community Redevelopment Agency to make adequate financial plans and will ensure that Agency officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed Operating Budget, as Attachment A to this Resolution and as on file in the Office of the City Clerk, and as may have been amended by the Agency Members, is hereby approved and adopted as the Annual Operating Budget of the Community Redevelopment Agency of the City of Moreno Valley for the Fiscal Years 2011/12-2012/13.

2. The amounts of proposed expenditures, which include the uses of fund balance specified in the approved budget, are hereby appropriated for the various budget programs and units for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 14, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
Acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, Secretary of the Community Redevelopment Agency of the City of Moreno Valley, California, do hereby certify that RDA Resolution No. _____ was duly and regularly adopted by the Agency Members of the Community Redevelopment Agency of the City of Moreno Valley at a regular meeting thereof held on the _____ day of _____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Agency Members, Vice Chairman and Chairman)

_____

SECRETARY

(SEAL)

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MV00108357

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: ADOPTION OF FY 2011-12 CAPITAL IMPROVEMENT PLAN

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

2. Acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

3. Acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

BACKGROUND

The purpose of the Proposed CIP is to identify needed improvements and establish long-term funding priorities. The Proposed CIP contains the list of projects comprising the budget and expenditures that will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

DISCUSSION

The Proposed CIP identifies and projects the costs of constructing the following types of projects anticipated through build-out of the City:

- Street Improvements
- Buildings
- Electric Utility
- Parks
- Underground Utilities
- Bridges
- Drainage, Sewers, and Waterlines
- Landscaping
- Traffic Signals

City staff has completed a full review of all project needs through "build-out" of the City. The priorities, as proposed, are based on status and funding of existing projects, availability of matching federal, state, or regional grant funds, and anticipated development trends within the City.

During the Study Session on May 17, 2011, City Council had an opportunity to review the project forms in the FY 2011–12 Proposed CIP and staff subsequently incorporated necessary revisions resulting from receiving updated information. All revisions are documented in Attachment "A".

Capital Budget Adoption Actions

Revisions to the Proposed Capital Improvement Plan (Attachment "A") - This is a list of revisions, resulting from receiving updated information, that were incorporated in the Proposed CIP following the Study Session on May 17, 2011. The list includes proposed revisions to the Proposed CIP that would, upon City Council approval, be incorporated in the Adopted CIP. By incorporating Revisions to the Proposed CIP, the Adopted CIP, as the capital budget for the City of Moreno Valley for FY 2011-12, will be a more accurate, current, and superior document.

Resolutions Adopting the Capital Improvement Plan for Fiscal Year 2011-12 (Attachments "B", "C", and "D") – As a long-standing best practice, each of the City's primary entities (the City, RDA, and CSD) will adopt separate resolutions to approve their respective budget.

ALTERNATIVES

1. Adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, adopt Resolution No. CSD 2011-61, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to

the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), and acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"). *This alternative will allow needed improvements.*

2. Do not adopt Resolution No. 2011-61, approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), acting in its capacity as the President and Board of Directors of the Community Services District of the City of Moreno Valley, do not adopt Resolution No. CSD 2011-21, approving the Capital Improvement Plan as the capital budget for the Community Services District of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"), and acting in its capacity as the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley, do not adopt Resolution No. RDA 2011-08, approving the Capital Improvement Plan as the capital budget for the Community Redevelopment Agency of the City of Moreno Valley for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan, as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A"). *This alternative will result in the delaying of needed improvements.*

FISCAL IMPACT

Projects have been identified as funded, partially funded, and unfunded for FY 2011-12 through FY 2015-16 and Beyond. The Capital Improvement Plan provides the funding and expenditure plan for FY 2011-12.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts (including home rehabilitation) and neighborhood restoration.

SUMMARY

Staff recommends that the City Council adopt the Resolutions Adopting the Capital Improvement Plan for Fiscal Year 2011-12 (Attachments "B", "C", and "D"), approving the Capital Improvement Plan as the capital budget for the City of Moreno Valley, Community Services District, and Community Redevelopment Agency for FY 2011-12, including all applicable adjustments to the Proposed Capital Improvement Plan (CIP), as detailed in Revisions to the Proposed Capital Improvement Plan (Attachment "A").

ATTACHMENT

Attachment "A" – Revisions to the Proposed Capital Improvement Plan
Attachment "B" – Proposed Resolution No. 2011-61
Attachment "C" – Proposed Resolution No. CSD 2011-21
Attachment "D" – Proposed Resolution No. RDA 2011-08

Prepared By:
Larry Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - CIP\2011-2012 CIP\CC Reports\061411 Adoption CC Meeting\(1) FY 11-12 CIP Adoption Staff Report 061411 Final.doc

CITY OF MORENO VALLEY
REVISIONS TO THE PROPOSED CAPITAL IMPROVEMENT PLAN
FY 2011-2012 CIP BUDGET

Funded Projects

Reference Page No.	Project Name	Submitted Amount ($)	Revised Amount ($)	Reason/Justification
33	Cactus Avenue / Lasselle Street to Nason Street	2,300,000	9,900,000	Project moved from Partially Funded to Funded and made cost adjustments
34	Citywide Annual Pavement Resurfacing Program	1,650,000	1,400,000	Revised Funding Sources and made cost adjustments
44	Nason Street / Cactus Avenue to Iris Avenue	1,200,000	13,400,000	Project moved from Partially Funded to Funded and made cost adjustments
53	Street Improvement Program (SIP)	1,605,734	1,713,734	Cost adjustment approved at 04/26/11 City Council meeting
Added	Renovation of City Hall Annex #1	0	1,000,000	Added new project as directed by Financial and Administrative Services Department / Purchasing & Facilities Division
342	Lasselle Street / Margaret Avenue Traffic Signal	270,000	300,000	Cost adjustment

Note: City Council's decision to fund and accelerate the SR-60 / Moreno Beach Drive South Side of Interchange (Phase 1) project at the March 8, 2011 City Council meeting was already incorporated in the Proposed CIP when presented to City Council during the May 17, 2011 Study Session.

Attachment "A"

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MV00108363

RESOLUTION NO. 2011-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the City Council a Proposed Capital Improvement Plan (CIP) for the City for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the City; and

WHEREAS, the City Council has made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the City Council to make adequate financial plans and will ensure that City officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by the City Council per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the City of Moreno Valley for the Fiscal Year 2011-12.

2. The projects are hereby appropriated as the capital budget for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately

Resolution No. 2011-61
Date adopted: June 14, 2011

Attachment "B"

upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION NO. CSD 2011-21

A RESOLUTION OF THE MORENO VALLEY COMMUNITY SERVICES DISTRICT, ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the President and Board Members of the Moreno Valley Community Services District a Proposed Capital Improvement Plan (CIP) for the Agency for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the Community Services District; and

WHEREAS, the President and Board of Directors have made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the Community Services District to make adequate financial plans and will ensure that District officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY SERVICES DISTRICT OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by the President and Board of Directors per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the Moreno Valley Community Services District for the Fiscal Year 2011-12.

2. The projects are hereby appropriated as the capital budget for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

Resolution No. CSD 2011-21
Date adopted: June 14, 2011

Attachment "C"

_____
Mayor of the City of Moreno Valley
acting in the capacity of President
of the Moreno Valley
Community Services District

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Moreno Valley
Community Services District

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Moreno Valley
Community Services District

RESOLUTION NO. RDA 2011-08

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2011-12

WHEREAS, the City Manager has heretofore submitted to the Chairperson and Agency Members of the Community Redevelopment Agency of the City of Moreno Valley a Proposed Capital Improvement Plan (CIP) for the Agency for Fiscal Year 2011-12, a copy of which is on file in the Office of the City Clerk and is available for public inspection; and

WHEREAS, the said Proposed CIP contains the list of projects comprising the budget, and contains expenditure requirements, and the resources available to the Redevelopment Agency; and

WHEREAS, the Chairperson and Agency Members have made such revisions to the Proposed CIP as appears to be desirable; and

WHEREAS, the Proposed CIP, as herein approved, will enable the Redevelopment Agency to make adequate financial plans and will ensure that Agency officers can administer their respective functions in accordance with such plans.

NOW, THEREFORE, THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The Proposed CIP, as amended by the Chairperson and Agency Members per the Revisions to the Proposed Capital Improvement Plan (Attachment "A"), is hereby approved and adopted as the capital budget of the Redevelopment Agency of the City of Moreno Valley for the Fiscal Year 2011-12.

2. The projects are hereby appropriated as the capital budget for said fiscal year.

3. Pursuant to Section 53901 of the California Government Code, by no later than August 30, 2011, the City Clerk shall file a copy of this Resolution with the Auditor/Controller of the County of Riverside.

4. Within fifteen (15) days after the adoption of this Resolution, the City Clerk shall certify to the adoption hereof and, as so certified, cause a copy to be

posted in at least three (3) public places within the City.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 14th day of June, 2011.

_____
Mayor of the City of Moreno Valley
acting in the capacity of Chairperson
of the Community Redevelopment
Agency of the City of Moreno Valley

ATTEST:

_____
City Clerk, acting in the capacity
of Secretary of the Community
Redevelopment Agency of the City of
Moreno Valley

APPROVED AS TO FORM:

_____
City Attorney, acting in the capacity
of General Counsel of the Community
Redevelopment Agency of the City of
Moreno Valley

G. 8 4TH OF JULY PARADE AT A REDUCED COST (STEWART)

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MV00108371

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

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MV00108373

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Christ A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: June 14, 2011

TITLE: INTRODUCTION OF ORDINANCE NO. 827 AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS

RECOMMENDED ACTION

Staff recommends that the City Council waive the reading of Ordinance No. 827, in its entirety and read by title only (roll call required) and introduce Ordinance No. 827 an Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

The federal Clean Water Act requires that urban runoff entering Waters of the U.S. from Municipal Separate Storm Sewer Systems (MS4)s be regulated under the National Pollutant Discharge Elimination System (NPDES) permit. As a discharger of urban runoff to Waters of the U.S., the City of Moreno Valley was regulated under the 2002 NPDES MS4 permit. That permit has since expired and has been superseded by the new 2010 NPDES MS4 permit, effective January 29, 2010. This new permit requires that by July 29, 2011, the City revise, where feasible its ordinances, codes, building and landscape design standards to promote green infrastructure/Low Impact Development (LID) techniques. The proposed changes to Title 8 of the MVMC complement the

proposed changes to Title 9 of the MVMC, which was approved by the Planning Commission on May 12, 2011.

DISCUSSION

City staff is recommending an update to Title 8 of the MVMC in order to remain in compliance with the MS4 permit. The changes include adding/revising and grammatical cleanup of various subsections throughout section 8.10 and 8.21 of Title 8. Staff has not listed the grammatical changes, however, listed below are key proposed changes to the existing municipal code:

- Allow more types of LID techniques within the City such as rain gardens and green roofs.
- Add definitions pertaining to LID and other green infrastructure.
- Update information pertaining to the 2010 NPDES MS4 permit.

ALTERNATIVES

1. Approve waive the reading and introduce the proposed Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.10, regarding Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations. **This alternative is recommended by staff.** *Approval would put the City in compliance with the MS4 permit.*

2. Do not approve waive the reading and introduce the proposed Ordinance amending Title 8 of the City of Moreno Valley Municipal Code, Chapter 8.10, regarding Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading; maintain the current ordinance without revision. **This alternative is not recommended by staff.** *The City would be in violation of the MS4 permit and would be subject to fines by the State Water Resources Control Board.*

FISCAL IMPACT

There are no fiscal impacts associated with the proposed action.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment 1 - Proposed Ordinance No. 827
Attachment 2 - Proposed Ordinance No. 827 with revisions

Prepared By:
Hoang Nguyen
Associate Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Kent Wegelin
Storm Water Program Manager

Concurred By:
Mark W. Sambito
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00108377

ORDINANCE NO. 827

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS AND CHAPTER 8.21 GRADING REGULATIONS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 PRIOR ENACTMENTS REPEALED:

1.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.10, as set forth in Section 2 of this Ordinance

1.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.21, as set forth in Section 2 of this Ordinance

SECTION 2 REENACTMENT OF CHAPTER 8.10 AND CHAPTER 8.21:

2.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

8.10.010 Purpose and intent.

The purpose of this chapter is to protect the health, safety and welfare of the public by:

A. Reducing pollutants in storm water discharges to the maximum extent practicable;

B. Regulating illicit connections and discharges to the storm drain system; and

C. Regulating nonstorm water discharges to the storm drain system.

The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, ground water and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act, the state Porter-Cologne Water Quality Control Act and the conditions of any NPDES permit issued to the City.

8.10.020 Definitions.

The terms as used in this chapter shall have the following meanings:

"Best Management Practices" (BMPs) mean any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs mean and include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for municipal, industrial/commercial, new development and redevelopment and construction activity and other measures approved by the City Engineer.

"City" means the City of Moreno Valley.

"City Engineer" means the City Engineer of the City.

"Discharge" means, when used as a verb, to allow pollutants to directly or indirectly enter storm water, or to allow storm water or nonstorm water to directly or indirectly enter the MS4 or receiving waters from an activity or operation. When used as a noun, "discharge" means the pollutants, stormwater and non-storm water that are discharged.

"Discharger" shall mean any person engaged in activities or operations, or owning facilities, which may result in pollutants entering storm water, the MS4 or receiving waters. Dischargers include, but are not limited to, real property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

"Green Infrastructure" shall mean an array of products, technologies, and practices that use natural or engineered systems that mimic natural processes to enhance overall environmental quality. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspirate, and/or recycle stormwater runoff.

"Illicit discharge" shall mean any discharge to the MS4 that is not composed entirely of storm water runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

"Illicit connection" shall mean any physical connection to a MS4 which has not been permitted by the City, the Riverside County Flood Control and Water Conservation District or other appropriate public agency.

"Low Impact Development (LID)" shall mean any ecosystem-based approach to designing a hydrologically functional site that mimics predevelopment conditions.

"Low volume road" shall mean roads with traffic indexes less than or equal to six (6.0).

"MS4—Municipal Separate Storm Sewer System" shall mean any facility within the City limits by which storm water may be conveyed to waters of the United States. MS4 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

"Municipal NPDES permit" shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of storm water from a MS4.

"Non-storm water discharge" shall mean any discharge to the MS4 that is not entirely composed of storm water.

"National Pollutant Discharge Elimination System (NPDES) permit" shall mean a storm water discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

"Person" shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

"Pollutant" shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal matter, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

"Premises" shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

"Storm water runoff" shall mean surface runoff and drainage associated with rainstorm events and snow melt.

8.10.030 Responsibility for administration.

This chapter shall be administered for the City by the City Engineer. The City Engineer may appoint and authorize one or more members of the City staff to act as his/her designee[s] to administer or enforce this chapter. In the context of this chapter, the phrase "City Engineer" includes each and all persons designated by the City Engineer to assist in the administration and enforcement of this chapter, as limited by the terms of the delegation

8.10.040 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act, the Porter-Cologne Water Quality Control Act and acts amending or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES permits and any amendments or revisions thereto or reissuance thereof.

8.10.050 Reduction of pollutants in storm water runoff.

A. In General. It is a violation of this chapter to throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City. The only exception is where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this chapter to cause or permit any dumpster, solid waste bin or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City.

B. Construction Sites. Any person performing construction work in the City shall comply with the provisions of the ordinance codified in this chapter and other City ordinances for erosion and sediment control.

C. New Development and Redevelopment. New development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to

prevent such deterioration and shall identify the manner of implementation. The BMPs may include, but are not limited to the following and may, among other things, require new developments or redevelopments to do any of the following:

1. Increase permeable areas by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping, green roofs and open space into the project design, by using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways and by incorporating detention ponds and infiltration pits into the project design;

2. Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas;

3. Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

4. Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

D. Existing Development. Existing development shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation.

8.10.060 Illicit connections or discharges.

It is a violation of this chapter to establish, use, maintain or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

8.10.070 Non-storm water discharges.

The discharge of non-storm water into the storm drain system is a violation of this chapter except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES permit or waiver issued to the discharger and administered by the state of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this chapter when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensate, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

8.10.080 Discharges in violation of permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future municipal NPDES permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge

B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Santa Ana Regional Water Quality Control Board, shall comply with all requirements of such permit. Such discharges shall specifically comply with the following permits: the industrial storm water general permit, and the dewatering general permit. Proof of compliance with said NPDES general permits may be required in a form acceptable to the City Engineer prior to issuance of any City grading, building, or occupancy permits.

8.10.090 Permits and approvals.

Compliance with this chapter shall be a condition of every permit, license or approval granted or issued by the City. Failure to comply with the chapter shall be grounds for revocation of any such permit, license or approval.

8.10.100 City authority to sample, inspect and monitor.

A. Regulatory Inspections. The City Engineer may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for inspection, an inspection warrant shall be obtained prior to inspection.

B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illicit discharge/connection exist, whether the BMPs installed and implemented are adequate to comply with the chapter, whether those BMPs are being properly maintained and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections and records review. Records, reports, analyses or other required information may be inspected and copied, and photographs may be taken for purposes of enforcement of this chapter.

8.10.110 Establishment of a fee.

The City Council may establish a fee by resolution to recover the cost of inspection, sampling, metering and monitoring by the City Engineer.

8.10.120 Orders by the City Engineer.

The City Engineer is authorized to issue cease and desist orders or stop-work orders to any person who is in violation of this chapter. Failure to comply with a written order of the City Engineer shall be a violation of this chapter and shall be grounds for the imposition of civil penalties described in this chapter.

8.10.130 Notice of violation.

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

A. The performance of monitoring, analyses and reporting;

B. The elimination of illicit connections or discharges;

C. That violating discharges, practices or operations cease and desist;

D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

E. Payment of a fine to cover administrative and remediation costs; and

F. The implementation or maintenance of source control and treatment control BMPs.

If an abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Chapter 6.04 of this code. A notice issued under this chapter shall identify the provisions of this chapter which have been violated and shall state the recipient has a right to appeal as set forth in Chapter 1.10 of this code.

The notice shall be served upon the recipient as set forth in Chapter 1.10 of this code.

8.10.140 Violations—Misdemeanors or infractions.

A violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute an infraction. Repeated violations may be prosecuted as misdemeanors at the discretion of the City attorney.

8.10.150 Penalty for violation.

Upon conviction of a misdemeanor for violating any provision of this chapter, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth by law. Upon conviction of an infraction for violating any provision of this chapter, a person shall be subject to payment of a fine, not to exceed the limits set forth by law

8.10.160 Separate offenses.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

8.10.170 Violations deemed a public nuisance.

The City Council hereby declares that any violation of this chapter is a threat to the public health, safety and welfare, and is therefore a public nuisance which may be summarily abated. The cost of such abatement shall be borne by the owner of the premises and the cost thereof may be imposed as a lien upon the premises, and such lien shall continue in existence until it is paid.

8.10.180 Administrative enforcement powers.

In addition to any other enforcement powers and remedies established by this chapter, an authorized enforcement officer has the authority to issue civil citations and fines for violations of this chapter pursuant to Chapter 1.10 of this code.

8.10.190 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court may grant, as appropriate, any or all of the following remedies:

A. A temporary and/or permanent injunction;

B. Assessment of the violator for the costs of any investigation, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; or

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life

8.10.200 Severability.

If any provision, clause, sentence or paragraph of the ordinance codified in this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of that ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

2.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

Chapter 8.21 GRADING REGULATIONS

8.21.010 General.
8.21.020 Permits required.
8.21.030 Hazards.
8.21.040 Definitions.
8.21.050 Grading permit requirements.
8.21.060 Fees.
8.21.070 Grading security.
8.21.080 Cuts.
8.21.090 Fills.
8.21.100 Setbacks.
8.21.110 Drainage and terracing.
8.21.120 Retaining walls.
8.21.130 Expansive soils.
8.21.140 Asphalt paving.
8.21.150 Permeable surface designs.
8.21.160 Erosion control.
8.21.170 National Pollutant Discharge Elimination System (NPDES).
8.21.180 Grading inspection.
8.21.190 Completion of work.
8.21.200 Penalty for violation.

8.21.010 General.

A. Name. This chapter shall be known as the "Grading Regulations."

B. Purpose. The purpose of this chapter is to establish an official set of standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground

surface to protect and preserve the public health, safety, and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural runoff waters; to require engineering analysis of expansive soil conditions, erosion control and drainage; and criteria to provide a basis for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered as described herein; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction.

C. Intent. It is the intent of this chapter and the erosion control procedures contained within this chapter to establish a guideline enabling the City with the ability to regulate grading operations as well as to protect environmentally sensitive areas and biological and wildlife resources within and surrounding the City of Moreno Valley. The procedures established by this chapter and the conditions of approval implemented with all discretionary approvals and permits are intended to accomplish this protection. However, in the event that City staff encounter situations that are deemed to endanger environmental resources, the City Engineer is authorized to take necessary action to protect the environment pursuant to this chapter and other applicable laws, provided there is no conflict with other City regulations or codes.

"Environmentally sensitive areas" are any lands in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the City to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

D. Scope. This chapter sets forth rules and relations to control excavation, grading and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) with deletions, modifications, or amendments to meet local conditions.

E. Powers and Duties of the City Engineer. All references in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) to "Building Official" shall mean the "City Engineer" in this chapter.

8.21.020 Permits required.

A. Grading Permits. No person shall conduct any grading, clearing, brushing or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the City Engineer.

Exceptions to this requirement are:

1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or an unsupported excavation with vertical banks more than two feet high. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer, stability considerations warrant such inspection;

2. An excavation which does not exceed fifty (50) cubic yards on any one site and which is less than two feet in vertical depth, and which does not create a cut slope greater than five feet in vertical height and steeper than one and one-half to one (1.5:1) horizontal to vertical;

3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Earthwork construction regulated by federal, state, county, or city governments, or by a local agency as defined by Government Code Sections 53090 through 53095 (special districts); pipeline or conduit excavation and backfill conducted by local agencies or public utilities; earthwork construction performed by railway companies. This exemption, however, shall apply only when the earthwork takes place on the property, or dedicated rights-of-way or easements of the aforementioned agencies;

6. Excavation and backfill for installation of underground utilities by public utility companies of companies operating under the authority of a franchise or public property permit;

7. Mining, quarrying, excavating, processing, stock-piling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property, or alter the orientation of natural water courses which may result in adverse changes on adjoining property;

8. Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologists or paleontologists, provided all excavations are properly backfilled and compacted or otherwise restored. All excavations and trenches are subject to the applicable sections of the state of California, Division of Safety or Cal-OSHA;

9. A fill less than one foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one lot and does not obstruct any drainage course;

10. A fill less than three feet in depth, not intended to support structures or mobile homes, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course;

11. Clearing, brushing, and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property, or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in dumping of organic or hazardous waste not regulated by law. This grading includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three vertical feet of either excavation or fill for row crops, installation of irrigation systems, and stockpiling of fertilizer or other amendments.

B. Grading Permit, Paving. No person shall construct pavement surfacing in excess of five thousand (5,000) square feet, on natural or existing grade for the purpose of a private road or driveway, commercial, industrial, or multi-residential parking lot or travelway without a valid grading permit unless waived by the City Engineer or a separate improvement plan is approved and signed by the City Engineer. Resurfacing or maintenance of paved surfaces is exempt from this requirement.

8.21.030 Hazards.

A. Hazardous Conditions.

1. Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage devices are situated on private property in such a manner that they are a hazard to life or limb, or a danger to public safety, or endangers the safety, usability, or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.

2. The City Engineer or designee (including City code compliance) may examine, or cause to be examined, every condition reported as hazardous as set forth in subsection (A)(1) of this section.

3. Upon confirmation of a hazardous condition, the City Engineer or designee (including code compliance) shall provide written notification to the owner or agent in control of property with confirmed hazardous condition requiring mitigation of said hazardous condition and stipulation of an acceptable time frame for compliance.

4. The owner or agent in control shall comply with any demand for corrective work or repairs as required. In the event that corrective action is not completed within the period as specified in writing, the City may exercise any available legal recourse for correction of said hazardous condition.

8.21.040 Definitions.

The words and phrases set out in this section, when used in this chapter, shall, for the purpose of this chapter, have the following respective meanings except where the context clearly indicates a different meaning:

"Approval" means a written engineering or geological opinion by the responsible engineer, geologist of record, or responsible principal of the engineering company, whichever is applicable, concerning the satisfactory progress and completion of the grading work, unless it specifically refers to the City Engineer.

"Approved plans" means the current grading plans, which bear the City Engineer's signature of approval on the plans.

"Approved testing agency" means the facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the City Engineer.

"As-graded" means the surface configuration upon completion of grading.

"Bedrock" means in-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, geotechnical engineer or registered civil engineer, as bedrock.

"Bench" means a relatively level step excavated into stable earth material on which fill is to be placed.

"Borrow" means earth material acquired from an offsite location for use in grading on a site.

"Borrow Site Permit" means a permit that is issued to complete borrow grading operations as defined above.

"California Building Code (CBC)" means the California Code of Regulations Title 24 as adopted by ordinance by the City Council of the City of Moreno Valley.

"Civil engineer" means a professional engineer registered in the State of California authorized to practice in the field of civil engineering. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Clearing, brushing and grubbing" means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

"Compaction" means the densification of a fill by mechanical means.

"Earth material" means any rock, natural soil, or fill and/or any combination thereof.

"Engineering geologist" means a geologist certified in the state of California to practice engineering geology. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Erosion control system" means a combination of desilting facilities, and erosion protection, including effective planting and the maintenance thereof, to

protect adjacent private property, watercourses, public facilities, and receiving waters from the deposition of sediment or dust.

"Excavation" means the mechanical removal of earth material.

"Fault" means a fracture in the earth's crust along which movement has occurred. A fault is considered active if movement has occurred within the last eleven thousand (11,000) years (Holocene geologic time).

"Fill" means the deposit of earth material placed by artificial means.

"Geotechnical engineer" see "soil engineer". For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Geotechnical report" means a report, which contains all appropriate soil engineering, geologic, hydrologic, and seismic information, evaluation, recommendations, and findings.

"Grade" means the vertical elevation of the ground surface.

Grade, Existing. "Existing grade" means the ground surface prior to grading.

Grade, Finish. "Finish grade" means the final grade of the site, which conforms to the approved plans.

Grade, Natural. "Natural grade" means the ground surface unaltered by artificial means.

Grade, Rough. "Rough grade" means the stage at which the grade approximately conforms to the approved plans.

"Grading" means any excavation or filling or combination thereof.

"Grading contractor" means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

"Grading permit" means an official document or certificate issued by the City Engineer authorizing grading activity as specified by approved plans and specifications.

"Hillside site" means a site with a natural slope of ten (10) percent or more as further defined in Section 9.03.040(B) of this code.

"Indeterminate stockpile" means storage of soil for an indeterminate period of time in excess of the time permitted for a temporary stockpile.

"Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Keyway" means an excavated trench into competent earth material beneath the toe of a proposed fill slope.

"Landslide" means the downward and outward movement of soil, rock, fill or a combination thereof.

"Mass grading" means grading that is completed on a large scale over a large area prior to preliminary grading and which when completed is within two vertical feet of the sites final grade elevations.

"Mass grading permit" means a permit that is issued to complete mass grading operations as defined above.

"Massive landslide" means a landslide too large to be stabilized by retaining methods or normal control methods.

"NPDES" stands for National Pollutant Discharge Elimination System.

"Owner" means any person, agency, firm, or corporation having a legal or equitable interest in a given real property.

"Precise grading permit" means a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations and all on-site improvements.

"Permeable Paving" means a special type of pavement that allows rain to pass through the paved surface into the ground beneath, thereby reducing the runoff from a site.

"Preliminary grading permit" means a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the City Engineer.

"References" unless indicated otherwise, or as reasonably appears from the context, references in this chapter to the civil engineer, engineering geologist, geotechnical engineer and soils engineer refer to the professional person(s) preparing, signing, stamping or approving the project plans and specifications which comprise the approved grading plan, and which professional person(s) appears of record pursuant to Section 8.21.170(D) of this chapter, or his/her successor appearing pursuant to Section 8.21.170(E) of this chapter.

"Retaining wall" means a wall designed to resist the lateral displacement of soil or other materials.

"Rough Grading Permit" means a permit that is issued to complete rough grading operations as defined in this section.

"Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" means any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times one hundred (100).

"Slope stability—Gross stability" means the factor of safety against failure of the slope material below the surface approximately three to four feet deep measured from and perpendicular to the slope face.

"Slope stability—Surficial stability" means the factor of safety against failure of the outer three to four feet of slope material measured from and perpendicular to the slope face.

"Soil" means naturally occurring surficial deposits overlaying bedrock.

"Soil engineer (geotechnical engineer)" means a civil engineer registered in the State of California experienced and knowledgeable in the area of soil mechanics. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Soil engineering (geotechnical engineering)" is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials.

"Sulfate (SO_4)" means a chemical compound occurring in soil or water, which in concentration, has a corrosive effect on ordinary portland cement concrete and some materials.

"Temporary stockpile" means the temporary storage of earth material greater than fifty (50) cubic yards for a period not to exceed the term of the grading permit issued for the project associated with the stockpile.

"Terrace" means a relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

"WDID# means Waste Discharge Identification number.

8.21.050 Grading permit requirements.

A. Application for Permit.

1. The application for a grading permit shall be made on a form as provided by the City Engineer. All required discretionary approvals under the zoning ordinance and municipal code must be obtained prior to issuance of a grading permit.

2. No grading permit for a development project subject to approval by the planning commission, city council or administrative approval process shall be issued until such commission, council or administrative process has approved the grading concept as part of the discretionary approval process. Any application for a grading permit which effects environmentally sensitive areas shall contain information showing that the proposed grading will be accomplished without significant harm to the environment or appropriate environmental mitigation measures that have been identified within an environmental impact report for the proposed site have been complied with.

B. Responsibility of Land Owners.

1. It is unlawful for any persons owning, leasing, occupying or having charge of any real property in the City to stockpile, deposit, or allow the placement, construction or deposition of earth material on any real property in excess of fifty (50) cubic yards without first obtaining a grading permit as hereinafter described (unless exempt as noted in Section 8.21.020 exceptions. Processing of said earth material must result in a relative compaction of at least ninety (90) percent of the maximum density compaction of the surrounding material, unless otherwise provided for as part of an approved grading plan.

2. Clearing, brushing and grubbing of vegetation done in preparation of land development shall not be undertaken until all discretionary approvals for the land development project have been issued and a grading permit for the project has been obtained. For the purposes of this section, land development shall be defined as any use of real property for which discretionary approval is required as further defined in the this code.

3. A grading permit issued by the City Engineer is required prior to any grading or clearing and grubbing operations on:

a. Previously undisturbed land; or

b. Land covered by native vegetation; or

c. Land which has not been used for agricultural purposes for three years immediately prior to the initiation of a grading operation for the purpose of conducting agricultural activities.

A grading permit may be issued by the City Engineer, prior to discretionary approval, if the City Engineer, in cooperation with the planning official, determines that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause the elimination of any significant wildlife habitat for riparian area.

4. This section shall not regulate routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation upon the order of the fire marshal for the elimination of a potential fire hazard.

C. Types of Grading Permits.

1. Either a mass grading permit, borrow site permit, rough grading permit, preliminary grading permit, precise grading permit or a stockpile permit all as defined in Section 8.21.040 of this chapter may be issued for grading work upon completion of a proper application and approval by the City Engineer.

2. Building permits may be issued for a site graded under an approved grading plan and valid grading permit upon completion and approval of rough grade and geotechnical inspection as specified in Section 8.21.170 of this chapter. Building permits for construction of model homes may be issued for the model home sites only, prior to completion of rough grading for the site, provided that rough grading has been completed and approved as noted for the model home sites.

3. Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading plan has been approved and a permit has been issued and the provisions as noted above have been satisfied.

D. Stockpile Permits.

1. A temporary stockpile permit is subject to conditions which may include, but not limited to, the following items: a stockpile plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, fencing, hydroseeding or other maintenance requirements. Other conditions may be established, even after the permit has been issued, in the interest of public health, safety or welfare, and shall be as determined by the City Engineer.

2. An indeterminate stockpile permit may be issued for soil that is to be used for the future development of the stockpile site where there is no current project, or for storage of soil for current or future sale, or for some other purpose as stated by the property owner. Requests for indeterminate stockpile permits will be reviewed on a case-by-case basis. Such requests may be considered to be the establishment of a business and may require review by other City department or divisions and shall be subject to all of the conditions of approval for such projects. An indeterminate stockpile permit is subject to all of the same requirements as a temporary stockpile permit.

E. Grading Permit Application. A grading permit application shall consist of the following items and forms completed and signed by the applicant or his/her representative, unless otherwise specified by the City Engineer:

1. Application form;

2. Four sets of grading plans;

3. Two copies of a preliminary soils report (see subsection (M)(1) of this section);

4. Two copies of a preliminary geology report if applicable (see subsection (M)(2) of this section);

5. Two sets of erosion control plans;

6. Payment of the grading plan check and inspection fees.

The City Engineer will inspect the project site as necessary and determine whether additional reports or other data are required prior to issuance of a grading permit. The City Engineer will notify the applicant of his determination.

F. Grading Plan Clearances. The City Engineer shall notify the applicant when clearance is required for the project from other departments or divisions within the City as well as clearance required from other agencies. All required clearances from other departments, divisions or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the grading permit. The City Engineer will not notify the applicant for South Coast Air Quality District (SCAQMD) required clearances and permits.

G. Data to Accompany Application.

1. A grading plan, approved and signed by a California registered civil engineer, soils engineer and engineering geologist shall accompany each application for a grading permit, unless waived by the City Engineer. The grading plans shall be prepared on twenty-four (24) inch by thirty-six (36) inch Mylar film

with a standard City title block, and shall be drawn in ink. The plans shall show the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within fifteen (15) feet of the common property lines.

2. Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, engineering geology report, and the grading plans and specifications. All such plans shall be drawn to engineering scales as approved by the City Engineer. The title sheet of the plan set shall contain the names, addresses and phone numbers of the site owner, the civil engineer responsible for the plans preparation, the project soil engineer and engineering geologist, including registration numbers. The title sheet shall also contain a locality sketch of the project site.

3. A statement of quantities shall be furnished, giving the estimated cubic yards of excavation, embankment, fill, and shrinkage or swell factor. Also, types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work.

4. The grading plans shall show scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement.

H. Grading Plan Check. All grading plans submitted to the City will be checked for conformance with the provisions of this chapter, conditions of approval, the City of Moreno Valley Municipal Code, applicable specific plans, other City ordinances, rules and regulations, all applicable Federal and State requirements, 2010 California Code of Regulations Title 24, Chapter 11 accessibility requirements, City technical requirements and plan requirements, and any other applicable requirements for the development.

I. Mass Grading Plans, Rough Grading Plans, Stockpile Plans, Borrow Site Plans and Preliminary Grading Plans. The plans shall include, but not limited to, the following information.

1. Vicinity map of the site;

2. Property limits clearly labeled or otherwise identified, accurate contours of existing ground and details of terrain, and area of drainage a minimum of fifteen (15) feet beyond the property limits (spot elevations may be used on flatland sites);

3. Prominent existing or natural terrain features;

4. Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices, and related construction;

5. Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work, together with a map showing the drainage area and estimated runoff from the area served by the drains;

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings of structures on land of adjacent owners which may be affected by the proposed grading operations;

7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the City engineer, the permittee shall submit a haul route for review and approval by the public works department, land development division. The City Engineer may prescribe as a condition of the grading permit and submitted haul route, alternate routes or special requirement in consideration on the possible impact on the adjacent community environment or effect on the public right-of-way itself;

8. Additional plans, drawings, calculations, environmental impact information, or other reports and information required by the City Engineer.

J. Precise Grading Plans. The plans shall include of the information required in subsection I of this section plus the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage including spot elevations for the drainage swales, details for building footings and sideyard swale relationship (including extra height of or deepened footings), and all proposed PCC flatwork and PCC/AC driveways.

K. Grading Plan Correction Sheet. A grading plan standards and correction sheet which is used as the basis for plan checking, is available from the Public Works Department, Land Development Division which identifies the items typically required on grading plans depending on site conditions.

L. Geotechnical Reports. A soil engineering and engineering geology report shall be required for all grading projects unless otherwise waived by the City Engineer. The reports shall include information useful to the site and any additional information required by the City Engineer. Recommendations included in the reports and approved by the City Engineer, shall be incorporated into the grading plans and specifications. The Building Official may require a soil report of additional information related to the building structure in accordance with the California Code of Regulations Title 24 (IBC).

M. Geotechnical Report Standards. Two copies of each geotechnical report required in subsection L of this section, shall be submitted as part of the application for a grading permit. Each report shall contain information applicable to the project as shall be prepared in accordance with generally accepted geotechnical engineering practice. Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

1. Preliminary Soil Report. Soil engineering reports shall be required for all residential subdivisions, commercial or industrial development projects, multi- residential projects, and similar developments for which a grading permit is required. Soil reports shall also be required for grading or building permits on single lot projects when specified by the City Engineer or Building Official. The preliminary (initial) soil engineering report shall include information and data regarding the nature, distribution, and physical and chemical properties of existing soils, conclusions as to the adequacy of the site for the proposed grading, recommendations for general and corrective grading procedures, foundation and pavement design criteria, and shall provide other recommendations, as necessary, for the project grading and development.

2. Preliminary Engineering Geology Report. Engineering geologic reports shall be required for all developments on hillside sites where geologic conditions are considered to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the City Engineer. The preliminary (initial) engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary, a geologic map; and opinion as to the adequacy of the proposed development from an engineering geologic standpoint; and opinion as to the extent that known or as reasonably should be known instability on adjacent properties may adversely effect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed project; and specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development; and shall provide other recommendations as necessary for the project grading and development. The preliminary engineering geology report may be combined with the soil engineering report.

3. Seismicity Report. A seismicity report as determined by the City Engineer, may be required as a condition for issuance of a grading permit and/or building permit for all residential subdivisions, and for commercial or industrial developments, and shall be required as a condition of development for all essential facilities (as defined in the California Building Code) or as determined by the City Engineer, Building Official or Planning Official. Additionally, sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report as a condition for issuance of a grading permit. The report shall be prepared by

an engineering geologist, geophysicist, or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The seismicity report may be combined with the soil and engineering geology reports.

N. Import and Export of Earth Material. Where an excess of five thousand (5,000) cubic yards of earth material for a project site is moved on public roadways to or from the project site as part of the grading operations, all of the following requirements shall apply:

1. Either water of dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth to or from the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way, used for transporting materials, in a condition free of dust, earth, or debris attributed to the grading operations.

2. Loading and transporting of earth materials to or from the site must be accomplished within the limitations established in subsection O of this section.

3. Access roads to the site shall be only at points designated on the approved grading plans.

4. At a minimum, the first fifty (50) feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a three hundred (300) foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five percent grade or three hundred (300) foot sight distance requirements can not be obtained due to site constraints, then flagman shall be posted at the access road and shall remain for the entire duration of material transportation operations.

5. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.

6. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer and shall be posted on the public roadway in the vicinity of the access intersection as required by the current State of California Department of Transportation “Manual of Traffic Control—Warning Signs, Lights and Devices for use in Performance of Work Upon Highways.” The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation “Traffic Manual.” The

advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

O. Time of Grading Operations. Grading and equipment operations shall only be completed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding holidays and from 8:00 a.m. to 4:00 p.m. on weekends and holidays. The City Engineer may, however, permit grading or equipment operations before or after the allowable hours of operation if he determines that such operations are not detrimental to the health, safety, or welfare of residents or the general public. Permitted hours of operations may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

P. Responsibility of Permittee. It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this chapter, and as contained on the approved grading plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable with the obvious and accessible location on the site, and with a copy of the grading plans bearing the stamp or signature of approval by the City Engineer. The applicant will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD) prior to beginning grading.

Q. Haul Routes. Where excavation of embankment material is imported or exported from one grading site to another, over public streets, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transportation of the materials on public streets.

Deviation from the designated haul route shall constitute a violation of the condition of the permit issued under this chapter. When the City Engineer does specify a route, he shall do so in writing on the permit document, and shall immediately notify the Traffic Division of the Public Works department as well as the traffic division of the City police department, that said haul route has been specified and approved.

The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractor or project site owner/permittee, moving earth materials in violation of the chapter, shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Moreno Valley the cost, as determined by the City Engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the City Engineer.

At least twenty-four (24) hours before hauling is to commence, the applicant shall be required to notify the City of Moreno Valley Public Works Department, Traffic Division, and Land Development Division as well as the City Police Department, Traffic Division. The permit may specify other necessary conditions or restrictions, where the use of public streets would disrupt the normal traffic activities or cause a public inconvenience.

R. Debris on Public Streets. Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the provisions of this chapter, shall refrain from depositing dirt or debris on public streets by any means, including but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The City Engineer may require a cash deposit to insure the clean-up of public streets.

S. Clean-Up. The permittee conducting any earth-moving operation under this chapter which requires vehicles to haul earth materials, including but not limited to, earth, mud, rock or other materials, on any public streets shall be responsible for the complete removal of such materials if spilled, dumped or deposited on a public street within twenty-four (24) hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the City to complete the removal, the permittee and/or property owner from where the material was removed from or deposited to, shall be liable to pay the City the full cost of such removal work. A cash deposit may be required to insure cleanup of public streets.

T. Dust Control. The contractor or permittee conducting any earth-moving or grading operation under this chapter shall be responsible for controlling dust at all times. The owner, contractor and permittee shall be responsible for implementing any and all Best Management Practices (BMPs) for all grading and earth-moving operations in accordance with the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

U. Protection of Adjoining Property. Each adjacent owner is entitled to the lateral and subjacent support which his/her land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to permit or to make an excavation greater than ten (10) feet in depth within fifty (50) feet of his property line(s) shall give reasonable notice to the owner or owners of land abutting the property line(s) affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken so that the soil of adjoining properties will not cave in or settle without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to of greater depth than are the walls or foundation of an adjoining building or other structure, and the distance from the edge of the excavation to an adjoining building or other structure is less than the depth of the excavation, then the permittee or person completing the excavation must take any and all necessary steps to protect the adjacent building or other structure from possible damage resulting from the excavation or the permittee or person completing the excavation must notify the owner of the adjoining building or other structure and allow at least ten (10) days, if so desired, in which to take measures to protect the same from any damage, or to brace or extend the foundations of the noted building or other structure from possible damage from the excavation.

V. Issuance, Expiration and Renewal.

1. Every grading permit issued shall be valid for a period of one hundred eighty (180) days from the date of issuance.

2. Every permit shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

3. The time limitations for all grading permits issued by the City are also subject to the following provisions:

a. A permit issued in accordance with these requirements shall expire upon a change of ownership, if the grading work thereon, for which said permit was issued has not been completed, and a new permit shall be required for the completion of the work. If the time limitations as noted above are not applicable, and if no changes have been made to the plans and specifications last submitted to the City Engineer, no charge shall be made for the issuance of a new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the City Engineer, fees based on the valuation of the additional or new work, additional yardage and necessary plan checking shall be charged to the permit applicant.

b. The City Engineer may extend the one hundred eighty (180) day expiration time limit on permits not to exceed three successive periods for one

hundred eighty (180) days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

4. The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued.

5. If the permittee presents satisfactory reasons for failure to begin or complete the work within the periods specified above, the City Engineer, upon written request, may grant an extension of time reasonably necessary or as specified in subsection (V)(3)(b) of this section for an additional three hundred sixty-five (365) days without additional fees, provided that:

a. No changes have been made in the original plans and specifications for such work.

b. Suspension of abandonment has not exceeded one hundred eighty (180) days.

c. A re-endorsement of the compliance of the plans with the current and applicable regulations has been obtained by the permittee from the Land Development Division.

Such requests for extensions must be submitted no later than the thirtieth day following the date on which said permit would otherwise expire.

6. If the permittee is unable to complete the work by the end of a two calendar year period (initial one hundred eighty (180) days plus one and one-half year extension) or fails to request an extension within the time provided in subsection (V)(5) of this section, the City Engineer, upon written request and justification, may renew the grading permit for a fee of one-half the amount required for the original permit for such work, provided no changes have been made to the original plans and specifications for such work.

W. Denial of Permit. The City Engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in debris being deposited on any public street or public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the City Engineer that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the City Engineer may issue a permit with the condition that such work be performed. If, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or

sufficiently reduce the hazard to human life or property, the grading permit and any proposed building permits for habitable structures shall be denied.

The City Engineer may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The City Engineer may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated in accordance with the requirements of the California Environmental Quality Act (CEQA), deny the issuance of a grading permit.

The City Engineer shall require plans and specifications to be modified in order to make them consistent with the City of Moreno Valley general plan, specific plans, municipal code requirements, or other rules, regulations, or conditions of approval applicable to the project. The City Engineer may deny the grading permit if the proposed project cannot be designed in accordance with this chapter, applicable rules, regulations, or conditions.

8.21.060 Fees.

A. Plan-Checking Fees. Before accepting a set of plans and specifications for checking, the City Engineer shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures. The amount of plan-checking fee for grading plans is set forth by City Council resolution.

The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the required fee for the entire project.

B. Review of Geotechnical Reports Fee. The fees paid in accordance with subsection A of this section (plan-checking fee) includes all necessary fees for review of all geotechnical report(s) for the project and no additional or separate fee will be charged for said review.

C. Grading Permit Fees. A fee for each grading permit shall be paid to the City Engineer for issuance of said permit. The fee for grading permit issuance is set forth by City Council resolution. The fee for a grading permit authorizing additional work to that under a valid grading permit shall be the difference between the fee paid for the original permit and the required fee for the entire project.

8.21.070 Grading security.

The City Engineer may require bonds or other approved security in such form and amounts as may be deemed necessary to assure that the work for a valid grading permit is completed in accordance with the approved plans and specifications or to insure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate any potentially hazardous condition without additional cost or obligation to the City. One form of security will be required to cover all grading and drainage facilities. Separate securities may be required for slope planting, landscaping, irrigation and erosion control.

8.21.080 Cuts.

Cut slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

Slope stability analysis shall be included in all soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height regardless of the slope ratio. The soil engineer shall consider both gross and surficial stability of the slope and provide a written statement approving the slope stability.

8.21.090 Fills.

A. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical (2:1), or where the base (toe) of the fill slope would be within twelve (12) feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer and/or engineering geologist which indicates that the stability of the slope is adequate and the proposed slope is approved by the City Engineer.

B. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation; noncomplying fill; topsoil and other unsuitable materials; and by scarifying to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than five horizontal to one vertical (5:1), the ground shall be prepared by benching into sound bedrock, or other competent or formational material, as determined by the soil engineer and

approved by the City Engineer. The lowermost bench beneath the toe of a fill slope shall be a minimum of ten (10) feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff, or an appropriate drainage system shall be provided.

Where fill is to be placed over a cut slope, the bench under the toe of the fill shall be at least fifteen (15) feet wide and shall meet the approval of the soil engineer and/or engineering geologist as suitable foundation for the fill. Unsuitable soil is soil which is not dense, firm, or unyielding; is highly fractured; or has a high organic content; and in the opinion of the City Engineer, civil engineer of record, soil engineer, or engineering geologist is not competent to support other soil or fill, to support structures, or to satisfactorily perform the other functions for which the soil is intended.

C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

The City Engineer may permit placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement, and approved the fill stability and competency. The following conditions shall also apply:

1. Prior to issuance of a grading permit, potential rock disposal area(s) shall be identified on the grading plan.

2. Rock sizes greater than eighteen (18) inches shall be placed a minimum of six feet below grade, measured vertically and/or ten (10) feet measured horizontally from any slope face.

3. Rocks sizes greater than twelve (12) inches shall be placed so as to be completely surrounded by soil; no nesting of rocks will be permitted.

D. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of the maximum density as determined by ASTM DI557. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the City Engineer. At least twenty-five (25) percent of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results.

Locations of the field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.

Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling.

E. Exceptions:

1. Fills excepted in Section 8.21.020 of this chapter if the City Engineer determines that compaction is not a necessary safety measure to aid in preventing saturation, settlement, slippage or erosion.

2. Where lower density and very high potential expansion characteristics exist, (as defined in the California Building Code), lesser compaction requirements may be approved by the City Engineer upon justification and recommendation by the soil engineer.

Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading operations to verify that the maximum density curves used are representative of the material placed throughout the fill.

F. Fill Slopes. Fill slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

All fill slopes shall be overfilled to a distance from finish slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finished grade to expose the compacted core. Alternate methods for fill slope compaction may be used by the grading contractor subject to approval by the soil engineer and City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil.

A slope stability analysis shall be included in soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height, regardless of the slope ratio. The soil engineer shall consider both the gross and surficial stability of the slope and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial stability.

At least twenty (20) percent of the field density tests performed during grading shall be located within three feet of the final slope location, and at least one density test shall be taken in the outer twelve (12) inches of the finished slope face for every five thousand (5,000) square feet of slope area.

G. Buttress/Stabilization Fills. Recommendations for buttress/stabilization fills by the soil engineer shall be included in the soil report setting forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudo static conditions, (analysis of pseudo static loads are not normally needed when the bedding planes are flatter than twelve (12) degrees from horizontal), laboratory test data upon which the calculations are based, a copy of the approved grading plan showing the location of the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

H. Utility Line Backfill. Backfill for on-site utility line trenches, including but not limited to, water, sewer, gas, electrical, telephone and cable television services which effect the stability of foundations or other structures, or which are in sloping surfaces steeper than ten horizontal to one vertical (10:1), and which utilize onsite material as backfill, shall be compacted and tested in accordance with subsection D of this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling.

Utility line trench backfill for on-site areas other than those stated above need no specific placement method or compaction criteria, but shall be sufficiently compacted to preclude detrimental settlement. In no case shall this be construed to mean utility line trench backfill within any public rights-of-way.

The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements in accordance with subsection D of this section.

8.21.100 Setbacks.

A. General. The setbacks and other restrictions specified by this section are minimum and may be increased by the City Engineer or by the recommendation of the civil engineer of record, soil engineer or engineering geologist, if necessary for safety and stability, or to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. Where zoning requirements exceed the minimum herein, the zoning setbacks shall govern.

B. Setbacks From Property Lines. The tops and toes of slopes shall be setback from the outer boundaries of the permit area, including slope right

areas and easements, in accordance with Figures A and B. Lot lines shall be located at the top of slopes whenever possible.

C. Design Standards for Setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figures A and B. A usable side yard of at least five feet from any building wall shall be provided to the top or toe of a slope unless waived by the City Engineer.

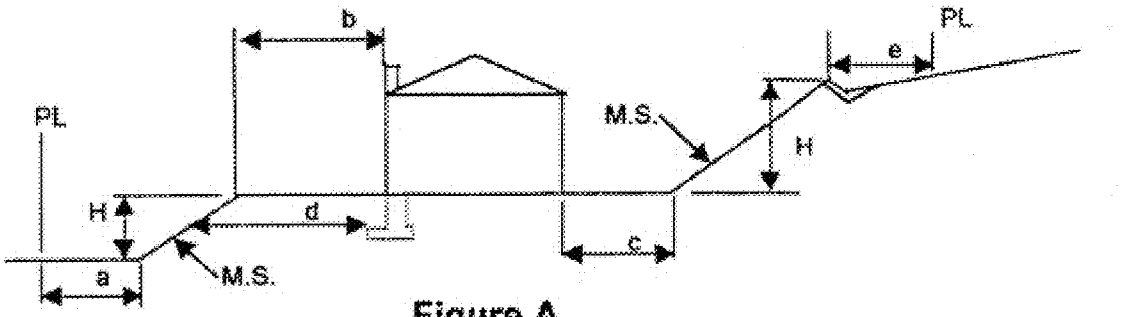

Figure A

Table A Minimum Setback from Adjacent Slope					
H (hgt-ft)	a	b	c	d	e
0<6	3′	5′	3′	5′	3′
6 to 14	5′	5′	H/2	H/2 (5′Min)	3′
14 to 30	5′	H/2 (10′ Max)	H/2	H/2 (10′ max)	6′
30+	5′	10′ Max	15′ Max	10′ Max	6′

NOTES:

1 PL means property line and/or permit boundary. M.S. means manufactured surface.

2 Setbacks shall also comply with applicable zoning regulations.

3 Table A applies to manufactured slopes and 2:1 or steeper natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer.

4 “b” may be reduced to 5′ minimum if an approved drainage device is used; roof gutters and downspouts may also be required.

Ordinance No. XXX
Date Adopted:

5 “b” may be reduced to less than 5′ if no drainage is carried on this side and if roof gutters are included; “d” may not be reduced.

6 If the slope between “a” and “b” is replaced by a retaining wall, “a” may be reduced to zero and “b” shall remain as shown in Table A. The height of the retaining wall shall be controlled by zoning regulations.

7 “b” is measured from the face of the structure to the top of the slope.

8 “d” is measured from the lower outside edge of the footing along a horizontal line to the face of the slope. Under special circumstances, “d” may be reduced as recommended in the soil report and approved by the Building Official

Figure B

Minimum Setback

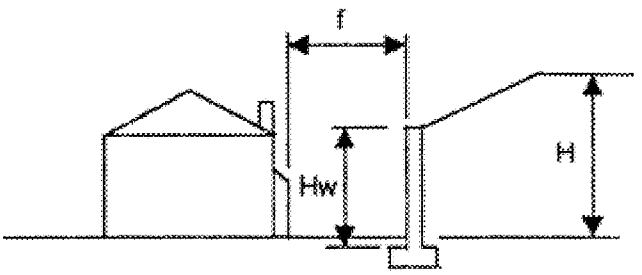

Figure B

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
0 to 6	3′ Max	3′ Min
6 to 8	4′	4′

Ordinance No. XXX
Date Adopted:

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
8 to 10	5′	5′
10 to 12	6′ Max	6′
12 to 30	6′ Max	H/2
30+	6′ Max	15′ Max

NOTES:

1 The use of retaining walls to reduce setbacks must be approved by the City Engineer.

2 "f" may be reduced to zero (0) feet if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from the project structural engineer and after the City Engineer approved the necessary drainage devices.

3 "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall.

8.21.110 Drainage and terracing.

A. General. Unless otherwise noted on the approved grading plan, drainage facilities and terracing of graded slopes shall conform to this section, to the currently adopted City design standards, this code and to Riverside County Flood Control and Water Conservation District's master drainage plans for the City, except where otherwise specified.

B. Terraces. Terraces at least eight feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill graded slopes in order to control surface drainage and debris. Where only one terrace is required, it shall be at the mid-height of the slope. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the project civil engineer based upon recommendations of the project soil engineer and approved by the City Engineer. Suitable access shall be provided to all terraces to permit proper cleaning and maintenance.

Terrace drains shall have a minimum gradient of two percent unless waived by the City Engineer. Terrace drains shall have a minimum depth at the deepest point of no less than one foot and a minimum paved width of at least

three feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the project soil engineer and/or engineering geologist.

D. Storm Water Discharge. All drainage facilities shall be designed to carry storm water runoff to the nearest practicable drainage way approved by the City Engineer and/or other appropriate jurisdiction, as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters, or other devices as approved by the City Engineer.

E. Interceptor Drains. Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the City Engineer. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the City Engineer.

F. Storm water Runoff. Storm water runoff shall not be allowed to flow over cut or fill slopes, which are greater than five horizontal to one vertical (5:1), but shall be provided for as follows:

1. Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than one percent. Where possible, drainage shall not be directed across other lots nor over cut or fill slopes.

2. When the above is not feasible, as determined by the City Engineer, storm water shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters, and carried to properly sized outfall or area drains which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of eighteen (18) inches deep.

3. Where slopes are terraced at thirty (30) foot intervals, drainage shall be provided in paved ditches a minimum of thirty-six (36) inches wide and twelve (12) inches deep. Construction of the ditches shall be as described below, and shall be located on the terraces with one side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the drainage ditch requirements, if a satisfactory surety bond, or other means to grantee the improvement, is posted with the City.

4. Down drains, interceptor drains and terrace drains shall be connected together to collect and transport all storm water runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for an unimpeded flow when terraces are crossed. Down drains, interceptor drains and terrace drains shall be constructed of portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the City Engineer. If pipe is used for down drains to transport runoff from terrace ditches, it shall be either reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material as approved by the City Engineer. Anchor lugs or collars may be required by the City Engineer if the pipe slope is equal to or greater than two horizontal to one vertical (2:1). Pipe specifications shall be approved by the City Engineer. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains.

5. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials as approved by the City Engineer.

G. Drainage Easements. For all drainage-ways where the continuous functioning of the drainage-way is essential to the protection and use of the property other than the lot on which the drainage-way is located, a covenant and/or deed restriction shall be recorded by the applicant, placing the responsibility for the maintenance of the drainage-ways on the owner of record of each respective lot. Permanent off-site drainage easements, as required by the City Engineer, shall be acquired by the permittee. Such easements shall be subject to the approval of the City Engineer and City attorney and recorded prior to the issuance of the grading permit.

8.21.120 Retaining walls.

Retaining walls shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geosynthetic fabric, or a combination of the aforementioned materials. Retaining walls shall be designed to resist all earth pressures acting upon them including embankment or structure/vehicle surcharge loads. All retaining walls shall be designed by a registered civil or structural engineer and submitted to the building division, including appropriate structural calculations, for review and approval prior to installation. All retaining walls that are to be constructed in connection with a grading plan shall be shown on the grading plan. Sufficient top of wall (TW) and top of footing (TF) elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations.

8.21.130 Expansive soils.

A. Expansive soil is any soil with an expansion index greater than twenty (20), as determined by the expansion index tests (2010 California Building Code, Section 1803

B. Whenever expansive soils are encountered within four feet of the finish grade of any area intended or designed as a location for a building then the following shall be observed:

1. The permittee shall remove such expansive soil to a minimum depth of four feet below finish grade within the building footprint area. Nonexpansive, properly compacted soil shall then be installed in the area where the expansive soil was removed; or

2. In the event that sufficient non-expansive material is not readily available on site, the permittee may at his option import nonexpansive material to be used as fill or the soil engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project. The soil engineer shall, however, make recommendations for the design of footings, foundations, slabs, and other load bearing features, or other special procedures which will alleviate any potential problem created by the remaining expansive soils; or

3. Based on recommendations for the soil engineer, expansive soil from cut areas may be placed in the lower extremities of embankments, and nonexpansive materials shall be reserved and stockpiled so that they may be placed as a cap over expansive soil. Whenever expansive soil is placed closer than four feet of finish grade, the soil engineer shall so indicate and make corrective recommendations as noted above.

8.21.140 Asphalt paving.

A. Requirements. For the purpose of this section, asphalt concrete (A.C.), aggregate base material (A.B.), prime coat, tack coat, and seal coat shall all meet the current material specification standards of the City of Moreno Valley for public road construction and/or the approval of the City Engineer.

B. Subgrade Compaction. Compaction of subgrade materials shall be in accordance with the requirements of Section 8.21.090(D) of this chapter.

C. Soil Sterilization. Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

D. Pavement Structural Section. The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots, service roads, private streets and dedicated streets on new private development projects. The structural section shall be based on:

1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of test method number California 302 and anticipated traffic and/or loading conditions.

2. The design shall be determined by R-value testing in accordance with CalTrans design method with recommended safety factors. The minimum design structural section(s) for dedicated streets shall be as noted in the current edition of the City of Moreno Valley standard plans.

E. Alternative Design Method for New Parking Lots/Service Roads and Private Streets. In lieu of the recommended structural section from the soil engineer or civil engineer based on testing as noted above, the following standards may be used for new private parking lots/service roads and private streets:

Industrial and Commercial Developments	**Min. Structural Section**
Parking area less driveways and perimeter drives	.25′ AC / .33′ AB
Driveways and perimeter drives for industrial developments	.25′ AC / .83′ AB
Driveways and perimeter drives for commercial developments	.25′ AC / .67′ AB
High Density Residential	
Parking areas and access lanes	.25′ AC / .33′ AB
Drives and areas subject to heavy truck use	.25′ AC / .67′ AB
Private Streets	
Structural roadway section for private streets	.30′ AC / .50′ AB

AC means asphalt concrete pavement.

AB means Class II aggregate base material.

F. Exceptions. The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than two single-family residences, proposed in conjunction with a project subject to a grading permit or to commercial, industrial or high-density residential developments where all pavements areas are constructed of Portland cement concrete (PCC) pavement.

8.21.150 Permeable surface designs

A. Permeable surface designs include, but is not limited to pervious concrete, permeable pavement, permeable pavers, and porous asphalt. These BMPs may be allowed in low flow traffic roads and parking lots and other paved areas upon approval from the City Engineer.

8.21.160 Erosion control.

A. General.

1. All earth moving or grading operations requiring a grading permit (as noted in Section 8.21.020 of this chapter) shall be required to also have an approved erosion control plan. In addition, any grading, clearing, brushing and grubbing within one hundred (100) feet of environmentally sensitive areas, is prohibited from October 1st to May 31st except for the following:

a. The construction and maintenance of erosion control systems, which have been approved by the City Engineer.

2. Grading work is prohibited on any single grading site under permit between October 1st and May 31st unless an erosion control plan has been approved or waived by the City Engineer. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the City Engineer, shall be employed to control erosion and provide safety during this period.

3. The City Engineer may order restriction or cessation of land disturbance or development operations upon determination that the weather, soil, slope, or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site.

B. Erosion Control Plans.

1. Erosion control plans shall be submitted to the City Engineer for approval concurrent with the grading permit application and/or with grading plan submittal unless otherwise waived by the City Engineer. No grading permit shall be issued unless an erosion control plan has been submitted or waived by the

City Engineer. The erosion control plan may be waived for grading on single residential lot projects, provided that an erosion control system, approved by the City Engineer, is installed, placed, planted or constructed before October 1st. An erosion control and/or sediment control plan is required for all projects if the City Engineer determines that erosion or sediment discharge adversely affects adjacent properties. The approved erosion control plan shall be updated if necessary by October 1st each year, for projects under a grading permit.

2. The erosion control plan shall include details of protective measures, including desiltation basins or other temporary drainage or control measures or both, as may be necessary to protect adjoining public or private property from damage by erosion, flooding, or mud and/or debris deposits which may originate from the site or result from the grading operations.

3. All slope planting, as required by the erosion control plans, which is to be completed after October 1st, will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding.

C. Submittal and Processing Requirements.

1. All projects requiring a grading permit must have erosion control plans submitted for approval. Projects that have an approved erosion control plan from the previous year must submit an updated erosion control plan for approval reflecting existing conditions or necessary changes that are needed for conformance with current conditions.

2. The erosion control plans must be approved and erosion control devices installed and certified and inspected as being properly constructed by the engineer of record. Sediment control must be continuously maintained throughout the construction process. Updating of the plans will be required for phases of construction not covered by the previously approved plans.

3. Approval and processing of the erosion control plans requires payment of plan checking fees, inspection fees and the posting of securities as further noted in this section.

4. First submittal for erosion control plans shall include the plan checking fee, two blueline copies of the plans and two copies of the bond estimate.

D. Information on Erosion Control Plans. Erosion control plan shall include but not be limited to, the following information:

1. A twenty-four (24) hour telephone number of the person responsible for performing emergency erosion control work;

2. The stamp and signature of the civil engineer that prepared the erosion control plan;

3. The erosion control general notes (copies available for the public works department, land development division);

4. Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition;

5. Identification of the streets and drainage devices that will be completed and paved by October 1st;

6. Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public;

7. Provision for maintaining access to desilting facilities during wet weather;

8. A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities;

9. Identification of discharge points where concentrated runoff occurs.

E. Erosion Control Systems.

1. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by berms, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading operations and shall be maintained throughout the development process.

2. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

3. All erosion control measures required to retain sediment on-site and to safely discharge any accelerated runoff generated by the project shall be installed during the initial construction phase of the project.

4. Desilting facilities shall be provided at drainage outlets from the graded site.

5. Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow sediment of suspended particles.

6. Desilting basins shall be constructed around the perimeter of projects. Basins should be located where maintenance access is provided from paved roads during wet weather.

7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report including the type of field-testing performed, location and results of testing, shall be submitted to the City Engineer for approval upon completing the desilting basin(s).

8. Equipment and workers, for emergency work, shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed.

9. Unless otherwise approved by the City Engineer, erosion protection shall include effective planting of all slopes in excess of three feet in height. Slopes exceeding fifteen (15) feet in height may require an adequate sprinkler system, as determined by the City Engineer.

10. All slopes greater than five feet in height shall be permanently landscaped with the landscaping established prior to October 1st. If the permanent landscaping is not installed and sufficiently established prior to October 1st, the slope(s) shall be covered with protective materials and soil stabilizers approved by the City Engineer.

11. All disturbed slopes shall be planted and protected within forty-five (45) days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including but not limited to, rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability.

12. Erosion control provisions shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season.

13. Graded areas around the project perimeter must drain away from the face of slopes at the conclusion of each working day.

F. Erosion Control Maintenance.

1. Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any twelve (12) hour period, or upon direction of the City Engineer, silt and debris shall be removed form check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition.

2. The performance of the erosion control system shall be evaluated by the City Engineer and revised and replaced as ordered.

3. The construction and maintenance of all erosion control systems shall conform to the approved erosion control plan unless otherwise approved by the City Engineer.

4. The contractor, permittee, or project owner shall be responsible for and take necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions may include, but not limited to, appropriate perimeter fencing, or a twenty-four (24) hour guard in order to prevent unauthorized persons from entering the basin(s).

5. Any sprinkler system, controlled by timers, used with an erosion control system, shall be inspected every thirty days to assure proper functioning of the timer device.

G. Erosion Control Design and Implementation.

1. If a project design includes grading or construction within one hundred (100) feet of any environmentally sensitive areas, additional erosion control measures may be required within all disturbed areas in order to minimize the impacts to the environment. These measures may require the approval of the City Engineer as well as approval and certification by the engineer of record for the project. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. The additional erosion control measures may include, but not limited to, installing protective materials and stabilizers, along banks and within waterways and over all disturbed areas. The additional erosion control measures may also include a full time (twenty-four (24) hour) on-site guard during storms and when the precipitation amount is expected to exceed one-half inch in any twenty-four (24) hour period. The precipitation forecast shall be as established by the National Weather Service.

2. All erosion control systems require approval by the City Engineer and approval and certification by the engineer of record. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. All erosion control systems shall remain in place at all times for all areas in which construction is not scheduled to commence within the next seven days. All erosion control systems shall remain in place until May 31st. The May

31st date may be extended by the City Engineer upon determination that there is a substantial likelihood of significant precipitation after May 31. The City Engineer shall use information as provided by the National Weather Service to make such determination.

3. All removable protective devices shown shall be in place at the end of each working day when the five day rain probability forecast exceeds forty (40) percent. The forecast shall be as determined by the National Weather Service.

4. The faces of cut and fill slopes and the project site shall be prepared and maintain to control erosion. Slope protection may be waived by the City Engineer for cut slopes, which are not subject to erosion because of the erosion resistant character of the materials.

5. If construction of erosion control systems outside of the project boundaries are necessary, permission to construct such systems from the owner of such off-site property. Plans for the off-site systems shall be included with the on-site plans submitted to the City Engineer. The plans for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

6. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion, which has been deposited on streets or sidewalks. Watering shall not be used to clean streets except for the removal of fine material not otherwise removed by sweeping or other mechanical means.

7. The contractor, permittee, or property owner shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the contractor, permittee, or property owner fails or refuses to properly maintain the erosion control devices, the City Engineer:

a. May cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted for the erosion control security posted for the project pursuant to subsection (H)(4) of this section and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

b. Shall revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the City engineer is installed or necessary maintenance of an existing system is completed.

8. If any grading subject to Section 8.21.020 of this chapter has commenced on private property without a valid grading permit, the property owner shall be required to obtain a valid permit before continuing and grading, and may be required to prepare and implement an erosion control plan, approved by the City Engineer. If the property owner fails to install an approved erosion control system, the City Engineer shall cause emergency work to be done to protect potentially impacted property and to protect environmentally sensitive areas. The procedures of subsections B, C and D of this section need not apply for emergency erosion control work between October 1st and May 31st. The cost of such emergency work shall be charged to the owner pursuant to the procedures set forth in subsection (H)(4) of this section.

H. Erosion Control Security.

1. Requirement for Security. Prior to approval of the grading permit, an erosion control plans for the project site shall be submitted to and approved by the City Engineer and securities meeting the requirements contained herein shall be posted with the City. The security shall guarantee the following:

a. Compliance with all provisions of this section and all other applicable ordinances;

b. Compliance with any and all terms and conditions of the permittee's approved erosion control plan;

c. Completion of the erosion control system, to the satisfaction of the City Engineer, and in accordance with the approved erosion control plan;

d. Completion of all emergency and routine maintenance and repair of the erosion control system(s) to insure the continuous integrity of the system(s) to the satisfaction of the City Engineer and as may otherwise be required by this section;

e. Restoration and repair of public streets or other property adversely impacted by erosion from permittee's project.

2. Amount and Form of Security. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the City and shall be subject to the review and approval of the City Engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City Engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and city attorney, and consist of one or more of the following:

a. Cash deposit;

b. A bond;

c. A certificate of deposit;

d. A letter of credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government.

3. Failure to Provide Security. If a permittee fails to provide the security required by this section prior to October 1st each year, the City Engineer may revoke the permittee's grading permit without prior notice to the permittee. Any such revocation shall be in writing.

4. Use of Cash Deposit. The City Engineer may cause certain erosion control work to be done under any of the following circumstances:

a. Failure of the permittee to commence emergency repair or maintenance work within twelve (12) hours of receipt of a written demand therefor from the City Engineer, or within twelve (12) hours of the City Engineer's attempt to communicate such demand via the telephone number listed on the approved plans or as provided by the permittee.

b. Failure of the permittee to commence other repair or maintenance work within seventy-two (72) hours of receipt of a written demand therefore from the City Engineer.

c. Failure of the permittee to diligently pursue completion of any required repair or maintenance work or to complete such work within a reasonable time period established by the City Engineer.

d. Failure of the permittee to complete installation of a erosion control system prior to October 1st.

e. Failure of the permittee, after notice from the City Engineer, to clean or repair public streets or other public property, where debris, damage or erosion resulted from the permittee project.

The permittee shall be liable to the City for the cost of any repair work that was necessary as a result of and in accordance with the provisions of this section. The City Engineer may withdraw from the permittee's cash deposit for erosion control security, any funds necessary to pay for such work. The City Engineer shall notify the permittee of any withdrawal from the permittee's cash deposit. If the cost for such work exceeds the balance of the permittee's funds on deposit, the City Engineer shall cause an invoice to be sent to the permittee demanding payment of the amount by which the cost of the work exceeds the permittee's deposit. The permittee shall, within ten (10) days of receipt of such invoice, deposit with the City Engineer, that amount of cash necessary to bring the

permittee's deposit up to its original balance. If the permittee fails to pay such amount in full within thirty (30) days from the date of the invoice, the permittee's grading permit shall be automatically revoked. Renewal of the grading permit shall not be completed until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the City imposed pursuant to the provisions of this section. Additionally, no further construction permits, including but not limited to, building permits or occupancy permits, shall be issued until such monetary obligations are fully satisfied.

5. Release of Security. On June 1st of each year, or upon the end of the actual rainy season (as determined by the City Engineer) whichever occurs later in time, the City Engineer may release any erosion control security posted or deposited pursuant to this section, upon receipt of a written request for such release by the permittee.

The City Engineer shall be responsible for determining the end of the rainy season if it occurs after May 31st of any given year. The determination shall be based upon available meteorological information.

The City Engineer shall not release a permittee's security if the permittee has an outstanding monetary obligation to the City incurred pursuant to the provisions of subsection (H)(4) of this section or if cleanup or repair of public streets or other public property for which the permittee is responsible, has not been completed to the satisfaction of the City Engineer.

Any unused portion of the permittee's erosion control security may also remain on deposit with the City throughout the grading of the project and not be released until completion of the landscaping improvements for the project if it is determined by the City Engineer that due to the nature, configuration, or location of the project, it is in the best interest of the City to retain said erosion control security until to projects completion.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

A. General Requirements. On September 2, 2009, the State Water Resources Control Board (SWRCB) approved waste discharge requirements associated with construction activity. The regulations affect all construction sites that disturb an area of one acre or more.

As a condition of the Santa Ana Regional Water Quality Control Board, a National Pollutant Discharge Elimination System permit will be required for all sites that disturb an area of one acre or more. Prior to issuance of a grading permit, each applicant shall provide an NPDES permit number (WDID#) to the City Engineer.

A complete NPDES permit for storm water runoff associated with construction activity application and general requirements may be obtained from the State Water Quality Control Board .

In general, the permit requires the following information to be filed with the California State Water Resource Control Board (SWRCB):

1. A notice of intention (NOI). The NOI application is in the construction permit package;

2. Risk Assessment.

3. Site Map.

4. A stormwater pollution prevention plan (SWPPP). Conditions are outlined in the construction permit package;

5. Annual Fee.

6. Signed Certification Statement.

It is the permittee's responsibility to obtain the application package, complete the information and reports as noted above, and maintain the site throughout the duration of the project as required by the permit. All of the information noted above shall be maintained on-site during construction and shall be presented upon demand by State Water Resource Control Board inspectors, the City of Moreno Valley inspectors or any member of the public.

8.21.180 Grading inspection.

A. Grading Inspection.

1. Site Inspection by the City Engineer. Prior to any grading, brushing, or clearing, there shall be a pre-grading meeting held on the site unless waived by the City Engineer. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvement in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the City Engineer. The permittee, or agent for the permittee, shall notify the City Engineer and request the meeting(s) at least two working days prior to the meeting(s) and shall also be responsible for notifying all principals responsible for grading or paving operations.

It shall be the responsibility of the person doing the work authorized by a permit, to notice the City Engineer at least two working days prior to the work being ready for the following inspections:

a. Excavation and Fill Inspection.

i. Canyon Clean Out. After all brush and unsuitable material has been removed and an acceptable base has been exposed, but before any fill has been placed;

ii. Toe Bench and Key. After the natural ground or bedrock has been exposed and prepared to receive fill, but before fill is placed;

iii. Over Excavation. After the area has been excavated but before fill is placed;

iv. Excavation. After the excavation has started, but before the vertical depth of the excavation exceeds ten (10) feet, and every ten (10) foot interval thereafter;

v. Fill. After the fill has started, but before the vertical height of the fill exceeds ten (10) feet and every ten (10) foot interval thereafter.

2. Concrete or Gunite Drainage Device Inspection.

a. Alley Gutter or Concrete Drainage Device. After the sub-grade is prepared and any reinforcement placed but prior to concrete placement and then again after concrete placement;

b. Terrace Drains, Down Drains, Brow Ditches. After grade has been established but before placement of welded wire mesh or reinforcement and then again after placement of concrete or gunite.

3. Other Drainage Devices.

a. Subdrains. After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfill;

b. City Storm Drains and Inlets. After installation of form-work and placement of reinforcement but before concrete placement and then again after placement of concrete and removal of form-work but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain;

c. Earth Swales. Prior to rough grading approval and then again prior to final grading approval.

4. Rough Grade Inspection.

a. When all rough grading as been completed. Inspection may be called for at the completion of rough grading after the City Engineer has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on City approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading approval.

5. Paving Inspection (In Public Right-of-Way).

a. Subgrade. After subgrade has been established, tested, and approved by the soil engineer, or his qualified representative, the soil engineer may leave a field memo of compaction test results on site. The civil engineer shall provide approval of line and grade;

b. Base. After base course has been placed, tested, and approved by the soil engineer or his qualified representative, but prior to prime coat and asphalt placement, the soil engineer may leave a field memo of compaction test results on site. Material invoices or weight tickets shall be required;

c. Asphalt Concrete. During asphalt placement to verify compliance with plans and specifications. Material invoices or weight tickets shall be required. Prior to application of seal cost, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.

6. Final Inspection.

a. When all work, including installation of all drainage structures and other protective devices has been completed and all written professional approvals and the required reports have been submitted.

7. Siltation Control Facilities (October 1st to May 31st).

a. After excavation of desilting basins but prior to fill placement. Pre-fabricated drainage devices are to be available on site for inspection;

b. After fill placement of desiltation basins but prior to placement of concrete or other non-erosive materials (if applicable);

c. After completion of an erosion control system in accordance with an approved erosion control plan and the requirement of the City Engineer.

B. Notification of Non-Compliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not begin completed in accordance with the approved plans, specifications,

recommendations or requirements of this chapter, the discrepancies shall immediately be reported in writing to the grading contractor, the owner and the City Engineer. Recommendations for corrective measures shall be submitted to the City Engineer for approval and shall be incorporated on to the approved plans upon approval by the City Engineer.

C. Special Inspections. The City Engineer may establish special inspection requirements in accordance with the 2010 edition of the California Building Code, amended, for special cases involving grading or paving related operations. Special cases may apply to work where, in the opinion of the City Engineer, it is necessary to supplement the resources or expertise available for inspection.

D. General. It shall be the responsibility of the civil engineer that prepared the grading plans to incorporate the applicable recommendations for the soil engineering and engineering geology reports into the grading plan. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements, and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, unless waived by the City Engineer, and upon completion of the work, the submission of as-built grading plans incorporating all changes and/or additional made during construction.

Soil engineering and engineering geology reports shall be required as specified in Section 8.21.190(A). During grading, all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted for distribution as required.

The soil engineer's area of responsibility shall include, but not limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required, and incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but not limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the needs for subdrains or other ground water drainage devices. The engineering geologist shall report all findings to the soil engineer for engineering analysis.

The City Engineer shall inspect the project at various stages of work requiring approval, and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to insure conformance with the approved plans and specifications.

When preliminary soil engineering reports are not required by the City Engineer, inspection and testing may be required by an approved testing agency. The testing agency's responsibility shall include, but not limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

E. Transfer of Responsibility for Approval. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record are changed during the course of the work, the work may be stopped until:

1. The owner submits a letter of notification to the City Engineer verifying the change of the responsible professional; and

2. The new responsible professional submits in writing that he has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that he concurs with the findings, conclusions, and recommendations, and is satisfied with the work performed. He must also state that he assumes all responsibility within his purview as of the specified date.

All exceptions to the noted requirements must be justified to the satisfaction of the City Engineer.

Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility without the requirement for written notification to the City Engineer.

F. Other Inspections by the City Engineer.

1. Prior to the approval of any building or grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

2. The permittee or agent for the permittee shall notify the City Engineer when the grading operations specified are ready for inspection.

3. If the inspector finds the soil or other conditions not as shown on the approved plans or stated in the geotechnical reports or as noted within any additional information which was required for issuance of the grading permit, he may issue a stop work order until approval is obtained for a revised grading plan or modification to any applicable reports which will conform to the actual site conditions.

4. The provisions of Section 115, Stop Orders, of the 2010California Building Code (CBC) shall apply to all grading work, whenever the City Engineer

determines that any work does not comply with the terms of the permit, or this chapter, or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the City Engineer to proceed with the work.

5. Prior to issuance of building permits for a graded site, the rough grading shall be completed in accordance with the approved plans and specification, and this chapter, and to the satisfaction of the civil engineer, or architect, engineering geologist, soil engineer, and City Engineer.

6. Whenever any work on which inspection are required, is covered or concealed by additional work without first being inspected, the City Engineer may require, by written notice, that such work be exposed for examination. Any cost for exposing and recovering such noninspected work shall not entail or be subject to expense by the City.

8.21.190 Completion of work.

A. Final Reports. Upon completion of the rough grading work and at the final completion of the work under a grading permit, but prior to the release of grading security or issuance of a certificate of occupancy, the City Engineer will require:

1. An as-built grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities location with scaled sections of all buttress/stabilization fill, and location and depth of all areas of unsuitable soil.

2. A written approval by the civil engineer approving the grading as being in conformance with the approved grading plan and which specifically approves the following items as appropriate to the project or stage of grading:

a. Construction of line and grade for all engineered drainage devices and retaining walls (rough and final grading);

b. Staking of property corners for proper building locations (rough grading);

c. Setting of all monuments in accordance with the recorded tract map (rough or final grading);

d. Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading);

e. Location and inclination of all manufactured slopes (rough and final grading);

f. Construction of earthen berms and positive building pad drainage (rough and final grading).

3. A soil engineering report (compaction report) prepared by the soil engineer, including type of field testing performed, stability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown, and the method of obtaining the in-place density described; either ASTM 1556-78 or the approved equal shall be so noted. The soil engineer shall provide written approval as to the adequacy of the site for the intended use, as effected by soil engineering factors and a statement of compliance to finish grade.

4. A geologic report prepared by the engineering geologist, including a final description of the geology of the site including any new information disclosed during the grading, and the effect of the same on recommendations incorporated in the approved grading plan. He shall provide written approval as to the adequacy of the site for the intended use as effected by geologic factors, a statement of compliance to finish grade, and when required by the City Engineer, shall submit an as-built geologic map.

5. A statement of compliance prepared by the grading contractor that the work was completed in accordance with the approved plans may be required by the City Engineer in certain cases.

B. Notification of Completion. The permittee or agent for the permittee shall notify the City Engineer when the grading operation is ready for inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed in accordance with the approved grading plan and the required reports and statements of compliance have been submitted and approved

8.21.200 Penalty for violation.

Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in

a court of law, shall be punishable by fine of not more than five hundred dollars ($500.00) or imprisonment for not more than six months, or by both. Each such person, firm or corporation shall be deemed guilty of a separate offence for every day during any portion of which any violations of any provisions of the chapter, including any physical condition created in violation of this chapter, is permitted, continued, or committed by such person, firm or corporation, and shall be punishable therefor as provided for in this chapter. Any lot, street, alley, road, driveway which is constructed contrary to the provisions of this chapter shall constitute a public nuisance.

SECTION 3 SEVERABILITY:

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 4 EFFECT OF REENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this ____ day of _____, 2011.

_____
Mayor

Ordinance No. XXX
Date Adopted:

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. XXX
Date Adopted:

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS AND CHAPTER 8.21 GRADING REGULATIONS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 PRIOR ENACTMENTS REPEALED:

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1.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.10, as set forth in Section 2 of this Ordinance

1.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby amended by repealing, the repeal to be effective only upon the effective date of the reenactment of said Chapter 8.21, as set forth in Section 2 of this Ordinance

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SECTION 2 REENACTMENT OF CHAPTER 8.10 AND CHAPTER 8.21:

2.1 Chapter 8.10 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

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8.10.010 Purpose and intent.

The purpose of this chapter is to protect the health, safety and welfare of the public by:

A. Reducing pollutants in storm water discharges to the maximum extent practicable;

B. Regulating illicit connections and discharges to the storm drain system; and

C. Regulating nonstorm water discharges to the storm drain system.

The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, ground water and wetlands in a manner pursuant to and

consistent with the Federal Clean Water Act, the state Porter-Cologne Water Quality Control Act and the conditions of any NPDES permit issued to the City.

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8.10.020 Definitions.

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The terms as used in this chapter shall have the following meanings:

"Best Management Practices" (BMPs) mean any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs mean and include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for municipal, industrial/commercial, new development and redevelopment and construction activity and other measures approved by the City Engineer.

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"City" means the City of Moreno Valley.

"City Engineer" means the City Engineer of the City.

"Discharge" means, when used as a verb, to allow pollutants to directly or indirectly enter storm water, or to allow storm water or nonstorm water to directly or indirectly enter the MS4 or receiving waters from an activity or operation. When used as a noun, "discharge" means the pollutants, stormwater and non-storm water that are discharged.

"Discharger" shall mean any person engaged in activities or operations, or owning facilities, which may result in pollutants entering storm water, the MS4 or receiving waters. Dischargers include, but are not limited to, real property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

"Green Infrastructure" shall mean an array of products, technologies, and practices that use natural or engineered systems that mimic natural processes to enhance overall environmental quality. As a general principal, Green Infrastructure techniques use soils and vegetation to infiltrate, evapotranspirate, and/or recycle stormwater runoff.

"Illicit discharge" shall mean any discharge to the MS4 that is not composed entirely of storm water runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

"Illicit connection" shall mean any physical connection to a MS4 which has not been permitted by the City, the Riverside County Flood Control and Water Conservation District or other appropriate public agency.

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"Low Impact Development (LID)" shall mean any ecosystem-based approach to designing a hydrologically functional site that mimics predevelopment conditions.

"Low volume road" shall mean roads with traffic indexes less than or equal to six (6.0).

"MS4—Municipal Separate Storm Sewer System" shall mean any facility within the City limits by which storm water may be conveyed to waters of the United States. MS4 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

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"Municipal NPDES permit" shall mean an area-wide NPDES permit issued to a government agency or agencies for the discharge of storm water from a MS4.

"Non-storm water discharge" shall mean any discharge to the MS4 that is not entirely composed of storm water.

"National Pollutant Discharge Elimination System (NPDES) permit" shall mean a storm water discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

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"Person" shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

"Pollutant" shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal matter, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

"Premises" shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

"Storm water runoff" shall mean surface runoff and drainage associated with rainstorm events and snow melt.

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8.10.030 Responsibility for administration.

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This chapter shall be administered for the City by the City Engineer. The City Engineer may appoint and authorize one or more members of the City staff to act as

his/her designee[s] to administer or enforce this chapter. In the context of this chapter, the phrase "City Engineer" includes each and all persons designated by the City Engineer to assist in the administration and enforcement of this chapter, as limited by the terms of the delegation

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8.10.040 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act, the Porter-Cologne Water Quality Control Act and acts amending or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES permits and any amendments or revisions thereto or reissuance thereof.

8.10.050 Reduction of pollutants in storm water runoff.

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A. In General. It is a violation of this chapter to throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City. The only exception is where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this chapter to cause or permit any dumpster, solid waste bin or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the City.

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B. Construction Sites. Any person performing construction work in the City shall comply with the provisions of the ordinance codified in this chapter and other City ordinances for erosion and sediment control.

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C. New Development and Redevelopment. New development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. The BMPs may include, but are not limited to the following and may, among other things, require new developments or redevelopments to do any of the following:

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1. Increase permeable areas by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping, green roofs and open space into the project design, by using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways and by incorporating detention ponds and infiltration pits into the project design;

2. Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas;

3. Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

4. Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

D. Existing Development. Existing development shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation.

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8.10.060 Illicit connections or discharges.

It is a violation of this chapter to establish, use, maintain or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

8.10.070 Non-storm water discharges.

The discharge of non-storm water into the storm drain system is a violation of this chapter except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under a NPDES permit or waiver issued to the discharger and administered by the state of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this chapter when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated

pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensate, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

8.10.080 Discharges in violation of permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future municipal NPDES permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge

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B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Santa Ana Regional Water Quality Control Board, shall comply with all requirements of such permit. Such discharges shall specifically comply with the following permits: the industrial storm water general permit, and the dewatering general permit. Proof of compliance with said NPDES general permits may be required in a form acceptable to the City Engineer prior to issuance of any City grading, building, or occupancy permits.

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8.10.090 Permits and approvals.

Compliance with this chapter shall be a condition of every permit, license or approval granted or issued by the City. Failure to comply with the chapter shall be grounds for revocation of any such permit, license or approval.

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8.10.100 City authority to sample, inspect and monitor.

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A. Regulatory Inspections. The City Engineer may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for inspection, an inspection warrant shall be obtained prior to inspection.

B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illicit discharge/connection exist, whether the BMPs installed and implemented are adequate to comply with the chapter, whether those BMPs are being properly maintained and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections and records review. Records, reports, analyses or other required information may be inspected and copied, and photographs may be taken for purposes of enforcement of this chapter.

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8.10.110 Establishment of a fee.

The City Council may establish a fee by resolution to recover the cost of inspection, sampling, metering and monitoring by the City Engineer.

8.10.120 Orders by the City Engineer.

The City Engineer is authorized to issue cease and desist orders or stop-work orders to any person who is in violation of this chapter. Failure to comply with a written order of the City Engineer shall be a violation of this chapter and shall be grounds for the imposition of civil penalties described in this chapter.

8.10.130 Notice of violation.

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City Engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

A. The performance of monitoring, analyses and reporting;

B. The elimination of illicit connections or discharges;

C. That violating discharges, practices or operations cease and desist;

D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;

E. Payment of a fine to cover administrative and remediation costs; and

F. The implementation or maintenance of source control and treatment control BMPs.

If an abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Engineer and the expense thereof shall be charged to the violator pursuant to Chapter 6.04 of this code. A notice issued under this chapter shall identify the provisions of this chapter which have been violated and shall state the recipient has a right to appeal as set forth in Chapter 1.10 of this code.

The notice shall be served upon the recipient as set forth in Chapter 1.10 of this code.

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8.10.140 Violations—Misdemeanors or infractions.

A violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute an infraction. Repeated violations may be prosecuted as misdemeanors at the discretion of the City attorney.

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8.10.150 Penalty for violation.

Upon conviction of a misdemeanor for violating any provision of this chapter, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth by law. Upon conviction of an infraction for violating any provision of this chapter, a person shall be subject to payment of a fine, not to exceed the limits set forth by law

8.10.160 Separate offenses.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

8.10.170 Violations deemed a public nuisance.

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The City Council hereby declares that any violation of this chapter is a threat to the public health, safety and welfare, and is therefore a public nuisance which may be summarily abated. The cost of such abatement shall be borne by the owner of the premises and the cost thereof may be imposed as a lien upon the premises, and such lien shall continue in existence until it is paid.

8.10.180 Administrative enforcement powers.

In addition to any other enforcement powers and remedies established by this chapter, an authorized enforcement officer has the authority to issue civil citations and fines for violations of this chapter pursuant to Chapter 1.10 of this code.

8.10.190 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, and the court may grant, as appropriate, any or all of the following remedies:

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A. A temporary and/or permanent injunction;

B. Assessment of the violator for the costs of any investigation, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;

C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; or

D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life

8.10.200 Severability.

If any provision, clause, sentence or paragraph of the ordinance codified in this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of that ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.

2.2 Chapter 8.21 of Title 8 of the City of Moreno Valley Municipal Code is hereby reenacted in its entirety to be read as follows:

Chapter 8.21 GRADING REGULATIONS

8.21.010 General.
8.21.020 Permits required.
8.21.030 Hazards.
8.21.040 Definitions.
8.21.050 Grading permit requirements.
8.21.060 Fees.
8.21.070 Grading security.
8.21.080 Cuts.
8.21.090 Fills.
8.21.100 Setbacks.
8.21.110 Drainage and terracing.
8.21.120 Retaining walls.
8.21.130 Expansive soils.
8.21.140 Asphalt paving.
8.21.150 Permeable surface designs
8.21.160 Erosion control.
8.21.170 National Pollutant Discharge Elimination System (NPDES).
8.21.180 Grading inspection.
8.21.190 Completion of work.
8.21.200 Penalty for violation.

8.21.010 General.

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A. Name. This chapter shall be known as the "Grading Regulations."

B. Purpose. The purpose of this chapter is to establish an official set of standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground surface to protect and preserve the public health, safety, and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural runoff waters; to require engineering analysis of expansive soil conditions, erosion control and drainage; and criteria to provide a basis for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered as described herein; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction.

C. Intent. It is the intent of this chapter and the erosion control procedures contained within this chapter to establish a guideline enabling the City with the ability to regulate grading operations as well as to protect environmentally sensitive areas and biological and wildlife resources within and surrounding the City of Moreno Valley. The procedures established by this chapter and the conditions of approval implemented with all discretionary approvals and permits are intended to accomplish this protection. However, in the event that City staff encounter situations that are deemed to endanger environmental resources, the City Engineer is authorized to take necessary action to protect the environment pursuant to this chapter and other applicable laws, provided there is no conflict with other City regulations or codes.

"Environmentally sensitive areas" are any lands in a natural condition subject to an open space easement; any natural lake, stream, creek or riparian area; any wildlife habitat area identified in an environmental impact report, initial study or other environmental assessment; or any land determined by the City to be environmentally sensitive with respect to any particular grading activity based on an environmental assessment, initial study, CEQA guidelines or other information in connection with the proposed grading activity.

D. Scope. This chapter sets forth rules and relations to control excavation, grading and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction in accordance with the requirements for grading and excavation as contained in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) with deletions, modifications, or amendments to meet local conditions.

E. Powers and Duties of the City Engineer. All references in Chapter 33 of the California Code of Regulations Title 24 (2010 California Building Code) to "Building Official" shall mean the "City Engineer" in this chapter.

8.21.020 Permits required.

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A. Grading Permits. No person shall conduct any grading, clearing, brushing or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the City Engineer.

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Exceptions to this requirement are:

1. An excavation below finish grade for basements and footings of a building, mobile home, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure, or an unsupported excavation with vertical banks more than two feet high. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer, stability considerations warrant such inspection;

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2. An excavation which does not exceed fifty (50) cubic yards on any one site and which is less than two feet in vertical depth, and which does not create a cut slope greater than five feet in vertical height and steeper than one and one-half to one (1.5:1) horizontal to vertical;

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3. Cemetery graves;

4. Refuse disposal sites controlled by other regulations;

5. Earthwork construction regulated by federal, state, county, or city governments, or by a local agency as defined by Government Code Sections 53090 through 53095 (special districts); pipeline or conduit excavation and backfill conducted by local agencies or public utilities; earthwork construction performed by railway companies. This exemption, however, shall apply only when the earthwork takes place on the property, or dedicated rights-of-way or easements of the aforementioned agencies;

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6. Excavation and backfill for installation of underground utilities by public utility companies of companies operating under the authority of a franchise or public property permit;

7. Mining, quarrying, excavating, processing, stock-piling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property, or alter the orientation of natural water courses which may result in adverse changes on adjoining property;

8. Exploratory excavations under the direction of a soil engineer, engineering geologist, archaeologists or paleontologists, provided all excavations are properly

backfilled and compacted or otherwise restored. All excavations and trenches are subject to the applicable sections of the state of California, Division of Safety or Cal-OSHA;

9. A fill less than one foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one lot and does not obstruct any drainage course;

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10. A fill less than three feet in depth, not intended to support structures or mobile homes, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course;

11. Clearing, brushing, and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase stresses in or pressures on any contiguous property, or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in dumping of organic or hazardous waste not regulated by law. This grading includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three vertical feet of either excavation or fill for row crops, installation of irrigation systems, and stockpiling of fertilizer or other amendments.

B. Grading Permit, Paving. No person shall construct pavement surfacing in excess of five thousand (5,000) square feet, on natural or existing grade for the purpose of a private road or driveway, commercial, industrial, or multi-residential parking lot or travelway without a valid grading permit unless waived by the City Engineer or a separate improvement plan is approved and signed by the City Engineer. Resurfacing or maintenance of paved surfaces is exempt from this requirement.

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8.21.030 Hazards.

A. Hazardous Conditions.

1. Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage devices are situated on private property in such a manner that they are a hazard to life or limb, or a danger to public safety, or endangers the safety, usability, or stability of adjacent property, structures or public facilities. The maintenance of any hazardous condition shall constitute a public nuisance.

2. The City Engineer or designee (including City code compliance) may examine, or cause to be examined, every condition reported as hazardous as set forth in subsection (A)(1) of this section.

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3. Upon confirmation of a hazardous condition, the City Engineer or designee (including code compliance) shall provide written notification to the owner or agent in control of property with confirmed hazardous condition requiring mitigation of said hazardous condition and stipulation of an acceptable time frame for compliance.

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4. The owner or agent in control shall comply with any demand for corrective work or repairs as required. In the event that corrective action is not completed within the period as specified in writing, the City may exercise any available legal recourse for correction of said hazardous condition.

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8.21.040 Definitions.

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The words and phrases set out in this section, when used in this chapter, shall, for the purpose of this chapter, have the following respective meanings except where the context clearly indicates a different meaning:

"Approval" means a written engineering or geological opinion by the responsible engineer, geologist of record, or responsible principal of the engineering company, whichever is applicable, concerning the satisfactory progress and completion of the grading work, unless it specifically refers to the City Engineer.

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"Approved plans" means the current grading plans, which bear the City Engineer's signature of approval on the plans.

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"Approved testing agency" means the facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this chapter and is approved by the City Engineer.

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"As-graded" means the surface configuration upon completion of grading.

"Bedrock" means in-place solid rock or sufficient solid in-place soil and rock to be classified by a registered geologist, geotechnical engineer or registered civil engineer, as bedrock.

"Bench" means a relatively level step excavated into stable earth material on which fill is to be placed.

"Borrow" means earth material acquired from an offsite location for use in grading on a site.

"Borrow Site Permit" means a permit that is issued to complete borrow grading operations as defined above.

"California Building Code (CBC)" means the California Code of Regulations Title 24 as adopted by ordinance by the City Council of the City of Moreno Valley.

"Civil engineer" means a professional engineer registered in the State of California authorized to practice in the field of civil engineering. For a complete

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definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Clearing, brushing and grubbing" means the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

"Compaction" means the densification of a fill by mechanical means.

"Earth material" means any rock, natural soil, or fill and/or any combination thereof.

"Engineering geologist" means a geologist certified in the state of California to practice engineering geology. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

"Erosion control system" means a combination of desilting facilities, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities, and receiving waters from the deposition of sediment or dust.

"Excavation" means the mechanical removal of earth material.

"Fault" means a fracture in the earth's crust along which movement has occurred. A fault is considered active if movement has occurred within the last eleven thousand (11,000) years (Holocene geologic time).

"Fill" means the deposit of earth material placed by artificial means.

"Geotechnical engineer" see "soil engineer". For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Geotechnical report" means a report, which contains all appropriate soil engineering, geologic, hydrologic, and seismic information, evaluation, recommendations, and findings.

"Grade" means the vertical elevation of the ground surface.

Grade, Existing. "Existing grade" means the ground surface prior to grading.

Grade, Finish. "Finish grade" means the final grade of the site, which conforms to the approved plans.

Grade, Natural. "Natural grade" means the ground surface unaltered by artificial means.

Grade, Rough. "Rough grade" means the stage at which the grade approximately conforms to the approved plans.

"Grading" means any excavation or filling or combination thereof.

"Grading contractor" means a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

"Grading permit" means an official document or certificate issued by the City Engineer authorizing grading activity as specified by approved plans and specifications.

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"Hillside site" means a site with a natural slope of ten (10) percent or more as further defined in Section 9.03.040(B) of this code.

"Indeterminate stockpile" means storage of soil for an indeterminate period of time in excess of the time permitted for a temporary stockpile.

Deleted: "International Building Code (IBC)" means the California Code of Regulations Title 24 as adopted by ordinance by the city council of the city of Moreno Valley.

"Key" means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

"Keyway" means an excavated trench into competent earth material beneath the toe of a proposed fill slope.

"Landslide" means the downward and outward movement of soil, rock, fill or a combination thereof.

"Mass grading" means grading that is completed on a large scale over a large area prior to preliminary grading and which when completed is within two vertical feet of the sites final grade elevations.

"Mass grading permit" means a permit that is issued to complete mass grading operations as defined above.

"Massive landslide" means a landslide too large to be stabilized by retaining methods or normal control methods.

"NPDES" stands for National Pollutant Discharge Elimination System.

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"Owner" means any person, agency, firm, or corporation having a legal or equitable interest in a given real property.

"Precise grading permit" means a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations and all on-site improvements.

"Permeable Paving" means a special type of pavement that allows rain to pass through the paved surface into the ground beneath, thereby reducing the runoff from a site.

"Preliminary grading permit" means a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the City Engineer.

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"References" unless indicated otherwise, or as reasonably appears from the context, references in this chapter to the civil engineer, engineering geologist, geotechnical engineer and soils engineer refer to the professional person(s) preparing, signing, stamping or approving the project plans and specifications which comprise the approved grading plan, and which professional person(s) appears of record pursuant to Section 8.21.170(D) of this chapter, or his/her successor appearing pursuant to Section 8.21.170(E) of this chapter.

"Retaining wall" means a wall designed to resist the lateral displacement of soil or other materials.

"Rough Grading Permit" means a permit that is issued to complete rough grading operations as defined in this section.

"Site" means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

"Slope" means any inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage ratio of the vertical distance divided by the horizontal distance times one hundred (100).

"Slope stability—Gross stability" means the factor of safety against failure of the slope material below the surface approximately three to four feet deep measured from and perpendicular to the slope face.

"Slope stability—Surficial stability" means the factor of safety against failure of the outer three to four feet of slope material measured from and perpendicular to the slope face.

"Soil" means naturally occurring surficial deposits overlaying bedrock.

"Soil engineer (geotechnical engineer)" means a civil engineer registered in the State of California experienced and knowledgeable in the area of soil mechanics. For a complete definition see Section 404 of the Rules of the State Board of Registration for Professional Engineers and Land Surveyors.

"Soil engineering (geotechnical engineering)" is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials.

"Sulfate (SO_4)" means a chemical compound occurring in soil or water, which in concentration, has a corrosive effect on ordinary portland cement concrete and some materials.

"Temporary stockpile" means the temporary storage of earth material greater than fifty (50) cubic yards for a period not to exceed the term of the grading permit issued for the project associated with the stockpile.

"Terrace" means a relatively level step constructed into the face of a graded sloped surface for drainage and maintenance purposes.

"WDID# means Waste Discharge Identification number.

8.21.050 Grading permit requirements.

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A. Application for Permit.

1. The application for a grading permit shall be made on a form as provided by the City Engineer. All required discretionary approvals under the zoning ordinance and municipal code must be obtained prior to issuance of a grading permit.

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2. No grading permit for a development project subject to approval by the planning commission, city council or administrative approval process shall be issued until

such commission, council or administrative process has approved the grading concept as part of the discretionary approval process. Any application for a grading permit which effects environmentally sensitive areas shall contain information showing that the proposed grading will be accomplished without significant harm to the environment or appropriate environmental mitigation measures that have been identified within an environmental impact report for the proposed site have been complied with.

B. Responsibility of Land Owners.

1. It is unlawful for any persons owning, leasing, occupying or having charge of any real property in the City to stockpile, deposit, or allow the placement, construction or deposition of earth material on any real property in excess of fifty (50) cubic yards without first obtaining a grading permit as hereinafter described (unless exempt as noted in Section 8.21.020 exceptions. Processing of said earth material must result in a relative compaction of at least ninety (90) percent of the maximum density compaction of the surrounding material, unless otherwise provided for as part of an approved grading plan.

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2. Clearing, brushing and grubbing of vegetation done in preparation of land development shall not be undertaken until all discretionary approvals for the land development project have been issued and a grading permit for the project has been obtained. For the purposes of this section, land development shall be defined as any use of real property for which discretionary approval is required as further defined in the this code.

3. A grading permit issued by the City Engineer is required prior to any grading or clearing and grubbing operations on:

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a. Previously undisturbed land; or

b. Land covered by native vegetation; or

c. Land which has not been used for agricultural purposes for three years immediately prior to the initiation of a grading operation for the purpose of conducting agricultural activities.

A grading permit may be issued by the City Engineer, prior to discretionary approval, if the City Engineer, in cooperation with the planning official, determines that the grading and/or agricultural operation will not cause significant damage to any environmentally sensitive areas nor cause the elimination of any significant wildlife habitat for riparian area.

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4. This section shall not regulate routine landscape maintenance, the removal of dead or diseased trees or shrubs or the removal of vegetation upon the order of the fire marshal for the elimination of a potential fire hazard.

C. Types of Grading Permits.

1. Either a mass grading permit, borrow site permit, rough grading permit, preliminary grading permit, precise grading permit or a stockpile permit all as defined in Section 8.21.040 of this chapter may be issued for grading work upon completion of a proper application and approval by the City Engineer.

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2. Building permits may be issued for a site graded under an approved grading plan and valid grading permit upon completion and approval of rough grade and geotechnical inspection as specified in Section 8.21.170 of this chapter. Building permits for construction of model homes may be issued for the model home sites only, prior to completion of rough grading for the site, provided that rough grading has been completed and approved as noted for the model home sites.

3. Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading plan has been approved and a permit has been issued and the provisions as noted above have been satisfied.

D. Stockpile Permits.

1. A temporary stockpile permit is subject to conditions which may include, but not limited to, the following items: a stockpile plan prepared by a registered civil engineer, an erosion control plan prepared by a registered civil engineer, fencing, hydroseeding or other maintenance requirements. Other conditions may be established, even after the permit has been issued, in the interest of public health, safety or welfare, and shall be as determined by the City Engineer.

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2. An indeterminate stockpile permit may be issued for soil that is to be used for the future development of the stockpile site where there is no current project, or for storage of soil for current or future sale, or for some other purpose as stated by the property owner. Requests for indeterminate stockpile permits will be reviewed on a case-by-case basis. Such requests may be considered to be the establishment of a business and may require review by other City department or divisions and shall be subject to all of the conditions of approval for such projects. An indeterminate stockpile permit is subject to all of the same requirements as a temporary stockpile permit.

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E. Grading Permit Application. A grading permit application shall consist of the following items and forms completed and signed by the applicant or his/her representative, unless otherwise specified by the City Engineer:

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1. Application form;

2. Four sets of grading plans;

3. Two copies of a preliminary soils report (see subsection (M)(1) of this section);

4. Two copies of a preliminary geology report if applicable (see subsection (M)(2) of this section);

5. Two sets of erosion control plans;

6. Payment of the grading plan check and inspection fees.

The City Engineer will inspect the project site as necessary and determine whether additional reports or other data are required prior to issuance of a grading permit. The City Engineer will notify the applicant of his determination.

F. Grading Plan Clearances. The City Engineer shall notify the applicant when clearance is required for the project from other departments or divisions within the City as well as clearance required from other agencies. All required clearances from other departments, divisions or outside agencies shall be the responsibility of and obtained by the applicant prior to issuance of the grading permit. The City Engineer will not notify the applicant for South Coast Air Quality District (SCAQMD) required clearances and permits.

G. Data to Accompany Application.

1. A grading plan, approved and signed by a California registered civil engineer, soils engineer and engineering geologist shall accompany each application for a grading permit, unless waived by the City Engineer. The grading plans shall be prepared on twenty-four (24) inch by thirty-six (36) inch Mylar film with a standard City title block, and shall be drawn in ink. The plans shall show the original and designed finish contours, spot elevations, building pads, public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls and any structures or buildings on adjacent properties within fifteen (15) feet of the common property lines.

2. Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, engineering geology report, and the grading plans and specifications. All such plans shall be drawn to engineering scales as approved by the City Engineer. The title sheet of the plan set shall contain the names, addresses and phone numbers of the site owner, the civil engineer responsible for the plans preparation, the project soil engineer and engineering geologist, including registration numbers. The title sheet shall also contain a locality sketch of the project site.

3. A statement of quantities shall be furnished, giving the estimated cubic yards of excavation, embankment, fill, and shrinkage or swell factor. Also, types of ditches and down drains, lineal feet and sizes of various types of pipe, the amount of rock to be used for rip-rap or slope protection, the lineal feet of fencing and any other pertinent information useful in determining the extent of the proposed work.

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4. The grading plans shall show scaled sections of all stabilization fills, buttress fills, keyways and benching for fill placement.

H. Grading Plan Check. All grading plans submitted to the City will be checked for conformance with the provisions of this chapter, conditions of approval, the City of Moreno Valley Municipal Code, applicable specific plans, other City ordinances, rules and regulations, all applicable Federal and State requirements, 2010 California Code of Regulations Title 24, Chapter 11 accessibility requirements, City technical requirements and plan requirements, and any other applicable requirements for the development.

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I. Mass Grading Plans, Rough Grading Plans, Stockpile Plans, Borrow Site Plans and Preliminary Grading Plans. The plans shall include, but not limited to, the following information.

1. Vicinity map of the site;

2. Property limits clearly labeled or otherwise identified, accurate contours of existing ground and details of terrain, and area of drainage a minimum of fifteen (15) feet beyond the property limits (spot elevations may be used on flatland sites);

3. Prominent existing or natural terrain features;

4. Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices, and related construction;

5. Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as part of the proposed work, together with a map showing the drainage area and estimated runoff from the area served by the drains;

6. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings of structures on land of adjacent owners which may be affected by the proposed grading operations;

7. If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the City engineer, the permittee shall submit a haul route for review and approval by the public works department, land development division. The City Engineer may prescribe as a condition of the grading permit and submitted haul route, alternate routes or special requirement in consideration on the possible impact on the adjacent community environment or effect on the public right-of-way itself;

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8. Additional plans, drawings, calculations, environmental impact information, or other reports and information required by the City Engineer.

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J. Precise Grading Plans. The plans shall include of the information required in subsection I of this section plus the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top or toe of slopes, setback distances between structures and property lines, detailed finish grade and finish floor elevations, flow lines for lot drainage including spot elevations for the drainage swales, details for building footings and sideyard swale relationship (including extra height of or deepened footings), and all proposed PCC flatwork and PCC/AC driveways.

K. Grading Plan Correction Sheet. A grading plan standards and correction sheet which is used as the basis for plan checking, is available from the Public Works Department, Land Development Division which identifies the items typically required on grading plans depending on site conditions.

L. Geotechnical Reports. A soil engineering and engineering geology report shall be required for all grading projects unless otherwise waived by the City Engineer. The reports shall include information useful to the site and any additional information required by the City Engineer. Recommendations included in the reports and approved by the City Engineer, shall be incorporated into the grading plans and specifications. The Building Official may require a soil report of additional information related to the building structure in accordance with the California Code of Regulations Title 24 (IBC).

M. Geotechnical Report Standards. Two copies of each geotechnical report required in subsection L of this section, shall be submitted as part of the application for a grading permit. Each report shall contain information applicable to the project as shall be prepared in accordance with generally accepted geotechnical engineering practice. Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

1. Preliminary Soil Report. Soil engineering reports shall be required for all residential subdivisions, commercial or industrial development projects, multi- residential projects, and similar developments for which a grading permit is required. Soil reports shall also be required for grading or building permits on single lot projects when specified by the City Engineer or Building Official. The preliminary (initial) soil engineering report shall include information and data regarding the nature, distribution, and physical and chemical properties of existing soils, conclusions as to the adequacy of the site for the proposed grading, recommendations for general and corrective grading procedures, foundation and pavement design criteria, and shall provide other recommendations, as necessary, for the project grading and development.

2. Preliminary Engineering Geology Report. Engineering geologic reports shall be required for all developments on hillside sites where geologic conditions are considered to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites as required by the City Engineer. The preliminary (initial) engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary, a geologic

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map; and opinion as to the adequacy of the proposed development from an engineering geologic standpoint; and opinion as to the extent that known or as reasonably should be known instability on adjacent properties may adversely effect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed project; and specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development; and shall provide other recommendations as necessary for the project grading and development. The preliminary engineering geology report may be combined with the soil engineering report.

3. Seismicity Report. A seismicity report as determined by the City Engineer, may be required as a condition for issuance of a grading permit and/or building permit for all residential subdivisions, and for commercial or industrial developments, and shall be required as a condition of development for all essential facilities (as defined in the California Building Code) or as determined by the City Engineer, Building Official or Planning Official. Additionally, sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults are required to submit a seismicity report as a condition for issuance of a grading permit. The report shall be prepared by an engineering geologist, geophysicist, or a civil engineer with expertise in earthquake technology and its application to buildings or other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the latest available and accepted technological recommendations related to seismicity. The seismicity report may be combined with the soil and engineering geology reports.

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N. Import and Export of Earth Material. Where an excess of five thousand (5,000) cubic yards of earth material for a project site is moved on public roadways to or from the project site as part of the grading operations, all of the following requirements shall apply:

1. Either water of dust preventative spray material (or both) shall be consistently applied for prevention of dust resulting from the loading or transportation of earth to or from the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way, used for transporting materials, in a condition free of dust, earth, or debris attributed to the grading operations.

2. Loading and transporting of earth materials to or from the site must be accomplished within the limitations established in subsection O of this section.

3. Access roads to the site shall be only at points designated on the approved grading plans.

4. At a minimum, the first fifty (50) feet of access road adjacent to the intersection with the public roadway shall have a grade not to exceed five percent. There must be a three hundred (300) foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the five percent grade or three

hundred (300) foot sight distance requirements can not be obtained due to site constraints, then flagman shall be posted at the access road and shall remain for the entire duration of material transportation operations.

5. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the exit of the access road to the public roadway.

6. Advanced warning signs along with traffic control and safety devices shall be reviewed and approved by the City Engineer and shall be posted on the public roadway in the vicinity of the access intersection as required by the current State of California Department of Transportation "Manual of Traffic Control—Warning Signs, Lights and Devices for use in Performance of Work Upon Highways." The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State of California Department of Transportation "Traffic Manual." The advanced warning signs and other devices shall be covered or removed when the access intersection is not in use.

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O. Time of Grading Operations. Grading and equipment operations shall only be completed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, excluding holidays and from 8:00 a.m. to 4:00 p.m. on weekends and holidays. The City Engineer may, however, permit grading or equipment operations before or after the allowable hours of operation if he determines that such operations are not detrimental to the health, safety, or welfare of residents or the general public. Permitted hours of operations may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

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P. Responsibility of Permittee. It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this chapter, and as contained on the approved grading plans and in the approved geotechnical report(s). It shall also be the responsibility of the permittee to be knowledgeable with the obvious and accessible location on the site, and with a copy of the grading plans bearing the stamp or signature of approval by the City Engineer. The applicant will be responsible for obtaining all clearances and permits, if any, directly from the South Coast Air Quality Management District (SCAQMD) prior to beginning grading.

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Q. Haul Routes. Where excavation of embankment material is imported or exported from one grading site to another, over public streets, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transportation of the materials on public streets.

Deviation from the designated haul route shall constitute a violation of the condition of the permit issued under this chapter. When the City Engineer does specify a route, he shall do so in writing on the permit document, and shall immediately notify the Traffic Division of the Public Works department as well as the traffic division of the City police department, that said haul route has been specified and approved.

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The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractor or project site owner/permittee, moving earth materials in violation of the chapter, shall be financially responsible for any damage to the public streets caused by the hauling vehicles, and shall pay to the City of Moreno Valley the cost, as determined by the City Engineer, of repairing such damage, or shall repair the damage in question to the satisfaction of the City Engineer.

At least twenty-four (24) hours before hauling is to commence, the applicant shall be required to notify the City of Moreno Valley Public Works Department, Traffic Division, and Land Development Division as well as the City Police Department, Traffic Division. The permit may specify other necessary conditions or restrictions, where the use of public streets would disrupt the normal traffic activities or cause a public inconvenience.

R. Debris on Public Streets. Vehicle Code Section 23112(b) forbids the placing, dumping or depositing of dirt and rocks on public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the provisions of this chapter, shall refrain from depositing dirt or debris on public streets by any means, including but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The City Engineer may require a cash deposit to insure the clean-up of public streets.

S. Clean-Up. The permittee conducting any earth-moving operation under this chapter which requires vehicles to haul earth materials, including but not limited to, earth, mud, rock or other materials, on any public streets shall be responsible for the complete removal of such materials if spilled, dumped or deposited on a public street within twenty-four (24) hours of noted spill, dumping or deposition. If the permittee fails to remove such spillage, dumping or deposited material within the noted time frame, and it is necessary for the City to complete the removal, the permittee and/or property owner from where the material was removed from or deposited to, shall be liable to pay the City the full cost of such removal work. A cash deposit may be required to insure cleanup of public streets.

T. Dust Control. The contractor or permittee conducting any earth-moving or grading operation under this chapter shall be responsible for controlling dust at all times. The owner, contractor and permittee shall be responsible for implementing any and all Best Management Practices (BMPs) for all grading and earth-moving operations in accordance with the National Pollutant Discharge Elimination System (NPDES) and as required by South Coast Air Quality Management District (SCAQMD).

U. Protection of Adjoining Property. Each adjacent owner is entitled to the lateral and subjacent support which his/her land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

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1. Any owner of land or his lessee intending to permit or to make an excavation greater than ten (10) feet in depth within fifty (50) feet of his property line(s) shall give reasonable notice to the owner or owners of land abutting the property line(s) affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken so that the soil of adjoining properties will not cave in or settle without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to of greater depth than are the walls or foundation of an adjoining building or other structure, and the distance from the edge of the excavation to an adjoining building or other structure is less than the depth of the excavation, then the permittee or person completing the excavation must take any and all necessary steps to protect the adjacent building or other structure from possible damage resulting from the excavation or the permittee or person completing the excavation must notify the owner of the adjoining building or other structure and allow at least ten (10) days, if so desired, in which to take measures to protect the same from any damage, or to brace or extend the foundations of the noted building or other structure from possible damage from the excavation.

V. Issuance, Expiration and Renewal.

1. Every grading permit issued shall be valid for a period of one hundred eighty (180) days from the date of issuance.

2. Every permit shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

3. The time limitations for all grading permits issued by the City are also subject to the following provisions:

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a. A permit issued in accordance with these requirements shall expire upon a change of ownership, if the grading work thereon, for which said permit was issued has not been completed, and a new permit shall be required for the completion of the work. If the time limitations as noted above are not applicable, and if no changes have been made to the plans and specifications last submitted to the City Engineer, no charge shall be made for the issuance of a new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the City Engineer, fees based on the valuation of the additional or new work, additional yardage and necessary plan checking shall be charged to the permit applicant.

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b. The City Engineer may extend the one hundred eighty (180) day expiration time limit on permits not to exceed three successive periods for one hundred eighty (180) days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

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4. The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued.

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5. If the permittee presents satisfactory reasons for failure to begin or complete the work within the periods specified above, the City Engineer, upon written request, may grant an extension of time reasonably necessary or as specified in subsection (V)(3)(b) of this section for an additional three hundred sixty-five (365) days without additional fees, provided that:

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a. No changes have been made in the original plans and specifications for such work.

b. Suspension of abandonment has not exceeded one hundred eighty (180) days.

c. A re-endorsement of the compliance of the plans with the current and applicable regulations has been obtained by the permittee from the Land Development Division.

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Such requests for extensions must be submitted no later than the thirtieth day following the date on which said permit would otherwise expire.

6. If the permittee is unable to complete the work by the end of a two calendar year period (initial one hundred eighty (180) days plus one and one-half year extension) or fails to request an extension within the time provided in subsection (V)(5) of this section, the City Engineer, upon written request and justification, may renew the grading permit for a fee of one-half the amount required for the original permit for such work, provided no changes have been made to the original plans and specifications for such work.

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W. Denial of Permit. The City Engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in debris being deposited on any public street or public way or interfere with any existing drainage course. If it can be shown to the satisfaction of the City Engineer that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices, or by other means, the City Engineer may issue a permit with the condition that such work be performed. If, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or

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sufficiently reduce the hazard to human life or property, the grading permit and any proposed building permits for habitable structures shall be denied.

The City Engineer may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. The City Engineer may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated in accordance with the requirements of the California Environmental Quality Act (CEQA), deny the issuance of a grading permit.

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The City Engineer shall require plans and specifications to be modified in order to make them consistent with the City of Moreno Valley general plan, specific plans, municipal code requirements, or other rules, regulations, or conditions of approval applicable to the project. The City Engineer may deny the grading permit if the proposed project cannot be designed in accordance with this chapter, applicable rules, regulations, or conditions.

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8.21.060 Fees.

A. Plan-Checking Fees. Before accepting a set of plans and specifications for checking, the City Engineer shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures. The amount of plan-checking fee for grading plans is set forth by City Council resolution.

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The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the required fee for the entire project.

B. Review of Geotechnical Reports Fee. The fees paid in accordance with subsection A of this section (plan-checking fee) includes all necessary fees for review of all geotechnical report(s) for the project and no additional or separate fee will be charged for said review.

C. Grading Permit Fees. A fee for each grading permit shall be paid to the City Engineer for issuance of said permit. The fee for grading permit issuance is set forth by City Council resolution. The fee for a grading permit authorizing additional work to that under a valid grading permit shall be the difference between the fee paid for the original permit and the required fee for the entire project.

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8.21.070 Grading security.

The City Engineer may require bonds or other approved security in such form and amounts as may be deemed necessary to assure that the work for a valid grading permit is completed in accordance with the approved plans and specifications or to insure that the work, if not completed in accordance with the approved plans and specifications, will be

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corrected to eliminate any potentially hazardous condition without additional cost or obligation to the City. One form of security will be required to cover all grading and drainage facilities. Separate securities may be required for slope planting, landscaping, irrigation and erosion control.

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8.21.080 Cuts.

Cut slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

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Slope stability analysis shall be included in all soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height regardless of the slope ratio. The soil engineer shall consider both gross and surficial stability of the slope and provide a written statement approving the slope stability.

8.21.090 Fills.

A. Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical (2:1), or where the base (toe) of the fill slope would be within twelve (12) feet horizontally of the top of a cut slope, unless evidence is submitted by the soil engineer and/or engineering geologist which indicates that the stability of the slope is adequate and the proposed slope is approved by the City Engineer.

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B. Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation; noncomplying fill; topsoil and other unsuitable materials; and by scarifying to provide a bond with the new fill. Where existing slopes exceed five feet in height and/or are steeper than five horizontal to one vertical (5:1), the ground shall be prepared by benching into sound bedrock, or other competent or formational material, as determined by the soil engineer and approved by the City Engineer. The lowermost bench beneath the toe of a fill slope shall be a minimum of ten (10) feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff, or an appropriate drainage system shall be provided.

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Where fill is to be placed over a cut slope, the bench under the toe of the fill shall be at least fifteen (15) feet wide and shall meet the approval of the soil engineer and/or engineering geologist as suitable foundation for the fill. Unsuitable soil is soil which is not dense, firm, or unyielding; is highly fractured; or has a high organic content; and in the opinion of the City Engineer, civil engineer of record, soil engineer, or engineering geologist is not competent to support other soil or fill, to support structures, or to satisfactorily perform the other functions for which the soil is intended.

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C. Fill Material. Detrimental amounts of organic material shall not be permitted in fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

The City Engineer may permit placement of larger rock in fill when the soil engineer properly devises a method of placement, continuously inspects placement, and approved the fill stability and competency. The following conditions shall also apply:

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1. Prior to issuance of a grading permit, potential rock disposal area(s) shall be identified on the grading plan.

2. Rock sizes greater than eighteen (18) inches shall be placed a minimum of six feet below grade, measured vertically and/or ten (10) feet measured horizontally from any slope face.

3. Rocks sizes greater than twelve (12) inches shall be placed so as to be completely surrounded by soil; no nesting of rocks will be permitted.

D. Compaction. All fills shall be compacted to a minimum of ninety (90) percent of the maximum density as determined by ASTM Dl557. Field density tests shall be performed in accordance with ASTM D1556, or equivalent, as approved by the City Engineer. At least twenty-five (25) percent of the total tests shall be by ASTM D1556 to verify the accuracy of the equivalent method. All such tests shall be uniformly distributed within the fill area and/or fill slope surface area in order to obtain representative results.

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Locations of the field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.

Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative sampling.

E. Exceptions:

1. Fills excepted in Section 8.21.020 of this chapter if the City Engineer determines that compaction is not a necessary safety measure to aid in preventing saturation, settlement, slippage or erosion.

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2. Where lower density and very high potential expansion characteristics exist, (as defined in the California Building Code), lesser compaction requirements may be approved by the City Engineer upon justification and recommendation by the soil engineer.

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Sufficient maximum density determinations by test method ASTM D1557 shall be performed during the grading operations to verify that the maximum density curves used are representative of the material placed throughout the fill.

F. Fill Slopes. Fill slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists, and when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

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All fill slopes shall be overfilled to a distance from finish slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finished grade to expose the compacted core. Alternate methods for fill slope compaction may be used by the grading contractor subject to approval by the soil engineer and City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil.

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A slope stability analysis shall be included in soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding twenty (20) feet in height, regardless of the slope ratio. The soil engineer shall consider both the gross and surficial stability of the slope and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternate methods of construction or compaction requirements necessary for surficial stability.

At least twenty (20) percent of the field density tests performed during grading shall be located within three feet of the final slope location, and at least one density test shall be taken in the outer twelve (12) inches of the finished slope face for every five thousand (5,000) square feet of slope area.

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G. Buttress/Stabilization Fills. Recommendations for buttress/stabilization fills by the soil engineer shall be included in the soil report setting forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static and pseudo static conditions, (analysis of pseudo static loads are not normally needed when the bedding planes are flatter than twelve (12) degrees from horizontal), laboratory test data upon which the calculations are based, a copy of the approved grading plan showing the location of the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

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H. Utility Line Backfill. Backfill for on-site utility line trenches, including but not limited to, water, sewer, gas, electrical, telephone and cable television services which effect the stability of foundations or other structures, or which are in sloping surfaces steeper than ten horizontal to one vertical (10:1), and which utilize onsite material as backfill, shall be compacted and tested in accordance with subsection D of this section. Alternate materials and methods for utility line trench backfill may be used provided that the material specification and method of placement are recommended by the soil engineer and approved by the City Engineer prior to backfilling.

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Utility line trench backfill for on-site areas other than those stated above need no specific placement method or compaction criteria, but shall be sufficiently compacted to

preclude detrimental settlement. In no case shall this be construed to mean utility line trench backfill within any public rights-of-way.

The final utility line trench backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use and that all tested areas meet the compaction requirements in accordance with subsection D of this section.

8.21.100 Setbacks.

A. General. The setbacks and other restrictions specified by this section are minimum and may be increased by the City Engineer or by the recommendation of the civil engineer of record, soil engineer or engineering geologist, if necessary for safety and stability, or to prevent damage to adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. Where zoning requirements exceed the minimum herein, the zoning setbacks shall govern.

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B. Setbacks From Property Lines. The tops and toes of slopes shall be setback from the outer boundaries of the permit area, including slope right areas and easements, in accordance with Figures A and B. Lot lines shall be located at the top of slopes whenever possible.

C. Design Standards for Setbacks. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figures A and B. A usable side yard of at least five feet from any building wall shall be provided to the top or toe of a slope unless waived by the City Engineer.

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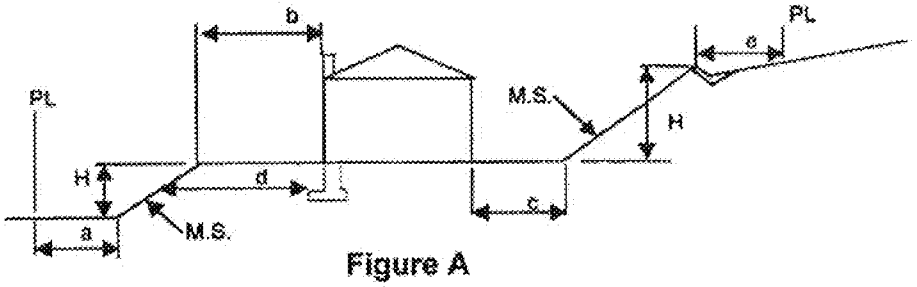

Figure A

Table A Minimum Setback from Adjacent Slope

H (hgt-ft)	a	b	c	d	e
0<6	3'	5'	3'	5'	3'
6 to 14	5'	5'	H/2	H/2 (5'Min)	3'
14 to 30	5'	H/2 (10' Max)	H/2	H/2 (10' max)	6'
30+	5'	10' Max	15' Max	10' Max	6'

NOTES:

1 PL means property line and/or permit boundary. M.S. means manufactured surface.

2 Setbacks shall also comply with applicable zoning regulations.

3 Table A applies to manufactured slopes and 2:1 or steeper natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer.

4 "b" may be reduced to 5' minimum if an approved drainage device is used; roof gutters and downspouts may also be required.

5 "b" may be reduced to less than 5' if no drainage is carried on this side and if roof gutters are included; "d" may not be reduced.

6 If the slope between "a" and "b" is replaced by a retaining wall, "a" may be reduced to zero and "b" shall remain as shown in Table A. The height of the retaining wall shall be controlled by zoning regulations.

7 "b" is measured from the face of the structure to the top of the slope.

8 "d" is measured from the lower outside edge of the footing along a horizontal line to the face of the slope. Under special circumstances, "d" may be reduced as recommended in the soil report and approved by the Building Official

Figure B

Minimum Setback

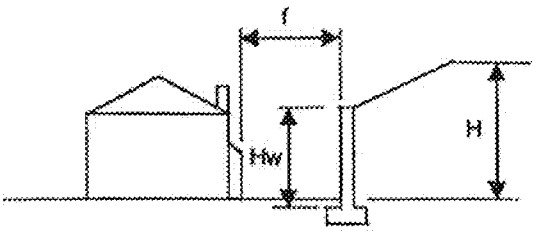

Figure B

Table B Minimum Setback from Retaining Walls		
H (hgt-ft)	Hw	f
0 to 6	3' Max	3' Min
6 to 8	4'	4'
8 to 10	5'	5'
10 to 12	6' Max	6'
12 to 30	6' Max	H/2
30+	6' Max	15' Max

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NOTES:

1 The use of retaining walls to reduce setbacks must be approved by the City Engineer.

2 "f" may be reduced to zero (0) feet if the Building Official approves a combination structure/retaining wall after submittal and review of structural calculations from the project structural engineer and after the City Engineer approved the necessary drainage devices.

3 "Hw" is the height of the retaining wall measured from the top of the footing to the top of the wall.

8.21.110 Drainage and terracing.

A. General. Unless otherwise noted on the approved grading plan, drainage facilities and terracing of graded slopes shall conform to this section, to the currently adopted City design standards, this code and to Riverside County Flood Control and Water Conservation District's master drainage plans for the City, except where otherwise specified.

B. Terraces. Terraces at least eight feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill graded slopes in order to control surface drainage and debris. Where only one terrace is required, it shall be at the mid-height of the slope. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the project civil engineer based upon recommendations of the project soil engineer and approved by the City Engineer. Suitable access shall be provided to all terraces to permit proper cleaning and maintenance.

Terrace drains shall have a minimum gradient of two percent unless waived by the City Engineer. Terrace drains shall have a minimum depth at the deepest point of no less than one foot and a minimum paved width of at least three feet and shall be designed to accommodate all runoff created by the cut or fill slope as well as any tributary runoff which enters the terrace drain.

C. Subsurface Drainage. Cut and fill slopes shall be provided with subsurface drainage as necessary for stability and as recommended by the project soil engineer and/or engineering geologist.

D. Storm Water Discharge. All drainage facilities shall be designed to carry storm water runoff to the nearest practicable drainage way approved by the City Engineer and/or other appropriate jurisdiction, as an acceptable and safe location to deposit such runoff. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains, energy dissipaters, or other devices as approved by the City Engineer.

E. Interceptor Drains. Concrete interceptor drains (brow ditches) shall be installed along the top of all cut slopes where the tributary drainage area above the cut slope drains toward the cut slope, unless waived by the City Engineer. The slope gradient for the interceptor drain shall be the same as for terrace drains or as approved by the City Engineer.

F. Storm water Runoff. Storm water runoff shall not be allowed to flow over cut or fill slopes, which are greater than five horizontal to one vertical (5:1), but shall be provided for as follows:

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1. Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street or toward approved drainage facilities at a gradient of not less than one percent. Where possible, drainage shall not be directed across other lots nor over cut or fill slopes.

2. When the above is not feasible, as determined by the City Engineer, storm water shall be collected along the top of slopes or at the rear of graded lots by means of paved gutters, and carried to properly sized outfall or area drains which shall also serve as erosion control devices. Such drainage shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used for any drainage device. Down drain ditches shall be a minimum of eighteen (18) inches deep.

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3. Where slopes are terraced at thirty (30) foot intervals, drainage shall be provided in paved ditches a minimum of thirty-six (36) inches wide and twelve (12) inches deep. Construction of the ditches shall be as described below, and shall be located on the terraces with one side of the ditch two feet from the toe of the slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the drainage ditch requirements, if a satisfactory surety bond, or other means to grantee the improvement, is posted with the City.

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4. Down drains, interceptor drains and terrace drains shall be connected together to collect and transport all storm water runoff entering the drains. They shall be of sufficient depth, as verified by hydraulic calculations, to allow for an unimpeded flow when terraces are crossed. Down drains, interceptor drains and terrace drains shall be constructed of portland cement concrete or air blown mortar. They shall be reinforced with wire mesh and/or other appropriate concrete reinforcement as determined by the project engineer and approved by the City Engineer. If pipe is used for down drains to transport runoff from terrace ditches, it shall be either reinforced concrete pipe (RCP), plastic pipe (PVC) or other pipe material as approved by the City Engineer. Anchor lugs or collars may be required by the City Engineer if the pipe slope is equal to or greater than two horizontal to one vertical (2:1). Pipe specifications shall be approved by the City Engineer. Special design features shall be provided for abrupt changes in direction of terrace ditches and down drains.

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5. The discharge from any down drain, ditch or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip-rap, box-type energy dissipaters or other materials as approved by the City Engineer.

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G. Drainage Easements. For all drainage-ways where the continuous functioning of the drainage-way is essential to the protection and use of the property other than the lot on which the drainage-way is located, a covenant and/or deed restriction shall be recorded by the applicant, placing the responsibility for the

maintenance of the drainage-ways on the owner of record of each respective lot. Permanent off-site drainage easements, as required by the City Engineer, shall be acquired by the permittee. Such easements shall be subject to the approval of the City Engineer and City attorney and recorded prior to the issuance of the grading permit.

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8.21.120 Retaining walls.

Retaining walls shall be constructed of reinforced concrete, reinforced masonry block, reinforced concrete block and geosynthetic fabric, or a combination of the aforementioned materials. Retaining walls shall be designed to resist all earth pressures acting upon them including embankment or structure/vehicle surcharge loads. All retaining walls shall be designed by a registered civil or structural engineer and submitted to the building division, including appropriate structural calculations, for review and approval prior to installation. All retaining walls that are to be constructed in connection with a grading plan shall be shown on the grading plan. Sufficient top of wall (TW) and top of footing (TF) elevations shall be shown on the grading plans to determine the overall height of the retaining wall at various locations.

8.21.130 Expansive soils.

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A. Expansive soil is any soil with an expansion index greater than twenty (20), as determined by the expansion index tests (2010 California Building Code, Section 1803.

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B. Whenever expansive soils are encountered within four feet of the finish grade of any area intended or designed as a location for a building then the following shall be observed:

1. The permittee shall remove such expansive soil to a minimum depth of four feet below finish grade within the building footprint area. Nonexpansive, properly compacted soil shall then be installed in the area where the expansive soil was removed; or

2. In the event that sufficient non-expansive material is not readily available on site, the permittee may at his option import nonexpansive material to be used as fill or the soil engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project. The soil engineer shall, however, make recommendations for the design of footings, foundations, slabs, and other load bearing features, or other special procedures which will alleviate any potential problem created by the remaining expansive soils; or

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3. Based on recommendations for the soil engineer, expansive soil from cut areas may be placed in the lower extremities of embankments, and nonexpansive

materials shall be reserved and stockpiled so that they may be placed as a cap over expansive soil. Whenever expansive soil is placed closer than four feet of finish grade, the soil engineer shall so indicate and make corrective recommendations as noted above.

8.21.140 Asphalt paving.

A. Requirements. For the purpose of this section, asphalt concrete (A.C.), aggregate base material (A.B.), prime coat, tack coat, and seal coat shall all meet the current material specification standards of the City of Moreno Valley for public road construction and/or the approval of the City Engineer.

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B. Subgrade Compaction. Compaction of subgrade materials shall be in accordance with the requirements of Section 8.21.090(D) of this chapter.

C. Soil Sterilization. Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

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D. Pavement Structural Section. The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots, service roads, private streets and dedicated streets on new private development projects. The structural section shall be based on:

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1. Soils tests of the subgrade soil(s) performed in accordance with the latest revision of test method number California 302 and anticipated traffic and/or loading conditions.

2. The design shall be determined by R-value testing in accordance with CalTrans design method with recommended safety factors. The minimum design structural section(s) for dedicated streets shall be as noted in the current edition of the City of Moreno Valley standard plans.

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E. Alternative Design Method for New Parking Lots/Service Roads and Private Streets. In lieu of the recommended structural section from the soil engineer or civil engineer based on testing as noted above, the following standards may be used for new private parking lots/service roads and private streets:

Industrial and Commercial Developments	Min. Structural Section
Parking area less driveways and perimeter drives	.25′ AC / .33′ AB
Driveways and perimeter drives for industrial developments	.25′ AC / .83′ AB
Driveways and perimeter drives for commercial developments	.25′ AC / .67′ AB

High Density Residential	
Parking areas and access lanes	.25' AC / .33' AB
Drives and areas subject to heavy truck use	.25' AC / .67' AB
Private Streets	
Structural roadway section for private streets	.30' AC / .50' AB

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AC means asphalt concrete pavement.

AB means Class II aggregate base material.

E. Exceptions. The provisions of this section shall not apply to private asphalt concrete driveway(s) providing access to not more than two single-family residences, proposed in conjunction with a project subject to a grading permit or to commercial, industrial or high-density residential developments where all pavements areas are constructed of Portland cement concrete (PCC) pavement.

8.21.150 Permeable surface designs

A. Permeable surface designs include, but is not limited to pervious concrete, permeable pavement, permeable pavers, and porous asphalt. These BMPs may be allowed in low flow traffic roads and parking lots and other paved areas upon approval from the City Engineer.

8.21.160 Erosion control.

A. General.

1. All earth moving or grading operations requiring a grading permit (as noted in Section 8.21.020 of this chapter) shall be required to also have an approved erosion control plan. In addition, any grading, clearing, brushing and grubbing within one hundred (100) feet of environmentally sensitive areas, is prohibited from October 1st to May 31st except for the following:

a. The construction and maintenance of erosion control systems, which have been approved by the City Engineer.

2. Grading work is prohibited on any single grading site under permit between October 1st and May 31st unless an erosion control plan has been approved or

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Deleted: F. Dedicated Streets. Structural pavement sections for dedicated residential development shall be as determined in accordance with Section 8.21.140. Minimum structural sections for dedicated city streets shall be as noted in the current addition of the city of Moreno Valley standard plans.

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waived by the City Engineer. Where necessary, temporary and/or permanent erosion control devices or methods, as approved by the City Engineer, shall be employed to control erosion and provide safety during this period.

3. The City Engineer may order restriction or cessation of land disturbance or development operations upon determination that the weather, soil, slope, or general site conditions may cause serious accelerated erosion or sediment damage either on-site or downstream from the site.

B. Erosion Control Plans.

1. Erosion control plans shall be submitted to the City Engineer for approval concurrent with the grading permit application and/or with grading plan submittal unless otherwise waived by the City Engineer. No grading permit shall be issued unless an erosion control plan has been submitted or waived by the City Engineer. The erosion control plan may be waived for grading on single residential lot projects, provided that an erosion control system, approved by the City Engineer, is installed, placed, planted or constructed before October 1st. An erosion control and/or sediment control plan is required for all projects if the City Engineer determines that erosion or sediment discharge adversely affects adjacent properties. The approved erosion control plan shall be updated if necessary by October 1st each year, for projects under a grading permit.

2. The erosion control plan shall include details of protective measures, including desiltation basins or other temporary drainage or control measures or both, as may be necessary to protect adjoining public or private property from damage by erosion, flooding, or mud and/or debris deposits which may originate from the site or result from the grading operations.

3. All slope planting, as required by the erosion control plans, which is to be completed after October 1st, will require jute matting or other acceptable turf matting or erosion control blankets prior to planting or hydroseeding.

C. Submittal and Processing Requirements.

1. All projects requiring a grading permit must have erosion control plans submitted for approval. Projects that have an approved erosion control plan from the previous year must submit an updated erosion control plan for approval reflecting existing conditions or necessary changes that are needed for conformance with current conditions.

2. The erosion control plans must be approved and erosion control devices installed and certified and inspected as being properly constructed by the engineer of record. Sediment control must be continuously maintained throughout the construction process. Updating of the plans will be required for phases of construction not covered by the previously approved plans.

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3. Approval and processing of the erosion control plans requires payment of plan checking fees, inspection fees and the posting of securities as further noted in this section.

4. First submittal for erosion control plans shall include the plan checking fee, two blueline copies of the plans and two copies of the bond estimate.

D. Information on Erosion Control Plans. Erosion control plan shall include but not be limited to, the following information:

1. A twenty-four (24) hour telephone number of the person responsible for performing emergency erosion control work;

2. The stamp and signature of the civil engineer that prepared the erosion control plan;

3. The erosion control general notes (copies available for the public works department, land development division);

4. Identification of all desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition;

5. Identification of the streets and drainage devices that will be completed and paved by October 1st;

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6. Provision for the placement of gravel bags, slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public;

7. Provision for maintaining access to desilting facilities during wet weather;

8. A schedule for the construction and ongoing maintenance of all required erosion and sediment control facilities;

9. Identification of discharge points where concentrated runoff occurs.

E. Erosion Control Systems.

1. All sediment shall be contained on-site. Runoff from disturbed areas shall be detained or filtered by berms, swales, ditches, filter strips or other means as necessary to prevent the escape of sediment from the site. Sediment control devices shall be installed prior to or concurrent with the initial grading operations and shall be maintained throughout the development process.

2. Erosion shall be prevented at locations where runoff is concentrated. Where runoff will be discharged to natural ground or channels, appropriate energy dissipaters shall be installed to prevent erosion at the point of discharge.

3. All erosion control measures required to retain sediment on-site and to safely discharge any accelerated runoff generated by the project shall be installed during the initial construction phase of the project.

4. Desilting facilities shall be provided at drainage outlets from the graded site.

5. Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated runoff for a period of time adequate to allow sediment of suspended particles.

6. Desilting basins shall be constructed around the perimeter of projects. Basins should be located where maintenance access is provided from paved roads during wet weather.

7. Desilting basins constructed from compacted earth shall be compacted to a relative compaction of ninety (90) percent of maximum density. A soil engineering report including the type of field-testing performed, location and results of testing, shall be submitted to the City Engineer for approval upon completing the desilting basin(s).

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8. Equipment and workers, for emergency work, shall be available at all times. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary erosion control devices if needed.

9. Unless otherwise approved by the City Engineer, erosion protection shall include effective planting of all slopes in excess of three feet in height. Slopes exceeding fifteen (15) feet in height may require an adequate sprinkler system, as determined by the City Engineer.

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10. All slopes greater than five feet in height shall be permanently landscaped with the landscaping established prior to October 1st. If the permanent landscaping is not installed and sufficiently established prior to October 1st, the slope(s) shall be covered with protective materials and soil stabilizers approved by the City Engineer.

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11. All disturbed slopes shall be planted and protected within forty-five (45) days of the completion of each stage of grading. Suitable measures to prevent slope erosion, including but not limited to, rapid growth vegetation sufficient to stabilize the soil, shall be installed on all disturbed areas until such time as the permanent vegetative cover sufficiently matures to provide permanent stability.

12. Erosion control provisions shall include and complement drainage patterns during the current and future phases of grading throughout the rainy season.

13. Graded areas around the project perimeter must drain away from the face of slopes at the conclusion of each working day.

F. Erosion Control Maintenance.

1. Erosion control systems shall be serviced and maintained to provide continuous capacity and to adequately function as designed. After precipitation exceeding one-quarter inch in any twelve (12) hour period, or upon direction of the City Engineer, silt and debris shall be removed form check dams and desilting basins and the basins pumped dry and otherwise restored to the original design condition.

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2. The performance of the erosion control system shall be evaluated by the City Engineer and revised and replaced as ordered.

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3. The construction and maintenance of all erosion control systems shall conform to the approved erosion control plan unless otherwise approved by the City Engineer.

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4. The contractor, permittee, or project owner shall be responsible for and take necessary precautions to prevent public trespass into areas where impounded water creates a hazardous condition. Necessary precautions may include, but not limited to, appropriate perimeter fencing, or a twenty-four (24) hour guard in order to prevent unauthorized persons from entering the basin(s).

5. Any sprinkler system, controlled by timers, used with an erosion control system, shall be inspected every thirty days to assure proper functioning of the timer device.

G. Erosion Control Design and Implementation.

1. If a project design includes grading or construction within one hundred (100) feet of any environmentally sensitive areas, additional erosion control measures may be required within all disturbed areas in order to minimize the impacts to the environment. These measures may require the approval of the City Engineer as well as approval and certification by the engineer of record for the project. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. The additional erosion control measures may include, but not limited to, installing protective materials and stabilizers, along banks and within waterways and over all disturbed areas. The additional erosion control measures may also include a full time (twenty-four (24) hour) on-site guard during storms and when the precipitation amount is expected to exceed one-half inch in any twenty-four (24) hour period. The precipitation forecast shall be as established by the National Weather Service.

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2. All erosion control systems require approval by the City Engineer and approval and certification by the engineer of record. Such approved and certified systems shall be completed, inspected, and in place no later than October 1st. All erosion control

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systems shall remain in place at all times for all areas in which construction is not scheduled to commence within the next seven days. All erosion control systems shall remain in place until May 31st. The May 31st date may be extended by the City Engineer upon determination that there is a substantial likelihood of significant precipitation after May 31. The City Engineer shall use information as provided by the National Weather Service to make such determination.

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3. All removable protective devices shown shall be in place at the end of each working day when the five day rain probability forecast exceeds forty (40) percent. The forecast shall be as determined by the National Weather Service.

4. The faces of cut and fill slopes and the project site shall be prepared and maintain to control erosion. Slope protection may be waived by the City Engineer for cut slopes, which are not subject to erosion because of the erosion resistant character of the materials.

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5. If construction of erosion control systems outside of the project boundaries are necessary, permission to construct such systems from the owner of such off-site property. Plans for the off-site systems shall be included with the on-site plans submitted to the City Engineer. The plans for the off-site erosion control systems shall include permission to grade and maintain the erosion control systems from all affected property owners and letters of clearance and/or permits from all appropriate governmental entities.

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6. Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion, which has been deposited on streets or sidewalks. Watering shall not be used to clean streets except for the removal of fine material not otherwise removed by sweeping or other mechanical means.

7. The contractor, permittee, or property owner shall be responsible for inspection, modification, and proper maintenance of the erosion control devices as necessary. If the contractor, permittee, or property owner fails or refuses to properly maintain the erosion control devices, the City Engineer:

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a. May cause emergency maintenance work to be done in order to protect potentially impacted property. The cost shall be deducted for the erosion control security posted for the project pursuant to subsection (H)(4) of this section and shall include all costs related to the emergency maintenance including initial mobilization and performance of the work in addition to applicable administrative costs.

b. Shall revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the City engineer is installed or necessary maintenance of an existing system is completed.

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8. If any grading subject to Section 8.21.020 of this chapter has commenced on private property without a valid grading permit, the property owner shall be required to obtain a valid permit before continuing and grading, and may be required to prepare and implement an erosion control plan, approved by the City Engineer. If the property owner fails to install an approved erosion control system, the City Engineer shall cause emergency work to be done to protect potentially impacted property and to protect environmentally sensitive areas. The procedures of subsections B, C and D of this section need not apply for emergency erosion control work between October 1st and May 31st. The cost of such emergency work shall be charged to the owner pursuant to the procedures set forth in subsection (H)(4) of this section.

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H. Erosion Control Security.

1. Requirement for Security. Prior to approval of the grading permit, an erosion control plans for the project site shall be submitted to and approved by the City Engineer and securities meeting the requirements contained herein shall be posted with the City. The security shall guarantee the following:

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a. Compliance with all provisions of this section and all other applicable ordinances;

b. Compliance with any and all terms and conditions of the permittee's approved erosion control plan;

c. Completion of the erosion control system, to the satisfaction of the City Engineer, and in accordance with the approved erosion control plan;

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d. Completion of all emergency and routine maintenance and repair of the erosion control system(s) to insure the continuous integrity of the system(s) to the satisfaction of the City Engineer and as may otherwise be required by this section;

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e. Restoration and repair of public streets or other property adversely impacted by erosion from permittee's project.

2. Amount and Form of Security. The amount of the security shall be equal to one hundred (100) percent of the total estimated cost of the erosion control system(s). The permittee's estimate of such cost shall be based on the established unit costs available from the City and shall be subject to the review and approval of the City Engineer. At least twenty-five (25) percent of the required security shall be in cash and shall be deposited with the City Engineer. The remainder of the erosion control security shall be subject to the approval of the City Engineer and city attorney, and consist of one or more of the following:

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a. Cash deposit;

b. A bond;

c. A certificate of deposit;

d. A letter of credit, in City format, from one or more local financial institution(s) subject to regulation by the state or federal government.

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3. Failure to Provide Security. If a permittee fails to provide the security required by this section prior to October 1st each year, the City Engineer may revoke the permittee's grading permit without prior notice to the permittee. Any such revocation shall be in writing.

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4. Use of Cash Deposit. The City Engineer may cause certain erosion control work to be done under any of the following circumstances:

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a. Failure of the permittee to commence emergency repair or maintenance work within twelve (12) hours of receipt of a written demand therefor from the City Engineer, or within twelve (12) hours of the City Engineer's attempt to communicate such demand via the telephone number listed on the approved plans or as provided by the permittee.

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b. Failure of the permittee to commence other repair or maintenance work within seventy-two (72) hours of receipt of a written demand therefore from the City Engineer.

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c. Failure of the permittee to diligently pursue completion of any required repair or maintenance work or to complete such work within a reasonable time period established by the City Engineer.

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d. Failure of the permittee to complete installation of a erosion control system prior to October 1st.

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e. Failure of the permittee, after notice from the City Engineer, to clean or repair public streets or other public property, where debris, damage or erosion resulted from the permittee project.

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The permittee shall be liable to the City for the cost of any repair work that was necessary as a result of and in accordance with the provisions of this section. The City Engineer may withdraw from the permittee's cash deposit for erosion control security, any funds necessary to pay for such work. The City Engineer shall notify the permittee of any withdrawal from the permittee's cash deposit. If the cost for such work exceeds the balance of the permittee's funds on deposit, the City Engineer shall cause an invoice to be sent to the permittee demanding payment of the amount by which the cost of the work exceeds the permittee's deposit. The permittee shall, within ten (10) days of receipt of such invoice, deposit with the City Engineer, that amount of cash necessary to bring the permittee's deposit up to its original balance. If the permittee fails to pay such amount in full within thirty (30) days from the date of the invoice, the permittee's grading permit shall be automatically revoked. Renewal of the grading permit shall not be completed

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until the invoice is paid in full. No final grading inspection shall be completed until the permittee has fully satisfied all monetary obligations to the City imposed pursuant to the provisions of this section. Additionally, no further construction permits, including but not limited to, building permits or occupancy permits, shall be issued until such monetary obligations are fully satisfied.

5. Release of Security. On June 1st of each year, or upon the end of the actual rainy season (as determined by the City Engineer) whichever occurs later in time, the City Engineer may release any erosion control security posted or deposited pursuant to this section, upon receipt of a written request for such release by the permittee.

The City Engineer shall be responsible for determining the end of the rainy season if it occurs after May 31st of any given year. The determination shall be based upon available meteorological information.

The City Engineer shall not release a permittee's security if the permittee has an outstanding monetary obligation to the City incurred pursuant to the provisions of subsection (H)(4) of this section or if cleanup or repair of public streets or other public property for which the permittee is responsible, has not been completed to the satisfaction of the City Engineer.

Any unused portion of the permittee's erosion control security may also remain on deposit with the City throughout the grading of the project and not be released until completion of the landscaping improvements for the project if it is determined by the City Engineer that due to the nature, configuration, or location of the project, it is in the best interest of the City to retain said erosion control security until to projects completion.

8.21.170 National Pollutant Discharge Elimination System (NPDES).

A. General Requirements. On September 2, 2009, the State Water Resources Control Board (SWRCB) approved waste discharge requirements associated with construction activity. The regulations affect all construction sites that disturb an area of one acre or more.

As a condition of the Santa Ana Regional Water Quality Control Board, a National Pollutant Discharge Elimination System permit will be required for all sites that disturb an area of one acre or more. Prior to issuance of a grading permit, each applicant shall provide an NPDES permit number (WDID#) to the City Engineer.

A complete NPDES permit for storm water runoff associated with construction activity application and general requirements may be obtained from the State Water Quality Control Board.

In general, the permit requires the following information to be filed with the California State Water Resource Control Board (SWRCB):

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1. A notice of intention (NOI). The NOI application is in the construction permit package;

2. Risk Assessment.

3. Site Map.

4. A stormwater pollution prevention plan (SWPPP). Conditions are outlined in the construction permit package;

5. Annual Fee.

6. Signed Certification Statement.

It is the permittee's responsibility to obtain the application package, complete the information and reports as noted above, and maintain the site throughout the duration of the project as required by the permit. All of the information noted above shall be maintained on-site during construction and shall be presented upon demand by State Water Resource Control Board inspectors, the City of Moreno Valley inspectors or any member of the public.

8.21.180 Grading inspection.

A. Grading Inspection.

1. Site Inspection by the City Engineer. Prior to any grading, brushing, or clearing, there shall be a pre-grading meeting held on the site unless waived by the City Engineer. Prior to placing concrete for curb and gutter, sidewalk, pavement base material or other similar improvement in the public right-of-way, there shall be a pre-paving meeting held on the site unless waived by the City Engineer. The permittee, or agent for the permittee, shall notify the City Engineer and request the meeting(s) at least two working days prior to the meeting(s) and shall also be responsible for notifying all principals responsible for grading or paving operations.

It shall be the responsibility of the person doing the work authorized by a permit, to notice the City Engineer at least two working days prior to the work being ready for the following inspections:

a. Excavation and Fill Inspection.

i. Canyon Clean Out. After all brush and unsuitable material has been removed and an acceptable base has been exposed, but before any fill has been placed;

ii. Toe Bench and Key. After the natural ground or bedrock has been exposed and prepared to receive fill, but before fill is placed;

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iii. Over Excavation. After the area has been excavated but before fill is placed;

iv. Excavation. After the excavation has started, but before the vertical depth of the excavation exceeds ten (10) feet, and every ten (10) foot interval thereafter;

v. Fill. After the fill has started, but before the vertical height of the fill exceeds ten (10) feet and every ten (10) foot interval thereafter.

2. Concrete or Gunite Drainage Device Inspection.

a. Alley Gutter or Concrete Drainage Device. After the sub-grade is prepared and any reinforcement placed but prior to concrete placement and then again after concrete placement;

b. Terrace Drains, Down Drains, Brow Ditches. After grade has been established but before placement of welded wire mesh or reinforcement and then again after placement of concrete or gunite.

3. Other Drainage Devices.

a. Subdrains. After excavation but prior to placement of filter materials and pipe. The subdrain pipe and filter material shall be on site for inspection. Inspection shall also occur after placement of pipe and filter material but before backfill;

b. City Storm Drains and Inlets. After installation of form-work and placement of reinforcement but before concrete placement and then again after placement of concrete and removal of form-work but prior to backfilling. Inspection shall also occur after backfilling and completion of storm drain;

c. Earth Swales. Prior to rough grading approval and then again prior to final grading approval.

4. Rough Grade Inspection.

a. When all rough grading as been completed. Inspection may be called for at the completion of rough grading after the City Engineer has received, reviewed and approved the required geotechnical certification(s) and/or compaction reports and the civil engineer has submitted approval of line and grade on City approved format. Under normal circumstances, all subdrains and slope drains, if required, shall be in place and approved as a condition of rough grading approval.

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5. Paving Inspection (In Public Right-of-Way).

a. Subgrade. After subgrade has been established, tested, and approved by the soil engineer, or his qualified representative, the soil engineer may leave a field memo

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of compaction test results on site. The civil engineer shall provide approval of line and grade;

b. Base. After base course has been placed, tested, and approved by the soil engineer or his qualified representative, but prior to prime coat and asphalt placement, the soil engineer may leave a field memo of compaction test results on site. Material invoices or weight tickets shall be required;

c. Asphalt Concrete. During asphalt placement to verify compliance with plans and specifications. Material invoices or weight tickets shall be required. Prior to application of seal cost, the paved surface shall be water tested to reveal any irregularities and shall be patched where required.

6. Final Inspection.

a. When all work, including installation of all drainage structures and other protective devices has been completed and all written professional approvals and the required reports have been submitted.

7. Siltation Control Facilities (October 1st to May 31st).

a. After excavation of desilting basins but prior to fill placement. Pre-fabricated drainage devices are to be available on site for inspection;

b. After fill placement of desiltation basins but prior to placement of concrete or other non-erosive materials (if applicable);

c. After completion of an erosion control system in accordance with an approved erosion control plan and the requirement of the City Engineer.

B. Notification of Non-Compliance. If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not begin completed in accordance with the approved plans, specifications, recommendations or requirements of this chapter, the discrepancies shall immediately be reported in writing to the grading contractor, the owner and the City Engineer. Recommendations for corrective measures shall be submitted to the City Engineer for approval and shall be incorporated on to the approved plans upon approval by the City Engineer.

C. Special Inspections. The City Engineer may establish special inspection requirements in accordance with the 2010 edition of the California Building Code, amended, for special cases involving grading or paving related operations. Special cases may apply to work where, in the opinion of the City Engineer, it is necessary to supplement the resources or expertise available for inspection.

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D. General. It shall be the responsibility of the civil engineer that prepared the grading plans to incorporate the applicable recommendations for the soil engineering and engineering geology reports into the grading plan. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements, and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, unless waived by the City Engineer, and upon completion of the work, the submission of as-built grading plans incorporating all changes and/or additional made during construction.

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Soil engineering and engineering geology reports shall be required as specified in Section 8.21.190(A). During grading, all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted for distribution as required.

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The soil engineer's area of responsibility shall include, but not limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finished slopes, design of buttress fills where required, and incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but not limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the needs for subdrains or other ground water drainage devices. The engineering geologist shall report all findings to the soil engineer for engineering analysis.

The City Engineer shall inspect the project at various stages of work requiring approval, and at any more frequent intervals necessary to determine that adequate inspection and testing are being completed by the professional consultants and to insure conformance with the approved plans and specifications.

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When preliminary soil engineering reports are not required by the City Engineer, inspection and testing may be required by an approved testing agency. The testing agency's responsibility shall include, but not limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

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E. Transfer of Responsibility for Approval. If the civil engineer, the soil engineer, the engineering geologist, the testing agency or the grading contractor of record are changed during the course of the work, the work may be stopped until:

1. The owner submits a letter of notification to the City Engineer verifying the change of the responsible professional; and

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2. The new responsible professional submits in writing that he has reviewed all prior reports and/or plans (specified by date and title) and work performed by the prior responsible professional, and that he concurs with the findings, conclusions, and

recommendations, and is satisfied with the work performed. He must also state that he assumes all responsibility within his purview as of the specified date.

All exceptions to the noted requirements must be justified to the satisfaction of the City Engineer.

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Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer and/or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility without the requirement for written notification to the City Engineer.

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F. Other Inspections by the City Engineer.

1. Prior to the approval of any building or grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.

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2. The permittee or agent for the permittee shall notify the City Engineer when the grading operations specified are ready for inspection.

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3. If the inspector finds the soil or other conditions not as shown on the approved plans or stated in the geotechnical reports or as noted within any additional information which was required for issuance of the grading permit, he may issue a stop work order until approval is obtained for a revised grading plan or modification to any applicable reports which will conform to the actual site conditions.

4. The provisions of Section 115, Stop Orders, of the 2010California Building Code (CBC) shall apply to all grading work, whenever the City Engineer determines that any work does not comply with the terms of the permit, or this chapter, or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any person(s) engaged in doing or causing of such work to be done, and any such person(s) shall immediately stop such work until authorized by the City Engineer to proceed with the work.

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5. Prior to issuance of building permits for a graded site, the rough grading shall be completed in accordance with the approved plans and specification, and this chapter, and to the satisfaction of the civil engineer, or architect, engineering geologist, soil engineer, and City Engineer.

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6. Whenever any work on which inspection are required, is covered or concealed by additional work without first being inspected, the City Engineer may require, by written notice, that such work be exposed for examination. Any cost for exposing and recovering such noninspected work shall not entail or be subject to expense by the City.

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8.21.190 Completion of work.

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A. Final Reports. Upon completion of the rough grading work and at the final completion of the work under a grading permit, but prior to the release of grading security or issuance of a certificate of occupancy, the City Engineer will require:

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1. An as-built grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, elevations and locations of all surface and sub-surface drainage facilities location with scaled sections of all buttress/stabilization fill, and location and depth of all areas of unsuitable soil.

2. A written approval by the civil engineer approving the grading as being in conformance with the approved grading plan and which specifically approves the following items as appropriate to the project or stage of grading:

a. Construction of line and grade for all engineered drainage devices and retaining walls (rough and final grading);

b. Staking of property corners for proper building locations (rough grading);

c. Setting of all monuments in accordance with the recorded tract map (rough or final grading);

d. Locations of permanent walls or structures on property corners or property lines where monumentation is not required (final grading);

e. Location and inclination of all manufactured slopes (rough and final grading);

f. Construction of earthen berms and positive building pad drainage (rough and final grading).

3. A soil engineering report (compaction report) prepared by the soil engineer, including type of field testing performed, stability of utility trench and retaining wall backfill, summaries of field and laboratory tests and other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. Each field density test shall be identified, located on a plan or map, the elevation of the test and finish grade elevation shown, and the method of obtaining the in-place density described; either ASTM 1556-78 or the approved equal shall be so noted. The soil engineer shall provide written approval as to the adequacy of the site for the intended use, as effected by soil engineering factors and a statement of compliance to finish grade.

4. A geologic report prepared by the engineering geologist, including a final description of the geology of the site including any new information disclosed during the grading, and the effect of the same on recommendations incorporated in the approved grading plan. He shall provide written approval as to the adequacy of the site for the intended use as effected by geologic factors, a statement of compliance to finish grade, and when required by the City Engineer, shall submit an as-built geologic map.

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5. A statement of compliance prepared by the grading contractor that the work was completed in accordance with the approved plans may be required by the City Engineer in certain cases.

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B. Notification of Completion. The permittee or agent for the permittee shall notify the City Engineer when the grading operation is ready for inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion control measures, have been completed in accordance with the approved grading plan and the required reports and statements of compliance have been submitted and approved

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8.21.200 Penalty for violation.

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Any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of law, shall be punishable by fine of not more than five hundred dollars ($500.00) or imprisonment for not more than six months, or by both. Each such person, firm or corporation shall be deemed guilty of a separate offence for every day during any portion of which any violations of any provisions of the chapter, including any physical condition created in violation of this chapter, is permitted, continued, or committed by such person, firm or corporation, and shall be punishable therefor as provided for in this chapter. Any lot, street, alley, road, driveway which is constructed contrary to the provisions of this chapter shall constitute a public nuisance.

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SECTION 3 EFFECT OF REENACTMENT:

3.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 4 SEVERABILITY:

4.1 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the meaning portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the

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fact that any one or more subsection, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 5 NOTICE OF ADOPTION:

5.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 6 NOTICE OF ADOPTION:

6.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the City.

SECTION 7 EFFECTIVE DATE:

7.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____

Mayor

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AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

July 12, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street

Teleconference: Phoenix Park Hotel, LLC
520 North Capitol Street, N.W.
Federal City Room
Washington, D.C. 20001

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00110516

AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Officer of the Quarter presentation to Officer Kevin Dixon

2. Proclamation Recognizing Soroptimist International of Moreno Valley

3. Spotlight Business

AGENDA
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
JULY 12, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Diane Gardner

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for separate action. The motion to adopt the Consent Calendars is deemed to be a

separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 22 - July 5, 2011.

A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue;

2. Authorize the City Manager to execute a contract with Transtech;

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties; and

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Approve Tract Map No. 35760; and

2. Authorize the City Clerk to sign the map and transmit said map to the

County Recorder's Office for recordation.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

Recommendation:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system;

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc.;

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877; and

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER:

REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-72 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system; and

   Resolution No. 2011-72

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32707 and Accepting the Portion of Lasselle Street Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division;

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC; and

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of

the improvements as complete.

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

(ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988 (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

Resolution No. 2011-73

A Resolution Of The City Council Of The City Of Moreno Valley, California, Rescinding Resolution No. 2005-30, And Re-Designate And Authorize Certain City Officials To Execute Applications And Documents For Purposes Of Obtaining Financial Assistance Under Section 404 Of Public

Law 93-288, As Amended By The Robert T. Stafford Disaster Relief And Emergency Act Of 1988

A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis;

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS; and

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC; and

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional

Consultant Services budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

Resolution No. 2011-74

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Convenience Require the Sale of a Remainder Parcel Excess to Public Use

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:
Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-75

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report of: Financial & Administrative Services Department)

Recommendation:

Approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

Recommendation:
Approve the proposed staff assignments in support of Council Member participation with regional agencies.

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL

CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF MORENO VALLEY, CALIFORNIA, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - REDUCE

FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING EUCALYPTUS STREET INTO THE CITY'S MAINTAINED STREET SYSTEM. DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Public Works Department)

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM. DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Public Works Department)

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM. DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Public Works Department)

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM. DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Public Works Department)

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE LINE F STORM DRAIN IMPROVEMENTS INTO THE CITY'S MAINTAINED STREET SYSTEM (TO BE PROVIDED UNDER SEPARATE COVER) (Report of: Public Works Department)

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts

the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement on behalf of the Community Redevelopment Agency; and

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
That the City Council, after conducting the individual Public Hearings and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Recommendation: That the CSD:
That the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

ADOPT City Council Resolution No 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution;

Resolution No. 2011-76

Resolution No. 2011-76, A Resolution of the City Council of the City of Moreno Valley, California, Denying a Change of Zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an Approximate 55 acre site, Located within Assessor's Parcel Numbers 488-330-003 through -006 and -026

2. OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

ADOPT City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

Resolution No. 2011-77

A Resolution of the City Council of the City of Moreno Valley, California, Certifying the Final Environmental Impact Report (P08-133), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the West Ridge Commerce Center Project, Generally Located on the South Side of State Route 60, on the North Side of Fir Avenue/Future Ecualyptus Avenue and Approximately 650 Feet West of Redlands Boulevard

3. INTRODUCE Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change

the Zone From Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

4. INTRODUCE Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

5. ADOPT City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2011-78

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA08-0097 for Development of a 937,260 Square Foot Warehouse Distribution Facility on 55 Acres Located Within Assessor's Parcel Numbers 488-330-003 Through -006 and -026

6. ADOPT City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A

Resolution No. 2011-79

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Tentative Parcel Map 36207 (PA09-0022) to Combine the Existing Five Parcels Located Within the Project Site into a Single 55 Acre Parcel

E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC

FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

   RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 831 approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

   Ordinance No. 831

   An Ordinance of the City Council of the City of Moreno Valley, California Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV Applications for Hillside Development Section 9.16.235 "Hillside Design Guidelines", Article VI Applications for Lighting and Section 9.16.280, "General Requirements" and Chapter 9.15, Section 9.15.030 "Definitions" Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA

UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

Recommendation: That the City Council:
Acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Approve the Action Steps formulated to help establish a foundation for making Moreno Valley a “Best Place to do Business”.

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

Recommendation: That the City Council:
Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL,

COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	Fire Station No. 65 Replacement Site
APN:	APN 297-170-077
Owner:	Group V San Bernardino
City's/Buyer's Negotiator:	Chris Vogt
Under Negotiation:	Price and terms of payment

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

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MV00110545

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
JUNE 28, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Morning Optimist Club of Moreno Valley

2. Volunteers of the Year 2010 - Steven Morel, Jarrett Wegelin, Trent Terrell, Jarred Endres, Kyle Dagenhart, and Tim Barnes

3. Spotlight Business

MINUTES
REGULAR MEETING OF CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
SPECIAL MEETING OF MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

JUNE 28, 2011 - 6:30 PM

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:36 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Deacon Richard Heames, St. Patrick's Roman Catholic Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem (left at 9:45 p.m.)
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Barry Foster	Community & Economic Development Director
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 8-21, 2011.

A.4 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2011/2012 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:
Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2011/2012 Rate Adjustment.

A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE DRACAEA AVENUE SIDEWALK IMPROVEMENTS BETWEEN MORRISON STREET AND MASCOT LANE PROJECT NO. 10-12567129 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Dracaea Avenue Sidewalk Improvements between Morrison Street and Mascot Lane, constructed by Mamco, Inc., 16840 Van Buren Boulevard, Suite 200, Riverside, CA 92504;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Mamco, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.6 APPROVAL OF CHECK REGISTER FOR APRIL, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-63, approving the Check Register for the month of April, 2011 in the amount of $13,104,818.91.

Resolution No. 2011-63

A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of April, 2011

A.7 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE $91,557 ALLOCATION TO THE CITY (Report of: Community and Economic Development Department)

Recommendation:

Approve Resolution No. 2011-64 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the $91,557 allocated to the City.

Resolution No. 2011-64

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the $91,557 Allocation

A.8 ORDINANCE NO. 827 - AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011, BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 827 - An Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

A.9 SECOND AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - MELAD & ASSOCIATES (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Second Amendment of Independent Contractor Agreement with Melad & Associates for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Melad & Associates to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.10 THIRD AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - WILLDAN (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Third Amendment of Independent Contractor Agreement with Willdan for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders

through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Willdan to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.11 APPROVAL OF AN AGREEMENT WITH DATATICKET, INC. FOR PARKING CONTROL PROGRAM SERVICES; AUTHORIZE THE CITY MANAGER TO APPROVE ANNUAL PURCHASE ORDERS THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZE THE PURCHASING & FACILITIES MANAGER TO ISSUE ANNUAL PURCHASE ORDERS (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Agreement with DataTicket, Inc. for Parking Control Program Services for the City of Moreno Valley;

2. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

3. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to DataTicket, Inc. to cover the estimated costs for ticket processing, ticket printing, and other miscellaneous costs associated with the Parking Control Program for FY 2011/2012 and future years under the Agreement.

A.12 PA07-0090 – EXONERATION OF ROUGH GRADING AGREEMENT AND BOND, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:
Contingent upon completion of the remaining public improvements, authorize the City Engineer to execute the exoneration of the Faithful Performance security associated with the project PA07-0090 rough grading improvements.

A.13 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR CYCLE 3 OF

THE FEDERAL SAFE ROUTES TO SCHOOL GRANT PROGRAM (Report of: Public Works Department)

Recommendation:

1. Review and approve project recommendations for Cycle 3 of the federal Safe Routes to School (SRTS) grant program; and

2. Adopt Resolution No. 2011-71 authorizing the submittal of applications for Cycle 3 of the federal Safe Routes to School (SRTS) Grant Program.

Resolution No. 2011-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Submittal of Applications for Cycle 3 of the Federal Safe Routes to School (SRTS) Grant Program

A.14 PA07-0090 – REDLANDS ROUGH GRADING – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE REDLANDS DRAINAGE IMPROVEMENTS AS COMPLETE AND INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, adopt the proposed Resolution authorizing the acceptance of the Redlands Drainage public improvements within project PA07-0090 as complete and into the City's maintained system.; and

Resolution No. 2011-67

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Project Number PA07-0090 and Accepting the Redlands Drainage Improvements Associated with the Project into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.15 PA07-0090 – EUCALYPTUS ELECTRICAL IMPROVEMENTS – ELECTRICAL UTILITY INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE ELECTRICAL UTILITY INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained system the Electrical Utility Infrastructure for PA07-0090 - Eucalyptus Electrical Improvements upon acceptance by the City Engineer as complete; and

Resolution No. 2011-68

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Eucalyptus Electrical Improvements as Complete Within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.16 PA07-0090 – THEODORE STREET IMPROVEMENTS - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THEODORE STREET INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THE THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained street system the Theodore Street public improvements within project PA07-0090 upon acceptance by the City Engineer as complete; and

Resolution No. 2011-69

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project Number PA07-0090 and Accepting the Portion of Theodore Street Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.17 PA07-0090 – SINCLAIR OFF-SITE WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Sinclair Off-Site Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.18 PA07-0090 – REDLANDS SEWER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Sewer Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.19 PA07-0090 – REDLANDS WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.20 PA07-0090 (PM 35629) – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D11-001 FOR PARCEL MAP NO. 35629 PHASE 1 IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Development Impact Fee Improvement Credit Agreement #D11-001 (DIF Agreement) for Parcel Map No. 35629 Phase 1 improvements and right-of-way dedications; and

2. Authorize the Mayor to execute the DIF Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 6:50 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON THE SPECIAL MEETING AGENDA

President Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

G. REPORTS

G.1 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD; DEVELOPER: CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Moreno Valley Public Facilities Financing Corporation (MVPFFC) to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

Motion to pull the item from the agenda by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNED THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:53 P.M.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes).

Recommendation: That the CSD:

1. After conducting the public hearing for Tracts 19862, 19912, 20941, 21737, 22371, and 31591:

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Jeffrey Giba and Deanna Reeder.

Recommendation: That the CSD:

1. After conducting the public hearing for Zone E-1 (Towngate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East):

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

E.3 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2011/2012 Riverside County property tax roll for collection; and

2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health

and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

E.4 A PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DENIAL OF PA09-0027, A CONDITIONAL USE PERMIT REQUEST TO SELL ALCOHOL AND BEER AT A AN EXISTING CONVENIENCE STORE AT 21748 COTTONWOOD AVENUE. THE APPLICANT IS SOON-YI CHOI. (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-66 approving PA09-0027, a Conditional Use Permit based on the findings in the Resolution.

Resolution No. 2011-66

Resolution of the City Council of the City of Moreno Valley Denying PA09-0027, A Conditional Use Permit to Allow Alcohol Sales (Beer and Wine) at the Existing Convenience Store Located at 21748 Cottonwood Avenue APN # 263-160-037

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Bob Walker (opposes), Maricela Lopez (opposes), and Justin Kim (representing applicant).

RECESS
RECONVENED

Motion to Approve as amended to allow alcohol sale during the hours between 8:00 a.m. and 8:30 p.m. by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported that a nice reception for Mr. Holland, Deputy Secretary of the Air Force for Facilities, was held at Supervisor Marion Ashley's home; Mr. Holland was given a tour of March Joint Powers area and the base; a formal meeting with wing commander and military personnel, Joint Powers members and civil engineers will be held to discuss several issues, including the potential for the developer to actually relocate BX and the commissary to inside the base at the developer's expense and use that area for expansion of medical facilities.

G.2 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or

2. Appoint those applicants who received majority vote by the City Council;

3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to make following appointments for terms expiring June 30, 2014:

The Arts Commission: Lorna Kendrick, Lauretta Phillips and Nina Heirs;
The Environmental & Historical Preservation Board: Gerald Michael Budlong and Gregory A. Hagans;
The Library Commission: Beverly A. Crockett, Kristina Dixon and Cathy Merkt;
The Parks & Recreation Commission: Bill Alvarez and George Brummer;
The Recreational Trails Board: Margie Breitkreuz and Gilbert Brooks;
The Senior Citizens' Board: Delorise Anderson, Donna Annetta and Thelma Dunn;
The Traffic Safety Commission: Lawrence Baird, Mary C. Cole and Arthur W. Higgs.

Motion to approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceeding for First Industrial—Assessor Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceeding for First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for inclusion into and approval of the annual charges for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV HEMLOCK LP (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-70 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Hemlock LP, a limited partnership; and

Resolution No. 2011-70

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley with MV Hemlock Limited Partnership, a California Limited Partnership and Approving and Authorizing Execution of an Affordable Housing Agreement (Home) Between the City and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve an Affordable Housing Agreement for HOME by and between the City of Moreno Valley and MV Hemlock LP, a limited partnership; and

Recommendation: That the RDA:
Adopt Resolution No. RDA 2011-10 approving an Affordable Housing Agreement by and between the Agency and MV Hemlock LP.

Resolution No. RDA 2011-10

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Agency Member Robin N. Hastings, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ORDINANCE NO. 825 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of:

Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.2 .2 ORDINANCE NO. 826 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Marie Hyta
1. Spending priorities; building a new fire station on Morrison; Station 58; salary of city administrator

Deanna Reeder
1. Redevelopment fund for the Aquabella project
2. Conduct during council meetings

Alicia Espinoza
1. DUI check points

Kenny Bell
1. Meetings of Home Owners Associations
2. Citizens' input/contributions

Librada Murillo
1. in Spanish

Jeffrey Giba
1. Increase of theft from recycle bins; thanked police officers for great job

Sue Gilchrist
1. Residents' contribution/input
2. Retirement benefits
3. Rancho Belago signs

Louise Palomarez
1. Red light camera on Day Street
2. Commended the Council for awarding alcohol business license and for supporting businesses
3. Rancho Belago signs

Victoria Baca
1. Fourth of July celebration
2. Cultural events in the City
3. Wished everyone a safe and happy 4th of July

Joe Bautista
1. Budget - reorganization in the City Clerk's Office

Pete Bleckert
1. Gate at Hemlock Street

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Congratulated Council Member Hastings for being installed as the new Chair of the Western Riverside Council of Governments

Council Member Co
1. Inquires about the incident with the tow truck company and a lost car
2. Attended WRCOG General Assembly reception with Condoleezza Rice as a speaker; was very impressed with the speaker, who talked about real things in life, is very humble and direct when talking to people

Council Member Hastings
1. Thanked Mr. Bell for his kind comments and for attending the Moreno Valley Crime Prevention meeting; thanked Chief Anderson for attending the meeting to address concerns about the crime, and what can be done about it; it was a very productive and well-attended meeting; appreciates the opportunity to meet with residents
2. Will be participating in the July 12 City Council meeting via teleconference; will attend a WRCOG meeting in Washington, DC, for the AB 811 program; more information about the program can be found on WRCOG Web site; anticipates that applications will be available at the end of this month
3. Appreciates the support for the 4th of July program; Thanked City Manager Garcia for the seed money; encouraged residents to volunteer
3. Addressed speaker's comments opposing shooting rangers – stated that this is a valuable program - payment of fees will allow the center to stay open; emphasized that residents' comments are not ignored and they are appreciated

Mayor Stewart
1. Responded to speaker's comment regarding Redevelopment Agency's support for the Burlington Coat Factory; said that the City is assisting new and existing businesses, as businesses generate sales tax revenue; the Economic Development Plan was developed to improve infrastructure and to retain existing

businesses
2. Fourth of July celebration with fireworks is expensive; the City is going to work very hard to have the celebration the next year
3. Regarding concerts - last concert he attended a few weeks ago was a patriotic concert at the Conference and Recreation Center, and it was a standing room only; it is provided for free four times a year; other cultural events are also held in the City
4. The Council received only three applications for three openings on the Arts Commission - encouraged residents to apply, get involved and help out
5. Addressed comments regarding clapping during council meetings - we don't allow outburst of support or opposition, as it is intimidating to speakers

Adjourned to Closed Session at 9:41 p.m.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

RECONVENED Regular City Council Meeting at 10:02 p.m.

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract 19862:	"Yes" - 3;	"No" - 6;	Invalid - 7	-failed
Tract 19912:	"Yes" - 7;	"No" - 24;	Invalid - 0	-failed
Tract 20941:	"Yes" - 10;	"No" - 14;	Invalid - 0	-failed
Tract 21737:	"Yes" - 0;	"No" - 3;	Invalid - 1	-failed
Tract 23371:	"Yes" – 3;	"No" - 7;	Invalid - 0	-failed
Tract 31591:	"Yes" – 1;	"No" - 6;	Invalid - 0	-failed

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract No. E-1:	"Yes" - 440;	"No" - 542;	Invalid – 6;	-failed
Tract No. E-2:	"Yes" - 139;	"No" - 257;	Invalid – 11;	-failed
Tract No. E-3A:	"Yes" - 34;	"No" - 66;	Invalid – 2;	-failed
Tract No. E-4:	"Yes" - 212;	"No" - 393;	Invalid – 14;	-failed

2. Verify and accept the results of the mail ballot proceedings as

identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

Motion to Adjourn by m/Council Member William H. Batey II, s/Council Member Marcelo Co. Approved by a unanimous vote.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:10 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees
enl

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: July 12, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of June 22 – July 5, 2011.

Reports on Reimbursable Activities June 22 – July 5, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	6/22/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	6/23/11	Leadership Moreno Valley
Jesse L. Molina		None
Richard A. Stewart	6/23/11	Leadership Moreno Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00110571

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On July 13, 2010, the City Council awarded a construction contract to Riverside Construction Company, Inc. and authorized the issuance of a purchase order in the amount of $4,124,375.14. The work consisted of the construction of Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The work also included construction of street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, completion of missing portions of Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin and in Ironwood Avenue between Indian Street and Hubbard Street, and minor clearing for SCE poles on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard. On July 13, 2010, the City Council also approved the Reimbursement Agreement for the Eastern Municipal Water District improvements which appropriated sufficient funds from EMWD for relocation of four conflicting water lines.

The City issued a Notice to Proceed to Riverside Construction to start the work on October 4, 2010. The length of the contract is one hundred seventy (170) working days, which has been adjusted by Contract Change Order due to weather and other approved work. Riverside Construction anticipates completing the project by mid July 2011.

On April 26, 2011, the City Council approved a Cooperative Agreement with Riverside County Flood Control and Water Conservation District (RCFC&WCD) which set forth the City's responsibilities and the District's responsibilities for post-construction maintenance of the facilities.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company by mid July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $3,850,000 which is not expected to exceed the approved purchase order amount of $4,124,375.14. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after

the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in delaying payment to the Contractor, thereby delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The project is also partially

funded with 2005 Lease Revenue Bonds (Account No. 501.82625), Development Impact Fee (DIF) program funds (Account No. 416.78727), and the EMWD water line facilities were reimbursed by EMWD through a revenue set-aside in fund 414 (Account Nos. 414.80423 and 414.80424). The funds utilized for this project were designated for the Indian Basin and Ironwood Avenue capital improvements only. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91726)	$3,153,000
Fiscal Year 2010/2011 (Account No. 501.82625)	$933,000
Fiscal Year 2010/2011 (Account No. 416.78727)	$962,000
Fiscal Year 2010/2011 (Account No. 414.80423)	$185,000
Fiscal Year 2010/2011 (Account No. 414.80424)	$109,000
Total Budgeted Funds	$5,342,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$3,850,000
Design Support Costs during Construction	$109,000
Construction Geotechnical Services	$95,000
Construction Survey Services	$55,000
Project Administration and City Inspection*	$190,000
Total Project Construction Costs	$4,299,000

*Public Works staff provided project administration and primary inspection services.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff anticipates Riverside Construction Company will complete construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive improvements by mid July 2011. Staff requests the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are

completed, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, authorize the release of retention money to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Margery A. Lazarus, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Marge - 09-89791726 - Indian Basin\CC Reports\071211 Notice of Completion for Indian Basin (Rev 2).doc

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MV00110577

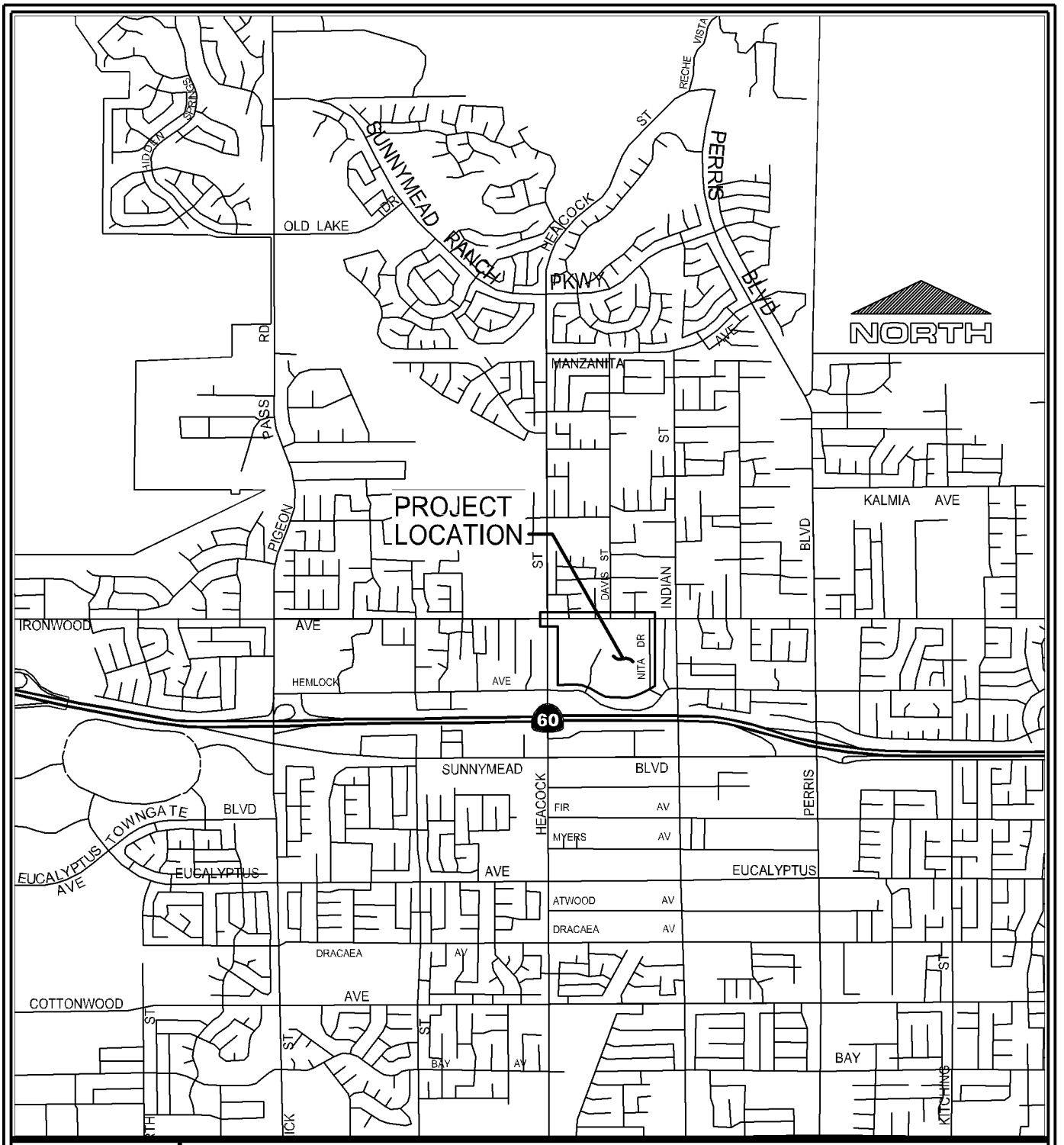

LOCATION MAP

Public WorksDepartment Capital Projects Division	INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVE FROM HEACOCK STREET TO NITA DRIVE (SOUTH SIDE) PROJECT NUMBER 09-89791726
Scale: None	
ATTACHMENT "A"	

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MV00110579

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 20111

TITLE: APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue.

2. Authorize the City Manager to execute a contract with Transtech in the form attached hereto.

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties.

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

BACKGROUND

On April 26, 2011, the City Council approved an Economic Development Action Plan that re-sequenced Capital Improvement projects to fast-track the street improvements on Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

On May 24, 2011, City Council authorized the City Engineer / Public Works Director to execute the Program Supplement Agreement with the California Department of Transportation (Caltrans) for the Cactus Avenue Improvements project. This agreement established the policies and procedures for Caltrans reimbursement of $1 million funding for the State-Local Partnership Program (SLPP) grant program.

On June 14, 2011, City Council approved the FY 11/12 budget pending funding for Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

DISCUSSION

The project consists of street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). Because these street segments are considered very strategic to the City's Economic Development Plan, the City is taking a proactive approach in assisting with the completion of the plans, specifications, and estimate (PS&E). The City will coordinate the bidding and construction of the project once HFP provides the City with full biddable plans. In general, the proposed improvements are intended to include curb, gutter, street pavement reconstruction and widening, street lights, sidewalk, water, sewer, reclaimed water and master planned storm drain improvements, traffic signal work, a bridge along Nason Street over flood control channel Line F and construction of a portion of flood control channel Line F.

On May 25, 2011, staff solicited proposals from professional consultants. Approximately 200 consultants in the Public Works Department database were notified of the availability of the City's request for proposal. Eight (8) proposals were received in response to the City's Request for Proposals. The scope of work for the project includes project management, constructability review of PS&E, construction management, and construction inspection for the project. Subsequently, the project management tasks of the overall project is being proposed to be performed by the City's in-house consultant VAS Associates to ensure higher levels of project controls and improved efficiencies resulting in cost savings. A selection review committee comprised of City staff representatives from the Public Works Department reviewed and rated each prospective firm based on their proposals and presentations. After interviewing the three top-ranked firms, Transtech was selected as the most qualified firm to undertake the project.

The final scope of work focuses on constructability review of PS&E, construction management, and construction inspection. Transtech will provide highly skilled and experienced team of three professionals on a full time basis for the duration of construction phase of the project, ensuring quality construction and timely completion of the project. Prior to finalization of the project Plans, Specifications and Estimates (PS&E) and bidding of the project, Transtech will perform a detailed constructability review of the PS&E including on-site field check to ensure that conflicts that results in costly delays during construction are minimized. During construction, a Construction Manager will coordinate with all project stakeholders, ensure that the project is progressing in accordance with the contract documents leading to timely completion of the project within budget, minimize inconvenience to travelling public, and in his capacity as a Bridge Engineer, will inspect the technical aspects of the bridge construction. An experienced Public Works inspector will ensure that quality construction is carried out in accordance with the project plans and specifications; while an Office Engineer will assist the project team with other necessary tasks including satisfying the SLPP grant's requirements for this fast paced and multi-faceted construction project.

ALTERNATIVES

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, authorize the City Manager to execute a contract with Transtech in the form attached hereto, authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will allow for much needed improvements that are integral to the City's Economic Development Plan.*

2. Do not approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, do not authorize the City Manager to execute a contract with Transtech in the form attached hereto, do not authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and do not authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will delay much needed improvements that are integral to the City's Economic Development Plan.*

FISCAL IMPACT

The funding sources for this project are: RDA Tax Increment Fund 892 ($6M through an Agreement with Riverside County Flood Control and Water Conservation District), borrowed DIF Library and Corporate Yard Fund 412 ($6.5M), DIF Arterial Streets Fund 416 ($2.5M) - re-sequenced from Kitching Street Improvements project from Cactus Avenue to Gentian Avenue, General Fund 412 ($1.3M) - re-sequenced from Heacock Street and Cactus Avenue Channel Improvements, DIF Traffic Signals Fund 417 ($0.27M), Measure "A" Fund 125 ($3.1M) - re-sequenced from Reche Vista Drive Realignment project, and anticipated SLPP Grant monies Fund 125 ($1M). Total available funding is $20,672,000. Assumptions for this project include that the adjacent property owners will dedicate and be credited for an estimated $1M towards right of way.

BUDGETED FUNDS FOR DESIGN AND CONSTRUCTION:
Fiscal Year 2011/2012 Budget (Account No. 125.New) $20,672,000

ESTIMATED PROJECT COSTS:
Consultant Construction Management and Inspection Costs..... $999,000
City's Plan Check and Project Management Administration * $881,000
Construction Phase Technical Services (Survey, Geo, Design Support, etc.) .. $950,000
Construction and Utility Relocation Costs $17,842,000
Total Estimated Project Costs $20,672,000

* Public Works and in-house consultant staff will provide Plan Check and Project Administration.

ANTICIPATED PROJECT SCHEDULE:
Complete PS&E .....Fall 2011
Public Bid and Award of Construction .....Three Months Thereafter
Complete Construction.....Approximately Twelve Months

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project implements an initiative of the Economic Development Action Plan. The proposed improvements consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. Staff is requesting that City Council approve the Agreement with Transtech for Professional Construction Management and Inspection Consultant Services so that these improvements can move forward.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement for Professional Services

Prepared By:
Viren A. Shah, P.E.
City's Program Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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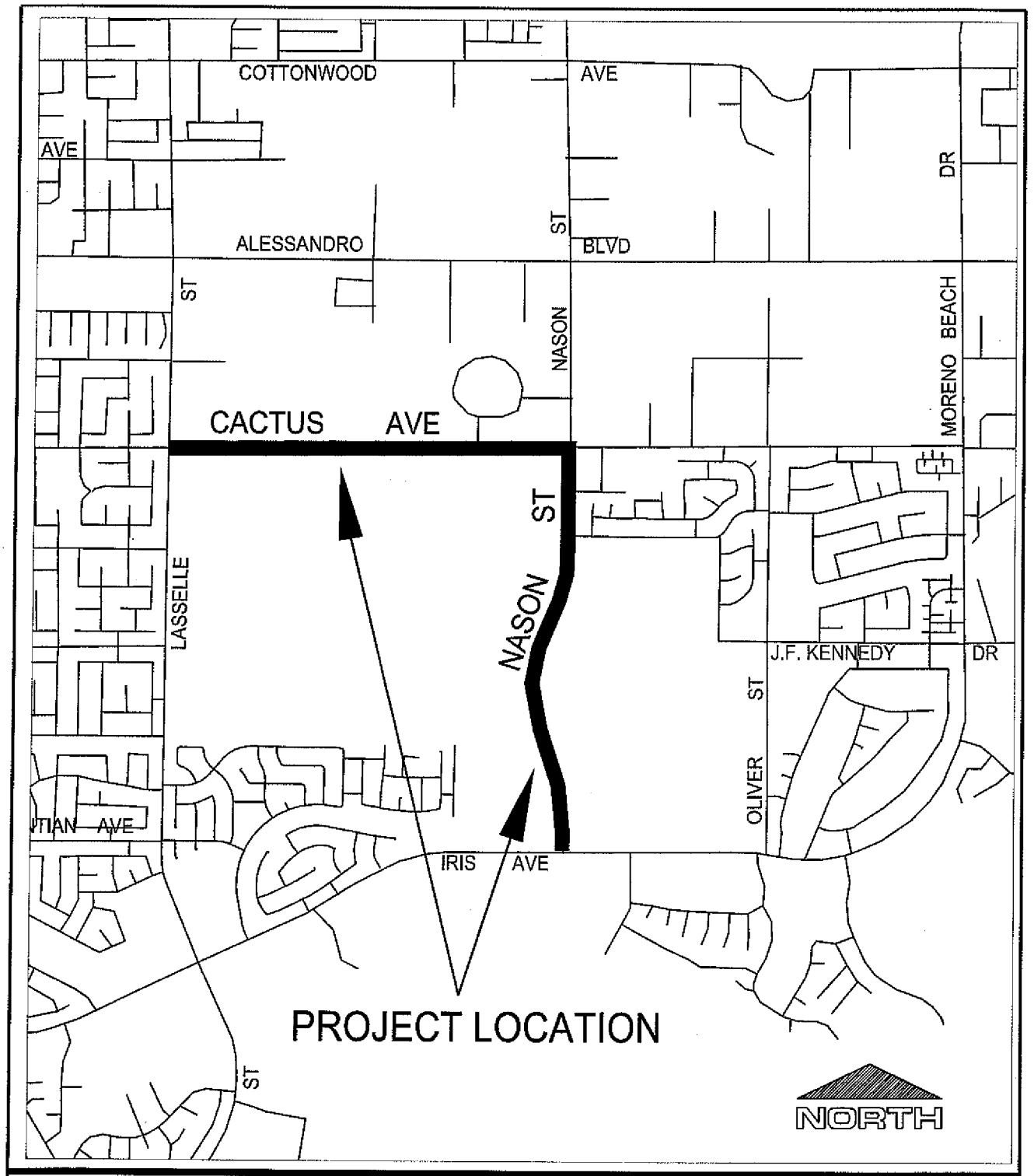

CITY OF MORENO VALLEY
DECEMBER 3, 1984

CAPITAL IMPROVEMENTS PROJECT

Public Works Department
Capital Projects Division

LOCATION MAP

STREET IMPROVEMENTS
CACTUS AVENUE AND NASON STREET

ATTACHMENT "A"

Item No. A.5

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MV00110587

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Transtech Engineers, Inc., a California corporation, partnership, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Request for Proposal) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as professional consultant Construction Management and Construction Inspection services for:

Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Request for Proposal shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $995,595.00 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on **June 30, 2013** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10 (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation

to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with all applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

(b) The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of

the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(c) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property

Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno

Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are legally employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, immediately upon request in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project. The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(d) The City agrees to hold the Consultant harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall

assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. Subject to the provisions of Section 19 (a) above, all plans, drawings, specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon demand by the City, be delivered to and become the property of the City for the limited use as set out above, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

Transtech Engineers, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
FOR PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES
FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE
FOR
THE CITY OF MORENO VALLEY'S CAPITAL PROJECTS DIVISION

I. INVITATION

You are hereby invited to submit a Proposal for: 1) Project Management Consultant (PMC) Services, Part 1; and 2) Construction Management Consultant (CMC) Services, Part 2, 3) Construction Inspection Consultant (CIC) Services, Part 3, associated with the above referenced project.

Five (5) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on compact disk (CD) of your Proposal shall be submitted before **5:00 p.m., June 8, 2011** addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Viren Shah, City's Program Manager.

II. GENERAL PROJECT DESCRIPTION

The project in general consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market. Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project. In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping" (see attachments for more details). As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

III. PROJECT BUDGET AND SCHEDULE

The funding for both projects have been tagged at slightly below $20 Million including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this

Consultant contract.

The Tentative Schedule is as follows:
Anticipated Award of this Consultant Contract: Early July 2011
Biddable PS&E Complete: Early Fall 2011 or sooner
Public Bid and Award of Construction Contract(s): 3 months thereafter
Construction: Approximately 12 months

IV. SCOPE OF SERVICES

The Consultant shall perform all project management services necessary for a professionally completed project including but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end. The scope of work outlined below must be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

DETAILED PROJECT DESCRIPTION:

The following scope of work is not a complete listing; it is intended to aid the consultant to identify a complete and comprehensive scope of work.

PART 1: PROJECT MANAGEMENT CONSULTANT (PMC) SERVICES

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.
2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.
3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
4. Schedule, facilitate, and attend public meetings as necessary.
5. Provide progress reports at a minimum on a monthly basis.
6. Compose all correspondences to keep the project on schedule.
7. Attend and present the project to City Council as required.
8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).
11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.
12. Prepare agreements and assist with issuance of Purchase Orders.
13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.
14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.
15. Prepare project update write-ups for distribution to media and public.
16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.
17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.
18. Issue all necessary Notices to Proceed (NTP).
19. Assist with review and process of all invoices (City staff will approve).
20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.
21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:

    a. Various City Council Staff Reports.

    b. Utility correspondence letters and e-mails.

    c. Federal, State and local correspondence.

    d. Federal, State and local documentation required for the project.

    e. Right-of-way related documents and correspondence.

    f. Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding

purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a) Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b) Prepare bid packages for distribution as necessary.

    c) Maintain plan holder's list

    d) Schedule and conduct pre-bid meetings and site visits, if held.

    e) Provide responses to bidders' questions.

    f) Prepare and issue addenda if required.

    g) Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h) Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i) Check references and licenses of bidders.

    j) Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k) Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l) Prepare, coordinate, and process Notice of Award, Agreements, and

Purchase Order.

m) Review insurance, bonding, and other required documents.

n) Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

PART 2: CONSTRUCTION MANAGEMENT CONSULTANT (CMC) SERVICES

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project.

The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

**FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES**

General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.
2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
3. Schedule, facilitate, and attend public meetings as necessary.
4. Attend and present the project to City Council as required.
5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.
6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.
8. Prepare agreements and assist in processing Purchase Orders.
9. Issue all necessary Notices to Proceed (NTP).
10. Review and process all invoices (City staff will approve).
11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.
12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.
14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other

construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.
   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.
   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.
   d. Submit recommendations to the City relative to change order requests.
   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.
   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.
    b. Permits.
    c. SWPPP and WQMP
    d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.
    e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)
    f. Progress payments, inventories, and applicable codes.
    g. Contractor's reports, correspondence, certified payrolls, and accident reports.
    h. Survey and layout data and certifications, photographs of as-built

locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

PART 3: CONSTRUCTION INSPECTION CONSULTANT (CIC) SERVICES

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements,

such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the

field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

V. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall be no more than 50 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

At a minimum, the Proposal shall include the following sections:

A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).

B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.

C. **Qualifications and Experience:** Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed PMC, CMC & CIC's qualifications, track record and relevant experience. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule. The plan should show flexibility and consideration in resource loading due to the inherent variability in the schedule and performance of third parties. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the

number of hours that these individuals (including administrative support services) will be working on each task listed, included in adjacent columns.

E. **Work Plan and Schedule:** Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project taking into consideration how extra work is anticipated and incorporated into the contract from the onset. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal**.

F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent reviews and 95% plan biddability/constructability/claims avoidance reviews.

G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. **The City's standard Agreement will be executed without any proposed changes.**

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

The Consultant shall be required to comply with all federal, state, and local laws and ordinances applicable to the work. This includes compliance with prevailing wage rates and their payment in accordance with California Labor Code, Section 1775.

The Consultant is required to submit certified payrolls weekly. This applies to all applicable field personnel working on the project. In accordance with Section 1771.5 (b) (5) of the California Labor Code, the City will withhold payments when the payroll records are delinquent or inadequate.

VII. FEDERAL EMPLOYEE BENEFIT

No member of, or delegate to, the Congress of the United States, and no Resident Commissioner shall be admitted to any share or part of the Agreement to the said project or to any benefit to arise from the same.

The Consultant shall complete and include the "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and "Disclosure of Lobbying Activities" forms (attached) with the Proposal.

VIII. PAYMENT TO CONSULTANT

A. This work is to be performed for a "Not-to-Exceed Fee."

B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by Part, phase, and milestone.

C. Tasks shall include, but not be limited to, all Professional Consultant Services (including administrative support services) necessary to complete the work covered by this Proposal.

D. The City will pay the Consultant for work completed based on milestones completed and accepted by the City. These Milestones are:

1. Work associated with Project Constructability Review only is completed.
2. PS&E completed and advertised.
3. Project Bidding and City Council award of contract.

4. PMC Services on a monthly basis once construction starts.
5. CMC Services on a monthly basis.
6. CIC Services on a monthly basis.
7. Any other additional authorized work on a task successfully completed and accepted basis.

The City shall make sole and final determination if a milestone as described above is complete and acceptable for payment. Unless otherwise specifically mentioned, there will be no monthly payments until the milestone is reached at which point all applicable charges will be reviewed for applicability prior to payment. Consultant billing/invoices will commensurate with the pace of the construction work activities. The final 10% of the Consultant contract amount will be held back until all phases of the project is successfully closeout. The Consultant will not receive additional compensation for non-compliance or punch list items that were not identified in a timely manner in order to be addressed by the construction contractor(s).

E. All invoices will specifically identify job title, person-hours, and costs incurred by each task. Lump sump payments will not be accepted as all charges must be documented and justified.

F. Reimbursement costs such as mileage, computer usage, vehicle rates, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee." However, all overhead and reimbursement costs must be included in the personnel hourly rate for all services rendered upon commencement of the construction phase.

G. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.

H. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

I. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

J. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

IX. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

H. It is the consultant's responsibility to ensure that all subconsultants comply with the following: Each subconsultant that encroaches within the City's right-of-way **and** affects (i.e., damages or impacts) City infrastructure must comply with the liability insurance requirements of the City's Land Development Division. Examples of such subconsultant work include soil sample borings, utility potholing, etc.

The "Application for Encroachment Permit" form (four pages), including "Application for Encroachment Permit Liability Insurance Requirements," is available in the Land Development Division and must be completed and submitted in full to the City. It is the Consultant's responsibility to ensure that all subconsultants submit the appropriate encroachment permit and insurance documentation at the same time

that the Consultant's insurance documentation is submitted.

X. INDEMNIFICATION

A. To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

B. The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

C. The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

XI. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving ten (10) days written notice to the Consultant of such termination and specifying the effective date thereof. All finished or unfinished drawings, maps, documents, field notes and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

XII. INDEPENDENT CONTRACTOR

The Consultant's relationship to the City in the performance of the Consultant's services for this project is that of an independent Contractor. The personnel performing the said Services shall at all times be under the Consultant's exclusive direction and control and shall be employees of the Consultant and not employees of the City. The Consultant shall pay all wages, salaries and other amounts due his employees in connection with the performance of said work shall be responsible for all employee reports and obligations, including but not necessarily restricted to, social security, income tax withholding, unemployment compensation, and Workers' Compensation.

XIII. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, City's Request for Proposal, Consultant's Proposal, and Exhibits. **No changes to the City's standard Agreement will be entertained since there will be no time for negotiations between attorneys to establish a revised acceptable agreement.** All Consultants are required to have a City of Moreno Valley Business License in order to conduct business in the City.

The Political Reform Act and the City's Conflict of Interest Code require that consultants be considered as potential filers of Statements of Economic Interest. Consultants, as defined by Section 18701, may be required to file an Economic Interest Statement (Form 700) within 30 days of signing a Consultant Agreement with the City, on an annual basis thereafter if the contract is still in place, and within 30 days of completion of the contract.

XIV. GENERAL CONDITIONS

A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

   The City shall not, in any event, be liable for any pre-contractual expenses incurred by the Consultant.

B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XV. SELECTION CRITERIA

The Proposals will be rated/ranked according to the following criteria:

1. The Firm's General Experience and Qualification Information (20 points) – Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.

2. Experience of Key Personnel (40 points) – Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with General Law City agencies, and proven track record and depth of understanding/ knowledge of the proposed PMC, CMC & CIC.

3. Project Approach/Understanding (40 points) – Understanding of project, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

4. Expedited Schedule and Cost Controls (20 point bonus) – Elaborate based on experience with similar projects as to how the two projects can be completed based on an expedited schedule (please identify the shortened delivery timeline). Elaborate how the Consultant team can confidently deliver the project on time and within budget with specific focus that the Consultant can deliver this project within their executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Due to the accelerated nature in retaining a Consultant for this project sometime in early to mid July 2011, interviews may not be conducted in selecting the preferred firm. However, if an interview is deemed needed to make the final selection, the Consultant must be prepared to gather the proposed team likely within 24 hours of notification. Only the key individuals assigned to have a significant role in the project will be allowed to make the presentation at the interview

Exhibits incorporated by reference:

1. City Standard Consultant Agreement (no changes to this agreement will be allowed)
2. Nason-Cactus CIP Exhibits dated April 10, 2011 - Compilation of Plans based on current status of completion
3. Improvement Plans Status Summary dated May 4, 2011
4. Addendum to Moreno Valley Field Station EIR and Supplemental EIR

Submitted to:

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah
City's Program Manager

TECHNICAL PROPOSAL

PROFESSIONAL PROJECT MANAGEMENT CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS

1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Submitted by:

TRANSTECH/MAPCO
Contact Person for this proposal:
David Mlynarski, Project Principal
E-mail: david.mlynarski@transtech.org
T: 909-384-7464; F: 909-384-7475
413 MacKay Drive, San Bernardino, CA 92408

EXHIBIT "B"

Item No. A.5 copy shall be unbound and paper clipped, with -108- holes, perforations, or cardboard inserts, suitable for copying with an automatic feed copy machine and one copy shall be on CD. (As required, Fee Proposal is submitted in a separate envelope)

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Thank you for the opportunity to present our qualifications to the City and for the subsequent meetings and discussions to develop a cost efficient approach for the subject project.

It is very obvious that the city desires to establish professional relationships with consultants and carry out projects in an efficient and practical fashion. We also see the value to the overall community and business environment that will result with the inducement of these public improvements.

We understand this project will require an efficient coordination with various public and private parties, including City of Moreno Valley, developer, design engineers (RBF, Psomas, Butsko, Arcon), Riverside County Flood Control District, EMWD and Utility Companies. Furthermore, it is also important to coordinate with the Riverside County Hospital (Trauma Center) and the County EMS to maintain emergency vehicle access to the hospital along Cactus Avenue during construction.

Our goal is to provide our services in an efficient manner and minimize inconveniences and deliver the project to the City and public in a cost effective manner.

Our original fee submitted with the proposal was $1,114,000. Based on the meetings with and clarifications provided by the City, we made necessary adjustment in our scope, and our fee was reduced to $914,600. We then provided an additional 5% reduction in our fees as a good will, which resulted in a final adjusted fee of $868,870.

Also, we made appropriate adjustments in the staffing allocation as follows:

- We will assign Kurt Pegg as the Project CM, RE and Bridge Structural Rep, and Mike Schnepf as the Project Inspector. We understand the City desires a commitment that these staff members will be assigned to this project. As we indicated in our proposal, and subsequent communications, our firm is fully committed to assign these staff members to this project. Also, you had indicated that in the event any of these staff members leave our employment for reasons beyond our control, the City would have the right to approve any replacement, and if the City is not satisfied with the proposed replacement, the City would have the right to terminate the contract.
- The level of effort is based on 12 month duration for construction and project closure after start of Construction and under a single construction contract (prime contractor) for both Cactus and Nason Street Projects.
- We allocated additional support that may be need during construction to support Kurt Pegg and Mike Schnepf.
- We deleted general project management services, as this task will be performed by City CIP staff as you indicated.
- The City will hire construction surveying, materials testing and specialty inspection firms under separate contracts.
- The City will have separate contracts with the design firms for the preparation of final PS&E Bid Package, as well as engineering support during construction.

The attached Resource Allocation Table provides detailed breakdown by task and staff as you requested.

Our staff and project team are very excited about the potential of delivering our best effort in support of this project.

Thank you again for your thoughtful consideration.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
ali.cayir@transtech.org
C: 714-883-8677; T: 909 595-8599, Ext. 121
www.transtech.org

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RESOURCE ALLOCATION

Task	Staff	Rate	Hrs	Fee
Constructability and PS&E Review, including field walk by Project RE, Inspector, and coordination with design team	*Sr Level Staff*	$145	160	$23,200
	Inspector Level Staff	$95	160	$15,200
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	70	$4,550
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	70	$10,150
	Subtotal		460	$53,100
Allocation to address unknown issues prior to finalization of PS&E	*Sr Level Staff*	$145	140	$20,300
	Inspector Level Staff	$95	60	$5,700
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	60	$3,900
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	60	$8,700
	Subtotal		320	$38,600
Bidding Phase Services to support City Proj Manager, PS&E Engineers for review of questions, field check, etc.	*Sr. Level Staff*	$145	40	$5,800
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	10	$650
	Principal In Charge Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	10	$1,450
	Subtotal		60	$7,900
Construction Phase (12 month duration assumed)	*Project CM, RE, and Bridge Structural Rep:* Kurt Pegg, PE	$145	2,200	$319,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project CM, RE, and Bridge Structural Rep	$145	200	$29,000
	Project Public Works Inspector: Mike Schnepf	$95	2,200	$209,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project Public Works Inspector	$95	200	$19,000
	Office Eng, Insp Support, State Funding Compliance Staff: Selim Bouhamidi	$65	2,200	$143,000
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	400	$58,000
	Subtotal		7,400	$777,000
Budget for Additional Inspections	*Budget for Additional Inspections during heavy work periods*	$95	400	$38,000
	Subtotal		400	$38,000
TOTALS			8,640	$914,600
Additional Reduction In Fee as a good will			5%	$45,730
TOTAL REDUCED FEE				$868,870

Original Fee submitted with the Proposal	$1,114,000
Final Submitted Fee after Meeting with City staff to fine tune scope, including adjustment in Project Management effort as the City will assign an in-house PM and plus an additional 5% reduction in the fee	$868,870
Total reduction in dollars between Originally submitted Fee and Final adjusted Fee	$245,130
Total reduction in % between Originally submitted Fee and Final adjusted Fee	22.00%

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TRANSTECH/MAPCO
PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

This letter serves as a follow up to our conversation regarding company legal name.

As indicated, our operating brand name in Inland Empire is Transtech/Mapco. The legal name of the corporation from which the Insurance will be provided is Transtech Engineers, Inc.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
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TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 8, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TECHNICAL PROPOSAL
PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Transtech/Mapco is pleased to submit this proposal for the subject project.

We are a multi-disciplinary engineering consulting firm which provides professional and technical services in engineering, planning and construction to governmental agencies, educational institutions and private sector. We serve as turn-key program manager/contractor on large and complex engineering projects by providing full service capability. We have managed and successfully delivered a number of similar assignments.

Our key project team members have extensive experience working for Public Agencies in capacities, such as Contract Building Official, Plans Examiner, Inspector, City Engineer, Planner, Construction Manager and Inspector. As contract City Engineer and Building Official for a number of Agencies, we manage all aspects project as Agency representatives, and provide turn-key services.

Our staff members are licensed as professional engineers, surveyors, plan checkers, building officials and inspectors. We are also licensed as General Contractor A (General Engineering) and B (General Building), and have the ability to function like a General Contractor and coordinate all aspects of construction of similar projects.

Our Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of the projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance, DBE/WBE.

Also, one of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

We also provide our expertise in the construction field to law firms for construction claims. Some of our key staff members served as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State.

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

We understand the importance of providing services that can respond to the project needs based on work load and demand by adjusting level of staffing as necessary, and provide the services in an efficient and cost effective manner without sacrificing the quality and responsiveness.

We have extensive experience in managing similar complex and multi faceted/phased projects. We will develop an expedited schedule to deliver these projects in an efficient and expeditious manner, and within the executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Our team has extensive experience in all aspects of similar projects, from design concept, design and regulatory agency approvals through construction. We have gained a solid reputation in the industry for delivering cost-efficient projects that are on schedule, within budget, and to the full satisfaction of the client. We have assembled an outstanding group of individuals we believe will provide the Agency with the precise services requested; combining strong technical skills, excellent communication, sensitivity to community values and efficient use of resources.

We have staff and resources readily available for the project.

Thank you for the opportunity to submit this proposal. If you have any questions or need additional information, please contact the undersigned.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org; T: 909 384 7464, Ext. 106 F: 909 384 7475; www.transtech.org

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SECTION A:	**Project Understanding**	**A.1 – A.1**
SECTION B:	**Approach and Management Plan**	**B.1 – B.2**
SECTION C:	**Qualifications and Experience**	**C.1 – C.5**
SECTION D:	**Staffing Plan**	**D.1 – D.1**
SECTION E:	**Work Plan and Schedule**	**E.1 – E.17**
SECTION F:	**Quality Control and Assurance**	**F.1 – F.1**
SECTION G:	**Additional Relevant Information**	**G.1 – G.1**

APPENDIX — **Appendix 1 – Appendix 19**

City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, states that resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the Appendix Section of the proposal. Based on this requirement, the following applicable information is included in the Appendix:

Resumes	**Appendix 1 – Appendix 14**
Billing Rates	**Appendix 15 – Appendix 15**
Resource Matrix	**Appendix 16 – Appendix 16**
Other Required Forms (Required Statements per the RFP)	**Appendix 17 – Appendix 19**

SECTION A: Project Understanding

The project in general consists of the ultimate width street improvements along:

1. Cactus Avenue between Lasselle Street and Nason Street, and
2. Nason Street between Cactus Avenue and Iris Avenue

The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market.

Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project.

In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping". As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

The funding for both projects have been estimated at slightly below $20 Million, including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this Consultant contract.

The Tentative Schedule is as follows:

- Anticipated Award of this Consultant Contract: Early July 2011
- Biddable PS&E Complete: Early Fall 2011 or sooner
- Public Bid and Award of Construction Contract(s): 3 months thereafter
- Construction: Approximately 12 months

The general scope of work to be provided by the selected Consultant includes all project management services necessary for a professionally completed project, including, but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end.

The scope of work will be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

SECTION B: Approach and Management Plan

B.1. APPROACH AND MANAGEMENT PLAN

Our goal is to deliver the project to the City in an efficient and cost effective manner.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects.

Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance program to prevent design errors and construction change orders.

Schedule control and management is a critical element. Our project manager conducts weekly in-house meetings with staff to review work progress, discuss any potential issues, and adjust staff resources as necessary to keep the project on schedule.

One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies. Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

In summary, our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and within budget. Our staff members have a strong educational background and are licensed and certified as engineers and inspectors.

B.2. PROJECT ORGANIZATION CHART

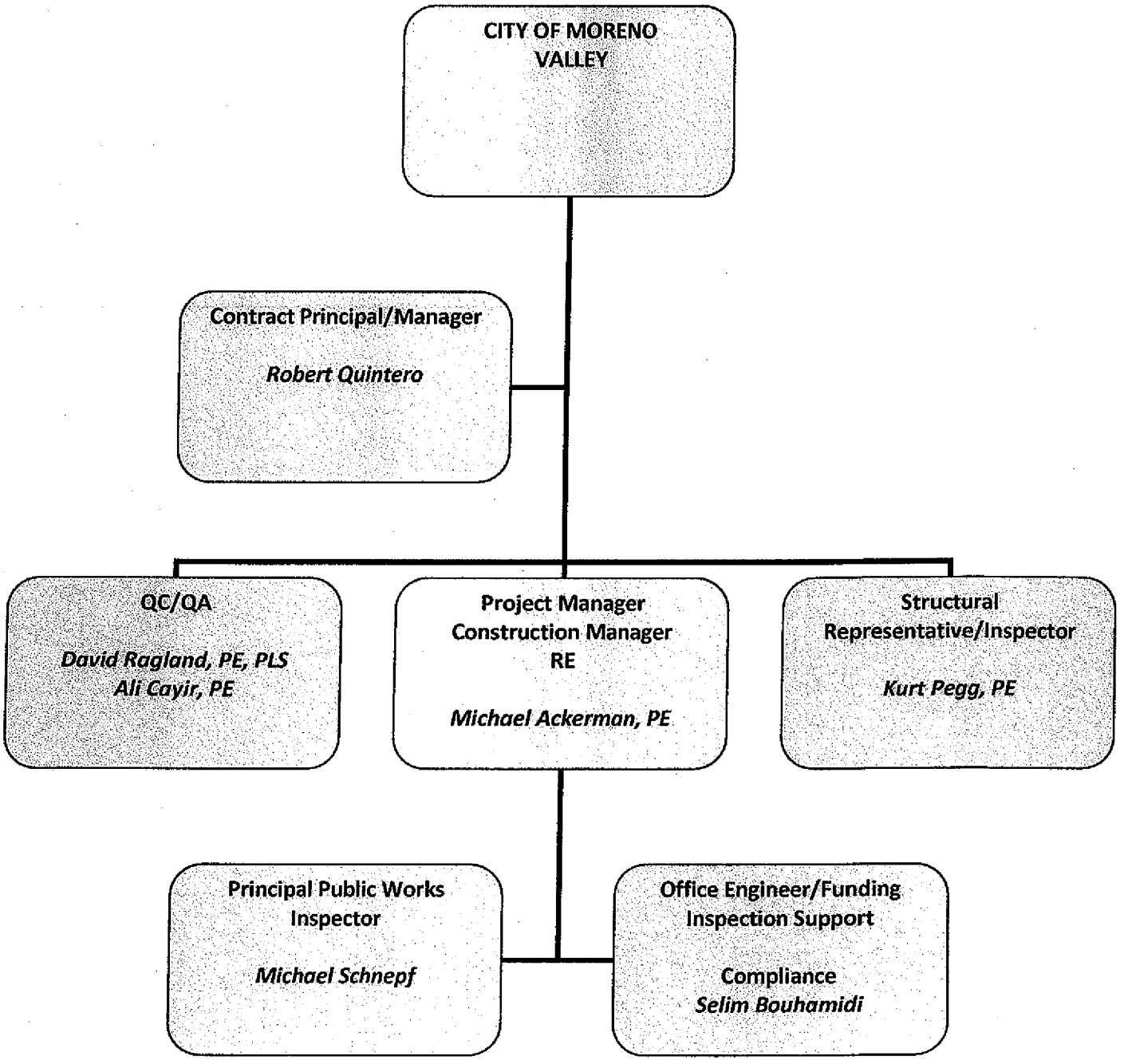

SECTION C: Qualifications and Experience

C.1. SIMILAR SERVICE EXPERIENCE

Following is a partial listing of similar projects where our firm provided similar services requested for this project:

- **Via Duct Boulevard Alignment and Reconstruction, Metrolink San Bernardino Parking Facility Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost: $10m
- **Valley Boulevard Widening Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost $5m.
- **State Route 710 Interim Improvements and Fremont Ave. Widening/Realignment:** Prepared PS&E as well as provided construction management and inspection services for 3 federally funded projects in Alhambra. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. The project involved coordination with Caltrans and encroachment permit processing/approval, as portions of the project was in Caltrans jurisdiction. These projects were all federally funded, requiring processing for E-76 through Caltrans Local Assistance. The total cost for 3 projects was $20m.
- **Mission Boulevard Widening:** Prepared PS&E as well as provided construction management and inspection services for Mission Boulevard widening and reconstruction. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. Transtech also provided construction management and inspection services for the project. The project involved coordination with Caltrans, and was federally funded and required processing for E-76 through Caltrans Local Assistance. Cost $3m.
- **City of Torrance Crenshaw and Skypark Reconstruction Projects:** Prepared PS&E as well as provided construction management and inspection services for Federally Funded reconstruction/rehabilitation of Crenshaw Boulevard and Skypark Avenue (2 separate projects). Cost: $3m.
- **Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino:** For the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution.
- **CSUSB (Cal State SB University) San Bernardino Campus Access Road:** Prepared PS&E as well as provided construction administration for the project. Improvements included approximately 1 mile street, water, landscape, grading, drainage, street lighting and various other improvements. Cost $6M.
- **Mission Bl and Rte 71 Grade Separation Project (currently under construction):** Serving as the Construction Manager for this regional project. The Mission Boulevard/State Route 71 Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40,000,000.
- **Alhambra Civic Library Project:** The project involved construction of a 45,000 SF 2 story library with 2 levels of underground parking garage. The project also included off-site improvements, such as streets, curb, gutter, utilities, fiber optic communication. Transtech provided construction management services. Project Cost $30m.
- **Riverside County Transportation Commission, Corona Main Street Metrolink Parking Structure and Pedestrian Bridge:** Served as Construction Manager. The project involved construction of a 6 level, approximately 1,000 space parking structure, and a pedestrian bridge over rail road tracks, and various offsite improvements, such as pavement, curb, gutter, drainage, sewer, electrical.

Project cost $24,000,000.

- **Alhambra Renaissance Plaza Parking Structure and Entertainment Center:** Served as Turn-key Program Manager from initial design thru construction of the Project. The project involved construction of a 5 level, approximately 600 space parking structure, as well as a 10 plex movie theater, and 3 restaurants and retail stores. Total project value was $40m.

Experience in Federally Funded Projects and with Caltrans Local Assistance Procedures Manual:
A majority of the projects were federally funded. Transtech administered all projects through Caltrans' Local Assistance in compliance with the Local Assistance Procedures Manual (LAPM). Authorization to Proceed (E76) was successfully obtained for each project as well. Our scope in these projects involved public relations, including providing information flyer, setting up a web-site for public access to provide up to date information, community meetings, and responding to questions and complaints and making sure impacts to public is minimized. Communication and coordination with public is an important element on this project as well.

Experience in Working with Caltrans/Encroachment Permit Department:
Several of these projects also involved close coordination with Caltrans and encroachment permit processing/approval, as portions of some of the projects were in Caltrans jurisdiction.

C.2. PROJECT STAFF

The following table provides summary information for project staff:

Key Person	Project Role	Yrs of Exp	Yrs w Firm
Robert Quintero	Contract Principal/Manager	20	5
Michael Ackerman, PE	Project Manager, Construction Manager, RE	15	4
Kurt Pegg, PE	Structural Representative/Inspector	20	2
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	30	12
Michael Schnepf	Principal Public Works Inspector	30	9
Selim Bouhamidi	Office Engineer/Funding Compliance and Inspection Support	5	3

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, Billing Rates, Resource Matrix, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

C.3. REFERENCES

City of Rialto
Ahmad Ansari, Director of Public Works/City Engineer
909-772-1518

City of Alhambra
James Funk, Development Services Director
626-570-5041

City of Pomona
Daryl R. Grigsby, Director of Public Works
909-620-2261

CSUSB, Cal State University
Hamid Azhand, Director of Capital Planning and Design
909-537-5000

C.4. COMPANY QUALIFICATIONS

Established in 1989, the firm provides consulting engineering services to several municipalities throughout Southern California. The municipal services provided by our firm include Building and Safety, Plan Check, Inspection, Code Enforcement, City Engineering, City Traffic Engineering, CIP Design, Project and Construction Management, Program Management, Utility Company Coordination and Management, CDBG, HUD and Federally/State Funded Project Management, Services.

- *Service Capabilities:*

Municipal Consulting Services	City Engineer; City Traffic Engineer; Capital Improvement Projects; Development Review; Plan Check/Counter Services
Building and Safety	Inspection; Plan Check; City Building Official; Code Enforcement
Program and Construction Management	Contract Administration; Construction Inspection; Labor Compliance; Design-built Engineering and Construction
Civil Engineering	Freeways and Interchanges, Local Streets and Roads Design; Sewerage, Water and Storm Drain Design; Pavement Management System; Grading Studies, Design and Earthwork Analysis
Traffic and Transportation Planning and Engineering	Traffic Signal and Control Systems; Parking Facilities Study and Design; Street Lighting; Speed Zone Surveys; Traffic Control; Intelligent Vehicle Highway Systems; Signing and Striping; Traffic Management Plans; Bicycle and Pedestrian Facilities; Neighborhood Traffic Control

Water Resources Engineering	Hydrologic Studies, Hydraulic Design Best Management Practices Storm Water Pollution Prevention (SWPPP) Low Impact Development Design Sediment, Erosion Control & Detention Facilities Urban Water Quality Retrofit Hydrologic Rainfall/ Runoff Watershed Simulations Hydro modification Studies, Water Quality Management Plans (WQMP) Storm Drainage Infrastructure Design Floodplain Analysis, Mapping Preparation of FEMA Requests for Letters of Map Revisions
Surveying and Mapping	ALTA, Topographic, Boundary Surveys; Construction Surveying/Staking; Aerial Mapping; GIS; Right-of-way Engineering
Planning	Master Plan Circulation Studies; Transportation Planning and Modeling; Capacity Evaluations; Impact Assessments; Site Planning; Specific Plans
Land Development	Subdivision/Master-Planned Communities; Commercial and Industrial Development
Governmental Permit Processing	Support services to coordinate and process permits through governmental agencies .

- *Experience in Working with Local Cities:* Our key staff members have served public agencies in various capacities including City Engineer, City Traffic Engineer, Building Official, Project Manager, Planner, and Inspector. We are accustomed to working with governmental agencies in every facet of planning, building, and public works, and our staff has an unparalleled understanding of public agency issues, procedures, and policies.

- *Turn-Key Service Capability:* The Firm serves as turn-key program and construction manager on large and complex engineering projects by providing a full service capability of comprehensive services to its clients from initial planning and design, systems engineering and technical assistance, permitting, program and construction management, and operations and maintenance services. The Firm has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects, including Public Works and Infrastructure Improvements; Institutional Buildings; Commercial and Retail Buildings; Transportation and Parking Facilities; Sports and Recreational Facilities; Residential Development.

- *Experience in Federal and State Funding Programs and Requirements:* The Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of these projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance. The Firm's Grant Writing and Funds Management services enable our municipal and agency clients of any size to find potential funding sources, and to prepare competitive applications. Additionally, after funds are awarded to a client, The Firm can ensure compliance with state and federal funding requirements. In the past few years, The Firm has facilitated over $100 million in funds for our clients' public works projects and transportation improvements.

- *Experience in Construction Claims:* The Firm staff also provides their expertise in the construction

field to law firms and universities. Some of our key staff members serve as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State San Bernardino University, International studies.

- *Quality Control/Quality Assurance (QC/QA):* The Firm has a proven track record in providing high quality engineering services which result in minimal problems during implementation of projects. Our extensive experience coupled with our in-house QA/QC program prevents design errors and change orders. Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and budget

- *Federally Audit and Approved Accounting System:* Our firm is involved in major projects with various governmental agencies, including Federal Government. Our accounting system is audited and approved by federal Government and found in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statues, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR).

SECTION D: Staffing Plan

Due to the inherent variability in the schedule and performance of third parties, our staffing approach is flexible. While we have assigned and are prepared full staffing as necessary to the project, our staff will work as necessary and flexible manner. We will adjust staffing levels as the project progresses and as needed, but, we will be responsive and add additional staffing when there is a need to ensure the project is managed in the most cost effective and efficient manner.

Our team members have the capacity to perform the requested services according to the proposed schedule, and complete the services required for this project within budget and schedule.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with City Staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City Staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

BILLING RATES AND RESOURCE MATRIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, Resumes, **Billing Rates**, **Resource Matrix**, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

SECTION E: Work Plan and Schedule

E.1. PROJECT MANAGEMENT AND DELIVERY APPROACH

Our approach is to be responsible and accountable for all aspects of the project in order to deliver the project on-time and on-budget. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before the result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

We have a structured approach to execute projects in an efficient manner that makes Transtech capable of providing the client with the highest quality product. Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects. The following paragraphs describe our approach to deliver projects in an efficient and cost effective manner:

- **Project Management:** Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become major problems. This requires extensive hands-on knowledge, and management skills of the people involved in the project's management and inspection. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on-time and on-budget. Our staff members have educational background and are licensed and certified as engineers and inspectors. They have been represented both public agencies and private developers/contractor on similar projects. They are seasoned industry veterans, and will manage this project in the most efficient manner. Key project team members will attend regularly-scheduled project status meetings with the City and other involved agencies throughout the project's duration. We will keep a detailed record of communication that will include directions given by City staff and actions taken by our team. These systems are structured such that recall of critical information is readily available. We will provide project status reports which updates, at a minimum, the status on the project's scope, schedule, budget, and pending issues requiring attention.

- **Quality Control and Assurance Program:** Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance Program to prevent design errors and construction change orders.

- **Design Review:** Our multi-disciplinary team of design professionals with extensive professional experience in similar projects. Our preferred approach is to engage in review documentation, response/reconciliation meeting cycle for each design phase. Each cycle's receipt of design documentation is the basis of design, plans, specifications and calculations. The documents are reviewed by each discipline along with the construction manager to validate design team approach to the project program requirements and identify code element, buildability items for consideration, adjustment and/or incorporated by the Design Team. Review comments are documented with our

web based review program and made available to the entire team through the web browser access and electronic files. After a short review period for the Design Team, a coordination/information meeting is held to discuss comments and ensure that the Design Team and other parties fully understand the intent and essence of the comments. Our teams early "catches" of these and similar design compliance issues have presented significant late phase document modification on numerous projects we have reviewed.

- **Constructability Reviews:** Our constructability reviews follow a similar process to design support review with a different focus. We prefer to do both reviews concurrently for efficiency, with early phase focus on design support issues moving to predominantly constructability, buildability and coordination in later phases. Our comprehensive database offers management tools that will allow all team members to review drawings simultaneously and track design progress and comment resolution.

- **Value Engineering:** We approach value engineering as a continuous and evolving function throughout the entire preliminary and design phases. Value engineering is treated as an integral part of developing design criteria and ultimate incorporation into the project plans, specifications and estimates. Integrating value engineering throughout the project significantly reduces the chance of a major design alternative being identified by a "value engineering team" after the project is designed, which would cause a tremendous redesign effort and considerable time delays.

- **Cost Estimating:** We use a variety of methods to generate accurate cost estimates. These include "Check Bids" developed from both internal and external private sources. Our estimators all have construction field backgrounds and pull in that additional perspective to cost estimating from project concept/feasibility through change orders to address your specific needs. A methodology of communication, technical resources, and analytical thinking shaped by experience is used to reflect projects in terms of costs. Our estimating database, based on our experience at construction, is continually reviewed and updated for current labor rates, equipment rates, and material pricing. We also utilize the construction schedule to determine cost escalation over the course of construction. Typically escalation is included to the mid-point of the construction schedule. We will work closely with our procurement team in order to track the trends in volatile materials such as steel and concrete. We also monitor local construction labor markets and unions to forecast trends in labor rates. These costs are tracked throughout the estimating process to insure there are no last minute surprises.

- **Third Party Coordination Public and Regulatory Agencies:** One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies . Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

- **Methodology for communication to inform City on work progress:** Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

- **Approach to Cost Control and Change Orders**
  Two feasible methods exist for practical control of publicly funded construction costs. One is *proactive* and the other is *reactive*.
  - *Proactive* cost control is achieved by putting sufficient effort into the plan and specification preparation to minimize potential change orders.
  - *Reactive* cost control occurs during the review of change order requests submitted by the contractor. A variety of techniques are employed when reviewing submitted change order requests.

  We evaluate monthly costs/expenditures based on an actual field review and documentation. The documentation is used as both criteria for evaluating the accuracy of costs/expenditures, and as input for review of the cost-loaded monthly progress schedule. An accurate schedule of values and baseline schedule are fundamental to this analysis. Base contract work, as well as changes to the work, is also progressed and quantified. Any differences between the original estimates and actual costs/expenditures are identified. We evaluate project costs and develop feasible mitigation measures to minimize additional costs. We work as a team to solve problems or make modifications in the field to address unforeseen conditions or owner generated changes in a cost effective manner.

- **Approach to Scheduling and Timely Completion of Project and Schedule Recovery**
  Understanding how the component pieces of a Project and the necessary sequencing are critical to the successful completion of the Project. We use various project management software depending on the nature of the Project to ensure proper schedule development, document control, including RFI's, submittals and plan review. The regular maintenance and updating of the schedule quickly identifies areas that can be accelerated, and those items that may need additional attention and oversight. We ensure that the contractor's construction baseline schedule has properly identified the project scope, critical path, project milestones, target dates, phases, and sequences of work, activity durations, activity float and relationships between activities. Interrelationships with various projects phases, and interfaces with Owner activities are verified to ensure proper coordination with the existing operations. We ensure that the baseline schedule considers access coordination; staging and lay-down areas and seamless transition and interfaces between the new and existing facilities, and any operation to be maintained on-site. When significant activities show that they are slipping from the baseline, we work with the contractor to develop "recovery plans" and verify that the plans are achievable and are implemented to have the desired effect. We incorporate progress information recorded on the Inspector's Reports to verify actual progress in the monthly schedule. These reports clearly identify and document if any delays occurred and what caused the delays. This approach enables all involved parties to anticipate potential delays early in order to proactively manage the schedule.

- **Methodology for Generating Bidder Interest**
  The bids are advertised in various trade publications, such as McGraw-Hill Construction Dodge-Green Sheets, Contractors Info Network, Bid America, Reed Construction Data. We also contact qualified contractors and inform them of the upcoming project. By the time the construction documents area ready for bid advertisement we have a data base of contractors who have known about this project in advance. This increases bidder interest and participation significantly.

- **Promote participation in the bidding by local subcontractors and vendors**

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

- **Contractor prequalifying**
  If desired by the City, we can conduct a contractor pre-qualifying process. Public Contract Code section 20101 authorizes local public agencies to prequalify contractors before allowing them to bid for public works projects. The key points are:
  - A public agency may require contractors to submit standardized questionnaires which seek information necessary to determine whether the contractors have met prequalifying standards. Uniform subjective rating systems must be used to determine the minimum requirements permitted for qualification to bid.
  - Agency must have procedures in place which allow contractors to appeal decisions that they are not qualified to bid, which will result in review and conclusion prior to the submission of bids.

- **Construction web-site:** If the City desires, we can establish a construction web-site and web-cams for real time monitoring of construction progress on internet. The following is a sample of our current website for the State Route 71 and Mission Interchange construction project. www.mission71project.com.

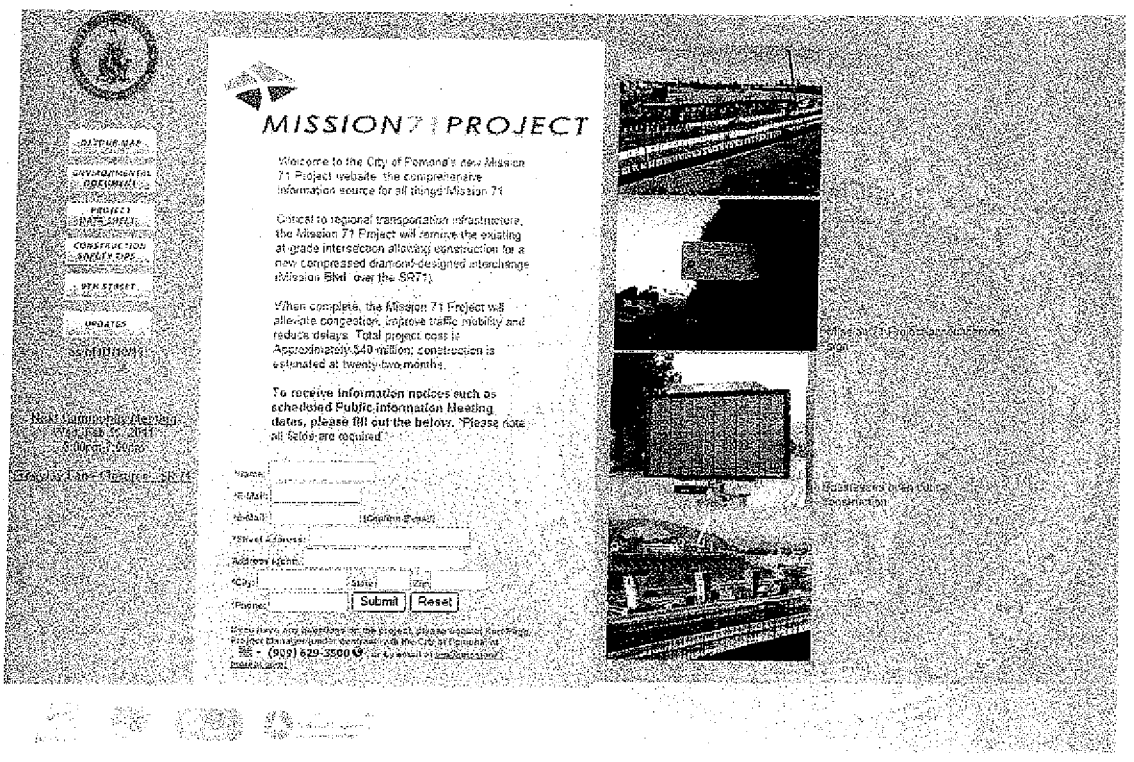

- **Quality Control and Assurance**
  Quality Control and Assurance will be consistently and thoroughly applied throughout project's duration. Assigned Quality Control and Assurance staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities.

A detailed description for Quality Control and Assurance is provided in Section F of the proposal.

E.2. SCOPE OF WORK

E.2.1. Project Management Consultant (PMC) Services

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.

2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.

3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

4. Schedule, facilitate, and attend public meetings as necessary.

5. Provide progress reports at a minimum on a monthly basis.

6. Compose all correspondences to keep the project on schedule.

7. Attend and present the project to City Council as required.

8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).

11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.

12. Prepare agreements and assist with issuance of Purchase Orders.

13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.

14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.

15. Prepare project update write-ups for distribution to media and public.

16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.

17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.

18. Issue all necessary Notices to Proceed (NTP).

19. Assist with review and process of all invoices (City staff will approve).

20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.

21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.

22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
    - Various City Council Staff Reports.
    - Utility correspondence letters and e-mails.
    - Federal, State and local correspondence.
    - Federal, State and local documentation required for the project.
    - Right-of-way related documents and correspondence.
    - Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and bidability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program

Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a. Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b. Prepare bid packages for distribution as necessary.

    c. Maintain plan holder's list

    d. Schedule and conduct pre-bid meetings and site visits, if held.

    e. Provide responses to bidders' questions.

    f. Prepare and issue addenda if required.

    g. Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h. Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i. Check references and licenses of bidders.

    j. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l. Prepare, coordinate, and process Notice of Award, Agreements, and Purchase Order.

    m. Review insurance, bonding, and other required documents.

    n. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

E.2.2. Construction Management Consultant (CMC) Services

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project. The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

E.2.2.1. General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.

2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

3. Schedule, facilitate, and attend public meetings as necessary.

4. Attend and present the project to City Council as required.

5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.

6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.

8. Prepare agreements and assist in processing Purchase Orders.

9. Issue all necessary Notices to Proceed (NTP).

10. Review and process all invoices (City staff will approve).

11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.

12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager. At a minimum, Project files will be organized to include the information indicated below:
    - Project Personnel
    - Correspondence
    - Weekly record of working days
    - Materials Data
    - Engineer's Daily Reports
    - Contract Item Pay Quantity Documents
    - Contract Change Orders
    - Extra Work Reports
    - Progress Pay Estimates and Status of Funds
    - Labor Compliance and EEO records
    - Contractor's Payrolls
    - Final Report
    - Materials Certificate
    - DBE Records

13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.

14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local

requirements.

15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

E.2.2.2 Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.

   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.

   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.

   d. Submit recommendations to the City relative to change order requests.

   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.

   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.

b. Permits.

c. SWPPP and WQMP

d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.

e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)

f. Progress payments, inventories, and applicable codes.

g. Contractor's reports, correspondence, certified payrolls, and accident reports.

h. Survey and layout data and certifications, photographs of as-built locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction

contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

E.2.3. Construction Inspection Consultant (CIC) Services

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements, such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

SECTION F: Quality Control and Assurance

Quality Control and Assurance (QC/QA) will be consistently and thoroughly applied throughout project's duration. Assigned QC/QA staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities. Firms considering proposal submittals are requested to have an in-house technical level of expertise to professionally address all aspects of the project.

Project Design meetings will be held twice a month. The Consultant will be responsible for preparing meeting agendas, minutes, and presentation materials. A Critical Path Method (CPM) network, based on activities to support all project milestones and subtasks will be prepared. The information will be in the form of a bar chart and show a deliverables schedule and other relevant data needed for the control of work, for City review of the work status and accomplishments occurring each month. Monthly updates will be furnished to the City's Project Manager.

The main objective of the Quality Control process for design projects is to provide a mechanism by which all construction plans can be subject to a systematic and consistent review. This process' outcome is the production of design plans and construction documents that accurately reflect the City's scope, schedule, and budget expectations for the project.

A secondary goal of the Quality Control process is to provide for a thorough documentation of the project's design process. A properly documented project file is a by-product of the quality control process. This will enable the City to substantiate its position from properly documented project files if any legal, political, or procedural issues arise regarding the project.

The Quality Control process includes comprehensive project planning, providing clear decisions and directions, constant supervision, immediate review of completed activities for accuracy and completeness, and documenting all decisions, assumptions and recommendations. Quality Control does not solely consist of a review after a product is completed. It is an approach and a realization that a product's ultimate quality is based on the quality of its production process.

As part of the initial project development, we will submit to the City for review and approval, a Project Specific Quality Control Plan, which will detail the proposed methods or processes of providing quality control for all work products. This plan will be kept current with the work requirements. The plan will include, but is not limited to, the following areas:

- Organization.
- Quality Control Reviews.
- Proposed method of documentation of comments, coordination responses and quality assurance records.

Submittals will be checked prior to presentation to the City for review. The review will include the following activities:

- Compliance with project requirements.
- Technical accuracy and adequacy.
- Compatibility with other associated project documents.
- Compliance with previous review comments.

In summary, our QC/QA is a systematic and documented review of each submittal phase/level, which will achieve a complete biddability/constructability/claims avoidance review and necessary revisions incorporated in the bid package at the 95% level completion.

SECTION G: Additional Relevant Information

TRANSTECH'S UNIQUE EXPERTISE AND SUCCESS IN FUNDING AND GRANTS

One of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

Our practice and approach in this area involves maintaining an extensive knowledge and understanding of current regional, state, and federal funding programs and procedures, and monitoring the development of future program or funding opportunities.

We use this knowledge base to work with our clients to improve their ability to secure and administer project financing, and to implement the resulting projects in a timely and cost-effective manner. The approach differs significantly from a more traditional approach where consultant assistance is used merely to prepare competitive grant applications in hope of securing funding for a specific project. We feel that an agency's ability to secure funding for a project depends on several factors including the project's level of completeness (having a well defined and defensible budget, scope, and schedule), the level of consistency between the proposed project and local policies and a funding program's guidelines and requirements, the quality of the information contained in a grant application, and an agency's ability to implement the project in a timely manner. This approach, as a result, focuses on improving the ability of our clients to successfully compete for funding through a competitive process rather than simply providing assistance to complete the required funding requests.

APPENDIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, **Billing Rates**, **Resource Matrix**, and **Other Required Forms (Required Statements per The RFP)** are attached in the appendix section of the proposal.

ROBERT QUINTERO
Contract Principal/Manager

EDUCATION

Master of Business Administration Degree, University of Redlands.

Bachelor of Science Degree in Urban and Regional Planning, California State Polytechnic University (Cal Poly), Pomona.

Edison International Executive Leadership Program

REGISTRATION

California Licensed General Contractor, B

SUMMARY

Mr. Quintero has approximately 20 years of experience in urban planning, management of municipal public works projects and operations, CIP (Capital Improvement Program), city administration, public and governmental affairs. He served as Principal Project Manager for the design, construction and management of a variety of Public Works and Infrastructure projects.

Prior to joining Transtech, Mr. Quintero worked for the City of Commerce and Southern California Edison (SCE), one of the largest energy utility firms in the world.

His experience at the City Commerce included working in various positions, including as Planner, Assistant to the City Administrator, Assistant Director of Public Services/Public Works, and finally as the City's Acting Director of Public Services/Public Works, and managed a department budget and infrastructure worth approximately $500 million.

At SCE, Mr. Quintero served as the company's Regional Manager for the Port of Long Beach and the cities of Avalon, Signal Hill, and Long Beach the fifth largest city in California and home to one of the largest commercial ports in the world.

As Vice President at Transtech, Mr. Quintero is responsible for corporate operations, business development, client relations, public and governmental affairs, project development and management oversight. With his ardent analytical and strategic management skills, Mr. Quintero provides strong leadership and exemplary public relations etiquette. Mr. Quintero develops and collaborates with primary contacts to protect and to enhance Transtech's position in specific proceedings; he ensures coordination with corporate policy and objectives on a broad range; he protects and transacts all phases of the company and customer business, and governmental affairs activities at the corporate level; and he facilitates and maintains close, long-term working relationships with governmental agencies.

PRIOR EXPERIENCE

City Of Commerce

Mr. Quintero started his professional career with the City of Commerce. While with the City, Mr. Quintero acquired an extensive management portfolio of economically, environmentally and technologically sound projects under the titles of Assistant Planner, Associate Planner, Assistant

Director of Public Services/ Public Works, Assistant to the City Administrator and finally as the City's Acting Director of Public Services/ Public Works. Robert was also responsible for representing the City of Commerce at the State Capitol in Sacramento as an advocate on legislative matters concerning land use, transportation, gaming and public works, are just a few of the myriad ways in which Mr. Quintero's leadership benefited the City of Commerce. In addition, Mr. Quintero was the Liaison and Political Ambassador to the City of Commerce/Aguascalientes Mexico Sister City Association.

Southern California Edison (SCE)

After several years with the City of Commerce, in 2002, Mr. Quintero joined Southern California Edison (SCE), as Region Manager of Public Affairs. At SCE, Mr. Quintero served as the company's representative to the Port of Long Beach and the cities of Avalon, Signal Hill and Long Beach, the fifth largest city in California and home to one of the largest commercial ports in the world. He managed the development of the company's position on federal, out-of-state and local legislative matters. He represented SCE before legislators, and industry organizations with regard to legislative and public affairs policy. He assists with the advocacy of the Company's position to provide advance notice of potentially significant legislative actions that may impact the company and took the necessary actions to protect the company's interests. He also organizes and coordinated with internal staff and resources, as well as took the lead in designing and implementing strategies to resolve issues affecting the company and its customers. As a SCE Region Manager, Mr. Quintero set standards of excellence with which the SCE name is proudly synonymous through his active support of and participation in programs that improve the lives of citizens in the community that SCE services. At SCE, Mr. Quintero successfully completed Leadership @ EIX Program. The Leadership @ EIX Program features a structural career development process for high performing employees who exhibit the corporate leadership competencies and may, with development, advance to a manager and senior leadership position.

Associations and Community Service

Founding Vice-President and currently serves as Senior Vice President to Embracing Latina Leadership Alliances (ELLAS) and is Vice President of the California Corporate Hispanic Council Leadership Institute (CCHCLI).

His memberships include the American Planning Association (APA), the American Public Works Association (APWA) and the American Water Works Association (AWWA).

MICHAEL ACKERMAN, PE
Project Manager, Construction Manager, RE

EDUCATION
- Bachelor of Science in Engineering, the University of Iowa

REGISTRATION
- Registered Civil Engineer

CERTIFICATIONS
- Resident Engineer Academy, Caltrans
- Water Pollution Control Compliance on Construction Sites for Resident Engineers, Caltrans
- Asphalt Pavement Fundamentals: Design, Construction, and Rehabilitation
- Construction Program Management Workshop, FHWA
- Field Office Procedures Course, Caltrans
- California Work Zone Inspection – High Speed, Caltrans
- Asphalt Concrete Inspection and Rehabilitation Strategies, Caltrans

HIGHLIGHTS
- Experience includes working for Caltrans.

SUMMARY

Mr. Ackerman has approximately 15 years of experience and participated on numerous multi-disciplinary teams dealing with the design and construction of civil and transportation engineering, urban and rural development, and public works projects. His prior experience includes working for the City of San Bernardino and Caltrans, District 8 in San Bernardino.

Recently, Mr. Ackerman has served as Deputy RE and Deputy Construction Manager for the State Route 71 and Mission Boulevard Grade Separation Project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.

PROFESSIONAL EXPERIENCE

City of San Bernardino: At the City of San Bernardino, Mr. Ackerman held the position of Associate Engineer under the City Engineer of the Division of Public Works in the Department of Development Services. There he was involved in a number of projects, including Development Review and Plan Check, design and review of Street Improvement Plans, Rough and Precise Grading Plans, Sewer Plans, Storm Drain Plans, Street Lighting Plans, Storm Water Pollution Prevention Plans, Water Quality Management Plans, Geotechnical Reports, and Hydrology/Hydraulic Studies, land development, industrial, commercial, residential, and transportation development projects including Tract and Parcel Maps. He also directed and performed plan check of improvement plans submitted by developers to the City. Also, he represented the City of San Bernardino at the South Tehachapi Management Team meetings, coordinated with San Bernardino County Flood Control and FEMA for the certification of City levees and updating of the Flood Insurance Rate Maps (FIRM), and oversaw permitting and tracking of Land Development Projects through the Division of Public Works/Engineering. In addition to this, Mr. Ackerman has worked intimately with Planning and Building and Safety Divisions on Land Development Projects.

Caltrans District 8: Mr. Ackerman was a civil transportation engineer for Caltrans District 8 where he was involved in the design and construction of various projects.

- ***Design Division:*** Designed plans, specifications, and estimates for the

rehabilitation of Route 10 freeway from the Riverside/San Bernardino County line to Beaumont.

- ***Traffic Operations Division:*** Performed studies and analyses to interpret and mitigate above average accident volume areas on highways and freeways. Also, he performed stop sign and traffic signal warrant studies.
- ***Construction Division:*** In the Construction Division, Mr. Ackerman was Resident Engineer for various projects including Watson Wash Bridge Replacement Right (Rte 40), Replacement of Drains and Earthwork (Rte 40), and Fenner Overhead Bridge Replacement (Replacement of two bridges over BNSF Railroad, Rte 40).

Mr. Ackerman served as Project Engineer and/or Construction Manager/Resident Engineer on a number of roadway projects. Recent similar projects include:

- City of San Bernardino, Via Duct Boulevard/2nd Street Realignment Project: Prepared PS&E and served as Construction Manager/Resident Engineer. Cost $1.5M.
- City of Alhambra, Polar Boulevard Rehabilitation Project: Federally funded project as part of Stimulus Program. Served as Construction Manager/Resident Engineer. Cost $1.2M.
- City of Baldwin Park, Francisquito Avenue Overlay Project; Ramona Boulevard Overlay Project: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3.5M.
- City of Commerce, Garfield Avenue Telegraph Road to Malt Avenue Street Improvements; Eastern Avenue Pavement Overlay Stevens Thru City Boundary; Garfield Avenue and Slauson Avenue Intersection Improvements; Washington/Ayers Intersection: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3M.
- CSUSB (Cal State SB University) San Bernardino Main Access Road: Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- City of Alhambra, Alhambra Road Rehabilitation and SRTS Project: Served as Construction Manager/Resident Engineer. Cost $1.2M.

KURT PEGG, PE
Structural Representative/Inspector

EDUCATION
- B.S. Civil Engineering, University of Calgary, Alberta, Canada

REGISTRATION
- Registered Civil Engineer

SUMMARY

Mr. Pegg has over 20 years of construction engineering experience related to highways, roadways and interchanges. He has served as a Senior Project Manager, Senior Estimator, Resident Engineer and Structural Representative. Mr. Pegg has been responsible for some of the largest freeway projects in Southern California, supervision of technical and field staff, change order negotiation and preparation, contract administration, critical path schedule development and review, storm water pollution prevention plan preparation and compliance, claims preparation and mitigation, cost estimating, reviewing and designing structure-related shop drawings, and assuring compliance with plans and specifications.

PROFESSIONAL EXPERIENCE

- **State Route 71 and Mission Boulevard Grade Separation Project:** Served as the Resident Engineer for this regional project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.
- **215/60 Riverside Interchange, Riverside, CA ($317 Million):** Senior Project Manager for the construction of 4 miles of high occupancy vehicle (HOV) lanes and widening of freeways on I-215, SR60 and SR91; Approximately 80 new sound walls and retaining walls throughout the project; major structural improvements at 8 local interchanges; 2 sweeping 'flyover' connector ramps between the I-215/SR60 and the SR91; Improvements to local drainage systems; new truck bypass connector leading from the eastbound SR 60 to the southbound I-215; new bridges at Linden, Iowa and Blaine Avenues providing better access to the University of Riverside. Funding for the project came from a combination of federal, state and local sources.
- **5/805 Interchange and Freeway Widening, San Diego, CA ($176 Million):** Project Manager for the construction of a separate freeway by-pass system from the junction of Interstate 5 and 805 to the Del Mar Heights Road Interchange. The Project also included the construction of a diamond type Interchange at Carmel Mountain Road, and adding of Auxiliary lanes to the existing main lanes. The projects goals were to reduce traffic through the corridor, improve safety through the addition of the by-pass system, and improve access to SR-56 and local roadway systems. Project innovations included building bridge foundations to better withstand earthquakes, eliminate merging and weaving traffic by separating SR-56 and local interchange

traffic from I-5 main lanes. Caltrans partnered with Contractors to ensure the project enabled cost effective construction methods and efficient staging in the interest of time saving to contractors and minimizing travel impact to motorists.

- **SR91/SR57 Interchange Widening, Anaheim, CA ($75 Million):** Project Manager for the construction of the widening of SR91 and SR57 freeways to construct a HOV connector almost a mile in length. The projects goal was to eliminate the weaving of traffic through the interchange caused by the transition from one freeway to the other of the HOV lanes. In order to accomplish this both freeways had to be widened and this required new bridges to be constructed at State College Boulevard, Placentia Avenue Overcrossing, Sunkist Avenue Overcrossing, Mira Loma Overcrossing, and La Jolla Overcrossing. New retaining walls and soundwalls were necessary to support the widening of the freeways along with new drainage improvements. The Contractor was awarded the gold medal in partnering from Caltrans for working through difficult construction issues and to expedite project bringing it in on time and under budget.
- **SR 55 Widening, Orange, CA ($40 Million):** Project Manager for the construction of approximately two and a half miles of freeway widening on SR 55. This project required the construction of two new bridges, retaining walls and soundwalls. Improvements were made to the interchange at Lincoln Ave and SR 55 to support the widening and the end result was an increase in traffic flow and a decrease in congestion on the SR 55 freeway.
- **Ave "H" Overcrossing, Lancaster, CA ($10 Million):** Project Manager for the construction of Avenue "H" Overcrossing. This project was part of the ever increasing development of the outer LA area. The project required street and drainage improvements to support the new bridge over SR 14 freeway.
- **I-10 Freeway at Palm Drive/Gene Autry Trail Interchange Project, Palm Springs, CA ($16 Million):** Resident Engineer / Structure Representative for the construction of a new cast in place post tensioned box girder bridge over the I-10 Freeway. A precast "I" girder widening over the BNSF railway tracks and the roadway widening of Palm Dr.

MICHAEL J. SCHNEPF
Principal Public Works Inspector

EDUCATION
- SDSU, CA 1977
- SDSU Extension: Construction Technology

Awards:
- Best Project, American Concrete Institute for The Falls at Rancho Bernardo

SUMMARY

Mr. Schnepf has approximately 30 years of experience in general engineering/public works and building construction projects. In these capacities, he has been responsible for more than $500 million worth of private and public works construction projects in Type A and Type B construction. He has inspected numerous federally funded projects in compliance with Local Assistance Procedures Manual, as well as projects under Caltrans' jurisdiction.

PROFESSIONAL EXPERIENCE

- **General Public Works Inspection:** Worked at various Cities under Transtech contracts as Senior Public Works Inspector. Projects inspected include, all aspects of new infrastructure construction and reconstruction, parks, ball fields, landscape aquatic facilities, fire stations, piers, skate parks, airports, coastal and recreational facilities, playgrounds, water and sewerage systems (including distribution mains (to 120 inch), mainlines, service laterals, lift & pump stations, domestic and reclaimed water systems, fire lines, backflows, pressure reducing stations, valve cut ins, line stops, line freezing, gravity and force mains and grease interceptors.
  - **Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **Avenida Pico Widening, San Clemente:** Widening of Avenida Pico from I-5 to Avenida Del Cerro including improvements to San Clemente High School. Widened arterial roadway within very limit time frame on a 24 hour a day schedule. High School kept open as were all businesses. Was

accepted by State Architect to perform all onsite inspection of improvements on school property.

- **Smart Corridor, Washington Avenue Culver City:** Coordinated and inspected the integrated Smart Corridor consisting of 51 fully reconstructed and signalized intersections with interconnect and monitoring in Culver City. Interfaced with Caltrans along the I-405 corridor.
- **Skypark Signalization and Widening, Torrance:** Provided construction management and inspection for widening and signalization of Skypark Drive and Madison Street. Interfaced with Edison for relocation of high voltage primary lines and street lighting, FAA personnel at Zamperini Field Airport and Administrative Staff at Torrance Memorial Medical Center. Twenty four hour access to all businesses and facilities were maintained.
- **City of San Clemente, multiple locations:** Provided inspection, design review and plan check for new and retrofits at over 40 intersections during a span of eleven years. Interconnect and camera detection systems. Interfaced with Caltrans along the I-5 corridor.

- **Grading:** Provided grading inspection from initial clearing & grubbing through rough grade and precise grading on projects ranging from 4,000 sq. ft. lots to 3200 acre master planned subdivisions. In many cases provided or assisted in engineering plan check processes. Provided all aspects of inspection for caissons, tie-backs, geotextiles, sub-drains, de-watering wells, wicking systems, benching, buttressing, minor & mass grading operations. Worked closely with Paleontologists and Archaeologists during grading operations. Sites have included the most fossil-rich find in Orange County. Retaining walls have included gravity/friction segmental walls, cmu, cast-in-place concrete and shotcrete applications.
- **Traffic Signals:** Project construction management and inspection of traffic signals and interconnect systems in conjunction with widening and total reconstruction of one of the most heavily utilized intersections in Los Angeles County, 190th & Crenshaw in the City of Torrance. Inspection, design review and plan check for new and retrofits at over 140 intersections during a span of eleven years. Interfaced with Caltrans along the I-5, I-10 and I-405 corridors.
- **Reservoir:** Reconstruction of Reservoir 5A and 8, San Clemente: Assisted in drafting specifications for the restoration, reconstruction of two reservoirs in San Clemente. Provided construction inspection services for all stages of construction and monitored deputy coating inspection team.
- **Storm drain systems:** Channel drains, local depressions, catch basins, main lines, head walls, box culverts, lined channels, desilters, detention basins, clarifiers, energy dissipaters, environmental containment, hydrocarbon filtration, in field testing.
- **Other Utilities:** All overhead and underground electrical, water, sewers, communications, gas, and fuel lines including storage facilities.

DAVID RAGLAND, PE, LS
QC/QA

EDUCATION
- Humboldt State University, CA, Bachelor of Science

REGISTRATION
- Registered Civil Engineer
- Licensed Land Surveyor

SUMMARY

Mr. Ragland is a civil engineer and land surveyor with approximately 30 years of diverse experience in a wide variety of projects in civil engineering. He has managed numerous multi-disciplinary teams dealing with the planning, engineering, entitlement, environmental permitting, development and construction of urban and rural development, and public works projects. His experience also includes special emphasis on complex grading and hillside developments (has worked on the civil engineering and development of more than 40,000 acres of hillside properties), preparation of due diligence and project feasibility analysis, through conceptual planning and design to entitlement and construction. Estimated valuation of projects that Mr. Ragland has been involved is approximately $1,000,000,000.

PROFESSIONAL EXPERIENCE

General Civil Engineering Projects:

- **CSUSB (Cal State SB University) San Bernardino Main Access Road:** Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Campus Parkway Roadway:** Design of a new roadway for a length of approximately 2 miles, and included street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Cannon Roadway and Sewer:** Design of approximately 2 miles of roadway and 36 inch sewer pipe and pump station. This project required careful consideration to pipe buckling due to the extreme soils conditions of the Agua Hedionda Lagoon. Special bedding techniques were used along with special coupling of the pipes to allow for potential deflection as the bridge abutment and road fill settled.
- **Lopez Canyon Roadway and Sewer:** Design and construction of over 5 miles of roadway sewer ranging up to 36 inches in diameter.
- **Sorrento Valley Boulevard:** Design and construction of 4 miles of roadway.
- **University Development:** Development of a 135 acre site in association with the City of San Bernardino, Watson Development and Cal-State SB for the development of 200 residential, mixed use, live-work, retail, office and educational and training facilities and offices for Cal State SB University.
- **San Elijo Hills Development:** Development of 2000 acre master

planned community including golf course and hotel. Project included preparation of Specific Plan, TM, Final Map, construction plans for all necessary infrastructure, environmental permits and Communities Facilities District.

- **Parkway Business Centre:** Design and construction of the 460 Acre industrial park including South Poway Parkway for ADI Properties, Inc. Also served as Assessment Engineer for Communities Facilities District.

Drainage And Sewer Projects:

- **City of Commerce**: Master Sewer Study Telegraph Corridor re-vitalization project. Documentation of existing system. Design capacity analysis based upon land use designations. Produced master plan study report for the project along with cost estimates.
- **University Park Storm Drain Design:** Design of storm drain system with pipes ranging in size from 18 to 60 inches and trapezoidal channel design for 4500 cfs.
- **University of Riverside:** West Campus Infrastructure, including sewer, storm drain, water, design.
- **San Elijo Ranch Drainage, Sewer and Water Master Plan, San Marcos:** 2,000 acre / 3400 unit master planned community. The project included literally miles of storm drain, sewer and water lines, sedimentation areas, pump stations, booster stations, water reservoirs and force mains. Cannon Road Trunk Sewer and Pump Station - Design of 8-12 inch gravity sewer, 6 and 8 inch force main, pump station and wet well. City of Carlsbad
- **Penasquitos Canyon Trunk Sewer:** PS&E for two miles 36-inch gravity sewer including design study reports. City of San Diego
- **Otay River hydrology study and dam breach analysis:** 22,000 acre Otay Ranch project in Chula Vista. Flows up to 33,000 cfs were studied for the Otay River.

Water Projects:

- **City of San Diego:** Green Valley Water line design and construction. 5000 feet, 30" Reinforced concrete water line and pressure reducing station and details for connection to a 60-inch San Diego County Water Authority Pipeline. Structural arch and encasement designs for road crossings over various SDCWA pipelines up to 108 inches in diameter. Design and construction of Mercy Road pressure booster.
- **City of San Bernardino:** Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino for the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution. Structural arch design for road crossing over the Dept of Water Resources 109-inch Santa Ana pipeline.
- **City of Riverside:** Water distribution analysis and computer modeling for University of California Riverside West Campus expansion infrastructure project.

ALI CAYIR, PE
QC/QA

EDUCATION
- BS Engineering
- MBA, Project/Construction Management, UC Irvine

REGISTRATION
- Registered Civil Engineer
- Licensed Gen Contractor A
- Licensed Gen Contractor B

HIGHLIGHTS
- Served as Contract City/Traffic Engineer for Cities.
- Federally Funded Project Experience: Extensive experience in the state and federal programs and procedures, and in the management of federally and/or state funded projects in compliance with the Local Assistance Procedures Manual.
- Diversified experience in both design and construction.

SUMMARY

Mr. Cayir has approximately 30 years of experience in engineering and construction. He served as contract City Engineer/City Traffic Engineer for a number of municipalities in Southern California. He has a broad knowledge of municipal government operations, including preparation and presentation of staff reports/resolutions to city councils, committees and interaction with public, various city departments, city council and other governmental agencies. He has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects.

PROFESSIONAL EXPERIENCE

Civil Engineering Experience

- Project Principal for I-710 Freeway Interim Improvements and Fremont Widening and Reconstruction: Transtech provided Turn-key Services, including Program Management, Construction Management, Design, Surveying, Right-of-Way Engineering, and Environmental. The project included major roadway improvements, removal/demolition of various buildings for additional right-of-way and reconstruction of buildings behind new right-of-way, traffic signals, infrastructure, utilities, pavement, drainage, water, sewer, landscape, street lighting, traffic signal, pavement improvements. Project was funded by Federal Funds, and was managed and inspected in compliance with Caltrans Local Assistance Procedures Manual. (Cost $20m).
- Project Principal for University Park Development/San Bernardino: The project included 2 miles of new roadway, sewer, water, utility and extensive hill side grading for a master planned residential and commercial development on 130 acre site across from the San Bernardino State University. (Cost $20m).
- Project Principal for $20 m Carlsbad to San Diego Rail Trail Project Report, which is funded by State and Federal funds and required complete project and environmental report, including Right-of-Way, Relocation, SHPO, NEPA, SEQA, Noise, Parking, Economic, Hazardous Materials technical studies, and processed through Caltrans and FHWA.
- Alameda Corridor Agency East (ACE) Rail Grade Crossing Improvement Project encompassing 6 agencies and 14 locations in Los Angeles County. Work involved roadway realignment and reconstruction, signalization, traffic control, and construction phasing as well as related improvements such as storm drain, water, sewer landscaping, underground utilities, etc. Construction cost $5,000,000.

Construction Management Experience

- Project Principal for City of San Bernardino, Santa Fe Historic Train Depot

Renovation. Transtech is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $13m

- Project Principal for City of Alhambra, Valley Boulevard Widening. Preparation of funding application, securing $5 million Federal, State and County funding, and design, and is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $5m
- Project Principal for City of Commerce, Rosewood Community Center. Transtech was retained by the City to take over the management of this multimillion dollar facility which was 2 years behind schedule. Within 5 months, Transtech brought the construction to substantial completion level allowing the City start the move-in process, and 2 months after, the facility was opened to public use. Currently, Transtech is assisting the City in claims analysis and change order resolution. Construction Cost: $15m.
- Project Principal for City of Alhambra Chapel, First St and Garfield Parking Structures: Transtech served as turn-key project manager, including management of design, construction, building plan check and inspection, federal funds, labor compliance for 3 parking structure projects. Chapel: 4 story, 300 space structure; First Street: 4 story, 276 space structure; Garfield: 5 story, 800 space structure. (Cost $15m)

Traffic Engineering Experience

- Design and management of a variety of traffic and transportation engineering projects, including traffic signals (more than 1000 locations), traffic signal interconnect system, street lighting, traffic control, signing and striping design; signal timing and coordination studies; traffic signal management studies; traffic safety projects (OTS) including traffic control device inventories and speed surveys; traffic impact and parking studies for more than 100 projects; and feasibility studies for traffic control measures, freeway access, bikeways and street improvements. Mr. Cayir has also served as consultant Traffic Engineer for various agencies in Southern California.
- Project Manager/Engineer for the preparation of ramp metering, count station, traffic signal, highway lighting, sign lighting, construction signing, pavement delineation, communication, and other traffic related plans for several state highways and freeway improvement projects involving Caltrans Districts 7, 8 and 12.
- Project Manager for the preparation of traffic signal modifications for various arterials in Los Angeles County including Garvey Avenue, El Segundo Boulevard, Crenshaw Boulevard, Slauson Avenue, Rosecrans Avenue, Arrow Highway and Huntington Drive/Alosta Avenue/Foothill Boulevard.

SELIM BOUHAMIDI
Office Engineer/Funding Compliance and Inspection Support

EDUCATION

- MA, Urban Planning, University of California, Los Angeles.
- BA, Anthropology, University of California, Los Angeles

HIGHLIGHTS

- Extensive experience in federal funds and grants and working with Caltrans Local Assistance and local agencies.
- Well versed in Caltrans and Local Assistance construction filing and document system.
- As the primary coordinator of Transtech's federal-aid internal procedural tracking system, Mr. Bouhamidi has been and is responsible for the direction and coordination of several federally funded projects having worked with numerous local agencies including the cities of Inglewood, Baldwin Park, Pomona, Lawndale, and Long Beach.
- Also worked with the City of Riverside Urban Planning Department.

SUMMARY

Mr. Bouhamidi has approximately 5 years of experience, and provides office support to Project Managers and Resident Engineers. He is well versed in Caltrans and Local Assistance construction filing and document system. He also works closely with various Funding Agencies, including Caltrans Local Assistance, and local agencies to successfully secure federal-aid for various construction projects. Mr. Bouhamidi has also worked with the City of Riverside Urban Planning Department. He was responsible for updating the city's property database recording architectural descriptions, and recent demolitions.

PROFESSIONAL EXPERIENCE

- Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- City of Alhambra, Josylin Community Center Renovation Project funded by Federal Energy Efficiency and Conservation Block Grant: Served as office support engineer and provided labor compliance services.

- City of Alhambra, Valley Boulevard Reconstruction, Federally Funded Project: Served as office support engineer and provided labor compliance services.

- City of Pomona, Rte 71/Mission: Provided funding support, assisted in E76 processing of various phases, and assisted in labor compliance.

- Office Engineer Federal- and State-Aid Internal Procedural Tracking System: Development of an internal electronic procedural tracking system to fast-track, coordinate, and organize federally-aided projects. This multi-layered, holistic system is process-oriented and developed over a timeline—a steady departure from the topically based and more general approach of the Caltrans Local Assistance Procedures Manual. The system provides swift results by ensuring that a project stays fully on track and is carried out in a timely and efficient manner, while providing personnel with all key reference points, timelines, and resources to complete and track the various ongoing projects. Responsible for tracking all aspects of a federal- or state-funded project beginning with the initial submittal of the funding packet application and signatures. Every step in the transmittal process is reviewed, tracked, and updated. The tracking system also includes follow-ups on federal application forms, which are subject to change after submittal and must be updated so as not to hold up authorization of funding. Working closely with Caltrans Local Assistance procedures, responsible for managing, tracking, and monitoring various transportation projects from a diverse number of cities.

The following are Billing Rates for project staff:

Key Person	Project Role	Billing Rate
Robert Quintero	Contract Principal/Manager	$145
Kurt Pegg, PE	PM/CM, Resident Engineer, Structural Representative	$145
Michael Ackerman, PE	Deputy PM, CM, RE	$145
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	$145
Michael Schnepf	Principal Public Works Inspector	$95
Selim Bouhamidi	Office Engineer/Funding Compliance	$65

As required in the RFP, we are providing the following billing statement:

The above hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

The following is the Resource Matrix showing hrs per task for each project staff:

Resource Matrix		Project Management Consultant (PMC) Services	Construction Management Consultant (CMC) Services	Construction Inspection Consultant (CIC) Services	Totals
Staff	Position	Hrs	Hrs	Hrs	Hrs
Robert Quintero	Contract Principal/Manager	250	250	0	**500**
Michael Ackerman, PE	Project Manager, Construction Manager, RE	1,000	1,500	500	**3,000**
Kurt Pegg, PE	Structural Representative and Inspector	100	300	800	**1,200**
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	500	100	0	**600**
Michael Schnepf	Principal Public Works Inspector	200	250	2,000	**2,450**
Selim Bouhamidi	Office Engineer, Funding Compliance and Inspection Support	100	1,000	750	**1,850**
Totals		**2,150**	**3,400**	**4,050**	**9,600**

The following are the required Statements to be included in the proposal per the City's RFP:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
   We agree with the above statement.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. The City's standard Agreement will be executed without any proposed changes.
   We agree with the above statement.

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
   We agree with the above statement, and do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
   We do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
   We agree with the above statement.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.
   We agree with the above statement.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
   We agree with the above statement.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
   We agree with the above statement.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
   We agree with the above statement.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.
    We agree with the above statement.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
    We agree with the above statement.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
    We agree with the above statement.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
    We agree with the above statement.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
    We agree with the above statement.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
    We agree with the above statement.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under

the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

We agree with the above statement.

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT D

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $868,870.00.
2. The Consultant will submit an invoice to the City based on milestones completed and accepted by the City, which documentation evidencing milestones completed to date (refer to milestones identified in Section VIII, Payment to Consultant in Exhibit "A" – City's Request for Proposal). At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

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Revised 10/13/09

EXHIBIT "D"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129

NORTHWEST CORNER OF CACTUS AVENUE AND LANDON ROAD

DEVELOPER: WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Tract Map No. 35760.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On September 30, 2008, the Community Development Department of the City of Moreno Valley approved Tentative Tract Map No. 35760 as a revision to Tract Map No. 31129. The tentative tract map is a proposal to subdivide a 1.83-acre portion of previously approved Tract Map No. 31129 into six residential lots. The tentative tract map will allow for the subdivision of six lots, the elimination of a detention basin (Lot L of

Tract Map No. 31129), and the adjustment to existing lot lines previously approved on Tract Map No. 31129.

DISCUSSION

Tract Map No. 35760 is in conformance with the tentative tract map. The developer has requested that the tract map be approved for recordation. Most public street improvements were completed under Tract Map No. 31129. The remaining trail improvements adjacent to Lot 6 of Tract Map No. 35760 on Cactus Avenue and those along the west map boundary of Tract Map No. 35760 and Tract Map No. 31129 will be completed prior to occupancy of Tract Map No. 35760. The trail improvements include but are not limited to three-rail PVC fence, gates, bollards, decomposed granite, concrete curb, and related grading and drainage.

ALTERNATIVES

1. Approve Tract Map No. 35760 and authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would allow the developer to proceed with the recordation of the six-lot subdivision.*

2. Do not approve Tract Map No. 35760 nor authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would not allow the developer to proceed with their proposed residential subdivision development.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00110691

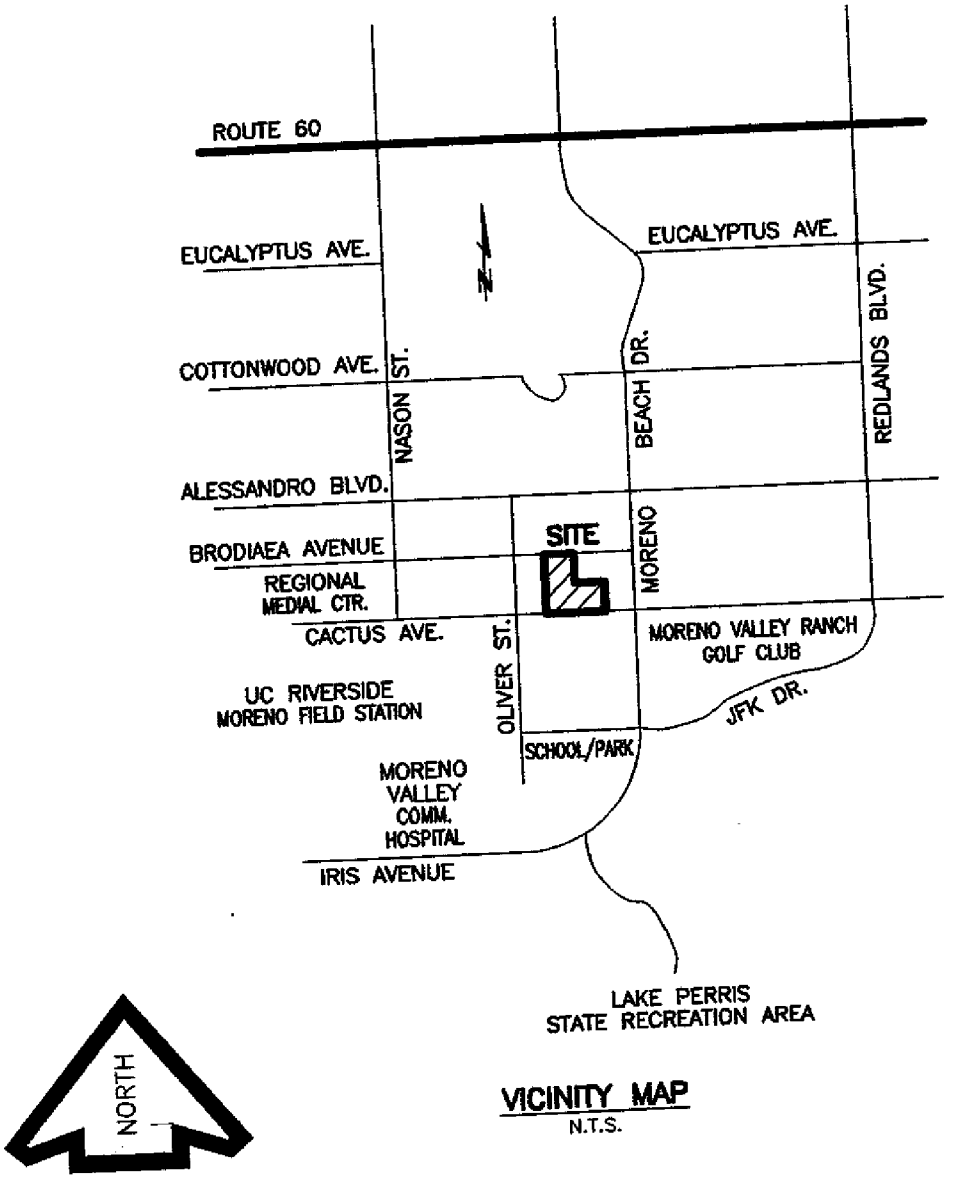

VICINITY MAP
N.T.S.

SCALE: 1"=100'

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	P07-144 LOCATION MAP

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MV00110693

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129)

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system.

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto.

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000.

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

BACKGROUND

Local traffic congestion has become increasingly prevalent as the City continues to grow. Congestion hot spots are well-known and include most intersections adjacent to freeway interchanges and several arterial corridors. The current recession has slightly improved conditions, but as the economy improves, and travel increases once again, traffic flow optimization will increase in importance to the community. In the long term, Moreno Valley's population will almost double, substantially increasing the traffic loading on our roadways. To address current and future traffic demand, staff has proposed

implementation of Intelligent Transportation Systems (ITS) technology to systematically manage and optimize traffic flow.

In 2009, the City completed an ITS Master Plan which provided recommendations for a systems-based approach to updating the City's traffic control infrastructure. The Transportation Management Center (TMC) is an integral component of the ITS Master Plan.

The City's current traffic signal control system was procured in 1991. The platform, which consists of field controllers and a computer in City Hall, is obsolete. The controllers are no longer available for purchase, and the central software (which is MS-DOS-based) cannot be run on newer operating systems. Therefore, City staff has planned for a replacement system consisting of a TMC and new central traffic control software, new traffic signal controllers to be deployed in the field over time, and a citywide communication network.

DISCUSSION

A TMC provides the ability to centrally monitor roadway conditions and adjust traffic signal timing to optimize vehicle flow. Monitoring is accomplished through the use of closed-circuit television cameras, and data from traffic detectors used to display real-time vehicle speeds. Control is accomplished via fiber optic communication facilities which will be steadily deployed over time.

The TMC would be linked to the City of Riverside and Caltrans District 8 TMC's via high-bandwidth data connections, allowing Moreno Valley the capability of viewing video from those agency's CCTV cameras, as well as coordinating response in the event of incidents. Other nearby agencies with fully operational TMC's include Temecula, Corona, and Fontana. In other parts of Southern California, virtually all agencies with populations over 50,000 maintain active TMC's.

With existing staff levels, Public Works is capable of operating and maintaining the TMC as an extension of their current duties, so no additional employees would be required. The TMC would produce net labor savings by reducing the need to deploy field personnel to diagnose and correct traffic signal equipment problems. The TMC would enable faster response for maintenance issues through the use of standard features such as automated paging/emailing of alerts and remote access capability.

The TMC would have secondary benefits, in that an ITS deployment better positions Moreno Valley for grant funds since it represents a higher level of commitment to improving mobility. The TMC would be located in the current Fishbowl Conference Room adjacent to the entrance lobby of City Hall.

In January 2011, City staff released a Request for Qualifications for central traffic control software, which was mailed to nine firms known to provide such software, and was also advertised on the City's Web site. Eight submittals were received, indicating a high level of interest. A panel of four persons, including one representative from the

City's Technology Services Division and an expert in traffic control system deployment from outside the City, reviewed and scored the submittals. Based on the scoring of the responses, four firms were invited to interviews, which consisted of a live software system demonstration and presentation. The same panel scored the interviewees. All four panelists ranked Kimley-Horn and Associates highest. The panel felt that the system will be state of the art for years to come and thus represents an excellent investment. Kimley-Horn has deployed this software system for numerous Southern California agencies, including Beverly Hills, Culver City, Los Angeles County, Claremont, San Dimas, and the City of Commerce.

ALTERNATIVES

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and authorize the Public Works Director to execute any subsequent amendments related to this agreement. *This is the recommended alternative.*

2. Do not approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; do not authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; do not authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and do not authorize the Public Works Director to execute any subsequent amendments related to this agreement. *Staff does not recommend this alternative.*

FISCAL IMPACT

The Transportation Management Center Project (TMC) is included in the Fiscal Year 2011/2012 Capital Improvement Program budget and will be financed by the Traffic Signals Development Impact Fee fund (Fund 202) and the Air Quality Management Fund (Fund 137). These funds can only be used for traffic signal and air quality improvement purposes. There is no impact to the General Fund. FY 2011/2012 budget amounts are estimated, since final financial data for FY2010/2011 are not yet available.

AVAILABLE FUNDS

FY 2011/2012 Development Impact Fees— Account No. 417.79528	$	220,000
FY 2011/2012 Air Quality Management— Account No. 137.68129	$	215,000
Available Funds	**$**	**435,000**

ESTIMATED COSTS

Central Traffic Control System Software Contract	$	315,000
Modifications to Fishbowl Conference Room	$	40,000
Video display units, furniture and Incidentals	$	60,000
Staff time	$	20,000
Total:	**$**	**435,000**

ANTICIPATED PROJECT SCHEDULE

Prepare plans for space reallocation by:	October 2011
Complete software integration by:	March 2012
Complete space reallocation by:	March 2012

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Services

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 10-13768129

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Kimley-Horn and Associates, Inc., a North Carolina Corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "B" (Consultant's Scope of Work) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as the City of Moreno Valley Transportation Management Center (Project No. 10-13768129).

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "A" attached hereto and incorporated herein by this reference.

3. The City's responsibility is described on Exhibit "B" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $315,000.00 in accordance with the payment terms provided on Exhibit "C" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

5. The Consultant shall commence services upon receipt of written direction to proceed from the City.

6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "D" attached hereto and incorporated by this reference.

7. The Consultant and the City agree that the schedule in Paragraph 6 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

8. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified

delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

9. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

10. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

11. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

12. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

13. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

14. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

15. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure

and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any

third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

16. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

17. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

19. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant

representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

22. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

25. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be

delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

27. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley	Contractor/Consultant Name
BY: _____ City Manager	BY: _____
	TITLE: _____ (President or Vice President)
_____ Date	_____ Date
	BY: _____
	TITLE: _____ (Corporate Secretary)
	_____ Date

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

EXHIBIT B

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT B

EXHIBIT C

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $315,000.00.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
4. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

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MV00110711

MORENO VALLEY ATMS

Statement of Work

Prepared by:

Kimley-Horn and Associates, Inc.

For Review by:

City of Moreno Valley

Version 4.2

June 28, 2011

Exhibit A

PROJECT SCOPE

The following scope of services is for deployment and integration of KITS to meet the mandatory elements listed in KHA's response to the City's RFQ submitted on February 3, 2011.

SCOPE OF SERVICES

Task 1: Project Management

KHA's Project Manager shall act as the principal contact for the City and other involved agencies. KHA's Project Manager will be responsible for the completion of activities associated with the performance of this project. Additional responsibilities include management of project planning activities and tracking of resources associated with each aspect of the project. The Project Management task will be invoiced monthly based on percent complete. Target percentages should be outlined to ensure all parties understand the value of each task executed. KHA's Project Manager shall oversee and participate in the activities of the project.

Prepare Project Status Reports

KHA shall prepare and submit written monthly project status reports. The reports shall include the following information including a schedule outlining target dates for completion of items:

- Period covered by the report.
- Overview of the reporting period.
- Tasks, subtasks, deliverables, goods, services and other work scheduled for the reporting period which were completed.
- Action Items
- Updated Deliverables chart and completion schedule, if necessary.

KHA shall also prepare claims, invoices, billings, and other financial information for review and approval by the City, as required by this agreement.

Task 2: Preliminary Engineering

KHA will meet with City staff to discuss the existing condition of the City's internal network and field network along with future migration plans and schedule. KHA will provide input on communication equipment that the City is considering.

KHA shall collaborate with the City to determine the CCTV and signal controller hardware/firmware specifications for the pilot corridor. It is expected that the City will deploy a signal controller firmware protocol and CCTV encoder that has already been deployed with KITS. KHA will review and demonstrate existing KITS functionality currently deployed for specific firmware/hardware options. A document will be created that summarizes all of City's preliminary engineering decisions.

(continues)

Deliverables:
2.1 Communication Review
2.2 Firmware Specification and Existing Functionality Review
2.3 Signal Controller Hardware and Firmware Recommendations
2.4 CCTV Specification

Task 3: Procurement
Based on the information gathered during meetings with the City's Engineering and IT staff, KHA shall deliver complete equipment list ("Bill of Materials") for full system deployment and submit to the City for review. KHA will review options and provide input on reusing existing City server hardware and software licenses to fulfill the needs of the project. Upon KHA's approval of the equipment list and all system configurations, the City will procure system components, including supporting third party software, system hardware, network equipment, and peripherals. The equipment will remain at the City. The City will assist with the configuration of remote access into the network to enable authorized KHA staff to remotely diagnose the system. Using funds outside of this agreement, the City will purchase 3rd party software that is required for the deployment of the Integrated System. Anticipated software includes:

- SQL Server 2008
- ESRI ArcGIS
- MS Visio Standard
- Notepage PageGate

The workstations will be deployed on Windows XP or 7 and the servers on Windows Server 2008. The Integrated System will utilize SQL Server 2008 as its central database. The specific versions of the tools will be determined in conjunction with City IT preference.

Deliverables:
3.1 Identification of 3rd party software and hardware

Task 4: System Integration
Integration of KITS shall be performed in stages. The following sequence of events details the staged implementation of the KITS system.

1. KHA and the City will conduct multiple meetings to finalize the pilot corridor equipment.
2. The City will procure designated equipment.
3. Based on the City's preference for controller firmware and CCTV equipment, KHA will create a version of KITS that integrates existing modules to support the specified equipment and desired functionality. The source code, reports, registry, and database to support the functionality of the City's modules will be placed under configuration management and version control processes. No new software development is anticipated under this task.

4. A lab configuration will be created and maintained in KHA's facility to simulate the deployment environment.
5. An installation procedure will be generated by KHA. This will be a functional self-contained installation and automate many of the procedures used to install the KITS user interface. This automated installation will include most of the required 3rd party tools and may reference other supporting 3rd party documentation.
6. KHA will come to Moreno Valley to assist City personnel with the installation and configuration of the equipment and required 3rd party software.
7. A backup server will be identified by City staff and configured by KHA for backup and disaster recovery purposes.
8. City personnel, with assistance from KHA, will be responsible for converting and entering signal timing and configuration data into the system database. Preliminary testing will utilize controllers installed in the TMC and/or maintenance facility.
9. KHA will assist City personnel with the installation of 5 compatible BI Tran 233 intersections by assisting with the intersection graphics and configuration of these field signals within the Integrated System and by monitoring the operation of the System at the control center. This assistance will include preliminary training on the graphic configuration within the System.
10. KHA will demonstrate continuous successful communication with the traffic signal controllers and pan-tilt-zoom cameras.
11. KHA will configure compatible mobile devices with the KHA Mobile Performance Metric Collection application. This will allow up to 10 users to generate, high-resolution arterial performance metric data. Authorized users will be able to view and generate reports through a web browser. The arterial performance data will be stored on a server maintained by KHA.

Deliverables:

4.1 Software Configuration
4.2 KITS Installation Program and Procedures
4.3 Software Installation at City TMC
4.4 System Configuration and Integration for 5 Intersections
4.5 CCTV Integration
4.6 Mobile Performance Metrics Integration

Task 5: Documentation

KHA will provide KITS documentation for the City in the following form:

- System User's Manual – provides an overview description of the system, its components, how they are used or accessed by the operators as well as how to use the GUI's for all aspects of the system.
- Quick Start Guide – describes initial configuration and setup of the system. This brief document references the User's Guide, but presents the information in a simple format. The document focuses on data entry, map customization, and initial configuration.

Electronic copies of the final documentation will be provided.

Training topics include:

- On-line help
- Installing software updates
- Intersection phase configuration
- Data integrity
- Naming conventions
- System components
- Effective Monitoring

Deliverables:
5.1 Electronic copies of the System User's Manual and Quick Start Guide for KITS
5.2 Initial Operator Training

Task 6: Remote access configuration
KHA will facilitate meetings with City transportation and IT department to review cost-efficient solutions to allow authorized staff to view relevant signal system information remotely. KHA will assist with the implementation of a remote desktop solution to view and exchange relevant information.

Deliverables:
6.1 Documentation and Configuration Settings for Remote Access

Task 7: Final Training
The final training will be a comprehensive, hands-on review of all previous training sessions. In addition, the City may request additional topics that were not previously covered. The following topics will be discussed:

- Operation and Management of the Integrated System
- Overview of the KITS System
- Operations and System Maintenance
- Security
- Configuration and Customization
- Advanced Functionality

A training schedule will be delivered 2 weeks prior to the comprehensive training sessions that will detail the date and time for each topic. The City can provide input that will help determine the amount of time that is spent on each topic.

(continues)

Deliverables:
7.1 Electronic Copies of Training Documentation (syllabus, manuals, visual presentation materials)
7.2 Hands-on Two Day Workshop

Task 8: Warranty, Support, and Maintenance
The Consultant shall provide a warranty, support, and maintenance for the supplied software for a period of two years. Any ATMS software bugs found during this period will be corrected at no additional cost to the City. New functionality, additions, and enhancements made to the software, that do not constitute a separately packaged and marketed version or module of the system, developed by the Consultant during this period shall be offered to the City at no additional license fee. Upon approval by the City, these enhancements shall be installed and integrated based on current hourly rates.

The Consultant shall provide maintenance services, which will include phone and e-mail support during City's working hours. The Consultant shall perform periodic check-ups and tune-ups several times a year to validate System performance.

Deliverables:
8.1 Two Year Warranty, Support, and Maintenance

Project Deliverables
KHA shall use the standard City software set forth below when preparing deliverables. KHA shall provide deliverables in the appropriate file format (by downloads and/or via e-mail) as follows:

- Microsoft Word or Adobe PDF – Word Processing
- Microsoft Excel – Spreadsheet
- Microsoft PowerPoint – Presentation Materials

The City shall provide comments in electronic format using the same software as outline above.

Optional Operational Support
Other services may be provided in support of the system, its operations or the communication infrastructure for the City as additional services. Authorization by City is required prior to beginning any of these tasks. Services that are not included in this contract, but that may be provided as additional services may include but are not limited to:

- Integration services for additional intersections
- Database population
- Additional intersection graphic configuration
- Communication troubleshooting and integration
- Corridor retiming
- Before and after studies that quantify improvement from deploying the System

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR *LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY* RIVERSIDE SUPERIOR COURT CASE RIC 524877

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500).

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for *Los Angeles Engineering, Inc. v. City of Moreno Valley* Riverside Superior Court Case RIC 524877.

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

BACKGROUND

In 2007, the Community Services District awarded a contract to Los Angeles Engineering to renovate the Moreno Valley Community Park soccer fields. Five

Contract Change Orders were issued for various changes in the scope of the work and as a result of weather delays. Los Angeles Engineering completed the project later than the allowed and refused to process the last three Change Orders. Los Angeles Engineering filed a claim and then a lawsuit in 2009 alleging extra work and extended overhead cost. Gibbs, Giden, Locher, Turner & Senet (GGLTS) were retained to defend the lawsuit and bring the cross-complaint against Los Angeles Engineering.

DISCUSSION

Gibbs, Giden, Locher, Turner & Senet were retained as outside counsel for this case. In January 2009, the City issued a Purchase Order using unencumbered project funds for general legal services for the Moreno Valley Community Park Soccer Field Rehabilitation. Due to the ongoing nature of the litigation, the current Purchase Order is not sufficient to continue the defense of the case and the pursuit of the cross-complaint. Increasing the Purchase Order would allow the City to retain GGLTS to reach a conclusion in the lawsuit. Three sources of funding were used for the project: a State of California grant, Park Improvement Development Impact Fees, and Quimby In-Lieu Fees. In order to use Park Improvement Development Impact Fees for a project, the City must establish a nexus between the development projects paying the fees and the facilities being financed with the fees and the service level to be provided by the facility. Because the soccer fields were expanded by more than 50%, it was reasonable to fund half of the project with Park Improvement Development Impact Fees. The lawsuit is a direct result of the rehabilitation and expansion of the soccer fields. The use of Park Improvement Development Impact Fees for the City to continue to defend the lawsuit and pursue the cross-complaint is established as the result of the project's construction activities. Therefore, the use of Park Improvement Development Impact Fees for legal services against a claim resulting from the Soccer Field Renovations' construction activities is reasonable.

ALTERNATIVES

1. This alternative will allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel to continue the litigation.

2. This alternative will not allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel and may affect the outcome of potential litigation.

FISCAL IMPACT

Staff requests that an appropriation from Park Improvement Development Impact Fees (Fund 205) in the amount of $100,000 be authorized to allow for the purchase order increase and subsequent payments to GGLTS. There is no impact to the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2011/2012 Budget (Account No. 461.65325) $100,000
Total Available Funds $100,000

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Due to the ongoing litigation with Los Angeles Engineering, Inc. over the Moreno Valley Community Park Soccer Field Rehabilitation Project, Staff recommends an appropriation of $100,000 from Parkland Development Impact Fees (Fund 205) to allow for an increase to the Purchase Order to Gibbs, Giden, Locher, Turner and Senet, LLP. This increase will allow for the continuing payment of legal fees and costs due to the litigation with Los Angeles Engineering.

ATTACHMENTS

None

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00110721

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: TRACT MAP 32707 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION
ONE BETTERWORLD CIRCLE, SUITE 300
TEMECULA, CA 92590

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-79 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32707 is a 137-lot single family residential development to be constructed in the City of Perris just south of Moreno Valley's City limits, with a portion of Lasselle Street being improved within the City of Moreno Valley. The project was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, landscaping, and sewer work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $95,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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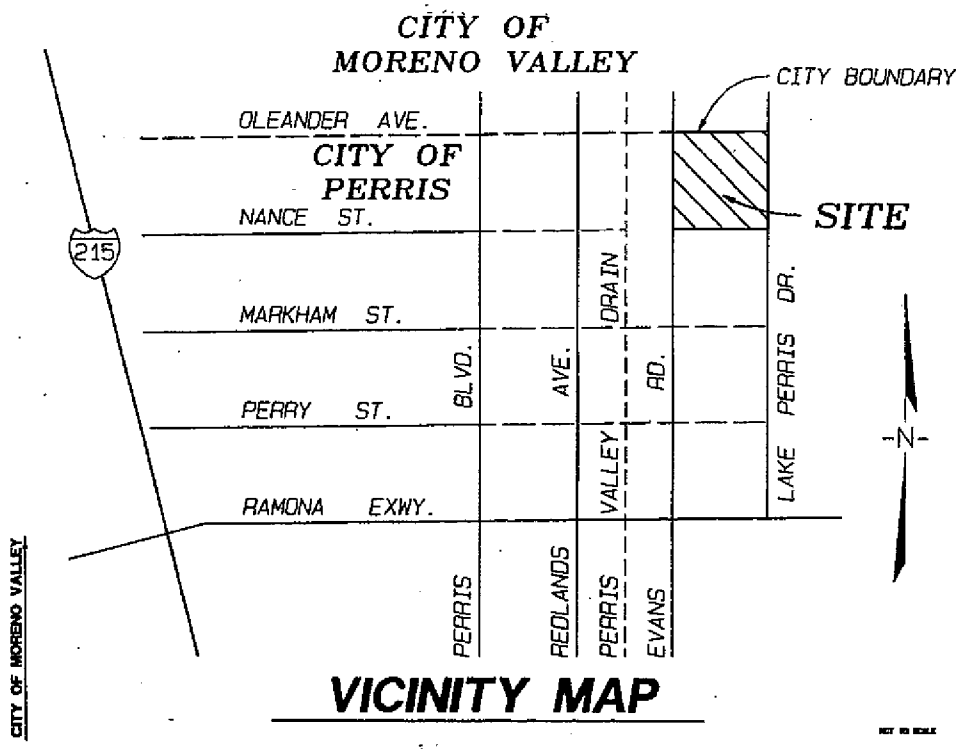

VICINITY MAP

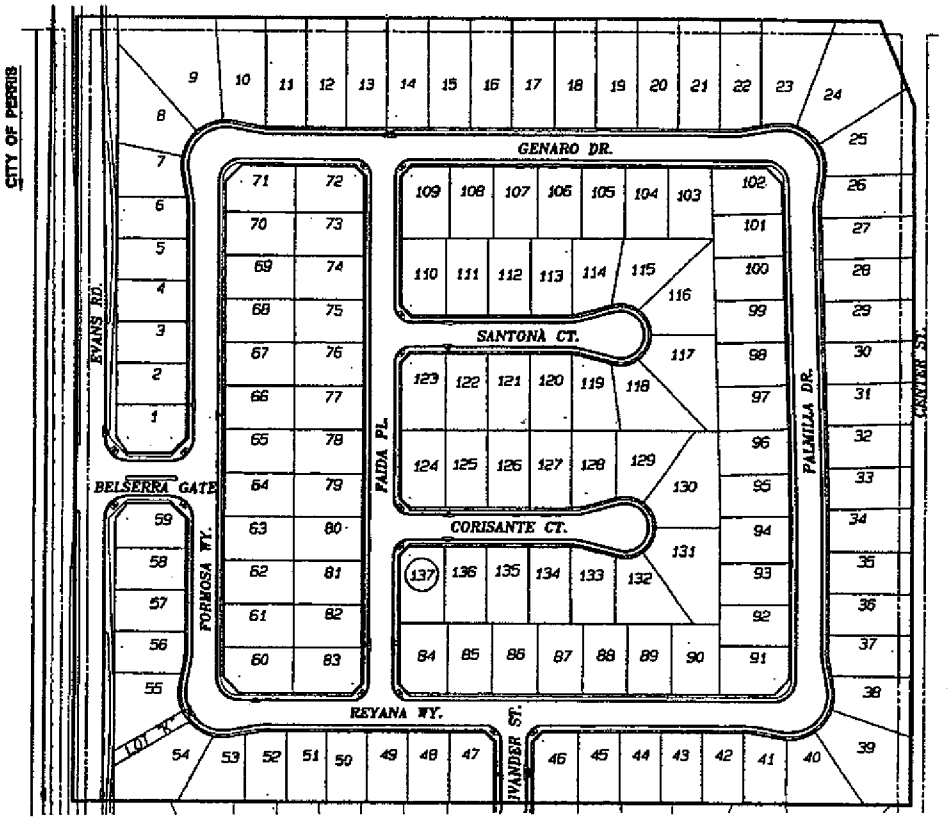

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**TRACT 32707** **VICINITY MAP**

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Item No. A.9

MV00110726

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MV00110727

RESOLUTION NO. 2011-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32707 AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Redhawk Communities. on the portion of Lasselle Street associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32707 and accept the portion of Lasselle Street associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within Tract Map 32707 are complete, and the portion of Lasselle Street associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

EXHIBIT "B"

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00110731

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract to Beador Construction Company, Inc. (Beador) and authorized the issuance of a purchase order in the amount of $243,960 for the 2011 Citywide Bridge Maintenance Program.

DISCUSSION

The 2011 Bridge Maintenance Program involved the application of Methacrylate Deck Treatment to three (3) bridges including Cactus Avenue Bridge, west side of Kitching Street (Bridge No. 56C0407), Bay Avenue Bridge, 0.25 mile east of Kitching Street, (Bridge No. 56C0401), Oliver Street Bridge, 500 feet north of John F. Kennedy Drive (Bridge No. 56C0559). Work on the remaining five (5) bridges included cold mill and pave back the existing asphalt concrete over the bridge deck and the bridge approaches at the following bridges: Cottonwood Avenue Bridge, 0.2 mile east of Heacock Street (Bridge No. 56C0214), Dracaea Avenue Bridge, 0.14 mile west of Indian Street (Bridge No. 56C0274), Cactus Avenue Bridge, 0.5 mile west of John F. Kennedy Drive (Bridge No. 56C0420), Cactus Avenue Bridge, 0.2 mile west of John F. Kennedy Drive (Bridge No. 56C0421), and Perris Boulevard Bridge Approaches, 1.0 mile south of Iris Avenue (Bridge No. 56C0464).

At the time of preparation of this Staff Report, the project is anticipated to be complete by June 30, 2011. Subsequently, staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost will not exceed the approved purchase order amount of $243,960. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release of retention money to Beador thirty five (35) calendar days after the date of recordation of the Notice of Completion, and accept the improvements into the maintained road system. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2010-2011 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. There is no impact to the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2010/2011 Budget (Account No. 226.79828)	$420,000
Total Available Funds	**$420,000**

ESTIMATED PROJECT COSTS:

Contractor Construction Costs*	$244,000
Project Administration, Design, and Inspection	$45,000
Miscellaneous Costs	$2,000
Total Estimated Project Costs	**$291,000**

*Staff anticipates that Contractor Construction Costs will not exceed purchase order amount.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Beador is anticipated to complete the 2011 Citywide Bridge Maintenance Program project by June 30, 2011. The City Council is requested to authorize the Public Works Director / City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Beador, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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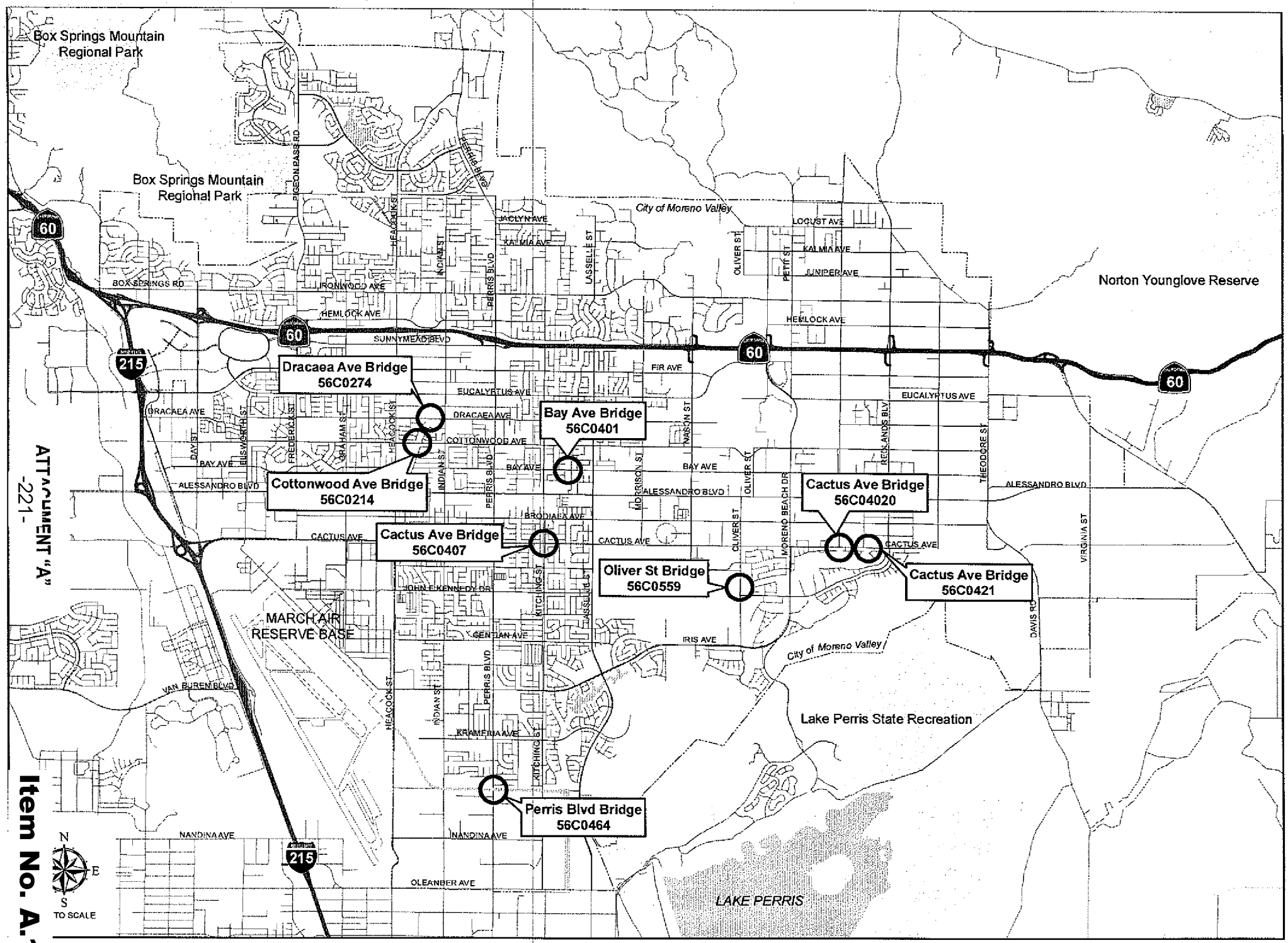

VICINITY MAP: 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM - MORENO VALLEY

ATTACHMENT "A"

-221-

Item No. A.10

MV00110736

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MV00110737

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Community and Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date

of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

BACKGROUND

On June 22, 2010, the City Council awarded a contract in the amount of $706,716 to San Pedro Sign Company (SPESCO) and authorized the issuance of a purchase order in the amount of $812,724 for the construction of the Moreno Valley Auto Mall Freeway Pylon Sign.

DISCUSSION

The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase business advantageous by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The pylon sign is an integral element of the plan. The sign is located on the south side of the SR60 freeway, east of Moreno Beach Drive. This project replaced the existing aged and worn freeway sign with a new up-to-date high-tech two (2) sided sign that includes a larger video display. The sign is in conformance with the "Specific Plan No. 5 Sign," and is 31 feet wide and stand approximately 85 feet in height, as seen from the freeway.

At the time of preparation of this Staff Report, the construction of the pylon sign is anticipated to be completed at end of June 2010. Subsequently, Staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost is estimated at approximately $725,000 which does not exceed the approved purchase order amount of $812,724. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council and the Redevelopment Agency to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, authorize the release to retention money to SPESCO thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the pylon sign to the Moreno Valley Dealers Advertising Association. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public

Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will allow for timely payment to the Contractor and the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements, and delaying the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2010/2011 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2010/2011 Budget (Account No. 897.91725)..... $1,512,000

CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$725,000
Project Administration, Design Support, and Inspection Costs*	$ 46,000
Construction Support Services and Miscellaneous Costs	$ 15,000
Total Construction Related Costs	**$786,000**

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

SPESCO has completed the Moreno Valley Auto Mall Freeway Pylon Sign project. The City Council and the Community Redevelopment Agency is requested to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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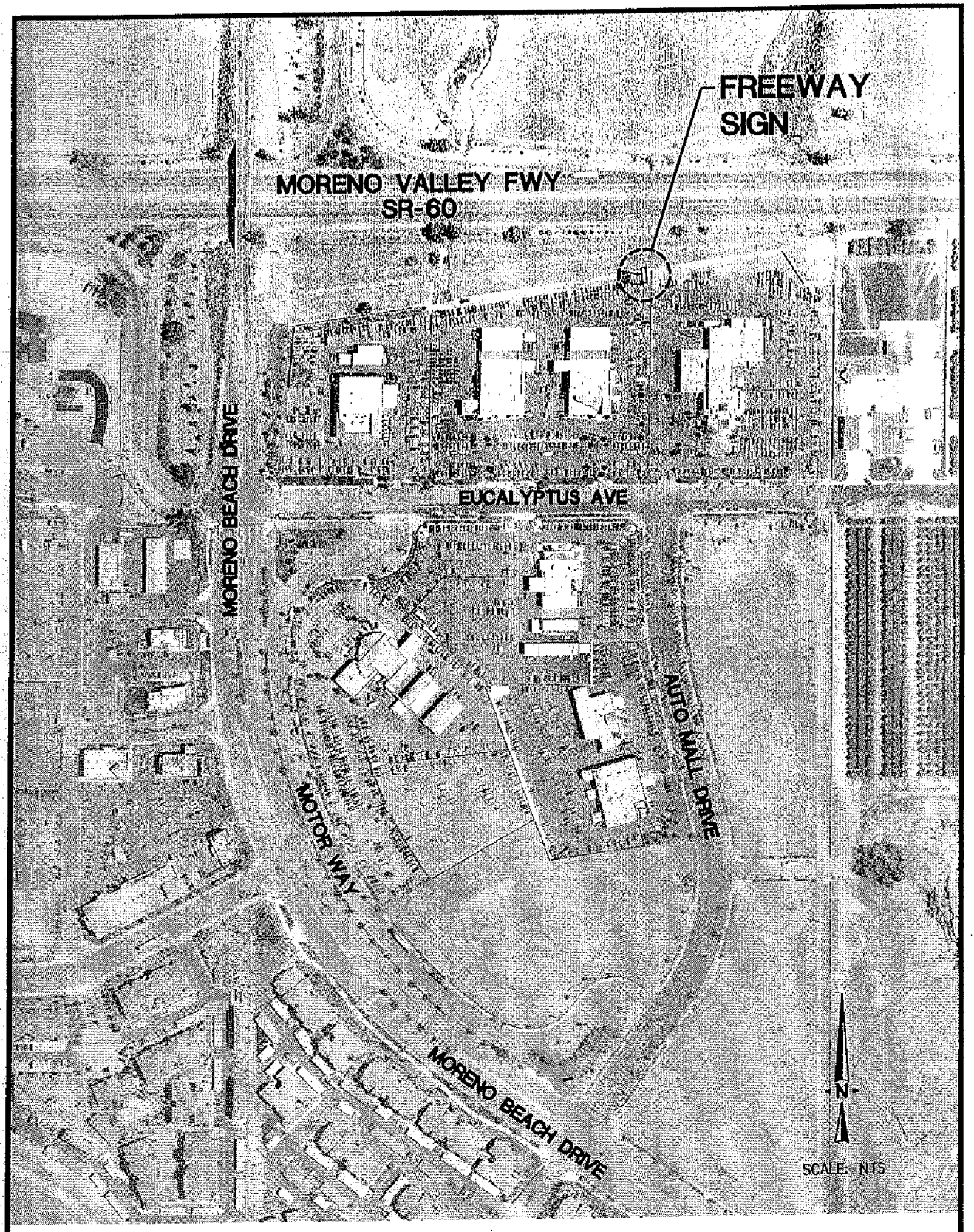
FREEWAY SIGN
MORENO VALLEY FWY
SR-60
MORENO BEACH DRIVE
EUCALYPTUS AVE
AUTO MALL DRIVE
MOTOR WAY
MORENO BEACH DRIVE
N
SCALE: NTS

VICINTY MAP

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MV00110743

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division.

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto.

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

BACKGROUND

On July 13, 2010, City Council approved a Project Agreement in the amount of $99,000 with OPC for a one year period.

DISCUSSION

Due to the vacant City staff "Senior Real Property Agent" position, as well as an increase in project related right of way activities, additional resources are necessary. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to extend their Project Agreement with OPC.

OPC staff has an excellent track record of providing right of way services for budgeted capital improvement projects including, but not limited to, Kitching Street Improvements, Day Street Improvements, and Lasselle Street Widening Improvements. In the upcoming fiscal year, OPC staff will continue to work on right of way for projects such as the Perris Boulevard from PVSD Lateral "B" to Cactus Avenue Improvements, Perris Boulevard from Ironwood Avenue to Manzanita Avenue, acquisition of property for the future Industrial Fire Station and Fire Station No. 65, and other budgeted capital projects as assigned.

Staff recommends issuing an increase to the purchase order and executing the "First Amendment to Agreement for Professional Consultant Services" with OPC for a continuation of their services. The purchase order increase for $85,000 allows for additional right of way services by the in-house consultant staff on an as-needed basis with a revised contract expiration date of December 31, 2012.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, do not authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and do not authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Project Agreement for Professional Consultant Services" with OPC will be fully expended in September 2011. This First Amendment increases the purchase order by $85,000 to extend the as-needed temporary professional staffing services to December 31, 2012. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City

the ability to terminate the agreement by giving at least ten days written notice to the consultant.

As costs are incurred against this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The anticipated associated costs for the purchase order increase will be funded through DIF Arterial Streets (Fund 416), TUMF Capital Projects (Fund 415), Fire Station Funds (Fund 434), and Measure "A" (Fund 125):

Perris Boulevard from PVSD Lateral "B" to Cactus Avenue (416.78526)..... $30,000
Perris Boulevard from Ironwood Avenue to Manzanita Avenue (415.78726)..... $29,000
Industrial Fire Station (434.67930)..... $11,000
Fire Station No. 65 (434.72526)..... $11,000
Highland Fire Station (434.67830)..... $4,000
Total..... $85,000

These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

Due to the need for in-house right of way services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with OPC is necessary to continue the temporary professional staffing services for the Capital Projects Division. Staff recommends that the City Council authorize the execution of the Amendment and increase to the purchase order to OPC in the amount of $85,000.

ATTACHMENTS

Attachment "A" – First Amendment to Project Agreement for On-Call Professional Consultant Services

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT AGREEMENT
FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES
VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Overland, Pacific and Cutler, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT for ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 22, 2010.

Whereas, the Consultant is providing Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed).

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 13, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as Exhibit "A" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended to December 31, 2012.

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A”, entitled "Consultant Proposal.”

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B”, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $85,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “B”.

1.5 The total “Not to Exceed” fee for this contract is $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley	Overland, Pacific and Cutler, Inc.
BY: _____ City Manager	BY: _____
DATE: _____	TITLE: _____ (President or Vice President)
	BY: _____
	TITLE: _____ (Corporate Secretary)

Attachments: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

W:\CapProj\CapProj\hirestaffconsultant\Right of Way - OPC\New Project Agreement 4-2010\First Amendment\First Amendment to Project Agreement 7-2011.DOC
Revised Dec 2010

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MV00110751

OVERLAND PACIFIC & CUTLER, INC.
www.OPCservices.com
2280 Market Street, Suite 340, Riverside, CA 92501
phone: (951)683-2353, fax: (951)683-3901

June 13, 2011

Ms. Kimberly Jester
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: Continuation of In-House Right of Way Consulting Services 2011

Dear Ms. Jester:

In response to your request, Overland, Pacific & Cutler, Inc. (OPC) is pleased to present the City of Moreno Valley with this brief fee proposal for the continuation of in-house staffing services under our existing Professional On-Call Services Agreement.

OPC is proposing to continue with the existing arrangements and will assign Mr. Michael Green to the City for another one (1) year term beginning January 1, 2012 and expiring December 31, 2012. Mr. Green will be working at a rate of $105 per hour, Tuesdays and Thursdays, from 8:00 AM to 5:00 PM. At 16 hours per week for the year, we estimate the total annual cost to be $87,360, plus any reimbursable expenses pursuant to the Professional On-Call Services Agreement. Should the actual hours increase or decrease over the coming year, the estimated cost will adjust accordingly.

Should you have any questions or would like to discuss further, please do not hesitate to call me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Principal/Vice-President

EXHIBIT "A"

Item No. A.12

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MV00110753

COST SUMMARY

1. The Consultant's compensation shall not exceed $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

EXHIBIT "B"

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MV00110755

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 12, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $1,768,222.35 to Riverside Construction Company, Inc., for the Ironwood Avenue improvements from Day Street to Barclay Drive. The project construction work began on December 6, 2010.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company, Inc. by July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $1,675,000 which is not expected to exceed the approved purchase order amount of $1,768,222.35. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally consisted of widening the south side of Ironwood Avenue from Day Street to Barclay Drive with the addition of one (1) lane plus a right turn lane, which included concrete curb, gutter, and sidewalk covering approximately 1,600 linear feet. Improvements included approximately 1,402 feet of new waterline in Ironwood Avenue beginning at Day Street and connecting to an existing waterline east of Athens Drive, a masonry block retaining wall along the southerly right of way line between Day Street and Athens Drive, storm drain improvements in Ironwood Avenue at the intersection of Athens Drive, a traffic signal modification at Day Street and Ironwood Avenue, a new traffic signal at Athens Drive and Ironwood Avenue, street lighting, and interconnect improvements. The modifications facilitate a smooth transition through the intersections for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue. Ironwood Avenue becomes Box Springs Road just west of Day Street.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion

within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Ironwood Avenue improvements from Day Street to Barclay Drive were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). In accordance with the terms of the Reimbursement Agreement, EMWD deposited $100,273 to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue through fund 414 (Account No. 414.80422); this amount may be adjusted based on final construction costs for this portion of the work. The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91727)	$2,585,000
Fiscal Year 2010/2011 (Account No. 414.80422)	$150,000
Total Budgeted Funds	$2,735,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	**$1,675,000**

Design Support Costs during Construction	$60,000
Construction Geotechnical Services	$30,000
Construction Survey Services	$30,000
Project Administration and City Inspection*	$80,000
SCE Costs (Utility, Streetlights, and Permits)	$32,000
Total Project Construction Costs	**$**1,907,000

*Public Works staff provided project administration and primary inspection services. Additional consultant inspection support was provided for supplemental inspection.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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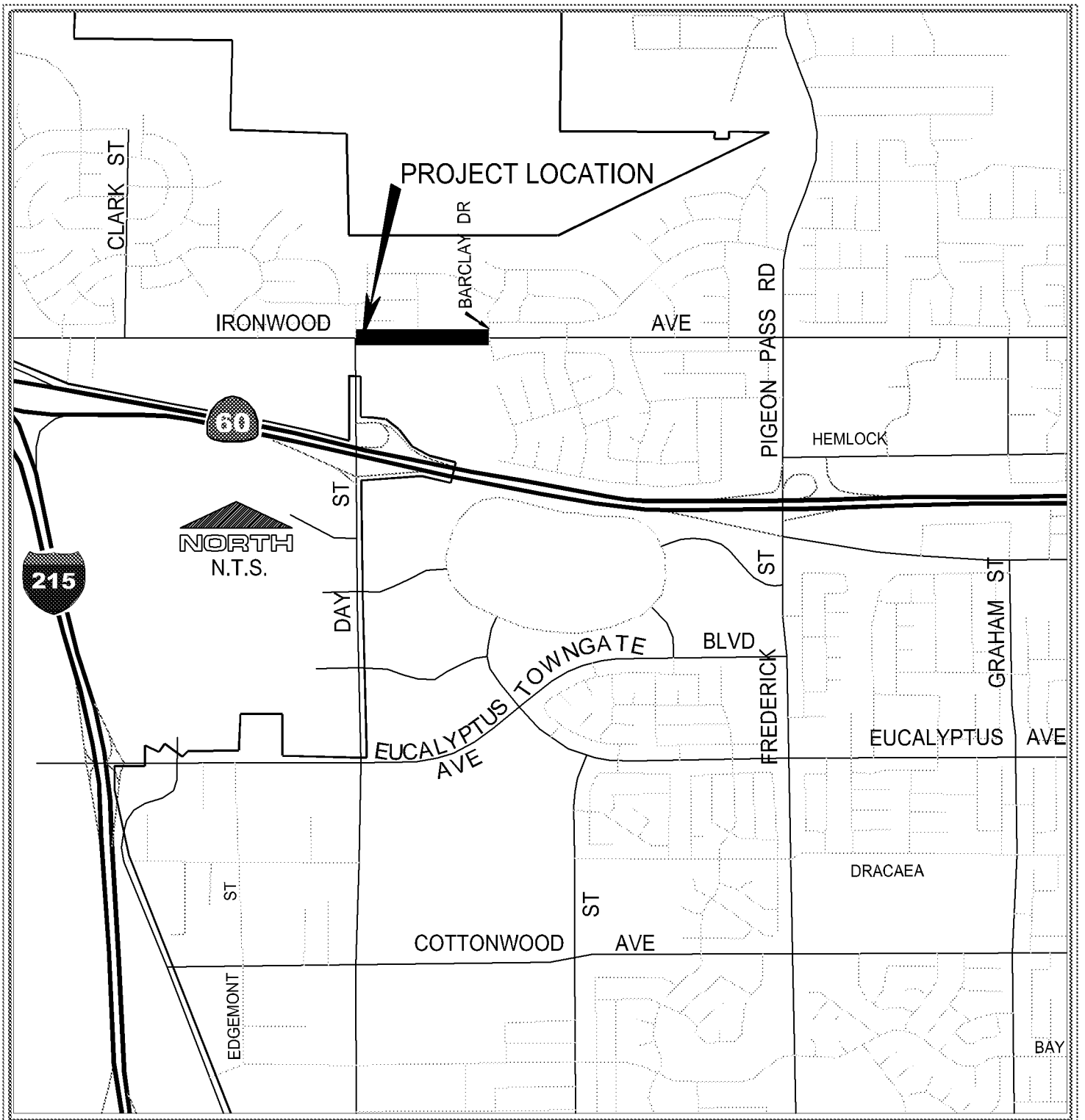

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027

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MV00110761

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 26, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $207,299 to SoCal Engineers, Inc., for the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east). The project construction work began on January 24, 2011.

DISCUSSION

Staff anticipates that all work will be completed by SoCal Engineers, Inc. in July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final construction cost will be approximately $205,000 which is not expected to exceed the approved purchase order amount of $207,299. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion after the Public Works Director/City Engineer accepts the improvements as complete with the County Recorder, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally involved the installation of a new traffic signal at the intersection of Sunnymead Ranch Parkway and Village Road (east). The work also included the removal and construction of new asphalt concrete pavement, curb and gutter, sidewalk, access ramps, interconnect conduit, and a residential driveway approach, as well as restriping of the intersection, and the installation of signage.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the

improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

The traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east) were included in the Fiscal Year 2010/2011 budget, and financed by DIF Traffic Signal Capital Projects (Fund 417). The funding for this project is restricted to traffic signal capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 417.79229)	$249,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Cost	$205,000
Construction Surveying Cost	$2,000
Construction Geotechnical Cost	$2,000
City Furnished Equipment	$19,000
Project Administration and Inspection Services	$21,000
Total Project Construction Costs	**$249,000**

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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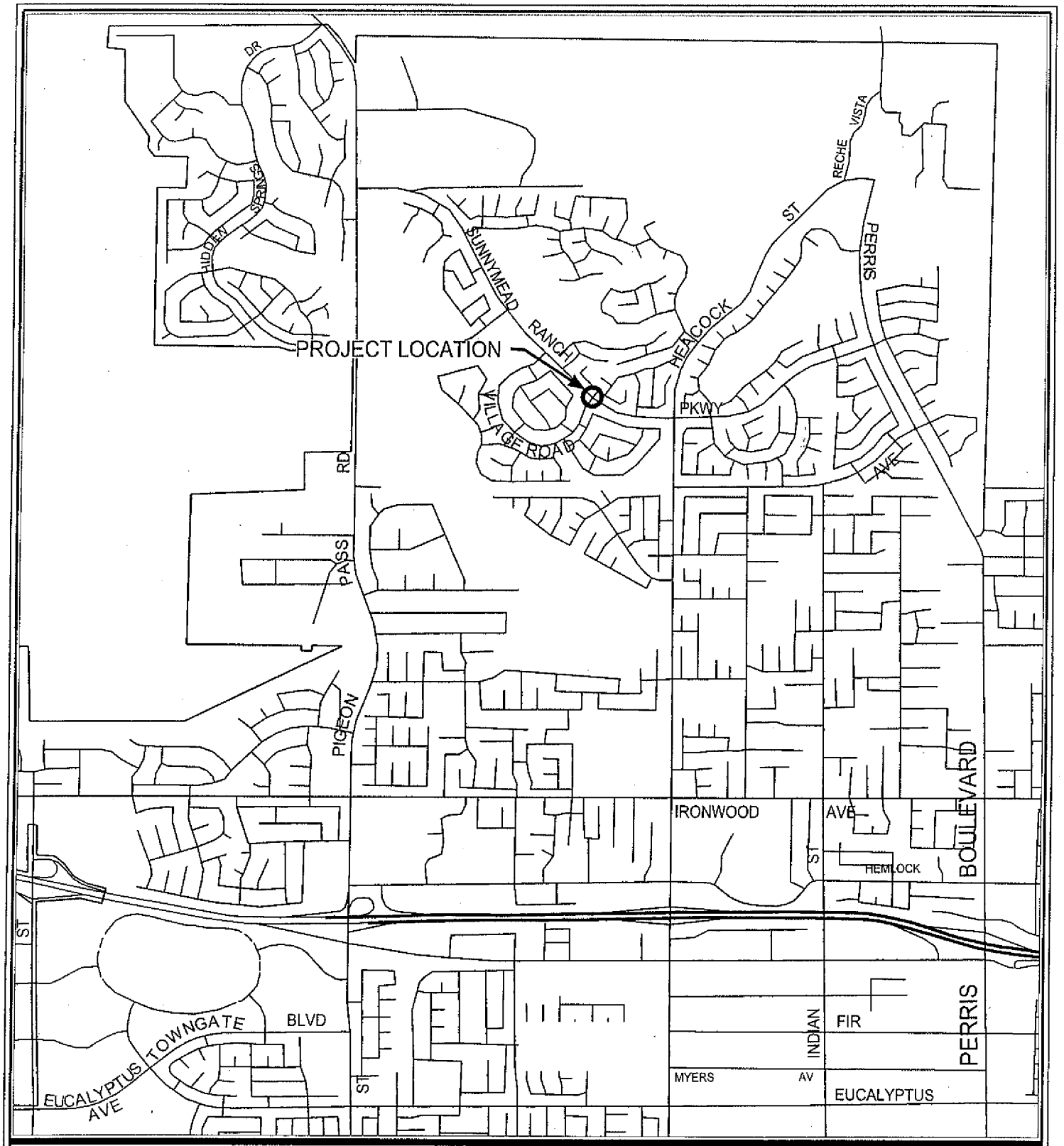

ATTACHMENT "A" - LOCATION MAP

Public Works Department Capital Projects Division	PROJECT NO. 10-41779229 TRAFFIC SIGNAL AT SUNNYMEAD RANCH PKWY AND VILLAGE RD (EAST)
Scale: None	
THOMAS GUIDE - PAGE 687, SECTION D6	

Item No. A.14

MV00110766

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MV00110767

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On May 25, 2010, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,912,608.76 to Hillcrest Contracting, Inc. The work consisted of the construction of street, signing, striping, waterline, utility relocation, and other related road improvements on Day Street between Alessandro Boulevard and Cottonwood Avenue. The City issued a Notice to Proceed to Hillcrest Contracting, Inc. to start work on July 13, 2010.

On February 22, 2011, City Council and the Community Redevelopment Agency were informed that a design error was discovered pertaining to the design and construction of a portion of the street curb and gutter tied to a cross gutter to facilitate surface drainage, located on a short segment of the northerly end of Day Street, just south of Cottonwood Avenue. City Council also authorized an increase of the Purchase Order to a total amount of $2,104,608.76.

Staff is diligently working to resolve the drainage issue independently of this construction contract as part of a second phase of improvements for Day Street. This second phase, Storm Drain Improvements on Day Street South of Cottonwood Avenue, is included in the Fiscal Year 2011–12 CIP, which City Council adopted on June 14, 2011.

DISCUSSION

Hillcrest Contracting, Inc. completed all construction work per the plans and specifications in April 2011. In accordance with the contract documents, however, the date of acceptance of the work for this project by the City Council is contingent upon the satisfactory conclusion of the 90 day maintenance period, which is scheduled for the end of July 2011.

Staff is in the process of negotiating the final Contract Change Order and anticipates the final contract cost will be approximately $1,953,000.00 which does not exceed the approved purchase order amount of $2,104,608.76. Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice

of Completion. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2010-2011 Budget and is financed by RDA 2007 Tax Allocation Bonds (TABS) funds (Fund 897). **These funds have been allocated for the Day Street from Alessandro Boulevard to Cottonwood Avenue Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

FISCAL YEAR 2010-2011 BUDGETED FUNDS (ACCOUNT NO. 897.91724):
RDA 2007 Tax Allocation Bonds (TABS) $2,413,377

FINAL CONSTRUCTION RELATED COSTS:

Design Support Services during Construction	$15,000
Anticipated Contractor Construction Costs	$1,953,000
Construction Geotechnical Services	$15,000
Construction Survey Services	$45,000
Construction Inspection Services	$12,000
Project Administration and City Inspection	$90,000
Total Project Construction Costs	$2,130,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hillcrest Contracting, Inc. completed construction of the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue at the end of April 2011 and, anticipating the successful completion of the 90 day maintenance period, the project will be complete at the end of July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Lorenz R. Gonzales, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community &Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00110773

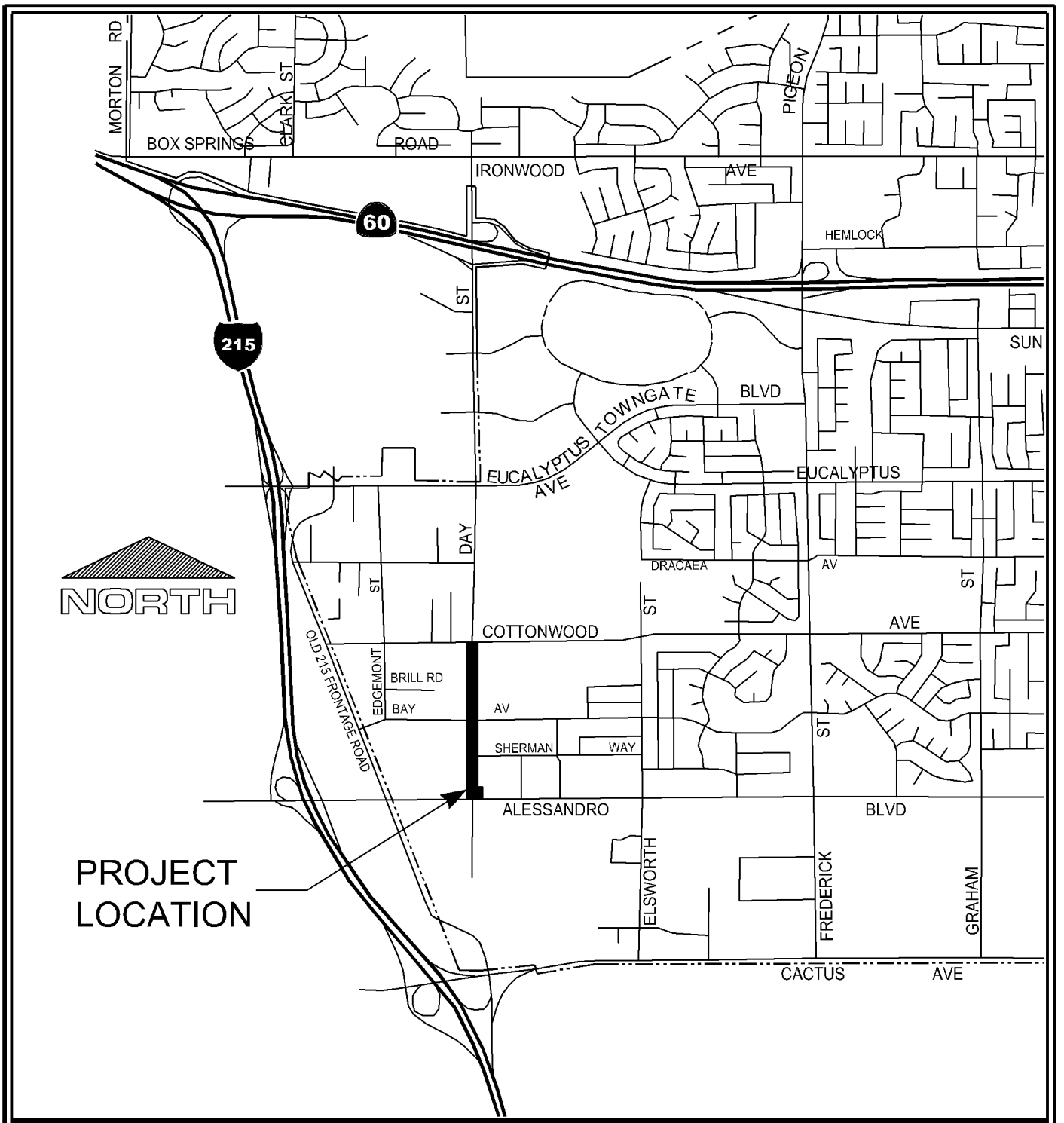

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

STREET IMPROVEMENTS FOR DAY STREET
FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE
PROJECT NUMBER 02-89266920

Item No. A.15

MV00110774

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MV00110775

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: July 12, 2011

TITLE: RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On April 12, 2005, Moreno Valley City Council adopted Resolution No. 2005-30, authorizing the City Manager, Assistant City Manager and the Public Works Director/City Engineer to execute documents on behalf of the City of Moreno Valley for the purpose of obtaining federal and state financial assistance.

California Emergency Management Agency has required that Moreno Valley City Council adopt a new resolution in place of Resolution No. 2005-30, designating and authorizing City officials to execute applications and documents.

DISCUSSION

To apply for and receive disaster relief and other financial funding offered under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and/or under the California Disaster Assistance Act, the City of Moreno Valley must designate City officials who are authorized to execute applications and documents on behalf of the City. Resolution No. 2011-xx rescinds Resolution 2005-30 and authorizes the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer to execute documents on behalf of the City.

ALTERNATIVES

1. Adopt the proposed amended Resolution re-designating and authorizing signature authorities to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act. **Staff recommends this alternative.**

2. Do not adopt the proposed Resolution. This alternative would prevent the City from receiving disaster relief and other financial funding.

3. Provide staff with further direction.

FISCAL IMPACT

Without a new Resolution, the City would not be eligible to receive disaster relief and other financial funding.

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

Publication of the Council Agenda.

ATTACHMENTS/EXHIBITS

Exhibit “A” - Proposed Resolution

Prepared By:
Name LeAnn M. Coletta, CEM
Title Office of Emergency Management Program Manager

Department Head Approval:
Name Steve Curley
Title Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00110779

RESOLUTION NO. 2011-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING RESOLUTION NO. 2005-30, AND RE-DESIGNATE AND AUTHORIZE CERTAIN CITY OFFICIALS TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

WHEREAS, Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, requires a signature resolution designating and authorizing certain city officials to execute applications and documents necessary to obtain financial assistance; and

WHEREAS, the City Council of the City of Moreno Valley heretofore adopted Resolution No. 2005-30, designating and authorizing certain city officials to execute said applications and documents; and

WHEREAS, the California Emergency Management Agency has required that the Moreno Valley City Council update Resolution No. 2005-30 in order to be eligible for financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer, is hereby authorized to execute for and on behalf of the City of Moreno Valley, a local government established under the laws of the State of California, applications and other related documents for filing in the California Emergency Management Agency for purpose of obtaining financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

2. That the City Council of the City of Moreno Valley, a local government established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00110783

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis.

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto.

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

BACKGROUND

On September 14, 2010, City Council approved an "Agreement for On-Call FY 10/11 Project Management Services" with VAS Associates, Inc. for $285,000 for various projects of the Capital Projects Division.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

VAS will serve as the Project Manager for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. These fast-tracked projects are part of the April 26, 2011 City Council approved Economic Development Action Plan. Furthermore, VAS will continue to work in the capacity of Consultant Project Manager for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue, which is anticipated to begin construction in the fall of 2011.

VAS currently provides Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract. This action is necessary due to on-going heavy workload and shortage of qualified, experienced, and knowledgeable Project Managers to complete budgeted capital improvement projects funded by various revenue sources as depicted in the FY 11/12 CIP budget.

VAS staff possesses a unique combination of skills as well as 30-plus years of industry experience. Their in-depth knowledge of the Public Contract Code, Green Book Specifications, and public works contracting practices, coupled with a vast network of contacts and experience with various Riverside County regional agencies has contributed to the successful execution of many complex public works projects. Two of the projects completed for the City by VAS staff received the Project of the Year Award from the American Public Works Association, Southern California Chapter.

VAS has a long-standing and proven track record of managing high-profile construction projects that are completed on time and within budget. Within the recent past, VAS has successfully completed the Kitching Street Improvements from Cactus Avenue to Alessandro Boulevard, which improved 2,800 linear feet of roadway segment to its General Plan width of four (4) travel lanes; the Lasselle Street Widening project, the widening of a one-mile stretch of roadway to its ultimate General Plan width of four (4) travel lanes; and the 2011 Citywide Bridge Maintenance Program, a project that repaired eight (8) bridges within the City. Previously, VAS constructed Pigeon Pass Road Widening, which completed improvements for missing segments of a two-mile section of roadway. VAS successfully completed several traffic signal construction projects such as the traffic signals at Cottonwood Avenue and Pattilynn Drive, Lasselle Street and Bay Avenue, and Lasselle Street and Cottonwood Avenue.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all

parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, do not authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and do not authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

The current Agreement for Professional Consultant Services with VAS will be fully expended in by late 2011/early 2012. This new amendment to agreement in the amount of $312,000 is for on-going services throughout the anticipated duration of the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. The new agreement termination date is June 30, 2013. Adequate funding is provided through the various budgeted capital improvement projects assigned to the consultant. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Avenue budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Amendment to Agreement for Professional Consultant Services will be funded through TUMF Capital Projects (Fund 415).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$196,000
Perris Boulevard Widening (Account No. 415.70225)	$116,000
Total	**$312,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for additional temporary project management consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, the First Amendment to Agreement for Professional Consultant Services with VAS is necessary to extend temporary professional staffing services to the Capital Projects Division. Staff recommends issuance of a purchase order to VAS in the amount of $312,000.00.

ATTACHMENT

Attachment "A" – First Amendment to Project Agreement for On-Call Project Management Services for Various Projects of the Capital Projects Division

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and VAS Associates, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT FOR ON-CALL FY 10/11 PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION," hereinafter referred to as "Agreement," dated September 21, 2010.

Whereas, the Consultant is providing consultant Project Management services for budgeted Capital Improvement Plan (CIP) projects of the Capital Projects Division.

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 14, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as “Exhibit A -- First Amendment” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended from March 31, 2012 to June 30, 2013.

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A” -- First Amendment, entitled "Consultant Proposal."

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B” -- First Amendment, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $312,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “A” - First Amendment.

1.5 The total “Not to Exceed” fee for this contract is $597,000 ($285,000 for the original Agreement plus $312,000 for the First Amendment to Project Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley

BY: _____
City Manager

DATE: _____

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

VAS Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

Attachment: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

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Revised Dec 2010

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MV00110791

VAS Associates, Inc.
571 Ruth Circle
Corona, CA 92879-8088
(951) 314 2288
Viren50@hotmail.com

June 14, 2011

Prem Kumar, PE
Deputy Public Works Director/Assistant City Engineer
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Annual On-Call Professional Consultant Services-Project Management for Capital Improvements. Expansion of Services.

Dear Mr. Kumar:

VAS Associates, Inc. (VAS) is pleased to submit this proposal that expands services based on our recent discussions that identified needs of Capital Projects Division of Public Works Department based on recently adopted new set of priorities for the division in accordance with the following:

A) It is our understanding that previous assignment to VAS as identified in VAS letter dated August 2, 2010 to the City has now been expanded/revised to include the following projects:

- Design, Right of Way, Utilities Relocations and Construction phases for Perris Boulevard Widening from Ironwood to Manzanita Project.
- Completion of PS&E, Utilities Coordination and Construction phases for Cactus Avenue widening from Lasselle Street to Nason Street project.
- Completion of PS&E, Utilities Coordination and Construction phases for Nason Street improvements from Iris Avenue to Cactus Avenue project.
- Close out of 2011 Citywide Bridge Maintenance Program project.
- Completion of PS&E and Major Utilities Relocations for Kitching Street Improvements-Phase II from Gentian to Cactus project.
- Completion of PS&E including Utilities Relocation design for Reche Vista Drive Realignment project.

B) Our staff hourly billing rate will be $120/Hour. Standard Work Week will be based on a 40 Hours/Week.

C) VAS services are requested at least until June 30, 2013 to ensure completion of the above-mentioned project assignments.

D) All other terms of the "Agreement for Annual On-Call Professional Consultant Services – Project Management for Capital Improvements" between the City of Moreno Valley and VAS will remain in force.

We look forward to continue to provide quality project management services to the City of Moreno Valley. If you have any questions, please do not hesitate to contact me at 951.314.2288.

Sincerely,

Viren Shah, PE
Principal

COST SUMMARY

1. The Consultant's compensation shall not exceed $597,000 ($285,000 for the original Agreement, plus $312,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of invoice.

EXHIBIT "B"

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MV00110795

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto.

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

BACKGROUND

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require

dedicated, knowledgeable, and efficient support with experience in assisting with these types of projects.

The Capital Projects Division currently receives Consultant Administrative Specialist services for several design and construction projects under an existing professional consultant service contract with RLZ Engineering, Inc. which is anticipated to be fully expended shortly. The key individual with RLZ Engineering, Inc. will be moving over to DMC Design Group, Inc. (DMC) and proposes to provide similar services through a new agreement with DMC.

Consultant staff will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with coordinating weekly meetings, permit and license processing, utility coordination, tracking consultant, vendor, and contractor progress, ensuring contract requirements are met, processing agreements and amendments, writing purchase requisitions and change orders, processing invoices for payment, labor and DBE compliance, as well as construction legal requirements.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes proficient review of certified payroll and vast knowledge of Department of Industrial Relations requirements, long-standing and proven history of processing contractor payments within 30 days including dealing with Stop Notices and release of retention in line with City financial and accounting procedures, understanding of the public bidding procedures and contract administration per the Public Contract Code, as well as processing Stop Notices and fulfilling Public Records requests in coordination with the City Clerk's Office. The Consultant staff has five years experience in Capital Projects and an additional five years experience in the construction engineering field for the private sector.

Consultant staff has a long-standing and proven track record of providing administrative support to on-time and on-budget projects such as the Lasselle Street Widening, Kitching Street Phase I Improvements, and the last two cycles of the Annual Bridge Maintenance Program. In addition to the services provided for the Cactus Avenue and Nason Street projects, the consultant staff will assist with the contract administration, accounting, invoice processing, as well as the development of the Five-Year CIP Budget for other approved projects on an as-needed basis.

The consultant staff will work on a full-time, 36-hour per week schedule. The Agreement termination date is June 30, 2013. DMC has acknowledged the current economic downturn that the City faces, and has reduced the hourly rate by approximately 2%.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted

Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and do not authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

This proposed "Agreement for Professional Consultant Administrative Services" with DMC in the amount of $139,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$80,000
Perris Boulevard Widening (Account No. 415.70225)	$40,000
Moreno Beach Widening (Account No. 416.83428)	$7,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$139,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant administrative services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Agreement for Professional Consultant Administrative Services with DMC Design Group, Inc. Staff also recommends issuance of a purchase order to DMC in the amount of $139,000.00.

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Administrative Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File
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AGREEMENT FOR PROFESSIONAL
CONSULTANT ADMINISTRATIVE SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and DMC Design Group, Inc., a California corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES

DESCRIPTION OF PROJECT

1. The project involves temporary administrative services for the Capital Projects Division associated with applicable capital improvements. The work will include administrative and accounting support services and other project-related duties as assigned.

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Scope of Services shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **$139,000** in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on June 30, 2013 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth herein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City

acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform

their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits

hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors

and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

DMC Design Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Scope of Work
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**

2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.

3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00110813

SCOPE OF WORK

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating, and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports; reviewing and processing consultant, contractor, and vendor invoices for payment; processing journal entries; and reviewing project expenditures. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

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MV00110815

June 15, 2011

Prem Kumar, PE
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Temporary Staffing for Professional Administrative Consultant Services

Dear Mr. Kumar:

DMC Design Group, Inc. is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Kimberly Jester is currently providing Consultant Contract Administrative Specialist services through an agreement with RLZ Engineering, Inc. Ms. Jester has provided these services through RLZ as well as a City employee since October 2006. As of September 1, 2011, Ms. Jester proposes to begin performing through DMC Design Group, Inc. (DMC).

Scope of Services and Fees:

Ms. Jester will provide consultant administrative specialist services, on a full-time (36 hours per week) basis at a rate of $61.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $139,000 for approximate fifteen months of service. Authorized work beyond normal 36 hours workweek will also be billed at $61.00 per hour.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

If you have any questions regarding this proposal, please contact me at 951.549.8100.

Sincerely,

Donna A. Cosper

Enclosure: Kimberly Jester Resume

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MV00110817

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

EXPERIENCE

2008 - Present **City of Moreno Valley** ***Contract Administration Specialist, RLZ Engineering, Inc.***
2006 2008 **City of Moreno Valley** ***Management Assistant, City Staff***

- Prepare project-specific expenditure analyses; including routine review of reports to ensure available budget versus expenditures balance.
- Develop and utilize spreadsheets, databases and other computer applications to assist with assigned studies, projects and reports.
- Perform analytical and administrative assignments in connection with preparation and management of division budgets and grant-funded programs.
- Perform administrative, management, program and other analysis assignments in accordance with established procedures and practices.
- Write contracts for services and goods for approval by Department Head through City Manager approvals.
- Prepare and process purchase requisitions and change orders for services and goods for approval by Department Head through City Manager approvals.
- Process contractor and service invoices for payment; including detailed review and analysis of invoice to ensure that charges are correct and consistent with work done.
- Review certified payroll reports for construction projects.
- Write staff reports for presentation to City Council.
- Review, edit and proofread other staff members' reports for presentation to City Council.
- Prepare exhibits and attachments for staff reports, with high attention to the accuracy of detailed data from multiple sources.
- Conduct research, analyze data and draft policy and procedure documents to address identified needs and issues

2003 - 2006 **Masson & Associates, Inc.** ***Operations Manager***
Civil Engineering and Land Surveying Firm

- Create, write, edit and enforce standard operating procedures managing daily operations and the activities of administrative personnel including standard operating procedures for all business correspondence.
- Engage in promoting good will for the company by writing or selecting favorable publicity material and releasing it through various communications media.
- Research market conditions in local, regional, or national areas to determine potential sales of services.
- Provide training and assistance on a daily basis to ensure proper procedures are followed.
- Proofread and edit all business correspondence, checking for grammatical, punctuation, style and formatting errors.
- Provide quality assurance reviews of all marketing materials.
- Ensure all technical documents such as Due Diligence Reports are free of any typographical, grammatical, and punctuation errors.
- Write, edit, place and track job advertisements.
- Write, edit and format Corporate Statement of Qualifications and routinely revise based on target client.
- Responsible for maintaining updated database of all departmental job descriptions for existing positions and creating new ones for new position.
- Assist in the analysis of data from survey sources to determine salary competitiveness.
- Maintain electronic and manual employee benefits records for employees.
- Maintain employee manual and update as needed to ensure compliance.
- Suggest advertising placement.
- Organize special events.

Exhibit B-2

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

1998-2003 **Mentus, *Office Manager***
Biotechnology Marketing Firm

- Proofread and edited all written material.
- Provided administrative support to five partners.
- Assisted with the dissemination of press releases four times monthly.
- Assisted media buyer with preliminary calls to publications for mechanical specifications, ad rates and editorial calendars.
- Assisted in creation of media plans.
- Assisted in client and product naming on a project basis.
- Coordinated travel for five employees, including CEO and Vice President of Creative, on a monthly basis.
- Organized special events for employees, clients and vendors, including, but not limited to annual holiday party for more than 60 guests.
- Created FileMaker Pro databases for prospecting new clients, travel coordination, and directory sales.
- Organized direct mailings to over 1,000 contacts.
- Facilitated, in conjunction with CFO, accounts payable and receivable, deposits, and the collection of past due accounts.
- Conducted ongoing Internet research for competitors of 30-plus current clients as well as researched industry trends.
- Coordinated weekly direct mailings to prospective clients for marketing team.
- Conducted orientation and training of newly hired employees.
- Updated Media Map and Online Media Atlas databases (web based data management program).

Education

San Diego State University, San Diego, CA

- Certification in Event and Meeting Planning
- Certification in Strategic Marketing in Action

University of San Diego, San Diego, CA
Sarah Lawrence College, Bronxville, NY

Professional Training Seminars

- Effective Proofreading and Business Writing, SkillPath Seminars
- Winning Proposals and Presentations, PSMJ
- Notary Public, State of California through 2010
- Strategies for Public Sector Contracting, Metropolitan Water District/San Diego County Water Authority
- Navigating the Maze of Leaves of Absence, Strategic HR
- Improving Employee Performance through Coaching, Strategic HR
- How to Manage the Front Desk, Skill Path Seminars

Computer Skills

Microsoft Office (including Project 2003, Publisher, Word, Excel, Outlook, PowerPoint), Adobe Acrobat, Internet, JD Edwards OneWorld

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

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MV00110821

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00110823

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000 for temporary professional consultant services for the Capital Projects Division. On February 10, 2009, City Council approved the "First Amendment to Agreement for Professional Consultant Services" with SA for an additional $350,000. On November 11, 2009, the City executed the "Second Amendment to Agreement for Professional Consultant Services" with SA for a time extension only. On November 18, 2010, the City executed the "Third Amendment to Agreement for Professional Consultant Services" with SA for an additional time extension, extending the termination date of the contract to December 31, 2011.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require dedicated, knowledgeable, and efficient technical engineering support with experience in assisting with these types of projects.

SA Associates staff, in the capacity of in-house technical consultant, will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with mapping including plot preparation and reproduction, preparation of project schedules, utility coordination, and other technical engineering related tasks as necessary for the successful completion of the projects. Such technical services will be rendered for other funded CIP projects on an as-needed basis.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes extensive designing and drafting utilizing Auto Cad 3D Civil software, preparation of legal descriptions, plats, and boundary closures in coordination with right of way agents, and preparation of engineering cost estimates for multiple uses including the Development Impact Fee (DIF) Nexus Study Report. In addition, consultant staff has been integral in the securing of $1.3 million in grant monies including $900,000 for the Highway Safety Improvement Program (HSIP), $170,000 for the Bicycle Transportation Account (BTA), and $254,000 for the Safe Routes to School Program (SR2S).

The consultant staff has a long-standing and proven track record of providing exceptional support to projects such as the School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, and Iris Street Improvements. The consultant staff also provides technical services for the 5-year Capital Improvements Plan (CIP) and will continue to assist with the design of Street Improvement Program (SIP) and Citywide Annual Pavement Resurfacing Program Plans.

The consultant will work on a full-time, 36-hour per week schedule. The Agreement termination date is extended to June 30, 2013.

ALTERNATIVES

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the

Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The current Amendment to the Agreement for Professional Consultant Services will be expended by September 2011. This proposed "Fourth Amendment to Agreement for Professional Consultant Services" with SA in the amount of $185,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The new agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$75,000
Perris Boulevard Widening (Account No. 415.70225)	$32,000
Perris Boulevard Widening (Account No. 415.70125)	$32,000
SR 60 Nason and Moreno Beach Improvements (Account No. 415.70024)	$24,000
Moreno Beach Widening (Account No. 416.83428)	$10,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$185,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Fourth Amendment to Agreement for Professional Consultant Services with SA Associates, Inc. Staff also recommends issuance of a purchase order to SA in the amount of $185,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 29, 2008.

Whereas, the Consultant is providing professional consultant services for various projects of the Capital Projects Division.

Whereas, the Agreement was amended on February 10, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 11, 2009 to extend the termination date for professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 18, 2010 to extend the termination date for professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

Whereas, it is desirable to amend the Agreement termination date as is more particularly described in Section 1 of this Fourth Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2011 to June 30, 2013 by this Amendment.

1.2 Exhibit "A" to the July 29, 2008 Agreement is hereby amended by adding to the "Scope of Work" section described in Exhibit "A" to this Fourth Amendment, entitled "Amended Scope of Work".

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $185,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this Fourth Amendment.

1.4 The total "Not to Exceed" fee for this contract is $885,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement, plus $0.00 for the Second and Third Amendments to Agreement, plus $185,000.00 for the Fourth Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

W:\CapProj\CapProj\hirestaffconsultant\SA Associates\Agreement (June 2008)\Fourth Amendment 7-2011\Fourth Amendment SA Associates 07-2011.DOC
Revised Feb 2009

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MV00110831

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) The total "Not-to-Exceed" fee for the aforementioned services is $885,000 ($350,000 for original Agreement in July 2008, plus $350,000 for First Amendment to Agreement in February 2009, plus $0.00 for the Second and Third Amendments to Agreement in November 2009 and November 2010 respectively, plus $185,000 for the Fourth Amendment to Agreement).

3) The current assignment involves Deepak Solanki, Technical Consultant, at $75 per hour on an as-needed basis.

EXHIBIT "A"

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MV00110833

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL - APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD)

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

BACKGROUND

On May 25, 2010 the City Council approved acquisition of the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. The City acquired title to the property on July 29, 2010. The house on the property was demolished in May 2011 to make way for the proposed improvements. The property was acquired utilizing TUMF funds due to the direct transportation corridor related improvements that are required.

DISCUSSION

The improvements fronting this property along Ironwood Avenue and Davis Street will include a new curb ramp, sidewalks, and the relocation of power poles fronting Ironwood Avenue. The ultimate public right of way will be 44 feet from the centerline

along Ironwood Avenue and 33 feet from the centerline along Davis Street at the northwest corner.

The original lot size was 7,759 square feet, and purchased at $124,500. The ultimate improvements at the northwest corner of Ironwood Avenue and Davis Street, abutting to this property will occupy 2,534 square feet. The remaining vacant land, with an area of 5,225 square feet, is excess, not needed for public purposes, and considered a substandard residential lot in the current zone R5. The potential use and development of this remaining land is very limited but a single family home may be constructed subject to review and approval of a variance by the Planning Division. If the City retains ownership and the land remains vacant, it will require periodic on-going maintenance and weed abatement services most likely funded with General Fund monies as the surplus property is not needed for transportation related purposes. Therefore, City Council is being asked to set a public hearing date for August 23, 2011 at 6:30 p.m. at City Hall to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222. If there are no issues identified at the public hearing, the property would be offered for sale to qualified public agencies within a 60-day time frame. If there is no interest from a qualified public agency, the City could but would not be obligated, to put the property up for sale to the public at the expiration of the 60-day period.

The hearing is required by California Government Code, Section 37422. If City Council approves setting the hearing date, the Resolution will be published in the Press Enterprise, and the Resolution will be posted at the real property.

ALTERNATIVES

1. Adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative would allow the City to have a hearing to potentially sell the excess land.*

2. Do not adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative will result in delaying or stopping the potential sale of excess land.*

FISCAL IMPACT

There is no material fiscal impact to the adoption of the Proposed Resolution.

SUMMARY

The City acquired the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the

Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. Once the improvements are constructed, the remaining property area of 5,225 square feet can be disposed of as surplus property. If the City retains ownership of this property, it would require periodic on-going maintenance and weed abatement services. Therefore, City Council is being asked to set a public hearing date to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 06-50182625 Ironwood - Heacock to Perris\CC Reports\Real Property\7-12-11 Resolution for Surplus Land Sale APN 475-272-054 b.doc

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MV00110837

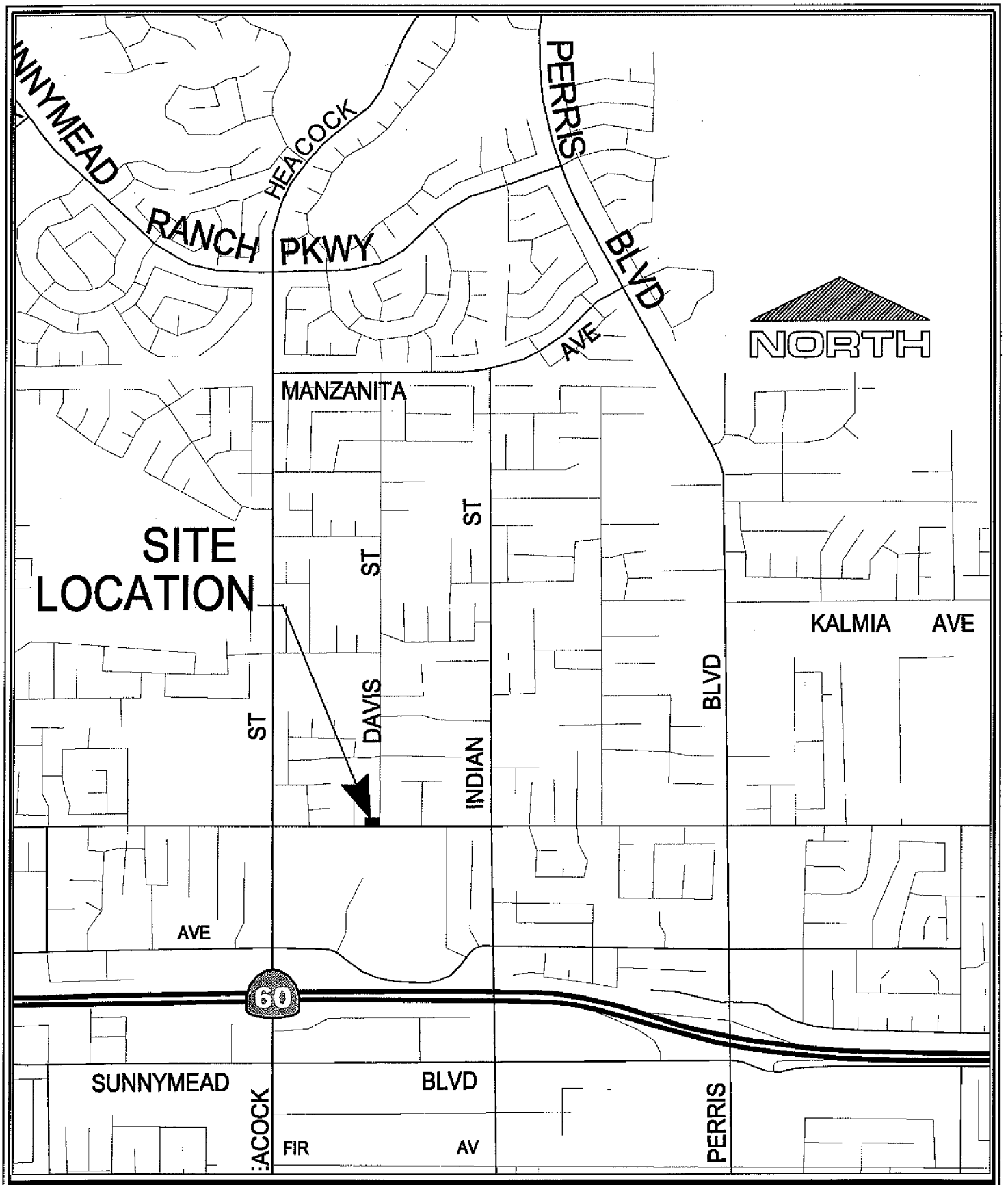

LOCATION MAP

Scale: None

ATTACHMENT "A"

11987 DAVIS STREET

APN 475-272-054

EXCESS PROPERTY- 0.12 ACRES

Item No. A.20

MV00110838

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MV00110839

RESOLUTION N0. 2011-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF A REMAINDER PARCEL EXCESS TO PUBLIC USE.

WHEREAS, the City Council of the City of Moreno Valley desires to sell the remainder parcel APN 475-272-054, total area of 5,225 square feet, as described in Exhibit "A", that is attached hereto; and

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

1. The time and place for hearing protests to the sale of said real property shall be held on August 23, 2011, at 6:30 p.m. at City Hall, located at 14177 Frederick Street, Moreno Valley, California.
2. The City Council finds that the public interest and convenience require the sale of the subject real property for the following reasons:
    a) The real property is excess to that needed for public purposes; and
    b) There is an on-going cost to maintain and weed abate if ownership is retained by the City; and
    c) It is advantageous to return the property to private ownership for use and maintenance.
3. The City Clerk shall publish a copy of this Resolution in the Press Enterprise, a daily newspaper and shall cause a copy of said Resolution to be posted at the real property.

Resolution No. 2011-74
Date Adopted: July 12, 2011

Attachment "B"

4. At the hearing, any interested person may protest to the proposed sale. Any protests must be overruled by a 4/5ths vote of the Council members.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-74
Date Adopted: July 12, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00110843

LEGAL DESCRIPTION

In the City of Moreno Valley, that remainder parcel of land being a portion of lot 63 as shown on the map of Moreno Acres, filed in Book 11 of Maps, Page 53, records of the County of Riverside, State of California, more particularly described as follows:

BEGINNING at the southwestly corner of the east half of the east half of said lot 63; thence North 00°07'15" East, a distance 14 feet to a point 44 feet northly of the centerline of Ironwood Avenue, said point being the **TRUE POINT OF BEGINNING**;

Thence North 00°07'15" East, 41.50 feet along the east property line; thence N 89°50'30" East, 132.48 feet along the north property line to a point on a line parallel with and distant 33.00 feet westerly of Davis Street centerline; thence South 00°06'30" West, 18.66 feet along said line; thence Southwestly, a distance of 33.13 feet to a point on a line parallel with and distant 44.00 feet northerly of Ironwood Avenue centerline; thence South 89°50'30" West, a distance of 108.60 feet, more or less, along said last mentioned parallel line to the **TRUE POINT OF BEGINNING.**

The land described herein contains approximately 5,225 square feet (0.12 acres).

See Sheet 2 of 2 for a plat depicting the above described property.

APN: 475-272-054

CITY OF MORENO VALLEY,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
POR. LOT 63 ON MAP OF MORENO ACRES
BOOK 11 PAGE 53

EXHIBIT "A"
SHEET 2 OF 2

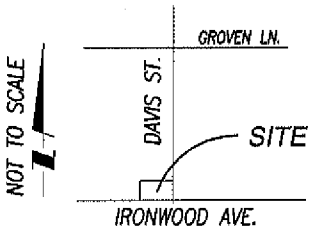

VICINITY MAP

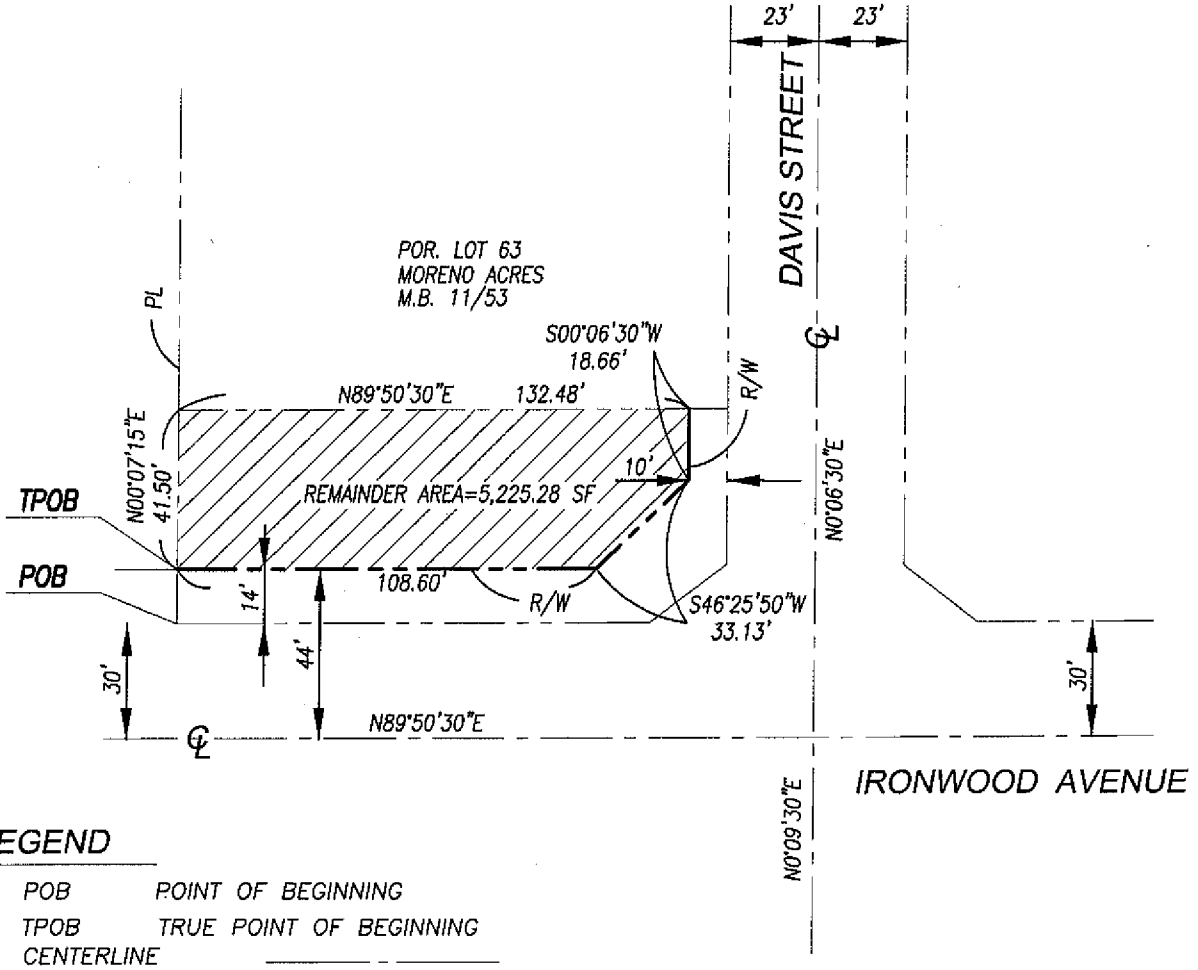

SCALE: 1"=50'

LEGEND

1. POB — POINT OF BEGINNING
2. TPOB — TRUE POINT OF BEGINNING
3. CENTERLINE
4. EXISTING ROW
5. NEW ROW
5. PROPERTY LINE

REMAINDER AREA = 5,225.28 SF

CITY OF MORENO VALLEY

PREPARED FOR:

PLAT MAP FOR
11987 DAVIS STREET
APN 475-272-054

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	-$1.68	-2.03%	-$3.52	-3.39%
1,000 kWh usage	-$6.56	-3.64%	-$9.02	-4.12%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	-$43.64	-7.86%	-$24.11	-5.74%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	-$407.22	-7.61%	-$133.35	-4.11%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	-$5,369.69	-7.70%		
392,333 kWh usage, Demand of 666 kW			-$2,087.99	-5.48%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	-$2.83	-4.77%	-$2.83	-4.77%

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	-$147.57	-1.15%	-$147.57	-1.15%
Schedule SL-1 22,000 Lumen (317 lights)	-$160.97	-2.89%	-$160.97	-2.89%
Schedule SL-2 27,500 Lumen (139 lights)	-$103.49	-5.88%	-$103.49	-5.88%
Schedule SL-3 (per lamp)	$2.18	0.51%	$2.18	0.51%

If approved by the City Council, these changes will become effective at 12:00 a.m. on July 13, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be a reduction in rates.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to offer competitive rates.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and also its ability to offer competitive rates.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues are projected to decrease if the proposed changes are adopted by the City Council.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\Electric Utility\Administration - Finance\Staff Reports\2011 SR's\SR - Rate and Rules Adjustments 12 July 2011.doc

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MV00110851

RESOLUTION NO. 2011-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Resolution No. 2011-75
Date Adopted: July 12, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-75
Date Adopted: July 12, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

Resolution No. 2011-75
Date Adopted: July 12, 2011

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MV00110855

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial and Administrative Services Director

AGENDA DATE: July 12, 2011

TITLE: Approve Three-Year Agreement with Canon Business Solutions to Extend the Current Copier Contract

RECOMMENDED ACTION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

SUMMARY

In June of 2006 the City awarded the copier agreement to the Canon Copier Company from the Request for Proposal No. 05/06-08. Canon has worked closely with the city to provide the latest technology for copying, printing and scanning from their machines. Canon support staff is very responsive and work well with city staff on handling any problems or concerns. The current and proposed extension agreement includes both a cost-per-copy and annual maintenance agreement.

BACKGROUND

The Purchasing & Facilities Division has the responsibility to provide copy machines and their necessary maintenance for City offices. The copier fleet consists of 26 machines throughout city facilities. The City utilizes the cost-per-copy method that allows for a not-to-exceed amount of copies per quarter. Payment for all copier operational costs is handled through division operating budgets via the internal service fund charge-back system. When applicable, overage copy counts are added to the base amount on a quarterly basis.

Digital state-of-the-art technology in modern copy machines provide electronic networking which will allow staff to send print to a copier from the desktop when desired. Additionally, scanning to server capabilities is built into the copiers. The agreement provides fixed base pricing for the duration of a three-year period based on a year-by-year annual approved encumbrance in the City budget. The agreement provides that the City may upgrade, add or delete functions, services or products to the program as needs change throughout the contract period.

DISCUSSION

During the city's effort of asking for vendor participation in a 10% pricing reduction, the Canon company offered a 23.75% ($9,538 per month vs. $7,273 per month) overall decrease in exchange for our three-year extension agreement. This represents a monthly savings of $2,265 and translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. Additionally, Canon will exchange a total of six existing older machines for brand new copiers, at no cost to the city, due to excessive meter counts.

ALTERNATIVES

1. Staff recommends that the City Council award the three-year extension agreement to Canon Business Solutions in the total amount of $261,828 as being in the best interest of the City.

2. Elect to not award the three-year extension agreement copier agreement to Canon and provide further direction to staff.

FISCAL IMPACT

Approval of Alternative No. 1 will obligate the City to a base annual expenditure in Account Number 00754.75440.6281 of:

- $174,552 ($87,276 for each of years one and two). These funds are provided for in the City Manager's recommended FY 2011/2012 and FY 2012/2013 budgets.
- $87,276 where budgets are subsequently approved in FY 2013/2014.

Approving this contract extension represents monthly savings of $2,265 from the existing base contract cost. This translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. This contract directly affects the Internal Service Fund – Facilities.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

ATTACHMENTS/EXHIBITS

Prepared By:
Name Rix Skonberg
Title Purchasing & Facilities Division Manager

Department Head Approval:
Name Richard Teichert
Title Financial & Administrative Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00110859

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By: [signature] Printed Name: David Dunn Title: Director Business Operations	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: [signature] 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES

RECOMMENDED ACTION

Staff recommends that the City Council approve the proposed staff assignments in support of Council Member participation with regional agencies.

BACKGROUND

At their May 18, 2011 Goal Setting Workshop, the City Council identified the organization's Strengths, Weaknesses, Opportunities, and Threats (SWOT). While the City's existing transportation corridors were identified as a strength, the lack of adequate infrastructure and planning was acknowledged as a weakness. The City's regional presence was identified as an opportunity. The Council used the results of their SWOT Analysis to develop five prioritized goals, one of which was to "Maximize Transportation and Infrastructure Opportunities."

DISCUSSION

The third prioritized goal developed by the City Council in their May 18 Goal Setting Workshop was to "Maximize Transportation and Infrastructure Opportunities." Actions identified to help achieve this goal included increasing the City's regional presence. A specific task assigned to City staff was to increase staff assistance to the Council as well as increase participation with regional agencies by assigning staff liaisons to each committee. The proposed staff assignments are included in the "2011 City Council Regional Committees & Staff Assignments" attachment.

ALTERNATIVES

1) Approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff recommends this alternative as the proposed staff assignments will assist the City Council in achieving their prioritized goal to maximize transportation and infrastructure opportunities by increasing the City's regional presence.*

2) Not approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff does not recommend this alternative as the proposed action is a task related to the Council-adopted goal to maximize transportation and infrastructure opportunities.*

FISCAL IMPACT

The proposed staff assignments in support of Council Member participation with regional agencies will have no fiscal impact to the City.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

Attachment: "2011 City Council Regional Committees & Staff Assignments"

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Barry Foster
Community and Economic Director

Concurred By:
Chris Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00110865

2011 CITY COUNCIL REGIONAL COMMITTEES & STAFF ASSIGNMENTS

REGIONAL AGENCY:

March Joint Powers Commission (JPC)	STEWART/BATEY	CO
Staff: Community and Economic Development Director		
School Districts/City Joint Task Force	STEWART/MOLINA	CO
Staff: City Manager/Asst City Manager		
Riverside County Habitat Conservation Agency (RCHCA)	BATEY	MOLINA
Staff: Planning Official		
Riverside County Transportation Commission (RCTC)	CO	STEWART
Staff: City Manager/Asst City Manager		
Riverside Transit Agency (RTA)	MOLINA	CO
Staff: Public Works Director/Traffic Engineer		
Western Riverside Council of Governments (WRCOG)	HASTINGS	CO
Staff: City Manager		
Western Riverside County Regional Conservation Authority (RCA)	BATEY	MOLINA
Staff: Planning Official		

WRCOG COMMITTEES:

Executive Committee	Robin Hastings, Chair
Administration & Finance	Robin Hastings, Chair
Technical Advisory Committee	Henry Garcia, Chair
Planning Directors TAC	John Terell
Public Works Committee	Chris Vogt, Chair
Solid Waste Technical Committee	Robert Lemon
Western Riverside County Clean Air Coalition	Robert Lemon
Air Quality Task Force	Eric Lewis, Jeff Bradshaw

RCTC COMMITTEES:

Western Riverside County Programs and Projects Committee	Marcelo Co
San Jacinto Branch Line Ad Hoc Committee	Marcelo Co
Technical Advisory Committee	Chris Vogt

Attachment 1

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MV00110867

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,729,200 to Hardy & Harper, Inc. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of the six arterial and collector streets identified in this report.

DISCUSSION

The project included the resurfacing of six (6) streets: Kitching Street from Fir Avenue to Cottonwood Avenue, Fir Avenue from Perris Boulevard to Lasselle Street, Perris Boulevard from Webster Avenue to Sunnymead Boulevard, Cactus Avenue from Commerce Center Drive to Elsworth Street, Indian Street from Ironwood Avenue to Sunnymead Boulevard, and Manzanita Avenue from Heacock Street to Perris Boulevard. Hardy & Harper's contracted work included removing existing asphalt concrete pavement, resurfacing with cold-in-place recycling (CIPR), pavement overlaying with rubberized asphalt concrete, reconstructing a number of access ramps along the listed streets to ADA requirements, re-establishment of traffic signal detector loops, utility covers, manholes, and re-striping. The resurfacing extends the life of the streets and provides a smoother riding surface.

The Contractor has completed all the paving work and anticipates completing the construction by mid July 2011. Staff anticipates the final contract cost will be approximately $1,631,000 which does not exceed the approved purchase order amount of $1,729,000. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works

Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project was included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:

Annual Pavement Resurfacing Program (Acct. No. 125.56330)	$1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722)	$1,550,000
Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Local Street Pavement Resurfacing Phase 1 (being constructed concurrently)	($2,684,000)
Remaining Funds Available	$2,452,400

PROJECT RELATED COSTS:

Design	$110,000
Anticipated Contractor Construction Costs	$1,631,000
Anticipated Construction Geotechnical Services	$22,000
Anticipated Construction Survey Services	$20,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$1,873,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper anticipates completing the construction of the 2011 Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. The resurfacing extends the life of the streets and provides a smoother riding surface.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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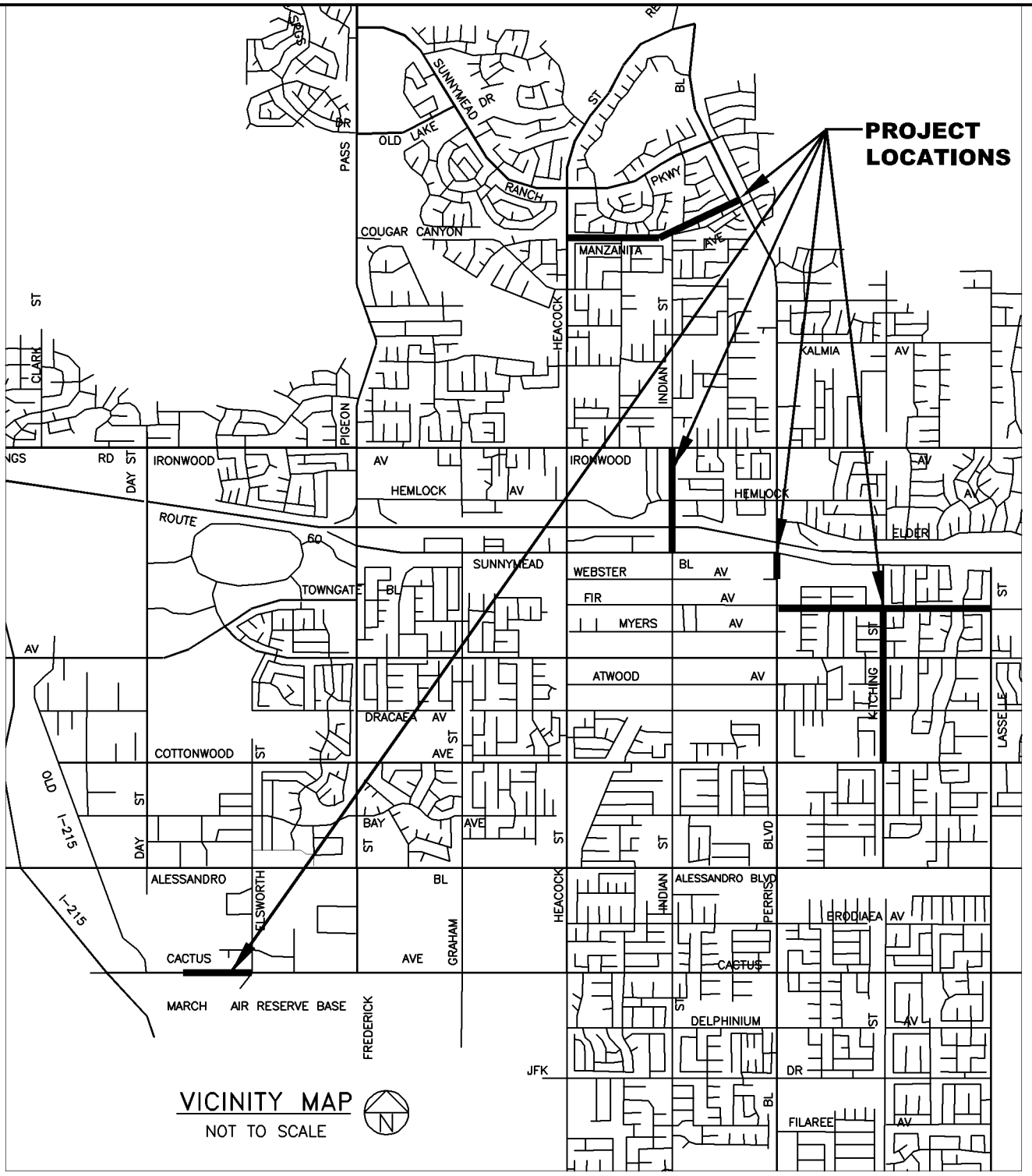

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 11-12556330

2011 PAVEMENT RESURFACING PROJECT

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MV00110875

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $2,410,400 to Hardy & Harper, Inc. The project includes the resurfacing a total of twenty six local streets which are included in the Fiscal Year 2010-2011 CIP Budget. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of these streets.

DISCUSSION

Hardy & Harper's contracted work includes removing existing asphalt concrete pavement, pavement resurfacing with cold central plant recycling (CCPR), pavement overlaying with rubberized asphalt concrete, reconstructing number of access ramps along the listed streets to ADA requirements, adjusting utility manholes and covers, and re-establishing traffic striping. The Contractor has completed all the paving work and anticipates completing rest of the work by mid July 2011. Staff anticipates the final contract cost will be approximately $2,391,000 which does not exceed the approved purchase order amount of $2,410,400. The resurfacing extends the life of the streets and provides a smoother riding surface.

Three additional streets (Vellanto Way, Mantee Place and Ormista Drive) were added to the original twenty six streets, bringing a total of twenty nine streets being resurfaced (approximately 131,000 square yards of pavement area.) These three streets (also included in the Fiscal Year 2010-2011 CIP Budget for resurfacing) are in the neighborhood of Searson Drive which is one of the original twenty six streets. These streets are added to be constructed at the same time as Searson Drive in an effort to avoid repeat construction disturbance to the neighborhood as these streets were previously approved by City Council for Phase 2 Local Street Pavement Resurfacing Project.

Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the

Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:
Annual Pavement Resurfacing Program (Acct. No. 125.56330) $1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722) $1,550,000

Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Pavement Resurfacing Project Anticipated Costs (being constructed concurrently)	($1,873,000)
Remaining Funds Available	$3,263,400

PROJECT RELATED COSTS:

Design	$93,000
Anticipated Contractor Construction Costs	$2,391,000
Anticipated Construction Geotechnical Services	$73,000
Anticipated Construction Survey Services	$37,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$2,684,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper, Inc. anticipates completing the construction of the 2011 Local Street Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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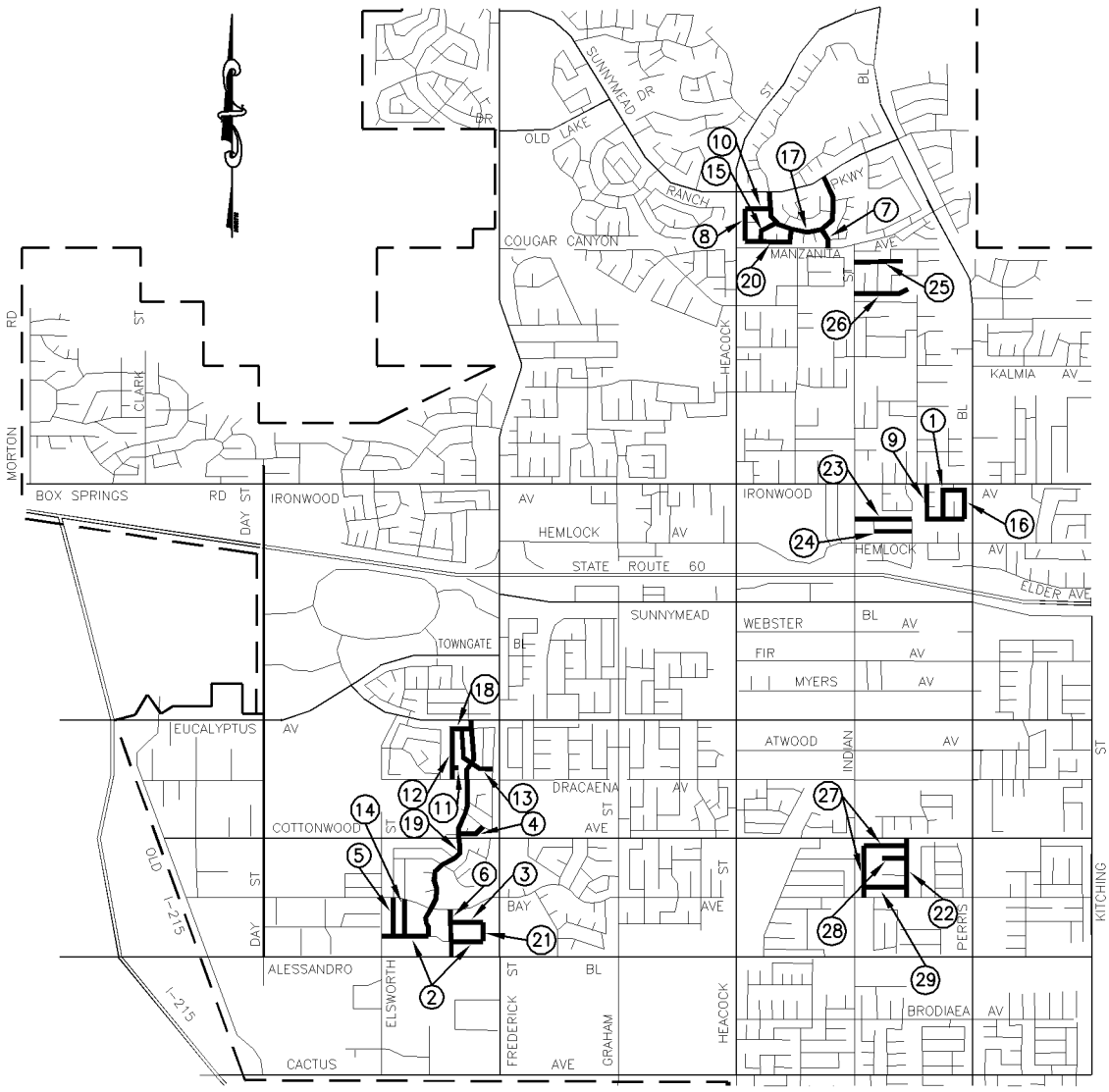

	STREET	LIMITS
1	AARON DR:	GASSEN PL TO HARCLARE DR
2	ADRIENNE AVE:	ELSWORTH ST TO PRIDE LN
3	ALLIES PL:	COURAGE ST TO PRIDE LN
4	BAYWOOD DR:	PAN AM BLVD TO AQUEDUCT WY
5	BOEING ST:	BAY AVE TO ADRIENNE AVE
6	COURAGE ST:	BAY AVE TO ALESSANDRO BLVD
7	DUCKBILL RD:	OLD COUNTRY RD TO MANZANITA AVE
8	FENTON RD:	IRONBARK RD TO PLEASANT RUN RD
9	HARCLARE DR:	ODESSA DR TO IRONWOOD AVE
10	IRONBARK RD:	FENTON RD TO OLD COUNTRY RD
11	KIOWA CT:	KIOWA DR TO EAST END
12	KIOWA DR:	PAHUTE DR TO DRACAENA AVE
13	LAKOTA DR:	PAHUTE DR TO OAK DELL ST
14	MCDONNEL ST;	BAY AVE TO ADRIENNE AVE
15	NOBLEWOOD RD:	OLD COUNTRY RD TO PLEASANT RUN RD
16	ODESSA DR:	GASSEN PL TO HARCLARE DR
17	OLD COUNTRY RD:	SUNNYMEAD RANCH TO SUNNYMEAD RANCH PKY
18	PAHUTE DR:	PAN AM BLVD TO KIOWA DR
19	PAN AM BLVD:	EUCALYPTUS AVE TO ADRIENNE AVE
20	PLEASANT RUN RD:	FENTON RD TO OLD COUNTRY RD
21	PRIDE LN:	ALLIES CT TO ADRIENNE AVE
22	SEARSON DR:	COTTONWOOD AVE TO BAY AVE
23	SINALOA ST:	INDIAN ST TO LEAHY DR
24	SINGER ST:	HANOVER AVE TO LEAHY DR
25	SUMMERFIELD DR:	INDIAN ST TO EAST END
26	SUNNY RIDGE DR:	INDIAN ST TO EAST END
27	VELLANTO WAY:	BAY AVE TO SEARSON DR
28	MANTEE PL:	WEST END TO SEARSON DR
29	ORMISTA DR:	VELLANTO WY TO SEARSON DR

CITY OF MORENO VALLEY
DECEMBER 3, 1984

2011 LOCAL STREET PAVEMENT RESURFACING - PHASE 1

Public Works Department
Capital Projects Division

LOCATION MAP

VARIOUS LOCATIONS
PROJECT NO. 11-22679728

ATTA(-367-ENT "A"

Item No. A.25

MV00110882

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MV00110883

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD

DEVELOPER – CITY OF MORENO VALLEY, CALIFORNIA
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard.

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 12, 2010, the City Council approved the Agreement for Design Professional Consultant Services to Provide Architectural and Engineering Services (A&E) for the Corporate Yard Phase 1 Office Building and Sewer Line. The Agreement requires that the consultant obtain approval (Planning Application PA10-0013) from the various City departments as part of the design phase of the project. On March 8, 2011, the project received final Conditions of Approval that require the owner (City of Moreno Valley, a municipal corporation) to record an Offer of Dedication for additional right-of-way. The additional right-of-way will be at the two proposed driveway approaches, located on the north side of Santiago Drive east of Perris Boulevard, in accordance with the City Standard for a commercial driveway approach.

DISCUSSION

The owner, the City of Moreno Valley, is required to dedicate four (4) feet of right-of-way around the driveway approaches, at the proposed project entrances on Santiago Drive, to accommodate a public sidewalk for pedestrian circulation in accordance with City Standards. The Offer of Dedication is necessary to construct public improvements along the driveway entrances to match the existing street improvements immediately to the east and west of the project. Once the Offer of Dedication is executed by the City Manager, the document will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and to direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

2. Do not authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and do not direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would not allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Public Facilities and Capital Projects – Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Offer of Dedication

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\6-28-11 - PA10-0013 Offer of Dedication Report.doc

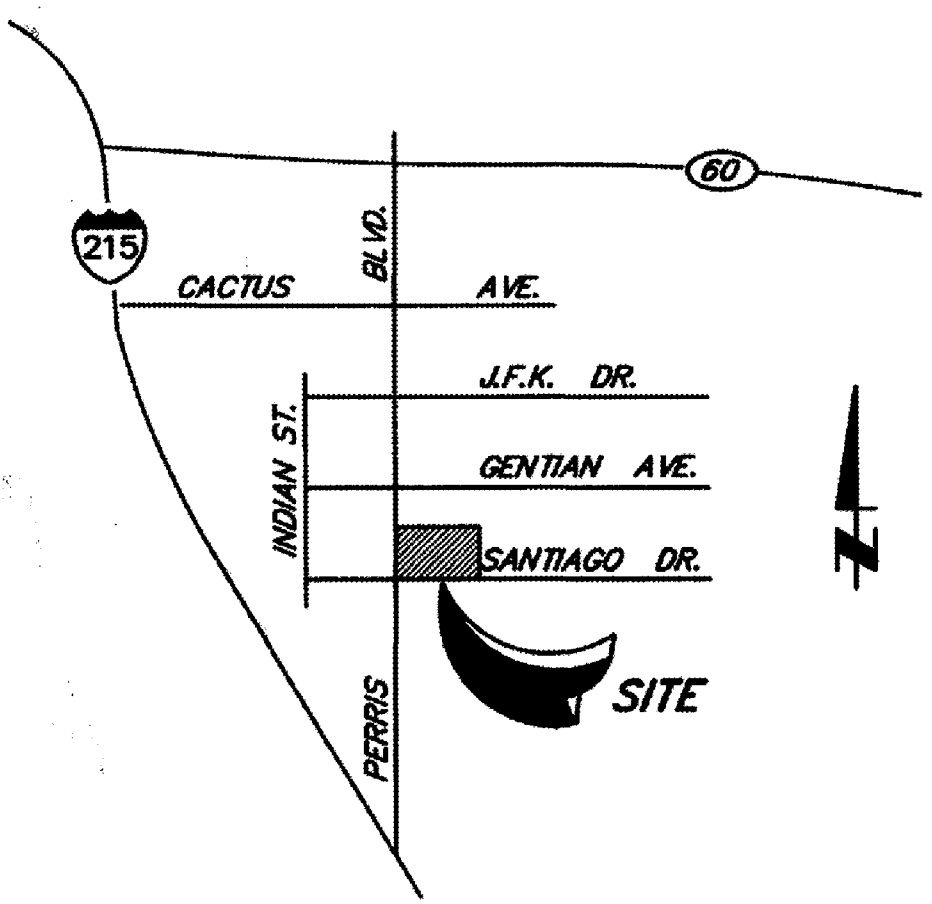

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment "A"	**PA10-0013** **VICINITY MAP**

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\6-28-11 - PA10-0013 Offer of Dedication Attachment A.doc

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MV00110889

Recording requested by and when
recorded, mail to:
City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
By:
A.P.N. 486-170-021 & 022

(Space above this line for Recorder's use)

DOCUMENTARY TRANSFER TAX IS NONE.

Public Agency exempt.
Revenue and Taxation Code Section 11922

OFFER OF DEDICATION

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, for public highway purposes, including public utility and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

City of Moreno Valley, a Municipal Corporation

By: _____
HENRY GARCIA, City Manager

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk (SEAL)

Date _____

Attachment "B"

Item No. A.26

MV00110890

ACCEPTANCE CERTIFICATE

This is to certify that the interest in real property conveyed by the deed or grant dated **July 12, 2011** from the **City of Moreno Valley Moreno, a municipal corporation**, to the City of Moreno Valley, a municipal corporation, in the form attached hereto, is hereby accepted, subject to completion of improvements, and the street improvements being accepted into and becoming a part of the City maintained street system, by the undersigned City Engineer on behalf of the City of Moreno Valley, pursuant to authority conferred by Resolution No. 94-5 of the City Council of Moreno Valley, adopted on January 25, 1994, and the grantee consented to recordation thereof.

Date: _____

By: _____
Chris A. Vogt, P.E.
Public Works Director/City Engineer
City of Moreno Valley

STATE OF CALIFORNIA)
County of _____)ss.
On _____ before me, _____, a Notary Public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the
State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

PARCEL A

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF NAN AVENUE AS SHOWN BY MAP OF TRACT NO. 15433-2, ON FILE IN BOOK 151 OF MAPS, PAGES 67 THROUGH 70, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 42.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

PARCEL B

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF COBRA DRIVE AS SHOWN BY MAP OF TRACT NO. 15433, ON FILE IN BOOK 151 OF MAPS, PAGES 71 THROUGH 75, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 47.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE DIRECTION OF:

5-3-11

MARISSA CROWTHER, PLS 6152
SB&O, INC.
41689 ENTERPRISE CIRCLE NORTH, SUITE 126
TEMECULA, CA. 92590

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

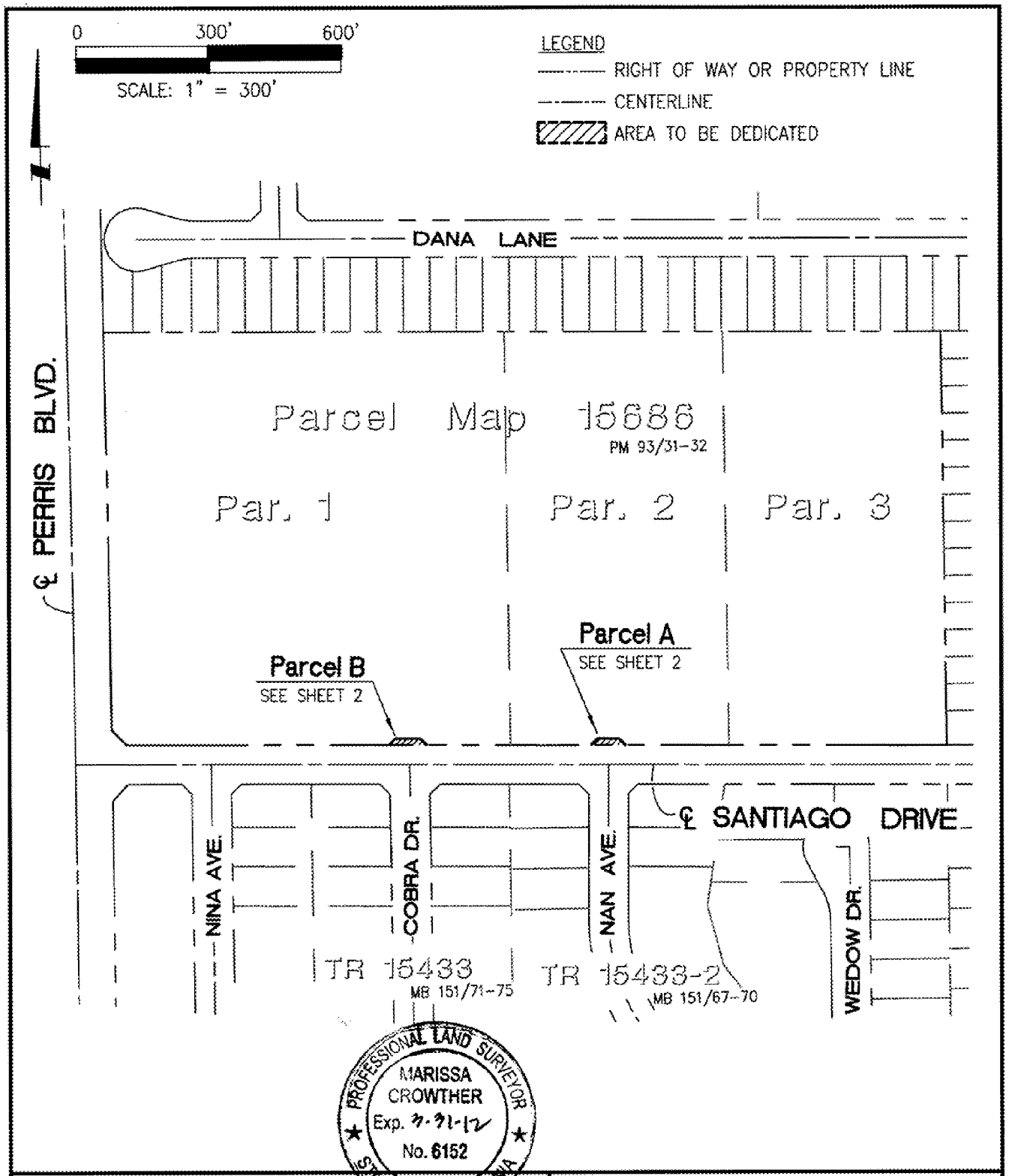

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

PREPARED UNDER THE DIRECTION OF:
S.B. & O., INC.
41689 ENTERPRISE CIRCLE NORTH
TEMECULA, CA 92590

MARISSA CROWTHER, PLS 6152 (EXP 3-31-12)

5-3-11
DATE

CITY OF MORENO VALLEY
CORPORATE YARD DRIVEWAY EASEMENTS

APRIL 2011	EXHIBIT "B"
SB&O, INC. JN 68251	SHEET 1 OF 2

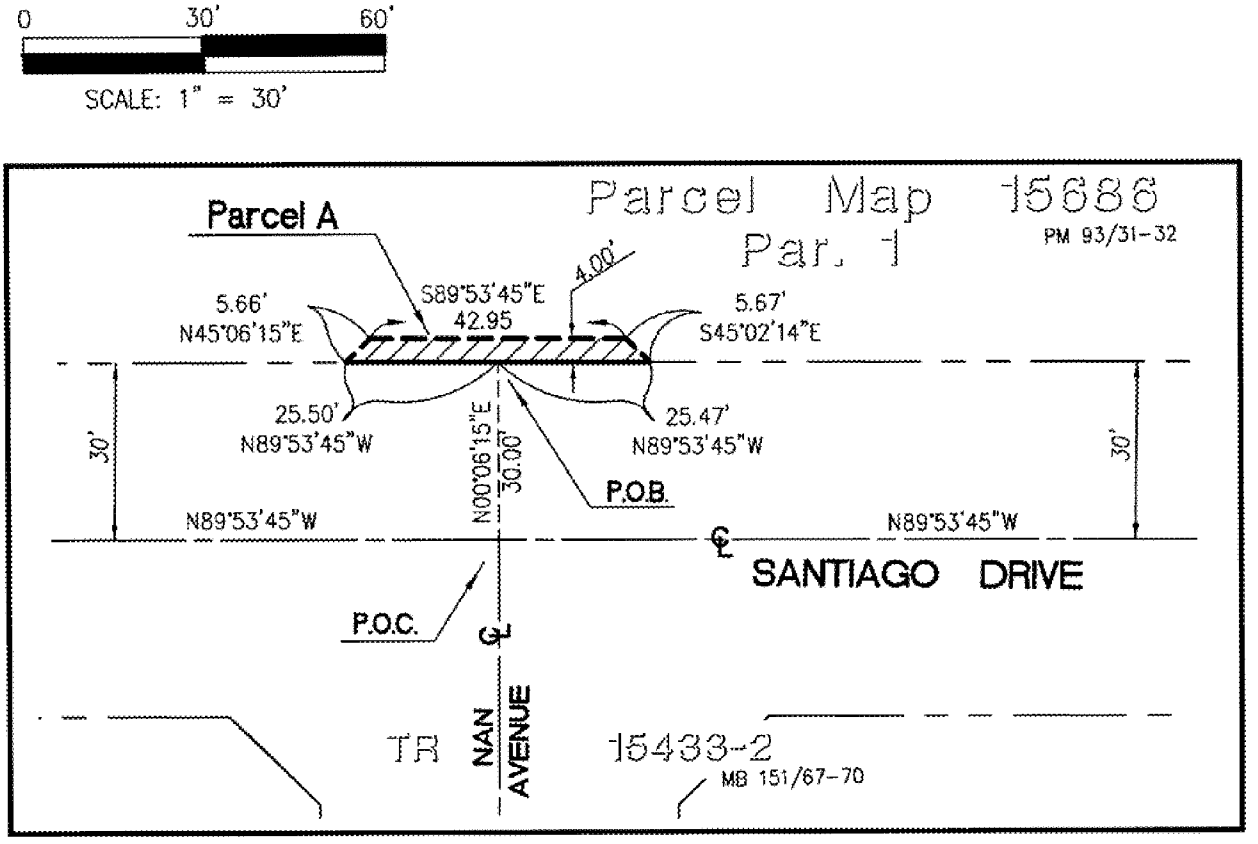

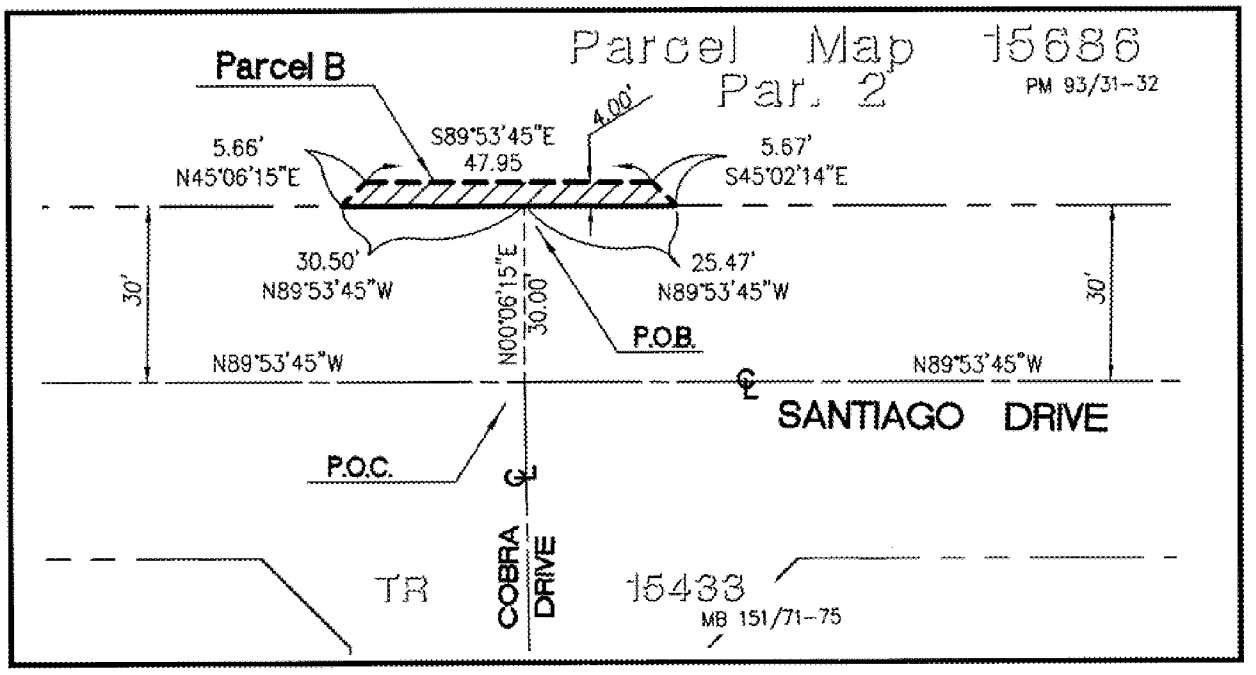

NOTES:

1. BEARINGS ARE BASED ON PARCEL MAP 15686.
2. P.O.C. INDICATES POINT OF COMMENCEMENT.
3. P.O.B. INDICATES POINT OF BEGINNING.

LEGEND

RIGHT OF WAY OR PROPERTY LINE

CENTERLINE

AREA TO BE DEDICATED

EXHIBIT "B"

SHEET 2 OF 2

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00110897

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00110899

SEE AGENDA ITEM A.4

C3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.4) (**Report of: Public Works Department)

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MV00110901

SEE AGENDA ITEM A.11

C4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION **(ALSO LISTED AS AGENDA ITEM A.11)** (Report of: Public Works Department

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MV00110903

SEE AGENDA ITEM A.13

C5. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.13)** (Report of: Public Works Department)

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MV00110905

SEE AGENDA ITEM A.15

C6. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM **(ALSO LISTED AS AGENDA ITEM A.15)** (Report of: Public Works Department)

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MV00110907

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the Community Redevelopment Agency (RDA):

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

BACKGROUND

On April 28, 2009, City Council authorized VA Consulting, Inc. (VA Consulting) to proceed with the final Auto Mall design plans and specifications. On July 13, 2010, City Council authorized the City Manager to execute a Project Specific Agreement and assign said Project Specific Agreement to the Community Redevelopment Agency. At this same meeting, the Community Redevelopment Agency approved an increase to Purchase Order No. 37386 for $50,000.

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The pylon sign installation was completed on June 20, 2011.

Street improvement enhancements and revitalization are integral elements of the final Automall plans. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their Project Specific Agreement that expires May 1, 2012. Staff is recommending the First Amendment to the Project Agreement in order to increase the Project Specific Agreement amount by $25,000. The additional monies provide for 1) Finalization of the street improvement plans and specifications to reflect the construction scope of work based on available construction funds after the completion of the pylon sign, 2) bid support services during the advertising of the project for construction, and 3) design support services during the construction of the street improvements.

ALTERNATIVES

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725). *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and do not authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services bid design support services, and construction support services (Account No.

897.91725). *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Street Improvements is included in Fiscal Year 2011/2012 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities. There is no impact on the General Fund.

Fiscal Year 2010/2011 Budget (Account No. 897.91725)	$1,512,000
Pylon Sign Construction Related Costs	$786,000
Construction Related Savings	$726,000

AVAILABLE FUNDS:

Fiscal Year 2011/2012 Budget (Account No. 897.91725)	$726,000
Estimated Additional Design Related Services	$25,000
Remaining Available Balance for Construction of Street Improvements	$701,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the Community Redevelopment Agency authorize the First Amendment to the Project Specific Agreement and furthermore authorize an increase to Purchase Order No. 37386 with VA Consulting in the amount of $25,000 for additional design services, bid design support services, and construction support services.

ATTACHMENTS

Attachment "A" – First Amendment to Project Specific Agreement

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\CC Reports\Street Improvements\VA Consultant Award Aggreement CC\1st Amendment 7-12-2011\Increase PO - Design 7-2011.doc

FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES MORENO VALLEY AUTO MALL STREET IMPROVEMENTS PROJECT NO. 08-89791725

This First Amendment to Project Specific Agreement is by and between the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, hereinafter referred to as "RDA," and VA Consulting, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Specific Agreement is made and entered into effective on the date the RDA signs this First Amendment.

RECITALS:

Whereas, the City of Moreno Valley and Consultant entered into an Agreement entitled "PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Project Agreement," dated November 1, 2010.

Whereas, the City assigned its interest in said Agreement to RDA on November 1, 2010.

Whereas, the Consultant is providing consultant engineering services for the Moreno Valley Auto Mall Street Improvement project.

Whereas, it is desirable to amend the Project Specific Agreement to expand the scope of services as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The On-Call Agreement termination date of May 1, 2012 is not extended by this Amendment to the Project Agreement.

1.2 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “A” -- First Amendment, entitled “Terms of Payment”.

1.4 The RDA agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $25,000.00 as set forth in the above-referenced Terms of Payment, in

consideration of the Consultant's performance of the work set forth in Exhibit "A" - First Amendment.

1.5 The total "Not to Exceed" fee for this Agreement is $64,960.00 ($39,960.00 for the original Agreement plus $25,000.00 for the First Amendment to Project Specific Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 08-89791725

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this First Amendment to Project Agreement.

Community Redevelopment Agency

BY:_____
Executive Director

DATE:_____

VA Consulting, Inc.

BY:_____

TITLE:_____
(President or Vice President)

BY:_____

TITLE:_____
(Corporate Secretary)

RECOMMENDED FOR APPROVAL:

BY:_____
Chris A. Vogt, P.E.
Public Works Director/City Engineer

DATE:_____

APPROVED AS TO LEGAL FORM:

_____
General Counsel of the Community Redevelopment Agency of the City of Moreno Valley

DATE:_____

Attachment: Exhibit "A" – First Amendment (Terms of Payment)
Exhibit "B" – First Amendment (Assignment of Project Agreement)
Exhibit "C" – First Amendment (Project Agreement)

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\Design Phase\Consultant -\Agreement\VA Consulting\Project Specific Agreement\Agmt A Street Improvements - $39K\1st Amendment\First Amendment to Project Agreement 7-2011.DOC

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MV00110915

TERMS OF PAYMENT

1. This First Amendment to Agreement shall have a Not-to-Exceed Fee of $25,000 for the First Amendment to the Project Specific Agreement.

2. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work for the Street Improvements covered by this Proposal including:

    a. Finalize Plans and Specifications to reflect Construction Scope of Work Based on Available Construction Funds.

    b. Bid Support Services During Construction Bid Advertisement

    c. Design Support Services During Construction

3. Work can only commence after this First Amendment to the Agreement has been executed and the City issues a notice to proceed.

4. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.

5. Sub-categorization of tasks is permitted to better define the task for payment.

6. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."

7. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.

8. The City will pay the Consultant for all acceptable services rendered in accordance with the "Project Specific Agreement" and this First Amendment.

9. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Project Specific Agreement," or this First Amendment an "Amendment to the Agreement" will be executed between the City and Consultant.

10. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.

EXHIBIT "A"

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MV00110917

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00110919

Beazer Homes

June 15, 2011

John Terell, Planning Director
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Tract 36340 – Rockcliffe City Council Continuance

Dear Mr. Terell:

Beazer Homes would like to request a continuance from the July 12th City Council meeting regarding our proposed Development Agreement for Tract 36340. Beazer is looking to revisit some of the items within this agreement with the City of Moreno Valley. Beazer would like to be scheduled on the October 11th City Council meeting

Thank you for your time and efforts regarding this project. We look forward to working with the City of Moreno Valley. Should you have any questions, please do not hesitate to contact me at (714) 720-6304.

Sincerely,

Bryan Bergeron
Development Manager
Beazer Homes Southern California Division

Orange County Office

1800 E. Imperial Highway, Suite 200
Brea, CA 92821

O: 714-672-7000
F: 714-285-2925

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MV00110921

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011 (Continued from May 24, 2011)

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 2011- ___, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Town Center and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be

limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice

2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map
4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

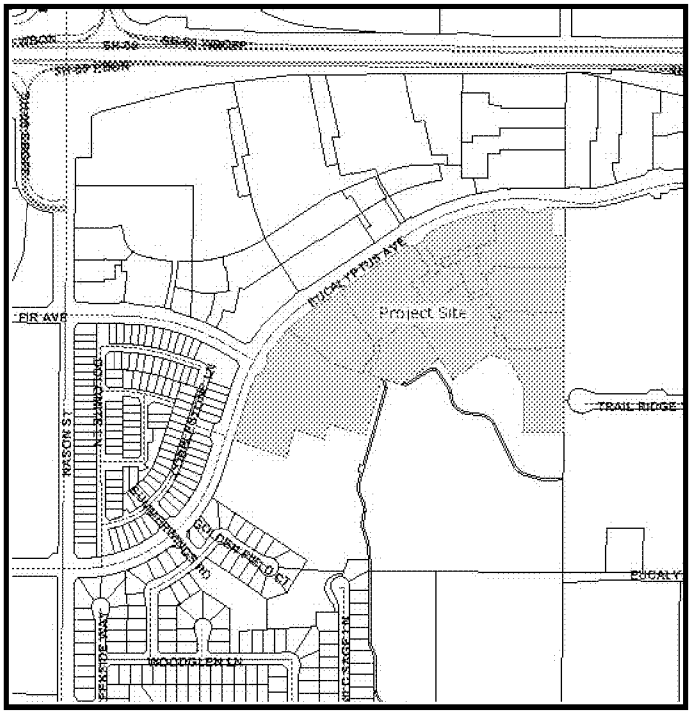

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

Item No. E.1

MV00110926

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MV00110927

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00110933

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

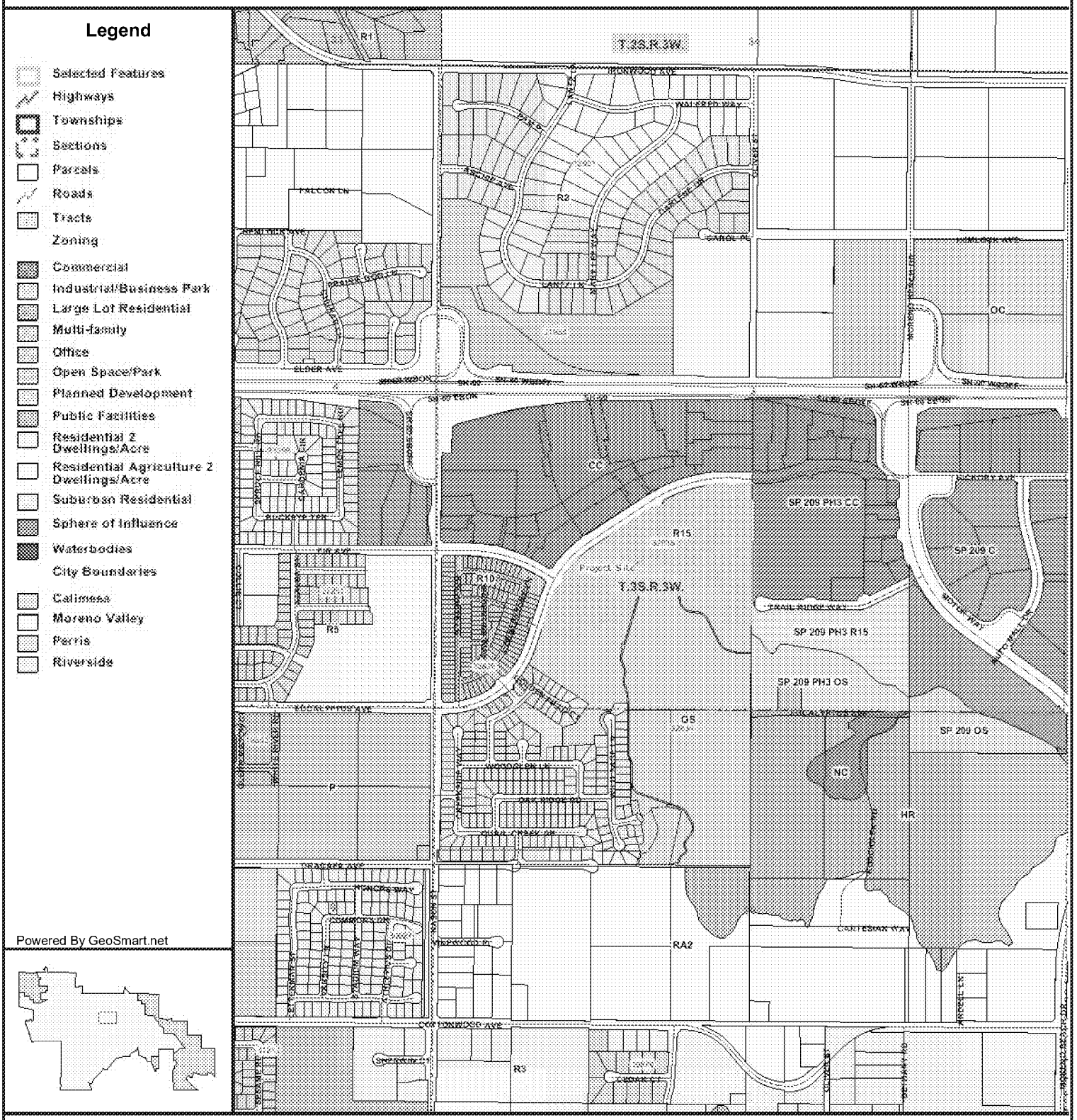

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

MV00110968

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MV00110969

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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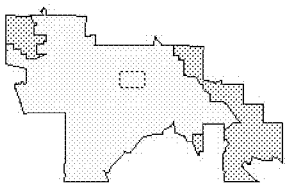

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

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MV00110971

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as "Nature Park" on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will [illegible] individual lots with detached single-family homes, common open space [illegible] private access roads. The [illegible]non open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

Other Design Considerations

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees [illegible] te streets and allow continual break-up of the project massing. In addition, [illegible] will be clustered in strategic [illegible]ons such as on corner lots, adjacent to

guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be r[illegible]d by 50% from the Current Fe

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets nt standards as allowed r Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Ac[illegible] guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. ation building floor and eleva

Item No. E.1

(provided in reduced format in Exhibit 6).

6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

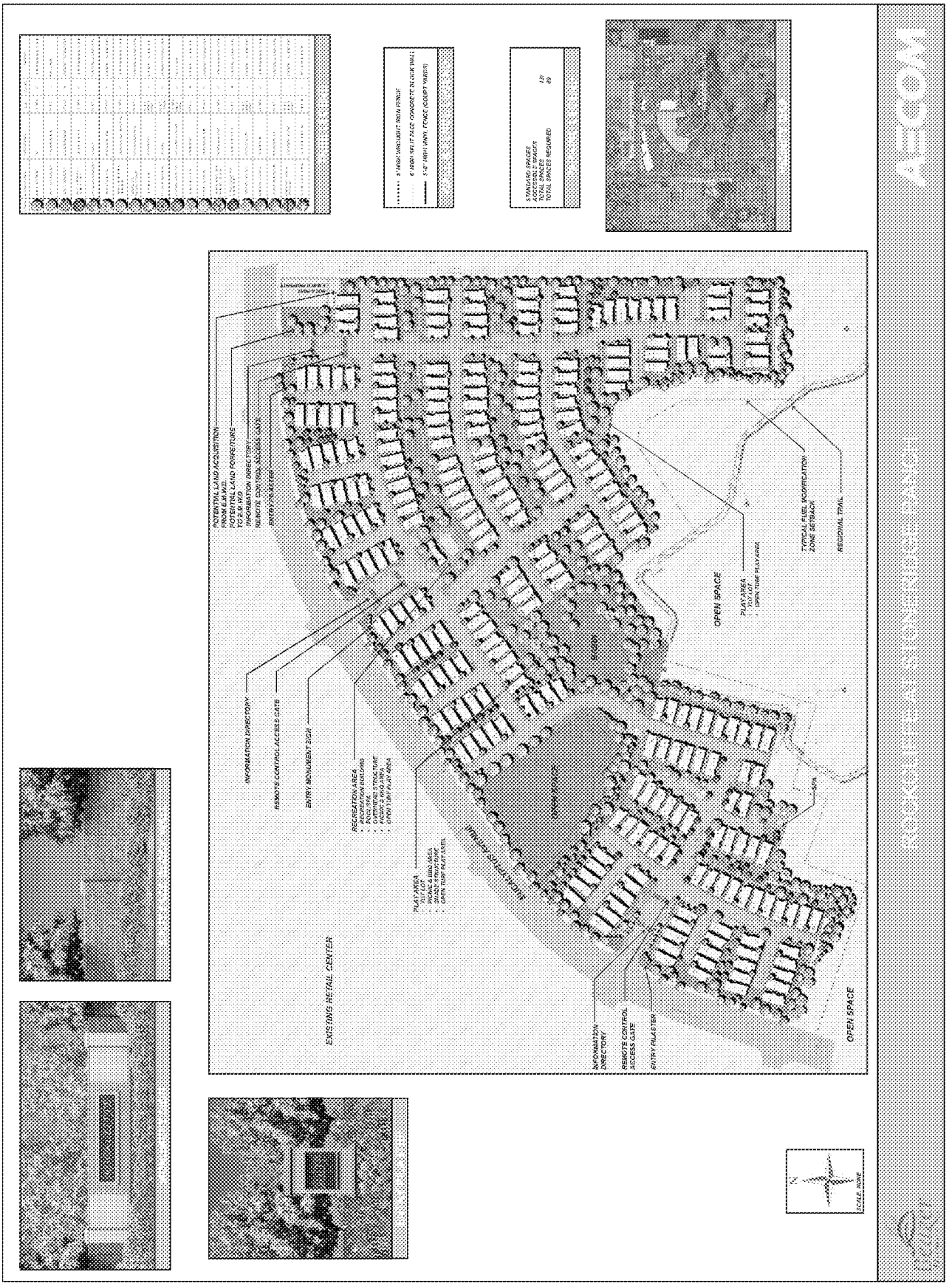

ATTACHMENT 7

Item No. E.1

MV00110992

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

ROCKCLIFFE AT STONERIDGE RANCH

AECOM

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MV00110995

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the City Council, after conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;
   b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

   a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 has Conditions of Approval that require them to provide a funding source to help support the Stormwater Management program and the CSD Zone M program. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charges for the CSD Zone M program. The property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 28, 2011 and the Public Hearing on July 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies

are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to pruning, trimming, fertilizing, replacing plant material(s) as necessary, litter removal, maintenance of the irrigation systems, weed control, payment of the water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charges are levied on the property tax bill.

The CSD Zone M annual charges for APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 were estimated based on the proposed Perris Blvd. median adjacent to the parcels. Upon future development, parcels adjacent to the proposed median shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charges for balloting APNs shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceeding for First Industrial, receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M annual charges for First Industrial. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results of the mail ballot proceeding for First Industrial. *This alternative would be contrary to Proposition 218 mandates and may not allow the property owners to comply with their conditions of approval.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charges for First Industrial are as follows:

Property Owner	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
First Industrial		
APN 316-200-003 (and any division thereof)	$205	$494.31
APN 316-200-009 (and any division thereof)	205	492.14
APN 316-200-010 (and any division thereof)	205	516.09
APN 316-200-011 (and any division thereof)	205	489.96
APN 316-200-012 (and any division thereof)	205	2,184.13
APN 316-200-013 (and any division thereof)	205	520.44
APN 316-200-014 (and any division thereof)	205	520.44
APN 316-200-018 (and any division thereof)	205	1040.89
APN 316-200-028 (and any division thereof)	205	435.52
APN 316-200-029 (and any division thereof)	205	1,796.51

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Stormwater Management program.

There is no impact in the General Fund for the ongoing maintenance of the proposed median on Perris Blvd, north of Nandina Ave. The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for First Industrial.

NOTIFICATION

On May 17, 2011, a ballot packet was mailed to the owner of each parcel associated with Tentative Parcel Map 35859. The packets included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the June 28, 2011, Public Meeting and July 12, 2011, Public Hearing was published in The Press-Enterprise on June 9, 2011. Additionally, the Public Hearing notification was published on June 23 and again on June 30, 2011.

ATTACHMENT

Attachment 1: First Industrial sample mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\Ballots for FY 10.11\Zone M NPDES\PA07-0165 First Industrial (TPM 35859)\Stfrpt PH 07.12.11.doc

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MV00111001

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

First Industrial
c/o First Industrial Realty Trust
Jeff Evans, Operations Director
898 N. Sepulveda Blvd., Suite 750
El Segundo, CA 90245

May 17, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charges for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 are subdivided. If APNs are merged then the annual charges for those APNs shall be combined. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M annual charge for FY 2010/11 for the proposed Perris Blvd. median is $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy

amount will be assessed to APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, July 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a simple majority (50%+1) of the ballots are marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if a simple majority of the returned valid weighted ballots approve the annual charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If there is a tie or if a majority of the returned valid ballots oppose the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If there is a tie or if a majority of the returned valid weighted ballots oppose the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bills and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, July 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for ASSESSOR PARCEL NUMBERS (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

Moreno Valley Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof), **I approve** the annual CSD Zone M charges for FY 2010/11 for the proposed Perris Blvd. median of $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. Beginning FY 2011/12, the annual CSD Zone M charges shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amounts shall be assessed on the Riverside County property tax bills as planning of the Perris Blvd median occurs. The CSD Zone M charges shall be proportionally adjusted if said APNs are subdivided. If parcels are merged then the annual charges for those parcels shall be combined.

NO** — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the CSD Zone M annual parcel charges. I understand that not incorporating said APNs into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charges shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge*
316-200-003 (and any division thereof)	☐	☐	$494.31
316-200-011 (and any division thereof)	☐	☐	$489.96
316-200-028 (and any division thereof)	☐	☐	$435.52
316-200-029 (and any division thereof)	☐	☐	$1,796.51

*The weighted value for each APN is equal to its proposed annual charge. The total proposed charge for TPM 35859 is $8,490.43.

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for Assessor Parcel Numbers (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
316-200-003 (and any division thereof)	☐	☐	$205 per parcel
316-200-011 (and any division thereof)	☐	☐	$205 per parcel
316-200-028 (and any division thereof)	☐	☐	$205 per parcel
316-200-029 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

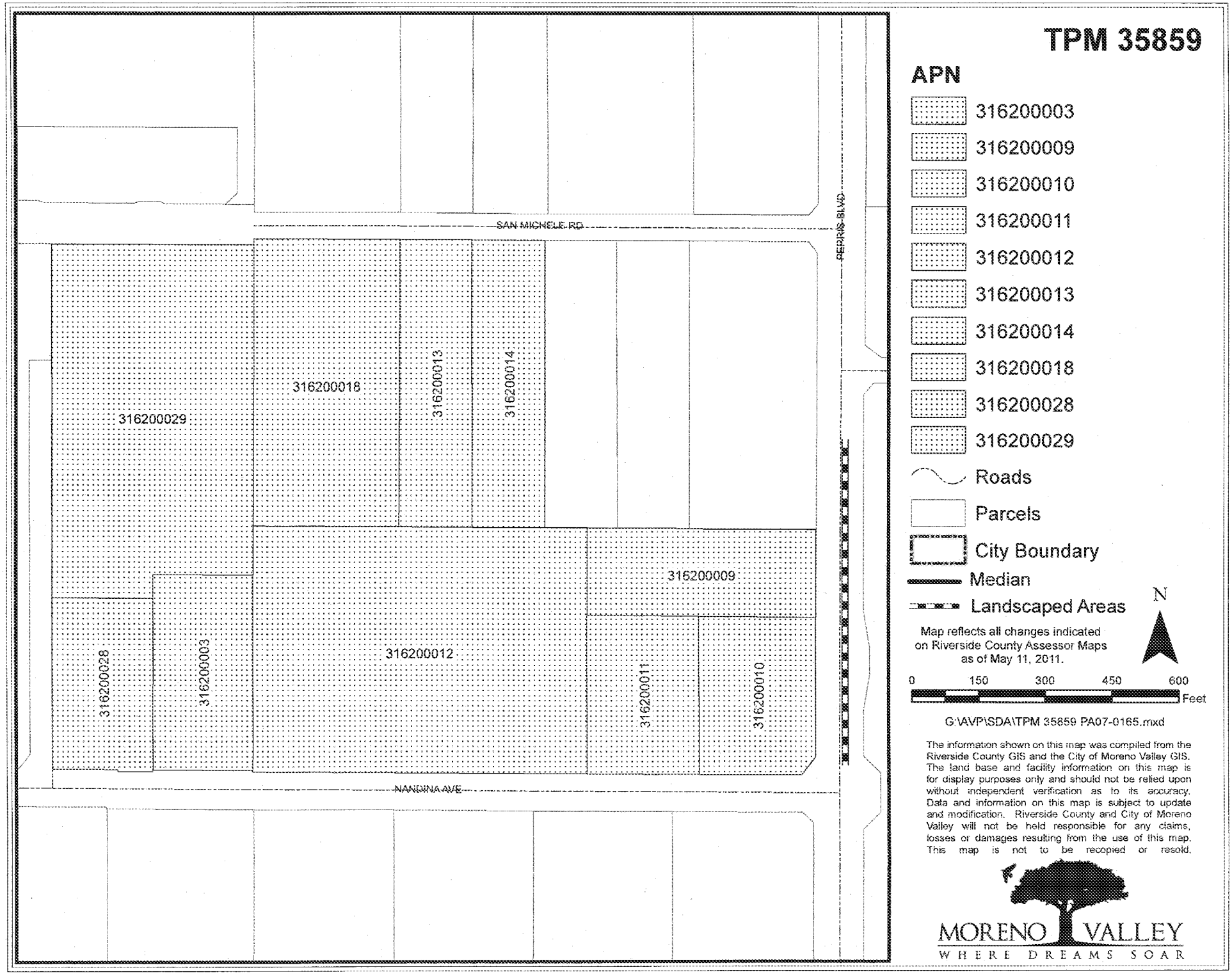
TPM 35859
APN
316200003
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316200010
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Roads
Parcels
City Boundary
Median
Landscaped Areas
Map reflects all changes indicated on Riverside County Assessor Maps as of May 11, 2011.
N
0 150 300 450 600 Feet
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The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.
MORENO VALLEY
WHERE DREAMS SOAR
SAN MICHELE RD
PERRIS BLVD
NANDINA AVE
316200029
316200018
316200013
316200014
316200009
316200012
316200028
316200003
316200011
316200010

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

June 29, 2011

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Case P08-133, PA08-0098, PA10-0017, PA08-0097, and PA09-0022
Applicant: Ridge Rancho Belago, LLC
Owner: Ridge Rancho Belago, LLC

Dear John,

As you know, on May 12, 2011 the City of Moreno Valley Planning Commission disapproved adoption of Resolution No. 2011-13 recommending to the Moreno Valley City Council the following items:

1. Approval of P08-133 (Approval and Certification of the EIR for the WestRidge Commerce Center project),
2. Approval of PA08-0098 (Zone Change),
3. Approval of PA10-0017 (Municipal Code Amendment),
4. Approval of PA08-0097 (Plot Plan), and
5. Approval of PA09-0022 (Tentative Parcel Map 36207)

On May 18th, Ridge Rancho Belago LLC formally appealed (see the attached letter) the decision of the Moreno Valley Planning Commission to the 5 member Moreno Valley City Council.
Our appeal to the Moreno Valley City Council Members was then scheduled for the July 12, 2011 City Council meeting.
Per this letter, I respectfully request a continuance of our appeal to the City Council meeting scheduled for August 23, 2011.

Thank you for your consideration and please call me if you have any questions.

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Cc: Jeff Bradshaw, City of Moreno Valley
Gil Saenz, Inland Empire Development Services

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t (562) 856-3819 | f (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

RIDGE PROPERTY TRUST

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

- ☐ Administrative Plot Plan
- ☐ Administrative Variance
- ☐ Amended Conditional Use Permit
- ☐ Amended Plot Plan
- ☐ Change of Zone
- ☐ Conditional Use Permit
- ☐ Development Agreement
- ☐ Development Code Amendment
- ☐ Extension of Time
- ☐ General Plan Amendment
- ☐ Plot Plan
- ☐ Pre-Application Review
- ☐ Specific Plan
- ☐ Specific Plan Amendment
- ☐ Tentative Parcel Map
- ☐ Tentative Tract Map
- ☐ Variance
- ☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet east of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Ranch Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: drice@ptrnet.com

Contact Person: Derek Rice

OWNER Name: same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services — Telephone: (951) 845-1003 cell 909-226-0420

Address: 931 Monarch Court — Fax No. (951) 845-9225

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson26@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name
Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature — Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature — Date: 5-18-2011

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60605

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈001194⑈ ⑆071000013⑆495693⑈

Item No. E.3

MV00111015

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

1. **ADOPT** City Council Resolution No. 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution.

OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

1. **ADOPT** City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

2. **INTRODUCE** Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

3. **INTRODUCE** Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

4. **ADOPT** City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

5. **ADOPT** City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, on May 12, 2011, denied the proposed Zone Change required to allow the project. The Planning Commission adopted Resolution No. 2011-13 (Attachment 21) on June 9th documenting the denial by a vote of 3-2 with two commissioners absent or abstaining. Individual Planner Commissioners stated concerns with increased truck traffic on Redlands Boulevard, impacts to aesthetics and views from State Route 60, and the lack of a specified tenant for the project.

Appeal

An appeal of the Planning Commission's denial was submitted on May 19, 2011, by the applicant, Ridge Rancho Belago, LLC. The appeal was received within the required 15 day appeal period. The appeal letter has been included as Attachment 22.

The letter listed the following as the reasons for the appeal:

- The project's architecture is consistent with prior approvals for warehouse buildings of similar size;
- Requiring a project to have a signed lease agreement prior to approval of the land use is not a standard practice.
- Redlands Boulevard is currently identified as a truck route in the City's General Plan. The traffic study identified intersection and roadway segments that required mitigation to meet or improve General Plan levels of service requirements and the project has been conditioned to complete/install infrastructure in the immediate vicinity and off-site to mitigate operational impacts to the City's circulation system.

BACKGROUND

West Ridge Commerce Center

The applicant, Ridge Rancho Belago, LLC, submitted five applications for development of the West Ridge Commerce Center Project (Zone Change, Municipal Code Amendment, Plot Plan, Tentative Parcel Map, and Environmental Impact Report), in order to develop a 937,260 square foot warehouse facility on a 55-acre site located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard is presented as a Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was an issue reviewed for the project. Future Eucalyptus Avenue separates the proposed project from residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site.

In order to provide compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone

of 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

The Municipal Code Amendment would add a standard to the Light Industrial zone to require industrial and warehouse structures greater than 50,000 square feet to be separated from any residential district as determined by an air quality and noise impact analysis. The minimum separation distance would be 250 feet between the residential district and the building, truck court or loading area. Attachment 18 provides the proposed Amendment text. The proposed amendment would be effective City-wide.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility on 55 acres. The warehouse facility is a permitted use in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas on the northern and southern elevations and are screened by perimeter concrete tilt-up walls and slopes with a tree row required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide parking lot and setback landscape to include ground cover, shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will include curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, the Draft EIR was prepared by Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the Draft EIR for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required responsible agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. Two letters were received after the end of the review period.

Final Environmental Impact Report

The Draft EIR and Response to Comments constitute the Final EIR. Responses to the comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Final EIR was mailed to all interested parties and responsible agencies on April 28, 2011, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of

potential impacts cannot be reduced to a less than significant level. As identified in the document, these impacts are considered to be significant and unavoidable.

Although certain identified impacts cannot be reduced to less than significant levels, CEQA allows the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs. If the decision making body determines that the benefits of a proposed project outweigh its unavoidable adverse environmental effects, it may adopt a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant and do not require mitigation. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

Typically, the Planning Commission would take public testimony on the EIR and project and forward a recommendation to City Council. However, since the Planning Commission voted 3-2 denying approval of the requested Zone Change, effectively denying the project, no review or recommendation on the EIR was required.

Before the proposed project can be acted upon, the City Council must review the final EIR, receive public testimony and either certify or reject the Final EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

The proposed Municipal Code Amendment is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

DISCUSSION

Planning Commission Public Hearing

Prior to the Planning Commission public hearing on May 12, 2011, staff received three emails from the Sierra Club commenting on the project and the related EIR. An email was also submitted by Paul Claxton, along with letters from the South Coast Air Quality Management Board and Johnson & Sedlack (Attachments 23-28). Copies of the referenced correspondence were provided to the Planning Commission.

A public hearing for the project was conducted on May 12, 2011. Following presentation of the staff report, the applicant spoke and answered Commissioner questions related to building architecture, notification efforts by the applicant, and pre-leasing the building prior to approval of the land use.

There were three speakers at this meeting. Concerns raised by the speakers included increased truck traffic on Redlands Boulevard and Ironwood Avenue, too frequent changes to the General Plan Land Use Element, the City's policy for notification of a public hearing, opposition to the Zone Change request, preservation of the rural east end of City, air quality and Commissioner objectivity.

The Planning Commission asked the applicant whether they would agree to change the architecture or guarantee a tenant or buyer. The applicant indicated that securing a tenant or buyer prior to approval of the project was not a possibility. The applicant was not willing to make changes to the architecture and asserted that the proposed architecture meets current City design criteria. Planning staff stated that the proposed architecture is consistent with both the Municipal Code and prior City warehouse approvals.

Following public testimony, the Planning Commissioners discussed the project, and then voted 3-2 to deny the Zone Change, effectively denying the project based on concerns with the project's design and potential impacts. There was no discussion of the Environmental Impact Report and no recommendation action taken on project's environmental documents.

ALTERNATIVES

1. The City Council could deny the project by adopting the denial resolution included as Attachment 2.

2. The City Council could approve the project by adopting the resolutions and ordinances included as Attachments 3 through 7.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

SUMMARY

This report addresses the appeal of the Planning Commission's May 12, 2011 denial of Zone Change application PA08-0098 to change the zone from Business Park to Light Industrial for a 55 acre site for the West Ridge Commerce Center project. The project also includes applications for Plot Plan PA08-0097 for a 937,260 square foot warehouse facility on 55 acres; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum

separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal. Staff has provided recommended actions that would permit City Council to either uphold the Planning Commission denial or overturn that action and approve the proposed project.

NOTIFICATION

Notice of the appeal of the proposed West Ridge Commerce Center project was provided to all property owners of record within 300' of the properties covered under these applications as well as agencies and interested parties that requested notification of public meetings for this project. The public hearing notice for this project was also posted on the property site and published in the local newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. City Council Denial Resolution No. 2011-76
3. Environmental Impact Report Resolution No. 2011-77, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Ordinance No. 829 - Zone Change
5. Ordinance No. 830 - Municipal Code Amendment
6. Resolution No. 2011-78 - Plot Plan PA08-0097
7. Resolution No. 2011-79 - Tentative Tract Map 36207
8 Planning Commission Staff Report excluding exhibits
9. Planning Commission Minutes from May 12, 2011 meeting
10. Environmental Impact Report
11. Site Plan
12. Elevations
13. Color Rendering
14. Cross Sections – Line of Sight
15. Preliminary Landscape Plan
16. Tentative Parcel Map 36207
17. Aerial Photograph
18. Revisions to Municipal Code Chapter 9.05 Industrial Districts
19. Response to SCAQMD comments
20. Response to Tom Hyatt comments
21. Planning Commission Denial Resolution No. 2011-13
22. Appeal letter from Ridge Rancho Belago, LLC dated 05/19/11
23. Sierra Club email dated 05/05/11
24. Sierra Club email dated 05/09/11
25. Sierra Club email dated 05/11/11
26. Johnson & Sedlack comment letter dated 05/12/11
27. South Coast Air Quality Board comment letter dated 05/12/11
28. Email comments from Paul Claxton date 05/11/11

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00111025

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: P08-133 – Environmental Impact Report
PA08-0098 – Zone Change
PA10-0017 – Municipal Code Amendment
PA08-0097 – Plot Plan
PA09-0022 – Tentative Parcel Map No. 36207

APPLICANT: Ridge Rancho Belago, LLO

OWNER: Ridge Rancho Belago, LLC

REPRESENTATIVE: Inland Empire Development Services

LOCATION: South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard

PROPOSAL: A public hearing regarding an appeal of the Planning Commission's May 12, 2011 denial of a Zone Change (PA08-0098) from Business Park (BP) to Light Industrial (LI) for a 55 acre site for the West Ridge Commerce Center project. The project also includes a Plot Plan (PA08-0097) for a 937,260 square foot warehouse facility; Tentative Parcel Map No. 36207 (PA09-0022) to create a single parcel; and a Municipal Code Amendment to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the project.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

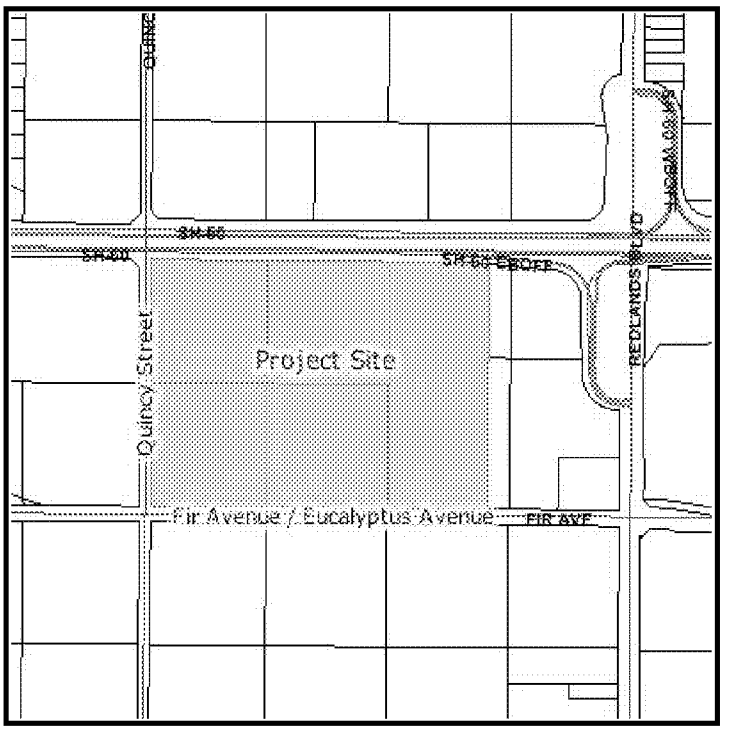

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: July 12, 2011 at 6:30 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

ATTACHMENT 1

Item No. E.3

MV00111026

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MV00111027

RESOLUTION NO. 2011-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on June 9, 2011, the Planning Commission adopted a resolution by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider an appeal of the Planning Commission's denial of the Zone Change application.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the City Council voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor.

The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources. The proposed project includes a 937,260 square foot warehouse industrial building which exceeds the maximum building area of 50,000 square feet permitted by the current zoning designation of Business Park. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

2. The proposed warehouse industrial buildings would increase the amount of heavy truck traffic on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic would be incompatible with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building would be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, DENYING a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00111031

RESOLUTION NO. 2011-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P08-133), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE WEST RIDGE COMMERCE CENTER PROJECT, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF FIR AVENUE/FUTURE ECUALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD.

WHEREAS, on July 12, 2011, the City Council of the City of Moreno Valley held a public hearing to consider the Environmental Impact Report and all related environmental documentation for the proposed project, which includes a Plot Plan for a 937,260 square foot distribution warehouse facility on 55 acres. The warehouse building includes 173 dock doors and provides parking for 307 employees/visitors and 175 trailer parking spaces within the enclosed truck court. The project site is currently zoned Business Park which limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial is required to allow the larger building proposed by the project. Tentative Parcel Map No. 36207 proposes to combine the multiple parcels of the project site into a single parcel This project also requires approval of a Municipal Code amendment to Chapter 9.05 Industrial Districts to require a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. The proposed amendment will be effective citywide;

WHEREAS, the project includes applications for a Change of Zone (PA08-0098), Municipal Code Amendment (PA10-0017), a plot plan (PA08-0097) and a tentative parcel map (PA09-0022). All the applications are related but shall not be approved unless the Environmental Impact Report (P08-133) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on October 22, 2010, while the review period ended on December 6, 2010. A Final EIR, (including the Draft EIR and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on April 28, 2011, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR with complete responses to comments to the State Clearinghouse, local agencies and other interested parties;

ATTACHMENT 3

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider a Final EIR for this project.

WHEREAS on July 12, 2011, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

WHEREAS, the draft and final EIR concerning the proposed West Ridge Commerce Center Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the West Ridge Commerce Center Project, including, but not limited to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use, noise, transportation/traffic, and utilities/service systems;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The City Council certifies that the final Environmental Impact Report (EIR) for the West Ridge Commerce Center Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The City Council hereby adopts the Findings and Statement of Overriding Considerations regarding the final EIR for the West Ridge Commerce Center Project, attached hereto as Exhibit A; and

3. The City Council hereby approves the Mitigation Monitoring Program for the final EIR for the proposed West Ridge Commerce Center Project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the Westridge Commerce Center Project (State Clearinghouse No. 2009101008)

I. INTRODUCTION

The City Council of Moreno Valley (this "Council"), in certifying the EIR for the Westridge Commerce Center Project and approving Tentative Parcel Map 36207 and a Plot Plan authorizing the construction of up to 937,260 square feet of light industrial/distribution warehouse uses (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the City of Moreno Valley. The Project site consists of approximately 54.66 acres of vacant and undeveloped land, located southeasterly of the SR-60 interchange with Redlands Boulevard. Specifically, the Project is bounded by SR-60 to the North, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the

EXHIBIT A

west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east.

Properties to the west of the Westridge Commerce Center Project site, across the Quincy Channel, are currently in agricultural production; however, a development proposal has been submitted to the City for this adjacent site, involving six (6) distribution warehouse facilities totaling approximately 2.25 million square feet on 117 acres, and an EIR is currently being prepared for this project. To the south, across the Fir (future Eucalyptus) Avenue alignment, properties are currently vacant with the exception of one residence located near the southeasterly corner of the Project site. No active development proposals exist for southerly adjacent properties, which have a General Plan Land Use designation of "R2," allowing two dwelling units (DU) per acre. Properties immediately to the east of the Project site are designated for commercial use, though no development proposal is currently on file. Further to the east, across Redlands Boulevard, the Highland Fairview Corporate Park project is currently under construction. At buildout, this Project would involve approximately 2.6 million square feet of warehouse distribution uses and 200,000 square feet of commercial uses on approximately 158 acres located south of SR-60, between Redlands Boulevard and Theodore Street.

2. <u>Project Description</u>

The Project consists of construction and operation of an approximately 937,260 square foot light industrial/distribution warehouse facility, with onsite parking, circulation, and all required infrastructure. The Project site is currently designated for Business Park/Light Industrial uses in the City's General Plan, and its zoning designation is Business Park. The development of the Project requires a change of zone, from Business Park to Light Industrial zoning, to allow for the proposed light industrial/distribution warehouse uses configured in a single structure greater than 50,000 square feet. A Municipal Code text amendment to Section 9.05.020 B is also required by the Project, to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- A zone change from Business Park to Light Industrial;
- Amendment to Municipal Code Section 9.05.020 B [Light Industrial Districts];
- Tentative Parcel Map approval (PM 36207);
- Development Plan Review and Plot Plan approval for the entire Project;
- Construction, grading, and encroachment permit approvals;
- Vacation and/or dedication of public rights-of-way and easements;
- Approval of the Final Water Quality Management Plan (WQMP); and
- Any other City of Moreno Valley approvals that may be necessary pursuant to applicable laws and regulations.

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the NOP/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On October 1, 2009 the City circulated a Notice of Preparation ("NOP") and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On October 28, 2009, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from October 1 to October 30, 2009. Written comments on the NOP were received from 26 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics; agricultural resources; air quality; biological resources; geology and soils (seismic risk); hazardous materials; hydrology/water quality; land use; noise; solid waste generation; traffic and circulation; water supply; alternatives selection; cumulative impacts; growth inducement; and the use of green building standards and solar energy.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information and analysis to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Agricultural Resources; (2) Geology and Soils; (3) Hazards/Hazardous Materials; (4) Mineral Resources; (5) Population/Housing; (6) Public Services; (7) Recreation; and, (8) Utilities and Service Systems.

- On October 21, 2010, the NOA/NOC was filed with the Riverside County Recorder and the State Clearinghouse and the DEIR was circulated for the 45 day public review, which ended December 6, 2010.
- The City received a total of six (6) comment letters from public agencies; five (5) from local business or community organizations; and thirteen (13) from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 3.0 of the FEIR.
- On December 2, 2010, the City held a publicly noticed meeting to provide additional information about the Project and the EIR.
- On April 29, 2011 in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On May 12, 2011, the City Planning Commission conducted a public hearing to consider the Project. After public testimony presented at the hearing, the Planning Commission denied the requested Zone Change for the Project, effectively denying the Project.
- On May 19, 2011, an appeal letter and application were submitted to the City by the applicant, Ridge Rancho Belago, LLC, appealing the Planning Commission's denial of the Project to the City Council.
- On June 30, 2011, Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On July 12, 2011, this Council approved a continuance to August 23, 2011.
- On August 23, 2011, this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding

Considerations, and the further recommendations in the Staff Report, and approved the Project, including the requested change of zone, Municipal Code Amendment, and PM 36207 (collectively the "Approvals").

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of Applied Planning, Inc. ("Applied Planning") to prepare the EIR for the Project. Applied Planning has prepared the EIR under the supervision, direction and review of the City with the assistance of an independent peer review (Willdan Associates). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures

recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 and 5.0 of the DEIR and Section 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 3.0 of the FEIR.

The EIR evaluated nine major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Land Use, Noise, Traffic and Circulation and Water Supply. Both Project-specific and cumulative impacts were evaluated. Of these nine major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. **Land Use**

a. **General Plan Consistency**

Potential Significant Impact: Whether the Project is consistent with applicable provisions of the City's General Plan.

Findings: Potential impacts of the Project related to consistency with the General Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to General Plan consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's General Plan Land Use designation is "Business Park/Light Industrial." The warehouse and distribution uses proposed by the Project are permitted or conditionally permitted by, and therefore are considered to be consistent with, applicable General Plan Land Use Plans and Policies. (DEIR, pg. 4.1-17) Accordingly, impacts associated with General Plan consistency would be less-than-significant and no mitigation is required.

b. **Zoning Consistency**

Potential Significant Impact: Whether the Project would conflict with the applicable zoning.

Findings: Potential impacts of the Project related to consistency with zoning are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to zoning consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's existing zoning designation of Business Park (BP) does not allow for development of distribution warehouse uses within single structures of more than 50,000 square feet, as proposed by the Project. As such, a zone change from BP to Light Industrial (LI) is requested in order to accommodate the Project. The proposed LI zoning designation is consistent with the site's underlying General Plan Land Use designation of Business Park/Light Industrial. In order to ensure compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses, a Municipal Code Amendment is also proposed that would require a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as

required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. (DEIR, pgs. 4.1-20 to 4.1-24) Accordingly, with approval of the Project's requested zone change and Municipal Code Amendment, impacts associated with zoning consistency would be less-than-significant and no mitigation is required.

c. Consistency with SCAG Plans and Policies

Potential Significant Impact: Whether the Project would conflict with any applicable Southern California Association of Governments (SCAG) plan or policy.

Findings: Potential impacts of the Project related to consistency with the applicable SCAG plans and policies are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impacts related to inconsistency with SCAG's regional plans or policies areas will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a SCAG member agency, and is subject to applicable Policies of SCAG's regional plans. The DEIR assessed the Project and found it to be consistent with applicable SCAG Policies on Growth Management, Air Quality, Open Space and Conservation, and Water Quality, Regional Transportation. The Project was also found to be consistent with SCAG's Regional Transportation Plan and Compass Growth Visioning Principles. (DEIR, pgs. 4.1-24 to 4.1-30) Accordingly, any impact associated with SCAG plan or policy consistency would be less-than-significant and no mitigation is required.

d. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with applicable Habitat Conservation Plans or other natural community conservation plans.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan. The Project complies with all applicable provisions of the MSHCP. The Project site is not within an MSHCP Criteria Cell, nor is the site within 1,000 feet of an identified Criteria Cell. No MSHCP conservation areas or habitat linkages occur onsite. (DEIR, pg. 4.1-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required.

Prior to the implementation of the MSHCP, Riverside County adopted a separate HCP for the Stephens' kangaroo rat (SKR, Dipodomys stephensi), which are federally listed as endangered and state listed as threatened. As with the MSHCP, participants of the SKR HCP can incorporate projects into the incidental "take" permit for SKR if the project complies with the requirements of the SKR HCP implementing agreement. Payment of the mitigation fees and compliance with the SKR HCP requirements provides full mitigation under CEQA for impacts to SKR. (DEIR, pg. 4.8-14)

e. Potential to Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the potential division of an established community are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the physical division of an established community will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is located within, and continues the business park/light industrial land uses that exist or are proposed along the City's southerly SR-60 frontage, consistent with land use and development patterns reflected in the Moreno Valley General Plan Land Use Map. Adjacent parcels to the east and south are currently vacant, with the exception of a single family residence to the south of Fir (future Eucalyptus) Avenue near the Project site's southeasterly corner. Parcels adjacent to this residence are designated for Rural Residential (RA-2) uses. However, with the exception of the single existing residence south of Fir (future Eucalyptus) Avenue, this adjacent, residentially designated area is not yet

developed, and as such, does not constitute an "established community." Implementation of the Project will realize light industrial/warehouse distribution uses that are compatible with, and similar to, anticipated development to the east and west of the Project as part of the approved Highland Fairview Corporate Park project, and the proposed ProLogis project. (DEIR, pgs. 4.1-32 to 4.1-33) Accordingly, any impacts related to the division of an established community would be less-than-significant and no mitigation is required.

f. Cumulative Impacts Related to Land Use

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to land use.

Findings: Potential cumulative impacts of the Project related to land use are discussed in detail in Section 5.1.1.1 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to land use will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. While it is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area, the proposed land use is consistent with the City's General Plan Land Use Element. The Project is also consistent with SCAG's regional plans and policies and the Western Riverside County MSHCP. With approval of the requested zone change (from Business Park to Light Industrial) and Municipal Code Amendment, in addition to approval of the discretionary actions identified in Section II (A)(3) of these Findings, the Project's contributions to potential cumulative land use impacts related to General Plan, Zoning, and Regional Plan consistency are less-than-significant. There are no known or probable off-site development proposals that would not, or could not, comply with applicable General Plan provisions; or that would otherwise adversely compound land use approvals requested by the Project, and so be determined to be cumulatively significant. It is assumed that other development projects within the cumulative impact area will also request appropriate discretionary land use approval where necessary, thereby reducing potential cumulative impacts. (DEIR, pgs. 5-5 to 5-7) Accordingly, any impacts to land use would not be cumulatively considerable and no mitigation is required.

2. Traffic and Circulation

a. Increase in Roadway Hazards

Potential Significant Impact: Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to increased roadway hazards are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: To ensure appropriate design and implementation of all Project access improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. Efficient and safe operations of the Project are provided by on-site and localized circulation and intersection improvements included as components of the Project. The safety of bicyclists and pedestrians shall be taken into consideration during the final design of future intersections within the vicinity of the Project. Additionally, sight distance at each Project access point shall be reviewed with respect to standard Caltrans/City of Moreno Valley sight distance standards at the time of preparation of final grading, landscape and street improvement plans. Temporary and short-term traffic detours and traffic disruption that may result during Project construction is adequately addressed through the submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours. Implementation of the approved construction area traffic management plan and resulting construction traffic control measures reduces potential circulation system impacts during construction to levels that are less-than-significant. (DEIR, pgs. 4.2-84 to 4.2-85) Therefore, no mitigation is required.

b. Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access or access to nearby uses.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the construction area traffic management plan/construction traffic control measures will assure adequate emergency access during the construction of the Project. Adequate emergency access will be provided upon completion of the Project improvements and mitigation measures. Prior to buildout of the local roadway system, which will ultimately include a bridge over the Quincy Channel, analysis included in the DEIR indicates that emergency vehicles serving the Project vicinity will be able to meet or exceed Moreno Valley Fire Protection Agency objectives for a five-minute response time using any of three alternate routes. Additionally, buildout of the local roadway system will improve overall emergency response to the area. (DEIR, pgs. 4.2-86 to 4.2-88) Accordingly, any impacts related to emergency access would be less-than-significant and no mitigation is required.

c. Alternative Transportation

Potential Significant Impact: Whether the Project would conflict with adopted policies supporting alternative transportation.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Riverside Transit Agency (RTA) currently provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. City staff has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project. However, the Project does not propose elements or aspects that would interfere or conflict with

the future provision of transit services. The Project will provide pedestrian and bikeway facilities consistent with City Municipal Code requirements to be identified in the Project Conditions of Approval, thereby reducing potential impacts below significance thresholds. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pg. 4.2-89) Therefore, no mitigation is required.

d. Air Traffic Patterns

Potential Significant Impact: Whether the Project would increase or otherwise affect existing air traffic patterns.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any change in air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an Airport Area of Influence or Airport Land Use Plan (ALUP). The March Inland Port/March Air Reserve Base is the airport located nearest the Project site, approximately five miles to the southwest. The Project does not propose elements that would affect, or be affected by, air traffic facilities. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pgs. 4.2-89 to 4.2-90) Therefore, no mitigation is required.

3. <u>Air Quality</u>

a. Air Quality Management Plan Consistency

Potential Significant Impact: Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Potential impacts of the Project related to the applicable air quality plan are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable air quality plan and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project is consistent with, and will not impede or otherwise conflict with implementation of the Air Quality Management Plan ("AQMP"). The

Project is consistent with AQMP Consistency Criterion No. 1 because it will not cause a potential increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (DEIR, pgs. 4.3-51 to 4.3-52) The Project will not exceed the California Ambient Air Quality Standards ("CAAQS") for localized criteria pollutants during construction operations. While operational emissions will be generated in excess of SCAQMD's regional threshold criteria, these emissions are already accounted for in the AQMP since the Project is consistent with the land uses and development intensities reflected in the City General Plan and incorporated in the adopted AQMP. Consistent with intent and provisions of the AQMP, the Project will implement all feasible mitigation, and comply with all applicable SCAQMD rules developed to reduce air pollutant emissions. The Project is also consistent with AQMP Consistency Criterion No. 2 because the extent of air pollutant emissions generated by the Project would be no greater than is reflected in the current General Plan and incorporated in the adopted AQMP. Because the Project is consistent with the General Plan Land Use designation of Business Park/Light Industrial, it does not exceed growth projections contained in the City's General Plan, and is consistent with growth assumptions in the AQMP. (DEIR, pgs. 4.3-52 to 4.3-53) Accordingly, impacts related to consistency with the applicable air quality plan will be less-than-significant and no mitigation is required.

b. Objectionable Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon

completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. (DEIR, pg. 4.3-88) Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required.

c. Greenhouse Gas Emissions

2. Potential Significant Impact: Whether the Project would directly or indirectly generate greenhouse gas emissions that may have a significant impact on the environment.

3. Findings: Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to the direct or indirect creation of greenhouse gas emissions and, therefore, no mitigation is required. Nonetheless, in order to reduce Project-related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, the following Mitigation Measures 4.3.11 through 4.3.13 will be implemented through the MMRP.

4.3.11 *Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.*

- *Increase in insulation such that heat transfer and thermal bridging is minimized;*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*
- *Incorporate dual-paned or other energy efficient windows;*

- *Incorporate energy efficient space heating and cooling equipment;*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;*
- *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*

4.3.12 *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.*

4.3.13 *GHG emissions reductions measures shall also include the following:*

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan*

approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

- *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.*
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*
- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*
    - *Implementation of compressed workweek schedules;*
    - *SmartWay partnership;*

- *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*
- *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Facts in Support of the Findings: As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the DEIR's analysis demonstrates that the Project will not exceed the proposed quantitative thresholds of CARB or the SCAQMD. Accordingly, Project greenhouse gas emissions impacts are considered less-than-significant. (DEIR, pgs. 4.3-88 to 4.3-94)

a. Greenhouse Gas Emission Reduction Plan Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to consistency with greenhouse gas emission reduction plans are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable greenhouse gas emissions reduction plans and, therefore, no mitigation is required.

Facts in Support of the Findings: In the absence of approved guidelines or thresholds, the Project's consistency with the State's goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan. As documented in the DEIR, the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. Additionally, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures. (DEIR, pgs. 4.3-94 to 4.3-110) Accordingly, impacts related to consistency with applicable greenhouse gas emissions reduction plans will be less-than-significant and no mitigation is required.

4. Noise

a. Ground-Borne Vibration/Ground-Bourne Noise

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. (DEIR, pg. 4.4-28) Although

heavy equipment employed during Project construction could potentially generate groundborne vibration resulting in annoyance at area residential land uses, the only sensitive receptor close enough to the Project site to experience disturbance is the single residence located at 28855 Fir Avenue. Vibration-producing activities at this location are unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment in the vicinity of this residence at the Project site perimeter. (DEIR, pgs. 4.4-27 to 4.4-28) Accordingly, potential groundborne vibration impacts due to Project construction or operations are less-than-significant and no mitigation is required.

b. Aircraft Noise

Potential Significant Impact: Whether the Project would result in significant impacts related to aircraft noise.

Findings: Potential impacts of the Project related to aircraft noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to aircraft noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. While occasional aircraft overflight noise from regional air facilities is expected to occur, the Project would not expose people residing or working in the Project area to excessive noise levels from aircraft operations. (DEIR, pg. 4.4-28) Accordingly, impacts related to aircraft noise will be less-than-significant and no mitigation is required.

5. Water Supply

a. Effect on Groundwater Supplies

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Findings: Potential impacts of the Project in regard to groundwater supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose nor require direct ground water withdrawals. Water to be provided to the Project will be supplied from imported water through MWD, with no impact to groundwater supplies. As such, the Project would not substantially deplete groundwater supplies. Nor will the Project substantially interfere with groundwater recharge capabilities. No designated groundwater recharge facilities exist within or proximate to the Project site, nor does the Project propose elements or operations that would directly or indirectly affect any designated groundwater recharge facilities. The Project will establish open space areas and landscaping allowing for potential capture, retention and infiltration of storm waters to the groundwater table. Accordingly, Project-related impacts relative to groundwater supply and recharge are less-than-significant. (DEIR, pgs. 4.5-26 to 4.5-27) Therefore, no mitigation is required.

b. Require New Water Supplies

Potential Significant Impact: Whether the Project would require new or expanded water supplies.

Findings: Potential impacts of the Project in regard to water supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required. Nonetheless, in order to further reduce the Project's overall water use, ensure ongoing availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project Water Supply Assessment (WSA), the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measure 4.5.1 through 4.5.4. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.

4.5.1 *Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.*

4.5.2 *The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.*

4.5.3 *The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.*

4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.*

Facts in Support of the Findings: As required under SB 610/221, a WSA has been prepared for the Project. The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, Eastern has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. With the implementation of these conditions, incorporated in the DEIR as Mitigation Measures 4.5.1 through 4.5.4, Project-related impacts relative to water supply are less-than-significant. (DEIR, pgs. 4.5-27 to 4.5-29)

c. Cumulative Impacts Related to Water Supply

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts related to water supply.

Findings: Potential cumulative impacts of the Project related to water supply are discussed in detail in Section 5.1.1.5 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential cumulative or areawide impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. It is assumed that other development projects within the cumulative impact area will also be realized consistent with development anticipated by the adopted Urban Water Management Plan (UWMP), and, like the Project, be required to pay connection and use fees providing for improvement and maintenance of serving water systems, thereby reducing potential cumulative impacts. Based on the preceding discussion, the Project's potential contribution to cumulative impacts in regard to water supply is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-17) Therefore, no mitigation is required.

6. Hydrology and Water Quality

a. Violate Water Quality Standards

Potential Significant Impact: Whether the Project would violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality.

Findings: Potential impacts of the Project related to water quality are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any exceedance of water quality or waste discharge standards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential erosion and siltation impacts related to Project construction will be addressed through the preparation and implementation of a City-approved Storm Water Pollution Prevention Plan (SWPPP), which is required to identify sources of sediments and other pollutants that could affect the quality of storm water discharge, and associated Best Management Practices (BMPs) such as the installation of filter fabric fences, sandbars, and checkdams to reduce pollutants within storm water discharge consistent with City,

County, and Regional Water Quality Control Board (RWQCB) performance standards. To prevent or reduce the effects of urban runoff that could result from long-term Project operations, a Project-specific Water Quality Management Plan (WQMP) will be implemented consistent with the requirements of Riverside County's National Pollutant Discharge Elimination System (NPDES) permit. The Project WQMP will incorporate selected BMPs approved by the City, the Riverside County Flood Control and Water Conservation District, and the Santa Ana RWQCB to establish a program and means to prevent or minimize potential storm water pollutant discharges over the life of the Project. As such, the potential for the Project to violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality is determined to be less-than-significant. (DEIR, pgs. 4.6-16 to 4.6-22) Accordingly, no mitigation is required.

b. Flooding on- or off-site

Potential Significant Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or provide substantial additional sources of polluted runoff.

Findings: Potential impacts of the Project relating flooding and stormwater management are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flooding or excess runoff will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project's drainage facilities will maintain existing drainage patterns (trending from northwest to southeast) will be maintained, and no stormwater runoff from the Project site will be directed to the Quincy Channel. Project storm water management improvements will be implemented to accommodate existing off-site flows in combination with increased onsite storm water discharge rates/volumes, and to address Project-related urban storm water pollutants. These include construction of a concrete cut-off wall protection barrier along the westerly edge of the Project area, to be located and designed so as not to impact any Delineated Jurisdictional Areas along the eastern bank of Quincy Channel,

and to help prevent any further erosion caused by migrating flows from the Quincy culvert crossing the SR-60 freeway. Along the south side of the Project, within the Fir (future Eucalyptus) Avenue right-of-way, drainage facilities will be installed consistent with Riverside County's Moreno Area Drainage Plan (ADP) line D-3. Along the east side of the property, the existing 60-inch culvert will remain in place to convey the runoff from north of the freeway to the existing drainage ditch on the west side of Redlands Boulevard. (DEIR, pgs. 4.6-23 to 4.6-25)

On-site, a series of underground pipes has been designed to collect the runoff from around the proposed facility. The underground pipes will be routed to the proposed bio-retention basins and detention basin at the south side of the facility. These basins would reduce storm water discharge from the site to levels equivalent to pre-development conditions, thereby precluding incremental impacts to receiving storm drain facilities. The on-site detention basin system will be designed to detain the differential runoff created due to the development of the site for the 2, 5, 10 and 100 year; 1, 3, 6 and 24 hour storm events. The detention basins will be equipped with an overflow structure that will release runoff into the public storm drain facility (Line D-3) and will ultimately drain to the drainage ditch along the west side of Redlands Boulevard.

Prior to issuance of grading permits, detailed final grading and drainage plans will be reviewed and approved by the City, in compliance with City, County, and SARWQCB requirements. Implementation of approved Project drainage improvements ensures that the Project would appropriately convey storm water runoff without adversely affecting upstream or downstream drainage characteristics. Further, pursuant to the Project SWPPP and WQMP (which, as discussed previously, are designed to minimize potential hydrologic and water quality impacts), Project-generated storm water runoff would not constitute a substantial pollutant source. (DEIR, pgs. 4.6-24 to 4.6-25) Accordingly, the Project would not substantially alter existing drainage patterns and has been developed in a manner that will assure that future runoff does not create any flooding issues, or otherwise exceed the capacity of stormwater drainage systems. Accordingly, any impacts related to flooding and stormwater management would be less-than-significant and no mitigation is required.

c. Place Structures or Housing within a 100-Year Floodplain

Potential Significant Impact: Whether the Project would place housing or structures that would impede or redirect flood flows within a 100-year flood hazard area.

Findings: Potential impacts of the Project related to hydrology and flooding are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the placement of structures or housing within a 100-year floodplain will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a 100-year flood hazard area, nor is the Project site located within a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100-year floodplain. Further, the Project does not propose the construction of housing. Implementation of new drainage facilities will ensure adequate flood carrying capacity for storm drainage generated on-site, as well as existing runoff entering the Project site from adjacent properties. As such, the potential for the Project to place housing or structures within a 100-year flood hazard area which would impede or redirect flood flows is less-than-significant. (DEIR, pg. 4.6-27) Accordingly, no mitigation is required.

d. Other Flood Hazards

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche, tsunami, or mudflow.

Findings: Potential impacts of the Project related to flood hazards discussed in detail in Section II-E of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flood hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a dam inundation area, nor does the Project site lie within a General Plan-designated 100-year flood hazard area or FIRM 100-year floodplain area. Notwithstanding, in order to preclude potential flood damage, the Project will be designed to provide protection of the proposed buildings and Project employees for the 100-year flood event by ensuring that the finished floor is set a minimum of one foot above the 100-year on-site flood elevation. Further, the proposed Project site is not

located within the vicinity of a hazardous coastal area, large water body, or unstable hills or slope. As such, the Project would not expose people to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or by inundation from a seiche, tsunami, or mudflow. (DEIR, pg. 4.6-28) Accordingly, no mitigation is required.

e. Cumulative Impacts Related to Hydrology and Water Quality

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to hydrology and water quality.

Findings: Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 5.1.1.6 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to hydrology and water quality will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area within the jurisdiction of the Santa Ana RWQCB. In accordance with NPDES requirements, the Project proponent will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and construction storm water discharge contamination impacts of the Project. The Project incorporates storm water management components, including drainage facilities and BMPs, which collectively act to ensure that post-development storm water discharge rates and volumes do not exceed pre-development conditions. Moreover, the Project's proposed storm water management systems will be designed, constructed and maintained so as to ensure compliance with City, RCFCWQCD, and RWQCB storm water quality requirements. In these regards, prior to issuance of building permits, all proposed storm water management components are subject to review and approval by the City, RCFCWQCD, and RWQCB. Ancillary facilities will also be subject to reviewed and approved by Caltrans. Storm water management components to be implemented by the Project, in combination with mandated compliance with State, RWQCB, and City storm water management requirements ensures that adequate storm water conveyance and treatment facilities will be provided to support development and operations of the Project. (DEIR, pgs. 5-18 to 5-19) Accordingly, the Project's potential contribution to cumulative

hydrology and water quality impacts would not be considerable, and the cumulative effects of the Project are less-than-significant.

7. Cultural Resources

a. Disturbance of Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to the potential disturbance of human remains are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the disturbance of human remains will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The likelihood of encountering human remains in the course of Project development is remote; however, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by State law. Based on compliance with these existing regulations, the Project's potential to adversely disturb human remains is considered unlikely. (DEIR, pg. 4.7-14) Accordingly, any impacts associated with the disturbance of human remains would be less-than-significant and no mitigation is required.

b. Cumulative Impacts Related to Cultural Resources

Potential Significant Impact: Whether the Project would result in cumulative considerable impacts to cultural resources.

Findings: Potential cumulative impacts of the Project on cultural resources are discussed in detail in Section 5.1.1.7 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to cultural resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for prehistoric, archaeological, and historic resources generally includes the Perris Plain/Perris Valley area (including the Cities

of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within this area would be site-specific. In the event that potentially significant resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. There are no known or probable potentially significant off-site development proposals that would interact with, or compound Project-related cultural resources impacts, that could be determined to be cumulatively significant. To the extent that each development proposal within the cumulative impact area provides appropriate mitigation during landform modification activities, cumulative impacts to cultural resources are reduced below significance thresholds. Based on the preceding, the Project's potential contribution to cumulative cultural resources impacts is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-19) Therefore, no mitigation is required.

8. Biological Resources

a. Federally Protected Wetlands

Potential Significant Impact: Whether the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Findings: Potential impacts of the Project related to federally protected wetlands are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to federally protected wetlands and, therefore, no mitigation is required.

Facts in Support of the Findings: No federally protected wetlands, as defined by Section 404 of the Clean Water Act, exist in the Project area. The Quincy Channel, an ephemeral drainage that runs along the western edge of the Project site, and an existing off-site drainage channel on the west side of Redlands Boulevard contain Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdictional areas, but these channels do not contain federally protected wetlands, as defined by Section 404 of the Clean Water Act. Nor does the Project propose uses or facilities that would otherwise substantively and adversely affect Section 404 federally protected wetlands. Accordingly, potential impacts would be less-than-significant. (DEIR, pg. 4.8-29) Therefore, no mitigation is required.

b. Wildlife Movement, Migration, and Nursery Sites

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to wildlife movement, migration, and nursery sites are discussed in detail in Section 4.8 the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildlife movement, migration, and nursery sites and, therefore, no mitigation is required.

Facts in Support of the Findings: During preparation of the MSHCP, wildlife corridors and habitat linkages throughout western Riverside County were analyzed extensively. No MSHCP wildlife habitat linkages or movement corridors were identified at the Project site. Nor does the Project propose facilities or activities that would substantively and adversely affect any offsite designated wildlife habitat linkage or movement corridor. On this basis, the potential for the Project to interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, is determined to be less-than-significant. (DEIR, pgs. 4.8-29 to 4.8-30) Therefore, no mitigation is required.

c. Local Policies or Ordinances Protecting Biological Resources

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to local policies or ordinances protecting biological resources are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to local policies or ordinances protecting biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, have been identified as applicable to the Project. (DEIR, pg. 4.8-30) Accordingly, impacts related to local policies or ordinances protecting biological resources will be less-than-significant and no mitigation is required.

f. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a participating agency in the Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP). As such, only projects consistent with the MSHCP will be developed within the City. The Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project "is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009." These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. As such, the Project is in compliance with the MSHCP. (DEIR, pg. 4.8-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required. This species has not been recorded within the Project area in the past and is presumed absent from the site. Additionally, the Project is consistent with the Habitat Conservation Plan for the Stephens' Kangaroo Rat, which allows for incidental take of Stephens' Kangaroo Rat for projects located within the plan area. With payment of the appropriate mitigation fee, which the City requires as a standard procedure during the processing of development applications, any potential impacts to Stephens' kangaroo rat would be less-than-significant.

d. Cumulative Impacts Related to Biological Resources

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to biological resources.

Findings: Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 5.1.1.8 of the DEIR. Based on the entire record before us, this

Council finds that no cumulatively significant impacts related to biological resources will occur as a result of development of the Project.

Facts in Support of the Findings: Implementation of mitigation measures proposed in the MMRP would reduce potential impacts to biological resources to levels that are less-than-significant. In this regard, mitigation of Project-specific biological resources impacts will also reduce the Project's potential incremental contributions to cumulative biological resources impacts within the region such that no additional mitigation for cumulative biological resources impacts is required. To the extent that each development proposal within the cumulative impact area(s) provides appropriate mitigation, cumulative impacts to biological resources are reduced to levels that are less-than-significant. Pursuant to the provisions of CEQA, each development project within the cumulative impact area that requires a discretionary action by a public agency will be assessed for its potential impacts on biological resources. Appropriate biological resources mitigation will also be required of other projects within the cumulative impact area(s). In this regard, it is noted that because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in the DEIR. With the application of the mitigation measures identified in the MMRP, the Project's potential contribution to cumulative impacts in regard to biological resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, pgs. 5-20 to 5-23) Accordingly, no mitigation is required.

9. Aesthetics

a. Scenic Resources

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway.

Findings: Potential impacts of the Project related to scenic resources are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to scenic resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is comprised of vacant disturbed property and does not contain designated scenic resources. No rock outcroppings or historic buildings are located onsite. Although the City's General Plan designates SR-60 as a local scenic road, this highway is not included in the California Department of Transportation's list of Officially Designated Scenic Highways. The Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements. (DEIR, pg. 4.8-19) Accordingly, impacts to scenic resources would be less-than-significant and no mitigation is required.

b. Visual Character

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Findings: Potential impacts of the Project related to visual character are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to visual character will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Determinations of visual character and quality are inherently subjective by nature. The DEIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. It is further noted that development of the subject site with business park and/or light industrial uses reflects buildout of the area anticipated under the General Plan, resulting in substantial visual change of the area, whether under the Project, or some other unspecified development proposal. To provide a visual transition and buffer between southerly adjacent properties (zoned for large lot residential uses) and the Project site, the Project incorporates a 250-foot landscaped setback along its southerly boundary. Masonry walls (which would be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti) are also proposed to screen the Project's operations from surrounding land uses. As supported by the preceding discussions, and with implementation of

the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant. (DEIR, pgs. 4.8-20 to 4.8-21) Accordingly, any impacts to the area's visual character would be less-than-significant and no mitigation is required.

c. Light or Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to light and glare will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Onsite lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance, including but not limited to Section 9.08.100, "Lighting." Project lighting will be designed and implemented so as to illuminate the site without causing undue light or glare, and to avoid light overspill on adjacent properties. (DEIR, pgs. 4.9-23 to 4.9-25) Accordingly, any impacts related to light and glare would be less-than-significant and no mitigation is required

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and

overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation, Cultural Resources, and Biological Resources, were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. Traffic and Circulation

a. Substantial Increase in Traffic

Potential Significant Impact: The EIR evaluated and concluded that the Project-related traffic could contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Redlands Boulevard at the SR-60 westbound ramps, and at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

Finding: Implementation of the following mitigation measures will reduce potential Opening Year traffic impacts at affected intersections:

4.2.1 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

Facts in Support of the Finding: Based on analysis performed as part of the Project Traffic Impact Analysis (TIA), the Project would contribute additional traffic to preexisting Opening Year Ambient Condition deficiencies occurring at the intersection of Redlands Boulevard at the SR-60 westbound ramps. Also, with the addition of Project traffic, the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue would perform unacceptably during peak hours. (DEIR, pgs. 4.2-31 through 4.2-34) However, with implementation of the roadway improvements identified in Mitigation Measures 4.2.1 and 4.2.2, these impacts will be reduced to a less-than-significant level. (DEIR, pg. 4.2-35)

2. <u>Cultural Resources</u>

a. Archaeological/Historic Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unknown or unrecorded archaeological or historic resources which may be present in a buried context.

Finding: Implementation of the following mitigation measures will reduce potential impacts to archaeological and/or historic resources to a less-than-significant level:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert*

equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2., resources shall be left in an undisturbed state. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

Facts in Support of the Finding: No known cultural resources of significance exist within the Project site. Additionally, no significant evidence of the early twentieth century occupation of the property was identified by the Project Cultural Resources Investigation. Nonetheless, some potential exists for resources to be located onsite in a buried context. Implementation of Mitigation measures 4.7.1 and 4.7.2 will ensure that archaeological and/or historic resources that may be unearthed during Project construction will be identified and preserved consistent with the recommendations of the Cultural Resources Study and California law. Accordingly, the Project's potential to impact archaeological or historic resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-11 through 4.7-13)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unique paleontological resources which may be present in a buried context.

Finding: Implementation of the following mitigation measure will reduce potential impacts to paleontological resources to a less-than-significant level:

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage and record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

Facts in Support of the Finding: Based on information presented in the Cultural Resources Investigation, the Project area is considered to have a moderate level of sensitivity for paleontological resources, indicating that paleontological resources may be encountered within the Project site. The area consists of older Quaternary alluvial deposits that have been associated with fossil specimens, which are covered by surficial deposits of younger Quaternary alluvium. In the course of Project site preparation activities, paleontological specimens may be uncovered. Mitigation Measure 4.7.3 requires paleontological monitoring during ground-disturbing activities that would exceed the relative depths of the younger alluvium on-site. Implementation of this mitigation measure would ensure that paleontological resources which may be present within

subsurface areas of the site are adequately identified and preserved. Accordingly, the Project's potential to impact paleontological resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-13 through 4.7-14)

3. Biological Resources

a. Vegetation Communities and Special Status Plant Species

Potential Significant Impact: The EIR evaluated and concluded that the Project's construction activities could have an adverse effect on CDFG and Corps jurisdictional areas, including riparian habitat areas existing on-site within the Quincy Channel, and off-site within the existing drainage channel adjacent to Redlands Boulevard.

Finding: Implementation of the following Mitigation will reduce potential impacts to jurisdictional areas to a less-than-significant level:

4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 Prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Facts in Support of the Finding: Design of the Project includes a buffer area to provide physical separation between the developed site and the adjacent Quincy Channel, in order to

minimize direct impacts to the Channel's habitat areas and associated vegetation communities and special status plant species. However, construction of the "scour wall" that would be implemented to prevent further erosion along the Quincy Channel could result in direct, temporary impacts to approximately 0.003 acres (22 lineal feet) of mulefat vegetated riparian habitat determined to be within California Department of Fish & Game (CDFG) jurisdictional areas. (DEIR pgs. 4.8-18 through 4.8-20) Additionally, implementation of drainage improvements associated with the Project could result in a potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat located in the existing drainage channel adjacent to Redlands Boulevard (DEIR, pgs. 4.8-21 to 4.8-22). This 0.08 acres has been determined to be jurisdictional under the Army Corps of Engineers (Corps), CDFG, State Water Resources Control Board (SWRCB), and MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Indirect impacts to proximate candidate, sensitive, or special status plant species could occur through the introduction of invasive plant species as a result of Project implementation. (DEIR pg. 4.8-23) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to vegetation communities and sensitive plant species will be reduced to a less-than-significant level.

b. Nesting Birds

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on nesting birds, which are protected under both the Migratory Bird Treaty Act and California Fish and Game Code.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the nesting birds to a less-than-significant level:

4.8.6 *If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning*

Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Facts in Support of the Finding: The removal of existing vegetation within the Project site as part of construction could affect nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. In addition, nests and eggs are protected under California Fish and Game Code Section 3503.5. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. (DEIR, pg. 4.8-25) Therefore, implementation of Mitigation Measure 4.8.6 is required to ensure that potential Project impacts related to nesting birds are reduced to a less-than-significant level.

c. Burrowing Owls

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on the Burrowing Owl, a special-status wildlife species.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the Burrowing Owl to a less-than-significant level:

4.8.7 *Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.*

Facts in Support of the Finding: The Project area is located within the MSHCP burrowing owl survey area. Focused burrowing owl surveys are required during the owl breeding season (April through August), pursuant to Section 6.3.2 and Appendix E, "Summary of Species Survey

Requirements. (DEIR, pgs. 4.8-25 to 4.8-26) Therefore, implementation of Mitigation Measure 4.8-7 will reduce Project impacts related to the Burrowing Owl to a less-than-significant level.

d. Riparian Habitat

Potential Significant Impact: The EIR evaluated and concluded that the Project could adversely affect riparian habitat/CDFG jurisdictional areas.

Finding: Implementation of the preceding Mitigation Measures 4.8.1 through 4.8.5 will reduce potential impacts to riparian habitat to a less-than-significant level.

Facts in Support of the Finding: Construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat riparian habitat/CDFG jurisdictional areas. The Project will have no direct impacts to any other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Potential indirect impacts may occur to proximate sensitive natural communities should invasive plant species be introduced to the area through Project implementation. (DEIR pg. 4.8-28) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to riparian habitat will be reduced to a less-than-significant level.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: cumulative traffic impacts to study area intersections and roadway segments; cumulative traffic impacts to mainline freeway segments; short-term construction air quality impacts; long-term operational air quality impacts; cumulative air quality impacts; short-term construction noise impacts (individually and cumulatively); and change to scenic vistas (individually and cumulatively).

In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment

opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the FEIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Traffic and Circulation

a. Intersection Operations

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain intersection locations under Opening Year cumulative conditions and cumulative General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.3 through 4.2.8, addressing Opening Year cumulative conditions, and Mitigation Measures 4.2.9 through 4.2.17, addressing cumulative General Plan buildout conditions, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative intersection operation impacts are considered significant and unavoidable.

4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:

- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:

- *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.*

The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF,

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.

4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:

- *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements*

would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.

- *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.*

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*

- *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*

4.2.8 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;*
- *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and*
- *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.9 *Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:*

- *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;*
- *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These*

improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

- *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and*
- *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.10 *Moreno Beach Drive at SR-60 Westbound Ramps Improvements:*

- *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection);*
- *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;*
- *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and*
- *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way*

from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:

- *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;*
- *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*
- *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*

- *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*

The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.

4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane;*
- *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and*
- *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side*

of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;

- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.

4.2.14 *Redlands Boulevard at SR-60 Eastbound Ramps Improvements:*

- *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;*
- *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side*

of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and

- *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.15 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left turn lane with 200-feet of storage and a second through lane for a northbound lane configuration of one left turn lane, one through lane and one shared through right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*
- *Construct a southbound left turn lane with 250-feet of storage, a second left turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right-turn pocket length that extends the full length of the segment. These improvements would require the dedication of*

right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through Fair Share Fees;

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and*
- *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.*

The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate

General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

- *Install a traffic signal. This improvement would be funded through participation in the DIF Program;*
- *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*
- *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way with from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.

4.2.17 *Redlands Boulevard at Cottonwood Avenue Improvements:*

- *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;*
- *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.3 through 4.2.17, acceptable levels of service would be realized at all Study Area intersections under cumulative Opening Year and General Plan buildout conditions with the Project. (See DEIR Tables 4.2-10 and 4.2-11) Improvements necessary to mitigate potentially significant intersection impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, ramp and interchange improvements affecting the SR-60 are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. The Project's contribution to intersection impacts is therefore determined to be cumulatively significant and unavoidable notwithstanding mitigation. (DEIR, pgs. 4.2-36 to 4.2-55).

b. Roadway Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain roadway segments under Opening Year cumulative conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.18 and 4.2.19 are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative roadway segment impacts are considered significant and unavoidable.

4.2.18 *Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:*

- *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.

4.2.19 *Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) Avenue east of Redlands Boulevard Improvements:*

- *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between

the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Implementation of the previously identified Mitigation Measure 4.2.7 would ensure acceptable conditions at the segment of Redlands Boulevard located north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue. (See DEIR Table 4.2-13) Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-60 through 4.2-67)

c. Freeway Mainline Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards at study area freeway segments under General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to Study Area freeway mainline segments under General Plan buildout conditions will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would contribute additional traffic to segments of SR-60 within the Study Area that under General Plan buildout conditions (with or without the Project) are projected to operate under deficient conditions. While it is foreseeable that improvements to SR-60 in the Project vicinity will be completed prior to General Plan Buildout, timely completion of these improvements cannot be definitively assured. Further, SR-60 mainline improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-79 to 4.2-80) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

2. <u>Air Quality</u>

a. Short-Term Construction Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project's construction source emissions would temporarily exceed SCAQMD regional and localized significance thresholds, thereby potentially violating an air quality standard or contributing to an existing or projected air quality violation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9 are incorporated into the MMRP for

the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.1 *Consistent with URBEMIS modeling inputs and to effect implementation of Rule SCAQMD Rule 403, the following measures shall be incorporated:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions.*
- *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.*
- *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);*
- *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.2 *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's*

specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

4.3.3 *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.4 *Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.*

4.3.5 *In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

4.3.6 *During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

4.3.7 *The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

4.3.8 *Grading plans, construction specifications and bid documents shall also include the following notations:*

- *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels l fuel would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*

- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.9 *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and*

cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, Project construction activities would temporarily exceed SCAQMD regional emissions thresholds for volatile organic compounds (VOC) and oxides of nitrogen (NOx); and would also temporarily exceed localized emissions thresholds for particulate matter (PM_{10} and $PM_{2.5}$). (See DEIR Tables 4.3-9 and 4.3-10) Project construction-related emissions in exceedance of SCAQMD's regional and localized significance thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-53 through 4.3-65).

b. Long-Term Operational Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed SCAQMD daily emissions significance thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Council finds that Mitigation Measure 4.3.10 is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measure, operational emissions-related air quality impacts are considered significant and unavoidable.

4.3.10 *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measure 4.3.10, as well as Mitigation Measures 4.3.11 through 4.3.13 enumerated in Section V(A)(3)(c) above, Project operational activities will exceed SCAQMD daily emissions thresholds for VOC and NOx. (DEIR Table 4.3.13) Project operational-related impacts that exceed long-term, operational emissions thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-65 to 4.3.73)

c. Sensitive Receptors

Significant Unavoidable Impact: The EIR evaluated and concluded that Project construction activities could temporarily expose sensitive receptors to potentially substantial pollutant concentrations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9, enumerated in Section C(2)(a) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, the Project's construction source emissions could result in the temporary exposure of sensitive receptors to PM_{10} and $PM_{2.5}$ emissions in excess of applicable SCAQMD localized significance thresholds. Existing sensitive receptors are identified as a single developed residential use located at 28855 Fir Avenue. Although additional parcels zoned for residential land uses (potential future sensitive receptors) are present within the area of LST exceedance, they are largely undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. (DEIR, pgs. 4.3-73 through 4.3-76)

d. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.13, enumerated in Sections A(3)(c) and C(2)(a) & (b) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: The Project is located within non-attainment areas for PM_{10}, $PM_{2.5}$, and ozone (VOC and NOx are ozone precursors). Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.13, the Project will result in the following cumulatively significant and unavoidable air quality impacts: (1) Short-term Project construction activities that exceed the regional thresholds for VOC and NOx emissions are cumulatively significant for the duration of construction activities; (2) Short-term Project construction activities that exceed the localized significance thresholds for PM_{10} and $PM_{2.5}$ emissions are cumulatively significant for the duration of construction activities; (3) Long-term operations of the Project that exceeds the regional thresholds for VOC and NOx are cumulatively significant; and (4) The Project's operational VOC and NOx emissions, in combination with VOC and NOx emissions generated by other sources affecting the encompassing ozone non-attainment areas, will result in a cumulatively considerable net increase of this pollutant within the nonattainment areas. (DEIR, pgs. 5-12 to 5-13)

3. <u>Noise</u>

a. Short-Term Construction Noise (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the exposure of persons to or generation of noise levels in excess of

standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and potentially result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.4.1 through 4.4.4, presented below, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, short-term construction-related noise impacts are considered significant and unavoidable, and are determined cumulatively considerable for the duration of Project construction activities.

4.4.1 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.2 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.3 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on*

weekends or Federal holidays. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

Facts in Support of the Finding: Even with implementation of Mitigation Measures 4.4.1 through 4.4.4, the Project's construction activities would result in a temporary exceedance of applicable noise level standards and a temporary increase in ambient noise levels in the Project vicinity. Because construction noise levels are conservatively estimated to exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), construction noise is considered a significant and unavoidable impact of the Project. (DEIR, pgs. 4.4-15 to 4.4-21). Cumulative noise impacts for the duration of construction activities are also recognized as significant. (DEIR, pg. 5-14) As such, short-term construction noise impacts are determined to be individually and cumulatively significant notwithstanding mitigation.

4. Aesthetics

a. Scenic Vistas (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have an adverse effect on a scenic vista.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would potentially result in the restriction or interruption of near and distant scenic vistas. The Project proposes a single large structure (more than 970,000 square feet), that would alter and or/obstruct views through the currently undeveloped Project area. View obstruction will be limited to some extent by engineering and grading requirements that will establish the Project's building pad considerably below the grade of the adjacent SR-60. The Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks. Similarly, the proposed Project intends to serve a market need for users that demand a large, integrated facility. As such, the concept of substantially reducing the size of the building, or creating multiple buildings in lieu of one single building would compromise a basic objective of the Project. As such, there are no feasible mitigation measures that will reduce the Project's potential aesthetic impacts on scenic vistas below significance thresholds. (DEIR, pgs. 4.9-10 through 4.9-19) In combination with other known or probably development projects in the vicinity, the Project would also result in the cumulatively considerable restriction or interruption of near and distant scenic views. (DEIR, pgs. 5-23 to 5-15) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. At the direction of the City of Moreno Valley, two different "No Project" scenarios have been evaluated. The first, referred to as the No Project/No Build Alternative, assumes the site would remain in its current undeveloped state. The second, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed. A Reduced Intensity Alternative was also selected for analysis. CEQA

requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/No Build Alternative

Description: Under the No Project/No Build Alternative (hereinafter referenced as the "No Build" Alternative), it is presumed that if the Project or some similar development proposal is not implemented on the subject site, then there would be no other known or probable scenarios for the subject property, the site would likely remain in its current undeveloped state for the foreseeable future. (DEIR, pg. 5-31)

Impacts: The No Build Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-65) Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources. No discretionary actions or zone change would be required under the No Build Alternative. (DEIR, pg. 5-48) In addition, the Project's significant and unavoidable traffic impacts, construction noise impacts, construction and operational air quality impacts, and impacts to scenic vistas would not occur. (DEIR, pgs. 5-50 to 5-65) Under the No Build Alternative, potential traffic/transportation impacts would be representative of existing conditions. The No Build Alternative would reduce the aggregate amount of fee contributions available for long-term traffic improvements when compared to fee contributions realized under the Project. Additionally, the No Build Alternative would not realize Project-specific road widening/lane reconfiguration and signalization improvements as detailed in the Project Traffic Impact Analysis. Significant freeway mainline segment deficiencies would persist with or without the Project. (DEIR, pg. 5-49). Visual attributes of the Project site would remain in their current state. (DEIR, pg. 5-63)

Objectives: Under the No Build Alternative, the subject site would remain in its current undeveloped state, and none of the Project Objectives would be achieved. (DEIR, pg. 5-64)

Finding: Under the No Build Alternative, no development would occur. This Alternative would avoid all of the significant and unavoidable impacts associated with traffic, air quality, noise and aesthetics that have been identified within the DEIR. However, the City Council finds

that the No Build Alternative would not fulfill any of the Project Objectives. Because the No Build Alternative will not fulfill the Project Objectives, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the "No Project" Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Business Park zoning designation. To allow for quantified comparison of potential traffic impacts and related vehicular source air quality and noise impacts, the No Project Alternative assumes the site is developed consistent with assumptions employed in the City's General Plan Buildout traffic modeling, which was projected to be approximately four (4) times higher than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project.. (DEIR, pgs. 5-31 to 5-32)

Impacts: The No Project Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the No Project Alternative, a zone change would not be required. (DEIR, pg. 5-48) The Project's significant and unavoidable construction noise impacts and construction source air quality impacts would likely be similar to those of the Project. (DEIR, pgs. 5-52 and 5-56) Potential traffic impacts could be substantively increased under the No Project Alternative, due to the increased traffic associated with Business Park land uses. Significant mainline freeway segment impacts under General Plan Buildout conditions would persist, and due to increased traffic generation under the No Project Alternative, would likely be exacerbated. (DEIR, pgs. 5-50 to 5-51) Associated vehicular (operational) air pollutant emissions would similarly be increased when compared to the Project; however, the vehicle mix under the No Project Alterative would likely reflect decreased heavy truck traffic. Significant VOC and NOx emissions thresholds exceedances occurring under the Project would be incrementally greater under the No Project Alternative. (DEIR, pg. 5-53). Vehicular noise would also likely increase under the No Project Alternative based on increased trip generation. However, as with the Project, it is considered unlikely that sensitive receptors would be affected by potential vehicular

noise levels based on their physical separation from roadways and the presence of intervening noise-attenuating walls. (DEIR, pg. 5-57) Potential impacts to viewsheds may be reduced under the No Project Alternative, since the Business Park zoning designation would limit maximum individual building areas to 50,000 square feet. This limitation on individual building sizes could allow for configurations of the developed site that would provide additional or varied views through the Project site to off-site scenic resources. (DEIR, pg. 5-63)

Objectives: Business Park/Light Industrial uses that could be implemented under the No Project Alternative could substantially achieve the Project's development objectives for the site. Like the Project, it is anticipated that new development under the No Project Alternative would be designed and implemented so as to be compatible with neighboring land uses. The No Project Alternative would effectively capitalize on the site's regional freeway accessibility and visibility. New jobs, including light industrial, office, limited support commercial, or research and development employment opportunities would be created by the No Project Alternative. This Alternative would also provide additional tax revenues available to the City. (DEIR, pgs. 5-64 to 5-65)

Finding: Under the No Project Alternative, development of a business park development with a similar scale to that of the Project would occur. This Alternative would reduce the Project's potential aesthetic impacts, in that a series of smaller buildings could be constructed in place of the Project's single structure, allowing views through the site. However, none of the Project's remaining significant and unavoidable environmental impacts would be reduced under the No Project Alternative. Conversely, increased trip generation under a business park land use would likely lead to increased traffic, with correlating increases in air pollutant emissions and vehicular noise. Although the No Project Alternative could substantially achieve the Project's Objectives, because the No Project Alternative would not reduce the majority of the Project's significant and unavoidable impacts, the City Council hereby rejects the No Project Alternative.

3. Alternative 3 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for VOC based on operational emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent. (DEIR, pg. 5-33) Implementation of the Reduced Intensity Alternative would yield approximately 684,200 square feet of development, a reduction of approximately 27 percent or approximately 253,060 square feet, when compared to the approximately 937,260 square-foot Project analyzed in the EIR. (DEIR, pg. 5-48).

Impacts: The Reduced Intensity Alternative would result in similar, albeit slightly lessened, impacts when compared to the Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the Reduced Intensity Alternative, maximum construction-related emissions from site preparation and grading would likely be the same as for the Project, though it would occur within a shorter time frame due to the reduced development area. In this regard, the maximum daily site disturbance and amount of equipment employed concurrently would likely be similar to the construction scenario envisioned for the Project. As with the Project, mitigated construction-related emissions would still exceed SCAQMD emissions thresholds. Because the scope of development would be reduced under this Alternative, the duration of construction activities and resulting construction emissions and noise may be reduced when compared to the Project. (DEIR, pgs. 5-51 and 5-57) Based on its reduced scope of development and associated reductions in vehicle trips and vehicular emissions, long-term operations under the Reduced Intensity Alternative would be reduced by approximately 27 percent when compared to the Project. Operational NOx, PM_{10}, and $PM_{2.5}$ emissions under this Alternative would, however, still exceed applicable SCAQMD thresholds. Accordingly, as with the Project, this Alternative would result in cumulatively significant emissions contributions to existing non-attainment conditions for ozone and particulates. (DEIR, pgs. 5-53 to 5-55) The Reduced Intensity Alternative would result in an approximate 27 percent reduction in development intensity, with a commensurate reduction in trip generation when compared to the Project. The extent of area-wide traffic improvements and required traffic impact mitigation realized under the Project would also be reduced. Significant freeway mainline traffic impacts projected to occur under

General Plan buildout conditions would persist with or without development under the Reduced Intensity Alternative. As such, freeway impacts under this scenario would be less than the Project, but likely still be considered significant. (DEIR, pg. 5-51) The reduced area of development under the Reduced Intensity Alternative would also incrementally reduce significant viewshed impacts otherwise occurring under the Project. (DEIR, pg. 5-64)

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project. (DEIR, pg. 5-65)

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 27 percent (or 263,000 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable construction noise impacts and construction and operational air quality impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

4. <u>Alternatives Considered and Rejected</u>

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 5-32 through 5-41) An Extended Construction Alternative

and Multiple Building Design Alternative were considered and ultimately rejected based on infeasibility. Additionally, four Alternative Site locations were considered within the DEIR. The criteria for identifying potential alternate sites included:

- Location within the City of Moreno Valley;
- Appropriate General Plan and zoning designations, or the ability to be so-designated;
- Minimum size of 50 acres and a roughly rectangular shape;
- Location proximate to locate transportation corridors or at a regional transportation hub;
- Currently undeveloped or underutilized;
- Currently available;
- Access to existing or planned adequate serving infrastructure; and
- Able to support operations in a manner compatible with other proximate land uses.

Each of the four sites that were analyzed met the general requirements in that each was currently vacant, more than 50 acres and roughly a rectangular configuration; each was zoned for industrial uses and served by nearby utilities and infrastructure. Alternative Sites 1 through 4 are locally accessible and also located near the I-215 freeway, a regional transportation corridor. (DEIR, Figure 5.2-1) Upon further analysis, each of these sites was found to be currently unavailable. Alternative Site 1 currently has applications under review by the City for 1.6 million square feet of distribution warehouse uses, while development plans have been submitted and approved for Alternative Sites 2, 3 and 4.

5. <u>Environmentally Superior Alternative</u>

Based on comparative reductions in traffic generation, and associated reductions in noise and air emissions, and generally reduced scale, among the Alternatives considered, the Reduced Intensity Alternative would result in the greatest reduction in environmental effects, and is thus considered the environmentally superior alternative. (DEIR, pg. 5-65). The Reduced Intensity Alternative would also generally reduce other environmental effects of the Project, and

to a limited degree, realize attainment of the basic Project Objectives. (DEIR pgs. 5-47 to 5-65) Development of the Project or the Reduced Intensity Alternative would contribute to area employment and the City's overall tax base. However, because scope of land uses would be substantively reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, pg. VI-40)

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states than an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The types of employment opportunities offered by the Project (both management and regular employees) are relatively common throughout Southern California and are unlikely to generate significant population migration (if any). Any Project-related employment demands would likely be filled by the existing surplus personnel pool within the Moreno Valley area, and/or neighboring communities, especially with the currently low jobs per household ratio in the City, and regionally high unemployment rates. The Project would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning. (DEIR, pgs. 5-67 to 5-68)

Currently, the Project site is vacant and undeveloped. However, expansions of water and wastewater systems, along with other urban utilities, are programmed to serve the vicinity consistent with anticipated development of the City and region. In order to accommodate forecasted growth of the City and region over the long term, it is anticipated these improvements will be implemented regardless of the City's ultimate decision on the Westridge Commerce Center Project. The Project is not considered to provide an inducement to other lands within its vicinity to undertake unanticipated development due to the availability of new or expanded infrastructure systems. (DEIR, pgs. 5-68 to 5-69)

Notwithstanding, development of the Project as envisioned will entail upgrade/modification of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage

conveyance facilities. Infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. However, the characteristics and intensities of development that could occur on these properties are governed by the Moreno Valley General Plan. Development of these properties within the context of the approved General Plan should not result in unforeseen impacts or impacts that cannot be mitigated. (*Id.*)

Additionally, it is recognized that provision of services, e.g., utilities, fire protection, and law enforcement, may be expanded or otherwise enhanced to meet additional demands of the Project. Project design and payment of impact mitigation fees reduces individual and cumulative impacts in these regards. Services expansion or enhancements based on incremental demands of the Project will not result in substantial additional capacity that could be considered growth inducing. (*Id.*)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. (*Id.*) Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. It is not anticipated that the additional employment opportunities created by the Project would be substantial enough to produce noticeable population growth within the City and region. (DEIR, p. 5-68)

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project qualifies under Guidelines §15127 (a) in that a zone change is required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, will be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project will not result in or cause unwarranted or wasteful use of resources, including energy. (DEIR, pgs. 5-73 to 5-74)

9. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Traffic Impacts – Intersections and Roadway Segments (Cumulative); and
2. Traffic Impacts – Mainline Freeway Segments (Cumulative).
3. Short-Term Construction Air Quality Impacts (Individual and Cumulative);
4. Long-Term Operational Emissions (Individual and Cumulative);
5. Short-Term Construction Noise (Individual and Cumulative); and
6. Aesthetic Impacts – Change to Scenic Vistas (Individual and Cumulative)

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(D) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with the General Plan and in conformance with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project is located at the intersection of a major street and an interstate freeway, maximizing access opportunities for the convenience of operations;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V(H) above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency…" Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

10. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies,

amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. <u>Findings</u>

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(D) of these Findings: Traffic Impacts – Intersections and Roadway Segments (Cumulative); Traffic Impacts – Freeway Mainline Segments (Cumulative); Short-Term Construction Air Quality Impacts (Individual and Cumulative); Long-Term Operational Emissions (Individual and Cumulative); Short-Term Construction Noise (Individual and Cumulative); and Aesthetic Impacts – Changes to Scenic Vistas (Individual and Cumulative). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the FEIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(D) above.

b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

11. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring program has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described in *CEQA* § 15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of, compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented at Table 4.2-1.

EXHIBIT B

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
Traffic and Circulation				
4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal.* *This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department, California Department of Transportation	Before issuance of first Certificate of Occupancy
4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: *Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:* • *Install a traffic signal;* • *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and* • *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane,*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111122

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.3 (cont'd) *for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*				
4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.* *The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111124

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF[1] improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.* • *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

[1] With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

MV00111126

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd)				
participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*				
• *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.7 (cont'd) *leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*				
4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;* • *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and* • *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111128

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;* • *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;* • *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and* • *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.10 (cont'd) • *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;* • *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and* • *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*				
4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements: • *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111130

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.11 (cont'd)				
right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;				
• *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*				
• *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*				
• *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*				
The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane;* • *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and* • *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111132

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.13 (cont'd) *Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.*				
4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;* • *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.14 (cont'd) *require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*				
4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111134

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd)				
• *Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;*				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.15 (cont'd) *Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and* • *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.* *The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.*				
4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements: • *Install a traffic signal. This improvement would be funded through participation in the DIF Program;* • *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111136

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd)				
would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;				
• *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*				
• *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*				
• *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.16 (cont'd) *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.*				
4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements: • *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;* • *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111138

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.17 (cont'd) *way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and* • *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.* *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.*				
4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements: • *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development	Before issuance of fi building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.19 (cont'd)			Department	
• *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*				
The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.				
Air Quality				
To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.3 below, and shall be incorporated in all Project plans, specifications and contract documents.				
4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :	Ongoing throughout construction	Contractor	City Building Official, SCAQMD	Ongoing throughout construction
• *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*				
• *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least*				

MV00111140

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.1 (cont'd) *three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.* • *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.* • *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.* • *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).* • *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*				
4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
Additional mitigation required of the Project is identified below, and shall be shall be incorporated in all Project plans, specifications and contract documents.				
4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00111142

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.7 (cont'd) *(HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*				
4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations: • *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;* • *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;* • *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;* • *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;* • *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;* • *High pressure injectors shall be provided on diesel construction equipment where feasible;*	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.8 (cont'd) • *Engine size of construction equipment shall be limited to the minimum practical size;* • *Substitute gasoline-powered for diesel powered construction equipment where feasible;* • *Use electric construction equipment where feasible;* • *Install catalytic converters on gasoline-powered equipment where feasible;* • *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;* • *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;* • *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;* • *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*				
4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.	Throughout Project construction	Applicant	City of Moreno Valley Development Department	Throughout Project construction

MV00111144

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.10 All Project entrances shall be posted with signs which state: • *Truck drivers shall turn off engines when not in use;* • *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and* • *Telephone numbers of the building facilities manager and CARB, to report violations.* *These measures shall be enforced by the on-site facilities manager (or equivalent).*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
Although potential Project-related Global Climate Change (GCC) impacts would be less-than-significant, the following Mitigation Measures 4.3.11 through 4.3.14 are provided to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources.				
4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent. • *Increase in insulation such that heat transfer and thermal bridging is minimized;* • *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.3.11 (cont'd) • *Incorporate dual-paned or other energy efficient windows;* • *Incorporate energy efficient space heating and cooling equipment;* • *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;* • *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.* • *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.* • *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*				
4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00111146

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 GHG emissions reductions measures shall also include the following: • *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;* • *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;* • *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.* • *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);* • *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.3.13 (cont'd)				
provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;				
• *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*				
• *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*				
o *Implementation of compressed workweek schedules;*				
o *SmartWay partnership;*				
o *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*				
o *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*				
o *Use of fleet vehicles conforming to 2010 air quality standards or better.*				

MV00111148

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd) ○ *Installation of catalytic converters on gasoline-powered equipment.* ○ *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;* ○ *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;* ○ *Provision of preferential parking for EV and CNG vehicles;* ○ *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;* ○ *Use of electric (instead of diesel or gasoline-powered) yard trucks;* ○ *Use of SmartWay 1.25 rated trucks.*				
4.4 Noise				
4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00111150

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5 Water Supply				
To further minimize the Project's overall water use, ensure on-going availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project WSA, the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measures. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.				
4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building pe

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.				
Cultural Resources				
4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.	Ongoing throughout site excavation and grading activities	Applicant	City of Moreno Valley Development Department	Ongoing throughout site excavation and grading activities

MV00111152

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints: • *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;* • *A paleontological mitigation-monitoring plan shall be developed before grading begins;* • *Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid*	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.3 (cont'd) *construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;* • *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and* • *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.*				
4.8 Biological Resources				
4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00111154

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.2 (cont'd) *of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*				
4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of fi grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.8.5 (cont'd) *CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:* • *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;* • *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and* • *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and* • *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*				
4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00111156

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.6 (cont'd) *retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*				
4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA08-0098 TO CHANGE THE ZONE FROM BUSINESS PARK TO LIGHT INDUSTRIAL FOR A 55 ACRE SITE (ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed application PA08-0098, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 from Business Park (BP) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

ATTACHMENT 4

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BP to LI for the 55 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 829
Date Adopted: _____

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PA10-0017 AMENDING THE MUNICIPAL CODE TO MAKE CHANGES TO CHAPTER 9.05 INDUSTRIAL DISTRICTS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed Municipal Code Amendment application PA10-0017, requesting an amendment to the City's Municipal Code, which proposes revisions to Chapter 9.05 of Title 9 to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

SECTION 2: FINDINGS

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on November 30, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed Municipal Code Amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes changes to Permitted Uses Table 9.02.020-1 of the Municipal Code. The proposed Municipal Code Amendment is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

ATTACHMENT 5

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment will not adversely affect the public health, safety or general welfare. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Title 9 – The proposed Municipal Code Amendment is consistent with the purposes and intent of Title 9.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Chapter 9.02 of Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or

center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.

*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

SECTION 4: EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

4.2 All prior enactments of the City, which are in conflict with this Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 5: NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 830
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00111169

RESOLUTION NO. 2011-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF PLOT PLAN PA08-0097 FOR DEVELOPMENT OF A 937,260 SQUARE FOOT WAREHOUSE DISTRIBUTION FACILITY ON 55 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of PA08-0097, a plot plan for a 937,260 square foot warehouse distribution facility on 55 acres, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities.

   ATTACHMENT 6

   Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan

and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

   FACT: The project site is current zoned BP. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA08-0098) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed 937,260 square warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Conformance with City Redevelopment Plans – The proposed use conforms with any applicable provisions of any city redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

5. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with BP zone land to the west and Community Commercial zone land to the east. South of the facility on the other side of Fir Avenue/Future Eucalyptus Avenue is vacant RA-2 zone land with tract homes in the RA-2 zone approximately ¾ miles further south. The proposed warehouse distribution facility is a permitted use in both the BP and LI zones, but the size proposed by the project requires a Zone Change and the proximity to the Residential district to the south requires a Municipal Code Amendment to establish a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. As designed and conditioned and subject to

approval of the above mentioned Zone Change and Municipal Code Amendment, is compatible with existing and proposed land uses in the vicinity.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0097, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Plot Plan PA08-0097 for a 937,260 square foot warehouse distribution facility on a 55 acre site, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
PLOT PLAN PA08-0097 FOR A WAREHOUSE DISTRIBUTION FACILITY
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
_X_ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Approval of Plot Plan PA08-0097 is subject to adoption of a Zone Change (PA08-0098) from the Business Park zone to the Light Industrial zone for the project site and adoption of a Municipal Code Amendment (PA10-0017) to establish a minimum buffering/separation from buildings over 50,000 square in area and adjacent residential zoned land.

P2. Plot Plan PA08-0097 has been approved for development of a 937,260 square foot warehouse distribution facility, to be built on a 55 acre site within Assessor's Parcel Numbers 488-330-003 to -006 and -026. The facility includes 173 dock doors and 14,000 square feet of office. Required parking for this use equates to a total of 307 employee/visitor parking spaces and 173 truck/trailer parking spaces.

P3. Development of the warehouse facility is subject to approval of Tentative Parcel Map No. 36207 and the subsequent recordation of this map.

P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

P5. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).

P6. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

P7. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).

P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

P9. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue.

P10. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.

P11. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.

P12. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

P13. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P14. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P16. PA08-0097 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department - Planning Division. (MC 9.12.020)

Prior to Issuance of Grading Permits

P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area

will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-of-way or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P25. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.

P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P27. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.

P28. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P29. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P30. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P33. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

P34. (GP) Prior to the issuance of grading permits, a "no touch" area shall be staked along the westerly limit of project development as defined by the scour wall and a City approved Biologist be retained to monitor construction activities to ensure protection and preservation of Channel areas. Upon the completion of the above mitigation measure an on-site grading permit may be issued for project work to commence.

P35. **(GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P36. **(GP) Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.**

P37. **(GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

P38. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**

- **A.** **A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot.**
- **B.** **Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement for the specific plan and/or Municipal Code.**
- **C.** **A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks from view from Fir/Eucalyptus Avenue and at the northeast corner of the site.**
- **D.** **Wrought iron/tubular steel fence is required along portions of the northern, western and eastern property lines.**

E. A four foot tall three rail fence to match adjacent trail fencing is required to enclose the basins located along Fir/Eucalyptus Avenue.

F. **An 8 foot tall coated chain link fence is required along the western property line along the Riverside County Flood Control maintenance road.**

Prior to Issuance of Building Permits

P39. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P40. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P41. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P42. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P43. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. **A minimum size of 24" box mature trees shall be placed along the freeway or northern elevations of the building. Trees shall be in a double row or closely spaced as shown on the preliminary landscape plan?**
L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to**

achieve the overall 40 foot spacing requirement.

M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.**

N. **The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.**

P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.

P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.

P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.

P48. (BP) Prior to issuance of building permits for a final map for Tentative Parcel Map No. 36207 (PA09-0022) must be approved and recorded and all conditions of approval related to the parcel map must be satisfied.

P49. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

<u>Prior to Issuance of Certificate of Occupancy or Building Final</u>

P50. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)

P51. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P52. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

P53. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 or Eucalyptus/Fir Avenue rights of way.

MITIGATION MEASURES

P54. MM 4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

P55. MM 4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:
• Install a traffic signal;
• Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and
• Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

P56. MM 4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct an eastbound right-turn lane and re-stripe the shared left-or-righ turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P57. MM 4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

P58. MM 4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);

• Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.

P59. MM 4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P60. MM 4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection.
• Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer,
• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require

the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.

- **Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.**

P61. MM 4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;
• Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and
• Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P62. MM 4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;
• Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;
• Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and
• Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.

P63. MM 4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;
• Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and
• Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

P64. MM 4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:
• Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;
• Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;
• Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and
• Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.

P65. MM 4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane;
• Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and

• Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.

P66. MM 4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;
• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection. The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1.

P67. MM 4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;
• Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P68. MM 4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the

dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;

• Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.; and

• Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.

P69. MM 4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

• Install a traffic signal. This improvement would be funded through participation in the DIF Program;

• Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF

Program; remaining improvements would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;

• Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P70. MM 4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

• Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;

• Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and

the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P71. MM 4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:
• Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P72. MM 4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:
• Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P73. MM 4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.
• Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.
• Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
• In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

P74. MM 4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to

manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

P75. MM 4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).

P76. MM 4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

P77. MM 4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

P78. MM 4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

P79. MM 4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

P80. MM 4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations:

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**
- **Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;**
- **Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;**
- **The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;**
- **The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;**
- **High pressure injectors shall be provided on diesel construction equipment where feasible;**
- **Engine size of construction equipment shall be limited to the minimum**

practical size;
• Substitute gasoline-powered for diesel powered construction equipment where feasible;
• Use electric construction equipment where feasible;
• Install catalytic converters on gasoline-powered equipment where feasible;
• Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;
• Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
• Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;
• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

P81. MM 4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

P82. MM 4.3.10 All Project entrances shall be posted with signs which state:
• Truck drivers shall turn off engines when not in use;
• Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and
• Telephone numbers of the building facilities manager and CARB, to report violations.
These measures shall be enforced by the on-site facilities manager (or equivalent).

P83. MM 4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.
• Increase in insulation such that heat transfer and thermal bridging is minimized;
• Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
• Incorporate dual-paned or other energy efficient windows;
• Incorporate energy efficient space heating and cooling equipment;
• Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights

when they are not needed shall be implemented;
• To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.
• Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.

P84. MM 4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.

P85. MM 4.3.13 GHG emissions reductions measures shall also include the following:
• The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;
• The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;
• The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.
• Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);
• The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;
• The Project shall provide at least two electric vehicle charging stations.

Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.

- **Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:**
  - **Implementation of compressed workweek schedules;**
  - **SmartWay partnership;**
  - **Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.**
  - **Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.**
  - **Use of fleet vehicles conforming to 2010 air quality standards or better.**
  - **Installation of catalytic converters on gasoline-powered equipment.**
  - **Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;**
  - **Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;**
  - **Provision of preferential parking for EV and CNG vehicles;**
  - **Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;**
  - **Use of electric (instead of diesel or gasoline-powered) yard trucks;**
  - **Use of SmartWay 1.25 rated trucks.**

P86. MM 4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P87. MM 4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P88. MM 4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P89. MM 4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

P90. MM 4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.

P91. MM 4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.

P92. MM 4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.

P93. MM 4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.

P94. MM 4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

P95. MM 4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

P96. MM 4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- **Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;**
- **A paleontological mitigation-monitoring plan shall be developed before grading begins;**
- **Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;**
- **Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and**
- **Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources**

P97. MM 4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

P98. MM 4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

P99. MM 4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

P100. MM 4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

P101. MM 4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

• A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;

• A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and

• Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas

temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and

• Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.

P102. MM 4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

P103. MM 4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the

Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;

f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact

Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.

e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The

drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. **Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.**

LD67. **Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.**

LD68. **Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).**

LD69. **Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.**

LD70. **Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.**

LD71. **Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.**

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

c. **"A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.**

d. **The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.**

e. **Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.**

f. **The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.**

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. **Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).**

b. **Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs**

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of*

Moreno Valley Public Works Department Landscape Design Guidelines. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements

shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

- **a.** Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.
- **b.** The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.
- **c.** All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under <u>no</u> circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

RESOLUTION NO. 2011-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF TENTATIVE PARCEL MAP 36207 (PA09-0022) TO COMBINE THE EXISTING FIVE PARCELS LOCATED WITHIN THE PROJECT SITE INTO A SINGLE 55 ACRE PARCEL.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of Tentative Parcel Map No. 36207 (PA09-0022), to combine the existing five parcels located within the project site into a single 55 acre, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

ATTACHMENT 7

1. Conformance with General and Specific Plans – That the proposed land division is consistent with applicable general and specific plans.

   FACT: The proposed tentative parcel map is consistent with the General Plan designation of Business Park for the project site. The proposed parcel map will combine the existing five parcels located within the project site into a single 55 acre parcel. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. Design Conformance with General and Specific Plans – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

   FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's General Plan land use designation of Business Park.

3. Physically Suitable for Proposed Development – That the site of the proposed land division is physically suitable for the type of development.

   FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office zoned land north of the freeway. Land uses to the east include a mix of vacant Business Park, and residential zoned land. Land uses to the east include vacant Community Commercial zoned land. Land uses to the south include vacant RA-2 zone land on the other side of Fir Avenue/Future Eucalyptus Avenue with developed tract homes located approximately ¾ miles to the south. Overall, the project site is well suited for future development of industrial land uses.

4. Physically Suitable for Proposed Density – That the site of the proposed land division is physically suitable for the proposed density of the development.

   FACT: The project site is mostly flat and at grade along Fir Avenue/Future Eucalyptus Avenue. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

5. Protection of Fish or Wildlife Habitat – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

   FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. Health, Safety and Welfare – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

   FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. Easements – That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

   FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. Consistent with Applicable City Ordinances – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

   FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

9. Passive or Natural Heating and Cooling – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. Regional Housing – That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not propose housing. The project would not increase the demand for housing beyond that anticipated in the City's Housing Element or the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, the project and/or its tenants and employees will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA09-0022, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Tentative Parcel Map No. 36207 (PA09-0022) to combine the existing five parcels located within the project site into a single 55 acre, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA09-0022
TENTATIVE PARCEL MAP NO. 36207
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
___ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Tentative Parcel Map No. 36207 is approved for the purposes of re-configuring the existing five parcels located within the project site and creating a single 55 acre parcel with lettered lots for a storm drain channel and a future off-ramp for State Route 60.

P2. Development within Tentative Parcel Map No. 36207 shall be under separate review and approval of a plot plan or a conditional use permit application(s) and shall be subject to the requirements of the City's Municipal Code.

P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

P4. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

EXHIBIT A

P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)

P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)

P12. (GP) Prior to approval of any grading permits, any required final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P13. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P14. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P15. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

<u>Prior to Recordation of Final Map</u>

P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In

multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and

approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and

h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

~~PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION~~

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

~~General Conditions~~

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the

approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

~~Prior to Grading Plan Approval or Grading Permit~~

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries.

For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

~~Prior to Map Approval or Recordation~~

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree

to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one

lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

~~Prior to Certificate of Occupancy~~

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees

are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to

secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. **A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

d. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

e. **Any necessary corner cutback right-of-way dedications per City Standard 208.**

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation

District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

b. Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5

foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. **That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.**

d. **That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

~~PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION~~

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit

and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service

responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

~~PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION~~

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

Prior to Certificated of Occupancy or Building Final

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and

other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and

Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

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MV00111283

PLANNING COMMISSION STAFF REPORT

Case:	PA08-0098 – Zone Change PA10-0017 – Municipal Code Amendment PA08-0097 – Plot Plan PA09-0022 – Tentative Parcel Map No. 36207 P08-133 – Environmental Impact Report
Date:	May 12, 2011
Applicant:	Ridge Rancho Belago LLC
Representative:	Dennis Rice
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard
Proposal:	Plot Plan for a 937,260 square foot warehouse facility on 55 acres; a Zone Change from Business Park to Light Industrial; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal.
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

This project proposes the development of a 937,260 square foot warehouse facility on 55 acres. The project requires approval of a tentative parcel map, Zone Change and a Municipal Code Amendment, and certification of a Final EIR.

ATTACHMENT 8

PROJECT DESCRIPTION

The applicant, Ridge Rancho Belago, LLC, has submitted five applications for development of the West Ridge Commerce Center Project, which include a Zone Change, a Municipal Code Amendment, a Plot Plan, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 937,260 square foot warehouse facility on a 55-acre site (Assessor's Parcel Numbers 488-330-003 through -006 and -026) located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard within Chapter 9.05 Industrial Districts of Title 9 and is presented as Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was a concern raised and reviewed for the project. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site, this residence and the vacant residential property to the south have been reviewed as sensitive receptors.

In order to provide greater compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone of approximately 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

Application PA10-0017 for a Municipal Code Amendment proposes to add a standard to the Light Industrial zone that would require industrial and warehouse structures greater than 50,000 square feet in building area to be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

If approved, the proposed amendment would be effective City-wide.

Please see Exhibit E to Planning Commission Resolution No. 2011-13 for a copy of the proposed revisions to Chapter 9.05 Industrial Districts of Title 9.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility, to be located on 55 acres located south of the Moreno Valley Freeway and approximately 650 east of Redlands Boulevard. The warehouse facility is a permitted use in the existing Business Park zone and also permitted in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas have been placed on the northern and southern elevations and are screened by perimeter concrete tilt-up walls with slopes with a tree row also required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted with groundcover and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses. Developed land within proximity to the project site includes citrus groves, the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility under construction to the east between Redlands and Theodore and large lot subdivisions approximately 1/4 mile to the south in the RA-2 zone. Developed uses to the north on the other side of State Route 60 include an RV storage site, a telecommunications antenna, a residence and a feed store.

The vacant 120 acre site to the west is currently proposed for development of a 2.2 million square foot industrial park by ProLogis, The site for this neighboring project is currently zoned Business Park, Business Park Mixed Use, R15, R5, and RA-2. That applicant is proposing a General Plan Amendment and Zone Change from existing zoning to Light Industrial.

Access

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones located on the north and south elevations of the building.

Design

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the building is a concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the building include architectural treatment. The loading bays and trailer storage areas along the northern and southern elevations have been screened from view. The screen wall along the south elevation is a fourteen (14) foot wall of concrete tilt-up construction which will match the building design and colors.

Landscaping for the site is proposed at around 13% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

REVIEW PROCESS

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed Zone Change and Municipal Code Amendment as well as the Plot Plan for the warehouse facility.

Upon review at PRSC on November 19, 2008, modifications were required to the site plan. Comments from staff included revisions to the layout of the parking lot, access from adjacent roads, screening, architecture, typical street sections, grading and the submittal of required technical studies.

Subsequent PRSC reviews occurred in May and September 2009, and April, August and November 2010. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report, a determination was made to schedule this project for a Planning Commission public hearing on May 12, 2011.

The applicant held a community meeting on February 27, 2008, to present the project to neighboring property owners. There were approximately 30 people in attendance. Concerns raised at the meeting were related to the proposed land use changes, traffic, noise, light and glare, aesthetics, quality of life, impacts to property values, air quality, crime, and storm runoff.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required State and local agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. An additional two letters were received after the end of the review period.

Final Environmental Impact Report

Responses to the twenty-four comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Response to Comments and related documents were mailed to all interested parties and responsible agencies on April 28, 2011, to allow for their review prior to Planning Commission hearing, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the document, these noted impacts above are considered to be significant and unavoidable.

Although impacts to traffic and circulation, air quality, noise, and aesthetics cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

Although the proposed Municipal Code Amendment will be effective Citywide, it is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all responsible reviewing agencies.

Agency	Response Date	Comments
Southern California Edison	October 27, 2008	No Issues
Riverside County Flood Control	December 1, 2008	District Master Plan Facilities

Conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2011-13 and thereby recommend that the City Council take the following actions:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and

2. **APPROVE** Zone Change PA08-0097 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B;

3. **APPROVE** Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C;

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-13
   Exhibit A - Final Environmental Impact Report
   Exhibit B – Zone Change Map
   Exhibit C – Municipal Code Amendment
   Exhibit D – Plot Plan Conditions of Approval
   Exhibit E – Parcel Map Conditions of Approval
3. Site Plan
4. Elevations
5. Color Rendering
6. Cross Sections – Line of Sight
7. Preliminary Landscape Plan
8. Tentative Parcel Map 36207
9. Aerial Photograph
10. Response to SCAQMD comments
11. Response to Tom Hyatt comments

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3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**

Case Planner: **Jeff Bradshaw**

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal...Under the current... one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park

ATTACHMENT 9

separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck court loading area and that is a minimum. At the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. This facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans for development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that

improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009. The result of that was the City was able to receive responses from various responsible agencies and members of the community. Here they identified concerns that they had with that document. And were able to hold a public meeting in October of 2009 for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year.

The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information. Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances mitigation measures have been applied and the impacts reduced to the extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. A Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document. I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the

Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yeah and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster. I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now. If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the

housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Skechers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place. The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be?

I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs. If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Skechers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will come back again.

The opportunity where the large retailers are looking for is what Skechers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Skechers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings. The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community.

That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Skechers plant up here. You know Skechers has lots of truck bays. They may not be all used at one time. They

may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION ENGINEER LLOYD – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno

Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

PLANNING OFFICIAL TERELL – The reason is because other than the Skechers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Skechers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Skechers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the

freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to

improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60 westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Skechers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

COMMISSIONER VAN NATTA – Okay… yeah but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added information was for Skechers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Skechers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Skechers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Skechers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.
One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did

and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to.

We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within

300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yeah, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Skechers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Skechers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yeah, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Skechers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Skechers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Skechers building around the square windows.

COMMISSIONER OWINGS – Yeah but, okay, but it does look totally different than the Skechers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Skechers building?

APPLICANT RICE – I think I would, yeah

COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Skechers is Skechers and we don't want to be like Skechers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Skechers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were

to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yeah Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yeah unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to

the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that.

The same thing with Skechers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor. We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan.

Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it... they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no, they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know. The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Skechers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Skechers.

Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you were for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should

at least put on an air that you are unbiased about it. Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Skechers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Skechers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Skechers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises. Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and… Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Skechers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case.

Things are planned. You need to put things where are they are planned. You need to approve them where they are planned. Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I

told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Skechers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the 500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Skechers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Skechers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yeah I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yeah, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding, they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact

base of personal attacks. Whether or not Iddo Benzeevi is a good person or a bad person, he has certain rights in this City and they should be obeyed or they should be respected. Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this.

There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself. In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking.

I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore

I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that

live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs. It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Skechers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Skechers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Skechers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to

Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

VICE CHAIR BAKER – No they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Skechers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Skechers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Skechers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

Westridge Commerce Center
Final Environmental Impact Report

Prepared for:
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
City Case # P08-133

Prepared by:

appliedplanning inc

April 2011

ATTACHMENT 10

Item No. E.3

FINAL ENVIRONMENTAL IMPACT REPORT

for the

Westridge Commerce Center Project

State Clearinghouse Number:
2009101008

Prepared for:

The City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
City Case No. P08-133

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

April 2011

Table of Contents

Section **Page**

1.0 Introduction 1-1
1.1 Overview 1-1
1.2 Content and Format 1-1
1.3 Draft EIR Commentors 1-1
1.4 Point of Contact 1-3
1.5 Project Summary 1-3

2.0 Revisions and Errata Corrections 2-1
2.1 Introduction 2-1
2.2 Text Revisions 2-1
2.3 Revisions to Graphic Illustrations 2-11

3.0 Comments and Responses 3-1
3.1 Introduction 3-1

4.0 Mitigation Monitoring Plan 4-1
4.1 Introduction 4-1
4.2 Mitigation Monitoring and Reporting 4-2

Appendix A: Attachments to Comments and Reponses
Attachment 1: Attachments to Comments Provided by Johnson and Sedlack
Attachment 2: *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions*

List of Tables

Table		Page
1.3-1	Draft EIR Commentors	1-2
3-1	Draft EIR Commentors	3-2
4.2-1	Mitigation Monitoring Plan	4-3

1.0 Introduction

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the Westridge Commerce Center Project (Project). The Draft EIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The Draft EIR was circulated for public review and comment from October 21, 2010 through December 6, 2010.

1.2 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 of this document contains corrections and errata to the Draft EIR. Section 3.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. The Project Mitigation Monitoring Plan, which includes additional measures developed as a part of this Final EIR, is presented in Section 4.0.

1.3 DRAFT EIR COMMENTORS

A total of twenty-four (24) comment letters were received from various agencies and organizations. Additionally, four comment cards were received at a December 2, 2010 public meeting that was held to discuss the Project. The following Table 1.3-1 identifies the Draft EIR commentors. For reference purposes, comments are numbered and may be referred to by an acronym within the Responses to Comments (Final EIR Section 3.0). These acronyms, along with the dates of correspondence received, are also included in Table 1.3-1. Comments denoted with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not provided responses within Section 3 of this Final EIR. The Lead Agency has, however, attached these late comments and their corresponding responses to the Project staff report.

Table 1.3-1
Draft EIR Commentors

Commentor	Acronym	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

1.4 POINT OF CONTACT

The Lead Agency for this Project is the City of Moreno Valley. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

1.5 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.5.1 Project Location

The Project site is located southwesterly of the State Route 60/Redlands Boulevard interchange, within the easterly portion of the City of Moreno Valley. The approximately 55-acre site is bounded to the north by State Route 60 (SR-60), to the west by the Quincy Channel, to the south by Fir Avenue (future Eucalyptus Avenue), and by a vacant parcel to the east. The Project's easterly boundary parallels Redlands Boulevard, which is located approximately 700 feet to the east.

1.5.2 Project Overview

The subject of this EIR is the proposed development of the Westridge Commerce Center, which has been initiated by the Project proponent, Ridge Property Trust. Together with supporting improvements, the Project will provide for approximately 937,260 square feet of new light industrial warehouse/distribution uses.

In addition, the Project includes the development of supporting infrastructure, including roadway improvements, all necessary utilities including storm water management detention/retention basins, and paved, on-site parking areas.

1.5.3 Project Objectives

Primary objectives of the Project, as identified by the Project Applicant, are as follows:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

1.5.4 Discretionary Actions

Necessary discretionary actions, permits, and consultations allowing for implementation and operation of the Project will include, but are not limited to, the following.

1.5.4.1 Lead Agency Discretionary Actions and Permits

- **Certification of the EIR (City Case # P08-133).** The proposed development is a Project under CEQA, and may result in significant environmental impacts. Lead Agency certification of the Project EIR is required;

- **A zone change from Business Park to Light Industrial (City Case # PA08-0098).** The proposed zone change will allow for construction and operation of the Project's distribution warehouse uses as configured;

- **Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts],** to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property to ensure the protection of the health, safety and welfare of future residents;

- **Parcel Map Approval (City Case # PA09-0022)** to consolidate and reconfigure existing parcels defining the Project site, and to provide necessary easements and dedications;

- **Development Plan Review (City Case # PA08-0097)** pursuant to City of Moreno Valley Municipal Code Section 9.02.030 [Development Review Process], et al.;

- **Construction, grading, and encroachment permits** allowing implementation of the Project facilities within City of Moreno Valley jurisdictional areas; and

- **Vacation and/or dedication of public rights-of-way and easements** as elements of the proposed parcel map, or independent of the map. Rights-of-way and easements will provide public access, and ensure appropriate alignment of and access to infrastructure and utilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

- **Permitting and Consultation through the California Department of Fish and Game (CDFG)**, to include:

  - **Lake and Streambed Alteration Agreement (LSA)** addressing potential CDFG jurisdictional area impacts resulting from the Project; and
  - **Consultation** regarding the possible relocation of resident burrowing owls (if burrowing owls are determined to be present on the subject site during required pre-construction surveys).

- **CWA Section 404 and Army Corps of Engineers (ACOE) permitting** will be required for Project activities affecting off-site ACOE jurisdictional areas. CWA Section 404 permitting may also be required should the Project riparian habitat mitigation plan involve or require use of off-site federal jurisdictional areas;

- **Permitting required by/through CWA Section 401 and Santa Ana Regional Water Quality Control Board (SARWQCB)** pursuant to requirements of the National Pollutant Discharge Elimination System (NPDES) Permit;

- **Permitting required by/through the South Coast Air Quality Management District (SCAQMD)** for certain equipment to be temporarily employed within the Project during construction, and/or permanently installed and used over the life of the Project; and

- **Permitting by/through the California Department of Transportation (Caltrans)** for improvements within or that may affect Caltrans rights-of-way.

1.5.4.3 City Development Applications

In support of requested discretionary approvals and permits noted above, development applications submitted by the Project Applicant include:

- **Plot Plan** for a 937,260 square foot warehouse distribution facility;

- **Zone Change** from Business Park to Light Industrial;

- **Tentative Parcel Map** No. 36207 to combine the Project's five parcels into a single parcel; and

- **Application to Amend the City Municipal Code.** The Project Applicant is requesting a Municipal Code text Amendment to Section 9.05.020 B. The requested Amendment would provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

2.0 Revisions and Errata Corrections

2.0 REVISIONS AND ERRATA CORRECTIONS

2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text and graphic illustrations of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. It should be noted that the revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 TEXT REVISIONS

2.2.1 Text Revisions to Draft EIR Section 3.0, Project Description

Consistent with the comments provided by Thomas Thornsley, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include notation of screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. **Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls** . . .

2.2.2 Text Revisions to Draft EIR Section 4.3, Air Quality

A typographical error appearing in the first paragraph of Draft EIR Page 4.3-68 is corrected as follows, providing consistency with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

Additionally, in response to correspondence from the South Coast Air Quality Management District and others, the Draft EIR's Air Quality Mitigation Measures are revised as follows.

> *4.3.1* ***Consistent with URBEMIS modeling inputs and to effect*** ~~***The following measures shall be incorporated as***~~ *implementation of* ***SCAQMD*** *Rule 403****, the following measures shall be incorporated****:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.*
- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***
- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***
- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.***

~~*4.3.4 Construction contractors shall use only lowpolluting paints and coatings as defined in SCAQMD Rule 1113.*~~

4.3.5~~4~~ Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

4.3.~~6~~5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

4.3.~~7~~6 During Project construction, existing electrical power sources (e.g., power poles) shall be ~~provided for~~ **utilized to** power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

4.3.~~8~~7 The Applicant shall use ~~Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications~~ **"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be** consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

4.3.~~9~~8 Grading plans, construction specifications and bid documents shall **also** include ~~notation that off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where the use of biodiesel fuel would void the equipment warranty.~~ **the following notations:**

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**

- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*

• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide* ***secure, weather-protected*** *on-site bicycle storage/parking.~~ Bicycle storage parking/quantity and location shall be~~ consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***
  - ***Use of fleet vehicles conforming to 2010 air quality standards or better.***
  - ***Installation of catalytic converters on gasoline-powered equipment.***
  - ***Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;***
  - ***Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;***
  - ***Provision of preferential parking for EV and CNG vehicles;***
  - ***Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;***

- ***Use of electric (instead of diesel or gasoline-powered) yard trucks; and***
- ***Use of SmartWay 1.25 rated trucks.***

2.2.3 Text Revisions to Draft EIR Section 4.5, Water Supply

In response to correspondence from the Eastern Municipal Water District, Mitigation Measure 4.5.3 is revised as follows:

> *4.5.3 The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project****, to be constructed by the Applicant****.*

2.2.4 Text Revisions to Draft EIR Section 4.7, Cultural Resources

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

> *4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/****or*** *record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays****, consistent with the requirements of California Public Resources Code Section 21083.2****. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring.* ***Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, a****~~A~~ll recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and/or record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*

- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

2.2.5 Text Revisions to Draft EIR Section 4.8, Biological Resources

In response to correspondence from the California Department of Fish and Game, Mitigation Measure 4.8.5 is revised as follows:

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan****; and***

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

2.3 REVISIONS TO GRAPHIC ILLUSTRATIONS

In response to comments received from Gerald M. Budlong, a City of Moreno Valley Environmental and Historical Preservation Board member, several geologic maps, which were used as points of reference in the preparation of the Project Geotechnical Investigation, are incorporated on the following pages as "Plates 1 through 4."

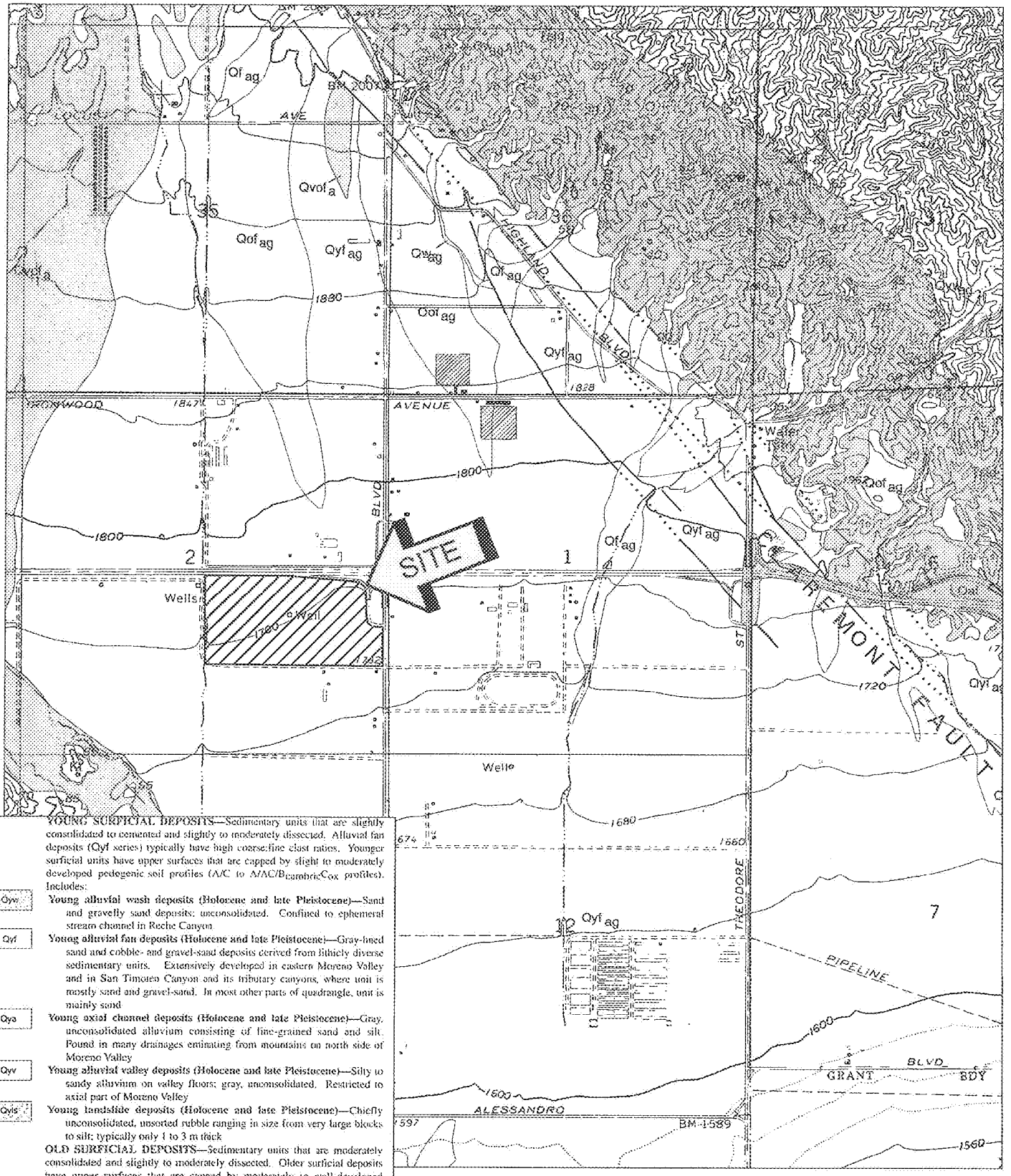

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to $A/AC/B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils ($A/AB/B/C_{ox}$ profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

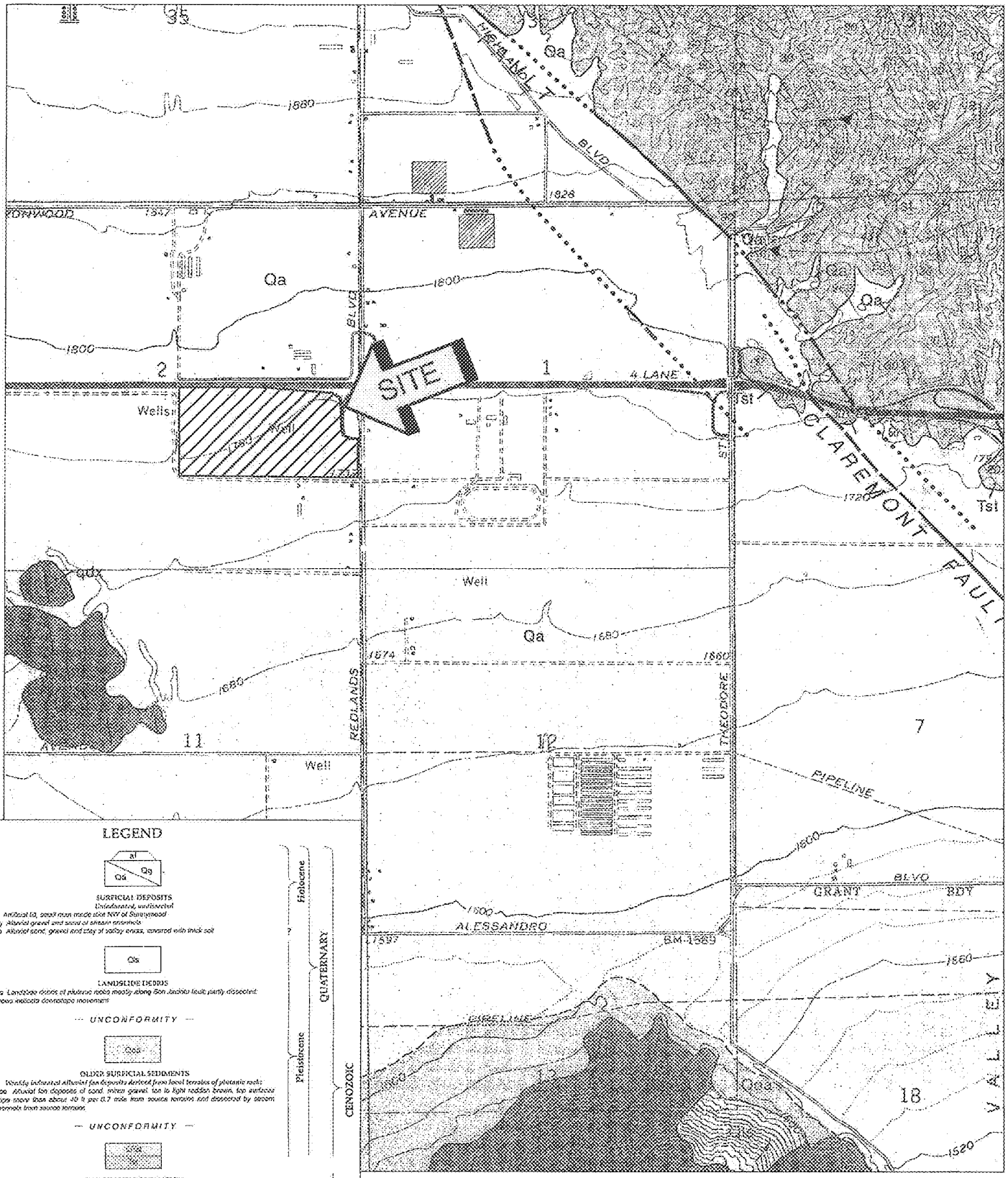

LEGEND

af / Qa / Qg

SURFICIAL DEPOSITS

Unconsolidated, undissected

af Artificial fill, small mass made due NW of Sunnymead

Qg Alluvial gravel and sand of stream channels

Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

Qls

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

Qoa

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:

Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, fan surfaces slope more than about 40 ft per 0.7 mile from source terraces and dissected by stream channels from source terraces

— UNCONFORMITY —

Qsa / Tst

SAN TIMOTEO FORMATION

(San Timoteo Sole of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); main part referred to late of Pliocene age (Morton and Miall, 2004)

Qsa Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone, tentatively (?) overlain by Qoa in this quadrangle

Tst Main part (pebble part of Morton and Miall, 2004), lithologically similar to upper part, within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Holocene	QUATERNARY	CENOZOIC
Pleistocene	QUATERNARY	CENOZOIC
Pliocene	TERTIARY	CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'

DRAWN: DRK
CHKD: JAS

SCG PROJECT
06G285-2

PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00111360

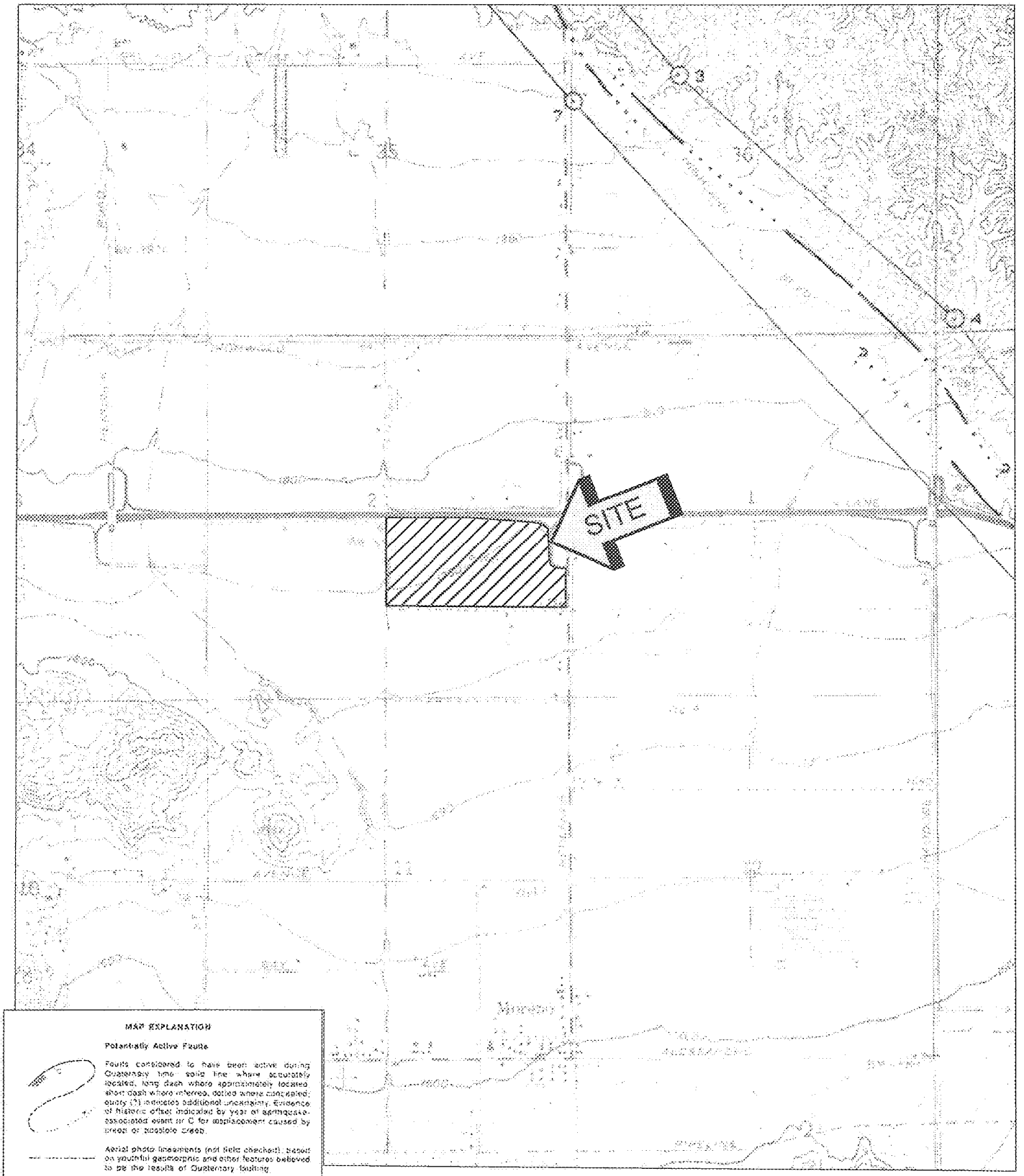

MAP EXPLANATION

Potentially Active Faults

Faults considered to have been active during Quaternary time: solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; county (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

Aerial photo lineaments (not field checked), based on youthful geomorphic and other features believed to be the results of Quaternary faulting.

Special Studies Zone Boundaries

These are delineated as straight-line segments that connect consecutively numbered turning points so as to define one or more special studies zone segments.

Seaward projection of zone boundary

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'

DRAWN: DRK
CHKD: JAS

SCG PROJECT
09G285-2

PLATE 3

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00111361

FAULT ZONES
03/16/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00111362

3.0 Comments and Responses

3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

The City of Moreno Valley's Responses to Comments on its Draft EIR for the Westridge Commerce Center are presented herein as required by California Code of Regulations, title 14 (hereinafter, "State *CEQA Guidelines*") Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: "[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." The 45-day comment period on the Draft EIR commenced on October 21, 2010 and concluded December 6, 2010.

Additionally, and as required by Section 15088, the City of Moreno Valley will provide written responses to all comments on the Draft EIR received from public agencies during the 45-day public review period at least 10 days prior to the proposed certification of the Program EIR.

In summary, the City's written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City's written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR's conclusions.

3.1.1 Comments Received

The following section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been organized by State agencies, County and regional agencies, and comments received from local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all commentor letters received by the City in regard to the Draft EIR, and the designation assigned to each. Comments with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not included with the provided responses herein. The Lead Agency has, however, included these late comments and their corresponding responses in the Project staff report.

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack, on behalf of Residents for a Liveable Moreno Valley, and Moreno Valley Group of Sierra Club.	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

The comment letters and the corresponding numbered responses are presented on the following pages.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

December 7, 2010

RECEIVED
DEC 13 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
SCH#: 2009101008

Dear Jeff Bradshaw:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 6, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office. SCH-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009101008
Project Title PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
Lead Agency Moreno Valley, City of

Type EIR Draft EIR

Description The West Ridge Commerce Center project proposes a 937,260 square foot industrial warehouse building on approximately 55 acres located on the south side of State Route 60, on the north side of Eucalyptus Avenue and ~650 feet west of Redlands Boulevard. The proposed warehouse use requires a change of zone from the Business Park land use district to the Light Industrial land use district. The project also requires approval of Tentative Parcel Map No. 36207 to combine the project parcels into a single parcel and a Municipal Code Amendment to establish a minimum buffering distance between warehouse distribution activities in the LI zone and adjacent residential zones. THe Quincy Channel, which is a segment of the City's Master Plan of Drainage, runs along the west site boundary and the project will be responsible for some channel improvements.

Lead Agency Contact

Name Jeff Bradshaw
Agency City of Moreno Valley
Phone (951) 413-3224 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92553

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 56' 7.7" N / 117° 09' 34.5" W
Cross Streets Fir/Eucalyptus Avenue, Redlands Boulevard
Parcel No. 488-330-003 to 006 & 026
Township 3S **Range** 3W **Section** 2 **Base** SBB&M

Proximity to:

Highways SR 60
Airports No
Railways No
Waterways No
Schools No
Land Use GPD: Business Park
Z: Business Park

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Landuse; Noise; Public Services; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

Date Received 10/21/2010 **Start of Review** 10/21/2010 **End of Review** 12/06/2010

Note: Blanks in data fields result from insufficient information provided by lead age

Item No. E.3

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2009101008

Response SCH-1

State Clearinghouse receipt of the Westridge Commerce Center Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2009101008) and dates of the public review period for the Draft EIR (October 21, 2010 through December 6, 2010) are also acknowledged.

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

December 3, 2010

RECEIVED
DEC - 7 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Re: Draft Environmental Impact Report for Westridge Commerce Center
SCH No. 2009101008

Dear Mr. Bradshaw:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Westridge Commerce Center. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). CDFG-1

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the City of Moreno Valley, County of Riverside and is bounded on the north by SR-60 and Spruce Avenue, on the south by Eucalyptus Avenue, on the east by vacant land and Redlands Boulevard, and on the west by the Quincy Channel and agricultural land. Surrounding development consists of vacant and agricultural land. CDFG-2

The proposed project consists of a 937,260 square foot industrial warehouse building on 55 acres. The Quincy Channel runs along the western boundary and will require improvements.

MSHCP

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Moreno Valley is an MSHCP participant. CDFG-3

The project is not within Cell Criteria Areas and does not require additional surveys and narrow endemic surveys, however, burrowing owl surveys are required. Initial surveys showed that burrowing owl was not present. CDFG-3 cont'd.

Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

The Department recommends that the Lead Agency clarify the issues raised below and provide a response to these comments in the Final Environmental Impact Report (FEIR) or subsequent CEQA document. CDFG-4

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant revegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

Biological Resources

A biological assessment was conducted in October, 2008. Biological Resources Assessments for the project site include the following: Burrowing Owl surveys in July, 2009, an off-site biological assessment in May, 2010 and a wetland jurisdictional delineation in February, 2010.

Biological habitat communities on the site include mulefat riparian, ruderal and agricultural. The site is highly disturbed and was formerly utilized for agricultural purposes. No focused biological surveys were required. Two southern black walnut trees were found on site. CDFG-5

Impacts and Mitigation

Section 14(a) of Appendix G of the CEQA Guidelines provides an outline for significant biological impacts. Section (a) asks whether the project will have a substantial adverse effect "...either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species...". CDFG-6

Section (b) asks, in part, whether the project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game.

Impacts to terrestrial biological resources are minimal. Mitigation for these impacts is provided for by participation in the MSHCP. The project is also located within the fee area for the Stephens Kangaroo Rat Habitat Conservation Plan. No burrowing owl were found on the site. CDFG-6 cont'd

Streambed Alteration Agreements and CEQA

The site is located adjacent to the Quincy Channel. Potential receiving waters from Quincy Channel are the Heacock Channel, Perris Valley Storm Drain and the San Jacinto River. The project site is not within the 100-year floodplain. The Channel is 1,295 linear feet with 2.4 acres of riparian habitat. Sheet flow from the site drains to the east to the jurisdictional channel along the west side of Redlands Boulevard. Both channels collect runoff from SR-60 and north of SR-60. The applicant is proposing to construct a scour wall adjacent to this channel. Along with the scour wall will be a maintenance road and a 50-150 foot buffer between the development and the Channel. The stream is an eroded earthen channel that collects runoff from three five foot wide culverts under SR-60. CDFG-7

Impacts to Quincy Channel will be from a channel crossing, not the scour wall. Impacts will also occur to an off-site channel. Permanent impacts are .003 acres to the Quincy Channel and 0.08 acres to the channel to the east (off-site). The applicant is proposing to mitigate impacts to jurisdictional State waters and riparian habitat by replacing riparian habitat at a 1:1 ratio, success criteria, and a three year maintenance and monitoring plan. CDFG-8

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. CDFG-9

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-10

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

CDFG-11

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

CDFG-12

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Michael Flores

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Letter Dated December 3, 2010

Response CDFG-1

The commentor notes CDFG's status as a responding Trustee Agency for California's fish and wildlife resources, and as a Responsible Agency for CDFG discretionary actions and permits. For the Project under consideration, the commentor notes that CDFG provides comments as both a Trustee and Responsible Agency. The commentor notes further that, pursuant to *CEQA Guidelines* Section 15096, comments provided by Responsible Agencies should focus on shortcomings on an EIR, and on additional alternatives or mitigation to be included in the EIR.

Trustee and Responsible Agency status of CDFG is recognized. The *CEQA Guidelines* Section 15096 directions for comments on EIRs to be provided by Responsible Agencies are acknowledged. It is noted further the *CEQA Guidelines* Section 15096 requires that Responsible Agencies limit their comments to ". . . those project activities which are in the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency."

Response CDFG-2

The Project location and scope as summarized by the commentor is materially correct. Please refer also to the detailed Project Description presented in Draft EIR Section 3.0.

Response CDFG-3

The commentor notes location of the Project within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).Attributes of the MSHCP and species "take" authorization for MSCHP participants are noted by the commentor. The commentor identifies the City of Moreno Valley as a participant in the MSHCP. The

commentor states further that the Project does not lie within [MSHCP] Cell Criteria Areas, and does not require surveys other than for burrowing owls. The commentor notes that initial [Draft EIR] surveys conducted for the Project indicate that owls are not present on the subject site.

Provisions of the MSHCP are noted, as is the City's status as an MSHCP participant. Species survey requirements for the Project, as stated by the commentor, are consistent with surveys conducted in conjunction with preparation of the Draft EIR. Results of the Project Burrowing Owl Survey (Survey) are summarized in Draft EIR Section 4.8, "Biological Resources," and the Survey is provided at Draft EIR Appendix G.As noted by the commentor, the initial Survey results indicate that burrowing owls are not present on the Project site. The Survey notes that "[n]o burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. In addition, this species has not been recorded from the project area in the past." [Survey, Page 6.] Further, the Draft EIR notes that "[t]he Project area does provide suitable burrowing owl foraging habitat; however, no burrowing owls or their sign were detected during the Project burrowing owl survey." (Draft EIR, Page 4.8-8.)

<u>Response CDFG-4</u>

The commentor reiterates *CEQA Guidelines* Section 15096 provisions and requirements. The commentor notes that CDFG will consult the EIR for the purposes of preparing a Lake and Streambed Alteration Agreement and/or issuance of an Incidental Take Permit. The commentor lists three (3) issues to be clarified in the Final EIR:

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

The following responses are provided to the issues/requirements cited by the commentor.

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters. Draft EIR Mitigation Measure 4.8.4 requires that a lake and streambed alteration agreement (Section 1600 permit) or waiver be obtained prior to the issuance of any grading permit and that written verification of the permit or waiver be provided to the Lead Agency (Community Development Department-Planning Division and the Public Works Department-Land Development Division).In support of the Permit, the Draft EIR identifies estimated impacts at CDFG jurisdictional areas and habitat, and identifies responding mitigation. This information will be included in subsequent Section 1600 Permit documentation for the Project. Relevant EIR text is excerpted below:

> [T]he channel is jurisdictional under the U.S. Army Corps of Engineers, the California Department of Fish and Game, the California Regional Water Quality Control Board and the MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Under a maximum potential impact scenario, construction of off-site improvements could result in permanent disturbance and alteration of approximately 0.08 acres (710 lineal feet of 5-foot wide channel, or a total of 3,550 square feet) of un-vegetated riparian habitat. Consultation and permits from these agencies will be required prior to any disturbance of this channel (Draft EIR, Page 4.8-10).

As summarized in Draft EIR Section 4.8 and presented in detail in the Project Jurisdictional Delineation, construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat

riparian habitat/CDFG jurisdictional areas. This is a potentially significant impact, as acknowledged on Draft EIR Page 4.8-23.

The following mitigation measures addressing potential impacts to jurisdictional/ habitat areas were incorporated in the Draft EIR, and will be reflected in subsequent Section 1600 Permit documentation.

4.8.1 *Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*

4.8.2 *Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*

4.8.3 *Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be*

planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 *Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.*

4.8.5 *Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:*

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, and regular maintenance and monitoring activities to ensure the success of the mitigation plan*

(Draft EIR Pages 4.8-23 through 4.8-24).

The commentor incorrectly states subsequently (please refer to Comment CDFG-8) that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." Potential impacts from a future crossing of the Quincy Channel at Fir (future Eucalyptus) Avenue are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project. As noted in Footnote 2 on Draft EIR Page 4.8-19, repeated here for ease of reference:

> The EIR Jurisdictional Delineation also acknowledges jurisdictional impacts and associated mitigation and permitting requirements associated with the future bridge crossing of Fir (Eucalyptus) Avenue at the Quincy Channel, located southwesterly adjacent to the Project site. This bridge crossing, to be implemented by the City or others at a future date as a part of areawide circulation system improvements, will permanently impact an estimated 0.47 acres of CDFG jurisdictional areas, with temporary impacts to an additional 0.06 acres of CDFG jurisdictional area. Affected CDFG jurisdictional areas encompass ACOE and RWQCB jurisdictional areas. These are not Project-related impacts, but are however considered in this EIR and CEQA within the context of cumulative impacts. Please refer also to EIR Section 5.1.1.8, Cumulative Biological Resources impacts (Draft EIR Page 4.8-19).

2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan. The last bullet point at Mitigation Measure 4.8.5 is amended as follows to include native plant re-vegetation for areas temporarily disturbed by construction.

- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department. As noted above at Mitigation Measure 4.8.5 (as amended):

> *[The Project] HMMP shall, at a minimum, meet the following requirements:*
> - *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
> - *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
> - *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal**, native plant re-vegetation for areas temporarily disturbed by construction,** and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

While the Draft EIR presents a reasoned best estimate of impacts and proposed responsive mitigation based on Project design concepts, details such as monitoring and maintenance of mitigation for impacts to jurisdictional areas and affected habitat are more effectively developed based on final Project designs including detailed grading plans, utility plans design and final building designs. As matter of clarification, the following bullet point is added to Mitigation Measure 4.8.5:

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

With these revisions, Mitigation Measure 4.8.5 in total will be worded as presented below. These revisions will be reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Response CDFG-5

The commentor notes biological resources surveys conducted for the Project, and comments further that no focused surveys were required. Surveys and survey results noted by the commentor are materially correct. No further response is required.

Response CDFG-6

The commentor cites *CEQA Guidelines* Appendix G suggested threshold considerations addressing habitat modifications and potential impacts to candidate, sensitive or special status species, riparian habitat, or other sensitive natural communities. The commentor notes that [Project] impacts to terrestrial biological resources are minimal, and that mitigation for these impacts is provided for through participation in the encompassing MSHCP. The Project also lies within the fee area for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan. Potential impacts to SKR are addressed though fee payments consistent with provisions of the SKR Habitat Conservation Plan. The above statements provided by the commentor are materially correct. No further response is required.

Response CDFG-7

The commentor summarizes physical characteristics of the Quincy Channel (Channel), located westerly of the Project site. The commentor notes that the Project Applicant proposes to construct a scour wall adjacent to the Channel. A maintenance road will be constructed on the easterly (developed side) of the wall and an approximate 50-150 foot buffer area will be provided between the wall and the developed warehouse areas.

The commentor's summary descriptions of the Channel and Applicant-initiated improvements are materially correct. No further response is required.

Response CDFG-8

The commentor incorrectly states that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." As noted in the preceding Response CDFG-4, potential impacts from a future crossing of the Quincy Channel at Fir (Future Eucalyptus) are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project.

As noted by the commentor, the Draft EIR acknowledges that the Project will result in or cause approximately 0.003 acres of *temporary* [emphasis added] impact to CDFG jurisdictional area along the Quincy Channel due to construction of the scour wall. Impacts arising from eventual future crossing of the Channel are not Project-specific and no mitigation is proposed by the Project. Potential cumulative impacts of the crossing are discussed at Draft EIR Section 5.1.1.8:

> . . .[I]t is noted that the ultimate design of Fir (future Eucalyptus) Avenue includes the construction of a crossing to span Quincy Channel. This future channel crossing is not considered a component of the proposed [P]roject and is contingent on vicinity development, which may occur in the next several years. The future construction of a channel crossing could result in permanent and temporary impacts on [the] Quincy Channel. These potential impacts are identified within Section 5.2.2 of the Jurisdictional Delineation Report in Draft EIR Appendix G. Because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in this EIR. It is further noted, however, that the ultimate extension of Eucalyptus Avenue, including the construction of a Quincy Channel crossing, is included in the City's General Plan Circulation Element, and as such, has been considered as a part of the City's General Plan EIR. Cumulative Project impacts are not affected by the extension of Fir (future Eucalyptus) Avenue or the construction of a Quincy Channel crossing (Draft EIR Pages 5-22 through 5-23).

<u>Response CDFG-9</u>

The commentor states that"[i]f the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance,

mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement."

The commentor's statement/concern is recognized; however, such concerns are not germane to the Project or to the Draft EIR. Potential Project-related impacts to lakes, streams, and associated resources are fully disclosed and discussed in the Draft EIR and supporting technical studies presented in Draft EIR Appendix G. A summary of impacts and proposed mitigation is provided in preceding responses CDFG-1 through CDFG-8. Please refer also to the detailed discussions presented in Draft EIR Section 4.8, "Biological Resources," and supporting technical studies provided in Draft EIR Appendix G, "Biological Resource Assessments." Moreover, all areas of potential jurisdictional impacts are avoided to the extent possible and mitigated where complete avoidance is infeasible. The discussion provided as part of Draft EIR Mitigation Measures 4.8.1 through 4.8.3, as excerpted below, requires and promotes avoidance. The complete text of these mitigation measures is provided in the preceding Response CDFG-4.

> *. . . Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel . . . a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*
>
> *. . .Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained*

throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

. . . [N]o invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel (Draft EIR Page23).

Response CDFG-10

The commentor states that "[t]he Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:l replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors."

The Project does not propose elimination of drainages, lakes and their associated habitats. Mitigation is proposed for the Project's temporary impact to 0.003 acres of riparian (mulefat) habitat.[1]The ultimate scope and location of mitigation will be determined in consultation with CDFG through the Streambed Alteration Agreement Notification/Permit process (or waiver), to be completed prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas. Notification/Permit processes will be initiated by the Applicant at the earliest practicable date. Given the nominal scope of habitat impact (0.003 acres), its relative distance from proposed areas of development, and intervening buffering areas provided, no substantive alteration of the Project is proposed nor anticipated to be

[1] Total impacts to jurisdictional areas are estimated at 0.083 acres: 0.003 acres temporary impact to jurisdictional mulefat habitat; 0.08 acres permanent impact to non-habitat jurisdictional areas.

required in order to successfully mitigate the Project's temporary impacts to riparian habitat. Contact information provided by the commentor is noted.

Response CDFG-11

The commentor notes the following informational requirements for a Streambed Alteration Agreement, and recommends its incorporation in CEQA documents:

> 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
> 2) Discussion of avoidance measures to reduce project impacts; and,
> 3)Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

The above information is provided in the Draft EIR and supporting jurisdictional delineation information presented at Draft EIR Appendix G. Excerpted germane Draft EIR discussions are presented below, and the commentor is referred to full detailed discussions presented in the body of the Draft EIR, specifically, within Section 1.0, Summary; Section 4.8, Biological Resources; and Section 5.0, Other CEQA Considerations. Supporting technical studies are provided at Draft EIR Appendix G, Biological Resource Assessments.

1. **Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type).**The Draft EIR states that "[p]roject construction activities will result in the following potentially significant impacts: Potential direct temporary impacts to 0.003 acres, (22 lineal feet) of mulefat vegetated riparian habitat; and Potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat" (Draft EIR Page 1-77, et al.).

2. **Discussion of avoidance measures to reduce project impacts.** The Draft EIR states that "[a]maintenance road will be provided along the easterly edge of the scour wall, and Westerly of the scour wall, a buffer area averaging in width from approximately 50 feet to 150 feet will be established, providing separation between the developed site and the adjacent Quincy Channel. This physical separation between the developed site and the Channel habitat areas minimizes or precludes direct impacts to the Channel and its associated vegetation communities and special status plant species." (Draft EIR Page 4.8-18, *et al.*) Please refer also to the preceding Response CDFG-9.

3. **Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.** Please refer to Draft EIR Mitigation Measures 4.8.1 through 4.8.5 (as amended through these responses), presented in the preceding Response CDFG-4.

Response CDFG-12

The commentor cites *CEQA Guidelines* Section 15370, which describes/defines mitigation, and states that CDFG cannot fulfill its obligations absent defined impacts and proposed mitigation. CDFG point of contact information is provided.

Project impacts are fully and appropriately defined and disclosed as summarized in the preceding responses and presented in detail in the Draft EIR (0.08 acres permanent impact to non-habitat jurisdictional areas; 0.003 acres temporary impact to jurisdictional mulefat habitat). Mitigation is proposed for impacts determined to be potentially significant. Mitigation includes restoration/replacement habitat at a minimum 1:1 ratio. The Lead Agency considers the defined area of impact and proposed mitigation to be consistent with CDFG requirements, and supports the Department's obligations and responsibilities as a Trustee and Responsible Agency. Project impacts, as mitigated, are considered to be less-than-significant. Mitigation as revised herein is included in

response to CDFG comments. CDFG staff were contacted (phone conversation 12.16.10) to clarify information provided in the DEIR and discuss CDFG concerns. Subsequent to that conversation, a draft of these responses was emailed to CDFG staff. As indicated in the following email response from CDFG, CDFG staff concurs with the substance of these responses and proposed revisions to the Draft EIR text.

From: Robin Maloney-Rames <RMaloney@dfg.ca.gov>
Date: December 29, 2010 9:13:07 AM PST
To: <cray@appliedplanning.com>
Subject: Re: Westridge Draft EIR-CDFG Comments and Responses (Draft)

Hello Charly:

I took a look at the letter and response to comments. It seems to be in order. If you could include this with the Response to Comments I would appreciate it.

thanks
Robin

Environmental Scientist
Dept. of Fish and Game
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 980-3818

Thank you for contacting the California Department of Fish and Game. Pursuant to Governor's Executive Order S-12-10, we are closed on the second, third and fourth Friday of each month.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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Flex your power!
Be energy efficient!

December 6, 2010

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Westridge Development Draft Environmental Impact Report (October 2010). SCH: 009101008.
Riv-60-PM19.0/20.4

Dear Mr. Bradshaw,

We have completed our review for the above noted project which is located south of State Route 60 (SR-60) east of Quincy Channel, and north of Fir Avenue in the City of Moreno Valley. The project proposal comprises of the construction of 937,260 square feet of new light industrial warehouse/distribution area.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS. DOT-1

We have the following comments:

Traffic Operations

1. Please include a Stacking Distance analysis for the Moreno Beach Road . DOT-2

2. Traffic Impact Study (page 124, Table 6-11); under Redlands Blvd at SR-60 Westbound Ramp, please include: WBL, WBR, EBL & EBR. Additionally, under SR-60 at eastbound Ramps, please include: SBR. DOT-3

3. Due to the potential high volumes of truck traffic, please ensure that the ramp intersection will accommodate STAA truck turning movements. DOT-4

4. Please include the ramp merge/diverge analysis for SR-60 at Moreno Beach Dr. and at Redlands Blvd. DOT-5

Mr. Bradshaw
December 6, 2010
Page 2

Hydrology

1. Although the proposed improvements should have no significant effect on Caltrans facilities, the documentation submitted did not give specific details how the runoff from the freeway SR-60 will be captured and contained. We would expect the developer's engineer to address this issue during the design and permit approval process. DOT-6

Permit Requirements:

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
Department of Transportation
464 West 4th Street, 6th Floor, MS-619
San Bernardino, CA 92401-1400
(909) 383-4526

DOT-7

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Joe Shaer at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DISTRICT 8

Letter Dated December 6, 2010

Response DOT-1

Caltrans jurisdiction and statutory responsibilities in regard to the proposed Project's potential effects on SR-60 are acknowledged. Agency review of the Draft EIR is appreciated.

Response DOT-2

The commentor requests a stacking distance analysis for Moreno Beach Road. Within the context of the Caltrans Guide for the Preparation Traffic Impact Studies (State Of California Department Of Transportation), December 2002, the traffic impact analysis consultant, guided by local input and expertise of the Lead Agency, established the parameters and extent of the Project Traffic Impact Analysis (TIA). The Project is anticipated to contribute nominal[2] traffic to Moreno Beach Road for opening year conditions; and would contribute less than 50 peak hour trips to Moreno Beach Road under long-range conditions.

Pursuant to applicable CMP TIA guidelines (see Caltrans TIS Guidelines, Page 2), it is typically unnecessary for projects generating less than 50 peak hour trips to assess potential impacts in regard to stacking or progression through an interchange area. The Lead Agency has not indicated special circumstances or other considerations that would indicate a requirement for a stacking distance analysis for Moreno Beach Road, nor is such the conclusion of the TIA consultant.

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[2] Nominal traffic contributions are defined less than 50 vehicles per day (Project TIA Page 44, et al.)

Response DOT-3

The commentor requests specific analysis of the westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps. Analysis of the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps is also requested.

The westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps were not individually reported since they are shared lanes, and the queues associated with these movements are reflected in the 95th percentile queue presented for the westbound and eastbound through movements, respectively. Similarly, the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps was not reported individually since it is a shared movement with the southbound through lane. Please refer also to TIA Table 4-1 (Intersection Analysis for Existing Conditions).

Response DOT-4

As noted in the discussion of regional access (Draft EIR Section 4.2.2.2 on Page4.2-8), the Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. (Please refer to Figure 3.5-1, Site Plan Concept). The Project would, upon approval, be responsible for payment of Traffic Uniform Mitigation Fee (TUMF) contributions; however, interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. When designed, reviewed and constructed, it is presumed that the ramps will be required to be consistent with Caltrans design standards, and will accommodate STAA truck turning movements.

Response DOT-5

According to the Transportation Research Board's *Highway Capacity Manual*, the influence area for a merge junction is 1,500 feet downstream, and the influence area for a

diverge junction is 1,500 feet upstream. The distance between the ramps at Redlands Boulevard and Moreno Beach Boulevard is approximately 6,600 feet. There are no other merge/diverge junctions (i.e., interchanges) within the 1,500-foot influence areas of the ramps at Moreno Beach Boulevard and Redlands Boulevard, and as such, merge and diverge analyses were determined unwarranted as part of the Project TIA.

Response DOT-6

As noted by the commentor, specific concerns in regard to the design of collectors for runoff from the SR-60 onto the site will be addressed as part of the design and permit approval process. In general, as discussed in Draft EIR Section 4.6, "Hydrology and Water Quality," storm water will be collected onsite through a series of catch basins and clarifiers, and directed to a municipal drainage system, connections for which would be constructed adjacent to the site within the rights-of-way of Fir (future Eucalyptus) Avenue and Redlands Boulevard.

Response DOT-7

The required review of street, grading and drainage construction plans by Caltrans personnel prior to the issuance of encroachment permits is acknowledged. The address and contact information provided is appreciated.

Board of Directors

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

December 6, 2010

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: West Ridge Commerce Center Project
Draft Environmental Impact Report
SCH No. 2009101008

Dear Mr. Bradshaw:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above referenced project. The project is generally described as a plot plan for development of a 937,260 square foot warehouse distribution on building on a 55 acre site, Related applications include a Zone Change from Business Park to Light Industrial, a tentative parcel map to combine five parcels into a single parcel and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment to establish a buffering distance between warehouse distribution land uses in the light industrial zone and adjacent residential zones. EMWD-1

Eastern Municipal Water District (EMWD) offers the following comments with respect to this DEIR document:

1- Please revise Mitigation Measure 4.5.3, on page 4.5-29, as follows (revisions indicated in ***bold italics***): EMWD-2

4.5.3 ***In this East Moreno Valley area, existing water, sewer and recycled water facilities are not adequate to accommodate the Project. Therefore, from a facilities perspective, the Project would be conditioned to construct off-site and on-site water, sewer and recycled facilities needed to serve the***

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

City of Moreno Valley
December 6, 2010
Page 2

Project. Accordingly, a Plan of Services (POS) must be completed and submitted by the Applicant, for EMWD's approval. As soon as possible, the Applicant shall meet with EMWD staff to develop a Plan Of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water ***facilities*** requirements to serve the project, ***to be constructed by the Applicant. Additionally, there could be temporary service impacts while constructing or extending facilities required for this Project, which should be evaluated in the Final EIR.*** EMWD-2 cont'd.

2- Please note the Water Supply Assessment (WSA) expiration date is June 4, 2011. EMWD-3

Again, EMWD appreciates the opportunity to comment on this project. Please forward future environmental documents for this project and the response to the above comments prior to EIR certification to the attention of Karen Hackett at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Karen Hackett at 951 928-3777, Ext. 4462, or myself at Ext. 4455. EMWD-4

Sincerely,

Joseph B. Lewis
Director of Engineering Services

JBL:ME:RR:KAH

cc: E. Lovsted

Encl.

EASTERN MUNICIPAL WATER DISTRICT
SINCE 1950

Board of Directors

President
David J. Slawson

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General Manager
Anthony J. Pack

Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

Developers/Engineers

Will your project require service from Eastern Municipal Water District for water, sewer or recycled water?

EMWD requires beginning dialogue with the applicant at an early point in site design and development of a project, in order to assess the infrastructure needs. Accordingly, we offer to meet with developers/engineers for one initial due-diligence meeting, without requiring a deposit. This meeting is to review your project and determine potential service from EMWD. The objective is to provide a forum to resolve any questions about our development process and help to determine if there are any potential issues that may exist in the area concerning EMWD facilities (water, sewer or recycled water). Afterward, should you decide to pursue your project(s) with EMWD, we will require you to deposit funds and open a Work Order. This Work Order is used to cover staff time and research required to generate a Plan of Service. No improvement plans will be accepted until this pre-project phase is completed and an EMWD Plan of Service has been approved.

In an ongoing effort to develop a dependable and reliable water supply for its customers, EMWD's goal is to maximize the use of recycled water, for landscape demands. All projects that include landscaped areas are carefully considered for recycled water use. This process needs to begin early to avoid unnecessary delays. EMWD-5

In order to set up a Due Diligence meeting we need:

1- A completed Due Diligence questionnaire.
2- Your proposed agenda for the due-diligence meeting
3- Location Map
4- Proposed development plan layout if available (hard copy and JPEG format)

I encourage developers/engineers to become familiar with EMWD New Development processes, while designing your project. They have been developed over many years and serve a great importance as they can prevent complications and save time. More information can be found at http://www.emwd.org/new_biz/new-biz-dev.html

If at any point in time there are questions or concerns, please do not hesitate to contact me

Sincerely,

Linda H. Petersen
Development Coordinator ex. 4310
Petersel@emwd.org

EASTERN MUNICIPAL WATER DISTRICT

Letter Dated December 6, 2010

Response EMWD-1

The commentor has accurately summarized the general aspects of the proposed Project and required discretionary actions.

Response EMWD-2

As discussed in the EIR, the Project's impacts to water supplies is less-than-significant. Notwithstanding, mitigation is provided to ensure timely construction of service lines/facilities necessary to serve the Project. In this regard, the Lead Agency acknowledges the District's desire to clarify the referenced Mitigation Measure 4.5.3, which is discussed in Draft EIR Section 4.5, "Water Supply." Accordingly, the language of this mitigation measure has been amended as follows.

> 4.5.3 *The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project,* ***to be constructed by the Applicant****.*

Related to the Project POS, preliminary information provided by EMWD indicates that provision of adequate fire flows for the area west of Redlands Boulevard and south of SR-60 will require construction of a 24-inch water line within the Fir (future Eucalyptus Avenue) extending westerly from Redlands Boulevard to connect to an existing 24-inch line at the approximate alignment of Petit Street. The extent of the actual construction of the line is not known at this time and is ultimately dependent on the timing of improvements constructed as a part of adjacent proposals. Regardless of these other projects, Certificate of Occupancy for the Project is conditioned on the provision of

adequate fire flows whether achieved by this new line, or by other means acceptable to EMWD and the City Fire Department.

To ensure monitoring and enforcement, this revision to Mitigation Measure 4.5.3 is reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata. Additional explanatory language provided by the commentor is not considered appropriate for inclusion in this mitigation measure.

The Applicant's responsibility for the construction of all required infrastructure to serve the Project, including but not limited to the extension of off-site and on-site water, wastewater, and recycled water facilities, is acknowledged. As noted in the discussion of Water/Sewer Services on Draft EIR Page 3-21, "[a]lignment of service lines, and connection to existing services will be as required by EMWD."

The possibility of temporary service impacts during the construction or extension of facilities is acknowledged. Coordination with the District in regard to planned or proposed construction actions will occur as part of the preparation of the required POS (identified in Mitigation Measure 4.5.3, above). Additionally, notification of potential utility service disruptions would be provided to existing residents and/or business owners in the area by the developer, acting to minimize their effects. The results and conclusions of the Draft EIR are not affected.

<u>Response EMWD-3</u>

As noted in Draft EIR Mitigation Measure 4.5.4 (excerpted below), the upcoming expiration date of the Project's Water Supply Assessment is acknowledged.

> 4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008.The Project Applicant shall maintain communication with EMWD*

on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA.

Response EMWD-4

As requested, and pursuant to Public Resources Code §21092.5, the District will receive a written response to these comments at least ten days prior to the certification of this EIR.

Response EMWD-5

EMWD provides a standardized Notice to Developers and Engineers outlining EMWD requirements and processes necessary to ensure adequate and timely provision of services.

The Notice to Developers and Engineers (Notice) attached to the above-referenced comment letter is acknowledged, and has been incorporated in this Final EIR for ease of reference. The Applicant consulted with EMWD early in the planning process (due diligence meeting conducted with EMWD staff on January 27, 2009) in order to determine the likely scope and type of improvements required. At the earliest feasible date, the Applicant will coordinate with EMWD in developing the POS for the Project consistent with provisions of the Notice.

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

134314

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 29, 2010

RECEIVED
DEC - 6 2010
CITY OF MORENO VALLEY

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

~~Dear Mr.~~ Bradshaw:

Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

This letter is written in response to the Notice of Availability West Ridge Commerce Center Project Draft Environmental Impact Report. The purpose of the proposed project is to develop a 937,260 sq. ft. warehouse distribution building on a 55 acre site located near Eucalyptus Avenue and Redlands Boulevard. The project also requests a zone change of five parcels from Business Park to Light Industrial, combining the five parcels into one and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment. RCFC-1

The Riverside County Flood Control and Water Conservation District (District) has reviewed the DEIR and has the following comments:

This project involves District Master Drainage Plan facilities, namely Moreno Line G-7 and D-3. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards and District plan check and inspection will be required for District acceptance. Plan check and administrative fees will be required. RCFC-2

This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

The District is signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City will request that the District own, operate and maintain the above referenced facilities, the applicant will need to demonstrate that all construction related activities within the District right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP. RCFC-3

134314

Mr. Jeff Bradshaw -2- November 29, 2010
City of Moreno Valley
Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

General Information

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy. RCFC-4

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Edwin Quinonez

EDWIN QUINONEZ
Senior Civil Engineer

c: Riverside County Planning Department
Attn: Kathleen Browne

AJK:EQ:blj

RIVERSIDECOUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Letter Dated November 29, 2010

Response RCFC-1

The commentor has accurately summarized the general aspects of the proposed Project and its required discretionary actions.

Response RCFC-2

The District's requirements in regard to transfer of ownership, standards for construction, inspection and fees are acknowledged.

Response RCFC-3

The assessment of the Project's potential to conflict with any applicable habitat conservation plan or natural community conservation plan (Draft EIR Page 4.1-31), indicates that the Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).The Project's compliance with all referenced sections of the MSHCP is documented within the *Report on Habitat Assessments and Biological Surveys for the Westridge Project Site* (Pages 42-43, Draft EIR Appendix G).

Response RCFC-4

RCFC provides general information addressing: National Pollutant Discharge Elimination System (NPDES) permit requirements; Federal Emergency Management Agency (FEMA) requirements for projects or actions within or affecting FEMA-mapped floodplains; and Army Corps of Engineers (ACOE)/California Department of Fish and Game (CDFG) requirements for projects or actions within or affecting natural watercourses or mapped floodplains.

The Lead Agency appreciates the general information on permitting requirements provided by the District. As noted in the Draft EIR's discussion of stormwater

permitting (Section 4.6.3.3, Pages 4.6-10 through 4.6-13), the Project is required to obtain clearance from the State Water Resources Control Board pursuant to the NPDES Statewide Industrial Storm Water Permit for General Construction activities. The Project does not lie within, nor would it otherwise affect any mapped floodplain areas. As such, the Project is not subject to FEMA floodplain requirements. As required through Project Mitigation Measure 4.8.4, the Applicant is required to obtain a streambed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit prior to physical disturbance of any jurisdictional areas.

December 5, 2010

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley 92552

Re: PROPOSED WAREHOUSE PROJECT, WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133

Dear Mr. Bradshaw:

I am a Moreno Valley resident, and have looked at the Westridge Commerce Center Draft Environmental Report and feel compelled to comment on this proposed project. I believe the proposed project; a 937,260 square foot warehouse distribution building on a 55-acre site located on the north side of Eucalyptus Avenue, approximately 650 feet west of Redlands Boulevard will negatively impact the overall quality of life in Moreno Valley. **I ask that this project be denied and not be built to the scope/size requested or in the area Ridge Property Trust is asking for it to be built on.** MA-1

The preamble to our City's General Plan states, "The City of Moreno Valley embraces the interests of its residents and strives to meet their needs by creating a sense of community. The commitment to this vision encourages attractive amenities and a full range of public services while promoting **a safe and healthy environment. It is the goal of the City to improve the quality of life ...**" and after reviewing the EIR it is apparent that this project will negatively affect: Air Quality, Traffic Congestion, Destroy Aesthetics, Impact Water, Incur Large amounts of Solid Waste, Bring More Light and Noise that overall will result in a deterioration of the quality of life enjoyed by residents of our city overall and in particular residents living on the East Side of our City and also hurt the children in our city by these negative impacts. MA-2

A survey taken for the City's General Plan also found out that **47% of our residents wanted to retain the rural character of northeast Moreno Valley** (10% disagreed). This project destroys that rural character, and it would be in the best interests of the residents of our City to honor that desire by denying this project. MA-3

I do not agree with the philosophy that for economic development to occur and for there to be jobs that I must lower my standard of living to achieve this. The 900 jobs that the EIR for this project suggests will occur, are in no way guaranteed to meet that number nor are they guaranteed to even go to a portion of Moreno Valley residents and this is a tactic that is playing upon the need for jobs in our City by promises that may not be kept, because there is no written contract that will guarantee this job number or that they go to local residents. MA-4

The EIR states repeatedly that the effects of this project are minimal and not significant in magnitude, however, if this were true this developer would not have to ask for a Zone Change from Business Park to Light Industrial because the proposed warehouse/distribution center at 937,260 sq. ft. exceeds Business Park footage in our City's General Plan of 50,000 sq. ft. This request in no way benefits the health, safety or welfare of current residents much less future residents as stated in the EIR. MA-5

This EIR also uses the approval of the 2.6 million square feet for the Highland Fairview Project as a tool for their requests to be granted. Due to the approval and development of Highland Fairview's mega warehouse and approval of the ProLogis project, any additional project(s) that incur additional MA-6

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
2

truck traffic, and diesel particulate matters into the air, as well as changing the scenic view by building another mega warehouse that will be open 24 hours per day, the accompanying lighting, noise, air pollution, traffic congestion, MUST be factored into the overall effect and impact of the Highland Fairview and ProLogis Projects to determine the real effects that will occur to the residents in the area of this development and the City as a whole. MA-6 cont'd.

With the State of California, Riverside County, and Moreno Valley all suffering from large budget deficits it is unknown when the necessary funds to upgrade the freeway, overpasses, roads will be able to be completed, and with numerous diesel trucks that will come from this project, the damage to local roads, streets, and increased congestion, as well as increased dirty air and diesel particulate will hurt our city's overall quality of life and could result in increased traffic accidents and costs to our police and fire as a result. MA-7

Again, our City's General Plan states, "The image of the community is perceived from freeways, streets and the point of view of the pedestrian. The viewer forms an impression about the beauty and safety of the community as he or she views the surrounding buildings …" If mega warehouses and distribution centers continue to be built along the eastern portion of our city and exceptions to the business park/light industrial maximum square footage of 50,000 sq. ft. continues to be ignored our city will suffer from negative impressions because we are allowing ourselves to become a warehouse ghetto, and that will also hurt property values of the residents surrounding this project as well as the others of the same ilk, and ultimately will cause depressed property values to continue if not decrease even more than they already have. By denying this project you will be protecting our home values and our city's image rather than letting the 60 freeway become a vision of mega warehouse distribution centers that were never intended to be built en masse in this part of our city. MA-8

In section 5.3.2.2 Industrial Development of the Moreno Valley General Plan it says, "Industrial and business park development is concentrated in the southern part of the City, generally located south of Iris Avenue and north of San Michele Road to the Perris city limits." Approving this project, as the others that have been approved, goes against what was to be an orderly and organized location for industrial and business park developments, not the east end of our city that was to have the rural characteristics valued and protected.

Although this project says it will get water from MWD and that there is no problem, I would point out that EMWD is still in a Stage 2 Water Shortage and goes on to say in their newsletter, that all EMWD customers are required to eliminate water waste, so how does approving mass warehouses help to not add more stress to our lack of water? And in their 10/21/10 newsletter, MWD says, "Southern California's water reserves are still low
Southern California continues to face significant water supply challenges in 2010 and beyond. … During the past three years, Metropolitan has tapped its reserves to maintain deliveries to its 26 member agencies and 19 million Southern Californians. Our reserves are down by about 50 percent. With water uncertainties facing the state, the challenge ahead is to continue to lower demand and stretch our reserve supplies as much as possible … Approving mega warehouse projects does not help in our struggle to maintain adequate water supplies whether it be from EMWD resources or MWD resources. This is another reason this project should be denied. MA-9

Regarding the increase diesel truck traffic that will occur if this project is approved, in a presentation, Truck Management Strategies in Los Angeles, by Susan Bok, AICP a Senior Transportation Planner, MA-10

Los Angeles it was noted that "Trucks often pass through or near residential areas en route to … distribution centers… safety, air pollution, vibration and noise impacts on residents. Truck impacts on roadway surfaces: 1 truck = 10,000 cars" which is a negative health and safety impact that will be incurred on the resident of Moreno Valley if this project is approved. MA-10 cont'd.

In an article from: Contemporary Economic Policy | January 1, 2007 | Bluffstone, Randall A.; Ouderkirk, Brad | Copyright:

"II. THE ENVIRONMENTAL ISSUES

Diesel exhaust is made up of gas and particulates. Gases include hydrocarbons, carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur oxides, but particulates are of special concern because they are associated with a variety of cancers and cardiopulmonary problems that have been shown to increase the risk of mortality. Relative to gasoline engines, heavy-duty diesel trucks, such as those used in the logistics industry, typically emit at least 24 times more fine particulate matter per mile traveled (Kirchstetter et al., 1999). Health effects associated with these particles fall disproportionately on vulnerable populations, such as the young, elderly, and those who already have compromised respiratory systems.

Recently, the toxic and especially carcinogenic effects of diesel particulate matter (DPM), much of which comes from trucks, have been highlighted. The State of California and the U.S. Environmental Protection Agency (USEPA) have identified more than 40 toxic pollutants in diesel emissions, and in 1998 the California Air Resources Board (CARB) named it a toxic air contaminant (CARB, 2000; Lippmann et al., 2003; Ostro and Chestnut, 1998; SCAQMD, 2003). MA-11

Particulates are classified according to their diameters. Those less than 2.5 [micro]m ([PM.sub.2.5]) pose the greatest threat to human health because smaller size allows deeper penetration into lung tissues as well as longer float times (as much as several days under dry conditions) and therefore wider deposition. DPM is particularly light, with a mean particle diameter of 0.2 [micro]m, but as much as 20% of DPM can be less than 0.05 [micro]m, which floats longer and penetrates deeper than larger particles. DPM also has a large surface area, making it an ideal carrier for a variety of toxic compounds. DPM typically makes up 10-30% of total [PM.sub.2.5] concentrations. The federal limit for [PM.sub.2.5] is 15 [micro]g/[m.sup.3] average annual concentration and 65 [micro]g/[m.sup.3] maximum concentration during any 24-h period. California has a stricter annual average concentration standard of 12 [micro]g/[m.sup.3]. DPM-specific standards do not exist.

The eastern Inland Empire and particularly the I-215, I-10, and I-15 freeway corridors have very high particulate concentrations. In 2003, Riverside and San Bernardino counties ranked first and second, respectively, in the nation for total particulate pollution (CARB/American Lung Association, 2004). For example, at the Rubidoux monitoring station in Riverside, during the period 2000-2002 the average annual [PM.sub.2.5] concentration was 28.9 [micro]g/[m.sup.3], which is about 1.75 times the federal limit and

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
4

> more than twice the state …Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire.(Report)"

MA-11 cont'd.

This article spells out the health dangers from increased diesel truck traffic to our elderly, children, and our overall population, and this is a very real and dangerous and I might add, unnecessary and unacceptable health risk(s) and as such, this project should be denied as this should not be the price we have to pay for "900 jobs".

Sincerely,

Marcia Amino
10363 Crest Brook Drive
Moreno Valley 92557
951-247-8225

MARCIA AMINO

Letter Dated December 5, 2010

Response MA-1

The commentor, a Moreno Valley resident, expresses concern regarding the impact of the Project on the overall quality of life within the City and requests the Project be denied as proposed. These opinions are acknowledged.

Response MA-2

The commentor provides an excerpt of the City's General Plan regarding City goals and offers that the Project is not in keeping with the stated goals of the General Plan. Notwithstanding the commentor's opinions, Project consistency with the applicable provisions of the General Plan are substantiated within each EIR topical section (Land Use-Pages 4.1-17 through 4.1-20; Traffic/Circulation-Pages 4.2-23, 4.2-24; Air Quality-Page 4.3-18; Noise-Pages 4.4-10, 4.4-11; Water Supply-Pages 4.5-24, 4.5-25; Hydrology and Water Quality-Pages 4.6-13, 4.6-14; Cultural Resources-Page 4.7-10; Biological Resources-Pages 4.8-11, 4.8-12; and Aesthetics-Page 4.9-5 through 4.9-7. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-3

The commentor references a survey of opinion (regarding the City's General Plan) of Moreno Valley residents, wherein 47 percent of residents want to retain the rural character of the area. Notwithstanding poll results offered by the commentor, development of the site with industrial/business park uses is anticipated under the site's current General Plan land Use designation (Business Park/Light Industrial). Please refer also to the discussion of Project consistency with existing land use plans and policies (DEIR Pages 4.1-17 through 4.1-30). Moreover, design and visual attributes of the Project are consistent with General Plan (Community Development Element) Objectives

and Policies generally addressing design and aesthetic considerations (please refer to DEIR Pages 4.9-5 through 4.9-7). The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-4

The commentor's assertion that there is no written guarantee that the entire number of jobs referenced in the Draft EIR (approximately 900 jobs)[3] will be filled by Moreno Valley residents is accurate. However, the types of warehousing employment offered by the Project are not considered growth-inducing, as these types of jobs typically draw from the local employment pool and do not induce long commutes.

Response MA-5

Contrary to the commentor's assertion that "the EIR states repeatedly that the effects of this project are minimal and not significant in magnitude," the Draft EIR contains 50 mitigation measures, specifically developed to reduce the identified potentially significant impacts. Additionally, the environmental topics of traffic, air quality, and noise were found to have significant and unavoidable impacts, even after the implementation of all feasible mitigation. Please refer to Table 1.10-1 of the Draft EIR for a summary all of Project-related impacts.

The commentor also states an opinion regarding the Project's requested zone change. The General Plan's limitation of square footage (50,000) is per building. It is important to note that the total square footage and uses proposed by the Project are allowed under the site's current General Plan land use designation. The zone change is required to

[3] Based on one (1) job per 1,030 square feet of development, Riverside County General Plan Appendix E, Buildout Assumptions and Methodology, Page 6, Light Industrial employment multiplier (*See* DEIR, Page 5-44).

allow the proposed uses to be contained within a building larger than 50,000 square feet.

Response MA-6

The commentor expresses concern regarding the cumulative effects of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response MA-7

While the State-wide budget deficit is out of the scope of the EIR, it should be noted that the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements. The Project's impacts on traffic, air quality, and public services are addressed in the EIR.

Response MA-8

The commentor expresses an opinion regarding the Project's role in what she perceives as the degradation of property values and the City's image as a whole. The commentor also asserts that the Project, along with other similar vicinity projects, is a direct contrast of the vision of the General Plan. The project's impacts on aesthetics and consistency with the City's General Plan are addressed in the EIR. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-9

As required under SB 610/221, a Water Supply Assessment (WSA) has been prepared by the serving water purveyor, Eastern Municipal Water District (EMWD). The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, EMWD has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. The commentor is referred to Section 4.5, "Water Supply" and Appendix E of the Draft EIR.

Response MA-10

The commentor references a Los Angeles County presentation regarding diesel truck management strategies. Specifically, the commentor excerpts a portion of the presentation regarding diesel truck trips through residential neighborhoods.

It should be noted that Project traffic will not pass through residential neighborhoods. The Project's proximity to State Route 60 minimizes the amount of truck trips occurring on residential streets. Trucks will exit Redlands Boulevard (passing properties designated for commercial and warehouse distribution uses), then turn right on Fir Avenue (future Eucalyptus) to access the site. Properties located south of Fir Avenue (future Eucalyptus) are designated for residential uses; however, trucks will not require

the use of internal neighborhood streets. Ultimate configuration of Redlands Boulevard under its current General Plan designation is a four-lane, divided arterial roadway. Fir Avenue (future Eucalyptus) is designated as an arterial roadway with a 104-foot right-of-way from west of Moreno Beach Drive to east of Redlands Boulevard. Please refer also to DEIR Section 4.3, Air Quality; and DEIR Section 4.4, Noise.

The basis for the statement "1 truck = 10,000 cars" noted in the presentation is unclear. As presented in Section 4.2, "Traffic and Circulation" of the Draft EIR, "passenger car equivalent" (PCE) factors were utilized in the analysis. Specifically, Page 4.2-19 of the Draft EIR states:

> "As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour."

The PCE factors employed within the Draft EIR were derived from San Bernardino Associated Governments (SANBAG). SANBAG is the metropolitan planning organization for the County, with policy makers consisting of mayors, councilmembers, and county supervisors, and the funding agency for the county's transit systems.

Response MA-11

The commentor excerpts an article regarding the health dangers of diesel truck traffic. Similarly, Section 4.3, "Air Quality" of the Draft EIR presents background information, including the dangers of criteria pollutants. Additionally, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). Results of the Health Risk Assessment (HRA) are summarized at Draft EIR Pages 4.3-80 through 4.3-86, and the HRA is presented in its entirety at Appendix C to the Draft EIR.

Mitigation was developed to address DPM generation (Mitigation Measure 4.3.10). The Draft EIR concluded that, with mitigation, no sensitive receptors or off-site workers will be exposed to DPM-source cancer risks exceeding the SCAQMD's significance criteria. Additionally, the commentor expresses an opinion that the dangers are "unnecessary and unacceptable" and requests that the Project be denied. These opinions will be forwarded to the decision-makers for their consideration.

From: Lynne Ashley [lynneashley70@yahoo.com]
Sent: Sunday, December 05, 2010 8:52 AM

Dear Jeffrey,

I live on the North side of the freeway, Ironwood and Moreno Beach, I am very concerned about the health risks for myself and my family with the possibility of more warehouses coming to the East end of Moreno Valley, please see my concerns below.

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? LA-1

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? LA-2

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? LA-3

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? LA-4

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? LA-5

How will this project be growth inducing for similar projects? LA-6

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, Westridge Commerce Center and Pro Logis are in full operation? LA-7

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? LA-8

Sincerely,

Lynne Ashley
12285 Deep Valley Trail
Moreno Valley, CA 92555

LYNNE ASHLEY

Email Dated December 5, 2010

Response LA-1

The commentor expresses concerns about the effect of diesel truck emissions on the future sensitive receptors located on the south side of Fir Avenue. A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for

the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [3]

Response LA-2

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, as summarized at DEIR Pages 1-18 and 1-19, the Project will result in certain significant and unavoidable air quality and noise impacts.

---

3 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Response LA-3

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> If a facility must also comply with RCRA/CERCLA HRA requirements, health effects to on-site workers may also need to be addressed. The DTSC's Remedial Project Manager should be consulted on this issue. In some cases it may be appropriate to evaluate risks to on-site receptors. The district should be consulted about special cases for which evaluation of on-site receptors is appropriate, such as facilities frequented by the public or where people may reside (e.g., military facilities).
>
> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response LA-4

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

Response LA-5

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating

system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response LA-6

The commentor expresses concern regarding the growth-inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To

this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth, and would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response LA-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10).

This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***
>
> - Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;
>
> - Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

It is further noted that with specific regard to Redlands Boulevard, this road is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response LA-8

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

RECEIVED
DEC - 2 2010
CITY OF MORENO VALLEY

CITY OF MORENO VALLEY
ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD
COMMENTS OF BOARD MEMBER GERALD M. BUDLONG
24821 Metric Drive
Moreno Valley, CA 92557
December 2, 2010

SUBJECT: WESTRIDGE COMMERCE CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
STATE CLEARINGHOUSE NUMBER 2009101008

COMMENT GLOBAL TO ALL APPLICABLE DEIR FIGURES: Why are the applicable figures throughout the DEIR not drawn to scale? How can the reader duplicate the science when for instance the maps and plans are not drawn to scale? GB-1

1.0 SUMMARY page 1-8 Geology and Soils. The DEIR addresses the Checklist Category "Geology and Soils" in a Geotechnical Investigation prepared for the Project site and is designated Appendices H. Geotechnical Investigation in the EIR. Therefore comments on the CEQA Geology and Soils Category will be addressed below in the Appendices H.

APPENDICES H. GEOTECHNICAL INVESTIGATION, Project No. 06G258-1, Proposed West Ridge Business Center, January 10, 2007, Southern California Geotechnical, Inc.

2.0 SCOPE OF SERVICES, page 3.

"The scope of services performed for this project was in accordance with our Proposal No. 06P420, dated November 20, 2006. The scope of services included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundation, building floor slabs, and parking lot pavements along with site preparation recommendations and construction considerations for the proposed development. The evaluation of the environmental aspect of this site was beyond the scope of services for this geotechnical investigation." GB-2

COMMENT: The subject geotechnical investigation appears to consist of a foundation analysis for future foundations for buildings and parking lot pavements. The scope does not evaluate the environmental aspect of this site. Please define what environmental aspects of the site are missing from this report? Is one of the missing environmental aspects a detailed seismic study of this site which defines buried fault(s) and their potential of rupturing the ground surface above them?

3.3 Previous Studies, page 5.

"As part of our investigation of the site, we were provided with one geotechnical report prepared by LGC Inland, Inc. pertaining to the north east portion of the site. The report is summarized below:"

COMMENT: I cannot find a copy of the LGC Inland, geotechnical report in the DEIR , Appendices or anywhere else in the DEIR? Should not the DEIR Appendices contain a complete copy of this study rather than just a one-paragraph summary?

GB-3

6.1 Seismic Design Parameters, page 9

"Faulting and Seismicity
Research of available maps indicates that the subject site is not located with an Alquist-Priolo Earthquake fault zone. Therefore, the possibility of significant fault rupture on the site is not located with an Alquist-Priolo Earthquake Fault Zone. Therefore, the possibility of significant fault rupture of the site is considered to be low."

COMMENT: I cannot find a list of references with subject Appendix H. What are your references used to research the faulting and seismicity conclusions in this study?

GB-4

UBCSEIS
Version 1.03
COMPUTATION OF 1997 UNIFORM BUILDING CODE SEISMIC DESIGN PARAMETERS, JOB NUMBER: 06G258-1, JOB NAME: West Ridge Business Center, DATE: 12-30-2006, FAULT-DATA-FILE NAME: CDMGUBRC. DAT lists the nearest type A fault as the San Andreas fault 19.8 km away and the nearest type B fault as the San Jacinto-San Jacinto Valley fault 1.0 km away. This table lists faults up to 1000 km away from the site.

COMMENT: Why is the Casa Loma fault missing from this table? Within the city jurisdiction of San Jacinto, the Casa Loma fault is very prominent with a displacement approximately of 20 vertical feet and designated as an Alquist-Priolo Earthquake Fault Zone and proceeds northwest to the vicinity of the San Jacinto Wildlife Area where the State Earthquake Zone terminates.

GB-5

The following study provides geologic evidence of the continuance of the Casa Loma fault located northwest of the State Earthquake Zone. R M Environmental, Inc. prepared a Preliminary Geotechnical Investigation on January 19, 2004, under Project No03-406 for a proposed 347 lot single-family-residential development, 120 +- acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015), near the intersection of Pettit Street and Highway 50 in the City of Moreno Valley. This site abuts the West

Ridge Business Center site on the east side of the single-family residential development site. GB-5, cont'd

Page 1 of this Geotechnical Investigation presents a scope of work presented in the form of six (6) bullets. The second bullet states"Geologic Mapping of the site by our geologist".

COMMENT: Why does the scope of the West Ridge Business Center geotechnical investigation omit the geologic mapping of the site by a geologist? GB-6

Page 4 of the R M geotechnical study states "the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located with an Alquist Priolo Earthquake Studies Zone for fault rupture hazard."

"Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto faults, the Casa Loma fault may be considered as active."

"The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present."

Page 6, 5.2 Ground Rupture states: "A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present." GB-7

"The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1."

The inferred trace of the Casa Loma fault as delineated by the geologist of RM Geotechnical enters the vicinity of the northwest corner of the West Ridge Center property and extends southeast across the property, leaving the property midway at the southern boundary of the site. The recommended hazard zone delineated by the RM Geotechnical geologist covers approximately two-thirds of the proposed footprint of the proposed 937,260 square foot building of West Ridge Center.

For more than 20 years I have been an appointed member of the City Ecological Protection Advisory Committee (name changed to Environmental and Historical Preservation Board) except for the 2.5 years where I served as a member of the City Planning Commission. During my tenure I have always expressed the need for detailed

geologic fault investigations to be conducted to delineate the trace of the Casa Loma fault and to evaluate if faulting has occurred on the site and the activity of faulting.
Also since the availability of the U.S. Geological Survey (USGS) Earthquake Hazards Program, I have monitored the recorded earthquake events in Moreno Valley. This USGS program records all earthquakes occurring in the United States for the past 7-days, having a magnitude of 1. I have shared to the Environmental and Historical Preservation Board, Planning Commission and the School Board of the regular USGS records of mini earthquakes along the trace of the Casa Loma fault within the city.

The most recent seismic event occurring along the Casa Loma fault recorded by the USGS was Event No. CI 14870228. This event occurred at 1:49:08 P.M., on October 28, 2010. The USGS recorded the magnitude at 1.1, at a depth of 9 miles, with the epicenter located southwest of Ironwood and Nason.

GB-7, cont'd

COMMENT: Why doesn't the City of Moreno Valley require a geologic fault investigation and evaluate if faulting has occurred on the site and the activity of the faulting and present the evidence in the DEIR?

COMMENT: Why didn't Applied Planning Inc., review the City's copy of the R M Environmental Geotechnical Report and utilize the geological, faulting, and mapping data in the West Ridge Commerce Center DEIR?

GB-8

COMMENT: In the past I was an Associate Instructor at San Jacinto Community College, where I conducted Physical Geography 101 classes at night and summer sessions. My final exams always had this question. "Why do you never ever build a building for human occupancy across an active fault?" Would you please answer this question, because the proposed building footprint will over lay the Casa Loma fault defined by R M Environmental Inc., a potentially active fault?

An appendix containing pages of the R M Environmental Inc. geotechnical report including the eastern part of plate 1 is included with these comments on the DEIR.

GB-9

4.9 AESTHETICS

4.9.2 SETTING, page 4.9-3 Last paragraph concerns "Major Scenic Resources" addresses the badlands to the east and the Mount Russell and foothill areas to the east.

COMMENT: Why is the San Jacinto Valley containing the agricultural lands, riversidean sage habitat, and the wetlands of the State San Jacinto Wildlife Area, including Mystic Lake not included as a major scenic resource?

GB-10

COMMENT: Figure 4.9-1 Major Scenic Resources delineates the San Jacinto Valley with the visual scenic resource symbol, why the inconsistency mentioned in proceeding comment. Also the San Jacinto Wildlife Area is mislabeled as Preserve rather than Area. GB-11

COMMENT: page 4.9-19 Level of Significance: Significant and Unavoidable. The California Department of Transportation's (CALTRANS) list of Officially Designated Scenic Highways is a legislative mandate upon this state agency. The state legislature also mandates cities and counties to address scenic roads and highways in their general plans. CALTRANS recognizes the importance of local scenic roads and highways. For instance, CALTRANS objected to the installation of a billboard adjacent to the right of way of U. S. Route 395(Highway 395) in the unincorporated town of Big Pine in Inyo County. Highway 395 at this location is outside of the CALTRANS Officially Designated Scenic Highway System, however the highway is a county scenic highway. CALTRANS at Inyo County Superior Court stated that the Scenic Highway Element of the Inyo County General Plan designated U.S. Route 395 as a county scenic highway as evidence for removing the billboard. The court in its decision ordered the defendant to remove the billboard in favor of CALTRANS. GB-12

What are your sources or evidence concerning the scenic values of CALTRANS Officially Designated Scenic Highways having scenic values rated higher than local scenic highways? For instance county scenic Highway 395 at Big Pine is located in the Owens Valley with the White Mountains to the east and the Sierra Nevada, including the Palisade Glacier to the west. The nickname of Owens Valley is the "Deepest Valley" the valley at 4000 feet and the surrounding mountains at 14,000 feet.

COMMENT: page 4.9-19 Why isn't the blocking of the view scape from SR-60 of the visual scenic resources consisting of the San Jacinto Valley a significant impact? Have you ever viewed the reflections of the wetlands of the San Jacinto Wildlife Area? GB-13

APPENDIX

R M Environmental, Inc., Preliminary Investigation dated January 19, 2004

COVER PAGE; Page 1- INTRODUCTION, including project scope;
Page 4 -4.0 Geology and 4.1 Regional Geologic Setting;
Page 6- 5.0 Seismicity, 5.2 Ground Rupture;
Figure 1- Location Map;
Plate 1 Site Plan with geological mapping containing projected Casa Loma fault and its recommended hazard zone. Contains only the mapped area east of the logical extension of Quincy Street, contained in three pages:
- Page 1: SR- 60 south;
- Page 2: Logical extension of Eucalyptus Avenue;
- Page 3: Title Block

GB-14

R M Environmental, Inc.

Geology - Environmental - Geotechnical Engineering

January 19, 2004
Project No. 03-406

Mr. Jeff Palmer
5511 Calumet Ave.,
La Jolla, CA., 92037

SUBJECT: PRELIMINARY GEOTECHNICAL INVESTIGATION
Proposed 347 Lot Single-Family Residential Development
120± Acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015)
Near the Intersection of Petit Street and Highway 60
City of Moreno Valley, California

Dear Mr. Palmer:

In accordance with your request, we have completed a Preliminary Geotechnical Investigation for the proposed development of the site. This report presents our findings regarding the site geotechnical conditions and recommendations for the anticipated earthwork and geotechnical design of the project.

For this investigation, we were provided with a 100-scale Site Plan/topographic map of the site titled "Eucalyptus Site, Moreno Valley, CA." This map was utilized as the base map for our Geotechnical Investigation of the site and is presented as **Plate 1**.

Provided the recommendations presented in this report are implemented during site development, the proposed project is feasible from a geotechnical standpoint.

This opportunity to be of service is sincerely appreciated. If you have any questions, please call us at (909) 446-0041.

Sincerely,

Robert C. Manning, CEG #1768/RCE #58565
President

Travis Meier
Staff Geologist

Post Office Box 878 · Calimesa, California 92320 · Telephone (909) 446-0041 · Fax (909) 446-0136

1.0 INTRODUCTION

This report presents the findings of our Preliminary Geotechnical Investigation for the proposed development of 347 single-family residential lots located southeast of the intersection of Pettit Street and Highway 60, City of Moreno Valley, California.

The site is identified as Assessor Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015). The site consists of approximately 120± acres of land located on the south side of Highway 60, southeast of the intersection of Pettit Street and Highway 60, Moreno Valley, California. The geographic setting of the site is shown on **Figure 1** - Site Location Map.

This report presents our findings regarding the site geotechnical conditions and general recommendations for the anticipated earthwork and geotechnical design of the project.

E M Environmental's scope of work for this investigation included the following:

- Review of selected background information, aerial photographs, and site reconnaissance;
- Geologic Mapping of the site by our geologist;
- Subsurface exploration by means of nine exploratory borings;
- Laboratory testing of selected soil samples obtained to evaluate geotechnical properties;
- Analysis of site conditions and test results; and
- Preparation of this report presenting our findings, conclusions, and recommendations.

1.1 Proposed Development

The proposed development of the site includes 347 single-family residential lots with associated streets and infrastructure.

It is our understanding, the proposed structures will be one to two story, wood framed, single family homes. Foundation designs are anticipated to consist of continuous and isolated shallow footing foundation systems, or utilization of post-tension type foundations. Maximum foundation loads using a continuous and isolated shallow footing foundation design are not anticipated to exceed 4 kips and 2 kips per foot for isolated and continuous footings, respectively.

4.0 GEOLOGY

4.1 Regional Geologic Setting

The site is located in the east portion of the Moreno Valley, which is part of the Perris Block area of the Peninsular Ranges Geomorphic Province of southern California. The regional geology of the site includes the San Timoteo Badlands to the northeast, Mt. Moleno to the south and southwest, and the San Jacinto Valley to the east.

Lateral displacement and uplift of the region have occurred on a series of major, northwest-trending faults which are thought to be related to the regional tectonic framework. These faults include the San Jacinto Fault zone located approximately 1 mile to the northeast, the San Andreas Fault zone located approximately 11 miles to the northeast, and the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located within an Alquist Priolo Earthquake Studies Zone for fault rupture hazard.

Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto fault zone located to the southeast. Based on prior investigation of the Reche Canyon and Hemet-San Jacinto faults, the Casa Loma fault may be considered as active.

The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

4.2 Local Geology

Locally, the site is underlain by at least 50 feet of recent alluvial deposits consisting of slightly moist to very moist, loose to medium dense, soft to very stiff, slightly clayey silts, sandy silts, clayey silts, silts, and fine to medium sands.

The in-situ dry density of the encountered soils varied from approximately 93 pounds per cubic foot (pcf) to 120 pcf. The measured in-situ moisture contents varied from approximately 1.7 to 18.3 percent.

The exploratory boring logs are presented in **Appendix B**. The exploratory boring locations are shown on **Plate 1**. The laboratory test results of the in-situ soils are presented in **Appendix C**.

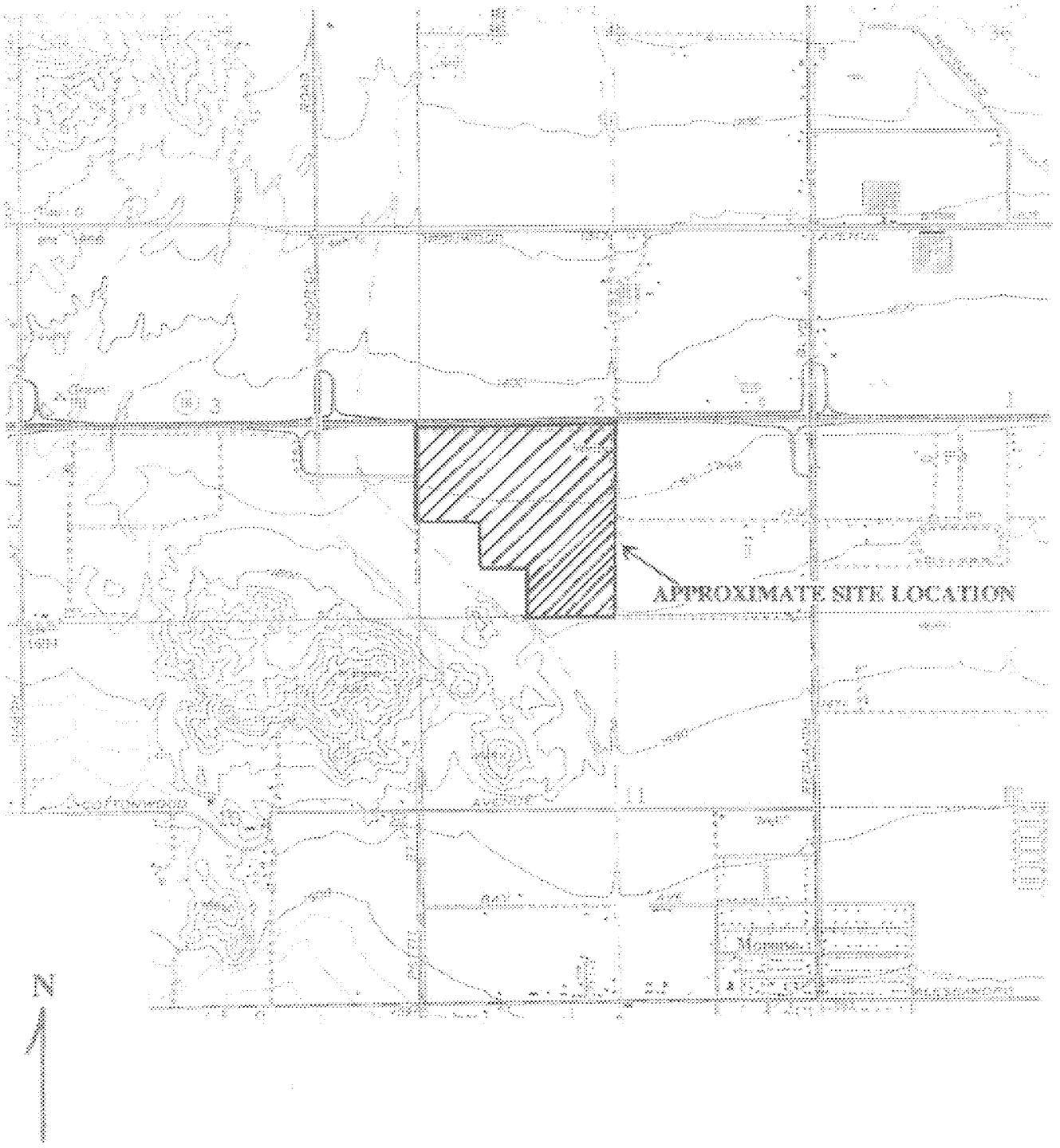

Scale: 1" = 2,000'

References: U.S.G.S., 1967, PR 1980, Sunnymead, California Quadrangle, 7.5 Minute Series

LOCATION MAP - 130± Acres, Near the Intersectin of Pettit Street and Highway 60, City of Moreno Valley, California

Project No. 03-406-geo	*DATE: January 2004*	*FIGURE 1*

5.0 SEISMICITY

5.1 Regional Seismicity

The site is located in a region of generally high seismicity which includes essentially all of southern California. During the design life-span of the project, the site is expected to experience ground motions from earthquakes on regional and/or local causative faults.

The site is located within Seismic Zone 4, which can be related to an "effective" peak acceleration of 0.40g, or a peak acceleration of 0.60g.

5.2 Ground Rupture

A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**.

5.3 Liquefaction

Soil liquefaction is the loss of soil strength due to increased pore water pressures caused by a significant ground shaking. Liquefaction typically consists of the re-arrangement of the soil particles into a denser condition resulting, in this case, in localized areas of settlement, sand boils, and flow failures. Areas underlain by loose to medium dense soils where groundwater is within 40 to 50 feet of the surface are particularly susceptible when subject to ground accelerations such as those due to earthquake motion. Groundwater at the site is greater than 50 feet is depth; therefore, the potential of liquefaction affecting site development may be considered as low.

5.4 Geologic Lineament Analysis

For this investigation, a geologic lineament analysis was performed. This analysis included review of the referenced aerial photographs pertinent to the site. Based on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed.

The site and surrounding areas have been farmed for over 50 years. Aerial photographs were not available prior to the observed farming activities. Therefore, the use of aerial photographs to evaluate geologic lineaments in the vicinity of the site was limited.

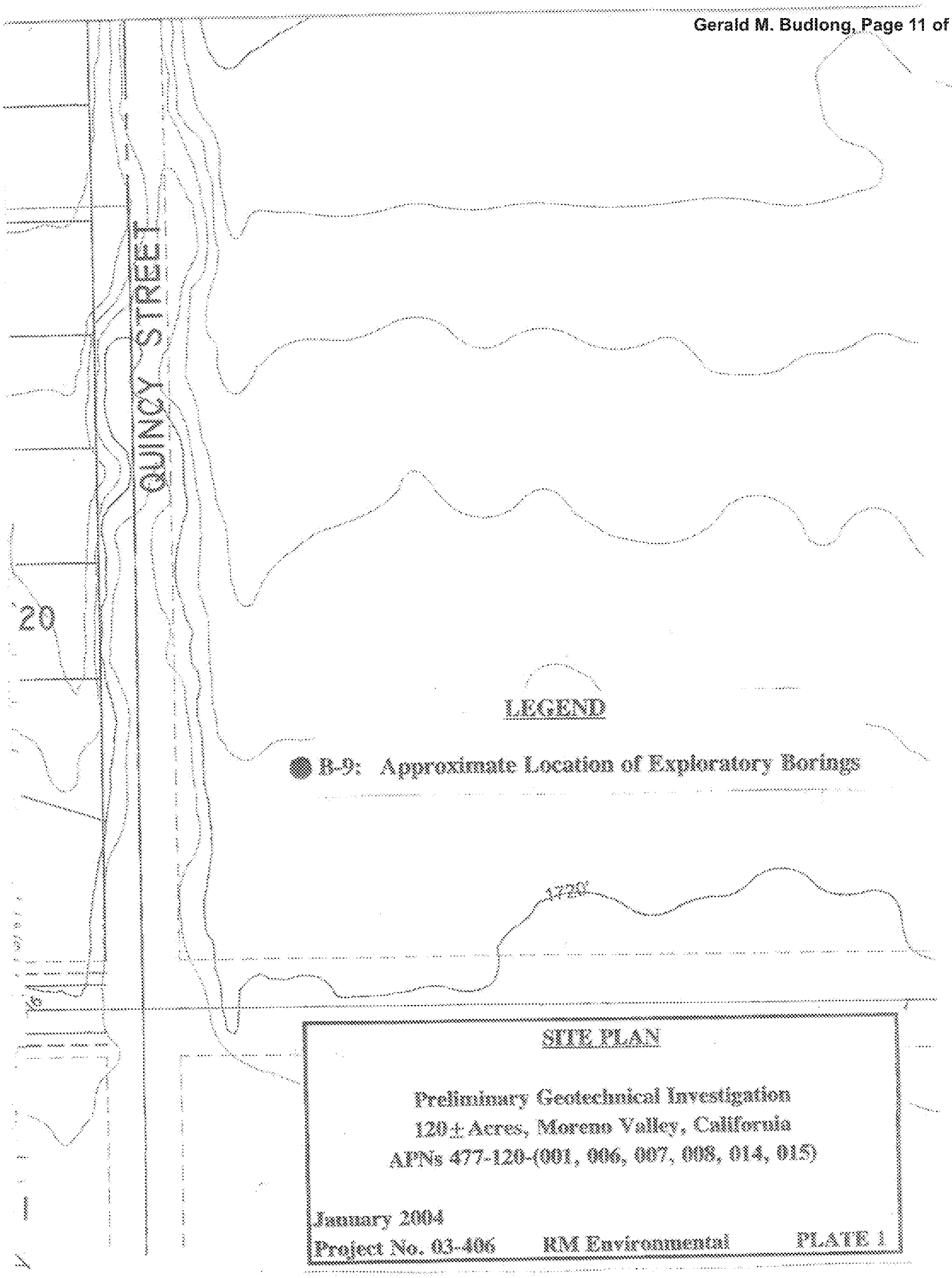

SITE PLAN

Preliminary Geotechnical Investigation
120± Acres, Moreno Valley, California
APNs 477-120-(001, 006, 007, 008, 014, 015)

January 2004
Project No. 03-406 RM Environmental PLATE 1

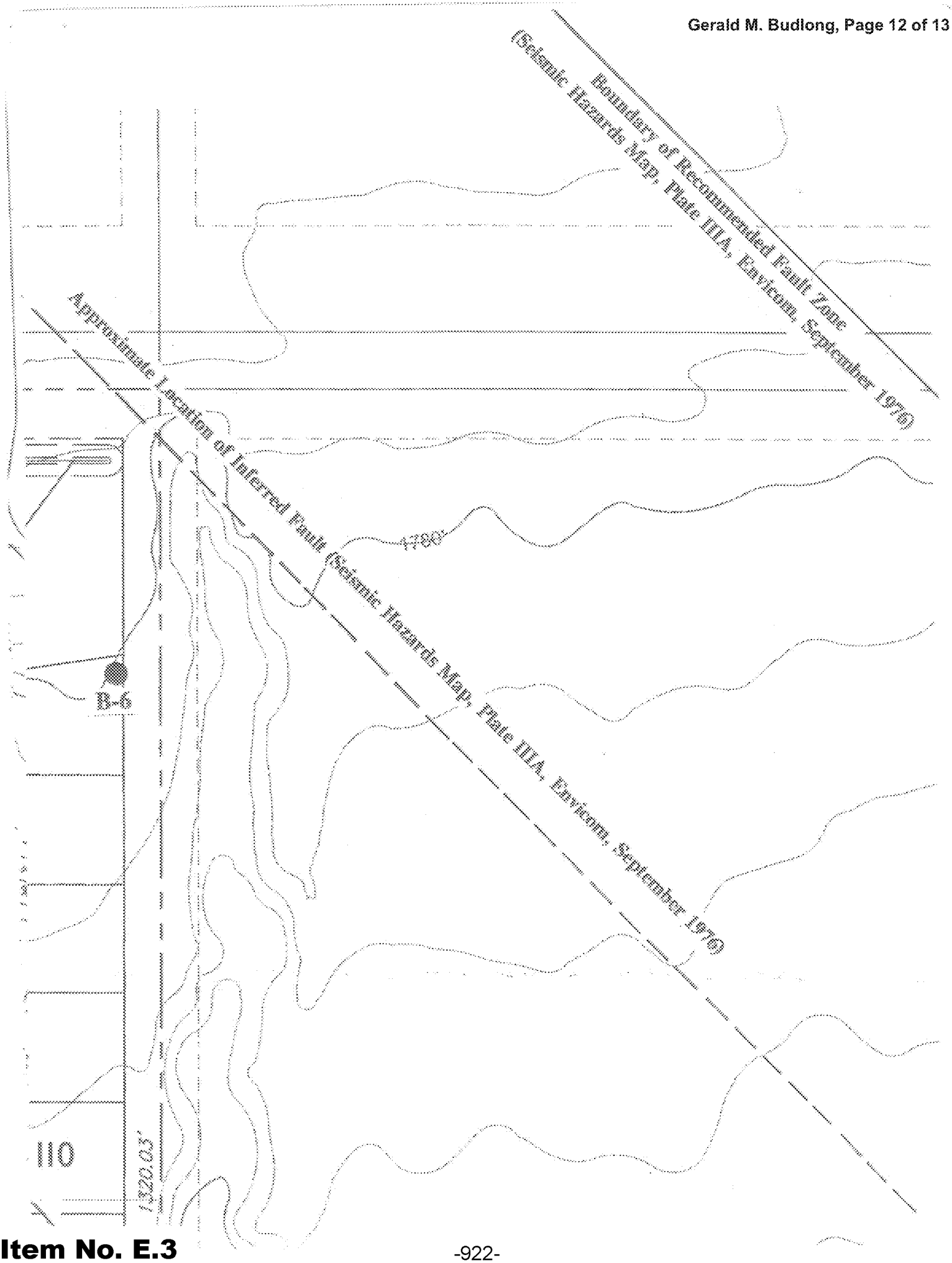
Boundary of Recommended Fault Zone
(Seismic Hazards Map, Plate IIIA, Earthcon, September 1976)
Approximate Location of Inferred Fault (Seismic Hazards Map, Plate IIIA, Earthcon, September 1976)
1780'
B-6
110
1320.03'

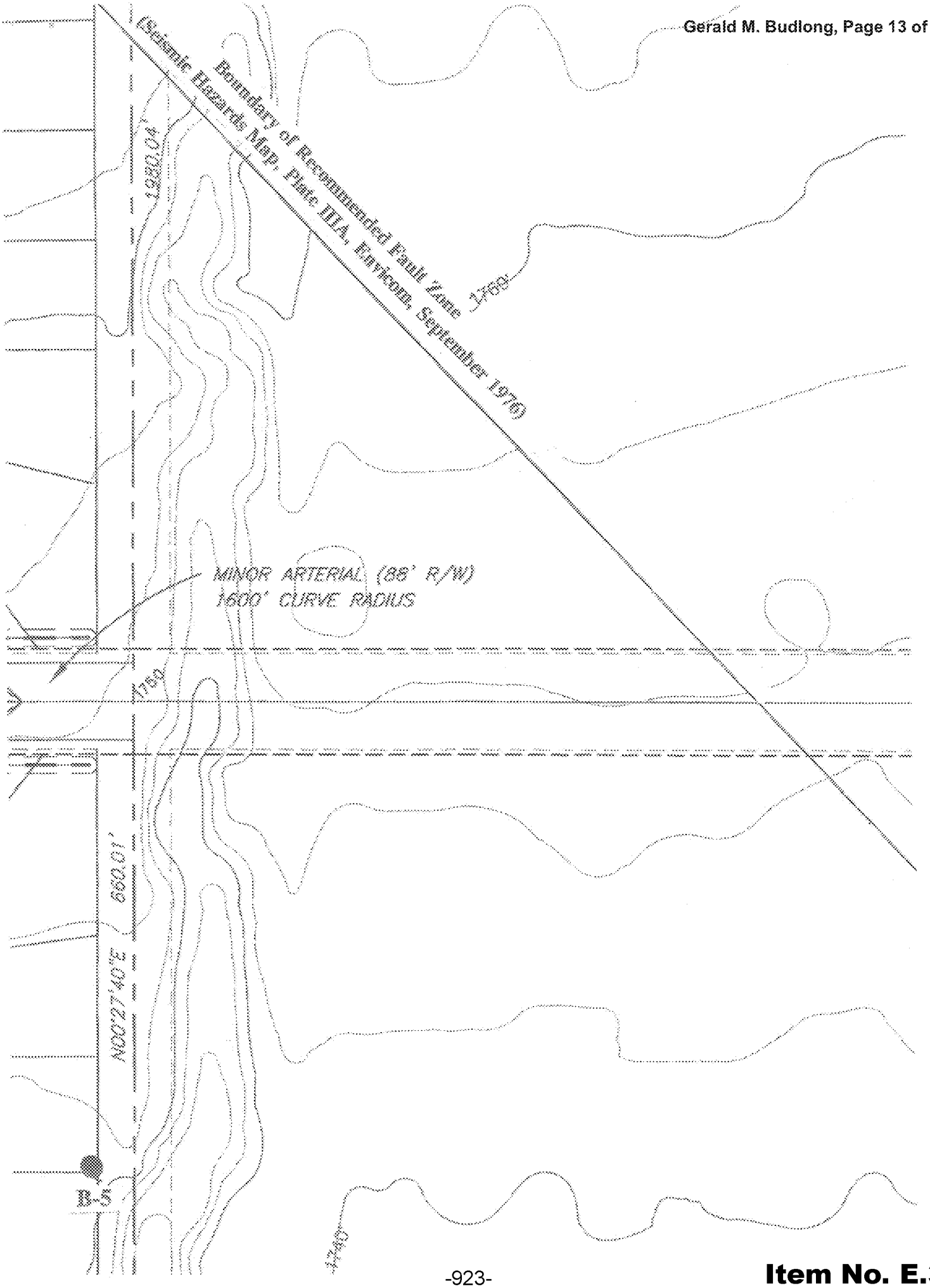
Boundary of Recommended Fault Zone
Seismic Hazards Map, Plate IIIA, Harlsom, September 1976
1920.04'
1769'
MINOR ARTERIAL (88' R/W)
1600' CURVE RADIUS
1760
660.01'
N00°27'40"E
1740

Item No. E.3

GERALD M. BUDLONG
CITY OF MORENO VALLEY ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD MEMBER

Letter dated December 2, 2010

Response GB-1

The process of reproducing maps and plans at the size required for inclusion in the Draft EIR generally involves a substantial reduction from larger source documents. Where feasible, distances are indicated within the Draft EIR's illustrations; however, for accurately scaled plans, the reader is referred either to the document's Technical Appendices, or to full-sized copies of plans and maps available at the City of Moreno Valley Planning Department.

Response GB-2

The commentor correctly describes the Project Geotechnical Investigation (prepared by Southern California Geotechnical in January 2007, and included in its entirety as Draft EIR Appendix H), and its scope of services, which included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide recommendations in regard to building design criteria, site preparation, and construction. The Project Geotechnical Investigation was not intended to provide an environmental evaluation of the Project site; rather, the Phase I Environmental Site Assessment (Project ESA), included in Draft EIR Appendix I, addresses other environmental conditions affecting the Project site.

Both the Project ESA and the Geotechnical Investigation reference a fault study for a portion of the Project site that was prepared prior to the proposed Project application. The *Preliminary Geotechnical Investigation and Fault Study for the Proposed 31-1/2-Acre Residential Development, South of SR-60 and West of Redlands Boulevard, Assessor's Parcel Numbers 477-120-004 and 477-120-005, Moreno Valley, California (Project No. I05876-10)* was prepared by LGC Inland, Inc. (LGC) on September 12, 2005. The LGC Fault Study

states that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." A detailed fault study was not prepared, because it was determined unnecessary based upon Southern California Geotechnical's review of the LGC Fault Study along with other mapping of the Project site (detailed in the following Response GB-4), and their on-site reconnaissance, which found no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas).

Response GB-3

The LGC report is available through the Lead Agency (a copy is available at the Planning Department), and was considered incorporated by reference into the Project Geotechnical Investigation. As discussed in the preceding Response GB-2, because no evidence of faulting or other geologic hazard was identified in this report, it was not determined necessary for inclusion.

Response GB-4

In addition to the LGC report referenced in the preceding Responses GB-2 and GB-3, several geologic maps were used as points of reference in the preparation of the Project Geotechnical Investigation. These include the following:

- Geologic Map of the Sunnymead 7.5' Quadrangle, Riverside County, California, by Douglas M. Morton and Jonathan C. Matti, 2001;
- Geologic Map of the Sunnymead/South ½ of Redlands Quadrangles, San Bernardino and Riverside County, California, by Thomas W. Dibblee, Jr., 2003;
- Alquist-Priolo Earthquake Fault Zones Map of the Sunnymead Quadrangle; and
- Riverside County Land Information System – Fault Zone Map.

Copies of these maps are included on the following pages for ease of reference, and have also been incorporated in Final EIR Section 2.0, Revisions and Errata.

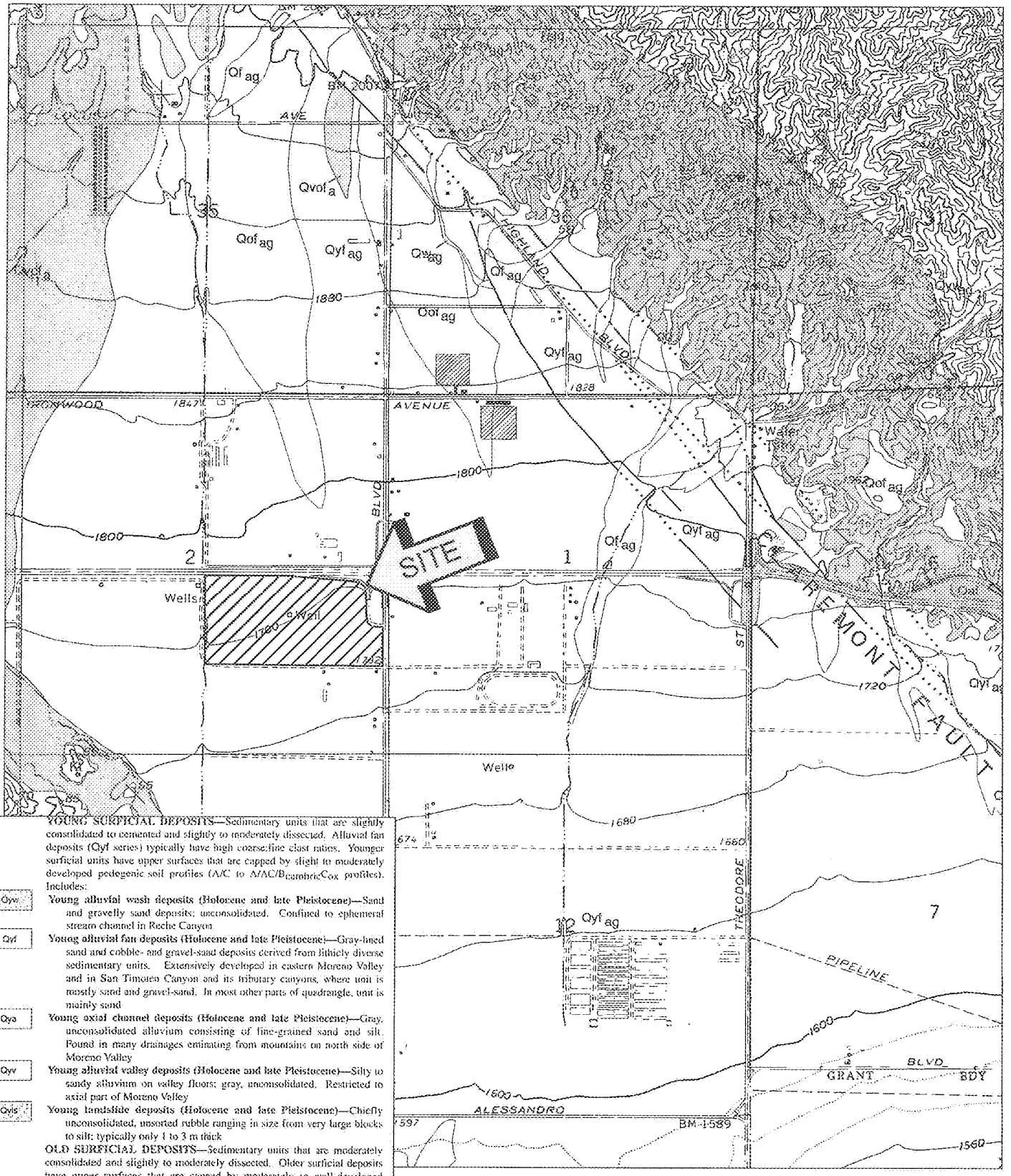

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

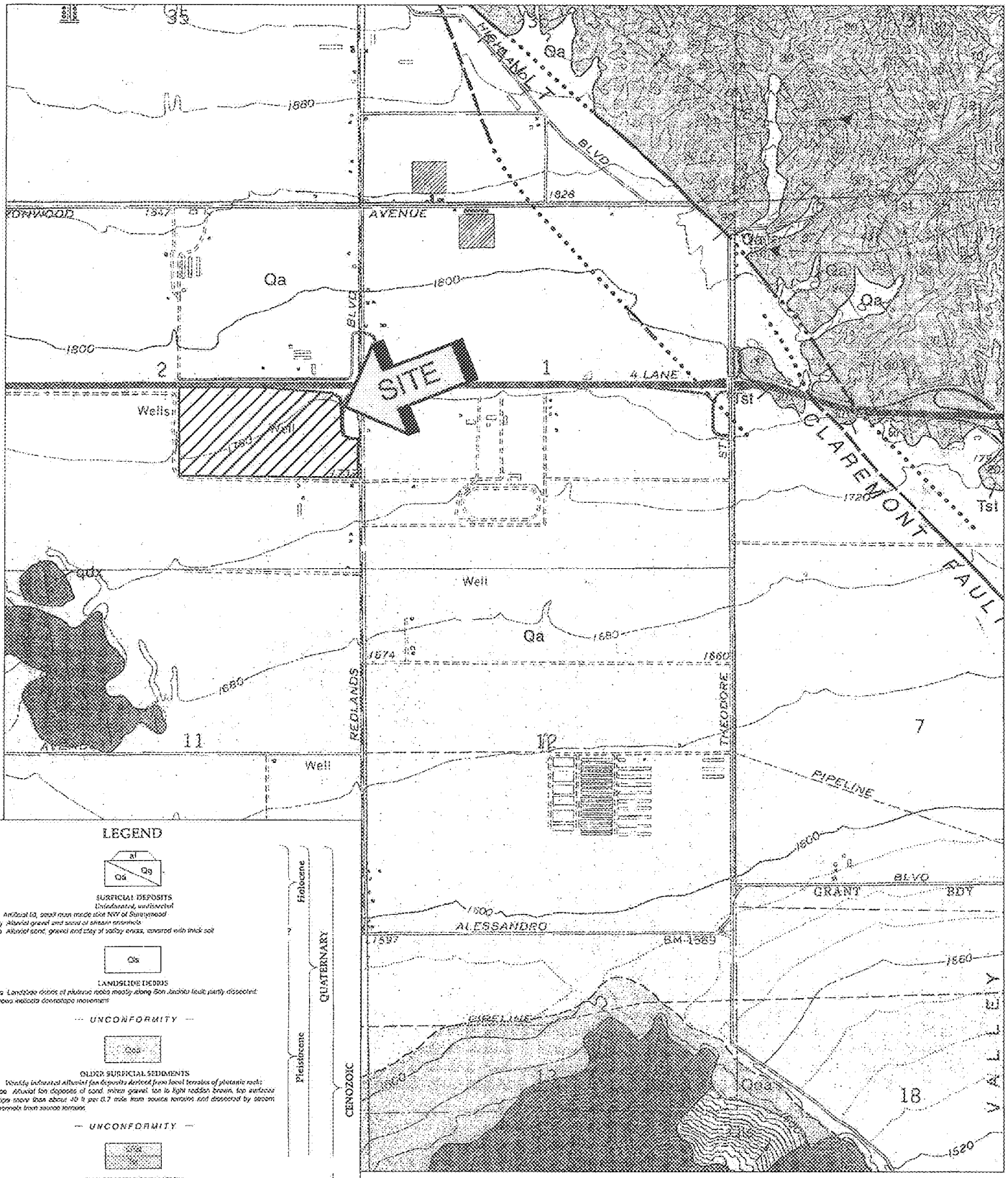

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af Artificial fill, small mass made due NW of Sunnymead

Qg Alluvial gravel and sand of stream channels

Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:

Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terrains and dissected by stream channels from source terrains

— UNCONFORMITY —

SAN TIMOTEO FORMATION

(San Timoteo beds of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); whole part referred to be of Pliocene age (Morton and Matti, 2001)

QTsa Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone, tentatively (?) overlain by Qoa in this quadrangle

Tst Main part (pebble part of Morton and Matti, 2001), lithologically similar to upper part; within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Holocene	QUATERNARY	CENOZOIC
Pleistocene	QUATERNARY	CENOZOIC
Pliocene	TERTIARY	CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00111442

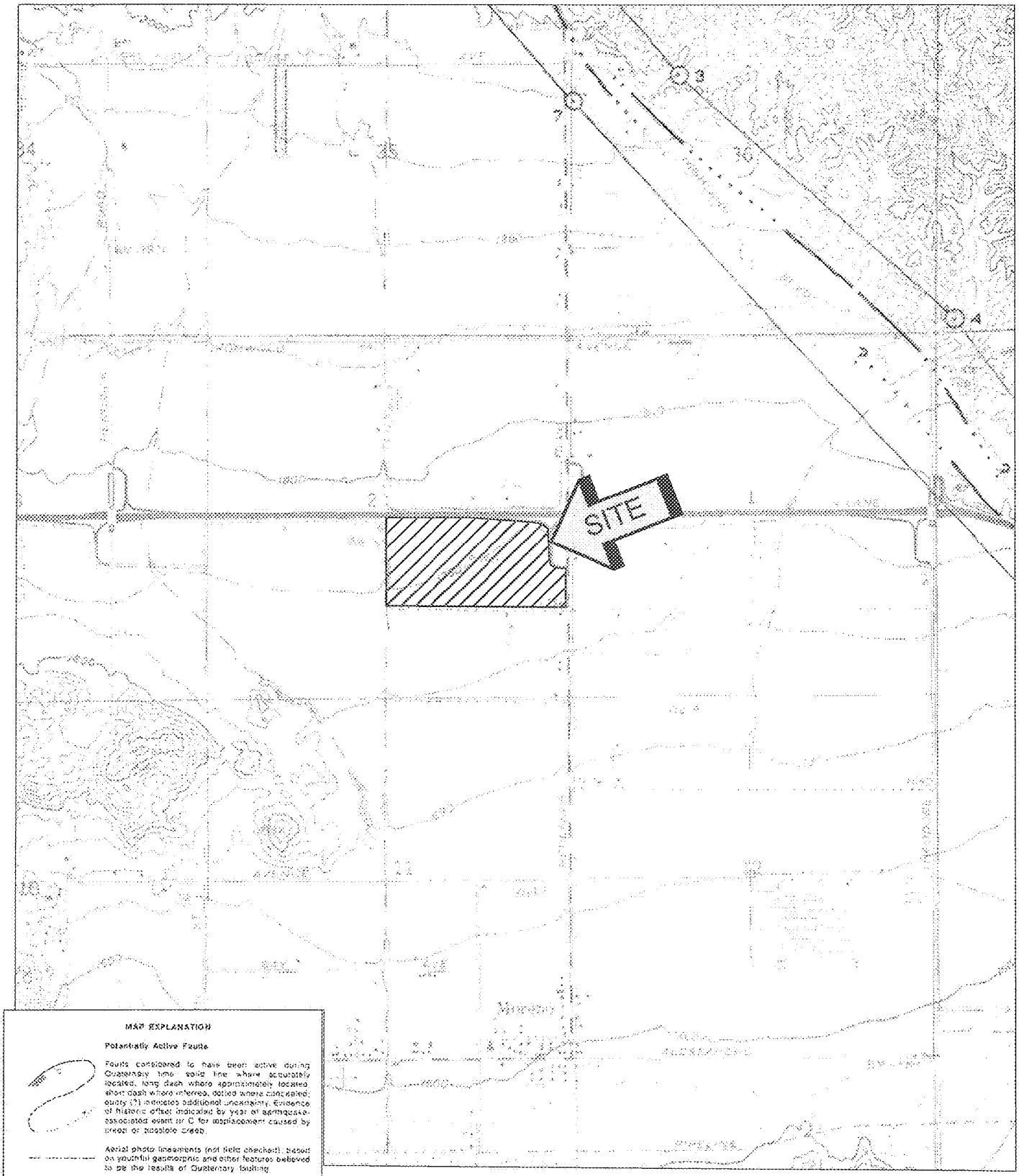

MAP EXPLANATION

Potentially Active Faults

Faults considered to have been active during Quaternary time: solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

Aerial photo lineaments (not field checked), based on youthful geomorphic and other features believed to be the result of Quaternary faulting.

Special Studies Zone Boundaries

These are delineated as straight-line segments that connect consecutively numbered turning points so as to define one or more special studies zone segments.

Seaward projection of zone boundary

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00111443

FAULT ZONES
03/15/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00111444

Response GB-5

As noted on Page 9 of the Project Geotechnical Investigation (Draft EIR Appendix H), "The 1997 UBC/2001 CBC Design Parameters have been generat[ed] using UBCSEIS, a computer program published by Thomas F. Blake (January 1998)." It is assumed that the fault parameters were not available for the Casa Loma fault at the time the UBCSEIS program was published.

It may be noted that the building code has changed since the Project Geotechnical Investigation was issued. New development must now be designed in accordance with the requirements of the incumbent edition of the California Building Code (CBC). The CBC provides procedures for earthquake resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. The seismic design parameters are based on the soil profile and the proximity of known faults with respect to the subject site. The 2007 CBC Seismic Design Parameters are now generated using *Earthquake Ground Motion Parameters*, a software application developed by the United States Geological Survey (USGS). This software application, available at the USGS website, calculates seismic design parameters in accordance with the 2007 CBC, utilizing a database of deterministic site accelerations at 0.01 degree intervals. Since the UBCSEIS is no longer used to calculate the seismic design parameters for the proposed development, it is not considered relevant that the Casa Loma fault is not listed in the UBCSEIS database.

Please refer to the following Response GB-7 in regard to the referenced Preliminary Geotechnical Investigation for the property westerly adjacent to the Project site, prepared by RM Engineering.

Response GB-6

Please refer to the geologic maps referenced as part of the preceding Response GB-4.

Response GB-7

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering (RME) is acknowledged. The site addressed by this report is located westerly adjacent to the Project site. Although RME recommended that a fault investigation be conducted prior to development within the portion of the site within the zone designated by the Riverside County Seismic Safety Element (Envicom, 1976), RME provided no data or evidence that an active fault was located on the site or adjacent sites. In fact, RME performed a geologic lineament analysis and concluded (on Page 6 of the referenced report) that, "[b]ased on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed." The recommendation by RME to perform a fault study was solely based on the Envicom report.

As referenced in the Project Geotechnical Investigation, Southern California Geotechnical reviewed the LGC report referenced in the preceding Response GB-2. LGC performed a fault study in the southeast portion of the Project site. The fault trench was approximately 400 feet in length and trended S48W (perpendicular to the projection of the nearest faults). The trench was excavated to a maximum depth of approximately 14 feet. LGC stated that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." It should also be noted that no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas) were observed on the subject site at the time of the original geotechnical investigation. In addition, the two geological maps presented as part of the preceding Response GB-4 (Plates 1 and 2) indicate that the closest fault to the subject site is the Claremont Fault Section of the San Jacinto Fault Zone, located 3,700 feet northeast of the site. The mapped active portion of the Casa Loma fault is located approximately 4.5 miles southeast of the Project site.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone (Plate 3), nor is it located within a Riverside County designated fault zone (Plate 4). Based on

information from the previous LGC report and published geologic maps, it is not considered likely that the Casa Loma fault, located more than four miles southeast of the Project site, would cause on-site surface rupture.

Response GB-8

Applied Planning utilized the Project-specific Geotechnical Investigation provided in the Draft EIR, and its assessment of on-site conditions.

Response GB-9

As detailed in the preceding Response GB-7, despite the commentor's assertions to the contrary, as documented in the Project-specific Geotechnical Investigation, there is no indication that the Project building footprint will overlay any active fault, nor is there evidence of potential fault rupture.

Response GB-10

The Draft EIR's description of major scenic resources is focused primarily on those views that would be potentially affected by the Project. It may be noted that, on Draft EIR Page 4.9-3, the reader is referred to Draft EIR Figure 4.9-1, which is based on an exhibit from the Moreno Valley General Plan. This figure does indicate views of the San Jacinto Wildlife Preserve among the City's major scenic resources. As can also be seen from this figure, the San Jacinto Wildlife Area is located approximately 3.5 miles to the southeast of the Project site. Although not identified in the illustration, the California Department of Fish and Game (http://www.dfg.ca.gov/lands/wa/region6/sanjacinto/maps.html) identifies Mystic Lake as being located adjacent to the eastern boundary of the San Jacinto Wildlife Area.

Response GB-11

As noted on Draft EIR Page 4.9-3, Figure 4.9-1 is the Draft EIR is a reproduction of Moreno Valley General Plan Figure 5.11-1, and as such, reflects the labeling used in the General Plan.

Response GB-12

The Draft EIR acknowledges, on Page 4.9-10, that the Project site lies within an established view corridor adjacent to the SR-60, and that SR-60 has been locally designated in the Moreno Valley General Plan as a scenic route. Primarily on this basis, the Project was found to have a substantial adverse effect on a scenic vista, which is considered a significant and unavoidable impact. The CEQA thresholds differentiate effects on a "scenic vista" from potential impacts to "scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway." Although SR-60 has not been designated as a "State scenic highway," its local importance has been acknowledged in the Draft EIR.

Response GB-13

The Draft EIR acknowledges that the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact.

Response GB-14

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering is acknowledged.

From: Rachel Lopez [rachel.lopez@ccaej.org]
Sent: Monday, December 06, 2010 2:19 PM
To: Jeffrey Bradshaw
Subject: Project Description 105-131
Environmental Impact Analysis 132-135

Land Use and Planning 136-169

Air Quality 261-372

Noise 373-401

This is in response to the Project # 105-131.

Mitigations for the cumulative exposure from projects that have already been approved and those that are in the process of being will have a significant effect on traffic and diesel exposure to residents within the impacted area and fall short of lowering the impacts to residents in close proximity of these projects. How can you mitigate this to include the other projects impacts. CCA-1

The Environmental Impact Analysis does not indicate or give a true picture of projected truck trips taking into account the other projects and the new Sketchers project. What types of mitigation are being initiated for these projects when they reach full capacity and are taken into account. The noise impacts to the surrounding community and its residents must also be mitigated especially with the additional projects that are in the planning process. What will those mitigations look like on a cumulative level. CCA-2

There must be in the mitigation of this project stipulations from the projected/future tenants that only 2010-compliant truck fleet cleanest trucks be allowed into the facility and create incentives or a schedule to phase in a clean truck fleet. The project should also consider other alternatives which might be to consider alternatives such as a portion of the fleet might be retrofitted or repowered and be phased in over a period of time which could reduce the air quality health risks and may be more economically feasible. CCA-3

Cumulatively Significant and Unavoidable for PM10, PM2.5, VOC and NOx exceedances; and long term VOC and *NO exceedances* this phrase is repeated several times in the Draft EIR we must not continue to approve projects in our communities that continue to impact our residents with health risks that can be avoidable with mitigation that should be implemented even before projects are proposed for review. The fact that we see unavoidable and significant in the EIRs is great concern that these projects will continue to be approved with overriding considerations or approved regardless of the impacts to existing or future residents. CCA-4

There are designated proposed residential projects being proposed along side these industrial facilities with no significant buffer areas dedicated. The SCAQMD and the Air Resources board indicate a buffer zone of not less than 1,000 ft. between a sensitive receptor and a diesel source. These issues must be addressed and mitigated with what ever means are available to the lowest levels possible with **sufficient buffer zones of not less than 1,000** to lessen those impacts. The DEIR have buffers of 250 or 300 how can the developer include/mitigate buffer zones of 1,000 ft. CCA-5

Rachel Lopez

Community Organizer

Center for Community Action and Environemtal Justice

Centro de Accin Comunitaria y Justicia Ambiental

Office - 951-360-8451 / Fax - 951-360-5950

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CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
RACHEL LOPEZ

Email Dated December 6, 2010

Response CCA-1

The commentor expresses concern regarding the cumulative effects of the Project's contributions to impacts from traffic and diesel emissions when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 discrete related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis"). Additionally, the cumulative analysis reflects generalized disaggregated regional growth not otherwise attributable to specific development proposals.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response CCA-2

As noted in the preceding Response CCA-1, the Draft EIR did consider the effects of cumulative projects including potential cumulative truck trips, including the Highland Fairview ("Skechers") project.

With specific regard to truck traffic, estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor. Vehicular noise impacts from all Project and cumulative traffic are also addressed in the DEIR, and are determined to be less-than-significant. Please refer to DEIR at Pages 4.4-21 through 4.4-23; and 5-14 through 5-17.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour intersection passenger car equivalent (PCE) traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of

mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the

required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

Mitigation that addresses identified cumulative impacts was provided in the Draft EIR, and has been incorporated in the Project's Mitigation Monitoring Program, included in Final EIR Section 4.0. It is further noted that other development projects are required to address their own specific impacts, and projects subject to CEQA EIR mandates are also required to address cumulative impacts. In this regard, cumulative impacts are likely

overstated as these estimated impacts do not necessarily reflect or assume mitigation applied by other projects within the affected cumulative impact area.

Response CCA-3

The commentor expresses concern about emissions from diesel trucks associated with the Project. Mitigation Measure 4.3.13 has been revised to incorporate the following requirement.

> ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
>
> ***• Use of fleet vehicles conforming to 2010 air quality standards or better.***

These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

Response CCA-4

The commentor correctly reflects the Draft EIR's finding that the Project would have a cumulatively significant air quality impact in regard to the referenced criteria pollutant exceedances (temporary construction-related PM_{10}, $PM_{2.5}$, VOC and NOx exceedances; and long-term operational VOC and NOx exceedances). The commentor's opinions regarding the possible approval of the Project with overriding considerations will be forwarded to decision-makers for their consideration.

Response CCA-5

As acknowledged in the Draft EIR (Pages 4.1-7 through 4.1-9), currently undeveloped properties to the south of Fir (future Eucalyptus) Avenue, and to the west of the Quincy Channel are designated for residential uses. Despite the commentor's assertion to the

contrary, the City has no currently active proposals for residential development on any parcels adjacent to the Westridge Commerce Center Project site.

The 1,000 foot buffer zone referenced by the commentor has been offered by the California Air Resources Board as a planning guideline, to be implemented in cases where site-specific analysis has not been conducted.[4] In the case of the Westridge Commerce Center Project, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

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[4] Please refer to the CARB *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005, Page ES-2, at the following website: http://www.arb.ca.gov/ch/handbook.pdf.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24-hour exposure for a 30- or 70- year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

From: Paul Claxton [paul1960@verizon.net]
Sent: Sunday, December 05, 2010 10:02 AM

To: Jeffrey Bradshaw

Subject: Moreno Valley Warehouses/Ridge Project

I am concerned about the efforts to rush into construction the millions of square feet worth of warehouses in the east end of Moreno Valley. These projects can do nothing positive to the natural environment of the area. My biggest concern is turning Moreno Valley into another Ontario with hundreds of diesel trucks lumbering down our roads spewing pollution, creating noise, and traffic. That additional traffic will add to commute times creating additional pollution. The 60 freeway east of this project is not contusive to big rig traffic. I've been a resident here for just nine years and I intentionally bought on the more rural east side to avoid the traffic of the 215 freeway. This project drives a stake into the heart of the city. I'm planning on leaving to seek a better managed city. PC-1

Paul Claxton
Moreno Valley CA

PAUL CLAXTON

Email Dated December 5, 2010

Response PC-1

The commentor's general concerns regarding the Project's location and the cumulative impacts of the Project when combined with other vicinity projects are noted. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A thorough discussion of the cumulative impacts is presented at Draft EIR Section 5.1.

Similarly, the commentor's generalized concerns regarding the increased traffic, air quality and noise impacts are discussed in the EIR. Specifically, traffic impacts are addressed in Draft EIR Section 4.2, air quality impacts at Draft EIR Section 4.3 and noise impacts at Draft EIR Section 4.4.

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

COMMENTS AND QUESTIONS REGARDING THE DEIR AND LAND USEAGE IN GENERAL FOR WESTRIDGE COMMERCIAL CENTER, A.K.A. "THE RIDGE PROJECT"

Stephen Crews, Moreno Valley, CA

1. It is evident from current zoning, that lands designated commercial south of SR60, from Moreno Beach Dr. to Redlands Blvd., including land devoted for the Westridge Center, do not extend southerly for a great distance, and thus any commercial development there is not intended as a part of an extensive commercial region. In fact, for this reason, it appears this land serves as a buffer for the residentially zoned areas to the south. Thus, it is incumbent on planners and developers to ensure that properties developed in these commercially zoned areas are in keeping with aesthetics, appearance, landscape, geographic culture, and the sentiments of future residents of the predominant land use in the area, residential. This warehouse structure, with its massive edifice and size could not possibly conform to nor compliment Rancho Belago, "the land of ranches and lakes". SCR-1

   Has any consideration been given to the degradation of future residential developments in the area by the construction of an eyesore across the street?

2. One can only presume that there is a cumulative effect of air pollution from SR60, diesel trucks on the site of Westridge, and those travelling on nearby surface streets, as well as these types of contributors to air pollution from future similar developments along the freeway, and that this would have a deleterious effect on the health of citizens residing in residential neighborhoods. SCR-2

   Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?

3. **The proposed project sits on the mouth of the entrance into the badlands heading east on SR 60, a highway that is essentially a rural route at this point, and one that is treacherous for traffic. At what point does the added introduction of truck traffic become dangerous? The route on SR60 west is extremely congested and practically at a standstill, caused by the incompletion of recent freeway construction, growth, and lack of capacity. At what point does the introduction of further truck traffic become untenable?** SCR-3
4. **The local surface roads and overpasses servicing the area of the project are dilapidated and are residential in nature. Will roads be brought up to standards, and who will pay for the inevitable degradation of heavy wear trucks cause on roads, with the potential of harm to automobile motorists?** SCR-4

STEPHEN CREWS

Letter Dated December 6, 2010

Response SCR-1

The commentor expresses an opinion regarding the land use designations (and the conformation of the proposed Project with the intent of those designations) of the properties located south of the SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

The commentor also expresses concern regarding the consideration of nearby residential uses. It is assumed that, in this instance, the commentor is referring to aesthetic consideration. Indeed, the Draft EIR contains a detailed analysis of the Project's aesthetic attributes and impacts within Section 4.9. Specifically, the analysis examined whether the Project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As supported by the analysis, the Project would obstruct views of off-site scenic resources, and would therefore have a substantial adverse effect on a scenic vista. This is a significant and unavoidable impact. All other potential aesthetic impacts of the

Project were determined to be less-than-significant. The commentor is also referred to Figures 4.9-2 through 4.9-8 of the Draft EIR, which illustrate line of sight and view simulations of the Project.

Response SCR-2

The commentor expresses concern regarding the cumulative effects (air pollution) of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, eleven (11) distinct related projects were included within the Draft EIR cumulative analysis.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Cumulatively significant air quality impacts are summarized at DEIR Page 1-18, 1-19 and are discussed at DEIR pages 5-12 through 5-14.

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response SCR-3

The commentor characterizes location of the Project "on the mouth of the entrance into the badlands heading east on SR-60." Location of the Project and proximity of the badlands are noted in the Draft EIR:

> 3.2 PROJECT LOCATION AND BOUNDARIES
>
> The Project site is located in the eastern portion of the City of Moreno Valley, in western Riverside County. Please refer to Figure 3.2-1, "Regional Location." The Project will be developed within a 54.66-acre site, which is located near the SR-60/Redlands Boulevard interchange. The site is bounded by SR-60 to the north, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east. Please refer also to the Project site aerial, Figure 3.2-2, "Project Vicinity" (Draft EIR Page 3-1).
>
> General Plan Final EIR Figure 5.11-1, "Major Scenic Resources," reproduced in this Draft EIR as Figure 4.9-1, indicates the Project site is located along the SR-60 scenic corridor. The Badlands area, located approximately one mile to the north, and the Mount Russell foothills and associated rock outcroppings, located approximately two miles southerly of the site (Draft EIR Page 4.9-3).

The commentor offers that SR-60 "is essentially a rural route at this point, and one that is treacherous for traffic."

Existing and programmed SR-60 configurations proximate to the Project are accurately and appropriately described in the EIR:

Regional Access

State Route 60 (SR-60), adjacent to the Project site's northerly boundary, provides regional access to the subject property and vicinity. Connection to SR-60 is provided via Redlands Boulevard, located less than one-quarter mile east of the Project site. The Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. These interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. As demonstrated in the analysis presented in this Section, with implementation of the improvements identified subsequently (and in the Project TIA, EIR Appendix B),the existing rural interchange at Redlands Boulevard and the SR-60 will accommodate existing and anticipated future traffic, including Project-related traffic, at Opening Year and beyond. The upgrade of this interchange is included as part of the regional Western Riverside County TUMF improvement program.

The commentor provides no supporting evidence indicating any substantive potential safety concerns along the segment of SR-60 proximate to the project site. Moreover, Caltrans, the Responsible Agency for actions and projects affecting SR-60, has not suggested or indicated any significant safety issues for this segment of highway (Draft EIR, Page 4.2-8).

In response to the commentor's concerns regarding traffic on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these

impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

The commentor also provides opinions regarding traffic and safety along SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

Response SCR-4

The commentor expresses concern regarding the nature and condition of vicinity roadways. Section 3.0, "Project Description" of the Draft EIR includes a complete list of roadway improvements to be implemented by the Project. Roadway improvements to be implemented by the Project prior to issuance of the first Certificate of Occupancy are summarized below:

- Fir Avenue (future Eucalyptus Avenue) will be constructed to its ultimate half-section width (one-half of 104-foot right-of-way section improvements pursuant to City Standard No. 104B) as an arterial roadway from the westerly Project boundary, extending to Redlands Boulevard to the east. Signalization and turn lane improvements will be provided at the intersection of Fir Avenue (future Eucalyptus Avenue) at Redlands Boulevard consistent with City standards and requirements. At the westerly terminus of Fir Avenue (future Eucalyptus Avenue), full cul-de-sac improvements will be provided to allow for vehicle turnaround.

- An auxiliary lane along the westerly side of Redlands Boulevard will be constructed between Fir Avenue (future Eucalyptus Avenue) and the SR-60 eastbound off-ramps.

- The proposed public street (Street "A") at the Project's easterly boundary will be constructed to its ultimate half-section width (one-half of 78-foot right-of-way section improvements pursuant to City Standard No. 106) as an industrial collector roadway from the proposed northern terminus of the road to Fir Avenue (future Eucalyptus Avenue) in conjunction with development. Full improvements will be provided at the cul-de-sac "bulb" to allow for vehicle turnaround.

All roadway improvements proposed by the Project will conform with City engineering standards thereby reducing future maintenance responsibilities for these improvements. The Project will contribute fees and tax revenues to the City that may be directed to the repair and maintenance of area roads.

More specifically, the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements.

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
P.O. Box 9097
Moreno Valley, CA 92552-9097
www.northfriends.org

6 December 2010

Via e-mail: Jeffreyb@moval.org

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552-0805

Dear Mr. Bradshaw:

Re: Westridge Commerce Center Draft Environmental Impact Report (DEIR)—State Clearing House Number 2009101008

The Friends of the Northern San Jacinto Valley are a local conservation group dedicated to preserving and protecting the Northern San Jacinto Valley, the San Jacinto Wildlife Area, and Mystic Lake. We are a 501(c)(3) organization. Since 1991, we have sponsored monthly nature walks at the wildlife area, reviewed and commented on numerous environmental documents, attended community events to share information about the wildlife area, and we have a long history of supporting public land acquisition at the San Jacinto Wildlife Area.

We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center and are very discouraged by the poor quality of the environmental document. To a great extent, the Draft EIR presupposes that the Moreno Valley Planning Commission and City Council will adopt a statement of overriding consideration for a number of the identified project impacts. This erroneous presumption allows the preparer of the California Environmental Quality Act (CEQA) document, Applied Planning, Inc., to avoid necessary consideration of feasible mitigation measures and to avert meaningful consideration of project alternatives to reduce or avoid significant environmental impacts. The Draft EIR incorrectly asserts that the following significant project impacts are unavoidable and the City's only prerogative is to make CEQA findings of overriding consideration. FNSJ-1

Aesthetics - Loss of Scenic Vista: Perhaps the most spectacular scenic vista from within the City of Moreno Valley is the view of Mystic Lake with the San Jacinto Mountains in the background which motorists can see while traveling east on Highway 60. This project proposes to block this scenic vista with the side of a warehouse building and summarily omits from consideration potential mitigation measures and a project alternative (Alternative Site) FNSJ-2

capable of avoiding or minimizing this aesthetic impact. The project proponents have the ability to buy land anywhere for this warehouse which will not be built until the have a tenant and this makes feasible several mitigation opportunities to avoid or lessen the loss of a scenic vista this project will incur. The pad level of the warehouse buildings is proposed to be 25 feet below the grade of Highway 60. *A project design mitigation measure limiting the building height to 25 feet would preserve the present scenic vista from the highway.* In our view, other building design mitigation measures are feasible and can be incorporated into the project to avoid or minimize the loss of this scenic resource. FNSJ-2 (cont'd)

Agriculture - Loss of Farmland of Local Importance: The Project will convert Farmland of Local Importance to nonagricultural uses and these losses will be cumulatively significant. The Draft EIR fails to consider mitigation for the loss of agricultural land this project will incur and merely dismisses mitigation measures included in the City's General Plan intended to stem the loss of agricultural land. Preservation can be a feasible means of reducing or eliminating the impact of agricultural land loss. The City's General Plan indicates agricultural lands subject to conversion can be mitigated through the purchase or transfer of development rights or the purchase of conservation easements. We believe the Loss of Agricultural lands of Local Importance must be thoroughly discussed and mitigated in the EIR. FNSJ-3

Air Quality: The project will generate long-term operational project emissions during operation that will exceed the South Coast Air Quality District's regional thresholds for a number of pollutants detrimental to community health. A recent Press-Enterprise newspaper article (September 11, 2008) indicates most of the cancer risk from Southern California air pollution is from diesel exhaust. The article also notes the Inland area still has the region's worst fine-particle pollution, which is linked to early deaths, heart attacks and, in children, stunted lung development. Diesel soot is the most toxic major ingredient of fine particle pollution. The Inland region is also recognized as having the worst ozone pollution, which causes nausea, fatigue and headaches, and aggravates asthma and other respiratory conditions. The project Draft EIR makes no attempt to mitigate or avoid these long-term operational emissions and instead asks the City Council to make findings of overriding consideration for this air quality impact. The Draft EIR fails to even consider feasible mitigation measures to reduce community exposure to these harmful long-term project pollutants. A feasible mitigation measure worthy of consideration would be for the developer and future warehouse tenant to commit to operating the facility with trucks equipped only with the latest air pollution abatement technology including diesel soot filters. Since Highland Fairview Corporate Center/Skechers project has been able to have 80% of all off-road heavy-duty construction equipment utilized during construction activity *certified as* CARB Tier III or better, your project and analysis must do at least as well. FNSJ-4

Climate Change and Greenhouse Gases: AB 32 requires that California's greenhouse gas emissions be reduced to 1990 levels by the year 2020. The Draft EIR indicates greenhouse gas emissions from the operation of the Westridge Commerce Center project will result in a significant and unavoidable impact to climate change because emissions will hinder or delay California's ability to meet the reduction targets contained in AB 32. The Draft EIR limits its consideration of emission reduction to on-site measures and will request the City Council make FNSJ-5

findings of overriding consideration for the project failure to achieve the reduction targets in AB 32. This approach is incorrect in that the CEQA analysis also needs to consider offsite mitigation remedies such as emission trading regimes and/or carbon sequestration to offset the emissions this project will generate. Given the urgency of climate change solutions, the project proponent's reliance on a finding of overriding consideration is misplaced. FNSJ-5 (cont'd)

THE EIR MUST ADEQUATELY ANALYZE AND MITIGATE AIR QUALITY IMPACTS

The EIR fails to adequately analyze and mitigate the significant impacts to air quality resulting from the project. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and $71 billion ($36–$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about $10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The EIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality. FNSJ-6

A. SIGNIFICANT AIR QUALITY HAZARDS IN RIVERSIDE COUNTY

Riverside County has the dubious distinction of being one of the most polluted areas in the country. (American Lung Association 2005; American Lung Association 2008). The Project will directly result in an increase in construction emissions and vehicle trips per day which will increase the level of a broad number of criteria pollutants under the Clean Air Act. The Project will result in significant impacts to air quality that result from significant levels of emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Particulate Matter of 10 microns and 2.5 microns or less (PM10 and PM2.5). Increased diesel exhaust is particularly detrimental to long term human and lung health.

Ozone (O_3) is the chief component of the common pollutant known as "smog." Ozone is formed when emissions including reactive organic gases (ROG) and oxides of nitrogen (NOx) undergo photochemical reactions in sunlight and are transformed to O_3. Ozone irritates lung airways and causes inflammation much like a sunburn. Ozone causes wheezing, coughing, pain when taking a deep breath, and breathing difficulties during outdoor activities. The American Lung Association focuses on ozone as one of the most hazardous of the common air pollutants. (American Lung Association 2008). Repeated exposure to ozone pollution for several months may cause permanent lung damage. Children, the elderly, and those with respiratory problems are most at risk, but anyone who spends time outdoors may be affected. Even at very low levels, ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to pneumonia and bronchitis. Ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, and weather, and damages the leaves of trees and plants, ruining the appearance of cities, national FNSJ-7

parks, and recreation areas. Ozone also reduces crop yields, and is, in fact, responsible for 98% of air quality related crop damage in California. A revised EIR must discuss the proposed project's production of ozone precursor emissions and the direct, indirect, and cumulative impact both on human health and on vegetation and wildlife habitat, especially habitat for threatened, endangered, and sensitive species.

Particulate matter (PM) is a category of pollutant which includes the respirable particles suspended in the the air. PM is classified into "coarse" particles, PM_{10}, or those under 10 microns in diameter, and "fine" particles, $PM_{2.5}$, or those under 2.5 microns in diameter, and comes from a variety of sources including diesel exhaust, windblown dust from agriculture and construction and motor vehicles. Because the human respiratory system's ability to filter out harmful particles decreases as particles size decreases, the smallest particles lodge deepest in the lungs and are especially dangerous. PM can contain at least 40 toxic chemicals including heavy metals, nitrates, sulfates, and aerosols, as well as soot, soil, and dust. FNSJ-7 (cont'd)

PM is associated with extreme health consequences. PM causes premature death, aggravates asthma, increases coughing, painful breathing, and chronic bronchitis, and decreases lung function. Lung inflammation caused by inhaling PM can also lead to changes in heart rhythm, constriction of blood vessels, blood coagulation, and increased risk of heart attacks. Unlike what is believed about some other air pollutants, there is no "safe" level of PM pollution: even very low levels of PM lead to health impacts. (EWG 2002 at 25). One study found that in Riverside County alone, 353 deaths per year are due to current PM10 levels, and 42,149 asthma attacks per year are due to current PM10 levels. (EWG 2002 at 19). The EIR's failure to address basic information on the link between air quality, health impacts, and impacts to biological resources render it inadequate. This and other information must be analyzed in a revised EIR so that the project's air quality impacts can be analyzed in the full environmental context.

B. THE EIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ENVIRONMENTAL SETTING

The EIR must provide a stable and accurate project description in order to properly inform decision makers and the public, as well as provide a proper basis for analysis of impacts and mitigation to address those impacts. Here the EIR fails to fully disclose and analyze the air quality impacts from diesel emissions. One of the project objectives is to "transition the existing site into a productive use" provided by over 900,000 square feet of industrial warehouse/distribution. (DEIR at 3-4). Presumably much of the transportation and traffic associated with industrial warehouse and distribution facilities will be diesel truck traffic, which poses a much greater threat to human health due to the carcinogenic effects of diesel exhaust and fine particulates associated with diesel emissions. However, the EIR fails to describe what types of vehicles will be accessing the facility, in what volumes, at what frequency, and during what times. The EIR must fully disclose the types of vehicles that will be associated with the Project because those different vehicles pose very different threats and must be analyzed and mitigated in different fashions. FNSJ-8

The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The Project is located across Fir Street from land that is zoned residential. The diesel trucks will enter and exit the project by using Fir and therefore will significantly impact future residents. Setting the building 250 feet back from these residential uses does not protect them from each and every diesel truck that enters and exit the Project. The direct, indirect and growth inducing impacts of this project have not been thoroughly analyzed – especially for the future residents immediately south of the project. The 2,000,000 sq. foot Highland Fairview Corporate Center/Skechers project and also the proposed 2,000,000 square foot ProLogis are on either side of this project and will also probably use Fir Street. The California Air Resources Board and others confirm that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. (CARB 2005). Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. Id. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. Id. FNSJ-8 (cont'd)

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The South Coast Air Quality Management District ("SCAQMD") includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. The Project fails to adequately identify the number and their distance from the 240 daily (24-7) moving diesel trucks related to this project as well as that of ProLogis and Highland Fairview Corporate Center/Skechers.

C. THE EIR FAILS TO ADEQUATELY EXAMINE THE PROJECT'S HEALTH RISKS

The EIR air quality analysis fails to adequately address the Project's effect on the community's health. Although the DEIR acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to conduct this critical study of demonstrating what the qualitative or quantitative risk is associated to nearby residents as result of the Project. The Project can lead to increased rates of asthma, decreased, lung or cardiac function, and other threats, but there is no analysis of what that means for the regional residents or visitors. As with other important impact analyses it appears that the EIR authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA. Without this information, it is all but impossible to accurately and effectively gauge the severity and extent of the health', effects that would result from building the proposed Project. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Envt'l Planning and Information Council of W.* FNSJ-9

El Dorado County v. County of El Dorado (1982) 131 Cal. App. 3d 350,357. It is critically important that the EIR emphasize the cumulative impacts of negative air quality and not simply dismiss those issues without thorough analysis and mitigation. FNSJ-9 (cont'd)

D. THE EIR FAILS TO ADEQUATELY ANALYZE AND IMPOSE MITIGATION MEASURES FOR SIGNIFICANT IMPACTS TO AIR QUALITY

In an attempt to subvert the procedural requirements of CEQA the EIR fails to adopt feasible mitigation measures that would have substantially lessened significant environmental impacts resulting from the Project. To effectuate its overarching purpose of reducing environmental harm, CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen" a Project's significant environmental effects. Pub. Res. Code § 21002; Guidelines 15021. CEQA's substantive mandate is clear, "each public agency shall mitigate or avoid the significant effects on the environment of projects that it caries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b) (emphasis added).. Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). FNSJ-10

There are numerous mitigation measures that could be adopted to reduce the significant air quality impacts associated with this project. Many of the mitigation measures outlined to reduce the significant impacts associated with greenhouse gas emissions can reduce criteria pollutants. Therefore the EIR should fully analyze all greenhouse gas and criteria pollutant mitigation measures in order to reduce the significant impacts to air quality, or describe why those mitigation measures are infeasible.

I. THE EIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

The Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed. FNSJ-11

A. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

Unfortunately, the EIR fails to address the impacts of global warming on the Project contrary to the requirements under CEQA. California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts. Global warming will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and FNSJ-12

a reduction in snowpack and precipitation levels and water availability. These factors will impact development under any Moreno Valley General Plan Update, as well as exacerbate its own environmental impacts. Therefore, these factors must be considered in the EIR. *See* Guidelines § 15126.2(a) (an EIR "shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.") The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change. (California Attorney General 2009). Examples of how global warming will impact development under the Moreno Valley General Plan and intensify the environmental impacts it will already have are discussed below. It is not an exhaustive list.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008). FNSJ-12 (cont'd)

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997). FNSJ-12 (cont'd)

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project significantly understates the Project's impacts.

B. The EIR's Significance Determination is Flawed

i. The EIR Fails to Properly Frame the Question of the Significance of the Project's Greenhouse Gas Impacts

As the EIR properly recognizes, the greenhouse gas emissions generated by the Project constitute a significant impact. (DEIR at 4.3-110). However, the DEIR improperly limits the consideration of its determination of significance to whether the project would significantly hinder or delay California's ability to meet reduction targets contained in AB 32. While the emission reduction targets set by AB 32 are important, they are only a first interim step toward a longer emission reduction pathway necessary to avoiding dangerous anthropogenic interference (DAI) with the climate system. While Project impacts remain significant, the significance criteria should be revised to recognize California's long term emission targets set by Executive Order S-3-05 and consider the extent to which these reductions are consistent with the emission reduction pathway necessary to avoid DAI. FNSJ-13

The relevant environmental objective with regard to a project's impact on global warming is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference ("DAI") with the climate system. Framing the objective of a threshold of significance in the context of preventing DAI with the climate system

is consistent with the policy of CEQA. As set forth in Public Resources Code Section 21000(d), "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." With regard to climate change, the prevention of DAI is the critical threshold to protect the health and safety of the people of California. The prevention of DAI with the climate is also the objective adopted by the international community. As set forth in the United Nations Framework Convention on Climate Change, to which the United States is a party: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."[1]

Dangerous anthropogenic interference with the climate system is a defined concept from which a threshold of significance under CEQA can be derived. While environmental impacts from global warming are already being experienced, dangerous anthropogenic interference has typically been defined at temperature increases above 2°C from pre-industrial levels, or a 450 ppm atmospheric concentration of CO_2 eq. (Union of Concerned Scientists 2007). 2050 is the time frame commonly set by scientists in which to achieve the emission reductions necessary for climate stabilization. The emission reduction scenario set by AB 32 and Executive Order S-3-05, whereby emissions are reduced to 1990 levels by 2020 and then to 80% below 1990 levels by 2050, is consistent with a stabilization scenario in the +/- 450 ppm range.[2] FNSJ-13 (cont'd)

However, climate scientists, including NASA's premier climatologist, James Hansen, are increasingly calling for more stringent stabilization targets in order to sufficiently reduce the risk of catastrophic outcomes. The best available scientific evidence now indicates that a 2°C temperature increase from pre-industrial levels is well past the point where severe and irreversible impacts will occur. It is now estimated that a mean global temperature increase of 1.5°C above pre-industrial levels has the potential to trigger irreversible melting of the Greenland ice sheet, a process that would result in an eventual 7m sea level rise over and above that caused by thermal expansion of the oceans, and potentially causing an additional sea level rise of 0.75m as soon as 2100. (Warren 2006 at 95). Specific consequences of a 2°C temperature rise from pre-industrial levels include the loss of 97% of the world's coral reefs and the transformation of 16% of global ecosystems. Approximately one to three billion people would experience an increase in water stress, sea level rise and cyclones would displace millions from the world's coastlines and agricultural yields would fall in the developed world. (Warren 2006). In the Arctic, ecosystem disruption is predicted owing to complete loss of summer sea ice, with only 42% of the tundra remaining stable. This would destroy the Inuit hunting culture and cause the extinction of the polar bear and large losses in global populations of birds. Moreover, because

1 United Nations Framework Convention on Climate Change (UNFCCC), art. 2, May 9, 1992, *available at* http://unfccc.int/essential_background/convention/background/items/1349.php.

2 While the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004).

Arctic ice functions to reflect heat back into the atmosphere, its loss would allow more sunlight to heat the Arctic Ocean and further accelerate the buildup heat and the melting of the Greenland ice sheet. In the Antarctic, key marine mollusks are predicted to become extinct with damaging ramifications for the rest of the Antarctic marine ecosystem. (Warren 2006). As the devastating and irreversible impacts resulting from a 2°C mean global temperature rise are far in excess of any reasonable definition of "dangerous" interference with the climate, a 2°C target is not an acceptable objective for climate policy.

Moreover, equating a particular atmospheric concentration of greenhouse gases with a specific temperature increase involves a significant degree of uncertainty. This is because climate sensitivity – the extent to which temperatures will rise as a result of increasing concentrations of heat-trapping gases – depends on Earth's response to certain physical processes that are not fully understood. (Cayan 2007 at 4). For example, as greenhouse gas emissions cause temperatures to rise, the atmosphere can hold more water vapor, which traps heat and raises temperatures further – a positive feedback. Clouds created by this water vapor could absorb and re-radiate outgoing infrared radiation from Earth's surface (another positive feedback) or reflect more incoming shortwave radiation from the sun before it reaches Earth's surface (a negative feedback). (Cayan 2007). Thus, due to uncertainty in climate sensitivity, scientists estimate that the mean probability of exceeding 2°C where stabilizing greenhouse gases at a CO_2eq level of 450 ppm is 54% with a 30% probability that global average temperature would rise more than 3°C. (Cayan 2007; Union of Concerned Scientists 2007). This is effectively the equivalent of flipping a coin in the hopes that our children and grandchildren will not be confronted with the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, and the triggering of multiple climatic "tipping points" wherein climate change begins to feed on itself and spin rapidly out of control. FNSJ-13 (cont'd)

As noted by the Attorney General in a recent guidance on the treatment of climate change in general plans, "the targets set by AB 32 and Executive Order S-3-05 can inform the CEQA analysis." (California Attorney General 2009 at 4). However, while the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. *See* Guidelines § 15064(b) ("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment … based to the extent possible on scientific and factual data."). Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). Thus, to properly address the question of the significance of Project impacts, the EIR should set forth the environmental objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent DAI with the climate system, discuss California's emission reduction targets and the extent to which these targets are sufficient to meet avoid DAI. In this manner, the EIR will set forth the issues related to the significance of Project impacts in a manner that accurately informs decision makers and the public.

ii. To Properly Evaluate Significance and Fulfill Its Informational Mandate, the EIR Must Compare Project Emissions with Emission Reduction Targets Set by AB 32 and Executive Order S-3-05

Although the EIR asserts that the Project would interfere with the goals of AB 32, the EIR fails to provide any data on Project emissions as compared with 1990 levels. Accordingly, it is impossible to analyze the extent to which the Project exceeds AB 32 emission reduction mandates. The EIR must be revised to provide this data.

FNSJ-14

Moreover, in a failure to adequately describe the Project, the EIR fails to note the year for which the Project envisions build-out. Should the next Moreno Valley General Plan update contemplate growth past 2020, its significance analysis should evaluate the extent to which the Project complies with Executive Order targets. While the trajectory of reductions under Executive Order S-3-05 has not been definitely established, the EIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for the undisclosed year of build-out. Thus, if Moreno Valley's General Plan is intended to accommodate growth until 2030, then the EIR could compare Project emissions with emissions approximately 27% below 1990 levels.

C. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

FNSJ-15

There are any number of feasible measures that can be incorporated into a Climate Action Plan to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the

Attorney General 2008b). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Furthermore, substantial federal funding is available to implement these projects so that implementation of greenhouse gas mitigation measures is economically feasible.3 Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like climate change the Project must adopt all feasible mitigation measures to reduce GHGs or provide substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3). FNSJ-15 (cont'd)

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Significant effort needs to be shown as to how carpooling will be instituted and alternative fueled cars will be encouraged with special onsite parking location/electrical plug-ins. Will there be on-site eating facilities with food in order to limit driving off site? FNSJ-16

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the Project will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008). FNSJ-17

3 Energy Efficiency and Conservation Block Grants are offered by the U.S. Department of Energy to municipalities in order to meet the following purposes: reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors. (US DOE 2009). See http://www.eecbg.energy.gov/

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals. We expect the project's minimum LEED certification to be Silver. And the EIR needs to explain why this would not be your goal. FNSJ-17 (cont'd)

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting FNSJ-18
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging

stations to reduce emissions from vehicle trips. FNSJ-18 (cont'd)

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

FNSJ-19

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

FNSJ-20

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SQAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA mitigation measures[4] once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008).

FNSJ-21

4 The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming See generally http://ag.ca.gov/globalwarming/ceqa.php

II. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR failed to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly" even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008). The Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty. FNSJ-22

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

Biological Resources: To a great extent the Draft EIR avoids an actual on the ground biological resource impact assessment. Instead the Draft EIR makes the claim that the cumulative wildlife resource impacts of this project will be mitigated by the payment of the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP) mitigation fee and the Multi-Species Habitat Conservation Plan (MSHCP) mitigation fee. It is important to recognize neither the SKRHCP nor the MSHCP exempts this project from full compliance with the requirements of CEQA. The Draft EIR does not indicate the amount of the SKRHCP mitigation fee or the amount of the MSHCP mitigation fee the project proponent will pay in order to reduce the cumulative wildlife resource impacts of this project to a less than significant level. Nor does the document indicate the mitigation fee amounts the City has collected thus far for SKRHCP and MSHCP wildlife mitigation and to FNSJ-23

what extent those fees have been used to mitigate cumulative wildlife resource impacts from previously approved projects within the jurisdiction. A lead agency, in this case the City of Moreno Valley, must provide supporting facts and provide analysis to support its conclusion that the payment of SKRHCP and MSHCP mitigation fees will render the project cumulative wildlife resource impacts to less than significant. Absent this analysis, the cumulative wildlife resource impacts this project will incur must be viewed as cumulatively considerable. FNSJ-23 (cont'd)

Thank you for the opportunity to comment on the Draft EIR for this project. The Friends would like to be informed of all documents, meetings and public hearings related to this project. Please provide us with a copy of the final EIR and other pertinent documents related to this project. Please contact us at our mailing address which is listed on the first page of this letter. FNSJ-24

Sincerely

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FNSJ-25 (cont'd)

FRIENDS OF NORTHERN SAN JACINTO VALLEY

Letter Dated December 6, 2010

Response FNSJ-1

The commentor's opinions in regard to the "quality of the environmental document" will be forwarded to decision-makers for their consideration. The Draft EIR has been prepared to identify the environmental impacts that could result from Project implementation and, where feasible, provides mitigation measures to substantially lessen or avoid the significant effects on the environment. The City of Moreno Valley, the Lead Agency for this Project, is required to consider the Project in its entirety before determining whether to approve the adoption of overriding considerations. As noted in *CEQA Guidelines* § 15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The commentor concludes by correctly noting the Draft EIR's finding that the Westridge Commerce Center Project will result in certain significant and unavoidable impacts in regard to scenic vistas and air quality, but erroneously includes agriculture and global climate change in its summary of Project-related impacts. Specific topical concerns are addressed in the following Responses FNSJ-2 through FNSJ-5.

Response FNSJ-2

As discussed in the Draft EIR (Page 4.9-11), "[n]otwithstanding the proposed depressed building pad area, as illustrated in Figures 4.9-4 through 4.9-8, the Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. The building will be visible from higher elevations to the north, east, and south, and the rooftop of the building may be visible at a distance from higher elevations." This "interruption" of scenic views has been identified in the Draft EIR (Page 4.9-19 *et al.*) as an individually and cumulatively significant Project impact.

As further noted on Draft EIR Page 4.9-11, "[t]he Project's intent is to create a regional-serving warehouse/logistics facility. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." A tenable high-cube warehouse design with a 25-foot building height (estimated internal clear height of 15-20 feet) such as offered by the commentor, does not exist, and is contrary to the very term "high cube." The high-cube warehouse building height concept defines the viability of its internal operations,

which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint. The suggested 25-foot high building offered by the commentor is untenable and infeasible.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives, including alternative sites. The text on Draft EIR Pages 5-37 through 5-44 provides the basis upon which each of the considered alternative sites was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-3

As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. Despite the commentor's assertions that the Draft EIR "dismisses mitigation measures included in the City's General Plan," the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning

area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required. The commentor's opinions to the contrary will be forwarded to decision-makers for their review. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-4

The Draft EIR acknowledges the Project's potential impacts in regard to long-term operational exceedance of SCAQMD standards for the emission of the criteria pollutants VOC (volatile organic compounds) and NOx (oxides of nitrogen). Despite the commentor's assertions to the contrary, the Draft EIR addresses the Project's potential to result in health risks relative to diesel emission exposure on Pages 4.3-79 through 4.3-86. As discussed at Draft EIR Page 4.3-84, with implementation of Mitigation Measure 4.3-10, which would be implemented to control on-site idling, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant. It may be noted that Mitigation Measure 4.3.5, as discussed in the Draft EIR (Page 4.3-62 *et al.*), specifically requires Project contractor(s) to ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better. Additional mitigation is proposed within this Final EIR addressing operational and construction-source emissions (please refer to revised mitigation presented within the EIR Mitigation Monitoring Program, Final EIR Section 4.0. The commentor erroneously contends that "Since Highland Fairview Corporate Center Skechers project has been able to have 80 % of all off-road heavy-duty construction equipment utilized during construction activity certified as CARB Tier III or better, your project and analysis must do at least as well."

There is no requirement that the Project implement a given mitigation measure simply because it was applied elsewhere. Such an approach discounts appropriate nexus between impacts and mitigation.

Response FNSJ-5

The commentor misrepresents and misstates the findings of the Draft EIR with regard to the potential significance of the Project's GHG emissions impacts and the Project's potential GCC impacts.

In the Draft EIR's analysis of cumulative impacts (Page 5-13 to 5-14), it is specifically noted that "[i]n regard to the emission of greenhouse gases, the Project's Climate Change Analysis indicated that with the implementation of all Project design features and mitigation measures, greenhouse gas emissions would be reduced, and that the Project is consistent with state strategies to reduce greenhouse gases, including the California Air Resources Board (CARB) Scoping Plan's recommended measures, and the greenhouse gas emission reduction strategies set forth in the 2006 Climate Action Team (CAT) report.

Therefore, the Project would not hinder or delay implementation of AB 32. On this basis, the Project's individual and cumulative impact on climate change is less-than-significant. With specific regard to a cumulative-level analysis of GCC impacts, it is acknowledged that climate change is a global issue and the contribution of each greenhouse gas generated by the Project may have a cumulative effect. As noted in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Moreover, the EIR qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor cites various GHG/GCC mitigation schemes, none of which are required in this case since the Project's GHG/GCC individual and cumulative impacts are less-than-significant. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-6

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's air quality analysis. Detailed analysis of the Project's potential air quality impacts are presented at EIR Section 4.3, "Air Quality." Supporting technical studies [*Westridge Commerce Center Air Quality Impact Analysis, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; *Westridge Commerce Center Health Risk Assessment, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; and *Westridge Commerce Center Climate Change Analysis, City of Moreno Valley*, California (Urban Crossroads, Inc.), February 3, 2010] specifically. The cited analyses address the direct, indirect ,and cumulative impacts of the Project..

As detailed in the following responses FNSJ-7 through FNSJ-21, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative air quality impacts, including potential impacts related to global climate change, have been proposed within the Draft EIR. Appropriate mitigation measures have been carried forward into the Mitigation Monitoring Program included at Section 4.0 within this Final EIR. For each proposed mitigation measure, the MMP identifies: mitigation timing, the responsible mitigation implementation entity, the responsible mitigation monitoring/reporting entity, and mitigation monitoring/reporting frequency. In combination, these provision act to ensure mitigation enforceability.

Response FNSJ-7

The Draft EIR describes, at considerable length (Pages 4.3-4 through 4.3-10), the criteria air pollutants referenced by the commentor, including the possible health effects that have led to the monitoring and control of these pollutants as part of the environmental

review process. With specific regard to commentor-expressed ozone concerns, the Lead Agency has adopted SCAQMD regional thresholds for the ozone precursors NOx and VOC. These thresholds are based on the highest level of permitted emissions, and exceedance of these thresholds indicates that mitigation measures should be applied, not that specific health or other environmental damage would occur. The Project applies all feasible mitigation measures to reduce potentially significant Project-related ozone precursor emissions (NOx and VOCs). Significant NOx and VOC impacts resulting from the Project (regional threshold exceedances) are summarized at DEIR Page 1-17, 1-18. The Project will not exceed applicable localized significance thresholds for NO_2 (DEIR at Page 4.3-61 et al.). The AQMD has not established localized significance thresholds for VOC emissions.

Project NOx and VOC emissions are predominantly generated by mobile sources beyond control of the Lead Agency and/or the Applicant [approximately 99.9 percent of Project NOx emissions (by weight) are from vehicles; approximately 92.5 percent of Project VOC emissions (by weight) are from vehicles). Even after compliance with SCAQMD rules and regulations, and the application of EIR mitigation measures, operational pollutant emissions would exceed applicable SCAQMD regional emission thresholds for VOC and NOx. These impacts are therefore considered to be individually significant. It is noted however, that the Project land use and proposed development are consistent with development and associated air pollutant emissions impacts reflected in and anticipated by the applicable Air Quality Management Plan (AQMP).].

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards. Collectively, these are referred to as localized significance thresholds (LSTs). The additional potential secondary effects of ozone to plants and habitat cited by the commentor are noted. There is no demonstrable evidence or support indicating that the Project would cause or substantively contribute to adverse effects to plants or habitat, and to conclude otherwise is speculative.

Lastly, it is noted that the Project is consistent with the applicable Air Quality Management Plan (see EIR at Pages 4.3-49 through 4.3-53) indicating that it would not interfere with projected downward-trending ozone levels within the SCAQMD.[5]

The commentor also provides information regarding $PM_{10}/PM_{2.5}$ characteristics. Applicable $PM_{10}/PM_{2.5}$ thresholds are established by the SCAQMD. Potential effects of Project-related temporary localized construction-source $PM_{10}/PM_{2.5}$ emissions impacts are discussed and disclosed in the EIR:

> For modeling purposes, receptors were conservatively placed at a distance of 25 meters (approximately 82 feet) from the site, which is the most conservative distance recommended for use by the SCAQMD. As previously discussed, even with application of all feasible mitigation measures, localized PM_{10} and $PM_{2.5}$ construction-source emissions will exceed applicable LSTs. More specifically, during construction activity (after mitigation), PM_{10} emissions concentrations will exceed applicable LSTs at receptors located 71 meters (approximately 233 feet) or nearer, and $PM_{2.5}$ emissions concentrations will exceed applicable LSTs at receptors located 35 meters (approximately 115 feet) or nearer.
>
> These LST exceedances represent a potentially significant impact to sensitive receptors in the Project vicinity for short-term construction activity. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely

[5]*Summary Of The Ozone Air Quality Forum and Technical Roundtable*(Frederick W. Lurmann Sonoma Technology, Inc. for the South Coast Air Quality Management District) January 2007, Pages 2-5, 2-6.

> undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter.
>
> It is noted that these exceedances would occur temporarily and intermittently during site preparation and grading processes, and would not substantively affect any receptors at greater distances from the emissions source. Moreover, in that construction emissions are short-term and intermittent, they will not result in any chronic or long-term impacts (Draft EIR, Page 4.3-75).

The Project will not result in or cause long-term exceedance of applicable SCAQMD localized and/or regional thresholds $PM_{10}/PM_{2.5}$ emissions.

The commentor's opinions and statements will be forwarded to decision-makers for their review. Results and conclusions of the Draft EIR are not affected.

Response FNSJ-8

The commentor expresses concern about emissions from diesel trucks associated with the Project. A Health Risk Assessment (HRA) of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The HRA was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). The HRA is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety at Appendix C to the Draft EIR.

Contrary to the commentor's assertions otherwise, diesel and DPM emissions impacts are specifically evaluated and addressed in the DEIR (See DEIR at Pages 4.3-79 through 4.3-86, and the Project Health Risk Assessment (HRA) included at DEIR Appendix C.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).
[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

As indicated in this summary of the Project's trip generation, approximately 75 percent of the Project's daily trips, on average, will be attributable to trucks. As noted at Draft EIR Page 4.3-79, the Project Air Quality analysis assumed, in order to ensure a conservative analysis, that all trucks associated with the Project will be diesel-powered.

In that vehicle class and type directly affect DPM emissions, the Project HRA (please refer to DEIR Appendix C, Table 1, Project Truck Trips) also explicitly defines anticipated daily truck trips (by type) entering/exiting the Project site, as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [6]

Contrary to commentor assertions otherwise, baseline (setting) information is provided throughout the EIR. For example, general air quality setting information is presented at EIR Pages 4.3-10 through 4.3-16. Additional applicable specific baseline/setting information is also presented where it is beneficial to related discussions, e.g., the GCC Regulatory Setting is introduced at EIR Page 4.3-24 within the context of GCC/GHG considerations.

The commentor requests analysis of mobile-source DPM emissions for transient vehicles traveling along area roadways. With regard to air quality impacts generated by Project traffic along area roads, regionally significant NOx emissions impacts would result as disclosed in the EIR and discussed here. However, no locally significant operational air quality impacts would result from the Project. In this latter regard, the

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6 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Project Operational Localized Significance Threshold (LST) analysis considers potential worst case exposure by evaluating criteria pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by stationary sources. As discussed in the Draft EIR, these emissions concentrations would not exceed applicable LST thresholds.

Draft EIR Table 4.3-12 (Page 4.3-69) presents the results of the Project operational LST analysis, indicating unmitigated conditions. As shown, results of the analysis indicate that long-term operational emissions will not exceed localized emissions thresholds established by the SCAQMD. Other operational mitigation measures presented in the EIR would act to further reduce already less-than-significant potential operational LST impacts.

Similarly, consistent with SCAQMD protocols and methodologies, the Project Health Risk Assessment considers maximum probable exposure to DPM concentrations, resulting from the entering, exiting and idling diesel vehicles within the Project site. Moreover, the analysis reflects long-term constant exposure (70 year, 24 hours per day) for residential receptors. With application of mitigation, even under this potential maximum exposure scenario, exposure to DPM concentrations would not exceed applicable SCAQMD thresholds (please refer to Draft EIR Table 4.3-17, Page 4.3-86).

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to

TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [7]

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7 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

Response FNSJ-9

Despite the commentor's assertion to the contrary, the Project has addressed the Project's potential to expose sensitive receptors to substantial pollutant concentrations. The analysis included in the Draft EIR (Pages 4.3-73 to 4.3-86) addresses (1) the potential effects of construction-source emissions at sensitive receptors; (2) potential carbon monoxide (CO) hotspots; and (3) the health risks of diesel particulate emissions. A Health Risk Assessment was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed above, Project and cumulative diesel emissions impacts are less-than-significant. Project impacts in regard to CO "hotspots" are similarly determined less-than-significant; while temporary construction-source emissions are acknowledged as significant. Please refer also to DEIR Section 4.3, Air Quality and supporting technical air quality studies presented at DEIR Appendix C.

Response FNSJ-10

As discussed in the following responses FNSJ-15, FNSJ-16, and FNSJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response FNSJ-11

The referenced citations are acknowledged and addressed at Response FNSJ-12. Additionally, it is noted that the Project's GHG emissions impacts (as presented at Draft EIR Page 4.3-90) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-12

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. It is also noted that CEQA directives allow for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the *Guidelines*. The EIR analysis of GHG emissions/GCC impacts (DEIR Pages 4.3-90 through 4.3-11; DEIR Appendix C, Project Climate Change Analysis) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-13

The commentor misinterprets analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the EIR analysis concludes that *greenhouse gas emissions generated by the Project constitute a significant impact.*

Such is not the case, as evidenced in germane excerpted GCC discussions presented below:

> **1.4 Summary of Findings**
>
> Results of the analysis indicate that the Project would generate GHG emissions that *may* [emphasis added] have a significant impact on the environment. However, the Project is consistent with, or otherwise not in conflict with (1) recommended measures and actions in the California Air Resources Board (CARB) December 2008 Scoping Plan (CARB Scoping Plan) setting forth strategies and measures to implement in order to achieve the GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32); and (2) the GHG emission reduction strategies set forth in the 2006 Climate Action Team

(CAT) Report, prepared in response to Executive Order S-3-05, which established total GHG emission targets for the State.

As such, the Project GHG emissions are not cumulatively considerable. Further, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. This analysis takes no credit for such GHG emissions reductions. Thus, this analysis conservatively estimates the overall Project impacts on climate change from GHG emissions and the actual impacts will be less than what is calculated herein (Westridge Commerce Center Climate Change Analysis, Pages 1-2).

To further clarify, germane suggested CEQA Guidelines topical questions include:

Would the project:
a) Generate greenhouse gas emissions, either directly or indirectly, that *may* [emphasis added] have a significant impact on the environment?

Language in the Project GCC study paraphrases and responds the Guidelines language. As also discussed in the Project GCC Study, it is likely that any GHG emissions reductions achieved locally and within the State will be offset by emissions increases in developing countries such as Brazil, Russia, India and China and that significant effects of climate change, such as global warming and sea level rise, will nevertheless occur due to the continuing effects of past and existing levels of emissions. In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts [beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see Climate Change Analysis, Page 42).

The commentor suggests alternative analysis/threshold considerations for evaluation of GCC/GHG impacts. Thresholds established in the Draft EIR are consistent with applicable provision of CEQA.

> **Findings and Recommendations**
> As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less-than-significant (Draft EIR, Pages 4.3-93, 4.3-94).

Additionally, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. The Draft EIR's analysis takes no credit for such GHG emissions reductions. Thus, the Draft EIR's analysis conservatively estimates the overall Project impacts on climate change from GHG emissions, and the actual impacts will be less than what is calculated in the Draft EIR and associated Westridge Commerce Center Climate Change Analysis, included as part of Draft EIR Appendix C.

<u>Response FNSJ-14</u>

Despite the commentor's statement to the contrary, the Draft EIR does not "assert that the Project would interfere with the goals of AB-32." On the contrary, the Draft EIR notes (on Page 4.3-95) that "[t]he Project's consistency with the AB 32 goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change

Scoping Plan which includes nine Early Action Measures (qualitative approach). In addition, the analysis considers the numeric level of emissions generated by the Project to determine whether the emissions are cumulatively significant (quantitative approach)." Following a detailed presentation of the assessment criteria and analysis of the Project's consistency with these criteria, the Draft EIR finds (on Page 4.3-109) that "a project that is consistent with CAT strategies is consistent with the strategies suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32, and therefore the Project will result in a less-than-significant cumulative impact on GCC."

In regard to the Project's "build-out" year, as discussed in the Draft EIR Project Description (Page 3-4), "construction is proposed to occur in one phase, with infrastructure and building construction following site preparation operations." As such, the Project would be effectively "built out" in its opening year, which is identified as 2011, as discussed at Draft EIR Page 4.2-15.

Response FNSJ-15

As discussed in the following Responses FNSJ-16 and FSNJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are reduced to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. It is also noted that air quality mitigation measures presented in the EIR will peripherally act to reduce GHG emissions. However, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-16

The commentor suggests that the Project should incorporate provisions for public transit, carpooling, and other measures as a means of reducing VMT and associated GHG emissions.

Mitigation Measure 4.3.13 has been revised, as indicated below, to include additional VMT/GHG emission reduction measures. For ease of reference, the text of this measure in its entirety is provided. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant. Added measures are indicated as ***underline bold italicized*** font.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its*

services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 %of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***

- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Response FNSJ-17

As discussed on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may

be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response FNSJ-18

The commentor proposes numerous additional measures (presented in the following Table) as means to reduce Project-related greenhouse gas emissions relative to energy consumption. While the suggested measures may in part act to generally reduce Project energy consumption, none of the measures are required in order to achieve the mitigation of impacts identified in the Draft EIR. That is, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed

measures and their implied environmental benefit vis-à-vis Project impacts. Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation.

Additionally, in some instances, the commentor proposes measures that would further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may impose these additional requirements; typically through Project Conditions of Approval.

Suggested Measure	Response
Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 3-16), the Westridge Commerce Center Project reflects design and operational criteria established under the LEED Green Building Rating System.
Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	
Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.	
Reducing the use of pavement and impermeable surfaces.	**Replicates existing requirements.** As noted in the Draft EIR (Page 4.6-13), onsite bio-retention and detention basins, along with selected areas of pervious concrete and perimeter landscape areas are provided throughout the Project site. Additional detail is included in Draft EIR Appendix F, "Water Quality Management Plan."

Suggested Measure	Response
Requiring water re-use systems.	**Replicates existing requirements.** The Project is reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Nonetheless, as noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."
Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	**Replicates existing requirements.** Use of LEDs is currently required pursuant to EIR Mitigation Measure 4.3.13.
Limiting the hours of operation of outdoor lighting.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655, which includes restrictions in regard to hours of outdoor lighting operations. See also: www.clerkoftheboard.co.riverside.ca.us/ords/600/655.htm
Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.	**Replicates existing requirements.** Project landscaping will be provided pursuant to the requirements of the Moreno Valley Municipal Code (Section 9.17.030), which specifies a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Shade trees will be provided pursuant to the requirements of Municipal Code Section 9.17.050 subd. (d)(3).
Ensure that the Project is fully served by full recycling and composting services.	**Replicates existing requirements.** As noted on Draft EIR Page 3-14, "[p]rior to issuance of a grading permit, the Project will have in place a City approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during Project construction. A similar plan will be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during ongoing operation of the warehouse and office portions of the Project. The plans will include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.
Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	**Not required.** As discussed in the Draft EIR (Pages 3-21 and 3-22), treatment of the Project's wastewater and solid waste will be accomplished by regional providers (i.e., Eastern Municipal Water District and Waste Management of the Inland Empire), and is outside the control of the Applicant and the City of Moreno Valley.

Suggested Measure	Response
Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible	**Not required.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics or "wind energy."
Installing solar water heating systems to generate all of the Project's hot water requirements.	
Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.	

Response FNSJ-19

As discussed in the preceding Response FNSJ-18, the commentor's suggested mitigation measures to reduce Project impacts in regard to construction activities are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	**Not required.** Consistent with the Project's pursuit of LEED accreditation, the recommended building materials will be utilized to the extent available and feasible.
Minimize, reuse, and recycle construction-related waste.	**Replicates existing requirements.** As noted in the Draft EIR (Page 3-5), "[a]ny residual materials resulting from site preparation processes will be appropriately disposed of and/or recycled in accordance with the City's Source Reduction and Recycling Element (SRRE)."

Suggested Measure	Response
Minimize grading, earth-moving, and other energy-intensive construction practices.	**Not required, no nexus with significant impacts.** The Project will not cause or result in individually or cumulatively significant GHG/GCC impacts. There is no requirement to reduce construction-source GHG emissions. Moreover, within the context of Project-specific requirements (e.g., placement of structures approximately 25 feet below the existing grade of SR-60, and proper fill and re-compaction procedures to ensure proper foundation support, consistent with the recommendations of the Project Geotechnical Investigation, included as Draft EIR Appendix H), construction contractor(s) employ techniques and procedures so as to provide for the most efficient use of earth-moving and grading equipment as a matter of course.
Landscape to preserve natural vegetation and maintain watershed integrity.	**Replicates existing requirements.** Landscape improvements will be provided for the Project as required under the City's Zoning Code Section 9.17, "Landscape Requirements." To minimize risk of invasive non-native plants entering into the riparian habitat along the Quincy Channel, the Project includes mitigation (Measure 4.8.3) that prohibits the use of invasive non-native plant species within 150 feet of the Channel.
Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	**Incorporated** at revised Mitigation Measure 4.3.8.

Response FNSJ-20

As discussed in the preceding Response FNSJ-19, the commentor's suggested mitigation measures to reduce Project impacts in regard to transportation are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13.

Suggested Measure	Response
Create a car sharing program within the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide a shuttle service to public transit within and beyond the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Incorporate bicycle lanes and routes into the planned community's street systems.	**Replicates existing requirements.** The Project is required to provide pedestrian and bicycle connections to surrounding areas consistent with provisions of the City of Moreno Valley General Plan pursuant to the existing Mitigation Measure 4.3.13. This measure notes that the location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan.

Response FNSJ-21

The commentor suggests that carbon offsets be purchased to address "remaining [greenhouse gas] emissions that cannot be eliminated." It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-22

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's analysis of alternatives. As further presented in the *CEQA Guidelines* Section 15126.6, subd. (a), an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation.

To this end, the *CEQA Guidelines* indicate that the range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of most Project objectives.

The commentor's suggestion that "[t]he EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands" is inconsistent not only with the Project objectives, but with the site's existing General Plan land use designation and zoning. Additionally, it is unclear that such an alternative would result in a lessening of the Project's environmental effects, particularly since commercial uses typically generate considerably higher average daily rates of traffic per square foot than light industrial uses, with correlating increases in air emissions. See for example Trip Generation 7th Edition (Institute of Traffic Engineers)trip generation rate for Specialty Retail (ITE Code 814), 44.32 trips/thousand square feet; vis-à-vis the Project trip generation rate of 3.12 trips/thousand square feet. On a related note, the EIR specifically considers a "No Project" alternative which assumes development consistent with site's current Business Park zoning designation. As with the mixed use concept proposed by the commentor, substantially increased trip generation could be expected if developed with business park uses when compared to industrial uses proposed under the Project.

> In this regard, for Traffic Analysis Zone (TAZ) 209 encompassing the Project site, the General Plan Buildout traffic model reflects development of the subject site with Business Park/Light Industrial uses, and projects approximately 4.18 times the trip generation for TAZ 209 than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project. The No Project Alternative considered

herein approximates trip generation for the subject site under the General Plan Buildout Scenario at four (4) times that of the Project (Draft EIR, Page 5-32).

Based on the preceding, the commentor's suggested alternative concept fails as feasible alternative to the Project, and does not merit further analysis as part of the Project EIR.

In regard to the question of whether the Project could be accommodated elsewhere, the Draft EIR addresses, at length, the possible alternative sites that were considered as part of the review of Project alternatives (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it

is not currently owned or controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor's states that "[t]he Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty." No specific tenant(s) for the Project are currently under contract. Results and conclusions of the EIR are not affected.

The Draft EIR (on Pages 5-49 to 5-62) does provide a comparative analysis of the potential impacts of each alternative in regard to greenhouse gas emissions, biological resources, water supply, water quality, and traffic. As required under *CEQA Guidelines* Section 15126.6, subd. (d), this evaluation includes "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."

<u>Response FNSJ-23</u>

The City disagrees with the commentor's assertion that "the Draft EIR avoids an actual on the ground biological resource impact assessment." Draft EIR Appendix G presents the Biological Resources Survey prepared for the Project, which consists of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements, as identified in the following Figure 4.8-1;

- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- A jurisdictional delineation, which was prepared pursuant to the requirements of the California Department of Fish and Game and the Army Corps of Engineers.

As further discussed in the Draft EIR (Page 4.8-14), "[p]ayment of the mitigation fee and compliance with the requirements of the MSHCP are intended to provide full mitigation under CEQA, although certain areas within the MSHCP boundaries require additional surveys to determine the presence or absence of specific MSHCP-covered resources, including sensitive plants, burrowing owls, and riparian or riverine areas." Although focused surveys for threatened, endangered and sensitive plant and wildlife species were not conducted as part of the Project's general Biological Assessment, protocol surveys were subsequently performed to determine the presence or absence of burrowing owls within areas of potential disturbance. The *Report on Burrowing Owl Surveys for the West Ridge Project Site* (Harsmworth Associates, July 2009) is also included in Draft EIR Appendix G.

In addition, implementation of Draft EIR Mitigation Measure 4.8.7, included in the Mitigation Monitoring Program presented in Final EIR Section 4.0, will ensure that a pre-construction survey be conducted to document the location of any occupied burrows on-site. With the implementation of this mitigation measure, as well as compliance with the requirements of the MSHCP, the Project's potential to impact burrowing owls is reduced to a less-than-significant level.

The City of Moreno Valley's current schedule of non-residential impact fees indicates that the Project would be subject to an MSHCP fee of $6,597 per acre, and an additional $500 per acre SKR (Stephens' kangaroo rat) mitigation fee. On this basis, the Project would contribute approximately $390,335 to meet its fair-share responsibility for regional plant and wildlife impacts. The amount collected by the City for wildlife mitigation to date, along with the effectiveness of such fee collections, is outside the scope of the Project's environmental analysis. The Draft EIR (Page 4.8-31) notes that "[t]he Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project 'is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009.' These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. This species has not been recorded within the Project area in the past and is presumed absent from the site. As such, the Project is in compliance with the MSHCP." The results and conclusions of the Draft EIR are not affected.

Response FNSJ-24

The commentor requests receipt of future information regarding the Project, and as such, has been added to the Project distribution list at the referenced address. A copy of the Project's Final EIR has also been provided to the commentor, as requested.

Response FNSJ-25

The commentor lists numerous publications and resources exhibits incorporated by reference. With the exception of certain web-linked publications, exhibits listed "as incorporated by reference" have not been provided. Nor has their disposition, availability, or specific relevance been otherwise identified.

From: sgcricket@aol.com
Sent: Monday, December 06, 2010 3:20 PM
To: Jeffrey Bradshaw
Subject: Western Ridge Commerce Center DEIR

Comments Regarding: West Ridge Commerce Center
From: Susan Gilchrist

The project under consideration requires a zoning change from Business Park to Light Industrial. It is my understanding that this is a speculative project and there is no tenant identified. This presents a problem for the residents of the eastern portion of the City. There are currently many unoccupied warehouse buildings on Cactus and along the 215 as well as many in other Inland Empire cities. The only logical reason for presenting this project at this time is to "ride the coattails" of Highland Fairview/Skechers and get approval for another megalithic structure. Since the City permitted a building 36 times the size of the General Plan recommendation, what will prevent the Council from approving another oversized structure? The only solution will be to retain the General Plan and wait for the economy to improve so that the long range goals of a diverse job base can be reached. SG-1

Ten to fifteen years ago, business park zoning was successful and in the future it will be that way again. If zoning changes could be reversed, this would be more acceptable, but they are not. It will never revert to Business Park zoning from Light Industrial and the vision of the eastern portion of the City will be changed forever. Those driving through Moreno Valley will think the City consists of warehouses and sound walls...how attractive!

Questions for the developer:

1. Is this a speculative project or is there a tenant ready to occupy a 900,000 sq ft building? SG-2

2. What benefit is there to the residents and the City for approving a zone change at this time? SG-3

3. Why is the City moving away from the General Plan without bringing the entire process back to the residents? Moreno Valley seems to be willing to accept anything offered rather than have high standards and long range goals. The desperation is obvious and not very reassuring. Surrounding cities of Temecula, Murrieta, Menifee, Riverside, and Redlands are constructing buildings with more style and substance than is seen in Moreno Valley. These cities are attracting a variety of businesses while our City accepts the dregs. SG-4

4. Should the Council change the zoning, will the property be sold to another developer? SG-5

5. As a condition for the zone change, will the developer be willing to put an appropriate buffer of 1500 feet on the south side of Fir and develop it as a City park with a block wall on the north side of the park? SG-6

6. Could the traffic flow from both Skechers and Western Ridge be restricted from Redlands Blvd? SG-7

7. Will the building be constructed to LEEDS standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved? SG-8

8. What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility? SG-9

Sincerely,
Susan Gilchrist

SUSAN GILCHRIST

Email dated December 6, 2010

Response SG-1

The commentor correctly notes that approval of the Westridge Commerce Center Project would involve a change of zone for the Project site, from Business Park to Light Industrial. The commentor's opinions regarding the proposed zone change will be forwarded to decision-makers for their consideration.

Response SG-2

The commentor inquires: "Is this a speculative project or is there a tenant ready to occupy a 900,000 square foot building?" At this time, no specific tenant(s) for the Project are under contract.

Response SG-3

The commentor inquires: "What benefit is there to the residents and the City for approving a zone change at this time?" The benefits of a project are not germane to an EIR pursuant to CEQA. Nevertheless, certain potential benefits to the residents and the City are reflected in the Project Objectives. More specifically, as noted at Draft EIR Page 3-4, the Primary Objectives of the Project as identified by the Project Applicant include the following:

- Transition the existing site into a productive use;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

Response SG-4

The commentor inquires: "Why is the City moving away from the General Plan without bringing the entire process back to the residents?" The commentor offers opinions on City development review and approval processes, and the character of local and regional development.

As discussed in the Draft EIR (Pages 4.1-6 through 4.1-9), implementation of the Project would not propose or require a change in the Project site's General Plan land use designation. The commentor's opinions in regard to the City's approval process and the character of local and regional development will be forwarded to decision-makers for their consideration.

Response SG-5

The commentor inquires: "Should the Council change the zoning, will the property be sold to another developer?" Should the Project be approved, it is the applicant's intention to develop the site as proposed. However, there are no restrictions to prohibit the sale of the subject property. It may be noted that, regardless of ownership, Project-specific mitigation measures and other applicable regulations relative to the Project's construction and operations, including those identified in the Draft EIR, would remain in force.

Response SG-6

The commentor inquires: "As a condition of the requested zone change, will the developer be willing to put an appropriate buffer of 1,500 feet on the south side of Fir (future Eucalyptus) Avenue and develop it as a City park with a block wall on the north side of the park?" As a point of clarification, the requested zone change cannot be lawfully conditioned as suggested. Moreover, there is no codified requirement or environmental impact nexus that would require or suggest a 1,500 setback or the creation of a park southerly of the Project site. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-7

The commentor inquires: "Could the traffic flow from both Skechers and Western Ridge [the proposed Westridge Project] be restricted from [using] Redlands Boulevard?" Direct and practical access to the Project site is provided via Redlands Boulevard, located less than one-quarter mile easterly of the Project site. The Project provides all necessary improvements to mitigate its direct traffic impacts affecting Redlands Boulevard to levels that are less-than-significant. Additionally, appropriate mitigation is provided for all potentially significant cumulative traffic impacts affecting Redlands Boulevard.

Opening Year access to and from the SR-60 to the Westridge Project site was assumed to utilize Redlands Boulevard exclusively. The Project TIA (included as Draft EIR Appendix B) does account for the fact that, upon the development of Eucalyptus Avenue to the ultimate configuration identified in the Moreno Valley General Plan Circulation Element, Project-related traffic could also access the SR-60 at Moreno Beach Drive.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-8

The commentor inquires: "Will the building be constructed to LEED standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved?" Similar to the recently approved Highland Fairview/Skechers project, the Westridge Commerce Center will be built to LEED standards. The following discussion at Draft EIR Page 3-16 is presented here for ease of reference.

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification. There is no requirement that LEED standards implemented by the Highland Fairview/Skechers development be similarly implemented by the instant Project.

As further described in the Aesthetics section of the Draft EIR (Page 4.9-11) and illustrated in Draft EIR Figure 4.9-3, the Project's building foundation is planned to be located approximately 25 feet lower in elevation than the existing elevation of SR-60. Substantial reduction of the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment.

In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured for example as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000 square foot building would have to be at least 1.7 million square feet in size in order to accommodate a comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be substantial additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint.

Response SG-9

The commentor inquires: "What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility?" As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations." Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions as presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

December 6, 2010

Mr. Jeff Bradshaw
Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: Westridge Commerce Center – Comments on Draft EIR

Dear Jeff,

Highland Fairview has reviewed the Draft EIR and is concerned with the manner in which the document addresses a number of environmental issues. As you know, the city imposed numerous mitigation measures and conditions of approval on the Highland Fairview Corporate Park (HFCP) project many of which are not applied to this project, despite the similarities of the two projects. Among these issues are air quality, water quality, freeway landscaping treatment, architectural design, sustainability, hazardous materials, biology, global climate change and many other environmental areas.

To address these concerns, we request a meeting with the City planning, traffic and engineering departments to review the proposed mitigations included in the Draft EIR. We are particularly concerned about the following subject areas:

1. The project's contribution to improvements to SR60 mainline and interchanges. HF-1
2. The project's contribution to improvements on Redlands Boulevard. HF has other projects in the area and insufficient improvements by this project should not be allowed.
3. Architectural standards and design comparable to that of the HFCP Skechers building should be articulated from the freeway.
4. The landscape treatment of the interface between the project and SR60 should be comparable to that required by the City for HFCP and should be consistent.
5. The need for a significant commitment from the project to address the visual relationship between the project and the SR60. For example, the HFCP project was lowered 25 feet so that its visual impact could be softened.

We request a meeting with City staff as soon as possible to address these concerns.

Sincerely,

Wayne Peterson
Vice President, Community Planning

HIGHLAND FAIRVIEW

Letter Dated December 6, 2010

Response HF-1

The subject line of this letter indicates that it contains comments on the Westridge Commerce Center Draft EIR; however, these comments do not appear to be intended to address the Draft EIR's technical analysis or findings. Instead, the comments focus on the Westridge Commerce Center's "contribution to improvements," and express concerns regarding the equity of mitigation between the Westridge Commerce Center Project and the recently approved Highland Fairview Project (a 2.6 million-square-foot light industrial/commercial development located south of SR-60 east of Redlands Boulevard). A meeting with City staff is requested "to address these concerns."

On this basis, specific technical responses are not warranted. Mitigation for the Project's potential impacts was included in the Draft EIR, and is detailed in the Project's Monitoring Program, provided in Final EIR Section 4.0. Further, the Project's architectural compatibility with City design standards, and with the Highland Fairview project, is addressed on Draft EIR Page 4.9-6.

The commentor's concerns will be forwarded to decision-makers, as requested. City staff will be pleased to meet with the commentor to discuss their concerns.

Johnson & Sedlack
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December 3, 2010

City Council
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA U.S. MAIL

RE: Draft Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Draft Environmental Impact Report.

General Comments:

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Unfortunately, the **DEIR for this Project fails as an informational document** as it fails to adequately and accurately consider cumulative impacts throughout the document. The DEIR also misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The DEIR is often conclusory and does not provide the analysis required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusion. This includes often omitting to provide the information required to properly assess impacts. JS-1

Moreover, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation must be adopted**. In this way

CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. Moreover, all mitigation measures required in the EIR must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. The Project is also inconsistent with the City of Moreno Valley General Plan. This is unacceptable. JS-1 (cont'd)

Project Overview:

The Westridge Commerce Center is a proposal, sponsored by ProLogis, for the construction of a 937,260 sq. ft. warehouse-distribution facility on approximately 54.66 acres of mostly undeveloped agricultural land located on the north side of Eucalyptus Avenue, west of Redlands Boulevard, near the SR-60/Redlands Boulevard interchange. The project will include approximately 173 loading docks and 14,000 square feet of office space to be divided between the southeast and southwest corners of the building. The future occupants and uses of the property are unknown at this time.

The project would require the removal of approximately 70,000 cubic yards of soil. The project would require the discretionary approval of a zone change (City Case # PA08-0098) from business park to light industrial. The project would also require an amendment to City of Moreno Valley Municipal Code section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts] due to the Project sites adjacency to residentially-zoned property and approval of Tentative Parcel Map No. 36207 (City Case # PA09-023). Adjacent to the project site is SR-60 to the north and Eucalyptus Avenue to the south. Properties to the south of the project are zoned Rural Residential ("RA-2") and designated Primary Animal Keeping Overlay ("PAKO") Zone. A residence is located near the southeasterly corner of the project site. To the west of the project site, although properties are currently under agricultural production, a proposal, also sponsored by ProLogis, has been made to develop, on 117 acres, six distribution warehouse facilities totaling 2.25 million square feet. Properties immediately to the east are designated commercial. Further east, across Redlands Boulevard, development of the 2.6 million square feet Highland Fairview Corporate Park Project has been approved. Regional access to the Project will be provided by the SR-60/Redlands Avenue interchange. JS-2

The DEIR concludes that aesthetic impacts are significant and unavoidable. Noise impacts are significant and unavoidable for the construction phase. Air quality impacts are significant and unavoidable for construction and operation phases. The DEIR also concludes cumulative aesthetic, air quality, construction noise, and traffic impacts are significant.

Cumulative Impacts:

The cumulative impact analysis is brief, lacking in evidence and data, and generally insufficient. CEQA requires that in order to adequately discuss and analyze potential significant cumulative impacts, "[a] list of past, present, and probable future projects producing related or cumulative impacts" must be included in the DEIR. (Cal. Pub. Res. C. § 15130(b)(1)(A).) The lead agency must also "define the geographic scope of the area JS-3

affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." (Cal. Pub. Res. C. § 15130(b)(2).)

Here, the DEIR looks *only* at the cumulative effects from those "probable development proposals" within a two (2)-mile radius of the Project. **The analysis does not account for any past or present projects as required under CEQA and does not "provide a reasonable explanation" for why the two-mile radius was used.** Although a discussion as to why the Traffic Impact analysis was limited to a two-mile radius was provided in the DEIR, this reasoning does not support a basis for why the Cumulative Impact Analysis section of the DEIR was limited to such a small radius and purely probable future projects. Development within Moreno Valley is occurring on a large scale and the resulting impacts should not be ignored. (See Exhibits 1 – 3.) There is also a great amount of residential development within close proximity to the Project site, yet the impacts from these projects are not included in the analysis. For instance, The Moreno Highlands Specific Plan providing for 7,700 residential units located east of the Project site and the Aqua Belle Specific Plan providing for 2,922 "Active Adult" residential units located southwesterly of the Project site are neither included in the analysis nor mentioned in the DEIR. Also, the Centerpointe Project, a 353,859 square feet distribution center (PA07-0147, PA07-0157) which was approved by the Planning Commission in early 2010 was not included. This failure to analyze any impacts from past and present projects, as well as projects outside of the two-mile radius results in an inadequate analysis of the impacts to traffic, air quality, greenhouse gas emissions, and aesthetics, among others.

JS-3 (cont'd)

Furthermore, the cumulative impact section often fails to recognize that impacts which are less than significant on their own may nonetheless be cumulatively significant. The cumulative impact analysis also fails to summarize "the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available," as is required by CEQA. (Cal. Pub. Res. C. § 15130(b)(4).)

Therefore, the DEIR fails as an informational document as it does not provide an accurate analysis of the cumulative environmental effects that will result and therefore does not allow for sound and informed decision making on behalf of approving agencies.

General Plan Consistency:

CEQA requires that an EIR "discuss any inconsistencies between the proposed project and applicable general plans." (CEQA Guidelines 15125(d).)Yet, the DEIR fails to discuss the inconsistency of the Project with a number of applicable provisions contained within the General Plan.

JS-4

The project is inconsistent with the following General Plan provisions: Goal 2.2; Objective 2.13; and Policies 2.10.14, 2.13.1, and 2.13.3. Goal 2.2 requires that "the optimum degree of health, safety, well-being, and beauty for all areas of the community" be achieved yet the Project has numerous significant and unavoidable impacts to the safety, health and well-being of residents throughout Moreno Valley. Policy 2.10.14 requires that existing mature trees be preserved or relocated and only replaced when they cannot be preserved or relocated. Yet, although the Project will replace those existing mature pine trees along the

northerly boundary with a double-row of new trees, the DEIR fails to discuss whether these mature trees will be relocated and if not, how or why preservation or relocation of these mature trees is infeasible. Policy 2.13.3 of Objective 2.13 requires that "the sponsor of a development project…assure that all necessary infrastructure improvements…needed to support project development are available at the time that they are needed" yet, as will be discussed below, there is nothing to indicate that those improvements that will be required to mitigate for traffic will actually be implemented. JS-4 (cont'd)

Agricultural Impacts:

Although the Project will result in the conversion of farmland to non-agricultural uses the DIER finds that the impact will be less than significant. This finding is not supported by substantial evidence when the Initial Study itself states that the site is designated as Farmland of Local Importance due to the high quality of soil at the site and the Project Description states that the land has actually been used for agricultural production within the last twenty (20) years. As such, mitigation for this loss of prime agricultural land is required. It is well documented that agricultural land is the largest part of Riverside's economy. **The EIR prepared for the City of Moreno Valley General Plan recognizes that due to this loss of agricultural land, impacts are potentially significant and feasible mitigation measures would effectively lessen this significant impact.** (See Exhibit 4.) Therefore, the following mitigation measures must be adopted: JS-5

1. Purchase conservation easements on existing agricultural land to ensure that the land is never converted to urban uses.
2. Donate funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

Land Use and Planning:

This Project will have a significant impact to Land Use and Planning which was not adequately evaluated in the DEIR. The Project involves a zone change from Business Park to Light Industrial as well as an amendment to the Municipal Code as a result of its proximity to residential areas. The effects of the zone change and the amendment to the Muncipal Code are both potentially significant impacts which must be further evaluated and potentially mitigated in the DEIR. JS-6

Additionally, as stated on page 2-4 of the Initial Study land south of the Project site contains a Primary Animal Keeping Overlay Zone ("PAKO Zone") "in order to maintain animal keeping and the rural character of the area" yet this is not even mentioned in the DEIR. The Project's effects on this zoned area and the extent that this Project will disrupt the ability of people to keep animals in this zone must be analyzed and potentially mitigated.

Air Quality and Greenhouse Gas Emissions/Climate Change: JS-7

Air Quality

Air quality impacts will be significant and unavoidable during both the construction and operation phases.

Construction:

The air quality analysis is flawed and underestimates the impact on air quality during construction. The air quality analysis improperly assumes for Phase 2 Grading a value of zero Vehicle Miles Traveled (0 VMT) for on-road truck travel. This is improper as the analysis must account for the VMT by construction workers *to and from* the Project site. JS-7 (cont'd)

Even under the current analysis, without mitigation, construction of the project will result in levels of VOC, NOx, PM10, and PM2.5 exceeding SCAQMD Regional Thresholds, yet all feasible mitigation measures were not adopted to reduce construction related emissions, and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur. For example, MM 4.3.4 does not reduce VOC to the greatest extent feasible. MM 4.3.4 should be modified to require that all paints, coatings, and solvents are zero (0) VOC. JS-8

MM 4.3.1 does not sufficiently mitigate for air quality impacts and is uncertain and unenforceable. In recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM10 and PM2.5 fugitive dust haul road emissions *by approximately 44%*. Yet, MM 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. MM 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%. This measure should also be modified to include the specific measures which the contractor shall take to ensure that traffic speeds on unpaved roads are reduced to 15 miles per hour, such as the placement of signage or other speed controlling devices. Mitigation measures should also be required to include measures which mitigate for and ensure dust control at the dump site where the soil from the project site will be placed. JS-9

MM 4.3.7 should not only require that electrical power sources "be provided" but also require that electrical construction equipment be *actually used* "whenever technically feasible." JS-10

Although the air quality analysis recommends that "[p]rior to issuance of a grading permit, the grading plans shall reference that a sign shall be posted on-site stating that construction workers need to shut off engines after five minutes of idling," this mitigation measure was not included in the DEIR. This is unacceptable, particularly since the DEIR states that air quality emissions are significant and unavoidable, and this mitigation measure is plainly feasible and would reduce air quality emission. Moreover, this measure is required by CARB, in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations. This mitigation measure must be included in the DEIR. JS-11

The air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas "quickly" should be adopted. Yet, the DEIR fails to include such a mitigation measure. Again, this is unacceptable particularly since the air quality emissions are significant and unavoidable and this mitigation would reduce both PM10 and PM2.5 by JS-12

an additional 10%. Mitigation must be included requiring that landscaping or other vegetation be planted as soon as possible after disturbance. JS-12 (con'd)

In analyzing air quality due to fine site grading activity, the air quality analysis assumes that a maximum of 13.66 acres per day will be disturbed by grading activity. In order to ensure that the effect on air quality from fugitive dust is not greater than that relied upon by the DEIR, a mitigation measure must be adopted that *limits* fine site grading activity to a level below 13.66 acres per day. In fact, an even lower maximum daily acreage should be required in order to further mitigate for these impacts. JS-13

Even after applying mitigation measures, construction air quality impacts are expected to be significant and unavoidable and well above the thresholds of significance for criteria pollutants. For example, with implementation of the mitigation measures listed in the DEIR, emissions of PM10 during construction will amount to 39.51 $\mu g/m^3$ over 24-hours, almost four times the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold, while emissions of PM2.5 during construction will amount to 12.40 $\mu g/m^3$ over 24-hours, well over the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold. Additionally, VOC will reach 205.37 lbs/day, more than two and one half times the 75 lbs/day SCAQMD Regional Significance Threshold and NOx will reach 287.12 lbs/day, almost three times the 100 lbs/day SCQAMD Regional Significance Threshold. Yet, the DEIR suggests adoption of only nine (9) mitigation measures and simply concludes that the remaining unmitigated emission are unavoidable. This is insufficient. In order to further reduce construction air quality emissions, the following additional mitigation measures should be adopted:

1. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.
4. Complete all roadways, driveways, sidewalks, etc., as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.
5. Pave all roads on construction sites as soon as technically possible.
6. Limit fugitive dust sources to 20 percent opacity.
7. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
9. Require high pressure injectors on diesel construction equipment.*
10. Restrict engine size of construction equipment to the minimum practical size.*
11. Use Electric construction equipment where technically feasible.*
12. Substitute gasoline-powered for diesel-powered construction equipment.*
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
14. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of

JS-14

large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*

15. Install catalytic converters on gasoline-powered equipment.*
16. Use electricity from power poles rather than temporary diesel power generators.*
17. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*
20. Provide shuttle service to food service establishments/commercial areas.*
21. Provide shuttle service to transit stations/multimodal centers.*
22. Utilize only CARB certified equipment for construction activities.*
23. All forklifts shall be electric or natural gas powered.*
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.

JS-14 (cont'd)

Operational:

The Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. **Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930).** This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts.

JS-15

The DEIR also inaccurately represents the values used in the LST Analysis. The Air Quality Analysis states that the average trip length used was 0.3 miles and the vehicle speed was 10 miles per hour. Yet, the DEIR incorrectly states that the average trip length used in the LST Analysis was 0.5 miles while the vehicle speed was 5 miles per hour. (DEIR, 4.3-68) Again, this failure in the DEIR to accurately reflect the values used in the LST Analysis renders the DEIR inadequate as an informational document.

JS-16

The DEIR and air quality analysis conclude that for long-term operational activities, even after mitigation, VOCs and NO_x will exceed SCAQMD's Regional Significance Thresholds. Without mitigation, the regional emissions of VOCs and NO_x are exceeded for both summer and winter, with NO_x greatly exceeding the threshold of 55 lbs/day with 739.69 lbs/day in the summer and 819.10 lbs/day in the winter. With the mitigation measures, the emissions of

JS-17

NO_x would be reduced by only a meager .03 lbs/day in summer and .17 lbs/day in winter and emissions of VOCs would be reduced by only .01 lbs/day. These reductions are clearly insignificant. **The mitigation measures do not actually mitigate for the significant operational impacts to NOx and VOC.** JS-17 (cont'd)

MM 4.3.11 requires that the project surpass California Title 24 Energy Efficiency performance standards by a minimum of 20 percent. This goal is to be met by using any combination of a number of listed design features. Particularly since NOx emissions are significant this mitigation measure should require that the project surpass California Title 24 Energy Efficiency standards by at least 30 percent. In fact, all design features listed should be required to be implemented as a way to mitigate the significant effects on air quality. JS-18

Additionally, many more operational mitigation measures are feasible and may be implemented through contract requirements in the purchase, sale, or lease agreement. Such mitigation must be required unless the incorporation into the contract of a mitigation measures is shown to be *infeasible*, not merely inconvenient. The following mitigation measures should be required to reduce Project operational impacts:

1. Require the utilization of zero VOC paint, coatings, and solvents.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become SmartWay Partner.*
4. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.* JS-19
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. Install catalytic converters on gasoline-powered equipment.*
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM_{10} compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.

9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.*
10. Require each user to establish a carpool/vanpool program.*
11. Provide on-site child care or contribute to off-site child care within walking distance.*
12. Provide preferential parking for carpool/vanpool vehicles.*
13. Provide secure, weather-protected bicycle parking for employees.*
14. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
15. Provide showers and lockers for employees bicycling or walking to work.*
16. Short-term bicycle parking for retail customers and other non-commute trips.*
17. Connect bicycle lanes/paths to city-wide network.*
18. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
19. Prohibit idling of trucks for periods exceeding three minutes.*
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
21. Provide shuttle service to food service establishments/commercial areas.*
22. Provide shuttle service to transit stations/multimodal centers.*
23. Implement parking fee for single-occupancy vehicle commuters.*
24. Implement parking cash-out program for non-driving employees.*
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
26. Implement a compressed workweek schedule where feasible.*
27. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
28. Install EV charging facilities *for a minimum of 10% of all parking spaces.**
29. Install a CNG fueling facility.*
30. Provide preferential parking locations for EVs and CNG vehicles.*
31. Utilize electrical equipment for landscape maintenance.*
32. Utilize only CARB certified equipment for construction activities.*
33. All forklifts shall be electric or natural gas powered.*
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
36. Utilize low pressure sodium fixtures for exterior lighting including parking lots.
37. Utilize electric yard trucks.*
38. All buildings shall be constructed to LEED Platinum standards.*
39. The operator shall meet SmartWay 1.25 ratings.*
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.*
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.*
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.*
43. The operator shall purchase only green power.*

JS-19 (cont'd)

Climate Change/GHG emissions:

According to the air quality analysis, this Project would generate GHG emissions that will have a significant effect on the environment. However, the DEIR concluded that GHG emissions are less than significant since the Project's emissions will not exceed the thresholds of significance proposed by SCAQMD (stationary source GHG emissions ≥ 10,000 metric tons per year of CO_2E) or CARB (7,000 metric tons per year of CO_2E from non-transportation related GHG sources). Not only is this conclusion improper but the analysis used to determine GHG emissions is also flawed. JS-20

The thresholds for significance for SCAQMD and CARB relate only to *non-transportation/stationary* sources. Therefore, the GHG emission analysis and conclusion of less than significance is deeply flawed as it fails to account for the majority of GHG emissions for the Project which are attributable to non-stationary/mobile sources. Of the total estimated 30,003.39 metric tons/year of CO_2E, 27,858.08 metric tons/year come from mobile sources, whereas only 7% of CO_2E is derived from stationary sources. JS-21

Furthermore, the same reduced number of trips used in the air quality analysis was used for determining the impact on global climate change. For the same reasons previously discussed, this is inappropriate and does not adequately represent the negative impact this Project will have on global climate change. When the 2,930 traffic trips used in the traffic analysis is used rather than the 1,585.22 traffic trips as suggested, the GHG emission for transportation sources increases more than double from 27,858.08 CO_2E to 51,490.77 CO_2E. **Clearly, GHG emissions are far greater than that estimated in the DEIR.** JS-22

The GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project. Where the project consists of a new distribution center and truck parking, the vehicular emissions in fact create a "new" mobile source of emissions as they create new trucking jobs, and do not merely redistribute the existing traffic patterns as this analysis has assumed. JS-23

The DEIR incorrectly concludes that even though GHG emissions from the Project would be significant, since the Project is consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG emissions are not cumulatively considerable. Yet, this project is, in fact, inconsistent with the CARB Scoping Plan. For instance, Action T-7 recommends that trucks/trailers be retrofitted with BAT and/or CARB-approved technology, yet this Project does not require this retrofit. The DEIR also states that the Project is consistent with Action E-4 (Million Solar Roofs) which sets a target for the installation of 3,000 megawatts (MW) of new solar capacity by 2017, yet the Project does not include nor require installation of a photovoltaic solar electricity system. In order to actually work to achieve this goal of new solar capacity, the Project should require, as a mitigation measure, the installation of a photovoltaic solar electricity system Such a system may be required through contract requirements in the purchase, sale, or lease agreement. JS-24

The DEIR also states that the Project is in compliance with 2006 CAT Report GHG Emission Reduction Strategies. Yet, these determinations of compliance are not supported by any *mandatory requirements,* but rather based on mitigation measures which are not fully enforceable or feasible. For example, the DEIR states that vehicles accessing the site will be in compliance with CARB vehicle standards to the "maximum extent feasible," but does not define this or implement any standard of performance. The DEIR also states that compliance JS-25

with the State's goal of achieving 50% Statewide Recycling will be met through including "provisions for tenants to recycle," yet, there is no requirement that this goal be met. Recycling of at least 50% by the future tenant should be mandatory and required as a mitigation measure through contract requirements in the purchase, sale or lease agreement. In stating that the Project is compliant with the requirement for water use efficiency, the DEIR states that implementation of water conserving devices should be required "to the extent feasible." This language is again vague and does not include any enforceable performance standards. Also, the Project does not require compliance with the California Solar Initiative, one of the strategies identified as critical for California to meet its greenhouse gas reduction targets. The Project merely *recommends* adoption of a requirement that "[a]ll buildings be designed to accommodate renewable energy sources, such as pholtovoltaic solar energy systems…" (DEIR, pg. 1-58) Again, this should be a *required*. Furthermore, the project is also inconsistent, and/or determined to not require compliance with several other CAT strategies, notably with respect to Alternative Fuels. JS-25 (cont'd)

The DEIR fails to analyze or provide evidence as to how any alleged compliance with the strategies in the 2006 CAT Report or the CARB Scoping Plan would reduce GHG emissions from this Project so that cumulative GHG impacts would not be significant. Furthermore, the DEIR fails to show how the Project is consistent with statewide goals in AB32 of reducing carbon emissions to 1990 levels 2020 and of Executive Order S-3-05 of reducing carbon emissions to 80% below 1990 levels by 2050, when this project only contributes to and increases these carbon emissions. JS-26

The California Air Pollution Control Officer's Association ("CAPCOA") has analyzed several means of determining the significance of a project's greenhouse gas impacts under CEQA in its CEQA & Climate Change White Paper. CAPCOA determined that a threshold of zero or a quantitative threshold designed to capture 90 percent or more of likely future discretionary projects (a 900-ton CO_2E threshold) are highly effective at reducing emissions and highly consistent with the emission reduction targets set forth under AB 32 and Executive Order S-3-05. (See Exhibit 5.) The Bay Area Air Quality Management District (BAAQMD) has also drafted guidance on the determination of significance for greenhouse gas impacts. BAAQMD has recognized that there is a "gap" between state action to reduce emissions and the need to further reduce emissions from land-use driven sectors in order to reach AB 32 targets. (See Exhibit 6.) After a series of calculations, BAAQMD then determined that projects above 1,100 tons (accounting for approximately 92% of all GHG emissions from new land use development) would be considered significant, thereby requiring the adoption of all feasible mitigation measures and helping to get nearer to meeting AB 32 targets after statewide regulations are taken into account. Additionally, in the EIR for the Highland Fairview project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change. The Project clearly exceeds the zero threshold. Accordingly, all feasible mitigation measures must be implemented and thus all suggested design features in Mitigation Measure 4.3.11 must be required to be implemented in the Project design. JS-27

The DEIR improperly concludes that due to the Project's supposed consistency with the CARB Scoping Plan and the 2006 CAT Report "that the Project's greenhouse gas emissions are not cumulatively considerable." (DEIR, pg. 5-14) As discussed above, even if the Project were consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG JS-28

emissions from the Project are not less than significant. Additionally, the conclusion that GHG emissions are not cumulatively considerable just because the emissions are not individually considerable (although not actually true) completely ignores the concept of cumulative impacts. "'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15064(h)(1). As the DEIR admits, climate change is a global issue as emissions from sources worldwide combine to create the most pressing environmental and social problem of our time resulting in increased flooding, decreased water supply, negative impacts to biological resources, as well as numerous other negative effects. These sources may "appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Los Angeles Unified School Dist. v. City of Los Angeles,* 58 Cal.App.4th 1019, 1025 (1997). Here, the cumulative effects on GHG emissions were not adequately analyzed. GHG emissions, which are already estimated at over 30,000 metric tons of CO_2E per year for just this Project, will have a large cumulative effect and this impact must be addressed in the DEIR and be properly mitigated. **Adoption of air quality mitigation measures marked with an asterisk and provided above will help further mitigate GHG emissions.** JS-28 (cont'd)

After all measures have been implemented to reduce emissions, any remaining emissions that cannot be eliminated may be mitigated through off-site measures. The Final Statement of Reasons for CEQA GHG Guidelines specifically contemplates off-site mitigation such as "community energy conservation projects." CAPCOA also found that a potential cost-effective offset and verifiable offset could include an energy-efficient retrofit of existing building stock in the Project area to offset the remainder of the Project's emissions. (See Exhibit 5 at 80.) Offsetting GHG emissions in the project area could also effectively reduce criteria pollutants. JS-29

Noise:

Construction:

Intermittent noise levels due to construction at the Project site are expected to reach 89 dBA at the nearest residential properties, well in excess of the daytime 60 dBA Leq allowable under the Moreno Valley Municipal Code. Even at the more distant residential neighborhoods one quarter mile away from the Project site, noise levels during construction are expected to reach 60 to 65 dBA Leq. The DEIR concludes that even after implementing four mitigation measures, that construction noise will be significant and unavoidable. Yet, the DEIR does *not* adopt all feasible mitigation measures. Also note that Mitigation Measure 4.4.3, which limits constructions activities to between 7:00 a.m. and 8:00 p.m. does *not* mitigate the fact that noise levels of 89 dBA will be in excess of the City's noise ordinance during *daytime* hours. The fact that the ordinance establishes time frames does not eliminate or lessen the environmental impact it merely means that the impacts are not subject to criminal sanctions. The threshold of significance is therefore still exceeded during the day. JS-30

Additionally, Mitigation Measure 4.4.4 merely requires that the Project plans include a statement that "for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be JS-31

installed along the Project's southerly boundary" and should "provide maximum reduction for noise sensitive uses…." The term "maximum reduction" is vague and unenforceable. In order to ensure that this mitigation measure actually reduces the level of noise, the measure should require that these sound barriers, which should also include temporary sound walls, actually **reduce noise at sensitive receptors to no more than 60 dBA Leq.** JS-31 (cont'd)

The Noise Analysis recommends the following feasible mitigation measures which must be adopted:

1. Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.
2. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
3. Notify surrounding homeowners of expected, specific construction related noise impacts.

JS-32

In addition, the following mitigation measures, not mentioned in the Noise Analysis, should be adopted:

4. When technically feasible, electrical construction equipment should be utilized.
5. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.

JS-33

Additionally, the DEIR improperly adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA or greater. This is an improper and inaccurate assumption and is certainly not supported by Appendix G of the *CEQA Guidelines* as stated in the DEIR. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance…." Here, 60 dBA is the standard for residential uses and noise levels will be in excess of this standard. JS-34

In terms of ground-borne vibration, there is no evidence pointed to in the DEIR that shows that vibrations would be less than significant even though heavy equipment used during construction "could potentially generate groundborne vibration impacts." Instead the DEIR makes the conclusory statement of insignificance without data or analysis to support such a determination. The DEIR also only mentions vibration impacts to *buildings* when it should also look at impacts to people. Therefore, the DEIR again fails as an informational document. JS-35

<u>Operational - Cumulative Impacts:</u>

As previously discussed, the DEIR fails to look at all cumulatively related projects. This is improper. JS-36

The DEIR finds that the cumulative effects on existing roadways will cause an increase in noise levels of up to 9.5 dB, yet, the DEIR improperly concludes that since the impact from the Project *on its own* is less than 3 dBA that the cumulative impact is not significant. Again, this analysis is completely improper. An increase of 3 dBA is <u>not</u> the threshold of significance adopted for the project. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance ...." Again, that standard for residential uses is 60 dBA and noise levels will be in excess of this standard. For example, with the project, noise levels 100 feet from Redlands Boulevard south of the SR-60 eastbound off-ramp will reach 69.3 dBA and noise levels 100 feet from SR-60 will range from 82.1 to 83.9 dBA. Further, the project will cause noise levels to *increase over levels without the project* at numerous roadway segments. This is a significant impact for which all feasible mitigation must be required. JS-37

Additionally, the Noise Analysis uses noise measurements previously taken at the G.I. Trucking facility in Pomona, California, although neither the Noise Analysis nor the DEIR provide information on this facility in order to show that the activity at the G.I. Trucking facility is comparable to that which would occur at this Project. Therefore the analysis is inadequate to determine the accuracy of potential noise impacts. JS-38

The following feasible mitigation measures must be adopted as recommended in the Noise Analysis: JS-39

1. All trucks, tractors and forklifts shall be operated with proper operating and well maintained mufflers.
2. Maintain quality pavement conditions that are free of bumps to minimize truck noise.
3. Limit the number of idling trucks on the southeastern portion of the site.

Traffic and Circulation:

Interstate 15 ("I-15") and Interstate 215 ("I-215") provide access to the Project area and will most certainly be used to access the Project site. Yet, the DEIR fails to assess the impacts this Project will have on I-15 and I-215 and fails to provide feasible mitigation for projected increased traffic congestion to I-15 and I-215. In order to mitigate for the substantial impacts to these Interstates, mitigation must be included which requires the Project to contribute a fair share to CALTRANS in order to support implementation of improvements to the I-15 and I-215. JS-40

Numerous mitigation measures require that the project participate in fee programs, namely the TUMF and DIF Programs. While payment of fair share fees can be appropriate mitigation for cumulative traffic impacts, they are only adequate when there is an existing program, and that program is adequately funded. The DEIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project. The DEIR also fails to provide information as to the availability of existing fee programs and the financial capability of these programs to actually fund the required improvements for this project. JS-41

The traffic impact mitigation relying on the DIF program is inadequate and is not certain to mitigate traffic impacts. The City announced several months ago that the DIF fees were inadequate to actually construct all required improvements. At that time, the DIF fees were underfunded by approximately 50%. In addition, at the August 18, 2009 City Council Hearing, the City further reduced DIF fees, further increasing the shortfall. There is absolutely no evidence in the record to show that the existing program is adequately funded.

Additionally, these measures do not indicate when the fees will be paid. If required to be paid at the time of construction, the amount could be non-representative of the project's "fair share" in the future. Accordingly, there is absolutely nothing to indicate that the traffic mitigation needed can actually be completed, that mitigation will bring levels of service to acceptable levels, or that there will be adequate funding to install the improvements prior to their need. JS-41 (cont'd)

Therefore, the following mitigation measures should also be adopted:

1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
3. Reroute construction trucks away from congested streets and sensitive receptor areas.*
4. Configure construction parking to minimize traffic interference.*
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
8. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
9. Improve traffic flow by traffic synchronization.

JS-42

Again, the cumulative analysis of traffic impacts is insufficient as it fails to consider numerous projects as previously discussed. JS-43

Water Supply/Sewer:

The DEIR improperly looks to potable water demand of the project (44 acre feet per year) to determine less than significant impact on water supply, instead of total water demand. The DEIR states that the "EMWD has determined that it will be able to provide adequate water supply to meet the **potable** water demand for the project…." There is no analysis of the impact of any additional water for the Project on diminishing water supplies for other uses such as agricultural uses, despite the fact that agricultural users have been put on mandatory water reductions because of water shortages. JS-44

The DEIR fails to examine impacts from global warming and climate change to water supplies. Specifically, the DEIR does not account for decreased snow pack, expected levee failure, and salinity intrusion into coastal water tables, especially with the State Water Project. Additionally, the state-wide drought and low availability of water throughout southern California will cause water supply to likely be much lower than projected, and the project may have a very significant impact. JS-45

In order to mitigate for these significant impacts, the following mitigation measures should be adopted: JS-45 (cont'd)

1. Install permeable pavement in car parking areas.
2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.

Hydrology and Water Quality:

As discussed in the Preliminary Hydrology Study, on page 6, in order to mitigate for impacts from runoff, the project should be required to "clean the sediment build up in the existing triple 60" pipes crossing under the 60 freeway as well as the existing 60" Pipe outleting into the Redlands Blvd. westerly drainage ditch. This mitigation measure must be included in the DEIR. JS-46

The DEIR fails to analyze the impact at the southwesterly corner of the Project site if the future drainage improvements that are to eventually be constructed "by others in association with eventual bridged crossing of the Quincy Channel" are not constructed or construction is delayed. The DEIR fails to indicate when these drainage improvements are to be constructed and how they will be funded. JS-47

Cultural Resources:

The DEIR fails to provide adequate information to evaluate whether prehistoric resources will be impacted as a below ground investigation was not conducted, merely a surface study, even though most prehistoric resources would be expected to be discovered underground and prehistoric resources have been identified at numerous sites within one mile of the Project site. JS-48

Additionally, the mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground. MM 4.7.1 and 4.7.3 permit only temporary halts upon discovery of cultural resources, although longer halts and delays may be necessary to properly record and remove resources. These mitigation measures state that this delay is meant to "avoid construction delays." Therefore, it is likely that the cultural resources located onsite will be unearthed, damaged, improperly recorded, etc. in order to not inconvenience construction. JS-49

Further mitigation is feasible. The mitigation measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job. Further, some option to preserve the resources in situ should be provided in the event of the discovery of extensive cultural resources. JS-50

Biological Resources:

The DEIR and biological survey conclude, without providing adequate evidence or analysis, that although common wildlife would potentially be impacted by loss of this ruderal agricultural land, that this impact would not be significant. This is a conclusory statement not supported by evidence in the DEIR. The development of farmland and open space results in a loss of habitat and in turn, wildlife. The impacts to biological resources must be accurately analyzed and mitigated. JS-51

Aesthetics:

The Project is expected to change scenic vistas and cause a significant and unavoidable aesthetic impact and cumulatively result in a substantial adverse effect on scenic views in the Project area. In an attempt to mitigate these effects, the Project should be required to conduct off-site mitigation and preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County. JS-52

Project Alternatives:

CEQA requires that an EIR consider a reasonable range of project alternatives that lessen significant project impacts and meet basic project objectives. In this case, the DEIR fails to satisfy this mandate by not analyzing a "reasonable range" of alternatives because besides the no-project alternatives, the DEIR only actually considers the Reduced Intensity Alternative and Alternative Site 5. Further, Alternative Site 5 would not lessen significant project impacts. Although mentioned in the DEIR, Alternative Sites 1, 2, 3, and 4 were not actually considered as these sites are unavailable since other development is already planned for these sites. Further, any rejection of project alternatives has to be supported by findings supported by substantial evidence and this evidence does not appear in the record. JS-53

Thank you for your consideration.

Sincerely,

Raymond W. Johnson, Esq. AICP
JOHNSON & SEDLACK

Encl: Exh (11)

EXHIBITS

(1) Moreno Valley New Project Maps with Commercial Development Activity, New Housing and Planned New Housing. (Accessed from the City of Moreno Valley website, December 2, 2010).

(2) Moreno Valley Residential Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(3) Moreno Valley Commercial Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(4) Final Environmental Impact Report, Moreno Valley General Plan: 5.8, Agricultural Resources. (July 2006).

(5) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.*

JS-54

(6) Bay Area Air Quality Management District. (December 7, 2009) *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance.*

(7) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 4.0 Construction Noise Criteria and Descriptors.*

(8) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 9.0 Construction Equipment Noise Levels and Ranges.*

(9) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook.*

(10) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects.*

(11) Federal Interagency Committee on Urban Noise. (June 1980) *Guidelines for Considering Noise in Land Use Planning and Control.*

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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

JS-55

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

JS-55 (cont'd)

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

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26785 Camino Seco 12/97- Present
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Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions
26785 Camino Seco 8/94- Present
Temecula, CA 92590
(909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department
Environmental Team 6/91-8/94
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department
General Plan Team 6/91-6/92
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community. JS-55 (cont'd)

San Bernardino County Planning Department
North Desert Regional Planning Team
15505 Civic 6/90-6/91
Victorville, CA
(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting
229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640 2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO
6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.
Lee's Summit, MO
9/78-5/84
Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association
Lee's Summit, Mo.

Project Coordinator
6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

JS-55 (cont'd)

City of Lee's Summit, MO
220 SW Main
Lee's Summit, MO 64063
Community Development Director 4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff
9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800 5/73-4/75
Economist/Planner

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS. JS-55 (cont'd)

JOHNSON & SEDLACK

Letter Dated December 6, 2010

Response JS-1

The City disagrees with the commentor's generalized assertions regarding the adequacy of the Westridge Commerce Center Draft EIR. As detailed in the following responses, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative impacts has been identified within the Draft EIR. As appropriate, additional measures suggested by the commentor have been incorporated to further reduce impacts, but these changes do not alter the conclusions or analysis contained in the DEIR. These mitigation measures, as amended herein, have been carried forward into the Mitigation Monitoring Plan included as Section 4.0 within this Final EIR. Similarly, the commentor's contention that the Project is inconsistent with the City's General Plan is addressed in the following responses.

Response JS-2

This comment incorrectly identifies the "Project Sponsor" as ProLogis. As noted on Draft EIR Page 2-2, the Project proponent is actually Ridge Property Trust. Otherwise, the commentor has accurately summarized the general aspects of the proposed Project and its significant impacts.

Response JS-3

This comment incorrectly infers that the Draft EIR's analysis of cumulative impacts was limited to a limited geographical area surrounding the Project site. In addition to the eleven existing and planned development projects identified in Draft EIR Table 5.1-1 (please refer to Draft EIR Page 5-2), the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be

considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

Affected Draft EIR discussions at Pages 5-1 through 5-25 are revised, as indicated below by **bold underlined text,** providing clarification of considered parameters and geographic scope for each cumulative impact topic.

5.1 CUMULATIVE IMPACT ANALYSIS

CEQA requires that an EIR identify any significant cumulative impacts associated with a project [Guidelines, Section 15130 (a)]. When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." [*CEQA Guidelines*, Section 15355 (a l)]. Thus, a legally adequate cumulative impact analysis is an analysis of a particular project viewed over time and in conjunction with other related past, present and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. CEQA notes that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness [Guidelines, Section 15130 (b)]. Only those projects whose impacts might compound or interrelate with those of the project under consideration require evaluation. CEQA does not require as much detail in the analysis of cumulative environmental impacts as must be provided for the project alone.

The Guidelines identify two basic methods for satisfying the cumulative impacts analysis requirement: the list-of-projects methodology and the summary-of-projections methodology. Because each environmental resource is affected by its surroundings in different

ways, either of the two methodologies, or a combination of both, may be applied to the analysis of cumulative impacts to each resource. For example, because the approval process and construction phase of development typically takes at least one to two years, the list-of-projects method is likely to provide a more accurate projection of growth in the near term. This method may overstate potential cumulative impacts because the considered list-of-projects may include proposals that will never be developed. Similarly, because development proposals are rarely publicly known until within five (5) years of the expected development, the summary-of-projections method provides a more accurate projection of growth over the long term. This method may not accurately predict growth in any given year, but aggregates various growth trends over the long term. Unless otherwise noted, potential cumulative impacts of the Project are considered in the context of known or probable development proposals (related projects) as well as anticipated ambient growth of the City and region.

As noted previously, the Guidelines identify "that only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation." In this regard, it is recognized that within the context of the cumulative impacts analysis, varied criteria are employed in determining the scope and type of "cumulative projects" to be considered. For example, the analysis of cumulative traffic impacts evaluates the Project's traffic impacts in the context of other known or probable development proposals that would discernibly affect traffic conditions within the Traffic Impact Analysis Study Area, though such projects may not affect other environmental considerations.

The manner in which each resource may be affected also dictates the geographic scope of the cumulative impacts analysis. For example, cumulative traffic impacts will typically be localized to the vicinity of a given project site because after a relatively short distance, traffic patterns tend to normalize. Similar considerations factor in evaluating potential cumulative impacts for each of the EIR's environmental topics (Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Water Supply, Hydrology and Water Quality, Cultural Resources, Biological Resources, and Aesthetics).

Unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Potential cumulative impacts of the Project are considered in the context of known or probable development proposals, as well as anticipated generalized ambient growth of the region. As identified at Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" have been identified within the cumulative scope of the Westridge Commerce Center Project. Related projects have been identified in consultation and coordination with the Lead Agency. . . .

. . . It should be noted that, with the exception of specific Project-related traffic, air quality, noise and aesthetic impacts, which are forecast to remain significant and unavoidable even after application of all feasible

mitigation, implementation of the mitigation measures identified in this Draft EIR (found in Table 1.10-1) would reduce impacts to a level that is considered less-than-significant.

5.1.1 DISCUSSION OF CUMULATIVE IMPACTS

Potential cumulative impacts for each topic of environmental concern considered in this EIR and associated Initial Study are discussed below. Assessments of potential cumulative impacts are based on development scenarios and growth projections presented in the City's General Plan, related analyses of cumulative impacts presented in the General Plan EIR, as well as potential cumulative effects of the previously-identified related projects.

5.1.1.1 Cumulative Impacts Related to Land Use and Planning

The cumulative impact area when considering potential cumulative land use and planning issues generally includes areas that are currently, or are anticipated to be, subject to provisions of the City General Plan and Zoning Ordinance. These areas include the currently incorporated areas of the City of Moreno Valley and unincorporated areas of the County of Riverside lying within the City's Sphere of Influence.

Implementation of the Westridge Commerce Center Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. It is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area. . . .

5.1.1.2 Cumulative Impacts Related to Traffic and Circulation

The cumulative impact area for traffic circulation impacts is generally defined by the Traffic Impact Study Area as detailed within the Project

Traffic Impact Analysis (EIR Appendix B). This Area includes, but is not limited to potentially affected roadways and intersections within the City of Moreno Valley, and also considers all potentially affected Caltrans and Congestion Management Program facilities.

Project-Specific Impacts Are Reduced To Levels That Are Less-Than-Significant

Project-specific traffic impacts are addressed through implementation of on-site improvements and mitigation to be completed prior to issuance of the first Certificate of Occupancy for the Project. . . .

5.1.1.3 Cumulative Impacts Related to Air Quality

The cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of jurisdictional air quality management agency, in this case, the South Coast Air Basin (SCAB) and the South Coast Air Quality Management District (SCAQMD) respectively. Project emissions within the context of SCAQMD's regional emissions thresholds provide an indicator of potential cumulative impacts within the jurisdictional Air Basin. Impacts to air quality from cumulative projects may occur within the entire Air Basin. Due to the defining geographic and meteorological characteristics of the Air Basin, criteria pollutant emissions that would potentially cumulatively impact air quality would be, for practical purposes, restricted to the Air Basin. Accordingly, the Basin geographic area is the appropriate limit for this cumulative Air Quality analysis. Cumulative localized impacts for pollutants are also considered, and reflect Project air pollutant emissions in the context of ambient air quality conditions more immediate to the Project site.

Global Climate Change impacts are by definition, cumulative and global in scope.

Construction-Source Pollutant Emissions

EIR Section 4.3, "Air Quality," and EIR Appendix C address potential air quality impacts of the Project. As discussed, even after compliance with all rules and regulations, Project-related construction activities will temporarily result in exceedances of applicable SCAQMD regional thresholds for VOC and NOx. . . .

5.1.1.4 Cumulative Impacts Related to Noise

The cumulative impact area for noise considerations is generally defined as surrounding properties that could receive Project-generated noise (either construction or operational), and would also include roadway corridors affected by Project-related traffic and associated vehicular noise (existing EIR discussion at Page 5-14).

5.1.1.5 Cumulative Impacts Related to Water Supply

The cumulative impact area for water is the Eastern Municipal Water District (EMWD) service area and encompassing Metropolitan Water District (MWD) jurisdiction. Water supply issues germane to the Project including cumulative water supply impacts are comprehensively addressed within The Project Water Supply Assessment, (Eastern Municipal Water District) June 4, 2008. The Project Water Supply Assessment is presented at Draft EIR Appendix E.

As discussed in Draft EIR Section 4.5, potential cumulative impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. . . .

5.1.1.6 Cumulative Impacts Related to Hydrology and Water Quality

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB), in this case the Santa Ana Regional Water Quality Control Board. Local oversight is also provided by the City of Moreno Valley and Riverside County.

Potential hydrology and water quality impacts of the Project are addressed in EIR Section 4.6, "Hydrology and Water Quality." As discussed in the EIR, Project-related storm water management will be realized through a system of on-site detention basins and controlled release of storm waters to existing and proposed drainage facilities. . . .

5.1.1.7 Cumulative Impacts Related to Cultural Resources

The cumulative impact area for prehistoric, archaeological, and historic resources is the Perris Plain/Perris Valley area (including the Cities of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within the Perris Plain/Perris Valley area would be site-specific. In the event that similar resources are encountered at any other project sites, specific mitigation measures would be applied before development could proceed.

As discussed in Draft EIR Section 4.7, potential impacts to cultural resources are determined to be less-than-significant as mitigated. . . .

5.1.1.8 Cumulative Impacts Related to Biological Resources

The cumulative impact areas for biological resources are generally defined by available habitat, species' range(s), physical constraints, and other

limiting factors as discussed within the Project Biological Resources Assessment, Draft EIR Appendix G (existing discussion at EIR Page 5-20).

5.1.1.9 Cumulative Impacts Related to Aesthetics

The cumulative impact area for aesthetic impact considerations is generally defined as the city of Moreno Valley General Plan Area. More specific to the Project, cumulative impacts of concern are impacts to views and viewsheds along SR-60 in the Project vicinity.

As presented in EIR Section 4.9, "Aesthetics," new industrial uses proposed by the Project will substantially alter the existing visual sense of the subject property, which is currently a vacant site. . . .

Related development proposals that would potentially interact with Project traffic are summarized in the Draft EIR (Draft EIR at Page 4.2-16) and identified graphically at TIA Exhibit 5-11. The developments referenced by the commentor, including the Moreno Highlands Specific Plan (adopted in 1992), the Aqua Bella Specific Plan (adopted in 2005), and Centerpointe Business Park Project (approved in 2006) are reflected in the City's most recent General Plan Amendment, which was adopted in 2006. Traffic generated by these projects is modeled in traffic planning estimates and projections of the Moreno Valley General Plan buildout condition. As clarified previously in these responses, unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Response JS-4

The Draft EIR addresses the Project's consistency with applicable General Plan goals, objectives and policies for each topic of analysis (please refer to Draft EIR Land Use Table 4.1-1 on Pages 4.1-18 through 4.1-20; Traffic and Circulation Table 4.2-8 on Pages 4.2-23 and 4.2-24; Air Quality Table 4.3-4 on Page 4.3-18; Noise Table 4.4-3 on Pages 4.4-10 and 4.4-11; Water Supply Table 4.5-10 on Pages 4.5-24 and 4.5-25; Hydrology and Water Quality Table 4.6-2 on Pages 4.6-13 and 4.6.14; Cultural Resources Table 4.7-1 on Page 4.7-10; Biological Resources Table 4.8-1 on Pages 4.8-11 and 4.8-12; and Aesthetics Table 4.9-1 on Pages 4.9-5 through 4.9-7).

The commentor asserts that "the Project has numerous significant and unavoidable impacts to the safety, health, and well-being of residents throughout Moreno Valley." The Project's significant and unavoidable impacts have been identified as follows: cumulative traffic impacts affecting levels of service at certain intersections, roadway segments and freeway mainline segments; individual and cumulative short-term construction source exceedance of localized air quality thresholds for particulates (PM_{10} and $PM_{2.5}$); individual and cumulative long-term operational emissions exceedances for ozone precursors (VOC and NOx); individual and cumulative short-term construction noise impacts; and individual and cumulative aesthetic impacts related to changes to scenic vistas.

The Draft EIR acknowledges that increased air emissions could affect the health of area residents (please refer to Draft EIR Section 4.3, pages 4.3-4 through 4.3-10 *et al.*). The Draft EIR further acknowledges that the Project's temporary exceedance of the South Coast Air Quality Management District's Localized Significance Thresholds (LSTs) represents a potentially significant impact to sensitive receptors in the Project vicinity for the duration of Project construction. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely undeveloped. All other

study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. Additionally, the Draft EIR included a Health Risk Assessment which was prepared in order to specifically address potential health risks that could result from exposure to Project-generated Diesel Particulate Matter (DPM). No health risks related to DPM were identified, and potential impacts in this regard were found to be less-than-significant (please refer to Draft EIR pages 4.3-79 to 4.3-86).

Similarly, the potential for long-term increases in noise generation to lead to health impacts are acknowledged in the Draft EIR (please refer to Draft EIR pages 4.4-3 through 4.4-4, *et al*. However, the Draft EIR identified no long-term exceedances of existing noise standards due to Project operations (please refer to Draft EIR pages 4.4-21 through 4.4-26). The significant noise impacts identified in the Draft EIR were the result of Project construction activities, and as such, would be temporary and intermittent.

The Project will implement all feasible mitigation as summarized at revised Table 1.10-1. Notwithstanding, significant impacts are anticipated to occur from Project construction and/or operations. These significant impacts are summarized at EIR Table 1.8-1 (Draft EIR Pages 1.1-17 through 1.1-20). CEQA does not prohibit the Lead Agency from approving a project with significant impacts. As provided for under CEQA Section 15093 subd. (a):

> (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits,

> of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable. General Plan goal, objective, and policies cited by the commentor are provided in their entirety in the following table, along with a discussion of the Project's consistency with each of these provisions.

Goal/Objective/Policy	Project Consistency
Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.	**Consistent**. The Project is permitted under the site's current General Plan Land Use Designation, reflecting consistency with the City's goal to establish an organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population. The Project establishes contemporary industrial facilities. As noted at EIR Page 3-5, "[f]inal designs of the Project building will be realized consistent with industrial design requirements and standards identified under Municipal Code Section 9.05.040, "Industrial Site Development Standards." Site plan and design concepts are articulated at EIR Section 3.0, Project Description. Moreover, the Project is required to comply with Development Plan Review provisions established within City of Moreno Valley Municipal Code Section 9.02.030. The Project will contribute to a functional balance by affecting the City's economic base through increased property tax revenues based on improvement of the vacant site. The Project proposes new industrial development within the City, and will create additional job opportunities (temporary construction jobs and as well as permanent warehouse staff and management positions)anticipated to be filled from local employment pools. At buildout, the Project is anticipated to generate up to approximately 900 permanent jobs.
Objective 2.13: Coordinate development activity with the provision of public infrastructure and services to eliminate possible gaps in service provision.	**Consistent.** The Project will provide all necessary infrastructure improvements to ensure safe and efficient operations. As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. Please refer also to the discussion of Project infrastructure presented at Draft EIR Pages 3-21 through 3-23. The Project will also be responsible for providing on-site and off-site roadway infrastructure improvements, prior to the issuance of occupancy permits, as presented at Draft EIR pages 3-7 and 3-8.

Goal/Objective/Policy	Project Consistency
Policy 2.10.14: Preserve or relocate existing mature trees and vegetation where practical. Mature trees shall be replaced when they cannot be preserved or relocated.	**Consistent.** The Project design concept as well as programmed Caltrans improvements to adjacent SR-60 would require elimination of certain mature pine trees existing along the existing northerly boundary of the subject property. That is, these trees will be displaced by Project and Caltrans improvements, and cannot be maintained in place. As discussed at Draft EIR Page 4.9-19, the Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements.
Policy 2.13.1: Limit the amount of development to that which can be adequately served by public services and facilities, based upon current information concerning the capability of public services and facilities.	**Consistent.** As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. The Project's potential to result in Projects-specific impacts due to insufficient roadway infrastructure have been addressed within the Draft EIR (Section 4.3, "Traffic and Circulation," Mitigation Measures 4.2.1, 4.2.2), and are identifies as less-than-significant as mitigated.
Policy 2.13.3: It shall be the ultimate responsibility of the sponsor of a development project to assure that all necessary infrastructure improvements (including system wide improvements) needed to support project development are available at the time that they are needed.	

It is acknowledged that not every provision of the General Plan was addressed within the Westridge Draft EIR; however, the Lead Agency disagrees with the commentor's assertion that the Draft EIR is thus inconsistent with the General Plan. The results and conclusions of the Draft EIR are not affected.

Response JS-5

The commentor correctly notes that the Draft EIR identifies potential impacts regarding the conversion of farmland to non-agricultural uses to be a less-than-significant impact. However, the comment misconstrues the findings of the City's General Plan in regard

to this issue. As referenced in the discussion of Agricultural Resources analysis from the Moreno Valley General Plan Final Program EIR, which was attached to the commentor's letter and identified by the commentor as "Exhibit 4," and has been included in Appendix A of this Final EIR), the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. The Project land uses are consistent land uses reflected in the General Plan, and the Project would not result in impacts to farmlands differing substantively from those considered and evaluated in the GPEIR.

Moreover, relevant CEQA threshold considerations address lands defined as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Significance." In the case of the Project, the subject site does not qualify as any of these.[8] The mitigation measures identified by the commentor are unnecessary. The results and conclusions of the Draft EIR are not affected.

Response JS-6

This comment is unclear about the nature of the significant impact that will result should the Project's proposed zone change and Municipal Code amendment be

[8]State of California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program Riverside County Important Farmland 2008 (Sheet 1 of 3) identifies the Project site as "Farmland of Local Importance."

adopted. The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23. Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.
>
> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as required to fully mitigate any

potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties (Draft EIR Pages 4.1-22, 23).

The Draft EIR adequately and appropriately considers all potential land use and planning impacts, consistent with the methods set forth in the CEQA Guidelines. To these ends, the Draft EIR considers all pertinent land use plans, policies, regulations. There is no substantiation or indication that the Project would result in or cause potential interference with animal keeping on nearby properties. The Draft EIR acknowledges that "development of the Project would result in a permanent change to the perceived rural character of the Project area" (Draft EIR Page 5-5). Moreover, zone changes and amendments to the municipal code do not trigger any of the thresholds of significance under CEQA Guidelines Appendix G.

However, this change is consistent with the existing General Plan designation for the Project site. Further, potential effects on adjacent land uses are minimized by the 250-foot buffer area that would be provided by the Municipal Code amendment referenced above.

With approval of the Project's requested zone change and requested Municipal Code amendment to establish objective standards for the development of Light Industrial uses adjacent to residentially-zoned property, the Project's potential to result in significant land use impacts was determined to be less-than-significant. The results and conclusions of the Draft EIR are not affected.

Response JS-7

Despite the commentor's assertions to the contrary, the Project's air quality analysis does account for construction worker travel to and from the site. As noted in the Draft EIR (Page 4.3-56), "[c]onstruction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips are also accounted for within the

Project construction emissions modeling." Worker trips for all construction phases are clearly identified and accounted for in the air quality modeling (see URBEMIS construction emission modeling data in Draft EIR Appendix C. Specifically, please refer to Appendix A of the Project Air Quality Impact Analysis). No indication of zero VMT for construction workers is found. The results and conclusions of the EIR are not affected.

Response JS-8

The commentor states that "all feasible mitigation measures were not adopted . . . and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur." The commentor requests Mitigation Measure 4.3.4 to specifically include zero VOC applications for all "paints, coatings, and solvents."

Draft EIR Mitigation Measure 4.3.4 serves as a formal restatement a of SCAQMD rules. As noted in the Draft EIR (Page 4.3-61), "[i]n order to facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as mitigation measures, and shall be incorporated in all Project plans, specifications and contract documents." Complementing SCAQMD rule compliance, the Draft EIR incorporates additional requirements as mitigation measures. "Additional mitigation required of the Project is identified below, and shall be incorporated in all Project plans, specifications and contract documents." (Draft EIR Page 4.3-62) Mitigation Measure 4.3.8 currently requires Zero VOC paint applications. In response to the commentor's suggestion, Mitigation Measure 4.3.7 is amended to read as follows:

> ~~*Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications*~~***"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113. The Project shall surpass Rule 1113 minimum requirements through specification that VOC content shall not exceed 150 grams/liter; 1.25 pounds/gallon. High Pressure Low Volume***

(HPLV) applications of paints, coatings, and solvents shall be *consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Other than suggested language modification of SCAQMD rules, the commentor offers no new or revised mitigation for consideration here. Absent specific suggestions or requested revisions, further response in this regard is not possible. The conclusions of the EIR are not affected.

Response JS-9

The commentor appears to misinterpret Air Quality modeling protocols and outputs, stating that " . . . [i]n recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions by approximately 44%. Yet, Mitigation Measure 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. Mitigation Measure 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%."

To clarify, Mitigation Measure 4.3.1 is a formal restatement of SCAQMD Rule 403 provisions. URBEMIS modeling of the Rule application yields a 44 percent reduction in PM_{10} emissions. As suggested by the commentor, additional language specifying on-site speed controls is added to Mitigation Measure 4.3.1:

- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project***

site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-10

The commentor suggests explicit notation indicating required use of available electrical power during construction activities. In response to the commentor's suggestion, Mitigation Measure 4.3.6 is amended as follows:

> *4.3.6 During Project construction, existing electrical power sources (e.g., power takeoffs from existing or temporary power poles) shall be ~~provided for~~* ***utilized to*** *power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-11

Please note that introductory language included prior to the introduction of construction-source emissions mitigation measures states: *"To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.4 below, and shall be incorporated in all Project plans, specifications and contract documents."*

Existing Mitigation Measure 4.3.2, which read, "[t]he contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper

tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law)"is deleted and replaced with the following:

> ***4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).***

Response JS-12

The commentor states that "[t]he air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas 'quickly' should be adopted." In fact, this statement does not appear to be included in the Project Air Quality Analysis. The mitigation input calling for the Project to replace ground cover in disturbed areas quickly is, however, a parameter reflected in the URBEMIS modeling output. Revised Mitigation Measure 4.3.1 is amended to reflect this specific parameter:

- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-13

The commentor notes that an estimated disturbance area of 13.66 acres per day is reflected in the Air Quality modeling. The commentor suggests that a mitigation measure be included limiting site disturbance to less than 13.66 acres per day. The estimated disturbance of 13.66 acres per day (approximately one-quarter of the Project site) likely overstates actual disturbance and is employed for emissions modeling purposes and to develop mitigation addressing the likely maximum impact scenario. To assume or propose unrealistically limited grading of the site is contrary to CEQA disclosure mandates. Further, due to daily limits on grading, there would be incrementally increased impacts due to extended periods of fugitive dust, extended exposure to construction noise, and extended traffic disturbance. The commentor is referred to EIR Section 5.2.2.1, "Extended Construction Alternative Considered and Rejected," which specifically considers and rejects limited grading of the Project site. To ensure consistency with URBEMIS modeling assumptions, new Mitigation Measure 4.3.1 is revised to include the following specification:

- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-14

The commentor proposes numerous additional measures (following) as means to reduce Project-related construction-source emissions air quality impacts. Each of these measures is evaluated in the table which follows. Measures offered by the commentor are not required in order to achieve the level(s) of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed

measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

As detailed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to the following text from the Draft EIR:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation (Draft EIR Page 4-2).

It is further noted that in some instances, the commentor proposes additional operational emission measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the purchase of NOx credits from a qualified broker to offset construction-related air quality impacts.	**Infeasible.** NOx emissions credits are generally applied toward operational emissions at major source facilities (e.g., refineries, power plants, etc.). NOx emissions credits are not commonly used to address short-term construction emissions. It would be impractical to purchase offsets for the Project's construction impacts since the actual amount of construction emissions set forth in the Draft EIR represent an overestimation of actual emissions (i.e., the Air Quality Analysis assumes all construction equipment is operating eight hours per day as a "worst-case" scenario), and because the actual Project construction schedule (duration) is not known with a great deal of certainty and is subject to change based on availability of contractors, equipment, materials, etc. Further, any emission reduction credits would not result in any reduction to construction emissions on-site or in the immediate vicinity of the Project. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4. Complete all roadways, driveways, sidewalks, etc. as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.	**Incorporated** at revised Mitigation Measure 4.3.1, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. Pave all roads on construction sites as soon as technically possible.	**Infeasible.** It is infeasible and ineffective to pave roads within construction sites or at construction site access points. Such pavement is destroyed in the process of construction and/or is in perpetual state of disrepair. Paving temporary roads within construction areas unnecessarily increases VOC generation, with little or no discernible reduction in other air pollutant emissions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
6. Limit fugitive dust sources to 20 percent opacity.	**Replicates existing requirements.** Please refer to SCAQMD Rule 403.
7. The contractor or builder shall designate a person or person(s) to monitor the dust control program and	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
to order increased watering, as necessary, to prevent transport of dust offsite.	
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Require high pressure injectors on diesel construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Restrict engine size of construction equipment to the minimum practical size.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Use electric construction equipment where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
12. Substitute gasoline-powered for diesel powered construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane or biodiesel.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Implement activity management techniques including: a) development of construction management plan to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.	**Not required, counterproductive.** Construction contractor(s) employ techniques and procedures so as to provide for the most efficient operation of their construction activities. No demonstrated or suggested nexus between the suggested measures and project impacts. The commentor indicates further that this measure would reduce greenhouse gas emissions; however, none of the measures would demonstrably reduce total greenhouse gas emissions. As also discussed in these responses, measures acting to prolong construction (e.g., restricted use of equipment, limitation of the length of construction work-day period; phasing of construction activities) tend to increase rather than decrease environmental impacts due to extended and periods of disturbance.
15. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
16. Use electricity from power poles rather than temporary diesel power generators.	**Replicates existing requirements.** This requirement is currently reflected at EIR Mitigation Measure 4.3.6, presented , in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South

Suggested Measure	Response
formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	Coast Air Quality Management (District representatives James Koizumi and Steve Smith) confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ride-sharing program for the construction crew has been encouraged and will be supported by contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
20. Provide shuttle service to food service establishments/commercial areas.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
21. Provide shuttle service to transit stations/multimodal stations.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
22. Utilize only CARB certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
23. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan.".

Suggested Measure	Response
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.	**Infeasible, counterproductive.** Extending the grading schedule would (1) increase the Project's grading costs; (2) hinder effective management, organizing, and scheduling of construction tasks; and (3) result in adverse environmental trade-offs as a result of prolonged disturbance in the Project area, including but not limited to: extended periods of increased noise levels; prolonged generation of fugitive dust and VOCs; increased erosion exposure and associated water quality issues; and additional traffic disturbances associated with on-site construction activities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Response JS-15

The commentor states: "[t]he Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930). This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts."

It appears that the commentor has incorrectly interpreted and applied default URBEMIS values. SCAQMD does not typically conduct project-level URBEMIS modeling for other than their own projects. Moreover, default values are just that, the "default" condition. Changes to default values are appropriate when specific Project attributes or operational characteristics are known, as is the case for the Project. In this regard, the Air Quality analysis specifically recognizes vehicle types and trip generation characteristics of the Project. Known vehicle trip generation characteristics provide a more accurate assessment of Project vehicular-source emissions impacts than does application of default URBEMIS values.

The commentor appears to misinterpret and misapply vehicle trip generation characteristics and their use in developing estimated air pollutant emissions impacts vis-à-vis use of trip generation estimates for the purposes of traffic modeling. More specifically, as noted in the Project Air Quality Analysis, Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. The Project related operational air quality impact centers primarily on the approximate 1,585 net vehicle trips generated by the Project (at project buildout). Trip characteristics available from the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009, included in Draft EIR Appendix B) were utilized in this analysis. It should be noted that the Project's traffic study presents the total Project vehicle trips in terms of Passenger Car Equivalents, or PCEs (the 2,930 PCE value cited by the commentor) in an effort to recognize and acknowledge the effects of heavy vehicles at the study area intersections. For purpose of the air quality study, emissions were calculated based on the type of vehicle (e.g., passenger cars and trucks) a more detailed discussion of how the actual number of vehicles were programmed into the model is presented in Draft EIR Appendix C. Specifically, page 37 of the Project Air Quality Analysis refers to its own Appendix B for review. Parallel information is provided in the Draft EIR, and reprinted below for ease of reference.

> 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and

> acknowledging physical size differences in vehicles and related effects on roadways and at intersections (Draft EIR Page 4.2-19).

Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. Assessment of the Project's operational air quality impact centers primarily on the approximately 1,585 net vehicle trips generated by the Project (or, the arithmetic sum of truck and passenger vehicle trips). Trip generation characteristics for the Project are presented in Draft EIR Appendix B, the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009). The results and conclusions of the Draft EIR are not affected.

Response JS-16

The commentor notes discrepancies between the Draft EIR text and the Air Quality Study regarding vehicle trip length and vehicle speed employed in the LST analysis. Notwithstanding, the quantified LST emissions impacts reported in the Draft EIR (Table 4.3-12) are consistent with the LST values presented in the Air Quality Analysis (Table 4-5). The typographic error at Draft EIR Page 4.3-68 is corrected (below) consistent with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

These corrections have been incorporated in Final EIR Section 2.0, "Revisions and Errata." The results and conclusions of the Draft EIR are not affected.

Response JS-17

The commentor provides opinions regarding the efficacy of mitigation proposed as means of reducing Project operational NOx and VOC emissions. It is important to note that substantially all of the estimated NOx emissions are from mobile sources – principally vehicle exhaust, and vehicle tail pipe source emissions are regulated by CARB and USEPA. The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility.

In addition, the Project is compliant with the SCAQMD's attainment plans, as the use of the site for industrial purposes was included in the previous SCAQMD's ozone and PM attainment plans. The Project implements all feasible mitigation measures and complies with all applicable CARB and SCAQMD Rules directed toward reduction of NOx and VOC emissions. The Lead Agency will however, adopt and implement EIR mitigation measures that minimize vehicle emissions generated on-site and by employees, but those vehicle miles are minor compared with the total vehicle miles used in the studies; and further, URBEMIS does not account for any reductions for those measures.

The Draft EIR clearly states that even with application of proposed mitigation, Project operational NOx and VOC emissions will exceed applicable SCAQMD regional thresholds. Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging Project exceedances for operational-source NOx and VOC emissions.

Response JS-18

The commentor arbitrarily suggests a 30 percent increase in energy efficiency beyond the requirements provided under Title 24 Building Energy Efficiency Standards, inferring a somehow substantial resultant decrease in NOx emissions. Consistent with the provisions of Executive Order, S-20-04 (CA 2004),which sets a goal of reducing energy use in public and private buildings by 20 percent by 2015 (as compared with

2003 levels), the Project will achieve a minimum 20 percent increase in building efficiencies beyond Title 24 requirements (please refer to Mitigation Measure 4.3.11).

As noted previously, the predominance of Project operational NOx emissions are vehicle-generated, and beyond the control of the Applicant or Lead Agency. Any reduction in NOx emissions resulting from increased building/facility energy efficiencies would be, at best, nominal. Even assuming "zero" NOx emissions from building/area sources, NOx emissions would be reduced by approximately 0.09 to 0.11 percent (0.0009 to 0.0011), and would still exceed applicable SCAQMD regional thresholds. No additional Title 24 enhancements are proposed, nor are any required. Results and conclusions of the EIR are not affected.

Response JS-19

The commentor proposes numerous additional measures as a means to reduce Project-related operational-source air quality impacts. Each of these measures is evaluated in the Table which follows. While the suggested measures may in part act to generally reduce Project impacts, none of the measures are required in order to achieve the levels of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

With specific regard to proposed measures targeting GHG emissions reductions, arguably, the proposed measures may prove of little net benefit, while imposing significant cost and economic burdens. Case studies have indicated that GHG measures implemented to date have yielded marginal benefits when compared to economic costs. Moreover, premature implementation of unproven measures would be detrimental by diverting resources that could be made available to other, more effective strategies. Please refer also to the attached: *The AB 32 Challenge: Reducing*

California's Greenhouse Gas Emissions (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008.

As discussed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to Draft EIR Page 4-2:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation. . . .

It is further noted that in some instances, the commentor proposes additional measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent, that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the utilization of zero VOC paint, coatings and solvents.	**Incorporated.** This requirement is reflected at EIR Mitigation Measure 4.3.7, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan." Mitigation Measure language has been revised as suggested by SCAQMD.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.	**Infeasible.** Please refer to Response JS-14, item No. 1.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become a SmartWay partner.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4.The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90%of all long haul trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
7. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South Coast Air Quality Management District representatives James Koizumi and Steve Smith confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Require each user to establish a carpool/vanpool program.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Provide on-site child care or contribute to off-site child care within walking distance.	**Infeasible, counterproductive.** Childcare facilities are not compatible with the proposed industrial warehouse uses. Moreover, there is no demonstrated nexus with Project-related operational emissions impacts requiring or suggesting implementation of childcare facilities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
12. Provide preferential parking for carpool/vanpool vehicles.	**Replicates existing requirements.** Preferential parking for carpools/vanpools is currently required pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Provide secure, weather-protected bicycle parking for employees.	**Incorporated** at revised EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Provide direct, safe bicycle access to adjacent bicycle routes.	**Replicates existing requirements.** Direct, safe bicycle access is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
15. Provide showers and lockers for employees bicycling or walking to work.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
16. Short-term bicycle parking for retail customers and other non-commute trips.	**Replicates existing requirements.** The Project does not propose retail uses. Bicycle parking is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Connect bicycle lanes/paths to city-wide network.	**Replicates existing requirements.** Bicycle path connections are currently provided pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
18. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.	**Infeasible, counterproductive.** No transit stops exist proximate to the Project site such that building orientation would have any material effect on use of, or access to transit. Elimination of building setbacks as suggested would increase potential air quality, noise and visual impacts when compared to the Project as proposed. The suggested measure is not germane to the Project, and is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
19. Prohibit idling of trucks for periods extending three minutes.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.11 currently prohibits the idling of trucks for more than three (3) minutes.
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.	**Not required per Responsible Agency.** Riverside Transit Agency (RTA) provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. The Lead Agency has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project.
21. Provide shuttle service to food service establishments/commercial areas.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
22. Provide shuttle service to transit stations/multimodal centers.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
23. Implement parking fee for single-occupancy vehicle commuters.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
24. Implement parking cash-out program for non-driving employees.	**Not applicable.** In that there is no current or proposed parking subsidy, there is no available parking "cash out" resource or mechanism. As noted herein, other tenable incentives are provided as means of reducing vehicle trips.

Suggested Measure	Response
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.	**Replicates existing requirements.** The site is not currently provided transit service, nor is pedestrian access to the nearest transit stop possible at this time. Pursuant to the requirements of the City's Master Plan of Trails, the Project will dedicate and construct an 11-foot wide community trail segment along the southerly Project boundary, on the north side of Fir Avenue (future Eucalyptus Avenue). Upon development of the adjacent parcel(s), the trail is planned to continue off-site to the east and to the west, as part of the future Quincy Channel overcrossing.
26. Implement a compressed workweek schedule where feasible.	**Incorporated** at revised Mitigation Measure 4.3.13.
27. Provide electrical vehicle (EV) and compressed natural gas (CN) vehicles in vehicle fleets.	**Incorporated** at revised Mitigation Measure 4.3.13.
28. Install EV charging facilities for a minimum of 10% of all parking spaces.	**Infeasible.** The Project will provide, at minimum, two EV charging stations, as required by Mitigation Measure 4.3.13. There is no demonstrable evidence that installation of additional EV charging facilities would substantially reduce or eliminate the Project's operational emissions because chargeable electric vehicles represent a small percentage of vehicles on the road. Moreover, on a regional basis, increased power demands at electrical outlets/EV charging stations tend to increase power plant emissions, acting to offset any potential emissions reductions from individual sources such as motor vehicles. Further, it is noted that next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Suggested Measure	Response
29. Install a CNG fueling facility.	**Infeasible.** As noted above, next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. Further, for CNG fuel to be a reasonable alternative to diesel fuel for the logistics industry, a reasonable distribution network must be in place so that drivers can be assured that they can re-fuel when making deliveries across the region. No such distribution system is presently in place nor is one likely to be developed in the near future. The installation of a stand-alone CNG fueling facility at this location would provide no benefit because no reasonable distribution system is in place. CNG-fueled vehicles have been found to be most useful for limited range, closed-circuit usage such as municipal fleets (refuse collection, city vehicles, and buses), taxi fleets, and local delivery services. Lastly, as with the commentor's suggestion for EV facilities, the installation of a CNG fueling facility is unlikely to substantially reduce or eliminate the Project's operational emissions because CNG vehicles represent a small percentage of vehicles on the road. Furthermore, the Draft EIR has not evaluated the potential environmental impacts related to the construction and operation of a CNG fueling facility. A Lead Agency is under no obligation to impose Mitigation Measures that in and of themselves may constitute a new "project" for purposes of CEQA. (See e.g., *Concerned Citizens of South Central L.A. v. Los Angeles Unified School District*, 24 Cal.App.4th, 826 (1994)). The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
30. Provide preferential parking locations for EVs and CNG vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
31. Utilize electrical equipment for landscape maintenance.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
32. Utilize only CARB-certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
33. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.	**Replicates existing requirements.** Please refer to City of Moreno Valley Municipal Code 9.17.050 (D) (3).
36. Utilize low pressure sodium fixtures for exterior lighting, including parking lots.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655 which requires that all outdoor lighting within the Project area will be provided by low-pressure sodium hooded lights.
37. Utilize electric yard trucks.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
38. All buildings shall be constructed to LEED Platinum standards.	**Not required, no nexus with significant impacts.** As discussed on Pages 3-18 and 5-79 of the Draft EIR, the Project, as a whole, will be developed as a LEED-certified facility. LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). Additionally, the LEED rating system is not the appropriate standard for determining building efficiency. The California Title 24 Building Energy Efficiency Standards are the appropriate baseline. As set forth in the Draft EIR, the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards. There is no requirement for LEED certification as mitigation of Project impacts. While LEED-certified facilities may tend to reduce various environmental effects, LEED certification is a voluntary exercise to be pursued by the Applicant outside of and independent of CEQA mandates.
39. The operator shall meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics.

Suggested Measure	Response
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project vehicular emissions through use of photovoltaics.
43. The operator shall purchase only green power.	**Infeasible, not required, no nexus with significant impacts.** Power to the Project will be provided from the locally available electrical grid. The term "green power" is undefined, and moreover the Lead Agency has no practical way to require that power be provided from specified sources, "green" or otherwise. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible. There is no requirement or demonstrated nexus requiring the Project to "purchase only 'green power'."

Results and conclusion of the Draft EIR are not affected.

Response JS-20

The commentor appears to misinterpret analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the analysis concludes that the Project ***will*** *[emphasis added]* have a significant effect on the environment.

To further clarify, germane suggested CEQA Guidelines topical questions include:

> Would the project:
> a) Generate greenhouse gas emissions, either directly or indirectly, that ***may*** *[emphasis added]* have a significant impact on the environment?

In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts

[beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see *Climate Change Analysis*, Page 42).

The commentor states that the finding of "less-than-significant" Project GCC impacts is based on non-exceedance of (draft) CARB and SCAQMD GHG emissions thresholds. Though this is the case, the GCC Study clearly states that these thresholds are not applicable to the Project:

> CARB's Draft Threshold Of Significance For Industrial Projects Has Not Been Finalized And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 40).
>
> SCAQMD's Adopted GHG Threshold Applies Only To Projects Where It Is The Lead Agency And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 41).

As discussed in the *Climate Change Analysis*, there are no adopted quantitative GHG emissions thresholds applicable to the Project. Absent such quantified thresholds, the CARB and SCAQMD GHG emissions standards nonetheless provide an indication of current policies and strategic approaches employed in evaluating and addressing GHG emissions and potential GCC impacts, and may portend similar future statewide, regional, and/or local quantified thresholds. The clearly stated threshold considerations applicable to the Project are:

1. Would the proposed project generate GHG that may have a cumulatively significant impact on the environment; and

2. Would the proposed project conflict with GHG reduction measures identified in CARB's AB 32 Scoping Plan.

As concluded in the *Climate Change Analysis*, the answer to both of the preceding questions is "no," yielding the conclusion that the Project GCC impacts are less-than-significant. Moreover, as also discussed in the *Climate Change Analysis*, Project GHG emissions would not exceed either CARB or SCAQMD GHG emissions thresholds, further supporting the conclusion that the Project GCC impacts are less-than-significant. As a matter of clarification, the abbreviated conclusion presented at Draft EIR Page 4.3-94 is expanded/revised as follows:

> ~~Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less than significant.~~ **As noted in the preceding discussions, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.**
>
> **In evaluating the potential global climate change impacts of the Project, every attempt has been made to accurately and comprehensively quantify the greenhouse gas emissions associated with the Project. However, a number of inherent limitations are unavoidable in compiling or estimating project-level GHG emissions. Among these limitations, the use of models that measure overall emissions increases without accounting for existing emissions tend to substantially overstate the GHG emissions impacts of a new development projects. This makes an accurate analysis of GHG emissions substantially different from other air quality impacts, where the "addition" of redistributed emissions can make a substantial difference to overall air quality. Notably, not all the vehicular trips that result from the Project will be "new" vehicle trips, but that a majority of these trips already occur elsewhere, and currently generate GHG**

emissions within a global context. For example, the Project will not create entirely new truck trips (globally). However, implementation of the Project would establish a new destination point for trucks already utilizing the area roadway system. Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory.

The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is inferred by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Based on the preceding discussions and supporting analysis provided in the Project Global Climate Change Analysis included at EIR Appendix C, the Project's potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment is less-than-significant.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-21

The commentor reiterates the Draft EIR discussion that the CARB and SCAQMD GHG emissions thresholds consider only non-transportation sources. To clarify, the thresholds address all stationary GHG sources, but do not include mobile sources. To a certain extent this limitation on threshold considerations reflect the previously noted limitations involved in attempting to estimate "new" emissions associated with vehicle trips to/from new facilities. Nonetheless, the thresholds and their interpretation and application are correct as stated in the EIR and Project *Climate Change Analysis* (included at EIR Appendix C).

Contrary to the commentor's assertion, the *Climate Change Analysis* is not "deeply flawed" through an omission of mobile-source GHG emissions. Mobile-source emissions are clearly identified and quantified at *Climate Change Analysis,* Page 45, Table 2-4 (27,858.08metric tonsCO2E) and at Draft EIR Table 4.3-18 (Page 4.3-92). Mobile source emissions are not however, by CARB and SCAQMD-defined thresholds, utilized by those agencies in determining GHG emissions significance for their facilities. Project facilities emissions of GHG would not exceed GHG thresholds established by CARB and SCAQMD for their facilities. As noted above, this fact is considered within the entirety of the Climate Change Analysis, and in evaluating the Project's potential GCC impact significance, which is, as correctly concluded in the EIR, less-than-significant.

Response JS-22

The commentor reiterates incorrect calculation and interpretation of Project vehicle trip generation. Please refer to Responses JS-15, JS-20, and JS-21. Results and conclusions of the EIR are not affected.

Response JS-23

The commentor states that "[t]he GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project." This

opinion, along with the commentor's related statements and conclusions, are addressed in preceding Responses JS-15, JS-20 and JS-21, which provide clarification regarding mobile-source GHG emissions evaluated and addressed in the EIR. The Draft EIR analyzes both the mobile and stationary GHG emissions associated with the Project. The EIR analysis conservatively does not assume mere redistribution of existing GHG emissions, particularly with regard to vehicle emissions when considered in a global context. Results and conclusions of the EIR are not affected.

Response JS-24

The commentor provides opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable. Commentor opinions and statements are forwarded to the decision-makers for their consideration.

Contrary to commentor opinions and statements, in point of fact, an exhaustive and accurate assessment of the Project's GHG emissions impacts and related potential GCC impacts are presented in the Draft EIR (Pages 4.3-23 through 4.3-47, Pages 4.3-88 through Pages 4.3-111, at al.), and supporting technical Global Climate Change Analysis included at Draft EIR Appendix C. These discussions not only establish Project consistency with the CARB Scoping Plan (one component of the EIR analysis), but also provide detailed discussion of the sources and effects of GHG emissions, consider and evaluate the Project in the context of existing and proposed GHG emissions reductions strategies, and provides an analysis of Project GHG emissions vis-à-vis adopted and anticipated thresholds. Importantly, the analysis provided in the EIR is consistent with applicable CEQA directives:

> Based on the direction provided in Section 15064.4 of the *Guidelines*, a lead agency should make a good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions associated with a project. Because the methodologies for

performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

1. Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should also include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

2. Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions (Draft EIR Page 4.3-35).

Substantial evidence provided in the Draft EIR, as summarized above, supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor notes *recommended* [emphasis added] CARB Scoping Plan Actions, and misinterprets these as Project requirements. The commentor cites specifically, **Action T-7**: Sector-Transportation; Recommended Action-Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure - Aerodynamic Efficiency; and **Action E-4**: Sector-Electricity and Natural Gas-Recommended Action-Million Solar Roofs. As noted in the Draft EIR (Pages 4.3-99, 4.3-100), the Project will not conflict with applicable recommended Actions. Consistent with other revisions proposed herein, Action T-7, Action E-4 applicability discussions at Page 4.3-102 are deleted and replaced with the following:

- Action T-7 **recommends existing trucks/trailers to be retrofitted with the best available technology and/or CARB-approved technology. Implementation of such a standard is not within the purview of the Project. GHG emissions reductions would be achieved however through standards compliance by vehicles accessing the Project. Further, pursuant to EIR Mitigation Measure 4.3.13, tenants are encouraged to provide incentives to realize Smartway certification, and to use fleet vehicles conforming to CARB 2010 emissions standards or better, thereby reducing GHG emissions. The Project supports, and would not interfere with Action T-7.**

  Action E-4 **promotes solar generated electricity. As discussed within this EIR, the Project design accommodates renewable energy sources, such as photovoltaic solar electricity systems. (Draft EIR Mitigation Measure 4.3.11 requires in part that: *"All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design."*) The Project supports, and would not interfere with Action E-4.**

It is further noted that the AB-32 Scoping Plan merely sets forth concepts, the implementation of which will be refined during the rulemaking process contemplated under AB-32. Thus, merely because Action T-7 recommends that existing trucks/trailers be retrofitted with the best available technology and/or CARB-approved technology; and/or that Action E-4 promotes solar generated electricity does not mean that a given project must require best available technology retrofits; nor install PV solar panels on its roof in order to be consistent with the Scoping Plan.

Please refer also to the complete discussion of Project consistency with applicable recommended CARB Scoping Plan Actions presented at Draft EIR Pages 4.3-98 through 4.3-103. The results and conclusions of the EIR are not affected.

Response JS-25

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable, but provides no supporting analysis or evidence. In point of fact, as supported by the discussion in the EIR, the project will not result in significant GHG/GCC emissions impacts, and no mitigation is required. Measures included in the EIR, including those addressing recycling, water conservation, and solar energy systems, therefore further reduce GHG/GCC impacts that, even absent mitigation, are less-than-significant. Commentor's citation to EIR statements that: *"vehicles accessing the site will be in compliance with CARB vehicle standards to the maximum extent feasible"* are not found. Adopted applicable CARB standards are regulatory in nature, and required of all vehicles. Please refer also to the preceding Response JS-24.

Response JS-26

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor cites various 2006 CAT Report GHG Emission Reduction Strategies, contending the Project does not support applicable strategies. The commentor incorrectly interprets the strategies as requirements of the Project. Specific citations of the commentor include compliance with CARB vehicle standards, source reduction and recycling, California solar initiative recommendations, and the use of alternative fuels.

The approach suggested by the commentor is not required under the CEQA Guidelines, and is not the approach employed by the Lead Agency here. Comparison of this Project with the CAT strategies and AB-32 Scoping Plan concepts is made for the purpose of evaluating whether the project conflicts with an applicable plan, policy, or regulation adopted for the purposes of reducing emissions of greenhouse gases. That is the applicable threshold under the CEQA Guidelines. Upon determining that the Project does not conflict with these plans, the Lead Agency appropriately concluded

that the impacts are less than significant, and therefore, no mitigation is required. Project support of, and compliance with, applicable 2006 CAT Report GHG Emission Reduction Strategies is presented at Draft EIR Pages 4.3-103 through 4.3-110. With specific regard to Project compliance with CARB vehicle standards, search of the EIR text does not yield the phrase "maximum extent feasible" as suggested by the commentor. EIR discussions of strategies noted by the commentor as excerpted from Draft EIR Table 4.3-20, are presented below.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Air Resource Board	
Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	Enforcement of State regulation is beyond the scope of the Project. The Project will not interfere or conflict with AB 1493 (Pavley).
Other Light Duty Vehicle Technology New standards would be adopted to phase in beginning in the 2017 model.	Enforcement of State standards for Light Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Light Duty Vehicles.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	Enforcement of State standards for Heavy Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Heavy Duty Vehicles.
Diesel Anti-Idling In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Heavy-duty diesel trucks that access the Project site will be required to limit idling to no more than three (3) minutes (EIR Mitigation Measure 4.3.10).
Alternative Fuels: Biodiesel Blends CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	When CARB adopts regulations for the use of biodiesel fuel in heavy duty trucks, trucks supplying the commercial uses will comply with this measure.
Hydrogen Highway The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.	Not Applicable.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
Integrated Waste Management Board	
Achieve 50 percent Statewide Recycling Goal Achieving California's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Zero Waste - High Recycling Additional recycling beyond the State's 50 percent recycling goal.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions.	In support of water Use Efficiency strategies, the Project will implement U.S. EPA Certified WaterSense labeled or equivalent faucets and high-efficiency toilets (HETs), and implement water-conserving shower heads to the extent feasible.
California Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	As required through the EIR air quality mitigation measures noted herein, and based on energy efficiency/sustainability attributes of the Project presented in the EIR Project Description (EIR Section 3.0), energy efficiencies achieved by the Project will surpass incumbent Title 24 Energy Efficiency Standards by at least 20 percent. Verification of increased energy efficiencies is documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Energy efficient Project designs and operational programs will facilitate Applicant-initiated LEED Certification actions.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Solar Initiative Installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses; increased use of solar thermal systems to offset the increasing demand for natural gas; use of advanced metering in solar applications; and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	In support of the California Solar Initiative, the Project design accommodates potential future installation and use of renewable energy sources, such as photovoltaic solar energy systems. (See EIR Section 3.0, Project Description).

Contrary to the commentor's assertions, as indicated at Table 4.3-20, the Project complies with and supports applicable 2006 CAT Report Greenhouse Gas Emission Reduction Strategies. There is no mandate or specific requirement or singular methodology for strategy compliance as suggested by the commentor. The results and conclusions of the EIR are not affected.

Response JS-27

The commentor cites various recommended or adopted thresholds of other agencies addressing GHG emission and GCC impacts. The commentor erroneously states that "in the EIR for the Highland Fairview Project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change."

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. The commentor is referred to previous responses and CEQA directives allowing for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the Guidelines. The EIR analysis of GHG emissions/GCC impacts is consistent with Section 15064.4 of the Guidelines. Please refer also to response JS-24.

No "zero emissions threshold" for GHG emissions neither appears, nor was applied, in the EIR for the Highland Fairview Project. The commentor is referred to *Draft*

Environmental Impact Report Highland Fairview Corporate Park PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090 (TPM 35629), and PA07-0091 (PP) City of Moreno Valley, Riverside County, California State Clearinghouse No. 2007101132 (Michael Brandman Associates) August 4, 2008, Page 5.16-5:

> AB 32 states that, "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Although it is unknown if AB 32 alone is enough to reduce California's fair-share contribution to global greenhouse gas inventory, it is currently the only well-defined and widely accepted benchmark for greenhouse gas emissions in California. Therefore, for purposes of this analysis, the following significance thresholds have been used:
>
> **Impact GCC-1** Does the project comply with the provisions of an adopted Greenhouse Gas Reduction Plan or Strategy? If no such Plan or Strategy is applicable, would the project significantly hinder or delay California's ability to meet the reduction targets contained in AB 32?
>
> **Impact GCC-2** Would the impacts of climate change significantly impact the project?

The Highland Fairview Project EIR concluded that project had the potential to significantly hinder California's ability to meet the reduction targets contained in AB 32, and therefore reached a conclusion of "potentially significant" GHG emissions impacts for that project.

Such is not the case for the proposed Westridge Commerce Center Project as supported by the analysis presented in the Westridge Commerce Center Project EIR and supporting Global Climate Change analysis.

Continuing at Page 5.16-6, the Highland Fairview EIR also importantly notes that:

> The thresholds and the analysis contained below *may not be relevant to other projects. This analysis does not establish thresholds for the City or set precedents for the type of analysis in a climate change analysis, as this discipline is still evolving. [emphasis added]*

Clearly, whatever thresholds and analysis may have been employed in the Highland Fairview EIR were for that project only, and not intended or necessarily applicable to the proposed Westridge Commerce Center Project. The results and conclusions of the EIR are not affected.

Response JS-28

The commentor considers the term "cumulatively considerable" established under the *CEQA Guidelines* Section 15064, subd. (h)(1), and appears to misapply it in evaluating Project GHG emissions and potential Project-related Global Climate Change impacts. In total, *CEQA Guidelines* Section 15064, subd. (h)(1) cited by the commentor, and excerpted below, provides guidance as to whether an EIR is required based on the potential for a given project to cause or result in cumulatively considerable impacts.

> (h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Lead Agency had previously determined through the Initial Study process that an EIR is required for the Project, to include an analysis of all potential cumulatively considerable impacts, including potential GHG/GCC impacts.

The EIR analysis supports the conclusion that Project-specific GHG/GCC impacts are individually less-than-significant and not cumulatively considerable (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C). To this end, not only are the Project's incremental GHG/GCC impacts substantiated to be less-than-significant. As noted in the Draft EIR, with regard to global climate change, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.

Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory. The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is assessed by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Additionally, as discussed in the Draft EIR . . . "to facilitate their monitored implementation throughout Project development and operations, design features and operational attributes of the Project are incorporated into this EIR as Mitigation

Measures 4.3.10 through 4.3.13 . . . These measures act to reduce Project-related operational source air pollutants and GHG emissions, and promote sustainability through conservation of energy and other natural resources" (Draft EIR at Page 4.3-94). As amended in these Responses, additional mitigation has been also been provided, further reducing already less-than-significant Project GHG emissions levels. Please refer also to previous discussions at Responses JS-20 through JS-27, substantiating less-than-significant Project GHG/GCC impacts.

As provided for under *CEQA Guidelines* Section 15064(h)(2), "[w]hen a project might contribute a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures . . . [the supporting analysis] shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable." Design features, operational programs, and mitigation measures included in the Draft EIR (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C) render the Project's potential contribution to Global Climate Change impacts to levels that are less than cumulatively considerable.

As further provided under *CEQA Guidelines* Section 15064(h)(3), . . . "a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make

specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable."

The general arena of GHG emissions regulations remains preliminary and still formative, and there are no plans (as yet) with the effect of law that would be applicable to the Project. Notwithstanding, the CARB Scoping Plan and 2006 CAT Report are considered indicative of likely future guidelines and requirements. The Project supports and is consistent with CAT strategies and other means suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32. Qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report (Draft EIR Pages 4.3-94 through 4.3-110) supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

Continuing, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative GCC impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

It is further noted cumulative effects of Global Climate Change would be considered significant irrespective of any increment of GHG emissions generated by, or reduced through, implementation of the Project. Moreover, absent similar commitments worldwide, even full state-level reduction of GHGs as provided for under California

statute would not notably or discernibly affect a difference in global climate change. In this regard, the World Resources Institute estimates California GHG emissions comprised an estimated 1.3 percent of worldwide GHG emissions as of 2000.[9] Further, whereas California since 2000 continued to implement further energy efficient technologies and other means that directly or indirectly reduce GHG emissions and thereby reduce its proportionate impacts, these reductions have been more than offset by increasing growth and industrialization worldwide. This speaks to *CEQA Guidelines* Section 15064(h) (4) provisions, which provide that the mere existence of significant cumulative GCC impacts caused by other projects (worldwide growth and industrialization) alone does not constitute substantial evidence that the Westridge Commerce Center Project's incremental GCC effects are cumulatively considerable.

Based on the preceding the project will not result in or cause cumulatively considerable GCC impacts. Results and conclusions of the EIR are not affected.

Response JS-29

The commentor summarizes various provisions of the *Final Statement of Reasons for Regulatory Action* (California Natural Resources Agency) December 2009 which allow for off-site mitigation of GHG impacts.

As substantiated in the EIR and discussed in these Responses, Project-related GHG emissions impacts are less-than-significant and are not cumulatively considerable. Off-site mitigation is not proposed nor is it required. Results and conclusions of the EIR are not affected.

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9 *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions* (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008, Page 8.

Response JS-30

Temporary and intermittent significant construction-source noise impacts noted by the commentor are fully discussed and disclosed in the Draft EIR:

> **Level of Significance after Mitigation:** Mitigation Measures 4.4.1 through 4.4.4 will qualitatively reduce construction-source noise and its perceived impacts to the extent feasible. The proposed use of noise curtains during the most noise intensive activities (grading/site preparation) may reduce received noise levels by 10-20 dBA at the nearest receptors. Nonetheless, it is anticipated that construction-source noise received at the nearest affected residential receptor adjacent may temporarily and periodically reach the maximum anticipated exterior noise level of 89 dBA Leq. This condition would occur in particular when heavy equipment is used for the construction of adjacent Fir (future Eucalyptus) Avenue. At more distant residential neighborhoods, the maximum received noise level is conservatively estimated at 60 to 65 dBA Leq. As such, even with the application of proposed mitigation, Project construction equipment activities would exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), and consequently would be considered a substantial temporary and periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project (Draft EIR Page 4.4-20).

Mitigation of construction-source noise impacts is addressed in the following responses JS-31 and JS-32. Results and conclusions of the Draft EIR are not affected.

Response JS-31

The commentor provides opinions on Draft EIR Mitigation Measure 4.4.4, which is presented in its entirety here:

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

The commentor states that the mitigation language "[n]oise curtains shall be installed so as to provide maximum reduction for noise sensitive uses" is "unenforceable." The commentor fails to note or recognize that construction activities by their nature are fluid and mitigation addressing such activities is similarly fluid. The stipulation that noise curtains be installed so as to achieve the maximum reduction in noise accommodates site and use-specific variations in construction activities and construction noise that may affect proximate sensitive receptors. As discussed at Draft EIR Page 4.4-18, "[t]he closest noise sensitive receptor that will be subject to potential construction noise impacts is the residence located at 28855 Fir Avenue (future Eucalyptus Avenue),approximately 150 feet southerly of the Project site's southernmost boundary. Because roadway improvements along future Eucalyptus Avenue are also part of Project development, an overall grading noise level of 89 dBA at 50 feet has been used as the worst-case, maximum exterior noise level when heavy equipment is nearest this sensitive receptor. At the nearest residential neighborhood, located more than one-quarter mile from the Project site, received construction-related noise levels would be reduced by 30 decibels or more based on physical separation between these residences and the Project site.

As also noted in the Draft EIR, the noise curtains required pursuant to Mitigation Measure 4.4.4 would conservatively provide an estimated 10 to 20 dBA of noise

reduction acting to reduce noise at proximate receptors. Worst-case construction noise levels (estimated to be 89 dBA at 50 feet) would occur as roadway improvements occur along future Eucalyptus Avenue. To ensure that the single residential use would not be temporarily and intermittently exposed to construction noise levels exceeding 60 dBA would in effect require construction of a barrier along the southerly edge of the Fir (future Eucalyptus Avenue) right-of-way, extending at a minimum the length of the affected receptor property line (approximately 620 feet) providing line-of sight interruption of noise yielding a 29 dBA noise reduction. Alternatively, an encapsulating 620 foot by 620 foot, 29 dBA noise-reducing barrier could be constructed around the receptor property in question.

For construction equipment with a 12-foot high exhaust stack, and not accounting for grade differentials, line of-sight noise protection would require a minimum 15 foot high wall (noise source height plus three feet).Under laboratory conditions a 4-inch thick concrete wall (or equivalent @ 30 lbs./s.f.) would provide approximately 37 dB noise attenuation (one side of a barrier to the other); and under uncontrolled exterior conditions could hypothetically provide 29 dBA noise reduction in protected areas immediately adjacent to the wall, within the noise "shadow zone." However noise diffracted over the top of or sides of the wall would still affect more distant unprotected receptors. Moreover, a 4-inch thick concrete wall, 15 feet in height is not structurally stable without significant reinforcing (envision a 15-foot high freestanding brick wall); and in practical application would constitute a permanent structure with anchoring footings or caissons.

The commentor suggests that "temporary sound walls" be implemented. As indicated, such walls would not be temporary. Moreover, construction of the "temporary" walls themselves, as well as their demolition, would generate noise levels equaling or exceeding those resulting from the Project. That is, the noise barrier's own construction and its subsequent demolition, would occur at the southerly right of-way line, and would require use of construction equipment in addition to, and for periods of time

greater than, that otherwise required to implement the Project. This would arguably increase rather than decrease net adverse effects construction noise.

Response JS-32

Please refer to the following Response JS-33.

Response JS-33

The commentor's suggested additional measures to reduce construction-source noise are addressed below.

Suggested Measure	Response
1.Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.	**Not required, no nexus with significant impacts.** The Noise Impact Analysis states that this program is merely recommended not required. Nor are the recommended measures reflected in or required to attain the "mitigated condition" presented in the Draft EIR. The Lead Agency may, at its discretion, impose additional Conditions of Approval (such as recommendations within studies) supplementing the EIR Mitigation Measures. The Draft EIR contains comprehensive mitigation to address noise impacts of the Project. These measures are included as part of the Mitigation Monitoring Plan, presented in Section 4.0 of this Final EIR. The Mitigation Monitoring Plan: 1) assigns responsibility for, and ensures proper implementation of Mitigation Measures; 2) assigns responsibility for, and provides for monitoring and reporting of compliance with Mitigation Measures; and 3) provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs. The City will monitor and report on all mitigation activities.
2.The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	**Incorporated** at revised EIR Mitigation Measure 4.4.3.

Suggested Measure	Response
3.Notify surrounding homeowners of expected, specific construction-related noise impacts.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations vis-à-vis noise-related requirements. The public, including surrounding homeowners, has been notified of the Project via direct mailing and public notice, consistent with the provisions of the City of Moreno Valley Municipal Code. Copies of the Draft EIR are available upon request.
4.When technically feasible, electrical construction equipment should be utilized.	**Incorporated** at revised Mitigation Measure 4.3.8.
5.During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.	**Replicates existing requirements.** Mitigation Measure 4.3.10, as currently presented in the Draft EIR, prohibits the idling of trucks for more than three (3) minutes.

Response JS-34

The commentor appears to misinterpret and/or misapply noise limitations established under the City's Noise Ordinance, noise standards provided for under the General Plan, and their application within the EIR. The commentor erroneously states " . . . *the DEIR . . . adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA greater*." The commentor suggests that the City Noise Ordinance threshold of 60 dBA Leq be universally applied irrespective of existing conditions, noise source, or noise duration.

To clarify, as noted in the Draft EIR . . . "[t]he City's Noise Ordinance applies to 'stationary source' noise occurring on one property, which may affect a neighboring property (Draft EIR at Page 4.4-13). Mobile source (roadway noise) is not regulated under the City Noise Ordinance. The Noise Ordinance is directed toward discrete, identifiable stationary or area source noise. Noise thresholds established in the Ordinance are expressed in Leq, acknowledging noise levels occurring within a limited and defined time frame (in this case one-hour).

As described and discussed in the EIR, the Noise Ordinance's most restrictive threshold conditions of 60 dBA Leq daytime/55 dBA Leq nighttime for residential land uses are appropriately applied in evaluating discrete area/stationary source noise generated by the Project and received at proximate residential land uses. As discussed in the Draft EIR (Pages 4.4-23 through 4.4-26), at receiving residential land uses, Project operational stationary/area source noise will not exceed 60 dBA Leq daytime /55 dBA Leq nighttime.

The Noise Ordinance is not intended or constructed to address modeled areawide ambient noise levels increases, such as occur over time due to ambient increases in areawide traffic. Nor is it appropriate to evaluate or consider long term increases in ambient noise levels (such as increases in roadway corridor noise) in terms of Leq. It is the 24-hour average weighted noise level (CNEL) that accurately and appropriately describes the effective ambient noise condition, and indicates whether there would be a substantial permanent increase in noise levels due to the effects of a given project.

CNEL guidelines applicable to increases in ambient noise conditions, including noise generated by Project-related mobile sources (traffic) are established under the City General Plan Noise Element. As discussed in the Draft EIR:

> The Safety Element of the City's General Plan discusses noise and future projected noise levels within the City. For planning purposes, the City employs a 65 CNEL standard for noise-sensitive outdoor areas (e.g., rear yards of single family homes), and an indoor noise standard of 45 CNEL for residential developments (Draft EIR Page 4.4-14).

As supported by analysis presented in the EIR (see EIR Section 4.0, Noise; EIR Appendix D, noise Impact Analysis) the Project will not result in or cause operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-35

The commentor states that "*. . . the Draft EIR makes a conclusory statement of insignificance without data or analysis . . .*" with regard to potential vibration impacts of the Project. The commentor also states that the Draft EIR only addresses vibration impacts to buildings, but fails to address such impacts to people.

For ease of reference, the EIR discussion of vibration impacts is excerpted below:

> **Impact Analysis:** Groundborne vibration refers to groundborne noise and perceptible motion. Typical sources of groundborne vibration include the use of heavy-duty construction equipment to be employed at the Project site. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where motion may be discernible but without the accompanying effects (e.g., the shaking of a building).
>
> Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Vibration-caused building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during foundation construction, neither of which is anticipated as part of construction of the Project considered here.
>
> The City of Moreno Valley does not currently have adopted vibration regulations. Notwithstanding, germane vibration criteria has been established by the California Department of Transportation (Caltrans) and is employed in analyses presented here.

> The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. However, heavy equipment employed during Project construction could potentially generate groundborne vibration impacts at adjacent land uses. Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, proximate operations of large bulldozers and loaded trucks can cause perceptible vibration levels, notwithstanding, according to the *Transportation and Construction-Induced Vibration Guidance Manual* prepared for Caltrans, groundborne vibration from construction activities and equipment such as such as D-8 and D-9 Caterpillar bulldozers, earthmovers and haul trucks at distances of 10 feet do not create vibration amplitudes that would cause structural damage to nearby structures. The proposed Project is not anticipated to employ any pile driving equipment, nor require blasting activities. Further, the nearest heavy equipment operations would occur at a distance of 40 to 50 feet from the nearest residential use (28855 Fir Avenue). Impacts from construction-source groundborne vibration are therefore anticipated to be less-than-significant (Draft EIR Pages 4.4-27 to 4.4-28).

As indicated above, the City has no adopted vibration thresholds, much less a threshold adopted to address speculative "vibration impacts to people" suggested by the commentor. Structural damage is a defined concern addressed by Caltrans, and would be considered to constitute excessive groundborne vibration or groundborne noise levels. This concern is likewise is considered in the EIR. Occasional perceptible vibration levels should they occur, do not constitute excessive groundborne vibration or groundborne noise levels. Any vibration impacts perceived at off-site locations would, as noted, be temporary and intermittent due to transient construction vehicles.

There are no sensitive historic structures or instruments located proximate to the Project that would somehow be affected by temporary and transient construction-source vibration.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Results and conclusions of the EIR are not affected.

Response JS-36

Please refer to the following Response JS-37.

Response JS-37

The commentor again appears to misinterpret and/or misapply noise thresholds, now within a cumulative analysis context, and incorrectly states threshold considerations applicable to the Project.

In brief, the City Noise Ordinance regulates stationary/area source noise generated by the Project will not result in operational noise that would exceed Ordinance Standards (60 dBA Leq daytime/55 dBA Leq nighttime). Ambient noise increases, including traffic noise generated by the Project would not exceed the applicable 65 CNEL residential standard established by the General Plan. (The commentor misstates the threshold as 60 dBA Leq). Noise levels of less than 65 dBA CNEL are acceptable. In the instance noted by the commentor, vehicular noise levels due to cumulative growth (including noise generated by the Project traffic) would increase by 9.8 dBA CNEL over time, totaling an estimated 61.1 dBA CNEL at General Plan Buildout. Vehicular noise levels of 61.1 dBA CNEL are less than the threshold condition of 65 dBA CNEL, and impacts are therefore not cumulatively considerable. In instances where pre-existing noise levels exceed 65 dBA CNEL, or such traffic noise levels would occur due to cumulative growth absent the Project, the Project's incremental contribution would

range from 0.0 dBA to 0.4 dBA, and would not be discernible. In these instances, perceived noise conditions would the same with, or without the Project. As noted previously in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative noise impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

Project operational source noise would not exceed applicable standards established under the Noise Ordinance and/or General Plan. In no instance would Project noise cause a transition from acceptable ambient conditions to conditionally acceptable conditions or from conditionally acceptable conditions to unacceptable conditions.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause cumulatively considerable operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-38

The commentor notes that modeling of noise based on measurements taken at the G.I trucking facility (Pomona CA) may not yield noise levels comparable to those that would be generated by the Project.

The G.I. trucking facility conducts logistics warehousing operations, including acceptance and dispatch of big-rig long-haul and consolidated freight trucks, similar to operations anticipated under the Project. The G.I. trucking facility noise measurements are not intended to precisely replicate noise generated by the Project operations site on any given day or at any given time. The empirical data collected does however provide a real world snapshot of anticipated noise sources and noise conditions typical of

heavy-duty, long-haul trucking operations conditions, and is considered superior to an assumed estimate of noise sources and noise levels. Results and conclusions of the EIR are not affected.

Response JS-39

The commentor's suggested additional measures to reduce operational-source noise are addressed below.

Suggested Measure	Response
1. All truck, tractors and forklifts shall be operated with proper operating and well-maintained mufflers. 2. Maintain quality pavement conditions that are free of bumps to minimize truck noise. 3. Limit the number of idling trucks on the southeastern portion of the site.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations in Response JS-32 vis-à-vis noise-related requirements. As noted in the Noise Impact Analysis, all operational noise impacts are less-than-significant. No additional mitigation of operational noise impacts is required.

Response JS-40

The commentor incorrectly states that "Interstate 15 (I-15) and Interstate 215 (I-215) provide access to the Project are and will most certainly be used to access the Project site." It is noted that I-215 was constructed to run roughly parallel to I-15 between Murrieta (approximately 30 miles south of the Project site) and Devore (located approximately 25 miles to the north of the Project site). In the vicinity of Moreno Valley, while I-215 is acknowledged as providing access, I-15 is located approximately 20 miles to the west. At these distances, I-15 does not provide direct access to the Project site, and on this basis, was not considered as part of the Project's traffic analysis.

With respect to commentor's concerns regarding potential Project-related impacts to I-215, a basic freeway segment analysis has been conducted between Box Springs

Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the Project's Traffic Impact Analysis (TIA Appendix 7.8, included as part of Draft EIR Appendix B). As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. Nor is there an established fair share fee program for potentially affected SR-60 freeway segments. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response JS-41

Despite the commentor's assertion that "[t]he Draft EIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project," the Project TIA (Draft EIR Appendix B) provides a summary of the Project's fee obligations in Table 8-

2. The application of fee-based mitigation is summarized at Draft EIR Pages 4.2-25 to 4.2-26; and discussed in greater detail at TIA Pages 200 through 206. The majority of the required improvements identified in the Draft EIR involve Caltrans facilities, improvement of which is outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The commentor's concerns regarding the adequacy of these funding mechanisms will be forwarded to decision-makers for their consideration.

Response JS-42

The commentor's suggested additional measures to reduce traffic-circulation impacts are addressed below. The results and conclusions of the Draft EIR are not affected.

Suggested Measure	Response
1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. 2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. 3. Reroute construction trucks away from congested streets and sensitive receptor areas.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 4.2-85), "[i]t is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours." No additional mitigation is required.
4. Configure construction parking to minimize traffic interference.	**Replicates existing requirements.** Construction parking is one of many components considered in the required construction traffic management plan. No additional mitigation is required.
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
8. Provide shuttle service to transit stations/ multimodal centers for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Improve traffic flow by traffic synchronization.	**Replicates existing requirements.** Signal synchronization is currently effected by the City, beyond control or purview of the Applicant. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.

Response JS-43

Please refer to the preceding Response JS-3.

Response JS-44

Contrary to the commentor's assertion, the Project's total water demand is disclosed in the Draft EIR. As discussed in Draft EIR Section 4.5, "Water Supply," and supported by the Water Supply Assessment prepared for the Project by Eastern Municipal Water District (EMWD), the Project's estimated maximum water demand would be 44 acre-feet per year (please refer to Draft EIR Table 4.5-8 on Page 4.5-17). As noted in the Draft EIR, "[w]ater demand for this Project is calculated for planning purposes only, and reflects potential maximum demand conditions. Actual water use will be reduced through conservation, use of water efficient devices, and use of recycled water as it becomes available" (Draft EIR Page 4.5-17).

Response JS-45

The commentor's suggested additional measures to reduce hydrology/water resources/impacts are addressed below.

Suggested Measure	Response
1. Install permeable pavement in car parking areas. 2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.	**Not required, no nexus with significant impacts.** As discussed in the Draft EIR, potential water supply and hydrology/water quality impacts are less-than-significant as mitigated. No additional mitigation is required. The Lead Agency may, at its discretion, impose additional Conditions of Approval supplementing the EIR Mitigation Measures.

Response JS-46

Maintenance of municipal storm drains is not customarily the responsibility of surrounding property owners. Sediment collected within the SR-60 culverts, which are located upstream from the Project site, is removed in the course of regular maintenance activities performed under the direction of the Riverside County Flood Control and Water Conservation District.

In the interest of accuracy, it may be noted that the Project's Hydrology study actually states, "[t]he development may be conditioned to clean the existing sediment build up in the existing triple 60-inch pipes crossing under the 60 Freeway as well as the existing 60-inch pipe [discharging]into the Redlands Boulevard westerly drainage ditch." City Engineering staff may, as part of pre-construction review, include this recommendation as a condition of Project approval. However, despite the assertions of the commentor, the removal of sediment in culverts upstream of the Project is not required "to mitigate for impacts from runoff." Nor would any such requirement be rationally related to impacts by the Project. Potential Project-related drainage impacts are addressed in Draft EIR Section 4.6, Hydrology and Water Quality. No significant impacts requiring mitigation have been identified in regard to hydrology or storm water management.

Response JS-47

As noted on Pages 4.6-22 through 4.6-23 of the Draft EIR, the Project's drainage plan was purposely designed to ensure that runoff from the site does not enter the Quincy Channel. Future drainage improvements associated with the Quincy Channel and its

proposed overcrossing will not affect, nor be affected by, implementation of the Project. The future improvements are noted in the Draft EIR merely as a point of reference.

Response JS-48

The Cultural Resources Investigation prepared for the Project included a records search and above-ground reconnaissance survey, which is customary for pre-development review. No underground investigation is required under the CEQA guidelines, or any federal, state, or local laws or regulations.

The Cultural Resource Investigation and the Draft EIR acknowledge the possibility of historic and/or prehistoric cultural resources being present on the site in a buried context, but no evidence exists to indicate the probability of any on-site archeological or paleontological resources or human remains. Mitigation is provided that requires the use of professional monitors during all Project-related excavation and grading activities. Relevant text from the Draft EIR (Pages 4.7-11 through 4.7-13) has been included below for ease of reference.

> The Project Cultural Resources Investigation report notes that "there was early occupation in the area and evidence of this occupation may be present in a buried context – e.g., evidence of the water well in the center of the property, buried refuse deposits, privies, irrigation systems, foundations, etc. If evidence of such remains is uncovered during the grading of this property, the proponent should contact a qualified archaeologist to assess the find(s) and to make recommendations for a monitoring program to oversee the remainder of the grading program." The report further notes that "the paleontological monitor [discussed below] can also serve to oversee archaeological monitoring and negate the need for two monitors." The following mitigation measures will ensure that the recommendations of the Project Cultural Resources Investigation are implemented during Project development.

Mitigation Measures:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

The results and conclusions of the Draft EIR are not affected.

Response JS-49

The commentor appears to misconstrue the intent of Mitigation Measure 4.7.1, the text of which is provided as part of the preceding Response GB-48. As stated in this measure, the monitor is to be adequately "equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays." Further, no time limit or emphasis on urgency is placed on the "temporary" halt on construction activities. Rather, Measure 4.7.1 states, "[t]he monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification." Mitigation Measure 4.7.3, included below for ease of reference, contains wording similar to that of Measure 4.7.1, specifically in regard to the potential occurrence of paleontological resources.

> 4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*
>
> - *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
> - *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
> - *Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
> - *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
> - *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon*

exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays,* ***consistent with the requirements of California Public Resources Code Section 21083.2.*** *The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2.,* ***resources shall be left in an undisturbed state. Where preservation in place is infeasible, a~~A~~ll*** *recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum*

repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

To ensure monitoring and enforcement, these revisions to Mitigation Measures are reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata.

Response JS-50

As noted in the preceding response JS-49, despite the commentor's assertions to the contrary, Draft EIR Mitigation Measures 4.7.1 and 4.7.3 do not include restrictions or limitations on the time that would be allowed for adequate monitoring and recording of cultural resources. As further discussed in the preceding response JS-49, the wording of these measures has been amended to clarify that, if found, cultural resources would be preserved in place where appropriate.

Response JS-51

Despite the commentor's assertions to the contrary, the Project's potential effects on common wildlife species have been addressed in *Report On Habitat Assessments and Biological Surveys for the West Ridge Project Site* (Harmsworth Associates) October 2008, presented at Draft EIR Appendix D. Relevant text is excerpted below for ease of reference.

> **5.8 Direct impacts to wildlife**
>
> **5.8.1 Common Wildlife**
>
> The primary impacts of the project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. These impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated

in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Report on Habitat Assessments, Page 36).

This same material discussion appears in the body of the Draft EIR.

Common Wildlife Species

The primary impacts of the Project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the Project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. However, these impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Draft EIR Page 4.8-25).

No potentially significant impacts have been identified, and no mitigation is required. The results and conclusions of the Draft EIR are not affected.

Response JS-52

The commentor recommends additional measures to be implemented to reduce the Project's adverse effect on scenic views in the Project area. The Draft EIR acknowledges, in Section 4.9, "Aesthetics," that implementation of the Project would obstruct or alter views from major roadways and surrounding areas, and would therefore have a

substantial adverse effect on a scenic vista, which is a significant individual and cumulative impact.

No feasible mitigation measures were identified within the Draft EIR which would reduce this loss of viewshed. All other potential aesthetic impacts of the Project were determined less-than-significant.

The particular mitigation measure suggested by the commentor is presented and responded to below:

1) *Preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County.*

The City does not currently conduct a program that would allow for the purchase of off-site areas for "scenic preservation," as suggested by the commentor, nor is it aware of other such programs offered by agencies or organizations within the Western Riverside County area. Moreover, preserving another existing scenic view elsewhere would not serve to mitigate the impacts of this Project. While the value of off-site mitigation for certain environmental impacts (e.g., biological habitat areas) has been demonstrated, the application of the proposed measure in regard to aesthetic impacts is considered infeasible.

Response JS-53

As noted in the Draft EIR (Pages 5-25 and 5-26), §15126.6 of the *CEQA Guidelines* states that an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the *CEQA Guidelines*, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the *CEQA Guidelines* indicate that the

range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of Project Objectives.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives. The text on Draft EIR Pages 5-35 through 5-44 provides the basis upon which each of the considered alternatives was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response JS-54

The exhibits identified by the commentor and provided as part of these comments have been included in Appendix A of this Final EIR.

Response JS-55

The commentor attaches various professional references. No response is required.

From: Shelly Mesa [shellymesa@roadrunner.com]
Sent: Monday, December 06, 2010 1:35 PM
To: Jeffrey Bradshaw

Subject: Questions about Sketchers, Westridge Commerce Center and Pro Logis projects.

Dear Jeffrey,

Hello, I am a concerned homeowner my name is Shelly Mesa, we bought out here 5-years ago and have been enjoying our beautiful view of the Badlands as well San Bernadino Mountains. I am concerned about all the changes that are taking place around us! I have been active an obtaining signatures against this project, just to be disappointed in our City Officials who over rode the City"s Planning Commision Votes, because their back pockets were padded by Mr. Benzeevi, as well as The Sequoia Club being bought, who had an active interest as well about the Enviromental Impact this will have on our "Beautiful Land." I intended to be out here thru our "Retirement Years". But what is to become of the East end of Moreno Valley? SM-1

1. How will the toxic diesal truck emmisions affect the people who will live on the south side of Fir when both the Warehouse and Pro Logis as well as Sketchers are at full operation? SM-2

2. What measures could be implemented during the construction and operation of this warehouse which could lesson the impact on noise, air quality and global warming, but which you are not going to put in place? SM-3

3. What will you do to protect the Warehouse Wokers from the effects of toxic diesal pollution? SM-4

4. How many toxic diesal trucks do you calculate to use Redlands Blvd. to come north out of town when Sketchers, Westridge Commerce Center and Pro Logis are in full operation? SM-5

I am concerned that if we don't take a stand we will have nothing but warehouses and low income apartments here in our community! SM-6

Sincerely
Shelly Mesa

SHELLY MESA

Email Dated December 6, 2010

Response SM-1

The commentor's concerns and opinions will be forwarded to decision-makers for their consideration.

Response SM-2

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant with mitigation, on both an individual and cumulative basis (i.e., with the Project alone and with the development of the ProLogis and Highland Fairview project, as well as other anticipated cumulative growth). Please refer also to Responses LA-1, FNSJ-8, *et al.* addressing diesel emissions impacts.

Response SM-3

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have otherwise been employed within the Draft EIR to reduce any potentially significant impacts. As discussed at FEIR Section 2.0, additional/revised mitigation has been incorporated based on comments received on the Draft EIR. Inclusion of these measures does not however, materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

As disclosed in the DEIR, even with the application of mitigation, the Project will result in certain significant and unavoidable air quality and noise impacts. A summary of significant impacts is presented at DEIR Pages 1-17 through 1-20.

Response SM-4

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpt from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response SM-5

Opening Year Cumulative Conditions for area roadway segments, including Redlands Boulevard, are identified in the Draft EIR at Table 4.2-13 (Pages 4.2-61 to 4.2-62). Section 4.2 of the Draft EIR further identifies the number of trucks that will be accessing the site

and vicinity projects on Page 4.2-18. This discussion is presented below for ease of reference.

> As seen in [Draft EIR] Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour.

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Response SM-6

The commentor's concerns will be forwarded to decision-makers for their consideration.

From: ned newkirk [ned_newkirk@verizon.net]
Sent: Monday, December 06, 2010 3:00 PM
To: Jeffrey Bradshaw
Subject: Proposed West Ridge Commerce Center

Name: Ned and Dawn Newkirk Phone: 951-242-3055 Address: 29080 Dracaea Avenue--
MorenoValley, Ca. 92555
Email Address: ned_newkirk@verizon.net

How does the the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan? NDN-1

As new warehouses such as Skechers and the proposed West Ridge Commerce Site are very near to residential areas, what measures will be required to reduce the size and starkness of the warehouses that are very close to these residential areas? If you do not require measures for warehouses to esthetically fit into the neighborhood, residential property values could be dramatically affected and reduced. NDN-2

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? NDN-3

What warehouses are under consideration for the Eastern end of the City of Moreno Valley consisting of the area from Moreno Beach to Gilman Springs Road and Ironwood Ave to south of Alessandro Blvd? NDN-4

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? NDN-5

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? NDN-6

What will you do to protect nearby residents from the effects of toxic diesel pollution? NDN-7

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? NDN-8

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? NDN-9

How will this project be growth inducing for similar projects? NDN-10

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, WestRidgeCommerceCenter and Pro Logis are in full operation? NDN-11

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists [illegible] LOS be as a result of these three warehouses? NDN-12

NED AND DAWN NEWKIRK

Email Dated December 6, 2010

Response NDN-1

The commentor inquires: "How does the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan."

The commentor's inquiry is not specific to the Project or the EIR and absent further explanation, does not allow for on-point response. Moreover, there is no formal adopted "Moreno Valley Beautification Plan." Notwithstanding, as discussed in the Draft EIR (Pages 4.1-17 to 4.1-20), uses proposed by the Project are consistent with applicable General Plan Land Use Policies. It is presumed that other projects proposed for development within the Project area (warehouses or other uses) will be subject to a similar consistency analysis.

Individually and cumulatively significant aesthetic impacts of the Project are also acknowledged in the Draft EIR.

AESTHETICS **Project-Specific Significant Impacts**

Change to Scenic Vistas

Construction of the proposed Project would result in interrupted or obstructed views of off-site scenic areas. This is recognized as a significant and unavoidable aesthetic impact.

Cumulatively Significant Impacts

The Project will restrict or interrupt both near and distant views in the Project area, and in combination with other vicinity development, will cumulatively result in a substantial adverse effect on scenic views in the Project area. The cumulative effects of the Project in regard to scenic vistas are determined to be significant.

(Source: Draft EIR Table 1.8-1, Pages 1-19, 1-20)

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response NDN-2

The Draft EIR's discussion of Aesthetics (Section 4.9) addresses the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings. The Draft EIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. However, the analysis concludes that no potentially significant impacts would occur in this regard. The relevant text from Draft EIR Page 4.9-22 is provided here for ease of reference.

> Properties to the south of Fir (future Eucalyptus) Avenue are currently zoned for large lot residential uses. To provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary. This wall will be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti.
>
> As supported by the preceding discussions, and with implementation of the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant.

Response NDN-3

The commentor expresses concerns about the effect of diesel truck emissions on the sensitive receptors located on the South side of Fir Avenue.

A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk

shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [10]

Response NDN-4

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. These include the recently approved Highland Fairview Corporate Park, and the proposed ProLogis warehouse project. To date, no further inquiries, applications, or other proposals have been received by the City in regard to development of the types of land uses referenced by the commentor.

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10 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

It may be noted that a "Logistics Modified General Plan" development concept was included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16). This development concept addressed the possible future development of a substantial number of warehouse facilities in the eastern end of the City.

For the purposes of the Westridge Commerce Center Draft EIR analysis, the City does not consider the "Logistics Modified General Plan" (LGMP) proposal included within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development concept was not included among those identified as "related projects" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

Response NDN-5

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, the Project will result in certain significant and unavoidable air quality and noise impacts.

Response NDN-6

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response NDN-7

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant as mitigated.

Response NDN-8

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the

Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

<u>Response NDN-9</u>

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response NDN-10

The commentor expresses concern regarding the growth inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth. Moreover, the Project is consistent with the adopted General Plan, would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response NDN-11

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19,

acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Response NDN-12

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR

Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:16 PM
To: Jeffrey Bradshaw; John Terell
Subject: DEIR Comments for Ridge-1
To: Jeff Bradshaw,

These are my comments and questions concerning the Westridge Commerce Center Project.

My biggest concern and questions are regarding the cumulative effects of the 35 million square feet of warehousing proposed for this area of the city. The law requires that the FEIR address the cumulative impacts of the entire known proposal. The Agency (the city of Moreno Valley) is well aware of the fact the developer that owns most the raw land in this area wants to turn this area into another Mira Loma type warehouse district encompassing 35 million square feet of warehousing. The city has an obligation to make sure that the impacts of all 35 million square feet are addressed in this document. It is not acceptable for the city to pretend it doesn't know about these other planned warehouses. The fact they have not submitted an application yet has no bearing on the known intended plan. I will include the Press-Enterprise article in which these35 million square feet warehousing plan was detailed. DR1-1

There is only one actual lane on the westbound 60that leaves Moreno Valley and continues to Riverside. How are all these trucks going to affect the traffic going west on the 60? How is the truck traffic from the other 30 million square feet of warehouses going to affect the truck traffic?Is the city going to let this developer lie about the traffic the way they let Highland Fairview lie? Is this developer going to be allowed to show unrealistic videos of dream traffic or they going to be required to tell the truth? What is the impact of the additional truck traffic from this approximately one million square foot warehouse on the one actual lane that leaves Moreno Valley and continues to Riverside?What is the impact of the truck traffic from all 35 million square feet of warehousing on the one lane of the 60 that leaves Moreno Valley and continues to Riverside? DR1-2

We know we are not going to meet our 2015air quality targets. How are we going to meet them by adding warehousing that is not even required to meet LEED standards? Why would we add anything that is not required to meet LEED standards? How much farther over our target will we be with the addition of a one million square foot warehouse? How much farther will we be over our target with the entire 35 million square feet of warehousing proposed? DR1-3

The City of Moreno Valley has some of the most beautiful vistas in the Inland Empire. Why does the consortium this developer belongs to think it is ok to rape the views of this city when other locations would serve the same function without doing so? Why does this consortium of developers think so little of the beauty of Moreno Valley that they would destroy it just to make a couple extra bucks? There are plenty of parcels in the flat area where warehousing was intended to go. I know because my home overlooks this area. Why is this consortium of developers destroying the vistas of people who have lived in their homes many over 20 years when they don't have to? Nobody that cared for our city would so callously destroy it! Why would we want to do business with developers who care nothing for our city? DR1-4

Why is this consortium of developers building off the 60 when the 215 is a much better location? The 215 has millions of federal money spent and planned to be spent on it. The 60 has no plans to add more than the one and only west bound lane that leaves the city and continues into Riverside. March Global Port by the 215 has an airport and is nearer to the railroad. Why isn't this warehouse being proposed in the area of the city that was intended for a warehouse? Why not the March Global Port? DR1-5

The Skechers project caused animosity that still has not been resolved. This developer knows that. Why does this developer and the consortium he is aligned with think it is ok to emotionally tear a city apart? Why doesn't this developer care about the quality of life of the residents most affected by this project?

Knowing how you feel and knowing what you want to say is much easier than typing it. I sincerely hope you will answer all my concerns about this project. DR1-6

PS. I referenced newspaper articles that I will send separately

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno Valley CA 92555

DEANNA REEDER, LETTER 1

Email Dated December 6, 2010

Response DR1-1

The commentor expresses concern regarding "the cumulative effects of the 35 million square feet of warehousing proposed . . . ," citing an article from the *Press Enterprise* newspaper dated August 21, 2008 which references a "Logistics Modified General Plan" development concept included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16).

The *CEQA Guidelines* (Section 15130, subd. (b)(1)(A)) state that "a list of past, present and probable future projects" may be used to provide an adequate discussion of significant cumulative impacts. No active application exists for Logistics Modified General Plan (LGMP) proposal. Nor does the City consider the LGMP proposal cited within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development is not included as a "related project" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

To date, no further inquiries, applications, or other proposals have been received by the City in regard to the possible amendment of the General Plan or the Moreno Highlands Specific Plan to support the type of development referenced by the commentor. As

identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the adopted City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

The commentor's concerns and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-2

In regard to cumulative traffic impacts, please refer to the preceding Response DR1-1. In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As

noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response DR1-3

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

Although the ultimate level of LEED certification cannot be determined at this time, since the tenant and therefore specific environmental strategies to be employed at the facility, are unknown, it is important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

The commentor refers to "our 2015 air quality targets" but does not quantify or otherwise specify "our targets." The Project is consistent with land uses plans, and emissions reductions programs, and emission control strategies outlined in the applicable Air Quality Management Plan (DEIR at Pages 4.3-49 through 4.3-52). The Project further incorporates all feasible measures to reduce its air quality impacts. Please refer also to the preceding Response DR1-1. The commentor's statements are forwarded to the decision-makers.

Response DR1-4

The Draft EIR addresses the Project's potential aesthetic impacts in Section 4.9, and acknowledges that implementation of the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact. The suggested relocation of the Project is addressed in the following Response DR1-5. The commentor's statements and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-5

In regard to the commentor's suggestion that the Project be located in another area of the City, several alternative sites were analyzed as part of the Draft EIR (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or

substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

Response DR1-6

The commentor's concerns and opinions are forwarded to decision-makers for their consideration.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:23 PM
To: Jeffrey Bradshaw
Subject: DEIR Comments Ridge-2
To Jeff Bradshaw,

This is the article I referenced in the first email.

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno valley CA 92555

DR2-1

More distribution centers proposed for Moreno Valley's eastern side

Download story podcast

10:00 PM PDT on Thursday, August 21, 2008

By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.

Story continues below

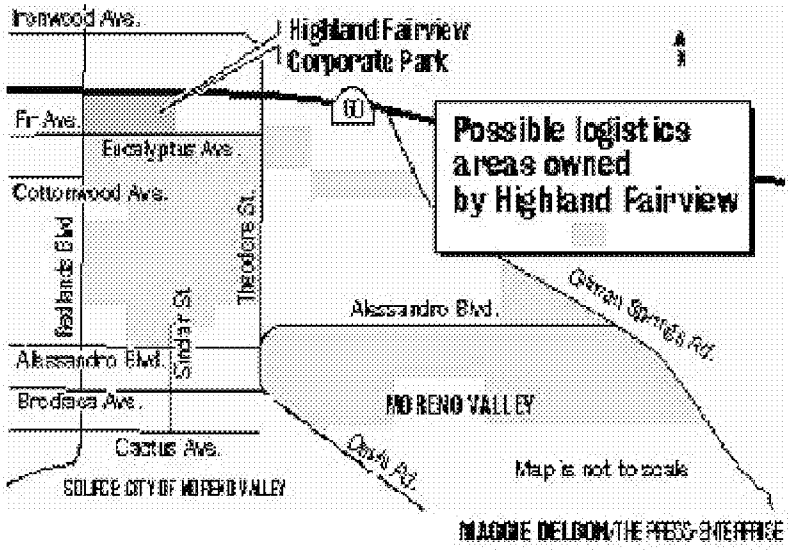

"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about $120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed $60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at 951-763-3457 or dlee@PE.com

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DEANNA REEDER, LETTER 2

Email Dated December 6, 2010

Response DR2-1

Receipt of the article referenced in the commentor's preceding correspondence (referenced in this document as "Deanna Reeder, Letter 1") is acknowledged. The preceding responses DR1-1 through DR1-6 are provided to address the commentor's specific concerns.

From: sgcricket@aol.com
Sent: Friday, December 03, 2010 11:58 AM
To: Jeffrey Bradshaw
Subject: Public Comment on West Ridge Commerce Center

Comments: West Ridge Commerce Center Draft EIR
From: Residents for a Livable Moreno Valley

Residents for a Livable Moreno Valley is concerned that the City of Moreno Valley is not moving in the direction as stated in the General Plan. The eastern end of the City has the potential to develop into something the residents can be proud to share. There are mountain views, Lake Perris Recreational Area, Riverside County Conservation Area land, San Jacinto Wildlife Area and San Timoteo State Park surrounding this portion of Moreno Valley. The pathway chosen by Council and reflected in past General Plan changes is a concern. The City must:

1. Increase employment
2. Improve high school and college graduation rates
3. Raise the median income of the City
4. Provide a variety of housing for the residents
5. Protect the health and safety of the residents

Warehousing provides none of these benefits to the citizens. The number of employees per square foot of warehouse is minimal, the education requirements are marginal, the salary of a warehouse employee will not provide a middle/upper middle class life style, the location of warehouses will discourage construction of large, estate homes, the accumulated pollution will create health hazards for residents, and the dangerous conditions on SR 60 will not be addressed. RLMV-1

My questions to the developer (and Council, which has power to approve General Plan amendments):

1. Employment
   How many permanent employees per square foot will be working on site after construction? How many employees per square foot are employed at a Business Park designation?
   If the public wants to know the number of employees, will the tenant's personnel offer to provide this?
   If Moreno Valley residents are expected to tolerate the pollution, traffic and noise associated with warehouses, what percentage of City residents will be hired for the facility and will personnel make proof of residency available?

2. Education
   If the education needed for a warehouse position does not require a high school diploma or equivalency, how will this project improve the incentive for students to graduate?
   What percentage of positions will require post-high school education?
   What percentage of positions will require a 4 year college degree?
   What support will the employees receive to attend RCC or trade schools?

3. Income
   What will be the median and average salaries for the proposed warehouse employees?
   Will the median and average be above or below the median and average income for Moreno Valley?
   If the median and average is below that of the current City income, how will the warehouse help to raise that statistic?

4. Housing
   Where in Moreno Valley will the "estate" housing be built?
   Warehousing presents a stigma for the development of upper end housing. How will this provide a positive direction for the City?
   For every apartment unit built for homeless and low income warehouse employees, why isn't a home built that is above the average home cost?
   How will warehousing stop the downward spiral of low cost housing that is not balanced with an increase in upper end homes?
   What will stop the median home cost from going down and making the City look less attractive to those with money to buy?

RLMV-2

5. Health and Safety
   Why is Caltrans not being tasked to provide safe improvements to Highway 60 BEFORE the increase in truck traffic?
   Why are overpass improvements considered sufficient to improve traffic flow?
   Why is the cumulative effect of future development not considered?

RLMV-3

Why are two lanes in each direction considered sufficient when they are immediately impacted by one truck passing another?
Why is the one lane merge from the 60 to the 215 considered a final solution when accidents occur daily and deaths occasionally? What amount of "backup" is considered tolerable? RLMV-3 (cont'd)

What buffer is provided between residential zoning and the project? Business Park is considered a buffer between Light Industrial and residential. Does this mean that should the zoning be changed to Light Industrial to accommodate the project, the land south of the project will be rezoned as BP? RLMV-4

Sincerely,
Residents for a Livable Moreno Valley
3 December 2010

RESIDENTS FOR A LIVEABLE MORENO VALLEY

Letter Dated December 3, 2010

Response RLMV-1

The commentor's views in regard to the City's direction and potential, along with their concerns regarding warehouse development, are forwarded to decision-makers for their consideration.

Response RLMV-2

The purpose of the California Environmental Quality Act (CEQA) is to identify and determine the significance of the environmental effects caused by a project. As noted in *CEQA Guidelines* Section 15064 subd. (e), "[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment."

No physical changes resulting from the Project's potential economic or social changes have been identified, and as such, the Project's potential economic effects were not addressed within the Draft EIR. While outside the scope of the Draft EIR, the commentor's questions regarding employment, education, income and housing are forwarded to decision-makers. It may be noted that no amendment to the General Plan is proposed as part of the Westridge Commerce Center Project, nor would a General Plan amendment be required in order to approve the Project.

Response RLMV-3

The timing of roadway improvements on the SR-60, which are jurisdictionally controlled by Caltrans, is outside the control of the Applicant and the Lead Agency (the City of Moreno Valley). It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area.

The commentor's question in regard to overpass improvements appears to misconstrue the findings of the Draft EIR. The commentor is referred to Draft EIR Section 4.2, "Traffic and Circulation," which identifies a combination of Project improvements and mitigation measures mitigation to address the Project's potentially significant traffic impacts. While the overpass improvements identified in the Project's Traffic Impact Analysis (and summarized in Draft EIR Table 4.2-15) are expected to improve traffic flow, the Project was found to result in significant cumulative traffic impacts that cannot be sufficiently addressed by overpass improvements alone.

The Draft EIR considers, at some length, the cumulative effects of future development. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A discussion of the Project's potential cumulative impact is included in each of the Draft EIR's topical analysis sections, and potential impacts are summarized in Section 5.1, "Cumulative Impact Analysis" (Pages 5-1 through 5-25).

The number of lanes required for local streets within the Project vicinity is determined by the City of Moreno Valley General Plan Circulation Element, which is available for review at the City's Planning Department, or online at the following website: http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/gp/5-circu.pdf.

In regard to the referenced "one lane merge from the 60 to the 215," the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be

nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Effects of cumulative development of concern to the commentor are addressed at DEIR Section 5.1, "Cumulative Impact Analysis." Topical areas considered therein include:

- Cumulative Impacts Related to Land Use and Planning;
- Cumulative Impacts Related to Traffic and Circulation;
- Cumulative Impacts Related to Air Quality;
- Cumulative Impacts Related to Noise;
- Cumulative Impacts Related to Water Supply;
- Cumulative Impacts Related to Cultural Resources;
- Cumulative Impacts Related to Biological Resources; and
- Cumulative Impacts Related to Aesthetics.

Response RLMV-4

As presented in the Draft EIR (Page 4.9-22), "[t]o provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). The proposed buffer/setback incorporated in the Project design also provides physical separation between the Project's operational activities and southerly adjacent land uses, acting to reduce potential environmental impacts (e.g. noise and air quality impacts) received at off-site land uses. This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary."

Related to design and implementation of the Project setback described above, the Project includes a discretionary action (Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts]. The proposed code amendment requires buffering between Residential districts and industrial and warehouse structures greater than 50,000 square feet in building area (such as the Project). More specifically, as provided under proposed Code Section 9.05.040 Industrial Site Development Standards, Section B, 9. :

> 9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

The above requirements would apply to the Project and would act to ensure the protection of the health, safety and welfare of future residents. While it is acknowledged that the Project proposes a change of zone from Business Park to Light Industrial, no other zone changes are proposed.

From: George Hague [gbhague@gmail.com]
Sent: Monday, December 06, 2010 4:52 PM
To: Jeffrey Bradshaw
Subject: Please confirm = II Additional Sierra Club comments to Westridge Commerce Center's DEIR

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, December 06, 2010 11:40 AM
To: Jeffrey Bradshaw
Subject: Additional Sierra Club comments to Westridge Commerce Center's DEIR

Good morning Mr Bradshaw,

Please use these comments instead of what I sent you at 11:40 am today.

Re: Comments to the Westridge Commerce Center Draft Environmental Impact Report (DEIR)

During Thursdays Informational meeting the Consultant said that Appendix B would show that the Moreno Highlands project would be included. Using cumulative development from Chpater 5 and appendix B one does not find the Moreno Highlands Project. You do not even include Moreno Highlands at build out, but instead use 2013 as some magical date. Based on this standard if Moreno Highlands is not build for another 20 years then we can just approve all other lands with projects which would use all of SR 60 capacity- without factoring Moreno Highlands into the equation. SC-1

How can Moreno Valley allow what is shown on Exhibit 7-2 where the SR-60 westbound traffic is Four times the present level in 25 years? SR-60 can not handle the traffic we presently have. The Final EIR will be inadequate unless you can show the LOS at the point where SR-60 & I- 215 connect heading west with today's traffic, with this project added and 25 years from now with its ultimate improvement according to the RCTC. The same needs to be done heading east on SR-60 at the point it passes over Pigeon Pass/Frederick Street. The City then needs to explain how anyone will want to do business in a city that doesn't allow you to move through except at a crawl. SC-2

Whenever Skechers or the Highland Fairview project is mentioned you need to include both approved warehouses on their site as well as all the other commercial and land uses approved-- not just the single Skechers warehouse. This is true for not only for all Sierra Club comments, but all other comment letters on this project-- or your EIR will be inadequate. SC-3

How many diesel truck trips are expected to/from this project site and during what times of the day? Please respond to all question submitted to this DEIR within the Final EIR and not redirecting the public to someplace in the DEIR. SC-4

Building to LEED certification is good, but explain why the project will not try for at least Silver. There are many good ideas which could be designed/built into this huge warehouse to make it a environmentally superior and healthier project for Moreno Valley. The FEIR must list all those ideas which you will not incorporate into the project and fully explain why not. This must include those ideas which would lessen the projects impacts on Air Quality, Greenhouse Gas, and Global Warming. How will this project either help meet the goals of AB 32 or hinder our City's fair share in meeting its goals and standards? SC-5

The Sierra Club believes the impacts to Agricultural resources are considerable and need to be thoroughly discussed in the FEIR. The Lands of Local importance can not be just dismissed. Your project is growth inducing and could lead to the destruction of one of the last citrus groves in our city with the approval of Pro Logis. SC-6

How many diesel Trucks trips are calculated to use Redlands Blvd to enter/exit the city from your project? When combined with Skechers and ProLogis how many truck trips are calculated to use Redlands Blvd to enter/exit Moreno Valley. When you combine all three of these warehouses, operating a full capacity, with the existing background traffic, how many diesel trucks trips will use Redlands Blvd to enter/exit our city? SC-7

Since all diesel trucks must use Fir Street to enter/exit the project, how can you say the project is a safe distance from the property zoned residential across the street from your project? How will all the diesel trucks impact these future residents during your 24-7 operation? How does the toxic diesel emissions change during acceleration/deceleration as the trucks enter/exit the project? Your analysis of impacts must take this into consideration. With your growth inducing impacts how many diesel trucks will be using the improved Fir Street, adjacent to your project and future residents, when both approved warehouses at the Highland Fairview project, and Pro Logis are in full operation? SC-8

Please explain why reclaimed water will not be used? Between this project and Skechers you should be able to bring it north to serve both the needs of both sites. SC-9

The Sierra Club believes the DEIR fails to fully explain all the direct, indirect, growth inducing and cumulative impacts. The cumulative development list is not complete. The alternatives need to be further developed--especially since this project will not be built for perhaps years and there are existing warehouses sitting unoccupied. SC-10

The Sierra Club appreciates the opportunity to continue to add comments to this project's environmental documents. Please keep me informed of all future meetings and documents by using the address below. SC-11

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley Ca. 92555

SIERRA CLUB (GEORGE HAGUE)

Email Dated December 6, 2010

Response SC-1

It is presumed that the commentor's references to the "Moreno Highlands project" are intended to mean the Moreno Highlands Specific Plan, which was approved in 1992. Because approval of this Specific Plan preceded the adoption of the City's existing General Plan, the land uses approved as part of the Specific Plan are reflected in the adopted General Plan land use designations, which were the basis for the Draft EIR's consideration of ambient growth.

The year 2013 is utilized within the Project's Traffic Impact Analysis (TIA) and identified in the Draft EIR as the Project's anticipated opening year. As noted on Draft EIR Page 4.2-15, "[t]he City requires development TIAs to analyze a horizon year that is a minimum of five (5) years from baseline existing (2008) conditions reflected in the TIA. Accordingly, the potential traffic impacts of the Project are determined for 2013 ("Opening Year") conditions. This includes the application of an assumed background growth factor, to which traffic generated by known or probable 'related projects' was added."

Response SC-2

In regard to the commentor's concerns regarding traffic growth on SR-60, the Project TIA (included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather

to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response SC-3

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. Included for the Highland Fairview Corporate Park were the following anticipated land uses: Logistics (2,410,000 square feet); Retail/Outlet Center (10,000 square feet); and Community Commercial (200,000 square feet). A review of the Highland Fairview Draft EIR (available at the City of Moreno Valley Planning Department) indicates that this is the maximum development scenario for this recently approved project.

Response SC-4

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).

[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

The germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations."

Response SC-5

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

As noted on Draft EIR Page 4.3-110, "the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. As such, a qualitative assessment of the Project impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report, supports the conclusion that the Project GHG emissions are not cumulatively considerable. [Draft EIR] Table 4.3-21 identifies the various sources of guidance for determining the significance of impacts from GHG emissions, and the applicability of each source to this Project. Further, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures."

Contrary to the commentor's assertion otherwise, the FEIR need not list and evaluate all mitigation measures offered. With specific regard to potential GHG/GCC impacts (and measures offered to reduce potential GHG/GCC impacts), the Project's individual and cumulative impacts GHG/GCC impacts are substantiated to be less than-significant (DEIR Pages 4.3-88 through 4.3-11; DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and

Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response SC-6

Despite the commentor's assertions, the Draft EIR does not "just dismiss" potential impacts to agricultural resources. As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. The potential loss of agricultural land throughout the City attributable to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR, available for review at the City of Moreno Valley Planning Department) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required.

The commentor's opinions in regard to the potential impacts of the proposed ProLogis project are forwarded to decision-makers for their consideration.

Response SC-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Exhibit 5-4 in the Project TIA (Draft EIR Appendix B) identifies the truck trip distribution anticipated at General Plan Buildout, which includes traffic generated by the Project, the Projects referenced by the commentor, and all other known and probable development that is anticipated to occur at the SR-60/Redlands Boulevard Interchange.

Response SC-8

The commentor expresses concerns regarding diesel emissions from vehicles traveling along Fir (future Eucalyptus Avenue) and their potential impacts at adjacent residential uses. A Health Risk Assessment of Diesel Particulate Emissions was prepared to

address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment (HRA) was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA arguably consider potential worst case cancer risk exposure by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, and a portion of each 24-hour cycle is spent indoors. In addition, individuals and families at a given location for 70 or even 30 years would be considered the exception rather than the norm. The California OEHHA has indicated that based on EPA studies, the EPA

recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

In response to the commentor's specific concerns regarding potential cumulative effects of DPM emissions, regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as

discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [11] Please refer also to Response SC-4.

Response SC-9

Developments within the Project area are reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Ultimate timing and provision of recycled water to the Project will be determined by EMWD, not the Applicant or the Lead Agency. To assert or assume otherwise is speculative. As noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In

11 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."

Response SC-10

The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration during deliberations on the Project. The cumulative project list was compiled in consultation with City staff, and includes Projects that are consistent with those of other EIRs that have been prepared by the City for development proposals in the vicinity of the Project. The commentor is also directed to Draft EIR Section 5.2, which includes a comprehensive discussion of the potential for other approved warehouse projects to serve as an alternative to the proposed Project site.

Response SC-11

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings.

Thomas Thornsley
29177 Stevens Street
Moreno Valley, CA 92555

December 5, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552

Via e-mail: JeffreyB@moval.org

Dear Mr. Bradshaw:

Re: Draft Environmental Impact Report (DEIR) Westridge Commerce Center, SCH#: 2009101008

As a concerned residents on the east end I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center. I can not agree with some of the conclusions because it appears that some impacts are being written off because the City simply has not taken a progressive stand on potential development impacts or adopted stricter criteria for development (i.e.: enhanced development standard and limited design guidelines, or full improvements with future restitution.). As with most projects requirinig EIRs this project has some significant impacts that, quite simply, are being written off because the impact can not be completely mitigated to below a level of significance. However, several impacts could be lessened with further mitigated than what is proposed; most notable with regard to Traffic Impacts. In these instances it would be prudent to impose mitigation(s) to further lessen those impacts, thereby, leaving a smaller intensity of impacts that to be overridden by the City Council. TT-1

Project Description – So much of this document reads like "boilerplate text" and it fails to provide complete account of the entire project in any one location. The full project description is hard to quantify without looking in several places in two separate chapters. Even then the proposed Amendment to the Municipal Code related to providing "objective standards for the development of Light Industrial uses adjacent to residentially zoned property," fails to be detailed anywhere in the text and I am unable to determine what changes are being made. So therefore I ask: TT-2

- Why are you not providing a detailed description of the code amendment?
- What are the details of the proposed amendment? (Provide current text and proposed text.)

Aesthetics

Loss of Scenic Vista – The DEIR states that there is no feasible way to reduce impact (lost view of the surrounding hills) below a level of significance which may be true, but man-made enhancements along the 60-Freeway can offer a new pleasurable scenic vista thus mitigating a substantial amount of the loss. As such this issue should be addressed in greater detail to enhance what is lost for the community. TT-3

- Why is this project not offing to better enhance and screen the view from 60-Freeways with more extensive architectural relief, landscaping and a screen wall? TT-3 cont'd.

The photo simulations in the DEIR fails to depict the actual view from the roadways or what the view would be like for passing motorist after freeway expansion. Each simulation is a straight ahead view from each particular roadway/highway. Since the 60-Freeway is a General Plan designated Scenic Corridor true views are 360 degrees (and primarily southward as shown in Figure 4.9-1) and as such this document needs to be amended to show the impacted views from the 60 Freeway looking south across the project site to show how the building and loading docks will be buffered and compliment by landscaping and the screen wall as required by the development code. TT-4

- Why doesn't this document show a true view southward across the site as it would be viewed from the 60-Freeway by passing motorist?
- Why doesn't this document show the screening method of the building and loading docks?
- Why isn't there a visualization of the site screening method at full build-out of the Freeway?

Under the current zoning, building sizes are limited to 50,000 s.f. thus offering the opportunity for smaller buildings, greater elevation variations, and views through and between buildings if built and scattered across the same project area. So far the warehouse projects approved and proposed along the 60-Freeway corridor far exceed the original zoning building size limitations and as proposed are creating what will appear to be a mile long wall blocking almost all vistas to the south. TT-5

- Why is it not feasible to create smaller buildings for what is a speculative project at this time in a down economy?

Recommendation: **Mitigation measures** should be added to this project to require a sufficient landscape area and screen wall along the 60-Freeway to effectively screen the building and the loading dock and to act as an alternate aesthetic feature in place of the lost Scenic Vista. TT-6

Building – It is hard to understand the need for such a tall building unless it contains multiple internal stories which would then conflict with the floor area ratio (another issue). Under the existing zoning it was much more likely that the site would develop with smaller buildings and thus lower building profiles. One method to better preserve the scenic vistas would be limiting the overall building height to 25-30 feet. This would permit the building to go almost unnoticed if is truly built 20 plus feet below grade. As such a **mitigation measure reducing the height of the structure to preserve some of the scenic vistas should be imposed.** Thus, mitigating the impact to scenic vistas may not require the City to override this impact as proposed. Additionally, building relief (offsets) appears to be non existent on all elevations with limited compliance with General Plan Policy 2.10.3. Mitigation measures should be included requiring greater wall offsets relative to the expanse (1,300 foot length) of the building elevation. TT-7

- Building function is not necessarily compromised by building plane variations so why are there not more telling offsets to the building exterior? This applies to all four sides.

Light and Glare – The east end of Moreno Valley as enjoyed a rural atmosphere for decades and as such would be significantly impacted if project site lighting is not controlled. Additionally, this area falls just within the Mount Palomar Observatory Dark Skies area and should comply with their limitation to prevent light pollution. The International Dark-Sky Association web site at: www.darksky.org lists lighting fixtures and methods to meet dark sky specifications. Add a Mitigation Measure (beyond city policy) to assure that site lighting is compatible with "Dark-Sky" specifications or limit lighting to only the use of low pressure sodium lights, full shielding above a horizontal plain and no building or pole mounted lighting fixtures that project light outward horizontally beyond the property boundary to TT-8

eliminate the potential for nighttime light glare to motorist. This last request is especially relevant to freeway motorist.

- Why is there not a mitigation measure include with this project that assures full compliance and extra measure beyond the basic restrictions listed in the city?

TT-8, cont'd

Screen Walls – Page 3-9 makes mention of an 8-foot screen wall along the 60-Freeway yet there is no mention of this wall in Section 3.5.12. Neither the site plan nor the cross sections in this document list any screen wall along the 60-Freeway frontage. Since the City's General Plan Policies (2.10.2, 2.10.4, 2.10.5) and Development Code requires the screening of loading areas a **Mitigation Measure** needs to be added that will assure a wall of sufficient height will be installed along the project's north property line to screen the view down into the loading dock from the 60-Freeway and the eastbound off-ramp. Additionally, due to the massive length of this wall the screen wall should have significant vertical wall plain offsets and other variations (texture, style, height) to avoid visual monotony along the freeway.

- What type of adequate full screening method will be provide along the north property boundary adjacent to the 60-Freeway in compliance with city code?

Landscaping – Extensive landscaping is provided along the southern boundary of the project as a buffer for visibility of the project. The same level of treatment should be provided along the north property line in compensation for the lost Scenic Vista. The northern most landscaping provided on site is on what appears to be a 2:1 slope dropping immediately from the freeway right-of-way down to the parking and loading area. Since all of this landscaping is below freeway grade it will provide little complimentary relief to the massive building. Additionally, city code requires screening of parking and loading areas with a minimum 10-foot landscape buffer utilizing walls and burms to screen these elements.

TT-9

- Why is there not a sufficient landscape buffer and screen wall along the northern most project boundary along the freeway right-of-way?
- How does this project proposes to meet the 10-foot landscape requirement for buffering if all of this area is below grade?

Traffic

The DEIR states that "the Project cannot feasibly construct the required improvements and/or Payment of fees will not assure their timely completion" and "Pending completion of required improvements the Project's incremental contributions to Opening Year Cumulative traffic impacts at or affecting (certain) intersections are considered cumulatively significant and unavoidable." Since most of the studied intersection are not currently impacted this project will be the ultimate source causing them to be impacted and as such this project should be held responsible to further eliminate those impacts beyond just "paying the TUMF" and letting the improvement happen when they may. The following passage, "The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts," is utilized time and again in MMs 4.2.3 through 4.2.9 in what appears to be the project proponents out for making some simple fixes such as stripping for right-turn lanes. These types of simple fixes should be the responsibility of the development.

TT-10

Since it appear that it could be quite some time before full improvement are made to connect Fir Avenue through from Redlands Boulevard to the terminus of Eucalyptus Avenue the added traffic burden to Redlands Boulevard will greatly impact travel and completely diminish the level of service currently available The project proponent needs to provide a supplemental or alternative analysis in the form of a

tiered level of improvements that can be made that diminishes the impacts at Opening Year. Additionally, the cost burden undertaken by the developer should be determined for reimbursement.

- What additional improvements can be made prior to building occupancy that will address the immediate impact at Redlands Boulevard and the 60-Freeway in exchange for fees paid for improvements elsewhere?
- Since the city will reimburse developers for improvement costs beyond those associated with their project why is this project not proposing to make the extra improvements to lessen the impacts and better serve its future users and the neighboring community? TT-10 (cont'd)

If these improvements are not made by the time the project is in its Opening Year what will be the timelines for making these improvements and what criteria (money, Caltrans approval, other projects…) have to be met before the mitigation measure are carried out?

- How will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Air Quality

There is no doubt that any urban development on the project site will generate long-term operational emissions that will exceed the South Coast Air Quality District's regional thresholds. However, the types of pollutants vary by the activities associated with different land uses, some of which may not be as hazardous to the health of those in the surrounding community. Since most of the cancer risk from air pollution is from diesel exhaust it would be best to rethink the land uses of a community as a whole and limit those that pose the greatest risk to health. Maintaining the existing zoning would prevent uses such as this distribution center which requires extensive use of trucks burning diesel fuel. Under the current zoning the range of business permitted are likely to generate more vehicle trips but fewer emissions by trips from diesel fueled vehicles.

This type of project would also be best suited for a location where it could utilizes rail transport for the massive daily volume of trips associated with warehouses or logistic centers. For this reason alone, the City should not approve the zone change and this project should locate to a site with more efficient transportation infrastructure better suited to meet speculative users' needs with fewer environmental impacts. TT-11

It is unrealistic for the City of Moreno Valley and the project proponent to disregard the cumulative impacts this project will have on this area when utilizing a scenario where much of the surrounding area is converted to industrial and warehouse uses. This analysis should be undertaken so as to find what level of incremental increase this project will have on the overall community.

- Why in there now effort made to look at the real possibility of cumulative impacts from this project and the likely land use changes surrounding this project site?

However, because I believe that the City will approve this project; additional tougher mitigation should be added to offset local and regional impacts to the fullest extent possible before overriding what can not be achieved. If these mean reducing the size of the project to reduce environment impacts, as a suggested in the alternatives, then it should be seriously considered. Also, there should be mitigation measures requiring a percentage of the fleet vehicle (diesel trucks) of future tenants to be low to zero emission vehicles. Also, diesel trucks delivering to the site shall include soot filters or the latest technological equipment available.

Additionally, MM 4.3.11 addresses improvements to the project that will allow the project to exceed Title 24 standards by 20 percent. This is a nice thing but more should be offered. The final item on the list of improvements states that the building should be structurally designed to handle the installation of roof mounted solar panels. This should be mitigation measure unto its own along with requiring the project proponent to work with energy providers and vendors to install such equipment to offset fuels used to generate electricity. There are numerous vendors and utilities interested in joint projects to install these systems, and they are always looking for places to install systems, and this should be made a part of this project. This measure also works well to mitigate the issues associated with greenhouse gases.

- Why can't this project be required to have all buildings designed forthwith to accommodate renewable energy sources such as photovoltaic solar electricity systems appropriate to their architectural design?
- Why is there no mention of the project proponent working to insure the opportunity to utilize this structure is know in the industry?

TT-11 (cont'd)

As stated in the Traffic section may intersection improvements will not be undertaken by the project but will instead only be mitigated through the payment of improvement fees. If this is true the project will create traffic impacts that do not currently exist.

- Therefore, how will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Climate Change and Greenhouse Gases

Since the state has enacted legislation to lower greenhouse gas emissions any and all possible measures to lower emissions that could be undertaken by this project should be listed, discussed and analyzed for their effectiveness, not just a list of improvements that will exceed Title 24 by 20 percent. The City should then include mitigation measures that significantly reduce (though they may not entirely mitigate impacts) associated impacts prior to any consideration to override them as the DEIR suggests.

TT-12

- Why is the project not being designed to meet some of the highest LEEDS standards and only offering to exceed Title 24 by 20 percent?

Thank you for the opportunity to comment on the Draft EIR for this project. I request to be informed of all meetings and public hearings related to this project or other consideration in east end of Moreno Valley. Please let me know if it is possible to review a copy of the project plans so that I may provide constructive comments related to the development proposal prior to its next appearance before the Planning Commission or City Council. I would also like to request copies of any follow-up documents related to this project (2nd DEIR and/or Final EIR). Feel free to contact me if you have any questions regarding my comments.

TT-13

Sincerely,

Thomas Thornsley
909-797-1397
e-mail: tomthornsley@msn.com

THOMAS THORNSLEY

Letter Dated December 6, 2010

Response TT-1

The City disagrees with the commentor's assertion that potentially significant impacts of the Project are being "written off." As required by CEQA, the Draft EIR identifies the feasible and enforceable mitigation measures that have been determined necessary to reduce the Project's potentially significant environmental impacts. The commentor's references to additional traffic mitigation are addressed more specifically in the subsequent Response TT-10. The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration.

Response TT-2

The commentor's opinions in regard to the Draft EIR's organization are forwarded to decision-makers for their consideration. The actual wording of the proposed Municipal Code Amendment was not available at the time the Draft EIR was completed. The proposed amendment will be crafted by City staff and made available prior to its consideration by Planning Commission or City Council, consistent with the City's standard procedures for the adoption of Municipal Code Amendments.

For the purposes of the Draft EIR's analysis, the code section to be amended is identified (Section 9.05.020 B, City Case # PA10-0017) on Draft EIR Page 3-24. Further, the intent of the proposed code amendment is summarized as follows.

> The proposed Code Amendment would mandate minimum separation/ buffer requirements (250 feet) between proposed light industrial use and residentially-zoned properties. As further required under the proposed Code Amendment, this setback/buffer area shall be increased should the minimum 250-foot separation/buffer prove insufficient to eliminate

significant health risks or project operational noise impacts as reflected in project-specific air quality and noise analysis (Draft EIR Page 4.1-19, *et al.*).

The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City.

Response TT-3

As acknowledged in the Draft EIR's analysis of the Project's potential aesthetic impacts, "[d]eterminations of visual character and quality are inherently subjective by nature." The commentor's suggestion that "man-made enhancements along the 60-Freeway" be utilized to mitigate the Project's adverse effect on scenic vistas could be perceived as exacerbating the potential change to existing views. It is further noted that land adjacent to SR-60 is within a Caltrans easement, and is reserved for future freeway improvements that are outside the jurisdictional authority of the Applicant or the City of Moreno Valley. The Project has nonetheless proposed a wall of trees at the property line along the top of the slope to further soften views of the Project from the adjacent SR-60. The trees will be configured and planted in a double row the northwestern portion of the site, and in a single row along the future off-ramp.

The Project's potentially significant visual impacts are attributable to potential view obstruction, not architectural design or appearance of the Project (please refer to the summary of significant aesthetic impacts presented at DEIR Pages 1-19, 1-20). Architectural revisions or additional screening suggested by the commentor do not act to review the project's identified view obstruction. Moreover, as described on Draft EIR Page 4.9-21, "[i]n order to ensure visually acceptable and compatible development, and subject to the proposed change of zone from Business Park to Light Industrial, the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05,

Industrial Districts. To these ends, the Project site plan, landscaping, and architectural concepts provided at EIR Section 3.0, Project Description demonstrate consistency with Municipal Code Section 9.05.040, B., Special Site Development Standards."

Response TT-4

The Draft EIR acknowledges the designation of SR-60 as a scenic route, and the Project's location within a scenic view corridor (Draft EIR Page 4.9-10). Despite the commentor's assertions to the contrary, the Draft EIR's view simulations provide actual pre-development views from the SR-60, with post-development photo simulations reflecting the facilities and landscape screening of the Project. A direct southerly view of the Project from Ironwood Avenue, located approximately 2,500 feet north of the freeway, is provided in Draft EIR Figure 4.9-8. The Project's landscape screening has been conceptually illustrated in Draft EIR Figures 3.5-4 and 3.5-5, and is reflected in the previously referenced Draft EIR's Post-Development View Simulations (Draft EIR Figures 4.9-4 through 4.9-8). It may be noted that because the Project's facilities will be located approximately 25 feet below the grade of the SR-60, the loading docks will not be visible from the SR-60, or from other properties not located at a considerably higher elevation than SR-60. (Draft EIR Figures 4.9-2, 4.9-3)

In regard to the commentor's concerns regarding views in the Project vicinity following freeway expansion, it is noted that although the Project has been designed to accommodate future interchange improvements planned by Caltrans, these improvements will be constructed by Caltrans, and are not a part of the proposed Project. Improvements adjacent to the Project site have been neither programmed nor funded at this time. The preparation of view simulations incorporating these improvements would be speculative, and as such, were not undertaken as part of the Draft EIR.

Response TT-5

As discussed in the Draft EIR's analysis of alternatives (Pages 5-36 to 5-37), the possibility of limiting the Project's building size was considered, but rejected as infeasible. The relevant discussion is presented below for ease of reference.

> In order to potentially avoid or reduce view obstruction/view interruption resulting from the large consolidated warehouse structure proposed under the Project, an alternative site design employing multiple smaller structures of 50,000 square feet (per the site's current Business Park zoning requirements) was considered. However, the intent of the Project is to achieve full utility of the available site while providing region-serving logistic warehouse facilities. Feasibility and function of the proposed regional warehouse is dependent on its size and configuration, allowing for centralized and consolidated storage and transfer of large (numerically and dimensionally) inventories serving smaller local and end-use facilities. Division of the proposed building into substantively smaller components (50,000 square feet maximum buildings) is not practically or economically feasible.
>
> Moreover, such division of the Project would act to unnecessarily duplicate or expand serving utilities, would result in multiple and redundant internal operations (e.g., intersite transfer of inventories), would restrict flexibility of warehouse operations and use of warehouse space; and may necessitate additional access to adjacent roadways in order to serve the individual buildings, with potentially increased circulation/access impacts. Lastly, it is noted that the Project design is typical of other regional distribution warehouses implemented within the City, surrounding Riverside County, and throughout southern California. Empirical evidence indicates that the Project design is an established functional and efficient format for regional distribution warehouse

facilities. For these reasons, an alternative based on a compartmentalized building design scenario resulting in multiple smaller buildings was not further considered.

The commentor's concerns in regard to the Project's feasibility in the current economic climate are forwarded to decision-makers for their consideration.

Response TT-6

Please refer to the preceding Response TT-3. The commentor's opinions in regard to the provision of an 'alternate aesthetic feature' are forwarded to decision-makers for their consideration.

Response TT-7

The commentor requests explanation of the proposed building design, and specifically the proposed building height.

The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. While multiple stories are not proposed, the high-cube building design typically requires internal clear heights of 30 feet or more. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy

efficiencies associated with such a large building footprint. The suggestion that architectural "offsets" be required is forwarded to decision-makers for their consideration.

Response TT-8

The Project's potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is addressed in Draft EIR Section 4.9. As noted on Draft EIR Page 4.9-22, "[o]n-site lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance," which are detailed within this discussion. As further noted on Draft EIR Page 3-17, "[t]he Project lies within 45 miles of the Mt. Palomar Observatory, and would comply with applicable provisions of County of Riverside Ordinance 655 which addresses protection of the night sky from light pollution that would interfere with astronomical observations." Additional mitigation suggested by the commentor has not been included because no potential impacts relative to the Project's potential to create light or glare have been identified. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

It is further noted that the City is considering a "Dark Sky" ordinance that would act to prevent or reduce light pollution.

Response TT-9

Consistent with the commentor's observation, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

> these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. ***Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls*** . . . .

Results and conclusions of the DEIR are not affected.

As noted on Draft EIR Page 4.9-21, "the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05, Industrial Districts." The landscape buffer proposed along the Project's northernmost boundary, adjacent to SR-60, is, as noted by the commentor, a landscaped slope, with a depth of approximately 41 feet, or more than four times the required ten-foot landscape buffer. Additionally, as noted in the preceding Response TT-3, the Project also includes the planting of a double row of trees along the site's northwestern property line. As demonstrated in the line of sight illustration provided as Draft EIR Figure 4.9-3, loading areas on the north side of the Project will not be visible from SR-60. The commentor's opinions in regard to the adequacy of the Project's proposed landscape screening are forwarded to decision-makers for their consideration.

<u>Response TT-10</u>

It appears that the commentor is unclear in regard to which potential traffic-related impacts are considered significant due to the Project, and those that are forecast to occur as a result of cumulative growth. As discussed in the Draft EIR (Pages 4.2-15 to 4.2-16), , the Project's Traffic Impact Analysis (TIA) identifies ambient growth using a standard annual growth factor of two percent per year to account for non-specific development

within the Study Area, as well as anticipated growth in traffic volumes generated by projects outside the Study Area. The ambient growth factor of two percent per year was applied to existing Year 2008 traffic volumes, yielding a ten percent (10%) growth in existing volumes over the five intervening years until the Project Opening Year, 2013. As discussed in the Draft EIR (Pages 4.2-34 to 4.2-35), under the "Opening Year Ambient Condition" defined above, only two intersections would be affected by Project-related traffic. Mitigation for impacts at these two intersections is provided in Draft EIR Mitigation Measures 4.2.1 and 4.2.2, which are provided below for ease of reference.

4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements - Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

With implementation of these mitigation measures, the Project's potential impacts are identified as less-than-significant. All other traffic-related impacts identified in the Draft EIR occur in the cumulative condition, which is defined (on Draft EIR Page 4.2-16) as including other known or probable related projects assumed to be occupied and operational by the Project's opening in 2013. A map of the approved and pending projects is included in EIR Section 5.1 (Cumulative Impacts Analysis). Additional detail regarding the trip generation of these related projects is also presented in the Project TIA (EIR Appendix B).

Despite the commentor's assertion that "simple fixes should be the responsibility of the development," it is noted that the majority of the required improvements are within Caltrans facilities, which are outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The application of fee-based mitigation is discussed further in the Draft EIR on Pages 4.2-25 to 4.2-26. The commentor's opinions regarding "alternative analysis in the form of a tiered level of improvements" will be forwarded to decision-makers for their consideration.

The Draft EIR's air quality analysis (Section 4.3) is based on the Project TIA, and as such, comprehensively addresses the Project's potential traffic-related impacts, along with other potential effects on air quality. The commentor speculates that required traffic improvements will not be completed. Please refer to the discussion of improvements programs and the implementation of improvements required pursuant to those programs presented in detail in the Project TIA at TIA Pages 205-208. As noted therein, the TUMF program was implemented to ensure timely completion of region-serving transportation improvements. Locally, the City has an established, proven track record with respect to implementing the City's DIF Program. Many of the roadway segments and intersections included within the study area for this Traffic Impact Analysis are at various stages of widening and improvement based on the City's collection of DIF fees. Under this Program, as a result of the City's continual monitoring of the local

circulation system, the City insures that DIF improvements are construction prior to when the level of service would otherwise fall below the City's established performance criteria. The commentor's statements are forwarded to the decision-makers.

Response TT-11

The commentor's opinions related to the best use of the Project site in regard to air quality considerations will be forwarded to decision-makers for their consideration. With regard to statements concerning diesel emissions, please refer to response FNSJ-8, et al. presented herein.

With regard to comments addressing air quality, alternatives, and maintaining the site's existing zoning designation, the Draft EIR includes a "No Project Alternative" analysis which assumes development of the subject site consistent with the existing Zoning Designation of "Business Park." A comparative analysis of operational air quality emissions under each of the Project's alternatives is provided on Draft EIR Page 5-53 – acknowledges that "the vehicle mix under the No Project Alterative would likely reflect incrementally decreased heavy truck traffic, with related decreases in diesel particulate emissions when compared to the Project." However, as also noted on Draft EIR Page 5-53, the Project's significant operational air quality impacts consist of exceedances of SCAQMD regional thresholds for VOC and NOx emissions. As noted on Draft EIR Page 4.3-84, potential environmental impacts from Project-related diesel particulate emissions were determined to be less-than-significant with mitigation. On this basis, the suggested continuance of the site's existing Business Park zoning would not necessarily result in a lessening of environmental impacts.

Evaluation of Alternative Sites (also of concern to the commentor) is presented in the DEIR (DEIR at Pages 5-38 through 5-34). As substantiated in the DEIR four (4) of the considered Alternative Sites (Sites 1-4) were ultimately determined infeasible. Alternative Site 5 would not result in the avoidance or substantive reduction of Project related impacts, this Alternative Site was also rejected from further consideration.

The commentor incorrectly states that cumulative impacts are disregarded. Please refer to DEIR Section 5.1, Cumulative Impact Analysis, DEIR Pages 5-1 through 5-25. With specific regard to energy consumption and potential GHG/GCC impacts (and measures offered to reduce potential energy/GHG/GCC impacts), the Project's individual and cumulative impacts are substantiated to be less than-significant (DEIR Section 5.6 Energy Conservation; DEIR Pages 4.3-88 through 4.3-11 (GHG/GCC impacts); and DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

In regard to the use of photovoltaics, as currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." As such, the Project supports, and would not interfere with use of solar energy. The commentor's opinions regarding "joint projects" will be forwarded to decision-makers for their considerations.

Traffic concerns have been addressed in the preceding Response TT-10.

<u>Response TT-12</u>

The commentor's opinions in regard to further lowering the Project's greenhouse gas emissions are forwarded to decision-makers for their consideration. It may be noted that

because the Project's Global Climate Change Analysis identified no significant impact on the environment, overriding considerations in regard to greenhouse gas emissions would not be required. Further, mitigation measures 4.3.11 through 4.3.13 were provided as part of the Draft EIR in order to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, rather than to reduce potentially significant impacts.

In regard to the commentor's concerns regarding Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20

percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response TT-13

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings. As requested, noticing of other projects in the area will also be provided. Project plans are available for review at the City of Moreno Valley Planning Department.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): AMORA JOHNSON Phone:

*Address (Required): 13301 McGahee Dr. Moreno Valley 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☑ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. AJ-C-1

Please provide your comments below:

Date: 12-6-2010

My main concern would be the effect on the wildlife in the area, with more vehicles - especially the diesel trucks' output - the wildlife's preservation attempts thus far will be undermined by the construction activities and the afterward effect will be detrimental to what good work the preservation has in humans' quality of life, too.

Being able to enjoy those migrating birds and all the other animals that most of us can't see within the cities, anywhere, will give younger generation appreciation of the existence of some rare animals, birds, creatures, bugs and other micro organism. Taking children to enjoy our open spaces, clean, clear air and to watch those rare creatures are much more important than seeing these block buildings that can be seen everywhere else, whereas the San Jacinto Wildlife Area can be made into a destination for younger generation. AJ-C-2

City of Moreno Valley needs to see the future, not just the $ for the present by ignoring the future of the next generations. -

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

MV00111699

AMORA JOHNSON

Via Public Comment Card

Response AJ-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response AJ-C-2

The commentor expresses concern regarding the effects of the Project on wildlife in the area.

The biological assessment for the Project consisted of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements;
- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- Jurisdictional delineation.

As supported by the analysis presented in Section 4.8, "Biological Resources" of the Draft EIR, with application of proposed mitigation measures, the Project's potential impacts to biological resources are less-than-significant.

Additionally, the commentor references the San Jacinto Wildlife Area. It is noted that this area is located approximately 3.5 miles to the southeast of Project site, and will not be affected by the Project.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): Richard Johnson Phone: 951-243-0804

*Address (Required): 13301 McGEHEE Dr. MV 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☐ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings.

Please provide your comments below:

Date: 12/8/2010

I believe the project will overburden the present areas infrastructure, from the streets to the 60 FWY and beyond the 215 as well. The estimates along with future planning seems to set no limit for continued development of the area and it will be a very dangerous roadway system to be driving in this area. Future warehouse building will make it a very difficult place to drive a car. The vision of this area has now been lost. These buildings and the businesses may turn out to be a continued trend for dumbing down the area overall. RJ-C-1

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

RECEIVED
DEC - 6 2010
CITY OF MORENO VALLEY

Item No. E.3

RICHARD JOHNSON

Via Public Comment Card

Response RJ-C-1

The commentor's concerns regarding the effects of the Project on regional traffic safety and opinions regarding development trends within the City are forwarded to decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): Deanna Reeder Phone:

*Address (Required): 17351 Riva Ridge Rd E-Mail: late98765@aol.com

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. DR-C-1

Please provide your comments below:

Date: 12/2/2010

I want to know the cumulative impacts of this and all proposed projects as well the entire 35 million sq ft of warehouses that are proposed for this area.

This report must include all the impacts of all 35 million sq ft in order to be of actual value to the community. DR-C-2

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

DEANNA REEDER

Via Public Comment Card

Response DR-C-1

Commentor's contact information is noted and will be added to the Project mailing list to receive any subsequent environmental documentation for this Project and/or notification of any future public hearing(s) to consider the Project and EIR.

Response DR-C-2

The commentor expresses concern regarding the cumulative impacts of the Project and all proposed projects in the vicinity. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region." Please also refer to the preceding Response DR1-1 (Draft EIR Page 5-4).

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): George B. Hague (Sierra Club) Phone:

*Address (Required): 26711 Ironwood Ave MV 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. SC-C-1

Please provide your comments below:

Date: 12-2-10

Comments to DEIR

Comment of 250' buffer to land zoned for housing is not enough because the trucks will use Fir and therefore impact the homes to be built. USC + UCLA studies show that 250' would not be enough. SC-C-2

Your Traffic study needs to show the amount of Truck Traffic that will use Redlands Blvd. SC-C-3

Hwy 60/215 ultimate RETC improvements will allow only two lanes heading west and the traffic analysis needs to show this. Right now we have only one lane that continues West - the other lane forces you off at Central Ave. SC-C-4

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

SIERRA CLUB

Via Public Comment Card

Response SC-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response SC-C-2

The commentor offers information from unknown, unvetted "USC & UCLA studies" however, the commentor does not provide adequate citation to allow meaningful response to the contention that the Project setback of 250 feet [from the ultimate northerly right-of-way for Fir/future Eucalyptus Avenue] "would not be enough."

This 250 foot setback is designed to provide adequate separation between the Project's highest activity areas (the most intense "worst case" sources of DPM emissions) and adjacent residential properties, so that with incorporation of mitigation, diesel emissions impacts are reduced to levels that are less-than-significant.

Moreover, as discussed in the DEIR:

> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties.

> This 250 foot minimum separation shall be increased as required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. In addition to reducing potential air quality and noise impacts, this required setback would tend to diminish visual impacts of the Project as seen from southerly vantages and while increasing the extent of potential viewsheds (DEIR, Page 5-24).

In order to evaluate the potential effects of Project diesel emissions (of noted concern to the commentor) a Health Risk Assessment (HRA) was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the HRA prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant

emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads (such as Fir Avenue noted by the commentor) would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

Response SC-C-3

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Response SC-C-4

In response to the commentor's concerns regarding traffic at the intersection of SR-60 and I-215, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

APPENDICES

Please refer to accompanying CD-ROM

Item No. E.3

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MV00111713

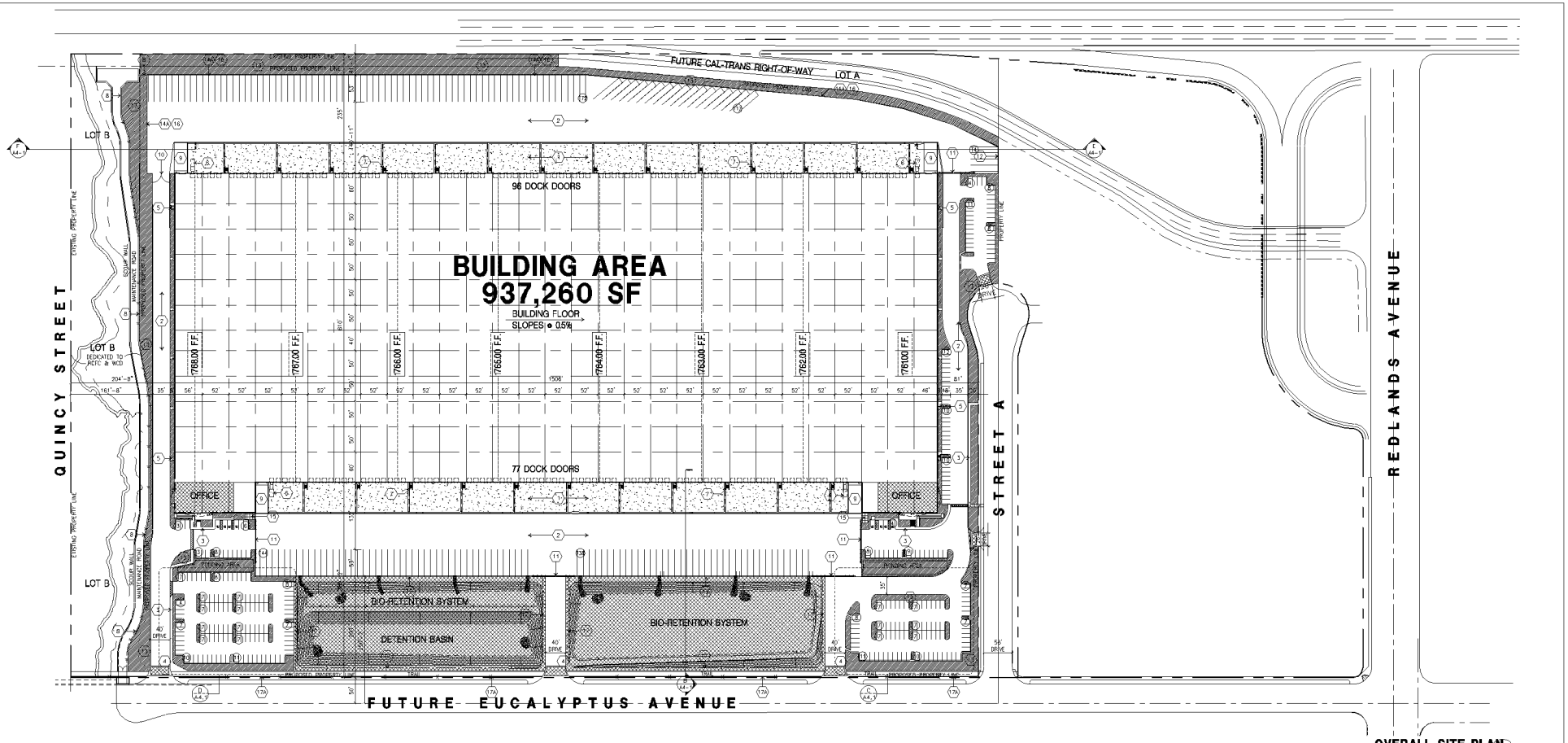

OVERALL SITE PLAN

scale: 1" = 80'-0"

1" = 80'-0"

0 80 160 240

NORTH

TYPICAL STREET SECTIONS

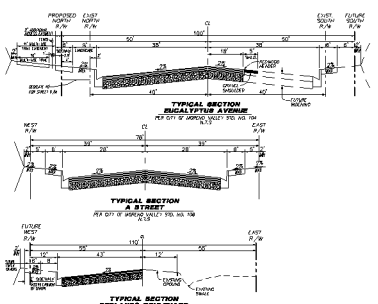

PROJECT TABULATIONS

TABULATION	Bldg 1	Channel	Grand Total
Gross site area (in s.q.ft.)		111,865	2,380,905
Gross site area (in acres)		2.57	54.68
Net site area (in s.q.ft.)	2,269,040		2,251,964
Net site area (in acres)	52.09		51.68
Warehouse area	923,260		
Office area	14,000		
Total building area	937,260		
Coverage (Gross)			
Coverage (Net)	42%		
Landscape required (10%)	226,904		
Landscape provided	305,038		
% of landscape provided	13%		
Parking required			
1st. 20k@1/1,000 s.f.	20		
2nd. 20k@1/2,000 s.f.	10		
above 40k @1/4,000 s.f.	221		
office @1/250	56		
Total parking required	307		
Parking provided			
Standard	307		
Trailers	175		

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONC. PAVEMENT. SEE "C" & "S" DWGS.
2. ASPHALT CONCRETE (AC) PAVING. SEE "C" DWGS.
3. CONCRETE WALKWAY. SEE "L" DRAWINGS.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C. NO DECORATIVE PAVING WITHIN RIGHT-OF-WAY. SEE "L" DWGS.
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 7' SIDE X 15' LONG TRASH COMPACTOR W/ 8' WIDE X 22' LONG REFUSE CONTAINER.
7. EXTERIOR CONC. STAIR.
8. 6' H. COATED CHAIN-LINK FENCE OR OTHER AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.
9. CONCRETE RAMP.
10. 8' H. METAL SWING GATE.
11. 8' H. METAL SLIDING GATE.
12. 14' H. CONCRETE SCREENWALL. PAINTED.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. 8' H. WROUGHT IRON FENCE.
14A. 14' H. WROUGHT IRON FENCE.
15. COURTYARD PATIO AREA.
16. RETAINING WALL. SEE "C" DWGS.
17. 4' H. THREE RAIL FENCE.
17A. 4' H. THREE RAIL FENCE AS PER COMMUNITY DEVELOPMENT DIRECTOR.

GENERAL NOTES - FLOOR PLAN

A. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.

B. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.

C. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL. FACE OF CONCRETE CURB OR GRID LINE U.N.O.

D. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.

E. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM

F. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.

G. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.

H. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.

I. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.

J. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.

K. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.

L. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

M. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.

N. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.

O. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB

P. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

PROJECT INFORMATION

Owner / Applicant

PIERCE RANCHO BELLAGIO, LLC
c/o PIERCE PROPERTY TRUST
301 CONVAL AVE. - STE. #8
LONG BEACH, CA 90803
TEL: (562) 856-3619
CONTACT: DENNIS PICE

Architect

HPA, INC.
18831 BARDEEN AVE. SUITE #100
IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: INDRI CHANG

Applicant's Representative

INLAND EMPIRE DEVELOPMENT SERVICES, INC.
531 MONROE COURT
BEAUMONT, CA 92223
TEL: (909) 845-1003
CONTACT: GIL SWENT

Civil Engineer

HUITT ZOLLARS
1101 S. MILIKEN - STE.C
ONTARIO, CA 91761
TEL: (909) 390-9400
CONTACT: MAURICE MURAD

Legal Description

ALL OF LOTS 3,4,5,6 BLK. 35 AND A PORTION OF LOTS 2 AND 7 BLK. 35 LYING WITHIN MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY IN THE COUNTY OF RIVERSIDE, STATE OF CALIF. AS PER MAP RECORDED IN BOOK 11, PG. 10 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning

ZONING: EXISTING - BP
PROPOSED - LI

Assessors Parcel Number

APN 488-330-003
APN 488-330-004
APN 488-330-005
APN 488-330-006
APN 488-330-026

SITE LEGEND

- LANDSCAPED AREA
- WQMP AREA
- AC PAVING - SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- HANDICAP PARKING STALL (9' X 18')
- OFFICE AREA
- PROPERTY LINE
- ADA PATH OF TRAVEL
- (#) PARKING STALL COUNT

CIVIL LINETYPES

- DW — PROPOSED DOMESTIC SERVICE
- FW — PROPOSED FIRE SERVICE
- W — PROPOSED WATER LINE
- S — PROPOSED SEWER LINE
- RIGHT OF WAY/SITE BOUNDARY
- EXTND RIGHT OF WAY/SITE BOUNDARY
- P — PROPOSED RIDGE LINE
- SD — PROPOSED STORM DRAIN
- PROPOSED GRATING INLET

UTILITY INFORMATION

TELEPHONE
VERIZON
1980 ORANGE TREE LANE, STE 100
REDLANDS, CA 92374
PHONE: (909) 748-6839
CONTACT: TINA CARSON

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA 92552
PHONE: (951) 413-3450
CONTACT: DARCY RAMIREZ

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928 - 3777
CONTACT: NEW BUSINESS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

GAS
SOUTHERN CALIFORNIA GAS CO.
25500 TRUMBLE ROAD SC 6058
ROMOLAND, CA 92380
PHONE: (951) 335-3502
CONTACT: DAVE MULLIGAN

CABLE - TV
TIME WARNER CABLE
1500 AUTO CENTER DR.
ONTARIO, CA 91761
PHONE: (909) 975-3380
(909) 390-4777
CONTACT: MARK DALENHAUER

VICINITY MAP

N.T.S.

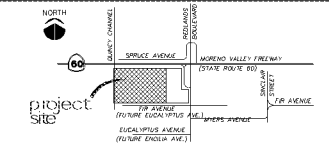

WestRidge

Commerce Center

MORENO VALLEY, CALIFORNIA

HPA# 6342

NOVEMBER 5, 2010

PIERCE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

PLOT PLAN
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A1.1

ATTACHMENT 11

MV00111714

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MV00111715

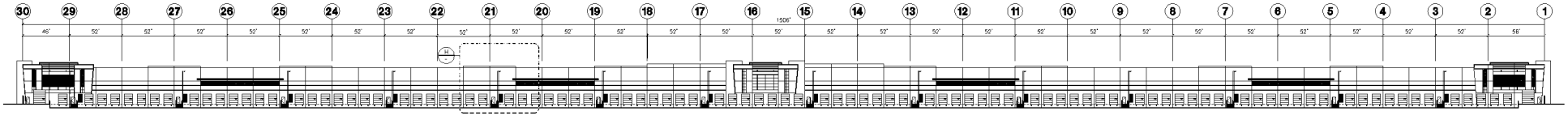

NORTH ELEVATION (A)
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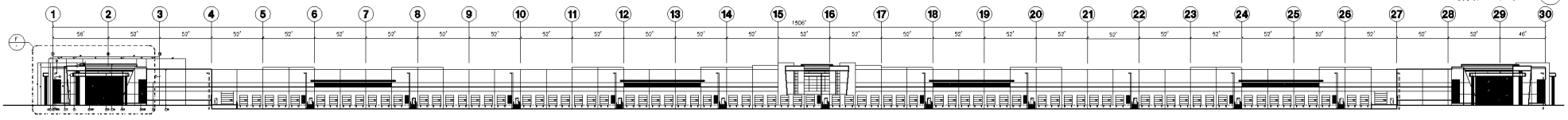

SOUTH ELEVATION (B)
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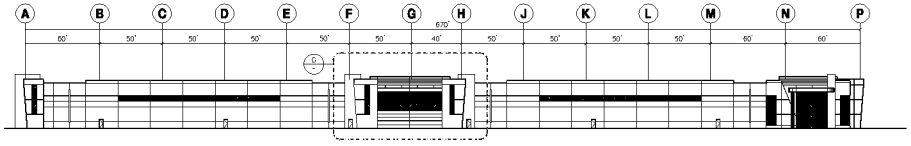

WEST ELEVATION (D)
scale: 1"=40'-0"

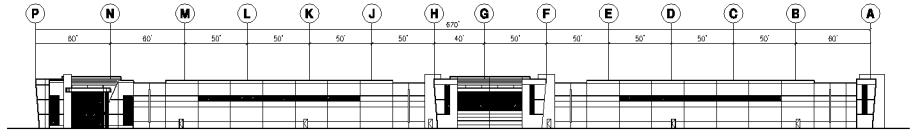

EAST ELEVATION (C)
scale: 1"=40'-0"

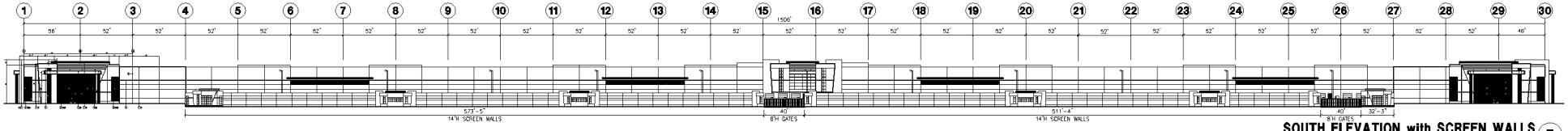

SOUTH ELEVATION with SCREEN WALLS (E)
scale: 1"=40'-0"

SCALE: 1"=40'
0 40' 80' 120'

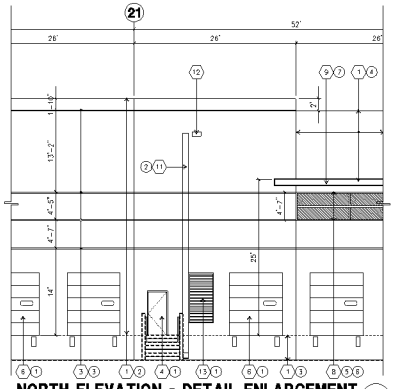

NORTH ELEVATION - DETAIL ENLARGEMENT (H)
scale: 1/8"=1'-0"

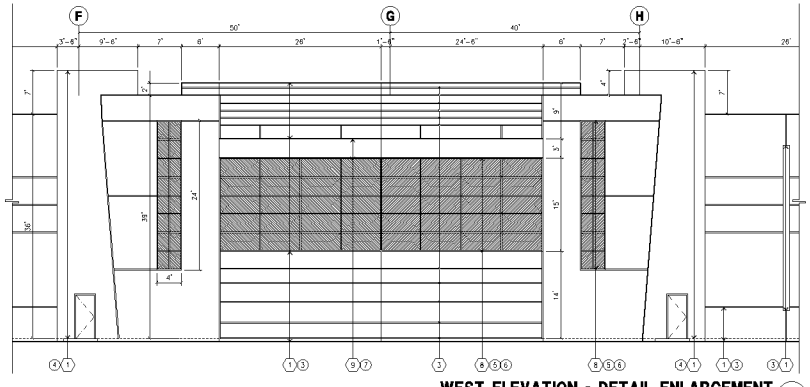

WEST ELEVATION - DETAIL ENLARGEMENT (G)
scale: 1/8"=1'-0"

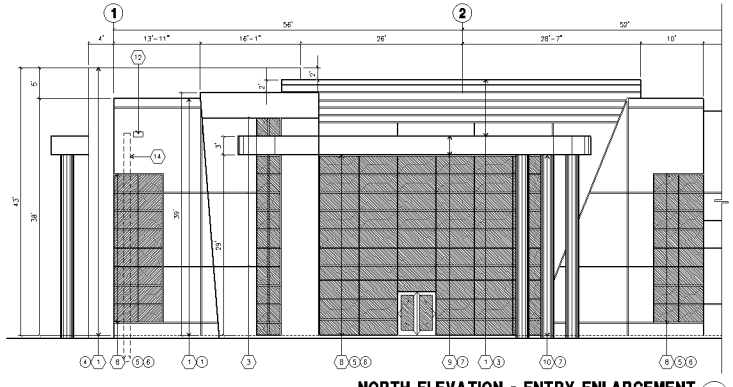

NORTH ELEVATION - ENTRY ENLARGEMENT (F)
scale: 1/8"=1'-0"

SCALE: 1/8"=1'-0"
0 8' 16' 24'

KEYNOTES - ELEVATION

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL.
4. HOLLOW METAL DOORS.
5. OVERHEAD DOOR @ DRIVE THRU.
6. OVERHEAD DOOR @ DOCK HIGH.
7. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
8. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
9. DECORATIVE CANOPY.
10. DECORATIVE COLUMN SUPPORT FOR CANOPY.
11. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER. PAINT TO MATCH BUILDING COLOR.
12. 9" X 18" OPENING METAL SCUPPER @ 2" ABOVE FINISHED ROOF.
13. 4'W. X 8'H METAL LOUVER PAINT TO MATCH BUILDING COLOR.
14. INTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.

B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.

C. T.O.P.= TOP OF PARAPET ELEVATION.
F.F.= FINISH FLOOR ELEVATION.

D. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 105 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.

E. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.

F BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.

G FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.

H. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.

J. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULES - ELEVATIONS

1	CONCRETE PANEL	PAINT BRAND	FRAZEE 001 WHITE
2	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3171W SILVER LINING
3	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3173M EXCALIBUR
4	CONCRETE PANEL	PAINT BRAND	FRAZEE CL2566A DEUCE
5	MULLIONS	ALUMINUM	CLEAR ANODIZED
6	GLAZING	COLOR	BLUE REFLECTIVE
7	CANOPY	PAINT BRAND	FRAZEE PRECISION COATINGS INC. SILVER MIST METALLIC FLAT

GLAZING LEGEND

- SPANDREL GLASS
- VISION GLASS
- TEMPERED SPANDREL GLASS
- TEMPERED VISION GLASS

ELEVATIONS
CASE NUMBER: PA06-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

A3.1

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

ATTACHMENT 12

MV00111716

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MV00111717

HPA

18831 Bardeen Ave. - Suite #100
Irvine, CA 92612
(949)863-1770
www. hparchs.com

WestRidge Commerce Center

Moreno Valley, California

RIDGE PROPERTY TRUST

August 9, 2010/Job#8418

ATTACHMENT 13

MV00111718

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MV00111719

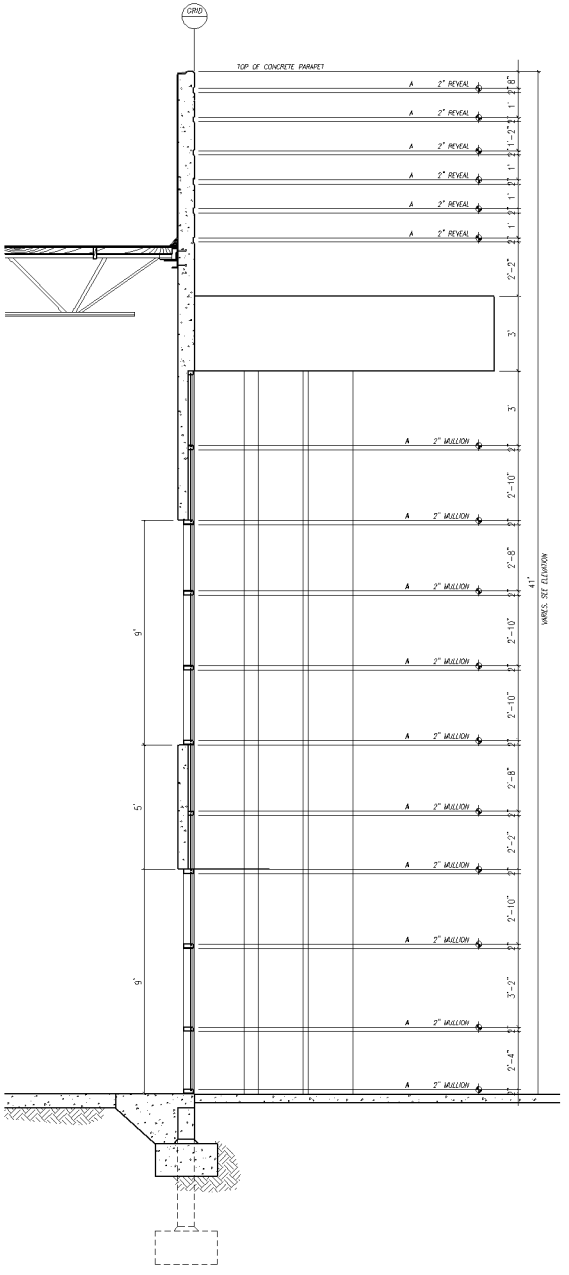

BUILDING SECTION @ OFFICE AREA (A)
scale: 1/2" = 1'-0"

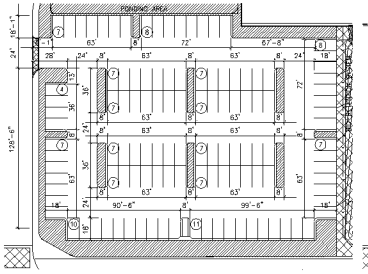

ENLARGED SITE PLAN @ SOUTHWEST (D)
scale: 1" = 40'-0"

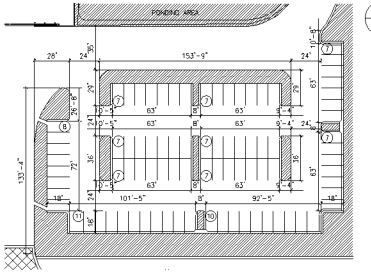

ENLARGED SITE PLAN @ SOUTHEAST (C)
scale: 1" = 40'-0"

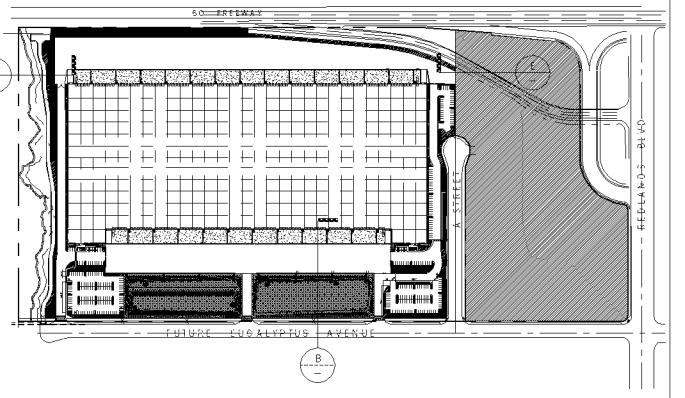

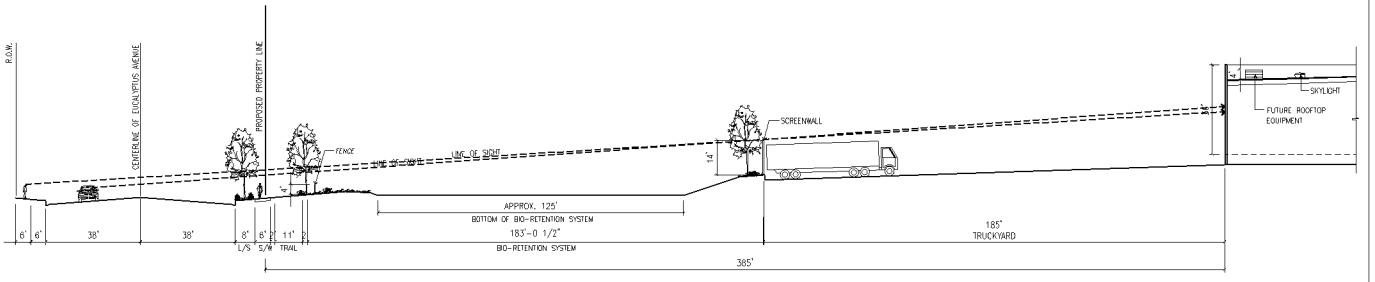

LINE OF SIGHT (B)
scale: 1" = 20'-0"

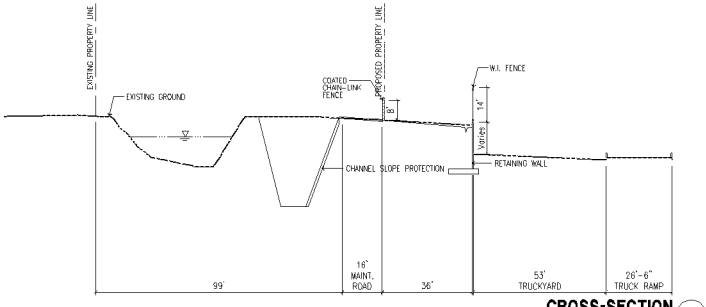

CROSS-SECTION (F)
scale: 1" = 20'-0"

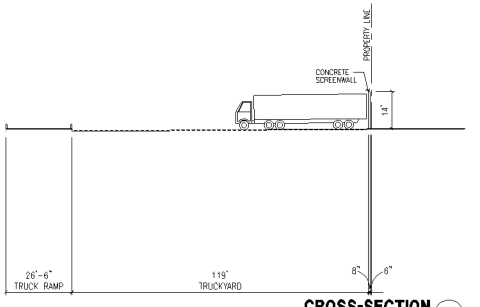

CROSS-SECTION (E)
scale: 1" = 20'-0"

SITE ANALYSIS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

Rexford Property Trust
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A4.1

ATTACHMENT 14

MV00111720

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MV00111721

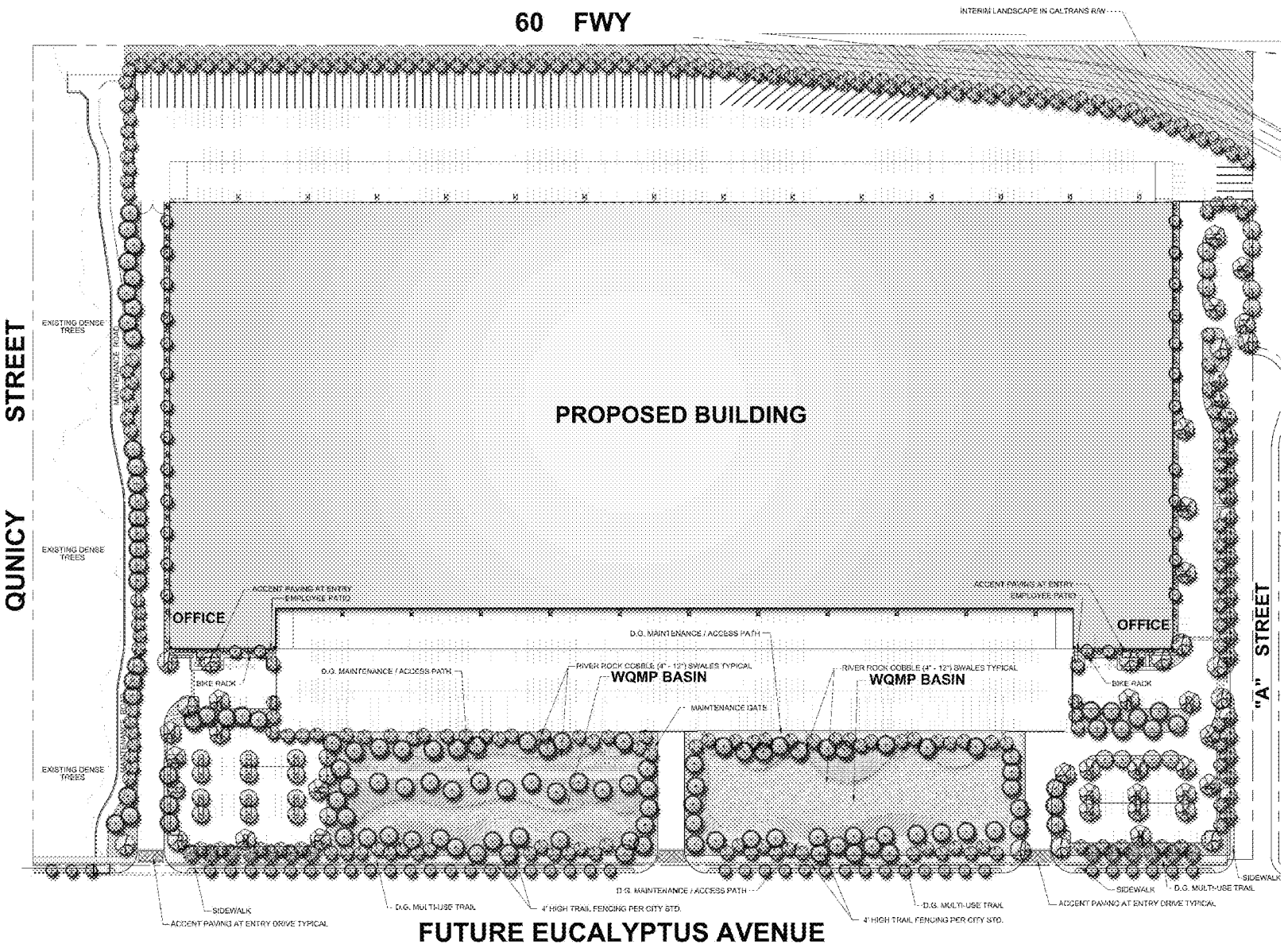

PLANT PALETTE

TREES

SYMBOL	TREE	SIZE	QUANTITY
	Quercus suber (Cork Oak)	15 GAL 24" BOX	30 51
	Eucalyptus sideroxylon (Red Ironbark)	24" BOX	79
	Tilia cordata (Crimean Linden)	48" BOX	16
	Ulmus americana (Liberty and Pink) OR Pistacia atlantica (Atlantic Pist)	15 GAL 24" BOX	150 104
	Platanus acerifolia 'Bloodgood' (London Plane Sycamore) (Includes Street Tree)	24" BOX	13
	Pinus canariensis (Canary Island Pine)	15 GAL	152
	Pistacia chinensis 'Keith Davey' (Chinese Pistache) (Includes Street Tree)	24" BOX	21
	Quercus agrifolia (Coast Live Oak)	24" BOX	24
	Rhus lancea (African Sumac)	15 GAL	27

ROOT BARRIER NOTE

ALL TREES WITHIN 5' OF HARDSCAPE SHALL BE 18" X 4' SHAW TOWN ROOT BARRIER 24" HIGH

SHRUBS

PLANT NAME	SIZE	SPACING
Abelia grandiflora 'full Scarlet' (ACR)	5 gallon	30" o.c. spacing
Acacia cultriformis 'Knife' (ACU)	5 gallon	8' o.c. spacing
Adenanthos sericeus (Coast Woolly)	1 gallon	12" o.c. to 24" o.c. spacing
Agave americana (Century Plant)	5 & 15 gallon	8' o.c. spacing
Agave attenuata (Foxtail Agave)	5 gallon	4' o.c. spacing
Aloe Species	5 gallon	3' o.c. spacing
Anigozanthos flavidus 'Bush Ranger' Paw	5 gallon	3' o.c. spacing
Arbutus unedo (Strawberry Tree)	5 gallon	5' o.c. spacing
Calocephalus (Silver Bush)	1 gallon	24" o.c. spacing
Carpenteria californica 'Bodacious'	5 gallon	3' o.c. spacing
Cercis occidentalis (Western Redbud)	5 gallon	4' o.c. spacing
Cistus Species (Rock rose)	5 gallon	4' o.c. spacing
Cotoneaster Species (Cotoneaster)	5 gallon	3' o.c. spacing
Dietes vieriea (Fortnight Lily)	5 gallon	3' o.c. spacing
Dodonaea viscosa 'Purpurea' (Purpleleaf Hop)	5 gallon	3' o.c. spacing
Elaeagnus pungens (Silverberry)	5 gallon	4' o.c. spacing
Fragaria chiloensis (Strawberry Runner)	1 gallon	3' o.c. spacing
Galvezia speciosa (Island Bush Snapdragon)	5 gallon	3' o.c. spacing
Heteromeles arbutifolia (Red Berry)	5 & 15 gallon	8' o.c. minimum
Juniperus species (various)	1 and 5 gallon	varies
Leucadendron species (various)	1 and 5 gallon	24" o.c. to 36" o.c. spacing
Leucophyllum frutescens 'Rio Bravo'	5 gallon	4' o.c. spacing
Leucophyllum frutescens 'Green Cloud' (Texas Ranger)	5 gallon	4' o.c. spacing
Ligustrum lucidum (Wax Leaf Privet)	5 gallon	30" o.c. spacing
Macadamia integrifolia and tetraphylla (Macadamia Nut)	5 gallon	24" o.c. spacing
Mahonia aquifolium (ACA)	5 gallon	24" o.c. spacing
Muhlenbergia capillaris (Pink Muhly Grass)	5 gallon	24" o.c. spacing
Myrtus communis 'Compacta' (True Myrtle)	5 gallon	24" o.c. spacing
Nandina domestica (Heavenly Bamboo)	5 gallon	24" 36" o.c. spacing
Pittosporum tobira (Tobira)	5 gallon	4' 6" o.c. spacing
Prunus ilicifolia (Holly Leaf Cherry)	5 gallon	4' 6" o.c. spacing
Rhamnus californica	5 gallon	4' 6" o.c. spacing
Rhaphiolepis indica (Indian Hawthorne)	5 gallon	4' 6" o.c. spacing
Rosmarinus officinalis (Rosemary)	5 gallon	4' 6" o.c. spacing
Rosa rugosa (Rugosa)	3 gallon	varies
Rosmarinus officinalis (Rosemary)	1 & 5 gallon	24" 36" o.c. spacing
Salvia clevelandii (Autumn Sage)	5 gallon	5' o.c. spacing
Verbena lilacina (Lilac Verbena)	5 gallon	4' 6" o.c. spacing
Xylosma congestum (Shiny Xylosma)	5 gallon	4' 6" o.c. spacing

GROUNDCOVERS

PLANT NAME	SIZE	SPACING
Acacia redolens (ACRN)	1 and 5 gallon	48" o.c. spacing min
Baccharis pilularis (Coyote Brush)	1 gallon	48" o.c. spacing min
Carex divulsa (Berkeley)	1 gallon	42" o.c. spacing min
Cotoneaster dammeri (Bearberry Cotoneaster)	1 gallon	24" o.c. spacing min
Hedera helix (Ivy) (HE)	1 gallon	24" o.c. spacing
Juniperus conferta (Shore)	1 gallon	30" o.c. spacing
Lantana montevidensis (Trailing Lantana) (Purple flowering)	1 gallon	24" o.c. spacing
Myoporum parvifolium (Myoporum)	1 gallon	24" 42" o.c. spacing
Myoporum pottsii (Pottsii)	1 gallon	48" o.c. spacing
Rosmarinus officinalis prostratus (Rosemary)	1 gallon	30" o.c. spacing
Vinca major (periwinkle) (VMA) (Vinca major)	From and 1 gallon	18" o.c. spacing

INTERIM LANDSCAPE IN THE CALTRANS R/W - PLANT 1 GAL., ACHIEVE BEGOLENE TO 2' O.C. WITH 3" INNER LAYER OF DECOMPOSED GRANITE. THAT IS TO BE IRRIGATED WITH DRIP IRRIGATION.

SIDEWALK VIEW - NATURALIZED NON-SEMI-SEED PURPLE SAGE WILD

0.25 LBS/AC	ACHILLEA MILLEFOLIUM
0.50 LBS/AC	NASSELLA CORNUTA
0.25 LBS/AC	MONOLOPIA MAJOR (LOBES)
0.50 LBS/AC	MONOLOPIA LANCEOLATA
0.25 LBS/AC	MOLLUGO VERTICILLATA
0.50 LBS/AC	VULPIA MICROSTACHYS
0.25 LBS/AC	MONOLOPIA SUNCHOPIPSIA

VINES FOR SCREENWALLS

SYMBOL	PLANT NAME	SIZE	SPACING
	Ficus pumila (Creeping fig)	1 gallon	12" o.c. spacing
	Bougainvillea (varieties) (Bougainvillea)	1 gallon	12" o.c. spacing

VINES FOR W.I. FENCING AROUND BASIN

SYMBOL	PLANT NAME	SIZE	SPACING
	Berberis thunbergii (Red Barberry)	5 gallon	6' o.c. spacing

NOTE: VINES ARE REQUIRED ON ALL SCREENWALLS & W.I. FENCING AROUND BASIN

MULCH NOTE

ALL PLANTING AREAS TO RECEIVE A 3" LAYER OF COVER MULCH AVAILABLE FROM NATIONAL CORP. (951) 270-0700

West Ridge Commerce Center

Moreno Valley, CA

Ridge Property Trust

PRELIMINARY LANDSCAPE PLAN

NORTH

SCALE: 1" = 60' - 0"

SHEET L-1

DATE: 6-9-10

ATTACHMENT 15

MV00111722

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MV00111723

TENTATIVE PARCEL MAP NO. 36207

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF PORTIONS OF LOTS 2, 3, 4, 5, 6 & 7 INCLUSIVE, BLOCK 35, OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGE 71, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE.

HUITT-ZOLLARS

NOVEMBER, 2010

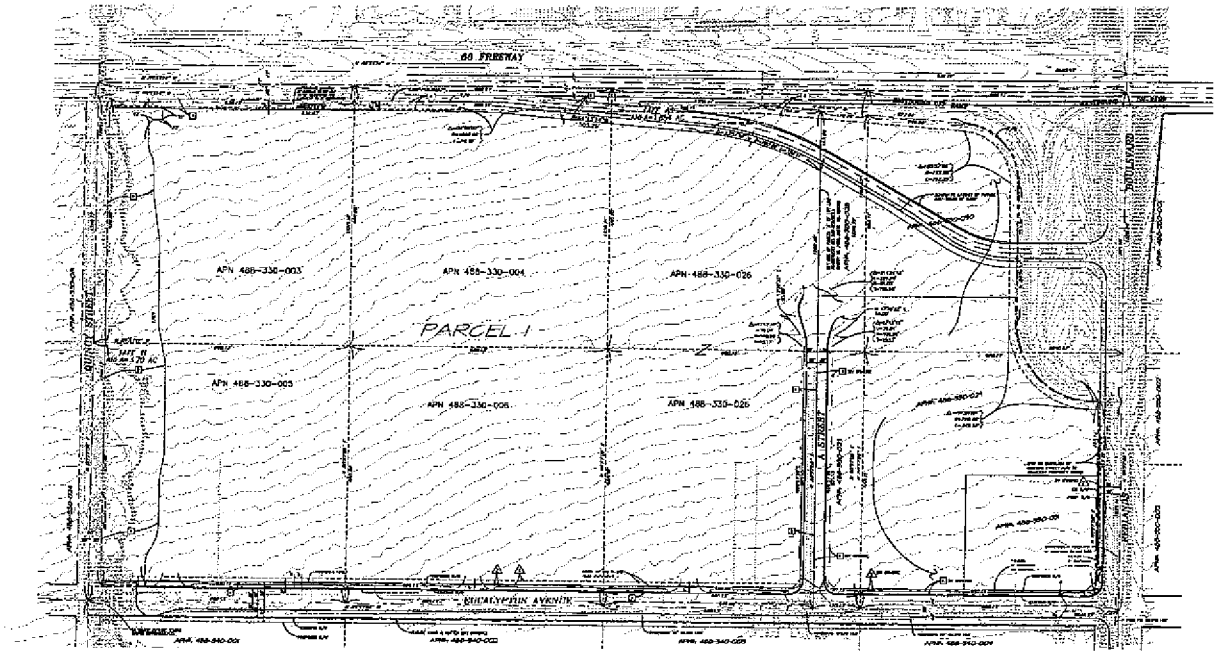

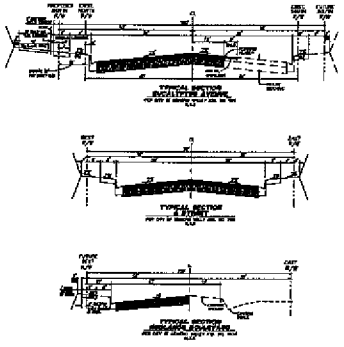

EASEMENT NOTES

(A) EASEMENT(S) FOR THE PURPOSES SHOWN BELOW AND RIGHT INCIDENTAL THERETO AS GRANTED IN A DOCUMENT.

GRANTED TO: CALIFORNIA MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC PIPELINES AND PURPOSES
RECORDED: DECEMBER 18, 1963, AS INSTRUMENT NO. 139944, BOOK 1633, PAGE 1, OF OFFICIAL RECORDS

PROPOSED EASEMENT

(1) 10' EASEMENT FOR ANCHOR LINE FROM THE CITY OF MORENO VALLEY.

(2) 5' EASEMENT FOR THE PURPOSE OF DISTRIBUTION AND ANCHOR OF THE GUYS TO THE CITY OF MORENO VALLEY.

PROPOSED DEDICATION

(A) 30'(AS PER EUCALYPTUS STREET PLAN-G) FOR THE CITY OF MORENO VALLEY.

(B) 25'(PER 'A' STREET PLAN-G) FOR THE CITY OF MORENO VALLEY.

(C) 10' FOR A SIDEWALK TO BE THE CITY OF MORENO VALLEY FOR FUTURE CALTRANS R/W.

(D) 10' FOR A SIDEWALK TO BE THE CITY OF MORENO VALLEY FOR FUTURE CALTRANS R/W (PER EUCALYPTUS DEDICATION).

LINE DATA:

LINE	BEARING	DISTANCE
L1	N 89°59'00" E	30.00'
L2	N 00°01'00" W	30.00'
L3	N 89°59'00" E	30.00'
L4	N 00°01'00" W	30.00'
L5	N 89°59'00" E	30.00'
L6	N 00°01'00" W	30.00'
L7	N 89°59'00" E	30.00'
L8	N 00°01'00" W	30.00'
L9	N 89°59'00" E	30.00'
L10	N 00°01'00" W	30.00'
L11	N 89°59'00" E	30.00'
L12	N 00°01'00" W	30.00'

PARCEL SUMMARY TABLE

GENERAL NOTES

1. EXISTING LAND USE: VACANT
2. ADJACENT LAND USE: INDUSTRIAL, AND IN PART TO THE EAST, AGRICULTURE TO THE SOUTH, WITHIN THE MORENO VALLEY DEVELOPMENT, TO THE EAST
3. AVERAGE LOT SIZE: 1 ACRE
4. EXISTING ZONING: IP1 PROPOSED ZONING: IP1
5. FLOOD ZONE: X PANEL NO. 06065C0729G EFF. DATE: AUGUST 28, 2008
6. PROPOSED LAND USE: LIGHT INDUSTRIAL / WAREHOUSE DISTRIBUTION
7. PROPOSED WATER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
8. PROPOSED SEWER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
9. ALL UTILITIES SHALL BE UNDERGROUND:
   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: CITY OF MORENO VALLEY ELECTRIC UTILITY
   TELEPHONE: VERIZON TELEPHONE COMPANY
10. ALL SIGNS SHALL BE CONSTRUCTED AT A MINIMUM SIZE OF 24" UNLESS OTHERWISE PERMITTED
11. ALL STREETS WILL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARDS.
12. ACTUAL TOPOGRAPHY PROVIDED BY: DIGITAL MAPPING INC.
13. ANY PUBLIC EASEMENT TO BE ABANDONED SHALL BE DONE ON THE PARCEL MAP.
14. AREA=30.444 ACS

PREPARED FOR OWNER/DEVELOPER
RIDGE RANCHO BELACO, LLC
701 HOWARD AVENUE, SUITE A
LONG BEACH, CA 90803
PH: 562-494-2012
FAX: 949-364-3600
CONTACT: ROBERT BECK

PREPARED IN THE OFFICE OF
HUITT-ZOLLARS, INC.
3990 CONCOURSE, SUITE 150
IRVINE, CALIFORNIA 92604
PHONE: (949) 851-7700

UTILITY PROVIDERS

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

GAS
SOUTHERN CALIFORNIA GAS COMPANY
9520 TRADING NO. 3C 8000
MORENO VALLEY, 92555
(800) 427-2200

TELEPHONE
VERIZON
9800 ORANGE WAY, LAND, 92.180
RIVERSIDE, CA. 92504

ELECTRIC
MORENO VALLEY UTILITIES
14075 PERRIS ST.
MORENO VALLEY, CA. 92552
(951) 413-3500

CABLE - TV
MEDIACOM COMMUNICATIONS
9500 JUNIPER CREEK DR.
RIVERSIDE, CA. 92507
(866) 519-2366

SURVEYOR
R.B.S.
SURVEY DATE
11-7-2009
PREPARED BY
R.B.S.
DATE

LAND USE

AT _____ GROSS ACRES

EARTHWORK

CUT = 0 CUBIC YD
FILL = 0 CUBIC YD
PAVE CUT = 0 CUBIC YD
PAVE FILL = 0 CUBIC YD

LEGEND / ABBREVIATIONS

W	PROPOSED WATER LINE
PW	PROPOSED FIRE WATER LINE
SE	PROPOSED SANITARY SEWER LINE
S	PROPOSED SEWER LINE
D	PROPOSED STORM DRAIN
G	EXISTING GAS LINE
E	EXISTING ELECTRIC LINE
T	EXISTING TELEPHONE LINE
CATV	EXISTING CABLE TV LINE
	EXISTING STORM DRAIN
	STORM DRAIN INLET
	CATCH BASIN
	BASIS OF BEARINGS BOUNDARY
	EXISTING RIGHT OF WAY/SITE BOUNDARY
	PROPOSED BUILDING LINE
	LOT LINE
	FIRE HYDRANT

LEGAL DESCRIPTIONS

THE DESCRIPTIONS SHOWN BELOW HAVE BEEN EXTRACTED FROM A PRELIMINARY TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. 00-0000000-00-JR, EFFECTIVE DATE: MAY 31, 2007. ANY AND ALL EXCEPTIONS SHOWN THEREIN ARE EXCLUDED FROM THE DESCRIPTIONS BELOW.

PARCEL 1:

LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NEVERTHELESS THAT PORTION GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1965, PAGE 1965 OF OFFICIAL RECORDS.

PARCEL 2:

LOT 4, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1964, IN BOOK 1633, PAGE 1, OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4, IN THE EAST LINE OF THE PRESENT SOUTHERLY 60 FOOT WIDE STREET, AS SHOWN ON SAID MAP; THENCE NORTHERLY ALONG SAID EAST LINE TO THE NORTHWESTERLY CORNER OF SAID LOT 4, IN THE EAST LINE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NEVERTHELESS THAT PORTION GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1965, PAGE 1965 OF OFFICIAL RECORDS.

PARCEL 3:

LOT 5, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1964, IN BOOK 1633, PAGE 1, OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5, IN THE EAST LINE OF THE PRESENT SOUTHERLY 60 FOOT WIDE STREET, AS SHOWN ON SAID MAP; THENCE NORTHERLY ALONG SAID EAST LINE TO THE NORTHWESTERLY CORNER OF SAID LOT 5, IN THE EAST LINE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NEVERTHELESS THAT PORTION GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1965, PAGE 1965 OF OFFICIAL RECORDS.

PARCEL 4:

LOT 6, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1964, IN BOOK 1633, PAGE 1, OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 6, IN THE EAST LINE OF THE PRESENT SOUTHERLY 60 FOOT WIDE STREET, AS SHOWN ON SAID MAP; THENCE NORTHERLY ALONG SAID EAST LINE TO THE NORTHWESTERLY CORNER OF SAID LOT 6, IN THE EAST LINE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NEVERTHELESS THAT PORTION GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1965, PAGE 1965 OF OFFICIAL RECORDS.

PARCEL 5:

A PORTION OF LOTS 7, AND 7 BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 0° 01' 00" WEST ALONG THE WESTERLY LINE OF SAID LOT 7, 30.00 FEET; THENCE NORTH 89° 59' 00" EAST, 30.00 FEET; THENCE SOUTH 0° 01' 00" EAST, 30.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 89° 59' 00" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 7, 30.00 FEET TO THE POINT OF BEGINNING.

CITY CASE NO. PA09-0022

HUITT-ZOLLARS

HUITT-ZOLLARS, INC.
3990 CONCOURSE STREET, SUITE 150 / IRVINE, CALIFORNIA 92604 / (949) 851-7700

SHEET 1 OF 1 SHEETS

ATTACHMENT 16

Item No. E.3

MV00111724

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MV00111725

West Ridge Commece Center Project

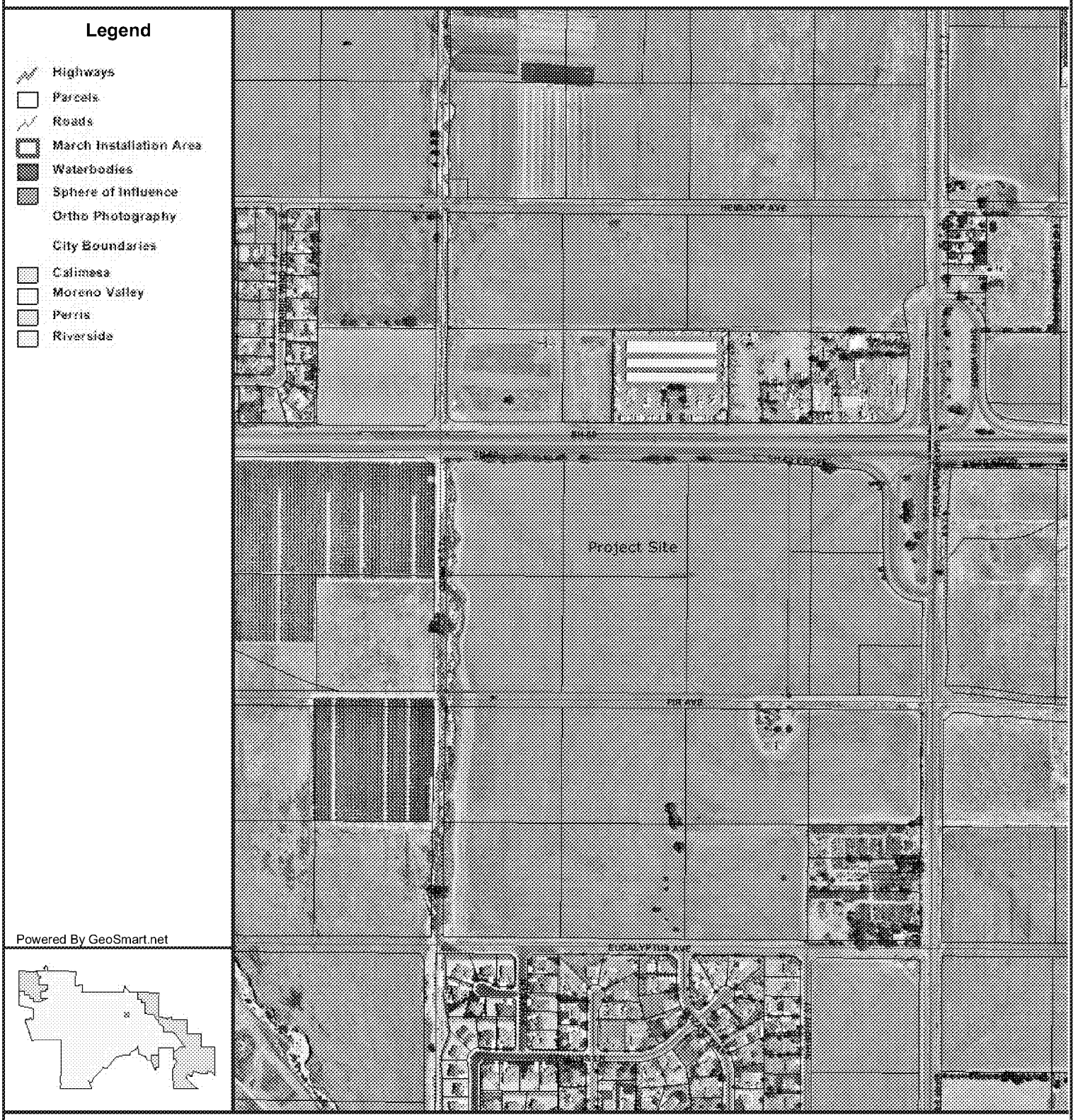

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 17

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MV00111727

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. <u>This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.</u>

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.
*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

~~9~~10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: December 10, 2010
jeffreyb@moval.org

December 10, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about the significant regional and localized air quality impacts from the proposed project. In addition, AQMD staff is concerned that the health risks are underestimated in the draft EIR due to calculation errors and the use of low trip generation rates. Given the project's close proximity to sensitive land uses and the significant air quality impacts demonstrated in the air quality analysis, the AQMD staff strongly recommends that the lead agency provide additional mitigation measures to minimize the air quality impacts from the proposed project. AQMD-1

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

ATTACHMENT 19

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC101021-01
Control Number

1. Health Risk Assessment Emission Calculations

The Health Risk Assessment (HRA) prepared in the Draft EIR relies on emission rates calculated for each roadway segment serving the project. These emission rates are based on heavy duty diesel truck emission factors derived from EMFAC software and are input into the dispersion model after adjusting for the number of trucks using each roadway link. However, the emission calculations provided in the Draft EIR use a unitary truck traffic rate of one vehicle per hour for each roadway link serving the project site. This unitary trip rate does not appear to be adjusted upward prior to deriving the health risk values. As several hundred heavy duty diesel trucks will use each roadway link, the health risk values appear to be substantially underestimated, perhaps by more than one order of magnitude. AQMD-2

In addition, the emission rate calculated for the idling area sources onsite appear to be miscalculated. For example, the idling mitigated emission rate of 6.459 E-6 grams per second does not include the total number of trucks idling per day, it does not include the emissions from onsite truck travel, and it includes one too many conversions of seconds to hours. If the calculation is corrected, the idling emission rate should be approximately 30 times higher at 1.952 E-4 grams per second (assuming half of the trucks use each area source). AQMD staff strongly recommends that the lead agency revisit the emissions calculations and rerun the dispersion model to derive more accurate health risk estimates. If health risks are found to be significant after revising the analysis, mitigation measures should be pursued that would reduce any health risk to a less than significant level (see comment #3 below). AQMD-3

2. Warehouse Trip Rates

As stated on page 51 of the Traffic Impact Analysis prepared for the Draft EIR, the trip generation rates are "hybrid rates" based on two recent traffic studies of high-cube warehouses conducted in the Inland Empire region. The final rate used in the Draft EIR is 1.69 trips per thousand square feet of warehouse space. AQMD staff has recently researched the referenced trip generation studies and others and has concluded that the average trip rates presented in these studies may be underestimated due to the inclusion of potentially vacant warehouses, warehouses served by rail, and the use of average trip rates. In order to provide a reasonable worst case analysis of potential air quality impacts, AQMD staff calculated and recommends that lead agencies utilize a 95th percentile trip generation rate of 2.59 trips per thousand square feet for individual warehouse projects that are not directly serviced by rail lines. The fleet mix described in the Fontana Truck Trip Generation Study is appropriate to determine the proportion of heavy duty vehicles servicing the project. AQMD-4

3. Regional and Localized Operational Air Quality Impacts

Given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff strongly recommends adding AQMD-5

the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible:

- Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks,[1]
- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded,
- Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/distribution center,
- Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors,
- Develop, adopt and enforce truck routes both in an out of city and in and out of facilities,
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride,
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes,
- Require or provide incentives for particulate traps that meet CARB certified level 3 requirements,
- Electrify all service equipment at the facility, and
- Improve traffic flow by signal synchronization.

AQMD-5 cont'd.

4. Regional and Localized Construction Air Quality Impacts

Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from VOC, NOx, PM10 and PM2.5 emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,

[1] An example clean truck program for a similar project approved by another lead agency can be found here (beginning on page 183 of 254): http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf

- Reroute construction trucks away from congested streets or sensitive receptor areas, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).

Further, AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.5 as follows:

- All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards according to the following:

  ✓ *April 1, 2010, to December 31, 2011:* All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. AQMD-5 cont'd.

  ✓ *January 1, 2012, to December 31, 2014*: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  ✓ *Post-January 1, 2015*: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

  Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction AQMD-6

equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

AQMD-6 cont'd.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Letter Dated December 10, 2010

Response AQMD-1

The commentor provides introductory agency remarks, and expresses concern about significant Project-related localized and regional air quality impacts, and potential (DPM-source) health risks. The commentor alleges errors in the EIR's air quality modeling, which are further detailed in the District's specific comments on the following pages. Responses to specific issues are addressed below at Responses AQMD-2 to AQMD-7. AQMD suggests that additional mitigation be incorporated in the EIR as means of reducing significant air quality impacts.

The comments provided by AQMD were submitted after the close of comments period, and while the Lead Agency may elect to respond to late comments, no response is required, pursuant to Pub. Resources Code Section 21091, subd. (d)(2)(A); *CEQA Guidelines* § 15088, subd. (a). Notwithstanding, in order to provide clarification of baseline issues and assumptions; and in consideration of disclosure and ultimate mitigation of potentially significant impacts, responses to AQMD's comments are provided herein. Feasible mitigation offered by AQMD has been incorporated.

Response AQMD-2

This comment appears to incorrectly interpret the Project's Health Risk Assessment (HRA) data and modeling (DEIR Appendix C, Project HRA), with resulting erroneous conclusions. The Unitary truck traffic rate cited by the commentor was used only in deriving the model input value in grams per second per truck (per day). As reflected in the ISCST3 model output summary sheets, the ISCST3's Model Scalar Option was enabled and hourly truck rates were adjusted upward accordingly (DEIR Appendix C, Project HRA, Attachment A). Additionally, the "Hourly Trucks.xls" file that was previously provided to AQMD by Urban Crossroads, preparer of the Project's Air

Quality Analysis, provides a breakdown of the hourly trucks as they are input in the model's scalar option. The EIR conclusions and results are not affected.

Response AQMD-3

This comment appears to incorrectly interpret the Project emission rate calculations and modeling, with resulting erroneous conclusions. As noted in the preceding Response AQMD-2, the ISCST3's Model Scalar Option was enabled, and hourly truck values were entered accordingly. The emissions from on-site truck travel are included as multiple volume sources in the model and therefore do not need to be included in the area source algorithm.

Additionally, the "Model Emission Rate" provided as 6.459E-06 is representative of grams per second per truck (per day), and is input into the model as a unitized rate. The unitized rate is then adjusted upward based on the model's scalar option. Based on a thorough review, as detailed here, this calculation does not need to be corrected. The vehicle idling time is presented in seconds and the idling rate from EMFAC is in grams per hour. Therefore, the first conversion is to identify the grams per hour a given truck would emit during idle events. This is achieved by first converting the idling time from seconds to hours. In this case, for mitigated emissions, 180 seconds is divided by 3,600 seconds (60 minutes per hour x 60 seconds per minute). The next step is to multiply the resulting value by the EMFAC grams per hour rate, which provides an emission factor in grams per hour for a given truck per day. In order to input this value into the model as a unitized rate, this value is then converted from grams per hour for a given truck per day to grams per second for a given truck per day. This is achieved by taking the grams per hour rate and dividing by 3,600 seconds per hour, which yields the resulting 6.459E-06 grams per second rate that is modeled. Please refer also the DEIR Appendix C, Project HRA, Attachment A-ISCST3 Summary Output, Attachment B-Emissions Rate and Risk Calculations. The EIR conclusions and results are not affected.

Response AQMD-4

AQMD offers alternative trip generation rates for use in the Draft EIR. AQMD cites its own research and conclusions.

Notwithstanding AQMD suggested trip generation rates, trip generation rates and vehicle mix employed in the Draft EIR are supported by definitive studies of high-cube warehouse trip generation characteristics (*City of Fontana Truck Trip Generation Study*, and *San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study).* Both of these studies are available through Lead Agency (a copy of each is available at the Planning Department). The trip generation rates and ranges from these studies were used to define the trip rate employed in the DEIR. This same rate is employed in analyses for similar projects in the City, and is considered by the Lead Agency to be appropriate and accurate. Relevant discussion from the Draft EIR is excerpted below:

> Trip generation characteristics of the Project were derived from studies which reflect the trip generation rates of warehouse facilities storing and transporting international goods imported into the country from the Ports of Los Angeles and Long Beach. These include the *City of Fontana Truck Trip Generation Study* commissioned in 2003 (Fontana Study), and the updated 2007 *National Association of Industrial and Office Properties (NAIOP) Trip Generation Study*. The NAIOP Study included data collected from 13locations within Riverside County, and provides trip generation rates that are use-specific to warehouse distribution projects such as that proposed by the Project. The recent date and geographic orientation of the Study contribute further to its utility and applicability in estimating the likely trip generation characteristics of the Westridge Commerce Center Project. Using data from the NAIOP Study, the City's Transportation Department approved the use of "hybrid" trip generation rates for the Project's trip generation forecast . . . (Draft EIR Page 4.2-17).

The trip generation rates provided by AQMD are noted; however, no revisions to the trip generation rates employed in the Draft EIR are proposed, nor are any required.

Response AQMD-5

AQMD states, "given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM_{10} and $PM_{2.5}$ emissions the AQMD staff strongly recommends adding the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible . . ."

Each of the measures suggested by AQMD are addressed in the following table, and have either been incorporated, or determined infeasible, not applicable, and/or replicate existing requirements, as indicated in the remarks below. The State Legislature has defined "feasible," for purposes of CEQA review, as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Division 13, Chapter 2.5. Definitions, Subd. 21061.1.] In those instances where additional mitigation has been incorporated or mitigation has been revised, incremental reduction in impacts may be realized. However, results and conclusions of the EIR are not affected. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

AQMD-Suggested Measures	Remarks
Operational-source Emissions	
Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks (AQMD offers citation of an example clean truck program at [the following website]: http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf. If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded.	**Incorporated.** Mitigation Measure 4.3.13 has been revised to incorporate the following requirement (please refer to Final EIR Section 4.0). • *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.* • *If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.*
Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/ distribution center.	**Infeasible.** Development of the Project is consistent with City General Plan Land Use designations, and the General Plan currently includes residential land uses within 1,000 feet (0.19 miles) of the Project site. Moreover, as supported by the EIR analysis, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. The measure suggested by AQMD is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors.	**Not Required.** There are no significant and/or unmitigable operational air pollutant emissions impacts related to or resulting from the site plan configuration. As noted above, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. It is further noted that the access concept proposed by the Project has been reviewed and preliminarily approved by the Lead Agency. The measure suggested by AQMD is not necessary.

AQMD-Suggested Measures	Remarks
Develop, adopt and enforce truck routes both in an*[d]* out of city and in and out of facilities.	**Replicates existing requirements.** Designated truck routes exist within the City. As noted in the City's General Plan, "Chapter 12.36 of the City Municipal Code regulates the travel and access of trucks on the City road system, and designates official truck routes. Designated truck routes change over time as new arterials are built, and commercial and industrial projects are completed." [City of Moreno Valley General Plan Circulation Element, Page 5-4.] The Applicant will comply with all designated truck route regulations and ordinances, both in and out of the City. Compliance with existing regulations and ordinances does not constitute mitigation.
Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,	**Replicates existing requirements.** Truck routes are marked by the City consistent with City sign regulations. The Applicant will comply with all City sign regulations and ordinances. Compliance with existing regulations and ordinances does not constitute mitigation.
Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.	**Replicates existing Project design.** Adequate, secure parking areas are provided onsite for the use of Project-related trucks. No off-site parking is required or proposed.
Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes.	**Infeasible.** Current location of the Project adjacent to the SR-60 minimizes non-freeway truck travel, and minimizes travel along residential streets. Addition of direct SR-60 off-ramps for trucks access the Project site is contrary to reasoned freeway design which by its nature limits freeway access and exit points. Within the State, Caltrans ultimately determines freeway access and exit locations and related ramp designs. The proposed measure would result in potentially significant and increased jurisdictional, traffic/circulation, and land use impacts when compared to the Project. Further, the suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and is therefore infeasible. The Applicant will comply with designated truck routes reducing truck traffic along sensitive routes.
Require or provide incentives for particulate traps that meet CARB certified level 3 requirements.	**Replicates existing requirements.** As a matter of California law, all on-road vehicles, whether or not they are used for the Project, are required to meet California Air Resources Board (CARB) emissions standards. Moreover, future tenancy of the Project is not yet known, and that trucks using the facility may include independent truckers. There is no feasible enforcement mechanism by which the operator of the facility could meaningfully enforce pollution control equipment requirements above and beyond state law requirements.

AQMD-Suggested Measures	Remarks
Electrify all service equipment at the facility.	**Incorporated.** Mitigation Measure 4.3.8 has been revised to incorporate the following requirement: • *All service equipment used during construction and in subsequent operation of the Project shall be electric or natural gas powered.* Similar to use of electrical equipment, use of natural gas equipment alternatively allowed under this mitigation measure acts to generally reduce localized criteria pollutant emissions. Natural gas equipment may in some cases be the only available alternative to diesel/gasoline powered equipment. Further, Mitigation Measure 4.3.13 has been revised to incorporate the following requirements (please refer to Final EIR Section 4.0). *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:* • *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance; and* • *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
Improve traffic flow by signal synchronization.	**Replicates existing requirements.** Signal synchronization is currently administered by the City. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.
Construction-source Emissions	
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. "It is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours" (Draft EIR Page 4.2-85).

AQMD-Suggested Measures	Remarks
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation.	**Incorporated.** The following new mitigation measure has been created, and will be included in the Mitigation Monitoring Plan (please refer to Final EIR Section 4.0). *4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.*
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine if and where dedicated turn lanes for construction equipment and trucks are required. Please refer to the preceding construction traffic management remarks.
Reroute construction trucks away from congested streets or sensitive receptor areas.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine appropriate construction truck routes. Please refer to the preceding construction traffic management remarks.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).	**Otherwise Addressed.** Contractors will employ available equipment to include any 2010 and newer vehicles. Restricting the pool of suitable diesel haul trucks solely to model years 2010 or newer unreasonably limits the pool of available contractors and equipment. Moreover, there is no demonstrated nexus between construction model-year requirements and potential reductions in air quality impacts. Arguably, meaningful reductions in air pollutant emissions are achieved as much or more through efficient and appropriate operation of equipment as required herein (see for example Mitigation Measure*4.3.2: The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).* Further, all equipment (regardless of model-year) is required to comply with applicable CARB emissions standards, the appropriate gauge for emissions levels.

AQMD-Suggested Measures	Remarks
All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards.	**Incorporated.** Electric construction equipment is not commonly or widely available or used in Southern California. Requiring sole use of electric construction equipment would effectively preclude participation by most, if not all, locally-based construction contractors. This would act to unnecessarily exclude otherwise qualified contractors, restrict the pool of available construction resources, increase costs through diminished competition. Mitigation Measure 4.3.8 has been revised to incorporate the following requirement(please refer to Final EIR Section 4.0): • *Use electric construction equipment where feasible.*

Response AQMD-6

AQMD suggests that the Lead Agency consider encouraging construction contractors to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) program funds.

- The following notation (incorporated at Mitigation Measure 4.3.9), shall appear on all construction document and plans:

> *Contractors are encouraged to apply for funding/assistance under the AQMD SOON program.*
> *See also www.aqmd.gov/tao/Implementation/SOONProgram.htm*

AQMD contact information is noted.

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MV00111747

From: Tom Hyatt [cdftom@aol.com]
Sent: Friday, December 10, 2010 9:18 PM
To: Jeffrey Bradshaw
Cc: Deanna Reeder
Subject: Warehouse

My neighbors and I oppose this project. After having the Mega Sketchers warehouse shoved down our throats by a corrupt developer and a city council that will flip their skirt up for him without questior we are vehemently against more unchecked commercial development. The City Council went to the trouble to re-name this end of the city "Rancho Belago", claiming it would be the upscale end of town yet the approve these ugly polluting warehouses when the zoning should be for 1/2 to 1 acre lots and upscale retail etc... How about a nice softba and swimming sports complex??? Why don't you go lease/ purchase some of the vacant warehouse space that can't even be filled in the south end of town?? How many diesel truck trips will this project generate on top of the Super Walmart and Sketchers projects already do??? Can't wait to see the cumulative air pollution totals! TH-1

Signed,

Tom H.
Moreno Valley Citizen

ATTACHMENT 20

TOM HYATT

Email Dated December 10, 2010

Response TH-1

The commentor states his opposition to the Project, presents his opinion regarding recent unrelated project approvals in the area, and suggests a "nice softball and swimming sports complex" be developed on-site. These opinions are acknowledged.

The basis for the commentor's statement that "the zoning should be for ½ to 1 acre lots and upscale retail, etc." is unclear. The existing zoning for the site is Business Park, which allows the types of uses proposed by the Project; however, would not allow for buildings of the size proposed by the Project. For this reason, the Project has requested a change of zone to Light Industrial. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23). Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.

The commentor suggests locating the Project in another area of the City. Several alternatives were analyzed as part of the Draft EIR, including, beginning on Draft EIR Page 5-37, alternative sites. As stated in Guidelines Section 15126.6,subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is served adequately by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million s.f. warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor expresses concern regarding the cumulative traffic and air quality impacts of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Super Walmart and Sketchers*[sic]*").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region.

The commentor is referred to Table 4.2-6 of the Draft EIR for the specific trip generation of the Project. Additionally, Draft EIR Section 5.0 presents a detailed discussion of the cumulative impacts of the Project. Specifically, cumulative impacts related to traffic and circulation are discussed at Draft EIR Pages 5-7 through 5-12. Cumulative impacts related to air quality are discussed on Draft EIR Pages 5-12 through 5-14. Results and conclusions of the Draft EIR are not affected.

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MV00111753

PLANNING COMMISSION RESOLUTION NO. 2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on May 12, 2011, the Planning Commission passed a motion by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the Planning Commission voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor. The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources.

ATTACHMENT 21

The proposed project includes a 937,260 square foot warehouse industrial building which far exceeds the maximum building area of 50,000 square feet as permitted by the current zoning designation of Business Park. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

The proposed architectural design of the facility is not consistent with that of other approved warehouse facilities in the vicinity. A change of zone to LI would allow for buildings greater than 50,000 square feet in size. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building may be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-13, **DENYING** a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED this 12th day of May, 2011.

Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

Deputy City Attorney

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

ATTACHMENT 22

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet west of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Rancho Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dave@rptrust.com

Contact Person: Dennis Rice

OWNER Name: Same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services — Telephone: (951) 845-1003 cell 909-325-0430

Address 931 Monarch Court — Fax No. (951) 845-9775

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson2@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name

Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Dennis S. Rice 5-18-2011
Property Owner's Signature Date

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Dennis S. Rice 5-18-2011
Applicant's Signature Date

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60603

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK---HOLD AT AN ANGLE TO VIEW

⑈00000 1194⑈ ⑆071000013⑆ 154912 3⑈

Item No. E.3

MV00111760

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MV00111761

From: george hague
Sent: Thursday, May 05, 2011 2:55 PM
To: John Terell
Cc: Jeffrey Bradshaw
Subject: Please send my letter to all the Planning Commissioners today (5-5-11) concerning the West Ridge Commerce Center FEIR

Good afternoon Planning Commissioner,

I hope the planning department has helped those of you who are not use to reading Final Environmental Impact Reports (FEIR). I am sure it would help with the West Ridge Commerce Center FEIR.

In 2009 some Moreno Valley residents responded to a Notice of Preparation (NOP) for this project. These comments were to let those who prepare the document know what we wanted studied and answered in the Draft Environmental Impact Report (DEIR). You should realize that those who do the studies are paid for by the developer and realize that if they want a good reputation among the development community that their report must be favorable to the project. It would be better if we would go back to Moreno Valley's previous system where the report from consultants goes directly to the Moreno Valley Planning department instead of first passing through the hands of the developer where it many times gets massaged.

Last Fall The DEIR was made available which you should read. Different agencies/groups/individuals used the 45 days they were given to read and make comments on the adequacies of the West Ridge Commerce Center's DEIR. They turned in their comments during the first part of last December.

Section three of the FEIR has these commenters original letters which you will notice have been blocked off. You should make an effort to read each of these letters and only then read the responses which immediately follow the original letters. Many of those who write letters believe the responses do not do justice to their concerns and questions. On projects like this it is good to study what the Department of Transportation(DOT) and the South Coast Air Quality Management District (SCAQMD) wanted from this project and the responses they received. These and other agencies are to help protect us and guide us towards better planning. It is sad when responses to their letters are not serious, but just pass the buck.

In section two of the FEIR you will see what I call weasel words which require nothing. Words like "where feasible", "shall encourage", and "greatest extent practical" are just a few examples. These may sound good, but usually result in little, if any, mitigation. Words like "shall" and "will" instead of "should" are more binding and therefor avoided.

Section four has the Mitigation Monitoring Plan which should also be read in order that they are mitigating those items which are brought up in the comment letters.

Usually they bury at the end of some document that which they call "Overriding Considerations". These are the impacts to Moreno Valley which could not be mitigated. This could be such things as toxic diesel air pollution (pm 10 and pm 2.5) which cause significant health effects. It is very sad when projects make the air more toxic to breath-- especially for children and the elderly.

ATTACHMENT 23

Appendix A points out some of these air pollution problems and they should be read by decision makers.

Since I am sure most of you have regular jobs, I find it very sad that you have not been given time to do justice to this FEIR. It must be especially difficult when a couple of our weekends prior to your meeting have holidays that many people enjoy to celebrate. You should ask the planning department for more time to educate yourself by reading the document.

Your responsibility is to "protect the health, safety and welfare" of the residents of Moreno Valley. Only after you have read this document can you fulfill your responsibility.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

From: george hague
Date: May 9, 2011 11:03:09 AM PDT
To: John Terell <JohnT@moval.org>
Cc: Jeffrey Bradshaw <JeffreyB@moval.org>, gracee@moval.org
Subject: West Ridge Commerce Center Experts & Editorial on Tortoises & Solar threat | Press-Enterprise Editorials | PE.com | Southern California News | News for Inland Southern California

Good afternoon/evening Planning Commissioner,

Lat week I sent you an email about reading the environmental documents for the West Ridge Commerce Center warehouse. I mentioned in that email how developer consultants/experts sometimes supply reports which benefit the proposed project---even when they are selected from an "approved" list. The last line of the second paragraph of this past Saturday's Editorial does a nice job of pointing this out where it reads "studies commissioned by the developer". I hope you will read this editorial and realize this happens on many projects. It is only when agencies like the Department of Transportation, South Coast Air Quality Management District and as well as others who job it is to help you plan for our city respond to DEIRs that you get a much more unbiased/independent view. I hope you will remember this when West Ridge Commerce Center and other developers respond in their FEIRs to these agencies letters.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Solar threat

08:24 PM PDT on Friday, May 6, 2011

The discovery of far more desert tortoises than expected near a planned solar power plant in the Mojave Desert should prompt federal officials to rethink the project. And the incident should spur federal officials to require independent environmental studies before bulldozers roll on future solar projects.

Last week, a U.S. Bureau of Land Management assessment found the $2.1 billion BrightSource Energy Co. project near Primm, Nev., would disturb up to 3,000 tortoises and kill as many as 700 young ones. That far exceeds an estimate of 32 of the threatened species at the site -- a number derived from studies commissioned by the developer. ATTACHMENT 24

After biologists relocated 39 tortoises -- the maximum allowed -- BLM officials last month ordered BrightSource to stop work on two-thirds of the 5.6-square-mile site. U.S. Fish and Wildlife Service officials will decide soon if completing the second and third phases of the Ivanpah Solar Electric Generating System -- which would nearly double the amount of solar electricity produced in the country -- would jeopardize the species.

The clean energy generated by this project is no excuse for federal officials to allow shoddy surveys that underestimate the tortoise population. A developer rushing to qualify for hundreds of millions in federal "stimulus" funding is hardly an objective source about issues that could obstruct construction. Federal officials should have required an independent biological survey before grading and construction work began in October. And that approach should be standard for the numerous solar projects now proposed for desert land.

In this case, the sheer number of the animals that would be killed or disturbed by the solar plant justifies a significant downsizing -- eliminating one or both of the last two phases. Federal officials could have avoided such backtracking had they had the right information before BrightSource broke ground.

Wildlife officials are likely under political pressure to let the developer proceed with much of the project. But even a compromise such as relocating large numbers of the animals would be highly risky. In 2008, the U.S. Army suspended a tortoise relocation effort at Fort Irwin after about 90 of the 556 tortoises moved died, mostly killed by coyotes.

The Mojave Desert, with endless sunny days, is not a bad place for solar power plants. But federal officials need to do a better job of surveying the native wildlife before construction starts. Green projects should not, ironically, degrade the very environment they are meant to help sustain.

From: george hague
Sent: Wednesday, May 11, 2011 10:29 PM
To: John Terell
Cc: Jeffrey Bradshaw; Grace Espino-Salcedo
Subject: PLEASE READ re West Ridge Commerce Center Final Environmental Impact Report (FEIR)
Good evening Planning Commissioners,

YOU NEED TO ASK TONIGHT NOT WHAT THE OPENING-YEAR TRUCK TRAFFIC WILL BE, BUT WHAT IS THE PROJECT DESIGNED FOR AND WHAT WILL THE TRUCK TRAFFIC BE WHEN THE PROJECT IS USED TO ITS FULLEST CAPACITY AND NOT LIMITED TO JUST REDLANDS BLVD IN FUTURE YEARS.

"Estimated opening-year average daily Project-generated truck traffic ingressing/egressing the Project site via Redlands Boulevard includes:

97 two-axel trucks;

220 three-axel trucks; and

539 four-axel trucks." (FEIR p 3-58 & p 3-88 & p 3-163 & other pages)

THESE NUMBERS ARE A DISSERVICE TO YOU AND THE PUBLIC. THE FULL IMPACTS ON TRAFFIC AND AIR QUALITY ARE NOT FULLING EXPLAINED AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THEREFORE THE FEIR IS INADEQUATE. THEY ARE REQUIRED TO BE EASILY UNDERSTOOD BY THE PULIC AND MITIGATED BEYOND WHAT WEST RIDGE COMMERCE CENTER TRULLY HAS COMMITTED TO IMPLEMENT.

You should not vote on this or any other project unless you have read the documents. You should never just rely on Staff Reports. The Planning Commission should represent all the many varied interests/concerns of the residents of Moreno Valley. I believe if you read all the letters from the agencies as well as the public and groups you will see that many of their legitimate CEQA concerns were not answered or the buck was passed.

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

ATTCHMENT 25

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MV00111767

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May 12, 2011

Planning Commission
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA US MAIL AND FACSIMILE

RE: Final Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Final Environmental Impact Report (FEIR) for the Westridge Commerce Center.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the EIR as an informational document.

Unfortunately, the FEIR for this Project fails as an informational document. The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The FEIR is also internally inconsistent, with statements and conclusions made from one section to another in conflict with one another.

On top of these inadequacies, the FEIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions.

CEQA also requires that ***where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted.*** In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the FEIR concludes that *unavoidable* adverse impacts will result to/from the following: aesthetics, air quality, noise, and transportation/traffic.

Feasible mitigation measures exist which would reduce these impacts, and ***which have not been required of this project.*** This is contrary to the requirements of CEQA, and the additional feasible mitigation provided in the comments must be required of this project.

Moreover, all mitigation measures required in the FEIR ***must be fully enforceable and certain to occur.*** This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures. While it appears that substantial mitigation was incorporated into the project, ***very little mitigation is actually enforceable and required.*** Also, some mitigation measures are included in the text revisions section, yet have not been incorporated into the Mitigation Monitoring Plan. This is unacceptable.

The FEIR fails to make findings supported by substantial evidence in the record. CEQA requires that an agency must make specific findings, based on substantial evidence in the record, where a project has been determined to have significant environmental effects. Here, the findings are nothing more than conclusory statements, and there is no attempt to trace the path from evidence to the conclusions reached. The findings made are not supported by substantial evidence in the record as discussed herein and in our previous comments on the DEIR.

The FEIR lastly fails to adequately respond to the significant environmental points raised in public comments pursuant to CEQA Guidelines. Particularly, Guidelines § 15088 (c) requires that a response to comments evince a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and often ignores comments altogether. Also, the responses tend to generalize specific comments made by the commenter. For instance, a comment regarding cumulative air pollution impacts which asks: "Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?" is responded to generally: "The commenter expresses concerns regarding the cumulative effects (air pollution) of this Project when combined with other vicinity projects." (Comment and response for SCR-2) These generalizations tend to result in responses which do not respond to the comments and questions presented. This is contrary to the policies of CEQA.

In additional to the general comments above, the below specific inadequacies were discovered upon review of the FEIR:

Text Revisions:

- Revision to 3.5.12 Screening: It is unclear why the sentence ends in an ellipsis. Was more intended to be included here?
- The language of Air Quality Mitigation 4.3.8 is uncertain and vague.
    - The introductory statement is unclear and should be omitted, as discussed below.
    - Where the mitigation measures state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically feasible" so that the mitigation measures are certain and enforceable.

- At Mitigation Measure 4.3.13 for GHG's, lease/ purchase documents must require, not merely encourage lessors or purchasers to comply with the measures provided.
- Mitigation Measure 4.7.2 states that artifacts will be curated where preservation in place is infeasible. This measure should require that this determination of infeasibility be made by a qualified archaeologist and approved by the City.
- At Mitigation Measure 4.7.3: the paleontological mitigation-monitoring plan must be developed prior to project approval so it may be determined that such mitigation is sufficient to reduce paleontological impacts. As is, the paleontological mitigation-monitoring plan is impermissibly deferred per CEQA and case law. Also at the third bullet, the word "salvage" should be changed to something which implies that fossils are being properly cared for. Likewise, "to avoid construction delays" should be removed: the purpose is to mitigate for potentially significant paleontological impacts, *not* to remove all impediments to construction as quickly and haphazardly as possible.
- Mitigation Measure 4.8.5 should require that all habitat replacement, revegetation and mitigation for impacts to riparian habitat be implemented by an approved biological monitor. The measure should also require that, if in 3 years the success criterion of 80% has not yet been achieved, revegetation and other mitigation shall continue until such criterion is achieved.

Responses to Comments:

Responses to Johnson & Sedlack Comments:

Response to JS-5 does not evidence a good faith, reasoned response. First, the response states that despite a finding of significant and unavoidable impacts to agriculture in the GPEIR, the agricultural impacts of this project are less than significant. To the contrary, a reasoned outlook would find project impacts to be significant and unavoidable as detailed and considered in the GPEIR, and for which a statement of overriding consideration was necessary. Second, the response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are *susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc.* (Guidelines § 15152) Here, Johnson & Sedlack has provided two possible mitigation measures, namely conservation easements or donation of funds, which would reduce the project's impacts to agriculture and therefore must be considered.

Response to JS-6 does not provide a reason for failing disclose that the project is located in a PAKO zone. The response also states, without substantiation, that there is no indication that the project would interfere with animal keeping, where the project would plainly alter the rural nature of the area. (DEIR p. 5-5)

Response to JS-7 is incorrect. Specifically, the comment stated that the assumption of zero VMT for on road truck travel was erroneously assumed in the Air Study. At Appendix A, page 1 Phase: Fine Grading 7/1/2009-7/15/2009 (Phase 2 Grading), the air study plainly states On Road Truck Travel as zero. The air quality analysis remains flawed and understates impacts from fine grading.

Response to JS-14 and other comments apply a too strict standard for evaluating mitigation measures proposed by commenters on a DEIR. A commenter need not demonstrate the quantitative efficacy of a measure nor a nexus between each mitigation measure presented and its benefit. This demonstration of need and nexus is a requirement of the measure itself to be determined by the lead agency. (Guidelines 15126.4(a)(4) and (5).) Rather, a commenter need only suggest specific alternatives and/or mitigation measures that would avoid or mitigate a significant effect. (Guidelines § 15204(a).) The comment states that measures proposed will reduce construction air quality emissions.

Moreover, the mitigation measures deemed "incorporated" per JS-14 are not actually incorporated as project mitigation at MM 4.3.8. Namely, the "mitigation" does not apply to the project itself, but instead must be notated in "Grading plans, construction specifications and bid documents…" The measures may not be implemented for construction of the project itself while still complying with the terms of MM4.3.8, namely by adding a notation within the construction documents. Hence, this supposed incorporation of mitigation measures does not actually occur, and not all feasible mitigation has been required of this project. MM4.3.8 is uncertain and unenforceable.

JS-14 number 20 is not included in MM 4.3.13 in the Mitigation Monitoring Plan, despite the statement to the contrary. Moreover, MM4.3.13 generally applies to operational impacts and not construction impacts, as evidenced by the timing of monitoring, "Before issuance of first Certificate of Occupancy," and thus will not mitigate for construction emissions. Number 21 is included, but with the limit that "a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit." This is a severe limitation on the measure recommended and such limitation is not disclosed in the response to comments. The mitigation measure *as recommended* must be adopted.

Response to JS-15 is unresponsive to the comment made regarding the need to note variances from URBEMIS defaults for informational purposes. The comment does not state that variances from defaults are improper, as the response asserts, but merely that they must be disclosed.

Response to JS-17 alleges that, "The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility." This is simply untrue. The lead agency may adopt mitigation measures, such as those recommended by the commenter requiring that lessees/purchasers become SmartWay partners, meet 2010 air quality standards or better, etc.

Response to JS-19 has the same problems as the response to JS-14, ***namely that almost all of the mitigation measures deemed "incorporated" at MM4.3.13 are not actually incorporated as certain and enforceable mitigation measures of the project.*** Instead, MM4.3.13, bullet 7, merely requires that, "Lease/purchase documents shall identify that tenants are *encouraged* to provide incentives to realize the following…" [emphasis added]. Hence all that is required is a *written provision* in the lease/purchase documents *encouraging* the use of incentives, not any actual requirement that mitigation be implemented. These repeated untruths in the response to comments cause the FEIR to fail as an informational document and are completely contrary to CEQA policy that mitigation be certain and enforceable.

Likewise, JS-19 number 19 is not incorporated into mitigation as stated in the Response and is vague and uncertain. In 4.3.10 (not 4.3.11 as stated), the mitigation required is that "All entrances shall be *posted with signs* which state: ...Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes..." [emphasis added] The mitigation does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-30 is unresponsive to the comment made regarding insufficient project noise mitigation. Response to JS-31 provides no reason for failing to incorporate the performance standard of noise barriers which will reduce noise at sensitive receptors to no more than 60dBA Leq, particularly.

Response to JS-33 (1) refuses to incorporate mitigation measures which would reduce significant construction noise impacts without finding that such mitigation is infeasible. Instead, the response merely states that such mitigation is not required, but is only recommended, by the Noise Impact Analysis. CEQA provides that agencies may not approve projects for which feasible mitigation measures exist which would reduce a project's significant environmental effects. Here, the comment suggested feasible mitigation to reduce construction noise impacts which were, in turn, recommended in the Noise Impact Analysis. Such mitigation is not shown to be infeasible, and therefore must be incorporated in the project. At (4), the mitigation at 4.3.8 is inadequate and unenforceable. At (5), MM 4.3.10 does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-34 incorrectly insinuates that, in determining a projects noise impacts, the noise from transportation/trucks should be omitted. While ambient noise may not be included to determine a project's noise impacts, impacts directly related to the project's operations must be included in the EIR's determination, as they are incorporated into the whole of the project. This response is also greatly unresponsive to the comment made.

Response to JS-35 merely restates the EIR and does not evidence a good faith response to the comment made. Specifically, the comment notes that the EIR does not provide data regarding groundbourne vibration levels nor evaluate potential impacts to people. The response repeats these issues, but fails to address them in the EIR, or alternatively to provide a reason for failing to correct the EIR.

Response to JS-39 does not evidence a good faith, reasoned response to the comment made and does not adopt feasible mitigation to reduce project noise impacts.

Response to JS-40 is unresponsive to the comment made regarding impacts to 1-215. The response instead dissolves into a discussion of SR-60.

Response to JS-42 (5) and (6) are included at MM 4.3.8, but in a manner which is unenforceable and requires zero actual mitigation to occur, as discussed above regarding JS-14. Numbers (7)

and (8) are not included at MM 4.3.8 at all, despite the statement to the contrary in the response to comments.

Response to JS-53 is conclusory and does not evidence a good faith, reasoned response to the comments made.

Other Responses to Comments

Please note that many responses to comments are repeated throughout the FEIR. The evaluation of inadequate responses below will often refer only to the first time the response is given, where such responses are repeated. Moreover, such inadequacies are likely discussed with regards to responses to Johnson & Sedlack's comments above.

- Response to CDFG-10 does not provide a good faith reason for failing to require a 3:1 replacement ratio of riparian habitat as recommended by CDFG. Specifically, CDFG stated that, "The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or offsite at a minimum 3:1 replacement-to-impact ratio…" The response cites no reason based on substantial evidence in the record for failing to incorporate this mitigation.
- Response to EMWD-2 is inadequate and conclusory. The commenter noted that impacts from construction will likely create impacts to service which must be evaluated in the EIR. However, the response states, based on no evidence in the record, that the conclusions of the Draft EIR are not affected by the inclusion of this potential impact in the EIR's analysis. Such analysis must first be conducted in order for this conclusion to be made.
- Response to RCFC-3 does not respond to the comment made. The commenter stated that the Project must *demonstrate consistency* with the MSHCP, not that the project must comply with the MSHCP requirements. A project may comply with the MSHCP requirements and still be inconsistent.
- Response to MA-4 is conclusory and not based on reasoning or evidence in the record.
- Response to MA-7 is unresponsive to the comment made regarding impacts to freeways, overpasses, and roads which will not receive the fees paid by this project for improvements and for which improvements are uncertain. The response also seems to suggest that the project will be gifting massive sums of money to the state and region for improvements. This response fails to state, however, that the fees to be paid by this project are for the purpose of mitigating this project's environmental impacts.
- Response to MA-10 is contradictory and does not respond to the comment made. The response states that project traffic will not pass through residential neighborhoods, while noting that properties adjacent to the access road to the site are designated residential. Moreover, the comment made stated that trucks often pass through "or near residential areas." Also, the comment clearly states that, for truck impacts *to roadway surfaces*, 1 truck =1,000 cars. The referenced portion of the EIR instead discusses traffic/ truck volume impacts, not necessarily impacts to roadway surfaces.

- Response to LA-2 does not respond to the comment made which inquires which mitigation measures were found to be infeasible and will not be required of this project.
- Response to LA-3 is unresponsive to the comment made. The comment inquires what protection measures against Diesel PM will be implemented for the warehouse workers, and the response merely states that the impacts to on-site workers are not analyzed in the EIR. Nonetheless, mitigation measures, conditions, and project design may implement *protection* measures. Also CAL/OHSA may require additional worker protection measures. The FEIR is thus unresponsive to the comment made.
- Response LA-4 is conclusory and states, without reference to any evidence in the record that, "No potentially hazardous materials, beyond those described [paint, solvents, fertilizers, etc.] are anticipated to be handled at the site." There is simply no basis for this conclusion. The remainder of the commenter's concerns regarding spills and smoke plumes are unaddressed.
- Response to LA-5 states that the level of LEED certification cannot be determined as the tenants and uses are unknown. However, it would be feasible to require at least LEED silver certification by contract specification. If a higher LEED certification was deemed possible, there is no bar from achieving that higher level.
- Response to GB-2 is unresponsive to the comment made. Namely, the commenter merely asked what "environmental aspects" of the site are missing from the Geotechnical investigation. This question remains unanswered in the response.
- Responses to GB-5, GB-7, and GB-9 neither make needed changes to the EIR nor provide good faith, reasoned responses for determining not to make those changes. Specifically, the commenter asked why the Casa Loma fault was not included in the EIR when it is proximate to the project. The responses ignore the EIR's role as an informational document and determined that, since the project would nonetheless comply with the California Building Code, such information could be omitted. This is contrary to the information disclosure requirements of CEQA. Likewise, the response at GB-5 notes that the Casa Loma fault was likely not included in the UBCSEIS database. None of these three responses, however, support a determination that the project will not be impacted by this fault.
- Response to GB-8 is unresponsive to the comment made.
- Response to GB-10 neither makes needed changes to the EIR nor provides good faith, reasoned responses for determining not to make those changes. The commenter points out scenic resources which were unincorporated into the EIR and the DEIR description, and the response seems to concur that these scenic resources are significant and were omitted. Beyond such concurrence, however, no changes are made to the EIR or explanation given for determining not to make those changes.
- Response to CCA-1 is unresponsive to the comment made. The commenter specifically asks what mitigation will occur for cumulative traffic and diesel impacts. No response to this inquiry is given.
- Response to CCA-2 is likewise unresponsive to the inquiries made regarding noise impacts and mitigation for cumulative impacts.
- Response to CCA-3 does not evidence that the project adopted all feasible mitigation. Comment CCA-3 recommended additional and certain mitigation which was not discussed in the response and not determined to be infeasible. Such measures as retrofit

all trucks and phase them in over a period of time must be included to reduce the project's air quality impacts.

- Response to FNSJ-3 is unresponsive to the comment made. The commenter stated that agricultural impacts for this project were deemed potentially significant and should be mitigated through the purchase of conservation easements. The response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc. (Guidelines § 15152) Here, the commenter plainly states that such potentially significant impacts could be reduced through purchase of conservation easements, and the comment should be given substantial consideration.
- Response to FNSJ-4 does not find that it is infeasible to require that off-road heavy construction to meet CARB Tier III or better certification. Such mitigation is feasible and would significantly reduce the project's air quality impacts. The measure must be required.
- Response to FNSJ-7 combines many comments and provides conclusory, unreasoned, and unresponsive responses. The response ignores the comment calling for a discussion of air quality impacts to health risks and impacts to biological resources.
- Response to FNSJ-8 combines the response to at least four comments into one, and goes on to ignore several of the comments made. For instance, there is not response made to the comment that growth inducing impacts on air quality were not evaluated.
- Response to FNSJ-12 does not evince a good faith, reasoned response to the comments made that impacts from global warming on the project must be analyzed; potentially exacerbated project impacts as a result of climate change must be analyzed; and global warming impacts on water supply and flooding must be analyzed.
- Response to FNSJ-16 does not respond to the question raised regarding onsite eating facilities.
- Responses to FNSJ regarding mitigation measures (FNSJ-18-20) seem to state that the *commenter* need to demonstrate that mitigation is either required or a nexus such that mitigation is necessary. This is not a showing required of a commenter in proposing mitigation; this is a requirement of the measure itself to be determined by the lead agency, as discussed above. (Guidelines 15126.4(a)(4) and (5).)
- Response to FNSJ-22 notes that four of the alternative sites considered are not available, yet irrationally concludes that by considering four unavailable and impossible alternative sites, a reasonable range of alternatives was considered. None of these "alternatives" may be included in the range of alternatives considered when, in fact, only Alternative Site 5 was considered. The response also does not address the issue of quantification of impacts raised by the commenter.
- Response to SG-1 is unresponsive to the comment made. The commenter notes the potential for blight in the area due to unoccupied buildings, aesthetic impacts, and long term growth inducing impacts from the zone change. No response is made to these issues.
- Response to SG-8 does not respond to the issue raised of reinforcing the roof and installing solar panels.

- Response to HF-1 is unresponsive to the comments made and fails to demonstrate a good faith, reasoned response.
- Response to SM-3 is conclusory and fails to provide reasoning. Likewise, NDN-5. The project fails to incorporate feasible mitigation recommended previously by Johnson & Sedlack, discussed above, including mitigation recommended in the Noise Impact Study.
- Response to DR1-6 is unresponsive to the comment made suggesting an alternative site by March Global Port.
- Response to SC-4 does not respond to what time of day truck trips are expected, merely that the project is assumed to be operation 24/7. This is unresponsive to the comment made and fails to provide any hourly expectations, particularly during peak hours.
- Response to TT-7 does not find it infeasible to require additional wall offsets in order to mitigate for aesthetic impacts. Instead, the response purports to defer this potential mitigation to a later time. This is improper and this mitigation measure must be required of the project.
- Response to TT-11 does not incorporate or find infeasible the mitigation recommended including requiring that a percentage of the fleet vehicles of tenants be low or zero emission and requiring soot filters or the latest available technology.
- Response to RJ-C-1 is unresponsive to the comment made.

Mitigation Monitoring Plan:

The following comments on the MMP are in addition to comments made previously in the "Text Revisions" section.

Traffic:
Many of the traffic mitigation measures state that the improvement will be funded through participation in the TUMF, DIF, or other fair share program. It is unclear in the MMP, however, whether the applicant need only pay into the program prior to issuance of the first building permit, or whether the improvements must be completed prior to issuance of the first building permit in order to mitigate for the traffic impacts listed. This should be clarified so that mitigation is certain and enforceable in the monitoring program.

Air Quality:
Not all feasible mitigation has been adopted to reduce air quality impacts from the project.

MM 4.3.2 in the MMP does not make the alterations stated in the responses to comments and text revision section (removing "during smog season", etc.) Moreover, trucks should be limited from idling beyond 3 minutes.

MM4.3.4 requires that contractors for the project will use CARB Tier 2 equipment or better. It is feasible to require at least Tier 3 certified or better.

For MM 4.3.6, it is feasible to require that only existing electrical power sources may be used; no diesel or gasoline powered generators shall not be utilized for project construction.

For MM 4.3.8, the language creates uncertain and unenforceable. Measures must only be included in plans and bid documents which may be subsequently altered and are not required of the project itself as written. The language must be changed to delete the introductory statement such that the mitigation measures apply directly to the project. Also, at bullets 6, 8, 9, and 10 which state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically possible." Likewise, at bullet 12, the "greatest extent practical" language must be deleted. As currently written, such mitigation measures are unenforceable and contrary to CEQA. Finally, bullet 14 states that all forklifts used in the operation of the Project shall be electric or natural gas powered, where MM 4.3.8 applies only to construction and construction contracts. This measure should be repeated elsewhere to reduce operation air quality impacts of the project.

MM 4.3.10 represents only one half of the mitigation measure- the posting of signs. An additional mitigation measure and/or monitoring program must be adopted for the second half of the mitigation measure-enforcement of the measures by the on-site facilities manager (or equivalent.) As written, this mitigation measure is uncertain and unenforceable.

MM 4.3.11 requires less mitigation than stated in the EIR. Namely, the EIR and responses to comments have repeatedly stated that the project will surpass Title 24 standards by 20%, yet the mitigation measure actually requires this surpassing of Title 24 by 20% only for "water heating and space heating and cooling." This limitation must be removed from the language of the mitigation measure. It is feasible to require that the project surpass Title 24 by 20% for the project as a whole, and in fact, feasible to surpass Title 24 by 30%.

MM 4.3.13 bullet 7 is completely uncertain and unenforceable. The measure provides that lease/purchase documents shall *note* that tenants are "encouraged" to provide incentives to realize mitigation measures. This introductory language must be removed and the mitigation measures required of the *project itself* through lease/purchase contracts. Moreover, most of the mitigation measures included in MM4.3.13 bullet 7 would reduce air quality emissions, namely Diesel PM, not merely GHGs as stated.

Noise:
Mitigation measures adopted for noise require that "Project plans and specifications shall include a statement that…" Again, no mitigation or monitoring is actually required of the project itself, only the written documents. No mitigation of project impacts is certain to occur.

MM4.4.2 is unenforceable, as the language of the measure requires that equipment be staged in areas that will create the "greatest distance" between noise and off-site receptors. A minimum distance or performance standard must be required to ensure that the distance chosen mitigates noise impacts.

MM 4.4.3 is uncertain, as it requires that haul routes not pass sensitive land uses or residences "[t]o the extent feasible." This feasibility language must be removed so that this measure is certain and enforceable.

MM4.4.4 is unenforceable as it provides for the "maximum reduction for noise sensitive uses." Some performance standard or specific type of noise curtain must be specified to ensure that the maximum reduction for noise sensitive uses actually occurs.

Water Supply:
There is no monitoring plan for MM 4.5.4.

Cultural Resources:
The mitigation and monitoring for MM 4.7.2 must occur throughout excavation and grading activities, not "Prior to issuance of first Certificate of Occupancy."

Alternatives:
A substantial number of comments concern the consideration of an inadequate range of alternatives, namely the *consideration of only one viable alternative site*. Alternative Sites Nos.1-4 are unavailable and were presumably included in the EIR in order to deceive the public and decision-makers into believing that an adequate range of alternatives was considered. The responses to comments concur that only Alternative Site No.5 was a viable alternative. (*See,* Response to FNSJ-22) Additional alternative sites must be considered for this project in order for there to have been consideration of a reasonable range of alternatives.

Statement of Overriding Considerations:
A statement of overriding considerations is improper with this project as the project will have extensive environmental impacts, as discussed above, yet only minimal project benefits. The project will have adverse impacts to/from the following: aesthetics, air quality, noise, and transportation/traffic. This includes substantial concerns for human health, including health risks from air pollutant emissions and health risks from excessive noise. These are major environmental risks which must be deemed offset by the economic, legal, social, technological, or other benefits of the project. (Guidelines § 15093(a).) This project will generally only benefit the developer of the warehouse. Yes, the project could create some new jobs in the area and generate some annual taxable sales, yet as noted by many commenters, warehouses already developed in the area remain vacant. These speculative benefits are comparatively insubstantial when compared to project risks. A statement of overriding considerations cannot be adopted for this project.

Thank you for your consideration of the above comments.

Sincerely,

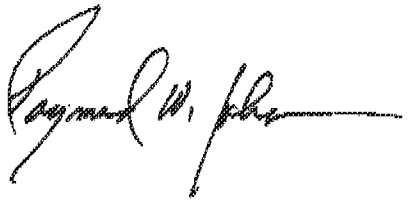

Raymond W. Johnson
JOHNSON & SEDLACK

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MV00111779

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: May 12, 2011 May 12, 2011
jeffreyb@moval.org

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Final Environmental Impact Report (Final EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be considered prior to certifying the Final Environmental Impact Report (Final EIR) as appropriate.

The proposed project will result in at least 856 trucks per day serving a warehouse that is approximately one million square feet. As a result, the AQMD staff is concerned about the significant air quality impacts and elevated cancer risk impacts to sensitive receptors (i.e., residences adjacent to the project site) from the high volume of diesel truck traffic generated by the proposed project. On December 10, 2010 the AQMD staff provided comments on the draft EIR regarding these impacts and expressed specific concern about the project's air quality analysis and health risk assessment (HRA). Further, AQMD staff suggested a list of mitigation measures to reduce the project's significant air quality impacts.

On May 2, 2011 the AQMD staff received the response to comments in the most recent staff report. Upon review of this document we continue to have concerns regarding the project's significant air quality impacts, potential deficiencies in the health risk assessment, mitigation measures and land use compatibility. Specifically, the AQMD staff recommends that the lead agency revisit the operational profile in the HRA to ensure that it is consistent with the traffic study. Also, given that the proposed warehouse project will require a significant number of trucks that travel adjacent to residential land uses the AQMD staff recommends that the lead agency provide additional mitigation to

reduce the project's significant truck emissions and revisit the size of the proposed setback between the trucks serving the project and future and current residential uses. Details regarding these concerns are enclosed.

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC110428-02
Control Number

1. Health Risk Assessment Methodology

AQMD staff originally commented on potential methodological deficiencies in the HRA presented in the Draft EIR. We appreciate the response to those comments, and have the following comments based on those responses. AQMD staff is still concerned that the HRA methodology in the Draft EIR may underestimate potential health risks to nearby sensitive receptors based on the following points.

- The HRA source geometry does not reflect the layout of the proposed building as detailed in Figure 3.5-4 of the Draft EIR and Exhibit 5-4 of the Transportation Impact Analysis (TIA) appendix. The primary difference between the modeled approach and the project description in the EIR is the location of truck entrances to the facility. The project description and TIA indicate that up to 80% of the truck traffic serving this facility will travel along the future Eucalyptus Avenue, just south of the site. However the HRA assumes that the majority of truck traffic enters the facility through eastern and western entrances, and that Eucalyptus Avenue only accommodates 29.7% of all truck traffic. This discrepancy yields an underestimation of approximately 430 truck trips per day travelling along Eucalyptus Avenue. Without considering the diesel emissions from these trips, the risk reported for the residential receptors located closest to the facility just south of Eucalyptus Avenue will be underestimated.

- The HRA underestimates the amount of trucking activity that will occur onsite by not including onsite traveling emissions. Given the significant size of the project, each truck can be expected to travel approximately ¼ mile in the southern truck entrances and loading areas onsite and nearly ¾ mile in the northern loading areas and western entrance. With 856 truck trips per day, this omission yields an underestimate of approximately 200 miles of onsite trucking activity per day. Without including the diesel emissions from this activity, the health risk reported in the Final EIR is underestimated.

- The proposed mitigation measure of reducing idling to a total of 3 minutes onsite for each truck may not be achievable given the description included in the EIR. For example, it is unclear how the project proponent will enforce the measure with 856 trucks per day (equal to approximately two truck trips onsite each minute of a 24 hour day) on a 50+ acre site with 173 docks and 175 truck parking stalls. The lead agency should either include specific provisions that establish how this measure will be enforced (e.g., onsite staff dedicated solely to monitoring diesel activities), or revise the HRA to include a more realistic composite onsite idling time of 15 minutes per truck (5 minutes entering, 5 minutes onsite, 5 minutes exiting).

2. Land Use Compatibility Mitigation

AQMD staff appreciates the inclusion of the proposed amendment of Municipal Code 9.05 as a part of this project. This amendment requires that industrial and warehouse projects greater than 50,000 square feet in size be separated from any residential district

by a distance established by an air quality or noise analysis, with a minimum of a 250-foot setback. This is a forward-thinking measure; however, its overall effect may be substantially reduced by not including a cumulative analysis of the primary truck route serving the facility in the distance measurement. For example, in the current project over 680 truck trips per day serving this facility will pass adjacent to a residential district south of the future Eucalyptus Avenue. This significant trucking activity may produce emissions that surpass those produced in the southern loading area. However, as written the setback area is measured from the loading area, not the truck route. AQMD staff recommends that the lead agency include truck routes within this amendment.

3. Regional and Localized Air Quality Mitigation

AQMD staff appreciates the addition of a mitigation measure in the Final EIR to address diesel emissions from trucks. However, given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.13 to ensure that these impacts are minimized. Specifically, the lead agency should revise the aforementioned measure to extend this requirement to any fleet owners/operators that serve the proposed project; therefore, the measure should be revised as follows:

- Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.

- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project and/or fleet owners and/or operators that serve the proposed project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.

Information about various funding programs can be found the following websites:

- http://www.aqmd.gov/tao/Implementation/index.htm and

- http://www.arb.ca.gov/msprog/truckstop/azregs/fa_resources.php

From: Paul Claxton
Sent: Wednesday, May 11, 2011 5:42 PM
To: Jeffrey Bradshaw; John Terell; Grace Espino-Salcedo
Subject: West Ridge Commerce Center

Mr. Bradshaw, Mr. Terell, and Ms Espino-Salcedo,

I am writing to express my concern about plans to put in another nearly one million square foot warehouse.

I bought my home ten years ago in a very different Moreno Valley. I work at March Air Force Base and when we moved here from Washington state my family looked at a number of towns in the area – Corona, Riverside, and Moreno Valley among others. What struck me about Moreno Valley was the beautiful east end of ranches and open land. The city struck me as a pleasant bedroom community to raise my family, grow old, and retire in. That's no longer the case. The city seems hell bent into becoming another Ontario or San Bernadino full of warehouses, lower wage jobs, traffic, noise, pollution, crime, and high taxes. Sorry, I am at a point in my career that I can afford to pull out and move if I have to and it is very apparent to this frog that the pot is on the range top and the water is getting warmer. The crime rate is already soaring with the violence brought here by the gangs and the drugs they freely peddle on our streets without having to drive out more tax payers for additional renters and section 8 housing.

I live just a couple short miles away from this second stake into the heart of the valley. The Sketcher's warehouse has yet to open and I can hardly wait for 200 semi-trucks an hour to roll down the 60 freeway, Ironwood and other side streets creating noise and pollution. This warehouse hasn't created another job in the city yet, I find it hard to imagine that people would sell their homes in Ontario and move here to be 15 miles closer to work, unlikely.

Paul Claxton
Moreno Valley

ATTACHMENT 28

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MV00111785

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **ADOPT** Ordinance No. 2011-831, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

ADVISORY BOARD RECOMMENDATIONS

On April 14, 2011, the Planning Commission conducted a public hearing to review proposed revisions related to lighting for general site, street and athletic field/park lighting citywide. At the conclusion of the public hearing and Commissioner debate, the Commission unanimously recommended that the City Council not amend lighting provisions within the Municipal Code to include a dark sky emphasis for general site, street and athletic field/park lighting.

The Planning Commission stated a number of reasons for their recommendation for denial including, but not limited to, their belief that the proposed dark sky ordinance revisions to existing Municipal Code lighting standards would be intrusive to both residential homeowners and commercial/industrial projects, curfew lighting having the potential to create reduced lighting conditions and the potential for reduced lighting within parking lot peripheries. The Commissioners mentioned that the reduction of lighting in the later night hours may lead to potential public safety issues and that some provisions such as the night lighting curfew and light wattage requirements may be difficult to enforce.

BACKGROUND

On October 20, 2009, the City Council provided direction for staff to review existing lighting standards and provide proposed dark sky provisions for consideration. The review of existing lighting ordinance standards is a direct result of the settlement agreement reached on January 7, 2010, between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project and the Skechers warehouse building.

The current City of Moreno Valley Municipal Code lighting requirements include provisions to curb on-site lighting such as the current limit for lighting at property lines to a maximum of 0.5 foot candle and residential lighting fixture limit of twelve feet in height. Some of the current lighting standards however, do not facilitate a dark sky approach or assist in promoting energy efficiency. For example, the City currently requires that parking lots and other public spaces be lit “from dusk to dawn” which exceeds the hours of operation for most retail and non-retail properties, especially office and religious establishments.

Research conducted by the Planning Division found that only a few cities had adopted dark sky ordinances. Surrounding cities such as Riverside, Perris and Redlands have not adopted dark sky ordinances. Although the settlement agreement suggested utilizing standards from the City of Palm Desert, a combination of ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas, San Diego and other cities were reviewed. Standards within these ordinances and draft guidance standards by the International Dark-Sky Association were the basis for the revised lighting provisions.

The primary purposes of changing current lighting practices and drafting a dark sky ordinance include**:**

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the negative effects of night lighting.

DISCUSSION

Pursuant to the direction provided by the City Council, staff developed revised onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields for City Council consideration. Based on provisions within the settlement agreement, staff was to report back to City Council with draft lighting requirements and recommendations for consideration without commitment to adopt an ordinance.

Some of the major modifications proposed to the existing lighting standards include:

- Revised development and performance standards including maximum wattage of light bulbs for single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);
- All lighting to include full cutoffs to prevent excess trespass for residential-multiple family and all non-residential properties.
- A further reduction of permitted light trespass or spillover lighting on adjacent properties for all non-residential and multi-family residential properties to not exceed 0.25 foot candle minimum maintained lighting measured from within five (5) feet of any property line consistent with language in the Palm Desert ordinance. This compares with the existing ordinance standard to not exceed 0.50 foot candle at the property line.
- The inclusion of height limits for hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet; and non-residential lighting height limits of 30 feet, except within 100 feet of a residential use, where the maximum height would be 20 feet and walkway/courtyard lighting with a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting for non-residential uses requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.
- The addition of athletic field lighting standards to include horizontal cutoffs to reduce vertical lighting above the fixture for new lighting and retrofit fixtures and a maximum lighting value for lighting recreational athletic fields to be an average maintained 50 foot-candles.

- The modification of existing street light standards to indicate that the installation of street lighting is solely for the purpose of illuminating the public right of way in conformance to the city street lighting standards, which include the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

In the process of updating current lighting standards, staff established a subcommittee with members from the departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utility and Parks and Community Services. All department representatives of the subcommittee assisted in drafting revised lighting language, reviewed draft dark sky lighting standards, and have agreed to the proposed modifications as presented and attached to this report in cross-out/underline and clean copy formats.

ALTERNATIVES

1. Based on the recommendation of the Planning Commission, reject the proposed draft dark sky lighting modifications and not take action on the ordinance.

2. Approve the proposed draft dark sky lighting ordinance as written.

3. Approve the proposed draft dark sky lighting ordinance with modifications. The Council could elect to remove or modify items such as the lighting curfew, provisions modifying additional spill-over lighting adjacent to adjoining properties or restricting wattage of lighting for residential and/or non-residential properties.

4. Return the proposed dark sky lighting ordinance back to the Planning Commission with further direction.

NOTIFICATION

Public notice of the proposed Municipal Code Amendment was published in the local newspaper as a 1/8 page display ad on June 24, 2011, and was mailed to the Sierra Club.

ATTACHMENTS

1. Public hearing notice
2. City Council Ordinance, including clean copies of the Ordinance amendment
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.
8. Planning Commission Report dated April 14, 2011, excluding attachments
9. Planning Commission Minutes of April 14, 2011

Prepared By:
Mark Gross, AICP,
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00111791

NOTICE
OF
CITY COUNCIL
PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT (PA10-0022) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS", AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The amendment would modify current lighting provisions including, but not limited to the refinement of existing code standards for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties and a dark sky approach citywide.

The City Council may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk or City Council on or before the following meeting date:

Tuesday, July 12, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

A7 **Item No. E.4**

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MV00111793

ORDINANCE NO. 831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use.

ATTACHMENT 2

All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting should not cause nuisance levels of light or glare on adjacent properties.

2. **Conformance with Zoning Regulations –** The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

   FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

3. **Health, Safety and Welfare –** The proposed modifications to the Municipal Code will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as residential hillside and open space areas. Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environmental, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to

adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

EXHIBIT A

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be

beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type_and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of maintained lighting.

2. Aisles and passageways related to and within a building complex, during the hours of darkness, shall be illuminated with a maximum of one-half (0.50) to one (1) foot candles of maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure not to exceed a height of eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

2. Lighting should improve the visual identification of residences and businesses.

3. Energy efficient lighting of buildings is encouraged.

4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements.

5. The location, color and intensity of private lighting should relate to and complement public lighting.

6. Lighting fixture design should complement the overall design theme of the project in which they are located.

7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare.

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

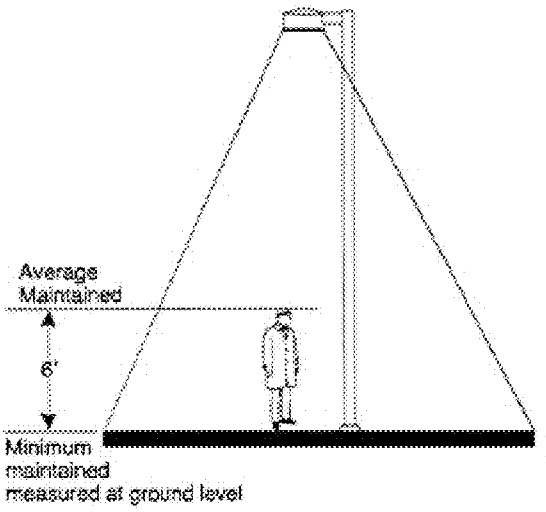

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

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9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. ~~Each~~ Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to ~~these~~ illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

ATTACHMENT 3

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

~~A.~~ a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the nonresidential use~~ measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

~~B.~~ a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface ~~from dusk until dawn~~, unless otherwise approved, for visibility and security ~~over the entire parking surface~~. ~~Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines~~. ~~Each parking area of five or more spaces existing prior to the effective date of the ordinance codified in this chapter which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements.~~ Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the non-residential use~~ measured from within

five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of ~~minimum~~ maintained lighting.

2. Aisles and passageways ~~and recesses~~ related to and within a building complex, during the hours of darkness, shall be illuminated ~~to~~ with a maximum of one-half (0.50) to one (1) foot candles of ~~minimum~~ maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

~~7. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor

light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

~~C. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:~~

~~1. The operation of searchlights for advertising purposes; and~~

~~2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.~~

~~D. Overhead roof lighting is prohibited.~~

~~E. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.~~

~~F. All exterior commercial doors during the hours of darkness shall be illuminated with one footcandle, minimum maintained of light on the surface.~~

~~G. Aisles, passageways and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to one-half footcandle, minimum maintained on the surface.~~

~~H. All lighting shall be enclosed in vandal-resistant fixtures~~.

~~I. General Guidelines.~~

~~1. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.~~

~~2. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.~~

~~3. All exterior lighting shall be shielded to prevent spillover onto adjacent properties.~~

~~4. Industrial and manufacturing developments shall provide adequate lighting for safe and secure on-site parking, loading, storage, receiving and pedestrian areas.~~

~~5. All exterior doors on commercial structures shall be illuminated with a "minimum maintained" of one footcandle of light on the door surface during hours of darkness.~~

~~6. Aisles, passageways and recesses within a building complex shall be illuminated with a "minimum maintained" of one-half footcandle of light during hours of darkness.~~

~~7. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~8. In multifamily developments, laundry rooms shall be well-lit at all times they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.~~

~~9. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

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MV00111821

~~9.08.190 Street lighting.~~

~~A. Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~B. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~1. A utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~2. A municipally-owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~C. If a utility-owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~D. If a municipally-owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~E. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility-owned system and the public works director. (Ord. 359 (part), 1992)~~

ATTACHMENT 4

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MV00111823

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

ATTACHMENT 5

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure ~~of not more than~~ not to exceed a height of ~~twelve (12~~) eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

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MV00111827

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

~~2. Parking lot and walkway lighting fixture height and brightness should conform to the following table:~~

~~Table 9.16.280A~~

~~Site Lighting~~

-

~~Lamp Types and Characteristics~~

~~Type~~	~~Characteristics~~
~~Low Level~~	~~Heights below eye level~~
-	~~Very finite patterns with hour wattage capabilities~~
-	~~Incandescent, fluorescent~~
-	~~Lowest maintenance requirements, but highly susceptible to vandals~~
~~Mall and Walkway~~	~~10′ – 15′ heights average~~
-	~~Multi-use because of extreme variety of fixtures and light pattern~~
-	~~Incandescent, high pressure sodium~~
-	~~Susceptible to vandalism~~
~~Special Purpose~~	~~20′ – 30′ heights average~~
-	~~Recreational, commercial, residential, industrial~~
-	~~Metal halide, high or low pressure sodium~~
-	~~Fixtures monitored by sentry~~

ATTACHMENT 6

~~3.~~ 2. Lighting should improve the visual identification of residences and businesses. ~~Within commercial areas, lighting should help to create a festive atmosphere by encouraging nighttime pedestrian use.~~

~~4.~~ 3. Energy efficient lighting of buildings is encouraged.

~~5~~. 4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements. ~~and should be de-signed either to uplight structures from the ground or to downlight structures from projecting or detached architectural elements.~~

~~6.~~ 5. The location, color and intensity of private lighting should relate to and complement public lighting.

~~7~~. 6. Lighting fixture design should complement the overall design theme of the project in which they are located.

~~8. Fixtures should be placed so that light patterns overlap at a height of seven feet, which is sufficiently high to illuminate a person's body vertically. This is a particularly important consideration now that lighting fixture manufacturers are designing luminaries with highly controlled light patterns.~~

~~9~~ 7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

~~10~~ 8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare. ~~Most eye levels occur between three feet eight inches (for wheelchair users) and six feet for standing adults.~~

~~11. When walkway lighting is provided primarily by low fixtures, there should be sufficient peripheral lighting to illuminate the immediate surroundings. Peripheral lighting provides for a better feeling of security for individuals because they can see into their surroundings to determine whether passage through an area is safe. Such lighting should be approached from one of two ways:~~

~~a. By lighting the area so that an object or person may be seen directly; or~~

~~b. By lighting the area to place an object or a person in silhouette. (Ord. 698 § 3.1(g), 2005; Ord. 359 (Attach. 2 (part)), 1992)~~

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

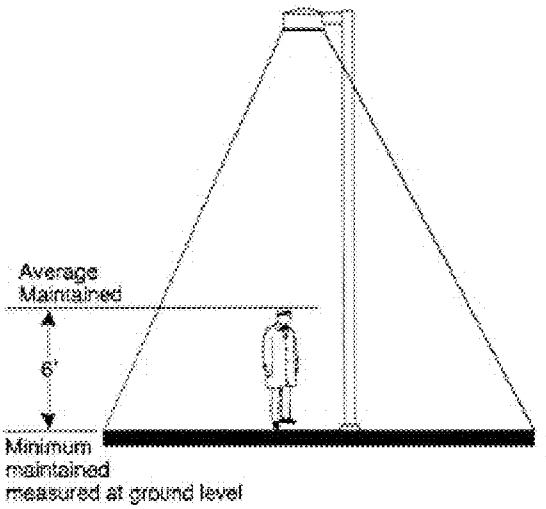

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

ATTACHMENT 7

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MV00111831

PLANNING COMMISSION STAFF REPORT

Case:	PA10-0022
Date:	April 14, 2011
Applicant:	City of Moreno Valley
Representative:	Same as above
Location:	Citywide
Proposal:	Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general site, street and athletic field/park lighting citywide.
Redevelopment Area:	N/A
Recommendation:	Recommend ordinance amendment to City Council

SUMMARY
The Planning Division of the City of Moreno Valley proposes modifications to various sections of Title 9 of the Municipal code to refine existing lighting standards to provide for better viewing of the night sky ("dark sky"). The amendment proposes modifications to onsite, athletic field/park and street lighting to minimize light pollution and trespass. All newly establish developments citywide will be subject to the proposed revisions to the code.

BACKGROUND

At the October 20, 2009, Study Session, the City Council provided direction to review the City's lighting standards based on the International Dark-Sky Association (IDA) recommendations and dark sky ordinances from other communities. This review was identified in the Settlement Agreement between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project. The review also reflects previous development review projects located within the rural and hillside residential areas within the north and east portions of the City.

The underlying principles of the proposed lighting standards/dark sky ordinance are to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky;
- Curtail and reverse degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Based on information from the IDA, the assumption that more light always results in better safety and security is not supported. Only the right amount of light, in the right place, at the right time should be necessary. In most instances, providing more light or creating bright areas often leads to glare and reduced visibility as well as wasted light and energy. The IDA recommendations call for the use of the lowest feasible wattage lamp. The maximum wattage recommended for most commercial applications is 250 watts of high intensity discharge lighting.

The current City Municipal Code includes provisions to curb on-site lighting. The Municipal Code requires that "lighting shall be adequate to help ensure a safe environment, but not cause excessive glare or intense light." All non-residential lighting is required to be shielded to avoid glare and prevent light spillage over property lines or into the public right of way. The lighting at property lines is limited to a maximum of 0.5 foot candle. The minimum lighting required in parking lots, pedestrian walkways and other areas accessible to the general public is 1 foot-candle and the maximum is 8 foot-candle to provide adequate nighttime visibility without creating excessive glare. Lighting standards are verified by a review of a point by point lighting plan showing the foot-candle lighting for closely spaced points across a site based on the fixtures proposed for the on-site use. Residential lighting is limited to twelve feet in height, below the typical eave line for a house. Finally, the stated intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are an inherently characteristic of hillside areas.

PROJECT ANALYSIS

In order to comply with the direction provided by the City Council at their October 20, 2009 Study Session meeting and the Settlement Agreement between the Sierra Club, Highland Fairview and the City of Moreno Valley, staff is presenting the Planning Commission with revised Municipal Code standards for lighting. Staff has included specific updated standards relating to onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields.

Research conducted by the Planning Division found that very few cities had adopted dark sky ordinances. For example, surrounding cities such as Riverside, Perris and Redlands did not have adopted dark sky ordinances. The majority of the cities who have adopted dark sky ordinances were found to be more rural, desert and tourist areas where climate conditions more easily allow the viewing of the stars and night sky. While the Settlement Agreement specifically identified consideration of standards from the City of Palm Desert, staff also reviewed ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas and San Diego and other cities, and the IDA recommendations.

Based on the review of existing Municipal Code standards and other communities dark sky ordinances, staff has proposed updated standards in Attachment 3 of this report. Many of the standards in the existing ordinance were used; however a number of items from IDA recommendations and ordinances such as Palm Desert's were utilized to incorporate dark sky practices. The major modifications to the existing lighting ordinance include:

- Revised development and performance standards to include maximum wattage for light bulbs on single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);

- All lighting designed with full cutoffs to fully shield light fixtures on residential-multiple family and all non-residential properties.

- A further reduction of permitted light trespass or spillover lighting onto adjacent properties for all non-residential (commercial and industrial) and multi-family residential properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle. The revised standard is consistent with language provided within the Palm Desert Ordinance.

- The inclusion of lighting height limits on hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet. Non-residential lighting height limits shall be a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.

- The addition of athletic field lighting standards to include horizontal cutoffs to reduce lighting above the fixture for new and retrofit lighting designs and a maximum lighting value used in lighting recreational athletic fields of an average maintained 50 foot-candles.

- The modification of existing street light standards to include the installation of street lighting solely for the purpose of illuminating the public right of way and conformance to the city street lighting standards, including the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

The dark sky standards would apply to all new development and to existing development/parking areas that are enlarged or altered. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to review of a new or revised point by point photometric lighting plan.

Specific language of the above sections of the Municipal Code can be found in Attachment 3 of this report, which includes a strikeout/underline version of the language added and subtracted.

REVIEW PROCESS

Staff originally presented the item to the City Council at the October 20, 2009, Study Session meeting as in conjunction an overall review of City efforts included in the Highland Fairview Corporate Park Settlement Agreement. During the study session meeting, existing and proposed standards were discussed, with the City Council recommending that staff bring back proposals to incorporate guidelines of the International Dark Sky Association and exterior lighting standards of jurisdictions such as Palm Desert which have created dark sky ordinances.

Subsequently, staff established a subcommittee of members from various internal departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utilities and Parks and Community Services. Collectively, all internal departments and representatives of the subcommittee have drafted revised lighting language and/or reviewed draft dark sky lighting standards. All members of the subcommittee have agreed to modify the ordinance as is presented and attached to this report.

The next step in the process is to have the Planning Commission review the proposed amended lighting standards and recommend to the City Council for final review and action.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA10-0022) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines in that there is no possibility that the proposed activity and the modification of existing light standards to further prevent light spillover into adjacent properties and the night sky would create the potential for a significant impact upon the environment.

NOTIFICATION

A 1/8 page public hearing notice for this development code amendment was published in the local newspaper. The Sierra Club was also notified of the meeting.

REVIEW COMMENTS

Staff sent out the final draft of the modified lighting ordinance to eleven (11) lighting designers and experts in the field that have previously submitted photometric lighting plans to the City, inviting any comments on the draft language to be provided. Staff did not receive any comments during or since the 30 day transmittal period.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Prepared by:	Approved by:
Mark Gross, AICP Senior Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-10
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code.
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for

non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.
Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the

proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things

through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I

even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not

changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule

saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old

business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a

stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could

recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of

inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

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MV00111859

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 12, 2011

TITLE: Approval of Concessionaire Agreement with Pacifica University, Inc., for the Cottonwood Golf Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

BACKGROUND

The City has owned the Cottonwood Golf Center since incorporation. During this time, the City has contracted with two concessionaires to operate the clubhouse/pro shop portion of the course. Whether operated by contract or in-house the golf course has always shown an annual deficit. At one time the operational deficit at the Center was more than $350,000 per year. While the deficit has been reduced significantly, it is anticipated that the deficit will be approximately $199,000 for the current fiscal year.

The City has been operating Cottonwood for the last nine years and has been able to somewhat reduce the deficit; however, we have been unable to make the course cost effective. The proposed contract with Pacifica University indicates their interest in being the concessionaire at Cottonwood including the operation and maintenance of the golf course and the management and operation of the adjacent banquet facility. The proposal, if approved, will immediately reduce the deficit by approximately $70,000 and will completely create a self sufficient golf course within four to five years.

DISCUSSION

At the City Council Study Session in April 2010, staff was directed to retain the maintenance and operation of the Cottonwood Golf Center, while trying to reduce the deficit it incurs. For fiscal year 2009/10, expenditures at the golf course were $336,726 while revenues came in around $71,000 for an annual deficit of $265,726. With some aggressive maintenance changes, staff immediately reduced the fiscal year 2010/11 expenditure budget to approximately $289,886. This reduced the overall annul deficit to $199,886.

Staff met regularly with a newly established Golf Course Committee, comprised of residents that utilize the golf course. Working with this committee, the City adjusted the fee schedule, improved marketing to increase play, and brainstormed as to what would be best for the Cottonwood Golf Center. Along with this staff repaired a massive drainage problem, originally projected to cost more than $300,000, but was completed for approximately $20,000.

On February 23, 2011 staff advertised a request for proposal, subsequently receiving four inquiries. Staff and elected members from the Golf Course Committee conducted in person interviews with all interested parties which resulted in a unanimous decision to begin negotiations with Pacifica University.

Pacifica University is a newly formed athletic and sports management institution currently based in Riverside. Staff has a positive working relationship with the college as their men's basketball and baseball teams have been renting the gymnasium at the Conference and Recreation Center as well as Sunnymead Park's Salas Field. Pacifica University is in the midst of forming women's basketball, soccer, and volleyball along with men's soccer and rugby with more teams on the horizon. The proposal from Pacifica University involves the college golf team assuming responsibility for the maintenance and operation of the golf course as well as responsibility for the adjacent banquet area.

There are many advantages to this unique opportunity including the following:

1. Pacifica University will relocate to Moreno Valley with the name Pacifica University of Moreno Valley.
2. Upon expansion the college will be leasing other facilities within the City for their classrooms.
3. Pacifica University has other money backing this endeavor (tuition and investors) which gives the City an opportunity to have a golf course out of debt.
4. Staff at the course (golf team) will have knowledge of this sport which will be great for the players that frequent Cottonwood.
5. Pacifica University is enthusiastic about immediately helping the CSD in constructing a practice hitting area and eventually improving the kitchen to serve prepared food.

6. The University golf team will be promoting the course in the community especially amongst our youth, providing tournaments and leagues in hopes of increasing play at Cottonwood.
7. Lastly the university students and staff will be frequenting Moreno Valley restaurants, stores, and gas stations which obviously help the City's economy.

The details of the proposed agreement are attached but in short allows the University to retain all revenues for the first three years while freeing up staff expenditures, contractual services, and supply expenses currently incurred by City.

It will be necessary for staff to address certain building deficiencies to get this facility up to code and operating efficiently, while the University will be constructing improvements that will make Cottonwood a more inviting place to visit.

ALTERNATIVES

1. Approve the Concessionaire Agreement with Pacifica University, Inc., to maintain and operate Cottonwood Golf Center for a period of five (5) years with a renewal opportunity for 20 additional years.

2. Not approve the Concessionaire Agreement and direct staff to identify alternatives to reduce funding deficit.

FISCAL IMPACT

By approving staff's recommendation, Cottonwood Golf Center will reduce annual expenses by approximately $70,000 this fiscal year, while eventually eliminating the deficit at the course for the first time in the history of its existence.

SUMMARY

Staff and the Golf Course Committee believe the City has a unique and creative opportunity that benefits the entire community and will help the Cottonwood Golf Center become a successful, more attractive area for residents and non-residents to spend their leisure time. Pacifica University is excited about not only operating the course but also becoming part of Moreno Valley.

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A: Proposed Concessionaire Agreement with Pacifica University

Prepared By:
Michael McCarty
Director of Parks and Community Services

Department Head Approval:
Michael McCarty
Director of Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT A

CONCESSION SERVICES AGREEMENT BETWEEN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND PACIFICA UNIVERSITY, INC.
(Cottonwood Golf Center)

THIS AGREEMENT is made and entered into this 1st day of August, 2011, by and between the Moreno Valley Community Services District, a Municipal corporation (hereinafter called the "CSD") and Pacifica University, Inc. (hereinafter called the "Concessionaire") whereby said parties agreed upon the following terms and conditions:

RECITALS.

CSD owns a golf course facility and recreation center and related facilities and property located at 13671 Frederick Street in the City of Moreno Valley, County of Riverside, State of California, known as Cottonwood Golf Center ("Golf Course"). The Golf Course includes a 9-hole golf course consisting of fairways, roughs, sand traps, driving range, water areas, maintenance yard, fencing, lawn, restroom facilities, a golf clubhouse, a pro shop, a parking lot, and the adjacent banquet room. Concessionaire will not have use or be permitted into the two rooms north of the banquet room, and the restrooms in this area can only be utilized until outside restrooms at the Golf Course are repaired. Upon repair the restrooms located inside banquet facility will be closed or reconstructed as monies allow.

Concessionaire represents that it is qualified in the management, operation, supervision, and maintenance of all aspects of golf course properties and their related facilities, and that Concessionaire is qualified to manage, operate, supervise, and maintain the Golf Course.

CSD desires Concessionaire to manage, operate, supervise, and maintain the Golf Course on behalf of the CSD, and Concessionaire desires to and has agreed to do so upon the terms and conditions hereinafter set forth.

AGREEMENT.

1.1 Agreement to Manage and Operate Golf Course.

CSD hereby appoints Concessionaire, and Concessionaire hereby accepts such appointment as the operator of the Golf Course during the Term, with full power and authority to carry out all the duties and responsibilities specified herein, upon the terms and subject to conditions hereinafter set forth.

1.2 Standards of Performance; Fiduciary Duty.

Concessionaire acknowledges that there is a relationship of trust and confidence between Concessionaire and CSD, and that Concessionaire has a fiduciary duty to CSD pursuant to this Agreement. Concessionaire shall use Concessionaire's best skill and judgment in performing its duties and obligations hereunder, and shall at all times provide such management, operating, supervision, and maintenance services in a manner which maintains the good name of the CSD; perform its duties and obligations under this Agreement in an efficient, expeditious, prudent, and economical manner, consistent with the best interest of the CSD, in accordance with generally approved practices and standards followed by similarly situated public golf courses in California.

2.1 General Duties and Obligations.

A. Throughout the term, subject to any restrictions or limitations set forth elsewhere in this Agreement and subject to CSD's approval, Concessionaire shall, at a minimum, do the following:

(1) Fully comply, and cause the Golf Course and all Equipment and Supplies and operation thereof to fully comply with all legal requirements including all laws, statutes, ordinances, codes, orders, rules, regulations, permits, licenses, authorizations, entitlements, and conditions imposed by all federal, state, and local governmental

regulatory agencies and authorities which are applicable as of the date hereof and hereafter become applicable to the Golf Course, the Equipment and Supplies, or the operation thereof, including without limitation, environmental laws.

(2) Apply for, obtain, and maintain in full force and effect, at Concessionaire's expense, all permits, licenses, and authorizations required, whether by CSD, City of Moreno Valley, or by any other governmental agency, that are necessary or appropriate for the management, operation and maintenance of the Golf Course.

(3) Obtain and maintain in full force and effect all insurance required to be maintained by Concessionaire pursuant to this Agreement.

(4) Concessionaire shall diligently and faithfully perform the following services (among others) during the term of this Agreement:

(a) Promote the sport of golf in such a manner that will encourage, and thereby cause, the public to engage in such sport at the Golf Course.

(b) Promote, manage, and arrange for golf tournaments and recreation programs related to the sport of golf at Golf Course.

(c) Manage and conduct the play of golf at Golf Course in such a manner that will permit the public to play in an orderly and non-obtrusive fashion at said golf course.

(d) Operate a pro shop and practice hitting/driving area including, but not limited to, sale and/or rental of golf equipment, non-motorized golf carts, motorized golf carts, and golf-related apparel items.

(e) Maintain an adequate stock of golf merchandise, supplies, and equipment necessary for the operation of a golf shop and in keeping with the demand.

(f) All golf merchandise, supplies, and equipment used in the pro shop operation and practice hitting/driving area shall be the responsibility of the

Concessionaire.

(g) Be responsible for selection, training, and supervision of all pro shop personnel described herein. All payroll related costs, including workers compensation insurance, sick leave, and vacation pay shall be the sole responsibility of the Concessionaire.

(h) Provide close liaison between pro shop management and CSD management in order to aggressively develop methods to improve golf service and build a high level of customer satisfaction.

(i) Generate sufficient revenue to cover expenses of the pro shop operation with a pricing structure partially established by CSD resolution with respect to greens fees, with related prices to be justified by current local market conditions comparable from facility to facility within the county, as per City Council.

(j) Charge and collect from all members of the public who desire to use and play upon said golf course, greens, practice hitting/driving area, and/or lesson fees as from time to time may be established by resolution of the City Council. Fees established by the City Council shall be the maximum fee charged to use and play upon said golf course. Concessionaire may from time to time, with the approval of the Director of Parks and Community Services or his/her representative, provide "discount" and/or "special" rates as a marketing tool to attract additional play. Concessionaire shall not permit, or cause to be permitted, any members of the public to play upon said golf course unless such established greens fees have been collected in advance from such persons.

(k) Concessionaire to maintain a "tee sheet" listing type of fee paid and player's name. Concessionaire shall provide each customer with a receipt for their transaction.

(l) Provide for the sale of food and beverages including beer and

wine in the pro shop located at the Golf Course. Drinking of beer and wine shall be limited to the pro shop/restaurant and not be permitted on the course.

2.2. Throughout the Term, Concessionaire shall, subject to any restrictions or limitations set forth elsewhere in this Agreement, perform or cause to be performed all tasks necessary or appropriate in connection with the ongoing operation, management, supervision, maintenance, repair, and upkeep of the Golf Course. In performing such tasks Concessionaire shall, at a minimum, do each of the following:

Golf Course

A. Be responsible for and control the play at the Golf Course, including making reservations, starting players, supervision of all of Concessionaire's personnel on the Golf Course, and all other aspects involving use of the Golf Course by members of the public.

B. Provide and supervise all personnel necessary to properly fulfill Concessionaire's requirements under this Agreement, including but not limited to golfing instructors, pro shop staff, driving range staff, putting green staff, and any other persons necessary for the successful and efficient operation of the Golf Course. Concessionaire shall take care to ensure that all staff persons are qualified for their positions and have the ability to relate to the public in the context of a municipal golf course.

C. Concessionaire shall also perform the following services under the direction and supervision of CSD staff as needed:

(1) Water greens, tees, fairways, practice range and landscaped areas.

(2) Change cup locations daily.

(3) Rake traps and repair divots daily.

(4) Edge all sand traps twice monthly.

(5) Verticut all greens not less than four times per year, and more frequently if required.

(6) Aerate greens twice annually, or more if required.

(7) Top dress all greens twice per year.

(8) Mow greens at least four times per week in the months of March through October, and at least twice per week in the months of November through February, or more if required.

(9) Fertilize greens and heavy traffic areas every eight weeks.

(10) Repair tees, including divots, and move tee markers daily.

(11) Spray greens as needed.

(12) Mow fairways twice weekly during the months of March through October, and at least once a week during the months of November through February, or more if required.

(13) Operate the Golf Course and all related facilities during all daylight hours, seven days per week, on all days when the Golf Course is playable. The course may be closed or hours adjusted as per authorization from Director of Parks and Community Services or his/her representative.

Golf Course General Maintenance and Repair.

A. Maintain the clubhouse, pro shop, golf cart storage building, banquet facility, and all other facilities related to the Golf Course in a safe, neat, and orderly condition.

B. Maintain all restroom facilities to ensure that they are constantly and fully equipped and in a clean, sanitary, safe, and orderly condition. Concessionaire shall provide all supplies and materials reasonably necessary for the proper maintenance of

restroom facilities by Concessionaire.

C. Maintain and perform minor repairs to the premises, including but not limited to greens, fairways, tees, roughs, driving range, water areas, maintenance yard, irrigation systems, landscaping, shrubs, trees, planter areas, fencing, lawns, restroom facilities, golf clubhouse, pro shop, parking lot, all personal property related thereto, and all other portions of the grounds and related facilities in accordance with industry standards and established minimum maintenance levels for the Golf Course.

Pro Shop

Concessionaire shall manage and operate the pro shop consistent with the following requirements:

A. At all times maintain a reasonable and adequate inventory of new and used golfing equipment in order to provide Golf Course patrons with a reasonable variety of golfing equipment for purchase or rent. All of the inventory in the pro shop shall be purchased by Concessionaire at Concessionaire's sole cost and expense, and shall be owned by Concessionaire.

B. Maintain the pro shop in neat, clean, safe, and orderly condition

C. Provide golf instruction and other services typically provided to a golf course.

D. Maintain adequate, qualified, and competent supervision of the Golf Course and all related facilities at all times.

2.3 Equipment and Supplies.

A. Equipment.

(1) Definition of Equipment. An inventory of the minimum equipment necessary for the performance of this Agreement by Concessionaire (hereafter

"Equipment") pertains to the following list: one of each, Gang Mower 5 Reel Ground master, Sidewinder 3 Reel Toro, Greens Mower 3250 3 Reel Green master, Tee Mower 3200 Green master, Cushman 01-770, Reel Sharpener. Said inventory may be updated from time to time by written agreement between Concessionaire and the CSD.

(2) Maintenance and Repair. CSD and Concessionaire agree that the inventory of Equipment currently located at the Golf Center is all the equipment and parts necessary for the performance of this Agreement by Concessionaire. Concessionaire shall keep all such Equipment in good maintenance and repair throughout its useful life. Equipment and parts damaged by the Concessionaire shall be repaired or replaced by Concessionaire, at Concessionaire's sole expense.

(3) Maintenance Buildings. Concessionaire is hereby permitted to utilize the maintenance buildings on the Golf Course to store Equipment and Supplies for the maintenance and repair of the Golf Course and related facilities, and Concessionaire shall keep these buildings in neat, safe, clean, and orderly conditions. Concessionaire shall maintain and repair these maintenance buildings, and all damage to said buildings shall be repaired by Concessionaire at Concessionaire's sole expense.

B. Supplies.

Concessionaire shall, at Concessionaire's sole expense, purchase all of the supplies, including but not limited to: gas, oil, grease, all small tools, shovels, rakes, hoes, brooms, fertilizers, weed control products, chemicals, grass seed, cups, flags, flagpoles, tee markers, trash receptacles, sand, special tools to maintain Equipment, and all top dress materials. Concessionaire may purchases such supplies from CSD inventory, if available.

2.4 Additional Repairs and Improvements.

Notwithstanding anything to the contrary in this Agreement, in the event Concessionaire is engaged to perform improvements that are outside the scope of this Agreement, such as installation of kitchen improvements and banquet facility enhancement. CSD and Concessionaire shall agree to the terms of such engagement.

CSD shall be responsible for and bear the cost of all major improvements including but not limited to parking lot improvements, exterior restroom improvements, building access improvements from public right away installation of driving range area, and completion of roof improvements. Concessionaire shall be responsible to provide labor for all minor Equipment repairs, tune-ups, grinding, belt and chain replacements, and all scheduled or manufacturer recommended servicing of Equipment.

Concessionaire and CSD will work together on adding patio cover in back area of golf course, trim scraping, and building paint as needed.

2.5 Utilities.

The Concessionaire shall pay for all utilities and services necessary to carry out Concessionaire's obligations of this Agreement, including but not limited to pest control and janitorial services. Furthermore, internet service, television cable or satellite service, and similar non-essential utilities shall be furnished at the sole cost and expense of Concessionaire.

2.6 Alterations and Fixtures.

A. Concessionaire shall have the right to install and maintain in the pro shop display cases and all other fixtures reasonably necessary for proper operation of the pro shop. Before installing any such fixtures or making any alteration to the pro shop,

Concessionaire shall submit plans and designs for the installation to the CSD for its approval which shall not be unreasonably withheld. Concessionaire shall maintain an up-to-date list of all fixtures, alterations, and improvements installed at the pro shop and shall furnish a copy to the CSD each time Concessionaire removes a fixture or improvement so that both parties have a current list of all alterations and fixtures installed by Concessionaire. At the end of the Term, at CSD's sole discretion, Concessionaire shall restore the pro shop to the same condition as before the alterations and fixtures, as required by the CSD, and Concessionaire will indemnify and defend CSD for all liens, stop notices, claims, or damages caused by the alterations, improvements, fixtures, additions, and removal thereof from the pro shop. In the event Concessionaire fails to remove all of Concessionaire's fixtures and alterations as requested by CSD within five (5) business days of the end of the Term, and restore the pro shop to its original condition, all such fixtures, alterations, and improvements shall become the property of the CSD.

B. Concessionaire shall design to CSD's reasonable satisfaction and approval a fully enclosed practice hitting/driving area. Such improvements, and any other improvements, alterations, and installation of fixtures, to be undertaken by Concessionaire, shall have the prior written approval of the CSD after Concessionaire has submitted to the CSD proposed construction plans and specifications therefore, in writing. Such approval by the CSD shall not be unreasonably withheld. Upon such approval, Concessionaire shall complete such improvements in strict compliance with said plans and specifications.

(1) Following completion of such improvements, Concessionaire shall submit to the CSD:

(a) Itemized statements showing the entire cost of such

improvements, alterations, and fixtures, and

(b) A complete set of "as-built" drawings showing every detail, latent or otherwise, of such improvements, alterations, and fixtures, including, but not limited to, electrical circuitry and plumbing.

(c) All such improvements, alterations, and fixtures (except trade fixtures as that term is used in Section 1019 of the Civil Code) shall be the property of the CSD; provided, however, that Concessionaire may remove, at its expense, such trade fixtures at or prior to the expiration of this Agreement and restore the premises to its original shape and condition as nearly as practicable. In the event Concessionaire does not so remove such trade fixtures, they shall become the property of the CSD for no further consideration of any kind, and Concessionaire shall execute any documents that may be required or necessitated in conveying their interest in such improvements, alterations, and fixtures to the CSD.

2.7 Revenue and Compensation.

A. For the first three (3) years of this agreement, the Concessionaire shall keep all revenues generated at Golf Course including all green fees, hitting area revenue, sale of food and beverages, sale of golf products, and all rentals.

B. In years four (4) and five (5), Concessionaire shall remit to the CSD the following amounts.

(1) Ten percent (10%) of all revenues generated from green fees, sale of food, beverages, golf related products, and by rentals.

(2) Fifty percent (50%) of all revenues generated from City installed driving range area.

C. The CSD shall have no responsibility for collection of any monies due the Concessionaire as a result of pro shop operations. The Concessionaire may offer promotional programs and other financial incentives in order to generate additional participation and/or sales including promotional green fees.

2.8 Taxes, Licenses, Permits and Fees.

The Concessionaire shall be responsible for payment of any taxes, duties, fees, or other governmental charges levied or assessed on the food service operation or property. The Concessionaire shall also be required to purchase any applicable permits and licenses (including City business license and any licenses required for alcohol).

2.9 Prohibited Activities.

Concessionaire shall not do, nor cause nor permit to be done, any of the following:

A. Lease, sell, transfer, assign, convey, pledge, encumber or otherwise dispose of the Golf Course, related facilities, Equipment, or Supplies.

B. Violate any of the legal requirements or engage in or permit, suffer, or allow the occurrence of, any storage, holding, release, emission, discharge, generation, abatement, disposition, handling, or transportation of any hazardous substance.

C. Make any deletion, modification, alteration, or improvement to the Golf Course or related facilities other than expressly authorized.

D. Except for fertilizers, pesticides, and fuel and motor oil reasonably necessary for operation and maintenance of the Golf Course, and except for any other substances and materials reasonably necessary for the operation and maintenance of the Golf Course (all of which shall be used, installed, kept, and maintained in compliance with all applicable legal requirements), place or cause to be placed in, on, under or around the Golf Course or

any related facilities any hazardous substance. Concessionaire hereby agrees to indemnify, defend (through counsel reasonably satisfactory to the CSD), and hold CSD harmless from any cost, expense, loss, damage, or other liability, including all costs of testing, monitoring, and remediation incurred by CSD as a result of any breach of Concessionaire of its obligations under this section.

3.1 Books and Reports.

A. Throughout the Term, Concessionaire shall maintain in accordance with generally accepted accounting principles, consistently applied, full and separate books and records for the Golf Course with entries supported by documentation sufficient to allow CSD to ascertain the accuracy of such books and records. Concessionaire shall provide legible, complete copies of such books and records to CSD at such times at CSD request. Concessionaire shall ensure the necessary control over accounting and financial transactions as is necessary to protect CSD's assets from theft, error or fraudulent activity by Concessionaire's staff.

B. Concessionaire shall prepare and submit to CSD, no later than ninety (90) days after the end of each fiscal year, an Annual Operating Report for the immediately preceding fiscal year which shall be in such form and contain such information as CSD may require.

3.2 CSD's Right to Audit.

All books, records, and supporting documentation maintained by Concessionaire pursuant to this Agreement and/or relating to the Concessionaire's operation of the Golf Course, shall be the sole and exclusive property of the CSD, and shall be made available to CSD at CSD's request at reasonable times during normal business hours. CSD may

examine all books, records, and supporting documentation maintained by Concessionaire relating to the Golf Course.

3.3. Annual Meeting.

During each fiscal year, Concessionaire and CSD shall meet a minimum of one time to establish such things as the contract details relating to maintenance and operation and fee structure.

4. Indemnity.

To the maximum extent permitted by law, Concessionaire and Concessionaire's Parties ("Concessionaire's Parties" mean Concessionaire and Concessionaire's officers, shareholders, partners, trustees, members, agents, employees and independent contractors, as well as all persons and entities claiming through any of these persons or entities) and hold CSD (including CSD's officers, employees, agents, representatives, and their respective successors and assigns) harmless from, and CSD shall not be liable from any and all liability, loss, cost, expense or damage (including but not limited to damage to CSD's property, third party claims, and CSD's attorneys' fees and expenses) resulting from or arising out of (a) the negligent acts or omissions or willful misconduct in the performance by the Concessionaire or Concessionaire's staff or agents hereunder, or (b) any acts by Concessionaire or Concessionaire's staff or agents which are beyond the scope of authority which Concessionaire reasonably believes it has been granted pursuant to this Agreement in connection or relating to Concessionaire's performance of its obligations under this Agreement. Concessionaire shall be obligated to indemnify CSD as described in this paragraph, whether or not there is concurrent negligence on the part of the CSD, but shall not be so obligated to the extent that a court of competent jurisdiction

has established that said liability was caused by CSD's sole active gross negligence or willful misconduct.

5. EXEMPTION OF CSD FROM LIABILITY.

To the fullest extent permitted by law, Concessionaire, and on its behalf and on behalf of all Concessionaire Parties, as a material part of the consideration to CSD, hereby waives all claims (in law, equity, or otherwise) against CSD arising out of, knowingly and voluntarily assumes the risk of, and agrees that CSD shall not be liable to Concessionaire or Concessionaire Parties for (i) injury to or death of any person; or (ii) loss of, injury or damage to, or destruction of any tangible or intangible property, including the resulting loss of use, economic losses, and consequential or resulting damage of any kind from any cause, including without limitation for injury to CSD property or vehicles, or other property or vehicles of the public, and to Concessionaire or Concessionaire's Parties business, or any loss of income there from, or for damage to the goods, wares, merchandise, or other property of Concessionaire or Concessionaire's Parties, or any other person in or about the Golf Course, whether such damage or injury is caused by or results from theft, fire, steam, electricity, gas, earthquake, water or rain, or from the breakage, leaking, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, of from any other cause, whether said damage or injury results from conditions arising on or around the Golf Course or from other sources or places, or from construction or repair, alteration or improvement of any part of the Golf Course or any related structures, or of the equipment, fixtures or appurtenances applicable thereto, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Concessionaire or Concessionaire's Parties. CSD shall not be liable for

any damages arising from any act or neglect of any occupant or user of the Golf Course, nor from the failure of Concessionaire or Concessionaire's Parties to comply with the provisions of this Agreement. CSD shall not be liable regardless of whether liability results from any active or passive act, error, omission or negligence of CSD or any of its officers, employees or agents. The foregoing exculpation shall (a) not apply to claims against CSD to the extent that a final judgment of a court of competent jurisdiction establishes that the injury, loss, damage, or destruction was proximately caused by fraud, willful injury to person or property or violation of law by CSD, or (b) not be interpreted or construed as an attempt by CSD to be relieved of liability arising out of a non-delegable duty on the part of the CSD.

6.1 Commercial General Liability Insurance.

Concessionaire shall, at no expense to CSD, maintain commercial general liability insurance, including products liability and completed operation, and contractual liability coverage, in the amount of Three Million Dollars ($3,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage, arising from or related to the Golf Course, or directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement. This insurance shall be a per occurrence policy. The policy shall also cover Operations, Independent Contractors, Products and Completed Operations, Contractual Liability covering Concessionaire's indemnity obligations contained in this Agreement, severability, and cross liability clauses. The limits of liability of the insurance coverage specified in this paragraph may be provided by any combination of primary and excess liability policies carried by Concessionaire.

6.2 Automobile Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain business automobile insurance in the amount of One Million Dollars ($1,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage arising from or caused, directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement and covering the use of all automobiles, trucks and other motor vehicles utilized by Concessionaire or Concessionaire's Parties in connection with this Agreement. This insurance shall be a per occurrence policy.

6.3 Additional Insured Endorsement.

Under the public liability, property damage, and automobile liability insurance required in this Agreement, the CSD and the City of Moreno Valley, their officers, agents, and employees shall be named as additional insured by endorsement and as to such additional insured, the insurance shall be primary and the policies shall contain by endorsement a cross liability clause.

6.4 Workers' Compensation and Employer's Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain workers' compensation insurance, as required by law, and employer's liability insurance (at a minimum limit of One Million Dollars ($1,000,000) for all Concessionaire's officers, agents, employees, and staff.

6.5 Comprehensive Dishonesty, Destruction, and Disappearance Coverage.

Concessionaire shall, at no expense to the CSD, maintain coverage for comprehensive dishonesty, destruction, and disappearance or the equivalent crime or other coverage, in an amount not less than Twenty-five Thousand Dollars ($25,000), covering, at a minimum, depositor's forgery and theft and dishonesty by all

Concessionaire's employees or agents or staff who may handle funds or property in connection with the Agreement.

6.6 Deductible Self-Insurance Retention.

Any deductible or self-insurance retention shall be certified on a certificate of insurance and approved by the CSD. CSD may require Concessionaire either (1) reduce or eliminate such deductible or self-insurance retention as it applies to the CSD, or (2) procure a bond guaranteeing payment of losses and all costs associated with investigation, administration and defense of claims and/or lawsuits. The bond shall be in a form acceptable to the CSD.

6.7 Certificates.

The insurance required above shall be evidenced by certificate(s) submitted to the CSD which shall be executed by the insurance company or companies involved and which shall state that this insurance may not be terminated without 30 days prior written notice being received by CSD. The certificates shall be submitted to CSD before or at the time Concessionaire executes this Agreement.

6.8 No Representation of Adequate Coverage.

CSD makes no representation that the limits or forms of coverage of insurance specified in this Agreement are adequate to cover Concessionaire's obligation under this Agreement.

7.1 Term of Agreement.

The term of this Lease Agreement will be August 1, 2011 through July 31, 2016. Options to extend this agreement are available upon both parties agreeing on terms for up to 20 additional years.

7.2 Early Termination Without Cause.

Either party may terminate this Agreement upon one hundred eighty (180) days advance written notice to the other party, without penalty or cause.

7.3 Termination Upon Default by Concessionaire.

Upon the occurrence of an Event of Default by Concessionaire, as described herein, CSD may, at its option, and in addition to any and all other rights to which it may be entitled under this Agreement or applicable law, elect to terminate this Agreement. Any such termination shall be effective on the date specified by the CSD in such election; provided, however, in no event shall such date be later than thirty (30) days following the date CSD elects to terminate this Agreement.

The following shall constitute an Event of Default with respect to Concessionaire under this Agreement:

A. Any failure by Concessionaire to perform any of the terms, conditions, or covenants of this Agreement to be observed or performed by Concessionaire within thirty (30) days after written notice from CSD.

B If Concessionaire shall become insolvent or files any debtor proceedings, or any adjudication of bankruptcy is rendered against Concessionaire, or if Concessionaire takes or there is taken against Concessionaire in any court pursuant to any statute of the United Stated or of any state a petition in bankruptcy or insolvency, or for reorganization or for the appointment of a receiver or trustee of all or a portion of Concessionaire's property, and if the foregoing proceedings are not discharged within sixty (60) days thereof.

C. If Concessionaire makes an assignment for the benefit of creditors, or petitions for or enters into an arrangement of its debts, or it Concessionaire shall permit or

suffer this Agreement to be taken under any writ of attachment or execution, and the same is not discharged within thirty (30) days thereafter;

D. If Concessionaire assigns this Agreement in violation thereof.

7.4 Actions Following Termination.

A. Immediately following any termination of this Agreement for any reason whatsoever, Concessionaire shall assign, convey, transfer, and deliver to CSD, pursuant to an assignment in form and content satisfactory to CSD, all of Concessionaire's right, title, and interest in and to all Operating Contracts then in effect and in Concessionaire's name with respect to the Golf Course as requested by CSD, and Concessionaire shall transfer to CSD possession of all Equipment and Supplies owned by, purchased by or supplied by CSD.

B. Upon any termination of this Agreement for any reason whatsoever, Concessionaire shall, for a period of two (2) months following such termination, assist, and cooperate with CSD to the extent deemed necessary by CSD to ensure an orderly and efficient transfer of the operations of the Golf Course by Concessionaire to CSD or to CSD's designee. This covenant of Concessionaire contained herein shall survive and remain in full force and effect following any such termination of this Agreement.

C. Upon termination of this Agreement for any reason whatsoever, Concessionaire shall surrender the Golf Course and all related structures, improvements, and alterations, in good condition, and in accordance with all other provisions of this Agreement regarding fixtures, alteration, and improvements.

8. Transfer and Assignment.

Concessionaire may not, voluntarily or involuntarily, sell, convey, assign, transfer,

hypothecate, pledge, or otherwise dispose of (or agree to do any of the foregoing) all or any part of its interest, if any, in this Agreement, or any contractual rights or obligations related hereto without the prior written consent of CSD, which may be granted or withheld in CSD's sole discretion. Any assignment by Concessionaire without CSD's consent shall be considered any Event of Default and the assignment shall be of no force or effect.

9. Prohibition of Advertising and Certain Displays.

Concessionaire shall not display, nor shall Concessionaire permit the displaying of any advertising or any other postings at the Golf Course that are unrelated to golfing activities, without the prior written consent of CSD, in CSD's sole discretion.

10. Warranties and Representations.

Concessionaire hereby represents and warrants that in entering into this Agreement, Concessionaire has not relied on any statements from CSD or any representative thereof, and has conducted such due diligence and investigations as Concessionaire deems appropriate before entering into this Agreement.

11. Independent Contractor.

Concessionaire and CSD hereby acknowledge and agree that Concessionaire, in performing this Agreement, will be and will at all times act as an independent contractor in the performance of its duties and responsibilities set forth herein, and that Concessionaire will have control of its work and the manner in which it is performed. Concessionaire shall not be considered as an agent or employee of the CSD or the City of Moreno Valley. None of the provisions of this Agreement are intended to nor shall they be interpreted to create a partnership or joint venture between Concessionaire and CSD with respect to the Golf Course or otherwise, and neither party shall have the power to bind or obligate the other

party, except as expressly set forth in this Agreement. Concessionaire shall timely pay all taxes and impositions and for all other benefits required by law and relating to Concessionaire's staff.

12. Right to Inspection.

The CSD shall have the right to enter and inspect the Golf Course and the buildings and the premises as well as any Concessionaire-operated equipment, at any time during business hours.

13. Applicable Law.

This Agreement and all provisions hereof, irrespective of the place of execution or performance, shall be construed and enforced in accordance with the laws of the State of California. The sole and exclusive venue for any legal action under this Agreement or in any way related to the Golf Course shall be the Superior Court in and for the County of Riverside, and CSD and Concessionaire agree to submit to the jurisdiction of such court.

14. Savings Clause.

Any Provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefit by any party hereunder, or substantially increase the burden on any party hereto, shall be held to be invalid or unenforceable to any extent, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

15. Attorneys' Fees and Expenses.

In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement, or any part thereof, the losing party shall pay all costs, charges, fees, and expenses (including reasonable attorneys' fees and costs) paid or

incurred by the prevailing party, regardless of whether any such litigation is prosecuted to judgment.

16. Non- Waiver.

The waiver by the CSD of any breach of any term, covenant, or consideration herein contained shall not be deemed to be a waiver of such term, covenant, or consideration or any subsequent breach of the same or any other term, covenant, or condition therein contained. No covenant, term, or condition of this Agreement shall be deemed to have been waived by CSD or Concessionaire, unless such waiver is in writing signed by the party against whom such waiver is asserted.

17. Compliance with Applicable Laws.

In the performance of services hereunder, Concessionaire shall comply with all applicable local, state, and federal statutes, regulations, ordinances, and orders now in force or which may be hereafter in force, to include public health sanitation requirements.

18. Equal Employment/Discrimination.

A. Concessionaire shall not discriminate in its recruiting, hiring, promotion, demotion, or termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, physical handicap, medical condition, or marital status with respect to the services to be performed hereunder, and Concessionaire shall comply with the provisions of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1964 (P.L. 88-352), and all amendments thereto, Executive Order No. 11246 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issues pursuant to said Acts and Orders.

B. Concessionaire shall not discriminate against or cause the segregation of any person or group of persons on account of race, color, creed, national origin, or ancestry with respect to the services to be performed hereunder, nor shall the Concessionaire or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the services to be performed hereunder.

19. Food and Beverage Laws.

With respect to any food or beverage sales or distribution operation conducted by Concessionaire as a golf play related service, Concessionaire shall keep the pro shop premises in a neat and sanitary condition and shall comply with the California Restaurant Act (Section 28529, et. seq. of the Health and Safety Code) and all applicable laws regarding the sale or distribution of intoxicating liquors. Health grade shall not be lower than an "A" rating.

20. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties, or to such other addresses as from time to time shall be designated by the respective parties, as set forth as follows:

CSD:
City of Moreno Valley
Parks and Community Services Department
14075 Frederick Street
Post Office Box 88005
Moreno Valley, Ca 92552-0805

CONCESSIONAIRE:
Pacifica University, Inc.
Attention: William Meyers
2764 Ridgeline Dr #101
Corona, Ca 92882

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement on the 1st day of August, 2011_.

MORENO VALLEY
COMMUNITY SERVICES DISTRICT
Municipal Corporation

BY: _____

TITLE: _____

DATE: _____

ATTEST:

_____
City Clerk, in the capacity of Secretary to the Board of Directors of the Moreno Valley Community Services District

Approved as to form this

____ day of

City Attorney, in the capacity of general legal counsel to the Moreno Valley Community Services District

PACIFICA UNIVERSITY, INC.

BY: _____

TITLE: _____

DATE: _____

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MV00111889

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: "BEST PLACE TO DO BUSINESS" ACTION STEPS

RECOMMENDED ACTION

Staff recommends that the City Council approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

ADVISORY BOARD RECOMMENDATION

On June 8, 2011 the Economic Development Subcommittee approved the recommended "Best Place to do Business" Action Steps.

BACKGROUND

The City of Moreno Valley is moving to improve the economic condition of the community through a variety of methods.

On March 22, 2011, the City Council reviewed and provided input for an Economic Development Plan- Areas of Opportunity brought forth by the Community & Economic Development Department. The twelve specific Areas of Opportunity provide a broad roadmap for the City of Moreno Valley to become a major business development area by creating major employment hubs, successful retail centers and pursuing redevelopment opportunities.

Continuing the process of refining and developing a short-term Economic Development Plan, on April 26, 2011 the City Council adopted a 2-year Economic Development Action Plan containing five initiatives focusing economic development efforts on the Areas of Opportunity that include TownGate, Centerpointe Business Park, South Industrial Area, East Moreno Valley-Rancho Belago, and City Center. Included in the adoption of the 2-year Action Plan was the re-sequencing of specified Capital

Improvement Program projects bolstering the economic impacts within the five key initiatives.

Prior to, and in conjunction with the adoption of the Economic Development Action Plan, many economic development activities were in motion including:

- Reformation of the City Council Economic Development Subcommittee
- Updating of the City's Housing Element
- Conduct a Developer's Workshop
- Collaboration with key Developers to advance development projects
- Study of best practices to make Moreno Valley a "Best Place to do Business"

DISCUSSION

The study of best practices to make Moreno Valley a "Best Place to do Business" was undertaken to identify attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations that are identified for use as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

The following searches were used to identify the communities that were reviewed and the practices that were identified:

- Economic Development best practices
- Economic Development award winners
- Cities recognized for being a best place to do business

Of the hundreds of cities considered in the search, thirty communities across the U.S. were selected based on similar populations and/or those within California. They were representative of top U.S. communities utilizing best practices or receiving awards and/ or recognition for being a "Best Place to do Business". Of the thirty communities studied, the Economic Development Subcommittee evaluated 5 cities including Austin, TX; Chico, CA; Raleigh, NC; Santa Clarita, CA; and Seattle WA. Examples of the program ideas shared by these cities include: e-permitting, user-friendly (yet content rich) websites, social media, targeted and effective marketing programs, incentive programs, workforce training, fast-track development services, local vendor preference programs, industry groups, and methods to improve overall quality of life creating a "sense of place".

The recommendations listed on Attachment A are based on the evaluations of the programs and characteristics of those five cities and direction from the Economic Development Subcommittee.

ALTERNATIVES

1) Approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff recommends this alternative.*

2) Do not approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff does not recommend this alternative.*

FISCAL IMPACT

The implementation of the Action Steps to make Moreno Valley a "Best Place to do Business" will create a positive environment whereby businesses can thrive and quality development can occur, thus improving the potential for a stronger local economy. Specific actions including implementing program changes related to the Action Steps shall be further analyzed on a case by case basis consistent with appropriate funding sources.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and polices to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

SUMMARY

As part of the effort to improve the City's efforts with economic development, the Community & Economic Development Department studied best practices to make Moreno Valley a "Best Place to do Business". The study identified attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations, with the help of the Economic Development Subcommittee, that are recommended shall be used as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

ATTACHMENTS/EXHIBITS

Attachment A: Recommendations for Action Steps to make Moreno Valley a "Best Place to do Business".

Prepared By:
Shanna Palau
Management Analyst

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Recommendations for Action Steps

to Make Moreno Valley a "Best Place to do Business"

Development Services

- Implement the use of "E-permitting" to accelerate the process of doing business in Moreno Valley

- Expand and strengthen business and development ombudsperson program to include new or expanding small businesses.

- Host quarterly workshops with contractors and developers aimed at improving development processes in Moreno Valley.

- Improve Pre-Project Review Staff Committee (PRSC) and PRSC process to include project management services to small business.

- Create consistent explanation (website and handouts) of codes and processes, and to provide clarity and coordination of development services processes.

Business Attraction

- Identify and form key industry leadership groups to create industry specific synergy in the community helping to mitigate any obstacles to business attraction and help develop strategies to attract industry related business and workforce, improve city processes, and evaluate policies that may require updating to support the objectives outlined in the Economic Development Action Plan.

- Explore policy development for the creation of a tiered Moreno Valley Electric Utility "Economic Development" rate structure and incentive program.

Business Retention and Expansion

- Develop ways to expand the Shop MoVal campaign to provide more exposure for local business and encourage increased business-to-business relationships.

- Pursue ways to increase local vendor preference, including expanding existing procurement policy.

- Implement a new meeting program with local businesses to discuss business opportunities. The Program would be held once a year in each Council District and include the opportunity to talk to the Councilmember, City Manager, and Community & Economic Development Director. The Program will compliment the existing Business Roundtable.

- Enhance the Business Resource Guide.

Marketing and Communication

- Perform an audit of the City's website to ensure that it is user friendly and data rich, and identify areas where processes can be clarified.

- Develop a re-tooled marketing plan to incorporate the following:
    - Cooperative marketing opportunities with targeted area developers to attract tenants
    - Identifying the City as a medical community
    - Brand the City as a job center

- Create an e-newsletter or explore other communication methods to improve residents' and business' knowledge about what's happening in the City.

- Increase use of social media.

- Create and maintain a community calendar to include business networking and education opportunities as well as community events and meetings.

- Explore use of Smartphone apps for improved communication and connectivity.

- Encourage on going feedback (How are we doing?) by posting regular surveys on the city's website.

Community Vitality

The best places to do business also reflect characteristics of the best places to live. These places tend to exude a "sense of place" reflected in aspects of quality of life including activity, arts and culture, and beauty in the environment.

- Explore additional community events- things to do.

- Explore idea of annual corporate sponsorship programs to create marketing value for local business and provide funding for community events.

- Enhance neighborhood groups by implementing community update meetings.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: Appointment of City Council Ad Hoc Subcommittee for the Purpose of Reestablishing July 4th Events for 2012

RECOMMENDED ACTION

Staff recommends that the City Council appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

BACKGROUND

City Resolution 2003-17 enacted the *Rules of Procedure for Council Meetings and Related Functions and Activities.* Section 9.3 Other Committees states "The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes."

DISCUSSION

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to a significant budget deficit. The budget for the annual July 4th activities in previous years has exceeded $100,000. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012. By definition Ad Hoc Subcommittees are appointed for particular temporary purposes. The proposed Ad Hoc Subcommittee would seek donations to fund the July 4th events and work with Parks and Community Services staff in planning the events.

ALTERNATIVES

1) Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff recommends this alternative as the proposed Ad Hoc Subcommittee would provide fund raising and planning to reestablish the City's annual July 4th community activities.*

2) Not appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff does not recommend this alternative as the City's annual July 4th community activities are important to the City's image and promoting community spirit.*

FISCAL IMPACT

Appointing an Ad Hoc Subcommittee will have no fiscal impact to the City.

SUMMARY

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to budget challenges. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012.

COUNCIL GOALS

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Mike McCarty
Parks and Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

Item No. G.5

MV00111898

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MV00111899

PLANNING COMMISSIONERS

RAY L. BAKER
Vice-Chair

RICHARD DOZIER
Commissioner

GEORGE SALAS, JR.
Commissioner

AMBER CROTHERS
Commissioner

THOMAS A. OWINGS
Commissioner

CARLOS RAMIREZ
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION AGENDA

July 14, 2011

PLANNING COMMISSION MEETING – 7:00 P.M.

CITY OF MORENO VALLEY
City Hall Council Chambers
14177 Frederick Street
Moreno Valley, California 92553

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING

(ON DISPLAY AT THE REAR OF THE ROOM)

COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION

The City of Moreno Valley complies with the Americans with Disabilities Act of 1990. If you need special assistance to participate in this meeting, please contact Mel Alonzo, ADA Coordinator at (951) 413-3027 at least 48 hours prior to the meeting. The 48-hour notification will enable the City to make arrangements to ensure accessibility to this meeting.

NON-PUBLIC HEARING ITEMS

APPROVAL OF MINUTES

1. April 14, 2011

2. May 12, 2011

PUBLIC HEARING ITEMS

1.

Case Number:	PA11-0009 P11-016
Case Description:	Construction of a new three story medical office building.
Case Type:	Plot Plan Master Plot Plan
Applicant:	Kaiser Permanente
Owner:	Kaiser Foundation Hospitals
Representative:	Skyler Dennision
Location:	27300 Iris Avenue (APN: 486-310-024)
Proposal:	A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Office Overlay District (MOU).
Case Planner:	Julia Descoteaux

Recommendation: **APPROVE** Resolution No. 2011-17 and thereby:

1. **RECOGNIZE** that PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) qualify for an Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) as the project is within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan); and,

2. **APPROVE** PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) subject to the attached conditions of approval included as Exhibit A.

OTHER BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
APRIL 14TH, 2011

CALL TO ORDER

Vice Chair Baker convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

Introduction of New Commissioners:
Amber Crothers
Thomas Owings
Carlos Ramirez
Meli Van Natta

VICE CHAIR BAKER – At this time I'd like to call forward the Director of Planning, John Terrell, to introduce our new Commissioners. I believe we are going to have a swearing in ceremony too.

PLANNING OFFICIAL TERELL – Yes, I'd like to call forward the four new Commissioners as well as our City Clerk to kind of gather around the microphone. That would be Thomas Owings, Meli Van Natta, Amber Crothers and Carlos Ramirez. We often have one new Commissioner or two new Commissioners and I do recall once having three new Commissioners at one time, but this is the first time we've had four at one time, so we're going to do our first act of togetherness and do the swearing in together.

CITY CLERK HALSTEAD – Can you please raise your right hand and repeat after me.

A. CROTHERS, T. OWINGS, C. RAMIREZ & M. VAN NATTA - I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies foreign and domestic; that I do bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely without any mental reservation or purpose of evasion and at I will well and faithfully discharge the duties upon which I am about to enter.

MV00111903

ROLL CALL

Commissioners Present:
Vice Chair Baker
Commissioner Crothers
Commissioner Dozier
Commissioner Owings
Commissioner Ramirez
Commissioner Salas, Jr.
Commissioner Van Natta

Staff Present:
John Terell, Planning Official
Claudia Manrique, Associate Planner
Mark Gross, Senior Planner
Jane Halstead, City Clerk
Eric Lewis, Traffic Engineer
Mark Sambito, Principal Engineer, Land Development
Randy Metz, Fire Marshall
Paul Early, Deputy City Attorney

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

VICE CHAIR BAKER – Okay, now we'll do the approval of the Agenda. Do I have a motion?

COMMISSIONER SALAS – I move for approval

COMMISSIONER CROTHERS – Second

VICE CHAIR BAKER – Okay, a motion and a second? All those in favor?

Opposed – 0

Motion carries 7 – 0

MV00111904

PUBLIC HEARING ITEMS

VICE CHAIR BAKER – The public is advised of the procedures to be followed in this meeting and these are on display at the rear of the room.

PUBLIC COMMENTS

VICE CHAIR BAKER – At this point in time we'll have comments by any member of the public on any matter which is not listed on the Agenda and which is within the subject matter jurisdiction of this Commission. I do have two Speaker Slips in front of me, so Marcelo Co would you like to come forward first and state your name and address.

SPEAKER CO – My name is Marcelo Co. My address is 16571 Saddlebrook Lane, Moreno Valley, 92551. I just want to congratulate all of you in terms of your service to the City of Moreno Valley. I know it is going to be a long, hard road ahead of you because of the financial situation we are in, however I want you to understand that we are here to serve the people of this City. Please understand that we must move forward with all the necessary things to bring in jobs, to bring in credibility back to our City, so if you and all of you can think of ways and means of bettering the City, please do so. Thank you very much.

VICE CHAIR BAKER - Our next Speaker is Michael Geller please.

SPEAKER GELLER – This is the first time in a long time that actually at this meeting I have never spoken on this side of the dais to the Planning Commission. Just want to welcome all of you and congratulate all the new members. Like I say I vaguely remember my first day up there which is a long time ago. There is much to do and I have the confidence and I know almost all of you fairly well and I certainly have the confidence that you all are going to do a great job and think for yourselves and make your own decisions based on the information you have in front of you. So anyway, best of luck.

VICE CHAIR BAKER – Thank you Michael. Now we are going to move forward to the approval of the minutes.

NON-PUBLIC HEARING ITEMS

MV00111905

APPROVAL OF MINUTES

VICE CHAIR BAKER – We have three meetings here that we need to get approved. It is the Commission Meeting Minutes for December 9th, 2010, Commission Meeting Minutes for January 27th, 2011 and the Commission Meeting Minutes of February 24th, 2011. Do I have a motion?

PLANNING OFFICIAL TERELL – Before you do that; I'm sorry Vice Chair… I just wanted to advise the new members that we do have a quorum tonight. We don't expect you vote for the minutes but you should abstain and we will put that on the record.

VICE CHAIR BAKER – Okay, thank you John

COMMISSIONER SALAS – I move to approve the minutes

COMMISSIONER DOZIER – I second

VICE CHAIR BAKER – Thank you… vote

Opposed – 0

Abstentions – Commissioner Crothers
Commissioner Owings
Commissioner Ramirez
Commissioner Van Natta

Motion carries 3 – 0 – 4, with four Abstentions

PUBLIC HEARING ITEMS

1. Case Number: PA07-0129 (Tentative Tract Map No. 35606)

Applicant: Cal Land Engineering (Kevin Tsai)
Case Planner: Claudia Manrique, Associate Planner

VICE CHAIR BAKER – Do you want to present the project please?

ASSOCIATE PLANNER MANRIQUE – Good evening I'm Claudia Manrique, Project Planner. The proposed Tentative Tract Map is an Infill Project that will finish out the balance of tract development within the surrounding area at the R5 standard.

MV00111906

The parcel is located at the end of Metric Drive which is west of Perris Boulevard, east of Hubbard Street and south of Kalmia Street. The design of the proposed single family residential tract is in conformance with the R5 standards. The project will subdivide the 4.8 acres into 16 single family lots. The fences and walls for this tract are conditioned to be consistent with the provisions in the code. Decorative block walls are required at the street sideyards of all corners as well as the eastern boundary of the tract facing Perris Boulevard. The pedestrian connector cuts between lots 8 and 9 creating a reverse frontage along Perris Boulevard. This connector is also the walkway that will provide a safe and direct for students to the elementary school route, which is across the street on Perris Boulevard. The reverse frontage is considered side lot yards and will be maintained by the future residents.

Public notice was sent to property owners within 300 feet of the project as well as posted on site and in the Press Enterprise newspaper. As of today I had two phone calls regarding the project and three groups of neighbors who visited the counter. They just had questions of the tract design and if Perris Boulevard was going to go through or not.

Staff recommends that the Planning Commission recognize that Tentative Tract Map 35606 qualifies as exemption according to CEQA, Section 15332 and approve Resolution 2011-12, approving PA07-0129 based on the findings on the Resolutions and Conditions of Approval. Thank you.

VICE CHAIR BAKER – Thank you Claudia. Now we are going to open the meeting up to any questions the Commissioners may have of Staff on this particular project.

PLANNING OFFICIAL TERELL – Are there any questions at this time?

VICE CHAIR BAKER – Yes Commissioner Salas has a question

COMMISSIONER SALAS – The block wall along Perris Boulevard; that's a block wall I gather; is there landscaping in front of that?

PLANNING OFFICIAL TERELL – The landscaping will be installed when homes are built. That will actually be somebody's side yard. This particular…

COMMISSIONER SALAS – On the other side of the wall on Perris Boulevard

PLANNING OFFICIAL TERELL – Right that's one of the reasons for having the opening in the walkway, so people would have access to their side yard. It is similar to many tracts… your side yard is outside a wall on the side street, but the reason why we've conditioned it on the owners of those properties is that this tract is too small to have a landscape district and there is no other landscape

MV00111907

districts nearby, so it would be very expensive or onerous to apply that to those individual owners to pay for the City to maintain the reverse frontage.

COMMISSIONER SALAS – So to clarify, it is the homeowner's responsibility to maintain the landscaping on Perris Boulevard as part of their lot

PLANNING OFFICIAL TERELL – Correct it would be their side yard…yes

COMMISSIONER SALAS – Can we make sure that they do it?

PLANNING OFFICIAL TERELL – Well it will be required to be installed when the house is built, so that would be reviewed and approved, the design of the landscaping and then it would be… it's a condition of approval on the tract, so that condition would flow to that owner and then just like anybody else, I guess that doesn't maintain their front yard, that would be a code enforcement issue potentially.

COMMISSIONER SALAS – So my concern is the landscaping on Perris Boulevard and if they don't landscape it, it is going to look terrible out there. So I was just wondering if there was anything we can do; any restriction or anything that we can put on the homeowner to make sure that that is done… I guess not, right?

PLANNING OFFICIAL TERELL – Well I don't think there are any restrictions you can put on any homeowner or anything, but you can ensure it. The best way to ensure it is the landscaping will be installed with the irrigation at the time the home is built, so it will already be there. There won't be… like when you buy a tract home that the landscaping will be there and if it fails to be maintained it will be a code enforcement action. Again, it is a requirement based on this condition of approval owner, but obviously the only way you can make them do it is to have some kind of enforcement if it is not done.

COMMISSIONER SALAS – Okay then I can say I understand it, I don't like it, but I understand it.

PLANNING OFFICIAL TERELL – It is not the best thing but again the opening will make it feel a little more like it is part of their yard then if it was on the other side of a wall and they never saw it.

COMMISSIONER SALAS – Okay, alright.

VICE CHAIR BAKER – Okay

COMMISSIONER CROTHERS – Hi, I had a question about the opening that leads to Perris Boulevard. I know I personally live by one of the high schools in the City and I know that there is a lot of traffic that comes with the school and

MV00111908

being next to the school. How is that traffic from the school going to affect this 16 home community when there is this opening for the school? Like is it going to… like at 7 and 3 in the afternoon are they not going to be able to get into their homes in and out without having a line of cars in the way. Is that going to affect the traffic in that area at all?

PLANNING OFFICIAL TERELL – I would anticipate that it wouldn't have a major impact because the school is an elementary school; while the school is nearby, it is across the Perris Boulevard so it wouldn't be very convenient for people to go down the street to let their children out to go across a four-lane arterial. Basically the idea is people from this neighborhood could go through there and then up at the signal cross to get to school, but I'll defer to Eric Lewis our Traffic Engineer to see if he wanted to add on to that.

TRAFFIC ENGINEER LEWIS – Yes we provide for pedestrian access to the school but I wouldn't anticipate any traffic problems with this related to the school.

COMMISSIONER CROTHERS – I know that… I live like I said right by a high school and the homes that open to the high school and I know that every time that I have to drive through there at 7 am or 3 pm, I'm like oh my goodness, you know I can't get through here there is so much traffic and I can't even imagine living in one of those homes right there and having all of that traffic you know blocking the street lights to get into the neighborhood. My question is you know, I understand that it is an elementary school and that not everybody who attends there drives, but I do know that there is a crosswalk close to this exit to Perris, so my concern would be all the traffic from the parents dropping off inside this cul-de-sac which is nice and closed off and they can let their kids out and their kids can run to the crosswalk to get across to the school, so my concern would be traffic that would be caused by having that opening to Perris from the school, because you know I know that if I were a parent and this place opened, I would probably drive to the end of the cul-de-sac and let my kid off to run to the crosswalk to get across the street rather than deal with all the traffic that is on Perris Boulevard, because I've been in that traffic also, so that's just my concern.

COMMISSIONER DOZIER – I'm trying to understand the quickest way for the kids to come from this complex to get to the school. If that is open, is there sidewalk and gutter there? Is there sidewalk and gutter up to the light? Where is the nearest light? Is it Kalmia?

PLANNING OFFICIAL TERELL – It is at Kalmia and this particular subdivision would build sidewalks along its frontage and I'll defer. I don't know if Mark Sambito, Land Development Engineer knows if there is sidewalk up to the crosswalk. If there is not it would be appropriate to add a condition to make sure there is a paved surface there.

MV00111909

COMMISSIONER DOZIER – Okay so you're saying… I'm waiting for his response. Is there paved sidewalk up to the…

LAND DEVELOPMENT ENGINEER SAMBITO – Commissioner Dozier, the Transportation Department has a condition here with regards to the sidewalk that you are asking about. I don't have any recollection of there being one there or not, but TE15 makes reference that if there isn't a sidewalk along Perris Boulevard that one shall be constructed up to that intersection that you are asking about at Kalmia.

COMMISSIONER DOZIER – Okay, all the way up to the intersection?

LAND DEVELOPMENT ENGINEER SAMBITO – Yes that is correct

COMMISSIONER DOZIER – Okay, so that's a condition of the project?

LAND DEVELOPMENT ENGINEER SAMBITO – Yes, TE15

COMMISSIONER DOZIER – And there is a light there at Kalmia and Perris Boulevard?

LAND DEVELOPMENT ENGINEER SAMBITO – That's correct, there is

COMMISSIONER DOZIER – So that's how the kids would get access to the school actually?

LAND DEVELOPMENT ENGINEER SAMBITO – Yes sir

COMMISSIONER DOZIER – Okay, thank you

COMMISSIONER VAN NATTA - I share the concern about the traffic on that street in looking at where the other streets are in relationship to somebody coming from that side that there might be both foot traffic and cars going there and dropping people off in that neighborhood; dropping kids off in that neighborhood so that they can access the school. I can see where that would be a concern and from what you are saying earlier about the reason for that pedestrian walkway there was twofold. One would allow students from that neighborhood to access the elementary school and the other one was to allow people to feel like that outside landscape area was theirs and they should maintain it. Okay I think if that outside area there that is theirs to maintain is not visible from their house because there is a wall there, there is going to be a constant battle about that.

There are two things that I would like to ask why we can't do it; one is instead of having irrigation and green landscaping there, what about putting in some type of attractive hardscape there that does not require water and tending to keep it

MV00111910

looking nice and the other one is I don't really see the reason to have a walkway there at all. I think it would just cause more problems within that neighborhood. When people buy a home with a cul-de-sac, quite often the reason for it is that they don't want traffic, they want an enclosed place where their children will be safe going out and riding their trikes around the cul-de-sac or whatever. I think I would or my opinion would be to not have a walkway there at all.

PLANNING OFFICIAL TERELL – Yes at this point in time I just want to be cautionary. This is just the time for questions. We'll have deliberations in just a little bit, but yes one of the reasons obviously was to provide access to the school. I do want to note that this is not a neighborhood elementary school. This is magnet school, so the number of children coming from this neighborhood may be a lot or not, based on being a magnet school. It is not a neighborhood school.

Definitely there are alternatives to irrigated landscaping, so certainly that's a point of discussion for the Commission when they get into deliberations and the other reason is really to allow people to get around a neighborhood without having to get into their cars. Theoretically you couldn't walk a block to the other side. You are going many, many blocks to get to the same place and one of the things that is encouraged these days is really to have more pedestrian access so you encourage and don't require; encourage people to drive less and possibly walk more if something is close by, but I understand. People often at the end of a cul-de-sac don't want any traffic. This particular subdivision, should it be approved in this fashion, they would be aware of that when they purchased the houses and we've had several subdivisions that have had these kinds of openings and they've been popular with some people obviously and people have bought those houses in those subdivisions when they have immediate access.

The only downside of hardscape is regardless of what kind of hardscape you get, the weeds eventually grow through it and that kind of maintenance would still be the responsibility of the property owner if in fact cracks develop in the hardscape and weeds grow, so that's the only downside is that there might still be a maintenance problem, it would just be a different maintenance problem.

COMMISSIONER VAN NATTA – Without the expense of the watering certainly

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA - Thank you.

PLANNING OFFICIAL TERELL – Yes the other thing and Claudia just reminded me is there wouldn't be any trees; there wouldn't be any street trees along this location if there was no irrigation which is a typical requirement of every subdivision to have street trees every 40 feet, so that would also be a potential issue.

MV00111911

COMMISSIONER DOZIER - Do you happen to know how most of the kids are getting to that school now from there because there are a lot of houses to the west and I know it is a magnet school, so it limits really the number of kids that are coming from this community, but I can't see a direct route walking. I can see the driving route, might that be the only direct walking access that that community could get to Perris without going out to Hubbard?

PLANNING OFFICIAL TERELL – I suspect it is. If you look at the aerial closely, there is a line that goes from the end of Metric over to Perris, which shows there is a pedestrian path that is informally there already. Whether those folks are going to school or someplace else I don't know.

COMMISSIONER DOZIER – I see, so they've made a path and that's how they are getting to Perris Boulevard and I was just curious because I'm not that familiar, but I see a parking lot on this map below the school. Is that a parking lot for a…

PLANNING OFFICIAL TERELL – That's the Lutheran Church

COMMISSIONER DOZIER - That's the Church… okay I gotcha.

COMMISSIONER RAMIREZ – Good evening everyone. I have a simple question. I actually got the opportunity to drive to the site and kind of take a look around. One of my biggest concerns is when this development starts taking place, where is the development going to gain access to be able to continue this operation because it seems like the only way in it and out is through Metric and is that going to create any problems for the existing residents at this time. You that is my biggest concern because at the end of the day, these look like they are big lots; big lots that are going to bring higher property value hopefully to this location, so we've got to give a little and take a little, however how bad is this going to affect the actual project? How is this going to affect or create problems for the existing residents on that street?

PLANNING OFFICIAL TERELL – By City Ordinance, construction activities are limited to 7am to 7pm. Obviously there will be construction activity. I'll defer either to Eric or Mark. I believe there are some standard conditions that talk about keeping the street clean and swept, so I can't tell any of the people that live there that there won't be any affects, but during construction there are some conditions that require cleanup and then there are limits on the hours so that there aren't people there at night or early in the morning creating a disturbance.

COMMISSIONER RAMIREZ – Now do we have any kind of regulations that are going to regulate the traffic; the construction traffic that is taking place in and out of there, like during school hours and things of that nature, because again there is a school right across the street and if kids see that as a way of getting to and from school, that could create problems. Are we going to address that?

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PLANNING OFFICIAL TERELL – I believe and again and I'll defer to just make sure that I'm not in error. There is generally a requirement to fence a construction site, so not that children won't still want to go through there, but typically it would be fenced during construction and therefore that would be intended to discourage access. As far as controlling the traffic, I'm not quite sure. I wouldn't anticipate there would be a huge amount of traffic on a construction site this small, so we wouldn't have a requirement say for a flagman or something like that.

COMMISSIONER RAMIREZ – Right, I do understand the place needs to be graded, so how are we going to get those big machines in there. Are we just going to roll them in on Metric Street or are we going to access through Perris Boulevard to get that portion of the project completed?

LAND DEVELOPMENT ENGINEER SAMBITO – Mark Sambito with the Land Development Division. Mr. Commissioner, that's likely the most likely option for transporting the vehicles in. Unlike some of the larger projects in town, they probably wouldn't use some of the really large scrapers. The size of the equipment is going to be proportionate to the size of the project and in addition, Mr. Terell was correct in stating that we require all the construction sites to be fenced and typically screened as well if it is in the middle of some existing residential area, so the screening helps with a lot of the dust control and a lot of the problems that may be drawn to a construction site; theft or vandalism or anything like that, so that is part of the requirement and again, traffic and construction noises are limited to 7am to 7pm per our Municipal Codes.

COMMISSIONER RAMIREZ – Great, now Commissioner Salas made a great point. I took a drive the other day going south on Perris Boulevard coming from Reche Canyon and if you look at the right side of that neighborhood which is Sunnymead Ranch. It is beautiful. The walkways are awesome; you know there are curvy. Now I understand that the road access is limited on Perris Boulevard as you travel further south, however I think we should continue and make it consistent so that way whatever walkways are there or sidewalks should be consistent to what we have on Sunnymead Ranch to make it look beautiful; to make it look nice, especially if that's where you plan on having kids walking to and from school, it should be a nice area. It shouldn't be like other areas in the City that have very low maintenance and very little attention drawn to them. That's all I have for now.

PLANNING OFFICIAL TERELL – Okay, well we can discuss that further in deliberations. I will say though that this is the last developable parcel for about a mile along Perris Boulevard, so all the other properties face Perris Boulevard, so there really isn't an opportunity to do something like Sunnymead Ranch. Sunnymead Ranch was a… that Specific Plan has 2,500 homeowners and in a Specific Plan you are able to get a lot more amenities than you can on a small subdivision like this where we could try to require that but finding a mechanism to

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actually maintain it, it's really not big enough for a Home Owners Association and the fees would be quite high, so there is no economy of scale in a 16 lot subdivision compared to a 2,500 lot subdivision, so I agree it would nice to have everything the same, but that's the reason why we didn't recommend that kind of improvement here. We recommended the requirements of the City Code which is approximately 16 feet of landscaping and the sidewalk, so it's not insignificant, it's just not the same as Sunnymead Ranch just because of the circumstances of the size of this, but again I think a subject for your deliberations after you hear from the public.

COMMISSIONER RAMIREZ – Very well

VICE CHAIR BAKER – Okay do we have any more questions of Staff on this particular project? Okay if not, what we are going to do now is move forward and ask the Applicant to come forward if he would and state his name and address.

APPLICANT LEE – Good evening. My name is Jack Lee, with Cal Land Engineering. I'm the Project Civil Engineer and we started the project about three or four years ago for a single family home subdivision. During all of our preparations of the Tentative Map, we revised the layout and design several times just to comply with the City's required standards. We would like to comply again with the City's requirements in order to make the whole project go through smoothly and also for the owner to develop this property. I'm here to answer any possible questions you may have. Thank you.

VICE CHAIR BAKER – Okay we'll open questions from the Commissioners to the Applicant at this time.

COMMISSIONER CROTHERS – Hi Mr. Lee how are you today?

APPLICANT LEE – Pretty good thanks.

COMMISSIONER CROTHERS – My question is because of the problem or possible problem with traffic in the neighborhood and such, would you guys be willing to close off that access to Perris and leave it as an enclosed cul-de-sac to help maintain the feeling of a cul-de-sac that you get when you purchase a home on a cul-de-sac. You know you kind of want it to be quiet.

APPLICANT LEE – On that one, no. We need to comply because the City required it, because that's why and I'm pretty sure, but we could ask the owner to agree and that's fine.

COMMISSIONER CROTHERS – Okay, thank you

COMMISSIONER RAMIREZ – How you doing sir? My question is have you had any other project such as this one here in the City of Moreno Valley before?

MV00111914

APPLICANT LEE – We have another subdivision project along Sunnymead Boulevard, but that is still in development.

COMMISSIONER RAMIREZ – It's still in the development process?

APPLICANT LEE – Yes

COMMISSIONER RAMIREZ – So these are the only two projects as of now?

APPLICANT LEE – Yes

COMMISSIONER RAMIREZ – Okay, that's my only question

COMMISSIONER VAN NATTA – We have here the size of the lots. Can you tell us the approximate size of homes that you are planning to build on there; the square footage.

APPLICANT LEE – Because I'm only the Civil Engineer, I don't know. On this one, I'm pretty sure the owner or the Architect who does the design and the buildings would comply with the City's standards; the setback and everything.

COMMISSIONER VAN NATTA – Okay but no idea and they haven't proposed what size homes they are going to put on there?

APPLICANT LEE – As far as I know, not yet

COMMISSIONER VAN NATTA – Okay, thank you

VICE CHAIR BAKER – Are any other questions of the Applicant?

COMMISSIONER SALAS – Are those on the pedestrian walkway coming to Perris Boulevard; are those stairs; is there a big grade difference there?

APPLICANT LEE – I don't think so, the grade would comply with the City Code and slope and everything, so I don't think it's really steep

COMMISSIONER SALAS – But are there stairs there?

APPLICANT LEE – Yes

COMMISSIONER SALAS – Oh there is…. Do you know how many?

APPLICANT LEE – I don't know

COMMISSIONER SALAS – It seems like there is about a five foot grade difference?

MV00111915

APPLICANT LEE – It will be a long time since we finished this design, so I need to look back. I don't think there will be too many of them.

COMMISSIONER SALAS - Okay

COMMISSIONER CROTHERS – I think on map it says seven or ten 7 inch steps

VICE CHAIR BAKER – Any other questions of the Applicant? Okay thank you.

APPLICANT LEE – Okay, thank you

VICE CHAIR BAKER – Now we are going to open this item up to the public for testimony, so at this point I'll open Public Testimony. The first person will be Gerald Budlong. Excuse me if I screwed that up. Please state your name and address please.

SPEAKER BUDLONG – Yes sir… Gerald Budlong at 24821 Metric Drive. I've been a resident since February 1987. I conditionally approve as a resident, this tract conditioned on several things. One of the big issues, especially to the poor residents on Tranquil Way who are to the south of me is drainage. For instance, this winter with the large December rainfall, to my horror on my property; I have a drain in the back that connects to the subject property being discussed tonight. I periodically every season clean out that drain and I put out the material from the drain to try to protect the Cook residents that are downstream below me, but anyway to my horror, about six to eight inches of fill had filled up my drain. Luckily due to my berming, the Cook's didn't receive any adverse flow from the drain from my property and I have spent the winter shoveling out the fill to further protect the Cook's, because it wouldn't be fair for them to have that drainage. They didn't ask for that. They didn't want our subdivision there in the first place originally okayed by the County.

Anyway in the past there have been about four or five Churches that have owned the property and have tried to develop that property as a Church and the drainage and grading expense is too expensive realistically for a mere Church to be able to develop. The only reasonable way of development is the way through a tract like being proposed tonight. I'm glad that the density is 16 and not 25 which is allowed through the General Plan and in the Code.

One concern is please make sure that the drainage is sufficient to protect the poor residents on Tranquil Way. I've got a 10 foot high berm that protects me but the people on Tranquil do not have that. The second issue is the pedestrian walkway. The current access was created by the developer of our property as a construction road to develop our tract and that is why it is there. The school kids and pedestrians in our neighborhood did not create it. It was created under City and County permit. We need desperately to continue the access. To my knowledge, since the school was built across the street, children in our tract as

MV00111916

well as the surrounding neighborhood utilize that field for legal access to the school. In addition, the older kids who get bus service and bus service does not serve Hubbard because it is too narrow in width and the only legal access to Perris is Ironwood to the south and Manzanita to the north. If you don't have this pedestrian access, it cuts it off to everybody. We have a few equestrian riders that go through the neighborhood. We have a lot of dog walkers from the young to the senior citizens. We have a lot of school kids that utilize that. That is a key thing for us. We do not want Metric to go through to Perris. That is absolutely a no-no. I know my neighbors and I prefer not having Thomas go through. In the past the Commission has approved just a temporary street with access for the Fire Department, but the City Code overrules that now and the only way we can legally have a tract in there is to have secondary access and that is in compliance with the Code and realistically the only way it is going to get developed is with Thomas and I do not object where Thomas is in the past. The previous tract that was approved there, the road was adjacent to the existing property owners at the end of Metric and Tranquil and that would be unfair to them. It is setback three lots away. That is less impact to the existing residents in my neighborhood.

The issue about fences and walls… the people on Tranquil objected to our tract being put in and the Planning Commission back in 1985 allowed a concrete block wall to be put in but the developer appealed to the Council and the Council changed that condition to a wood fence, which in five years to present, the wood has periodically fallen down. Actually a ten foot section on my property has fallen down too, but there is still some screening because of the vegetation. It would be on rear properties to have decorative block walls rather than the wood walls.

As far as the Burrowing Owl; I know its Code to allow that, but I'm an Environmental Planner myself and former Commissioner on your Commission years ago, I've never seen Burrowing Owl there. We do have a resident skunk population which hopefully the tract will get rid of. I'd like to know where the corporate construction yard will be and where all the employee and contractor parking are within that. One of the concerns by the neighbors, even though I don't represent them, has been parking on the existing Metric Drive. Just a question LD42c says recycled water. Does EMWD going to be extending the recycled water line to our area? That would be a great thing if it did, but I'm also on one of the citizen boards to the EMWD Director's Advisory Council for Moreno Valley and I'm never aware of a recycled line going that far north, even though I'd support it. And sixth, I notice it's a mello roos district, which I was a Planner with Indio County many, many years ago when mello roos was being proposed, the Board of Supervisors I worked for opposed it and even today I still oppose mello roos. I've met Mr. Mello; he's a nice man; he's dead now, but he was nice when he was alive, anyway I guess in today's world that's what you need to build the improvements. Anyway that's basically it and thank you for your time.

MV00111917

VICE CHAIR BAKER – Thank you. Our next speaker will be Jeff Magill. Please state your name and your address for the record

SPEAKER MAGILL – Jeff Magill at 24857 Metric Drive. I officially bought this house due to the fact it was on a cul-de-sac. I am not looking forward to all the traffic coming up and down my street. Secondly we have a drainage ditch in the back of the easement which if everybody on that street does not get together and keep that thing clean it is going to be all backed up down to my property and then once it is backed up, it's going to overflow into the people below me whom have a swimming pool, which I don't feel that is right, so they need to do something about the drainage there and also parking. What are we going to do about parking? What about all the construction equipment coming up and down our street all day long until seven at night. Everybody does not work day shift. There are people who work nights. Do you think they are going to want heavy equipment coming up the street all day long while they are trying to sleep and what about depreciation value on your home? I mean none of you people know whether these are going to be two story homes or are they going to be one story homes. Nobody has a clue. What exactly do you have in mind at this point? Do you have any answers for that? It's a question…

PLANNING OFFICIAL TERELL – There aren't any houses proposed for this tract, so I guess…

SPEAKER MAGILL- There are no houses proposed for this tract?

PLANNING OFFICIAL TERELL – There are no specific houses proposed but just like anybody in this vicinity, you can have a one or a two story house.

SPEAKER MAGILL – So you could have a two story house and the guys peeking out the window looking at everything and invading my privacy in my house, right...

PLANNING OFFICIAL TERELL – Just the same as you could build a second floor on your house, yes. There is no limitation on this R5 zone on having a one or two story house.

SPEAKER MAGILL – Okay, that's pretty much all I've got to say. I'm mainly concerned about the drainage though.

VICE CHAIR BAKER – We'll look into that, thank you. Okay, our next speaker is Michelle Pierce.

SPEAKER PIERCE – My name is Michelle Pierce. My address is 24869 Metric Drive and my I live on the end where they are proposing to build a 3 foot retaining wall and also too, the water is going to come rushing down through there; through that draining ditch and there is no proposed catch basins that they

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have on their plans or no storm drains. It is all going to go down the drain behind our house and like Jeff said, the people below us, they have a pool and they are way below us and it could erode our property because it is going to fill it up because the people below us don't keep their drains clean and it is going to overflow into the people below us as well.

And as far as and I want to address the walkway, I agree with the Commissioner that walkway that I agree that when someone buys in a cul-de-sac they want to keep the cul-de-sac where traffic is not going through there, parking and having access to Perris which is a very, very busy street and young kids should not be walking through there without adult supervision. We live at the end, so we did buy the cul-de-sac so that there was no traffic going through there, so our kids could play out there and ride their bikes without having to worry about people zooming through there and there will be 16 houses. You know even at one car extra per household that is still 16 more vehicles that are going to be driving up and down that street, so thank you.

VICE CHAIR BAKER – Thank you, you're welcome. Our next speaker will be Dale Fortine. Please state your name and address for the record please.

SPEAKER FORTINE – I'm Dale Fortine. I live at 24868 Metric Drive. Good evening ladies and gentlemen. I would just like to go on record saying that I oppose this project mainly from some of the points that you've brought up. I've lived in my home since April of 1987 and paid a lot premium for where it is at because of the quiet and the lack of traffic. Sixteen lots; sixteen hypothetical homes in this proposed tract and I look at our street and just about every home on our street has three cars and some have four, so we're looking at if we take that mathematical equation, we could be adding up to 45 or 50 cars added traffic on our street. Northridge School that is on the east side of Perris is a magnet school; a gate type school. There aren't a lot of kids from our neighborhood that traverse that property to get to that school. There are mostly… if you look at the traffic on Perris Boulevard in the morning and the afternoon, the kids are driven to school. I think that the pedestrian access is going to create just an exponential parking problem and a traffic problem. When the soccer mommy's realize they don't have to go around onto Perris Boulevard and sit in that line of cars, they will be stacked up there like cordwood waiting for their kids in the morning you know to go to school and then to pick them up in the afternoon. That's going to be not good at all.

I've been in the construction business for 23 years and I understand the access issues that you are talking about for this job site and they will be pretty bad as far as getting heavy equipment in, all the various trades and laborers to do this. The traffic and the parking will be really something to deal with. What I would suggest and the other thing I'd like to ask you in the future look at the area around there. It is residential but it is kind of rural. Most of the property that is around there is all single story, so you know maybe consider that in the future and making single

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story dwellings and another idea that you might want to consider with the traffic and access problem is that if you flipped it around 180 degrees so it is a stand-alone development, so any traffic that is coming in off of Perris Boulevard, that all has to deal with this development. It doesn't deal with the citizens and the community around it whether it is on Tranquil or on Metric Drive. That's my humble opinion. I thank you and have a nice evening.

VICE CHAIR BAKER – Thank you. Our next speaker will be Steven Perez. Please state your name and address for the record please.

SPEAKER PEREZ – Steven Perez at 24845 Tranquil Way. That is the street directly south of the area. Now I have a lot of concerns about this. The most concerning one to me of course is Thomas Way. Unfortunately the Plot Plan or Tentative Tract Map 31621 was approved 7 years ago and much to my chagrin it is still approved. I always thought things dropped out after three years but low and behold it seems it is going to be approved in perpetuity. I don't known when that thing was going to every end, but luckily for the residents on Tranquil Way we are in a little bit ownership problems than what Metric is. In other words private street, we own the street so we have a lot of conditions that befall the person that wants to do 31621, but going back to this Metric Way; Metric Drive thing, it seems to me that in looking at the web page when I downloaded all this information, one of the things that I saw was our highly paid City Manager thing was what he wanted to bring to Moreno Valley was more jobs and not more new homes and I also found that there were 6,000 homes already approved residential lots in Moreno Valley; 6,000… I don't know why we would need 6,016 but I guess somebody thinks we should.

Now as far as the traffic problem… now presumably the people on Metric are more concerned about Metric. I'm more concerned about the traffic on Hubbard. Now I don't know if any of you have driven down Hubbard Boulevard but Perris Boulevard is like a freeway compared…it's a four lane… presumably it is going to be a four lane; the whole length of the City eventually. I don't think Hubbard is ever going to be more than a two lane and the houses that abut it, it is a very narrow two lane and to add, like Dale said, 40 something vehicles going up and down Hubbard and there are certain time where there are times when people are parked legally on Hubbard on both sides of the street and you can't have opposing traffic; someone has to stop and let someone go by. My wife has a hard time when she leaves for work at 7:30 in the morning getting off of Tranquil because there is so much traffic already on Hubbard.

Now obviously you would help everybody of course if you just did a 180 on this tract and had it enter and exit onto Perris Boulevard. I mean Perris Boulevard seems to be a four lane highway and seems to take the traffic much easier than Hubbard. I'm sure when Hubbard was designed probably 40 years ago it was very nice. When I first moved on Tranquil I was practically the last house on that road except for Kalmia; the road ended there. Now there has been a lot of talk

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about this gate. Maybe if they do, I'm fairly sure that of course you are going to approve it. I've been at Planning Commission meetings that rarely there isn't anything disapproved, but there are certain things that I think we can mitigate. One of the problems I have is Thomas Way and what is going to be at the end of Thomas Way which opens up into an open field.

Now for those of you Commissioners who have driven down Metric you may or may not have noticed it has become a semi-dumping ground. I could see that if there is no access. If there is no restricted access from Thomas Way that the Tranquil Way field will become another dump and right now as you know, there is no gate at all on Perris. People have been driving on Perris Boulevard and dumping their trash onto Metric field and this will just make it easier and it will even be hidden from the street up Perris so that they can just come. I don't know what kind of restricted access you are going to have on Thomas Way. We are talking about somebody else's private property and I'd like to know what is proposed for the end of Thomas Way.

Another thing that I know it is going to be passed anyway, but one thing that would help at least the residents of Metric is to at least put speed bumps on Metric at a low cost alternative. It is bad enough that Hubbard has a posted speed limit of 30 and normally goes 50 mph and unfortunately when City approved Hubbard; that drainage canal between Metric and Canal and made it a nice concrete culvert, because it use to wash out and all it did was increase the traffic flow. Before they used to slow down there drainage ditch. It used to go to Hidden Way and Way and now people that know that road can go 50 mph, so hopefully they can at least put some sort of speed bumps on Metric and slow the traffic down and put some sort of restricted access on Thomas Way. Me being one of the dog walkers, I am probably in a minority, I would like to have a walkway at the end of the street because right now if I wanted to go to Perris and take that nice walk on Sunnymead Ranch, I'd have to go all the way… there is a little opening on Sunday Drive which is quite a ways north and but right where there is a hill there, there is an opening on Sunnymead Drive and that's for pedestrians only. Okay, what else… I think that's it. Thank you.

VICE CHAIR BAKER – Thank you. Okay that is all the Speaker Slips I have on this item. I think what we'll do close Public Testimony unless there is…

PLANNING OFFICIAL TERELL – So at this time you can close Public Testimony but it would be appropriate to call the Applicant up and see if they have any information or response to the comments that they made.

VICE CHAIR BAKER – Would the Applicant please come forward. Do you want to address some of these issues that have come up here between the opening; the drainage seems to be a big thing; the parking and the construction type stuff.

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APPLICANT LEE - The drainage for this (inaudible). We will take care of all the storm water within the property and drain to the City approved facility. It is no problem at all and for the off- site drainage you can do ponding or something; it is really nothing we can control. If it is on site, we can control it, but off site, we have no way to control it. Regarding the construction as per the City requirements, I'm pretty sure the contractors will work from 7 to 7 and then the equipment they are using on the property because it is a small property, I don't think they will use a great big scrapper but only a small machine to do the grading and the same thing for the construction. Also for parking because it is going to be single family residential, even for traffic starting, traffic will be light for 16 houses, so I don't think that traffic will be a big issue on this development.

VICE CHAIR BAKER – Okay, I think we've got some questions here from some of the Commissioners to you to address again. Would that be appropriate or…

PLANNING OFFICIAL TERELL – Well I'd probably suggest that maybe the Land Development Engineer might be able to answer a lot of those questions because we have several conditions related to the items that were brought up.

LAND DEVELOPMENT ENGINEER SAMBITO – Mark Sambito, Land Development Engineer. We had a couple of topics and the most poignant appear to be the concerns about the drainage. If I could address that; as part of the conditions without getting into specific conditions because I don't have those in front of me, but we are going to require like we do with any project that the applicant or the developer maintains and controls all the water on site. Everything will either drain to a City facility as the Engineer had stated which in this case appears to Metric Way or with Thomas it drains to the south. There is an approved development to the south. We don't know when that will develop but the proposal in front of us tonight shows us either to match existing grades or to match the existing development to the south, which ever goes first; whether it is this development or the other south goes first.

By water law, the developer is not allowed to discharge more water after his development is complete than was going and being discharged prior to him ever moving in and doing any work, so in the existing condition it is today, so that is something that we'll be doing with the developer as we get into the design drawings, they'll be providing us with a drainage study and the calculations that support that argument; that they are not discharging more water than was previously done when it was in this existing vacant condition.

The other comment that I did hear and oh in addition; I'm sorry, the Water Quality Control Board has very stringent requirements as we know about water quality and sediment transportation, so we will as part of his rough grading and final grading plans require extensive erosion control to ensure that there is no water, mud or debris that leaves this site and that has to be monitored at risk of some significant fines from the Water Quality Control Board and that would also be a

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requirement of our MPD as to our Pollution Control Permit that the City maintains. So we have inspectors that will obviously be keeping an eye on this site and keeping an eye on the site post construction for those items and they are required to provide a report; a Water Quality Management Plan that discusses post-construction maintenance and observation to ensure that even after the developer has done all his work and he is done and gone, that the site is in such a situation that there won't be any erosion or sediment that leads from the site to another, i.e. the concern about the pool or that type of thing, based on what we are going to review as far as the Engineering calculations go and then there was a comment made about recycled water.

If the recycled water is in a reasonable distance and that will be a decision made by the Water District, they could be in fact be asked to extend that, but I don't believe that there is any recycled water in the near vicinity of this. It was simply a standard comment that we include when we make reference to utilities or wet utilities; it's sewer water, recycled water and anything along those lines, but if it is not available and it is not reasonable then we wouldn't then in fact ask the developer to bring it up from an immensely large distance and he will also get that same information when he speaks to the EMWD Engineers. Did I hit all of your questions appropriately?

COMMISSIONER VAN NATTA – So where does Thomas eventually end up?

LAND DEVELOPMENT ENGINEER SAMBITO – The approved development to the south, which would be an extension of Tranquil, if I recall has a cul-de-sac or a knuckle that turns north and ties in, so it would end up looking like a horseshoe if you would, if you didn't have the extension beyond Thomas, it would be horseshoe shaped. So Thomas will; if it is developed as it is approved to the south will tie into Thomas to the south, which will tie into Tranquil and go back towards Hubbard.

COMMISSIONER VAN NATTA – Okay, thank you

VICE CHAIR BAKER – Are there any other questions of the Commissioners? Okay, thank you.

APPLICANT LEE – Thank you

VICE CHAIR BAKER – Now we are going to open this up to Commissioner Debate on this project, so where do you want to start? Do you want to start down there with you Commissioner Ramirez and give us your thoughts?

COMMISSIONER RAMIREZ – Well, again right now, it seems to be the main concern is the drainage and if the project is going to maintain the same level of water flow then that is just contributing to an existing problem because they already have a few water drainage problems, so having said that, is there

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anything the developer can do to improve the water drainage system so that it doesn't continue to flow or it flows better for the current residents on Metric and on Tranquil?

LAND DEVELOPMENT ENGINEER SAMBITO – Mr. Commissioner, I don't know for a fact that there is an existing problem. Again the developer may discharge as much as what is being discharged today, but often times through the development and the fact that he is redirecting water that used to flow towards the south, towards the north and into the street, which will be the future Metric, that water is no longer going in the direction that it typically did, so we expect that the water flow will be significantly less. As I review the plans here, one of the residents made a concern about the water and the three foot wall. All of that water is not flowing towards the south or the back of that property, but yet towards Metric, so the water that once maybe would go towards that homeowner in the south with the pool, is now being directed towards the north to Metric where it will inside the street with curb and gutter, which is basically an open channel that will transfer that water towards a more formal storm drain facility, so we can expect that the water that was once tributary to the south will be significantly reduced because of this development.

COMMISSIONER RAMIREZ – Okay what is the time line for the completion of the development?

PLANNING OFFICIAL TERELL – There isn't… that would up to the… should the tract be approved, they would need to go through Plan Check and have a Final Map approved and the timing on that is probably at least a year to go through that process and then after that it would be up to the developer whether they wanted to develop immediately or they could wait. Approvals are good for three years and then the applicant can come in for extension of time and that extension of time would potentially give more time to them, but it is not automatic, so most developers are optimists and they would like to anticipate developing within the three year time frame of the existing approval, but should the economy not allow that for whatever reason or their economics it could be longer than that.

COMMISSIONER RAMIREZ – Okay thank you.

COMMISSIONER DOZIER – Well I think the project is consistent with the zoning for this area and this region. We're looking at a field that has been vacant for a long time albeit some of the dumping problems have experienced and I think development of that property will improve certainly that situation. It is certainly is consistent with the housing that certainly is the west of it and will be consistent with the housing that will be built to the south of it and I kind of like idea that there is access to the sidewalk and to the street. I think actually the residents who live in the area will appreciate it more than they'll not appreciate it because when they want walk and they want to get around their community they are going to increase if we're concerned about green and we're concerned about carbon

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footprints. If you have to drive to get out of that complex to get to a place where you can walk you are going to increase the carbon footprint, so I think making it a more walkable community by having access to Perris, especially if there is going to be curb and gutter along Perris to make it safe to go up to the stop light, I think that's better to have. I kind of see them being a little land locked if they don't have that access, so I kind of like that.

Again it is consistent with the zoning. I think it is a proper infill project. I think it will actually improve with the proper housing and I have to say that just because this is a Tentative Tract Map; this is just a layout of where they'd like to put houses, they would still have to come to the Commission with their final plans when they get ready to build, so this is not our only opportunity to look at what they are going to build. We will have another opportunity to look at that when it comes before us. I covered sidewalk and foot traffic; access to the lighted corner I'm just concerned about how the kids would get to the school. I've been up there many times as my grandson actually went to Northridge Elementary School. Most of that traffic is on Kalmia and that's where it backs up and people are all on street. If I were living on Kalmia I'd be upset about that traffic because it gets very, very bad and you cannot park in the mornings when kids are being dropped off. They figure out a way to park and do u-turns in the middle of the street, so that's where all that takes place and I'm familiar with that and most of the dropping off is done on Kalmia at the north end of that school. There is not a whole lot that is done really off of Perris Boulevard, so a safe place for the kids to walk to get to that stop light is a concern of mine.

I think we've dealt with drainage. Drainage on most of these kinds projects are conditioned to handle the water on the site itself. They have to have a plan and it has to be an approved plan and that water is not going to cause any problems for anybody downhill from them or in any direction and usually those projects are designed and conditioned to handle that water so it does not cause a problem for the surrounding neighbors and we trust that our Planning Department is applying all of those rules and regulations and conditions of approval and I think they have addressed that. I think it will improve your drainage situation in that area because where you had a vacant lot and it was running in a particular direction you now will have it developed and caught so to speak and put into a drain system that is conditioned and designed to handle it. So those are my thoughts. I think it's a good infill project and I think it's just a Tentative Map at this stage and those are my feelings.

VICE CHAIR BAKER – Thank you

COMMISSIONER CROTHERS – Hi, I also agree with Commissioner Dozier that the project is a good infill project for the space that it is, however I do have some concerns. Some are most of the same of the residents that live in the area. I first have a question… is the water that is directed toward to Metric from this

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property; is Metric built to handle the extra water that is going to be drained onto Metric or is that going to create a problem all in itself?

LAND DEVELOPMENT ENGINEER SAMBITO – Again Mark Sambito with Land Development. The Engineer will need to prove to us that in fact the proposed roadway and the existing roadway downstream has the capability of carrying the extra water without flooding or causing a flooding situation further downstream before it enters the storm drain.

COMMISSIONER CROTHERS – Okay thank you. Also Mr. Dozier brought up that traffic is mainly on Kalmia for Northridge. I also attended Northridge. I know the traffic that is around there. I do know that Kalmia bears the brunt of the traffic, however if I were a parent dropping my kid off and I realize that Metric was a viable opportunity for me to drop my kid off and have them walk across the street, I would probably be more apt to go there rather than Kalmia, possibly shifting the traffic problems from Kalmia onto Metric or at least sharing the traffic problems that we have on Kalmia to Metric. I do like the fact that it is a cul-de-sac. I think when people purchase a cul-de-sac that is what they want. They want to be kind of hidden away from the main road. A couple of the public had mentioned flipping it 180 degrees so that you know the opening is on Perris and I think that would significantly take away from the allure of buying a house on a cul-de-sac.

My main concern is still that walkway. I think that if Northridge were a neighborhood school it might make sense to have that walkway so the neighborhood kids could utilize that walkway along with the neighborhood parents however knowing that I went to Northridge and I don't live in that area, I was driven every day, I know that Northridge is not a neighborhood school and it is not supplied by the neighborhood kids, so I think having the walkway there is not beneficial to the neighborhood. I think it is beneficial to the people who drive their kids to that school. You know I'd like the project to maybe reconsider that pathway and possibly taking it out.

Another issue that I have is the sideyards on the other side of a block wall. I know that if I were the resident I probably wouldn't pay much attention to that side yard and since it is going to be on Perris Boulevard it might create a problem of making our City look not up to standard because the resident kind of sees it kind of out of sight, out of mind; it's on the other side of a block wall and it's out of mind. You know, personally as a homeowner, I probably would pay less attention to it then my yard that I could see from the front or the rear of my house.

The other concern was with construction traffic and I know that I read in here that the development has to supply traffic for construction. I am assuming that will be all within the gated area. You know, all 16 houses don't go up at once, so I'm sure there is a least one lot that you know that everybody can park on to keep the traffic from Metric and Tranquil. Also, Mr. Magill said something about traffic

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construction during the day from 7 to 7. I am also a day sleeper. I work at night. I purchased a home that backs up to a major roadway. I hear road traffic all day, every day and you know it is just something that kind of came with house that I purchased and no matter ten or fifteen years down the road, that road traffic isn't going to go away, but you know eventually once the road construction is done, all that construction traffic will go away. I think that's a problem that will be solved with time and with the completion of this tract. Thank you very much. I want to thank everybody for coming out and talking.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – Overall I think it is a really good plan. I like seeing unused abandoned pieces of land within the City being developed and this is a good place to put houses. Not much else you can do with it. I like the fact that they are larger lots. They haven't cut down to the small lots which seems to be very popular these days and I would hope that when they decide what type of homes to build there and the approvals that come with them, that they will be homes that are similar in style to what is there; more of the single story ranch style homes and that is what people like. They like having some land around them and there is a large preference for the efficiency of a single story home, but I do have a couple of concerns.

I'm not too concerned that the drainage problem will not be handled. I know there are mechanisms in place to handle that, but the idea of having that walk thru at the end of the cul-de-sac seems to me will cause more problems than it will give benefit to the homeowners; the people already living on Metric and the people who are buying the new homes built there. Very few of them may even have the need to use that walkway, but as Commissioner Crothers brought up, when other people realize that that is a way that they can… someplace they can park and drop their kids off or even park there and walk their kids across the street to school and come back without fighting the traffic. I mean I live close to here. I've seen that traffic on Kalmia in the morning. I think that would be an issue and if there are steps going up there anyway, I don't know what kind of accessibility problems that would cause there. If we had steps somewhere and what if somebody can't use the steps and could say you didn't build me something with access to my wheelchair or something like that. With that kind of a cut through thing, I could see that being used more in ways that would not be of benefit to the neighborhood, so other than that issue, I like the project.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Is there any more to be said? I support the project and I think the walkway to Perris Boulevard is a necessity in a way. I can see where it can benefit the local…not only the 16 houses but the other people. My only concern again, is for the side yard maintenance on Perris Boulevard and the reason is it is Perris Boulevard and we do want to make our City look nice and I

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just hope; there is nothing we can do. We can't condition anybody to take care of the yard and I know that because I have neighbors that have the same problem, so I support the project and I agree with my Commissioners.

VICE CHAIR BAKER – Thank you

COMMISSIONER OWINGS – Thank you very much for coming today; all those from the neighborhood and I'd like to thank the Applicant. I appreciate all your concerns and I agree with some of the concerns that have been presented by the Commission. I'd like to thank the Staff for a thorough job. I have the confidence that the Engineer and the Staff will be able to resolve these drainage problems and hopefully all the other concerns. We have to rely upon the Engineers to do that. I will vote to approve the project because the development meets the City standards. The Staff has approved the project or recommended approval of the project. The property owner should be able to rely on approval for his project if it meets the City standards and I hope that the economy will improve quickly so that the development can proceed as quickly as possible.

VICE CHAIR BAKER – Thank you. I also support this project. You know we've had several of these infill projects the last several years that I've been on the Commission and they are always difficult because it is not like going out and doing them; a couple of hundred units and when you are doing 16 rooftops in an infill area there are certain issues you've got to deal with, but I think eventually having 16 homes there is going to be a lot better than that dump ground. I was there today and really people are dumping their trash and everything. It is just not conducive to the rest of the neighborhood. So we've got the drainage issue done. I can see the issue for the walkway. One question that I had on that is why are we doing steps as opposed to a ramp?

PLANNING OFFICIAL TERELL – It is because of the change in grade.

VICE CHAIR BAKER – Okay, so you just need to that to get the proper…no ADA issues on that…

PLANNING OFFICIAL TERELL – Right, actually, strangely, sidewalks are not subject to ADA except for at street corners, ramps at street corners and crossings have to meet certain grades and then the cross grade on a sidewalk has to be a certain minimum and maximum, but the actual slope of the sidewalk is not regulated by ADA.

VICE CHAIR BAKER – Okay; I mean a ramp would have to be what 25 or 30 feet long right?

PLANNING OFFICIAL TERELL – It would probably have to be a switchback I would think of some sort

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VICE CHAIR BAKER – Yes it wouldn't work. Okay I just wondered.

COMMISSIONER VAN NATTA – It could; it could work

VICE CHAIR BAKER – A switchback?

COMMISSIONER VAN NATTA – Yes, I've seen them a lot of places

VICE CHAIR BAKER – I mean is that an option to do a ramp there as opposed to… I mean are we going to have skateboarders going down through there?

COMMISSIONER SALAS – More on the ramp

VICE CHAIR BAKER – That's what I am wondering. Are we going to create another problem by doing a ramp?

COMMISSIONER VAN NATTA – We could eliminate the problem by eliminating the opening.

VICE CHAIR BAKER – It wasn't clear in my mind when the developer said who pushed for this opening; the developer; the city or the people in the area or what was the deal on that? Why do we need it there?

PLANNING OFFICIAL TERELL – Well do we need it? I think it was suggested by Staff because we saw the potential that there was existing access that was there that would be shut off and whatever you do along Perris Boulevard… the less successful it is, the less likely it is to be maintained and typically what we do on a situation where there is a walkway where it goes through is the block wall stops at the front of the house and there is typically a fence so you don't have people walking across your front yard. There is a fence that goes to where the walkway is, so it is much more open than might… it's not like the walkway has a wall on both sides of it. Typically there is a fence that the front yard is visible, so that the people that owns that house; again making them do it is one thing but people that typically take care of their front yard on a corner lot is a good example. Usually they take care of the side yard but not always and that was another thing was to provide access to the area that these two property owners would be required to maintain, so that's why we encourage the owner to do it and the owner was amenable to doing that. From the testimony tonight, it seems like there is several of the existing owners along Metric that think it is a good idea and then there are others that think it's not a good idea, so it's kind of not a decided issue one way or other, but Staff did recommend this or suggest this as a possibility to kind of address that reverse frontage along Perris Boulevard as well as provide some better access.

COMMISSIONER VAN NATTA – Well I can see it's almost like you have to go all one way or all the other as you can't close it off and then still require them to

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maintain the outside. You know if you do one you have to do both, so if you were to close it off you would have to do some kind of hardscape out there that doesn't require constant maintenance or if you are going to leave some sort of landscaping out there that they have to maintain you are going to have to leave it open.

PLANNING OFFICIAL TERELL – Yes it's kind of…

COMMISSIONER VAN NATTA – They are tied in

PLANNING OFFICIAL TERELL – Yes they are tied. You solve one problem but you might create another one. It's kind of a dilemma of many developments.

VICE CHAIR BAKER – You know I still like the idea of the hardscape you came up with. I mean they are still going to have maintain the weeds and we'll put a weed barrier in there, but you out into some of these deserts; especially in Palm Desert and that's all they do now. I know one project I had out there, I had to pull it all out around a building and put hardscape in it and if you've got the right person that knows how to do that, it can look pretty attractive and certainly if you put succulents in and things that don't take a lot of water.

PLANNING OFFICIAL TERELL – Yes yes certainly you could even condition that we look at doing a hardscape with say trees. I mean trees along there would probably make a big difference. That is really the biggest impact when people are driving, hopefully not much more than that 45 along Perris but probably more. They are not going to notice the lilies and the lower stuff, but they will notice the trees and what we often do in areas like this is we do a hedge and trees, which don't require a lot of irrigation or a lot of maintenance.

COMMISSIONER OWINGS – Mr. Chairman is there a consensus to change or to recommend that the condition be changed from green to hardscape? Is there comment?

VICE CHAIR BAKER – Right

COMMISSIONER OWINGS – Well do we have a consensus among the Commissioners?

VICE CHAIR BAKER – Is that something that we need to decide tonight on our conditions?

PLANNING OFFICIAL TERELL – Yes, if you would like to have us focus on hardscape rather than shrubs, yes we would want the condition to reflect that.

VICE CHAIR BAKER - Okay, yes sir

MV00111930

COMMISSIONER DOZIER – If we go to hardscape isn't that still the responsibility of the homeowner?

PLANNING OFFICIAL TERELL – Yes and I think what I hear from the concerns is it is really something that is low maintenance; that could be hardscape; that could be shrubs and trees that don't require… which the selection of those can be done to minimize the ongoing maintenance as opposed to having a lawn or annual flowers or something that takes more maintenance. I've sensed that's really the concern and if you wanted to put in low maintenance or something like that, possibly including hardscape we can work with the Applicant to address that when they do their landscape plans.

COMMISSIONER VAN NATTA – Something that doesn't require a lot of watering

PLANNING OFFICIAL TERELL – And low water; yes

COMMISSIONER DOZIER – Sure, but if we're suggesting a hardscape to solve the problem of the opening, the owner of the house would still be responsible, whether it is hardscaped or softscaped, they are still responsible for maintaining it and to maintain it even it is low maintenance; they'd still not have access even if we shut it off to do that, even it were to have the trees trimmed or the edges trimmed.

PLANNING OFFICIAL TERELL – That's correct. It would be more difficult to maintain if it was closed off.

VICE CHAIR BAKER – Okay, any other comments? So getting to Commissioner Owings, do we need to have a motion or build that into the conditions for a low maintenance landscape outside that wall or …

PLANNING OFFICIAL TERELL – Well I think that's been suggested as a modified condition. What you may want to do is poll the Commissioners and see if they are in favor of that or not and then we would just add it in if you are in favor of it and if you're not we won't.

VICE CHAIR BAKER – All in favor of the low maintenance landscape. All those in favor of the low landscape?

Aye – 6
Opposed – 0

So that's unanimous.

MV00111931

PLANNING OFFICIAL TERELL – Okay so we'll add that in the condition and you need to take formal action on the tract and we're there other issues; I'm sorry…

COMMISSIONER VAN NATTA – We're still kind of divided on the whether or not to leave that walkway open.

PLANNING OFFICIAL TERELL – Right and certainly you can poll on that also. You can take a poll and see what each Commissioner….

VICE CHAIR BAKER – Let's kind of determine on picking up the paper on determining the maintenance or the low maintenance landscape…

PLANNING OFFICIAL TERELL – If I had to guess I think it was slightly for, but you might want to poll and see if there a consensus or a majority one way or the other.

VICE CHAIR BAKER – Okay let's poll on the access to the cul-de-sac

COMMISSIONER VAN NATTA – Closed

VICE CHAIR BAKER – All in favor?

COMMISSIONER VAN NATTA – Of which

VICE CHAIR BAKER – I'm sorry… all in favor of having the access at the end of the cul-de-sac?

COMMISSIONER DOZIER – Alright

VICE CHAIR BAKER – …Of having it…

Aye – 4
Opposed – 3

So we're 4 to 3; is that right?

PLANNING OFFICIAL TERELL – Yes… okay so it sees by a slight majority you are for it.

VICE CHAIR BAKER – Okay, we're not going to agree on everything always. Thank you. I like the spirited debate. That's good. That's really great. Okay, now anything else anybody wants to add to this situation? Okay I think we're ready to go for a motion on the project.

MV00111932

COMMISSIONER OWINGS – Mr. Chairman I move to approve the project with the Conditions that we have discussed with Staff.

COMMISSIONER SALAS – And I'll second that

VICE CHAIR BAKER – Okay we have a motion and a second for the project. Do we need to read that; we probably do? Alright I'm sorry Tom; back on your last page; about page 5… 93, the big number page 5, you just have…

PLANNING OFFICIAL TERELL – Yes the last page of the Staff Report

VICE CHAIR BAKER – Yes the Staff Report. It is either page 93…

PLANNING OFFICIAL TERELL – Yes if you want to make a motion to approve

COMMISSIONER OWINGS – Mr. Chairman, I make a motion to **APPROVE** Resolution No. 2011-12 recommending that the Planning Commission

1. **RECOGNIZE** that the Tentative Tract Map 35606 qualifies as an Exemption in accordance with CEQA Guidelines, Section 15332, as Conditioned, will not result in significant environmental impacts; and,
2. **APPROVE** Resolution No. 2011-12 **APPROVING** PA07-0129 Tentative Tract Map 35606 based on the findings in the Resolution and the Conditions of Approval to the Resolution.

COMMISSIONER SALAS – I'll second

COMMISSIONER DOZIER – Don't we have to say as amended?

COMMISSIONER OWINGS – That should be as amended to address the additional condition of approval regarding the low maintenance landscape with that provision. So moved.

PLANNING OFFICIAL TERELL – A second to that?

COMMISSIONER SALAS – I'll second.

PLANNING OFFICIAL TERELL – I'll second

VICE CHAIR BAKER – All those in favor?

Opposed – 0

Motion carries – 7 – 0

PLANNING OFFICIAL TERELL – Okay this action shall become final unless appealed to the City Council within 10 days.

MV00111933

VICE CHAIR BAKER – Thank you.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light

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bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.

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Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards

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were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code

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something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it

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is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

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PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

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COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

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The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing

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because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique

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standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a

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little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't

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going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing

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any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

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VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is

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maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like

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Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

MV00111950

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

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COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

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COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

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OTHER BUSINESS

PLANNING OFFICIAL TERELL – You have no Other Business tonight.

STAFF COMMENTS

PLANNING OFFICIAL TERELL – Yes, your next meeting is on May 12th and currently there are I guess now five potential items for that. One is your election of officers. The annual election of officers is always done in the spring time, so that would be electing a new Chair and Vice Chair for the next year. The second is we'll have a presentation by Suzanne Bryant on the Brown Act and Conflict of Interest Code, so that will be at your next meeting. The third item is obviously the resolution reflecting your action that you just took. The fourth item is a code amendment that is required for compliance with the new water quality regulations that have been adopted by the Regional Water Quality Board that already affect us but they would start to implement that new Water Quality Permit, so that is supposed to go forward at your next meeting. The last item is what we call the West Ridge Project which is I think roughly 980,000 square warehouse industrial building that is between Redlands and Moreno Beach on the south side of the freeway and that involves a zone change as well as… so it's primarily a zone change plus the project, so that would be a recommendation to City Council, so those are the items that we have proposed for your next meeting.

COMMISSIONER OWINGS – Is that ProLogis.

PLANNING OFFICIAL TERELL – No it's Ridge Realty.

VICE CHAIR BAKER – Okay, thank you John.

COMMISSIONER COMMENTS

VICE CHAIR BAKER – Now we're going go to Commissioner Comments. If anyone feels like making any comments; anything to wrap up.

COMMISSIONER VAN NATTA – This wasn't painful at all. Thank you.

VICE CHAIR BAKER – Is there anyone else?

PLANNING OFFICIAL TERELL – Is wasn't painful for us either, so…

COMMISSIONER DOZIER – Yes let me formally welcome all the new Commissioners and thank you. We're going to have some fun times I can see

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and we haven't been a full house for a while, so this is great. I did want to mention that I have a personal matter. My wife is going into the hospital on the 12th of May and so I won't be available for that particular meeting unfortunately. It wasn't scheduled for that day; it was moved and we had no choice in it, so I apologize to my Commissioners, but I'll be absent on that day.

VICE CHAIR BAKER – Okay, does anyone else have any comments?

ADJOURNMENT

COMMISSIONER SALAS – I have one. I move for adjournment.

VICE CHAIR BAKER – Okay, do I have a second?

COMMISSIONER CROTHERS - Second

VICE CHAIR BAKER – Okay, all those in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Thank you.

_____ _____

John C. Terell Date
Planning Official
Approved

_____ _____

Ray L. Baker Date
Vice-Chair

MV00111955

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
MAY 12TH, 2011

CALL TO ORDER

Vice Chair Baker convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

ROLL CALL

Commissioners Present:
Vice Chair Baker
Commissioner Crothers
Commissioner Owings
Commissioner Ramirez
Commissioner Salas, Jr.
Commissioner Van Natta

Excused Absence:
Commissioner Dozier

Staff Present:
John Terell, Planning Official
Julia Descoteaux, Associate Planner
Jeff Bradshaw, Associate Planner
Michael Lloyd, Transportation Engineer
Barry Foster, Community and Economic Development Director
Kent Wegelin, Storm Water Program Manager
Larry Gonzales, Senior Engineer, Public Works
Randy Metz, Fire Marshall
Suzanne Bryant, Deputy City Attorney

PLEDGE OF ALLEGIANCE

MV00111956

APPROVAL OF AGENDA

VICE CHAIR BAKER – I need a motion to approve the Agenda please.

COMMISSIONER SALAS – Moved

COMMISSIONER CROTHERS – Second

VICE CHAIR BAKER – Moved by Commissioner Salas and seconded by Commissioner Crothers. All in favor?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Dozier)

PUBLIC HEARING ITEMS

VICE CHAIR BAKER – The public is advised of the procedures to be followed in this meeting and these are on display at the rear of the room.

PUBLIC COMMENTS

VICE CHAIR BAKER – At this time we're going to open up for comments by any member of the public on any matter which is not listed on the Agenda and which is within the subject matter jurisdiction of the Commission and the one Speaker Slip I have on this Deanna Reeder if you would come forward please.

SPEAKER REEDER – Hello, my name is Deanna Reader and I've addressed this Commission several times. We have new members; Ms. Van Natta, Ms. Crothers and Mr. Ramirez. I sat through the Planning Commission interviews, both this year and previous years because I wanted to see what the qualifications of our Planning Commissioners were because I am very interested in the things that go on in this City. Now I know Ms. Van Natta; I had paid to get all the letters submitted to the City regarding the Rancho Belago sign issue. I paid for 100 pieces of paper; a hundred letters of email. Yours was the only one; only one that asked the City to pay for Mr. Benzeevi's Rancho Belago signs, so I'm pretty sure that is why you are up here; because I'm pretty sure that whatever he wants is what you are going to vote for. Mr. Ramirez; I don't know much about you, but in your interview all I can say is I can't say that your qualifications stacked up to some of the other people there and I'll leave you alone for the moment, but welcome, because from what I can see we just have three brand new members of the Benzeevi butt-kisser club. Welcome, thank you.

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VICE CHAIR BAKER – Thank you; actually we have four but thank you.

NON-PUBLIC HEARING ITEMS

1. Recognition of Former Planning Commissioners:
Michael Geller, 14 years of Dedicated Service
Rick De Jong, 9 years of Dedicated Service
Maria Marzoeki, 8 years of Dedicated Service

VICE CHAIR BAKER – Okay Non-Public Hearing Items as this time, John Terell and me are going to present some recognition plaques for former Planning Commissioners; if they would please come forward and John will do the presentation.

PLANNING OFFICIAL TERELL – Yes I think what we'll do is we'll introduce each of the former members and then allow them some time if they should want to for some remarks. First we'll start with the elder statesman who is Commissioner Michael Geller who has been on the Commission for 14 years and you can take it out of the wrapper, it is yours now and I know you had an opportunity when you left to have a very eloquent speech but I don't know if you had anything else you want to say tonight.

FORMER PLANNING COMMISSIONER GELLER – Well at least they spelled my name right after all these years. Anyhow thank you and I've enjoyed it, but I'm glad it is you up there and not me, so Melina was the last official Planning Commission dog and she goes in for her advance training on Saturday, so we'll have a new puppy in a month or two, so anyway we both thank you.

PLANNING OFFICIAL TERELL – Well, thank you very much. Certainly from Staff's perspective we thank you for all your help over the years. Second, is Rick De Jong who was on the Commission for 8 years I believe or 9; 8 or 9… okay 9 and he was our Past Chair and I think you've done that more than once; right?

FORMER PLANNING COMMISSIONER DEJONG – Three times

PLANNING OFFICIAL TERELL – Three times… so I appreciate your expertise with architecture and that was a good addition to the Commission and we will miss that, but thank you.

FORMER PLANNING COMMISSIONER DE JONG – Thank you. Well thank you. I enjoyed my time on the Commission very much. I enjoyed working with Staff very much; everybody and my fellow Commissioners. It was a very good learning experience and I don't regret anything. I don't regret a single day or

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decision we made and I think we made a lot of good inroads to the City and I think we helped develop it a lot. It was very good. Thank you.

PLANNING OFFICIAL TERELL – And last but not least is Maria Marzoeki who was on the Commission for…

FORMER PLANNING COMMISSIONER MARZOEKI – A little over 8 years

PLANNING OFFICIAL TERELL – 8 years; that's right and wanted to thank you; obviously your expertise or your involvement in the engineering end of it and land planning was very helpful and we will miss that and obviously having… you were the sole female there for many years, which added a softer touch to the Commission, so again I appreciate your help and wish you well. Now it's your turn.

FORMER PLANNING COMMISSIONER MARZOEKI – And I do have some notes, so I'll go back and get my notes and I'll set up at the podium if you don't mind.

PLANNING OFFICIAL TERELL – Okay

FORMER PLANNING COMMISSIONER MARZOEKI – I'll just do it here. It's a little bit easier for me to do it here. Thank you. Since I didn't get the opportunity to speak publicly about my experience on the Commission before leaving, I just wanted to say a few words so please bear with here.

First I'd like to thank the City Council; current and past for providing me with the opportunity to serve this great City. Because of this opportunity I've had the chance to observe firsthand how projects are developed and processed. This position has unquestionably increased my understanding of the development community so I thank you again and continue to be one of the City's biggest supporters.

Next I would like to thank the Planning Commissioners with whom I have served. From Tim Day and Joshua Hill to Doug Merkt, Richard Dozier, Ray Baker and George Salas; I learned a little from each one of you and I will take that with me so thank you. A special thank you to Rick De Jong and Michael Geller for not always agreeing with me but for making me realize that even if we differ in our thoughts, understanding and life challenges we are all professionals in the end and can walk away from any situation in a civil manner. The two of you displayed the passion to keep the Commission interesting, fun and on track and we did have some fun times.

Most importantly I would like to thank Bruce Springer and I hope you are out there listening and George Riechers for assisting me in my growth and development as a Planning Commissioner and also for providing me with a

MV00111959

deeper appreciation of what the Commission really means. Thank you to the City Staff who attended each meeting to provide the Commission with your advice and insight. You definitely made my job easier. And thank you for the community who came out to the meetings to voice your concerns and provide your support. This Commission is your voice, so please stay involved.

And finally to you John Terell; you're awesome. You are just awesome. Your knowledge of the planning process is without comparison in today's world. Thank you for your patience and answering some of the tedious questions that I had to offer and always doing it with a smile. Thank you for your sharing ways and your willingness to research even the smallest of details and I know we had you do that many, many times for us. You and your staff made my time of the Commission very rewarding and I have gained invaluable insight that I will carry with me for rest of my life. Though the path in which I travel has taken a direction that does not afford me the time to continue as a Commissioner, I would just like to add another and final thank you; to all an incredible 8 years. My success would not have been possible without you. Thank you.

PLANNING OFFICIAL TERELL – And with that I wanted to give the opportunity certainly for Commissioners Baker and Salas if they had any thoughts.

COMMISSIONER SALAS – I would like to thank all three of them because I learned a lot from you all and really appreciate your honesty and your caring for the City the way you guys do. I mean you can tell by sitting up here with you how much you guys really care about the way Moreno Valley is headed or where we are headed and with your direction it really helped and enlightened me of what I need to do so thank you guys.

COMMISSIONER BAKER – I just want to add to that George that those three Commissioners and a couple behind; they really came through some tough times where we had that accelerated growth there from 2000 and on through to 2005 and I know I've talked to several of them. They had a lot months of two and three meetings and sometimes twice a week, so they really paid the price to get this City where we are and I think with John's help and their guidance we really have some nice developments on different portions of the City and we need to be proud and I personally am indebted to all three of you and then also the other Commissioners that have gone prior to you. Thank you very much again for your service to Moreno Valley. I hope the citizens really appreciate what you do. Thank you very much. Okay we'll go on to the Public Hearing Items and we've got the first case no. is PA10-0035…

PLANNING OFFICIAL TERELL – I'm sorry Chair… there is another Non-Public Hearing Item.

VICE CHAIR BAKER – Okay let's back up guys. Sorry about that.

MV00111960

2. PA11-0017 - Fiscal Year 2011-2012 Capital Improvement Plan Conformance With General Plan

VICE CHAIR BAKER – On the Non-Public Hearing Items, we've got Item No. 2 that John is going to run through. It is PA11-0017. It has to do with the Fiscal year 2011-2012 Capital Improvement Conformance Plan.

PLANNING OFFICIAL TERELL – Okay and I'm going to hand that over to Larry Gonzales who is a Senior Engineer in our Capital Projects Division to give you the report.

SENIOR ENGINEER GONZALES – Thanks John. Good evening Chair and members of the Commission. As John said my name is Larry Gonzales. I am a Senior Engineer for the Public Works Department. I'm here tonight to present to you the Fiscal Year 2011-2012 Proposed Capital Improvement Plan or CIP. The CIP is a part of the City Budget Adoption process and the information that you have in your packet is a summary of projects listed by category. There are over 400 projects listed in the document. This is a planning document that serves to identify various types of improvements that the City would need over the next 5 years and beyond that is to build-out. All projects listed are in conformance with the City's General Plan and are within the State law guidelines. The document is also consistent with the California Mitigation Act AB1600. If the Planning Commission makes a finding that the document is in conformance with the City of Moreno Valley's General Plan, the document is tentatively scheduled to go before the City Council for adoption on June 14th, 2011. Staff therefore recommends that the Planning Commission make a finding that the CIP is in conformance with the City of Moreno Valley's General Plan. This concludes my report and I am available for any questions.

VICE CHAIR BAKER – Okay do any of the Commissioners have any questions for Mr. Gonzales pertaining to the Capital Improvement Plan?

COMMISSIONER RAMIREZ – I have a question.

VICE CHAIR BAKER – Yes sir

COMMISSIONER RAMIREZ – So this Capital Improvement Plan; its focus is to help with the employment to housing ratio. Is that correct?

SENIOR ENGINEER GONZALES – The purpose of the Capital Improvement Plan is primarily to provide a document for the public that focuses on the capital projects for the upcoming fiscal year and that it provides and shows both the funding and the expenditures for those projects and then it also gives a map for the future of the City through build-out for the remaining projects that would be necessary. So it focuses primarily on capital projects.

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PLANNING OFFICIAL TERELL – Okay, Commissioner Ramirez I believe and Larry can back me up on this, that this has been amended to reflect the recent action by the City Council to focus on next year's capital improvement budget for the next two or three years on specific projects aimed at job creation, but the document as Larry said includes every single capital project in the City for the next many, many years until build-out.

COMMISSIONER RAMIREZ – Thank you.

VICE CHAIR BAKER – Are any other questions of Mr. Gonzales. If not I think we're open for a motion to make our finding from the Planning Commission to send this over to City Council I guess. So does anyone want to make a… is that what we need to do John is to just make a motion there?

SPEAKER REEDER – You have a public comment to that

VICE CHAIR BAKER – Oh I'm sorry… You know we've got some up here that people filled out but there is no name on them.

SPEAKER REEDER – Oh you know what, I changed colors so I probably forgot my name.

VICE CHAIR BAKER – Okay we have one and that was the deal. I have one on number 2

SPEAKER REEDER – That's me

VICE CHAIR BAKER - So this is a non-public item then...

PLANNING OFFICIAL TERELL – So that is this and not number 2 on the regular agenda; the West Ridge project?

VICE CHAIR BAKER – Yes number 2 is the West Ridge… I'm sorry this is number on the non-public…

SPEAKER REEDER – This is about the infrastructure on the property at Nason… Is that what we're talking about; the change in the Capital Improvement Plan to put the infrastructure there first?

PLANNING OFFICIAL TERELL – Yes this is the Capital… okay

VICE CHAIR BAKER – Would we allow that?

PLANNING OFFICIAL TERELL – Yes

VICE CHAIR BAKER - Please come forward. This is your sheet, right?

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SPEAKER REEDER – I apologize

VICE CHAIR BAKER – That's okay, don't worry about it.

SPEAKER REEDER – Hello, my name is Deanna Reeder and in case none of you know and by the way Mr. Owings I didn't put you in that category because I considered you very qualified for the position. In the interview you would have been someone that I would have picked based on your interview and your qualifications, so you might be in that club but you are still qualified, just so you understand that's why; not that I forgot you, but I just felt you were qualified. The Capital Improvement Plan just so you guys know I have read it. It's about this thick. I went through it several times. I've sent emails to people when the City Council was adopting it. Everything the City is planning to do is in there, but it is a prioritization schedule.

Now the infrastructure on and around the Aquabella project, normally what would happen is the developer pays a Development Impact Fee and then he puts the street through his plan and then he gets a credit back off his Development Impact Fee. That is what is supposed to happen but in this case Mr. Benzeevi doesn't want to pay to put that street and get his credit later, he wants the City to give him a 23.3 million dollar gift and that is about what this amounts to because Nason Street does not go between Cactus and Iris. That is Mr. Benzeevi's property. When Mr. Benzeevi develops his property, he puts the street on; he pays for it; he gets his credit back, but Mr. Benzeevi doesn't like to go by the rules, so I know that you guys are going to approve that because that is what you are up there to do. Mr. Benzeevi picked our City Manager at an extremely inflated rate and our City Manager wrote this new Development Economic Plan that gives Mr. Benzeevi 23.3 million dollars of infrastructure on his property. That is a tit for tat. San Bernardino has nothing on Riverside County, especially not Moreno Valley. That is what this is.

Now you guys are going to approve it because you don't really care what anyone else says, but I don't believe you do… we'll see because there are a lot of other capital improvement plans in this City. There are a lot of streets that are needed. Putting the street through between Iris and Cactus will not help the flow on Nason. Nason goes down to one lane in each direction by the High Schools and in several other spots. Now if they were fixing Nason all the way to the freeway and then considering this, you know what, that would be a maybe but his is a 23.3 million dollar gift to Benzeevi. Thank you.

VICE CHAIR BAKER – Thank you

PLANNING OFFICIAL TERELL – Just to clarify for the Planning Commission you are not approving the Capital Improvement Program tonight. The only action that you are being requested to take is to find the Capital Improvement Plan in conformance with the General Plan and the three major projects that are

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included in the action that the Council took recently are all General Plan streets, so I just wanted to clarify that you are not approving the Capital Improvement Program.

VICE CHAIR BAKER – Okay, are there any other comments Public or Commissioners? Well I move that we have a motion to make the recommendation to the City Council on the Planning Commission.

COMMISSIONER SALAS – I motion that we approve it.

VICE CHAIR BAKER – Okay, second?

COMMISSIONER RAMIREZ – I second it

VICE CHAIR BAKER – Okay, moved by Commissioner Salas and seconded by Commissioner Ramirez. All those in favor

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Dozier)

PUBLIC HEARING ITEMS

1. Case Number: PA10-0035
Amendment to Municipal Code for Water Quality Requirements

Case Planner: Julia Descoteaux, Associate Planner

VICE CHAIR BAKER - Julia, you're up.

ASSOCIATE PLANNER DESCOTEAUX – Good evening Planning Commissioners. I'm Julia Descoteaux, Associate Planner. Before you this evening is an Amendment to the City's Municipal Code, Title 9 for Planning and Zoning. The proposed changes are a result of compliance with the 2010 National Pollutant Discharge Elimination System or NPDES, Municipal Separate Storm Sewer MS4 Permit, with compliance required by July 29th, 2011. The MS4 Permit Requires that the City promote green infrastructure/low impact development LID techniques for all projects.

The primary changes include revising design requirements to promote onsite water retention and infiltration in an effort to clean water of contaminants prior to

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the water being discharged from the site into the storm drains or flood control channels which then enter receiving waters such as the Santa Ana Watershed.

The proposed changes include the use of water efficient native plants, landscape areas increased and designed to promote water retention, the use of permeable surfaces, having openings in the curbs to convey surface drainage into landscape areas, require parking in excess of the required parking to be constructed of permeable surfaces, reducing the depth of the parking stalls and increasing the landscape, reducing the hardscape areas and the use of permeable surfaces wherever feasible.

The Planning Division works with the Applicants and the design requirements, however the Public Works Department is responsible to ensure that the projects meet water quality requirements as well as site grading while complying with the MS4 Permits and they will be providing changes to Municipal Code Section 8.10, which does not require Planning Commission approval.

The project does not have the potential to cause a significant effect on the environment, so the project is exempt from the provisions of the California Environmental Quality Act in accordance with Section 15061 as defined by Section 15378.

The project was noticed in the local newspaper and to date I have had no inquiries on the proposed changes. There were several changes to the report and I believe you received a green memo regarding that and all sections were appropriate. The word pervious will be replaced with the word permeable in an effort to be consistent with the proposed changes to Municipal Code Title 8 and in addition, Section 9.08.080, the Grading Section, the addition of letter "M" will be deleted from the Attachment 4 on page 100 and on page 70, number 4. This concludes Staff's presentation and at this time I am available to answer any questions for you. Thank you.

VICE CHAIR BAKER – Okay, thank you Julia. Do we have any Commissioner questions?

ASSOCIATE PLANNER DESCOTEAUX – Excuse me…Kent Wegelin is also here to answer questions on the NPDES that you might have as well.

VICE CHAIR BAKER – Okay, thank you

COMMISSIONER VAN NATTA – Did I understand you to say that instead pervious we are using permeable and those changes have already been made in this document?

ASSOCIATE PLANNER DESCOTEAUX – No, I'll be making those

MV00111965

COMMISSIONER VAN NATTA – Oh okay, thank you

VICE CHAIR BAKER – Commissioner Salas, do you? Commissioner Owings, are you okay with this? Do have any comments?

COMMISSIONER OWINGS – No comments; no questions.

VICE CHAIR BAKER – Okay, very good. So we will open this item up to Public Testimony. I have no Speaker Slips on this Item No. 1 from the public, so I'll close Public Testimony and we will open Commissioner's Debate for discussion and if there is any additional discussion on this before we move for a motion and second. Okay, everybody is okay so I will move for a motion and second. On this particular one here, Julia one thing we need to know on that Resolution No., there is 2011… do you know that actual number so we can put that in the minutes.

ASSOCIATE PLANNER DESCOTEAUX – It is 11

VICE CHAIR BAKER – It is 2011-11?

ASSOCIATE PLANNER DESCOTEAUX – Yes

VICE CHAIR BAKER – Okay so whoever makes a motion here, what we need to do is make a motion to approve this resolution and then recommend to the City Council to approve the PA and then recognize the PA10-0035 okay. Do I have a motion for this?

COMMISSIONER VAN NATTA – Okay I move that we **APPROVE** Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 Municipal Code Amendment; and,

2. **RECOGNIZE** that PA10-0035 Municipal Code Amendment qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

VICE CHAIR BAKER – Thank you Commissioner Van Natta. Do I have a second?

COMMISSIONER SALAS – I'll second that

VICE CHAIR BAKER – Commissioner Salas will second that. Let's have a vote; all those in favor?

Opposed – 0

MV00111966

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Okay, wrap up

PLANNING OFFICIAL TERELL – Yes this item shall be forwarded to the City Council for final action and I believe that is scheduled like you said for June 14th.

VICE CHAIR BAKER – Okay, thank you very much. Okay we're going to move onto Item No. 2

2. Case Number: P11-029
Amendment to Aquabella Development Agreement

Case Planner: John Terell, AICP

VICE CHAIR BAKER – Mr. John Terrell will handle this item for us.

PLANNING OFFICIAL TERELL – Yes this item is the first amendment to the Aquabella Development Agreement. The Development Agreement was adopted at the same time as the approval of the Aquabella Specific Plan which is roughly located south of Alessandro, north of Iris, east of Lasselle and generally west of Nason and the Development Agreement is something that is permitted under State Law to allow a developer to get long term protection on the zoning and the entitlements that they receive in exchange for agreeing to do certain things and in this particular Development Agreement there is an extensive list of capital improvements that are required as part of this Development Agreement as well as the quality of the development, which is identified in the Specific Plan as well as in the Development Agreement. The Development Agreement specifically requires the construction of a clubhouse that has a minimum value of 25 million dollars.

The other was a payment that was already made which was a one million dollar payment that was made to support the extension of lines; not to this property but in the service area of the Moreno Valley Utilities. The first amendment is quite simple. The applicant has requested to remove the parcel at the northeast corner of Cactus and Lasselle. That particular parcel is the only parcel in the Aquabella project that is not age restricted. It is a non-senior parcel and so they are requesting to remove from the benefits and the responsibilities of the Development Agreement I believe so they can sell that to some third party. The list of improvements that are required under the Development Agreement are not changing. They still stay the same. They are actually moved up in priority to the next higher phase because this particular parcel was phase 6 and now there will only be 5 phases.

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Your action would be a recommendation. Final action will occur by the City Council. The project was noticed in the newspaper, sent to all property owners within 300 feet of the project and that was not just the corner of Lasselle and Cactus, it was the entire Aquabella Specific Plan and it was also noticed on the property. I did receive four phone calls regarding the project. Generally they were interested to know what was going to be developed on the site and it is very important to note that there is no development application for this site. That would be a separate future application that would require its own public hearing before the Planning Commission. So with that I will close my remarks and be open for questions.

VICE CHAIR BAKER – Alright, thank you John. Do any of the Commissioners have questions of John Terell on this item?

COMMISSIONER OWINGS – I do. I am sure I'm going to have more questions as we go into this and as other Commissioners delve into it, but you say the Development Agreement was signed when and what is the length or the term of the Development Agreement?

PLANNING OFFICIAL TERELL – The Development Agreement was approved January 12, 2006 and it has an initial term of 15 years with two 5 year extensions possible, so it is in effect for some time and then there is certain performance that has to occur to extend it beyond that term.

COMMISSIONER OWINGS – So were any of the improvements that you mentioned like the clubhouse or anything, were they to be located on this parcel.

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – So this parcel was originally in the Development Agreement solely just a residential non-age restricted residential area?

PLANNING OFFICIAL TERELL – That's correct. There are certain improvements that are in the Development Agreement that are still required in the Development Agreement that would obviously be the frontage along Lasselle and Cactus. If this property is developed separately in advance of the rest of the Aquabella Project, then that project will most likely be responsible for those improvements because they are immediately adjacent to the site, but if they do not occur, then if this site is not developed for many years then the Aquabella Project would be required to do it based on the phase.

COMMISSIONER OWINGS – When you say most likely, that leads me to believe that there is a possibility they may not.

PLANNING OFFICIAL TERELL – The only reason they may not is if the City should choose to develop those improvements and therefore there would be a

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reduction in the benefits accruing to the project or most likely what would happen…

COMMISSIONER OWINGS – In which case… not to interrupt you, but I suffer early onset Alzheimer's, so I may forget, but in that particular case that the City does those, what remedy does the City have with the developer to kind of equal the scale here. If he is doing less, the City is doing more, how he compensates the City for that

PLANNING OFFICIAL TERELL – The Development Agreement requires the improvements provided by the development to exceed the amount of the credits they are receiving, so that's the balance sheet.

COMMISSIONER OWINGS – So that could be determined at a later time?

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - And what assurance does anyone have that that will happen?

PLANNING OFFICIAL TERELL – It's required by the agreement. I mean that's all I can say. It is a contractual agreement.

COMMISSIONER OWINGS – And you were going to go onto a second one and we'll see if your memory is better than mine.

PLANNING OFFICIAL TERELL – Oh well I was going to say most likely what will occur is this property will be developed in advance of phase 5 of Aquabella, which is really the last phase in Aquabella, which is a very large phase and therefore the improvements will most likely be constructed by the developer of this parcel.

COMMISSIONER OWINGS – In the master agreement, those developments; when are they required in which phase.

PLANNING OFFICIAL TERELL - They are required in phase… In the existing agreement it is Phase 6, but since this property is Phase 6, all those improvements were moved up to Phase 5.

COMMISSIONER OWINGS – Isn't that sort of unusual that development would have all of those improvements after the whole project is complete

PLANNING OFFICIAL TERELL – Well there are five phases and as each phase occurs there is more impact both onsite as well as offsite and that is why its phased so as the impacts occur, the improvements are required rather than requiring all the improvements up front, even before any of the impacts occur.

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COMMISSIONER OWINGS – And that's normal?

PLANNING OFFICIAL TERELL – That is normal; yes

COMMISSIONER OWINGS – Okay, then what does the removal of this property…well first of all let me ask you, originally in the master plan, why was this property not designated with an age restriction. There must have been some logic for the marketing of this plan. Why was it not consistent with the bigger portion of the project?

PLANNING OFFICIAL TERELL – Well at time there was recognition that this property is close to the County Hospital, which is the largest employer in the City of Moreno Valley and there is no multi-family housing in close proximity or multi-family zoning at that time and therefore this was included as a recognition that at least one site on this property that was near the hospital would have the potential to provide workforce housing for the hospital.

COMMISSIONER OWINGS – So is this workforce housing still required? I mean is there a need for that still? I know this was done in 2006, so since 2006 has that requirement for work related housing for the hospital workers, has that been filled by someone else.

PLANNING OFFICIAL TERELL – It has not

COMMISSIONER OWINGS – So there would still the need. Are there other areas of property in this area that could fulfill that need?

PLANNING OFFICIAL TERELL – Well as part of the recently adopted Housing Element for the City, there are a certain number of multi-family housing units that are required in the City. A large portion of those that are identified in the Housing Element involve rezoning property to R30, which is 30 units per acre. That is a new zone that is required by the State and one of the areas that was identified was the area immediately north and west of the hospital and north of this property and should all that rezoning occur this property may or may not be needed to meet those requirements.

COMMISSIONER OWINGS – So let me ask you a question. If we were to approve this tonight, is there any assurance that it would still be designated… I mean if someone wanted to do medical offices there instead of residences for workers, it is conceivable it would come back to the Planning Commission and we would probably in some later future date be asked to change the zoning of it from its current zoning to something that would allow medical offices or something of that nature, so there is no assurance then that that specific housing need that was identified when this plan was put together would be met if we make this change tonight.

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PLANNING OFFICIAL TERELL – The change tonight doesn't affect the land use on this property. The land use was established by the Specific Plan.

COMMISSIONER OWINGS – But if you take it out of the master plan then it could be changed. It cannot be changed if it stays in the master plan. Am I correct?

PLANNING OFFICIAL TERELL – Maybe it's the terminology… the Specific Plan is the land use plan and…

COMMISSIONER OWINGS – Not the Master Plan, I mean the Development Agreement

PLANNING OFFICIAL TERELL – With the Development Agreement; the only change that taking it out of the Development Agreement because in a Development Agreement the land use can change, but it requires the concurrence of both the City and the property owner.

COMMISSIONER OWINGS – Which is only fair…?

PLANNING OFFICIAL TERELL – If it is outside the Development Agreement, the City could if it wanted to, change the land use without the concurrence of the developer.

COMMISSIONER OWINGS – So there could be a benefit to the City by taking it out?

PLANNING OFFICIAL TERELL – Well I'm not saying it is a benefit, but the City has more rights relative to the land use if it is outside of the Development Agreement than if it is in the Development Agreement; more flexibility

COMMISSIONER OWINGS – To allow some of the other Commissioners to question further, but could you finally just kind of persuade me or alleviate my fear here. It seems as though if I'm just a little tiny developer, it's my main occupation, but it would seem to me that someone in the City made this agreement with this developer to put that little chunk in there to do meet the need of the hospital, it wasn't probably his idea, it was probably the City's idea. Am I correct in that?

PLANNING OFFICIAL TERELL – It was a suggestion from not myself but from City Staff that it be included and the developer was amenable to that.

COMMISSIONER OWINGS – Right so he was amenable to it because he has this bigger project he wanted to do, but the need you guys saw back 2006 still exists and has not been met and so persuade me that that need could be met somewhere else so at least we have some feeling that it could be met

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somewhere else or you know some hope that it could down the line future met with some other parcel or other property.

PLANNING OFFICIAL TERELL – Well I'm not here to convince you one way or the other. I will tell you if someone came forward, either the City or the property owner and wanted to change that from multi-family housing to some other use, the Planning Commission and City Council would have to determine that other sites already existed to meet the housing needs of the City.

COMMISSIONER OWINGS – Not to be argumentative, I know you are not here to change my mind or persuade me, but you did recommend approval of this, so you are in a sense putting your stamp of approval on it. I think that the Staff does need to address that concern.

PLANNING OFFICIAL TERELL – I'm not quite sure what the concern is because… The concern is there is no land use change before tonight.

COMMISSIONER OWINGS – Well the concern is that the City Staff in 2006 say there was a need for this particular parcel to be used for the hospital workers and it now no longer sees that need?

PLANNING OFFICIAL TERELL – Again, the land use is not changing tonight and therefore the only action before the Commission is to recommend whether it is in or out of the Development Agreement

COMMISSIONER OWINGS – But if it is in the Development Plan it is pretty much assured it is going forward as it is. If it's not in this Development Agreement, there is a possibility that it might not. Am I correct?

PLANNING OFFICIAL TERELL – No, I'm sorry that's not correct. The Specific Plan which identifies the land use is not changing. All that is changing is it goes from being in a Development Agreement which means the property owner has to agree a change of land use.

COMMISSIONER OWINGS – John hypothetically, excuse me for cutting you off, cut you are just really not getting my point, so I've not made it clear. Hypothetically, if you take this out of this agreement, Mr. Benzeevi, the owner of this could come over to you one night and ask you to change the zoning to office or some sort of multiple use zoning; correct

PLANNING OFFICIAL TERELL – He could do that now

COMMISSIONER OWINGS – Even though it is in the Master Development Plan

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PLANNING OFFICIAL TERELL – Correct because he is the property owner and the property owner always has; even under the Development Agreement, has the right to request a change in land use.

COMMISSIONER OWINGS – Would the City Planning Commission be the sole authority of that or would it have to go to the Council. I would assume this agreement would have to go to the Council wouldn't it if you change it?

PLANNING OFFICIAL TERELL – Yes, this agreement has to go to Council and any land use would have to go to Council as well.

COMMISSIONER OWINGS – Well thank you very much. I think really clarified it for me.

PLANNING OFFICIAL TERELL – I'm sorry if I didn't understand you clearly…

COMMISSIONER OWINGS – No, no, it's my fault. I wasn't communicating clearly.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – Okay so I'm still not clear. Maybe you can fill me in. So aside from little section of land there was there any other non-age restricted multiple family dwellings within the Development Agreement?

PLANNING OFFICIAL TERELL – No there are not

COMMISSIONER VAN NATTA – Okay, so conceivably by taking that out of the Development Agreement and selling it to somebody or even without selling it to somebody else, then the developer of Aquabella could go ahead and finish his complete development without having to worry about putting in the multi-family units that he had originally agreed to when he entered into this Development Agreement?

PLANNING OFFICIAL TERELL – They are not required to put in the multi-family housing but it is Phase 6. So the idea is to complete the Aquabella Development, this is one of the parcels that would be developed. If it is not developed then certain… within the Development Agreement if this parcel was not developed, certain responsibilities would not be required and certain benefits; meaning certain fee credits would not accrue to the developer, so this like most development agreements is performance based. If you do develop something you have certain responsibilities and certain benefits. If you don't develop, then you don't have certain responsibilities and you don't get certain benefits

COMMISSIONER VAN NATTA – Right, but as part of the original Development Agreement the whole project as a whole has a certain number of multi-family

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units in it, which if we take this part out then he no longer has the requirement when he develops it completely to put in the multiple family units.

COMMISSIONER VAN NATTA – He could complete the whole thing without building any multi-family units

PLANNING OFFICIAL TERELL – That are non age-restricted; yes

COMMISSIONER VAN NATTA – Non-age restricted multiple family units

PLANNING OFFICIAL TERELL – Yes and even under the current agreement, since this was the last phase, he theoretically could have developed everything else without developing this parcel.

COMMISSIONER VAN NATTA – Just leave an undeveloped parcel there that he couldn't…that if he were to develop it, it would have to be non-age restricted multi-family unless there was an agreement between him and the City to change it to something else.

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER VAN NATTA – But now by taking it out and saying it is not part of the Master Development, and then he doesn't have to worry about that.

PLANNING OFFICIAL TERELL – Well, it's not part of the Development Agreement. It still is Highland Fairview's property and therefore to develop it, they have certain responsibilities. They don't necessarily have the same benefits as being in the agreement but and I'll kind of defer this to the Applicant Representative, but I'm assuming and the Applicant's Representative can confirm this, that they want to take this property out the Development Agreement to sell it to some third party and to make it more marketable to a third party that doesn't want to be responsible for the rest of Aquabella; they are separating it out so there are Aquabella's responsibilities and rights and then this property is free of those responsibilities. So it doesn't tie this property in with the development of the rest of Aquabella. It allows it to be separately developed by a third party.

COMMISSIONER VAN NATTA – I would like to hear more explanation about why they're doing it because it looks kind of strange to take that little corner out of a development that was originally planned to be a certain way and all cohesive and you know all flow together and everything like that and then you take a little chunk out of the corner which is the frontage on a fairly well travelled road; yes I'd like to hear a little more about that.

PLANNING OFFICIAL TERELL – I think the Applicant has to make that case for you.

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COMMISSIONER VAN NATTA – Alright, thank you

VICE CHAIR BAKER – Okay are there are more questions of Staff before we have the Applicant come forward.

COMMISSIONER OWINGS – I was fairly certain I understood you to begin with. You told me that the major contribution by the developer to the City would not occur till phase 6.

PLANNING OFFICIAL TERELL – For this parcel

COMMISSIONER OWINGS – For this parcel… but the complete development, under the Master Agreement, which is just nothing but a contract between the City and the developer to do certain things; correct

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS – So when would… you said that on the developers part that contribution would be made at the completion of Phase 6. Did I misunderstand you?

PLANNING OFFICIAL TERELL – Possibly… this particular property is Phase 6 and there were certain requirements… there were certain improvements required in Phase 6 and those have now been moved up to Phase 5 and if under the current plan Development Agreement; if this parcel is not taken out of it, it's not required to do anything until Phase 6. Every phase has major improvements that are required and actually much larger than Phase 6.

COMMISSIONER OWINGS – So that's the part I misunderstood. I thought you were leading me to believe that Phase 6 was the larger portion. I couldn't figure out why they got to the end with… So could you please, if you know John and I know you may not, it's been a long time, but what were the developer's responsibilities at the completion of Phase 6?

PLANNING OFFICIAL TERELL – I couldn't point out exactly which ones, but in Phase 5 there is a very long list and several those are primarily relating to what is adjacent to this parcel were required in Phase 6. Phase 6 has a very short list. Most of the improvements were required well in advance of Phase 6. It was a short list. As I recall it was only three or four items.

COMMISSIONER OWINGS – Okay thank you John

VICE CHAIR BAKER – Okay is there anyone else?

COMMISSIONER CROTHERS – The phase 6 items that we're looking at right here or the Phase 5, does that include the ones that were from Phase 6?

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PLANNING OFFICIAL TERELL – Yes

COMMISSIONER CROTHERS – Okay thank you

VICE CHAIR BAKER – Anyone else? Okay, we'll bring the Applicant forward and he can present… Mr. Wayne Peterson. Would you please state your name and address sir.

SPEAKER PETERSON – Sure, Wayne Peterson with Highland Fairview and we're located here in Moreno Valley. I'd be happy to address the Planning Commission on this and want to thank John for responding to many of those questions. It really is a very simple amendment. I can appreciate the Commission's questions because it is simpler than it may appear. The only change being proposed is to eliminate the small planning area from the Development Agreement. All of the obligations under the Development Agreement today remain with the Aquabella property without this piece, so all of the obligations; all the street improvements; all the improvements within Aquabella are all still in place; nothing changes whatsoever in terms of the mitigations that are required; the public improvements; the private improvements; all those things are all still in the plan. The only thing that changes is the fact that this small piece of property is no longer protected by the Development Agreement.

As John said, it essentially removes the guarantee that the Development Agreement provides, that the City cannot unilaterally change the zoning on that property. In this particular case and it's not for a potential sale; it is for a potential financing purpose that this particular piece is being removed from the agreement. There is no pending sale of the property, it is still owned by Highland Fairview and will continue to be owned Highland Fairview, so my goal would be to try to assure the Council or Commission I'm sorry, that the proposed amendment is in fact as simple as it sounds. It does not reduce in any way, shape or form any of the obligations that Highland Fairview agreed to back in 2006 and essentially its three items. I can point those out to you in the back of your package. At the end of Exhibit…

COMMISSIONER OWINGS – Maybe you could just give us the page number

SPEAKER PETERSON – It doesn't have pages in my copy of the Staff Report. If you go through the Staff Report… there is Attachment 3 is the draft of the first amendment to the agreement. If you go to the back of Attachment 3 there is spreadsheet that looks like this…

PLANNING OFFICIAL TERELL – Page 199 I believe

MV00111976

SPEAKER PETERSON – Oh your Staff Report is numbered and the copy I have isn't. It should be the last page of the spreadsheet that lists all of the improvements that are required in Aquabella

PLANNING OFFICIAL TERELL – So that would be 203

SPEAKER PETERSON – Okay, sorry

COMMISSIONER OWINGS – John I'm looking at page 203 and I don't see Phase 6

PLANNING OFFICIAL TERELL – Right, they are all in Phase 5 now

COMMISSIONER OWINGS – Okay, so which are the three that would have been in Phase 6?

SPEAKER PETERSON – The last three

COMMISSIONER OWINGS – The last three

SPEAKER PETERSON – Correct… the two on the last page refer to all phases.

COMMISSIONER VAN NATTA – So you are referring to modify the traffic signal, widening and restriping and signing for a left turn lane and coordination of traffic signals.

SPEAKER PETERSON – Correct

COMMISSIONER OWINGS – And then on the back page it is the money items; the TUMF fees, correct.

COMMISSIONER VAN NATTA – Those just aren't in that phase, those are for all phases

COMMISSIONER OWINGS – Would those fees be reduced as a result of removing this parcel?

SPEAKER PETERSON – As John indicated, the zoning on the property stays the same; no change whatsoever in density; no change in type of land uses; its multi-family residential and in the Development Agreement a key point is that there is no requirement to build those units at any particular point in the overall development of the community. The point is when they are developed; they are subject to all of the regulations that normally apply to any residential development in the City, including review by this Planning Commission and potentially the City Council.

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COMMISSIONER OWINGS - Your name again, I didn't get your last name sir

SPEAKER PETERSON – Peterson… Wayne Peterson

COMMISSIONER OWINGS – Mr. Peterson my name is Tom Owings. I would like to assure you that I'm not trying to make something simple into complicated. I have enough complications in my life, but there is a fiduciary function for each of the Commissioners here to understand when the City; when two people enter into a contract and one of them wants of modify it. We were not here. We have a fiduciary function to ask the questions, so I hope you understand that were not in any way trying to complicate something. So you know in looking; I think can simplify it with one simple question. Wayne if you were to look at me straight in the eyes and tell me that is going to be developed with multiple unit, non-aged restricted units, then my concern about meeting the housing need that was identified in 2006 would be alleviated. So can you tell me that the ultimate use of this will be the units that were initially envisioned when this agreement was agreed to by the developer and by the City.

SPEAKER PETERSON – No, but the key point is if it is anything different then what is in the Development Agreement today and in the zoning, it would be an application on the part of the property owner that would have to come through the City review process.

COMMISSIONER OWINGS – And when you say property owner that makes me believe that wouldn't be fair of Fairview Highland

SPEAKER PETERSON – Well I can't stand here and tell this Planning Commission that the Highland Fairview is going to forever be the owner of all the property it owns.

COMMISSIONER OWINGS – Let me ask you hypothetically; if you were in the party of a master agreement like this and you were kind of thinking about and I appreciate your comment about later down the line, the zoning would come before the Planning Commission, but that is kind of kicking the question down the line when it really our responsibility to deal with it now, so hypothetically if you were a developer and you kind of decided that this project may not happen; the whole project; you might start picking it apart piece by piece and so I guess I have to ask you what are the likelihoods that a few years from now another Planning Commission member with my curiosity might be asking you or might asked to say we want to take Phase 5 out and then Phase 4 and then Phase 3; so the City is bound to allow you to have this long term agreement, but piece by piece it is being taken away, so I guess my question to you is this the first step in that process.

SPEAKER PETERSON – No

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COMMISSIONER OWINGS – It's because a little tiny guy who tried to develop some housing units, you know there is generally a five year period on these types of entitlements and then you get a couple of extensions here and there. You guys really have a 30 year period here to which the City is bound by this agreement and of course you are too, so that's my concern. So you have no plans. Highland Fairview two years from now is not going to be here trying to pull out parcel 5 or section 5 of this.

SPEAKER PETERSON – No

COMMISSIONER OWINGS – Okay thank you

COMMISSIONER VAN NATTA – Was this the only parcel in the development that was not age restricted? Is now the rest of Aquabella age restricted?

SPEAKER PETERSON – That's correct. Well the exception and to just be completely accurate; the High School site was technically part of the Specific Plan. It is obviously not age restricted.

COMMISSIONER VAN NATTA – But all the residences that are…

SPEAKER PETERSON – Correct, all the residential property…

COMMISSIONER VAN NATTA - …that are under the program now, the rest of them are age restricted.

SPEAKER PETERSON – That is correct

COMMISSIONER VAN NATTA – And this was the only section that was not

SPEAKER PETERSON – That is correct

COMMISSIONER PETERSON – Okay

VICE CHAIR BAKER – Are there any other questions of the Representative or the Applicant? Thank you very much. Now we will open this up to Public Testimony. I have no Speaker Slips on this item so I will close the Public Testimony on this item and we will go forth with Commissioner's Debate.

PLANNING OFFICIAL TERELL – Chair Baker; just to clarify the questioning that was occurring; no property owner can agree not to ever change their mind in the future but in a development agreement the City is not required to approve any change that the owner of that property has. They are only required to consider it, so not that it will occur in this case, but we've got other Development Agreements in town and the owner of the property has the right to request, but they don't have the right to change it; the City always has the right to review and either

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agree or disagree. Just to clarify that; you know if you see a change in this Development Agreement or say Towngate or some other project that has a Development Agreement, you are not required to approve it but the owner of the property can never bargain away their right to ask.

COMMISSIONER OWINGS – You know John I'm not trying to suggest that they know because I don't know what I'd I'm going to do with the piece of property that I am stuck with in Oregon in the same situation they are, but we sure have a pretty good idea when we have that much money invested in it and I think it is a fair question to ask what is the plans as of today.

PLANNING OFFICIAL TERELL – Agreed, I just want to make sure that it was clear that they could change their mind.

COMMISSIONER VAN NATTA – As I see this, this gives even though it has been taken out of the Master Plan for Aquabella; if anything, the City now has more control over what happens with the development of that piece of property than we had when it was within the development and since there was no guarantee that at any point that phase would have ever been reached, it would have turned into multiple family units anyway, I don't see much harm in approving this because they can't do anything other than it was slated for without for without coming back to us for permission anyway. I am a great believer in owners being able to do what they can with what they want to with their own property as long as they are staying within the rules and there is no harm in what changes they want to make and so I don't see any harm in approving it.

COMMISSIONER OWINGS – You know I just respectfully disagree with that analysis. This is different. This is a contractual arrangement between the City and a developer. This is not a question of property rights because there is nobody on this dais that believes in property rights more than me, but this is between a contract… you know the developer got something out of this or they wouldn't have entered into the agreement, so the City got something; the developer got something and now the agreement is being altered and I do not believe this is a property right; this is a contractual agreement.

COMMISSIONER VAN NATTA – Let me just respond to that. But the City isn't giving up anything that they agreed to and in a way neither is the owner and he has the right to ask and if there is no harm in making the change, I don't see the harm in approving it.

COMMISSIONER OWINGS – You know and I may agree with that final analysis, but the point is how we got there has to be correct and clear in our mind. We have every right to question this and it is not a matter of property rights, this is a question of contractual agreement between two parties and one party wants to change it.

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PLANNING OFFICIAL TERELL – Commissioner Owings is exactly correct, that's why this item is before you because the City and the Applicant have to agree in order to change this contract.

VICE CHAIR BAKER – Okay another other comments?

COMMISSIONER RAMIREZ – Having said that, I believe that we need to be flexible. We need to be able to work together. Times change and things happen in a five year period, so whenever this contract was proposed and put in place, a lot has changed since. One thing I can agree with is our developer has a great proven track record. In fact when that Skechers was built, it was built way ahead of time and up to the cutting edge and as far as time frame goes, I believe that the developer completed and fulfilled all their obligations way ahead of schedule, so having said that, I find no harm in trusting the developer that either one day if he decides to sell this particular property or they decide to develop it, the fact is that this will help them and it will help us in moving the City forward. Now it is better for us to not develop something than not develop it and sit there for many, many years and have no one move into it. That doesn't make anybody any money and that doesn't make any sense, I believe that as long as we can come to an agreement to work together and be flexible, we'll be able to accomplish our mission. Thank you.

COMMISSIONER OWINGS – Respectfully I would like to point out to the Commissioner that this Development Agreement assures that there is a possibility that we could be 30 years from now and that land would be vacant, so if you want to do rapid development, you shouldn't enter into these kinds of agreements.

COMMISSIONER VAN NATTA – And I may add to that that I feel that we have to look at each one of these projects on their merit and on what was decided on this particular property. We can't go into something saying I trust this developer and I don't trust that developer or point to how a developer has behaved in any other development that he has done. We're talking about a specific plan for this specific piece of property and that's what we need to look at.

VICE CHAIR BAKER – Okay, any other comments? Okay, I guess we're at a point where we'll ask for a motion to approve this Resolution 2011-14. Do I have a motion?

COMMISSIONER RAMIREZ – I motion that we approve…

VICE CHAIR BAKER – Okay, would you do this for me Commissioner. Would you read in there that resolution? Here I'll give the sheet. We just need you to read into the record all the items there. Thank you.

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COMMISSIONER RAMIREZ – I make a motion that we **APPROVE** Resolution No. 2011-14 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not Result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and,

2. **APPROVE** P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2 acre Parcel at the northeast corner of Cactus Avenue and Lasselle Street

VICE CHAIR BAKER – Do we have a second to Commissioner Ramirez's motion?

COMMISSIONER VAN NATTA – I'll second that

VICE CHAIR BAKER – That is seconded by Commissioner Van Natta. Okay let's poll the Commission and all those in favor?

Opposed – 0

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Thank you

PLANNING OFFICIAL TERELL – This item will be forwarded to the City Council for final review and action. That would tentatively occur on June 14th and that's all at this time.

3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**

Case Planner: **Jeff Bradshaw**

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone

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Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal...Under the current... one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck corridor loading area and that is a minimum at the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language

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that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With the regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. If this facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine

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the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009.

The result of that was the City was able to receive responses from various responsible agencies. This was members of the community here where they identified concerns that they had with that document and were able to hold a public meeting in October of 2009 together for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year. The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information.

Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances

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mitigation measures have been applied and the impacts reduced to extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document and I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend

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the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yes and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster, I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now.

If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory

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that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Sketchers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place.

The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be? I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs.

If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Sketchers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will

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come back again. The opportunity where the large retailers are looking for is what Sketchers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Sketchers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings.

The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community. That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of

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findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

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COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Sketchers plant up here. You know Sketchers has lots of truck bays. They may not be all used at one time. They may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION CONSULTANT ENGINEER – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow

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are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

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COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

PLANNING OFFICIAL TERELL – The reason is because other than the Sketchers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

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COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

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COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Sketchers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Sketchers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act

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as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to

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equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for

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a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was

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just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60

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westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Sketchers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

COMMISSIONER VAN NATTA – Okay… yes but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added

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information was for Sketchers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Sketchers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

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COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

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COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Sketchers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Sketchers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.

One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in

MV00112004

opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to. We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within 300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I

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don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yes, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

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COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

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COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

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COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Sketchers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Sketchers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yes, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

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APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Sketchers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Sketchers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Sketchers building around the square windows.

COMMISSIONER OWINGS – Yes but, okay, but it does look totally different than the Sketchers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Sketchers building?

APPLICANT RICE – I think I would, yes

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COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Sketchers is Sketchers and we don't want to be like Sketchers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Sketchers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area

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that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yes Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

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COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yes unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

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SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that. The same thing with Sketchers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor.

We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan. Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it… they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no,

MV00112014

they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know.

The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Sketchers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Sketchers. Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should at least put on an air that you are unbiased about it.

Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to

MV00112015

meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Sketchers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Sketchers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Sketchers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises.

Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and... Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Sketchers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case. Things are planned. You need to put things where are they are planned. You need to approve them where they are planned.

Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Sketchers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the

MV00112016

500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Sketchers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Sketchers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

MV00112017

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yes I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yes, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding Commission that they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact base of personal attacks. Whether or not Iddo Benzeevi is a good person or a

MV00112018

bad person, he has certain rights in this City and they should be obeyed or they should be respected.

Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this. There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself.

In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking. I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs.

MV00112019

It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Sketchers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Sketchers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Sketchers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

MV00112020

VICE CHAIR BAKER – Now they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Sketchers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Sketchers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if

MV00112021

you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

MV00112022

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Sketchers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

MV00112023

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

MV00112024

OTHER BUSINESS

1. Denial Resolution: PA10-0022 Municipal Code Amendment – Dark Sky

VICE CHAIR BAKER – We've got Item No. 1, which is the denial of the situation we were talking about last week and John is going to handle that.

PLANNING OFFICIAL TERELL – Basically we drafted a resolution. Hopefully it actually reflects your action. If it does, then you simply need to act to approve Resolution No. 2011-10. You need read the rest of that as that is just part of the Resolution.

VICE CHAIR BAKER – Okay, do we have any discussion on this? We pretty worked this over last time I think, so I am going to ask for a motion to approve this resolution.

COMMISSIONER VAN NATTA – I move that we approve Resolution No. 2011-10

VICE CHAIR BAKER – Do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – It is moved and seconded; all those in favor?

Opposed – 0

Motion carries 5 – 0

VICE CHAIR BAKER – Okay, the next item is the election of Officers

2. Election of Officers

VICE CHAIR BAKER – We're going to hold that off until the next meeting.

PLANNNG OFFICER TERELL – So, on the Election of Officers I do need you to take an action to continue that item if you will

COMMISSIONER OWINGS – I move that we continue the Election of Officers until we have a full Commission.

VICE CHAIR BAKER – Do we have a second?

MV00112025

COMMISSIONER SALAS – Second

VICE CHAIR BAKER – Okay, all those in favor?

Opposed – 0

Motion carries 5 – 0

STAFF COMMENTS

PLANNING OFFICIAL TERELL – Your next meeting is June 12th I believe; is that right? It is the second Thursday…

COMMISSIONER OWINGS – What are we; purple?

PLANNING OFFICIAL TERELL – Actually I think it is earlier than the 12th

COMMISSIONER OWINGS – It is the 9th.

PLANNING OFFICIAL TERELL – It is the 9th; yes. It is the 9th and we are working on several items to bring to you. At that meeting, none of them are finalized but I feel pretty confident that we will have some for that meeting. One; we are working very hard to get to you in June is the Kaiser office building adjacent to the Hospital. That is a 75,000 square foot building that they want to build and start building this year, so we're really close and I think we'll have that one for you. And there a couple of smaller items that might come to you, but until they are set, I'm pretty sure that you are going to have a meeting next month. The other item that we will have on that Agenda; should we at least have one planning item and we could probably have it even if we don't is Suzanne will provide a Brown Act Conflict of Interest Training.

COMMISSIONER OWINGS – You may have to give that to Governor Brown first.

VICE CHAIR BAKER – Okay, is there anything else

PLANNING COMMISSIONER COMMENTS

VICE CHAIR BAKER – Commissioner Ramirez do you have any comments?

MV00112026

COMMISSIONER RAMIREZ – None

VICE CHAIR BAKER - None; okay; Commissioner Owings

COMMISSIONER OWINGS – No

VICE CHAIR BAKER – And Commissioner Salas

COMMISSIONER SALAS – No

VICE CHAIR BAKER – And Commissioner Van Natta

COMMISSIONER VAN NATTA – You kind of thought I would huh…

VICE CHAIR BAKER – I knew you would

COMMISSIONER VAN NATTA – I just want to say that I am in agreement with you that personal attacks don't have any place in making any kind of decisions but someone earlier said that they had made a decision about me and what my decisions were going to be on this Planning Commission based on the fact that I like the name Rancho Belago and I just want to reassure the public that that was just my personal thing. I like the name. It was voted on 5 – 0 by the City Council and I was asking the City Council to follow-up on their decision to implement it and it didn't have connection to anybody else other than me and my own business. Thank you.

VICE CHAIR BAKER – Thank you

ADJOURNMENT

VICE CHAIR BAKER – And with that I will ask for a motion

COMMISSIONER OWINGS – Motion

VICE CHAIR BAKER – And a second

COMMISSIONER RAMIREZ – Second

VICE CHAIR BAKER – All those in favor? Thank you, you are adjourned. Good night, Moreno Valley.

SIGNATURE PAGE TO FOLLOW:

MV00112027

John C. Terell Planning Official Approved	Date

Ray L. Baker Vice Chair	Date

MV00112028

PLANNING COMMISSION
STAFF REPORT

Case:	PA11-0009 (Plot Plan) P11-016 (Master Plot Plan)
Date:	June 9, 2011
Applicant/Owner:	Kaiser Permanente
Representative:	Skyler Dennision
Location:	North side of Iris Avenue, west of Oliver Street and the existing Kaiser Permanente Hospital (APN: 486-310-024)
Proposal:	A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Use Overlay District (MUO).
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

The applicant, Kaiser Permanente has submitted a Plot Plan for a 74,425 square foot medical office building to be constructed west of the existing Kaiser Hospital and Master Plot Plan to incorporate the new building into the Medical Center complex.

Project

The proposed project includes a plot plan for a 74,425 square foot three story medical office building located west of the existing hospital, and a master plot plan to incorporate the new office building into the Medical Center complex.

The project is located within the Office Commercial (OC) zone within the Medical Use Overlay District (MUO). The purpose of the MUO District is to implement the General Plan goal of creating a medical corridor by limiting land uses to those that support and or compatible with the city's two existing hospitals. The project as designed and conditioned meets the objectives and requirements of OC zone and the MUO District.

Site/ Surrounding Area

The project site is located on the north side of Iris Avenue, west of Oliver and adjacent to the existing Kaiser Hospital site. Properties to the north and west are zoned LM (Low/Medium Residential) within the AquaBella Specific Plan 218 (SP218). To the south are existing single family residential within the Moreno Valley Ranch Specific Plan 193 (SP193). Properties to the east include the existing hospital zoned Community Commercial, and the two vacant properties east of the hospital zoned Neighborhood Commercial and Office, all within the MUO District.

Access/Parking

The project will have access from Iris Avenue at the location of the existing driveway (west of the existing hospital) with an additional driveway added along the western property line. The existing driveway will be redesigned with a traffic circle to accommodate vehicles visiting the existing hospital and the new medical office building. A drop off area for visitors is provided west of the traffic circle. Pedestrian access is provided by sidewalks adjacent to each driveway.

Parking was calculated at one space per 225 square foot per the City's Municipal Code for Office use. A total of 331 spaces are required for an office use with 74,425 square feet and the applicant has proposed 382 parking spaces. Customer parking is provided south of the building with employee parking provided to the north of the building. Bicycle parking will be provided per the City's Municipal Code requirements.

Design/Landscaping

The design of the proposed office building is in conformance with the Office Commercial design standards and is consistent and complementary with the existing hospital.

The building is a contemporary design using glass, spandrel glass and metal to accent the front of the building. Several levels of metal overhangs including a canopy at the loading/unloading area provide dimension to the building with several earth colors adding depth. The rear of the building provides several rooflines for visual interest.

The colors include earth tones which are consistent with the existing hospital's color palette.
The site has been designed with a courtyard area between the new office building and the existing hospital site to create the campus-like environment. The courtyard area will have tree planters and benches, including bollards and landscaping accents adjacent to the traffic circle to accommodate both daily needs and larger special hospital sponsored events.

The building will be set back several hundred feet from Iris Avenue with 45 feet of landscaping adjacent to the public right-of-way and six rows of parking stalls with landscape areas between each row. The site design and architecture of the project meet and generally exceed City requirements.

REVIEW PROCESS

A Pre-Application Review was submitted and reviewed in November 2010, with staff providing comments to the applicant. The applicant formally submitted the project in February 2011. The Project Review Staff meeting was subsequently held where a few minor revisions were requested by staff. The applicant addressed the comments and resubmitted the plans for review and approval. All relevant issues have been adequately corrected to the satisfaction of all parties.

ENVIRONMENTAL

An Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) is justified as the projects PA11-0009 and P11-016 are within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan), previously approved for the same site. The Negative Declaration adequately describes the project for the purpose of the California Environmental Quality Act (CEQA) with no changes or additions to the original approval PA06-0133 per 15164 (b) and/or Section 15162.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
Riverside County Flood Control	March 16, 2011	The project is located within the limits of the District's Moreno Area Drainage Plan. Fees have been adopted.

STAFF RECOMMENDATION

That the Planning Commission **APPROVE** Resolution No. 2011-17 and thereby:

1. **RECOGNIZE** that PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) qualify for an Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) as the project is within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan); and,

2. **APPROVE** PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) subject to the attached conditions of approval included as Exhibit A.

Prepared by:

Julia Descoteaux
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-17 with Conditions of Approval
3. Zoning Map
4. Aerial Map
5. Project Plan

Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASES: **PA11-0009 (Plot Plan)**
P11-016 (Master Plot Plan)

APPLICANT: **Kaiser Permanente**

OWNER: **Kaiser Foundation Hospitals**

REPRESENTATIVE: **Skyler Dennision**

LOCATION: **27300 Iris Avenue**
(APN: 486-310-024)

PROPOSAL: A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Office Overlay District (MOU).

ENVIRONMENTAL DETERMINATION: An Addendum to the Negative Declaration has been prepared pursuant to Section 15164 of the California Environmental Quality Act Guidelines. None of the conditions described in Section 15162 of the Guidelines that call for preparation of a subsequent Negative Declaration have occurred. Also, no changes or additions are required to the Negative Declaration.

COUNCIL DISTRICT: 3

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

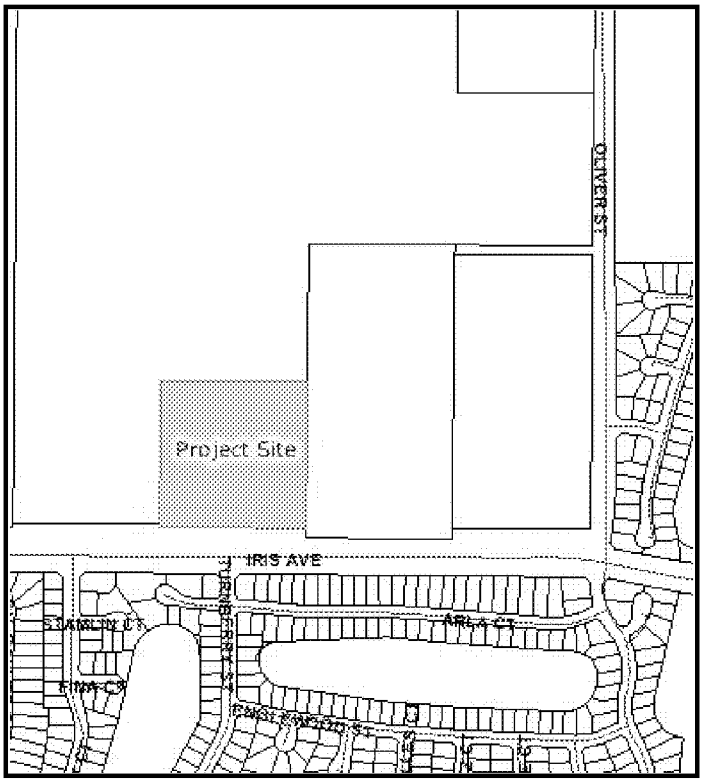

LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: June 9, 2011at 7 PM

CONTACT PLANNER: Julia Descoteaux

PHONE: (951) 413-3209

ATTACHMENT 1

MV00112034

PLANNING COMMISSION RESOLUTION NO. 2011-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA11-0009 (PLOT PLAN) AND P11-016 (MASTER PLOT PLAN) FOR THE CONSTRUCTION OF A 74,425 SQUARE FOOT THREE STORY MEDICAL OFFICE BUILDING LOCATED ON THE NORTH SIDE OF IRIS AVENUE, WEST OF OLIVER STREET ON PARCEL 486-310-024.

WHEREAS, Kaiser Permanente has filed an application for the approval of PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) for a medical office complex on as described in the title of this Resolution.

WHEREAS, on June 9, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the application.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on June 9, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The proposal for the medical office complex is consistent with the General Plan, its goals, objectives, policies and programs.

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The proposed medical office complex is located within the Medical Use Overlay District (MUO) which was designed to create a medical corridor. The MUO corridor limits land uses to those that are supportive of and compatible with the City's two existing hospitals. The proposed project is adjacent and supportive to the existing Kaiser Hospital.

2. **Conformance with Zoning Regulations –** The proposed use complies with all applicable zoning and other regulations.

   FACT: The proposed project is zoned Office Commercial (OC). The proposed medical office is consistent with the goals and objectives of the Office Commercial zoning.

3. **Health, Safety and Welfare –** The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed medical office building would not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding area. An Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), Section 15164 (b) is justified as the projects PA11-0009 and P11-016 are within the scope of the Negative Declaration approved for Plot Plan (PA06-0133), previously approved for the same site. The Negative Declaration adequately describes the project and pursuant to the California Environmental Quality Act (CEQA), no new issues are raised that would require additional environmental review pursuant to Section 15162.

   As designed and conditioned, the project will not be detrimental to public health, safety or welfare and will not result in significant environmental impacts.

4. **Location, Design and Operation –** The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The design of the proposed medical office building is in conformance with the Office Commercial zoning and the Medical Use Overlay District. As designed, the medical office building will consist of a three story, 74,425 square foot building. The building will be set back from Iris Avenue and provide parking and landscaping. Additionally, the project is designed with a courtyard area between the existing hospital and the proposed building

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creating a campus like environment. The proposed use would be in conformance with the existing surrounding development and is consistent with all applicable goals, objectives, policies and programs of the General Plan and the City's Municipal Code.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA11-0009 and P11-016, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d) (1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

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failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-17 approving PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) for the medical office located on parcel 486-310-024 subject to the attached conditions of approval included as Exhibit A.

APPROVED this 9th day of June, 2011.

_____
Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

_____
John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

_____
City Attorney

Attached: Conditions of Approval

MV00112038

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA11-0009 PLOT PLAN
P11-016 MASTER PLOT PLAN
APN: 486-310-024

APPROVAL DATE: **June 9, 2011**
EXPIRATION DATE: **June 9, 2014**

_X_ Planning (P), including School District (S), Post Office (PO), Building (B)
_X_ Public Works, Land Development (LD)
_X_ Public Works, Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Fire Prevention Bureau (F)
_X_ Moreno Valley Utilities

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P2. The site shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map Act	

EXHIBIT A

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P6. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

P8. **The site has been approved for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. A change or modification shall require separate approval.**

P9. **To reduce noise impacts to below the level of 55 dBA at one time beyond the boundaries of the property, delivery operations will be conducted between the hours of 8am and 5pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140, CEQA)**

Prior to Issuance of Grading Permits

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P11. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P12. (GP) Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division, and Public Works Department – Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW- Special Districts.

P13. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community & Economic Development Department - Planning Division for review and approval.

P14. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)

P15. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project.

P16. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:

A. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.

B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.

C. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zoned property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Community & Economic Development Director. (DC 9.08.070)

PRIOR TO BUILDING PERMITS

P17. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P18. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P19. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P20. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P21. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional

plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public right-of-way if needed to screen vehicle lights from the street.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
D. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feel of building dimension for the portions of the building visible from parking lot or ROW and 1 tree per thirty (30) linear-feet of parking lot adjacent to the interior of the property. Trees may be massed for pleasing aesthetic effects.
E. Street trees shall be planted at an equivalent of one (1) tree per forty (40) foot on center along the Iris Street frontage.
F. Enhanced landscaping shall be included at all driveway and corner locations
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosure shall be provided.

P22. (BP) Prior to the issuance of building permits, the site plan shall include landscape for trash enclosures to include landscape on three sides, while elevation plans for trash enclosures shall be provided that include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development.

PRIOR TO CERTIFICATE OF OCCUPANCY

P23. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)

P24. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P25. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans, and shall include:

A. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16' in diameter, and include additional 12" concrete step-outs and curbing.
B. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
C. Street trees shall be planted at an equivalent of one (1) tree per forty (40) foot on center along the Iris Street frontage.
D. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feel of building dimension for the portions of the building visible from parking lot or ROW and 1 tree per thirty (30) linear-feet of parking lot adjacent to the interior of the property. Trees may be massed for pleasing aesthetic effects.
E. Enhanced landscaping shall be included at all driveway and corner locations.
F. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan). (Ldscp)
G. Landscaping for detention basins maintained by a Homeowner's Association.
H. Site clean-up shall be completed.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the Building & Safety Division as a separate submittal. The 2010 edition of the California Codes became effective for all permits issued after January 1, 2011.

B2. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B3. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community & Economic Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA11-0009 – Plot Plan for a Three-Story Medical Office Building
APN 486-310-024

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC).

LD2. (G) If it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage

study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

LD10. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD11. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD12. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD13. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be

submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD18. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at

the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD19. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD20. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD21. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD22. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Improvement Plan Approval or Construction Permit

LD26. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD29. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD30. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

LD31. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD32. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD33. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD34. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD35. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD36. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD37. (BP) Prior to issuance of building permits for non-subdivision projects, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD38. (BP) Prior to issuance of building permits for non-subdivisions, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD39. (BP) Prior to issuance of a building permit, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of permit issuance. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public

Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to obtain a building permit 90 days prior to the City's issuance of a building permit and the financial option selected. (California Government Code & Municipal Code)

LD40. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

Prior to Certificate of Occupancy

LD41. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD42. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD43. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, landscaping and irrigation, medians.

b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

SPECIAL CONDITIONS

LD47. Prior to grading plan approval, the plans shall clearly show the extent of all existing easements on the property. All building structures shall be constructed outside of existing easements.

LD48. Prior to grading plan approval, written permission must be obtained from off-site property owner(s) for all off-site grading and easements. All on-site and off-site easements shall be shown on the grading plan.

LD49. Prior to grading plan approval, the developer shall secure any off-site drainage easements from the off-site property owner(s) to ensure the proper drainage for this project.

LD50. Prior to grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for offsite construction, including easements.

LD51. Prior to grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, an emergency spillway in the basin. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD52. Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627, modified to include a fully covered, solid roof.

LD53. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD54. Prior to issuance of a building permit, a four-foot minimum right-of-way dedication for pedestrian purposes shall be submitted for review and approval for the west driveway approach per City Standard 118C and the east driveway approach if the east driveway approach is designed as a driveway and not as a street intersection. No decorative pavers shall be placed within the public right-of-way.

LD55. Prior to issuance of a building permit, additional right-of-way, as may be required, shall be dedicated and submitted for review and approval for the east project entrance including corner cutback areas per City Standard 208, to allow this entrance to be designed as a street intersection, including an easement for loop detector maintenance, if the intersection requires signalization.

LD56. Prior to issuance of a building permit, a two-foot public access easement for the portion of curb-separated sidewalk that will be located outside of the public right-of-way, along Cactus Avenue, shall be dedicated. The legal description

and plat shall be submitted for review and approval prior to issuance of a building permit.

LD57. Prior to issuance of a building permit, the developer shall schedule a walk through with a Public Works Inspector to inspect existing improvements within the public right-of-way along project frontage. The developer will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The developer shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.

LD58. The developer shall prepare and submit for approval a project specific Final Water Quality Management Plan (F-WQMP) for this project. The F-WQMP shall be consistent with the approved P-WQMP and in full compliance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading or building permits. At a minimum, the F-WQMP shall include the following: Site Design Best Management Practices (BMPs); Source Control BMPs; Treatment Control BMPs;

Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD59. The developer shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project POC include: nutrients, organic compounds, and pathogens (bacteria and viruses). Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.

LD60. Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The developer has proposed to incorporate the use of two enhanced bioswales for treatment control. Final design details of the treatment control BMPs must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document.

LD61. The developer shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD62. The developer shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.
c. That the developer is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA11-0009 (PP for a 74,425 sq ft Medical Bldg) and P11-016 (Master PP)
APN: 486-310-024
03.22.11 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA11-0009**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services), C (Arterial Street Lighting), E (High-Service-Level Parkway Landscape Maintenance), and the NPDES (National Pollutant Discharge Elimination System) program. All assessable parcels therein shall be subject to annual Zone A, Zone C, Zone E, and NPDES charges for operations and capital improvements.

SD-2 All landscaping behind the curb shall be the responsibility of the developer, including the existing strip of turf between the curb and the sidewalk. Special Districts currently maintains this area, but will relinquish responsibility to the applicant at the appropriate time. The developer shall coordinate modification of the irrigation system and tie-in with future on-site irrigation. Existing irrigation main-line supply to this area will be capped off outside of the project boundary when appropriate.

SD-3 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for

incorporation into Moreno Valley Community Services District **Zone E,** shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-4 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.

SD-5 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-6 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

SD-7 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD-8 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

Prior to Building Permit Issuance

SD-9 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the

assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD-10 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)

SD-11 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department–Planning Division, and the Public Works Department–Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-12 (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

Transportation Engineering Division – Conditions of Approval

General Conditions:

TE1. All proposed on-site traffic control should be accordance with the 2010 California Manual on Uniform Traffic Control Devices (CAMUTCD).

Prior to the issuance of building permits:

TE2. Driveways shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. 118C for commercial driveway approaches.

TE3. Sight distance at all proposed driveways shall conform to City of Moreno Valley Standard No. 125 & 126 at the time of preparation of final grading, landscape, and street improvement plans.

TE4. A traffic signal and lighting plan shall be prepared by a registered civil engineer for the intersection of Iris Avenue and the main site driveway. Additional on-site and off-site right-of-way and/or easements may be required to accommodate traffic signal equipment. Additional equipment may include, but not be limited to, the following: signal poles, controller cabinets, loop detectors, signage, pull-boxes, and conduits.

TE5. A street improvement plan shall be prepared by a registered civil engineer for the construction of raised median modifications on Iris Avenue at the main site driveway. Median improvements shall be constructed in accordance with an approved alignment study. The eastbound left turn lane at the main project driveway shall be modified to provide a minimum of 250 feet of vehicle storage.

TE6. A communication conduit plan shall be prepared by a registered civil engineer for the installation of communication conduits along the project frontage in accordance with City Standard Plans.

TE7. A signing and striping plan shall be prepared by a registered traffic or civil engineer for all required signing and striping improvements along the property frontage.

Prior to the issuance of certificate of occupancies:

TE8. Communication conduits shall be installed along the entire project frontage of Iris Avenue to the satisfaction of the City Traffic Engineer.

TE9. All required traffic signal, signing, striping, and median improvements along Iris Avenue shall be implemented and approved to the satisfaction of the City

Traffic Engineer.

FIRE PREVENTION BUREAU

1. Complete and return attached fire flow letter.
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering _3625__ GPM for_4__ hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) . The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)

F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)

F6. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F7. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty–four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F16. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F19. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible

location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any

other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F21. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)

F22. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F23. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F24. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F25. Prior to construction, "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.050)

F26. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F27. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the

premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F28. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F30. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or

areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F31. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F32. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its

spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F33. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F34. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F35. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F37. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

FIRE FLOW LETTER

Date:	1/10/11	**Address:**	
Case Number:	PA11-0009/ P11-016	**A.P.N.:**	486-310-023

This is certification the water system is capable of meeting the following required fire flows
as determined by the California Fire Code Appendix B.

Based on the information provided on the above referenced case. The fire flow required for this project will be ___3625___ G.P.M. for duration of __4__-HOURS measured at 20-psi residual pressure.

The required fire flow may be adjusted during the approval process to reflect changes in design, construction type or automatic fire protection measures as approved by the Fire Prevention Bureau.

Applicant/ Developer: _____

By: _____ **Date:** _____

Title: _____

WATER AGENCY APPROVAL

Name of Agency: _____

Address: _____

Telephone: _____ **Date:** _____

By: _____ **Title:** _____

NOTE: **THE COMPLETION AND SUBMITTAL OF THIS LETTER TO THE FIRE PREVENTION BUREAU SHALL NOT BE CONSTRUED AS APPROVAL FOR THE INSTALLATION OF THE REQUIRED FIRE HYDRANT (S) AND/OR WATER SYSTEM.**

PUBLIC WORKS DEPARTMENT
Moreno Valley Utility

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA11-0009; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up"

facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development may be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. If the project is subject to a Reimbursement Agreement, payment(s) shall be required prior to issuance of building permit(s).

PA11-0009 & P11-016

Kaiser

Legend

- Selected Features
- Highways
- Bike Ways
- Existing
- Proposed
- Circulation Plan
- Divided Major Arterial
- Divided Major Arterial - Reduced Cross Section
- Divided Arterial - 6 lane
- Divided Arterial - 4 Lanes
- Arterial
- Minor Arterial
- Minor Arterial - Pigeon Pass Cross Section
- Collector
- Master Plan of Trails
- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State
- Parcels
- Roads
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Waterbodies
- City Boundaries

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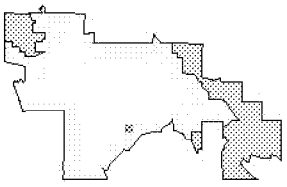

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY
WHERE DREAMS TOUR

ATTACHMENT 3

PA11-0009 & P11-016

Kaiser

Legend

- Highways
- Bike Ways
- Existing
- Proposed
- Circulation Plan
- Divided Major Arterial
- Divided Major Arterial - Reduced Cross Section
- Divided Arterial - 6 lane
- Divided Arterial - 4 Lanes
- Arterial
- Minor Arterial
- Minor Arterial - Pigeon Pass Cross Section
- Collector
- Master Plan of Trails
- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State
- Parcels
- Roads
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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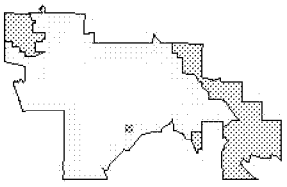

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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MORENO VALLEY
WHERE DREAMS SOAR

ATTACHMENT 4

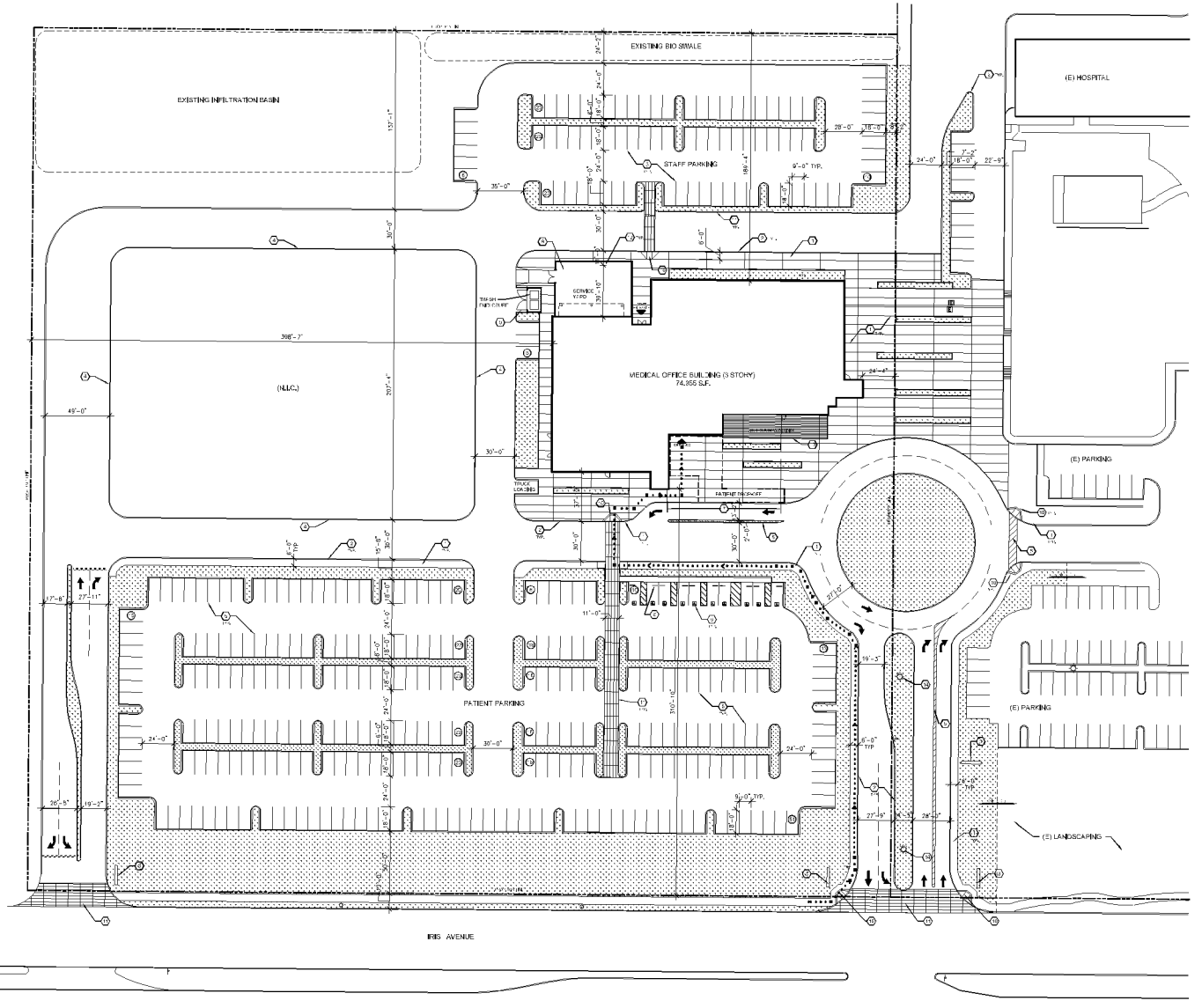

SITE LEGEND

- PROPERTY LINE
- LANDSCAPE AREA
- CONCRETE HARDSCAPE
- (E) EXISTING
- (N) NEW
- ADA ACCESSIBLE PATH OF TRAVEL

SITE PLAN KEYNOTES

1. CONCRETE RIDGEWALKWAY HARDSCAPE.
2. CONCRETE CURB AND GUTTER.
3. KAISER MONUMENT SIGN.
4. ASPHALT CURB AND GUTTER.
5. PARKING STRIPING PAVEMENT MARKINGS.
6. ACCESSIBLE PARKING STRIPING, MARKINGS AND SIGNAGE.
7. 6" RAISED CURB.
8. CONCRETE WHEEL STOP.
9. METAL GATE.
10. CURB RAMP.
11. DECORATIVE CONCRETE PAVING.
12. CAR VAULT.
13. ORNAMENTAL FENCE.
14. LIGHT STANDARD.
15. 12" WIDE CONCRETE STEPS (TYP.).

SITE DATA

PARKING REQUIREMENTS

PARKING REQUIREMENTS PER CITY OF MORENO VALLEY MUNICIPAL CODE (MVMC) 9.11

1 SPACE PER 250 SQ. FT. 74,955 SQ. FT. / 250 = 300 SPACES REQUIRED

TOTAL PARKING PROVIDED:

STANDARD PARKING: 329 SPACES
ACCESSIBLE PARKING: 10 SPACES
TOTAL: 329 SPACES PROVIDED

HMC Architects

MORENO VALLEY IRIS MOB

February 25, 2011

0 30' 60' 120'

SITE PLAN

PLANNING REVIEW SUBMITTAL

APN # 486-310-021
CITY OF MORENO VALLEY CASE #P10-006

KAISER PERMANENTE

ATTACHMENT 5

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MV00112072

PLANNING COMMISSIONERS

RAY L. BAKER
Chair

VACANT
Commissioner

GEORGE SALAS, JR.
Vice-Chair

AMBER CROTHERS
Commissioner

THOMAS A. OWINGS
Commissioner

CARLOS RAMIREZ
Commissioner

MELI VAN NATTA
Commissioner

PLANNING COMMISSION AGENDA

July 14, 2011

PLANNING COMMISSION MEETING – 7:00 P.M.

CITY OF MORENO VALLEY
City Hall Council Chambers
14177 Frederick Street
Moreno Valley, California 92553

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC ADVISED OF THE PROCEDURES TO BE FOLLOWED IN THE MEETING

(ON DISPLAY AT THE REAR OF THE ROOM)

COMMENTS BY ANY MEMBER OF THE PUBLIC ON ANY MATTER WHICH IS NOT LISTED ON THE AGENDA AND WHICH IS WITHIN THE SUBJECT MATTER JURISDICTION OF THE COMMISSION

The City of Moreno Valley complies with the Americans with Disabilities Act of 1990. If you need special assistance to participate in this meeting, please contact Mel Alonzo, ADA Coordinator at (951) 413-3027 at least 48 hours prior to the meeting. The 48-hour notification will enable the City to make arrangements to ensure accessibility to this meeting.

MV00112073

NON-PUBLIC HEARING ITEMS

APPROVAL OF MINUTES

1. April 14, 2011

2. May 12, 2011

PUBLIC HEARING ITEMS

1.

Case Number:	PA11-0009 P11-016
Case Description:	Construction of a new three story medical office building.
Case Type:	Plot Plan Master Plot Plan
Applicant:	Kaiser Permanente
Owner:	Kaiser Foundation Hospitals
Representative:	Skyler Dennision
Location:	27300 Iris Avenue (APN: 486-310-024)
Proposal:	A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Office Overlay District (MOU).
Case Planner:	Julia Descoteaux

Recommendation: **APPROVE** Resolution No. 2011-17 and thereby:

1. **RECOGNIZE** that PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) qualify for an Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) as the project is within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan); and,

2. **APPROVE** PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) subject to the attached conditions of approval included as Exhibit A.

MV00112074

OTHER BUSINESS

STAFF COMMENTS

PLANNING COMMISSIONER COMMENTS

ADJOURNMENT

MV00112075

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MV00112076

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
APRIL 14TH, 2011

CALL TO ORDER

Vice Chair Baker convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

Introduction of New Commissioners:
Amber Crothers
Thomas Owings
Carlos Ramirez
Meli Van Natta

VICE CHAIR BAKER – At this time I'd like to call forward the Director of Planning, John Terrell, to introduce our new Commissioners. I believe we are going to have a swearing in ceremony too.

PLANNING OFFICIAL TERELL – Yes, I'd like to call forward the four new Commissioners as well as our City Clerk to kind of gather around the microphone. That would be Thomas Owings, Meli Van Natta, Amber Crothers and Carlos Ramirez. We often have one new Commissioner or two new Commissioners and I do recall once having three new Commissioners at one time, but this is the first time we've had four at one time, so we're going to do our first act of togetherness and do the swearing in together.

CITY CLERK HALSTEAD – Can you please raise your right hand and repeat after me.

A. CROTHERS, T. OWINGS, C. RAMIREZ & M. VAN NATTA - I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies foreign and domestic; that I do bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely without any mental reservation or purpose of evasion and at I will well and faithfully discharge the duties upon which I am about to enter.

MV00112077

ROLL CALL

Commissioners Present:
Vice Chair Baker
Commissioner Crothers
Commissioner Dozier
Commissioner Owings
Commissioner Ramirez
Commissioner Salas, Jr.
Commissioner Van Natta

Staff Present:
John Terell, Planning Official
Claudia Manrique, Associate Planner
Mark Gross, Senior Planner
Jane Halstead, City Clerk
Eric Lewis, Traffic Engineer
Mark Sambito, Principal Engineer, Land Development
Randy Metz, Fire Marshall
Paul Early, Deputy City Attorney

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

VICE CHAIR BAKER – Okay, now we'll do the approval of the Agenda. Do I have a motion?

COMMISSIONER SALAS – I move for approval

COMMISSIONER CROTHERS – Second

VICE CHAIR BAKER – Okay, a motion and a second? All those in favor?

Opposed – 0

Motion carries 7 – 0

MV00112078

PUBLIC HEARING ITEMS

VICE CHAIR BAKER – The public is advised of the procedures to be followed in this meeting and these are on display at the rear of the room.

PUBLIC COMMENTS

VICE CHAIR BAKER – At this point in time we'll have comments by any member of the public on any matter which is not listed on the Agenda and which is within the subject matter jurisdiction of this Commission. I do have two Speaker Slips in front of me, so Marcelo Co would you like to come forward first and state your name and address.

SPEAKER CO – My name is Marcelo Co. My address is 16571 Saddlebrook Lane, Moreno Valley, 92551. I just want to congratulate all of you in terms of your service to the City of Moreno Valley. I know it is going to be a long, hard road ahead of you because of the financial situation we are in, however I want you to understand that we are here to serve the people of this City. Please understand that we must move forward with all the necessary things to bring in jobs, to bring in credibility back to our City, so if you and all of you can think of ways and means of bettering the City, please do so. Thank you very much.

VICE CHAIR BAKER - Our next Speaker is Michael Geller please.

SPEAKER GELLER – This is the first time in a long time that actually at this meeting I have never spoken on this side of the dais to the Planning Commission. Just want to welcome all of you and congratulate all the new members. Like I say I vaguely remember my first day up there which is a long time ago. There is much to do and I have the confidence and I know almost all of you fairly well and I certainly have the confidence that you all are going to do a great job and think for yourselves and make your own decisions based on the information you have in front of you. So anyway, best of luck.

VICE CHAIR BAKER – Thank you Michael. Now we are going to move forward to the approval of the minutes.

NON-PUBLIC HEARING ITEMS

MV00112079

APPROVAL OF MINUTES

VICE CHAIR BAKER – We have three meetings here that we need to get approved. It is the Commission Meeting Minutes for December 9th, 2010, Commission Meeting Minutes for January 27th, 2011 and the Commission Meeting Minutes of February 24th, 2011. Do I have a motion?

PLANNING OFFICIAL TERELL – Before you do that; I'm sorry Vice Chair… I just wanted to advise the new members that we do have a quorum tonight. We don't expect you vote for the minutes but you should abstain and we will put that on the record.

VICE CHAIR BAKER – Okay, thank you John

COMMISSIONER SALAS – I move to approve the minutes

COMMISSIONER DOZIER – I second

VICE CHAIR BAKER – Thank you… vote

Opposed – 0

Abstentions – Commissioner Crothers
Commissioner Owings
Commissioner Ramirez
Commissioner Van Natta

Motion carries 3 – 0 – 4, with four Abstentions

PUBLIC HEARING ITEMS

1. Case Number: PA07-0129 (Tentative Tract Map No. 35606)

Applicant: Cal Land Engineering (Kevin Tsai)
Case Planner: Claudia Manrique, Associate Planner

VICE CHAIR BAKER – Do you want to present the project please?

ASSOCIATE PLANNER MANRIQUE – Good evening I'm Claudia Manrique, Project Planner. The proposed Tentative Tract Map is an Infill Project that will finish out the balance of tract development within the surrounding area at the R5 standard.

MV00112080

The parcel is located at the end of Metric Drive which is west of Perris Boulevard, east of Hubbard Street and south of Kalmia Street. The design of the proposed single family residential tract is in conformance with the R5 standards. The project will subdivide the 4.8 acres into 16 single family lots. The fences and walls for this tract are conditioned to be consistent with the provisions in the code. Decorative block walls are required at the street sideyards of all corners as well as the eastern boundary of the tract facing Perris Boulevard. The pedestrian connector cuts between lots 8 and 9 creating a reverse frontage along Perris Boulevard. This connector is also the walkway that will provide a safe and direct for students to the elementary school route, which is across the street on Perris Boulevard. The reverse frontage is considered side lot yards and will be maintained by the future residents.

Public notice was sent to property owners within 300 feet of the project as well as posted on site and in the Press Enterprise newspaper. As of today I had two phone calls regarding the project and three groups of neighbors who visited the counter. They just had questions of the tract design and if Perris Boulevard was going to go through or not.

Staff recommends that the Planning Commission recognize that Tentative Tract Map 35606 qualifies as exemption according to CEQA, Section 15332 and approve Resolution 2011-12, approving PA07-0129 based on the findings on the Resolutions and Conditions of Approval. Thank you.

VICE CHAIR BAKER – Thank you Claudia. Now we are going to open the meeting up to any questions the Commissioners may have of Staff on this particular project.

PLANNING OFFICIAL TERELL – Are there any questions at this time?

VICE CHAIR BAKER – Yes Commissioner Salas has a question

COMMISSIONER SALAS – The block wall along Perris Boulevard; that's a block wall I gather; is there landscaping in front of that?

PLANNING OFFICIAL TERELL – The landscaping will be installed when homes are built. That will actually be somebody's side yard. This particular…

COMMISSIONER SALAS – On the other side of the wall on Perris Boulevard

PLANNING OFFICIAL TERELL – Right that's one of the reasons for having the opening in the walkway, so people would have access to their side yard. It is similar to many tracts… your side yard is outside a wall on the side street, but the reason why we've conditioned it on the owners of those properties is that this tract is too small to have a landscape district and there is no other landscape

MV00112081

districts nearby, so it would be very expensive or onerous to apply that to those individual owners to pay for the City to maintain the reverse frontage.

COMMISSIONER SALAS – So to clarify, it is the homeowner's responsibility to maintain the landscaping on Perris Boulevard as part of their lot

PLANNING OFFICIAL TERELL – Correct it would be their side yard…yes

COMMISSIONER SALAS – Can we make sure that they do it?

PLANNING OFFICIAL TERELL – Well it will be required to be installed when the house is built, so that would be reviewed and approved, the design of the landscaping and then it would be… it's a condition of approval on the tract, so that condition would flow to that owner and then just like anybody else, I guess that doesn't maintain their front yard, that would be a code enforcement issue potentially.

COMMISSIONER SALAS – So my concern is the landscaping on Perris Boulevard and if they don't landscape it, it is going to look terrible out there. So I was just wondering if there was anything we can do; any restriction or anything that we can put on the homeowner to make sure that that is done… I guess not, right?

PLANNING OFFICIAL TERELL – Well I don't think there are any restrictions you can put on any homeowner or anything, but you can ensure it. The best way to ensure it is the landscaping will be installed with the irrigation at the time the home is built, so it will already be there. There won't be… like when you buy a tract home that the landscaping will be there and if it fails to be maintained it will be a code enforcement action. Again, it is a requirement based on this condition of approval owner, but obviously the only way you can make them do it is to have some kind of enforcement if it is not done.

COMMISSIONER SALAS – Okay then I can say I understand it, I don't like it, but I understand it.

PLANNING OFFICIAL TERELL – It is not the best thing but again the opening will make it feel a little more like it is part of their yard then if it was on the other side of a wall and they never saw it.

COMMISSIONER SALAS – Okay, alright.

VICE CHAIR BAKER – Okay

COMMISSIONER CROTHERS – Hi, I had a question about the opening that leads to Perris Boulevard. I know I personally live by one of the high schools in the City and I know that there is a lot of traffic that comes with the school and

MV00112082

being next to the school. How is that traffic from the school going to affect this 16 home community when there is this opening for the school? Like is it going to… like at 7 and 3 in the afternoon are they not going to be able to get into their homes in and out without having a line of cars in the way. Is that going to affect the traffic in that area at all?

PLANNING OFFICIAL TERELL – I would anticipate that it wouldn't have a major impact because the school is an elementary school; while the school is nearby, it is across the Perris Boulevard so it wouldn't be very convenient for people to go down the street to let their children out to go across a four-lane arterial. Basically the idea is people from this neighborhood could go through there and then up at the signal cross to get to school, but I'll defer to Eric Lewis our Traffic Engineer to see if he wanted to add on to that.

TRAFFIC ENGINEER LEWIS – Yes we provide for pedestrian access to the school but I wouldn't anticipate any traffic problems with this related to the school.

COMMISSIONER CROTHERS – I know that… I live like I said right by a high school and the homes that open to the high school and I know that every time that I have to drive through there at 7 am or 3 pm, I'm like oh my goodness, you know I can't get through here there is so much traffic and I can't even imagine living in one of those homes right there and having all of that traffic you know blocking the street lights to get into the neighborhood. My question is you know, I understand that it is an elementary school and that not everybody who attends there drives, but I do know that there is a crosswalk close to this exit to Perris, so my concern would be all the traffic from the parents dropping off inside this cul-de-sac which is nice and closed off and they can let their kids out and their kids can run to the crosswalk to get across to the school, so my concern would be traffic that would be caused by having that opening to Perris from the school, because you know I know that if I were a parent and this place opened, I would probably drive to the end of the cul-de-sac and let my kid off to run to the crosswalk to get across the street rather than deal with all the traffic that is on Perris Boulevard, because I've been in that traffic also, so that's just my concern.

COMMISSIONER DOZIER – I'm trying to understand the quickest way for the kids to come from this complex to get to the school. If that is open, is there sidewalk and gutter there? Is there sidewalk and gutter up to the light? Where is the nearest light? Is it Kalmia?

PLANNING OFFICIAL TERELL – It is at Kalmia and this particular subdivision would build sidewalks along its frontage and I'll defer. I don't know if Mark Sambito, Land Development Engineer knows if there is sidewalk up to the crosswalk. If there is not it would be appropriate to add a condition to make sure there is a paved surface there.

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COMMISSIONER DOZIER – Okay so you're saying… I'm waiting for his response. Is there paved sidewalk up to the…

LAND DEVELOPMENT ENGINEER SAMBITO – Commissioner Dozier, the Transportation Department has a condition here with regards to the sidewalk that you are asking about. I don't have any recollection of there being one there or not, but TE15 makes reference that if there isn't a sidewalk along Perris Boulevard that one shall be constructed up to that intersection that you are asking about at Kalmia.

COMMISSIONER DOZIER – Okay, all the way up to the intersection?

LAND DEVELOPMENT ENGINEER SAMBITO – Yes that is correct

COMMISSIONER DOZIER – Okay, so that's a condition of the project?

LAND DEVELOPMENT ENGINEER SAMBITO – Yes, TE15

COMMISSIONER DOZIER – And there is a light there at Kalmia and Perris Boulevard?

LAND DEVELOPMENT ENGINEER SAMBITO – That's correct, there is

COMMISSIONER DOZIER – So that's how the kids would get access to the school actually?

LAND DEVELOPMENT ENGINEER SAMBITO – Yes sir

COMMISSIONER DOZIER – Okay, thank you

COMMISSIONER VAN NATTA - I share the concern about the traffic on that street in looking at where the other streets are in relationship to somebody coming from that side that there might be both foot traffic and cars going there and dropping people off in that neighborhood; dropping kids off in that neighborhood so that they can access the school. I can see where that would be a concern and from what you are saying earlier about the reason for that pedestrian walkway there was twofold. One would allow students from that neighborhood to access the elementary school and the other one was to allow people to feel like that outside landscape area was theirs and they should maintain it. Okay I think if that outside area there that is theirs to maintain is not visible from their house because there is a wall there, there is going to be a constant battle about that.

There are two things that I would like to ask why we can't do it; one is instead of having irrigation and green landscaping there, what about putting in some type of attractive hardscape there that does not require water and tending to keep it

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looking nice and the other one is I don't really see the reason to have a walkway there at all. I think it would just cause more problems within that neighborhood. When people buy a home with a cul-de-sac, quite often the reason for it is that they don't want traffic, they want an enclosed place where their children will be safe going out and riding their trikes around the cul-de-sac or whatever. I think I would or my opinion would be to not have a walkway there at all.

PLANNING OFFICIAL TERELL – Yes at this point in time I just want to be cautionary. This is just the time for questions. We'll have deliberations in just a little bit, but yes one of the reasons obviously was to provide access to the school. I do want to note that this is not a neighborhood elementary school. This is magnet school, so the number of children coming from this neighborhood may be a lot or not, based on being a magnet school. It is not a neighborhood school.

Definitely there are alternatives to irrigated landscaping, so certainly that's a point of discussion for the Commission when they get into deliberations and the other reason is really to allow people to get around a neighborhood without having to get into their cars. Theoretically you couldn't walk a block to the other side. You are going many, many blocks to get to the same place and one of the things that is encouraged these days is really to have more pedestrian access so you encourage and don't require; encourage people to drive less and possibly walk more if something is close by, but I understand. People often at the end of a cul-de-sac don't want any traffic. This particular subdivision, should it be approved in this fashion, they would be aware of that when they purchased the houses and we've had several subdivisions that have had these kinds of openings and they've been popular with some people obviously and people have bought those houses in those subdivisions when they have immediate access.

The only downside of hardscape is regardless of what kind of hardscape you get, the weeds eventually grow through it and that kind of maintenance would still be the responsibility of the property owner if in fact cracks develop in the hardscape and weeds grow, so that's the only downside is that there might still be a maintenance problem, it would just be a different maintenance problem.

COMMISSIONER VAN NATTA – Without the expense of the watering certainly

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA - Thank you.

PLANNING OFFICIAL TERELL – Yes the other thing and Claudia just reminded me is there wouldn't be any trees; there wouldn't be any street trees along this location if there was no irrigation which is a typical requirement of every subdivision to have street trees every 40 feet, so that would also be a potential issue.

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COMMISSIONER DOZIER - Do you happen to know how most of the kids are getting to that school now from there because there are a lot of houses to the west and I know it is a magnet school, so it limits really the number of kids that are coming from this community, but I can't see a direct route walking. I can see the driving route, might that be the only direct walking access that that community could get to Perris without going out to Hubbard?

PLANNING OFFICIAL TERELL – I suspect it is. If you look at the aerial closely, there is a line that goes from the end of Metric over to Perris, which shows there is a pedestrian path that is informally there already. Whether those folks are going to school or someplace else I don't know.

COMMISSIONER DOZIER – I see, so they've made a path and that's how they are getting to Perris Boulevard and I was just curious because I'm not that familiar, but I see a parking lot on this map below the school. Is that a parking lot for a…

PLANNING OFFICIAL TERELL – That's the Lutheran Church

COMMISSIONER DOZIER - That's the Church… okay I gotcha.

COMMISSIONER RAMIREZ – Good evening everyone. I have a simple question. I actually got the opportunity to drive to the site and kind of take a look around. One of my biggest concerns is when this development starts taking place, where is the development going to gain access to be able to continue this operation because it seems like the only way in it and out is through Metric and is that going to create any problems for the existing residents at this time. You that is my biggest concern because at the end of the day, these look like they are big lots; big lots that are going to bring higher property value hopefully to this location, so we've got to give a little and take a little, however how bad is this going to affect the actual project? How is this going to affect or create problems for the existing residents on that street?

PLANNING OFFICIAL TERELL – By City Ordinance, construction activities are limited to 7am to 7pm. Obviously there will be construction activity. I'll defer either to Eric or Mark. I believe there are some standard conditions that talk about keeping the street clean and swept, so I can't tell any of the people that live there that there won't be any affects, but during construction there are some conditions that require cleanup and then there are limits on the hours so that there aren't people there at night or early in the morning creating a disturbance.

COMMISSIONER RAMIREZ – Now do we have any kind of regulations that are going to regulate the traffic; the construction traffic that is taking place in and out of there, like during school hours and things of that nature, because again there is a school right across the street and if kids see that as a way of getting to and from school, that could create problems. Are we going to address that?

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PLANNING OFFICIAL TERELL – I believe and again and I'll defer to just make sure that I'm not in error. There is generally a requirement to fence a construction site, so not that children won't still want to go through there, but typically it would be fenced during construction and therefore that would be intended to discourage access. As far as controlling the traffic, I'm not quite sure. I wouldn't anticipate there would be a huge amount of traffic on a construction site this small, so we wouldn't have a requirement say for a flagman or something like that.

COMMISSIONER RAMIREZ – Right, I do understand the place needs to be graded, so how are we going to get those big machines in there. Are we just going to roll them in on Metric Street or are we going to access through Perris Boulevard to get that portion of the project completed?

LAND DEVELOPMENT ENGINEER SAMBITO – Mark Sambito with the Land Development Division. Mr. Commissioner, that's likely the most likely option for transporting the vehicles in. Unlike some of the larger projects in town, they probably wouldn't use some of the really large scrapers. The size of the equipment is going to be proportionate to the size of the project and in addition, Mr. Terell was correct in stating that we require all the construction sites to be fenced and typically screened as well if it is in the middle of some existing residential area, so the screening helps with a lot of the dust control and a lot of the problems that may be drawn to a construction site; theft or vandalism or anything like that, so that is part of the requirement and again, traffic and construction noises are limited to 7am to 7pm per our Municipal Codes.

COMMISSIONER RAMIREZ – Great, now Commissioner Salas made a great point. I took a drive the other day going south on Perris Boulevard coming from Reche Canyon and if you look at the right side of that neighborhood which is Sunnymead Ranch. It is beautiful. The walkways are awesome; you know there are curvy. Now I understand that the road access is limited on Perris Boulevard as you travel further south, however I think we should continue and make it consistent so that way whatever walkways are there or sidewalks should be consistent to what we have on Sunnymead Ranch to make it look beautiful; to make it look nice, especially if that's where you plan on having kids walking to and from school, it should be a nice area. It shouldn't be like other areas in the City that have very low maintenance and very little attention drawn to them. That's all I have for now.

PLANNING OFFICIAL TERELL – Okay, well we can discuss that further in deliberations. I will say though that this is the last developable parcel for about a mile along Perris Boulevard, so all the other properties face Perris Boulevard, so there really isn't an opportunity to do something like Sunnymead Ranch. Sunnymead Ranch was a… that Specific Plan has 2,500 homeowners and in a Specific Plan you are able to get a lot more amenities than you can on a small subdivision like this where we could try to require that but finding a mechanism to

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actually maintain it, it's really not big enough for a Home Owners Association and the fees would be quite high, so there is no economy of scale in a 16 lot subdivision compared to a 2,500 lot subdivision, so I agree it would nice to have everything the same, but that's the reason why we didn't recommend that kind of improvement here. We recommended the requirements of the City Code which is approximately 16 feet of landscaping and the sidewalk, so it's not insignificant, it's just not the same as Sunnymead Ranch just because of the circumstances of the size of this, but again I think a subject for your deliberations after you hear from the public.

COMMISSIONER RAMIREZ – Very well

VICE CHAIR BAKER – Okay do we have any more questions of Staff on this particular project? Okay if not, what we are going to do now is move forward and ask the Applicant to come forward if he would and state his name and address.

APPLICANT LEE – Good evening. My name is Jack Lee, with Cal Land Engineering. I'm the Project Civil Engineer and we started the project about three or four years ago for a single family home subdivision. During all of our preparations of the Tentative Map, we revised the layout and design several times just to comply with the City's required standards. We would like to comply again with the City's requirements in order to make the whole project go through smoothly and also for the owner to develop this property. I'm here to answer any possible questions you may have. Thank you.

VICE CHAIR BAKER – Okay we'll open questions from the Commissioners to the Applicant at this time.

COMMISSIONER CROTHERS – Hi Mr. Lee how are you today?

APPLICANT LEE – Pretty good thanks.

COMMISSIONER CROTHERS – My question is because of the problem or possible problem with traffic in the neighborhood and such, would you guys be willing to close off that access to Perris and leave it as an enclosed cul-de-sac to help maintain the feeling of a cul-de-sac that you get when you purchase a home on a cul-de-sac. You know you kind of want it to be quiet.

APPLICANT LEE – On that one, no. We need to comply because the City required it, because that's why and I'm pretty sure, but we could ask the owner to agree and that's fine.

COMMISSIONER CROTHERS – Okay, thank you

COMMISSIONER RAMIREZ – How you doing sir? My question is have you had any other project such as this one here in the City of Moreno Valley before?

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APPLICANT LEE – We have another subdivision project along Sunnymead Boulevard, but that is still in development.

COMMISSIONER RAMIREZ – It's still in the development process?

APPLICANT LEE – Yes

COMMISSIONER RAMIREZ – So these are the only two projects as of now?

APPLICANT LEE – Yes

COMMISSIONER RAMIREZ – Okay, that's my only question

COMMISSIONER VAN NATTA – We have here the size of the lots. Can you tell us the approximate size of homes that you are planning to build on there; the square footage.

APPLICANT LEE – Because I'm only the Civil Engineer, I don't know. On this one, I'm pretty sure the owner or the Architect who does the design and the buildings would comply with the City's standards; the setback and everything.

COMMISSIONER VAN NATTA – Okay but no idea and they haven't proposed what size homes they are going to put on there?

APPLICANT LEE – As far as I know, not yet

COMMISSIONER VAN NATTA – Okay, thank you

VICE CHAIR BAKER – Are any other questions of the Applicant?

COMMISSIONER SALAS – Are those on the pedestrian walkway coming to Perris Boulevard; are those stairs; is there a big grade difference there?

APPLICANT LEE – I don't think so, the grade would comply with the City Code and slope and everything, so I don't think it's really steep

COMMISSIONER SALAS – But are there stairs there?

APPLICANT LEE – Yes

COMMISSIONER SALAS – Oh there is…. Do you know how many?

APPLICANT LEE – I don't know

COMMISSIONER SALAS – It seems like there is about a five foot grade difference?

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APPLICANT LEE – It will be a long time since we finished this design, so I need to look back. I don't think there will be too many of them.

COMMISSIONER SALAS - Okay

COMMISSIONER CROTHERS – I think on map it says seven or ten 7 inch steps

VICE CHAIR BAKER – Any other questions of the Applicant? Okay thank you.

APPLICANT LEE – Okay, thank you

VICE CHAIR BAKER – Now we are going to open this item up to the public for testimony, so at this point I'll open Public Testimony. The first person will be Gerald Budlong. Excuse me if I screwed that up. Please state your name and address please.

SPEAKER BUDLONG – Yes sir… Gerald Budlong at 24821 Metric Drive. I've been a resident since February 1987. I conditionally approve as a resident, this tract conditioned on several things. One of the big issues, especially to the poor residents on Tranquil Way who are to the south of me is drainage. For instance, this winter with the large December rainfall, to my horror on my property; I have a drain in the back that connects to the subject property being discussed tonight. I periodically every season clean out that drain and I put out the material from the drain to try to protect the Cook residents that are downstream below me, but anyway to my horror, about six to eight inches of fill had filled up my drain. Luckily due to my berming, the Cook's didn't receive any adverse flow from the drain from my property and I have spent the winter shoveling out the fill to further protect the Cook's, because it wouldn't be fair for them to have that drainage. They didn't ask for that. They didn't want our subdivision there in the first place originally okayed by the County.

Anyway in the past there have been about four or five Churches that have owned the property and have tried to develop that property as a Church and the drainage and grading expense is too expensive realistically for a mere Church to be able to develop. The only reasonable way of development is the way through a tract like being proposed tonight. I'm glad that the density is 16 and not 25 which is allowed through the General Plan and in the Code.

One concern is please make sure that the drainage is sufficient to protect the poor residents on Tranquil Way. I've got a 10 foot high berm that protects me but the people on Tranquil do not have that. The second issue is the pedestrian walkway. The current access was created by the developer of our property as a construction road to develop our tract and that is why it is there. The school kids and pedestrians in our neighborhood did not create it. It was created under City and County permit. We need desperately to continue the access. To my knowledge, since the school was built across the street, children in our tract as

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well as the surrounding neighborhood utilize that field for legal access to the school. In addition, the older kids who get bus service and bus service does not serve Hubbard because it is too narrow in width and the only legal access to Perris is Ironwood to the south and Manzanita to the north. If you don't have this pedestrian access, it cuts it off to everybody. We have a few equestrian riders that go through the neighborhood. We have a lot of dog walkers from the young to the senior citizens. We have a lot of school kids that utilize that. That is a key thing for us. We do not want Metric to go through to Perris. That is absolutely a no-no. I know my neighbors and I prefer not having Thomas go through. In the past the Commission has approved just a temporary street with access for the Fire Department, but the City Code overrules that now and the only way we can legally have a tract in there is to have secondary access and that is in compliance with the Code and realistically the only way it is going to get developed is with Thomas and I do not object where Thomas is in the past. The previous tract that was approved there, the road was adjacent to the existing property owners at the end of Metric and Tranquil and that would be unfair to them. It is setback three lots away. That is less impact to the existing residents in my neighborhood.

The issue about fences and walls… the people on Tranquil objected to our tract being put in and the Planning Commission back in 1985 allowed a concrete block wall to be put in but the developer appealed to the Council and the Council changed that condition to a wood fence, which in five years to present, the wood has periodically fallen down. Actually a ten foot section on my property has fallen down too, but there is still some screening because of the vegetation. It would be on rear properties to have decorative block walls rather than the wood walls.

As far as the Burrowing Owl; I know its Code to allow that, but I'm an Environmental Planner myself and former Commissioner on your Commission years ago, I've never seen Burrowing Owl there. We do have a resident skunk population which hopefully the tract will get rid of. I'd like to know where the corporate construction yard will be and where all the employee and contractor parking are within that. One of the concerns by the neighbors, even though I don't represent them, has been parking on the existing Metric Drive. Just a question LD42c says recycled water. Does EMWD going to be extending the recycled water line to our area? That would be a great thing if it did, but I'm also on one of the citizen boards to the EMWD Director's Advisory Council for Moreno Valley and I'm never aware of a recycled line going that far north, even though I'd support it. And sixth, I notice it's a mello roos district, which I was a Planner with Indio County many, many years ago when mello roos was being proposed, the Board of Supervisors I worked for opposed it and even today I still oppose mello roos. I've met Mr. Mello; he's a nice man; he's dead now, but he was nice when he was alive, anyway I guess in today's world that's what you need to build the improvements. Anyway that's basically it and thank you for your time.

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VICE CHAIR BAKER – Thank you. Our next speaker will be Jeff Magill. Please state your name and your address for the record

SPEAKER MAGILL – Jeff Magill at 24857 Metric Drive. I officially bought this house due to the fact it was on a cul-de-sac. I am not looking forward to all the traffic coming up and down my street. Secondly we have a drainage ditch in the back of the easement which if everybody on that street does not get together and keep that thing clean it is going to be all backed up down to my property and then once it is backed up, it's going to overflow into the people below me whom have a swimming pool, which I don't feel that is right, so they need to do something about the drainage there and also parking. What are we going to do about parking? What about all the construction equipment coming up and down our street all day long until seven at night. Everybody does not work day shift. There are people who work nights. Do you think they are going to want heavy equipment coming up the street all day long while they are trying to sleep and what about depreciation value on your home? I mean none of you people know whether these are going to be two story homes or are they going to be one story homes. Nobody has a clue. What exactly do you have in mind at this point? Do you have any answers for that? It's a question…

PLANNING OFFICIAL TERELL – There aren't any houses proposed for this tract, so I guess…

SPEAKER MAGILL- There are no houses proposed for this tract?

PLANNING OFFICIAL TERELL – There are no specific houses proposed but just like anybody in this vicinity, you can have a one or a two story house.

SPEAKER MAGILL – So you could have a two story house and the guys peeking out the window looking at everything and invading my privacy in my house, right...

PLANNING OFFICIAL TERELL – Just the same as you could build a second floor on your house, yes. There is no limitation on this R5 zone on having a one or two story house.

SPEAKER MAGILL – Okay, that's pretty much all I've got to say. I'm mainly concerned about the drainage though.

VICE CHAIR BAKER – We'll look into that, thank you. Okay, our next speaker is Michelle Pierce.

SPEAKER PIERCE – My name is Michelle Pierce. My address is 24869 Metric Drive and my I live on the end where they are proposing to build a 3 foot retaining wall and also too, the water is going to come rushing down through there; through that draining ditch and there is no proposed catch basins that they

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have on their plans or no storm drains. It is all going to go down the drain behind our house and like Jeff said, the people below us, they have a pool and they are way below us and it could erode our property because it is going to fill it up because the people below us don't keep their drains clean and it is going to overflow into the people below us as well.

And as far as and I want to address the walkway, I agree with the Commissioner that walkway that I agree that when someone buys in a cul-de-sac they want to keep the cul-de-sac where traffic is not going through there, parking and having access to Perris which is a very, very busy street and young kids should not be walking through there without adult supervision. We live at the end, so we did buy the cul-de-sac so that there was no traffic going through there, so our kids could play out there and ride their bikes without having to worry about people zooming through there and there will be 16 houses. You know even at one car extra per household that is still 16 more vehicles that are going to be driving up and down that street, so thank you.

VICE CHAIR BAKER – Thank you, you're welcome. Our next speaker will be Dale Fortine. Please state your name and address for the record please.

SPEAKER FORTINE – I'm Dale Fortine. I live at 24868 Metric Drive. Good evening ladies and gentlemen. I would just like to go on record saying that I oppose this project mainly from some of the points that you've brought up. I've lived in my home since April of 1987 and paid a lot premium for where it is at because of the quiet and the lack of traffic. Sixteen lots; sixteen hypothetical homes in this proposed tract and I look at our street and just about every home on our street has three cars and some have four, so we're looking at if we take that mathematical equation, we could be adding up to 45 or 50 cars added traffic on our street. Northridge School that is on the east side of Perris is a magnet school; a gate type school. There aren't a lot of kids from our neighborhood that traverse that property to get to that school. There are mostly… if you look at the traffic on Perris Boulevard in the morning and the afternoon, the kids are driven to school. I think that the pedestrian access is going to create just an exponential parking problem and a traffic problem. When the soccer mommy's realize they don't have to go around onto Perris Boulevard and sit in that line of cars, they will be stacked up there like cordwood waiting for their kids in the morning you know to go to school and then to pick them up in the afternoon. That's going to be not good at all.

I've been in the construction business for 23 years and I understand the access issues that you are talking about for this job site and they will be pretty bad as far as getting heavy equipment in, all the various trades and laborers to do this. The traffic and the parking will be really something to deal with. What I would suggest and the other thing I'd like to ask you in the future look at the area around there. It is residential but it is kind of rural. Most of the property that is around there is all single story, so you know maybe consider that in the future and making single

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story dwellings and another idea that you might want to consider with the traffic and access problem is that if you flipped it around 180 degrees so it is a stand-alone development, so any traffic that is coming in off of Perris Boulevard, that all has to deal with this development. It doesn't deal with the citizens and the community around it whether it is on Tranquil or on Metric Drive. That's my humble opinion. I thank you and have a nice evening.

VICE CHAIR BAKER – Thank you. Our next speaker will be Steven Perez. Please state your name and address for the record please.

SPEAKER PEREZ – Steven Perez at 24845 Tranquil Way. That is the street directly south of the area. Now I have a lot of concerns about this. The most concerning one to me of course is Thomas Way. Unfortunately the Plot Plan or Tentative Tract Map 31621 was approved 7 years ago and much to my chagrin it is still approved. I always thought things dropped out after three years but low and behold it seems it is going to be approved in perpetuity. I don't known when that thing was going to every end, but luckily for the residents on Tranquil Way we are in a little bit ownership problems than what Metric is. In other words private street, we own the street so we have a lot of conditions that befall the person that wants to do 31621, but going back to this Metric Way; Metric Drive thing, it seems to me that in looking at the web page when I downloaded all this information, one of the things that I saw was our highly paid City Manager thing was what he wanted to bring to Moreno Valley was more jobs and not more new homes and I also found that there were 6,000 homes already approved residential lots in Moreno Valley; 6,000… I don't know why we would need 6,016 but I guess somebody thinks we should.

Now as far as the traffic problem… now presumably the people on Metric are more concerned about Metric. I'm more concerned about the traffic on Hubbard. Now I don't know if any of you have driven down Hubbard Boulevard but Perris Boulevard is like a freeway compared…it's a four lane… presumably it is going to be a four lane; the whole length of the City eventually. I don't think Hubbard is ever going to be more than a two lane and the houses that abut it, it is a very narrow two lane and to add, like Dale said, 40 something vehicles going up and down Hubbard and there are certain time where there are times when people are parked legally on Hubbard on both sides of the street and you can't have opposing traffic; someone has to stop and let someone go by. My wife has a hard time when she leaves for work at 7:30 in the morning getting off of Tranquil because there is so much traffic already on Hubbard.

Now obviously you would help everybody of course if you just did a 180 on this tract and had it enter and exit onto Perris Boulevard. I mean Perris Boulevard seems to be a four lane highway and seems to take the traffic much easier than Hubbard. I'm sure when Hubbard was designed probably 40 years ago it was very nice. When I first moved on Tranquil I was practically the last house on that road except for Kalmia; the road ended there. Now there has been a lot of talk

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about this gate. Maybe if they do, I'm fairly sure that of course you are going to approve it. I've been at Planning Commission meetings that rarely there isn't anything disapproved, but there are certain things that I think we can mitigate. One of the problems I have is Thomas Way and what is going to be at the end of Thomas Way which opens up into an open field.

Now for those of you Commissioners who have driven down Metric you may or may not have noticed it has become a semi-dumping ground. I could see that if there is no access. If there is no restricted access from Thomas Way that the Tranquil Way field will become another dump and right now as you know, there is no gate at all on Perris. People have been driving on Perris Boulevard and dumping their trash onto Metric field and this will just make it easier and it will even be hidden from the street up Perris so that they can just come. I don't know what kind of restricted access you are going to have on Thomas Way. We are talking about somebody else's private property and I'd like to know what is proposed for the end of Thomas Way.

Another thing that I know it is going to be passed anyway, but one thing that would help at least the residents of Metric is to at least put speed bumps on Metric at a low cost alternative. It is bad enough that Hubbard has a posted speed limit of 30 and normally goes 50 mph and unfortunately when City approved Hubbard; that drainage canal between Metric and Canal and made it a nice concrete culvert, because it use to wash out and all it did was increase the traffic flow. Before they used to slow down there drainage ditch. It used to go to Hidden Way and Way and now people that know that road can go 50 mph, so hopefully they can at least put some sort of speed bumps on Metric and slow the traffic down and put some sort of restricted access on Thomas Way. Me being one of the dog walkers, I am probably in a minority, I would like to have a walkway at the end of the street because right now if I wanted to go to Perris and take that nice walk on Sunnymead Ranch, I'd have to go all the way… there is a little opening on Sunday Drive which is quite a ways north and but right where there is a hill there, there is an opening on Sunnymead Drive and that's for pedestrians only. Okay, what else… I think that's it. Thank you.

VICE CHAIR BAKER – Thank you. Okay that is all the Speaker Slips I have on this item. I think what we'll do close Public Testimony unless there is…

PLANNING OFFICIAL TERELL – So at this time you can close Public Testimony but it would be appropriate to call the Applicant up and see if they have any information or response to the comments that they made.

VICE CHAIR BAKER – Would the Applicant please come forward. Do you want to address some of these issues that have come up here between the opening; the drainage seems to be a big thing; the parking and the construction type stuff.

APPLICANT LEE - The drainage for this (inaudible). We will take care of all the storm water within the property and drain to the City approved facility. It is no problem at all and for the off- site drainage you can do ponding or something; it is really nothing we can control. If it is on site, we can control it, but off site, we have no way to control it. Regarding the construction as per the City requirements, I'm pretty sure the contractors will work from 7 to 7 and then the equipment they are using on the property because it is a small property, I don't think they will use a great big scrapper but only a small machine to do the grading and the same thing for the construction. Also for parking because it is going to be single family residential, even for traffic starting, traffic will be light for 16 houses, so I don't think that traffic will be a big issue on this development.

VICE CHAIR BAKER – Okay, I think we've got some questions here from some of the Commissioners to you to address again. Would that be appropriate or…

PLANNING OFFICIAL TERELL – Well I'd probably suggest that maybe the Land Development Engineer might be able to answer a lot of those questions because we have several conditions related to the items that were brought up.

LAND DEVELOPMENT ENGINEER SAMBITO – Mark Sambito, Land Development Engineer. We had a couple of topics and the most poignant appear to be the concerns about the drainage. If I could address that; as part of the conditions without getting into specific conditions because I don't have those in front of me, but we are going to require like we do with any project that the applicant or the developer maintains and controls all the water on site. Everything will either drain to a City facility as the Engineer had stated which in this case appears to Metric Way or with Thomas it drains to the south. There is an approved development to the south. We don't know when that will develop but the proposal in front of us tonight shows us either to match existing grades or to match the existing development to the south, which ever goes first; whether it is this development or the other south goes first.

By water law, the developer is not allowed to discharge more water after his development is complete than was going and being discharged prior to him ever moving in and doing any work, so in the existing condition it is today, so that is something that we'll be doing with the developer as we get into the design drawings, they'll be providing us with a drainage study and the calculations that support that argument; that they are not discharging more water than was previously done when it was in this existing vacant condition.

The other comment that I did hear and oh in addition; I'm sorry, the Water Quality Control Board has very stringent requirements as we know about water quality and sediment transportation, so we will as part of his rough grading and final grading plans require extensive erosion control to ensure that there is no water, mud or debris that leaves this site and that has to be monitored at risk of some significant fines from the Water Quality Control Board and that would also be a

MV00112096

requirement of our MPD as to our Pollution Control Permit that the City maintains. So we have inspectors that will obviously be keeping an eye on this site and keeping an eye on the site post construction for those items and they are required to provide a report; a Water Quality Management Plan that discusses post-construction maintenance and observation to ensure that even after the developer has done all his work and he is done and gone, that the site is in such a situation that there won't be any erosion or sediment that leads from the site to another, i.e. the concern about the pool or that type of thing, based on what we are going to review as far as the Engineering calculations go and then there was a comment made about recycled water.

If the recycled water is in a reasonable distance and that will be a decision made by the Water District, they could be in fact be asked to extend that, but I don't believe that there is any recycled water in the near vicinity of this. It was simply a standard comment that we include when we make reference to utilities or wet utilities; it's sewer water, recycled water and anything along those lines, but if it is not available and it is not reasonable then we wouldn't then in fact ask the developer to bring it up from an immensely large distance and he will also get that same information when he speaks to the EMWD Engineers. Did I hit all of your questions appropriately?

COMMISSIONER VAN NATTA – So where does Thomas eventually end up?

LAND DEVELOPMENT ENGINEER SAMBITO – The approved development to the south, which would be an extension of Tranquil, if I recall has a cul-de-sac or a knuckle that turns north and ties in, so it would end up looking like a horseshoe if you would, if you didn't have the extension beyond Thomas, it would be horseshoe shaped. So Thomas will; if it is developed as it is approved to the south will tie into Thomas to the south, which will tie into Tranquil and go back towards Hubbard.

COMMISSIONER VAN NATTA – Okay, thank you

VICE CHAIR BAKER – Are there any other questions of the Commissioners? Okay, thank you.

APPLICANT LEE – Thank you

VICE CHAIR BAKER – Now we are going to open this up to Commissioner Debate on this project, so where do you want to start? Do you want to start down there with you Commissioner Ramirez and give us your thoughts?

COMMISSIONER RAMIREZ – Well, again right now, it seems to be the main concern is the drainage and if the project is going to maintain the same level of water flow then that is just contributing to an existing problem because they already have a few water drainage problems, so having said that, is there

MV00112097

anything the developer can do to improve the water drainage system so that it doesn't continue to flow or it flows better for the current residents on Metric and on Tranquil?

LAND DEVELOPMENT ENGINEER SAMBITO – Mr. Commissioner, I don't know for a fact that there is an existing problem. Again the developer may discharge as much as what is being discharged today, but often times through the development and the fact that he is redirecting water that used to flow towards the south, towards the north and into the street, which will be the future Metric, that water is no longer going in the direction that it typically did, so we expect that the water flow will be significantly less. As I review the plans here, one of the residents made a concern about the water and the three foot wall. All of that water is not flowing towards the south or the back of that property, but yet towards Metric, so the water that once maybe would go towards that homeowner in the south with the pool, is now being directed towards the north to Metric where it will inside the street with curb and gutter, which is basically an open channel that will transfer that water towards a more formal storm drain facility, so we can expect that the water that was once tributary to the south will be significantly reduced because of this development.

COMMISSIONER RAMIREZ – Okay what is the time line for the completion of the development?

PLANNING OFFICIAL TERELL – There isn't… that would up to the… should the tract be approved, they would need to go through Plan Check and have a Final Map approved and the timing on that is probably at least a year to go through that process and then after that it would be up to the developer whether they wanted to develop immediately or they could wait. Approvals are good for three years and then the applicant can come in for extension of time and that extension of time would potentially give more time to them, but it is not automatic, so most developers are optimists and they would like to anticipate developing within the three year time frame of the existing approval, but should the economy not allow that for whatever reason or their economics it could be longer than that.

COMMISSIONER RAMIREZ – Okay thank you.

COMMISSIONER DOZIER – Well I think the project is consistent with the zoning for this area and this region. We're looking at a field that has been vacant for a long time albeit some of the dumping problems have experienced and I think development of that property will improve certainly that situation. It is certainly is consistent with the housing that certainly is the west of it and will be consistent with the housing that will be built to the south of it and I kind of like idea that there is access to the sidewalk and to the street. I think actually the residents who live in the area will appreciate it more than they'll not appreciate it because when they want walk and they want to get around their community they are going to increase if we're concerned about green and we're concerned about carbon

MV00112098

footprints. If you have to drive to get out of that complex to get to a place where you can walk you are going to increase the carbon footprint, so I think making it a more walkable community by having access to Perris, especially if there is going to be curb and gutter along Perris to make it safe to go up to the stop light, I think that's better to have. I kind of see them being a little land locked if they don't have that access, so I kind of like that.

Again it is consistent with the zoning. I think it is a proper infill project. I think it will actually improve with the proper housing and I have to say that just because this is a Tentative Tract Map; this is just a layout of where they'd like to put houses, they would still have to come to the Commission with their final plans when they get ready to build, so this is not our only opportunity to look at what they are going to build. We will have another opportunity to look at that when it comes before us. I covered sidewalk and foot traffic; access to the lighted corner I'm just concerned about how the kids would get to the school. I've been up there many times as my grandson actually went to Northridge Elementary School. Most of that traffic is on Kalmia and that's where it backs up and people are all on street. If I were living on Kalmia I'd be upset about that traffic because it gets very, very bad and you cannot park in the mornings when kids are being dropped off. They figure out a way to park and do u-turns in the middle of the street, so that's where all that takes place and I'm familiar with that and most of the dropping off is done on Kalmia at the north end of that school. There is not a whole lot that is done really off of Perris Boulevard, so a safe place for the kids to walk to get to that stop light is a concern of mine.

I think we've dealt with drainage. Drainage on most of these kinds projects are conditioned to handle the water on the site itself. They have to have a plan and it has to be an approved plan and that water is not going to cause any problems for anybody downhill from them or in any direction and usually those projects are designed and conditioned to handle that water so it does not cause a problem for the surrounding neighbors and we trust that our Planning Department is applying all of those rules and regulations and conditions of approval and I think they have addressed that. I think it will improve your drainage situation in that area because where you had a vacant lot and it was running in a particular direction you now will have it developed and caught so to speak and put into a drain system that is conditioned and designed to handle it. So those are my thoughts. I think it's a good infill project and I think it's just a Tentative Map at this stage and those are my feelings.

VICE CHAIR BAKER – Thank you

COMMISSIONER CROTHERS – Hi, I also agree with Commissioner Dozier that the project is a good infill project for the space that it is, however I do have some concerns. Some are most of the same of the residents that live in the area. I first have a question… is the water that is directed toward to Metric from this

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property; is Metric built to handle the extra water that is going to be drained onto Metric or is that going to create a problem all in itself?

LAND DEVELOPMENT ENGINEER SAMBITO – Again Mark Sambito with Land Development. The Engineer will need to prove to us that in fact the proposed roadway and the existing roadway downstream has the capability of carrying the extra water without flooding or causing a flooding situation further downstream before it enters the storm drain.

COMMISSIONER CROTHERS – Okay thank you. Also Mr. Dozier brought up that traffic is mainly on Kalmia for Northridge. I also attended Northridge. I know the traffic that is around there. I do know that Kalmia bears the brunt of the traffic, however if I were a parent dropping my kid off and I realize that Metric was a viable opportunity for me to drop my kid off and have them walk across the street, I would probably be more apt to go there rather than Kalmia, possibly shifting the traffic problems from Kalmia onto Metric or at least sharing the traffic problems that we have on Kalmia to Metric. I do like the fact that it is a cul-de-sac. I think when people purchase a cul-de-sac that is what they want. They want to be kind of hidden away from the main road. A couple of the public had mentioned flipping it 180 degrees so that you know the opening is on Perris and I think that would significantly take away from the allure of buying a house on a cul-de-sac.

My main concern is still that walkway. I think that if Northridge were a neighborhood school it might make sense to have that walkway so the neighborhood kids could utilize that walkway along with the neighborhood parents however knowing that I went to Northridge and I don't live in that area, I was driven every day, I know that Northridge is not a neighborhood school and it is not supplied by the neighborhood kids, so I think having the walkway there is not beneficial to the neighborhood. I think it is beneficial to the people who drive their kids to that school. You know I'd like the project to maybe reconsider that pathway and possibly taking it out.

Another issue that I have is the sideyards on the other side of a block wall. I know that if I were the resident I probably wouldn't pay much attention to that side yard and since it is going to be on Perris Boulevard it might create a problem of making our City look not up to standard because the resident kind of sees it kind of out of sight, out of mind; it's on the other side of a block wall and it's out of mind. You know, personally as a homeowner, I probably would pay less attention to it then my yard that I could see from the front or the rear of my house.

The other concern was with construction traffic and I know that I read in here that the development has to supply traffic for construction. I am assuming that will be all within the gated area. You know, all 16 houses don't go up at once, so I'm sure there is a least one lot that you know that everybody can park on to keep the traffic from Metric and Tranquil. Also, Mr. Magill said something about traffic

MV00112100

construction during the day from 7 to 7. I am also a day sleeper. I work at night. I purchased a home that backs up to a major roadway. I hear road traffic all day, every day and you know it is just something that kind of came with house that I purchased and no matter ten or fifteen years down the road, that road traffic isn't going to go away, but you know eventually once the road construction is done, all that construction traffic will go away. I think that's a problem that will be solved with time and with the completion of this tract. Thank you very much. I want to thank everybody for coming out and talking.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – Overall I think it is a really good plan. I like seeing unused abandoned pieces of land within the City being developed and this is a good place to put houses. Not much else you can do with it. I like the fact that they are larger lots. They haven't cut down to the small lots which seems to be very popular these days and I would hope that when they decide what type of homes to build there and the approvals that come with them, that they will be homes that are similar in style to what is there; more of the single story ranch style homes and that is what people like. They like having some land around them and there is a large preference for the efficiency of a single story home, but I do have a couple of concerns.

I'm not too concerned that the drainage problem will not be handled. I know there are mechanisms in place to handle that, but the idea of having that walk thru at the end of the cul-de-sac seems to me will cause more problems than it will give benefit to the homeowners; the people already living on Metric and the people who are buying the new homes built there. Very few of them may even have the need to use that walkway, but as Commissioner Crothers brought up, when other people realize that that is a way that they can… someplace they can park and drop their kids off or even park there and walk their kids across the street to school and come back without fighting the traffic. I mean I live close to here. I've seen that traffic on Kalmia in the morning. I think that would be an issue and if there are steps going up there anyway, I don't know what kind of accessibility problems that would cause there. If we had steps somewhere and what if somebody can't use the steps and could say you didn't build me something with access to my wheelchair or something like that. With that kind of a cut through thing, I could see that being used more in ways that would not be of benefit to the neighborhood, so other than that issue, I like the project.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Is there any more to be said? I support the project and I think the walkway to Perris Boulevard is a necessity in a way. I can see where it can benefit the local…not only the 16 houses but the other people. My only concern again, is for the side yard maintenance on Perris Boulevard and the reason is it is Perris Boulevard and we do want to make our City look nice and I

MV00112101

just hope; there is nothing we can do. We can't condition anybody to take care of the yard and I know that because I have neighbors that have the same problem, so I support the project and I agree with my Commissioners.

VICE CHAIR BAKER – Thank you

COMMISSIONER OWINGS – Thank you very much for coming today; all those from the neighborhood and I'd like to thank the Applicant. I appreciate all your concerns and I agree with some of the concerns that have been presented by the Commission. I'd like to thank the Staff for a thorough job. I have the confidence that the Engineer and the Staff will be able to resolve these drainage problems and hopefully all the other concerns. We have to rely upon the Engineers to do that. I will vote to approve the project because the development meets the City standards. The Staff has approved the project or recommended approval of the project. The property owner should be able to rely on approval for his project if it meets the City standards and I hope that the economy will improve quickly so that the development can proceed as quickly as possible.

VICE CHAIR BAKER – Thank you. I also support this project. You know we've had several of these infill projects the last several years that I've been on the Commission and they are always difficult because it is not like going out and doing them; a couple of hundred units and when you are doing 16 rooftops in an infill area there are certain issues you've got to deal with, but I think eventually having 16 homes there is going to be a lot better than that dump ground. I was there today and really people are dumping their trash and everything. It is just not conducive to the rest of the neighborhood. So we've got the drainage issue done. I can see the issue for the walkway. One question that I had on that is why are we doing steps as opposed to a ramp?

PLANNING OFFICIAL TERELL – It is because of the change in grade.

VICE CHAIR BAKER – Okay, so you just need to that to get the proper…no ADA issues on that…

PLANNING OFFICIAL TERELL – Right, actually, strangely, sidewalks are not subject to ADA except for at street corners, ramps at street corners and crossings have to meet certain grades and then the cross grade on a sidewalk has to be a certain minimum and maximum, but the actual slope of the sidewalk is not regulated by ADA.

VICE CHAIR BAKER – Okay; I mean a ramp would have to be what 25 or 30 feet long right?

PLANNING OFFICIAL TERELL – It would probably have to be a switchback I would think of some sort

MV00112102

VICE CHAIR BAKER – Yes it wouldn't work. Okay I just wondered.

COMMISSIONER VAN NATTA – It could; it could work

VICE CHAIR BAKER – A switchback?

COMMISSIONER VAN NATTA – Yes, I've seen them a lot of places

VICE CHAIR BAKER – I mean is that an option to do a ramp there as opposed to… I mean are we going to have skateboarders going down through there?

COMMISSIONER SALAS – More on the ramp

VICE CHAIR BAKER – That's what I am wondering. Are we going to create another problem by doing a ramp?

COMMISSIONER VAN NATTA – We could eliminate the problem by eliminating the opening.

VICE CHAIR BAKER – It wasn't clear in my mind when the developer said who pushed for this opening; the developer; the city or the people in the area or what was the deal on that? Why do we need it there?

PLANNING OFFICIAL TERELL – Well do we need it? I think it was suggested by Staff because we saw the potential that there was existing access that was there that would be shut off and whatever you do along Perris Boulevard… the less successful it is, the less likely it is to be maintained and typically what we do on a situation where there is a walkway where it goes through is the block wall stops at the front of the house and there is typically a fence so you don't have people walking across your front yard. There is a fence that goes to where the walkway is, so it is much more open than might… it's not like the walkway has a wall on both sides of it. Typically there is a fence that the front yard is visible, so that the people that owns that house; again making them do it is one thing but people that typically take care of their front yard on a corner lot is a good example. Usually they take care of the side yard but not always and that was another thing was to provide access to the area that these two property owners would be required to maintain, so that's why we encourage the owner to do it and the owner was amenable to doing that. From the testimony tonight, it seems like there is several of the existing owners along Metric that think it is a good idea and then there are others that think it's not a good idea, so it's kind of not a decided issue one way or other, but Staff did recommend this or suggest this as a possibility to kind of address that reverse frontage along Perris Boulevard as well as provide some better access.

COMMISSIONER VAN NATTA – Well I can see it's almost like you have to go all one way or all the other as you can't close it off and then still require them to

maintain the outside. You know if you do one you have to do both, so if you were to close it off you would have to do some kind of hardscape out there that doesn't require constant maintenance or if you are going to leave some sort of landscaping out there that they have to maintain you are going to have to leave it open.

PLANNING OFFICIAL TERELL – Yes it's kind of…

COMMISSIONER VAN NATTA – They are tied in

PLANNING OFFICIAL TERELL – Yes they are tied. You solve one problem but you might create another one. It's kind of a dilemma of many developments.

VICE CHAIR BAKER – You know I still like the idea of the hardscape you came up with. I mean they are still going to have maintain the weeds and we'll put a weed barrier in there, but you out into some of these deserts; especially in Palm Desert and that's all they do now. I know one project I had out there, I had to pull it all out around a building and put hardscape in it and if you've got the right person that knows how to do that, it can look pretty attractive and certainly if you put succulents in and things that don't take a lot of water.

PLANNING OFFICIAL TERELL – Yes yes certainly you could even condition that we look at doing a hardscape with say trees. I mean trees along there would probably make a big difference. That is really the biggest impact when people are driving, hopefully not much more than that 45 along Perris but probably more. They are not going to notice the lilies and the lower stuff, but they will notice the trees and what we often do in areas like this is we do a hedge and trees, which don't require a lot of irrigation or a lot of maintenance.

COMMISSIONER OWINGS – Mr. Chairman is there a consensus to change or to recommend that the condition be changed from green to hardscape? Is there comment?

VICE CHAIR BAKER – Right

COMMISSIONER OWINGS – Well do we have a consensus among the Commissioners?

VICE CHAIR BAKER – Is that something that we need to decide tonight on our conditions?

PLANNING OFFICIAL TERELL – Yes, if you would like to have us focus on hardscape rather than shrubs, yes we would want the condition to reflect that.

VICE CHAIR BAKER - Okay, yes sir

MV00112104

COMMISSIONER DOZIER – If we go to hardscape isn't that still the responsibility of the homeowner?

PLANNING OFFICIAL TERELL – Yes and I think what I hear from the concerns is it is really something that is low maintenance; that could be hardscape; that could be shrubs and trees that don't require… which the selection of those can be done to minimize the ongoing maintenance as opposed to having a lawn or annual flowers or something that takes more maintenance. I've sensed that's really the concern and if you wanted to put in low maintenance or something like that, possibly including hardscape we can work with the Applicant to address that when they do their landscape plans.

COMMISSIONER VAN NATTA – Something that doesn't require a lot of watering

PLANNING OFFICIAL TERELL – And low water; yes

COMMISSIONER DOZIER – Sure, but if we're suggesting a hardscape to solve the problem of the opening, the owner of the house would still be responsible, whether it is hardscaped or softscaped, they are still responsible for maintaining it and to maintain it even it is low maintenance; they'd still not have access even if we shut it off to do that, even it were to have the trees trimmed or the edges trimmed.

PLANNING OFFICIAL TERELL – That's correct. It would be more difficult to maintain if it was closed off.

VICE CHAIR BAKER – Okay, any other comments? So getting to Commissioner Owings, do we need to have a motion or build that into the conditions for a low maintenance landscape outside that wall or …

PLANNING OFFICIAL TERELL – Well I think that's been suggested as a modified condition. What you may want to do is poll the Commissioners and see if they are in favor of that or not and then we would just add it in if you are in favor of it and if you're not we won't.

VICE CHAIR BAKER – All in favor of the low maintenance landscape. All those in favor of the low landscape?

Aye – 6
Opposed – 0

So that's unanimous.

MV00112105

PLANNING OFFICIAL TERELL – Okay so we'll add that in the condition and you need to take formal action on the tract and we're there other issues; I'm sorry…

COMMISSIONER VAN NATTA – We're still kind of divided on the whether or not to leave that walkway open.

PLANNING OFFICIAL TERELL – Right and certainly you can poll on that also. You can take a poll and see what each Commissioner….

VICE CHAIR BAKER – Let's kind of determine on picking up the paper on determining the maintenance or the low maintenance landscape…

PLANNING OFFICIAL TERELL – If I had to guess I think it was slightly for, but you might want to poll and see if there a consensus or a majority one way or the other.

VICE CHAIR BAKER – Okay let's poll on the access to the cul-de-sac

COMMISSIONER VAN NATTA – Closed

VICE CHAIR BAKER – All in favor?

COMMISSIONER VAN NATTA – Of which

VICE CHAIR BAKER – I'm sorry… all in favor of having the access at the end of the cul-de-sac?

COMMISSIONER DOZIER – Alright

VICE CHAIR BAKER – …Of having it…

Aye – 4
Opposed – 3

So we're 4 to 3; is that right?

PLANNING OFFICIAL TERELL – Yes… okay so it sees by a slight majority you are for it.

VICE CHAIR BAKER – Okay, we're not going to agree on everything always. Thank you. I like the spirited debate. That's good. That's really great. Okay, now anything else anybody wants to add to this situation? Okay I think we're ready to go for a motion on the project.

COMMISSIONER OWINGS – Mr. Chairman I move to approve the project with the Conditions that we have discussed with Staff.

COMMISSIONER SALAS – And I'll second that

VICE CHAIR BAKER – Okay we have a motion and a second for the project. Do we need to read that; we probably do? Alright I'm sorry Tom; back on your last page; about page 5… 93, the big number page 5, you just have…

PLANNING OFFICIAL TERELL – Yes the last page of the Staff Report

VICE CHAIR BAKER – Yes the Staff Report. It is either page 93…

PLANNING OFFICIAL TERELL – Yes if you want to make a motion to approve

COMMISSIONER OWINGS – Mr. Chairman, I make a motion to **APPROVE** Resolution No. 2011-12 recommending that the Planning Commission

1. **RECOGNIZE** that the Tentative Tract Map 35606 qualifies as an Exemption in accordance with CEQA Guidelines, Section 15332, as Conditioned, will not result in significant environmental impacts; and,
2. **APPROVE** Resolution No. 2011-12 **APPROVING** PA07-0129 Tentative Tract Map 35606 based on the findings in the Resolution and the Conditions of Approval to the Resolution.

COMMISSIONER SALAS – I'll second

COMMISSIONER DOZIER – Don't we have to say as amended?

COMMISSIONER OWINGS – That should be as amended to address the additional condition of approval regarding the low maintenance landscape with that provision. So moved.

PLANNING OFFICIAL TERELL – A second to that?

COMMISSIONER SALAS – I'll second.

PLANNING OFFICIAL TERELL – I'll second

VICE CHAIR BAKER – All those in favor?

Opposed – 0

Motion carries – 7 – 0

PLANNING OFFICIAL TERELL – Okay this action shall become final unless appealed to the City Council within 10 days.

MV00112107

VICE CHAIR BAKER – Thank you.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light

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bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.

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Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards

MV00112110

were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code

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something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it

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is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

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The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing

because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique

standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a

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little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't

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going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing

MV00112120

any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

MV00112121

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is

MV00112122

maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like

Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

MV00112124

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

MV00112127

OTHER BUSINESS

PLANNING OFFICIAL TERELL – You have no Other Business tonight.

STAFF COMMENTS

PLANNING OFFICIAL TERELL – Yes, your next meeting is on May 12th and currently there are I guess now five potential items for that. One is your election of officers. The annual election of officers is always done in the spring time, so that would be electing a new Chair and Vice Chair for the next year. The second is we'll have a presentation by Suzanne Bryant on the Brown Act and Conflict of Interest Code, so that will be at your next meeting. The third item is obviously the resolution reflecting your action that you just took. The fourth item is a code amendment that is required for compliance with the new water quality regulations that have been adopted by the Regional Water Quality Board that already affect us but they would start to implement that new Water Quality Permit, so that is supposed to go forward at your next meeting. The last item is what we call the West Ridge Project which is I think roughly 980,000 square warehouse industrial building that is between Redlands and Moreno Beach on the south side of the freeway and that involves a zone change as well as… so it's primarily a zone change plus the project, so that would be a recommendation to City Council, so those are the items that we have proposed for your next meeting.

COMMISSIONER OWINGS – Is that ProLogis.

PLANNING OFFICIAL TERELL – No it's Ridge Realty.

VICE CHAIR BAKER – Okay, thank you John.

COMMISSIONER COMMENTS

VICE CHAIR BAKER – Now we're going go to Commissioner Comments. If anyone feels like making any comments; anything to wrap up.

COMMISSIONER VAN NATTA – This wasn't painful at all. Thank you.

VICE CHAIR BAKER – Is there anyone else?

PLANNING OFFICIAL TERELL – Is wasn't painful for us either, so…

COMMISSIONER DOZIER – Yes let me formally welcome all the new Commissioners and thank you. We're going to have some fun times I can see

MV00112128

and we haven't been a full house for a while, so this is great. I did want to mention that I have a personal matter. My wife is going into the hospital on the 12th of May and so I won't be available for that particular meeting unfortunately. It wasn't scheduled for that day; it was moved and we had no choice in it, so I apologize to my Commissioners, but I'll be absent on that day.

VICE CHAIR BAKER – Okay, does anyone else have any comments?

ADJOURNMENT

COMMISSIONER SALAS – I have one. I move for adjournment.

VICE CHAIR BAKER – Okay, do I have a second?

COMMISSIONER CROTHERS - Second

VICE CHAIR BAKER – Okay, all those in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Thank you.

_____ _____

John C. Terell Date
Planning Official
Approved

_____ _____

Ray L. Baker Date
Vice-Chair

MV00112129

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MV00112130

CITY OF MORENO VALLEY
PLANNING COMMISSION
REGULAR MEETING
MAY 12TH, 2011

CALL TO ORDER

Vice Chair Baker convened the Regular Meeting of the City of Moreno Valley Planning Commission on the above date in the City Council Chambers located at 14177 Frederick Street.

ROLL CALL

Commissioners Present:
Vice Chair Baker
Commissioner Crothers
Commissioner Owings
Commissioner Ramirez
Commissioner Salas, Jr.
Commissioner Van Natta

Excused Absence:
Commissioner Dozier

Staff Present:
John Terell, Planning Official
Julia Descoteaux, Associate Planner
Jeff Bradshaw, Associate Planner
Michael Lloyd, Transportation Engineer
Barry Foster, Community and Economic Development Director
Kent Wegelin, Storm Water Program Manager
Larry Gonzales, Senior Engineer, Public Works
Randy Metz, Fire Marshall
Suzanne Bryant, Deputy City Attorney

PLEDGE OF ALLEGIANCE

MV00112131

APPROVAL OF AGENDA

VICE CHAIR BAKER – I need a motion to approve the Agenda please.

COMMISSIONER SALAS – Moved

COMMISSIONER CROTHERS – Second

VICE CHAIR BAKER – Moved by Commissioner Salas and seconded by Commissioner Crothers. All in favor?

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Dozier)

PUBLIC HEARING ITEMS

VICE CHAIR BAKER – The public is advised of the procedures to be followed in this meeting and these are on display at the rear of the room.

PUBLIC COMMENTS

VICE CHAIR BAKER – At this time we're going to open up for comments by any member of the public on any matter which is not listed on the Agenda and which is within the subject matter jurisdiction of the Commission and the one Speaker Slip I have on this Deanna Reeder if you would come forward please.

SPEAKER REEDER – Hello, my name is Deanna Reader and I've addressed this Commission several times. We have new members; Ms. Van Natta, Ms. Crothers and Mr. Ramirez. I sat through the Planning Commission interviews, both this year and previous years because I wanted to see what the qualifications of our Planning Commissioners were because I am very interested in the things that go on in this City. Now I know Ms. Van Natta; I had paid to get all the letters submitted to the City regarding the Rancho Belago sign issue. I paid for 100 pieces of paper; a hundred letters of email. Yours was the only one; only one that asked the City to pay for Mr. Benzeevi's Rancho Belago signs, so I'm pretty sure that is why you are up here; because I'm pretty sure that whatever he wants is what you are going to vote for. Mr. Ramirez; I don't know much about you, but in your interview all I can say is I can't say that your qualifications stacked up to some of the other people there and I'll leave you alone for the moment, but welcome, because from what I can see we just have three brand new members of the Benzeevi butt-kisser club. Welcome, thank you.

MV00112132

VICE CHAIR BAKER – Thank you; actually we have four but thank you.

NON-PUBLIC HEARING ITEMS

1. Recognition of Former Planning Commissioners:
Michael Geller, 14 years of Dedicated Service
Rick De Jong, 9 years of Dedicated Service
Maria Marzoeki, 8 years of Dedicated Service

VICE CHAIR BAKER – Okay Non-Public Hearing Items as this time, John Terell and me are going to present some recognition plaques for former Planning Commissioners; if they would please come forward and John will do the presentation.

PLANNING OFFICIAL TERELL – Yes I think what we'll do is we'll introduce each of the former members and then allow them some time if they should want to for some remarks. First we'll start with the elder statesman who is Commissioner Michael Geller who has been on the Commission for 14 years and you can take it out of the wrapper, it is yours now and I know you had an opportunity when you left to have a very eloquent speech but I don't know if you had anything else you want to say tonight.

FORMER PLANNING COMMISSIONER GELLER – Well at least they spelled my name right after all these years. Anyhow thank you and I've enjoyed it, but I'm glad it is you up there and not me, so Melina was the last official Planning Commission dog and she goes in for her advance training on Saturday, so we'll have a new puppy in a month or two, so anyway we both thank you.

PLANNING OFFICIAL TERELL – Well, thank you very much. Certainly from Staff's perspective we thank you for all your help over the years. Second, is Rick De Jong who was on the Commission for 8 years I believe or 9; 8 or 9… okay 9 and he was our Past Chair and I think you've done that more than once; right?

FORMER PLANNING COMMISSIONER DEJONG – Three times

PLANNING OFFICIAL TERELL – Three times… so I appreciate your expertise with architecture and that was a good addition to the Commission and we will miss that, but thank you.

FORMER PLANNING COMMISSIONER DE JONG – Thank you. Well thank you. I enjoyed my time on the Commission very much. I enjoyed working with Staff very much; everybody and my fellow Commissioners. It was a very good learning experience and I don't regret anything. I don't regret a single day or

MV00112133

decision we made and I think we made a lot of good inroads to the City and I think we helped develop it a lot. It was very good. Thank you.

PLANNING OFFICIAL TERELL – And last but not least is Maria Marzoeki who was on the Commission for…

FORMER PLANNING COMMISSIONER MARZOEKI – A little over 8 years

PLANNING OFFICIAL TERELL – 8 years; that's right and wanted to thank you; obviously your expertise or your involvement in the engineering end of it and land planning was very helpful and we will miss that and obviously having… you were the sole female there for many years, which added a softer touch to the Commission, so again I appreciate your help and wish you well. Now it's your turn.

FORMER PLANNING COMMISSIONER MARZOEKI – And I do have some notes, so I'll go back and get my notes and I'll set up at the podium if you don't mind.

PLANNING OFFICIAL TERELL – Okay

FORMER PLANNING COMMISSIONER MARZOEKI – I'll just do it here. It's a little bit easier for me to do it here. Thank you. Since I didn't get the opportunity to speak publicly about my experience on the Commission before leaving, I just wanted to say a few words so please bear with here.

First I'd like to thank the City Council; current and past for providing me with the opportunity to serve this great City. Because of this opportunity I've had the chance to observe firsthand how projects are developed and processed. This position has unquestionably increased my understanding of the development community so I thank you again and continue to be one of the City's biggest supporters.

Next I would like to thank the Planning Commissioners with whom I have served. From Tim Day and Joshua Hill to Doug Merkt, Richard Dozier, Ray Baker and George Salas; I learned a little from each one of you and I will take that with me so thank you. A special thank you to Rick De Jong and Michael Geller for not always agreeing with me but for making me realize that even if we differ in our thoughts, understanding and life challenges we are all professionals in the end and can walk away from any situation in a civil manner. The two of you displayed the passion to keep the Commission interesting, fun and on track and we did have some fun times.

Most importantly I would like to thank Bruce Springer and I hope you are out there listening and George Riechers for assisting me in my growth and development as a Planning Commissioner and also for providing me with a

MV00112134

deeper appreciation of what the Commission really means. Thank you to the City Staff who attended each meeting to provide the Commission with your advice and insight. You definitely made my job easier. And thank you for the community who came out to the meetings to voice your concerns and provide your support. This Commission is your voice, so please stay involved.

And finally to you John Terell; you're awesome. You are just awesome. Your knowledge of the planning process is without comparison in today's world. Thank you for your patience and answering some of the tedious questions that I had to offer and always doing it with a smile. Thank you for your sharing ways and your willingness to research even the smallest of details and I know we had you do that many, many times for us. You and your staff made my time of the Commission very rewarding and I have gained invaluable insight that I will carry with me for rest of my life. Though the path in which I travel has taken a direction that does not afford me the time to continue as a Commissioner, I would just like to add another and final thank you; to all an incredible 8 years. My success would not have been possible without you. Thank you.

PLANNING OFFICIAL TERELL – And with that I wanted to give the opportunity certainly for Commissioners Baker and Salas if they had any thoughts.

COMMISSIONER SALAS – I would like to thank all three of them because I learned a lot from you all and really appreciate your honesty and your caring for the City the way you guys do. I mean you can tell by sitting up here with you how much you guys really care about the way Moreno Valley is headed or where we are headed and with your direction it really helped and enlightened me of what I need to do so thank you guys.

COMMISSIONER BAKER – I just want to add to that George that those three Commissioners and a couple behind; they really came through some tough times where we had that accelerated growth there from 2000 and on through to 2005 and I know I've talked to several of them. They had a lot months of two and three meetings and sometimes twice a week, so they really paid the price to get this City where we are and I think with John's help and their guidance we really have some nice developments on different portions of the City and we need to be proud and I personally am indebted to all three of you and then also the other Commissioners that have gone prior to you. Thank you very much again for your service to Moreno Valley. I hope the citizens really appreciate what you do. Thank you very much. Okay we'll go on to the Public Hearing Items and we've got the first case no. is PA10-0035…

PLANNING OFFICIAL TERELL – I'm sorry Chair… there is another Non-Public Hearing Item.

VICE CHAIR BAKER – Okay let's back up guys. Sorry about that.

2. PA11-0017 - Fiscal Year 2011-2012 Capital Improvement Plan Conformance With General Plan

VICE CHAIR BAKER – On the Non-Public Hearing Items, we've got Item No. 2 that John is going to run through. It is PA11-0017. It has to do with the Fiscal year 2011-2012 Capital Improvement Conformance Plan.

PLANNING OFFICIAL TERELL – Okay and I'm going to hand that over to Larry Gonzales who is a Senior Engineer in our Capital Projects Division to give you the report.

SENIOR ENGINEER GONZALES – Thanks John. Good evening Chair and members of the Commission. As John said my name is Larry Gonzales. I am a Senior Engineer for the Public Works Department. I'm here tonight to present to you the Fiscal Year 2011-2012 Proposed Capital Improvement Plan or CIP. The CIP is a part of the City Budget Adoption process and the information that you have in your packet is a summary of projects listed by category. There are over 400 projects listed in the document. This is a planning document that serves to identify various types of improvements that the City would need over the next 5 years and beyond that is to build-out. All projects listed are in conformance with the City's General Plan and are within the State law guidelines. The document is also consistent with the California Mitigation Act AB1600. If the Planning Commission makes a finding that the document is in conformance with the City of Moreno Valley's General Plan, the document is tentatively scheduled to go before the City Council for adoption on June 14th, 2011. Staff therefore recommends that the Planning Commission make a finding that the CIP is in conformance with the City of Moreno Valley's General Plan. This concludes my report and I am available for any questions.

VICE CHAIR BAKER – Okay do any of the Commissioners have any questions for Mr. Gonzales pertaining to the Capital Improvement Plan?

COMMISSIONER RAMIREZ – I have a question.

VICE CHAIR BAKER – Yes sir

COMMISSIONER RAMIREZ – So this Capital Improvement Plan; its focus is to help with the employment to housing ratio. Is that correct?

SENIOR ENGINEER GONZALES – The purpose of the Capital Improvement Plan is primarily to provide a document for the public that focuses on the capital projects for the upcoming fiscal year and that it provides and shows both the funding and the expenditures for those projects and then it also gives a map for the future of the City through build-out for the remaining projects that would be necessary. So it focuses primarily on capital projects.

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PLANNING OFFICIAL TERELL – Okay, Commissioner Ramirez I believe and Larry can back me up on this, that this has been amended to reflect the recent action by the City Council to focus on next year's capital improvement budget for the next two or three years on specific projects aimed at job creation, but the document as Larry said includes every single capital project in the City for the next many, many years until build-out.

COMMISSIONER RAMIREZ – Thank you.

VICE CHAIR BAKER – Are any other questions of Mr. Gonzales. If not I think we're open for a motion to make our finding from the Planning Commission to send this over to City Council I guess. So does anyone want to make a… is that what we need to do John is to just make a motion there?

SPEAKER REEDER – You have a public comment to that

VICE CHAIR BAKER – Oh I'm sorry… You know we've got some up here that people filled out but there is no name on them.

SPEAKER REEDER – Oh you know what, I changed colors so I probably forgot my name.

VICE CHAIR BAKER – Okay we have one and that was the deal. I have one on number 2

SPEAKER REEDER – That's me

VICE CHAIR BAKER - So this is a non-public item then...

PLANNING OFFICIAL TERELL – So that is this and not number 2 on the regular agenda; the West Ridge project?

VICE CHAIR BAKER – Yes number 2 is the West Ridge… I'm sorry this is number on the non-public…

SPEAKER REEDER – This is about the infrastructure on the property at Nason… Is that what we're talking about; the change in the Capital Improvement Plan to put the infrastructure there first?

PLANNING OFFICIAL TERELL – Yes this is the Capital… okay

VICE CHAIR BAKER – Would we allow that?

PLANNING OFFICIAL TERELL – Yes

VICE CHAIR BAKER - Please come forward. This is your sheet, right?

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SPEAKER REEDER – I apologize

VICE CHAIR BAKER – That's okay, don't worry about it.

SPEAKER REEDER – Hello, my name is Deanna Reeder and in case none of you know and by the way Mr. Owings I didn't put you in that category because I considered you very qualified for the position. In the interview you would have been someone that I would have picked based on your interview and your qualifications, so you might be in that club but you are still qualified, just so you understand that's why; not that I forgot you, but I just felt you were qualified. The Capital Improvement Plan just so you guys know I have read it. It's about this thick. I went through it several times. I've sent emails to people when the City Council was adopting it. Everything the City is planning to do is in there, but it is a prioritization schedule.

Now the infrastructure on and around the Aquabella project, normally what would happen is the developer pays a Development Impact Fee and then he puts the street through his plan and then he gets a credit back off his Development Impact Fee. That is what is supposed to happen but in this case Mr. Benzeevi doesn't want to pay to put that street and get his credit later, he wants the City to give him a 23.3 million dollar gift and that is about what this amounts to because Nason Street does not go between Cactus and Iris. That is Mr. Benzeevi's property. When Mr. Benzeevi develops his property, he puts the street on; he pays for it; he gets his credit back, but Mr. Benzeevi doesn't like to go by the rules, so I know that you guys are going to approve that because that is what you are up there to do. Mr. Benzeevi picked our City Manager at an extremely inflated rate and our City Manager wrote this new Development Economic Plan that gives Mr. Benzeevi 23.3 million dollars of infrastructure on his property. That is a tit for tat. San Bernardino has nothing on Riverside County, especially not Moreno Valley. That is what this is.

Now you guys are going to approve it because you don't really care what anyone else says, but I don't believe you do… we'll see because there are a lot of other capital improvement plans in this City. There are a lot of streets that are needed. Putting the street through between Iris and Cactus will not help the flow on Nason. Nason goes down to one lane in each direction by the High Schools and in several other spots. Now if they were fixing Nason all the way to the freeway and then considering this, you know what, that would be a maybe but his is a 23.3 million dollar gift to Benzeevi. Thank you.

VICE CHAIR BAKER – Thank you

PLANNING OFFICIAL TERELL – Just to clarify for the Planning Commission you are not approving the Capital Improvement Program tonight. The only action that you are being requested to take is to find the Capital Improvement Plan in conformance with the General Plan and the three major projects that are

included in the action that the Council took recently are all General Plan streets, so I just wanted to clarify that you are not approving the Capital Improvement Program.

VICE CHAIR BAKER – Okay, are there any other comments Public or Commissioners? Well I move that we have a motion to make the recommendation to the City Council on the Planning Commission.

COMMISSIONER SALAS – I motion that we approve it.

VICE CHAIR BAKER – Okay, second?

COMMISSIONER RAMIREZ – I second it

VICE CHAIR BAKER – Okay, moved by Commissioner Salas and seconded by Commissioner Ramirez. All those in favor

Opposed – 0

Motion carries 6 – 0, with one absent (Commissioner Dozier)

PUBLIC HEARING ITEMS

1. Case Number: PA10-0035
Amendment to Municipal Code for Water Quality Requirements

Case Planner: Julia Descoteaux, Associate Planner

VICE CHAIR BAKER - Julia, you're up.

ASSOCIATE PLANNER DESCOTEAUX – Good evening Planning Commissioners. I'm Julia Descoteaux, Associate Planner. Before you this evening is an Amendment to the City's Municipal Code, Title 9 for Planning and Zoning. The proposed changes are a result of compliance with the 2010 National Pollutant Discharge Elimination System or NPDES, Municipal Separate Storm Sewer MS4 Permit, with compliance required by July 29th, 2011. The MS4 Permit Requires that the City promote green infrastructure/low impact development LID techniques for all projects.

The primary changes include revising design requirements to promote onsite water retention and infiltration in an effort to clean water of contaminants prior to

MV00112139

the water being discharged from the site into the storm drains or flood control channels which then enter receiving waters such as the Santa Ana Watershed.

The proposed changes include the use of water efficient native plants, landscape areas increased and designed to promote water retention, the use of permeable surfaces, having openings in the curbs to convey surface drainage into landscape areas, require parking in excess of the required parking to be constructed of permeable surfaces, reducing the depth of the parking stalls and increasing the landscape, reducing the hardscape areas and the use of permeable surfaces wherever feasible.

The Planning Division works with the Applicants and the design requirements, however the Public Works Department is responsible to ensure that the projects meet water quality requirements as well as site grading while complying with the MS4 Permits and they will be providing changes to Municipal Code Section 8.10, which does not require Planning Commission approval.

The project does not have the potential to cause a significant effect on the environment, so the project is exempt from the provisions of the California Environmental Quality Act in accordance with Section 15061 as defined by Section 15378.

The project was noticed in the local newspaper and to date I have had no inquiries on the proposed changes. There were several changes to the report and I believe you received a green memo regarding that and all sections were appropriate. The word pervious will be replaced with the word permeable in an effort to be consistent with the proposed changes to Municipal Code Title 8 and in addition, Section 9.08.080, the Grading Section, the addition of letter "M" will be deleted from the Attachment 4 on page 100 and on page 70, number 4. This concludes Staff's presentation and at this time I am available to answer any questions for you. Thank you.

VICE CHAIR BAKER – Okay, thank you Julia. Do we have any Commissioner questions?

ASSOCIATE PLANNER DESCOTEAUX – Excuse me…Kent Wegelin is also here to answer questions on the NPDES that you might have as well.

VICE CHAIR BAKER – Okay, thank you

COMMISSIONER VAN NATTA – Did I understand you to say that instead pervious we are using permeable and those changes have already been made in this document?

ASSOCIATE PLANNER DESCOTEAUX – No, I'll be making those

MV00112140

COMMISSIONER VAN NATTA – Oh okay, thank you

VICE CHAIR BAKER – Commissioner Salas, do you? Commissioner Owings, are you okay with this? Do have any comments?

COMMISSIONER OWINGS – No comments; no questions.

VICE CHAIR BAKER – Okay, very good. So we will open this item up to Public Testimony. I have no Speaker Slips on this Item No. 1 from the public, so I'll close Public Testimony and we will open Commissioner's Debate for discussion and if there is any additional discussion on this before we move for a motion and second. Okay, everybody is okay so I will move for a motion and second. On this particular one here, Julia one thing we need to know on that Resolution No., there is 2011… do you know that actual number so we can put that in the minutes.

ASSOCIATE PLANNER DESCOTEAUX – It is 11

VICE CHAIR BAKER – It is 2011-11?

ASSOCIATE PLANNER DESCOTEAUX – Yes

VICE CHAIR BAKER – Okay so whoever makes a motion here, what we need to do is make a motion to approve this resolution and then recommend to the City Council to approve the PA and then recognize the PA10-0035 okay. Do I have a motion for this?

COMMISSIONER VAN NATTA – Okay I move that we **APPROVE** Resolution No. 2011-11 and thereby **RECOMMEND** that the City Council:

1. **APPROVE** PA10-0035 Municipal Code Amendment; and,

2. **RECOGNIZE** that PA10-0035 Municipal Code Amendment qualifies as an exemption in accordance with CEQA Guidelines, Section 15061 as defined by Section 15378.

VICE CHAIR BAKER – Thank you Commissioner Van Natta. Do I have a second?

COMMISSIONER SALAS – I'll second that

VICE CHAIR BAKER – Commissioner Salas will second that. Let's have a vote; all those in favor?

Opposed – 0

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Okay, wrap up

PLANNING OFFICIAL TERELL – Yes this item shall be forwarded to the City Council for final action and I believe that is scheduled like you said for June 14th.

VICE CHAIR BAKER – Okay, thank you very much. Okay we're going to move onto Item No. 2

2. Case Number: P11-029
Amendment to Aquabella Development Agreement

Case Planner: John Terell, AICP

VICE CHAIR BAKER – Mr. John Terrell will handle this item for us.

PLANNING OFFICIAL TERELL – Yes this item is the first amendment to the Aquabella Development Agreement. The Development Agreement was adopted at the same time as the approval of the Aquabella Specific Plan which is roughly located south of Alessandro, north of Iris, east of Lasselle and generally west of Nason and the Development Agreement is something that is permitted under State Law to allow a developer to get long term protection on the zoning and the entitlements that they receive in exchange for agreeing to do certain things and in this particular Development Agreement there is an extensive list of capital improvements that are required as part of this Development Agreement as well as the quality of the development, which is identified in the Specific Plan as well as in the Development Agreement. The Development Agreement specifically requires the construction of a clubhouse that has a minimum value of 25 million dollars.

The other was a payment that was already made which was a one million dollar payment that was made to support the extension of lines; not to this property but in the service area of the Moreno Valley Utilities. The first amendment is quite simple. The applicant has requested to remove the parcel at the northeast corner of Cactus and Lasselle. That particular parcel is the only parcel in the Aquabella project that is not age restricted. It is a non-senior parcel and so they are requesting to remove from the benefits and the responsibilities of the Development Agreement I believe so they can sell that to some third party. The list of improvements that are required under the Development Agreement are not changing. They still stay the same. They are actually moved up in priority to the next higher phase because this particular parcel was phase 6 and now there will only be 5 phases.

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Your action would be a recommendation. Final action will occur by the City Council. The project was noticed in the newspaper, sent to all property owners within 300 feet of the project and that was not just the corner of Lasselle and Cactus, it was the entire Aquabella Specific Plan and it was also noticed on the property. I did receive four phone calls regarding the project. Generally they were interested to know what was going to be developed on the site and it is very important to note that there is no development application for this site. That would be a separate future application that would require its own public hearing before the Planning Commission. So with that I will close my remarks and be open for questions.

VICE CHAIR BAKER – Alright, thank you John. Do any of the Commissioners have questions of John Terell on this item?

COMMISSIONER OWINGS – I do. I am sure I'm going to have more questions as we go into this and as other Commissioners delve into it, but you say the Development Agreement was signed when and what is the length or the term of the Development Agreement?

PLANNING OFFICIAL TERELL – The Development Agreement was approved January 12, 2006 and it has an initial term of 15 years with two 5 year extensions possible, so it is in effect for some time and then there is certain performance that has to occur to extend it beyond that term.

COMMISSIONER OWINGS – So were any of the improvements that you mentioned like the clubhouse or anything, were they to be located on this parcel.

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – So this parcel was originally in the Development Agreement solely just a residential non-age restricted residential area?

PLANNING OFFICIAL TERELL – That's correct. There are certain improvements that are in the Development Agreement that are still required in the Development Agreement that would obviously be the frontage along Lasselle and Cactus. If this property is developed separately in advance of the rest of the Aquabella Project, then that project will most likely be responsible for those improvements because they are immediately adjacent to the site, but if they do not occur, then if this site is not developed for many years then the Aquabella Project would be required to do it based on the phase.

COMMISSIONER OWINGS – When you say most likely, that leads me to believe that there is a possibility they may not.

PLANNING OFFICIAL TERELL – The only reason they may not is if the City should choose to develop those improvements and therefore there would be a

MV00112143

reduction in the benefits accruing to the project or most likely what would happen…

COMMISSIONER OWINGS – In which case… not to interrupt you, but I suffer early onset Alzheimer's, so I may forget, but in that particular case that the City does those, what remedy does the City have with the developer to kind of equal the scale here. If he is doing less, the City is doing more, how he compensates the City for that

PLANNING OFFICIAL TERELL – The Development Agreement requires the improvements provided by the development to exceed the amount of the credits they are receiving, so that's the balance sheet.

COMMISSIONER OWINGS – So that could be determined at a later time?

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - And what assurance does anyone have that that will happen?

PLANNING OFFICIAL TERELL – It's required by the agreement. I mean that's all I can say. It is a contractual agreement.

COMMISSIONER OWINGS – And you were going to go onto a second one and we'll see if your memory is better than mine.

PLANNING OFFICIAL TERELL – Oh well I was going to say most likely what will occur is this property will be developed in advance of phase 5 of Aquabella, which is really the last phase in Aquabella, which is a very large phase and therefore the improvements will most likely be constructed by the developer of this parcel.

COMMISSIONER OWINGS – In the master agreement, those developments; when are they required in which phase.

PLANNING OFFICIAL TERELL - They are required in phase… In the existing agreement it is Phase 6, but since this property is Phase 6, all those improvements were moved up to Phase 5.

COMMISSIONER OWINGS – Isn't that sort of unusual that development would have all of those improvements after the whole project is complete

PLANNING OFFICIAL TERELL – Well there are five phases and as each phase occurs there is more impact both onsite as well as offsite and that is why its phased so as the impacts occur, the improvements are required rather than requiring all the improvements up front, even before any of the impacts occur.

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COMMISSIONER OWINGS – And that's normal?

PLANNING OFFICIAL TERELL – That is normal; yes

COMMISSIONER OWINGS – Okay, then what does the removal of this property…well first of all let me ask you, originally in the master plan, why was this property not designated with an age restriction. There must have been some logic for the marketing of this plan. Why was it not consistent with the bigger portion of the project?

PLANNING OFFICIAL TERELL – Well at time there was recognition that this property is close to the County Hospital, which is the largest employer in the City of Moreno Valley and there is no multi-family housing in close proximity or multi-family zoning at that time and therefore this was included as a recognition that at least one site on this property that was near the hospital would have the potential to provide workforce housing for the hospital.

COMMISSIONER OWINGS – So is this workforce housing still required? I mean is there a need for that still? I know this was done in 2006, so since 2006 has that requirement for work related housing for the hospital workers, has that been filled by someone else.

PLANNING OFFICIAL TERELL – It has not

COMMISSIONER OWINGS – So there would still the need. Are there other areas of property in this area that could fulfill that need?

PLANNING OFFICIAL TERELL – Well as part of the recently adopted Housing Element for the City, there are a certain number of multi-family housing units that are required in the City. A large portion of those that are identified in the Housing Element involve rezoning property to R30, which is 30 units per acre. That is a new zone that is required by the State and one of the areas that was identified was the area immediately north and west of the hospital and north of this property and should all that rezoning occur this property may or may not be needed to meet those requirements.

COMMISSIONER OWINGS – So let me ask you a question. If we were to approve this tonight, is there any assurance that it would still be designated… I mean if someone wanted to do medical offices there instead of residences for workers, it is conceivable it would come back to the Planning Commission and we would probably in some later future date be asked to change the zoning of it from its current zoning to something that would allow medical offices or something of that nature, so there is no assurance then that that specific housing need that was identified when this plan was put together would be met if we make this change tonight.

MV00112145

PLANNING OFFICIAL TERELL – The change tonight doesn't affect the land use on this property. The land use was established by the Specific Plan.

COMMISSIONER OWINGS – But if you take it out of the master plan then it could be changed. It cannot be changed if it stays in the master plan. Am I correct?

PLANNING OFFICIAL TERELL – Maybe it's the terminology… the Specific Plan is the land use plan and…

COMMISSIONER OWINGS – Not the Master Plan, I mean the Development Agreement

PLANNING OFFICIAL TERELL – With the Development Agreement; the only change that taking it out of the Development Agreement because in a Development Agreement the land use can change, but it requires the concurrence of both the City and the property owner.

COMMISSIONER OWINGS – Which is only fair…?

PLANNING OFFICIAL TERELL – If it is outside the Development Agreement, the City could if it wanted to, change the land use without the concurrence of the developer.

COMMISSIONER OWINGS – So there could be a benefit to the City by taking it out?

PLANNING OFFICIAL TERELL – Well I'm not saying it is a benefit, but the City has more rights relative to the land use if it is outside of the Development Agreement than if it is in the Development Agreement; more flexibility

COMMISSIONER OWINGS – To allow some of the other Commissioners to question further, but could you finally just kind of persuade me or alleviate my fear here. It seems as though if I'm just a little tiny developer, it's my main occupation, but it would seem to me that someone in the City made this agreement with this developer to put that little chunk in there to do meet the need of the hospital, it wasn't probably his idea, it was probably the City's idea. Am I correct in that?

PLANNING OFFICIAL TERELL – It was a suggestion from not myself but from City Staff that it be included and the developer was amenable to that.

COMMISSIONER OWINGS – Right so he was amenable to it because he has this bigger project he wanted to do, but the need you guys saw back 2006 still exists and has not been met and so persuade me that that need could be met somewhere else so at least we have some feeling that it could be met

MV00112146

somewhere else or you know some hope that it could down the line future met with some other parcel or other property.

PLANNING OFFICIAL TERELL – Well I'm not here to convince you one way or the other. I will tell you if someone came forward, either the City or the property owner and wanted to change that from multi-family housing to some other use, the Planning Commission and City Council would have to determine that other sites already existed to meet the housing needs of the City.

COMMISSIONER OWINGS – Not to be argumentative, I know you are not here to change my mind or persuade me, but you did recommend approval of this, so you are in a sense putting your stamp of approval on it. I think that the Staff does need to address that concern.

PLANNING OFFICIAL TERELL – I'm not quite sure what the concern is because… The concern is there is no land use change before tonight.

COMMISSIONER OWINGS – Well the concern is that the City Staff in 2006 say there was a need for this particular parcel to be used for the hospital workers and it now no longer sees that need?

PLANNING OFFICIAL TERELL – Again, the land use is not changing tonight and therefore the only action before the Commission is to recommend whether it is in or out of the Development Agreement

COMMISSIONER OWINGS – But if it is in the Development Plan it is pretty much assured it is going forward as it is. If it's not in this Development Agreement, there is a possibility that it might not. Am I correct?

PLANNING OFFICIAL TERELL – No, I'm sorry that's not correct. The Specific Plan which identifies the land use is not changing. All that is changing is it goes from being in a Development Agreement which means the property owner has to agree a change of land use.

COMMISSIONER OWINGS – John hypothetically, excuse me for cutting you off, cut you are just really not getting my point, so I've not made it clear. Hypothetically, if you take this out of this agreement, Mr. Benzeevi, the owner of this could come over to you one night and ask you to change the zoning to office or some sort of multiple use zoning; correct

PLANNING OFFICIAL TERELL – He could do that now

COMMISSIONER OWINGS – Even though it is in the Master Development Plan

MV00112147

PLANNING OFFICIAL TERELL – Correct because he is the property owner and the property owner always has; even under the Development Agreement, has the right to request a change in land use.

COMMISSIONER OWINGS – Would the City Planning Commission be the sole authority of that or would it have to go to the Council. I would assume this agreement would have to go to the Council wouldn't it if you change it?

PLANNING OFFICIAL TERELL – Yes, this agreement has to go to Council and any land use would have to go to Council as well.

COMMISSIONER OWINGS – Well thank you very much. I think really clarified it for me.

PLANNING OFFICIAL TERELL – I'm sorry if I didn't understand you clearly…

COMMISSIONER OWINGS – No, no, it's my fault. I wasn't communicating clearly.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – Okay so I'm still not clear. Maybe you can fill me in. So aside from little section of land there was there any other non-age restricted multiple family dwellings within the Development Agreement?

PLANNING OFFICIAL TERELL – No there are not

COMMISSIONER VAN NATTA – Okay, so conceivably by taking that out of the Development Agreement and selling it to somebody or even without selling it to somebody else, then the developer of Aquabella could go ahead and finish his complete development without having to worry about putting in the multi-family units that he had originally agreed to when he entered into this Development Agreement?

PLANNING OFFICIAL TERELL – They are not required to put in the multi-family housing but it is Phase 6. So the idea is to complete the Aquabella Development, this is one of the parcels that would be developed. If it is not developed then certain… within the Development Agreement if this parcel was not developed, certain responsibilities would not be required and certain benefits; meaning certain fee credits would not accrue to the developer, so this like most development agreements is performance based. If you do develop something you have certain responsibilities and certain benefits. If you don't develop, then you don't have certain responsibilities and you don't get certain benefits

COMMISSIONER VAN NATTA – Right, but as part of the original Development Agreement the whole project as a whole has a certain number of multi-family

MV00112148

units in it, which if we take this part out then he no longer has the requirement when he develops it completely to put in the multiple family units.

COMMISSIONER VAN NATTA – He could complete the whole thing without building any multi-family units

PLANNING OFFICIAL TERELL – That are non age-restricted; yes

COMMISSIONER VAN NATTA – Non-age restricted multiple family units

PLANNING OFFICIAL TERELL – Yes and even under the current agreement, since this was the last phase, he theoretically could have developed everything else without developing this parcel.

COMMISSIONER VAN NATTA – Just leave an undeveloped parcel there that he couldn't…that if he were to develop it, it would have to be non-age restricted multi-family unless there was an agreement between him and the City to change it to something else.

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER VAN NATTA – But now by taking it out and saying it is not part of the Master Development, and then he doesn't have to worry about that.

PLANNING OFFICIAL TERELL – Well, it's not part of the Development Agreement. It still is Highland Fairview's property and therefore to develop it, they have certain responsibilities. They don't necessarily have the same benefits as being in the agreement but and I'll kind of defer this to the Applicant Representative, but I'm assuming and the Applicant's Representative can confirm this, that they want to take this property out the Development Agreement to sell it to some third party and to make it more marketable to a third party that doesn't want to be responsible for the rest of Aquabella; they are separating it out so there are Aquabella's responsibilities and rights and then this property is free of those responsibilities. So it doesn't tie this property in with the development of the rest of Aquabella. It allows it to be separately developed by a third party.

COMMISSIONER VAN NATTA – I would like to hear more explanation about why they're doing it because it looks kind of strange to take that little corner out of a development that was originally planned to be a certain way and all cohesive and you know all flow together and everything like that and then you take a little chunk out of the corner which is the frontage on a fairly well travelled road; yes I'd like to hear a little more about that.

PLANNING OFFICIAL TERELL – I think the Applicant has to make that case for you.

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COMMISSIONER VAN NATTA – Alright, thank you

VICE CHAIR BAKER – Okay are there are more questions of Staff before we have the Applicant come forward.

COMMISSIONER OWINGS – I was fairly certain I understood you to begin with. You told me that the major contribution by the developer to the City would not occur till phase 6.

PLANNING OFFICIAL TERELL – For this parcel

COMMISSIONER OWINGS – For this parcel… but the complete development, under the Master Agreement, which is just nothing but a contract between the City and the developer to do certain things; correct

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS – So when would… you said that on the developers part that contribution would be made at the completion of Phase 6. Did I misunderstand you?

PLANNING OFFICIAL TERELL – Possibly… this particular property is Phase 6 and there were certain requirements… there were certain improvements required in Phase 6 and those have now been moved up to Phase 5 and if under the current plan Development Agreement; if this parcel is not taken out of it, it's not required to do anything until Phase 6. Every phase has major improvements that are required and actually much larger than Phase 6.

COMMISSIONER OWINGS – So that's the part I misunderstood. I thought you were leading me to believe that Phase 6 was the larger portion. I couldn't figure out why they got to the end with… So could you please, if you know John and I know you may not, it's been a long time, but what were the developer's responsibilities at the completion of Phase 6?

PLANNING OFFICIAL TERELL – I couldn't point out exactly which ones, but in Phase 5 there is a very long list and several those are primarily relating to what is adjacent to this parcel were required in Phase 6. Phase 6 has a very short list. Most of the improvements were required well in advance of Phase 6. It was a short list. As I recall it was only three or four items.

COMMISSIONER OWINGS – Okay thank you John

VICE CHAIR BAKER – Okay is there anyone else?

COMMISSIONER CROTHERS – The phase 6 items that we're looking at right here or the Phase 5, does that include the ones that were from Phase 6?

MV00112150

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER CROTHERS – Okay thank you

VICE CHAIR BAKER – Anyone else? Okay, we'll bring the Applicant forward and he can present… Mr. Wayne Peterson. Would you please state your name and address sir.

SPEAKER PETERSON – Sure, Wayne Peterson with Highland Fairview and we're located here in Moreno Valley. I'd be happy to address the Planning Commission on this and want to thank John for responding to many of those questions. It really is a very simple amendment. I can appreciate the Commission's questions because it is simpler than it may appear. The only change being proposed is to eliminate the small planning area from the Development Agreement. All of the obligations under the Development Agreement today remain with the Aquabella property without this piece, so all of the obligations; all the street improvements; all the improvements within Aquabella are all still in place; nothing changes whatsoever in terms of the mitigations that are required; the public improvements; the private improvements; all those things are all still in the plan. The only thing that changes is the fact that this small piece of property is no longer protected by the Development Agreement.

As John said, it essentially removes the guarantee that the Development Agreement provides, that the City cannot unilaterally change the zoning on that property. In this particular case and it's not for a potential sale; it is for a potential financing purpose that this particular piece is being removed from the agreement. There is no pending sale of the property, it is still owned by Highland Fairview and will continue to be owned Highland Fairview, so my goal would be to try to assure the Council or Commission I'm sorry, that the proposed amendment is in fact as simple as it sounds. It does not reduce in any way, shape or form any of the obligations that Highland Fairview agreed to back in 2006 and essentially its three items. I can point those out to you in the back of your package. At the end of Exhibit…

COMMISSIONER OWINGS – Maybe you could just give us the page number

SPEAKER PETERSON – It doesn't have pages in my copy of the Staff Report. If you go through the Staff Report… there is Attachment 3 is the draft of the first amendment to the agreement. If you go to the back of Attachment 3 there is spreadsheet that looks like this…

PLANNING OFFICIAL TERELL – Page 199 I believe

MV00112151

SPEAKER PETERSON – Oh your Staff Report is numbered and the copy I have isn't. It should be the last page of the spreadsheet that lists all of the improvements that are required in Aquabella

PLANNING OFFICIAL TERELL – So that would be 203

SPEAKER PETERSON – Okay, sorry

COMMISSIONER OWINGS – John I'm looking at page 203 and I don't see Phase 6

PLANNING OFFICIAL TERELL – Right, they are all in Phase 5 now

COMMISSIONER OWINGS – Okay, so which are the three that would have been in Phase 6?

SPEAKER PETERSON – The last three

COMMISSIONER OWINGS – The last three

SPEAKER PETERSON – Correct… the two on the last page refer to all phases.

COMMISSIONER VAN NATTA – So you are referring to modify the traffic signal, widening and restriping and signing for a left turn lane and coordination of traffic signals.

SPEAKER PETERSON – Correct

COMMISSIONER OWINGS – And then on the back page it is the money items; the TUMF fees, correct.

COMMISSIONER VAN NATTA – Those just aren't in that phase, those are for all phases

COMMISSIONER OWINGS – Would those fees be reduced as a result of removing this parcel?

SPEAKER PETERSON – As John indicated, the zoning on the property stays the same; no change whatsoever in density; no change in type of land uses; its multi-family residential and in the Development Agreement a key point is that there is no requirement to build those units at any particular point in the overall development of the community. The point is when they are developed; they are subject to all of the regulations that normally apply to any residential development in the City, including review by this Planning Commission and potentially the City Council.

MV00112152

COMMISSIONER OWINGS - Your name again, I didn't get your last name sir

SPEAKER PETERSON – Peterson… Wayne Peterson

COMMISSIONER OWINGS – Mr. Peterson my name is Tom Owings. I would like to assure you that I'm not trying to make something simple into complicated. I have enough complications in my life, but there is a fiduciary function for each of the Commissioners here to understand when the City; when two people enter into a contract and one of them wants of modify it. We were not here. We have a fiduciary function to ask the questions, so I hope you understand that were not in any way trying to complicate something. So you know in looking; I think can simplify it with one simple question. Wayne if you were to look at me straight in the eyes and tell me that is going to be developed with multiple unit, non-aged restricted units, then my concern about meeting the housing need that was identified in 2006 would be alleviated. So can you tell me that the ultimate use of this will be the units that were initially envisioned when this agreement was agreed to by the developer and by the City.

SPEAKER PETERSON – No, but the key point is if it is anything different then what is in the Development Agreement today and in the zoning, it would be an application on the part of the property owner that would have to come through the City review process.

COMMISSIONER OWINGS – And when you say property owner that makes me believe that wouldn't be fair of Fairview Highland

SPEAKER PETERSON – Well I can't stand here and tell this Planning Commission that the Highland Fairview is going to forever be the owner of all the property it owns.

COMMISSIONER OWINGS – Let me ask you hypothetically; if you were in the party of a master agreement like this and you were kind of thinking about and I appreciate your comment about later down the line, the zoning would come before the Planning Commission, but that is kind of kicking the question down the line when it really our responsibility to deal with it now, so hypothetically if you were a developer and you kind of decided that this project may not happen; the whole project; you might start picking it apart piece by piece and so I guess I have to ask you what are the likelihoods that a few years from now another Planning Commission member with my curiosity might be asking you or might asked to say we want to take Phase 5 out and then Phase 4 and then Phase 3; so the City is bound to allow you to have this long term agreement, but piece by piece it is being taken away, so I guess my question to you is this the first step in that process.

SPEAKER PETERSON – No

MV00112153

COMMISSIONER OWINGS – It's because a little tiny guy who tried to develop some housing units, you know there is generally a five year period on these types of entitlements and then you get a couple of extensions here and there. You guys really have a 30 year period here to which the City is bound by this agreement and of course you are too, so that's my concern. So you have no plans. Highland Fairview two years from now is not going to be here trying to pull out parcel 5 or section 5 of this.

SPEAKER PETERSON – No

COMMISSIONER OWINGS – Okay thank you

COMMISSIONER VAN NATTA – Was this the only parcel in the development that was not age restricted? Is now the rest of Aquabella age restricted?

SPEAKER PETERSON – That's correct. Well the exception and to just be completely accurate; the High School site was technically part of the Specific Plan. It is obviously not age restricted.

COMMISSIONER VAN NATTA – But all the residences that are…

SPEAKER PETERSON – Correct, all the residential property…

COMMISSIONER VAN NATTA - …that are under the program now, the rest of them are age restricted.

SPEAKER PETERSON – That is correct

COMMISSIONER VAN NATTA – And this was the only section that was not

SPEAKER PETERSON – That is correct

COMMISSIONER PETERSON – Okay

VICE CHAIR BAKER – Are there any other questions of the Representative or the Applicant? Thank you very much. Now we will open this up to Public Testimony. I have no Speaker Slips on this item so I will close the Public Testimony on this item and we will go forth with Commissioner's Debate.

PLANNING OFFICIAL TERELL – Chair Baker; just to clarify the questioning that was occurring; no property owner can agree not to ever change their mind in the future but in a development agreement the City is not required to approve any change that the owner of that property has. They are only required to consider it, so not that it will occur in this case, but we've got other Development Agreements in town and the owner of the property has the right to request, but they don't have the right to change it; the City always has the right to review and either

MV00112154

agree or disagree. Just to clarify that; you know if you see a change in this Development Agreement or say Towngate or some other project that has a Development Agreement, you are not required to approve it but the owner of the property can never bargain away their right to ask.

COMMISSIONER OWINGS – You know John I'm not trying to suggest that they know because I don't know what I'd I'm going to do with the piece of property that I am stuck with in Oregon in the same situation they are, but we sure have a pretty good idea when we have that much money invested in it and I think it is a fair question to ask what is the plans as of today.

PLANNING OFFICIAL TERELL – Agreed, I just want to make sure that it was clear that they could change their mind.

COMMISSIONER VAN NATTA – As I see this, this gives even though it has been taken out of the Master Plan for Aquabella; if anything, the City now has more control over what happens with the development of that piece of property than we had when it was within the development and since there was no guarantee that at any point that phase would have ever been reached, it would have turned into multiple family units anyway, I don't see much harm in approving this because they can't do anything other than it was slated for without for without coming back to us for permission anyway. I am a great believer in owners being able to do what they can with what they want to with their own property as long as they are staying within the rules and there is no harm in what changes they want to make and so I don't see any harm in approving it.

COMMISSIONER OWINGS – You know I just respectfully disagree with that analysis. This is different. This is a contractual arrangement between the City and a developer. This is not a question of property rights because there is nobody on this dais that believes in property rights more than me, but this is between a contract… you know the developer got something out of this or they wouldn't have entered into the agreement, so the City got something; the developer got something and now the agreement is being altered and I do not believe this is a property right; this is a contractual agreement.

COMMISSIONER VAN NATTA – Let me just respond to that. But the City isn't giving up anything that they agreed to and in a way neither is the owner and he has the right to ask and if there is no harm in making the change, I don't see the harm in approving it.

COMMISSIONER OWINGS – You know and I may agree with that final analysis, but the point is how we got there has to be correct and clear in our mind. We have every right to question this and it is not a matter of property rights, this is a question of contractual agreement between two parties and one party wants to change it.

MV00112155

PLANNING OFFICIAL TERELL – Commissioner Owings is exactly correct, that's why this item is before you because the City and the Applicant have to agree in order to change this contract.

VICE CHAIR BAKER – Okay another other comments?

COMMISSIONER RAMIREZ – Having said that, I believe that we need to be flexible. We need to be able to work together. Times change and things happen in a five year period, so whenever this contract was proposed and put in place, a lot has changed since. One thing I can agree with is our developer has a great proven track record. In fact when that Skechers was built, it was built way ahead of time and up to the cutting edge and as far as time frame goes, I believe that the developer completed and fulfilled all their obligations way ahead of schedule, so having said that, I find no harm in trusting the developer that either one day if he decides to sell this particular property or they decide to develop it, the fact is that this will help them and it will help us in moving the City forward. Now it is better for us to not develop something than not develop it and sit there for many, many years and have no one move into it. That doesn't make anybody any money and that doesn't make any sense, I believe that as long as we can come to an agreement to work together and be flexible, we'll be able to accomplish our mission. Thank you.

COMMISSIONER OWINGS – Respectfully I would like to point out to the Commissioner that this Development Agreement assures that there is a possibility that we could be 30 years from now and that land would be vacant, so if you want to do rapid development, you shouldn't enter into these kinds of agreements.

COMMISSIONER VAN NATTA – And I may add to that that I feel that we have to look at each one of these projects on their merit and on what was decided on this particular property. We can't go into something saying I trust this developer and I don't trust that developer or point to how a developer has behaved in any other development that he has done. We're talking about a specific plan for this specific piece of property and that's what we need to look at.

VICE CHAIR BAKER – Okay, any other comments? Okay, I guess we're at a point where we'll ask for a motion to approve this Resolution 2011-14. Do I have a motion?

COMMISSIONER RAMIREZ – I motion that we approve…

VICE CHAIR BAKER – Okay, would you do this for me Commissioner. Would you read in there that resolution? Here I'll give the sheet. We just need you to read into the record all the items there. Thank you.

MV00112156

COMMISSIONER RAMIREZ – I make a motion that we **APPROVE** Resolution No. 2011-14 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that P11-029 is exempt from the California Environmental Quality Act as the First Amendment would not Result in substantial changes to the Aquabella Development Agreement necessitating additional environmental review; and,

2. **APPROVE** P11-029, a First Amendment to the Aquabella Development Agreement to remove Planning Area 2, a 13.2 acre Parcel at the northeast corner of Cactus Avenue and Lasselle Street

VICE CHAIR BAKER – Do we have a second to Commissioner Ramirez's motion?

COMMISSIONER VAN NATTA – I'll second that

VICE CHAIR BAKER – That is seconded by Commissioner Van Natta. Okay let's poll the Commission and all those in favor?

Opposed – 0

Motion carries 6 – 0 – 1, with one absent (Commissioner Dozier)

VICE CHAIR BAKER – Thank you

PLANNING OFFICIAL TERELL – This item will be forwarded to the City Council for final review and action. That would tentatively occur on June 14th and that's all at this time.

3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**

Case Planner: **Jeff Bradshaw**

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone

MV00112157

Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal...Under the current... one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck corridor loading area and that is a minimum at the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language

MV00112158

that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With the regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. If this facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine

MV00112159

the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009.

The result of that was the City was able to receive responses from various responsible agencies. This was members of the community here where they identified concerns that they had with that document and were able to hold a public meeting in October of 2009 together for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year. The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information.

Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances

MV00112160

mitigation measures have been applied and the impacts reduced to extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document and I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend

MV00112161

the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yes and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster, I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now.

If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory

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that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Sketchers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place.

The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be? I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs.

If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Sketchers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will

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come back again. The opportunity where the large retailers are looking for is what Sketchers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Sketchers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings.

The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community. That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of

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findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

MV00112165

COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Sketchers plant up here. You know Sketchers has lots of truck bays. They may not be all used at one time. They may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION CONSULTANT ENGINEER – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow

are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

MV00112167

COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

PLANNING OFFICIAL TERELL – The reason is because other than the Sketchers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

MV00112169

COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Sketchers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Sketchers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act

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as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to

MV00112171

equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for

MV00112172

a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was

MV00112173

just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60

westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Sketchers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

COMMISSIONER VAN NATTA – Okay… yes but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added

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information was for Sketchers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Sketchers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

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COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

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COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Sketchers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Sketchers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

MV00112178

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.

One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in

MV00112179

opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to. We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within 300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I

MV00112180

don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yes, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

MV00112181

COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

MV00112182

COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

MV00112183

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Sketchers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Sketchers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yes, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Sketchers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Sketchers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Sketchers building around the square windows.

COMMISSIONER OWINGS – Yes but, okay, but it does look totally different than the Sketchers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Sketchers building?

APPLICANT RICE – I think I would, yes

MV00112185

COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Sketchers is Sketchers and we don't want to be like Sketchers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Sketchers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area

MV00112186

that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yes Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

MV00112187

COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yes unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

MV00112188

SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that. The same thing with Sketchers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor.

We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan. Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it... they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no,

MV00112189

they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know.

The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Sketchers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Sketchers. Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should at least put on an air that you are unbiased about it.

Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to

MV00112190

meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Sketchers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Sketchers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Sketchers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises.

Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and... Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Sketchers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case. Things are planned. You need to put things where are they are planned. You need to approve them where they are planned.

Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Sketchers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the

MV00112191

500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Sketchers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Sketchers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

MV00112192

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yes I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yes, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding Commission that they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact base of personal attacks. Whether or not Iddo Benzeevi is a good person or a

MV00112193

bad person, he has certain rights in this City and they should be obeyed or they should be respected.

Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this. There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself.

In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking. I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs.

MV00112194

It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Sketchers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Sketchers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Sketchers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

MV00112195

VICE CHAIR BAKER – Now they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Sketchers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Sketchers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if

you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

MV00112197

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Sketchers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

MV00112198

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

OTHER BUSINESS

1. Denial Resolution: PA10-0022 Municipal Code Amendment – Dark Sky

VICE CHAIR BAKER – We've got Item No. 1, which is the denial of the situation we were talking about last week and John is going to handle that.

PLANNING OFFICIAL TERELL – Basically we drafted a resolution. Hopefully it actually reflects your action. If it does, then you simply need to act to approve Resolution No. 2011-10. You need read the rest of that as that is just part of the Resolution.

VICE CHAIR BAKER – Okay, do we have any discussion on this? We pretty worked this over last time I think, so I am going to ask for a motion to approve this resolution.

COMMISSIONER VAN NATTA – I move that we approve Resolution No. 2011-10

VICE CHAIR BAKER – Do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – It is moved and seconded; all those in favor?

Opposed – 0

Motion carries 5 – 0

VICE CHAIR BAKER – Okay, the next item is the election of Officers

2. Election of Officers

VICE CHAIR BAKER – We're going to hold that off until the next meeting.

PLANNNG OFFICER TERELL – So, on the Election of Officers I do need you to take an action to continue that item if you will

COMMISSIONER OWINGS – I move that we continue the Election of Officers until we have a full Commission.

VICE CHAIR BAKER – Do we have a second?

MV00112200

COMMISSIONER SALAS – Second

VICE CHAIR BAKER – Okay, all those in favor?

Opposed – 0

Motion carries 5 – 0

STAFF COMMENTS

PLANNING OFFICIAL TERELL – Your next meeting is June 12th I believe; is that right? It is the second Thursday…

COMMISSIONER OWINGS – What are we; purple?

PLANNING OFFICIAL TERELL – Actually I think it is earlier than the 12th

COMMISSIONER OWINGS – It is the 9th.

PLANNING OFFICIAL TERELL – It is the 9th; yes. It is the 9th and we are working on several items to bring to you. At that meeting, none of them are finalized but I feel pretty confident that we will have some for that meeting. One; we are working very hard to get to you in June is the Kaiser office building adjacent to the Hospital. That is a 75,000 square foot building that they want to build and start building this year, so we're really close and I think we'll have that one for you. And there a couple of smaller items that might come to you, but until they are set, I'm pretty sure that you are going to have a meeting next month. The other item that we will have on that Agenda; should we at least have one planning item and we could probably have it even if we don't is Suzanne will provide a Brown Act Conflict of Interest Training.

COMMISSIONER OWINGS – You may have to give that to Governor Brown first.

VICE CHAIR BAKER – Okay, is there anything else

PLANNING COMMISSIONER COMMENTS

VICE CHAIR BAKER – Commissioner Ramirez do you have any comments?

MV00112201

COMMISSIONER RAMIREZ – None

VICE CHAIR BAKER - None; okay; Commissioner Owings

COMMISSIONER OWINGS – No

VICE CHAIR BAKER – And Commissioner Salas

COMMISSIONER SALAS – No

VICE CHAIR BAKER – And Commissioner Van Natta

COMMISSIONER VAN NATTA – You kind of thought I would huh…

VICE CHAIR BAKER – I knew you would

COMMISSIONER VAN NATTA – I just want to say that I am in agreement with you that personal attacks don't have any place in making any kind of decisions but someone earlier said that they had made a decision about me and what my decisions were going to be on this Planning Commission based on the fact that I like the name Rancho Belago and I just want to reassure the public that that was just my personal thing. I like the name. It was voted on 5 – 0 by the City Council and I was asking the City Council to follow-up on their decision to implement it and it didn't have connection to anybody else other than me and my own business. Thank you.

VICE CHAIR BAKER – Thank you

ADJOURNMENT

VICE CHAIR BAKER – And with that I will ask for a motion

COMMISSIONER OWINGS – Motion

VICE CHAIR BAKER – And a second

COMMISSIONER RAMIREZ – Second

VICE CHAIR BAKER – All those in favor? Thank you, you are adjourned. Good night, Moreno Valley.

SIGNATURE PAGE TO FOLLOW:

_____ _____

John C. Terell Date
Planning Official
Approved

_____ _____

Ray L. Baker Date
Vice Chair

MV00112203

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MV00112204

PLANNING COMMISSION
STAFF REPORT

Case:	PA11-0009 (Plot Plan) P11-016 (Master Plot Plan)
Date:	June 9, 2011
Applicant/Owner:	Kaiser Permanente
Representative:	Skyler Dennision
Location:	North side of Iris Avenue, west of Oliver Street and the existing Kaiser Permanente Hospital (APN: 486-310-024)
Proposal:	A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Use Overlay District (MUO).
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

The applicant, Kaiser Permanente has submitted a Plot Plan for a 74,425 square foot medical office building to be constructed west of the existing Kaiser Hospital and Master Plot Plan to incorporate the new building into the Medical Center complex.

MV00112205

Project

The proposed project includes a plot plan for a 74,425 square foot three story medical office building located west of the existing hospital, and a master plot plan to incorporate the new office building into the Medical Center complex.

The project is located within the Office Commercial (OC) zone within the Medical Use Overlay District (MUO). The purpose of the MUO District is to implement the General Plan goal of creating a medical corridor by limiting land uses to those that support and or compatible with the city's two existing hospitals. The project as designed and conditioned meets the objectives and requirements of OC zone and the MUO District.

Site/ Surrounding Area

The project site is located on the north side of Iris Avenue, west of Oliver and adjacent to the existing Kaiser Hospital site. Properties to the north and west are zoned LM (Low/Medium Residential) within the AquaBella Specific Plan 218 (SP218). To the south are existing single family residential within the Moreno Valley Ranch Specific Plan 193 (SP193). Properties to the east include the existing hospital zoned Community Commercial, and the two vacant properties east of the hospital zoned Neighborhood Commercial and Office, all within the MUO District.

Access/Parking

The project will have access from Iris Avenue at the location of the existing driveway (west of the existing hospital) with an additional driveway added along the western property line. The existing driveway will be redesigned with a traffic circle to accommodate vehicles visiting the existing hospital and the new medical office building. A drop off area for visitors is provided west of the traffic circle. Pedestrian access is provided by sidewalks adjacent to each driveway.

Parking was calculated at one space per 225 square foot per the City's Municipal Code for Office use. A total of 331 spaces are required for an office use with 74,425 square feet and the applicant has proposed 382 parking spaces. Customer parking is provided south of the building with employee parking provided to the north of the building. Bicycle parking will be provided per the City's Municipal Code requirements.

Design/Landscaping

The design of the proposed office building is in conformance with the Office Commercial design standards and is consistent and complementary with the existing hospital.

The building is a contemporary design using glass, spandrel glass and metal to accent the front of the building. Several levels of metal overhangs including a canopy at the loading/unloading area provide dimension to the building with several earth colors adding depth. The rear of the building provides several rooflines for visual interest. The colors include earth tones which are consistent with the existing hospital's color palette.

The site has been designed with a courtyard area between the new office building and the existing hospital site to create the campus-like environment. The courtyard area will have tree planters and benches, including bollards and landscaping accents adjacent to the traffic circle to accommodate both daily needs and larger special hospital sponsored events.

The building will be set back several hundred feet from Iris Avenue with 45 feet of landscaping adjacent to the public right-of-way and six rows of parking stalls with landscape areas between each row. The site design and architecture of the project meet and generally exceed City requirements.

REVIEW PROCESS

A Pre-Application Review was submitted and reviewed in November 2010, with staff providing comments to the applicant. The applicant formally submitted the project in February 2011. The Project Review Staff meeting was subsequently held where a few minor revisions were requested by staff. The applicant addressed the comments and resubmitted the plans for review and approval. All relevant issues have been adequately corrected to the satisfaction of all parties.

ENVIRONMENTAL

An Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) is justified as the projects PA11-0009 and P11-016 are within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan), previously approved for the same site. The Negative Declaration adequately describes the project for the purpose of the California Environmental Quality Act (CEQA) with no changes or additions to the original approval PA06-0133 per 15164 (b) and/or Section 15162.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
Riverside County Flood Control	March 16, 2011	The project is located within the limits of the District's Moreno Area Drainage Plan. Fees have been adopted.

STAFF RECOMMENDATION

That the Planning Commission **APPROVE** Resolution No. 2011-17 and thereby:

1. **RECOGNIZE** that PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) qualify for an Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), 15164 (b) as the project is within the scope of the Negative Declaration approved for PA06-0133 (Plot Plan); and,

2. **APPROVE** PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) subject to the attached conditions of approval included as Exhibit A.

Prepared by:

Julia Descoteaux
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-17 with Conditions of Approval
3. Zoning Map
4. Aerial Map
5. Project Plan

Notice of PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the Planning Commission of the City of Moreno Valley on the following item(s):

CASES: **PA11-0009 (Plot Plan)**
P11-016 (Master Plot Plan)

APPLICANT: **Kaiser Permanente**

OWNER: **Kaiser Foundation Hospitals**

REPRESENTATIVE: **Skyler Dennision**

LOCATION: **27300 Iris Avenue**
(APN: 486-310-024)

PROPOSAL: A Plot Plan for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. The project site is in the Office Commercial zone (OC) within the Medical Office Overlay District (MOU).

ENVIRONMENTAL DETERMINATION: An Addendum to the Negative Declaration has been prepared pursuant to Section 15164 of the California Environmental Quality Act Guidelines. None of the conditions described in Section 15162 of the Guidelines that call for preparation of a subsequent Negative Declaration have occurred. Also, no changes or additions are required to the Negative Declaration.

COUNCIL DISTRICT: 3

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday), or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The Planning Commission, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.

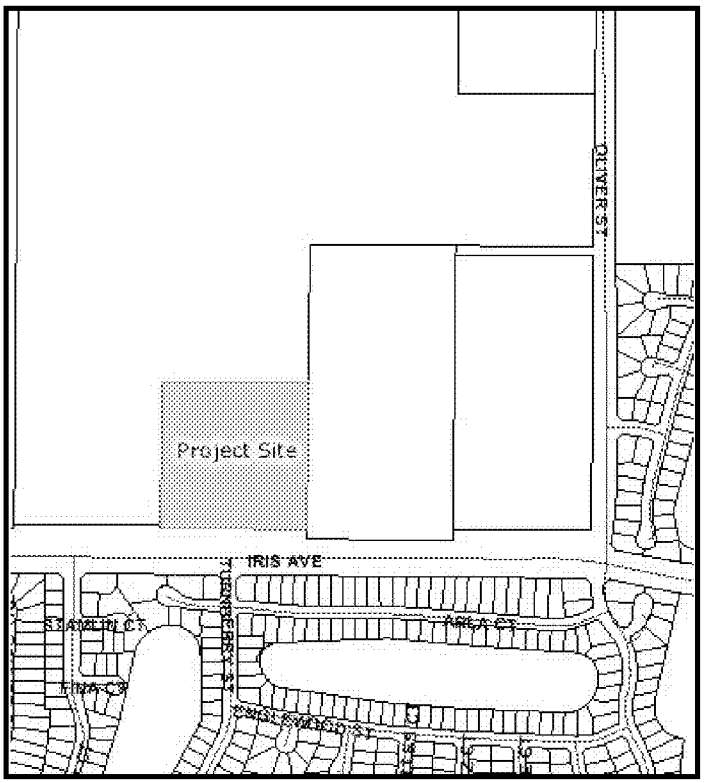

LOCATION N ↑

PLANNING COMMISSION HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: June 9, 2011at 7 PM

CONTACT PLANNER: Julia Descoteaux

PHONE: (951) 413-3209

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MV00112210

PLANNING COMMISSION RESOLUTION NO. 2011-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY APPROVING PA11-0009 (PLOT PLAN) AND P11-016 (MASTER PLOT PLAN) FOR THE CONSTRUCTION OF A 74,425 SQUARE FOOT THREE STORY MEDICAL OFFICE BUILDING LOCATED ON THE NORTH SIDE OF IRIS AVENUE, WEST OF OLIVER STREET ON PARCEL 486-310-024.

WHEREAS, Kaiser Permanente has filed an application for the approval of PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) for a medical office complex on as described in the title of this Resolution.

WHEREAS, on June 9, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the application.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), **NOTICE IS HEREBY GIVEN** that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, it is hereby found, determined and resolved by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on June 9, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The proposal for the medical office complex is consistent with the General Plan, its goals, objectives, policies and programs.

The proposed medical office complex is located within the Medical Use Overlay District (MUO) which was designed to create a medical corridor. The MUO corridor limits land uses to those that are supportive of and compatible with the City's two existing hospitals. The proposed project is adjacent and supportive to the existing Kaiser Hospital.

2. **Conformance with Zoning Regulations –** The proposed use complies with all applicable zoning and other regulations.

   FACT: The proposed project is zoned Office Commercial (OC). The proposed medical office is consistent with the goals and objectives of the Office Commercial zoning.

3. **Health, Safety and Welfare –** The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed medical office building would not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the surrounding area. An Addendum to the adopted Negative Declaration per the California Environmental Quality Act (CEQA), Section 15164 (b) is justified as the projects PA11-0009 and P11-016 are within the scope of the Negative Declaration approved for Plot Plan (PA06-0133), previously approved for the same site. The Negative Declaration adequately describes the project and pursuant to the California Environmental Quality Act (CEQA), no new issues are raised that would require additional environmental review pursuant to Section 15162.

   As designed and conditioned, the project will not be detrimental to public health, safety or welfare and will not result in significant environmental impacts.

4. **Location, Design and Operation –** The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The design of the proposed medical office building is in conformance with the Office Commercial zoning and the Medical Use Overlay District. As designed, the medical office building will consist of a three story, 74,425 square foot building. The building will be set back from Iris Avenue and provide parking and landscaping. Additionally, the project is designed with a courtyard area between the existing hospital and the proposed building

MV00112212

creating a campus like environment. The proposed use would be in conformance with the existing surrounding development and is consistent with all applicable goals, objectives, policies and programs of the General Plan and the City's Municipal Code.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA11-0009 and P11-016, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d) (1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and

failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-17 approving PA11-0009 (Plot Plan) and P11-016 (Master Plot Plan) for the medical office located on parcel 486-310-024 subject to the attached conditions of approval included as Exhibit A.

APPROVED this 9th day of June, 2011.

_____
Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

_____
John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

_____
City Attorney

Attached: Conditions of Approval

MV00112214

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
PA11-0009 PLOT PLAN
P11-016 MASTER PLOT PLAN
APN: 486-310-024

APPROVAL DATE: **June 9, 2011**
EXPIRATION DATE: **June 9, 2014**

_X_ Planning (P), including School District (S), Post Office (PO), Building (B)
_X_ Public Works, Land Development (LD)
_X_ Public Works, Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Fire Prevention Bureau (F)
_X_ Moreno Valley Utilities

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

GENERAL CONDITIONS

P1. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P2. The site shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

EXHIBIT A

Timing Mechanisms for Conditions (see abbreviation at beginning of affected condition):

R - Map Recordation	GP - Grading Permits	CO - Certificate of Occupancy or building final
WP - Water Improvement Plans	BP - Building Permits	P - Any permit

Governing Document (see abbreviation at the end of the affected condition):

GP - General Plan	MC - Municipal Code	CEQA - California Environmental Quality Act
Ord - Ordinance	DG - Design Guidelines	Ldscp - Landscape Development Guidelines and Specs
Res - Resolution	UFC - Uniform Fire Code	UBC - Uniform Building Code
	SBM - Subdivision Map	

P3. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P4. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P5. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P6. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Development Code or approved sign program, if applicable, and shall require separate application and approval by the Community Development Department - Planning Division. (MC 9.12.020)

P7. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

Special Conditions

P8. **The site has been approved for a 74,425 square foot three story medical office building to be constructed west of the existing Kaiser Medical Center and a Master Plot Plan to incorporate the new building into the Medical Center complex. A change or modification shall require separate approval.**

P9. **To reduce noise impacts to below the level of 55 dBA at one time beyond the boundaries of the property, delivery operations will be conducted between the hours of 8am and 5pm. Loading or unloading activities shall be conducted from the truck bays or designated loading. (MC 9.10.140, CEQA)**

Prior to Issuance of Grading Permits

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P11. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P12. (GP) Prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division, and Public Works Department – Special Districts for review and approval by each division. (GP - Circulation Master Plan) Timing of installation shall be determined by PW- Special Districts.

P13. (GP) Prior to approval of any grading permit~~s~~, plans for any security gate system shall be submitted to the Community & Economic Development Department - Planning Division for review and approval.

P14. (GP) Decorative pedestrian pathways across circulation aisles/paths shall be provided throughout the development to connect dwellings with open spaces and/or recreational uses or commercial/industrial buildings with open space and/or parking. and/or the public right-of-way. The pathways shall be shown on the precise grading plan. (GP Objective 46.8, DG)

P15. (GP) Prior to the issuance of building permits, the site plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project.

P16. (GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:

A. A maximum 6 foot high solid decorative block perimeter wall with pilasters and a cap shall be required adjacent to all residential zoned areas.

B. Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement.

C. Walls and fences for visual screening are required when there are adjacent residential uses or residentially zoned property. The height, placement and design will be based on a site specific review of the project. All walls are subject to the approval of the Community & Economic Development Director. (DC 9.08.070)

PRIOR TO BUILDING PERMITS

P17. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P18. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P19. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P20. (BP) Prior to issuance of building permits, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P21. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public right-of-way if needed to screen vehicle lights from the street.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
D. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feel of building dimension for the portions of the building visible from parking lot or ROW and 1 tree per thirty (30) linear-feet of parking lot adjacent to the interior of the property. Trees may be massed for pleasing aesthetic effects.
E. Street trees shall be planted at an equivalent of one (1) tree per forty (40) foot on center along the Iris Street frontage.
F. Enhanced landscaping shall be included at all driveway and corner locations
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosure shall be provided.

P22. (BP) Prior to the issuance of building permits, the site plan shall include landscape for trash enclosures to include landscape on three sides, while elevation plans for trash enclosures shall be provided that include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community Development.

PRIOR TO CERTIFICATE OF OCCUPANCY

P23. (CO) Prior to issuance of Certificates of Occupancy or building final, the required landscaping and irrigation shall be installed. (DC 9.03.040)

P24. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P25. (BP/CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans, and shall include:

A. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16' in diameter, and include additional 12" concrete step-outs and curbing.
B. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
C. Street trees shall be planted at an equivalent of one (1) tree per forty (40) foot on center along the Iris Street frontage.
D. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feel of building dimension for the portions of the building visible from parking lot or ROW and 1 tree per thirty (30) linear-feet of parking lot adjacent to the interior of the property. Trees may be massed for pleasing aesthetic effects.
E. Enhanced landscaping shall be included at all driveway and corner locations.
F. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question (master plot plan). (Ldscp)
G. Landscaping for detention basins maintained by a Homeowner's Association.
H. Site clean-up shall be completed.

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as city ordinances. All new projects shall provide a soils report as well. Plans shall be submitted to the Building & Safety Division as a separate submittal. The 2010 edition of the California Codes became effective for all permits issued after January 1, 2011.

B2. Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building and Safety Division for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building and Safety Division at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B3. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community & Economic Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

CITY OF MORENO VALLEY
PUBLIC WORKS DEPARTMENT - LAND DEVELOPMENT DIVISION
CONDITIONS OF APPROVAL
PA11-0009 – Plot Plan for a Three-Story Medical Office Building
APN 486-310-024

Note: All Special Conditions are in **Bold** lettering and follow the standard conditions.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC).

LD2. (G) If it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on

twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

Prior to Grading Plan Approval or Grading Permit

LD10. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD11. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD12. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD13. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD14. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD15. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD18. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at

the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD19. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD20. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD21. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD22. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in all areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD23. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD24. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD25. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD26. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD27. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD28. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD29. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD30. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

LD31. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD32. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD33. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD34. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD35. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD36. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD37. (BP) Prior to issuance of building permits for non-subdivision projects, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD38. (BP) Prior to issuance of building permits for non-subdivisions, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD39. (BP) Prior to issuance of a building permit, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of permit issuance. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required continuous operation, maintenance, monitoring system evaluations and enhancements, remediation and/or replacement, all in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to obtain a building permit 90 days prior to the City's issuance of a building permit and the financial option selected. (California Government Code & Municipal Code)

LD40. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

Prior to Certificate of Occupancy

LD41. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD42. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD43. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD44. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, landscaping and irrigation, medians.

b. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

LD45. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD46. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

SPECIAL CONDITIONS

LD47. Prior to grading plan approval, the plans shall clearly show the extent of all existing easements on the property. All building structures shall be constructed outside of existing easements.

LD48. Prior to grading plan approval, written permission must be obtained from off-site property owner(s) for all off-site grading and easements. All on-site and off-site easements shall be shown on the grading plan.

LD49. Prior to grading plan approval, the developer shall secure any off-site drainage easements from the off-site property owner(s) to ensure the proper drainage for this project.

LD50. Prior to grading plan approval, the grading plans shall clearly demonstrate that drainage is properly collected and conveyed. The plans shall show all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements. The developer will be required to obtain the necessary permission for offsite construction, including easements.

LD51. Prior to grading plan approval, emergency overflow areas shall be shown at all applicable drainage improvement locations in the event that the drainage improvement fails or exceeds full capacity. This may include, but not be limited to, an emergency spillway in the basin. The developer is responsible for securing any necessary on-site or off-site drainage easements as required for emergency overflow.

LD52. Prior to precise grading plan approval, the grading plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627, modified to include a fully covered, solid roof.

LD53. Prior to precise grading plan approval, the grading plans shall clearly show that the parking lot conforms to City standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD54. Prior to issuance of a building permit, a four-foot minimum right-of-way dedication for pedestrian purposes shall be submitted for review and approval for the west driveway approach per City Standard 118C and the east driveway approach if the east driveway approach is designed as a driveway and not as a street intersection. No decorative pavers shall be placed within the public right-of-way.

LD55. Prior to issuance of a building permit, additional right-of-way, as may be required, shall be dedicated and submitted for review and approval for the east project entrance including corner cutback areas per City Standard 208, to allow this entrance to be designed as a street intersection, including an easement for loop detector maintenance, if the intersection requires signalization.

LD56. Prior to issuance of a building permit, a two-foot public access easement for the portion of curb-separated sidewalk that will be located outside of the public right-of-way, along Cactus Avenue, shall be dedicated. The legal description

and plat shall be submitted for review and approval prior to issuance of a building permit.

LD57. Prior to issuance of a building permit, the developer shall schedule a walk through with a Public Works Inspector to inspect existing improvements within the public right-of-way along project frontage. The developer will be required to install, replace and/or repair any missing, damaged or substandard improvements including handicap access ramps that do not meet current City standards. The developer shall post security to cover the cost of the repairs and complete the repairs within the time allowed in the public improvement agreement used to secure the improvements.

LD58. The developer shall prepare and submit for approval a project specific Final Water Quality Management Plan (F-WQMP) for this project. The F-WQMP shall be consistent with the approved P-WQMP and in full compliance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006. The F-WQMP shall be submitted and approved prior to application for and issuance of grading or building permits. At a minimum, the F-WQMP shall include the following: Site Design Best Management Practices (BMPs); Source Control BMPs; Treatment Control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD59. The developer shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a Total Maximum Daily Load (TMDL) for receiving waters. Project POC include: nutrients, organic compounds, and pathogens (bacteria and viruses). Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs.

LD60. Overall, the proposed treatment control concept is accepted as the conceptual treatment control BMP for the proposed site. The developer has proposed to incorporate the use of two enhanced bioswales for treatment control. Final design details of the treatment control BMPs must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs is to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document.

LD61. The developer shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition C; therefore, the condition must be addressed in the F-WQMP.

LD62. The developer shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.
b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.
c. That the developer is prepared to implement all non-structural BMPs included in the F-WQMP, conditions of approval, and building/grading permit conditions; and
d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL
Case No: PA11-0009 (PP for a 74,425 sq ft Medical Bldg) and P11-016 (Master PP)
APN: 486-310-024
03.22.11 Revised

PUBLIC WORKS DEPARTMENT

Special Districts Division

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project **PA11-0009**; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD-1 The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services), C (Arterial Street Lighting), E (High-Service-Level Parkway Landscape Maintenance), and the NPDES (National Pollutant Discharge Elimination System) program. All assessable parcels therein shall be subject to annual Zone A, Zone C, Zone E, and NPDES charges for operations and capital improvements.

SD-2 All landscaping behind the curb shall be the responsibility of the developer, including the existing strip of turf between the curb and the sidewalk. Special Districts currently maintains this area, but will relinquish responsibility to the applicant at the appropriate time. The developer shall coordinate modification of the irrigation system and tie-in with future on-site irrigation. Existing irrigation main-line supply to this area will be capped off outside of the project boundary when appropriate.

SD-3 Plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone E,** shall be prepared and submitted in accordance with the *City of Moreno Valley Public*

Works Department Landscape Design Guidelines. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD-4 In the event the Moreno Valley Community Services District determines that funds authorized by Proposition 218 mail ballot proceeding are insufficient to meet the costs for parkway, slope, and/or open space maintenance and utility charges (**Zone E**), the District shall have the right, at its option, to terminate the grant of any or all parkway, slope, and/or open space maintenance easements. This power of termination, should it be exercised, shall be exercised in the manner provided by law to quit claim and abandon the property so conveyed to the District, and to revert to the developer or the developer's successors in interest, all rights, title, and interest in said parkway, slope, and/or open space areas, including but not limited to responsibility for perpetual maintenance of said areas.

SD-5 The developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD-6 Any damage to existing landscape areas maintained by the Moreno Valley Community Services District due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

SD-7 Plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD-8 Inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

Prior to Building Permit Issuance

SD-9 (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD-10 (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 90 days prior to their issuance. (California Government Code)

SD-11 (BP) Final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department–Planning Division, and the Public Works Department–Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD-12 (CO) All parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

Transportation Engineering Division – Conditions of Approval

General Conditions:

TE1. All proposed on-site traffic control should be accordance with the 2010 California Manual on Uniform Traffic Control Devices (CAMUTCD).

Prior to the issuance of building permits:

TE2. Driveways shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code – Design Guidelines and City of Moreno Valley Standard No. 118C for commercial driveway approaches.

TE3. Sight distance at all proposed driveways shall conform to City of Moreno Valley Standard No. 125 & 126 at the time of preparation of final grading, landscape, and street improvement plans.

TE4. A traffic signal and lighting plan shall be prepared by a registered civil engineer for the intersection of Iris Avenue and the main site driveway. Additional on-site and off-site right-of-way and/or easements may be required to accommodate traffic signal equipment. Additional equipment may include, but not be limited to, the following: signal poles, controller cabinets, loop detectors, signage, pull-boxes, and conduits.

TE5. A street improvement plan shall be prepared by a registered civil engineer for the construction of raised median modifications on Iris Avenue at the main site driveway. Median improvements shall be constructed in accordance with an approved alignment study. The eastbound left turn lane at the main project driveway shall be modified to provide a minimum of 250 feet of vehicle storage.

TE6. A communication conduit plan shall be prepared by a registered civil engineer for the installation of communication conduits along the project frontage in accordance with City Standard Plans.

TE7. A signing and striping plan shall be prepared by a registered traffic or civil engineer for all required signing and striping improvements along the property frontage.

Prior to the issuance of certificate of occupancies:

TE8. Communication conduits shall be installed along the entire project frontage of Iris Avenue to the satisfaction of the City Traffic Engineer.

TE9. All required traffic signal, signing, striping, and median improvements along Iris Avenue shall be implemented and approved to the satisfaction of the City Traffic Engineer.

FIRE PREVENTION BUREAU

1. Complete and return attached fire flow letter.
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering _3625__ GPM for_4__ hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) . The 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow, hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off-site super fire hydrants (6" x 4" x 2 ½" x 2 ½") and super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Maximum cul-de-sac or dead end road length shall not exceed 660 feet. The Fire Chief, based on City street standards, shall determine minimum turning radius for fire apparatus based upon fire apparatus manufacture specifications. (CFC 503.1)

F5. During phased construction, dead end roadways and streets which have not been completed shall have a turn-around capable of accommodating fire apparatus. (CFC 503.1 and 503.2.5)

F6. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F7. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F8. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than twenty–four (24) or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F9. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F10. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F11. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F12. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F13. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F14. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F15. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F16. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F17. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F19. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F20. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any

other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F21. Prior to issuance of Certificate of Occupancy, approval shall be required from the County of Riverside Community Health Agency (Department of Environmental Health) and Moreno Valley Fire Prevention Bureau to maintain, store, use, handle materials, or conduct processes which produce conditions hazardous to life or property, and to install equipment used in connection with such activities. (CFC 2701.5)

F22. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F23. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F24. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F25. Prior to construction, "private" driveways over 150 feet in length shall have a turn-around as determined by the Fire Prevention Bureau capable of accommodating fire apparatus. Driveway grades shall not exceed 12 percent. (CFC 503 and MVMC 8.36.050)

F26. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F27. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the

premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F28. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F29. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F30. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F31. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F32. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its

spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F33. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F34. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F35. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F36. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F37. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

FIRE FLOW LETTER

Date:	1/10/11	**Address:**	
Case Number:	PA11-0009/ P11-016	**A.P.N.:**	486-310-023

This is certification the water system is capable of meeting the following required fire flows
as determined by the California Fire Code Appendix B.

Based on the information provided on the above referenced case. The fire flow required for this project will be ___3625___ G.P.M. for duration of __4__-HOURS measured at 20-psi residual pressure.

The required fire flow may be adjusted during the approval process to reflect changes in design, construction type or automatic fire protection measures as approved by the Fire Prevention Bureau.

Applicant/ Developer: _____

By: _____ **Date:** _____

Title: _____

WATER AGENCY APPROVAL

Name of Agency: _____

Address: _____

Telephone: _____ **Date:** _____

By: _____ **Title:** _____

NOTE: **THE COMPLETION AND SUBMITTAL OF THIS LETTER TO THE FIRE PREVENTION BUREAU SHALL NOT BE CONSTRUED AS APPROVAL FOR THE INSTALLATION OF THE REQUIRED FIRE HYDRANT (S) AND/OR WATER SYSTEM.**

MV00112243

PUBLIC WORKS DEPARTMENT
Moreno Valley Utility

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project(s) PA11-0009; this project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

PRIOR TO ENERGIZING MVU ELECTRIC UTILITY SYSTEM AND CERTIFICATE OF OCCUPANCY

MVU-1 (R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

MVU-2 (BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to constructing the MVU Electric Utility System, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other

adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development may be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property. The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU-3 This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. If the project is subject to a Reimbursement Agreement, payment(s) shall be required prior to issuance of building permit(s).

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MV00112246

PA11-0009 & P11-016

Kaiser

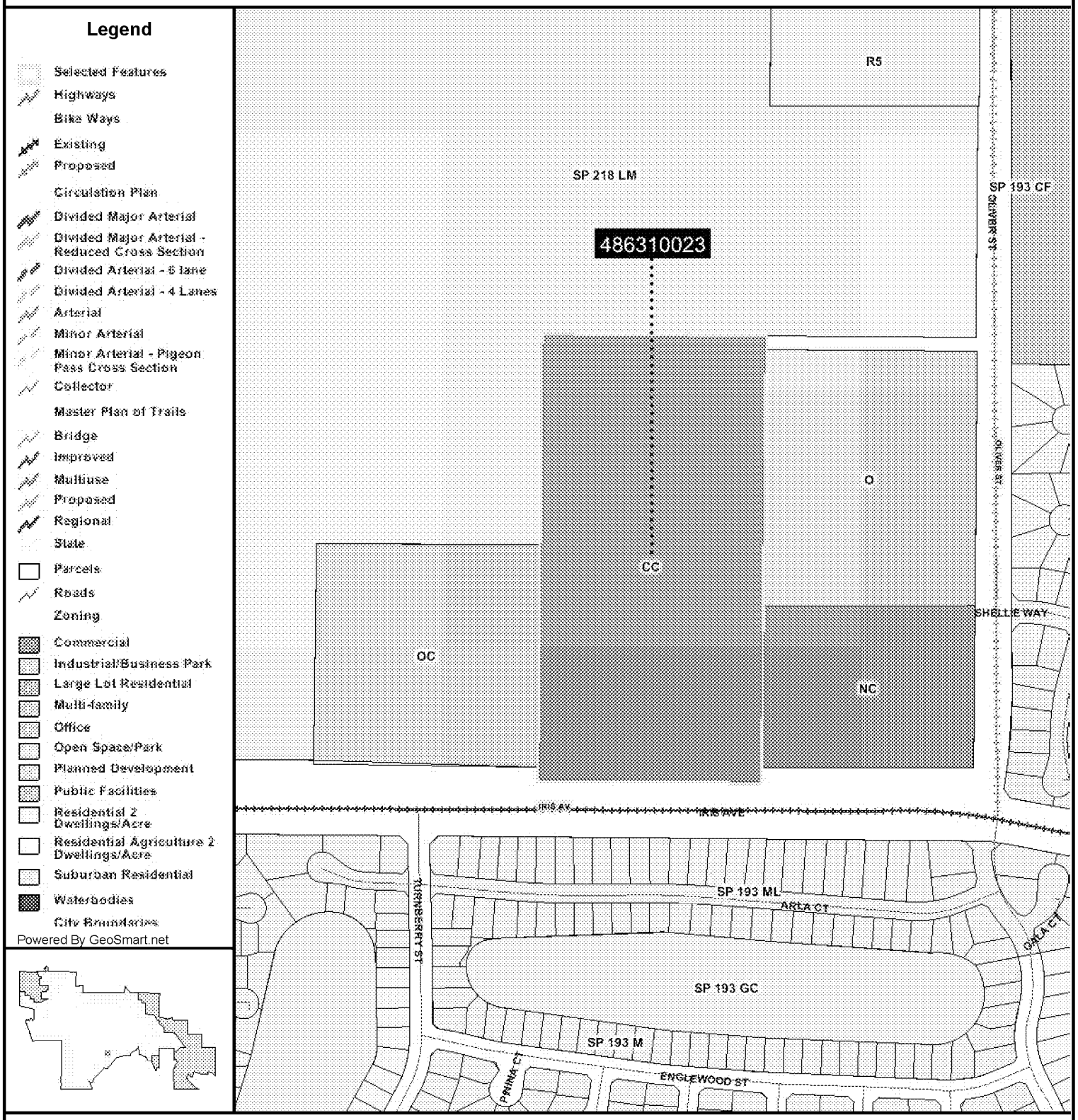

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

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MORENO VALLEY
WHERE DREAMS TOUR

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MV00112248

PA11-0009 & P11-016

Kaiser

Legend

- Highways
- Bike Ways
- Existing
- Proposed
- Circulation Plan
- Divided Major Arterial
- Divided Major Arterial - Reduced Cross Section
- Divided Arterial - 6 lane
- Divided Arterial - 4 Lanes
- Arterial
- Minor Arterial
- Minor Arterial - Pigeon Pass Cross Section
- Collector
- Master Plan of Trails
- Bridge
- Improved
- Multiuse
- Proposed
- Regional
- State
- Parcels
- Roads
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

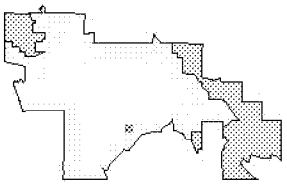

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

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MORENO VALLEY
WHERE DREAMS SOAR

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MV00112250

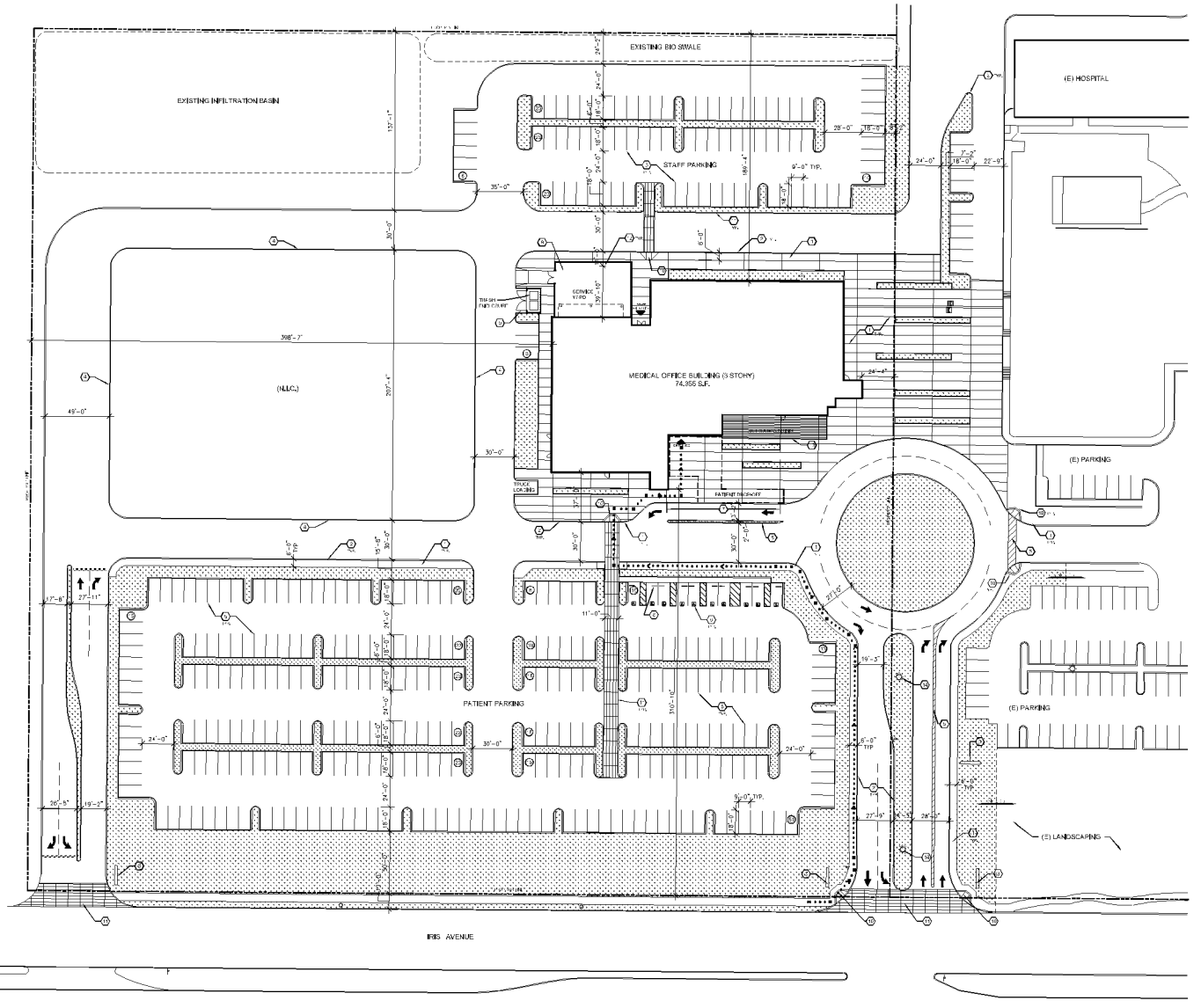

SITE LEGEND

- PROPERTY LINE
- LANDSCAPE AREA
- CONCRETE HARDSCAPE
- (E) EXISTING
- (N) NEW
- ADA ACCESSIBLE PATH OF TRAVEL

SITE PLAN KEYNOTES

1. CONCRETE RIDGEWALKWAY HARDSCAPE.
2. CONCRETE CURB AND GUTTER.
3. KAISER MONUMENT SIGN.
4. ASPHALT CURB AND GUTTER.
5. PARKING STRIPING PAVEMENT MARKINGS.
6. ACCESSIBLE PARKING STRIPING, MARKINGS AND SIGNAGE.
7. 6" PAVED CURB.
8. CONCRETE WHEEL STOP.
9. METAL GATE.
10. CURB RAMP.
11. DECORATIVE CONCRETE PAVING.
12. CAR VAULT.
13. ORNAMENTAL FENCE.
14. LIGHT STANDARD.
15. 12" WIDE CONCRETE STEPS.

SITE DATA

PARKING REQUIREMENTS

PARKING REQUIRED PER CITY OF MORENO VALLEY MUNICIPAL CODE (MC):

1 SPACE PER 225 SQ. FT. 74,955 SQ. FT. / 225 = 333 SPACES REQUIRED

TOTAL PARKING PROVIDED:

STANDARD PARKING: 329 SPACES
ACCESSIBLE PARKING: 10 SPACES
TOTAL: 339 SPACES PROVIDED

HMC Architects

MORENO VALLEY IRIS MOB

February 25, 2011

0 30' 60' 120'

SITE PLAN

PLANNING REVIEW SUBMITTAL APN # 486-310-021 CITY OF MORENO VALLEY CASE #P11-006

KAISER PERMANENTE

ATTACHMENT 5

K:\Projects\1389 Kaiser Moreno Valley\001\19-CAD\ACAD\PlanningSubmittal\KMMOB-SitePlan.dwg 2/25/2011 2:51 PM

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MV00112252

*REVISED AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

July 12, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street
Teleconference: Phoenix Park Hotel, LLC
520 North Capitol Street, N.W.
Federal City Room
Washington, D.C. 20001

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00112253

***REVISED AGENDA**
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Officer of the Quarter presentation to Officer Kevin Dixon

2. Proclamation Recognizing Soroptimist International of Moreno Valley

3. Spotlight Business

***REVISED AGENDA**
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
JULY 12, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Diane Gardner

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 22 - July 5, 2011.

A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of

Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue;

2. Authorize the City Manager to execute a contract with Transtech;

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties; and

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Approve Tract Map No. 35760; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

Recommendation:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system;

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc.;

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877; and

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND

ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-72 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system; and

   Resolution No. 2011-72

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32707 and Accepting the Portion of Lasselle Street Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883;

2. Direct the City Clerk to record the Notice of Completion within ten (10)

calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to

release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division;

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC; and

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL

CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988. (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief

and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

Resolution No. 2011-73

A Resolution Of The City Council Of The City Of Moreno Valley, California, Rescinding Resolution No. 2005-30, And Re-Designate And Authorize Certain City Officials To Execute Applications And Documents For Purposes Of Obtaining Financial Assistance Under Section 404 Of Public Law 93-288, As Amended By The Robert T. Stafford Disaster Relief And Emergency Act Of 1988

A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis;

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS; and

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC; and

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services"

has been signed by all parties.

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

Resolution No. 2011-74

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Convenience Require the Sale of a Remainder Parcel Excess to Public Use

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-75

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report of: Financial & Administrative Services Department)

Recommendation:
Approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

Recommendation:
Approve the proposed staff assignments in support of Council Member participation with regional agencies.

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF

MORENO VALLEY, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF

LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553. (Report of: Public Works Department)

Recommendation:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO

ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works

Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement on behalf of the Community Redevelopment Agency; and

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010,

316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
That the City Council, after conducting the individual Public Hearings and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Recommendation: That the CSD:
That the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE

PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

   If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

   ADOPT City Council Resolution No 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution;

   Resolution No. 2011-76

   A Resolution of the City Council of the City of Moreno Valley, California, Denying a Change of Zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an Approximate 55 acre site, Located within Assessor's Parcel Numbers 488-330-003 through -006 and -026

2. OR

   If the City Council elects to overturn the Planning Commission decision, and approve the project:

   ADOPT City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

   Resolution No. 2011-77

   A Resolution of the City Council of the City of Moreno Valley,

California, Certifying the Final Environmental Impact Report (P08-133), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the West Ridge Commerce Center Project, Generally Located on the South Side of State Route 60, on the North Side of Fir Avenue/Future Eucalyptus Avenue and Approximately 650 Feet West of Redlands Boulevard

3. INTRODUCE Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change the Zone From Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

4. INTRODUCE Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

5. ADOPT City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2011-78

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA08-0097 for Development of a 937,260 Square Foot Warehouse Distribution Facility on 55 Acres Located Within Assessor's Parcel Numbers 488-330-003 Through -006 and -026

6. ADOPT City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the

resolution as Exhibit A

Resolution No. 2011-79

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Tentative Parcel Map 36207 (PA09-0022) to Combine the Existing Five Parcels Located Within the Project Site into a Single 55 Acre Parcel

E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

   RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 831 approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

   Ordinance No. 831

   An Ordinance of the City Council of the City of Moreno Valley, California Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV

Applications for Hillside Development Section 9.16.235 “Hillside Design Guidelines”, Article VI Applications for Lighting and Section 9.16.280, “General Requirements” and Chapter 9.15, Section 9.15.030 “Definitions” Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

Recommendation: That the City Council:
Acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Approve the Action Steps formulated to help establish a foundation for making Moreno Valley a “Best Place to do Business”.

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

Recommendation: That the City Council:
Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	Fire Station No. 65 Replacement Site
APN:	APN 297-170-077
Owner:	Group V San Bernardino
City's/Buyer's Negotiator:	Chris Vogt
Under Negotiation:	Price and terms of payment

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia

Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

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MV00112284

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
JUNE 28, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Morning Optimist Club of Moreno Valley

2. Volunteers of the Year 2010 - Steven Morel, Jarrett Wegelin, Trent Terrell, Jarred Endres, Kyle Dagenhart, and Tim Barnes

3. Spotlight Business

MINUTES
REGULAR MEETING OF CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
SPECIAL MEETING OF MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

JUNE 28, 2011 - 6:30 PM

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:36 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Deacon Richard Heames, St. Patrick's Roman Catholic Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem (left at 9:45 p.m.)
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Barry Foster	Community & Economic Development Director
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 8-21, 2011.

A.4 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2011/2012 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:
Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2011/2012 Rate Adjustment.

A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE DRACAEA AVENUE SIDEWALK IMPROVEMENTS BETWEEN MORRISON STREET AND MASCOT LANE PROJECT NO. 10-12567129 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Dracaea Avenue Sidewalk Improvements between Morrison Street and Mascot Lane, constructed by Mamco, Inc., 16840 Van Buren Boulevard, Suite 200, Riverside, CA 92504;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Mamco, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.6 APPROVAL OF CHECK REGISTER FOR APRIL, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-63, approving the Check Register for the month of April, 2011 in the amount of $13,104,818.91.

Resolution No. 2011-63

A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of April, 2011

A.7 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE $91,557 ALLOCATION TO THE CITY (Report of: Community and Economic Development Department)

Recommendation:

Approve Resolution No. 2011-64 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the $91,557 allocated to the City.

Resolution No. 2011-64

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the $91,557 Allocation

A.8 ORDINANCE NO. 827 - AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011, BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 827 - An Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

A.9 SECOND AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - MELAD & ASSOCIATES (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Second Amendment of Independent Contractor Agreement with Melad & Associates for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Melad & Associates to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.10 THIRD AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - WILLDAN (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Third Amendment of Independent Contractor Agreement with Willdan for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders

through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Willdan to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.11 APPROVAL OF AN AGREEMENT WITH DATATICKET, INC. FOR PARKING CONTROL PROGRAM SERVICES; AUTHORIZE THE CITY MANAGER TO APPROVE ANNUAL PURCHASE ORDERS THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZE THE PURCHASING & FACILITIES MANAGER TO ISSUE ANNUAL PURCHASE ORDERS (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Agreement with DataTicket, Inc. for Parking Control Program Services for the City of Moreno Valley;

2. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

3. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to DataTicket, Inc. to cover the estimated costs for ticket processing, ticket printing, and other miscellaneous costs associated with the Parking Control Program for FY 2011/2012 and future years under the Agreement.

A.12 PA07-0090 – EXONERATION OF ROUGH GRADING AGREEMENT AND BOND, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:
Contingent upon completion of the remaining public improvements, authorize the City Engineer to execute the exoneration of the Faithful Performance security associated with the project PA07-0090 rough grading improvements.

A.13 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR CYCLE 3 OF

THE FEDERAL SAFE ROUTES TO SCHOOL GRANT PROGRAM (Report of: Public Works Department)

Recommendation:

1. Review and approve project recommendations for Cycle 3 of the federal Safe Routes to School (SRTS) grant program; and

2. Adopt Resolution No. 2011-71 authorizing the submittal of applications for Cycle 3 of the federal Safe Routes to School (SRTS) Grant Program.

Resolution No. 2011-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Submittal of Applications for Cycle 3 of the Federal Safe Routes to School (SRTS) Grant Program

A.14 PA07-0090 – REDLANDS ROUGH GRADING – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE REDLANDS DRAINAGE IMPROVEMENTS AS COMPLETE AND INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, adopt the proposed Resolution authorizing the acceptance of the Redlands Drainage public improvements within project PA07-0090 as complete and into the City's maintained system.; and

Resolution No. 2011-67

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Project Number PA07-0090 and Accepting the Redlands Drainage Improvements Associated with the Project into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.15 PA07-0090 – EUCALYPTUS ELECTRICAL IMPROVEMENTS – ELECTRICAL UTILITY INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE ELECTRICAL UTILITY INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained system the Electrical Utility Infrastructure for PA07-0090 - Eucalyptus Electrical Improvements upon acceptance by the City Engineer as complete; and

Resolution No. 2011-68

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Eucalyptus Electrical Improvements as Complete Within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.16 PA07-0090 – THEODORE STREET IMPROVEMENTS - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THEODORE STREET INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THE THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained street system the Theodore Street public improvements within project PA07-0090 upon acceptance by the City Engineer as complete; and

Resolution No. 2011-69

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project Number PA07-0090 and Accepting the Portion of Theodore Street Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.17 PA07-0090 – SINCLAIR OFF-SITE WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Sinclair Off-Site Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.18 PA07-0090 – REDLANDS SEWER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Sewer Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.19 PA07-0090 – REDLANDS WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.20 PA07-0090 (PM 35629) – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D11-001 FOR PARCEL MAP NO. 35629 PHASE 1 IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Development Impact Fee Improvement Credit Agreement #D11-001 (DIF Agreement) for Parcel Map No. 35629 Phase 1 improvements and right-of-way dedications; and

2. Authorize the Mayor to execute the DIF Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 6:50 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON THE SPECIAL MEETING AGENDA

President Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

G. REPORTS

G.1 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD; DEVELOPER: CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Moreno Valley Public Facilities Financing Corporation (MVPFFC) to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

Motion to pull the item from the agenda by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNED THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:53 P.M.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes).

Recommendation: That the CSD:

1. After conducting the public hearing for Tracts 19862, 19912, 20941, 21737, 22371, and 31591:

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Jeffrey Giba and Deanna Reeder.

Recommendation: That the CSD:

1. After conducting the public hearing for Zone E-1 (Towngate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East):

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

E.3 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2011/2012 Riverside County property tax roll for collection; and

2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health

and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

E.4 A PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DENIAL OF PA09-0027, A CONDITIONAL USE PERMIT REQUEST TO SELL ALCOHOL AND BEER AT A AN EXISTING CONVENIENCE STORE AT 21748 COTTONWOOD AVENUE. THE APPLICANT IS SOON-YI CHOI. (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-66 approving PA09-0027, a Conditional Use Permit based on the findings in the Resolution.

Resolution No. 2011-66

Resolution of the City Council of the City of Moreno Valley Denying PA09-0027, A Conditional Use Permit to Allow Alcohol Sales (Beer and Wine) at the Existing Convenience Store Located at 21748 Cottonwood Avenue APN # 263-160-037

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Bob Walker (opposes), Maricela Lopez (opposes), and Justin Kim (representing applicant).

RECESS
RECONVENED

Motion to Approve as amended to allow alcohol sale during the hours between 8:00 a.m. and 8:30 p.m. by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported that a nice reception for Mr. Holland, Deputy Secretary of the Air Force for Facilities, was held at Supervisor Marion Ashley's home; Mr. Holland was given a tour of March Joint Powers area and the base; a formal meeting with wing commander and military personnel, Joint Powers members and civil engineers will be held to discuss several issues, including the potential for the developer to actually relocate BX and the commissary to inside the base at the developer's expense and use that area for expansion of medical facilities.

G.2 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or

2. Appoint those applicants who received majority vote by the City Council;

3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to make following appointments for terms expiring June 30, 2014:

The Arts Commission: Lorna Kendrick, Lauretta Phillips and Nina Heirs;
The Environmental & Historical Preservation Board: Gerald Michael Budlong and Gregory A. Hagans;
The Library Commission: Beverly A. Crockett, Kristina Dixon and Cathy Merkt;
The Parks & Recreation Commission: Bill Alvarez and George Brummer;
The Recreational Trails Board: Margie Breitkreuz and Gilbert Brooks;
The Senior Citizens' Board: Delorise Anderson, Donna Annetta and Thelma Dunn;
The Traffic Safety Commission: Lawrence Baird, Mary C. Cole and Arthur W. Higgs.

Motion to approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceeding for First Industrial—Assessor Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceeding for First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for inclusion into and approval of the annual charges for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV HEMLOCK LP (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-70 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Hemlock LP, a limited partnership; and

Resolution No. 2011-70

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley with MV Hemlock Limited Partnership, a California Limited Partnership and Approving and Authorizing Execution of an Affordable Housing Agreement (Home) Between the City and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve an Affordable Housing Agreement for HOME by and between the City of Moreno Valley and MV Hemlock LP, a limited partnership; and

Recommendation: That the RDA:
Adopt Resolution No. RDA 2011-10 approving an Affordable Housing Agreement by and between the Agency and MV Hemlock LP.

Resolution No. RDA 2011-10

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Agency Member Robin N. Hastings, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ORDINANCE NO. 825 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of:

Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.2 .2 ORDINANCE NO. 826 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Marie Hyta
1. Spending priorities; building a new fire station on Morrison; Station 58; salary of city administrator

Deanna Reeder
1. Redevelopment fund for the Aquabella project
2. Conduct during council meetings

Alicia Espinoza
1. DUI check points

Kenny Bell
1. Meetings of Home Owners Associations
2. Citizens' input/contributions

Librada Murillo
1. in Spanish

Jeffrey Giba
1. Increase of theft from recycle bins; thanked police officers for great job

Sue Gilchrist
1. Residents' contribution/input
2. Retirement benefits
3. Rancho Belago signs

Louise Palomarez
1. Red light camera on Day Street
2. Commended the Council for awarding alcohol business license and for supporting businesses
3. Rancho Belago signs

Victoria Baca
1. Fourth of July celebration
2. Cultural events in the City
3. Wished everyone a safe and happy 4th of July

Joe Bautista
1. Budget - reorganization in the City Clerk's Office

Pete Bleckert
1. Gate at Hemlock Street

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Congratulated Council Member Hastings for being installed as the new Chair of the Western Riverside Council of Governments

Council Member Co
1. Inquires about the incident with the tow truck company and a lost car
2. Attended WRCOG General Assembly reception with Condoleezza Rice as a speaker; was very impressed with the speaker, who talked about real things in life, is very humble and direct when talking to people

Council Member Hastings
1. Thanked Mr. Bell for his kind comments and for attending the Moreno Valley Crime Prevention meeting; thanked Chief Anderson for attending the meeting to address concerns about the crime, and what can be done about it; it was a very productive and well-attended meeting; appreciates the opportunity to meet with residents
2. Will be participating in the July 12 City Council meeting via teleconference; will attend a WRCOG meeting in Washington, DC, for the AB 811 program; more information about the program can be found on WRCOG Web site; anticipates that applications will be available at the end of this month
3. Appreciates the support for the 4th of July program; Thanked City Manager Garcia for the seed money; encouraged residents to volunteer
3. Addressed speaker's comments opposing shooting rangers – stated that this is a valuable program - payment of fees will allow the center to stay open; emphasized that residents' comments are not ignored and they are appreciated

Mayor Stewart
1. Responded to speaker's comment regarding Redevelopment Agency's support for the Burlington Coat Factory; said that the City is assisting new and existing businesses, as businesses generate sales tax revenue; the Economic Development Plan was developed to improve infrastructure and to retain existing

businesses
2. Fourth of July celebration with fireworks is expensive; the City is going to work very hard to have the celebration the next year
3. Regarding concerts - last concert he attended a few weeks ago was a patriotic concert at the Conference and Recreation Center, and it was a standing room only; it is provided for free four times a year; other cultural events are also held in the City
4. The Council received only three applications for three openings on the Arts Commission - encouraged residents to apply, get involved and help out
5. Addressed comments regarding clapping during council meetings - we don't allow outburst of support or opposition, as it is intimidating to speakers

Adjourned to Closed Session at 9:41 p.m.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

RECONVENED Regular City Council Meeting at 10:02 p.m.

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract 19862:	"Yes" - 3;	"No" - 6;	Invalid - 7	-failed
Tract 19912:	"Yes" - 7;	"No" - 24;	Invalid - 0	-failed
Tract 20941:	"Yes" - 10;	"No" - 14;	Invalid - 0	-failed
Tract 21737:	"Yes" - 0;	"No" - 3;	Invalid - 1	-failed
Tract 23371:	"Yes" – 3;	"No" - 7;	Invalid - 0	-failed
Tract 31591:	"Yes" – 1;	"No" - 6;	Invalid - 0	-failed

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract No. E-1:	"Yes" - 440;	"No" - 542;	Invalid – 6;	-failed
Tract No. E-2:	"Yes" - 139;	"No" - 257;	Invalid – 11;	-failed
Tract No. E-3A:	"Yes" - 34;	"No" - 66;	Invalid – 2;	-failed
Tract No. E-4:	"Yes" - 212;	"No" - 393;	Invalid – 14;	-failed

2. Verify and accept the results of the mail ballot proceedings as

identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

Motion to Adjourn by m/Council Member William H. Batey II, s/Council Member Marcelo Co. Approved by a unanimous vote.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:10 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees
enl

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: July 12, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of June 22 – July 5, 2011.

Reports on Reimbursable Activities June 22 – July 5, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	6/22/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	6/23/11	Leadership Moreno Valley
Jesse L. Molina		None
Richard A. Stewart	6/23/11	Leadership Moreno Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112310

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On July 13, 2010, the City Council awarded a construction contract to Riverside Construction Company, Inc. and authorized the issuance of a purchase order in the amount of $4,124,375.14. The work consisted of the construction of Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The work also included construction of street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, completion of missing portions of Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin and in Ironwood Avenue between Indian Street and Hubbard Street, and minor clearing for SCE poles on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard. On July 13, 2010, the City Council also approved the Reimbursement Agreement for the Eastern Municipal Water District improvements which appropriated sufficient funds from EMWD for relocation of four conflicting water lines.

The City issued a Notice to Proceed to Riverside Construction to start the work on October 4, 2010. The length of the contract is one hundred seventy (170) working days, which has been adjusted by Contract Change Order due to weather and other approved work. Riverside Construction anticipates completing the project by mid July 2011.

On April 26, 2011, the City Council approved a Cooperative Agreement with Riverside County Flood Control and Water Conservation District (RCFC&WCD) which set forth the City's responsibilities and the District's responsibilities for post-construction maintenance of the facilities.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company by mid July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $3,850,000 which is not expected to exceed the approved purchase order amount of $4,124,375.14. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after

the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in delaying payment to the Contractor, thereby delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The project is also partially

funded with 2005 Lease Revenue Bonds (Account No. 501.82625), Development Impact Fee (DIF) program funds (Account No. 416.78727), and the EMWD water line facilities were reimbursed by EMWD through a revenue set-aside in fund 414 (Account Nos. 414.80423 and 414.80424). The funds utilized for this project were designated for the Indian Basin and Ironwood Avenue capital improvements only. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91726)	$3,153,000
Fiscal Year 2010/2011 (Account No. 501.82625)	$933,000
Fiscal Year 2010/2011 (Account No. 416.78727)	$962,000
Fiscal Year 2010/2011 (Account No. 414.80423)	$185,000
Fiscal Year 2010/2011 (Account No. 414.80424)	$109,000
Total Budgeted Funds	$5,342,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$3,850,000
Design Support Costs during Construction	$109,000
Construction Geotechnical Services	$95,000
Construction Survey Services	$55,000
Project Administration and City Inspection*	$190,000
Total Project Construction Costs	$4,299,000

*Public Works staff provided project administration and primary inspection services.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff anticipates Riverside Construction Company will complete construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive improvements by mid July 2011. Staff requests the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are

completed, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, authorize the release of retention money to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Margery A. Lazarus, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112316

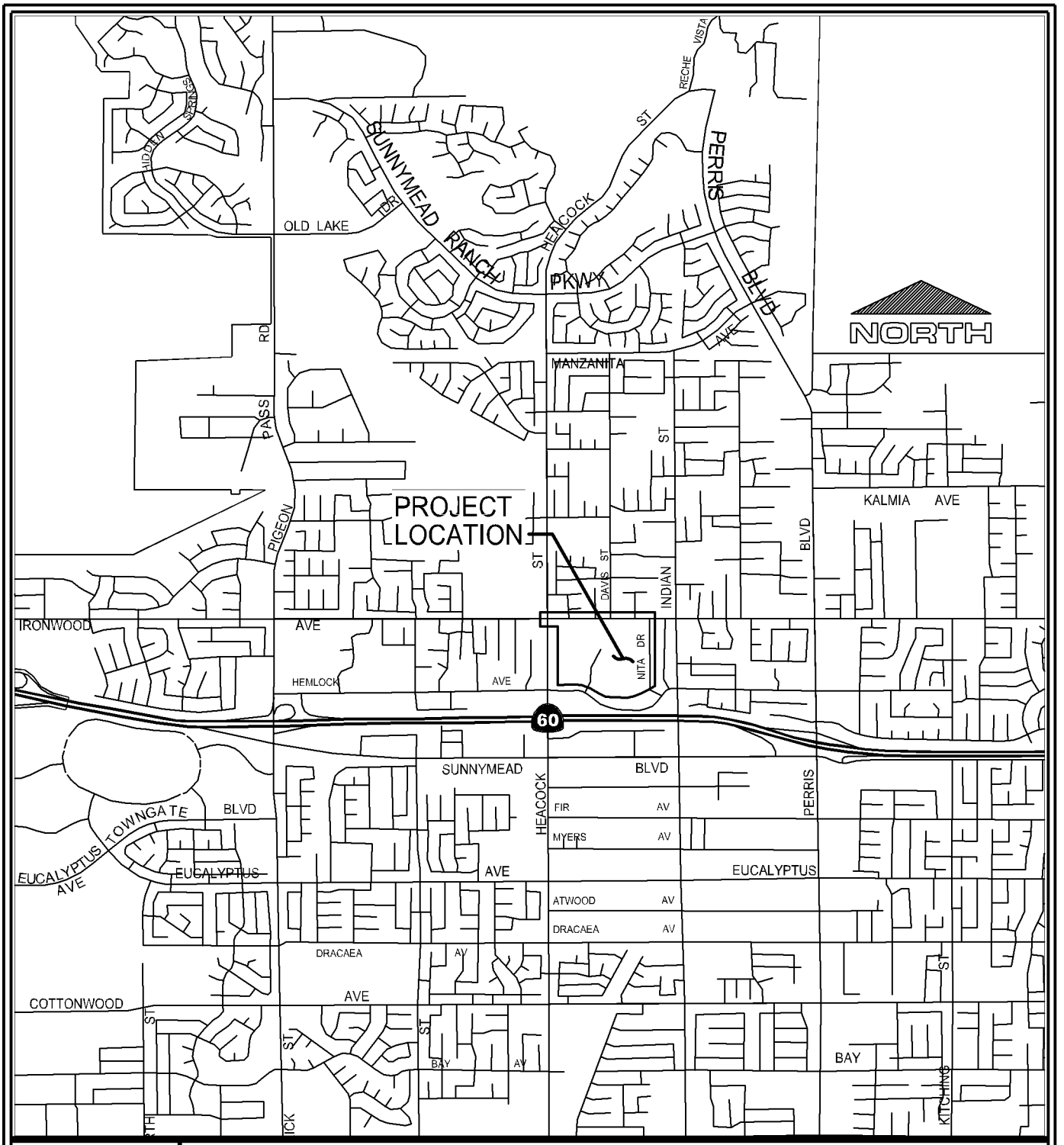

LOCATION MAP

Public WorksDepartment Capital Projects Division	INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVE FROM HEACOCK STREET TO NITA DRIVE (SOUTH SIDE) PROJECT NUMBER 09-89791726
Scale: None	
ATTACHMENT "A"	

Item No. A.4

MV00112317

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MV00112318

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 20111

TITLE: APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue.

2. Authorize the City Manager to execute a contract with Transtech in the form attached hereto.

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties.

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

BACKGROUND

On April 26, 2011, the City Council approved an Economic Development Action Plan that re-sequenced Capital Improvement projects to fast-track the street improvements on Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

On May 24, 2011, City Council authorized the City Engineer / Public Works Director to execute the Program Supplement Agreement with the California Department of Transportation (Caltrans) for the Cactus Avenue Improvements project. This agreement established the policies and procedures for Caltrans reimbursement of $1 million funding for the State-Local Partnership Program (SLPP) grant program.

On June 14, 2011, City Council approved the FY 11/12 budget pending funding for Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

DISCUSSION

The project consists of street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). Because these street segments are considered very strategic to the City's Economic Development Plan, the City is taking a proactive approach in assisting with the completion of the plans, specifications, and estimate (PS&E). The City will coordinate the bidding and construction of the project once HFP provides the City with full biddable plans. In general, the proposed improvements are intended to include curb, gutter, street pavement reconstruction and widening, street lights, sidewalk, water, sewer, reclaimed water and master planned storm drain improvements, traffic signal work, a bridge along Nason Street over flood control channel Line F and construction of a portion of flood control channel Line F.

On May 25, 2011, staff solicited proposals from professional consultants. Approximately 200 consultants in the Public Works Department database were notified of the availability of the City's request for proposal. Eight (8) proposals were received in response to the City's Request for Proposals. The scope of work for the project includes project management, constructability review of PS&E, construction management, and construction inspection for the project. Subsequently, the project management tasks of the overall project is being proposed to be performed by the City's in-house consultant VAS Associates to ensure higher levels of project controls and improved efficiencies resulting in cost savings. A selection review committee comprised of City staff representatives from the Public Works Department reviewed and rated each prospective firm based on their proposals and presentations. After interviewing the three top-ranked firms, Transtech was selected as the most qualified firm to undertake the project.

The final scope of work focuses on constructability review of PS&E, construction management, and construction inspection. Transtech will provide highly skilled and experienced team of three professionals on a full time basis for the duration of construction phase of the project, ensuring quality construction and timely completion of the project. Prior to finalization of the project Plans, Specifications and Estimates (PS&E) and bidding of the project, Transtech will perform a detailed constructability review of the PS&E including on-site field check to ensure that conflicts that results in costly delays during construction are minimized. During construction, a Construction Manager will coordinate with all project stakeholders, ensure that the project is progressing in accordance with the contract documents leading to timely completion of the project within budget, minimize inconvenience to travelling public, and in his capacity as a Bridge Engineer, will inspect the technical aspects of the bridge construction. An experienced Public Works inspector will ensure that quality construction is carried out in accordance with the project plans and specifications; while an Office Engineer will assist the project team with other necessary tasks including satisfying the SLPP grant's requirements for this fast paced and multi-faceted construction project.

ALTERNATIVES

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, authorize the City Manager to execute a contract with Transtech in the form attached hereto, authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will allow for much needed improvements that are integral to the City's Economic Development Plan.*

2. Do not approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, do not authorize the City Manager to execute a contract with Transtech in the form attached hereto, do not authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and do not authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will delay much needed improvements that are integral to the City's Economic Development Plan.*

FISCAL IMPACT

The funding sources for this project are: RDA Tax Increment Fund 892 ($6M through an Agreement with Riverside County Flood Control and Water Conservation District), borrowed DIF Library and Corporate Yard Fund 412 ($6.5M), DIF Arterial Streets Fund 416 ($2.5M) - re-sequenced from Kitching Street Improvements project from Cactus Avenue to Gentian Avenue, General Fund 412 ($1.3M) - re-sequenced from Heacock Street and Cactus Avenue Channel Improvements, DIF Traffic Signals Fund 417 ($0.27M), Measure "A" Fund 125 ($3.1M) - re-sequenced from Reche Vista Drive Realignment project, and anticipated SLPP Grant monies Fund 125 ($1M). Total available funding is $20,672,000. Assumptions for this project include that the adjacent property owners will dedicate and be credited for an estimated $1M towards right of way.

BUDGETED FUNDS FOR DESIGN AND CONSTRUCTION:
Fiscal Year 2011/2012 Budget (Account No. 125.New) $20,672,000

ESTIMATED PROJECT COSTS:
Consultant Construction Management and Inspection Costs..... $999,000
City's Plan Check and Project Management Administration * $881,000
Construction Phase Technical Services (Survey, Geo, Design Support, etc.) .. $950,000
Construction and Utility Relocation Costs $17,842,000
Total Estimated Project Costs $20,672,000

* Public Works and in-house consultant staff will provide Plan Check and Project Administration.

ANTICIPATED PROJECT SCHEDULE:
Complete PS&E .....Fall 2011
Public Bid and Award of Construction .....Three Months Thereafter
Complete Construction.....Approximately Twelve Months

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project implements an initiative of the Economic Development Action Plan. The proposed improvements consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. Staff is requesting that City Council approve the Agreement with Transtech for Professional Construction Management and Inspection Consultant Services so that these improvements can move forward.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement for Professional Services

Prepared By:
Viren A. Shah, P.E.
City's Program Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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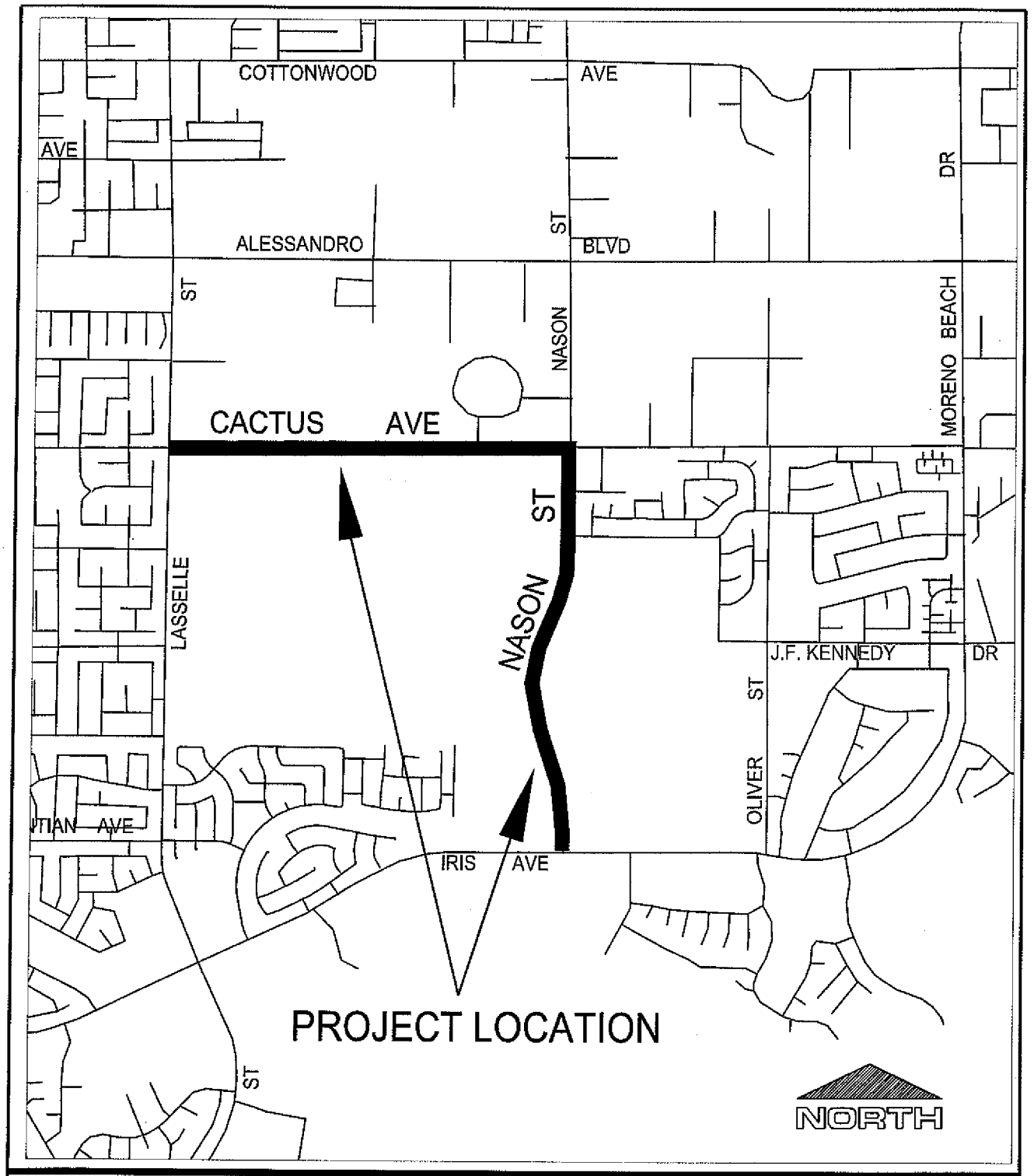

CITY OF MORENO VALLEY
DECEMBER 3, 1984

CAPITAL IMPROVEMENTS PROJECT

Public Works Department
Capital Projects Division

LOCATION MAP

STREET IMPROVEMENTS
CACTUS AVENUE AND NASON STREET

ATTACHMENT "A"

Item No. A.5

MV00112325

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MV00112326

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Transtech Engineers, Inc., a California corporation, partnership, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Request for Proposal) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as professional consultant Construction Management and Construction Inspection services for:

Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Request for Proposal shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $995,595.00 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on **June 30, 2013** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10 (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation

to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with all applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

(b) The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of

the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(c) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property

Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno

Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are legally employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, immediately upon request in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project. The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(d) The City agrees to hold the Consultant harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall

assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. Subject to the provisions of Section 19 (a) above, all plans, drawings, specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon demand by the City, be delivered to and become the property of the City for the limited use as set out above, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

Transtech Engineers, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
FOR PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES
FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE
FOR
THE CITY OF MORENO VALLEY'S CAPITAL PROJECTS DIVISION

I. INVITATION

You are hereby invited to submit a Proposal for: 1) Project Management Consultant (PMC) Services, Part 1; and 2) Construction Management Consultant (CMC) Services, Part 2, 3) Construction Inspection Consultant (CIC) Services, Part 3, associated with the above referenced project.

Five (5) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on compact disk (CD) of your Proposal shall be submitted before **5:00 p.m., June 8, 2011** addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Viren Shah, City's Program Manager.

II. GENERAL PROJECT DESCRIPTION

The project in general consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market. Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project. In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping" (see attachments for more details). As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

III. PROJECT BUDGET AND SCHEDULE

The funding for both projects have been tagged at slightly below $20 Million including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this

Consultant contract.

The Tentative Schedule is as follows:
Anticipated Award of this Consultant Contract: Early July 2011
Biddable PS&E Complete: Early Fall 2011 or sooner
Public Bid and Award of Construction Contract(s): 3 months thereafter
Construction: Approximately 12 months

IV. SCOPE OF SERVICES

The Consultant shall perform all project management services necessary for a professionally completed project including but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end. The scope of work outlined below must be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

DETAILED PROJECT DESCRIPTION:

The following scope of work is not a complete listing; it is intended to aid the consultant to identify a complete and comprehensive scope of work.

PART 1: PROJECT MANAGEMENT CONSULTANT (PMC) SERVICES

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.
2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.
3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
4. Schedule, facilitate, and attend public meetings as necessary.
5. Provide progress reports at a minimum on a monthly basis.
6. Compose all correspondences to keep the project on schedule.
7. Attend and present the project to City Council as required.
8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).
11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.
12. Prepare agreements and assist with issuance of Purchase Orders.
13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.
14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.
15. Prepare project update write-ups for distribution to media and public.
16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.
17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.
18. Issue all necessary Notices to Proceed (NTP).
19. Assist with review and process of all invoices (City staff will approve).
20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.
21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:

    a. Various City Council Staff Reports.

    b. Utility correspondence letters and e-mails.

    c. Federal, State and local correspondence.

    d. Federal, State and local documentation required for the project.

    e. Right-of-way related documents and correspondence.

    f. Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding

purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a) Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b) Prepare bid packages for distribution as necessary.

    c) Maintain plan holder's list

    d) Schedule and conduct pre-bid meetings and site visits, if held.

    e) Provide responses to bidders' questions.

    f) Prepare and issue addenda if required.

    g) Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h) Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i) Check references and licenses of bidders.

    j) Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k) Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l) Prepare, coordinate, and process Notice of Award, Agreements, and

Purchase Order.

m) Review insurance, bonding, and other required documents.

n) Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

PART 2: CONSTRUCTION MANAGEMENT CONSULTANT (CMC) SERVICES

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project.

The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

**FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES**

General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.
2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
3. Schedule, facilitate, and attend public meetings as necessary.
4. Attend and present the project to City Council as required.
5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.
6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.
8. Prepare agreements and assist in processing Purchase Orders.
9. Issue all necessary Notices to Proceed (NTP).
10. Review and process all invoices (City staff will approve).
11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.
12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.
14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other

construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.
   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.
   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.
   d. Submit recommendations to the City relative to change order requests.
   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.
   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.
    b. Permits.
    c. SWPPP and WQMP
    d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.
    e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)
    f. Progress payments, inventories, and applicable codes.
    g. Contractor's reports, correspondence, certified payrolls, and accident reports.
    h. Survey and layout data and certifications, photographs of as-built

locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

PART 3: CONSTRUCTION INSPECTION CONSULTANT (CIC) SERVICES

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements,

such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the

field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

V. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall be no more than 50 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

At a minimum, the Proposal shall include the following sections:

A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).

B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.

C. **Qualifications and Experience:** Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed PMC, CMC & CIC's qualifications, track record and relevant experience. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule. The plan should show flexibility and consideration in resource loading due to the inherent variability in the schedule and performance of third parties. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the

number of hours that these individuals (including administrative support services) will be working on each task listed, included in adjacent columns.

E. **Work Plan and Schedule:** Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project taking into consideration how extra work is anticipated and incorporated into the contract from the onset. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal**.

F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent reviews and 95% plan biddability/constructability/claims avoidance reviews.

G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. **The City's standard Agreement will be executed without any proposed changes.**

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

The Consultant shall be required to comply with all federal, state, and local laws and ordinances applicable to the work. This includes compliance with prevailing wage rates and their payment in accordance with California Labor Code, Section 1775.

The Consultant is required to submit certified payrolls weekly. This applies to all applicable field personnel working on the project. In accordance with Section 1771.5 (b) (5) of the California Labor Code, the City will withhold payments when the payroll records are delinquent or inadequate.

VII. FEDERAL EMPLOYEE BENEFIT

No member of, or delegate to, the Congress of the United States, and no Resident Commissioner shall be admitted to any share or part of the Agreement to the said project or to any benefit to arise from the same.

The Consultant shall complete and include the "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and "Disclosure of Lobbying Activities" forms (attached) with the Proposal.

VIII. PAYMENT TO CONSULTANT

A. This work is to be performed for a "Not-to-Exceed Fee."

B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by Part, phase, and milestone.

C. Tasks shall include, but not be limited to, all Professional Consultant Services (including administrative support services) necessary to complete the work covered by this Proposal.

D. The City will pay the Consultant for work completed based on milestones completed and accepted by the City. These Milestones are:

1. Work associated with Project Constructability Review only is completed.
2. PS&E completed and advertised.
3. Project Bidding and City Council award of contract.

4. PMC Services on a monthly basis once construction starts.
5. CMC Services on a monthly basis.
6. CIC Services on a monthly basis.
7. Any other additional authorized work on a task successfully completed and accepted basis.

The City shall make sole and final determination if a milestone as described above is complete and acceptable for payment. Unless otherwise specifically mentioned, there will be no monthly payments until the milestone is reached at which point all applicable charges will be reviewed for applicability prior to payment. Consultant billing/invoices will commensurate with the pace of the construction work activities. The final 10% of the Consultant contract amount will be held back until all phases of the project is successfully closeout. The Consultant will not receive additional compensation for non-compliance or punch list items that were not identified in a timely manner in order to be addressed by the construction contractor(s).

E. All invoices will specifically identify job title, person-hours, and costs incurred by each task. Lump sump payments will not be accepted as all charges must be documented and justified.

F. Reimbursement costs such as mileage, computer usage, vehicle rates, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee." However, all overhead and reimbursement costs must be included in the personnel hourly rate for all services rendered upon commencement of the construction phase.

G. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.

H. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

I. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

J. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

IX. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

H. It is the consultant's responsibility to ensure that all subconsultants comply with the following: Each subconsultant that encroaches within the City's right-of-way **and** affects (i.e., damages or impacts) City infrastructure must comply with the liability insurance requirements of the City's Land Development Division. Examples of such subconsultant work include soil sample borings, utility potholing, etc.

The "Application for Encroachment Permit" form (four pages), including "Application for Encroachment Permit Liability Insurance Requirements," is available in the Land Development Division and must be completed and submitted in full to the City. It is the Consultant's responsibility to ensure that all subconsultants submit the appropriate encroachment permit and insurance documentation at the same time

that the Consultant's insurance documentation is submitted.

X. INDEMNIFICATION

A. To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

B. The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

C. The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

XI. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving ten (10) days written notice to the Consultant of such termination and specifying the effective date thereof. All finished or unfinished drawings, maps, documents, field notes and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

XII. INDEPENDENT CONTRACTOR

The Consultant's relationship to the City in the performance of the Consultant's services for this project is that of an independent Contractor. The personnel performing the said Services shall at all times be under the Consultant's exclusive direction and control and shall be employees of the Consultant and not employees of the City. The Consultant shall pay all wages, salaries and other amounts due his employees in connection with the performance of said work shall be responsible for all employee reports and obligations, including but not necessarily restricted to, social security, income tax withholding, unemployment compensation, and Workers' Compensation.

XIII. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, City's Request for Proposal, Consultant's Proposal, and Exhibits. **No changes to the City's standard Agreement will be entertained since there will be no time for negotiations between attorneys to establish a revised acceptable agreement.** All Consultants are required to have a City of Moreno Valley Business License in order to conduct business in the City.

The Political Reform Act and the City's Conflict of Interest Code require that consultants be considered as potential filers of Statements of Economic Interest. Consultants, as defined by Section 18701, may be required to file an Economic Interest Statement (Form 700) within 30 days of signing a Consultant Agreement with the City, on an annual basis thereafter if the contract is still in place, and within 30 days of completion of the contract.

XIV. GENERAL CONDITIONS

A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

   The City shall not, in any event, be liable for any pre-contractual expenses incurred by the Consultant.

B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XV. SELECTION CRITERIA

The Proposals will be rated/ranked according to the following criteria:

1. The Firm's General Experience and Qualification Information (20 points) – Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.

2. Experience of Key Personnel (40 points) – Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with General Law City agencies, and proven track record and depth of understanding/ knowledge of the proposed PMC, CMC & CIC.

3. Project Approach/Understanding (40 points) – Understanding of project, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

4. Expedited Schedule and Cost Controls (20 point bonus) – Elaborate based on experience with similar projects as to how the two projects can be completed based on an expedited schedule (please identify the shortened delivery timeline). Elaborate how the Consultant team can confidently deliver the project on time and within budget with specific focus that the Consultant can deliver this project within their executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Due to the accelerated nature in retaining a Consultant for this project sometime in early to mid July 2011, interviews may not be conducted in selecting the preferred firm. However, if an interview is deemed needed to make the final selection, the Consultant must be prepared to gather the proposed team likely within 24 hours of notification. Only the key individuals assigned to have a significant role in the project will be allowed to make the presentation at the interview

Exhibits incorporated by reference:

1. City Standard Consultant Agreement (no changes to this agreement will be allowed)
2. Nason-Cactus CIP Exhibits dated April 10, 2011 - Compilation of Plans based on current status of completion
3. Improvement Plans Status Summary dated May 4, 2011
4. Addendum to Moreno Valley Field Station EIR and Supplemental EIR

Submitted to:

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah
City's Program Manager

TECHNICAL PROPOSAL

PROFESSIONAL PROJECT MANAGEMENT CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS

1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Submitted by:

TRANSTECH/MAPCO
Contact Person for this proposal:
David Mlynarski, Project Principal
E-mail: david.mlynarski@transtech.org
T: 909-384-7464; F: 909-384-7475
413 MacKay Drive, San Bernardino, CA 92408

EXHIBIT "B"

Item No. A.5 copy shall be unbound and paper clipped, with holes, perforations, or cardboard inserts, suitable for copying with an automatic feed copy machine and one copy shall be on CD. (As required, Fee Proposal is submitted in a separate envelope)

MV00112362

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Thank you for the opportunity to present our qualifications to the City and for the subsequent meetings and discussions to develop a cost efficient approach for the subject project.

It is very obvious that the city desires to establish professional relationships with consultants and carry out projects in an efficient and practical fashion. We also see the value to the overall community and business environment that will result with the inducement of these public improvements.

We understand this project will require an efficient coordination with various public and private parties, including City of Moreno Valley, developer, design engineers (RBF, Psomas, Butsko, Arcon), Riverside County Flood Control District, EMWD and Utility Companies. Furthermore, it is also important to coordinate with the Riverside County Hospital (Trauma Center) and the County EMS to maintain emergency vehicle access to the hospital along Cactus Avenue during construction.

Our goal is to provide our services in an efficient manner and minimize inconveniences and deliver the project to the City and public in a cost effective manner.

Our original fee submitted with the proposal was $1,114,000. Based on the meetings with and clarifications provided by the City, we made necessary adjustment in our scope, and our fee was reduced to $914,600. We then provided an additional 5% reduction in our fees as a good will, which resulted in a final adjusted fee of $868,870.

Also, we made appropriate adjustments in the staffing allocation as follows:

- We will assign Kurt Pegg as the Project CM, RE and Bridge Structural Rep, and Mike Schnepf as the Project Inspector. We understand the City desires a commitment that these staff members will be assigned to this project. As we indicated in our proposal, and subsequent communications, our firm is fully committed to assign these staff members to this project. Also, you had indicated that in the event any of these staff members leave our employment for reasons beyond our control, the City would have the right to approve any replacement, and if the City is not satisfied with the proposed replacement, the City would have the right to terminate the contract.
- The level of effort is based on 12 month duration for construction and project closure after start of Construction and under a single construction contract (prime contractor) for both Cactus and Nason Street Projects.
- We allocated additional support that may be need during construction to support Kurt Pegg and Mike Schnepf.
- We deleted general project management services, as this task will be performed by City CIP staff as you indicated.
- The City will hire construction surveying, materials testing and specialty inspection firms under separate contracts.
- The City will have separate contracts with the design firms for the preparation of final PS&E Bid Package, as well as engineering support during construction.

The attached Resource Allocation Table provides detailed breakdown by task and staff as you requested.

Our staff and project team are very excited about the potential of delivering our best effort in support of this project.

Thank you again for your thoughtful consideration.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
ali.cayir@transtech.org
C: 714-883-8677; T: 909 595-8599, Ext. 121
www.transtech.org

F:\WPROCESS\PROPOSALS\2011\P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ DUE 060811 5 PM\PROPOSAL\UPDATED FEE, 6-23-11\RESOURCE ALLOCATION BY TASK, STAFF, HRS, P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ.DOC

RESOURCE ALLOCATION

Task	Staff	Rate	Hrs	Fee
Constructability and PS&E Review, including field walk by Project RE, Inspector, and coordination with design team	***Sr Level Staff***	$145	160	$23,200
	Inspector Level Staff	$95	160	$15,200
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	70	$4,550
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	70	$10,150
	Subtotal		**460**	**$53,100**
Allocation to address unknown issues prior to finalization of PS&E	***Sr Level Staff***	$145	140	$20,300
	Inspector Level Staff	$95	60	$5,700
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	60	$3,900
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	60	$8,700
	Subtotal		**320**	**$38,600**
Bidding Phase Services to support City Proj Manager, PS&E Engineers for review of questions, field check, etc.	***Sr. Level Staff***	$145	40	$5,800
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	10	$650
	Principal In Charge Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	10	$1,450
	Subtotal		**60**	**$7,900**
Construction Phase (12 month duration assumed)	***Project CM, RE, and Bridge Structural Rep:*** Kurt Pegg, PE	$145	2,200	$319,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project CM, RE, and Bridge Structural Rep	$145	200	$29,000
	Project Public Works Inspector: Mike Schnepf	$95	2,200	$209,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project Public Works Inspector	$95	200	$19,000
	Office Eng, Insp Support, State Funding Compliance Staff: Selim Bouhamidi	$65	2,200	$143,000
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	400	$58,000
	Subtotal		**7,400**	**$777,000**
Budget for Additional Inspections	***Budget for Additional Inspections during heavy work periods***	$95	400	$38,000
	Subtotal		**400**	**$38,000**
TOTALS			8,640	$914,600
Additional Reduction in Fee as a good will			5%	$45,730
TOTAL REDUCED FEE				$868,870

Original Fee submitted with the Proposal	$1,114,000
Final Submitted Fee after Meeting with City staff to fine tune scope, including adjustment in Project Management effort as the City will assign an in-house PM and plus an additional 5% reduction in the fee	$868,870
Total reduction in dollars between Originally submitted Fee and Final adjusted Fee	$245,130
Total reduction in % between Originally submitted Fee and Final adjusted Fee	22.00%

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TRANSTECH/MAPCO
PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

This letter serves as a follow up to our conversation regarding company legal name.

As indicated, our operating brand name in Inland Empire is Transtech/Mapco. The legal name of the corporation from which the Insurance will be provided is Transtech Engineers, Inc.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
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TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 8, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TECHNICAL PROPOSAL
PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Transtech/Mapco is pleased to submit this proposal for the subject project.

We are a multi-disciplinary engineering consulting firm which provides professional and technical services in engineering, planning and construction to governmental agencies, educational institutions and private sector. We serve as turn-key program manager/contractor on large and complex engineering projects by providing full service capability. We have managed and successfully delivered a number of similar assignments.

Our key project team members have extensive experience working for Public Agencies in capacities, such as Contract Building Official, Plans Examiner, Inspector, City Engineer, Planner, Construction Manager and Inspector. As contract City Engineer and Building Official for a number of Agencies, we manage all aspects project as Agency representatives, and provide turn-key services.

Our staff members are licensed as professional engineers, surveyors, plan checkers, building officials and inspectors. We are also licensed as General Contractor A (General Engineering) and B (General Building), and have the ability to function like a General Contractor and coordinate all aspects of construction of similar projects.

Our Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of the projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance, DBE/WBE.

Also, one of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

We also provide our expertise in the construction field to law firms for construction claims. Some of our key staff members served as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State.

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

We understand the importance of providing services that can respond to the project needs based on work load and demand by adjusting level of staffing as necessary, and provide the services in an efficient and cost effective manner without sacrificing the quality and responsiveness.

We have extensive experience in managing similar complex and multi faceted/phased projects. We will develop an expedited schedule to deliver these projects in an efficient and expeditious manner, and within the executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Our team has extensive experience in all aspects of similar projects, from design concept, design and regulatory agency approvals through construction. We have gained a solid reputation in the industry for delivering cost-efficient projects that are on schedule, within budget, and to the full satisfaction of the client. We have assembled an outstanding group of individuals we believe will provide the Agency with the precise services requested; combining strong technical skills, excellent communication, sensitivity to community values and efficient use of resources.

We have staff and resources readily available for the project.

Thank you for the opportunity to submit this proposal. If you have any questions or need additional information, please contact the undersigned.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org; T: 909 384 7464, Ext. 106 F: 909 384 7475; www.transtech.org

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SECTION A:	**Project Understanding**	**A.1 – A.1**
SECTION B:	**Approach and Management Plan**	**B.1 – B.2**
SECTION C:	**Qualifications and Experience**	**C.1 – C.5**
SECTION D:	**Staffing Plan**	**D.1 – D.1**
SECTION E:	**Work Plan and Schedule**	**E.1 – E.17**
SECTION F:	**Quality Control and Assurance**	**F.1 – F.1**
SECTION G:	**Additional Relevant Information**	**G.1 – G.1**

APPENDIX — **Appendix 1 – Appendix 19**

City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, states that resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the Appendix Section of the proposal. Based on this requirement, the following applicable information is included in the Appendix:

Resumes	**Appendix 1 – Appendix 14**
Billing Rates	**Appendix 15 – Appendix 15**
Resource Matrix	**Appendix 16 – Appendix 16**
Other Required Forms (Required Statements per the RFP)	**Appendix 17 – Appendix 19**

SECTION A: Project Understanding

The project in general consists of the ultimate width street improvements along:

1. Cactus Avenue between Lasselle Street and Nason Street, and
2. Nason Street between Cactus Avenue and Iris Avenue

The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market.

Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project.

In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping". As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

The funding for both projects have been estimated at slightly below $20 Million, including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this Consultant contract.

The Tentative Schedule is as follows:

- Anticipated Award of this Consultant Contract: Early July 2011
- Biddable PS&E Complete: Early Fall 2011 or sooner
- Public Bid and Award of Construction Contract(s): 3 months thereafter
- Construction: Approximately 12 months

The general scope of work to be provided by the selected Consultant includes all project management services necessary for a professionally completed project, including, but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end.

The scope of work will be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

SECTION B: Approach and Management Plan

B.1. APPROACH AND MANAGEMENT PLAN

Our goal is to deliver the project to the City in an efficient and cost effective manner.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects.

Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance program to prevent design errors and construction change orders.

Schedule control and management is a critical element. Our project manager conducts weekly in-house meetings with staff to review work progress, discuss any potential issues, and adjust staff resources as necessary to keep the project on schedule.

One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies. Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

In summary, our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and within budget. Our staff members have a strong educational background and are licensed and certified as engineers and inspectors.

B.2. PROJECT ORGANIZATION CHART

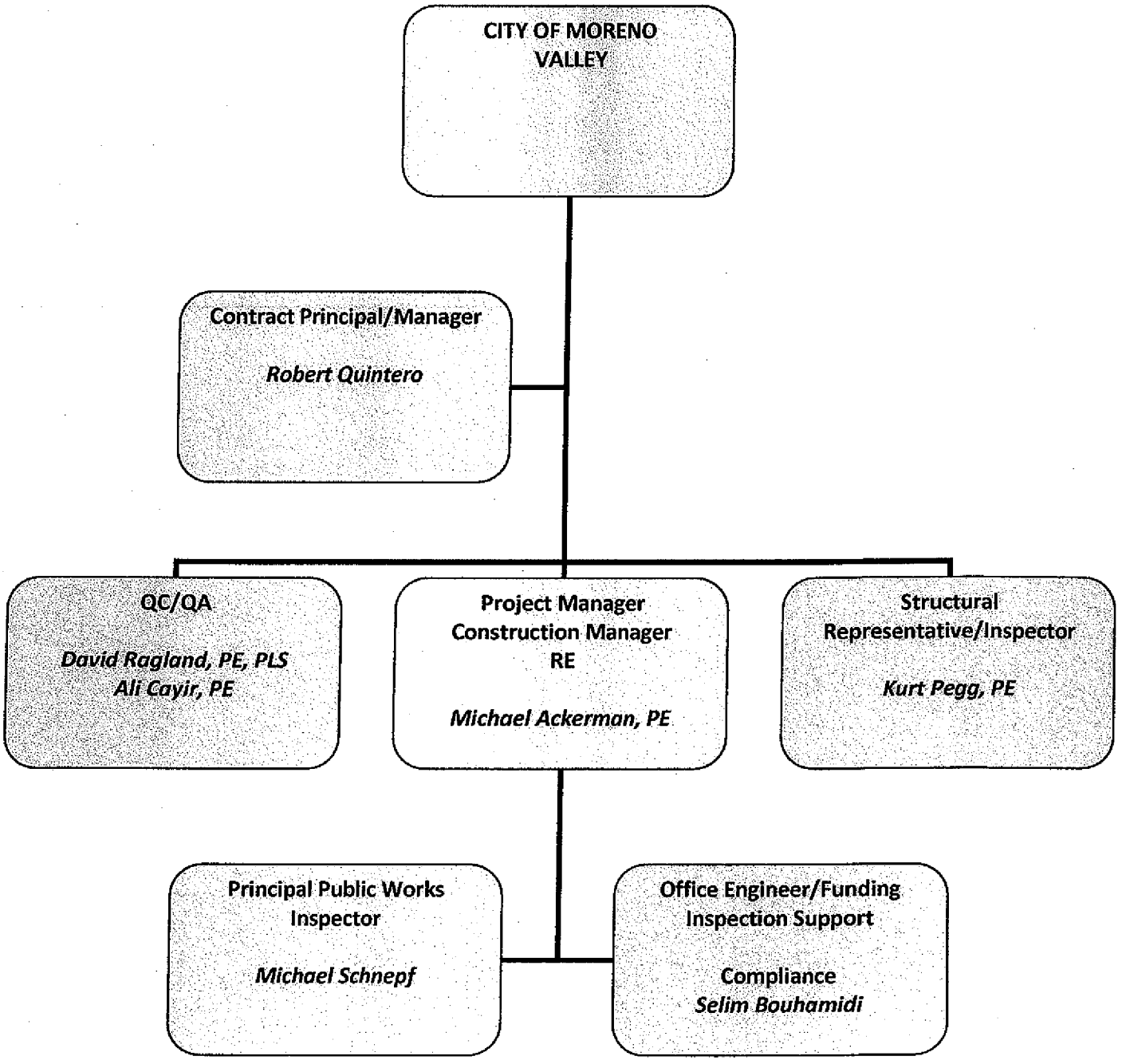

SECTION C: Qualifications and Experience

C.1. SIMILAR SERVICE EXPERIENCE

Following is a partial listing of similar projects where our firm provided similar services requested for this project:

- **Via Duct Boulevard Alignment and Reconstruction, Metrolink San Bernardino Parking Facility Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost: $10m
- **Valley Boulevard Widening Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost $5m.
- **State Route 710 Interim Improvements and Fremont Ave. Widening/Realignment:** Prepared PS&E as well as provided construction management and inspection services for 3 federally funded projects in Alhambra. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. The project involved coordination with Caltrans and encroachment permit processing/approval, as portions of the project was in Caltrans jurisdiction. These projects were all federally funded, requiring processing for E-76 through Caltrans Local Assistance. The total cost for 3 projects was $20m.
- **Mission Boulevard Widening:** Prepared PS&E as well as provided construction management and inspection services for Mission Boulevard widening and reconstruction. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. Transtech also provided construction management and inspection services for the project. The project involved coordination with Caltrans, and was federally funded and required processing for E-76 through Caltrans Local Assistance. Cost $3m.
- **City of Torrance Crenshaw and Skypark Reconstruction Projects:** Prepared PS&E as well as provided construction management and inspection services for Federally Funded reconstruction/rehabilitation of Crenshaw Boulevard and Skypark Avenue (2 separate projects). Cost: $3m.
- **Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino:** For the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution.
- **CSUSB (Cal State SB University) San Bernardino Campus Access Road:** Prepared PS&E as well as provided construction administration for the project. Improvements included approximately 1 mile street, water, landscape, grading, drainage, street lighting and various other improvements. Cost $6M.
- **Mission Bl and Rte 71 Grade Separation Project (currently under construction):** Serving as the Construction Manager for this regional project. The Mission Boulevard/State Route 71 Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40,000,000.
- **Alhambra Civic Library Project:** The project involved construction of a 45,000 SF 2 story library with 2 levels of underground parking garage. The project also included off-site improvements, such as streets, curb, gutter, utilities, fiber optic communication. Transtech provided construction management services. Project Cost $30m.
- **Riverside County Transportation Commission, Corona Main Street Metrolink Parking Structure and Pedestrian Bridge:** Served as Construction Manager. The project involved construction of a 6 level, approximately 1,000 space parking structure, and a pedestrian bridge over rail road tracks, and various offsite improvements, such as pavement, curb, gutter, drainage, sewer, electrical.

Project cost $24,000,000.

- **Alhambra Renaissance Plaza Parking Structure and Entertainment Center:** Served as Turn-key Program Manager from initial design thru construction of the Project. The project involved construction of a 5 level, approximately 600 space parking structure, as well as a 10 plex movie theater, and 3 restaurants and retail stores. Total project value was $40m.

Experience in Federally Funded Projects and with Caltrans Local Assistance Procedures Manual:
A majority of the projects were federally funded. Transtech administered all projects through Caltrans' Local Assistance in compliance with the Local Assistance Procedures Manual (LAPM). Authorization to Proceed (E76) was successfully obtained for each project as well. Our scope in these projects involved public relations, including providing information flyer, setting up a web-site for public access to provide up to date information, community meetings, and responding to questions and complaints and making sure impacts to public is minimized. Communication and coordination with public is an important element on this project as well.

Experience in Working with Caltrans/Encroachment Permit Department:
Several of these projects also involved close coordination with Caltrans and encroachment permit processing/approval, as portions of some of the projects were in Caltrans jurisdiction.

C.2. PROJECT STAFF

The following table provides summary information for project staff:

Key Person	Project Role	Yrs of Exp	Yrs w Firm
Robert Quintero	Contract Principal/Manager	20	5
Michael Ackerman, PE	Project Manager, Construction Manager, RE	15	4
Kurt Pegg, PE	Structural Representative/Inspector	20	2
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	30	12
Michael Schnepf	Principal Public Works Inspector	30	9
Selim Bouhamidi	Office Engineer/Funding Compliance and Inspection Support	5	3

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, Billing Rates, Resource Matrix, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

C.3. REFERENCES

City of Rialto
Ahmad Ansari, Director of Public Works/City Engineer
909-772-1518

City of Alhambra
James Funk, Development Services Director
626-570-5041

City of Pomona
Daryl R. Grigsby, Director of Public Works
909-620-2261

CSUSB, Cal State University
Hamid Azhand, Director of Capital Planning and Design
909-537-5000

C.4. COMPANY QUALIFICATIONS

Established in 1989, the firm provides consulting engineering services to several municipalities throughout Southern California. The municipal services provided by our firm include Building and Safety, Plan Check, Inspection, Code Enforcement, City Engineering, City Traffic Engineering, CIP Design, Project and Construction Management, Program Management, Utility Company Coordination and Management, CDBG, HUD and Federally/State Funded Project Management, Services.

- *Service Capabilities:*

Municipal Consulting Services	City Engineer; City Traffic Engineer; Capital Improvement Projects; Development Review; Plan Check/Counter Services
Building and Safety	Inspection; Plan Check; City Building Official; Code Enforcement
Program and Construction Management	Contract Administration; Construction Inspection; Labor Compliance; Design-built Engineering and Construction
Civil Engineering	Freeways and Interchanges, Local Streets and Roads Design; Sewerage, Water and Storm Drain Design; Pavement Management System; Grading Studies, Design and Earthwork Analysis
Traffic and Transportation Planning and Engineering	Traffic Signal and Control Systems; Parking Facilities Study and Design; Street Lighting; Speed Zone Surveys; Traffic Control; Intelligent Vehicle Highway Systems; Signing and Striping; Traffic Management Plans; Bicycle and Pedestrian Facilities; Neighborhood Traffic Control

Water Resources Engineering	Hydrologic Studies, Hydraulic Design Best Management Practices Storm Water Pollution Prevention (SWPPP) Low Impact Development Design Sediment, Erosion Control & Detention Facilities Urban Water Quality Retrofit Hydrologic Rainfall/ Runoff Watershed Simulations Hydro modification Studies, Water Quality Management Plans (WQMP) Storm Drainage Infrastructure Design Floodplain Analysis, Mapping Preparation of FEMA Requests for Letters of Map Revisions
Surveying and Mapping	ALTA, Topographic, Boundary Surveys; Construction Surveying/Staking; Aerial Mapping; GIS; Right-of-way Engineering
Planning	Master Plan Circulation Studies; Transportation Planning and Modeling; Capacity Evaluations; Impact Assessments; Site Planning; Specific Plans
Land Development	Subdivision/Master-Planned Communities; Commercial and Industrial Development
Governmental Permit Processing	Support services to coordinate and process permits through governmental agencies .

- *Experience in Working with Local Cities:* Our key staff members have served public agencies in various capacities including City Engineer, City Traffic Engineer, Building Official, Project Manager, Planner, and Inspector. We are accustomed to working with governmental agencies in every facet of planning, building, and public works, and our staff has an unparalleled understanding of public agency issues, procedures, and policies.

- *Turn-Key Service Capability:* The Firm serves as turn-key program and construction manager on large and complex engineering projects by providing a full service capability of comprehensive services to its clients from initial planning and design, systems engineering and technical assistance, permitting, program and construction management, and operations and maintenance services. The Firm has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects, including Public Works and Infrastructure Improvements; Institutional Buildings; Commercial and Retail Buildings; Transportation and Parking Facilities; Sports and Recreational Facilities; Residential Development.

- *Experience in Federal and State Funding Programs and Requirements:* The Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of these projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance. The Firm's Grant Writing and Funds Management services enable our municipal and agency clients of any size to find potential funding sources, and to prepare competitive applications. Additionally, after funds are awarded to a client, The Firm can ensure compliance with state and federal funding requirements. In the past few years, The Firm has facilitated over $100 million in funds for our clients' public works projects and transportation improvements.

- *Experience in Construction Claims:* The Firm staff also provides their expertise in the construction

field to law firms and universities. Some of our key staff members serve as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State San Bernardino University, International studies.

- *Quality Control/Quality Assurance (QC/QA):* The Firm has a proven track record in providing high quality engineering services which result in minimal problems during implementation of projects. Our extensive experience coupled with our in-house QA/QC program prevents design errors and change orders. Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and budget

- *Federally Audit and Approved Accounting System:* Our firm is involved in major projects with various governmental agencies, including Federal Government. Our accounting system is audited and approved by federal Government and found in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statues, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR).

SECTION D: Staffing Plan

Due to the inherent variability in the schedule and performance of third parties, our staffing approach is flexible. While we have assigned and are prepared full staffing as necessary to the project, our staff will work as necessary and flexible manner. We will adjust staffing levels as the project progresses and as needed, but, we will be responsive and add additional staffing when there is a need to ensure the project is managed in the most cost effective and efficient manner.

Our team members have the capacity to perform the requested services according to the proposed schedule, and complete the services required for this project within budget and schedule.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with City Staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City Staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

BILLING RATES AND RESOURCE MATRIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, Resumes, **Billing Rates**, **Resource Matrix**, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

SECTION E: Work Plan and Schedule

E.1. PROJECT MANAGEMENT AND DELIVERY APPROACH

Our approach is to be responsible and accountable for all aspects of the project in order to deliver the project on-time and on-budget. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before the result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

We have a structured approach to execute projects in an efficient manner that makes Transtech capable of providing the client with the highest quality product. Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects. The following paragraphs describe our approach to deliver projects in an efficient and cost effective manner:

- **Project Management:** Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become major problems. This requires extensive hands-on knowledge, and management skills of the people involved in the project's management and inspection. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on-time and on-budget. Our staff members have educational background and are licensed and certified as engineers and inspectors. They have been represented both public agencies and private developers/contractor on similar projects. They are seasoned industry veterans, and will manage this project in the most efficient manner. Key project team members will attend regularly-scheduled project status meetings with the City and other involved agencies throughout the project's duration. We will keep a detailed record of communication that will include directions given by City staff and actions taken by our team. These systems are structured such that recall of critical information is readily available. We will provide project status reports which updates, at a minimum, the status on the project's scope, schedule, budget, and pending issues requiring attention.

- **Quality Control and Assurance Program:** Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance Program to prevent design errors and construction change orders.

- **Design Review:** Our multi-disciplinary team of design professionals with extensive professional experience in similar projects. Our preferred approach is to engage in review documentation, response/reconciliation meeting cycle for each design phase. Each cycle's receipt of design documentation is the basis of design, plans, specifications and calculations. The documents are reviewed by each discipline along with the construction manager to validate design team approach to the project program requirements and identify code element, buildability items for consideration, adjustment and/or incorporated by the Design Team. Review comments are documented with our

web based review program and made available to the entire team through the web browser access and electronic files. After a short review period for the Design Team, a coordination/information meeting is held to discuss comments and ensure that the Design Team and other parties fully understand the intent and essence of the comments. Our teams early "catches" of these and similar design compliance issues have presented significant late phase document modification on numerous projects we have reviewed.

- **Constructability Reviews:** Our constructability reviews follow a similar process to design support review with a different focus. We prefer to do both reviews concurrently for efficiency, with early phase focus on design support issues moving to predominantly constructability, buildability and coordination in later phases. Our comprehensive database offers management tools that will allow all team members to review drawings simultaneously and track design progress and comment resolution.

- **Value Engineering:** We approach value engineering as a continuous and evolving function throughout the entire preliminary and design phases. Value engineering is treated as an integral part of developing design criteria and ultimate incorporation into the project plans, specifications and estimates. Integrating value engineering throughout the project significantly reduces the chance of a major design alternative being identified by a "value engineering team" after the project is designed, which would cause a tremendous redesign effort and considerable time delays.

- **Cost Estimating:** We use a variety of methods to generate accurate cost estimates. These include "Check Bids" developed from both internal and external private sources. Our estimators all have construction field backgrounds and pull in that additional perspective to cost estimating from project concept/feasibility through change orders to address your specific needs. A methodology of communication, technical resources, and analytical thinking shaped by experience is used to reflect projects in terms of costs. Our estimating database, based on our experience at construction, is continually reviewed and updated for current labor rates, equipment rates, and material pricing. We also utilize the construction schedule to determine cost escalation over the course of construction. Typically escalation is included to the mid-point of the construction schedule. We will work closely with our procurement team in order to track the trends in volatile materials such as steel and concrete. We also monitor local construction labor markets and unions to forecast trends in labor rates. These costs are tracked throughout the estimating process to insure there are no last minute surprises.

- **Third Party Coordination Public and Regulatory Agencies:** One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies . Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

- **Methodology for communication to inform City on work progress:** Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

- **Approach to Cost Control and Change Orders**
  Two feasible methods exist for practical control of publicly funded construction costs. One is *proactive* and the other is *reactive*.
  - *Proactive* cost control is achieved by putting sufficient effort into the plan and specification preparation to minimize potential change orders.
  - *Reactive* cost control occurs during the review of change order requests submitted by the contractor. A variety of techniques are employed when reviewing submitted change order requests.

  We evaluate monthly costs/expenditures based on an actual field review and documentation. The documentation is used as both criteria for evaluating the accuracy of costs/expenditures, and as input for review of the cost-loaded monthly progress schedule. An accurate schedule of values and baseline schedule are fundamental to this analysis. Base contract work, as well as changes to the work, is also progressed and quantified. Any differences between the original estimates and actual costs/expenditures are identified. We evaluate project costs and develop feasible mitigation measures to minimize additional costs. We work as a team to solve problems or make modifications in the field to address unforeseen conditions or owner generated changes in a cost effective manner.

- **Approach to Scheduling and Timely Completion of Project and Schedule Recovery**
  Understanding how the component pieces of a Project and the necessary sequencing are critical to the successful completion of the Project. We use various project management software depending on the nature of the Project to ensure proper schedule development, document control, including RFI's, submittals and plan review. The regular maintenance and updating of the schedule quickly identifies areas that can be accelerated, and those items that may need additional attention and oversight. We ensure that the contractor's construction baseline schedule has properly identified the project scope, critical path, project milestones, target dates, phases, and sequences of work, activity durations, activity float and relationships between activities. Interrelationships with various projects phases, and interfaces with Owner activities are verified to ensure proper coordination with the existing operations. We ensure that the baseline schedule considers access coordination; staging and lay-down areas and seamless transition and interfaces between the new and existing facilities, and any operation to be maintained on-site. When significant activities show that they are slipping from the baseline, we work with the contractor to develop "recovery plans" and verify that the plans are achievable and are implemented to have the desired effect. We incorporate progress information recorded on the Inspector's Reports to verify actual progress in the monthly schedule. These reports clearly identify and document if any delays occurred and what caused the delays. This approach enables all involved parties to anticipate potential delays early in order to proactively manage the schedule.

- **Methodology for Generating Bidder Interest**
  The bids are advertised in various trade publications, such as McGraw-Hill Construction Dodge-Green Sheets, Contractors Info Network, Bid America, Reed Construction Data. We also contact qualified contractors and inform them of the upcoming project. By the time the construction documents area ready for bid advertisement we have a data base of contractors who have known about this project in advance. This increases bidder interest and participation significantly.

- **Promote participation in the bidding by local subcontractors and vendors**

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

- **Contractor prequalifying**
  If desired by the City, we can conduct a contractor pre-qualifying process. Public Contract Code section 20101 authorizes local public agencies to prequalify contractors before allowing them to bid for public works projects. The key points are:
  - A public agency may require contractors to submit standardized questionnaires which seek information necessary to determine whether the contractors have met prequalifying standards. Uniform subjective rating systems must be used to determine the minimum requirements permitted for qualification to bid.
  - Agency must have procedures in place which allow contractors to appeal decisions that they are not qualified to bid, which will result in review and conclusion prior to the submission of bids.

- **Construction web-site:** If the City desires, we can establish a construction web-site and web-cams for real time monitoring of construction progress on internet. The following is a sample of our current website for the State Route 71 and Mission Interchange construction project. www.mission71project.com.

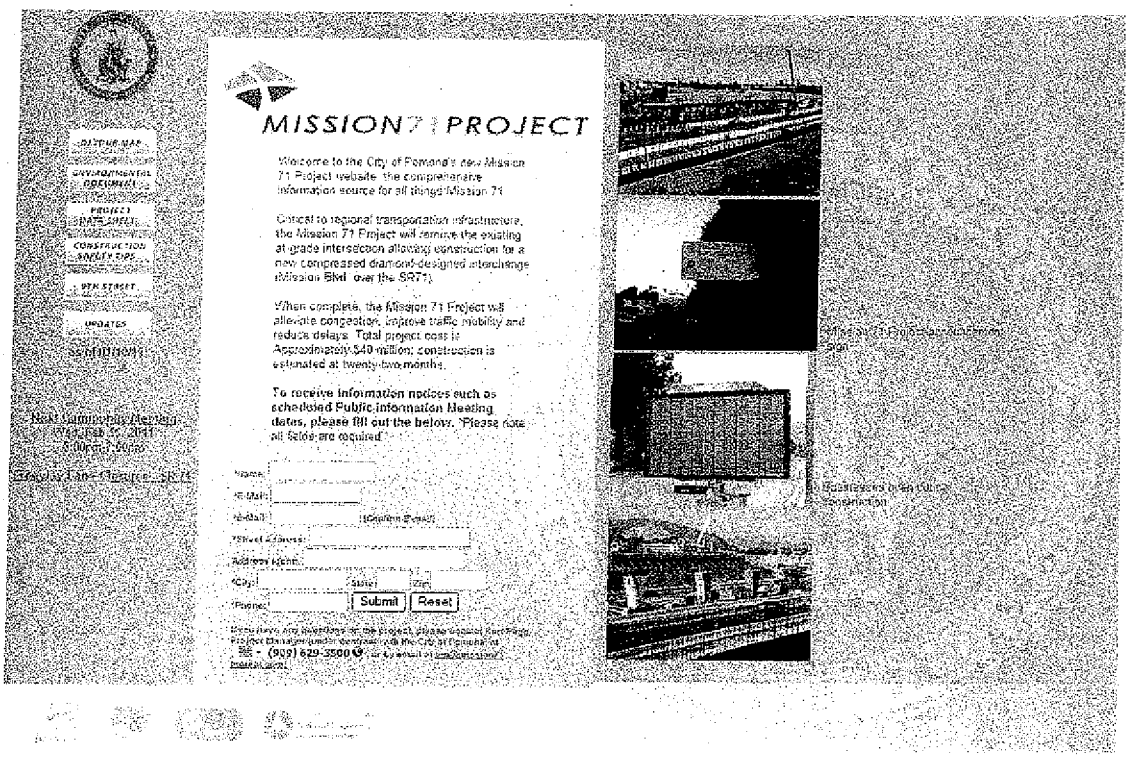

- **Quality Control and Assurance**
  Quality Control and Assurance will be consistently and thoroughly applied throughout project's duration. Assigned Quality Control and Assurance staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities.

A detailed description for Quality Control and Assurance is provided in Section F of the proposal.

E.2. SCOPE OF WORK

E.2.1. Project Management Consultant (PMC) Services

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.

2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.

3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

4. Schedule, facilitate, and attend public meetings as necessary.

5. Provide progress reports at a minimum on a monthly basis.

6. Compose all correspondences to keep the project on schedule.

7. Attend and present the project to City Council as required.

8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).

11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.

12. Prepare agreements and assist with issuance of Purchase Orders.

13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.

14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.

15. Prepare project update write-ups for distribution to media and public.

16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.

17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.

18. Issue all necessary Notices to Proceed (NTP).

19. Assist with review and process of all invoices (City staff will approve).

20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.

21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.

22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
    - Various City Council Staff Reports.
    - Utility correspondence letters and e-mails.
    - Federal, State and local correspondence.
    - Federal, State and local documentation required for the project.
    - Right-of-way related documents and correspondence.
    - Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and bidability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program

Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a. Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b. Prepare bid packages for distribution as necessary.

    c. Maintain plan holder's list

    d. Schedule and conduct pre-bid meetings and site visits, if held.

    e. Provide responses to bidders' questions.

    f. Prepare and issue addenda if required.

    g. Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h. Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i. Check references and licenses of bidders.

    j. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l. Prepare, coordinate, and process Notice of Award, Agreements, and Purchase Order.

    m. Review insurance, bonding, and other required documents.

    n. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

E.2.2. Construction Management Consultant (CMC) Services

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project. The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

E.2.2.1. General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.

2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

3. Schedule, facilitate, and attend public meetings as necessary.

4. Attend and present the project to City Council as required.

5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.

6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.

8. Prepare agreements and assist in processing Purchase Orders.

9. Issue all necessary Notices to Proceed (NTP).

10. Review and process all invoices (City staff will approve).

11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.

12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager. At a minimum, Project files will be organized to include the information indicated below:
    - Project Personnel
    - Correspondence
    - Weekly record of working days
    - Materials Data
    - Engineer's Daily Reports
    - Contract Item Pay Quantity Documents
    - Contract Change Orders
    - Extra Work Reports
    - Progress Pay Estimates and Status of Funds
    - Labor Compliance and EEO records
    - Contractor's Payrolls
    - Final Report
    - Materials Certificate
    - DBE Records

13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.

14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local

requirements.

15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

E.2.2.2 Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.

   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.

   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.

   d. Submit recommendations to the City relative to change order requests.

   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.

   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.

b. Permits.

c. SWPPP and WQMP

d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.

e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)

f. Progress payments, inventories, and applicable codes.

g. Contractor's reports, correspondence, certified payrolls, and accident reports.

h. Survey and layout data and certifications, photographs of as-built locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction

contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

E.2.3. Construction Inspection Consultant (CIC) Services

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements, such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

SECTION F: Quality Control and Assurance

Quality Control and Assurance (QC/QA) will be consistently and thoroughly applied throughout project's duration. Assigned QC/QA staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities. Firms considering proposal submittals are requested to have an in-house technical level of expertise to professionally address all aspects of the project.

Project Design meetings will be held twice a month. The Consultant will be responsible for preparing meeting agendas, minutes, and presentation materials. A Critical Path Method (CPM) network, based on activities to support all project milestones and subtasks will be prepared. The information will be in the form of a bar chart and show a deliverables schedule and other relevant data needed for the control of work, for City review of the work status and accomplishments occurring each month. Monthly updates will be furnished to the City's Project Manager.

The main objective of the Quality Control process for design projects is to provide a mechanism by which all construction plans can be subject to a systematic and consistent review. This process' outcome is the production of design plans and construction documents that accurately reflect the City's scope, schedule, and budget expectations for the project.

A secondary goal of the Quality Control process is to provide for a thorough documentation of the project's design process. A properly documented project file is a by-product of the quality control process. This will enable the City to substantiate its position from properly documented project files if any legal, political, or procedural issues arise regarding the project.

The Quality Control process includes comprehensive project planning, providing clear decisions and directions, constant supervision, immediate review of completed activities for accuracy and completeness, and documenting all decisions, assumptions and recommendations. Quality Control does not solely consist of a review after a product is completed. It is an approach and a realization that a product's ultimate quality is based on the quality of its production process.

As part of the initial project development, we will submit to the City for review and approval, a Project Specific Quality Control Plan, which will detail the proposed methods or processes of providing quality control for all work products. This plan will be kept current with the work requirements. The plan will include, but is not limited to, the following areas:

- Organization.
- Quality Control Reviews.
- Proposed method of documentation of comments, coordination responses and quality assurance records.

Submittals will be checked prior to presentation to the City for review. The review will include the following activities:

- Compliance with project requirements.
- Technical accuracy and adequacy.
- Compatibility with other associated project documents.
- Compliance with previous review comments.

In summary, our QC/QA is a systematic and documented review of each submittal phase/level, which will achieve a complete biddability/constructability/claims avoidance review and necessary revisions incorporated in the bid package at the 95% level completion.

SECTION G: Additional Relevant Information

TRANSTECH'S UNIQUE EXPERTISE AND SUCCESS IN FUNDING AND GRANTS

One of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

Our practice and approach in this area involves maintaining an extensive knowledge and understanding of current regional, state, and federal funding programs and procedures, and monitoring the development of future program or funding opportunities.

We use this knowledge base to work with our clients to improve their ability to secure and administer project financing, and to implement the resulting projects in a timely and cost-effective manner. The approach differs significantly from a more traditional approach where consultant assistance is used merely to prepare competitive grant applications in hope of securing funding for a specific project. We feel that an agency's ability to secure funding for a project depends on several factors including the project's level of completeness (having a well defined and defensible budget, scope, and schedule), the level of consistency between the proposed project and local policies and a funding program's guidelines and requirements, the quality of the information contained in a grant application, and an agency's ability to implement the project in a timely manner. This approach, as a result, focuses on improving the ability of our clients to successfully compete for funding through a competitive process rather than simply providing assistance to complete the required funding requests.

APPENDIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, **Billing Rates**, **Resource Matrix**, and **Other Required Forms (Required Statements per The RFP)** are attached in the appendix section of the proposal.

ROBERT QUINTERO
Contract Principal/Manager

EDUCATION

Master of Business Administration Degree, University of Redlands.

Bachelor of Science Degree in Urban and Regional Planning, California State Polytechnic University (Cal Poly), Pomona.

Edison International Executive Leadership Program

REGISTRATION

California Licensed General Contractor, B

SUMMARY

Mr. Quintero has approximately 20 years of experience in urban planning, management of municipal public works projects and operations, CIP (Capital Improvement Program), city administration, public and governmental affairs. He served as Principal Project Manager for the design, construction and management of a variety of Public Works and Infrastructure projects.

Prior to joining Transtech, Mr. Quintero worked for the City of Commerce and Southern California Edison (SCE), one of the largest energy utility firms in the world.

His experience at the City Commerce included working in various positions, including as Planner, Assistant to the City Administrator, Assistant Director of Public Services/Public Works, and finally as the City's Acting Director of Public Services/Public Works, and managed a department budget and infrastructure worth approximately $500 million.

At SCE, Mr. Quintero served as the company's Regional Manager for the Port of Long Beach and the cities of Avalon, Signal Hill, and Long Beach the fifth largest city in California and home to one of the largest commercial ports in the world.

As Vice President at Transtech, Mr. Quintero is responsible for corporate operations, business development, client relations, public and governmental affairs, project development and management oversight. With his ardent analytical and strategic management skills, Mr. Quintero provides strong leadership and exemplary public relations etiquette. Mr. Quintero develops and collaborates with primary contacts to protect and to enhance Transtech's position in specific proceedings; he ensures coordination with corporate policy and objectives on a broad range; he protects and transacts all phases of the company and customer business, and governmental affairs activities at the corporate level; and he facilitates and maintains close, long-term working relationships with governmental agencies.

PRIOR EXPERIENCE

City Of Commerce

Mr. Quintero started his professional career with the City of Commerce. While with the City, Mr. Quintero acquired an extensive management portfolio of economically, environmentally and technologically sound projects under the titles of Assistant Planner, Associate Planner, Assistant

Director of Public Services/ Public Works, Assistant to the City Administrator and finally as the City's Acting Director of Public Services/ Public Works. Robert was also responsible for representing the City of Commerce at the State Capitol in Sacramento as an advocate on legislative matters concerning land use, transportation, gaming and public works, are just a few of the myriad ways in which Mr. Quintero's leadership benefited the City of Commerce. In addition, Mr. Quintero was the Liaison and Political Ambassador to the City of Commerce/Aguascalientes Mexico Sister City Association.

Southern California Edison (SCE)

After several years with the City of Commerce, in 2002, Mr. Quintero joined Southern California Edison (SCE), as Region Manager of Public Affairs. At SCE, Mr. Quintero served as the company's representative to the Port of Long Beach and the cities of Avalon, Signal Hill and Long Beach, the fifth largest city in California and home to one of the largest commercial ports in the world. He managed the development of the company's position on federal, out-of-state and local legislative matters. He represented SCE before legislators, and industry organizations with regard to legislative and public affairs policy. He assists with the advocacy of the Company's position to provide advance notice of potentially significant legislative actions that may impact the company and took the necessary actions to protect the company's interests. He also organizes and coordinated with internal staff and resources, as well as took the lead in designing and implementing strategies to resolve issues affecting the company and its customers. As a SCE Region Manager, Mr. Quintero set standards of excellence with which the SCE name is proudly synonymous through his active support of and participation in programs that improve the lives of citizens in the community that SCE services. At SCE, Mr. Quintero successfully completed Leadership @ EIX Program. The Leadership @ EIX Program features a structural career development process for high performing employees who exhibit the corporate leadership competencies and may, with development, advance to a manager and senior leadership position.

Associations and Community Service

Founding Vice-President and currently serves as Senior Vice President to Embracing Latina Leadership Alliances (ELLAS) and is Vice President of the California Corporate Hispanic Council Leadership Institute (CCHCLI).

His memberships include the American Planning Association (APA), the American Public Works Association (APWA) and the American Water Works Association (AWWA).

MICHAEL ACKERMAN, PE
Project Manager, Construction Manager, RE

EDUCATION
- Bachelor of Science in Engineering, the University of Iowa

REGISTRATION
- Registered Civil Engineer

CERTIFICATIONS
- Resident Engineer Academy, Caltrans
- Water Pollution Control Compliance on Construction Sites for Resident Engineers, Caltrans
- Asphalt Pavement Fundamentals: Design, Construction, and Rehabilitation
- Construction Program Management Workshop, FHWA
- Field Office Procedures Course, Caltrans
- California Work Zone Inspection – High Speed, Caltrans
- Asphalt Concrete Inspection and Rehabilitation Strategies, Caltrans

HIGHLIGHTS
- Experience includes working for Caltrans.

SUMMARY

Mr. Ackerman has approximately 15 years of experience and participated on numerous multi-disciplinary teams dealing with the design and construction of civil and transportation engineering, urban and rural development, and public works projects. His prior experience includes working for the City of San Bernardino and Caltrans, District 8 in San Bernardino.

Recently, Mr. Ackerman has served as Deputy RE and Deputy Construction Manager for the State Route 71 and Mission Boulevard Grade Separation Project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.

PROFESSIONAL EXPERIENCE

City of San Bernardino: At the City of San Bernardino, Mr. Ackerman held the position of Associate Engineer under the City Engineer of the Division of Public Works in the Department of Development Services. There he was involved in a number of projects, including Development Review and Plan Check, design and review of Street Improvement Plans, Rough and Precise Grading Plans, Sewer Plans, Storm Drain Plans, Street Lighting Plans, Storm Water Pollution Prevention Plans, Water Quality Management Plans, Geotechnical Reports, and Hydrology/Hydraulic Studies, land development, industrial, commercial, residential, and transportation development projects including Tract and Parcel Maps. He also directed and performed plan check of improvement plans submitted by developers to the City. Also, he represented the City of San Bernardino at the South Tehachapi Management Team meetings, coordinated with San Bernardino County Flood Control and FEMA for the certification of City levees and updating of the Flood Insurance Rate Maps (FIRM), and oversaw permitting and tracking of Land Development Projects through the Division of Public Works/Engineering. In addition to this, Mr. Ackerman has worked intimately with Planning and Building and Safety Divisions on Land Development Projects.

Caltrans District 8: Mr. Ackerman was a civil transportation engineer for Caltrans District 8 where he was involved in the design and construction of various projects.

- ***Design Division:*** Designed plans, specifications, and estimates for the

rehabilitation of Route 10 freeway from the Riverside/San Bernardino County line to Beaumont.

- ***Traffic Operations Division:*** Performed studies and analyses to interpret and mitigate above average accident volume areas on highways and freeways. Also, he performed stop sign and traffic signal warrant studies.
- ***Construction Division:*** In the Construction Division, Mr. Ackerman was Resident Engineer for various projects including Watson Wash Bridge Replacement Right (Rte 40), Replacement of Drains and Earthwork (Rte 40), and Fenner Overhead Bridge Replacement (Replacement of two bridges over BNSF Railroad, Rte 40).

Mr. Ackerman served as Project Engineer and/or Construction Manager/Resident Engineer on a number of roadway projects. Recent similar projects include:

- City of San Bernardino, Via Duct Boulevard/2nd Street Realignment Project: Prepared PS&E and served as Construction Manager/Resident Engineer. Cost $1.5M.
- City of Alhambra, Polar Boulevard Rehabilitation Project: Federally funded project as part of Stimulus Program. Served as Construction Manager/Resident Engineer. Cost $1.2M.
- City of Baldwin Park, Francisquito Avenue Overlay Project; Ramona Boulevard Overlay Project: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3.5M.
- City of Commerce, Garfield Avenue Telegraph Road to Malt Avenue Street Improvements; Eastern Avenue Pavement Overlay Stevens Thru City Boundary; Garfield Avenue and Slauson Avenue Intersection Improvements; Washington/Ayers Intersection: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3M.
- CSUSB (Cal State SB University) San Bernardino Main Access Road: Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- City of Alhambra, Alhambra Road Rehabilitation and SRTS Project: Served as Construction Manager/Resident Engineer. Cost $1.2M.

KURT PEGG, PE
Structural Representative/Inspector

EDUCATION
- B.S. Civil Engineering, University of Calgary, Alberta, Canada

REGISTRATION
- Registered Civil Engineer

SUMMARY

Mr. Pegg has over 20 years of construction engineering experience related to highways, roadways and interchanges. He has served as a Senior Project Manager, Senior Estimator, Resident Engineer and Structural Representative. Mr. Pegg has been responsible for some of the largest freeway projects in Southern California, supervision of technical and field staff, change order negotiation and preparation, contract administration, critical path schedule development and review, storm water pollution prevention plan preparation and compliance, claims preparation and mitigation, cost estimating, reviewing and designing structure-related shop drawings, and assuring compliance with plans and specifications.

PROFESSIONAL EXPERIENCE

- **State Route 71 and Mission Boulevard Grade Separation Project:** Served as the Resident Engineer for this regional project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.
- **215/60 Riverside Interchange, Riverside, CA ($317 Million):** Senior Project Manager for the construction of 4 miles of high occupancy vehicle (HOV) lanes and widening of freeways on I-215, SR60 and SR91; Approximately 80 new sound walls and retaining walls throughout the project; major structural improvements at 8 local interchanges; 2 sweeping 'flyover' connector ramps between the I-215/SR60 and the SR91; Improvements to local drainage systems; new truck bypass connector leading from the eastbound SR 60 to the southbound I-215; new bridges at Linden, Iowa and Blaine Avenues providing better access to the University of Riverside. Funding for the project came from a combination of federal, state and local sources.
- **5/805 Interchange and Freeway Widening, San Diego, CA ($176 Million):** Project Manager for the construction of a separate freeway by-pass system from the junction of Interstate 5 and 805 to the Del Mar Heights Road Interchange. The Project also included the construction of a diamond type Interchange at Carmel Mountain Road, and adding of Auxiliary lanes to the existing main lanes. The projects goals were to reduce traffic through the corridor, improve safety through the addition of the by-pass system, and improve access to SR-56 and local roadway systems. Project innovations included building bridge foundations to better withstand earthquakes, eliminate merging and weaving traffic by separating SR-56 and local interchange

traffic from I-5 main lanes. Caltrans partnered with Contractors to ensure the project enabled cost effective construction methods and efficient staging in the interest of time saving to contractors and minimizing travel impact to motorists.

- **SR91/SR57 Interchange Widening, Anaheim, CA ($75 Million):** Project Manager for the construction of the widening of SR91 and SR57 freeways to construct a HOV connector almost a mile in length. The projects goal was to eliminate the weaving of traffic through the interchange caused by the transition from one freeway to the other of the HOV lanes. In order to accomplish this both freeways had to be widened and this required new bridges to be constructed at State College Boulevard, Placentia Avenue Overcrossing, Sunkist Avenue Overcrossing, Mira Loma Overcrossing, and La Jolla Overcrossing. New retaining walls and soundwalls were necessary to support the widening of the freeways along with new drainage improvements. The Contractor was awarded the gold medal in partnering from Caltrans for working through difficult construction issues and to expedite project bringing it in on time and under budget.
- **SR 55 Widening, Orange, CA ($40 Million):** Project Manager for the construction of approximately two and a half miles of freeway widening on SR 55. This project required the construction of two new bridges, retaining walls and soundwalls. Improvements were made to the interchange at Lincoln Ave and SR 55 to support the widening and the end result was an increase in traffic flow and a decrease in congestion on the SR 55 freeway.
- **Ave "H" Overcrossing, Lancaster, CA ($10 Million):** Project Manager for the construction of Avenue "H" Overcrossing. This project was part of the ever increasing development of the outer LA area. The project required street and drainage improvements to support the new bridge over SR 14 freeway.
- **I-10 Freeway at Palm Drive/Gene Autry Trail Interchange Project, Palm Springs, CA ($16 Million):** Resident Engineer / Structure Representative for the construction of a new cast in place post tensioned box girder bridge over the I-10 Freeway. A precast "I" girder widening over the BNSF railway tracks and the roadway widening of Palm Dr.

MICHAEL J. SCHNEPF
Principal Public Works Inspector

EDUCATION
- SDSU, CA 1977
- SDSU Extension: Construction Technology

Awards:
- Best Project, American Concrete Institute for The Falls at Rancho Bernardo

SUMMARY

Mr. Schnepf has approximately 30 years of experience in general engineering/public works and building construction projects. In these capacities, he has been responsible for more than $500 million worth of private and public works construction projects in Type A and Type B construction. He has inspected numerous federally funded projects in compliance with Local Assistance Procedures Manual, as well as projects under Caltrans' jurisdiction.

PROFESSIONAL EXPERIENCE

- **General Public Works Inspection:** Worked at various Cities under Transtech contracts as Senior Public Works Inspector. Projects inspected include, all aspects of new infrastructure construction and reconstruction, parks, ball fields, landscape aquatic facilities, fire stations, piers, skate parks, airports, coastal and recreational facilities, playgrounds, water and sewerage systems (including distribution mains (to 120 inch), mainlines, service laterals, lift & pump stations, domestic and reclaimed water systems, fire lines, backflows, pressure reducing stations, valve cut ins, line stops, line freezing, gravity and force mains and grease interceptors.
  - **Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **Avenida Pico Widening, San Clemente:** Widening of Avenida Pico from I-5 to Avenida Del Cerro including improvements to San Clemente High School. Widened arterial roadway within very limit time frame on a 24 hour a day schedule. High School kept open as were all businesses. Was

accepted by State Architect to perform all onsite inspection of improvements on school property.

- **Smart Corridor, Washington Avenue Culver City:** Coordinated and inspected the integrated Smart Corridor consisting of 51 fully reconstructed and signalized intersections with interconnect and monitoring in Culver City. Interfaced with Caltrans along the I-405 corridor.
- **Skypark Signalization and Widening, Torrance:** Provided construction management and inspection for widening and signalization of Skypark Drive and Madison Street. Interfaced with Edison for relocation of high voltage primary lines and street lighting, FAA personnel at Zamperini Field Airport and Administrative Staff at Torrance Memorial Medical Center. Twenty four hour access to all businesses and facilities were maintained.
- **City of San Clemente, multiple locations:** Provided inspection, design review and plan check for new and retrofits at over 40 intersections during a span of eleven years. Interconnect and camera detection systems. Interfaced with Caltrans along the I-5 corridor.

- **Grading:** Provided grading inspection from initial clearing & grubbing through rough grade and precise grading on projects ranging from 4,000 sq. ft. lots to 3200 acre master planned subdivisions. In many cases provided or assisted in engineering plan check processes. Provided all aspects of inspection for caissons, tie-backs, geotextiles, sub-drains, de-watering wells, wicking systems, benching, buttressing, minor & mass grading operations. Worked closely with Paleontologists and Archaeologists during grading operations. Sites have included the most fossil-rich find in Orange County. Retaining walls have included gravity/friction segmental walls, cmu, cast-in-place concrete and shotcrete applications.
- **Traffic Signals:** Project construction management and inspection of traffic signals and interconnect systems in conjunction with widening and total reconstruction of one of the most heavily utilized intersections in Los Angeles County, 190th & Crenshaw in the City of Torrance. Inspection, design review and plan check for new and retrofits at over 140 intersections during a span of eleven years. Interfaced with Caltrans along the I-5, I-10 and I-405 corridors.
- **Reservoir:** Reconstruction of Reservoir 5A and 8, San Clemente: Assisted in drafting specifications for the restoration, reconstruction of two reservoirs in San Clemente. Provided construction inspection services for all stages of construction and monitored deputy coating inspection team.
- **Storm drain systems:** Channel drains, local depressions, catch basins, main lines, head walls, box culverts, lined channels, desilters, detention basins, clarifiers, energy dissipaters, environmental containment, hydrocarbon filtration, in field testing.
- **Other Utilities:** All overhead and underground electrical, water, sewers, communications, gas, and fuel lines including storage facilities.

DAVID RAGLAND, PE, LS
QC/QA

EDUCATION
- Humboldt State University, CA, Bachelor of Science

REGISTRATION
- Registered Civil Engineer
- Licensed Land Surveyor

SUMMARY

Mr. Ragland is a civil engineer and land surveyor with approximately 30 years of diverse experience in a wide variety of projects in civil engineering. He has managed numerous multi-disciplinary teams dealing with the planning, engineering, entitlement, environmental permitting, development and construction of urban and rural development, and public works projects. His experience also includes special emphasis on complex grading and hillside developments (has worked on the civil engineering and development of more than 40,000 acres of hillside properties), preparation of due diligence and project feasibility analysis, through conceptual planning and design to entitlement and construction. Estimated valuation of projects that Mr. Ragland has been involved is approximately $1,000,000,000.

PROFESSIONAL EXPERIENCE

General Civil Engineering Projects:

- **CSUSB (Cal State SB University) San Bernardino Main Access Road:** Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Campus Parkway Roadway:** Design of a new roadway for a length of approximately 2 miles, and included street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Cannon Roadway and Sewer:** Design of approximately 2 miles of roadway and 36 inch sewer pipe and pump station. This project required careful consideration to pipe buckling due to the extreme soils conditions of the Agua Hedionda Lagoon. Special bedding techniques were used along with special coupling of the pipes to allow for potential deflection as the bridge abutment and road fill settled.
- **Lopez Canyon Roadway and Sewer:** Design and construction of over 5 miles of roadway sewer ranging up to 36 inches in diameter.
- **Sorrento Valley Boulevard:** Design and construction of 4 miles of roadway.
- **University Development:** Development of a 135 acre site in association with the City of San Bernardino, Watson Development and Cal-State SB for the development of 200 residential, mixed use, live-work, retail, office and educational and training facilities and offices for Cal State SB University.
- **San Elijo Hills Development:** Development of 2000 acre master

planned community including golf course and hotel. Project included preparation of Specific Plan, TM, Final Map, construction plans for all necessary infrastructure, environmental permits and Communities Facilities District.

- **Parkway Business Centre:** Design and construction of the 460 Acre industrial park including South Poway Parkway for ADI Properties, Inc. Also served as Assessment Engineer for Communities Facilities District.

Drainage And Sewer Projects:

- **City of Commerce**: Master Sewer Study Telegraph Corridor re-vitalization project. Documentation of existing system. Design capacity analysis based upon land use designations. Produced master plan study report for the project along with cost estimates.
- **University Park Storm Drain Design:** Design of storm drain system with pipes ranging in size from 18 to 60 inches and trapezoidal channel design for 4500 cfs.
- **University of Riverside:** West Campus Infrastructure, including sewer, storm drain, water, design.
- **San Elijo Ranch Drainage, Sewer and Water Master Plan, San Marcos:** 2,000 acre / 3400 unit master planned community. The project included literally miles of storm drain, sewer and water lines, sedimentation areas, pump stations, booster stations, water reservoirs and force mains. Cannon Road Trunk Sewer and Pump Station - Design of 8-12 inch gravity sewer, 6 and 8 inch force main, pump station and wet well. City of Carlsbad
- **Penasquitos Canyon Trunk Sewer:** PS&E for two miles 36-inch gravity sewer including design study reports. City of San Diego
- **Otay River hydrology study and dam breach analysis:** 22,000 acre Otay Ranch project in Chula Vista. Flows up to 33,000 cfs were studied for the Otay River.

Water Projects:

- **City of San Diego:** Green Valley Water line design and construction. 5000 feet, 30" Reinforced concrete water line and pressure reducing station and details for connection to a 60-inch San Diego County Water Authority Pipeline. Structural arch and encasement designs for road crossings over various SDCWA pipelines up to 108 inches in diameter. Design and construction of Mercy Road pressure booster.
- **City of San Bernardino:** Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino for the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution. Structural arch design for road crossing over the Dept of Water Resources 109-inch Santa Ana pipeline.
- **City of Riverside:** Water distribution analysis and computer modeling for University of California Riverside West Campus expansion infrastructure project.

ALI CAYIR, PE
QC/QA

EDUCATION
- BS Engineering
- MBA, Project/Construction Management, UC Irvine

REGISTRATION
- Registered Civil Engineer
- Licensed Gen Contractor A
- Licensed Gen Contractor B

HIGHLIGHTS
- Served as Contract City/Traffic Engineer for Cities.
- Federally Funded Project Experience: Extensive experience in the state and federal programs and procedures, and in the management of federally and/or state funded projects in compliance with the Local Assistance Procedures Manual.
- Diversified experience in both design and construction.

SUMMARY

Mr. Cayir has approximately 30 years of experience in engineering and construction. He served as contract City Engineer/City Traffic Engineer for a number of municipalities in Southern California. He has a broad knowledge of municipal government operations, including preparation and presentation of staff reports/resolutions to city councils, committees and interaction with public, various city departments, city council and other governmental agencies. He has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects.

PROFESSIONAL EXPERIENCE

Civil Engineering Experience

- Project Principal for I-710 Freeway Interim Improvements and Fremont Widening and Reconstruction: Transtech provided Turn-key Services, including Program Management, Construction Management, Design, Surveying, Right-of-Way Engineering, and Environmental. The project included major roadway improvements, removal/demolition of various buildings for additional right-of-way and reconstruction of buildings behind new right-of-way, traffic signals, infrastructure, utilities, pavement, drainage, water, sewer, landscape, street lighting, traffic signal, pavement improvements. Project was funded by Federal Funds, and was managed and inspected in compliance with Caltrans Local Assistance Procedures Manual. (Cost $20m).
- Project Principal for University Park Development/San Bernardino: The project included 2 miles of new roadway, sewer, water, utility and extensive hill side grading for a master planned residential and commercial development on 130 acre site across from the San Bernardino State University. (Cost $20m).
- Project Principal for $20 m Carlsbad to San Diego Rail Trail Project Report, which is funded by State and Federal funds and required complete project and environmental report, including Right-of-Way, Relocation, SHPO, NEPA, SEQA, Noise, Parking, Economic, Hazardous Materials technical studies, and processed through Caltrans and FHWA.
- Alameda Corridor Agency East (ACE) Rail Grade Crossing Improvement Project encompassing 6 agencies and 14 locations in Los Angeles County. Work involved roadway realignment and reconstruction, signalization, traffic control, and construction phasing as well as related improvements such as storm drain, water, sewer landscaping, underground utilities, etc. Construction cost $5,000,000.

Construction Management Experience

- Project Principal for City of San Bernardino, Santa Fe Historic Train Depot

Renovation. Transtech is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $13m

- Project Principal for City of Alhambra, Valley Boulevard Widening. Preparation of funding application, securing $5 million Federal, State and County funding, and design, and is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $5m
- Project Principal for City of Commerce, Rosewood Community Center. Transtech was retained by the City to take over the management of this multimillion dollar facility which was 2 years behind schedule. Within 5 months, Transtech brought the construction to substantial completion level allowing the City start the move-in process, and 2 months after, the facility was opened to public use. Currently, Transtech is assisting the City in claims analysis and change order resolution. Construction Cost: $15m.
- Project Principal for City of Alhambra Chapel, First St and Garfield Parking Structures: Transtech served as turn-key project manager, including management of design, construction, building plan check and inspection, federal funds, labor compliance for 3 parking structure projects. Chapel: 4 story, 300 space structure; First Street: 4 story, 276 space structure; Garfield: 5 story, 800 space structure. (Cost $15m)

Traffic Engineering Experience

- Design and management of a variety of traffic and transportation engineering projects, including traffic signals (more than 1000 locations), traffic signal interconnect system, street lighting, traffic control, signing and striping design; signal timing and coordination studies; traffic signal management studies; traffic safety projects (OTS) including traffic control device inventories and speed surveys; traffic impact and parking studies for more than 100 projects; and feasibility studies for traffic control measures, freeway access, bikeways and street improvements. Mr. Cayir has also served as consultant Traffic Engineer for various agencies in Southern California.
- Project Manager/Engineer for the preparation of ramp metering, count station, traffic signal, highway lighting, sign lighting, construction signing, pavement delineation, communication, and other traffic related plans for several state highways and freeway improvement projects involving Caltrans Districts 7, 8 and 12.
- Project Manager for the preparation of traffic signal modifications for various arterials in Los Angeles County including Garvey Avenue, El Segundo Boulevard, Crenshaw Boulevard, Slauson Avenue, Rosecrans Avenue, Arrow Highway and Huntington Drive/Alosta Avenue/Foothill Boulevard.

SELIM BOUHAMIDI
Office Engineer/Funding Compliance and Inspection Support

EDUCATION

- MA, Urban Planning, University of California, Los Angeles.
- BA, Anthropology, University of California, Los Angeles

HIGHLIGHTS

- Extensive experience in federal funds and grants and working with Caltrans Local Assistance and local agencies.
- Well versed in Caltrans and Local Assistance construction filing and document system.
- As the primary coordinator of Transtech's federal-aid internal procedural tracking system, Mr. Bouhamidi has been and is responsible for the direction and coordination of several federally funded projects having worked with numerous local agencies including the cities of Inglewood, Baldwin Park, Pomona, Lawndale, and Long Beach.
- Also worked with the City of Riverside Urban Planning Department.

SUMMARY

Mr. Bouhamidi has approximately 5 years of experience, and provides office support to Project Managers and Resident Engineers. He is well versed in Caltrans and Local Assistance construction filing and document system. He also works closely with various Funding Agencies, including Caltrans Local Assistance, and local agencies to successfully secure federal-aid for various construction projects. Mr. Bouhamidi has also worked with the City of Riverside Urban Planning Department. He was responsible for updating the city's property database recording architectural descriptions, and recent demolitions.

PROFESSIONAL EXPERIENCE

- Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- City of Alhambra, Josylin Community Center Renovation Project funded by Federal Energy Efficiency and Conservation Block Grant: Served as office support engineer and provided labor compliance services.

- City of Alhambra, Valley Boulevard Reconstruction, Federally Funded Project: Served as office support engineer and provided labor compliance services.

- City of Pomona, Rte 71/Mission: Provided funding support, assisted in E76 processing of various phases, and assisted in labor compliance.

- Office Engineer Federal- and State-Aid Internal Procedural Tracking System: Development of an internal electronic procedural tracking system to fast-track, coordinate, and organize federally-aided projects. This multi-layered, holistic system is process-oriented and developed over a timeline—a steady departure from the topically based and more general approach of the Caltrans Local Assistance Procedures Manual. The system provides swift results by ensuring that a project stays fully on track and is carried out in a timely and efficient manner, while providing personnel with all key reference points, timelines, and resources to complete and track the various ongoing projects. Responsible for tracking all aspects of a federal- or state-funded project beginning with the initial submittal of the funding packet application and signatures. Every step in the transmittal process is reviewed, tracked, and updated. The tracking system also includes follow-ups on federal application forms, which are subject to change after submittal and must be updated so as not to hold up authorization of funding. Working closely with Caltrans Local Assistance procedures, responsible for managing, tracking, and monitoring various transportation projects from a diverse number of cities.

The following are Billing Rates for project staff:

Key Person	Project Role	Billing Rate
Robert Quintero	Contract Principal/Manager	$145
Kurt Pegg, PE	PM/CM, Resident Engineer, Structural Representative	$145
Michael Ackerman, PE	Deputy PM, CM, RE	$145
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	$145
Michael Schnepf	Principal Public Works Inspector	$95
Selim Bouhamidi	Office Engineer/Funding Compliance	$65

As required in the RFP, we are providing the following billing statement:

The above hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

The following is the Resource Matrix showing hrs per task for each project staff:

Resource Matrix		Project Management Consultant (PMC) Services	Construction Management Consultant (CMC) Services	Construction Inspection Consultant (CIC) Services	Totals
Staff	Position	Hrs	Hrs	Hrs	Hrs
Robert Quintero	Contract Principal/Manager	250	250	0	**500**
Michael Ackerman, PE	Project Manager, Construction Manager, RE	1,000	1,500	500	**3,000**
Kurt Pegg, PE	Structural Representative and Inspector	100	300	800	**1,200**
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	500	100	0	**600**
Michael Schnepf	Principal Public Works Inspector	200	250	2,000	**2,450**
Selim Bouhamidi	Office Engineer, Funding Compliance and Inspection Support	100	1,000	750	**1,850**
Totals		**2,150**	**3,400**	**4,050**	**9,600**

The following are the required Statements to be included in the proposal per the City's RFP:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
   We agree with the above statement.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. The City's standard Agreement will be executed without any proposed changes.
   We agree with the above statement.

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
   We agree with the above statement, and do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
   We do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
   We agree with the above statement.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.
   We agree with the above statement.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
   We agree with the above statement.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
   We agree with the above statement.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
   We agree with the above statement.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.
    We agree with the above statement.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
    We agree with the above statement.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
    We agree with the above statement.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
    We agree with the above statement.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
    We agree with the above statement.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
    We agree with the above statement.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under

the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

We agree with the above statement.

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT D

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $868,870.00.
2. The Consultant will submit an invoice to the City based on milestones completed and accepted by the City, which documentation evidencing milestones completed to date (refer to milestones identified in Section VIII, Payment to Consultant in Exhibit "A" – City's Request for Proposal). At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

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Revised 10/13/09

EXHIBIT "D"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129

NORTHWEST CORNER OF CACTUS AVENUE AND LANDON ROAD

DEVELOPER: WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Tract Map No. 35760.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On September 30, 2008, the Community Development Department of the City of Moreno Valley approved Tentative Tract Map No. 35760 as a revision to Tract Map No. 31129. The tentative tract map is a proposal to subdivide a 1.83-acre portion of previously approved Tract Map No. 31129 into six residential lots. The tentative tract map will allow for the subdivision of six lots, the elimination of a detention basin (Lot L of

Tract Map No. 31129), and the adjustment to existing lot lines previously approved on Tract Map No. 31129.

DISCUSSION

Tract Map No. 35760 is in conformance with the tentative tract map. The developer has requested that the tract map be approved for recordation. Most public street improvements were completed under Tract Map No. 31129. The remaining trail improvements adjacent to Lot 6 of Tract Map No. 35760 on Cactus Avenue and those along the west map boundary of Tract Map No. 35760 and Tract Map No. 31129 will be completed prior to occupancy of Tract Map No. 35760. The trail improvements include but are not limited to three-rail PVC fence, gates, bollards, decomposed granite, concrete curb, and related grading and drainage.

ALTERNATIVES

1. Approve Tract Map No. 35760 and authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would allow the developer to proceed with the recordation of the six-lot subdivision.*

2. Do not approve Tract Map No. 35760 nor authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would not allow the developer to proceed with their proposed residential subdivision development.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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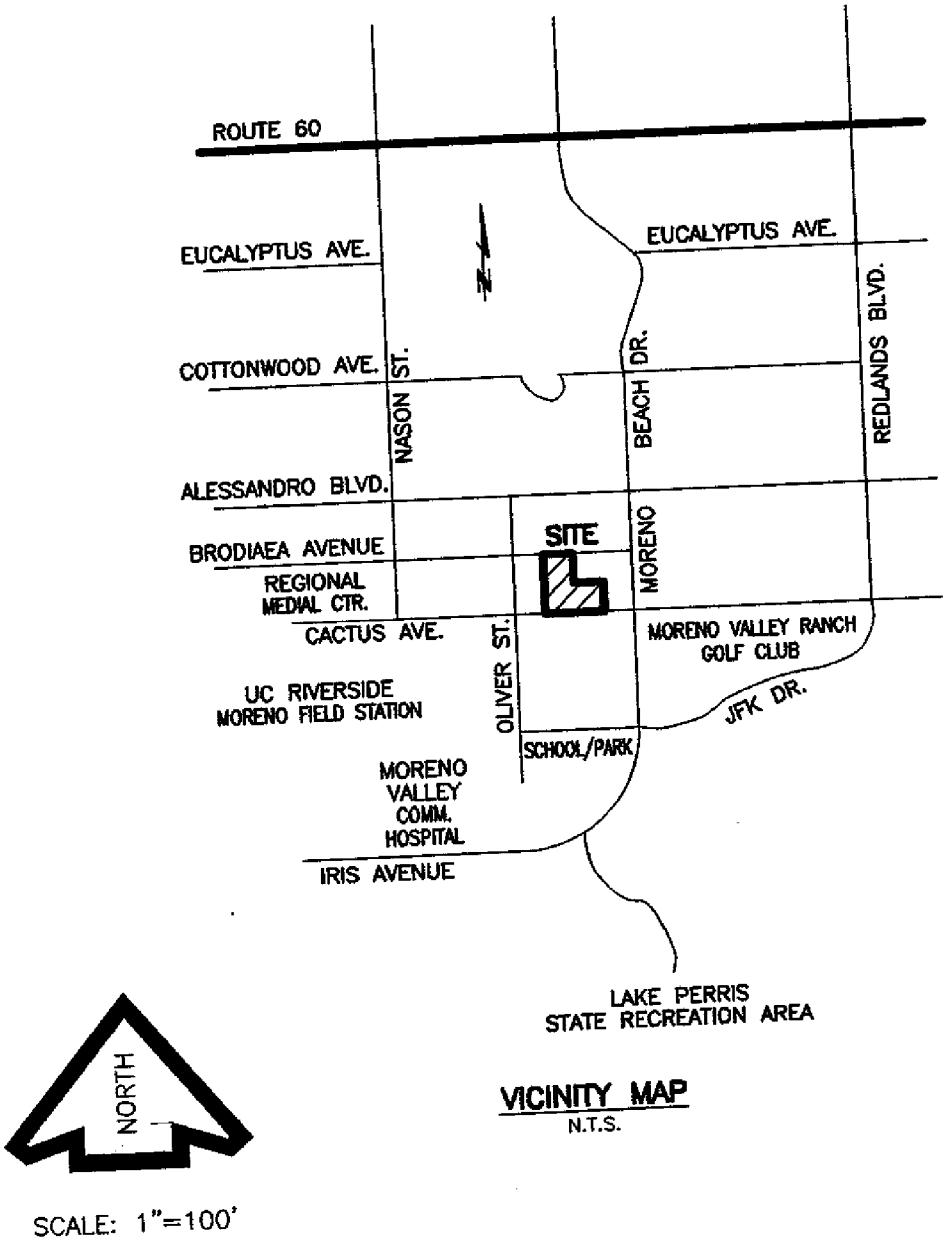

SCALE: 1"=100'

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	P07-144 LOCATION MAP

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MV00112432

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129)

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system.

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto.

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000.

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

BACKGROUND

Local traffic congestion has become increasingly prevalent as the City continues to grow. Congestion hot spots are well-known and include most intersections adjacent to freeway interchanges and several arterial corridors. The current recession has slightly improved conditions, but as the economy improves, and travel increases once again, traffic flow optimization will increase in importance to the community. In the long term, Moreno Valley's population will almost double, substantially increasing the traffic loading on our roadways. To address current and future traffic demand, staff has proposed

implementation of Intelligent Transportation Systems (ITS) technology to systematically manage and optimize traffic flow.

In 2009, the City completed an ITS Master Plan which provided recommendations for a systems-based approach to updating the City's traffic control infrastructure. The Transportation Management Center (TMC) is an integral component of the ITS Master Plan.

The City's current traffic signal control system was procured in 1991. The platform, which consists of field controllers and a computer in City Hall, is obsolete. The controllers are no longer available for purchase, and the central software (which is MS-DOS-based) cannot be run on newer operating systems. Therefore, City staff has planned for a replacement system consisting of a TMC and new central traffic control software, new traffic signal controllers to be deployed in the field over time, and a citywide communication network.

DISCUSSION

A TMC provides the ability to centrally monitor roadway conditions and adjust traffic signal timing to optimize vehicle flow. Monitoring is accomplished through the use of closed-circuit television cameras, and data from traffic detectors used to display real-time vehicle speeds. Control is accomplished via fiber optic communication facilities which will be steadily deployed over time.

The TMC would be linked to the City of Riverside and Caltrans District 8 TMC's via high-bandwidth data connections, allowing Moreno Valley the capability of viewing video from those agency's CCTV cameras, as well as coordinating response in the event of incidents. Other nearby agencies with fully operational TMC's include Temecula, Corona, and Fontana. In other parts of Southern California, virtually all agencies with populations over 50,000 maintain active TMC's.

With existing staff levels, Public Works is capable of operating and maintaining the TMC as an extension of their current duties, so no additional employees would be required. The TMC would produce net labor savings by reducing the need to deploy field personnel to diagnose and correct traffic signal equipment problems. The TMC would enable faster response for maintenance issues through the use of standard features such as automated paging/emailing of alerts and remote access capability.

The TMC would have secondary benefits, in that an ITS deployment better positions Moreno Valley for grant funds since it represents a higher level of commitment to improving mobility. The TMC would be located in the current Fishbowl Conference Room adjacent to the entrance lobby of City Hall.

In January 2011, City staff released a Request for Qualifications for central traffic control software, which was mailed to nine firms known to provide such software, and was also advertised on the City's Web site. Eight submittals were received, indicating a high level of interest. A panel of four persons, including one representative from the

City's Technology Services Division and an expert in traffic control system deployment from outside the City, reviewed and scored the submittals. Based on the scoring of the responses, four firms were invited to interviews, which consisted of a live software system demonstration and presentation. The same panel scored the interviewees. All four panelists ranked Kimley-Horn and Associates highest. The panel felt that the system will be state of the art for years to come and thus represents an excellent investment. Kimley-Horn has deployed this software system for numerous Southern California agencies, including Beverly Hills, Culver City, Los Angeles County, Claremont, San Dimas, and the City of Commerce.

ALTERNATIVES

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and authorize the Public Works Director to execute any subsequent amendments related to this agreement. *This is the recommended alternative.*

2. Do not approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; do not authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; do not authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and do not authorize the Public Works Director to execute any subsequent amendments related to this agreement. *Staff does not recommend this alternative.*

FISCAL IMPACT

The Transportation Management Center Project (TMC) is included in the Fiscal Year 2011/2012 Capital Improvement Program budget and will be financed by the Traffic Signals Development Impact Fee fund (Fund 202) and the Air Quality Management Fund (Fund 137). These funds can only be used for traffic signal and air quality improvement purposes. There is no impact to the General Fund. FY 2011/2012 budget amounts are estimated, since final financial data for FY2010/2011 are not yet available.

AVAILABLE FUNDS

FY 2011/2012 Development Impact Fees— Account No. 417.79528	$	220,000
FY 2011/2012 Air Quality Management— Account No. 137.68129	$	215,000
Available Funds	**$**	**435,000**

ESTIMATED COSTS

Central Traffic Control System Software Contract	$	315,000
Modifications to Fishbowl Conference Room	$	40,000
Video display units, furniture and Incidentals	$	60,000
Staff time	$	20,000
Total:	**$**	**435,000**

ANTICIPATED PROJECT SCHEDULE

Prepare plans for space reallocation by:	October 2011
Complete software integration by:	March 2012
Complete space reallocation by:	March 2012

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Services

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES
PROJECT NO. 10-13768129

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Kimley-Horn and Associates, Inc., a North Carolina Corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "B" (Consultant's Scope of Work) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as the City of Moreno Valley Transportation Management Center (Project No. 10-13768129).

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "A" attached hereto and incorporated herein by this reference.

3. The City's responsibility is described on Exhibit "B" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $315,000.00 in accordance with the payment terms provided on Exhibit "C" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

5. The Consultant shall commence services upon receipt of written direction to proceed from the City.

6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "D" attached hereto and incorporated by this reference.

7. The Consultant and the City agree that the schedule in Paragraph 6 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

8. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified

delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

9. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

10. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

11. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

12. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

13. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

14. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

15. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure

and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any

third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

16. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

17. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

19. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant

representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

22. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

25. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be

delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

27. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley	Contractor/Consultant Name
BY: _____ City Manager	BY: _____
	TITLE: _____ (President or Vice President)
_____ Date	_____ Date
	BY: _____
	TITLE: _____ (Corporate Secretary)
	_____ Date

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

EXHIBIT B

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT C

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $315,000.00.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
4. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

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MV00112450

MORENO VALLEY ATMS

Statement of Work

Prepared by:

Kimley-Horn and Associates, Inc.

For Review by:

City of Moreno Valley

Version 4.2

June 28, 2011

Exhibit A

PROJECT SCOPE

The following scope of services is for deployment and integration of KITS to meet the mandatory elements listed in KHA's response to the City's RFQ submitted on February 3, 2011.

SCOPE OF SERVICES

Task 1: Project Management

KHA's Project Manager shall act as the principal contact for the City and other involved agencies. KHA's Project Manager will be responsible for the completion of activities associated with the performance of this project. Additional responsibilities include management of project planning activities and tracking of resources associated with each aspect of the project. The Project Management task will be invoiced monthly based on percent complete. Target percentages should be outlined to ensure all parties understand the value of each task executed. KHA's Project Manager shall oversee and participate in the activities of the project.

Prepare Project Status Reports

KHA shall prepare and submit written monthly project status reports. The reports shall include the following information including a schedule outlining target dates for completion of items:

- Period covered by the report.
- Overview of the reporting period.
- Tasks, subtasks, deliverables, goods, services and other work scheduled for the reporting period which were completed.
- Action Items
- Updated Deliverables chart and completion schedule, if necessary.

KHA shall also prepare claims, invoices, billings, and other financial information for review and approval by the City, as required by this agreement.

Task 2: Preliminary Engineering

KHA will meet with City staff to discuss the existing condition of the City's internal network and field network along with future migration plans and schedule. KHA will provide input on communication equipment that the City is considering.

KHA shall collaborate with the City to determine the CCTV and signal controller hardware/firmware specifications for the pilot corridor. It is expected that the City will deploy a signal controller firmware protocol and CCTV encoder that has already been deployed with KITS. KHA will review and demonstrate existing KITS functionality currently deployed for specific firmware/hardware options. A document will be created that summarizes all of City's preliminary engineering decisions.

(continues)

Deliverables:
2.1 Communication Review
2.2 Firmware Specification and Existing Functionality Review
2.3 Signal Controller Hardware and Firmware Recommendations
2.4 CCTV Specification

Task 3: Procurement
Based on the information gathered during meetings with the City's Engineering and IT staff, KHA shall deliver complete equipment list ("Bill of Materials") for full system deployment and submit to the City for review. KHA will review options and provide input on reusing existing City server hardware and software licenses to fulfill the needs of the project. Upon KHA's approval of the equipment list and all system configurations, the City will procure system components, including supporting third party software, system hardware, network equipment, and peripherals. The equipment will remain at the City. The City will assist with the configuration of remote access into the network to enable authorized KHA staff to remotely diagnose the system. Using funds outside of this agreement, the City will purchase 3rd party software that is required for the deployment of the Integrated System. Anticipated software includes:

- SQL Server 2008
- ESRI ArcGIS
- MS Visio Standard
- Notepage PageGate

The workstations will be deployed on Windows XP or 7 and the servers on Windows Server 2008. The Integrated System will utilize SQL Server 2008 as its central database. The specific versions of the tools will be determined in conjunction with City IT preference.

Deliverables:
3.1 Identification of 3rd party software and hardware

Task 4: System Integration
Integration of KITS shall be performed in stages. The following sequence of events details the staged implementation of the KITS system.

1. KHA and the City will conduct multiple meetings to finalize the pilot corridor equipment.
2. The City will procure designated equipment.
3. Based on the City's preference for controller firmware and CCTV equipment, KHA will create a version of KITS that integrates existing modules to support the specified equipment and desired functionality. The source code, reports, registry, and database to support the functionality of the City's modules will be placed under configuration management and version control processes. No new software development is anticipated under this task.

4. A lab configuration will be created and maintained in KHA's facility to simulate the deployment environment.
5. An installation procedure will be generated by KHA. This will be a functional self-contained installation and automate many of the procedures used to install the KITS user interface. This automated installation will include most of the required 3rd party tools and may reference other supporting 3rd party documentation.
6. KHA will come to Moreno Valley to assist City personnel with the installation and configuration of the equipment and required 3rd party software.
7. A backup server will be identified by City staff and configured by KHA for backup and disaster recovery purposes.
8. City personnel, with assistance from KHA, will be responsible for converting and entering signal timing and configuration data into the system database. Preliminary testing will utilize controllers installed in the TMC and/or maintenance facility.
9. KHA will assist City personnel with the installation of 5 compatible BI Tran 233 intersections by assisting with the intersection graphics and configuration of these field signals within the Integrated System and by monitoring the operation of the System at the control center. This assistance will include preliminary training on the graphic configuration within the System.
10. KHA will demonstrate continuous successful communication with the traffic signal controllers and pan-tilt-zoom cameras.
11. KHA will configure compatible mobile devices with the KHA Mobile Performance Metric Collection application. This will allow up to 10 users to generate, high-resolution arterial performance metric data. Authorized users will be able to view and generate reports through a web browser. The arterial performance data will be stored on a server maintained by KHA.

Deliverables:

4.1 Software Configuration
4.2 KITS Installation Program and Procedures
4.3 Software Installation at City TMC
4.4 System Configuration and Integration for 5 Intersections
4.5 CCTV Integration
4.6 Mobile Performance Metrics Integration

Task 5: Documentation

KHA will provide KITS documentation for the City in the following form:

- System User's Manual – provides an overview description of the system, its components, how they are used or accessed by the operators as well as how to use the GUI's for all aspects of the system.
- Quick Start Guide – describes initial configuration and setup of the system. This brief document references the User's Guide, but presents the information in a simple format. The document focuses on data entry, map customization, and initial configuration.

Electronic copies of the final documentation will be provided.

Training topics include:

- On-line help
- Installing software updates
- Intersection phase configuration
- Data integrity
- Naming conventions
- System components
- Effective Monitoring

Deliverables:
5.1 Electronic copies of the System User's Manual and Quick Start Guide for KITS
5.2 Initial Operator Training

Task 6: Remote access configuration
KHA will facilitate meetings with City transportation and IT department to review cost-efficient solutions to allow authorized staff to view relevant signal system information remotely. KHA will assist with the implementation of a remote desktop solution to view and exchange relevant information.

Deliverables:
6.1 Documentation and Configuration Settings for Remote Access

Task 7: Final Training
The final training will be a comprehensive, hands-on review of all previous training sessions. In addition, the City may request additional topics that were not previously covered. The following topics will be discussed:

- Operation and Management of the Integrated System
- Overview of the KITS System
- Operations and System Maintenance
- Security
- Configuration and Customization
- Advanced Functionality

A training schedule will be delivered 2 weeks prior to the comprehensive training sessions that will detail the date and time for each topic. The City can provide input that will help determine the amount of time that is spent on each topic.

(continues)

Deliverables:
7.1 Electronic Copies of Training Documentation (syllabus, manuals, visual presentation materials)
7.2 Hands-on Two Day Workshop

Task 8: Warranty, Support, and Maintenance
The Consultant shall provide a warranty, support, and maintenance for the supplied software for a period of two years. Any ATMS software bugs found during this period will be corrected at no additional cost to the City. New functionality, additions, and enhancements made to the software, that do not constitute a separately packaged and marketed version or module of the system, developed by the Consultant during this period shall be offered to the City at no additional license fee. Upon approval by the City, these enhancements shall be installed and integrated based on current hourly rates.

The Consultant shall provide maintenance services, which will include phone and e-mail support during City's working hours. The Consultant shall perform periodic check-ups and tune-ups several times a year to validate System performance.

Deliverables:
8.1 Two Year Warranty, Support, and Maintenance

Project Deliverables
KHA shall use the standard City software set forth below when preparing deliverables. KHA shall provide deliverables in the appropriate file format (by downloads and/or via e-mail) as follows:

- Microsoft Word or Adobe PDF – Word Processing
- Microsoft Excel – Spreadsheet
- Microsoft PowerPoint – Presentation Materials

The City shall provide comments in electronic format using the same software as outline above.

Optional Operational Support
Other services may be provided in support of the system, its operations or the communication infrastructure for the City as additional services. Authorization by City is required prior to beginning any of these tasks. Services that are not included in this contract, but that may be provided as additional services may include but are not limited to:

- Integration services for additional intersections
- Database population
- Additional intersection graphic configuration
- Communication troubleshooting and integration
- Corridor retiming
- Before and after studies that quantify improvement from deploying the System

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR *LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY* RIVERSIDE SUPERIOR COURT CASE RIC 524877

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500).

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for *Los Angeles Engineering, Inc. v. City of Moreno Valley* Riverside Superior Court Case RIC 524877.

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

BACKGROUND

In 2007, the Community Services District awarded a contract to Los Angeles Engineering to renovate the Moreno Valley Community Park soccer fields. Five

Contract Change Orders were issued for various changes in the scope of the work and as a result of weather delays. Los Angeles Engineering completed the project later than the allowed and refused to process the last three Change Orders. Los Angeles Engineering filed a claim and then a lawsuit in 2009 alleging extra work and extended overhead cost. Gibbs, Giden, Locher, Turner & Senet (GGLTS) were retained to defend the lawsuit and bring the cross-complaint against Los Angeles Engineering.

DISCUSSION

Gibbs, Giden, Locher, Turner & Senet were retained as outside counsel for this case. In January 2009, the City issued a Purchase Order using unencumbered project funds for general legal services for the Moreno Valley Community Park Soccer Field Rehabilitation. Due to the ongoing nature of the litigation, the current Purchase Order is not sufficient to continue the defense of the case and the pursuit of the cross-complaint. Increasing the Purchase Order would allow the City to retain GGLTS to reach a conclusion in the lawsuit. Three sources of funding were used for the project: a State of California grant, Park Improvement Development Impact Fees, and Quimby In-Lieu Fees. In order to use Park Improvement Development Impact Fees for a project, the City must establish a nexus between the development projects paying the fees and the facilities being financed with the fees and the service level to be provided by the facility. Because the soccer fields were expanded by more than 50%, it was reasonable to fund half of the project with Park Improvement Development Impact Fees. The lawsuit is a direct result of the rehabilitation and expansion of the soccer fields. The use of Park Improvement Development Impact Fees for the City to continue to defend the lawsuit and pursue the cross-complaint is established as the result of the project's construction activities. Therefore, the use of Park Improvement Development Impact Fees for legal services against a claim resulting from the Soccer Field Renovations' construction activities is reasonable.

ALTERNATIVES

1. This alternative will allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel to continue the litigation.

2. This alternative will not allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel and may affect the outcome of potential litigation.

FISCAL IMPACT

Staff requests that an appropriation from Park Improvement Development Impact Fees (Fund 205) in the amount of $100,000 be authorized to allow for the purchase order increase and subsequent payments to GGLTS. There is no impact to the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2011/2012 Budget (Account No. 461.65325) $100,000
Total Available Funds $100,000

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Due to the ongoing litigation with Los Angeles Engineering, Inc. over the Moreno Valley Community Park Soccer Field Rehabilitation Project, Staff recommends an appropriation of $100,000 from Parkland Development Impact Fees (Fund 205) to allow for an increase to the Purchase Order to Gibbs, Giden, Locher, Turner and Senet, LLP. This increase will allow for the continuing payment of legal fees and costs due to the litigation with Los Angeles Engineering.

ATTACHMENTS

None

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112460

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: TRACT MAP 32707 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION
ONE BETTERWORLD CIRCLE, SUITE 300
TEMECULA, CA 92590

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-79 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32707 is a 137-lot single family residential development to be constructed in the City of Perris just south of Moreno Valley's City limits, with a portion of Lasselle Street being improved within the City of Moreno Valley. The project was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, landscaping, and sewer work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $95,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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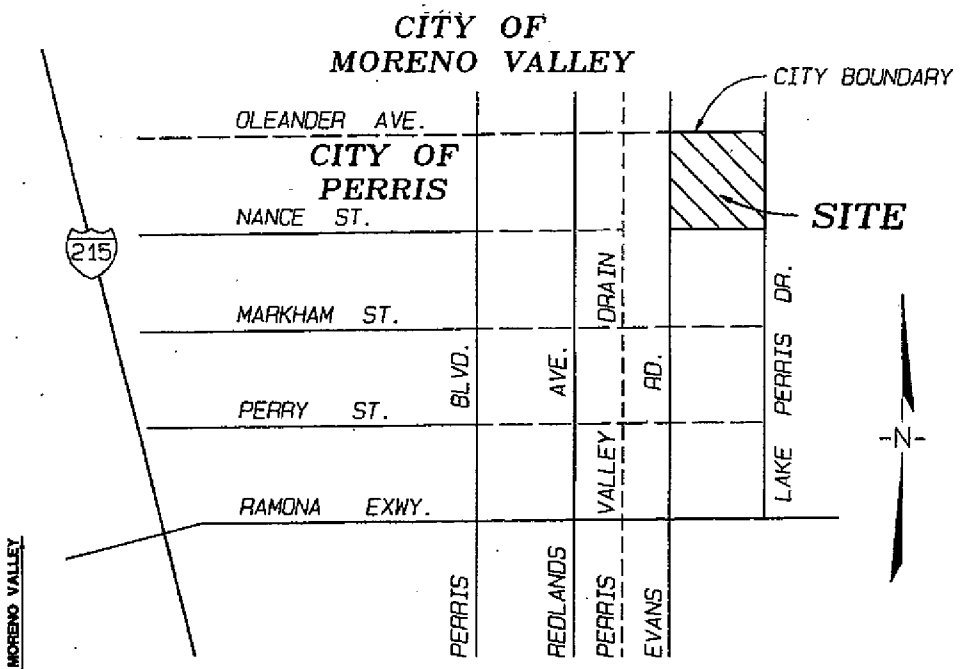

VICINITY MAP

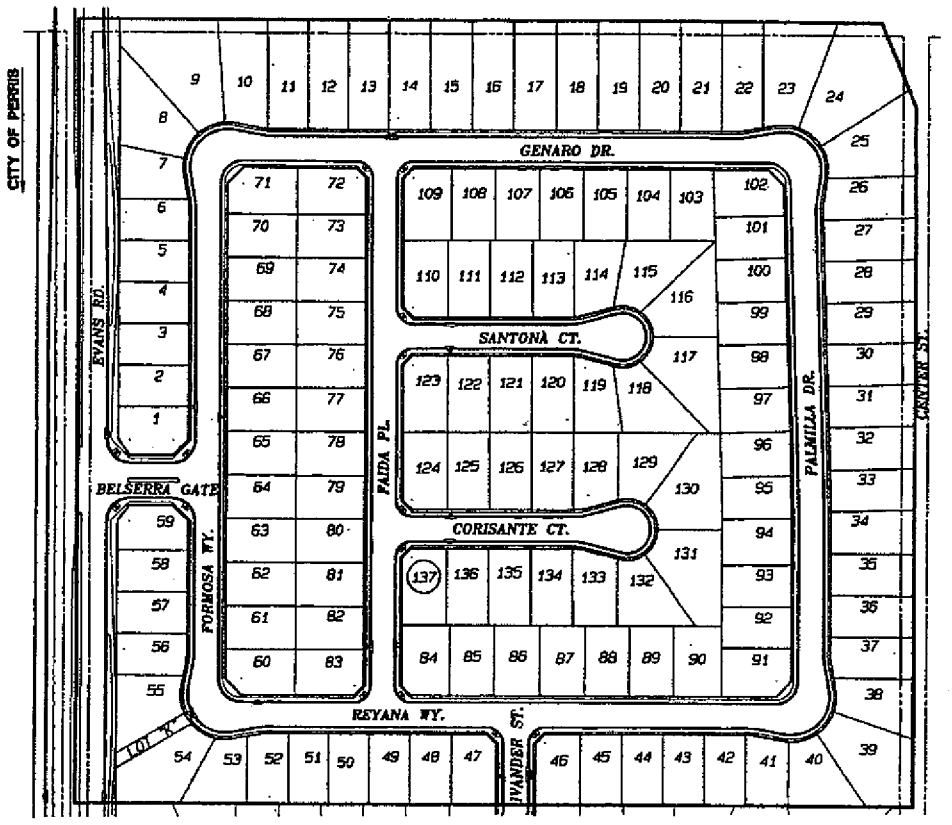

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT EXHIBIT "A"	TRACT 32707 VICINITY MAP

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MV00112466

RESOLUTION NO. 2011-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32707 AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Redhawk Communities. on the portion of Lasselle Street associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32707 and accept the portion of Lasselle Street associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within Tract Map 32707 are complete, and the portion of Lasselle Street associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

EXHIBIT "B"

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00112470

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract to Beador Construction Company, Inc. (Beador) and authorized the issuance of a purchase order in the amount of $243,960 for the 2011 Citywide Bridge Maintenance Program.

DISCUSSION

The 2011 Bridge Maintenance Program involved the application of Methacrylate Deck Treatment to three (3) bridges including Cactus Avenue Bridge, west side of Kitching Street (Bridge No. 56C0407), Bay Avenue Bridge, 0.25 mile east of Kitching Street, (Bridge No. 56C0401), Oliver Street Bridge, 500 feet north of John F. Kennedy Drive (Bridge No. 56C0559). Work on the remaining five (5) bridges included cold mill and pave back the existing asphalt concrete over the bridge deck and the bridge approaches at the following bridges: Cottonwood Avenue Bridge, 0.2 mile east of Heacock Street (Bridge No. 56C0214), Dracaea Avenue Bridge, 0.14 mile west of Indian Street (Bridge No. 56C0274), Cactus Avenue Bridge, 0.5 mile west of John F. Kennedy Drive (Bridge No. 56C0420), Cactus Avenue Bridge, 0.2 mile west of John F. Kennedy Drive (Bridge No. 56C0421), and Perris Boulevard Bridge Approaches, 1.0 mile south of Iris Avenue (Bridge No. 56C0464).

At the time of preparation of this Staff Report, the project is anticipated to be complete by June 30, 2011. Subsequently, staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost will not exceed the approved purchase order amount of $243,960. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release of retention money to Beador thirty five (35) calendar days after the date of recordation of the Notice of Completion, and accept the improvements into the maintained road system. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2010-2011 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. There is no impact to the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2010/2011 Budget (Account No. 226.79828)	$420,000
Total Available Funds	**$420,000**

ESTIMATED PROJECT COSTS:

Contractor Construction Costs*	$244,000
Project Administration, Design, and Inspection	$45,000
Miscellaneous Costs	$2,000
Total Estimated Project Costs	**$291,000**

*Staff anticipates that Contractor Construction Costs will not exceed purchase order amount.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Beador is anticipated to complete the 2011 Citywide Bridge Maintenance Program project by June 30, 2011. The City Council is requested to authorize the Public Works Director / City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Beador, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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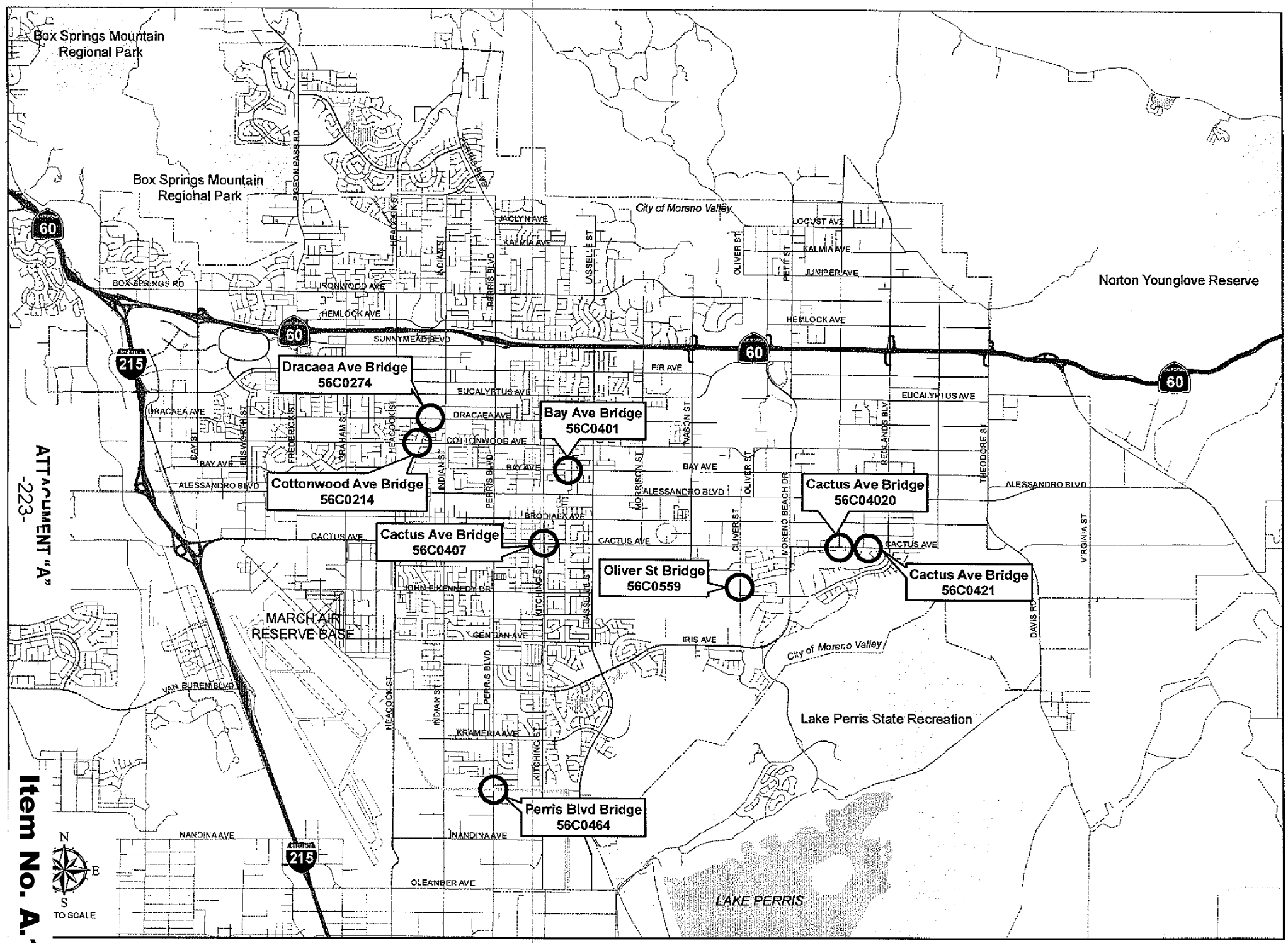

VICINITY MAP: 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM - MORENO VALLEY

ATTACHMENT "A"
-223-

Item No. A.10

MV00112475

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MV00112476

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Community and Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date

of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

BACKGROUND

On June 22, 2010, the City Council awarded a contract in the amount of $706,716 to San Pedro Sign Company (SPESCO) and authorized the issuance of a purchase order in the amount of $812,724 for the construction of the Moreno Valley Auto Mall Freeway Pylon Sign.

DISCUSSION

The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase business advantageous by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The pylon sign is an integral element of the plan. The sign is located on the south side of the SR60 freeway, east of Moreno Beach Drive. This project replaced the existing aged and worn freeway sign with a new up-to-date high-tech two (2) sided sign that includes a larger video display. The sign is in conformance with the "Specific Plan No. 5 Sign," and is 31 feet wide and stand approximately 85 feet in height, as seen from the freeway.

At the time of preparation of this Staff Report, the construction of the pylon sign is anticipated to be completed at end of June 2010. Subsequently, Staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost is estimated at approximately $725,000 which does not exceed the approved purchase order amount of $812,724. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council and the Redevelopment Agency to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, authorize the release to retention money to SPESCO thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the pylon sign to the Moreno Valley Dealers Advertising Association. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public

Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will allow for timely payment to the Contractor and the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements, and delaying the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2010/2011 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2010/2011 Budget (Account No. 897.91725)..... $1,512,000

CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$725,000
Project Administration, Design Support, and Inspection Costs*	$ 46,000
Construction Support Services and Miscellaneous Costs	$ 15,000
Total Construction Related Costs	**$786,000**

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

SPESCO has completed the Moreno Valley Auto Mall Freeway Pylon Sign project. The City Council and the Community Redevelopment Agency is requested to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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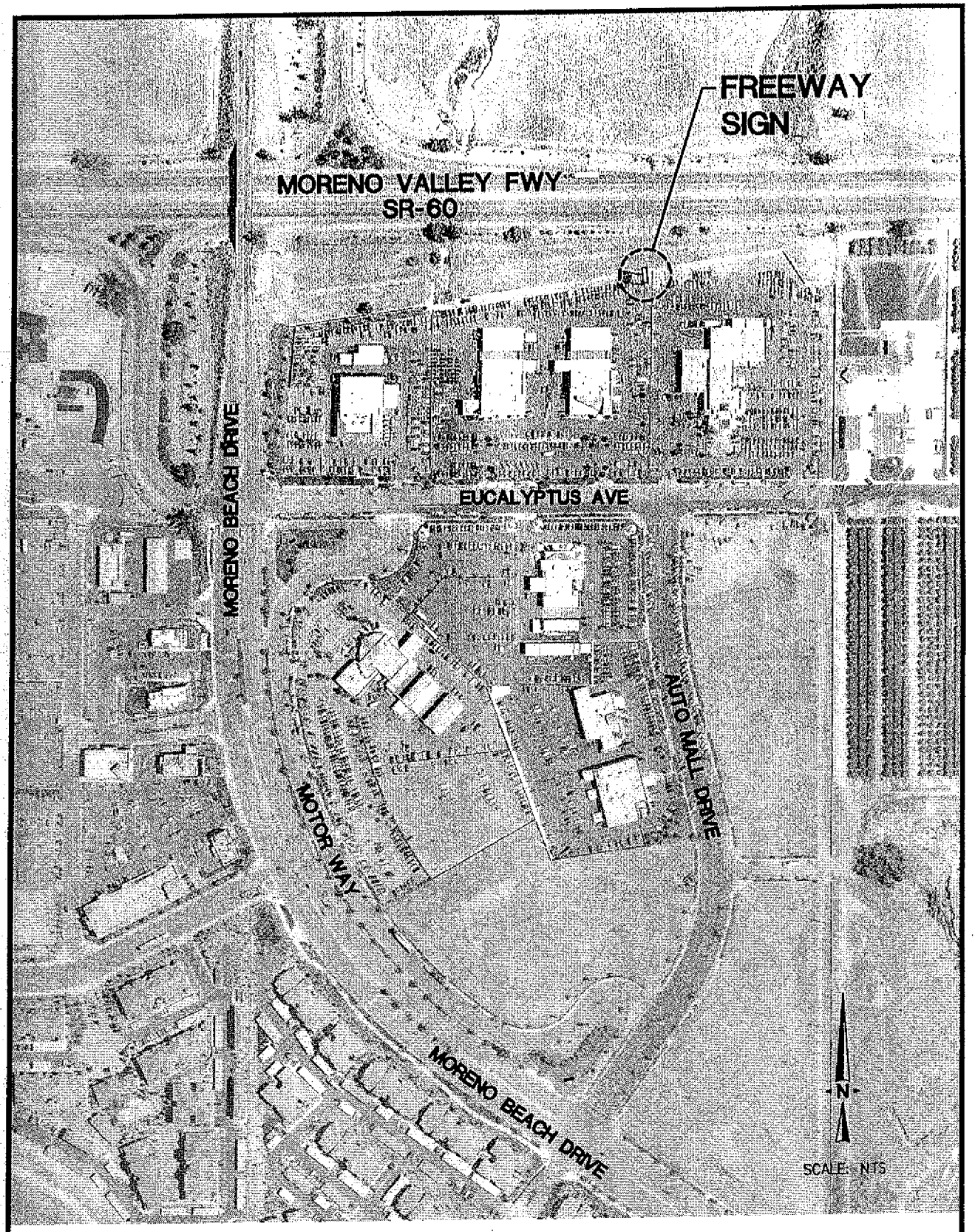
FREEWAY SIGN
MORENO VALLEY FWY
SR-60
MORENO BEACH DRIVE
EUCALYPTUS AVE
AUTO MALL DRIVE
MOTOR WAY
MORENO BEACH DRIVE
N
SCALE: NTS

VICINTY MAP

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MV00112482

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division.

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto.

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

BACKGROUND

On July 13, 2010, City Council approved a Project Agreement in the amount of $99,000 with OPC for a one year period.

DISCUSSION

Due to the vacant City staff "Senior Real Property Agent" position, as well as an increase in project related right of way activities, additional resources are necessary. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to extend their Project Agreement with OPC.

OPC staff has an excellent track record of providing right of way services for budgeted capital improvement projects including, but not limited to, Kitching Street Improvements, Day Street Improvements, and Lasselle Street Widening Improvements. In the upcoming fiscal year, OPC staff will continue to work on right of way for projects such as the Perris Boulevard from PVSD Lateral "B" to Cactus Avenue Improvements, Perris Boulevard from Ironwood Avenue to Manzanita Avenue, acquisition of property for the future Industrial Fire Station and Fire Station No. 65, and other budgeted capital projects as assigned.

Staff recommends issuing an increase to the purchase order and executing the "First Amendment to Agreement for Professional Consultant Services" with OPC for a continuation of their services. The purchase order increase for $85,000 allows for additional right of way services by the in-house consultant staff on an as-needed basis with a revised contract expiration date of December 31, 2012.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, do not authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and do not authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Project Agreement for Professional Consultant Services" with OPC will be fully expended in September 2011. This First Amendment increases the purchase order by $85,000 to extend the as-needed temporary professional staffing services to December 31, 2012. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City

the ability to terminate the agreement by giving at least ten days written notice to the consultant.

As costs are incurred against this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The anticipated associated costs for the purchase order increase will be funded through DIF Arterial Streets (Fund 416), TUMF Capital Projects (Fund 415), Fire Station Funds (Fund 434), and Measure "A" (Fund 125):

Perris Boulevard from PVSD Lateral "B" to Cactus Avenue (416.78526)..... $30,000
Perris Boulevard from Ironwood Avenue to Manzanita Avenue (415.78726)..... $29,000
Industrial Fire Station (434.67930)..... $11,000
Fire Station No. 65 (434.72526)..... $11,000
Highland Fire Station (434.67830)..... $4,000
Total..... $85,000

These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

Due to the need for in-house right of way services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with OPC is necessary to continue the temporary professional staffing services for the Capital Projects Division. Staff recommends that the City Council authorize the execution of the Amendment and increase to the purchase order to OPC in the amount of $85,000.

ATTACHMENTS

Attachment "A" – First Amendment to Project Agreement for On-Call Professional Consultant Services

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Overland, Pacific and Cutler, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT for ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 22, 2010.

Whereas, the Consultant is providing Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed).

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 13, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as Exhibit "A" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended to December 31, 2012.

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A”, entitled "Consultant Proposal.”

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B”, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $85,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “B”.

1.5 The total “Not to Exceed” fee for this contract is $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley	Overland, Pacific and Cutler, Inc.
BY: _____ City Manager	BY: _____
DATE: _____	TITLE: _____ (President or Vice President)
	BY: _____
	TITLE: _____ (Corporate Secretary)

Attachments: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

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Revised Dec 2010

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MV00112490

OVERLAND PACIFIC & CUTLER, INC.
www.OPCservices.com
2280 Market Street, Suite 340, Riverside, CA 92501
phone: (951)683-2353, fax: (951)683-3901

June 13, 2011

Ms. Kimberly Jester
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: Continuation of In-House Right of Way Consulting Services 2011

Dear Ms. Jester:

In response to your request, Overland, Pacific & Cutler, Inc. (OPC) is pleased to present the City of Moreno Valley with this brief fee proposal for the continuation of in-house staffing services under our existing Professional On-Call Services Agreement.

OPC is proposing to continue with the existing arrangements and will assign Mr. Michael Green to the City for another one (1) year term beginning January 1, 2012 and expiring December 31, 2012. Mr. Green will be working at a rate of $105 per hour, Tuesdays and Thursdays, from 8:00 AM to 5:00 PM. At 16 hours per week for the year, we estimate the total annual cost to be $87,360, plus any reimbursable expenses pursuant to the Professional On-Call Services Agreement. Should the actual hours increase or decrease over the coming year, the estimated cost will adjust accordingly.

Should you have any questions or would like to discuss further, please do not hesitate to call me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Principal/Vice-President

EXHIBIT "A"

Item No. A.12

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MV00112492

COST SUMMARY

1. The Consultant's compensation shall not exceed $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

EXHIBIT "B"

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MV00112494

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 12, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $1,768,222.35 to Riverside Construction Company, Inc., for the Ironwood Avenue improvements from Day Street to Barclay Drive. The project construction work began on December 6, 2010.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company, Inc. by July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $1,675,000 which is not expected to exceed the approved purchase order amount of $1,768,222.35. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally consisted of widening the south side of Ironwood Avenue from Day Street to Barclay Drive with the addition of one (1) lane plus a right turn lane, which included concrete curb, gutter, and sidewalk covering approximately 1,600 linear feet. Improvements included approximately 1,402 feet of new waterline in Ironwood Avenue beginning at Day Street and connecting to an existing waterline east of Athens Drive, a masonry block retaining wall along the southerly right of way line between Day Street and Athens Drive, storm drain improvements in Ironwood Avenue at the intersection of Athens Drive, a traffic signal modification at Day Street and Ironwood Avenue, a new traffic signal at Athens Drive and Ironwood Avenue, street lighting, and interconnect improvements. The modifications facilitate a smooth transition through the intersections for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue. Ironwood Avenue becomes Box Springs Road just west of Day Street.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion

within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Ironwood Avenue improvements from Day Street to Barclay Drive were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). In accordance with the terms of the Reimbursement Agreement, EMWD deposited $100,273 to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue through fund 414 (Account No. 414.80422); this amount may be adjusted based on final construction costs for this portion of the work. The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91727)	$2,585,000
Fiscal Year 2010/2011 (Account No. 414.80422)	$150,000
Total Budgeted Funds	$2,735,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	**$1,675,000**

Design Support Costs during Construction	$60,000
Construction Geotechnical Services	$30,000
Construction Survey Services	$30,000
Project Administration and City Inspection*	$80,000
SCE Costs (Utility, Streetlights, and Permits)	$32,000
Total Project Construction Costs	**$**1,907,000

*Public Works staff provided project administration and primary inspection services. Additional consultant inspection support was provided for supplemental inspection.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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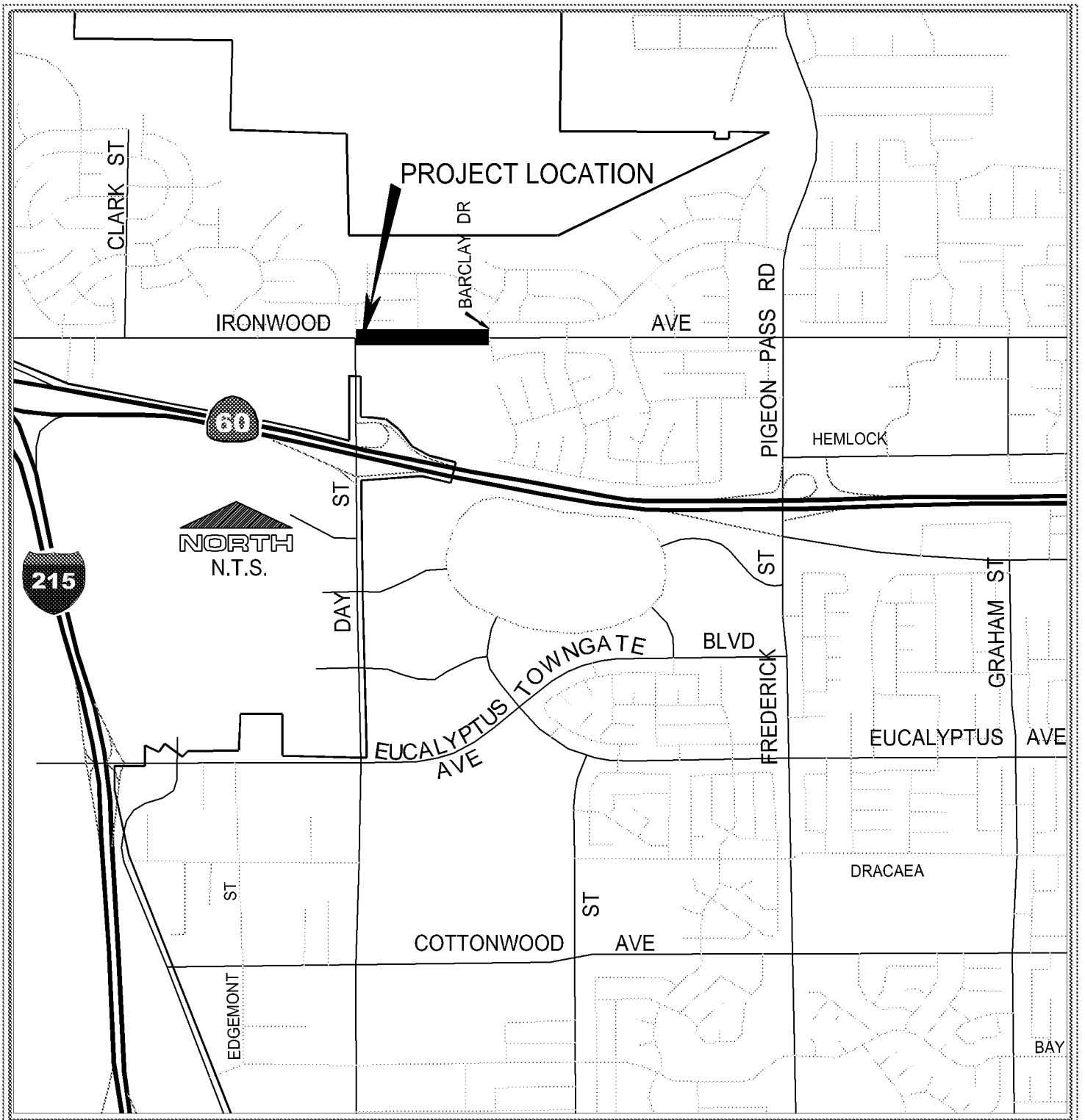

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027

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MV00112500

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 26, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $207,299 to SoCal Engineers, Inc., for the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east). The project construction work began on January 24, 2011.

DISCUSSION

Staff anticipates that all work will be completed by SoCal Engineers, Inc. in July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final construction cost will be approximately $205,000 which is not expected to exceed the approved purchase order amount of $207,299. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion after the Public Works Director/City Engineer accepts the improvements as complete with the County Recorder, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally involved the installation of a new traffic signal at the intersection of Sunnymead Ranch Parkway and Village Road (east). The work also included the removal and construction of new asphalt concrete pavement, curb and gutter, sidewalk, access ramps, interconnect conduit, and a residential driveway approach, as well as restriping of the intersection, and the installation of signage.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the

improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

The traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east) were included in the Fiscal Year 2010/2011 budget, and financed by DIF Traffic Signal Capital Projects (Fund 417). The funding for this project is restricted to traffic signal capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 417.79229)	$249,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Cost	$205,000
Construction Surveying Cost	$2,000
Construction Geotechnical Cost	$2,000
City Furnished Equipment	$19,000
Project Administration and Inspection Services	$21,000
Total Project Construction Costs	**$249,000**

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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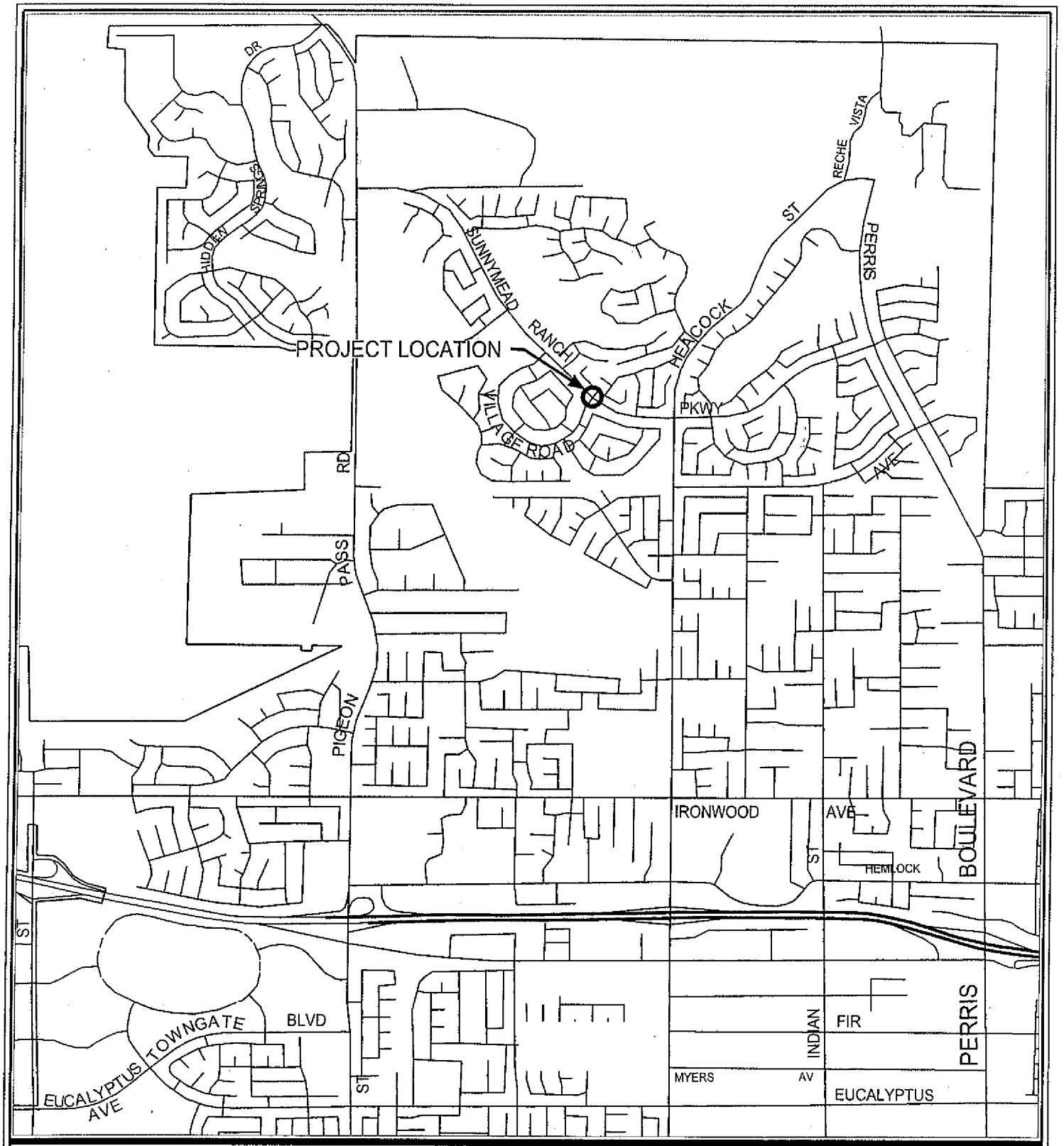

ATTACHMENT "A" - LOCATION MAP

Public Works Department Capital Projects Division	PROJECT NO. 10-41779229 TRAFFIC SIGNAL AT SUNNYMEAD RANCH PKWY AND VILLAGE RD (EAST)
Scale: None	
THOMAS GUIDE - PAGE 687, SECTION D6	

Item No. A.14

MV00112505

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MV00112506

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On May 25, 2010, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,912,608.76 to Hillcrest Contracting, Inc. The work consisted of the construction of street, signing, striping, waterline, utility relocation, and other related road improvements on Day Street between Alessandro Boulevard and Cottonwood Avenue. The City issued a Notice to Proceed to Hillcrest Contracting, Inc. to start work on July 13, 2010.

On February 22, 2011, City Council and the Community Redevelopment Agency were informed that a design error was discovered pertaining to the design and construction of a portion of the street curb and gutter tied to a cross gutter to facilitate surface drainage, located on a short segment of the northerly end of Day Street, just south of Cottonwood Avenue. City Council also authorized an increase of the Purchase Order to a total amount of $2,104,608.76.

Staff is diligently working to resolve the drainage issue independently of this construction contract as part of a second phase of improvements for Day Street. This second phase, Storm Drain Improvements on Day Street South of Cottonwood Avenue, is included in the Fiscal Year 2011–12 CIP, which City Council adopted on June 14, 2011.

DISCUSSION

Hillcrest Contracting, Inc. completed all construction work per the plans and specifications in April 2011. In accordance with the contract documents, however, the date of acceptance of the work for this project by the City Council is contingent upon the satisfactory conclusion of the 90 day maintenance period, which is scheduled for the end of July 2011.

Staff is in the process of negotiating the final Contract Change Order and anticipates the final contract cost will be approximately $1,953,000.00 which does not exceed the approved purchase order amount of $2,104,608.76. Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice

of Completion. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2010-2011 Budget and is financed by RDA 2007 Tax Allocation Bonds (TABS) funds (Fund 897). **These funds have been allocated for the Day Street from Alessandro Boulevard to Cottonwood Avenue Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

FISCAL YEAR 2010-2011 BUDGETED FUNDS (ACCOUNT NO. 897.91724):
RDA 2007 Tax Allocation Bonds (TABS) $2,413,377

FINAL CONSTRUCTION RELATED COSTS:

Design Support Services during Construction	$15,000
Anticipated Contractor Construction Costs	$1,953,000
Construction Geotechnical Services	$15,000
Construction Survey Services	$45,000
Construction Inspection Services	$12,000
Project Administration and City Inspection	$90,000
Total Project Construction Costs	$2,130,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hillcrest Contracting, Inc. completed construction of the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue at the end of April 2011 and, anticipating the successful completion of the 90 day maintenance period, the project will be complete at the end of July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Lorenz R. Gonzales, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community &Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 02-89266920 - Day St\CC Reports\NOC Staff Report (CC 07-12-11)\Staff Report - NOC Day Street (CC 07-12-11) Revised 062711.doc

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MV00112512

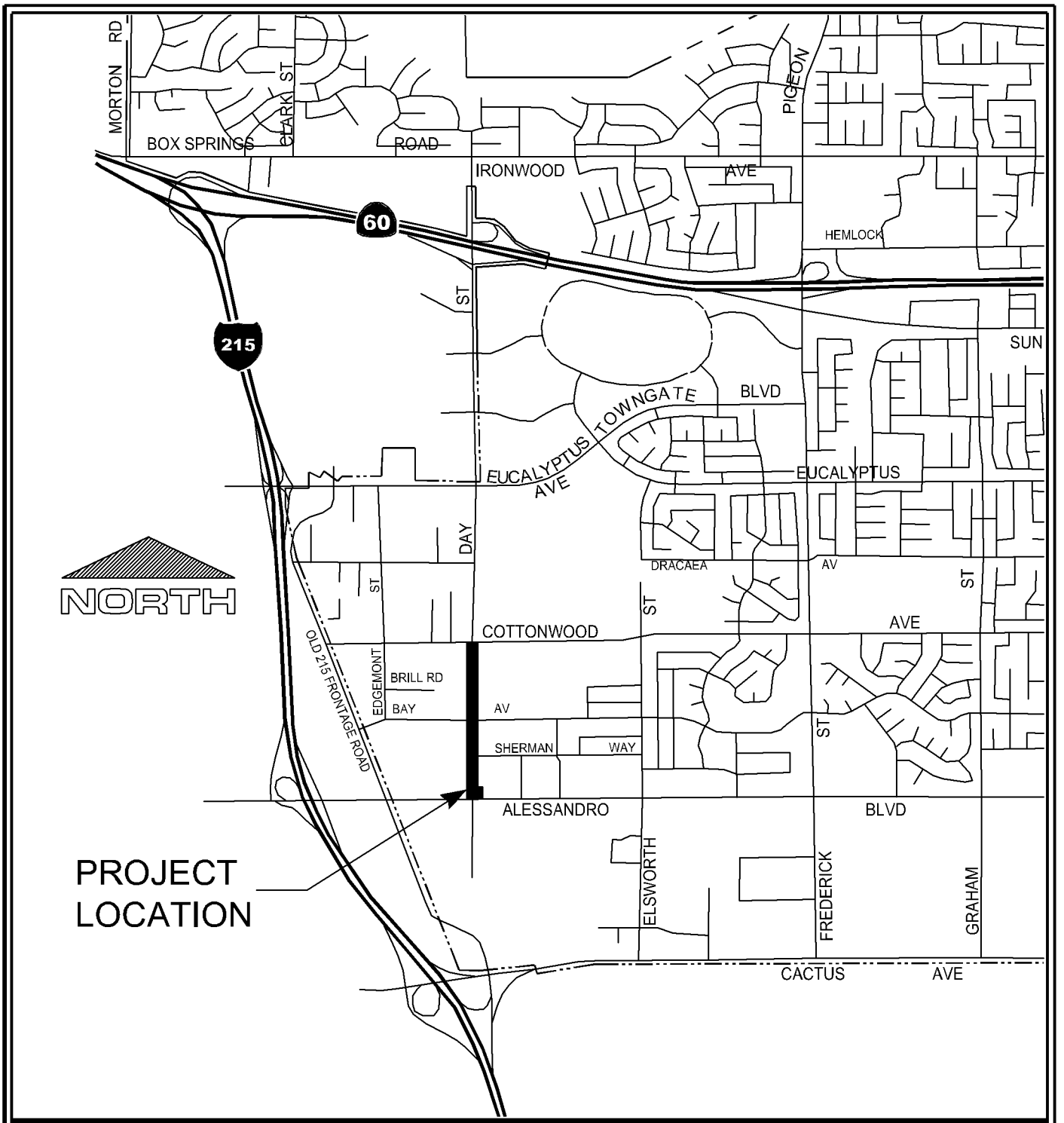

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

STREET IMPROVEMENTS FOR DAY STREET
FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE
PROJECT NUMBER 02-89266920

Item No. A.15

MV00112513

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MV00112514

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: July 12, 2011

TITLE: RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On April 12, 2005, Moreno Valley City Council adopted Resolution No. 2005-30, authorizing the City Manager, Assistant City Manager and the Public Works Director/City Engineer to execute documents on behalf of the City of Moreno Valley for the purpose of obtaining federal and state financial assistance.

California Emergency Management Agency has required that Moreno Valley City Council adopt a new resolution in place of Resolution No. 2005-30, designating and authorizing City officials to execute applications and documents.

DISCUSSION

To apply for and receive disaster relief and other financial funding offered under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and/or under the California Disaster Assistance Act, the City of Moreno Valley must designate City officials who are authorized to execute applications and documents on behalf of the City. Resolution No. 2011-xx rescinds Resolution 2005-30 and authorizes the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer to execute documents on behalf of the City.

ALTERNATIVES

1. Adopt the proposed amended Resolution re-designating and authorizing signature authorities to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act. **Staff recommends this alternative.**

2. Do not adopt the proposed Resolution. This alternative would prevent the City from receiving disaster relief and other financial funding.

3. Provide staff with further direction.

FISCAL IMPACT

Without a new Resolution, the City would not be eligible to receive disaster relief and other financial funding.

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

Publication of the Council Agenda.

ATTACHMENTS/EXHIBITS

Exhibit “A” - Proposed Resolution

Prepared By:
Name LeAnn M. Coletta, CEM
Title Office of Emergency Management Program Manager

Department Head Approval:
Name Steve Curley
Title Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112518

RESOLUTION NO. 2011-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING RESOLUTION NO. 2005-30, AND RE-DESIGNATE AND AUTHORIZE CERTAIN CITY OFFICIALS TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

WHEREAS, Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, requires a signature resolution designating and authorizing certain city officials to execute applications and documents necessary to obtain financial assistance; and

WHEREAS, the City Council of the City of Moreno Valley heretofore adopted Resolution No. 2005-30, designating and authorizing certain city officials to execute said applications and documents; and

WHEREAS, the California Emergency Management Agency has required that the Moreno Valley City Council update Resolution No. 2005-30 in order to be eligible for financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer, is hereby authorized to execute for and on behalf of the City of Moreno Valley, a local government established under the laws of the State of California, applications and other related documents for filing in the California Emergency Management Agency for purpose of obtaining financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

2. That the City Council of the City of Moreno Valley, a local government established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00112522

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis.

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto.

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

BACKGROUND

On September 14, 2010, City Council approved an "Agreement for On-Call FY 10/11 Project Management Services" with VAS Associates, Inc. for $285,000 for various projects of the Capital Projects Division.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

VAS will serve as the Project Manager for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. These fast-tracked projects are part of the April 26, 2011 City Council approved Economic Development Action Plan. Furthermore, VAS will continue to work in the capacity of Consultant Project Manager for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue, which is anticipated to begin construction in the fall of 2011.

VAS currently provides Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract. This action is necessary due to on-going heavy workload and shortage of qualified, experienced, and knowledgeable Project Managers to complete budgeted capital improvement projects funded by various revenue sources as depicted in the FY 11/12 CIP budget.

VAS staff possesses a unique combination of skills as well as 30-plus years of industry experience. Their in-depth knowledge of the Public Contract Code, Green Book Specifications, and public works contracting practices, coupled with a vast network of contacts and experience with various Riverside County regional agencies has contributed to the successful execution of many complex public works projects. Two of the projects completed for the City by VAS staff received the Project of the Year Award from the American Public Works Association, Southern California Chapter.

VAS has a long-standing and proven track record of managing high-profile construction projects that are completed on time and within budget. Within the recent past, VAS has successfully completed the Kitching Street Improvements from Cactus Avenue to Alessandro Boulevard, which improved 2,800 linear feet of roadway segment to its General Plan width of four (4) travel lanes; the Lasselle Street Widening project, the widening of a one-mile stretch of roadway to its ultimate General Plan width of four (4) travel lanes; and the 2011 Citywide Bridge Maintenance Program, a project that repaired eight (8) bridges within the City. Previously, VAS constructed Pigeon Pass Road Widening, which completed improvements for missing segments of a two-mile section of roadway. VAS successfully completed several traffic signal construction projects such as the traffic signals at Cottonwood Avenue and Pattilynn Drive, Lasselle Street and Bay Avenue, and Lasselle Street and Cottonwood Avenue.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all

parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, do not authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and do not authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

The current Agreement for Professional Consultant Services with VAS will be fully expended in by late 2011/early 2012. This new amendment to agreement in the amount of $312,000 is for on-going services throughout the anticipated duration of the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. The new agreement termination date is June 30, 2013. Adequate funding is provided through the various budgeted capital improvement projects assigned to the consultant. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Avenue budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Amendment to Agreement for Professional Consultant Services will be funded through TUMF Capital Projects (Fund 415).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$196,000
Perris Boulevard Widening (Account No. 415.70225)	$116,000
Total	**$312,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for additional temporary project management consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, the First Amendment to Agreement for Professional Consultant Services with VAS is necessary to extend temporary professional staffing services to the Capital Projects Division. Staff recommends issuance of a purchase order to VAS in the amount of $312,000.00.

ATTACHMENT

Attachment "A" – First Amendment to Project Agreement for On-Call Project Management Services for Various Projects of the Capital Projects Division

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and VAS Associates, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT FOR ON-CALL FY 10/11 PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION," hereinafter referred to as "Agreement," dated September 21, 2010.

Whereas, the Consultant is providing consultant Project Management services for budgeted Capital Improvement Plan (CIP) projects of the Capital Projects Division.

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 14, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as “Exhibit A -- First Amendment” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended from March 31, 2012 to June 30, 2013.

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A” -- First Amendment, entitled "Consultant Proposal."

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B” -- First Amendment, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $312,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “A” - First Amendment.

1.5 The total “Not to Exceed” fee for this contract is $597,000 ($285,000 for the original Agreement plus $312,000 for the First Amendment to Project Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley

BY: _____
City Manager

DATE: _____

VAS Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachment: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

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Revised Dec 2010

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MV00112530

VAS Associates, Inc.
571 Ruth Circle
Corona, CA 92879-8088
(951) 314 2288
Viren50@hotmail.com

June 14, 2011

Prem Kumar, PE
Deputy Public Works Director/Assistant City Engineer
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Annual On-Call Professional Consultant Services-Project Management for Capital Improvements. Expansion of Services.

Dear Mr. Kumar:

VAS Associates, Inc. (VAS) is pleased to submit this proposal that expands services based on our recent discussions that identified needs of Capital Projects Division of Public Works Department based on recently adopted new set of priorities for the division in accordance with the following:

A) It is our understanding that previous assignment to VAS as identified in VAS letter dated August 2, 2010 to the City has now been expanded/revised to include the following projects:

- Design, Right of Way, Utilities Relocations and Construction phases for Perris Boulevard Widening from Ironwood to Manzanita Project.
- Completion of PS&E, Utilities Coordination and Construction phases for Cactus Avenue widening from Lasselle Street to Nason Street project.
- Completion of PS&E, Utilities Coordination and Construction phases for Nason Street improvements from Iris Avenue to Cactus Avenue project.
- Close out of 2011 Citywide Bridge Maintenance Program project.
- Completion of PS&E and Major Utilities Relocations for Kitching Street Improvements-Phase II from Gentian to Cactus project.
- Completion of PS&E including Utilities Relocation design for Reche Vista Drive Realignment project.

B) Our staff hourly billing rate will be $120/Hour. Standard Work Week will be based on a 40 Hours/Week.

C) VAS services are requested at least until June 30, 2013 to ensure completion of the above-mentioned project assignments.

D) All other terms of the "Agreement for Annual On-Call Professional Consultant Services – Project Management for Capital Improvements" between the City of Moreno Valley and VAS will remain in force.

We look forward to continue to provide quality project management services to the City of Moreno Valley. If you have any questions, please do not hesitate to contact me at 951.314.2288.

Sincerely,

Viren Shah, PE
Principal

COST SUMMARY

1. The Consultant's compensation shall not exceed $597,000 ($285,000 for the original Agreement, plus $312,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of invoice.

EXHIBIT "B"

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MV00112534

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto.

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

BACKGROUND

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require

dedicated, knowledgeable, and efficient support with experience in assisting with these types of projects.

The Capital Projects Division currently receives Consultant Administrative Specialist services for several design and construction projects under an existing professional consultant service contract with RLZ Engineering, Inc. which is anticipated to be fully expended shortly. The key individual with RLZ Engineering, Inc. will be moving over to DMC Design Group, Inc. (DMC) and proposes to provide similar services through a new agreement with DMC.

Consultant staff will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with coordinating weekly meetings, permit and license processing, utility coordination, tracking consultant, vendor, and contractor progress, ensuring contract requirements are met, processing agreements and amendments, writing purchase requisitions and change orders, processing invoices for payment, labor and DBE compliance, as well as construction legal requirements.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes proficient review of certified payroll and vast knowledge of Department of Industrial Relations requirements, long-standing and proven history of processing contractor payments within 30 days including dealing with Stop Notices and release of retention in line with City financial and accounting procedures, understanding of the public bidding procedures and contract administration per the Public Contract Code, as well as processing Stop Notices and fulfilling Public Records requests in coordination with the City Clerk's Office. The Consultant staff has five years experience in Capital Projects and an additional five years experience in the construction engineering field for the private sector.

Consultant staff has a long-standing and proven track record of providing administrative support to on-time and on-budget projects such as the Lasselle Street Widening, Kitching Street Phase I Improvements, and the last two cycles of the Annual Bridge Maintenance Program. In addition to the services provided for the Cactus Avenue and Nason Street projects, the consultant staff will assist with the contract administration, accounting, invoice processing, as well as the development of the Five-Year CIP Budget for other approved projects on an as-needed basis.

The consultant staff will work on a full-time, 36-hour per week schedule. The Agreement termination date is June 30, 2013. DMC has acknowledged the current economic downturn that the City faces, and has reduced the hourly rate by approximately 2%.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted

Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and do not authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

This proposed "Agreement for Professional Consultant Administrative Services" with DMC in the amount of $139,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$80,000
Perris Boulevard Widening (Account No. 415.70225)	$40,000
Moreno Beach Widening (Account No. 416.83428)	$7,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$139,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant administrative services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Agreement for Professional Consultant Administrative Services with DMC Design Group, Inc. Staff also recommends issuance of a purchase order to DMC in the amount of $139,000.00.

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Administrative Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File
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AGREEMENT FOR PROFESSIONAL
CONSULTANT ADMINISTRATIVE SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and DMC Design Group, Inc., a California corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES

DESCRIPTION OF PROJECT

1. The project involves temporary administrative services for the Capital Projects Division associated with applicable capital improvements. The work will include administrative and accounting support services and other project-related duties as assigned.

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Scope of Services shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **$139,000** in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on June 30, 2013 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth herein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City

acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform

their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits

hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors

and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

DMC Design Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Scope of Work
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**

2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.

3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00112552

SCOPE OF WORK

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating, and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports; reviewing and processing consultant, contractor, and vendor invoices for payment; processing journal entries; and reviewing project expenditures. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

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MV00112554

June 15, 2011

Prem Kumar, PE
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Temporary Staffing for Professional Administrative Consultant Services

Dear Mr. Kumar:

DMC Design Group, Inc. is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Kimberly Jester is currently providing Consultant Contract Administrative Specialist services through an agreement with RLZ Engineering, Inc. Ms. Jester has provided these services through RLZ as well as a City employee since October 2006. As of September 1, 2011, Ms. Jester proposes to begin performing through DMC Design Group, Inc. (DMC).

Scope of Services and Fees:

Ms. Jester will provide consultant administrative specialist services, on a full-time (36 hours per week) basis at a rate of $61.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $139,000 for approximate fifteen months of service. Authorized work beyond normal 36 hours workweek will also be billed at $61.00 per hour.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

If you have any questions regarding this proposal, please contact me at 951.549.8100.

Sincerely,

Donna A. Cosper

Enclosure: Kimberly Jester Resume

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MV00112556

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

EXPERIENCE

2008 - Present **City of Moreno Valley** ***Contract Administration Specialist, RLZ Engineering, Inc.***
2006 2008 **City of Moreno Valley** ***Management Assistant, City Staff***

- Prepare project-specific expenditure analyses; including routine review of reports to ensure available budget versus expenditures balance.
- Develop and utilize spreadsheets, databases and other computer applications to assist with assigned studies, projects and reports.
- Perform analytical and administrative assignments in connection with preparation and management of division budgets and grant-funded programs.
- Perform administrative, management, program and other analysis assignments in accordance with established procedures and practices.
- Write contracts for services and goods for approval by Department Head through City Manager approvals.
- Prepare and process purchase requisitions and change orders for services and goods for approval by Department Head through City Manager approvals.
- Process contractor and service invoices for payment; including detailed review and analysis of invoice to ensure that charges are correct and consistent with work done.
- Review certified payroll reports for construction projects.
- Write staff reports for presentation to City Council.
- Review, edit and proofread other staff members' reports for presentation to City Council.
- Prepare exhibits and attachments for staff reports, with high attention to the accuracy of detailed data from multiple sources.
- Conduct research, analyze data and draft policy and procedure documents to address identified needs and issues

2003 - 2006 **Masson & Associates, Inc.** ***Operations Manager***
Civil Engineering and Land Surveying Firm

- Create, write, edit and enforce standard operating procedures managing daily operations and the activities of administrative personnel including standard operating procedures for all business correspondence.
- Engage in promoting good will for the company by writing or selecting favorable publicity material and releasing it through various communications media.
- Research market conditions in local, regional, or national areas to determine potential sales of services.
- Provide training and assistance on a daily basis to ensure proper procedures are followed.
- Proofread and edit all business correspondence, checking for grammatical, punctuation, style and formatting errors.
- Provide quality assurance reviews of all marketing materials.
- Ensure all technical documents such as Due Diligence Reports are free of any typographical, grammatical, and punctuation errors.
- Write, edit, place and track job advertisements.
- Write, edit and format Corporate Statement of Qualifications and routinely revise based on target client.
- Responsible for maintaining updated database of all departmental job descriptions for existing positions and creating new ones for new position.
- Assist in the analysis of data from survey sources to determine salary competitiveness.
- Maintain electronic and manual employee benefits records for employees.
- Maintain employee manual and update as needed to ensure compliance.
- Suggest advertising placement.
- Organize special events.

Exhibit B-2

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

1998-2003 **Mentus, *Office Manager***
Biotechnology Marketing Firm

- Proofread and edited all written material.
- Provided administrative support to five partners.
- Assisted with the dissemination of press releases four times monthly.
- Assisted media buyer with preliminary calls to publications for mechanical specifications, ad rates and editorial calendars.
- Assisted in creation of media plans.
- Assisted in client and product naming on a project basis.
- Coordinated travel for five employees, including CEO and Vice President of Creative, on a monthly basis.
- Organized special events for employees, clients and vendors, including, but not limited to annual holiday party for more than 60 guests.
- Created FileMaker Pro databases for prospecting new clients, travel coordination, and directory sales.
- Organized direct mailings to over 1,000 contacts.
- Facilitated, in conjunction with CFO, accounts payable and receivable, deposits, and the collection of past due accounts.
- Conducted ongoing Internet research for competitors of 30-plus current clients as well as researched industry trends.
- Coordinated weekly direct mailings to prospective clients for marketing team.
- Conducted orientation and training of newly hired employees.
- Updated Media Map and Online Media Atlas databases (web based data management program).

Education

San Diego State University, San Diego, CA

- Certification in Event and Meeting Planning
- Certification in Strategic Marketing in Action

University of San Diego, San Diego, CA
Sarah Lawrence College, Bronxville, NY

Professional Training Seminars

- Effective Proofreading and Business Writing, SkillPath Seminars
- Winning Proposals and Presentations, PSMJ
- Notary Public, State of California through 2010
- Strategies for Public Sector Contracting, Metropolitan Water District/San Diego County Water Authority
- Navigating the Maze of Leaves of Absence, Strategic HR
- Improving Employee Performance through Coaching, Strategic HR
- How to Manage the Front Desk, Skill Path Seminars

Computer Skills

Microsoft Office (including Project 2003, Publisher, Word, Excel, Outlook, PowerPoint), Adobe Acrobat, Internet, JD Edwards OneWorld

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

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MV00112560

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00112562

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000 for temporary professional consultant services for the Capital Projects Division. On February 10, 2009, City Council approved the "First Amendment to Agreement for Professional Consultant Services" with SA for an additional $350,000. On November 11, 2009, the City executed the "Second Amendment to Agreement for Professional Consultant Services" with SA for a time extension only. On November 18, 2010, the City executed the "Third Amendment to Agreement for Professional Consultant Services" with SA for an additional time extension, extending the termination date of the contract to December 31, 2011.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require dedicated, knowledgeable, and efficient technical engineering support with experience in assisting with these types of projects.

SA Associates staff, in the capacity of in-house technical consultant, will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with mapping including plot preparation and reproduction, preparation of project schedules, utility coordination, and other technical engineering related tasks as necessary for the successful completion of the projects. Such technical services will be rendered for other funded CIP projects on an as-needed basis.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes extensive designing and drafting utilizing Auto Cad 3D Civil software, preparation of legal descriptions, plats, and boundary closures in coordination with right of way agents, and preparation of engineering cost estimates for multiple uses including the Development Impact Fee (DIF) Nexus Study Report. In addition, consultant staff has been integral in the securing of $1.3 million in grant monies including $900,000 for the Highway Safety Improvement Program (HSIP), $170,000 for the Bicycle Transportation Account (BTA), and $254,000 for the Safe Routes to School Program (SR2S).

The consultant staff has a long-standing and proven track record of providing exceptional support to projects such as the School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, and Iris Street Improvements. The consultant staff also provides technical services for the 5-year Capital Improvements Plan (CIP) and will continue to assist with the design of Street Improvement Program (SIP) and Citywide Annual Pavement Resurfacing Program Plans.

The consultant will work on a full-time, 36-hour per week schedule. The Agreement termination date is extended to June 30, 2013.

ALTERNATIVES

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the

Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The current Amendment to the Agreement for Professional Consultant Services will be expended by September 2011. This proposed "Fourth Amendment to Agreement for Professional Consultant Services" with SA in the amount of $185,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The new agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$75,000
Perris Boulevard Widening (Account No. 415.70225)	$32,000
Perris Boulevard Widening (Account No. 415.70125)	$32,000
SR 60 Nason and Moreno Beach Improvements (Account No. 415.70024)	$24,000
Moreno Beach Widening (Account No. 416.83428)	$10,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$185,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Fourth Amendment to Agreement for Professional Consultant Services with SA Associates, Inc. Staff also recommends issuance of a purchase order to SA in the amount of $185,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 29, 2008.

Whereas, the Consultant is providing professional consultant services for various projects of the Capital Projects Division.

Whereas, the Agreement was amended on February 10, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 11, 2009 to extend the termination date for professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 18, 2010 to extend the termination date for professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

Whereas, it is desirable to amend the Agreement termination date as is more particularly described in Section 1 of this Fourth Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2011 to June 30, 2013 by this Amendment.

1.2 Exhibit "A" to the July 29, 2008 Agreement is hereby amended by adding to the "Scope of Work" section described in Exhibit "A" to this Fourth Amendment, entitled "Amended Scope of Work".

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $185,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this Fourth Amendment.

1.4 The total "Not to Exceed" fee for this contract is $885,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement, plus $0.00 for the Second and Third Amendments to Agreement, plus $185,000.00 for the Fourth Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

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Revised Feb 2009

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MV00112570

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) The total "Not-to-Exceed" fee for the aforementioned services is $885,000 ($350,000 for original Agreement in July 2008, plus $350,000 for First Amendment to Agreement in February 2009, plus $0.00 for the Second and Third Amendments to Agreement in November 2009 and November 2010 respectively, plus $185,000 for the Fourth Amendment to Agreement).

3) The current assignment involves Deepak Solanki, Technical Consultant, at $75 per hour on an as-needed basis.

EXHIBIT "A"

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MV00112572

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL - APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD)

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

BACKGROUND

On May 25, 2010 the City Council approved acquisition of the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. The City acquired title to the property on July 29, 2010. The house on the property was demolished in May 2011 to make way for the proposed improvements. The property was acquired utilizing TUMF funds due to the direct transportation corridor related improvements that are required.

DISCUSSION

The improvements fronting this property along Ironwood Avenue and Davis Street will include a new curb ramp, sidewalks, and the relocation of power poles fronting Ironwood Avenue. The ultimate public right of way will be 44 feet from the centerline

along Ironwood Avenue and 33 feet from the centerline along Davis Street at the northwest corner.

The original lot size was 7,759 square feet, and purchased at $124,500. The ultimate improvements at the northwest corner of Ironwood Avenue and Davis Street, abutting to this property will occupy 2,534 square feet. The remaining vacant land, with an area of 5,225 square feet, is excess, not needed for public purposes, and considered a substandard residential lot in the current zone R5. The potential use and development of this remaining land is very limited but a single family home may be constructed subject to review and approval of a variance by the Planning Division. If the City retains ownership and the land remains vacant, it will require periodic on-going maintenance and weed abatement services most likely funded with General Fund monies as the surplus property is not needed for transportation related purposes. Therefore, City Council is being asked to set a public hearing date for August 23, 2011 at 6:30 p.m. at City Hall to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222. If there are no issues identified at the public hearing, the property would be offered for sale to qualified public agencies within a 60-day time frame. If there is no interest from a qualified public agency, the City could but would not be obligated, to put the property up for sale to the public at the expiration of the 60-day period.

The hearing is required by California Government Code, Section 37422. If City Council approves setting the hearing date, the Resolution will be published in the Press Enterprise, and the Resolution will be posted at the real property.

ALTERNATIVES

1. Adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative would allow the City to have a hearing to potentially sell the excess land.*

2. Do not adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative will result in delaying or stopping the potential sale of excess land.*

FISCAL IMPACT

There is no material fiscal impact to the adoption of the Proposed Resolution.

SUMMARY

The City acquired the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the

Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. Once the improvements are constructed, the remaining property area of 5,225 square feet can be disposed of as surplus property. If the City retains ownership of this property, it would require periodic on-going maintenance and weed abatement services. Therefore, City Council is being asked to set a public hearing date to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 06-50182625 Ironwood - Heacock to Perris\CC Reports\Real Property\7-12-11 Resolution for Surplus Land Sale APN 475-272-054 b.doc

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MV00112576

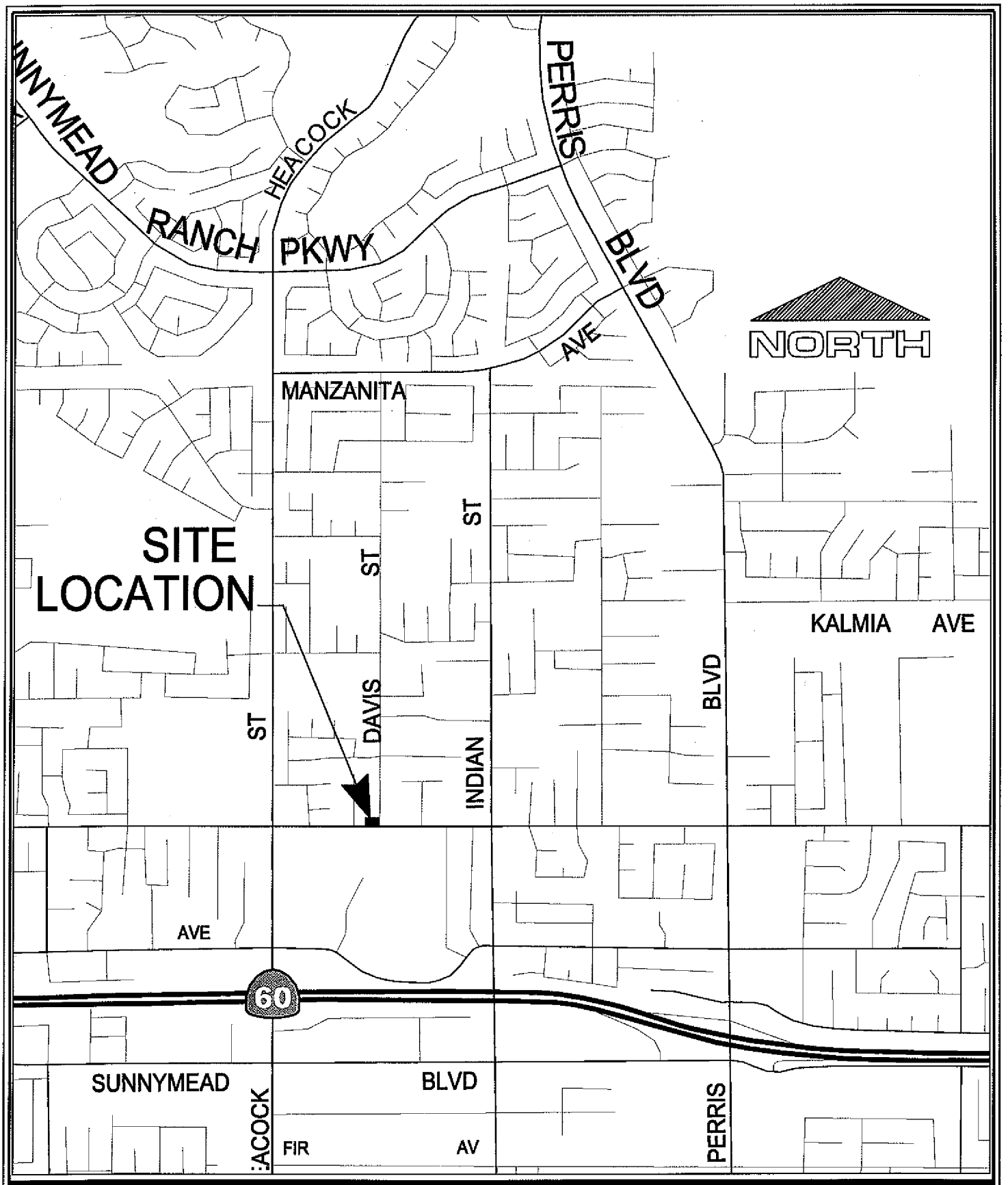

LOCATION MAP

Scale: None

ATTACHMENT "A"

11987 DAVIS STREET

APN 475-272-054

EXCESS PROPERTY- 0.12 ACRES

Item No. A.20

MV00112577

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MV00112578

RESOLUTION N0. 2011-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF A REMAINDER PARCEL EXCESS TO PUBLIC USE.

WHEREAS, the City Council of the City of Moreno Valley desires to sell the remainder parcel APN 475-272-054, total area of 5,225 square feet, as described in Exhibit "A", that is attached hereto; and

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

1. The time and place for hearing protests to the sale of said real property shall be held on August 23, 2011, at 6:30 p.m. at City Hall, located at 14177 Frederick Street, Moreno Valley, California.
2. The City Council finds that the public interest and convenience require the sale of the subject real property for the following reasons:
    a) The real property is excess to that needed for public purposes; and
    b) There is an on-going cost to maintain and weed abate if ownership is retained by the City; and
    c) It is advantageous to return the property to private ownership for use and maintenance.
3. The City Clerk shall publish a copy of this Resolution in the Press Enterprise, a daily newspaper and shall cause a copy of said Resolution to be posted at the real property.

Resolution No. 2011-74
Date Adopted: July 12, 2011

Attachment "B"

4. At the hearing, any interested person may protest to the proposed sale. Any protests must be overruled by a 4/5ths vote of the Council members.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-74
Date Adopted: July 12, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00112582

LEGAL DESCRIPTION

In the City of Moreno Valley, that remainder parcel of land being a portion of lot 63 as shown on the map of Moreno Acres, filed in Book 11 of Maps, Page 53, records of the County of Riverside, State of California, more particularly described as follows:

BEGINNING at the southwestly corner of the east half of the east half of said lot 63; thence North 00°07'15" East, a distance 14 feet to a point 44 feet northly of the centerline of Ironwood Avenue, said point being the **TRUE POINT OF BEGINNING**;

Thence North 00°07'15" East, 41.50 feet along the east property line; thence N 89°50'30" East, 132.48 feet along the north property line to a point on a line parallel with and distant 33.00 feet westerly of Davis Street centerline; thence South 00°06'30" West, 18.66 feet along said line; thence Southwestly, a distance of 33.13 feet to a point on a line parallel with and distant 44.00 feet northerly of Ironwood Avenue centerline; thence South 89°50'30" West, a distance of 108.60 feet, more or less, along said last mentioned parallel line to the **TRUE POINT OF BEGINNING.**

The land described herein contains approximately 5,225 square feet (0.12 acres).

See Sheet 2 of 2 for a plat depicting the above described property.

APN: 475-272-054

CITY OF MORENO VALLEY,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
POR. LOT 63 ON MAP OF MORENO ACRES
BOOK 11 PAGE 53

EXHIBIT "A"
SHEET 2 OF 2

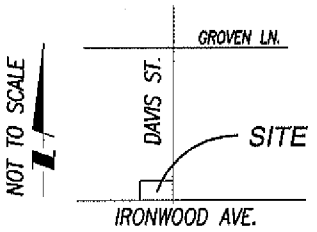

VICINITY MAP

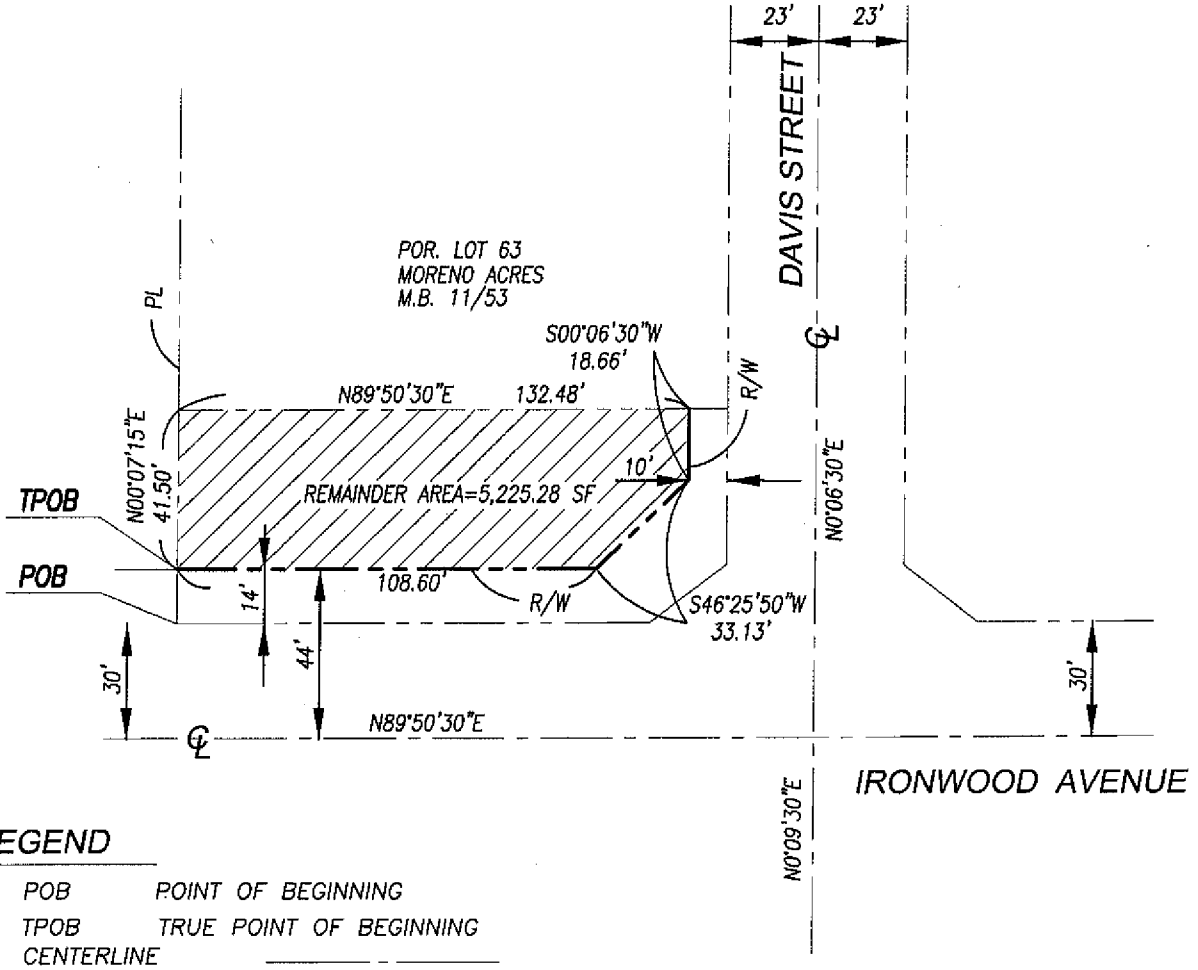

SCALE: 1"=50'

LEGEND

1. POB — POINT OF BEGINNING
2. TPOB — TRUE POINT OF BEGINNING
3. CENTERLINE
4. EXISTING ROW
5. NEW ROW
5. PROPERTY LINE

REMAINDER AREA = 5,225.28 SF

CITY OF MORENO VALLEY

PREPARED FOR:

PLAT MAP FOR
11987 DAVIS STREET
APN 475-272-054

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	-$1.68	-2.03%	-$3.52	-3.39%
1,000 kWh usage	-$6.56	-3.64%	-$9.02	-4.12%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	-$43.64	-7.86%	-$24.11	-5.74%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	-$407.22	-7.61%	-$133.35	-4.11%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	-$5,369.69	-7.70%		
392,333 kWh usage, Demand of 666 kW			-$2,087.99	-5.48%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	-$2.83	-4.77%	-$2.83	-4.77%

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	-$147.57	-1.15%	-$147.57	-1.15%
Schedule SL-1 22,000 Lumen (317 lights)	-$160.97	-2.89%	-$160.97	-2.89%
Schedule SL-2 27,500 Lumen (139 lights)	-$103.49	-5.88%	-$103.49	-5.88%
Schedule SL-3 (per lamp)	$2.18	0.51%	$2.18	0.51%

If approved by the City Council, these changes will become effective at 12:00 a.m. on July 13, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be a reduction in rates.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to offer competitive rates.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and also its ability to offer competitive rates.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues are projected to decrease if the proposed changes are adopted by the City Council.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\Electric Utility\Administration - Finance\Staff Reports\2011 SR's\SR - Rate and Rules Adjustments 12 July 2011.doc

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MV00112590

RESOLUTION NO. 2011-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Resolution No. 2011-75
Date Adopted: July 12, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-75
Date Adopted: July 12, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

Resolution No. 2011-75
Date Adopted: July 12, 2011

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MV00112594

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By: [signature] Printed Name: David Dunn Title: Director Business Operations	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: [signature] 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial and Administrative Services Director

AGENDA DATE: July 12, 2011

TITLE: Approve Three-Year Agreement with Canon Business Solutions to Extend the Current Copier Contract

RECOMMENDED ACTION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

SUMMARY

In June of 2006 the City awarded the copier agreement to the Canon Copier Company from the Request for Proposal No. 05/06-08. Canon has worked closely with the city to provide the latest technology for copying, printing and scanning from their machines. Canon support staff is very responsive and work well with city staff on handling any problems or concerns. The current and proposed extension agreement includes both a cost-per-copy and annual maintenance agreement.

BACKGROUND

The Purchasing & Facilities Division has the responsibility to provide copy machines and their necessary maintenance for City offices. The copier fleet consists of 26 machines throughout city facilities. The City utilizes the cost-per-copy method that allows for a not-to-exceed amount of copies per quarter. Payment for all copier operational costs is handled through division operating budgets via the internal service fund charge-back system. When applicable, overage copy counts are added to the base amount on a quarterly basis.

Digital state-of-the-art technology in modern copy machines provide electronic networking which will allow staff to send print to a copier from the desktop when desired. Additionally, scanning to server capabilities is built into the copiers. The agreement provides fixed base pricing for the duration of a three-year period based on a year-by-year annual approved encumbrance in the City budget. The agreement provides that the City may upgrade, add or delete functions, services or products to the program as needs change throughout the contract period.

DISCUSSION

During the city's effort of asking for vendor participation in a 10% pricing reduction, the Canon company offered a 23.75% ($9,538 per month vs. $7,273 per month) overall decrease in exchange for our three-year extension agreement. This represents a monthly savings of $2,265 and translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. Additionally, Canon will exchange a total of six existing older machines for brand new copiers, at no cost to the city, due to excessive meter counts.

ALTERNATIVES

1. Staff recommends that the City Council award the three-year extension agreement to Canon Business Solutions in the total amount of $261,828 as being in the best interest of the City.

2. Elect to not award the three-year extension agreement copier agreement to Canon and provide further direction to staff.

FISCAL IMPACT

Approval of Alternative No. 1 will obligate the City to a base annual expenditure in Account Number 00754.75440.6281 of:

- $174,552 ($87,276 for each of years one and two). These funds are provided for in the City Manager's recommended FY 2011/2012 and FY 2012/2013 budgets.
- $87,276 where budgets are subsequently approved in FY 2013/2014.

Approving this contract extension represents monthly savings of $2,265 from the existing base contract cost. This translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. This contract directly affects the Internal Service Fund – Facilities.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

ATTACHMENTS/EXHIBITS

Prepared By:
Name Rix Skonberg
Title Purchasing & Facilities Division Manager

Department Head Approval:
Name Richard Teichert
Title Financial & Administrative Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AMENDMENT TO FACILITIES MANAGEMENT AND SERVICE AGREEMENT

This AMENDMENT No. 4 ("Amendment") is effective as of July 1, 2011 ("Effective Date") and supplements/modifies the Facilities Management and Service Agreement dated June 19, 2006, as amended (collectively, the "Agreement") between Canon Business Solutions Inc. ("CBS") and **the City of Moreno Valley** ("Customer") as follows:

1. All defined terms shall have the meanings set forth in the Agreement unless expressly defined herein.

2. Paragraph 2 of the Preamble of the Agreement is striken in its entirety and superseded by the following: Customer has during the term of the Agreement acquired by lease from a third party (or previously owned) the Items of equipment referenced in Addendum A to the Agreement ("Customer Owned Equipment").

3. As of the effective date, CBS agrees to provide to the Customer equipment ("Equipment") and FM Services for the Equipment and Customer Owned Equipment under the terms and conditions of the Agreement and as supplemented by this Amendment for an additional term of thirty-six (36) months concluding on July 5, 2014. The base quarterly charge shall be increased from $6,667.48 to $21,819.00, plus applicable taxes.

4. CBS will continue to provide the FM Services to the Customer Owned Equipment listed on Exhibit A currently on Customer site(s).

5. CBS will add the following Equipment in connection with the ongoing provision of FM Services under the Agreement :

Location	Model
CDD-Graphics Rm 104	IR 6065
Finance Rm 246	IR 6065
Doc Imaging Rm 207	IR 6065
Recreation Center 1st Floor	IR 6065
Police Dept	IR 6065
Employment Resource Center	IR 6065

The configuration for each main unit will be as follows:

Item Description	Item Code
IMAGERUNNER ADVANCE 6065 V2 BASE MODEL	3892B011
STAPLE FINISHER-E1	3894B001
PCL PRINTER KIT-AJ1 ELAN	3905B005
PS PRINTER KIT-AJ1 ELAN	3906B006
ESP NEXT GEN PCS POWER FILTER (120V/15A) XG-PCS-15D	1972V064
ESP NEXT GEN PCS POWER FILTER (120V/20A) XG-PCS-20D	1972V073

6. Customer hereby authorizes CBS to pick up the equipment listed below. Customer acknowledges that this equipment will be shipped to Canon Financial Services, Inc. and CBS' sole obligation is to use commercially reasonable efforts to pick-up and remove the return equipment and to arrange, on your behalf and at CBS' expense and risk (but only to the extent of obvious damage in transit), for the shipment of the equipment to Canon Financial Services, Inc.

Location	Remove Model	S/N
CDD-Graphics Rm 104	IR6570	SLP12175
Finance Rm 246	IR6570	SLP12176
Doc Imaging Rm 207	IR6570	SLP12333
Recreation Center 1st Floor	IR6570	SLP12434
Police Dept	IR6570	SLP12929
Employment Resource Center	IR5000	NRL03962

7. Customer agrees to the following per impression charges :
   $0.00716 per black and white impression in excess of 750,000 impressions per quarter; and
   $0.0484 per color impression in excess of 14,000 impressions per month.

   An 11 X 17 image shall count as two images

8. Customer agrees that CBS will issue a check in the amount of $37,225 ("Buy-Out Reimbursement") which will be paid directly to Canon Financial Services by CBS. The Buy-Out Reimbursement will be paid for the sole purpose of reimbursement of early termination charges or fees and associated expenses payable for early termination of the lease of Customer Owned Equipment noted in Section 6 above and in Exhibit A. Customer acknowledges and agrees that CBS' financial obligation with respect to the Buy-Out Reimbursement is limited to Thirty Seven Thousand Two Hundred Twenty Five ($37,225), and that Customer is responsible for any other obligations, including any charges which are not covered by the Buy-Out Reimbursement. In the event, Customer cancels the Agreement prior to the end of the then current term, Customer agrees to pay CBS the pro-rata amount of the Buy-Out Reimbursement based on the number of months remaining in the then current term.

9. The following supplemental terms and conditions are hereby added to the Agreement:
   i. CBS shall have full and free access to the Equipment and Customer Owned Equipment to provide service thereon and to perform meter readings. In addition, Customer authorizes CBS to use networked features of the Equipment and Customer Owned Equipment including imageWARE Remote to receive software updates, activate features/new licenses and/or transmit use and service data accumulated by the Equipment and Customer Owned Equipment over Customer's network by means of an HTTPS protocol and to store, analyze and use such data for purposes related to servicing the Equipment and product improvement. If CBS does not receive Customer's timely meter readings, Customer agrees to provide meter readings in accordance with the applicable billing cycle for each unit of Equipment and Customer Owned Equipment as specified in this Agreement.
   ii. Customer agrees neither to make any alteration in the Equipment nor to remove it from the location where installed by CBS without prior written approval of CBS. Customer shall bear all risk of loss or damage to Equipment while on Customer's premises. Customer further agrees to return the Equipment at the end of the Term in the same condition as when received except for reasonable wear and tear.
   iii. Title to the Equipment shall remain at all times with CBS, and the Customer agrees that the CBS plaque affixed to the Equipment will not be removed. Customer agrees to keep the Equipment free from all liens, security interests and encumbrances. CBS is hereby authorized to file a financing statement to evidence its ownership in the Equipment in the possession of the Customer.

iv. CBS warrants that it is the owner of the Equipment and that it has the right to perform the Services. Except for the foregoing warranty, CBS' OBLIGATIONS UNDER THIS AGREEMENT ARE IN LIEU OF ALL WARRANTIES, AND CBS EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE USE OR PERFORMANCE OF THE EQUIPMENT OR THE SERVICES.

v. Provision of toner includes replenishment of consumables for Equipment and Customer Owned Equipment only. Customer shall be deemed to have materially defaulted under the terms of this Agreement if any supplies provided hereunder are used for other than Equipment and Customer Owned Equipment supplied by CBS or for Customer Owned Equipment under the FM Services of the Agreement. In the event that usage of any such consumable supplies provided hereunder exceeds manufacturer specifications for conventional office imaging coverage by more than 10%, CBS may invoice Customer for such excess usage.

vi. If Customer fails to pay any invoice within thirty days of the Invoice date, Customer shall pay a monthly late charge equal to the lesser of one and one-half percent (1.5%) of the overdue amount, or the maximum amount allowed by law.

vii. Customer acknowledges that the hard drive on the Equipment and Customer Owned Equipment may retain images, content or other data during normal operation of the Equipment ("Data") and that exposure or access to the Data by CBS, if any, is purely incidental to the services performed by CBS. Neither CBS nor any of their affiliates has an obligation to erase or overwrite Data upon your return of the Equipment to CBS or any leasing company. Customer is solely responsible for: (i) compliance with applicable law and legal requirements pertaining to data privacy, security, retention and protection; and (ii) all decisions related to erasing or overwriting Data. Without limiting the foregoing, you should, prior to return or other disposition of the Equipment, utilize the Hard Disk Drive (HDD) (or comparable) formatting function (which may be referred to as "Initialized All Data/Settings" function) found on the Equipment to perform a one pass overwrite of Data or, if Customer has higher security requirements, Customer may purchase from CBS at current rates an available option for the Equipment and Customer Owned Equipment, which may include (a) an HDD Data Encryption Kit option which disguises information before it is written to the hard drive using encryption algorithms, (b) a HDD Data Erase Kit that can perform up to a 3-pass overwrite of Data or (c) a replacement hard drive (in which case Customer should properly destroy the replaced hard drive).

10. The following will be of no force or effect if the Customer is not a State or a Political Subdivision of a state within the meaning of Section 103(C) of the Internal Revenue Code of 1986, as amended.

i. The Customer warrants that it has funds available to pay the payments ("Payments") payable pursuant to Agreement between Customer and CBS until the end of its current appropriation period and warrants that it presently intends to make Payments in each appropriation period from now until the end of the Agreement. The officer of the Customer responsible for preparation of Customer's annual budget shall request from its legislative body or funding authority funds to be paid to CBS under the Agreement. If notwithstanding the making in good faith of such request in accordance with appropriate procedures and with the exercise of reasonable care and diligence, such legislative body or funding authority does not appropriate funds to be paid to the CBS for the Equipment, Customer may, upon prior written notice to CBS, effective upon the exhaustion of the funding authorized for the then current appropriation period, return the Equipment to CBS, in accordance with the Agreement, and thereupon, Customer shall be released of its obligations to make Payments to CBS due thereafter, provided: (1) the Equipment is returned to CBS as provided for in the Agreement, (2) the above described notice states the failure of the legislative body or funding authority to appropriate the necessary funds as the reason for cancellation; and (3) such notice is accompanied by payment of all amounts then due to the Lessor. In the event Customer returns the Equipment pursuant to the terms herein, CBS shall retain all sums paid by Customer. Customer's Payment obligations in any fiscal year shall constitute a current expense of Customer for such fiscal year, and shall not constitute indebtedness or a multiple fiscal year obligation of Customer under Customer's state constitution, state law or home rule charter. Nothing in this Agreement shall constitute a pledge by Customer of any taxes or other monies, other than as appropriated for a specific fiscal year for this Agreement and the Equipment.

ii. The undersigned represents and warrants to CBS that all action required to authorize the execution and delivery of this Amendment on behalf of the above referenced Customer by the following signatory has been duly taken and remains in full force and effect.

11. For any and all amendments to the Agreement with regard to the provision of Equipment to Customer, whether entered into before, during or after the effective date of this amendment and where the expiration date of such amendment falls after the expiration date of the Agreement, the expiration date of the amendment shall control, unless the amendment expressly states that it is coterminous with the Agreement.

12. Customer agrees that CBS may accept an electronic image of this Amendment as an original, and that electronic copies of your signature will be treated as an original for all purposes.

13. Except as supplemented/modified hereby, all terms of the Agreement remain in full force and effect and are ratified and confirmed in all respects.

IN WITNESS WHEREOF, each of the undersigned have caused this AMENDMENT to be executed by their duly authorized officials effective the Effective Date, intending to be legally bound hereby.

CANON BUSINESS SOLUTIONS, INC.	City of Moreno Valley
By: [signature]	By: _____
Name: Timothy Robinson	Name: _____
Title: VP Operations	Title: _____
Date: 7/5/11	Date: _____

Approved Bus Ops
BAV
6/29/11

CITY ATTORNEY
Approved as to Form
By: [signature] 6/29/11
Date

Item No. A.22

Amendment 4 - Exhibit A

Room	Building	Model	Serial
Behind Front Counter	City Hall 1st Floor	IR3570	SKV55637
CDD-I.T side of foyer, Rm 132	City Hall 1st Floor	IR5570	SLQ22472
CDD - Graphics Rm 104		IRC2620	SHP10670
Small rm near Cap Prjcts Rm 253	City Hall 2nd Floor	IR3570	SKV55633
Finance Audit Rm 203	City Hall 2nd Floor	IR3570	SKV65067
City Clerk, outside door		IR2270	SLH27585
Storage next to Dco Img Rm 208		IR5570	SLQ22668
Front Office	City Yard 1st Floor	IR3570	SKV55636
1st Floor	Animal Services	IR3570	SKV55484
1st Floor	Senior Center	IR3570	SKV55491
1st Floor	Public Library	IR2270	SLH27639
	Recreation Center 1st Floor	IR3570	SKV55487
1st Floor Ste 1-3	TS Annex	IR2270	SLH27642
1st Floor Ste 4	Facilities	IR2270	SLH27597
1 st Floor Ste 9	Enterprise Services	IR3570	SKV55645
Whse Office	City Yard 1st Floor	IR2020	KRR05658
Volunteer Services - off chamber lobby	City Hall 1st Floor	IR2020	KRR05565
S.T.A.R.S	Employment Resourse Center	IR3570	SKV55471
Volunteer Services - off chamber lobby	Emergency Operations	IR3035	MUP07387
Police Dept	PD Accounting	IR3035	MUP11450

Approved Bus Ops

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name:_____ Title:_____	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/27/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

4827-4551-0409\3 6/16/2011 5:02 PM

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES

RECOMMENDED ACTION

Staff recommends that the City Council approve the proposed staff assignments in support of Council Member participation with regional agencies.

BACKGROUND

At their May 18, 2011 Goal Setting Workshop, the City Council identified the organization's Strengths, Weaknesses, Opportunities, and Threats (SWOT). While the City's existing transportation corridors were identified as a strength, the lack of adequate infrastructure and planning was acknowledged as a weakness. The City's regional presence was identified as an opportunity. The Council used the results of their SWOT Analysis to develop five prioritized goals, one of which was to "Maximize Transportation and Infrastructure Opportunities."

DISCUSSION

The third prioritized goal developed by the City Council in their May 18 Goal Setting Workshop was to "Maximize Transportation and Infrastructure Opportunities." Actions identified to help achieve this goal included increasing the City's regional presence. A specific task assigned to City staff was to increase staff assistance to the Council as well as increase participation with regional agencies by assigning staff liaisons to each committee. The proposed staff assignments are included in the "2011 City Council Regional Committees & Staff Assignments" attachment.

ALTERNATIVES

1) Approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff recommends this alternative as the proposed staff assignments will assist the City Council in achieving their prioritized goal to maximize transportation and infrastructure opportunities by increasing the City's regional presence.*

2) Not approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff does not recommend this alternative as the proposed action is a task related to the Council-adopted goal to maximize transportation and infrastructure opportunities.*

FISCAL IMPACT

The proposed staff assignments in support of Council Member participation with regional agencies will have no fiscal impact to the City.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

Attachment: "2011 City Council Regional Committees & Staff Assignments"

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Barry Foster
Community and Economic Director

Concurred By:
Chris Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112610

2011 CITY COUNCIL REGIONAL COMMITTEES & STAFF ASSIGNMENTS

REGIONAL AGENCY:

March Joint Powers Commission (JPC)	STEWART/BATEY	CO
Staff: Community and Economic Development Director		
School Districts/City Joint Task Force	STEWART/MOLINA	CO
Staff: City Manager/Asst City Manager		
Riverside County Habitat Conservation Agency (RCHCA)	BATEY	MOLINA
Staff: Planning Official		
Riverside County Transportation Commission (RCTC)	CO	STEWART
Staff: City Manager/Asst City Manager		
Riverside Transit Agency (RTA)	MOLINA	CO
Staff: Public Works Director/Traffic Engineer		
Western Riverside Council of Governments (WRCOG)	HASTINGS	CO
Staff: City Manager		
Western Riverside County Regional Conservation Authority (RCA)	BATEY	MOLINA
Staff: Planning Official		

WRCOG COMMITTEES:

Executive Committee	Robin Hastings, Chair
Administration & Finance	Robin Hastings, Chair
Technical Advisory Committee	Henry Garcia, Chair
Planning Directors TAC	John Terell
Public Works Committee	Chris Vogt, Chair
Solid Waste Technical Committee	Robert Lemon
Western Riverside County Clean Air Coalition	Robert Lemon
Air Quality Task Force	Eric Lewis, Jeff Bradshaw

RCTC COMMITTEES:

Western Riverside County Programs and Projects Committee	Marcelo Co
San Jacinto Branch Line Ad Hoc Committee	Marcelo Co
Technical Advisory Committee	Chris Vogt

Attachment 1

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MV00112612

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,729,200 to Hardy & Harper, Inc. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of the six arterial and collector streets identified in this report.

DISCUSSION

The project included the resurfacing of six (6) streets: Kitching Street from Fir Avenue to Cottonwood Avenue, Fir Avenue from Perris Boulevard to Lasselle Street, Perris Boulevard from Webster Avenue to Sunnymead Boulevard, Cactus Avenue from Commerce Center Drive to Elsworth Street, Indian Street from Ironwood Avenue to Sunnymead Boulevard, and Manzanita Avenue from Heacock Street to Perris Boulevard. Hardy & Harper's contracted work included removing existing asphalt concrete pavement, resurfacing with cold-in-place recycling (CIPR), pavement overlaying with rubberized asphalt concrete, reconstructing a number of access ramps along the listed streets to ADA requirements, re-establishment of traffic signal detector loops, utility covers, manholes, and re-striping. The resurfacing extends the life of the streets and provides a smoother riding surface.

The Contractor has completed all the paving work and anticipates completing the construction by mid July 2011. Staff anticipates the final contract cost will be approximately $1,631,000 which does not exceed the approved purchase order amount of $1,729,000. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works

Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project was included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:

Annual Pavement Resurfacing Program (Acct. No. 125.56330)	$1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722)	$1,550,000
Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Local Street Pavement Resurfacing Phase 1 (being constructed concurrently)	($2,684,000)
Remaining Funds Available	$2,452,400

PROJECT RELATED COSTS:

Design	$110,000
Anticipated Contractor Construction Costs	$1,631,000
Anticipated Construction Geotechnical Services	$22,000
Anticipated Construction Survey Services	$20,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$1,873,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper anticipates completing the construction of the 2011 Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. The resurfacing extends the life of the streets and provides a smoother riding surface.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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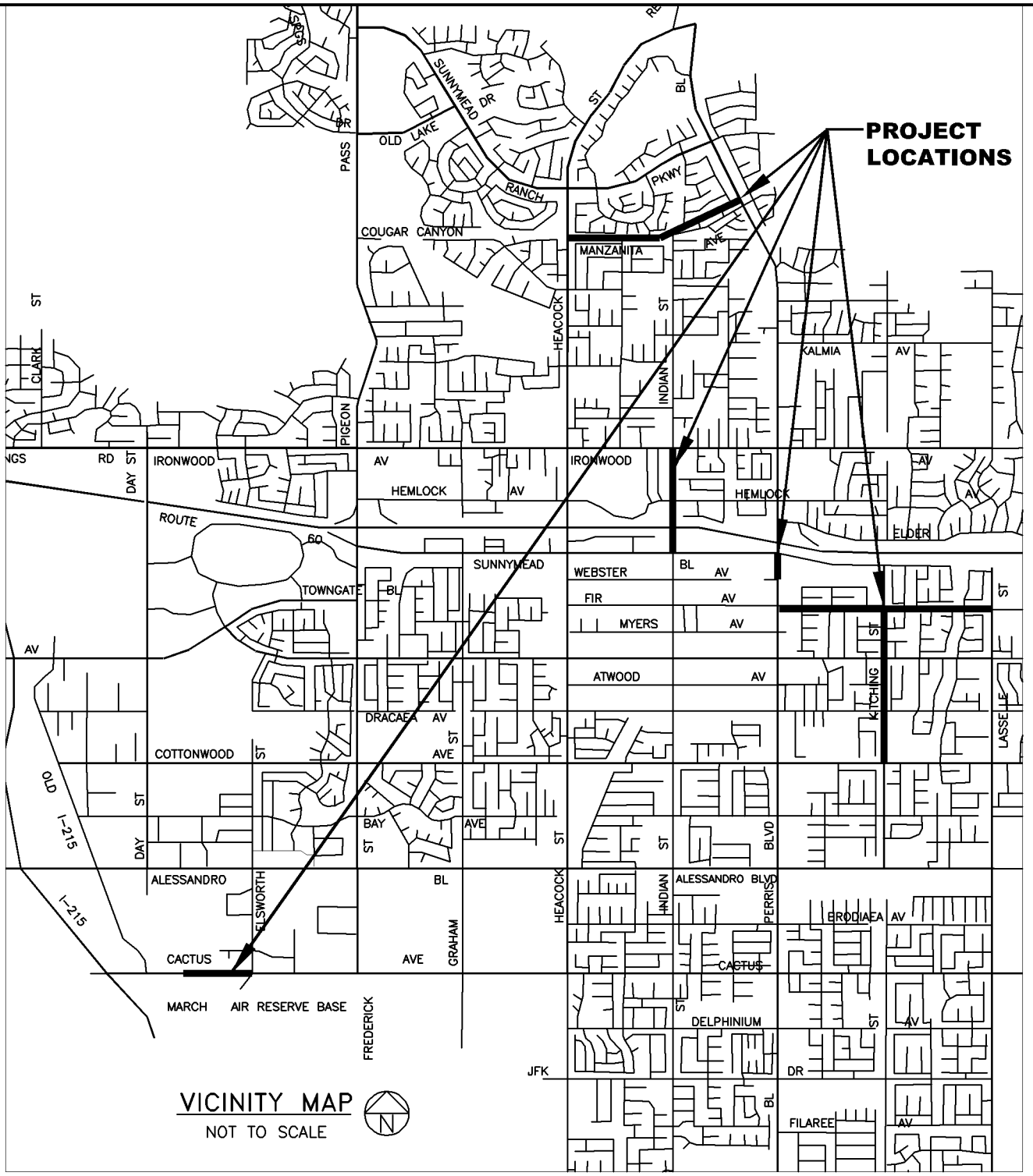

LOCATION MAP

LOCATION MAP
Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 11-12556330

2011 PAVEMENT RESURFACING PROJECT

Item No. A.24

MV00112619

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MV00112620

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $2,410,400 to Hardy & Harper, Inc. The project includes the resurfacing a total of twenty six local streets which are included in the Fiscal Year 2010-2011 CIP Budget. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of these streets.

DISCUSSION

Hardy & Harper's contracted work includes removing existing asphalt concrete pavement, pavement resurfacing with cold central plant recycling (CCPR), pavement overlaying with rubberized asphalt concrete, reconstructing number of access ramps along the listed streets to ADA requirements, adjusting utility manholes and covers, and re-establishing traffic striping. The Contractor has completed all the paving work and anticipates completing rest of the work by mid July 2011. Staff anticipates the final contract cost will be approximately $2,391,000 which does not exceed the approved purchase order amount of $2,410,400. The resurfacing extends the life of the streets and provides a smoother riding surface.

Three additional streets (Vellanto Way, Mantee Place and Ormista Drive) were added to the original twenty six streets, bringing a total of twenty nine streets being resurfaced (approximately 131,000 square yards of pavement area.) These three streets (also included in the Fiscal Year 2010-2011 CIP Budget for resurfacing) are in the neighborhood of Searson Drive which is one of the original twenty six streets. These streets are added to be constructed at the same time as Searson Drive in an effort to avoid repeat construction disturbance to the neighborhood as these streets were previously approved by City Council for Phase 2 Local Street Pavement Resurfacing Project.

Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the

Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:
Annual Pavement Resurfacing Program (Acct. No. 125.56330) $1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722) $1,550,000

Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Pavement Resurfacing Project Anticipated Costs (being constructed concurrently)	($1,873,000)
Remaining Funds Available	$3,263,400

PROJECT RELATED COSTS:

Design	$93,000
Anticipated Contractor Construction Costs	$2,391,000
Anticipated Construction Geotechnical Services	$73,000
Anticipated Construction Survey Services	$37,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$2,684,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper, Inc. anticipates completing the construction of the 2011 Local Street Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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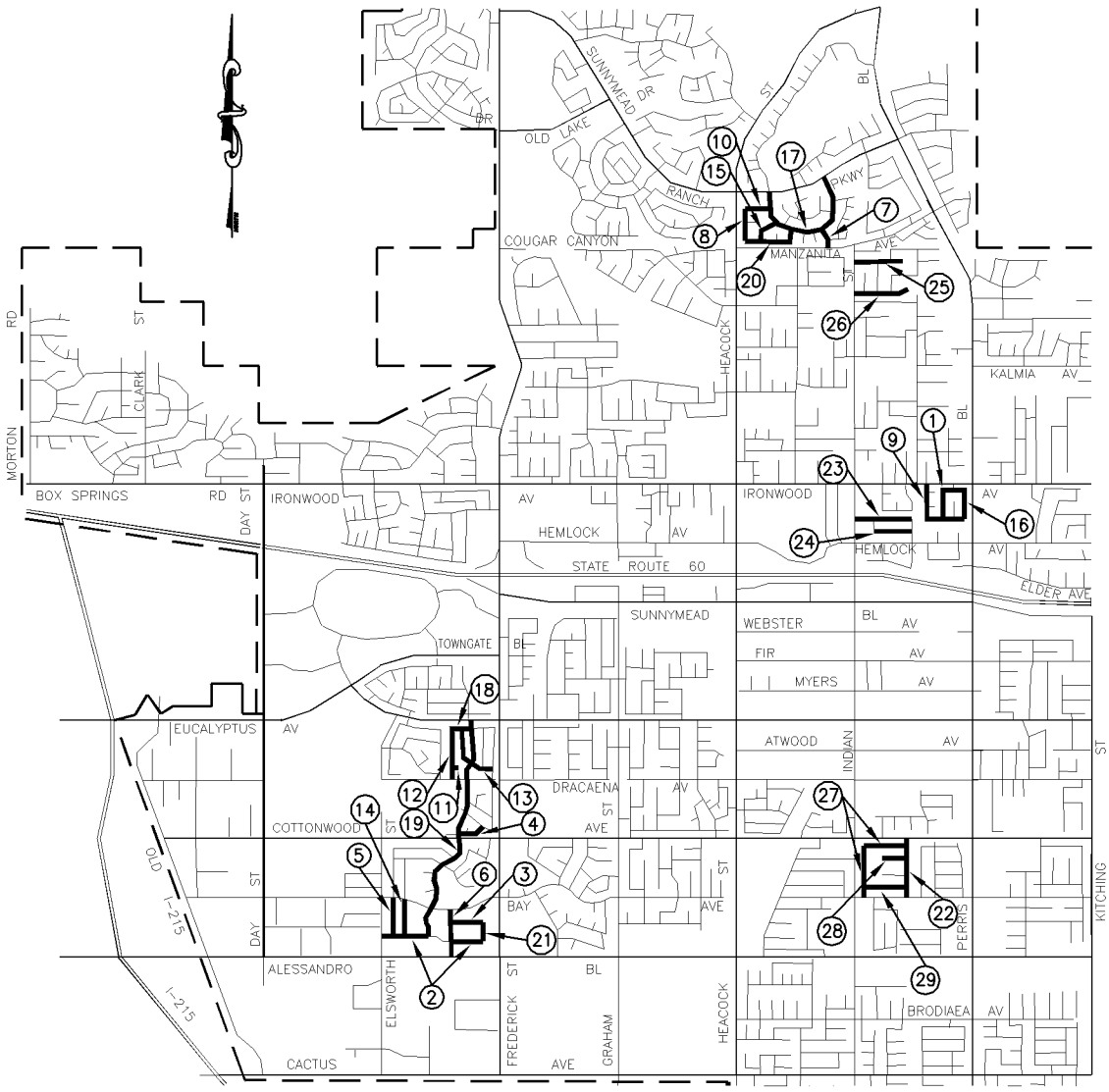

	STREET	LIMITS
1	AARON DR:	GASSEN PL TO HARCLARE DR
2	ADRIENNE AVE:	ELSWORTH ST TO PRIDE LN
3	ALLIES PL:	COURAGE ST TO PRIDE LN
4	BAYWOOD DR:	PAN AM BLVD TO AQUEDUCT WY
5	BOEING ST:	BAY AVE TO ADRIENNE AVE
6	COURAGE ST:	BAY AVE TO ALESSANDRO BLVD
7	DUCKBILL RD:	OLD COUNTRY RD TO MANZANITA AVE
8	FENTON RD:	IRONBARK RD TO PLEASANT RUN RD
9	HARCLARE DR:	ODESSA DR TO IRONWOOD AVE
10	IRONBARK RD:	FENTON RD TO OLD COUNTRY RD
11	KIOWA CT:	KIOWA DR TO EAST END
12	KIOWA DR:	PAHUTE DR TO DRACAENA AVE
13	LAKOTA DR:	PAHUTE DR TO OAK DELL ST
14	MCDONNEL ST;	BAY AVE TO ADRIENNE AVE
15	NOBLEWOOD RD:	OLD COUNTRY RD TO PLEASANT RUN RD
16	ODESSA DR:	GASSEN PL TO HARCLARE DR
17	OLD COUNTRY RD:	SUNNYMEAD RANCH TO SUNNYMEAD RANCH PKY
18	PAHUTE DR:	PAN AM BLVD TO KIOWA DR
19	PAN AM BLVD:	EUCALYPTUS AVE TO ADRIENNE AVE
20	PLEASANT RUN RD:	FENTON RD TO OLD COUNTRY RD
21	PRIDE LN:	ALLIES CT TO ADRIENNE AVE
22	SEARSON DR:	COTTONWOOD AVE TO BAY AVE
23	SINALOA ST:	INDIAN ST TO LEAHY DR
24	SINGER ST:	HANOVER AVE TO LEAHY DR
25	SUMMERFIELD DR:	INDIAN ST TO EAST END
26	SUNNY RIDGE DR:	INDIAN ST TO EAST END
27	VELLANTO WAY:	BAY AVE TO SEARSON DR
28	MANTEE PL:	WEST END TO SEARSON DR
29	ORMISTA DR:	VELLANTO WY TO SEARSON DR

CITY OF MORENO VALLEY
DECEMBER 3, 1984

2011 LOCAL STREET PAVEMENT RESURFACING - PHASE 1

Public Works Department
Capital Projects Division

LOCATION MAP

VARIOUS LOCATIONS
PROJECT NO. 11-22679728

ATTA(-375-ENT "A"

Item No. A.25

MV00112627

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MV00112628

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD

DEVELOPER – CITY OF MORENO VALLEY, CALIFORNIA
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard.

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 12, 2010, the City Council approved the Agreement for Design Professional Consultant Services to Provide Architectural and Engineering Services (A&E) for the Corporate Yard Phase 1 Office Building and Sewer Line. The Agreement requires that the consultant obtain approval (Planning Application PA10-0013) from the various City departments as part of the design phase of the project. On March 8, 2011, the project received final Conditions of Approval that require the owner (City of Moreno Valley, a municipal corporation) to record an Offer of Dedication for additional right-of-way. The additional right-of-way will be at the two proposed driveway approaches, located on the north side of Santiago Drive east of Perris Boulevard, in accordance with the City Standard for a commercial driveway approach.

DISCUSSION

The owner, the City of Moreno Valley, is required to dedicate four (4) feet of right-of-way around the driveway approaches, at the proposed project entrances on Santiago Drive, to accommodate a public sidewalk for pedestrian circulation in accordance with City Standards. The Offer of Dedication is necessary to construct public improvements along the driveway entrances to match the existing street improvements immediately to the east and west of the project. Once the Offer of Dedication is executed by the City Manager, the document will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and to direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

2. Do not authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and do not direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would not allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Public Facilities and Capital Projects – Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Offer of Dedication

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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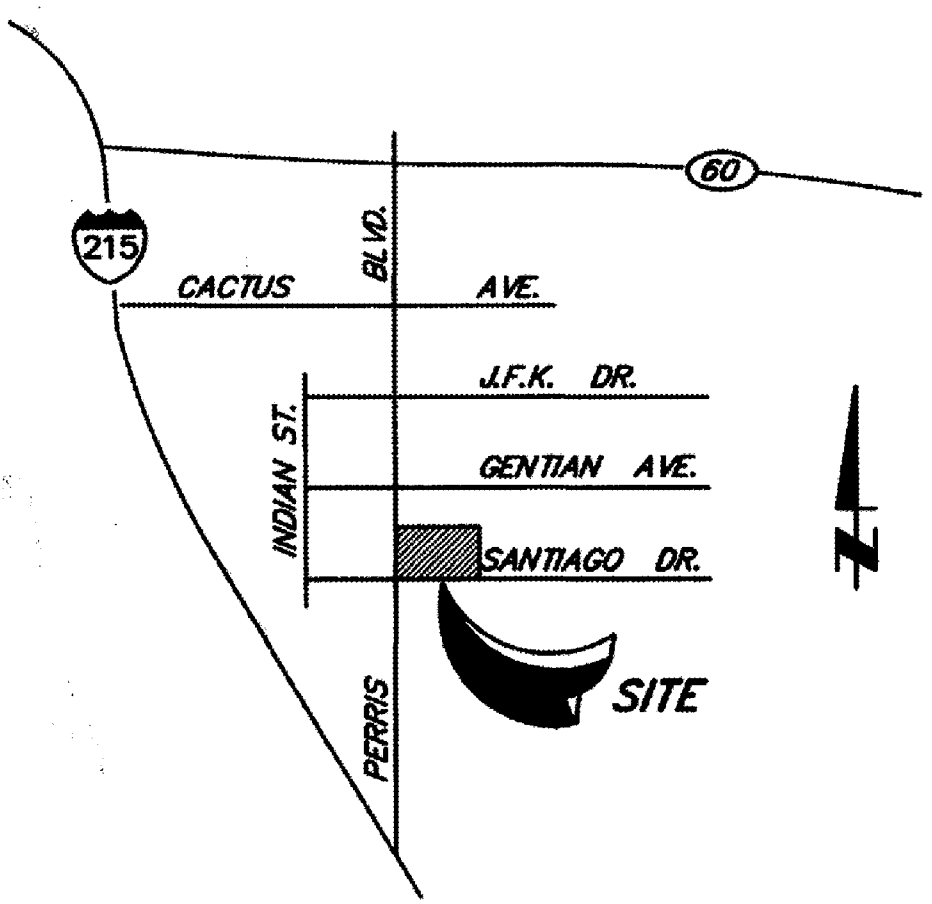

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment "A"	**PA10-0013** **VICINITY MAP**

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MV00112634

Recording requested by and when
recorded, mail to:
City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
By:
A.P.N. 486-170-021 & 022

(Space above this line for Recorder's use)

DOCUMENTARY TRANSFER TAX IS NONE.

Public Agency exempt.
Revenue and Taxation Code Section 11922

OFFER OF DEDICATION

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, for public highway purposes, including public utility and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

City of Moreno Valley, a Municipal Corporation

By: _____
HENRY GARCIA, City Manager

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk (SEAL)

Date _____

Attachment "B"

Item No. A.26

MV00112635

ACCEPTANCE CERTIFICATE

This is to certify that the interest in real property conveyed by the deed or grant dated **July 12, 2011** from the **City of Moreno Valley Moreno, a municipal corporation**, to the City of Moreno Valley, a municipal corporation, in the form attached hereto, is hereby accepted, subject to completion of improvements, and the street improvements being accepted into and becoming a part of the City maintained street system, by the undersigned City Engineer on behalf of the City of Moreno Valley, pursuant to authority conferred by Resolution No. 94-5 of the City Council of Moreno Valley, adopted on January 25, 1994, and the grantee consented to recordation thereof.

Date: _____

By: _____
Chris A. Vogt, P.E.
Public Works Director/City Engineer
City of Moreno Valley

STATE OF CALIFORNIA)
County of _____)ss.
On _____ before me, _____, a Notary Public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the
State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

PARCEL A

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF NAN AVENUE AS SHOWN BY MAP OF TRACT NO. 15433-2, ON FILE IN BOOK 151 OF MAPS, PAGES 67 THROUGH 70, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 42.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

PARCEL B

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF COBRA DRIVE AS SHOWN BY MAP OF TRACT NO. 15433, ON FILE IN BOOK 151 OF MAPS, PAGES 71 THROUGH 75, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 47.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE DIRECTION OF:

5-3-11

MARISSA CROWTHER, PLS 6152
SB&O, INC.
41689 ENTERPRISE CIRCLE NORTH, SUITE 126
TEMECULA, CA. 92590

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

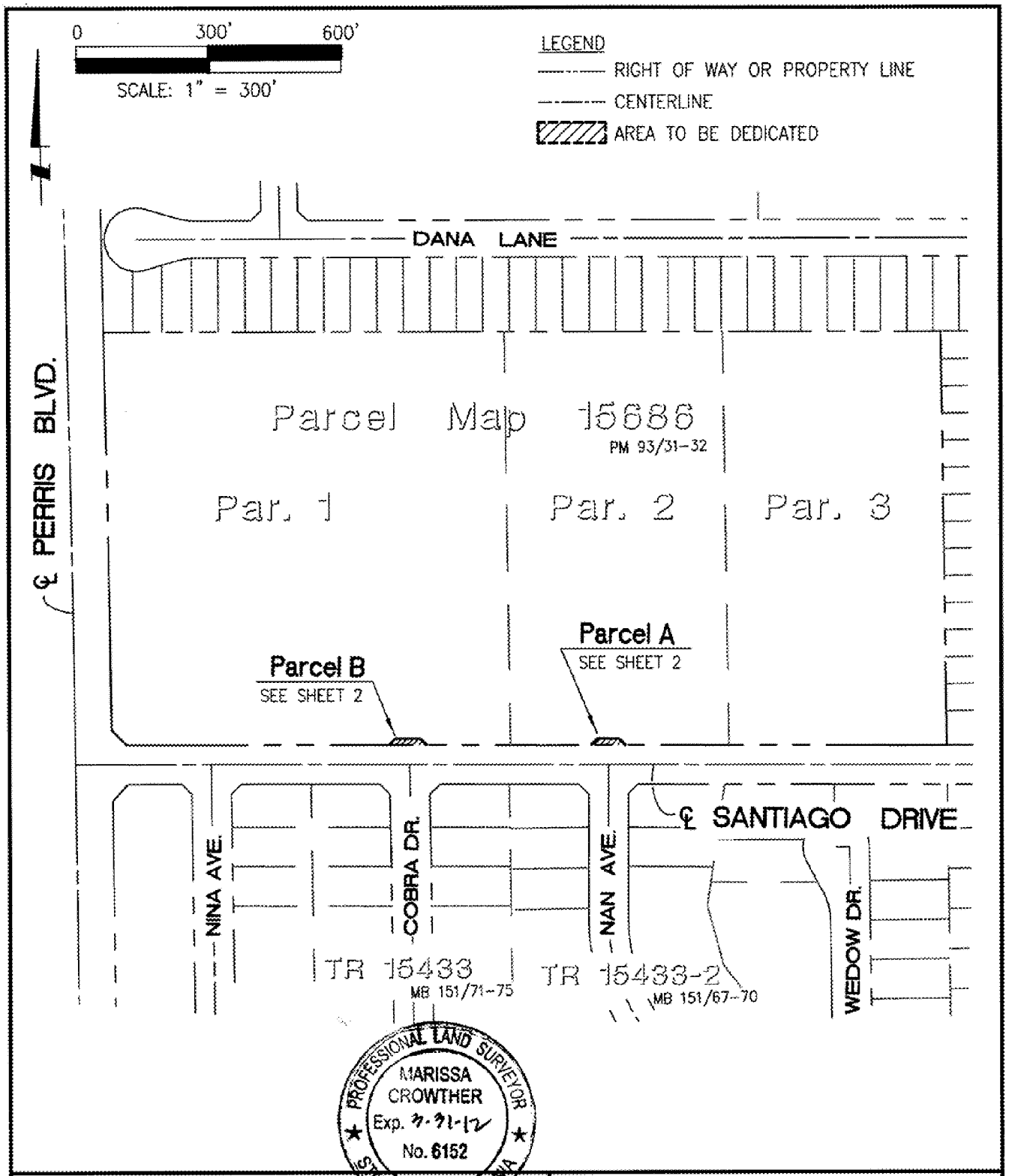

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

PREPARED UNDER THE DIRECTION OF:
S.B. & O., INC.
41689 ENTERPRISE CIRCLE NORTH
TEMECULA, CA 92590

MARISSA CROWTHER, PLS 6152 (EXP 3-31-12)

5-3-11
DATE

CITY OF MORENO VALLEY
CORPORATE YARD DRIVEWAY EASEMENTS

APRIL 2011	EXHIBIT "B"
SB&O, INC. JN 68251	SHEET 1 OF 2

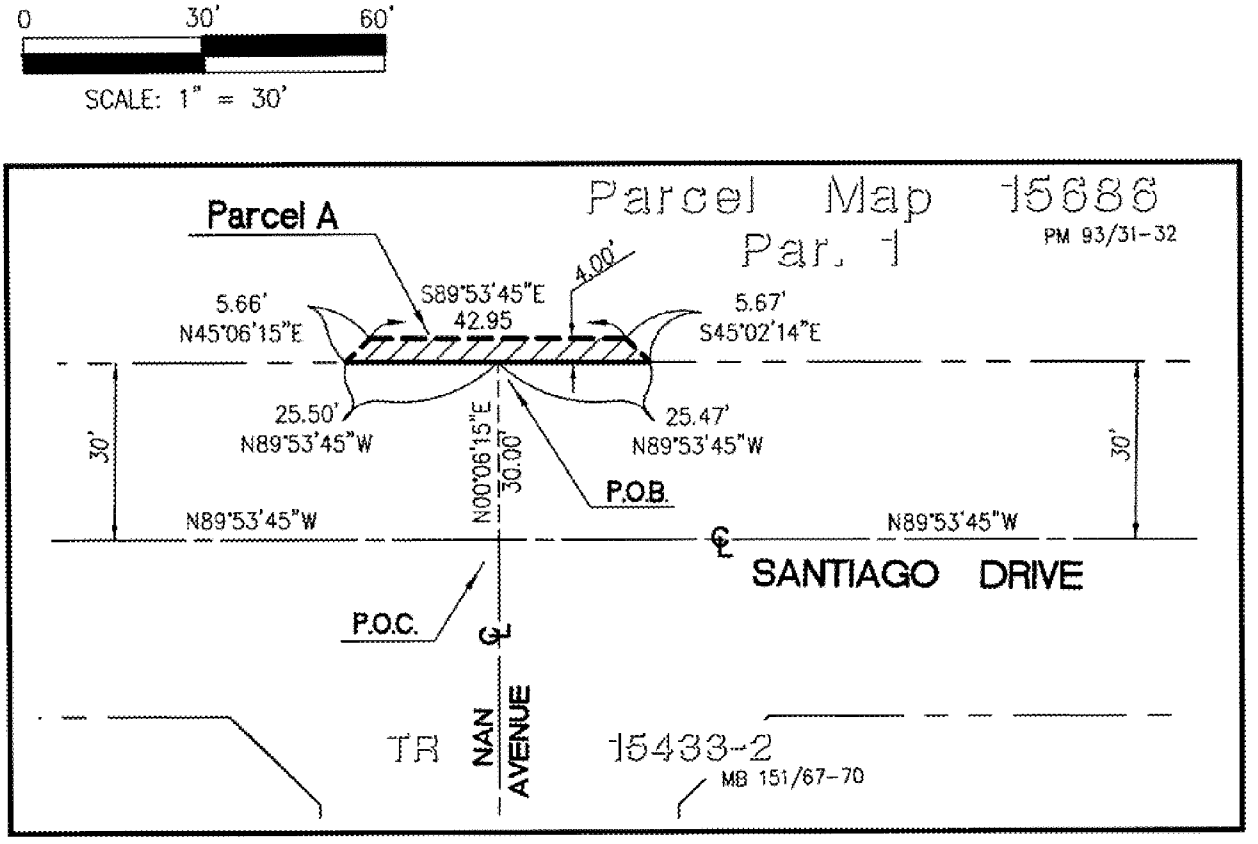

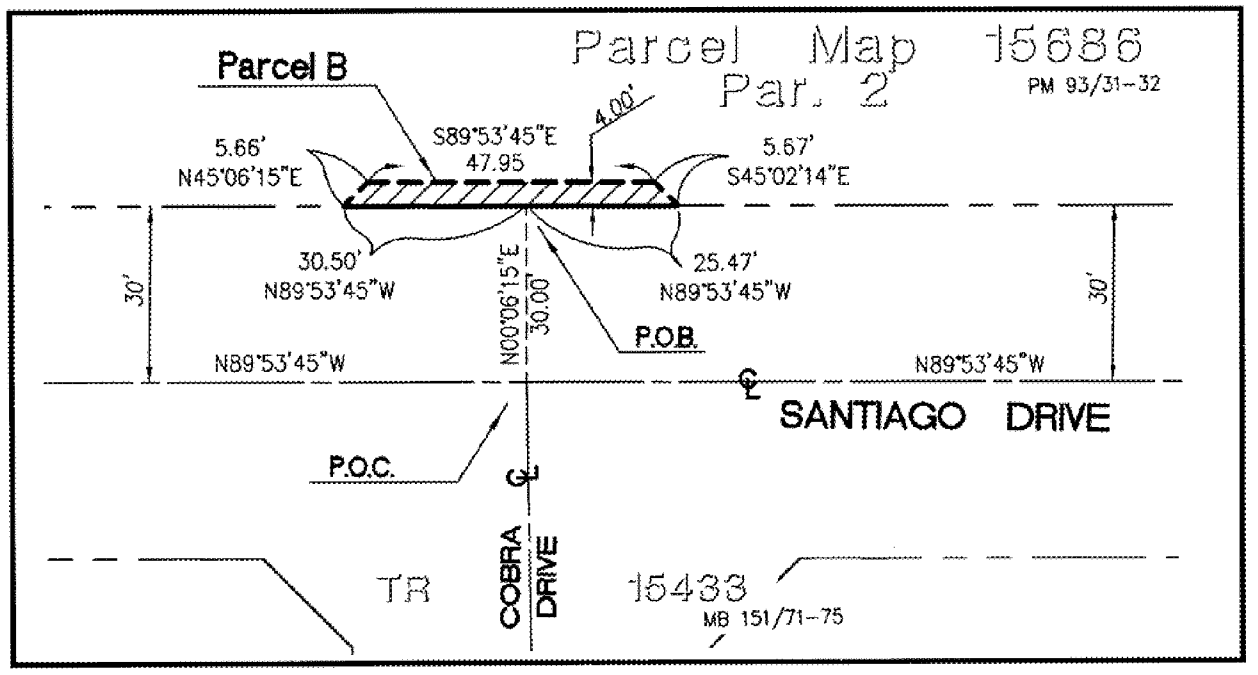

NOTES:

1. BEARINGS ARE BASED ON PARCEL MAP 15686.
2. P.O.C. INDICATES POINT OF COMMENCEMENT.
3. P.O.B. INDICATES POINT OF BEGINNING.

LEGEND

RIGHT OF WAY OR PROPERTY LINE

CENTERLINE

AREA TO BE DEDICATED

EXHIBIT "B"

SHEET 2 OF 2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Street improvements. The Conditions of Approval for this project required that the developer provide surety for street improvements. The security amount for the Eucalyptus Street improvements is Two Million Seven Hundred Seventy-Eight Thousand dollars ($2,778,000.00). The limits of the Eucalyptus Street improvements are within Eucalyptus Street between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: 6-inch thick asphalt concrete over 12-inch thick aggregate base, 8-inch curb and gutter, 6-inch AC curb commercial driveway approaches, sidewalk, street lights, street medians, median drains and landscaping, local depressions, pipe, gates, interconnect conduit, pull boxies, and signing/striping. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a punch list was generated. The required corrective actions have been completed and the improvements are now eligible for acceptance into the City's maintained street system.

On May 3, 2011, the Eucalyptus Street improvements received a 60% reduction. The amount reduced was One Million Six Hundred Sixty-Six Thousand Eight Hundred Dollars ($1,666,800.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved

plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with the Streets and Highway Code.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept the improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Eight Hundred Thirty-Three Thousand Four Hundred dollars ($833,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when

all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112646

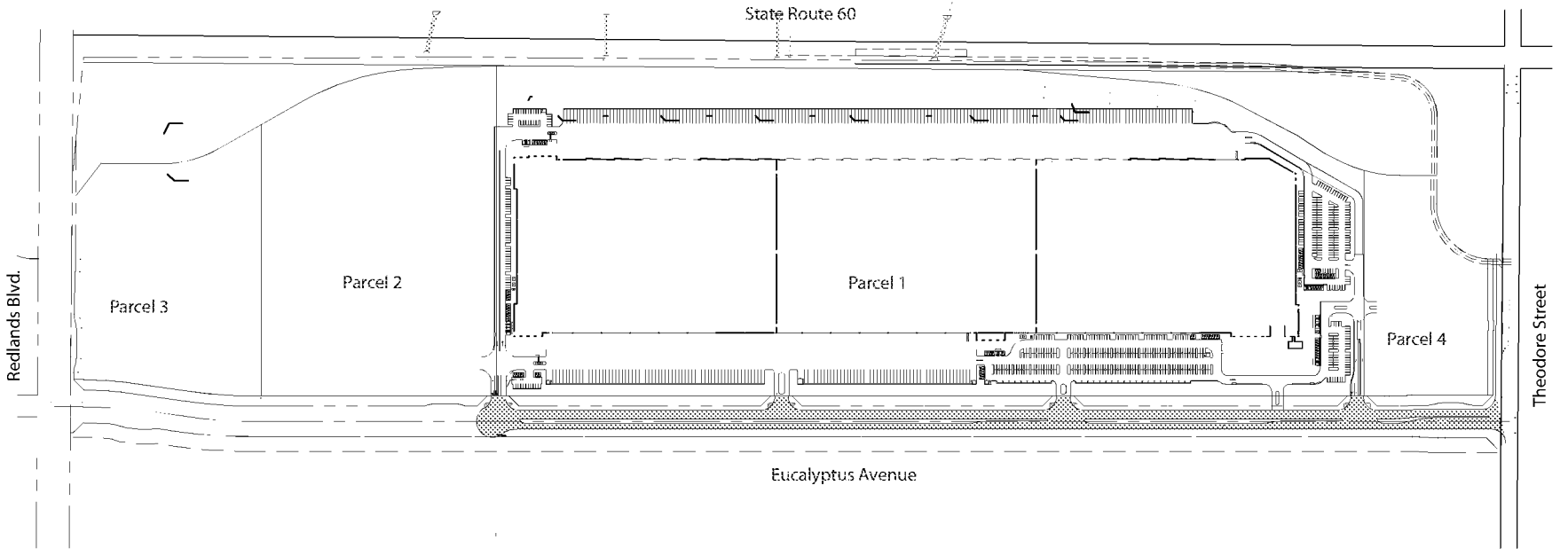

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Phase 1 Street Improvements | Vicinity Map

MV00112647

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MV00112648

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Street Improvements

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Notify Land Development for inspection request.	
2	A/C Cap Pave	
3	Install Signs/Striping as shown on sheets 11 -12, Eucalyptus St. Imp. Plans	
4	Complete Median Island Pavers Irrigation, Landscape	
5	Complete Irrigation, Landscape N/S Eucalyptus, Install pedestals	
6	Install City-Wide Communication Conduits, Construction Note #16, Eucalyptus S/I plan city std. 421 (Furnish & Install 6 pair No. 19 Interconnect Cable in one conduit (Black Conduit)	
7	Install Monumentation city std.# 601a, b, c, d & e.	
8	Complete swale @ S/S Eucalyptus shoulder.	
9	Submit As-builts	
10	Clearance from Planning Divisions	

Exhibit "B"

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\7-12-11- PA07-0090 - Eucalyptus St 90% Reduction Exhibit C.doc

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MV00112650

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Water improvements is One Million Fifty Thousand dollars ($1,050,000.00). The limits of the Eucalyptus Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but is not limited to, the following: approximately 5,100 feet of 18-inch water main line, approximately 400 feet of 12-inch water laterals, twelve (12) fire hydrant assemblies, three (3) 4-inch service connections, three (3) 2-inch service connections, approximately 5,100 feet of telemetry (communication) cable, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, valves, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Water improvements received an 80% reduction. The amount reduced was Eight Hundred Forty Thousand dollars ($840,000.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is One Thousand Five Hundred dollars ($105,000.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112656

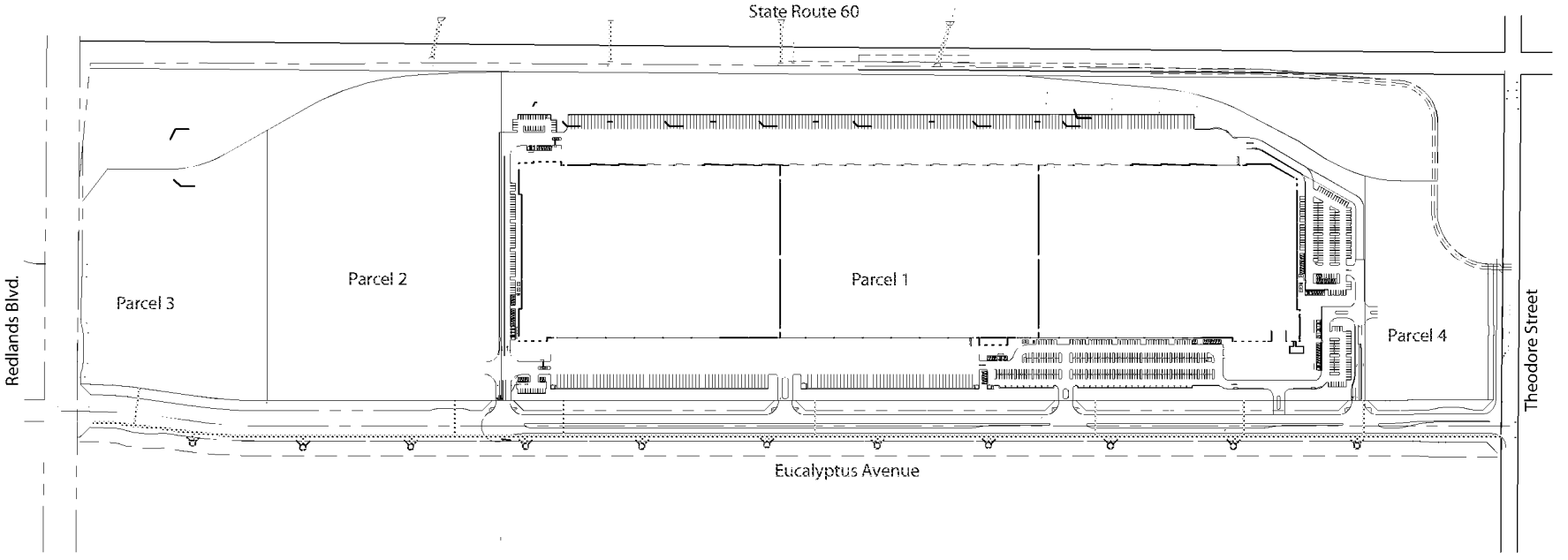

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Water Phase 1 Improvements | Vicinity Map

MV00112657

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MV00112658

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-15-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD Clearance Letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00112660

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Recycled Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Recycled Water improvements is Four Hundred Thirty-Four Thousand dollars ($434,000.00). The limits of the Eucalyptus Recycled Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 5,100 feet of twelve (12) inch purple water main line, six (6) 2-inch service connections, one (1) 4-inch service connection, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Recycled Water improvements received an 80% reduction. The amount reduced was Three Hundred Forty-Seven Thousand Two Hundred dollars ($347,200.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Recycled Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Three Thousand Four Hundred dollars ($43,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. D not authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required*

improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112666

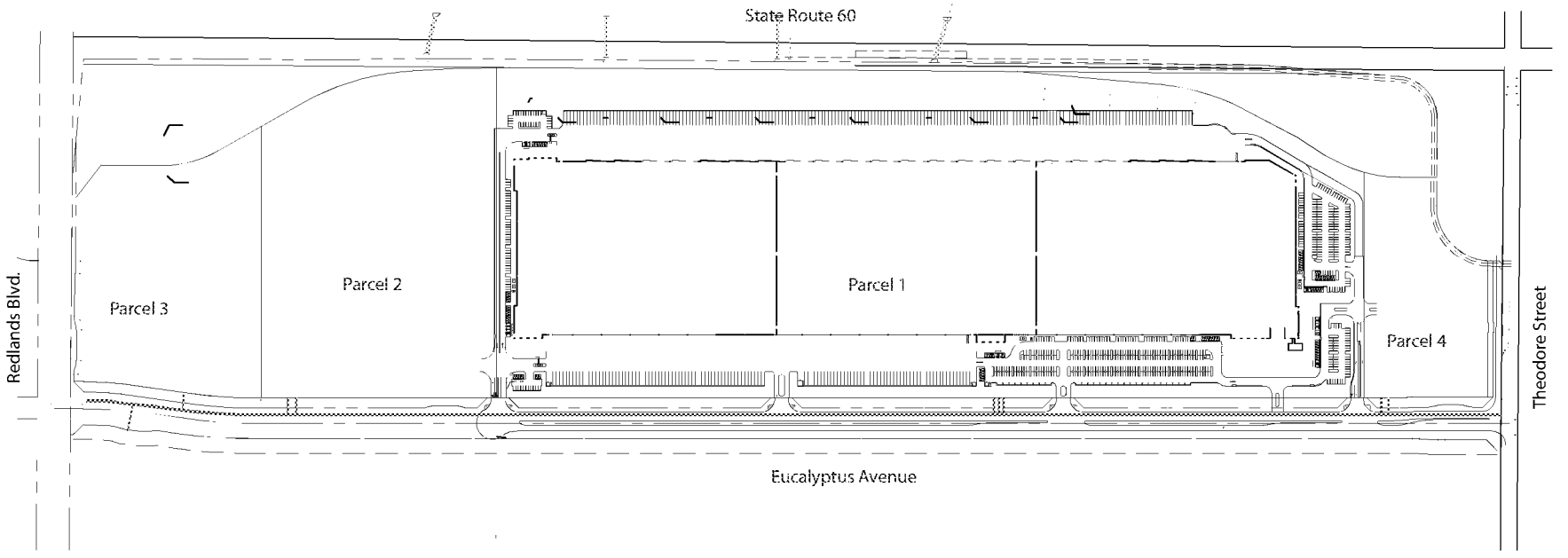

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Recycled Water Phase 1 Improvements | Vicinity Map

MV00112667

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MV00112668

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Recycled Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00112670

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Sewer improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Sewer improvements is Four Hundred Sixty-Seven Thousand dollars ($467,000.00). The limits of the Eucalyptus Sewer improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 1,500 feet of fifteen (15) inch sewer main line, approximately 2,400 feet of twelve (12) inch sewer main line, approximately 650 feet of eight (8) inch sewer main, approximately 150 feet of six (6) inch sewer laterals, and installation of 14 manholes and 2 cleanouts along the sewer line. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Sewer improvements received an 80% reduction. The amount reduced was Three Hundred Seventy-Three Thousand Six Hundred dollars ($373,600.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Sewer improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Six Thousand Seven Hundred dollars ($46,700.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the Public Works Director/City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112676

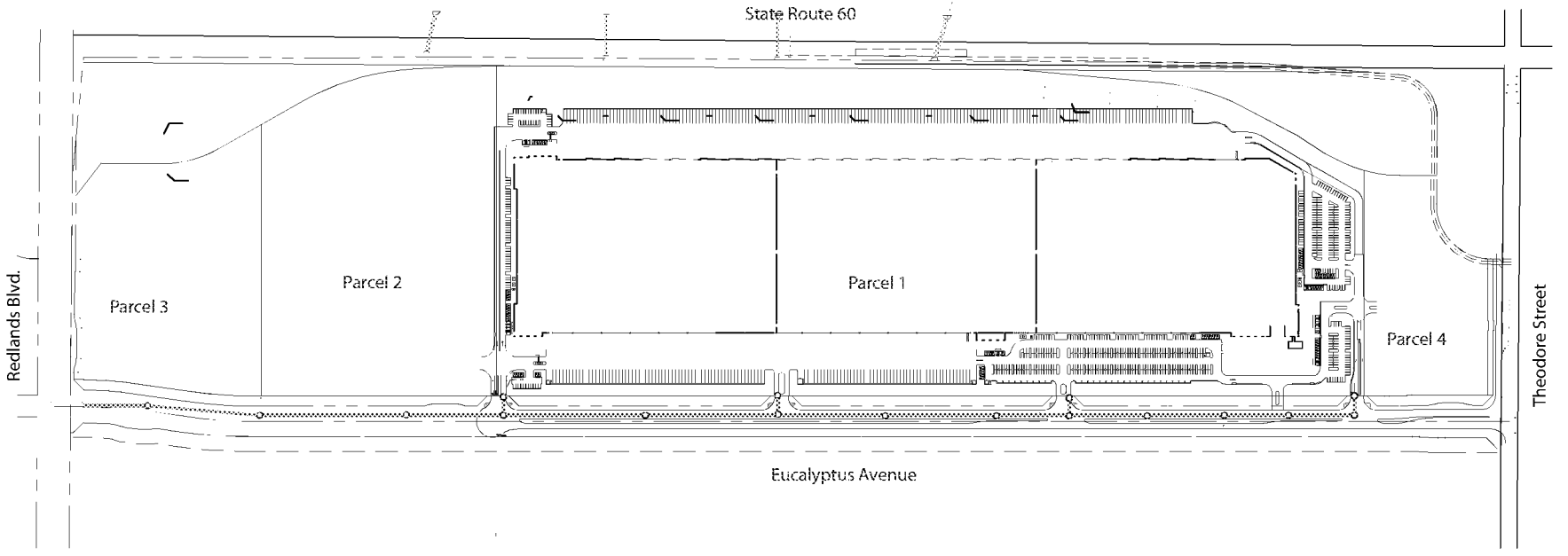

Exhibit "A"

PA07-0090 HFCP-Eucalyptus Sewer Phase 1 Improvements Vicinity Map

MV00112677

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MV00112678

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Sewer

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00112680

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or

liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On June 8, 2010, the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Line F Storm Drain improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Line F Storm Drain improvements is Six Million Eight Hundred Thirteen Thousand Five Hundred Ninety-Five dollars ($6,813,595.00).

On July 13, 2010, the City Council of the City of Moreno Valley approved the substitution agreement and replacement bonds for the Line F Storm Drain improvements.

The limits of the Line F Storm Drain improvements are within Route 60 to the north, Redlands Boulevard to the west, Eucalyptus Avenue to the south and Theodore Street to the east. The public improvements included, but is not limited to, the following: 2,600 feet of 24-inch RCP, 200 feet of 30-inch Reinforced Concrete Pipe (RCP), 1,900 feet of 36 -inch RCP, 1,500 feet of 42 -inch RCP, 650 feet of 48-inch RCP, 1050 feet of 10-ft by 8-ft Reinforced Concrete Box (RCB), 1,600 feet of 12-ft by 8-ft RCB, pipe inlets/outlets, wing walls, head walls, catch basins, local depressions, manholes, junction structures, transition structures, concrete bulkheads, trash racks, rip rap, fencing and gates. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Punch List was generated.

On March 3, 2011, the Line F Storm Drain improvements received a 90% reduction. The amount reduced was Six Million One Hundred Thirty-Two Thousand Two Hundred Thirty-Six dollars ($6,132,236.00).

DISCUSSION

Contingent upon receiving the acceptance letter from Riverside County Flood Control and Water Conservation District (District), City Staff will perform a final inspection to ensure that the improvements are in accordance with the approved plans and the standards of the City of Moreno Valley and District.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the Line F Storm Drain improvements as complete once the proper clearances are provided by the District. A portion of said improvements will be maintained by the District.

In accordance with the Cooperative Agreement approved by the City Council on August 24, 2010 and the storm drain plans approved by the City Engineer on June 14, 2010, the public storm drain improvements being accepted into the City Maintained system are as follows: a portion of Line D, Line G, Laterals F-2-A, F-8-A through F-8-K, F-8-M, F-8-N, F-8-P, F-9, F-9-A through F-9-D, and related appurtenances such as catch basins, inlets, outlets, headwalls, wingwalls, and rip-rap.

Ninety days after the City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley and District Standards*

and it is appropriate to accept the improvements once proper clearances are received.

2. Do not ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Do not authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Do not authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to enter said improvements into the 12 month warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all final approvals are received. *The required improvements have been completed according to City of Moreno Valley and District Standards and it is appropriate to accept the improvements once proper clearances are received.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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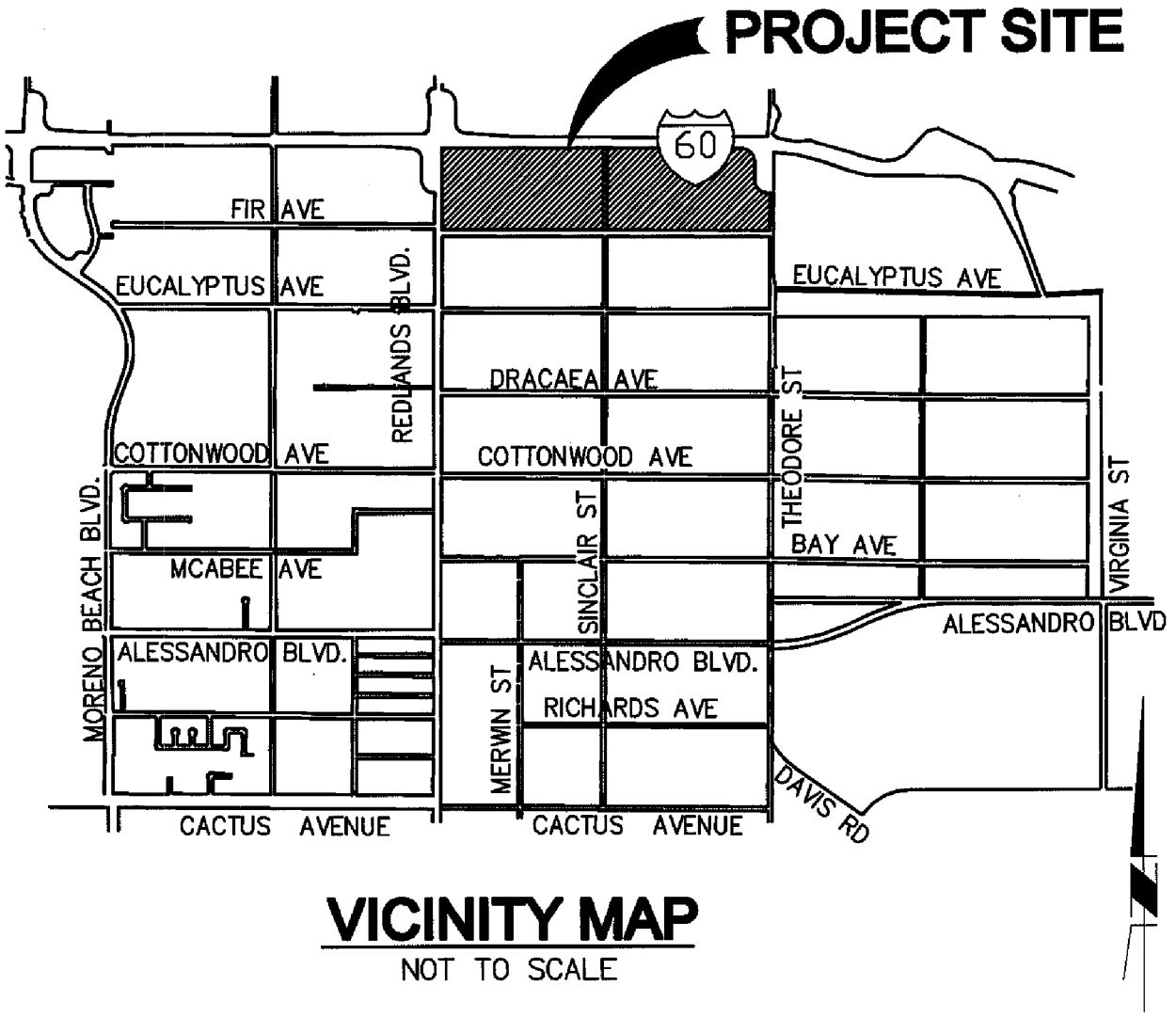

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **LOCATION MAP**

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MV00112688

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00112690

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00112692

SEE AGENDA ITEM A.4

C3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.4) (**Report of: Public Works Department)

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MV00112694

SEE AGENDA ITEM A.11

C4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION **(ALSO LISTED AS AGENDA ITEM A.11)** (Report of: Public Works Department

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MV00112696

SEE AGENDA ITEM A.13

C5. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.13)** (Report of: Public Works Department)

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MV00112698

SEE AGENDA ITEM A.15

C6. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM **(ALSO LISTED AS AGENDA ITEM A.15)** (Report of: Public Works Department)

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MV00112700

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the Community Redevelopment Agency (RDA):

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

BACKGROUND

On April 28, 2009, City Council authorized VA Consulting, Inc. (VA Consulting) to proceed with the final Auto Mall design plans and specifications. On July 13, 2010, City Council authorized the City Manager to execute a Project Specific Agreement and assign said Project Specific Agreement to the Community Redevelopment Agency. At this same meeting, the Community Redevelopment Agency approved an increase to Purchase Order No. 37386 for $50,000.

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The pylon sign installation was completed on June 20, 2011.

Street improvement enhancements and revitalization are integral elements of the final Automall plans. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their Project Specific Agreement that expires May 1, 2012. Staff is recommending the First Amendment to the Project Agreement in order to increase the Project Specific Agreement amount by $25,000. The additional monies provide for 1) Finalization of the street improvement plans and specifications to reflect the construction scope of work based on available construction funds after the completion of the pylon sign, 2) bid support services during the advertising of the project for construction, and 3) design support services during the construction of the street improvements.

ALTERNATIVES

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725). *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and do not authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services bid design support services, and construction support services (Account No.

897.91725). *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Street Improvements is included in Fiscal Year 2011/2012 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities. There is no impact on the General Fund.

Fiscal Year 2010/2011 Budget (Account No. 897.91725)	$1,512,000
Pylon Sign Construction Related Costs	$786,000
Construction Related Savings	$726,000

AVAILABLE FUNDS:

Fiscal Year 2011/2012 Budget (Account No. 897.91725)	$726,000
Estimated Additional Design Related Services	$25,000
Remaining Available Balance for Construction of Street Improvements	$701,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the Community Redevelopment Agency authorize the First Amendment to the Project Specific Agreement and furthermore authorize an increase to Purchase Order No. 37386 with VA Consulting in the amount of $25,000 for additional design services, bid design support services, and construction support services.

ATTACHMENTS

Attachment "A" – First Amendment to Project Specific Agreement

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\CC Reports\Street Improvements\VA Consultant Award Aggreement CC\1st Amendment 7-12-2011\Increase PO - Design 7-2011.doc

FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES MORENO VALLEY AUTO MALL STREET IMPROVEMENTS PROJECT NO. 08-89791725

This First Amendment to Project Specific Agreement is by and between the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, hereinafter referred to as "RDA," and VA Consulting, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Specific Agreement is made and entered into effective on the date the RDA signs this First Amendment.

RECITALS:

Whereas, the City of Moreno Valley and Consultant entered into an Agreement entitled "PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Project Agreement," dated November 1, 2010.

Whereas, the City assigned its interest in said Agreement to RDA on November 1, 2010.

Whereas, the Consultant is providing consultant engineering services for the Moreno Valley Auto Mall Street Improvement project.

Whereas, it is desirable to amend the Project Specific Agreement to expand the scope of services as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The On-Call Agreement termination date of May 1, 2012 is not extended by this Amendment to the Project Agreement.

1.2 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “A” -- First Amendment, entitled “Terms of Payment”.

1.4 The RDA agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $25,000.00 as set forth in the above-referenced Terms of Payment, in

consideration of the Consultant's performance of the work set forth in Exhibit "A" - First Amendment.

1.5 The total "Not to Exceed" fee for this Agreement is $64,960.00 ($39,960.00 for the original Agreement plus $25,000.00 for the First Amendment to Project Specific Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 08-89791725

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this First Amendment to Project Agreement.

Community Redevelopment Agency

BY:_____
Executive Director

DATE:_____

VA Consulting, Inc.

BY:_____

TITLE:_____
(President or Vice President)

BY:_____

TITLE:_____
(Corporate Secretary)

RECOMMENDED FOR APPROVAL:

BY:_____
Chris A. Vogt, P.E.
Public Works Director/City Engineer

DATE:_____

APPROVED AS TO LEGAL FORM:

_____
General Counsel of the Community Redevelopment Agency of the City of Moreno Valley

DATE:_____

Attachment: Exhibit "A" – First Amendment (Terms of Payment)
Exhibit "B" – First Amendment (Assignment of Project Agreement)
Exhibit "C" – First Amendment (Project Agreement)

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\Design Phase\Consultant -\Agreement\VA Consulting\Project Specific Agreement\Agmt A Street Improvements - $39K\1st Amendment\First Amendment to Project Agreement 7-2011.DOC

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MV00112708

TERMS OF PAYMENT

1. This First Amendment to Agreement shall have a Not-to-Exceed Fee of $25,000 for the First Amendment to the Project Specific Agreement.

2. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work for the Street Improvements covered by this Proposal including:

    a. Finalize Plans and Specifications to reflect Construction Scope of Work Based on Available Construction Funds.

    b. Bid Support Services During Construction Bid Advertisement

    c. Design Support Services During Construction

3. Work can only commence after this First Amendment to the Agreement has been executed and the City issues a notice to proceed.

4. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.

5. Sub-categorization of tasks is permitted to better define the task for payment.

6. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."

7. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.

8. The City will pay the Consultant for all acceptable services rendered in accordance with the "Project Specific Agreement" and this First Amendment.

9. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Project Specific Agreement," or this First Amendment an "Amendment to the Agreement" will be executed between the City and Consultant.

10. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.

EXHIBIT "A"

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MV00112710

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00112712

Beazer Homes

June 15, 2011

John Terell, Planning Director
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Tract 36340 – Rockcliffe City Council Continuance

Dear Mr. Terell:

Beazer Homes would like to request a continuance from the July 12th City Council meeting regarding our proposed Development Agreement for Tract 36340. Beazer is looking to revisit some of the items within this agreement with the City of Moreno Valley. Beazer would like to be scheduled on the October 11th City Council meeting

Thank you for your time and efforts regarding this project. We look forward to working with the City of Moreno Valley. Should you have any questions, please do not hesitate to contact me at (714) 720-6304.

Sincerely,

Bryan Bergeron
Development Manager
Beazer Homes Southern California Division

Orange County Office

1800 E. Imperial Highway, Suite 200
Brea, CA 92821

O: 714-672-7000
F: 714-285-2925

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MV00112714

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011 (Continued from May 24, 2011)

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 2011- ___, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Town Center and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be

limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice

2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map
4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

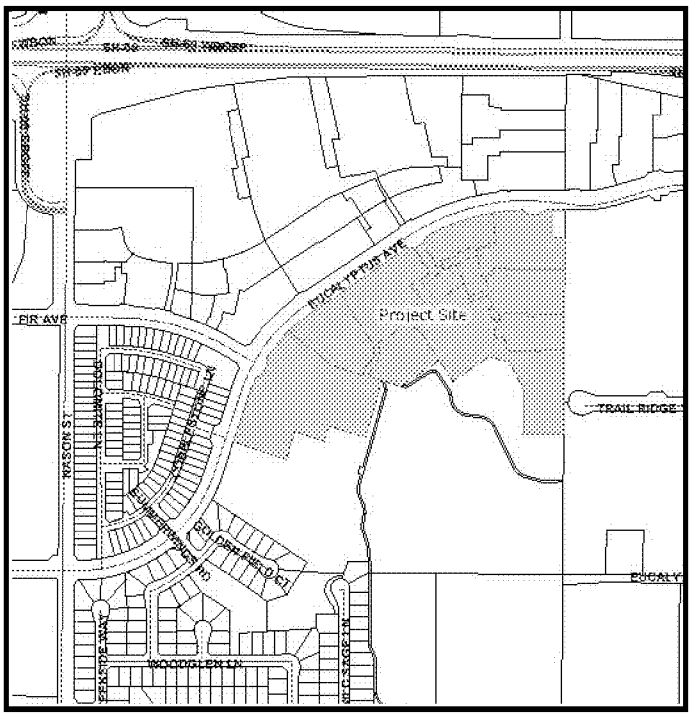

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

Item No. E.1

MV00112719

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MV00112720

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

ATTACHMENT 2

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00112726

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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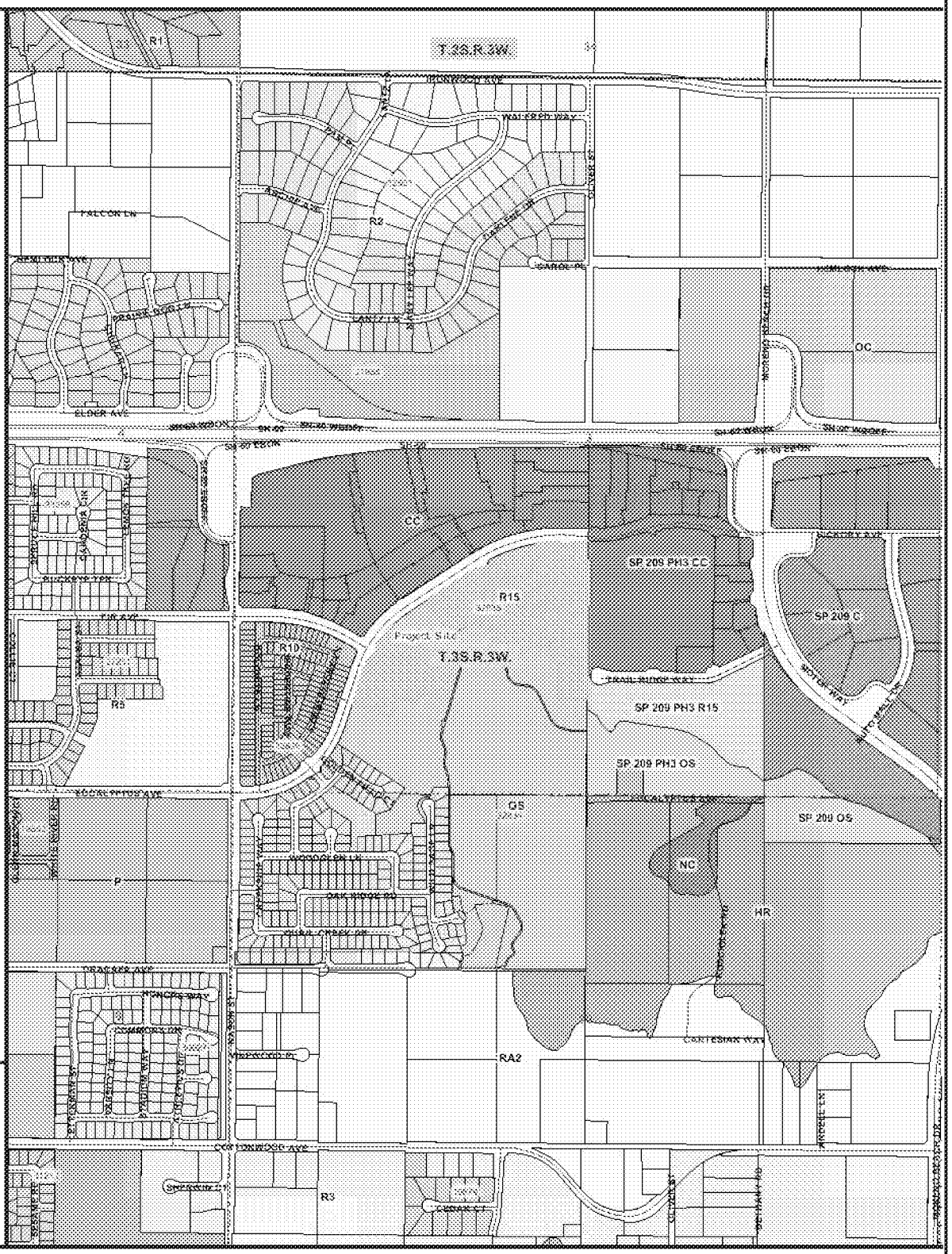

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

MV00112761

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MV00112762

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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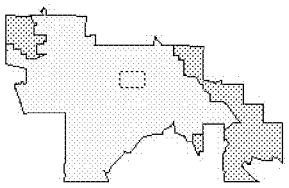

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

MV00112763

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MV00112764

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as "Nature Park" on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will [illegible] individual lots with detached single-family homes, common open space [illegible] private access roads. The [illegible]non open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

Other Design Considerations

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees [illegible] te streets and allow continual break-up of the project massing. In addition, [illegible] will be clustered in strategic [illegible]ons such as on corner lots, adjacent to

guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be r[illegible]d by 50% from the Current Fe[illegible]

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets [illegible]nt standards as allowed [illegible]r Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Ac[illegible] guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. ation building floor and eleva

Item No. E.1

(provided in reduced format in Exhibit 6).

6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

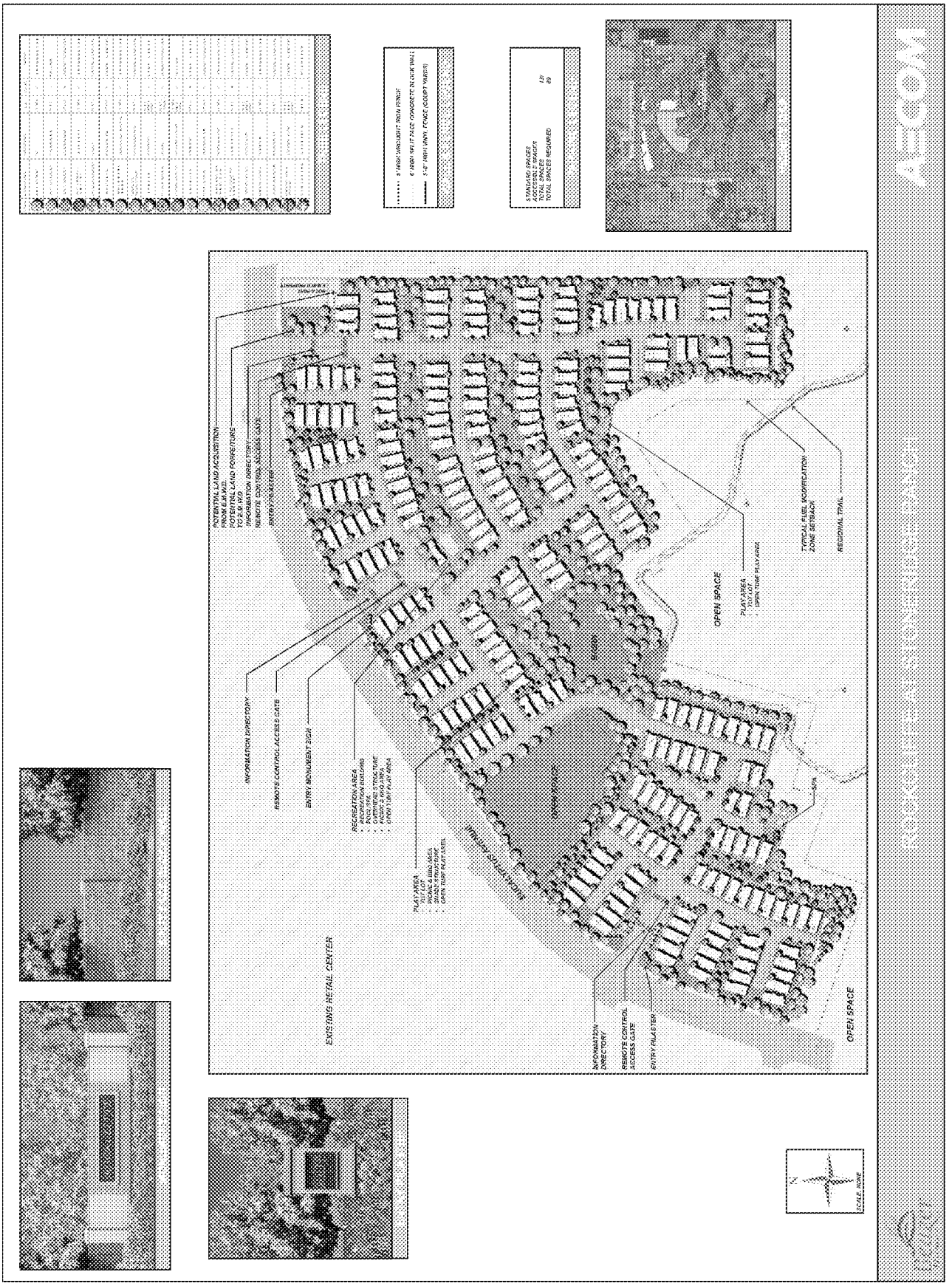

ATTACHMENT 7

Item No. E.1

MV00112785

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

ROCKCLIFF AT STONERIDGE RANCH

AECOM

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MV00112788

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the City Council, after conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;
   b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

   a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 has Conditions of Approval that require them to provide a funding source to help support the Stormwater Management program and the CSD Zone M program. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charges for the CSD Zone M program. The property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 28, 2011 and the Public Hearing on July 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies

are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to pruning, trimming, fertilizing, replacing plant material(s) as necessary, litter removal, maintenance of the irrigation systems, weed control, payment of the water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charges are levied on the property tax bill.

The CSD Zone M annual charges for APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 were estimated based on the proposed Perris Blvd. median adjacent to the parcels. Upon future development, parcels adjacent to the proposed median shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charges for balloting APNs shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceeding for First Industrial, receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M annual charges for First Industrial. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results of the mail ballot proceeding for First Industrial. *This alternative would be contrary to Proposition 218 mandates and may not allow the property owners to comply with their conditions of approval.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charges for First Industrial are as follows:

Property Owner	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
First Industrial		
APN 316-200-003 (and any division thereof)	$205	$494.31
APN 316-200-009 (and any division thereof)	205	492.14
APN 316-200-010 (and any division thereof)	205	516.09
APN 316-200-011 (and any division thereof)	205	489.96
APN 316-200-012 (and any division thereof)	205	2,184.13
APN 316-200-013 (and any division thereof)	205	520.44
APN 316-200-014 (and any division thereof)	205	520.44
APN 316-200-018 (and any division thereof)	205	1040.89
APN 316-200-028 (and any division thereof)	205	435.52
APN 316-200-029 (and any division thereof)	205	1,796.51

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Stormwater Management program.

There is no impact in the General Fund for the ongoing maintenance of the proposed median on Perris Blvd, north of Nandina Ave. The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for First Industrial.

NOTIFICATION

On May 17, 2011, a ballot packet was mailed to the owner of each parcel associated with Tentative Parcel Map 35859. The packets included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the June 28, 2011, Public Meeting and July 12, 2011, Public Hearing was published in The Press-Enterprise on June 9, 2011. Additionally, the Public Hearing notification was published on June 23 and again on June 30, 2011.

ATTACHMENT

Attachment 1: First Industrial sample mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112794

TEL: 951.413.3480
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MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

First Industrial
c/o First Industrial Realty Trust
Jeff Evans, Operations Director
898 N. Sepulveda Blvd., Suite 750
El Segundo, CA 90245

May 17, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charges for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 are subdivided. If APNs are merged then the annual charges for those APNs shall be combined. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M annual charge for FY 2010/11 for the proposed Perris Blvd. median is $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy

amount will be assessed to APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, July 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a simple majority (50%+1) of the ballots are marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if a simple majority of the returned valid weighted ballots approve the annual charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If there is a tie or if a majority of the returned valid ballots oppose the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If there is a tie or if a majority of the returned valid weighted ballots oppose the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bills and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, July 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for ASSESSOR PARCEL NUMBERS (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

Moreno Valley Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof), **I approve** the annual CSD Zone M charges for FY 2010/11 for the proposed Perris Blvd. median of $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. Beginning FY 2011/12, the annual CSD Zone M charges shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amounts shall be assessed on the Riverside County property tax bills as planning of the Perris Blvd median occurs. The CSD Zone M charges shall be proportionally adjusted if said APNs are subdivided. If parcels are merged then the annual charges for those parcels shall be combined.

NO** — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the CSD Zone M annual parcel charges. I understand that not incorporating said APNs into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charges shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge*
316-200-003 (and any division thereof)	☐	☐	$494.31
316-200-011 (and any division thereof)	☐	☐	$489.96
316-200-028 (and any division thereof)	☐	☐	$435.52
316-200-029 (and any division thereof)	☐	☐	$1,796.51

*The weighted value for each APN is equal to its proposed annual charge. The total proposed charge for TPM 35859 is $8,490.43.

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for Assessor Parcel Numbers (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
316-200-003 (and any division thereof)	☐	☐	$205 per parcel
316-200-011 (and any division thereof)	☐	☐	$205 per parcel
316-200-028 (and any division thereof)	☐	☐	$205 per parcel
316-200-029 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

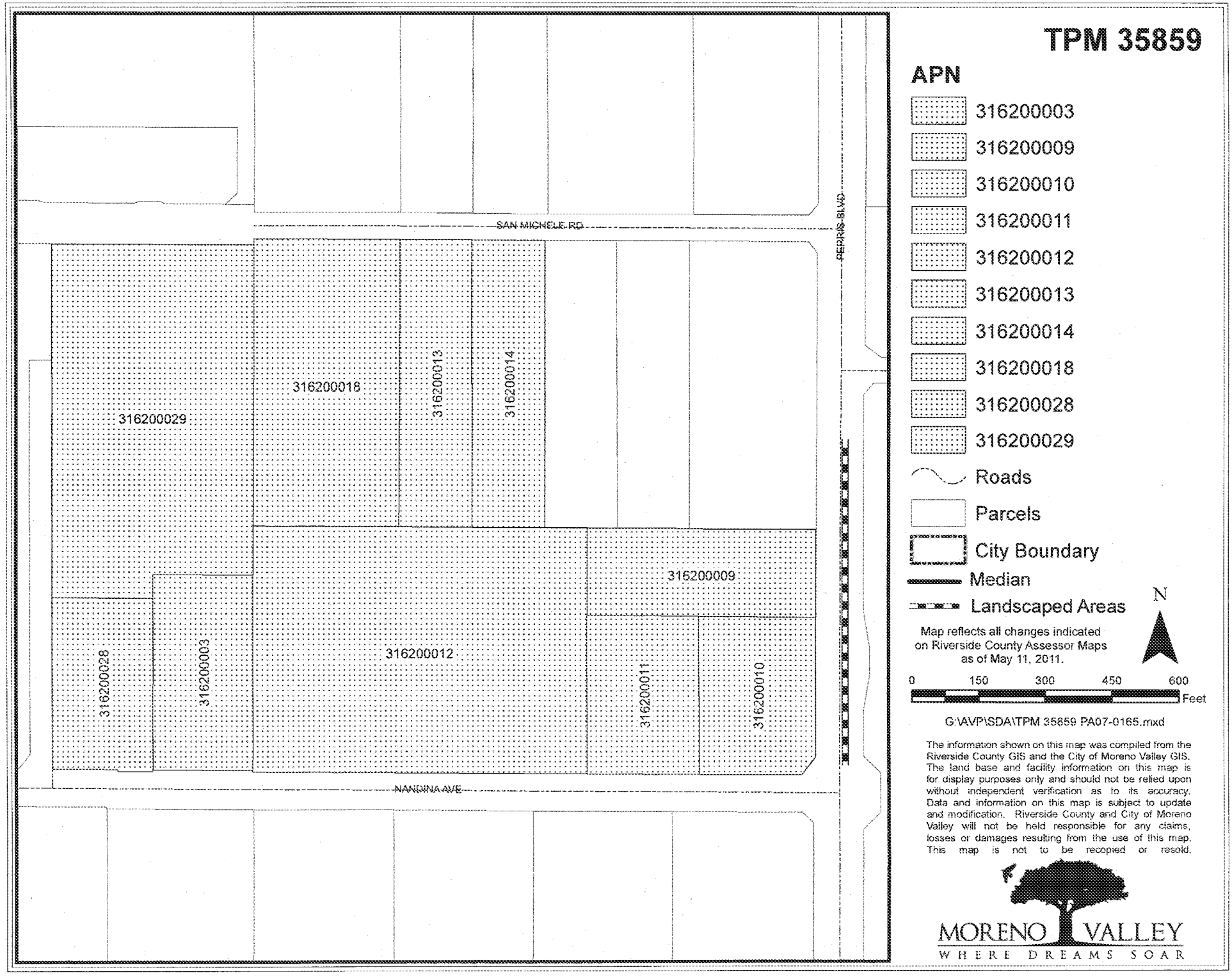
TPM 35859
APN
316200003
316200009
316200010
316200011
316200012
316200013
316200014
316200018
316200028
316200029
Roads
Parcels
City Boundary
Median
Landscaped Areas
N
Map reflects all changes indicated on Riverside County Assessor Maps as of May 11, 2011.
0 150 300 450 600 Feet
G:\AVP\SDA\TPM 35859 PA07-0165.mxd
The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.
MORENO VALLEY
WHERE DREAMS SOAR
SAN MICHELE RD
PERRIS BLVD
NANDINA AVE
316200029
316200018
316200013
316200014
316200009
316200012
316200028
316200003
316200011
316200010

RIDGE PROPERTY TRUST

201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

June 29, 2011

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Case P08-133, PA08-0098, PA10-0017, PA08-0097, and PA09-0022
Applicant: Ridge Rancho Belago, LLC
Owner: Ridge Rancho Belago, LLC

Dear John,

As you know, on May 12, 2011 the City of Moreno Valley Planning Commission disapproved adoption of Resolution No. 2011-13 recommending to the Moreno Valley City Council the following items:

1. Approval of P08-133 (Approval and Certification of the EIR for the WestRidge Commerce Center project),
2. Approval of PA08-0098 (Zone Change),
3. Approval of PA10-0017 (Municipal Code Amendment),
4. Approval of PA08-0097 (Plot Plan), and
5. Approval of PA09-0022 (Tentative Parcel Map 36207)

On May 18th, Ridge Rancho Belago LLC formally appealed (see the attached letter) the decision of the Moreno Valley Planning Commission to the 5 member Moreno Valley City Council.
Our appeal to the Moreno Valley City Council Members was then scheduled for the July 12, 2011 City Council meeting.
Per this letter, I respectfully request a continuance of our appeal to the City Council meeting scheduled for August 23, 2011.

Thank you for your consideration and please call me if you have any questions.

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Cc: Jeff Bradshaw, City of Moreno Valley
Gil Saenz, Inland Empire Development Services

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t (562) 856-3819 | f (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

RIDGE PROPERTY TRUST

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

- ☐ Administrative Plot Plan
- ☐ Administrative Variance
- ☐ Amended Conditional Use Permit
- ☐ Amended Plot Plan
- ☐ Change of Zone
- ☐ Conditional Use Permit
- ☐ Development Agreement
- ☐ Development Code Amendment
- ☐ Extension of Time
- ☐ General Plan Amendment
- ☐ Plot Plan
- ☐ Pre-Application Review
- ☐ Specific Plan
- ☐ Specific Plan Amendment
- ☐ Tentative Parcel Map
- ☐ Tentative Tract Map
- ☐ Variance
- ☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet east of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Ranch Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: drice@ptrnet.com

Contact Person: Derek Rice

OWNER Name: same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services LLC — Telephone: (951) 845-1003 cell 909-226-0420

Address 931 Monarch Court — Fax No. (951) 845-9225

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson26@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name
Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature — Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature — Date: 5-18-2011

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60605

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈001194⑈ ⑆071000013⑆495693⑈

Item No. E.3

MV00112808

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

1. **ADOPT** City Council Resolution No. 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution.

OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

1. **ADOPT** City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

2. **INTRODUCE** Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

3. **INTRODUCE** Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

4. **ADOPT** City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

5. **ADOPT** City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, on May 12, 2011, denied the proposed Zone Change required to allow the project. The Planning Commission adopted Resolution No. 2011-13 (Attachment 21) on June 9th documenting the denial by a vote of 3-2 with two commissioners absent or abstaining. Individual Planner Commissioners stated concerns with increased truck traffic on Redlands Boulevard, impacts to aesthetics and views from State Route 60, and the lack of a specified tenant for the project.

Appeal

An appeal of the Planning Commission's denial was submitted on May 19, 2011, by the applicant, Ridge Rancho Belago, LLC. The appeal was received within the required 15 day appeal period. The appeal letter has been included as Attachment 22.

The letter listed the following as the reasons for the appeal:

- The project's architecture is consistent with prior approvals for warehouse buildings of similar size;
- Requiring a project to have a signed lease agreement prior to approval of the land use is not a standard practice.
- Redlands Boulevard is currently identified as a truck route in the City's General Plan. The traffic study identified intersection and roadway segments that required mitigation to meet or improve General Plan levels of service requirements and the project has been conditioned to complete/install infrastructure in the immediate vicinity and off-site to mitigate operational impacts to the City's circulation system.

BACKGROUND

West Ridge Commerce Center

The applicant, Ridge Rancho Belago, LLC, submitted five applications for development of the West Ridge Commerce Center Project (Zone Change, Municipal Code Amendment, Plot Plan, Tentative Parcel Map, and Environmental Impact Report), in order to develop a 937,260 square foot warehouse facility on a 55-acre site located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard is presented as a Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was an issue reviewed for the project. Future Eucalyptus Avenue separates the proposed project from residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site.

In order to provide compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone

of 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

The Municipal Code Amendment would add a standard to the Light Industrial zone to require industrial and warehouse structures greater than 50,000 square feet to be separated from any residential district as determined by an air quality and noise impact analysis. The minimum separation distance would be 250 feet between the residential district and the building, truck court or loading area. Attachment 18 provides the proposed Amendment text. The proposed amendment would be effective City-wide.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility on 55 acres. The warehouse facility is a permitted use in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas on the northern and southern elevations and are screened by perimeter concrete tilt-up walls and slopes with a tree row required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide parking lot and setback landscape to include ground cover, shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will include curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, the Draft EIR was prepared by Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the Draft EIR for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required responsible agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. Two letters were received after the end of the review period.

Final Environmental Impact Report

The Draft EIR and Response to Comments constitute the Final EIR. Responses to the comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Final EIR was mailed to all interested parties and responsible agencies on April 28, 2011, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of

potential impacts cannot be reduced to a less than significant level. As identified in the document, these impacts are considered to be significant and unavoidable.

Although certain identified impacts cannot be reduced to less than significant levels, CEQA allows the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs. If the decision making body determines that the benefits of a proposed project outweigh its unavoidable adverse environmental effects, it may adopt a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant and do not require mitigation. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

Typically, the Planning Commission would take public testimony on the EIR and project and forward a recommendation to City Council. However, since the Planning Commission voted 3-2 denying approval of the requested Zone Change, effectively denying the project, no review or recommendation on the EIR was required.

Before the proposed project can be acted upon, the City Council must review the final EIR, receive public testimony and either certify or reject the Final EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

The proposed Municipal Code Amendment is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

DISCUSSION

Planning Commission Public Hearing

Prior to the Planning Commission public hearing on May 12, 2011, staff received three emails from the Sierra Club commenting on the project and the related EIR. An email was also submitted by Paul Claxton, along with letters from the South Coast Air Quality Management Board and Johnson & Sedlack (Attachments 23-28). Copies of the referenced correspondence were provided to the Planning Commission.

A public hearing for the project was conducted on May 12, 2011. Following presentation of the staff report, the applicant spoke and answered Commissioner questions related to building architecture, notification efforts by the applicant, and pre-leasing the building prior to approval of the land use.

There were three speakers at this meeting. Concerns raised by the speakers included increased truck traffic on Redlands Boulevard and Ironwood Avenue, too frequent changes to the General Plan Land Use Element, the City's policy for notification of a public hearing, opposition to the Zone Change request, preservation of the rural east end of City, air quality and Commissioner objectivity.

The Planning Commission asked the applicant whether they would agree to change the architecture or guarantee a tenant or buyer. The applicant indicated that securing a tenant or buyer prior to approval of the project was not a possibility. The applicant was not willing to make changes to the architecture and asserted that the proposed architecture meets current City design criteria. Planning staff stated that the proposed architecture is consistent with both the Municipal Code and prior City warehouse approvals.

Following public testimony, the Planning Commissioners discussed the project, and then voted 3-2 to deny the Zone Change, effectively denying the project based on concerns with the project's design and potential impacts. There was no discussion of the Environmental Impact Report and no recommendation action taken on project's environmental documents.

ALTERNATIVES

1. The City Council could deny the project by adopting the denial resolution included as Attachment 2.

2. The City Council could approve the project by adopting the resolutions and ordinances included as Attachments 3 through 7.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

SUMMARY

This report addresses the appeal of the Planning Commission's May 12, 2011 denial of Zone Change application PA08-0098 to change the zone from Business Park to Light Industrial for a 55 acre site for the West Ridge Commerce Center project. The project also includes applications for Plot Plan PA08-0097 for a 937,260 square foot warehouse facility on 55 acres; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum

separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal. Staff has provided recommended actions that would permit City Council to either uphold the Planning Commission denial or overturn that action and approve the proposed project.

NOTIFICATION

Notice of the appeal of the proposed West Ridge Commerce Center project was provided to all property owners of record within 300' of the properties covered under these applications as well as agencies and interested parties that requested notification of public meetings for this project. The public hearing notice for this project was also posted on the property site and published in the local newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. City Council Denial Resolution No. 2011-76
3. Environmental Impact Report Resolution No. 2011-77, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Ordinance No. 829 - Zone Change
5. Ordinance No. 830 - Municipal Code Amendment
6. Resolution No. 2011-78 - Plot Plan PA08-0097
7. Resolution No. 2011-79 - Tentative Tract Map 36207
8 Planning Commission Staff Report excluding exhibits
9. Planning Commission Minutes from May 12, 2011 meeting
10. Environmental Impact Report
11. Site Plan
12. Elevations
13. Color Rendering
14. Cross Sections – Line of Sight
15. Preliminary Landscape Plan
16. Tentative Parcel Map 36207
17. Aerial Photograph
18. Revisions to Municipal Code Chapter 9.05 Industrial Districts
19. Response to SCAQMD comments
20. Response to Tom Hyatt comments
21. Planning Commission Denial Resolution No. 2011-13
22. Appeal letter from Ridge Rancho Belago, LLC dated 05/19/11
23. Sierra Club email dated 05/05/11
24. Sierra Club email dated 05/09/11
25. Sierra Club email dated 05/11/11
26. Johnson & Sedlack comment letter dated 05/12/11
27. South Coast Air Quality Board comment letter dated 05/12/11
28. Email comments from Paul Claxton date 05/11/11

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00112818

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: P08-133 – Environmental Impact Report
PA08-0098 – Zone Change
PA10-0017 – Municipal Code Amendment
PA08-0097 – Plot Plan
PA09-0022 – Tentative Parcel Map No. 36207

APPLICANT: Ridge Rancho Belago, LLO

OWNER: Ridge Rancho Belago, LLC

REPRESENTATIVE: Inland Empire Development Services

LOCATION: South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard

PROPOSAL: A public hearing regarding an appeal of the Planning Commission's May 12, 2011 denial of a Zone Change (PA08-0098) from Business Park (BP) to Light Industrial (LI) for a 55 acre site for the West Ridge Commerce Center project. The project also includes a Plot Plan (PA08-0097) for a 937,260 square foot warehouse facility; Tentative Parcel Map No. 36207 (PA09-0022) to create a single parcel; and a Municipal Code Amendment to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the project.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

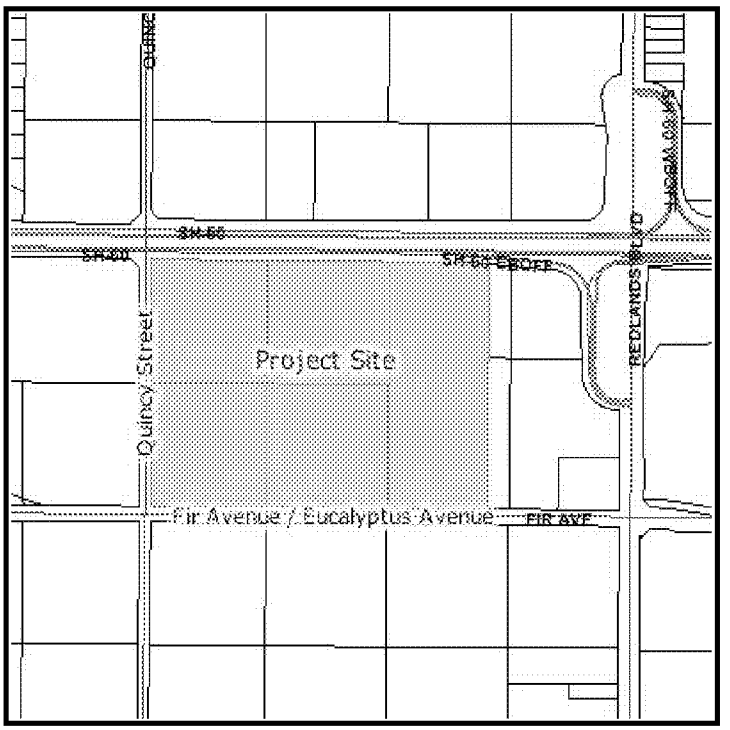

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: July 12, 2011 at 6:30 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

ATTACHMENT 1

Item No. E.3

MV00112819

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MV00112820

RESOLUTION NO. 2011-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on June 9, 2011, the Planning Commission adopted a resolution by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider an appeal of the Planning Commission's denial of the Zone Change application.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the City Council voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor.

The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources. The proposed project includes a 937,260 square foot warehouse industrial building which exceeds the maximum building area of 50,000 square feet permitted by the current zoning designation of Business Park. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

2. The proposed warehouse industrial buildings would increase the amount of heavy truck traffic on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic would be incompatible with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building would be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, DENYING a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00112824

RESOLUTION NO. 2011-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P08-133), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE WEST RIDGE COMMERCE CENTER PROJECT, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF FIR AVENUE/FUTURE ECUALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD.

WHEREAS, on July 12, 2011, the City Council of the City of Moreno Valley held a public hearing to consider the Environmental Impact Report and all related environmental documentation for the proposed project, which includes a Plot Plan for a 937,260 square foot distribution warehouse facility on 55 acres. The warehouse building includes 173 dock doors and provides parking for 307 employees/visitors and 175 trailer parking spaces within the enclosed truck court. The project site is currently zoned Business Park which limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial is required to allow the larger building proposed by the project. Tentative Parcel Map No. 36207 proposes to combine the multiple parcels of the project site into a single parcel This project also requires approval of a Municipal Code amendment to Chapter 9.05 Industrial Districts to require a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. The proposed amendment will be effective citywide;

WHEREAS, the project includes applications for a Change of Zone (PA08-0098), Municipal Code Amendment (PA10-0017), a plot plan (PA08-0097) and a tentative parcel map (PA09-0022). All the applications are related but shall not be approved unless the Environmental Impact Report (P08-133) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on October 22, 2010, while the review period ended on December 6, 2010. A Final EIR, (including the Draft EIR and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on April 28, 2011, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR with complete responses to comments to the State Clearinghouse, local agencies and other interested parties;

ATTACHMENT 3

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider a Final EIR for this project.

WHEREAS on July 12, 2011, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

WHEREAS, the draft and final EIR concerning the proposed West Ridge Commerce Center Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the West Ridge Commerce Center Project, including, but not limited to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use, noise, transportation/traffic, and utilities/service systems;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The City Council certifies that the final Environmental Impact Report (EIR) for the West Ridge Commerce Center Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The City Council hereby adopts the Findings and Statement of Overriding Considerations regarding the final EIR for the West Ridge Commerce Center Project, attached hereto as Exhibit A; and

3. The City Council hereby approves the Mitigation Monitoring Program for the final EIR for the proposed West Ridge Commerce Center Project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the Westridge Commerce Center Project (State Clearinghouse No. 2009101008)

I. INTRODUCTION

The City Council of Moreno Valley (this "Council"), in certifying the EIR for the Westridge Commerce Center Project and approving Tentative Parcel Map 36207 and a Plot Plan authorizing the construction of up to 937,260 square feet of light industrial/distribution warehouse uses (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the City of Moreno Valley. The Project site consists of approximately 54.66 acres of vacant and undeveloped land, located southeasterly of the SR-60 interchange with Redlands Boulevard. Specifically, the Project is bounded by SR-60 to the North, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the

EXHIBIT A

west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east.

Properties to the west of the Westridge Commerce Center Project site, across the Quincy Channel, are currently in agricultural production; however, a development proposal has been submitted to the City for this adjacent site, involving six (6) distribution warehouse facilities totaling approximately 2.25 million square feet on 117 acres, and an EIR is currently being prepared for this project. To the south, across the Fir (future Eucalyptus) Avenue alignment, properties are currently vacant with the exception of one residence located near the southeasterly corner of the Project site. No active development proposals exist for southerly adjacent properties, which have a General Plan Land Use designation of "R2," allowing two dwelling units (DU) per acre. Properties immediately to the east of the Project site are designated for commercial use, though no development proposal is currently on file. Further to the east, across Redlands Boulevard, the Highland Fairview Corporate Park project is currently under construction. At buildout, this Project would involve approximately 2.6 million square feet of warehouse distribution uses and 200,000 square feet of commercial uses on approximately 158 acres located south of SR-60, between Redlands Boulevard and Theodore Street.

2. <u>Project Description</u>

The Project consists of construction and operation of an approximately 937,260 square foot light industrial/distribution warehouse facility, with onsite parking, circulation, and all required infrastructure. The Project site is currently designated for Business Park/Light Industrial uses in the City's General Plan, and its zoning designation is Business Park. The development of the Project requires a change of zone, from Business Park to Light Industrial zoning, to allow for the proposed light industrial/distribution warehouse uses configured in a single structure greater than 50,000 square feet. A Municipal Code text amendment to Section 9.05.020 B is also required by the Project, to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- A zone change from Business Park to Light Industrial;
- Amendment to Municipal Code Section 9.05.020 B [Light Industrial Districts];
- Tentative Parcel Map approval (PM 36207);
- Development Plan Review and Plot Plan approval for the entire Project;
- Construction, grading, and encroachment permit approvals;
- Vacation and/or dedication of public rights-of-way and easements;
- Approval of the Final Water Quality Management Plan (WQMP); and
- Any other City of Moreno Valley approvals that may be necessary pursuant to applicable laws and regulations.

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the NOP/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On October 1, 2009 the City circulated a Notice of Preparation ("NOP") and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On October 28, 2009, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from October 1 to October 30, 2009. Written comments on the NOP were received from 26 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics; agricultural resources; air quality; biological resources; geology and soils (seismic risk); hazardous materials; hydrology/water quality; land use; noise; solid waste generation; traffic and circulation; water supply; alternatives selection; cumulative impacts; growth inducement; and the use of green building standards and solar energy.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information and analysis to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Agricultural Resources; (2) Geology and Soils; (3) Hazards/Hazardous Materials; (4) Mineral Resources; (5) Population/Housing; (6) Public Services; (7) Recreation; and, (8) Utilities and Service Systems.

- On October 21, 2010, the NOA/NOC was filed with the Riverside County Recorder and the State Clearinghouse and the DEIR was circulated for the 45 day public review, which ended December 6, 2010.
- The City received a total of six (6) comment letters from public agencies; five (5) from local business or community organizations; and thirteen (13) from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 3.0 of the FEIR.
- On December 2, 2010, the City held a publicly noticed meeting to provide additional information about the Project and the EIR.
- On April 29, 2011 in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On May 12, 2011, the City Planning Commission conducted a public hearing to consider the Project. After public testimony presented at the hearing, the Planning Commission denied the requested Zone Change for the Project, effectively denying the Project.
- On May 19, 2011, an appeal letter and application were submitted to the City by the applicant, Ridge Rancho Belago, LLC, appealing the Planning Commission's denial of the Project to the City Council.
- On June 30, 2011, Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On July 12, 2011, this Council approved a continuance to August 23, 2011.
- On August 23, 2011, this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding

Considerations, and the further recommendations in the Staff Report, and approved the Project, including the requested change of zone, Municipal Code Amendment, and PM 36207 (collectively the "Approvals").

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of Applied Planning, Inc. ("Applied Planning") to prepare the EIR for the Project. Applied Planning has prepared the EIR under the supervision, direction and review of the City with the assistance of an independent peer review (Willdan Associates). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures

recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 and 5.0 of the DEIR and Section 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 3.0 of the FEIR.

The EIR evaluated nine major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Land Use, Noise, Traffic and Circulation and Water Supply. Both Project-specific and cumulative impacts were evaluated. Of these nine major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. **Land Use**

a. **General Plan Consistency**

Potential Significant Impact: Whether the Project is consistent with applicable provisions of the City's General Plan.

Findings: Potential impacts of the Project related to consistency with the General Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to General Plan consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's General Plan Land Use designation is "Business Park/Light Industrial." The warehouse and distribution uses proposed by the Project are permitted or conditionally permitted by, and therefore are considered to be consistent with, applicable General Plan Land Use Plans and Policies. (DEIR, pg. 4.1-17) Accordingly, impacts associated with General Plan consistency would be less-than-significant and no mitigation is required.

b. **Zoning Consistency**

Potential Significant Impact: Whether the Project would conflict with the applicable zoning.

Findings: Potential impacts of the Project related to consistency with zoning are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to zoning consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's existing zoning designation of Business Park (BP) does not allow for development of distribution warehouse uses within single structures of more than 50,000 square feet, as proposed by the Project. As such, a zone change from BP to Light Industrial (LI) is requested in order to accommodate the Project. The proposed LI zoning designation is consistent with the site's underlying General Plan Land Use designation of Business Park/Light Industrial. In order to ensure compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses, a Municipal Code Amendment is also proposed that would require a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as

required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. (DEIR, pgs. 4.1-20 to 4.1-24) Accordingly, with approval of the Project's requested zone change and Municipal Code Amendment, impacts associated with zoning consistency would be less-than-significant and no mitigation is required.

c. Consistency with SCAG Plans and Policies

Potential Significant Impact: Whether the Project would conflict with any applicable Southern California Association of Governments (SCAG) plan or policy.

Findings: Potential impacts of the Project related to consistency with the applicable SCAG plans and policies are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impacts related to inconsistency with SCAG's regional plans or policies areas will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a SCAG member agency, and is subject to applicable Policies of SCAG's regional plans. The DEIR assessed the Project and found it to be consistent with applicable SCAG Policies on Growth Management, Air Quality, Open Space and Conservation, and Water Quality, Regional Transportation. The Project was also found to be consistent with SCAG's Regional Transportation Plan and Compass Growth Visioning Principles. (DEIR, pgs. 4.1-24 to 4.1-30) Accordingly, any impact associated with SCAG plan or policy consistency would be less-than-significant and no mitigation is required.

d. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with applicable Habitat Conservation Plans or other natural community conservation plans.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan. The Project complies with all applicable provisions of the MSHCP. The Project site is not within an MSHCP Criteria Cell, nor is the site within 1,000 feet of an identified Criteria Cell. No MSHCP conservation areas or habitat linkages occur onsite. (DEIR, pg. 4.1-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required.

Prior to the implementation of the MSHCP, Riverside County adopted a separate HCP for the Stephens' kangaroo rat (SKR, Dipodomys stephensi), which are federally listed as endangered and state listed as threatened. As with the MSHCP, participants of the SKR HCP can incorporate projects into the incidental "take" permit for SKR if the project complies with the requirements of the SKR HCP implementing agreement. Payment of the mitigation fees and compliance with the SKR HCP requirements provides full mitigation under CEQA for impacts to SKR. (DEIR, pg. 4.8-14)

e. Potential to Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the potential division of an established community are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the physical division of an established community will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is located within, and continues the business park/light industrial land uses that exist or are proposed along the City's southerly SR-60 frontage, consistent with land use and development patterns reflected in the Moreno Valley General Plan Land Use Map. Adjacent parcels to the east and south are currently vacant, with the exception of a single family residence to the south of Fir (future Eucalyptus) Avenue near the Project site's southeasterly corner. Parcels adjacent to this residence are designated for Rural Residential (RA-2) uses. However, with the exception of the single existing residence south of Fir (future Eucalyptus) Avenue, this adjacent, residentially designated area is not yet

developed, and as such, does not constitute an "established community." Implementation of the Project will realize light industrial/warehouse distribution uses that are compatible with, and similar to, anticipated development to the east and west of the Project as part of the approved Highland Fairview Corporate Park project, and the proposed ProLogis project. (DEIR, pgs. 4.1-32 to 4.1-33) Accordingly, any impacts related to the division of an established community would be less-than-significant and no mitigation is required.

f. Cumulative Impacts Related to Land Use

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to land use.

Findings: Potential cumulative impacts of the Project related to land use are discussed in detail in Section 5.1.1.1 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to land use will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. While it is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area, the proposed land use is consistent with the City's General Plan Land Use Element. The Project is also consistent with SCAG's regional plans and policies and the Western Riverside County MSHCP. With approval of the requested zone change (from Business Park to Light Industrial) and Municipal Code Amendment, in addition to approval of the discretionary actions identified in Section II (A)(3) of these Findings, the Project's contributions to potential cumulative land use impacts related to General Plan, Zoning, and Regional Plan consistency are less-than-significant. There are no known or probable off-site development proposals that would not, or could not, comply with applicable General Plan provisions; or that would otherwise adversely compound land use approvals requested by the Project, and so be determined to be cumulatively significant. It is assumed that other development projects within the cumulative impact area will also request appropriate discretionary land use approval where necessary, thereby reducing potential cumulative impacts. (DEIR, pgs. 5-5 to 5-7) Accordingly, any impacts to land use would not be cumulatively considerable and no mitigation is required.

2. Traffic and Circulation

a. Increase in Roadway Hazards

Potential Significant Impact: Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to increased roadway hazards are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: To ensure appropriate design and implementation of all Project access improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. Efficient and safe operations of the Project are provided by on-site and localized circulation and intersection improvements included as components of the Project. The safety of bicyclists and pedestrians shall be taken into consideration during the final design of future intersections within the vicinity of the Project. Additionally, sight distance at each Project access point shall be reviewed with respect to standard Caltrans/City of Moreno Valley sight distance standards at the time of preparation of final grading, landscape and street improvement plans. Temporary and short-term traffic detours and traffic disruption that may result during Project construction is adequately addressed through the submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours. Implementation of the approved construction area traffic management plan and resulting construction traffic control measures reduces potential circulation system impacts during construction to levels that are less-than-significant. (DEIR, pgs. 4.2-84 to 4.2-85) Therefore, no mitigation is required.

b. Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access or access to nearby uses.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the construction area traffic management plan/construction traffic control measures will assure adequate emergency access during the construction of the Project. Adequate emergency access will be provided upon completion of the Project improvements and mitigation measures. Prior to buildout of the local roadway system, which will ultimately include a bridge over the Quincy Channel, analysis included in the DEIR indicates that emergency vehicles serving the Project vicinity will be able to meet or exceed Moreno Valley Fire Protection Agency objectives for a five-minute response time using any of three alternate routes. Additionally, buildout of the local roadway system will improve overall emergency response to the area. (DEIR, pgs. 4.2-86 to 4.2-88) Accordingly, any impacts related to emergency access would be less-than-significant and no mitigation is required.

c. Alternative Transportation

Potential Significant Impact: Whether the Project would conflict with adopted policies supporting alternative transportation.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Riverside Transit Agency (RTA) currently provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. City staff has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project. However, the Project does not propose elements or aspects that would interfere or conflict with

the future provision of transit services. The Project will provide pedestrian and bikeway facilities consistent with City Municipal Code requirements to be identified in the Project Conditions of Approval, thereby reducing potential impacts below significance thresholds. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pg. 4.2-89) Therefore, no mitigation is required.

d. Air Traffic Patterns

Potential Significant Impact: Whether the Project would increase or otherwise affect existing air traffic patterns.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any change in air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an Airport Area of Influence or Airport Land Use Plan (ALUP). The March Inland Port/March Air Reserve Base is the airport located nearest the Project site, approximately five miles to the southwest. The Project does not propose elements that would affect, or be affected by, air traffic facilities. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pgs. 4.2-89 to 4.2-90) Therefore, no mitigation is required.

3. <u>Air Quality</u>

a. Air Quality Management Plan Consistency

Potential Significant Impact: Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Potential impacts of the Project related to the applicable air quality plan are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable air quality plan and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project is consistent with, and will not impede or otherwise conflict with implementation of the Air Quality Management Plan ("AQMP"). The

Project is consistent with AQMP Consistency Criterion No. 1 because it will not cause a potential increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (DEIR, pgs. 4.3-51 to 4.3-52) The Project will not exceed the California Ambient Air Quality Standards ("CAAQS") for localized criteria pollutants during construction operations. While operational emissions will be generated in excess of SCAQMD's regional threshold criteria, these emissions are already accounted for in the AQMP since the Project is consistent with the land uses and development intensities reflected in the City General Plan and incorporated in the adopted AQMP. Consistent with intent and provisions of the AQMP, the Project will implement all feasible mitigation, and comply with all applicable SCAQMD rules developed to reduce air pollutant emissions. The Project is also consistent with AQMP Consistency Criterion No. 2 because the extent of air pollutant emissions generated by the Project would be no greater than is reflected in the current General Plan and incorporated in the adopted AQMP. Because the Project is consistent with the General Plan Land Use designation of Business Park/Light Industrial, it does not exceed growth projections contained in the City's General Plan, and is consistent with growth assumptions in the AQMP. (DEIR, pgs. 4.3-52 to 4.3-53) Accordingly, impacts related to consistency with the applicable air quality plan will be less-than-significant and no mitigation is required.

b. Objectionable Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon

completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. (DEIR, pg. 4.3-88) Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required.

c. Greenhouse Gas Emissions

2. Potential Significant Impact: Whether the Project would directly or indirectly generate greenhouse gas emissions that may have a significant impact on the environment.

3. Findings: Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to the direct or indirect creation of greenhouse gas emissions and, therefore, no mitigation is required. Nonetheless, in order to reduce Project-related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, the following Mitigation Measures 4.3.11 through 4.3.13 will be implemented through the MMRP.

4.3.11 *Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.*

- *Increase in insulation such that heat transfer and thermal bridging is minimized;*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*
- *Incorporate dual-paned or other energy efficient windows;*

- *Incorporate energy efficient space heating and cooling equipment;*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;*
- *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*

4.3.12 *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.*

4.3.13 *GHG emissions reductions measures shall also include the following:*

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan*

approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

- *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.*
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*
- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*
    - *Implementation of compressed workweek schedules;*
    - *SmartWay partnership;*

- *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*
- *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Facts in Support of the Findings: As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the DEIR's analysis demonstrates that the Project will not exceed the proposed quantitative thresholds of CARB or the SCAQMD. Accordingly, Project greenhouse gas emissions impacts are considered less-than-significant. (DEIR, pgs. 4.3-88 to 4.3-94)

a. Greenhouse Gas Emission Reduction Plan Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to consistency with greenhouse gas emission reduction plans are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable greenhouse gas emissions reduction plans and, therefore, no mitigation is required.

Facts in Support of the Findings: In the absence of approved guidelines or thresholds, the Project's consistency with the State's goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan. As documented in the DEIR, the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. Additionally, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures. (DEIR, pgs. 4.3-94 to 4.3-110) Accordingly, impacts related to consistency with applicable greenhouse gas emissions reduction plans will be less-than-significant and no mitigation is required.

4. Noise

a. Ground-Borne Vibration/Ground-Bourne Noise

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. (DEIR, pg. 4.4-28) Although

heavy equipment employed during Project construction could potentially generate groundborne vibration resulting in annoyance at area residential land uses, the only sensitive receptor close enough to the Project site to experience disturbance is the single residence located at 28855 Fir Avenue. Vibration-producing activities at this location are unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment in the vicinity of this residence at the Project site perimeter. (DEIR, pgs. 4.4-27 to 4.4-28) Accordingly, potential groundborne vibration impacts due to Project construction or operations are less-than-significant and no mitigation is required.

b. Aircraft Noise

Potential Significant Impact: Whether the Project would result in significant impacts related to aircraft noise.

Findings: Potential impacts of the Project related to aircraft noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to aircraft noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. While occasional aircraft overflight noise from regional air facilities is expected to occur, the Project would not expose people residing or working in the Project area to excessive noise levels from aircraft operations. (DEIR, pg. 4.4-28) Accordingly, impacts related to aircraft noise will be less-than-significant and no mitigation is required.

5. Water Supply

a. Effect on Groundwater Supplies

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Findings: Potential impacts of the Project in regard to groundwater supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose nor require direct ground water withdrawals. Water to be provided to the Project will be supplied from imported water through MWD, with no impact to groundwater supplies. As such, the Project would not substantially deplete groundwater supplies. Nor will the Project substantially interfere with groundwater recharge capabilities. No designated groundwater recharge facilities exist within or proximate to the Project site, nor does the Project propose elements or operations that would directly or indirectly affect any designated groundwater recharge facilities. The Project will establish open space areas and landscaping allowing for potential capture, retention and infiltration of storm waters to the groundwater table. Accordingly, Project-related impacts relative to groundwater supply and recharge are less-than-significant. (DEIR, pgs. 4.5-26 to 4.5-27) Therefore, no mitigation is required.

b. Require New Water Supplies

Potential Significant Impact: Whether the Project would require new or expanded water supplies.

Findings: Potential impacts of the Project in regard to water supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required. Nonetheless, in order to further reduce the Project's overall water use, ensure ongoing availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project Water Supply Assessment (WSA), the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measure 4.5.1 through 4.5.4. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.

4.5.1 *Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.*

4.5.2 *The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.*

4.5.3 *The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.*

4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.*

Facts in Support of the Findings: As required under SB 610/221, a WSA has been prepared for the Project. The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, Eastern has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. With the implementation of these conditions, incorporated in the DEIR as Mitigation Measures 4.5.1 through 4.5.4, Project-related impacts relative to water supply are less-than-significant. (DEIR, pgs. 4.5-27 to 4.5-29)

c. Cumulative Impacts Related to Water Supply

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts related to water supply.

Findings: Potential cumulative impacts of the Project related to water supply are discussed in detail in Section 5.1.1.5 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential cumulative or areawide impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. It is assumed that other development projects within the cumulative impact area will also be realized consistent with development anticipated by the adopted Urban Water Management Plan (UWMP), and, like the Project, be required to pay connection and use fees providing for improvement and maintenance of serving water systems, thereby reducing potential cumulative impacts. Based on the preceding discussion, the Project's potential contribution to cumulative impacts in regard to water supply is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-17) Therefore, no mitigation is required.

6. Hydrology and Water Quality

a. Violate Water Quality Standards

Potential Significant Impact: Whether the Project would violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality.

Findings: Potential impacts of the Project related to water quality are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any exceedance of water quality or waste discharge standards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential erosion and siltation impacts related to Project construction will be addressed through the preparation and implementation of a City-approved Storm Water Pollution Prevention Plan (SWPPP), which is required to identify sources of sediments and other pollutants that could affect the quality of storm water discharge, and associated Best Management Practices (BMPs) such as the installation of filter fabric fences, sandbars, and checkdams to reduce pollutants within storm water discharge consistent with City,

County, and Regional Water Quality Control Board (RWQCB) performance standards. To prevent or reduce the effects of urban runoff that could result from long-term Project operations, a Project-specific Water Quality Management Plan (WQMP) will be implemented consistent with the requirements of Riverside County's National Pollutant Discharge Elimination System (NPDES) permit. The Project WQMP will incorporate selected BMPs approved by the City, the Riverside County Flood Control and Water Conservation District, and the Santa Ana RWQCB to establish a program and means to prevent or minimize potential storm water pollutant discharges over the life of the Project. As such, the potential for the Project to violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality is determined to be less-than-significant. (DEIR, pgs. 4.6-16 to 4.6-22) Accordingly, no mitigation is required.

b. Flooding on- or off-site

Potential Significant Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or provide substantial additional sources of polluted runoff.

Findings: Potential impacts of the Project relating flooding and stormwater management are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flooding or excess runoff will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project's drainage facilities will maintain existing drainage patterns (trending from northwest to southeast) will be maintained, and no stormwater runoff from the Project site will be directed to the Quincy Channel. Project storm water management improvements will be implemented to accommodate existing off-site flows in combination with increased onsite storm water discharge rates/volumes, and to address Project-related urban storm water pollutants. These include construction of a concrete cut-off wall protection barrier along the westerly edge of the Project area, to be located and designed so as not to impact any Delineated Jurisdictional Areas along the eastern bank of Quincy Channel,

and to help prevent any further erosion caused by migrating flows from the Quincy culvert crossing the SR-60 freeway. Along the south side of the Project, within the Fir (future Eucalyptus) Avenue right-of-way, drainage facilities will be installed consistent with Riverside County's Moreno Area Drainage Plan (ADP) line D-3. Along the east side of the property, the existing 60-inch culvert will remain in place to convey the runoff from north of the freeway to the existing drainage ditch on the west side of Redlands Boulevard. (DEIR, pgs. 4.6-23 to 4.6-25)

On-site, a series of underground pipes has been designed to collect the runoff from around the proposed facility. The underground pipes will be routed to the proposed bio-retention basins and detention basin at the south side of the facility. These basins would reduce storm water discharge from the site to levels equivalent to pre-development conditions, thereby precluding incremental impacts to receiving storm drain facilities. The on-site detention basin system will be designed to detain the differential runoff created due to the development of the site for the 2, 5, 10 and 100 year; 1, 3, 6 and 24 hour storm events. The detention basins will be equipped with an overflow structure that will release runoff into the public storm drain facility (Line D-3) and will ultimately drain to the drainage ditch along the west side of Redlands Boulevard.

Prior to issuance of grading permits, detailed final grading and drainage plans will be reviewed and approved by the City, in compliance with City, County, and SARWQCB requirements. Implementation of approved Project drainage improvements ensures that the Project would appropriately convey storm water runoff without adversely affecting upstream or downstream drainage characteristics. Further, pursuant to the Project SWPPP and WQMP (which, as discussed previously, are designed to minimize potential hydrologic and water quality impacts), Project-generated storm water runoff would not constitute a substantial pollutant source. (DEIR, pgs. 4.6-24 to 4.6-25) Accordingly, the Project would not substantially alter existing drainage patterns and has been developed in a manner that will assure that future runoff does not create any flooding issues, or otherwise exceed the capacity of stormwater drainage systems. Accordingly, any impacts related to flooding and stormwater management would be less-than-significant and no mitigation is required.

c. Place Structures or Housing within a 100-Year Floodplain

Potential Significant Impact: Whether the Project would place housing or structures that would impede or redirect flood flows within a 100-year flood hazard area.

Findings: Potential impacts of the Project related to hydrology and flooding are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the placement of structures or housing within a 100-year floodplain will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a 100-year flood hazard area, nor is the Project site located within a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100-year floodplain. Further, the Project does not propose the construction of housing. Implementation of new drainage facilities will ensure adequate flood carrying capacity for storm drainage generated on-site, as well as existing runoff entering the Project site from adjacent properties. As such, the potential for the Project to place housing or structures within a 100-year flood hazard area which would impede or redirect flood flows is less-than-significant. (DEIR, pg. 4.6-27) Accordingly, no mitigation is required.

d. Other Flood Hazards

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche, tsunami, or mudflow.

Findings: Potential impacts of the Project related to flood hazards discussed in detail in Section II-E of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flood hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a dam inundation area, nor does the Project site lie within a General Plan-designated 100-year flood hazard area or FIRM 100-year floodplain area. Notwithstanding, in order to preclude potential flood damage, the Project will be designed to provide protection of the proposed buildings and Project employees for the 100-year flood event by ensuring that the finished floor is set a minimum of one foot above the 100-year on-site flood elevation. Further, the proposed Project site is not

located within the vicinity of a hazardous coastal area, large water body, or unstable hills or slope. As such, the Project would not expose people to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or by inundation from a seiche, tsunami, or mudflow. (DEIR, pg. 4.6-28) Accordingly, no mitigation is required.

e. Cumulative Impacts Related to Hydrology and Water Quality

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to hydrology and water quality.

Findings: Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 5.1.1.6 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to hydrology and water quality will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area within the jurisdiction of the Santa Ana RWQCB. In accordance with NPDES requirements, the Project proponent will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and construction storm water discharge contamination impacts of the Project. The Project incorporates storm water management components, including drainage facilities and BMPs, which collectively act to ensure that post-development storm water discharge rates and volumes do not exceed pre-development conditions. Moreover, the Project's proposed storm water management systems will be designed, constructed and maintained so as to ensure compliance with City, RCFCWQCD, and RWQCB storm water quality requirements. In these regards, prior to issuance of building permits, all proposed storm water management components are subject to review and approval by the City, RCFCWQCD, and RWQCB. Ancillary facilities will also be subject to reviewed and approved by Caltrans. Storm water management components to be implemented by the Project, in combination with mandated compliance with State, RWQCB, and City storm water management requirements ensures that adequate storm water conveyance and treatment facilities will be provided to support development and operations of the Project. (DEIR, pgs. 5-18 to 5-19) Accordingly, the Project's potential contribution to cumulative

hydrology and water quality impacts would not be considerable, and the cumulative effects of the Project are less-than-significant.

7. Cultural Resources

a. Disturbance of Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to the potential disturbance of human remains are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the disturbance of human remains will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The likelihood of encountering human remains in the course of Project development is remote; however, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by State law. Based on compliance with these existing regulations, the Project's potential to adversely disturb human remains is considered unlikely. (DEIR, pg. 4.7-14) Accordingly, any impacts associated with the disturbance of human remains would be less-than-significant and no mitigation is required.

b. Cumulative Impacts Related to Cultural Resources

Potential Significant Impact: Whether the Project would result in cumulative considerable impacts to cultural resources.

Findings: Potential cumulative impacts of the Project on cultural resources are discussed in detail in Section 5.1.1.7 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to cultural resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for prehistoric, archaeological, and historic resources generally includes the Perris Plain/Perris Valley area (including the Cities

of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within this area would be site-specific. In the event that potentially significant resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. There are no known or probable potentially significant off-site development proposals that would interact with, or compound Project-related cultural resources impacts, that could be determined to be cumulatively significant. To the extent that each development proposal within the cumulative impact area provides appropriate mitigation during landform modification activities, cumulative impacts to cultural resources are reduced below significance thresholds. Based on the preceding, the Project's potential contribution to cumulative cultural resources impacts is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-19) Therefore, no mitigation is required.

8. Biological Resources

a. Federally Protected Wetlands

Potential Significant Impact: Whether the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Findings: Potential impacts of the Project related to federally protected wetlands are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to federally protected wetlands and, therefore, no mitigation is required.

Facts in Support of the Findings: No federally protected wetlands, as defined by Section 404 of the Clean Water Act, exist in the Project area. The Quincy Channel, an ephemeral drainage that runs along the western edge of the Project site, and an existing off-site drainage channel on the west side of Redlands Boulevard contain Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdictional areas, but these channels do not contain federally protected wetlands, as defined by Section 404 of the Clean Water Act. Nor does the Project propose uses or facilities that would otherwise substantively and adversely affect Section 404 federally protected wetlands. Accordingly, potential impacts would be less-than-significant. (DEIR, pg. 4.8-29) Therefore, no mitigation is required.

b. Wildlife Movement, Migration, and Nursery Sites

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to wildlife movement, migration, and nursery sites are discussed in detail in Section 4.8 the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildlife movement, migration, and nursery sites and, therefore, no mitigation is required.

Facts in Support of the Findings: During preparation of the MSHCP, wildlife corridors and habitat linkages throughout western Riverside County were analyzed extensively. No MSHCP wildlife habitat linkages or movement corridors were identified at the Project site. Nor does the Project propose facilities or activities that would substantively and adversely affect any offsite designated wildlife habitat linkage or movement corridor. On this basis, the potential for the Project to interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, is determined to be less-than-significant. (DEIR, pgs. 4.8-29 to 4.8-30) Therefore, no mitigation is required.

c. Local Policies or Ordinances Protecting Biological Resources

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to local policies or ordinances protecting biological resources are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to local policies or ordinances protecting biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, have been identified as applicable to the Project. (DEIR, pg. 4.8-30) Accordingly, impacts related to local policies or ordinances protecting biological resources will be less-than-significant and no mitigation is required.

f. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a participating agency in the Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP). As such, only projects consistent with the MSHCP will be developed within the City. The Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project "is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009." These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. As such, the Project is in compliance with the MSHCP. (DEIR, pg. 4.8-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required. This species has not been recorded within the Project area in the past and is presumed absent from the site. Additionally, the Project is consistent with the Habitat Conservation Plan for the Stephens' Kangaroo Rat, which allows for incidental take of Stephens' Kangaroo Rat for projects located within the plan area. With payment of the appropriate mitigation fee, which the City requires as a standard procedure during the processing of development applications, any potential impacts to Stephens' kangaroo rat would be less-than-significant.

d. Cumulative Impacts Related to Biological Resources

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to biological resources.

Findings: Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 5.1.1.8 of the DEIR. Based on the entire record before us, this

Council finds that no cumulatively significant impacts related to biological resources will occur as a result of development of the Project.

Facts in Support of the Findings: Implementation of mitigation measures proposed in the MMRP would reduce potential impacts to biological resources to levels that are less-than-significant. In this regard, mitigation of Project-specific biological resources impacts will also reduce the Project's potential incremental contributions to cumulative biological resources impacts within the region such that no additional mitigation for cumulative biological resources impacts is required. To the extent that each development proposal within the cumulative impact area(s) provides appropriate mitigation, cumulative impacts to biological resources are reduced to levels that are less-than-significant. Pursuant to the provisions of CEQA, each development project within the cumulative impact area that requires a discretionary action by a public agency will be assessed for its potential impacts on biological resources. Appropriate biological resources mitigation will also be required of other projects within the cumulative impact area(s). In this regard, it is noted that because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in the DEIR. With the application of the mitigation measures identified in the MMRP, the Project's potential contribution to cumulative impacts in regard to biological resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, pgs. 5-20 to 5-23) Accordingly, no mitigation is required.

9. Aesthetics

a. Scenic Resources

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway.

Findings: Potential impacts of the Project related to scenic resources are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to scenic resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is comprised of vacant disturbed property and does not contain designated scenic resources. No rock outcroppings or historic buildings are located onsite. Although the City's General Plan designates SR-60 as a local scenic road, this highway is not included in the California Department of Transportation's list of Officially Designated Scenic Highways. The Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements. (DEIR, pg. 4.8-19) Accordingly, impacts to scenic resources would be less-than-significant and no mitigation is required.

b. Visual Character

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Findings: Potential impacts of the Project related to visual character are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to visual character will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Determinations of visual character and quality are inherently subjective by nature. The DEIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. It is further noted that development of the subject site with business park and/or light industrial uses reflects buildout of the area anticipated under the General Plan, resulting in substantial visual change of the area, whether under the Project, or some other unspecified development proposal. To provide a visual transition and buffer between southerly adjacent properties (zoned for large lot residential uses) and the Project site, the Project incorporates a 250-foot landscaped setback along its southerly boundary. Masonry walls (which would be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti) are also proposed to screen the Project's operations from surrounding land uses. As supported by the preceding discussions, and with implementation of

the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant. (DEIR, pgs. 4.8-20 to 4.8-21) Accordingly, any impacts to the area's visual character would be less-than-significant and no mitigation is required.

c. Light or Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to light and glare will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Onsite lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance, including but not limited to Section 9.08.100, "Lighting." Project lighting will be designed and implemented so as to illuminate the site without causing undue light or glare, and to avoid light overspill on adjacent properties. (DEIR, pgs. 4.9-23 to 4.9-25) Accordingly, any impacts related to light and glare would be less-than-significant and no mitigation is required

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and

overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation, Cultural Resources, and Biological Resources, were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. <u>Traffic and Circulation</u>

a. Substantial Increase in Traffic

Potential Significant Impact: The EIR evaluated and concluded that the Project-related traffic could contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Redlands Boulevard at the SR-60 westbound ramps, and at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

Finding: Implementation of the following mitigation measures will reduce potential Opening Year traffic impacts at affected intersections:

4.2.1 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

Facts in Support of the Finding: Based on analysis performed as part of the Project Traffic Impact Analysis (TIA), the Project would contribute additional traffic to preexisting Opening Year Ambient Condition deficiencies occurring at the intersection of Redlands Boulevard at the SR-60 westbound ramps. Also, with the addition of Project traffic, the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue would perform unacceptably during peak hours. (DEIR, pgs. 4.2-31 through 4.2-34) However, with implementation of the roadway improvements identified in Mitigation Measures 4.2.1 and 4.2.2, these impacts will be reduced to a less-than-significant level. (DEIR, pg. 4.2-35)

2. <u>Cultural Resources</u>

a. Archaeological/Historic Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unknown or unrecorded archaeological or historic resources which may be present in a buried context.

Finding: Implementation of the following mitigation measures will reduce potential impacts to archaeological and/or historic resources to a less-than-significant level:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert*

equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2., resources shall be left in an undisturbed state. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

Facts in Support of the Finding: No known cultural resources of significance exist within the Project site. Additionally, no significant evidence of the early twentieth century occupation of the property was identified by the Project Cultural Resources Investigation. Nonetheless, some potential exists for resources to be located onsite in a buried context. Implementation of Mitigation measures 4.7.1 and 4.7.2 will ensure that archaeological and/or historic resources that may be unearthed during Project construction will be identified and preserved consistent with the recommendations of the Cultural Resources Study and California law. Accordingly, the Project's potential to impact archaeological or historic resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-11 through 4.7-13)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unique paleontological resources which may be present in a buried context.

Finding: Implementation of the following mitigation measure will reduce potential impacts to paleontological resources to a less-than-significant level:

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage and record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

Facts in Support of the Finding: Based on information presented in the Cultural Resources Investigation, the Project area is considered to have a moderate level of sensitivity for paleontological resources, indicating that paleontological resources may be encountered within the Project site. The area consists of older Quaternary alluvial deposits that have been associated with fossil specimens, which are covered by surficial deposits of younger Quaternary alluvium. In the course of Project site preparation activities, paleontological specimens may be uncovered. Mitigation Measure 4.7.3 requires paleontological monitoring during ground-disturbing activities that would exceed the relative depths of the younger alluvium on-site. Implementation of this mitigation measure would ensure that paleontological resources which may be present within

subsurface areas of the site are adequately identified and preserved. Accordingly, the Project's potential to impact paleontological resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-13 through 4.7-14)

3. Biological Resources

a. Vegetation Communities and Special Status Plant Species

Potential Significant Impact: The EIR evaluated and concluded that the Project's construction activities could have an adverse effect on CDFG and Corps jurisdictional areas, including riparian habitat areas existing on-site within the Quincy Channel, and off-site within the existing drainage channel adjacent to Redlands Boulevard.

Finding: Implementation of the following Mitigation will reduce potential impacts to jurisdictional areas to a less-than-significant level:

4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 Prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Facts in Support of the Finding: Design of the Project includes a buffer area to provide physical separation between the developed site and the adjacent Quincy Channel, in order to

minimize direct impacts to the Channel's habitat areas and associated vegetation communities and special status plant species. However, construction of the "scour wall" that would be implemented to prevent further erosion along the Quincy Channel could result in direct, temporary impacts to approximately 0.003 acres (22 lineal feet) of mulefat vegetated riparian habitat determined to be within California Department of Fish & Game (CDFG) jurisdictional areas. (DEIR pgs. 4.8-18 through 4.8-20) Additionally, implementation of drainage improvements associated with the Project could result in a potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat located in the existing drainage channel adjacent to Redlands Boulevard (DEIR, pgs. 4.8-21 to 4.8-22). This 0.08 acres has been determined to be jurisdictional under the Army Corps of Engineers (Corps), CDFG, State Water Resources Control Board (SWRCB), and MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Indirect impacts to proximate candidate, sensitive, or special status plant species could occur through the introduction of invasive plant species as a result of Project implementation. (DEIR pg. 4.8-23) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to vegetation communities and sensitive plant species will be reduced to a less-than-significant level.

b. Nesting Birds

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on nesting birds, which are protected under both the Migratory Bird Treaty Act and California Fish and Game Code.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the nesting birds to a less-than-significant level:

4.8.6 *If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning*

Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Facts in Support of the Finding: The removal of existing vegetation within the Project site as part of construction could affect nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. In addition, nests and eggs are protected under California Fish and Game Code Section 3503.5. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. (DEIR, pg. 4.8-25) Therefore, implementation of Mitigation Measure 4.8.6 is required to ensure that potential Project impacts related to nesting birds are reduced to a less-than-significant level.

c. Burrowing Owls

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on the Burrowing Owl, a special-status wildlife species.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the Burrowing Owl to a less-than-significant level:

4.8.7 *Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.*

Facts in Support of the Finding: The Project area is located within the MSHCP burrowing owl survey area. Focused burrowing owl surveys are required during the owl breeding season (April through August), pursuant to Section 6.3.2 and Appendix E, "Summary of Species Survey

Requirements. (DEIR, pgs. 4.8-25 to 4.8-26) Therefore, implementation of Mitigation Measure 4.8-7 will reduce Project impacts related to the Burrowing Owl to a less-than-significant level.

d. Riparian Habitat

Potential Significant Impact: The EIR evaluated and concluded that the Project could adversely affect riparian habitat/CDFG jurisdictional areas.

Finding: Implementation of the preceding Mitigation Measures 4.8.1 through 4.8.5 will reduce potential impacts to riparian habitat to a less-than-significant level.

Facts in Support of the Finding: Construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat riparian habitat/CDFG jurisdictional areas. The Project will have no direct impacts to any other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Potential indirect impacts may occur to proximate sensitive natural communities should invasive plant species be introduced to the area through Project implementation. (DEIR pg. 4.8-28) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to riparian habitat will be reduced to a less-than-significant level.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: cumulative traffic impacts to study area intersections and roadway segments; cumulative traffic impacts to mainline freeway segments; short-term construction air quality impacts; long-term operational air quality impacts; cumulative air quality impacts; short-term construction noise impacts (individually and cumulatively); and change to scenic vistas (individually and cumulatively).

In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment

opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the FEIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Traffic and Circulation

a. Intersection Operations

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain intersection locations under Opening Year cumulative conditions and cumulative General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.3 through 4.2.8, addressing Opening Year cumulative conditions, and Mitigation Measures 4.2.9 through 4.2.17, addressing cumulative General Plan buildout conditions, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative intersection operation impacts are considered significant and unavoidable.

4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:

- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:

- *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.*

The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF,

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.

4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:

- *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements*

would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.

- *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.*

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*

- *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*

4.2.8 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;*
- *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and*
- *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.9 *Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:*

- *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;*
- *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These*

improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

- *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and*
- *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.10 *Moreno Beach Drive at SR-60 Westbound Ramps Improvements:*

- *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection);*
- *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;*
- *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and*
- *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way*

from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:

- *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;*
- *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*
- *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*

- *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*

The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.

4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane;*
- *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and*
- *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side*

of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;

- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.

4.2.14 *Redlands Boulevard at SR-60 Eastbound Ramps Improvements:*

- *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;*
- *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side*

of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and

- *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.15 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left turn lane with 200-feet of storage and a second through lane for a northbound lane configuration of one left turn lane, one through lane and one shared through right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*
- *Construct a southbound left turn lane with 250-feet of storage, a second left turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right-turn pocket length that extends the full length of the segment. These improvements would require the dedication of*

right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through Fair Share Fees;

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and*
- *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.*

The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate

General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

- *Install a traffic signal. This improvement would be funded through participation in the DIF Program;*
- *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*
- *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way with from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.

4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

- *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;*
- *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.3 through 4.2.17, acceptable levels of service would be realized at all Study Area intersections under cumulative Opening Year and General Plan buildout conditions with the Project. (See DEIR Tables 4.2-10 and 4.2-11) Improvements necessary to mitigate potentially significant intersection impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, ramp and interchange improvements affecting the SR-60 are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. The Project's contribution to intersection impacts is therefore determined to be cumulatively significant and unavoidable notwithstanding mitigation. (DEIR, pgs. 4.2-36 to 4.2-55).

b. Roadway Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain roadway segments under Opening Year cumulative conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.18 and 4.2.19 are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative roadway segment impacts are considered significant and unavoidable.

4.2.18 *Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:*

- *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.

4.2.19 *Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) Avenue east of Redlands Boulevard Improvements:*

- *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between

the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Implementation of the previously identified Mitigation Measure 4.2.7 would ensure acceptable conditions at the segment of Redlands Boulevard located north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue. (See DEIR Table 4.2-13) Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-60 through 4.2-67)

c. Freeway Mainline Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards at study area freeway segments under General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to Study Area freeway mainline segments under General Plan buildout conditions will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would contribute additional traffic to segments of SR-60 within the Study Area that under General Plan buildout conditions (with or without the Project) are projected to operate under deficient conditions. While it is foreseeable that improvements to SR-60 in the Project vicinity will be completed prior to General Plan Buildout, timely completion of these improvements cannot be definitively assured. Further, SR-60 mainline improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-79 to 4.2-80) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

2. <u>Air Quality</u>

a. Short-Term Construction Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project's construction source emissions would temporarily exceed SCAQMD regional and localized significance thresholds, thereby potentially violating an air quality standard or contributing to an existing or projected air quality violation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9 are incorporated into the MMRP for

the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.1 *Consistent with URBEMIS modeling inputs and to effect implementation of Rule SCAQMD Rule 403, the following measures shall be incorporated:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions.*
- *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.*
- *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);*
- *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.2 *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's*

specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

4.3.3 *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.4 *Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.*

4.3.5 *In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

4.3.6 *During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

4.3.7 *The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

4.3.8 *Grading plans, construction specifications and bid documents shall also include the following notations:*

- *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels l fuel would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*

- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.9 *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and*

cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, Project construction activities would temporarily exceed SCAQMD regional emissions thresholds for volatile organic compounds (VOC) and oxides of nitrogen (NOx); and would also temporarily exceed localized emissions thresholds for particulate matter (PM_{10} and $PM_{2.5}$). (See DEIR Tables 4.3-9 and 4.3-10) Project construction-related emissions in exceedance of SCAQMD's regional and localized significance thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-53 through 4.3-65).

b. Long-Term Operational Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed SCAQMD daily emissions significance thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Council finds that Mitigation Measure 4.3.10 is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measure, operational emissions-related air quality impacts are considered significant and unavoidable.

4.3.10 *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measure 4.3.10, as well as Mitigation Measures 4.3.11 through 4.3.13 enumerated in Section V(A)(3)(c) above, Project operational activities will exceed SCAQMD daily emissions thresholds for VOC and NOx. (DEIR Table 4.3.13) Project operational-related impacts that exceed long-term, operational emissions thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-65 to 4.3.73)

c. Sensitive Receptors

Significant Unavoidable Impact: The EIR evaluated and concluded that Project construction activities could temporarily expose sensitive receptors to potentially substantial pollutant concentrations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9, enumerated in Section C(2)(a) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, the Project's construction source emissions could result in the temporary exposure of sensitive receptors to PM_{10} and $PM_{2.5}$ emissions in excess of applicable SCAQMD localized significance thresholds. Existing sensitive receptors are identified as a single developed residential use located at 28855 Fir Avenue. Although additional parcels zoned for residential land uses (potential future sensitive receptors) are present within the area of LST exceedance, they are largely undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. (DEIR, pgs. 4.3-73 through 4.3-76)

d. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.13, enumerated in Sections A(3)(c) and C(2)(a) & (b) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: The Project is located within non-attainment areas for PM_{10}, $PM_{2.5}$, and ozone (VOC and NOx are ozone precursors). Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.13, the Project will result in the following cumulatively significant and unavoidable air quality impacts: (1) Short-term Project construction activities that exceed the regional thresholds for VOC and NOx emissions are cumulatively significant for the duration of construction activities; (2) Short-term Project construction activities that exceed the localized significance thresholds for PM_{10} and $PM_{2.5}$ emissions are cumulatively significant for the duration of construction activities; (3) Long-term operations of the Project that exceeds the regional thresholds for VOC and NOx are cumulatively significant; and (4) The Project's operational VOC and NOx emissions, in combination with VOC and NOx emissions generated by other sources affecting the encompassing ozone non-attainment areas, will result in a cumulatively considerable net increase of this pollutant within the nonattainment areas. (DEIR, pgs. 5-12 to 5-13)

3. <u>Noise</u>

a. Short-Term Construction Noise (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the exposure of persons to or generation of noise levels in excess of

standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and potentially result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.4.1 through 4.4.4, presented below, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, short-term construction-related noise impacts are considered significant and unavoidable, and are determined cumulatively considerable for the duration of Project construction activities.

4.4.1 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.2 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.3 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on*

weekends or Federal holidays. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

Facts in Support of the Finding: Even with implementation of Mitigation Measures 4.4.1 through 4.4.4, the Project's construction activities would result in a temporary exceedance of applicable noise level standards and a temporary increase in ambient noise levels in the Project vicinity. Because construction noise levels are conservatively estimated to exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), construction noise is considered a significant and unavoidable impact of the Project. (DEIR, pgs. 4.4-15 to 4.4-21). Cumulative noise impacts for the duration of construction activities are also recognized as significant. (DEIR, pg. 5-14) As such, short-term construction noise impacts are determined to be individually and cumulatively significant notwithstanding mitigation.

4. Aesthetics

a. Scenic Vistas (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have an adverse effect on a scenic vista.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would potentially result in the restriction or interruption of near and distant scenic vistas. The Project proposes a single large structure (more than 970,000 square feet), that would alter and or/obstruct views through the currently undeveloped Project area. View obstruction will be limited to some extent by engineering and grading requirements that will establish the Project's building pad considerably below the grade of the adjacent SR-60. The Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks. Similarly, the proposed Project intends to serve a market need for users that demand a large, integrated facility. As such, the concept of substantially reducing the size of the building, or creating multiple buildings in lieu of one single building would compromise a basic objective of the Project. As such, there are no feasible mitigation measures that will reduce the Project's potential aesthetic impacts on scenic vistas below significance thresholds. (DEIR, pgs. 4.9-10 through 4.9-19) In combination with other known or probably development projects in the vicinity, the Project would also result in the cumulatively considerable restriction or interruption of near and distant scenic views. (DEIR, pgs. 5-23 to 5-15) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. At the direction of the City of Moreno Valley, two different "No Project" scenarios have been evaluated. The first, referred to as the No Project/No Build Alternative, assumes the site would remain in its current undeveloped state. The second, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed. A Reduced Intensity Alternative was also selected for analysis. CEQA

requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/No Build Alternative

Description: Under the No Project/No Build Alternative (hereinafter referenced as the "No Build" Alternative), it is presumed that if the Project or some similar development proposal is not implemented on the subject site, then there would be no other known or probable scenarios for the subject property, the site would likely remain in its current undeveloped state for the foreseeable future. (DEIR, pg. 5-31)

Impacts: The No Build Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-65) Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources. No discretionary actions or zone change would be required under the No Build Alternative. (DEIR, pg. 5-48) In addition, the Project's significant and unavoidable traffic impacts, construction noise impacts, construction and operational air quality impacts, and impacts to scenic vistas would not occur. (DEIR, pgs. 5-50 to 5-65) Under the No Build Alternative, potential traffic/transportation impacts would be representative of existing conditions. The No Build Alternative would reduce the aggregate amount of fee contributions available for long-term traffic improvements when compared to fee contributions realized under the Project. Additionally, the No Build Alternative would not realize Project-specific road widening/lane reconfiguration and signalization improvements as detailed in the Project Traffic Impact Analysis. Significant freeway mainline segment deficiencies would persist with or without the Project. (DEIR, pg. 5-49). Visual attributes of the Project site would remain in their current state. (DEIR, pg. 5-63)

Objectives: Under the No Build Alternative, the subject site would remain in its current undeveloped state, and none of the Project Objectives would be achieved. (DEIR, pg. 5-64)

Finding: Under the No Build Alternative, no development would occur. This Alternative would avoid all of the significant and unavoidable impacts associated with traffic, air quality, noise and aesthetics that have been identified within the DEIR. However, the City Council finds

that the No Build Alternative would not fulfill any of the Project Objectives. Because the No Build Alternative will not fulfill the Project Objectives, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the "No Project" Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Business Park zoning designation. To allow for quantified comparison of potential traffic impacts and related vehicular source air quality and noise impacts, the No Project Alternative assumes the site is developed consistent with assumptions employed in the City's General Plan Buildout traffic modeling, which was projected to be approximately four (4) times higher than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project.. (DEIR, pgs. 5-31 to 5-32)

Impacts: The No Project Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the No Project Alternative, a zone change would not be required. (DEIR, pg. 5-48) The Project's significant and unavoidable construction noise impacts and construction source air quality impacts would likely be similar to those of the Project. (DEIR, pgs. 5-52 and 5-56) Potential traffic impacts could be substantively increased under the No Project Alternative, due to the increased traffic associated with Business Park land uses. Significant mainline freeway segment impacts under General Plan Buildout conditions would persist, and due to increased traffic generation under the No Project Alternative, would likely be exacerbated. (DEIR, pgs. 5-50 to 5-51) Associated vehicular (operational) air pollutant emissions would similarly be increased when compared to the Project; however, the vehicle mix under the No Project Alterative would likely reflect decreased heavy truck traffic. Significant VOC and NOx emissions thresholds exceedances occurring under the Project would be incrementally greater under the No Project Alternative. (DEIR, pg. 5-53). Vehicular noise would also likely increase under the No Project Alternative based on increased trip generation. However, as with the Project, it is considered unlikely that sensitive receptors would be affected by potential vehicular

noise levels based on their physical separation from roadways and the presence of intervening noise-attenuating walls. (DEIR, pg. 5-57) Potential impacts to viewsheds may be reduced under the No Project Alternative, since the Business Park zoning designation would limit maximum individual building areas to 50,000 square feet. This limitation on individual building sizes could allow for configurations of the developed site that would provide additional or varied views through the Project site to off-site scenic resources. (DEIR, pg. 5-63)

Objectives: Business Park/Light Industrial uses that could be implemented under the No Project Alternative could substantially achieve the Project's development objectives for the site. Like the Project, it is anticipated that new development under the No Project Alternative would be designed and implemented so as to be compatible with neighboring land uses. The No Project Alternative would effectively capitalize on the site's regional freeway accessibility and visibility. New jobs, including light industrial, office, limited support commercial, or research and development employment opportunities would be created by the No Project Alternative. This Alternative would also provide additional tax revenues available to the City. (DEIR, pgs. 5-64 to 5-65)

Finding: Under the No Project Alternative, development of a business park development with a similar scale to that of the Project would occur. This Alternative would reduce the Project's potential aesthetic impacts, in that a series of smaller buildings could be constructed in place of the Project's single structure, allowing views through the site. However, none of the Project's remaining significant and unavoidable environmental impacts would be reduced under the No Project Alternative. Conversely, increased trip generation under a business park land use would likely lead to increased traffic, with correlating increases in air pollutant emissions and vehicular noise. Although the No Project Alternative could substantially achieve the Project's Objectives, because the No Project Alternative would not reduce the majority of the Project's significant and unavoidable impacts, the City Council hereby rejects the No Project Alternative.

3. Alternative 3 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for VOC based on operational emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent. (DEIR, pg. 5-33) Implementation of the Reduced Intensity Alternative would yield approximately 684,200 square feet of development, a reduction of approximately 27 percent or approximately 253,060 square feet, when compared to the approximately 937,260 square-foot Project analyzed in the EIR. (DEIR, pg. 5-48).

Impacts: The Reduced Intensity Alternative would result in similar, albeit slightly lessened, impacts when compared to the Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the Reduced Intensity Alternative, maximum construction-related emissions from site preparation and grading would likely be the same as for the Project, though it would occur within a shorter time frame due to the reduced development area. In this regard, the maximum daily site disturbance and amount of equipment employed concurrently would likely be similar to the construction scenario envisioned for the Project. As with the Project, mitigated construction-related emissions would still exceed SCAQMD emissions thresholds. Because the scope of development would be reduced under this Alternative, the duration of construction activities and resulting construction emissions and noise may be reduced when compared to the Project. (DEIR, pgs. 5-51 and 5-57) Based on its reduced scope of development and associated reductions in vehicle trips and vehicular emissions, long-term operations under the Reduced Intensity Alternative would be reduced by approximately 27 percent when compared to the Project. Operational NOx, PM_{10}, and $PM_{2.5}$ emissions under this Alternative would, however, still exceed applicable SCAQMD thresholds. Accordingly, as with the Project, this Alternative would result in cumulatively significant emissions contributions to existing non-attainment conditions for ozone and particulates. (DEIR, pgs. 5-53 to 5-55) The Reduced Intensity Alternative would result in an approximate 27 percent reduction in development intensity, with a commensurate reduction in trip generation when compared to the Project. The extent of area-wide traffic improvements and required traffic impact mitigation realized under the Project would also be reduced. Significant freeway mainline traffic impacts projected to occur under

General Plan buildout conditions would persist with or without development under the Reduced Intensity Alternative. As such, freeway impacts under this scenario would be less than the Project, but likely still be considered significant. (DEIR, pg. 5-51) The reduced area of development under the Reduced Intensity Alternative would also incrementally reduce significant viewshed impacts otherwise occurring under the Project. (DEIR, pg. 5-64)

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project. (DEIR, pg. 5-65)

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 27 percent (or 263,000 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable construction noise impacts and construction and operational air quality impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

4. <u>Alternatives Considered and Rejected</u>

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 5-32 through 5-41) An Extended Construction Alternative

and Multiple Building Design Alternative were considered and ultimately rejected based on infeasibility. Additionally, four Alternative Site locations were considered within the DEIR. The criteria for identifying potential alternate sites included:

- Location within the City of Moreno Valley;
- Appropriate General Plan and zoning designations, or the ability to be so-designated;
- Minimum size of 50 acres and a roughly rectangular shape;
- Location proximate to locate transportation corridors or at a regional transportation hub;
- Currently undeveloped or underutilized;
- Currently available;
- Access to existing or planned adequate serving infrastructure; and
- Able to support operations in a manner compatible with other proximate land uses.

Each of the four sites that were analyzed met the general requirements in that each was currently vacant, more than 50 acres and roughly a rectangular configuration; each was zoned for industrial uses and served by nearby utilities and infrastructure. Alternative Sites 1 through 4 are locally accessible and also located near the I-215 freeway, a regional transportation corridor. (DEIR, Figure 5.2-1) Upon further analysis, each of these sites was found to be currently unavailable. Alternative Site 1 currently has applications under review by the City for 1.6 million square feet of distribution warehouse uses, while development plans have been submitted and approved for Alternative Sites 2, 3 and 4.

5. <u>Environmentally Superior Alternative</u>

Based on comparative reductions in traffic generation, and associated reductions in noise and air emissions, and generally reduced scale, among the Alternatives considered, the Reduced Intensity Alternative would result in the greatest reduction in environmental effects, and is thus considered the environmentally superior alternative. (DEIR, pg. 5-65). The Reduced Intensity Alternative would also generally reduce other environmental effects of the Project, and

to a limited degree, realize attainment of the basic Project Objectives. (DEIR pgs. 5-47 to 5-65) Development of the Project or the Reduced Intensity Alternative would contribute to area employment and the City's overall tax base. However, because scope of land uses would be substantively reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, pg. VI-40)

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states than an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The types of employment opportunities offered by the Project (both management and regular employees) are relatively common throughout Southern California and are unlikely to generate significant population migration (if any). Any Project-related employment demands would likely be filled by the existing surplus personnel pool within the Moreno Valley area, and/or neighboring communities, especially with the currently low jobs per household ratio in the City, and regionally high unemployment rates. The Project would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning. (DEIR, pgs. 5-67 to 5-68)

Currently, the Project site is vacant and undeveloped. However, expansions of water and wastewater systems, along with other urban utilities, are programmed to serve the vicinity consistent with anticipated development of the City and region. In order to accommodate forecasted growth of the City and region over the long term, it is anticipated these improvements will be implemented regardless of the City's ultimate decision on the Westridge Commerce Center Project. The Project is not considered to provide an inducement to other lands within its vicinity to undertake unanticipated development due to the availability of new or expanded infrastructure systems. (DEIR, pgs. 5-68 to 5-69)

Notwithstanding, development of the Project as envisioned will entail upgrade/modification of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage

conveyance facilities. Infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. However, the characteristics and intensities of development that could occur on these properties are governed by the Moreno Valley General Plan. Development of these properties within the context of the approved General Plan should not result in unforeseen impacts or impacts that cannot be mitigated. (*Id.*)

Additionally, it is recognized that provision of services, e.g., utilities, fire protection, and law enforcement, may be expanded or otherwise enhanced to meet additional demands of the Project. Project design and payment of impact mitigation fees reduces individual and cumulative impacts in these regards. Services expansion or enhancements based on incremental demands of the Project will not result in substantial additional capacity that could be considered growth inducing. (*Id.*)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. (*Id.*) Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. It is not anticipated that the additional employment opportunities created by the Project would be substantial enough to produce noticeable population growth within the City and region. (DEIR, p. 5-68)

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project qualifies under Guidelines §15127 (a) in that a zone change is required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, will be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project will not result in or cause unwarranted or wasteful use of resources, including energy. (DEIR, pgs. 5-73 to 5-74)

9. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Traffic Impacts – Intersections and Roadway Segments (Cumulative); and
2. Traffic Impacts – Mainline Freeway Segments (Cumulative).
3. Short-Term Construction Air Quality Impacts (Individual and Cumulative);
4. Long-Term Operational Emissions (Individual and Cumulative);
5. Short-Term Construction Noise (Individual and Cumulative); and
6. Aesthetic Impacts – Change to Scenic Vistas (Individual and Cumulative)

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(D) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with the General Plan and in conformance with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project is located at the intersection of a major street and an interstate freeway, maximizing access opportunities for the convenience of operations;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V(H) above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency…" Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

10. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies,

amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. <u>Findings</u>

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(D) of these Findings: Traffic Impacts – Intersections and Roadway Segments (Cumulative); Traffic Impacts – Freeway Mainline Segments (Cumulative); Short-Term Construction Air Quality Impacts (Individual and Cumulative); Long-Term Operational Emissions (Individual and Cumulative); Short-Term Construction Noise (Individual and Cumulative); and Aesthetic Impacts – Changes to Scenic Vistas (Individual and Cumulative). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the FEIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(D) above.

b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

11. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring program has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described in *CEQA* § 15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of, compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented at Table 4.2-1.

EXHIBIT B

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
Traffic and Circulation				
4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal.* *This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department, California Department of Transportation	Before issuance of first Certificate of Occupancy
4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: *Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:* • *Install a traffic signal;* • *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and* • *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane,*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112915

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.3 (cont'd) *for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*				
4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.* *The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112917

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF[1] improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.* • *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

[1] With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

MV00112919

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd)				
participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*				
• *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd) *leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*				
4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;* • *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and* • *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112921

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;* • *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;* • *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and* • *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.10 (cont'd) • *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;* • *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and* • *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*				
4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements: • *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112923

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.11 (cont'd)				
right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;				
• *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*				
• *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*				
• *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*				
The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane;* • *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and* • *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112925

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.13 (cont'd) *Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.*				
4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;* • *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.14 (cont'd) *require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*				
4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112927

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd)				
• *Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;*				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd) *Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and* • *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.* *The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.*				
4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements: • *Install a traffic signal. This improvement would be funded through participation in the DIF Program;* • *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112929

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd)				
would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;				
• *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*				
• *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*				
• *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*				

-678-
Item No. E.3
MV00112930

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.16 (cont'd) *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.*				
4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements: • *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;* • *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112931

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.17 (cont'd) *way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and* • *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.* *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.*				
4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements: • *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development	Before issuance of fi building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.19 (cont'd)			Department	
• *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*				
The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.				
Air Quality				
To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.3 below, and shall be incorporated in all Project plans, specifications and contract documents.				
4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :	Ongoing throughout construction	Contractor	City Building Official, SCAQMD	Ongoing throughout construction
• *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*				
• *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least*				

MV00112933

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.1 (cont'd) *three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.* • *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.* • *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.* • *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).* • *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*				
4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti_g Frequency
4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
Additional mitigation required of the Project is identified below, and shall be shall be incorporated in all Project plans, specifications and contract documents.				
4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00112935

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.7 (cont'd) *(HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*				
4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations: • *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;* • *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;* • *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;* • *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;* • *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;* • *High pressure injectors shall be provided on diesel construction equipment where feasible;*	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.8 (cont'd) • *Engine size of construction equipment shall be limited to the minimum practical size;* • *Substitute gasoline-powered for diesel powered construction equipment where feasible;* • *Use electric construction equipment where feasible;* • *Install catalytic converters on gasoline-powered equipment where feasible;* • *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;* • *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;* • *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;* • *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*				
4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.	Throughout Project construction	Applicant	City of Moreno Valley Development Department	Throughout Project construction

MV00112937

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.10 All Project entrances shall be posted with signs which state: • *Truck drivers shall turn off engines when not in use;* • *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and* • *Telephone numbers of the building facilities manager and CARB, to report violations.* *These measures shall be enforced by the on-site facilities manager (or equivalent).*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
Although potential Project-related Global Climate Change (GCC) impacts would be less-than-significant, the following Mitigation Measures 4.3.11 through 4.3.14 are provided to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources.				
4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent. • *Increase in insulation such that heat transfer and thermal bridging is minimized;* • *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.3.11 (cont'd) • *Incorporate dual-paned or other energy efficient windows;* • *Incorporate energy efficient space heating and cooling equipment;* • *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;* • *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.* • *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.* • *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*				
4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00112939

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 GHG emissions reductions measures shall also include the following: • *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;* • *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;* • *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.* • *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);* • *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.3.13 (cont'd)				
provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;				
• *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*				
• *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*				
o *Implementation of compressed workweek schedules;*				
o *SmartWay partnership;*				
o *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*				
o *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*				
o *Use of fleet vehicles conforming to 2010 air quality standards or better.*				

MV00112941

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Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd) ○ *Installation of catalytic converters on gasoline-powered equipment.* ○ *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;* ○ *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;* ○ *Provision of preferential parking for EV and CNG vehicles;* ○ *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;* ○ *Use of electric (instead of diesel or gasoline-powered) yard trucks;* ○ *Use of SmartWay 1.25 rated trucks.*				
4.4 Noise				
4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

-690-
Item No. E.3
MV00112942

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00112943

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5 Water Supply				
To further minimize the Project's overall water use, ensure on-going availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project WSA, the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measures. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.				
4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building pe

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.				
Cultural Resources				
4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.	Ongoing throughout site excavation and grading activities	Applicant	City of Moreno Valley Development Department	Ongoing throughout site excavation and grading activities

MV00112945

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints: • *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;* • *A paleontological mitigation-monitoring plan shall be developed before grading begins;* • *Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid*	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.3 (cont'd) *construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;* • *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and* • *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.*				
4.8 Biological Resources				
4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00112947

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.2 (cont'd) *of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*				
4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of fi grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.8.5 (cont'd) *CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:* • *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;* • *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and* • *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and* • *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*				
4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00112949

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.6 (cont'd) *retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*				
4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA08-0098 TO CHANGE THE ZONE FROM BUSINESS PARK TO LIGHT INDUSTRIAL FOR A 55 ACRE SITE (ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed application PA08-0098, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 from Business Park (BP) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

ATTACHMENT 4

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BP to LI for the 55 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 829
Date Adopted: _____

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PA10-0017 AMENDING THE MUNICIPAL CODE TO MAKE CHANGES TO CHAPTER 9.05 INDUSTRIAL DISTRICTS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed Municipal Code Amendment application PA10-0017, requesting an amendment to the City's Municipal Code, which proposes revisions to Chapter 9.05 of Title 9 to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

SECTION 2: FINDINGS

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on November 30, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed Municipal Code Amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes changes to Permitted Uses Table 9.02.020-1 of the Municipal Code. The proposed Municipal Code Amendment is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

ATTACHMENT 5

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment will not adversely affect the public health, safety or general welfare. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Title 9 – The proposed Municipal Code Amendment is consistent with the purposes and intent of Title 9.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Chapter 9.02 of Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or

center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.

*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

SECTION 4: EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

4.2 All prior enactments of the City, which are in conflict with this Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 5: NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 830
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00112962

RESOLUTION NO. 2011-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF PLOT PLAN PA08-0097 FOR DEVELOPMENT OF A 937,260 SQUARE FOOT WAREHOUSE DISTRIBUTION FACILITY ON 55 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of PA08-0097, a plot plan for a 937,260 square foot warehouse distribution facility on 55 acres, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities.

   ATTACHMENT 6

   Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan

and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

   FACT: The project site is current zoned BP. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA08-0098) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed 937,260 square warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Conformance with City Redevelopment Plans – The proposed use conforms with any applicable provisions of any city redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

5. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with BP zone land to the west and Community Commercial zone land to the east. South of the facility on the other side of Fir Avenue/Future Eucalyptus Avenue is vacant RA-2 zone land with tract homes in the RA-2 zone approximately ¾ miles further south. The proposed warehouse distribution facility is a permitted use in both the BP and LI zones, but the size proposed by the project requires a Zone Change and the proximity to the Residential district to the south requires a Municipal Code Amendment to establish a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. As designed and conditioned and subject to

approval of the above mentioned Zone Change and Municipal Code Amendment, is compatible with existing and proposed land uses in the vicinity.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0097, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Plot Plan PA08-0097 for a 937,260 square foot warehouse distribution facility on a 55 acre site, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
PLOT PLAN PA08-0097 FOR A WAREHOUSE DISTRIBUTION FACILITY
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
_X_ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Approval of Plot Plan PA08-0097 is subject to adoption of a Zone Change (PA08-0098) from the Business Park zone to the Light Industrial zone for the project site and adoption of a Municipal Code Amendment (PA10-0017) to establish a minimum buffering/separation from buildings over 50,000 square in area and adjacent residential zoned land.

P2. Plot Plan PA08-0097 has been approved for development of a 937,260 square foot warehouse distribution facility, to be built on a 55 acre site within Assessor's Parcel Numbers 488-330-003 to -006 and -026. The facility includes 173 dock doors and 14,000 square feet of office. Required parking for this use equates to a total of 307 employee/visitor parking spaces and 173 truck/trailer parking spaces.

P3. Development of the warehouse facility is subject to approval of Tentative Parcel Map No. 36207 and the subsequent recordation of this map.

P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

P5. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).

P6. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

P7. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).

P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

P9. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue.

P10. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.

P11. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.

P12. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

P13. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P14. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P16. PA08-0097 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department - Planning Division. (MC 9.12.020)

Prior to Issuance of Grading Permits

P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area

will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-of-way or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P25. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.

P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P27. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.

P28. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P29. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P30. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P33. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

P34. (GP) Prior to the issuance of grading permits, a "no touch" area shall be staked along the westerly limit of project development as defined by the scour wall and a City approved Biologist be retained to monitor construction activities to ensure protection and preservation of Channel areas. Upon the completion of the above mitigation measure an on-site grading permit may be issued for project work to commence.

P35. **(GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P36. **(GP) Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.**

P37. **(GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

P38. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**

- **A.** **A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot.**
- **B.** **Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement for the specific plan and/or Municipal Code.**
- **C.** **A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks from view from Fir/Eucalyptus Avenue and at the northeast corner of the site.**
- **D.** **Wrought iron/tubular steel fence is required along portions of the northern, western and eastern property lines.**

E. A four foot tall three rail fence to match adjacent trail fencing is required to enclose the basins located along Fir/Eucalyptus Avenue.

F. **An 8 foot tall coated chain link fence is required along the western property line along the Riverside County Flood Control maintenance road.**

Prior to Issuance of Building Permits

P39. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P40. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P41. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P42. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P43. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. **A minimum size of 24" box mature trees shall be placed along the freeway or northern elevations of the building. Trees shall be in a double row or closely spaced as shown on the preliminary landscape plan?**
L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to**

achieve the overall 40 foot spacing requirement.

M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.**

N. **The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.**

P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.

P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.

P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.

P48. (BP) Prior to issuance of building permits for a final map for Tentative Parcel Map No. 36207 (PA09-0022) must be approved and recorded and all conditions of approval related to the parcel map must be satisfied.

P49. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

<u>Prior to Issuance of Certificate of Occupancy or Building Final</u>

P50. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)

P51. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P52. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

P53. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 or Eucalyptus/Fir Avenue rights of way.

MITIGATION MEASURES

P54. MM 4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

P55. MM 4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:
• Install a traffic signal;
• Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and
• Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

P56. MM 4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct an eastbound right-turn lane and re-stripe the shared left-or-righ turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P57. MM 4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

P58. MM 4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);

• Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.

P59. MM 4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P60. MM 4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection.
• Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer,
• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require

the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.

- **Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.**

P61. MM 4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;
• Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and
• Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P62. MM 4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;
• Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;
• Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and
• Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.

P63. MM 4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;
• Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and
• Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

P64. MM 4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:
• Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;
• Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;
• Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and
• Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.

P65. MM 4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane;
• Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and

• Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.

P66. MM 4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;
• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection. The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1.

P67. MM 4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;
• Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P68. MM 4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the

dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;

• Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.; and

• Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.

P69. MM 4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

• Install a traffic signal. This improvement would be funded through participation in the DIF Program;

• Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF

Program; remaining improvements would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;

• Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P70. MM 4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

• Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;

• Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and

the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P71. MM 4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:
• Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P72. MM 4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:
• Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P73. MM 4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.
• Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.
• Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
• In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

P74. MM 4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to

manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

P75. MM 4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).

P76. MM 4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

P77. MM 4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

P78. MM 4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

P79. MM 4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

P80. MM 4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations:

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**
- **Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;**
- **Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;**
- **The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;**
- **The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;**
- **High pressure injectors shall be provided on diesel construction equipment where feasible;**
- **Engine size of construction equipment shall be limited to the minimum**

practical size;
• Substitute gasoline-powered for diesel powered construction equipment where feasible;
• Use electric construction equipment where feasible;
• Install catalytic converters on gasoline-powered equipment where feasible;
• Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;
• Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
• Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;
• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

P81. MM 4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

P82. MM 4.3.10 All Project entrances shall be posted with signs which state:
• Truck drivers shall turn off engines when not in use;
• Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and
• Telephone numbers of the building facilities manager and CARB, to report violations.
These measures shall be enforced by the on-site facilities manager (or equivalent).

P83. MM 4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.
• Increase in insulation such that heat transfer and thermal bridging is minimized;
• Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
• Incorporate dual-paned or other energy efficient windows;
• Incorporate energy efficient space heating and cooling equipment;
• Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights

when they are not needed shall be implemented;
• To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.
• Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.

P84. MM 4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.

P85. MM 4.3.13 GHG emissions reductions measures shall also include the following:
• The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;
• The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;
• The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.
• Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);
• The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;
• The Project shall provide at least two electric vehicle charging stations.

Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.

- **Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:**
  - **Implementation of compressed workweek schedules;**
  - **SmartWay partnership;**
  - **Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.**
  - **Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.**
  - **Use of fleet vehicles conforming to 2010 air quality standards or better.**
  - **Installation of catalytic converters on gasoline-powered equipment.**
  - **Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;**
  - **Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;**
  - **Provision of preferential parking for EV and CNG vehicles;**
  - **Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;**
  - **Use of electric (instead of diesel or gasoline-powered) yard trucks;**
  - **Use of SmartWay 1.25 rated trucks.**

P86. MM 4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P87. MM 4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P88. MM 4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P89. MM 4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

P90. MM 4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.

P91. MM 4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.

P92. MM 4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.

P93. MM 4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.

P94. MM 4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

P95. MM 4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

P96. MM 4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- **Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;**
- **A paleontological mitigation-monitoring plan shall be developed before grading begins;**
- **Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;**
- **Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and**
- **Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources**

P97. MM 4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

P98. MM 4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

P99. MM 4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

P100. MM 4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

P101. MM 4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

• A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;

• A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and

• Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas

temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and

• Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.

P102. MM 4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

P103. MM 4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the

Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;

f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact

Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.

e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The

drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. **Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.**

LD67. **Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.**

LD68. **Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).**

LD69. **Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.**

LD70. **Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.**

LD71. **Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.**

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

c. **"A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.**

d. **The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.**

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of*

Moreno Valley Public Works Department Landscape Design Guidelines. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements

shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

- **a.** Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.
- **b.** The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.
- **c.** All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

RESOLUTION NO. 2011-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF TENTATIVE PARCEL MAP 36207 (PA09-0022) TO COMBINE THE EXISTING FIVE PARCELS LOCATED WITHIN THE PROJECT SITE INTO A SINGLE 55 ACRE PARCEL.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of Tentative Parcel Map No. 36207 (PA09-0022), to combine the existing five parcels located within the project site into a single 55 acre, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

ATTACHMENT 7

1. Conformance with General and Specific Plans – That the proposed land division is consistent with applicable general and specific plans.

   FACT: The proposed tentative parcel map is consistent with the General Plan designation of Business Park for the project site. The proposed parcel map will combine the existing five parcels located within the project site into a single 55 acre parcel. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. Design Conformance with General and Specific Plans – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

   FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's General Plan land use designation of Business Park.

3. Physically Suitable for Proposed Development – That the site of the proposed land division is physically suitable for the type of development.

   FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office zoned land north of the freeway. Land uses to the east include a mix of vacant Business Park, and residential zoned land. Land uses to the east include vacant Community Commercial zoned land. Land uses to the south include vacant RA-2 zone land on the other side of Fir Avenue/Future Eucalyptus Avenue with developed tract homes located approximately ¾ miles to the south. Overall, the project site is well suited for future development of industrial land uses.

4. Physically Suitable for Proposed Density – That the site of the proposed land division is physically suitable for the proposed density of the development.

   FACT: The project site is mostly flat and at grade along Fir Avenue/Future Eucalyptus Avenue. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

5. Protection of Fish or Wildlife Habitat – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

   FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. Health, Safety and Welfare – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

   FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. Easements – That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

   FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. Consistent with Applicable City Ordinances – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

   FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

9. Passive or Natural Heating and Cooling – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. Regional Housing – That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not propose housing. The project would not increase the demand for housing beyond that anticipated in the City's Housing Element or the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, the project and/or its tenants and employees will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA09-0022, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Tentative Parcel Map No. 36207 (PA09-0022) to combine the existing five parcels located within the project site into a single 55 acre, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA09-0022
TENTATIVE PARCEL MAP NO. 36207
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
___ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Tentative Parcel Map No. 36207 is approved for the purposes of re-configuring the existing five parcels located within the project site and creating a single 55 acre parcel with lettered lots for a storm drain channel and a future off-ramp for State Route 60.

P2. Development within Tentative Parcel Map No. 36207 shall be under separate review and approval of a plot plan or a conditional use permit application(s) and shall be subject to the requirements of the City's Municipal Code.

P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

P4. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

EXHIBIT A

P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)

P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)

P12. (GP) Prior to approval of any grading permits, any required final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P13. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P14. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P15. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

<u>Prior to Recordation of Final Map</u>

P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In

multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and

approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and

h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

~~PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION~~

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

~~General Conditions~~

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the

approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

~~Prior to Grading Plan Approval or Grading Permit~~

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries.

For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

~~Prior to Map Approval or Recordation~~

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree

to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one

lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

~~Prior to Certificate of Occupancy~~

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees

are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to

secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. **A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

d. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

e. **Any necessary corner cutback right-of-way dedications per City Standard 208.**

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation

District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

b. Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5

foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. **That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.**

d. **That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

~~PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION~~

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit

and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service

responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

~~PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION~~

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and

other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and

Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

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MV00113076

PLANNING COMMISSION STAFF REPORT

Case:	PA08-0098 – Zone Change PA10-0017 – Municipal Code Amendment PA08-0097 – Plot Plan PA09-0022 – Tentative Parcel Map No. 36207 P08-133 – Environmental Impact Report
Date:	May 12, 2011
Applicant:	Ridge Rancho Belago LLC
Representative:	Dennis Rice
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard
Proposal:	Plot Plan for a 937,260 square foot warehouse facility on 55 acres; a Zone Change from Business Park to Light Industrial; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal.
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

This project proposes the development of a 937,260 square foot warehouse facility on 55 acres. The project requires approval of a tentative parcel map, Zone Change and a Municipal Code Amendment, and certification of a Final EIR.

ATTACHMENT 8

PROJECT DESCRIPTION

The applicant, Ridge Rancho Belago, LLC, has submitted five applications for development of the West Ridge Commerce Center Project, which include a Zone Change, a Municipal Code Amendment, a Plot Plan, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 937,260 square foot warehouse facility on a 55-acre site (Assessor's Parcel Numbers 488-330-003 through -006 and -026) located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard within Chapter 9.05 Industrial Districts of Title 9 and is presented as Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was a concern raised and reviewed for the project. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site, this residence and the vacant residential property to the south have been reviewed as sensitive receptors.

In order to provide greater compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone of approximately 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

Application PA10-0017 for a Municipal Code Amendment proposes to add a standard to the Light Industrial zone that would require industrial and warehouse structures greater than 50,000 square feet in building area to be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

If approved, the proposed amendment would be effective City-wide.

Please see Exhibit E to Planning Commission Resolution No. 2011-13 for a copy of the proposed revisions to Chapter 9.05 Industrial Districts of Title 9.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility, to be located on 55 acres located south of the Moreno Valley Freeway and approximately 650 east of Redlands Boulevard. The warehouse facility is a permitted use in the existing Business Park zone and also permitted in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas have been placed on the northern and southern elevations and are screened by perimeter concrete tilt-up walls with slopes with a tree row also required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted with groundcover and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses. Developed land within proximity to the project site includes citrus groves, the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility under construction to the east between Redlands and Theodore and large lot subdivisions approximately 1/4 mile to the south in the RA-2 zone. Developed uses to the north on the other side of State Route 60 include an RV storage site, a telecommunications antenna, a residence and a feed store.

The vacant 120 acre site to the west is currently proposed for development of a 2.2 million square foot industrial park by ProLogis, The site for this neighboring project is currently zoned Business Park, Business Park Mixed Use, R15, R5, and RA-2. That applicant is proposing a General Plan Amendment and Zone Change from existing zoning to Light Industrial.

Access

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones located on the north and south elevations of the building.

Design

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the building is a concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the building include architectural treatment. The loading bays and trailer storage areas along the northern and southern elevations have been screened from view. The screen wall along the south elevation is a fourteen (14) foot wall of concrete tilt-up construction which will match the building design and colors.

Landscaping for the site is proposed at around 13% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

REVIEW PROCESS

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed Zone Change and Municipal Code Amendment as well as the Plot Plan for the warehouse facility.

Upon review at PRSC on November 19, 2008, modifications were required to the site plan. Comments from staff included revisions to the layout of the parking lot, access from adjacent roads, screening, architecture, typical street sections, grading and the submittal of required technical studies.

Subsequent PRSC reviews occurred in May and September 2009, and April, August and November 2010. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report, a determination was made to schedule this project for a Planning Commission public hearing on May 12, 2011.

The applicant held a community meeting on February 27, 2008, to present the project to neighboring property owners. There were approximately 30 people in attendance. Concerns raised at the meeting were related to the proposed land use changes, traffic, noise, light and glare, aesthetics, quality of life, impacts to property values, air quality, crime, and storm runoff.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required State and local agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. An additional two letters were received after the end of the review period.

Final Environmental Impact Report

Responses to the twenty-four comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Response to Comments and related documents were mailed to all interested parties and responsible agencies on April 28, 2011, to allow for their review prior to Planning Commission hearing, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the document, these noted impacts above are considered to be significant and unavoidable.

Although impacts to traffic and circulation, air quality, noise, and aesthetics cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

Although the proposed Municipal Code Amendment will be effective Citywide, it is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all responsible reviewing agencies.

Agency	Response Date	Comments
Southern California Edison	October 27, 2008	No Issues
Riverside County Flood Control	December 1, 2008	District Master Plan Facilities

Conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2011-13 and thereby recommend that the City Council take the following actions:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and

2. **APPROVE** Zone Change PA08-0097 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B;

3. **APPROVE** Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C;

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-13
   Exhibit A - Final Environmental Impact Report
   Exhibit B – Zone Change Map
   Exhibit C – Municipal Code Amendment
   Exhibit D – Plot Plan Conditions of Approval
   Exhibit E – Parcel Map Conditions of Approval
3. Site Plan
4. Elevations
5. Color Rendering
6. Cross Sections – Line of Sight
7. Preliminary Landscape Plan
8. Tentative Parcel Map 36207
9. Aerial Photograph
10. Response to SCAQMD comments
11. Response to Tom Hyatt comments

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MV00113086

3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**
Case Planner:	**Jeff Bradshaw**	

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal…Under the current… one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park

ATTACHMENT 9

separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck court loading area and that is a minimum. At the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. This facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans for development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that

improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009. The result of that was the City was able to receive responses from various responsible agencies and members of the community. Here they identified concerns that they had with that document. And were able to hold a public meeting in October of 2009 for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year.

The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information. Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances mitigation measures have been applied and the impacts reduced to the extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. A Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document. I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the

Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yeah and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster. I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now. If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the

housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Skechers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place. The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be?

I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs. If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Skechers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will come back again.

The opportunity where the large retailers are looking for is what Skechers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Skechers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings. The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community.

That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Skechers plant up here. You know Skechers has lots of truck bays. They may not be all used at one time. They

may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION ENGINEER LLOYD – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno

Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

PLANNING OFFICIAL TERELL – The reason is because other than the Skechers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Skechers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Skechers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the

freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to

improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60 westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Skechers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

COMMISSIONER VAN NATTA – Okay… yeah but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added information was for Skechers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Skechers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Skechers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Skechers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.
One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did

and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to.

We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within

300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yeah, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Skechers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Skechers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yeah, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Skechers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Skechers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Skechers building around the square windows.

COMMISSIONER OWINGS – Yeah but, okay, but it does look totally different than the Skechers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Skechers building?

APPLICANT RICE – I think I would, yeah

COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Skechers is Skechers and we don't want to be like Skechers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Skechers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were

to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yeah Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yeah unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to

the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that.

The same thing with Skechers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor. We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan.

Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it... they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no, they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know. The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Skechers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Skechers.

Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you were for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should

at least put on an air that you are unbiased about it. Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Skechers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Skechers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Skechers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises. Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and… Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Skechers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case.

Things are planned. You need to put things where are they are planned. You need to approve them where they are planned. Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I

told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Skechers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the 500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Skechers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Skechers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yeah I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yeah, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding, they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact

base of personal attacks. Whether or not Iddo Benzeevi is a good person or a bad person, he has certain rights in this City and they should be obeyed or they should be respected. Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this.

There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself. In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking.

I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore

I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that

live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs. It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Skechers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Skechers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Skechers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to

Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

VICE CHAIR BAKER – No they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Skechers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Skechers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Skechers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

Westridge Commerce Center
Final Environmental Impact Report

Prepared for:
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
City Case # P08-133

Prepared by:

appliedplanning inc

April 2011

ATTACHMENT 10

Item No. E.3

FINAL ENVIRONMENTAL IMPACT REPORT

for the

Westridge Commerce Center Project

State Clearinghouse Number:
2009101008

Prepared for:

The City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
City Case No. P08-133

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

April 2011

Table of Contents

Section **Page**

1.0 Introduction 1-1
1.1 Overview 1-1
1.2 Content and Format 1-1
1.3 Draft EIR Commentors 1-1
1.4 Point of Contact 1-3
1.5 Project Summary 1-3

2.0 Revisions and Errata Corrections 2-1
2.1 Introduction 2-1
2.2 Text Revisions 2-1
2.3 Revisions to Graphic Illustrations 2-11

3.0 Comments and Responses 3-1
3.1 Introduction 3-1

4.0 Mitigation Monitoring Plan 4-1
4.1 Introduction 4-1
4.2 Mitigation Monitoring and Reporting 4-2

Appendix A: Attachments to Comments and Reponses
Attachment 1: Attachments to Comments Provided by Johnson and Sedlack
Attachment 2: *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions*

List of Tables

Table **Page**

1.3-1 Draft EIR Commentors 1-2
3-1 Draft EIR Commentors 3-2
4.2-1 Mitigation Monitoring Plan 4-3

Item No. E.3

1.0 Introduction

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the Westridge Commerce Center Project (Project). The Draft EIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The Draft EIR was circulated for public review and comment from October 21, 2010 through December 6, 2010.

1.2 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 of this document contains corrections and errata to the Draft EIR. Section 3.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. The Project Mitigation Monitoring Plan, which includes additional measures developed as a part of this Final EIR, is presented in Section 4.0.

1.3 DRAFT EIR COMMENTORS

A total of twenty-four (24) comment letters were received from various agencies and organizations. Additionally, four comment cards were received at a December 2, 2010 public meeting that was held to discuss the Project. The following Table 1.3-1 identifies the Draft EIR commentors. For reference purposes, comments are numbered and may be referred to by an acronym within the Responses to Comments (Final EIR Section 3.0). These acronyms, along with the dates of correspondence received, are also included in Table 1.3-1. Comments denoted with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not provided responses within Section 3 of this Final EIR. The Lead Agency has, however, attached these late comments and their corresponding responses to the Project staff report.

Table 1.3-1
Draft EIR Commentors

Commentor	Acronym	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

1.4 POINT OF CONTACT

The Lead Agency for this Project is the City of Moreno Valley. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

1.5 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.5.1 Project Location

The Project site is located southwesterly of the State Route 60/Redlands Boulevard interchange, within the easterly portion of the City of Moreno Valley. The approximately 55-acre site is bounded to the north by State Route 60 (SR-60), to the west by the Quincy Channel, to the south by Fir Avenue (future Eucalyptus Avenue), and by a vacant parcel to the east. The Project's easterly boundary parallels Redlands Boulevard, which is located approximately 700 feet to the east.

1.5.2 Project Overview

The subject of this EIR is the proposed development of the Westridge Commerce Center, which has been initiated by the Project proponent, Ridge Property Trust. Together with supporting improvements, the Project will provide for approximately 937,260 square feet of new light industrial warehouse/distribution uses.

In addition, the Project includes the development of supporting infrastructure, including roadway improvements, all necessary utilities including storm water management detention/retention basins, and paved, on-site parking areas.

1.5.3 Project Objectives

Primary objectives of the Project, as identified by the Project Applicant, are as follows:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

1.5.4 Discretionary Actions

Necessary discretionary actions, permits, and consultations allowing for implementation and operation of the Project will include, but are not limited to, the following.

1.5.4.1 Lead Agency Discretionary Actions and Permits

- **Certification of the EIR (City Case # P08-133).** The proposed development is a Project under CEQA, and may result in significant environmental impacts. Lead Agency certification of the Project EIR is required;

- **A zone change from Business Park to Light Industrial (City Case # PA08-0098).** The proposed zone change will allow for construction and operation of the Project's distribution warehouse uses as configured;

- **Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts],** to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property to ensure the protection of the health, safety and welfare of future residents;

- **Parcel Map Approval (City Case # PA09-0022)** to consolidate and reconfigure existing parcels defining the Project site, and to provide necessary easements and dedications;

- **Development Plan Review (City Case # PA08-0097)** pursuant to City of Moreno Valley Municipal Code Section 9.02.030 [Development Review Process], et al.;

- **Construction, grading, and encroachment permits** allowing implementation of the Project facilities within City of Moreno Valley jurisdictional areas; and

- **Vacation and/or dedication of public rights-of-way and easements** as elements of the proposed parcel map, or independent of the map. Rights-of-way and easements will provide public access, and ensure appropriate alignment of and access to infrastructure and utilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

- **Permitting and Consultation through the California Department of Fish and Game (CDFG)**, to include:

  - **Lake and Streambed Alteration Agreement (LSA)** addressing potential CDFG jurisdictional area impacts resulting from the Project; and
  - **Consultation** regarding the possible relocation of resident burrowing owls (if burrowing owls are determined to be present on the subject site during required pre-construction surveys).

- **CWA Section 404 and Army Corps of Engineers (ACOE) permitting** will be required for Project activities affecting off-site ACOE jurisdictional areas. CWA Section 404 permitting may also be required should the Project riparian habitat mitigation plan involve or require use of off-site federal jurisdictional areas;

- **Permitting required by/through CWA Section 401 and Santa Ana Regional Water Quality Control Board (SARWQCB)** pursuant to requirements of the National Pollutant Discharge Elimination System (NPDES) Permit;

- **Permitting required by/through the South Coast Air Quality Management District (SCAQMD)** for certain equipment to be temporarily employed within the Project during construction, and/or permanently installed and used over the life of the Project; and

- **Permitting by/through the California Department of Transportation (Caltrans**) for improvements within or that may affect Caltrans rights-of-way.

1.5.4.3 City Development Applications

In support of requested discretionary approvals and permits noted above, development applications submitted by the Project Applicant include:

- **Plot Plan** for a 937,260 square foot warehouse distribution facility;

- **Zone Change** from Business Park to Light Industrial;

- **Tentative Parcel Map** No. 36207 to combine the Project's five parcels into a single parcel; and

- **Application to Amend the City Municipal Code.** The Project Applicant is requesting a Municipal Code text Amendment to Section 9.05.020 B. The requested Amendment would provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

2.0 Revisions and Errata Corrections

2.0 REVISIONS AND ERRATA CORRECTIONS

2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text and graphic illustrations of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. It should be noted that the revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 TEXT REVISIONS

2.2.1 Text Revisions to Draft EIR Section 3.0, Project Description

Consistent with the comments provided by Thomas Thornsley, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include notation of screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. **Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls** . . .

2.2.2 Text Revisions to Draft EIR Section 4.3, Air Quality

A typographical error appearing in the first paragraph of Draft EIR Page 4.3-68 is corrected as follows, providing consistency with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

Additionally, in response to correspondence from the South Coast Air Quality Management District and others, the Draft EIR's Air Quality Mitigation Measures are revised as follows.

> *4.3.1* ***Consistent with URBEMIS modeling inputs and to effect*** ~~***The following measures shall be incorporated as***~~ *implementation of* ***SCAQMD*** *Rule 403****, the following measures shall be incorporated****:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.*
- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***
- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***
- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.***

~~*4.3.4 Construction contractors shall use only lowpolluting paints and coatings as defined in SCAQMD Rule 1113.*~~

4.3.5~~4~~ Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

4.3.~~6~~5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

4.3.~~7~~6 During Project construction, existing electrical power sources (e.g., power poles) shall be ~~provided for~~ **utilized to** power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

4.3.~~8~~7 The Applicant shall use ~~Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications~~ **"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be** consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

4.3.~~9~~8 Grading plans, construction specifications and bid documents shall **also** include ~~notation that off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where the use of biodiesel fuel would void the equipment warranty.~~ **the following notations:**

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**

- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*

- ***All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.***

4.3.9 ***Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.***

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide* ***secure, weather-protected*** *on-site bicycle storage/parking.~~ Bicycle storage parking/quantity and location shall be~~ consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***
  - ***Use of fleet vehicles conforming to 2010 air quality standards or better.***
  - ***Installation of catalytic converters on gasoline-powered equipment.***
  - ***Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;***
  - ***Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;***
  - ***Provision of preferential parking for EV and CNG vehicles;***
  - ***Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;***

- ***Use of electric (instead of diesel or gasoline-powered) yard trucks; and***
- ***Use of SmartWay 1.25 rated trucks.***

2.2.3 Text Revisions to Draft EIR Section 4.5, Water Supply

In response to correspondence from the Eastern Municipal Water District, Mitigation Measure 4.5.3 is revised as follows:

> *4.5.3 The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project****, to be constructed by the Applicant****.*

2.2.4 Text Revisions to Draft EIR Section 4.7, Cultural Resources

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

> *4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/****or*** *record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays****, consistent with the requirements of California Public Resources Code Section 21083.2****. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring.* ***Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, a****All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and/or record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*

- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

2.2.5 Text Revisions to Draft EIR Section 4.8, Biological Resources

In response to correspondence from the California Department of Fish and Game, Mitigation Measure 4.8.5 is revised as follows:

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan****; and***

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

2.3 REVISIONS TO GRAPHIC ILLUSTRATIONS

In response to comments received from Gerald M. Budlong, a City of Moreno Valley Environmental and Historical Preservation Board member, several geologic maps, which were used as points of reference in the preparation of the Project Geotechnical Investigation, are incorporated on the following pages as "Plates 1 through 4."

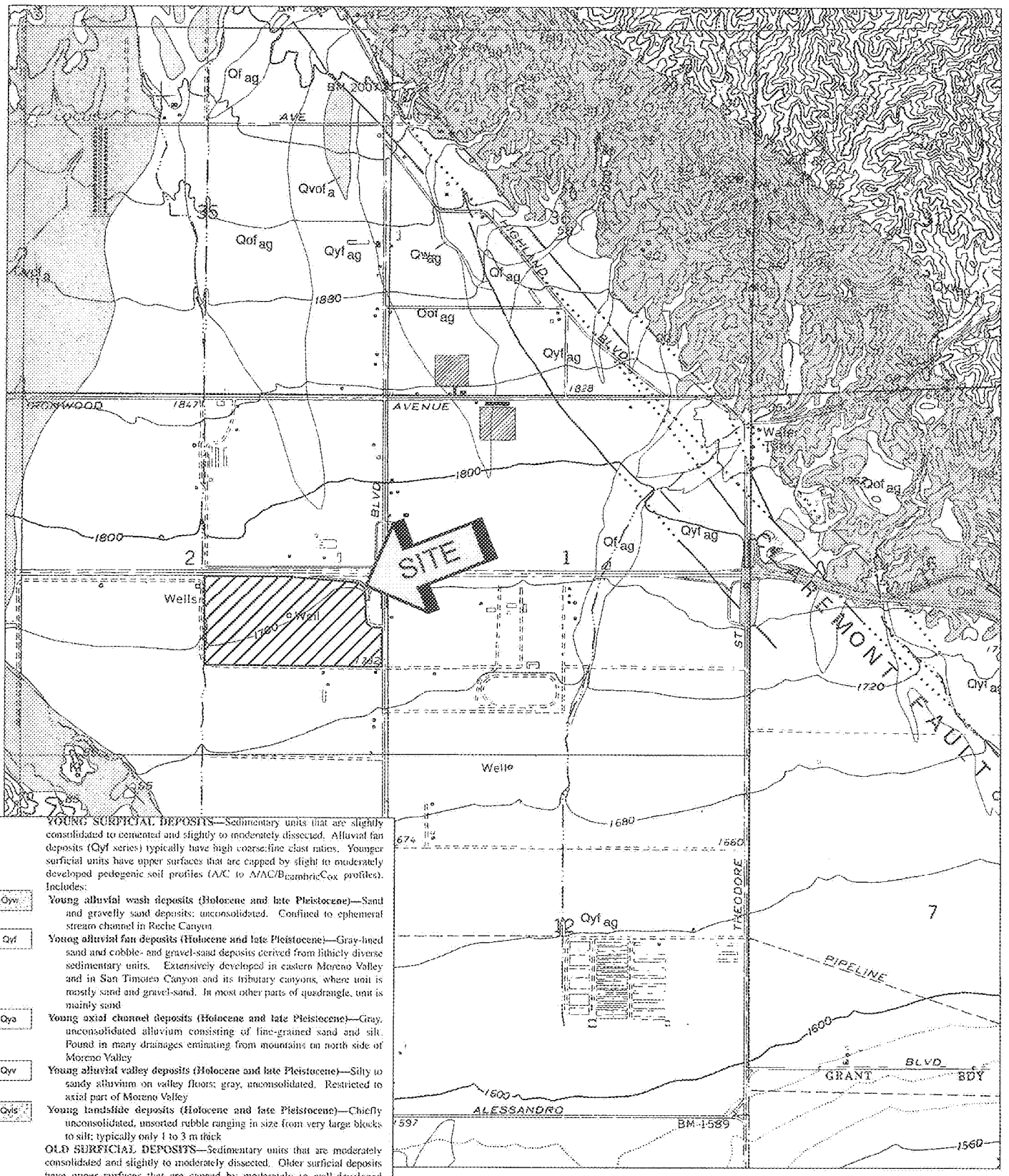

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00113152

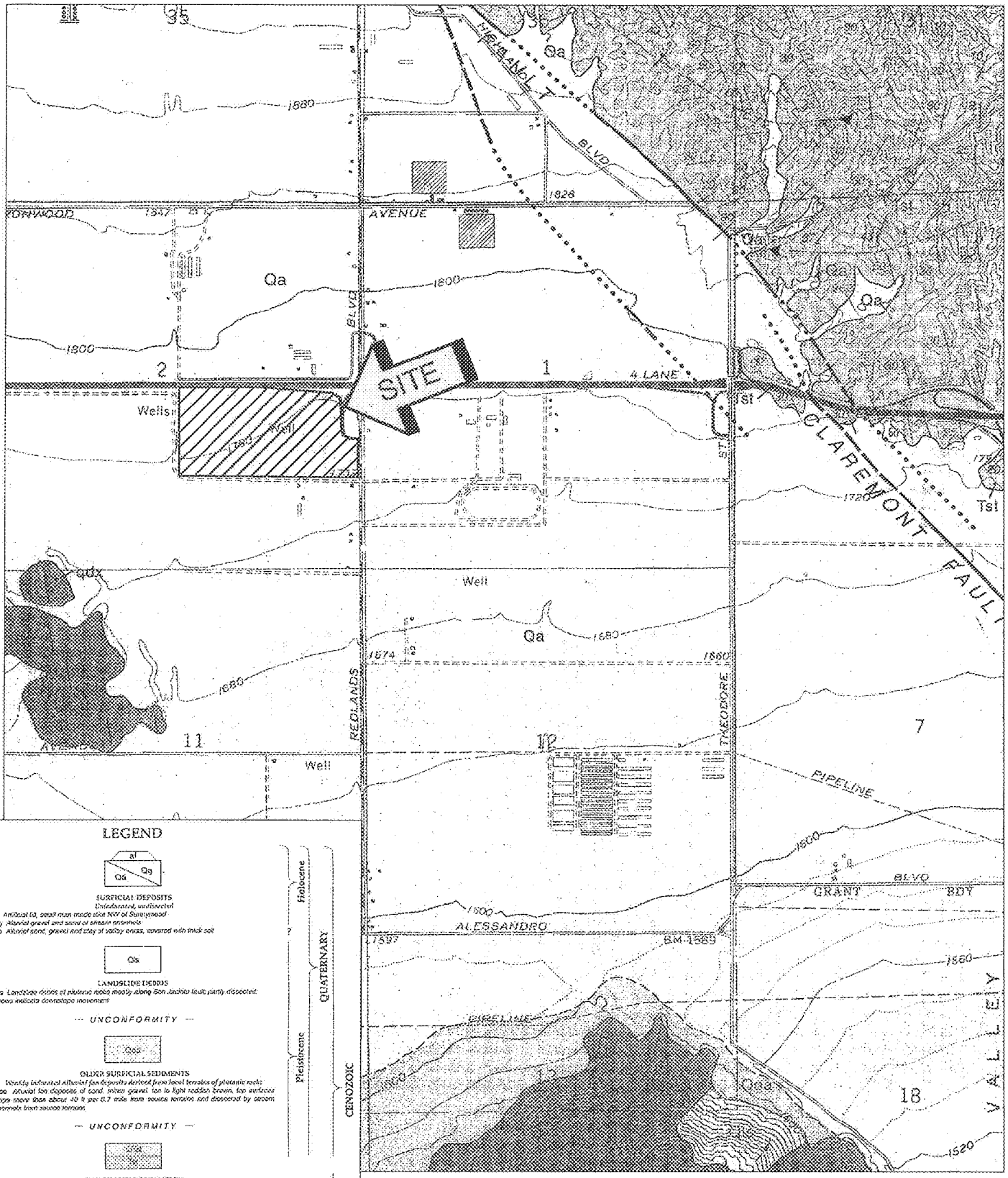

LEGEND

af / Qa / Qg

SURFICIAL DEPOSITS

Unconsolidated, undissected

af Artificial fill, small man made site NW of Sunnymead

Qg Alluvial gravel and sand of stream channels

Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

Qls

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

Qoa

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:

Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terraces and dissected by stream channels from source terraces

— UNCONFORMITY —

Tsn

SAN TIMOTEO FORMATION

(San Timoteo Hills of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1954), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); main part referred to late of Pliocene age (Morton and Matti, 2001)

Qtst Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone; unconformably (?) overlain by Qoa in this quadrangle

Tst Main part (pebble part of Morton and Matti, 2001), lithologically similar to upper part; within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Qa, Qg, af	Holocene	QUATERNARY
Qoa, Qtst	Pleistocene	QUATERNARY
Tst	Pliocene	TERTIARY

CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'

DRAWN: DRK
CHKD: JAS

SCG PROJECT
06G285-2

PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00113153

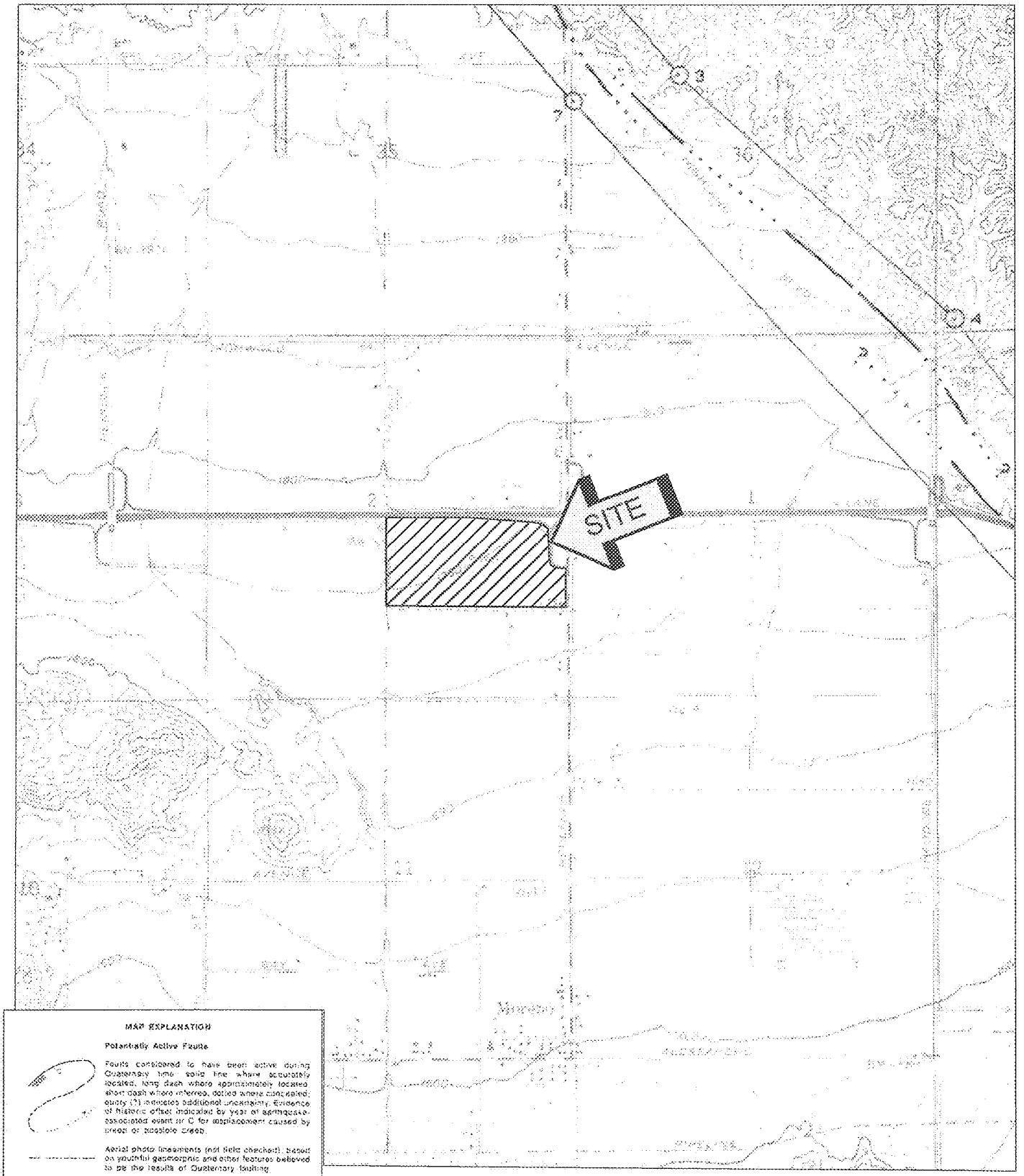

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

FAULT ZONES
03/15/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00113155

3.0 Comments and Responses

3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

The City of Moreno Valley's Responses to Comments on its Draft EIR for the Westridge Commerce Center are presented herein as required by California Code of Regulations, title 14 (hereinafter, "State *CEQA Guidelines*") Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: "[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." The 45-day comment period on the Draft EIR commenced on October 21, 2010 and concluded December 6, 2010.

Additionally, and as required by Section 15088, the City of Moreno Valley will provide written responses to all comments on the Draft EIR received from public agencies during the 45-day public review period at least 10 days prior to the proposed certification of the Program EIR.

In summary, the City's written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City's written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR's conclusions.

3.1.1 Comments Received

The following section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been organized by State agencies, County and regional agencies, and comments received from local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all commentor letters received by the City in regard to the Draft EIR, and the designation assigned to each. Comments with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not included with the provided responses herein. The Lead Agency has, however, included these late comments and their corresponding responses in the Project staff report.

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack, on behalf of Residents for a Liveable Moreno Valley, and Moreno Valley Group of Sierra Club.	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

The comment letters and the corresponding numbered responses are presented on the following pages.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

December 7, 2010

RECEIVED
DEC 13 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
SCH#: 2009101008

Dear Jeff Bradshaw:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 6, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office. SCH-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009101008
Project Title PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
Lead Agency Moreno Valley, City of

Type EIR Draft EIR

Description The West Ridge Commerce Center project proposes a 937,260 square foot industrial warehouse building on approximately 55 acres located on the south side of State Route 60, on the north side of Eucalyptus Avenue and ~650 feet west of Redlands Boulevard. The proposed warehouse use requires a change of zone from the Business Park land use district to the Light Industrial land use district. The project also requires approval of Tentative Parcel Map No. 36207 to combine the project parcels into a single parcel and a Municipal Code Amendment to establish a minimum buffering distance between warehouse distribution activities in the LI zone and adjacent residential zones. THe Quincy Channel, which is a segment of the City's Master Plan of Drainage, runs along the west site boundary and the project will be responsible for some channel improvements.

Lead Agency Contact

Name Jeff Bradshaw
Agency City of Moreno Valley
Phone (951) 413-3224 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92553

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 56' 7.7" N / 117° 09' 34.5" W
Cross Streets Fir/Eucalyptus Avenue, Redlands Boulevard
Parcel No. 488-330-003 to 006 & 026
Township 3S **Range** 3W **Section** 2 **Base** SBB&M

Proximity to:

Highways SR 60
Airports No
Railways No
Waterways No
Schools No
Land Use GPD: Business Park
Z: Business Park

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Landuse; Noise; Public Services; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

Date Received 10/21/2010 **Start of Review** 10/21/2010 **End of Review** 12/06/2010

Note: Blanks in data fields result from insufficient information provided by lead age

Item No. E.3

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2009101008

Response SCH-1

State Clearinghouse receipt of the Westridge Commerce Center Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2009101008) and dates of the public review period for the Draft EIR (October 21, 2010 through December 6, 2010) are also acknowledged.

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

December 3, 2010

RECEIVED
DEC - 7 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Re: Draft Environmental Impact Report for Westridge Commerce Center
SCH No. 2009101008

Dear Mr. Bradshaw:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Westridge Commerce Center. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). CDFG-1

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the City of Moreno Valley, County of Riverside and is bounded on the north by SR-60 and Spruce Avenue, on the south by Eucalyptus Avenue, on the east by vacant land and Redlands Boulevard, and on the west by the Quincy Channel and agricultural land. Surrounding development consists of vacant and agricultural land. CDFG-2

The proposed project consists of a 937,260 square foot industrial warehouse building on 55 acres. The Quincy Channel runs along the western boundary and will require improvements.

MSHCP

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Moreno Valley is an MSHCP participant. CDFG-3

The project is not within Cell Criteria Areas and does not require additional surveys and narrow endemic surveys, however, burrowing owl surveys are required. Initial surveys showed that burrowing owl was not present. CDFG-3 cont'd.

Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

The Department recommends that the Lead Agency clarify the issues raised below and provide a response to these comments in the Final Environmental Impact Report (FEIR) or subsequent CEQA document. CDFG-4

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant revegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

Biological Resources

A biological assessment was conducted in October, 2008. Biological Resources Assessments for the project site include the following: Burrowing Owl surveys in July, 2009, an off-site biological assessment in May, 2010 and a wetland jurisdictional delineation in February, 2010.

Biological habitat communities on the site include mulefat riparian, ruderal and agricultural. The site is highly disturbed and was formerly utilized for agricultural purposes. No focused biological surveys were required. Two southern black walnut trees were found on site. CDFG-5

Impacts and Mitigation

Section 14(a) of Appendix G of the CEQA Guidelines provides an outline for significant biological impacts. Section (a) asks whether the project will have a substantial adverse effect "...either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species...". CDFG-6

Section (b) asks, in part, whether the project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game.

Impacts to terrestrial biological resources are minimal. Mitigation for these impacts is provided for by participation in the MSHCP. The project is also located within the fee area for the Stephens Kangaroo Rat Habitat Conservation Plan. No burrowing owl were found on the site. CDFG-6 cont'd

Streambed Alteration Agreements and CEQA

The site is located adjacent to the Quincy Channel. Potential receiving waters from Quincy Channel are the Heacock Channel, Perris Valley Storm Drain and the San Jacinto River. The project site is not within the 100-year floodplain. The Channel is 1,295 linear feet with 2.4 acres of riparian habitat. Sheet flow from the site drains to the east to the jurisdictional channel along the west side of Redlands Boulevard. Both channels collect runoff from SR-60 and north of SR-60. The applicant is proposing to construct a scour wall adjacent to this channel. Along with the scour wall will be a maintenance road and a 50-150 foot buffer between the development and the Channel. The stream is an eroded earthen channel that collects runoff from three five foot wide culverts under SR-60. CDFG-7

Impacts to Quincy Channel will be from a channel crossing, not the scour wall. Impacts will also occur to an off-site channel. Permanent impacts are .003 acres to the Quincy Channel and 0.08 acres to the channel to the east (off-site). The applicant is proposing to mitigate impacts to jurisdictional State waters and riparian habitat by replacing riparian habitat at a 1:1 ratio, success criteria, and a three year maintenance and monitoring plan. CDFG-8

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. CDFG-9

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-10

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

CDFG-11

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

CDFG-12

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Michael Flores

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Letter Dated December 3, 2010

Response CDFG-1

The commentor notes CDFG's status as a responding Trustee Agency for California's fish and wildlife resources, and as a Responsible Agency for CDFG discretionary actions and permits. For the Project under consideration, the commentor notes that CDFG provides comments as both a Trustee and Responsible Agency. The commentor notes further that, pursuant to *CEQA Guidelines* Section 15096, comments provided by Responsible Agencies should focus on shortcomings on an EIR, and on additional alternatives or mitigation to be included in the EIR.

Trustee and Responsible Agency status of CDFG is recognized. The *CEQA Guidelines* Section 15096 directions for comments on EIRs to be provided by Responsible Agencies are acknowledged. It is noted further the *CEQA Guidelines* Section 15096 requires that Responsible Agencies limit their comments to ". . . those project activities which are in the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency."

Response CDFG-2

The Project location and scope as summarized by the commentor is materially correct. Please refer also to the detailed Project Description presented in Draft EIR Section 3.0.

Response CDFG-3

The commentor notes location of the Project within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).Attributes of the MSHCP and species "take" authorization for MSCHP participants are noted by the commentor. The commentor identifies the City of Moreno Valley as a participant in the MSHCP. The

commentor states further that the Project does not lie within [MSHCP] Cell Criteria Areas, and does not require surveys other than for burrowing owls. The commentor notes that initial [Draft EIR] surveys conducted for the Project indicate that owls are not present on the subject site.

Provisions of the MSHCP are noted, as is the City's status as an MSHCP participant. Species survey requirements for the Project, as stated by the commentor, are consistent with surveys conducted in conjunction with preparation of the Draft EIR. Results of the Project Burrowing Owl Survey (Survey) are summarized in Draft EIR Section 4.8, "Biological Resources," and the Survey is provided at Draft EIR Appendix G.As noted by the commentor, the initial Survey results indicate that burrowing owls are not present on the Project site. The Survey notes that "[n]o burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. In addition, this species has not been recorded from the project area in the past." [Survey, Page 6.] Further, the Draft EIR notes that "[t]he Project area does provide suitable burrowing owl foraging habitat; however, no burrowing owls or their sign were detected during the Project burrowing owl survey." (Draft EIR, Page 4.8-8.)

<u>Response CDFG-4</u>

The commentor reiterates *CEQA Guidelines* Section 15096 provisions and requirements. The commentor notes that CDFG will consult the EIR for the purposes of preparing a Lake and Streambed Alteration Agreement and/or issuance of an Incidental Take Permit. The commentor lists three (3) issues to be clarified in the Final EIR:

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

The following responses are provided to the issues/requirements cited by the commentor.

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters. Draft EIR Mitigation Measure 4.8.4 requires that a lake and streambed alteration agreement (Section 1600 permit) or waiver be obtained prior to the issuance of any grading permit and that written verification of the permit or waiver be provided to the Lead Agency (Community Development Department-Planning Division and the Public Works Department-Land Development Division).In support of the Permit, the Draft EIR identifies estimated impacts at CDFG jurisdictional areas and habitat, and identifies responding mitigation. This information will be included in subsequent Section 1600 Permit documentation for the Project. Relevant EIR text is excerpted below:

> [T]he channel is jurisdictional under the U.S. Army Corps of Engineers, the California Department of Fish and Game, the California Regional Water Quality Control Board and the MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Under a maximum potential impact scenario, construction of off-site improvements could result in permanent disturbance and alteration of approximately 0.08 acres (710 lineal feet of 5-foot wide channel, or a total of 3,550 square feet) of un-vegetated riparian habitat. Consultation and permits from these agencies will be required prior to any disturbance of this channel (Draft EIR, Page 4.8-10).

As summarized in Draft EIR Section 4.8 and presented in detail in the Project Jurisdictional Delineation, construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat

riparian habitat/CDFG jurisdictional areas. This is a potentially significant impact, as acknowledged on Draft EIR Page 4.8-23.

The following mitigation measures addressing potential impacts to jurisdictional/ habitat areas were incorporated in the Draft EIR, and will be reflected in subsequent Section 1600 Permit documentation.

4.8.1 *Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*

4.8.2 *Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*

4.8.3 *Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be*

planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 *Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.*

4.8.5 *Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:*

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, and regular maintenance and monitoring activities to ensure the success of the mitigation plan*

(Draft EIR Pages 4.8-23 through 4.8-24).

The commentor incorrectly states subsequently (please refer to Comment CDFG-8) that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." Potential impacts from a future crossing of the Quincy Channel at Fir (future Eucalyptus) Avenue are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project. As noted in Footnote 2 on Draft EIR Page 4.8-19, repeated here for ease of reference:

> The EIR Jurisdictional Delineation also acknowledges jurisdictional impacts and associated mitigation and permitting requirements associated with the future bridge crossing of Fir (Eucalyptus) Avenue at the Quincy Channel, located southwesterly adjacent to the Project site. This bridge crossing, to be implemented by the City or others at a future date as a part of areawide circulation system improvements, will permanently impact an estimated 0.47 acres of CDFG jurisdictional areas, with temporary impacts to an additional 0.06 acres of CDFG jurisdictional area. Affected CDFG jurisdictional areas encompass ACOE and RWQCB jurisdictional areas. These are not Project-related impacts, but are however considered in this EIR and CEQA within the context of cumulative impacts. Please refer also to EIR Section 5.1.1.8, Cumulative Biological Resources impacts (Draft EIR Page 4.8-19).

2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan. The last bullet point at Mitigation Measure 4.8.5 is amended as follows to include native plant re-vegetation for areas temporarily disturbed by construction.

- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department. As noted above at Mitigation Measure 4.8.5 (as amended):

> *[The Project] HMMP shall, at a minimum, meet the following requirements:*
> - *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
> - *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
> - *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal**, native plant re-vegetation for areas temporarily disturbed by construction,** and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

While the Draft EIR presents a reasoned best estimate of impacts and proposed responsive mitigation based on Project design concepts, details such as monitoring and maintenance of mitigation for impacts to jurisdictional areas and affected habitat are more effectively developed based on final Project designs including detailed grading plans, utility plans design and final building designs. As matter of clarification, the following bullet point is added to Mitigation Measure 4.8.5:

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

With these revisions, Mitigation Measure 4.8.5 in total will be worded as presented below. These revisions will be reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Response CDFG-5

The commentor notes biological resources surveys conducted for the Project, and comments further that no focused surveys were required. Surveys and survey results noted by the commentor are materially correct. No further response is required.

Response CDFG-6

The commentor cites *CEQA Guidelines* Appendix G suggested threshold considerations addressing habitat modifications and potential impacts to candidate, sensitive or special status species, riparian habitat, or other sensitive natural communities. The commentor notes that [Project] impacts to terrestrial biological resources are minimal, and that mitigation for these impacts is provided for through participation in the encompassing MSHCP. The Project also lies within the fee area for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan. Potential impacts to SKR are addressed though fee payments consistent with provisions of the SKR Habitat Conservation Plan. The above statements provided by the commentor are materially correct. No further response is required.

Response CDFG-7

The commentor summarizes physical characteristics of the Quincy Channel (Channel), located westerly of the Project site. The commentor notes that the Project Applicant proposes to construct a scour wall adjacent to the Channel. A maintenance road will be constructed on the easterly (developed side) of the wall and an approximate 50-150 foot buffer area will be provided between the wall and the developed warehouse areas.

The commentor's summary descriptions of the Channel and Applicant-initiated improvements are materially correct. No further response is required.

Response CDFG-8

The commentor incorrectly states that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." As noted in the preceding Response CDFG-4, potential impacts from a future crossing of the Quincy Channel at Fir (Future Eucalyptus) are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project.

As noted by the commentor, the Draft EIR acknowledges that the Project will result in or cause approximately 0.003 acres of *temporary* [emphasis added] impact to CDFG jurisdictional area along the Quincy Channel due to construction of the scour wall. Impacts arising from eventual future crossing of the Channel are not Project-specific and no mitigation is proposed by the Project. Potential cumulative impacts of the crossing are discussed at Draft EIR Section 5.1.1.8:

> . . .[I]t is noted that the ultimate design of Fir (future Eucalyptus) Avenue includes the construction of a crossing to span Quincy Channel. This future channel crossing is not considered a component of the proposed [P]roject and is contingent on vicinity development, which may occur in the next several years. The future construction of a channel crossing could result in permanent and temporary impacts on [the] Quincy Channel. These potential impacts are identified within Section 5.2.2 of the Jurisdictional Delineation Report in Draft EIR Appendix G. Because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in this EIR. It is further noted, however, that the ultimate extension of Eucalyptus Avenue, including the construction of a Quincy Channel crossing, is included in the City's General Plan Circulation Element, and as such, has been considered as a part of the City's General Plan EIR. Cumulative Project impacts are not affected by the extension of Fir (future Eucalyptus) Avenue or the construction of a Quincy Channel crossing (Draft EIR Pages 5-22 through 5-23).

<u>Response CDFG-9</u>

The commentor states that"[i]f the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance,

mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement."

The commentor's statement/concern is recognized; however, such concerns are not germane to the Project or to the Draft EIR. Potential Project-related impacts to lakes, streams, and associated resources are fully disclosed and discussed in the Draft EIR and supporting technical studies presented in Draft EIR Appendix G. A summary of impacts and proposed mitigation is provided in preceding responses CDFG-1 through CDFG-8. Please refer also to the detailed discussions presented in Draft EIR Section 4.8, "Biological Resources," and supporting technical studies provided in Draft EIR Appendix G, "Biological Resource Assessments." Moreover, all areas of potential jurisdictional impacts are avoided to the extent possible and mitigated where complete avoidance is infeasible. The discussion provided as part of Draft EIR Mitigation Measures 4.8.1 through 4.8.3, as excerpted below, requires and promotes avoidance. The complete text of these mitigation measures is provided in the preceding Response CDFG-4.

> *. . . Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel . . . a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*
>
> *. . .Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained*

throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

. . . [N]o invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel (Draft EIR Page23).

Response CDFG-10

The commentor states that "[t]he Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:l replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors."

The Project does not propose elimination of drainages, lakes and their associated habitats. Mitigation is proposed for the Project's temporary impact to 0.003 acres of riparian (mulefat) habitat.[1]The ultimate scope and location of mitigation will be determined in consultation with CDFG through the Streambed Alteration Agreement Notification/Permit process (or waiver), to be completed prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas. Notification/Permit processes will be initiated by the Applicant at the earliest practicable date. Given the nominal scope of habitat impact (0.003 acres), its relative distance from proposed areas of development, and intervening buffering areas provided, no substantive alteration of the Project is proposed nor anticipated to be

[1] Total impacts to jurisdictional areas are estimated at 0.083 acres: 0.003 acres temporary impact to jurisdictional mulefat habitat; 0.08 acres permanent impact to non-habitat jurisdictional areas.

required in order to successfully mitigate the Project's temporary impacts to riparian habitat. Contact information provided by the commentor is noted.

Response CDFG-11

The commentor notes the following informational requirements for a Streambed Alteration Agreement, and recommends its incorporation in CEQA documents:

> 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
> 2) Discussion of avoidance measures to reduce project impacts; and,
> 3)Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

The above information is provided in the Draft EIR and supporting jurisdictional delineation information presented at Draft EIR Appendix G. Excerpted germane Draft EIR discussions are presented below, and the commentor is referred to full detailed discussions presented in the body of the Draft EIR, specifically, within Section 1.0, Summary; Section 4.8, Biological Resources; and Section 5.0, Other CEQA Considerations. Supporting technical studies are provided at Draft EIR Appendix G, Biological Resource Assessments.

1. **Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type).**The Draft EIR states that "[p]roject construction activities will result in the following potentially significant impacts: Potential direct temporary impacts to 0.003 acres, (22 lineal feet) of mulefat vegetated riparian habitat; and Potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat" (Draft EIR Page 1-77, et al.).

2. **Discussion of avoidance measures to reduce project impacts.** The Draft EIR states that "[a]maintenance road will be provided along the easterly edge of the scour wall, and Westerly of the scour wall, a buffer area averaging in width from approximately 50 feet to 150 feet will be established, providing separation between the developed site and the adjacent Quincy Channel. This physical separation between the developed site and the Channel habitat areas minimizes or precludes direct impacts to the Channel and its associated vegetation communities and special status plant species." (Draft EIR Page 4.8-18, *et al.*) Please refer also to the preceding Response CDFG-9.

3. **Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.** Please refer to Draft EIR Mitigation Measures 4.8.1 through 4.8.5 (as amended through these responses), presented in the preceding Response CDFG-4.

Response CDFG-12

The commentor cites *CEQA Guidelines* Section 15370, which describes/defines mitigation, and states that CDFG cannot fulfill its obligations absent defined impacts and proposed mitigation. CDFG point of contact information is provided.

Project impacts are fully and appropriately defined and disclosed as summarized in the preceding responses and presented in detail in the Draft EIR (0.08 acres permanent impact to non-habitat jurisdictional areas; 0.003 acres temporary impact to jurisdictional mulefat habitat). Mitigation is proposed for impacts determined to be potentially significant. Mitigation includes restoration/replacement habitat at a minimum 1:1 ratio. The Lead Agency considers the defined area of impact and proposed mitigation to be consistent with CDFG requirements, and supports the Department's obligations and responsibilities as a Trustee and Responsible Agency. Project impacts, as mitigated, are considered to be less-than-significant. Mitigation as revised herein is included in

response to CDFG comments. CDFG staff were contacted (phone conversation 12.16.10) to clarify information provided in the DEIR and discuss CDFG concerns. Subsequent to that conversation, a draft of these responses was emailed to CDFG staff. As indicated in the following email response from CDFG, CDFG staff concurs with the substance of these responses and proposed revisions to the Draft EIR text.

From: Robin Maloney-Rames <RMaloney@dfg.ca.gov>
Date: December 29, 2010 9:13:07 AM PST
To: <cray@appliedplanning.com>
Subject: Re: Westridge Draft EIR-CDFG Comments and Responses (Draft)

Hello Charly:

I took a look at the letter and response to comments. It seems to be in order. If you could include this with the Response to Comments I would appreciate it.

thanks
Robin

Environmental Scientist
Dept. of Fish and Game
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 980-3818

Thank you for contacting the California Department of Fish and Game. Pursuant to Governor's Executive Order S-12-10, we are closed on the second, third and fourth Friday of each month.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-6890
TTY (909) 383-6300

Flex your power!
Be energy efficient!

December 6, 2010

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Westridge Development Draft Environmental Impact Report (October 2010). SCH: 009101008.
Riv-60-PM19.0/20.4

Dear Mr. Bradshaw,

We have completed our review for the above noted project which is located south of State Route 60 (SR-60) east of Quincy Channel, and north of Fir Avenue in the City of Moreno Valley. The project proposal comprises of the construction of 937,260 square feet of new light industrial warehouse/distribution area.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS. DOT-1

We have the following comments:

Traffic Operations

1. Please include a Stacking Distance analysis for the Moreno Beach Road . DOT-2

2. Traffic Impact Study (page 124, Table 6-11); under Redlands Blvd at SR-60 Westbound Ramp, please include: WBL, WBR, EBL & EBR. Additionally, under SR-60 at eastbound Ramps, please include: SBR. DOT-3

3. Due to the potential high volumes of truck traffic, please ensure that the ramp intersection will accommodate STAA truck turning movements. DOT-4

4. Please include the ramp merge/diverge analysis for SR-60 at Moreno Beach Dr. and at Redlands Blvd. DOT-5

Mr. Bradshaw
December 6, 2010
Page 2

Hydrology

1. Although the proposed improvements should have no significant effect on Caltrans facilities, the documentation submitted did not give specific details how the runoff from the freeway SR-60 will be captured and contained. We would expect the developer's engineer to address this issue during the design and permit approval process. DOT-6

Permit Requirements:

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
Department of Transportation
464 West 4th Street, 6th Floor, MS-619
San Bernardino, CA 92401-1400
(909) 383-4526

DOT-7

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Joe Shaer at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DISTRICT 8

Letter Dated December 6, 2010

Response DOT-1

Caltrans jurisdiction and statutory responsibilities in regard to the proposed Project's potential effects on SR-60 are acknowledged. Agency review of the Draft EIR is appreciated.

Response DOT-2

The commentor requests a stacking distance analysis for Moreno Beach Road. Within the context of the Caltrans Guide for the Preparation Traffic Impact Studies (State Of California Department Of Transportation), December 2002, the traffic impact analysis consultant, guided by local input and expertise of the Lead Agency, established the parameters and extent of the Project Traffic Impact Analysis (TIA). The Project is anticipated to contribute nominal[2] traffic to Moreno Beach Road for opening year conditions; and would contribute less than 50 peak hour trips to Moreno Beach Road under long-range conditions.

Pursuant to applicable CMP TIA guidelines (see Caltrans TIS Guidelines, Page 2), it is typically unnecessary for projects generating less than 50 peak hour trips to assess potential impacts in regard to stacking or progression through an interchange area. The Lead Agency has not indicated special circumstances or other considerations that would indicate a requirement for a stacking distance analysis for Moreno Beach Road, nor is such the conclusion of the TIA consultant.

---

[2] Nominal traffic contributions are defined less than 50 vehicles per day (Project TIA Page 44, et al.)

Response DOT-3

The commentor requests specific analysis of the westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps. Analysis of the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps is also requested.

The westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps were not individually reported since they are shared lanes, and the queues associated with these movements are reflected in the 95th percentile queue presented for the westbound and eastbound through movements, respectively. Similarly, the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps was not reported individually since it is a shared movement with the southbound through lane. Please refer also to TIA Table 4-1 (Intersection Analysis for Existing Conditions).

Response DOT-4

As noted in the discussion of regional access (Draft EIR Section 4.2.2.2 on Page4.2-8), the Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. (Please refer to Figure 3.5-1, Site Plan Concept). The Project would, upon approval, be responsible for payment of Traffic Uniform Mitigation Fee (TUMF) contributions; however, interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. When designed, reviewed and constructed, it is presumed that the ramps will be required to be consistent with Caltrans design standards, and will accommodate STAA truck turning movements.

Response DOT-5

According to the Transportation Research Board's *Highway Capacity Manual*, the influence area for a merge junction is 1,500 feet downstream, and the influence area for a

diverge junction is 1,500 feet upstream. The distance between the ramps at Redlands Boulevard and Moreno Beach Boulevard is approximately 6,600 feet. There are no other merge/diverge junctions (i.e., interchanges) within the 1,500-foot influence areas of the ramps at Moreno Beach Boulevard and Redlands Boulevard, and as such, merge and diverge analyses were determined unwarranted as part of the Project TIA.

Response DOT-6

As noted by the commentor, specific concerns in regard to the design of collectors for runoff from the SR-60 onto the site will be addressed as part of the design and permit approval process. In general, as discussed in Draft EIR Section 4.6, "Hydrology and Water Quality," storm water will be collected onsite through a series of catch basins and clarifiers, and directed to a municipal drainage system, connections for which would be constructed adjacent to the site within the rights-of-way of Fir (future Eucalyptus) Avenue and Redlands Boulevard.

Response DOT-7

The required review of street, grading and drainage construction plans by Caltrans personnel prior to the issuance of encroachment permits is acknowledged. The address and contact information provided is appreciated.

Board of Directors

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

December 6, 2010

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: West Ridge Commerce Center Project
Draft Environmental Impact Report
SCH No. 2009101008

Dear Mr. Bradshaw:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above referenced project. The project is generally described as a plot plan for development of a 937,260 square foot warehouse distribution on building on a 55 acre site, Related applications include a Zone Change from Business Park to Light Industrial, a tentative parcel map to combine five parcels into a single parcel and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment to establish a buffering distance between warehouse distribution land uses in the light industrial zone and adjacent residential zones. EMWD-1

Eastern Municipal Water District (EMWD) offers the following comments with respect to this DEIR document:

1- Please revise Mitigation Measure 4.5.3, on page 4.5-29, as follows (revisions indicated in ***bold italics***): EMWD-2

4.5.3 ***In this East Moreno Valley area, existing water, sewer and recycled water facilities are not adequate to accommodate the Project. Therefore, from a facilities perspective, the Project would be conditioned to construct off-site and on-site water, sewer and recycled facilities needed to serve the***

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

City of Moreno Valley
December 6, 2010
Page 2

Project. Accordingly, a Plan of Services (POS) must be completed and submitted by the Applicant, for EMWD's approval. As soon as possible, the Applicant shall meet with EMWD staff to develop a Plan Of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water ***facilities*** requirements to serve the project, ***to be constructed by the Applicant. Additionally, there could be temporary service impacts while constructing or extending facilities required for this Project, which should be evaluated in the Final EIR.*** EMWD-2 cont'd.

2- Please note the Water Supply Assessment (WSA) expiration date is June 4, 2011. EMWD-3

Again, EMWD appreciates the opportunity to comment on this project. Please forward future environmental documents for this project and the response to the above comments prior to EIR certification to the attention of Karen Hackett at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Karen Hackett at 951 928-3777, Ext. 4462, or myself at Ext. 4455. EMWD-4

Sincerely,

Joseph B. Lewis
Director of Engineering Services

JBL:ME:RR:KAH

cc: E. Lovsted

Encl.

EASTERN MUNICIPAL WATER DISTRICT
SINCE 1950

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

Developers/Engineers

Will your project require service from Eastern Municipal Water District for water, sewer or recycled water?

EMWD requires beginning dialogue with the applicant at an early point in site design and development of a project, in order to assess the infrastructure needs. Accordingly, we offer to meet with developers/engineers for one initial due-diligence meeting, without requiring a deposit. This meeting is to review your project and determine potential service from EMWD. The objective is to provide a forum to resolve any questions about our development process and help to determine if there are any potential issues that may exist in the area concerning EMWD facilities (water, sewer or recycled water). Afterward, should you decide to pursue your project(s) with EMWD, we will require you to deposit funds and open a Work Order. This Work Order is used to cover staff time and research required to generate a Plan of Service. No improvement plans will be accepted until this pre-project phase is completed and an EMWD Plan of Service has been approved.

In an ongoing effort to develop a dependable and reliable water supply for its customers, EMWD's goal is to maximize the use of recycled water, for landscape demands. All projects that include landscaped areas are carefully considered for recycled water use. This process needs to begin early to avoid unnecessary delays. EMWD-5

In order to set up a Due Diligence meeting we need:

1- A completed Due Diligence questionnaire.
2- Your proposed agenda for the due-diligence meeting
3- Location Map
4- Proposed development plan layout if available (hard copy and JPEG format)

I encourage developers/engineers to become familiar with EMWD New Development processes, while designing your project. They have been developed over many years and serve a great importance as they can prevent complications and save time. More information can be found at http://www.emwd.org/new_biz/new-biz-dev.html

If at any point in time there are questions or concerns, please do not hesitate to contact me

Sincerely,

Linda H. Petersen
Development Coordinator ex. 4310
Petersel@emwd.org

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet: www.emwd.org

EASTERN MUNICIPAL WATER DISTRICT

Letter Dated December 6, 2010

Response EMWD-1

The commentor has accurately summarized the general aspects of the proposed Project and required discretionary actions.

Response EMWD-2

As discussed in the EIR, the Project's impacts to water supplies is less-than-significant. Notwithstanding, mitigation is provided to ensure timely construction of service lines/facilities necessary to serve the Project. In this regard, the Lead Agency acknowledges the District's desire to clarify the referenced Mitigation Measure 4.5.3, which is discussed in Draft EIR Section 4.5, "Water Supply." Accordingly, the language of this mitigation measure has been amended as follows.

> 4.5.3 *The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project,* ***to be constructed by the Applicant****.*

Related to the Project POS, preliminary information provided by EMWD indicates that provision of adequate fire flows for the area west of Redlands Boulevard and south of SR-60 will require construction of a 24-inch water line within the Fir (future Eucalyptus Avenue) extending westerly from Redlands Boulevard to connect to an existing 24-inch line at the approximate alignment of Petit Street. The extent of the actual construction of the line is not known at this time and is ultimately dependent on the timing of improvements constructed as a part of adjacent proposals. Regardless of these other projects, Certificate of Occupancy for the Project is conditioned on the provision of

adequate fire flows whether achieved by this new line, or by other means acceptable to EMWD and the City Fire Department.

To ensure monitoring and enforcement, this revision to Mitigation Measure 4.5.3 is reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata. Additional explanatory language provided by the commentor is not considered appropriate for inclusion in this mitigation measure.

The Applicant's responsibility for the construction of all required infrastructure to serve the Project, including but not limited to the extension of off-site and on-site water, wastewater, and recycled water facilities, is acknowledged. As noted in the discussion of Water/Sewer Services on Draft EIR Page 3-21, "[a]lignment of service lines, and connection to existing services will be as required by EMWD."

The possibility of temporary service impacts during the construction or extension of facilities is acknowledged. Coordination with the District in regard to planned or proposed construction actions will occur as part of the preparation of the required POS (identified in Mitigation Measure 4.5.3, above). Additionally, notification of potential utility service disruptions would be provided to existing residents and/or business owners in the area by the developer, acting to minimize their effects. The results and conclusions of the Draft EIR are not affected.

<u>Response EMWD-3</u>

As noted in Draft EIR Mitigation Measure 4.5.4 (excerpted below), the upcoming expiration date of the Project's Water Supply Assessment is acknowledged.

> 4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008.The Project Applicant shall maintain communication with EMWD*

on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA.

Response EMWD-4

As requested, and pursuant to Public Resources Code §21092.5, the District will receive a written response to these comments at least ten days prior to the certification of this EIR.

Response EMWD-5

EMWD provides a standardized Notice to Developers and Engineers outlining EMWD requirements and processes necessary to ensure adequate and timely provision of services.

The Notice to Developers and Engineers (Notice) attached to the above-referenced comment letter is acknowledged, and has been incorporated in this Final EIR for ease of reference. The Applicant consulted with EMWD early in the planning process (due diligence meeting conducted with EMWD staff on January 27, 2009) in order to determine the likely scope and type of improvements required. At the earliest feasible date, the Applicant will coordinate with EMWD in developing the POS for the Project consistent with provisions of the Notice.

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

134314

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 29, 2010

RECEIVED
DEC - 6 2010
CITY OF MORENO VALLEY

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

~~Dear Mr.~~ Bradshaw:

Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

This letter is written in response to the Notice of Availability West Ridge Commerce Center Project Draft Environmental Impact Report. The purpose of the proposed project is to develop a 937,260 sq. ft. warehouse distribution building on a 55 acre site located near Eucalyptus Avenue and Redlands Boulevard. The project also requests a zone change of five parcels from Business Park to Light Industrial, combining the five parcels into one and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment. RCFC-1

The Riverside County Flood Control and Water Conservation District (District) has reviewed the DEIR and has the following comments:

This project involves District Master Drainage Plan facilities, namely Moreno Line G-7 and D-3. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards and District plan check and inspection will be required for District acceptance. Plan check and administrative fees will be required. RCFC-2

This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

The District is signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City will request that the District own, operate and maintain the above referenced facilities, the applicant will need to demonstrate that all construction related activities within the District right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP. RCFC-3

134314

Mr. Jeff Bradshaw -2- November 29, 2010
City of Moreno Valley
Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

General Information

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy. RCFC-4

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Edwin Quinonez

EDWIN QUINONEZ
Senior Civil Engineer

c: Riverside County Planning Department
Attn: Kathleen Browne

AJK:EQ:blj

RIVERSIDECOUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Letter Dated November 29, 2010

Response RCFC-1

The commentor has accurately summarized the general aspects of the proposed Project and its required discretionary actions.

Response RCFC-2

The District's requirements in regard to transfer of ownership, standards for construction, inspection and fees are acknowledged.

Response RCFC-3

The assessment of the Project's potential to conflict with any applicable habitat conservation plan or natural community conservation plan (Draft EIR Page 4.1-31), indicates that the Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).The Project's compliance with all referenced sections of the MSHCP is documented within the *Report on Habitat Assessments and Biological Surveys for the Westridge Project Site* (Pages 42-43, Draft EIR Appendix G).

Response RCFC-4

RCFC provides general information addressing: National Pollutant Discharge Elimination System (NPDES) permit requirements; Federal Emergency Management Agency (FEMA) requirements for projects or actions within or affecting FEMA-mapped floodplains; and Army Corps of Engineers (ACOE)/California Department of Fish and Game (CDFG) requirements for projects or actions within or affecting natural watercourses or mapped floodplains.

The Lead Agency appreciates the general information on permitting requirements provided by the District. As noted in the Draft EIR's discussion of stormwater

permitting (Section 4.6.3.3, Pages 4.6-10 through 4.6-13), the Project is required to obtain clearance from the State Water Resources Control Board pursuant to the NPDES Statewide Industrial Storm Water Permit for General Construction activities. The Project does not lie within, nor would it otherwise affect any mapped floodplain areas. As such, the Project is not subject to FEMA floodplain requirements. As required through Project Mitigation Measure 4.8.4, the Applicant is required to obtain a streambed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit prior to physical disturbance of any jurisdictional areas.

December 5, 2010

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley 92552

Re: PROPOSED WAREHOUSE PROJECT, WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133

Dear Mr. Bradshaw:

I am a Moreno Valley resident, and have looked at the Westridge Commerce Center Draft Environmental Report and feel compelled to comment on this proposed project. I believe the proposed project; a 937,260 square foot warehouse distribution building on a 55-acre site located on the north side of Eucalyptus Avenue, approximately 650 feet west of Redlands Boulevard will negatively impact the overall quality of life in Moreno Valley. **I ask that this project be denied and not be built to the scope/size requested or in the area Ridge Property Trust is asking for it to be built on.** MA-1

The preamble to our City's General Plan states, "The City of Moreno Valley embraces the interests of its residents and strives to meet their needs by creating a sense of community. The commitment to this vision encourages attractive amenities and a full range of public services while promoting **a safe and healthy environment. It is the goal of the City to improve the quality of life ...**" and after reviewing the EIR it is apparent that this project will negatively affect: Air Quality, Traffic Congestion, Destroy Aesthetics, Impact Water, Incur Large amounts of Solid Waste, Bring More Light and Noise that overall will result in a deterioration of the quality of life enjoyed by residents of our city overall and in particular residents living on the East Side of our City and also hurt the children in our city by these negative impacts. MA-2

A survey taken for the City's General Plan also found out that **47% of our residents wanted to retain the rural character of northeast Moreno Valley** (10% disagreed). This project destroys that rural character, and it would be in the best interests of the residents of our City to honor that desire by denying this project. MA-3

I do not agree with the philosophy that for economic development to occur and for there to be jobs that I must lower my standard of living to achieve this. The 900 jobs that the EIR for this project suggests will occur, are in no way guaranteed to meet that number nor are they guaranteed to even go to a portion of Moreno Valley residents and this is a tactic that is playing upon the need for jobs in our City by promises that may not be kept, because there is no written contract that will guarantee this job number or that they go to local residents. MA-4

The EIR states repeatedly that the effects of this project are minimal and not significant in magnitude, however, if this were true this developer would not have to ask for a Zone Change from Business Park to Light Industrial because the proposed warehouse/distribution center at 937,260 sq. ft. exceeds Business Park footage in our City's General Plan of 50,000 sq. ft. This request in no way benefits the health, safety or welfare of current residents much less future residents as stated in the EIR. MA-5

This EIR also uses the approval of the 2.6 million square feet for the Highland Fairview Project as a tool for their requests to be granted. Due to the approval and development of Highland Fairview's mega warehouse and approval of the ProLogis project, any additional project(s) that incur additional MA-6

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
2

truck traffic, and diesel particulate matters into the air, as well as changing the scenic view by building another mega warehouse that will be open 24 hours per day, the accompanying lighting, noise, air pollution, traffic congestion, MUST be factored into the overall effect and impact of the Highland Fairview and ProLogis Projects to determine the real effects that will occur to the residents in the area of this development and the City as a whole. MA-6 cont'd.

With the State of California, Riverside County, and Moreno Valley all suffering from large budget deficits it is unknown when the necessary funds to upgrade the freeway, overpasses, roads will be able to be completed, and with numerous diesel trucks that will come from this project, the damage to local roads, streets, and increased congestion, as well as increased dirty air and diesel particulate will hurt our city's overall quality of life and could result in increased traffic accidents and costs to our police and fire as a result. MA-7

Again, our City's General Plan states, "The image of the community is perceived from freeways, streets and the point of view of the pedestrian. The viewer forms an impression about the beauty and safety of the community as he or she views the surrounding buildings …" If mega warehouses and distribution centers continue to be built along the eastern portion of our city and exceptions to the business park/light industrial maximum square footage of 50,000 sq. ft. continues to be ignored our city will suffer from negative impressions because we are allowing ourselves to become a warehouse ghetto, and that will also hurt property values of the residents surrounding this project as well as the others of the same ilk, and ultimately will cause depressed property values to continue if not decrease even more than they already have. By denying this project you will be protecting our home values and our city's image rather than letting the 60 freeway become a vision of mega warehouse distribution centers that were never intended to be built en masse in this part of our city. MA-8

In section 5.3.2.2 Industrial Development of the Moreno Valley General Plan it says, "Industrial and business park development is concentrated in the southern part of the City, generally located south of Iris Avenue and north of San Michele Road to the Perris city limits." Approving this project, as the others that have been approved, goes against what was to be an orderly and organized location for industrial and business park developments, not the east end of our city that was to have the rural characteristics valued and protected.

Although this project says it will get water from MWD and that there is no problem, I would point out that EMWD is still in a Stage 2 Water Shortage and goes on to say in their newsletter, that all EMWD customers are required to eliminate water waste, so how does approving mass warehouses help to not add more stress to our lack of water? And in their 10/21/10 newsletter, MWD says, "Southern California's water reserves are still low
Southern California continues to face significant water supply challenges in 2010 and beyond. … During the past three years, Metropolitan has tapped its reserves to maintain deliveries to its 26 member agencies and 19 million Southern Californians. Our reserves are down by about 50 percent. With water uncertainties facing the state, the challenge ahead is to continue to lower demand and stretch our reserve supplies as much as possible … Approving mega warehouse projects does not help in our struggle to maintain adequate water supplies whether it be from EMWD resources or MWD resources. This is another reason this project should be denied. MA-9

Regarding the increase diesel truck traffic that will occur if this project is approved, in a presentation, Truck Management Strategies in Los Angeles, by Susan Bok, AICP a Senior Transportation Planner, MA-10

Los Angeles it was noted that "Trucks often pass through or near residential areas en route to … distribution centers… safety, air pollution, vibration and noise impacts on residents. Truck impacts on roadway surfaces: 1 truck = 10,000 cars" which is a negative health and safety impact that will be incurred on the resident of Moreno Valley if this project is approved. MA-10 cont'd.

In an article from: Contemporary Economic Policy | January 1, 2007 | Bluffstone, Randall A.; Ouderkirk, Brad | Copyright:

"II. THE ENVIRONMENTAL ISSUES

Diesel exhaust is made up of gas and particulates. Gases include hydrocarbons, carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur oxides, but particulates are of special concern because they are associated with a variety of cancers and cardiopulmonary problems that have been shown to increase the risk of mortality. Relative to gasoline engines, heavy-duty diesel trucks, such as those used in the logistics industry, typically emit at least 24 times more fine particulate matter per mile traveled (Kirchstetter et al., 1999). Health effects associated with these particles fall disproportionately on vulnerable populations, such as the young, elderly, and those who already have compromised respiratory systems.

Recently, the toxic and especially carcinogenic effects of diesel particulate matter (DPM), much of which comes from trucks, have been highlighted. The State of California and the U.S. Environmental Protection Agency (USEPA) have identified more than 40 toxic pollutants in diesel emissions, and in 1998 the California Air Resources Board (CARB) named it a toxic air contaminant (CARB, 2000; Lippmann et al., 2003; Ostro and Chestnut, 1998; SCAQMD, 2003). MA-11

Particulates are classified according to their diameters. Those less than 2.5 [micro]m ([PM.sub.2.5]) pose the greatest threat to human health because smaller size allows deeper penetration into lung tissues as well as longer float times (as much as several days under dry conditions) and therefore wider deposition. DPM is particularly light, with a mean particle diameter of 0.2 [micro]m, but as much as 20% of DPM can be less than 0.05 [micro]m, which floats longer and penetrates deeper than larger particles. DPM also has a large surface area, making it an ideal carrier for a variety of toxic compounds. DPM typically makes up 10-30% of total [PM.sub.2.5] concentrations. The federal limit for [PM.sub.2.5] is 15 [micro]g/[m.sup.3] average annual concentration and 65 [micro]g/[m.sup.3] maximum concentration during any 24-h period. California has a stricter annual average concentration standard of 12 [micro]g/[m.sup.3]. DPM-specific standards do not exist.

The eastern Inland Empire and particularly the I-215, I-10, and I-15 freeway corridors have very high particulate concentrations. In 2003, Riverside and San Bernardino counties ranked first and second, respectively, in the nation for total particulate pollution (CARB/American Lung Association, 2004). For example, at the Rubidoux monitoring station in Riverside, during the period 2000-2002 the average annual [PM.sub.2.5] concentration was 28.9 [micro]g/[m.sup.3], which is about 1.75 times the federal limit and

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
4

> more than twice the state …Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire.(Report)"

MA-11 cont'd.

This article spells out the health dangers from increased diesel truck traffic to our elderly, children, and our overall population, and this is a very real and dangerous and I might add, unnecessary and unacceptable health risk(s) and as such, this project should be denied as this should not be the price we have to pay for "900 jobs".

Sincerely,

Marcia Amino
10363 Crest Brook Drive
Moreno Valley 92557
951-247-8225

MARCIA AMINO

Letter Dated December 5, 2010

Response MA-1

The commentor, a Moreno Valley resident, expresses concern regarding the impact of the Project on the overall quality of life within the City and requests the Project be denied as proposed. These opinions are acknowledged.

Response MA-2

The commentor provides an excerpt of the City's General Plan regarding City goals and offers that the Project is not in keeping with the stated goals of the General Plan. Notwithstanding the commentor's opinions, Project consistency with the applicable provisions of the General Plan are substantiated within each EIR topical section (Land Use-Pages 4.1-17 through 4.1-20; Traffic/Circulation-Pages 4.2-23, 4.2-24; Air Quality-Page 4.3-18; Noise-Pages 4.4-10, 4.4-11; Water Supply-Pages 4.5-24, 4.5-25; Hydrology and Water Quality-Pages 4.6-13, 4.6-14; Cultural Resources-Page 4.7-10; Biological Resources-Pages 4.8-11, 4.8-12; and Aesthetics-Page 4.9-5 through 4.9-7. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-3

The commentor references a survey of opinion (regarding the City's General Plan) of Moreno Valley residents, wherein 47 percent of residents want to retain the rural character of the area. Notwithstanding poll results offered by the commentor, development of the site with industrial/business park uses is anticipated under the site's current General Plan land Use designation (Business Park/Light Industrial). Please refer also to the discussion of Project consistency with existing land use plans and policies (DEIR Pages 4.1-17 through 4.1-30). Moreover, design and visual attributes of the Project are consistent with General Plan (Community Development Element) Objectives

and Policies generally addressing design and aesthetic considerations (please refer to DEIR Pages 4.9-5 through 4.9-7). The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-4

The commentor's assertion that there is no written guarantee that the entire number of jobs referenced in the Draft EIR (approximately 900 jobs)[3] will be filled by Moreno Valley residents is accurate. However, the types of warehousing employment offered by the Project are not considered growth-inducing, as these types of jobs typically draw from the local employment pool and do not induce long commutes.

Response MA-5

Contrary to the commentor's assertion that "the EIR states repeatedly that the effects of this project are minimal and not significant in magnitude," the Draft EIR contains 50 mitigation measures, specifically developed to reduce the identified potentially significant impacts. Additionally, the environmental topics of traffic, air quality, and noise were found to have significant and unavoidable impacts, even after the implementation of all feasible mitigation. Please refer to Table 1.10-1 of the Draft EIR for a summary all of Project-related impacts.

The commentor also states an opinion regarding the Project's requested zone change. The General Plan's limitation of square footage (50,000) is per building. It is important to note that the total square footage and uses proposed by the Project are allowed under the site's current General Plan land use designation. The zone change is required to

[3] Based on one (1) job per 1,030 square feet of development, Riverside County General Plan Appendix E, Buildout Assumptions and Methodology, Page 6, Light Industrial employment multiplier (*See* DEIR, Page 5-44).

allow the proposed uses to be contained within a building larger than 50,000 square feet.

Response MA-6

The commentor expresses concern regarding the cumulative effects of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response MA-7

While the State-wide budget deficit is out of the scope of the EIR, it should be noted that the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements. The Project's impacts on traffic, air quality, and public services are addressed in the EIR.

Response MA-8

The commentor expresses an opinion regarding the Project's role in what she perceives as the degradation of property values and the City's image as a whole. The commentor also asserts that the Project, along with other similar vicinity projects, is a direct contrast of the vision of the General Plan. The project's impacts on aesthetics and consistency with the City's General Plan are addressed in the EIR. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-9

As required under SB 610/221, a Water Supply Assessment (WSA) has been prepared by the serving water purveyor, Eastern Municipal Water District (EMWD). The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, EMWD has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. The commentor is referred to Section 4.5, "Water Supply" and Appendix E of the Draft EIR.

Response MA-10

The commentor references a Los Angeles County presentation regarding diesel truck management strategies. Specifically, the commentor excerpts a portion of the presentation regarding diesel truck trips through residential neighborhoods.

It should be noted that Project traffic will not pass through residential neighborhoods. The Project's proximity to State Route 60 minimizes the amount of truck trips occurring on residential streets. Trucks will exit Redlands Boulevard (passing properties designated for commercial and warehouse distribution uses), then turn right on Fir Avenue (future Eucalyptus) to access the site. Properties located south of Fir Avenue (future Eucalyptus) are designated for residential uses; however, trucks will not require

the use of internal neighborhood streets. Ultimate configuration of Redlands Boulevard under its current General Plan designation is a four-lane, divided arterial roadway. Fir Avenue (future Eucalyptus) is designated as an arterial roadway with a 104-foot right-of-way from west of Moreno Beach Drive to east of Redlands Boulevard. Please refer also to DEIR Section 4.3, Air Quality; and DEIR Section 4.4, Noise.

The basis for the statement "1 truck = 10,000 cars" noted in the presentation is unclear. As presented in Section 4.2, "Traffic and Circulation" of the Draft EIR, "passenger car equivalent" (PCE) factors were utilized in the analysis. Specifically, Page 4.2-19 of the Draft EIR states:

> "As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour."

The PCE factors employed within the Draft EIR were derived from San Bernardino Associated Governments (SANBAG). SANBAG is the metropolitan planning organization for the County, with policy makers consisting of mayors, councilmembers, and county supervisors, and the funding agency for the county's transit systems.

Response MA-11

The commentor excerpts an article regarding the health dangers of diesel truck traffic. Similarly, Section 4.3, "Air Quality" of the Draft EIR presents background information, including the dangers of criteria pollutants. Additionally, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). Results of the Health Risk Assessment (HRA) are summarized at Draft EIR Pages 4.3-80 through 4.3-86, and the HRA is presented in its entirety at Appendix C to the Draft EIR.

Mitigation was developed to address DPM generation (Mitigation Measure 4.3.10). The Draft EIR concluded that, with mitigation, no sensitive receptors or off-site workers will be exposed to DPM-source cancer risks exceeding the SCAQMD's significance criteria. Additionally, the commentor expresses an opinion that the dangers are "unnecessary and unacceptable" and requests that the Project be denied. These opinions will be forwarded to the decision-makers for their consideration.

From: Lynne Ashley [lynneashley70@yahoo.com]
Sent: Sunday, December 05, 2010 8:52 AM

Dear Jeffrey,

I live on the North side of the freeway, Ironwood and Moreno Beach, I am very concerned about the health risks for myself and my family with the possibility of more warehouses coming to the East end of Moreno Valley, please see my concerns below.

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? LA-1

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? LA-2

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? LA-3

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? LA-4

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? LA-5

How will this project be growth inducing for similar projects? LA-6

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, Westridge Commerce Center and Pro Logis are in full operation? LA-7

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? LA-8

Sincerely,

Lynne Ashley
12285 Deep Valley Trail
Moreno Valley, CA 92555

LYNNE ASHLEY

Email Dated December 5, 2010

Response LA-1

The commentor expresses concerns about the effect of diesel truck emissions on the future sensitive receptors located on the south side of Fir Avenue. A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for

the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [3]

Response LA-2

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, as summarized at DEIR Pages 1-18 and 1-19, the Project will result in certain significant and unavoidable air quality and noise impacts.

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3 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Response LA-3

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> If a facility must also comply with RCRA/CERCLA HRA requirements, health effects to on-site workers may also need to be addressed. The DTSC's Remedial Project Manager should be consulted on this issue. In some cases it may be appropriate to evaluate risks to on-site receptors. The district should be consulted about special cases for which evaluation of on-site receptors is appropriate, such as facilities frequented by the public or where people may reside (e.g., military facilities).
>
> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response LA-4

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

Response LA-5

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating

system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response LA-6

The commentor expresses concern regarding the growth-inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To

this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth, and would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response LA-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10).

This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***
>
> - Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;
>
> - Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

It is further noted that with specific regard to Redlands Boulevard, this road is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response LA-8

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

RECEIVED
DEC - 2 2010
CITY OF MORENO VALLEY

CITY OF MORENO VALLEY
ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD
COMMENTS OF BOARD MEMBER GERALD M. BUDLONG
24821 Metric Drive
Moreno Valley, CA 92557
December 2, 2010

SUBJECT: WESTRIDGE COMMERCE CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
STATE CLEARINGHOUSE NUMBER 2009101008

COMMENT GLOBAL TO ALL APPLICABLE DEIR FIGURES: Why are the applicable figures throughout the DEIR not drawn to scale? How can the reader duplicate the science when for instance the maps and plans are not drawn to scale? GB-1

1.0 SUMMARY page 1-8 Geology and Soils. The DEIR addresses the Checklist Category "Geology and Soils" in a Geotechnical Investigation prepared for the Project site and is designated Appendices H. Geotechnical Investigation in the EIR. Therefore comments on the CEQA Geology and Soils Category will be addressed below in the Appendices H.

APPENDICES H. GEOTECHNICAL INVESTIGATION, Project No. 06G258-1, Proposed West Ridge Business Center, January 10, 2007, Southern California Geotechnical, Inc.

2.0 SCOPE OF SERVICES, page 3.

"The scope of services performed for this project was in accordance with our Proposal No. 06P420, dated November 20, 2006. The scope of services included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundation, building floor slabs, and parking lot pavements along with site preparation recommendations and construction considerations for the proposed development. The evaluation of the environmental aspect of this site was beyond the scope of services for this geotechnical investigation." GB-2

COMMENT: The subject geotechnical investigation appears to consist of a foundation analysis for future foundations for buildings and parking lot pavements. The scope does not evaluate the environmental aspect of this site. Please define what environmental aspects of the site are missing from this report? Is one of the missing environmental aspects a detailed seismic study of this site which defines buried fault(s) and their potential of rupturing the ground surface above them?

3.3 Previous Studies, page 5.

"As part of our investigation of the site, we were provided with one geotechnical report prepared by LGC Inland, Inc. pertaining to the north east portion of the site. The report is summarized below:"

COMMENT: I cannot find a copy of the LGC Inland, geotechnical report in the DEIR , Appendices or anywhere else in the DEIR? Should not the DEIR Appendices contain a complete copy of this study rather than just a one-paragraph summary?

GB-3

6.1 Seismic Design Parameters, page 9

"Faulting and Seismicity
Research of available maps indicates that the subject site is not located with an Alquist-Priolo Earthquake fault zone. Therefore, the possibility of significant fault rupture on the site is not located with an Alquist-Priolo Earthquake Fault Zone. Therefore, the possibility of significant fault rupture of the site is considered to be low."

COMMENT: I cannot find a list of references with subject Appendix H. What are your references used to research the faulting and seismicity conclusions in this study?

GB-4

UBCSEIS
Version 1.03
COMPUTATION OF 1997 UNIFORM BUILDING CODE SEISMIC DESIGN PARAMETERS, JOB NUMBER: 06G258-1, JOB NAME: West Ridge Business Center, DATE: 12-30-2006, FAULT-DATA-FILE NAME: CDMGUBRC. DAT lists the nearest type A fault as the San Andreas fault 19.8 km away and the nearest type B fault as the San Jacinto-San Jacinto Valley fault 1.0 km away. This table lists faults up to 1000 km away from the site.

COMMENT: Why is the Casa Loma fault missing from this table? Within the city jurisdiction of San Jacinto, the Casa Loma fault is very prominent with a displacement approximately of 20 vertical feet and designated as an Alquist-Priolo Earthquake Fault Zone and proceeds northwest to the vicinity of the San Jacinto Wildlife Area where the State Earthquake Zone terminates.

GB-5

The following study provides geologic evidence of the continuance of the Casa Loma fault located northwest of the State Earthquake Zone. R M Environmental, Inc. prepared a Preliminary Geotechnical Investigation on January 19, 2004, under Project No03-406 for a proposed 347 lot single-family-residential development, 120 +- acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015), near the intersection of Pettit Street and Highway 50 in the City of Moreno Valley. This site abuts the West

Ridge Business Center site on the east side of the single-family residential development site. GB-5, cont'd

Page 1 of this Geotechnical Investigation presents a scope of work presented in the form of six (6) bullets. The second bullet states"Geologic Mapping of the site by our geologist".

COMMENT: Why does the scope of the West Ridge Business Center geotechnical investigation omit the geologic mapping of the site by a geologist? GB-6

Page 4 of the R M geotechnical study states "the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located with an Alquist Priolo Earthquake Studies Zone for fault rupture hazard."

"Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto faults, the Casa Loma fault may be considered as active."

"The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present."

Page 6, 5.2 Ground Rupture states: "A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present." GB-7

"The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1."

The inferred trace of the Casa Loma fault as delineated by the geologist of RM Geotechnical enters the vicinity of the northwest corner of the West Ridge Center property and extends southeast across the property, leaving the property midway at the southern boundary of the site. The recommended hazard zone delineated by the RM Geotechnical geologist covers approximately two-thirds of the proposed footprint of the proposed 937,260 square foot building of West Ridge Center.

For more than 20 years I have been an appointed member of the City Ecological Protection Advisory Committee (name changed to Environmental and Historical Preservation Board) except for the 2.5 years where I served as a member of the City Planning Commission. During my tenure I have always expressed the need for detailed

geologic fault investigations to be conducted to delineate the trace of the Casa Loma fault and to evaluate if faulting has occurred on the site and the activity of faulting.
Also since the availability of the U.S. Geological Survey (USGS) Earthquake Hazards Program, I have monitored the recorded earthquake events in Moreno Valley. This USGS program records all earthquakes occurring in the United States for the past 7-days, having a magnitude of 1. I have shared to the Environmental and Historical Preservation Board, Planning Commission and the School Board of the regular USGS records of mini earthquakes along the trace of the Casa Loma fault within the city.

The most recent seismic event occurring along the Casa Loma fault recorded by the USGS was Event No. CI 14870228. This event occurred at 1:49:08 P.M., on October 28, 2010. The USGS recorded the magnitude at 1.1, at a depth of 9 miles, with the epicenter located southwest of Ironwood and Nason. GB-7, cont'd

COMMENT: Why doesn't the City of Moreno Valley require a geologic fault investigation and evaluate if faulting has occurred on the site and the activity of the faulting and present the evidence in the DEIR?

COMMENT: Why didn't Applied Planning Inc., review the City's copy of the R M Environmental Geotechnical Report and utilize the geological, faulting, and mapping data in the West Ridge Commerce Center DEIR? GB-8

COMMENT: In the past I was an Associate Instructor at San Jacinto Community College, where I conducted Physical Geography 101 classes at night and summer sessions. My final exams always had this question. "Why do you never ever build a building for human occupancy across an active fault?" Would you please answer this question, because the proposed building footprint will over lay the Casa Loma fault defined by R M Environmental Inc., a potentially active fault? GB-9

An appendix containing pages of the R M Environmental Inc. geotechnical report including the eastern part of plate 1 is included with these comments on the DEIR.

4.9 AESTHETICS

4.9.2 SETTING, page 4.9-3 Last paragraph concerns "Major Scenic Resources" addresses the badlands to the east and the Mount Russell and foothill areas to the east. GB-10

COMMENT: Why is the San Jacinto Valley containing the agricultural lands, riversidean sage habitat, and the wetlands of the State San Jacinto Wildlife Area, including Mystic Lake not included as a major scenic resource?

COMMENT: Figure 4.9-1 Major Scenic Resources delineates the San Jacinto Valley with the visual scenic resource symbol, why the inconsistency mentioned in proceeding comment. Also the San Jacinto Wildlife Area is mislabeled as Preserve rather than Area. GB-11

COMMENT: page 4.9-19 Level of Significance: Significant and Unavoidable. The California Department of Transportation's (CALTRANS) list of Officially Designated Scenic Highways is a legislative mandate upon this state agency. The state legislature also mandates cities and counties to address scenic roads and highways in their general plans. CALTRANS recognizes the importance of local scenic roads and highways. For instance, CALTRANS objected to the installation of a billboard adjacent to the right of way of U. S. Route 395(Highway 395) in the unincorporated town of Big Pine in Inyo County. Highway 395 at this location is outside of the CALTRANS Officially Designated Scenic Highway System, however the highway is a county scenic highway. CALTRANS at Inyo County Superior Court stated that the Scenic Highway Element of the Inyo County General Plan designated U.S. Route 395 as a county scenic highway as evidence for removing the billboard. The court in its decision ordered the defendant to remove the billboard in favor of CALTRANS. GB-12

What are your sources or evidence concerning the scenic values of CALTRANS Officially Designated Scenic Highways having scenic values rated higher than local scenic highways? For instance county scenic Highway 395 at Big Pine is located in the Owens Valley with the White Mountains to the east and the Sierra Nevada, including the Palisade Glacier to the west. The nickname of Owens Valley is the "Deepest Valley" the valley at 4000 feet and the surrounding mountains at 14,000 feet.

COMMENT: page 4.9-19 Why isn't the blocking of the view scape from SR-60 of the visual scenic resources consisting of the San Jacinto Valley a significant impact? Have you ever viewed the reflections of the wetlands of the San Jacinto Wildlife Area? GB-13

APPENDIX

R M Environmental, Inc., Preliminary Investigation dated January 19, 2004

COVER PAGE; Page 1- INTRODUCTION, including project scope;
Page 4 -4.0 Geology and 4.1 Regional Geologic Setting;
Page 6- 5.0 Seismicity, 5.2 Ground Rupture;
Figure 1- Location Map;
Plate 1 Site Plan with geological mapping containing projected Casa Loma fault and its recommended hazard zone. Contains only the mapped area east of the logical extension of Quincy Street, contained in three pages:
- Page 1: SR- 60 south;
- Page 2: Logical extension of Eucalyptus Avenue;
- Page 3: Title Block

GB-14

R M Environmental, Inc.

Geology - Environmental - Geotechnical Engineering

January 19, 2004
Project No. 03-406

Mr. Jeff Palmer
5511 Calumet Ave.,
La Jolla, CA., 92037

SUBJECT: PRELIMINARY GEOTECHNICAL INVESTIGATION
Proposed 347 Lot Single-Family Residential Development
120± Acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015)
Near the Intersection of Petit Street and Highway 60
City of Moreno Valley, California

Dear Mr. Palmer:

In accordance with your request, we have completed a Preliminary Geotechnical Investigation for the proposed development of the site. This report presents our findings regarding the site geotechnical conditions and recommendations for the anticipated earthwork and geotechnical design of the project.

For this investigation, we were provided with a 100-scale Site Plan/topographic map of the site titled "Eucalyptus Site, Moreno Valley, CA." This map was utilized as the base map for our Geotechnical Investigation of the site and is presented as **Plate 1**.

Provided the recommendations presented in this report are implemented during site development, the proposed project is feasible from a geotechnical standpoint.

This opportunity to be of service is sincerely appreciated. If you have any questions, please call us at (909) 446-0041.

Sincerely,

Robert C. Manning, CEG #1768/RCE #58565
President

Travis Meier
Staff Geologist

Post Office Box 878 • Calimesa, California 92320 • Telephone (909) 446-0041 • Fax (909) 446-0136

1.0 INTRODUCTION

This report presents the findings of our Preliminary Geotechnical Investigation for the proposed development of 347 single-family residential lots located southeast of the intersection of Pettit Street and Highway 60, City of Moreno Valley, California.

The site is identified as Assessor Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015). The site consists of approximately 120± acres of land located on the south side of Highway 60, southeast of the intersection of Pettit Street and Highway 60, Moreno Valley, California. The geographic setting of the site is shown on **Figure 1** - Site Location Map.

This report presents our findings regarding the site geotechnical conditions and general recommendations for the anticipated earthwork and geotechnical design of the project.

E M Environmental's scope of work for this investigation included the following:

- Review of selected background information, aerial photographs, and site reconnaissance;
- Geologic Mapping of the site by our geologist;
- Subsurface exploration by means of nine exploratory borings;
- Laboratory testing of selected soil samples obtained to evaluate geotechnical properties;
- Analysis of site conditions and test results; and
- Preparation of this report presenting our findings, conclusions, and recommendations.

1.1 Proposed Development

The proposed development of the site includes 347 single-family residential lots with associated streets and infrastructure.

It is our understanding, the proposed structures will be one to two story, wood framed, single family homes. Foundation designs are anticipated to consist of continuous and isolated shallow footing foundation systems, or utilization of post-tension type foundations. Maximum foundation loads using a continuous and isolated shallow footing foundation design are not anticipated to exceed 4 kips and 2 kips per foot for isolated and continuous footings, respectively.

4.0 GEOLOGY

4.1 Regional Geologic Setting

The site is located in the east portion of the Moreno Valley, which is part of the Perris Block area of the Peninsular Ranges Geomorphic Province of southern California. The regional geology of the site includes the San Timoteo Badlands to the northeast, Mt. Moleno to the south and southwest, and the San Jacinto Valley to the east.

Lateral displacement and uplift of the region have occurred on a series of major, northwest-trending faults which are thought to be related to the regional tectonic framework. These faults include the San Jacinto Fault zone located approximately 1 mile to the northeast, the San Andreas Fault zone located approximately 11 miles to the northeast, and the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located within an Alquist Priolo Earthquake Studies Zone for fault rupture hazard.

Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto fault zone located to the southeast. Based on prior investigation of the Reche Canyon and Hemet-San Jacinto faults, the Casa Loma fault may be considered as active.

The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

4.2 Local Geology

Locally, the site is underlain by at least 50 feet of recent alluvial deposits consisting of slightly moist to very moist, loose to medium dense, soft to very stiff, slightly clayey silts, sandy silts, clayey silts, silts, and fine to medium sands.

The in-situ dry density of the encountered soils varied from approximately 93 pounds per cubic foot (pcf) to 120 pcf. The measured in-situ moisture contents varied from approximately 1.7 to 18.3 percent.

The exploratory boring logs are presented in **Appendix B**. The exploratory boring locations are shown on **Plate 1**. The laboratory test results of the in-situ soils are presented in **Appendix C**.

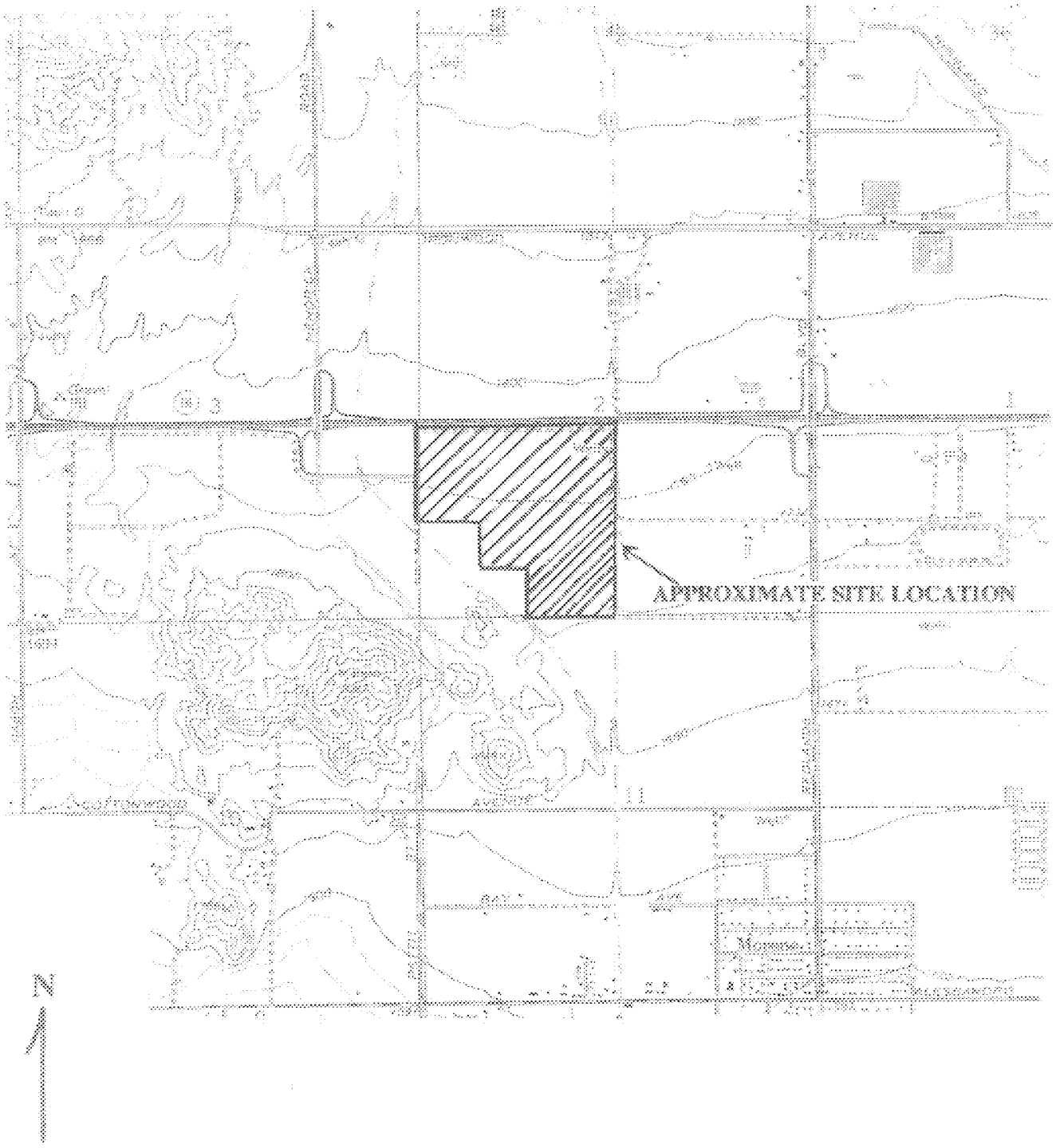

Scale: 1" = 2,000'

References: U.S.G.S., 1967, PR 1980, Sunnymead, California Quadrangle, 7.5 Minute Series

LOCATION MAP - 130± Acres, Near the Intersectin of Pettit Street and Highway 60, City of Moreno Valley, California

Project No. 03-406-geo	*DATE: January 2004*	*FIGURE 1*

5.0 SEISMICITY

5.1 Regional Seismicity

The site is located in a region of generally high seismicity which includes essentially all of southern California. During the design life-span of the project, the site is expected to experience ground motions from earthquakes on regional and/or local causative faults.

The site is located within Seismic Zone 4, which can be related to an "effective" peak acceleration of 0.40g, or a peak acceleration of 0.60g.

5.2 Ground Rupture

A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**.

5.3 Liquefaction

Soil liquefaction is the loss of soil strength due to increased pore water pressures caused by a significant ground shaking. Liquefaction typically consists of the re-arrangement of the soil particles into a denser condition resulting, in this case, in localized areas of settlement, sand boils, and flow failures. Areas underlain by loose to medium dense soils where groundwater is within 40 to 50 feet of the surface are particularly susceptible when subject to ground accelerations such as those due to earthquake motion. Groundwater at the site is greater than 50 feet is depth; therefore, the potential of liquefaction affecting site development may be considered as low.

5.4 Geologic Lineament Analysis

For this investigation, a geologic lineament analysis was performed. This analysis included review of the referenced aerial photographs pertinent to the site. Based on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed.

The site and surrounding areas have been farmed for over 50 years. Aerial photographs were not available prior to the observed farming activities. Therefore, the use of aerial photographs to evaluate geologic lineaments in the vicinity of the site was limited.

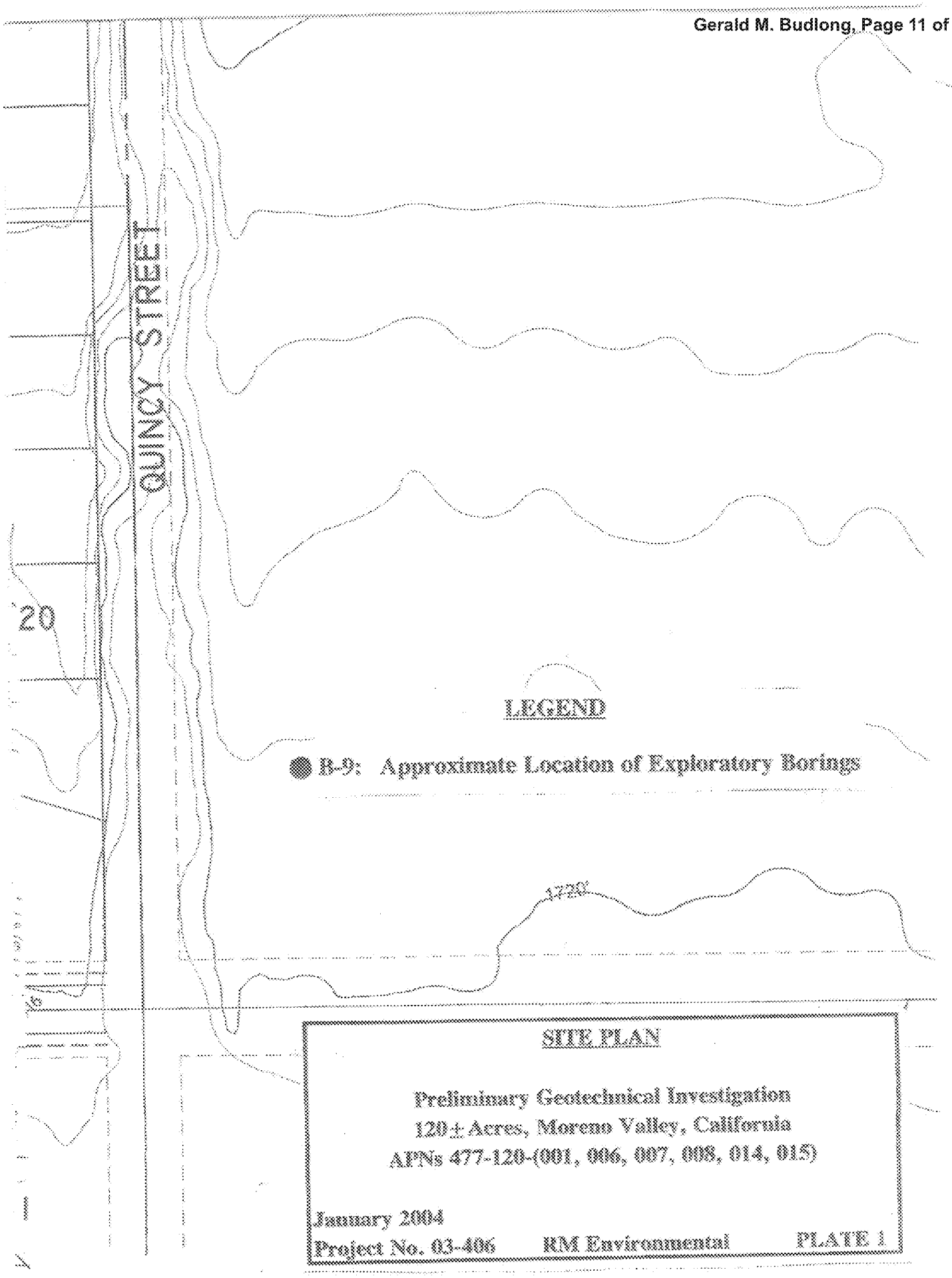

SITE PLAN

Preliminary Geotechnical Investigation
120± Acres, Moreno Valley, California
APNs 477-120-(001, 006, 007, 008, 014, 015)

January 2004
Project No. 03-406 RM Environmental PLATE 1

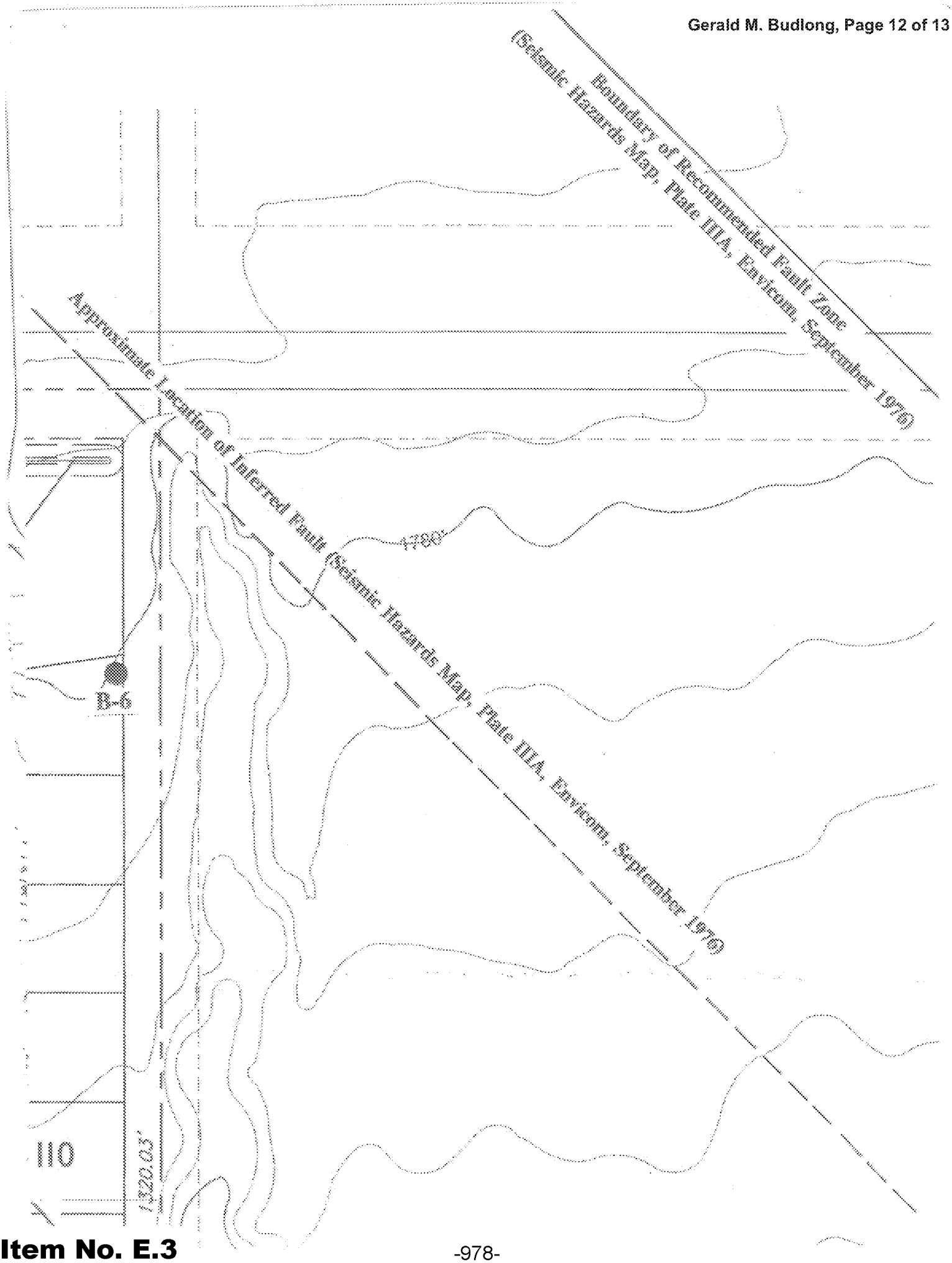
Boundary of Recommended Fault Zone
(Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
Approximate Location of Inferred Fault (Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
1780'
B-6
110
1320.03'

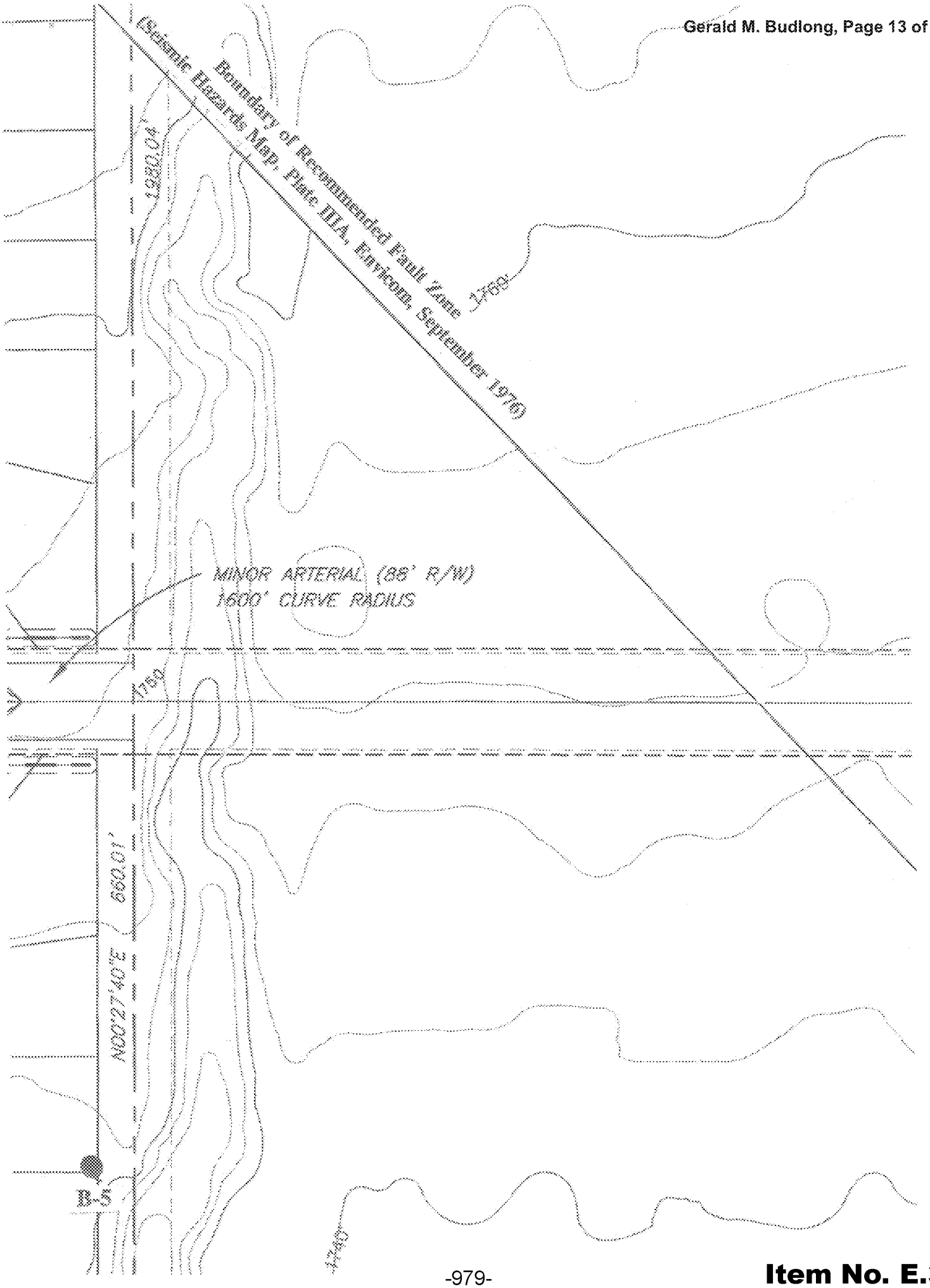
Boundary of Recommended Fault Zone
Seismic Hazards Map, Plate IIIA, Harrison, September 1976
1920.04'
1769'
MINOR ARTERIAL (88' R/W)
1600' CURVE RADIUS
1760
660.01'
N00°27'40"E
1740

Item No. E.3

GERALD M. BUDLONG
CITY OF MORENO VALLEY ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD MEMBER

Letter dated December 2, 2010

Response GB-1

The process of reproducing maps and plans at the size required for inclusion in the Draft EIR generally involves a substantial reduction from larger source documents. Where feasible, distances are indicated within the Draft EIR's illustrations; however, for accurately scaled plans, the reader is referred either to the document's Technical Appendices, or to full-sized copies of plans and maps available at the City of Moreno Valley Planning Department.

Response GB-2

The commentor correctly describes the Project Geotechnical Investigation (prepared by Southern California Geotechnical in January 2007, and included in its entirety as Draft EIR Appendix H), and its scope of services, which included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide recommendations in regard to building design criteria, site preparation, and construction. The Project Geotechnical Investigation was not intended to provide an environmental evaluation of the Project site; rather, the Phase I Environmental Site Assessment (Project ESA), included in Draft EIR Appendix I, addresses other environmental conditions affecting the Project site.

Both the Project ESA and the Geotechnical Investigation reference a fault study for a portion of the Project site that was prepared prior to the proposed Project application. The *Preliminary Geotechnical Investigation and Fault Study for the Proposed 31-1/2-Acre Residential Development, South of SR-60 and West of Redlands Boulevard, Assessor's Parcel Numbers 477-120-004 and 477-120-005, Moreno Valley, California (Project No. I05876-10)* was prepared by LGC Inland, Inc. (LGC) on September 12, 2005. The LGC Fault Study

states that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." A detailed fault study was not prepared, because it was determined unnecessary based upon Southern California Geotechnical's review of the LGC Fault Study along with other mapping of the Project site (detailed in the following Response GB-4), and their on-site reconnaissance, which found no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas).

Response GB-3

The LGC report is available through the Lead Agency (a copy is available at the Planning Department), and was considered incorporated by reference into the Project Geotechnical Investigation. As discussed in the preceding Response GB-2, because no evidence of faulting or other geologic hazard was identified in this report, it was not determined necessary for inclusion.

Response GB-4

In addition to the LGC report referenced in the preceding Responses GB-2 and GB-3, several geologic maps were used as points of reference in the preparation of the Project Geotechnical Investigation. These include the following:

- Geologic Map of the Sunnymead 7.5' Quadrangle, Riverside County, California, by Douglas M. Morton and Jonathan C. Matti, 2001;
- Geologic Map of the Sunnymead/South ½ of Redlands Quadrangles, San Bernardino and Riverside County, California, by Thomas W. Dibblee, Jr., 2003;
- Alquist-Priolo Earthquake Fault Zones Map of the Sunnymead Quadrangle; and
- Riverside County Land Information System – Fault Zone Map.

Copies of these maps are included on the following pages for ease of reference, and have also been incorporated in Final EIR Section 2.0, Revisions and Errata.

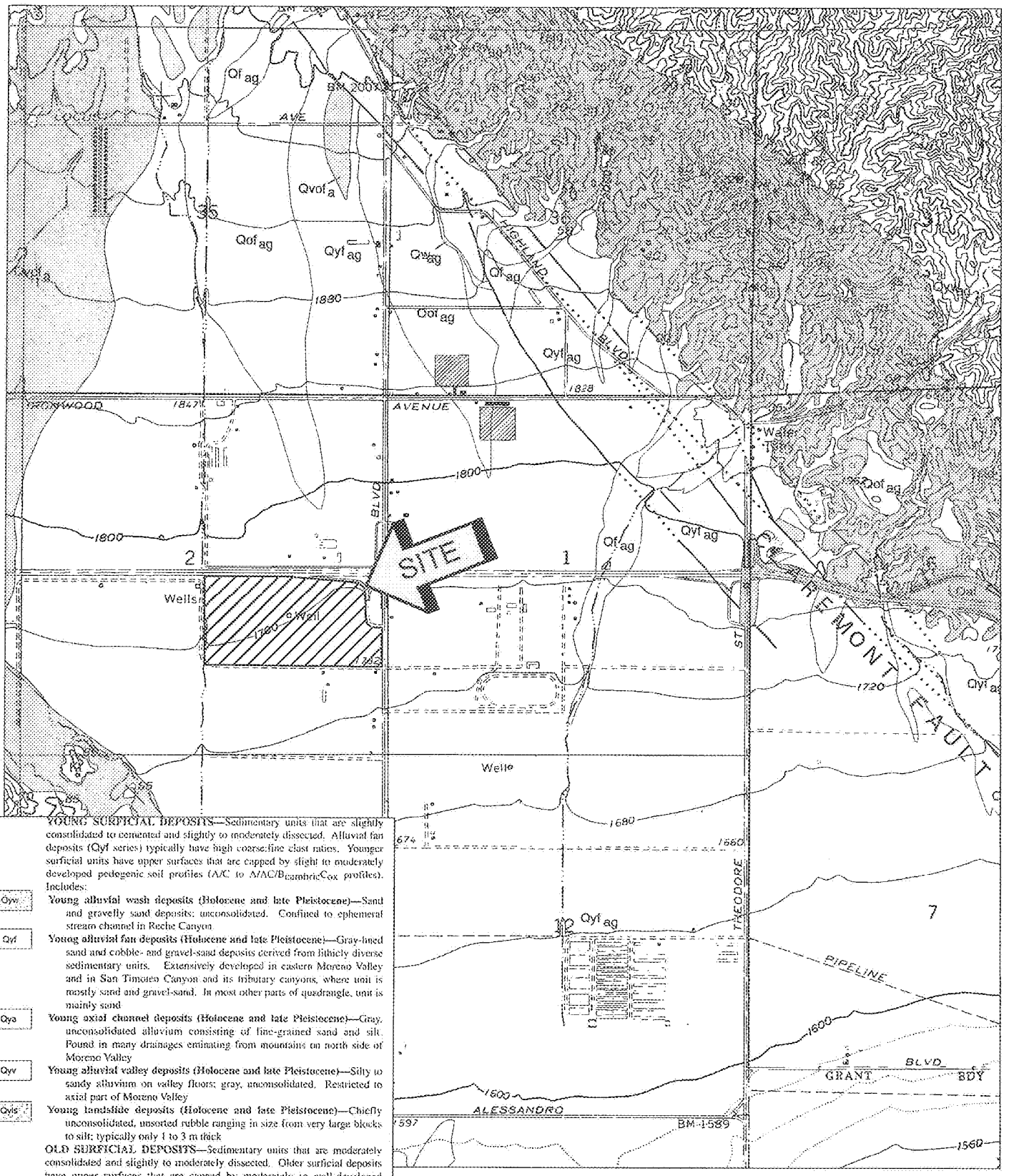

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to $A/AC/B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils ($A/AB/B/C_{ox}$ profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00113234

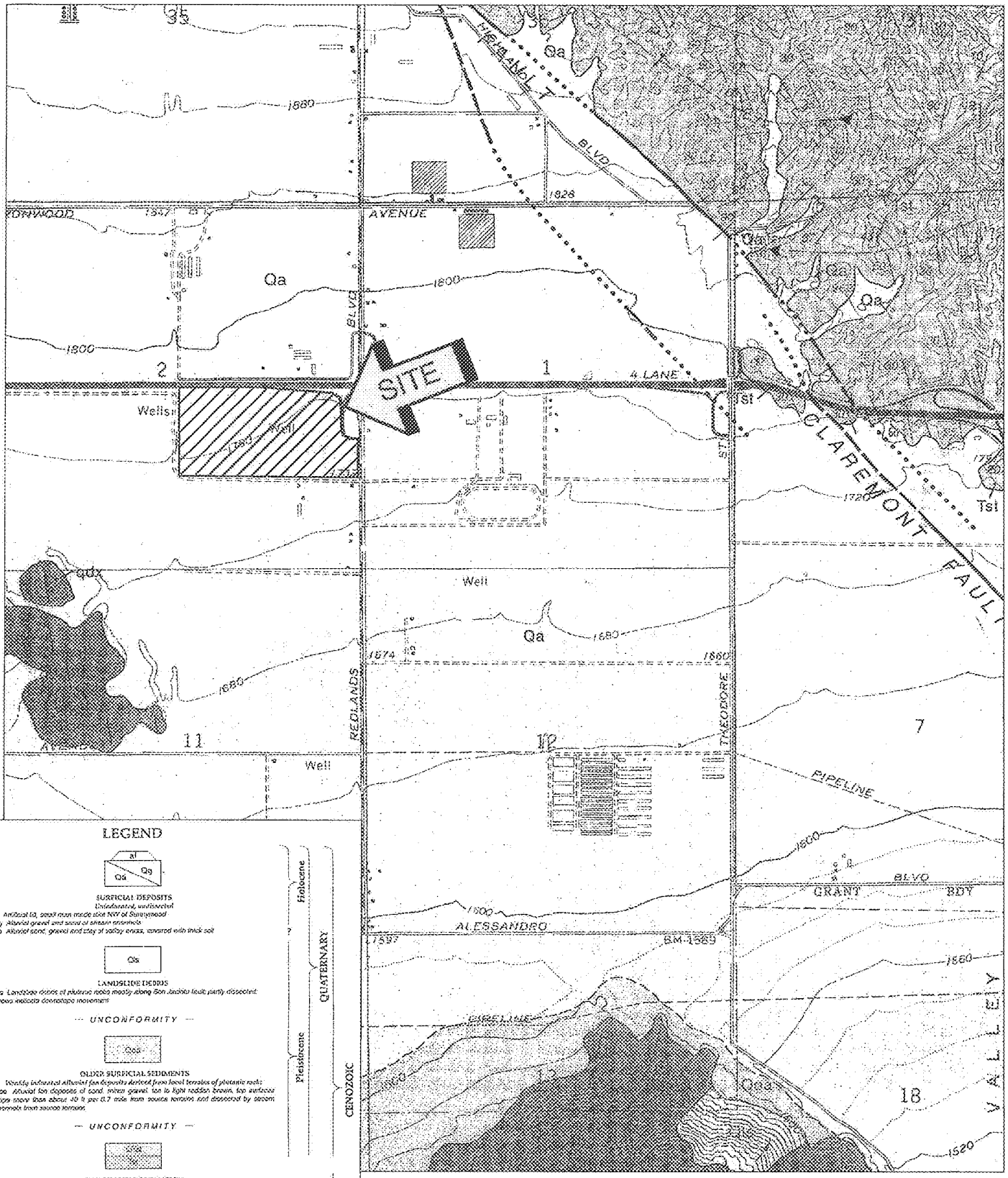

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af *Artificial fill, small mass made due NW of Sunnymead*
Qg *Alluvial gravel and sand of stream channels*
Qa *Alluvial sand, gravel and clay of valley areas, covered with thick soil*

LANDSLIDE DEBRIS
Qls *Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement*

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS
Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:
Qoa *Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terraces and dissected by stream channels from source terraces*

— UNCONFORMITY —

SAN TIMOTEO FORMATION
(San Timoteo Sets of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1954), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); whole part referred to be of Pliocene age (Morton and Miall, 2004)
QTst *Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone, tentatively (?) overlain by Qoa in this quadrangle*
Tst *Main part (pebble part of Morton and Miall, 2004), lithologically similar to upper part, within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle*

Holocene
Pleistocene
QUATERNARY
Pliocene
TERTIARY
CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00113235

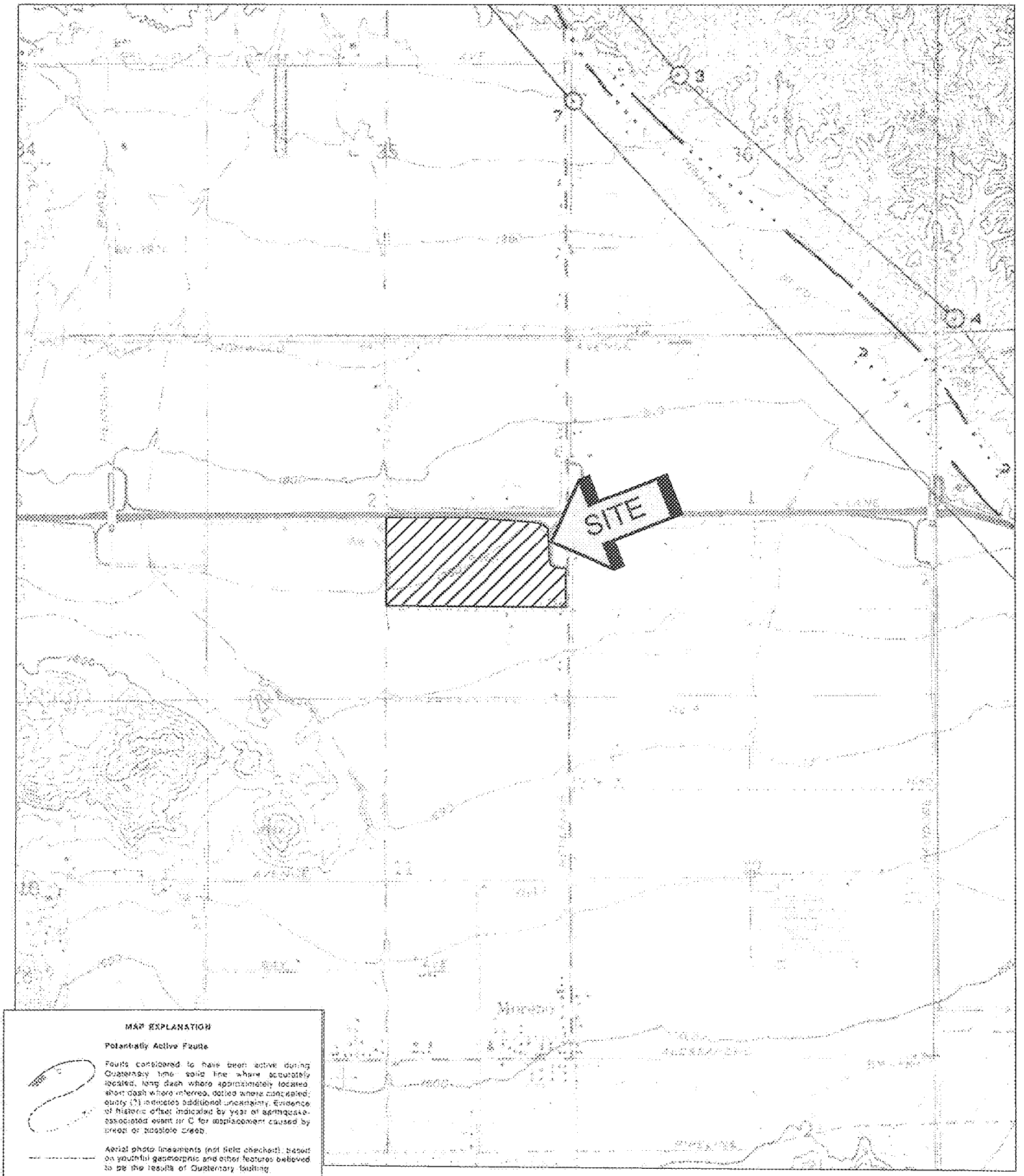

MAP EXPLANATION

Potentially Active Faults

Faults considered to have been active during Quaternary time: solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

Aerial photo lineaments (not field checked), based on youthful geomorphic and other features believed to be the results of Quaternary faulting.

Special Studies Zone Boundaries

These are delineated as straight-line segments that connect consecutively numbered turning points so as to define one or more special studies zone segments.

Seaward projection of zone boundary

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

FAULT ZONES
03/16/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00113237

Response GB-5

As noted on Page 9 of the Project Geotechnical Investigation (Draft EIR Appendix H), "The 1997 UBC/2001 CBC Design Parameters have been generat[ed] using UBCSEIS, a computer program published by Thomas F. Blake (January 1998)." It is assumed that the fault parameters were not available for the Casa Loma fault at the time the UBCSEIS program was published.

It may be noted that the building code has changed since the Project Geotechnical Investigation was issued. New development must now be designed in accordance with the requirements of the incumbent edition of the California Building Code (CBC). The CBC provides procedures for earthquake resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. The seismic design parameters are based on the soil profile and the proximity of known faults with respect to the subject site. The 2007 CBC Seismic Design Parameters are now generated using *Earthquake Ground Motion Parameters*, a software application developed by the United States Geological Survey (USGS). This software application, available at the USGS website, calculates seismic design parameters in accordance with the 2007 CBC, utilizing a database of deterministic site accelerations at 0.01 degree intervals. Since the UBCSEIS is no longer used to calculate the seismic design parameters for the proposed development, it is not considered relevant that the Casa Loma fault is not listed in the UBCSEIS database.

Please refer to the following Response GB-7 in regard to the referenced Preliminary Geotechnical Investigation for the property westerly adjacent to the Project site, prepared by RM Engineering.

Response GB-6

Please refer to the geologic maps referenced as part of the preceding Response GB-4.

Response GB-7

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering (RME) is acknowledged. The site addressed by this report is located westerly adjacent to the Project site. Although RME recommended that a fault investigation be conducted prior to development within the portion of the site within the zone designated by the Riverside County Seismic Safety Element (Envicom, 1976), RME provided no data or evidence that an active fault was located on the site or adjacent sites. In fact, RME performed a geologic lineament analysis and concluded (on Page 6 of the referenced report) that, "[b]ased on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed." The recommendation by RME to perform a fault study was solely based on the Envicom report.

As referenced in the Project Geotechnical Investigation, Southern California Geotechnical reviewed the LGC report referenced in the preceding Response GB-2. LGC performed a fault study in the southeast portion of the Project site. The fault trench was approximately 400 feet in length and trended S48W (perpendicular to the projection of the nearest faults). The trench was excavated to a maximum depth of approximately 14 feet. LGC stated that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." It should also be noted that no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas) were observed on the subject site at the time of the original geotechnical investigation. In addition, the two geological maps presented as part of the preceding Response GB-4 (Plates 1 and 2) indicate that the closest fault to the subject site is the Claremont Fault Section of the San Jacinto Fault Zone, located 3,700 feet northeast of the site. The mapped active portion of the Casa Loma fault is located approximately 4.5 miles southeast of the Project site.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone (Plate 3), nor is it located within a Riverside County designated fault zone (Plate 4). Based on

information from the previous LGC report and published geologic maps, it is not considered likely that the Casa Loma fault, located more than four miles southeast of the Project site, would cause on-site surface rupture.

Response GB-8

Applied Planning utilized the Project-specific Geotechnical Investigation provided in the Draft EIR, and its assessment of on-site conditions.

Response GB-9

As detailed in the preceding Response GB-7, despite the commentor's assertions to the contrary, as documented in the Project-specific Geotechnical Investigation, there is no indication that the Project building footprint will overlay any active fault, nor is there evidence of potential fault rupture.

Response GB-10

The Draft EIR's description of major scenic resources is focused primarily on those views that would be potentially affected by the Project. It may be noted that, on Draft EIR Page 4.9-3, the reader is referred to Draft EIR Figure 4.9-1, which is based on an exhibit from the Moreno Valley General Plan. This figure does indicate views of the San Jacinto Wildlife Preserve among the City's major scenic resources. As can also be seen from this figure, the San Jacinto Wildlife Area is located approximately 3.5 miles to the southeast of the Project site. Although not identified in the illustration, the California Department of Fish and Game (http://www.dfg.ca.gov/lands/wa/region6/sanjacinto/maps.html) identifies Mystic Lake as being located adjacent to the eastern boundary of the San Jacinto Wildlife Area.

Response GB-11

As noted on Draft EIR Page 4.9-3, Figure 4.9-1 is the Draft EIR is a reproduction of Moreno Valley General Plan Figure 5.11-1, and as such, reflects the labeling used in the General Plan.

Response GB-12

The Draft EIR acknowledges, on Page 4.9-10, that the Project site lies within an established view corridor adjacent to the SR-60, and that SR-60 has been locally designated in the Moreno Valley General Plan as a scenic route. Primarily on this basis, the Project was found to have a substantial adverse effect on a scenic vista, which is considered a significant and unavoidable impact. The CEQA thresholds differentiate effects on a "scenic vista" from potential impacts to "scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway." Although SR-60 has not been designated as a "State scenic highway," its local importance has been acknowledged in the Draft EIR.

Response GB-13

The Draft EIR acknowledges that the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact.

Response GB-14

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering is acknowledged.

From: Rachel Lopez [rachel.lopez@ccaej.org]
Sent: Monday, December 06, 2010 2:19 PM
To: Jeffrey Bradshaw
Subject: Project Description 105-131
Environmental Impact Analysis 132-135

Land Use and Planning 136-169

Air Quality 261-372

Noise 373-401

This is in response to the Project # 105-131.

Mitigations for the cumulative exposure from projects that have already been approved and those that are in the process of being will have a significant effect on traffic and diesel exposure to residents within the impacted area and fall short of lowering the impacts to residents in close proximity of these projects. How can you mitigate this to include the other projects impacts. CCA-1

The Environmental Impact Analysis does not indicate or give a true picture of projected truck trips taking into account the other projects and the new Sketchers project. What types of mitigation are being initiated for these projects when they reach full capacity and are taken into account. The noise impacts to the surrounding community and its residents must also be mitigated especially with the additional projects that are in the planning process. What will those mitigations look like on a cumulative level. CCA-2

There must be in the mitigation of this project stipulations from the projected/future tenants that only 2010-compliant truck fleet cleanest trucks be allowed into the facility and create incentives or a schedule to phase in a clean truck fleet. The project should also consider other alternatives which might be to consider alternatives such as a portion of the fleet might be retrofitted or repowered and be phased in over a period of time which could reduce the air quality health risks and may be more economically feasible. CCA-3

Cumulatively Significant and Unavoidable for PM10, PM2.5, VOC and NOx exceedances; and long term VOC and *NO exceedances* this phrase is repeated several times in the Draft EIR we must not continue to approve projects in our communities that continue to impact our residents with health risks that can be avoidable with mitigation that should be implemented even before projects are proposed for review. The fact that we see unavoidable and significant in the EIRs is great concern that these projects will continue to be approved with overriding considerations or approved regardless of the impacts to existing or future residents. CCA-4

There are designated proposed residential projects being proposed along side these industrial facilities with no significant buffer areas dedicated. The SCAQMD and the Air Resources board indicate a buffer zone of not less than 1,000 ft. between a sensitive receptor and a diesel source. These issues must be addressed and mitigated with what ever means are available to the lowest levels possible with **sufficient buffer zones of not less than 1,000** to lessen those impacts. The DEIR have buffers of 250 or 300 how can the developer include/mitigate buffer zones of 1,000 ft. CCA-5

Rachel Lopez

Community Organizer

Center for Community Action and Environemtal Justice

Centro de Accin Comunitaria y Justicia Ambiental

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CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
RACHEL LOPEZ

Email Dated December 6, 2010

Response CCA-1

The commentor expresses concern regarding the cumulative effects of the Project's contributions to impacts from traffic and diesel emissions when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 discrete related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis"). Additionally, the cumulative analysis reflects generalized disaggregated regional growth not otherwise attributable to specific development proposals.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response CCA-2

As noted in the preceding Response CCA-1, the Draft EIR did consider the effects of cumulative projects including potential cumulative truck trips, including the Highland Fairview ("Skechers") project.

With specific regard to truck traffic, estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor. Vehicular noise impacts from all Project and cumulative traffic are also addressed in the DEIR, and are determined to be less-than-significant. Please refer to DEIR at Pages 4.4-21 through 4.4-23; and 5-14 through 5-17.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour intersection passenger car equivalent (PCE) traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of

mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the

required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

Mitigation that addresses identified cumulative impacts was provided in the Draft EIR, and has been incorporated in the Project's Mitigation Monitoring Program, included in Final EIR Section 4.0. It is further noted that other development projects are required to address their own specific impacts, and projects subject to CEQA EIR mandates are also required to address cumulative impacts. In this regard, cumulative impacts are likely

overstated as these estimated impacts do not necessarily reflect or assume mitigation applied by other projects within the affected cumulative impact area.

Response CCA-3

The commentor expresses concern about emissions from diesel trucks associated with the Project. Mitigation Measure 4.3.13 has been revised to incorporate the following requirement.

> ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
>
> ***• Use of fleet vehicles conforming to 2010 air quality standards or better.***

These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

Response CCA-4

The commentor correctly reflects the Draft EIR's finding that the Project would have a cumulatively significant air quality impact in regard to the referenced criteria pollutant exceedances (temporary construction-related PM_{10}, $PM_{2.5}$, VOC and NOx exceedances; and long-term operational VOC and NOx exceedances). The commentor's opinions regarding the possible approval of the Project with overriding considerations will be forwarded to decision-makers for their consideration.

Response CCA-5

As acknowledged in the Draft EIR (Pages 4.1-7 through 4.1-9), currently undeveloped properties to the south of Fir (future Eucalyptus) Avenue, and to the west of the Quincy Channel are designated for residential uses. Despite the commentor's assertion to the

contrary, the City has no currently active proposals for residential development on any parcels adjacent to the Westridge Commerce Center Project site.

The 1,000 foot buffer zone referenced by the commentor has been offered by the California Air Resources Board as a planning guideline, to be implemented in cases where site-specific analysis has not been conducted.[4] In the case of the Westridge Commerce Center Project, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

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[4] Please refer to the CARB *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005, Page ES-2, at the following website: http://www.arb.ca.gov/ch/handbook.pdf.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24-hour exposure for a 30- or 70- year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

From: Paul Claxton [paul1960@verizon.net]
Sent: Sunday, December 05, 2010 10:02 AM

To: Jeffrey Bradshaw

Subject: Moreno Valley Warehouses/Ridge Project

I am concerned about the efforts to rush into construction the millions of square feet worth of warehouses in the east end of Moreno Valley. These projects can do nothing positive to the natural environment of the area. My biggest concern is turning Moreno Valley into another Ontario with hundreds of diesel trucks lumbering down our roads spewing pollution, creating noise, and traffic. That additional traffic will add to commute times creating additional pollution. The 60 freeway east of this project is not contusive to big rig traffic. I've been a resident here for just nine years and I intentionally bought on the more rural east side to avoid the traffic of the 215 freeway. This project drives a stake into the heart of the city. I'm planning on leaving to seek a better managed city. PC-1

Paul Claxton
Moreno Valley CA

PAUL CLAXTON

Email Dated December 5, 2010

Response PC-1

The commentor's general concerns regarding the Project's location and the cumulative impacts of the Project when combined with other vicinity projects are noted. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A thorough discussion of the cumulative impacts is presented at Draft EIR Section 5.1.

Similarly, the commentor's generalized concerns regarding the increased traffic, air quality and noise impacts are discussed in the EIR. Specifically, traffic impacts are addressed in Draft EIR Section 4.2, air quality impacts at Draft EIR Section 4.3 and noise impacts at Draft EIR Section 4.4.

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

COMMENTS AND QUESTIONS REGARDING THE DEIR AND LAND USEAGE IN GENERAL FOR WESTRIDGE COMMERCIAL CENTER, A.K.A. "THE RIDGE PROJECT"

Stephen Crews, Moreno Valley, CA

1. It is evident from current zoning, that lands designated commercial south of SR60, from Moreno Beach Dr. to Redlands Blvd., including land devoted for the Westridge Center, do not extend southerly for a great distance, and thus any commercial development there is not intended as a part of an extensive commercial region. In fact, for this reason, it appears this land serves as a buffer for the residentially zoned areas to the south. Thus, it is incumbent on planners and developers to ensure that properties developed in these commercially zoned areas are in keeping with aesthetics, appearance, landscape, geographic culture, and the sentiments of future residents of the predominant land use in the area, residential. This warehouse structure, with its massive edifice and size could not possibly conform to nor compliment Rancho Belago, "the land of ranches and lakes". SCR-1

   Has any consideration been given to the degradation of future residential developments in the area by the construction of an eyesore across the street?

2. One can only presume that there is a cumulative effect of air pollution from SR60, diesel trucks on the site of Westridge, and those travelling on nearby surface streets, as well as these types of contributors to air pollution from future similar developments along the freeway, and that this would have a deleterious effect on the health of citizens residing in residential neighborhoods. SCR-2

   Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?

3. **The proposed project sits on the mouth of the entrance into the badlands heading east on SR 60, a highway that is essentially a rural route at this point, and one that is treacherous for traffic. At what point does the added introduction of truck traffic become dangerous? The route on SR60 west is extremely congested and practically at a standstill, caused by the incompletion of recent freeway construction, growth, and lack of capacity. At what point does the introduction of further truck traffic become untenable?** SCR-3
4. **The local surface roads and overpasses servicing the area of the project are dilapidated and are residential in nature. Will roads be brought up to standards, and who will pay for the inevitable degradation of heavy wear trucks cause on roads, with the potential of harm to automobile motorists?** SCR-4

STEPHEN CREWS

Letter Dated December 6, 2010

Response SCR-1

The commentor expresses an opinion regarding the land use designations (and the conformation of the proposed Project with the intent of those designations) of the properties located south of the SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

The commentor also expresses concern regarding the consideration of nearby residential uses. It is assumed that, in this instance, the commentor is referring to aesthetic consideration. Indeed, the Draft EIR contains a detailed analysis of the Project's aesthetic attributes and impacts within Section 4.9. Specifically, the analysis examined whether the Project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As supported by the analysis, the Project would obstruct views of off-site scenic resources, and would therefore have a substantial adverse effect on a scenic vista. This is a significant and unavoidable impact. All other potential aesthetic impacts of the

Project were determined to be less-than-significant. The commentor is also referred to Figures 4.9-2 through 4.9-8 of the Draft EIR, which illustrate line of sight and view simulations of the Project.

Response SCR-2

The commentor expresses concern regarding the cumulative effects (air pollution) of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, eleven (11) distinct related projects were included within the Draft EIR cumulative analysis.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Cumulatively significant air quality impacts are summarized at DEIR Page 1-18, 1-19 and are discussed at DEIR pages 5-12 through 5-14.

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response SCR-3

The commentor characterizes location of the Project "on the mouth of the entrance into the badlands heading east on SR-60." Location of the Project and proximity of the badlands are noted in the Draft EIR:

> 3.2 PROJECT LOCATION AND BOUNDARIES
>
> The Project site is located in the eastern portion of the City of Moreno Valley, in western Riverside County. Please refer to Figure 3.2-1, "Regional Location." The Project will be developed within a 54.66-acre site, which is located near the SR-60/Redlands Boulevard interchange. The site is bounded by SR-60 to the north, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east. Please refer also to the Project site aerial, Figure 3.2-2, "Project Vicinity" (Draft EIR Page 3-1).
>
> General Plan Final EIR Figure 5.11-1, "Major Scenic Resources," reproduced in this Draft EIR as Figure 4.9-1, indicates the Project site is located along the SR-60 scenic corridor. The Badlands area, located approximately one mile to the north, and the Mount Russell foothills and associated rock outcroppings, located approximately two miles southerly of the site (Draft EIR Page 4.9-3).

The commentor offers that SR-60 "is essentially a rural route at this point, and one that is treacherous for traffic."

Existing and programmed SR-60 configurations proximate to the Project are accurately and appropriately described in the EIR:

Regional Access

State Route 60 (SR-60), adjacent to the Project site's northerly boundary, provides regional access to the subject property and vicinity. Connection to SR-60 is provided via Redlands Boulevard, located less than one-quarter mile east of the Project site. The Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. These interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. As demonstrated in the analysis presented in this Section, with implementation of the improvements identified subsequently (and in the Project TIA, EIR Appendix B),the existing rural interchange at Redlands Boulevard and the SR-60 will accommodate existing and anticipated future traffic, including Project-related traffic, at Opening Year and beyond. The upgrade of this interchange is included as part of the regional Western Riverside County TUMF improvement program.

The commentor provides no supporting evidence indicating any substantive potential safety concerns along the segment of SR-60 proximate to the project site. Moreover, Caltrans, the Responsible Agency for actions and projects affecting SR-60, has not suggested or indicated any significant safety issues for this segment of highway (Draft EIR, Page 4.2-8).

In response to the commentor's concerns regarding traffic on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these

impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

The commentor also provides opinions regarding traffic and safety along SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

Response SCR-4

The commentor expresses concern regarding the nature and condition of vicinity roadways. Section 3.0, "Project Description" of the Draft EIR includes a complete list of roadway improvements to be implemented by the Project. Roadway improvements to be implemented by the Project prior to issuance of the first Certificate of Occupancy are summarized below:

- Fir Avenue (future Eucalyptus Avenue) will be constructed to its ultimate half-section width (one-half of 104-foot right-of-way section improvements pursuant to City Standard No. 104B) as an arterial roadway from the westerly Project boundary, extending to Redlands Boulevard to the east. Signalization and turn lane improvements will be provided at the intersection of Fir Avenue (future Eucalyptus Avenue) at Redlands Boulevard consistent with City standards and requirements. At the westerly terminus of Fir Avenue (future Eucalyptus Avenue), full cul-de-sac improvements will be provided to allow for vehicle turnaround.

- An auxiliary lane along the westerly side of Redlands Boulevard will be constructed between Fir Avenue (future Eucalyptus Avenue) and the SR-60 eastbound off-ramps.

- The proposed public street (Street "A") at the Project's easterly boundary will be constructed to its ultimate half-section width (one-half of 78-foot right-of-way section improvements pursuant to City Standard No. 106) as an industrial collector roadway from the proposed northern terminus of the road to Fir Avenue (future Eucalyptus Avenue) in conjunction with development. Full improvements will be provided at the cul-de-sac "bulb" to allow for vehicle turnaround.

All roadway improvements proposed by the Project will conform with City engineering standards thereby reducing future maintenance responsibilities for these improvements. The Project will contribute fees and tax revenues to the City that may be directed to the repair and maintenance of area roads.

More specifically, the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements.

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
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6 December 2010

Via e-mail: Jeffreyb@moval.org

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552-0805

Dear Mr. Bradshaw:

Re: Westridge Commerce Center Draft Environmental Impact Report (DEIR)—State Clearing House Number 2009101008

The Friends of the Northern San Jacinto Valley are a local conservation group dedicated to preserving and protecting the Northern San Jacinto Valley, the San Jacinto Wildlife Area, and Mystic Lake. We are a 501(c)(3) organization. Since 1991, we have sponsored monthly nature walks at the wildlife area, reviewed and commented on numerous environmental documents, attended community events to share information about the wildlife area, and we have a long history of supporting public land acquisition at the San Jacinto Wildlife Area.

We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center and are very discouraged by the poor quality of the environmental document. To a great extent, the Draft EIR presupposes that the Moreno Valley Planning Commission and City Council will adopt a statement of overriding consideration for a number of the identified project impacts. This erroneous presumption allows the preparer of the California Environmental Quality Act (CEQA) document, Applied Planning, Inc., to avoid necessary consideration of feasible mitigation measures and to avert meaningful consideration of project alternatives to reduce or avoid significant environmental impacts. The Draft EIR incorrectly asserts that the following significant project impacts are unavoidable and the City's only prerogative is to make CEQA findings of overriding consideration. FNSJ-1

Aesthetics - Loss of Scenic Vista: Perhaps the most spectacular scenic vista from within the City of Moreno Valley is the view of Mystic Lake with the San Jacinto Mountains in the background which motorists can see while traveling east on Highway 60. This project proposes to block this scenic vista with the side of a warehouse building and summarily omits from consideration potential mitigation measures and a project alternative (Alternative Site) FNSJ-2

capable of avoiding or minimizing this aesthetic impact. The project proponents have the ability to buy land anywhere for this warehouse which will not be built until the have a tenant and this makes feasible several mitigation opportunities to avoid or lessen the loss of a scenic vista this project will incur. The pad level of the warehouse buildings is proposed to be 25 feet below the grade of Highway 60. *A project design mitigation measure limiting the building height to 25 feet would preserve the present scenic vista from the highway.* In our view, other building design mitigation measures are feasible and can be incorporated into the project to avoid or minimize the loss of this scenic resource. FNSJ-2 (cont'd)

Agriculture - Loss of Farmland of Local Importance: The Project will convert Farmland of Local Importance to nonagricultural uses and these losses will be cumulatively significant. The Draft EIR fails to consider mitigation for the loss of agricultural land this project will incur and merely dismisses mitigation measures included in the City's General Plan intended to stem the loss of agricultural land. Preservation can be a feasible means of reducing or eliminating the impact of agricultural land loss. The City's General Plan indicates agricultural lands subject to conversion can be mitigated through the purchase or transfer of development rights or the purchase of conservation easements. We believe the Loss of Agricultural lands of Local Importance must be thoroughly discussed and mitigated in the EIR. FNSJ-3

Air Quality: The project will generate long-term operational project emissions during operation that will exceed the South Coast Air Quality District's regional thresholds for a number of pollutants detrimental to community health. A recent Press-Enterprise newspaper article (September 11, 2008) indicates most of the cancer risk from Southern California air pollution is from diesel exhaust. The article also notes the Inland area still has the region's worst fine-particle pollution, which is linked to early deaths, heart attacks and, in children, stunted lung development. Diesel soot is the most toxic major ingredient of fine particle pollution. The Inland region is also recognized as having the worst ozone pollution, which causes nausea, fatigue and headaches, and aggravates asthma and other respiratory conditions. The project Draft EIR makes no attempt to mitigate or avoid these long-term operational emissions and instead asks the City Council to make findings of overriding consideration for this air quality impact. The Draft EIR fails to even consider feasible mitigation measures to reduce community exposure to these harmful long-term project pollutants. A feasible mitigation measure worthy of consideration would be for the developer and future warehouse tenant to commit to operating the facility with trucks equipped only with the latest air pollution abatement technology including diesel soot filters. Since Highland Fairview Corporate Center/Skechers project has been able to have 80% of all off-road heavy-duty construction equipment utilized during construction activity *certified as* CARB Tier III or better, your project and analysis must do at least as well. FNSJ-4

Climate Change and Greenhouse Gases: AB 32 requires that California's greenhouse gas emissions be reduced to 1990 levels by the year 2020. The Draft EIR indicates greenhouse gas emissions from the operation of the Westridge Commerce Center project will result in a significant and unavoidable impact to climate change because emissions will hinder or delay California's ability to meet the reduction targets contained in AB 32. The Draft EIR limits its consideration of emission reduction to on-site measures and will request the City Council make FNSJ-5

findings of overriding consideration for the project failure to achieve the reduction targets in AB 32. This approach is incorrect in that the CEQA analysis also needs to consider offsite mitigation remedies such as emission trading regimes and/or carbon sequestration to offset the emissions this project will generate. Given the urgency of climate change solutions, the project proponent's reliance on a finding of overriding consideration is misplaced. FNSJ-5 (cont'd)

THE EIR MUST ADEQUATELY ANALYZE AND MITIGATE AIR QUALITY IMPACTS

The EIR fails to adequately analyze and mitigate the significant impacts to air quality resulting from the project. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and $71 billion ($36–$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about $10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The EIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality. FNSJ-6

A. SIGNIFICANT AIR QUALITY HAZARDS IN RIVERSIDE COUNTY

Riverside County has the dubious distinction of being one of the most polluted areas in the country. (American Lung Association 2005; American Lung Association 2008). The Project will directly result in an increase in construction emissions and vehicle trips per day which will increase the level of a broad number of criteria pollutants under the Clean Air Act. The Project will result in significant impacts to air quality that result from significant levels of emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Particulate Matter of 10 microns and 2.5 microns or less (PM10 and PM2.5). Increased diesel exhaust is particularly detrimental to long term human and lung health.

Ozone (O_3) is the chief component of the common pollutant known as "smog." Ozone is formed when emissions including reactive organic gases (ROG) and oxides of nitrogen (NOx) undergo photochemical reactions in sunlight and are transformed to O_3. Ozone irritates lung airways and causes inflammation much like a sunburn. Ozone causes wheezing, coughing, pain when taking a deep breath, and breathing difficulties during outdoor activities. The American Lung Association focuses on ozone as one of the most hazardous of the common air pollutants. (American Lung Association 2008). Repeated exposure to ozone pollution for several months may cause permanent lung damage. Children, the elderly, and those with respiratory problems are most at risk, but anyone who spends time outdoors may be affected. Even at very low levels, ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to pneumonia and bronchitis. Ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, and weather, and damages the leaves of trees and plants, ruining the appearance of cities, national FNSJ-7

parks, and recreation areas. Ozone also reduces crop yields, and is, in fact, responsible for 98% of air quality related crop damage in California. A revised EIR must discuss the proposed project's production of ozone precursor emissions and the direct, indirect, and cumulative impact both on human health and on vegetation and wildlife habitat, especially habitat for threatened, endangered, and sensitive species.

Particulate matter (PM) is a category of pollutant which includes the respirable particles suspended in the the air. PM is classified into "coarse" particles, PM_{10}, or those under 10 microns in diameter, and "fine" particles, $PM_{2.5}$, or those under 2.5 microns in diameter, and comes from a variety of sources including diesel exhaust, windblown dust from agriculture and construction and motor vehicles. Because the human respiratory system's ability to filter out harmful particles decreases as particles size decreases, the smallest particles lodge deepest in the lungs and are especially dangerous. PM can contain at least 40 toxic chemicals including heavy metals, nitrates, sulfates, and aerosols, as well as soot, soil, and dust. FNSJ-7 (cont'd)

PM is associated with extreme health consequences. PM causes premature death, aggravates asthma, increases coughing, painful breathing, and chronic bronchitis, and decreases lung function. Lung inflammation caused by inhaling PM can also lead to changes in heart rhythm, constriction of blood vessels, blood coagulation, and increased risk of heart attacks. Unlike what is believed about some other air pollutants, there is no "safe" level of PM pollution: even very low levels of PM lead to health impacts. (EWG 2002 at 25). One study found that in Riverside County alone, 353 deaths per year are due to current PM10 levels, and 42,149 asthma attacks per year are due to current PM10 levels. (EWG 2002 at 19). The EIR's failure to address basic information on the link between air quality, health impacts, and impacts to biological resources render it inadequate. This and other information must be analyzed in a revised EIR so that the project's air quality impacts can be analyzed in the full environmental context.

B. THE EIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ENVIRONMENTAL SETTING

The EIR must provide a stable and accurate project description in order to properly inform decision makers and the public, as well as provide a proper basis for analysis of impacts and mitigation to address those impacts. Here the EIR fails to fully disclose and analyze the air quality impacts from diesel emissions. One of the project objectives is to "transition the existing site into a productive use" provided by over 900,000 square feet of industrial warehouse/distribution. (DEIR at 3-4). Presumably much of the transportation and traffic associated with industrial warehouse and distribution facilities will be diesel truck traffic, which poses a much greater threat to human health due to the carcinogenic effects of diesel exhaust and fine particulates associated with diesel emissions. However, the EIR fails to describe what types of vehicles will be accessing the facility, in what volumes, at what frequency, and during what times. The EIR must fully disclose the types of vehicles that will be associated with the Project because those different vehicles pose very different threats and must be analyzed and mitigated in different fashions. FNSJ-8

The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The Project is located across Fir Street from land that is zoned residential. The diesel trucks will enter and exit the project by using Fir and therefore will significantly impact future residents. Setting the building 250 feet back from these residential uses does not protect them from each and every diesel truck that enters and exit the Project. The direct, indirect and growth inducing impacts of this project have not been thoroughly analyzed – especially for the future residents immediately south of the project. The 2,000,000 sq. foot Highland Fairview Corporate Center/Skechers project and also the proposed 2,000,000 square foot ProLogis are on either side of this project and will also probably use Fir Street. The California Air Resources Board and others confirm that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. (CARB 2005). Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. Id. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. Id. FNSJ-8 (cont'd)

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The South Coast Air Quality Management District ("SCAQMD") includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. The Project fails to adequately identify the number and their distance from the 240 daily (24-7) moving diesel trucks related to this project as well as that of ProLogis and Highland Fairview Corporate Center/Skechers.

C. THE EIR FAILS TO ADEQUATELY EXAMINE THE PROJECT'S HEALTH RISKS

The EIR air quality analysis fails to adequately address the Project's effect on the community's health. Although the DEIR acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to conduct this critical study of demonstrating what the qualitative or quantitative risk is associated to nearby residents as result of the Project. The Project can lead to increased rates of asthma, decreased, lung or cardiac function, and other threats, but there is no analysis of what that means for the regional residents or visitors. As with other important impact analyses it appears that the EIR authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA. Without this information, it is all but impossible to accurately and effectively gauge the severity and extent of the health', effects that would result from building the proposed Project. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Envt'l Planning and Information Council of W.* FNSJ-9

El Dorado County v. County of El Dorado (1982) 131 Cal. App. 3d 350,357. It is critically important that the EIR emphasize the cumulative impacts of negative air quality and not simply dismiss those issues without thorough analysis and mitigation. FNSJ-9 (cont'd)

D. THE EIR FAILS TO ADEQUATELY ANALYZE AND IMPOSE MITIGATION MEASURES FOR SIGNIFICANT IMPACTS TO AIR QUALITY

In an attempt to subvert the procedural requirements of CEQA the EIR fails to adopt feasible mitigation measures that would have substantially lessened significant environmental impacts resulting from the Project. To effectuate its overarching purpose of reducing environmental harm, CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen" a Project's significant environmental effects. Pub. Res. Code § 21002; Guidelines 15021. CEQA's substantive mandate is clear, "each public agency shall mitigate or avoid the significant effects on the environment of projects that it caries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b) (emphasis added).. Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). FNSJ-10

There are numerous mitigation measures that could be adopted to reduce the significant air quality impacts associated with this project. Many of the mitigation measures outlined to reduce the significant impacts associated with greenhouse gas emissions can reduce criteria pollutants. Therefore the EIR should fully analyze all greenhouse gas and criteria pollutant mitigation measures in order to reduce the significant impacts to air quality, or describe why those mitigation measures are infeasible.

I. THE EIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

The Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed. FNSJ-11

A. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

Unfortunately, the EIR fails to address the impacts of global warming on the Project contrary to the requirements under CEQA. California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts. Global warming will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and FNSJ-12

a reduction in snowpack and precipitation levels and water availability. These factors will impact development under any Moreno Valley General Plan Update, as well as exacerbate its own environmental impacts. Therefore, these factors must be considered in the EIR. *See* Guidelines § 15126.2(a) (an EIR "shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.") The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change. (California Attorney General 2009). Examples of how global warming will impact development under the Moreno Valley General Plan and intensify the environmental impacts it will already have are discussed below. It is not an exhaustive list.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008). FNSJ-12 (cont'd)

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997). FNSJ-12 (cont'd)

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project significantly understates the Project's impacts.

B. The EIR's Significance Determination is Flawed

i. The EIR Fails to Properly Frame the Question of the Significance of the Project's Greenhouse Gas Impacts

As the EIR properly recognizes, the greenhouse gas emissions generated by the Project constitute a significant impact. (DEIR at 4.3-110). However, the DEIR improperly limits the consideration of its determination of significance to whether the project would significantly hinder or delay California's ability to meet reduction targets contained in AB 32. While the emission reduction targets set by AB 32 are important, they are only a first interim step toward a longer emission reduction pathway necessary to avoiding dangerous anthropogenic interference (DAI) with the climate system. While Project impacts remain significant, the significance criteria should be revised to recognize California's long term emission targets set by Executive Order S-3-05 and consider the extent to which these reductions are consistent with the emission reduction pathway necessary to avoid DAI. FNSJ-13

The relevant environmental objective with regard to a project's impact on global warming is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference ("DAI") with the climate system. Framing the objective of a threshold of significance in the context of preventing DAI with the climate system

is consistent with the policy of CEQA. As set forth in Public Resources Code Section 21000(d), "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." With regard to climate change, the prevention of DAI is the critical threshold to protect the health and safety of the people of California. The prevention of DAI with the climate is also the objective adopted by the international community. As set forth in the United Nations Framework Convention on Climate Change, to which the United States is a party: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."[1]

Dangerous anthropogenic interference with the climate system is a defined concept from which a threshold of significance under CEQA can be derived. While environmental impacts from global warming are already being experienced, dangerous anthropogenic interference has typically been defined at temperature increases above 2°C from pre-industrial levels, or a 450 ppm atmospheric concentration of CO_2 eq. (Union of Concerned Scientists 2007). 2050 is the time frame commonly set by scientists in which to achieve the emission reductions necessary for climate stabilization. The emission reduction scenario set by AB 32 and Executive Order S-3-05, whereby emissions are reduced to 1990 levels by 2020 and then to 80% below 1990 levels by 2050, is consistent with a stabilization scenario in the +/- 450 ppm range.[2] FNSJ-13 (cont'd)

However, climate scientists, including NASA's premier climatologist, James Hansen, are increasingly calling for more stringent stabilization targets in order to sufficiently reduce the risk of catastrophic outcomes. The best available scientific evidence now indicates that a 2°C temperature increase from pre-industrial levels is well past the point where severe and irreversible impacts will occur. It is now estimated that a mean global temperature increase of 1.5°C above pre-industrial levels has the potential to trigger irreversible melting of the Greenland ice sheet, a process that would result in an eventual 7m sea level rise over and above that caused by thermal expansion of the oceans, and potentially causing an additional sea level rise of 0.75m as soon as 2100. (Warren 2006 at 95). Specific consequences of a 2°C temperature rise from pre-industrial levels include the loss of 97% of the world's coral reefs and the transformation of 16% of global ecosystems. Approximately one to three billion people would experience an increase in water stress, sea level rise and cyclones would displace millions from the world's coastlines and agricultural yields would fall in the developed world. (Warren 2006). In the Arctic, ecosystem disruption is predicted owing to complete loss of summer sea ice, with only 42% of the tundra remaining stable. This would destroy the Inuit hunting culture and cause the extinction of the polar bear and large losses in global populations of birds. Moreover, because

1 United Nations Framework Convention on Climate Change (UNFCCC), art. 2, May 9, 1992, *available at* http://unfccc.int/essential_background/convention/background/items/1349.php.

2 While the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004).

Arctic ice functions to reflect heat back into the atmosphere, its loss would allow more sunlight to heat the Arctic Ocean and further accelerate the buildup heat and the melting of the Greenland ice sheet. In the Antarctic, key marine mollusks are predicted to become extinct with damaging ramifications for the rest of the Antarctic marine ecosystem. (Warren 2006). As the devastating and irreversible impacts resulting from a 2°C mean global temperature rise are far in excess of any reasonable definition of "dangerous" interference with the climate, a 2°C target is not an acceptable objective for climate policy.

Moreover, equating a particular atmospheric concentration of greenhouse gases with a specific temperature increase involves a significant degree of uncertainty. This is because climate sensitivity – the extent to which temperatures will rise as a result of increasing concentrations of heat-trapping gases – depends on Earth's response to certain physical processes that are not fully understood. (Cayan 2007 at 4). For example, as greenhouse gas emissions cause temperatures to rise, the atmosphere can hold more water vapor, which traps heat and raises temperatures further – a positive feedback. Clouds created by this water vapor could absorb and re-radiate outgoing infrared radiation from Earth's surface (another positive feedback) or reflect more incoming shortwave radiation from the sun before it reaches Earth's surface (a negative feedback). (Cayan 2007). Thus, due to uncertainty in climate sensitivity, scientists estimate that the mean probability of exceeding 2°C where stabilizing greenhouse gases at a CO_2eq level of 450 ppm is 54% with a 30% probability that global average temperature would rise more than 3°C. (Cayan 2007; Union of Concerned Scientists 2007). This is effectively the equivalent of flipping a coin in the hopes that our children and grandchildren will not be confronted with the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, and the triggering of multiple climatic "tipping points" wherein climate change begins to feed on itself and spin rapidly out of control. FNSJ-13 (cont'd)

As noted by the Attorney General in a recent guidance on the treatment of climate change in general plans, "the targets set by AB 32 and Executive Order S-3-05 can inform the CEQA analysis." (California Attorney General 2009 at 4). However, while the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. *See* Guidelines § 15064(b) ("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment … based to the extent possible on scientific and factual data."). Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). Thus, to properly address the question of the significance of Project impacts, the EIR should set forth the environmental objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent DAI with the climate system, discuss California's emission reduction targets and the extent to which these targets are sufficient to meet avoid DAI. In this manner, the EIR will set forth the issues related to the significance of Project impacts in a manner that accurately informs decision makers and the public.

ii. To Properly Evaluate Significance and Fulfill Its Informational Mandate, the EIR Must Compare Project Emissions with Emission Reduction Targets Set by AB 32 and Executive Order S-3-05

Although the EIR asserts that the Project would interfere with the goals of AB 32, the EIR fails to provide any data on Project emissions as compared with 1990 levels. Accordingly, it is impossible to analyze the extent to which the Project exceeds AB 32 emission reduction mandates. The EIR must be revised to provide this data.

FNSJ-14

Moreover, in a failure to adequately describe the Project, the EIR fails to note the year for which the Project envisions build-out. Should the next Moreno Valley General Plan update contemplate growth past 2020, its significance analysis should evaluate the extent to which the Project complies with Executive Order targets. While the trajectory of reductions under Executive Order S-3-05 has not been definitely established, the EIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for the undisclosed year of build-out. Thus, if Moreno Valley's General Plan is intended to accommodate growth until 2030, then the EIR could compare Project emissions with emissions approximately 27% below 1990 levels.

C. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

FNSJ-15

There are any number of feasible measures that can be incorporated into a Climate Action Plan to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the

Attorney General 2008b). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Furthermore, substantial federal funding is available to implement these projects so that implementation of greenhouse gas mitigation measures is economically feasible.3 Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like climate change the Project must adopt all feasible mitigation measures to reduce GHGs or provide substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3). FNSJ-15 (cont'd)

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Significant effort needs to be shown as to how carpooling will be instituted and alternative fueled cars will be encouraged with special onsite parking location/electrical plug-ins. Will there be on-site eating facilities with food in order to limit driving off site? FNSJ-16

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the Project will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008). FNSJ-17

3 Energy Efficiency and Conservation Block Grants are offered by the U.S. Department of Energy to municipalities in order to meet the following purposes: reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors. (US DOE 2009). See http://www.eecbg.energy.gov/

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals. We expect the project's minimum LEED certification to be Silver. And the EIR needs to explain why this would not be your goal. FNSJ-17 (cont'd)

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting FNSJ-18
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging

stations to reduce emissions from vehicle trips. FNSJ-18 (cont'd)

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste;
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

FNSJ-19

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system;
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

FNSJ-20

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SQAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA mitigation measures[4] once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008).

FNSJ-21

4 The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming See generally http://ag.ca.gov/globalwarming/ceqa.php

II. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR failed to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly" even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008). The Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty. FNSJ-22

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

Biological Resources: To a great extent the Draft EIR avoids an actual on the ground biological resource impact assessment. Instead the Draft EIR makes the claim that the cumulative wildlife resource impacts of this project will be mitigated by the payment of the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP) mitigation fee and the Multi-Species Habitat Conservation Plan (MSHCP) mitigation fee. It is important to recognize neither the SKRHCP nor the MSHCP exempts this project from full compliance with the requirements of CEQA. The Draft EIR does not indicate the amount of the SKRHCP mitigation fee or the amount of the MSHCP mitigation fee the project proponent will pay in order to reduce the cumulative wildlife resource impacts of this project to a less than significant level. Nor does the document indicate the mitigation fee amounts the City has collected thus far for SKRHCP and MSHCP wildlife mitigation and to FNSJ-23

what extent those fees have been used to mitigate cumulative wildlife resource impacts from previously approved projects within the jurisdiction. A lead agency, in this case the City of Moreno Valley, must provide supporting facts and provide analysis to support its conclusion that the payment of SKRHCP and MSHCP mitigation fees will render the project cumulative wildlife resource impacts to less than significant. Absent this analysis, the cumulative wildlife resource impacts this project will incur must be viewed as cumulatively considerable. FNSJ-23 (cont'd)

Thank you for the opportunity to comment on the Draft EIR for this project. The Friends would like to be informed of all documents, meetings and public hearings related to this project. Please provide us with a copy of the final EIR and other pertinent documents related to this project. Please contact us at our mailing address which is listed on the first page of this letter. FNSJ-24

Sincerely

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FNSJ-25 (cont'd)

FRIENDS OF NORTHERN SAN JACINTO VALLEY

Letter Dated December 6, 2010

Response FNSJ-1

The commentor's opinions in regard to the "quality of the environmental document" will be forwarded to decision-makers for their consideration. The Draft EIR has been prepared to identify the environmental impacts that could result from Project implementation and, where feasible, provides mitigation measures to substantially lessen or avoid the significant effects on the environment. The City of Moreno Valley, the Lead Agency for this Project, is required to consider the Project in its entirety before determining whether to approve the adoption of overriding considerations. As noted in *CEQA Guidelines* § 15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The commentor concludes by correctly noting the Draft EIR's finding that the Westridge Commerce Center Project will result in certain significant and unavoidable impacts in regard to scenic vistas and air quality, but erroneously includes agriculture and global climate change in its summary of Project-related impacts. Specific topical concerns are addressed in the following Responses FNSJ-2 through FNSJ-5.

Response FNSJ-2

As discussed in the Draft EIR (Page 4.9-11), "[n]otwithstanding the proposed depressed building pad area, as illustrated in Figures 4.9-4 through 4.9-8, the Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. The building will be visible from higher elevations to the north, east, and south, and the rooftop of the building may be visible at a distance from higher elevations." This "interruption" of scenic views has been identified in the Draft EIR (Page 4.9-19 *et al.*) as an individually and cumulatively significant Project impact.

As further noted on Draft EIR Page 4.9-11, "[t]he Project's intent is to create a regional-serving warehouse/logistics facility. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." A tenable high-cube warehouse design with a 25-foot building height (estimated internal clear height of 15-20 feet) such as offered by the commentor, does not exist, and is contrary to the very term "high cube." The high-cube warehouse building height concept defines the viability of its internal operations,

which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint. The suggested 25-foot high building offered by the commentor is untenable and infeasible.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives, including alternative sites. The text on Draft EIR Pages 5-37 through 5-44 provides the basis upon which each of the considered alternative sites was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-3

As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. Despite the commentor's assertions that the Draft EIR "dismisses mitigation measures included in the City's General Plan," the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning

area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required. The commentor's opinions to the contrary will be forwarded to decision-makers for their review. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-4

The Draft EIR acknowledges the Project's potential impacts in regard to long-term operational exceedance of SCAQMD standards for the emission of the criteria pollutants VOC (volatile organic compounds) and NOx (oxides of nitrogen). Despite the commentor's assertions to the contrary, the Draft EIR addresses the Project's potential to result in health risks relative to diesel emission exposure on Pages 4.3-79 through 4.3-86. As discussed at Draft EIR Page 4.3-84, with implementation of Mitigation Measure 4.3-10, which would be implemented to control on-site idling, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant. It may be noted that Mitigation Measure 4.3.5, as discussed in the Draft EIR (Page 4.3-62 *et al.*), specifically requires Project contractor(s) to ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better. Additional mitigation is proposed within this Final EIR addressing operational and construction-source emissions (please refer to revised mitigation presented within the EIR Mitigation Monitoring Program, Final EIR Section 4.0. The commentor erroneously contends that "Since Highland Fairview Corporate Center Skechers project has been able to have 80 % of all off-road heavy-duty construction equipment utilized during construction activity certified as CARB Tier III or better, your project and analysis must do at least as well."

There is no requirement that the Project implement a given mitigation measure simply because it was applied elsewhere. Such an approach discounts appropriate nexus between impacts and mitigation.

Response FNSJ-5

The commentor misrepresents and misstates the findings of the Draft EIR with regard to the potential significance of the Project's GHG emissions impacts and the Project's potential GCC impacts.

In the Draft EIR's analysis of cumulative impacts (Page 5-13 to 5-14), it is specifically noted that "[i]n regard to the emission of greenhouse gases, the Project's Climate Change Analysis indicated that with the implementation of all Project design features and mitigation measures, greenhouse gas emissions would be reduced, and that the Project is consistent with state strategies to reduce greenhouse gases, including the California Air Resources Board (CARB) Scoping Plan's recommended measures, and the greenhouse gas emission reduction strategies set forth in the 2006 Climate Action Team (CAT) report.

Therefore, the Project would not hinder or delay implementation of AB 32. On this basis, the Project's individual and cumulative impact on climate change is less-than-significant. With specific regard to a cumulative-level analysis of GCC impacts, it is acknowledged that climate change is a global issue and the contribution of each greenhouse gas generated by the Project may have a cumulative effect. As noted in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Moreover, the EIR qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor cites various GHG/GCC mitigation schemes, none of which are required in this case since the Project's GHG/GCC individual and cumulative impacts are less-than-significant. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-6

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's air quality analysis. Detailed analysis of the Project's potential air quality impacts are presented at EIR Section 4.3, "Air Quality." Supporting technical studies [*Westridge Commerce Center Air Quality Impact Analysis, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; *Westridge Commerce Center Health Risk Assessment, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; and *Westridge Commerce Center Climate Change Analysis, City of Moreno Valley*, California (Urban Crossroads, Inc.), February 3, 2010] specifically. The cited analyses address the direct, indirect ,and cumulative impacts of the Project..

As detailed in the following responses FNSJ-7 through FNSJ-21, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative air quality impacts, including potential impacts related to global climate change, have been proposed within the Draft EIR. Appropriate mitigation measures have been carried forward into the Mitigation Monitoring Program included at Section 4.0 within this Final EIR. For each proposed mitigation measure, the MMP identifies: mitigation timing, the responsible mitigation implementation entity, the responsible mitigation monitoring/reporting entity, and mitigation monitoring/reporting frequency. In combination, these provision act to ensure mitigation enforceability.

Response FNSJ-7

The Draft EIR describes, at considerable length (Pages 4.3-4 through 4.3-10), the criteria air pollutants referenced by the commentor, including the possible health effects that have led to the monitoring and control of these pollutants as part of the environmental

review process. With specific regard to commentor-expressed ozone concerns, the Lead Agency has adopted SCAQMD regional thresholds for the ozone precursors NOx and VOC. These thresholds are based on the highest level of permitted emissions, and exceedance of these thresholds indicates that mitigation measures should be applied, not that specific health or other environmental damage would occur. The Project applies all feasible mitigation measures to reduce potentially significant Project-related ozone precursor emissions (NOx and VOCs). Significant NOx and VOC impacts resulting from the Project (regional threshold exceedances) are summarized at DEIR Page 1-17, 1-18. The Project will not exceed applicable localized significance thresholds for NO_2 (DEIR at Page 4.3-61 et al.). The AQMD has not established localized significance thresholds for VOC emissions.

Project NOx and VOC emissions are predominantly generated by mobile sources beyond control of the Lead Agency and/or the Applicant [approximately 99.9 percent of Project NOx emissions (by weight) are from vehicles; approximately 92.5 percent of Project VOC emissions (by weight) are from vehicles). Even after compliance with SCAQMD rules and regulations, and the application of EIR mitigation measures, operational pollutant emissions would exceed applicable SCAQMD regional emission thresholds for VOC and NOx. These impacts are therefore considered to be individually significant. It is noted however, that the Project land use and proposed development are consistent with development and associated air pollutant emissions impacts reflected in and anticipated by the applicable Air Quality Management Plan (AQMP).].

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards. Collectively, these are referred to as localized significance thresholds (LSTs). The additional potential secondary effects of ozone to plants and habitat cited by the commentor are noted. There is no demonstrable evidence or support indicating that the Project would cause or substantively contribute to adverse effects to plants or habitat, and to conclude otherwise is speculative.

Lastly, it is noted that the Project is consistent with the applicable Air Quality Management Plan (see EIR at Pages 4.3-49 through 4.3-53) indicating that it would not interfere with projected downward-trending ozone levels within the SCAQMD.[5]

The commentor also provides information regarding $PM_{10}/PM_{2.5}$ characteristics. Applicable $PM_{10}/PM_{2.5}$ thresholds are established by the SCAQMD. Potential effects of Project-related temporary localized construction-source $PM_{10}/PM_{2.5}$ emissions impacts are discussed and disclosed in the EIR:

> For modeling purposes, receptors were conservatively placed at a distance of 25 meters (approximately 82 feet) from the site, which is the most conservative distance recommended for use by the SCAQMD. As previously discussed, even with application of all feasible mitigation measures, localized PM_{10} and $PM_{2.5}$ construction-source emissions will exceed applicable LSTs. More specifically, during construction activity (after mitigation), PM_{10} emissions concentrations will exceed applicable LSTs at receptors located 71 meters (approximately 233 feet) or nearer, and $PM_{2.5}$ emissions concentrations will exceed applicable LSTs at receptors located 35 meters (approximately 115 feet) or nearer.
>
> These LST exceedances represent a potentially significant impact to sensitive receptors in the Project vicinity for short-term construction activity. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely

[5]*Summary Of The Ozone Air Quality Forum and Technical Roundtable*(Frederick W. Lurmann Sonoma Technology, Inc. for the South Coast Air Quality Management District) January 2007, Pages 2-5, 2-6.

> undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter.
>
> It is noted that these exceedances would occur temporarily and intermittently during site preparation and grading processes, and would not substantively affect any receptors at greater distances from the emissions source. Moreover, in that construction emissions are short-term and intermittent, they will not result in any chronic or long-term impacts (Draft EIR, Page 4.3-75).

The Project will not result in or cause long-term exceedance of applicable SCAQMD localized and/or regional thresholds $PM_{10}/PM_{2.5}$ emissions.

The commentor's opinions and statements will be forwarded to decision-makers for their review. Results and conclusions of the Draft EIR are not affected.

Response FNSJ-8

The commentor expresses concern about emissions from diesel trucks associated with the Project. A Health Risk Assessment (HRA) of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The HRA was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). The HRA is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety at Appendix C to the Draft EIR.

Contrary to the commentor's assertions otherwise, diesel and DPM emissions impacts are specifically evaluated and addressed in the DEIR (See DEIR at Pages 4.3-79 through 4.3-86, and the Project Health Risk Assessment (HRA) included at DEIR Appendix C.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).
[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

As indicated in this summary of the Project's trip generation, approximately 75 percent of the Project's daily trips, on average, will be attributable to trucks. As noted at Draft EIR Page 4.3-79, the Project Air Quality analysis assumed, in order to ensure a conservative analysis, that all trucks associated with the Project will be diesel-powered.

In that vehicle class and type directly affect DPM emissions, the Project HRA (please refer to DEIR Appendix C, Table 1, Project Truck Trips) also explicitly defines anticipated daily truck trips (by type) entering/exiting the Project site, as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [6]

Contrary to commentor assertions otherwise, baseline (setting) information is provided throughout the EIR. For example, general air quality setting information is presented at EIR Pages 4.3-10 through 4.3-16. Additional applicable specific baseline/setting information is also presented where it is beneficial to related discussions, e.g., the GCC Regulatory Setting is introduced at EIR Page 4.3-24 within the context of GCC/GHG considerations.

The commentor requests analysis of mobile-source DPM emissions for transient vehicles traveling along area roadways. With regard to air quality impacts generated by Project traffic along area roads, regionally significant NOx emissions impacts would result as disclosed in the EIR and discussed here. However, no locally significant operational air quality impacts would result from the Project. In this latter regard, the

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6 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Project Operational Localized Significance Threshold (LST) analysis considers potential worst case exposure by evaluating criteria pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by stationary sources. As discussed in the Draft EIR, these emissions concentrations would not exceed applicable LST thresholds.

Draft EIR Table 4.3-12 (Page 4.3-69) presents the results of the Project operational LST analysis, indicating unmitigated conditions. As shown, results of the analysis indicate that long-term operational emissions will not exceed localized emissions thresholds established by the SCAQMD. Other operational mitigation measures presented in the EIR would act to further reduce already less-than-significant potential operational LST impacts.

Similarly, consistent with SCAQMD protocols and methodologies, the Project Health Risk Assessment considers maximum probable exposure to DPM concentrations, resulting from the entering, exiting and idling diesel vehicles within the Project site. Moreover, the analysis reflects long-term constant exposure (70 year, 24 hours per day) for residential receptors. With application of mitigation, even under this potential maximum exposure scenario, exposure to DPM concentrations would not exceed applicable SCAQMD thresholds (please refer to Draft EIR Table 4.3-17, Page 4.3-86).

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to

TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [7]

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7 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

Response FNSJ-9

Despite the commentor's assertion to the contrary, the Project has addressed the Project's potential to expose sensitive receptors to substantial pollutant concentrations. The analysis included in the Draft EIR (Pages 4.3-73 to 4.3-86) addresses (1) the potential effects of construction-source emissions at sensitive receptors; (2) potential carbon monoxide (CO) hotspots; and (3) the health risks of diesel particulate emissions. A Health Risk Assessment was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed above, Project and cumulative diesel emissions impacts are less-than-significant. Project impacts in regard to CO "hotspots" are similarly determined less-than-significant; while temporary construction-source emissions are acknowledged as significant. Please refer also to DEIR Section 4.3, Air Quality and supporting technical air quality studies presented at DEIR Appendix C.

Response FNSJ-10

As discussed in the following responses FNSJ-15, FNSJ-16, and FNSJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response FNSJ-11

The referenced citations are acknowledged and addressed at Response FNSJ-12. Additionally, it is noted that the Project's GHG emissions impacts (as presented at Draft EIR Page 4.3-90) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-12

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. It is also noted that CEQA directives allow for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the *Guidelines*. The EIR analysis of GHG emissions/GCC impacts (DEIR Pages 4.3-90 through 4.3-11; DEIR Appendix C, Project Climate Change Analysis) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-13

The commentor misinterprets analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the EIR analysis concludes that *greenhouse gas emissions generated by the Project constitute a significant impact.*

Such is not the case, as evidenced in germane excerpted GCC discussions presented below:

> **1.4 Summary of Findings**
>
> Results of the analysis indicate that the Project would generate GHG emissions that *may* [emphasis added] have a significant impact on the environment. However, the Project is consistent with, or otherwise not in conflict with (1) recommended measures and actions in the California Air Resources Board (CARB) December 2008 Scoping Plan (CARB Scoping Plan) setting forth strategies and measures to implement in order to achieve the GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32); and (2) the GHG emission reduction strategies set forth in the 2006 Climate Action Team

(CAT) Report, prepared in response to Executive Order S-3-05, which established total GHG emission targets for the State.

As such, the Project GHG emissions are not cumulatively considerable. Further, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. This analysis takes no credit for such GHG emissions reductions. Thus, this analysis conservatively estimates the overall Project impacts on climate change from GHG emissions and the actual impacts will be less than what is calculated herein (Westridge Commerce Center Climate Change Analysis, Pages 1-2).

To further clarify, germane suggested CEQA Guidelines topical questions include:

Would the project:
a) Generate greenhouse gas emissions, either directly or indirectly, that *may* [emphasis added] have a significant impact on the environment?

Language in the Project GCC study paraphrases and responds the Guidelines language. As also discussed in the Project GCC Study, it is likely that any GHG emissions reductions achieved locally and within the State will be offset by emissions increases in developing countries such as Brazil, Russia, India and China and that significant effects of climate change, such as global warming and sea level rise, will nevertheless occur due to the continuing effects of past and existing levels of emissions. In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts [beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see Climate Change Analysis, Page 42).

The commentor suggests alternative analysis/threshold considerations for evaluation of GCC/GHG impacts. Thresholds established in the Draft EIR are consistent with applicable provision of CEQA.

> **Findings and Recommendations**
> As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less-than-significant (Draft EIR, Pages 4.3-93, 4.3-94).

Additionally, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. The Draft EIR's analysis takes no credit for such GHG emissions reductions. Thus, the Draft EIR's analysis conservatively estimates the overall Project impacts on climate change from GHG emissions, and the actual impacts will be less than what is calculated in the Draft EIR and associated Westridge Commerce Center Climate Change Analysis, included as part of Draft EIR Appendix C.

<u>Response FNSJ-14</u>

Despite the commentor's statement to the contrary, the Draft EIR does not "assert that the Project would interfere with the goals of AB-32." On the contrary, the Draft EIR notes (on Page 4.3-95) that "[t]he Project's consistency with the AB 32 goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change

Scoping Plan which includes nine Early Action Measures (qualitative approach). In addition, the analysis considers the numeric level of emissions generated by the Project to determine whether the emissions are cumulatively significant (quantitative approach)." Following a detailed presentation of the assessment criteria and analysis of the Project's consistency with these criteria, the Draft EIR finds (on Page 4.3-109) that "a project that is consistent with CAT strategies is consistent with the strategies suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32, and therefore the Project will result in a less-than-significant cumulative impact on GCC."

In regard to the Project's "build-out" year, as discussed in the Draft EIR Project Description (Page 3-4), "construction is proposed to occur in one phase, with infrastructure and building construction following site preparation operations." As such, the Project would be effectively "built out" in its opening year, which is identified as 2011, as discussed at Draft EIR Page 4.2-15.

Response FNSJ-15

As discussed in the following Responses FNSJ-16 and FSNJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are reduced to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. It is also noted that air quality mitigation measures presented in the EIR will peripherally act to reduce GHG emissions. However, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-16

The commentor suggests that the Project should incorporate provisions for public transit, carpooling, and other measures as a means of reducing VMT and associated GHG emissions.

Mitigation Measure 4.3.13 has been revised, as indicated below, to include additional VMT/GHG emission reduction measures. For ease of reference, the text of this measure in its entirety is provided. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant. Added measures are indicated as ***underline bold italicized*** font.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its*

services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 %of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***

- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Response FNSJ-17

As discussed on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may

be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response FNSJ-18

The commentor proposes numerous additional measures (presented in the following Table) as means to reduce Project-related greenhouse gas emissions relative to energy consumption. While the suggested measures may in part act to generally reduce Project energy consumption, none of the measures are required in order to achieve the mitigation of impacts identified in the Draft EIR. That is, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed

measures and their implied environmental benefit vis-à-vis Project impacts. Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation.

Additionally, in some instances, the commentor proposes measures that would further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may impose these additional requirements; typically through Project Conditions of Approval.

Suggested Measure	Response
Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 3-16), the Westridge Commerce Center Project reflects design and operational criteria established under the LEED Green Building Rating System.
Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	
Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.	
Reducing the use of pavement and impermeable surfaces.	**Replicates existing requirements.** As noted in the Draft EIR (Page 4.6-13), onsite bio-retention and detention basins, along with selected areas of pervious concrete and perimeter landscape areas are provided throughout the Project site. Additional detail is included in Draft EIR Appendix F, "Water Quality Management Plan."

Suggested Measure	Response
Requiring water re-use systems.	**Replicates existing requirements.** The Project is reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Nonetheless, as noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."
Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	**Replicates existing requirements.** Use of LEDs is currently required pursuant to EIR Mitigation Measure 4.3.13.
Limiting the hours of operation of outdoor lighting.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655, which includes restrictions in regard to hours of outdoor lighting operations. See also: www.clerkoftheboard.co.riverside.ca.us/ords/600/655.htm
Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.	**Replicates existing requirements.** Project landscaping will be provided pursuant to the requirements of the Moreno Valley Municipal Code (Section 9.17.030), which specifies a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Shade trees will be provided pursuant to the requirements of Municipal Code Section 9.17.050 subd. (d)(3).
Ensure that the Project is fully served by full recycling and composting services.	**Replicates existing requirements.** As noted on Draft EIR Page 3-14, "[p]rior to issuance of a grading permit, the Project will have in place a City approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during Project construction. A similar plan will be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during ongoing operation of the warehouse and office portions of the Project. The plans will include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.
Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	**Not required.** As discussed in the Draft EIR (Pages 3-21 and 3-22), treatment of the Project's wastewater and solid waste will be accomplished by regional providers (i.e., Eastern Municipal Water District and Waste Management of the Inland Empire), and is outside the control of the Applicant and the City of Moreno Valley.

Suggested Measure	Response
Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible	**Not required.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics or "wind energy."
Installing solar water heating systems to generate all of the Project's hot water requirements.	
Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.	

Response FNSJ-19

As discussed in the preceding Response FNSJ-18, the commentor's suggested mitigation measures to reduce Project impacts in regard to construction activities are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	**Not required.** Consistent with the Project's pursuit of LEED accreditation, the recommended building materials will be utilized to the extent available and feasible.
Minimize, reuse, and recycle construction-related waste.	**Replicates existing requirements.** As noted in the Draft EIR (Page 3-5), "[a]ny residual materials resulting from site preparation processes will be appropriately disposed of and/or recycled in accordance with the City's Source Reduction and Recycling Element (SRRE)."

Suggested Measure	Response
Minimize grading, earth-moving, and other energy-intensive construction practices.	**Not required, no nexus with significant impacts.** The Project will not cause or result in individually or cumulatively significant GHG/GCC impacts. There is no requirement to reduce construction-source GHG emissions. Moreover, within the context of Project-specific requirements (e.g., placement of structures approximately 25 feet below the existing grade of SR-60, and proper fill and re-compaction procedures to ensure proper foundation support, consistent with the recommendations of the Project Geotechnical Investigation, included as Draft EIR Appendix H), construction contractor(s) employ techniques and procedures so as to provide for the most efficient use of earth-moving and grading equipment as a matter of course.
Landscape to preserve natural vegetation and maintain watershed integrity.	**Replicates existing requirements.** Landscape improvements will be provided for the Project as required under the City's Zoning Code Section 9.17, "Landscape Requirements." To minimize risk of invasive non-native plants entering into the riparian habitat along the Quincy Channel, the Project includes mitigation (Measure 4.8.3) that prohibits the use of invasive non-native plant species within 150 feet of the Channel.
Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	**Incorporated** at revised Mitigation Measure 4.3.8.

Response FNSJ-20

As discussed in the preceding Response FNSJ-19, the commentor's suggested mitigation measures to reduce Project impacts in regard to transportation are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13.

Suggested Measure	Response
Create a car sharing program within the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide a shuttle service to public transit within and beyond the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Incorporate bicycle lanes and routes into the planned community's street systems.	**Replicates existing requirements.** The Project is required to provide pedestrian and bicycle connections to surrounding areas consistent with provisions of the City of Moreno Valley General Plan pursuant to the existing Mitigation Measure 4.3.13. This measure notes that the location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan.

Response FNSJ-21

The commentor suggests that carbon offsets be purchased to address "remaining [greenhouse gas] emissions that cannot be eliminated." It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-22

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's analysis of alternatives. As further presented in the *CEQA Guidelines* Section 15126.6, subd. (a), an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation.

To this end, the *CEQA Guidelines* indicate that the range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of most Project objectives.

The commentor's suggestion that "[t]he EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands" is inconsistent not only with the Project objectives, but with the site's existing General Plan land use designation and zoning. Additionally, it is unclear that such an alternative would result in a lessening of the Project's environmental effects, particularly since commercial uses typically generate considerably higher average daily rates of traffic per square foot than light industrial uses, with correlating increases in air emissions. See for example Trip Generation 7th Edition (Institute of Traffic Engineers)trip generation rate for Specialty Retail (ITE Code 814), 44.32 trips/thousand square feet; vis-à-vis the Project trip generation rate of 3.12 trips/thousand square feet. On a related note, the EIR specifically considers a "No Project" alternative which assumes development consistent with site's current Business Park zoning designation. As with the mixed use concept proposed by the commentor, substantially increased trip generation could be expected if developed with business park uses when compared to industrial uses proposed under the Project.

> In this regard, for Traffic Analysis Zone (TAZ) 209 encompassing the Project site, the General Plan Buildout traffic model reflects development of the subject site with Business Park/Light Industrial uses, and projects approximately 4.18 times the trip generation for TAZ 209 than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project. The No Project Alternative considered

herein approximates trip generation for the subject site under the General Plan Buildout Scenario at four (4) times that of the Project (Draft EIR, Page 5-32).

Based on the preceding, the commentor's suggested alternative concept fails as feasible alternative to the Project, and does not merit further analysis as part of the Project EIR.

In regard to the question of whether the Project could be accommodated elsewhere, the Draft EIR addresses, at length, the possible alternative sites that were considered as part of the review of Project alternatives (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it

is not currently owned or controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor's states that "[t]he Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty." No specific tenant(s) for the Project are currently under contract. Results and conclusions of the EIR are not affected.

The Draft EIR (on Pages 5-49 to 5-62) does provide a comparative analysis of the potential impacts of each alternative in regard to greenhouse gas emissions, biological resources, water supply, water quality, and traffic. As required under *CEQA Guidelines* Section 15126.6, subd. (d), this evaluation includes "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."

<u>Response FNSJ-23</u>

The City disagrees with the commentor's assertion that "the Draft EIR avoids an actual on the ground biological resource impact assessment." Draft EIR Appendix G presents the Biological Resources Survey prepared for the Project, which consists of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements, as identified in the following Figure 4.8-1;

- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- A jurisdictional delineation, which was prepared pursuant to the requirements of the California Department of Fish and Game and the Army Corps of Engineers.

As further discussed in the Draft EIR (Page 4.8-14), "[p]ayment of the mitigation fee and compliance with the requirements of the MSHCP are intended to provide full mitigation under CEQA, although certain areas within the MSHCP boundaries require additional surveys to determine the presence or absence of specific MSHCP-covered resources, including sensitive plants, burrowing owls, and riparian or riverine areas." Although focused surveys for threatened, endangered and sensitive plant and wildlife species were not conducted as part of the Project's general Biological Assessment, protocol surveys were subsequently performed to determine the presence or absence of burrowing owls within areas of potential disturbance. The *Report on Burrowing Owl Surveys for the West Ridge Project Site* (Harsmworth Associates, July 2009) is also included in Draft EIR Appendix G.

In addition, implementation of Draft EIR Mitigation Measure 4.8.7, included in the Mitigation Monitoring Program presented in Final EIR Section 4.0, will ensure that a pre-construction survey be conducted to document the location of any occupied burrows on-site. With the implementation of this mitigation measure, as well as compliance with the requirements of the MSHCP, the Project's potential to impact burrowing owls is reduced to a less-than-significant level.

The City of Moreno Valley's current schedule of non-residential impact fees indicates that the Project would be subject to an MSHCP fee of $6,597 per acre, and an additional $500 per acre SKR (Stephens' kangaroo rat) mitigation fee. On this basis, the Project would contribute approximately $390,335 to meet its fair-share responsibility for regional plant and wildlife impacts. The amount collected by the City for wildlife mitigation to date, along with the effectiveness of such fee collections, is outside the scope of the Project's environmental analysis. The Draft EIR (Page 4.8-31) notes that "[t]he Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project 'is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009.' These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. This species has not been recorded within the Project area in the past and is presumed absent from the site. As such, the Project is in compliance with the MSHCP." The results and conclusions of the Draft EIR are not affected.

Response FNSJ-24

The commentor requests receipt of future information regarding the Project, and as such, has been added to the Project distribution list at the referenced address. A copy of the Project's Final EIR has also been provided to the commentor, as requested.

Response FNSJ-25

The commentor lists numerous publications and resources exhibits incorporated by reference. With the exception of certain web-linked publications, exhibits listed "as incorporated by reference" have not been provided. Nor has their disposition, availability, or specific relevance been otherwise identified.

From: sgcricket@aol.com
Sent: Monday, December 06, 2010 3:20 PM
To: Jeffrey Bradshaw
Subject: Western Ridge Commerce Center DEIR

Comments Regarding: West Ridge Commerce Center
From: Susan Gilchrist

The project under consideration requires a zoning change from Business Park to Light Industrial. It is my understanding that this is a speculative project and there is no tenant identified. This presents a problem for the residents of the eastern portion of the City. There are currently many unoccupied warehouse buildings on Cactus and along the 215 as well as many in other Inland Empire cities. The only logical reason for presenting this project at this time is to "ride the coattails" of Highland Fairview/Skechers and get approval for another megalithic structure. Since the City permitted a building 36 times the size of the General Plan recommendation, what will prevent the Council from approving another oversized structure? The only solution will be to retain the General Plan and wait for the economy to improve so that the long range goals of a diverse job base can be reached. SG-1

Ten to fifteen years ago, business park zoning was successful and in the future it will be that way again. If zoning changes could be reversed, this would be more acceptable, but they are not. It will never revert to Business Park zoning from Light Industrial and the vision of the eastern portion of the City will be changed forever. Those driving through Moreno Valley will think the City consists of warehouses and sound walls...how attractive!

Questions for the developer:

1. Is this a speculative project or is there a tenant ready to occupy a 900,000 sq ft building? SG-2

2. What benefit is there to the residents and the City for approving a zone change at this time? SG-3

3. Why is the City moving away from the General Plan without bringing the entire process back to the residents? Moreno Valley seems to be willing to accept anything offered rather than have high standards and long range goals. The desperation is obvious and not very reassuring. Surrounding cities of Temecula, Murrieta, Menifee, Riverside, and Redlands are constructing buildings with more style and substance than is seen in Moreno Valley. These cities are attracting a variety of businesses while our City accepts the dregs. SG-4

4. Should the Council change the zoning, will the property be sold to another developer? SG-5

5. As a condition for the zone change, will the developer be willing to put an appropriate buffer of 1500 feet on the south side of Fir and develop it as a City park with a block wall on the north side of the park? SG-6

6. Could the traffic flow from both Skechers and Western Ridge be restricted from Redlands Blvd? SG-7

7. Will the building be constructed to LEEDS standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved? SG-8

8. What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility? SG-9

Sincerely,
Susan Gilchrist

SUSAN GILCHRIST

Email dated December 6, 2010

Response SG-1

The commentor correctly notes that approval of the Westridge Commerce Center Project would involve a change of zone for the Project site, from Business Park to Light Industrial. The commentor's opinions regarding the proposed zone change will be forwarded to decision-makers for their consideration.

Response SG-2

The commentor inquires: "Is this a speculative project or is there a tenant ready to occupy a 900,000 square foot building?" At this time, no specific tenant(s) for the Project are under contract.

Response SG-3

The commentor inquires: "What benefit is there to the residents and the City for approving a zone change at this time?" The benefits of a project are not germane to an EIR pursuant to CEQA. Nevertheless, certain potential benefits to the residents and the City are reflected in the Project Objectives. More specifically, as noted at Draft EIR Page 3-4, the Primary Objectives of the Project as identified by the Project Applicant include the following:

- Transition the existing site into a productive use;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

Response SG-4

The commentor inquires: "Why is the City moving away from the General Plan without bringing the entire process back to the residents?" The commentor offers opinions on City development review and approval processes, and the character of local and regional development.

As discussed in the Draft EIR (Pages 4.1-6 through 4.1-9), implementation of the Project would not propose or require a change in the Project site's General Plan land use designation. The commentor's opinions in regard to the City's approval process and the character of local and regional development will be forwarded to decision-makers for their consideration.

Response SG-5

The commentor inquires: "Should the Council change the zoning, will the property be sold to another developer?" Should the Project be approved, it is the applicant's intention to develop the site as proposed. However, there are no restrictions to prohibit the sale of the subject property. It may be noted that, regardless of ownership, Project-specific mitigation measures and other applicable regulations relative to the Project's construction and operations, including those identified in the Draft EIR, would remain in force.

Response SG-6

The commentor inquires: "As a condition of the requested zone change, will the developer be willing to put an appropriate buffer of 1,500 feet on the south side of Fir (future Eucalyptus) Avenue and develop it as a City park with a block wall on the north side of the park?" As a point of clarification, the requested zone change cannot be lawfully conditioned as suggested. Moreover, there is no codified requirement or environmental impact nexus that would require or suggest a 1,500 setback or the creation of a park southerly of the Project site. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-7

The commentor inquires: "Could the traffic flow from both Skechers and Western Ridge [the proposed Westridge Project] be restricted from [using] Redlands Boulevard?" Direct and practical access to the Project site is provided via Redlands Boulevard, located less than one-quarter mile easterly of the Project site. The Project provides all necessary improvements to mitigate its direct traffic impacts affecting Redlands Boulevard to levels that are less-than-significant. Additionally, appropriate mitigation is provided for all potentially significant cumulative traffic impacts affecting Redlands Boulevard.

Opening Year access to and from the SR-60 to the Westridge Project site was assumed to utilize Redlands Boulevard exclusively. The Project TIA (included as Draft EIR Appendix B) does account for the fact that, upon the development of Eucalyptus Avenue to the ultimate configuration identified in the Moreno Valley General Plan Circulation Element, Project-related traffic could also access the SR-60 at Moreno Beach Drive.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-8

The commentor inquires: "Will the building be constructed to LEED standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved?" Similar to the recently approved Highland Fairview/Skechers project, the Westridge Commerce Center will be built to LEED standards. The following discussion at Draft EIR Page 3-16 is presented here for ease of reference.

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification. There is no requirement that LEED standards implemented by the Highland Fairview/Skechers development be similarly implemented by the instant Project.

As further described in the Aesthetics section of the Draft EIR (Page 4.9-11) and illustrated in Draft EIR Figure 4.9-3, the Project's building foundation is planned to be located approximately 25 feet lower in elevation than the existing elevation of SR-60. Substantial reduction of the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment.

In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured for example as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000 square foot building would have to be at least 1.7 million square feet in size in order to accommodate a comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be substantial additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint.

Response SG-9

The commentor inquires: "What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility?" As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations." Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions as presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

December 6, 2010

Mr. Jeff Bradshaw
Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: Westridge Commerce Center – Comments on Draft EIR

Dear Jeff,

Highland Fairview has reviewed the Draft EIR and is concerned with the manner in which the document addresses a number of environmental issues. As you know, the city imposed numerous mitigation measures and conditions of approval on the Highland Fairview Corporate Park (HFCP) project many of which are not applied to this project, despite the similarities of the two projects. Among these issues are air quality, water quality, freeway landscaping treatment, architectural design, sustainability, hazardous materials, biology, global climate change and many other environmental areas.

To address these concerns, we request a meeting with the City planning, traffic and engineering departments to review the proposed mitigations included in the Draft EIR. We are particularly concerned about the following subject areas:

1. The project's contribution to improvements to SR60 mainline and interchanges. HF-1
2. The project's contribution to improvements on Redlands Boulevard. HF has other projects in the area and insufficient improvements by this project should not be allowed.
3. Architectural standards and design comparable to that of the HFCP Skechers building should be articulated from the freeway.
4. The landscape treatment of the interface between the project and SR60 should be comparable to that required by the City for HFCP and should be consistent.
5. The need for a significant commitment from the project to address the visual relationship between the project and the SR60. For example, the HFCP project was lowered 25 feet so that its visual impact could be softened.

We request a meeting with City staff as soon as possible to address these concerns.

Sincerely,

Wayne Peterson
Vice President, Community Planning

HIGHLAND FAIRVIEW

Letter Dated December 6, 2010

Response HF-1

The subject line of this letter indicates that it contains comments on the Westridge Commerce Center Draft EIR; however, these comments do not appear to be intended to address the Draft EIR's technical analysis or findings. Instead, the comments focus on the Westridge Commerce Center's "contribution to improvements," and express concerns regarding the equity of mitigation between the Westridge Commerce Center Project and the recently approved Highland Fairview Project (a 2.6 million-square-foot light industrial/commercial development located south of SR-60 east of Redlands Boulevard). A meeting with City staff is requested "to address these concerns."

On this basis, specific technical responses are not warranted. Mitigation for the Project's potential impacts was included in the Draft EIR, and is detailed in the Project's Monitoring Program, provided in Final EIR Section 4.0. Further, the Project's architectural compatibility with City design standards, and with the Highland Fairview project, is addressed on Draft EIR Page 4.9-6.

The commentor's concerns will be forwarded to decision-makers, as requested. City staff will be pleased to meet with the commentor to discuss their concerns.

Johnson & Sedlack
ATTORNEYS at LAW

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December 3, 2010

City Council
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA U.S. MAIL

RE: Draft Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Draft Environmental Impact Report.

General Comments:

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Unfortunately, the **DEIR for this Project fails as an informational document** as it fails to adequately and accurately consider cumulative impacts throughout the document. The DEIR also misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The DEIR is often conclusory and does not provide the analysis required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusion. This includes often omitting to provide the information required to properly assess impacts. JS-1

Moreover, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation must be adopted**. In this way

CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. Moreover, all mitigation measures required in the EIR must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. The Project is also inconsistent with the City of Moreno Valley General Plan. This is unacceptable. JS-1 (cont'd)

Project Overview:

The Westridge Commerce Center is a proposal, sponsored by ProLogis, for the construction of a 937,260 sq. ft. warehouse-distribution facility on approximately 54.66 acres of mostly undeveloped agricultural land located on the north side of Eucalyptus Avenue, west of Redlands Boulevard, near the SR-60/Redlands Boulevard interchange. The project will include approximately 173 loading docks and 14,000 square feet of office space to be divided between the southeast and southwest corners of the building. The future occupants and uses of the property are unknown at this time.

The project would require the removal of approximately 70,000 cubic yards of soil. The project would require the discretionary approval of a zone change (City Case # PA08-0098) from business park to light industrial. The project would also require an amendment to City of Moreno Valley Municipal Code section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts] due to the Project sites adjacency to residentially-zoned property and approval of Tentative Parcel Map No. 36207 (City Case # PA09-023). Adjacent to the project site is SR-60 to the north and Eucalyptus Avenue to the south. Properties to the south of the project are zoned Rural Residential ("RA-2") and designated Primary Animal Keeping Overlay ("PAKO") Zone. A residence is located near the southeasterly corner of the project site. To the west of the project site, although properties are currently under agricultural production, a proposal, also sponsored by ProLogis, has been made to develop, on 117 acres, six distribution warehouse facilities totaling 2.25 million square feet. Properties immediately to the east are designated commercial. Further east, across Redlands Boulevard, development of the 2.6 million square feet Highland Fairview Corporate Park Project has been approved. Regional access to the Project will be provided by the SR-60/Redlands Avenue interchange. JS-2

The DEIR concludes that aesthetic impacts are significant and unavoidable. Noise impacts are significant and unavoidable for the construction phase. Air quality impacts are significant and unavoidable for construction and operation phases. The DEIR also concludes cumulative aesthetic, air quality, construction noise, and traffic impacts are significant.

Cumulative Impacts:

The cumulative impact analysis is brief, lacking in evidence and data, and generally insufficient. CEQA requires that in order to adequately discuss and analyze potential significant cumulative impacts, "[a] list of past, present, and probable future projects producing related or cumulative impacts" must be included in the DEIR. (Cal. Pub. Res. C. § 15130(b)(1)(A).) The lead agency must also "define the geographic scope of the area JS-3

affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." (Cal. Pub. Res. C. § 15130(b)(2).)

Here, the DEIR looks *only* at the cumulative effects from those "probable development proposals" within a two (2)-mile radius of the Project. **The analysis does not account for any past or present projects as required under CEQA and does not "provide a reasonable explanation" for why the two-mile radius was used.** Although a discussion as to why the Traffic Impact analysis was limited to a two-mile radius was provided in the DEIR, this reasoning does not support a basis for why the Cumulative Impact Analysis section of the DEIR was limited to such a small radius and purely probable future projects. Development within Moreno Valley is occurring on a large scale and the resulting impacts should not be ignored. (See Exhibits 1 – 3.) There is also a great amount of residential development within close proximity to the Project site, yet the impacts from these projects are not included in the analysis. For instance, The Moreno Highlands Specific Plan providing for 7,700 residential units located east of the Project site and the Aqua Belle Specific Plan providing for 2,922 "Active Adult" residential units located southwesterly of the Project site are neither included in the analysis nor mentioned in the DEIR. Also, the Centerpointe Project, a 353,859 square feet distribution center (PA07-0147, PA07-0157) which was approved by the Planning Commission in early 2010 was not included. This failure to analyze any impacts from past and present projects, as well as projects outside of the two-mile radius results in an inadequate analysis of the impacts to traffic, air quality, greenhouse gas emissions, and aesthetics, among others.

JS-3 (cont'd)

Furthermore, the cumulative impact section often fails to recognize that impacts which are less than significant on their own may nonetheless be cumulatively significant. The cumulative impact analysis also fails to summarize "the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available," as is required by CEQA. (Cal. Pub. Res. C. § 15130(b)(4).)

Therefore, the DEIR fails as an informational document as it does not provide an accurate analysis of the cumulative environmental effects that will result and therefore does not allow for sound and informed decision making on behalf of approving agencies.

General Plan Consistency:

CEQA requires that an EIR "discuss any inconsistencies between the proposed project and applicable general plans." (CEQA Guidelines 15125(d).)Yet, the DEIR fails to discuss the inconsistency of the Project with a number of applicable provisions contained within the General Plan.

JS-4

The project is inconsistent with the following General Plan provisions: Goal 2.2; Objective 2.13; and Policies 2.10.14, 2.13.1, and 2.13.3. Goal 2.2 requires that "the optimum degree of health, safety, well-being, and beauty for all areas of the community" be achieved yet the Project has numerous significant and unavoidable impacts to the safety, health and well-being of residents throughout Moreno Valley. Policy 2.10.14 requires that existing mature trees be preserved or relocated and only replaced when they cannot be preserved or relocated. Yet, although the Project will replace those existing mature pine trees along the

northerly boundary with a double-row of new trees, the DEIR fails to discuss whether these mature trees will be relocated and if not, how or why preservation or relocation of these mature trees is infeasible. Policy 2.13.3 of Objective 2.13 requires that "the sponsor of a development project…assure that all necessary infrastructure improvements…needed to support project development are available at the time that they are needed" yet, as will be discussed below, there is nothing to indicate that those improvements that will be required to mitigate for traffic will actually be implemented. JS-4 (cont'd)

Agricultural Impacts:

Although the Project will result in the conversion of farmland to non-agricultural uses the DIER finds that the impact will be less than significant. This finding is not supported by substantial evidence when the Initial Study itself states that the site is designated as Farmland of Local Importance due to the high quality of soil at the site and the Project Description states that the land has actually been used for agricultural production within the last twenty (20) years. As such, mitigation for this loss of prime agricultural land is required. It is well documented that agricultural land is the largest part of Riverside's economy. **The EIR prepared for the City of Moreno Valley General Plan recognizes that due to this loss of agricultural land, impacts are potentially significant and feasible mitigation measures would effectively lessen this significant impact.** (See Exhibit 4.) Therefore, the following mitigation measures must be adopted: JS-5

1. Purchase conservation easements on existing agricultural land to ensure that the land is never converted to urban uses.
2. Donate funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

Land Use and Planning:

This Project will have a significant impact to Land Use and Planning which was not adequately evaluated in the DEIR. The Project involves a zone change from Business Park to Light Industrial as well as an amendment to the Municipal Code as a result of its proximity to residential areas. The effects of the zone change and the amendment to the Muncipal Code are both potentially significant impacts which must be further evaluated and potentially mitigated in the DEIR. JS-6

Additionally, as stated on page 2-4 of the Initial Study land south of the Project site contains a Primary Animal Keeping Overlay Zone ("PAKO Zone") "in order to maintain animal keeping and the rural character of the area" yet this is not even mentioned in the DEIR. The Project's effects on this zoned area and the extent that this Project will disrupt the ability of people to keep animals in this zone must be analyzed and potentially mitigated.

Air Quality and Greenhouse Gas Emissions/Climate Change: JS-7

Air Quality

Air quality impacts will be significant and unavoidable during both the construction and operation phases.

Construction:

The air quality analysis is flawed and underestimates the impact on air quality during construction. The air quality analysis improperly assumes for Phase 2 Grading a value of zero Vehicle Miles Traveled (0 VMT) for on-road truck travel. This is improper as the analysis must account for the VMT by construction workers *to and from* the Project site. JS-7 (cont'd)

Even under the current analysis, without mitigation, construction of the project will result in levels of VOC, NOx, PM10, and PM2.5 exceeding SCAQMD Regional Thresholds, yet all feasible mitigation measures were not adopted to reduce construction related emissions, and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur. For example, MM 4.3.4 does not reduce VOC to the greatest extent feasible. MM 4.3.4 should be modified to require that all paints, coatings, and solvents are zero (0) VOC. JS-8

MM 4.3.1 does not sufficiently mitigate for air quality impacts and is uncertain and unenforceable. In recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM10 and PM2.5 fugitive dust haul road emissions *by approximately 44%*. Yet, MM 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. MM 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%. This measure should also be modified to include the specific measures which the contractor shall take to ensure that traffic speeds on unpaved roads are reduced to 15 miles per hour, such as the placement of signage or other speed controlling devices. Mitigation measures should also be required to include measures which mitigate for and ensure dust control at the dump site where the soil from the project site will be placed. JS-9

MM 4.3.7 should not only require that electrical power sources "be provided" but also require that electrical construction equipment be *actually used* "whenever technically feasible." JS-10

Although the air quality analysis recommends that "[p]rior to issuance of a grading permit, the grading plans shall reference that a sign shall be posted on-site stating that construction workers need to shut off engines after five minutes of idling," this mitigation measure was not included in the DEIR. This is unacceptable, particularly since the DEIR states that air quality emissions are significant and unavoidable, and this mitigation measure is plainly feasible and would reduce air quality emission. Moreover, this measure is required by CARB, in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations. This mitigation measure must be included in the DEIR. JS-11

The air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas "quickly" should be adopted. Yet, the DEIR fails to include such a mitigation measure. Again, this is unacceptable particularly since the air quality emissions are significant and unavoidable and this mitigation would reduce both PM10 and PM2.5 by JS-12

an additional 10%. Mitigation must be included requiring that landscaping or other vegetation be planted as soon as possible after disturbance. JS-12 (con'd)

In analyzing air quality due to fine site grading activity, the air quality analysis assumes that a maximum of 13.66 acres per day will be disturbed by grading activity. In order to ensure that the effect on air quality from fugitive dust is not greater than that relied upon by the DEIR, a mitigation measure must be adopted that *limits* fine site grading activity to a level below 13.66 acres per day. In fact, an even lower maximum daily acreage should be required in order to further mitigate for these impacts. JS-13

Even after applying mitigation measures, construction air quality impacts are expected to be significant and unavoidable and well above the thresholds of significance for criteria pollutants. For example, with implementation of the mitigation measures listed in the DEIR, emissions of PM10 during construction will amount to 39.51 $\mu g/m^3$ over 24-hours, almost four times the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold, while emissions of PM2.5 during construction will amount to 12.40 $\mu g/m^3$ over 24-hours, well over the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold. Additionally, VOC will reach 205.37 lbs/day, more than two and one half times the 75 lbs/day SCAQMD Regional Significance Threshold and NOx will reach 287.12 lbs/day, almost three times the 100 lbs/day SCQAMD Regional Significance Threshold. Yet, the DEIR suggests adoption of only nine (9) mitigation measures and simply concludes that the remaining unmitigated emission are unavoidable. This is insufficient. In order to further reduce construction air quality emissions, the following additional mitigation measures should be adopted:

1. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.
4. Complete all roadways, driveways, sidewalks, etc., as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.
5. Pave all roads on construction sites as soon as technically possible.
6. Limit fugitive dust sources to 20 percent opacity.
7. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
9. Require high pressure injectors on diesel construction equipment.*
10. Restrict engine size of construction equipment to the minimum practical size.*
11. Use Electric construction equipment where technically feasible.*
12. Substitute gasoline-powered for diesel-powered construction equipment.*
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
14. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of

JS-14

large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*

15. Install catalytic converters on gasoline-powered equipment.*
16. Use electricity from power poles rather than temporary diesel power generators.*
17. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke. JS-14 (cont'd)
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*
20. Provide shuttle service to food service establishments/commercial areas.*
21. Provide shuttle service to transit stations/multimodal centers.*
22. Utilize only CARB certified equipment for construction activities.*
23. All forklifts shall be electric or natural gas powered.*
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.

Operational:

The Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. **Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930).** This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts. JS-15

The DEIR also inaccurately represents the values used in the LST Analysis. The Air Quality Analysis states that the average trip length used was 0.3 miles and the vehicle speed was 10 miles per hour. Yet, the DEIR incorrectly states that the average trip length used in the LST Analysis was 0.5 miles while the vehicle speed was 5 miles per hour. (DEIR, 4.3-68) Again, this failure in the DEIR to accurately reflect the values used in the LST Analysis renders the DEIR inadequate as an informational document. JS-16

The DEIR and air quality analysis conclude that for long-term operational activities, even after mitigation, VOCs and NO_x will exceed SCAQMD's Regional Significance Thresholds. Without mitigation, the regional emissions of VOCs and NO_x are exceeded for both summer and winter, with NO_x greatly exceeding the threshold of 55 lbs/day with 739.69 lbs/day in the summer and 819.10 lbs/day in the winter. With the mitigation measures, the emissions of JS-17

NO_x would be reduced by only a meager .03 lbs/day in summer and .17 lbs/day in winter and emissions of VOCs would be reduced by only .01 lbs/day. These reductions are clearly insignificant. **The mitigation measures do not actually mitigate for the significant operational impacts to NOx and VOC.** JS-17 (cont'd)

MM 4.3.11 requires that the project surpass California Title 24 Energy Efficiency performance standards by a minimum of 20 percent. This goal is to be met by using any combination of a number of listed design features. Particularly since NOx emissions are significant this mitigation measure should require that the project surpass California Title 24 Energy Efficiency standards by at least 30 percent. In fact, all design features listed should be required to be implemented as a way to mitigate the significant effects on air quality. JS-18

Additionally, many more operational mitigation measures are feasible and may be implemented through contract requirements in the purchase, sale, or lease agreement. Such mitigation must be required unless the incorporation into the contract of a mitigation measures is shown to be *infeasible*, not merely inconvenient. The following mitigation measures should be required to reduce Project operational impacts:

1. Require the utilization of zero VOC paint, coatings, and solvents.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become SmartWay Partner.*
4. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.* JS-19
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. Install catalytic converters on gasoline-powered equipment.*
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM_{10} compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.

9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.*
10. Require each user to establish a carpool/vanpool program.*
11. Provide on-site child care or contribute to off-site child care within walking distance.*
12. Provide preferential parking for carpool/vanpool vehicles.*
13. Provide secure, weather-protected bicycle parking for employees.*
14. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
15. Provide showers and lockers for employees bicycling or walking to work.*
16. Short-term bicycle parking for retail customers and other non-commute trips.*
17. Connect bicycle lanes/paths to city-wide network.*
18. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
19. Prohibit idling of trucks for periods exceeding three minutes.*
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
21. Provide shuttle service to food service establishments/commercial areas.*
22. Provide shuttle service to transit stations/multimodal centers.*
23. Implement parking fee for single-occupancy vehicle commuters.*
24. Implement parking cash-out program for non-driving employees.*
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
26. Implement a compressed workweek schedule where feasible.*
27. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
28. Install EV charging facilities *for a minimum of 10% of all parking spaces.**
29. Install a CNG fueling facility.*
30. Provide preferential parking locations for EVs and CNG vehicles.*
31. Utilize electrical equipment for landscape maintenance.*
32. Utilize only CARB certified equipment for construction activities.*
33. All forklifts shall be electric or natural gas powered.*
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
36. Utilize low pressure sodium fixtures for exterior lighting including parking lots.
37. Utilize electric yard trucks.*
38. All buildings shall be constructed to LEED Platinum standards.*
39. The operator shall meet SmartWay 1.25 ratings.*
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.*
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.*
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.*
43. The operator shall purchase only green power.*

JS-19 (cont'd)

Climate Change/GHG emissions:

According to the air quality analysis, this Project would generate GHG emissions that will have a significant effect on the environment. However, the DEIR concluded that GHG emissions are less than significant since the Project's emissions will not exceed the thresholds of significance proposed by SCAQMD (stationary source GHG emissions ≥ 10,000 metric tons per year of CO_2E) or CARB (7,000 metric tons per year of CO_2E from non-transportation related GHG sources). Not only is this conclusion improper but the analysis used to determine GHG emissions is also flawed. JS-20

The thresholds for significance for SCAQMD and CARB relate only to *non-transportation/stationary* sources. Therefore, the GHG emission analysis and conclusion of less than significance is deeply flawed as it fails to account for the majority of GHG emissions for the Project which are attributable to non-stationary/mobile sources. Of the total estimated 30,003.39 metric tons/year of CO_2E, 27,858.08 metric tons/year come from mobile sources, whereas only 7% of CO_2E is derived from stationary sources. JS-21

Furthermore, the same reduced number of trips used in the air quality analysis was used for determining the impact on global climate change. For the same reasons previously discussed, this is inappropriate and does not adequately represent the negative impact this Project will have on global climate change. When the 2,930 traffic trips used in the traffic analysis is used rather than the 1,585.22 traffic trips as suggested, the GHG emission for transportation sources increases more than double from 27,858.08 CO_2E to 51,490.77 CO_2E. **Clearly, GHG emissions are far greater than that estimated in the DEIR.** JS-22

The GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project. Where the project consists of a new distribution center and truck parking, the vehicular emissions in fact create a "new" mobile source of emissions as they create new trucking jobs, and do not merely redistribute the existing traffic patterns as this analysis has assumed. JS-23

The DEIR incorrectly concludes that even though GHG emissions from the Project would be significant, since the Project is consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG emissions are not cumulatively considerable. Yet, this project is, in fact, inconsistent with the CARB Scoping Plan. For instance, Action T-7 recommends that trucks/trailers be retrofitted with BAT and/or CARB-approved technology, yet this Project does not require this retrofit. The DEIR also states that the Project is consistent with Action E-4 (Million Solar Roofs) which sets a target for the installation of 3,000 megawatts (MW) of new solar capacity by 2017, yet the Project does not include nor require installation of a photovoltaic solar electricity system. In order to actually work to achieve this goal of new solar capacity, the Project should require, as a mitigation measure, the installation of a photovoltaic solar electricity system Such a system may be required through contract requirements in the purchase, sale, or lease agreement. JS-24

The DEIR also states that the Project is in compliance with 2006 CAT Report GHG Emission Reduction Strategies. Yet, these determinations of compliance are not supported by any *mandatory requirements,* but rather based on mitigation measures which are not fully enforceable or feasible. For example, the DEIR states that vehicles accessing the site will be in compliance with CARB vehicle standards to the "maximum extent feasible," but does not define this or implement any standard of performance. The DEIR also states that compliance JS-25

with the State's goal of achieving 50% Statewide Recycling will be met through including "provisions for tenants to recycle," yet, there is no requirement that this goal be met. Recycling of at least 50% by the future tenant should be mandatory and required as a mitigation measure through contract requirements in the purchase, sale or lease agreement. In stating that the Project is compliant with the requirement for water use efficiency, the DEIR states that implementation of water conserving devices should be required "to the extent feasible." This language is again vague and does not include any enforceable performance standards. Also, the Project does not require compliance with the California Solar Initiative, one of the strategies identified as critical for California to meet its greenhouse gas reduction targets. The Project merely *recommends* adoption of a requirement that "[a]ll buildings be designed to accommodate renewable energy sources, such as pholtovoltaic solar energy systems..." (DEIR, pg. 1-58) Again, this should be a *required*. Furthermore, the project is also inconsistent, and/or determined to not require compliance with several other CAT strategies, notably with respect to Alternative Fuels. JS-25 (cont'd)

The DEIR fails to analyze or provide evidence as to how any alleged compliance with the strategies in the 2006 CAT Report or the CARB Scoping Plan would reduce GHG emissions from this Project so that cumulative GHG impacts would not be significant. Furthermore, the DEIR fails to show how the Project is consistent with statewide goals in AB32 of reducing carbon emissions to 1990 levels 2020 and of Executive Order S-3-05 of reducing carbon emissions to 80% below 1990 levels by 2050, when this project only contributes to and increases these carbon emissions. JS-26

The California Air Pollution Control Officer's Association ("CAPCOA") has analyzed several means of determining the significance of a project's greenhouse gas impacts under CEQA in its CEQA & Climate Change White Paper. CAPCOA determined that a threshold of zero or a quantitative threshold designed to capture 90 percent or more of likely future discretionary projects (a 900-ton CO_2E threshold) are highly effective at reducing emissions and highly consistent with the emission reduction targets set forth under AB 32 and Executive Order S-3-05. (See Exhibit 5.) The Bay Area Air Quality Management District (BAAQMD) has also drafted guidance on the determination of significance for greenhouse gas impacts. BAAQMD has recognized that there is a "gap" between state action to reduce emissions and the need to further reduce emissions from land-use driven sectors in order to reach AB 32 targets. (See Exhibit 6.) After a series of calculations, BAAQMD then determined that projects above 1,100 tons (accounting for approximately 92% of all GHG emissions from new land use development) would be considered significant, thereby requiring the adoption of all feasible mitigation measures and helping to get nearer to meeting AB 32 targets after statewide regulations are taken into account. Additionally, in the EIR for the Highland Fairview project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change. The Project clearly exceeds the zero threshold. Accordingly, all feasible mitigation measures must be implemented and thus all suggested design features in Mitigation Measure 4.3.11 must be required to be implemented in the Project design. JS-27

The DEIR improperly concludes that due to the Project's supposed consistency with the CARB Scoping Plan and the 2006 CAT Report "that the Project's greenhouse gas emissions are not cumulatively considerable." (DEIR, pg. 5-14) As discussed above, even if the Project were consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG JS-28

emissions from the Project are not less than significant. Additionally, the conclusion that GHG emissions are not cumulatively considerable just because the emissions are not individually considerable (although not actually true) completely ignores the concept of cumulative impacts. "'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15064(h)(1). As the DEIR admits, climate change is a global issue as emissions from sources worldwide combine to create the most pressing environmental and social problem of our time resulting in increased flooding, decreased water supply, negative impacts to biological resources, as well as numerous other negative effects. These sources may "appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Los Angeles Unified School Dist. v. City of Los Angeles,* 58 Cal.App.4th 1019, 1025 (1997). Here, the cumulative effects on GHG emissions were not adequately analyzed. GHG emissions, which are already estimated at over 30,000 metric tons of CO_2E per year for just this Project, will have a large cumulative effect and this impact must be addressed in the DEIR and be properly mitigated. **Adoption of air quality mitigation measures marked with an asterisk and provided above will help further mitigate GHG emissions.** JS-28 (cont'd)

After all measures have been implemented to reduce emissions, any remaining emissions that cannot be eliminated may be mitigated through off-site measures. The Final Statement of Reasons for CEQA GHG Guidelines specifically contemplates off-site mitigation such as "community energy conservation projects." CAPCOA also found that a potential cost-effective offset and verifiable offset could include an energy-efficient retrofit of existing building stock in the Project area to offset the remainder of the Project's emissions. (See Exhibit 5 at 80.) Offsetting GHG emissions in the project area could also effectively reduce criteria pollutants. JS-29

Noise:

Construction:

Intermittent noise levels due to construction at the Project site are expected to reach 89 dBA at the nearest residential properties, well in excess of the daytime 60 dBA Leq allowable under the Moreno Valley Municipal Code. Even at the more distant residential neighborhoods one quarter mile away from the Project site, noise levels during construction are expected to reach 60 to 65 dBA Leq. The DEIR concludes that even after implementing four mitigation measures, that construction noise will be significant and unavoidable. Yet, the DEIR does *not* adopt all feasible mitigation measures. Also note that Mitigation Measure 4.4.3, which limits constructions activities to between 7:00 a.m. and 8:00 p.m. does *not* mitigate the fact that noise levels of 89 dBA will be in excess of the City's noise ordinance during *daytime* hours. The fact that the ordinance establishes time frames does not eliminate or lessen the environmental impact it merely means that the impacts are not subject to criminal sanctions. The threshold of significance is therefore still exceeded during the day. JS-30

Additionally, Mitigation Measure 4.4.4 merely requires that the Project plans include a statement that "for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be JS-31

installed along the Project's southerly boundary" and should "provide maximum reduction for noise sensitive uses…." The term "maximum reduction" is vague and unenforceable. In order to ensure that this mitigation measure actually reduces the level of noise, the measure should require that these sound barriers, which should also include temporary sound walls, actually **reduce noise at sensitive receptors to no more than 60 dBA Leq.** JS-31 (cont'd)

The Noise Analysis recommends the following feasible mitigation measures which must be adopted:

1. Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.
2. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
3. Notify surrounding homeowners of expected, specific construction related noise impacts.

JS-32

In addition, the following mitigation measures, not mentioned in the Noise Analysis, should be adopted:

4. When technically feasible, electrical construction equipment should be utilized.
5. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.

JS-33

Additionally, the DEIR improperly adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA or greater. This is an improper and inaccurate assumption and is certainly not supported by Appendix G of the *CEQA Guidelines* as stated in the DEIR. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance…." Here, 60 dBA is the standard for residential uses and noise levels will be in excess of this standard. JS-34

In terms of ground-borne vibration, there is no evidence pointed to in the DEIR that shows that vibrations would be less than significant even though heavy equipment used during construction "could potentially generate groundborne vibration impacts." Instead the DEIR makes the conclusory statement of insignificance without data or analysis to support such a determination. The DEIR also only mentions vibration impacts to *buildings* when it should also look at impacts to people. Therefore, the DEIR again fails as an informational document. JS-35

<u>Operational - Cumulative Impacts:</u>

As previously discussed, the DEIR fails to look at all cumulatively related projects. This is improper. JS-36

The DEIR finds that the cumulative effects on existing roadways will cause an increase in noise levels of up to 9.5 dB, yet, the DEIR improperly concludes that since the impact from the Project *on its own* is less than 3 dBA that the cumulative impact is not significant. Again, this analysis is completely improper. An increase of 3 dBA is <u>not</u> the threshold of significance adopted for the project. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance ...." Again, that standard for residential uses is 60 dBA and noise levels will be in excess of this standard. For example, with the project, noise levels 100 feet from Redlands Boulevard south of the SR-60 eastbound off-ramp will reach 69.3 dBA and noise levels 100 feet from SR-60 will range from 82.1 to 83.9 dBA. Further, the project will cause noise levels to *increase over levels without the project* at numerous roadway segments. This is a significant impact for which all feasible mitigation must be required. JS-37

Additionally, the Noise Analysis uses noise measurements previously taken at the G.I. Trucking facility in Pomona, California, although neither the Noise Analysis nor the DEIR provide information on this facility in order to show that the activity at the G.I. Trucking facility is comparable to that which would occur at this Project. Therefore the analysis is inadequate to determine the accuracy of potential noise impacts. JS-38

The following feasible mitigation measures must be adopted as recommended in the Noise Analysis: JS-39

1. All trucks, tractors and forklifts shall be operated with proper operating and well maintained mufflers.
2. Maintain quality pavement conditions that are free of bumps to minimize truck noise.
3. Limit the number of idling trucks on the southeastern portion of the site.

Traffic and Circulation:

Interstate 15 ("I-15") and Interstate 215 ("I-215") provide access to the Project area and will most certainly be used to access the Project site. Yet, the DEIR fails to assess the impacts this Project will have on I-15 and I-215 and fails to provide feasible mitigation for projected increased traffic congestion to I-15 and I-215. In order to mitigate for the substantial impacts to these Interstates, mitigation must be included which requires the Project to contribute a fair share to CALTRANS in order to support implementation of improvements to the I-15 and I-215. JS-40

Numerous mitigation measures require that the project participate in fee programs, namely the TUMF and DIF Programs. While payment of fair share fees can be appropriate mitigation for cumulative traffic impacts, they are only adequate when there is an existing program, and that program is adequately funded. The DEIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project. The DEIR also fails to provide information as to the availability of existing fee programs and the financial capability of these programs to actually fund the required improvements for this project. JS-41

The traffic impact mitigation relying on the DIF program is inadequate and is not certain to mitigate traffic impacts. The City announced several months ago that the DIF fees were inadequate to actually construct all required improvements. At that time, the DIF fees were underfunded by approximately 50%. In addition, at the August 18, 2009 City Council Hearing, the City further reduced DIF fees, further increasing the shortfall. There is absolutely no evidence in the record to show that the existing program is adequately funded.

Additionally, these measures do not indicate when the fees will be paid. If required to be paid at the time of construction, the amount could be non-representative of the project's "fair share" in the future. Accordingly, there is absolutely nothing to indicate that the traffic mitigation needed can actually be completed, that mitigation will bring levels of service to acceptable levels, or that there will be adequate funding to install the improvements prior to their need. JS-41 (cont'd)

Therefore, the following mitigation measures should also be adopted:

1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
3. Reroute construction trucks away from congested streets and sensitive receptor areas.*
4. Configure construction parking to minimize traffic interference.*
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
8. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
9. Improve traffic flow by traffic synchronization.

JS-42

Again, the cumulative analysis of traffic impacts is insufficient as it fails to consider numerous projects as previously discussed. JS-43

Water Supply/Sewer:

The DEIR improperly looks to potable water demand of the project (44 acre feet per year) to determine less than significant impact on water supply, instead of total water demand. The DEIR states that the "EMWD has determined that it will be able to provide adequate water supply to meet the **potable** water demand for the project…." There is no analysis of the impact of any additional water for the Project on diminishing water supplies for other uses such as agricultural uses, despite the fact that agricultural users have been put on mandatory water reductions because of water shortages. JS-44

The DEIR fails to examine impacts from global warming and climate change to water supplies. Specifically, the DEIR does not account for decreased snow pack, expected levee failure, and salinity intrusion into coastal water tables, especially with the State Water Project. Additionally, the state-wide drought and low availability of water throughout southern California will cause water supply to likely be much lower than projected, and the project may have a very significant impact. JS-45

In order to mitigate for these significant impacts, the following mitigation measures should be adopted: JS-45 (cont'd)

1. Install permeable pavement in car parking areas.
2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.

Hydrology and Water Quality:

As discussed in the Preliminary Hydrology Study, on page 6, in order to mitigate for impacts from runoff, the project should be required to "clean the sediment build up in the existing triple 60" pipes crossing under the 60 freeway as well as the existing 60" Pipe outleting into the Redlands Blvd. westerly drainage ditch. This mitigation measure must be included in the DEIR. JS-46

The DEIR fails to analyze the impact at the southwesterly corner of the Project site if the future drainage improvements that are to eventually be constructed "by others in association with eventual bridged crossing of the Quincy Channel" are not constructed or construction is delayed. The DEIR fails to indicate when these drainage improvements are to be constructed and how they will be funded. JS-47

Cultural Resources:

The DEIR fails to provide adequate information to evaluate whether prehistoric resources will be impacted as a below ground investigation was not conducted, merely a surface study, even though most prehistoric resources would be expected to be discovered underground and prehistoric resources have been identified at numerous sites within one mile of the Project site. JS-48

Additionally, the mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground. MM 4.7.1 and 4.7.3 permit only temporary halts upon discovery of cultural resources, although longer halts and delays may be necessary to properly record and remove resources. These mitigation measures state that this delay is meant to "avoid construction delays." Therefore, it is likely that the cultural resources located onsite will be unearthed, damaged, improperly recorded, etc. in order to not inconvenience construction. JS-49

Further mitigation is feasible. The mitigation measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job. Further, some option to preserve the resources in situ should be provided in the event of the discovery of extensive cultural resources. JS-50

Biological Resources:

The DEIR and biological survey conclude, without providing adequate evidence or analysis, that although common wildlife would potentially be impacted by loss of this ruderal agricultural land, that this impact would not be significant. This is a conclusory statement not supported by evidence in the DEIR. The development of farmland and open space results in a loss of habitat and in turn, wildlife. The impacts to biological resources must be accurately analyzed and mitigated. JS-51

Aesthetics:

The Project is expected to change scenic vistas and cause a significant and unavoidable aesthetic impact and cumulatively result in a substantial adverse effect on scenic views in the Project area. In an attempt to mitigate these effects, the Project should be required to conduct off-site mitigation and preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County. JS-52

Project Alternatives:

CEQA requires that an EIR consider a reasonable range of project alternatives that lessen significant project impacts and meet basic project objectives. In this case, the DEIR fails to satisfy this mandate by not analyzing a "reasonable range" of alternatives because besides the no-project alternatives, the DEIR only actually considers the Reduced Intensity Alternative and Alternative Site 5. Further, Alternative Site 5 would not lessen significant project impacts. Although mentioned in the DEIR, Alternative Sites 1, 2, 3, and 4 were not actually considered as these sites are unavailable since other development is already planned for these sites. Further, any rejection of project alternatives has to be supported by findings supported by substantial evidence and this evidence does not appear in the record. JS-53

Thank you for your consideration.

Sincerely,

Raymond W. Johnson, Esq. AICP
JOHNSON & SEDLACK

Encl: Exh (11)

EXHIBITS

(1) Moreno Valley New Project Maps with Commercial Development Activity, New Housing and Planned New Housing. (Accessed from the City of Moreno Valley website, December 2, 2010).

(2) Moreno Valley Residential Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(3) Moreno Valley Commercial Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(4) Final Environmental Impact Report, Moreno Valley General Plan: 5.8, Agricultural Resources. (July 2006).

(5) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.*

JS-54

(6) Bay Area Air Quality Management District. (December 7, 2009) *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance.*

(7) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 4.0 Construction Noise Criteria and Descriptors.*

(8) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 9.0 Construction Equipment Noise Levels and Ranges.*

(9) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook.*

(10) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects.*

(11) Federal Interagency Committee on Urban Noise. (June 1980) *Guidelines for Considering Noise in Land Use Planning and Control.*

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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

JS-55

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

JS-55 (cont'd)

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

Johnson & Sedlack, Attorneys at Law
26785 Camino Seco 12/97- Present
Temecula, CA 92590
(951) 506-9925

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions
26785 Camino Seco 8/94- Present
Temecula, CA 92590
(909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department
Environmental Team 6/91-8/94
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department
General Plan Team 6/91-6/92
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community. JS-55 (cont'd)

San Bernardino County Planning Department
North Desert Regional Planning Team
15505 Civic 6/90-6/91
Victorville, CA
(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting
229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640 2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track. Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO
6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.
Lee's Summit, MO
9/78-5/84
Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association
Lee's Summit, Mo.

Project Coordinator
6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

JS-55 (cont'd)

City of Lee's Summit, MO
220 SW Main
Lee's Summit, MO 64063
Community Development Director 4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff
9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800 5/73-4/75
Economist/Planner

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS. JS-55 (cont'd)

JOHNSON & SEDLACK

Letter Dated December 6, 2010

Response JS-1

The City disagrees with the commentor's generalized assertions regarding the adequacy of the Westridge Commerce Center Draft EIR. As detailed in the following responses, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative impacts has been identified within the Draft EIR. As appropriate, additional measures suggested by the commentor have been incorporated to further reduce impacts, but these changes do not alter the conclusions or analysis contained in the DEIR. These mitigation measures, as amended herein, have been carried forward into the Mitigation Monitoring Plan included as Section 4.0 within this Final EIR. Similarly, the commentor's contention that the Project is inconsistent with the City's General Plan is addressed in the following responses.

Response JS-2

This comment incorrectly identifies the "Project Sponsor" as ProLogis. As noted on Draft EIR Page 2-2, the Project proponent is actually Ridge Property Trust. Otherwise, the commentor has accurately summarized the general aspects of the proposed Project and its significant impacts.

Response JS-3

This comment incorrectly infers that the Draft EIR's analysis of cumulative impacts was limited to a limited geographical area surrounding the Project site. In addition to the eleven existing and planned development projects identified in Draft EIR Table 5.1-1 (please refer to Draft EIR Page 5-2), the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be

considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

Affected Draft EIR discussions at Pages 5-1 through 5-25 are revised, as indicated below by **bold underlined text,** providing clarification of considered parameters and geographic scope for each cumulative impact topic.

5.1 CUMULATIVE IMPACT ANALYSIS

CEQA requires that an EIR identify any significant cumulative impacts associated with a project [Guidelines, Section 15130 (a)]. When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." [*CEQA Guidelines*, Section 15355 (a l)]. Thus, a legally adequate cumulative impact analysis is an analysis of a particular project viewed over time and in conjunction with other related past, present and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. CEQA notes that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness [Guidelines, Section 15130 (b)]. Only those projects whose impacts might compound or interrelate with those of the project under consideration require evaluation. CEQA does not require as much detail in the analysis of cumulative environmental impacts as must be provided for the project alone.

The Guidelines identify two basic methods for satisfying the cumulative impacts analysis requirement: the list-of-projects methodology and the summary-of-projections methodology. Because each environmental resource is affected by its surroundings in different

ways, either of the two methodologies, or a combination of both, may be applied to the analysis of cumulative impacts to each resource. For example, because the approval process and construction phase of development typically takes at least one to two years, the list-of-projects method is likely to provide a more accurate projection of growth in the near term. This method may overstate potential cumulative impacts because the considered list-of-projects may include proposals that will never be developed. Similarly, because development proposals are rarely publicly known until within five (5) years of the expected development, the summary-of-projections method provides a more accurate projection of growth over the long term. This method may not accurately predict growth in any given year, but aggregates various growth trends over the long term. Unless otherwise noted, potential cumulative impacts of the Project are considered in the context of known or probable development proposals (related projects) as well as anticipated ambient growth of the City and region.

As noted previously, the Guidelines identify "that only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation." In this regard, it is recognized that within the context of the cumulative impacts analysis, varied criteria are employed in determining the scope and type of "cumulative projects" to be considered. For example, the analysis of cumulative traffic impacts evaluates the Project's traffic impacts in the context of other known or probable development proposals that would discernibly affect traffic conditions within the Traffic Impact Analysis Study Area, though such projects may not affect other environmental considerations.

The manner in which each resource may be affected also dictates the geographic scope of the cumulative impacts analysis. For example, cumulative traffic impacts will typically be localized to the vicinity of a given project site because after a relatively short distance, traffic patterns tend to normalize. Similar considerations factor in evaluating potential cumulative impacts for each of the EIR's environmental topics (Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Water Supply, Hydrology and Water Quality, Cultural Resources, Biological Resources, and Aesthetics).

Unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Potential cumulative impacts of the Project are considered in the context of known or probable development proposals, as well as anticipated generalized ambient growth of the region. As identified at Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" have been identified within the cumulative scope of the Westridge Commerce Center Project. Related projects have been identified in consultation and coordination with the Lead Agency. . . .

. . . It should be noted that, with the exception of specific Project-related traffic, air quality, noise and aesthetic impacts, which are forecast to remain significant and unavoidable even after application of all feasible

mitigation, implementation of the mitigation measures identified in this Draft EIR (found in Table 1.10-1) would reduce impacts to a level that is considered less-than-significant.

5.1.1 DISCUSSION OF CUMULATIVE IMPACTS

Potential cumulative impacts for each topic of environmental concern considered in this EIR and associated Initial Study are discussed below. Assessments of potential cumulative impacts are based on development scenarios and growth projections presented in the City's General Plan, related analyses of cumulative impacts presented in the General Plan EIR, as well as potential cumulative effects of the previously-identified related projects.

5.1.1.1 Cumulative Impacts Related to Land Use and Planning

The cumulative impact area when considering potential cumulative land use and planning issues generally includes areas that are currently, or are anticipated to be, subject to provisions of the City General Plan and Zoning Ordinance. These areas include the currently incorporated areas of the City of Moreno Valley and unincorporated areas of the County of Riverside lying within the City's Sphere of Influence.

Implementation of the Westridge Commerce Center Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. It is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area. . . .

5.1.1.2 Cumulative Impacts Related to Traffic and Circulation

The cumulative impact area for traffic circulation impacts is generally defined by the Traffic Impact Study Area as detailed within the Project

Traffic Impact Analysis (EIR Appendix B). This Area includes, but is not limited to potentially affected roadways and intersections within the City of Moreno Valley, and also considers all potentially affected Caltrans and Congestion Management Program facilities.

Project-Specific Impacts Are Reduced To Levels That Are Less-Than-Significant

Project-specific traffic impacts are addressed through implementation of on-site improvements and mitigation to be completed prior to issuance of the first Certificate of Occupancy for the Project. . . .

5.1.1.3 Cumulative Impacts Related to Air Quality

The cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of jurisdictional air quality management agency, in this case, the South Coast Air Basin (SCAB) and the South Coast Air Quality Management District (SCAQMD) respectively. Project emissions within the context of SCAQMD's regional emissions thresholds provide an indicator of potential cumulative impacts within the jurisdictional Air Basin. Impacts to air quality from cumulative projects may occur within the entire Air Basin. Due to the defining geographic and meteorological characteristics of the Air Basin, criteria pollutant emissions that would potentially cumulatively impact air quality would be, for practical purposes, restricted to the Air Basin. Accordingly, the Basin geographic area is the appropriate limit for this cumulative Air Quality analysis. Cumulative localized impacts for pollutants are also considered, and reflect Project air pollutant emissions in the context of ambient air quality conditions more immediate to the Project site.

Global Climate Change impacts are by definition, cumulative and global in scope.

Construction-Source Pollutant Emissions

EIR Section 4.3, "Air Quality," and EIR Appendix C address potential air quality impacts of the Project. As discussed, even after compliance with all rules and regulations, Project-related construction activities will temporarily result in exceedances of applicable SCAQMD regional thresholds for VOC and NOx. . . .

5.1.1.4 Cumulative Impacts Related to Noise

The cumulative impact area for noise considerations is generally defined as surrounding properties that could receive Project-generated noise (either construction or operational), and would also include roadway corridors affected by Project-related traffic and associated vehicular noise (existing EIR discussion at Page 5-14).

5.1.1.5 Cumulative Impacts Related to Water Supply

The cumulative impact area for water is the Eastern Municipal Water District (EMWD) service area and encompassing Metropolitan Water District (MWD) jurisdiction. Water supply issues germane to the Project including cumulative water supply impacts are comprehensively addressed within The Project Water Supply Assessment, (Eastern Municipal Water District) June 4, 2008. The Project Water Supply Assessment is presented at Draft EIR Appendix E.

As discussed in Draft EIR Section 4.5, potential cumulative impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. . . .

5.1.1.6 Cumulative Impacts Related to Hydrology and Water Quality

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB), in this case the Santa Ana Regional Water Quality Control Board. Local oversight is also provided by the City of Moreno Valley and Riverside County.

Potential hydrology and water quality impacts of the Project are addressed in EIR Section 4.6, "Hydrology and Water Quality." As discussed in the EIR, Project-related storm water management will be realized through a system of on-site detention basins and controlled release of storm waters to existing and proposed drainage facilities. . . .

5.1.1.7 Cumulative Impacts Related to Cultural Resources

The cumulative impact area for prehistoric, archaeological, and historic resources is the Perris Plain/Perris Valley area (including the Cities of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within the Perris Plain/Perris Valley area would be site-specific. In the event that similar resources are encountered at any other project sites, specific mitigation measures would be applied before development could proceed.

As discussed in Draft EIR Section 4.7, potential impacts to cultural resources are determined to be less-than-significant as mitigated. . . .

5.1.1.8 Cumulative Impacts Related to Biological Resources

The cumulative impact areas for biological resources are generally defined by available habitat, species' range(s), physical constraints, and other

limiting factors as discussed within the Project Biological Resources Assessment, Draft EIR Appendix G (existing discussion at EIR Page 5-20).

5.1.1.9 Cumulative Impacts Related to Aesthetics

The cumulative impact area for aesthetic impact considerations is generally defined as the city of Moreno Valley General Plan Area. More specific to the Project, cumulative impacts of concern are impacts to views and viewsheds along SR-60 in the Project vicinity.

As presented in EIR Section 4.9, "Aesthetics," new industrial uses proposed by the Project will substantially alter the existing visual sense of the subject property, which is currently a vacant site. . . .

Related development proposals that would potentially interact with Project traffic are summarized in the Draft EIR (Draft EIR at Page 4.2-16) and identified graphically at TIA Exhibit 5-11. The developments referenced by the commentor, including the Moreno Highlands Specific Plan (adopted in 1992), the Aqua Bella Specific Plan (adopted in 2005), and Centerpointe Business Park Project (approved in 2006) are reflected in the City's most recent General Plan Amendment, which was adopted in 2006. Traffic generated by these projects is modeled in traffic planning estimates and projections of the Moreno Valley General Plan buildout condition. As clarified previously in these responses, unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Response JS-4

The Draft EIR addresses the Project's consistency with applicable General Plan goals, objectives and policies for each topic of analysis (please refer to Draft EIR Land Use Table 4.1-1 on Pages 4.1-18 through 4.1-20; Traffic and Circulation Table 4.2-8 on Pages 4.2-23 and 4.2-24; Air Quality Table 4.3-4 on Page 4.3-18; Noise Table 4.4-3 on Pages 4.4-10 and 4.4-11; Water Supply Table 4.5-10 on Pages 4.5-24 and 4.5-25; Hydrology and Water Quality Table 4.6-2 on Pages 4.6-13 and 4.6.14; Cultural Resources Table 4.7-1 on Page 4.7-10; Biological Resources Table 4.8-1 on Pages 4.8-11 and 4.8-12; and Aesthetics Table 4.9-1 on Pages 4.9-5 through 4.9-7).

The commentor asserts that "the Project has numerous significant and unavoidable impacts to the safety, health, and well-being of residents throughout Moreno Valley." The Project's significant and unavoidable impacts have been identified as follows: cumulative traffic impacts affecting levels of service at certain intersections, roadway segments and freeway mainline segments; individual and cumulative short-term construction source exceedance of localized air quality thresholds for particulates (PM_{10} and $PM_{2.5}$); individual and cumulative long-term operational emissions exceedances for ozone precursors (VOC and NOx); individual and cumulative short-term construction noise impacts; and individual and cumulative aesthetic impacts related to changes to scenic vistas.

The Draft EIR acknowledges that increased air emissions could affect the health of area residents (please refer to Draft EIR Section 4.3, pages 4.3-4 through 4.3-10 *et al.*). The Draft EIR further acknowledges that the Project's temporary exceedance of the South Coast Air Quality Management District's Localized Significance Thresholds (LSTs) represents a potentially significant impact to sensitive receptors in the Project vicinity for the duration of Project construction. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely undeveloped. All other

study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. Additionally, the Draft EIR included a Health Risk Assessment which was prepared in order to specifically address potential health risks that could result from exposure to Project-generated Diesel Particulate Matter (DPM). No health risks related to DPM were identified, and potential impacts in this regard were found to be less-than-significant (please refer to Draft EIR pages 4.3-79 to 4.3-86).

Similarly, the potential for long-term increases in noise generation to lead to health impacts are acknowledged in the Draft EIR (please refer to Draft EIR pages 4.4-3 through 4.4-4, *et al*. However, the Draft EIR identified no long-term exceedances of existing noise standards due to Project operations (please refer to Draft EIR pages 4.4-21 through 4.4-26). The significant noise impacts identified in the Draft EIR were the result of Project construction activities, and as such, would be temporary and intermittent.

The Project will implement all feasible mitigation as summarized at revised Table 1.10-1. Notwithstanding, significant impacts are anticipated to occur from Project construction and/or operations. These significant impacts are summarized at EIR Table 1.8-1 (Draft EIR Pages 1.1-17 through 1.1-20). CEQA does not prohibit the Lead Agency from approving a project with significant impacts. As provided for under CEQA Section 15093 subd. (a):

> (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits,

> of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable. General Plan goal, objective, and policies cited by the commentor are provided in their entirety in the following table, along with a discussion of the Project's consistency with each of these provisions.

Goal/Objective/Policy	Project Consistency
Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.	**Consistent**. The Project is permitted under the site's current General Plan Land Use Designation, reflecting consistency with the City's goal to establish an organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population. The Project establishes contemporary industrial facilities. As noted at EIR Page 3-5, "[f]inal designs of the Project building will be realized consistent with industrial design requirements and standards identified under Municipal Code Section 9.05.040, "Industrial Site Development Standards." Site plan and design concepts are articulated at EIR Section 3.0, Project Description. Moreover, the Project is required to comply with Development Plan Review provisions established within City of Moreno Valley Municipal Code Section 9.02.030. The Project will contribute to a functional balance by affecting the City's economic base through increased property tax revenues based on improvement of the vacant site. The Project proposes new industrial development within the City, and will create additional job opportunities (temporary construction jobs and as well as permanent warehouse staff and management positions)anticipated to be filled from local employment pools. At buildout, the Project is anticipated to generate up to approximately 900 permanent jobs.
Objective 2.13: Coordinate development activity with the provision of public infrastructure and services to eliminate possible gaps in service provision.	**Consistent.** The Project will provide all necessary infrastructure improvements to ensure safe and efficient operations. As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. Please refer also to the discussion of Project infrastructure presented at Draft EIR Pages 3-21 through 3-23. The Project will also be responsible for providing on-site and off-site roadway infrastructure improvements, prior to the issuance of occupancy permits, as presented at Draft EIR pages 3-7 and 3-8.

Goal/Objective/Policy	Project Consistency
Policy 2.10.14: Preserve or relocate existing mature trees and vegetation where practical. Mature trees shall be replaced when they cannot be preserved or relocated.	**Consistent.** The Project design concept as well as programmed Caltrans improvements to adjacent SR-60 would require elimination of certain mature pine trees existing along the existing northerly boundary of the subject property. That is, these trees will be displaced by Project and Caltrans improvements, and cannot be maintained in place. As discussed at Draft EIR Page 4.9-19, the Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements.
Policy 2.13.1: Limit the amount of development to that which can be adequately served by public services and facilities, based upon current information concerning the capability of public services and facilities.	**Consistent.** As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. The Project's potential to result in Projects-specific impacts due to insufficient roadway infrastructure have been addressed within the Draft EIR (Section 4.3, "Traffic and Circulation," Mitigation Measures 4.2.1, 4.2.2), and are identifies as less-than-significant as mitigated.
Policy 2.13.3: It shall be the ultimate responsibility of the sponsor of a development project to assure that all necessary infrastructure improvements (including system wide improvements) needed to support project development are available at the time that they are needed.	

It is acknowledged that not every provision of the General Plan was addressed within the Westridge Draft EIR; however, the Lead Agency disagrees with the commentor's assertion that the Draft EIR is thus inconsistent with the General Plan. The results and conclusions of the Draft EIR are not affected.

Response JS-5

The commentor correctly notes that the Draft EIR identifies potential impacts regarding the conversion of farmland to non-agricultural uses to be a less-than-significant impact. However, the comment misconstrues the findings of the City's General Plan in regard

to this issue. As referenced in the discussion of Agricultural Resources analysis from the Moreno Valley General Plan Final Program EIR, which was attached to the commentor's letter and identified by the commentor as "Exhibit 4," and has been included in Appendix A of this Final EIR), the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. The Project land uses are consistent land uses reflected in the General Plan, and the Project would not result in impacts to farmlands differing substantively from those considered and evaluated in the GPEIR.

Moreover, relevant CEQA threshold considerations address lands defined as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Significance." In the case of the Project, the subject site does not qualify as any of these.[8] The mitigation measures identified by the commentor are unnecessary. The results and conclusions of the Draft EIR are not affected.

Response JS-6

This comment is unclear about the nature of the significant impact that will result should the Project's proposed zone change and Municipal Code amendment be

[8]State of California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program Riverside County Important Farmland 2008 (Sheet 1 of 3) identifies the Project site as "Farmland of Local Importance."

adopted. The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23. Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.
>
> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as required to fully mitigate any

potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties (Draft EIR Pages 4.1-22, 23).

The Draft EIR adequately and appropriately considers all potential land use and planning impacts, consistent with the methods set forth in the CEQA Guidelines. To these ends, the Draft EIR considers all pertinent land use plans, policies, regulations. There is no substantiation or indication that the Project would result in or cause potential interference with animal keeping on nearby properties. The Draft EIR acknowledges that "development of the Project would result in a permanent change to the perceived rural character of the Project area" (Draft EIR Page 5-5). Moreover, zone changes and amendments to the municipal code do not trigger any of the thresholds of significance under CEQA Guidelines Appendix G.

However, this change is consistent with the existing General Plan designation for the Project site. Further, potential effects on adjacent land uses are minimized by the 250-foot buffer area that would be provided by the Municipal Code amendment referenced above.

With approval of the Project's requested zone change and requested Municipal Code amendment to establish objective standards for the development of Light Industrial uses adjacent to residentially-zoned property, the Project's potential to result in significant land use impacts was determined to be less-than-significant. The results and conclusions of the Draft EIR are not affected.

Response JS-7

Despite the commentor's assertions to the contrary, the Project's air quality analysis does account for construction worker travel to and from the site. As noted in the Draft EIR (Page 4.3-56), "[c]onstruction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips are also accounted for within the

Project construction emissions modeling." Worker trips for all construction phases are clearly identified and accounted for in the air quality modeling (see URBEMIS construction emission modeling data in Draft EIR Appendix C. Specifically, please refer to Appendix A of the Project Air Quality Impact Analysis). No indication of zero VMT for construction workers is found. The results and conclusions of the EIR are not affected.

Response JS-8

The commentor states that "all feasible mitigation measures were not adopted . . . and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur." The commentor requests Mitigation Measure 4.3.4 to specifically include zero VOC applications for all "paints, coatings, and solvents."

Draft EIR Mitigation Measure 4.3.4 serves as a formal restatement a of SCAQMD rules. As noted in the Draft EIR (Page 4.3-61), "[i]n order to facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as mitigation measures, and shall be incorporated in all Project plans, specifications and contract documents." Complementing SCAQMD rule compliance, the Draft EIR incorporates additional requirements as mitigation measures. "Additional mitigation required of the Project is identified below, and shall be incorporated in all Project plans, specifications and contract documents." (Draft EIR Page 4.3-62) Mitigation Measure 4.3.8 currently requires Zero VOC paint applications. In response to the commentor's suggestion, Mitigation Measure 4.3.7 is amended to read as follows:

> ~~*Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications*~~***"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113. The Project shall surpass Rule 1113 minimum requirements through specification that VOC content shall not exceed 150 grams/liter; 1.25 pounds/gallon. High Pressure Low Volume***

(HPLV) applications of paints, coatings, and solvents shall be *consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Other than suggested language modification of SCAQMD rules, the commentor offers no new or revised mitigation for consideration here. Absent specific suggestions or requested revisions, further response in this regard is not possible. The conclusions of the EIR are not affected.

Response JS-9

The commentor appears to misinterpret Air Quality modeling protocols and outputs, stating that " . . . [i]n recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions by approximately 44%. Yet, Mitigation Measure 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. Mitigation Measure 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%."

To clarify, Mitigation Measure 4.3.1 is a formal restatement of SCAQMD Rule 403 provisions. URBEMIS modeling of the Rule application yields a 44 percent reduction in PM_{10} emissions. As suggested by the commentor, additional language specifying on-site speed controls is added to Mitigation Measure 4.3.1:

- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project***

site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-10

The commentor suggests explicit notation indicating required use of available electrical power during construction activities. In response to the commentor's suggestion, Mitigation Measure 4.3.6 is amended as follows:

> *4.3.6 During Project construction, existing electrical power sources (e.g., power takeoffs from existing or temporary power poles) shall be ~~provided for~~* ***utilized to*** *power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-11

Please note that introductory language included prior to the introduction of construction-source emissions mitigation measures states: *"To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.4 below, and shall be incorporated in all Project plans, specifications and contract documents."*

Existing Mitigation Measure 4.3.2, which read, "[t]he contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper

tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law)"is deleted and replaced with the following:

> ***4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).***

Response JS-12

The commentor states that "[t]he air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas 'quickly' should be adopted." In fact, this statement does not appear to be included in the Project Air Quality Analysis. The mitigation input calling for the Project to replace ground cover in disturbed areas quickly is, however, a parameter reflected in the URBEMIS modeling output. Revised Mitigation Measure 4.3.1 is amended to reflect this specific parameter:

- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-13

The commentor notes that an estimated disturbance area of 13.66 acres per day is reflected in the Air Quality modeling. The commentor suggests that a mitigation measure be included limiting site disturbance to less than 13.66 acres per day. The estimated disturbance of 13.66 acres per day (approximately one-quarter of the Project site) likely overstates actual disturbance and is employed for emissions modeling purposes and to develop mitigation addressing the likely maximum impact scenario. To assume or propose unrealistically limited grading of the site is contrary to CEQA disclosure mandates. Further, due to daily limits on grading, there would be incrementally increased impacts due to extended periods of fugitive dust, extended exposure to construction noise, and extended traffic disturbance. The commentor is referred to EIR Section 5.2.2.1, "Extended Construction Alternative Considered and Rejected," which specifically considers and rejects limited grading of the Project site. To ensure consistency with URBEMIS modeling assumptions, new Mitigation Measure 4.3.1 is revised to include the following specification:

- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-14

The commentor proposes numerous additional measures (following) as means to reduce Project-related construction-source emissions air quality impacts. Each of these measures is evaluated in the table which follows. Measures offered by the commentor are not required in order to achieve the level(s) of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed

measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

As detailed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to the following text from the Draft EIR:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation (Draft EIR Page 4-2).

It is further noted that in some instances, the commentor proposes additional operational emission measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the purchase of NOx credits from a qualified broker to offset construction-related air quality impacts.	**Infeasible.** NOx emissions credits are generally applied toward operational emissions at major source facilities (e.g., refineries, power plants, etc.). NOx emissions credits are not commonly used to address short-term construction emissions. It would be impractical to purchase offsets for the Project's construction impacts since the actual amount of construction emissions set forth in the Draft EIR represent an overestimation of actual emissions (i.e., the Air Quality Analysis assumes all construction equipment is operating eight hours per day as a "worst-case" scenario), and because the actual Project construction schedule (duration) is not known with a great deal of certainty and is subject to change based on availability of contractors, equipment, materials, etc. Further, any emission reduction credits would not result in any reduction to construction emissions on-site or in the immediate vicinity of the Project. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4. Complete all roadways, driveways, sidewalks, etc. as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.	**Incorporated** at revised Mitigation Measure 4.3.1, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. Pave all roads on construction sites as soon as technically possible.	**Infeasible.** It is infeasible and ineffective to pave roads within construction sites or at construction site access points. Such pavement is destroyed in the process of construction and/or is in perpetual state of disrepair. Paving temporary roads within construction areas unnecessarily increases VOC generation, with little or no discernible reduction in other air pollutant emissions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
6. Limit fugitive dust sources to 20 percent opacity.	**Replicates existing requirements.** Please refer to SCAQMD Rule 403.
7. The contractor or builder shall designate a person or person(s) to monitor the dust control program and	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
to order increased watering, as necessary, to prevent transport of dust offsite.	
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Require high pressure injectors on diesel construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Restrict engine size of construction equipment to the minimum practical size.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Use electric construction equipment where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
12. Substitute gasoline-powered for diesel powered construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane or biodiesel.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Implement activity management techniques including: a) development of construction management plan to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.	**Not required, counterproductive.** Construction contractor(s) employ techniques and procedures so as to provide for the most efficient operation of their construction activities. No demonstrated or suggested nexus between the suggested measures and project impacts. The commentor indicates further that this measure would reduce greenhouse gas emissions; however, none of the measures would demonstrably reduce total greenhouse gas emissions. As also discussed in these responses, measures acting to prolong construction (e.g., restricted use of equipment, limitation of the length of construction work-day period; phasing of construction activities) tend to increase rather than decrease environmental impacts due to extended and periods of disturbance.
15. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
16. Use electricity from power poles rather than temporary diesel power generators.	**Replicates existing requirements.** This requirement is currently reflected at EIR Mitigation Measure 4.3.6, presented , in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South

Suggested Measure	Response
formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	Coast Air Quality Management (District representatives James Koizumi and Steve Smith) confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ride-sharing program for the construction crew has been encouraged and will be supported by contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
20. Provide shuttle service to food service establishments/commercial areas.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
21. Provide shuttle service to transit stations/multimodal stations.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
22. Utilize only CARB certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
23. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan.".

Suggested Measure	Response
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.	**Infeasible, counterproductive.** Extending the grading schedule would (1) increase the Project's grading costs; (2) hinder effective management, organizing, and scheduling of construction tasks; and (3) result in adverse environmental trade-offs as a result of prolonged disturbance in the Project area, including but not limited to: extended periods of increased noise levels; prolonged generation of fugitive dust and VOCs; increased erosion exposure and associated water quality issues; and additional traffic disturbances associated with on-site construction activities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Response JS-15

The commentor states: "[t]he Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930). This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts."

It appears that the commentor has incorrectly interpreted and applied default URBEMIS values. SCAQMD does not typically conduct project-level URBEMIS modeling for other than their own projects. Moreover, default values are just that, the "default" condition. Changes to default values are appropriate when specific Project attributes or operational characteristics are known, as is the case for the Project. In this regard, the Air Quality analysis specifically recognizes vehicle types and trip generation characteristics of the Project. Known vehicle trip generation characteristics provide a more accurate assessment of Project vehicular-source emissions impacts than does application of default URBEMIS values.

The commentor appears to misinterpret and misapply vehicle trip generation characteristics and their use in developing estimated air pollutant emissions impacts vis-à-vis use of trip generation estimates for the purposes of traffic modeling. More specifically, as noted in the Project Air Quality Analysis, Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. The Project related operational air quality impact centers primarily on the approximate 1,585 net vehicle trips generated by the Project (at project buildout). Trip characteristics available from the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009, included in Draft EIR Appendix B) were utilized in this analysis. It should be noted that the Project's traffic study presents the total Project vehicle trips in terms of Passenger Car Equivalents, or PCEs (the 2,930 PCE value cited by the commentor) in an effort to recognize and acknowledge the effects of heavy vehicles at the study area intersections. For purpose of the air quality study, emissions were calculated based on the type of vehicle (e.g., passenger cars and trucks) a more detailed discussion of how the actual number of vehicles were programmed into the model is presented in Draft EIR Appendix C. Specifically, page 37 of the Project Air Quality Analysis refers to its own Appendix B for review. Parallel information is provided in the Draft EIR, and reprinted below for ease of reference.

> 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and

> acknowledging physical size differences in vehicles and related effects on roadways and at intersections (Draft EIR Page 4.2-19).

Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. Assessment of the Project's operational air quality impact centers primarily on the approximately 1,585 net vehicle trips generated by the Project (or, the arithmetic sum of truck and passenger vehicle trips). Trip generation characteristics for the Project are presented in Draft EIR Appendix B, the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009). The results and conclusions of the Draft EIR are not affected.

Response JS-16

The commentor notes discrepancies between the Draft EIR text and the Air Quality Study regarding vehicle trip length and vehicle speed employed in the LST analysis. Notwithstanding, the quantified LST emissions impacts reported in the Draft EIR (Table 4.3-12) are consistent with the LST values presented in the Air Quality Analysis (Table 4-5). The typographic error at Draft EIR Page 4.3-68 is corrected (below) consistent with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

These corrections have been incorporated in Final EIR Section 2.0, "Revisions and Errata." The results and conclusions of the Draft EIR are not affected.

Response JS-17

The commentor provides opinions regarding the efficacy of mitigation proposed as means of reducing Project operational NOx and VOC emissions. It is important to note that substantially all of the estimated NOx emissions are from mobile sources – principally vehicle exhaust, and vehicle tail pipe source emissions are regulated by CARB and USEPA. The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility.

In addition, the Project is compliant with the SCAQMD's attainment plans, as the use of the site for industrial purposes was included in the previous SCAQMD's ozone and PM attainment plans. The Project implements all feasible mitigation measures and complies with all applicable CARB and SCAQMD Rules directed toward reduction of NOx and VOC emissions. The Lead Agency will however, adopt and implement EIR mitigation measures that minimize vehicle emissions generated on-site and by employees, but those vehicle miles are minor compared with the total vehicle miles used in the studies; and further, URBEMIS does not account for any reductions for those measures.

The Draft EIR clearly states that even with application of proposed mitigation, Project operational NOx and VOC emissions will exceed applicable SCAQMD regional thresholds. Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging Project exceedances for operational-source NOx and VOC emissions.

Response JS-18

The commentor arbitrarily suggests a 30 percent increase in energy efficiency beyond the requirements provided under Title 24 Building Energy Efficiency Standards, inferring a somehow substantial resultant decrease in NOx emissions. Consistent with the provisions of Executive Order, S-20-04 (CA 2004),which sets a goal of reducing energy use in public and private buildings by 20 percent by 2015 (as compared with

2003 levels), the Project will achieve a minimum 20 percent increase in building efficiencies beyond Title 24 requirements (please refer to Mitigation Measure 4.3.11).

As noted previously, the predominance of Project operational NOx emissions are vehicle-generated, and beyond the control of the Applicant or Lead Agency. Any reduction in NOx emissions resulting from increased building/facility energy efficiencies would be, at best, nominal. Even assuming "zero" NOx emissions from building/area sources, NOx emissions would be reduced by approximately 0.09 to 0.11 percent (0.0009 to 0.0011), and would still exceed applicable SCAQMD regional thresholds. No additional Title 24 enhancements are proposed, nor are any required. Results and conclusions of the EIR are not affected.

Response JS-19

The commentor proposes numerous additional measures as a means to reduce Project-related operational-source air quality impacts. Each of these measures is evaluated in the Table which follows. While the suggested measures may in part act to generally reduce Project impacts, none of the measures are required in order to achieve the levels of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

With specific regard to proposed measures targeting GHG emissions reductions, arguably, the proposed measures may prove of little net benefit, while imposing significant cost and economic burdens. Case studies have indicated that GHG measures implemented to date have yielded marginal benefits when compared to economic costs. Moreover, premature implementation of unproven measures would be detrimental by diverting resources that could be made available to other, more effective strategies. Please refer also to the attached: *The AB 32 Challenge: Reducing*

California's Greenhouse Gas Emissions (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008.

As discussed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to Draft EIR Page 4-2:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation. . . .

It is further noted that in some instances, the commentor proposes additional measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent, that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the utilization of zero VOC paint, coatings and solvents.	**Incorporated.** This requirement is reflected at EIR Mitigation Measure 4.3.7, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan." Mitigation Measure language has been revised as suggested by SCAQMD.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.	**Infeasible.** Please refer to Response JS-14, item No. 1.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become a SmartWay partner.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4.The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90%of all long haul trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
7. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South Coast Air Quality Management District representatives James Koizumi and Steve Smith confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Require each user to establish a carpool/vanpool program.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Provide on-site child care or contribute to off-site child care within walking distance.	**Infeasible, counterproductive.** Childcare facilities are not compatible with the proposed industrial warehouse uses. Moreover, there is no demonstrated nexus with Project-related operational emissions impacts requiring or suggesting implementation of childcare facilities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
12. Provide preferential parking for carpool/vanpool vehicles.	**Replicates existing requirements.** Preferential parking for carpools/vanpools is currently required pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Provide secure, weather-protected bicycle parking for employees.	**Incorporated** at revised EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Provide direct, safe bicycle access to adjacent bicycle routes.	**Replicates existing requirements.** Direct, safe bicycle access is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
15. Provide showers and lockers for employees bicycling or walking to work.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
16. Short-term bicycle parking for retail customers and other non-commute trips.	**Replicates existing requirements.** The Project does not propose retail uses. Bicycle parking is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Connect bicycle lanes/paths to city-wide network.	**Replicates existing requirements.** Bicycle path connections are currently provided pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
18. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.	**Infeasible, counterproductive.** No transit stops exist proximate to the Project site such that building orientation would have any material effect on use of, or access to transit. Elimination of building setbacks as suggested would increase potential air quality, noise and visual impacts when compared to the Project as proposed. The suggested measure is not germane to the Project, and is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
19. Prohibit idling of trucks for periods extending three minutes.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.11 currently prohibits the idling of trucks for more than three (3) minutes.
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.	**Not required per Responsible Agency.** Riverside Transit Agency (RTA) provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. The Lead Agency has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project.
21. Provide shuttle service to food service establishments/commercial areas.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
22. Provide shuttle service to transit stations/multimodal centers.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
23. Implement parking fee for single-occupancy vehicle commuters.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
24. Implement parking cash-out program for non-driving employees.	**Not applicable.** In that there is no current or proposed parking subsidy, there is no available parking "cash out" resource or mechanism. As noted herein, other tenable incentives are provided as means of reducing vehicle trips.

Suggested Measure	Response
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.	**Replicates existing requirements.** The site is not currently provided transit service, nor is pedestrian access to the nearest transit stop possible at this time. Pursuant to the requirements of the City's Master Plan of Trails, the Project will dedicate and construct an 11-foot wide community trail segment along the southerly Project boundary, on the north side of Fir Avenue (future Eucalyptus Avenue). Upon development of the adjacent parcel(s), the trail is planned to continue off-site to the east and to the west, as part of the future Quincy Channel overcrossing.
26. Implement a compressed workweek schedule where feasible.	**Incorporated** at revised Mitigation Measure 4.3.13.
27. Provide electrical vehicle (EV) and compressed natural gas (CN) vehicles in vehicle fleets.	**Incorporated** at revised Mitigation Measure 4.3.13.
28. Install EV charging facilities for a minimum of 10% of all parking spaces.	**Infeasible.** The Project will provide, at minimum, two EV charging stations, as required by Mitigation Measure 4.3.13. There is no demonstrable evidence that installation of additional EV charging facilities would substantially reduce or eliminate the Project's operational emissions because chargeable electric vehicles represent a small percentage of vehicles on the road. Moreover, on a regional basis, increased power demands at electrical outlets/EV charging stations tend to increase power plant emissions, acting to offset any potential emissions reductions from individual sources such as motor vehicles. Further, it is noted that next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Suggested Measure	Response
29. Install a CNG fueling facility.	**Infeasible.** As noted above, next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. Further, for CNG fuel to be a reasonable alternative to diesel fuel for the logistics industry, a reasonable distribution network must be in place so that drivers can be assured that they can re-fuel when making deliveries across the region. No such distribution system is presently in place nor is one likely to be developed in the near future. The installation of a stand-alone CNG fueling facility at this location would provide no benefit because no reasonable distribution system is in place. CNG-fueled vehicles have been found to be most useful for limited range, closed-circuit usage such as municipal fleets (refuse collection, city vehicles, and buses), taxi fleets, and local delivery services. Lastly, as with the commentor's suggestion for EV facilities, the installation of a CNG fueling facility is unlikely to substantially reduce or eliminate the Project's operational emissions because CNG vehicles represent a small percentage of vehicles on the road. Furthermore, the Draft EIR has not evaluated the potential environmental impacts related to the construction and operation of a CNG fueling facility. A Lead Agency is under no obligation to impose Mitigation Measures that in and of themselves may constitute a new "project" for purposes of CEQA. (See e.g., *Concerned Citizens of South Central L.A. v. Los Angeles Unified School District*, 24 Cal.App.4th, 826 (1994)). The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
30. Provide preferential parking locations for EVs and CNG vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
31. Utilize electrical equipment for landscape maintenance.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
32. Utilize only CARB-certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
33. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.	**Replicates existing requirements.** Please refer to City of Moreno Valley Municipal Code 9.17.050 (D) (3).
36. Utilize low pressure sodium fixtures for exterior lighting, including parking lots.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655 which requires that all outdoor lighting within the Project area will be provided by low-pressure sodium hooded lights.
37. Utilize electric yard trucks.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
38. All buildings shall be constructed to LEED Platinum standards.	**Not required, no nexus with significant impacts.** As discussed on Pages 3-18 and 5-79 of the Draft EIR, the Project, as a whole, will be developed as a LEED-certified facility. LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). Additionally, the LEED rating system is not the appropriate standard for determining building efficiency. The California Title 24 Building Energy Efficiency Standards are the appropriate baseline. As set forth in the Draft EIR, the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards. There is no requirement for LEED certification as mitigation of Project impacts. While LEED-certified facilities may tend to reduce various environmental effects, LEED certification is a voluntary exercise to be pursued by the Applicant outside of and independent of CEQA mandates.
39. The operator shall meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics.

Suggested Measure	Response
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project vehicular emissions through use of photovoltaics.
43. The operator shall purchase only green power.	**Infeasible, not required, no nexus with significant impacts.** Power to the Project will be provided from the locally available electrical grid. The term "green power" is undefined, and moreover the Lead Agency has no practical way to require that power be provided from specified sources, "green" or otherwise. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible. There is no requirement or demonstrated nexus requiring the Project to "purchase only 'green power'."

Results and conclusion of the Draft EIR are not affected.

Response JS-20

The commentor appears to misinterpret analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the analysis concludes that the Project ***will*** *[emphasis added]* have a significant effect on the environment.

To further clarify, germane suggested CEQA Guidelines topical questions include:

> Would the project:
> a) Generate greenhouse gas emissions, either directly or indirectly, that ***may*** *[emphasis added]* have a significant impact on the environment?

In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts

[beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see *Climate Change Analysis*, Page 42).

The commentor states that the finding of "less-than-significant" Project GCC impacts is based on non-exceedance of (draft) CARB and SCAQMD GHG emissions thresholds. Though this is the case, the GCC Study clearly states that these thresholds are not applicable to the Project:

> CARB's Draft Threshold Of Significance For Industrial Projects Has Not Been Finalized And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 40).
>
> SCAQMD's Adopted GHG Threshold Applies Only To Projects Where It Is The Lead Agency And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 41).

As discussed in the *Climate Change Analysis*, there are no adopted quantitative GHG emissions thresholds applicable to the Project. Absent such quantified thresholds, the CARB and SCAQMD GHG emissions standards nonetheless provide an indication of current policies and strategic approaches employed in evaluating and addressing GHG emissions and potential GCC impacts, and may portend similar future statewide, regional, and/or local quantified thresholds. The clearly stated threshold considerations applicable to the Project are:

1. Would the proposed project generate GHG that may have a cumulatively significant impact on the environment; and

2. Would the proposed project conflict with GHG reduction measures identified in CARB's AB 32 Scoping Plan.

As concluded in the *Climate Change Analysis*, the answer to both of the preceding questions is "no," yielding the conclusion that the Project GCC impacts are less-than-significant. Moreover, as also discussed in the *Climate Change Analysis*, Project GHG emissions would not exceed either CARB or SCAQMD GHG emissions thresholds, further supporting the conclusion that the Project GCC impacts are less-than-significant. As a matter of clarification, the abbreviated conclusion presented at Draft EIR Page 4.3-94 is expanded/revised as follows:

> ~~Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less than significant.~~ **As noted in the preceding discussions, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.**
>
> **In evaluating the potential global climate change impacts of the Project, every attempt has been made to accurately and comprehensively quantify the greenhouse gas emissions associated with the Project. However, a number of inherent limitations are unavoidable in compiling or estimating project-level GHG emissions. Among these limitations, the use of models that measure overall emissions increases without accounting for existing emissions tend to substantially overstate the GHG emissions impacts of a new development projects. This makes an accurate analysis of GHG emissions substantially different from other air quality impacts, where the "addition" of redistributed emissions can make a substantial difference to overall air quality. Notably, not all the vehicular trips that result from the Project will be "new" vehicle trips, but that a majority of these trips already occur elsewhere, and currently generate GHG**

emissions within a global context. For example, the Project will not create entirely new truck trips (globally). However, implementation of the Project would establish a new destination point for trucks already utilizing the area roadway system. Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory.

The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is inferred by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Based on the preceding discussions and supporting analysis provided in the Project Global Climate Change Analysis included at EIR Appendix C, the Project's potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment is less-than-significant.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-21

The commentor reiterates the Draft EIR discussion that the CARB and SCAQMD GHG emissions thresholds consider only non-transportation sources. To clarify, the thresholds address all stationary GHG sources, but do not include mobile sources. To a certain extent this limitation on threshold considerations reflect the previously noted limitations involved in attempting to estimate "new" emissions associated with vehicle trips to/from new facilities. Nonetheless, the thresholds and their interpretation and application are correct as stated in the EIR and Project *Climate Change Analysis* (included at EIR Appendix C).

Contrary to the commentor's assertion, the *Climate Change Analysis* is not "deeply flawed" through an omission of mobile-source GHG emissions. Mobile-source emissions are clearly identified and quantified at *Climate Change Analysis,* Page 45, Table 2-4 (27,858.08metric tonsCO2E) and at Draft EIR Table 4.3-18 (Page 4.3-92). Mobile source emissions are not however, by CARB and SCAQMD-defined thresholds, utilized by those agencies in determining GHG emissions significance for their facilities. Project facilities emissions of GHG would not exceed GHG thresholds established by CARB and SCAQMD for their facilities. As noted above, this fact is considered within the entirety of the Climate Change Analysis, and in evaluating the Project's potential GCC impact significance, which is, as correctly concluded in the EIR, less-than-significant.

Response JS-22

The commentor reiterates incorrect calculation and interpretation of Project vehicle trip generation. Please refer to Responses JS-15, JS-20, and JS-21. Results and conclusions of the EIR are not affected.

Response JS-23

The commentor states that "[t]he GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project." This

opinion, along with the commentor's related statements and conclusions, are addressed in preceding Responses JS-15, JS-20 and JS-21, which provide clarification regarding mobile-source GHG emissions evaluated and addressed in the EIR. The Draft EIR analyzes both the mobile and stationary GHG emissions associated with the Project. The EIR analysis conservatively does not assume mere redistribution of existing GHG emissions, particularly with regard to vehicle emissions when considered in a global context. Results and conclusions of the EIR are not affected.

Response JS-24

The commentor provides opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable. Commentor opinions and statements are forwarded to the decision-makers for their consideration.

Contrary to commentor opinions and statements, in point of fact, an exhaustive and accurate assessment of the Project's GHG emissions impacts and related potential GCC impacts are presented in the Draft EIR (Pages 4.3-23 through 4.3-47, Pages 4.3-88 through Pages 4.3-111, at al.), and supporting technical Global Climate Change Analysis included at Draft EIR Appendix C. These discussions not only establish Project consistency with the CARB Scoping Plan (one component of the EIR analysis), but also provide detailed discussion of the sources and effects of GHG emissions, consider and evaluate the Project in the context of existing and proposed GHG emissions reductions strategies, and provides an analysis of Project GHG emissions vis-à-vis adopted and anticipated thresholds. Importantly, the analysis provided in the EIR is consistent with applicable CEQA directives:

> Based on the direction provided in Section 15064.4 of the *Guidelines*, a lead agency should make a good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions associated with a project. Because the methodologies for

performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

1. Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should also include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

2. Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions (Draft EIR Page 4.3-35).

Substantial evidence provided in the Draft EIR, as summarized above, supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor notes *recommended* [emphasis added] CARB Scoping Plan Actions, and misinterprets these as Project requirements. The commentor cites specifically, **Action T-7**: Sector-Transportation; Recommended Action-Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure - Aerodynamic Efficiency; and **Action E-4**: Sector-Electricity and Natural Gas-Recommended Action-Million Solar Roofs. As noted in the Draft EIR (Pages 4.3-99, 4.3-100), the Project will not conflict with applicable recommended Actions. Consistent with other revisions proposed herein, Action T-7, Action E-4 applicability discussions at Page 4.3-102 are deleted and replaced with the following:

- Action T-7 **recommends existing trucks/trailers to be retrofitted with the best available technology and/or CARB-approved technology. Implementation of such a standard is not within the purview of the Project. GHG emissions reductions would be achieved however through standards compliance by vehicles accessing the Project. Further, pursuant to EIR Mitigation Measure 4.3.13, tenants are encouraged to provide incentives to realize Smartway certification, and to use fleet vehicles conforming to CARB 2010 emissions standards or better, thereby reducing GHG emissions. The Project supports, and would not interfere with Action T-7.**

  Action E-4 **promotes solar generated electricity. As discussed within this EIR, the Project design accommodates renewable energy sources, such as photovoltaic solar electricity systems. (Draft EIR Mitigation Measure 4.3.11 requires in part that: *"All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design."*) The Project supports, and would not interfere with Action E-4.**

It is further noted that the AB-32 Scoping Plan merely sets forth concepts, the implementation of which will be refined during the rulemaking process contemplated under AB-32. Thus, merely because Action T-7 recommends that existing trucks/trailers be retrofitted with the best available technology and/or CARB-approved technology; and/or that Action E-4 promotes solar generated electricity does not mean that a given project must require best available technology retrofits; nor install PV solar panels on its roof in order to be consistent with the Scoping Plan.

Please refer also to the complete discussion of Project consistency with applicable recommended CARB Scoping Plan Actions presented at Draft EIR Pages 4.3-98 through 4.3-103. The results and conclusions of the EIR are not affected.

Response JS-25

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable, but provides no supporting analysis or evidence. In point of fact, as supported by the discussion in the EIR, the project will not result in significant GHG/GCC emissions impacts, and no mitigation is required. Measures included in the EIR, including those addressing recycling, water conservation, and solar energy systems, therefore further reduce GHG/GCC impacts that, even absent mitigation, are less-than-significant. Commentor's citation to EIR statements that: *"vehicles accessing the site will be in compliance with CARB vehicle standards to the maximum extent feasible"* are not found. Adopted applicable CARB standards are regulatory in nature, and required of all vehicles. Please refer also to the preceding Response JS-24.

Response JS-26

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor cites various 2006 CAT Report GHG Emission Reduction Strategies, contending the Project does not support applicable strategies. The commentor incorrectly interprets the strategies as requirements of the Project. Specific citations of the commentor include compliance with CARB vehicle standards, source reduction and recycling, California solar initiative recommendations, and the use of alternative fuels.

The approach suggested by the commentor is not required under the CEQA Guidelines, and is not the approach employed by the Lead Agency here. Comparison of this Project with the CAT strategies and AB-32 Scoping Plan concepts is made for the purpose of evaluating whether the project conflicts with an applicable plan, policy, or regulation adopted for the purposes of reducing emissions of greenhouse gases. That is the applicable threshold under the CEQA Guidelines. Upon determining that the Project does not conflict with these plans, the Lead Agency appropriately concluded

that the impacts are less than significant, and therefore, no mitigation is required. Project support of, and compliance with, applicable 2006 CAT Report GHG Emission Reduction Strategies is presented at Draft EIR Pages 4.3-103 through 4.3-110. With specific regard to Project compliance with CARB vehicle standards, search of the EIR text does not yield the phrase "maximum extent feasible" as suggested by the commentor. EIR discussions of strategies noted by the commentor as excerpted from Draft EIR Table 4.3-20, are presented below.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Air Resource Board	
Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	Enforcement of State regulation is beyond the scope of the Project. The Project will not interfere or conflict with AB 1493 (Pavley).
Other Light Duty Vehicle Technology New standards would be adopted to phase in beginning in the 2017 model.	Enforcement of State standards for Light Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Light Duty Vehicles.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	Enforcement of State standards for Heavy Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Heavy Duty Vehicles.
Diesel Anti-Idling In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Heavy-duty diesel trucks that access the Project site will be required to limit idling to no more than three (3) minutes (EIR Mitigation Measure 4.3.10).
Alternative Fuels: Biodiesel Blends CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	When CARB adopts regulations for the use of biodiesel fuel in heavy duty trucks, trucks supplying the commercial uses will comply with this measure.
Hydrogen Highway The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.	Not Applicable.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
Integrated Waste Management Board	
Achieve 50 percent Statewide Recycling Goal Achieving California's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Zero Waste - High Recycling Additional recycling beyond the State's 50 percent recycling goal.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions.	In support of water Use Efficiency strategies, the Project will implement U.S. EPA Certified WaterSense labeled or equivalent faucets and high-efficiency toilets (HETs), and implement water-conserving shower heads to the extent feasible.
California Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	As required through the EIR air quality mitigation measures noted herein, and based on energy efficiency/sustainability attributes of the Project presented in the EIR Project Description (EIR Section 3.0), energy efficiencies achieved by the Project will surpass incumbent Title 24 Energy Efficiency Standards by at least 20 percent. Verification of increased energy efficiencies is documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Energy efficient Project designs and operational programs will facilitate Applicant-initiated LEED Certification actions.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Solar Initiative Installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses; increased use of solar thermal systems to offset the increasing demand for natural gas; use of advanced metering in solar applications; and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	In support of the California Solar Initiative, the Project design accommodates potential future installation and use of renewable energy sources, such as photovoltaic solar energy systems. (See EIR Section 3.0, Project Description).

Contrary to the commentor's assertions, as indicated at Table 4.3-20, the Project complies with and supports applicable 2006 CAT Report Greenhouse Gas Emission Reduction Strategies. There is no mandate or specific requirement or singular methodology for strategy compliance as suggested by the commentor. The results and conclusions of the EIR are not affected.

Response JS-27

The commentor cites various recommended or adopted thresholds of other agencies addressing GHG emission and GCC impacts. The commentor erroneously states that "in the EIR for the Highland Fairview Project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change."

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. The commentor is referred to previous responses and CEQA directives allowing for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the Guidelines. The EIR analysis of GHG emissions/GCC impacts is consistent with Section 15064.4 of the Guidelines. Please refer also to response JS-24.

No "zero emissions threshold" for GHG emissions neither appears, nor was applied, in the EIR for the Highland Fairview Project. The commentor is referred to *Draft*

Environmental Impact Report Highland Fairview Corporate Park PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090 (TPM 35629), and PA07-0091 (PP) City of Moreno Valley, Riverside County, California State Clearinghouse No. 2007101132 (Michael Brandman Associates) August 4, 2008, Page 5.16-5:

> AB 32 states that, "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Although it is unknown if AB 32 alone is enough to reduce California's fair-share contribution to global greenhouse gas inventory, it is currently the only well-defined and widely accepted benchmark for greenhouse gas emissions in California. Therefore, for purposes of this analysis, the following significance thresholds have been used:
>
> **Impact GCC-1** Does the project comply with the provisions of an adopted Greenhouse Gas Reduction Plan or Strategy? If no such Plan or Strategy is applicable, would the project significantly hinder or delay California's ability to meet the reduction targets contained in AB 32?
>
> **Impact GCC-2** Would the impacts of climate change significantly impact the project?

The Highland Fairview Project EIR concluded that project had the potential to significantly hinder California's ability to meet the reduction targets contained in AB 32, and therefore reached a conclusion of "potentially significant" GHG emissions impacts for that project.

Such is not the case for the proposed Westridge Commerce Center Project as supported by the analysis presented in the Westridge Commerce Center Project EIR and supporting Global Climate Change analysis.

Continuing at Page 5.16-6, the Highland Fairview EIR also importantly notes that:

> The thresholds and the analysis contained below *may not be relevant to other projects. This analysis does not establish thresholds for the City or set precedents for the type of analysis in a climate change analysis, as this discipline is still evolving. [emphasis added]*

Clearly, whatever thresholds and analysis may have been employed in the Highland Fairview EIR were for that project only, and not intended or necessarily applicable to the proposed Westridge Commerce Center Project. The results and conclusions of the EIR are not affected.

Response JS-28

The commentor considers the term "cumulatively considerable" established under the *CEQA Guidelines* Section 15064, subd. (h)(1), and appears to misapply it in evaluating Project GHG emissions and potential Project-related Global Climate Change impacts. In total, *CEQA Guidelines* Section 15064, subd. (h)(1) cited by the commentor, and excerpted below, provides guidance as to whether an EIR is required based on the potential for a given project to cause or result in cumulatively considerable impacts.

> (h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Lead Agency had previously determined through the Initial Study process that an EIR is required for the Project, to include an analysis of all potential cumulatively considerable impacts, including potential GHG/GCC impacts.

The EIR analysis supports the conclusion that Project-specific GHG/GCC impacts are individually less-than-significant and not cumulatively considerable (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C). To this end, not only are the Project's incremental GHG/GCC impacts substantiated to be less-than-significant. As noted in the Draft EIR, with regard to global climate change, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.

Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory. The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is assessed by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Additionally, as discussed in the Draft EIR . . . "to facilitate their monitored implementation throughout Project development and operations, design features and operational attributes of the Project are incorporated into this EIR as Mitigation

Measures 4.3.10 through 4.3.13 . . . These measures act to reduce Project-related operational source air pollutants and GHG emissions, and promote sustainability through conservation of energy and other natural resources" (Draft EIR at Page 4.3-94). As amended in these Responses, additional mitigation has been also been provided, further reducing already less-than-significant Project GHG emissions levels. Please refer also to previous discussions at Responses JS-20 through JS-27, substantiating less-than-significant Project GHG/GCC impacts.

As provided for under *CEQA Guidelines* Section 15064(h)(2), "[w]hen a project might contribute a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures . . . [the supporting analysis] shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable." Design features, operational programs, and mitigation measures included in the Draft EIR (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C) render the Project's potential contribution to Global Climate Change impacts to levels that are less than cumulatively considerable.

As further provided under *CEQA Guidelines* Section 15064(h)(3), . . . "a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make

specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable."

The general arena of GHG emissions regulations remains preliminary and still formative, and there are no plans (as yet) with the effect of law that would be applicable to the Project. Notwithstanding, the CARB Scoping Plan and 2006 CAT Report are considered indicative of likely future guidelines and requirements. The Project supports and is consistent with CAT strategies and other means suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32. Qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report (Draft EIR Pages 4.3-94 through 4.3-110) supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

Continuing, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative GCC impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

It is further noted cumulative effects of Global Climate Change would be considered significant irrespective of any increment of GHG emissions generated by, or reduced through, implementation of the Project. Moreover, absent similar commitments worldwide, even full state-level reduction of GHGs as provided for under California

statute would not notably or discernibly affect a difference in global climate change. In this regard, the World Resources Institute estimates California GHG emissions comprised an estimated 1.3 percent of worldwide GHG emissions as of 2000.[9] Further, whereas California since 2000 continued to implement further energy efficient technologies and other means that directly or indirectly reduce GHG emissions and thereby reduce its proportionate impacts, these reductions have been more than offset by increasing growth and industrialization worldwide. This speaks to *CEQA Guidelines* Section 15064(h) (4) provisions, which provide that the mere existence of significant cumulative GCC impacts caused by other projects (worldwide growth and industrialization) alone does not constitute substantial evidence that the Westridge Commerce Center Project's incremental GCC effects are cumulatively considerable.

Based on the preceding the project will not result in or cause cumulatively considerable GCC impacts. Results and conclusions of the EIR are not affected.

Response JS-29

The commentor summarizes various provisions of the *Final Statement of Reasons for Regulatory Action* (California Natural Resources Agency) December 2009 which allow for off-site mitigation of GHG impacts.

As substantiated in the EIR and discussed in these Responses, Project-related GHG emissions impacts are less-than-significant and are not cumulatively considerable. Off-site mitigation is not proposed nor is it required. Results and conclusions of the EIR are not affected.

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9 *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions* (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008, Page 8.

Response JS-30

Temporary and intermittent significant construction-source noise impacts noted by the commentor are fully discussed and disclosed in the Draft EIR:

> **Level of Significance after Mitigation:** Mitigation Measures 4.4.1 through 4.4.4 will qualitatively reduce construction-source noise and its perceived impacts to the extent feasible. The proposed use of noise curtains during the most noise intensive activities (grading/site preparation) may reduce received noise levels by 10-20 dBA at the nearest receptors. Nonetheless, it is anticipated that construction-source noise received at the nearest affected residential receptor adjacent may temporarily and periodically reach the maximum anticipated exterior noise level of 89 dBA Leq. This condition would occur in particular when heavy equipment is used for the construction of adjacent Fir (future Eucalyptus) Avenue. At more distant residential neighborhoods, the maximum received noise level is conservatively estimated at 60 to 65 dBA Leq. As such, even with the application of proposed mitigation, Project construction equipment activities would exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), and consequently would be considered a substantial temporary and periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project (Draft EIR Page 4.4-20).

Mitigation of construction-source noise impacts is addressed in the following responses JS-31 and JS-32. Results and conclusions of the Draft EIR are not affected.

Response JS-31

The commentor provides opinions on Draft EIR Mitigation Measure 4.4.4, which is presented in its entirety here:

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

The commentor states that the mitigation language "[n]oise curtains shall be installed so as to provide maximum reduction for noise sensitive uses" is "unenforceable." The commentor fails to note or recognize that construction activities by their nature are fluid and mitigation addressing such activities is similarly fluid. The stipulation that noise curtains be installed so as to achieve the maximum reduction in noise accommodates site and use-specific variations in construction activities and construction noise that may affect proximate sensitive receptors. As discussed at Draft EIR Page 4.4-18, "[t]he closest noise sensitive receptor that will be subject to potential construction noise impacts is the residence located at 28855 Fir Avenue (future Eucalyptus Avenue),approximately 150 feet southerly of the Project site's southernmost boundary. Because roadway improvements along future Eucalyptus Avenue are also part of Project development, an overall grading noise level of 89 dBA at 50 feet has been used as the worst-case, maximum exterior noise level when heavy equipment is nearest this sensitive receptor. At the nearest residential neighborhood, located more than one-quarter mile from the Project site, received construction-related noise levels would be reduced by 30 decibels or more based on physical separation between these residences and the Project site.

As also noted in the Draft EIR, the noise curtains required pursuant to Mitigation Measure 4.4.4 would conservatively provide an estimated 10 to 20 dBA of noise

reduction acting to reduce noise at proximate receptors. Worst-case construction noise levels (estimated to be 89 dBA at 50 feet) would occur as roadway improvements occur along future Eucalyptus Avenue. To ensure that the single residential use would not be temporarily and intermittently exposed to construction noise levels exceeding 60 dBA would in effect require construction of a barrier along the southerly edge of the Fir (future Eucalyptus Avenue) right-of-way, extending at a minimum the length of the affected receptor property line (approximately 620 feet) providing line-of sight interruption of noise yielding a 29 dBA noise reduction. Alternatively, an encapsulating 620 foot by 620 foot, 29 dBA noise-reducing barrier could be constructed around the receptor property in question.

For construction equipment with a 12-foot high exhaust stack, and not accounting for grade differentials, line of-sight noise protection would require a minimum 15 foot high wall (noise source height plus three feet).Under laboratory conditions a 4-inch thick concrete wall (or equivalent @ 30 lbs./s.f.) would provide approximately 37 dB noise attenuation (one side of a barrier to the other); and under uncontrolled exterior conditions could hypothetically provide 29 dBA noise reduction in protected areas immediately adjacent to the wall, within the noise "shadow zone." However noise diffracted over the top of or sides of the wall would still affect more distant unprotected receptors. Moreover, a 4-inch thick concrete wall, 15 feet in height is not structurally stable without significant reinforcing (envision a 15-foot high freestanding brick wall); and in practical application would constitute a permanent structure with anchoring footings or caissons.

The commentor suggests that "temporary sound walls" be implemented. As indicated, such walls would not be temporary. Moreover, construction of the "temporary" walls themselves, as well as their demolition, would generate noise levels equaling or exceeding those resulting from the Project. That is, the noise barrier's own construction and its subsequent demolition, would occur at the southerly right of-way line, and would require use of construction equipment in addition to, and for periods of time

greater than, that otherwise required to implement the Project. This would arguably increase rather than decrease net adverse effects construction noise.

Response JS-32

Please refer to the following Response JS-33.

Response JS-33

The commentor's suggested additional measures to reduce construction-source noise are addressed below.

Suggested Measure	Response
1.Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.	**Not required, no nexus with significant impacts.** The Noise Impact Analysis states that this program is merely recommended not required. Nor are the recommended measures reflected in or required to attain the "mitigated condition" presented in the Draft EIR. The Lead Agency may, at its discretion, impose additional Conditions of Approval (such as recommendations within studies) supplementing the EIR Mitigation Measures. The Draft EIR contains comprehensive mitigation to address noise impacts of the Project. These measures are included as part of the Mitigation Monitoring Plan, presented in Section 4.0 of this Final EIR. The Mitigation Monitoring Plan: 1) assigns responsibility for, and ensures proper implementation of Mitigation Measures; 2) assigns responsibility for, and provides for monitoring and reporting of compliance with Mitigation Measures; and 3) provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs. The City will monitor and report on all mitigation activities.
2.The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	**Incorporated** at revised EIR Mitigation Measure 4.4.3.

Suggested Measure	Response
3.Notify surrounding homeowners of expected, specific construction-related noise impacts.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations vis-à-vis noise-related requirements. The public, including surrounding homeowners, has been notified of the Project via direct mailing and public notice, consistent with the provisions of the City of Moreno Valley Municipal Code. Copies of the Draft EIR are available upon request.
4.When technically feasible, electrical construction equipment should be utilized.	**Incorporated** at revised Mitigation Measure 4.3.8.
5.During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.	**Replicates existing requirements.** Mitigation Measure 4.3.10, as currently presented in the Draft EIR, prohibits the idling of trucks for more than three (3) minutes.

Response JS-34

The commentor appears to misinterpret and/or misapply noise limitations established under the City's Noise Ordinance, noise standards provided for under the General Plan, and their application within the EIR. The commentor erroneously states " . . . *the DEIR . . . adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA greater*." The commentor suggests that the City Noise Ordinance threshold of 60 dBA Leq be universally applied irrespective of existing conditions, noise source, or noise duration.

To clarify, as noted in the Draft EIR . . . "[t]he City's Noise Ordinance applies to 'stationary source' noise occurring on one property, which may affect a neighboring property (Draft EIR at Page 4.4-13). Mobile source (roadway noise) is not regulated under the City Noise Ordinance. The Noise Ordinance is directed toward discrete, identifiable stationary or area source noise. Noise thresholds established in the Ordinance are expressed in Leq, acknowledging noise levels occurring within a limited and defined time frame (in this case one-hour).

As described and discussed in the EIR, the Noise Ordinance's most restrictive threshold conditions of 60 dBA Leq daytime/55 dBA Leq nighttime for residential land uses are appropriately applied in evaluating discrete area/stationary source noise generated by the Project and received at proximate residential land uses. As discussed in the Draft EIR (Pages 4.4-23 through 4.4-26), at receiving residential land uses, Project operational stationary/area source noise will not exceed 60 dBA Leq daytime /55 dBA Leq nighttime.

The Noise Ordinance is not intended or constructed to address modeled areawide ambient noise levels increases, such as occur over time due to ambient increases in areawide traffic. Nor is it appropriate to evaluate or consider long term increases in ambient noise levels (such as increases in roadway corridor noise) in terms of Leq. It is the 24-hour average weighted noise level (CNEL) that accurately and appropriately describes the effective ambient noise condition, and indicates whether there would be a substantial permanent increase in noise levels due to the effects of a given project.

CNEL guidelines applicable to increases in ambient noise conditions, including noise generated by Project-related mobile sources (traffic) are established under the City General Plan Noise Element. As discussed in the Draft EIR:

> The Safety Element of the City's General Plan discusses noise and future projected noise levels within the City. For planning purposes, the City employs a 65 CNEL standard for noise-sensitive outdoor areas (e.g., rear yards of single family homes), and an indoor noise standard of 45 CNEL for residential developments (Draft EIR Page 4.4-14).

As supported by analysis presented in the EIR (see EIR Section 4.0, Noise; EIR Appendix D, noise Impact Analysis) the Project will not result in or cause operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-35

The commentor states that "*. . . the Draft EIR makes a conclusory statement of insignificance without data or analysis . . .*" with regard to potential vibration impacts of the Project. The commentor also states that the Draft EIR only addresses vibration impacts to buildings, but fails to address such impacts to people.

For ease of reference, the EIR discussion of vibration impacts is excerpted below:

> **Impact Analysis:** Groundborne vibration refers to groundborne noise and perceptible motion. Typical sources of groundborne vibration include the use of heavy-duty construction equipment to be employed at the Project site. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where motion may be discernible but without the accompanying effects (e.g., the shaking of a building).
>
> Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Vibration-caused building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during foundation construction, neither of which is anticipated as part of construction of the Project considered here.
>
> The City of Moreno Valley does not currently have adopted vibration regulations. Notwithstanding, germane vibration criteria has been established by the California Department of Transportation (Caltrans) and is employed in analyses presented here.

> The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. However, heavy equipment employed during Project construction could potentially generate groundborne vibration impacts at adjacent land uses. Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, proximate operations of large bulldozers and loaded trucks can cause perceptible vibration levels, notwithstanding, according to the *Transportation and Construction-Induced Vibration Guidance Manual* prepared for Caltrans, groundborne vibration from construction activities and equipment such as such as D-8 and D-9 Caterpillar bulldozers, earthmovers and haul trucks at distances of 10 feet do not create vibration amplitudes that would cause structural damage to nearby structures. The proposed Project is not anticipated to employ any pile driving equipment, nor require blasting activities. Further, the nearest heavy equipment operations would occur at a distance of 40 to 50 feet from the nearest residential use (28855 Fir Avenue). Impacts from construction-source groundborne vibration are therefore anticipated to be less-than-significant (Draft EIR Pages 4.4-27 to 4.4-28).

As indicated above, the City has no adopted vibration thresholds, much less a threshold adopted to address speculative "vibration impacts to people" suggested by the commentor. Structural damage is a defined concern addressed by Caltrans, and would be considered to constitute excessive groundborne vibration or groundborne noise levels. This concern is likewise is considered in the EIR. Occasional perceptible vibration levels should they occur, do not constitute excessive groundborne vibration or groundborne noise levels. Any vibration impacts perceived at off-site locations would, as noted, be temporary and intermittent due to transient construction vehicles.

There are no sensitive historic structures or instruments located proximate to the Project that would somehow be affected by temporary and transient construction-source vibration.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Results and conclusions of the EIR are not affected.

Response JS-36

Please refer to the following Response JS-37.

Response JS-37

The commentor again appears to misinterpret and/or misapply noise thresholds, now within a cumulative analysis context, and incorrectly states threshold considerations applicable to the Project.

In brief, the City Noise Ordinance regulates stationary/area source noise generated by the Project will not result in operational noise that would exceed Ordinance Standards (60 dBA Leq daytime/55 dBA Leq nighttime). Ambient noise increases, including traffic noise generated by the Project would not exceed the applicable 65 CNEL residential standard established by the General Plan. (The commentor misstates the threshold as 60 dBA Leq). Noise levels of less than 65 dBA CNEL are acceptable. In the instance noted by the commentor, vehicular noise levels due to cumulative growth (including noise generated by the Project traffic) would increase by 9.8 dBA CNEL over time, totaling an estimated 61.1 dBA CNEL at General Plan Buildout. Vehicular noise levels of 61.1 dBA CNEL are less than the threshold condition of 65 dBA CNEL, and impacts are therefore not cumulatively considerable. In instances where pre-existing noise levels exceed 65 dBA CNEL, or such traffic noise levels would occur due to cumulative growth absent the Project, the Project's incremental contribution would

range from 0.0 dBA to 0.4 dBA, and would not be discernible. In these instances, perceived noise conditions would the same with, or without the Project. As noted previously in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative noise impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

Project operational source noise would not exceed applicable standards established under the Noise Ordinance and/or General Plan. In no instance would Project noise cause a transition from acceptable ambient conditions to conditionally acceptable conditions or from conditionally acceptable conditions to unacceptable conditions.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause cumulatively considerable operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-38

The commentor notes that modeling of noise based on measurements taken at the G.I trucking facility (Pomona CA) may not yield noise levels comparable to those that would be generated by the Project.

The G.I. trucking facility conducts logistics warehousing operations, including acceptance and dispatch of big-rig long-haul and consolidated freight trucks, similar to operations anticipated under the Project. The G.I. trucking facility noise measurements are not intended to precisely replicate noise generated by the Project operations site on any given day or at any given time. The empirical data collected does however provide a real world snapshot of anticipated noise sources and noise conditions typical of

heavy-duty, long-haul trucking operations conditions, and is considered superior to an assumed estimate of noise sources and noise levels. Results and conclusions of the EIR are not affected.

Response JS-39

The commentor's suggested additional measures to reduce operational-source noise are addressed below.

Suggested Measure	Response
1. All truck, tractors and forklifts shall be operated with proper operating and well-maintained mufflers. 2. Maintain quality pavement conditions that are free of bumps to minimize truck noise. 3. Limit the number of idling trucks on the southeastern portion of the site.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations in Response JS-32 vis-à-vis noise-related requirements. As noted in the Noise Impact Analysis, all operational noise impacts are less-than-significant. No additional mitigation of operational noise impacts is required.

Response JS-40

The commentor incorrectly states that "Interstate 15 (I-15) and Interstate 215 (I-215) provide access to the Project are and will most certainly be used to access the Project site." It is noted that I-215 was constructed to run roughly parallel to I-15 between Murrieta (approximately 30 miles south of the Project site) and Devore (located approximately 25 miles to the north of the Project site). In the vicinity of Moreno Valley, while I-215 is acknowledged as providing access, I-15 is located approximately 20 miles to the west. At these distances, I-15 does not provide direct access to the Project site, and on this basis, was not considered as part of the Project's traffic analysis.

With respect to commentor's concerns regarding potential Project-related impacts to I-215, a basic freeway segment analysis has been conducted between Box Springs

Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the Project's Traffic Impact Analysis (TIA Appendix 7.8, included as part of Draft EIR Appendix B). As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. Nor is there an established fair share fee program for potentially affected SR-60 freeway segments. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response JS-41

Despite the commentor's assertion that "[t]he Draft EIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project," the Project TIA (Draft EIR Appendix B) provides a summary of the Project's fee obligations in Table 8-

2. The application of fee-based mitigation is summarized at Draft EIR Pages 4.2-25 to 4.2-26; and discussed in greater detail at TIA Pages 200 through 206. The majority of the required improvements identified in the Draft EIR involve Caltrans facilities, improvement of which is outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The commentor's concerns regarding the adequacy of these funding mechanisms will be forwarded to decision-makers for their consideration.

Response JS-42

The commentor's suggested additional measures to reduce traffic-circulation impacts are addressed below. The results and conclusions of the Draft EIR are not affected.

Suggested Measure	Response
1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. 2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. 3. Reroute construction trucks away from congested streets and sensitive receptor areas.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 4.2-85), "[i]t is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours." No additional mitigation is required.
4. Configure construction parking to minimize traffic interference.	**Replicates existing requirements.** Construction parking is one of many components considered in the required construction traffic management plan. No additional mitigation is required.
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
8. Provide shuttle service to transit stations/ multimodal centers for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Improve traffic flow by traffic synchronization.	**Replicates existing requirements.** Signal synchronization is currently effected by the City, beyond control or purview of the Applicant. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.

Response JS-43

Please refer to the preceding Response JS-3.

Response JS-44

Contrary to the commentor's assertion, the Project's total water demand is disclosed in the Draft EIR. As discussed in Draft EIR Section 4.5, "Water Supply," and supported by the Water Supply Assessment prepared for the Project by Eastern Municipal Water District (EMWD), the Project's estimated maximum water demand would be 44 acre-feet per year (please refer to Draft EIR Table 4.5-8 on Page 4.5-17). As noted in the Draft EIR, "[w]ater demand for this Project is calculated for planning purposes only, and reflects potential maximum demand conditions. Actual water use will be reduced through conservation, use of water efficient devices, and use of recycled water as it becomes available" (Draft EIR Page 4.5-17).

Response JS-45

The commentor's suggested additional measures to reduce hydrology/water resources/impacts are addressed below.

Suggested Measure	Response
1. Install permeable pavement in car parking areas. 2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.	**Not required, no nexus with significant impacts.** As discussed in the Draft EIR, potential water supply and hydrology/water quality impacts are less-than-significant as mitigated. No additional mitigation is required. The Lead Agency may, at its discretion, impose additional Conditions of Approval supplementing the EIR Mitigation Measures.

Response JS-46

Maintenance of municipal storm drains is not customarily the responsibility of surrounding property owners. Sediment collected within the SR-60 culverts, which are located upstream from the Project site, is removed in the course of regular maintenance activities performed under the direction of the Riverside County Flood Control and Water Conservation District.

In the interest of accuracy, it may be noted that the Project's Hydrology study actually states, "[t]he development may be conditioned to clean the existing sediment build up in the existing triple 60-inch pipes crossing under the 60 Freeway as well as the existing 60-inch pipe [discharging]into the Redlands Boulevard westerly drainage ditch." City Engineering staff may, as part of pre-construction review, include this recommendation as a condition of Project approval. However, despite the assertions of the commentor, the removal of sediment in culverts upstream of the Project is not required "to mitigate for impacts from runoff." Nor would any such requirement be rationally related to impacts by the Project. Potential Project-related drainage impacts are addressed in Draft EIR Section 4.6, Hydrology and Water Quality. No significant impacts requiring mitigation have been identified in regard to hydrology or storm water management.

Response JS-47

As noted on Pages 4.6-22 through 4.6-23 of the Draft EIR, the Project's drainage plan was purposely designed to ensure that runoff from the site does not enter the Quincy Channel. Future drainage improvements associated with the Quincy Channel and its

proposed overcrossing will not affect, nor be affected by, implementation of the Project. The future improvements are noted in the Draft EIR merely as a point of reference.

Response JS-48

The Cultural Resources Investigation prepared for the Project included a records search and above-ground reconnaissance survey, which is customary for pre-development review. No underground investigation is required under the CEQA guidelines, or any federal, state, or local laws or regulations.

The Cultural Resource Investigation and the Draft EIR acknowledge the possibility of historic and/or prehistoric cultural resources being present on the site in a buried context, but no evidence exists to indicate the probability of any on-site archeological or paleontological resources or human remains. Mitigation is provided that requires the use of professional monitors during all Project-related excavation and grading activities. Relevant text from the Draft EIR (Pages 4.7-11 through 4.7-13) has been included below for ease of reference.

> The Project Cultural Resources Investigation report notes that "there was early occupation in the area and evidence of this occupation may be present in a buried context – e.g., evidence of the water well in the center of the property, buried refuse deposits, privies, irrigation systems, foundations, etc. If evidence of such remains is uncovered during the grading of this property, the proponent should contact a qualified archaeologist to assess the find(s) and to make recommendations for a monitoring program to oversee the remainder of the grading program." The report further notes that "the paleontological monitor [discussed below] can also serve to oversee archaeological monitoring and negate the need for two monitors." The following mitigation measures will ensure that the recommendations of the Project Cultural Resources Investigation are implemented during Project development.

Mitigation Measures:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

The results and conclusions of the Draft EIR are not affected.

Response JS-49

The commentor appears to misconstrue the intent of Mitigation Measure 4.7.1, the text of which is provided as part of the preceding Response GB-48. As stated in this measure, the monitor is to be adequately "equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays." Further, no time limit or emphasis on urgency is placed on the "temporary" halt on construction activities. Rather, Measure 4.7.1 states, "[t]he monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification." Mitigation Measure 4.7.3, included below for ease of reference, contains wording similar to that of Measure 4.7.1, specifically in regard to the potential occurrence of paleontological resources.

> 4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*
>
> - *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
> - *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
> - *Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
> - *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
> - *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon*

exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays,* ***consistent with the requirements of California Public Resources Code Section 21083.2.*** *The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2.,* ***resources shall be left in an undisturbed state. Where preservation in place is infeasible, a~~A~~ll*** *recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum*

repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

To ensure monitoring and enforcement, these revisions to Mitigation Measures are reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata.

Response JS-50

As noted in the preceding response JS-49, despite the commentor's assertions to the contrary, Draft EIR Mitigation Measures 4.7.1 and 4.7.3 do not include restrictions or limitations on the time that would be allowed for adequate monitoring and recording of cultural resources. As further discussed in the preceding response JS-49, the wording of these measures has been amended to clarify that, if found, cultural resources would be preserved in place where appropriate.

Response JS-51

Despite the commentor's assertions to the contrary, the Project's potential effects on common wildlife species have been addressed in *Report On Habitat Assessments and Biological Surveys for the West Ridge Project Site* (Harmsworth Associates) October 2008, presented at Draft EIR Appendix D. Relevant text is excerpted below for ease of reference.

> **5.8 Direct impacts to wildlife**
>
> **5.8.1 Common Wildlife**
>
> The primary impacts of the project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. These impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated

in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Report on Habitat Assessments, Page 36).

This same material discussion appears in the body of the Draft EIR.

Common Wildlife Species

The primary impacts of the Project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the Project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. However, these impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Draft EIR Page 4.8-25).

No potentially significant impacts have been identified, and no mitigation is required. The results and conclusions of the Draft EIR are not affected.

Response JS-52

The commentor recommends additional measures to be implemented to reduce the Project's adverse effect on scenic views in the Project area. The Draft EIR acknowledges, in Section 4.9, "Aesthetics," that implementation of the Project would obstruct or alter views from major roadways and surrounding areas, and would therefore have a

substantial adverse effect on a scenic vista, which is a significant individual and cumulative impact.

No feasible mitigation measures were identified within the Draft EIR which would reduce this loss of viewshed. All other potential aesthetic impacts of the Project were determined less-than-significant.

The particular mitigation measure suggested by the commentor is presented and responded to below:

1) *Preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County.*

The City does not currently conduct a program that would allow for the purchase of off-site areas for "scenic preservation," as suggested by the commentor, nor is it aware of other such programs offered by agencies or organizations within the Western Riverside County area. Moreover, preserving another existing scenic view elsewhere would not serve to mitigate the impacts of this Project. While the value of off-site mitigation for certain environmental impacts (e.g., biological habitat areas) has been demonstrated, the application of the proposed measure in regard to aesthetic impacts is considered infeasible.

<u>Response JS-53</u>

As noted in the Draft EIR (Pages 5-25 and 5-26), §15126.6 of the *CEQA Guidelines* states that an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the *CEQA Guidelines*, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the *CEQA Guidelines* indicate that the

range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of Project Objectives.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives. The text on Draft EIR Pages 5-35 through 5-44 provides the basis upon which each of the considered alternatives was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response JS-54

The exhibits identified by the commentor and provided as part of these comments have been included in Appendix A of this Final EIR.

Response JS-55

The commentor attaches various professional references. No response is required.

From: Shelly Mesa [shellymesa@roadrunner.com]
Sent: Monday, December 06, 2010 1:35 PM
To: Jeffrey Bradshaw

Subject: Questions about Sketchers, Westridge Commerce Center and Pro Logis projects.

Dear Jeffrey,

Hello, I am a concerned homeowner my name is Shelly Mesa, we bought out here 5-years ago and have been enjoying our beautiful view of the Badlands as well San Bernadino Mountains. I am concerned about all the changes that are taking place around us! I have been active an obtaining signatures against this project, just to be disappointed in our City Officials who over rode the City"s Planning Commision Votes, because their back pockets were padded by Mr. Benzeevi, as well as The Sequoia Club being bought, who had an active interest as well about the Enviromental Impact this will have on our "Beautiful Land." I intended to be out here thru our "Retirement Years". But what is to become of the East end of Moreno Valley? SM-1

1. How will the toxic diesal truck emmisions affect the people who will live on the south side of Fir when both the Warehouse and Pro Logis as well as Sketchers are at full operation? SM-2

2. What measures could be implemented during the construction and operation of this warehouse which could lesson the impact on noise, air quality and global warming, but which you are not going to put in place? SM-3

3. What will you do to protect the Warehouse Wokers from the effects of toxic diesal pollution? SM-4

4. How many toxic diesal trucks do you calculate to use Redlands Blvd. to come north out of town when Sketchers, Westridge Commerce Center and Pro Logis are in full operation? SM-5

I am concerned that if we don't take a stand we will have nothing but warehouses and low income apartments here in our community! SM-6

Sincerely
Shelly Mesa

SHELLY MESA

Email Dated December 6, 2010

Response SM-1

The commentor's concerns and opinions will be forwarded to decision-makers for their consideration.

Response SM-2

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant with mitigation, on both an individual and cumulative basis (i.e., with the Project alone and with the development of the ProLogis and Highland Fairview project, as well as other anticipated cumulative growth). Please refer also to Responses LA-1, FNSJ-8, *et al.* addressing diesel emissions impacts.

Response SM-3

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have otherwise been employed within the Draft EIR to reduce any potentially significant impacts. As discussed at FEIR Section 2.0, additional/revised mitigation has been incorporated based on comments received on the Draft EIR. Inclusion of these measures does not however, materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

As disclosed in the DEIR, even with the application of mitigation, the Project will result in certain significant and unavoidable air quality and noise impacts. A summary of significant impacts is presented at DEIR Pages 1-17 through 1-20.

Response SM-4

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpt from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response SM-5

Opening Year Cumulative Conditions for area roadway segments, including Redlands Boulevard, are identified in the Draft EIR at Table 4.2-13 (Pages 4.2-61 to 4.2-62). Section 4.2 of the Draft EIR further identifies the number of trucks that will be accessing the site

and vicinity projects on Page 4.2-18. This discussion is presented below for ease of reference.

> As seen in [Draft EIR] Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour.

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Response SM-6

The commentor's concerns will be forwarded to decision-makers for their consideration.

From: ned newkirk [ned_newkirk@verizon.net]
Sent: Monday, December 06, 2010 3:00 PM
To: Jeffrey Bradshaw
Subject: Proposed West Ridge Commerce Center

Name: Ned and Dawn Newkirk Phone: 951-242-3055 Address: 29080 Dracaea Avenue--
MorenoValley, Ca. 92555
Email Address: ned_newkirk@verizon.net

How does the the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan? NDN-1

As new warehouses such as Skechers and the proposed West Ridge Commerce Site are very near to residential areas, what measures will be required to reduce the size and starkness of the warehouses that are very close to these residential areas? If you do not require measures for warehouses to esthetically fit into the neighborhood, residential property values could be dramatically affected and reduced. NDN-2

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? NDN-3

What warehouses are under consideration for the Eastern end of the City of Moreno Valley consisting of the area from Moreno Beach to Gilman Springs Road and Ironwood Ave to south of Alessandro Blvd? NDN-4

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? NDN-5

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? NDN-6

What will you do to protect nearby residents from the effects of toxic diesel pollution? NDN-7

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? NDN-8

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? NDN-9

How will this project be growth inducing for similar projects? NDN-10

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, WestRidgeCommerceCenter and Pro Logis are in full operation? NDN-11

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists [illegible] LOS be as a result of these three warehouses? NDN-12

NED AND DAWN NEWKIRK

Email Dated December 6, 2010

Response NDN-1

The commentor inquires: "How does the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan."

The commentor's inquiry is not specific to the Project or the EIR and absent further explanation, does not allow for on-point response. Moreover, there is no formal adopted "Moreno Valley Beautification Plan." Notwithstanding, as discussed in the Draft EIR (Pages 4.1-17 to 4.1-20), uses proposed by the Project are consistent with applicable General Plan Land Use Policies. It is presumed that other projects proposed for development within the Project area (warehouses or other uses) will be subject to a similar consistency analysis.

Individually and cumulatively significant aesthetic impacts of the Project are also acknowledged in the Draft EIR.

AESTHETICS **Project-Specific Significant Impacts**

Change to Scenic Vistas

Construction of the proposed Project would result in interrupted or obstructed views of off-site scenic areas. This is recognized as a significant and unavoidable aesthetic impact.

Cumulatively Significant Impacts

The Project will restrict or interrupt both near and distant views in the Project area, and in combination with other vicinity development, will cumulatively result in a substantial adverse effect on scenic views in the Project area. The cumulative effects of the Project in regard to scenic vistas are determined to be significant.

(Source: Draft EIR Table 1.8-1, Pages 1-19, 1-20)

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response NDN-2

The Draft EIR's discussion of Aesthetics (Section 4.9) addresses the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings. The Draft EIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. However, the analysis concludes that no potentially significant impacts would occur in this regard. The relevant text from Draft EIR Page 4.9-22 is provided here for ease of reference.

> Properties to the south of Fir (future Eucalyptus) Avenue are currently zoned for large lot residential uses. To provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary. This wall will be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti.
>
> As supported by the preceding discussions, and with implementation of the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant.

Response NDN-3

The commentor expresses concerns about the effect of diesel truck emissions on the sensitive receptors located on the South side of Fir Avenue.

A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk

shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [10]

Response NDN-4

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. These include the recently approved Highland Fairview Corporate Park, and the proposed ProLogis warehouse project. To date, no further inquiries, applications, or other proposals have been received by the City in regard to development of the types of land uses referenced by the commentor.

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10 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

It may be noted that a "Logistics Modified General Plan" development concept was included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16). This development concept addressed the possible future development of a substantial number of warehouse facilities in the eastern end of the City.

For the purposes of the Westridge Commerce Center Draft EIR analysis, the City does not consider the "Logistics Modified General Plan" (LGMP) proposal included within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development concept was not included among those identified as "related projects" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

Response NDN-5

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, the Project will result in certain significant and unavoidable air quality and noise impacts.

Response NDN-6

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response NDN-7

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant as mitigated.

Response NDN-8

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the

Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

<u>Response NDN-9</u>

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response NDN-10

The commentor expresses concern regarding the growth inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth. Moreover, the Project is consistent with the adopted General Plan, would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response NDN-11

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19,

acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

<u>Response NDN-12</u>

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR

Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:16 PM
To: Jeffrey Bradshaw; John Terell
Subject: DEIR Comments for Ridge-1
To: Jeff Bradshaw,

These are my comments and questions concerning the Westridge Commerce Center Project.

My biggest concern and questions are regarding the cumulative effects of the 35 million square feet of warehousing proposed for this area of the city. The law requires that the FEIR address the cumulative impacts of the entire known proposal. The Agency (the city of Moreno Valley) is well aware of the fact the developer that owns most the raw land in this area wants to turn this area into another Mira Loma type warehouse district encompassing 35 million square feet of warehousing. The city has an obligation to make sure that the impacts of all 35 million square feet are addressed in this document. It is not acceptable for the city to pretend it doesn't know about these other planned warehouses. The fact they have not submitted an application yet has no bearing on the known intended plan. I will include the Press-Enterprise article in which these35 million square feet warehousing plan was detailed. DR1-1

There is only one actual lane on the westbound 60that leaves Moreno Valley and continues to Riverside. How are all these trucks going to affect the traffic going west on the 60? How is the truck traffic from the other 30 million square feet of warehouses going to affect the truck traffic?Is the city going to let this developer lie about the traffic the way they let Highland Fairview lie? Is this developer going to be allowed to show unrealistic videos of dream traffic or they going to be required to tell the truth? What is the impact of the additional truck traffic from this approximately one million square foot warehouse on the one actual lane that leaves Moreno Valley and continues to Riverside?What is the impact of the truck traffic from all 35 million square feet of warehousing on the one lane of the 60 that leaves Moreno Valley and continues to Riverside? DR1-2

We know we are not going to meet our 2015air quality targets. How are we going to meet them by adding warehousing that is not even required to meet LEED standards? Why would we add anything that is not required to meet LEED standards? How much farther over our target will we be with the addition of a one million square foot warehouse? How much farther will we be over our target with the entire 35 million square feet of warehousing proposed? DR1-3

The City of Moreno Valley has some of the most beautiful vistas in the Inland Empire. Why does the consortium this developer belongs to think it is ok to rape the views of this city when other locations would serve the same function without doing so? Why does this consortium of developers think so little of the beauty of Moreno Valley that they would destroy it just to make a couple extra bucks? There are plenty of parcels in the flat area where warehousing was intended to go. I know because my home overlooks this area. Why is this consortium of developers destroying the vistas of people who have lived in their homes many over 20 years when they don't have to? Nobody that cared for our city would so callously destroy it! Why would we want to do business with developers who care nothing for our city? DR1-4

Why is this consortium of developers building off the 60 when the 215 is a much better location? The 215 has millions of federal money spent and planned to be spent on it. The 60 has no plans to add more than the one and only west bound lane that leaves the city and continues into Riverside. March Global Port by the 215 has an airport and is nearer to the railroad. Why isn't this warehouse being proposed in the area of the city that was intended for a warehouse? Why not the March Global Port? DR1-5

The Skechers project caused animosity that still has not been resolved. This developer knows that. Why does this developer and the consortium he is aligned with think it is ok to emotionally tear a city apart? Why doesn't this developer care about the quality of life of the residents most affected by this project?

Knowing how you feel and knowing what you want to say is much easier than typing it. I sincerely hope you will answer all my concerns about this project. DR1-6

PS. I referenced newspaper articles that I will send separately

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno Valley CA 92555

DEANNA REEDER, LETTER 1

Email Dated December 6, 2010

Response DR1-1

The commentor expresses concern regarding "the cumulative effects of the 35 million square feet of warehousing proposed . . . ," citing an article from the *Press Enterprise* newspaper dated August 21, 2008 which references a "Logistics Modified General Plan" development concept included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16).

The *CEQA Guidelines* (Section 15130, subd. (b)(1)(A)) state that "a list of past, present and probable future projects" may be used to provide an adequate discussion of significant cumulative impacts. No active application exists for Logistics Modified General Plan (LGMP) proposal. Nor does the City consider the LGMP proposal cited within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development is not included as a "related project" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

To date, no further inquiries, applications, or other proposals have been received by the City in regard to the possible amendment of the General Plan or the Moreno Highlands Specific Plan to support the type of development referenced by the commentor. As

identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the adopted City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

The commentor's concerns and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-2

In regard to cumulative traffic impacts, please refer to the preceding Response DR1-1. In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As

noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response DR1-3

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

Although the ultimate level of LEED certification cannot be determined at this time, since the tenant and therefore specific environmental strategies to be employed at the facility, are unknown, it is important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

The commentor refers to "our 2015 air quality targets" but does not quantify or otherwise specify "our targets." The Project is consistent with land uses plans, and emissions reductions programs, and emission control strategies outlined in the applicable Air Quality Management Plan (DEIR at Pages 4.3-49 through 4.3-52). The Project further incorporates all feasible measures to reduce its air quality impacts. Please refer also to the preceding Response DR1-1. The commentor's statements are forwarded to the decision-makers.

Response DR1-4

The Draft EIR addresses the Project's potential aesthetic impacts in Section 4.9, and acknowledges that implementation of the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact. The suggested relocation of the Project is addressed in the following Response DR1-5. The commentor's statements and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-5

In regard to the commentor's suggestion that the Project be located in another area of the City, several alternative sites were analyzed as part of the Draft EIR (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or

substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

Response DR1-6

The commentor's concerns and opinions are forwarded to decision-makers for their consideration.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:23 PM
To: Jeffrey Bradshaw
Subject: DEIR Comments Ridge-2
To Jeff Bradshaw,

This is the article I referenced in the first email.

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno valley CA 92555

DR2-1

More distribution centers proposed for Moreno Valley's eastern side

Download story podcast

10:00 PM PDT on Thursday, August 21, 2008

By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.

Story continues below

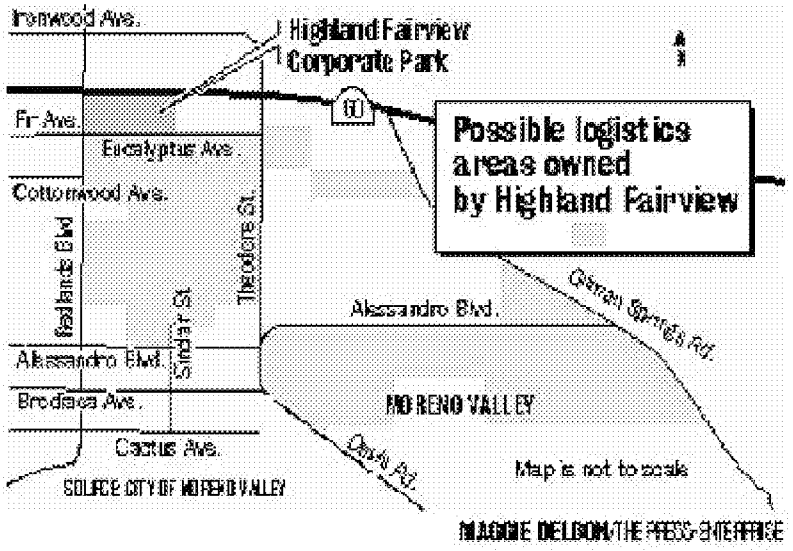

"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about $120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed $60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at 951-763-3457 or dlee@PE.com

DEANNA REEDER, LETTER 2

Email Dated December 6, 2010

Response DR2-1

Receipt of the article referenced in the commentor's preceding correspondence (referenced in this document as "Deanna Reeder, Letter 1") is acknowledged. The preceding responses DR1-1 through DR1-6 are provided to address the commentor's specific concerns.

From: sgcricket@aol.com
Sent: Friday, December 03, 2010 11:58 AM
To: Jeffrey Bradshaw
Subject: Public Comment on West Ridge Commerce Center

Comments: West Ridge Commerce Center Draft EIR
From: Residents for a Livable Moreno Valley

Residents for a Livable Moreno Valley is concerned that the City of Moreno Valley is not moving in the direction as stated in the General Plan. The eastern end of the City has the potential to develop into something the residents can be proud to share. There are mountain views, Lake Perris Recreational Area, Riverside County Conservation Area land, San Jacinto Wildlife Area and San Timoteo State Park surrounding this portion of Moreno Valley. The pathway chosen by Council and reflected in past General Plan changes is a concern. The City must:

1. Increase employment
2. Improve high school and college graduation rates
3. Raise the median income of the City
4. Provide a variety of housing for the residents
5. Protect the health and safety of the residents

Warehousing provides none of these benefits to the citizens. The number of employees per square foot of warehouse is minimal, the education requirements are marginal, the salary of a warehouse employee will not provide a middle/upper middle class life style, the location of warehouses will discourage construction of large, estate homes, the accumulated pollution will create health hazards for residents, and the dangerous conditions on SR 60 will not be addressed. RLMV-1

My questions to the developer (and Council, which has power to approve General Plan amendments):

1. Employment
   How many permanent employees per square foot will be working on site after construction? How many employees per square foot are employed at a Business Park designation?
   If the public wants to know the number of employees, will the tenant's personnel offer to provide this?
   If Moreno Valley residents are expected to tolerate the pollution, traffic and noise associated with warehouses, what percentage of City residents will be hired for the facility and will personnel make proof of residency available?

2. Education
   If the education needed for a warehouse position does not require a high school diploma or equivalency, how will this project improve the incentive for students to graduate?
   What percentage of positions will require post-high school education?
   What percentage of positions will require a 4 year college degree?
   What support will the employees receive to attend RCC or trade schools?

3. Income
   What will be the median and average salaries for the proposed warehouse employees?
   Will the median and average be above or below the median and average income for Moreno Valley?
   If the median and average is below that of the current City income, how will the warehouse help to raise that statistic?

4. Housing
   Where in Moreno Valley will the "estate" housing be built?
   Warehousing presents a stigma for the development of upper end housing. How will this provide a positive direction for the City?
   For every apartment unit built for homeless and low income warehouse employees, why isn't a home built that is above the average home cost?
   How will warehousing stop the downward spiral of low cost housing that is not balanced with an increase in upper end homes?
   What will stop the median home cost from going down and making the City look less attractive to those with money to buy?

RLMV-2

5. Health and Safety
   Why is Caltrans not being tasked to provide safe improvements to Highway 60 BEFORE the increase in truck traffic?
   Why are overpass improvements considered sufficient to improve traffic flow?
   Why is the cumulative effect of future development not considered?

RLMV-3

Why are two lanes in each direction considered sufficient when they are immediately impacted by one truck passing another?
Why is the one lane merge from the 60 to the 215 considered a final solution when accidents occur daily and deaths occasionally? What amount of "backup" is considered tolerable? RLMV-3 (cont'd)

What buffer is provided between residential zoning and the project? Business Park is considered a buffer between Light Industrial and residential. Does this mean that should the zoning be changed to Light Industrial to accommodate the project, the land south of the project will be rezoned as BP? RLMV-4

Sincerely,
Residents for a Livable Moreno Valley
3 December 2010

RESIDENTS FOR A LIVEABLE MORENO VALLEY

Letter Dated December 3, 2010

Response RLMV-1

The commentor's views in regard to the City's direction and potential, along with their concerns regarding warehouse development, are forwarded to decision-makers for their consideration.

Response RLMV-2

The purpose of the California Environmental Quality Act (CEQA) is to identify and determine the significance of the environmental effects caused by a project. As noted in *CEQA Guidelines* Section 15064 subd. (e), "[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment."

No physical changes resulting from the Project's potential economic or social changes have been identified, and as such, the Project's potential economic effects were not addressed within the Draft EIR. While outside the scope of the Draft EIR, the commentor's questions regarding employment, education, income and housing are forwarded to decision-makers. It may be noted that no amendment to the General Plan is proposed as part of the Westridge Commerce Center Project, nor would a General Plan amendment be required in order to approve the Project.

Response RLMV-3

The timing of roadway improvements on the SR-60, which are jurisdictionally controlled by Caltrans, is outside the control of the Applicant and the Lead Agency (the City of Moreno Valley). It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area.

The commentor's question in regard to overpass improvements appears to misconstrue the findings of the Draft EIR. The commentor is referred to Draft EIR Section 4.2, "Traffic and Circulation," which identifies a combination of Project improvements and mitigation measures mitigation to address the Project's potentially significant traffic impacts. While the overpass improvements identified in the Project's Traffic Impact Analysis (and summarized in Draft EIR Table 4.2-15) are expected to improve traffic flow, the Project was found to result in significant cumulative traffic impacts that cannot be sufficiently addressed by overpass improvements alone.

The Draft EIR considers, at some length, the cumulative effects of future development. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A discussion of the Project's potential cumulative impact is included in each of the Draft EIR's topical analysis sections, and potential impacts are summarized in Section 5.1, "Cumulative Impact Analysis" (Pages 5-1 through 5-25).

The number of lanes required for local streets within the Project vicinity is determined by the City of Moreno Valley General Plan Circulation Element, which is available for review at the City's Planning Department, or online at the following website: http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/gp/5-circu.pdf.

In regard to the referenced "one lane merge from the 60 to the 215," the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be

nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Effects of cumulative development of concern to the commentor are addressed at DEIR Section 5.1, "Cumulative Impact Analysis." Topical areas considered therein include:

- Cumulative Impacts Related to Land Use and Planning;
- Cumulative Impacts Related to Traffic and Circulation;
- Cumulative Impacts Related to Air Quality;
- Cumulative Impacts Related to Noise;
- Cumulative Impacts Related to Water Supply;
- Cumulative Impacts Related to Cultural Resources;
- Cumulative Impacts Related to Biological Resources; and
- Cumulative Impacts Related to Aesthetics.

Response RLMV-4

As presented in the Draft EIR (Page 4.9-22), "[t]o provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). The proposed buffer/setback incorporated in the Project design also provides physical separation between the Project's operational activities and southerly adjacent land uses, acting to reduce potential environmental impacts (e.g. noise and air quality impacts) received at off-site land uses. This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary."

Related to design and implementation of the Project setback described above, the Project includes a discretionary action (Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts]. The proposed code amendment requires buffering between Residential districts and industrial and warehouse structures greater than 50,000 square feet in building area (such as the Project). More specifically, as provided under proposed Code Section 9.05.040 Industrial Site Development Standards, Section B, 9. :

> 9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

The above requirements would apply to the Project and would act to ensure the protection of the health, safety and welfare of future residents. While it is acknowledged that the Project proposes a change of zone from Business Park to Light Industrial, no other zone changes are proposed.

From: George Hague [gbhague@gmail.com]
Sent: Monday, December 06, 2010 4:52 PM
To: Jeffrey Bradshaw
Subject: Please confirm = II Additional Sierra Club comments to Westridge Commerce Center's DEIR

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, December 06, 2010 11:40 AM
To: Jeffrey Bradshaw
Subject: Additional Sierra Club comments to Westridge Commerce Center's DEIR

Good morning Mr Bradshaw,

Please use these comments instead of what I sent you at 11:40 am today.

Re: Comments to the Westridge Commerce Center Draft Environmental Impact Report (DEIR)

During Thursdays Informational meeting the Consultant said that Appendix B would show that the Moreno Highlands project would be included. Using cumulative development from Chpater 5 and appendix B one does not find the Moreno Highlands Project. You do not even include Moreno Highlands at build out, but instead use 2013 as some magical date. Based on this standard if Moreno Highlands is not build for another 20 years then we can just approve all other lands with projects which would use all of SR 60 capacity- SC-1
without factoring Moreno Highlands into the equation. How can Moreno Valley allow what is shown on Exhibit 7-2 where the SR-60 westbound traffic is Four times the present level in 25 years? SR-60 can not handle the traffic we presently have. The Final EIR will be inadequate unless you can show the LOS at the point where SR-60 & I- 215 connect heading west with today's traffic, with this project added and 25 years from now with its ultimate improvement according to the RCTC. The same needs to be done heading east on SR-60 at the point it passes over Pigeon Pass/Frederick Street. The City then needs to explain how anyone will want to do business in a city that doesn't allow you to move through except at a crawl. SC-2

Whenever Skechers or the Highland Fairview project is mentioned you need to include both approved warehouses on their site as well as all the other commercial and land uses approved-- not just the single Skechers warehouse. This is true for not only for all Sierra Club comments, but all other comment letters on this project-- or your EIR will be inadequate. SC-3

How many diesel truck trips are expected to/from this project site and during what times of the day? Please respond to all question submitted to this DEIR within the Final EIR and not redirecting the public to someplace in the DEIR. SC-4

Building to LEED certification is good, but explain why the project will not try for at least Silver. There are many good ideas which could be designed/built into this huge warehouse to make it a environmentally superior and healthier project for Moreno Valley. The FEIR must list all those ideas which you will not incorporate into the project and fully explain why not. This must include those ideas which would lessen the projects impacts on Air Quality, Greenhouse Gas, and Global Warming. How will this project either help meet the goals of AB 32 or hinder our City's fair share in meeting its goals and standards? SC-5

The Sierra Club believes the impacts to Agricultural resources are considerable and need to be thoroughly discussed in the FEIR. The Lands of Local importance can not be just dismissed. Your project is growth inducing and could lead to the destruction of one of the last citrus groves in our city with the approval of Pro Logis. SC-6

How many diesel Trucks trips are calculated to use Redlands Blvd to enter/exit the city from your project? When combined with Skechers and ProLogis how many truck trips are calculated to use Redlands Blvd to enter/exit Moreno Valley. When you combine all three of these warehouses, operating a full capacity, with the existing background traffic, how many diesel trucks trips will use Redlands Blvd to enter/exit our city? SC-7

Since all diesel trucks must use Fir Street to enter/exit the project, how can you say the project is a safe distance from the property zoned residential across the street from your project? How will all the diesel trucks impact these future residents during your 24-7 operation? How does the toxic diesel emissions change during acceleration/deceleration as the trucks enter/exit the project? Your analysis of impacts must take this into consideration. With your growth inducing impacts how many diesel trucks will be using the improved Fir Street, adjacent to your project and future residents, when both approved warehouses at the Highland Fairview project, and Pro Logis are in full operation? SC-8

Please explain why reclaimed water will not be used? Between this project and Skechers you should be able to bring it north to serve both the needs of both sites. SC-9

The Sierra Club believes the DEIR fails to fully explain all the direct, indirect, growth inducing and cumulative impacts. The cumulative development list is not complete. The alternatives need to be further developed--especially since this project will not be built for perhaps years and there are existing warehouses sitting unoccupied. SC-10

The Sierra Club appreciates the opportunity to continue to add comments to this project's environmental documents. Please keep me informed of all future meetings and documents by using the address below. SC-11

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley Ca. 92555

SIERRA CLUB (GEORGE HAGUE)

Email Dated December 6, 2010

Response SC-1

It is presumed that the commentor's references to the "Moreno Highlands project" are intended to mean the Moreno Highlands Specific Plan, which was approved in 1992. Because approval of this Specific Plan preceded the adoption of the City's existing General Plan, the land uses approved as part of the Specific Plan are reflected in the adopted General Plan land use designations, which were the basis for the Draft EIR's consideration of ambient growth.

The year 2013 is utilized within the Project's Traffic Impact Analysis (TIA) and identified in the Draft EIR as the Project's anticipated opening year. As noted on Draft EIR Page 4.2-15, "[t]he City requires development TIAs to analyze a horizon year that is a minimum of five (5) years from baseline existing (2008) conditions reflected in the TIA. Accordingly, the potential traffic impacts of the Project are determined for 2013 ("Opening Year") conditions. This includes the application of an assumed background growth factor, to which traffic generated by known or probable 'related projects' was added."

Response SC-2

In regard to the commentor's concerns regarding traffic growth on SR-60, the Project TIA (included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather

to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response SC-3

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. Included for the Highland Fairview Corporate Park were the following anticipated land uses: Logistics (2,410,000 square feet); Retail/Outlet Center (10,000 square feet); and Community Commercial (200,000 square feet). A review of the Highland Fairview Draft EIR (available at the City of Moreno Valley Planning Department) indicates that this is the maximum development scenario for this recently approved project.

Response SC-4

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).

[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

The germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations."

Response SC-5

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

As noted on Draft EIR Page 4.3-110, "the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. As such, a qualitative assessment of the Project impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report, supports the conclusion that the Project GHG emissions are not cumulatively considerable. [Draft EIR] Table 4.3-21 identifies the various sources of guidance for determining the significance of impacts from GHG emissions, and the applicability of each source to this Project. Further, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures."

Contrary to the commentor's assertion otherwise, the FEIR need not list and evaluate all mitigation measures offered. With specific regard to potential GHG/GCC impacts (and measures offered to reduce potential GHG/GCC impacts), the Project's individual and cumulative impacts GHG/GCC impacts are substantiated to be less than-significant (DEIR Pages 4.3-88 through 4.3-11; DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and

Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response SC-6

Despite the commentor's assertions, the Draft EIR does not "just dismiss" potential impacts to agricultural resources. As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. The potential loss of agricultural land throughout the City attributable to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR, available for review at the City of Moreno Valley Planning Department) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required.

The commentor's opinions in regard to the potential impacts of the proposed ProLogis project are forwarded to decision-makers for their consideration.

Response SC-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Exhibit 5-4 in the Project TIA (Draft EIR Appendix B) identifies the truck trip distribution anticipated at General Plan Buildout, which includes traffic generated by the Project, the Projects referenced by the commentor, and all other known and probable development that is anticipated to occur at the SR-60/Redlands Boulevard Interchange.

Response SC-8

The commentor expresses concerns regarding diesel emissions from vehicles traveling along Fir (future Eucalyptus Avenue) and their potential impacts at adjacent residential uses. A Health Risk Assessment of Diesel Particulate Emissions was prepared to

address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment (HRA) was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA arguably consider potential worst case cancer risk exposure by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, and a portion of each 24-hour cycle is spent indoors. In addition, individuals and families at a given location for 70 or even 30 years would be considered the exception rather than the norm. The California OEHHA has indicated that based on EPA studies, the EPA

recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

In response to the commentor's specific concerns regarding potential cumulative effects of DPM emissions, regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as

discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [11] Please refer also to Response SC-4.

Response SC-9

Developments within the Project area are reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Ultimate timing and provision of recycled water to the Project will be determined by EMWD, not the Applicant or the Lead Agency. To assert or assume otherwise is speculative. As noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In

11 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."

Response SC-10

The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration during deliberations on the Project. The cumulative project list was compiled in consultation with City staff, and includes Projects that are consistent with those of other EIRs that have been prepared by the City for development proposals in the vicinity of the Project. The commentor is also directed to Draft EIR Section 5.2, which includes a comprehensive discussion of the potential for other approved warehouse projects to serve as an alternative to the proposed Project site.

Response SC-11

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings.

Thomas Thornsley
29177 Stevens Street
Moreno Valley, CA 92555

December 5, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552

Via e-mail: JeffreyB@moval.org

Dear Mr. Bradshaw:

Re: Draft Environmental Impact Report (DEIR) Westridge Commerce Center, SCH#: 2009101008

As a concerned residents on the east end I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center. I can not agree with some of the conclusions because it appears that some impacts are being written off because the City simply has not taken a progressive stand on potential development impacts or adopted stricter criteria for development (i.e.: enhanced development standard and limited design guidelines, or full improvements with future restitution.). As with most projects requirinig EIRs this project has some significant impacts that, quite simply, are being written off because the impact can not be completely mitigated to below a level of significance. However, several impacts could be lessened with further mitigated than what is proposed; most notable with regard to Traffic Impacts. In these instances it would be prudent to impose mitigation(s) to further lessen those impacts, thereby, leaving a smaller intensity of impacts that to be overridden by the City Council. TT-1

Project Description – So much of this document reads like "boilerplate text" and it fails to provide complete account of the entire project in any one location. The full project description is hard to quantify without looking in several places in two separate chapters. Even then the proposed Amendment to the Municipal Code related to providing "objective standards for the development of Light Industrial uses adjacent to residentially zoned property," fails to be detailed anywhere in the text and I am unable to determine what changes are being made. So therefore I ask: TT-2

- Why are you not providing a detailed description of the code amendment?
- What are the details of the proposed amendment? (Provide current text and proposed text.)

Aesthetics

Loss of Scenic Vista – The DEIR states that there is no feasible way to reduce impact (lost view of the surrounding hills) below a level of significance which may be true, but man-made enhancements along the 60-Freeway can offer a new pleasurable scenic vista thus mitigating a substantial amount of the loss. As such this issue should be addressed in greater detail to enhance what is lost for the community. TT-3

- Why is this project not offing to better enhance and screen the view from 60-Freeways with more extensive architectural relief, landscaping and a screen wall? TT-3 cont'd.

The photo simulations in the DEIR fails to depict the actual view from the roadways or what the view would be like for passing motorist after freeway expansion. Each simulation is a straight ahead view from each particular roadway/highway. Since the 60-Freeway is a General Plan designated Scenic Corridor true views are 360 degrees (and primarily southward as shown in Figure 4.9-1) and as such this document needs to be amended to <u>show the impacted views from the 60 Freeway looking south across the project site</u> to show how the building and loading docks will be buffered and compliment by landscaping and the screen wall as required by the development code. TT-4

- Why doesn't this document show a true view southward across the site as it would be viewed from the 60-Freeway by passing motorist?
- Why doesn't this document show the screening method of the building and loading docks?
- Why isn't there a visualization of the site screening method at full build-out of the Freeway?

Under the current zoning, building sizes are limited to 50,000 s.f. thus offering the opportunity for smaller buildings, greater elevation variations, and views through and between buildings if built and scattered across the same project area. So far the warehouse projects approved and proposed along the 60-Freeway corridor far exceed the original zoning building size limitations and as proposed are creating what will appear to be a mile long wall blocking almost all vistas to the south. TT-5

- Why is it not feasible to create smaller buildings for what is a speculative project at this time in a down economy?

<u>Recommendation</u>: **Mitigation measures** should be added to this project to require a sufficient landscape area and screen wall along the 60-Freeway to effectively screen the building and the loading dock and to act as an alternate aesthetic feature in place of the lost Scenic Vista. TT-6

<u>Building</u> – It is hard to understand the need for such a tall building unless it contains multiple internal stories which would then conflict with the floor area ratio (another issue). Under the existing zoning it was much more likely that the site would develop with smaller buildings and thus lower building profiles. One method to better preserve the scenic vistas would be limiting the overall building height to 25-30 feet. This would permit the building to go almost unnoticed if is truly built 20 plus feet below grade. As such a **<u>mitigation measure reducing the height of the structure to preserve some of the scenic vistas should be imposed.</u>** Thus, mitigating the impact to scenic vistas may not require the City to override this impact as proposed. Additionally, building relief (offsets) appears to be non existent on all elevations with limited compliance with General Plan Policy 2.10.3. Mitigation measures should be included requiring greater wall offsets relative to the expanse (1,300 foot length) of the building elevation. TT-7

- Building function is not necessarily compromised by building plane variations so why are there not more telling offsets to the building exterior? This applies to all four sides.

<u>Light and Glare</u> – The east end of Moreno Valley as enjoyed a rural atmosphere for decades and as such would be significantly impacted if project site lighting is not controlled. Additionally, this area falls just within the Mount Palomar Observatory Dark Skies area and should comply with their limitation to prevent light pollution. The International Dark-Sky Association web site at: www.darksky.org lists lighting fixtures and methods to meet dark sky specifications. <u>Add a Mitigation Measure</u> (beyond city policy) to assure that site lighting is compatible with "Dark-Sky" specifications or limit lighting to only the use of low pressure sodium lights, full shielding above a horizontal plain and no building or pole mounted lighting fixtures that project light outward horizontally beyond the property boundary to TT-8

eliminate the potential for nighttime light glare to motorist. This last request is especially relevant to freeway motorist.

- Why is there not a mitigation measure include with this project that assures full compliance and extra measure beyond the basic restrictions listed in the city?

TT-8, cont'd

Screen Walls – Page 3-9 makes mention of an 8-foot screen wall along the 60-Freeway yet there is no mention of this wall in Section 3.5.12. Neither the site plan nor the cross sections in this document list any screen wall along the 60-Freeway frontage. Since the City's General Plan Policies (2.10.2, 2.10.4, 2.10.5) and Development Code requires the screening of loading areas a **Mitigation Measure** needs to be added that will assure a wall of sufficient height will be installed along the project's north property line to screen the view down into the loading dock from the 60-Freeway and the eastbound off-ramp. Additionally, due to the massive length of this wall the screen wall should have significant vertical wall plain offsets and other variations (texture, style, height) to avoid visual monotony along the freeway.

- What type of adequate full screening method will be provide along the north property boundary adjacent to the 60-Freeway in compliance with city code?

Landscaping – Extensive landscaping is provided along the southern boundary of the project as a buffer for visibility of the project. The same level of treatment should be provided along the north property line in compensation for the lost Scenic Vista. The northern most landscaping provided on site is on what appears to be a 2:1 slope dropping immediately from the freeway right-of-way down to the parking and loading area. Since all of this landscaping is below freeway grade it will provide little complimentary relief to the massive building. Additionally, city code requires screening of parking and loading areas with a minimum 10-foot landscape buffer utilizing walls and burms to screen these elements.

TT-9

- Why is there not a sufficient landscape buffer and screen wall along the northern most project boundary along the freeway right-of-way?
- How does this project proposes to meet the 10-foot landscape requirement for buffering if all of this area is below grade?

Traffic

The DEIR states that "the Project cannot feasibly construct the required improvements and/or Payment of fees will not assure their timely completion" and "Pending completion of required improvements the Project's incremental contributions to Opening Year Cumulative traffic impacts at or affecting (certain) intersections are considered cumulatively significant and unavoidable." Since most of the studied intersection are not currently impacted this project will be the ultimate source causing them to be impacted and as such this project should be held responsible to further eliminate those impacts beyond just "paying the TUMF" and letting the improvement happen when they may. The following passage, "The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts," is utilized time and again in MMs 4.2.3 through 4.2.9 in what appears to be the project proponents out for making some simple fixes such as stripping for right-turn lanes. These types of simple fixes should be the responsibility of the development.

TT-10

Since it appear that it could be quite some time before full improvement are made to connect Fir Avenue through from Redlands Boulevard to the terminus of Eucalyptus Avenue the added traffic burden to Redlands Boulevard will greatly impact travel and completely diminish the level of service currently available The project proponent needs to provide a supplemental or alternative analysis in the form of a

tiered level of improvements that can be made that diminishes the impacts at Opening Year. Additionally, the cost burden undertaken by the developer should be determined for reimbursement.

- What additional improvements can be made prior to building occupancy that will address the immediate impact at Redlands Boulevard and the 60-Freeway in exchange for fees paid for improvements elsewhere?
- Since the city will reimburse developers for improvement costs beyond those associated with their project why is this project not proposing to make the extra improvements to lessen the impacts and better serve its future users and the neighboring community? TT-10 (cont'd)

If these improvements are not made by the time the project is in its Opening Year what will be the timelines for making these improvements and what criteria (money, Caltrans approval, other projects…) have to be met before the mitigation measure are carried out?

- How will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Air Quality

There is no doubt that any urban development on the project site will generate long-term operational emissions that will exceed the South Coast Air Quality District's regional thresholds. However, the types of pollutants vary by the activities associated with different land uses, some of which may not be as hazardous to the health of those in the surrounding community. Since most of the cancer risk from air pollution is from diesel exhaust it would be best to rethink the land uses of a community as a whole and limit those that pose the greatest risk to health. Maintaining the existing zoning would prevent uses such as this distribution center which requires extensive use of trucks burning diesel fuel. Under the current zoning the range of business permitted are likely to generate more vehicle trips but fewer emissions by trips from diesel fueled vehicles.

This type of project would also be best suited for a location where it could utilizes rail transport for the massive daily volume of trips associated with warehouses or logistic centers. For this reason alone, the City should not approve the zone change and this project should locate to a site with more efficient transportation infrastructure better suited to meet speculative users' needs with fewer environmental impacts. TT-11

It is unrealistic for the City of Moreno Valley and the project proponent to disregard the cumulative impacts this project will have on this area when utilizing a scenario where much of the surrounding area is converted to industrial and warehouse uses. This analysis should be undertaken so as to find what level of incremental increase this project will have on the overall community.

- Why in there now effort made to look at the real possibility of cumulative impacts from this project and the likely land use changes surrounding this project site?

However, because I believe that the City will approve this project; additional tougher mitigation should be added to offset local and regional impacts to the fullest extent possible before overriding what can not be achieved. If these mean reducing the size of the project to reduce environment impacts, as a suggested in the alternatives, then it should be seriously considered. Also, there should be mitigation measures requiring a percentage of the fleet vehicle (diesel trucks) of future tenants to be low to zero emission vehicles. Also, diesel trucks delivering to the site shall include soot filters or the latest technological equipment available.

Additionally, MM 4.3.11 addresses improvements to the project that will allow the project to exceed Title 24 standards by 20 percent. This is a nice thing but more should be offered. The final item on the list of improvements states that the building should be structurally designed to handle the installation of roof mounted solar panels. This should be mitigation measure unto its own along with requiring the project proponent to work with energy providers and vendors to install such equipment to offset fuels used to generate electricity. There are numerous vendors and utilities interested in joint projects to install these systems, and they are always looking for places to install systems, and this should be made a part of this project. This measure also works well to mitigate the issues associated with greenhouse gases.

- Why can't this project be required to have all buildings designed forthwith to accommodate renewable energy sources such as photovoltaic solar electricity systems appropriate to their architectural design?
- Why is there no mention of the project proponent working to insure the opportunity to utilize this structure is know in the industry?

TT-11 (cont'd)

As stated in the Traffic section may intersection improvements will not be undertaken by the project but will instead only be mitigated through the payment of improvement fees. If this is true the project will create traffic impacts that do not currently exist.

- Therefore, how will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Climate Change and Greenhouse Gases

Since the state has enacted legislation to lower greenhouse gas emissions any and all possible measures to lower emissions that could be undertaken by this project should be listed, discussed and analyzed for their effectiveness, not just a list of improvements that will exceed Title 24 by 20 percent. The City should then include mitigation measures that significantly reduce (though they may not entirely mitigate impacts) associated impacts prior to any consideration to override them as the DEIR suggests.

TT-12

- Why is the project not being designed to meet some of the highest LEEDS standards and only offering to exceed Title 24 by 20 percent?

Thank you for the opportunity to comment on the Draft EIR for this project. I request to be informed of all meetings and public hearings related to this project or other consideration in east end of Moreno Valley. Please let me know if it is possible to review a copy of the project plans so that I may provide constructive comments related to the development proposal prior to its next appearance before the Planning Commission or City Council. I would also like to request copies of any follow-up documents related to this project (2nd DEIR and/or Final EIR). Feel free to contact me if you have any questions regarding my comments.

TT-13

Sincerely,

Thomas Thornsley
909-797-1397
e-mail: tomthornsley@msn.com

THOMAS THORNSLEY

Letter Dated December 6, 2010

Response TT-1

The City disagrees with the commentor's assertion that potentially significant impacts of the Project are being "written off." As required by CEQA, the Draft EIR identifies the feasible and enforceable mitigation measures that have been determined necessary to reduce the Project's potentially significant environmental impacts. The commentor's references to additional traffic mitigation are addressed more specifically in the subsequent Response TT-10. The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration.

Response TT-2

The commentor's opinions in regard to the Draft EIR's organization are forwarded to decision-makers for their consideration. The actual wording of the proposed Municipal Code Amendment was not available at the time the Draft EIR was completed. The proposed amendment will be crafted by City staff and made available prior to its consideration by Planning Commission or City Council, consistent with the City's standard procedures for the adoption of Municipal Code Amendments.

For the purposes of the Draft EIR's analysis, the code section to be amended is identified (Section 9.05.020 B, City Case # PA10-0017) on Draft EIR Page 3-24. Further, the intent of the proposed code amendment is summarized as follows.

> The proposed Code Amendment would mandate minimum separation/ buffer requirements (250 feet) between proposed light industrial use and residentially-zoned properties. As further required under the proposed Code Amendment, this setback/buffer area shall be increased should the minimum 250-foot separation/buffer prove insufficient to eliminate

significant health risks or project operational noise impacts as reflected in project-specific air quality and noise analysis (Draft EIR Page 4.1-19, *et al.*).

The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City.

Response TT-3

As acknowledged in the Draft EIR's analysis of the Project's potential aesthetic impacts, "[d]eterminations of visual character and quality are inherently subjective by nature." The commentor's suggestion that "man-made enhancements along the 60-Freeway" be utilized to mitigate the Project's adverse effect on scenic vistas could be perceived as exacerbating the potential change to existing views. It is further noted that land adjacent to SR-60 is within a Caltrans easement, and is reserved for future freeway improvements that are outside the jurisdictional authority of the Applicant or the City of Moreno Valley. The Project has nonetheless proposed a wall of trees at the property line along the top of the slope to further soften views of the Project from the adjacent SR-60. The trees will be configured and planted in a double row the northwestern portion of the site, and in a single row along the future off-ramp.

The Project's potentially significant visual impacts are attributable to potential view obstruction, not architectural design or appearance of the Project (please refer to the summary of significant aesthetic impacts presented at DEIR Pages 1-19, 1-20). Architectural revisions or additional screening suggested by the commentor do not act to review the project's identified view obstruction. Moreover, as described on Draft EIR Page 4.9-21, "[i]n order to ensure visually acceptable and compatible development, and subject to the proposed change of zone from Business Park to Light Industrial, the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05,

Industrial Districts. To these ends, the Project site plan, landscaping, and architectural concepts provided at EIR Section 3.0, Project Description demonstrate consistency with Municipal Code Section 9.05.040, B., Special Site Development Standards."

Response TT-4

The Draft EIR acknowledges the designation of SR-60 as a scenic route, and the Project's location within a scenic view corridor (Draft EIR Page 4.9-10). Despite the commentor's assertions to the contrary, the Draft EIR's view simulations provide actual pre-development views from the SR-60, with post-development photo simulations reflecting the facilities and landscape screening of the Project. A direct southerly view of the Project from Ironwood Avenue, located approximately 2,500 feet north of the freeway, is provided in Draft EIR Figure 4.9-8. The Project's landscape screening has been conceptually illustrated in Draft EIR Figures 3.5-4 and 3.5-5, and is reflected in the previously referenced Draft EIR's Post-Development View Simulations (Draft EIR Figures 4.9-4 through 4.9-8). It may be noted that because the Project's facilities will be located approximately 25 feet below the grade of the SR-60, the loading docks will not be visible from the SR-60, or from other properties not located at a considerably higher elevation than SR-60. (Draft EIR Figures 4.9-2, 4.9-3)

In regard to the commentor's concerns regarding views in the Project vicinity following freeway expansion, it is noted that although the Project has been designed to accommodate future interchange improvements planned by Caltrans, these improvements will be constructed by Caltrans, and are not a part of the proposed Project. Improvements adjacent to the Project site have been neither programmed nor funded at this time. The preparation of view simulations incorporating these improvements would be speculative, and as such, were not undertaken as part of the Draft EIR.

Response TT-5

As discussed in the Draft EIR's analysis of alternatives (Pages 5-36 to 5-37), the possibility of limiting the Project's building size was considered, but rejected as infeasible. The relevant discussion is presented below for ease of reference.

> In order to potentially avoid or reduce view obstruction/view interruption resulting from the large consolidated warehouse structure proposed under the Project, an alternative site design employing multiple smaller structures of 50,000 square feet (per the site's current Business Park zoning requirements) was considered. However, the intent of the Project is to achieve full utility of the available site while providing region-serving logistic warehouse facilities. Feasibility and function of the proposed regional warehouse is dependent on its size and configuration, allowing for centralized and consolidated storage and transfer of large (numerically and dimensionally) inventories serving smaller local and end-use facilities. Division of the proposed building into substantively smaller components (50,000 square feet maximum buildings) is not practically or economically feasible.
>
> Moreover, such division of the Project would act to unnecessarily duplicate or expand serving utilities, would result in multiple and redundant internal operations (e.g., intersite transfer of inventories), would restrict flexibility of warehouse operations and use of warehouse space; and may necessitate additional access to adjacent roadways in order to serve the individual buildings, with potentially increased circulation/access impacts. Lastly, it is noted that the Project design is typical of other regional distribution warehouses implemented within the City, surrounding Riverside County, and throughout southern California. Empirical evidence indicates that the Project design is an established functional and efficient format for regional distribution warehouse

facilities. For these reasons, an alternative based on a compartmentalized building design scenario resulting in multiple smaller buildings was not further considered.

The commentor's concerns in regard to the Project's feasibility in the current economic climate are forwarded to decision-makers for their consideration.

Response TT-6

Please refer to the preceding Response TT-3. The commentor's opinions in regard to the provision of an 'alternate aesthetic feature' are forwarded to decision-makers for their consideration.

Response TT-7

The commentor requests explanation of the proposed building design, and specifically the proposed building height.

The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. While multiple stories are not proposed, the high-cube building design typically requires internal clear heights of 30 feet or more. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy

efficiencies associated with such a large building footprint. The suggestion that architectural "offsets" be required is forwarded to decision-makers for their consideration.

Response TT-8

The Project's potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is addressed in Draft EIR Section 4.9. As noted on Draft EIR Page 4.9-22, "[o]n-site lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance," which are detailed within this discussion. As further noted on Draft EIR Page 3-17, "[t]he Project lies within 45 miles of the Mt. Palomar Observatory, and would comply with applicable provisions of County of Riverside Ordinance 655 which addresses protection of the night sky from light pollution that would interfere with astronomical observations." Additional mitigation suggested by the commentor has not been included because no potential impacts relative to the Project's potential to create light or glare have been identified. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

It is further noted that the City is considering a "Dark Sky" ordinance that would act to prevent or reduce light pollution.

Response TT-9

Consistent with the commentor's observation, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

> these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. ***Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls*** . . . .

Results and conclusions of the DEIR are not affected.

As noted on Draft EIR Page 4.9-21, "the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05, Industrial Districts." The landscape buffer proposed along the Project's northernmost boundary, adjacent to SR-60, is, as noted by the commentor, a landscaped slope, with a depth of approximately 41 feet, or more than four times the required ten-foot landscape buffer. Additionally, as noted in the preceding Response TT-3, the Project also includes the planting of a double row of trees along the site's northwestern property line. As demonstrated in the line of sight illustration provided as Draft EIR Figure 4.9-3, loading areas on the north side of the Project will not be visible from SR-60. The commentor's opinions in regard to the adequacy of the Project's proposed landscape screening are forwarded to decision-makers for their consideration.

<u>Response TT-10</u>

It appears that the commentor is unclear in regard to which potential traffic-related impacts are considered significant due to the Project, and those that are forecast to occur as a result of cumulative growth. As discussed in the Draft EIR (Pages 4.2-15 to 4.2-16), , the Project's Traffic Impact Analysis (TIA) identifies ambient growth using a standard annual growth factor of two percent per year to account for non-specific development

within the Study Area, as well as anticipated growth in traffic volumes generated by projects outside the Study Area. The ambient growth factor of two percent per year was applied to existing Year 2008 traffic volumes, yielding a ten percent (10%) growth in existing volumes over the five intervening years until the Project Opening Year, 2013. As discussed in the Draft EIR (Pages 4.2-34 to 4.2-35), under the "Opening Year Ambient Condition" defined above, only two intersections would be affected by Project-related traffic. Mitigation for impacts at these two intersections is provided in Draft EIR Mitigation Measures 4.2.1 and 4.2.2, which are provided below for ease of reference.

4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements - Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

With implementation of these mitigation measures, the Project's potential impacts are identified as less-than-significant. All other traffic-related impacts identified in the Draft EIR occur in the cumulative condition, which is defined (on Draft EIR Page 4.2-16) as including other known or probable related projects assumed to be occupied and operational by the Project's opening in 2013. A map of the approved and pending projects is included in EIR Section 5.1 (Cumulative Impacts Analysis). Additional detail regarding the trip generation of these related projects is also presented in the Project TIA (EIR Appendix B).

Despite the commentor's assertion that "simple fixes should be the responsibility of the development," it is noted that the majority of the required improvements are within Caltrans facilities, which are outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The application of fee-based mitigation is discussed further in the Draft EIR on Pages 4.2-25 to 4.2-26. The commentor's opinions regarding "alternative analysis in the form of a tiered level of improvements" will be forwarded to decision-makers for their consideration.

The Draft EIR's air quality analysis (Section 4.3) is based on the Project TIA, and as such, comprehensively addresses the Project's potential traffic-related impacts, along with other potential effects on air quality. The commentor speculates that required traffic improvements will not be completed. Please refer to the discussion of improvements programs and the implementation of improvements required pursuant to those programs presented in detail in the Project TIA at TIA Pages 205-208. As noted therein, the TUMF program was implemented to ensure timely completion of region-serving transportation improvements. Locally, the City has an established, proven track record with respect to implementing the City's DIF Program. Many of the roadway segments and intersections included within the study area for this Traffic Impact Analysis are at various stages of widening and improvement based on the City's collection of DIF fees. Under this Program, as a result of the City's continual monitoring of the local

circulation system, the City insures that DIF improvements are construction prior to when the level of service would otherwise fall below the City's established performance criteria. The commentor's statements are forwarded to the decision-makers.

Response TT-11

The commentor's opinions related to the best use of the Project site in regard to air quality considerations will be forwarded to decision-makers for their consideration. With regard to statements concerning diesel emissions, please refer to response FNSJ-8, et al. presented herein.

With regard to comments addressing air quality, alternatives, and maintaining the site's existing zoning designation, the Draft EIR includes a "No Project Alternative" analysis which assumes development of the subject site consistent with the existing Zoning Designation of "Business Park." A comparative analysis of operational air quality emissions under each of the Project's alternatives is provided on Draft EIR Page 5-53 – acknowledges that "the vehicle mix under the No Project Alterative would likely reflect incrementally decreased heavy truck traffic, with related decreases in diesel particulate emissions when compared to the Project." However, as also noted on Draft EIR Page 5-53, the Project's significant operational air quality impacts consist of exceedances of SCAQMD regional thresholds for VOC and NOx emissions. As noted on Draft EIR Page 4.3-84, potential environmental impacts from Project-related diesel particulate emissions were determined to be less-than-significant with mitigation. On this basis, the suggested continuance of the site's existing Business Park zoning would not necessarily result in a lessening of environmental impacts.

Evaluation of Alternative Sites (also of concern to the commentor) is presented in the DEIR (DEIR at Pages 5-38 through 5-34). As substantiated in the DEIR four (4) of the considered Alternative Sites (Sites 1-4) were ultimately determined infeasible. Alternative Site 5 would not result in the avoidance or substantive reduction of Project related impacts, this Alternative Site was also rejected from further consideration.

The commentor incorrectly states that cumulative impacts are disregarded. Please refer to DEIR Section 5.1, Cumulative Impact Analysis, DEIR Pages 5-1 through 5-25. With specific regard to energy consumption and potential GHG/GCC impacts (and measures offered to reduce potential energy/GHG/GCC impacts), the Project's individual and cumulative impacts are substantiated to be less than-significant (DEIR Section 5.6 Energy Conservation; DEIR Pages 4.3-88 through 4.3-11 (GHG/GCC impacts); and DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

In regard to the use of photovoltaics, as currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." As such, the Project supports, and would not interfere with use of solar energy. The commentor's opinions regarding "joint projects" will be forwarded to decision-makers for their considerations.

Traffic concerns have been addressed in the preceding Response TT-10.

<u>Response TT-12</u>

The commentor's opinions in regard to further lowering the Project's greenhouse gas emissions are forwarded to decision-makers for their consideration. It may be noted that

because the Project's Global Climate Change Analysis identified no significant impact on the environment, overriding considerations in regard to greenhouse gas emissions would not be required. Further, mitigation measures 4.3.11 through 4.3.13 were provided as part of the Draft EIR in order to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, rather than to reduce potentially significant impacts.

In regard to the commentor's concerns regarding Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20

percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response TT-13

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings. As requested, noticing of other projects in the area will also be provided. Project plans are available for review at the City of Moreno Valley Planning Department.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): AMORA JOHNSON Phone:

*Address (Required): 13301 McGahee Dr. Moreno Valley 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☑ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. AJ-C-1

Please provide your comments below:

Date: 12-6-2010

My main concern would be the effect on the wildlife in the area, with more vehicles - especially the diesel trucks' output - the wildlife's preservation attempts thus far will be undermined by the construction activities and the afterward effect will be detrimental to what good work the preservation has in humans' quality of life, too.

Being able to enjoy those migrating birds and all the other animals that most of us can't see within the cities, anywhere, will give younger generation appreciation of the existence of some rare animals, birds, creatures, bugs and other micro organism. Taking children to enjoy our open spaces, clean, clear air and to watch those rare creatures are much more important than seeing these block buildings that can be seen everywhere else, whereas the San Jacinto Wildlife Area can be made into a destination for younger generation. AJ-C-2

City of Moreno Valley needs to see the future, not just the $ for the present by ignoring the future of the next generations. -

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

AMORA JOHNSON

Via Public Comment Card

Response AJ-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response AJ-C-2

The commentor expresses concern regarding the effects of the Project on wildlife in the area.

The biological assessment for the Project consisted of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements;
- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- Jurisdictional delineation.

As supported by the analysis presented in Section 4.8, "Biological Resources" of the Draft EIR, with application of proposed mitigation measures, the Project's potential impacts to biological resources are less-than-significant.

Additionally, the commentor references the San Jacinto Wildlife Area. It is noted that this area is located approximately 3.5 miles to the southeast of Project site, and will not be affected by the Project.

City of Moreno Valley
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*Name (Required): Richard Johnson Phone: 951-243-0804

*Address (Required): 13301 McGEHEE Dr. MV 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☐ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings.

Please provide your comments below:

Date: 12/8/2010

I believe the project will overburden the present areas infrastructure, from the streets to the 60 FWY and beyond the 215 as well. The estimates along with future planning seems to set no limit for continued development of the area and it will be a very dangerous roadway system to be driving in this area. Future warehouse building will make it a very difficult place to drive a car. The vision of this area has now been lost. These buildings and the businesses may turn out to be a continued trend for dumbing down the area overall. RJ-C-1

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

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CITY OF MORENO VALLEY

Item No. E.3

RICHARD JOHNSON

Via Public Comment Card

Response RJ-C-1

The commentor's concerns regarding the effects of the Project on regional traffic safety and opinions regarding development trends within the City are forwarded to decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): Deanna Reeder Phone:

*Address (Required): 17351 Riva Ridge Rd E-Mail: late98765@aol.com

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. DR-C-1

Please provide your comments below:

Date: 12/2/2010

I want to know the cumulative impacts of this and all proposed projects as well the entire 35 million sq ft of warehouses that are proposed for this area.

This report must include all the impacts of all 35 million sq ft in order to be of actual value to the community. DR-C-2

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

DEANNA REEDER

Via Public Comment Card

Response DR-C-1

Commentor's contact information is noted and will be added to the Project mailing list to receive any subsequent environmental documentation for this Project and/or notification of any future public hearing(s) to consider the Project and EIR.

Response DR-C-2

The commentor expresses concern regarding the cumulative impacts of the Project and all proposed projects in the vicinity. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region." Please also refer to the preceding Response DR1-1 (Draft EIR Page 5-4).

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): George B. Hague (Sierra Club) Phone:

*Address (Required): 26711 Ironwood Ave MV 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. SC-C-1

Please provide your comments below:

Date: 12-2-10

Comments to DEIR

Comment of 250' buffer to land zoned for housing is not enough because the trucks will use Fir and therefore impact the homes to be built. USC + UCLA studies show that 250' would not be enough. SC-C-2

Your Traffic study needs to show the amount of Truck Traffic that will use Redlands Blvd. SC-C-3

Hwy 60/215 ultimate RETC improvements will allow only two lanes heading west and the traffic analysis needs to show this. Right now we have only one lane that continues West - the other lane forces you off at Central Ave. SC-C-4

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

SIERRA CLUB

Via Public Comment Card

Response SC-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response SC-C-2

The commentor offers information from unknown, unvetted "USC & UCLA studies" however, the commentor does not provide adequate citation to allow meaningful response to the contention that the Project setback of 250 feet [from the ultimate northerly right-of-way for Fir/future Eucalyptus Avenue] "would not be enough."

This 250 foot setback is designed to provide adequate separation between the Project's highest activity areas (the most intense "worst case" sources of DPM emissions) and adjacent residential properties, so that with incorporation of mitigation, diesel emissions impacts are reduced to levels that are less-than-significant.

Moreover, as discussed in the DEIR:

> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties.

> This 250 foot minimum separation shall be increased as required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. In addition to reducing potential air quality and noise impacts, this required setback would tend to diminish visual impacts of the Project as seen from southerly vantages and while increasing the extent of potential viewsheds (DEIR, Page 5-24).

In order to evaluate the potential effects of Project diesel emissions (of noted concern to the commentor) a Health Risk Assessment (HRA) was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the HRA prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant

emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads (such as Fir Avenue noted by the commentor) would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

Response SC-C-3

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Response SC-C-4

In response to the commentor's concerns regarding traffic at the intersection of SR-60 and I-215, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

APPENDICES

Please refer to accompanying CD-ROM

Item No. E.3

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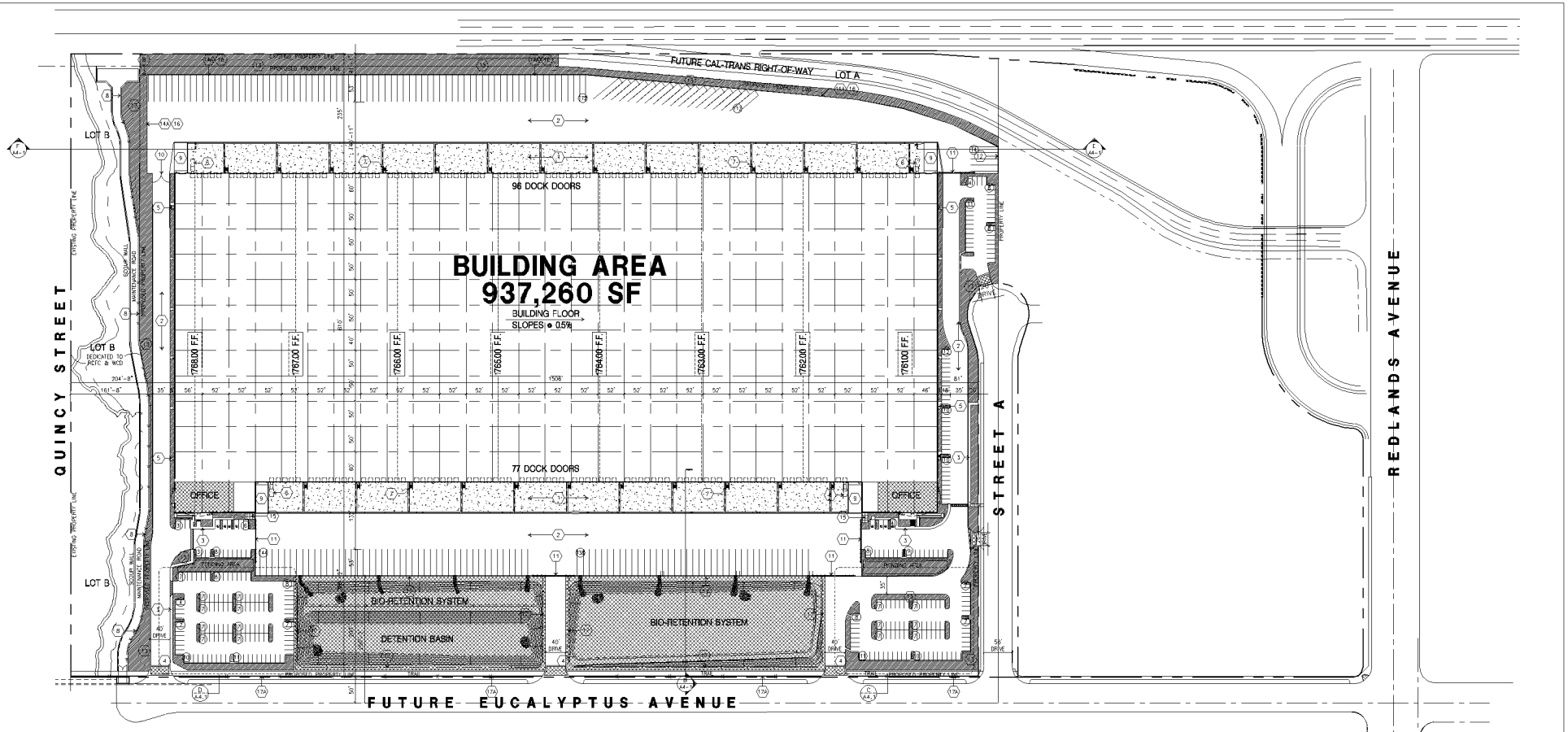

OVERALL SITE PLAN

scale: 1" = 80'-0"

1" = 80'-0"

0 80 160 240

NORTH

TYPICAL STREET SECTIONS

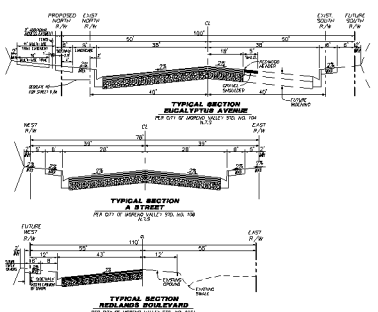

PROJECT TABULATIONS

TABULATION	Bldg 1	Channel	Grand Total
Gross site area (in s.q.ft.)		111,865	2,380,905
Gross site area (in acres)		2.57	54.68
Net site area (in s.q.ft.)	2,269,040		2,251,964
Net site area (in acres)	52.09		51.68
Warehouse area	923,260		
Office area	14,000		
Total building area	937,260		
Coverage (Gross)			
Coverage (Net)	42%		
Landscape required (10%)	226,904		
Landscape provided	305,038		
% of landscape provided	13%		
Parking required			
1st. 20k @1/1,000 s.f.	20		
2nd. 20k @1/2,000 s.f.	10		
above 40k @1/4,000 s.f.	221		
office @1/250	56		
Total parking required	307		
Parking provided			
Standard	307		
Trailers	175		

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONC. PAVEMENT. SEE "C" & "S" DWGS.
2. ASPHALT CONCRETE (AC) PAVING. SEE "C" DWGS.
3. CONCRETE WALKWAY. SEE "L" DRAWINGS.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C. NO DECORATIVE PAVING WITHIN RIGHT-OF-WAY. SEE "L" DWGS.
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 7' WIDE X 15' LONG TRASH COMPACTOR W/ 8' WIDE X 22' LONG REFUSE CONTAINER.
7. EXTERIOR CONC. STAIR.
8. 6' H. COATED CHAIN-LINK FENCE OR OTHER AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.
9. CONCRETE RAMP.
10. 8' H. METAL SWING GATE.
11. 8' H. METAL SLIDING GATE.
12. 14' H. CONCRETE SCREENWALL. PAINTED.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. 8' H. WROUGHT IRON FENCE.
14A. 14' H. WROUGHT IRON FENCE.
15. COURTYARD PATIO AREA.
16. RETAINING WALL. SEE "C" DWGS.
17. 4' H. THREE RAIL FENCE.
17A. 4' H. THREE RAIL FENCE AS PER COMMUNITY DEVELOPMENT DIRECTOR.

GENERAL NOTES - FLOOR PLAN

A. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.

B. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.

C. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL. FACE OF CONCRETE CURB OR GRID LINE U.N.O.

D. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.

E. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM

F. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.

G. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.

H. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.

I. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.

J. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.

K. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.

L. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

M. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.

N. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.

O. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB

P. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

PROJECT INFORMATION

Owner / Applicant

PIERCE RANCHO BELLAGIO, LLC
c/o PIERCE PROPERTY TRUST
301 CONVAL AVE. - STE #8
LONG BEACH, CA 90803
TEL: (562) 856-3619
CONTACT: DENNIS PICE

Architect

HPA, INC.
18831 BARDEEN AVE. SUITE #100
IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: INDRI CHANG

Applicant's Representative

INLAND EMPIRE DEVELOPMENT SERVICES, INC.
531 MONROE COURT
BEAUMONT, CA 92223
TEL: (909) 845-1003
CONTACT: GIL SWENT

Civil Engineer

HUITT ZOLLARS
1101 S. MILIKEN - STE.G
ONTARIO, CA 91761
TEL: (909) 390-9400
CONTACT: MAURICE MURAD

Legal Description

ALL OF LOTS 3,4,5,6 BLK. 35 AND A PORTION OF LOTS 2 AND 7 BLK. 35 LYING WITHIN MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY IN THE COUNTY OF RIVERSIDE, STATE OF CALIF. AS PER MAP RECORDED IN BOOK 11, PG. 10 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning

ZONING: EXISTING - BP
PROPOSED - LI

Assessors Parcel Number

APN 488-330-003
APN 488-330-004
APN 488-330-005
APN 488-330-006
APN 488-330-026

SITE LEGEND

- LANDSCAPED AREA
- WQMP AREA
- AC PAVING - SEE "C" DWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- HANDICAP PARKING STALL (9' X 18')
- OFFICE AREA
- PROPERTY LINE
- ADA PATH OF TRAVEL
- (#) PARKING STALL COUNT

CIVIL LINETYPES

- DW — PROPOSED DOMESTIC SERVICE
- FW — PROPOSED FIRE SERVICE
- W — PROPOSED WATER LINE
- S — PROPOSED SEWER LINE
- RIGHT OF WAY/SITE BOUNDARY
- EXTND RIGHT OF WAY/SITE BOUNDARY
- P — PROPOSED RIDGE LINE
- SD — PROPOSED STORM DRAIN
- PROPOSED GRATING INLET

UTILITY INFORMATION

TELEPHONE
VERIZON
1980 ORANGE TREE LANE, STE 100
REDLANDS, CA 92374
PHONE: (909) 748-6839
CONTACT: TINA CARSON

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA 92552
PHONE: (951) 413-3450
CONTACT: DARCY RAMIREZ

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928 - 3777
CONTACT: NEW BUSINESS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

GAS
SOUTHERN CALIFORNIA GAS CO.
25500 TRUMBLE ROAD SC 6058
ROMOLAND, CA 92380
PHONE: (951) 335-3502
CONTACT: DAVE MULLIGAN

CABLE - TV
TIME WARNER CABLE
1500 AUTO CENTER DR.
ONTARIO, CA 91761
PHONE: (909) 975-3380
(909) 390-4777
CONTACT: MARK DAUENHAUER

VICINITY MAP

N.T.S.

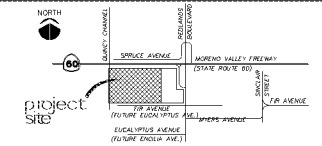

WestRidge

Commerce Center

MORENO VALLEY, CALIFORNIA

HPA# 6342

NOVEMBER 5, 2010

PLOT PLAN
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

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PIERCE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

ATTACHMENT 11

MV00113507

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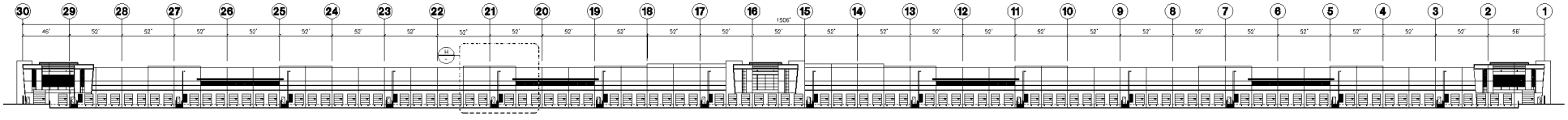

NORTH ELEVATION (A)
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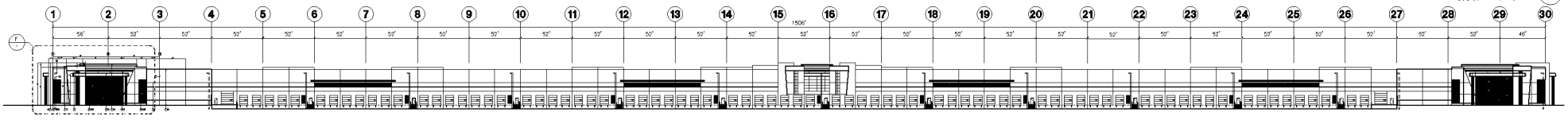

SOUTH ELEVATION (B)
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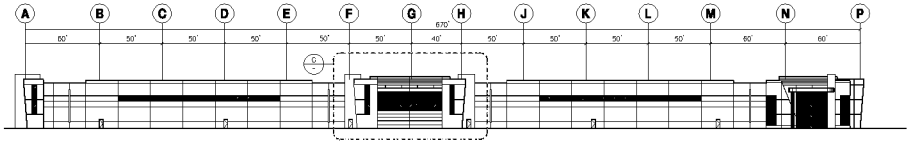

WEST ELEVATION (D)
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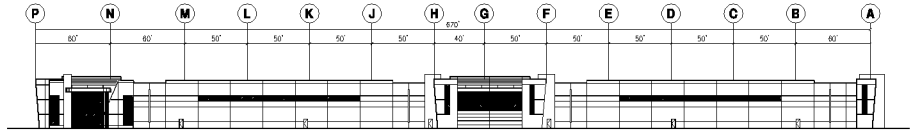

EAST ELEVATION (C)
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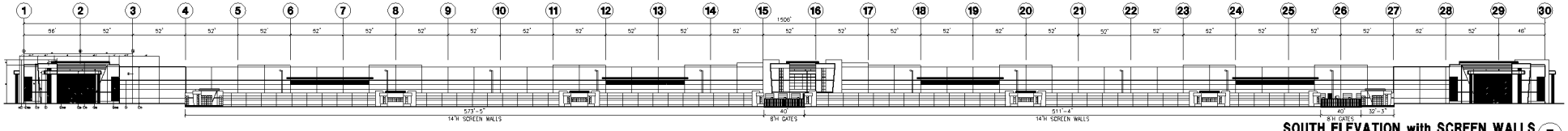

SOUTH ELEVATION with SCREEN WALLS (E)
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SCALE: 1"=40'
0 40' 80' 120'

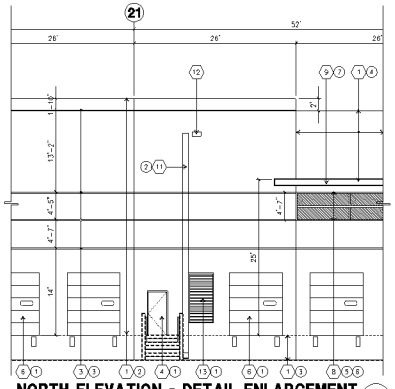

NORTH ELEVATION - DETAIL ENLARGEMENT (H)
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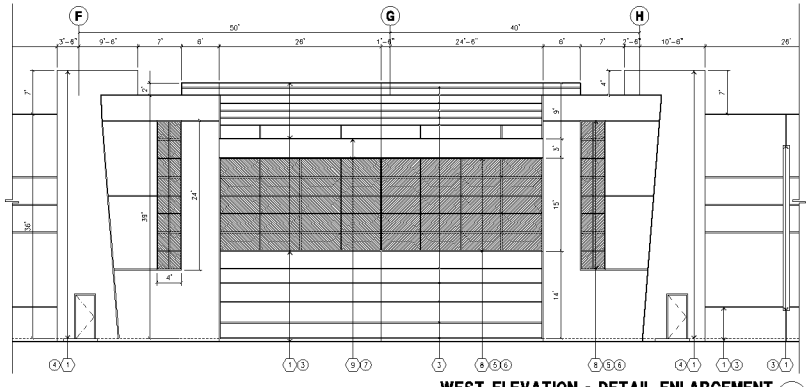

WEST ELEVATION - DETAIL ENLARGEMENT (G)
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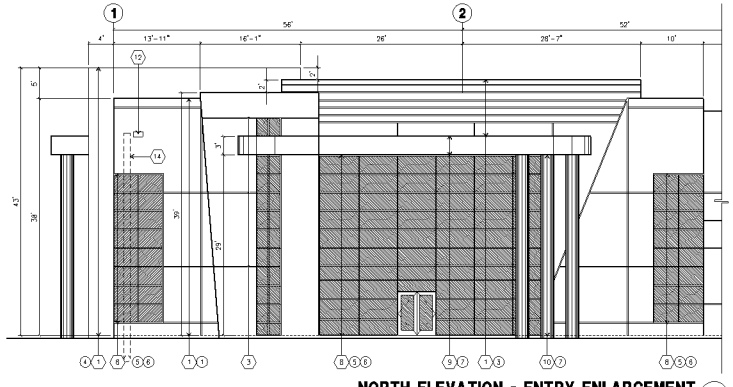

NORTH ELEVATION - ENTRY ENLARGEMENT (F)
scale: 1/8"=1'-0"

SCALE: 1/8"=1'-0"
0 8' 16' 24'

KEYNOTES - ELEVATION

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL.
4. HOLLOW METAL DOORS.
5. OVERHEAD DOOR @ DRIVE THRU.
6. OVERHEAD DOOR @ DOCK HIGH.
7. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
8. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
9. DECORATIVE CANOPY.
10. DECORATIVE COLUMN SUPPORT FOR CANOPY.
11. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER. PAINT TO MATCH BUILDING COLOR.
12. 9" X 18" OPENING METAL SCUPPER @ 2" ABOVE FINISHED ROOF.
13. 4'W. X 8'H METAL LOUVER PAINT TO MATCH BUILDING COLOR.
14. INTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.

B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.

C. T.O.P.= TOP OF PARAPET ELEVATION.
F.F.= FINISH FLOOR ELEVATION.

D. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 105 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.

E. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.

F BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.

G FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.

H. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.

J. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULES - ELEVATIONS

1	CONCRETE PANEL	PAINT BRAND	FRAZEE 001 WHITE
2	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3171W SILVER LINING
3	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3173W EXCALIBUR
4	CONCRETE PANEL	PAINT BRAND	FRAZEE CL2566A DEUCE
5	MULLIONS	ALUMINUM	CLEAR ANODIZED
6	GLAZING	COLOR	BLUE REFLECTIVE
7	CANOPY	PAINT BRAND	FRAZEE PRECISION COATINGS INC. SILVER MIST METALLIC FLAT

GLAZING LEGEND

- SPANDREL GLASS
- VISION GLASS
- TEMPERED SPANDREL GLASS
- TEMPERED VISION GLASS

ELEVATIONS
CASE NUMBER: PA06-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A3.1

ATTACHMENT 12

MV00113509

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MV00113510

HPA

18831 Bardeen Ave. - Suite #100
Irvine, CA 92612
(949)863-1770
www. hparchs.com

WestRidge Commerce Center

Moreno Valley, California

RIDGE PROPERTY TRUST

August 9, 2010/Job#8418

ATTACHMENT 13

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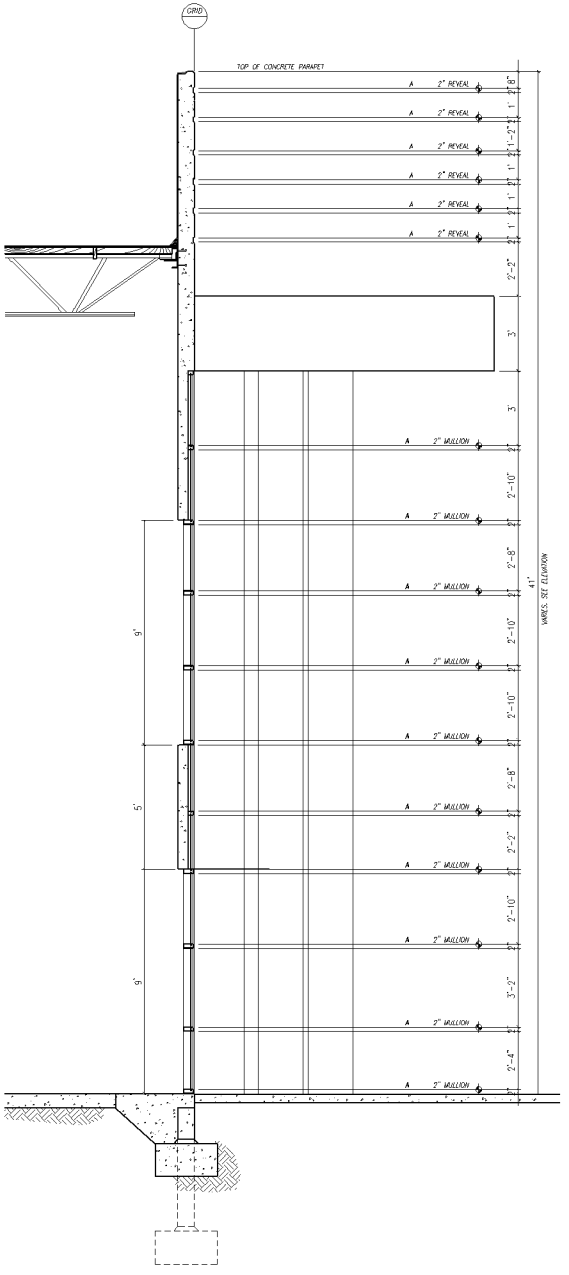

BUILDING SECTION @ OFFICE AREA (A)
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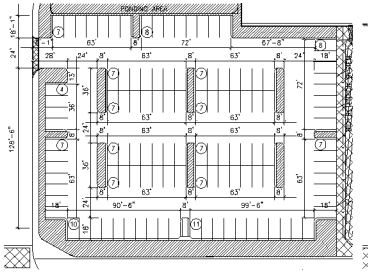

ENLARGED SITE PLAN @ SOUTHWEST (D)
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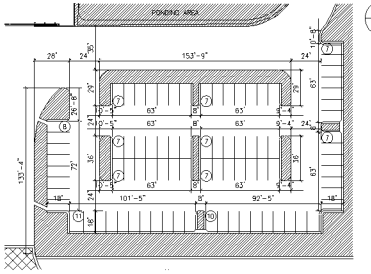

ENLARGED SITE PLAN @ SOUTHEAST (C)
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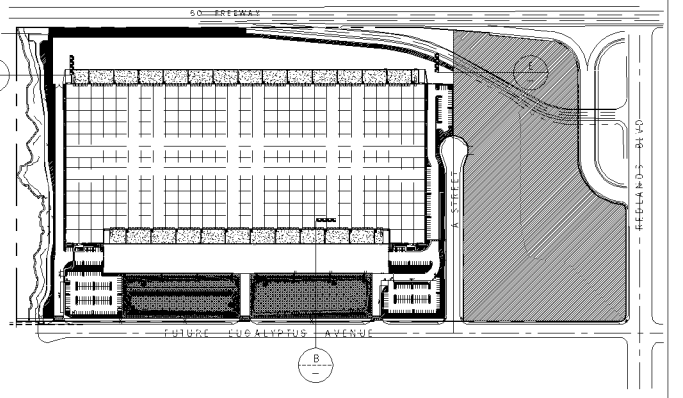

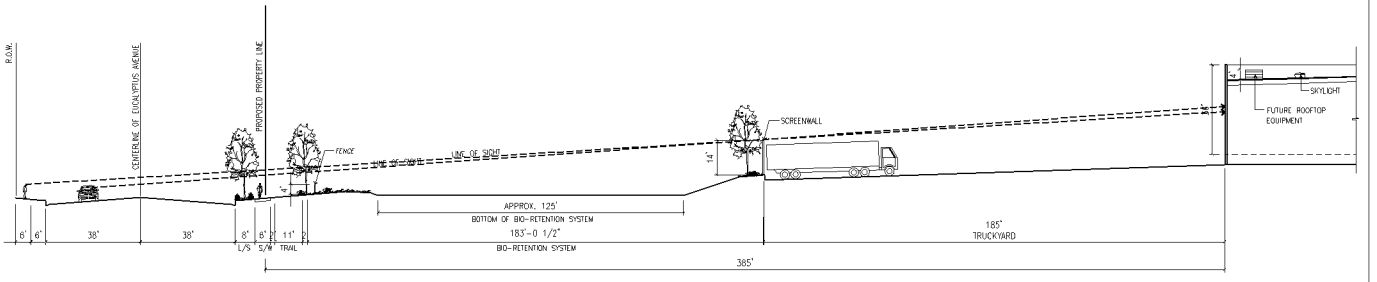

LINE OF SIGHT (B)
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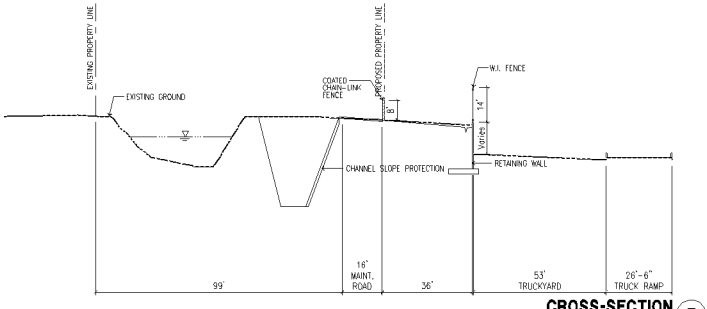

CROSS-SECTION (F)
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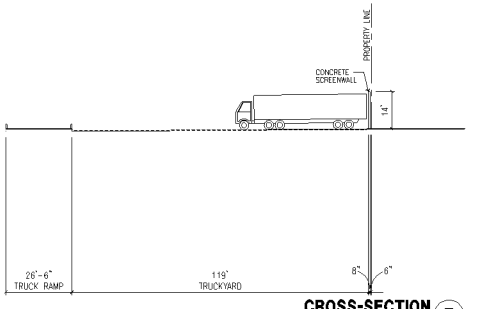

CROSS-SECTION (E)
scale: 1" = 20'-0"

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

SITE ANALYSIS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

NOVEMBER 5, 2010

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ATTACHMENT 14

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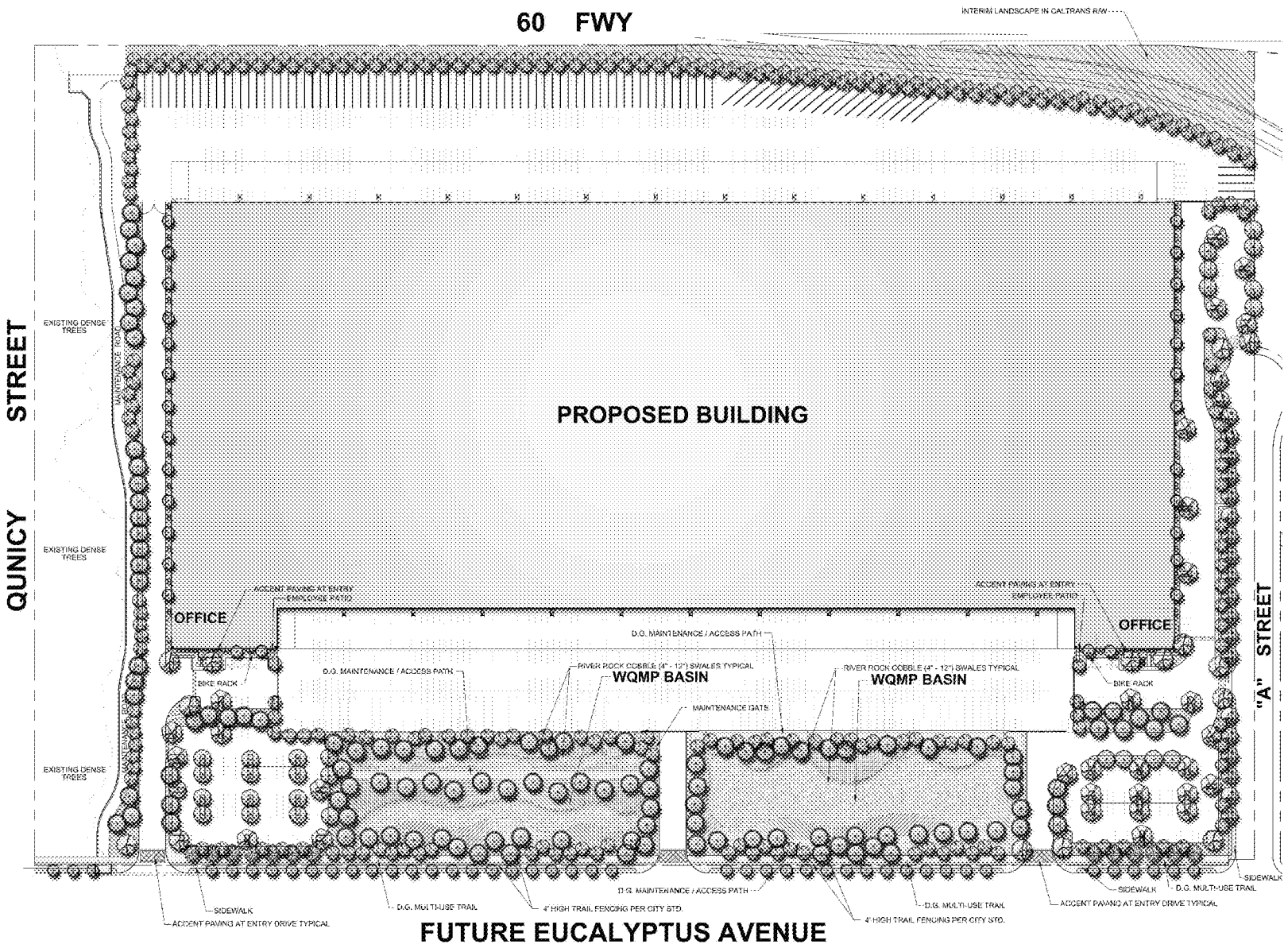

PLANT PALETTE

TREES

SYMBOL	TREE	SIZE	QUANTITY
	Quercus suber (Cork Oak)	15 GAL 24" BOX	30 51
	Eucalyptus sideroxylon (Red Ironbark)	24" BOX	79
	Tilia cordata (Crimean Linden) Multi Trunk	48" BOX	16
	Ulmus americana (Liberty and Pink) OR Pistacia atlantica (Atlantic Pist)	15 GAL 24" BOX	150 104
	Platanus acerifolia 'Bloodgood' (London Plane Sycamore) (Specimen Single Trunk)	24" BOX	13
	Platanus racemosa (California Sycamore)	15 GAL	152
	Pistacia chinensis (Chinese Pistache) (Specimen Single Trunk)	24" BOX	21
	Quercus virginiana (Southern Live Oak)	24" BOX	24
	Rhus lancea (African Sumac)	15 GAL	27

ROOT BARRIER NOTE

ALL TREES WITHIN 5' OF HARDSCAPE SHALL BE 18" X 4' SHALLOW ROOT BARRIER 24" HIGH

SHRUBS

PLANT NAME	SIZE	SPACING
Abelia grandiflora 'full Scarlet' (ACR)	5 gallon	30" o.c. spacing
Acacia cf. (Sunset Trails Acacia)	5 gallon	8' o.c. spacing
Adenanthos sericeus (Coastal Wool)	5 gallon	12" o.c. to 24" o.c. spacing
Agave americana (Century Plant)	15 & 5 gallon	8' o.c. spacing
Agave attenuata (Fence Agave)	5 gallon	4' o.c. spacing
Aloe Species	5 gallon	3' o.c. spacing
Anigozanthos flavidus (Kangaroo Paw)	5 gallon	3' o.c. spacing
Arbutus unedo (Strawberry Tree)	5 gallon	5' o.c. spacing
Calocephalus (Silver Bush)	5 gallon	3' o.c. spacing
Carpenteria californica (Bush Anemone)	5 gallon	3' o.c. spacing
Cercis occidentalis (Western Redbud)	5 gallon	4' o.c. spacing
Cistus Species (Rock rose)	5 gallon	4' o.c. spacing
Ceanothus Species (Ceanothus)	5 gallon	3' o.c. spacing
Dietes vieriea (Fortnight Lily)	5 gallon	3' o.c. spacing
Dodonaea viscosa 'purpurea' (Purple Hop Bush)	5 gallon	3' o.c. spacing
Elaeagnus pungens (Silverberry)	5 gallon	4' o.c. spacing
Fragaria chiloensis (Strawberry Runner)	1 gallon	3' o.c. spacing
Galvezia speciosa (Island Snapdragon)	5 gallon	3' o.c. spacing
Heteromeles arbutifolia (Red Berry)	5 & 15 gallon	5' o.c. minimum
Juniperus species (various)	1 and 5 gallon	varies
Leucadendron (Leucadendron)	1 and 5 gallon	24" o.c. to 36" o.c. spacing
Leucophyllum frutescens 'Rio Grande'	5 gallon	4' o.c. spacing
Leucophyllum frutescens 'Green Cloud' (Texas Ranger)	5 gallon	4' o.c. spacing
Ligustrum lucidum (Wax Leaf Privet)	5 gallon	30" o.c. spacing
Macadamia integrifolia and tetraphylla (Macadamia Nut)	5 gallon	24" o.c. spacing
Mahonia aquifolium (ACR)	5 gallon	24" o.c. spacing
Muhlenbergia capillaris (Pink Muhly Grass)	5 gallon	24" o.c. spacing
Myrtus communis 'Compacta' (Tree Myrtle)	5 gallon	24" o.c. spacing
Nandina domestica (Flavora® cultivar)	5 gallon	24" OR 2' o.c. spacing
Pittosporum tobira 'Wheeler's Dwarf' (Dwarf Tobira)	5 gallon	4' o.c. spacing
Polygala myrtifolia	5 gallon	4' o.c. spacing
Prunus ilicifolia (Holly Leaf Cherry)	5 gallon	4' o.c. spacing
Rhamnus californica 'Mound' (Coffeeberry)	5 gallon	4' o.c. spacing
Rhamnus ceanothus (Coffeeberry)	5 gallon	4' o.c. spacing
Rosa pisocarpa (Cluster Rose)	5 gallon	varies
Rosmarinus officinalis (Rosemary)	1 & 5 gallon	30" OR 4' o.c. spacing
Salvia clevelandii (Cleveland Sage)	5 gallon	5' o.c. spacing
Verbena lilacina 'Purpurea' (Lilac Verbena)	5 gallon	4' o.c. spacing
Xylosma congestum (Shiny Xylosma)	5 gallon	4' o.c. spacing

GROUNDCOVERS

PLANT NAME	SIZE	SPACING
Acacia redolens (ACR)	1 and 5 gallon	48" o.c. spacing max
Baccharis pilularis (Coyote Brush)	1 gallon	48" o.c. spacing max
Carex divulsa (Berkeley)	1 gallon	42" o.c. spacing max
Delosperma cooperi (Trailing Ice Plant)	1 gallon	24" o.c. spacing max
Hedera helix (Ivy)	1 gallon	24" o.c. spacing
Juniperus species (various)	1 gallon	30" o.c. spacing
Lonicera japonica 'Halliana' (Hall's Honeysuckle)	1 gallon / 1 gallon	18" o.c. spacing
Muehlenbergia rigens (Deer Grass)	1 gallon	24" o.c. OR 36" o.c. spacing
Myoporum parvifolium (Prostrate)	1 gallon	48" o.c. spacing
Rosmarinus officinalis prostratus (Rosemary)	1 gallon	30" o.c. spacing
Vinca major var. variegata (Vinca Major)	From and 1 gallon	18" o.c. spacing

INTERIM LANDSCAPE WITHIN CALTRANS R/W - PLANT 1 GAL., ACHIEVE BEGOLENE TO 2' O.C. WITH 3" INNER LAYER OF DECOMPOSED GRANITE. THAT IS TO BE IRRIGATED WITH DRIP IRRIGATION.

SIDEWALK VINE - INVISIBLE NON-SPARSE PURGE SEEDING MIX

0.25 LBS.	ACHNATHERUM LEMMONII
0.50 LBS.	NASSELLA CORNUA
0.25 LBS.	MUHLENBERGIA RIGENS
0.50 LBS.	NASSELLA PULCHRA
1.00 LBS.	ELYMUS MASSENSIS CA
0.50 LBS.	ELYMUS CONSTRICTUS
0.25 LBS.	MUHLENBERGIA SAMOENSIS

VINES FOR SCREENWALLS

SYMBOL	PLANT NAME	SIZE	SPACING
	Ficus pumila (Creeping fig)	1 gallon	12" o.c. spacing
	Bougainvillea (varieties) (Bougainvillea)	1 gallon	12" o.c. spacing

VINES FOR W.I. FENCING AROUND BASIN

SYMBOL	PLANT NAME	SIZE	SPACING
	Dendrocalamus latiflorus (Giant Timber Bamboo)	5 gallon	6' o.c. spacing

NOTE: VINES ARE REQUIRED ON ALL SCREENWALLS & W.I. FENCING AROUND BASIN

MULCH NOTE

ALL PLANTER AREAS TO RECEIVE A 3" LAYER OF COVER MULCH AVAILABLE FROM MARTIN MULCHES (951) 970-0266

West Ridge Commerce Center

Moreno Valley, CA

Ridge Property Trust

Environsul

PRELIMINARY LANDSCAPE PLAN

NORTH

SCALE: 1" = 60' - 0"

SHEET L-1

DATE: 6-9-10

ATTACHMENT 15

MV00113515

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MV00113516

TENTATIVE PARCEL MAP NO. 36207

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF PORTIONS OF LOTS 2, 3, 4, 5, 6 & 7 INCLUSIVE, BLOCK 35, OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGE 71, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE.

HUITT-ZOLLARS

NOVEMBER, 2010

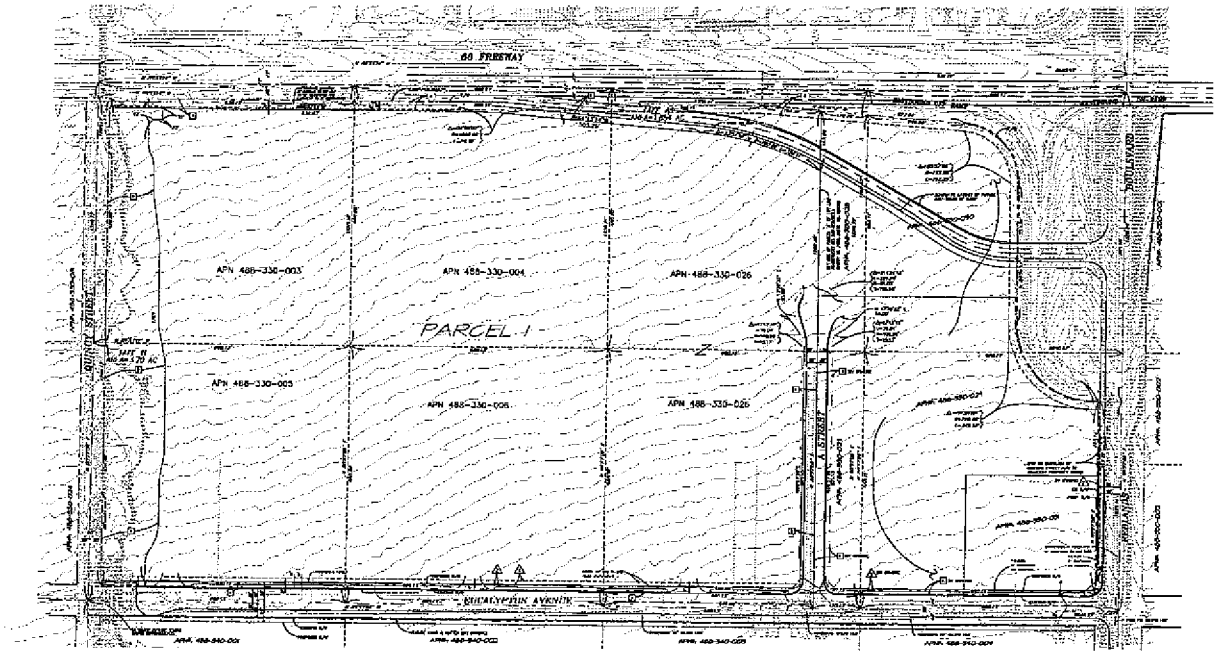

GENERAL NOTES

1. EXISTING LAND USE: VACANT
2. ADJACENT LAND USE: INDUSTRIAL, AND IS FAIRLY TO THE EAST; AGRICULTURE TO THE SOUTH, WITHIN THE MORENO VALLEY CITYLIMITS, TO THE EAST
3. AVERAGE LOT SIZE: 1 ACRE
4. EXISTING ZONING: IP1 PROPOSED ZONING: IP1
5. FLOOD ZONE: X PANEL NO. 06065C0766G EFF. DATE: AUGUST 28, 2008
6. PROPOSED LAND USE: LIGHT INDUSTRIAL / WAREHOUSE DISTRIBUTION
7. PROPOSED WATER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
8. PROPOSED SEWER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
9. ALL UTILITIES SHALL BE UNDERGROUND:
   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: CITY OF MORENO VALLEY ELECTRIC UTILITY
   TELEPHONE: VERIZON TELEPHONE COMPANY
10. ALL SLOPES SHALL BE CONSTRUCTED AT A MAXIMUM RATIO OF 2:1 UNLESS OTHERWISE PERMITTED
11. ALL STREETS WILL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARDS
12. AERIAL TOPOGRAPHY PROVIDED BY: DIGITAL MAPPING INC.
13. ANY PUBLIC EASEMENT TO BE ABANDONED SHALL BE DONE ON THE PARCEL MAP.
14. AREA=20.444 AC±

PREPARED FOR OWNER/DEVELOPER
RIDGE RANCHO BELARDO, LLC
[illegible]
LONG BEACH, CA 90803
PH: (562) [illegible]
FAX: (562) [illegible]
CONTACT: ROBERT BRIZ

PREPARED IN THE OFFICE OF
HUITT-ZOLLARS, INC.
[illegible]
ONTARIO, CALIFORNIA 91761
PHONE: (909) 941-7700

UTILITY PROVIDERS
WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

GAS
SOUTHERN CALIFORNIA GAS COMPANY
9520 TRADING NO. 3C 8000
[illegible]
(800) 427-2200

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

TELEPHONE
VERIZON
9505 ORANGE WAY, LAND, 100
FOLSOM, CA 95630

ELECTRIC
MORENO VALLEY UTILITIES
14075 PERRIS ST.
MORENO VALLEY, CA 92552
(951) 413-3500

CABLE - TV
MEDIACOM COMMUNICATIONS
[illegible]
[illegible]

SURVEYOR
[illegible]

LAND USE
AC ± [illegible] GROSS ACRES

EARTHWORK
CUT [illegible] CY
FILL [illegible] CY
IMPORT [illegible] CY
EXPORT [illegible] CY

LEGEND / ABBREVIATIONS

	PROPOSED SEWER LINE
	PROPOSED FIRE WATER LINE
	PROPOSED DOMESTIC WATER LINE
	PROPOSED SEWER LINE
	PROPOSED STORM DRAIN
	EXISTING GAS LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING STORM DRAIN
	STORM DRAIN INLET
	CATCH BASIN
	BASIS OF BEARINGS BOUNDARY
	EXISTING RIGHT OF WAY/SITE BOUNDARY
	EXISTING SIDE LINE
	LOT LINE
	FIRE HYDRANT

LEGAL DESCRIPTIONS

THE DESCRIPTIONS SHOWN BELOW HAVE BEEN EXTRACTED FROM A PRELIMINARY TITLE REPORT PREPARED BY [illegible] THE COMPANY DATED [illegible] AND [illegible]. [illegible] THE LEGAL DESCRIPTIONS SHOWN BELOW ARE THE EXACT WORDS AS SHOWN IN THE REPORT.

PARCEL 1:

LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

PARCEL 2:

LOT 3, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY OF THE LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, IN THE BOUNDARY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

PARCEL 3:

LOT 4, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY OF THE LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4, IN THE BOUNDARY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

PARCEL 4:

LOT 5, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY OF THE LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5, IN THE BOUNDARY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

PARCEL 5:

A PORTION OF LOTS 6 AND 7 BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS, LYING SOUTHERLY AND WESTERLY OF THE LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6, IN THE BOUNDARY OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION DESCRIBED IN DEED RECORDED JUNE 8, 1966, IN BOOK 1266, PAGE 506 OF OFFICIAL RECORDS.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1265, PAGE 506 OF OFFICIAL RECORDS.

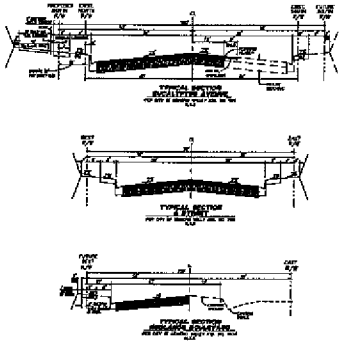

EASEMENT NOTES

(A) EASEMENT(S) FOR THE PURPOSES SHOWN BELOW AND RIGHT INCIDENTAL THERETO AS GRANTED IN A DOCUMENT:
GRANTED TO: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: PUBLIC PIPELINES AND PURPOSES
RECORDED: DECEMBER 18, 1963, AS INSTRUMENT NO. 139944, BOOK 1263, PAGE 1007, OF OFFICIAL RECORDS

PROPOSED EASEMENT

(1) 10' EASEMENT FOR WALK-ON USE, TO BE DEDICATED TO THE CITY OF MORENO VALLEY
(2) 5' EASEMENT FOR THE PURPOSE OF DISTRIBUTION AND MAINTENANCE OF THE GAS TO THE CITY OF MORENO VALLEY

PROPOSED DEDICATION

(A) [illegible] 30' EASEMENT, STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY
(B) [illegible] 30' STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY
(C) [illegible] AT A MINIMUM TO BE DEDICATED TO THE CITY OF MORENO VALLEY FOR FUTURE CALTRANS R/W
(D) [illegible] TO BE DEDICATED AS PER A FUTURE CHANGE R/W (SEE ENGINEER DOCUMENTS)

LINE DATA:		
LINE	BEARING	DISTANCE
L1	[illegible]	[illegible]
L2	[illegible]	[illegible]
L3	[illegible]	[illegible]
L4	[illegible]	[illegible]
L5	[illegible]	[illegible]
L6	[illegible]	[illegible]
L7	[illegible]	[illegible]
L8	[illegible]	[illegible]
L9	[illegible]	[illegible]
L10	[illegible]	[illegible]

PARCEL SUMMARY TABLE	
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1" = 100'

CITY CASE NO. PA09-0022

HUITT-ZOLLARS
HUITT-ZOLLARS, INC.
[illegible] STREET, SUITE [illegible] / ONTARIO, CALIFORNIA [illegible] / (909) [illegible]

DESIGNED BY: R.G.S.
DRAWN BY: [illegible]
CHECKED BY: R.G.S.
SCALE: 1" = 100'
SHEET 1 OF 1 SHEETS
JOB NO. [illegible]

ATTACHMENT 16

Item No. E.3

MV00113517

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MV00113518

West Ridge Commece Center Project

Legend

- Highways
- Parcels
- Roads
- March Installation Area
- Waterbodies
- Sphere of Influence
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

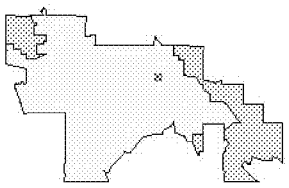

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 17

N

0 300 600 1200ft

MORENO VALLEY
WHERE DREAMS SOAR

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MV00113520

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. <u>This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.</u>

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.
*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

~~9~~10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: December 10, 2010
jeffreyb@moval.org

December 10, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about the significant regional and localized air quality impacts from the proposed project. In addition, AQMD staff is concerned that the health risks are underestimated in the draft EIR due to calculation errors and the use of low trip generation rates. Given the project's close proximity to sensitive land uses and the significant air quality impacts demonstrated in the air quality analysis, the AQMD staff strongly recommends that the lead agency provide additional mitigation measures to minimize the air quality impacts from the proposed project. AQMD-1

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

ATTACHMENT 19

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC101021-01
Control Number

1. Health Risk Assessment Emission Calculations

The Health Risk Assessment (HRA) prepared in the Draft EIR relies on emission rates calculated for each roadway segment serving the project. These emission rates are based on heavy duty diesel truck emission factors derived from EMFAC software and are input into the dispersion model after adjusting for the number of trucks using each roadway link. However, the emission calculations provided in the Draft EIR use a unitary truck traffic rate of one vehicle per hour for each roadway link serving the project site. This unitary trip rate does not appear to be adjusted upward prior to deriving the health risk values. As several hundred heavy duty diesel trucks will use each roadway link, the health risk values appear to be substantially underestimated, perhaps by more than one order of magnitude. AQMD-2

In addition, the emission rate calculated for the idling area sources onsite appear to be miscalculated. For example, the idling mitigated emission rate of 6.459 E-6 grams per second does not include the total number of trucks idling per day, it does not include the emissions from onsite truck travel, and it includes one too many conversions of seconds to hours. If the calculation is corrected, the idling emission rate should be approximately 30 times higher at 1.952 E-4 grams per second (assuming half of the trucks use each area source). AQMD staff strongly recommends that the lead agency revisit the emissions calculations and rerun the dispersion model to derive more accurate health risk estimates. If health risks are found to be significant after revising the analysis, mitigation measures should be pursued that would reduce any health risk to a less than significant level (see comment #3 below). AQMD-3

2. Warehouse Trip Rates

As stated on page 51 of the Traffic Impact Analysis prepared for the Draft EIR, the trip generation rates are "hybrid rates" based on two recent traffic studies of high-cube warehouses conducted in the Inland Empire region. The final rate used in the Draft EIR is 1.69 trips per thousand square feet of warehouse space. AQMD staff has recently researched the referenced trip generation studies and others and has concluded that the average trip rates presented in these studies may be underestimated due to the inclusion of potentially vacant warehouses, warehouses served by rail, and the use of average trip rates. In order to provide a reasonable worst case analysis of potential air quality impacts, AQMD staff calculated and recommends that lead agencies utilize a 95th percentile trip generation rate of 2.59 trips per thousand square feet for individual warehouse projects that are not directly serviced by rail lines. The fleet mix described in the Fontana Truck Trip Generation Study is appropriate to determine the proportion of heavy duty vehicles servicing the project. AQMD-4

3. Regional and Localized Operational Air Quality Impacts

Given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff strongly recommends adding AQMD-5

the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible:

- Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks,[1]
- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded,
- Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/distribution center,
- Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors,
- Develop, adopt and enforce truck routes both in an out of city and in and out of facilities,
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride,
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes,
- Require or provide incentives for particulate traps that meet CARB certified level 3 requirements,
- Electrify all service equipment at the facility, and
- Improve traffic flow by signal synchronization.

AQMD-5 cont'd.

4. Regional and Localized Construction Air Quality Impacts

Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from VOC, NOx, PM10 and PM2.5 emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,

[1] An example clean truck program for a similar project approved by another lead agency can be found here (beginning on page 183 of 254):
http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf

- Reroute construction trucks away from congested streets or sensitive receptor areas, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).

Further, AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.5 as follows:

- All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards according to the following:

  ✓ *April 1, 2010, to December 31, 2011:* All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. AQMD-5 cont'd.

  ✓ *January 1, 2012, to December 31, 2014*: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  ✓ *Post-January 1, 2015*: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

  Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction AQMD-6

equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

AQMD-6 cont'd.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Letter Dated December 10, 2010

Response AQMD-1

The commentor provides introductory agency remarks, and expresses concern about significant Project-related localized and regional air quality impacts, and potential (DPM-source) health risks. The commentor alleges errors in the EIR's air quality modeling, which are further detailed in the District's specific comments on the following pages. Responses to specific issues are addressed below at Responses AQMD-2 to AQMD-7. AQMD suggests that additional mitigation be incorporated in the EIR as means of reducing significant air quality impacts.

The comments provided by AQMD were submitted after the close of comments period, and while the Lead Agency may elect to respond to late comments, no response is required, pursuant to Pub. Resources Code Section 21091, subd. (d)(2)(A); *CEQA Guidelines* § 15088, subd. (a). Notwithstanding, in order to provide clarification of baseline issues and assumptions; and in consideration of disclosure and ultimate mitigation of potentially significant impacts, responses to AQMD's comments are provided herein. Feasible mitigation offered by AQMD has been incorporated.

Response AQMD-2

This comment appears to incorrectly interpret the Project's Health Risk Assessment (HRA) data and modeling (DEIR Appendix C, Project HRA), with resulting erroneous conclusions. The Unitary truck traffic rate cited by the commentor was used only in deriving the model input value in grams per second per truck (per day). As reflected in the ISCST3 model output summary sheets, the ISCST3's Model Scalar Option was enabled and hourly truck rates were adjusted upward accordingly (DEIR Appendix C, Project HRA, Attachment A). Additionally, the "Hourly Trucks.xls" file that was previously provided to AQMD by Urban Crossroads, preparer of the Project's Air

Quality Analysis, provides a breakdown of the hourly trucks as they are input in the model's scalar option. The EIR conclusions and results are not affected.

Response AQMD-3

This comment appears to incorrectly interpret the Project emission rate calculations and modeling, with resulting erroneous conclusions. As noted in the preceding Response AQMD-2, the ISCST3's Model Scalar Option was enabled, and hourly truck values were entered accordingly. The emissions from on-site truck travel are included as multiple volume sources in the model and therefore do not need to be included in the area source algorithm.

Additionally, the "Model Emission Rate" provided as 6.459E-06 is representative of grams per second per truck (per day), and is input into the model as a unitized rate. The unitized rate is then adjusted upward based on the model's scalar option. Based on a thorough review, as detailed here, this calculation does not need to be corrected. The vehicle idling time is presented in seconds and the idling rate from EMFAC is in grams per hour. Therefore, the first conversion is to identify the grams per hour a given truck would emit during idle events. This is achieved by first converting the idling time from seconds to hours. In this case, for mitigated emissions, 180 seconds is divided by 3,600 seconds (60 minutes per hour x 60 seconds per minute). The next step is to multiply the resulting value by the EMFAC grams per hour rate, which provides an emission factor in grams per hour for a given truck per day. In order to input this value into the model as a unitized rate, this value is then converted from grams per hour for a given truck per day to grams per second for a given truck per day. This is achieved by taking the grams per hour rate and dividing by 3,600 seconds per hour, which yields the resulting 6.459E-06 grams per second rate that is modeled. Please refer also the DEIR Appendix C, Project HRA, Attachment A-ISCST3 Summary Output, Attachment B-Emissions Rate and Risk Calculations. The EIR conclusions and results are not affected.

Response AQMD-4

AQMD offers alternative trip generation rates for use in the Draft EIR. AQMD cites its own research and conclusions.

Notwithstanding AQMD suggested trip generation rates, trip generation rates and vehicle mix employed in the Draft EIR are supported by definitive studies of high-cube warehouse trip generation characteristics (*City of Fontana Truck Trip Generation Study*, and *San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study).* Both of these studies are available through Lead Agency (a copy of each is available at the Planning Department). The trip generation rates and ranges from these studies were used to define the trip rate employed in the DEIR. This same rate is employed in analyses for similar projects in the City, and is considered by the Lead Agency to be appropriate and accurate. Relevant discussion from the Draft EIR is excerpted below:

> Trip generation characteristics of the Project were derived from studies which reflect the trip generation rates of warehouse facilities storing and transporting international goods imported into the country from the Ports of Los Angeles and Long Beach. These include the *City of Fontana Truck Trip Generation Study* commissioned in 2003 (Fontana Study), and the updated 2007 *National Association of Industrial and Office Properties (NAIOP) Trip Generation Study*. The NAIOP Study included data collected from 13locations within Riverside County, and provides trip generation rates that are use-specific to warehouse distribution projects such as that proposed by the Project. The recent date and geographic orientation of the Study contribute further to its utility and applicability in estimating the likely trip generation characteristics of the Westridge Commerce Center Project. Using data from the NAIOP Study, the City's Transportation Department approved the use of "hybrid" trip generation rates for the Project's trip generation forecast . . . (Draft EIR Page 4.2-17).

The trip generation rates provided by AQMD are noted; however, no revisions to the trip generation rates employed in the Draft EIR are proposed, nor are any required.

Response AQMD-5

AQMD states, "given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM_{10} and $PM_{2.5}$ emissions the AQMD staff strongly recommends adding the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible . . ."

Each of the measures suggested by AQMD are addressed in the following table, and have either been incorporated, or determined infeasible, not applicable, and/or replicate existing requirements, as indicated in the remarks below. The State Legislature has defined "feasible," for purposes of CEQA review, as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Division 13, Chapter 2.5. Definitions, Subd. 21061.1.] In those instances where additional mitigation has been incorporated or mitigation has been revised, incremental reduction in impacts may be realized. However, results and conclusions of the EIR are not affected. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

AQMD-Suggested Measures	Remarks
Operational-source Emissions	
Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks (AQMD offers citation of an example clean truck program at [the following website]: http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf. If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded.	**Incorporated.** Mitigation Measure 4.3.13 has been revised to incorporate the following requirement (please refer to Final EIR Section 4.0). • *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.* • *If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.*
Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/ distribution center.	**Infeasible.** Development of the Project is consistent with City General Plan Land Use designations, and the General Plan currently includes residential land uses within 1,000 feet (0.19 miles) of the Project site. Moreover, as supported by the EIR analysis, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. The measure suggested by AQMD is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors.	**Not Required.** There are no significant and/or unmitigable operational air pollutant emissions impacts related to or resulting from the site plan configuration. As noted above, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. It is further noted that the access concept proposed by the Project has been reviewed and preliminarily approved by the Lead Agency. The measure suggested by AQMD is not necessary.

AQMD-Suggested Measures	Remarks
Develop, adopt and enforce truck routes both in an*[d]* out of city and in and out of facilities.	**Replicates existing requirements.** Designated truck routes exist within the City. As noted in the City's General Plan, "Chapter 12.36 of the City Municipal Code regulates the travel and access of trucks on the City road system, and designates official truck routes. Designated truck routes change over time as new arterials are built, and commercial and industrial projects are completed." [City of Moreno Valley General Plan Circulation Element, Page 5-4.] The Applicant will comply with all designated truck route regulations and ordinances, both in and out of the City. Compliance with existing regulations and ordinances does not constitute mitigation.
Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,	**Replicates existing requirements.** Truck routes are marked by the City consistent with City sign regulations. The Applicant will comply with all City sign regulations and ordinances. Compliance with existing regulations and ordinances does not constitute mitigation.
Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.	**Replicates existing Project design.** Adequate, secure parking areas are provided onsite for the use of Project-related trucks. No off-site parking is required or proposed.
Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes.	**Infeasible.** Current location of the Project adjacent to the SR-60 minimizes non-freeway truck travel, and minimizes travel along residential streets. Addition of direct SR-60 off-ramps for trucks access the Project site is contrary to reasoned freeway design which by its nature limits freeway access and exit points. Within the State, Caltrans ultimately determines freeway access and exit locations and related ramp designs. The proposed measure would result in potentially significant and increased jurisdictional, traffic/circulation, and land use impacts when compared to the Project. Further, the suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and is therefore infeasible. The Applicant will comply with designated truck routes reducing truck traffic along sensitive routes.
Require or provide incentives for particulate traps that meet CARB certified level 3 requirements.	**Replicates existing requirements.** As a matter of California law, all on-road vehicles, whether or not they are used for the Project, are required to meet California Air Resources Board (CARB) emissions standards. Moreover, future tenancy of the Project is not yet known, and that trucks using the facility may include independent truckers. There is no feasible enforcement mechanism by which the operator of the facility could meaningfully enforce pollution control equipment requirements above and beyond state law requirements.

AQMD-Suggested Measures	Remarks
Electrify all service equipment at the facility.	**Incorporated.** Mitigation Measure 4.3.8 has been revised to incorporate the following requirement: • *All service equipment used during construction and in subsequent operation of the Project shall be electric or natural gas powered.* Similar to use of electrical equipment, use of natural gas equipment alternatively allowed under this mitigation measure acts to generally reduce localized criteria pollutant emissions. Natural gas equipment may in some cases be the only available alternative to diesel/gasoline powered equipment. Further, Mitigation Measure 4.3.13 has been revised to incorporate the following requirements (please refer to Final EIR Section 4.0). *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:* • *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance; and* • *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
Improve traffic flow by signal synchronization.	**Replicates existing requirements.** Signal synchronization is currently administered by the City. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.
Construction-source Emissions	
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. "It is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours" (Draft EIR Page 4.2-85).

AQMD-Suggested Measures	Remarks
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation.	**Incorporated.** The following new mitigation measure has been created, and will be included in the Mitigation Monitoring Plan (please refer to Final EIR Section 4.0). *4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.*
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine if and where dedicated turn lanes for construction equipment and trucks are required. Please refer to the preceding construction traffic management remarks.
Reroute construction trucks away from congested streets or sensitive receptor areas.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine appropriate construction truck routes. Please refer to the preceding construction traffic management remarks.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).	**Otherwise Addressed.** Contractors will employ available equipment to include any 2010 and newer vehicles. Restricting the pool of suitable diesel haul trucks solely to model years 2010 or newer unreasonably limits the pool of available contractors and equipment. Moreover, there is no demonstrated nexus between construction model-year requirements and potential reductions in air quality impacts. Arguably, meaningful reductions in air pollutant emissions are achieved as much or more through efficient and appropriate operation of equipment as required herein (see for example Mitigation Measure*4.3.2: The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).* Further, all equipment (regardless of model-year) is required to comply with applicable CARB emissions standards, the appropriate gauge for emissions levels.

AQMD-Suggested Measures	Remarks
All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards.	**Incorporated.** Electric construction equipment is not commonly or widely available or used in Southern California. Requiring sole use of electric construction equipment would effectively preclude participation by most, if not all, locally-based construction contractors. This would act to unnecessarily exclude otherwise qualified contractors, restrict the pool of available construction resources, increase costs through diminished competition. Mitigation Measure 4.3.8 has been revised to incorporate the following requirement(please refer to Final EIR Section 4.0): • *Use electric construction equipment where feasible.*

Response AQMD-6

AQMD suggests that the Lead Agency consider encouraging construction contractors to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) program funds.

- The following notation (incorporated at Mitigation Measure 4.3.9), shall appear on all construction document and plans:

> *Contractors are encouraged to apply for funding/assistance under the AQMD SOON program.*
> *See also www.aqmd.gov/tao/Implementation/SOONProgram.htm*

AQMD contact information is noted.

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MV00113540

From: Tom Hyatt [cdftom@aol.com]
Sent: Friday, December 10, 2010 9:18 PM
To: Jeffrey Bradshaw
Cc: Deanna Reeder
Subject: Warehouse

My neighbors and I oppose this project. After having the Mega Sketchers warehouse shoved down our throats by a corrupt developer and a city council that will flip their skirt up for him without questior we are vehemently against more unchecked commercial development. The City Council went to the trouble to re-name this end of the city "Rancho Belago", claiming it would be the upscale end of town yet the approve these ugly polluting warehouses when the zoning should be for 1/2 to 1 acre lots and upscale retail etc... How about a nice softba and swimming sports complex??? Why don't you go lease/ purchase some of the vacant warehouse space that can't even be filled in the south end of town?? How many diesel truck trips will this project generate on top of the Super Walmart and Sketchers projects already do??? Can't wait to see the cumulative air pollution totals! TH-1

Signed,

Tom H.
Moreno Valley Citizen

ATTACHMENT 20

Item No. E.3

TOM HYATT

Email Dated December 10, 2010

Response TH-1

The commentor states his opposition to the Project, presents his opinion regarding recent unrelated project approvals in the area, and suggests a "nice softball and swimming sports complex" be developed on-site. These opinions are acknowledged.

The basis for the commentor's statement that "the zoning should be for ½ to 1 acre lots and upscale retail, etc." is unclear. The existing zoning for the site is Business Park, which allows the types of uses proposed by the Project; however, would not allow for buildings of the size proposed by the Project. For this reason, the Project has requested a change of zone to Light Industrial. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23). Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.

The commentor suggests locating the Project in another area of the City. Several alternatives were analyzed as part of the Draft EIR, including, beginning on Draft EIR Page 5-37, alternative sites. As stated in Guidelines Section 15126.6,subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is served adequately by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million s.f. warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor expresses concern regarding the cumulative traffic and air quality impacts of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Super Walmart and Sketchers*[sic]*").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region.

The commentor is referred to Table 4.2-6 of the Draft EIR for the specific trip generation of the Project. Additionally, Draft EIR Section 5.0 presents a detailed discussion of the cumulative impacts of the Project. Specifically, cumulative impacts related to traffic and circulation are discussed at Draft EIR Pages 5-7 through 5-12. Cumulative impacts related to air quality are discussed on Draft EIR Pages 5-12 through 5-14. Results and conclusions of the Draft EIR are not affected.

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MV00113546

PLANNING COMMISSION RESOLUTION NO. 2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on May 12, 2011, the Planning Commission passed a motion by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the Planning Commission voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor. The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources.

ATTACHMENT 21

The proposed project includes a 937,260 square foot warehouse industrial building which far exceeds the maximum building area of 50,000 square feet as permitted by the current zoning designation of Business Park. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

The proposed architectural design of the facility is not consistent with that of other approved warehouse facilities in the vicinity. A change of zone to LI would allow for buildings greater than 50,000 square feet in size. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building may be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-13, **DENYING** a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED this 12th day of May, 2011.

Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

Deputy City Attorney

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

ATTACHMENT 22

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet west of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Rancho Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dave@rptrust.com

Contact Person: Dennis Rice

OWNER Name: Same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services — Telephone: (951) 845-1003 cell 909-325-0430

Address 931 Monarch Court — Fax No. (951) 845-9775

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson2@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name

Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature — Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature — Date: 5-18-2011

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60603

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK---HOLD AT AN ANGLE TO VIEW

⑈00000 1194⑈ ⑆071000013⑆ 154912 3⑈

Item No. E.3

MV00113553

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MV00113554

From: george hague
Sent: Thursday, May 05, 2011 2:55 PM
To: John Terell
Cc: Jeffrey Bradshaw
Subject: Please send my letter to all the Planning Commissioners today (5-5-11) concerning the West Ridge Commerce Center FEIR

Good afternoon Planning Commissioner,

I hope the planning department has helped those of you who are not use to reading Final Environmental Impact Reports (FEIR). I am sure it would help with the West Ridge Commerce Center FEIR.

In 2009 some Moreno Valley residents responded to a Notice of Preparation (NOP) for this project. These comments were to let those who prepare the document know what we wanted studied and answered in the Draft Environmental Impact Report (DEIR). You should realize that those who do the studies are paid for by the developer and realize that if they want a good reputation among the development community that their report must be favorable to the project. It would be better if we would go back to Moreno Valley's previous system where the report from consultants goes directly to the Moreno Valley Planning department instead of first passing through the hands of the developer where it many times gets massaged.

Last Fall The DEIR was made available which you should read. Different agencies/groups/individuals used the 45 days they were given to read and make comments on the adequacies of the West Ridge Commerce Center's DEIR. They turned in their comments during the first part of last December.

Section three of the FEIR has these commenters original letters which you will notice have been blocked off. You should make an effort to read each of these letters and only then read the responses which immediately follow the original letters. Many of those who write letters believe the responses do not do justice to their concerns and questions. On projects like this it is good to study what the Department of Transportation(DOT) and the South Coast Air Quality Management District (SCAQMD) wanted from this project and the responses they received. These and other agencies are to help protect us and guide us towards better planning. It is sad when responses to their letters are not serious, but just pass the buck.

In section two of the FEIR you will see what I call weasel words which require nothing. Words like "where feasible", "shall encourage", and "greatest extent practical" are just a few examples. These may sound good, but usually result in little, if any, mitigation. Words like "shall" and "will" instead of "should" are more binding and therefor avoided.

Section four has the Mitigation Monitoring Plan which should also be read in order that they are mitigating those items which are brought up in the comment letters.

Usually they bury at the end of some document that which they call "Overriding Considerations". These are the impacts to Moreno Valley which could not be mitigated. This could be such things as toxic diesel air pollution (pm 10 and pm 2.5) which cause significant health effects. It is very sad when projects make the air more toxic to breath-- especially for children and the elderly.

ATTACHMENT 23

Appendix A points out some of these air pollution problems and they should be read by decision makers.

Since I am sure most of you have regular jobs, I find it very sad that you have not been given time to do justice to this FEIR. It must be especially difficult when a couple of our weekends prior to your meeting have holidays that many people enjoy to celebrate. You should ask the planning department for more time to educate yourself by reading the document.

Your responsibility is to "protect the health, safety and welfare" of the residents of Moreno Valley. Only after you have read this document can you fulfill your responsibility.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

From: george hague
Date: May 9, 2011 11:03:09 AM PDT
To: John Terell <JohnT@moval.org>
Cc: Jeffrey Bradshaw <JeffreyB@moval.org>, gracee@moval.org
Subject: West Ridge Commerce Center Experts & Editorial on Tortoises & Solar threat | Press-Enterprise Editorials | PE.com | Southern California News | News for Inland Southern California

Good afternoon/evening Planning Commissioner,

Lat week I sent you an email about reading the environmental documents for the West Ridge Commerce Center warehouse. I mentioned in that email how developer consultants/experts sometimes supply reports which benefit the proposed project---even when they are selected from an "approved" list. The last line of the second paragraph of this past Saturday's Editorial does a nice job of pointing this out where it reads "studies commissioned by the developer". I hope you will read this editorial and realize this happens on many projects. It is only when agencies like the Department of Transportation, South Coast Air Quality Management District and as well as others who job it is to help you plan for our city respond to DEIRs that you get a much more unbiased/independent view. I hope you will remember this when West Ridge Commerce Center and other developers respond in their FEIRs to these agencies letters.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Solar threat

08:24 PM PDT on Friday, May 6, 2011

The discovery of far more desert tortoises than expected near a planned solar power plant in the Mojave Desert should prompt federal officials to rethink the project. And the incident should spur federal officials to require independent environmental studies before bulldozers roll on future solar projects.

Last week, a U.S. Bureau of Land Management assessment found the $2.1 billion BrightSource Energy Co. project near Primm, Nev., would disturb up to 3,000 tortoises and kill as many as 700 young ones. That far exceeds an estimate of 32 of the threatened species at the site -- a number derived from studies commissioned by the developer. ATTACHMENT 24

After biologists relocated 39 tortoises -- the maximum allowed -- BLM officials last month ordered BrightSource to stop work on two-thirds of the 5.6-square-mile site. U.S. Fish and Wildlife Service officials will decide soon if completing the second and third phases of the Ivanpah Solar Electric Generating System -- which would nearly double the amount of solar electricity produced in the country -- would jeopardize the species.

The clean energy generated by this project is no excuse for federal officials to allow shoddy surveys that underestimate the tortoise population. A developer rushing to qualify for hundreds of millions in federal "stimulus" funding is hardly an objective source about issues that could obstruct construction. Federal officials should have required an independent biological survey before grading and construction work began in October. And that approach should be standard for the numerous solar projects now proposed for desert land.

In this case, the sheer number of the animals that would be killed or disturbed by the solar plant justifies a significant downsizing -- eliminating one or both of the last two phases. Federal officials could have avoided such backtracking had they had the right information before BrightSource broke ground.

Wildlife officials are likely under political pressure to let the developer proceed with much of the project. But even a compromise such as relocating large numbers of the animals would be highly risky. In 2008, the U.S. Army suspended a tortoise relocation effort at Fort Irwin after about 90 of the 556 tortoises moved died, mostly killed by coyotes.

The Mojave Desert, with endless sunny days, is not a bad place for solar power plants. But federal officials need to do a better job of surveying the native wildlife before construction starts. Green projects should not, ironically, degrade the very environment they are meant to help sustain.

From: george hague
Sent: Wednesday, May 11, 2011 10:29 PM
To: John Terell
Cc: Jeffrey Bradshaw; Grace Espino-Salcedo
Subject: PLEASE READ re West Ridge Commerce Center Final Environmental Impact Report (FEIR)
Good evening Planning Commissioners,

YOU NEED TO ASK TONIGHT NOT WHAT THE OPENING-YEAR TRUCK TRAFFIC WILL BE, BUT WHAT IS THE PROJECT DESIGNED FOR AND WHAT WILL THE TRUCK TRAFFIC BE WHEN THE PROJECT IS USED TO ITS FULLEST CAPACITY AND NOT LIMITED TO JUST REDLANDS BLVD IN FUTURE YEARS.

"Estimated opening-year average daily Project-generated truck traffic ingressing/egressing the Project site via Redlands Boulevard includes:

97 two-axel trucks;

220 three-axel trucks; and

539 four-axel trucks." (FEIR p 3-58 & p 3-88 & p 3-163 & other pages)

THESE NUMBERS ARE A DISSERVICE TO YOU AND THE PUBLIC. THE FULL IMPACTS ON TRAFFIC AND AIR QUALITY ARE NOT FULLING EXPLAINED AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THEREFORE THE FEIR IS INADEQUATE. THEY ARE REQUIRED TO BE EASILY UNDERSTOOD BY THE PULIC AND MITIGATED BEYOND WHAT WEST RIDGE COMMERCE CENTER TRULLY HAS COMMITTED TO IMPLEMENT.

You should not vote on this or any other project unless you have read the documents. You should never just rely on Staff Reports. The Planning Commission should represent all the many varied interests/concerns of the residents of Moreno Valley. I believe if you read all the letters from the agencies as well as the public and groups you will see that many of their legitimate CEQA concerns were not answered or the buck was passed.

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

ATTCHMENT 25

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MV00113560

Johnson & Sedlack
ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP
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Telephone: 951-506-9925
Facsimile: 951-506-9725

May 12, 2011

Planning Commission
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA US MAIL AND FACSIMILE

RE: Final Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Final Environmental Impact Report (FEIR) for the Westridge Commerce Center.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the EIR as an informational document.

Unfortunately, the FEIR for this Project fails as an informational document. The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The FEIR is also internally inconsistent, with statements and conclusions made from one section to another in conflict with one another.

On top of these inadequacies, the FEIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions.

CEQA also requires that ***where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted.*** In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the FEIR concludes that *unavoidable* adverse impacts will result to/from the following: aesthetics, air quality, noise, and transportation/traffic.

Feasible mitigation measures exist which would reduce these impacts, and ***which have not been required of this project.*** This is contrary to the requirements of CEQA, and the additional feasible mitigation provided in the comments must be required of this project.

Moreover, all mitigation measures required in the FEIR ***must be fully enforceable and certain to occur.*** This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures. While it appears that substantial mitigation was incorporated into the project, ***very little mitigation is actually enforceable and required.*** Also, some mitigation measures are included in the text revisions section, yet have not been incorporated into the Mitigation Monitoring Plan. This is unacceptable.

The FEIR fails to make findings supported by substantial evidence in the record. CEQA requires that an agency must make specific findings, based on substantial evidence in the record, where a project has been determined to have significant environmental effects. Here, the findings are nothing more than conclusory statements, and there is no attempt to trace the path from evidence to the conclusions reached. The findings made are not supported by substantial evidence in the record as discussed herein and in our previous comments on the DEIR.

The FEIR lastly fails to adequately respond to the significant environmental points raised in public comments pursuant to CEQA Guidelines. Particularly, Guidelines § 15088 (c) requires that a response to comments evince a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and often ignores comments altogether. Also, the responses tend to generalize specific comments made by the commenter. For instance, a comment regarding cumulative air pollution impacts which asks: "Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?" is responded to generally: "The commenter expresses concerns regarding the cumulative effects (air pollution) of this Project when combined with other vicinity projects." (Comment and response for SCR-2) These generalizations tend to result in responses which do not respond to the comments and questions presented. This is contrary to the policies of CEQA.

In additional to the general comments above, the below specific inadequacies were discovered upon review of the FEIR:

Text Revisions:

- Revision to 3.5.12 Screening: It is unclear why the sentence ends in an ellipsis. Was more intended to be included here?
- The language of Air Quality Mitigation 4.3.8 is uncertain and vague.
    - The introductory statement is unclear and should be omitted, as discussed below.
    - Where the mitigation measures state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically feasible" so that the mitigation measures are certain and enforceable.

- At Mitigation Measure 4.3.13 for GHG's, lease/ purchase documents must require, not merely encourage lessors or purchasers to comply with the measures provided.
- Mitigation Measure 4.7.2 states that artifacts will be curated where preservation in place is infeasible. This measure should require that this determination of infeasibility be made by a qualified archaeologist and approved by the City.
- At Mitigation Measure 4.7.3: the paleontological mitigation-monitoring plan must be developed prior to project approval so it may be determined that such mitigation is sufficient to reduce paleontological impacts. As is, the paleontological mitigation-monitoring plan is impermissibly deferred per CEQA and case law. Also at the third bullet, the word "salvage" should be changed to something which implies that fossils are being properly cared for. Likewise, "to avoid construction delays" should be removed: the purpose is to mitigate for potentially significant paleontological impacts, *not* to remove all impediments to construction as quickly and haphazardly as possible.
- Mitigation Measure 4.8.5 should require that all habitat replacement, revegetation and mitigation for impacts to riparian habitat be implemented by an approved biological monitor. The measure should also require that, if in 3 years the success criterion of 80% has not yet been achieved, revegetation and other mitigation shall continue until such criterion is achieved.

Responses to Comments:

Responses to Johnson & Sedlack Comments:

Response to JS-5 does not evidence a good faith, reasoned response. First, the response states that despite a finding of significant and unavoidable impacts to agriculture in the GPEIR, the agricultural impacts of this project are less than significant. To the contrary, a reasoned outlook would find project impacts to be significant and unavoidable as detailed and considered in the GPEIR, and for which a statement of overriding consideration was necessary. Second, the response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are *susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc.* (Guidelines § 15152) Here, Johnson & Sedlack has provided two possible mitigation measures, namely conservation easements or donation of funds, which would reduce the project's impacts to agriculture and therefore must be considered.

Response to JS-6 does not provide a reason for failing disclose that the project is located in a PAKO zone. The response also states, without substantiation, that there is no indication that the project would interfere with animal keeping, where the project would plainly alter the rural nature of the area. (DEIR p. 5-5)

Response to JS-7 is incorrect. Specifically, the comment stated that the assumption of zero VMT for on road truck travel was erroneously assumed in the Air Study. At Appendix A, page 1 Phase: Fine Grading 7/1/2009-7/15/2009 (Phase 2 Grading), the air study plainly states On Road Truck Travel as zero. The air quality analysis remains flawed and understates impacts from fine grading.

Response to JS-14 and other comments apply a too strict standard for evaluating mitigation measures proposed by commenters on a DEIR. A commenter need not demonstrate the quantitative efficacy of a measure nor a nexus between each mitigation measure presented and its benefit. This demonstration of need and nexus is a requirement of the measure itself to be determined by the lead agency. (Guidelines 15126.4(a)(4) and (5).) Rather, a commenter need only suggest specific alternatives and/or mitigation measures that would avoid or mitigate a significant effect. (Guidelines § 15204(a).) The comment states that measures proposed will reduce construction air quality emissions.

Moreover, the mitigation measures deemed "incorporated" per JS-14 are not actually incorporated as project mitigation at MM 4.3.8. Namely, the "mitigation" does not apply to the project itself, but instead must be notated in "Grading plans, construction specifications and bid documents…" The measures may not be implemented for construction of the project itself while still complying with the terms of MM4.3.8, namely by adding a notation within the construction documents. Hence, this supposed incorporation of mitigation measures does not actually occur, and not all feasible mitigation has been required of this project. MM4.3.8 is uncertain and unenforceable.

JS-14 number 20 is not included in MM 4.3.13 in the Mitigation Monitoring Plan, despite the statement to the contrary. Moreover, MM4.3.13 generally applies to operational impacts and not construction impacts, as evidenced by the timing of monitoring, "Before issuance of first Certificate of Occupancy," and thus will not mitigate for construction emissions. Number 21 is included, but with the limit that "a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit." This is a severe limitation on the measure recommended and such limitation is not disclosed in the response to comments. The mitigation measure *as recommended* must be adopted.

Response to JS-15 is unresponsive to the comment made regarding the need to note variances from URBEMIS defaults for informational purposes. The comment does not state that variances from defaults are improper, as the response asserts, but merely that they must be disclosed.

Response to JS-17 alleges that, "The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility." This is simply untrue. The lead agency may adopt mitigation measures, such as those recommended by the commenter requiring that lessees/purchasers become SmartWay partners, meet 2010 air quality standards or better, etc.

Response to JS-19 has the same problems as the response to JS-14, ***namely that almost all of the mitigation measures deemed "incorporated" at MM4.3.13 are not actually incorporated as certain and enforceable mitigation measures of the project.*** Instead, MM4.3.13, bullet 7, merely requires that, "Lease/purchase documents shall identify that tenants are *encouraged* to provide incentives to realize the following…" [emphasis added]. Hence all that is required is a *written provision* in the lease/purchase documents *encouraging* the use of incentives, not any actual requirement that mitigation be implemented. These repeated untruths in the response to comments cause the FEIR to fail as an informational document and are completely contrary to CEQA policy that mitigation be certain and enforceable.

Likewise, JS-19 number 19 is not incorporated into mitigation as stated in the Response and is vague and uncertain. In 4.3.10 (not 4.3.11 as stated), the mitigation required is that "All entrances shall be *posted with signs* which state: ...Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes..." [emphasis added] The mitigation does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-30 is unresponsive to the comment made regarding insufficient project noise mitigation. Response to JS-31 provides no reason for failing to incorporate the performance standard of noise barriers which will reduce noise at sensitive receptors to no more than 60dBA Leq, particularly.

Response to JS-33 (1) refuses to incorporate mitigation measures which would reduce significant construction noise impacts without finding that such mitigation is infeasible. Instead, the response merely states that such mitigation is not required, but is only recommended, by the Noise Impact Analysis. CEQA provides that agencies may not approve projects for which feasible mitigation measures exist which would reduce a project's significant environmental effects. Here, the comment suggested feasible mitigation to reduce construction noise impacts which were, in turn, recommended in the Noise Impact Analysis. Such mitigation is not shown to be infeasible, and therefore must be incorporated in the project. At (4), the mitigation at 4.3.8 is inadequate and unenforceable. At (5), MM 4.3.10 does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-34 incorrectly insinuates that, in determining a projects noise impacts, the noise from transportation/trucks should be omitted. While ambient noise may not be included to determine a project's noise impacts, impacts directly related to the project's operations must be included in the EIR's determination, as they are incorporated into the whole of the project. This response is also greatly unresponsive to the comment made.

Response to JS-35 merely restates the EIR and does not evidence a good faith response to the comment made. Specifically, the comment notes that the EIR does not provide data regarding groundbourne vibration levels nor evaluate potential impacts to people. The response repeats these issues, but fails to address them in the EIR, or alternatively to provide a reason for failing to correct the EIR.

Response to JS-39 does not evidence a good faith, reasoned response to the comment made and does not adopt feasible mitigation to reduce project noise impacts.

Response to JS-40 is unresponsive to the comment made regarding impacts to 1-215. The response instead dissolves into a discussion of SR-60.

Response to JS-42 (5) and (6) are included at MM 4.3.8, but in a manner which is unenforceable and requires zero actual mitigation to occur, as discussed above regarding JS-14. Numbers (7)

and (8) are not included at MM 4.3.8 at all, despite the statement to the contrary in the response to comments.

Response to JS-53 is conclusory and does not evidence a good faith, reasoned response to the comments made.

Other Responses to Comments

Please note that many responses to comments are repeated throughout the FEIR. The evaluation of inadequate responses below will often refer only to the first time the response is given, where such responses are repeated. Moreover, such inadequacies are likely discussed with regards to responses to Johnson & Sedlack's comments above.

- Response to CDFG-10 does not provide a good faith reason for failing to require a 3:1 replacement ratio of riparian habitat as recommended by CDFG. Specifically, CDFG stated that, "The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or offsite at a minimum 3:1 replacement-to-impact ratio…" The response cites no reason based on substantial evidence in the record for failing to incorporate this mitigation.
- Response to EMWD-2 is inadequate and conclusory. The commenter noted that impacts from construction will likely create impacts to service which must be evaluated in the EIR. However, the response states, based on no evidence in the record, that the conclusions of the Draft EIR are not affected by the inclusion of this potential impact in the EIR's analysis. Such analysis must first be conducted in order for this conclusion to be made.
- Response to RCFC-3 does not respond to the comment made. The commenter stated that the Project must *demonstrate consistency* with the MSHCP, not that the project must comply with the MSHCP requirements. A project may comply with the MSHCP requirements and still be inconsistent.
- Response to MA-4 is conclusory and not based on reasoning or evidence in the record.
- Response to MA-7 is unresponsive to the comment made regarding impacts to freeways, overpasses, and roads which will not receive the fees paid by this project for improvements and for which improvements are uncertain. The response also seems to suggest that the project will be gifting massive sums of money to the state and region for improvements. This response fails to state, however, that the fees to be paid by this project are for the purpose of mitigating this project's environmental impacts.
- Response to MA-10 is contradictory and does not respond to the comment made. The response states that project traffic will not pass through residential neighborhoods, while noting that properties adjacent to the access road to the site are designated residential. Moreover, the comment made stated that trucks often pass through "or near residential areas." Also, the comment clearly states that, for truck impacts *to roadway surfaces*, 1 truck =1,000 cars. The referenced portion of the EIR instead discusses traffic/ truck volume impacts, not necessarily impacts to roadway surfaces.

- Response to LA-2 does not respond to the comment made which inquires which mitigation measures were found to be infeasible and will not be required of this project.
- Response to LA-3 is unresponsive to the comment made. The comment inquires what protection measures against Diesel PM will be implemented for the warehouse workers, and the response merely states that the impacts to on-site workers are not analyzed in the EIR. Nonetheless, mitigation measures, conditions, and project design may implement *protection* measures. Also CAL/OHSA may require additional worker protection measures. The FEIR is thus unresponsive to the comment made.
- Response LA-4 is conclusory and states, without reference to any evidence in the record that, "No potentially hazardous materials, beyond those described [paint, solvents, fertilizers, etc.] are anticipated to be handled at the site." There is simply no basis for this conclusion. The remainder of the commenter's concerns regarding spills and smoke plumes are unaddressed.
- Response to LA-5 states that the level of LEED certification cannot be determined as the tenants and uses are unknown. However, it would be feasible to require at least LEED silver certification by contract specification. If a higher LEED certification was deemed possible, there is no bar from achieving that higher level.
- Response to GB-2 is unresponsive to the comment made. Namely, the commenter merely asked what "environmental aspects" of the site are missing from the Geotechnical investigation. This question remains unanswered in the response.
- Responses to GB-5, GB-7, and GB-9 neither make needed changes to the EIR nor provide good faith, reasoned responses for determining not to make those changes. Specifically, the commenter asked why the Casa Loma fault was not included in the EIR when it is proximate to the project. The responses ignore the EIR's role as an informational document and determined that, since the project would nonetheless comply with the California Building Code, such information could be omitted. This is contrary to the information disclosure requirements of CEQA. Likewise, the response at GB-5 notes that the Casa Loma fault was likely not included in the UBCSEIS database. None of these three responses, however, support a determination that the project will not be impacted by this fault.
- Response to GB-8 is unresponsive to the comment made.
- Response to GB-10 neither makes needed changes to the EIR nor provides good faith, reasoned responses for determining not to make those changes. The commenter points out scenic resources which were unincorporated into the EIR and the DEIR description, and the response seems to concur that these scenic resources are significant and were omitted. Beyond such concurrence, however, no changes are made to the EIR or explanation given for determining not to make those changes.
- Response to CCA-1 is unresponsive to the comment made. The commenter specifically asks what mitigation will occur for cumulative traffic and diesel impacts. No response to this inquiry is given.
- Response to CCA-2 is likewise unresponsive to the inquiries made regarding noise impacts and mitigation for cumulative impacts.
- Response to CCA-3 does not evidence that the project adopted all feasible mitigation. Comment CCA-3 recommended additional and certain mitigation which was not discussed in the response and not determined to be infeasible. Such measures as retrofit

all trucks and phase them in over a period of time must be included to reduce the project's air quality impacts.

- Response to FNSJ-3 is unresponsive to the comment made. The commenter stated that agricultural impacts for this project were deemed potentially significant and should be mitigated through the purchase of conservation easements. The response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc. (Guidelines § 15152) Here, the commenter plainly states that such potentially significant impacts could be reduced through purchase of conservation easements, and the comment should be given substantial consideration.
- Response to FNSJ-4 does not find that it is infeasible to require that off-road heavy construction to meet CARB Tier III or better certification. Such mitigation is feasible and would significantly reduce the project's air quality impacts. The measure must be required.
- Response to FNSJ-7 combines many comments and provides conclusory, unreasoned, and unresponsive responses. The response ignores the comment calling for a discussion of air quality impacts to health risks and impacts to biological resources.
- Response to FNSJ-8 combines the response to at least four comments into one, and goes on to ignore several of the comments made. For instance, there is not response made to the comment that growth inducing impacts on air quality were not evaluated.
- Response to FNSJ-12 does not evince a good faith, reasoned response to the comments made that impacts from global warming on the project must be analyzed; potentially exacerbated project impacts as a result of climate change must be analyzed; and global warming impacts on water supply and flooding must be analyzed.
- Response to FNSJ-16 does not respond to the question raised regarding onsite eating facilities.
- Responses to FNSJ regarding mitigation measures (FNSJ-18-20) seem to state that the *commenter* need to demonstrate that mitigation is either required or a nexus such that mitigation is necessary. This is not a showing required of a commenter in proposing mitigation; this is a requirement of the measure itself to be determined by the lead agency, as discussed above. (Guidelines 15126.4(a)(4) and (5).)
- Response to FNSJ-22 notes that four of the alternative sites considered are not available, yet irrationally concludes that by considering four unavailable and impossible alternative sites, a reasonable range of alternatives was considered. None of these "alternatives" may be included in the range of alternatives considered when, in fact, only Alternative Site 5 was considered. The response also does not address the issue of quantification of impacts raised by the commenter.
- Response to SG-1 is unresponsive to the comment made. The commenter notes the potential for blight in the area due to unoccupied buildings, aesthetic impacts, and long term growth inducing impacts from the zone change. No response is made to these issues.
- Response to SG-8 does not respond to the issue raised of reinforcing the roof and installing solar panels.

- Response to HF-1 is unresponsive to the comments made and fails to demonstrate a good faith, reasoned response.
- Response to SM-3 is conclusory and fails to provide reasoning. Likewise, NDN-5. The project fails to incorporate feasible mitigation recommended previously by Johnson & Sedlack, discussed above, including mitigation recommended in the Noise Impact Study.
- Response to DR1-6 is unresponsive to the comment made suggesting an alternative site by March Global Port.
- Response to SC-4 does not respond to what time of day truck trips are expected, merely that the project is assumed to be operation 24/7. This is unresponsive to the comment made and fails to provide any hourly expectations, particularly during peak hours.
- Response to TT-7 does not find it infeasible to require additional wall offsets in order to mitigate for aesthetic impacts. Instead, the response purports to defer this potential mitigation to a later time. This is improper and this mitigation measure must be required of the project.
- Response to TT-11 does not incorporate or find infeasible the mitigation recommended including requiring that a percentage of the fleet vehicles of tenants be low or zero emission and requiring soot filters or the latest available technology.
- Response to RJ-C-1 is unresponsive to the comment made.

Mitigation Monitoring Plan:

The following comments on the MMP are in addition to comments made previously in the "Text Revisions" section.

Traffic:
Many of the traffic mitigation measures state that the improvement will be funded through participation in the TUMF, DIF, or other fair share program. It is unclear in the MMP, however, whether the applicant need only pay into the program prior to issuance of the first building permit, or whether the improvements must be completed prior to issuance of the first building permit in order to mitigate for the traffic impacts listed. This should be clarified so that mitigation is certain and enforceable in the monitoring program.

Air Quality:
Not all feasible mitigation has been adopted to reduce air quality impacts from the project.

MM 4.3.2 in the MMP does not make the alterations stated in the responses to comments and text revision section (removing "during smog season", etc.) Moreover, trucks should be limited from idling beyond 3 minutes.

MM4.3.4 requires that contractors for the project will use CARB Tier 2 equipment or better. It is feasible to require at least Tier 3 certified or better.

For MM 4.3.6, it is feasible to require that only existing electrical power sources may be used; no diesel or gasoline powered generators shall not be utilized for project construction.

For MM 4.3.8, the language creates uncertain and unenforceable. Measures must only be included in plans and bid documents which may be subsequently altered and are not required of the project itself as written. The language must be changed to delete the introductory statement such that the mitigation measures apply directly to the project. Also, at bullets 6, 8, 9, and 10 which state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically possible." Likewise, at bullet 12, the "greatest extent practical" language must be deleted. As currently written, such mitigation measures are unenforceable and contrary to CEQA. Finally, bullet 14 states that all forklifts used in the operation of the Project shall be electric or natural gas powered, where MM 4.3.8 applies only to construction and construction contracts. This measure should be repeated elsewhere to reduce operation air quality impacts of the project.

MM 4.3.10 represents only one half of the mitigation measure- the posting of signs. An additional mitigation measure and/or monitoring program must be adopted for the second half of the mitigation measure-enforcement of the measures by the on-site facilities manager (or equivalent.) As written, this mitigation measure is uncertain and unenforceable.

MM 4.3.11 requires less mitigation than stated in the EIR. Namely, the EIR and responses to comments have repeatedly stated that the project will surpass Title 24 standards by 20%, yet the mitigation measure actually requires this surpassing of Title 24 by 20% only for "water heating and space heating and cooling." This limitation must be removed from the language of the mitigation measure. It is feasible to require that the project surpass Title 24 by 20% for the project as a whole, and in fact, feasible to surpass Title 24 by 30%.

MM 4.3.13 bullet 7 is completely uncertain and unenforceable. The measure provides that lease/purchase documents shall *note* that tenants are "encouraged" to provide incentives to realize mitigation measures. This introductory language must be removed and the mitigation measures required of the *project itself* through lease/purchase contracts. Moreover, most of the mitigation measures included in MM4.3.13 bullet 7 would reduce air quality emissions, namely Diesel PM, not merely GHGs as stated.

Noise:
Mitigation measures adopted for noise require that "Project plans and specifications shall include a statement that…" Again, no mitigation or monitoring is actually required of the project itself, only the written documents. No mitigation of project impacts is certain to occur.

MM4.4.2 is unenforceable, as the language of the measure requires that equipment be staged in areas that will create the "greatest distance" between noise and off-site receptors. A minimum distance or performance standard must be required to ensure that the distance chosen mitigates noise impacts.

MM 4.4.3 is uncertain, as it requires that haul routes not pass sensitive land uses or residences "[t]o the extent feasible." This feasibility language must be removed so that this measure is certain and enforceable.

MM4.4.4 is unenforceable as it provides for the "maximum reduction for noise sensitive uses." Some performance standard or specific type of noise curtain must be specified to ensure that the maximum reduction for noise sensitive uses actually occurs.

Water Supply:
There is no monitoring plan for MM 4.5.4.

Cultural Resources:
The mitigation and monitoring for MM 4.7.2 must occur throughout excavation and grading activities, not "Prior to issuance of first Certificate of Occupancy."

Alternatives:
A substantial number of comments concern the consideration of an inadequate range of alternatives, namely the *consideration of only one viable alternative site*. Alternative Sites Nos.1-4 are unavailable and were presumably included in the EIR in order to deceive the public and decision-makers into believing that an adequate range of alternatives was considered. The responses to comments concur that only Alternative Site No.5 was a viable alternative. (*See,* Response to FNSJ-22) Additional alternative sites must be considered for this project in order for there to have been consideration of a reasonable range of alternatives.

Statement of Overriding Considerations:
A statement of overriding considerations is improper with this project as the project will have extensive environmental impacts, as discussed above, yet only minimal project benefits. The project will have adverse impacts to/from the following: aesthetics, air quality, noise, and transportation/traffic. This includes substantial concerns for human health, including health risks from air pollutant emissions and health risks from excessive noise. These are major environmental risks which must be deemed offset by the economic, legal, social, technological, or other benefits of the project. (Guidelines § 15093(a).) This project will generally only benefit the developer of the warehouse. Yes, the project could create some new jobs in the area and generate some annual taxable sales, yet as noted by many commenters, warehouses already developed in the area remain vacant. These speculative benefits are comparatively insubstantial when compared to project risks. A statement of overriding considerations cannot be adopted for this project.

Thank you for your consideration of the above comments.

Sincerely,

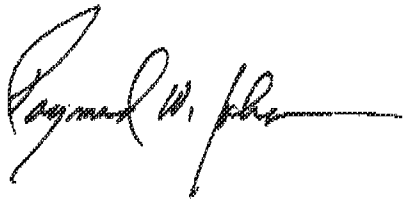

Raymond W. Johnson
JOHNSON & SEDLACK

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MV00113572

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: May 12, 2011 May 12, 2011
jeffreyb@moval.org

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Final Environmental Impact Report (Final EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be considered prior to certifying the Final Environmental Impact Report (Final EIR) as appropriate.

The proposed project will result in at least 856 trucks per day serving a warehouse that is approximately one million square feet. As a result, the AQMD staff is concerned about the significant air quality impacts and elevated cancer risk impacts to sensitive receptors (i.e., residences adjacent to the project site) from the high volume of diesel truck traffic generated by the proposed project. On December 10, 2010 the AQMD staff provided comments on the draft EIR regarding these impacts and expressed specific concern about the project's air quality analysis and health risk assessment (HRA). Further, AQMD staff suggested a list of mitigation measures to reduce the project's significant air quality impacts.

On May 2, 2011 the AQMD staff received the response to comments in the most recent staff report. Upon review of this document we continue to have concerns regarding the project's significant air quality impacts, potential deficiencies in the health risk assessment, mitigation measures and land use compatibility. Specifically, the AQMD staff recommends that the lead agency revisit the operational profile in the HRA to ensure that it is consistent with the traffic study. Also, given that the proposed warehouse project will require a significant number of trucks that travel adjacent to residential land uses the AQMD staff recommends that the lead agency provide additional mitigation to

reduce the project's significant truck emissions and revisit the size of the proposed setback between the trucks serving the project and future and current residential uses. Details regarding these concerns are enclosed.

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC110428-02
Control Number

1. Health Risk Assessment Methodology

AQMD staff originally commented on potential methodological deficiencies in the HRA presented in the Draft EIR. We appreciate the response to those comments, and have the following comments based on those responses. AQMD staff is still concerned that the HRA methodology in the Draft EIR may underestimate potential health risks to nearby sensitive receptors based on the following points.

- The HRA source geometry does not reflect the layout of the proposed building as detailed in Figure 3.5-4 of the Draft EIR and Exhibit 5-4 of the Transportation Impact Analysis (TIA) appendix. The primary difference between the modeled approach and the project description in the EIR is the location of truck entrances to the facility. The project description and TIA indicate that up to 80% of the truck traffic serving this facility will travel along the future Eucalyptus Avenue, just south of the site. However the HRA assumes that the majority of truck traffic enters the facility through eastern and western entrances, and that Eucalyptus Avenue only accommodates 29.7% of all truck traffic. This discrepancy yields an underestimation of approximately 430 truck trips per day travelling along Eucalyptus Avenue. Without considering the diesel emissions from these trips, the risk reported for the residential receptors located closest to the facility just south of Eucalyptus Avenue will be underestimated.

- The HRA underestimates the amount of trucking activity that will occur onsite by not including onsite traveling emissions. Given the significant size of the project, each truck can be expected to travel approximately ¼ mile in the southern truck entrances and loading areas onsite and nearly ¾ mile in the northern loading areas and western entrance. With 856 truck trips per day, this omission yields an underestimate of approximately 200 miles of onsite trucking activity per day. Without including the diesel emissions from this activity, the health risk reported in the Final EIR is underestimated.

- The proposed mitigation measure of reducing idling to a total of 3 minutes onsite for each truck may not be achievable given the description included in the EIR. For example, it is unclear how the project proponent will enforce the measure with 856 trucks per day (equal to approximately two truck trips onsite each minute of a 24 hour day) on a 50+ acre site with 173 docks and 175 truck parking stalls. The lead agency should either include specific provisions that establish how this measure will be enforced (e.g., onsite staff dedicated solely to monitoring diesel activities), or revise the HRA to include a more realistic composite onsite idling time of 15 minutes per truck (5 minutes entering, 5 minutes onsite, 5 minutes exiting).

2. Land Use Compatibility Mitigation

AQMD staff appreciates the inclusion of the proposed amendment of Municipal Code 9.05 as a part of this project. This amendment requires that industrial and warehouse projects greater than 50,000 square feet in size be separated from any residential district

by a distance established by an air quality or noise analysis, with a minimum of a 250-foot setback. This is a forward-thinking measure; however, its overall effect may be substantially reduced by not including a cumulative analysis of the primary truck route serving the facility in the distance measurement. For example, in the current project over 680 truck trips per day serving this facility will pass adjacent to a residential district south of the future Eucalyptus Avenue. This significant trucking activity may produce emissions that surpass those produced in the southern loading area. However, as written the setback area is measured from the loading area, not the truck route. AQMD staff recommends that the lead agency include truck routes within this amendment.

3. Regional and Localized Air Quality Mitigation

AQMD staff appreciates the addition of a mitigation measure in the Final EIR to address diesel emissions from trucks. However, given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.13 to ensure that these impacts are minimized. Specifically, the lead agency should revise the aforementioned measure to extend this requirement to any fleet owners/operators that serve the proposed project; therefore, the measure should be revised as follows:

- Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.

- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project and/or fleet owners and/or operators that serve the proposed project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.

Information about various funding programs can be found the following websites:

- http://www.aqmd.gov/tao/Implementation/index.htm and

- http://www.arb.ca.gov/msprog/truckstop/azregs/fa_resources.php

From: Paul Claxton
Sent: Wednesday, May 11, 2011 5:42 PM
To: Jeffrey Bradshaw; John Terell; Grace Espino-Salcedo
Subject: West Ridge Commerce Center

Mr. Bradshaw, Mr. Terell, and Ms Espino-Salcedo,

I am writing to express my concern about plans to put in another nearly one million square foot warehouse.

I bought my home ten years ago in a very different Moreno Valley. I work at March Air Force Base and when we moved here from Washington state my family looked at a number of towns in the area – Corona, Riverside, and Moreno Valley among others. What struck me about Moreno Valley was the beautiful east end of ranches and open land. The city struck me as a pleasant bedroom community to raise my family, grow old, and retire in. That's no longer the case. The city seems hell bent into becoming another Ontario or San Bernadino full of warehouses, lower wage jobs, traffic, noise, pollution, crime, and high taxes. Sorry, I am at a point in my career that I can afford to pull out and move if I have to and it is very apparent to this frog that the pot is on the range top and the water is getting warmer. The crime rate is already soaring with the violence brought here by the gangs and the drugs they freely peddle on our streets without having to drive out more tax payers for additional renters and section 8 housing.

I live just a couple short miles away from this second stake into the heart of the valley. The Sketcher's warehouse has yet to open and I can hardly wait for 200 semi-trucks an hour to roll down the 60 freeway, Ironwood and other side streets creating noise and pollution. This warehouse hasn't created another job in the city yet, I find it hard to imagine that people would sell their homes in Ontario and move here to be 15 miles closer to work, unlikely.

Paul Claxton
Moreno Valley

ATTACHMENT 28

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MV00113578

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **ADOPT** Ordinance No. 2011-831, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

ADVISORY BOARD RECOMMENDATIONS

On April 14, 2011, the Planning Commission conducted a public hearing to review proposed revisions related to lighting for general site, street and athletic field/park lighting citywide. At the conclusion of the public hearing and Commissioner debate, the Commission unanimously recommended that the City Council not amend lighting provisions within the Municipal Code to include a dark sky emphasis for general site, street and athletic field/park lighting.

The Planning Commission stated a number of reasons for their recommendation for denial including, but not limited to, their belief that the proposed dark sky ordinance revisions to existing Municipal Code lighting standards would be intrusive to both residential homeowners and commercial/industrial projects, curfew lighting having the potential to create reduced lighting conditions and the potential for reduced lighting within parking lot peripheries. The Commissioners mentioned that the reduction of lighting in the later night hours may lead to potential public safety issues and that some provisions such as the night lighting curfew and light wattage requirements may be difficult to enforce.

BACKGROUND

On October 20, 2009, the City Council provided direction for staff to review existing lighting standards and provide proposed dark sky provisions for consideration. The review of existing lighting ordinance standards is a direct result of the settlement agreement reached on January 7, 2010, between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project and the Skechers warehouse building.

The current City of Moreno Valley Municipal Code lighting requirements include provisions to curb on-site lighting such as the current limit for lighting at property lines to a maximum of 0.5 foot candle and residential lighting fixture limit of twelve feet in height. Some of the current lighting standards however, do not facilitate a dark sky approach or assist in promoting energy efficiency. For example, the City currently requires that parking lots and other public spaces be lit “from dusk to dawn” which exceeds the hours of operation for most retail and non-retail properties, especially office and religious establishments.

Research conducted by the Planning Division found that only a few cities had adopted dark sky ordinances. Surrounding cities such as Riverside, Perris and Redlands have not adopted dark sky ordinances. Although the settlement agreement suggested utilizing standards from the City of Palm Desert, a combination of ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas, San Diego and other cities were reviewed. Standards within these ordinances and draft guidance standards by the International Dark-Sky Association were the basis for the revised lighting provisions.

The primary purposes of changing current lighting practices and drafting a dark sky ordinance include**:**

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the negative effects of night lighting.

DISCUSSION

Pursuant to the direction provided by the City Council, staff developed revised onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields for City Council consideration. Based on provisions within the settlement agreement, staff was to report back to City Council with draft lighting requirements and recommendations for consideration without commitment to adopt an ordinance.

Some of the major modifications proposed to the existing lighting standards include:

- Revised development and performance standards including maximum wattage of light bulbs for single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);
- All lighting to include full cutoffs to prevent excess trespass for residential-multiple family and all non-residential properties.
- A further reduction of permitted light trespass or spillover lighting on adjacent properties for all non-residential and multi-family residential properties to not exceed 0.25 foot candle minimum maintained lighting measured from within five (5) feet of any property line consistent with language in the Palm Desert ordinance. This compares with the existing ordinance standard to not exceed 0.50 foot candle at the property line.
- The inclusion of height limits for hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet; and non-residential lighting height limits of 30 feet, except within 100 feet of a residential use, where the maximum height would be 20 feet and walkway/courtyard lighting with a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting for non-residential uses requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.
- The addition of athletic field lighting standards to include horizontal cutoffs to reduce vertical lighting above the fixture for new lighting and retrofit fixtures and a maximum lighting value for lighting recreational athletic fields to be an average maintained 50 foot-candles.

- The modification of existing street light standards to indicate that the installation of street lighting is solely for the purpose of illuminating the public right of way in conformance to the city street lighting standards, which include the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

In the process of updating current lighting standards, staff established a subcommittee with members from the departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utility and Parks and Community Services. All department representatives of the subcommittee assisted in drafting revised lighting language, reviewed draft dark sky lighting standards, and have agreed to the proposed modifications as presented and attached to this report in cross-out/underline and clean copy formats.

ALTERNATIVES

1. Based on the recommendation of the Planning Commission, reject the proposed draft dark sky lighting modifications and not take action on the ordinance.

2. Approve the proposed draft dark sky lighting ordinance as written.

3. Approve the proposed draft dark sky lighting ordinance with modifications. The Council could elect to remove or modify items such as the lighting curfew, provisions modifying additional spill-over lighting adjacent to adjoining properties or restricting wattage of lighting for residential and/or non-residential properties.

4. Return the proposed dark sky lighting ordinance back to the Planning Commission with further direction.

NOTIFICATION

Public notice of the proposed Municipal Code Amendment was published in the local newspaper as a 1/8 page display ad on June 24, 2011, and was mailed to the Sierra Club.

ATTACHMENTS

1. Public hearing notice
2. City Council Ordinance, including clean copies of the Ordinance amendment
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.
8. Planning Commission Report dated April 14, 2011, excluding attachments
9. Planning Commission Minutes of April 14, 2011

Prepared By:
Mark Gross, AICP,
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00113584

NOTICE
OF
CITY COUNCIL
PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT (PA10-0022) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS", AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The amendment would modify current lighting provisions including, but not limited to the refinement of existing code standards for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties and a dark sky approach citywide.

The City Council may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk or City Council on or before the following meeting date:

Tuesday, July 12, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

A7 **Item No. E.4**

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MV00113586

ORDINANCE NO. 831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use.

ATTACHMENT 2

All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting should not cause nuisance levels of light or glare on adjacent properties.

2. **Conformance with Zoning Regulations –** The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

   FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

3. **Health, Safety and Welfare –** The proposed modifications to the Municipal Code will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as residential hillside and open space areas. Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environmental, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to

adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

EXHIBIT A

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be

beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type_and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of maintained lighting.

2. Aisles and passageways related to and within a building complex, during the hours of darkness, shall be illuminated with a maximum of one-half (0.50) to one (1) foot candles of maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure not to exceed a height of eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

2. Lighting should improve the visual identification of residences and businesses.

3. Energy efficient lighting of buildings is encouraged.

4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements.

5. The location, color and intensity of private lighting should relate to and complement public lighting.

6. Lighting fixture design should complement the overall design theme of the project in which they are located.

7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare.

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

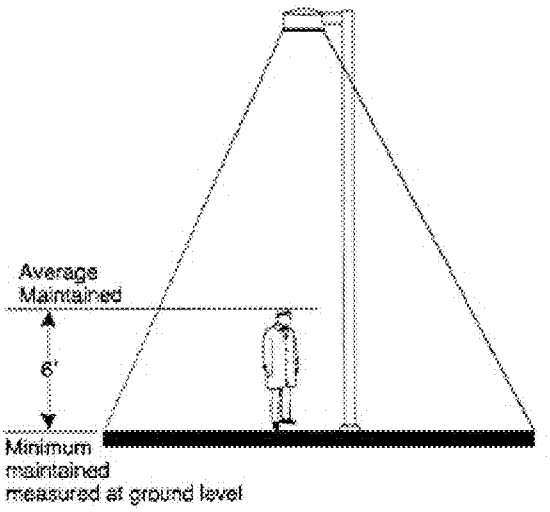

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

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MV00113604

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. ~~Each~~ Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to ~~these~~ illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

ATTACHMENT 3

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

~~A.~~ a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the nonresidential use~~ measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

~~B.~~ a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface ~~from dusk until dawn~~, unless otherwise approved, for visibility and security ~~over the entire parking surface~~. ~~Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines~~. ~~Each parking area of five or more spaces existing prior to the effective date of the ordinance codified in this chapter which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements.~~ Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the non-residential use~~ measured from within

five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of ~~minimum~~ maintained lighting.

2. Aisles and passageways ~~and recesses~~ related to and within a building complex, during the hours of darkness, shall be illuminated ~~to~~ with a maximum of one-half (0.50) to one (1) foot candles of ~~minimum~~ maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

~~7. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor

light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

~~C. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:~~

~~1. The operation of searchlights for advertising purposes; and~~

~~2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.~~

~~D. Overhead roof lighting is prohibited.~~

~~E. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.~~

~~F. All exterior commercial doors during the hours of darkness shall be illuminated with one footcandle, minimum maintained of light on the surface.~~

~~G. Aisles, passageways and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to one-half footcandle, minimum maintained on the surface.~~

~~H. All lighting shall be enclosed in vandal-resistant fixtures~~.

~~I. General Guidelines.~~

~~1. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.~~

~~2. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.~~

~~3. All exterior lighting shall be shielded to prevent spillover onto adjacent properties.~~

~~4. Industrial and manufacturing developments shall provide adequate lighting for safe and secure on-site parking, loading, storage, receiving and pedestrian areas.~~

~~5. All exterior doors on commercial structures shall be illuminated with a "minimum maintained" of one footcandle of light on the door surface during hours of darkness.~~

~~6. Aisles, passageways and recesses within a building complex shall be illuminated with a "minimum maintained" of one-half footcandle of light during hours of darkness.~~

~~7. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~8. In multifamily developments, laundry rooms shall be well-lit at all times they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.~~

~~9. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

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MV00113614

~~9.08.190 Street lighting.~~

~~A. Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~B. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~1. A utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~2. A municipally-owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~C. If a utility-owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~D. If a municipally-owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~E. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility-owned system and the public works director. (Ord. 359 (part), 1992)~~

ATTACHMENT 4

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MV00113616

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

ATTACHMENT 5

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure ~~of not more than~~ not to exceed a height of ~~twelve (12~~) eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

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MV00113620

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

~~2. Parking lot and walkway lighting fixture height and brightness should conform to the following table:~~

~~Table 9.16.280A~~

~~Site Lighting~~

-

~~Lamp Types and Characteristics~~

~~Type~~	~~Characteristics~~
~~Low Level~~	~~Heights below eye level~~
-	~~Very finite patterns with hour wattage capabilities~~
-	~~Incandescent, fluorescent~~
-	~~Lowest maintenance requirements, but highly susceptible to vandals~~
~~Mall and Walkway~~	~~10′ – 15′ heights average~~
-	~~Multi-use because of extreme variety of fixtures and light pattern~~
-	~~Incandescent, high pressure sodium~~
-	~~Susceptible to vandalism~~
~~Special Purpose~~	~~20′ – 30′ heights average~~
-	~~Recreational, commercial, residential, industrial~~
-	~~Metal halide, high or low pressure sodium~~
-	~~Fixtures monitored by sentry~~

ATTACHMENT 6

~~3.~~ 2. Lighting should improve the visual identification of residences and businesses. ~~Within commercial areas, lighting should help to create a festive atmosphere by encouraging nighttime pedestrian use.~~

~~4.~~ 3. Energy efficient lighting of buildings is encouraged.

~~5~~. 4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements. ~~and should be de-signed either to uplight structures from the ground or to downlight structures from projecting or detached architectural elements.~~

~~6.~~ 5. The location, color and intensity of private lighting should relate to and complement public lighting.

~~7~~. 6. Lighting fixture design should complement the overall design theme of the project in which they are located.

~~8. Fixtures should be placed so that light patterns overlap at a height of seven feet, which is sufficiently high to illuminate a person's body vertically. This is a particularly important consideration now that lighting fixture manufacturers are designing luminaries with highly controlled light patterns.~~

~~9~~ 7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

~~10~~ 8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare. ~~Most eye levels occur between three feet eight inches (for wheelchair users) and six feet for standing adults.~~

~~11. When walkway lighting is provided primarily by low fixtures, there should be sufficient peripheral lighting to illuminate the immediate surroundings. Peripheral lighting provides for a better feeling of security for individuals because they can see into their surroundings to determine whether passage through an area is safe. Such lighting should be approached from one of two ways:~~

~~a. By lighting the area so that an object or person may be seen directly; or~~

~~b. By lighting the area to place an object or a person in silhouette. (Ord. 698 § 3.1(g), 2005; Ord. 359 (Attach. 2 (part)), 1992)~~

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

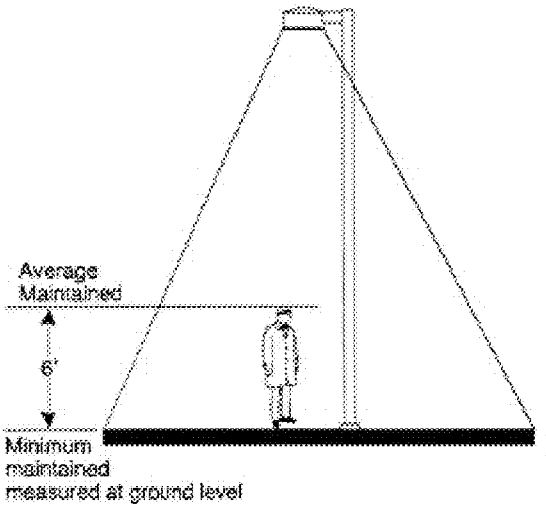

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

ATTACHMENT 7

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MV00113624

PLANNING COMMISSION STAFF REPORT

Case:	PA10-0022
Date:	April 14, 2011
Applicant:	City of Moreno Valley
Representative:	Same as above
Location:	Citywide
Proposal:	Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general site, street and athletic field/park lighting citywide.
Redevelopment Area:	N/A
Recommendation:	Recommend ordinance amendment to City Council

SUMMARY
The Planning Division of the City of Moreno Valley proposes modifications to various sections of Title 9 of the Municipal code to refine existing lighting standards to provide for better viewing of the night sky ("dark sky"). The amendment proposes modifications to onsite, athletic field/park and street lighting to minimize light pollution and trespass. All newly establish developments citywide will be subject to the proposed revisions to the code.

BACKGROUND

At the October 20, 2009, Study Session, the City Council provided direction to review the City's lighting standards based on the International Dark-Sky Association (IDA) recommendations and dark sky ordinances from other communities. This review was identified in the Settlement Agreement between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project. The review also reflects previous development review projects located within the rural and hillside residential areas within the north and east portions of the City.

The underlying principles of the proposed lighting standards/dark sky ordinance are to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky;
- Curtail and reverse degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Based on information from the IDA, the assumption that more light always results in better safety and security is not supported. Only the right amount of light, in the right place, at the right time should be necessary. In most instances, providing more light or creating bright areas often leads to glare and reduced visibility as well as wasted light and energy. The IDA recommendations call for the use of the lowest feasible wattage lamp. The maximum wattage recommended for most commercial applications is 250 watts of high intensity discharge lighting.

The current City Municipal Code includes provisions to curb on-site lighting. The Municipal Code requires that "lighting shall be adequate to help ensure a safe environment, but not cause excessive glare or intense light." All non-residential lighting is required to be shielded to avoid glare and prevent light spillage over property lines or into the public right of way. The lighting at property lines is limited to a maximum of 0.5 foot candle. The minimum lighting required in parking lots, pedestrian walkways and other areas accessible to the general public is 1 foot-candle and the maximum is 8 foot-candle to provide adequate nighttime visibility without creating excessive glare. Lighting standards are verified by a review of a point by point lighting plan showing the foot-candle lighting for closely spaced points across a site based on the fixtures proposed for the on-site use. Residential lighting is limited to twelve feet in height, below the typical eave line for a house. Finally, the stated intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are an inherently characteristic of hillside areas.

PROJECT ANALYSIS

In order to comply with the direction provided by the City Council at their October 20, 2009 Study Session meeting and the Settlement Agreement between the Sierra Club, Highland Fairview and the City of Moreno Valley, staff is presenting the Planning Commission with revised Municipal Code standards for lighting. Staff has included specific updated standards relating to onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields.

Research conducted by the Planning Division found that very few cities had adopted dark sky ordinances. For example, surrounding cities such as Riverside, Perris and Redlands did not have adopted dark sky ordinances. The majority of the cities who have adopted dark sky ordinances were found to be more rural, desert and tourist areas where climate conditions more easily allow the viewing of the stars and night sky. While the Settlement Agreement specifically identified consideration of standards from the City of Palm Desert, staff also reviewed ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas and San Diego and other cities, and the IDA recommendations.

Based on the review of existing Municipal Code standards and other communities dark sky ordinances, staff has proposed updated standards in Attachment 3 of this report. Many of the standards in the existing ordinance were used; however a number of items from IDA recommendations and ordinances such as Palm Desert's were utilized to incorporate dark sky practices. The major modifications to the existing lighting ordinance include:

- Revised development and performance standards to include maximum wattage for light bulbs on single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);

- All lighting designed with full cutoffs to fully shield light fixtures on residential-multiple family and all non-residential properties.

- A further reduction of permitted light trespass or spillover lighting onto adjacent properties for all non-residential (commercial and industrial) and multi-family residential properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle. The revised standard is consistent with language provided within the Palm Desert Ordinance.

- The inclusion of lighting height limits on hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet. Non-residential lighting height limits shall be a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.

- The addition of athletic field lighting standards to include horizontal cutoffs to reduce lighting above the fixture for new and retrofit lighting designs and a maximum lighting value used in lighting recreational athletic fields of an average maintained 50 foot-candles.

- The modification of existing street light standards to include the installation of street lighting solely for the purpose of illuminating the public right of way and conformance to the city street lighting standards, including the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

The dark sky standards would apply to all new development and to existing development/parking areas that are enlarged or altered. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to review of a new or revised point by point photometric lighting plan.

Specific language of the above sections of the Municipal Code can be found in Attachment 3 of this report, which includes a strikeout/underline version of the language added and subtracted.

REVIEW PROCESS

Staff originally presented the item to the City Council at the October 20, 2009, Study Session meeting as in conjunction an overall review of City efforts included in the Highland Fairview Corporate Park Settlement Agreement. During the study session meeting, existing and proposed standards were discussed, with the City Council recommending that staff bring back proposals to incorporate guidelines of the International Dark Sky Association and exterior lighting standards of jurisdictions such as Palm Desert which have created dark sky ordinances.

Subsequently, staff established a subcommittee of members from various internal departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utilities and Parks and Community Services. Collectively, all internal departments and representatives of the subcommittee have drafted revised lighting language and/or reviewed draft dark sky lighting standards. All members of the subcommittee have agreed to modify the ordinance as is presented and attached to this report.

The next step in the process is to have the Planning Commission review the proposed amended lighting standards and recommend to the City Council for final review and action.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA10-0022) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines in that there is no possibility that the proposed activity and the modification of existing light standards to further prevent light spillover into adjacent properties and the night sky would create the potential for a significant impact upon the environment.

NOTIFICATION

A 1/8 page public hearing notice for this development code amendment was published in the local newspaper. The Sierra Club was also notified of the meeting.

REVIEW COMMENTS

Staff sent out the final draft of the modified lighting ordinance to eleven (11) lighting designers and experts in the field that have previously submitted photometric lighting plans to the City, inviting any comments on the draft language to be provided. Staff did not receive any comments during or since the 30 day transmittal period.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Prepared by:	Approved by:
Mark Gross, AICP Senior Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-10
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code.
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for

non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.
Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the

proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things

through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I

even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not

changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule

saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old

business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a

stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could

recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of

inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

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MV00113652

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 12, 2011

TITLE: Approval of Concessionaire Agreement with Pacifica University, Inc., for the Cottonwood Golf Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

BACKGROUND

The City has owned the Cottonwood Golf Center since incorporation. During this time, the City has contracted with two concessionaires to operate the clubhouse/pro shop portion of the course. Whether operated by contract or in-house the golf course has always shown an annual deficit. At one time the operational deficit at the Center was more than $350,000 per year. While the deficit has been reduced significantly, it is anticipated that the deficit will be approximately $199,000 for the current fiscal year.

The City has been operating Cottonwood for the last nine years and has been able to somewhat reduce the deficit; however, we have been unable to make the course cost effective. The proposed contract with Pacifica University indicates their interest in being the concessionaire at Cottonwood including the operation and maintenance of the golf course and the management and operation of the adjacent banquet facility. The proposal, if approved, will immediately reduce the deficit by approximately $70,000 and will completely create a self sufficient golf course within four to five years.

DISCUSSION

At the City Council Study Session in April 2010, staff was directed to retain the maintenance and operation of the Cottonwood Golf Center, while trying to reduce the deficit it incurs. For fiscal year 2009/10, expenditures at the golf course were $336,726 while revenues came in around $71,000 for an annual deficit of $265,726. With some aggressive maintenance changes, staff immediately reduced the fiscal year 2010/11 expenditure budget to approximately $289,886. This reduced the overall annul deficit to $199,886.

Staff met regularly with a newly established Golf Course Committee, comprised of residents that utilize the golf course. Working with this committee, the City adjusted the fee schedule, improved marketing to increase play, and brainstormed as to what would be best for the Cottonwood Golf Center. Along with this staff repaired a massive drainage problem, originally projected to cost more than $300,000, but was completed for approximately $20,000.

On February 23, 2011 staff advertised a request for proposal, subsequently receiving four inquiries. Staff and elected members from the Golf Course Committee conducted in person interviews with all interested parties which resulted in a unanimous decision to begin negotiations with Pacifica University.

Pacifica University is a newly formed athletic and sports management institution currently based in Riverside. Staff has a positive working relationship with the college as their men's basketball and baseball teams have been renting the gymnasium at the Conference and Recreation Center as well as Sunnymead Park's Salas Field. Pacifica University is in the midst of forming women's basketball, soccer, and volleyball along with men's soccer and rugby with more teams on the horizon. The proposal from Pacifica University involves the college golf team assuming responsibility for the maintenance and operation of the golf course as well as responsibility for the adjacent banquet area.

There are many advantages to this unique opportunity including the following:

1. Pacifica University will relocate to Moreno Valley with the name Pacifica University of Moreno Valley.
2. Upon expansion the college will be leasing other facilities within the City for their classrooms.
3. Pacifica University has other money backing this endeavor (tuition and investors) which gives the City an opportunity to have a golf course out of debt.
4. Staff at the course (golf team) will have knowledge of this sport which will be great for the players that frequent Cottonwood.
5. Pacifica University is enthusiastic about immediately helping the CSD in constructing a practice hitting area and eventually improving the kitchen to serve prepared food.

6. The University golf team will be promoting the course in the community especially amongst our youth, providing tournaments and leagues in hopes of increasing play at Cottonwood.
7. Lastly the university students and staff will be frequenting Moreno Valley restaurants, stores, and gas stations which obviously help the City's economy.

The details of the proposed agreement are attached but in short allows the University to retain all revenues for the first three years while freeing up staff expenditures, contractual services, and supply expenses currently incurred by City.

It will be necessary for staff to address certain building deficiencies to get this facility up to code and operating efficiently, while the University will be constructing improvements that will make Cottonwood a more inviting place to visit.

ALTERNATIVES

1. Approve the Concessionaire Agreement with Pacifica University, Inc., to maintain and operate Cottonwood Golf Center for a period of five (5) years with a renewal opportunity for 20 additional years.

2. Not approve the Concessionaire Agreement and direct staff to identify alternatives to reduce funding deficit.

FISCAL IMPACT

By approving staff's recommendation, Cottonwood Golf Center will reduce annual expenses by approximately $70,000 this fiscal year, while eventually eliminating the deficit at the course for the first time in the history of its existence.

SUMMARY

Staff and the Golf Course Committee believe the City has a unique and creative opportunity that benefits the entire community and will help the Cottonwood Golf Center become a successful, more attractive area for residents and non-residents to spend their leisure time. Pacifica University is excited about not only operating the course but also becoming part of Moreno Valley.

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A: Proposed Concessionaire Agreement with Pacifica University

Prepared By:
Michael McCarty
Director of Parks and Community Services

Department Head Approval:
Michael McCarty
Director of Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT A

CONCESSION SERVICES AGREEMENT BETWEEN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND PACIFICA UNIVERSITY, INC.
(Cottonwood Golf Center)

THIS AGREEMENT is made and entered into this 1st day of August, 2011, by and between the Moreno Valley Community Services District, a Municipal corporation (hereinafter called the "CSD") and Pacifica University, Inc. (hereinafter called the "Concessionaire") whereby said parties agreed upon the following terms and conditions:

RECITALS.

CSD owns a golf course facility and recreation center and related facilities and property located at 13671 Frederick Street in the City of Moreno Valley, County of Riverside, State of California, known as Cottonwood Golf Center ("Golf Course"). The Golf Course includes a 9-hole golf course consisting of fairways, roughs, sand traps, driving range, water areas, maintenance yard, fencing, lawn, restroom facilities, a golf clubhouse, a pro shop, a parking lot, and the adjacent banquet room. Concessionaire will not have use or be permitted into the two rooms north of the banquet room, and the restrooms in this area can only be utilized until outside restrooms at the Golf Course are repaired. Upon repair the restrooms located inside banquet facility will be closed or reconstructed as monies allow.

Concessionaire represents that it is qualified in the management, operation, supervision, and maintenance of all aspects of golf course properties and their related facilities, and that Concessionaire is qualified to manage, operate, supervise, and maintain the Golf Course.

CSD desires Concessionaire to manage, operate, supervise, and maintain the Golf Course on behalf of the CSD, and Concessionaire desires to and has agreed to do so upon the terms and conditions hereinafter set forth.

AGREEMENT.

1.1 Agreement to Manage and Operate Golf Course.

CSD hereby appoints Concessionaire, and Concessionaire hereby accepts such appointment as the operator of the Golf Course during the Term, with full power and authority to carry out all the duties and responsibilities specified herein, upon the terms and subject to conditions hereinafter set forth.

1.2 Standards of Performance; Fiduciary Duty.

Concessionaire acknowledges that there is a relationship of trust and confidence between Concessionaire and CSD, and that Concessionaire has a fiduciary duty to CSD pursuant to this Agreement. Concessionaire shall use Concessionaire's best skill and judgment in performing its duties and obligations hereunder, and shall at all times provide such management, operating, supervision, and maintenance services in a manner which maintains the good name of the CSD; perform its duties and obligations under this Agreement in an efficient, expeditious, prudent, and economical manner, consistent with the best interest of the CSD, in accordance with generally approved practices and standards followed by similarly situated public golf courses in California.

2.1 General Duties and Obligations.

A. Throughout the term, subject to any restrictions or limitations set forth elsewhere in this Agreement and subject to CSD's approval, Concessionaire shall, at a minimum, do the following:

(1) Fully comply, and cause the Golf Course and all Equipment and Supplies and operation thereof to fully comply with all legal requirements including all laws, statutes, ordinances, codes, orders, rules, regulations, permits, licenses, authorizations, entitlements, and conditions imposed by all federal, state, and local governmental

regulatory agencies and authorities which are applicable as of the date hereof and hereafter become applicable to the Golf Course, the Equipment and Supplies, or the operation thereof, including without limitation, environmental laws.

(2) Apply for, obtain, and maintain in full force and effect, at Concessionaire's expense, all permits, licenses, and authorizations required, whether by CSD, City of Moreno Valley, or by any other governmental agency, that are necessary or appropriate for the management, operation and maintenance of the Golf Course.

(3) Obtain and maintain in full force and effect all insurance required to be maintained by Concessionaire pursuant to this Agreement.

(4) Concessionaire shall diligently and faithfully perform the following services (among others) during the term of this Agreement:

(a) Promote the sport of golf in such a manner that will encourage, and thereby cause, the public to engage in such sport at the Golf Course.

(b) Promote, manage, and arrange for golf tournaments and recreation programs related to the sport of golf at Golf Course.

(c) Manage and conduct the play of golf at Golf Course in such a manner that will permit the public to play in an orderly and non-obtrusive fashion at said golf course.

(d) Operate a pro shop and practice hitting/driving area including, but not limited to, sale and/or rental of golf equipment, non-motorized golf carts, motorized golf carts, and golf-related apparel items.

(e) Maintain an adequate stock of golf merchandise, supplies, and equipment necessary for the operation of a golf shop and in keeping with the demand.

(f) All golf merchandise, supplies, and equipment used in the pro shop operation and practice hitting/driving area shall be the responsibility of the

Concessionaire.

(g) Be responsible for selection, training, and supervision of all pro shop personnel described herein. All payroll related costs, including workers compensation insurance, sick leave, and vacation pay shall be the sole responsibility of the Concessionaire.

(h) Provide close liaison between pro shop management and CSD management in order to aggressively develop methods to improve golf service and build a high level of customer satisfaction.

(i) Generate sufficient revenue to cover expenses of the pro shop operation with a pricing structure partially established by CSD resolution with respect to greens fees, with related prices to be justified by current local market conditions comparable from facility to facility within the county, as per City Council.

(j) Charge and collect from all members of the public who desire to use and play upon said golf course, greens, practice hitting/driving area, and/or lesson fees as from time to time may be established by resolution of the City Council. Fees established by the City Council shall be the maximum fee charged to use and play upon said golf course. Concessionaire may from time to time, with the approval of the Director of Parks and Community Services or his/her representative, provide "discount" and/or "special" rates as a marketing tool to attract additional play. Concessionaire shall not permit, or cause to be permitted, any members of the public to play upon said golf course unless such established greens fees have been collected in advance from such persons.

(k) Concessionaire to maintain a "tee sheet" listing type of fee paid and player's name. Concessionaire shall provide each customer with a receipt for their transaction.

(l) Provide for the sale of food and beverages including beer and

wine in the pro shop located at the Golf Course. Drinking of beer and wine shall be limited to the pro shop/restaurant and not be permitted on the course.

2.2. Throughout the Term, Concessionaire shall, subject to any restrictions or limitations set forth elsewhere in this Agreement, perform or cause to be performed all tasks necessary or appropriate in connection with the ongoing operation, management, supervision, maintenance, repair, and upkeep of the Golf Course. In performing such tasks Concessionaire shall, at a minimum, do each of the following:

Golf Course

A. Be responsible for and control the play at the Golf Course, including making reservations, starting players, supervision of all of Concessionaire's personnel on the Golf Course, and all other aspects involving use of the Golf Course by members of the public.

B. Provide and supervise all personnel necessary to properly fulfill Concessionaire's requirements under this Agreement, including but not limited to golfing instructors, pro shop staff, driving range staff, putting green staff, and any other persons necessary for the successful and efficient operation of the Golf Course. Concessionaire shall take care to ensure that all staff persons are qualified for their positions and have the ability to relate to the public in the context of a municipal golf course.

C. Concessionaire shall also perform the following services under the direction and supervision of CSD staff as needed:

(1) Water greens, tees, fairways, practice range and landscaped areas.

(2) Change cup locations daily.

(3) Rake traps and repair divots daily.

(4) Edge all sand traps twice monthly.

(5) Verticut all greens not less than four times per year, and more frequently if required.

(6) Aerate greens twice annually, or more if required.

(7) Top dress all greens twice per year.

(8) Mow greens at least four times per week in the months of March through October, and at least twice per week in the months of November through February, or more if required.

(9) Fertilize greens and heavy traffic areas every eight weeks.

(10) Repair tees, including divots, and move tee markers daily.

(11) Spray greens as needed.

(12) Mow fairways twice weekly during the months of March through October, and at least once a week during the months of November through February, or more if required.

(13) Operate the Golf Course and all related facilities during all daylight hours, seven days per week, on all days when the Golf Course is playable. The course may be closed or hours adjusted as per authorization from Director of Parks and Community Services or his/her representative.

Golf Course General Maintenance and Repair.

A. Maintain the clubhouse, pro shop, golf cart storage building, banquet facility, and all other facilities related to the Golf Course in a safe, neat, and orderly condition.

B. Maintain all restroom facilities to ensure that they are constantly and fully equipped and in a clean, sanitary, safe, and orderly condition. Concessionaire shall provide all supplies and materials reasonably necessary for the proper maintenance of

restroom facilities by Concessionaire.

C. Maintain and perform minor repairs to the premises, including but not limited to greens, fairways, tees, roughs, driving range, water areas, maintenance yard, irrigation systems, landscaping, shrubs, trees, planter areas, fencing, lawns, restroom facilities, golf clubhouse, pro shop, parking lot, all personal property related thereto, and all other portions of the grounds and related facilities in accordance with industry standards and established minimum maintenance levels for the Golf Course.

Pro Shop

Concessionaire shall manage and operate the pro shop consistent with the following requirements:

A. At all times maintain a reasonable and adequate inventory of new and used golfing equipment in order to provide Golf Course patrons with a reasonable variety of golfing equipment for purchase or rent. All of the inventory in the pro shop shall be purchased by Concessionaire at Concessionaire's sole cost and expense, and shall be owned by Concessionaire.

B. Maintain the pro shop in neat, clean, safe, and orderly condition

C. Provide golf instruction and other services typically provided to a golf course.

D. Maintain adequate, qualified, and competent supervision of the Golf Course and all related facilities at all times.

2.3 Equipment and Supplies.

A. Equipment.

(1) Definition of Equipment. An inventory of the minimum equipment necessary for the performance of this Agreement by Concessionaire (hereafter

"Equipment") pertains to the following list: one of each, Gang Mower 5 Reel Ground master, Sidewinder 3 Reel Toro, Greens Mower 3250 3 Reel Green master, Tee Mower 3200 Green master, Cushman 01-770, Reel Sharpener. Said inventory may be updated from time to time by written agreement between Concessionaire and the CSD.

(2) Maintenance and Repair. CSD and Concessionaire agree that the inventory of Equipment currently located at the Golf Center is all the equipment and parts necessary for the performance of this Agreement by Concessionaire. Concessionaire shall keep all such Equipment in good maintenance and repair throughout its useful life. Equipment and parts damaged by the Concessionaire shall be repaired or replaced by Concessionaire, at Concessionaire's sole expense.

(3) Maintenance Buildings. Concessionaire is hereby permitted to utilize the maintenance buildings on the Golf Course to store Equipment and Supplies for the maintenance and repair of the Golf Course and related facilities, and Concessionaire shall keep these buildings in neat, safe, clean, and orderly conditions. Concessionaire shall maintain and repair these maintenance buildings, and all damage to said buildings shall be repaired by Concessionaire at Concessionaire's sole expense.

B. Supplies.

Concessionaire shall, at Concessionaire's sole expense, purchase all of the supplies, including but not limited to: gas, oil, grease, all small tools, shovels, rakes, hoes, brooms, fertilizers, weed control products, chemicals, grass seed, cups, flags, flagpoles, tee markers, trash receptacles, sand, special tools to maintain Equipment, and all top dress materials. Concessionaire may purchases such supplies from CSD inventory, if available.

2.4 Additional Repairs and Improvements.

Notwithstanding anything to the contrary in this Agreement, in the event Concessionaire is engaged to perform improvements that are outside the scope of this Agreement, such as installation of kitchen improvements and banquet facility enhancement. CSD and Concessionaire shall agree to the terms of such engagement.

CSD shall be responsible for and bear the cost of all major improvements including but not limited to parking lot improvements, exterior restroom improvements, building access improvements from public right away installation of driving range area, and completion of roof improvements. Concessionaire shall be responsible to provide labor for all minor Equipment repairs, tune-ups, grinding, belt and chain replacements, and all scheduled or manufacturer recommended servicing of Equipment.

Concessionaire and CSD will work together on adding patio cover in back area of golf course, trim scraping, and building paint as needed.

2.5 Utilities.

The Concessionaire shall pay for all utilities and services necessary to carry out Concessionaire's obligations of this Agreement, including but not limited to pest control and janitorial services. Furthermore, internet service, television cable or satellite service, and similar non-essential utilities shall be furnished at the sole cost and expense of Concessionaire.

2.6 Alterations and Fixtures.

A. Concessionaire shall have the right to install and maintain in the pro shop display cases and all other fixtures reasonably necessary for proper operation of the pro shop. Before installing any such fixtures or making any alteration to the pro shop,

Concessionaire shall submit plans and designs for the installation to the CSD for its approval which shall not be unreasonably withheld. Concessionaire shall maintain an up-to-date list of all fixtures, alterations, and improvements installed at the pro shop and shall furnish a copy to the CSD each time Concessionaire removes a fixture or improvement so that both parties have a current list of all alterations and fixtures installed by Concessionaire. At the end of the Term, at CSD's sole discretion, Concessionaire shall restore the pro shop to the same condition as before the alterations and fixtures, as required by the CSD, and Concessionaire will indemnify and defend CSD for all liens, stop notices, claims, or damages caused by the alterations, improvements, fixtures, additions, and removal thereof from the pro shop. In the event Concessionaire fails to remove all of Concessionaire's fixtures and alterations as requested by CSD within five (5) business days of the end of the Term, and restore the pro shop to its original condition, all such fixtures, alterations, and improvements shall become the property of the CSD.

B. Concessionaire shall design to CSD's reasonable satisfaction and approval a fully enclosed practice hitting/driving area. Such improvements, and any other improvements, alterations, and installation of fixtures, to be undertaken by Concessionaire, shall have the prior written approval of the CSD after Concessionaire has submitted to the CSD proposed construction plans and specifications therefore, in writing. Such approval by the CSD shall not be unreasonably withheld. Upon such approval, Concessionaire shall complete such improvements in strict compliance with said plans and specifications.

(1) Following completion of such improvements, Concessionaire shall submit to the CSD:

(a) Itemized statements showing the entire cost of such

improvements, alterations, and fixtures, and

(b) A complete set of "as-built" drawings showing every detail, latent or otherwise, of such improvements, alterations, and fixtures, including, but not limited to, electrical circuitry and plumbing.

(c) All such improvements, alterations, and fixtures (except trade fixtures as that term is used in Section 1019 of the Civil Code) shall be the property of the CSD; provided, however, that Concessionaire may remove, at its expense, such trade fixtures at or prior to the expiration of this Agreement and restore the premises to its original shape and condition as nearly as practicable. In the event Concessionaire does not so remove such trade fixtures, they shall become the property of the CSD for no further consideration of any kind, and Concessionaire shall execute any documents that may be required or necessitated in conveying their interest in such improvements, alterations, and fixtures to the CSD.

2.7 Revenue and Compensation.

A. For the first three (3) years of this agreement, the Concessionaire shall keep all revenues generated at Golf Course including all green fees, hitting area revenue, sale of food and beverages, sale of golf products, and all rentals.

B. In years four (4) and five (5), Concessionaire shall remit to the CSD the following amounts.

(1) Ten percent (10%) of all revenues generated from green fees, sale of food, beverages, golf related products, and by rentals.

(2) Fifty percent (50%) of all revenues generated from City installed driving range area.

C. The CSD shall have no responsibility for collection of any monies due the Concessionaire as a result of pro shop operations. The Concessionaire may offer promotional programs and other financial incentives in order to generate additional participation and/or sales including promotional green fees.

2.8 Taxes, Licenses, Permits and Fees.

The Concessionaire shall be responsible for payment of any taxes, duties, fees, or other governmental charges levied or assessed on the food service operation or property. The Concessionaire shall also be required to purchase any applicable permits and licenses (including City business license and any licenses required for alcohol).

2.9 Prohibited Activities.

Concessionaire shall not do, nor cause nor permit to be done, any of the following:

A. Lease, sell, transfer, assign, convey, pledge, encumber or otherwise dispose of the Golf Course, related facilities, Equipment, or Supplies.

B. Violate any of the legal requirements or engage in or permit, suffer, or allow the occurrence of, any storage, holding, release, emission, discharge, generation, abatement, disposition, handling, or transportation of any hazardous substance.

C. Make any deletion, modification, alteration, or improvement to the Golf Course or related facilities other than expressly authorized.

D. Except for fertilizers, pesticides, and fuel and motor oil reasonably necessary for operation and maintenance of the Golf Course, and except for any other substances and materials reasonably necessary for the operation and maintenance of the Golf Course (all of which shall be used, installed, kept, and maintained in compliance with all applicable legal requirements), place or cause to be placed in, on, under or around the Golf Course or

any related facilities any hazardous substance. Concessionaire hereby agrees to indemnify, defend (through counsel reasonably satisfactory to the CSD), and hold CSD harmless from any cost, expense, loss, damage, or other liability, including all costs of testing, monitoring, and remediation incurred by CSD as a result of any breach of Concessionaire of its obligations under this section.

3.1 Books and Reports.

A. Throughout the Term, Concessionaire shall maintain in accordance with generally accepted accounting principles, consistently applied, full and separate books and records for the Golf Course with entries supported by documentation sufficient to allow CSD to ascertain the accuracy of such books and records. Concessionaire shall provide legible, complete copies of such books and records to CSD at such times at CSD request. Concessionaire shall ensure the necessary control over accounting and financial transactions as is necessary to protect CSD's assets from theft, error or fraudulent activity by Concessionaire's staff.

B. Concessionaire shall prepare and submit to CSD, no later than ninety (90) days after the end of each fiscal year, an Annual Operating Report for the immediately preceding fiscal year which shall be in such form and contain such information as CSD may require.

3.2 CSD's Right to Audit.

All books, records, and supporting documentation maintained by Concessionaire pursuant to this Agreement and/or relating to the Concessionaire's operation of the Golf Course, shall be the sole and exclusive property of the CSD, and shall be made available to CSD at CSD's request at reasonable times during normal business hours. CSD may

examine all books, records, and supporting documentation maintained by Concessionaire relating to the Golf Course.

3.3. Annual Meeting.

During each fiscal year, Concessionaire and CSD shall meet a minimum of one time to establish such things as the contract details relating to maintenance and operation and fee structure.

4. Indemnity.

To the maximum extent permitted by law, Concessionaire and Concessionaire's Parties ("Concessionaire's Parties" mean Concessionaire and Concessionaire's officers, shareholders, partners, trustees, members, agents, employees and independent contractors, as well as all persons and entities claiming through any of these persons or entities) and hold CSD (including CSD's officers, employees, agents, representatives, and their respective successors and assigns) harmless from, and CSD shall not be liable from any and all liability, loss, cost, expense or damage (including but not limited to damage to CSD's property, third party claims, and CSD's attorneys' fees and expenses) resulting from or arising out of (a) the negligent acts or omissions or willful misconduct in the performance by the Concessionaire or Concessionaire's staff or agents hereunder, or (b) any acts by Concessionaire or Concessionaire's staff or agents which are beyond the scope of authority which Concessionaire reasonably believes it has been granted pursuant to this Agreement in connection or relating to Concessionaire's performance of its obligations under this Agreement. Concessionaire shall be obligated to indemnify CSD as described in this paragraph, whether or not there is concurrent negligence on the part of the CSD, but shall not be so obligated to the extent that a court of competent jurisdiction

has established that said liability was caused by CSD's sole active gross negligence or willful misconduct.

5. EXEMPTION OF CSD FROM LIABILITY.

To the fullest extent permitted by law, Concessionaire, and on its behalf and on behalf of all Concessionaire Parties, as a material part of the consideration to CSD, hereby waives all claims (in law, equity, or otherwise) against CSD arising out of, knowingly and voluntarily assumes the risk of, and agrees that CSD shall not be liable to Concessionaire or Concessionaire Parties for (i) injury to or death of any person; or (ii) loss of, injury or damage to, or destruction of any tangible or intangible property, including the resulting loss of use, economic losses, and consequential or resulting damage of any kind from any cause, including without limitation for injury to CSD property or vehicles, or other property or vehicles of the public, and to Concessionaire or Concessionaire's Parties business, or any loss of income there from, or for damage to the goods, wares, merchandise, or other property of Concessionaire or Concessionaire's Parties, or any other person in or about the Golf Course, whether such damage or injury is caused by or results from theft, fire, steam, electricity, gas, earthquake, water or rain, or from the breakage, leaking, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, of from any other cause, whether said damage or injury results from conditions arising on or around the Golf Course or from other sources or places, or from construction or repair, alteration or improvement of any part of the Golf Course or any related structures, or of the equipment, fixtures or appurtenances applicable thereto, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Concessionaire or Concessionaire's Parties. CSD shall not be liable for

any damages arising from any act or neglect of any occupant or user of the Golf Course, nor from the failure of Concessionaire or Concessionaire's Parties to comply with the provisions of this Agreement. CSD shall not be liable regardless of whether liability results from any active or passive act, error, omission or negligence of CSD or any of its officers, employees or agents. The foregoing exculpation shall (a) not apply to claims against CSD to the extent that a final judgment of a court of competent jurisdiction establishes that the injury, loss, damage, or destruction was proximately caused by fraud, willful injury to person or property or violation of law by CSD, or (b) not be interpreted or construed as an attempt by CSD to be relieved of liability arising out of a non-delegable duty on the part of the CSD.

6.1 Commercial General Liability Insurance.

Concessionaire shall, at no expense to CSD, maintain commercial general liability insurance, including products liability and completed operation, and contractual liability coverage, in the amount of Three Million Dollars ($3,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage, arising from or related to the Golf Course, or directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement. This insurance shall be a per occurrence policy. The policy shall also cover Operations, Independent Contractors, Products and Completed Operations, Contractual Liability covering Concessionaire's indemnity obligations contained in this Agreement, severability, and cross liability clauses. The limits of liability of the insurance coverage specified in this paragraph may be provided by any combination of primary and excess liability policies carried by Concessionaire.

6.2 Automobile Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain business automobile insurance in the amount of One Million Dollars ($1,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage arising from or caused, directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement and covering the use of all automobiles, trucks and other motor vehicles utilized by Concessionaire or Concessionaire's Parties in connection with this Agreement. This insurance shall be a per occurrence policy.

6.3 Additional Insured Endorsement.

Under the public liability, property damage, and automobile liability insurance required in this Agreement, the CSD and the City of Moreno Valley, their officers, agents, and employees shall be named as additional insured by endorsement and as to such additional insured, the insurance shall be primary and the policies shall contain by endorsement a cross liability clause.

6.4 Workers' Compensation and Employer's Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain workers' compensation insurance, as required by law, and employer's liability insurance (at a minimum limit of One Million Dollars ($1,000,000) for all Concessionaire's officers, agents, employees, and staff.

6.5 Comprehensive Dishonesty, Destruction, and Disappearance Coverage.

Concessionaire shall, at no expense to the CSD, maintain coverage for comprehensive dishonesty, destruction, and disappearance or the equivalent crime or other coverage, in an amount not less than Twenty-five Thousand Dollars ($25,000), covering, at a minimum, depositor's forgery and theft and dishonesty by all

Concessionaire's employees or agents or staff who may handle funds or property in connection with the Agreement.

6.6 Deductible Self-Insurance Retention.

Any deductible or self-insurance retention shall be certified on a certificate of insurance and approved by the CSD. CSD may require Concessionaire either (1) reduce or eliminate such deductible or self-insurance retention as it applies to the CSD, or (2) procure a bond guaranteeing payment of losses and all costs associated with investigation, administration and defense of claims and/or lawsuits. The bond shall be in a form acceptable to the CSD.

6.7 Certificates.

The insurance required above shall be evidenced by certificate(s) submitted to the CSD which shall be executed by the insurance company or companies involved and which shall state that this insurance may not be terminated without 30 days prior written notice being received by CSD. The certificates shall be submitted to CSD before or at the time Concessionaire executes this Agreement.

6.8 No Representation of Adequate Coverage.

CSD makes no representation that the limits or forms of coverage of insurance specified in this Agreement are adequate to cover Concessionaire's obligation under this Agreement.

7.1 Term of Agreement.

The term of this Lease Agreement will be August 1, 2011 through July 31, 2016. Options to extend this agreement are available upon both parties agreeing on terms for up to 20 additional years.

7.2 Early Termination Without Cause.

Either party may terminate this Agreement upon one hundred eighty (180) days advance written notice to the other party, without penalty or cause.

7.3 Termination Upon Default by Concessionaire.

Upon the occurrence of an Event of Default by Concessionaire, as described herein, CSD may, at its option, and in addition to any and all other rights to which it may be entitled under this Agreement or applicable law, elect to terminate this Agreement. Any such termination shall be effective on the date specified by the CSD in such election; provided, however, in no event shall such date be later than thirty (30) days following the date CSD elects to terminate this Agreement.

The following shall constitute an Event of Default with respect to Concessionaire under this Agreement:

A. Any failure by Concessionaire to perform any of the terms, conditions, or covenants of this Agreement to be observed or performed by Concessionaire within thirty (30) days after written notice from CSD.

B If Concessionaire shall become insolvent or files any debtor proceedings, or any adjudication of bankruptcy is rendered against Concessionaire, or if Concessionaire takes or there is taken against Concessionaire in any court pursuant to any statute of the United Stated or of any state a petition in bankruptcy or insolvency, or for reorganization or for the appointment of a receiver or trustee of all or a portion of Concessionaire's property, and if the foregoing proceedings are not discharged within sixty (60) days thereof.

C. If Concessionaire makes an assignment for the benefit of creditors, or petitions for or enters into an arrangement of its debts, or it Concessionaire shall permit or

suffer this Agreement to be taken under any writ of attachment or execution, and the same is not discharged within thirty (30) days thereafter;

D. If Concessionaire assigns this Agreement in violation thereof.

7.4 Actions Following Termination.

A. Immediately following any termination of this Agreement for any reason whatsoever, Concessionaire shall assign, convey, transfer, and deliver to CSD, pursuant to an assignment in form and content satisfactory to CSD, all of Concessionaire's right, title, and interest in and to all Operating Contracts then in effect and in Concessionaire's name with respect to the Golf Course as requested by CSD, and Concessionaire shall transfer to CSD possession of all Equipment and Supplies owned by, purchased by or supplied by CSD.

B. Upon any termination of this Agreement for any reason whatsoever, Concessionaire shall, for a period of two (2) months following such termination, assist, and cooperate with CSD to the extent deemed necessary by CSD to ensure an orderly and efficient transfer of the operations of the Golf Course by Concessionaire to CSD or to CSD's designee. This covenant of Concessionaire contained herein shall survive and remain in full force and effect following any such termination of this Agreement.

C. Upon termination of this Agreement for any reason whatsoever, Concessionaire shall surrender the Golf Course and all related structures, improvements, and alterations, in good condition, and in accordance with all other provisions of this Agreement regarding fixtures, alteration, and improvements.

8. Transfer and Assignment.

Concessionaire may not, voluntarily or involuntarily, sell, convey, assign, transfer,

hypothecate, pledge, or otherwise dispose of (or agree to do any of the foregoing) all or any part of its interest, if any, in this Agreement, or any contractual rights or obligations related hereto without the prior written consent of CSD, which may be granted or withheld in CSD's sole discretion. Any assignment by Concessionaire without CSD's consent shall be considered any Event of Default and the assignment shall be of no force or effect.

9. Prohibition of Advertising and Certain Displays.

Concessionaire shall not display, nor shall Concessionaire permit the displaying of any advertising or any other postings at the Golf Course that are unrelated to golfing activities, without the prior written consent of CSD, in CSD's sole discretion.

10. Warranties and Representations.

Concessionaire hereby represents and warrants that in entering into this Agreement, Concessionaire has not relied on any statements from CSD or any representative thereof, and has conducted such due diligence and investigations as Concessionaire deems appropriate before entering into this Agreement.

11. Independent Contractor.

Concessionaire and CSD hereby acknowledge and agree that Concessionaire, in performing this Agreement, will be and will at all times act as an independent contractor in the performance of its duties and responsibilities set forth herein, and that Concessionaire will have control of its work and the manner in which it is performed. Concessionaire shall not be considered as an agent or employee of the CSD or the City of Moreno Valley. None of the provisions of this Agreement are intended to nor shall they be interpreted to create a partnership or joint venture between Concessionaire and CSD with respect to the Golf Course or otherwise, and neither party shall have the power to bind or obligate the other

party, except as expressly set forth in this Agreement. Concessionaire shall timely pay all taxes and impositions and for all other benefits required by law and relating to Concessionaire's staff.

12. Right to Inspection.

The CSD shall have the right to enter and inspect the Golf Course and the buildings and the premises as well as any Concessionaire-operated equipment, at any time during business hours.

13. Applicable Law.

This Agreement and all provisions hereof, irrespective of the place of execution or performance, shall be construed and enforced in accordance with the laws of the State of California. The sole and exclusive venue for any legal action under this Agreement or in any way related to the Golf Course shall be the Superior Court in and for the County of Riverside, and CSD and Concessionaire agree to submit to the jurisdiction of such court.

14. Savings Clause.

Any Provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefit by any party hereunder, or substantially increase the burden on any party hereto, shall be held to be invalid or unenforceable to any extent, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

15. Attorneys' Fees and Expenses.

In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement, or any part thereof, the losing party shall pay all costs, charges, fees, and expenses (including reasonable attorneys' fees and costs) paid or

incurred by the prevailing party, regardless of whether any such litigation is prosecuted to judgment.

16. Non- Waiver.

The waiver by the CSD of any breach of any term, covenant, or consideration herein contained shall not be deemed to be a waiver of such term, covenant, or consideration or any subsequent breach of the same or any other term, covenant, or condition therein contained. No covenant, term, or condition of this Agreement shall be deemed to have been waived by CSD or Concessionaire, unless such waiver is in writing signed by the party against whom such waiver is asserted.

17. Compliance with Applicable Laws.

In the performance of services hereunder, Concessionaire shall comply with all applicable local, state, and federal statutes, regulations, ordinances, and orders now in force or which may be hereafter in force, to include public health sanitation requirements.

18. Equal Employment/Discrimination.

A. Concessionaire shall not discriminate in its recruiting, hiring, promotion, demotion, or termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, physical handicap, medical condition, or marital status with respect to the services to be performed hereunder, and Concessionaire shall comply with the provisions of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1964 (P.L. 88-352), and all amendments thereto, Executive Order No. 11246 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issues pursuant to said Acts and Orders.

B. Concessionaire shall not discriminate against or cause the segregation of any person or group of persons on account of race, color, creed, national origin, or ancestry with respect to the services to be performed hereunder, nor shall the Concessionaire or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the services to be performed hereunder.

19. Food and Beverage Laws.

With respect to any food or beverage sales or distribution operation conducted by Concessionaire as a golf play related service, Concessionaire shall keep the pro shop premises in a neat and sanitary condition and shall comply with the California Restaurant Act (Section 28529, et. seq. of the Health and Safety Code) and all applicable laws regarding the sale or distribution of intoxicating liquors. Health grade shall not be lower than an "A" rating.

20. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties, or to such other addresses as from time to time shall be designated by the respective parties, as set forth as follows:

CSD:
City of Moreno Valley
Parks and Community Services Department
14075 Frederick Street
Post Office Box 88005
Moreno Valley, Ca 92552-0805

CONCESSIONAIRE:
Pacifica University, Inc.
Attention: William Meyers
2764 Ridgeline Dr #101
Corona, Ca 92882

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement on the 1st day of August, 2011_.

MORENO VALLEY
COMMUNITY SERVICES DISTRICT
Municipal Corporation

BY: _____

TITLE: _____

DATE: _____

ATTEST:

_____
City Clerk, in the capacity of Secretary to the Board of Directors of the Moreno Valley Community Services District

Approved as to form this

____ day of

City Attorney, in the capacity of general legal counsel to the Moreno Valley Community Services District

PACIFICA UNIVERSITY, INC.

BY: _____

TITLE: _____

DATE: _____

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MV00113682

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: "BEST PLACE TO DO BUSINESS" ACTION STEPS

RECOMMENDED ACTION

Staff recommends that the City Council approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

ADVISORY BOARD RECOMMENDATION

On June 8, 2011 the Economic Development Subcommittee approved the recommended "Best Place to do Business" Action Steps.

BACKGROUND

The City of Moreno Valley is moving to improve the economic condition of the community through a variety of methods.

On March 22, 2011, the City Council reviewed and provided input for an Economic Development Plan- Areas of Opportunity brought forth by the Community & Economic Development Department. The twelve specific Areas of Opportunity provide a broad roadmap for the City of Moreno Valley to become a major business development area by creating major employment hubs, successful retail centers and pursuing redevelopment opportunities.

Continuing the process of refining and developing a short-term Economic Development Plan, on April 26, 2011 the City Council adopted a 2-year Economic Development Action Plan containing five initiatives focusing economic development efforts on the Areas of Opportunity that include TownGate, Centerpointe Business Park, South Industrial Area, East Moreno Valley-Rancho Belago, and City Center. Included in the adoption of the 2-year Action Plan was the re-sequencing of specified Capital

Improvement Program projects bolstering the economic impacts within the five key initiatives.

Prior to, and in conjunction with the adoption of the Economic Development Action Plan, many economic development activities were in motion including:

- Reformation of the City Council Economic Development Subcommittee
- Updating of the City's Housing Element
- Conduct a Developer's Workshop
- Collaboration with key Developers to advance development projects
- Study of best practices to make Moreno Valley a "Best Place to do Business"

DISCUSSION

The study of best practices to make Moreno Valley a "Best Place to do Business" was undertaken to identify attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations that are identified for use as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

The following searches were used to identify the communities that were reviewed and the practices that were identified:

- Economic Development best practices
- Economic Development award winners
- Cities recognized for being a best place to do business

Of the hundreds of cities considered in the search, thirty communities across the U.S. were selected based on similar populations and/or those within California. They were representative of top U.S. communities utilizing best practices or receiving awards and/ or recognition for being a "Best Place to do Business". Of the thirty communities studied, the Economic Development Subcommittee evaluated 5 cities including Austin, TX; Chico, CA; Raleigh, NC; Santa Clarita, CA; and Seattle WA. Examples of the program ideas shared by these cities include: e-permitting, user-friendly (yet content rich) websites, social media, targeted and effective marketing programs, incentive programs, workforce training, fast-track development services, local vendor preference programs, industry groups, and methods to improve overall quality of life creating a "sense of place".

The recommendations listed on Attachment A are based on the evaluations of the programs and characteristics of those five cities and direction from the Economic Development Subcommittee.

ALTERNATIVES

1) Approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff recommends this alternative.*

2) Do not approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff does not recommend this alternative.*

FISCAL IMPACT

The implementation of the Action Steps to make Moreno Valley a "Best Place to do Business" will create a positive environment whereby businesses can thrive and quality development can occur, thus improving the potential for a stronger local economy. Specific actions including implementing program changes related to the Action Steps shall be further analyzed on a case by case basis consistent with appropriate funding sources.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and polices to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

SUMMARY

As part of the effort to improve the City's efforts with economic development, the Community & Economic Development Department studied best practices to make Moreno Valley a "Best Place to do Business". The study identified attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations, with the help of the Economic Development Subcommittee, that are recommended shall be used as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

ATTACHMENTS/EXHIBITS

Attachment A: Recommendations for Action Steps to make Moreno Valley a "Best Place to do Business".

Prepared By:
Shanna Palau
Management Analyst

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Recommendations for Action Steps

to Make Moreno Valley a "Best Place to do Business"

Development Services

- Implement the use of "E-permitting" to accelerate the process of doing business in Moreno Valley

- Expand and strengthen business and development ombudsperson program to include new or expanding small businesses.

- Host quarterly workshops with contractors and developers aimed at improving development processes in Moreno Valley.

- Improve Pre-Project Review Staff Committee (PRSC) and PRSC process to include project management services to small business.

- Create consistent explanation (website and handouts) of codes and processes, and to provide clarity and coordination of development services processes.

Business Attraction

- Identify and form key industry leadership groups to create industry specific synergy in the community helping to mitigate any obstacles to business attraction and help develop strategies to attract industry related business and workforce, improve city processes, and evaluate policies that may require updating to support the objectives outlined in the Economic Development Action Plan.

- Explore policy development for the creation of a tiered Moreno Valley Electric Utility "Economic Development" rate structure and incentive program.

Business Retention and Expansion

- Develop ways to expand the Shop MoVal campaign to provide more exposure for local business and encourage increased business-to-business relationships.

- Pursue ways to increase local vendor preference, including expanding existing procurement policy.

- Implement a new meeting program with local businesses to discuss business opportunities. The Program would be held once a year in each Council District and include the opportunity to talk to the Councilmember, City Manager, and Community & Economic Development Director. The Program will compliment the existing Business Roundtable.

- Enhance the Business Resource Guide.

Marketing and Communication

- Perform an audit of the City's website to ensure that it is user friendly and data rich, and identify areas where processes can be clarified.

- Develop a re-tooled marketing plan to incorporate the following:
    - Cooperative marketing opportunities with targeted area developers to attract tenants
    - Identifying the City as a medical community
    - Brand the City as a job center

- Create an e-newsletter or explore other communication methods to improve residents' and business' knowledge about what's happening in the City.

- Increase use of social media.

- Create and maintain a community calendar to include business networking and education opportunities as well as community events and meetings.

- Explore use of Smartphone apps for improved communication and connectivity.

- Encourage on going feedback (How are we doing?) by posting regular surveys on the city's website.

Community Vitality

The best places to do business also reflect characteristics of the best places to live. These places tend to exude a "sense of place" reflected in aspects of quality of life including activity, arts and culture, and beauty in the environment.

- Explore additional community events- things to do.

- Explore idea of annual corporate sponsorship programs to create marketing value for local business and provide funding for community events.

- Enhance neighborhood groups by implementing community update meetings.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: Appointment of City Council Ad Hoc Subcommittee for the Purpose of Reestablishing July 4th Events for 2012

RECOMMENDED ACTION

Staff recommends that the City Council appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

BACKGROUND

City Resolution 2003-17 enacted the *Rules of Procedure for Council Meetings and Related Functions and Activities.* Section 9.3 Other Committees states "The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes."

DISCUSSION

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to a significant budget deficit. The budget for the annual July 4th activities in previous years has exceeded $100,000. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012. By definition Ad Hoc Subcommittees are appointed for particular temporary purposes. The proposed Ad Hoc Subcommittee would seek donations to fund the July 4th events and work with Parks and Community Services staff in planning the events.

ALTERNATIVES

1) Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff recommends this alternative as the proposed Ad Hoc Subcommittee would provide fund raising and planning to reestablish the City's annual July 4th community activities.*

2) Not appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff does not recommend this alternative as the City's annual July 4th community activities are important to the City's image and promoting community spirit.*

FISCAL IMPACT

Appointing an Ad Hoc Subcommittee will have no fiscal impact to the City.

SUMMARY

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to budget challenges. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012.

COUNCIL GOALS

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Mike McCarty
Parks and Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

Item No. G.5

MV00113691

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MV00113692

*REVISED AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

July 12, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street
Teleconference: Phoenix Park Hotel, LLC
520 North Capitol Street, N.W.
Federal City Room
Washington, D.C. 20001

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

MV00113693

***REVISED AGENDA**
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Officer of the Quarter presentation to Officer Kevin Dixon

2. Proclamation Recognizing Soroptimist International of Moreno Valley

3. Spotlight Business

***REVISED AGENDA**
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
JULY 12, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Diane Gardner

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 22 - July 5, 2011.

A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of

Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue;

2. Authorize the City Manager to execute a contract with Transtech;

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties; and

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

1. Approve Tract Map No. 35760; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

Recommendation:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system;

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc.;

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877; and

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND

ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-72 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system; and

   Resolution No. 2011-72

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32707 and Accepting the Portion of Lasselle Street Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883;

2. Direct the City Clerk to record the Notice of Completion within ten (10)

calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to

release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division;

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC; and

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL

CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988. (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief

and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

Resolution No. 2011-73

A Resolution Of The City Council Of The City Of Moreno Valley, California, Rescinding Resolution No. 2005-30, And Re-Designate And Authorize Certain City Officials To Execute Applications And Documents For Purposes Of Obtaining Financial Assistance Under Section 404 Of Public Law 93-288, As Amended By The Robert T. Stafford Disaster Relief And Emergency Act Of 1988

A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis;

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS; and

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC; and

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services"

has been signed by all parties.

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

Resolution No. 2011-74

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Convenience Require the Sale of a Remainder Parcel Excess to Public Use

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-75

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report of: Financial & Administrative Services Department)

Recommendation:
Approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

Recommendation:
Approve the proposed staff assignments in support of Council Member participation with regional agencies.

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF

MORENO VALLEY, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF

LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553. (Report of: Public Works Department)

Recommendation:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO

ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works

Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement on behalf of the Community Redevelopment Agency; and

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010,

316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
That the City Council, after conducting the individual Public Hearings and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Recommendation: That the CSD:
That the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE

PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

   If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

   ADOPT City Council Resolution No 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution;

   Resolution No. 2011-76

   A Resolution of the City Council of the City of Moreno Valley, California, Denying a Change of Zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an Approximate 55 acre site, Located within Assessor's Parcel Numbers 488-330-003 through -006 and -026

2. OR

   If the City Council elects to overturn the Planning Commission decision, and approve the project:

   ADOPT City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

   Resolution No. 2011-77

   A Resolution of the City Council of the City of Moreno Valley,

California, Certifying the Final Environmental Impact Report (P08-133), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the West Ridge Commerce Center Project, Generally Located on the South Side of State Route 60, on the North Side of Fir Avenue/Future Eucalyptus Avenue and Approximately 650 Feet West of Redlands Boulevard

3. INTRODUCE Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change the Zone From Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

4. INTRODUCE Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

5. ADOPT City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2011-78

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA08-0097 for Development of a 937,260 Square Foot Warehouse Distribution Facility on 55 Acres Located Within Assessor's Parcel Numbers 488-330-003 Through -006 and -026

6. ADOPT City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the

resolution as Exhibit A

Resolution No. 2011-79

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Tentative Parcel Map 36207 (PA09-0022) to Combine the Existing Five Parcels Located Within the Project Site into a Single 55 Acre Parcel

E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

   RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 831 approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

   Ordinance No. 831

   An Ordinance of the City Council of the City of Moreno Valley, California Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV

Applications for Hillside Development Section 9.16.235 “Hillside Design Guidelines”, Article VI Applications for Lighting and Section 9.16.280, “General Requirements” and Chapter 9.15, Section 9.15.030 “Definitions” Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)
a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

Recommendation: That the City Council:
Acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Approve the Action Steps formulated to help establish a foundation for making Moreno Valley a “Best Place to do Business”.

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

Recommendation: That the City Council:
Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	Fire Station No. 65 Replacement Site
APN:	APN 297-170-077
Owner:	Group V San Bernardino
City's/Buyer's Negotiator:	Chris Vogt
Under Negotiation:	Price and terms of payment

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia

Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

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MV00113724

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
JUNE 28, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Morning Optimist Club of Moreno Valley

2. Volunteers of the Year 2010 - Steven Morel, Jarrett Wegelin, Trent Terrell, Jarred Endres, Kyle Dagenhart, and Tim Barnes

3. Spotlight Business

MINUTES
REGULAR MEETING OF CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
SPECIAL MEETING OF MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

JUNE 28, 2011 - 6:30 PM

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:36 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Deacon Richard Heames, St. Patrick's Roman Catholic Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem (left at 9:45 p.m.)
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Barry Foster	Community & Economic Development Director
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 8-21, 2011.

A.4 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2011/2012 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:
Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2011/2012 Rate Adjustment.

A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE DRACAEA AVENUE SIDEWALK IMPROVEMENTS BETWEEN MORRISON STREET AND MASCOT LANE PROJECT NO. 10-12567129 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Dracaea Avenue Sidewalk Improvements between Morrison Street and Mascot Lane, constructed by Mamco, Inc., 16840 Van Buren Boulevard, Suite 200, Riverside, CA 92504;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Mamco, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.6 APPROVAL OF CHECK REGISTER FOR APRIL, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-63, approving the Check Register for the month of April, 2011 in the amount of $13,104,818.91.

Resolution No. 2011-63

A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of April, 2011

A.7 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE $91,557 ALLOCATION TO THE CITY (Report of: Community and Economic Development Department)

Recommendation:

Approve Resolution No. 2011-64 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the $91,557 allocated to the City.

Resolution No. 2011-64

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the $91,557 Allocation

A.8 ORDINANCE NO. 827 - AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011, BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 827 - An Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

A.9 SECOND AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - MELAD & ASSOCIATES (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Second Amendment of Independent Contractor Agreement with Melad & Associates for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Melad & Associates to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.10 THIRD AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - WILLDAN (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Third Amendment of Independent Contractor Agreement with Willdan for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders

through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Willdan to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.11 APPROVAL OF AN AGREEMENT WITH DATATICKET, INC. FOR PARKING CONTROL PROGRAM SERVICES; AUTHORIZE THE CITY MANAGER TO APPROVE ANNUAL PURCHASE ORDERS THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZE THE PURCHASING & FACILITIES MANAGER TO ISSUE ANNUAL PURCHASE ORDERS (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Agreement with DataTicket, Inc. for Parking Control Program Services for the City of Moreno Valley;

2. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

3. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to DataTicket, Inc. to cover the estimated costs for ticket processing, ticket printing, and other miscellaneous costs associated with the Parking Control Program for FY 2011/2012 and future years under the Agreement.

A.12 PA07-0090 – EXONERATION OF ROUGH GRADING AGREEMENT AND BOND, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

Contingent upon completion of the remaining public improvements, authorize the City Engineer to execute the exoneration of the Faithful Performance security associated with the project PA07-0090 rough grading improvements.

A.13 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR CYCLE 3 OF

THE FEDERAL SAFE ROUTES TO SCHOOL GRANT PROGRAM (Report of: Public Works Department)

Recommendation:

1. Review and approve project recommendations for Cycle 3 of the federal Safe Routes to School (SRTS) grant program; and

2. Adopt Resolution No. 2011-71 authorizing the submittal of applications for Cycle 3 of the federal Safe Routes to School (SRTS) Grant Program.

Resolution No. 2011-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Submittal of Applications for Cycle 3 of the Federal Safe Routes to School (SRTS) Grant Program

A.14 PA07-0090 – REDLANDS ROUGH GRADING – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE REDLANDS DRAINAGE IMPROVEMENTS AS COMPLETE AND INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, adopt the proposed Resolution authorizing the acceptance of the Redlands Drainage public improvements within project PA07-0090 as complete and into the City's maintained system.; and

Resolution No. 2011-67

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Project Number PA07-0090 and Accepting the Redlands Drainage Improvements Associated with the Project into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.15 PA07-0090 – EUCALYPTUS ELECTRICAL IMPROVEMENTS – ELECTRICAL UTILITY INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE ELECTRICAL UTILITY INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained system the Electrical Utility Infrastructure for PA07-0090 - Eucalyptus Electrical Improvements upon acceptance by the City Engineer as complete; and

Resolution No. 2011-68

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Eucalyptus Electrical Improvements as Complete Within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.16 PA07-0090 – THEODORE STREET IMPROVEMENTS - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THEODORE STREET INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THE THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained street system the Theodore Street public improvements within project PA07-0090 upon acceptance by the City Engineer as complete; and

Resolution No. 2011-69

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project Number PA07-0090 and Accepting the Portion of Theodore Street Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.17 PA07-0090 – SINCLAIR OFF-SITE WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Sinclair Off-Site Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.18 PA07-0090 – REDLANDS SEWER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Sewer Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.19 PA07-0090 – REDLANDS WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.20 PA07-0090 (PM 35629) – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D11-001 FOR PARCEL MAP NO. 35629 PHASE 1 IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Development Impact Fee Improvement Credit Agreement #D11-001 (DIF Agreement) for Parcel Map No. 35629 Phase 1 improvements and right-of-way dedications; and

2. Authorize the Mayor to execute the DIF Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 6:50 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON THE SPECIAL MEETING AGENDA

President Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

G. REPORTS

G.1 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD; DEVELOPER: CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Moreno Valley Public Facilities Financing Corporation (MVPFFC) to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

Motion to pull the item from the agenda by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNED THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:53 P.M.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes).

Recommendation: That the CSD:

1. After conducting the public hearing for Tracts 19862, 19912, 20941, 21737, 22371, and 31591:

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Jeffrey Giba and Deanna Reeder.

Recommendation: That the CSD:

1. After conducting the public hearing for Zone E-1 (Towngate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East):

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

E.3 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2011/2012 Riverside County property tax roll for collection; and

2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health

and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

E.4 A PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DENIAL OF PA09-0027, A CONDITIONAL USE PERMIT REQUEST TO SELL ALCOHOL AND BEER AT A AN EXISTING CONVENIENCE STORE AT 21748 COTTONWOOD AVENUE. THE APPLICANT IS SOON-YI CHOI. (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-66 approving PA09-0027, a Conditional Use Permit based on the findings in the Resolution.

Resolution No. 2011-66

Resolution of the City Council of the City of Moreno Valley Denying PA09-0027, A Conditional Use Permit to Allow Alcohol Sales (Beer and Wine) at the Existing Convenience Store Located at 21748 Cottonwood Avenue APN # 263-160-037

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Bob Walker (opposes), Maricela Lopez (opposes), and Justin Kim (representing applicant).

RECESS
RECONVENED

Motion to Approve as amended to allow alcohol sale during the hours between 8:00 a.m. and 8:30 p.m. by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported that a nice reception for Mr. Holland, Deputy Secretary of the Air Force for Facilities, was held at Supervisor Marion Ashley's home; Mr. Holland was given a tour of March Joint Powers area and the base; a formal meeting with wing commander and military personnel, Joint Powers members and civil engineers will be held to discuss several issues, including the potential for the developer to actually relocate BX and the commissary to inside the base at the developer's expense and use that area for expansion of medical facilities.

G.2 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or

2. Appoint those applicants who received majority vote by the City Council;

3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to make following appointments for terms expiring June 30, 2014:

The Arts Commission: Lorna Kendrick, Lauretta Phillips and Nina Heirs;
The Environmental & Historical Preservation Board: Gerald Michael Budlong and Gregory A. Hagans;
The Library Commission: Beverly A. Crockett, Kristina Dixon and Cathy Merkt;
The Parks & Recreation Commission: Bill Alvarez and George Brummer;
The Recreational Trails Board: Margie Breitkreuz and Gilbert Brooks;
The Senior Citizens' Board: Delorise Anderson, Donna Annetta and Thelma Dunn;
The Traffic Safety Commission: Lawrence Baird, Mary C. Cole and Arthur W. Higgs.

Motion to approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceeding for First Industrial—Assessor Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceeding for First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for inclusion into and approval of the annual charges for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV HEMLOCK LP (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-70 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Hemlock LP, a limited partnership; and

Resolution No. 2011-70

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley with MV Hemlock Limited Partnership, a California Limited Partnership and Approving and Authorizing Execution of an Affordable Housing Agreement (Home) Between the City and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve an Affordable Housing Agreement for HOME by and between the City of Moreno Valley and MV Hemlock LP, a limited partnership; and

Recommendation: That the RDA:
Adopt Resolution No. RDA 2011-10 approving an Affordable Housing Agreement by and between the Agency and MV Hemlock LP.

Resolution No. RDA 2011-10

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Agency Member Robin N. Hastings, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ORDINANCE NO. 825 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of:

Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.2 .2 ORDINANCE NO. 826 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Marie Hyta
1. Spending priorities; building a new fire station on Morrison; Station 58; salary of city administrator

Deanna Reeder
1. Redevelopment fund for the Aquabella project
2. Conduct during council meetings

Alicia Espinoza
1. DUI check points

Kenny Bell
1. Meetings of Home Owners Associations
2. Citizens' input/contributions

Librada Murillo
1. in Spanish

Jeffrey Giba
1. Increase of theft from recycle bins; thanked police officers for great job

Sue Gilchrist
1. Residents' contribution/input
2. Retirement benefits
3. Rancho Belago signs

Louise Palomarez
1. Red light camera on Day Street
2. Commended the Council for awarding alcohol business license and for supporting businesses
3. Rancho Belago signs

Victoria Baca
1. Fourth of July celebration
2. Cultural events in the City
3. Wished everyone a safe and happy 4th of July

Joe Bautista
1. Budget - reorganization in the City Clerk's Office

Pete Bleckert
1. Gate at Hemlock Street

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Congratulated Council Member Hastings for being installed as the new Chair of the Western Riverside Council of Governments

Council Member Co
1. Inquires about the incident with the tow truck company and a lost car
2. Attended WRCOG General Assembly reception with Condoleezza Rice as a speaker; was very impressed with the speaker, who talked about real things in life, is very humble and direct when talking to people

Council Member Hastings
1. Thanked Mr. Bell for his kind comments and for attending the Moreno Valley Crime Prevention meeting; thanked Chief Anderson for attending the meeting to address concerns about the crime, and what can be done about it; it was a very productive and well-attended meeting; appreciates the opportunity to meet with residents
2. Will be participating in the July 12 City Council meeting via teleconference; will attend a WRCOG meeting in Washington, DC, for the AB 811 program; more information about the program can be found on WRCOG Web site; anticipates that applications will be available at the end of this month
3. Appreciates the support for the 4th of July program; Thanked City Manager Garcia for the seed money; encouraged residents to volunteer
3. Addressed speaker's comments opposing shooting rangers – stated that this is a valuable program - payment of fees will allow the center to stay open; emphasized that residents' comments are not ignored and they are appreciated

Mayor Stewart
1. Responded to speaker's comment regarding Redevelopment Agency's support for the Burlington Coat Factory; said that the City is assisting new and existing businesses, as businesses generate sales tax revenue; the Economic Development Plan was developed to improve infrastructure and to retain existing

businesses
2. Fourth of July celebration with fireworks is expensive; the City is going to work very hard to have the celebration the next year
3. Regarding concerts - last concert he attended a few weeks ago was a patriotic concert at the Conference and Recreation Center, and it was a standing room only; it is provided for free four times a year; other cultural events are also held in the City
4. The Council received only three applications for three openings on the Arts Commission - encouraged residents to apply, get involved and help out
5. Addressed comments regarding clapping during council meetings - we don't allow outburst of support or opposition, as it is intimidating to speakers

Adjourned to Closed Session at 9:41 p.m.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

RECONVENED Regular City Council Meeting at 10:02 p.m.

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract 19862:	"Yes" - 3;	"No" - 6;	Invalid - 7	-failed
Tract 19912:	"Yes" - 7;	"No" - 24;	Invalid - 0	-failed
Tract 20941:	"Yes" - 10;	"No" - 14;	Invalid - 0	-failed
Tract 21737:	"Yes" - 0;	"No" - 3;	Invalid - 1	-failed
Tract 23371:	"Yes" – 3;	"No" - 7;	Invalid - 0	-failed
Tract 31591:	"Yes" – 1;	"No" - 6;	Invalid - 0	-failed

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract No. E-1:	"Yes" - 440;	"No" - 542;	Invalid – 6;	-failed
Tract No. E-2:	"Yes" - 139;	"No" - 257;	Invalid – 11;	-failed
Tract No. E-3A:	"Yes" - 34;	"No" - 66;	Invalid – 2;	-failed
Tract No. E-4:	"Yes" - 212;	"No" - 393;	Invalid – 14;	-failed

2. Verify and accept the results of the mail ballot proceedings as

identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

Motion to Adjourn by m/Council Member William H. Batey II, s/Council Member Marcelo Co. Approved by a unanimous vote.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:10 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees
enl

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: July 12, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of June 22 – July 5, 2011.

Reports on Reimbursable Activities June 22 – July 5, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	6/22/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	6/23/11	Leadership Moreno Valley
Jesse L. Molina		None
Richard A. Stewart	6/23/11	Leadership Moreno Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00113750

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On July 13, 2010, the City Council awarded a construction contract to Riverside Construction Company, Inc. and authorized the issuance of a purchase order in the amount of $4,124,375.14. The work consisted of the construction of Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The work also included construction of street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, completion of missing portions of Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin and in Ironwood Avenue between Indian Street and Hubbard Street, and minor clearing for SCE poles on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard. On July 13, 2010, the City Council also approved the Reimbursement Agreement for the Eastern Municipal Water District improvements which appropriated sufficient funds from EMWD for relocation of four conflicting water lines.

The City issued a Notice to Proceed to Riverside Construction to start the work on October 4, 2010. The length of the contract is one hundred seventy (170) working days, which has been adjusted by Contract Change Order due to weather and other approved work. Riverside Construction anticipates completing the project by mid July 2011.

On April 26, 2011, the City Council approved a Cooperative Agreement with Riverside County Flood Control and Water Conservation District (RCFC&WCD) which set forth the City's responsibilities and the District's responsibilities for post-construction maintenance of the facilities.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company by mid July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $3,850,000 which is not expected to exceed the approved purchase order amount of $4,124,375.14. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after

the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in delaying payment to the Contractor, thereby delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The project is also partially

funded with 2005 Lease Revenue Bonds (Account No. 501.82625), Development Impact Fee (DIF) program funds (Account No. 416.78727), and the EMWD water line facilities were reimbursed by EMWD through a revenue set-aside in fund 414 (Account Nos. 414.80423 and 414.80424). The funds utilized for this project were designated for the Indian Basin and Ironwood Avenue capital improvements only. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91726)	$3,153,000
Fiscal Year 2010/2011 (Account No. 501.82625)	$933,000
Fiscal Year 2010/2011 (Account No. 416.78727)	$962,000
Fiscal Year 2010/2011 (Account No. 414.80423)	$185,000
Fiscal Year 2010/2011 (Account No. 414.80424)	$109,000
Total Budgeted Funds	$5,342,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$3,850,000
Design Support Costs during Construction	$109,000
Construction Geotechnical Services	$95,000
Construction Survey Services	$55,000
Project Administration and City Inspection*	$190,000
Total Project Construction Costs	$4,299,000

*Public Works staff provided project administration and primary inspection services.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff anticipates Riverside Construction Company will complete construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive improvements by mid July 2011. Staff requests the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are

completed, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, authorize the release of retention money to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Margery A. Lazarus, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00113756

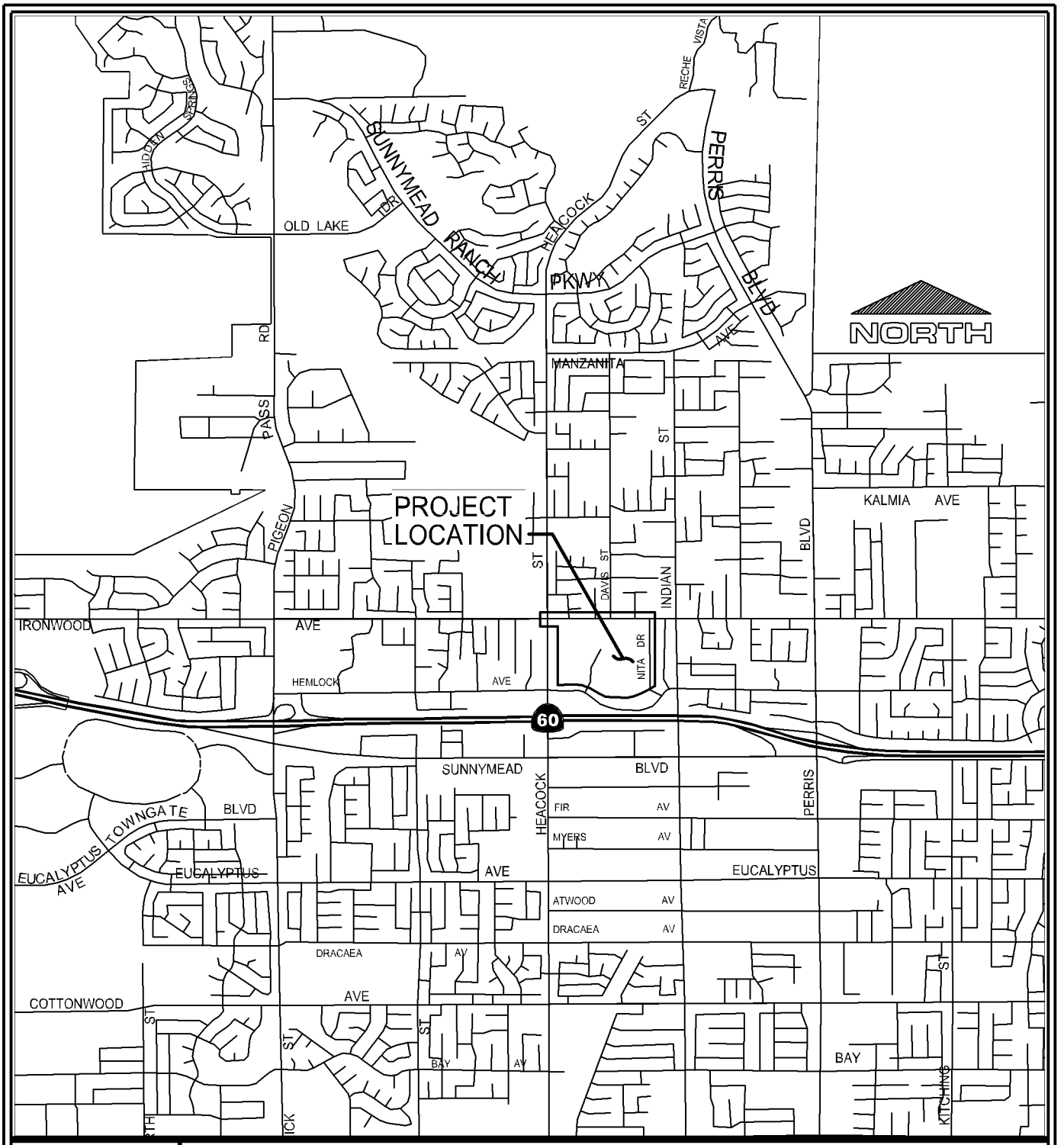

LOCATION MAP

Public WorksDepartment Capital Projects Division	INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVE FROM HEACOCK STREET TO NITA DRIVE (SOUTH SIDE) PROJECT NUMBER 09-89791726
Scale: None	
ATTACHMENT "A"	

Item No. A.4

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MV00113758

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 20111

TITLE: APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue.

2. Authorize the City Manager to execute a contract with Transtech in the form attached hereto.

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties.

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

BACKGROUND

On April 26, 2011, the City Council approved an Economic Development Action Plan that re-sequenced Capital Improvement projects to fast-track the street improvements on Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

On May 24, 2011, City Council authorized the City Engineer / Public Works Director to execute the Program Supplement Agreement with the California Department of Transportation (Caltrans) for the Cactus Avenue Improvements project. This agreement established the policies and procedures for Caltrans reimbursement of $1 million funding for the State-Local Partnership Program (SLPP) grant program.

On June 14, 2011, City Council approved the FY 11/12 budget pending funding for Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

DISCUSSION

The project consists of street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). Because these street segments are considered very strategic to the City's Economic Development Plan, the City is taking a proactive approach in assisting with the completion of the plans, specifications, and estimate (PS&E). The City will coordinate the bidding and construction of the project once HFP provides the City with full biddable plans. In general, the proposed improvements are intended to include curb, gutter, street pavement reconstruction and widening, street lights, sidewalk, water, sewer, reclaimed water and master planned storm drain improvements, traffic signal work, a bridge along Nason Street over flood control channel Line F and construction of a portion of flood control channel Line F.

On May 25, 2011, staff solicited proposals from professional consultants. Approximately 200 consultants in the Public Works Department database were notified of the availability of the City's request for proposal. Eight (8) proposals were received in response to the City's Request for Proposals. The scope of work for the project includes project management, constructability review of PS&E, construction management, and construction inspection for the project. Subsequently, the project management tasks of the overall project is being proposed to be performed by the City's in-house consultant VAS Associates to ensure higher levels of project controls and improved efficiencies resulting in cost savings. A selection review committee comprised of City staff representatives from the Public Works Department reviewed and rated each prospective firm based on their proposals and presentations. After interviewing the three top-ranked firms, Transtech was selected as the most qualified firm to undertake the project.

The final scope of work focuses on constructability review of PS&E, construction management, and construction inspection. Transtech will provide highly skilled and experienced team of three professionals on a full time basis for the duration of construction phase of the project, ensuring quality construction and timely completion of the project. Prior to finalization of the project Plans, Specifications and Estimates (PS&E) and bidding of the project, Transtech will perform a detailed constructability review of the PS&E including on-site field check to ensure that conflicts that results in costly delays during construction are minimized. During construction, a Construction Manager will coordinate with all project stakeholders, ensure that the project is progressing in accordance with the contract documents leading to timely completion of the project within budget, minimize inconvenience to travelling public, and in his capacity as a Bridge Engineer, will inspect the technical aspects of the bridge construction. An experienced Public Works inspector will ensure that quality construction is carried out in accordance with the project plans and specifications; while an Office Engineer will assist the project team with other necessary tasks including satisfying the SLPP grant's requirements for this fast paced and multi-faceted construction project.

ALTERNATIVES

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, authorize the City Manager to execute a contract with Transtech in the form attached hereto, authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will allow for much needed improvements that are integral to the City's Economic Development Plan.*

2. Do not approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, do not authorize the City Manager to execute a contract with Transtech in the form attached hereto, do not authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and do not authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will delay much needed improvements that are integral to the City's Economic Development Plan.*

FISCAL IMPACT

The funding sources for this project are: RDA Tax Increment Fund 892 ($6M through an Agreement with Riverside County Flood Control and Water Conservation District), borrowed DIF Library and Corporate Yard Fund 412 ($6.5M), DIF Arterial Streets Fund 416 ($2.5M) - re-sequenced from Kitching Street Improvements project from Cactus Avenue to Gentian Avenue, General Fund 412 ($1.3M) - re-sequenced from Heacock Street and Cactus Avenue Channel Improvements, DIF Traffic Signals Fund 417 ($0.27M), Measure "A" Fund 125 ($3.1M) - re-sequenced from Reche Vista Drive Realignment project, and anticipated SLPP Grant monies Fund 125 ($1M). Total available funding is $20,672,000. Assumptions for this project include that the adjacent property owners will dedicate and be credited for an estimated $1M towards right of way.

BUDGETED FUNDS FOR DESIGN AND CONSTRUCTION:
Fiscal Year 2011/2012 Budget (Account No. 125.New) $20,672,000

ESTIMATED PROJECT COSTS:
Consultant Construction Management and Inspection Costs..... $999,000
City's Plan Check and Project Management Administration * $881,000
Construction Phase Technical Services (Survey, Geo, Design Support, etc.) .. $950,000
Construction and Utility Relocation Costs $17,842,000
Total Estimated Project Costs $20,672,000

* Public Works and in-house consultant staff will provide Plan Check and Project Administration.

ANTICIPATED PROJECT SCHEDULE:
Complete PS&E .....Fall 2011
Public Bid and Award of Construction .....Three Months Thereafter
Complete Construction.....Approximately Twelve Months

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project implements an initiative of the Economic Development Action Plan. The proposed improvements consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. Staff is requesting that City Council approve the Agreement with Transtech for Professional Construction Management and Inspection Consultant Services so that these improvements can move forward.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement for Professional Services

Prepared By:
Viren A. Shah, P.E.
City's Program Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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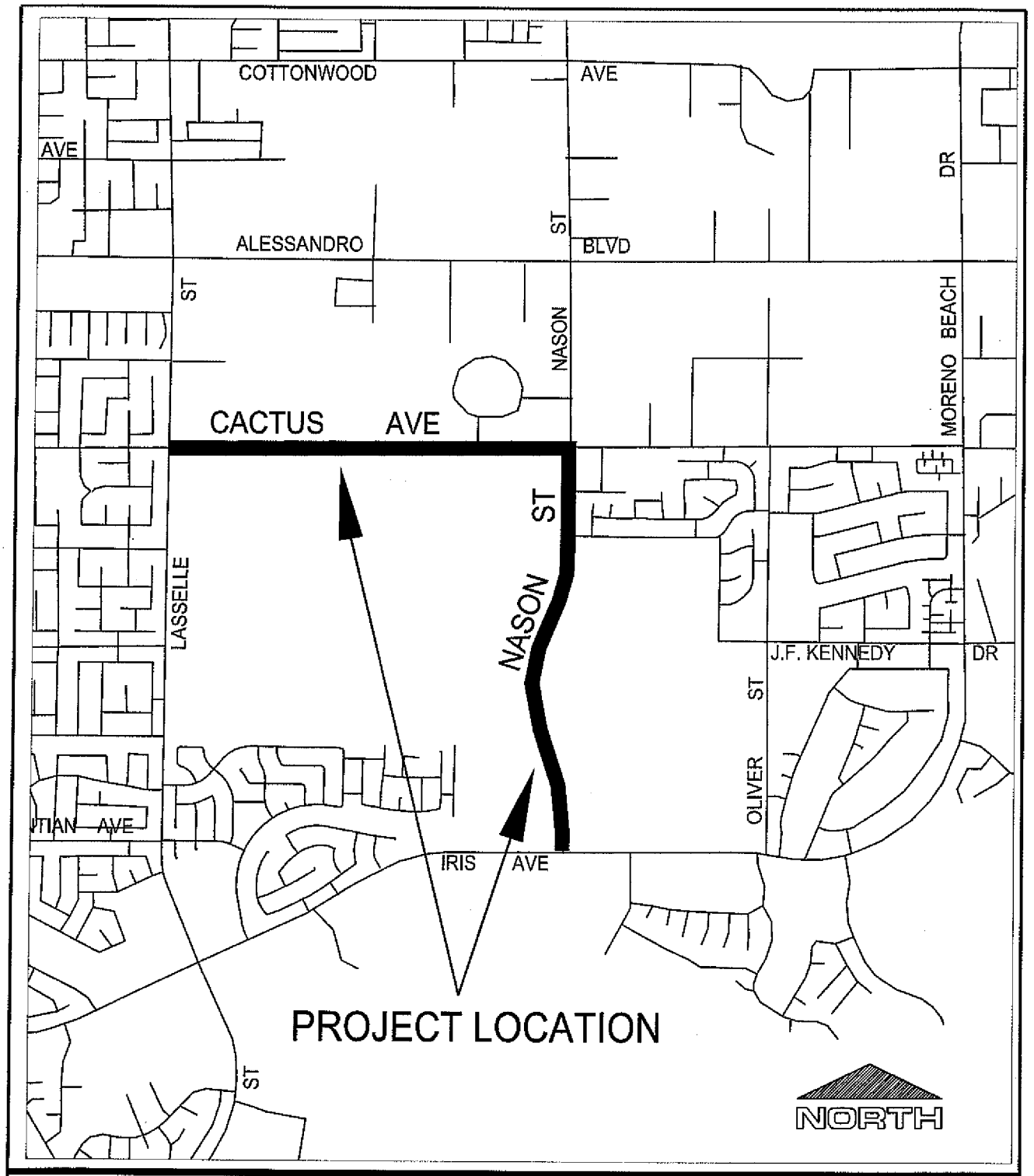

CITY OF MORENO VALLEY
DECEMBER 3, 1984

CAPITAL IMPROVEMENTS PROJECT

Public Works Department
Capital Projects Division

LOCATION MAP

STREET IMPROVEMENTS
CACTUS AVENUE AND NASON STREET

ATTACHMENT "A"

Item No. A.5

MV00113765

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MV00113766

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Transtech Engineers, Inc., a California corporation, partnership, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Request for Proposal) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as professional consultant Construction Management and Construction Inspection services for:

Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Request for Proposal shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $995,595.00 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on **June 30, 2013** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10 (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation

to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with all applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

(b) The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of

the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(c) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property

Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno

Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are legally employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, immediately upon request in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project. The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(d) The City agrees to hold the Consultant harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall

assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. Subject to the provisions of Section 19 (a) above, all plans, drawings, specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon demand by the City, be delivered to and become the property of the City for the limited use as set out above, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

Transtech Engineers, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
FOR PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES
FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE
FOR
THE CITY OF MORENO VALLEY'S CAPITAL PROJECTS DIVISION

I. INVITATION

You are hereby invited to submit a Proposal for: 1) Project Management Consultant (PMC) Services, Part 1; and 2) Construction Management Consultant (CMC) Services, Part 2, 3) Construction Inspection Consultant (CIC) Services, Part 3, associated with the above referenced project.

Five (5) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on compact disk (CD) of your Proposal shall be submitted before **5:00 p.m., June 8, 2011** addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Viren Shah, City's Program Manager.

II. GENERAL PROJECT DESCRIPTION

The project in general consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market. Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project. In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping" (see attachments for more details). As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

III. PROJECT BUDGET AND SCHEDULE

The funding for both projects have been tagged at slightly below $20 Million including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this

Consultant contract.

The Tentative Schedule is as follows:
Anticipated Award of this Consultant Contract: Early July 2011
Biddable PS&E Complete: Early Fall 2011 or sooner
Public Bid and Award of Construction Contract(s): 3 months thereafter
Construction: Approximately 12 months

IV. SCOPE OF SERVICES

The Consultant shall perform all project management services necessary for a professionally completed project including but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end. The scope of work outlined below must be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

DETAILED PROJECT DESCRIPTION:

The following scope of work is not a complete listing; it is intended to aid the consultant to identify a complete and comprehensive scope of work.

PART 1: PROJECT MANAGEMENT CONSULTANT (PMC) SERVICES

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.
2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.
3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
4. Schedule, facilitate, and attend public meetings as necessary.
5. Provide progress reports at a minimum on a monthly basis.
6. Compose all correspondences to keep the project on schedule.
7. Attend and present the project to City Council as required.
8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).
11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.
12. Prepare agreements and assist with issuance of Purchase Orders.
13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.
14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.
15. Prepare project update write-ups for distribution to media and public.
16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.
17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.
18. Issue all necessary Notices to Proceed (NTP).
19. Assist with review and process of all invoices (City staff will approve).
20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.
21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:

    a. Various City Council Staff Reports.

    b. Utility correspondence letters and e-mails.

    c. Federal, State and local correspondence.

    d. Federal, State and local documentation required for the project.

    e. Right-of-way related documents and correspondence.

    f. Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding

purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a) Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b) Prepare bid packages for distribution as necessary.

    c) Maintain plan holder's list

    d) Schedule and conduct pre-bid meetings and site visits, if held.

    e) Provide responses to bidders' questions.

    f) Prepare and issue addenda if required.

    g) Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h) Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i) Check references and licenses of bidders.

    j) Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k) Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l) Prepare, coordinate, and process Notice of Award, Agreements, and

Purchase Order.

m) Review insurance, bonding, and other required documents.

n) Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

PART 2: CONSTRUCTION MANAGEMENT CONSULTANT (CMC) SERVICES

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project.

The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

**FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES**

General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.
2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
3. Schedule, facilitate, and attend public meetings as necessary.
4. Attend and present the project to City Council as required.
5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.
6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.
8. Prepare agreements and assist in processing Purchase Orders.
9. Issue all necessary Notices to Proceed (NTP).
10. Review and process all invoices (City staff will approve).
11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.
12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.
14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other

construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.
   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.
   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.
   d. Submit recommendations to the City relative to change order requests.
   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.
   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.
    b. Permits.
    c. SWPPP and WQMP
    d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.
    e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)
    f. Progress payments, inventories, and applicable codes.
    g. Contractor's reports, correspondence, certified payrolls, and accident reports.
    h. Survey and layout data and certifications, photographs of as-built

locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

PART 3: CONSTRUCTION INSPECTION CONSULTANT (CIC) SERVICES

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements,

such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the

field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

V. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall be no more than 50 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

At a minimum, the Proposal shall include the following sections:

A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).

B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.

C. **Qualifications and Experience:** Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed PMC, CMC & CIC's qualifications, track record and relevant experience. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule. The plan should show flexibility and consideration in resource loading due to the inherent variability in the schedule and performance of third parties. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the

number of hours that these individuals (including administrative support services) will be working on each task listed, included in adjacent columns.

E. **Work Plan and Schedule:** Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project taking into consideration how extra work is anticipated and incorporated into the contract from the onset. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal**.

F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent reviews and 95% plan biddability/constructability/claims avoidance reviews.

G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. **The City's standard Agreement will be executed without any proposed changes.**

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

The Consultant shall be required to comply with all federal, state, and local laws and ordinances applicable to the work. This includes compliance with prevailing wage rates and their payment in accordance with California Labor Code, Section 1775.

The Consultant is required to submit certified payrolls weekly. This applies to all applicable field personnel working on the project. In accordance with Section 1771.5 (b) (5) of the California Labor Code, the City will withhold payments when the payroll records are delinquent or inadequate.

VII. FEDERAL EMPLOYEE BENEFIT

No member of, or delegate to, the Congress of the United States, and no Resident Commissioner shall be admitted to any share or part of the Agreement to the said project or to any benefit to arise from the same.

The Consultant shall complete and include the "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and "Disclosure of Lobbying Activities" forms (attached) with the Proposal.

VIII. PAYMENT TO CONSULTANT

A. This work is to be performed for a "Not-to-Exceed Fee."

B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by Part, phase, and milestone.

C. Tasks shall include, but not be limited to, all Professional Consultant Services (including administrative support services) necessary to complete the work covered by this Proposal.

D. The City will pay the Consultant for work completed based on milestones completed and accepted by the City. These Milestones are:

1. Work associated with Project Constructability Review only is completed.
2. PS&E completed and advertised.
3. Project Bidding and City Council award of contract.

4. PMC Services on a monthly basis once construction starts.
5. CMC Services on a monthly basis.
6. CIC Services on a monthly basis.
7. Any other additional authorized work on a task successfully completed and accepted basis.

The City shall make sole and final determination if a milestone as described above is complete and acceptable for payment. Unless otherwise specifically mentioned, there will be no monthly payments until the milestone is reached at which point all applicable charges will be reviewed for applicability prior to payment. Consultant billing/invoices will commensurate with the pace of the construction work activities. The final 10% of the Consultant contract amount will be held back until all phases of the project is successfully closeout. The Consultant will not receive additional compensation for non-compliance or punch list items that were not identified in a timely manner in order to be addressed by the construction contractor(s).

E. All invoices will specifically identify job title, person-hours, and costs incurred by each task. Lump sump payments will not be accepted as all charges must be documented and justified.

F. Reimbursement costs such as mileage, computer usage, vehicle rates, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee." However, all overhead and reimbursement costs must be included in the personnel hourly rate for all services rendered upon commencement of the construction phase.

G. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.

H. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

I. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

J. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

IX. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

H. It is the consultant's responsibility to ensure that all subconsultants comply with the following: Each subconsultant that encroaches within the City's right-of-way **and** affects (i.e., damages or impacts) City infrastructure must comply with the liability insurance requirements of the City's Land Development Division. Examples of such subconsultant work include soil sample borings, utility potholing, etc.

The "Application for Encroachment Permit" form (four pages), including "Application for Encroachment Permit Liability Insurance Requirements," is available in the Land Development Division and must be completed and submitted in full to the City. It is the Consultant's responsibility to ensure that all subconsultants submit the appropriate encroachment permit and insurance documentation at the same time

that the Consultant's insurance documentation is submitted.

X. INDEMNIFICATION

A. To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

B. The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

C. The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

XI. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving ten (10) days written notice to the Consultant of such termination and specifying the effective date thereof. All finished or unfinished drawings, maps, documents, field notes and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

XII. INDEPENDENT CONTRACTOR

The Consultant's relationship to the City in the performance of the Consultant's services for this project is that of an independent Contractor. The personnel performing the said Services shall at all times be under the Consultant's exclusive direction and control and shall be employees of the Consultant and not employees of the City. The Consultant shall pay all wages, salaries and other amounts due his employees in connection with the performance of said work shall be responsible for all employee reports and obligations, including but not necessarily restricted to, social security, income tax withholding, unemployment compensation, and Workers' Compensation.

XIII. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, City's Request for Proposal, Consultant's Proposal, and Exhibits. **No changes to the City's standard Agreement will be entertained since there will be no time for negotiations between attorneys to establish a revised acceptable agreement.** All Consultants are required to have a City of Moreno Valley Business License in order to conduct business in the City.

The Political Reform Act and the City's Conflict of Interest Code require that consultants be considered as potential filers of Statements of Economic Interest. Consultants, as defined by Section 18701, may be required to file an Economic Interest Statement (Form 700) within 30 days of signing a Consultant Agreement with the City, on an annual basis thereafter if the contract is still in place, and within 30 days of completion of the contract.

XIV. GENERAL CONDITIONS

A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

   The City shall not, in any event, be liable for any pre-contractual expenses incurred by the Consultant.

B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XV. SELECTION CRITERIA

The Proposals will be rated/ranked according to the following criteria:

1. The Firm's General Experience and Qualification Information (20 points) – Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.

2. Experience of Key Personnel (40 points) – Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with General Law City agencies, and proven track record and depth of understanding/ knowledge of the proposed PMC, CMC & CIC.

3. Project Approach/Understanding (40 points) – Understanding of project, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

4. Expedited Schedule and Cost Controls (20 point bonus) – Elaborate based on experience with similar projects as to how the two projects can be completed based on an expedited schedule (please identify the shortened delivery timeline). Elaborate how the Consultant team can confidently deliver the project on time and within budget with specific focus that the Consultant can deliver this project within their executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Due to the accelerated nature in retaining a Consultant for this project sometime in early to mid July 2011, interviews may not be conducted in selecting the preferred firm. However, if an interview is deemed needed to make the final selection, the Consultant must be prepared to gather the proposed team likely within 24 hours of notification. Only the key individuals assigned to have a significant role in the project will be allowed to make the presentation at the interview

Exhibits incorporated by reference:

1. City Standard Consultant Agreement (no changes to this agreement will be allowed)
2. Nason-Cactus CIP Exhibits dated April 10, 2011 - Compilation of Plans based on current status of completion
3. Improvement Plans Status Summary dated May 4, 2011
4. Addendum to Moreno Valley Field Station EIR and Supplemental EIR

Submitted to:

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah
City's Program Manager

TECHNICAL PROPOSAL

PROFESSIONAL PROJECT MANAGEMENT CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS

1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Submitted by:

TRANSTECH/MAPCO
Contact Person for this proposal:
David Mlynarski, Project Principal
E-mail: david.mlynarski@transtech.org
T: 909-384-7464; F: 909-384-7475
413 MacKay Drive, San Bernardino, CA 92408

EXHIBIT "B"

Item No. A.5 copy shall be unbound and paper clipped, with holes, perforations, or cardboard inserts, suitable for copying with an automatic feed copy machine and one copy shall be on CD. (As required, Fee Proposal is submitted in a separate envelope)

MV00113802

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Thank you for the opportunity to present our qualifications to the City and for the subsequent meetings and discussions to develop a cost efficient approach for the subject project.

It is very obvious that the city desires to establish professional relationships with consultants and carry out projects in an efficient and practical fashion. We also see the value to the overall community and business environment that will result with the inducement of these public improvements.

We understand this project will require an efficient coordination with various public and private parties, including City of Moreno Valley, developer, design engineers (RBF, Psomas, Butsko, Arcon), Riverside County Flood Control District, EMWD and Utility Companies. Furthermore, it is also important to coordinate with the Riverside County Hospital (Trauma Center) and the County EMS to maintain emergency vehicle access to the hospital along Cactus Avenue during construction.

Our goal is to provide our services in an efficient manner and minimize inconveniences and deliver the project to the City and public in a cost effective manner.

Our original fee submitted with the proposal was $1,114,000. Based on the meetings with and clarifications provided by the City, we made necessary adjustment in our scope, and our fee was reduced to $914,600. We then provided an additional 5% reduction in our fees as a good will, which resulted in a final adjusted fee of $868,870.

Also, we made appropriate adjustments in the staffing allocation as follows:

- We will assign Kurt Pegg as the Project CM, RE and Bridge Structural Rep, and Mike Schnepf as the Project Inspector. We understand the City desires a commitment that these staff members will be assigned to this project. As we indicated in our proposal, and subsequent communications, our firm is fully committed to assign these staff members to this project. Also, you had indicated that in the event any of these staff members leave our employment for reasons beyond our control, the City would have the right to approve any replacement, and if the City is not satisfied with the proposed replacement, the City would have the right to terminate the contract.
- The level of effort is based on 12 month duration for construction and project closure after start of Construction and under a single construction contract (prime contractor) for both Cactus and Nason Street Projects.
- We allocated additional support that may be need during construction to support Kurt Pegg and Mike Schnepf.
- We deleted general project management services, as this task will be performed by City CIP staff as you indicated.
- The City will hire construction surveying, materials testing and specialty inspection firms under separate contracts.
- The City will have separate contracts with the design firms for the preparation of final PS&E Bid Package, as well as engineering support during construction.

The attached Resource Allocation Table provides detailed breakdown by task and staff as you requested.

Our staff and project team are very excited about the potential of delivering our best effort in support of this project.

Thank you again for your thoughtful consideration.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
ali.cayir@transtech.org
C: 714-883-8677; T: 909 595-8599, Ext. 121
www.transtech.org

F:\WPROCESS\PROPOSALS\2011\P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ DUE 060811 5 PM\PROPOSAL\UPDATED FEE, 6-23-11\RESOURCE ALLOCATION BY TASK, STAFF, HRS, P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ.DOC

RESOURCE ALLOCATION

Task	Staff	Rate	Hrs	Fee
Constructability and PS&E Review, including field walk by Project RE, Inspector, and coordination with design team	*Sr Level Staff*	$145	160	$23,200
	Inspector Level Staff	$95	160	$15,200
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	70	$4,550
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	70	$10,150
	Subtotal		460	$53,100
Allocation to address unknown issues prior to finalization of PS&E	*Sr Level Staff*	$145	140	$20,300
	Inspector Level Staff	$95	60	$5,700
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	60	$3,900
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	60	$8,700
	Subtotal		320	$38,600
Bidding Phase Services to support City Proj Manager, PS&E Engineers for review of questions, field check, etc.	*Sr. Level Staff*	$145	40	$5,800
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	10	$650
	Principal In Charge Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	10	$1,450
	Subtotal		60	$7,900
Construction Phase (12 month duration assumed)	*Project CM, RE, and Bridge Structural Rep:* Kurt Pegg, PE	$145	2,200	$319,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project CM, RE, and Bridge Structural Rep	$145	200	$29,000
	Project Public Works Inspector: Mike Schnepf	$95	2,200	$209,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project Public Works Inspector	$95	200	$19,000
	Office Eng, Insp Support, State Funding Compliance Staff: Selim Bouhamidi	$65	2,200	$143,000
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	400	$58,000
	Subtotal		7,400	$777,000
Budget for Additional Inspections	*Budget for Additional Inspections during heavy work periods*	$95	400	$38,000
	Subtotal		400	$38,000
TOTALS			8,640	$914,600
Additional Reduction In Fee as a good will			5%	$45,730
TOTAL REDUCED FEE				$868,870

Original Fee submitted with the Proposal	$1,114,000
Final Submitted Fee after Meeting with City staff to fine tune scope, including adjustment in Project Management effort as the City will assign an in-house PM and plus an additional 5% reduction in the fee	$868,870
Total reduction in dollars between Originally submitted Fee and Final adjusted Fee	$245,130
Total reduction in % between Originally submitted Fee and Final adjusted Fee	22.00%

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TRANSTECH/MAPCO
PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

This letter serves as a follow up to our conversation regarding company legal name.

As indicated, our operating brand name in Inland Empire is Transtech/Mapco. The legal name of the corporation from which the Insurance will be provided is Transtech Engineers, Inc.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
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TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 8, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TECHNICAL PROPOSAL
PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Transtech/Mapco is pleased to submit this proposal for the subject project.

We are a multi-disciplinary engineering consulting firm which provides professional and technical services in engineering, planning and construction to governmental agencies, educational institutions and private sector. We serve as turn-key program manager/contractor on large and complex engineering projects by providing full service capability. We have managed and successfully delivered a number of similar assignments.

Our key project team members have extensive experience working for Public Agencies in capacities, such as Contract Building Official, Plans Examiner, Inspector, City Engineer, Planner, Construction Manager and Inspector. As contract City Engineer and Building Official for a number of Agencies, we manage all aspects project as Agency representatives, and provide turn-key services.

Our staff members are licensed as professional engineers, surveyors, plan checkers, building officials and inspectors. We are also licensed as General Contractor A (General Engineering) and B (General Building), and have the ability to function like a General Contractor and coordinate all aspects of construction of similar projects.

Our Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of the projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance, DBE/WBE.

Also, one of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

We also provide our expertise in the construction field to law firms for construction claims. Some of our key staff members served as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State.

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

We understand the importance of providing services that can respond to the project needs based on work load and demand by adjusting level of staffing as necessary, and provide the services in an efficient and cost effective manner without sacrificing the quality and responsiveness.

We have extensive experience in managing similar complex and multi faceted/phased projects. We will develop an expedited schedule to deliver these projects in an efficient and expeditious manner, and within the executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Our team has extensive experience in all aspects of similar projects, from design concept, design and regulatory agency approvals through construction. We have gained a solid reputation in the industry for delivering cost-efficient projects that are on schedule, within budget, and to the full satisfaction of the client. We have assembled an outstanding group of individuals we believe will provide the Agency with the precise services requested; combining strong technical skills, excellent communication, sensitivity to community values and efficient use of resources.

We have staff and resources readily available for the project.

Thank you for the opportunity to submit this proposal. If you have any questions or need additional information, please contact the undersigned.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org; T: 909 384 7464, Ext. 106 F: 909 384 7475; www.transtech.org

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SECTION A:	**Project Understanding**	**A.1 – A.1**
SECTION B:	**Approach and Management Plan**	**B.1 – B.2**
SECTION C:	**Qualifications and Experience**	**C.1 – C.5**
SECTION D:	**Staffing Plan**	**D.1 – D.1**
SECTION E:	**Work Plan and Schedule**	**E.1 – E.17**
SECTION F:	**Quality Control and Assurance**	**F.1 – F.1**
SECTION G:	**Additional Relevant Information**	**G.1 – G.1**

APPENDIX — **Appendix 1 – Appendix 19**

City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, states that resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the Appendix Section of the proposal. Based on this requirement, the following applicable information is included in the Appendix:

Resumes	**Appendix 1 – Appendix 14**
Billing Rates	**Appendix 15 – Appendix 15**
Resource Matrix	**Appendix 16 – Appendix 16**
Other Required Forms (Required Statements per the RFP)	**Appendix 17 – Appendix 19**

SECTION A: Project Understanding

The project in general consists of the ultimate width street improvements along:

1. Cactus Avenue between Lasselle Street and Nason Street, and
2. Nason Street between Cactus Avenue and Iris Avenue

The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market.

Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project.

In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping". As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

The funding for both projects have been estimated at slightly below $20 Million, including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this Consultant contract.

The Tentative Schedule is as follows:

- Anticipated Award of this Consultant Contract: Early July 2011
- Biddable PS&E Complete: Early Fall 2011 or sooner
- Public Bid and Award of Construction Contract(s): 3 months thereafter
- Construction: Approximately 12 months

The general scope of work to be provided by the selected Consultant includes all project management services necessary for a professionally completed project, including, but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end.

The scope of work will be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

SECTION B: Approach and Management Plan

B.1. APPROACH AND MANAGEMENT PLAN

Our goal is to deliver the project to the City in an efficient and cost effective manner.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects.

Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance program to prevent design errors and construction change orders.

Schedule control and management is a critical element. Our project manager conducts weekly in-house meetings with staff to review work progress, discuss any potential issues, and adjust staff resources as necessary to keep the project on schedule.

One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies. Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

In summary, our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and within budget. Our staff members have a strong educational background and are licensed and certified as engineers and inspectors.

B.2. PROJECT ORGANIZATION CHART

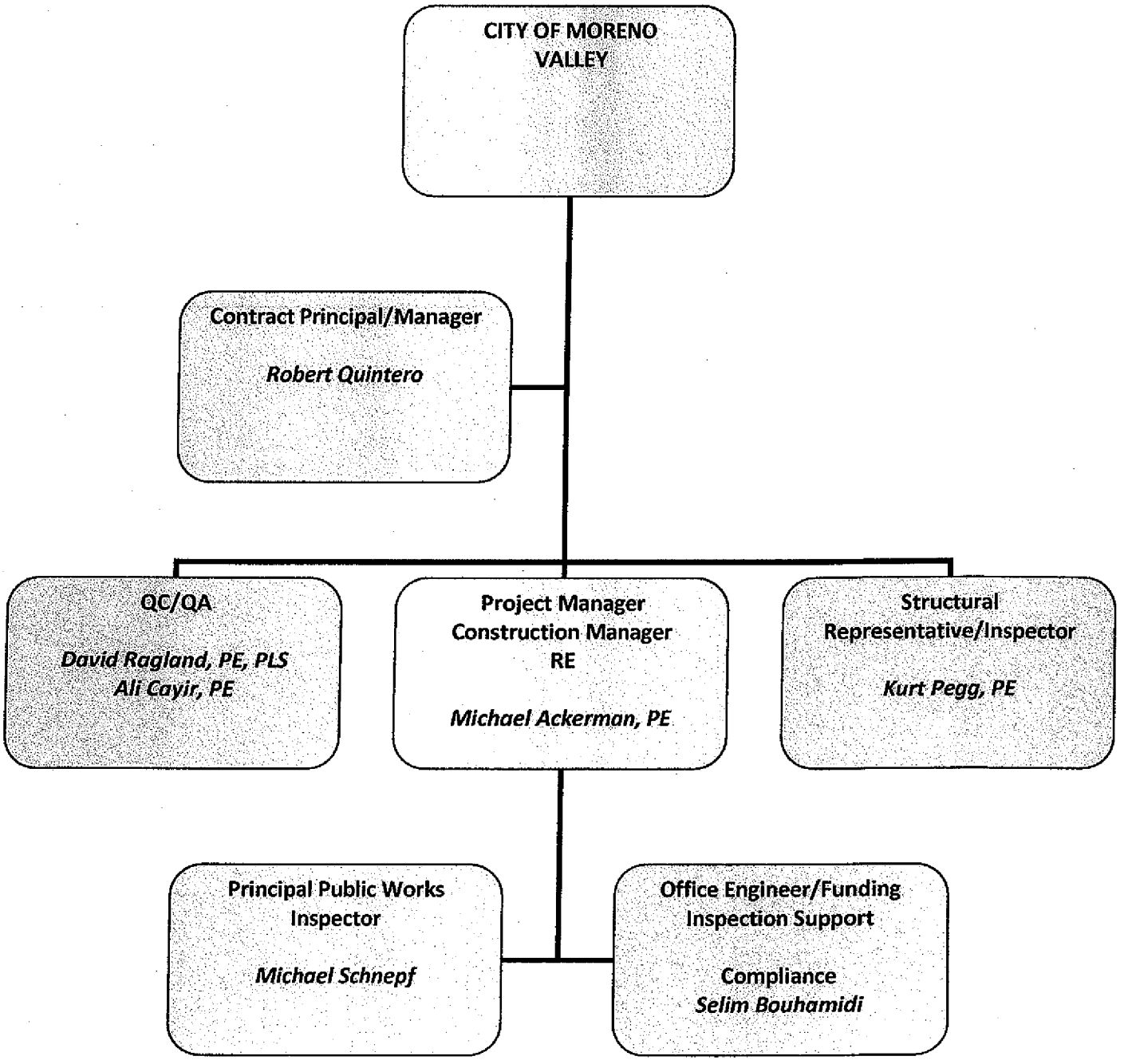

SECTION C: Qualifications and Experience

C.1. SIMILAR SERVICE EXPERIENCE

Following is a partial listing of similar projects where our firm provided similar services requested for this project:

- **Via Duct Boulevard Alignment and Reconstruction, Metrolink San Bernardino Parking Facility Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost: $10m
- **Valley Boulevard Widening Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost $5m.
- **State Route 710 Interim Improvements and Fremont Ave. Widening/Realignment:** Prepared PS&E as well as provided construction management and inspection services for 3 federally funded projects in Alhambra. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. The project involved coordination with Caltrans and encroachment permit processing/approval, as portions of the project was in Caltrans jurisdiction. These projects were all federally funded, requiring processing for E-76 through Caltrans Local Assistance. The total cost for 3 projects was $20m.
- **Mission Boulevard Widening:** Prepared PS&E as well as provided construction management and inspection services for Mission Boulevard widening and reconstruction. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. Transtech also provided construction management and inspection services for the project. The project involved coordination with Caltrans, and was federally funded and required processing for E-76 through Caltrans Local Assistance. Cost $3m.
- **City of Torrance Crenshaw and Skypark Reconstruction Projects:** Prepared PS&E as well as provided construction management and inspection services for Federally Funded reconstruction/rehabilitation of Crenshaw Boulevard and Skypark Avenue (2 separate projects). Cost: $3m.
- **Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino:** For the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution.
- **CSUSB (Cal State SB University) San Bernardino Campus Access Road:** Prepared PS&E as well as provided construction administration for the project. Improvements included approximately 1 mile street, water, landscape, grading, drainage, street lighting and various other improvements. Cost $6M.
- **Mission Bl and Rte 71 Grade Separation Project (currently under construction):** Serving as the Construction Manager for this regional project. The Mission Boulevard/State Route 71 Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40,000,000.
- **Alhambra Civic Library Project:** The project involved construction of a 45,000 SF 2 story library with 2 levels of underground parking garage. The project also included off-site improvements, such as streets, curb, gutter, utilities, fiber optic communication. Transtech provided construction management services. Project Cost $30m.
- **Riverside County Transportation Commission, Corona Main Street Metrolink Parking Structure and Pedestrian Bridge:** Served as Construction Manager. The project involved construction of a 6 level, approximately 1,000 space parking structure, and a pedestrian bridge over rail road tracks, and various offsite improvements, such as pavement, curb, gutter, drainage, sewer, electrical.

Project cost $24,000,000.

- **Alhambra Renaissance Plaza Parking Structure and Entertainment Center:** Served as Turn-key Program Manager from initial design thru construction of the Project. The project involved construction of a 5 level, approximately 600 space parking structure, as well as a 10 plex movie theater, and 3 restaurants and retail stores. Total project value was $40m.

Experience in Federally Funded Projects and with Caltrans Local Assistance Procedures Manual:
A majority of the projects were federally funded. Transtech administered all projects through Caltrans' Local Assistance in compliance with the Local Assistance Procedures Manual (LAPM). Authorization to Proceed (E76) was successfully obtained for each project as well. Our scope in these projects involved public relations, including providing information flyer, setting up a web-site for public access to provide up to date information, community meetings, and responding to questions and complaints and making sure impacts to public is minimized. Communication and coordination with public is an important element on this project as well.

Experience in Working with Caltrans/Encroachment Permit Department:
Several of these projects also involved close coordination with Caltrans and encroachment permit processing/approval, as portions of some of the projects were in Caltrans jurisdiction.

C.2. PROJECT STAFF

The following table provides summary information for project staff:

Key Person	Project Role	Yrs of Exp	Yrs w Firm
Robert Quintero	Contract Principal/Manager	20	5
Michael Ackerman, PE	Project Manager, Construction Manager, RE	15	4
Kurt Pegg, PE	Structural Representative/Inspector	20	2
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	30	12
Michael Schnepf	Principal Public Works Inspector	30	9
Selim Bouhamidi	Office Engineer/Funding Compliance and Inspection Support	5	3

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, Billing Rates, Resource Matrix, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

C.3. REFERENCES

City of Rialto
Ahmad Ansari, Director of Public Works/City Engineer
909-772-1518

City of Alhambra
James Funk, Development Services Director
626-570-5041

City of Pomona
Daryl R. Grigsby, Director of Public Works
909-620-2261

CSUSB, Cal State University
Hamid Azhand, Director of Capital Planning and Design
909-537-5000

C.4. COMPANY QUALIFICATIONS

Established in 1989, the firm provides consulting engineering services to several municipalities throughout Southern California. The municipal services provided by our firm include Building and Safety, Plan Check, Inspection, Code Enforcement, City Engineering, City Traffic Engineering, CIP Design, Project and Construction Management, Program Management, Utility Company Coordination and Management, CDBG, HUD and Federally/State Funded Project Management, Services.

- *Service Capabilities:*

Municipal Consulting Services	City Engineer; City Traffic Engineer; Capital Improvement Projects; Development Review; Plan Check/Counter Services
Building and Safety	Inspection; Plan Check; City Building Official; Code Enforcement
Program and Construction Management	Contract Administration; Construction Inspection; Labor Compliance; Design-built Engineering and Construction
Civil Engineering	Freeways and Interchanges, Local Streets and Roads Design; Sewerage, Water and Storm Drain Design; Pavement Management System; Grading Studies, Design and Earthwork Analysis
Traffic and Transportation Planning and Engineering	Traffic Signal and Control Systems; Parking Facilities Study and Design; Street Lighting; Speed Zone Surveys; Traffic Control; Intelligent Vehicle Highway Systems; Signing and Striping; Traffic Management Plans; Bicycle and Pedestrian Facilities; Neighborhood Traffic Control

Water Resources Engineering	Hydrologic Studies, Hydraulic Design Best Management Practices Storm Water Pollution Prevention (SWPPP) Low Impact Development Design Sediment, Erosion Control & Detention Facilities Urban Water Quality Retrofit Hydrologic Rainfall/ Runoff Watershed Simulations Hydro modification Studies, Water Quality Management Plans (WQMP) Storm Drainage Infrastructure Design Floodplain Analysis, Mapping Preparation of FEMA Requests for Letters of Map Revisions
Surveying and Mapping	ALTA, Topographic, Boundary Surveys; Construction Surveying/Staking; Aerial Mapping; GIS; Right-of-way Engineering
Planning	Master Plan Circulation Studies; Transportation Planning and Modeling; Capacity Evaluations; Impact Assessments; Site Planning; Specific Plans
Land Development	Subdivision/Master-Planned Communities; Commercial and Industrial Development
Governmental Permit Processing	Support services to coordinate and process permits through governmental agencies .

- *Experience in Working with Local Cities:* Our key staff members have served public agencies in various capacities including City Engineer, City Traffic Engineer, Building Official, Project Manager, Planner, and Inspector. We are accustomed to working with governmental agencies in every facet of planning, building, and public works, and our staff has an unparalleled understanding of public agency issues, procedures, and policies.

- *Turn-Key Service Capability:* The Firm serves as turn-key program and construction manager on large and complex engineering projects by providing a full service capability of comprehensive services to its clients from initial planning and design, systems engineering and technical assistance, permitting, program and construction management, and operations and maintenance services. The Firm has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects, including Public Works and Infrastructure Improvements; Institutional Buildings; Commercial and Retail Buildings; Transportation and Parking Facilities; Sports and Recreational Facilities; Residential Development.

- *Experience in Federal and State Funding Programs and Requirements:* The Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of these projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance. The Firm's Grant Writing and Funds Management services enable our municipal and agency clients of any size to find potential funding sources, and to prepare competitive applications. Additionally, after funds are awarded to a client, The Firm can ensure compliance with state and federal funding requirements. In the past few years, The Firm has facilitated over $100 million in funds for our clients' public works projects and transportation improvements.

- *Experience in Construction Claims:* The Firm staff also provides their expertise in the construction

field to law firms and universities. Some of our key staff members serve as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State San Bernardino University, International studies.

- *Quality Control/Quality Assurance (QC/QA):* The Firm has a proven track record in providing high quality engineering services which result in minimal problems during implementation of projects. Our extensive experience coupled with our in-house QA/QC program prevents design errors and change orders. Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and budget

- *Federally Audit and Approved Accounting System:* Our firm is involved in major projects with various governmental agencies, including Federal Government. Our accounting system is audited and approved by federal Government and found in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statues, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR).

SECTION D: Staffing Plan

Due to the inherent variability in the schedule and performance of third parties, our staffing approach is flexible. While we have assigned and are prepared full staffing as necessary to the project, our staff will work as necessary and flexible manner. We will adjust staffing levels as the project progresses and as needed, but, we will be responsive and add additional staffing when there is a need to ensure the project is managed in the most cost effective and efficient manner.

Our team members have the capacity to perform the requested services according to the proposed schedule, and complete the services required for this project within budget and schedule.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with City Staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City Staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

BILLING RATES AND RESOURCE MATRIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, Resumes, **Billing Rates**, **Resource Matrix**, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

SECTION E: Work Plan and Schedule

E.1. PROJECT MANAGEMENT AND DELIVERY APPROACH

Our approach is to be responsible and accountable for all aspects of the project in order to deliver the project on-time and on-budget. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before the result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

We have a structured approach to execute projects in an efficient manner that makes Transtech capable of providing the client with the highest quality product. Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects. The following paragraphs describe our approach to deliver projects in an efficient and cost effective manner:

- **Project Management:** Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become major problems. This requires extensive hands-on knowledge, and management skills of the people involved in the project's management and inspection. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on-time and on-budget. Our staff members have educational background and are licensed and certified as engineers and inspectors. They have been represented both public agencies and private developers/contractor on similar projects. They are seasoned industry veterans, and will manage this project in the most efficient manner. Key project team members will attend regularly-scheduled project status meetings with the City and other involved agencies throughout the project's duration. We will keep a detailed record of communication that will include directions given by City staff and actions taken by our team. These systems are structured such that recall of critical information is readily available. We will provide project status reports which updates, at a minimum, the status on the project's scope, schedule, budget, and pending issues requiring attention.

- **Quality Control and Assurance Program:** Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance Program to prevent design errors and construction change orders.

- **Design Review:** Our multi-disciplinary team of design professionals with extensive professional experience in similar projects. Our preferred approach is to engage in review documentation, response/reconciliation meeting cycle for each design phase. Each cycle's receipt of design documentation is the basis of design, plans, specifications and calculations. The documents are reviewed by each discipline along with the construction manager to validate design team approach to the project program requirements and identify code element, buildability items for consideration, adjustment and/or incorporated by the Design Team. Review comments are documented with our

web based review program and made available to the entire team through the web browser access and electronic files. After a short review period for the Design Team, a coordination/information meeting is held to discuss comments and ensure that the Design Team and other parties fully understand the intent and essence of the comments. Our teams early "catches" of these and similar design compliance issues have presented significant late phase document modification on numerous projects we have reviewed.

- **Constructability Reviews:** Our constructability reviews follow a similar process to design support review with a different focus. We prefer to do both reviews concurrently for efficiency, with early phase focus on design support issues moving to predominantly constructability, buildability and coordination in later phases. Our comprehensive database offers management tools that will allow all team members to review drawings simultaneously and track design progress and comment resolution.

- **Value Engineering:** We approach value engineering as a continuous and evolving function throughout the entire preliminary and design phases. Value engineering is treated as an integral part of developing design criteria and ultimate incorporation into the project plans, specifications and estimates. Integrating value engineering throughout the project significantly reduces the chance of a major design alternative being identified by a "value engineering team" after the project is designed, which would cause a tremendous redesign effort and considerable time delays.

- **Cost Estimating:** We use a variety of methods to generate accurate cost estimates. These include "Check Bids" developed from both internal and external private sources. Our estimators all have construction field backgrounds and pull in that additional perspective to cost estimating from project concept/feasibility through change orders to address your specific needs. A methodology of communication, technical resources, and analytical thinking shaped by experience is used to reflect projects in terms of costs. Our estimating database, based on our experience at construction, is continually reviewed and updated for current labor rates, equipment rates, and material pricing. We also utilize the construction schedule to determine cost escalation over the course of construction. Typically escalation is included to the mid-point of the construction schedule. We will work closely with our procurement team in order to track the trends in volatile materials such as steel and concrete. We also monitor local construction labor markets and unions to forecast trends in labor rates. These costs are tracked throughout the estimating process to insure there are no last minute surprises.

- **Third Party Coordination Public and Regulatory Agencies:** One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies . Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

- **Methodology for communication to inform City on work progress:** Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

- **Approach to Cost Control and Change Orders**
  Two feasible methods exist for practical control of publicly funded construction costs. One is *proactive* and the other is *reactive*.
  - *Proactive* cost control is achieved by putting sufficient effort into the plan and specification preparation to minimize potential change orders.
  - *Reactive* cost control occurs during the review of change order requests submitted by the contractor. A variety of techniques are employed when reviewing submitted change order requests.

  We evaluate monthly costs/expenditures based on an actual field review and documentation. The documentation is used as both criteria for evaluating the accuracy of costs/expenditures, and as input for review of the cost-loaded monthly progress schedule. An accurate schedule of values and baseline schedule are fundamental to this analysis. Base contract work, as well as changes to the work, is also progressed and quantified. Any differences between the original estimates and actual costs/expenditures are identified. We evaluate project costs and develop feasible mitigation measures to minimize additional costs. We work as a team to solve problems or make modifications in the field to address unforeseen conditions or owner generated changes in a cost effective manner.

- **Approach to Scheduling and Timely Completion of Project and Schedule Recovery**
  Understanding how the component pieces of a Project and the necessary sequencing are critical to the successful completion of the Project. We use various project management software depending on the nature of the Project to ensure proper schedule development, document control, including RFI's, submittals and plan review. The regular maintenance and updating of the schedule quickly identifies areas that can be accelerated, and those items that may need additional attention and oversight. We ensure that the contractor's construction baseline schedule has properly identified the project scope, critical path, project milestones, target dates, phases, and sequences of work, activity durations, activity float and relationships between activities. Interrelationships with various projects phases, and interfaces with Owner activities are verified to ensure proper coordination with the existing operations. We ensure that the baseline schedule considers access coordination; staging and lay-down areas and seamless transition and interfaces between the new and existing facilities, and any operation to be maintained on-site. When significant activities show that they are slipping from the baseline, we work with the contractor to develop "recovery plans" and verify that the plans are achievable and are implemented to have the desired effect. We incorporate progress information recorded on the Inspector's Reports to verify actual progress in the monthly schedule. These reports clearly identify and document if any delays occurred and what caused the delays. This approach enables all involved parties to anticipate potential delays early in order to proactively manage the schedule.

- **Methodology for Generating Bidder Interest**
  The bids are advertised in various trade publications, such as McGraw-Hill Construction Dodge-Green Sheets, Contractors Info Network, Bid America, Reed Construction Data. We also contact qualified contractors and inform them of the upcoming project. By the time the construction documents area ready for bid advertisement we have a data base of contractors who have known about this project in advance. This increases bidder interest and participation significantly.

- **Promote participation in the bidding by local subcontractors and vendors**

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

- **Contractor prequalifying**
  If desired by the City, we can conduct a contractor pre-qualifying process. Public Contract Code section 20101 authorizes local public agencies to prequalify contractors before allowing them to bid for public works projects. The key points are:
  - A public agency may require contractors to submit standardized questionnaires which seek information necessary to determine whether the contractors have met prequalifying standards. Uniform subjective rating systems must be used to determine the minimum requirements permitted for qualification to bid.
  - Agency must have procedures in place which allow contractors to appeal decisions that they are not qualified to bid, which will result in review and conclusion prior to the submission of bids.

- **Construction web-site:** If the City desires, we can establish a construction web-site and web-cams for real time monitoring of construction progress on internet. The following is a sample of our current website for the State Route 71 and Mission Interchange construction project. www.mission71project.com.

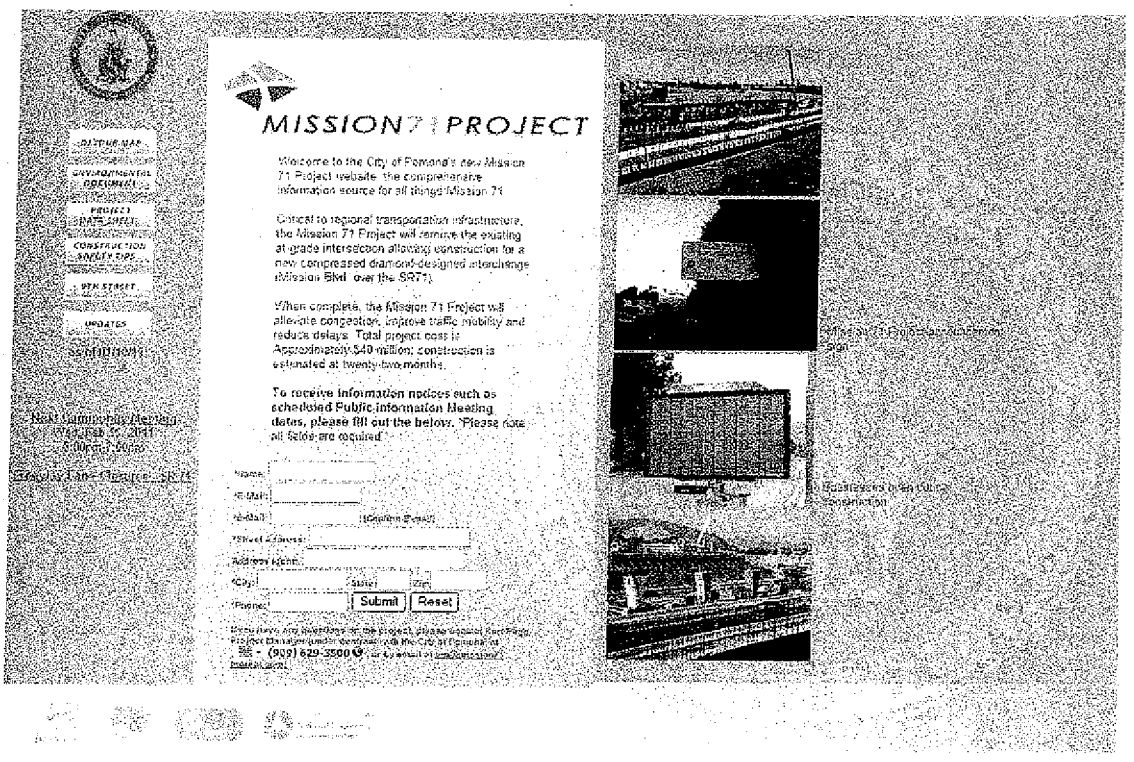

- **Quality Control and Assurance**
  Quality Control and Assurance will be consistently and thoroughly applied throughout project's duration. Assigned Quality Control and Assurance staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities.

A detailed description for Quality Control and Assurance is provided in Section F of the proposal.

E.2. SCOPE OF WORK

E.2.1. Project Management Consultant (PMC) Services

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.

2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.

3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

4. Schedule, facilitate, and attend public meetings as necessary.

5. Provide progress reports at a minimum on a monthly basis.

6. Compose all correspondences to keep the project on schedule.

7. Attend and present the project to City Council as required.

8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).

11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.

12. Prepare agreements and assist with issuance of Purchase Orders.

13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.

14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.

15. Prepare project update write-ups for distribution to media and public.

16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.

17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.

18. Issue all necessary Notices to Proceed (NTP).

19. Assist with review and process of all invoices (City staff will approve).

20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.

21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.

22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
    - Various City Council Staff Reports.
    - Utility correspondence letters and e-mails.
    - Federal, State and local correspondence.
    - Federal, State and local documentation required for the project.
    - Right-of-way related documents and correspondence.
    - Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and bidability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program

Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a. Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b. Prepare bid packages for distribution as necessary.

    c. Maintain plan holder's list

    d. Schedule and conduct pre-bid meetings and site visits, if held.

    e. Provide responses to bidders' questions.

    f. Prepare and issue addenda if required.

    g. Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h. Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i. Check references and licenses of bidders.

    j. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l. Prepare, coordinate, and process Notice of Award, Agreements, and Purchase Order.

    m. Review insurance, bonding, and other required documents.

    n. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

E.2.2. Construction Management Consultant (CMC) Services

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project. The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

E.2.2.1. General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.

2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

3. Schedule, facilitate, and attend public meetings as necessary.

4. Attend and present the project to City Council as required.

5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.

6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.

8. Prepare agreements and assist in processing Purchase Orders.

9. Issue all necessary Notices to Proceed (NTP).

10. Review and process all invoices (City staff will approve).

11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.

12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager. At a minimum, Project files will be organized to include the information indicated below:
    - Project Personnel
    - Correspondence
    - Weekly record of working days
    - Materials Data
    - Engineer's Daily Reports
    - Contract Item Pay Quantity Documents
    - Contract Change Orders
    - Extra Work Reports
    - Progress Pay Estimates and Status of Funds
    - Labor Compliance and EEO records
    - Contractor's Payrolls
    - Final Report
    - Materials Certificate
    - DBE Records

13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.

14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local

requirements.

15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

E.2.2.2 Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.

   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.

   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.

   d. Submit recommendations to the City relative to change order requests.

   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.

   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.

b. Permits.

c. SWPPP and WQMP

d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.

e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)

f. Progress payments, inventories, and applicable codes.

g. Contractor's reports, correspondence, certified payrolls, and accident reports.

h. Survey and layout data and certifications, photographs of as-built locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction

contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

E.2.3. Construction Inspection Consultant (CIC) Services

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements, such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

SECTION F: Quality Control and Assurance

Quality Control and Assurance (QC/QA) will be consistently and thoroughly applied throughout project's duration. Assigned QC/QA staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities. Firms considering proposal submittals are requested to have an in-house technical level of expertise to professionally address all aspects of the project.

Project Design meetings will be held twice a month. The Consultant will be responsible for preparing meeting agendas, minutes, and presentation materials. A Critical Path Method (CPM) network, based on activities to support all project milestones and subtasks will be prepared. The information will be in the form of a bar chart and show a deliverables schedule and other relevant data needed for the control of work, for City review of the work status and accomplishments occurring each month. Monthly updates will be furnished to the City's Project Manager.

The main objective of the Quality Control process for design projects is to provide a mechanism by which all construction plans can be subject to a systematic and consistent review. This process' outcome is the production of design plans and construction documents that accurately reflect the City's scope, schedule, and budget expectations for the project.

A secondary goal of the Quality Control process is to provide for a thorough documentation of the project's design process. A properly documented project file is a by-product of the quality control process. This will enable the City to substantiate its position from properly documented project files if any legal, political, or procedural issues arise regarding the project.

The Quality Control process includes comprehensive project planning, providing clear decisions and directions, constant supervision, immediate review of completed activities for accuracy and completeness, and documenting all decisions, assumptions and recommendations. Quality Control does not solely consist of a review after a product is completed. It is an approach and a realization that a product's ultimate quality is based on the quality of its production process.

As part of the initial project development, we will submit to the City for review and approval, a Project Specific Quality Control Plan, which will detail the proposed methods or processes of providing quality control for all work products. This plan will be kept current with the work requirements. The plan will include, but is not limited to, the following areas:

- Organization.
- Quality Control Reviews.
- Proposed method of documentation of comments, coordination responses and quality assurance records.

Submittals will be checked prior to presentation to the City for review. The review will include the following activities:

- Compliance with project requirements.
- Technical accuracy and adequacy.
- Compatibility with other associated project documents.
- Compliance with previous review comments.

In summary, our QC/QA is a systematic and documented review of each submittal phase/level, which will achieve a complete biddability/constructability/claims avoidance review and necessary revisions incorporated in the bid package at the 95% level completion.

SECTION G: Additional Relevant Information

TRANSTECH'S UNIQUE EXPERTISE AND SUCCESS IN FUNDING AND GRANTS

One of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

Our practice and approach in this area involves maintaining an extensive knowledge and understanding of current regional, state, and federal funding programs and procedures, and monitoring the development of future program or funding opportunities.

We use this knowledge base to work with our clients to improve their ability to secure and administer project financing, and to implement the resulting projects in a timely and cost-effective manner. The approach differs significantly from a more traditional approach where consultant assistance is used merely to prepare competitive grant applications in hope of securing funding for a specific project. We feel that an agency's ability to secure funding for a project depends on several factors including the project's level of completeness (having a well defined and defensible budget, scope, and schedule), the level of consistency between the proposed project and local policies and a funding program's guidelines and requirements, the quality of the information contained in a grant application, and an agency's ability to implement the project in a timely manner. This approach, as a result, focuses on improving the ability of our clients to successfully compete for funding through a competitive process rather than simply providing assistance to complete the required funding requests.

APPENDIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, **Billing Rates**, **Resource Matrix**, and **Other Required Forms (Required Statements per The RFP)** are attached in the appendix section of the proposal.

ROBERT QUINTERO
Contract Principal/Manager

EDUCATION

Master of Business Administration Degree, University of Redlands.

Bachelor of Science Degree in Urban and Regional Planning, California State Polytechnic University (Cal Poly), Pomona.

Edison International Executive Leadership Program

REGISTRATION

California Licensed General Contractor, B

SUMMARY

Mr. Quintero has approximately 20 years of experience in urban planning, management of municipal public works projects and operations, CIP (Capital Improvement Program), city administration, public and governmental affairs. He served as Principal Project Manager for the design, construction and management of a variety of Public Works and Infrastructure projects.

Prior to joining Transtech, Mr. Quintero worked for the City of Commerce and Southern California Edison (SCE), one of the largest energy utility firms in the world.

His experience at the City Commerce included working in various positions, including as Planner, Assistant to the City Administrator, Assistant Director of Public Services/Public Works, and finally as the City's Acting Director of Public Services/Public Works, and managed a department budget and infrastructure worth approximately $500 million.

At SCE, Mr. Quintero served as the company's Regional Manager for the Port of Long Beach and the cities of Avalon, Signal Hill, and Long Beach the fifth largest city in California and home to one of the largest commercial ports in the world.

As Vice President at Transtech, Mr. Quintero is responsible for corporate operations, business development, client relations, public and governmental affairs, project development and management oversight. With his ardent analytical and strategic management skills, Mr. Quintero provides strong leadership and exemplary public relations etiquette. Mr. Quintero develops and collaborates with primary contacts to protect and to enhance Transtech's position in specific proceedings; he ensures coordination with corporate policy and objectives on a broad range; he protects and transacts all phases of the company and customer business, and governmental affairs activities at the corporate level; and he facilitates and maintains close, long-term working relationships with governmental agencies.

PRIOR EXPERIENCE

City Of Commerce

Mr. Quintero started his professional career with the City of Commerce. While with the City, Mr. Quintero acquired an extensive management portfolio of economically, environmentally and technologically sound projects under the titles of Assistant Planner, Associate Planner, Assistant

Director of Public Services/ Public Works, Assistant to the City Administrator and finally as the City's Acting Director of Public Services/ Public Works. Robert was also responsible for representing the City of Commerce at the State Capitol in Sacramento as an advocate on legislative matters concerning land use, transportation, gaming and public works, are just a few of the myriad ways in which Mr. Quintero's leadership benefited the City of Commerce. In addition, Mr. Quintero was the Liaison and Political Ambassador to the City of Commerce/Aguascalientes Mexico Sister City Association.

Southern California Edison (SCE)

After several years with the City of Commerce, in 2002, Mr. Quintero joined Southern California Edison (SCE), as Region Manager of Public Affairs. At SCE, Mr. Quintero served as the company's representative to the Port of Long Beach and the cities of Avalon, Signal Hill and Long Beach, the fifth largest city in California and home to one of the largest commercial ports in the world. He managed the development of the company's position on federal, out-of-state and local legislative matters. He represented SCE before legislators, and industry organizations with regard to legislative and public affairs policy. He assists with the advocacy of the Company's position to provide advance notice of potentially significant legislative actions that may impact the company and took the necessary actions to protect the company's interests. He also organizes and coordinated with internal staff and resources, as well as took the lead in designing and implementing strategies to resolve issues affecting the company and its customers. As a SCE Region Manager, Mr. Quintero set standards of excellence with which the SCE name is proudly synonymous through his active support of and participation in programs that improve the lives of citizens in the community that SCE services. At SCE, Mr. Quintero successfully completed Leadership @ EIX Program. The Leadership @ EIX Program features a structural career development process for high performing employees who exhibit the corporate leadership competencies and may, with development, advance to a manager and senior leadership position.

Associations and Community Service

Founding Vice-President and currently serves as Senior Vice President to Embracing Latina Leadership Alliances (ELLAS) and is Vice President of the California Corporate Hispanic Council Leadership Institute (CCHCLI).

His memberships include the American Planning Association (APA), the American Public Works Association (APWA) and the American Water Works Association (AWWA).

MICHAEL ACKERMAN, PE
Project Manager, Construction Manager, RE

EDUCATION
- Bachelor of Science in Engineering, the University of Iowa

REGISTRATION
- Registered Civil Engineer

CERTIFICATIONS
- Resident Engineer Academy, Caltrans
- Water Pollution Control Compliance on Construction Sites for Resident Engineers, Caltrans
- Asphalt Pavement Fundamentals: Design, Construction, and Rehabilitation
- Construction Program Management Workshop, FHWA
- Field Office Procedures Course, Caltrans
- California Work Zone Inspection – High Speed, Caltrans
- Asphalt Concrete Inspection and Rehabilitation Strategies, Caltrans

HIGHLIGHTS
- Experience includes working for Caltrans.

SUMMARY

Mr. Ackerman has approximately 15 years of experience and participated on numerous multi-disciplinary teams dealing with the design and construction of civil and transportation engineering, urban and rural development, and public works projects. His prior experience includes working for the City of San Bernardino and Caltrans, District 8 in San Bernardino.

Recently, Mr. Ackerman has served as Deputy RE and Deputy Construction Manager for the State Route 71 and Mission Boulevard Grade Separation Project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.

PROFESSIONAL EXPERIENCE

City of San Bernardino: At the City of San Bernardino, Mr. Ackerman held the position of Associate Engineer under the City Engineer of the Division of Public Works in the Department of Development Services. There he was involved in a number of projects, including Development Review and Plan Check, design and review of Street Improvement Plans, Rough and Precise Grading Plans, Sewer Plans, Storm Drain Plans, Street Lighting Plans, Storm Water Pollution Prevention Plans, Water Quality Management Plans, Geotechnical Reports, and Hydrology/Hydraulic Studies, land development, industrial, commercial, residential, and transportation development projects including Tract and Parcel Maps. He also directed and performed plan check of improvement plans submitted by developers to the City. Also, he represented the City of San Bernardino at the South Tehachapi Management Team meetings, coordinated with San Bernardino County Flood Control and FEMA for the certification of City levees and updating of the Flood Insurance Rate Maps (FIRM), and oversaw permitting and tracking of Land Development Projects through the Division of Public Works/Engineering. In addition to this, Mr. Ackerman has worked intimately with Planning and Building and Safety Divisions on Land Development Projects.

Caltrans District 8: Mr. Ackerman was a civil transportation engineer for Caltrans District 8 where he was involved in the design and construction of various projects.

- ***Design Division:*** Designed plans, specifications, and estimates for the

rehabilitation of Route 10 freeway from the Riverside/San Bernardino County line to Beaumont.

- ***Traffic Operations Division:*** Performed studies and analyses to interpret and mitigate above average accident volume areas on highways and freeways. Also, he performed stop sign and traffic signal warrant studies.
- ***Construction Division:*** In the Construction Division, Mr. Ackerman was Resident Engineer for various projects including Watson Wash Bridge Replacement Right (Rte 40), Replacement of Drains and Earthwork (Rte 40), and Fenner Overhead Bridge Replacement (Replacement of two bridges over BNSF Railroad, Rte 40).

Mr. Ackerman served as Project Engineer and/or Construction Manager/Resident Engineer on a number of roadway projects. Recent similar projects include:

- City of San Bernardino, Via Duct Boulevard/2nd Street Realignment Project: Prepared PS&E and served as Construction Manager/Resident Engineer. Cost $1.5M.
- City of Alhambra, Polar Boulevard Rehabilitation Project: Federally funded project as part of Stimulus Program. Served as Construction Manager/Resident Engineer. Cost $1.2M.
- City of Baldwin Park, Francisquito Avenue Overlay Project; Ramona Boulevard Overlay Project: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3.5M.
- City of Commerce, Garfield Avenue Telegraph Road to Malt Avenue Street Improvements; Eastern Avenue Pavement Overlay Stevens Thru City Boundary; Garfield Avenue and Slauson Avenue Intersection Improvements; Washington/Ayers Intersection: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3M.
- CSUSB (Cal State SB University) San Bernardino Main Access Road: Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- City of Alhambra, Alhambra Road Rehabilitation and SRTS Project: Served as Construction Manager/Resident Engineer. Cost $1.2M.

KURT PEGG, PE
Structural Representative/Inspector

EDUCATION
- B.S. Civil Engineering, University of Calgary, Alberta, Canada

REGISTRATION
- Registered Civil Engineer

SUMMARY

Mr. Pegg has over 20 years of construction engineering experience related to highways, roadways and interchanges. He has served as a Senior Project Manager, Senior Estimator, Resident Engineer and Structural Representative. Mr. Pegg has been responsible for some of the largest freeway projects in Southern California, supervision of technical and field staff, change order negotiation and preparation, contract administration, critical path schedule development and review, storm water pollution prevention plan preparation and compliance, claims preparation and mitigation, cost estimating, reviewing and designing structure-related shop drawings, and assuring compliance with plans and specifications.

PROFESSIONAL EXPERIENCE

- **State Route 71 and Mission Boulevard Grade Separation Project:** Served as the Resident Engineer for this regional project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.
- **215/60 Riverside Interchange, Riverside, CA ($317 Million):** Senior Project Manager for the construction of 4 miles of high occupancy vehicle (HOV) lanes and widening of freeways on I-215, SR60 and SR91; Approximately 80 new sound walls and retaining walls throughout the project; major structural improvements at 8 local interchanges; 2 sweeping 'flyover' connector ramps between the I-215/SR60 and the SR91; Improvements to local drainage systems; new truck bypass connector leading from the eastbound SR 60 to the southbound I-215; new bridges at Linden, Iowa and Blaine Avenues providing better access to the University of Riverside. Funding for the project came from a combination of federal, state and local sources.
- **5/805 Interchange and Freeway Widening, San Diego, CA ($176 Million):** Project Manager for the construction of a separate freeway by-pass system from the junction of Interstate 5 and 805 to the Del Mar Heights Road Interchange. The Project also included the construction of a diamond type Interchange at Carmel Mountain Road, and adding of Auxiliary lanes to the existing main lanes. The projects goals were to reduce traffic through the corridor, improve safety through the addition of the by-pass system, and improve access to SR-56 and local roadway systems. Project innovations included building bridge foundations to better withstand earthquakes, eliminate merging and weaving traffic by separating SR-56 and local interchange

traffic from I-5 main lanes. Caltrans partnered with Contractors to ensure the project enabled cost effective construction methods and efficient staging in the interest of time saving to contractors and minimizing travel impact to motorists.

- **SR91/SR57 Interchange Widening, Anaheim, CA ($75 Million):** Project Manager for the construction of the widening of SR91 and SR57 freeways to construct a HOV connector almost a mile in length. The projects goal was to eliminate the weaving of traffic through the interchange caused by the transition from one freeway to the other of the HOV lanes. In order to accomplish this both freeways had to be widened and this required new bridges to be constructed at State College Boulevard, Placentia Avenue Overcrossing, Sunkist Avenue Overcrossing, Mira Loma Overcrossing, and La Jolla Overcrossing. New retaining walls and soundwalls were necessary to support the widening of the freeways along with new drainage improvements. The Contractor was awarded the gold medal in partnering from Caltrans for working through difficult construction issues and to expedite project bringing it in on time and under budget.
- **SR 55 Widening, Orange, CA ($40 Million):** Project Manager for the construction of approximately two and a half miles of freeway widening on SR 55. This project required the construction of two new bridges, retaining walls and soundwalls. Improvements were made to the interchange at Lincoln Ave and SR 55 to support the widening and the end result was an increase in traffic flow and a decrease in congestion on the SR 55 freeway.
- **Ave "H" Overcrossing, Lancaster, CA ($10 Million):** Project Manager for the construction of Avenue "H" Overcrossing. This project was part of the ever increasing development of the outer LA area. The project required street and drainage improvements to support the new bridge over SR 14 freeway.
- **I-10 Freeway at Palm Drive/Gene Autry Trail Interchange Project, Palm Springs, CA ($16 Million):** Resident Engineer / Structure Representative for the construction of a new cast in place post tensioned box girder bridge over the I-10 Freeway. A precast "I" girder widening over the BNSF railway tracks and the roadway widening of Palm Dr.

MICHAEL J. SCHNEPF
Principal Public Works Inspector

EDUCATION
- SDSU, CA 1977
- SDSU Extension: Construction Technology

Awards:
- Best Project, American Concrete Institute for The Falls at Rancho Bernardo

SUMMARY

Mr. Schnepf has approximately 30 years of experience in general engineering/public works and building construction projects. In these capacities, he has been responsible for more than $500 million worth of private and public works construction projects in Type A and Type B construction. He has inspected numerous federally funded projects in compliance with Local Assistance Procedures Manual, as well as projects under Caltrans' jurisdiction.

PROFESSIONAL EXPERIENCE

- **General Public Works Inspection:** Worked at various Cities under Transtech contracts as Senior Public Works Inspector. Projects inspected include, all aspects of new infrastructure construction and reconstruction, parks, ball fields, landscape aquatic facilities, fire stations, piers, skate parks, airports, coastal and recreational facilities, playgrounds, water and sewerage systems (including distribution mains (to 120 inch), mainlines, service laterals, lift & pump stations, domestic and reclaimed water systems, fire lines, backflows, pressure reducing stations, valve cut ins, line stops, line freezing, gravity and force mains and grease interceptors.
  - **Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **Avenida Pico Widening, San Clemente:** Widening of Avenida Pico from I-5 to Avenida Del Cerro including improvements to San Clemente High School. Widened arterial roadway within very limit time frame on a 24 hour a day schedule. High School kept open as were all businesses. Was

accepted by State Architect to perform all onsite inspection of improvements on school property.

- **Smart Corridor, Washington Avenue Culver City:** Coordinated and inspected the integrated Smart Corridor consisting of 51 fully reconstructed and signalized intersections with interconnect and monitoring in Culver City. Interfaced with Caltrans along the I-405 corridor.
- **Skypark Signalization and Widening, Torrance:** Provided construction management and inspection for widening and signalization of Skypark Drive and Madison Street. Interfaced with Edison for relocation of high voltage primary lines and street lighting, FAA personnel at Zamperini Field Airport and Administrative Staff at Torrance Memorial Medical Center. Twenty four hour access to all businesses and facilities were maintained.
- **City of San Clemente, multiple locations:** Provided inspection, design review and plan check for new and retrofits at over 40 intersections during a span of eleven years. Interconnect and camera detection systems. Interfaced with Caltrans along the I-5 corridor.

- **Grading:** Provided grading inspection from initial clearing & grubbing through rough grade and precise grading on projects ranging from 4,000 sq. ft. lots to 3200 acre master planned subdivisions. In many cases provided or assisted in engineering plan check processes. Provided all aspects of inspection for caissons, tie-backs, geotextiles, sub-drains, de-watering wells, wicking systems, benching, buttressing, minor & mass grading operations. Worked closely with Paleontologists and Archaeologists during grading operations. Sites have included the most fossil-rich find in Orange County. Retaining walls have included gravity/friction segmental walls, cmu, cast-in-place concrete and shotcrete applications.
- **Traffic Signals:** Project construction management and inspection of traffic signals and interconnect systems in conjunction with widening and total reconstruction of one of the most heavily utilized intersections in Los Angeles County, 190th & Crenshaw in the City of Torrance. Inspection, design review and plan check for new and retrofits at over 140 intersections during a span of eleven years. Interfaced with Caltrans along the I-5, I-10 and I-405 corridors.
- **Reservoir:** Reconstruction of Reservoir 5A and 8, San Clemente: Assisted in drafting specifications for the restoration, reconstruction of two reservoirs in San Clemente. Provided construction inspection services for all stages of construction and monitored deputy coating inspection team.
- **Storm drain systems:** Channel drains, local depressions, catch basins, main lines, head walls, box culverts, lined channels, desilters, detention basins, clarifiers, energy dissipaters, environmental containment, hydrocarbon filtration, in field testing.
- **Other Utilities:** All overhead and underground electrical, water, sewers, communications, gas, and fuel lines including storage facilities.

DAVID RAGLAND, PE, LS
QC/QA

EDUCATION
- Humboldt State University, CA, Bachelor of Science

REGISTRATION
- Registered Civil Engineer
- Licensed Land Surveyor

SUMMARY

Mr. Ragland is a civil engineer and land surveyor with approximately 30 years of diverse experience in a wide variety of projects in civil engineering. He has managed numerous multi-disciplinary teams dealing with the planning, engineering, entitlement, environmental permitting, development and construction of urban and rural development, and public works projects. His experience also includes special emphasis on complex grading and hillside developments (has worked on the civil engineering and development of more than 40,000 acres of hillside properties), preparation of due diligence and project feasibility analysis, through conceptual planning and design to entitlement and construction. Estimated valuation of projects that Mr. Ragland has been involved is approximately $1,000,000,000.

PROFESSIONAL EXPERIENCE

General Civil Engineering Projects:

- **CSUSB (Cal State SB University) San Bernardino Main Access Road:** Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Campus Parkway Roadway:** Design of a new roadway for a length of approximately 2 miles, and included street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Cannon Roadway and Sewer:** Design of approximately 2 miles of roadway and 36 inch sewer pipe and pump station. This project required careful consideration to pipe buckling due to the extreme soils conditions of the Agua Hedionda Lagoon. Special bedding techniques were used along with special coupling of the pipes to allow for potential deflection as the bridge abutment and road fill settled.
- **Lopez Canyon Roadway and Sewer:** Design and construction of over 5 miles of roadway sewer ranging up to 36 inches in diameter.
- **Sorrento Valley Boulevard:** Design and construction of 4 miles of roadway.
- **University Development:** Development of a 135 acre site in association with the City of San Bernardino, Watson Development and Cal-State SB for the development of 200 residential, mixed use, live-work, retail, office and educational and training facilities and offices for Cal State SB University.
- **San Elijo Hills Development:** Development of 2000 acre master

planned community including golf course and hotel. Project included preparation of Specific Plan, TM, Final Map, construction plans for all necessary infrastructure, environmental permits and Communities Facilities District.

- **Parkway Business Centre:** Design and construction of the 460 Acre industrial park including South Poway Parkway for ADI Properties, Inc. Also served as Assessment Engineer for Communities Facilities District.

Drainage And Sewer Projects:

- **City of Commerce**: Master Sewer Study Telegraph Corridor re-vitalization project. Documentation of existing system. Design capacity analysis based upon land use designations. Produced master plan study report for the project along with cost estimates.
- **University Park Storm Drain Design:** Design of storm drain system with pipes ranging in size from 18 to 60 inches and trapezoidal channel design for 4500 cfs.
- **University of Riverside:** West Campus Infrastructure, including sewer, storm drain, water, design.
- **San Elijo Ranch Drainage, Sewer and Water Master Plan, San Marcos:** 2,000 acre / 3400 unit master planned community. The project included literally miles of storm drain, sewer and water lines, sedimentation areas, pump stations, booster stations, water reservoirs and force mains. Cannon Road Trunk Sewer and Pump Station - Design of 8-12 inch gravity sewer, 6 and 8 inch force main, pump station and wet well. City of Carlsbad
- **Penasquitos Canyon Trunk Sewer:** PS&E for two miles 36-inch gravity sewer including design study reports. City of San Diego
- **Otay River hydrology study and dam breach analysis:** 22,000 acre Otay Ranch project in Chula Vista. Flows up to 33,000 cfs were studied for the Otay River.

Water Projects:

- **City of San Diego:** Green Valley Water line design and construction. 5000 feet, 30" Reinforced concrete water line and pressure reducing station and details for connection to a 60-inch San Diego County Water Authority Pipeline. Structural arch and encasement designs for road crossings over various SDCWA pipelines up to 108 inches in diameter. Design and construction of Mercy Road pressure booster.
- **City of San Bernardino:** Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino for the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution. Structural arch design for road crossing over the Dept of Water Resources 109-inch Santa Ana pipeline.
- **City of Riverside:** Water distribution analysis and computer modeling for University of California Riverside West Campus expansion infrastructure project.

ALI CAYIR, PE
QC/QA

EDUCATION
- BS Engineering
- MBA, Project/Construction Management, UC Irvine

REGISTRATION
- Registered Civil Engineer
- Licensed Gen Contractor A
- Licensed Gen Contractor B

HIGHLIGHTS
- Served as Contract City/Traffic Engineer for Cities.
- Federally Funded Project Experience: Extensive experience in the state and federal programs and procedures, and in the management of federally and/or state funded projects in compliance with the Local Assistance Procedures Manual.
- Diversified experience in both design and construction.

SUMMARY

Mr. Cayir has approximately 30 years of experience in engineering and construction. He served as contract City Engineer/City Traffic Engineer for a number of municipalities in Southern California. He has a broad knowledge of municipal government operations, including preparation and presentation of staff reports/resolutions to city councils, committees and interaction with public, various city departments, city council and other governmental agencies. He has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects.

PROFESSIONAL EXPERIENCE

Civil Engineering Experience

- Project Principal for I-710 Freeway Interim Improvements and Fremont Widening and Reconstruction: Transtech provided Turn-key Services, including Program Management, Construction Management, Design, Surveying, Right-of-Way Engineering, and Environmental. The project included major roadway improvements, removal/demolition of various buildings for additional right-of-way and reconstruction of buildings behind new right-of-way, traffic signals, infrastructure, utilities, pavement, drainage, water, sewer, landscape, street lighting, traffic signal, pavement improvements. Project was funded by Federal Funds, and was managed and inspected in compliance with Caltrans Local Assistance Procedures Manual. (Cost $20m).
- Project Principal for University Park Development/San Bernardino: The project included 2 miles of new roadway, sewer, water, utility and extensive hill side grading for a master planned residential and commercial development on 130 acre site across from the San Bernardino State University. (Cost $20m).
- Project Principal for $20 m Carlsbad to San Diego Rail Trail Project Report, which is funded by State and Federal funds and required complete project and environmental report, including Right-of-Way, Relocation, SHPO, NEPA, SEQA, Noise, Parking, Economic, Hazardous Materials technical studies, and processed through Caltrans and FHWA.
- Alameda Corridor Agency East (ACE) Rail Grade Crossing Improvement Project encompassing 6 agencies and 14 locations in Los Angeles County. Work involved roadway realignment and reconstruction, signalization, traffic control, and construction phasing as well as related improvements such as storm drain, water, sewer landscaping, underground utilities, etc. Construction cost $5,000,000.

Construction Management Experience

- Project Principal for City of San Bernardino, Santa Fe Historic Train Depot

Renovation. Transtech is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $13m

- Project Principal for City of Alhambra, Valley Boulevard Widening. Preparation of funding application, securing $5 million Federal, State and County funding, and design, and is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $5m
- Project Principal for City of Commerce, Rosewood Community Center. Transtech was retained by the City to take over the management of this multimillion dollar facility which was 2 years behind schedule. Within 5 months, Transtech brought the construction to substantial completion level allowing the City start the move-in process, and 2 months after, the facility was opened to public use. Currently, Transtech is assisting the City in claims analysis and change order resolution. Construction Cost: $15m.
- Project Principal for City of Alhambra Chapel, First St and Garfield Parking Structures: Transtech served as turn-key project manager, including management of design, construction, building plan check and inspection, federal funds, labor compliance for 3 parking structure projects. Chapel: 4 story, 300 space structure; First Street: 4 story, 276 space structure; Garfield: 5 story, 800 space structure. (Cost $15m)

Traffic Engineering Experience

- Design and management of a variety of traffic and transportation engineering projects, including traffic signals (more than 1000 locations), traffic signal interconnect system, street lighting, traffic control, signing and striping design; signal timing and coordination studies; traffic signal management studies; traffic safety projects (OTS) including traffic control device inventories and speed surveys; traffic impact and parking studies for more than 100 projects; and feasibility studies for traffic control measures, freeway access, bikeways and street improvements. Mr. Cayir has also served as consultant Traffic Engineer for various agencies in Southern California.
- Project Manager/Engineer for the preparation of ramp metering, count station, traffic signal, highway lighting, sign lighting, construction signing, pavement delineation, communication, and other traffic related plans for several state highways and freeway improvement projects involving Caltrans Districts 7, 8 and 12.
- Project Manager for the preparation of traffic signal modifications for various arterials in Los Angeles County including Garvey Avenue, El Segundo Boulevard, Crenshaw Boulevard, Slauson Avenue, Rosecrans Avenue, Arrow Highway and Huntington Drive/Alosta Avenue/Foothill Boulevard.

SELIM BOUHAMIDI
Office Engineer/Funding Compliance and Inspection Support

EDUCATION

- MA, Urban Planning, University of California, Los Angeles.
- BA, Anthropology, University of California, Los Angeles

HIGHLIGHTS

- Extensive experience in federal funds and grants and working with Caltrans Local Assistance and local agencies.
- Well versed in Caltrans and Local Assistance construction filing and document system.
- As the primary coordinator of Transtech's federal-aid internal procedural tracking system, Mr. Bouhamidi has been and is responsible for the direction and coordination of several federally funded projects having worked with numerous local agencies including the cities of Inglewood, Baldwin Park, Pomona, Lawndale, and Long Beach.
- Also worked with the City of Riverside Urban Planning Department.

SUMMARY

Mr. Bouhamidi has approximately 5 years of experience, and provides office support to Project Managers and Resident Engineers. He is well versed in Caltrans and Local Assistance construction filing and document system. He also works closely with various Funding Agencies, including Caltrans Local Assistance, and local agencies to successfully secure federal-aid for various construction projects. Mr. Bouhamidi has also worked with the City of Riverside Urban Planning Department. He was responsible for updating the city's property database recording architectural descriptions, and recent demolitions.

PROFESSIONAL EXPERIENCE

- Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- City of Alhambra, Josylin Community Center Renovation Project funded by Federal Energy Efficiency and Conservation Block Grant: Served as office support engineer and provided labor compliance services.

- City of Alhambra, Valley Boulevard Reconstruction, Federally Funded Project: Served as office support engineer and provided labor compliance services.

- City of Pomona, Rte 71/Mission: Provided funding support, assisted in E76 processing of various phases, and assisted in labor compliance.

- Office Engineer Federal- and State-Aid Internal Procedural Tracking System: Development of an internal electronic procedural tracking system to fast-track, coordinate, and organize federally-aided projects. This multi-layered, holistic system is process-oriented and developed over a timeline—a steady departure from the topically based and more general approach of the Caltrans Local Assistance Procedures Manual. The system provides swift results by ensuring that a project stays fully on track and is carried out in a timely and efficient manner, while providing personnel with all key reference points, timelines, and resources to complete and track the various ongoing projects. Responsible for tracking all aspects of a federal- or state-funded project beginning with the initial submittal of the funding packet application and signatures. Every step in the transmittal process is reviewed, tracked, and updated. The tracking system also includes follow-ups on federal application forms, which are subject to change after submittal and must be updated so as not to hold up authorization of funding. Working closely with Caltrans Local Assistance procedures, responsible for managing, tracking, and monitoring various transportation projects from a diverse number of cities.

The following are Billing Rates for project staff:

Key Person	Project Role	Billing Rate
Robert Quintero	Contract Principal/Manager	$145
Kurt Pegg, PE	PM/CM, Resident Engineer, Structural Representative	$145
Michael Ackerman, PE	Deputy PM, CM, RE	$145
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	$145
Michael Schnepf	Principal Public Works Inspector	$95
Selim Bouhamidi	Office Engineer/Funding Compliance	$65

As required in the RFP, we are providing the following billing statement:

The above hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

The following is the Resource Matrix showing hrs per task for each project staff:

Resource Matrix		Project Management Consultant (PMC) Services	Construction Management Consultant (CMC) Services	Construction Inspection Consultant (CIC) Services	Totals
Staff	Position	Hrs	Hrs	Hrs	Hrs
Robert Quintero	Contract Principal/Manager	250	250	0	**500**
Michael Ackerman, PE	Project Manager, Construction Manager, RE	1,000	1,500	500	**3,000**
Kurt Pegg, PE	Structural Representative and Inspector	100	300	800	**1,200**
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	500	100	0	**600**
Michael Schnepf	Principal Public Works Inspector	200	250	2,000	**2,450**
Selim Bouhamidi	Office Engineer, Funding Compliance and Inspection Support	100	1,000	750	**1,850**
Totals		**2,150**	**3,400**	**4,050**	**9,600**

The following are the required Statements to be included in the proposal per the City's RFP:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
   We agree with the above statement.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. The City's standard Agreement will be executed without any proposed changes.
   We agree with the above statement.

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
   We agree with the above statement, and do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
   We do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
   We agree with the above statement.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.
   We agree with the above statement.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
   We agree with the above statement.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
   We agree with the above statement.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
   We agree with the above statement.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.
    We agree with the above statement.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
    We agree with the above statement.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
    We agree with the above statement.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
    We agree with the above statement.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
    We agree with the above statement.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
    We agree with the above statement.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under

the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

We agree with the above statement.

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT D

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $868,870.00.
2. The Consultant will submit an invoice to the City based on milestones completed and accepted by the City, which documentation evidencing milestones completed to date (refer to milestones identified in Section VIII, Payment to Consultant in Exhibit "A" – City's Request for Proposal). At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

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Revised 10/13/09

EXHIBIT "D"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129

NORTHWEST CORNER OF CACTUS AVENUE AND LANDON ROAD

DEVELOPER: WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Tract Map No. 35760.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On September 30, 2008, the Community Development Department of the City of Moreno Valley approved Tentative Tract Map No. 35760 as a revision to Tract Map No. 31129. The tentative tract map is a proposal to subdivide a 1.83-acre portion of previously approved Tract Map No. 31129 into six residential lots. The tentative tract map will allow for the subdivision of six lots, the elimination of a detention basin (Lot L of

Tract Map No. 31129), and the adjustment to existing lot lines previously approved on Tract Map No. 31129.

DISCUSSION

Tract Map No. 35760 is in conformance with the tentative tract map. The developer has requested that the tract map be approved for recordation. Most public street improvements were completed under Tract Map No. 31129. The remaining trail improvements adjacent to Lot 6 of Tract Map No. 35760 on Cactus Avenue and those along the west map boundary of Tract Map No. 35760 and Tract Map No. 31129 will be completed prior to occupancy of Tract Map No. 35760. The trail improvements include but are not limited to three-rail PVC fence, gates, bollards, decomposed granite, concrete curb, and related grading and drainage.

ALTERNATIVES

1. Approve Tract Map No. 35760 and authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would allow the developer to proceed with the recordation of the six-lot subdivision.*

2. Do not approve Tract Map No. 35760 nor authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would not allow the developer to proceed with their proposed residential subdivision development.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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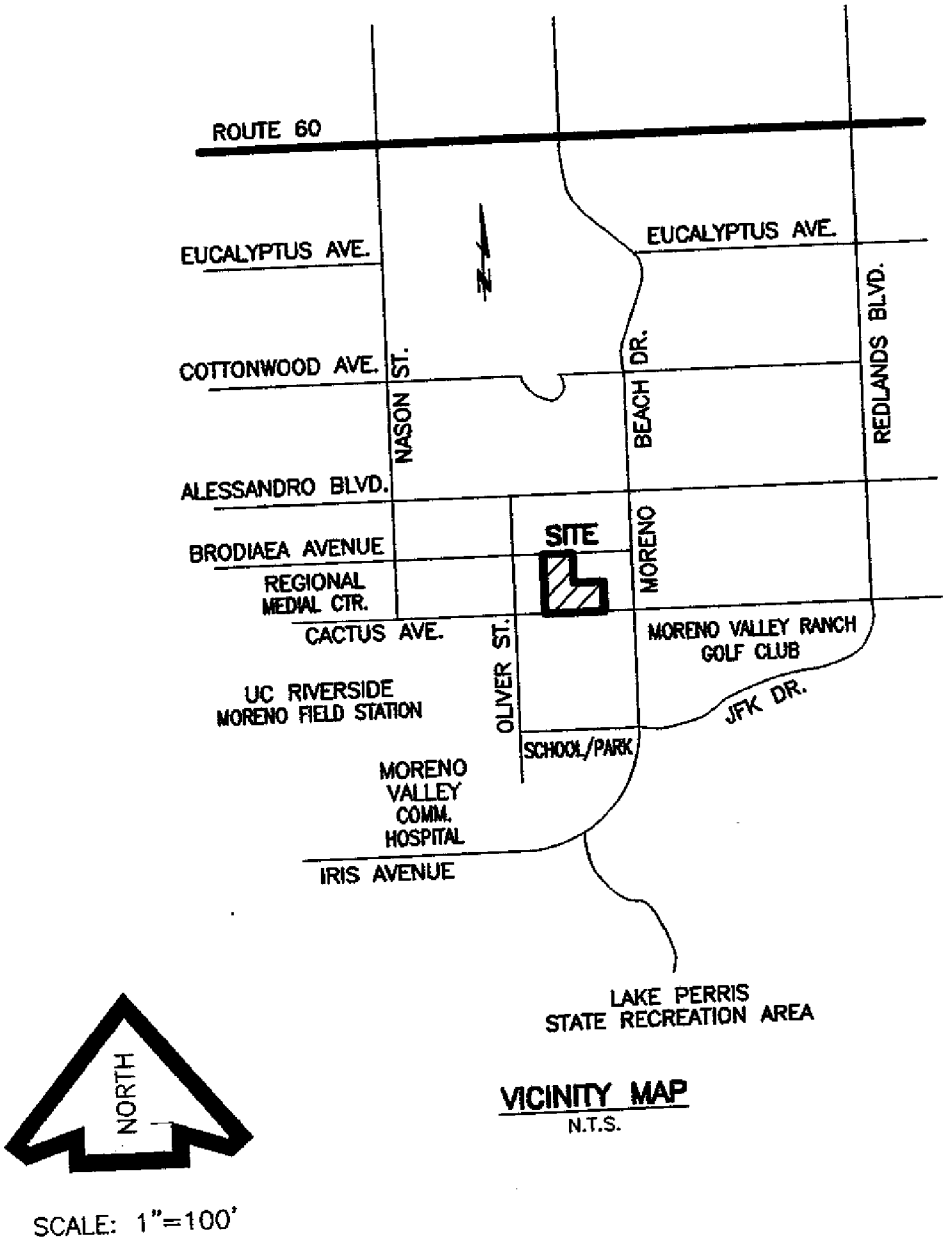

SCALE: 1"=100'

CITY OF MORENO VALLEY PUBLIC WORKS - LAND DEVELOPMENT Exhibit "A"	P07-144 LOCATION MAP

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MV00113872

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129)

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system.

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto.

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000.

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

BACKGROUND

Local traffic congestion has become increasingly prevalent as the City continues to grow. Congestion hot spots are well-known and include most intersections adjacent to freeway interchanges and several arterial corridors. The current recession has slightly improved conditions, but as the economy improves, and travel increases once again, traffic flow optimization will increase in importance to the community. In the long term, Moreno Valley's population will almost double, substantially increasing the traffic loading on our roadways. To address current and future traffic demand, staff has proposed

implementation of Intelligent Transportation Systems (ITS) technology to systematically manage and optimize traffic flow.

In 2009, the City completed an ITS Master Plan which provided recommendations for a systems-based approach to updating the City's traffic control infrastructure. The Transportation Management Center (TMC) is an integral component of the ITS Master Plan.

The City's current traffic signal control system was procured in 1991. The platform, which consists of field controllers and a computer in City Hall, is obsolete. The controllers are no longer available for purchase, and the central software (which is MS-DOS-based) cannot be run on newer operating systems. Therefore, City staff has planned for a replacement system consisting of a TMC and new central traffic control software, new traffic signal controllers to be deployed in the field over time, and a citywide communication network.

DISCUSSION

A TMC provides the ability to centrally monitor roadway conditions and adjust traffic signal timing to optimize vehicle flow. Monitoring is accomplished through the use of closed-circuit television cameras, and data from traffic detectors used to display real-time vehicle speeds. Control is accomplished via fiber optic communication facilities which will be steadily deployed over time.

The TMC would be linked to the City of Riverside and Caltrans District 8 TMC's via high-bandwidth data connections, allowing Moreno Valley the capability of viewing video from those agency's CCTV cameras, as well as coordinating response in the event of incidents. Other nearby agencies with fully operational TMC's include Temecula, Corona, and Fontana. In other parts of Southern California, virtually all agencies with populations over 50,000 maintain active TMC's.

With existing staff levels, Public Works is capable of operating and maintaining the TMC as an extension of their current duties, so no additional employees would be required. The TMC would produce net labor savings by reducing the need to deploy field personnel to diagnose and correct traffic signal equipment problems. The TMC would enable faster response for maintenance issues through the use of standard features such as automated paging/emailing of alerts and remote access capability.

The TMC would have secondary benefits, in that an ITS deployment better positions Moreno Valley for grant funds since it represents a higher level of commitment to improving mobility. The TMC would be located in the current Fishbowl Conference Room adjacent to the entrance lobby of City Hall.

In January 2011, City staff released a Request for Qualifications for central traffic control software, which was mailed to nine firms known to provide such software, and was also advertised on the City's Web site. Eight submittals were received, indicating a high level of interest. A panel of four persons, including one representative from the

City's Technology Services Division and an expert in traffic control system deployment from outside the City, reviewed and scored the submittals. Based on the scoring of the responses, four firms were invited to interviews, which consisted of a live software system demonstration and presentation. The same panel scored the interviewees. All four panelists ranked Kimley-Horn and Associates highest. The panel felt that the system will be state of the art for years to come and thus represents an excellent investment. Kimley-Horn has deployed this software system for numerous Southern California agencies, including Beverly Hills, Culver City, Los Angeles County, Claremont, San Dimas, and the City of Commerce.

ALTERNATIVES

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and authorize the Public Works Director to execute any subsequent amendments related to this agreement. *This is the recommended alternative.*

2. Do not approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; do not authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; do not authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and do not authorize the Public Works Director to execute any subsequent amendments related to this agreement. *Staff does not recommend this alternative.*

FISCAL IMPACT

The Transportation Management Center Project (TMC) is included in the Fiscal Year 2011/2012 Capital Improvement Program budget and will be financed by the Traffic Signals Development Impact Fee fund (Fund 202) and the Air Quality Management Fund (Fund 137). These funds can only be used for traffic signal and air quality improvement purposes. There is no impact to the General Fund. FY 2011/2012 budget amounts are estimated, since final financial data for FY2010/2011 are not yet available.

AVAILABLE FUNDS

FY 2011/2012 Development Impact Fees— Account No. 417.79528	$	220,000
FY 2011/2012 Air Quality Management— Account No. 137.68129	$	215,000
Available Funds	**$**	**435,000**

ESTIMATED COSTS

Central Traffic Control System Software Contract	$	315,000
Modifications to Fishbowl Conference Room	$	40,000
Video display units, furniture and Incidentals	$	60,000
Staff time	$	20,000
Total:	**$**	**435,000**

ANTICIPATED PROJECT SCHEDULE

Prepare plans for space reallocation by:	October 2011
Complete software integration by:	March 2012
Complete space reallocation by:	March 2012

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Services

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 10-13768129

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Kimley-Horn and Associates, Inc., a North Carolina Corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "B" (Consultant's Scope of Work) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as the City of Moreno Valley Transportation Management Center (Project No. 10-13768129).

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "A" attached hereto and incorporated herein by this reference.

3. The City's responsibility is described on Exhibit "B" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $315,000.00 in accordance with the payment terms provided on Exhibit "C" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

5. The Consultant shall commence services upon receipt of written direction to proceed from the City.

6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "D" attached hereto and incorporated by this reference.

7. The Consultant and the City agree that the schedule in Paragraph 6 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

8. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified

delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

9. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

10. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

11. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

12. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

13. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

14. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

15. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure

and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any

third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

16. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

17. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

19. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant

representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

22. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

25. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be

delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

27. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley	Contractor/Consultant Name
BY: _____ City Manager	BY: _____
	TITLE: _____ (President or Vice President)
_____ Date	_____ Date
	BY: _____
	TITLE: _____ (Corporate Secretary)
	_____ Date

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

EXHIBIT B

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT C

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $315,000.00.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
4. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

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MV00113890

MORENO VALLEY ATMS

Statement of Work

Prepared by:

Kimley-Horn and Associates, Inc.

For Review by:

City of Moreno Valley

Version 4.2

June 28, 2011

Exhibit A

PROJECT SCOPE

The following scope of services is for deployment and integration of KITS to meet the mandatory elements listed in KHA's response to the City's RFQ submitted on February 3, 2011.

SCOPE OF SERVICES

Task 1: Project Management

KHA's Project Manager shall act as the principal contact for the City and other involved agencies. KHA's Project Manager will be responsible for the completion of activities associated with the performance of this project. Additional responsibilities include management of project planning activities and tracking of resources associated with each aspect of the project. The Project Management task will be invoiced monthly based on percent complete. Target percentages should be outlined to ensure all parties understand the value of each task executed. KHA's Project Manager shall oversee and participate in the activities of the project.

Prepare Project Status Reports

KHA shall prepare and submit written monthly project status reports. The reports shall include the following information including a schedule outlining target dates for completion of items:

- Period covered by the report.
- Overview of the reporting period.
- Tasks, subtasks, deliverables, goods, services and other work scheduled for the reporting period which were completed.
- Action Items
- Updated Deliverables chart and completion schedule, if necessary.

KHA shall also prepare claims, invoices, billings, and other financial information for review and approval by the City, as required by this agreement.

Task 2: Preliminary Engineering

KHA will meet with City staff to discuss the existing condition of the City's internal network and field network along with future migration plans and schedule. KHA will provide input on communication equipment that the City is considering.

KHA shall collaborate with the City to determine the CCTV and signal controller hardware/firmware specifications for the pilot corridor. It is expected that the City will deploy a signal controller firmware protocol and CCTV encoder that has already been deployed with KITS. KHA will review and demonstrate existing KITS functionality currently deployed for specific firmware/hardware options. A document will be created that summarizes all of City's preliminary engineering decisions.

(continues)

Deliverables:
2.1 Communication Review
2.2 Firmware Specification and Existing Functionality Review
2.3 Signal Controller Hardware and Firmware Recommendations
2.4 CCTV Specification

Task 3: Procurement
Based on the information gathered during meetings with the City's Engineering and IT staff, KHA shall deliver complete equipment list ("Bill of Materials") for full system deployment and submit to the City for review. KHA will review options and provide input on reusing existing City server hardware and software licenses to fulfill the needs of the project. Upon KHA's approval of the equipment list and all system configurations, the City will procure system components, including supporting third party software, system hardware, network equipment, and peripherals. The equipment will remain at the City. The City will assist with the configuration of remote access into the network to enable authorized KHA staff to remotely diagnose the system. Using funds outside of this agreement, the City will purchase 3rd party software that is required for the deployment of the Integrated System. Anticipated software includes:

- SQL Server 2008
- ESRI ArcGIS
- MS Visio Standard
- Notepage PageGate

The workstations will be deployed on Windows XP or 7 and the servers on Windows Server 2008. The Integrated System will utilize SQL Server 2008 as its central database. The specific versions of the tools will be determined in conjunction with City IT preference.

Deliverables:
3.1 Identification of 3rd party software and hardware

Task 4: System Integration
Integration of KITS shall be performed in stages. The following sequence of events details the staged implementation of the KITS system.

1. KHA and the City will conduct multiple meetings to finalize the pilot corridor equipment.
2. The City will procure designated equipment.
3. Based on the City's preference for controller firmware and CCTV equipment, KHA will create a version of KITS that integrates existing modules to support the specified equipment and desired functionality. The source code, reports, registry, and database to support the functionality of the City's modules will be placed under configuration management and version control processes. No new software development is anticipated under this task.

4. A lab configuration will be created and maintained in KHA's facility to simulate the deployment environment.
5. An installation procedure will be generated by KHA. This will be a functional self-contained installation and automate many of the procedures used to install the KITS user interface. This automated installation will include most of the required 3rd party tools and may reference other supporting 3rd party documentation.
6. KHA will come to Moreno Valley to assist City personnel with the installation and configuration of the equipment and required 3rd party software.
7. A backup server will be identified by City staff and configured by KHA for backup and disaster recovery purposes.
8. City personnel, with assistance from KHA, will be responsible for converting and entering signal timing and configuration data into the system database. Preliminary testing will utilize controllers installed in the TMC and/or maintenance facility.
9. KHA will assist City personnel with the installation of 5 compatible BI Tran 233 intersections by assisting with the intersection graphics and configuration of these field signals within the Integrated System and by monitoring the operation of the System at the control center. This assistance will include preliminary training on the graphic configuration within the System.
10. KHA will demonstrate continuous successful communication with the traffic signal controllers and pan-tilt-zoom cameras.
11. KHA will configure compatible mobile devices with the KHA Mobile Performance Metric Collection application. This will allow up to 10 users to generate, high-resolution arterial performance metric data. Authorized users will be able to view and generate reports through a web browser. The arterial performance data will be stored on a server maintained by KHA.

Deliverables:

4.1 Software Configuration
4.2 KITS Installation Program and Procedures
4.3 Software Installation at City TMC
4.4 System Configuration and Integration for 5 Intersections
4.5 CCTV Integration
4.6 Mobile Performance Metrics Integration

Task 5: Documentation

KHA will provide KITS documentation for the City in the following form:

- System User's Manual – provides an overview description of the system, its components, how they are used or accessed by the operators as well as how to use the GUI's for all aspects of the system.
- Quick Start Guide – describes initial configuration and setup of the system. This brief document references the User's Guide, but presents the information in a simple format. The document focuses on data entry, map customization, and initial configuration.

Electronic copies of the final documentation will be provided.

Training topics include:

- On-line help
- Installing software updates
- Intersection phase configuration
- Data integrity
- Naming conventions
- System components
- Effective Monitoring

Deliverables:
5.1 Electronic copies of the System User's Manual and Quick Start Guide for KITS
5.2 Initial Operator Training

Task 6: Remote access configuration
KHA will facilitate meetings with City transportation and IT department to review cost-efficient solutions to allow authorized staff to view relevant signal system information remotely. KHA will assist with the implementation of a remote desktop solution to view and exchange relevant information.

Deliverables:
6.1 Documentation and Configuration Settings for Remote Access

Task 7: Final Training
The final training will be a comprehensive, hands-on review of all previous training sessions. In addition, the City may request additional topics that were not previously covered. The following topics will be discussed:

- Operation and Management of the Integrated System
- Overview of the KITS System
- Operations and System Maintenance
- Security
- Configuration and Customization
- Advanced Functionality

A training schedule will be delivered 2 weeks prior to the comprehensive training sessions that will detail the date and time for each topic. The City can provide input that will help determine the amount of time that is spent on each topic.

(continues)

Deliverables:
7.1 Electronic Copies of Training Documentation (syllabus, manuals, visual presentation materials)
7.2 Hands-on Two Day Workshop

Task 8: Warranty, Support, and Maintenance
The Consultant shall provide a warranty, support, and maintenance for the supplied software for a period of two years. Any ATMS software bugs found during this period will be corrected at no additional cost to the City. New functionality, additions, and enhancements made to the software, that do not constitute a separately packaged and marketed version or module of the system, developed by the Consultant during this period shall be offered to the City at no additional license fee. Upon approval by the City, these enhancements shall be installed and integrated based on current hourly rates.

The Consultant shall provide maintenance services, which will include phone and e-mail support during City's working hours. The Consultant shall perform periodic check-ups and tune-ups several times a year to validate System performance.

Deliverables:
8.1 Two Year Warranty, Support, and Maintenance

Project Deliverables
KHA shall use the standard City software set forth below when preparing deliverables. KHA shall provide deliverables in the appropriate file format (by downloads and/or via e-mail) as follows:

- Microsoft Word or Adobe PDF – Word Processing
- Microsoft Excel – Spreadsheet
- Microsoft PowerPoint – Presentation Materials

The City shall provide comments in electronic format using the same software as outline above.

Optional Operational Support
Other services may be provided in support of the system, its operations or the communication infrastructure for the City as additional services. Authorization by City is required prior to beginning any of these tasks. Services that are not included in this contract, but that may be provided as additional services may include but are not limited to:

- Integration services for additional intersections
- Database population
- Additional intersection graphic configuration
- Communication troubleshooting and integration
- Corridor retiming
- Before and after studies that quantify improvement from deploying the System

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR *LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY* RIVERSIDE SUPERIOR COURT CASE RIC 524877

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500).

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for *Los Angeles Engineering, Inc. v. City of Moreno Valley* Riverside Superior Court Case RIC 524877.

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

BACKGROUND

In 2007, the Community Services District awarded a contract to Los Angeles Engineering to renovate the Moreno Valley Community Park soccer fields. Five

Contract Change Orders were issued for various changes in the scope of the work and as a result of weather delays. Los Angeles Engineering completed the project later than the allowed and refused to process the last three Change Orders. Los Angeles Engineering filed a claim and then a lawsuit in 2009 alleging extra work and extended overhead cost. Gibbs, Giden, Locher, Turner & Senet (GGLTS) were retained to defend the lawsuit and bring the cross-complaint against Los Angeles Engineering.

DISCUSSION

Gibbs, Giden, Locher, Turner & Senet were retained as outside counsel for this case. In January 2009, the City issued a Purchase Order using unencumbered project funds for general legal services for the Moreno Valley Community Park Soccer Field Rehabilitation. Due to the ongoing nature of the litigation, the current Purchase Order is not sufficient to continue the defense of the case and the pursuit of the cross-complaint. Increasing the Purchase Order would allow the City to retain GGLTS to reach a conclusion in the lawsuit. Three sources of funding were used for the project: a State of California grant, Park Improvement Development Impact Fees, and Quimby In-Lieu Fees. In order to use Park Improvement Development Impact Fees for a project, the City must establish a nexus between the development projects paying the fees and the facilities being financed with the fees and the service level to be provided by the facility. Because the soccer fields were expanded by more than 50%, it was reasonable to fund half of the project with Park Improvement Development Impact Fees. The lawsuit is a direct result of the rehabilitation and expansion of the soccer fields. The use of Park Improvement Development Impact Fees for the City to continue to defend the lawsuit and pursue the cross-complaint is established as the result of the project's construction activities. Therefore, the use of Park Improvement Development Impact Fees for legal services against a claim resulting from the Soccer Field Renovations' construction activities is reasonable.

ALTERNATIVES

1. This alternative will allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel to continue the litigation.

2. This alternative will not allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel and may affect the outcome of potential litigation.

FISCAL IMPACT

Staff requests that an appropriation from Park Improvement Development Impact Fees (Fund 205) in the amount of $100,000 be authorized to allow for the purchase order increase and subsequent payments to GGLTS. There is no impact to the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2011/2012 Budget (Account No. 461.65325) $100,000
Total Available Funds $100,000

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Due to the ongoing litigation with Los Angeles Engineering, Inc. over the Moreno Valley Community Park Soccer Field Rehabilitation Project, Staff recommends an appropriation of $100,000 from Parkland Development Impact Fees (Fund 205) to allow for an increase to the Purchase Order to Gibbs, Giden, Locher, Turner and Senet, LLP. This increase will allow for the continuing payment of legal fees and costs due to the litigation with Los Angeles Engineering.

ATTACHMENTS

None

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00113900

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: TRACT MAP 32707 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION
ONE BETTERWORLD CIRCLE, SUITE 300
TEMECULA, CA 92590

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-79 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32707 is a 137-lot single family residential development to be constructed in the City of Perris just south of Moreno Valley's City limits, with a portion of Lasselle Street being improved within the City of Moreno Valley. The project was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, landscaping, and sewer work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $95,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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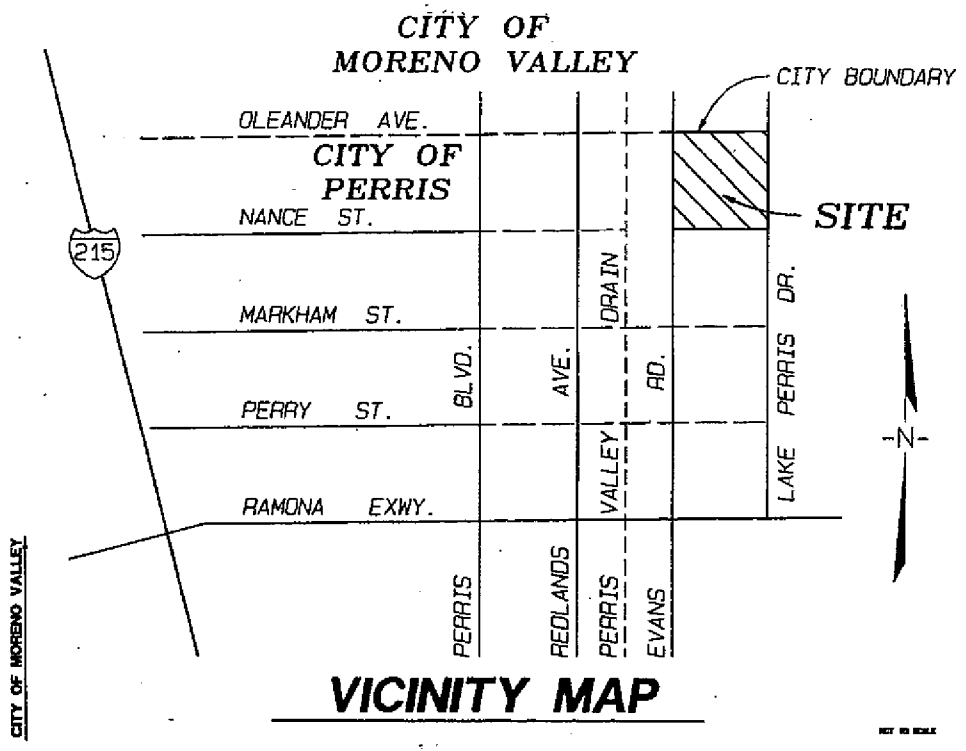

VICINITY MAP

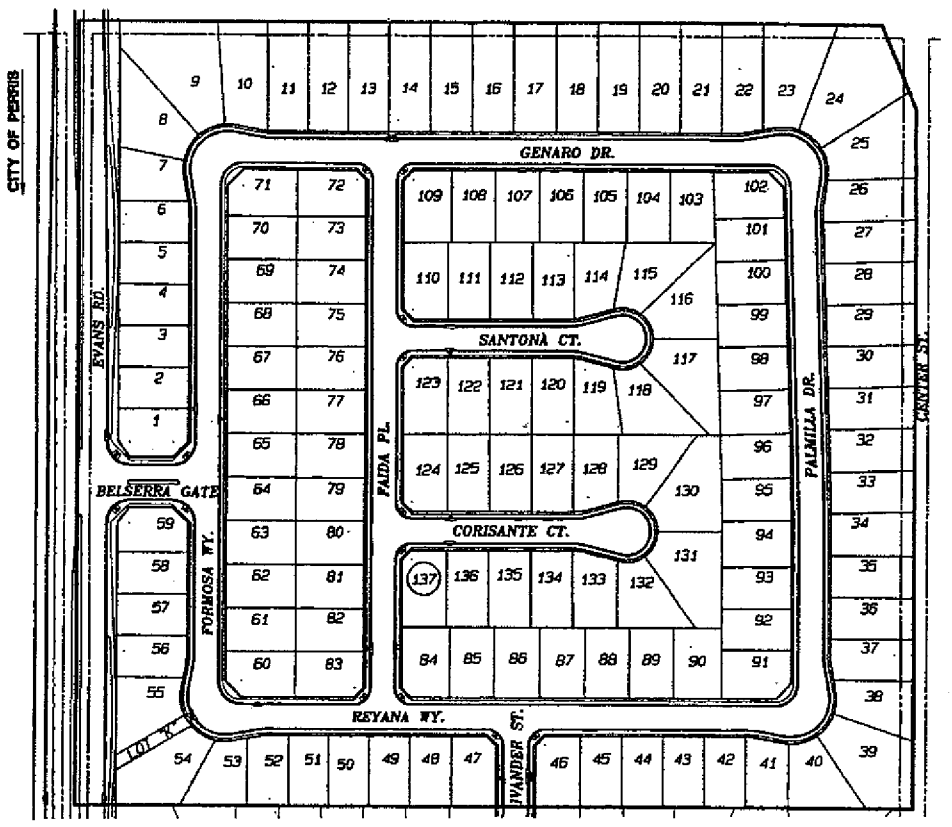

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**TRACT 32707** **VICINITY MAP**

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Item No. A.9

MV00113905

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MV00113906

RESOLUTION NO. 2011-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32707 AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Redhawk Communities. on the portion of Lasselle Street associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32707 and accept the portion of Lasselle Street associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within Tract Map 32707 are complete, and the portion of Lasselle Street associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

EXHIBIT "B"

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00113910

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract to Beador Construction Company, Inc. (Beador) and authorized the issuance of a purchase order in the amount of $243,960 for the 2011 Citywide Bridge Maintenance Program.

DISCUSSION

The 2011 Bridge Maintenance Program involved the application of Methacrylate Deck Treatment to three (3) bridges including Cactus Avenue Bridge, west side of Kitching Street (Bridge No. 56C0407), Bay Avenue Bridge, 0.25 mile east of Kitching Street, (Bridge No. 56C0401), Oliver Street Bridge, 500 feet north of John F. Kennedy Drive (Bridge No. 56C0559). Work on the remaining five (5) bridges included cold mill and pave back the existing asphalt concrete over the bridge deck and the bridge approaches at the following bridges: Cottonwood Avenue Bridge, 0.2 mile east of Heacock Street (Bridge No. 56C0214), Dracaea Avenue Bridge, 0.14 mile west of Indian Street (Bridge No. 56C0274), Cactus Avenue Bridge, 0.5 mile west of John F. Kennedy Drive (Bridge No. 56C0420), Cactus Avenue Bridge, 0.2 mile west of John F. Kennedy Drive (Bridge No. 56C0421), and Perris Boulevard Bridge Approaches, 1.0 mile south of Iris Avenue (Bridge No. 56C0464).

At the time of preparation of this Staff Report, the project is anticipated to be complete by June 30, 2011. Subsequently, staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost will not exceed the approved purchase order amount of $243,960. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release of retention money to Beador thirty five (35) calendar days after the date of recordation of the Notice of Completion, and accept the improvements into the maintained road system. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2010-2011 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. There is no impact to the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2010/2011 Budget (Account No. 226.79828)	$420,000
Total Available Funds	**$420,000**

ESTIMATED PROJECT COSTS:

Contractor Construction Costs*	$244,000
Project Administration, Design, and Inspection	$45,000
Miscellaneous Costs	$2,000
Total Estimated Project Costs	**$291,000**

*Staff anticipates that Contractor Construction Costs will not exceed purchase order amount.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Beador is anticipated to complete the 2011 Citywide Bridge Maintenance Program project by June 30, 2011. The City Council is requested to authorize the Public Works Director / City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Beador, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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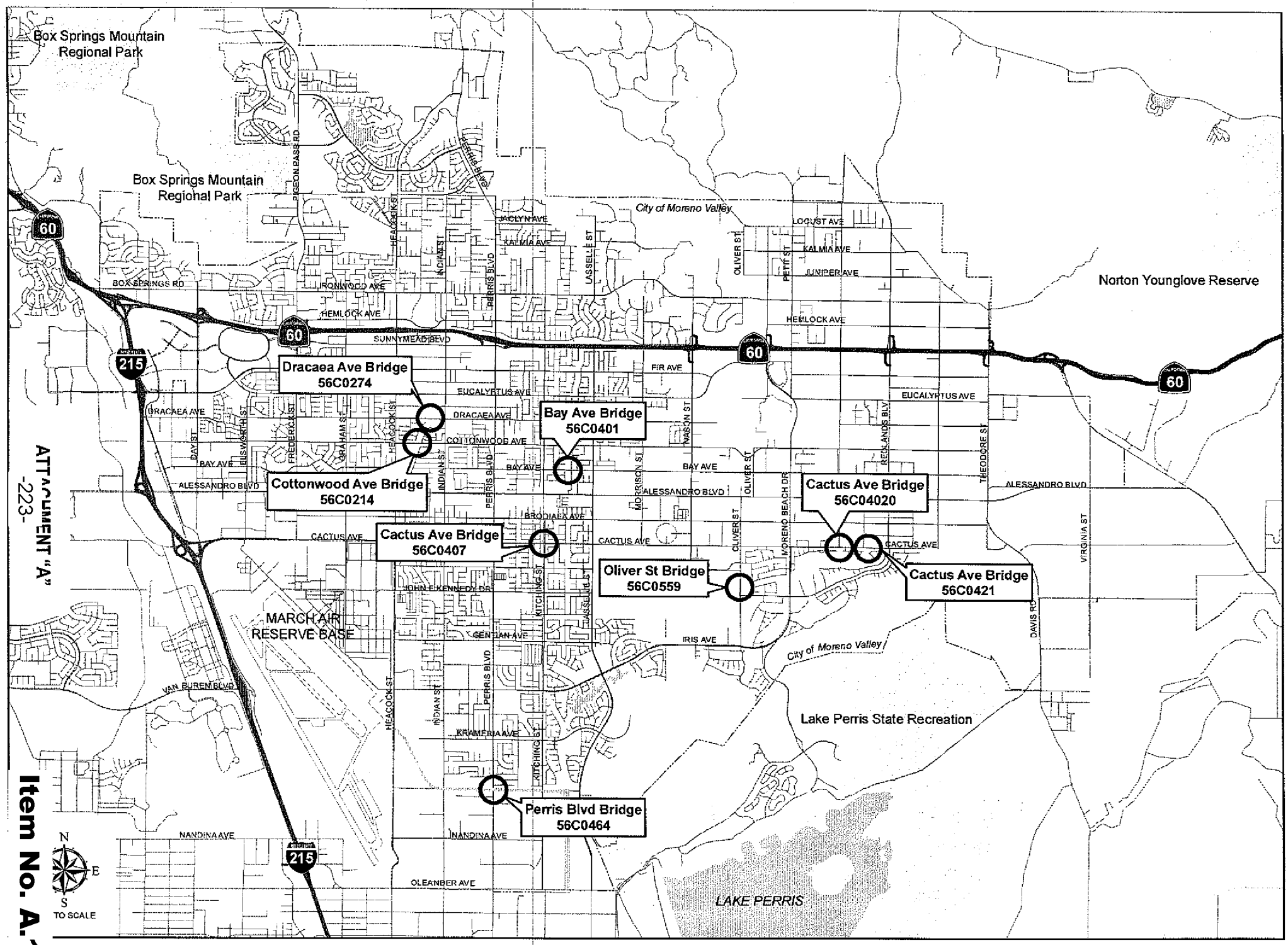

VICINITY MAP: 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM - MORENO VALLEY

ATTACHMENT "A"

-223-

Item No. A.10

MV00113915

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MV00113916

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Community and Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date

of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

BACKGROUND

On June 22, 2010, the City Council awarded a contract in the amount of $706,716 to San Pedro Sign Company (SPESCO) and authorized the issuance of a purchase order in the amount of $812,724 for the construction of the Moreno Valley Auto Mall Freeway Pylon Sign.

DISCUSSION

The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase business advantageous by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The pylon sign is an integral element of the plan. The sign is located on the south side of the SR60 freeway, east of Moreno Beach Drive. This project replaced the existing aged and worn freeway sign with a new up-to-date high-tech two (2) sided sign that includes a larger video display. The sign is in conformance with the "Specific Plan No. 5 Sign," and is 31 feet wide and stand approximately 85 feet in height, as seen from the freeway.

At the time of preparation of this Staff Report, the construction of the pylon sign is anticipated to be completed at end of June 2010. Subsequently, Staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost is estimated at approximately $725,000 which does not exceed the approved purchase order amount of $812,724. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council and the Redevelopment Agency to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, authorize the release to retention money to SPESCO thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the pylon sign to the Moreno Valley Dealers Advertising Association. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public

Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will allow for timely payment to the Contractor and the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements, and delaying the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2010/2011 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2010/2011 Budget (Account No. 897.91725)..... $1,512,000

CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$725,000
Project Administration, Design Support, and Inspection Costs*	$ 46,000
Construction Support Services and Miscellaneous Costs	$ 15,000
Total Construction Related Costs	**$786,000**

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

SPESCO has completed the Moreno Valley Auto Mall Freeway Pylon Sign project. The City Council and the Community Redevelopment Agency is requested to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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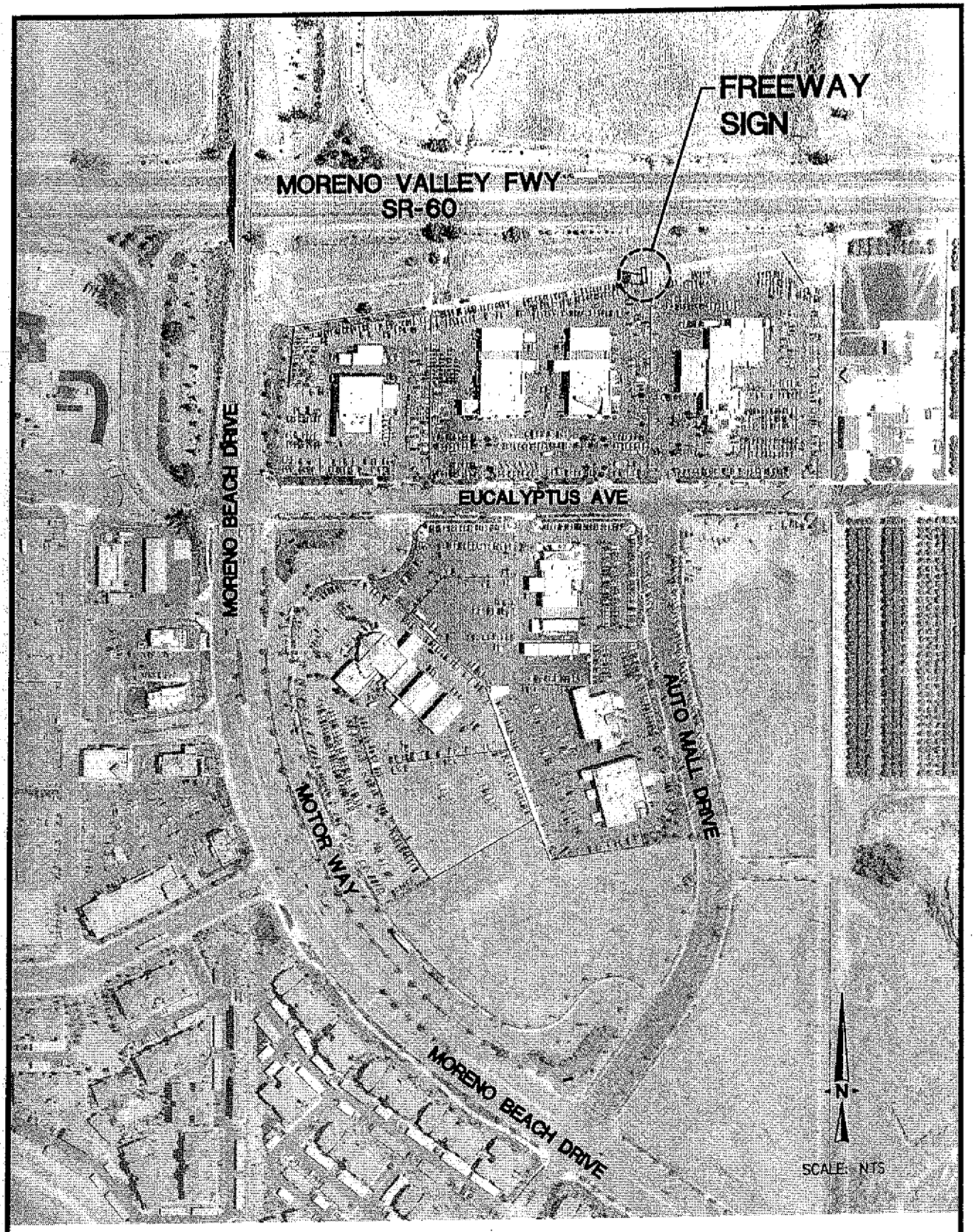
FREEWAY SIGN
MORENO VALLEY FWY
SR-60
MORENO BEACH DRIVE
EUCALYPTUS AVE
AUTO MALL DRIVE
MOTOR WAY
MORENO BEACH DRIVE
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SCALE: NTS

VICINTY MAP

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MV00113922

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division.

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto.

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

BACKGROUND

On July 13, 2010, City Council approved a Project Agreement in the amount of $99,000 with OPC for a one year period.

DISCUSSION

Due to the vacant City staff "Senior Real Property Agent" position, as well as an increase in project related right of way activities, additional resources are necessary. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to extend their Project Agreement with OPC.

OPC staff has an excellent track record of providing right of way services for budgeted capital improvement projects including, but not limited to, Kitching Street Improvements, Day Street Improvements, and Lasselle Street Widening Improvements. In the upcoming fiscal year, OPC staff will continue to work on right of way for projects such as the Perris Boulevard from PVSD Lateral "B" to Cactus Avenue Improvements, Perris Boulevard from Ironwood Avenue to Manzanita Avenue, acquisition of property for the future Industrial Fire Station and Fire Station No. 65, and other budgeted capital projects as assigned.

Staff recommends issuing an increase to the purchase order and executing the "First Amendment to Agreement for Professional Consultant Services" with OPC for a continuation of their services. The purchase order increase for $85,000 allows for additional right of way services by the in-house consultant staff on an as-needed basis with a revised contract expiration date of December 31, 2012.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, do not authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and do not authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Project Agreement for Professional Consultant Services" with OPC will be fully expended in September 2011. This First Amendment increases the purchase order by $85,000 to extend the as-needed temporary professional staffing services to December 31, 2012. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City

the ability to terminate the agreement by giving at least ten days written notice to the consultant.

As costs are incurred against this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The anticipated associated costs for the purchase order increase will be funded through DIF Arterial Streets (Fund 416), TUMF Capital Projects (Fund 415), Fire Station Funds (Fund 434), and Measure "A" (Fund 125):

Perris Boulevard from PVSD Lateral "B" to Cactus Avenue (416.78526)..... $30,000
Perris Boulevard from Ironwood Avenue to Manzanita Avenue (415.78726)..... $29,000
Industrial Fire Station (434.67930)..... $11,000
Fire Station No. 65 (434.72526)..... $11,000
Highland Fire Station (434.67830)..... $4,000
Total..... $85,000

These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

Due to the need for in-house right of way services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with OPC is necessary to continue the temporary professional staffing services for the Capital Projects Division. Staff recommends that the City Council authorize the execution of the Amendment and increase to the purchase order to OPC in the amount of $85,000.

ATTACHMENTS

Attachment "A" – First Amendment to Project Agreement for On-Call Professional Consultant Services

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT AGREEMENT
FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES
VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Overland, Pacific and Cutler, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT for ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 22, 2010.

Whereas, the Consultant is providing Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed).

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 13, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as Exhibit "A" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended to December 31, 2012.

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A”, entitled "Consultant Proposal.”

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B”, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $85,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “B”.

1.5 The total “Not to Exceed” fee for this contract is $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley	Overland, Pacific and Cutler, Inc.
BY: _____ City Manager	BY: _____
DATE: _____	TITLE: _____ (President or Vice President)
	BY: _____
	TITLE: _____ (Corporate Secretary)

Attachments: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

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Revised Dec 2010

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MV00113930

OVERLAND PACIFIC & CUTLER, INC.
www.OPCservices.com
2280 Market Street, Suite 340, Riverside, CA 92501
phone: (951)683-2353, fax: (951)683-3901

June 13, 2011

Ms. Kimberly Jester
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: Continuation of In-House Right of Way Consulting Services 2011

Dear Ms. Jester:

In response to your request, Overland, Pacific & Cutler, Inc. (OPC) is pleased to present the City of Moreno Valley with this brief fee proposal for the continuation of in-house staffing services under our existing Professional On-Call Services Agreement.

OPC is proposing to continue with the existing arrangements and will assign Mr. Michael Green to the City for another one (1) year term beginning January 1, 2012 and expiring December 31, 2012. Mr. Green will be working at a rate of $105 per hour, Tuesdays and Thursdays, from 8:00 AM to 5:00 PM. At 16 hours per week for the year, we estimate the total annual cost to be $87,360, plus any reimbursable expenses pursuant to the Professional On-Call Services Agreement. Should the actual hours increase or decrease over the coming year, the estimated cost will adjust accordingly.

Should you have any questions or would like to discuss further, please do not hesitate to call me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Principal/Vice-President

EXHIBIT "A"

Item No. A.12

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MV00113932

COST SUMMARY

1. The Consultant's compensation shall not exceed $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

EXHIBIT "B"

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MV00113934

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 12, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $1,768,222.35 to Riverside Construction Company, Inc., for the Ironwood Avenue improvements from Day Street to Barclay Drive. The project construction work began on December 6, 2010.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company, Inc. by July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $1,675,000 which is not expected to exceed the approved purchase order amount of $1,768,222.35. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally consisted of widening the south side of Ironwood Avenue from Day Street to Barclay Drive with the addition of one (1) lane plus a right turn lane, which included concrete curb, gutter, and sidewalk covering approximately 1,600 linear feet. Improvements included approximately 1,402 feet of new waterline in Ironwood Avenue beginning at Day Street and connecting to an existing waterline east of Athens Drive, a masonry block retaining wall along the southerly right of way line between Day Street and Athens Drive, storm drain improvements in Ironwood Avenue at the intersection of Athens Drive, a traffic signal modification at Day Street and Ironwood Avenue, a new traffic signal at Athens Drive and Ironwood Avenue, street lighting, and interconnect improvements. The modifications facilitate a smooth transition through the intersections for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue. Ironwood Avenue becomes Box Springs Road just west of Day Street.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion

within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Ironwood Avenue improvements from Day Street to Barclay Drive were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). In accordance with the terms of the Reimbursement Agreement, EMWD deposited $100,273 to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue through fund 414 (Account No. 414.80422); this amount may be adjusted based on final construction costs for this portion of the work. The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91727)	$2,585,000
Fiscal Year 2010/2011 (Account No. 414.80422)	$150,000
Total Budgeted Funds	$2,735,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	**$1,675,000**

Design Support Costs during Construction	$60,000
Construction Geotechnical Services	$30,000
Construction Survey Services	$30,000
Project Administration and City Inspection*	$80,000
SCE Costs (Utility, Streetlights, and Permits)	$32,000
Total Project Construction Costs	**$**1,907,000

*Public Works staff provided project administration and primary inspection services. Additional consultant inspection support was provided for supplemental inspection.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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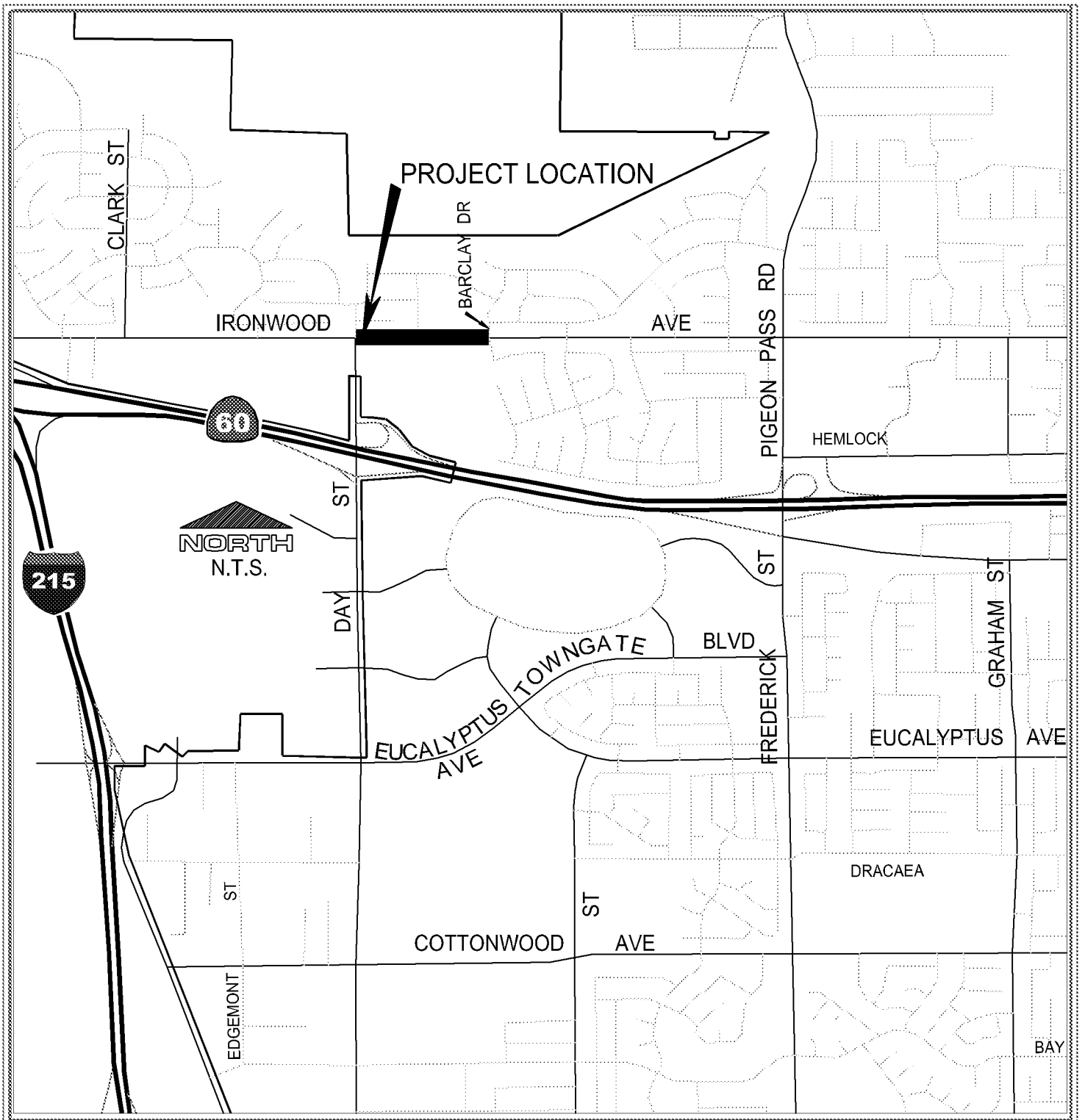

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027

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MV00113940

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 26, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $207,299 to SoCal Engineers, Inc., for the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east). The project construction work began on January 24, 2011.

DISCUSSION

Staff anticipates that all work will be completed by SoCal Engineers, Inc. in July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final construction cost will be approximately $205,000 which is not expected to exceed the approved purchase order amount of $207,299. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion after the Public Works Director/City Engineer accepts the improvements as complete with the County Recorder, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally involved the installation of a new traffic signal at the intersection of Sunnymead Ranch Parkway and Village Road (east). The work also included the removal and construction of new asphalt concrete pavement, curb and gutter, sidewalk, access ramps, interconnect conduit, and a residential driveway approach, as well as restriping of the intersection, and the installation of signage.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the

improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

The traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east) were included in the Fiscal Year 2010/2011 budget, and financed by DIF Traffic Signal Capital Projects (Fund 417). The funding for this project is restricted to traffic signal capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 417.79229)	$249,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Cost	$205,000
Construction Surveying Cost	$2,000
Construction Geotechnical Cost	$2,000
City Furnished Equipment	$19,000
Project Administration and Inspection Services	$21,000
Total Project Construction Costs	**$249,000**

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\John K - 10-41779229- - Sunnymead Ranch Pkwy-Village Rd TS\CC Reports\071211 Notice of Completion for TS Sunnymead Ranch Village.doc

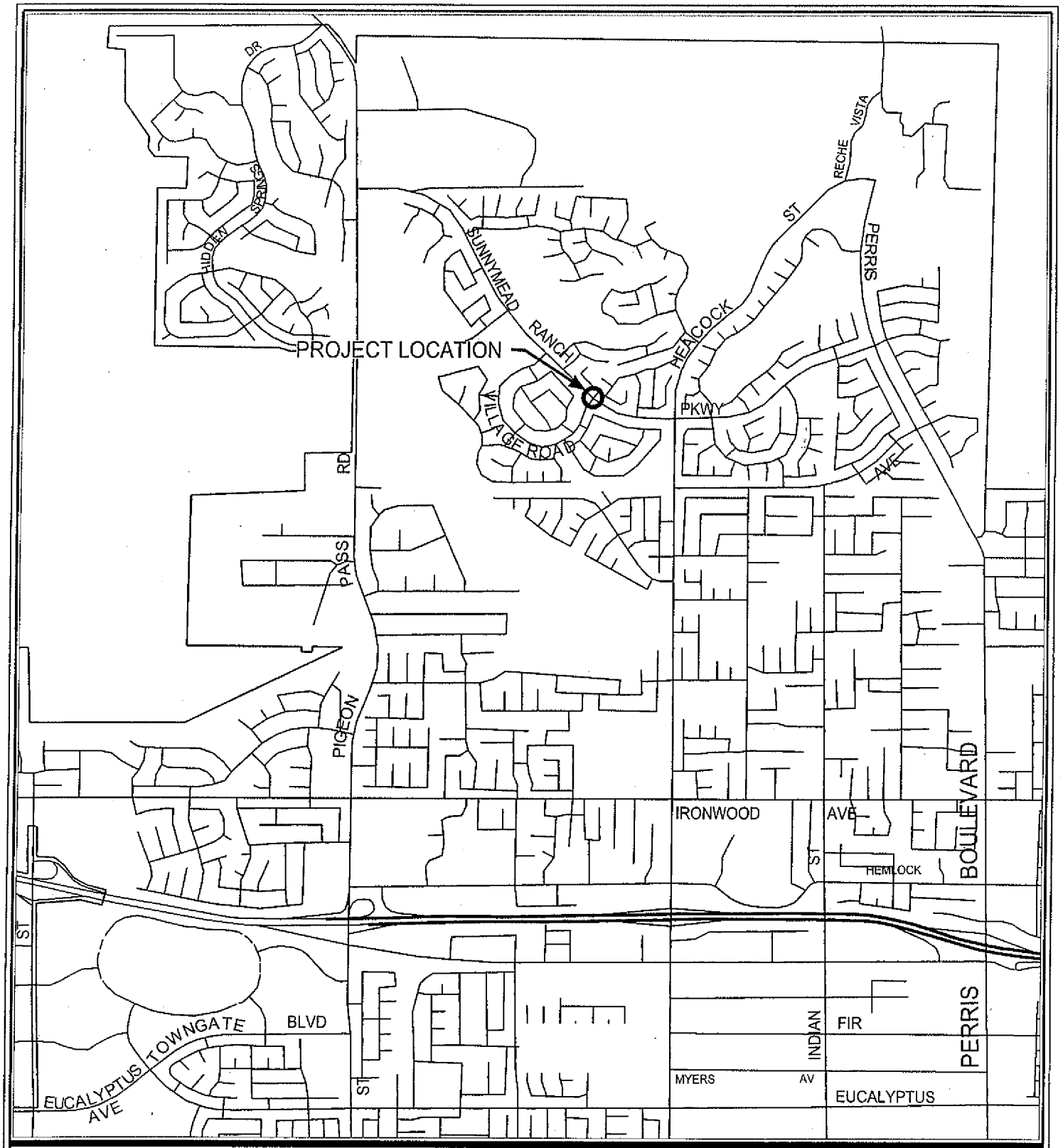

ATTACHMENT "A" - LOCATION MAP

Public Works Department Capital Projects Division	PROJECT NO. 10-41779229 TRAFFIC SIGNAL AT SUNNYMEAD RANCH PKWY AND VILLAGE RD (EAST)
Scale: None	
THOMAS GUIDE - PAGE 687, SECTION D6	

Item No. A.14

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MV00113946

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On May 25, 2010, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,912,608.76 to Hillcrest Contracting, Inc. The work consisted of the construction of street, signing, striping, waterline, utility relocation, and other related road improvements on Day Street between Alessandro Boulevard and Cottonwood Avenue. The City issued a Notice to Proceed to Hillcrest Contracting, Inc. to start work on July 13, 2010.

On February 22, 2011, City Council and the Community Redevelopment Agency were informed that a design error was discovered pertaining to the design and construction of a portion of the street curb and gutter tied to a cross gutter to facilitate surface drainage, located on a short segment of the northerly end of Day Street, just south of Cottonwood Avenue. City Council also authorized an increase of the Purchase Order to a total amount of $2,104,608.76.

Staff is diligently working to resolve the drainage issue independently of this construction contract as part of a second phase of improvements for Day Street. This second phase, Storm Drain Improvements on Day Street South of Cottonwood Avenue, is included in the Fiscal Year 2011–12 CIP, which City Council adopted on June 14, 2011.

DISCUSSION

Hillcrest Contracting, Inc. completed all construction work per the plans and specifications in April 2011. In accordance with the contract documents, however, the date of acceptance of the work for this project by the City Council is contingent upon the satisfactory conclusion of the 90 day maintenance period, which is scheduled for the end of July 2011.

Staff is in the process of negotiating the final Contract Change Order and anticipates the final contract cost will be approximately $1,953,000.00 which does not exceed the approved purchase order amount of $2,104,608.76. Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice

of Completion. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2010-2011 Budget and is financed by RDA 2007 Tax Allocation Bonds (TABS) funds (Fund 897). **These funds have been allocated for the Day Street from Alessandro Boulevard to Cottonwood Avenue Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

FISCAL YEAR 2010-2011 BUDGETED FUNDS (ACCOUNT NO. 897.91724):
RDA 2007 Tax Allocation Bonds (TABS) $2,413,377

FINAL CONSTRUCTION RELATED COSTS:

Design Support Services during Construction	$15,000
Anticipated Contractor Construction Costs	$1,953,000
Construction Geotechnical Services	$15,000
Construction Survey Services	$45,000
Construction Inspection Services	$12,000
Project Administration and City Inspection	$90,000
Total Project Construction Costs	$2,130,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hillcrest Contracting, Inc. completed construction of the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue at the end of April 2011 and, anticipating the successful completion of the 90 day maintenance period, the project will be complete at the end of July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Lorenz R. Gonzales, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community &Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 02-89266920 - Day St\CC Reports\NOC Staff Report (CC 07-12-11)\Staff Report - NOC Day Street (CC 07-12-11) Revised 062711.doc

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MV00113952

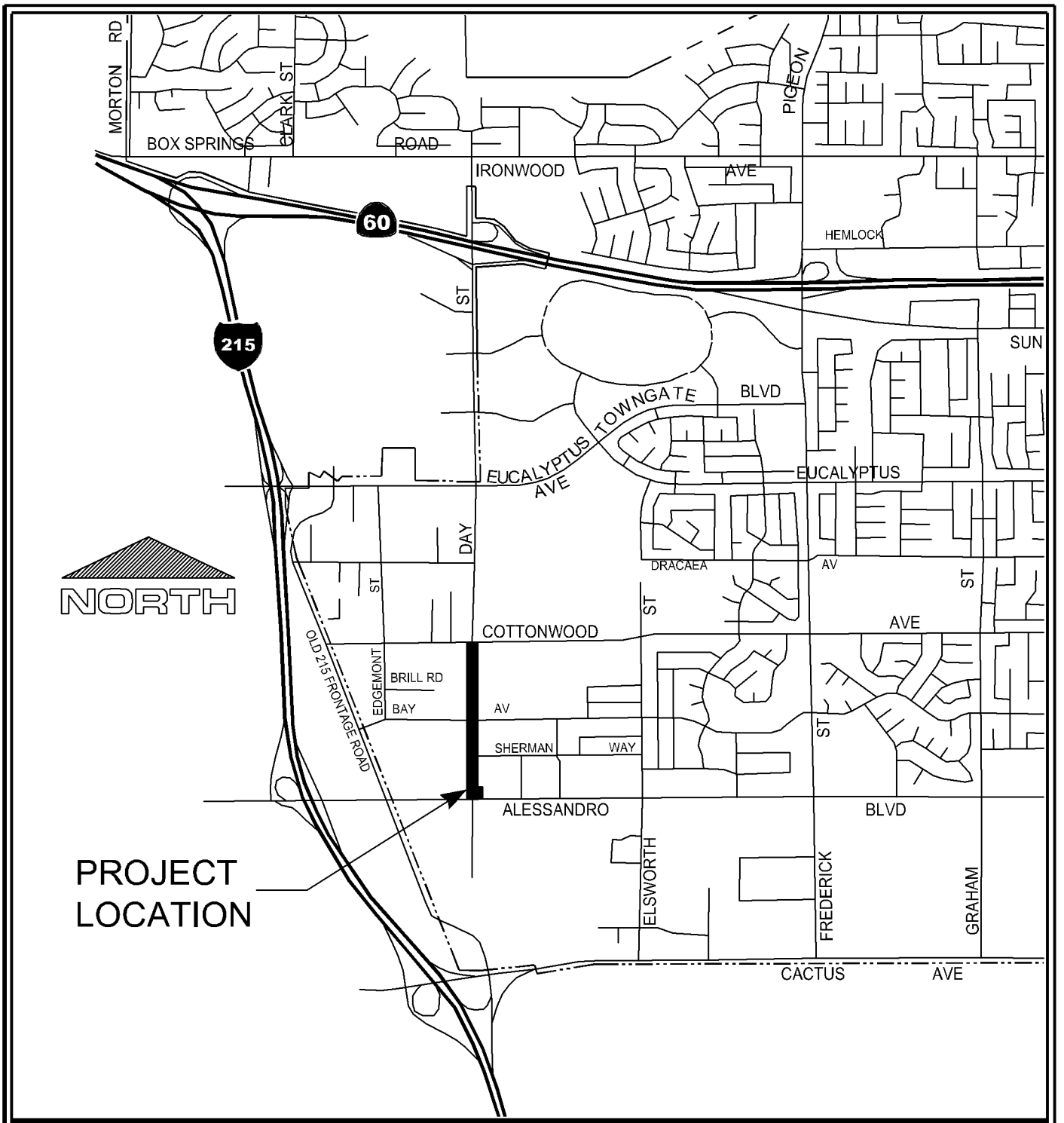

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

STREET IMPROVEMENTS FOR DAY STREET
FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE
PROJECT NUMBER 02-89266920

Item No. A.15

MV00113953

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MV00113954

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: July 12, 2011

TITLE: RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On April 12, 2005, Moreno Valley City Council adopted Resolution No. 2005-30, authorizing the City Manager, Assistant City Manager and the Public Works Director/City Engineer to execute documents on behalf of the City of Moreno Valley for the purpose of obtaining federal and state financial assistance.

California Emergency Management Agency has required that Moreno Valley City Council adopt a new resolution in place of Resolution No. 2005-30, designating and authorizing City officials to execute applications and documents.

DISCUSSION

To apply for and receive disaster relief and other financial funding offered under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and/or under the California Disaster Assistance Act, the City of Moreno Valley must designate City officials who are authorized to execute applications and documents on behalf of the City. Resolution No. 2011-xx rescinds Resolution 2005-30 and authorizes the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer to execute documents on behalf of the City.

ALTERNATIVES

1. Adopt the proposed amended Resolution re-designating and authorizing signature authorities to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act. **Staff recommends this alternative.**

2. Do not adopt the proposed Resolution. This alternative would prevent the City from receiving disaster relief and other financial funding.

3. Provide staff with further direction.

FISCAL IMPACT

Without a new Resolution, the City would not be eligible to receive disaster relief and other financial funding.

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

Publication of the Council Agenda.

ATTACHMENTS/EXHIBITS

Exhibit “A” - Proposed Resolution

Prepared By:
Name LeAnn M. Coletta, CEM
Title Office of Emergency Management Program Manager

Department Head Approval:
Name Steve Curley
Title Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00113958

RESOLUTION NO. 2011-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING RESOLUTION NO. 2005-30, AND RE-DESIGNATE AND AUTHORIZE CERTAIN CITY OFFICIALS TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

WHEREAS, Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, requires a signature resolution designating and authorizing certain city officials to execute applications and documents necessary to obtain financial assistance; and

WHEREAS, the City Council of the City of Moreno Valley heretofore adopted Resolution No. 2005-30, designating and authorizing certain city officials to execute said applications and documents; and

WHEREAS, the California Emergency Management Agency has required that the Moreno Valley City Council update Resolution No. 2005-30 in order to be eligible for financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer, is hereby authorized to execute for and on behalf of the City of Moreno Valley, a local government established under the laws of the State of California, applications and other related documents for filing in the California Emergency Management Agency for purpose of obtaining financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

2. That the City Council of the City of Moreno Valley, a local government established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00113962

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis.

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto.

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

BACKGROUND

On September 14, 2010, City Council approved an "Agreement for On-Call FY 10/11 Project Management Services" with VAS Associates, Inc. for $285,000 for various projects of the Capital Projects Division.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

VAS will serve as the Project Manager for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. These fast-tracked projects are part of the April 26, 2011 City Council approved Economic Development Action Plan. Furthermore, VAS will continue to work in the capacity of Consultant Project Manager for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue, which is anticipated to begin construction in the fall of 2011.

VAS currently provides Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract. This action is necessary due to on-going heavy workload and shortage of qualified, experienced, and knowledgeable Project Managers to complete budgeted capital improvement projects funded by various revenue sources as depicted in the FY 11/12 CIP budget.

VAS staff possesses a unique combination of skills as well as 30-plus years of industry experience. Their in-depth knowledge of the Public Contract Code, Green Book Specifications, and public works contracting practices, coupled with a vast network of contacts and experience with various Riverside County regional agencies has contributed to the successful execution of many complex public works projects. Two of the projects completed for the City by VAS staff received the Project of the Year Award from the American Public Works Association, Southern California Chapter.

VAS has a long-standing and proven track record of managing high-profile construction projects that are completed on time and within budget. Within the recent past, VAS has successfully completed the Kitching Street Improvements from Cactus Avenue to Alessandro Boulevard, which improved 2,800 linear feet of roadway segment to its General Plan width of four (4) travel lanes; the Lasselle Street Widening project, the widening of a one-mile stretch of roadway to its ultimate General Plan width of four (4) travel lanes; and the 2011 Citywide Bridge Maintenance Program, a project that repaired eight (8) bridges within the City. Previously, VAS constructed Pigeon Pass Road Widening, which completed improvements for missing segments of a two-mile section of roadway. VAS successfully completed several traffic signal construction projects such as the traffic signals at Cottonwood Avenue and Pattilynn Drive, Lasselle Street and Bay Avenue, and Lasselle Street and Cottonwood Avenue.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all

parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, do not authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and do not authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

The current Agreement for Professional Consultant Services with VAS will be fully expended in by late 2011/early 2012. This new amendment to agreement in the amount of $312,000 is for on-going services throughout the anticipated duration of the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. The new agreement termination date is June 30, 2013. Adequate funding is provided through the various budgeted capital improvement projects assigned to the consultant. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Avenue budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Amendment to Agreement for Professional Consultant Services will be funded through TUMF Capital Projects (Fund 415).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$196,000
Perris Boulevard Widening (Account No. 415.70225)	$116,000
Total	**$312,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for additional temporary project management consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, the First Amendment to Agreement for Professional Consultant Services with VAS is necessary to extend temporary professional staffing services to the Capital Projects Division. Staff recommends issuance of a purchase order to VAS in the amount of $312,000.00.

ATTACHMENT

Attachment "A" – First Amendment to Project Agreement for On-Call Project Management Services for Various Projects of the Capital Projects Division

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and VAS Associates, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT FOR ON-CALL FY 10/11 PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION," hereinafter referred to as "Agreement," dated September 21, 2010.

Whereas, the Consultant is providing consultant Project Management services for budgeted Capital Improvement Plan (CIP) projects of the Capital Projects Division.

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 14, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as “Exhibit A -- First Amendment” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended from March 31, 2012 to June 30, 2013.

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A” -- First Amendment, entitled "Consultant Proposal."

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B” -- First Amendment, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $312,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “A” - First Amendment.

1.5 The total “Not to Exceed” fee for this contract is $597,000 ($285,000 for the original Agreement plus $312,000 for the First Amendment to Project Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley

BY: _____
City Manager

DATE: _____

VAS Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachment: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

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Revised Dec 2010

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MV00113970

VAS Associates, Inc.
571 Ruth Circle
Corona, CA 92879-8088
(951) 314 2288
Viren50@hotmail.com

June 14, 2011

Prem Kumar, PE
Deputy Public Works Director/Assistant City Engineer
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Annual On-Call Professional Consultant Services-Project Management for Capital Improvements. Expansion of Services.

Dear Mr. Kumar:

VAS Associates, Inc. (VAS) is pleased to submit this proposal that expands services based on our recent discussions that identified needs of Capital Projects Division of Public Works Department based on recently adopted new set of priorities for the division in accordance with the following:

A) It is our understanding that previous assignment to VAS as identified in VAS letter dated August 2, 2010 to the City has now been expanded/revised to include the following projects:

- Design, Right of Way, Utilities Relocations and Construction phases for Perris Boulevard Widening from Ironwood to Manzanita Project.
- Completion of PS&E, Utilities Coordination and Construction phases for Cactus Avenue widening from Lasselle Street to Nason Street project.
- Completion of PS&E, Utilities Coordination and Construction phases for Nason Street improvements from Iris Avenue to Cactus Avenue project.
- Close out of 2011 Citywide Bridge Maintenance Program project.
- Completion of PS&E and Major Utilities Relocations for Kitching Street Improvements-Phase II from Gentian to Cactus project.
- Completion of PS&E including Utilities Relocation design for Reche Vista Drive Realignment project.

B) Our staff hourly billing rate will be $120/Hour. Standard Work Week will be based on a 40 Hours/Week.

C) VAS services are requested at least until June 30, 2013 to ensure completion of the above-mentioned project assignments.

D) All other terms of the "Agreement for Annual On-Call Professional Consultant Services – Project Management for Capital Improvements" between the City of Moreno Valley and VAS will remain in force.

We look forward to continue to provide quality project management services to the City of Moreno Valley. If you have any questions, please do not hesitate to contact me at 951.314.2288.

Sincerely,

Viren Shah, PE
Principal

COST SUMMARY

1. The Consultant's compensation shall not exceed $597,000 ($285,000 for the original Agreement, plus $312,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of invoice.

EXHIBIT "B"

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MV00113974

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto.

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

BACKGROUND

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require

dedicated, knowledgeable, and efficient support with experience in assisting with these types of projects.

The Capital Projects Division currently receives Consultant Administrative Specialist services for several design and construction projects under an existing professional consultant service contract with RLZ Engineering, Inc. which is anticipated to be fully expended shortly. The key individual with RLZ Engineering, Inc. will be moving over to DMC Design Group, Inc. (DMC) and proposes to provide similar services through a new agreement with DMC.

Consultant staff will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with coordinating weekly meetings, permit and license processing, utility coordination, tracking consultant, vendor, and contractor progress, ensuring contract requirements are met, processing agreements and amendments, writing purchase requisitions and change orders, processing invoices for payment, labor and DBE compliance, as well as construction legal requirements.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes proficient review of certified payroll and vast knowledge of Department of Industrial Relations requirements, long-standing and proven history of processing contractor payments within 30 days including dealing with Stop Notices and release of retention in line with City financial and accounting procedures, understanding of the public bidding procedures and contract administration per the Public Contract Code, as well as processing Stop Notices and fulfilling Public Records requests in coordination with the City Clerk's Office. The Consultant staff has five years experience in Capital Projects and an additional five years experience in the construction engineering field for the private sector.

Consultant staff has a long-standing and proven track record of providing administrative support to on-time and on-budget projects such as the Lasselle Street Widening, Kitching Street Phase I Improvements, and the last two cycles of the Annual Bridge Maintenance Program. In addition to the services provided for the Cactus Avenue and Nason Street projects, the consultant staff will assist with the contract administration, accounting, invoice processing, as well as the development of the Five-Year CIP Budget for other approved projects on an as-needed basis.

The consultant staff will work on a full-time, 36-hour per week schedule. The Agreement termination date is June 30, 2013. DMC has acknowledged the current economic downturn that the City faces, and has reduced the hourly rate by approximately 2%.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted

Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and do not authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

This proposed "Agreement for Professional Consultant Administrative Services" with DMC in the amount of $139,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$80,000
Perris Boulevard Widening (Account No. 415.70225)	$40,000
Moreno Beach Widening (Account No. 416.83428)	$7,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$139,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant administrative services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Agreement for Professional Consultant Administrative Services with DMC Design Group, Inc. Staff also recommends issuance of a purchase order to DMC in the amount of $139,000.00.

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Administrative Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File
W:\CapProj\CapProj\hirestaffconsultant\DMC Design Group\DMC Agreement Staff Report 7-12-11.DOC

AGREEMENT FOR PROFESSIONAL
CONSULTANT ADMINISTRATIVE SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and DMC Design Group, Inc., a California corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES

DESCRIPTION OF PROJECT

1. The project involves temporary administrative services for the Capital Projects Division associated with applicable capital improvements. The work will include administrative and accounting support services and other project-related duties as assigned.

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Scope of Services shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **$139,000** in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on June 30, 2013 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth herein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City

acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform

their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits

hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors

and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

DMC Design Group, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Scope of Work
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**

2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.

3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00113992

SCOPE OF WORK

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating, and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports; reviewing and processing consultant, contractor, and vendor invoices for payment; processing journal entries; and reviewing project expenditures. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

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MV00113994

June 15, 2011

Prem Kumar, PE
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Temporary Staffing for Professional Administrative Consultant Services

Dear Mr. Kumar:

DMC Design Group, Inc. is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Kimberly Jester is currently providing Consultant Contract Administrative Specialist services through an agreement with RLZ Engineering, Inc. Ms. Jester has provided these services through RLZ as well as a City employee since October 2006. As of September 1, 2011, Ms. Jester proposes to begin performing through DMC Design Group, Inc. (DMC).

Scope of Services and Fees:

Ms. Jester will provide consultant administrative specialist services, on a full-time (36 hours per week) basis at a rate of $61.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $139,000 for approximate fifteen months of service. Authorized work beyond normal 36 hours workweek will also be billed at $61.00 per hour.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

If you have any questions regarding this proposal, please contact me at 951.549.8100.

Sincerely,

Donna A. Cosper

Enclosure: Kimberly Jester Resume

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MV00113996

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

EXPERIENCE

2008 - Present **City of Moreno Valley** ***Contract Administration Specialist, RLZ Engineering, Inc.***
2006 2008 **City of Moreno Valley** ***Management Assistant, City Staff***

- Prepare project-specific expenditure analyses; including routine review of reports to ensure available budget versus expenditures balance.
- Develop and utilize spreadsheets, databases and other computer applications to assist with assigned studies, projects and reports.
- Perform analytical and administrative assignments in connection with preparation and management of division budgets and grant-funded programs.
- Perform administrative, management, program and other analysis assignments in accordance with established procedures and practices.
- Write contracts for services and goods for approval by Department Head through City Manager approvals.
- Prepare and process purchase requisitions and change orders for services and goods for approval by Department Head through City Manager approvals.
- Process contractor and service invoices for payment; including detailed review and analysis of invoice to ensure that charges are correct and consistent with work done.
- Review certified payroll reports for construction projects.
- Write staff reports for presentation to City Council.
- Review, edit and proofread other staff members' reports for presentation to City Council.
- Prepare exhibits and attachments for staff reports, with high attention to the accuracy of detailed data from multiple sources.
- Conduct research, analyze data and draft policy and procedure documents to address identified needs and issues

2003 - 2006 **Masson & Associates, Inc.** ***Operations Manager***
Civil Engineering and Land Surveying Firm

- Create, write, edit and enforce standard operating procedures managing daily operations and the activities of administrative personnel including standard operating procedures for all business correspondence.
- Engage in promoting good will for the company by writing or selecting favorable publicity material and releasing it through various communications media.
- Research market conditions in local, regional, or national areas to determine potential sales of services.
- Provide training and assistance on a daily basis to ensure proper procedures are followed.
- Proofread and edit all business correspondence, checking for grammatical, punctuation, style and formatting errors.
- Provide quality assurance reviews of all marketing materials.
- Ensure all technical documents such as Due Diligence Reports are free of any typographical, grammatical, and punctuation errors.
- Write, edit, place and track job advertisements.
- Write, edit and format Corporate Statement of Qualifications and routinely revise based on target client.
- Responsible for maintaining updated database of all departmental job descriptions for existing positions and creating new ones for new position.
- Assist in the analysis of data from survey sources to determine salary competitiveness.
- Maintain electronic and manual employee benefits records for employees.
- Maintain employee manual and update as needed to ensure compliance.
- Suggest advertising placement.
- Organize special events.

Exhibit B-2

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@ hotmail.com 858.775.9318

1998-2003 **Mentus, *Office Manager***
Biotechnology Marketing Firm

- Proofread and edited all written material.
- Provided administrative support to five partners.
- Assisted with the dissemination of press releases four times monthly.
- Assisted media buyer with preliminary calls to publications for mechanical specifications, ad rates and editorial calendars.
- Assisted in creation of media plans.
- Assisted in client and product naming on a project basis.
- Coordinated travel for five employees, including CEO and Vice President of Creative, on a monthly basis.
- Organized special events for employees, clients and vendors, including, but not limited to annual holiday party for more than 60 guests.
- Created FileMaker Pro databases for prospecting new clients, travel coordination, and directory sales.
- Organized direct mailings to over 1,000 contacts.
- Facilitated, in conjunction with CFO, accounts payable and receivable, deposits, and the collection of past due accounts.
- Conducted ongoing Internet research for competitors of 30-plus current clients as well as researched industry trends.
- Coordinated weekly direct mailings to prospective clients for marketing team.
- Conducted orientation and training of newly hired employees.
- Updated Media Map and Online Media Atlas databases (web based data management program).

Education

San Diego State University, San Diego, CA

- Certification in Event and Meeting Planning
- Certification in Strategic Marketing in Action

University of San Diego, San Diego, CA
Sarah Lawrence College, Bronxville, NY

Professional Training Seminars

- Effective Proofreading and Business Writing, SkillPath Seminars
- Winning Proposals and Presentations, PSMJ
- Notary Public, State of California through 2010
- Strategies for Public Sector Contracting, Metropolitan Water District/San Diego County Water Authority
- Navigating the Maze of Leaves of Absence, Strategic HR
- Improving Employee Performance through Coaching, Strategic HR
- How to Manage the Front Desk, Skill Path Seminars

Computer Skills

Microsoft Office (including Project 2003, Publisher, Word, Excel, Outlook, PowerPoint), Adobe Acrobat, Internet, JD Edwards OneWorld

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

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MV00114000

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

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Revised 10/13/09

EXHIBIT "D"

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MV00114002

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000 for temporary professional consultant services for the Capital Projects Division. On February 10, 2009, City Council approved the "First Amendment to Agreement for Professional Consultant Services" with SA for an additional $350,000. On November 11, 2009, the City executed the "Second Amendment to Agreement for Professional Consultant Services" with SA for a time extension only. On November 18, 2010, the City executed the "Third Amendment to Agreement for Professional Consultant Services" with SA for an additional time extension, extending the termination date of the contract to December 31, 2011.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require dedicated, knowledgeable, and efficient technical engineering support with experience in assisting with these types of projects.

SA Associates staff, in the capacity of in-house technical consultant, will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with mapping including plot preparation and reproduction, preparation of project schedules, utility coordination, and other technical engineering related tasks as necessary for the successful completion of the projects. Such technical services will be rendered for other funded CIP projects on an as-needed basis.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes extensive designing and drafting utilizing Auto Cad 3D Civil software, preparation of legal descriptions, plats, and boundary closures in coordination with right of way agents, and preparation of engineering cost estimates for multiple uses including the Development Impact Fee (DIF) Nexus Study Report. In addition, consultant staff has been integral in the securing of $1.3 million in grant monies including $900,000 for the Highway Safety Improvement Program (HSIP), $170,000 for the Bicycle Transportation Account (BTA), and $254,000 for the Safe Routes to School Program (SR2S).

The consultant staff has a long-standing and proven track record of providing exceptional support to projects such as the School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, and Iris Street Improvements. The consultant staff also provides technical services for the 5-year Capital Improvements Plan (CIP) and will continue to assist with the design of Street Improvement Program (SIP) and Citywide Annual Pavement Resurfacing Program Plans.

The consultant will work on a full-time, 36-hour per week schedule. The Agreement termination date is extended to June 30, 2013.

ALTERNATIVES

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the

Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The current Amendment to the Agreement for Professional Consultant Services will be expended by September 2011. This proposed "Fourth Amendment to Agreement for Professional Consultant Services" with SA in the amount of $185,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The new agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$75,000
Perris Boulevard Widening (Account No. 415.70225)	$32,000
Perris Boulevard Widening (Account No. 415.70125)	$32,000
SR 60 Nason and Moreno Beach Improvements (Account No. 415.70024)	$24,000
Moreno Beach Widening (Account No. 416.83428)	$10,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$185,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Fourth Amendment to Agreement for Professional Consultant Services with SA Associates, Inc. Staff also recommends issuance of a purchase order to SA in the amount of $185,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 29, 2008.

Whereas, the Consultant is providing professional consultant services for various projects of the Capital Projects Division.

Whereas, the Agreement was amended on February 10, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 11, 2009 to extend the termination date for professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 18, 2010 to extend the termination date for professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

Whereas, it is desirable to amend the Agreement termination date as is more particularly described in Section 1 of this Fourth Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2011 to June 30, 2013 by this Amendment.

1.2 Exhibit "A" to the July 29, 2008 Agreement is hereby amended by adding to the "Scope of Work" section described in Exhibit "A" to this Fourth Amendment, entitled "Amended Scope of Work".

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $185,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this Fourth Amendment.

1.4 The total "Not to Exceed" fee for this contract is $885,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement, plus $0.00 for the Second and Third Amendments to Agreement, plus $185,000.00 for the Fourth Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

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Revised Feb 2009

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MV00114010

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) The total "Not-to-Exceed" fee for the aforementioned services is $885,000 ($350,000 for original Agreement in July 2008, plus $350,000 for First Amendment to Agreement in February 2009, plus $0.00 for the Second and Third Amendments to Agreement in November 2009 and November 2010 respectively, plus $185,000 for the Fourth Amendment to Agreement).

3) The current assignment involves Deepak Solanki, Technical Consultant, at $75 per hour on an as-needed basis.

EXHIBIT "A"

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MV00114012

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL - APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD)

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

BACKGROUND

On May 25, 2010 the City Council approved acquisition of the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. The City acquired title to the property on July 29, 2010. The house on the property was demolished in May 2011 to make way for the proposed improvements. The property was acquired utilizing TUMF funds due to the direct transportation corridor related improvements that are required.

DISCUSSION

The improvements fronting this property along Ironwood Avenue and Davis Street will include a new curb ramp, sidewalks, and the relocation of power poles fronting Ironwood Avenue. The ultimate public right of way will be 44 feet from the centerline

along Ironwood Avenue and 33 feet from the centerline along Davis Street at the northwest corner.

The original lot size was 7,759 square feet, and purchased at $124,500. The ultimate improvements at the northwest corner of Ironwood Avenue and Davis Street, abutting to this property will occupy 2,534 square feet. The remaining vacant land, with an area of 5,225 square feet, is excess, not needed for public purposes, and considered a substandard residential lot in the current zone R5. The potential use and development of this remaining land is very limited but a single family home may be constructed subject to review and approval of a variance by the Planning Division. If the City retains ownership and the land remains vacant, it will require periodic on-going maintenance and weed abatement services most likely funded with General Fund monies as the surplus property is not needed for transportation related purposes. Therefore, City Council is being asked to set a public hearing date for August 23, 2011 at 6:30 p.m. at City Hall to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222. If there are no issues identified at the public hearing, the property would be offered for sale to qualified public agencies within a 60-day time frame. If there is no interest from a qualified public agency, the City could but would not be obligated, to put the property up for sale to the public at the expiration of the 60-day period.

The hearing is required by California Government Code, Section 37422. If City Council approves setting the hearing date, the Resolution will be published in the Press Enterprise, and the Resolution will be posted at the real property.

ALTERNATIVES

1. Adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative would allow the City to have a hearing to potentially sell the excess land.*

2. Do not adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative will result in delaying or stopping the potential sale of excess land.*

FISCAL IMPACT

There is no material fiscal impact to the adoption of the Proposed Resolution.

SUMMARY

The City acquired the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the

Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. Once the improvements are constructed, the remaining property area of 5,225 square feet can be disposed of as surplus property. If the City retains ownership of this property, it would require periodic on-going maintenance and weed abatement services. Therefore, City Council is being asked to set a public hearing date to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 06-50182625 Ironwood - Heacock to Perris\CC Reports\Real Property\7-12-11 Resolution for Surplus Land Sale APN 475-272-054 b.doc

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MV00114016

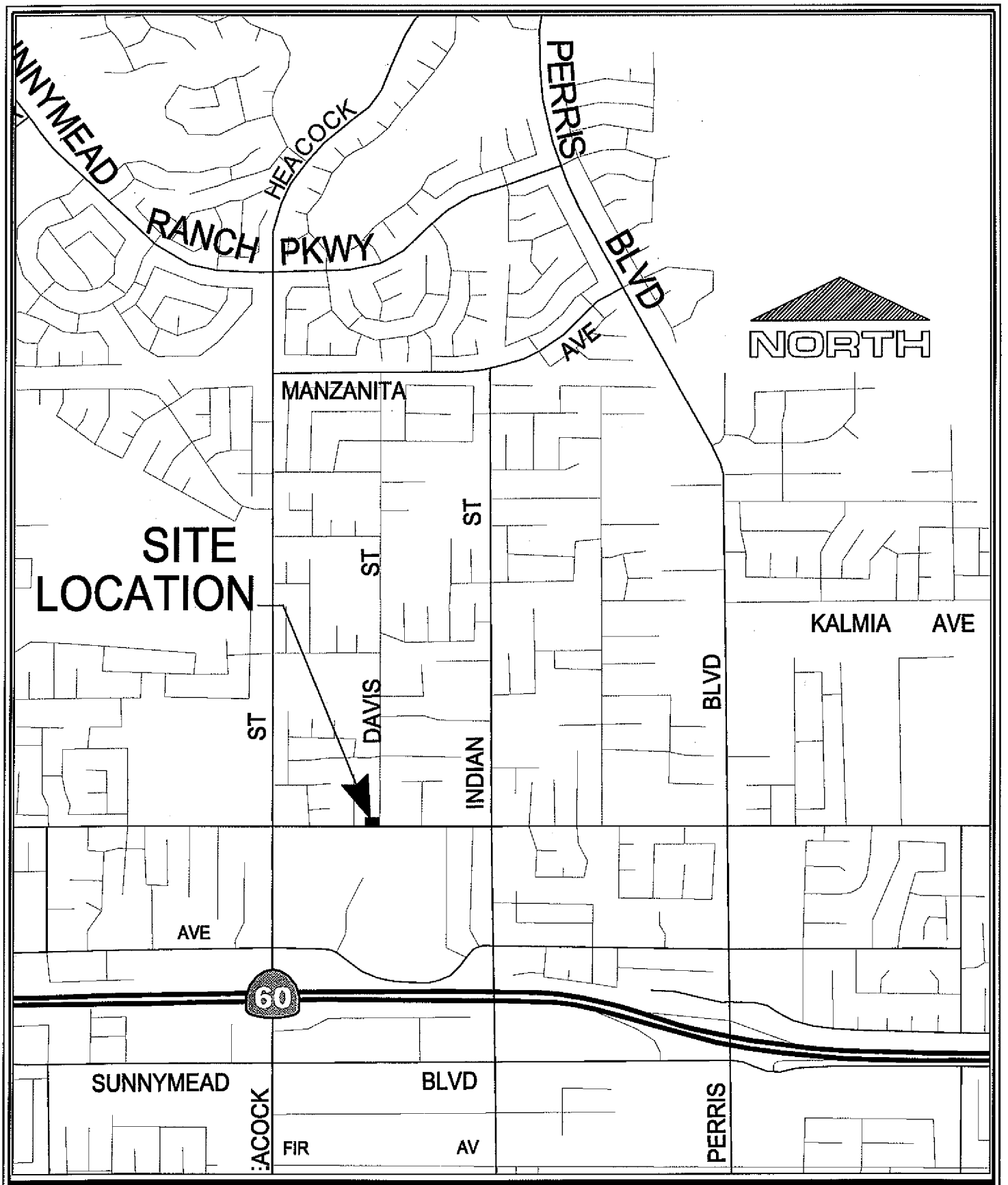

LOCATION MAP

Scale: None

ATTACHMENT "A"

11987 DAVIS STREET

APN 475-272-054

EXCESS PROPERTY- 0.12 ACRES

Item No. A.20

MV00114017

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MV00114018

RESOLUTION N0. 2011-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF A REMAINDER PARCEL EXCESS TO PUBLIC USE.

WHEREAS, the City Council of the City of Moreno Valley desires to sell the remainder parcel APN 475-272-054, total area of 5,225 square feet, as described in Exhibit "A", that is attached hereto; and

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

1. The time and place for hearing protests to the sale of said real property shall be held on August 23, 2011, at 6:30 p.m. at City Hall, located at 14177 Frederick Street, Moreno Valley, California.
2. The City Council finds that the public interest and convenience require the sale of the subject real property for the following reasons:
    a) The real property is excess to that needed for public purposes; and
    b) There is an on-going cost to maintain and weed abate if ownership is retained by the City; and
    c) It is advantageous to return the property to private ownership for use and maintenance.
3. The City Clerk shall publish a copy of this Resolution in the Press Enterprise, a daily newspaper and shall cause a copy of said Resolution to be posted at the real property.

Resolution No. 2011-74
Date Adopted: July 12, 2011

Attachment "B"

4. At the hearing, any interested person may protest to the proposed sale. Any protests must be overruled by a 4/5ths vote of the Council members.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-74
Date Adopted: July 12, 2011

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00114022

LEGAL DESCRIPTION

In the City of Moreno Valley, that remainder parcel of land being a portion of lot 63 as shown on the map of Moreno Acres, filed in Book 11 of Maps, Page 53, records of the County of Riverside, State of California, more particularly described as follows:

BEGINNING at the southwestly corner of the east half of the east half of said lot 63; thence North 00°07'15" East, a distance 14 feet to a point 44 feet northly of the centerline of Ironwood Avenue, said point being the **TRUE POINT OF BEGINNING**;

Thence North 00°07'15" East, 41.50 feet along the east property line; thence N 89°50'30" East, 132.48 feet along the north property line to a point on a line parallel with and distant 33.00 feet westerly of Davis Street centerline; thence South 00°06'30" West, 18.66 feet along said line; thence Southwestly, a distance of 33.13 feet to a point on a line parallel with and distant 44.00 feet northerly of Ironwood Avenue centerline; thence South 89°50'30" West, a distance of 108.60 feet, more or less, along said last mentioned parallel line to the **TRUE POINT OF BEGINNING.**

The land described herein contains approximately 5,225 square feet (0.12 acres).

See Sheet 2 of 2 for a plat depicting the above described property.

APN: 475-272-054

CITY OF MORENO VALLEY,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
POR. LOT 63 ON MAP OF MORENO ACRES
BOOK 11 PAGE 53

EXHIBIT "A"
SHEET 2 OF 2

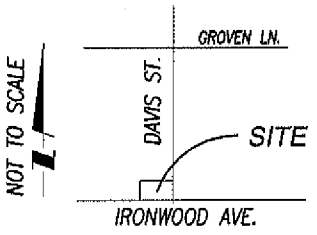

VICINITY MAP

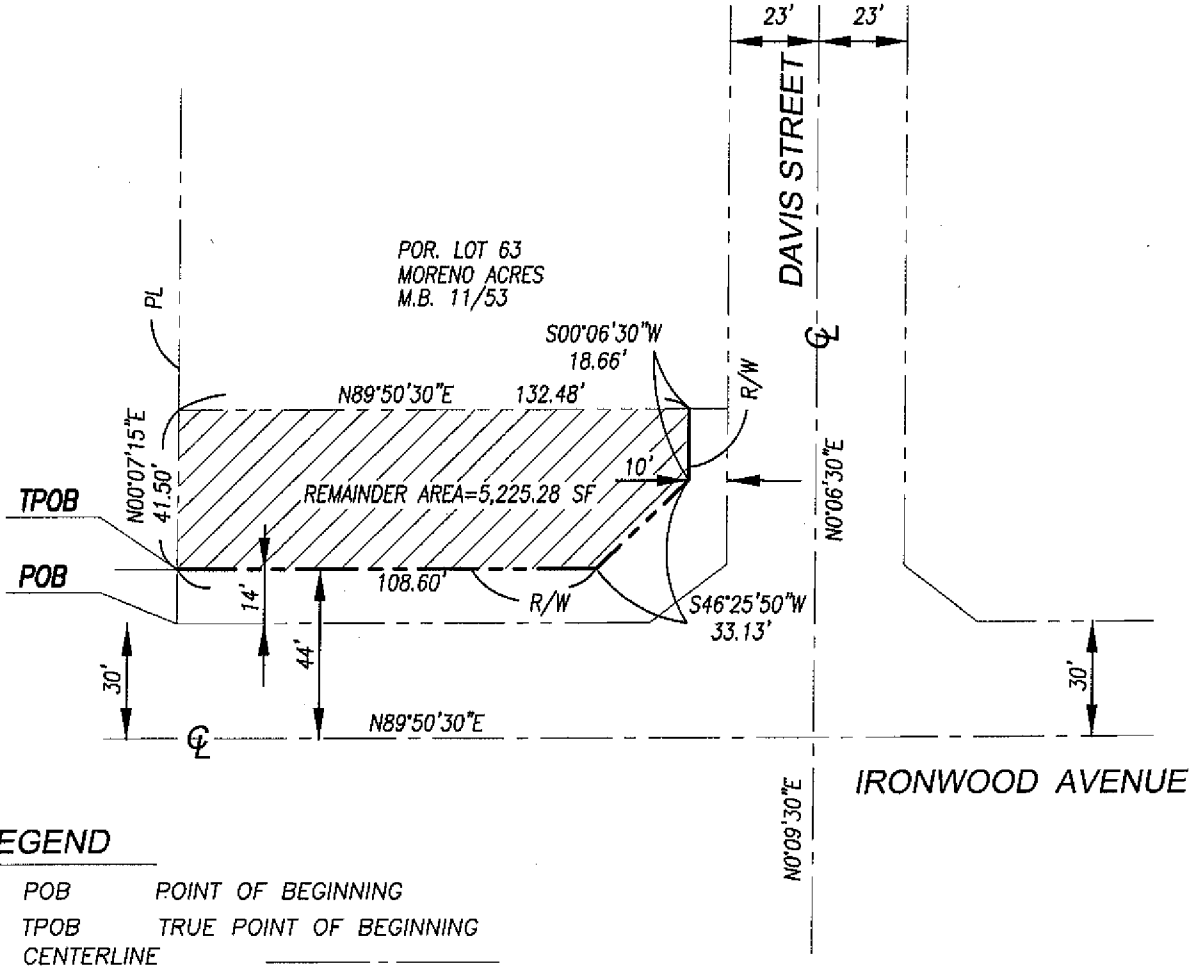

SCALE: 1"=50'

LEGEND

1. POB — POINT OF BEGINNING
2. TPOB — TRUE POINT OF BEGINNING
3. CENTERLINE
4. EXISTING ROW
5. NEW ROW
5. PROPERTY LINE

REMAINDER AREA = 5,225.28 SF

CITY OF MORENO VALLEY

PREPARED FOR:

PLAT MAP FOR
11987 DAVIS STREET
APN 475-272-054

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	-$1.68	-2.03%	-$3.52	-3.39%
1,000 kWh usage	-$6.56	-3.64%	-$9.02	-4.12%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	-$43.64	-7.86%	-$24.11	-5.74%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	-$407.22	-7.61%	-$133.35	-4.11%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	-$5,369.69	-7.70%		
392,333 kWh usage, Demand of 666 kW			-$2,087.99	-5.48%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	-$2.83	-4.77%	-$2.83	-4.77%

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	-$147.57	-1.15%	-$147.57	-1.15%
Schedule SL-1 22,000 Lumen (317 lights)	-$160.97	-2.89%	-$160.97	-2.89%
Schedule SL-2 27,500 Lumen (139 lights)	-$103.49	-5.88%	-$103.49	-5.88%
Schedule SL-3 (per lamp)	$2.18	0.51%	$2.18	0.51%

If approved by the City Council, these changes will become effective at 12:00 a.m. on July 13, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be a reduction in rates.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to offer competitive rates.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and also its ability to offer competitive rates.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues are projected to decrease if the proposed changes are adopted by the City Council.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\Electric Utility\Administration - Finance\Staff Reports\2011 SR's\SR - Rate and Rules Adjustments 12 July 2011.doc

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MV00114030

RESOLUTION NO. 2011-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Resolution No. 2011-75
Date Adopted: July 12, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-75
Date Adopted: July 12, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.**]

Resolution No. 2011-75
Date Adopted: July 12, 2011

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MV00114034

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial and Administrative Services Director

AGENDA DATE: July 12, 2011

TITLE: Approve Three-Year Agreement with Canon Business Solutions to Extend the Current Copier Contract

RECOMMENDED ACTION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

SUMMARY

In June of 2006 the City awarded the copier agreement to the Canon Copier Company from the Request for Proposal No. 05/06-08. Canon has worked closely with the city to provide the latest technology for copying, printing and scanning from their machines. Canon support staff is very responsive and work well with city staff on handling any problems or concerns. The current and proposed extension agreement includes both a cost-per-copy and annual maintenance agreement.

BACKGROUND

The Purchasing & Facilities Division has the responsibility to provide copy machines and their necessary maintenance for City offices. The copier fleet consists of 26 machines throughout city facilities. The City utilizes the cost-per-copy method that allows for a not-to-exceed amount of copies per quarter. Payment for all copier operational costs is handled through division operating budgets via the internal service fund charge-back system. When applicable, overage copy counts are added to the base amount on a quarterly basis.

Digital state-of-the-art technology in modern copy machines provide electronic networking which will allow staff to send print to a copier from the desktop when desired. Additionally, scanning to server capabilities is built into the copiers. The agreement provides fixed base pricing for the duration of a three-year period based on a year-by-year annual approved encumbrance in the City budget. The agreement provides that the City may upgrade, add or delete functions, services or products to the program as needs change throughout the contract period.

DISCUSSION

During the city's effort of asking for vendor participation in a 10% pricing reduction, the Canon company offered a 23.75% ($9,538 per month vs. $7,273 per month) overall decrease in exchange for our three-year extension agreement. This represents a monthly savings of $2,265 and translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. Additionally, Canon will exchange a total of six existing older machines for brand new copiers, at no cost to the city, due to excessive meter counts.

ALTERNATIVES

1. Staff recommends that the City Council award the three-year extension agreement to Canon Business Solutions in the total amount of $261,828 as being in the best interest of the City.

2. Elect to not award the three-year extension agreement copier agreement to Canon and provide further direction to staff.

FISCAL IMPACT

Approval of Alternative No. 1 will obligate the City to a base annual expenditure in Account Number 00754.75440.6281 of:

- $174,552 ($87,276 for each of years one and two). These funds are provided for in the City Manager's recommended FY 2011/2012 and FY 2012/2013 budgets.
- $87,276 where budgets are subsequently approved in FY 2013/2014.

Approving this contract extension represents monthly savings of $2,265 from the existing base contract cost. This translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. This contract directly affects the Internal Service Fund – Facilities.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

ATTACHMENTS/EXHIBITS

Prepared By:
Name Rix Skonberg
Title Purchasing & Facilities Division Manager

Department Head Approval:
Name Richard Teichert
Title Financial & Administrative Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AMENDMENT TO FACILITIES MANAGEMENT AND SERVICE AGREEMENT

This AMENDMENT No. 4 ("Amendment") is effective as of July 1, 2011 ("Effective Date") and supplements/modifies the Facilities Management and Service Agreement dated June 19, 2006, as amended (collectively, the "Agreement") between Canon Business Solutions Inc. ("CBS") and **the City of Moreno Valley** ("Customer") as follows:

1. All defined terms shall have the meanings set forth in the Agreement unless expressly defined herein.

2. Paragraph 2 of the Preamble of the Agreement is striken in its entirety and superseded by the following: Customer has during the term of the Agreement acquired by lease from a third party (or previously owned) the Items of equipment referenced in Addendum A to the Agreement ("Customer Owned Equipment").

3. As of the effective date, CBS agrees to provide to the Customer equipment ("Equipment") and FM Services for the Equipment and Customer Owned Equipment under the terms and conditions of the Agreement and as supplemented by this Amendment for an additional term of thirty-six (36) months concluding on July 5, 2014. The base quarterly charge shall be increased from $6,667.48 to $21,819.00, plus applicable taxes.

4. CBS will continue to provide the FM Services to the Customer Owned Equipment listed on Exhibit A currently on Customer site(s).

5. CBS will add the following Equipment in connection with the ongoing provision of FM Services under the Agreement :

Location	Model
CDD-Graphics Rm 104	IR 6065
Finance Rm 246	IR 6065
Doc Imaging Rm 207	IR 6065
Recreation Center 1st Floor	IR 6065
Police Dept	IR 6065
Employment Resource Center	IR 6065

The configuration for each main unit will be as follows:

Item Description	Item Code
IMAGERUNNER ADVANCE 6065 V2 BASE MODEL	3892B011
STAPLE FINISHER-E1	3894B001
PCL PRINTER KIT-AJ1 ELAN	3905B005
PS PRINTER KIT-AJ1 ELAN	3906B006
ESP NEXT GEN PCS POWER FILTER (120V/15A) XG-PCS-15D	1972V064
ESP NEXT GEN PCS POWER FILTER (120V/20A) XG-PCS-20D	1972V073

6. Customer hereby authorizes CBS to pick up the equipment listed below. Customer acknowledges that this equipment will be shipped to Canon Financial Services, Inc. and CBS' sole obligation is to use commercially reasonable efforts to pick-up and remove the return equipment and to arrange, on your behalf and at CBS' expense and risk (but only to the extent of obvious damage in transit), for the shipment of the equipment to Canon Financial Services, Inc.

Location	Remove Model	S/N
CDD-Graphics Rm 104	IR6570	SLP12175
Finance Rm 246	IR6570	SLP12176
Doc Imaging Rm 207	IR6570	SLP12333
Recreation Center 1st Floor	IR6570	SLP12434
Police Dept	IR6570	SLP12929
Employment Resource Center	IR5000	NRL03962

7. Customer agrees to the following per impression charges :
   $0.00716 per black and white impression in excess of 750,000 impressions per quarter; and
   $0.0484 per color impression in excess of 14,000 impressions per month.

   An 11 X 17 image shall count as two images

8. Customer agrees that CBS will issue a check in the amount of $37,225 ("Buy-Out Reimbursement") which will be paid directly to Canon Financial Services by CBS. The Buy-Out Reimbursement will be paid for the sole purpose of reimbursement of early termination charges or fees and associated expenses payable for early termination of the lease of Customer Owned Equipment noted in Section 6 above and in Exhibit A. Customer acknowledges and agrees that CBS' financial obligation with respect to the Buy-Out Reimbursement is limited to Thirty Seven Thousand Two Hundred Twenty Five ($37,225), and that Customer is responsible for any other obligations, including any charges which are not covered by the Buy-Out Reimbursement. In the event, Customer cancels the Agreement prior to the end of the then current term, Customer agrees to pay CBS the pro-rata amount of the Buy-Out Reimbursement based on the number of months remaining in the then current term.

9. The following supplemental terms and conditions are hereby added to the Agreement:
   i. CBS shall have full and free access to the Equipment and Customer Owned Equipment to provide service thereon and to perform meter readings. In addition, Customer authorizes CBS to use networked features of the Equipment and Customer Owned Equipment including imageWARE Remote to receive software updates, activate features/new licenses and/or transmit use and service data accumulated by the Equipment and Customer Owned Equipment over Customer's network by means of an HTTPS protocol and to store, analyze and use such data for purposes related to servicing the Equipment and product improvement. If CBS does not receive Customer's timely meter readings, Customer agrees to provide meter readings in accordance with the applicable billing cycle for each unit of Equipment and Customer Owned Equipment as specified in this Agreement.
   ii. Customer agrees neither to make any alteration in the Equipment nor to remove it from the location where installed by CBS without prior written approval of CBS. Customer shall bear all risk of loss or damage to Equipment while on Customer's premises. Customer further agrees to return the Equipment at the end of the Term in the same condition as when received except for reasonable wear and tear.
   iii. Title to the Equipment shall remain at all times with CBS, and the Customer agrees that the CBS plaque affixed to the Equipment will not be removed. Customer agrees to keep the Equipment free from all liens, security interests and encumbrances. CBS is hereby authorized to file a financing statement to evidence its ownership in the Equipment in the possession of the Customer.

iv. CBS warrants that it is the owner of the Equipment and that it has the right to perform the Services. Except for the foregoing warranty, CBS' OBLIGATIONS UNDER THIS AGREEMENT ARE IN LIEU OF ALL WARRANTIES, AND CBS EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE USE OR PERFORMANCE OF THE EQUIPMENT OR THE SERVICES.

v. Provision of toner includes replenishment of consumables for Equipment and Customer Owned Equipment only. Customer shall be deemed to have materially defaulted under the terms of this Agreement if any supplies provided hereunder are used for other than Equipment and Customer Owned Equipment supplied by CBS or for Customer Owned Equipment under the FM Services of the Agreement. In the event that usage of any such consumable supplies provided hereunder exceeds manufacturer specifications for conventional office imaging coverage by more than 10%, CBS may invoice Customer for such excess usage.

vi. If Customer fails to pay any invoice within thirty days of the Invoice date, Customer shall pay a monthly late charge equal to the lesser of one and one-half percent (1.5%) of the overdue amount, or the maximum amount allowed by law.

vii. Customer acknowledges that the hard drive on the Equipment and Customer Owned Equipment may retain images, content or other data during normal operation of the Equipment ("Data") and that exposure or access to the Data by CBS, if any, is purely incidental to the services performed by CBS. Neither CBS nor any of their affiliates has an obligation to erase or overwrite Data upon your return of the Equipment to CBS or any leasing company. Customer is solely responsible for: (i) compliance with applicable law and legal requirements pertaining to data privacy, security, retention and protection; and (ii) all decisions related to erasing or overwriting Data. Without limiting the foregoing, you should, prior to return or other disposition of the Equipment, utilize the Hard Disk Drive (HDD) (or comparable) formatting function (which may be referred to as "Initialized All Data/Settings" function) found on the Equipment to perform a one pass overwrite of Data or, if Customer has higher security requirements, Customer may purchase from CBS at current rates an available option for the Equipment and Customer Owned Equipment, which may include (a) an HDD Data Encryption Kit option which disguises information before it is written to the hard drive using encryption algorithms, (b) a HDD Data Erase Kit that can perform up to a 3-pass overwrite of Data or (c) a replacement hard drive (in which case Customer should properly destroy the replaced hard drive).

10. The following will be of no force or effect if the Customer is not a State or a Political Subdivision of a state within the meaning of Section 103(C) of the Internal Revenue Code of 1986, as amended.

i. The Customer warrants that it has funds available to pay the payments ("Payments") payable pursuant to Agreement between Customer and CBS until the end of its current appropriation period and warrants that it presently intends to make Payments in each appropriation period from now until the end of the Agreement. The officer of the Customer responsible for preparation of Customer's annual budget shall request from its legislative body or funding authority funds to be paid to CBS under the Agreement. If notwithstanding the making in good faith of such request in accordance with appropriate procedures and with the exercise of reasonable care and diligence, such legislative body or funding authority does not appropriate funds to be paid to the CBS for the Equipment, Customer may, upon prior written notice to CBS, effective upon the exhaustion of the funding authorized for the then current appropriation period, return the Equipment to CBS, in accordance with the Agreement, and thereupon, Customer shall be released of its obligations to make Payments to CBS due thereafter, provided: (1) the Equipment is returned to CBS as provided for in the Agreement, (2) the above described notice states the failure of the legislative body or funding authority to appropriate the necessary funds as the reason for cancellation; and (3) such notice is accompanied by payment of all amounts then due to the Lessor. In the event Customer returns the Equipment pursuant to the terms herein, CBS shall retain all sums paid by Customer. Customer's Payment obligations in any fiscal year shall constitute a current expense of Customer for such fiscal year, and shall not constitute indebtedness or a multiple fiscal year obligation of Customer under Customer's state constitution, state law or home rule charter. Nothing in this Agreement shall constitute a pledge by Customer of any taxes or other monies, other than as appropriated for a specific fiscal year for this Agreement and the Equipment.

ii. The undersigned represents and warrants to CBS that all action required to authorize the execution and delivery of this Amendment on behalf of the above referenced Customer by the following signatory has been duly taken and remains in full force and effect.

11. For any and all amendments to the Agreement with regard to the provision of Equipment to Customer, whether entered into before, during or after the effective date of this amendment and where the expiration date of such amendment falls after the expiration date of the Agreement, the expiration date of the amendment shall control, unless the amendment expressly states that it is coterminous with the Agreement.

12. Customer agrees that CBS may accept an electronic image of this Amendment as an original, and that electronic copies of your signature will be treated as an original for all purposes.

13. Except as supplemented/modified hereby, all terms of the Agreement remain in full force and effect and are ratified and confirmed in all respects.

IN WITNESS WHEREOF, each of the undersigned have caused this AMENDMENT to be executed by their duly authorized officials effective the Effective Date, intending to be legally bound hereby.

CANON BUSINESS SOLUTIONS, INC.	City of Moreno Valley
By: [signature]	By: _____
Name: Timothy Robinson	Name: _____
Title: VP Operations	Title: _____
Date: 7/5/11	Date: _____

Approved Bus Ops
BAV
6/20/11

CITY ATTORNEY
Approved as to Form
By: [signature] 6/29/11
Date

Amendment 4 - Exhibit A

Room	Building	Model	Serial
Behind Front Counter	City Hall 1st Floor	IR3570	SKV55637
CDD-I.T side of foyer, Rm 132	City Hall 1st Floor	IR5570	SLQ22472
CDD - Graphics Rm 104		IRC2620	SHP10670
Small rm near Cap Prjcts Rm 253	City Hall 2nd Floor	IR3570	SKV55633
Finance Audit Rm 203	City Hall 2nd Floor	IR3570	SKV65067
City Clerk, outside door		IR2270	SLH27585
Storage next to Dco Img Rm 208		IR5570	SLQ22668
Front Office	City Yard 1st Floor	IR3570	SKV55636
1st Floor	Animal Services	IR3570	SKV55484
1st Floor	Senior Center	IR3570	SKV55491
1st Floor	Public Library	IR2270	SLH27639
	Recreation Center 1st Floor	IR3570	SKV55487
1st Floor Ste 1-3	TS Annex	IR2270	SLH27642
1st Floor Ste 4	Facilities	IR2270	SLH27597
1 st Floor Ste 9	Enterprise Services	IR3570	SKV55645
Whse Office	City Yard 1st Floor	IR2020	KRR05658
Volunteer Services - off chamber lobby	City Hall 1st Floor	IR2020	KRR05565
S.T.A.R.S	Employment Resourse Center	IR3570	SKV55471
Volunteer Services - off chamber lobby	Emergency Operations	IR3035	MUP07387
Police Dept	PD Accounting	IR3035	MUP11450

Approved Bus Ops

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name:_____ Title:_____	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/27/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

4827-4551-0409\3 6/16/2011 5:02 PM

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name: David Dunn Title: Director Business Operations	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

4827-4551-0409\3 6/16/2011 5:02 PM

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES

RECOMMENDED ACTION

Staff recommends that the City Council approve the proposed staff assignments in support of Council Member participation with regional agencies.

BACKGROUND

At their May 18, 2011 Goal Setting Workshop, the City Council identified the organization's Strengths, Weaknesses, Opportunities, and Threats (SWOT). While the City's existing transportation corridors were identified as a strength, the lack of adequate infrastructure and planning was acknowledged as a weakness. The City's regional presence was identified as an opportunity. The Council used the results of their SWOT Analysis to develop five prioritized goals, one of which was to "Maximize Transportation and Infrastructure Opportunities."

DISCUSSION

The third prioritized goal developed by the City Council in their May 18 Goal Setting Workshop was to "Maximize Transportation and Infrastructure Opportunities." Actions identified to help achieve this goal included increasing the City's regional presence. A specific task assigned to City staff was to increase staff assistance to the Council as well as increase participation with regional agencies by assigning staff liaisons to each committee. The proposed staff assignments are included in the "2011 City Council Regional Committees & Staff Assignments" attachment.

ALTERNATIVES

1) Approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff recommends this alternative as the proposed staff assignments will assist the City Council in achieving their prioritized goal to maximize transportation and infrastructure opportunities by increasing the City's regional presence.*

2) Not approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff does not recommend this alternative as the proposed action is a task related to the Council-adopted goal to maximize transportation and infrastructure opportunities.*

FISCAL IMPACT

The proposed staff assignments in support of Council Member participation with regional agencies will have no fiscal impact to the City.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

Attachment: "2011 City Council Regional Committees & Staff Assignments"

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Barry Foster
Community and Economic Director

Concurred By:
Chris Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114050

2011 CITY COUNCIL REGIONAL COMMITTEES & STAFF ASSIGNMENTS

REGIONAL AGENCY:

March Joint Powers Commission (JPC)	STEWART/BATEY	CO
Staff: Community and Economic Development Director		
School Districts/City Joint Task Force	STEWART/MOLINA	CO
Staff: City Manager/Asst City Manager		
Riverside County Habitat Conservation Agency (RCHCA)	BATEY	MOLINA
Staff: Planning Official		
Riverside County Transportation Commission (RCTC)	CO	STEWART
Staff: City Manager/Asst City Manager		
Riverside Transit Agency (RTA)	MOLINA	CO
Staff: Public Works Director/Traffic Engineer		
Western Riverside Council of Governments (WRCOG)	HASTINGS	CO
Staff: City Manager		
Western Riverside County Regional Conservation Authority (RCA)	BATEY	MOLINA
Staff: Planning Official		

WRCOG COMMITTEES:

Executive Committee	Robin Hastings, Chair
Administration & Finance	Robin Hastings, Chair
Technical Advisory Committee	Henry Garcia, Chair
Planning Directors TAC	John Terell
Public Works Committee	Chris Vogt, Chair
Solid Waste Technical Committee	Robert Lemon
Western Riverside County Clean Air Coalition	Robert Lemon
Air Quality Task Force	Eric Lewis, Jeff Bradshaw

RCTC COMMITTEES:

Western Riverside County Programs and Projects Committee	Marcelo Co
San Jacinto Branch Line Ad Hoc Committee	Marcelo Co
Technical Advisory Committee	Chris Vogt

Attachment 1

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MV00114052

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,729,200 to Hardy & Harper, Inc. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of the six arterial and collector streets identified in this report.

DISCUSSION

The project included the resurfacing of six (6) streets: Kitching Street from Fir Avenue to Cottonwood Avenue, Fir Avenue from Perris Boulevard to Lasselle Street, Perris Boulevard from Webster Avenue to Sunnymead Boulevard, Cactus Avenue from Commerce Center Drive to Elsworth Street, Indian Street from Ironwood Avenue to Sunnymead Boulevard, and Manzanita Avenue from Heacock Street to Perris Boulevard. Hardy & Harper's contracted work included removing existing asphalt concrete pavement, resurfacing with cold-in-place recycling (CIPR), pavement overlaying with rubberized asphalt concrete, reconstructing a number of access ramps along the listed streets to ADA requirements, re-establishment of traffic signal detector loops, utility covers, manholes, and re-striping. The resurfacing extends the life of the streets and provides a smoother riding surface.

The Contractor has completed all the paving work and anticipates completing the construction by mid July 2011. Staff anticipates the final contract cost will be approximately $1,631,000 which does not exceed the approved purchase order amount of $1,729,000. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works

Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project was included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:

Annual Pavement Resurfacing Program (Acct. No. 125.56330)	$1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722)	$1,550,000
Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Local Street Pavement Resurfacing Phase 1 (being constructed concurrently)	($2,684,000)
Remaining Funds Available	$2,452,400

PROJECT RELATED COSTS:

Design	$110,000
Anticipated Contractor Construction Costs	$1,631,000
Anticipated Construction Geotechnical Services	$22,000
Anticipated Construction Survey Services	$20,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$1,873,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper anticipates completing the construction of the 2011 Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. The resurfacing extends the life of the streets and provides a smoother riding surface.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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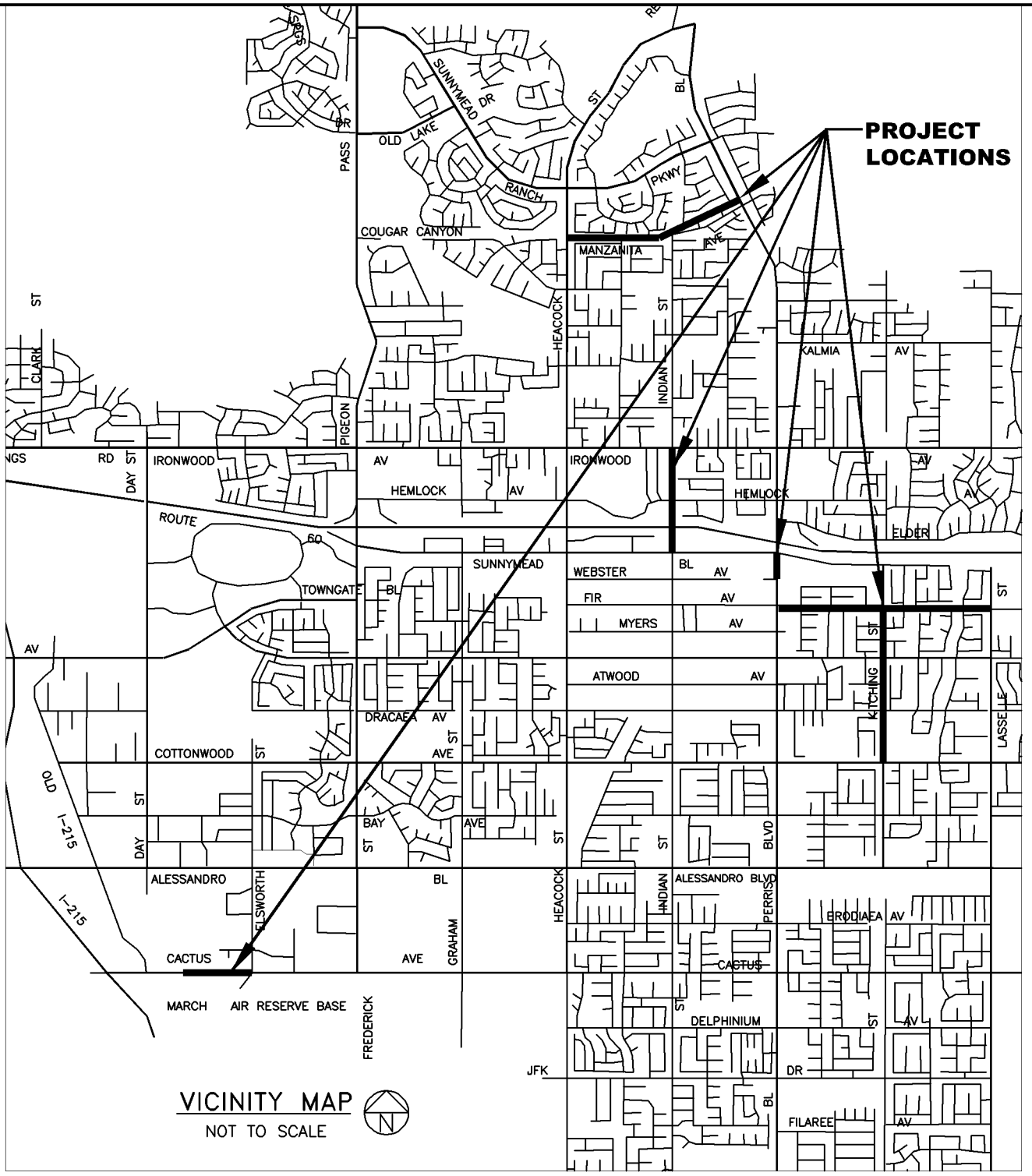

LOCATION MAP

LOCATION MAP
Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 11-12556330

2011 PAVEMENT RESURFACING PROJECT

Item No. A.24

MV00114059

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MV00114060

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $2,410,400 to Hardy & Harper, Inc. The project includes the resurfacing a total of twenty six local streets which are included in the Fiscal Year 2010-2011 CIP Budget. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of these streets.

DISCUSSION

Hardy & Harper's contracted work includes removing existing asphalt concrete pavement, pavement resurfacing with cold central plant recycling (CCPR), pavement overlaying with rubberized asphalt concrete, reconstructing number of access ramps along the listed streets to ADA requirements, adjusting utility manholes and covers, and re-establishing traffic striping. The Contractor has completed all the paving work and anticipates completing rest of the work by mid July 2011. Staff anticipates the final contract cost will be approximately $2,391,000 which does not exceed the approved purchase order amount of $2,410,400. The resurfacing extends the life of the streets and provides a smoother riding surface.

Three additional streets (Vellanto Way, Mantee Place and Ormista Drive) were added to the original twenty six streets, bringing a total of twenty nine streets being resurfaced (approximately 131,000 square yards of pavement area.) These three streets (also included in the Fiscal Year 2010-2011 CIP Budget for resurfacing) are in the neighborhood of Searson Drive which is one of the original twenty six streets. These streets are added to be constructed at the same time as Searson Drive in an effort to avoid repeat construction disturbance to the neighborhood as these streets were previously approved by City Council for Phase 2 Local Street Pavement Resurfacing Project.

Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the

Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:
Annual Pavement Resurfacing Program (Acct. No. 125.56330) $1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722) $1,550,000

Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Pavement Resurfacing Project Anticipated Costs (being constructed concurrently)	($1,873,000)
Remaining Funds Available	$3,263,400

PROJECT RELATED COSTS:

Design	$93,000
Anticipated Contractor Construction Costs	$2,391,000
Anticipated Construction Geotechnical Services	$73,000
Anticipated Construction Survey Services	$37,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$2,684,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper, Inc. anticipates completing the construction of the 2011 Local Street Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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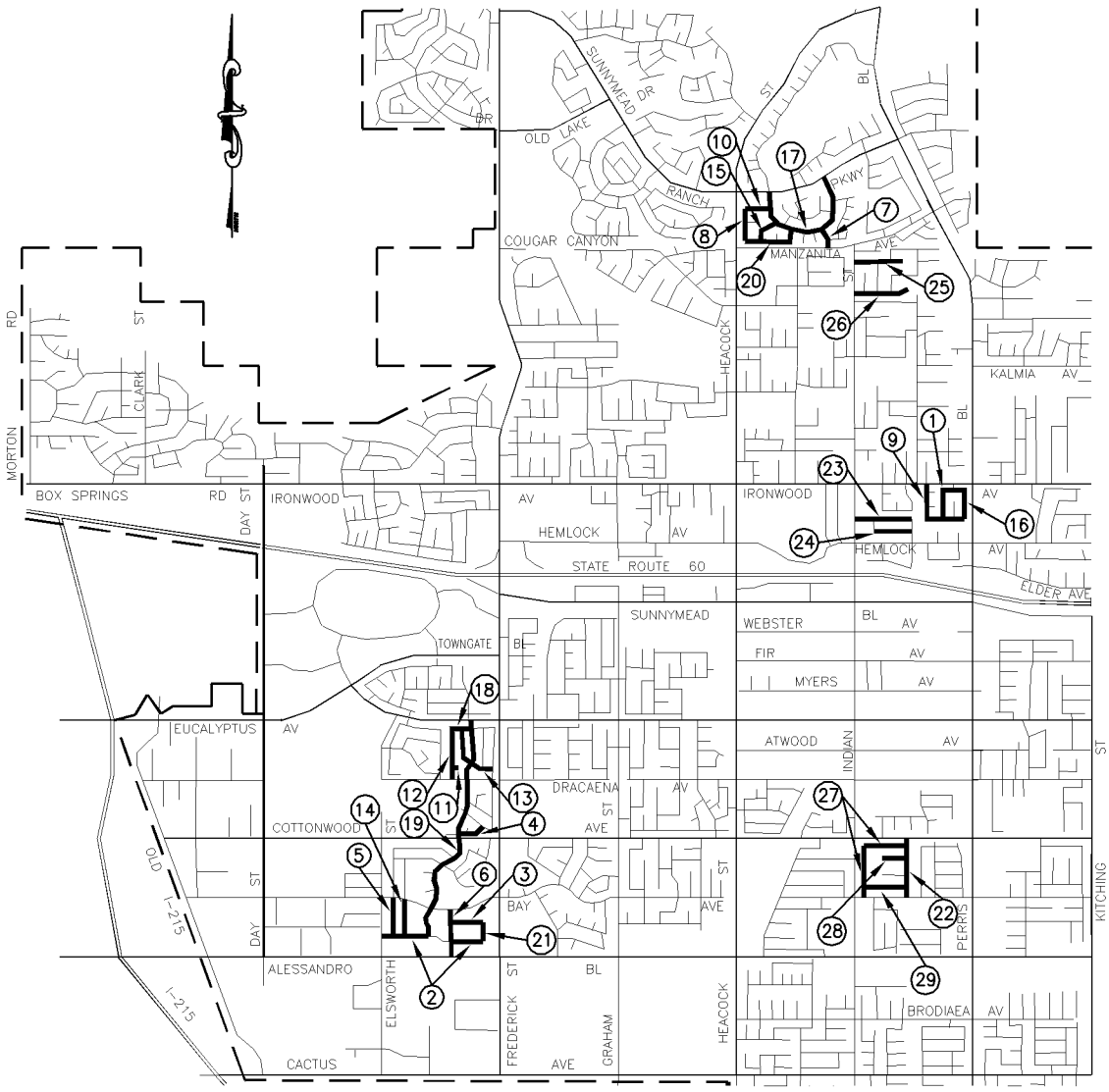

	STREET	LIMITS
1	AARON DR:	GASSEN PL TO HARCLARE DR
2	ADRIENNE AVE:	ELSWORTH ST TO PRIDE LN
3	ALLIES PL:	COURAGE ST TO PRIDE LN
4	BAYWOOD DR:	PAN AM BLVD TO AQUEDUCT WY
5	BOEING ST:	BAY AVE TO ADRIENNE AVE
6	COURAGE ST:	BAY AVE TO ALESSANDRO BLVD
7	DUCKBILL RD:	OLD COUNTRY RD TO MANZANITA AVE
8	FENTON RD:	IRONBARK RD TO PLEASANT RUN RD
9	HARCLARE DR:	ODESSA DR TO IRONWOOD AVE
10	IRONBARK RD:	FENTON RD TO OLD COUNTRY RD
11	KIOWA CT:	KIOWA DR TO EAST END
12	KIOWA DR:	PAHUTE DR TO DRACAENA AVE
13	LAKOTA DR:	PAHUTE DR TO OAK DELL ST
14	MCDONNEL ST;	BAY AVE TO ADRIENNE AVE
15	NOBLEWOOD RD:	OLD COUNTRY RD TO PLEASANT RUN RD
16	ODESSA DR:	GASSEN PL TO HARCLARE DR
17	OLD COUNTRY RD:	SUNNYMEAD RANCH TO SUNNYMEAD RANCH PKY
18	PAHUTE DR:	PAN AM BLVD TO KIOWA DR
19	PAN AM BLVD:	EUCALYPTUS AVE TO ADRIENNE AVE
20	PLEASANT RUN RD:	FENTON RD TO OLD COUNTRY RD
21	PRIDE LN:	ALLIES CT TO ADRIENNE AVE
22	SEARSON DR:	COTTONWOOD AVE TO BAY AVE
23	SINALOA ST:	INDIAN ST TO LEAHY DR
24	SINGER ST:	HANOVER AVE TO LEAHY DR
25	SUMMERFIELD DR:	INDIAN ST TO EAST END
26	SUNNY RIDGE DR:	INDIAN ST TO EAST END
27	VELLANTO WAY:	BAY AVE TO SEARSON DR
28	MANTEE PL:	WEST END TO SEARSON DR
29	ORMISTA DR:	VELLANTO WY TO SEARSON DR

CITY OF MORENO VALLEY
DECEMBER 3, 1984

2011 LOCAL STREET PAVEMENT RESURFACING - PHASE 1

Public Works Department
Capital Projects Division

LOCATION MAP

VARIOUS LOCATIONS
PROJECT NO. 11-22679728

ATTA(-375-ENT "A"

Item No. A.25

MV00114067

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MV00114068

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD

DEVELOPER – CITY OF MORENO VALLEY, CALIFORNIA
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard.

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 12, 2010, the City Council approved the Agreement for Design Professional Consultant Services to Provide Architectural and Engineering Services (A&E) for the Corporate Yard Phase 1 Office Building and Sewer Line. The Agreement requires that the consultant obtain approval (Planning Application PA10-0013) from the various City departments as part of the design phase of the project. On March 8, 2011, the project received final Conditions of Approval that require the owner (City of Moreno Valley, a municipal corporation) to record an Offer of Dedication for additional right-of-way. The additional right-of-way will be at the two proposed driveway approaches, located on the north side of Santiago Drive east of Perris Boulevard, in accordance with the City Standard for a commercial driveway approach.

DISCUSSION

The owner, the City of Moreno Valley, is required to dedicate four (4) feet of right-of-way around the driveway approaches, at the proposed project entrances on Santiago Drive, to accommodate a public sidewalk for pedestrian circulation in accordance with City Standards. The Offer of Dedication is necessary to construct public improvements along the driveway entrances to match the existing street improvements immediately to the east and west of the project. Once the Offer of Dedication is executed by the City Manager, the document will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and to direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

2. Do not authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and do not direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would not allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Public Facilities and Capital Projects – Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Offer of Dedication

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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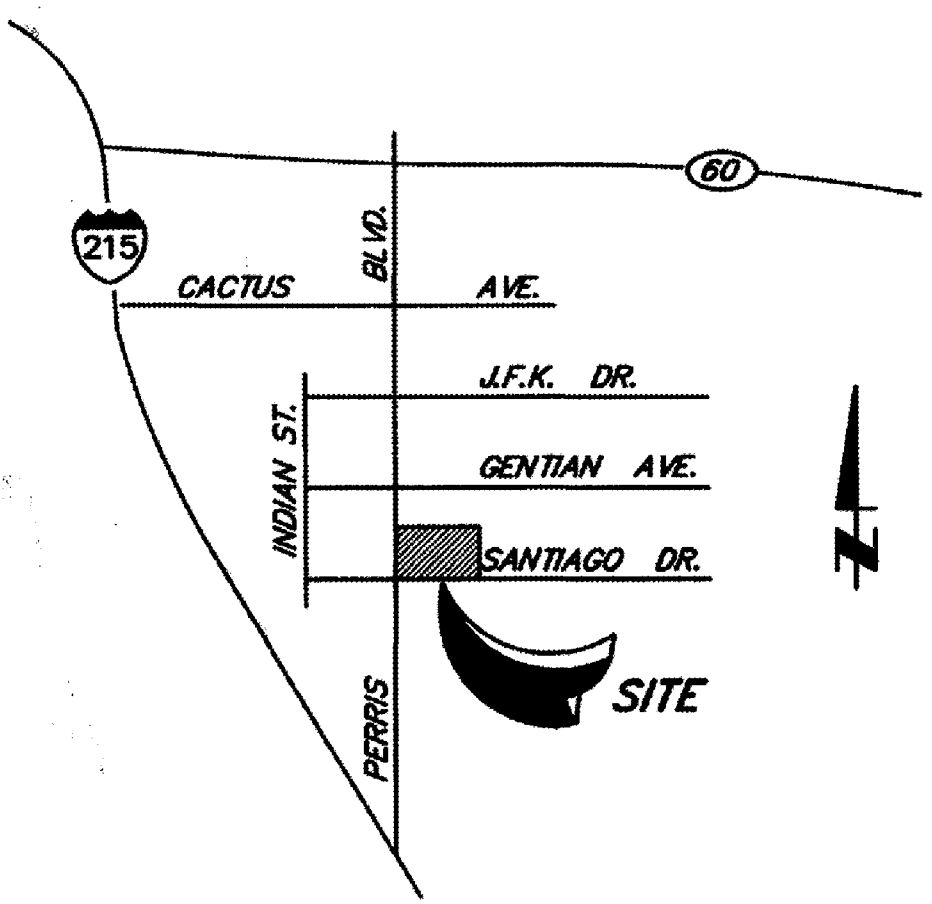

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment "A"	**PA10-0013** **VICINITY MAP**

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MV00114074

Recording requested by and when
recorded, mail to:
City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
By:
A.P.N. 486-170-021 & 022

(Space above this line for Recorder's use)

DOCUMENTARY TRANSFER TAX IS NONE.

Public Agency exempt.
Revenue and Taxation Code Section 11922

OFFER OF DEDICATION

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, for public highway purposes, including public utility and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

City of Moreno Valley, a Municipal Corporation

By: _____
HENRY GARCIA, City Manager

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk (SEAL)

Date _____

Attachment "B"

Item No. A.26

MV00114075

ACCEPTANCE CERTIFICATE

This is to certify that the interest in real property conveyed by the deed or grant dated **July 12, 2011** from the **City of Moreno Valley Moreno, a municipal corporation**, to the City of Moreno Valley, a municipal corporation, in the form attached hereto, is hereby accepted, subject to completion of improvements, and the street improvements being accepted into and becoming a part of the City maintained street system, by the undersigned City Engineer on behalf of the City of Moreno Valley, pursuant to authority conferred by Resolution No. 94-5 of the City Council of Moreno Valley, adopted on January 25, 1994, and the grantee consented to recordation thereof.

Date: _____

By: _____
Chris A. Vogt, P.E.
Public Works Director/City Engineer
City of Moreno Valley

STATE OF CALIFORNIA)
County of _____)ss.
On _____ before me, _____, a Notary Public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the
State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

PARCEL A

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF NAN AVENUE AS SHOWN BY MAP OF TRACT NO. 15433-2, ON FILE IN BOOK 151 OF MAPS, PAGES 67 THROUGH 70, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 42.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

PARCEL B

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF COBRA DRIVE AS SHOWN BY MAP OF TRACT NO. 15433, ON FILE IN BOOK 151 OF MAPS, PAGES 71 THROUGH 75, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 47.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE DIRECTION OF:

5-3-11

MARISSA CROWTHER, PLS 6152
SB&O, INC.
41689 ENTERPRISE CIRCLE NORTH, SUITE 126
TEMECULA, CA. 92590

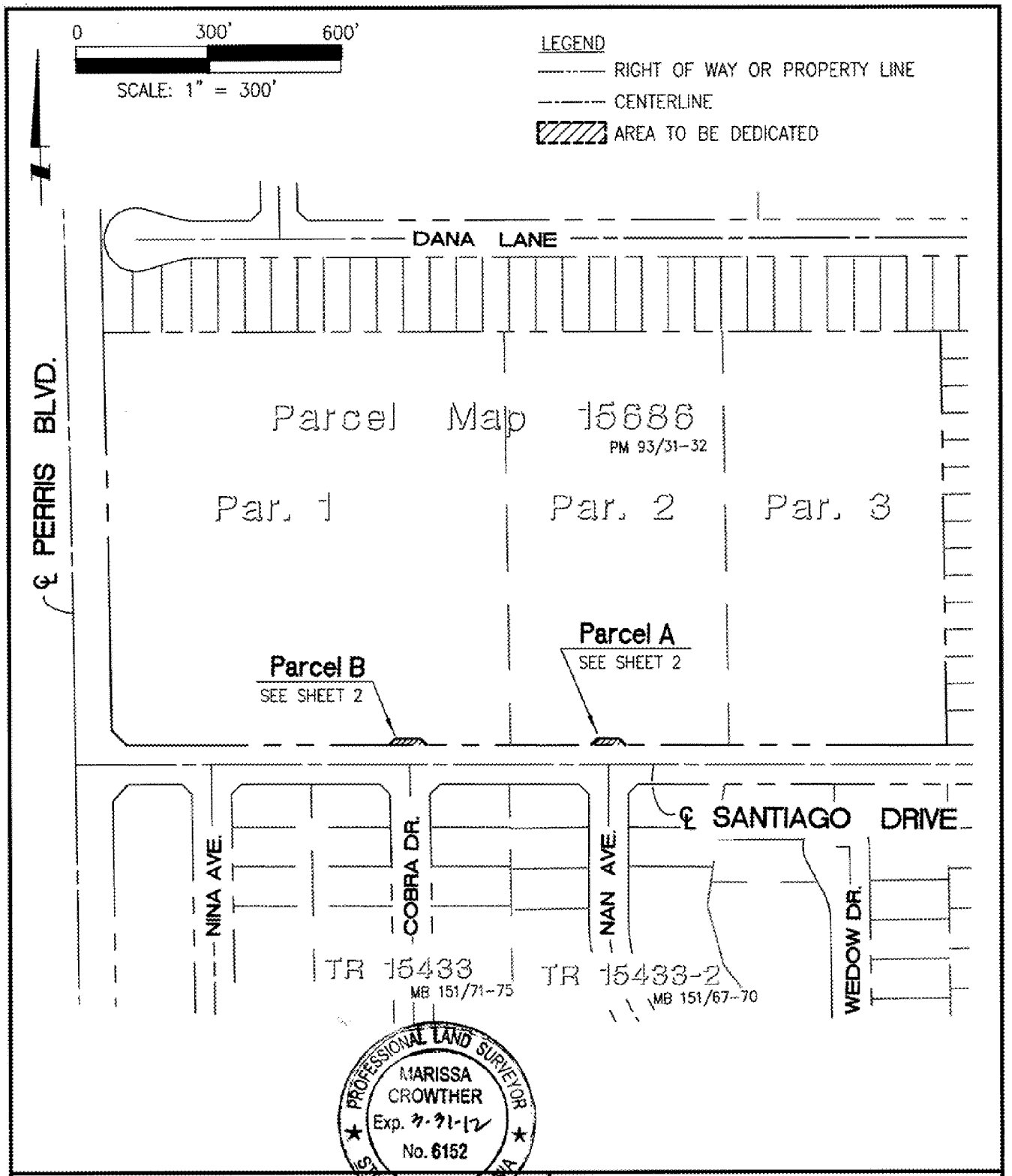

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

PREPARED UNDER THE DIRECTION OF:
S.B. & O., INC.
41689 ENTERPRISE CIRCLE NORTH
TEMECULA, CA 92590

MARISSA CROWTHER, PLS 6152 (EXP 3-31-12)

5-3-11
DATE

CITY OF MORENO VALLEY
CORPORATE YARD DRIVEWAY EASEMENTS

APRIL 2011	EXHIBIT "B"
SB&O, INC. JN 68251	SHEET 1 OF 2

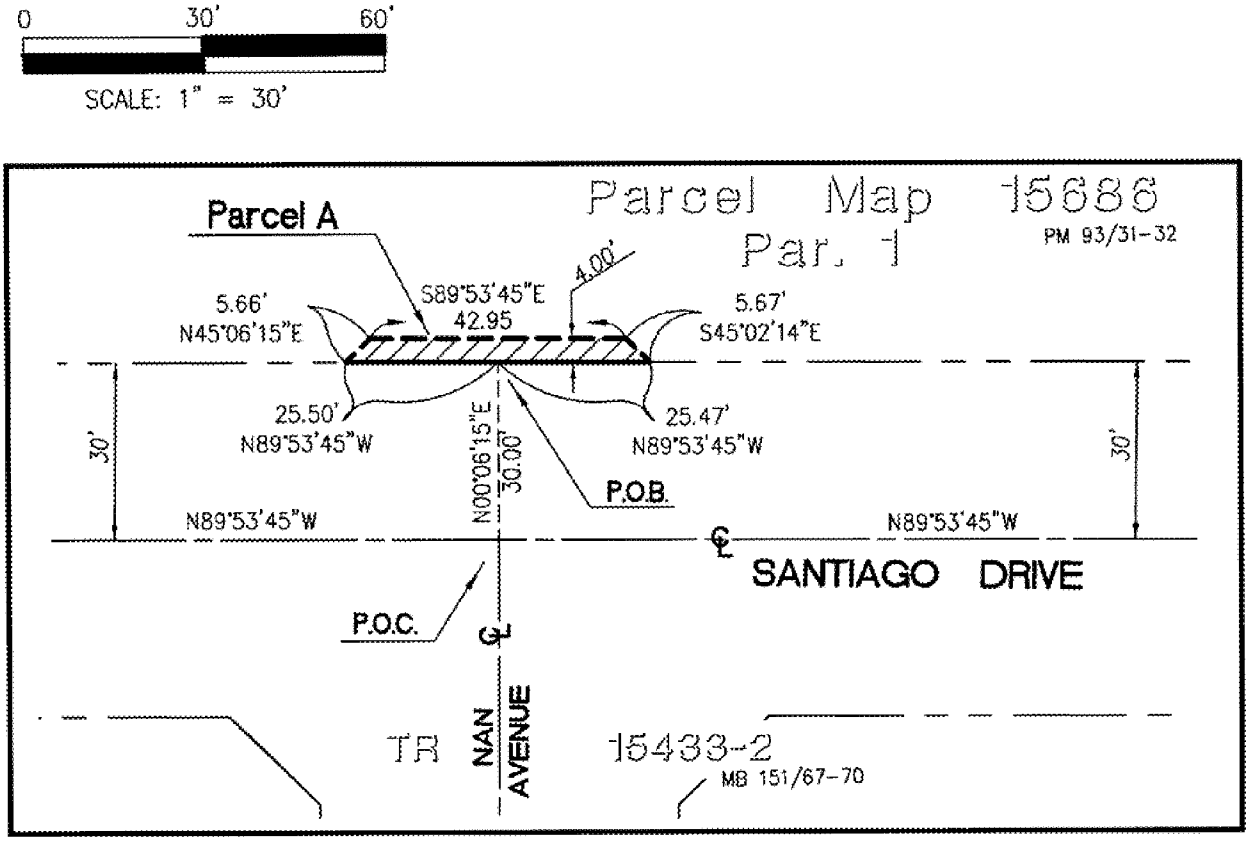

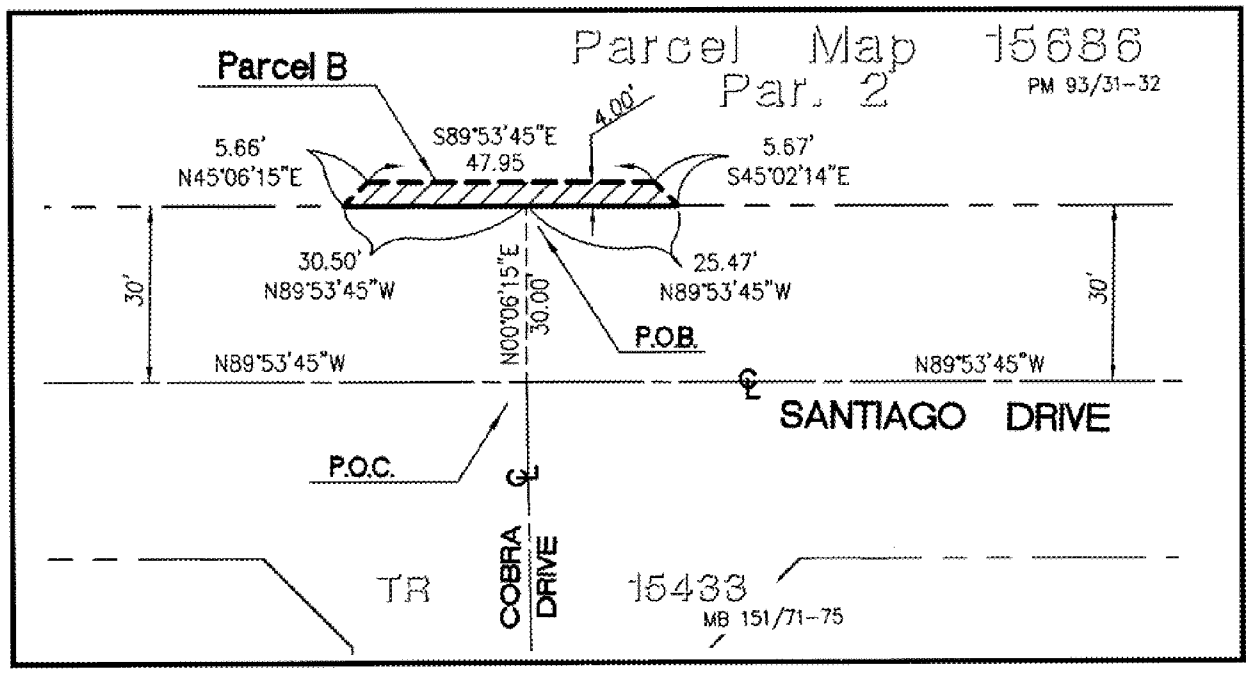

NOTES:

1. BEARINGS ARE BASED ON PARCEL MAP 15686.
2. P.O.C. INDICATES POINT OF COMMENCEMENT.
3. P.O.B. INDICATES POINT OF BEGINNING.

LEGEND

RIGHT OF WAY OR PROPERTY LINE

CENTERLINE

AREA TO BE DEDICATED

EXHIBIT "B"

SHEET 2 OF 2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Street improvements. The Conditions of Approval for this project required that the developer provide surety for street improvements. The security amount for the Eucalyptus Street improvements is Two Million Seven Hundred Seventy-Eight Thousand dollars ($2,778,000.00). The limits of the Eucalyptus Street improvements are within Eucalyptus Street between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: 6-inch thick asphalt concrete over 12-inch thick aggregate base, 8-inch curb and gutter, 6-inch AC curb commercial driveway approaches, sidewalk, street lights, street medians, median drains and landscaping, local depressions, pipe, gates, interconnect conduit, pull boxies, and signing/striping. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a punch list was generated. The required corrective actions have been completed and the improvements are now eligible for acceptance into the City's maintained street system.

On May 3, 2011, the Eucalyptus Street improvements received a 60% reduction. The amount reduced was One Million Six Hundred Sixty-Six Thousand Eight Hundred Dollars ($1,666,800.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved

plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with the Streets and Highway Code.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept the improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Eight Hundred Thirty-Three Thousand Four Hundred dollars ($833,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when

all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114086

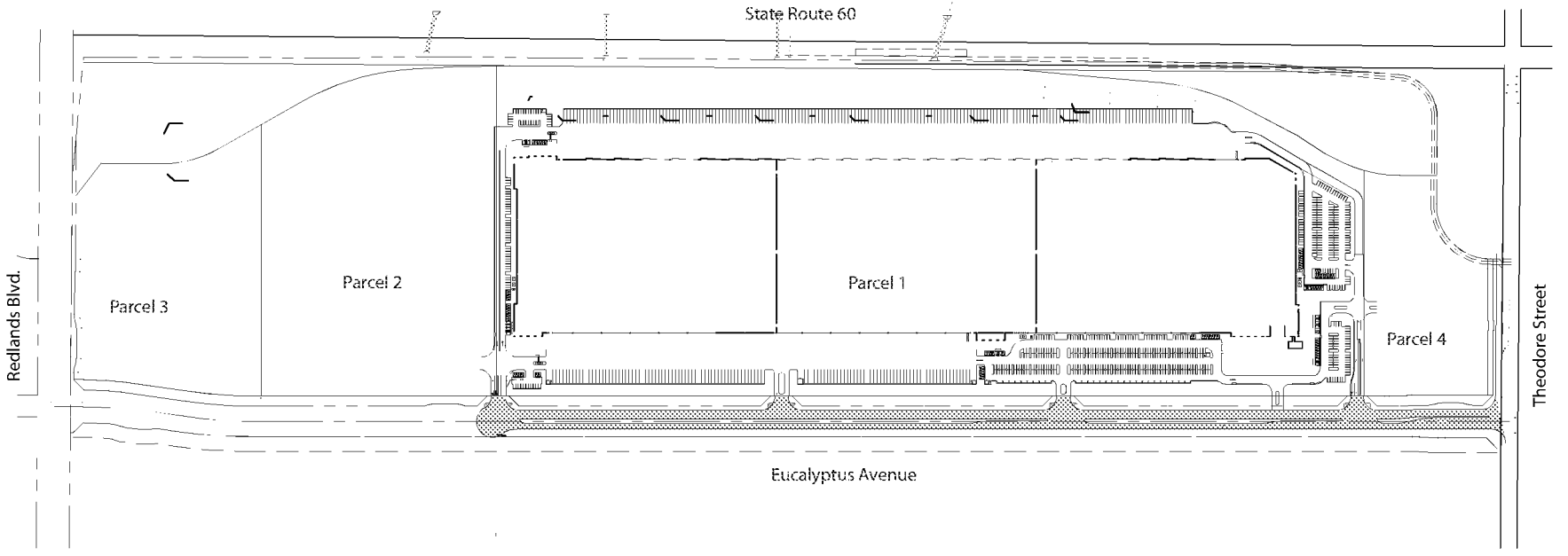

Exhibit "A"

PA07-0090 HFCP-Eucalyptus Phase 1 Street Improvements Vicinity Map

MV00114087

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MV00114088

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Street Improvements

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Notify Land Development for inspection request.	
2	A/C Cap Pave	
3	Install Signs/Striping as shown on sheets 11 -12, Eucalyptus St. Imp. Plans	
4	Complete Median Island Pavers Irrigation, Landscape	
5	Complete Irrigation, Landscape N/S Eucalyptus, Install pedestals	
6	Install City-Wide Communication Conduits, Construction Note #16, Eucalyptus S/I plan city std. 421 (Furnish & Install 6 pair No. 19 Interconnect Cable in one conduit (Black Conduit)	
7	Install Monumentation city std.# 601a, b, c, d & e.	
8	Complete swale @ S/S Eucalyptus shoulder.	
9	Submit As-builts	
10	Clearance from Planning Divisions	

Exhibit "B"

W:\LandDev\MANAGEMENT ASSISTANT\Staff Reports\2011\7-12-11- PA07-0090 - Eucalyptus St 90% Reduction Exhibit C.doc

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MV00114090

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Water improvements is One Million Fifty Thousand dollars ($1,050,000.00). The limits of the Eucalyptus Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but is not limited to, the following: approximately 5,100 feet of 18-inch water main line, approximately 400 feet of 12-inch water laterals, twelve (12) fire hydrant assemblies, three (3) 4-inch service connections, three (3) 2-inch service connections, approximately 5,100 feet of telemetry (communication) cable, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, valves, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Water improvements received an 80% reduction. The amount reduced was Eight Hundred Forty Thousand dollars ($840,000.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is One Thousand Five Hundred dollars ($105,000.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114096

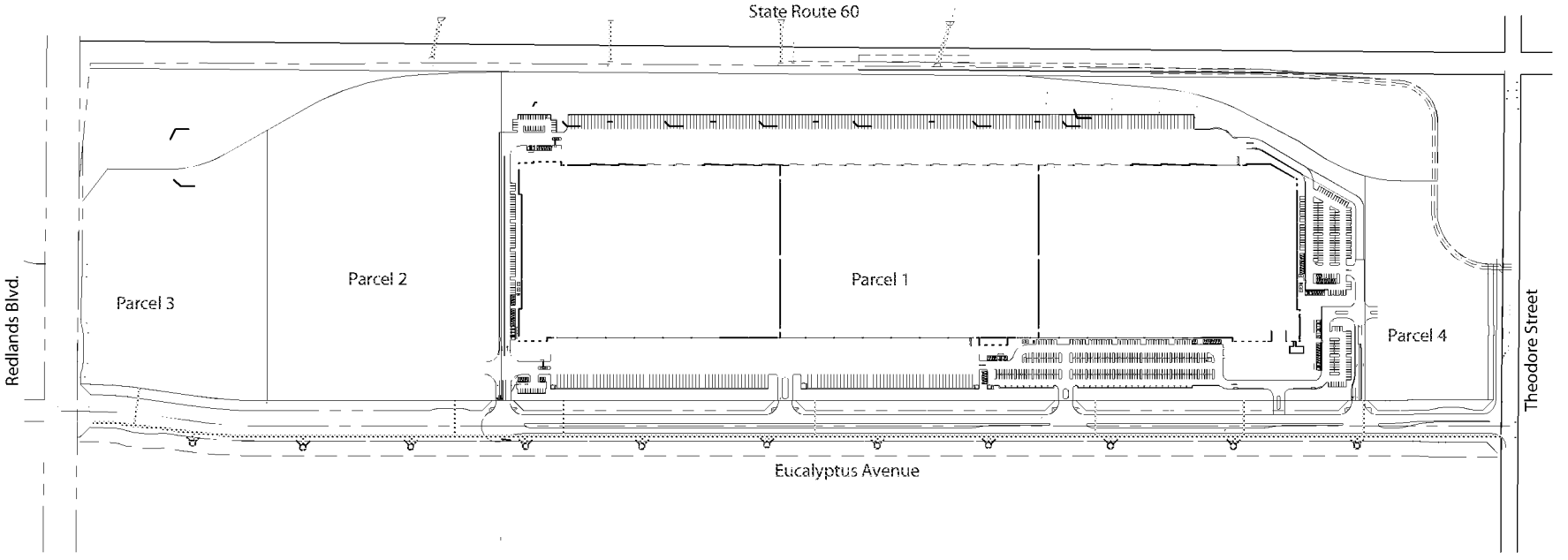

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Water Phase 1 Improvements | Vicinity Map

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MV00114098

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-15-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD Clearance Letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00114100

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Recycled Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Recycled Water improvements is Four Hundred Thirty-Four Thousand dollars ($434,000.00). The limits of the Eucalyptus Recycled Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 5,100 feet of twelve (12) inch purple water main line, six (6) 2-inch service connections, one (1) 4-inch service connection, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Recycled Water improvements received an 80% reduction. The amount reduced was Three Hundred Forty-Seven Thousand Two Hundred dollars ($347,200.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Recycled Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Three Thousand Four Hundred dollars ($43,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. D not authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required*

improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114106

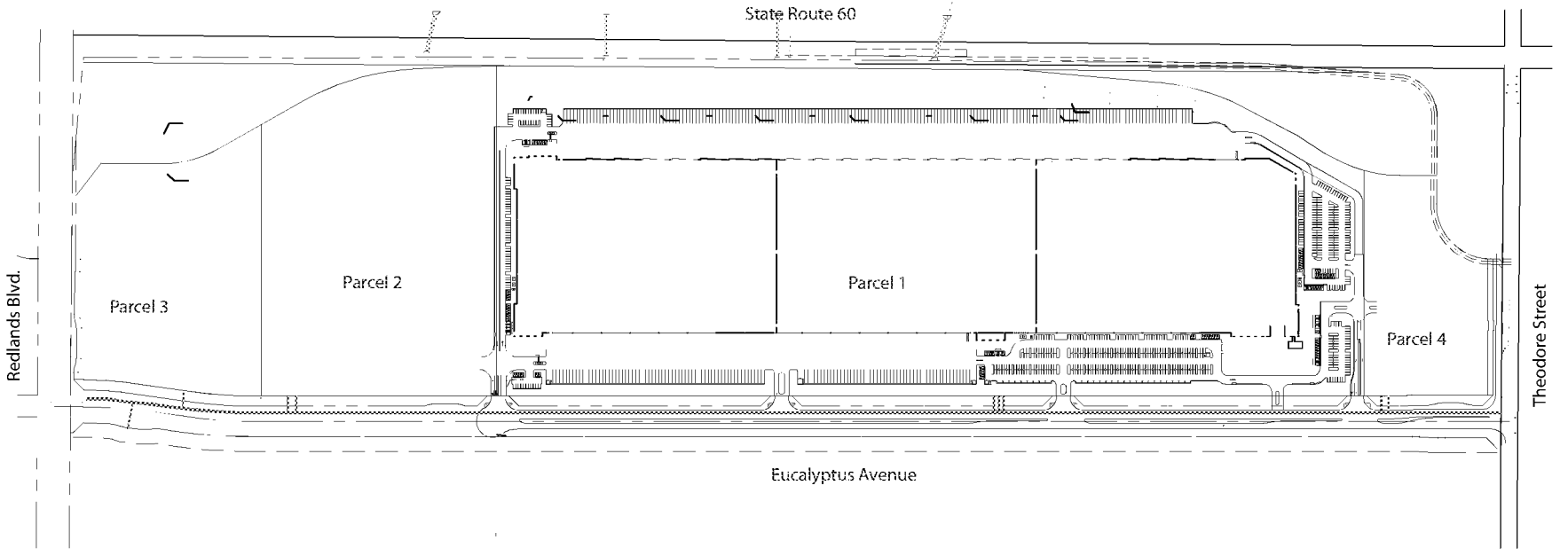

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Recycled Water Phase 1 Improvements | Vicinity Map

MV00114107

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MV00114108

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Recycled Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00114110

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Sewer improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Sewer improvements is Four Hundred Sixty-Seven Thousand dollars ($467,000.00). The limits of the Eucalyptus Sewer improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 1,500 feet of fifteen (15) inch sewer main line, approximately 2,400 feet of twelve (12) inch sewer main line, approximately 650 feet of eight (8) inch sewer main, approximately 150 feet of six (6) inch sewer laterals, and installation of 14 manholes and 2 cleanouts along the sewer line. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Sewer improvements received an 80% reduction. The amount reduced was Three Hundred Seventy-Three Thousand Six Hundred dollars ($373,600.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Sewer improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Six Thousand Seven Hundred dollars ($46,700.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the Public Works Director/City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114116

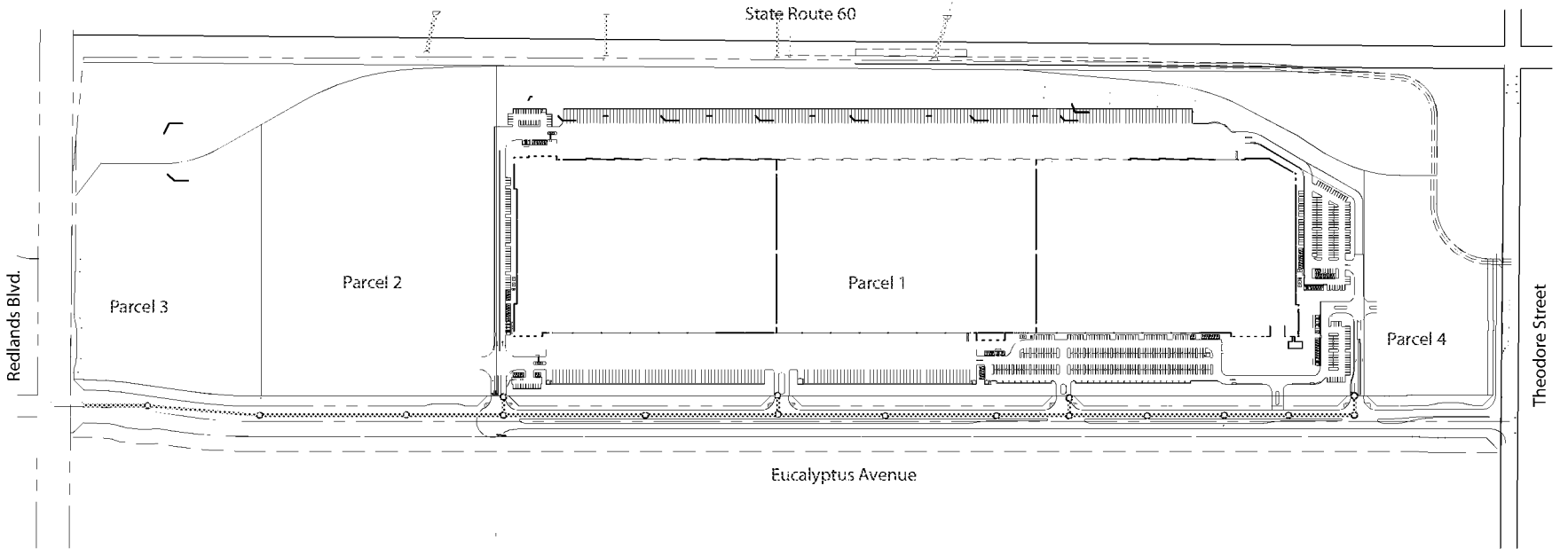

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Sewer Phase 1 Improvements | Vicinity Map

MV00114117

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MV00114118

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Sewer

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

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MV00114120

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or

liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On June 8, 2010, the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Line F Storm Drain improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Line F Storm Drain improvements is Six Million Eight Hundred Thirteen Thousand Five Hundred Ninety-Five dollars ($6,813,595.00).

On July 13, 2010, the City Council of the City of Moreno Valley approved the substitution agreement and replacement bonds for the Line F Storm Drain improvements.

The limits of the Line F Storm Drain improvements are within Route 60 to the north, Redlands Boulevard to the west, Eucalyptus Avenue to the south and Theodore Street to the east. The public improvements included, but is not limited to, the following: 2,600 feet of 24-inch RCP, 200 feet of 30-inch Reinforced Concrete Pipe (RCP), 1,900 feet of 36 -inch RCP, 1,500 feet of 42 -inch RCP, 650 feet of 48-inch RCP, 1050 feet of 10-ft by 8-ft Reinforced Concrete Box (RCB), 1,600 feet of 12-ft by 8-ft RCB, pipe inlets/outlets, wing walls, head walls, catch basins, local depressions, manholes, junction structures, transition structures, concrete bulkheads, trash racks, rip rap, fencing and gates. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Punch List was generated.

On March 3, 2011, the Line F Storm Drain improvements received a 90% reduction. The amount reduced was Six Million One Hundred Thirty-Two Thousand Two Hundred Thirty-Six dollars ($6,132,236.00).

DISCUSSION

Contingent upon receiving the acceptance letter from Riverside County Flood Control and Water Conservation District (District), City Staff will perform a final inspection to ensure that the improvements are in accordance with the approved plans and the standards of the City of Moreno Valley and District.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the Line F Storm Drain improvements as complete once the proper clearances are provided by the District. A portion of said improvements will be maintained by the District.

In accordance with the Cooperative Agreement approved by the City Council on August 24, 2010 and the storm drain plans approved by the City Engineer on June 14, 2010, the public storm drain improvements being accepted into the City Maintained system are as follows: a portion of Line D, Line G, Laterals F-2-A, F-8-A through F-8-K, F-8-M, F-8-N, F-8-P, F-9, F-9-A through F-9-D, and related appurtenances such as catch basins, inlets, outlets, headwalls, wingwalls, and rip-rap.

Ninety days after the City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley and District Standards*

and it is appropriate to accept the improvements once proper clearances are received.

2. Do not ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Do not authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Do not authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to enter said improvements into the 12 month warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all final approvals are received. *The required improvements have been completed according to City of Moreno Valley and District Standards and it is appropriate to accept the improvements once proper clearances are received.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114126

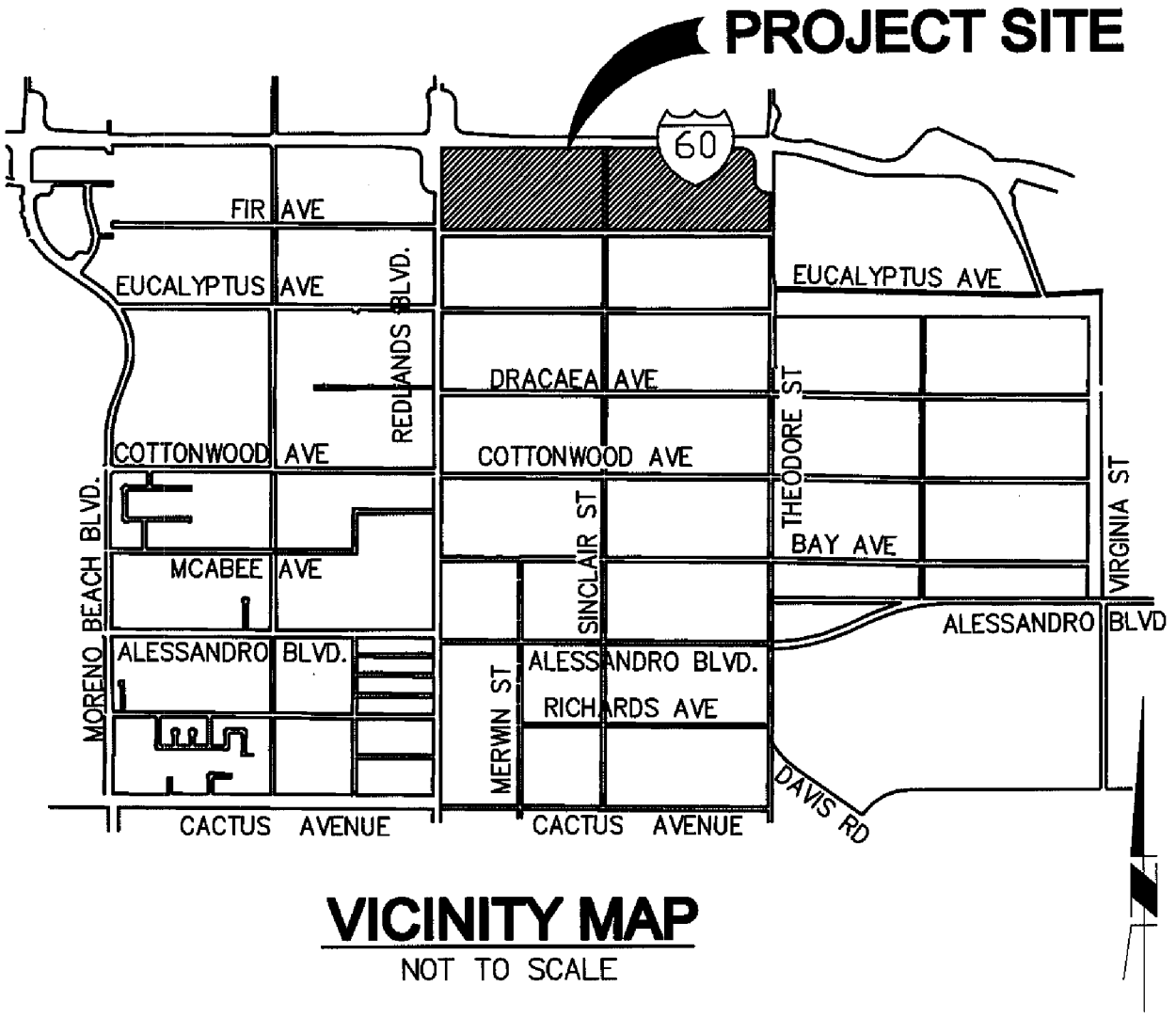

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **LOCATION MAP**

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MV00114128

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00114130

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00114132

SEE AGENDA ITEM A.4

C3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.4) (**Report of: Public Works Department)

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MV00114134

SEE AGENDA ITEM A.11

C4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION **(ALSO LISTED AS AGENDA ITEM A.11)** (Report of: Public Works Department

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MV00114136

SEE AGENDA ITEM A.13

C5. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.13)** (Report of: Public Works Department)

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MV00114138

SEE AGENDA ITEM A.15

C6. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM **(ALSO LISTED AS AGENDA ITEM A.15)** (Report of: Public Works Department)

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MV00114140

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the Community Redevelopment Agency (RDA):

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

BACKGROUND

On April 28, 2009, City Council authorized VA Consulting, Inc. (VA Consulting) to proceed with the final Auto Mall design plans and specifications. On July 13, 2010, City Council authorized the City Manager to execute a Project Specific Agreement and assign said Project Specific Agreement to the Community Redevelopment Agency. At this same meeting, the Community Redevelopment Agency approved an increase to Purchase Order No. 37386 for $50,000.

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The pylon sign installation was completed on June 20, 2011.

Street improvement enhancements and revitalization are integral elements of the final Automall plans. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their Project Specific Agreement that expires May 1, 2012. Staff is recommending the First Amendment to the Project Agreement in order to increase the Project Specific Agreement amount by $25,000. The additional monies provide for 1) Finalization of the street improvement plans and specifications to reflect the construction scope of work based on available construction funds after the completion of the pylon sign, 2) bid support services during the advertising of the project for construction, and 3) design support services during the construction of the street improvements.

ALTERNATIVES

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725). *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and do not authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services bid design support services, and construction support services (Account No.

897.91725). *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Street Improvements is included in Fiscal Year 2011/2012 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities. There is no impact on the General Fund.

Fiscal Year 2010/2011 Budget (Account No. 897.91725)	$1,512,000
Pylon Sign Construction Related Costs	$786,000
Construction Related Savings	$726,000

AVAILABLE FUNDS:

Fiscal Year 2011/2012 Budget (Account No. 897.91725)	$726,000
Estimated Additional Design Related Services	$25,000
Remaining Available Balance for Construction of Street Improvements	$701,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the Community Redevelopment Agency authorize the First Amendment to the Project Specific Agreement and furthermore authorize an increase to Purchase Order No. 37386 with VA Consulting in the amount of $25,000 for additional design services, bid design support services, and construction support services.

ATTACHMENTS

Attachment "A" – First Amendment to Project Specific Agreement

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\CC Reports\Street Improvements\VA Consultant Award Aggreement CC\1st Amendment 7-12-2011\Increase PO - Design 7-2011.doc

FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES MORENO VALLEY AUTO MALL STREET IMPROVEMENTS PROJECT NO. 08-89791725

This First Amendment to Project Specific Agreement is by and between the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, hereinafter referred to as "RDA," and VA Consulting, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Specific Agreement is made and entered into effective on the date the RDA signs this First Amendment.

RECITALS:

Whereas, the City of Moreno Valley and Consultant entered into an Agreement entitled "PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Project Agreement," dated November 1, 2010.

Whereas, the City assigned its interest in said Agreement to RDA on November 1, 2010.

Whereas, the Consultant is providing consultant engineering services for the Moreno Valley Auto Mall Street Improvement project.

Whereas, it is desirable to amend the Project Specific Agreement to expand the scope of services as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The On-Call Agreement termination date of May 1, 2012 is not extended by this Amendment to the Project Agreement.

1.2 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “A” -- First Amendment, entitled “Terms of Payment”.

1.4 The RDA agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $25,000.00 as set forth in the above-referenced Terms of Payment, in

consideration of the Consultant's performance of the work set forth in Exhibit "A" - First Amendment.

1.5 The total "Not to Exceed" fee for this Agreement is $64,960.00 ($39,960.00 for the original Agreement plus $25,000.00 for the First Amendment to Project Specific Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 08-89791725

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this First Amendment to Project Agreement.

Community Redevelopment Agency

BY:_____
Executive Director

DATE:_____

VA Consulting, Inc.

BY:_____

TITLE:_____
(President or Vice President)

BY:_____

TITLE:_____
(Corporate Secretary)

RECOMMENDED FOR APPROVAL:

BY:_____
Chris A. Vogt, P.E.
Public Works Director/City Engineer

DATE:_____

APPROVED AS TO LEGAL FORM:

_____
General Counsel of the Community Redevelopment Agency of the City of Moreno Valley

DATE:_____

Attachment: Exhibit "A" – First Amendment (Terms of Payment)
Exhibit "B" – First Amendment (Assignment of Project Agreement)
Exhibit "C" – First Amendment (Project Agreement)

W:\CapProj\CapProj\PROJECTS\Guy - 08-89791725 - Auto Mall Street Upgrades\Design Phase\Consultant -\Agreement\VA Consulting\Project Specific Agreement\Agmt A Street Improvements - $39K\1st Amendment\First Amendment to Project Agreement 7-2011.DOC

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MV00114148

TERMS OF PAYMENT

1. This First Amendment to Agreement shall have a Not-to-Exceed Fee of $25,000 for the First Amendment to the Project Specific Agreement.

2. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work for the Street Improvements covered by this Proposal including:

    a. Finalize Plans and Specifications to reflect Construction Scope of Work Based on Available Construction Funds.

    b. Bid Support Services During Construction Bid Advertisement

    c. Design Support Services During Construction

3. Work can only commence after this First Amendment to the Agreement has been executed and the City issues a notice to proceed.

4. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.

5. Sub-categorization of tasks is permitted to better define the task for payment.

6. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."

7. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.

8. The City will pay the Consultant for all acceptable services rendered in accordance with the "Project Specific Agreement" and this First Amendment.

9. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Project Specific Agreement," or this First Amendment an "Amendment to the Agreement" will be executed between the City and Consultant.

10. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.

EXHIBIT "A"

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MV00114150

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

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MV00114152

Beazer Homes

June 15, 2011

John Terell, Planning Director
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Tract 36340 – Rockcliffe City Council Continuance

Dear Mr. Terell:

Beazer Homes would like to request a continuance from the July 12th City Council meeting regarding our proposed Development Agreement for Tract 36340. Beazer is looking to revisit some of the items within this agreement with the City of Moreno Valley. Beazer would like to be scheduled on the October 11th City Council meeting

Thank you for your time and efforts regarding this project. We look forward to working with the City of Moreno Valley. Should you have any questions, please do not hesitate to contact me at (714) 720-6304.

Sincerely,

Bryan Bergeron
Development Manager
Beazer Homes Southern California Division

Orange County Office

1800 E. Imperial Highway, Suite 200
Brea, CA 92821

O: 714-672-7000
F: 714-285-2925

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MV00114154

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011 (Continued from May 24, 2011)

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 2011- ___, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Town Center and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be

limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice

2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map
4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

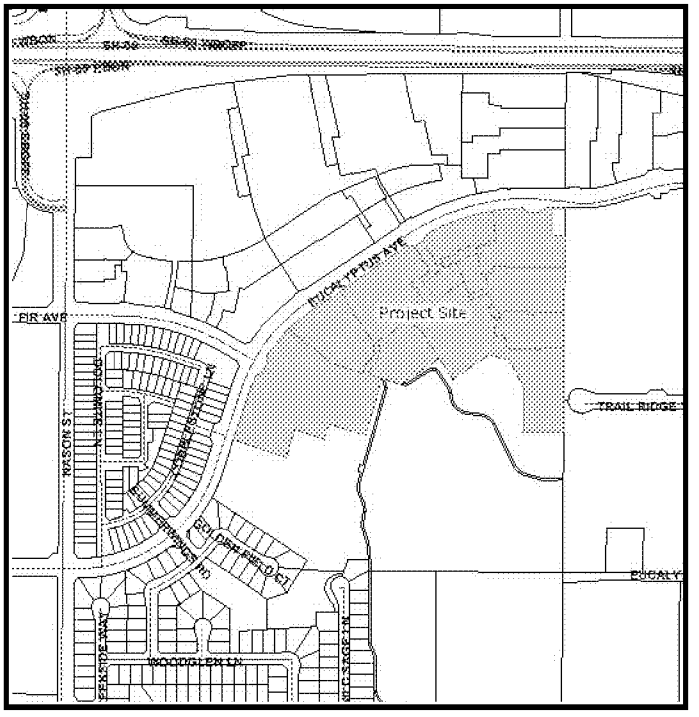

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.
CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

Item No. E.1

MV00114159

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MV00114160

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00114166

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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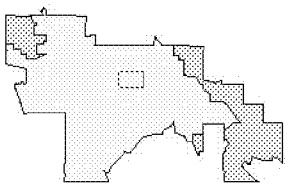

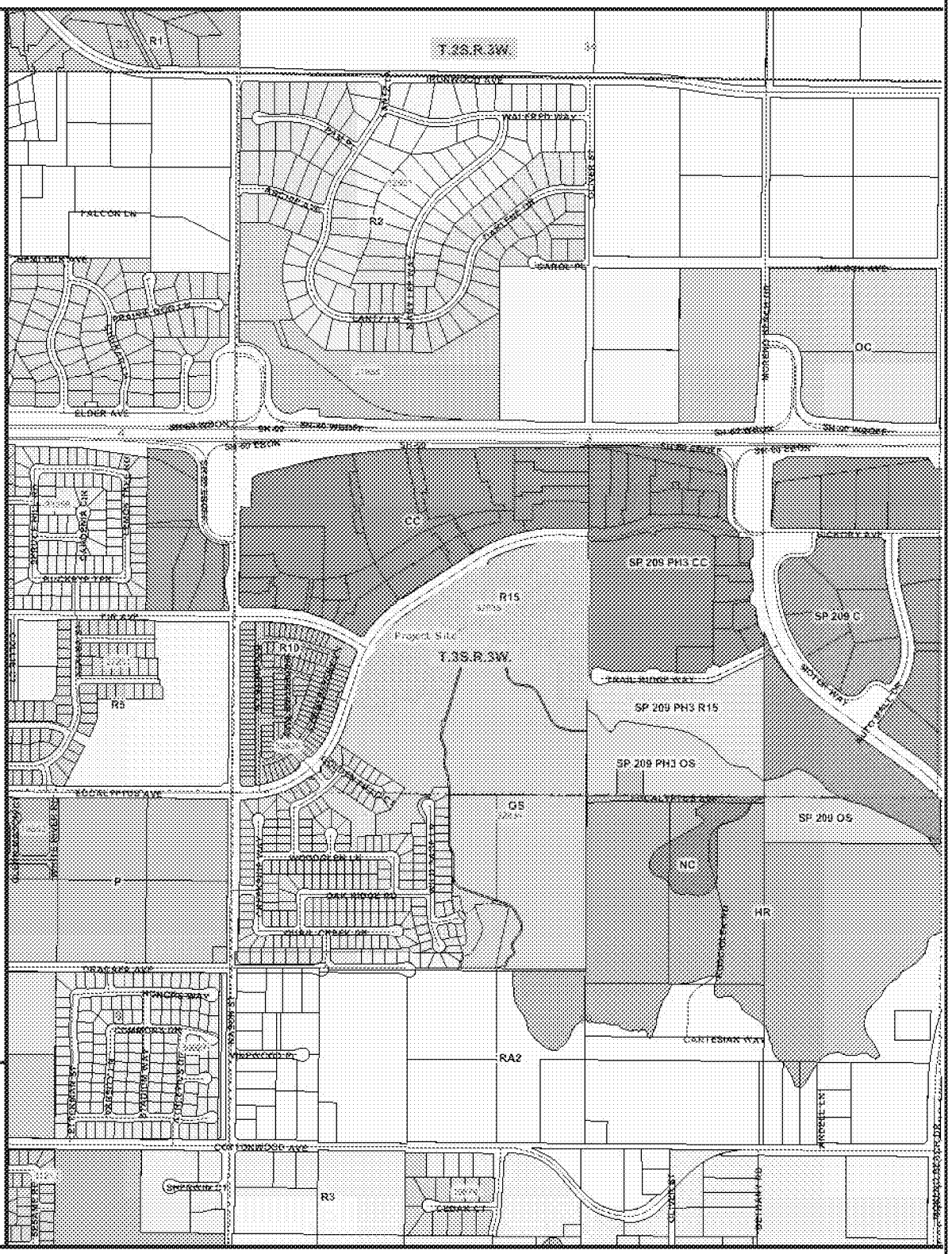

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

MV00114201

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MV00114202

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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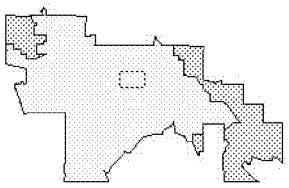

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

Item No. E.1

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MV00114204

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS (Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as "Nature Park" on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will [illegible] individual lots with detached single-family homes, common open space private access roads. The [illegible]non open space includes a recreation

building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

Other Design Considerations

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees [illegible] te streets and allow continual break-up of the project massing. In addition, [illegible] will be clustered in strategic [illegible]ons such as on corner lots, adjacent to

guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be r[illegible]d by 50% from the Current Fe

third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets [illegible]nt standards as allowed [illegible]r Section 9.03.060 (Planned Unit

Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Ac[illegible] guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by:

Mark Gross, AICP
Senior Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
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Item No. E.1

(provided in reduced format in Exhibit 6).

6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

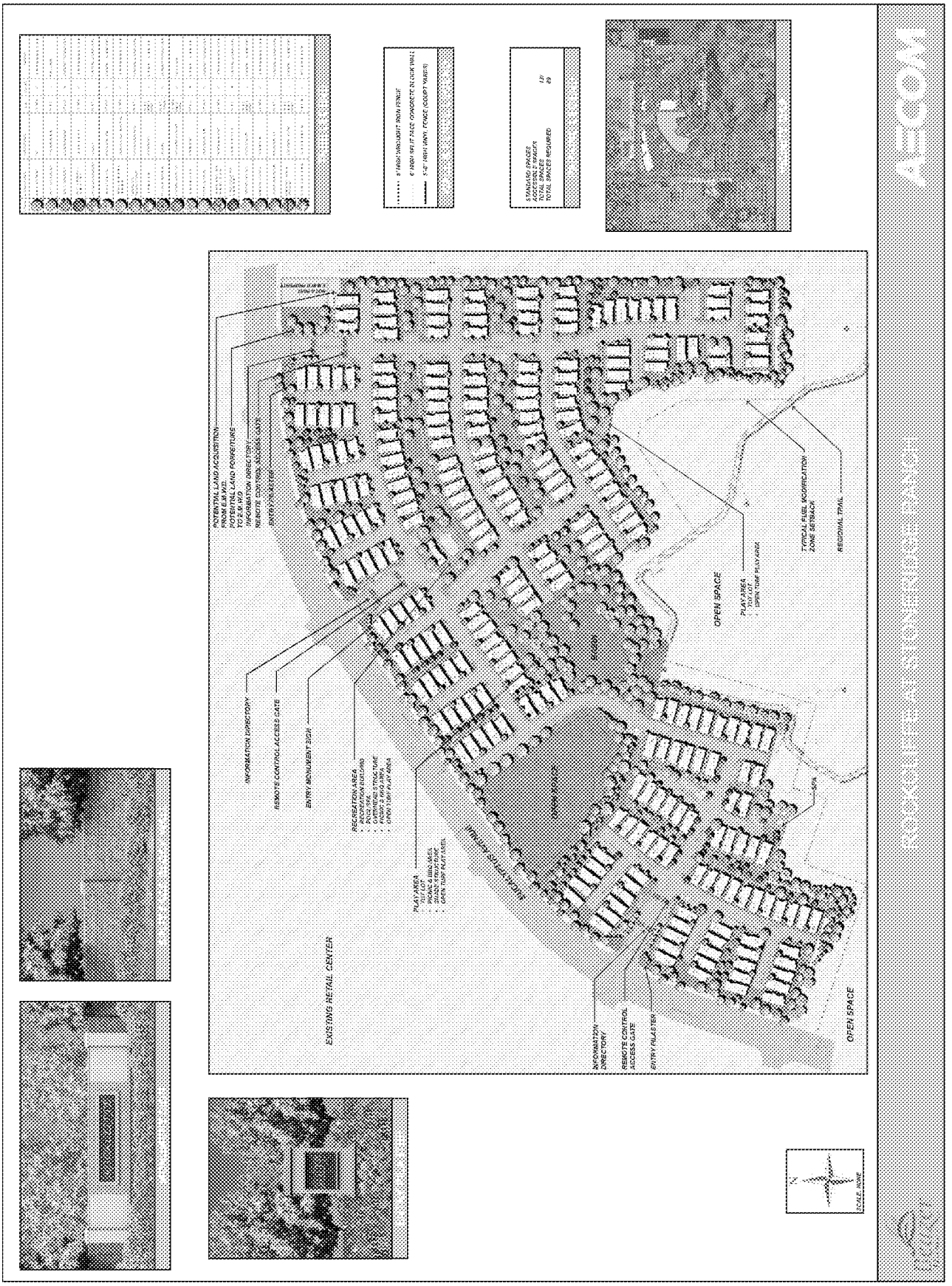

ATTACHMENT 7

Item No. E.1

PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

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MV00114228

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the City Council, after conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;
   b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

   a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 has Conditions of Approval that require them to provide a funding source to help support the Stormwater Management program and the CSD Zone M program. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charges for the CSD Zone M program. The property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 28, 2011 and the Public Hearing on July 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies

are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to pruning, trimming, fertilizing, replacing plant material(s) as necessary, litter removal, maintenance of the irrigation systems, weed control, payment of the water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charges are levied on the property tax bill.

The CSD Zone M annual charges for APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 were estimated based on the proposed Perris Blvd. median adjacent to the parcels. Upon future development, parcels adjacent to the proposed median shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charges for balloting APNs shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceeding for First Industrial, receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M annual charges for First Industrial. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results of the mail ballot proceeding for First Industrial. *This alternative would be contrary to Proposition 218 mandates and may not allow the property owners to comply with their conditions of approval.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charges for First Industrial are as follows:

Property Owner	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
First Industrial		
APN 316-200-003 (and any division thereof)	$205	$494.31
APN 316-200-009 (and any division thereof)	205	492.14
APN 316-200-010 (and any division thereof)	205	516.09
APN 316-200-011 (and any division thereof)	205	489.96
APN 316-200-012 (and any division thereof)	205	2,184.13
APN 316-200-013 (and any division thereof)	205	520.44
APN 316-200-014 (and any division thereof)	205	520.44
APN 316-200-018 (and any division thereof)	205	1040.89
APN 316-200-028 (and any division thereof)	205	435.52
APN 316-200-029 (and any division thereof)	205	1,796.51

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Stormwater Management program.

There is no impact in the General Fund for the ongoing maintenance of the proposed median on Perris Blvd, north of Nandina Ave. The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for First Industrial.

NOTIFICATION

On May 17, 2011, a ballot packet was mailed to the owner of each parcel associated with Tentative Parcel Map 35859. The packets included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the June 28, 2011, Public Meeting and July 12, 2011, Public Hearing was published in The Press-Enterprise on June 9, 2011. Additionally, the Public Hearing notification was published on June 23 and again on June 30, 2011.

ATTACHMENT

Attachment 1: First Industrial sample mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114234

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MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

First Industrial
c/o First Industrial Realty Trust
Jeff Evans, Operations Director
898 N. Sepulveda Blvd., Suite 750
El Segundo, CA 90245

May 17, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charges for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 are subdivided. If APNs are merged then the annual charges for those APNs shall be combined. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M annual charge for FY 2010/11 for the proposed Perris Blvd. median is $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy

amount will be assessed to APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, July 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a simple majority (50%+1) of the ballots are marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if a simple majority of the returned valid weighted ballots approve the annual charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If there is a tie or if a majority of the returned valid ballots oppose the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If there is a tie or if a majority of the returned valid weighted ballots oppose the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bills and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, July 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for ASSESSOR PARCEL NUMBERS (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

Moreno Valley Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof), **I approve** the annual CSD Zone M charges for FY 2010/11 for the proposed Perris Blvd. median of $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. Beginning FY 2011/12, the annual CSD Zone M charges shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amounts shall be assessed on the Riverside County property tax bills as planning of the Perris Blvd median occurs. The CSD Zone M charges shall be proportionally adjusted if said APNs are subdivided. If parcels are merged then the annual charges for those parcels shall be combined.

NO** — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the CSD Zone M annual parcel charges. I understand that not incorporating said APNs into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charges shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge*
316-200-003 (and any division thereof)	☐	☐	$494.31
316-200-011 (and any division thereof)	☐	☐	$489.96
316-200-028 (and any division thereof)	☐	☐	$435.52
316-200-029 (and any division thereof)	☐	☐	$1,796.51

*The weighted value for each APN is equal to its proposed annual charge. The total proposed charge for TPM 35859 is $8,490.43.

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for Assessor Parcel Numbers (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
316-200-003 (and any division thereof)	☐	☐	$205 per parcel
316-200-011 (and any division thereof)	☐	☐	$205 per parcel
316-200-028 (and any division thereof)	☐	☐	$205 per parcel
316-200-029 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

MV00114240

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

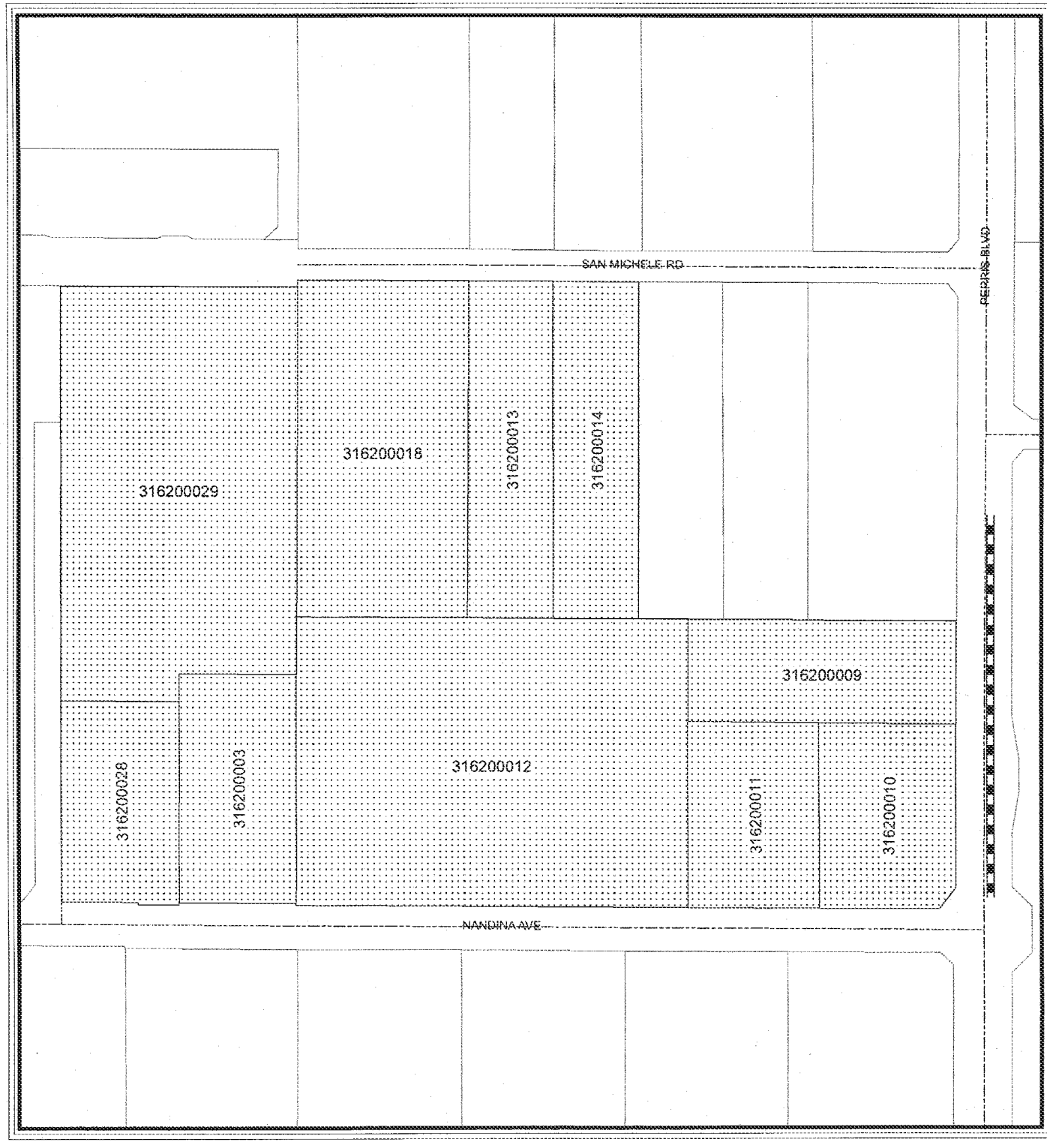

TPM 35859

APN

- 316200003
- 316200009
- 316200010
- 316200011
- 316200012
- 316200013
- 316200014
- 316200018
- 316200028
- 316200029
- Roads
- Parcels
- City Boundary
- Median
- Landscaped Areas

N

Map reflects all changes indicated on Riverside County Assessor Maps as of May 11, 2011.

0 150 300 450 600 Feet

G:\AVP\SDA\TPM 35859 PA07-0165.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

RIDGE PROPERTY TRUST

201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

June 29, 2011

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Case P08-133, PA08-0098, PA10-0017, PA08-0097, and PA09-0022
Applicant: Ridge Rancho Belago, LLC
Owner: Ridge Rancho Belago, LLC

Dear John,

As you know, on May 12, 2011 the City of Moreno Valley Planning Commission disapproved adoption of Resolution No. 2011-13 recommending to the Moreno Valley City Council the following items:

1. Approval of P08-133 (Approval and Certification of the EIR for the WestRidge Commerce Center project),
2. Approval of PA08-0098 (Zone Change),
3. Approval of PA10-0017 (Municipal Code Amendment),
4. Approval of PA08-0097 (Plot Plan), and
5. Approval of PA09-0022 (Tentative Parcel Map 36207)

On May 18th, Ridge Rancho Belago LLC formally appealed (see the attached letter) the decision of the Moreno Valley Planning Commission to the 5 member Moreno Valley City Council.
Our appeal to the Moreno Valley City Council Members was then scheduled for the July 12, 2011 City Council meeting.
Per this letter, I respectfully request a continuance of our appeal to the City Council meeting scheduled for August 23, 2011.

Thank you for your consideration and please call me if you have any questions.

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Cc: Jeff Bradshaw, City of Moreno Valley
Gil Saenz, Inland Empire Development Services

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t (562) 856-3819 | f (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

RIDGE PROPERTY TRUST

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

- ☐ Administrative Plot Plan
- ☐ Administrative Variance
- ☐ Amended Conditional Use Permit
- ☐ Amended Plot Plan
- ☐ Change of Zone
- ☐ Conditional Use Permit
- ☐ Development Agreement
- ☐ Development Code Amendment
- ☐ Extension of Time
- ☐ General Plan Amendment
- ☐ Plot Plan
- ☐ Pre-Application Review
- ☐ Specific Plan
- ☐ Specific Plan Amendment
- ☐ Tentative Parcel Map
- ☐ Tentative Tract Map
- ☐ Variance
- ☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet east of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Ranch Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: drice@ptrnet.com

Contact Person: Derek Rice

OWNER Name: same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services LLC — Telephone: (951) 845-1003 cell 909-226-0420

Address 931 Monarch Court — Fax No. (951) 845-9225

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson@ieds.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name
Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Dennis S. Rice 5-18-2011
Property Owner's Signature Date

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Dennis S. Rice 5-18-2011
Applicant's Signature Date

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60605

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈001194⑈ ⑆071000013⑆495693⑈

Item No. E.3

MV00114248

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

1. **ADOPT** City Council Resolution No. 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution.

OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

1. **ADOPT** City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

2. **INTRODUCE** Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

3. **INTRODUCE** Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

4. **ADOPT** City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

5. **ADOPT** City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, on May 12, 2011, denied the proposed Zone Change required to allow the project. The Planning Commission adopted Resolution No. 2011-13 (Attachment 21) on June 9th documenting the denial by a vote of 3-2 with two commissioners absent or abstaining. Individual Planner Commissioners stated concerns with increased truck traffic on Redlands Boulevard, impacts to aesthetics and views from State Route 60, and the lack of a specified tenant for the project.

Appeal

An appeal of the Planning Commission's denial was submitted on May 19, 2011, by the applicant, Ridge Rancho Belago, LLC. The appeal was received within the required 15 day appeal period. The appeal letter has been included as Attachment 22.

The letter listed the following as the reasons for the appeal:

- The project's architecture is consistent with prior approvals for warehouse buildings of similar size;
- Requiring a project to have a signed lease agreement prior to approval of the land use is not a standard practice.
- Redlands Boulevard is currently identified as a truck route in the City's General Plan. The traffic study identified intersection and roadway segments that required mitigation to meet or improve General Plan levels of service requirements and the project has been conditioned to complete/install infrastructure in the immediate vicinity and off-site to mitigate operational impacts to the City's circulation system.

BACKGROUND

West Ridge Commerce Center

The applicant, Ridge Rancho Belago, LLC, submitted five applications for development of the West Ridge Commerce Center Project (Zone Change, Municipal Code Amendment, Plot Plan, Tentative Parcel Map, and Environmental Impact Report), in order to develop a 937,260 square foot warehouse facility on a 55-acre site located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard is presented as a Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was an issue reviewed for the project. Future Eucalyptus Avenue separates the proposed project from residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site.

In order to provide compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone

of 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

The Municipal Code Amendment would add a standard to the Light Industrial zone to require industrial and warehouse structures greater than 50,000 square feet to be separated from any residential district as determined by an air quality and noise impact analysis. The minimum separation distance would be 250 feet between the residential district and the building, truck court or loading area. Attachment 18 provides the proposed Amendment text. The proposed amendment would be effective City-wide.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility on 55 acres. The warehouse facility is a permitted use in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas on the northern and southern elevations and are screened by perimeter concrete tilt-up walls and slopes with a tree row required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide parking lot and setback landscape to include ground cover, shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will include curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, the Draft EIR was prepared by Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the Draft EIR for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required responsible agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. Two letters were received after the end of the review period.

Final Environmental Impact Report

The Draft EIR and Response to Comments constitute the Final EIR. Responses to the comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Final EIR was mailed to all interested parties and responsible agencies on April 28, 2011, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of

potential impacts cannot be reduced to a less than significant level. As identified in the document, these impacts are considered to be significant and unavoidable.

Although certain identified impacts cannot be reduced to less than significant levels, CEQA allows the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs. If the decision making body determines that the benefits of a proposed project outweigh its unavoidable adverse environmental effects, it may adopt a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant and do not require mitigation. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

Typically, the Planning Commission would take public testimony on the EIR and project and forward a recommendation to City Council. However, since the Planning Commission voted 3-2 denying approval of the requested Zone Change, effectively denying the project, no review or recommendation on the EIR was required.

Before the proposed project can be acted upon, the City Council must review the final EIR, receive public testimony and either certify or reject the Final EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

The proposed Municipal Code Amendment is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

DISCUSSION

Planning Commission Public Hearing

Prior to the Planning Commission public hearing on May 12, 2011, staff received three emails from the Sierra Club commenting on the project and the related EIR. An email was also submitted by Paul Claxton, along with letters from the South Coast Air Quality Management Board and Johnson & Sedlack (Attachments 23-28). Copies of the referenced correspondence were provided to the Planning Commission.

A public hearing for the project was conducted on May 12, 2011. Following presentation of the staff report, the applicant spoke and answered Commissioner questions related to building architecture, notification efforts by the applicant, and pre-leasing the building prior to approval of the land use.

There were three speakers at this meeting. Concerns raised by the speakers included increased truck traffic on Redlands Boulevard and Ironwood Avenue, too frequent changes to the General Plan Land Use Element, the City's policy for notification of a public hearing, opposition to the Zone Change request, preservation of the rural east end of City, air quality and Commissioner objectivity.

The Planning Commission asked the applicant whether they would agree to change the architecture or guarantee a tenant or buyer. The applicant indicated that securing a tenant or buyer prior to approval of the project was not a possibility. The applicant was not willing to make changes to the architecture and asserted that the proposed architecture meets current City design criteria. Planning staff stated that the proposed architecture is consistent with both the Municipal Code and prior City warehouse approvals.

Following public testimony, the Planning Commissioners discussed the project, and then voted 3-2 to deny the Zone Change, effectively denying the project based on concerns with the project's design and potential impacts. There was no discussion of the Environmental Impact Report and no recommendation action taken on project's environmental documents.

ALTERNATIVES

1. The City Council could deny the project by adopting the denial resolution included as Attachment 2.

2. The City Council could approve the project by adopting the resolutions and ordinances included as Attachments 3 through 7.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

SUMMARY

This report addresses the appeal of the Planning Commission's May 12, 2011 denial of Zone Change application PA08-0098 to change the zone from Business Park to Light Industrial for a 55 acre site for the West Ridge Commerce Center project. The project also includes applications for Plot Plan PA08-0097 for a 937,260 square foot warehouse facility on 55 acres; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum

separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal. Staff has provided recommended actions that would permit City Council to either uphold the Planning Commission denial or overturn that action and approve the proposed project.

NOTIFICATION

Notice of the appeal of the proposed West Ridge Commerce Center project was provided to all property owners of record within 300' of the properties covered under these applications as well as agencies and interested parties that requested notification of public meetings for this project. The public hearing notice for this project was also posted on the property site and published in the local newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. City Council Denial Resolution No. 2011-76
3. Environmental Impact Report Resolution No. 2011-77, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Ordinance No. 829 - Zone Change
5. Ordinance No. 830 - Municipal Code Amendment
6. Resolution No. 2011-78 - Plot Plan PA08-0097
7. Resolution No. 2011-79 - Tentative Tract Map 36207
8 Planning Commission Staff Report excluding exhibits
9. Planning Commission Minutes from May 12, 2011 meeting
10. Environmental Impact Report
11. Site Plan
12. Elevations
13. Color Rendering
14. Cross Sections – Line of Sight
15. Preliminary Landscape Plan
16. Tentative Parcel Map 36207
17. Aerial Photograph
18. Revisions to Municipal Code Chapter 9.05 Industrial Districts
19. Response to SCAQMD comments
20. Response to Tom Hyatt comments
21. Planning Commission Denial Resolution No. 2011-13
22. Appeal letter from Ridge Rancho Belago, LLC dated 05/19/11
23. Sierra Club email dated 05/05/11
24. Sierra Club email dated 05/09/11
25. Sierra Club email dated 05/11/11
26. Johnson & Sedlack comment letter dated 05/12/11
27. South Coast Air Quality Board comment letter dated 05/12/11
28. Email comments from Paul Claxton date 05/11/11

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00114258

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: P08-133 – Environmental Impact Report
PA08-0098 – Zone Change
PA10-0017 – Municipal Code Amendment
PA08-0097 – Plot Plan
PA09-0022 – Tentative Parcel Map No. 36207

APPLICANT: Ridge Rancho Belago, LLO

OWNER: Ridge Rancho Belago, LLC

REPRESENTATIVE: Inland Empire Development Services

LOCATION: South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard

PROPOSAL: A public hearing regarding an appeal of the Planning Commission's May 12, 2011 denial of a Zone Change (PA08-0098) from Business Park (BP) to Light Industrial (LI) for a 55 acre site for the West Ridge Commerce Center project. The project also includes a Plot Plan (PA08-0097) for a 937,260 square foot warehouse facility; Tentative Parcel Map No. 36207 (PA09-0022) to create a single parcel; and a Municipal Code Amendment to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the project.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

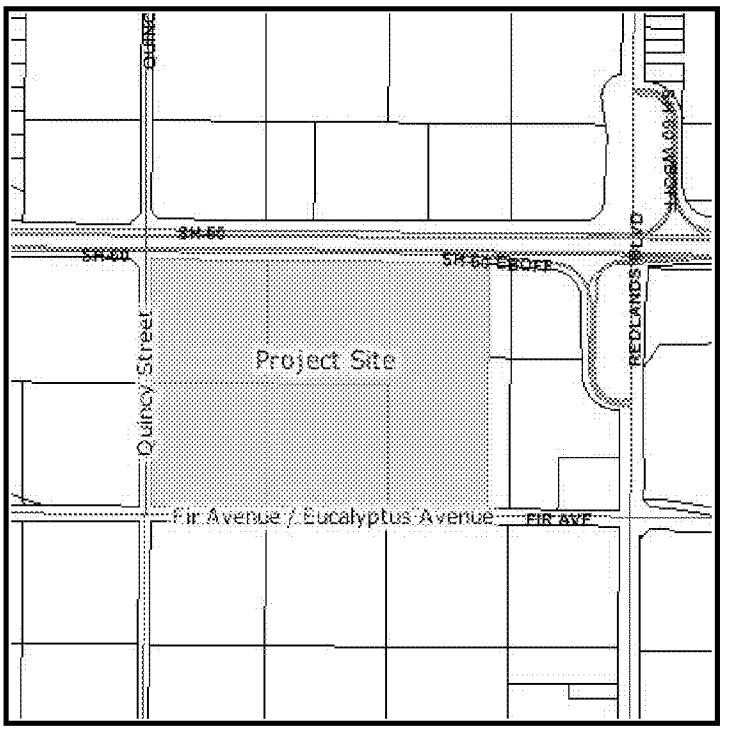

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: July 12, 2011 at 6:30 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

ATTACHMENT 1

Item No. E.3

MV00114259

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MV00114260

RESOLUTION NO. 2011-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on June 9, 2011, the Planning Commission adopted a resolution by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider an appeal of the Planning Commission's denial of the Zone Change application.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the City Council voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor.

The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources. The proposed project includes a 937,260 square foot warehouse industrial building which exceeds the maximum building area of 50,000 square feet permitted by the current zoning designation of Business Park. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

2. The proposed warehouse industrial buildings would increase the amount of heavy truck traffic on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic would be incompatible with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building would be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, DENYING a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00114264

RESOLUTION NO. 2011-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P08-133), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE WEST RIDGE COMMERCE CENTER PROJECT, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF FIR AVENUE/FUTURE ECUALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD.

WHEREAS, on July 12, 2011, the City Council of the City of Moreno Valley held a public hearing to consider the Environmental Impact Report and all related environmental documentation for the proposed project, which includes a Plot Plan for a 937,260 square foot distribution warehouse facility on 55 acres. The warehouse building includes 173 dock doors and provides parking for 307 employees/visitors and 175 trailer parking spaces within the enclosed truck court. The project site is currently zoned Business Park which limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial is required to allow the larger building proposed by the project. Tentative Parcel Map No. 36207 proposes to combine the multiple parcels of the project site into a single parcel This project also requires approval of a Municipal Code amendment to Chapter 9.05 Industrial Districts to require a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. The proposed amendment will be effective citywide;

WHEREAS, the project includes applications for a Change of Zone (PA08-0098), Municipal Code Amendment (PA10-0017), a plot plan (PA08-0097) and a tentative parcel map (PA09-0022). All the applications are related but shall not be approved unless the Environmental Impact Report (P08-133) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on October 22, 2010, while the review period ended on December 6, 2010. A Final EIR, (including the Draft EIR and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on April 28, 2011, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR with complete responses to comments to the State Clearinghouse, local agencies and other interested parties;

ATTACHMENT 3

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider a Final EIR for this project.

WHEREAS on July 12, 2011, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

WHEREAS, the draft and final EIR concerning the proposed West Ridge Commerce Center Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the West Ridge Commerce Center Project, including, but not limited to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use, noise, transportation/traffic, and utilities/service systems;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The City Council certifies that the final Environmental Impact Report (EIR) for the West Ridge Commerce Center Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The City Council hereby adopts the Findings and Statement of Overriding Considerations regarding the final EIR for the West Ridge Commerce Center Project, attached hereto as Exhibit A; and

3. The City Council hereby approves the Mitigation Monitoring Program for the final EIR for the proposed West Ridge Commerce Center Project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the Westridge Commerce Center Project (State Clearinghouse No. 2009101008)

I. INTRODUCTION

The City Council of Moreno Valley (this "Council"), in certifying the EIR for the Westridge Commerce Center Project and approving Tentative Parcel Map 36207 and a Plot Plan authorizing the construction of up to 937,260 square feet of light industrial/distribution warehouse uses (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the City of Moreno Valley. The Project site consists of approximately 54.66 acres of vacant and undeveloped land, located southeasterly of the SR-60 interchange with Redlands Boulevard. Specifically, the Project is bounded by SR-60 to the North, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the

EXHIBIT A

west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east.

Properties to the west of the Westridge Commerce Center Project site, across the Quincy Channel, are currently in agricultural production; however, a development proposal has been submitted to the City for this adjacent site, involving six (6) distribution warehouse facilities totaling approximately 2.25 million square feet on 117 acres, and an EIR is currently being prepared for this project. To the south, across the Fir (future Eucalyptus) Avenue alignment, properties are currently vacant with the exception of one residence located near the southeasterly corner of the Project site. No active development proposals exist for southerly adjacent properties, which have a General Plan Land Use designation of "R2," allowing two dwelling units (DU) per acre. Properties immediately to the east of the Project site are designated for commercial use, though no development proposal is currently on file. Further to the east, across Redlands Boulevard, the Highland Fairview Corporate Park project is currently under construction. At buildout, this Project would involve approximately 2.6 million square feet of warehouse distribution uses and 200,000 square feet of commercial uses on approximately 158 acres located south of SR-60, between Redlands Boulevard and Theodore Street.

2. <u>Project Description</u>

The Project consists of construction and operation of an approximately 937,260 square foot light industrial/distribution warehouse facility, with onsite parking, circulation, and all required infrastructure. The Project site is currently designated for Business Park/Light Industrial uses in the City's General Plan, and its zoning designation is Business Park. The development of the Project requires a change of zone, from Business Park to Light Industrial zoning, to allow for the proposed light industrial/distribution warehouse uses configured in a single structure greater than 50,000 square feet. A Municipal Code text amendment to Section 9.05.020 B is also required by the Project, to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- A zone change from Business Park to Light Industrial;
- Amendment to Municipal Code Section 9.05.020 B [Light Industrial Districts];
- Tentative Parcel Map approval (PM 36207);
- Development Plan Review and Plot Plan approval for the entire Project;
- Construction, grading, and encroachment permit approvals;
- Vacation and/or dedication of public rights-of-way and easements;
- Approval of the Final Water Quality Management Plan (WQMP); and
- Any other City of Moreno Valley approvals that may be necessary pursuant to applicable laws and regulations.

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the NOP/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On October 1, 2009 the City circulated a Notice of Preparation ("NOP") and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On October 28, 2009, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from October 1 to October 30, 2009. Written comments on the NOP were received from 26 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics; agricultural resources; air quality; biological resources; geology and soils (seismic risk); hazardous materials; hydrology/water quality; land use; noise; solid waste generation; traffic and circulation; water supply; alternatives selection; cumulative impacts; growth inducement; and the use of green building standards and solar energy.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information and analysis to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Agricultural Resources; (2) Geology and Soils; (3) Hazards/Hazardous Materials; (4) Mineral Resources; (5) Population/Housing; (6) Public Services; (7) Recreation; and, (8) Utilities and Service Systems.

- On October 21, 2010, the NOA/NOC was filed with the Riverside County Recorder and the State Clearinghouse and the DEIR was circulated for the 45 day public review, which ended December 6, 2010.
- The City received a total of six (6) comment letters from public agencies; five (5) from local business or community organizations; and thirteen (13) from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 3.0 of the FEIR.
- On December 2, 2010, the City held a publicly noticed meeting to provide additional information about the Project and the EIR.
- On April 29, 2011 in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On May 12, 2011, the City Planning Commission conducted a public hearing to consider the Project. After public testimony presented at the hearing, the Planning Commission denied the requested Zone Change for the Project, effectively denying the Project.
- On May 19, 2011, an appeal letter and application were submitted to the City by the applicant, Ridge Rancho Belago, LLC, appealing the Planning Commission's denial of the Project to the City Council.
- On June 30, 2011, Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On July 12, 2011, this Council approved a continuance to August 23, 2011.
- On August 23, 2011, this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding

Considerations, and the further recommendations in the Staff Report, and approved the Project, including the requested change of zone, Municipal Code Amendment, and PM 36207 (collectively the "Approvals").

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of Applied Planning, Inc. ("Applied Planning") to prepare the EIR for the Project. Applied Planning has prepared the EIR under the supervision, direction and review of the City with the assistance of an independent peer review (Willdan Associates). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures

recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 and 5.0 of the DEIR and Section 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 3.0 of the FEIR.

The EIR evaluated nine major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Land Use, Noise, Traffic and Circulation and Water Supply. Both Project-specific and cumulative impacts were evaluated. Of these nine major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

1. **Land Use**

a. **General Plan Consistency**

Potential Significant Impact: Whether the Project is consistent with applicable provisions of the City's General Plan.

Findings: Potential impacts of the Project related to consistency with the General Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to General Plan consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's General Plan Land Use designation is "Business Park/Light Industrial." The warehouse and distribution uses proposed by the Project are permitted or conditionally permitted by, and therefore are considered to be consistent with, applicable General Plan Land Use Plans and Policies. (DEIR, pg. 4.1-17) Accordingly, impacts associated with General Plan consistency would be less-than-significant and no mitigation is required.

b. **Zoning Consistency**

Potential Significant Impact: Whether the Project would conflict with the applicable zoning.

Findings: Potential impacts of the Project related to consistency with zoning are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to zoning consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's existing zoning designation of Business Park (BP) does not allow for development of distribution warehouse uses within single structures of more than 50,000 square feet, as proposed by the Project. As such, a zone change from BP to Light Industrial (LI) is requested in order to accommodate the Project. The proposed LI zoning designation is consistent with the site's underlying General Plan Land Use designation of Business Park/Light Industrial. In order to ensure compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses, a Municipal Code Amendment is also proposed that would require a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as

required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. (DEIR, pgs. 4.1-20 to 4.1-24) Accordingly, with approval of the Project's requested zone change and Municipal Code Amendment, impacts associated with zoning consistency would be less-than-significant and no mitigation is required.

c. Consistency with SCAG Plans and Policies

Potential Significant Impact: Whether the Project would conflict with any applicable Southern California Association of Governments (SCAG) plan or policy.

Findings: Potential impacts of the Project related to consistency with the applicable SCAG plans and policies are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impacts related to inconsistency with SCAG's regional plans or policies areas will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a SCAG member agency, and is subject to applicable Policies of SCAG's regional plans. The DEIR assessed the Project and found it to be consistent with applicable SCAG Policies on Growth Management, Air Quality, Open Space and Conservation, and Water Quality, Regional Transportation. The Project was also found to be consistent with SCAG's Regional Transportation Plan and Compass Growth Visioning Principles. (DEIR, pgs. 4.1-24 to 4.1-30) Accordingly, any impact associated with SCAG plan or policy consistency would be less-than-significant and no mitigation is required.

d. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with applicable Habitat Conservation Plans or other natural community conservation plans.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan. The Project complies with all applicable provisions of the MSHCP. The Project site is not within an MSHCP Criteria Cell, nor is the site within 1,000 feet of an identified Criteria Cell. No MSHCP conservation areas or habitat linkages occur onsite. (DEIR, pg. 4.1-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required.

Prior to the implementation of the MSHCP, Riverside County adopted a separate HCP for the Stephens' kangaroo rat (SKR, Dipodomys stephensi), which are federally listed as endangered and state listed as threatened. As with the MSHCP, participants of the SKR HCP can incorporate projects into the incidental "take" permit for SKR if the project complies with the requirements of the SKR HCP implementing agreement. Payment of the mitigation fees and compliance with the SKR HCP requirements provides full mitigation under CEQA for impacts to SKR. (DEIR, pg. 4.8-14)

e. Potential to Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the potential division of an established community are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the physical division of an established community will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is located within, and continues the business park/light industrial land uses that exist or are proposed along the City's southerly SR-60 frontage, consistent with land use and development patterns reflected in the Moreno Valley General Plan Land Use Map. Adjacent parcels to the east and south are currently vacant, with the exception of a single family residence to the south of Fir (future Eucalyptus) Avenue near the Project site's southeasterly corner. Parcels adjacent to this residence are designated for Rural Residential (RA-2) uses. However, with the exception of the single existing residence south of Fir (future Eucalyptus) Avenue, this adjacent, residentially designated area is not yet

developed, and as such, does not constitute an "established community." Implementation of the Project will realize light industrial/warehouse distribution uses that are compatible with, and similar to, anticipated development to the east and west of the Project as part of the approved Highland Fairview Corporate Park project, and the proposed ProLogis project. (DEIR, pgs. 4.1-32 to 4.1-33) Accordingly, any impacts related to the division of an established community would be less-than-significant and no mitigation is required.

f. Cumulative Impacts Related to Land Use

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to land use.

Findings: Potential cumulative impacts of the Project related to land use are discussed in detail in Section 5.1.1.1 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to land use will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. While it is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area, the proposed land use is consistent with the City's General Plan Land Use Element. The Project is also consistent with SCAG's regional plans and policies and the Western Riverside County MSHCP. With approval of the requested zone change (from Business Park to Light Industrial) and Municipal Code Amendment, in addition to approval of the discretionary actions identified in Section II (A)(3) of these Findings, the Project's contributions to potential cumulative land use impacts related to General Plan, Zoning, and Regional Plan consistency are less-than-significant. There are no known or probable off-site development proposals that would not, or could not, comply with applicable General Plan provisions; or that would otherwise adversely compound land use approvals requested by the Project, and so be determined to be cumulatively significant. It is assumed that other development projects within the cumulative impact area will also request appropriate discretionary land use approval where necessary, thereby reducing potential cumulative impacts. (DEIR, pgs. 5-5 to 5-7) Accordingly, any impacts to land use would not be cumulatively considerable and no mitigation is required.

2. Traffic and Circulation

a. Increase in Roadway Hazards

Potential Significant Impact: Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to increased roadway hazards are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: To ensure appropriate design and implementation of all Project access improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. Efficient and safe operations of the Project are provided by on-site and localized circulation and intersection improvements included as components of the Project. The safety of bicyclists and pedestrians shall be taken into consideration during the final design of future intersections within the vicinity of the Project. Additionally, sight distance at each Project access point shall be reviewed with respect to standard Caltrans/City of Moreno Valley sight distance standards at the time of preparation of final grading, landscape and street improvement plans. Temporary and short-term traffic detours and traffic disruption that may result during Project construction is adequately addressed through the submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours. Implementation of the approved construction area traffic management plan and resulting construction traffic control measures reduces potential circulation system impacts during construction to levels that are less-than-significant. (DEIR, pgs. 4.2-84 to 4.2-85) Therefore, no mitigation is required.

b. Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access or access to nearby uses.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the construction area traffic management plan/construction traffic control measures will assure adequate emergency access during the construction of the Project. Adequate emergency access will be provided upon completion of the Project improvements and mitigation measures. Prior to buildout of the local roadway system, which will ultimately include a bridge over the Quincy Channel, analysis included in the DEIR indicates that emergency vehicles serving the Project vicinity will be able to meet or exceed Moreno Valley Fire Protection Agency objectives for a five-minute response time using any of three alternate routes. Additionally, buildout of the local roadway system will improve overall emergency response to the area. (DEIR, pgs. 4.2-86 to 4.2-88) Accordingly, any impacts related to emergency access would be less-than-significant and no mitigation is required.

c. Alternative Transportation

Potential Significant Impact: Whether the Project would conflict with adopted policies supporting alternative transportation.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Riverside Transit Agency (RTA) currently provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. City staff has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project. However, the Project does not propose elements or aspects that would interfere or conflict with

the future provision of transit services. The Project will provide pedestrian and bikeway facilities consistent with City Municipal Code requirements to be identified in the Project Conditions of Approval, thereby reducing potential impacts below significance thresholds. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pg. 4.2-89) Therefore, no mitigation is required.

d. Air Traffic Patterns

Potential Significant Impact: Whether the Project would increase or otherwise affect existing air traffic patterns.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any change in air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an Airport Area of Influence or Airport Land Use Plan (ALUP). The March Inland Port/March Air Reserve Base is the airport located nearest the Project site, approximately five miles to the southwest. The Project does not propose elements that would affect, or be affected by, air traffic facilities. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pgs. 4.2-89 to 4.2-90) Therefore, no mitigation is required.

3. <u>Air Quality</u>

a. Air Quality Management Plan Consistency

Potential Significant Impact: Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Potential impacts of the Project related to the applicable air quality plan are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable air quality plan and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project is consistent with, and will not impede or otherwise conflict with implementation of the Air Quality Management Plan ("AQMP"). The

Project is consistent with AQMP Consistency Criterion No. 1 because it will not cause a potential increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (DEIR, pgs. 4.3-51 to 4.3-52) The Project will not exceed the California Ambient Air Quality Standards ("CAAQS") for localized criteria pollutants during construction operations. While operational emissions will be generated in excess of SCAQMD's regional threshold criteria, these emissions are already accounted for in the AQMP since the Project is consistent with the land uses and development intensities reflected in the City General Plan and incorporated in the adopted AQMP. Consistent with intent and provisions of the AQMP, the Project will implement all feasible mitigation, and comply with all applicable SCAQMD rules developed to reduce air pollutant emissions. The Project is also consistent with AQMP Consistency Criterion No. 2 because the extent of air pollutant emissions generated by the Project would be no greater than is reflected in the current General Plan and incorporated in the adopted AQMP. Because the Project is consistent with the General Plan Land Use designation of Business Park/Light Industrial, it does not exceed growth projections contained in the City's General Plan, and is consistent with growth assumptions in the AQMP. (DEIR, pgs. 4.3-52 to 4.3-53) Accordingly, impacts related to consistency with the applicable air quality plan will be less-than-significant and no mitigation is required.

b. Objectionable Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon

completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. (DEIR, pg. 4.3-88) Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required.

c. Greenhouse Gas Emissions

2. Potential Significant Impact: Whether the Project would directly or indirectly generate greenhouse gas emissions that may have a significant impact on the environment.

3. Findings: Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to the direct or indirect creation of greenhouse gas emissions and, therefore, no mitigation is required. Nonetheless, in order to reduce Project-related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, the following Mitigation Measures 4.3.11 through 4.3.13 will be implemented through the MMRP.

4.3.11 *Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.*

- *Increase in insulation such that heat transfer and thermal bridging is minimized;*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*
- *Incorporate dual-paned or other energy efficient windows;*

- *Incorporate energy efficient space heating and cooling equipment;*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;*
- *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*

4.3.12 *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.*

4.3.13 *GHG emissions reductions measures shall also include the following:*

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan*

approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

- *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.*
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*
- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*
    - *Implementation of compressed workweek schedules;*
    - *SmartWay partnership;*

- *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*
- *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Facts in Support of the Findings: As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the DEIR's analysis demonstrates that the Project will not exceed the proposed quantitative thresholds of CARB or the SCAQMD. Accordingly, Project greenhouse gas emissions impacts are considered less-than-significant. (DEIR, pgs. 4.3-88 to 4.3-94)

a. Greenhouse Gas Emission Reduction Plan Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to consistency with greenhouse gas emission reduction plans are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable greenhouse gas emissions reduction plans and, therefore, no mitigation is required.

Facts in Support of the Findings: In the absence of approved guidelines or thresholds, the Project's consistency with the State's goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan. As documented in the DEIR, the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. Additionally, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures. (DEIR, pgs. 4.3-94 to 4.3-110) Accordingly, impacts related to consistency with applicable greenhouse gas emissions reduction plans will be less-than-significant and no mitigation is required.

4. Noise

a. Ground-Borne Vibration/Ground-Bourne Noise

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. (DEIR, pg. 4.4-28) Although

heavy equipment employed during Project construction could potentially generate groundborne vibration resulting in annoyance at area residential land uses, the only sensitive receptor close enough to the Project site to experience disturbance is the single residence located at 28855 Fir Avenue. Vibration-producing activities at this location are unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment in the vicinity of this residence at the Project site perimeter. (DEIR, pgs. 4.4-27 to 4.4-28) Accordingly, potential groundborne vibration impacts due to Project construction or operations are less-than-significant and no mitigation is required.

b. Aircraft Noise

Potential Significant Impact: Whether the Project would result in significant impacts related to aircraft noise.

Findings: Potential impacts of the Project related to aircraft noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to aircraft noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. While occasional aircraft overflight noise from regional air facilities is expected to occur, the Project would not expose people residing or working in the Project area to excessive noise levels from aircraft operations. (DEIR, pg. 4.4-28) Accordingly, impacts related to aircraft noise will be less-than-significant and no mitigation is required.

5. Water Supply

a. Effect on Groundwater Supplies

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Findings: Potential impacts of the Project in regard to groundwater supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose nor require direct ground water withdrawals. Water to be provided to the Project will be supplied from imported water through MWD, with no impact to groundwater supplies. As such, the Project would not substantially deplete groundwater supplies. Nor will the Project substantially interfere with groundwater recharge capabilities. No designated groundwater recharge facilities exist within or proximate to the Project site, nor does the Project propose elements or operations that would directly or indirectly affect any designated groundwater recharge facilities. The Project will establish open space areas and landscaping allowing for potential capture, retention and infiltration of storm waters to the groundwater table. Accordingly, Project-related impacts relative to groundwater supply and recharge are less-than-significant. (DEIR, pgs. 4.5-26 to 4.5-27) Therefore, no mitigation is required.

b. Require New Water Supplies

Potential Significant Impact: Whether the Project would require new or expanded water supplies.

Findings: Potential impacts of the Project in regard to water supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required. Nonetheless, in order to further reduce the Project's overall water use, ensure ongoing availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project Water Supply Assessment (WSA), the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measure 4.5.1 through 4.5.4. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.

4.5.1 *Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.*

4.5.2 *The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.*

4.5.3 *The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.*

4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.*

Facts in Support of the Findings: As required under SB 610/221, a WSA has been prepared for the Project. The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, Eastern has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. With the implementation of these conditions, incorporated in the DEIR as Mitigation Measures 4.5.1 through 4.5.4, Project-related impacts relative to water supply are less-than-significant. (DEIR, pgs. 4.5-27 to 4.5-29)

c. Cumulative Impacts Related to Water Supply

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts related to water supply.

Findings: Potential cumulative impacts of the Project related to water supply are discussed in detail in Section 5.1.1.5 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential cumulative or areawide impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. It is assumed that other development projects within the cumulative impact area will also be realized consistent with development anticipated by the adopted Urban Water Management Plan (UWMP), and, like the Project, be required to pay connection and use fees providing for improvement and maintenance of serving water systems, thereby reducing potential cumulative impacts. Based on the preceding discussion, the Project's potential contribution to cumulative impacts in regard to water supply is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-17) Therefore, no mitigation is required.

6. Hydrology and Water Quality

a. Violate Water Quality Standards

Potential Significant Impact: Whether the Project would violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality.

Findings: Potential impacts of the Project related to water quality are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any exceedance of water quality or waste discharge standards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential erosion and siltation impacts related to Project construction will be addressed through the preparation and implementation of a City-approved Storm Water Pollution Prevention Plan (SWPPP), which is required to identify sources of sediments and other pollutants that could affect the quality of storm water discharge, and associated Best Management Practices (BMPs) such as the installation of filter fabric fences, sandbars, and checkdams to reduce pollutants within storm water discharge consistent with City,

County, and Regional Water Quality Control Board (RWQCB) performance standards. To prevent or reduce the effects of urban runoff that could result from long-term Project operations, a Project-specific Water Quality Management Plan (WQMP) will be implemented consistent with the requirements of Riverside County's National Pollutant Discharge Elimination System (NPDES) permit. The Project WQMP will incorporate selected BMPs approved by the City, the Riverside County Flood Control and Water Conservation District, and the Santa Ana RWQCB to establish a program and means to prevent or minimize potential storm water pollutant discharges over the life of the Project. As such, the potential for the Project to violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality is determined to be less-than-significant. (DEIR, pgs. 4.6-16 to 4.6-22) Accordingly, no mitigation is required.

b. Flooding on- or off-site

Potential Significant Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or provide substantial additional sources of polluted runoff.

Findings: Potential impacts of the Project relating flooding and stormwater management are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flooding or excess runoff will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project's drainage facilities will maintain existing drainage patterns (trending from northwest to southeast) will be maintained, and no stormwater runoff from the Project site will be directed to the Quincy Channel. Project storm water management improvements will be implemented to accommodate existing off-site flows in combination with increased onsite storm water discharge rates/volumes, and to address Project-related urban storm water pollutants. These include construction of a concrete cut-off wall protection barrier along the westerly edge of the Project area, to be located and designed so as not to impact any Delineated Jurisdictional Areas along the eastern bank of Quincy Channel,

and to help prevent any further erosion caused by migrating flows from the Quincy culvert crossing the SR-60 freeway. Along the south side of the Project, within the Fir (future Eucalyptus) Avenue right-of-way, drainage facilities will be installed consistent with Riverside County's Moreno Area Drainage Plan (ADP) line D-3. Along the east side of the property, the existing 60-inch culvert will remain in place to convey the runoff from north of the freeway to the existing drainage ditch on the west side of Redlands Boulevard. (DEIR, pgs. 4.6-23 to 4.6-25)

On-site, a series of underground pipes has been designed to collect the runoff from around the proposed facility. The underground pipes will be routed to the proposed bio-retention basins and detention basin at the south side of the facility. These basins would reduce storm water discharge from the site to levels equivalent to pre-development conditions, thereby precluding incremental impacts to receiving storm drain facilities. The on-site detention basin system will be designed to detain the differential runoff created due to the development of the site for the 2, 5, 10 and 100 year; 1, 3, 6 and 24 hour storm events. The detention basins will be equipped with an overflow structure that will release runoff into the public storm drain facility (Line D-3) and will ultimately drain to the drainage ditch along the west side of Redlands Boulevard.

Prior to issuance of grading permits, detailed final grading and drainage plans will be reviewed and approved by the City, in compliance with City, County, and SARWQCB requirements. Implementation of approved Project drainage improvements ensures that the Project would appropriately convey storm water runoff without adversely affecting upstream or downstream drainage characteristics. Further, pursuant to the Project SWPPP and WQMP (which, as discussed previously, are designed to minimize potential hydrologic and water quality impacts), Project-generated storm water runoff would not constitute a substantial pollutant source. (DEIR, pgs. 4.6-24 to 4.6-25) Accordingly, the Project would not substantially alter existing drainage patterns and has been developed in a manner that will assure that future runoff does not create any flooding issues, or otherwise exceed the capacity of stormwater drainage systems. Accordingly, any impacts related to flooding and stormwater management would be less-than-significant and no mitigation is required.

c. Place Structures or Housing within a 100-Year Floodplain

Potential Significant Impact: Whether the Project would place housing or structures that would impede or redirect flood flows within a 100-year flood hazard area.

Findings: Potential impacts of the Project related to hydrology and flooding are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the placement of structures or housing within a 100-year floodplain will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a 100-year flood hazard area, nor is the Project site located within a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100-year floodplain. Further, the Project does not propose the construction of housing. Implementation of new drainage facilities will ensure adequate flood carrying capacity for storm drainage generated on-site, as well as existing runoff entering the Project site from adjacent properties. As such, the potential for the Project to place housing or structures within a 100-year flood hazard area which would impede or redirect flood flows is less-than-significant. (DEIR, pg. 4.6-27) Accordingly, no mitigation is required.

d. Other Flood Hazards

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche, tsunami, or mudflow.

Findings: Potential impacts of the Project related to flood hazards discussed in detail in Section II-E of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flood hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a dam inundation area, nor does the Project site lie within a General Plan-designated 100-year flood hazard area or FIRM 100-year floodplain area. Notwithstanding, in order to preclude potential flood damage, the Project will be designed to provide protection of the proposed buildings and Project employees for the 100-year flood event by ensuring that the finished floor is set a minimum of one foot above the 100-year on-site flood elevation. Further, the proposed Project site is not

located within the vicinity of a hazardous coastal area, large water body, or unstable hills or slope. As such, the Project would not expose people to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or by inundation from a seiche, tsunami, or mudflow. (DEIR, pg. 4.6-28) Accordingly, no mitigation is required.

e. Cumulative Impacts Related to Hydrology and Water Quality

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to hydrology and water quality.

Findings: Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 5.1.1.6 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to hydrology and water quality will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area within the jurisdiction of the Santa Ana RWQCB. In accordance with NPDES requirements, the Project proponent will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and construction storm water discharge contamination impacts of the Project. The Project incorporates storm water management components, including drainage facilities and BMPs, which collectively act to ensure that post-development storm water discharge rates and volumes do not exceed pre-development conditions. Moreover, the Project's proposed storm water management systems will be designed, constructed and maintained so as to ensure compliance with City, RCFCWQCD, and RWQCB storm water quality requirements. In these regards, prior to issuance of building permits, all proposed storm water management components are subject to review and approval by the City, RCFCWQCD, and RWQCB. Ancillary facilities will also be subject to reviewed and approved by Caltrans. Storm water management components to be implemented by the Project, in combination with mandated compliance with State, RWQCB, and City storm water management requirements ensures that adequate storm water conveyance and treatment facilities will be provided to support development and operations of the Project. (DEIR, pgs. 5-18 to 5-19) Accordingly, the Project's potential contribution to cumulative

hydrology and water quality impacts would not be considerable, and the cumulative effects of the Project are less-than-significant.

7. Cultural Resources

a. Disturbance of Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to the potential disturbance of human remains are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the disturbance of human remains will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The likelihood of encountering human remains in the course of Project development is remote; however, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by State law. Based on compliance with these existing regulations, the Project's potential to adversely disturb human remains is considered unlikely. (DEIR, pg. 4.7-14) Accordingly, any impacts associated with the disturbance of human remains would be less-than-significant and no mitigation is required.

b. Cumulative Impacts Related to Cultural Resources

Potential Significant Impact: Whether the Project would result in cumulative considerable impacts to cultural resources.

Findings: Potential cumulative impacts of the Project on cultural resources are discussed in detail in Section 5.1.1.7 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to cultural resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for prehistoric, archaeological, and historic resources generally includes the Perris Plain/Perris Valley area (including the Cities

of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within this area would be site-specific. In the event that potentially significant resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. There are no known or probable potentially significant off-site development proposals that would interact with, or compound Project-related cultural resources impacts, that could be determined to be cumulatively significant. To the extent that each development proposal within the cumulative impact area provides appropriate mitigation during landform modification activities, cumulative impacts to cultural resources are reduced below significance thresholds. Based on the preceding, the Project's potential contribution to cumulative cultural resources impacts is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-19) Therefore, no mitigation is required.

8. Biological Resources

a. Federally Protected Wetlands

Potential Significant Impact: Whether the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Findings: Potential impacts of the Project related to federally protected wetlands are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to federally protected wetlands and, therefore, no mitigation is required.

Facts in Support of the Findings: No federally protected wetlands, as defined by Section 404 of the Clean Water Act, exist in the Project area. The Quincy Channel, an ephemeral drainage that runs along the western edge of the Project site, and an existing off-site drainage channel on the west side of Redlands Boulevard contain Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdictional areas, but these channels do not contain federally protected wetlands, as defined by Section 404 of the Clean Water Act. Nor does the Project propose uses or facilities that would otherwise substantively and adversely affect Section 404 federally protected wetlands. Accordingly, potential impacts would be less-than-significant. (DEIR, pg. 4.8-29) Therefore, no mitigation is required.

b. Wildlife Movement, Migration, and Nursery Sites

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to wildlife movement, migration, and nursery sites are discussed in detail in Section 4.8 the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildlife movement, migration, and nursery sites and, therefore, no mitigation is required.

Facts in Support of the Findings: During preparation of the MSHCP, wildlife corridors and habitat linkages throughout western Riverside County were analyzed extensively. No MSHCP wildlife habitat linkages or movement corridors were identified at the Project site. Nor does the Project propose facilities or activities that would substantively and adversely affect any offsite designated wildlife habitat linkage or movement corridor. On this basis, the potential for the Project to interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, is determined to be less-than-significant. (DEIR, pgs. 4.8-29 to 4.8-30) Therefore, no mitigation is required.

c. Local Policies or Ordinances Protecting Biological Resources

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to local policies or ordinances protecting biological resources are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to local policies or ordinances protecting biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, have been identified as applicable to the Project. (DEIR, pg. 4.8-30) Accordingly, impacts related to local policies or ordinances protecting biological resources will be less-than-significant and no mitigation is required.

f. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a participating agency in the Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP). As such, only projects consistent with the MSHCP will be developed within the City. The Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project "is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009." These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. As such, the Project is in compliance with the MSHCP. (DEIR, pg. 4.8-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required. This species has not been recorded within the Project area in the past and is presumed absent from the site. Additionally, the Project is consistent with the Habitat Conservation Plan for the Stephens' Kangaroo Rat, which allows for incidental take of Stephens' Kangaroo Rat for projects located within the plan area. With payment of the appropriate mitigation fee, which the City requires as a standard procedure during the processing of development applications, any potential impacts to Stephens' kangaroo rat would be less-than-significant.

d. Cumulative Impacts Related to Biological Resources

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to biological resources.

Findings: Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 5.1.1.8 of the DEIR. Based on the entire record before us, this

Council finds that no cumulatively significant impacts related to biological resources will occur as a result of development of the Project.

Facts in Support of the Findings: Implementation of mitigation measures proposed in the MMRP would reduce potential impacts to biological resources to levels that are less-than-significant. In this regard, mitigation of Project-specific biological resources impacts will also reduce the Project's potential incremental contributions to cumulative biological resources impacts within the region such that no additional mitigation for cumulative biological resources impacts is required. To the extent that each development proposal within the cumulative impact area(s) provides appropriate mitigation, cumulative impacts to biological resources are reduced to levels that are less-than-significant. Pursuant to the provisions of CEQA, each development project within the cumulative impact area that requires a discretionary action by a public agency will be assessed for its potential impacts on biological resources. Appropriate biological resources mitigation will also be required of other projects within the cumulative impact area(s). In this regard, it is noted that because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in the DEIR. With the application of the mitigation measures identified in the MMRP, the Project's potential contribution to cumulative impacts in regard to biological resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, pgs. 5-20 to 5-23) Accordingly, no mitigation is required.

9. Aesthetics

a. Scenic Resources

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway.

Findings: Potential impacts of the Project related to scenic resources are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to scenic resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is comprised of vacant disturbed property and does not contain designated scenic resources. No rock outcroppings or historic buildings are located onsite. Although the City's General Plan designates SR-60 as a local scenic road, this highway is not included in the California Department of Transportation's list of Officially Designated Scenic Highways. The Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements. (DEIR, pg. 4.8-19) Accordingly, impacts to scenic resources would be less-than-significant and no mitigation is required.

b. Visual Character

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Findings: Potential impacts of the Project related to visual character are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to visual character will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Determinations of visual character and quality are inherently subjective by nature. The DEIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. It is further noted that development of the subject site with business park and/or light industrial uses reflects buildout of the area anticipated under the General Plan, resulting in substantial visual change of the area, whether under the Project, or some other unspecified development proposal. To provide a visual transition and buffer between southerly adjacent properties (zoned for large lot residential uses) and the Project site, the Project incorporates a 250-foot landscaped setback along its southerly boundary. Masonry walls (which would be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti) are also proposed to screen the Project's operations from surrounding land uses. As supported by the preceding discussions, and with implementation of

the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant. (DEIR, pgs. 4.8-20 to 4.8-21) Accordingly, any impacts to the area's visual character would be less-than-significant and no mitigation is required.

c. Light or Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to light and glare will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Onsite lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance, including but not limited to Section 9.08.100, "Lighting." Project lighting will be designed and implemented so as to illuminate the site without causing undue light or glare, and to avoid light overspill on adjacent properties. (DEIR, pgs. 4.9-23 to 4.9-25) Accordingly, any impacts related to light and glare would be less-than-significant and no mitigation is required

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and

overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation, Cultural Resources, and Biological Resources, were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. <u>Traffic and Circulation</u>

a. Substantial Increase in Traffic

Potential Significant Impact: The EIR evaluated and concluded that the Project-related traffic could contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Redlands Boulevard at the SR-60 westbound ramps, and at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

Finding: Implementation of the following mitigation measures will reduce potential Opening Year traffic impacts at affected intersections:

4.2.1 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

Facts in Support of the Finding: Based on analysis performed as part of the Project Traffic Impact Analysis (TIA), the Project would contribute additional traffic to preexisting Opening Year Ambient Condition deficiencies occurring at the intersection of Redlands Boulevard at the SR-60 westbound ramps. Also, with the addition of Project traffic, the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue would perform unacceptably during peak hours. (DEIR, pgs. 4.2-31 through 4.2-34) However, with implementation of the roadway improvements identified in Mitigation Measures 4.2.1 and 4.2.2, these impacts will be reduced to a less-than-significant level. (DEIR, pg. 4.2-35)

2. <u>Cultural Resources</u>

a. Archaeological/Historic Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unknown or unrecorded archaeological or historic resources which may be present in a buried context.

Finding: Implementation of the following mitigation measures will reduce potential impacts to archaeological and/or historic resources to a less-than-significant level:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert*

equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2., resources shall be left in an undisturbed state. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

Facts in Support of the Finding: No known cultural resources of significance exist within the Project site. Additionally, no significant evidence of the early twentieth century occupation of the property was identified by the Project Cultural Resources Investigation. Nonetheless, some potential exists for resources to be located onsite in a buried context. Implementation of Mitigation measures 4.7.1 and 4.7.2 will ensure that archaeological and/or historic resources that may be unearthed during Project construction will be identified and preserved consistent with the recommendations of the Cultural Resources Study and California law. Accordingly, the Project's potential to impact archaeological or historic resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-11 through 4.7-13)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unique paleontological resources which may be present in a buried context.

Finding: Implementation of the following mitigation measure will reduce potential impacts to paleontological resources to a less-than-significant level:

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage and record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

Facts in Support of the Finding: Based on information presented in the Cultural Resources Investigation, the Project area is considered to have a moderate level of sensitivity for paleontological resources, indicating that paleontological resources may be encountered within the Project site. The area consists of older Quaternary alluvial deposits that have been associated with fossil specimens, which are covered by surficial deposits of younger Quaternary alluvium. In the course of Project site preparation activities, paleontological specimens may be uncovered. Mitigation Measure 4.7.3 requires paleontological monitoring during ground-disturbing activities that would exceed the relative depths of the younger alluvium on-site. Implementation of this mitigation measure would ensure that paleontological resources which may be present within

subsurface areas of the site are adequately identified and preserved. Accordingly, the Project's potential to impact paleontological resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-13 through 4.7-14)

3. Biological Resources

a. Vegetation Communities and Special Status Plant Species

Potential Significant Impact: The EIR evaluated and concluded that the Project's construction activities could have an adverse effect on CDFG and Corps jurisdictional areas, including riparian habitat areas existing on-site within the Quincy Channel, and off-site within the existing drainage channel adjacent to Redlands Boulevard.

Finding: Implementation of the following Mitigation will reduce potential impacts to jurisdictional areas to a less-than-significant level:

4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 Prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Facts in Support of the Finding: Design of the Project includes a buffer area to provide physical separation between the developed site and the adjacent Quincy Channel, in order to

minimize direct impacts to the Channel's habitat areas and associated vegetation communities and special status plant species. However, construction of the "scour wall" that would be implemented to prevent further erosion along the Quincy Channel could result in direct, temporary impacts to approximately 0.003 acres (22 lineal feet) of mulefat vegetated riparian habitat determined to be within California Department of Fish & Game (CDFG) jurisdictional areas. (DEIR pgs. 4.8-18 through 4.8-20) Additionally, implementation of drainage improvements associated with the Project could result in a potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat located in the existing drainage channel adjacent to Redlands Boulevard (DEIR, pgs. 4.8-21 to 4.8-22). This 0.08 acres has been determined to be jurisdictional under the Army Corps of Engineers (Corps), CDFG, State Water Resources Control Board (SWRCB), and MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Indirect impacts to proximate candidate, sensitive, or special status plant species could occur through the introduction of invasive plant species as a result of Project implementation. (DEIR pg. 4.8-23) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to vegetation communities and sensitive plant species will be reduced to a less-than-significant level.

b. Nesting Birds

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on nesting birds, which are protected under both the Migratory Bird Treaty Act and California Fish and Game Code.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the nesting birds to a less-than-significant level:

4.8.6 *If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning*

Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Facts in Support of the Finding: The removal of existing vegetation within the Project site as part of construction could affect nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. In addition, nests and eggs are protected under California Fish and Game Code Section 3503.5. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. (DEIR, pg. 4.8-25) Therefore, implementation of Mitigation Measure 4.8.6 is required to ensure that potential Project impacts related to nesting birds are reduced to a less-than-significant level.

c. Burrowing Owls

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on the Burrowing Owl, a special-status wildlife species.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the Burrowing Owl to a less-than-significant level:

4.8.7 *Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.*

Facts in Support of the Finding: The Project area is located within the MSHCP burrowing owl survey area. Focused burrowing owl surveys are required during the owl breeding season (April through August), pursuant to Section 6.3.2 and Appendix E, "Summary of Species Survey

Requirements. (DEIR, pgs. 4.8-25 to 4.8-26) Therefore, implementation of Mitigation Measure 4.8-7 will reduce Project impacts related to the Burrowing Owl to a less-than-significant level.

d. Riparian Habitat

Potential Significant Impact: The EIR evaluated and concluded that the Project could adversely affect riparian habitat/CDFG jurisdictional areas.

Finding: Implementation of the preceding Mitigation Measures 4.8.1 through 4.8.5 will reduce potential impacts to riparian habitat to a less-than-significant level.

Facts in Support of the Finding: Construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat riparian habitat/CDFG jurisdictional areas. The Project will have no direct impacts to any other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Potential indirect impacts may occur to proximate sensitive natural communities should invasive plant species be introduced to the area through Project implementation. (DEIR pg. 4.8-28) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to riparian habitat will be reduced to a less-than-significant level.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: cumulative traffic impacts to study area intersections and roadway segments; cumulative traffic impacts to mainline freeway segments; short-term construction air quality impacts; long-term operational air quality impacts; cumulative air quality impacts; short-term construction noise impacts (individually and cumulatively); and change to scenic vistas (individually and cumulatively).

In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment

opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the FEIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Traffic and Circulation

a. Intersection Operations

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain intersection locations under Opening Year cumulative conditions and cumulative General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.3 through 4.2.8, addressing Opening Year cumulative conditions, and Mitigation Measures 4.2.9 through 4.2.17, addressing cumulative General Plan buildout conditions, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative intersection operation impacts are considered significant and unavoidable.

4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:

- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:

- *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.*

The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF,

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.

4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:

- *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements*

would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.

- *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.*

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*

- *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*

4.2.8 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;*
- *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and*
- *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.9 *Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:*

- *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;*
- *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These*

improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

- *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and*
- *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.10 *Moreno Beach Drive at SR-60 Westbound Ramps Improvements:*

- *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection);*
- *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;*
- *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and*
- *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way*

from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:

- *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;*
- *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*
- *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*

- *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*

The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.

4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane;*
- *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and*
- *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side*

of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;

- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.

4.2.14 *Redlands Boulevard at SR-60 Eastbound Ramps Improvements:*

- *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;*
- *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side*

of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and

- *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.15 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left turn lane with 200-feet of storage and a second through lane for a northbound lane configuration of one left turn lane, one through lane and one shared through right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*
- *Construct a southbound left turn lane with 250-feet of storage, a second left turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right-turn pocket length that extends the full length of the segment. These improvements would require the dedication of*

right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through Fair Share Fees;

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and*
- *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.*

The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate

General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

- *Install a traffic signal. This improvement would be funded through participation in the DIF Program;*
- *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*
- *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way with from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.

4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

- *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;*
- *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.3 through 4.2.17, acceptable levels of service would be realized at all Study Area intersections under cumulative Opening Year and General Plan buildout conditions with the Project. (See DEIR Tables 4.2-10 and 4.2-11) Improvements necessary to mitigate potentially significant intersection impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, ramp and interchange improvements affecting the SR-60 are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. The Project's contribution to intersection impacts is therefore determined to be cumulatively significant and unavoidable notwithstanding mitigation. (DEIR, pgs. 4.2-36 to 4.2-55).

b. Roadway Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain roadway segments under Opening Year cumulative conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.18 and 4.2.19 are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative roadway segment impacts are considered significant and unavoidable.

4.2.18 *Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:*

- *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.

4.2.19 *Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) Avenue east of Redlands Boulevard Improvements:*

- *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between

the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Implementation of the previously identified Mitigation Measure 4.2.7 would ensure acceptable conditions at the segment of Redlands Boulevard located north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue. (See DEIR Table 4.2-13) Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-60 through 4.2-67)

c. Freeway Mainline Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards at study area freeway segments under General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to Study Area freeway mainline segments under General Plan buildout conditions will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would contribute additional traffic to segments of SR-60 within the Study Area that under General Plan buildout conditions (with or without the Project) are projected to operate under deficient conditions. While it is foreseeable that improvements to SR-60 in the Project vicinity will be completed prior to General Plan Buildout, timely completion of these improvements cannot be definitively assured. Further, SR-60 mainline improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-79 to 4.2-80) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

2. <u>Air Quality</u>

a. Short-Term Construction Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project's construction source emissions would temporarily exceed SCAQMD regional and localized significance thresholds, thereby potentially violating an air quality standard or contributing to an existing or projected air quality violation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9 are incorporated into the MMRP for

the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.1 *Consistent with URBEMIS modeling inputs and to effect implementation of Rule SCAQMD Rule 403, the following measures shall be incorporated:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions.*
- *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.*
- *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);*
- *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.2 *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's*

specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

4.3.3 *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.4 *Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.*

4.3.5 *In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

4.3.6 *During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

4.3.7 *The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

4.3.8 *Grading plans, construction specifications and bid documents shall also include the following notations:*

- *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels l fuel would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*

- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.9 *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and*

cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, Project construction activities would temporarily exceed SCAQMD regional emissions thresholds for volatile organic compounds (VOC) and oxides of nitrogen (NOx); and would also temporarily exceed localized emissions thresholds for particulate matter (PM_{10} and $PM_{2.5}$). (See DEIR Tables 4.3-9 and 4.3-10) Project construction-related emissions in exceedance of SCAQMD's regional and localized significance thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-53 through 4.3-65).

b. Long-Term Operational Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed SCAQMD daily emissions significance thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Council finds that Mitigation Measure 4.3.10 is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measure, operational emissions-related air quality impacts are considered significant and unavoidable.

4.3.10 *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measure 4.3.10, as well as Mitigation Measures 4.3.11 through 4.3.13 enumerated in Section V(A)(3)(c) above, Project operational activities will exceed SCAQMD daily emissions thresholds for VOC and NOx. (DEIR Table 4.3.13) Project operational-related impacts that exceed long-term, operational emissions thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-65 to 4.3.73)

c. Sensitive Receptors

Significant Unavoidable Impact: The EIR evaluated and concluded that Project construction activities could temporarily expose sensitive receptors to potentially substantial pollutant concentrations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9, enumerated in Section C(2)(a) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, the Project's construction source emissions could result in the temporary exposure of sensitive receptors to PM_{10} and $PM_{2.5}$ emissions in excess of applicable SCAQMD localized significance thresholds. Existing sensitive receptors are identified as a single developed residential use located at 28855 Fir Avenue. Although additional parcels zoned for residential land uses (potential future sensitive receptors) are present within the area of LST exceedance, they are largely undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. (DEIR, pgs. 4.3-73 through 4.3-76)

d. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.13, enumerated in Sections A(3)(c) and C(2)(a) & (b) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: The Project is located within non-attainment areas for PM_{10}, $PM_{2.5}$, and ozone (VOC and NOx are ozone precursors). Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.13, the Project will result in the following cumulatively significant and unavoidable air quality impacts: (1) Short-term Project construction activities that exceed the regional thresholds for VOC and NOx emissions are cumulatively significant for the duration of construction activities; (2) Short-term Project construction activities that exceed the localized significance thresholds for PM_{10} and $PM_{2.5}$ emissions are cumulatively significant for the duration of construction activities; (3) Long-term operations of the Project that exceeds the regional thresholds for VOC and NOx are cumulatively significant; and (4) The Project's operational VOC and NOx emissions, in combination with VOC and NOx emissions generated by other sources affecting the encompassing ozone non-attainment areas, will result in a cumulatively considerable net increase of this pollutant within the nonattainment areas. (DEIR, pgs. 5-12 to 5-13)

3. <u>Noise</u>

a. Short-Term Construction Noise (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the exposure of persons to or generation of noise levels in excess of

standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and potentially result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.4.1 through 4.4.4, presented below, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, short-term construction-related noise impacts are considered significant and unavoidable, and are determined cumulatively considerable for the duration of Project construction activities.

4.4.1 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.2 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.3 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on*

weekends or Federal holidays. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

Facts in Support of the Finding: Even with implementation of Mitigation Measures 4.4.1 through 4.4.4, the Project's construction activities would result in a temporary exceedance of applicable noise level standards and a temporary increase in ambient noise levels in the Project vicinity. Because construction noise levels are conservatively estimated to exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), construction noise is considered a significant and unavoidable impact of the Project. (DEIR, pgs. 4.4-15 to 4.4-21). Cumulative noise impacts for the duration of construction activities are also recognized as significant. (DEIR, pg. 5-14) As such, short-term construction noise impacts are determined to be individually and cumulatively significant notwithstanding mitigation.

4. Aesthetics

a. Scenic Vistas (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have an adverse effect on a scenic vista.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would potentially result in the restriction or interruption of near and distant scenic vistas. The Project proposes a single large structure (more than 970,000 square feet), that would alter and or/obstruct views through the currently undeveloped Project area. View obstruction will be limited to some extent by engineering and grading requirements that will establish the Project's building pad considerably below the grade of the adjacent SR-60. The Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks. Similarly, the proposed Project intends to serve a market need for users that demand a large, integrated facility. As such, the concept of substantially reducing the size of the building, or creating multiple buildings in lieu of one single building would compromise a basic objective of the Project. As such, there are no feasible mitigation measures that will reduce the Project's potential aesthetic impacts on scenic vistas below significance thresholds. (DEIR, pgs. 4.9-10 through 4.9-19) In combination with other known or probably development projects in the vicinity, the Project would also result in the cumulatively considerable restriction or interruption of near and distant scenic views. (DEIR, pgs. 5-23 to 5-15) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. At the direction of the City of Moreno Valley, two different "No Project" scenarios have been evaluated. The first, referred to as the No Project/No Build Alternative, assumes the site would remain in its current undeveloped state. The second, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed. A Reduced Intensity Alternative was also selected for analysis. CEQA

requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/No Build Alternative

Description: Under the No Project/No Build Alternative (hereinafter referenced as the "No Build" Alternative), it is presumed that if the Project or some similar development proposal is not implemented on the subject site, then there would be no other known or probable scenarios for the subject property, the site would likely remain in its current undeveloped state for the foreseeable future. (DEIR, pg. 5-31)

Impacts: The No Build Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-65) Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources. No discretionary actions or zone change would be required under the No Build Alternative. (DEIR, pg. 5-48) In addition, the Project's significant and unavoidable traffic impacts, construction noise impacts, construction and operational air quality impacts, and impacts to scenic vistas would not occur. (DEIR, pgs. 5-50 to 5-65) Under the No Build Alternative, potential traffic/transportation impacts would be representative of existing conditions. The No Build Alternative would reduce the aggregate amount of fee contributions available for long-term traffic improvements when compared to fee contributions realized under the Project. Additionally, the No Build Alternative would not realize Project-specific road widening/lane reconfiguration and signalization improvements as detailed in the Project Traffic Impact Analysis. Significant freeway mainline segment deficiencies would persist with or without the Project. (DEIR, pg. 5-49). Visual attributes of the Project site would remain in their current state. (DEIR, pg. 5-63)

Objectives: Under the No Build Alternative, the subject site would remain in its current undeveloped state, and none of the Project Objectives would be achieved. (DEIR, pg. 5-64)

Finding: Under the No Build Alternative, no development would occur. This Alternative would avoid all of the significant and unavoidable impacts associated with traffic, air quality, noise and aesthetics that have been identified within the DEIR. However, the City Council finds

that the No Build Alternative would not fulfill any of the Project Objectives. Because the No Build Alternative will not fulfill the Project Objectives, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the "No Project" Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Business Park zoning designation. To allow for quantified comparison of potential traffic impacts and related vehicular source air quality and noise impacts, the No Project Alternative assumes the site is developed consistent with assumptions employed in the City's General Plan Buildout traffic modeling, which was projected to be approximately four (4) times higher than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project.. (DEIR, pgs. 5-31 to 5-32)

Impacts: The No Project Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the No Project Alternative, a zone change would not be required. (DEIR, pg. 5-48) The Project's significant and unavoidable construction noise impacts and construction source air quality impacts would likely be similar to those of the Project. (DEIR, pgs. 5-52 and 5-56) Potential traffic impacts could be substantively increased under the No Project Alternative, due to the increased traffic associated with Business Park land uses. Significant mainline freeway segment impacts under General Plan Buildout conditions would persist, and due to increased traffic generation under the No Project Alternative, would likely be exacerbated. (DEIR, pgs. 5-50 to 5-51) Associated vehicular (operational) air pollutant emissions would similarly be increased when compared to the Project; however, the vehicle mix under the No Project Alterative would likely reflect decreased heavy truck traffic. Significant VOC and NOx emissions thresholds exceedances occurring under the Project would be incrementally greater under the No Project Alternative. (DEIR, pg. 5-53). Vehicular noise would also likely increase under the No Project Alternative based on increased trip generation. However, as with the Project, it is considered unlikely that sensitive receptors would be affected by potential vehicular

noise levels based on their physical separation from roadways and the presence of intervening noise-attenuating walls. (DEIR, pg. 5-57) Potential impacts to viewsheds may be reduced under the No Project Alternative, since the Business Park zoning designation would limit maximum individual building areas to 50,000 square feet. This limitation on individual building sizes could allow for configurations of the developed site that would provide additional or varied views through the Project site to off-site scenic resources. (DEIR, pg. 5-63)

Objectives: Business Park/Light Industrial uses that could be implemented under the No Project Alternative could substantially achieve the Project's development objectives for the site. Like the Project, it is anticipated that new development under the No Project Alternative would be designed and implemented so as to be compatible with neighboring land uses. The No Project Alternative would effectively capitalize on the site's regional freeway accessibility and visibility. New jobs, including light industrial, office, limited support commercial, or research and development employment opportunities would be created by the No Project Alternative. This Alternative would also provide additional tax revenues available to the City. (DEIR, pgs. 5-64 to 5-65)

Finding: Under the No Project Alternative, development of a business park development with a similar scale to that of the Project would occur. This Alternative would reduce the Project's potential aesthetic impacts, in that a series of smaller buildings could be constructed in place of the Project's single structure, allowing views through the site. However, none of the Project's remaining significant and unavoidable environmental impacts would be reduced under the No Project Alternative. Conversely, increased trip generation under a business park land use would likely lead to increased traffic, with correlating increases in air pollutant emissions and vehicular noise. Although the No Project Alternative could substantially achieve the Project's Objectives, because the No Project Alternative would not reduce the majority of the Project's significant and unavoidable impacts, the City Council hereby rejects the No Project Alternative.

3. Alternative 3 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for VOC based on operational emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent. (DEIR, pg. 5-33) Implementation of the Reduced Intensity Alternative would yield approximately 684,200 square feet of development, a reduction of approximately 27 percent or approximately 253,060 square feet, when compared to the approximately 937,260 square-foot Project analyzed in the EIR. (DEIR, pg. 5-48).

Impacts: The Reduced Intensity Alternative would result in similar, albeit slightly lessened, impacts when compared to the Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the Reduced Intensity Alternative, maximum construction-related emissions from site preparation and grading would likely be the same as for the Project, though it would occur within a shorter time frame due to the reduced development area. In this regard, the maximum daily site disturbance and amount of equipment employed concurrently would likely be similar to the construction scenario envisioned for the Project. As with the Project, mitigated construction-related emissions would still exceed SCAQMD emissions thresholds. Because the scope of development would be reduced under this Alternative, the duration of construction activities and resulting construction emissions and noise may be reduced when compared to the Project. (DEIR, pgs. 5-51 and 5-57) Based on its reduced scope of development and associated reductions in vehicle trips and vehicular emissions, long-term operations under the Reduced Intensity Alternative would be reduced by approximately 27 percent when compared to the Project. Operational NOx, PM_{10}, and $PM_{2.5}$ emissions under this Alternative would, however, still exceed applicable SCAQMD thresholds. Accordingly, as with the Project, this Alternative would result in cumulatively significant emissions contributions to existing non-attainment conditions for ozone and particulates. (DEIR, pgs. 5-53 to 5-55) The Reduced Intensity Alternative would result in an approximate 27 percent reduction in development intensity, with a commensurate reduction in trip generation when compared to the Project. The extent of area-wide traffic improvements and required traffic impact mitigation realized under the Project would also be reduced. Significant freeway mainline traffic impacts projected to occur under

General Plan buildout conditions would persist with or without development under the Reduced Intensity Alternative. As such, freeway impacts under this scenario would be less than the Project, but likely still be considered significant. (DEIR, pg. 5-51) The reduced area of development under the Reduced Intensity Alternative would also incrementally reduce significant viewshed impacts otherwise occurring under the Project. (DEIR, pg. 5-64)

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project. (DEIR, pg. 5-65)

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 27 percent (or 263,000 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable construction noise impacts and construction and operational air quality impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

4. <u>Alternatives Considered and Rejected</u>

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 5-32 through 5-41) An Extended Construction Alternative

and Multiple Building Design Alternative were considered and ultimately rejected based on infeasibility. Additionally, four Alternative Site locations were considered within the DEIR. The criteria for identifying potential alternate sites included:

- Location within the City of Moreno Valley;
- Appropriate General Plan and zoning designations, or the ability to be so-designated;
- Minimum size of 50 acres and a roughly rectangular shape;
- Location proximate to locate transportation corridors or at a regional transportation hub;
- Currently undeveloped or underutilized;
- Currently available;
- Access to existing or planned adequate serving infrastructure; and
- Able to support operations in a manner compatible with other proximate land uses.

Each of the four sites that were analyzed met the general requirements in that each was currently vacant, more than 50 acres and roughly a rectangular configuration; each was zoned for industrial uses and served by nearby utilities and infrastructure. Alternative Sites 1 through 4 are locally accessible and also located near the I-215 freeway, a regional transportation corridor. (DEIR, Figure 5.2-1) Upon further analysis, each of these sites was found to be currently unavailable. Alternative Site 1 currently has applications under review by the City for 1.6 million square feet of distribution warehouse uses, while development plans have been submitted and approved for Alternative Sites 2, 3 and 4.

5. <u>Environmentally Superior Alternative</u>

Based on comparative reductions in traffic generation, and associated reductions in noise and air emissions, and generally reduced scale, among the Alternatives considered, the Reduced Intensity Alternative would result in the greatest reduction in environmental effects, and is thus considered the environmentally superior alternative. (DEIR, pg. 5-65). The Reduced Intensity Alternative would also generally reduce other environmental effects of the Project, and

to a limited degree, realize attainment of the basic Project Objectives. (DEIR pgs. 5-47 to 5-65) Development of the Project or the Reduced Intensity Alternative would contribute to area employment and the City's overall tax base. However, because scope of land uses would be substantively reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, pg. VI-40)

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states than an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The types of employment opportunities offered by the Project (both management and regular employees) are relatively common throughout Southern California and are unlikely to generate significant population migration (if any). Any Project-related employment demands would likely be filled by the existing surplus personnel pool within the Moreno Valley area, and/or neighboring communities, especially with the currently low jobs per household ratio in the City, and regionally high unemployment rates. The Project would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning. (DEIR, pgs. 5-67 to 5-68)

Currently, the Project site is vacant and undeveloped. However, expansions of water and wastewater systems, along with other urban utilities, are programmed to serve the vicinity consistent with anticipated development of the City and region. In order to accommodate forecasted growth of the City and region over the long term, it is anticipated these improvements will be implemented regardless of the City's ultimate decision on the Westridge Commerce Center Project. The Project is not considered to provide an inducement to other lands within its vicinity to undertake unanticipated development due to the availability of new or expanded infrastructure systems. (DEIR, pgs. 5-68 to 5-69)

Notwithstanding, development of the Project as envisioned will entail upgrade/modification of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage

conveyance facilities. Infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. However, the characteristics and intensities of development that could occur on these properties are governed by the Moreno Valley General Plan. Development of these properties within the context of the approved General Plan should not result in unforeseen impacts or impacts that cannot be mitigated. (*Id.*)

Additionally, it is recognized that provision of services, e.g., utilities, fire protection, and law enforcement, may be expanded or otherwise enhanced to meet additional demands of the Project. Project design and payment of impact mitigation fees reduces individual and cumulative impacts in these regards. Services expansion or enhancements based on incremental demands of the Project will not result in substantial additional capacity that could be considered growth inducing. (*Id.*)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. (*Id.*) Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. It is not anticipated that the additional employment opportunities created by the Project would be substantial enough to produce noticeable population growth within the City and region. (DEIR, p. 5-68)

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project qualifies under Guidelines §15127 (a) in that a zone change is required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, will be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project will not result in or cause unwarranted or wasteful use of resources, including energy. (DEIR, pgs. 5-73 to 5-74)

9. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Traffic Impacts – Intersections and Roadway Segments (Cumulative); and
2. Traffic Impacts – Mainline Freeway Segments (Cumulative).
3. Short-Term Construction Air Quality Impacts (Individual and Cumulative);
4. Long-Term Operational Emissions (Individual and Cumulative);
5. Short-Term Construction Noise (Individual and Cumulative); and
6. Aesthetic Impacts – Change to Scenic Vistas (Individual and Cumulative)

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(D) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with the General Plan and in conformance with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project is located at the intersection of a major street and an interstate freeway, maximizing access opportunities for the convenience of operations;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

This Council has identified economic and social benefits and important policy objectives, Section V(H) above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency…" Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

10. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies,

amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. <u>Findings</u>

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(D) of these Findings: Traffic Impacts – Intersections and Roadway Segments (Cumulative); Traffic Impacts – Freeway Mainline Segments (Cumulative); Short-Term Construction Air Quality Impacts (Individual and Cumulative); Long-Term Operational Emissions (Individual and Cumulative); Short-Term Construction Noise (Individual and Cumulative); and Aesthetic Impacts – Changes to Scenic Vistas (Individual and Cumulative). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

3. Conclusions

a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the FEIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(D) above.

b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

11. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring program has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described in *CEQA* § 15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of, compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented at Table 4.2-1.

EXHIBIT B

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
Traffic and Circulation				
4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal.* *This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department, California Department of Transportation	Before issuance of first Certificate of Occupancy
4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: *Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:* • *Install a traffic signal;* • *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and* • *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane,*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114355

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.3 (cont'd) *for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*				
4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.* *The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114357

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF[1] improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.* • *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

[1] With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

MV00114359

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd)				
participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*				
• *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd) *leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*				
4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;* • *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and* • *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114361

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;* • *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;* • *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and* • *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.10 (cont'd) • *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;* • *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and* • *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*				
4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements: • *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114363

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.11 (cont'd)				
right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;				
• *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*				
• *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*				
• *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*				
The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.				

-672-
Item No. E.3
MV00114364

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane;* • *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and* • *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114365

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.13 (cont'd) *Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.*				
4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;* • *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.14 (cont'd) *require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*				
4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114367

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd)				
• *Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;*				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd) *Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and* • *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.* *The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.*				
4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements: • *Install a traffic signal. This improvement would be funded through participation in the DIF Program;* • *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114369

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd)				
would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;				
• *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*				
• *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*				
• *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*				

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.2.16 (cont'd) *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.*				
4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements: • *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;* • *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114371

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.17 (cont'd) *way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and* • *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.* *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.*				
4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements: • *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development	Before issuance of fi building permit

-680-
Item No. E.3
MV00114372

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.19 (cont'd)			Department	
• *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*				
The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.				
Air Quality				
To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.3 below, and shall be incorporated in all Project plans, specifications and contract documents.				
4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :	Ongoing throughout construction	Contractor	City Building Official, SCAQMD	Ongoing throughout construction
• *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*				
• *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least*				

MV00114373

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.1 (cont'd) *three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.* • *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.* • *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.* • *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).* • *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*				
4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti_g Frequency
4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
Additional mitigation required of the Project is identified below, and shall be shall be incorporated in all Project plans, specifications and contract documents.				
4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00114375

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.7 (cont'd) *(HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*				
4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations: • *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;* • *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;* • *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;* • *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;* • *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;* • *High pressure injectors shall be provided on diesel construction equipment where feasible;*	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.8 (cont'd) • *Engine size of construction equipment shall be limited to the minimum practical size;* • *Substitute gasoline-powered for diesel powered construction equipment where feasible;* • *Use electric construction equipment where feasible;* • *Install catalytic converters on gasoline-powered equipment where feasible;* • *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;* • *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;* • *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;* • *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*				
4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.	Throughout Project construction	Applicant	City of Moreno Valley Development Department	Throughout Project construction

MV00114377

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.10 All Project entrances shall be posted with signs which state: • *Truck drivers shall turn off engines when not in use;* • *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and* • *Telephone numbers of the building facilities manager and CARB, to report violations.* *These measures shall be enforced by the on-site facilities manager (or equivalent).*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
Although potential Project-related Global Climate Change (GCC) impacts would be less-than-significant, the following Mitigation Measures 4.3.11 through 4.3.14 are provided to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources.				
4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent. • *Increase in insulation such that heat transfer and thermal bridging is minimized;* • *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.3.11 (cont'd) • *Incorporate dual-paned or other energy efficient windows;* • *Incorporate energy efficient space heating and cooling equipment;* • *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;* • *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.* • *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.* • *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*				
4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00114379

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 GHG emissions reductions measures shall also include the following: • *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;* • *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;* • *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.* • *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);* • *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd)				
provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;				
• *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*				
• *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*				
o *Implementation of compressed workweek schedules;*				
o *SmartWay partnership;*				
o *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*				
o *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*				
o *Use of fleet vehicles conforming to 2010 air quality standards or better.*				

MV00114381

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd) ○ *Installation of catalytic converters on gasoline-powered equipment.* ○ *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;* ○ *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;* ○ *Provision of preferential parking for EV and CNG vehicles;* ○ *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;* ○ *Use of electric (instead of diesel or gasoline-powered) yard trucks;* ○ *Use of SmartWay 1.25 rated trucks.*				
4.4 Noise				
4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00114383

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5 Water Supply				
To further minimize the Project's overall water use, ensure on-going availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project WSA, the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measures. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.				
4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building pe

-692-
Item No. E.3
MV00114384

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.				
Cultural Resources				
4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.	Ongoing throughout site excavation and grading activities	Applicant	City of Moreno Valley Development Department	Ongoing throughout site excavation and grading activities

MV00114385

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints: • *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;* • *A paleontological mitigation-monitoring plan shall be developed before grading begins;* • *Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid*	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.3 (cont'd) *construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;* • *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and* • *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.*				
4.8 Biological Resources				
4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00114387

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.2 (cont'd) *of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*				
4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of fi grading permit

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporti Frequency
4.8.5 (cont'd) *CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:* • *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;* • *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and* • *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and* • *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*				
4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00114389

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.6 (cont'd) *retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*				
4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA08-0098 TO CHANGE THE ZONE FROM BUSINESS PARK TO LIGHT INDUSTRIAL FOR A 55 ACRE SITE (ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed application PA08-0098, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 from Business Park (BP) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

ATTACHMENT 4

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BP to LI for the 55 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 829
Date Adopted: _____

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PA10-0017 AMENDING THE MUNICIPAL CODE TO MAKE CHANGES TO CHAPTER 9.05 INDUSTRIAL DISTRICTS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed Municipal Code Amendment application PA10-0017, requesting an amendment to the City's Municipal Code, which proposes revisions to Chapter 9.05 of Title 9 to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

SECTION 2: FINDINGS

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on November 30, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed Municipal Code Amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes changes to Permitted Uses Table 9.02.020-1 of the Municipal Code. The proposed Municipal Code Amendment is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

ATTACHMENT 5

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment will not adversely affect the public health, safety or general welfare. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Title 9 – The proposed Municipal Code Amendment is consistent with the purposes and intent of Title 9.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Chapter 9.02 of Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or

center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.

*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

SECTION 4: EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

4.2 All prior enactments of the City, which are in conflict with this Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 5: NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 830
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

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MV00114402

RESOLUTION NO. 2011-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF PLOT PLAN PA08-0097 FOR DEVELOPMENT OF A 937,260 SQUARE FOOT WAREHOUSE DISTRIBUTION FACILITY ON 55 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of PA08-0097, a plot plan for a 937,260 square foot warehouse distribution facility on 55 acres, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities.

   ATTACHMENT 6

   Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan

and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

   FACT: The project site is current zoned BP. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA08-0098) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed 937,260 square warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Conformance with City Redevelopment Plans – The proposed use conforms with any applicable provisions of any city redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

5. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with BP zone land to the west and Community Commercial zone land to the east. South of the facility on the other side of Fir Avenue/Future Eucalyptus Avenue is vacant RA-2 zone land with tract homes in the RA-2 zone approximately ¾ miles further south. The proposed warehouse distribution facility is a permitted use in both the BP and LI zones, but the size proposed by the project requires a Zone Change and the proximity to the Residential district to the south requires a Municipal Code Amendment to establish a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. As designed and conditioned and subject to

approval of the above mentioned Zone Change and Municipal Code Amendment, is compatible with existing and proposed land uses in the vicinity.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0097, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Plot Plan PA08-0097 for a 937,260 square foot warehouse distribution facility on a 55 acre site, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
PLOT PLAN PA08-0097 FOR A WAREHOUSE DISTRIBUTION FACILITY
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
_X_ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Approval of Plot Plan PA08-0097 is subject to adoption of a Zone Change (PA08-0098) from the Business Park zone to the Light Industrial zone for the project site and adoption of a Municipal Code Amendment (PA10-0017) to establish a minimum buffering/separation from buildings over 50,000 square in area and adjacent residential zoned land.

P2. Plot Plan PA08-0097 has been approved for development of a 937,260 square foot warehouse distribution facility, to be built on a 55 acre site within Assessor's Parcel Numbers 488-330-003 to -006 and -026. The facility includes 173 dock doors and 14,000 square feet of office. Required parking for this use equates to a total of 307 employee/visitor parking spaces and 173 truck/trailer parking spaces.

P3. Development of the warehouse facility is subject to approval of Tentative Parcel Map No. 36207 and the subsequent recordation of this map.

P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

P5. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).

P6. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

P7. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).

P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

P9. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue.

P10. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.

P11. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.

P12. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

P13. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P14. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P16. PA08-0097 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department - Planning Division. (MC 9.12.020)

Prior to Issuance of Grading Permits

P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area

will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-of-way or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P25. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.

P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P27. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.

P28. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P29. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P30. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P33. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

P34. (GP) Prior to the issuance of grading permits, a "no touch" area shall be staked along the westerly limit of project development as defined by the scour wall and a City approved Biologist be retained to monitor construction activities to ensure protection and preservation of Channel areas. Upon the completion of the above mitigation measure an on-site grading permit may be issued for project work to commence.

P35. **(GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P36. **(GP) Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.**

P37. **(GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

P38. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**

- **A.** **A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot.**
- **B.** **Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement for the specific plan and/or Municipal Code.**
- **C.** **A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks from view from Fir/Eucalyptus Avenue and at the northeast corner of the site.**
- **D.** **Wrought iron/tubular steel fence is required along portions of the northern, western and eastern property lines.**

E. A four foot tall three rail fence to match adjacent trail fencing is required to enclose the basins located along Fir/Eucalyptus Avenue.

F. **An 8 foot tall coated chain link fence is required along the western property line along the Riverside County Flood Control maintenance road.**

Prior to Issuance of Building Permits

P39. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P40. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P41. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P42. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P43. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. **A minimum size of 24" box mature trees shall be placed along the freeway or northern elevations of the building. Trees shall be in a double row or closely spaced as shown on the preliminary landscape plan?**
L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to**

achieve the overall 40 foot spacing requirement.

M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.**

N. **The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.**

P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.

P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.

P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.

P48. (BP) Prior to issuance of building permits for a final map for Tentative Parcel Map No. 36207 (PA09-0022) must be approved and recorded and all conditions of approval related to the parcel map must be satisfied.

P49. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

<u>Prior to Issuance of Certificate of Occupancy or Building Final</u>

P50. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)

P51. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P52. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

P53. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 or Eucalyptus/Fir Avenue rights of way.

MITIGATION MEASURES

P54. MM 4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

P55. MM 4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:
• Install a traffic signal;
• Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and
• Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

P56. MM 4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct an eastbound right-turn lane and re-stripe the shared left-or-righ turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P57. MM 4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

P58. MM 4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);

• Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.

P59. MM 4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P60. MM 4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection.
• Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer,
• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require

the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.

- **Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.**

P61. MM 4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;
• Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and
• Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P62. MM 4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;
• Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;
• Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and
• Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.

P63. MM 4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;
• Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and
• Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

P64. MM 4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:
• Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;
• Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;
• Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and
• Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.

P65. MM 4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane;
• Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and

• Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.

P66. MM 4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;
• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection. The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1.

P67. MM 4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;
• Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P68. MM 4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the

dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;

• Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.; and

• Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.

P69. MM 4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

• Install a traffic signal. This improvement would be funded through participation in the DIF Program;

• Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF

Program; remaining improvements would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;

• Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P70. MM 4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

• Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;

• Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and

the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P71. MM 4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:
• Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P72. MM 4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:
• Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P73. MM 4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.
• Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.
• Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
• In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

P74. MM 4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to

manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

P75. MM 4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).

P76. MM 4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

P77. MM 4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

P78. MM 4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

P79. MM 4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

P80. MM 4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations:

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**
- **Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;**
- **Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;**
- **The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;**
- **The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;**
- **High pressure injectors shall be provided on diesel construction equipment where feasible;**
- **Engine size of construction equipment shall be limited to the minimum**

practical size;
• Substitute gasoline-powered for diesel powered construction equipment where feasible;
• Use electric construction equipment where feasible;
• Install catalytic converters on gasoline-powered equipment where feasible;
• Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;
• Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
• Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;
• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

P81. MM 4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

P82. MM 4.3.10 All Project entrances shall be posted with signs which state:
• Truck drivers shall turn off engines when not in use;
• Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and
• Telephone numbers of the building facilities manager and CARB, to report violations.
These measures shall be enforced by the on-site facilities manager (or equivalent).

P83. MM 4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.
• Increase in insulation such that heat transfer and thermal bridging is minimized;
• Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
• Incorporate dual-paned or other energy efficient windows;
• Incorporate energy efficient space heating and cooling equipment;
• Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights

when they are not needed shall be implemented;
• To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.
• Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.

P84. MM 4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.

P85. MM 4.3.13 GHG emissions reductions measures shall also include the following:
• The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;
• The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;
• The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.
• Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);
• The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;
• The Project shall provide at least two electric vehicle charging stations.

Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.

- **Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:**
  - **Implementation of compressed workweek schedules;**
  - **SmartWay partnership;**
  - **Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.**
  - **Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.**
  - **Use of fleet vehicles conforming to 2010 air quality standards or better.**
  - **Installation of catalytic converters on gasoline-powered equipment.**
  - **Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;**
  - **Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;**
  - **Provision of preferential parking for EV and CNG vehicles;**
  - **Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;**
  - **Use of electric (instead of diesel or gasoline-powered) yard trucks;**
  - **Use of SmartWay 1.25 rated trucks.**

P86. MM 4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P87. MM 4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P88. MM 4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P89. MM 4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

P90. MM 4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.

P91. MM 4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.

P92. MM 4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.

P93. MM 4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.

P94. MM 4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

P95. MM 4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

P96. MM 4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- **Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;**
- **A paleontological mitigation-monitoring plan shall be developed before grading begins;**
- **Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;**
- **Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and**
- **Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources**

P97. MM 4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

P98. MM 4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

P99. MM 4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

P100. MM 4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

P101. MM 4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

• A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;

• A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and

• Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas

temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and

• Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.

P102. MM 4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

P103. MM 4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the

Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;

f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact

Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Improvement Plan Approval or Construction Permit

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.

e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The

drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. **Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.**

LD67. **Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.**

LD68. **Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).**

LD69. **Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.**

LD70. **Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.**

LD71. **Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.**

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

c. **"A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.**

d. **The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.**

e. **Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.**

f. **The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.**

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. **Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).**

b. **Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs**

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of*

Moreno Valley Public Works Department Landscape Design Guidelines. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements

shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

- **a.** Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.
- **b.** The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.
- **c.** All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

RESOLUTION NO. 2011-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF TENTATIVE PARCEL MAP 36207 (PA09-0022) TO COMBINE THE EXISTING FIVE PARCELS LOCATED WITHIN THE PROJECT SITE INTO A SINGLE 55 ACRE PARCEL.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of Tentative Parcel Map No. 36207 (PA09-0022), to combine the existing five parcels located within the project site into a single 55 acre, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

ATTACHMENT 7

1. Conformance with General and Specific Plans – That the proposed land division is consistent with applicable general and specific plans.

   FACT: The proposed tentative parcel map is consistent with the General Plan designation of Business Park for the project site. The proposed parcel map will combine the existing five parcels located within the project site into a single 55 acre parcel. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. Design Conformance with General and Specific Plans – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

   FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's General Plan land use designation of Business Park.

3. Physically Suitable for Proposed Development – That the site of the proposed land division is physically suitable for the type of development.

   FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office zoned land north of the freeway. Land uses to the east include a mix of vacant Business Park, and residential zoned land. Land uses to the east include vacant Community Commercial zoned land. Land uses to the south include vacant RA-2 zone land on the other side of Fir Avenue/Future Eucalyptus Avenue with developed tract homes located approximately ¾ miles to the south. Overall, the project site is well suited for future development of industrial land uses.

4. Physically Suitable for Proposed Density – That the site of the proposed land division is physically suitable for the proposed density of the development.

   FACT: The project site is mostly flat and at grade along Fir Avenue/Future Eucalyptus Avenue. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

5. Protection of Fish or Wildlife Habitat – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

   FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. Health, Safety and Welfare – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

   FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. Easements – That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

   FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. Consistent with Applicable City Ordinances – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

   FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

9. Passive or Natural Heating and Cooling – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. Regional Housing – That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not propose housing. The project would not increase the demand for housing beyond that anticipated in the City's Housing Element or the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, the project and/or its tenants and employees will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA09-0022, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Tentative Parcel Map No. 36207 (PA09-0022) to combine the existing five parcels located within the project site into a single 55 acre, subject to the attached conditions of approval included as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA09-0022
TENTATIVE PARCEL MAP NO. 36207
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
___ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Tentative Parcel Map No. 36207 is approved for the purposes of re-configuring the existing five parcels located within the project site and creating a single 55 acre parcel with lettered lots for a storm drain channel and a future off-ramp for State Route 60.

P2. Development within Tentative Parcel Map No. 36207 shall be under separate review and approval of a plot plan or a conditional use permit application(s) and shall be subject to the requirements of the City's Municipal Code.

P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

P4. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

EXHIBIT A

P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)

P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)

P12. (GP) Prior to approval of any grading permits, any required final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P13. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P14. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P15. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

<u>Prior to Recordation of Final Map</u>

P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In

multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and

approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and

h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

~~PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION~~

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

~~General Conditions~~

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the

approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

~~Prior to Grading Plan Approval or Grading Permit~~

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries.

For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

~~Prior to Map Approval or Recordation~~

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree

to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one

lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

~~Prior to Certificate of Occupancy~~

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees

are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to

secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. **A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

d. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

e. **Any necessary corner cutback right-of-way dedications per City Standard 208.**

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation

District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

b. Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5

foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. **That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.**

d. **That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

~~PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION~~

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit

and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service

responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

~~PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION~~

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and

other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and

Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

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MV00114516

PLANNING COMMISSION STAFF REPORT

Case:	PA08-0098 – Zone Change PA10-0017 – Municipal Code Amendment PA08-0097 – Plot Plan PA09-0022 – Tentative Parcel Map No. 36207 P08-133 – Environmental Impact Report
Date:	May 12, 2011
Applicant:	Ridge Rancho Belago LLC
Representative:	Dennis Rice
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard
Proposal:	Plot Plan for a 937,260 square foot warehouse facility on 55 acres; a Zone Change from Business Park to Light Industrial; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal.
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

This project proposes the development of a 937,260 square foot warehouse facility on 55 acres. The project requires approval of a tentative parcel map, Zone Change and a Municipal Code Amendment, and certification of a Final EIR.

ATTACHMENT 8

PROJECT DESCRIPTION

The applicant, Ridge Rancho Belago, LLC, has submitted five applications for development of the West Ridge Commerce Center Project, which include a Zone Change, a Municipal Code Amendment, a Plot Plan, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 937,260 square foot warehouse facility on a 55-acre site (Assessor's Parcel Numbers 488-330-003 through -006 and -026) located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard within Chapter 9.05 Industrial Districts of Title 9 and is presented as Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was a concern raised and reviewed for the project. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site, this residence and the vacant residential property to the south have been reviewed as sensitive receptors.

In order to provide greater compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone of approximately 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

Application PA10-0017 for a Municipal Code Amendment proposes to add a standard to the Light Industrial zone that would require industrial and warehouse structures greater than 50,000 square feet in building area to be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

If approved, the proposed amendment would be effective City-wide.

Please see Exhibit E to Planning Commission Resolution No. 2011-13 for a copy of the proposed revisions to Chapter 9.05 Industrial Districts of Title 9.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility, to be located on 55 acres located south of the Moreno Valley Freeway and approximately 650 east of Redlands Boulevard. The warehouse facility is a permitted use in the existing Business Park zone and also permitted in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas have been placed on the northern and southern elevations and are screened by perimeter concrete tilt-up walls with slopes with a tree row also required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted with groundcover and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses. Developed land within proximity to the project site includes citrus groves, the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility under construction to the east between Redlands and Theodore and large lot subdivisions approximately 1/4 mile to the south in the RA-2 zone. Developed uses to the north on the other side of State Route 60 include an RV storage site, a telecommunications antenna, a residence and a feed store.

The vacant 120 acre site to the west is currently proposed for development of a 2.2 million square foot industrial park by ProLogis, The site for this neighboring project is currently zoned Business Park, Business Park Mixed Use, R15, R5, and RA-2. That applicant is proposing a General Plan Amendment and Zone Change from existing zoning to Light Industrial.

Access

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones located on the north and south elevations of the building.

Design

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the building is a concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the building include architectural treatment. The loading bays and trailer storage areas along the northern and southern elevations have been screened from view. The screen wall along the south elevation is a fourteen (14) foot wall of concrete tilt-up construction which will match the building design and colors.

Landscaping for the site is proposed at around 13% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

REVIEW PROCESS

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed Zone Change and Municipal Code Amendment as well as the Plot Plan for the warehouse facility.

Upon review at PRSC on November 19, 2008, modifications were required to the site plan. Comments from staff included revisions to the layout of the parking lot, access from adjacent roads, screening, architecture, typical street sections, grading and the submittal of required technical studies.

Subsequent PRSC reviews occurred in May and September 2009, and April, August and November 2010. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report, a determination was made to schedule this project for a Planning Commission public hearing on May 12, 2011.

The applicant held a community meeting on February 27, 2008, to present the project to neighboring property owners. There were approximately 30 people in attendance. Concerns raised at the meeting were related to the proposed land use changes, traffic, noise, light and glare, aesthetics, quality of life, impacts to property values, air quality, crime, and storm runoff.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required State and local agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. An additional two letters were received after the end of the review period.

Final Environmental Impact Report

Responses to the twenty-four comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Response to Comments and related documents were mailed to all interested parties and responsible agencies on April 28, 2011, to allow for their review prior to Planning Commission hearing, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the document, these noted impacts above are considered to be significant and unavoidable.

Although impacts to traffic and circulation, air quality, noise, and aesthetics cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

Although the proposed Municipal Code Amendment will be effective Citywide, it is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all responsible reviewing agencies.

Agency	Response Date	Comments
Southern California Edison	October 27, 2008	No Issues
Riverside County Flood Control	December 1, 2008	District Master Plan Facilities

Conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2011-13 and thereby recommend that the City Council take the following actions:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and

2. **APPROVE** Zone Change PA08-0097 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B;

3. **APPROVE** Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C;

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-13
   Exhibit A - Final Environmental Impact Report
   Exhibit B – Zone Change Map
   Exhibit C – Municipal Code Amendment
   Exhibit D – Plot Plan Conditions of Approval
   Exhibit E – Parcel Map Conditions of Approval
3. Site Plan
4. Elevations
5. Color Rendering
6. Cross Sections – Line of Sight
7. Preliminary Landscape Plan
8. Tentative Parcel Map 36207
9. Aerial Photograph
10. Response to SCAQMD comments
11. Response to Tom Hyatt comments

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MV00114526

3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**

Case Planner: **Jeff Bradshaw**

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal…Under the current… one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park

ATTACHMENT 9

separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck court loading area and that is a minimum. At the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. This facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans for development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that

improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009. The result of that was the City was able to receive responses from various responsible agencies and members of the community. Here they identified concerns that they had with that document. And were able to hold a public meeting in October of 2009 for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year.

The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information. Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances mitigation measures have been applied and the impacts reduced to the extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. A Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document. I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the

Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yeah and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster. I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now. If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the

housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Skechers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place. The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be?

I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs. If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Skechers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will come back again.

The opportunity where the large retailers are looking for is what Skechers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Skechers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings. The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community.

That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Skechers plant up here. You know Skechers has lots of truck bays. They may not be all used at one time. They

may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION ENGINEER LLOYD – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno

Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

PLANNING OFFICIAL TERELL – The reason is because other than the Skechers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Skechers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Skechers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the

freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to

improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60 westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Skechers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

COMMISSIONER VAN NATTA – Okay… yeah but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added information was for Skechers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Skechers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Skechers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Skechers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.
One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did

and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to.

We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within

300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yeah, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Skechers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Skechers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yeah, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Skechers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Skechers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Skechers building around the square windows.

COMMISSIONER OWINGS – Yeah but, okay, but it does look totally different than the Skechers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Skechers building?

APPLICANT RICE – I think I would, yeah

COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Skechers is Skechers and we don't want to be like Skechers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Skechers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were

to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yeah Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yeah unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to

the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that.

The same thing with Skechers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor. We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan.

Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it... they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no, they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know. The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Skechers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Skechers.

Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you were for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should

at least put on an air that you are unbiased about it. Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Skechers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Skechers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Skechers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises. Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and… Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Skechers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case.

Things are planned. You need to put things where are they are planned. You need to approve them where they are planned. Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I

told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Skechers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the 500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Skechers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Skechers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yeah I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yeah, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding, they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact

base of personal attacks. Whether or not Iddo Benzeevi is a good person or a bad person, he has certain rights in this City and they should be obeyed or they should be respected. Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this.

There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself. In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking.

I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore

I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that

live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs. It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Skechers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Skechers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Skechers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to

Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

VICE CHAIR BAKER – No they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Skechers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Skechers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Skechers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

Westridge Commerce Center
Final Environmental Impact Report

Prepared for:
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
City Case # P08-133

Prepared by:

appliedplanning inc

April 2011

ATTACHMENT 10

Item No. E.3

FINAL ENVIRONMENTAL IMPACT REPORT

for the

Westridge Commerce Center Project

State Clearinghouse Number:
2009101008

Prepared for:

The City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
City Case No. P08-133

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

April 2011

Table of Contents

Section **Page**

1.0 Introduction 1-1
1.1 Overview 1-1
1.2 Content and Format 1-1
1.3 Draft EIR Commentors 1-1
1.4 Point of Contact 1-3
1.5 Project Summary 1-3

2.0 Revisions and Errata Corrections 2-1
2.1 Introduction 2-1
2.2 Text Revisions 2-1
2.3 Revisions to Graphic Illustrations 2-11

3.0 Comments and Responses 3-1
3.1 Introduction 3-1

4.0 Mitigation Monitoring Plan 4-1
4.1 Introduction 4-1
4.2 Mitigation Monitoring and Reporting 4-2

Appendix A: Attachments to Comments and Reponses
Attachment 1: Attachments to Comments Provided by Johnson and Sedlack
Attachment 2: *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions*

List of Tables

Table **Page**

1.3-1 Draft EIR Commentors 1-2
3-1 Draft EIR Commentors 3-2
4.2-1 Mitigation Monitoring Plan 4-3

Item No. E.3

1.0 Introduction

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the Westridge Commerce Center Project (Project). The Draft EIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The Draft EIR was circulated for public review and comment from October 21, 2010 through December 6, 2010.

1.2 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 of this document contains corrections and errata to the Draft EIR. Section 3.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. The Project Mitigation Monitoring Plan, which includes additional measures developed as a part of this Final EIR, is presented in Section 4.0.

1.3 DRAFT EIR COMMENTORS

A total of twenty-four (24) comment letters were received from various agencies and organizations. Additionally, four comment cards were received at a December 2, 2010 public meeting that was held to discuss the Project. The following Table 1.3-1 identifies the Draft EIR commentors. For reference purposes, comments are numbered and may be referred to by an acronym within the Responses to Comments (Final EIR Section 3.0). These acronyms, along with the dates of correspondence received, are also included in Table 1.3-1. Comments denoted with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not provided responses within Section 3 of this Final EIR. The Lead Agency has, however, attached these late comments and their corresponding responses to the Project staff report.

Table 1.3-1
Draft EIR Commentors

Commentor	Acronym	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

1.4 POINT OF CONTACT

The Lead Agency for this Project is the City of Moreno Valley. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

1.5 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.5.1 Project Location

The Project site is located southwesterly of the State Route 60/Redlands Boulevard interchange, within the easterly portion of the City of Moreno Valley. The approximately 55-acre site is bounded to the north by State Route 60 (SR-60), to the west by the Quincy Channel, to the south by Fir Avenue (future Eucalyptus Avenue), and by a vacant parcel to the east. The Project's easterly boundary parallels Redlands Boulevard, which is located approximately 700 feet to the east.

1.5.2 Project Overview

The subject of this EIR is the proposed development of the Westridge Commerce Center, which has been initiated by the Project proponent, Ridge Property Trust. Together with supporting improvements, the Project will provide for approximately 937,260 square feet of new light industrial warehouse/distribution uses.

In addition, the Project includes the development of supporting infrastructure, including roadway improvements, all necessary utilities including storm water management detention/retention basins, and paved, on-site parking areas.

1.5.3 Project Objectives

Primary objectives of the Project, as identified by the Project Applicant, are as follows:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

1.5.4 Discretionary Actions

Necessary discretionary actions, permits, and consultations allowing for implementation and operation of the Project will include, but are not limited to, the following.

1.5.4.1 Lead Agency Discretionary Actions and Permits

- **Certification of the EIR (City Case # P08-133).** The proposed development is a Project under CEQA, and may result in significant environmental impacts. Lead Agency certification of the Project EIR is required;

- **A zone change from Business Park to Light Industrial (City Case # PA08-0098).** The proposed zone change will allow for construction and operation of the Project's distribution warehouse uses as configured;

- **Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts],** to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property to ensure the protection of the health, safety and welfare of future residents;

- **Parcel Map Approval (City Case # PA09-0022)** to consolidate and reconfigure existing parcels defining the Project site, and to provide necessary easements and dedications;

- **Development Plan Review (City Case # PA08-0097)** pursuant to City of Moreno Valley Municipal Code Section 9.02.030 [Development Review Process], et al.;

- **Construction, grading, and encroachment permits** allowing implementation of the Project facilities within City of Moreno Valley jurisdictional areas; and

- **Vacation and/or dedication of public rights-of-way and easements** as elements of the proposed parcel map, or independent of the map. Rights-of-way and easements will provide public access, and ensure appropriate alignment of and access to infrastructure and utilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

- **Permitting and Consultation through the California Department of Fish and Game (CDFG)**, to include:

  - **Lake and Streambed Alteration Agreement (LSA)** addressing potential CDFG jurisdictional area impacts resulting from the Project; and
  - **Consultation** regarding the possible relocation of resident burrowing owls (if burrowing owls are determined to be present on the subject site during required pre-construction surveys).

- **CWA Section 404 and Army Corps of Engineers (ACOE) permitting** will be required for Project activities affecting off-site ACOE jurisdictional areas. CWA Section 404 permitting may also be required should the Project riparian habitat mitigation plan involve or require use of off-site federal jurisdictional areas;

- **Permitting required by/through CWA Section 401 and Santa Ana Regional Water Quality Control Board (SARWQCB)** pursuant to requirements of the National Pollutant Discharge Elimination System (NPDES) Permit;

- **Permitting required by/through the South Coast Air Quality Management District (SCAQMD)** for certain equipment to be temporarily employed within the Project during construction, and/or permanently installed and used over the life of the Project; and

- **Permitting by/through the California Department of Transportation (Caltrans)** for improvements within or that may affect Caltrans rights-of-way.

1.5.4.3 City Development Applications

In support of requested discretionary approvals and permits noted above, development applications submitted by the Project Applicant include:

- **Plot Plan** for a 937,260 square foot warehouse distribution facility;

- **Zone Change** from Business Park to Light Industrial;

- **Tentative Parcel Map** No. 36207 to combine the Project's five parcels into a single parcel; and

- **Application to Amend the City Municipal Code.** The Project Applicant is requesting a Municipal Code text Amendment to Section 9.05.020 B. The requested Amendment would provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

2.0 Revisions and Errata Corrections

2.0 REVISIONS AND ERRATA CORRECTIONS

2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text and graphic illustrations of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. It should be noted that the revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 TEXT REVISIONS

2.2.1 Text Revisions to Draft EIR Section 3.0, Project Description

Consistent with the comments provided by Thomas Thornsley, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include notation of screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. **Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls** . . .

2.2.2 Text Revisions to Draft EIR Section 4.3, Air Quality

A typographical error appearing in the first paragraph of Draft EIR Page 4.3-68 is corrected as follows, providing consistency with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

Additionally, in response to correspondence from the South Coast Air Quality Management District and others, the Draft EIR's Air Quality Mitigation Measures are revised as follows.

> *4.3.1* ***Consistent with URBEMIS modeling inputs and to effect*** ~~***The following measures shall be incorporated as***~~ *implementation of* ***SCAQMD*** *Rule 403****, the following measures shall be incorporated****:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.*
- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***
- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***
- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.***

~~*4.3.4 Construction contractors shall use only lowpolluting paints and coatings as defined in SCAQMD Rule 1113.*~~

4.3.5~~4~~ Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

4.3.~~6~~5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

4.3.~~7~~6 During Project construction, existing electrical power sources (e.g., power poles) shall be ~~provided for~~ **utilized to** power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

4.3.~~8~~7 The Applicant shall use ~~Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications~~ **"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be** consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

4.3.~~9~~8 Grading plans, construction specifications and bid documents shall **also** include ~~notation that off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where the use of biodiesel fuel would void the equipment warranty.~~ **the following notations:**

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**

- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*

• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide* ***secure, weather-protected*** *on-site bicycle storage/parking.~~ Bicycle storage parking/quantity and location shall be~~ consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***
  - ***Use of fleet vehicles conforming to 2010 air quality standards or better.***
  - ***Installation of catalytic converters on gasoline-powered equipment.***
  - ***Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;***
  - ***Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;***
  - ***Provision of preferential parking for EV and CNG vehicles;***
  - ***Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;***

- ***Use of electric (instead of diesel or gasoline-powered) yard trucks; and***
- ***Use of SmartWay 1.25 rated trucks.***

2.2.3 Text Revisions to Draft EIR Section 4.5, Water Supply

In response to correspondence from the Eastern Municipal Water District, Mitigation Measure 4.5.3 is revised as follows:

> *4.5.3 The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project****, to be constructed by the Applicant****.*

2.2.4 Text Revisions to Draft EIR Section 4.7, Cultural Resources

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

> *4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/****or*** *record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays****, consistent with the requirements of California Public Resources Code Section 21083.2****. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring.* ***Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, a****All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and/or record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*

- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

2.2.5 Text Revisions to Draft EIR Section 4.8, Biological Resources

In response to correspondence from the California Department of Fish and Game, Mitigation Measure 4.8.5 is revised as follows:

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan****; and***

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

2.3 REVISIONS TO GRAPHIC ILLUSTRATIONS

In response to comments received from Gerald M. Budlong, a City of Moreno Valley Environmental and Historical Preservation Board member, several geologic maps, which were used as points of reference in the preparation of the Project Geotechnical Investigation, are incorporated on the following pages as "Plates 1 through 4."

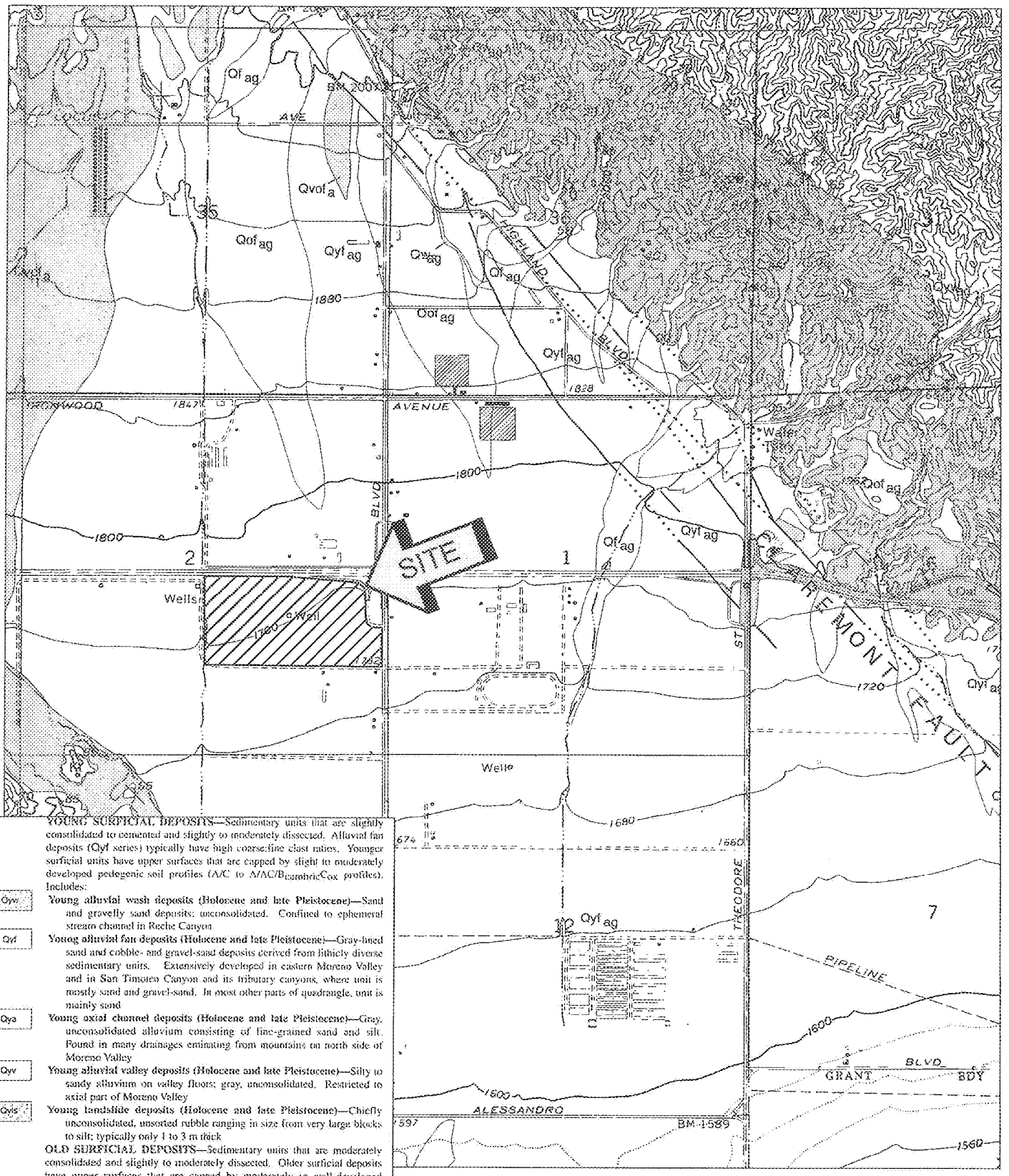

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

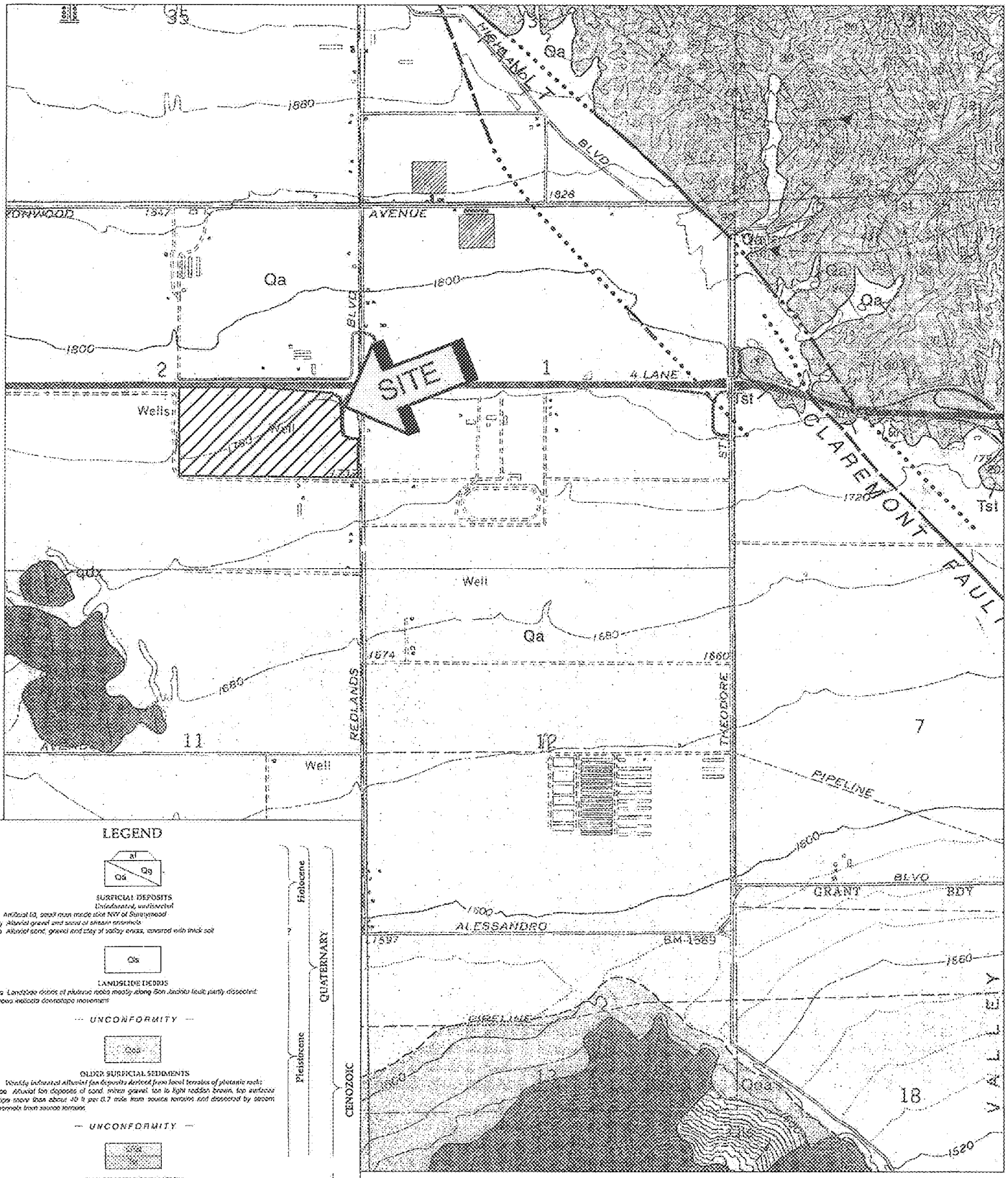

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af Artificial fill, small mass made due NW of Sunnymead
Qg Alluvial gravel and sand of stream channels
Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

LANDSLIDE DEBRIS

Qds Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:
Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, fan surfaces slope more than about 40 ft per 0.7 mile from source terrains and dissected by stream channels from source terrains

— UNCONFORMITY —

SAN TIMOTEO FORMATION

(San Timoteo Sets of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); main part referred to late of Pliocene age (Morton and Matti, 2001)

QTst Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone, tentatively (?) overlain by Qoa in this quadrangle
Tst Main part (pebble part of Morton and Matti, 2001), lithologically similar to upper part, within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Epoch	Period
Holocene	QUATERNARY
Pleistocene	QUATERNARY
Pliocene	TERTIARY

CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00114593

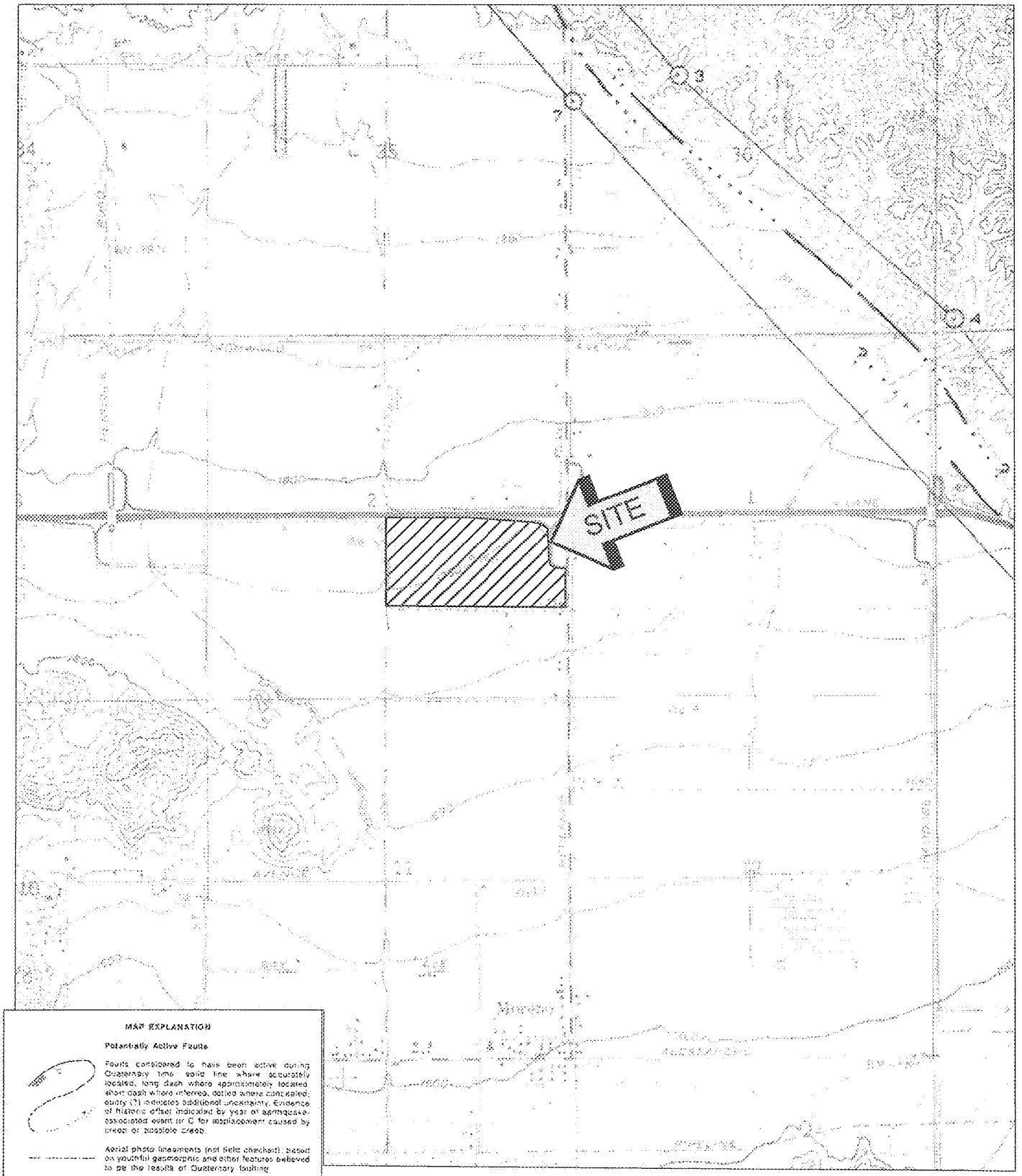

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

FAULT ZONES
03/16/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00114595

3.0 Comments and Responses

3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

The City of Moreno Valley's Responses to Comments on its Draft EIR for the Westridge Commerce Center are presented herein as required by California Code of Regulations, title 14 (hereinafter, "State *CEQA Guidelines*") Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: "[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." The 45-day comment period on the Draft EIR commenced on October 21, 2010 and concluded December 6, 2010.

Additionally, and as required by Section 15088, the City of Moreno Valley will provide written responses to all comments on the Draft EIR received from public agencies during the 45-day public review period at least 10 days prior to the proposed certification of the Program EIR.

In summary, the City's written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City's written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR's conclusions.

3.1.1 Comments Received

The following section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been organized by State agencies, County and regional agencies, and comments received from local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all commentor letters received by the City in regard to the Draft EIR, and the designation assigned to each. Comments with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not included with the provided responses herein. The Lead Agency has, however, included these late comments and their corresponding responses in the Project staff report.

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack, on behalf of Residents for a Liveable Moreno Valley, and Moreno Valley Group of Sierra Club.	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

The comment letters and the corresponding numbered responses are presented on the following pages.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

December 7, 2010

RECEIVED
DEC 13 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
SCH#: 2009101008

Dear Jeff Bradshaw:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 6, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office. SCH-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009101008
Project Title PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
Lead Agency Moreno Valley, City of

Type EIR Draft EIR

Description The West Ridge Commerce Center project proposes a 937,260 square foot industrial warehouse building on approximately 55 acres located on the south side of State Route 60, on the north side of Eucalyptus Avenue and ~650 feet west of Redlands Boulevard. The proposed warehouse use requires a change of zone from the Business Park land use district to the Light Industrial land use district. The project also requires approval of Tentative Parcel Map No. 36207 to combine the project parcels into a single parcel and a Municipal Code Amendment to establish a minimum buffering distance between warehouse distribution activities in the LI zone and adjacent residential zones. THe Quincy Channel, which is a segment of the City's Master Plan of Drainage, runs along the west site boundary and the project will be responsible for some channel improvements.

Lead Agency Contact

Name Jeff Bradshaw
Agency City of Moreno Valley
Phone (951) 413-3224 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92553

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 56' 7.7" N / 117° 09' 34.5" W
Cross Streets Fir/Eucalyptus Avenue, Redlands Boulevard
Parcel No. 488-330-003 to 006 & 026
Township 3S **Range** 3W **Section** 2 **Base** SBB&M

Proximity to:

Highways SR 60
Airports No
Railways No
Waterways No
Schools No
Land Use GPD: Business Park
Z: Business Park

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Landuse; Noise; Public Services; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

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Date Received 10/21/2010 **Start of Review** 10/21/2010 **End of Review** 12/06/2010

Note: Blanks in data fields result from insufficient information provided by lead age

Item No. E.3

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2009101008

Response SCH-1

State Clearinghouse receipt of the Westridge Commerce Center Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2009101008) and dates of the public review period for the Draft EIR (October 21, 2010 through December 6, 2010) are also acknowledged.

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

December 3, 2010

RECEIVED
DEC - 7 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Re: Draft Environmental Impact Report for Westridge Commerce Center
SCH No. 2009101008

Dear Mr. Bradshaw:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Westridge Commerce Center. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). CDFG-1

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the City of Moreno Valley, County of Riverside and is bounded on the north by SR-60 and Spruce Avenue, on the south by Eucalyptus Avenue, on the east by vacant land and Redlands Boulevard, and on the west by the Quincy Channel and agricultural land. Surrounding development consists of vacant and agricultural land. CDFG-2

The proposed project consists of a 937,260 square foot industrial warehouse building on 55 acres. The Quincy Channel runs along the western boundary and will require improvements.

MSHCP

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Moreno Valley is an MSHCP participant. CDFG-3

The project is not within Cell Criteria Areas and does not require additional surveys and narrow endemic surveys, however, burrowing owl surveys are required. Initial surveys showed that burrowing owl was not present. CDFG-3 cont'd.

Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

The Department recommends that the Lead Agency clarify the issues raised below and provide a response to these comments in the Final Environmental Impact Report (FEIR) or subsequent CEQA document. CDFG-4

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant revegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

Biological Resources

A biological assessment was conducted in October, 2008. Biological Resources Assessments for the project site include the following: Burrowing Owl surveys in July, 2009, an off-site biological assessment in May, 2010 and a wetland jurisdictional delineation in February, 2010.

Biological habitat communities on the site include mulefat riparian, ruderal and agricultural. The site is highly disturbed and was formerly utilized for agricultural purposes. No focused biological surveys were required. Two southern black walnut trees were found on site. CDFG-5

Impacts and Mitigation

Section 14(a) of Appendix G of the CEQA Guidelines provides an outline for significant biological impacts. Section (a) asks whether the project will have a substantial adverse effect "...either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species...". CDFG-6

Section (b) asks, in part, whether the project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game.

Impacts to terrestrial biological resources are minimal. Mitigation for these impacts is provided for by participation in the MSHCP. The project is also located within the fee area for the Stephens Kangaroo Rat Habitat Conservation Plan. No burrowing owl were found on the site. CDFG-6 cont'd

Streambed Alteration Agreements and CEQA

The site is located adjacent to the Quincy Channel. Potential receiving waters from Quincy Channel are the Heacock Channel, Perris Valley Storm Drain and the San Jacinto River. The project site is not within the 100-year floodplain. The Channel is 1,295 linear feet with 2.4 acres of riparian habitat. Sheet flow from the site drains to the east to the jurisdictional channel along the west side of Redlands Boulevard. Both channels collect runoff from SR-60 and north of SR-60. The applicant is proposing to construct a scour wall adjacent to this channel. Along with the scour wall will be a maintenance road and a 50-150 foot buffer between the development and the Channel. The stream is an eroded earthen channel that collects runoff from three five foot wide culverts under SR-60. CDFG-7

Impacts to Quincy Channel will be from a channel crossing, not the scour wall. Impacts will also occur to an off-site channel. Permanent impacts are .003 acres to the Quincy Channel and 0.08 acres to the channel to the east (off-site). The applicant is proposing to mitigate impacts to jurisdictional State waters and riparian habitat by replacing riparian habitat at a 1:1 ratio, success criteria, and a three year maintenance and monitoring plan. CDFG-8

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. CDFG-9

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-10

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

CDFG-11

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

CDFG-12

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Michael Flores

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Letter Dated December 3, 2010

Response CDFG-1

The commentor notes CDFG's status as a responding Trustee Agency for California's fish and wildlife resources, and as a Responsible Agency for CDFG discretionary actions and permits. For the Project under consideration, the commentor notes that CDFG provides comments as both a Trustee and Responsible Agency. The commentor notes further that, pursuant to *CEQA Guidelines* Section 15096, comments provided by Responsible Agencies should focus on shortcomings on an EIR, and on additional alternatives or mitigation to be included in the EIR.

Trustee and Responsible Agency status of CDFG is recognized. The *CEQA Guidelines* Section 15096 directions for comments on EIRs to be provided by Responsible Agencies are acknowledged. It is noted further the *CEQA Guidelines* Section 15096 requires that Responsible Agencies limit their comments to ". . . those project activities which are in the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency."

Response CDFG-2

The Project location and scope as summarized by the commentor is materially correct. Please refer also to the detailed Project Description presented in Draft EIR Section 3.0.

Response CDFG-3

The commentor notes location of the Project within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).Attributes of the MSHCP and species "take" authorization for MSCHP participants are noted by the commentor. The commentor identifies the City of Moreno Valley as a participant in the MSHCP. The

commentor states further that the Project does not lie within [MSHCP] Cell Criteria Areas, and does not require surveys other than for burrowing owls. The commentor notes that initial [Draft EIR] surveys conducted for the Project indicate that owls are not present on the subject site.

Provisions of the MSHCP are noted, as is the City's status as an MSHCP participant. Species survey requirements for the Project, as stated by the commentor, are consistent with surveys conducted in conjunction with preparation of the Draft EIR. Results of the Project Burrowing Owl Survey (Survey) are summarized in Draft EIR Section 4.8, "Biological Resources," and the Survey is provided at Draft EIR Appendix G.As noted by the commentor, the initial Survey results indicate that burrowing owls are not present on the Project site. The Survey notes that "[n]o burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. In addition, this species has not been recorded from the project area in the past." [Survey, Page 6.] Further, the Draft EIR notes that "[t]he Project area does provide suitable burrowing owl foraging habitat; however, no burrowing owls or their sign were detected during the Project burrowing owl survey." (Draft EIR, Page 4.8-8.)

<u>Response CDFG-4</u>

The commentor reiterates *CEQA Guidelines* Section 15096 provisions and requirements. The commentor notes that CDFG will consult the EIR for the purposes of preparing a Lake and Streambed Alteration Agreement and/or issuance of an Incidental Take Permit. The commentor lists three (3) issues to be clarified in the Final EIR:

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

The following responses are provided to the issues/requirements cited by the commentor.

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters. Draft EIR Mitigation Measure 4.8.4 requires that a lake and streambed alteration agreement (Section 1600 permit) or waiver be obtained prior to the issuance of any grading permit and that written verification of the permit or waiver be provided to the Lead Agency (Community Development Department-Planning Division and the Public Works Department-Land Development Division).In support of the Permit, the Draft EIR identifies estimated impacts at CDFG jurisdictional areas and habitat, and identifies responding mitigation. This information will be included in subsequent Section 1600 Permit documentation for the Project. Relevant EIR text is excerpted below:

> [T]he channel is jurisdictional under the U.S. Army Corps of Engineers, the California Department of Fish and Game, the California Regional Water Quality Control Board and the MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Under a maximum potential impact scenario, construction of off-site improvements could result in permanent disturbance and alteration of approximately 0.08 acres (710 lineal feet of 5-foot wide channel, or a total of 3,550 square feet) of un-vegetated riparian habitat. Consultation and permits from these agencies will be required prior to any disturbance of this channel (Draft EIR, Page 4.8-10).

As summarized in Draft EIR Section 4.8 and presented in detail in the Project Jurisdictional Delineation, construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat

riparian habitat/CDFG jurisdictional areas. This is a potentially significant impact, as acknowledged on Draft EIR Page 4.8-23.

The following mitigation measures addressing potential impacts to jurisdictional/ habitat areas were incorporated in the Draft EIR, and will be reflected in subsequent Section 1600 Permit documentation.

4.8.1 *Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*

4.8.2 *Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*

4.8.3 *Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be*

planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 *Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.*

4.8.5 *Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:*

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, and regular maintenance and monitoring activities to ensure the success of the mitigation plan*

(Draft EIR Pages 4.8-23 through 4.8-24).

The commentor incorrectly states subsequently (please refer to Comment CDFG-8) that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." Potential impacts from a future crossing of the Quincy Channel at Fir (future Eucalyptus) Avenue are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project. As noted in Footnote 2 on Draft EIR Page 4.8-19, repeated here for ease of reference:

> The EIR Jurisdictional Delineation also acknowledges jurisdictional impacts and associated mitigation and permitting requirements associated with the future bridge crossing of Fir (Eucalyptus) Avenue at the Quincy Channel, located southwesterly adjacent to the Project site. This bridge crossing, to be implemented by the City or others at a future date as a part of areawide circulation system improvements, will permanently impact an estimated 0.47 acres of CDFG jurisdictional areas, with temporary impacts to an additional 0.06 acres of CDFG jurisdictional area. Affected CDFG jurisdictional areas encompass ACOE and RWQCB jurisdictional areas. These are not Project-related impacts, but are however considered in this EIR and CEQA within the context of cumulative impacts. Please refer also to EIR Section 5.1.1.8, Cumulative Biological Resources impacts (Draft EIR Page 4.8-19).

2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan. The last bullet point at Mitigation Measure 4.8.5 is amended as follows to include native plant re-vegetation for areas temporarily disturbed by construction.

- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department. As noted above at Mitigation Measure 4.8.5 (as amended):

> *[The Project] HMMP shall, at a minimum, meet the following requirements:*
> - *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
> - *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
> - *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal**, native plant re-vegetation for areas temporarily disturbed by construction,** and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

While the Draft EIR presents a reasoned best estimate of impacts and proposed responsive mitigation based on Project design concepts, details such as monitoring and maintenance of mitigation for impacts to jurisdictional areas and affected habitat are more effectively developed based on final Project designs including detailed grading plans, utility plans design and final building designs. As matter of clarification, the following bullet point is added to Mitigation Measure 4.8.5:

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

With these revisions, Mitigation Measure 4.8.5 in total will be worded as presented below. These revisions will be reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Response CDFG-5

The commentor notes biological resources surveys conducted for the Project, and comments further that no focused surveys were required. Surveys and survey results noted by the commentor are materially correct. No further response is required.

Response CDFG-6

The commentor cites *CEQA Guidelines* Appendix G suggested threshold considerations addressing habitat modifications and potential impacts to candidate, sensitive or special status species, riparian habitat, or other sensitive natural communities. The commentor notes that [Project] impacts to terrestrial biological resources are minimal, and that mitigation for these impacts is provided for through participation in the encompassing MSHCP. The Project also lies within the fee area for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan. Potential impacts to SKR are addressed though fee payments consistent with provisions of the SKR Habitat Conservation Plan. The above statements provided by the commentor are materially correct. No further response is required.

Response CDFG-7

The commentor summarizes physical characteristics of the Quincy Channel (Channel), located westerly of the Project site. The commentor notes that the Project Applicant proposes to construct a scour wall adjacent to the Channel. A maintenance road will be constructed on the easterly (developed side) of the wall and an approximate 50-150 foot buffer area will be provided between the wall and the developed warehouse areas.

The commentor's summary descriptions of the Channel and Applicant-initiated improvements are materially correct. No further response is required.

Response CDFG-8

The commentor incorrectly states that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." As noted in the preceding Response CDFG-4, potential impacts from a future crossing of the Quincy Channel at Fir (Future Eucalyptus) are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project.

As noted by the commentor, the Draft EIR acknowledges that the Project will result in or cause approximately 0.003 acres of *temporary* [emphasis added] impact to CDFG jurisdictional area along the Quincy Channel due to construction of the scour wall. Impacts arising from eventual future crossing of the Channel are not Project-specific and no mitigation is proposed by the Project. Potential cumulative impacts of the crossing are discussed at Draft EIR Section 5.1.1.8:

> . . .[I]t is noted that the ultimate design of Fir (future Eucalyptus) Avenue includes the construction of a crossing to span Quincy Channel. This future channel crossing is not considered a component of the proposed [P]roject and is contingent on vicinity development, which may occur in the next several years. The future construction of a channel crossing could result in permanent and temporary impacts on [the] Quincy Channel. These potential impacts are identified within Section 5.2.2 of the Jurisdictional Delineation Report in Draft EIR Appendix G. Because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in this EIR. It is further noted, however, that the ultimate extension of Eucalyptus Avenue, including the construction of a Quincy Channel crossing, is included in the City's General Plan Circulation Element, and as such, has been considered as a part of the City's General Plan EIR. Cumulative Project impacts are not affected by the extension of Fir (future Eucalyptus) Avenue or the construction of a Quincy Channel crossing (Draft EIR Pages 5-22 through 5-23).

<u>Response CDFG-9</u>

The commentor states that"[i]f the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance,

mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement."

The commentor's statement/concern is recognized; however, such concerns are not germane to the Project or to the Draft EIR. Potential Project-related impacts to lakes, streams, and associated resources are fully disclosed and discussed in the Draft EIR and supporting technical studies presented in Draft EIR Appendix G. A summary of impacts and proposed mitigation is provided in preceding responses CDFG-1 through CDFG-8. Please refer also to the detailed discussions presented in Draft EIR Section 4.8, "Biological Resources," and supporting technical studies provided in Draft EIR Appendix G, "Biological Resource Assessments." Moreover, all areas of potential jurisdictional impacts are avoided to the extent possible and mitigated where complete avoidance is infeasible. The discussion provided as part of Draft EIR Mitigation Measures 4.8.1 through 4.8.3, as excerpted below, requires and promotes avoidance. The complete text of these mitigation measures is provided in the preceding Response CDFG-4.

> *. . . Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel . . . a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*
>
> *. . .Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained*

throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

. . . [N]o invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel (Draft EIR Page23).

Response CDFG-10

The commentor states that "[t]he Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:l replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors."

The Project does not propose elimination of drainages, lakes and their associated habitats. Mitigation is proposed for the Project's temporary impact to 0.003 acres of riparian (mulefat) habitat.[1]The ultimate scope and location of mitigation will be determined in consultation with CDFG through the Streambed Alteration Agreement Notification/Permit process (or waiver), to be completed prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas. Notification/Permit processes will be initiated by the Applicant at the earliest practicable date. Given the nominal scope of habitat impact (0.003 acres), its relative distance from proposed areas of development, and intervening buffering areas provided, no substantive alteration of the Project is proposed nor anticipated to be

[1] Total impacts to jurisdictional areas are estimated at 0.083 acres: 0.003 acres temporary impact to jurisdictional mulefat habitat; 0.08 acres permanent impact to non-habitat jurisdictional areas.

required in order to successfully mitigate the Project's temporary impacts to riparian habitat. Contact information provided by the commentor is noted.

Response CDFG-11

The commentor notes the following informational requirements for a Streambed Alteration Agreement, and recommends its incorporation in CEQA documents:

> 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
> 2) Discussion of avoidance measures to reduce project impacts; and,
> 3)Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

The above information is provided in the Draft EIR and supporting jurisdictional delineation information presented at Draft EIR Appendix G. Excerpted germane Draft EIR discussions are presented below, and the commentor is referred to full detailed discussions presented in the body of the Draft EIR, specifically, within Section 1.0, Summary; Section 4.8, Biological Resources; and Section 5.0, Other CEQA Considerations. Supporting technical studies are provided at Draft EIR Appendix G, Biological Resource Assessments.

1. **Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type).**The Draft EIR states that "[p]roject construction activities will result in the following potentially significant impacts: Potential direct temporary impacts to 0.003 acres, (22 lineal feet) of mulefat vegetated riparian habitat; and Potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat" (Draft EIR Page 1-77, et al.).

2. **Discussion of avoidance measures to reduce project impacts.** The Draft EIR states that "[a]maintenance road will be provided along the easterly edge of the scour wall, and Westerly of the scour wall, a buffer area averaging in width from approximately 50 feet to 150 feet will be established, providing separation between the developed site and the adjacent Quincy Channel. This physical separation between the developed site and the Channel habitat areas minimizes or precludes direct impacts to the Channel and its associated vegetation communities and special status plant species." (Draft EIR Page 4.8-18, *et al.*) Please refer also to the preceding Response CDFG-9.

3. **Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.** Please refer to Draft EIR Mitigation Measures 4.8.1 through 4.8.5 (as amended through these responses), presented in the preceding Response CDFG-4.

Response CDFG-12

The commentor cites *CEQA Guidelines* Section 15370, which describes/defines mitigation, and states that CDFG cannot fulfill its obligations absent defined impacts and proposed mitigation. CDFG point of contact information is provided.

Project impacts are fully and appropriately defined and disclosed as summarized in the preceding responses and presented in detail in the Draft EIR (0.08 acres permanent impact to non-habitat jurisdictional areas; 0.003 acres temporary impact to jurisdictional mulefat habitat). Mitigation is proposed for impacts determined to be potentially significant. Mitigation includes restoration/replacement habitat at a minimum 1:1 ratio. The Lead Agency considers the defined area of impact and proposed mitigation to be consistent with CDFG requirements, and supports the Department's obligations and responsibilities as a Trustee and Responsible Agency. Project impacts, as mitigated, are considered to be less-than-significant. Mitigation as revised herein is included in

response to CDFG comments. CDFG staff were contacted (phone conversation 12.16.10) to clarify information provided in the DEIR and discuss CDFG concerns. Subsequent to that conversation, a draft of these responses was emailed to CDFG staff. As indicated in the following email response from CDFG, CDFG staff concurs with the substance of these responses and proposed revisions to the Draft EIR text.

From: Robin Maloney-Rames <RMaloney@dfg.ca.gov>
Date: December 29, 2010 9:13:07 AM PST
To: <cray@appliedplanning.com>
Subject: Re: Westridge Draft EIR-CDFG Comments and Responses (Draft)

Hello Charly:

I took a look at the letter and response to comments. It seems to be in order. If you could include this with the Response to Comments I would appreciate it.

thanks
Robin

Environmental Scientist
Dept. of Fish and Game
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 980-3818

Thank you for contacting the California Department of Fish and Game. Pursuant to Governor's Executive Order S-12-10, we are closed on the second, third and fourth Friday of each month.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-6890
TTY (909) 383-6300

Flex your power!
Be energy efficient!

December 6, 2010

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Westridge Development Draft Environmental Impact Report (October 2010). SCH: 009101008.
Riv-60-PM19.0/20.4

Dear Mr. Bradshaw,

We have completed our review for the above noted project which is located south of State Route 60 (SR-60) east of Quincy Channel, and north of Fir Avenue in the City of Moreno Valley. The project proposal comprises of the construction of 937,260 square feet of new light industrial warehouse/distribution area.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS. DOT-1

We have the following comments:

Traffic Operations

1. Please include a Stacking Distance analysis for the Moreno Beach Road . DOT-2

2. Traffic Impact Study (page 124, Table 6-11); under Redlands Blvd at SR-60 Westbound Ramp, please include: WBL, WBR, EBL & EBR. Additionally, under SR-60 at eastbound Ramps, please include: SBR. DOT-3

3. Due to the potential high volumes of truck traffic, please ensure that the ramp intersection will accommodate STAA truck turning movements. DOT-4

4. Please include the ramp merge/diverge analysis for SR-60 at Moreno Beach Dr. and at Redlands Blvd. DOT-5

Mr. Bradshaw
December 6, 2010
Page 2

Hydrology

1. Although the proposed improvements should have no significant effect on Caltrans facilities, the documentation submitted did not give specific details how the runoff from the freeway SR-60 will be captured and contained. We would expect the developer's engineer to address this issue during the design and permit approval process. DOT-6

Permit Requirements:

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
Department of Transportation
464 West 4th Street, 6th Floor, MS-619
San Bernardino, CA 92401-1400
(909) 383-4526

DOT-7

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Joe Shaer at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DISTRICT 8

Letter Dated December 6, 2010

Response DOT-1

Caltrans jurisdiction and statutory responsibilities in regard to the proposed Project's potential effects on SR-60 are acknowledged. Agency review of the Draft EIR is appreciated.

Response DOT-2

The commentor requests a stacking distance analysis for Moreno Beach Road. Within the context of the Caltrans Guide for the Preparation Traffic Impact Studies (State Of California Department Of Transportation), December 2002, the traffic impact analysis consultant, guided by local input and expertise of the Lead Agency, established the parameters and extent of the Project Traffic Impact Analysis (TIA). The Project is anticipated to contribute nominal[2] traffic to Moreno Beach Road for opening year conditions; and would contribute less than 50 peak hour trips to Moreno Beach Road under long-range conditions.

Pursuant to applicable CMP TIA guidelines (see Caltrans TIS Guidelines, Page 2), it is typically unnecessary for projects generating less than 50 peak hour trips to assess potential impacts in regard to stacking or progression through an interchange area. The Lead Agency has not indicated special circumstances or other considerations that would indicate a requirement for a stacking distance analysis for Moreno Beach Road, nor is such the conclusion of the TIA consultant.

---

[2] Nominal traffic contributions are defined less than 50 vehicles per day (Project TIA Page 44, et al.)

Response DOT-3

The commentor requests specific analysis of the westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps. Analysis of the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps is also requested.

The westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps were not individually reported since they are shared lanes, and the queues associated with these movements are reflected in the 95th percentile queue presented for the westbound and eastbound through movements, respectively. Similarly, the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps was not reported individually since it is a shared movement with the southbound through lane. Please refer also to TIA Table 4-1 (Intersection Analysis for Existing Conditions).

Response DOT-4

As noted in the discussion of regional access (Draft EIR Section 4.2.2.2 on Page4.2-8), the Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. (Please refer to Figure 3.5-1, Site Plan Concept). The Project would, upon approval, be responsible for payment of Traffic Uniform Mitigation Fee (TUMF) contributions; however, interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. When designed, reviewed and constructed, it is presumed that the ramps will be required to be consistent with Caltrans design standards, and will accommodate STAA truck turning movements.

Response DOT-5

According to the Transportation Research Board's *Highway Capacity Manual*, the influence area for a merge junction is 1,500 feet downstream, and the influence area for a

diverge junction is 1,500 feet upstream. The distance between the ramps at Redlands Boulevard and Moreno Beach Boulevard is approximately 6,600 feet. There are no other merge/diverge junctions (i.e., interchanges) within the 1,500-foot influence areas of the ramps at Moreno Beach Boulevard and Redlands Boulevard, and as such, merge and diverge analyses were determined unwarranted as part of the Project TIA.

Response DOT-6

As noted by the commentor, specific concerns in regard to the design of collectors for runoff from the SR-60 onto the site will be addressed as part of the design and permit approval process. In general, as discussed in Draft EIR Section 4.6, "Hydrology and Water Quality," storm water will be collected onsite through a series of catch basins and clarifiers, and directed to a municipal drainage system, connections for which would be constructed adjacent to the site within the rights-of-way of Fir (future Eucalyptus) Avenue and Redlands Boulevard.

Response DOT-7

The required review of street, grading and drainage construction plans by Caltrans personnel prior to the issuance of encroachment permits is acknowledged. The address and contact information provided is appreciated.

Board of Directors

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

December 6, 2010

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: West Ridge Commerce Center Project
Draft Environmental Impact Report
SCH No. 2009101008

Dear Mr. Bradshaw:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above referenced project. The project is generally described as a plot plan for development of a 937,260 square foot warehouse distribution on building on a 55 acre site, Related applications include a Zone Change from Business Park to Light Industrial, a tentative parcel map to combine five parcels into a single parcel and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment to establish a buffering distance between warehouse distribution land uses in the light industrial zone and adjacent residential zones. EMWD-1

Eastern Municipal Water District (EMWD) offers the following comments with respect to this DEIR document:

1- Please revise Mitigation Measure 4.5.3, on page 4.5-29, as follows (revisions indicated in ***bold italics***):

4.5.3 ***In this East Moreno Valley area, existing water, sewer and recycled water facilities are not adequate to accommodate the Project. Therefore, from a facilities perspective, the Project would be conditioned to construct off-site and on-site water, sewer and recycled facilities needed to serve the*** EMWD-2

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

City of Moreno Valley
December 6, 2010
Page 2

Project. Accordingly, a Plan of Services (POS) must be completed and submitted by the Applicant, for EMWD's approval. As soon as possible, the Applicant shall meet with EMWD staff to develop a Plan Of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water ***facilities*** requirements to serve the project, ***to be constructed by the Applicant. Additionally, there could be temporary service impacts while constructing or extending facilities required for this Project, which should be evaluated in the Final EIR.*** EMWD-2 cont'd.

2- Please note the Water Supply Assessment (WSA) expiration date is June 4, 2011. EMWD-3

Again, EMWD appreciates the opportunity to comment on this project. Please forward future environmental documents for this project and the response to the above comments prior to EIR certification to the attention of Karen Hackett at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Karen Hackett at 951 928-3777, Ext. 4462, or myself at Ext. 4455. EMWD-4

Sincerely,

Joseph B. Lewis
Director of Engineering Services

JBL:ME:RR:KAH

cc: E. Lovsted

Encl.

Board of Directors

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Anthony J. Pack

Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

Developers/Engineers

Will your project require service from Eastern Municipal Water District for water, sewer or recycled water?

EMWD requires beginning dialogue with the applicant at an early point in site design and development of a project, in order to assess the infrastructure needs. Accordingly, we offer to meet with developers/engineers for one initial due-diligence meeting, without requiring a deposit. This meeting is to review your project and determine potential service from EMWD. The objective is to provide a forum to resolve any questions about our development process and help to determine if there are any potential issues that may exist in the area concerning EMWD facilities (water, sewer or recycled water). Afterward, should you decide to pursue your project(s) with EMWD, we will require you to deposit funds and open a Work Order. This Work Order is used to cover staff time and research required to generate a Plan of Service. No improvement plans will be accepted until this pre-project phase is completed and an EMWD Plan of Service has been approved.

In an ongoing effort to develop a dependable and reliable water supply for its customers, EMWD's goal is to maximize the use of recycled water, for landscape demands. All projects that include landscaped areas are carefully considered for recycled water use. This process needs to begin early to avoid unnecessary delays. EMWD-5

In order to set up a Due Diligence meeting we need:

1- A completed Due Diligence questionnaire.
2- Your proposed agenda for the due-diligence meeting
3- Location Map
4- Proposed development plan layout if available (hard copy and JPEG format)

I encourage developers/engineers to become familiar with EMWD New Development processes, while designing your project. They have been developed over many years and serve a great importance as they can prevent complications and save time. More information can be found at http://www.emwd.org/new_biz/new-biz-dev.html

If at any point in time there are questions or concerns, please do not hesitate to contact me

Sincerely,

Linda H. Petersen
Development Coordinator ex. 4310
Petersel@emwd.org

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet: www.emwd.org

EASTERN MUNICIPAL WATER DISTRICT

Letter Dated December 6, 2010

Response EMWD-1

The commentor has accurately summarized the general aspects of the proposed Project and required discretionary actions.

Response EMWD-2

As discussed in the EIR, the Project's impacts to water supplies is less-than-significant. Notwithstanding, mitigation is provided to ensure timely construction of service lines/facilities necessary to serve the Project. In this regard, the Lead Agency acknowledges the District's desire to clarify the referenced Mitigation Measure 4.5.3, which is discussed in Draft EIR Section 4.5, "Water Supply." Accordingly, the language of this mitigation measure has been amended as follows.

> 4.5.3 *The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project,* ***to be constructed by the Applicant****.*

Related to the Project POS, preliminary information provided by EMWD indicates that provision of adequate fire flows for the area west of Redlands Boulevard and south of SR-60 will require construction of a 24-inch water line within the Fir (future Eucalyptus Avenue) extending westerly from Redlands Boulevard to connect to an existing 24-inch line at the approximate alignment of Petit Street. The extent of the actual construction of the line is not known at this time and is ultimately dependent on the timing of improvements constructed as a part of adjacent proposals. Regardless of these other projects, Certificate of Occupancy for the Project is conditioned on the provision of

adequate fire flows whether achieved by this new line, or by other means acceptable to EMWD and the City Fire Department.

To ensure monitoring and enforcement, this revision to Mitigation Measure 4.5.3 is reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata. Additional explanatory language provided by the commentor is not considered appropriate for inclusion in this mitigation measure.

The Applicant's responsibility for the construction of all required infrastructure to serve the Project, including but not limited to the extension of off-site and on-site water, wastewater, and recycled water facilities, is acknowledged. As noted in the discussion of Water/Sewer Services on Draft EIR Page 3-21, "[a]lignment of service lines, and connection to existing services will be as required by EMWD."

The possibility of temporary service impacts during the construction or extension of facilities is acknowledged. Coordination with the District in regard to planned or proposed construction actions will occur as part of the preparation of the required POS (identified in Mitigation Measure 4.5.3, above). Additionally, notification of potential utility service disruptions would be provided to existing residents and/or business owners in the area by the developer, acting to minimize their effects. The results and conclusions of the Draft EIR are not affected.

<u>Response EMWD-3</u>

As noted in Draft EIR Mitigation Measure 4.5.4 (excerpted below), the upcoming expiration date of the Project's Water Supply Assessment is acknowledged.

> 4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008.The Project Applicant shall maintain communication with EMWD*

on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA.

Response EMWD-4

As requested, and pursuant to Public Resources Code §21092.5, the District will receive a written response to these comments at least ten days prior to the certification of this EIR.

Response EMWD-5

EMWD provides a standardized Notice to Developers and Engineers outlining EMWD requirements and processes necessary to ensure adequate and timely provision of services.

The Notice to Developers and Engineers (Notice) attached to the above-referenced comment letter is acknowledged, and has been incorporated in this Final EIR for ease of reference. The Applicant consulted with EMWD early in the planning process (due diligence meeting conducted with EMWD staff on January 27, 2009) in order to determine the likely scope and type of improvements required. At the earliest feasible date, the Applicant will coordinate with EMWD in developing the POS for the Project consistent with provisions of the Notice.

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

134314

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 29, 2010

RECEIVED
DEC - 6 2010
CITY OF MORENO VALLEY

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

~~Dear Mr.~~ Bradshaw:

Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

This letter is written in response to the Notice of Availability West Ridge Commerce Center Project Draft Environmental Impact Report. The purpose of the proposed project is to develop a 937,260 sq. ft. warehouse distribution building on a 55 acre site located near Eucalyptus Avenue and Redlands Boulevard. The project also requests a zone change of five parcels from Business Park to Light Industrial, combining the five parcels into one and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment. RCFC-1

The Riverside County Flood Control and Water Conservation District (District) has reviewed the DEIR and has the following comments:

This project involves District Master Drainage Plan facilities, namely Moreno Line G-7 and D-3. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards and District plan check and inspection will be required for District acceptance. Plan check and administrative fees will be required. RCFC-2

This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

The District is signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City will request that the District own, operate and maintain the above referenced facilities, the applicant will need to demonstrate that all construction related activities within the District right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP. RCFC-3

134314

Mr. Jeff Bradshaw -2- November 29, 2010
City of Moreno Valley
Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

General Information

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy. RCFC-4

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Edwin Quinonez

EDWIN QUINONEZ
Senior Civil Engineer

c: Riverside County Planning Department
Attn: Kathleen Browne

AJK:EQ:blj

RIVERSIDECOUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Letter Dated November 29, 2010

Response RCFC-1

The commentor has accurately summarized the general aspects of the proposed Project and its required discretionary actions.

Response RCFC-2

The District's requirements in regard to transfer of ownership, standards for construction, inspection and fees are acknowledged.

Response RCFC-3

The assessment of the Project's potential to conflict with any applicable habitat conservation plan or natural community conservation plan (Draft EIR Page 4.1-31), indicates that the Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).The Project's compliance with all referenced sections of the MSHCP is documented within the *Report on Habitat Assessments and Biological Surveys for the Westridge Project Site* (Pages 42-43, Draft EIR Appendix G).

Response RCFC-4

RCFC provides general information addressing: National Pollutant Discharge Elimination System (NPDES) permit requirements; Federal Emergency Management Agency (FEMA) requirements for projects or actions within or affecting FEMA-mapped floodplains; and Army Corps of Engineers (ACOE)/California Department of Fish and Game (CDFG) requirements for projects or actions within or affecting natural watercourses or mapped floodplains.

The Lead Agency appreciates the general information on permitting requirements provided by the District. As noted in the Draft EIR's discussion of stormwater

permitting (Section 4.6.3.3, Pages 4.6-10 through 4.6-13), the Project is required to obtain clearance from the State Water Resources Control Board pursuant to the NPDES Statewide Industrial Storm Water Permit for General Construction activities. The Project does not lie within, nor would it otherwise affect any mapped floodplain areas. As such, the Project is not subject to FEMA floodplain requirements. As required through Project Mitigation Measure 4.8.4, the Applicant is required to obtain a streambed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit prior to physical disturbance of any jurisdictional areas.

December 5, 2010

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley 92552

Re: PROPOSED WAREHOUSE PROJECT, WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133

Dear Mr. Bradshaw:

I am a Moreno Valley resident, and have looked at the Westridge Commerce Center Draft Environmental Report and feel compelled to comment on this proposed project. I believe the proposed project; a 937,260 square foot warehouse distribution building on a 55-acre site located on the north side of Eucalyptus Avenue, approximately 650 feet west of Redlands Boulevard will negatively impact the overall quality of life in Moreno Valley. **I ask that this project be denied and not be built to the scope/size requested or in the area Ridge Property Trust is asking for it to be built on.** MA-1

The preamble to our City's General Plan states, "The City of Moreno Valley embraces the interests of its residents and strives to meet their needs by creating a sense of community. The commitment to this vision encourages attractive amenities and a full range of public services while promoting **a safe and healthy environment. It is the goal of the City to improve the quality of life ...**" and after reviewing the EIR it is apparent that this project will negatively affect: Air Quality, Traffic Congestion, Destroy Aesthetics, Impact Water, Incur Large amounts of Solid Waste, Bring More Light and Noise that overall will result in a deterioration of the quality of life enjoyed by residents of our city overall and in particular residents living on the East Side of our City and also hurt the children in our city by these negative impacts. MA-2

A survey taken for the City's General Plan also found out that **47% of our residents wanted to retain the rural character of northeast Moreno Valley** (10% disagreed). This project destroys that rural character, and it would be in the best interests of the residents of our City to honor that desire by denying this project. MA-3

I do not agree with the philosophy that for economic development to occur and for there to be jobs that I must lower my standard of living to achieve this. The 900 jobs that the EIR for this project suggests will occur, are in no way guaranteed to meet that number nor are they guaranteed to even go to a portion of Moreno Valley residents and this is a tactic that is playing upon the need for jobs in our City by promises that may not be kept, because there is no written contract that will guarantee this job number or that they go to local residents. MA-4

The EIR states repeatedly that the effects of this project are minimal and not significant in magnitude, however, if this were true this developer would not have to ask for a Zone Change from Business Park to Light Industrial because the proposed warehouse/distribution center at 937,260 sq. ft. exceeds Business Park footage in our City's General Plan of 50,000 sq. ft. This request in no way benefits the health, safety or welfare of current residents much less future residents as stated in the EIR. MA-5

This EIR also uses the approval of the 2.6 million square feet for the Highland Fairview Project as a tool for their requests to be granted. Due to the approval and development of Highland Fairview's mega warehouse and approval of the ProLogis project, any additional project(s) that incur additional MA-6

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
2

truck traffic, and diesel particulate matters into the air, as well as changing the scenic view by building another mega warehouse that will be open 24 hours per day, the accompanying lighting, noise, air pollution, traffic congestion, MUST be factored into the overall effect and impact of the Highland Fairview and ProLogis Projects to determine the real effects that will occur to the residents in the area of this development and the City as a whole. MA-6 cont'd.

With the State of California, Riverside County, and Moreno Valley all suffering from large budget deficits it is unknown when the necessary funds to upgrade the freeway, overpasses, roads will be able to be completed, and with numerous diesel trucks that will come from this project, the damage to local roads, streets, and increased congestion, as well as increased dirty air and diesel particulate will hurt our city's overall quality of life and could result in increased traffic accidents and costs to our police and fire as a result. MA-7

Again, our City's General Plan states, "The image of the community is perceived from freeways, streets and the point of view of the pedestrian. The viewer forms an impression about the beauty and safety of the community as he or she views the surrounding buildings …" If mega warehouses and distribution centers continue to be built along the eastern portion of our city and exceptions to the business park/light industrial maximum square footage of 50,000 sq. ft. continues to be ignored our city will suffer from negative impressions because we are allowing ourselves to become a warehouse ghetto, and that will also hurt property values of the residents surrounding this project as well as the others of the same ilk, and ultimately will cause depressed property values to continue if not decrease even more than they already have. By denying this project you will be protecting our home values and our city's image rather than letting the 60 freeway become a vision of mega warehouse distribution centers that were never intended to be built en masse in this part of our city. MA-8

In section 5.3.2.2 Industrial Development of the Moreno Valley General Plan it says, "Industrial and business park development is concentrated in the southern part of the City, generally located south of Iris Avenue and north of San Michele Road to the Perris city limits." Approving this project, as the others that have been approved, goes against what was to be an orderly and organized location for industrial and business park developments, not the east end of our city that was to have the rural characteristics valued and protected.

Although this project says it will get water from MWD and that there is no problem, I would point out that EMWD is still in a Stage 2 Water Shortage and goes on to say in their newsletter, that all EMWD customers are required to eliminate water waste, so how does approving mass warehouses help to not add more stress to our lack of water? And in their 10/21/10 newsletter, MWD says, "Southern California's water reserves are still low
Southern California continues to face significant water supply challenges in 2010 and beyond. … During the past three years, Metropolitan has tapped its reserves to maintain deliveries to its 26 member agencies and 19 million Southern Californians. Our reserves are down by about 50 percent. With water uncertainties facing the state, the challenge ahead is to continue to lower demand and stretch our reserve supplies as much as possible … Approving mega warehouse projects does not help in our struggle to maintain adequate water supplies whether it be from EMWD resources or MWD resources. This is another reason this project should be denied. MA-9

Regarding the increase diesel truck traffic that will occur if this project is approved, in a presentation, Truck Management Strategies in Los Angeles, by Susan Bok, AICP a Senior Transportation Planner, MA-10

Los Angeles it was noted that "Trucks often pass through or near residential areas en route to … distribution centers… safety, air pollution, vibration and noise impacts on residents. Truck impacts on roadway surfaces: 1 truck = 10,000 cars" which is a negative health and safety impact that will be incurred on the resident of Moreno Valley if this project is approved. MA-10 cont'd.

In an article from: Contemporary Economic Policy | January 1, 2007 | Bluffstone, Randall A.; Ouderkirk, Brad | Copyright:

"II. THE ENVIRONMENTAL ISSUES

Diesel exhaust is made up of gas and particulates. Gases include hydrocarbons, carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur oxides, but particulates are of special concern because they are associated with a variety of cancers and cardiopulmonary problems that have been shown to increase the risk of mortality. Relative to gasoline engines, heavy-duty diesel trucks, such as those used in the logistics industry, typically emit at least 24 times more fine particulate matter per mile traveled (Kirchstetter et al., 1999). Health effects associated with these particles fall disproportionately on vulnerable populations, such as the young, elderly, and those who already have compromised respiratory systems.

Recently, the toxic and especially carcinogenic effects of diesel particulate matter (DPM), much of which comes from trucks, have been highlighted. The State of California and the U.S. Environmental Protection Agency (USEPA) have identified more than 40 toxic pollutants in diesel emissions, and in 1998 the California Air Resources Board (CARB) named it a toxic air contaminant (CARB, 2000; Lippmann et al., 2003; Ostro and Chestnut, 1998; SCAQMD, 2003). MA-11

Particulates are classified according to their diameters. Those less than 2.5 [micro]m ([PM.sub.2.5]) pose the greatest threat to human health because smaller size allows deeper penetration into lung tissues as well as longer float times (as much as several days under dry conditions) and therefore wider deposition. DPM is particularly light, with a mean particle diameter of 0.2 [micro]m, but as much as 20% of DPM can be less than 0.05 [micro]m, which floats longer and penetrates deeper than larger particles. DPM also has a large surface area, making it an ideal carrier for a variety of toxic compounds. DPM typically makes up 10-30% of total [PM.sub.2.5] concentrations. The federal limit for [PM.sub.2.5] is 15 [micro]g/[m.sup.3] average annual concentration and 65 [micro]g/[m.sup.3] maximum concentration during any 24-h period. California has a stricter annual average concentration standard of 12 [micro]g/[m.sup.3]. DPM-specific standards do not exist.

The eastern Inland Empire and particularly the I-215, I-10, and I-15 freeway corridors have very high particulate concentrations. In 2003, Riverside and San Bernardino counties ranked first and second, respectively, in the nation for total particulate pollution (CARB/American Lung Association, 2004). For example, at the Rubidoux monitoring station in Riverside, during the period 2000-2002 the average annual [PM.sub.2.5] concentration was 28.9 [micro]g/[m.sup.3], which is about 1.75 times the federal limit and

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
4

> more than twice the state …Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire.(Report)"

MA-11 cont'd.

This article spells out the health dangers from increased diesel truck traffic to our elderly, children, and our overall population, and this is a very real and dangerous and I might add, unnecessary and unacceptable health risk(s) and as such, this project should be denied as this should not be the price we have to pay for "900 jobs".

Sincerely,

Marcia Amino
10363 Crest Brook Drive
Moreno Valley 92557
951-247-8225

MARCIA AMINO

Letter Dated December 5, 2010

Response MA-1

The commentor, a Moreno Valley resident, expresses concern regarding the impact of the Project on the overall quality of life within the City and requests the Project be denied as proposed. These opinions are acknowledged.

Response MA-2

The commentor provides an excerpt of the City's General Plan regarding City goals and offers that the Project is not in keeping with the stated goals of the General Plan. Notwithstanding the commentor's opinions, Project consistency with the applicable provisions of the General Plan are substantiated within each EIR topical section (Land Use-Pages 4.1-17 through 4.1-20; Traffic/Circulation-Pages 4.2-23, 4.2-24; Air Quality-Page 4.3-18; Noise-Pages 4.4-10, 4.4-11; Water Supply-Pages 4.5-24, 4.5-25; Hydrology and Water Quality-Pages 4.6-13, 4.6-14; Cultural Resources-Page 4.7-10; Biological Resources-Pages 4.8-11, 4.8-12; and Aesthetics-Page 4.9-5 through 4.9-7. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-3

The commentor references a survey of opinion (regarding the City's General Plan) of Moreno Valley residents, wherein 47 percent of residents want to retain the rural character of the area. Notwithstanding poll results offered by the commentor, development of the site with industrial/business park uses is anticipated under the site's current General Plan land Use designation (Business Park/Light Industrial). Please refer also to the discussion of Project consistency with existing land use plans and policies (DEIR Pages 4.1-17 through 4.1-30). Moreover, design and visual attributes of the Project are consistent with General Plan (Community Development Element) Objectives

and Policies generally addressing design and aesthetic considerations (please refer to DEIR Pages 4.9-5 through 4.9-7). The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-4

The commentor's assertion that there is no written guarantee that the entire number of jobs referenced in the Draft EIR (approximately 900 jobs)[3] will be filled by Moreno Valley residents is accurate. However, the types of warehousing employment offered by the Project are not considered growth-inducing, as these types of jobs typically draw from the local employment pool and do not induce long commutes.

Response MA-5

Contrary to the commentor's assertion that "the EIR states repeatedly that the effects of this project are minimal and not significant in magnitude," the Draft EIR contains 50 mitigation measures, specifically developed to reduce the identified potentially significant impacts. Additionally, the environmental topics of traffic, air quality, and noise were found to have significant and unavoidable impacts, even after the implementation of all feasible mitigation. Please refer to Table 1.10-1 of the Draft EIR for a summary all of Project-related impacts.

The commentor also states an opinion regarding the Project's requested zone change. The General Plan's limitation of square footage (50,000) is per building. It is important to note that the total square footage and uses proposed by the Project are allowed under the site's current General Plan land use designation. The zone change is required to

[3] Based on one (1) job per 1,030 square feet of development, Riverside County General Plan Appendix E, Buildout Assumptions and Methodology, Page 6, Light Industrial employment multiplier (*See* DEIR, Page 5-44).

allow the proposed uses to be contained within a building larger than 50,000 square feet.

Response MA-6

The commentor expresses concern regarding the cumulative effects of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response MA-7

While the State-wide budget deficit is out of the scope of the EIR, it should be noted that the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements. The Project's impacts on traffic, air quality, and public services are addressed in the EIR.

Response MA-8

The commentor expresses an opinion regarding the Project's role in what she perceives as the degradation of property values and the City's image as a whole. The commentor also asserts that the Project, along with other similar vicinity projects, is a direct contrast of the vision of the General Plan. The project's impacts on aesthetics and consistency with the City's General Plan are addressed in the EIR. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-9

As required under SB 610/221, a Water Supply Assessment (WSA) has been prepared by the serving water purveyor, Eastern Municipal Water District (EMWD). The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, EMWD has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. The commentor is referred to Section 4.5, "Water Supply" and Appendix E of the Draft EIR.

Response MA-10

The commentor references a Los Angeles County presentation regarding diesel truck management strategies. Specifically, the commentor excerpts a portion of the presentation regarding diesel truck trips through residential neighborhoods.

It should be noted that Project traffic will not pass through residential neighborhoods. The Project's proximity to State Route 60 minimizes the amount of truck trips occurring on residential streets. Trucks will exit Redlands Boulevard (passing properties designated for commercial and warehouse distribution uses), then turn right on Fir Avenue (future Eucalyptus) to access the site. Properties located south of Fir Avenue (future Eucalyptus) are designated for residential uses; however, trucks will not require

the use of internal neighborhood streets. Ultimate configuration of Redlands Boulevard under its current General Plan designation is a four-lane, divided arterial roadway. Fir Avenue (future Eucalyptus) is designated as an arterial roadway with a 104-foot right-of-way from west of Moreno Beach Drive to east of Redlands Boulevard. Please refer also to DEIR Section 4.3, Air Quality; and DEIR Section 4.4, Noise.

The basis for the statement "1 truck = 10,000 cars" noted in the presentation is unclear. As presented in Section 4.2, "Traffic and Circulation" of the Draft EIR, "passenger car equivalent" (PCE) factors were utilized in the analysis. Specifically, Page 4.2-19 of the Draft EIR states:

> "As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour."

The PCE factors employed within the Draft EIR were derived from San Bernardino Associated Governments (SANBAG). SANBAG is the metropolitan planning organization for the County, with policy makers consisting of mayors, councilmembers, and county supervisors, and the funding agency for the county's transit systems.

Response MA-11

The commentor excerpts an article regarding the health dangers of diesel truck traffic. Similarly, Section 4.3, "Air Quality" of the Draft EIR presents background information, including the dangers of criteria pollutants. Additionally, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). Results of the Health Risk Assessment (HRA) are summarized at Draft EIR Pages 4.3-80 through 4.3-86, and the HRA is presented in its entirety at Appendix C to the Draft EIR.

Mitigation was developed to address DPM generation (Mitigation Measure 4.3.10). The Draft EIR concluded that, with mitigation, no sensitive receptors or off-site workers will be exposed to DPM-source cancer risks exceeding the SCAQMD's significance criteria. Additionally, the commentor expresses an opinion that the dangers are "unnecessary and unacceptable" and requests that the Project be denied. These opinions will be forwarded to the decision-makers for their consideration.

From: Lynne Ashley [lynneashley70@yahoo.com]
Sent: Sunday, December 05, 2010 8:52 AM

Dear Jeffrey,

I live on the North side of the freeway, Ironwood and Moreno Beach, I am very concerned about the health risks for myself and my family with the possibility of more warehouses coming to the East end of Moreno Valley, please see my concerns below.

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? LA-1

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? LA-2

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? LA-3

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? LA-4

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? LA-5

How will this project be growth inducing for similar projects? LA-6

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, Westridge Commerce Center and Pro Logis are in full operation? LA-7

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? LA-8

Sincerely,

Lynne Ashley
12285 Deep Valley Trail
Moreno Valley, CA 92555

LYNNE ASHLEY

Email Dated December 5, 2010

Response LA-1

The commentor expresses concerns about the effect of diesel truck emissions on the future sensitive receptors located on the south side of Fir Avenue. A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for

the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [3]

Response LA-2

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, as summarized at DEIR Pages 1-18 and 1-19, the Project will result in certain significant and unavoidable air quality and noise impacts.

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3 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Response LA-3

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> If a facility must also comply with RCRA/CERCLA HRA requirements, health effects to on-site workers may also need to be addressed. The DTSC's Remedial Project Manager should be consulted on this issue. In some cases it may be appropriate to evaluate risks to on-site receptors. The district should be consulted about special cases for which evaluation of on-site receptors is appropriate, such as facilities frequented by the public or where people may reside (e.g., military facilities).
>
> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response LA-4

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

Response LA-5

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating

system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response LA-6

The commentor expresses concern regarding the growth-inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To

this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth, and would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response LA-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10).

This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***
>
> - Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;
>
> - Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

It is further noted that with specific regard to Redlands Boulevard, this road is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response LA-8

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

RECEIVED
DEC - 2 2010
CITY OF MORENO VALLEY

CITY OF MORENO VALLEY
ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD
COMMENTS OF BOARD MEMBER GERALD M. BUDLONG
24821 Metric Drive
Moreno Valley, CA 92557
December 2, 2010

SUBJECT: WESTRIDGE COMMERCE CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
STATE CLEARINGHOUSE NUMBER 2009101008

COMMENT GLOBAL TO ALL APPLICABLE DEIR FIGURES: Why are the applicable figures throughout the DEIR not drawn to scale? How can the reader duplicate the science when for instance the maps and plans are not drawn to scale? GB-1

1.0 SUMMARY page 1-8 Geology and Soils. The DEIR addresses the Checklist Category "Geology and Soils" in a Geotechnical Investigation prepared for the Project site and is designated Appendices H. Geotechnical Investigation in the EIR. Therefore comments on the CEQA Geology and Soils Category will be addressed below in the Appendices H.

APPENDICES H. GEOTECHNICAL INVESTIGATION, Project No. 06G258-1, Proposed West Ridge Business Center, January 10, 2007, Southern California Geotechnical, Inc.

2.0 SCOPE OF SERVICES, page 3.

"The scope of services performed for this project was in accordance with our Proposal No. 06P420, dated November 20, 2006. The scope of services included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundation, building floor slabs, and parking lot pavements along with site preparation recommendations and construction considerations for the proposed development. The evaluation of the environmental aspect of this site was beyond the scope of services for this geotechnical investigation." GB-2

COMMENT: The subject geotechnical investigation appears to consist of a foundation analysis for future foundations for buildings and parking lot pavements. The scope does not evaluate the environmental aspect of this site. Please define what environmental aspects of the site are missing from this report? Is one of the missing environmental aspects a detailed seismic study of this site which defines buried fault(s) and their potential of rupturing the ground surface above them?

3.3 Previous Studies, page 5.

"As part of our investigation of the site, we were provided with one geotechnical report prepared by LGC Inland, Inc. pertaining to the north east portion of the site. The report is summarized below:"

COMMENT: I cannot find a copy of the LGC Inland, geotechnical report in the DEIR , Appendices or anywhere else in the DEIR? Should not the DEIR Appendices contain a complete copy of this study rather than just a one-paragraph summary?

GB-3

6.1 Seismic Design Parameters, page 9

"Faulting and Seismicity
Research of available maps indicates that the subject site is not located with an Alquist-Priolo Earthquake fault zone. Therefore, the possibility of significant fault rupture on the site is not located with an Alquist-Priolo Earthquake Fault Zone. Therefore, the possibility of significant fault rupture of the site is considered to be low."

COMMENT: I cannot find a list of references with subject Appendix H. What are your references used to research the faulting and seismicity conclusions in this study?

GB-4

UBCSEIS
Version 1.03
COMPUTATION OF 1997 UNIFORM BUILDING CODE SEISMIC DESIGN PARAMETERS, JOB NUMBER: 06G258-1, JOB NAME: West Ridge Business Center, DATE: 12-30-2006, FAULT-DATA-FILE NAME: CDMGUBRC. DAT lists the nearest type A fault as the San Andreas fault 19.8 km away and the nearest type B fault as the San Jacinto-San Jacinto Valley fault 1.0 km away. This table lists faults up to 1000 km away from the site.

COMMENT: Why is the Casa Loma fault missing from this table? Within the city jurisdiction of San Jacinto, the Casa Loma fault is very prominent with a displacement approximately of 20 vertical feet and designated as an Alquist-Priolo Earthquake Fault Zone and proceeds northwest to the vicinity of the San Jacinto Wildlife Area where the State Earthquake Zone terminates.

GB-5

The following study provides geologic evidence of the continuance of the Casa Loma fault located northwest of the State Earthquake Zone. R M Environmental, Inc. prepared a Preliminary Geotechnical Investigation on January 19, 2004, under Project No03-406 for a proposed 347 lot single-family-residential development, 120 +- acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015), near the intersection of Pettit Street and Highway 50 in the City of Moreno Valley. This site abuts the West

Ridge Business Center site on the east side of the single-family residential development site. GB-5, cont'd

Page 1 of this Geotechnical Investigation presents a scope of work presented in the form of six (6) bullets. The second bullet states"Geologic Mapping of the site by our geologist".

COMMENT: Why does the scope of the West Ridge Business Center geotechnical investigation omit the geologic mapping of the site by a geologist? GB-6

Page 4 of the R M geotechnical study states "the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located with an Alquist Priolo Earthquake Studies Zone for fault rupture hazard."

"Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto faults, the Casa Loma fault may be considered as active."

"The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present."

Page 6, 5.2 Ground Rupture states: "A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present." GB-7

"The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1."

The inferred trace of the Casa Loma fault as delineated by the geologist of RM Geotechnical enters the vicinity of the northwest corner of the West Ridge Center property and extends southeast across the property, leaving the property midway at the southern boundary of the site. The recommended hazard zone delineated by the RM Geotechnical geologist covers approximately two-thirds of the proposed footprint of the proposed 937,260 square foot building of West Ridge Center.

For more than 20 years I have been an appointed member of the City Ecological Protection Advisory Committee (name changed to Environmental and Historical Preservation Board) except for the 2.5 years where I served as a member of the City Planning Commission. During my tenure I have always expressed the need for detailed

geologic fault investigations to be conducted to delineate the trace of the Casa Loma fault and to evaluate if faulting has occurred on the site and the activity of faulting.
Also since the availability of the U.S. Geological Survey (USGS) Earthquake Hazards Program, I have monitored the recorded earthquake events in Moreno Valley. This USGS program records all earthquakes occurring in the United States for the past 7-days, having a magnitude of 1. I have shared to the Environmental and Historical Preservation Board, Planning Commission and the School Board of the regular USGS records of mini earthquakes along the trace of the Casa Loma fault within the city.

The most recent seismic event occurring along the Casa Loma fault recorded by the USGS was Event No. CI 14870228. This event occurred at 1:49:08 P.M., on October 28, 2010. The USGS recorded the magnitude at 1.1, at a depth of 9 miles, with the epicenter located southwest of Ironwood and Nason.

GB-7, cont'd

COMMENT: Why doesn't the City of Moreno Valley require a geologic fault investigation and evaluate if faulting has occurred on the site and the activity of the faulting and present the evidence in the DEIR?

COMMENT: Why didn't Applied Planning Inc., review the City's copy of the R M Environmental Geotechnical Report and utilize the geological, faulting, and mapping data in the West Ridge Commerce Center DEIR?

GB-8

COMMENT: In the past I was an Associate Instructor at San Jacinto Community College, where I conducted Physical Geography 101 classes at night and summer sessions. My final exams always had this question. "Why do you never ever build a building for human occupancy across an active fault?" Would you please answer this question, because the proposed building footprint will over lay the Casa Loma fault defined by R M Environmental Inc., a potentially active fault?

An appendix containing pages of the R M Environmental Inc. geotechnical report including the eastern part of plate 1 is included with these comments on the DEIR.

GB-9

4.9 AESTHETICS

4.9.2 SETTING, page 4.9-3 Last paragraph concerns "Major Scenic Resources" addresses the badlands to the east and the Mount Russell and foothill areas to the east.

COMMENT: Why is the San Jacinto Valley containing the agricultural lands, riversidean sage habitat, and the wetlands of the State San Jacinto Wildlife Area, including Mystic Lake not included as a major scenic resource?

GB-10

COMMENT: Figure 4.9-1 Major Scenic Resources delineates the San Jacinto Valley with the visual scenic resource symbol, why the inconsistency mentioned in proceeding comment. Also the San Jacinto Wildlife Area is mislabeled as Preserve rather than Area. GB-11

COMMENT: page 4.9-19 Level of Significance: Significant and Unavoidable. The California Department of Transportation's (CALTRANS) list of Officially Designated Scenic Highways is a legislative mandate upon this state agency. The state legislature also mandates cities and counties to address scenic roads and highways in their general plans. CALTRANS recognizes the importance of local scenic roads and highways. For instance, CALTRANS objected to the installation of a billboard adjacent to the right of way of U. S. Route 395(Highway 395) in the unincorporated town of Big Pine in Inyo County. Highway 395 at this location is outside of the CALTRANS Officially Designated Scenic Highway System, however the highway is a county scenic highway. CALTRANS at Inyo County Superior Court stated that the Scenic Highway Element of the Inyo County General Plan designated U.S. Route 395 as a county scenic highway as evidence for removing the billboard. The court in its decision ordered the defendant to remove the billboard in favor of CALTRANS. GB-12

What are your sources or evidence concerning the scenic values of CALTRANS Officially Designated Scenic Highways having scenic values rated higher than local scenic highways? For instance county scenic Highway 395 at Big Pine is located in the Owens Valley with the White Mountains to the east and the Sierra Nevada, including the Palisade Glacier to the west. The nickname of Owens Valley is the "Deepest Valley" the valley at 4000 feet and the surrounding mountains at 14,000 feet.

COMMENT: page 4.9-19 Why isn't the blocking of the view scape from SR-60 of the visual scenic resources consisting of the San Jacinto Valley a significant impact? Have you ever viewed the reflections of the wetlands of the San Jacinto Wildlife Area? GB-13

APPENDIX

R M Environmental, Inc., Preliminary Investigation dated January 19, 2004

COVER PAGE; Page 1- INTRODUCTION, including project scope;
Page 4 -4.0 Geology and 4.1 Regional Geologic Setting;
Page 6- 5.0 Seismicity, 5.2 Ground Rupture;
Figure 1- Location Map;
Plate 1 Site Plan with geological mapping containing projected Casa Loma fault and its recommended hazard zone. Contains only the mapped area east of the logical extension of Quincy Street, contained in three pages:
- Page 1: SR- 60 south;
- Page 2: Logical extension of Eucalyptus Avenue;
- Page 3: Title Block

GB-14

R M Environmental, Inc.

Geology - Environmental - Geotechnical Engineering

January 19, 2004
Project No. 03-406

Mr. Jeff Palmer
5511 Calumet Ave.,
La Jolla, CA., 92037

SUBJECT: PRELIMINARY GEOTECHNICAL INVESTIGATION
Proposed 347 Lot Single-Family Residential Development
120± Acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015)
Near the Intersection of Petit Street and Highway 60
City of Moreno Valley, California

Dear Mr. Palmer:

In accordance with your request, we have completed a Preliminary Geotechnical Investigation for the proposed development of the site. This report presents our findings regarding the site geotechnical conditions and recommendations for the anticipated earthwork and geotechnical design of the project.

For this investigation, we were provided with a 100-scale Site Plan/topographic map of the site titled "Eucalyptus Site, Moreno Valley, CA." This map was utilized as the base map for our Geotechnical Investigation of the site and is presented as **Plate 1**.

Provided the recommendations presented in this report are implemented during site development, the proposed project is feasible from a geotechnical standpoint.

This opportunity to be of service is sincerely appreciated. If you have any questions, please call us at (909) 446-0041.

Sincerely,

Robert C. Manning, CEG #1768/RCE #58565
President

Travis Meier
Staff Geologist

Post Office Box 878 • Calimesa, California 92320 • Telephone (909) 446-0041 • Fax (909) 446-0136

1.0 INTRODUCTION

This report presents the findings of our Preliminary Geotechnical Investigation for the proposed development of 347 single-family residential lots located southeast of the intersection of Pettit Street and Highway 60, City of Moreno Valley, California.

The site is identified as Assessor Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015). The site consists of approximately 120± acres of land located on the south side of Highway 60, southeast of the intersection of Pettit Street and Highway 60, Moreno Valley, California. The geographic setting of the site is shown on **Figure 1** - Site Location Map.

This report presents our findings regarding the site geotechnical conditions and general recommendations for the anticipated earthwork and geotechnical design of the project.

E M Environmental's scope of work for this investigation included the following:

- Review of selected background information, aerial photographs, and site reconnaissance;
- Geologic Mapping of the site by our geologist;
- Subsurface exploration by means of nine exploratory borings;
- Laboratory testing of selected soil samples obtained to evaluate geotechnical properties;
- Analysis of site conditions and test results; and
- Preparation of this report presenting our findings, conclusions, and recommendations.

1.1 Proposed Development

The proposed development of the site includes 347 single-family residential lots with associated streets and infrastructure.

It is our understanding, the proposed structures will be one to two story, wood framed, single family homes. Foundation designs are anticipated to consist of continuous and isolated shallow footing foundation systems, or utilization of post-tension type foundations. Maximum foundation loads using a continuous and isolated shallow footing foundation design are not anticipated to exceed 4 kips and 2 kips per foot for isolated and continuous footings, respectively.

4.0 GEOLOGY

4.1 Regional Geologic Setting

The site is located in the east portion of the Moreno Valley, which is part of the Perris Block area of the Peninsular Ranges Geomorphic Province of southern California. The regional geology of the site includes the San Timoteo Badlands to the northeast, Mt. Moleno to the south and southwest, and the San Jacinto Valley to the east.

Lateral displacement and uplift of the region have occurred on a series of major, northwest-trending faults which are thought to be related to the regional tectonic framework. These faults include the San Jacinto Fault zone located approximately 1 mile to the northeast, the San Andreas Fault zone located approximately 11 miles to the northeast, and the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located within an Alquist Priolo Earthquake Studies Zone for fault rupture hazard.

Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto fault zone located to the southeast. Based on prior investigation of the Reche Canyon and Hemet-San Jacinto faults, the Casa Loma fault may be considered as active.

The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

4.2 Local Geology

Locally, the site is underlain by at least 50 feet of recent alluvial deposits consisting of slightly moist to very moist, loose to medium dense, soft to very stiff, slightly clayey silts, sandy silts, clayey silts, silts, and fine to medium sands.

The in-situ dry density of the encountered soils varied from approximately 93 pounds per cubic foot (pcf) to 120 pcf. The measured in-situ moisture contents varied from approximately 1.7 to 18.3 percent.

The exploratory boring logs are presented in **Appendix B**. The exploratory boring locations are shown on **Plate 1**. The laboratory test results of the in-situ soils are presented in **Appendix C**.

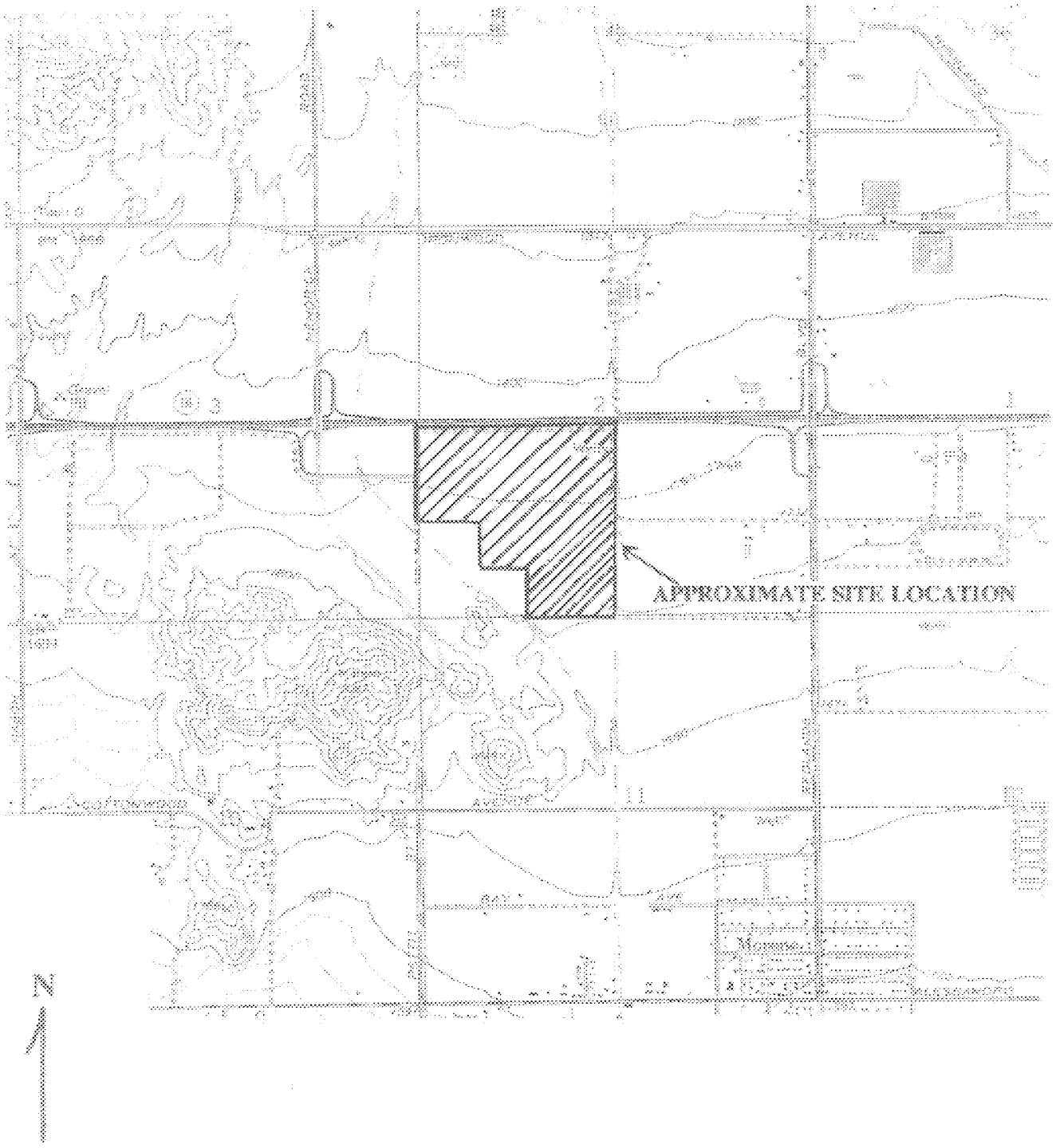

Scale: 1" = 2,000'

References: U.S.G.S., 1967, PR 1980, Sunnymead, California Quadrangle, 7.5 Minute Series

LOCATION MAP - 130± Acres, Near the Intersectin of Pettit Street and Highway 60, City of Moreno Valley, California

Project No. 03-406-geo	*DATE: January 2004*	*FIGURE 1*

5.0 SEISMICITY

5.1 Regional Seismicity

The site is located in a region of generally high seismicity which includes essentially all of southern California. During the design life-span of the project, the site is expected to experience ground motions from earthquakes on regional and/or local causative faults.

The site is located within Seismic Zone 4, which can be related to an "effective" peak acceleration of 0.40g, or a peak acceleration of 0.60g.

5.2 Ground Rupture

A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**.

5.3 Liquefaction

Soil liquefaction is the loss of soil strength due to increased pore water pressures caused by a significant ground shaking. Liquefaction typically consists of the re-arrangement of the soil particles into a denser condition resulting, in this case, in localized areas of settlement, sand boils, and flow failures. Areas underlain by loose to medium dense soils where groundwater is within 40 to 50 feet of the surface are particularly susceptible when subject to ground accelerations such as those due to earthquake motion. Groundwater at the site is greater than 50 feet is depth; therefore, the potential of liquefaction affecting site development may be considered as low.

5.4 Geologic Lineament Analysis

For this investigation, a geologic lineament analysis was performed. This analysis included review of the referenced aerial photographs pertinent to the site. Based on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed.

The site and surrounding areas have been farmed for over 50 years. Aerial photographs were not available prior to the observed farming activities. Therefore, the use of aerial photographs to evaluate geologic lineaments in the vicinity of the site was limited.

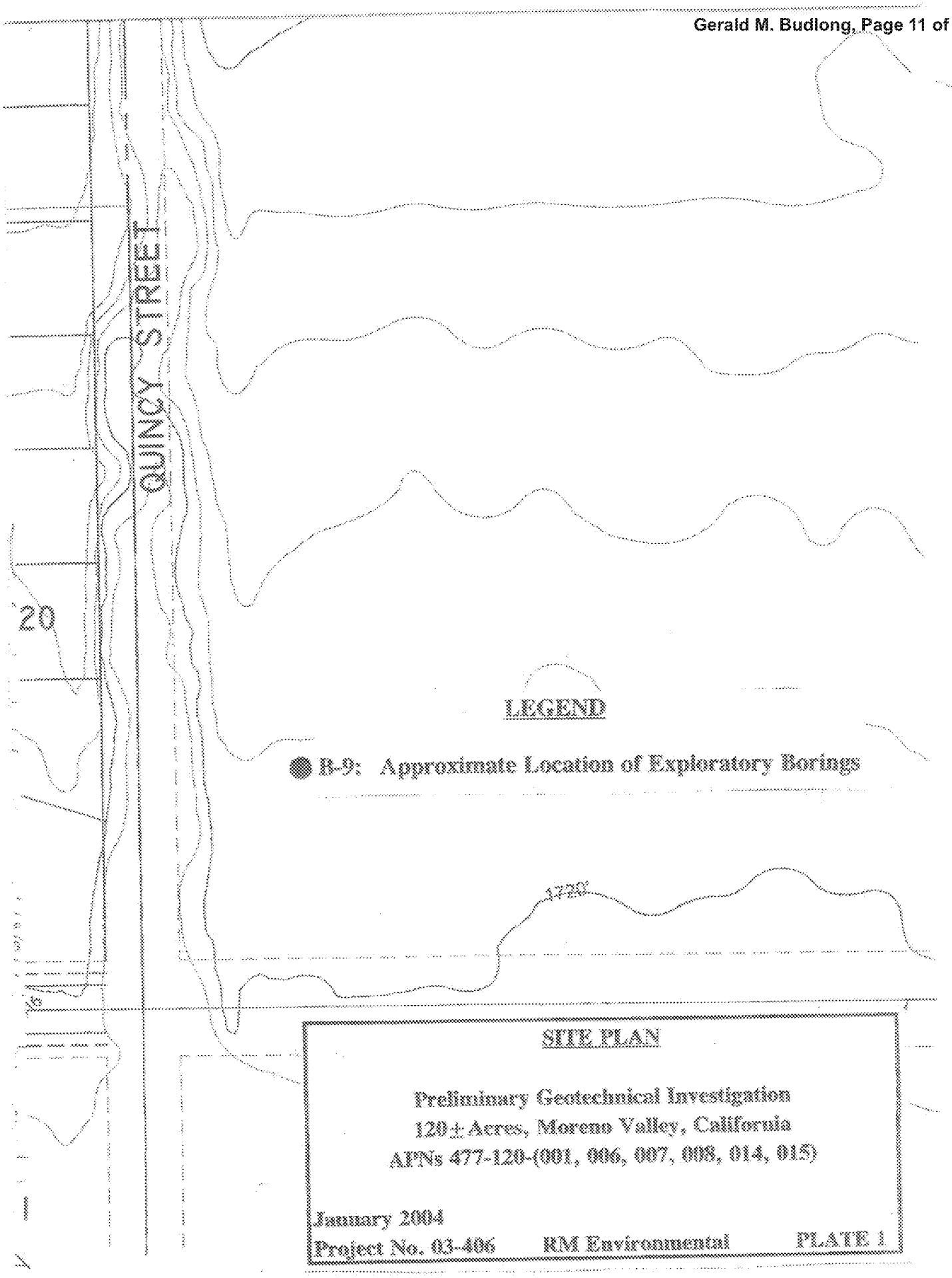

SITE PLAN

Preliminary Geotechnical Investigation
120± Acres, Moreno Valley, California
APNs 477-120-(001, 006, 007, 008, 014, 015)

January 2004
Project No. 03-406 RM Environmental PLATE 1

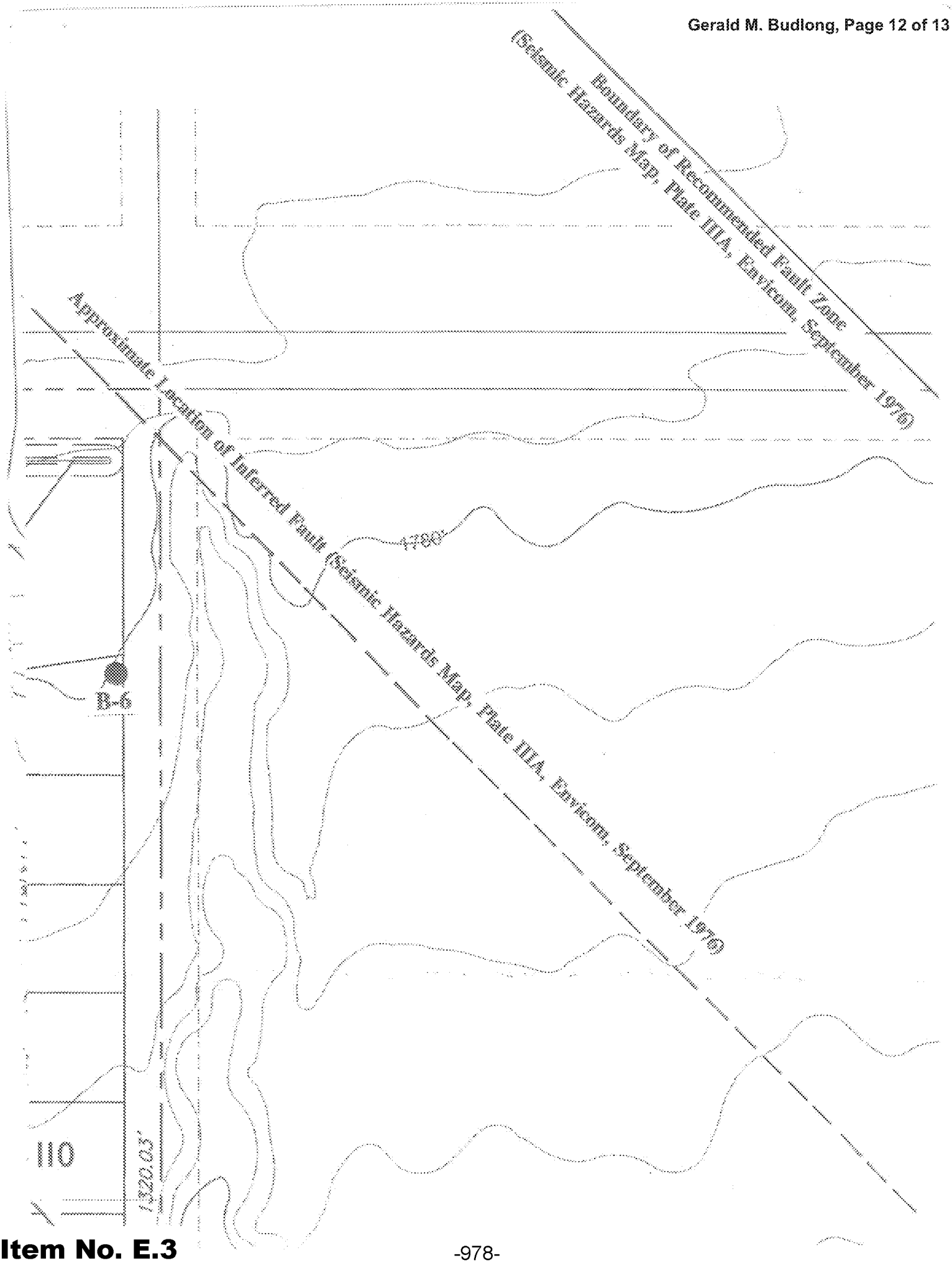
Boundary of Recommended Fault Zone
(Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
Approximate Location of Inferred Fault (Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
1780'
B-6
110
1320.03'

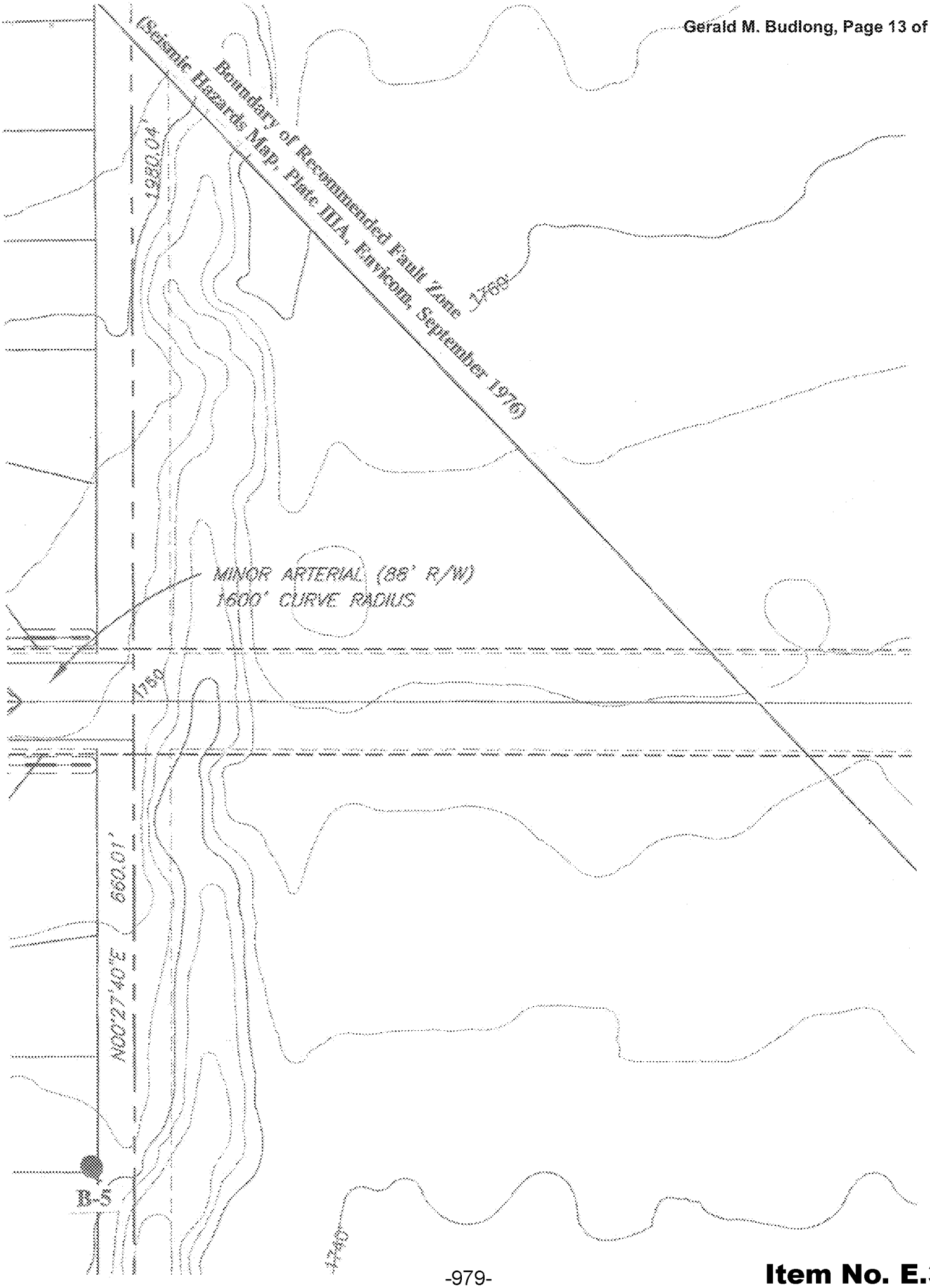
Boundary of Recommended Fault Zone
Seismic Hazards Map, Plate IIIA, Harrison, September 1976
1920.04'
1760
MINOR ARTERIAL (88' R/W)
1600' CURVE RADIUS
1760
660.01'
N00°27'40"E
1740

Item No. E.3

GERALD M. BUDLONG
CITY OF MORENO VALLEY ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD MEMBER

Letter dated December 2, 2010

Response GB-1

The process of reproducing maps and plans at the size required for inclusion in the Draft EIR generally involves a substantial reduction from larger source documents. Where feasible, distances are indicated within the Draft EIR's illustrations; however, for accurately scaled plans, the reader is referred either to the document's Technical Appendices, or to full-sized copies of plans and maps available at the City of Moreno Valley Planning Department.

Response GB-2

The commentor correctly describes the Project Geotechnical Investigation (prepared by Southern California Geotechnical in January 2007, and included in its entirety as Draft EIR Appendix H), and its scope of services, which included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide recommendations in regard to building design criteria, site preparation, and construction. The Project Geotechnical Investigation was not intended to provide an environmental evaluation of the Project site; rather, the Phase I Environmental Site Assessment (Project ESA), included in Draft EIR Appendix I, addresses other environmental conditions affecting the Project site.

Both the Project ESA and the Geotechnical Investigation reference a fault study for a portion of the Project site that was prepared prior to the proposed Project application. The *Preliminary Geotechnical Investigation and Fault Study for the Proposed 31-1/2-Acre Residential Development, South of SR-60 and West of Redlands Boulevard, Assessor's Parcel Numbers 477-120-004 and 477-120-005, Moreno Valley, California (Project No. I05876-10)* was prepared by LGC Inland, Inc. (LGC) on September 12, 2005. The LGC Fault Study

states that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." A detailed fault study was not prepared, because it was determined unnecessary based upon Southern California Geotechnical's review of the LGC Fault Study along with other mapping of the Project site (detailed in the following Response GB-4), and their on-site reconnaissance, which found no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas).

Response GB-3

The LGC report is available through the Lead Agency (a copy is available at the Planning Department), and was considered incorporated by reference into the Project Geotechnical Investigation. As discussed in the preceding Response GB-2, because no evidence of faulting or other geologic hazard was identified in this report, it was not determined necessary for inclusion.

Response GB-4

In addition to the LGC report referenced in the preceding Responses GB-2 and GB-3, several geologic maps were used as points of reference in the preparation of the Project Geotechnical Investigation. These include the following:

- Geologic Map of the Sunnymead 7.5' Quadrangle, Riverside County, California, by Douglas M. Morton and Jonathan C. Matti, 2001;
- Geologic Map of the Sunnymead/South ½ of Redlands Quadrangles, San Bernardino and Riverside County, California, by Thomas W. Dibblee, Jr., 2003;
- Alquist-Priolo Earthquake Fault Zones Map of the Sunnymead Quadrangle; and
- Riverside County Land Information System – Fault Zone Map.

Copies of these maps are included on the following pages for ease of reference, and have also been incorporated in Final EIR Section 2.0, Revisions and Errata.

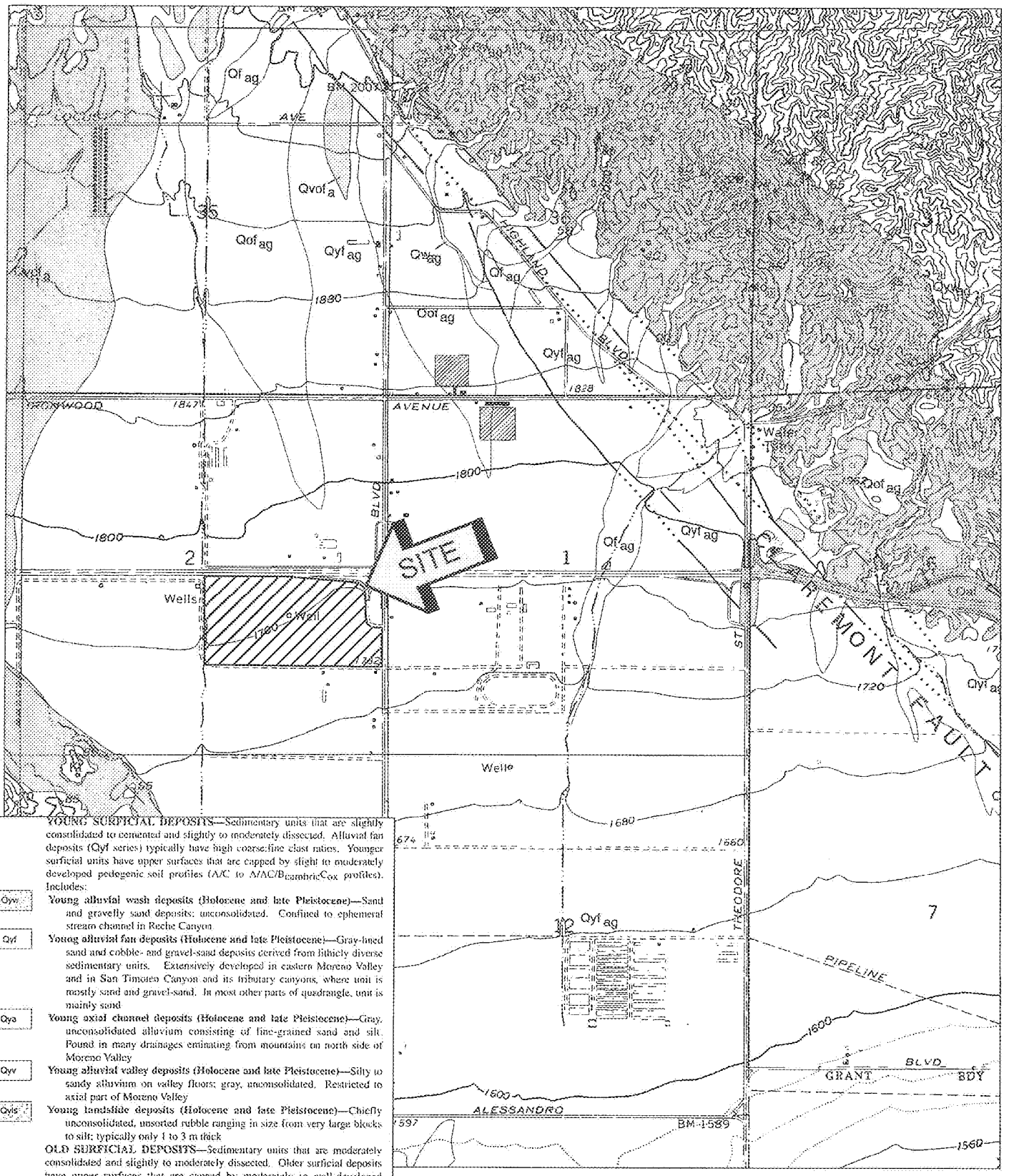

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to $A/AC/B_{cambric}C_{ox}$ profiles). Includes:

- Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.
- Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.
- Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.
- Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.
- Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils ($A/AB/B/C_{ox}$ profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

- Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00114674

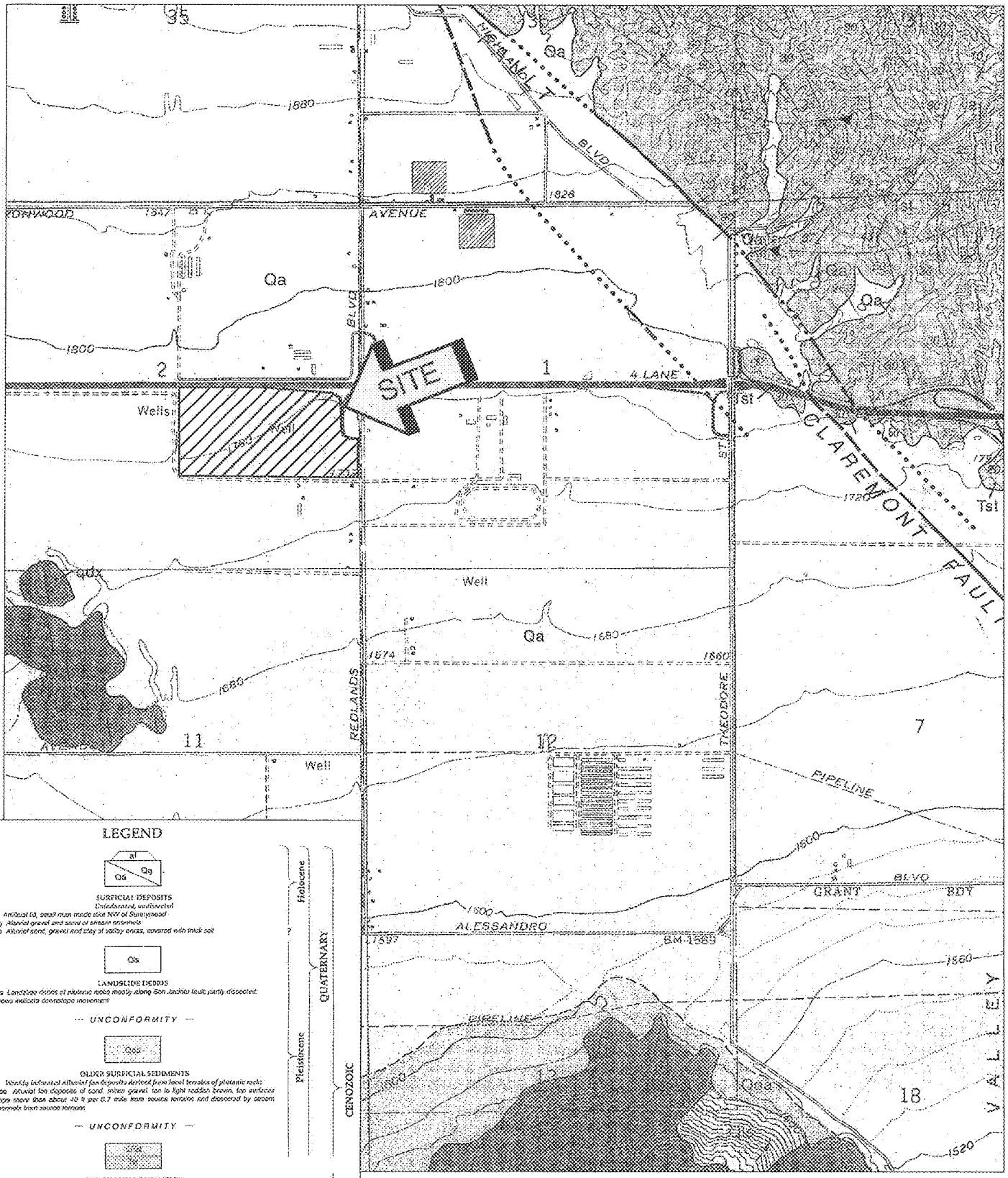

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af Artificial fill, small mass made site NW of Sunnymead
Qg Alluvial gravel and sand of stream channels
Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:
Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terraces and dissected by stream channels from source terraces

— UNCONFORMITY —

SAN TIMOTEO FORMATION

(San Timoteo Hills of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); strata part referred to late of Pliocene age (Morton and Matti, 2001)

QTsa Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone, tentatively (?) overlain by Qoa in this quadrangle
Tst Main part (pebble part of Morton and Matti, 2001), lithologically similar to upper part, within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Qa, Qg, af	Holocene	QUATERNARY
Qoa, Qsa	Pleistocene	QUATERNARY
QTsa	Pliocene	TERTIARY
Qls		CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00114675

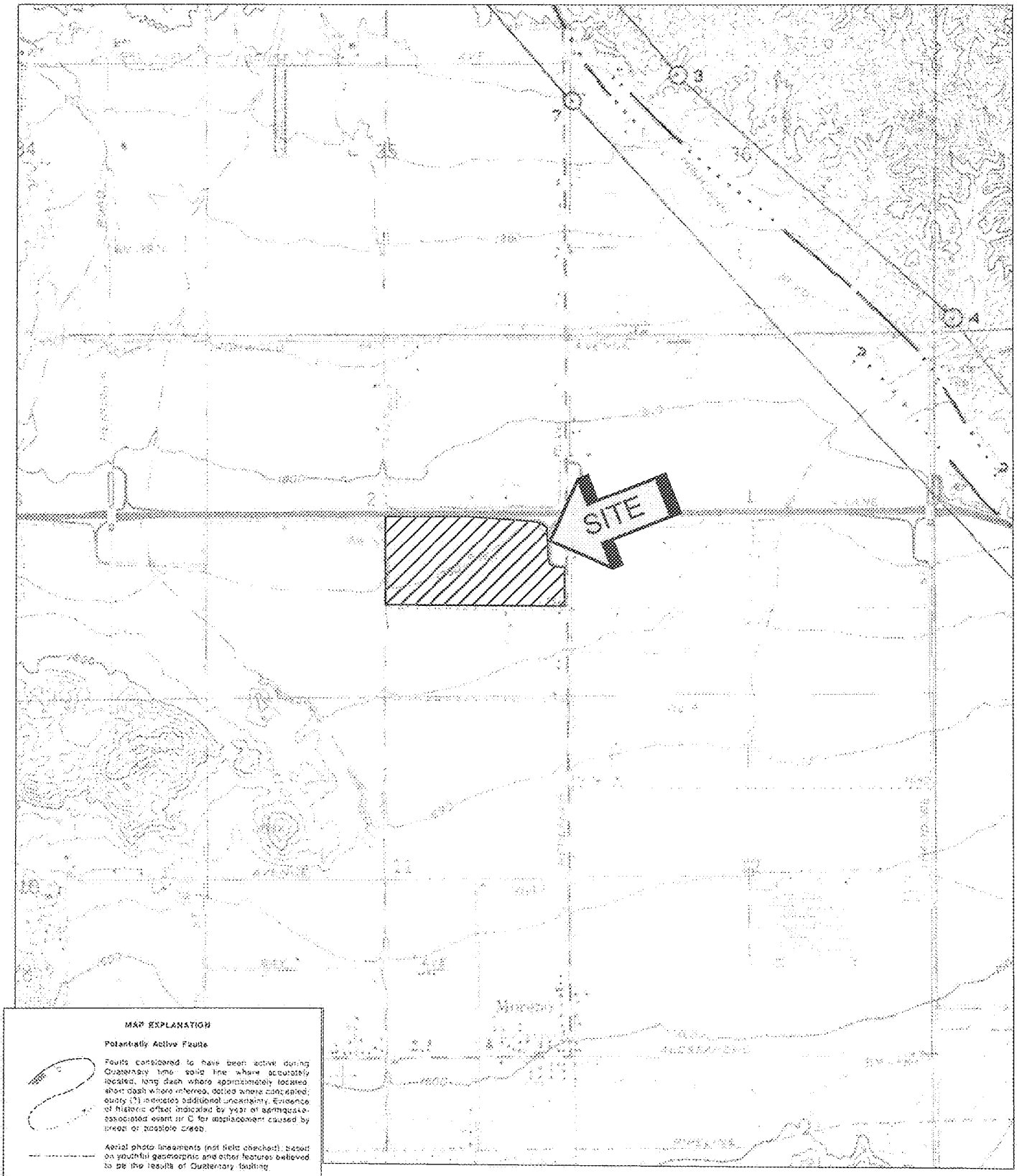

MAP EXPLANATION

Potentially Active Faults

Faults considered to have been active during Quaternary time: solid line where accurately located, long dash where approximately located, short dash where inferred, dotted where concealed; query (?) indicates additional uncertainty. Evidence of historic offset indicated by year of earthquake-associated event or C for displacement caused by creep or possible creep.

Aerial photo lineaments (not field checked), based on youthful geomorphic and other features believed to be the results of Quaternary faulting.

Special Studies Zone Boundaries

These are delineated as straight-line segments that connect consecutively numbered turning points so as to define one or more special studies zone segments.

Seaward projection of zone boundary

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00114676

FAULT ZONES
03/16/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

Item No. E.3

MV00114677

Response GB-5

As noted on Page 9 of the Project Geotechnical Investigation (Draft EIR Appendix H), "The 1997 UBC/2001 CBC Design Parameters have been generat[ed] using UBCSEIS, a computer program published by Thomas F. Blake (January 1998)." It is assumed that the fault parameters were not available for the Casa Loma fault at the time the UBCSEIS program was published.

It may be noted that the building code has changed since the Project Geotechnical Investigation was issued. New development must now be designed in accordance with the requirements of the incumbent edition of the California Building Code (CBC). The CBC provides procedures for earthquake resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. The seismic design parameters are based on the soil profile and the proximity of known faults with respect to the subject site. The 2007 CBC Seismic Design Parameters are now generated using *Earthquake Ground Motion Parameters*, a software application developed by the United States Geological Survey (USGS). This software application, available at the USGS website, calculates seismic design parameters in accordance with the 2007 CBC, utilizing a database of deterministic site accelerations at 0.01 degree intervals. Since the UBCSEIS is no longer used to calculate the seismic design parameters for the proposed development, it is not considered relevant that the Casa Loma fault is not listed in the UBCSEIS database.

Please refer to the following Response GB-7 in regard to the referenced Preliminary Geotechnical Investigation for the property westerly adjacent to the Project site, prepared by RM Engineering.

Response GB-6

Please refer to the geologic maps referenced as part of the preceding Response GB-4.

Response GB-7

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering (RME) is acknowledged. The site addressed by this report is located westerly adjacent to the Project site. Although RME recommended that a fault investigation be conducted prior to development within the portion of the site within the zone designated by the Riverside County Seismic Safety Element (Envicom, 1976), RME provided no data or evidence that an active fault was located on the site or adjacent sites. In fact, RME performed a geologic lineament analysis and concluded (on Page 6 of the referenced report) that, "[b]ased on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed." The recommendation by RME to perform a fault study was solely based on the Envicom report.

As referenced in the Project Geotechnical Investigation, Southern California Geotechnical reviewed the LGC report referenced in the preceding Response GB-2. LGC performed a fault study in the southeast portion of the Project site. The fault trench was approximately 400 feet in length and trended S48W (perpendicular to the projection of the nearest faults). The trench was excavated to a maximum depth of approximately 14 feet. LGC stated that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." It should also be noted that no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas) were observed on the subject site at the time of the original geotechnical investigation. In addition, the two geological maps presented as part of the preceding Response GB-4 (Plates 1 and 2) indicate that the closest fault to the subject site is the Claremont Fault Section of the San Jacinto Fault Zone, located 3,700 feet northeast of the site. The mapped active portion of the Casa Loma fault is located approximately 4.5 miles southeast of the Project site.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone (Plate 3), nor is it located within a Riverside County designated fault zone (Plate 4). Based on

information from the previous LGC report and published geologic maps, it is not considered likely that the Casa Loma fault, located more than four miles southeast of the Project site, would cause on-site surface rupture.

Response GB-8

Applied Planning utilized the Project-specific Geotechnical Investigation provided in the Draft EIR, and its assessment of on-site conditions.

Response GB-9

As detailed in the preceding Response GB-7, despite the commentor's assertions to the contrary, as documented in the Project-specific Geotechnical Investigation, there is no indication that the Project building footprint will overlay any active fault, nor is there evidence of potential fault rupture.

Response GB-10

The Draft EIR's description of major scenic resources is focused primarily on those views that would be potentially affected by the Project. It may be noted that, on Draft EIR Page 4.9-3, the reader is referred to Draft EIR Figure 4.9-1, which is based on an exhibit from the Moreno Valley General Plan. This figure does indicate views of the San Jacinto Wildlife Preserve among the City's major scenic resources. As can also be seen from this figure, the San Jacinto Wildlife Area is located approximately 3.5 miles to the southeast of the Project site. Although not identified in the illustration, the California Department of Fish and Game (http://www.dfg.ca.gov/lands/wa/region6/sanjacinto/maps.html) identifies Mystic Lake as being located adjacent to the eastern boundary of the San Jacinto Wildlife Area.

Response GB-11

As noted on Draft EIR Page 4.9-3, Figure 4.9-1 is the Draft EIR is a reproduction of Moreno Valley General Plan Figure 5.11-1, and as such, reflects the labeling used in the General Plan.

Response GB-12

The Draft EIR acknowledges, on Page 4.9-10, that the Project site lies within an established view corridor adjacent to the SR-60, and that SR-60 has been locally designated in the Moreno Valley General Plan as a scenic route. Primarily on this basis, the Project was found to have a substantial adverse effect on a scenic vista, which is considered a significant and unavoidable impact. The CEQA thresholds differentiate effects on a "scenic vista" from potential impacts to "scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway." Although SR-60 has not been designated as a "State scenic highway," its local importance has been acknowledged in the Draft EIR.

Response GB-13

The Draft EIR acknowledges that the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact.

Response GB-14

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering is acknowledged.

From: Rachel Lopez [rachel.lopez@ccaej.org]
Sent: Monday, December 06, 2010 2:19 PM
To: Jeffrey Bradshaw
Subject: Project Description 105-131
Environmental Impact Analysis 132-135

Land Use and Planning 136-169

Air Quality 261-372

Noise 373-401

This is in response to the Project # 105-131.

Mitigations for the cumulative exposure from projects that have already been approved and those that are in the process of being will have a significant effect on traffic and diesel exposure to residents within the impacted area and fall short of lowering the impacts to residents in close proximity of these projects. How can you mitigate this to include the other projects impacts. CCA-1

The Environmental Impact Analysis does not indicate or give a true picture of projected truck trips taking into account the other projects and the new Sketchers project. What types of mitigation are being initiated for these projects when they reach full capacity and are taken into account. The noise impacts to the surrounding community and its residents must also be mitigated especially with the additional projects that are in the planning process. What will those mitigations look like on a cumulative level. CCA-2

There must be in the mitigation of this project stipulations from the projected/future tenants that only 2010-compliant truck fleet cleanest trucks be allowed into the facility and create incentives or a schedule to phase in a clean truck fleet. The project should also consider other alternatives which might be to consider alternatives such as a portion of the fleet might be retrofitted or repowered and be phased in over a period of time which could reduce the air quality health risks and may be more economically feasible. CCA-3

Cumulatively Significant and Unavoidable for PM10, PM2.5, VOC and NOx exceedances; and long term VOC and *NO exceedances* this phrase is repeated several times in the Draft EIR we must not continue to approve projects in our communities that continue to impact our residents with health risks that can be avoidable with mitigation that should be implemented even before projects are proposed for review. The fact that we see unavoidable and significant in the EIRs is great concern that these projects will continue to be approved with overriding considerations or approved regardless of the impacts to existing or future residents. CCA-4

There are designated proposed residential projects being proposed along side these industrial facilities with no significant buffer areas dedicated. The SCAQMD and the Air Resources board indicate a buffer zone of not less than 1,000 ft. between a sensitive receptor and a diesel source. These issues must be addressed and mitigated with what ever means are available to the lowest levels possible with **sufficient buffer zones of not less than 1,000** to lessen those impacts. The DEIR have buffers of 250 or 300 how can the developer include/mitigate buffer zones of 1,000 ft. CCA-5

Rachel Lopez

Community Organizer

Center for Community Action and Environemtal Justice

Centro de Accin Comunitaria y Justicia Ambiental

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CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
RACHEL LOPEZ

Email Dated December 6, 2010

Response CCA-1

The commentor expresses concern regarding the cumulative effects of the Project's contributions to impacts from traffic and diesel emissions when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 discrete related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis"). Additionally, the cumulative analysis reflects generalized disaggregated regional growth not otherwise attributable to specific development proposals.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response CCA-2

As noted in the preceding Response CCA-1, the Draft EIR did consider the effects of cumulative projects including potential cumulative truck trips, including the Highland Fairview ("Skechers") project.

With specific regard to truck traffic, estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor. Vehicular noise impacts from all Project and cumulative traffic are also addressed in the DEIR, and are determined to be less-than-significant. Please refer to DEIR at Pages 4.4-21 through 4.4-23; and 5-14 through 5-17.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour intersection passenger car equivalent (PCE) traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of

mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the

required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

Mitigation that addresses identified cumulative impacts was provided in the Draft EIR, and has been incorporated in the Project's Mitigation Monitoring Program, included in Final EIR Section 4.0. It is further noted that other development projects are required to address their own specific impacts, and projects subject to CEQA EIR mandates are also required to address cumulative impacts. In this regard, cumulative impacts are likely

overstated as these estimated impacts do not necessarily reflect or assume mitigation applied by other projects within the affected cumulative impact area.

Response CCA-3

The commentor expresses concern about emissions from diesel trucks associated with the Project. Mitigation Measure 4.3.13 has been revised to incorporate the following requirement.

> ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
>
> ***• Use of fleet vehicles conforming to 2010 air quality standards or better.***

These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

Response CCA-4

The commentor correctly reflects the Draft EIR's finding that the Project would have a cumulatively significant air quality impact in regard to the referenced criteria pollutant exceedances (temporary construction-related PM_{10}, $PM_{2.5}$, VOC and NOx exceedances; and long-term operational VOC and NOx exceedances). The commentor's opinions regarding the possible approval of the Project with overriding considerations will be forwarded to decision-makers for their consideration.

Response CCA-5

As acknowledged in the Draft EIR (Pages 4.1-7 through 4.1-9), currently undeveloped properties to the south of Fir (future Eucalyptus) Avenue, and to the west of the Quincy Channel are designated for residential uses. Despite the commentor's assertion to the

contrary, the City has no currently active proposals for residential development on any parcels adjacent to the Westridge Commerce Center Project site.

The 1,000 foot buffer zone referenced by the commentor has been offered by the California Air Resources Board as a planning guideline, to be implemented in cases where site-specific analysis has not been conducted.[4] In the case of the Westridge Commerce Center Project, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

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[4] Please refer to the CARB *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005, Page ES-2, at the following website: http://www.arb.ca.gov/ch/handbook.pdf.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24-hour exposure for a 30- or 70- year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

From: Paul Claxton [paul1960@verizon.net]
Sent: Sunday, December 05, 2010 10:02 AM

To: Jeffrey Bradshaw

Subject: Moreno Valley Warehouses/Ridge Project

I am concerned about the efforts to rush into construction the millions of square feet worth of warehouses in the east end of Moreno Valley. These projects can do nothing positive to the natural environment of the area. My biggest concern is turning Moreno Valley into another Ontario with hundreds of diesel trucks lumbering down our roads spewing pollution, creating noise, and traffic. That additional traffic will add to commute times creating additional pollution. The 60 freeway east of this project is not contusive to big rig traffic. I've been a resident here for just nine years and I intentionally bought on the more rural east side to avoid the traffic of the 215 freeway. This project drives a stake into the heart of the city. I'm planning on leaving to seek a better managed city. PC-1

Paul Claxton
Moreno Valley CA

PAUL CLAXTON

Email Dated December 5, 2010

Response PC-1

The commentor's general concerns regarding the Project's location and the cumulative impacts of the Project when combined with other vicinity projects are noted. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A thorough discussion of the cumulative impacts is presented at Draft EIR Section 5.1.

Similarly, the commentor's generalized concerns regarding the increased traffic, air quality and noise impacts are discussed in the EIR. Specifically, traffic impacts are addressed in Draft EIR Section 4.2, air quality impacts at Draft EIR Section 4.3 and noise impacts at Draft EIR Section 4.4.

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

COMMENTS AND QUESTIONS REGARDING THE DEIR AND LAND USEAGE IN GENERAL FOR WESTRIDGE COMMERCIAL CENTER, A.K.A. "THE RIDGE PROJECT"

Stephen Crews, Moreno Valley, CA

1. It is evident from current zoning, that lands designated commercial south of SR60, from Moreno Beach Dr. to Redlands Blvd., including land devoted for the Westridge Center, do not extend southerly for a great distance, and thus any commercial development there is not intended as a part of an extensive commercial region. In fact, for this reason, it appears this land serves as a buffer for the residentially zoned areas to the south. Thus, it is incumbent on planners and developers to ensure that properties developed in these commercially zoned areas are in keeping with aesthetics, appearance, landscape, geographic culture, and the sentiments of future residents of the predominant land use in the area, residential. This warehouse structure, with its massive edifice and size could not possibly conform to nor compliment Rancho Belago, "the land of ranches and lakes". SCR-1

   Has any consideration been given to the degradation of future residential developments in the area by the construction of an eyesore across the street?

2. One can only presume that there is a cumulative effect of air pollution from SR60, diesel trucks on the site of Westridge, and those travelling on nearby surface streets, as well as these types of contributors to air pollution from future similar developments along the freeway, and that this would have a deleterious effect on the health of citizens residing in residential neighborhoods. SCR-2

   Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?

3. **The proposed project sits on the mouth of the entrance into the badlands heading east on SR 60, a highway that is essentially a rural route at this point, and one that is treacherous for traffic. At what point does the added introduction of truck traffic become dangerous? The route on SR60 west is extremely congested and practically at a standstill, caused by the incompletion of recent freeway construction, growth, and lack of capacity. At what point does the introduction of further truck traffic become untenable?** SCR-3
4. **The local surface roads and overpasses servicing the area of the project are dilapidated and are residential in nature. Will roads be brought up to standards, and who will pay for the inevitable degradation of heavy wear trucks cause on roads, with the potential of harm to automobile motorists?** SCR-4

STEPHEN CREWS

Letter Dated December 6, 2010

Response SCR-1

The commentor expresses an opinion regarding the land use designations (and the conformation of the proposed Project with the intent of those designations) of the properties located south of the SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

The commentor also expresses concern regarding the consideration of nearby residential uses. It is assumed that, in this instance, the commentor is referring to aesthetic consideration. Indeed, the Draft EIR contains a detailed analysis of the Project's aesthetic attributes and impacts within Section 4.9. Specifically, the analysis examined whether the Project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As supported by the analysis, the Project would obstruct views of off-site scenic resources, and would therefore have a substantial adverse effect on a scenic vista. This is a significant and unavoidable impact. All other potential aesthetic impacts of the

Project were determined to be less-than-significant. The commentor is also referred to Figures 4.9-2 through 4.9-8 of the Draft EIR, which illustrate line of sight and view simulations of the Project.

Response SCR-2

The commentor expresses concern regarding the cumulative effects (air pollution) of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, eleven (11) distinct related projects were included within the Draft EIR cumulative analysis.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Cumulatively significant air quality impacts are summarized at DEIR Page 1-18, 1-19 and are discussed at DEIR pages 5-12 through 5-14.

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response SCR-3

The commentor characterizes location of the Project "on the mouth of the entrance into the badlands heading east on SR-60." Location of the Project and proximity of the badlands are noted in the Draft EIR:

> 3.2 PROJECT LOCATION AND BOUNDARIES
>
> The Project site is located in the eastern portion of the City of Moreno Valley, in western Riverside County. Please refer to Figure 3.2-1, "Regional Location." The Project will be developed within a 54.66-acre site, which is located near the SR-60/Redlands Boulevard interchange. The site is bounded by SR-60 to the north, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east. Please refer also to the Project site aerial, Figure 3.2-2, "Project Vicinity" (Draft EIR Page 3-1).
>
> General Plan Final EIR Figure 5.11-1, "Major Scenic Resources," reproduced in this Draft EIR as Figure 4.9-1, indicates the Project site is located along the SR-60 scenic corridor. The Badlands area, located approximately one mile to the north, and the Mount Russell foothills and associated rock outcroppings, located approximately two miles southerly of the site (Draft EIR Page 4.9-3).

The commentor offers that SR-60 "is essentially a rural route at this point, and one that is treacherous for traffic."

Existing and programmed SR-60 configurations proximate to the Project are accurately and appropriately described in the EIR:

Regional Access

State Route 60 (SR-60), adjacent to the Project site's northerly boundary, provides regional access to the subject property and vicinity. Connection to SR-60 is provided via Redlands Boulevard, located less than one-quarter mile east of the Project site. The Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. These interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. As demonstrated in the analysis presented in this Section, with implementation of the improvements identified subsequently (and in the Project TIA, EIR Appendix B),the existing rural interchange at Redlands Boulevard and the SR-60 will accommodate existing and anticipated future traffic, including Project-related traffic, at Opening Year and beyond. The upgrade of this interchange is included as part of the regional Western Riverside County TUMF improvement program.

The commentor provides no supporting evidence indicating any substantive potential safety concerns along the segment of SR-60 proximate to the project site. Moreover, Caltrans, the Responsible Agency for actions and projects affecting SR-60, has not suggested or indicated any significant safety issues for this segment of highway (Draft EIR, Page 4.2-8).

In response to the commentor's concerns regarding traffic on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these

impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

The commentor also provides opinions regarding traffic and safety along SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

Response SCR-4

The commentor expresses concern regarding the nature and condition of vicinity roadways. Section 3.0, "Project Description" of the Draft EIR includes a complete list of roadway improvements to be implemented by the Project. Roadway improvements to be implemented by the Project prior to issuance of the first Certificate of Occupancy are summarized below:

- Fir Avenue (future Eucalyptus Avenue) will be constructed to its ultimate half-section width (one-half of 104-foot right-of-way section improvements pursuant to City Standard No. 104B) as an arterial roadway from the westerly Project boundary, extending to Redlands Boulevard to the east. Signalization and turn lane improvements will be provided at the intersection of Fir Avenue (future Eucalyptus Avenue) at Redlands Boulevard consistent with City standards and requirements. At the westerly terminus of Fir Avenue (future Eucalyptus Avenue), full cul-de-sac improvements will be provided to allow for vehicle turnaround.

- An auxiliary lane along the westerly side of Redlands Boulevard will be constructed between Fir Avenue (future Eucalyptus Avenue) and the SR-60 eastbound off-ramps.

- The proposed public street (Street "A") at the Project's easterly boundary will be constructed to its ultimate half-section width (one-half of 78-foot right-of-way section improvements pursuant to City Standard No. 106) as an industrial collector roadway from the proposed northern terminus of the road to Fir Avenue (future Eucalyptus Avenue) in conjunction with development. Full improvements will be provided at the cul-de-sac "bulb" to allow for vehicle turnaround.

All roadway improvements proposed by the Project will conform with City engineering standards thereby reducing future maintenance responsibilities for these improvements. The Project will contribute fees and tax revenues to the City that may be directed to the repair and maintenance of area roads.

More specifically, the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements.

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
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6 December 2010

Via e-mail: Jeffreyb@moval.org

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552-0805

Dear Mr. Bradshaw:

Re: Westridge Commerce Center Draft Environmental Impact Report (DEIR)—State Clearing House Number 2009101008

The Friends of the Northern San Jacinto Valley are a local conservation group dedicated to preserving and protecting the Northern San Jacinto Valley, the San Jacinto Wildlife Area, and Mystic Lake. We are a 501(c)(3) organization. Since 1991, we have sponsored monthly nature walks at the wildlife area, reviewed and commented on numerous environmental documents, attended community events to share information about the wildlife area, and we have a long history of supporting public land acquisition at the San Jacinto Wildlife Area.

We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center and are very discouraged by the poor quality of the environmental document. To a great extent, the Draft EIR presupposes that the Moreno Valley Planning Commission and City Council will adopt a statement of overriding consideration for a number of the identified project impacts. This erroneous presumption allows the preparer of the California Environmental Quality Act (CEQA) document, Applied Planning, Inc., to avoid necessary consideration of feasible mitigation measures and to avert meaningful consideration of project alternatives to reduce or avoid significant environmental impacts. The Draft EIR incorrectly asserts that the following significant project impacts are unavoidable and the City's only prerogative is to make CEQA findings of overriding consideration. FNSJ-1

Aesthetics - Loss of Scenic Vista: Perhaps the most spectacular scenic vista from within the City of Moreno Valley is the view of Mystic Lake with the San Jacinto Mountains in the background which motorists can see while traveling east on Highway 60. This project proposes to block this scenic vista with the side of a warehouse building and summarily omits from consideration potential mitigation measures and a project alternative (Alternative Site) FNSJ-2

capable of avoiding or minimizing this aesthetic impact. The project proponents have the ability to buy land anywhere for this warehouse which will not be built until the have a tenant and this makes feasible several mitigation opportunities to avoid or lessen the loss of a scenic vista this project will incur. The pad level of the warehouse buildings is proposed to be 25 feet below the grade of Highway 60. *A project design mitigation measure limiting the building height to 25 feet would preserve the present scenic vista from the highway.* In our view, other building design mitigation measures are feasible and can be incorporated into the project to avoid or minimize the loss of this scenic resource. FNSJ-2 (cont'd)

Agriculture - Loss of Farmland of Local Importance: The Project will convert Farmland of Local Importance to nonagricultural uses and these losses will be cumulatively significant. The Draft EIR fails to consider mitigation for the loss of agricultural land this project will incur and merely dismisses mitigation measures included in the City's General Plan intended to stem the loss of agricultural land. Preservation can be a feasible means of reducing or eliminating the impact of agricultural land loss. The City's General Plan indicates agricultural lands subject to conversion can be mitigated through the purchase or transfer of development rights or the purchase of conservation easements. We believe the Loss of Agricultural lands of Local Importance must be thoroughly discussed and mitigated in the EIR. FNSJ-3

Air Quality: The project will generate long-term operational project emissions during operation that will exceed the South Coast Air Quality District's regional thresholds for a number of pollutants detrimental to community health. A recent Press-Enterprise newspaper article (September 11, 2008) indicates most of the cancer risk from Southern California air pollution is from diesel exhaust. The article also notes the Inland area still has the region's worst fine-particle pollution, which is linked to early deaths, heart attacks and, in children, stunted lung development. Diesel soot is the most toxic major ingredient of fine particle pollution. The Inland region is also recognized as having the worst ozone pollution, which causes nausea, fatigue and headaches, and aggravates asthma and other respiratory conditions. The project Draft EIR makes no attempt to mitigate or avoid these long-term operational emissions and instead asks the City Council to make findings of overriding consideration for this air quality impact. The Draft EIR fails to even consider feasible mitigation measures to reduce community exposure to these harmful long-term project pollutants. A feasible mitigation measure worthy of consideration would be for the developer and future warehouse tenant to commit to operating the facility with trucks equipped only with the latest air pollution abatement technology including diesel soot filters. Since Highland Fairview Corporate Center/Skechers project has been able to have 80% of all off-road heavy-duty construction equipment utilized during construction activity *certified as* CARB Tier III or better, your project and analysis must do at least as well. FNSJ-4

Climate Change and Greenhouse Gases: AB 32 requires that California's greenhouse gas emissions be reduced to 1990 levels by the year 2020. The Draft EIR indicates greenhouse gas emissions from the operation of the Westridge Commerce Center project will result in a significant and unavoidable impact to climate change because emissions will hinder or delay California's ability to meet the reduction targets contained in AB 32. The Draft EIR limits its consideration of emission reduction to on-site measures and will request the City Council make FNSJ-5

findings of overriding consideration for the project failure to achieve the reduction targets in AB 32. This approach is incorrect in that the CEQA analysis also needs to consider offsite mitigation remedies such as emission trading regimes and/or carbon sequestration to offset the emissions this project will generate. Given the urgency of climate change solutions, the project proponent's reliance on a finding of overriding consideration is misplaced. FNSJ-5 (cont'd)

THE EIR MUST ADEQUATELY ANALYZE AND MITIGATE AIR QUALITY IMPACTS

The EIR fails to adequately analyze and mitigate the significant impacts to air quality resulting from the project. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and $71 billion ($36–$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about $10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The EIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality. FNSJ-6

A. SIGNIFICANT AIR QUALITY HAZARDS IN RIVERSIDE COUNTY

Riverside County has the dubious distinction of being one of the most polluted areas in the country. (American Lung Association 2005; American Lung Association 2008). The Project will directly result in an increase in construction emissions and vehicle trips per day which will increase the level of a broad number of criteria pollutants under the Clean Air Act. The Project will result in significant impacts to air quality that result from significant levels of emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Particulate Matter of 10 microns and 2.5 microns or less (PM10 and PM2.5). Increased diesel exhaust is particularly detrimental to long term human and lung health.

Ozone (O_3) is the chief component of the common pollutant known as "smog." Ozone is formed when emissions including reactive organic gases (ROG) and oxides of nitrogen (NOx) undergo photochemical reactions in sunlight and are transformed to O_3. Ozone irritates lung airways and causes inflammation much like a sunburn. Ozone causes wheezing, coughing, pain when taking a deep breath, and breathing difficulties during outdoor activities. The American Lung Association focuses on ozone as one of the most hazardous of the common air pollutants. (American Lung Association 2008). Repeated exposure to ozone pollution for several months may cause permanent lung damage. Children, the elderly, and those with respiratory problems are most at risk, but anyone who spends time outdoors may be affected. Even at very low levels, ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to pneumonia and bronchitis. Ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, and weather, and damages the leaves of trees and plants, ruining the appearance of cities, national FNSJ-7

parks, and recreation areas. Ozone also reduces crop yields, and is, in fact, responsible for 98% of air quality related crop damage in California. A revised EIR must discuss the proposed project's production of ozone precursor emissions and the direct, indirect, and cumulative impact both on human health and on vegetation and wildlife habitat, especially habitat for threatened, endangered, and sensitive species.

Particulate matter (PM) is a category of pollutant which includes the respirable particles suspended in the the air. PM is classified into "coarse" particles, PM_{10}, or those under 10 microns in diameter, and "fine" particles, $PM_{2.5}$, or those under 2.5 microns in diameter, and comes from a variety of sources including diesel exhaust, windblown dust from agriculture and construction and motor vehicles. Because the human respiratory system's ability to filter out harmful particles decreases as particles size decreases, the smallest particles lodge deepest in the lungs and are especially dangerous. PM can contain at least 40 toxic chemicals including heavy metals, nitrates, sulfates, and aerosols, as well as soot, soil, and dust. FNSJ-7 (cont'd)

PM is associated with extreme health consequences. PM causes premature death, aggravates asthma, increases coughing, painful breathing, and chronic bronchitis, and decreases lung function. Lung inflammation caused by inhaling PM can also lead to changes in heart rhythm, constriction of blood vessels, blood coagulation, and increased risk of heart attacks. Unlike what is believed about some other air pollutants, there is no "safe" level of PM pollution: even very low levels of PM lead to health impacts. (EWG 2002 at 25). One study found that in Riverside County alone, 353 deaths per year are due to current PM10 levels, and 42,149 asthma attacks per year are due to current PM10 levels. (EWG 2002 at 19). The EIR's failure to address basic information on the link between air quality, health impacts, and impacts to biological resources render it inadequate. This and other information must be analyzed in a revised EIR so that the project's air quality impacts can be analyzed in the full environmental context.

B. THE EIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ENVIRONMENTAL SETTING

The EIR must provide a stable and accurate project description in order to properly inform decision makers and the public, as well as provide a proper basis for analysis of impacts and mitigation to address those impacts. Here the EIR fails to fully disclose and analyze the air quality impacts from diesel emissions. One of the project objectives is to "transition the existing site into a productive use" provided by over 900,000 square feet of industrial warehouse/distribution. (DEIR at 3-4). Presumably much of the transportation and traffic associated with industrial warehouse and distribution facilities will be diesel truck traffic, which poses a much greater threat to human health due to the carcinogenic effects of diesel exhaust and fine particulates associated with diesel emissions. However, the EIR fails to describe what types of vehicles will be accessing the facility, in what volumes, at what frequency, and during what times. The EIR must fully disclose the types of vehicles that will be associated with the Project because those different vehicles pose very different threats and must be analyzed and mitigated in different fashions. FNSJ-8

The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The Project is located across Fir Street from land that is zoned residential. The diesel trucks will enter and exit the project by using Fir and therefore will significantly impact future residents. Setting the building 250 feet back from these residential uses does not protect them from each and every diesel truck that enters and exit the Project. The direct, indirect and growth inducing impacts of this project have not been thoroughly analyzed – especially for the future residents immediately south of the project. The 2,000,000 sq. foot Highland Fairview Corporate Center/Skechers project and also the proposed 2,000,000 square foot ProLogis are on either side of this project and will also probably use Fir Street. The California Air Resources Board and others confirm that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. (CARB 2005). Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. Id. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. Id. FNSJ-8 (cont'd)

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The South Coast Air Quality Management District ("SCAQMD") includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. The Project fails to adequately identify the number and their distance from the 240 daily (24-7) moving diesel trucks related to this project as well as that of ProLogis and Highland Fairview Corporate Center/Skechers.

C. THE EIR FAILS TO ADEQUATELY EXAMINE THE PROJECT'S HEALTH RISKS

The EIR air quality analysis fails to adequately address the Project's effect on the community's health. Although the DEIR acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to conduct this critical study of demonstrating what the qualitative or quantitative risk is associated to nearby residents as result of the Project. The Project can lead to increased rates of asthma, decreased, lung or cardiac function, and other threats, but there is no analysis of what that means for the regional residents or visitors. As with other important impact analyses it appears that the EIR authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA. Without this information, it is all but impossible to accurately and effectively gauge the severity and extent of the health', effects that would result from building the proposed Project. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Envt'l Planning and Information Council of W.* FNSJ-9

El Dorado County v. County of El Dorado (1982) 131 Cal. App. 3d 350,357. It is critically important that the EIR emphasize the cumulative impacts of negative air quality and not simply dismiss those issues without thorough analysis and mitigation. FNSJ-9 (cont'd)

D. THE EIR FAILS TO ADEQUATELY ANALYZE AND IMPOSE MITIGATION MEASURES FOR SIGNIFICANT IMPACTS TO AIR QUALITY

In an attempt to subvert the procedural requirements of CEQA the EIR fails to adopt feasible mitigation measures that would have substantially lessened significant environmental impacts resulting from the Project. To effectuate its overarching purpose of reducing environmental harm, CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen" a Project's significant environmental effects. Pub. Res. Code § 21002; Guidelines 15021. CEQA's substantive mandate is clear, "each public agency shall mitigate or avoid the significant effects on the environment of projects that it caries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b) (emphasis added).. Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). FNSJ-10

There are numerous mitigation measures that could be adopted to reduce the significant air quality impacts associated with this project. Many of the mitigation measures outlined to reduce the significant impacts associated with greenhouse gas emissions can reduce criteria pollutants. Therefore the EIR should fully analyze all greenhouse gas and criteria pollutant mitigation measures in order to reduce the significant impacts to air quality, or describe why those mitigation measures are infeasible.

I. THE EIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

The Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed. FNSJ-11

A. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

Unfortunately, the EIR fails to address the impacts of global warming on the Project contrary to the requirements under CEQA. California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts. Global warming will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and FNSJ-12

a reduction in snowpack and precipitation levels and water availability. These factors will impact development under any Moreno Valley General Plan Update, as well as exacerbate its own environmental impacts. Therefore, these factors must be considered in the EIR. *See* Guidelines § 15126.2(a) (an EIR "shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.") The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change. (California Attorney General 2009). Examples of how global warming will impact development under the Moreno Valley General Plan and intensify the environmental impacts it will already have are discussed below. It is not an exhaustive list.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008). FNSJ-12 (cont'd)

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997). FNSJ-12 (cont'd)

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project significantly understates the Project's impacts.

B. The EIR's Significance Determination is Flawed

i. The EIR Fails to Properly Frame the Question of the Significance of the Project's Greenhouse Gas Impacts

As the EIR properly recognizes, the greenhouse gas emissions generated by the Project constitute a significant impact. (DEIR at 4.3-110). However, the DEIR improperly limits the consideration of its determination of significance to whether the project would significantly hinder or delay California's ability to meet reduction targets contained in AB 32. While the emission reduction targets set by AB 32 are important, they are only a first interim step toward a longer emission reduction pathway necessary to avoiding dangerous anthropogenic interference (DAI) with the climate system. While Project impacts remain significant, the significance criteria should be revised to recognize California's long term emission targets set by Executive Order S-3-05 and consider the extent to which these reductions are consistent with the emission reduction pathway necessary to avoid DAI. FNSJ-13

The relevant environmental objective with regard to a project's impact on global warming is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference ("DAI") with the climate system. Framing the objective of a threshold of significance in the context of preventing DAI with the climate system

is consistent with the policy of CEQA. As set forth in Public Resources Code Section 21000(d), "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." With regard to climate change, the prevention of DAI is the critical threshold to protect the health and safety of the people of California. The prevention of DAI with the climate is also the objective adopted by the international community. As set forth in the United Nations Framework Convention on Climate Change, to which the United States is a party: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."[1]

Dangerous anthropogenic interference with the climate system is a defined concept from which a threshold of significance under CEQA can be derived. While environmental impacts from global warming are already being experienced, dangerous anthropogenic interference has typically been defined at temperature increases above 2°C from pre-industrial levels, or a 450 ppm atmospheric concentration of CO_2 eq. (Union of Concerned Scientists 2007). 2050 is the time frame commonly set by scientists in which to achieve the emission reductions necessary for climate stabilization. The emission reduction scenario set by AB 32 and Executive Order S-3-05, whereby emissions are reduced to 1990 levels by 2020 and then to 80% below 1990 levels by 2050, is consistent with a stabilization scenario in the +/- 450 ppm range.[2] FNSJ-13 (cont'd)

However, climate scientists, including NASA's premier climatologist, James Hansen, are increasingly calling for more stringent stabilization targets in order to sufficiently reduce the risk of catastrophic outcomes. The best available scientific evidence now indicates that a 2°C temperature increase from pre-industrial levels is well past the point where severe and irreversible impacts will occur. It is now estimated that a mean global temperature increase of 1.5°C above pre-industrial levels has the potential to trigger irreversible melting of the Greenland ice sheet, a process that would result in an eventual 7m sea level rise over and above that caused by thermal expansion of the oceans, and potentially causing an additional sea level rise of 0.75m as soon as 2100. (Warren 2006 at 95). Specific consequences of a 2°C temperature rise from pre-industrial levels include the loss of 97% of the world's coral reefs and the transformation of 16% of global ecosystems. Approximately one to three billion people would experience an increase in water stress, sea level rise and cyclones would displace millions from the world's coastlines and agricultural yields would fall in the developed world. (Warren 2006). In the Arctic, ecosystem disruption is predicted owing to complete loss of summer sea ice, with only 42% of the tundra remaining stable. This would destroy the Inuit hunting culture and cause the extinction of the polar bear and large losses in global populations of birds. Moreover, because

1 United Nations Framework Convention on Climate Change (UNFCCC), art. 2, May 9, 1992, *available at* http://unfccc.int/essential_background/convention/background/items/1349.php.

2 While the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004).

Arctic ice functions to reflect heat back into the atmosphere, its loss would allow more sunlight to heat the Arctic Ocean and further accelerate the buildup heat and the melting of the Greenland ice sheet. In the Antarctic, key marine mollusks are predicted to become extinct with damaging ramifications for the rest of the Antarctic marine ecosystem. (Warren 2006). As the devastating and irreversible impacts resulting from a 2°C mean global temperature rise are far in excess of any reasonable definition of "dangerous" interference with the climate, a 2°C target is not an acceptable objective for climate policy.

Moreover, equating a particular atmospheric concentration of greenhouse gases with a specific temperature increase involves a significant degree of uncertainty. This is because climate sensitivity – the extent to which temperatures will rise as a result of increasing concentrations of heat-trapping gases – depends on Earth's response to certain physical processes that are not fully understood. (Cayan 2007 at 4). For example, as greenhouse gas emissions cause temperatures to rise, the atmosphere can hold more water vapor, which traps heat and raises temperatures further – a positive feedback. Clouds created by this water vapor could absorb and re-radiate outgoing infrared radiation from Earth's surface (another positive feedback) or reflect more incoming shortwave radiation from the sun before it reaches Earth's surface (a negative feedback). (Cayan 2007). Thus, due to uncertainty in climate sensitivity, scientists estimate that the mean probability of exceeding 2°C where stabilizing greenhouse gases at a CO_2eq level of 450 ppm is 54% with a 30% probability that global average temperature would rise more than 3°C. (Cayan 2007; Union of Concerned Scientists 2007). This is effectively the equivalent of flipping a coin in the hopes that our children and grandchildren will not be confronted with the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, and the triggering of multiple climatic "tipping points" wherein climate change begins to feed on itself and spin rapidly out of control. FNSJ-13 (cont'd)

As noted by the Attorney General in a recent guidance on the treatment of climate change in general plans, "the targets set by AB 32 and Executive Order S-3-05 can inform the CEQA analysis." (California Attorney General 2009 at 4). However, while the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. *See* Guidelines § 15064(b) ("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment … based to the extent possible on scientific and factual data."). Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). Thus, to properly address the question of the significance of Project impacts, the EIR should set forth the environmental objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent DAI with the climate system, discuss California's emission reduction targets and the extent to which these targets are sufficient to meet avoid DAI. In this manner, the EIR will set forth the issues related to the significance of Project impacts in a manner that accurately informs decision makers and the public.

ii. To Properly Evaluate Significance and Fulfill Its Informational Mandate, the EIR Must Compare Project Emissions with Emission Reduction Targets Set by AB 32 and Executive Order S-3-05

Although the EIR asserts that the Project would interfere with the goals of AB 32, the EIR fails to provide any data on Project emissions as compared with 1990 levels. Accordingly, it is impossible to analyze the extent to which the Project exceeds AB 32 emission reduction mandates. The EIR must be revised to provide this data.

FNSJ-14

Moreover, in a failure to adequately describe the Project, the EIR fails to note the year for which the Project envisions build-out. Should the next Moreno Valley General Plan update contemplate growth past 2020, its significance analysis should evaluate the extent to which the Project complies with Executive Order targets. While the trajectory of reductions under Executive Order S-3-05 has not been definitely established, the EIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for the undisclosed year of build-out. Thus, if Moreno Valley's General Plan is intended to accommodate growth until 2030, then the EIR could compare Project emissions with emissions approximately 27% below 1990 levels.

C. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

FNSJ-15

There are any number of feasible measures that can be incorporated into a Climate Action Plan to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the

Attorney General 2008b). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Furthermore, substantial federal funding is available to implement these projects so that implementation of greenhouse gas mitigation measures is economically feasible.3 Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like climate change the Project must adopt all feasible mitigation measures to reduce GHGs or provide substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3). FNSJ-15 (cont'd)

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Significant effort needs to be shown as to how carpooling will be instituted and alternative fueled cars will be encouraged with special onsite parking location/electrical plug-ins. Will there be on-site eating facilities with food in order to limit driving off site? FNSJ-16

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the Project will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008). FNSJ-17

3 Energy Efficiency and Conservation Block Grants are offered by the U.S. Department of Energy to municipalities in order to meet the following purposes: reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors. (US DOE 2009). See http://www.eecbg.energy.gov/

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals. We expect the project's minimum LEED certification to be Silver. And the EIR needs to explain why this would not be your goal. FNSJ-17 (cont'd)

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting FNSJ-18
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging

stations to reduce emissions from vehicle trips. FNSJ-18 (cont'd)

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste; FNSJ-19
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system; FNSJ-20
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SQAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA mitigation measures[4] once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008). FNSJ-21

4 The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming See generally http://ag.ca.gov/globalwarming/ceqa.php

II. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR failed to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly" even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008). The Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty. FNSJ-22

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

Biological Resources: To a great extent the Draft EIR avoids an actual on the ground biological resource impact assessment. Instead the Draft EIR makes the claim that the cumulative wildlife resource impacts of this project will be mitigated by the payment of the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP) mitigation fee and the Multi-Species Habitat Conservation Plan (MSHCP) mitigation fee. It is important to recognize neither the SKRHCP nor the MSHCP exempts this project from full compliance with the requirements of CEQA. The Draft EIR does not indicate the amount of the SKRHCP mitigation fee or the amount of the MSHCP mitigation fee the project proponent will pay in order to reduce the cumulative wildlife resource impacts of this project to a less than significant level. Nor does the document indicate the mitigation fee amounts the City has collected thus far for SKRHCP and MSHCP wildlife mitigation and to FNSJ-23

what extent those fees have been used to mitigate cumulative wildlife resource impacts from previously approved projects within the jurisdiction. A lead agency, in this case the City of Moreno Valley, must provide supporting facts and provide analysis to support its conclusion that the payment of SKRHCP and MSHCP mitigation fees will render the project cumulative wildlife resource impacts to less than significant. Absent this analysis, the cumulative wildlife resource impacts this project will incur must be viewed as cumulatively considerable. FNSJ-23 (cont'd)

Thank you for the opportunity to comment on the Draft EIR for this project. The Friends would like to be informed of all documents, meetings and public hearings related to this project. Please provide us with a copy of the final EIR and other pertinent documents related to this project. Please contact us at our mailing address which is listed on the first page of this letter. FNSJ-24

Sincerely

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FNSJ-25 (cont'd)

FRIENDS OF NORTHERN SAN JACINTO VALLEY

Letter Dated December 6, 2010

Response FNSJ-1

The commentor's opinions in regard to the "quality of the environmental document" will be forwarded to decision-makers for their consideration. The Draft EIR has been prepared to identify the environmental impacts that could result from Project implementation and, where feasible, provides mitigation measures to substantially lessen or avoid the significant effects on the environment. The City of Moreno Valley, the Lead Agency for this Project, is required to consider the Project in its entirety before determining whether to approve the adoption of overriding considerations. As noted in *CEQA Guidelines* § 15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The commentor concludes by correctly noting the Draft EIR's finding that the Westridge Commerce Center Project will result in certain significant and unavoidable impacts in regard to scenic vistas and air quality, but erroneously includes agriculture and global climate change in its summary of Project-related impacts. Specific topical concerns are addressed in the following Responses FNSJ-2 through FNSJ-5.

Response FNSJ-2

As discussed in the Draft EIR (Page 4.9-11), "[n]otwithstanding the proposed depressed building pad area, as illustrated in Figures 4.9-4 through 4.9-8, the Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. The building will be visible from higher elevations to the north, east, and south, and the rooftop of the building may be visible at a distance from higher elevations." This "interruption" of scenic views has been identified in the Draft EIR (Page 4.9-19 *et al.*) as an individually and cumulatively significant Project impact.

As further noted on Draft EIR Page 4.9-11, "[t]he Project's intent is to create a regional-serving warehouse/logistics facility. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." A tenable high-cube warehouse design with a 25-foot building height (estimated internal clear height of 15-20 feet) such as offered by the commentor, does not exist, and is contrary to the very term "high cube." The high-cube warehouse building height concept defines the viability of its internal operations,

which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint. The suggested 25-foot high building offered by the commentor is untenable and infeasible.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives, including alternative sites. The text on Draft EIR Pages 5-37 through 5-44 provides the basis upon which each of the considered alternative sites was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-3

As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. Despite the commentor's assertions that the Draft EIR "dismisses mitigation measures included in the City's General Plan," the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning

area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required. The commentor's opinions to the contrary will be forwarded to decision-makers for their review. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-4

The Draft EIR acknowledges the Project's potential impacts in regard to long-term operational exceedance of SCAQMD standards for the emission of the criteria pollutants VOC (volatile organic compounds) and NOx (oxides of nitrogen). Despite the commentor's assertions to the contrary, the Draft EIR addresses the Project's potential to result in health risks relative to diesel emission exposure on Pages 4.3-79 through 4.3-86. As discussed at Draft EIR Page 4.3-84, with implementation of Mitigation Measure 4.3-10, which would be implemented to control on-site idling, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant. It may be noted that Mitigation Measure 4.3.5, as discussed in the Draft EIR (Page 4.3-62 *et al.*), specifically requires Project contractor(s) to ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better. Additional mitigation is proposed within this Final EIR addressing operational and construction-source emissions (please refer to revised mitigation presented within the EIR Mitigation Monitoring Program, Final EIR Section 4.0. The commentor erroneously contends that "Since Highland Fairview Corporate Center Skechers project has been able to have 80 % of all off-road heavy-duty construction equipment utilized during construction activity certified as CARB Tier III or better, your project and analysis must do at least as well."

There is no requirement that the Project implement a given mitigation measure simply because it was applied elsewhere. Such an approach discounts appropriate nexus between impacts and mitigation.

Response FNSJ-5

The commentor misrepresents and misstates the findings of the Draft EIR with regard to the potential significance of the Project's GHG emissions impacts and the Project's potential GCC impacts.

In the Draft EIR's analysis of cumulative impacts (Page 5-13 to 5-14), it is specifically noted that "[i]n regard to the emission of greenhouse gases, the Project's Climate Change Analysis indicated that with the implementation of all Project design features and mitigation measures, greenhouse gas emissions would be reduced, and that the Project is consistent with state strategies to reduce greenhouse gases, including the California Air Resources Board (CARB) Scoping Plan's recommended measures, and the greenhouse gas emission reduction strategies set forth in the 2006 Climate Action Team (CAT) report.

Therefore, the Project would not hinder or delay implementation of AB 32. On this basis, the Project's individual and cumulative impact on climate change is less-than-significant. With specific regard to a cumulative-level analysis of GCC impacts, it is acknowledged that climate change is a global issue and the contribution of each greenhouse gas generated by the Project may have a cumulative effect. As noted in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Moreover, the EIR qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor cites various GHG/GCC mitigation schemes, none of which are required in this case since the Project's GHG/GCC individual and cumulative impacts are less-than-significant. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-6

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's air quality analysis. Detailed analysis of the Project's potential air quality impacts are presented at EIR Section 4.3, "Air Quality." Supporting technical studies [*Westridge Commerce Center Air Quality Impact Analysis, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; *Westridge Commerce Center Health Risk Assessment, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; and *Westridge Commerce Center Climate Change Analysis, City of Moreno Valley*, California (Urban Crossroads, Inc.), February 3, 2010] specifically. The cited analyses address the direct, indirect ,and cumulative impacts of the Project..

As detailed in the following responses FNSJ-7 through FNSJ-21, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative air quality impacts, including potential impacts related to global climate change, have been proposed within the Draft EIR. Appropriate mitigation measures have been carried forward into the Mitigation Monitoring Program included at Section 4.0 within this Final EIR. For each proposed mitigation measure, the MMP identifies: mitigation timing, the responsible mitigation implementation entity, the responsible mitigation monitoring/reporting entity, and mitigation monitoring/reporting frequency. In combination, these provision act to ensure mitigation enforceability.

Response FNSJ-7

The Draft EIR describes, at considerable length (Pages 4.3-4 through 4.3-10), the criteria air pollutants referenced by the commentor, including the possible health effects that have led to the monitoring and control of these pollutants as part of the environmental

review process. With specific regard to commentor-expressed ozone concerns, the Lead Agency has adopted SCAQMD regional thresholds for the ozone precursors NOx and VOC. These thresholds are based on the highest level of permitted emissions, and exceedance of these thresholds indicates that mitigation measures should be applied, not that specific health or other environmental damage would occur. The Project applies all feasible mitigation measures to reduce potentially significant Project-related ozone precursor emissions (NOx and VOCs). Significant NOx and VOC impacts resulting from the Project (regional threshold exceedances) are summarized at DEIR Page 1-17, 1-18. The Project will not exceed applicable localized significance thresholds for NO_2 (DEIR at Page 4.3-61 et al.). The AQMD has not established localized significance thresholds for VOC emissions.

Project NOx and VOC emissions are predominantly generated by mobile sources beyond control of the Lead Agency and/or the Applicant [approximately 99.9 percent of Project NOx emissions (by weight) are from vehicles; approximately 92.5 percent of Project VOC emissions (by weight) are from vehicles). Even after compliance with SCAQMD rules and regulations, and the application of EIR mitigation measures, operational pollutant emissions would exceed applicable SCAQMD regional emission thresholds for VOC and NOx. These impacts are therefore considered to be individually significant. It is noted however, that the Project land use and proposed development are consistent with development and associated air pollutant emissions impacts reflected in and anticipated by the applicable Air Quality Management Plan (AQMP).].

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards. Collectively, these are referred to as localized significance thresholds (LSTs). The additional potential secondary effects of ozone to plants and habitat cited by the commentor are noted. There is no demonstrable evidence or support indicating that the Project would cause or substantively contribute to adverse effects to plants or habitat, and to conclude otherwise is speculative.

Lastly, it is noted that the Project is consistent with the applicable Air Quality Management Plan (see EIR at Pages 4.3-49 through 4.3-53) indicating that it would not interfere with projected downward-trending ozone levels within the SCAQMD.[5]

The commentor also provides information regarding $PM_{10}/PM_{2.5}$ characteristics. Applicable $PM_{10}/PM_{2.5}$ thresholds are established by the SCAQMD. Potential effects of Project-related temporary localized construction-source $PM_{10}/PM_{2.5}$ emissions impacts are discussed and disclosed in the EIR:

> For modeling purposes, receptors were conservatively placed at a distance of 25 meters (approximately 82 feet) from the site, which is the most conservative distance recommended for use by the SCAQMD. As previously discussed, even with application of all feasible mitigation measures, localized PM_{10} and $PM_{2.5}$ construction-source emissions will exceed applicable LSTs. More specifically, during construction activity (after mitigation), PM_{10} emissions concentrations will exceed applicable LSTs at receptors located 71 meters (approximately 233 feet) or nearer, and $PM_{2.5}$ emissions concentrations will exceed applicable LSTs at receptors located 35 meters (approximately 115 feet) or nearer.
>
> These LST exceedances represent a potentially significant impact to sensitive receptors in the Project vicinity for short-term construction activity. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely

[5]*Summary Of The Ozone Air Quality Forum and Technical Roundtable*(Frederick W. Lurmann Sonoma Technology, Inc. for the South Coast Air Quality Management District) January 2007, Pages 2-5, 2-6.

> undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter.
>
> It is noted that these exceedances would occur temporarily and intermittently during site preparation and grading processes, and would not substantively affect any receptors at greater distances from the emissions source. Moreover, in that construction emissions are short-term and intermittent, they will not result in any chronic or long-term impacts (Draft EIR, Page 4.3-75).

The Project will not result in or cause long-term exceedance of applicable SCAQMD localized and/or regional thresholds $PM_{10}/PM_{2.5}$ emissions.

The commentor's opinions and statements will be forwarded to decision-makers for their review. Results and conclusions of the Draft EIR are not affected.

Response FNSJ-8

The commentor expresses concern about emissions from diesel trucks associated with the Project. A Health Risk Assessment (HRA) of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The HRA was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). The HRA is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety at Appendix C to the Draft EIR.

Contrary to the commentor's assertions otherwise, diesel and DPM emissions impacts are specifically evaluated and addressed in the DEIR (See DEIR at Pages 4.3-79 through 4.3-86, and the Project Health Risk Assessment (HRA) included at DEIR Appendix C.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).
[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

As indicated in this summary of the Project's trip generation, approximately 75 percent of the Project's daily trips, on average, will be attributable to trucks. As noted at Draft EIR Page 4.3-79, the Project Air Quality analysis assumed, in order to ensure a conservative analysis, that all trucks associated with the Project will be diesel-powered.

In that vehicle class and type directly affect DPM emissions, the Project HRA (please refer to DEIR Appendix C, Table 1, Project Truck Trips) also explicitly defines anticipated daily truck trips (by type) entering/exiting the Project site, as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [6]

Contrary to commentor assertions otherwise, baseline (setting) information is provided throughout the EIR. For example, general air quality setting information is presented at EIR Pages 4.3-10 through 4.3-16. Additional applicable specific baseline/setting information is also presented where it is beneficial to related discussions, e.g., the GCC Regulatory Setting is introduced at EIR Page 4.3-24 within the context of GCC/GHG considerations.

The commentor requests analysis of mobile-source DPM emissions for transient vehicles traveling along area roadways. With regard to air quality impacts generated by Project traffic along area roads, regionally significant NOx emissions impacts would result as disclosed in the EIR and discussed here. However, no locally significant operational air quality impacts would result from the Project. In this latter regard, the

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6 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

Project Operational Localized Significance Threshold (LST) analysis considers potential worst case exposure by evaluating criteria pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by stationary sources. As discussed in the Draft EIR, these emissions concentrations would not exceed applicable LST thresholds.

Draft EIR Table 4.3-12 (Page 4.3-69) presents the results of the Project operational LST analysis, indicating unmitigated conditions. As shown, results of the analysis indicate that long-term operational emissions will not exceed localized emissions thresholds established by the SCAQMD. Other operational mitigation measures presented in the EIR would act to further reduce already less-than-significant potential operational LST impacts.

Similarly, consistent with SCAQMD protocols and methodologies, the Project Health Risk Assessment considers maximum probable exposure to DPM concentrations, resulting from the entering, exiting and idling diesel vehicles within the Project site. Moreover, the analysis reflects long-term constant exposure (70 year, 24 hours per day) for residential receptors. With application of mitigation, even under this potential maximum exposure scenario, exposure to DPM concentrations would not exceed applicable SCAQMD thresholds (please refer to Draft EIR Table 4.3-17, Page 4.3-86).

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to

TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [7]

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7 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

Response FNSJ-9

Despite the commentor's assertion to the contrary, the Project has addressed the Project's potential to expose sensitive receptors to substantial pollutant concentrations. The analysis included in the Draft EIR (Pages 4.3-73 to 4.3-86) addresses (1) the potential effects of construction-source emissions at sensitive receptors; (2) potential carbon monoxide (CO) hotspots; and (3) the health risks of diesel particulate emissions. A Health Risk Assessment was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed above, Project and cumulative diesel emissions impacts are less-than-significant. Project impacts in regard to CO "hotspots" are similarly determined less-than-significant; while temporary construction-source emissions are acknowledged as significant. Please refer also to DEIR Section 4.3, Air Quality and supporting technical air quality studies presented at DEIR Appendix C.

Response FNSJ-10

As discussed in the following responses FNSJ-15, FNSJ-16, and FNSJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response FNSJ-11

The referenced citations are acknowledged and addressed at Response FNSJ-12. Additionally, it is noted that the Project's GHG emissions impacts (as presented at Draft EIR Page 4.3-90) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-12

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. It is also noted that CEQA directives allow for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the *Guidelines*. The EIR analysis of GHG emissions/GCC impacts (DEIR Pages 4.3-90 through 4.3-11; DEIR Appendix C, Project Climate Change Analysis) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-13

The commentor misinterprets analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the EIR analysis concludes that *greenhouse gas emissions generated by the Project constitute a significant impact.*

Such is not the case, as evidenced in germane excerpted GCC discussions presented below:

> **1.4 Summary of Findings**
>
> Results of the analysis indicate that the Project would generate GHG emissions that *may* [emphasis added] have a significant impact on the environment. However, the Project is consistent with, or otherwise not in conflict with (1) recommended measures and actions in the California Air Resources Board (CARB) December 2008 Scoping Plan (CARB Scoping Plan) setting forth strategies and measures to implement in order to achieve the GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32); and (2) the GHG emission reduction strategies set forth in the 2006 Climate Action Team

(CAT) Report, prepared in response to Executive Order S-3-05, which established total GHG emission targets for the State.

As such, the Project GHG emissions are not cumulatively considerable. Further, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. This analysis takes no credit for such GHG emissions reductions. Thus, this analysis conservatively estimates the overall Project impacts on climate change from GHG emissions and the actual impacts will be less than what is calculated herein (Westridge Commerce Center Climate Change Analysis, Pages 1-2).

To further clarify, germane suggested CEQA Guidelines topical questions include:

Would the project:
a) Generate greenhouse gas emissions, either directly or indirectly, that *may* [emphasis added] have a significant impact on the environment?

Language in the Project GCC study paraphrases and responds the Guidelines language. As also discussed in the Project GCC Study, it is likely that any GHG emissions reductions achieved locally and within the State will be offset by emissions increases in developing countries such as Brazil, Russia, India and China and that significant effects of climate change, such as global warming and sea level rise, will nevertheless occur due to the continuing effects of past and existing levels of emissions. In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts [beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see Climate Change Analysis, Page 42).

The commentor suggests alternative analysis/threshold considerations for evaluation of GCC/GHG impacts. Thresholds established in the Draft EIR are consistent with applicable provision of CEQA.

> **Findings and Recommendations**
> As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less-than-significant (Draft EIR, Pages 4.3-93, 4.3-94).

Additionally, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. The Draft EIR's analysis takes no credit for such GHG emissions reductions. Thus, the Draft EIR's analysis conservatively estimates the overall Project impacts on climate change from GHG emissions, and the actual impacts will be less than what is calculated in the Draft EIR and associated Westridge Commerce Center Climate Change Analysis, included as part of Draft EIR Appendix C.

<u>Response FNSJ-14</u>

Despite the commentor's statement to the contrary, the Draft EIR does not "assert that the Project would interfere with the goals of AB-32." On the contrary, the Draft EIR notes (on Page 4.3-95) that "[t]he Project's consistency with the AB 32 goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change

Scoping Plan which includes nine Early Action Measures (qualitative approach). In addition, the analysis considers the numeric level of emissions generated by the Project to determine whether the emissions are cumulatively significant (quantitative approach)." Following a detailed presentation of the assessment criteria and analysis of the Project's consistency with these criteria, the Draft EIR finds (on Page 4.3-109) that "a project that is consistent with CAT strategies is consistent with the strategies suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32, and therefore the Project will result in a less-than-significant cumulative impact on GCC."

In regard to the Project's "build-out" year, as discussed in the Draft EIR Project Description (Page 3-4), "construction is proposed to occur in one phase, with infrastructure and building construction following site preparation operations." As such, the Project would be effectively "built out" in its opening year, which is identified as 2011, as discussed at Draft EIR Page 4.2-15.

Response FNSJ-15

As discussed in the following Responses FNSJ-16 and FSNJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are reduced to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. It is also noted that air quality mitigation measures presented in the EIR will peripherally act to reduce GHG emissions. However, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-16

The commentor suggests that the Project should incorporate provisions for public transit, carpooling, and other measures as a means of reducing VMT and associated GHG emissions.

Mitigation Measure 4.3.13 has been revised, as indicated below, to include additional VMT/GHG emission reduction measures. For ease of reference, the text of this measure in its entirety is provided. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant. Added measures are indicated as ***underline bold italicized*** font.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its*

services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 %of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***

- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Response FNSJ-17

As discussed on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may

be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response FNSJ-18

The commentor proposes numerous additional measures (presented in the following Table) as means to reduce Project-related greenhouse gas emissions relative to energy consumption. While the suggested measures may in part act to generally reduce Project energy consumption, none of the measures are required in order to achieve the mitigation of impacts identified in the Draft EIR. That is, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed

measures and their implied environmental benefit vis-à-vis Project impacts. Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation.

Additionally, in some instances, the commentor proposes measures that would further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may impose these additional requirements; typically through Project Conditions of Approval.

Suggested Measure	Response
Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 3-16), the Westridge Commerce Center Project reflects design and operational criteria established under the LEED Green Building Rating System.
Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	
Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.	
Reducing the use of pavement and impermeable surfaces.	**Replicates existing requirements.** As noted in the Draft EIR (Page 4.6-13), onsite bio-retention and detention basins, along with selected areas of pervious concrete and perimeter landscape areas are provided throughout the Project site. Additional detail is included in Draft EIR Appendix F, "Water Quality Management Plan."

Suggested Measure	Response
Requiring water re-use systems.	**Replicates existing requirements.** The Project is reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Nonetheless, as noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."
Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	**Replicates existing requirements.** Use of LEDs is currently required pursuant to EIR Mitigation Measure 4.3.13.
Limiting the hours of operation of outdoor lighting.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655, which includes restrictions in regard to hours of outdoor lighting operations. See also: www.clerkoftheboard.co.riverside.ca.us/ords/600/655.htm
Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.	**Replicates existing requirements.** Project landscaping will be provided pursuant to the requirements of the Moreno Valley Municipal Code (Section 9.17.030), which specifies a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Shade trees will be provided pursuant to the requirements of Municipal Code Section 9.17.050 subd. (d)(3).
Ensure that the Project is fully served by full recycling and composting services.	**Replicates existing requirements.** As noted on Draft EIR Page 3-14, "[p]rior to issuance of a grading permit, the Project will have in place a City approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during Project construction. A similar plan will be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during ongoing operation of the warehouse and office portions of the Project. The plans will include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.
Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	**Not required.** As discussed in the Draft EIR (Pages 3-21 and 3-22), treatment of the Project's wastewater and solid waste will be accomplished by regional providers (i.e., Eastern Municipal Water District and Waste Management of the Inland Empire), and is outside the control of the Applicant and the City of Moreno Valley.

Suggested Measure	Response
Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible	**Not required.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics or "wind energy."
Installing solar water heating systems to generate all of the Project's hot water requirements.	
Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.	

Response FNSJ-19

As discussed in the preceding Response FNSJ-18, the commentor's suggested mitigation measures to reduce Project impacts in regard to construction activities are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	**Not required.** Consistent with the Project's pursuit of LEED accreditation, the recommended building materials will be utilized to the extent available and feasible.
Minimize, reuse, and recycle construction-related waste.	**Replicates existing requirements.** As noted in the Draft EIR (Page 3-5), "[a]ny residual materials resulting from site preparation processes will be appropriately disposed of and/or recycled in accordance with the City's Source Reduction and Recycling Element (SRRE)."

Suggested Measure	Response
Minimize grading, earth-moving, and other energy-intensive construction practices.	**Not required, no nexus with significant impacts.** The Project will not cause or result in individually or cumulatively significant GHG/GCC impacts. There is no requirement to reduce construction-source GHG emissions. Moreover, within the context of Project-specific requirements (e.g., placement of structures approximately 25 feet below the existing grade of SR-60, and proper fill and re-compaction procedures to ensure proper foundation support, consistent with the recommendations of the Project Geotechnical Investigation, included as Draft EIR Appendix H), construction contractor(s) employ techniques and procedures so as to provide for the most efficient use of earth-moving and grading equipment as a matter of course.
Landscape to preserve natural vegetation and maintain watershed integrity.	**Replicates existing requirements.** Landscape improvements will be provided for the Project as required under the City's Zoning Code Section 9.17, "Landscape Requirements." To minimize risk of invasive non-native plants entering into the riparian habitat along the Quincy Channel, the Project includes mitigation (Measure 4.8.3) that prohibits the use of invasive non-native plant species within 150 feet of the Channel.
Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	**Incorporated** at revised Mitigation Measure 4.3.8.

Response FNSJ-20

As discussed in the preceding Response FNSJ-19, the commentor's suggested mitigation measures to reduce Project impacts in regard to transportation are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13.

Suggested Measure	Response
Create a car sharing program within the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide a shuttle service to public transit within and beyond the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Incorporate bicycle lanes and routes into the planned community's street systems.	**Replicates existing requirements.** The Project is required to provide pedestrian and bicycle connections to surrounding areas consistent with provisions of the City of Moreno Valley General Plan pursuant to the existing Mitigation Measure 4.3.13. This measure notes that the location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan.

Response FNSJ-21

The commentor suggests that carbon offsets be purchased to address "remaining [greenhouse gas] emissions that cannot be eliminated." It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-22

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's analysis of alternatives. As further presented in the *CEQA Guidelines* Section 15126.6, subd. (a), an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation.

To this end, the *CEQA Guidelines* indicate that the range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of most Project objectives.

The commentor's suggestion that "[t]he EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands" is inconsistent not only with the Project objectives, but with the site's existing General Plan land use designation and zoning. Additionally, it is unclear that such an alternative would result in a lessening of the Project's environmental effects, particularly since commercial uses typically generate considerably higher average daily rates of traffic per square foot than light industrial uses, with correlating increases in air emissions. See for example Trip Generation 7th Edition (Institute of Traffic Engineers)trip generation rate for Specialty Retail (ITE Code 814), 44.32 trips/thousand square feet; vis-à-vis the Project trip generation rate of 3.12 trips/thousand square feet. On a related note, the EIR specifically considers a "No Project" alternative which assumes development consistent with site's current Business Park zoning designation. As with the mixed use concept proposed by the commentor, substantially increased trip generation could be expected if developed with business park uses when compared to industrial uses proposed under the Project.

> In this regard, for Traffic Analysis Zone (TAZ) 209 encompassing the Project site, the General Plan Buildout traffic model reflects development of the subject site with Business Park/Light Industrial uses, and projects approximately 4.18 times the trip generation for TAZ 209 than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project. The No Project Alternative considered

herein approximates trip generation for the subject site under the General Plan Buildout Scenario at four (4) times that of the Project (Draft EIR, Page 5-32).

Based on the preceding, the commentor's suggested alternative concept fails as feasible alternative to the Project, and does not merit further analysis as part of the Project EIR.

In regard to the question of whether the Project could be accommodated elsewhere, the Draft EIR addresses, at length, the possible alternative sites that were considered as part of the review of Project alternatives (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it

is not currently owned or controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor's states that "[t]he Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty." No specific tenant(s) for the Project are currently under contract. Results and conclusions of the EIR are not affected.

The Draft EIR (on Pages 5-49 to 5-62) does provide a comparative analysis of the potential impacts of each alternative in regard to greenhouse gas emissions, biological resources, water supply, water quality, and traffic. As required under *CEQA Guidelines* Section 15126.6, subd. (d), this evaluation includes "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."

<u>Response FNSJ-23</u>

The City disagrees with the commentor's assertion that "the Draft EIR avoids an actual on the ground biological resource impact assessment." Draft EIR Appendix G presents the Biological Resources Survey prepared for the Project, which consists of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements, as identified in the following Figure 4.8-1;

- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- A jurisdictional delineation, which was prepared pursuant to the requirements of the California Department of Fish and Game and the Army Corps of Engineers.

As further discussed in the Draft EIR (Page 4.8-14), "[p]ayment of the mitigation fee and compliance with the requirements of the MSHCP are intended to provide full mitigation under CEQA, although certain areas within the MSHCP boundaries require additional surveys to determine the presence or absence of specific MSHCP-covered resources, including sensitive plants, burrowing owls, and riparian or riverine areas." Although focused surveys for threatened, endangered and sensitive plant and wildlife species were not conducted as part of the Project's general Biological Assessment, protocol surveys were subsequently performed to determine the presence or absence of burrowing owls within areas of potential disturbance. The *Report on Burrowing Owl Surveys for the West Ridge Project Site* (Harsmworth Associates, July 2009) is also included in Draft EIR Appendix G.

In addition, implementation of Draft EIR Mitigation Measure 4.8.7, included in the Mitigation Monitoring Program presented in Final EIR Section 4.0, will ensure that a pre-construction survey be conducted to document the location of any occupied burrows on-site. With the implementation of this mitigation measure, as well as compliance with the requirements of the MSHCP, the Project's potential to impact burrowing owls is reduced to a less-than-significant level.

The City of Moreno Valley's current schedule of non-residential impact fees indicates that the Project would be subject to an MSHCP fee of $6,597 per acre, and an additional $500 per acre SKR (Stephens' kangaroo rat) mitigation fee. On this basis, the Project would contribute approximately $390,335 to meet its fair-share responsibility for regional plant and wildlife impacts. The amount collected by the City for wildlife mitigation to date, along with the effectiveness of such fee collections, is outside the scope of the Project's environmental analysis. The Draft EIR (Page 4.8-31) notes that "[t]he Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project 'is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009.' These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. This species has not been recorded within the Project area in the past and is presumed absent from the site. As such, the Project is in compliance with the MSHCP." The results and conclusions of the Draft EIR are not affected.

Response FNSJ-24

The commentor requests receipt of future information regarding the Project, and as such, has been added to the Project distribution list at the referenced address. A copy of the Project's Final EIR has also been provided to the commentor, as requested.

Response FNSJ-25

The commentor lists numerous publications and resources exhibits incorporated by reference. With the exception of certain web-linked publications, exhibits listed "as incorporated by reference" have not been provided. Nor has their disposition, availability, or specific relevance been otherwise identified.

From: sgcricket@aol.com
Sent: Monday, December 06, 2010 3:20 PM
To: Jeffrey Bradshaw
Subject: Western Ridge Commerce Center DEIR

Comments Regarding: West Ridge Commerce Center
From: Susan Gilchrist

The project under consideration requires a zoning change from Business Park to Light Industrial. It is my understanding that this is a speculative project and there is no tenant identified. This presents a problem for the residents of the eastern portion of the City. There are currently many unoccupied warehouse buildings on Cactus and along the 215 as well as many in other Inland Empire cities. The only logical reason for presenting this project at this time is to "ride the coattails" of Highland Fairview/Skechers and get approval for another megalithic structure. Since the City permitted a building 36 times the size of the General Plan recommendation, what will prevent the Council from approving another oversized structure? The only solution will be to retain the General Plan and wait for the economy to improve so that the long range goals of a diverse job base can be reached. SG-1

Ten to fifteen years ago, business park zoning was successful and in the future it will be that way again. If zoning changes could be reversed, this would be more acceptable, but they are not. It will never revert to Business Park zoning from Light Industrial and the vision of the eastern portion of the City will be changed forever. Those driving through Moreno Valley will think the City consists of warehouses and sound walls...how attractive!

Questions for the developer:

1. Is this a speculative project or is there a tenant ready to occupy a 900,000 sq ft building? SG-2

2. What benefit is there to the residents and the City for approving a zone change at this time? SG-3

3. Why is the City moving away from the General Plan without bringing the entire process back to the residents? Moreno Valley seems to be willing to accept anything offered rather than have high standards and long range goals. The desperation is obvious and not very reassuring. Surrounding cities of Temecula, Murrieta, Menifee, Riverside, and Redlands are constructing buildings with more style and substance than is seen in Moreno Valley. These cities are attracting a variety of businesses while our City accepts the dregs. SG-4

4. Should the Council change the zoning, will the property be sold to another developer? SG-5

5. As a condition for the zone change, will the developer be willing to put an appropriate buffer of 1500 feet on the south side of Fir and develop it as a City park with a block wall on the north side of the park? SG-6

6. Could the traffic flow from both Skechers and Western Ridge be restricted from Redlands Blvd? SG-7

7. Will the building be constructed to LEEDS standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved? SG-8

8. What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility? SG-9

Sincerely,
Susan Gilchrist

SUSAN GILCHRIST

Email dated December 6, 2010

Response SG-1

The commentor correctly notes that approval of the Westridge Commerce Center Project would involve a change of zone for the Project site, from Business Park to Light Industrial. The commentor's opinions regarding the proposed zone change will be forwarded to decision-makers for their consideration.

Response SG-2

The commentor inquires: "Is this a speculative project or is there a tenant ready to occupy a 900,000 square foot building?" At this time, no specific tenant(s) for the Project are under contract.

Response SG-3

The commentor inquires: "What benefit is there to the residents and the City for approving a zone change at this time?" The benefits of a project are not germane to an EIR pursuant to CEQA. Nevertheless, certain potential benefits to the residents and the City are reflected in the Project Objectives. More specifically, as noted at Draft EIR Page 3-4, the Primary Objectives of the Project as identified by the Project Applicant include the following:

- Transition the existing site into a productive use;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

Response SG-4

The commentor inquires: "Why is the City moving away from the General Plan without bringing the entire process back to the residents?" The commentor offers opinions on City development review and approval processes, and the character of local and regional development.

As discussed in the Draft EIR (Pages 4.1-6 through 4.1-9), implementation of the Project would not propose or require a change in the Project site's General Plan land use designation. The commentor's opinions in regard to the City's approval process and the character of local and regional development will be forwarded to decision-makers for their consideration.

Response SG-5

The commentor inquires: "Should the Council change the zoning, will the property be sold to another developer?" Should the Project be approved, it is the applicant's intention to develop the site as proposed. However, there are no restrictions to prohibit the sale of the subject property. It may be noted that, regardless of ownership, Project-specific mitigation measures and other applicable regulations relative to the Project's construction and operations, including those identified in the Draft EIR, would remain in force.

Response SG-6

The commentor inquires: "As a condition of the requested zone change, will the developer be willing to put an appropriate buffer of 1,500 feet on the south side of Fir (future Eucalyptus) Avenue and develop it as a City park with a block wall on the north side of the park?" As a point of clarification, the requested zone change cannot be lawfully conditioned as suggested. Moreover, there is no codified requirement or environmental impact nexus that would require or suggest a 1,500 setback or the creation of a park southerly of the Project site. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-7

The commentor inquires: "Could the traffic flow from both Skechers and Western Ridge [the proposed Westridge Project] be restricted from [using] Redlands Boulevard?" Direct and practical access to the Project site is provided via Redlands Boulevard, located less than one-quarter mile easterly of the Project site. The Project provides all necessary improvements to mitigate its direct traffic impacts affecting Redlands Boulevard to levels that are less-than-significant. Additionally, appropriate mitigation is provided for all potentially significant cumulative traffic impacts affecting Redlands Boulevard.

Opening Year access to and from the SR-60 to the Westridge Project site was assumed to utilize Redlands Boulevard exclusively. The Project TIA (included as Draft EIR Appendix B) does account for the fact that, upon the development of Eucalyptus Avenue to the ultimate configuration identified in the Moreno Valley General Plan Circulation Element, Project-related traffic could also access the SR-60 at Moreno Beach Drive.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response SG-8

The commentor inquires: "Will the building be constructed to LEED standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved?" Similar to the recently approved Highland Fairview/Skechers project, the Westridge Commerce Center will be built to LEED standards. The following discussion at Draft EIR Page 3-16 is presented here for ease of reference.

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification. There is no requirement that LEED standards implemented by the Highland Fairview/Skechers development be similarly implemented by the instant Project.

As further described in the Aesthetics section of the Draft EIR (Page 4.9-11) and illustrated in Draft EIR Figure 4.9-3, the Project's building foundation is planned to be located approximately 25 feet lower in elevation than the existing elevation of SR-60. Substantial reduction of the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment.

In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured for example as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000 square foot building would have to be at least 1.7 million square feet in size in order to accommodate a comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be substantial additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint.

Response SG-9

The commentor inquires: "What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility?" As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations." Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions as presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

December 6, 2010

Mr. Jeff Bradshaw
Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: Westridge Commerce Center – Comments on Draft EIR

Dear Jeff,

Highland Fairview has reviewed the Draft EIR and is concerned with the manner in which the document addresses a number of environmental issues. As you know, the city imposed numerous mitigation measures and conditions of approval on the Highland Fairview Corporate Park (HFCP) project many of which are not applied to this project, despite the similarities of the two projects. Among these issues are air quality, water quality, freeway landscaping treatment, architectural design, sustainability, hazardous materials, biology, global climate change and many other environmental areas.

To address these concerns, we request a meeting with the City planning, traffic and engineering departments to review the proposed mitigations included in the Draft EIR. We are particularly concerned about the following subject areas:

1. The project's contribution to improvements to SR60 mainline and interchanges. HF-1
2. The project's contribution to improvements on Redlands Boulevard. HF has other projects in the area and insufficient improvements by this project should not be allowed.
3. Architectural standards and design comparable to that of the HFCP Skechers building should be articulated from the freeway.
4. The landscape treatment of the interface between the project and SR60 should be comparable to that required by the City for HFCP and should be consistent.
5. The need for a significant commitment from the project to address the visual relationship between the project and the SR60. For example, the HFCP project was lowered 25 feet so that its visual impact could be softened.

We request a meeting with City staff as soon as possible to address these concerns.

Sincerely,

Wayne Peterson
Vice President, Community Planning

HIGHLAND FAIRVIEW

Letter Dated December 6, 2010

Response HF-1

The subject line of this letter indicates that it contains comments on the Westridge Commerce Center Draft EIR; however, these comments do not appear to be intended to address the Draft EIR's technical analysis or findings. Instead, the comments focus on the Westridge Commerce Center's "contribution to improvements," and express concerns regarding the equity of mitigation between the Westridge Commerce Center Project and the recently approved Highland Fairview Project (a 2.6 million-square-foot light industrial/commercial development located south of SR-60 east of Redlands Boulevard). A meeting with City staff is requested "to address these concerns."

On this basis, specific technical responses are not warranted. Mitigation for the Project's potential impacts was included in the Draft EIR, and is detailed in the Project's Monitoring Program, provided in Final EIR Section 4.0. Further, the Project's architectural compatibility with City design standards, and with the Highland Fairview project, is addressed on Draft EIR Page 4.9-6.

The commentor's concerns will be forwarded to decision-makers, as requested. City staff will be pleased to meet with the commentor to discuss their concerns.

Johnson & Sedlack
ATTORNEYS at LAW

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December 3, 2010

City Council
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA U.S. MAIL

RE: Draft Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Draft Environmental Impact Report.

General Comments:

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Unfortunately, the **DEIR for this Project fails as an informational document** as it fails to adequately and accurately consider cumulative impacts throughout the document. The DEIR also misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The DEIR is often conclusory and does not provide the analysis required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusion. This includes often omitting to provide the information required to properly assess impacts. JS-1

Moreover, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation must be adopted**. In this way

CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. Moreover, all mitigation measures required in the EIR must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. The Project is also inconsistent with the City of Moreno Valley General Plan. This is unacceptable. JS-1 (cont'd)

Project Overview:

The Westridge Commerce Center is a proposal, sponsored by ProLogis, for the construction of a 937,260 sq. ft. warehouse-distribution facility on approximately 54.66 acres of mostly undeveloped agricultural land located on the north side of Eucalyptus Avenue, west of Redlands Boulevard, near the SR-60/Redlands Boulevard interchange. The project will include approximately 173 loading docks and 14,000 square feet of office space to be divided between the southeast and southwest corners of the building. The future occupants and uses of the property are unknown at this time.

The project would require the removal of approximately 70,000 cubic yards of soil. The project would require the discretionary approval of a zone change (City Case # PA08-0098) from business park to light industrial. The project would also require an amendment to City of Moreno Valley Municipal Code section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts] due to the Project sites adjacency to residentially-zoned property and approval of Tentative Parcel Map No. 36207 (City Case # PA09-023). Adjacent to the project site is SR-60 to the north and Eucalyptus Avenue to the south. Properties to the south of the project are zoned Rural Residential ("RA-2") and designated Primary Animal Keeping Overlay ("PAKO") Zone. A residence is located near the southeasterly corner of the project site. To the west of the project site, although properties are currently under agricultural production, a proposal, also sponsored by ProLogis, has been made to develop, on 117 acres, six distribution warehouse facilities totaling 2.25 million square feet. Properties immediately to the east are designated commercial. Further east, across Redlands Boulevard, development of the 2.6 million square feet Highland Fairview Corporate Park Project has been approved. Regional access to the Project will be provided by the SR-60/Redlands Avenue interchange. JS-2

The DEIR concludes that aesthetic impacts are significant and unavoidable. Noise impacts are significant and unavoidable for the construction phase. Air quality impacts are significant and unavoidable for construction and operation phases. The DEIR also concludes cumulative aesthetic, air quality, construction noise, and traffic impacts are significant.

Cumulative Impacts:

The cumulative impact analysis is brief, lacking in evidence and data, and generally insufficient. CEQA requires that in order to adequately discuss and analyze potential significant cumulative impacts, "[a] list of past, present, and probable future projects producing related or cumulative impacts" must be included in the DEIR. (Cal. Pub. Res. C. § 15130(b)(1)(A).) The lead agency must also "define the geographic scope of the area JS-3

affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." (Cal. Pub. Res. C. § 15130(b)(2).)

Here, the DEIR looks *only* at the cumulative effects from those "probable development proposals" within a two (2)-mile radius of the Project. **The analysis does not account for any past or present projects as required under CEQA and does not "provide a reasonable explanation" for why the two-mile radius was used.** Although a discussion as to why the Traffic Impact analysis was limited to a two-mile radius was provided in the DEIR, this reasoning does not support a basis for why the Cumulative Impact Analysis section of the DEIR was limited to such a small radius and purely probable future projects. Development within Moreno Valley is occurring on a large scale and the resulting impacts should not be ignored. (See Exhibits 1 – 3.) There is also a great amount of residential development within close proximity to the Project site, yet the impacts from these projects are not included in the analysis. For instance, The Moreno Highlands Specific Plan providing for 7,700 residential units located east of the Project site and the Aqua Belle Specific Plan providing for 2,922 "Active Adult" residential units located southwesterly of the Project site are neither included in the analysis nor mentioned in the DEIR. Also, the Centerpointe Project, a 353,859 square feet distribution center (PA07-0147, PA07-0157) which was approved by the Planning Commission in early 2010 was not included. This failure to analyze any impacts from past and present projects, as well as projects outside of the two-mile radius results in an inadequate analysis of the impacts to traffic, air quality, greenhouse gas emissions, and aesthetics, among others.

JS-3 (cont'd)

Furthermore, the cumulative impact section often fails to recognize that impacts which are less than significant on their own may nonetheless be cumulatively significant. The cumulative impact analysis also fails to summarize "the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available," as is required by CEQA. (Cal. Pub. Res. C. § 15130(b)(4).)

Therefore, the DEIR fails as an informational document as it does not provide an accurate analysis of the cumulative environmental effects that will result and therefore does not allow for sound and informed decision making on behalf of approving agencies.

General Plan Consistency:

CEQA requires that an EIR "discuss any inconsistencies between the proposed project and applicable general plans." (CEQA Guidelines 15125(d).)Yet, the DEIR fails to discuss the inconsistency of the Project with a number of applicable provisions contained within the General Plan.

JS-4

The project is inconsistent with the following General Plan provisions: Goal 2.2; Objective 2.13; and Policies 2.10.14, 2.13.1, and 2.13.3. Goal 2.2 requires that "the optimum degree of health, safety, well-being, and beauty for all areas of the community" be achieved yet the Project has numerous significant and unavoidable impacts to the safety, health and well-being of residents throughout Moreno Valley. Policy 2.10.14 requires that existing mature trees be preserved or relocated and only replaced when they cannot be preserved or relocated. Yet, although the Project will replace those existing mature pine trees along the

northerly boundary with a double-row of new trees, the DEIR fails to discuss whether these mature trees will be relocated and if not, how or why preservation or relocation of these mature trees is infeasible. Policy 2.13.3 of Objective 2.13 requires that "the sponsor of a development project…assure that all necessary infrastructure improvements…needed to support project development are available at the time that they are needed" yet, as will be discussed below, there is nothing to indicate that those improvements that will be required to mitigate for traffic will actually be implemented. JS-4 (cont'd)

Agricultural Impacts:

Although the Project will result in the conversion of farmland to non-agricultural uses the DIER finds that the impact will be less than significant. This finding is not supported by substantial evidence when the Initial Study itself states that the site is designated as Farmland of Local Importance due to the high quality of soil at the site and the Project Description states that the land has actually been used for agricultural production within the last twenty (20) years. As such, mitigation for this loss of prime agricultural land is required. It is well documented that agricultural land is the largest part of Riverside's economy. **The EIR prepared for the City of Moreno Valley General Plan recognizes that due to this loss of agricultural land, impacts are potentially significant and feasible mitigation measures would effectively lessen this significant impact.** (See Exhibit 4.) Therefore, the following mitigation measures must be adopted: JS-5

1. Purchase conservation easements on existing agricultural land to ensure that the land is never converted to urban uses.
2. Donate funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

Land Use and Planning:

This Project will have a significant impact to Land Use and Planning which was not adequately evaluated in the DEIR. The Project involves a zone change from Business Park to Light Industrial as well as an amendment to the Municipal Code as a result of its proximity to residential areas. The effects of the zone change and the amendment to the Muncipal Code are both potentially significant impacts which must be further evaluated and potentially mitigated in the DEIR. JS-6

Additionally, as stated on page 2-4 of the Initial Study land south of the Project site contains a Primary Animal Keeping Overlay Zone ("PAKO Zone") "in order to maintain animal keeping and the rural character of the area" yet this is not even mentioned in the DEIR. The Project's effects on this zoned area and the extent that this Project will disrupt the ability of people to keep animals in this zone must be analyzed and potentially mitigated.

Air Quality and Greenhouse Gas Emissions/Climate Change: JS-7

Air Quality

Air quality impacts will be significant and unavoidable during both the construction and operation phases.

Construction:

The air quality analysis is flawed and underestimates the impact on air quality during construction. The air quality analysis improperly assumes for Phase 2 Grading a value of zero Vehicle Miles Traveled (0 VMT) for on-road truck travel. This is improper as the analysis must account for the VMT by construction workers *to and from* the Project site. JS-7 (cont'd)

Even under the current analysis, without mitigation, construction of the project will result in levels of VOC, NOx, PM10, and PM2.5 exceeding SCAQMD Regional Thresholds, yet all feasible mitigation measures were not adopted to reduce construction related emissions, and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur. For example, MM 4.3.4 does not reduce VOC to the greatest extent feasible. MM 4.3.4 should be modified to require that all paints, coatings, and solvents are zero (0) VOC. JS-8

MM 4.3.1 does not sufficiently mitigate for air quality impacts and is uncertain and unenforceable. In recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM10 and PM2.5 fugitive dust haul road emissions *by approximately 44%*. Yet, MM 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. MM 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%. This measure should also be modified to include the specific measures which the contractor shall take to ensure that traffic speeds on unpaved roads are reduced to 15 miles per hour, such as the placement of signage or other speed controlling devices. Mitigation measures should also be required to include measures which mitigate for and ensure dust control at the dump site where the soil from the project site will be placed. JS-9

MM 4.3.7 should not only require that electrical power sources "be provided" but also require that electrical construction equipment be *actually used* "whenever technically feasible." JS-10

Although the air quality analysis recommends that "[p]rior to issuance of a grading permit, the grading plans shall reference that a sign shall be posted on-site stating that construction workers need to shut off engines after five minutes of idling," this mitigation measure was not included in the DEIR. This is unacceptable, particularly since the DEIR states that air quality emissions are significant and unavoidable, and this mitigation measure is plainly feasible and would reduce air quality emission. Moreover, this measure is required by CARB, in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations. This mitigation measure must be included in the DEIR. JS-11

The air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas "quickly" should be adopted. Yet, the DEIR fails to include such a mitigation measure. Again, this is unacceptable particularly since the air quality emissions are significant and unavoidable and this mitigation would reduce both PM10 and PM2.5 by JS-12

an additional 10%. Mitigation must be included requiring that landscaping or other vegetation be planted as soon as possible after disturbance. JS-12 (con'd)

In analyzing air quality due to fine site grading activity, the air quality analysis assumes that a maximum of 13.66 acres per day will be disturbed by grading activity. In order to ensure that the effect on air quality from fugitive dust is not greater than that relied upon by the DEIR, a mitigation measure must be adopted that *limits* fine site grading activity to a level below 13.66 acres per day. In fact, an even lower maximum daily acreage should be required in order to further mitigate for these impacts. JS-13

Even after applying mitigation measures, construction air quality impacts are expected to be significant and unavoidable and well above the thresholds of significance for criteria pollutants. For example, with implementation of the mitigation measures listed in the DEIR, emissions of PM10 during construction will amount to 39.51 $\mu g/m^3$ over 24-hours, almost four times the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold, while emissions of PM2.5 during construction will amount to 12.40 $\mu g/m^3$ over 24-hours, well over the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold. Additionally, VOC will reach 205.37 lbs/day, more than two and one half times the 75 lbs/day SCAQMD Regional Significance Threshold and NOx will reach 287.12 lbs/day, almost three times the 100 lbs/day SCQAMD Regional Significance Threshold. Yet, the DEIR suggests adoption of only nine (9) mitigation measures and simply concludes that the remaining unmitigated emission are unavoidable. This is insufficient. In order to further reduce construction air quality emissions, the following additional mitigation measures should be adopted:

1. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.
4. Complete all roadways, driveways, sidewalks, etc., as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.
5. Pave all roads on construction sites as soon as technically possible.
6. Limit fugitive dust sources to 20 percent opacity.
7. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
9. Require high pressure injectors on diesel construction equipment.*
10. Restrict engine size of construction equipment to the minimum practical size.*
11. Use Electric construction equipment where technically feasible.*
12. Substitute gasoline-powered for diesel-powered construction equipment.*
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
14. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of

JS-14

large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*

15. Install catalytic converters on gasoline-powered equipment.*
16. Use electricity from power poles rather than temporary diesel power generators.*
17. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*
20. Provide shuttle service to food service establishments/commercial areas.*
21. Provide shuttle service to transit stations/multimodal centers.*
22. Utilize only CARB certified equipment for construction activities.*
23. All forklifts shall be electric or natural gas powered.*
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.

JS-14 (cont'd)

Operational:

The Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. **Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930).** This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts.

JS-15

The DEIR also inaccurately represents the values used in the LST Analysis. The Air Quality Analysis states that the average trip length used was 0.3 miles and the vehicle speed was 10 miles per hour. Yet, the DEIR incorrectly states that the average trip length used in the LST Analysis was 0.5 miles while the vehicle speed was 5 miles per hour. (DEIR, 4.3-68) Again, this failure in the DEIR to accurately reflect the values used in the LST Analysis renders the DEIR inadequate as an informational document.

JS-16

The DEIR and air quality analysis conclude that for long-term operational activities, even after mitigation, VOCs and NO_x will exceed SCAQMD's Regional Significance Thresholds. Without mitigation, the regional emissions of VOCs and NO_x are exceeded for both summer and winter, with NO_x greatly exceeding the threshold of 55 lbs/day with 739.69 lbs/day in the summer and 819.10 lbs/day in the winter. With the mitigation measures, the emissions of

JS-17

NO_x would be reduced by only a meager .03 lbs/day in summer and .17 lbs/day in winter and emissions of VOCs would be reduced by only .01 lbs/day. These reductions are clearly insignificant. **The mitigation measures do not actually mitigate for the significant operational impacts to NOx and VOC.** JS-17 (cont'd)

MM 4.3.11 requires that the project surpass California Title 24 Energy Efficiency performance standards by a minimum of 20 percent. This goal is to be met by using any combination of a number of listed design features. Particularly since NOx emissions are significant this mitigation measure should require that the project surpass California Title 24 Energy Efficiency standards by at least 30 percent. In fact, all design features listed should be required to be implemented as a way to mitigate the significant effects on air quality. JS-18

Additionally, many more operational mitigation measures are feasible and may be implemented through contract requirements in the purchase, sale, or lease agreement. Such mitigation must be required unless the incorporation into the contract of a mitigation measures is shown to be *infeasible*, not merely inconvenient. The following mitigation measures should be required to reduce Project operational impacts:

1. Require the utilization of zero VOC paint, coatings, and solvents.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become SmartWay Partner.*
4. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.* JS-19
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. Install catalytic converters on gasoline-powered equipment.*
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM_{10} compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.

9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.*
10. Require each user to establish a carpool/vanpool program.*
11. Provide on-site child care or contribute to off-site child care within walking distance.*
12. Provide preferential parking for carpool/vanpool vehicles.*
13. Provide secure, weather-protected bicycle parking for employees.*
14. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
15. Provide showers and lockers for employees bicycling or walking to work.*
16. Short-term bicycle parking for retail customers and other non-commute trips.*
17. Connect bicycle lanes/paths to city-wide network.*
18. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
19. Prohibit idling of trucks for periods exceeding three minutes.*
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
21. Provide shuttle service to food service establishments/commercial areas.*
22. Provide shuttle service to transit stations/multimodal centers.*
23. Implement parking fee for single-occupancy vehicle commuters.*
24. Implement parking cash-out program for non-driving employees.*
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
26. Implement a compressed workweek schedule where feasible.*
27. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
28. Install EV charging facilities *for a minimum of 10% of all parking spaces.**
29. Install a CNG fueling facility.*
30. Provide preferential parking locations for EVs and CNG vehicles.*
31. Utilize electrical equipment for landscape maintenance.*
32. Utilize only CARB certified equipment for construction activities.*
33. All forklifts shall be electric or natural gas powered.*
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
36. Utilize low pressure sodium fixtures for exterior lighting including parking lots.
37. Utilize electric yard trucks.*
38. All buildings shall be constructed to LEED Platinum standards.*
39. The operator shall meet SmartWay 1.25 ratings.*
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.*
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.*
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.*
43. The operator shall purchase only green power.*

JS-19 (cont'd)

Climate Change/GHG emissions:

According to the air quality analysis, this Project would generate GHG emissions that will have a significant effect on the environment. However, the DEIR concluded that GHG emissions are less than significant since the Project's emissions will not exceed the thresholds of significance proposed by SCAQMD (stationary source GHG emissions ≥ 10,000 metric tons per year of CO_2E) or CARB (7,000 metric tons per year of CO_2E from non-transportation related GHG sources). Not only is this conclusion improper but the analysis used to determine GHG emissions is also flawed. JS-20

The thresholds for significance for SCAQMD and CARB relate only to *non-transportation/stationary* sources. Therefore, the GHG emission analysis and conclusion of less than significance is deeply flawed as it fails to account for the majority of GHG emissions for the Project which are attributable to non-stationary/mobile sources. Of the total estimated 30,003.39 metric tons/year of CO_2E, 27,858.08 metric tons/year come from mobile sources, whereas only 7% of CO_2E is derived from stationary sources. JS-21

Furthermore, the same reduced number of trips used in the air quality analysis was used for determining the impact on global climate change. For the same reasons previously discussed, this is inappropriate and does not adequately represent the negative impact this Project will have on global climate change. When the 2,930 traffic trips used in the traffic analysis is used rather than the 1,585.22 traffic trips as suggested, the GHG emission for transportation sources increases more than double from 27,858.08 CO_2E to 51,490.77 CO_2E. **Clearly, GHG emissions are far greater than that estimated in the DEIR.** JS-22

The GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project. Where the project consists of a new distribution center and truck parking, the vehicular emissions in fact create a "new" mobile source of emissions as they create new trucking jobs, and do not merely redistribute the existing traffic patterns as this analysis has assumed. JS-23

The DEIR incorrectly concludes that even though GHG emissions from the Project would be significant, since the Project is consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG emissions are not cumulatively considerable. Yet, this project is, in fact, inconsistent with the CARB Scoping Plan. For instance, Action T-7 recommends that trucks/trailers be retrofitted with BAT and/or CARB-approved technology, yet this Project does not require this retrofit. The DEIR also states that the Project is consistent with Action E-4 (Million Solar Roofs) which sets a target for the installation of 3,000 megawatts (MW) of new solar capacity by 2017, yet the Project does not include nor require installation of a photovoltaic solar electricity system. In order to actually work to achieve this goal of new solar capacity, the Project should require, as a mitigation measure, the installation of a photovoltaic solar electricity system Such a system may be required through contract requirements in the purchase, sale, or lease agreement. JS-24

The DEIR also states that the Project is in compliance with 2006 CAT Report GHG Emission Reduction Strategies. Yet, these determinations of compliance are not supported by any *mandatory requirements,* but rather based on mitigation measures which are not fully enforceable or feasible. For example, the DEIR states that vehicles accessing the site will be in compliance with CARB vehicle standards to the "maximum extent feasible," but does not define this or implement any standard of performance. The DEIR also states that compliance JS-25

with the State's goal of achieving 50% Statewide Recycling will be met through including "provisions for tenants to recycle," yet, there is no requirement that this goal be met. Recycling of at least 50% by the future tenant should be mandatory and required as a mitigation measure through contract requirements in the purchase, sale or lease agreement. In stating that the Project is compliant with the requirement for water use efficiency, the DEIR states that implementation of water conserving devices should be required "to the extent feasible." This language is again vague and does not include any enforceable performance standards. Also, the Project does not require compliance with the California Solar Initiative, one of the strategies identified as critical for California to meet its greenhouse gas reduction targets. The Project merely *recommends* adoption of a requirement that "[a]ll buildings be designed to accommodate renewable energy sources, such as pholtovoltaic solar energy systems…" (DEIR, pg. 1-58) Again, this should be a *required*. Furthermore, the project is also inconsistent, and/or determined to not require compliance with several other CAT strategies, notably with respect to Alternative Fuels. JS-25 (cont'd)

The DEIR fails to analyze or provide evidence as to how any alleged compliance with the strategies in the 2006 CAT Report or the CARB Scoping Plan would reduce GHG emissions from this Project so that cumulative GHG impacts would not be significant. Furthermore, the DEIR fails to show how the Project is consistent with statewide goals in AB32 of reducing carbon emissions to 1990 levels 2020 and of Executive Order S-3-05 of reducing carbon emissions to 80% below 1990 levels by 2050, when this project only contributes to and increases these carbon emissions. JS-26

The California Air Pollution Control Officer's Association ("CAPCOA") has analyzed several means of determining the significance of a project's greenhouse gas impacts under CEQA in its CEQA & Climate Change White Paper. CAPCOA determined that a threshold of zero or a quantitative threshold designed to capture 90 percent or more of likely future discretionary projects (a 900-ton CO_2E threshold) are highly effective at reducing emissions and highly consistent with the emission reduction targets set forth under AB 32 and Executive Order S-3-05. (See Exhibit 5.) The Bay Area Air Quality Management District (BAAQMD) has also drafted guidance on the determination of significance for greenhouse gas impacts. BAAQMD has recognized that there is a "gap" between state action to reduce emissions and the need to further reduce emissions from land-use driven sectors in order to reach AB 32 targets. (See Exhibit 6.) After a series of calculations, BAAQMD then determined that projects above 1,100 tons (accounting for approximately 92% of all GHG emissions from new land use development) would be considered significant, thereby requiring the adoption of all feasible mitigation measures and helping to get nearer to meeting AB 32 targets after statewide regulations are taken into account. Additionally, in the EIR for the Highland Fairview project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change. The Project clearly exceeds the zero threshold. Accordingly, all feasible mitigation measures must be implemented and thus all suggested design features in Mitigation Measure 4.3.11 must be required to be implemented in the Project design. JS-27

The DEIR improperly concludes that due to the Project's supposed consistency with the CARB Scoping Plan and the 2006 CAT Report "that the Project's greenhouse gas emissions are not cumulatively considerable." (DEIR, pg. 5-14) As discussed above, even if the Project were consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG JS-28

emissions from the Project are not less than significant. Additionally, the conclusion that GHG emissions are not cumulatively considerable just because the emissions are not individually considerable (although not actually true) completely ignores the concept of cumulative impacts. "'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15064(h)(1). As the DEIR admits, climate change is a global issue as emissions from sources worldwide combine to create the most pressing environmental and social problem of our time resulting in increased flooding, decreased water supply, negative impacts to biological resources, as well as numerous other negative effects. These sources may "appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Los Angeles Unified School Dist. v. City of Los Angeles,* 58 Cal.App.4th 1019, 1025 (1997). Here, the cumulative effects on GHG emissions were not adequately analyzed. GHG emissions, which are already estimated at over 30,000 metric tons of CO_2E per year for just this Project, will have a large cumulative effect and this impact must be addressed in the DEIR and be properly mitigated. **Adoption of air quality mitigation measures marked with an asterisk and provided above will help further mitigate GHG emissions.** JS-28 (cont'd)

After all measures have been implemented to reduce emissions, any remaining emissions that cannot be eliminated may be mitigated through off-site measures. The Final Statement of Reasons for CEQA GHG Guidelines specifically contemplates off-site mitigation such as "community energy conservation projects." CAPCOA also found that a potential cost-effective offset and verifiable offset could include an energy-efficient retrofit of existing building stock in the Project area to offset the remainder of the Project's emissions. (See Exhibit 5 at 80.) Offsetting GHG emissions in the project area could also effectively reduce criteria pollutants. JS-29

Noise:

Construction:

Intermittent noise levels due to construction at the Project site are expected to reach 89 dBA at the nearest residential properties, well in excess of the daytime 60 dBA Leq allowable under the Moreno Valley Municipal Code. Even at the more distant residential neighborhoods one quarter mile away from the Project site, noise levels during construction are expected to reach 60 to 65 dBA Leq. The DEIR concludes that even after implementing four mitigation measures, that construction noise will be significant and unavoidable. Yet, the DEIR does *not* adopt all feasible mitigation measures. Also note that Mitigation Measure 4.4.3, which limits constructions activities to between 7:00 a.m. and 8:00 p.m. does *not* mitigate the fact that noise levels of 89 dBA will be in excess of the City's noise ordinance during *daytime* hours. The fact that the ordinance establishes time frames does not eliminate or lessen the environmental impact it merely means that the impacts are not subject to criminal sanctions. The threshold of significance is therefore still exceeded during the day. JS-30

Additionally, Mitigation Measure 4.4.4 merely requires that the Project plans include a statement that "for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be JS-31

installed along the Project's southerly boundary" and should "provide maximum reduction for noise sensitive uses…." The term "maximum reduction" is vague and unenforceable. In order to ensure that this mitigation measure actually reduces the level of noise, the measure should require that these sound barriers, which should also include temporary sound walls, actually **reduce noise at sensitive receptors to no more than 60 dBA Leq.** JS-31 (cont'd)

The Noise Analysis recommends the following feasible mitigation measures which must be adopted:

1. Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.
2. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
3. Notify surrounding homeowners of expected, specific construction related noise impacts.

JS-32

In addition, the following mitigation measures, not mentioned in the Noise Analysis, should be adopted:

4. When technically feasible, electrical construction equipment should be utilized.
5. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.

JS-33

Additionally, the DEIR improperly adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA or greater. This is an improper and inaccurate assumption and is certainly not supported by Appendix G of the *CEQA Guidelines* as stated in the DEIR. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance…." Here, 60 dBA is the standard for residential uses and noise levels will be in excess of this standard. JS-34

In terms of ground-borne vibration, there is no evidence pointed to in the DEIR that shows that vibrations would be less than significant even though heavy equipment used during construction "could potentially generate groundborne vibration impacts." Instead the DEIR makes the conclusory statement of insignificance without data or analysis to support such a determination. The DEIR also only mentions vibration impacts to *buildings* when it should also look at impacts to people. Therefore, the DEIR again fails as an informational document. JS-35

<u>Operational - Cumulative Impacts:</u>

As previously discussed, the DEIR fails to look at all cumulatively related projects. This is improper. JS-36

The DEIR finds that the cumulative effects on existing roadways will cause an increase in noise levels of up to 9.5 dB, yet, the DEIR improperly concludes that since the impact from the Project *on its own* is less than 3 dBA that the cumulative impact is not significant. Again, this analysis is completely improper. An increase of 3 dBA is <u>not</u> the threshold of significance adopted for the project. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance ...." Again, that standard for residential uses is 60 dBA and noise levels will be in excess of this standard. For example, with the project, noise levels 100 feet from Redlands Boulevard south of the SR-60 eastbound off-ramp will reach 69.3 dBA and noise levels 100 feet from SR-60 will range from 82.1 to 83.9 dBA. Further, the project will cause noise levels to *increase over levels without the project* at numerous roadway segments. This is a significant impact for which all feasible mitigation must be required. JS-37

Additionally, the Noise Analysis uses noise measurements previously taken at the G.I. Trucking facility in Pomona, California, although neither the Noise Analysis nor the DEIR provide information on this facility in order to show that the activity at the G.I. Trucking facility is comparable to that which would occur at this Project. Therefore the analysis is inadequate to determine the accuracy of potential noise impacts. JS-38

The following feasible mitigation measures must be adopted as recommended in the Noise Analysis: JS-39

1. All trucks, tractors and forklifts shall be operated with proper operating and well maintained mufflers.
2. Maintain quality pavement conditions that are free of bumps to minimize truck noise.
3. Limit the number of idling trucks on the southeastern portion of the site.

Traffic and Circulation:

Interstate 15 ("I-15") and Interstate 215 ("I-215") provide access to the Project area and will most certainly be used to access the Project site. Yet, the DEIR fails to assess the impacts this Project will have on I-15 and I-215 and fails to provide feasible mitigation for projected increased traffic congestion to I-15 and I-215. In order to mitigate for the substantial impacts to these Interstates, mitigation must be included which requires the Project to contribute a fair share to CALTRANS in order to support implementation of improvements to the I-15 and I-215. JS-40

Numerous mitigation measures require that the project participate in fee programs, namely the TUMF and DIF Programs. While payment of fair share fees can be appropriate mitigation for cumulative traffic impacts, they are only adequate when there is an existing program, and that program is adequately funded. The DEIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project. The DEIR also fails to provide information as to the availability of existing fee programs and the financial capability of these programs to actually fund the required improvements for this project. JS-41

The traffic impact mitigation relying on the DIF program is inadequate and is not certain to mitigate traffic impacts. The City announced several months ago that the DIF fees were inadequate to actually construct all required improvements. At that time, the DIF fees were underfunded by approximately 50%. In addition, at the August 18, 2009 City Council Hearing, the City further reduced DIF fees, further increasing the shortfall. There is absolutely no evidence in the record to show that the existing program is adequately funded.

Additionally, these measures do not indicate when the fees will be paid. If required to be paid at the time of construction, the amount could be non-representative of the project's "fair share" in the future. Accordingly, there is absolutely nothing to indicate that the traffic mitigation needed can actually be completed, that mitigation will bring levels of service to acceptable levels, or that there will be adequate funding to install the improvements prior to their need. JS-41 (cont'd)

Therefore, the following mitigation measures should also be adopted:

1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
3. Reroute construction trucks away from congested streets and sensitive receptor areas.*
4. Configure construction parking to minimize traffic interference.*
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
8. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
9. Improve traffic flow by traffic synchronization.

JS-42

Again, the cumulative analysis of traffic impacts is insufficient as it fails to consider numerous projects as previously discussed. JS-43

Water Supply/Sewer:

The DEIR improperly looks to potable water demand of the project (44 acre feet per year) to determine less than significant impact on water supply, instead of total water demand. The DEIR states that the "EMWD has determined that it will be able to provide adequate water supply to meet the **potable** water demand for the project…." There is no analysis of the impact of any additional water for the Project on diminishing water supplies for other uses such as agricultural uses, despite the fact that agricultural users have been put on mandatory water reductions because of water shortages. JS-44

The DEIR fails to examine impacts from global warming and climate change to water supplies. Specifically, the DEIR does not account for decreased snow pack, expected levee failure, and salinity intrusion into coastal water tables, especially with the State Water Project. Additionally, the state-wide drought and low availability of water throughout southern California will cause water supply to likely be much lower than projected, and the project may have a very significant impact. JS-45

In order to mitigate for these significant impacts, the following mitigation measures should be adopted: JS-45 (cont'd)

1. Install permeable pavement in car parking areas.
2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.

Hydrology and Water Quality:

As discussed in the Preliminary Hydrology Study, on page 6, in order to mitigate for impacts from runoff, the project should be required to "clean the sediment build up in the existing triple 60" pipes crossing under the 60 freeway as well as the existing 60" Pipe outleting into the Redlands Blvd. westerly drainage ditch. This mitigation measure must be included in the DEIR. JS-46

The DEIR fails to analyze the impact at the southwesterly corner of the Project site if the future drainage improvements that are to eventually be constructed "by others in association with eventual bridged crossing of the Quincy Channel" are not constructed or construction is delayed. The DEIR fails to indicate when these drainage improvements are to be constructed and how they will be funded. JS-47

Cultural Resources:

The DEIR fails to provide adequate information to evaluate whether prehistoric resources will be impacted as a below ground investigation was not conducted, merely a surface study, even though most prehistoric resources would be expected to be discovered underground and prehistoric resources have been identified at numerous sites within one mile of the Project site. JS-48

Additionally, the mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground. MM 4.7.1 and 4.7.3 permit only temporary halts upon discovery of cultural resources, although longer halts and delays may be necessary to properly record and remove resources. These mitigation measures state that this delay is meant to "avoid construction delays." Therefore, it is likely that the cultural resources located onsite will be unearthed, damaged, improperly recorded, etc. in order to not inconvenience construction. JS-49

Further mitigation is feasible. The mitigation measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job. Further, some option to preserve the resources in situ should be provided in the event of the discovery of extensive cultural resources. JS-50

Biological Resources:

The DEIR and biological survey conclude, without providing adequate evidence or analysis, that although common wildlife would potentially be impacted by loss of this ruderal agricultural land, that this impact would not be significant. This is a conclusory statement not supported by evidence in the DEIR. The development of farmland and open space results in a loss of habitat and in turn, wildlife. The impacts to biological resources must be accurately analyzed and mitigated. JS-51

Aesthetics:

The Project is expected to change scenic vistas and cause a significant and unavoidable aesthetic impact and cumulatively result in a substantial adverse effect on scenic views in the Project area. In an attempt to mitigate these effects, the Project should be required to conduct off-site mitigation and preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County. JS-52

Project Alternatives:

CEQA requires that an EIR consider a reasonable range of project alternatives that lessen significant project impacts and meet basic project objectives. In this case, the DEIR fails to satisfy this mandate by not analyzing a "reasonable range" of alternatives because besides the no-project alternatives, the DEIR only actually considers the Reduced Intensity Alternative and Alternative Site 5. Further, Alternative Site 5 would not lessen significant project impacts. Although mentioned in the DEIR, Alternative Sites 1, 2, 3, and 4 were not actually considered as these sites are unavailable since other development is already planned for these sites. Further, any rejection of project alternatives has to be supported by findings supported by substantial evidence and this evidence does not appear in the record. JS-53

Thank you for your consideration.

Sincerely,

Raymond W. Johnson, Esq. AICP
JOHNSON & SEDLACK

Encl: Exh (11)

EXHIBITS

(1) Moreno Valley New Project Maps with Commercial Development Activity, New Housing and Planned New Housing. (Accessed from the City of Moreno Valley website, December 2, 2010).

(2) Moreno Valley Residential Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(3) Moreno Valley Commercial Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(4) Final Environmental Impact Report, Moreno Valley General Plan: 5.8, Agricultural Resources. (July 2006).

(5) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.*

JS-54

(6) Bay Area Air Quality Management District. (December 7, 2009) *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance.*

(7) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 4.0 Construction Noise Criteria and Descriptors.*

(8) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 9.0 Construction Equipment Noise Levels and Ranges.*

(9) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook.*

(10) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects.*

(11) Federal Interagency Committee on Urban Noise. (June 1980) *Guidelines for Considering Noise in Land Use Planning and Control.*

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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

JS-55

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

JS-55 (cont'd)

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

Johnson & Sedlack, Attorneys at Law
26785 Camino Seco 12/97- Present
Temecula, CA 92590
(951) 506-9925

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions
26785 Camino Seco 8/94- Present
Temecula, CA 92590
(909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department
Environmental Team 6/91-8/94
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department
General Plan Team 6/91-6/92
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community. JS-55 (cont'd)

San Bernardino County Planning Department
North Desert Regional Planning Team
15505 Civic 6/90-6/91
Victorville, CA
(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting
229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640 2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO
6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.
Lee's Summit, MO
9/78-5/84
Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association
Lee's Summit, Mo.

Project Coordinator
6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated.

JS-55 (cont'd)

City of Lee's Summit, MO
220 SW Main
Lee's Summit, MO 64063
Community Development Director 4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff
9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800 5/73-4/75
Economist/Planner

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS. JS-55 (cont'd)

JOHNSON & SEDLACK

Letter Dated December 6, 2010

Response JS-1

The City disagrees with the commentor's generalized assertions regarding the adequacy of the Westridge Commerce Center Draft EIR. As detailed in the following responses, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative impacts has been identified within the Draft EIR. As appropriate, additional measures suggested by the commentor have been incorporated to further reduce impacts, but these changes do not alter the conclusions or analysis contained in the DEIR. These mitigation measures, as amended herein, have been carried forward into the Mitigation Monitoring Plan included as Section 4.0 within this Final EIR. Similarly, the commentor's contention that the Project is inconsistent with the City's General Plan is addressed in the following responses.

Response JS-2

This comment incorrectly identifies the "Project Sponsor" as ProLogis. As noted on Draft EIR Page 2-2, the Project proponent is actually Ridge Property Trust. Otherwise, the commentor has accurately summarized the general aspects of the proposed Project and its significant impacts.

Response JS-3

This comment incorrectly infers that the Draft EIR's analysis of cumulative impacts was limited to a limited geographical area surrounding the Project site. In addition to the eleven existing and planned development projects identified in Draft EIR Table 5.1-1 (please refer to Draft EIR Page 5-2), the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be

considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

Affected Draft EIR discussions at Pages 5-1 through 5-25 are revised, as indicated below by **bold underlined text,** providing clarification of considered parameters and geographic scope for each cumulative impact topic.

5.1 CUMULATIVE IMPACT ANALYSIS

CEQA requires that an EIR identify any significant cumulative impacts associated with a project [Guidelines, Section 15130 (a)]. When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." [*CEQA Guidelines*, Section 15355 (a l)]. Thus, a legally adequate cumulative impact analysis is an analysis of a particular project viewed over time and in conjunction with other related past, present and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. CEQA notes that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness [Guidelines, Section 15130 (b)]. Only those projects whose impacts might compound or interrelate with those of the project under consideration require evaluation. CEQA does not require as much detail in the analysis of cumulative environmental impacts as must be provided for the project alone.

The Guidelines identify two basic methods for satisfying the cumulative impacts analysis requirement: the list-of-projects methodology and the summary-of-projections methodology. Because each environmental resource is affected by its surroundings in different

ways, either of the two methodologies, or a combination of both, may be applied to the analysis of cumulative impacts to each resource. For example, because the approval process and construction phase of development typically takes at least one to two years, the list-of-projects method is likely to provide a more accurate projection of growth in the near term. This method may overstate potential cumulative impacts because the considered list-of-projects may include proposals that will never be developed. Similarly, because development proposals are rarely publicly known until within five (5) years of the expected development, the summary-of-projections method provides a more accurate projection of growth over the long term. This method may not accurately predict growth in any given year, but aggregates various growth trends over the long term. Unless otherwise noted, potential cumulative impacts of the Project are considered in the context of known or probable development proposals (related projects) as well as anticipated ambient growth of the City and region.

As noted previously, the Guidelines identify "that only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation." In this regard, it is recognized that within the context of the cumulative impacts analysis, varied criteria are employed in determining the scope and type of "cumulative projects" to be considered. For example, the analysis of cumulative traffic impacts evaluates the Project's traffic impacts in the context of other known or probable development proposals that would discernibly affect traffic conditions within the Traffic Impact Analysis Study Area, though such projects may not affect other environmental considerations.

The manner in which each resource may be affected also dictates the geographic scope of the cumulative impacts analysis. For example, cumulative traffic impacts will typically be localized to the vicinity of a given project site because after a relatively short distance, traffic patterns tend to normalize. Similar considerations factor in evaluating potential cumulative impacts for each of the EIR's environmental topics (Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Water Supply, Hydrology and Water Quality, Cultural Resources, Biological Resources, and Aesthetics).

Unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Potential cumulative impacts of the Project are considered in the context of known or probable development proposals, as well as anticipated generalized ambient growth of the region. As identified at Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" have been identified within the cumulative scope of the Westridge Commerce Center Project. Related projects have been identified in consultation and coordination with the Lead Agency. . . .

. . . It should be noted that, with the exception of specific Project-related traffic, air quality, noise and aesthetic impacts, which are forecast to remain significant and unavoidable even after application of all feasible

mitigation, implementation of the mitigation measures identified in this Draft EIR (found in Table 1.10-1) would reduce impacts to a level that is considered less-than-significant.

5.1.1 DISCUSSION OF CUMULATIVE IMPACTS

Potential cumulative impacts for each topic of environmental concern considered in this EIR and associated Initial Study are discussed below. Assessments of potential cumulative impacts are based on development scenarios and growth projections presented in the City's General Plan, related analyses of cumulative impacts presented in the General Plan EIR, as well as potential cumulative effects of the previously-identified related projects.

5.1.1.1 Cumulative Impacts Related to Land Use and Planning

The cumulative impact area when considering potential cumulative land use and planning issues generally includes areas that are currently, or are anticipated to be, subject to provisions of the City General Plan and Zoning Ordinance. These areas include the currently incorporated areas of the City of Moreno Valley and unincorporated areas of the County of Riverside lying within the City's Sphere of Influence.

Implementation of the Westridge Commerce Center Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. It is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area. . . .

5.1.1.2 Cumulative Impacts Related to Traffic and Circulation

The cumulative impact area for traffic circulation impacts is generally defined by the Traffic Impact Study Area as detailed within the Project

Traffic Impact Analysis (EIR Appendix B). This Area includes, but is not limited to potentially affected roadways and intersections within the City of Moreno Valley, and also considers all potentially affected Caltrans and Congestion Management Program facilities.

Project-Specific Impacts Are Reduced To Levels That Are Less-Than-Significant

Project-specific traffic impacts are addressed through implementation of on-site improvements and mitigation to be completed prior to issuance of the first Certificate of Occupancy for the Project. . . .

5.1.1.3 Cumulative Impacts Related to Air Quality

The cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of jurisdictional air quality management agency, in this case, the South Coast Air Basin (SCAB) and the South Coast Air Quality Management District (SCAQMD) respectively. Project emissions within the context of SCAQMD's regional emissions thresholds provide an indicator of potential cumulative impacts within the jurisdictional Air Basin. Impacts to air quality from cumulative projects may occur within the entire Air Basin. Due to the defining geographic and meteorological characteristics of the Air Basin, criteria pollutant emissions that would potentially cumulatively impact air quality would be, for practical purposes, restricted to the Air Basin. Accordingly, the Basin geographic area is the appropriate limit for this cumulative Air Quality analysis. Cumulative localized impacts for pollutants are also considered, and reflect Project air pollutant emissions in the context of ambient air quality conditions more immediate to the Project site.

Global Climate Change impacts are by definition, cumulative and global in scope.

Construction-Source Pollutant Emissions

EIR Section 4.3, "Air Quality," and EIR Appendix C address potential air quality impacts of the Project. As discussed, even after compliance with all rules and regulations, Project-related construction activities will temporarily result in exceedances of applicable SCAQMD regional thresholds for VOC and NOx. . . .

5.1.1.4 Cumulative Impacts Related to Noise

The cumulative impact area for noise considerations is generally defined as surrounding properties that could receive Project-generated noise (either construction or operational), and would also include roadway corridors affected by Project-related traffic and associated vehicular noise (existing EIR discussion at Page 5-14).

5.1.1.5 Cumulative Impacts Related to Water Supply

The cumulative impact area for water is the Eastern Municipal Water District (EMWD) service area and encompassing Metropolitan Water District (MWD) jurisdiction. Water supply issues germane to the Project including cumulative water supply impacts are comprehensively addressed within The Project Water Supply Assessment, (Eastern Municipal Water District) June 4, 2008. The Project Water Supply Assessment is presented at Draft EIR Appendix E.

As discussed in Draft EIR Section 4.5, potential cumulative impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. . . .

5.1.1.6 Cumulative Impacts Related to Hydrology and Water Quality

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB), in this case the Santa Ana Regional Water Quality Control Board. Local oversight is also provided by the City of Moreno Valley and Riverside County.

Potential hydrology and water quality impacts of the Project are addressed in EIR Section 4.6, "Hydrology and Water Quality." As discussed in the EIR, Project-related storm water management will be realized through a system of on-site detention basins and controlled release of storm waters to existing and proposed drainage facilities. . . .

5.1.1.7 Cumulative Impacts Related to Cultural Resources

The cumulative impact area for prehistoric, archaeological, and historic resources is the Perris Plain/Perris Valley area (including the Cities of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within the Perris Plain/Perris Valley area would be site-specific. In the event that similar resources are encountered at any other project sites, specific mitigation measures would be applied before development could proceed.

As discussed in Draft EIR Section 4.7, potential impacts to cultural resources are determined to be less-than-significant as mitigated. . . .

5.1.1.8 Cumulative Impacts Related to Biological Resources

The cumulative impact areas for biological resources are generally defined by available habitat, species' range(s), physical constraints, and other

limiting factors as discussed within the Project Biological Resources Assessment, Draft EIR Appendix G (existing discussion at EIR Page 5-20).

5.1.1.9 Cumulative Impacts Related to Aesthetics

The cumulative impact area for aesthetic impact considerations is generally defined as the city of Moreno Valley General Plan Area. More specific to the Project, cumulative impacts of concern are impacts to views and viewsheds along SR-60 in the Project vicinity.

As presented in EIR Section 4.9, "Aesthetics," new industrial uses proposed by the Project will substantially alter the existing visual sense of the subject property, which is currently a vacant site. . . .

Related development proposals that would potentially interact with Project traffic are summarized in the Draft EIR (Draft EIR at Page 4.2-16) and identified graphically at TIA Exhibit 5-11. The developments referenced by the commentor, including the Moreno Highlands Specific Plan (adopted in 1992), the Aqua Bella Specific Plan (adopted in 2005), and Centerpointe Business Park Project (approved in 2006) are reflected in the City's most recent General Plan Amendment, which was adopted in 2006. Traffic generated by these projects is modeled in traffic planning estimates and projections of the Moreno Valley General Plan buildout condition. As clarified previously in these responses, unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Response JS-4

The Draft EIR addresses the Project's consistency with applicable General Plan goals, objectives and policies for each topic of analysis (please refer to Draft EIR Land Use Table 4.1-1 on Pages 4.1-18 through 4.1-20; Traffic and Circulation Table 4.2-8 on Pages 4.2-23 and 4.2-24; Air Quality Table 4.3-4 on Page 4.3-18; Noise Table 4.4-3 on Pages 4.4-10 and 4.4-11; Water Supply Table 4.5-10 on Pages 4.5-24 and 4.5-25; Hydrology and Water Quality Table 4.6-2 on Pages 4.6-13 and 4.6.14; Cultural Resources Table 4.7-1 on Page 4.7-10; Biological Resources Table 4.8-1 on Pages 4.8-11 and 4.8-12; and Aesthetics Table 4.9-1 on Pages 4.9-5 through 4.9-7).

The commentor asserts that "the Project has numerous significant and unavoidable impacts to the safety, health, and well-being of residents throughout Moreno Valley." The Project's significant and unavoidable impacts have been identified as follows: cumulative traffic impacts affecting levels of service at certain intersections, roadway segments and freeway mainline segments; individual and cumulative short-term construction source exceedance of localized air quality thresholds for particulates (PM_{10} and $PM_{2.5}$); individual and cumulative long-term operational emissions exceedances for ozone precursors (VOC and NOx); individual and cumulative short-term construction noise impacts; and individual and cumulative aesthetic impacts related to changes to scenic vistas.

The Draft EIR acknowledges that increased air emissions could affect the health of area residents (please refer to Draft EIR Section 4.3, pages 4.3-4 through 4.3-10 *et al.*). The Draft EIR further acknowledges that the Project's temporary exceedance of the South Coast Air Quality Management District's Localized Significance Thresholds (LSTs) represents a potentially significant impact to sensitive receptors in the Project vicinity for the duration of Project construction. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely undeveloped. All other

study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. Additionally, the Draft EIR included a Health Risk Assessment which was prepared in order to specifically address potential health risks that could result from exposure to Project-generated Diesel Particulate Matter (DPM). No health risks related to DPM were identified, and potential impacts in this regard were found to be less-than-significant (please refer to Draft EIR pages 4.3-79 to 4.3-86).

Similarly, the potential for long-term increases in noise generation to lead to health impacts are acknowledged in the Draft EIR (please refer to Draft EIR pages 4.4-3 through 4.4-4, *et al*. However, the Draft EIR identified no long-term exceedances of existing noise standards due to Project operations (please refer to Draft EIR pages 4.4-21 through 4.4-26). The significant noise impacts identified in the Draft EIR were the result of Project construction activities, and as such, would be temporary and intermittent.

The Project will implement all feasible mitigation as summarized at revised Table 1.10-1. Notwithstanding, significant impacts are anticipated to occur from Project construction and/or operations. These significant impacts are summarized at EIR Table 1.8-1 (Draft EIR Pages 1.1-17 through 1.1-20). CEQA does not prohibit the Lead Agency from approving a project with significant impacts. As provided for under CEQA Section 15093 subd. (a):

> (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits,

> of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable. General Plan goal, objective, and policies cited by the commentor are provided in their entirety in the following table, along with a discussion of the Project's consistency with each of these provisions.

Goal/Objective/Policy	Project Consistency
Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.	**Consistent**. The Project is permitted under the site's current General Plan Land Use Designation, reflecting consistency with the City's goal to establish an organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population. The Project establishes contemporary industrial facilities. As noted at EIR Page 3-5, "[f]inal designs of the Project building will be realized consistent with industrial design requirements and standards identified under Municipal Code Section 9.05.040, "Industrial Site Development Standards." Site plan and design concepts are articulated at EIR Section 3.0, Project Description. Moreover, the Project is required to comply with Development Plan Review provisions established within City of Moreno Valley Municipal Code Section 9.02.030. The Project will contribute to a functional balance by affecting the City's economic base through increased property tax revenues based on improvement of the vacant site. The Project proposes new industrial development within the City, and will create additional job opportunities (temporary construction jobs and as well as permanent warehouse staff and management positions)anticipated to be filled from local employment pools. At buildout, the Project is anticipated to generate up to approximately 900 permanent jobs.
Objective 2.13: Coordinate development activity with the provision of public infrastructure and services to eliminate possible gaps in service provision.	**Consistent.** The Project will provide all necessary infrastructure improvements to ensure safe and efficient operations. As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. Please refer also to the discussion of Project infrastructure presented at Draft EIR Pages 3-21 through 3-23. The Project will also be responsible for providing on-site and off-site roadway infrastructure improvements, prior to the issuance of occupancy permits, as presented at Draft EIR pages 3-7 and 3-8.

Goal/Objective/Policy	Project Consistency
Policy 2.10.14: Preserve or relocate existing mature trees and vegetation where practical. Mature trees shall be replaced when they cannot be preserved or relocated.	**Consistent.** The Project design concept as well as programmed Caltrans improvements to adjacent SR-60 would require elimination of certain mature pine trees existing along the existing northerly boundary of the subject property. That is, these trees will be displaced by Project and Caltrans improvements, and cannot be maintained in place. As discussed at Draft EIR Page 4.9-19, the Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements.
Policy 2.13.1: Limit the amount of development to that which can be adequately served by public services and facilities, based upon current information concerning the capability of public services and facilities.	**Consistent.** As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. The Project's potential to result in Projects-specific impacts due to insufficient roadway infrastructure have been addressed within the Draft EIR (Section 4.3, "Traffic and Circulation," Mitigation Measures 4.2.1, 4.2.2), and are identifies as less-than-significant as mitigated.
Policy 2.13.3: It shall be the ultimate responsibility of the sponsor of a development project to assure that all necessary infrastructure improvements (including system wide improvements) needed to support project development are available at the time that they are needed.	

It is acknowledged that not every provision of the General Plan was addressed within the Westridge Draft EIR; however, the Lead Agency disagrees with the commentor's assertion that the Draft EIR is thus inconsistent with the General Plan. The results and conclusions of the Draft EIR are not affected.

Response JS-5

The commentor correctly notes that the Draft EIR identifies potential impacts regarding the conversion of farmland to non-agricultural uses to be a less-than-significant impact. However, the comment misconstrues the findings of the City's General Plan in regard

to this issue. As referenced in the discussion of Agricultural Resources analysis from the Moreno Valley General Plan Final Program EIR, which was attached to the commentor's letter and identified by the commentor as "Exhibit 4," and has been included in Appendix A of this Final EIR), the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. The Project land uses are consistent land uses reflected in the General Plan, and the Project would not result in impacts to farmlands differing substantively from those considered and evaluated in the GPEIR.

Moreover, relevant CEQA threshold considerations address lands defined as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Significance." In the case of the Project, the subject site does not qualify as any of these.[8] The mitigation measures identified by the commentor are unnecessary. The results and conclusions of the Draft EIR are not affected.

Response JS-6

This comment is unclear about the nature of the significant impact that will result should the Project's proposed zone change and Municipal Code amendment be

[8]State of California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program Riverside County Important Farmland 2008 (Sheet 1 of 3) identifies the Project site as "Farmland of Local Importance."

adopted. The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23. Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.
>
> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as required to fully mitigate any

potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties (Draft EIR Pages 4.1-22, 23).

The Draft EIR adequately and appropriately considers all potential land use and planning impacts, consistent with the methods set forth in the CEQA Guidelines. To these ends, the Draft EIR considers all pertinent land use plans, policies, regulations. There is no substantiation or indication that the Project would result in or cause potential interference with animal keeping on nearby properties. The Draft EIR acknowledges that "development of the Project would result in a permanent change to the perceived rural character of the Project area" (Draft EIR Page 5-5). Moreover, zone changes and amendments to the municipal code do not trigger any of the thresholds of significance under CEQA Guidelines Appendix G.

However, this change is consistent with the existing General Plan designation for the Project site. Further, potential effects on adjacent land uses are minimized by the 250-foot buffer area that would be provided by the Municipal Code amendment referenced above.

With approval of the Project's requested zone change and requested Municipal Code amendment to establish objective standards for the development of Light Industrial uses adjacent to residentially-zoned property, the Project's potential to result in significant land use impacts was determined to be less-than-significant. The results and conclusions of the Draft EIR are not affected.

Response JS-7

Despite the commentor's assertions to the contrary, the Project's air quality analysis does account for construction worker travel to and from the site. As noted in the Draft EIR (Page 4.3-56), "[c]onstruction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips are also accounted for within the

Project construction emissions modeling." Worker trips for all construction phases are clearly identified and accounted for in the air quality modeling (see URBEMIS construction emission modeling data in Draft EIR Appendix C. Specifically, please refer to Appendix A of the Project Air Quality Impact Analysis). No indication of zero VMT for construction workers is found. The results and conclusions of the EIR are not affected.

Response JS-8

The commentor states that "all feasible mitigation measures were not adopted . . . and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur." The commentor requests Mitigation Measure 4.3.4 to specifically include zero VOC applications for all "paints, coatings, and solvents."

Draft EIR Mitigation Measure 4.3.4 serves as a formal restatement a of SCAQMD rules. As noted in the Draft EIR (Page 4.3-61), "[i]n order to facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as mitigation measures, and shall be incorporated in all Project plans, specifications and contract documents." Complementing SCAQMD rule compliance, the Draft EIR incorporates additional requirements as mitigation measures. "Additional mitigation required of the Project is identified below, and shall be incorporated in all Project plans, specifications and contract documents." (Draft EIR Page 4.3-62) Mitigation Measure 4.3.8 currently requires Zero VOC paint applications. In response to the commentor's suggestion, Mitigation Measure 4.3.7 is amended to read as follows:

> ~~*Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications*~~***"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113. The Project shall surpass Rule 1113 minimum requirements through specification that VOC content shall not exceed 150 grams/liter; 1.25 pounds/gallon. High Pressure Low Volume***

(HPLV) applications of paints, coatings, and solvents shall be *consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Other than suggested language modification of SCAQMD rules, the commentor offers no new or revised mitigation for consideration here. Absent specific suggestions or requested revisions, further response in this regard is not possible. The conclusions of the EIR are not affected.

Response JS-9

The commentor appears to misinterpret Air Quality modeling protocols and outputs, stating that " . . . [i]n recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions by approximately 44%. Yet, Mitigation Measure 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. Mitigation Measure 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%."

To clarify, Mitigation Measure 4.3.1 is a formal restatement of SCAQMD Rule 403 provisions. URBEMIS modeling of the Rule application yields a 44 percent reduction in PM_{10} emissions. As suggested by the commentor, additional language specifying on-site speed controls is added to Mitigation Measure 4.3.1:

- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project***

site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-10

The commentor suggests explicit notation indicating required use of available electrical power during construction activities. In response to the commentor's suggestion, Mitigation Measure 4.3.6 is amended as follows:

> *4.3.6 During Project construction, existing electrical power sources (e.g., power takeoffs from existing or temporary power poles) shall be ~~provided for~~* ***utilized to*** *power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-11

Please note that introductory language included prior to the introduction of construction-source emissions mitigation measures states: *"To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.4 below, and shall be incorporated in all Project plans, specifications and contract documents."*

Existing Mitigation Measure 4.3.2, which read, "[t]he contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper

tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law)"is deleted and replaced with the following:

> ***4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).***

Response JS-12

The commentor states that "[t]he air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas 'quickly' should be adopted." In fact, this statement does not appear to be included in the Project Air Quality Analysis. The mitigation input calling for the Project to replace ground cover in disturbed areas quickly is, however, a parameter reflected in the URBEMIS modeling output. Revised Mitigation Measure 4.3.1 is amended to reflect this specific parameter:

- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-13

The commentor notes that an estimated disturbance area of 13.66 acres per day is reflected in the Air Quality modeling. The commentor suggests that a mitigation measure be included limiting site disturbance to less than 13.66 acres per day. The estimated disturbance of 13.66 acres per day (approximately one-quarter of the Project site) likely overstates actual disturbance and is employed for emissions modeling purposes and to develop mitigation addressing the likely maximum impact scenario. To assume or propose unrealistically limited grading of the site is contrary to CEQA disclosure mandates. Further, due to daily limits on grading, there would be incrementally increased impacts due to extended periods of fugitive dust, extended exposure to construction noise, and extended traffic disturbance. The commentor is referred to EIR Section 5.2.2.1, "Extended Construction Alternative Considered and Rejected," which specifically considers and rejects limited grading of the Project site. To ensure consistency with URBEMIS modeling assumptions, new Mitigation Measure 4.3.1 is revised to include the following specification:

- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-14

The commentor proposes numerous additional measures (following) as means to reduce Project-related construction-source emissions air quality impacts. Each of these measures is evaluated in the table which follows. Measures offered by the commentor are not required in order to achieve the level(s) of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed

measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

As detailed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to the following text from the Draft EIR:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation (Draft EIR Page 4-2).

It is further noted that in some instances, the commentor proposes additional operational emission measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the purchase of NOx credits from a qualified broker to offset construction-related air quality impacts.	**Infeasible.** NOx emissions credits are generally applied toward operational emissions at major source facilities (e.g., refineries, power plants, etc.). NOx emissions credits are not commonly used to address short-term construction emissions. It would be impractical to purchase offsets for the Project's construction impacts since the actual amount of construction emissions set forth in the Draft EIR represent an overestimation of actual emissions (i.e., the Air Quality Analysis assumes all construction equipment is operating eight hours per day as a "worst-case" scenario), and because the actual Project construction schedule (duration) is not known with a great deal of certainty and is subject to change based on availability of contractors, equipment, materials, etc. Further, any emission reduction credits would not result in any reduction to construction emissions on-site or in the immediate vicinity of the Project. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4. Complete all roadways, driveways, sidewalks, etc. as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.	**Incorporated** at revised Mitigation Measure 4.3.1, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. Pave all roads on construction sites as soon as technically possible.	**Infeasible.** It is infeasible and ineffective to pave roads within construction sites or at construction site access points. Such pavement is destroyed in the process of construction and/or is in perpetual state of disrepair. Paving temporary roads within construction areas unnecessarily increases VOC generation, with little or no discernible reduction in other air pollutant emissions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
6. Limit fugitive dust sources to 20 percent opacity.	**Replicates existing requirements.** Please refer to SCAQMD Rule 403.
7. The contractor or builder shall designate a person or person(s) to monitor the dust control program and	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
to order increased watering, as necessary, to prevent transport of dust offsite.	
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Require high pressure injectors on diesel construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Restrict engine size of construction equipment to the minimum practical size.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Use electric construction equipment where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
12. Substitute gasoline-powered for diesel powered construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane or biodiesel.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Implement activity management techniques including: a) development of construction management plan to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.	**Not required, counterproductive.** Construction contractor(s) employ techniques and procedures so as to provide for the most efficient operation of their construction activities. No demonstrated or suggested nexus between the suggested measures and project impacts. The commentor indicates further that this measure would reduce greenhouse gas emissions; however, none of the measures would demonstrably reduce total greenhouse gas emissions. As also discussed in these responses, measures acting to prolong construction (e.g., restricted use of equipment, limitation of the length of construction work-day period; phasing of construction activities) tend to increase rather than decrease environmental impacts due to extended and periods of disturbance.
15. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
16. Use electricity from power poles rather than temporary diesel power generators.	**Replicates existing requirements.** This requirement is currently reflected at EIR Mitigation Measure 4.3.6, presented , in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South

Suggested Measure	Response
formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	Coast Air Quality Management (District representatives James Koizumi and Steve Smith) confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ride-sharing program for the construction crew has been encouraged and will be supported by contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
20. Provide shuttle service to food service establishments/commercial areas.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
21. Provide shuttle service to transit stations/multimodal stations.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
22. Utilize only CARB certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
23. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan.".

Suggested Measure	Response
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.	**Infeasible, counterproductive.** Extending the grading schedule would (1) increase the Project's grading costs; (2) hinder effective management, organizing, and scheduling of construction tasks; and (3) result in adverse environmental trade-offs as a result of prolonged disturbance in the Project area, including but not limited to: extended periods of increased noise levels; prolonged generation of fugitive dust and VOCs; increased erosion exposure and associated water quality issues; and additional traffic disturbances associated with on-site construction activities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Response JS-15

The commentor states: "[t]he Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930). This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts."

It appears that the commentor has incorrectly interpreted and applied default URBEMIS values. SCAQMD does not typically conduct project-level URBEMIS modeling for other than their own projects. Moreover, default values are just that, the "default" condition. Changes to default values are appropriate when specific Project attributes or operational characteristics are known, as is the case for the Project. In this regard, the Air Quality analysis specifically recognizes vehicle types and trip generation characteristics of the Project. Known vehicle trip generation characteristics provide a more accurate assessment of Project vehicular-source emissions impacts than does application of default URBEMIS values.

The commentor appears to misinterpret and misapply vehicle trip generation characteristics and their use in developing estimated air pollutant emissions impacts vis-à-vis use of trip generation estimates for the purposes of traffic modeling. More specifically, as noted in the Project Air Quality Analysis, Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. The Project related operational air quality impact centers primarily on the approximate 1,585 net vehicle trips generated by the Project (at project buildout). Trip characteristics available from the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009, included in Draft EIR Appendix B) were utilized in this analysis. It should be noted that the Project's traffic study presents the total Project vehicle trips in terms of Passenger Car Equivalents, or PCEs (the 2,930 PCE value cited by the commentor) in an effort to recognize and acknowledge the effects of heavy vehicles at the study area intersections. For purpose of the air quality study, emissions were calculated based on the type of vehicle (e.g., passenger cars and trucks) a more detailed discussion of how the actual number of vehicles were programmed into the model is presented in Draft EIR Appendix C. Specifically, page 37 of the Project Air Quality Analysis refers to its own Appendix B for review. Parallel information is provided in the Draft EIR, and reprinted below for ease of reference.

> 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and

> acknowledging physical size differences in vehicles and related effects on roadways and at intersections (Draft EIR Page 4.2-19).

Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. Assessment of the Project's operational air quality impact centers primarily on the approximately 1,585 net vehicle trips generated by the Project (or, the arithmetic sum of truck and passenger vehicle trips). Trip generation characteristics for the Project are presented in Draft EIR Appendix B, the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009). The results and conclusions of the Draft EIR are not affected.

Response JS-16

The commentor notes discrepancies between the Draft EIR text and the Air Quality Study regarding vehicle trip length and vehicle speed employed in the LST analysis. Notwithstanding, the quantified LST emissions impacts reported in the Draft EIR (Table 4.3-12) are consistent with the LST values presented in the Air Quality Analysis (Table 4-5). The typographic error at Draft EIR Page 4.3-68 is corrected (below) consistent with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

These corrections have been incorporated in Final EIR Section 2.0, "Revisions and Errata." The results and conclusions of the Draft EIR are not affected.

Response JS-17

The commentor provides opinions regarding the efficacy of mitigation proposed as means of reducing Project operational NOx and VOC emissions. It is important to note that substantially all of the estimated NOx emissions are from mobile sources – principally vehicle exhaust, and vehicle tail pipe source emissions are regulated by CARB and USEPA. The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility.

In addition, the Project is compliant with the SCAQMD's attainment plans, as the use of the site for industrial purposes was included in the previous SCAQMD's ozone and PM attainment plans. The Project implements all feasible mitigation measures and complies with all applicable CARB and SCAQMD Rules directed toward reduction of NOx and VOC emissions. The Lead Agency will however, adopt and implement EIR mitigation measures that minimize vehicle emissions generated on-site and by employees, but those vehicle miles are minor compared with the total vehicle miles used in the studies; and further, URBEMIS does not account for any reductions for those measures.

The Draft EIR clearly states that even with application of proposed mitigation, Project operational NOx and VOC emissions will exceed applicable SCAQMD regional thresholds. Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging Project exceedances for operational-source NOx and VOC emissions.

Response JS-18

The commentor arbitrarily suggests a 30 percent increase in energy efficiency beyond the requirements provided under Title 24 Building Energy Efficiency Standards, inferring a somehow substantial resultant decrease in NOx emissions. Consistent with the provisions of Executive Order, S-20-04 (CA 2004),which sets a goal of reducing energy use in public and private buildings by 20 percent by 2015 (as compared with

2003 levels), the Project will achieve a minimum 20 percent increase in building efficiencies beyond Title 24 requirements (please refer to Mitigation Measure 4.3.11).

As noted previously, the predominance of Project operational NOx emissions are vehicle-generated, and beyond the control of the Applicant or Lead Agency. Any reduction in NOx emissions resulting from increased building/facility energy efficiencies would be, at best, nominal. Even assuming "zero" NOx emissions from building/area sources, NOx emissions would be reduced by approximately 0.09 to 0.11 percent (0.0009 to 0.0011), and would still exceed applicable SCAQMD regional thresholds. No additional Title 24 enhancements are proposed, nor are any required. Results and conclusions of the EIR are not affected.

Response JS-19

The commentor proposes numerous additional measures as a means to reduce Project-related operational-source air quality impacts. Each of these measures is evaluated in the Table which follows. While the suggested measures may in part act to generally reduce Project impacts, none of the measures are required in order to achieve the levels of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

With specific regard to proposed measures targeting GHG emissions reductions, arguably, the proposed measures may prove of little net benefit, while imposing significant cost and economic burdens. Case studies have indicated that GHG measures implemented to date have yielded marginal benefits when compared to economic costs. Moreover, premature implementation of unproven measures would be detrimental by diverting resources that could be made available to other, more effective strategies. Please refer also to the attached: *The AB 32 Challenge: Reducing*

California's Greenhouse Gas Emissions (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008.

As discussed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to Draft EIR Page 4-2:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation. . . .

It is further noted that in some instances, the commentor proposes additional measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent, that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

Suggested Measure	Response
1. Require the utilization of zero VOC paint, coatings and solvents.	**Incorporated.** This requirement is reflected at EIR Mitigation Measure 4.3.7, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan." Mitigation Measure language has been revised as suggested by SCAQMD.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.	**Infeasible.** Please refer to Response JS-14, item No. 1.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become a SmartWay partner.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4.The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90%of all long haul trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
7. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South Coast Air Quality Management District representatives James Koizumi and Steve Smith confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Require each user to establish a carpool/vanpool program.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Provide on-site child care or contribute to off-site child care within walking distance.	**Infeasible, counterproductive.** Childcare facilities are not compatible with the proposed industrial warehouse uses. Moreover, there is no demonstrated nexus with Project-related operational emissions impacts requiring or suggesting implementation of childcare facilities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
12. Provide preferential parking for carpool/vanpool vehicles.	**Replicates existing requirements.** Preferential parking for carpools/vanpools is currently required pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Provide secure, weather-protected bicycle parking for employees.	**Incorporated** at revised EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Provide direct, safe bicycle access to adjacent bicycle routes.	**Replicates existing requirements.** Direct, safe bicycle access is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
15. Provide showers and lockers for employees bicycling or walking to work.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
16. Short-term bicycle parking for retail customers and other non-commute trips.	**Replicates existing requirements.** The Project does not propose retail uses. Bicycle parking is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Connect bicycle lanes/paths to city-wide network.	**Replicates existing requirements.** Bicycle path connections are currently provided pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
18. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.	**Infeasible, counterproductive.** No transit stops exist proximate to the Project site such that building orientation would have any material effect on use of, or access to transit. Elimination of building setbacks as suggested would increase potential air quality, noise and visual impacts when compared to the Project as proposed. The suggested measure is not germane to the Project, and is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
19. Prohibit idling of trucks for periods extending three minutes.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.11 currently prohibits the idling of trucks for more than three (3) minutes.
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.	**Not required per Responsible Agency.** Riverside Transit Agency (RTA) provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. The Lead Agency has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project.
21. Provide shuttle service to food service establishments/commercial areas.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
22. Provide shuttle service to transit stations/multimodal centers.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
23. Implement parking fee for single-occupancy vehicle commuters.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
24. Implement parking cash-out program for non-driving employees.	**Not applicable.** In that there is no current or proposed parking subsidy, there is no available parking "cash out" resource or mechanism. As noted herein, other tenable incentives are provided as means of reducing vehicle trips.

Suggested Measure	Response
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.	**Replicates existing requirements.** The site is not currently provided transit service, nor is pedestrian access to the nearest transit stop possible at this time. Pursuant to the requirements of the City's Master Plan of Trails, the Project will dedicate and construct an 11-foot wide community trail segment along the southerly Project boundary, on the north side of Fir Avenue (future Eucalyptus Avenue). Upon development of the adjacent parcel(s), the trail is planned to continue off-site to the east and to the west, as part of the future Quincy Channel overcrossing.
26. Implement a compressed workweek schedule where feasible.	**Incorporated** at revised Mitigation Measure 4.3.13.
27. Provide electrical vehicle (EV) and compressed natural gas (CN) vehicles in vehicle fleets.	**Incorporated** at revised Mitigation Measure 4.3.13.
28. Install EV charging facilities for a minimum of 10% of all parking spaces.	**Infeasible.** The Project will provide, at minimum, two EV charging stations, as required by Mitigation Measure 4.3.13. There is no demonstrable evidence that installation of additional EV charging facilities would substantially reduce or eliminate the Project's operational emissions because chargeable electric vehicles represent a small percentage of vehicles on the road. Moreover, on a regional basis, increased power demands at electrical outlets/EV charging stations tend to increase power plant emissions, acting to offset any potential emissions reductions from individual sources such as motor vehicles. Further, it is noted that next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Suggested Measure	Response
29. Install a CNG fueling facility.	**Infeasible.** As noted above, next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. Further, for CNG fuel to be a reasonable alternative to diesel fuel for the logistics industry, a reasonable distribution network must be in place so that drivers can be assured that they can re-fuel when making deliveries across the region. No such distribution system is presently in place nor is one likely to be developed in the near future. The installation of a stand-alone CNG fueling facility at this location would provide no benefit because no reasonable distribution system is in place. CNG-fueled vehicles have been found to be most useful for limited range, closed-circuit usage such as municipal fleets (refuse collection, city vehicles, and buses), taxi fleets, and local delivery services. Lastly, as with the commentor's suggestion for EV facilities, the installation of a CNG fueling facility is unlikely to substantially reduce or eliminate the Project's operational emissions because CNG vehicles represent a small percentage of vehicles on the road. Furthermore, the Draft EIR has not evaluated the potential environmental impacts related to the construction and operation of a CNG fueling facility. A Lead Agency is under no obligation to impose Mitigation Measures that in and of themselves may constitute a new "project" for purposes of CEQA. (See e.g., *Concerned Citizens of South Central L.A. v. Los Angeles Unified School District*, 24 Cal.App.4th, 826 (1994)). The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
30. Provide preferential parking locations for EVs and CNG vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
31. Utilize electrical equipment for landscape maintenance.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
32. Utilize only CARB-certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
33. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.	**Replicates existing requirements.** Please refer to City of Moreno Valley Municipal Code 9.17.050 (D) (3).
36. Utilize low pressure sodium fixtures for exterior lighting, including parking lots.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655 which requires that all outdoor lighting within the Project area will be provided by low-pressure sodium hooded lights.
37. Utilize electric yard trucks.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
38. All buildings shall be constructed to LEED Platinum standards.	**Not required, no nexus with significant impacts.** As discussed on Pages 3-18 and 5-79 of the Draft EIR, the Project, as a whole, will be developed as a LEED-certified facility. LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). Additionally, the LEED rating system is not the appropriate standard for determining building efficiency. The California Title 24 Building Energy Efficiency Standards are the appropriate baseline. As set forth in the Draft EIR, the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards. There is no requirement for LEED certification as mitigation of Project impacts. While LEED-certified facilities may tend to reduce various environmental effects, LEED certification is a voluntary exercise to be pursued by the Applicant outside of and independent of CEQA mandates.
39. The operator shall meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics.

Suggested Measure	Response
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project vehicular emissions through use of photovoltaics.
43. The operator shall purchase only green power.	**Infeasible, not required, no nexus with significant impacts.** Power to the Project will be provided from the locally available electrical grid. The term "green power" is undefined, and moreover the Lead Agency has no practical way to require that power be provided from specified sources, "green" or otherwise. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible. There is no requirement or demonstrated nexus requiring the Project to "purchase only 'green power'."

Results and conclusion of the Draft EIR are not affected.

Response JS-20

The commentor appears to misinterpret analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the analysis concludes that the Project ***will*** *[emphasis added]* have a significant effect on the environment.

To further clarify, germane suggested CEQA Guidelines topical questions include:

> Would the project:
> a) Generate greenhouse gas emissions, either directly or indirectly, that ***may*** *[emphasis added]* have a significant impact on the environment?

In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts

[beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see *Climate Change Analysis*, Page 42).

The commentor states that the finding of "less-than-significant" Project GCC impacts is based on non-exceedance of (draft) CARB and SCAQMD GHG emissions thresholds. Though this is the case, the GCC Study clearly states that these thresholds are not applicable to the Project:

> CARB's Draft Threshold Of Significance For Industrial Projects Has Not Been Finalized And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 40).
>
> SCAQMD's Adopted GHG Threshold Applies Only To Projects Where It Is The Lead Agency And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 41).

As discussed in the *Climate Change Analysis*, there are no adopted quantitative GHG emissions thresholds applicable to the Project. Absent such quantified thresholds, the CARB and SCAQMD GHG emissions standards nonetheless provide an indication of current policies and strategic approaches employed in evaluating and addressing GHG emissions and potential GCC impacts, and may portend similar future statewide, regional, and/or local quantified thresholds. The clearly stated threshold considerations applicable to the Project are:

1. Would the proposed project generate GHG that may have a cumulatively significant impact on the environment; and

2. Would the proposed project conflict with GHG reduction measures identified in CARB's AB 32 Scoping Plan.

As concluded in the *Climate Change Analysis*, the answer to both of the preceding questions is "no," yielding the conclusion that the Project GCC impacts are less-than-significant. Moreover, as also discussed in the *Climate Change Analysis*, Project GHG emissions would not exceed either CARB or SCAQMD GHG emissions thresholds, further supporting the conclusion that the Project GCC impacts are less-than-significant. As a matter of clarification, the abbreviated conclusion presented at Draft EIR Page 4.3-94 is expanded/revised as follows:

> ~~Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less than significant.~~ **As noted in the preceding discussions, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.**
>
> **In evaluating the potential global climate change impacts of the Project, every attempt has been made to accurately and comprehensively quantify the greenhouse gas emissions associated with the Project. However, a number of inherent limitations are unavoidable in compiling or estimating project-level GHG emissions. Among these limitations, the use of models that measure overall emissions increases without accounting for existing emissions tend to substantially overstate the GHG emissions impacts of a new development projects. This makes an accurate analysis of GHG emissions substantially different from other air quality impacts, where the "addition" of redistributed emissions can make a substantial difference to overall air quality. Notably, not all the vehicular trips that result from the Project will be "new" vehicle trips, but that a majority of these trips already occur elsewhere, and currently generate GHG**

emissions within a global context. For example, the Project will not create entirely new truck trips (globally). However, implementation of the Project would establish a new destination point for trucks already utilizing the area roadway system. Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory.

The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is inferred by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Based on the preceding discussions and supporting analysis provided in the Project Global Climate Change Analysis included at EIR Appendix C, the Project's potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment is less-than-significant.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-21

The commentor reiterates the Draft EIR discussion that the CARB and SCAQMD GHG emissions thresholds consider only non-transportation sources. To clarify, the thresholds address all stationary GHG sources, but do not include mobile sources. To a certain extent this limitation on threshold considerations reflect the previously noted limitations involved in attempting to estimate "new" emissions associated with vehicle trips to/from new facilities. Nonetheless, the thresholds and their interpretation and application are correct as stated in the EIR and Project *Climate Change Analysis* (included at EIR Appendix C).

Contrary to the commentor's assertion, the *Climate Change Analysis* is not "deeply flawed" through an omission of mobile-source GHG emissions. Mobile-source emissions are clearly identified and quantified at *Climate Change Analysis,* Page 45, Table 2-4 (27,858.08metric tonsCO2E) and at Draft EIR Table 4.3-18 (Page 4.3-92). Mobile source emissions are not however, by CARB and SCAQMD-defined thresholds, utilized by those agencies in determining GHG emissions significance for their facilities. Project facilities emissions of GHG would not exceed GHG thresholds established by CARB and SCAQMD for their facilities. As noted above, this fact is considered within the entirety of the Climate Change Analysis, and in evaluating the Project's potential GCC impact significance, which is, as correctly concluded in the EIR, less-than-significant.

Response JS-22

The commentor reiterates incorrect calculation and interpretation of Project vehicle trip generation. Please refer to Responses JS-15, JS-20, and JS-21. Results and conclusions of the EIR are not affected.

Response JS-23

The commentor states that "[t]he GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project." This

opinion, along with the commentor's related statements and conclusions, are addressed in preceding Responses JS-15, JS-20 and JS-21, which provide clarification regarding mobile-source GHG emissions evaluated and addressed in the EIR. The Draft EIR analyzes both the mobile and stationary GHG emissions associated with the Project. The EIR analysis conservatively does not assume mere redistribution of existing GHG emissions, particularly with regard to vehicle emissions when considered in a global context. Results and conclusions of the EIR are not affected.

Response JS-24

The commentor provides opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable. Commentor opinions and statements are forwarded to the decision-makers for their consideration.

Contrary to commentor opinions and statements, in point of fact, an exhaustive and accurate assessment of the Project's GHG emissions impacts and related potential GCC impacts are presented in the Draft EIR (Pages 4.3-23 through 4.3-47, Pages 4.3-88 through Pages 4.3-111, at al.), and supporting technical Global Climate Change Analysis included at Draft EIR Appendix C. These discussions not only establish Project consistency with the CARB Scoping Plan (one component of the EIR analysis), but also provide detailed discussion of the sources and effects of GHG emissions, consider and evaluate the Project in the context of existing and proposed GHG emissions reductions strategies, and provides an analysis of Project GHG emissions vis-à-vis adopted and anticipated thresholds. Importantly, the analysis provided in the EIR is consistent with applicable CEQA directives:

> Based on the direction provided in Section 15064.4 of the *Guidelines*, a lead agency should make a good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions associated with a project. Because the methodologies for

performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

1. Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should also include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

2. Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions (Draft EIR Page 4.3-35).

Substantial evidence provided in the Draft EIR, as summarized above, supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor notes *recommended* [emphasis added] CARB Scoping Plan Actions, and misinterprets these as Project requirements. The commentor cites specifically, **Action T-7**: Sector-Transportation; Recommended Action-Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure - Aerodynamic Efficiency; and **Action E-4**: Sector-Electricity and Natural Gas-Recommended Action-Million Solar Roofs. As noted in the Draft EIR (Pages 4.3-99, 4.3-100), the Project will not conflict with applicable recommended Actions. Consistent with other revisions proposed herein, Action T-7, Action E-4 applicability discussions at Page 4.3-102 are deleted and replaced with the following:

- Action T-7 **recommends existing trucks/trailers to be retrofitted with the best available technology and/or CARB-approved technology. Implementation of such a standard is not within the purview of the Project. GHG emissions reductions would be achieved however through standards compliance by vehicles accessing the Project. Further, pursuant to EIR Mitigation Measure 4.3.13, tenants are encouraged to provide incentives to realize Smartway certification, and to use fleet vehicles conforming to CARB 2010 emissions standards or better, thereby reducing GHG emissions. The Project supports, and would not interfere with Action T-7.**

  Action E-4 **promotes solar generated electricity. As discussed within this EIR, the Project design accommodates renewable energy sources, such as photovoltaic solar electricity systems. (Draft EIR Mitigation Measure 4.3.11 requires in part that: *"All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design."*) The Project supports, and would not interfere with Action E-4.**

It is further noted that the AB-32 Scoping Plan merely sets forth concepts, the implementation of which will be refined during the rulemaking process contemplated under AB-32. Thus, merely because Action T-7 recommends that existing trucks/trailers be retrofitted with the best available technology and/or CARB-approved technology; and/or that Action E-4 promotes solar generated electricity does not mean that a given project must require best available technology retrofits; nor install PV solar panels on its roof in order to be consistent with the Scoping Plan.

Please refer also to the complete discussion of Project consistency with applicable recommended CARB Scoping Plan Actions presented at Draft EIR Pages 4.3-98 through 4.3-103. The results and conclusions of the EIR are not affected.

Response JS-25

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable, but provides no supporting analysis or evidence. In point of fact, as supported by the discussion in the EIR, the project will not result in significant GHG/GCC emissions impacts, and no mitigation is required. Measures included in the EIR, including those addressing recycling, water conservation, and solar energy systems, therefore further reduce GHG/GCC impacts that, even absent mitigation, are less-than-significant. Commentor's citation to EIR statements that: *"vehicles accessing the site will be in compliance with CARB vehicle standards to the maximum extent feasible"* are not found. Adopted applicable CARB standards are regulatory in nature, and required of all vehicles. Please refer also to the preceding Response JS-24.

Response JS-26

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor cites various 2006 CAT Report GHG Emission Reduction Strategies, contending the Project does not support applicable strategies. The commentor incorrectly interprets the strategies as requirements of the Project. Specific citations of the commentor include compliance with CARB vehicle standards, source reduction and recycling, California solar initiative recommendations, and the use of alternative fuels.

The approach suggested by the commentor is not required under the CEQA Guidelines, and is not the approach employed by the Lead Agency here. Comparison of this Project with the CAT strategies and AB-32 Scoping Plan concepts is made for the purpose of evaluating whether the project conflicts with an applicable plan, policy, or regulation adopted for the purposes of reducing emissions of greenhouse gases. That is the applicable threshold under the CEQA Guidelines. Upon determining that the Project does not conflict with these plans, the Lead Agency appropriately concluded

that the impacts are less than significant, and therefore, no mitigation is required. Project support of, and compliance with, applicable 2006 CAT Report GHG Emission Reduction Strategies is presented at Draft EIR Pages 4.3-103 through 4.3-110. With specific regard to Project compliance with CARB vehicle standards, search of the EIR text does not yield the phrase "maximum extent feasible" as suggested by the commentor. EIR discussions of strategies noted by the commentor as excerpted from Draft EIR Table 4.3-20, are presented below.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Air Resource Board	
Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	Enforcement of State regulation is beyond the scope of the Project. The Project will not interfere or conflict with AB 1493 (Pavley).
Other Light Duty Vehicle Technology New standards would be adopted to phase in beginning in the 2017 model.	Enforcement of State standards for Light Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Light Duty Vehicles.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	Enforcement of State standards for Heavy Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Heavy Duty Vehicles.
Diesel Anti-Idling In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Heavy-duty diesel trucks that access the Project site will be required to limit idling to no more than three (3) minutes (EIR Mitigation Measure 4.3.10).
Alternative Fuels: Biodiesel Blends CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	When CARB adopts regulations for the use of biodiesel fuel in heavy duty trucks, trucks supplying the commercial uses will comply with this measure.
Hydrogen Highway The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.	Not Applicable.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
Integrated Waste Management Board	
Achieve 50 percent Statewide Recycling Goal Achieving California's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Zero Waste - High Recycling Additional recycling beyond the State's 50 percent recycling goal.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions.	In support of water Use Efficiency strategies, the Project will implement U.S. EPA Certified WaterSense labeled or equivalent faucets and high-efficiency toilets (HETs), and implement water-conserving shower heads to the extent feasible.
California Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	As required through the EIR air quality mitigation measures noted herein, and based on energy efficiency/sustainability attributes of the Project presented in the EIR Project Description (EIR Section 3.0), energy efficiencies achieved by the Project will surpass incumbent Title 24 Energy Efficiency Standards by at least 20 percent. Verification of increased energy efficiencies is documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Energy efficient Project designs and operational programs will facilitate Applicant-initiated LEED Certification actions.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Solar Initiative Installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses; increased use of solar thermal systems to offset the increasing demand for natural gas; use of advanced metering in solar applications; and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	In support of the California Solar Initiative, the Project design accommodates potential future installation and use of renewable energy sources, such as photovoltaic solar energy systems. (See EIR Section 3.0, Project Description).

Contrary to the commentor's assertions, as indicated at Table 4.3-20, the Project complies with and supports applicable 2006 CAT Report Greenhouse Gas Emission Reduction Strategies. There is no mandate or specific requirement or singular methodology for strategy compliance as suggested by the commentor. The results and conclusions of the EIR are not affected.

Response JS-27

The commentor cites various recommended or adopted thresholds of other agencies addressing GHG emission and GCC impacts. The commentor erroneously states that "in the EIR for the Highland Fairview Project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change."

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. The commentor is referred to previous responses and CEQA directives allowing for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the Guidelines. The EIR analysis of GHG emissions/GCC impacts is consistent with Section 15064.4 of the Guidelines. Please refer also to response JS-24.

No "zero emissions threshold" for GHG emissions neither appears, nor was applied, in the EIR for the Highland Fairview Project. The commentor is referred to *Draft*

Environmental Impact Report Highland Fairview Corporate Park PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090 (TPM 35629), and PA07-0091 (PP) City of Moreno Valley, Riverside County, California State Clearinghouse No. 2007101132 (Michael Brandman Associates) August 4, 2008, Page 5.16-5:

> AB 32 states that, "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Although it is unknown if AB 32 alone is enough to reduce California's fair-share contribution to global greenhouse gas inventory, it is currently the only well-defined and widely accepted benchmark for greenhouse gas emissions in California. Therefore, for purposes of this analysis, the following significance thresholds have been used:
>
> **Impact GCC-1** Does the project comply with the provisions of an adopted Greenhouse Gas Reduction Plan or Strategy? If no such Plan or Strategy is applicable, would the project significantly hinder or delay California's ability to meet the reduction targets contained in AB 32?
>
> **Impact GCC-2** Would the impacts of climate change significantly impact the project?

The Highland Fairview Project EIR concluded that project had the potential to significantly hinder California's ability to meet the reduction targets contained in AB 32, and therefore reached a conclusion of "potentially significant" GHG emissions impacts for that project.

Such is not the case for the proposed Westridge Commerce Center Project as supported by the analysis presented in the Westridge Commerce Center Project EIR and supporting Global Climate Change analysis.

Continuing at Page 5.16-6, the Highland Fairview EIR also importantly notes that:

> The thresholds and the analysis contained below *may not be relevant to other projects. This analysis does not establish thresholds for the City or set precedents for the type of analysis in a climate change analysis, as this discipline is still evolving. [emphasis added]*

Clearly, whatever thresholds and analysis may have been employed in the Highland Fairview EIR were for that project only, and not intended or necessarily applicable to the proposed Westridge Commerce Center Project. The results and conclusions of the EIR are not affected.

Response JS-28

The commentor considers the term "cumulatively considerable" established under the *CEQA Guidelines* Section 15064, subd. (h)(1), and appears to misapply it in evaluating Project GHG emissions and potential Project-related Global Climate Change impacts. In total, *CEQA Guidelines* Section 15064, subd. (h)(1) cited by the commentor, and excerpted below, provides guidance as to whether an EIR is required based on the potential for a given project to cause or result in cumulatively considerable impacts.

> (h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Lead Agency had previously determined through the Initial Study process that an EIR is required for the Project, to include an analysis of all potential cumulatively considerable impacts, including potential GHG/GCC impacts.

The EIR analysis supports the conclusion that Project-specific GHG/GCC impacts are individually less-than-significant and not cumulatively considerable (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C). To this end, not only are the Project's incremental GHG/GCC impacts substantiated to be less-than-significant. As noted in the Draft EIR, with regard to global climate change, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.

Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory. The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is assessed by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Additionally, as discussed in the Draft EIR . . . "to facilitate their monitored implementation throughout Project development and operations, design features and operational attributes of the Project are incorporated into this EIR as Mitigation

Measures 4.3.10 through 4.3.13 . . . These measures act to reduce Project-related operational source air pollutants and GHG emissions, and promote sustainability through conservation of energy and other natural resources" (Draft EIR at Page 4.3-94). As amended in these Responses, additional mitigation has been also been provided, further reducing already less-than-significant Project GHG emissions levels. Please refer also to previous discussions at Responses JS-20 through JS-27, substantiating less-than-significant Project GHG/GCC impacts.

As provided for under *CEQA Guidelines* Section 15064(h)(2), "[w]hen a project might contribute a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures . . . [the supporting analysis] shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable." Design features, operational programs, and mitigation measures included in the Draft EIR (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C) render the Project's potential contribution to Global Climate Change impacts to levels that are less than cumulatively considerable.

As further provided under *CEQA Guidelines* Section 15064(h)(3), . . . "a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make

specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable."

The general arena of GHG emissions regulations remains preliminary and still formative, and there are no plans (as yet) with the effect of law that would be applicable to the Project. Notwithstanding, the CARB Scoping Plan and 2006 CAT Report are considered indicative of likely future guidelines and requirements. The Project supports and is consistent with CAT strategies and other means suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32. Qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report (Draft EIR Pages 4.3-94 through 4.3-110) supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

Continuing, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative GCC impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

It is further noted cumulative effects of Global Climate Change would be considered significant irrespective of any increment of GHG emissions generated by, or reduced through, implementation of the Project. Moreover, absent similar commitments worldwide, even full state-level reduction of GHGs as provided for under California

statute would not notably or discernibly affect a difference in global climate change. In this regard, the World Resources Institute estimates California GHG emissions comprised an estimated 1.3 percent of worldwide GHG emissions as of 2000.[9] Further, whereas California since 2000 continued to implement further energy efficient technologies and other means that directly or indirectly reduce GHG emissions and thereby reduce its proportionate impacts, these reductions have been more than offset by increasing growth and industrialization worldwide. This speaks to *CEQA Guidelines* Section 15064(h) (4) provisions, which provide that the mere existence of significant cumulative GCC impacts caused by other projects (worldwide growth and industrialization) alone does not constitute substantial evidence that the Westridge Commerce Center Project's incremental GCC effects are cumulatively considerable.

Based on the preceding the project will not result in or cause cumulatively considerable GCC impacts. Results and conclusions of the EIR are not affected.

Response JS-29

The commentor summarizes various provisions of the *Final Statement of Reasons for Regulatory Action* (California Natural Resources Agency) December 2009 which allow for off-site mitigation of GHG impacts.

As substantiated in the EIR and discussed in these Responses, Project-related GHG emissions impacts are less-than-significant and are not cumulatively considerable. Off-site mitigation is not proposed nor is it required. Results and conclusions of the EIR are not affected.

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9 *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions* (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008, Page 8.

Response JS-30

Temporary and intermittent significant construction-source noise impacts noted by the commentor are fully discussed and disclosed in the Draft EIR:

> **Level of Significance after Mitigation:** Mitigation Measures 4.4.1 through 4.4.4 will qualitatively reduce construction-source noise and its perceived impacts to the extent feasible. The proposed use of noise curtains during the most noise intensive activities (grading/site preparation) may reduce received noise levels by 10-20 dBA at the nearest receptors. Nonetheless, it is anticipated that construction-source noise received at the nearest affected residential receptor adjacent may temporarily and periodically reach the maximum anticipated exterior noise level of 89 dBA Leq. This condition would occur in particular when heavy equipment is used for the construction of adjacent Fir (future Eucalyptus) Avenue. At more distant residential neighborhoods, the maximum received noise level is conservatively estimated at 60 to 65 dBA Leq. As such, even with the application of proposed mitigation, Project construction equipment activities would exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), and consequently would be considered a substantial temporary and periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project (Draft EIR Page 4.4-20).

Mitigation of construction-source noise impacts is addressed in the following responses JS-31 and JS-32. Results and conclusions of the Draft EIR are not affected.

Response JS-31

The commentor provides opinions on Draft EIR Mitigation Measure 4.4.4, which is presented in its entirety here:

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

The commentor states that the mitigation language "[n]oise curtains shall be installed so as to provide maximum reduction for noise sensitive uses" is "unenforceable." The commentor fails to note or recognize that construction activities by their nature are fluid and mitigation addressing such activities is similarly fluid. The stipulation that noise curtains be installed so as to achieve the maximum reduction in noise accommodates site and use-specific variations in construction activities and construction noise that may affect proximate sensitive receptors. As discussed at Draft EIR Page 4.4-18, "[t]he closest noise sensitive receptor that will be subject to potential construction noise impacts is the residence located at 28855 Fir Avenue (future Eucalyptus Avenue),approximately 150 feet southerly of the Project site's southernmost boundary. Because roadway improvements along future Eucalyptus Avenue are also part of Project development, an overall grading noise level of 89 dBA at 50 feet has been used as the worst-case, maximum exterior noise level when heavy equipment is nearest this sensitive receptor. At the nearest residential neighborhood, located more than one-quarter mile from the Project site, received construction-related noise levels would be reduced by 30 decibels or more based on physical separation between these residences and the Project site.

As also noted in the Draft EIR, the noise curtains required pursuant to Mitigation Measure 4.4.4 would conservatively provide an estimated 10 to 20 dBA of noise

reduction acting to reduce noise at proximate receptors. Worst-case construction noise levels (estimated to be 89 dBA at 50 feet) would occur as roadway improvements occur along future Eucalyptus Avenue. To ensure that the single residential use would not be temporarily and intermittently exposed to construction noise levels exceeding 60 dBA would in effect require construction of a barrier along the southerly edge of the Fir (future Eucalyptus Avenue) right-of-way, extending at a minimum the length of the affected receptor property line (approximately 620 feet) providing line-of sight interruption of noise yielding a 29 dBA noise reduction. Alternatively, an encapsulating 620 foot by 620 foot, 29 dBA noise-reducing barrier could be constructed around the receptor property in question.

For construction equipment with a 12-foot high exhaust stack, and not accounting for grade differentials, line of-sight noise protection would require a minimum 15 foot high wall (noise source height plus three feet).Under laboratory conditions a 4-inch thick concrete wall (or equivalent @ 30 lbs./s.f.) would provide approximately 37 dB noise attenuation (one side of a barrier to the other); and under uncontrolled exterior conditions could hypothetically provide 29 dBA noise reduction in protected areas immediately adjacent to the wall, within the noise "shadow zone." However noise diffracted over the top of or sides of the wall would still affect more distant unprotected receptors. Moreover, a 4-inch thick concrete wall, 15 feet in height is not structurally stable without significant reinforcing (envision a 15-foot high freestanding brick wall); and in practical application would constitute a permanent structure with anchoring footings or caissons.

The commentor suggests that "temporary sound walls" be implemented. As indicated, such walls would not be temporary. Moreover, construction of the "temporary" walls themselves, as well as their demolition, would generate noise levels equaling or exceeding those resulting from the Project. That is, the noise barrier's own construction and its subsequent demolition, would occur at the southerly right of-way line, and would require use of construction equipment in addition to, and for periods of time

greater than, that otherwise required to implement the Project. This would arguably increase rather than decrease net adverse effects construction noise.

Response JS-32

Please refer to the following Response JS-33.

Response JS-33

The commentor's suggested additional measures to reduce construction-source noise are addressed below.

Suggested Measure	Response
1.Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.	**Not required, no nexus with significant impacts.** The Noise Impact Analysis states that this program is merely recommended not required. Nor are the recommended measures reflected in or required to attain the "mitigated condition" presented in the Draft EIR. The Lead Agency may, at its discretion, impose additional Conditions of Approval (such as recommendations within studies) supplementing the EIR Mitigation Measures. The Draft EIR contains comprehensive mitigation to address noise impacts of the Project. These measures are included as part of the Mitigation Monitoring Plan, presented in Section 4.0 of this Final EIR. The Mitigation Monitoring Plan: 1) assigns responsibility for, and ensures proper implementation of Mitigation Measures; 2) assigns responsibility for, and provides for monitoring and reporting of compliance with Mitigation Measures; and 3) provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs. The City will monitor and report on all mitigation activities.
2.The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	**Incorporated** at revised EIR Mitigation Measure 4.4.3.

Suggested Measure	Response
3.Notify surrounding homeowners of expected, specific construction-related noise impacts.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations vis-à-vis noise-related requirements. The public, including surrounding homeowners, has been notified of the Project via direct mailing and public notice, consistent with the provisions of the City of Moreno Valley Municipal Code. Copies of the Draft EIR are available upon request.
4.When technically feasible, electrical construction equipment should be utilized.	**Incorporated** at revised Mitigation Measure 4.3.8.
5.During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.	**Replicates existing requirements.** Mitigation Measure 4.3.10, as currently presented in the Draft EIR, prohibits the idling of trucks for more than three (3) minutes.

Response JS-34

The commentor appears to misinterpret and/or misapply noise limitations established under the City's Noise Ordinance, noise standards provided for under the General Plan, and their application within the EIR. The commentor erroneously states " . . . *the DEIR . . . adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA greater*." The commentor suggests that the City Noise Ordinance threshold of 60 dBA Leq be universally applied irrespective of existing conditions, noise source, or noise duration.

To clarify, as noted in the Draft EIR . . . "[t]he City's Noise Ordinance applies to 'stationary source' noise occurring on one property, which may affect a neighboring property (Draft EIR at Page 4.4-13). Mobile source (roadway noise) is not regulated under the City Noise Ordinance. The Noise Ordinance is directed toward discrete, identifiable stationary or area source noise. Noise thresholds established in the Ordinance are expressed in Leq, acknowledging noise levels occurring within a limited and defined time frame (in this case one-hour).

As described and discussed in the EIR, the Noise Ordinance's most restrictive threshold conditions of 60 dBA Leq daytime/55 dBA Leq nighttime for residential land uses are appropriately applied in evaluating discrete area/stationary source noise generated by the Project and received at proximate residential land uses. As discussed in the Draft EIR (Pages 4.4-23 through 4.4-26), at receiving residential land uses, Project operational stationary/area source noise will not exceed 60 dBA Leq daytime /55 dBA Leq nighttime.

The Noise Ordinance is not intended or constructed to address modeled areawide ambient noise levels increases, such as occur over time due to ambient increases in areawide traffic. Nor is it appropriate to evaluate or consider long term increases in ambient noise levels (such as increases in roadway corridor noise) in terms of Leq. It is the 24-hour average weighted noise level (CNEL) that accurately and appropriately describes the effective ambient noise condition, and indicates whether there would be a substantial permanent increase in noise levels due to the effects of a given project.

CNEL guidelines applicable to increases in ambient noise conditions, including noise generated by Project-related mobile sources (traffic) are established under the City General Plan Noise Element. As discussed in the Draft EIR:

> The Safety Element of the City's General Plan discusses noise and future projected noise levels within the City. For planning purposes, the City employs a 65 CNEL standard for noise-sensitive outdoor areas (e.g., rear yards of single family homes), and an indoor noise standard of 45 CNEL for residential developments (Draft EIR Page 4.4-14).

As supported by analysis presented in the EIR (see EIR Section 4.0, Noise; EIR Appendix D, noise Impact Analysis) the Project will not result in or cause operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-35

The commentor states that "*. . . the Draft EIR makes a conclusory statement of insignificance without data or analysis . . .*" with regard to potential vibration impacts of the Project. The commentor also states that the Draft EIR only addresses vibration impacts to buildings, but fails to address such impacts to people.

For ease of reference, the EIR discussion of vibration impacts is excerpted below:

> **Impact Analysis:** Groundborne vibration refers to groundborne noise and perceptible motion. Typical sources of groundborne vibration include the use of heavy-duty construction equipment to be employed at the Project site. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where motion may be discernible but without the accompanying effects (e.g., the shaking of a building).
>
> Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Vibration-caused building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during foundation construction, neither of which is anticipated as part of construction of the Project considered here.
>
> The City of Moreno Valley does not currently have adopted vibration regulations. Notwithstanding, germane vibration criteria has been established by the California Department of Transportation (Caltrans) and is employed in analyses presented here.

> The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. However, heavy equipment employed during Project construction could potentially generate groundborne vibration impacts at adjacent land uses. Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, proximate operations of large bulldozers and loaded trucks can cause perceptible vibration levels, notwithstanding, according to the *Transportation and Construction-Induced Vibration Guidance Manual* prepared for Caltrans, groundborne vibration from construction activities and equipment such as such as D-8 and D-9 Caterpillar bulldozers, earthmovers and haul trucks at distances of 10 feet do not create vibration amplitudes that would cause structural damage to nearby structures. The proposed Project is not anticipated to employ any pile driving equipment, nor require blasting activities. Further, the nearest heavy equipment operations would occur at a distance of 40 to 50 feet from the nearest residential use (28855 Fir Avenue). Impacts from construction-source groundborne vibration are therefore anticipated to be less-than-significant (Draft EIR Pages 4.4-27 to 4.4-28).

As indicated above, the City has no adopted vibration thresholds, much less a threshold adopted to address speculative "vibration impacts to people" suggested by the commentor. Structural damage is a defined concern addressed by Caltrans, and would be considered to constitute excessive groundborne vibration or groundborne noise levels. This concern is likewise is considered in the EIR. Occasional perceptible vibration levels should they occur, do not constitute excessive groundborne vibration or groundborne noise levels. Any vibration impacts perceived at off-site locations would, as noted, be temporary and intermittent due to transient construction vehicles.

There are no sensitive historic structures or instruments located proximate to the Project that would somehow be affected by temporary and transient construction-source vibration.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Results and conclusions of the EIR are not affected.

Response JS-36

Please refer to the following Response JS-37.

Response JS-37

The commentor again appears to misinterpret and/or misapply noise thresholds, now within a cumulative analysis context, and incorrectly states threshold considerations applicable to the Project.

In brief, the City Noise Ordinance regulates stationary/area source noise generated by the Project will not result in operational noise that would exceed Ordinance Standards (60 dBA Leq daytime/55 dBA Leq nighttime). Ambient noise increases, including traffic noise generated by the Project would not exceed the applicable 65 CNEL residential standard established by the General Plan. (The commentor misstates the threshold as 60 dBA Leq). Noise levels of less than 65 dBA CNEL are acceptable. In the instance noted by the commentor, vehicular noise levels due to cumulative growth (including noise generated by the Project traffic) would increase by 9.8 dBA CNEL over time, totaling an estimated 61.1 dBA CNEL at General Plan Buildout. Vehicular noise levels of 61.1 dBA CNEL are less than the threshold condition of 65 dBA CNEL, and impacts are therefore not cumulatively considerable. In instances where pre-existing noise levels exceed 65 dBA CNEL, or such traffic noise levels would occur due to cumulative growth absent the Project, the Project's incremental contribution would

range from 0.0 dBA to 0.4 dBA, and would not be discernible. In these instances, perceived noise conditions would the same with, or without the Project. As noted previously in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative noise impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

Project operational source noise would not exceed applicable standards established under the Noise Ordinance and/or General Plan. In no instance would Project noise cause a transition from acceptable ambient conditions to conditionally acceptable conditions or from conditionally acceptable conditions to unacceptable conditions.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause cumulatively considerable operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-38

The commentor notes that modeling of noise based on measurements taken at the G.I trucking facility (Pomona CA) may not yield noise levels comparable to those that would be generated by the Project.

The G.I. trucking facility conducts logistics warehousing operations, including acceptance and dispatch of big-rig long-haul and consolidated freight trucks, similar to operations anticipated under the Project. The G.I. trucking facility noise measurements are not intended to precisely replicate noise generated by the Project operations site on any given day or at any given time. The empirical data collected does however provide a real world snapshot of anticipated noise sources and noise conditions typical of

heavy-duty, long-haul trucking operations conditions, and is considered superior to an assumed estimate of noise sources and noise levels. Results and conclusions of the EIR are not affected.

Response JS-39

The commentor's suggested additional measures to reduce operational-source noise are addressed below.

Suggested Measure	Response
1. All truck, tractors and forklifts shall be operated with proper operating and well-maintained mufflers. 2. Maintain quality pavement conditions that are free of bumps to minimize truck noise. 3. Limit the number of idling trucks on the southeastern portion of the site.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations in Response JS-32 vis-à-vis noise-related requirements. As noted in the Noise Impact Analysis, all operational noise impacts are less-than-significant. No additional mitigation of operational noise impacts is required.

Response JS-40

The commentor incorrectly states that "Interstate 15 (I-15) and Interstate 215 (I-215) provide access to the Project are and will most certainly be used to access the Project site." It is noted that I-215 was constructed to run roughly parallel to I-15 between Murrieta (approximately 30 miles south of the Project site) and Devore (located approximately 25 miles to the north of the Project site). In the vicinity of Moreno Valley, while I-215 is acknowledged as providing access, I-15 is located approximately 20 miles to the west. At these distances, I-15 does not provide direct access to the Project site, and on this basis, was not considered as part of the Project's traffic analysis.

With respect to commentor's concerns regarding potential Project-related impacts to I-215, a basic freeway segment analysis has been conducted between Box Springs

Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the Project's Traffic Impact Analysis (TIA Appendix 7.8, included as part of Draft EIR Appendix B). As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. Nor is there an established fair share fee program for potentially affected SR-60 freeway segments. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

<u>Response JS-41</u>

Despite the commentor's assertion that "[t]he Draft EIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project," the Project TIA (Draft EIR Appendix B) provides a summary of the Project's fee obligations in Table 8-

2. The application of fee-based mitigation is summarized at Draft EIR Pages 4.2-25 to 4.2-26; and discussed in greater detail at TIA Pages 200 through 206. The majority of the required improvements identified in the Draft EIR involve Caltrans facilities, improvement of which is outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The commentor's concerns regarding the adequacy of these funding mechanisms will be forwarded to decision-makers for their consideration.

Response JS-42

The commentor's suggested additional measures to reduce traffic-circulation impacts are addressed below. The results and conclusions of the Draft EIR are not affected.

Suggested Measure	Response
1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. 2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. 3. Reroute construction trucks away from congested streets and sensitive receptor areas.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 4.2-85), "[i]t is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours." No additional mitigation is required.
4. Configure construction parking to minimize traffic interference.	**Replicates existing requirements.** Construction parking is one of many components considered in the required construction traffic management plan. No additional mitigation is required.
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

Suggested Measure	Response
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
8. Provide shuttle service to transit stations/ multimodal centers for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Improve traffic flow by traffic synchronization.	**Replicates existing requirements.** Signal synchronization is currently effected by the City, beyond control or purview of the Applicant. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.

Response JS-43

Please refer to the preceding Response JS-3.

Response JS-44

Contrary to the commentor's assertion, the Project's total water demand is disclosed in the Draft EIR. As discussed in Draft EIR Section 4.5, "Water Supply," and supported by the Water Supply Assessment prepared for the Project by Eastern Municipal Water District (EMWD), the Project's estimated maximum water demand would be 44 acre-feet per year (please refer to Draft EIR Table 4.5-8 on Page 4.5-17). As noted in the Draft EIR, "[w]ater demand for this Project is calculated for planning purposes only, and reflects potential maximum demand conditions. Actual water use will be reduced through conservation, use of water efficient devices, and use of recycled water as it becomes available" (Draft EIR Page 4.5-17).

Response JS-45

The commentor's suggested additional measures to reduce hydrology/water resources/impacts are addressed below.

Suggested Measure	Response
1. Install permeable pavement in car parking areas. 2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.	**Not required, no nexus with significant impacts.** As discussed in the Draft EIR, potential water supply and hydrology/water quality impacts are less-than-significant as mitigated. No additional mitigation is required. The Lead Agency may, at its discretion, impose additional Conditions of Approval supplementing the EIR Mitigation Measures.

Response JS-46

Maintenance of municipal storm drains is not customarily the responsibility of surrounding property owners. Sediment collected within the SR-60 culverts, which are located upstream from the Project site, is removed in the course of regular maintenance activities performed under the direction of the Riverside County Flood Control and Water Conservation District.

In the interest of accuracy, it may be noted that the Project's Hydrology study actually states, "[t]he development may be conditioned to clean the existing sediment build up in the existing triple 60-inch pipes crossing under the 60 Freeway as well as the existing 60-inch pipe [discharging]into the Redlands Boulevard westerly drainage ditch." City Engineering staff may, as part of pre-construction review, include this recommendation as a condition of Project approval. However, despite the assertions of the commentor, the removal of sediment in culverts upstream of the Project is not required "to mitigate for impacts from runoff." Nor would any such requirement be rationally related to impacts by the Project. Potential Project-related drainage impacts are addressed in Draft EIR Section 4.6, Hydrology and Water Quality. No significant impacts requiring mitigation have been identified in regard to hydrology or storm water management.

Response JS-47

As noted on Pages 4.6-22 through 4.6-23 of the Draft EIR, the Project's drainage plan was purposely designed to ensure that runoff from the site does not enter the Quincy Channel. Future drainage improvements associated with the Quincy Channel and its

proposed overcrossing will not affect, nor be affected by, implementation of the Project. The future improvements are noted in the Draft EIR merely as a point of reference.

Response JS-48

The Cultural Resources Investigation prepared for the Project included a records search and above-ground reconnaissance survey, which is customary for pre-development review. No underground investigation is required under the CEQA guidelines, or any federal, state, or local laws or regulations.

The Cultural Resource Investigation and the Draft EIR acknowledge the possibility of historic and/or prehistoric cultural resources being present on the site in a buried context, but no evidence exists to indicate the probability of any on-site archeological or paleontological resources or human remains. Mitigation is provided that requires the use of professional monitors during all Project-related excavation and grading activities. Relevant text from the Draft EIR (Pages 4.7-11 through 4.7-13) has been included below for ease of reference.

> The Project Cultural Resources Investigation report notes that "there was early occupation in the area and evidence of this occupation may be present in a buried context – e.g., evidence of the water well in the center of the property, buried refuse deposits, privies, irrigation systems, foundations, etc. If evidence of such remains is uncovered during the grading of this property, the proponent should contact a qualified archaeologist to assess the find(s) and to make recommendations for a monitoring program to oversee the remainder of the grading program." The report further notes that "the paleontological monitor [discussed below] can also serve to oversee archaeological monitoring and negate the need for two monitors." The following mitigation measures will ensure that the recommendations of the Project Cultural Resources Investigation are implemented during Project development.

Mitigation Measures:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

The results and conclusions of the Draft EIR are not affected.

Response JS-49

The commentor appears to misconstrue the intent of Mitigation Measure 4.7.1, the text of which is provided as part of the preceding Response GB-48. As stated in this measure, the monitor is to be adequately "equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays." Further, no time limit or emphasis on urgency is placed on the "temporary" halt on construction activities. Rather, Measure 4.7.1 states, "[t]he monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification." Mitigation Measure 4.7.3, included below for ease of reference, contains wording similar to that of Measure 4.7.1, specifically in regard to the potential occurrence of paleontological resources.

> *4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*
>
> - *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
> - *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
> - *Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
> - *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
> - *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon*

exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays,* ***consistent with the requirements of California Public Resources Code Section 21083.2.*** *The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2.,* ***resources shall be left in an undisturbed state. Where preservation in place is infeasible, a~~A~~ll*** *recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum*

repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

To ensure monitoring and enforcement, these revisions to Mitigation Measures are reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata.

Response JS-50

As noted in the preceding response JS-49, despite the commentor's assertions to the contrary, Draft EIR Mitigation Measures 4.7.1 and 4.7.3 do not include restrictions or limitations on the time that would be allowed for adequate monitoring and recording of cultural resources. As further discussed in the preceding response JS-49, the wording of these measures has been amended to clarify that, if found, cultural resources would be preserved in place where appropriate.

Response JS-51

Despite the commentor's assertions to the contrary, the Project's potential effects on common wildlife species have been addressed in *Report On Habitat Assessments and Biological Surveys for the West Ridge Project Site* (Harmsworth Associates) October 2008, presented at Draft EIR Appendix D. Relevant text is excerpted below for ease of reference.

> **5.8 Direct impacts to wildlife**
>
> **5.8.1 Common Wildlife**
>
> The primary impacts of the project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. These impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated

in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Report on Habitat Assessments, Page 36).

This same material discussion appears in the body of the Draft EIR.

Common Wildlife Species

The primary impacts of the Project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the Project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. However, these impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Draft EIR Page 4.8-25).

No potentially significant impacts have been identified, and no mitigation is required. The results and conclusions of the Draft EIR are not affected.

Response JS-52

The commentor recommends additional measures to be implemented to reduce the Project's adverse effect on scenic views in the Project area. The Draft EIR acknowledges, in Section 4.9, "Aesthetics," that implementation of the Project would obstruct or alter views from major roadways and surrounding areas, and would therefore have a

substantial adverse effect on a scenic vista, which is a significant individual and cumulative impact.

No feasible mitigation measures were identified within the Draft EIR which would reduce this loss of viewshed. All other potential aesthetic impacts of the Project were determined less-than-significant.

The particular mitigation measure suggested by the commentor is presented and responded to below:

1) *Preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County.*

The City does not currently conduct a program that would allow for the purchase of off-site areas for "scenic preservation," as suggested by the commentor, nor is it aware of other such programs offered by agencies or organizations within the Western Riverside County area. Moreover, preserving another existing scenic view elsewhere would not serve to mitigate the impacts of this Project. While the value of off-site mitigation for certain environmental impacts (e.g., biological habitat areas) has been demonstrated, the application of the proposed measure in regard to aesthetic impacts is considered infeasible.

<u>Response JS-53</u>

As noted in the Draft EIR (Pages 5-25 and 5-26), §15126.6 of the *CEQA Guidelines* states that an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the *CEQA Guidelines*, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the *CEQA Guidelines* indicate that the

range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of Project Objectives.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives. The text on Draft EIR Pages 5-35 through 5-44 provides the basis upon which each of the considered alternatives was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response JS-54

The exhibits identified by the commentor and provided as part of these comments have been included in Appendix A of this Final EIR.

Response JS-55

The commentor attaches various professional references. No response is required.

From: Shelly Mesa [shellymesa@roadrunner.com]
Sent: Monday, December 06, 2010 1:35 PM
To: Jeffrey Bradshaw

Subject: Questions about Sketchers, Westridge Commerce Center and Pro Logis projects.

Dear Jeffrey,

Hello, I am a concerned homeowner my name is Shelly Mesa, we bought out here 5-years ago and have been enjoying our beautiful view of the Badlands as well San Bernadino Mountains. I am concerned about all the changes that are taking place around us! I have been active an obtaining signatures against this project, just to be disappointed in our City Officials who over rode the City"s Planning Commision Votes, because their back pockets were padded by Mr. Benzeevi, as well as The Sequoia Club being bought, who had an active interest as well about the Enviromental Impact this will have on our "Beautiful Land." I intended to be out here thru our "Retirement Years". But what is to become of the East end of Moreno Valley? SM-1

1. How will the toxic diesal truck emmisions affect the people who will live on the south side of Fir when both the Warehouse and Pro Logis as well as Sketchers are at full operation? SM-2

2. What measures could be implemented during the construction and operation of this warehouse which could lesson the impact on noise, air quality and global warming, but which you are not going to put in place? SM-3

3. What will you do to protect the Warehouse Wokers from the effects of toxic diesal pollution? SM-4

4. How many toxic diesal trucks do you calculate to use Redlands Blvd. to come north out of town when Sketchers, Westridge Commerce Center and Pro Logis are in full operation? SM-5

I am concerned that if we don't take a stand we will have nothing but warehouses and low income apartments here in our community! SM-6

Sincerely
Shelly Mesa

SHELLY MESA

Email Dated December 6, 2010

Response SM-1

The commentor's concerns and opinions will be forwarded to decision-makers for their consideration.

Response SM-2

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant with mitigation, on both an individual and cumulative basis (i.e., with the Project alone and with the development of the ProLogis and Highland Fairview project, as well as other anticipated cumulative growth). Please refer also to Responses LA-1, FNSJ-8, *et al.* addressing diesel emissions impacts.

Response SM-3

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have otherwise been employed within the Draft EIR to reduce any potentially significant impacts. As discussed at FEIR Section 2.0, additional/revised mitigation has been incorporated based on comments received on the Draft EIR. Inclusion of these measures does not however, materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

As disclosed in the DEIR, even with the application of mitigation, the Project will result in certain significant and unavoidable air quality and noise impacts. A summary of significant impacts is presented at DEIR Pages 1-17 through 1-20.

Response SM-4

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpt from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response SM-5

Opening Year Cumulative Conditions for area roadway segments, including Redlands Boulevard, are identified in the Draft EIR at Table 4.2-13 (Pages 4.2-61 to 4.2-62). Section 4.2 of the Draft EIR further identifies the number of trucks that will be accessing the site

and vicinity projects on Page 4.2-18. This discussion is presented below for ease of reference.

> As seen in [Draft EIR] Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour.

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Response SM-6

The commentor's concerns will be forwarded to decision-makers for their consideration.

From: ned newkirk [ned_newkirk@verizon.net]
Sent: Monday, December 06, 2010 3:00 PM
To: Jeffrey Bradshaw
Subject: Proposed West Ridge Commerce Center

Name: Ned and Dawn Newkirk Phone: 951-242-3055 Address: 29080 Dracaea Avenue--
MorenoValley, Ca. 92555
Email Address: ned_newkirk@verizon.net

How does the the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan? NDN-1

As new warehouses such as Skechers and the proposed West Ridge Commerce Site are very near to residential areas, what measures will be required to reduce the size and starkness of the warehouses that are very close to these residential areas? If you do not require measures for warehouses to esthetically fit into the neighborhood, residential property values could be dramatically affected and reduced. NDN-2

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? NDN-3

What warehouses are under consideration for the Eastern end of the City of Moreno Valley consisting of the area from Moreno Beach to Gilman Springs Road and Ironwood Ave to south of Alessandro Blvd? NDN-4

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? NDN-5

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? NDN-6

What will you do to protect nearby residents from the effects of toxic diesel pollution? NDN-7

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? NDN-8

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? NDN-9

How will this project be growth inducing for similar projects? NDN-10

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, WestRidgeCommerceCenter and Pro Logis are in full operation? NDN-11

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists [illegible] LOS be as a result of these three warehouses? NDN-12

NED AND DAWN NEWKIRK

Email Dated December 6, 2010

Response NDN-1

The commentor inquires: "How does the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan."

The commentor's inquiry is not specific to the Project or the EIR and absent further explanation, does not allow for on-point response. Moreover, there is no formal adopted "Moreno Valley Beautification Plan." Notwithstanding, as discussed in the Draft EIR (Pages 4.1-17 to 4.1-20), uses proposed by the Project are consistent with applicable General Plan Land Use Policies. It is presumed that other projects proposed for development within the Project area (warehouses or other uses) will be subject to a similar consistency analysis.

Individually and cumulatively significant aesthetic impacts of the Project are also acknowledged in the Draft EIR.

AESTHETICS **Project-Specific Significant Impacts**

Change to Scenic Vistas

Construction of the proposed Project would result in interrupted or obstructed views of off-site scenic areas. This is recognized as a significant and unavoidable aesthetic impact.

Cumulatively Significant Impacts

The Project will restrict or interrupt both near and distant views in the Project area, and in combination with other vicinity development, will cumulatively result in a substantial adverse effect on scenic views in the Project area. The cumulative effects of the Project in regard to scenic vistas are determined to be significant.

(Source: Draft EIR Table 1.8-1, Pages 1-19, 1-20)

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response NDN-2

The Draft EIR's discussion of Aesthetics (Section 4.9) addresses the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings. The Draft EIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. However, the analysis concludes that no potentially significant impacts would occur in this regard. The relevant text from Draft EIR Page 4.9-22 is provided here for ease of reference.

> Properties to the south of Fir (future Eucalyptus) Avenue are currently zoned for large lot residential uses. To provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary. This wall will be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti.
>
> As supported by the preceding discussions, and with implementation of the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant.

Response NDN-3

The commentor expresses concerns about the effect of diesel truck emissions on the sensitive receptors located on the South side of Fir Avenue.

A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk

shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [10]

Response NDN-4

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. These include the recently approved Highland Fairview Corporate Park, and the proposed ProLogis warehouse project. To date, no further inquiries, applications, or other proposals have been received by the City in regard to development of the types of land uses referenced by the commentor.

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10 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

It may be noted that a "Logistics Modified General Plan" development concept was included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16). This development concept addressed the possible future development of a substantial number of warehouse facilities in the eastern end of the City.

For the purposes of the Westridge Commerce Center Draft EIR analysis, the City does not consider the "Logistics Modified General Plan" (LGMP) proposal included within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development concept was not included among those identified as "related projects" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

Response NDN-5

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, the Project will result in certain significant and unavoidable air quality and noise impacts.

Response NDN-6

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response NDN-7

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant as mitigated.

Response NDN-8

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the

Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

<u>Response NDN-9</u>

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response NDN-10

The commentor expresses concern regarding the growth inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth. Moreover, the Project is consistent with the adopted General Plan, would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response NDN-11

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19,

acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

<u>Response NDN-12</u>

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR

Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:16 PM
To: Jeffrey Bradshaw; John Terell
Subject: DEIR Comments for Ridge-1
To: Jeff Bradshaw,

These are my comments and questions concerning the Westridge Commerce Center Project.

My biggest concern and questions are regarding the cumulative effects of the 35 million square feet of warehousing proposed for this area of the city. The law requires that the FEIR address the cumulative impacts of the entire known proposal. The Agency (the city of Moreno Valley) is well aware of the fact the developer that owns most the raw land in this area wants to turn this area into another Mira Loma type warehouse district encompassing 35 million square feet of warehousing. The city has an obligation to make sure that the impacts of all 35 million square feet are addressed in this document. It is not acceptable for the city to pretend it doesn't know about these other planned warehouses. The fact they have not submitted an application yet has no bearing on the known intended plan. I will include the Press-Enterprise article in which these35 million square feet warehousing plan was detailed. DR1-1

There is only one actual lane on the westbound 60that leaves Moreno Valley and continues to Riverside. How are all these trucks going to affect the traffic going west on the 60? How is the truck traffic from the other 30 million square feet of warehouses going to affect the truck traffic?Is the city going to let this developer lie about the traffic the way they let Highland Fairview lie? Is this developer going to be allowed to show unrealistic videos of dream traffic or they going to be required to tell the truth? What is the impact of the additional truck traffic from this approximately one million square foot warehouse on the one actual lane that leaves Moreno Valley and continues to Riverside?What is the impact of the truck traffic from all 35 million square feet of warehousing on the one lane of the 60 that leaves Moreno Valley and continues to Riverside? DR1-2

We know we are not going to meet our 2015air quality targets. How are we going to meet them by adding warehousing that is not even required to meet LEED standards? Why would we add anything that is not required to meet LEED standards? How much farther over our target will we be with the addition of a one million square foot warehouse? How much farther will we be over our target with the entire 35 million square feet of warehousing proposed? DR1-3

The City of Moreno Valley has some of the most beautiful vistas in the Inland Empire. Why does the consortium this developer belongs to think it is ok to rape the views of this city when other locations would serve the same function without doing so? Why does this consortium of developers think so little of the beauty of Moreno Valley that they would destroy it just to make a couple extra bucks? There are plenty of parcels in the flat area where warehousing was intended to go. I know because my home overlooks this area. Why is this consortium of developers destroying the vistas of people who have lived in their homes many over 20 years when they don't have to? Nobody that cared for our city would so callously destroy it! Why would we want to do business with developers who care nothing for our city? DR1-4

Why is this consortium of developers building off the 60 when the 215 is a much better location? The 215 has millions of federal money spent and planned to be spent on it. The 60 has no plans to add more than the one and only west bound lane that leaves the city and continues into Riverside. March Global Port by the 215 has an airport and is nearer to the railroad. Why isn't this warehouse being proposed in the area of the city that was intended for a warehouse? Why not the March Global Port? DR1-5

The Skechers project caused animosity that still has not been resolved. This developer knows that. Why does this developer and the consortium he is aligned with think it is ok to emotionally tear a city apart? Why doesn't this developer care about the quality of life of the residents most affected by this project?

Knowing how you feel and knowing what you want to say is much easier than typing it. I sincerely hope you will answer all my concerns about this project. DR1-6

PS. I referenced newspaper articles that I will send separately

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno Valley CA 92555

DEANNA REEDER, LETTER 1

Email Dated December 6, 2010

Response DR1-1

The commentor expresses concern regarding "the cumulative effects of the 35 million square feet of warehousing proposed . . . ," citing an article from the *Press Enterprise* newspaper dated August 21, 2008 which references a "Logistics Modified General Plan" development concept included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16).

The *CEQA Guidelines* (Section 15130, subd. (b)(1)(A)) state that "a list of past, present and probable future projects" may be used to provide an adequate discussion of significant cumulative impacts. No active application exists for Logistics Modified General Plan (LGMP) proposal. Nor does the City consider the LGMP proposal cited within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development is not included as a "related project" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

To date, no further inquiries, applications, or other proposals have been received by the City in regard to the possible amendment of the General Plan or the Moreno Highlands Specific Plan to support the type of development referenced by the commentor. As

identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the adopted City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

The commentor's concerns and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-2

In regard to cumulative traffic impacts, please refer to the preceding Response DR1-1. In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As

noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response DR1-3

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

Although the ultimate level of LEED certification cannot be determined at this time, since the tenant and therefore specific environmental strategies to be employed at the facility, are unknown, it is important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

The commentor refers to "our 2015 air quality targets" but does not quantify or otherwise specify "our targets." The Project is consistent with land uses plans, and emissions reductions programs, and emission control strategies outlined in the applicable Air Quality Management Plan (DEIR at Pages 4.3-49 through 4.3-52). The Project further incorporates all feasible measures to reduce its air quality impacts. Please refer also to the preceding Response DR1-1. The commentor's statements are forwarded to the decision-makers.

Response DR1-4

The Draft EIR addresses the Project's potential aesthetic impacts in Section 4.9, and acknowledges that implementation of the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact. The suggested relocation of the Project is addressed in the following Response DR1-5. The commentor's statements and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-5

In regard to the commentor's suggestion that the Project be located in another area of the City, several alternative sites were analyzed as part of the Draft EIR (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or

substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

Response DR1-6

The commentor's concerns and opinions are forwarded to decision-makers for their consideration.

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:23 PM
To: Jeffrey Bradshaw
Subject: DEIR Comments Ridge-2
To Jeff Bradshaw,

This is the article I referenced in the first email.

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno valley CA 92555

DR2-1

More distribution centers proposed for Moreno Valley's eastern side

Download story podcast

10:00 PM PDT on Thursday, August 21, 2008

By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.

Story continues below

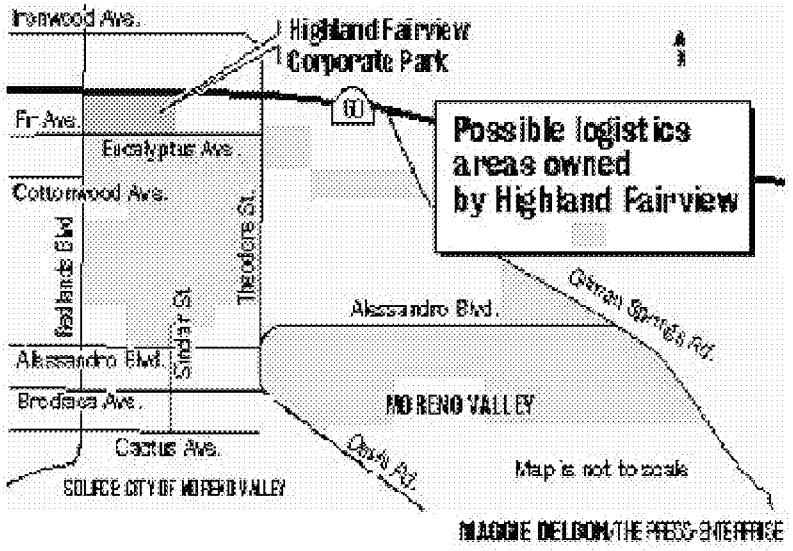

"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about $120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed $60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at 951-763-3457 or dlee@PE.com

DEANNA REEDER, LETTER 2

Email Dated December 6, 2010

Response DR2-1

Receipt of the article referenced in the commentor's preceding correspondence (referenced in this document as "Deanna Reeder, Letter 1") is acknowledged. The preceding responses DR1-1 through DR1-6 are provided to address the commentor's specific concerns.

From: sgcricket@aol.com
Sent: Friday, December 03, 2010 11:58 AM
To: Jeffrey Bradshaw
Subject: Public Comment on West Ridge Commerce Center

Comments: West Ridge Commerce Center Draft EIR
From: Residents for a Livable Moreno Valley

Residents for a Livable Moreno Valley is concerned that the City of Moreno Valley is not moving in the direction as stated in the General Plan. The eastern end of the City has the potential to develop into something the residents can be proud to share. There are mountain views, Lake Perris Recreational Area, Riverside County Conservation Area land, San Jacinto Wildlife Area and San Timoteo State Park surrounding this portion of Moreno Valley. The pathway chosen by Council and reflected in past General Plan changes is a concern. The City must:

1. Increase employment
2. Improve high school and college graduation rates
3. Raise the median income of the City
4. Provide a variety of housing for the residents
5. Protect the health and safety of the residents

Warehousing provides none of these benefits to the citizens. The number of employees per square foot of warehouse is minimal, the education requirements are marginal, the salary of a warehouse employee will not provide a middle/upper middle class life style, the location of warehouses will discourage construction of large, estate homes, the accumulated pollution will create health hazards for residents, and the dangerous conditions on SR 60 will not be addressed. RLMV-1

My questions to the developer (and Council, which has power to approve General Plan amendments):

1. Employment
   How many permanent employees per square foot will be working on site after construction? How many employees per square foot are employed at a Business Park designation?
   If the public wants to know the number of employees, will the tenant's personnel offer to provide this?
   If Moreno Valley residents are expected to tolerate the pollution, traffic and noise associated with warehouses, what percentage of City residents will be hired for the facility and will personnel make proof of residency available?

2. Education
   If the education needed for a warehouse position does not require a high school diploma or equivalency, how will this project improve the incentive for students to graduate?
   What percentage of positions will require post-high school education?
   What percentage of positions will require a 4 year college degree?
   What support will the employees receive to attend RCC or trade schools?

3. Income
   What will be the median and average salaries for the proposed warehouse employees?
   Will the median and average be above or below the median and average income for Moreno Valley?
   If the median and average is below that of the current City income, how will the warehouse help to raise that statistic?

4. Housing
   Where in Moreno Valley will the "estate" housing be built?
   Warehousing presents a stigma for the development of upper end housing. How will this provide a positive direction for the City?
   For every apartment unit built for homeless and low income warehouse employees, why isn't a home built that is above the average home cost?
   How will warehousing stop the downward spiral of low cost housing that is not balanced with an increase in upper end homes?
   What will stop the median home cost from going down and making the City look less attractive to those with money to buy?

RLMV-2

5. Health and Safety
   Why is Caltrans not being tasked to provide safe improvements to Highway 60 BEFORE the increase in truck traffic?
   Why are overpass improvements considered sufficient to improve traffic flow?
   Why is the cumulative effect of future development not considered?

RLMV-3

Why are two lanes in each direction considered sufficient when they are immediately impacted by one truck passing another?
Why is the one lane merge from the 60 to the 215 considered a final solution when accidents occur daily and deaths occasionally? What amount of "backup" is considered tolerable? RLMV-3 (cont'd)

What buffer is provided between residential zoning and the project? Business Park is considered a buffer between Light Industrial and residential. Does this mean that should the zoning be changed to Light Industrial to accommodate the project, the land south of the project will be rezoned as BP? RLMV-4

Sincerely,
Residents for a Livable Moreno Valley
3 December 2010

RESIDENTS FOR A LIVEABLE MORENO VALLEY

Letter Dated December 3, 2010

Response RLMV-1

The commentor's views in regard to the City's direction and potential, along with their concerns regarding warehouse development, are forwarded to decision-makers for their consideration.

Response RLMV-2

The purpose of the California Environmental Quality Act (CEQA) is to identify and determine the significance of the environmental effects caused by a project. As noted in *CEQA Guidelines* Section 15064 subd. (e), "[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment."

No physical changes resulting from the Project's potential economic or social changes have been identified, and as such, the Project's potential economic effects were not addressed within the Draft EIR. While outside the scope of the Draft EIR, the commentor's questions regarding employment, education, income and housing are forwarded to decision-makers. It may be noted that no amendment to the General Plan is proposed as part of the Westridge Commerce Center Project, nor would a General Plan amendment be required in order to approve the Project.

Response RLMV-3

The timing of roadway improvements on the SR-60, which are jurisdictionally controlled by Caltrans, is outside the control of the Applicant and the Lead Agency (the City of Moreno Valley). It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area.

The commentor's question in regard to overpass improvements appears to misconstrue the findings of the Draft EIR. The commentor is referred to Draft EIR Section 4.2, "Traffic and Circulation," which identifies a combination of Project improvements and mitigation measures mitigation to address the Project's potentially significant traffic impacts. While the overpass improvements identified in the Project's Traffic Impact Analysis (and summarized in Draft EIR Table 4.2-15) are expected to improve traffic flow, the Project was found to result in significant cumulative traffic impacts that cannot be sufficiently addressed by overpass improvements alone.

The Draft EIR considers, at some length, the cumulative effects of future development. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A discussion of the Project's potential cumulative impact is included in each of the Draft EIR's topical analysis sections, and potential impacts are summarized in Section 5.1, "Cumulative Impact Analysis" (Pages 5-1 through 5-25).

The number of lanes required for local streets within the Project vicinity is determined by the City of Moreno Valley General Plan Circulation Element, which is available for review at the City's Planning Department, or online at the following website: http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/gp/5-circu.pdf.

In regard to the referenced "one lane merge from the 60 to the 215," the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be

nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Effects of cumulative development of concern to the commentor are addressed at DEIR Section 5.1, "Cumulative Impact Analysis." Topical areas considered therein include:

- Cumulative Impacts Related to Land Use and Planning;
- Cumulative Impacts Related to Traffic and Circulation;
- Cumulative Impacts Related to Air Quality;
- Cumulative Impacts Related to Noise;
- Cumulative Impacts Related to Water Supply;
- Cumulative Impacts Related to Cultural Resources;
- Cumulative Impacts Related to Biological Resources; and
- Cumulative Impacts Related to Aesthetics.

Response RLMV-4

As presented in the Draft EIR (Page 4.9-22), "[t]o provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). The proposed buffer/setback incorporated in the Project design also provides physical separation between the Project's operational activities and southerly adjacent land uses, acting to reduce potential environmental impacts (e.g. noise and air quality impacts) received at off-site land uses. This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary."

Related to design and implementation of the Project setback described above, the Project includes a discretionary action (Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts]. The proposed code amendment requires buffering between Residential districts and industrial and warehouse structures greater than 50,000 square feet in building area (such as the Project). More specifically, as provided under proposed Code Section 9.05.040 Industrial Site Development Standards, Section B, 9. :

> 9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

The above requirements would apply to the Project and would act to ensure the protection of the health, safety and welfare of future residents. While it is acknowledged that the Project proposes a change of zone from Business Park to Light Industrial, no other zone changes are proposed.

From: George Hague [gbhague@gmail.com]
Sent: Monday, December 06, 2010 4:52 PM
To: Jeffrey Bradshaw
Subject: Please confirm = II Additional Sierra Club comments to Westridge Commerce Center's DEIR

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, December 06, 2010 11:40 AM
To: Jeffrey Bradshaw
Subject: Additional Sierra Club comments to Westridge Commerce Center's DEIR

Good morning Mr Bradshaw,

Please use these comments instead of what I sent you at 11:40 am today.

Re: Comments to the Westridge Commerce Center Draft Environmental Impact Report (DEIR)

During Thursdays Informational meeting the Consultant said that Appendix B would show that the Moreno Highlands project would be included. Using cumulative development from Chpater 5 and appendix B one does not find the Moreno Highlands Project. You do not even include Moreno Highlands at build out, but instead use 2013 as some magical date. Based on this standard if Moreno Highlands is not build for another 20 years then we can just approve all other lands with projects which would use all of SR 60 capacity- SC-1
without factoring Moreno Highlands into the equation. How can Moreno Valley allow what is shown on Exhibit 7-2 where the SR-60 westbound traffic is Four times the present level in 25 years? SR-60 can not handle the traffic we presently have. The Final EIR will be inadequate unless you can show the LOS at the point where SR-60 & I- 215 connect heading west with today's traffic, with this project added and 25 years from now with its ultimate improvement according to the RCTC. The same needs to be done heading east on SR-60 at the point it passes over Pigeon Pass/Frederick Street. The City then needs to explain how anyone will want to do business in a city that doesn't allow you to move through except at a crawl. SC-2

Whenever Skechers or the Highland Fairview project is mentioned you need to include both approved warehouses on their site as well as all the other commercial and land uses approved-- not just the single Skechers warehouse. This is true for not only for all Sierra Club comments, but all other comment letters on this project-- or your EIR will be inadequate. SC-3

How many diesel truck trips are expected to/from this project site and during what times of the day? Please respond to all question submitted to this DEIR within the Final EIR and not redirecting the public to someplace in the DEIR. SC-4

Building to LEED certification is good, but explain why the project will not try for at least Silver. There are many good ideas which could be designed/built into this huge warehouse to make it a environmentally superior and healthier project for Moreno Valley. The FEIR must list all those ideas which you will not incorporate into the project and fully explain why not. This must include those ideas which would lessen the projects impacts on Air Quality, Greenhouse Gas, and Global Warming. How will this project either help meet the goals of AB 32 or hinder our City's fair share in meeting its goals and standards? SC-5

The Sierra Club believes the impacts to Agricultural resources are considerable and need to be thoroughly discussed in the FEIR. The Lands of Local importance can not be just dismissed. Your project is growth inducing and could lead to the destruction of one of the last citrus groves in our city with the approval of Pro Logis. SC-6

How many diesel Trucks trips are calculated to use Redlands Blvd to enter/exit the city from your project? When combined with Skechers and ProLogis how many truck trips are calculated to use Redlands Blvd to enter/exit Moreno Valley. When you combine all three of these warehouses, operating a full capacity, with the existing background traffic, how many diesel trucks trips will use Redlands Blvd to enter/exit our city? SC-7

Since all diesel trucks must use Fir Street to enter/exit the project, how can you say the project is a safe distance from the property zoned residential across the street from your project? How will all the diesel trucks impact these future residents during your 24-7 operation? How does the toxic diesel emissions change during acceleration/deceleration as the trucks enter/exit the project? Your analysis of impacts must take this into consideration. With your growth inducing impacts how many diesel trucks will be using the improved Fir Street, adjacent to your project and future residents, when both approved warehouses at the Highland Fairview project, and Pro Logis are in full operation? SC-8

Please explain why reclaimed water will not be used? Between this project and Skechers you should be able to bring it north to serve both the needs of both sites. SC-9

The Sierra Club believes the DEIR fails to fully explain all the direct, indirect, growth inducing and cumulative impacts. The cumulative development list is not complete. The alternatives need to be further developed--especially since this project will not be built for perhaps years and there are existing warehouses sitting unoccupied. SC-10

The Sierra Club appreciates the opportunity to continue to add comments to this project's environmental documents. Please keep me informed of all future meetings and documents by using the address below. SC-11

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley Ca. 92555

SIERRA CLUB (GEORGE HAGUE)

Email Dated December 6, 2010

Response SC-1

It is presumed that the commentor's references to the "Moreno Highlands project" are intended to mean the Moreno Highlands Specific Plan, which was approved in 1992. Because approval of this Specific Plan preceded the adoption of the City's existing General Plan, the land uses approved as part of the Specific Plan are reflected in the adopted General Plan land use designations, which were the basis for the Draft EIR's consideration of ambient growth.

The year 2013 is utilized within the Project's Traffic Impact Analysis (TIA) and identified in the Draft EIR as the Project's anticipated opening year. As noted on Draft EIR Page 4.2-15, "[t]he City requires development TIAs to analyze a horizon year that is a minimum of five (5) years from baseline existing (2008) conditions reflected in the TIA. Accordingly, the potential traffic impacts of the Project are determined for 2013 ("Opening Year") conditions. This includes the application of an assumed background growth factor, to which traffic generated by known or probable 'related projects' was added."

Response SC-2

In regard to the commentor's concerns regarding traffic growth on SR-60, the Project TIA (included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather

to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response SC-3

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. Included for the Highland Fairview Corporate Park were the following anticipated land uses: Logistics (2,410,000 square feet); Retail/Outlet Center (10,000 square feet); and Community Commercial (200,000 square feet). A review of the Highland Fairview Draft EIR (available at the City of Moreno Valley Planning Department) indicates that this is the maximum development scenario for this recently approved project.

Response SC-4

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).

[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

The germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations."

Response SC-5

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

As noted on Draft EIR Page 4.3-110, "the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. As such, a qualitative assessment of the Project impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report, supports the conclusion that the Project GHG emissions are not cumulatively considerable. [Draft EIR] Table 4.3-21 identifies the various sources of guidance for determining the significance of impacts from GHG emissions, and the applicability of each source to this Project. Further, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures."

Contrary to the commentor's assertion otherwise, the FEIR need not list and evaluate all mitigation measures offered. With specific regard to potential GHG/GCC impacts (and measures offered to reduce potential GHG/GCC impacts), the Project's individual and cumulative impacts GHG/GCC impacts are substantiated to be less than-significant (DEIR Pages 4.3-88 through 4.3-11; DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and

Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response SC-6

Despite the commentor's assertions, the Draft EIR does not "just dismiss" potential impacts to agricultural resources. As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. The potential loss of agricultural land throughout the City attributable to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR, available for review at the City of Moreno Valley Planning Department) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required.

The commentor's opinions in regard to the potential impacts of the proposed ProLogis project are forwarded to decision-makers for their consideration.

Response SC-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Exhibit 5-4 in the Project TIA (Draft EIR Appendix B) identifies the truck trip distribution anticipated at General Plan Buildout, which includes traffic generated by the Project, the Projects referenced by the commentor, and all other known and probable development that is anticipated to occur at the SR-60/Redlands Boulevard Interchange.

Response SC-8

The commentor expresses concerns regarding diesel emissions from vehicles traveling along Fir (future Eucalyptus Avenue) and their potential impacts at adjacent residential uses. A Health Risk Assessment of Diesel Particulate Emissions was prepared to

address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment (HRA) was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA arguably consider potential worst case cancer risk exposure by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, and a portion of each 24-hour cycle is spent indoors. In addition, individuals and families at a given location for 70 or even 30 years would be considered the exception rather than the norm. The California OEHHA has indicated that based on EPA studies, the EPA

recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

In response to the commentor's specific concerns regarding potential cumulative effects of DPM emissions, regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as

discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [11] Please refer also to Response SC-4.

Response SC-9

Developments within the Project area are reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Ultimate timing and provision of recycled water to the Project will be determined by EMWD, not the Applicant or the Lead Agency. To assert or assume otherwise is speculative. As noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In

11 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."

Response SC-10

The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration during deliberations on the Project. The cumulative project list was compiled in consultation with City staff, and includes Projects that are consistent with those of other EIRs that have been prepared by the City for development proposals in the vicinity of the Project. The commentor is also directed to Draft EIR Section 5.2, which includes a comprehensive discussion of the potential for other approved warehouse projects to serve as an alternative to the proposed Project site.

Response SC-11

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings.

Thomas Thornsley
29177 Stevens Street
Moreno Valley, CA 92555

December 5, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552

Via e-mail: JeffreyB@moval.org

Dear Mr. Bradshaw:

Re: Draft Environmental Impact Report (DEIR) Westridge Commerce Center, SCH#: 2009101008

As a concerned residents on the east end I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center. I can not agree with some of the conclusions because it appears that some impacts are being written off because the City simply has not taken a progressive stand on potential development impacts or adopted stricter criteria for development (i.e.: enhanced development standard and limited design guidelines, or full improvements with future restitution.). As with most projects requirinig EIRs this project has some significant impacts that, quite simply, are being written off because the impact can not be completely mitigated to below a level of significance. However, several impacts could be lessened with further mitigated than what is proposed; most notable with regard to Traffic Impacts. In these instances it would be prudent to impose mitigation(s) to further lessen those impacts, thereby, leaving a smaller intensity of impacts that to be overridden by the City Council. TT-1

Project Description – So much of this document reads like "boilerplate text" and it fails to provide complete account of the entire project in any one location. The full project description is hard to quantify without looking in several places in two separate chapters. Even then the proposed Amendment to the Municipal Code related to providing "objective standards for the development of Light Industrial uses adjacent to residentially zoned property," fails to be detailed anywhere in the text and I am unable to determine what changes are being made. So therefore I ask: TT-2

- Why are you not providing a detailed description of the code amendment?
- What are the details of the proposed amendment? (Provide current text and proposed text.)

Aesthetics

Loss of Scenic Vista – The DEIR states that there is no feasible way to reduce impact (lost view of the surrounding hills) below a level of significance which may be true, but man-made enhancements along the 60-Freeway can offer a new pleasurable scenic vista thus mitigating a substantial amount of the loss. As such this issue should be addressed in greater detail to enhance what is lost for the community. TT-3

- Why is this project not offing to better enhance and screen the view from 60-Freeways with more extensive architectural relief, landscaping and a screen wall? TT-3 cont'd.

The photo simulations in the DEIR fails to depict the actual view from the roadways or what the view would be like for passing motorist after freeway expansion. Each simulation is a straight ahead view from each particular roadway/highway. Since the 60-Freeway is a General Plan designated Scenic Corridor true views are 360 degrees (and primarily southward as shown in Figure 4.9-1) and as such this document needs to be amended to show the impacted views from the 60 Freeway looking south across the project site to show how the building and loading docks will be buffered and compliment by landscaping and the screen wall as required by the development code. TT-4

- Why doesn't this document show a true view southward across the site as it would be viewed from the 60-Freeway by passing motorist?
- Why doesn't this document show the screening method of the building and loading docks?
- Why isn't there a visualization of the site screening method at full build-out of the Freeway?

Under the current zoning, building sizes are limited to 50,000 s.f. thus offering the opportunity for smaller buildings, greater elevation variations, and views through and between buildings if built and scattered across the same project area. So far the warehouse projects approved and proposed along the 60-Freeway corridor far exceed the original zoning building size limitations and as proposed are creating what will appear to be a mile long wall blocking almost all vistas to the south. TT-5

- Why is it not feasible to create smaller buildings for what is a speculative project at this time in a down economy?

Recommendation: **Mitigation measures** should be added to this project to require a sufficient landscape area and screen wall along the 60-Freeway to effectively screen the building and the loading dock and to act as an alternate aesthetic feature in place of the lost Scenic Vista. TT-6

Building – It is hard to understand the need for such a tall building unless it contains multiple internal stories which would then conflict with the floor area ratio (another issue). Under the existing zoning it was much more likely that the site would develop with smaller buildings and thus lower building profiles. One method to better preserve the scenic vistas would be limiting the overall building height to 25-30 feet. This would permit the building to go almost unnoticed if is truly built 20 plus feet below grade. As such a **mitigation measure reducing the height of the structure to preserve some of the scenic vistas should be imposed.** Thus, mitigating the impact to scenic vistas may not require the City to override this impact as proposed. Additionally, building relief (offsets) appears to be non existent on all elevations with limited compliance with General Plan Policy 2.10.3. Mitigation measures should be included requiring greater wall offsets relative to the expanse (1,300 foot length) of the building elevation. TT-7

- Building function is not necessarily compromised by building plane variations so why are there not more telling offsets to the building exterior? This applies to all four sides.

Light and Glare – The east end of Moreno Valley as enjoyed a rural atmosphere for decades and as such would be significantly impacted if project site lighting is not controlled. Additionally, this area falls just within the Mount Palomar Observatory Dark Skies area and should comply with their limitation to prevent light pollution. The International Dark-Sky Association web site at: www.darksky.org lists lighting fixtures and methods to meet dark sky specifications. Add a Mitigation Measure (beyond city policy) to assure that site lighting is compatible with "Dark-Sky" specifications or limit lighting to only the use of low pressure sodium lights, full shielding above a horizontal plain and no building or pole mounted lighting fixtures that project light outward horizontally beyond the property boundary to TT-8

eliminate the potential for nighttime light glare to motorist. This last request is especially relevant to freeway motorist.

- Why is there not a mitigation measure include with this project that assures full compliance and extra measure beyond the basic restrictions listed in the city?

TT-8, cont'd

Screen Walls – Page 3-9 makes mention of an 8-foot screen wall along the 60-Freeway yet there is no mention of this wall in Section 3.5.12. Neither the site plan nor the cross sections in this document list any screen wall along the 60-Freeway frontage. Since the City's General Plan Policies (2.10.2, 2.10.4, 2.10.5) and Development Code requires the screening of loading areas a **Mitigation Measure** needs to be added that will assure a wall of sufficient height will be installed along the project's north property line to screen the view down into the loading dock from the 60-Freeway and the eastbound off-ramp. Additionally, due to the massive length of this wall the screen wall should have significant vertical wall plain offsets and other variations (texture, style, height) to avoid visual monotony along the freeway.

- What type of adequate full screening method will be provide along the north property boundary adjacent to the 60-Freeway in compliance with city code?

Landscaping – Extensive landscaping is provided along the southern boundary of the project as a buffer for visibility of the project. The same level of treatment should be provided along the north property line in compensation for the lost Scenic Vista. The northern most landscaping provided on site is on what appears to be a 2:1 slope dropping immediately from the freeway right-of-way down to the parking and loading area. Since all of this landscaping is below freeway grade it will provide little complimentary relief to the massive building. Additionally, city code requires screening of parking and loading areas with a minimum 10-foot landscape buffer utilizing walls and burms to screen these elements.

TT-9

- Why is there not a sufficient landscape buffer and screen wall along the northern most project boundary along the freeway right-of-way?
- How does this project proposes to meet the 10-foot landscape requirement for buffering if all of this area is below grade?

Traffic

The DEIR states that "the Project cannot feasibly construct the required improvements and/or Payment of fees will not assure their timely completion" and "Pending completion of required improvements the Project's incremental contributions to Opening Year Cumulative traffic impacts at or affecting (certain) intersections are considered cumulatively significant and unavoidable." Since most of the studied intersection are not currently impacted this project will be the ultimate source causing them to be impacted and as such this project should be held responsible to further eliminate those impacts beyond just "paying the TUMF" and letting the improvement happen when they may. The following passage, "The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts," is utilized time and again in MMs 4.2.3 through 4.2.9 in what appears to be the project proponents out for making some simple fixes such as stripping for right-turn lanes. These types of simple fixes should be the responsibility of the development.

TT-10

Since it appear that it could be quite some time before full improvement are made to connect Fir Avenue through from Redlands Boulevard to the terminus of Eucalyptus Avenue the added traffic burden to Redlands Boulevard will greatly impact travel and completely diminish the level of service currently available The project proponent needs to provide a supplemental or alternative analysis in the form of a

tiered level of improvements that can be made that diminishes the impacts at Opening Year. Additionally, the cost burden undertaken by the developer should be determined for reimbursement.

- What additional improvements can be made prior to building occupancy that will address the immediate impact at Redlands Boulevard and the 60-Freeway in exchange for fees paid for improvements elsewhere?
- Since the city will reimburse developers for improvement costs beyond those associated with their project why is this project not proposing to make the extra improvements to lessen the impacts and better serve its future users and the neighboring community? TT-10 (cont'd)

If these improvements are not made by the time the project is in its Opening Year what will be the timelines for making these improvements and what criteria (money, Caltrans approval, other projects…) have to be met before the mitigation measure are carried out?

- How will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Air Quality

There is no doubt that any urban development on the project site will generate long-term operational emissions that will exceed the South Coast Air Quality District's regional thresholds. However, the types of pollutants vary by the activities associated with different land uses, some of which may not be as hazardous to the health of those in the surrounding community. Since most of the cancer risk from air pollution is from diesel exhaust it would be best to rethink the land uses of a community as a whole and limit those that pose the greatest risk to health. Maintaining the existing zoning would prevent uses such as this distribution center which requires extensive use of trucks burning diesel fuel. Under the current zoning the range of business permitted are likely to generate more vehicle trips but fewer emissions by trips from diesel fueled vehicles.

This type of project would also be best suited for a location where it could utilizes rail transport for the massive daily volume of trips associated with warehouses or logistic centers. For this reason alone, the City should not approve the zone change and this project should locate to a site with more efficient transportation infrastructure better suited to meet speculative users' needs with fewer environmental impacts. TT-11

It is unrealistic for the City of Moreno Valley and the project proponent to disregard the cumulative impacts this project will have on this area when utilizing a scenario where much of the surrounding area is converted to industrial and warehouse uses. This analysis should be undertaken so as to find what level of incremental increase this project will have on the overall community.

- Why in there now effort made to look at the real possibility of cumulative impacts from this project and the likely land use changes surrounding this project site?

However, because I believe that the City will approve this project; additional tougher mitigation should be added to offset local and regional impacts to the fullest extent possible before overriding what can not be achieved. If these mean reducing the size of the project to reduce environment impacts, as a suggested in the alternatives, then it should be seriously considered. Also, there should be mitigation measures requiring a percentage of the fleet vehicle (diesel trucks) of future tenants to be low to zero emission vehicles. Also, diesel trucks delivering to the site shall include soot filters or the latest technological equipment available.

Additionally, MM 4.3.11 addresses improvements to the project that will allow the project to exceed Title 24 standards by 20 percent. This is a nice thing but more should be offered. The final item on the list of improvements states that the building should be structurally designed to handle the installation of roof mounted solar panels. This should be mitigation measure unto its own along with requiring the project proponent to work with energy providers and vendors to install such equipment to offset fuels used to generate electricity. There are numerous vendors and utilities interested in joint projects to install these systems, and they are always looking for places to install systems, and this should be made a part of this project. This measure also works well to mitigate the issues associated with greenhouse gases.

- Why can't this project be required to have all buildings designed forthwith to accommodate renewable energy sources such as photovoltaic solar electricity systems appropriate to their architectural design?
- Why is there no mention of the project proponent working to insure the opportunity to utilize this structure is know in the industry?

TT-11 (cont'd)

As stated in the Traffic section may intersection improvements will not be undertaken by the project but will instead only be mitigated through the payment of improvement fees. If this is true the project will create traffic impacts that do not currently exist.

- Therefore, how will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Climate Change and Greenhouse Gases

Since the state has enacted legislation to lower greenhouse gas emissions any and all possible measures to lower emissions that could be undertaken by this project should be listed, discussed and analyzed for their effectiveness, not just a list of improvements that will exceed Title 24 by 20 percent. The City should then include mitigation measures that significantly reduce (though they may not entirely mitigate impacts) associated impacts prior to any consideration to override them as the DEIR suggests.

TT-12

- Why is the project not being designed to meet some of the highest LEEDS standards and only offering to exceed Title 24 by 20 percent?

Thank you for the opportunity to comment on the Draft EIR for this project. I request to be informed of all meetings and public hearings related to this project or other consideration in east end of Moreno Valley. Please let me know if it is possible to review a copy of the project plans so that I may provide constructive comments related to the development proposal prior to its next appearance before the Planning Commission or City Council. I would also like to request copies of any follow-up documents related to this project (2nd DEIR and/or Final EIR). Feel free to contact me if you have any questions regarding my comments.

TT-13

Sincerely,

Thomas Thornsley
909-797-1397
e-mail: tomthornsley@msn.com

THOMAS THORNSLEY

Letter Dated December 6, 2010

Response TT-1

The City disagrees with the commentor's assertion that potentially significant impacts of the Project are being "written off." As required by CEQA, the Draft EIR identifies the feasible and enforceable mitigation measures that have been determined necessary to reduce the Project's potentially significant environmental impacts. The commentor's references to additional traffic mitigation are addressed more specifically in the subsequent Response TT-10. The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration.

Response TT-2

The commentor's opinions in regard to the Draft EIR's organization are forwarded to decision-makers for their consideration. The actual wording of the proposed Municipal Code Amendment was not available at the time the Draft EIR was completed. The proposed amendment will be crafted by City staff and made available prior to its consideration by Planning Commission or City Council, consistent with the City's standard procedures for the adoption of Municipal Code Amendments.

For the purposes of the Draft EIR's analysis, the code section to be amended is identified (Section 9.05.020 B, City Case # PA10-0017) on Draft EIR Page 3-24. Further, the intent of the proposed code amendment is summarized as follows.

> The proposed Code Amendment would mandate minimum separation/ buffer requirements (250 feet) between proposed light industrial use and residentially-zoned properties. As further required under the proposed Code Amendment, this setback/buffer area shall be increased should the minimum 250-foot separation/buffer prove insufficient to eliminate

significant health risks or project operational noise impacts as reflected in project-specific air quality and noise analysis (Draft EIR Page 4.1-19, *et al.*).

The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City.

Response TT-3

As acknowledged in the Draft EIR's analysis of the Project's potential aesthetic impacts, "[d]eterminations of visual character and quality are inherently subjective by nature." The commentor's suggestion that "man-made enhancements along the 60-Freeway" be utilized to mitigate the Project's adverse effect on scenic vistas could be perceived as exacerbating the potential change to existing views. It is further noted that land adjacent to SR-60 is within a Caltrans easement, and is reserved for future freeway improvements that are outside the jurisdictional authority of the Applicant or the City of Moreno Valley. The Project has nonetheless proposed a wall of trees at the property line along the top of the slope to further soften views of the Project from the adjacent SR-60. The trees will be configured and planted in a double row the northwestern portion of the site, and in a single row along the future off-ramp.

The Project's potentially significant visual impacts are attributable to potential view obstruction, not architectural design or appearance of the Project (please refer to the summary of significant aesthetic impacts presented at DEIR Pages 1-19, 1-20). Architectural revisions or additional screening suggested by the commentor do not act to review the project's identified view obstruction. Moreover, as described on Draft EIR Page 4.9-21, "[i]n order to ensure visually acceptable and compatible development, and subject to the proposed change of zone from Business Park to Light Industrial, the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05,

Industrial Districts. To these ends, the Project site plan, landscaping, and architectural concepts provided at EIR Section 3.0, Project Description demonstrate consistency with Municipal Code Section 9.05.040, B., Special Site Development Standards."

Response TT-4

The Draft EIR acknowledges the designation of SR-60 as a scenic route, and the Project's location within a scenic view corridor (Draft EIR Page 4.9-10). Despite the commentor's assertions to the contrary, the Draft EIR's view simulations provide actual pre-development views from the SR-60, with post-development photo simulations reflecting the facilities and landscape screening of the Project. A direct southerly view of the Project from Ironwood Avenue, located approximately 2,500 feet north of the freeway, is provided in Draft EIR Figure 4.9-8. The Project's landscape screening has been conceptually illustrated in Draft EIR Figures 3.5-4 and 3.5-5, and is reflected in the previously referenced Draft EIR's Post-Development View Simulations (Draft EIR Figures 4.9-4 through 4.9-8). It may be noted that because the Project's facilities will be located approximately 25 feet below the grade of the SR-60, the loading docks will not be visible from the SR-60, or from other properties not located at a considerably higher elevation than SR-60. (Draft EIR Figures 4.9-2, 4.9-3)

In regard to the commentor's concerns regarding views in the Project vicinity following freeway expansion, it is noted that although the Project has been designed to accommodate future interchange improvements planned by Caltrans, these improvements will be constructed by Caltrans, and are not a part of the proposed Project. Improvements adjacent to the Project site have been neither programmed nor funded at this time. The preparation of view simulations incorporating these improvements would be speculative, and as such, were not undertaken as part of the Draft EIR.

Response TT-5

As discussed in the Draft EIR's analysis of alternatives (Pages 5-36 to 5-37), the possibility of limiting the Project's building size was considered, but rejected as infeasible. The relevant discussion is presented below for ease of reference.

> In order to potentially avoid or reduce view obstruction/view interruption resulting from the large consolidated warehouse structure proposed under the Project, an alternative site design employing multiple smaller structures of 50,000 square feet (per the site's current Business Park zoning requirements) was considered. However, the intent of the Project is to achieve full utility of the available site while providing region-serving logistic warehouse facilities. Feasibility and function of the proposed regional warehouse is dependent on its size and configuration, allowing for centralized and consolidated storage and transfer of large (numerically and dimensionally) inventories serving smaller local and end-use facilities. Division of the proposed building into substantively smaller components (50,000 square feet maximum buildings) is not practically or economically feasible.
>
> Moreover, such division of the Project would act to unnecessarily duplicate or expand serving utilities, would result in multiple and redundant internal operations (e.g., intersite transfer of inventories), would restrict flexibility of warehouse operations and use of warehouse space; and may necessitate additional access to adjacent roadways in order to serve the individual buildings, with potentially increased circulation/access impacts. Lastly, it is noted that the Project design is typical of other regional distribution warehouses implemented within the City, surrounding Riverside County, and throughout southern California. Empirical evidence indicates that the Project design is an established functional and efficient format for regional distribution warehouse

facilities. For these reasons, an alternative based on a compartmentalized building design scenario resulting in multiple smaller buildings was not further considered.

The commentor's concerns in regard to the Project's feasibility in the current economic climate are forwarded to decision-makers for their consideration.

Response TT-6

Please refer to the preceding Response TT-3. The commentor's opinions in regard to the provision of an 'alternate aesthetic feature' are forwarded to decision-makers for their consideration.

Response TT-7

The commentor requests explanation of the proposed building design, and specifically the proposed building height.

The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. While multiple stories are not proposed, the high-cube building design typically requires internal clear heights of 30 feet or more. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy

efficiencies associated with such a large building footprint. The suggestion that architectural "offsets" be required is forwarded to decision-makers for their consideration.

Response TT-8

The Project's potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is addressed in Draft EIR Section 4.9. As noted on Draft EIR Page 4.9-22, "[o]n-site lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance," which are detailed within this discussion. As further noted on Draft EIR Page 3-17, "[t]he Project lies within 45 miles of the Mt. Palomar Observatory, and would comply with applicable provisions of County of Riverside Ordinance 655 which addresses protection of the night sky from light pollution that would interfere with astronomical observations." Additional mitigation suggested by the commentor has not been included because no potential impacts relative to the Project's potential to create light or glare have been identified. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

It is further noted that the City is considering a "Dark Sky" ordinance that would act to prevent or reduce light pollution.

Response TT-9

Consistent with the commentor's observation, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

> these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. ***Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls*** . . . .

Results and conclusions of the DEIR are not affected.

As noted on Draft EIR Page 4.9-21, "the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05, Industrial Districts." The landscape buffer proposed along the Project's northernmost boundary, adjacent to SR-60, is, as noted by the commentor, a landscaped slope, with a depth of approximately 41 feet, or more than four times the required ten-foot landscape buffer. Additionally, as noted in the preceding Response TT-3, the Project also includes the planting of a double row of trees along the site's northwestern property line. As demonstrated in the line of sight illustration provided as Draft EIR Figure 4.9-3, loading areas on the north side of the Project will not be visible from SR-60. The commentor's opinions in regard to the adequacy of the Project's proposed landscape screening are forwarded to decision-makers for their consideration.

<u>Response TT-10</u>

It appears that the commentor is unclear in regard to which potential traffic-related impacts are considered significant due to the Project, and those that are forecast to occur as a result of cumulative growth. As discussed in the Draft EIR (Pages 4.2-15 to 4.2-16), , the Project's Traffic Impact Analysis (TIA) identifies ambient growth using a standard annual growth factor of two percent per year to account for non-specific development

within the Study Area, as well as anticipated growth in traffic volumes generated by projects outside the Study Area. The ambient growth factor of two percent per year was applied to existing Year 2008 traffic volumes, yielding a ten percent (10%) growth in existing volumes over the five intervening years until the Project Opening Year, 2013. As discussed in the Draft EIR (Pages 4.2-34 to 4.2-35), under the "Opening Year Ambient Condition" defined above, only two intersections would be affected by Project-related traffic. Mitigation for impacts at these two intersections is provided in Draft EIR Mitigation Measures 4.2.1 and 4.2.2, which are provided below for ease of reference.

4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements - Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

With implementation of these mitigation measures, the Project's potential impacts are identified as less-than-significant. All other traffic-related impacts identified in the Draft EIR occur in the cumulative condition, which is defined (on Draft EIR Page 4.2-16) as including other known or probable related projects assumed to be occupied and operational by the Project's opening in 2013. A map of the approved and pending projects is included in EIR Section 5.1 (Cumulative Impacts Analysis). Additional detail regarding the trip generation of these related projects is also presented in the Project TIA (EIR Appendix B).

Despite the commentor's assertion that "simple fixes should be the responsibility of the development," it is noted that the majority of the required improvements are within Caltrans facilities, which are outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The application of fee-based mitigation is discussed further in the Draft EIR on Pages 4.2-25 to 4.2-26. The commentor's opinions regarding "alternative analysis in the form of a tiered level of improvements" will be forwarded to decision-makers for their consideration.

The Draft EIR's air quality analysis (Section 4.3) is based on the Project TIA, and as such, comprehensively addresses the Project's potential traffic-related impacts, along with other potential effects on air quality. The commentor speculates that required traffic improvements will not be completed. Please refer to the discussion of improvements programs and the implementation of improvements required pursuant to those programs presented in detail in the Project TIA at TIA Pages 205-208. As noted therein, the TUMF program was implemented to ensure timely completion of region-serving transportation improvements. Locally, the City has an established, proven track record with respect to implementing the City's DIF Program. Many of the roadway segments and intersections included within the study area for this Traffic Impact Analysis are at various stages of widening and improvement based on the City's collection of DIF fees. Under this Program, as a result of the City's continual monitoring of the local

circulation system, the City insures that DIF improvements are construction prior to when the level of service would otherwise fall below the City's established performance criteria. The commentor's statements are forwarded to the decision-makers.

Response TT-11

The commentor's opinions related to the best use of the Project site in regard to air quality considerations will be forwarded to decision-makers for their consideration. With regard to statements concerning diesel emissions, please refer to response FNSJ-8, et al. presented herein.

With regard to comments addressing air quality, alternatives, and maintaining the site's existing zoning designation, the Draft EIR includes a "No Project Alternative" analysis which assumes development of the subject site consistent with the existing Zoning Designation of "Business Park." A comparative analysis of operational air quality emissions under each of the Project's alternatives is provided on Draft EIR Page 5-53 – acknowledges that "the vehicle mix under the No Project Alterative would likely reflect incrementally decreased heavy truck traffic, with related decreases in diesel particulate emissions when compared to the Project." However, as also noted on Draft EIR Page 5-53, the Project's significant operational air quality impacts consist of exceedances of SCAQMD regional thresholds for VOC and NOx emissions. As noted on Draft EIR Page 4.3-84, potential environmental impacts from Project-related diesel particulate emissions were determined to be less-than-significant with mitigation. On this basis, the suggested continuance of the site's existing Business Park zoning would not necessarily result in a lessening of environmental impacts.

Evaluation of Alternative Sites (also of concern to the commentor) is presented in the DEIR (DEIR at Pages 5-38 through 5-34). As substantiated in the DEIR four (4) of the considered Alternative Sites (Sites 1-4) were ultimately determined infeasible. Alternative Site 5 would not result in the avoidance or substantive reduction of Project related impacts, this Alternative Site was also rejected from further consideration.

The commentor incorrectly states that cumulative impacts are disregarded. Please refer to DEIR Section 5.1, Cumulative Impact Analysis, DEIR Pages 5-1 through 5-25. With specific regard to energy consumption and potential GHG/GCC impacts (and measures offered to reduce potential energy/GHG/GCC impacts), the Project's individual and cumulative impacts are substantiated to be less than-significant (DEIR Section 5.6 Energy Conservation; DEIR Pages 4.3-88 through 4.3-11 (GHG/GCC impacts); and DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

In regard to the use of photovoltaics, as currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." As such, the Project supports, and would not interfere with use of solar energy. The commentor's opinions regarding "joint projects" will be forwarded to decision-makers for their considerations.

Traffic concerns have been addressed in the preceding Response TT-10.

<u>Response TT-12</u>

The commentor's opinions in regard to further lowering the Project's greenhouse gas emissions are forwarded to decision-makers for their consideration. It may be noted that

because the Project's Global Climate Change Analysis identified no significant impact on the environment, overriding considerations in regard to greenhouse gas emissions would not be required. Further, mitigation measures 4.3.11 through 4.3.13 were provided as part of the Draft EIR in order to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, rather than to reduce potentially significant impacts.

In regard to the commentor's concerns regarding Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20

percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response TT-13

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings. As requested, noticing of other projects in the area will also be provided. Project plans are available for review at the City of Moreno Valley Planning Department.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): AMORA JOHNSON Phone:

*Address (Required): 13301 McGahee Dr. Moreno Valley 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☑ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. AJ-C-1

Please provide your comments below:

Date: 12-6-2010

My main concern would be the effect on the wildlife in the area, with more vehicles - especially the diesel trucks' output - the wildlife's preservation attempts thus far will be undermined by the construction activities and the afterward effect will be detrimental to what good work the preservation has in humans' quality of life, too.

Being able to enjoy those migrating birds and all the other animals that most of us can't see within the cities, anywhere, will give younger generation appreciation of the existence of some rare animals, birds, creatures, bugs and other micro organism. Taking children to enjoy our open spaces, clean, clear air and to watch those rare creatures are much more important than seeing these block buildings that can be seen everywhere else, whereas the San Jacinto Wildlife Area can be made into a destination for younger generation. AJ-C-2

City of Moreno Valley needs to see the future, not just the $ for the present by ignoring the future of the next generations. -

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

MV00114932

AMORA JOHNSON

Via Public Comment Card

Response AJ-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response AJ-C-2

The commentor expresses concern regarding the effects of the Project on wildlife in the area.

The biological assessment for the Project consisted of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements;
- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- Jurisdictional delineation.

As supported by the analysis presented in Section 4.8, "Biological Resources" of the Draft EIR, with application of proposed mitigation measures, the Project's potential impacts to biological resources are less-than-significant.

Additionally, the commentor references the San Jacinto Wildlife Area. It is noted that this area is located approximately 3.5 miles to the southeast of Project site, and will not be affected by the Project.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

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*Name (Required): Richard Johnson Phone: 951-243-0804

*Address (Required): 13301 McGEHEE Dr. MV 92555 E-Mail:

*Note: Your name and contact information will become part of the public record for this project.

☐ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings.

Please provide your comments below:

Date: 12/8/2010

I believe the project will overburden the present areas infrastructure, from the streets to the 60 FWY and beyond the 215 as well. The estimates along with future planning seems to set no limit for continued development of the area and it will be a very dangerous roadway system to be driving in this area. Future warehouse building will make it a very difficult place to drive a car. The vision of this area has now been lost. These buildings and the businesses may turn out to be a continued trend for dumbing down the area overall. RJ-C-1

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

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CITY OF MORENO VALLEY

Item No. E.3

RICHARD JOHNSON

Via Public Comment Card

Response RJ-C-1

The commentor's concerns regarding the effects of the Project on regional traffic safety and opinions regarding development trends within the City are forwarded to decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): Deanna Reeder Phone:

*Address (Required): 17351 Riva Ridge Rd E-Mail: late98765@aol.com

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. DR-C-1

Please provide your comments below:

Date: 12/2/2010

I want to know the cumulative impacts of this and all proposed projects as well the entire 35 million sq ft of warehouses that are proposed for this area.

This report must include all the impacts of all 35 million sq ft in order to be of actual value to the community. DR-C-2

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

DEANNA REEDER

Via Public Comment Card

Response DR-C-1

Commentor's contact information is noted and will be added to the Project mailing list to receive any subsequent environmental documentation for this Project and/or notification of any future public hearing(s) to consider the Project and EIR.

Response DR-C-2

The commentor expresses concern regarding the cumulative impacts of the Project and all proposed projects in the vicinity. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region." Please also refer to the preceding Response DR1-1 (Draft EIR Page 5-4).

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): George B. Hague (Sierra Club) Phone:

*Address (Required): 26711 Ironwood Ave MV 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. SC-C-1

Please provide your comments below:

Date: 12-2-10

Comments to DEIR

Comment of 250' buffer to land zoned for housing is not enough because the trucks will use Fir and therefore impact the homes to be built. USC + UCLA studies show that 250' would not be enough. SC-C-2

Your Traffic study needs to show the amount of Truck Traffic that will use Redlands Blvd. SC-C-3

Hwy 60/215 ultimate RETC improvements will allow only two lanes heading west and the traffic analysis needs to show this. Right now we have only one lane that continues West - the other lane forces you off at Central Ave. SC-C-4

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

Item No. E.3

SIERRA CLUB

Via Public Comment Card

Response SC-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response SC-C-2

The commentor offers information from unknown, unvetted "USC & UCLA studies" however, the commentor does not provide adequate citation to allow meaningful response to the contention that the Project setback of 250 feet [from the ultimate northerly right-of-way for Fir/future Eucalyptus Avenue] "would not be enough."

This 250 foot setback is designed to provide adequate separation between the Project's highest activity areas (the most intense "worst case" sources of DPM emissions) and adjacent residential properties, so that with incorporation of mitigation, diesel emissions impacts are reduced to levels that are less-than-significant.

Moreover, as discussed in the DEIR:

> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties.

> This 250 foot minimum separation shall be increased as required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. In addition to reducing potential air quality and noise impacts, this required setback would tend to diminish visual impacts of the Project as seen from southerly vantages and while increasing the extent of potential viewsheds (DEIR, Page 5-24).

In order to evaluate the potential effects of Project diesel emissions (of noted concern to the commentor) a Health Risk Assessment (HRA) was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the HRA prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant

emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads (such as Fir Avenue noted by the commentor) would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

Response SC-C-3

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Response SC-C-4

In response to the commentor's concerns regarding traffic at the intersection of SR-60 and I-215, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

APPENDICES

Please refer to accompanying CD-ROM

Item No. E.3

MV00114945

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MV00114946

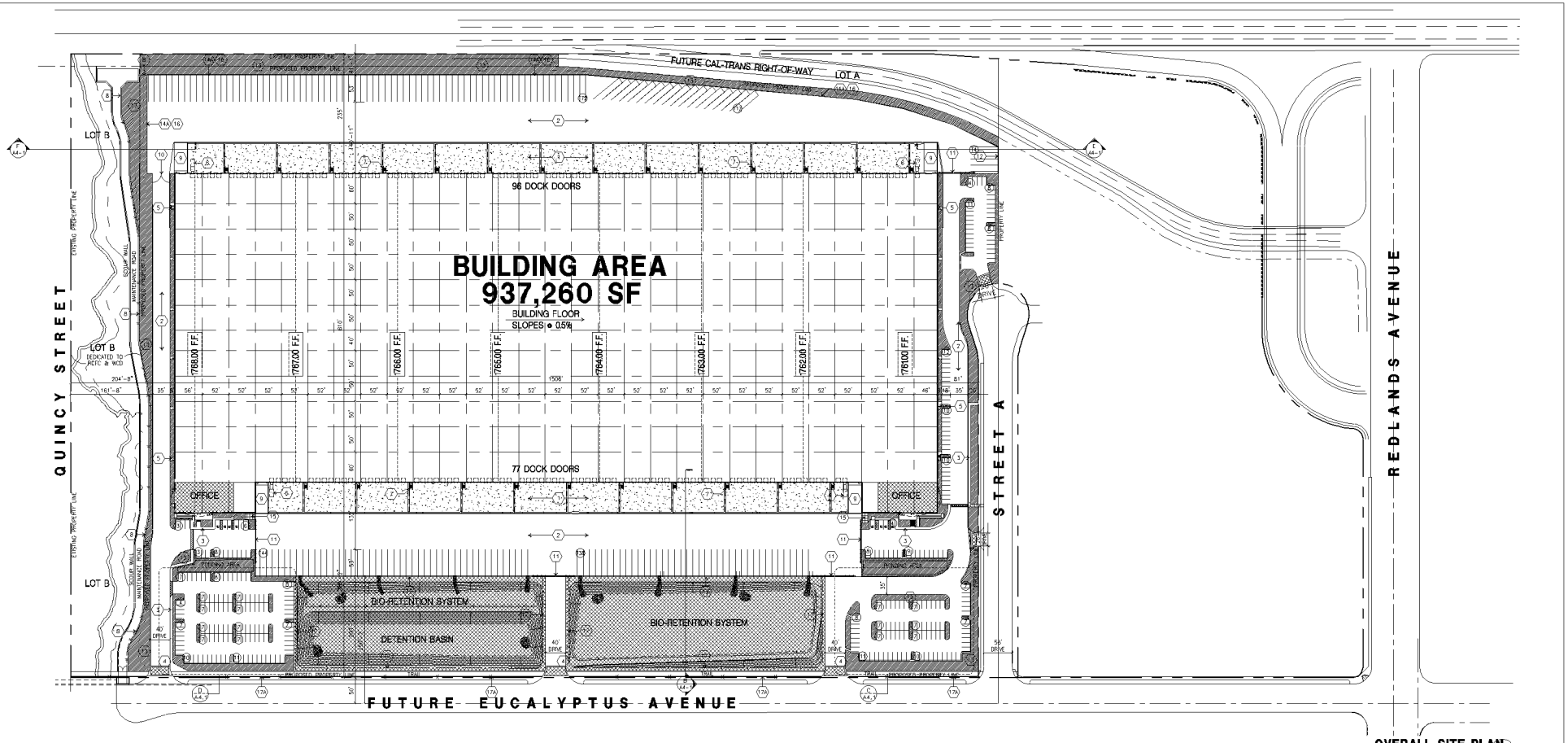

OVERALL SITE PLAN

scale: 1" = 80'-0"

1" = 80'-0"

0 80 160 240

NORTH

TYPICAL STREET SECTIONS

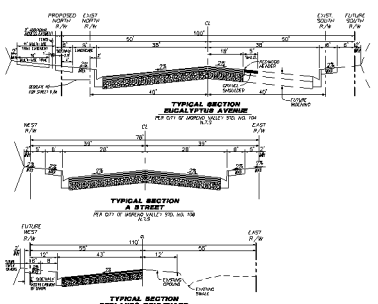

PROJECT TABULATIONS

TABULATION	Bldg 1	Channel	Grand Total
Gross site area (in s.q.ft.)		111,865	2,380,905
Gross site area (in acres)		2.57	54.68
Net site area (in s.q.ft.)	2,269,040		2,251,964
Net site area (in acres)	52.09		51.68
Warehouse area	923,260		
Office area	14,000		
Total building area	937,260		
Coverage (Gross)			
Coverage (Net)	42%		
Landscape required (10%)	226,904		
Landscape provided	305,038		
% of landscape provided	13%		
Parking required			
1st. 20k@1/1,000 s.f.	20		
2nd. 20k@1/2,000 s.f.	10		
above 40k @1/4,000 s.f.	221		
office @1/250	56		
Total parking required	307		
Parking provided			
Standard	307		
Trailers	175		

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONC. PAVEMENT. SEE "C" & "S" DWGS.
2. ASPHALT CONCRETE (AC) PAVING. SEE "C" DWGS.
3. CONCRETE WALKWAY. SEE "L" DRAWINGS.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C. NO DECORATIVE PAVING WITHIN RIGHT-OF-WAY. SEE "L" DWGS.
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 7' SIDE X 15' LONG TRASH COMPACTOR W/ 8' WIDE X 22' LONG REFUSE CONTAINER.
7. EXTERIOR CONC. STAIR.
8. 8' H. COATED CHAIN-LINK FENCE OR OTHER AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.
9. CONCRETE RAMP.
10. 8' H. METAL SWING GATE.
11. 8' H. METAL SLIDING GATE.
12. 14' H CONCRETE SCREENWALL. PAINTED.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. 8' H. WROUGHT IRON FENCE.
14A. 14' H. WROUGHT IRON FENCE.
15. COURTYARD PATIO AREA.
16. RETAINING WALL. SEE "C" DWGS.
17. 4' H. THREE RAIL FENCE.
17A. 4' H. THREE RAIL FENCE AS PER COMMUNITY DEVELOPMENT DIRECTOR.

GENERAL NOTES - FLOOR PLAN

A. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.

B. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.

C. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL. FACE OF CONCRETE CURB OR GRID LINE U.N.O.

D. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.

E. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM

F. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.

G. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.

H. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.

I. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.

J. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.

K. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.

L. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

M. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.

N. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.

O. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB

P. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

PROJECT INFORMATION

Owner / Applicant

PIERCE RANCHO BELLAGIO, LLC
c/o PIERCE PROPERTY TRUST
301 CONVAL AVE. - STE. #8
LONG BEACH, CA 90803
TEL: (562) 856-3619
CONTACT: DENNIS PICE

Architect

HPA, INC.
18831 BARDEEN AVE. SUITE #100
IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: INDRI CHANG

Applicant's Representative

INLAND EMPIRE DEVELOPMENT SERVICES, INC.
531 MONROE COURT
BEAUMONT, CA 92223
TEL: (909) 845-1003
CONTACT: CH. SHENT

Civil Engineer

HUITT ZOLLARS
1101 S. MILIKEN - STE.G
ONTARIO, CA 91761
TEL: (909) 390-9400
CONTACT: MAURICE MURAD

Legal Description

ALL OF LOTS 3,4,5,6 BLK. 35 AND A PORTION OF LOTS 2 AND 7 BLK. 35 LYING WITHIN MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY IN THE COUNTY OF RIVERSIDE, STATE OF CALIF. AS PER MAP RECORDED IN BOOK 11, PG. 10 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning

ZONING: EXISTING - BP
PROPOSED - LI

Assessors Parcel Number

APN 488-330-003
APN 488-330-004
APN 488-330-005
APN 488-330-006
APN 488-330-026

SITE LEGEND

- LANDSCAPED AREA
- WQMP AREA
- AC PAVING - SEE "C" DWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- HANDICAP PARKING STALL (9' X 18')
- OFFICE AREA
- PROPERTY LINE
- ADA PATH OF TRAVEL
- (#) PARKING STALL COUNT

CIVIL LINETYPES

- DW — PROPOSED DOMESTIC SERVICE
- FW — PROPOSED FIRE SERVICE
- W — PROPOSED WATER LINE
- S — PROPOSED SEWER LINE
- RIGHT OF WAY/SITE BOUNDARY
- EXTND RIGHT OF WAY/SITE BOUNDARY
- P — PROPOSED RIDGE LINE
- SD — PROPOSED STORM DRAIN
- PROPOSED GRATING INLET

UTILITY INFORMATION

TELEPHONE
VERIZON
1980 ORANGE TREE LANE, STE 100
REDLANDS, CA 92374
PHONE: (909) 748-6839
CONTACT: TINA CARSON

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA 92552
PHONE: (951) 413-3450
CONTACT: DARCY RAMIREZ

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928 - 3777
CONTACT: NEW BUSINESS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

GAS
SOUTHERN CALIFORNIA GAS CO.
25500 TRUMBLE ROAD SC 6058
ROMOLAND, CA 92380
PHONE: (951) 335-3502
CONTACT: DAVE MULLIGAN

CABLE - TV
TIME WARNER CABLE
1500 AUTO CENTER DR.
ONTARIO, CA 91761
PHONE: (909) 975-3380
(909) 390-4777
CONTACT: MARK DAUENHAUER

VICINITY MAP

N.T.S.

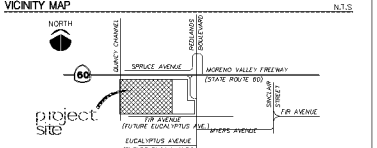

PLOT PLAN
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge Commerce Center

MORENO VALLEY, CALIFORNIA

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612

PIERCE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

HPA# 6342

NOVEMBER 5, 2010

A1.1

(949) 863-1770

ATTACHMENT 11

MV00114947

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MV00114948

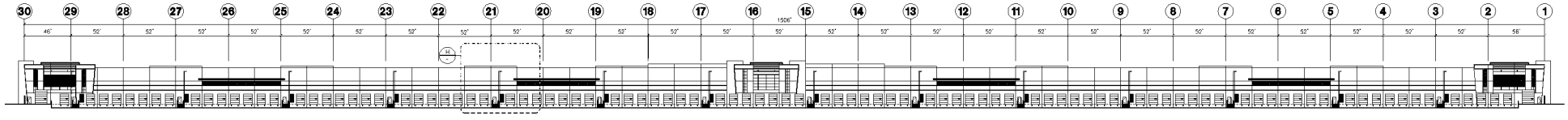

NORTH ELEVATION (A)
scale: 1"=40'-0"

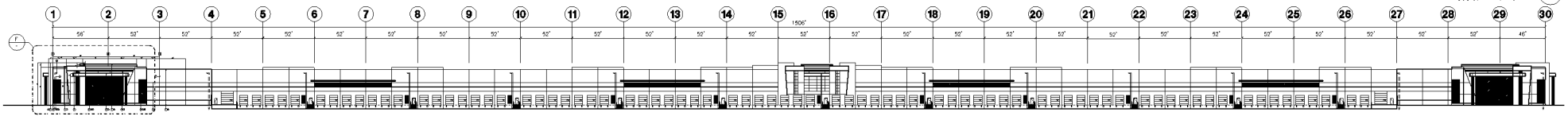

SOUTH ELEVATION (B)
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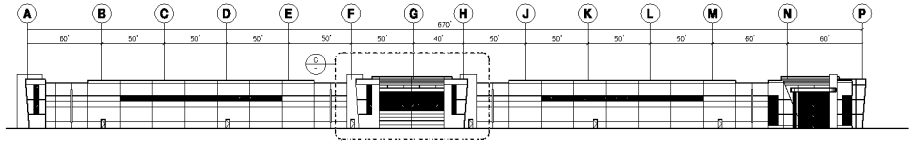

WEST ELEVATION (D)
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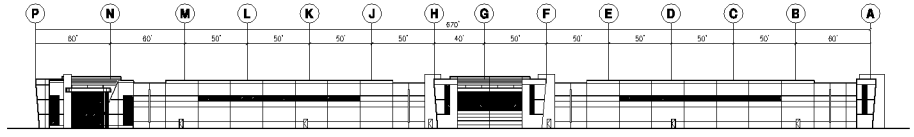

EAST ELEVATION (C)
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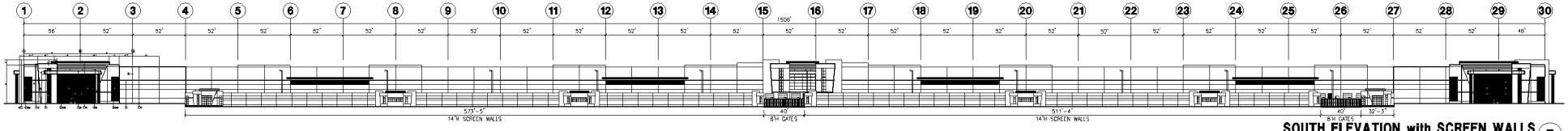

SOUTH ELEVATION with SCREEN WALLS (E)
scale: 1"=40'-0"

SCALE: 1"=40'
0 40' 80' 120'

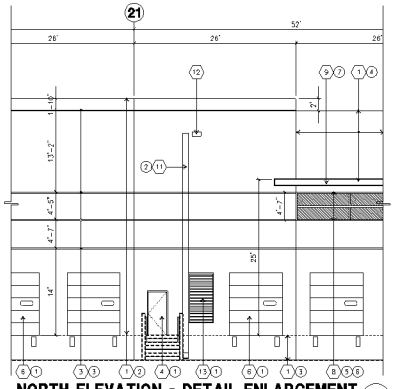

NORTH ELEVATION - DETAIL ENLARGEMENT (H)
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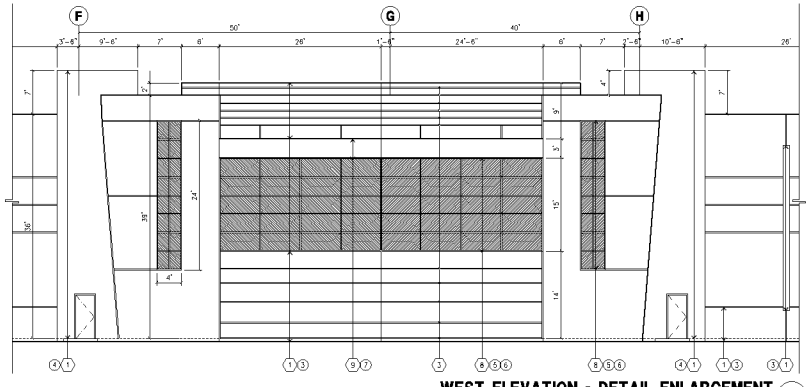

WEST ELEVATION - DETAIL ENLARGEMENT (G)
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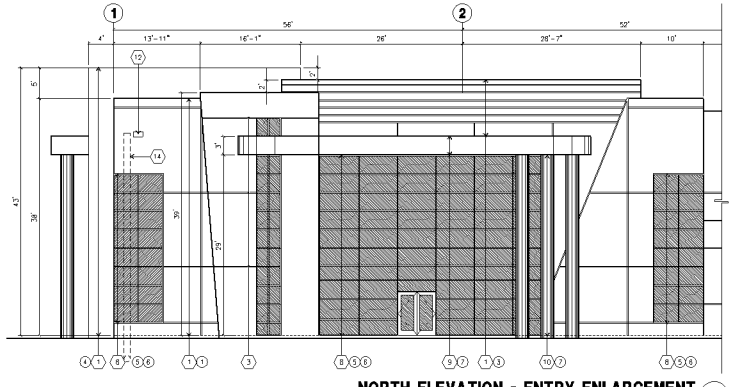

NORTH ELEVATION - ENTRY ENLARGEMENT (F)
scale: 1/8"=1'-0"

SCALE: 1/8"=1'-0"
0 8' 16' 24'

KEYNOTES - ELEVATION

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL.
4. HOLLOW METAL DOORS.
5. OVERHEAD DOOR @ DRIVE THRU.
6. OVERHEAD DOOR @ DOCK HIGH.
7. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
8. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS. SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
9. DECORATIVE CANOPY.
10. DECORATIVE COLUMN SUPPORT FOR CANOPY.
11. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER. PAINT TO MATCH BUILDING COLOR.
12. 9" X 18" OPENING METAL SCUPPER @ 2" ABOVE FINISHED ROOF.
13. 4'W. X 8'H METAL LOUVER PAINT TO MATCH BUILDING COLOR.
14. INTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.

B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.

C. T.O.P.= TOP OF PARAPET ELEVATION.
F.F.= FINISH FLOOR ELEVATION.

D. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 105 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.

E. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.

F BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.

G FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.

H. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.

J. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULES - ELEVATIONS

1	CONCRETE PANEL	PAINT BRAND	FRAZEE 001 WHITE
2	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3171W SILVER LINING
3	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3173M EXCALIBUR
4	CONCRETE PANEL	PAINT BRAND	FRAZEE CL2566A DEUCE
5	MULLIONS	ALUMINUM	CLEAR ANODIZED
6	GLAZING	COLOR	BLUE REFLECTIVE
7	CANOPY	PAINT BRAND	FRAZEE PRECISION COATINGS INC. SILVER MIST METALLIC FLAT

GLAZING LEGEND

- SPANDREL GLASS
- VISION GLASS
- TEMPERED SPANDREL GLASS
- TEMPERED VISION GLASS

ELEVATIONS
CASE NUMBER: PA06-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

A3.1

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

ATTACHMENT 12

MV00114949

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MV00114950

HPA

18831 Bardeen Ave. - Suite #100
Irvine, CA 92612
(949)863-1770
www. hparchs.com

WestRidge Commerce Center

Moreno Valley, California

RIDGE PROPERTY TRUST

August 9, 2010/Job#8418

ATTACHMENT 13

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MV00114952

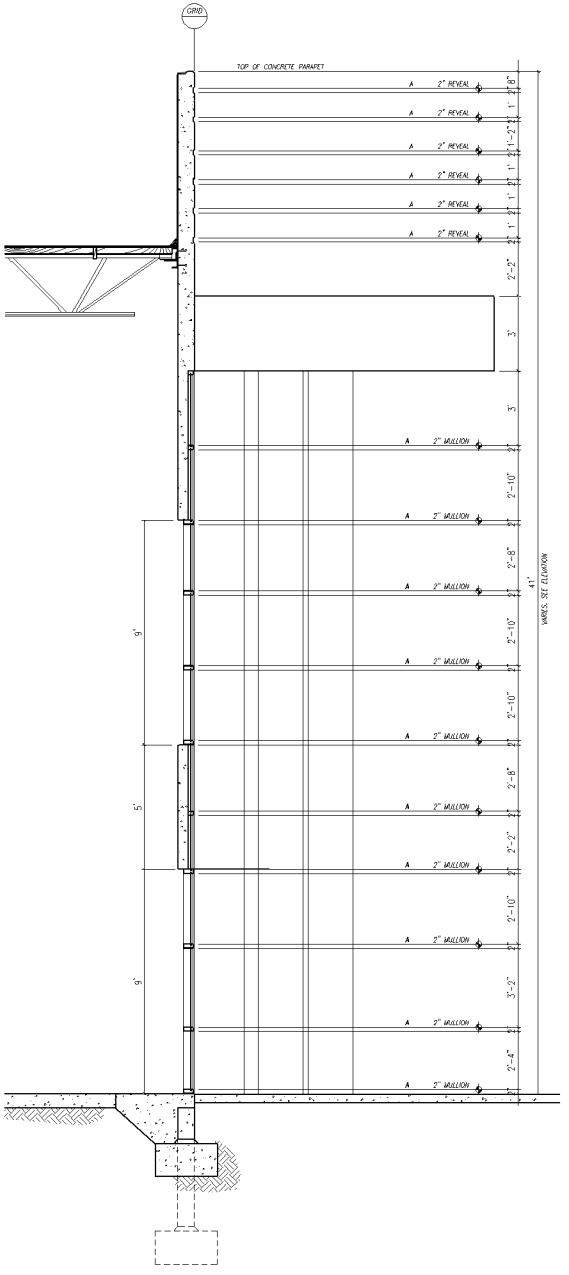

BUILDING SECTION @ OFFICE AREA (A)
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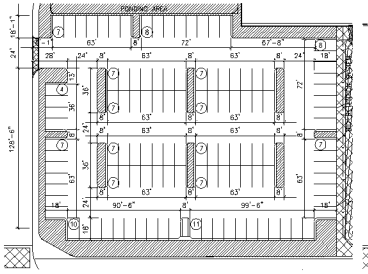

ENLARGED SITE PLAN @ SOUTHWEST (D)
scale: 1" = 40'-0"

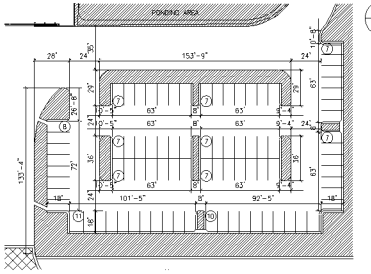

ENLARGED SITE PLAN @ SOUTHEAST (C)
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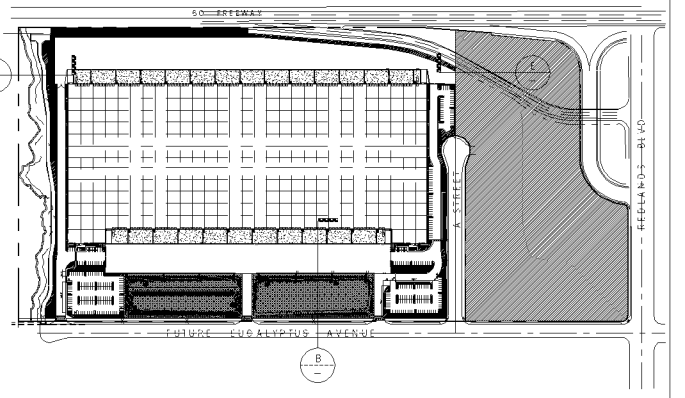

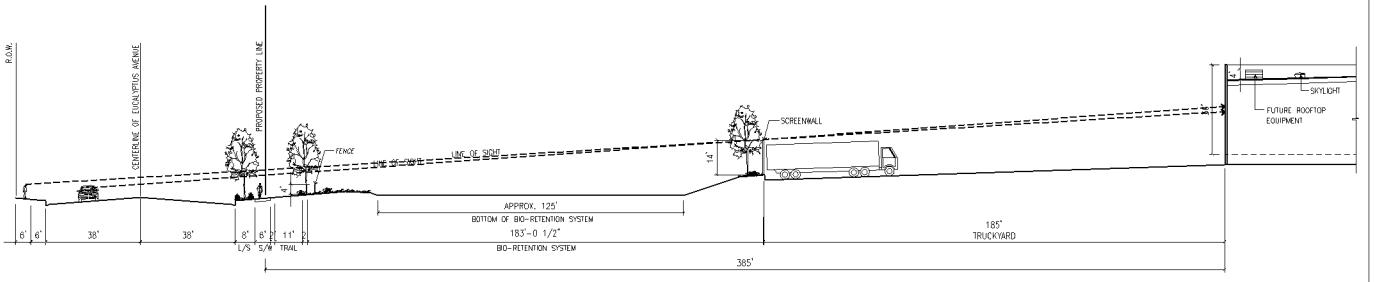

LINE OF SIGHT (B)
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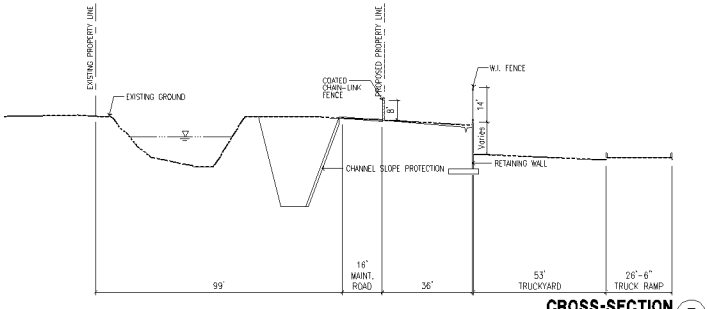

CROSS-SECTION (F)
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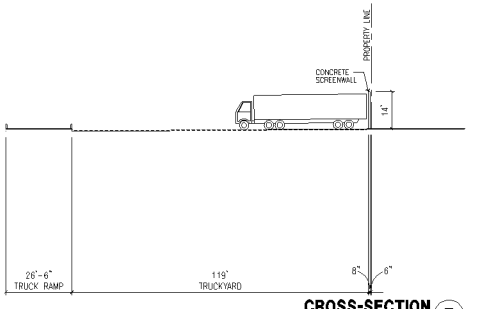

CROSS-SECTION (E)
scale: 1" = 20'-0"

SITE ANALYSIS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

Rexford Property Trust
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

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ATTACHMENT 14

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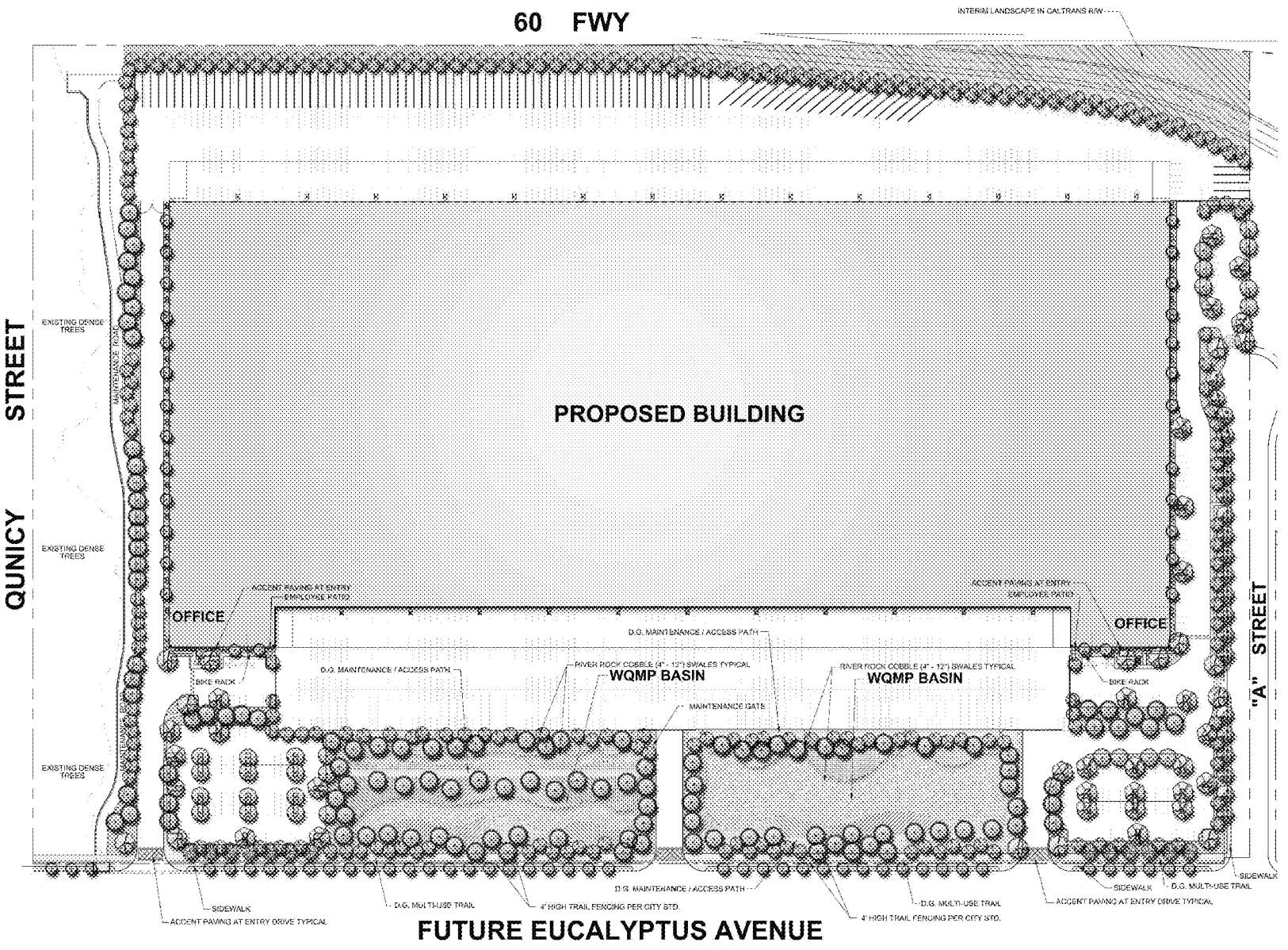

PLANT PALETTE

TREES

SYMBOL	TREE	SIZE	QUANTITY
	Quercus suber (Cork Oak)	15 GAL 24" BOX	30 51
	Eucalyptus sideroxylon (Red Ironbark)	24" BOX	79
	Tilia cordata (Crimean Linden) Malia Trees	48" BOX	16
	Ulmus americana (Liberty and Pink) OR Pistacia atlantica (Shade Pro)	15 GAL 24" BOX	150 104
	Platanus acerifolia 'Bloodgood' (London Plane Sycamore) (Shade Smart Tree)	24" BOX	13
	Pistacia chinensis (Chinese Pistache)	15 GAL	152
	Pistacia chinensis 'Keith Davey' (Chinese Pistache) (Shade Smart Tree)	24" BOX	21
	Quercus virginiana (Southern Live Oak)	24" BOX	24
	Rhus lancea (African Sumac)	15 GAL	27

ROOT BARRIER NOTE

ALL TREES WITHIN 5' OF HARDSCAPE SHALL BE 18" X 4' SHANTOWN ROOT BARRIER 30" HIGH

SHRUBS

PLANT NAME	SIZE	SPACING
Abelia grandiflora 'full Scarlet' (ACR)	5 gallon	30" o.c. spacing
Acacia cf. (Shoal Creek Acacia)	5 gallon	6' o.c. spacing
Adenanthos sericeus (Woolly Bush)	5 gallon	72" o.c. to 84" o.c. spacing
Agave americana (Century Plant)	5 & 15 gallon	6' o.c. spacing
Agave attenuata (Foxtail Agave)	5 gallon	4' o.c. spacing
Aloe Species	5 gallon	3' o.c. spacing
Anigozanthos flavidus (Kangaroo Paw)	5 gallon	3' o.c. spacing
Arbutus unedo (Strawberry Tree)	5 gallon	5' o.c. spacing
Calocephalus (Silver Bush)	5 gallon	3' o.c. spacing
Carpenteria californica (Bush Anemone)	5 gallon	3' o.c. spacing
Ceanothus cuneatus (Buckbrush)	5 gallon	4' o.c. spacing
Cistus Species (Rock rose)	5 gallon	4' o.c. spacing
Cotoneaster Species (Cotoneaster)	5 gallon	3' o.c. spacing
Dianella caerulea (Flax Lily)	5 gallon	2' o.c. spacing
Dianella revoluta (Blue Flax Lily)	5 gallon	2' o.c. spacing
Elaeagnus pungens (Silverberry)	5 gallon	4' o.c. spacing
Fragaria chiloensis (Strawberry Runner)	5 gallon	3' o.c. spacing
Galvezia speciosa (Island Snapdragon)	5 gallon	3' o.c. spacing
Heteromeles arbutifolia (Red Berry)	5 & 15 gallon	6' o.c. minimum
Juniperus species (various)	1 and 5 gallon	varies
Leucadendron (Leucadendron)	1 and 5 gallon	24" o.c. to 48" o.c. spacing
Leucophyllum frutescens 'Rio Grande'	5 gallon	4' o.c. spacing
Lupinus albifrons (Bronzeen Green Coast Thread Plant)	5 gallon	4' o.c. spacing
Ligustrum lucidum (Wax-leaf Privet)	5 gallon	30" o.c. spacing
Macadamia integrifolia and tetraphylla (Macadamia Nut)	5 gallon	24" o.c. spacing
Mahonia aquifolium (ACR)	5 gallon	24" o.c. spacing
Muhlenbergia capillaris (Pink Muhly Grass)	5 gallon	24" o.c. spacing
Myrtus communis (Species Tree Myrtle)	5 gallon	24" o.c. spacing
Nandina domestica (Heavenly Bamboo)	5 gallon	24" 36" o.c. spacing
Pittosporum tobira (Tobira Tree)	5 gallon	4' 6" o.c. spacing
Polygala myrtifolia	5 gallon	4' 6" o.c. spacing
Rhamnus californica (Coast Hollyleaf)	5 gallon	4' 6" o.c. spacing
Rhaphiolepis indica (Indian Hawthorne)	5 gallon	4' 6" o.c. spacing
Rhamnus californica (Californica)	5 gallon	4' 6" o.c. spacing
Rosa rubiginosa (Sweet Briar)	5 gallon	varies
Romneya coulteri (Matilija Poppy)	15 & 5 gallon	36" 36" o.c. spacing
Salvia clevelandii (Autumn Sage)	5 gallon	3' o.c. spacing
Verbena lilacina (Lilac Verbena)	5 gallon	4' 6" o.c. spacing
Xylosma congestum (Shiny Xylosma)	5 gallon	4' 6" o.c. spacing

GROUNDCOVERS

PLANT NAME	SIZE	SPACING
Acacia redolens (ACR)	1 and 5 gallon	48" o.c. spacing, min
Baccharis pilularis (Coyote Brush)	1 gallon	48" o.c. spacing min.
Carex divulsa (Berkeley)	1 gallon	42" o.c. spacing min.
Delosperma cooperi (Trailing Ice Plant)	1 gallon	24" o.c. spacing min.
Hedera helix (Ivy) (ACR)	1 gallon	24" o.c. spacing
Juniperus species (various)	1 gallon	30" o.c. spacing
Lonicera japonica 'Halliana' (Hall's Honeysuckle)	1 gallon	18" o.c. spacing
Myoporum parvifolium (Myoporum)	1 gallon	24" 42" o.c. spacing
Myoporum species (Pacifica)	1 gallon	48" o.c. spacing
Rosmarinus officinalis species (Rosemary)	1 gallon	30" o.c. spacing
Vinca major var. variegata (Vinca major)	From and 1 gallon	18" o.c. spacing

INTERIM LANDSCAPE IN THE CALTRANS R/W - PLANT 1 GAL., ACHIEVE BEGOLENE 12" O.C. WITH 3" INNER LAYER OF DECOMPOSED GRANITE. THAT IS TO BE IRRIGATED WITH DRIP IRRIGATION.

SIDEWALK STRIP - NATURALIZED NON-SEMI-SEED WILDFLOWERS MIX

0.25 LBS.	ACHILLEA MILLEFOLIUM
0.50 LBS.	NASSELLA CERNUA
0.25 LBS.	LUPINUS BICOLOR
0.50 LBS.	LUPINUS SUBVARIUS
0.50 LBS.	NASSELLA MEXICANA
0.50 LBS.	LOTUS CORNICULATUS
0.25 LBS.	LUPINUS BICOLOR

VINES FOR SCREENWALLS

SYMBOL	PLANT NAME	SIZE	SPACING
	Pyrostegia venusta (Orange Vine)	1 gallon	10' o.c. spacing
	Bougainvillea species (Bougainvillea)	1 gallon	10' o.c. spacing

VINES FOR W.I. FENCING AROUND BASIN

SYMBOL	PLANT NAME	SIZE	SPACING
	Berberis thunbergii 'atropurpurea' (Red Barberry)	5 gallon	6' o.c. spacing

NOTE: VINES ARE REQUIRED ON ALL SCREENWALLS & W.I. FENCING AROUND BASIN

MULCH NOTE

ALL PLANTER AREAS TO RECEIVE A 3" LAYER OF COVER MULCH AVAILABLE FROM MATERIALS DIST. 951-924-7266

NORTH

SCALE: 1" = 60' - 0"

SHEET L-1

DATE: 6-9-10

Environsul

West Ridge Commerce Center

Moreno Valley, CA

Ridge Property Trust

PRELIMINARY LANDSCAPE PLAN

ATTACHMENT 15

MV00114955

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MV00114956

TENTATIVE PARCEL MAP NO. 36207

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF PORTIONS OF LOTS 2, 3, 4, 5, 6 & 7 INCLUSIVE, BLOCK 35, OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGE 71, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE.

HUITT-ZOLLARS

NOVEMBER, 2010

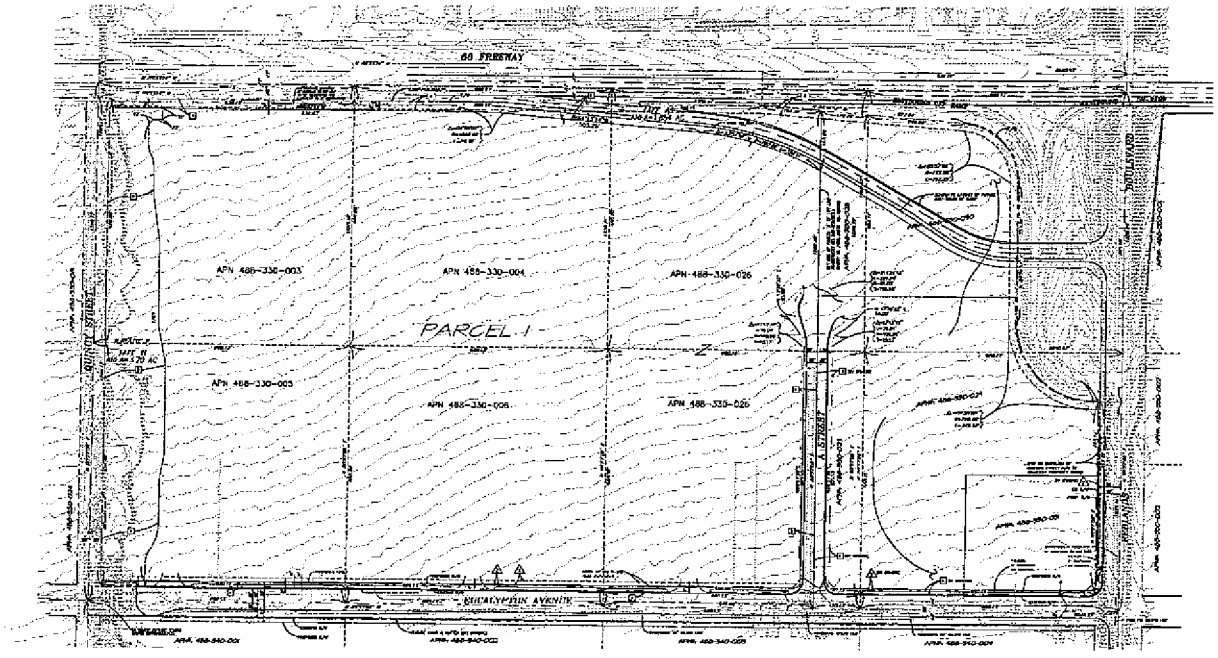

TYPICAL SECTION
EUCALYPTUS AVENUE

TYPICAL SECTION
A STREET

TYPICAL SECTION
BRIGHTON ROAD

EASEMENT NOTES

(A) EASEMENT(S) FOR THE PURPOSES SHOWN BELOW AND HEREIN ACCEPTED, RESERVED OR GRANTED ON A MAP(S)

GRANTED TO:	EASTERN MUNICIPAL WATER DISTRICT
PURPOSE:	PUBLIC PIPELINES AND FACILITIES
RECORDED:	DECEMBER 18, 1963, BOOK 1963, PAGE 1, OF OFFICIAL RECORDS

PROPOSED EASEMENT

(1) 10' EASEMENT FOR ANCHOR LINE PER DOC. 2010-0000000 OF OFFICIAL RECORDS

(2) 5' EASEMENT FOR THE PURPOSE OF DISTRIBUTING PIPE AND/OR OTHER MEDIA TO THE CITY OF MORENO VALLEY

PROPOSED DEDICATION

(A) 30' FOR EUCALYPTUS STREET WEST OF BRIGHTON ROAD TO THE CITY OF MORENO VALLEY

(B) 30' FOR A STREET WEST OF BRIGHTON ROAD TO THE CITY OF MORENO VALLEY

(C) 10' FOR A PEDESTRIAN TRAIL TO THE CITY OF MORENO VALLEY FOR FUTURE CALTRANS R/W

(D) 10' FOR A PEDESTRIAN TRAIL TO THE CITY OF MORENO VALLEY FOR FUTURE CALTRANS R/W (PER SEPARATE DOCUMENT)

LINE DATA:		
LINE	BEARING	DISTANCE
L1	N 89°59'00" E	30.00'
L2	N 89°59'00" E	30.00'
L3	N 89°59'00" E	30.00'
L4	N 89°59'00" E	30.00'
L5	N 89°59'00" E	30.00'
L6	N 89°59'00" E	30.00'
L7	N 89°59'00" E	30.00'
L8	N 89°59'00" E	30.00'
L9	N 89°59'00" E	30.00'
L10	N 89°59'00" E	30.00'
L11	N 89°59'00" E	30.00'

PARCEL SUMMARY TABLE	
PARCEL 1	20.00 AC
TOTAL	20.00 AC

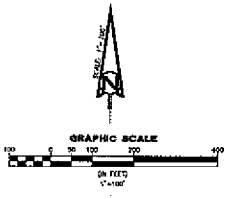

GENERAL NOTES

1. EXISTING LAND USE: VACANT
2. ADJACENT LAND USE: INDUSTRIAL/AGRICULTURAL TO THE EAST; AGRICULTURAL TO THE SOUTH; VACANT TO THE NORTH AND TEMPORARY ON THE WEST
3. AVERAGE LOT SIZE: 1 ACRE
4. EXISTING ZONING: IP1 PROPOSED ZONING: IP1
5. FLOOD ZONE X PER FIRM NO. 06065C0736G SEP 08 2008 AUGUST 28, 2008
6. PROPOSED LAND USE: LIGHT INDUSTRIAL / WAREHOUSE DISTRIBUTION
7. PROPOSED WATER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
8. PROPOSED SEWER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
9. ALL UTILITIES SHALL BE UNDERGROUNDED:
   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: CITY OF MORENO VALLEY ELECTRIC UTILITY
   TELEPHONE: VERIZON TELEPHONE COMPANY
10. ALL SIGNS SHALL BE CONSTRUCTED AT A MINIMUM SIZE OF 24" UNLESS OTHERWISE PERMITTED
11. ALL STREETS WILL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARDS
12. ACTUAL TOPOGRAPHY PROVIDED BY: DIGITAL MAPPING INC.
13. ANY PUBLIC EASEMENT TO BE ABANDONED SHALL BE DONE ON THE PARCEL MAP.
14. AREA=20.0AC ±0.5

PREPARED FOR OWNER/DEVELOPER
RIDGE RANCHO BELACO, LLC
701 HOWARD AVENUE, SUITE A
LONG BEACH, CA 90803
PH: 562-494-2012
FAX: 949-364-3600
CONTACT: ROBERT BECK

PREPARED IN THE OFFICE OF
HUITT-ZOLLARS, INC.
3990 CONCOURSE, SUITE 150
IRVINE, CALIFORNIA 92604
PHONE: (949) 851-7700

ROBERT E. SCHAFFER R.E. 64473

UTILITY PROVIDERS

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

GAS
SOUTHERN CALIFORNIA GAS COMPANY
9520 TRADING NO. 3C 8000
MORENO VALLEY, 92555
(800) 427-2200

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

TELEPHONE
VERIZON
9505 ORANGE WAY, LOBE 100
FONTANA, CA. 92335

ELECTRIC
MORENO VALLEY UTILITIES
14075 PERRIS ST.
MORENO VALLEY, CA. 92552
(951) 413-3500

CABLE - TV
MEDIACOM COMMUNICATIONS
9500 ARTESIA BLVD
BELLFLOWER, CA. 90706
(562) 623-2000

LAND USE

AREA: ____ ± ____ ACRES

CONTOURS

CONTOUR INTERVAL: 1.0 FEET
DATUM: NAVD 88
TIME: 2010
PROJECTION: NAD 83 STATE PLANE, CALIFORNIA, ZONE 6, US FEET

LEGEND / ABBREVIATIONS

W	PROPOSED WATER LINE
PW	PROPOSED FIRE WATER LINE
SS	PROPOSED SANITARY SEWER LINE
PS	PROPOSED SEWER LINE
D	PROPOSED STORM DRAIN
G	EXISTING GAS LINE
W	EXISTING WATER LINE
S	EXISTING SEWER LINE
D	EXISTING STORM DRAIN
	STORM DRAIN INLET
	CATCH BASIN
	BASIS OF BEARINGS BOUNDARY
	EXISTING RIGHT OF WAY/SITE BOUNDARY
	EXISTING BUILDING
	LOT LINE
	FIRE HYDRANT

LEGAL DESCRIPTIONS

THE DESCRIPTIONS SHOWN BELOW HAVE BEEN EXTRACTED FROM A PRELIMINARY TITLE REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY, ORDER NO. 00000000-00-00, EFFECTIVE DATE: MAY 31, 2007. THE REPORT DOES NOT INCLUDE EASEMENTS OF RECORD. PURSUANT TO SECTION 66445 (b) (2) OF THE SUBDIVISION MAP ACT, THE EASEMENTS ARE NOT SHOWN.

PARCEL 1:

LOT 2, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1965, PAGE 1965 OF OFFICIAL RECORDS.

PARCEL 2:

LOT 3, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION OF SAID LOT 3 LYING WITHIN THE LINES OF A STRIP OF LAND, 1.0000 FEET WIDE, LYING EQUIDISTANT FROM AND ADJACENT TO THE EAST LINE OF SAID LOT 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NOTWITHSTANDING THAT PATENT GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED OCTOBER 27, 1965, IN BOOK 1965, PAGE 1965 OF OFFICIAL RECORDS.

PARCEL 3:

LOT 4, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION OF SAID LOT 4 LYING WITHIN THE LINES OF A STRIP OF LAND, 1.0000 FEET WIDE, LYING EQUIDISTANT FROM AND ADJACENT TO THE EAST LINE OF SAID LOT 4, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 4:

LOT 5, BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION OF SAID LOT 5 LYING WITHIN THE LINES OF A STRIP OF LAND, 1.0000 FEET WIDE, LYING EQUIDISTANT FROM AND ADJACENT TO THE EAST LINE OF SAID LOT 5, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 5:

A PORTION OF LOTS 6 AND 7 BLOCK 35 OF MAP NO. 7 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, EXCEPTING THAT PORTION OF SAID LOT 6 LYING WITHIN THE LINES OF A STRIP OF LAND, 1.0000 FEET WIDE, LYING EQUIDISTANT FROM AND ADJACENT TO THE EAST LINE OF SAID LOT 6, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CITY CASE NO. PA09-0022

HUITT-ZOLLARS
HUITT-ZOLLARS, INC.
3990 CONCOURSE STREET, SUITE 150 / IRVINE, CALIFORNIA 92604 / (949) 851-7700

DESIGNED BY: R.E.S.	SHEET 1 OF 1
DRAWN BY: T.T. SUN	
CHECKED BY: R.E.S.	DATE:
JOB NO. 01-500-01	

ATTACHMENT 16

Item No. E.3

MV00114957

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MV00114958

West Ridge Commece Center Project

Legend

- Highways
- Parcels
- Roads
- March Installation Area
- Waterbodies
- Sphere of Influence
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

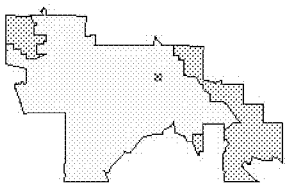

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 17

N

0 300 600 1200ft

MORENO VALLEY
WHERE DREAMS SOAR

Printed 1:52:36 AM

Item No. E.3

MV00114959

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MV00114960

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. <u>This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.</u>

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.
*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

~~9~~10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: December 10, 2010
jeffreyb@moval.org

December 10, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about the significant regional and localized air quality impacts from the proposed project. In addition, AQMD staff is concerned that the health risks are underestimated in the draft EIR due to calculation errors and the use of low trip generation rates. Given the project's close proximity to sensitive land uses and the significant air quality impacts demonstrated in the air quality analysis, the AQMD staff strongly recommends that the lead agency provide additional mitigation measures to minimize the air quality impacts from the proposed project. AQMD-1

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

ATTACHMENT 19

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC101021-01
Control Number

1. Health Risk Assessment Emission Calculations

The Health Risk Assessment (HRA) prepared in the Draft EIR relies on emission rates calculated for each roadway segment serving the project. These emission rates are based on heavy duty diesel truck emission factors derived from EMFAC software and are input into the dispersion model after adjusting for the number of trucks using each roadway link. However, the emission calculations provided in the Draft EIR use a unitary truck traffic rate of one vehicle per hour for each roadway link serving the project site. This unitary trip rate does not appear to be adjusted upward prior to deriving the health risk values. As several hundred heavy duty diesel trucks will use each roadway link, the health risk values appear to be substantially underestimated, perhaps by more than one order of magnitude. AQMD-2

In addition, the emission rate calculated for the idling area sources onsite appear to be miscalculated. For example, the idling mitigated emission rate of 6.459 E-6 grams per second does not include the total number of trucks idling per day, it does not include the emissions from onsite truck travel, and it includes one too many conversions of seconds to hours. If the calculation is corrected, the idling emission rate should be approximately 30 times higher at 1.952 E-4 grams per second (assuming half of the trucks use each area source). AQMD staff strongly recommends that the lead agency revisit the emissions calculations and rerun the dispersion model to derive more accurate health risk estimates. If health risks are found to be significant after revising the analysis, mitigation measures should be pursued that would reduce any health risk to a less than significant level (see comment #3 below). AQMD-3

2. Warehouse Trip Rates

As stated on page 51 of the Traffic Impact Analysis prepared for the Draft EIR, the trip generation rates are "hybrid rates" based on two recent traffic studies of high-cube warehouses conducted in the Inland Empire region. The final rate used in the Draft EIR is 1.69 trips per thousand square feet of warehouse space. AQMD staff has recently researched the referenced trip generation studies and others and has concluded that the average trip rates presented in these studies may be underestimated due to the inclusion of potentially vacant warehouses, warehouses served by rail, and the use of average trip rates. In order to provide a reasonable worst case analysis of potential air quality impacts, AQMD staff calculated and recommends that lead agencies utilize a 95th percentile trip generation rate of 2.59 trips per thousand square feet for individual warehouse projects that are not directly serviced by rail lines. The fleet mix described in the Fontana Truck Trip Generation Study is appropriate to determine the proportion of heavy duty vehicles servicing the project. AQMD-4

3. Regional and Localized Operational Air Quality Impacts

Given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff strongly recommends adding AQMD-5

the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible:

- Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks,[1]
- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded,
- Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/distribution center,
- Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors,
- Develop, adopt and enforce truck routes both in an out of city and in and out of facilities,
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride,
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes,
- Require or provide incentives for particulate traps that meet CARB certified level 3 requirements,
- Electrify all service equipment at the facility, and
- Improve traffic flow by signal synchronization.

AQMD-5 cont'd.

4. Regional and Localized Construction Air Quality Impacts

Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from VOC, NOx, PM10 and PM2.5 emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,

[1] An example clean truck program for a similar project approved by another lead agency can be found here (beginning on page 183 of 254):
http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf

- Reroute construction trucks away from congested streets or sensitive receptor areas, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).

Further, AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.5 as follows:

- All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards according to the following:

  ✓ *April 1, 2010, to December 31, 2011:* All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. AQMD-5 cont'd.

  ✓ *January 1, 2012, to December 31, 2014*: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  ✓ *Post-January 1, 2015*: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

  Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction AQMD-6

equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

AQMD-6 cont'd.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Letter Dated December 10, 2010

Response AQMD-1

The commentor provides introductory agency remarks, and expresses concern about significant Project-related localized and regional air quality impacts, and potential (DPM-source) health risks. The commentor alleges errors in the EIR's air quality modeling, which are further detailed in the District's specific comments on the following pages. Responses to specific issues are addressed below at Responses AQMD-2 to AQMD-7. AQMD suggests that additional mitigation be incorporated in the EIR as means of reducing significant air quality impacts.

The comments provided by AQMD were submitted after the close of comments period, and while the Lead Agency may elect to respond to late comments, no response is required, pursuant to Pub. Resources Code Section 21091, subd. (d)(2)(A); *CEQA Guidelines* § 15088, subd. (a). Notwithstanding, in order to provide clarification of baseline issues and assumptions; and in consideration of disclosure and ultimate mitigation of potentially significant impacts, responses to AQMD's comments are provided herein. Feasible mitigation offered by AQMD has been incorporated.

Response AQMD-2

This comment appears to incorrectly interpret the Project's Health Risk Assessment (HRA) data and modeling (DEIR Appendix C, Project HRA), with resulting erroneous conclusions. The Unitary truck traffic rate cited by the commentor was used only in deriving the model input value in grams per second per truck (per day). As reflected in the ISCST3 model output summary sheets, the ISCST3's Model Scalar Option was enabled and hourly truck rates were adjusted upward accordingly (DEIR Appendix C, Project HRA, Attachment A). Additionally, the "Hourly Trucks.xls" file that was previously provided to AQMD by Urban Crossroads, preparer of the Project's Air

Quality Analysis, provides a breakdown of the hourly trucks as they are input in the model's scalar option. The EIR conclusions and results are not affected.

Response AQMD-3

This comment appears to incorrectly interpret the Project emission rate calculations and modeling, with resulting erroneous conclusions. As noted in the preceding Response AQMD-2, the ISCST3's Model Scalar Option was enabled, and hourly truck values were entered accordingly. The emissions from on-site truck travel are included as multiple volume sources in the model and therefore do not need to be included in the area source algorithm.

Additionally, the "Model Emission Rate" provided as 6.459E-06 is representative of grams per second per truck (per day), and is input into the model as a unitized rate. The unitized rate is then adjusted upward based on the model's scalar option. Based on a thorough review, as detailed here, this calculation does not need to be corrected. The vehicle idling time is presented in seconds and the idling rate from EMFAC is in grams per hour. Therefore, the first conversion is to identify the grams per hour a given truck would emit during idle events. This is achieved by first converting the idling time from seconds to hours. In this case, for mitigated emissions, 180 seconds is divided by 3,600 seconds (60 minutes per hour x 60 seconds per minute). The next step is to multiply the resulting value by the EMFAC grams per hour rate, which provides an emission factor in grams per hour for a given truck per day. In order to input this value into the model as a unitized rate, this value is then converted from grams per hour for a given truck per day to grams per second for a given truck per day. This is achieved by taking the grams per hour rate and dividing by 3,600 seconds per hour, which yields the resulting 6.459E-06 grams per second rate that is modeled. Please refer also the DEIR Appendix C, Project HRA, Attachment A-ISCST3 Summary Output, Attachment B-Emissions Rate and Risk Calculations. The EIR conclusions and results are not affected.

Response AQMD-4

AQMD offers alternative trip generation rates for use in the Draft EIR. AQMD cites its own research and conclusions.

Notwithstanding AQMD suggested trip generation rates, trip generation rates and vehicle mix employed in the Draft EIR are supported by definitive studies of high-cube warehouse trip generation characteristics (*City of Fontana Truck Trip Generation Study*, and *San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study).* Both of these studies are available through Lead Agency (a copy of each is available at the Planning Department). The trip generation rates and ranges from these studies were used to define the trip rate employed in the DEIR. This same rate is employed in analyses for similar projects in the City, and is considered by the Lead Agency to be appropriate and accurate. Relevant discussion from the Draft EIR is excerpted below:

> Trip generation characteristics of the Project were derived from studies which reflect the trip generation rates of warehouse facilities storing and transporting international goods imported into the country from the Ports of Los Angeles and Long Beach. These include the *City of Fontana Truck Trip Generation Study* commissioned in 2003 (Fontana Study), and the updated 2007 *National Association of Industrial and Office Properties (NAIOP) Trip Generation Study*. The NAIOP Study included data collected from 13locations within Riverside County, and provides trip generation rates that are use-specific to warehouse distribution projects such as that proposed by the Project. The recent date and geographic orientation of the Study contribute further to its utility and applicability in estimating the likely trip generation characteristics of the Westridge Commerce Center Project. Using data from the NAIOP Study, the City's Transportation Department approved the use of "hybrid" trip generation rates for the Project's trip generation forecast . . . (Draft EIR Page 4.2-17).

The trip generation rates provided by AQMD are noted; however, no revisions to the trip generation rates employed in the Draft EIR are proposed, nor are any required.

Response AQMD-5

AQMD states, "given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM_{10} and $PM_{2.5}$ emissions the AQMD staff strongly recommends adding the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible . . ."

Each of the measures suggested by AQMD are addressed in the following table, and have either been incorporated, or determined infeasible, not applicable, and/or replicate existing requirements, as indicated in the remarks below. The State Legislature has defined "feasible," for purposes of CEQA review, as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Division 13, Chapter 2.5. Definitions, Subd. 21061.1.] In those instances where additional mitigation has been incorporated or mitigation has been revised, incremental reduction in impacts may be realized. However, results and conclusions of the EIR are not affected. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

AQMD-Suggested Measures	Remarks
Operational-source Emissions	
Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks (AQMD offers citation of an example clean truck program at [the following website]: http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf. If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded.	**Incorporated.** Mitigation Measure 4.3.13 has been revised to incorporate the following requirement (please refer to Final EIR Section 4.0). • *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.* • *If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.*
Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/ distribution center.	**Infeasible.** Development of the Project is consistent with City General Plan Land Use designations, and the General Plan currently includes residential land uses within 1,000 feet (0.19 miles) of the Project site. Moreover, as supported by the EIR analysis, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. The measure suggested by AQMD is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors.	**Not Required.** There are no significant and/or unmitigable operational air pollutant emissions impacts related to or resulting from the site plan configuration. As noted above, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. It is further noted that the access concept proposed by the Project has been reviewed and preliminarily approved by the Lead Agency. The measure suggested by AQMD is not necessary.

AQMD-Suggested Measures	Remarks
Develop, adopt and enforce truck routes both in an*[d]* out of city and in and out of facilities.	**Replicates existing requirements.** Designated truck routes exist within the City. As noted in the City's General Plan, "Chapter 12.36 of the City Municipal Code regulates the travel and access of trucks on the City road system, and designates official truck routes. Designated truck routes change over time as new arterials are built, and commercial and industrial projects are completed." [City of Moreno Valley General Plan Circulation Element, Page 5-4.] The Applicant will comply with all designated truck route regulations and ordinances, both in and out of the City. Compliance with existing regulations and ordinances does not constitute mitigation.
Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,	**Replicates existing requirements.** Truck routes are marked by the City consistent with City sign regulations. The Applicant will comply with all City sign regulations and ordinances. Compliance with existing regulations and ordinances does not constitute mitigation.
Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.	**Replicates existing Project design.** Adequate, secure parking areas are provided onsite for the use of Project-related trucks. No off-site parking is required or proposed.
Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes.	**Infeasible.** Current location of the Project adjacent to the SR-60 minimizes non-freeway truck travel, and minimizes travel along residential streets. Addition of direct SR-60 off-ramps for trucks access the Project site is contrary to reasoned freeway design which by its nature limits freeway access and exit points. Within the State, Caltrans ultimately determines freeway access and exit locations and related ramp designs. The proposed measure would result in potentially significant and increased jurisdictional, traffic/circulation, and land use impacts when compared to the Project. Further, the suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and is therefore infeasible. The Applicant will comply with designated truck routes reducing truck traffic along sensitive routes.
Require or provide incentives for particulate traps that meet CARB certified level 3 requirements.	**Replicates existing requirements.** As a matter of California law, all on-road vehicles, whether or not they are used for the Project, are required to meet California Air Resources Board (CARB) emissions standards. Moreover, future tenancy of the Project is not yet known, and that trucks using the facility may include independent truckers. There is no feasible enforcement mechanism by which the operator of the facility could meaningfully enforce pollution control equipment requirements above and beyond state law requirements.

AQMD-Suggested Measures	Remarks
Electrify all service equipment at the facility.	**Incorporated.** Mitigation Measure 4.3.8 has been revised to incorporate the following requirement: • *All service equipment used during construction and in subsequent operation of the Project shall be electric or natural gas powered.* Similar to use of electrical equipment, use of natural gas equipment alternatively allowed under this mitigation measure acts to generally reduce localized criteria pollutant emissions. Natural gas equipment may in some cases be the only available alternative to diesel/gasoline powered equipment. Further, Mitigation Measure 4.3.13 has been revised to incorporate the following requirements (please refer to Final EIR Section 4.0). *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:* • *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance; and* • *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
Improve traffic flow by signal synchronization.	**Replicates existing requirements.** Signal synchronization is currently administered by the City. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.
Construction-source Emissions	
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. "It is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours" (Draft EIR Page 4.2-85).

AQMD-Suggested Measures	Remarks
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation.	**Incorporated.** The following new mitigation measure has been created, and will be included in the Mitigation Monitoring Plan (please refer to Final EIR Section 4.0). *4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.*
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine if and where dedicated turn lanes for construction equipment and trucks are required. Please refer to the preceding construction traffic management remarks.
Reroute construction trucks away from congested streets or sensitive receptor areas.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine appropriate construction truck routes. Please refer to the preceding construction traffic management remarks.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).	**Otherwise Addressed.** Contractors will employ available equipment to include any 2010 and newer vehicles. Restricting the pool of suitable diesel haul trucks solely to model years 2010 or newer unreasonably limits the pool of available contractors and equipment. Moreover, there is no demonstrated nexus between construction model-year requirements and potential reductions in air quality impacts. Arguably, meaningful reductions in air pollutant emissions are achieved as much or more through efficient and appropriate operation of equipment as required herein (see for example Mitigation Measure*4.3.2: The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).* Further, all equipment (regardless of model-year) is required to comply with applicable CARB emissions standards, the appropriate gauge for emissions levels.

AQMD-Suggested Measures	Remarks
All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards.	**Incorporated.** Electric construction equipment is not commonly or widely available or used in Southern California. Requiring sole use of electric construction equipment would effectively preclude participation by most, if not all, locally-based construction contractors. This would act to unnecessarily exclude otherwise qualified contractors, restrict the pool of available construction resources, increase costs through diminished competition. Mitigation Measure 4.3.8 has been revised to incorporate the following requirement(please refer to Final EIR Section 4.0): • *Use electric construction equipment where feasible.*

Response AQMD-6

AQMD suggests that the Lead Agency consider encouraging construction contractors to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) program funds.

- The following notation (incorporated at Mitigation Measure 4.3.9), shall appear on all construction document and plans:

> *Contractors are encouraged to apply for funding/assistance under the AQMD SOON program.*
> *See also www.aqmd.gov/tao/Implementation/SOONProgram.htm*

AQMD contact information is noted.

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MV00114980

From: Tom Hyatt [cdftom@aol.com]
Sent: Friday, December 10, 2010 9:18 PM
To: Jeffrey Bradshaw
Cc: Deanna Reeder
Subject: Warehouse

My neighbors and I oppose this project. After having the Mega Sketchers warehouse shoved down our throats by a corrupt developer and a city council that will flip their skirt up for him without questior we are vehemently against more unchecked commercial development. The City Council went to the trouble to re-name this end of the city "Rancho Belago", claiming it would be the upscale end of town yet the approve these ugly polluting warehouses when the zoning should be for 1/2 to 1 acre lots and upscale retail etc... How about a nice softba and swimming sports complex??? Why don't you go lease/ purchase some of the vacant warehouse space that can't even be filled in the south end of town?? How many diesel truck trips will this project generate on top of the Super Walmart and Sketchers projects already do??? Can't wait to see the cumulative air pollution totals! TH-1

Signed,

Tom H.
Moreno Valley Citizen

ATTACHMENT 20

Item No. E.3

TOM HYATT

Email Dated December 10, 2010

Response TH-1

The commentor states his opposition to the Project, presents his opinion regarding recent unrelated project approvals in the area, and suggests a "nice softball and swimming sports complex" be developed on-site. These opinions are acknowledged.

The basis for the commentor's statement that "the zoning should be for ½ to 1 acre lots and upscale retail, etc." is unclear. The existing zoning for the site is Business Park, which allows the types of uses proposed by the Project; however, would not allow for buildings of the size proposed by the Project. For this reason, the Project has requested a change of zone to Light Industrial. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23). Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.

The commentor suggests locating the Project in another area of the City. Several alternatives were analyzed as part of the Draft EIR, including, beginning on Draft EIR Page 5-37, alternative sites. As stated in Guidelines Section 15126.6,subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is served adequately by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million s.f. warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor expresses concern regarding the cumulative traffic and air quality impacts of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Super Walmart and Sketchers*[sic]*").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region.

The commentor is referred to Table 4.2-6 of the Draft EIR for the specific trip generation of the Project. Additionally, Draft EIR Section 5.0 presents a detailed discussion of the cumulative impacts of the Project. Specifically, cumulative impacts related to traffic and circulation are discussed at Draft EIR Pages 5-7 through 5-12. Cumulative impacts related to air quality are discussed on Draft EIR Pages 5-12 through 5-14. Results and conclusions of the Draft EIR are not affected.

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MV00114986

PLANNING COMMISSION RESOLUTION NO. 2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on May 12, 2011, the Planning Commission passed a motion by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the Planning Commission voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor. The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources.

ATTACHMENT 21

The proposed project includes a 937,260 square foot warehouse industrial building which far exceeds the maximum building area of 50,000 square feet as permitted by the current zoning designation of Business Park. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

The proposed architectural design of the facility is not consistent with that of other approved warehouse facilities in the vicinity. A change of zone to LI would allow for buildings greater than 50,000 square feet in size. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building may be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-13, **DENYING** a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED this 12th day of May, 2011.

Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

Deputy City Attorney

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

ATTACHMENT 22

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet west of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Rancho Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dave@rptrust.com

Contact Person: Dennis Rice

OWNER Name: Same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services — Telephone: (951) 845-1003 cell 909-325-0430

Address 931 Monarch Court — Fax No. (951) 845-9775

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson2@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

Item No. E.3

MV00114991

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name

Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature — Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature — Date: 5-18-2011

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60603

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK---HOLD AT AN ANGLE TO VIEW

⑈00000 1194⑈ ⑆071000013⑆ 154912 3⑈

Item No. E.3

MV00114993

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MV00114994

From: george hague
Sent: Thursday, May 05, 2011 2:55 PM
To: John Terell
Cc: Jeffrey Bradshaw
Subject: Please send my letter to all the Planning Commissioners today (5-5-11) concerning the West Ridge Commerce Center FEIR

Good afternoon Planning Commissioner,

I hope the planning department has helped those of you who are not use to reading Final Environmental Impact Reports (FEIR). I am sure it would help with the West Ridge Commerce Center FEIR.

In 2009 some Moreno Valley residents responded to a Notice of Preparation (NOP) for this project. These comments were to let those who prepare the document know what we wanted studied and answered in the Draft Environmental Impact Report (DEIR). You should realize that those who do the studies are paid for by the developer and realize that if they want a good reputation among the development community that their report must be favorable to the project. It would be better if we would go back to Moreno Valley's previous system where the report from consultants goes directly to the Moreno Valley Planning department instead of first passing through the hands of the developer where it many times gets massaged.

Last Fall The DEIR was made available which you should read. Different agencies/groups/individuals used the 45 days they were given to read and make comments on the adequacies of the West Ridge Commerce Center's DEIR. They turned in their comments during the first part of last December.

Section three of the FEIR has these commenters original letters which you will notice have been blocked off. You should make an effort to read each of these letters and only then read the responses which immediately follow the original letters. Many of those who write letters believe the responses do not do justice to their concerns and questions. On projects like this it is good to study what the Department of Transportation(DOT) and the South Coast Air Quality Management District (SCAQMD) wanted from this project and the responses they received. These and other agencies are to help protect us and guide us towards better planning. It is sad when responses to their letters are not serious, but just pass the buck.

In section two of the FEIR you will see what I call weasel words which require nothing. Words like "where feasible", "shall encourage", and "greatest extent practical" are just a few examples. These may sound good, but usually result in little, if any, mitigation. Words like "shall" and "will" instead of "should" are more binding and therefor avoided.

Section four has the Mitigation Monitoring Plan which should also be read in order that they are mitigating those items which are brought up in the comment letters.

Usually they bury at the end of some document that which they call "Overriding Considerations". These are the impacts to Moreno Valley which could not be mitigated. This could be such things as toxic diesel air pollution (pm 10 and pm 2.5) which cause significant health effects. It is very sad when projects make the air more toxic to breath-- especially for children and the elderly.

ATTACHMENT 23

Appendix A points out some of these air pollution problems and they should be read by decision makers.

Since I am sure most of you have regular jobs, I find it very sad that you have not been given time to do justice to this FEIR. It must be especially difficult when a couple of our weekends prior to your meeting have holidays that many people enjoy to celebrate. You should ask the planning department for more time to educate yourself by reading the document.

Your responsibility is to "protect the health, safety and welfare" of the residents of Moreno Valley. Only after you have read this document can you fulfill your responsibility.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

From: george hague
Date: May 9, 2011 11:03:09 AM PDT
To: John Terell <JohnT@moval.org>
Cc: Jeffrey Bradshaw <JeffreyB@moval.org>, gracee@moval.org
Subject: West Ridge Commerce Center Experts & Editorial on Tortoises & Solar threat | Press-Enterprise Editorials | PE.com | Southern California News | News for Inland Southern California

Good afternoon/evening Planning Commissioner,

Lat week I sent you an email about reading the environmental documents for the West Ridge Commerce Center warehouse. I mentioned in that email how developer consultants/experts sometimes supply reports which benefit the proposed project---even when they are selected from an "approved" list. The last line of the second paragraph of this past Saturday's Editorial does a nice job of pointing this out where it reads "studies commissioned by the developer". I hope you will read this editorial and realize this happens on many projects. It is only when agencies like the Department of Transportation, South Coast Air Quality Management District and as well as others who job it is to help you plan for our city respond to DEIRs that you get a much more unbiased/independent view. I hope you will remember this when West Ridge Commerce Center and other developers respond in their FEIRs to these agencies letters.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Solar threat

08:24 PM PDT on Friday, May 6, 2011

The discovery of far more desert tortoises than expected near a planned solar power plant in the Mojave Desert should prompt federal officials to rethink the project. And the incident should spur federal officials to require independent environmental studies before bulldozers roll on future solar projects.

Last week, a U.S. Bureau of Land Management assessment found the $2.1 billion BrightSource Energy Co. project near Primm, Nev., would disturb up to 3,000 tortoises and kill as many as 700 young ones. That far exceeds an estimate of 32 of the threatened species at the site -- a number derived from studies commissioned by the developer. ATTACHMENT 24

After biologists relocated 39 tortoises -- the maximum allowed -- BLM officials last month ordered BrightSource to stop work on two-thirds of the 5.6-square-mile site. U.S. Fish and Wildlife Service officials will decide soon if completing the second and third phases of the Ivanpah Solar Electric Generating System -- which would nearly double the amount of solar electricity produced in the country -- would jeopardize the species.

The clean energy generated by this project is no excuse for federal officials to allow shoddy surveys that underestimate the tortoise population. A developer rushing to qualify for hundreds of millions in federal "stimulus" funding is hardly an objective source about issues that could obstruct construction. Federal officials should have required an independent biological survey before grading and construction work began in October. And that approach should be standard for the numerous solar projects now proposed for desert land.

In this case, the sheer number of the animals that would be killed or disturbed by the solar plant justifies a significant downsizing -- eliminating one or both of the last two phases. Federal officials could have avoided such backtracking had they had the right information before BrightSource broke ground.

Wildlife officials are likely under political pressure to let the developer proceed with much of the project. But even a compromise such as relocating large numbers of the animals would be highly risky. In 2008, the U.S. Army suspended a tortoise relocation effort at Fort Irwin after about 90 of the 556 tortoises moved died, mostly killed by coyotes.

The Mojave Desert, with endless sunny days, is not a bad place for solar power plants. But federal officials need to do a better job of surveying the native wildlife before construction starts. Green projects should not, ironically, degrade the very environment they are meant to help sustain.

From: george hague
Sent: Wednesday, May 11, 2011 10:29 PM
To: John Terell
Cc: Jeffrey Bradshaw; Grace Espino-Salcedo
Subject: PLEASE READ re West Ridge Commerce Center Final Environmental Impact Report (FEIR)
Good evening Planning Commissioners,

YOU NEED TO ASK TONIGHT NOT WHAT THE OPENING-YEAR TRUCK TRAFFIC WILL BE, BUT WHAT IS THE PROJECT DESIGNED FOR AND WHAT WILL THE TRUCK TRAFFIC BE WHEN THE PROJECT IS USED TO ITS FULLEST CAPACITY AND NOT LIMITED TO JUST REDLANDS BLVD IN FUTURE YEARS.

"Estimated opening-year average daily Project-generated truck traffic ingressing/egressing the Project site via Redlands Boulevard includes:

97 two-axel trucks;

220 three-axel trucks; and

539 four-axel trucks." (FEIR p 3-58 & p 3-88 & p 3-163 & other pages)

THESE NUMBERS ARE A DISSERVICE TO YOU AND THE PUBLIC. THE FULL IMPACTS ON TRAFFIC AND AIR QUALITY ARE NOT FULLING EXPLAINED AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THEREFORE THE FEIR IS INADEQUATE. THEY ARE REQUIRED TO BE EASILY UNDERSTOOD BY THE PULIC AND MITIGATED BEYOND WHAT WEST RIDGE COMMERCE CENTER TRULLY HAS COMMITTED TO IMPLEMENT.

You should not vote on this or any other project unless you have read the documents. You should never just rely on Staff Reports. The Planning Commission should represent all the many varied interests/concerns of the residents of Moreno Valley. I believe if you read all the letters from the agencies as well as the public and groups you will see that many of their legitimate CEQA concerns were not answered or the buck was passed.

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

ATTCHMENT 25

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Johnson & Sedlack
ATTORNEYS at LAW

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Facsimile: 951-506-9725

May 12, 2011

Planning Commission
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA US MAIL AND FACSIMILE

RE: Final Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Final Environmental Impact Report (FEIR) for the Westridge Commerce Center.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the EIR as an informational document.

Unfortunately, the FEIR for this Project fails as an informational document. The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The FEIR is also internally inconsistent, with statements and conclusions made from one section to another in conflict with one another.

On top of these inadequacies, the FEIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions.

CEQA also requires that ***where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted.*** In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the FEIR concludes that *unavoidable* adverse impacts will result to/from the following: aesthetics, air quality, noise, and transportation/traffic.

Feasible mitigation measures exist which would reduce these impacts, and ***which have not been required of this project.*** This is contrary to the requirements of CEQA, and the additional feasible mitigation provided in the comments must be required of this project.

Moreover, all mitigation measures required in the FEIR ***must be fully enforceable and certain to occur.*** This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures. While it appears that substantial mitigation was incorporated into the project, ***very little mitigation is actually enforceable and required.*** Also, some mitigation measures are included in the text revisions section, yet have not been incorporated into the Mitigation Monitoring Plan. This is unacceptable.

The FEIR fails to make findings supported by substantial evidence in the record. CEQA requires that an agency must make specific findings, based on substantial evidence in the record, where a project has been determined to have significant environmental effects. Here, the findings are nothing more than conclusory statements, and there is no attempt to trace the path from evidence to the conclusions reached. The findings made are not supported by substantial evidence in the record as discussed herein and in our previous comments on the DEIR.

The FEIR lastly fails to adequately respond to the significant environmental points raised in public comments pursuant to CEQA Guidelines. Particularly, Guidelines § 15088 (c) requires that a response to comments evince a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and often ignores comments altogether. Also, the responses tend to generalize specific comments made by the commenter. For instance, a comment regarding cumulative air pollution impacts which asks: "Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?" is responded to generally: "The commenter expresses concerns regarding the cumulative effects (air pollution) of this Project when combined with other vicinity projects." (Comment and response for SCR-2) These generalizations tend to result in responses which do not respond to the comments and questions presented. This is contrary to the policies of CEQA.

In additional to the general comments above, the below specific inadequacies were discovered upon review of the FEIR:

Text Revisions:

- Revision to 3.5.12 Screening: It is unclear why the sentence ends in an ellipsis. Was more intended to be included here?
- The language of Air Quality Mitigation 4.3.8 is uncertain and vague.
    - The introductory statement is unclear and should be omitted, as discussed below.
    - Where the mitigation measures state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically feasible" so that the mitigation measures are certain and enforceable.

- At Mitigation Measure 4.3.13 for GHG's, lease/ purchase documents must require, not merely encourage lessors or purchasers to comply with the measures provided.
- Mitigation Measure 4.7.2 states that artifacts will be curated where preservation in place is infeasible. This measure should require that this determination of infeasibility be made by a qualified archaeologist and approved by the City.
- At Mitigation Measure 4.7.3: the paleontological mitigation-monitoring plan must be developed prior to project approval so it may be determined that such mitigation is sufficient to reduce paleontological impacts. As is, the paleontological mitigation-monitoring plan is impermissibly deferred per CEQA and case law. Also at the third bullet, the word "salvage" should be changed to something which implies that fossils are being properly cared for. Likewise, "to avoid construction delays" should be removed: the purpose is to mitigate for potentially significant paleontological impacts, *not* to remove all impediments to construction as quickly and haphazardly as possible.
- Mitigation Measure 4.8.5 should require that all habitat replacement, revegetation and mitigation for impacts to riparian habitat be implemented by an approved biological monitor. The measure should also require that, if in 3 years the success criterion of 80% has not yet been achieved, revegetation and other mitigation shall continue until such criterion is achieved.

Responses to Comments:

Responses to Johnson & Sedlack Comments:

Response to JS-5 does not evidence a good faith, reasoned response. First, the response states that despite a finding of significant and unavoidable impacts to agriculture in the GPEIR, the agricultural impacts of this project are less than significant. To the contrary, a reasoned outlook would find project impacts to be significant and unavoidable as detailed and considered in the GPEIR, and for which a statement of overriding consideration was necessary. Second, the response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are *susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc.* (Guidelines § 15152) Here, Johnson & Sedlack has provided two possible mitigation measures, namely conservation easements or donation of funds, which would reduce the project's impacts to agriculture and therefore must be considered.

Response to JS-6 does not provide a reason for failing disclose that the project is located in a PAKO zone. The response also states, without substantiation, that there is no indication that the project would interfere with animal keeping, where the project would plainly alter the rural nature of the area. (DEIR p. 5-5)

Response to JS-7 is incorrect. Specifically, the comment stated that the assumption of zero VMT for on road truck travel was erroneously assumed in the Air Study. At Appendix A, page 1 Phase: Fine Grading 7/1/2009-7/15/2009 (Phase 2 Grading), the air study plainly states On Road Truck Travel as zero. The air quality analysis remains flawed and understates impacts from fine grading.

Response to JS-14 and other comments apply a too strict standard for evaluating mitigation measures proposed by commenters on a DEIR. A commenter need not demonstrate the quantitative efficacy of a measure nor a nexus between each mitigation measure presented and its benefit. This demonstration of need and nexus is a requirement of the measure itself to be determined by the lead agency. (Guidelines 15126.4(a)(4) and (5).) Rather, a commenter need only suggest specific alternatives and/or mitigation measures that would avoid or mitigate a significant effect. (Guidelines § 15204(a).) The comment states that measures proposed will reduce construction air quality emissions.

Moreover, the mitigation measures deemed "incorporated" per JS-14 are not actually incorporated as project mitigation at MM 4.3.8. Namely, the "mitigation" does not apply to the project itself, but instead must be notated in "Grading plans, construction specifications and bid documents…" The measures may not be implemented for construction of the project itself while still complying with the terms of MM4.3.8, namely by adding a notation within the construction documents. Hence, this supposed incorporation of mitigation measures does not actually occur, and not all feasible mitigation has been required of this project. MM4.3.8 is uncertain and unenforceable.

JS-14 number 20 is not included in MM 4.3.13 in the Mitigation Monitoring Plan, despite the statement to the contrary. Moreover, MM4.3.13 generally applies to operational impacts and not construction impacts, as evidenced by the timing of monitoring, "Before issuance of first Certificate of Occupancy," and thus will not mitigate for construction emissions. Number 21 is included, but with the limit that "a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit." This is a severe limitation on the measure recommended and such limitation is not disclosed in the response to comments. The mitigation measure *as recommended* must be adopted.

Response to JS-15 is unresponsive to the comment made regarding the need to note variances from URBEMIS defaults for informational purposes. The comment does not state that variances from defaults are improper, as the response asserts, but merely that they must be disclosed.

Response to JS-17 alleges that, "The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility." This is simply untrue. The lead agency may adopt mitigation measures, such as those recommended by the commenter requiring that lessees/purchasers become SmartWay partners, meet 2010 air quality standards or better, etc.

Response to JS-19 has the same problems as the response to JS-14, ***namely that almost all of the mitigation measures deemed "incorporated" at MM4.3.13 are not actually incorporated as certain and enforceable mitigation measures of the project.*** Instead, MM4.3.13, bullet 7, merely requires that, "Lease/purchase documents shall identify that tenants are *encouraged* to provide incentives to realize the following…" [emphasis added]. Hence all that is required is a *written provision* in the lease/purchase documents *encouraging* the use of incentives, not any actual requirement that mitigation be implemented. These repeated untruths in the response to comments cause the FEIR to fail as an informational document and are completely contrary to CEQA policy that mitigation be certain and enforceable.

Likewise, JS-19 number 19 is not incorporated into mitigation as stated in the Response and is vague and uncertain. In 4.3.10 (not 4.3.11 as stated), the mitigation required is that "All entrances shall be *posted with signs* which state: ...Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes..." [emphasis added] The mitigation does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-30 is unresponsive to the comment made regarding insufficient project noise mitigation. Response to JS-31 provides no reason for failing to incorporate the performance standard of noise barriers which will reduce noise at sensitive receptors to no more than 60dBA Leq, particularly.

Response to JS-33 (1) refuses to incorporate mitigation measures which would reduce significant construction noise impacts without finding that such mitigation is infeasible. Instead, the response merely states that such mitigation is not required, but is only recommended, by the Noise Impact Analysis. CEQA provides that agencies may not approve projects for which feasible mitigation measures exist which would reduce a project's significant environmental effects. Here, the comment suggested feasible mitigation to reduce construction noise impacts which were, in turn, recommended in the Noise Impact Analysis. Such mitigation is not shown to be infeasible, and therefore must be incorporated in the project. At (4), the mitigation at 4.3.8 is inadequate and unenforceable. At (5), MM 4.3.10 does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-34 incorrectly insinuates that, in determining a projects noise impacts, the noise from transportation/trucks should be omitted. While ambient noise may not be included to determine a project's noise impacts, impacts directly related to the project's operations must be included in the EIR's determination, as they are incorporated into the whole of the project. This response is also greatly unresponsive to the comment made.

Response to JS-35 merely restates the EIR and does not evidence a good faith response to the comment made. Specifically, the comment notes that the EIR does not provide data regarding groundbourne vibration levels nor evaluate potential impacts to people. The response repeats these issues, but fails to address them in the EIR, or alternatively to provide a reason for failing to correct the EIR.

Response to JS-39 does not evidence a good faith, reasoned response to the comment made and does not adopt feasible mitigation to reduce project noise impacts.

Response to JS-40 is unresponsive to the comment made regarding impacts to 1-215. The response instead dissolves into a discussion of SR-60.

Response to JS-42 (5) and (6) are included at MM 4.3.8, but in a manner which is unenforceable and requires zero actual mitigation to occur, as discussed above regarding JS-14. Numbers (7)

and (8) are not included at MM 4.3.8 at all, despite the statement to the contrary in the response to comments.

Response to JS-53 is conclusory and does not evidence a good faith, reasoned response to the comments made.

Other Responses to Comments

Please note that many responses to comments are repeated throughout the FEIR. The evaluation of inadequate responses below will often refer only to the first time the response is given, where such responses are repeated. Moreover, such inadequacies are likely discussed with regards to responses to Johnson & Sedlack's comments above.

- Response to CDFG-10 does not provide a good faith reason for failing to require a 3:1 replacement ratio of riparian habitat as recommended by CDFG. Specifically, CDFG stated that, "The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or offsite at a minimum 3:1 replacement-to-impact ratio…" The response cites no reason based on substantial evidence in the record for failing to incorporate this mitigation.
- Response to EMWD-2 is inadequate and conclusory. The commenter noted that impacts from construction will likely create impacts to service which must be evaluated in the EIR. However, the response states, based on no evidence in the record, that the conclusions of the Draft EIR are not affected by the inclusion of this potential impact in the EIR's analysis. Such analysis must first be conducted in order for this conclusion to be made.
- Response to RCFC-3 does not respond to the comment made. The commenter stated that the Project must *demonstrate consistency* with the MSHCP, not that the project must comply with the MSHCP requirements. A project may comply with the MSHCP requirements and still be inconsistent.
- Response to MA-4 is conclusory and not based on reasoning or evidence in the record.
- Response to MA-7 is unresponsive to the comment made regarding impacts to freeways, overpasses, and roads which will not receive the fees paid by this project for improvements and for which improvements are uncertain. The response also seems to suggest that the project will be gifting massive sums of money to the state and region for improvements. This response fails to state, however, that the fees to be paid by this project are for the purpose of mitigating this project's environmental impacts.
- Response to MA-10 is contradictory and does not respond to the comment made. The response states that project traffic will not pass through residential neighborhoods, while noting that properties adjacent to the access road to the site are designated residential. Moreover, the comment made stated that trucks often pass through "or near residential areas." Also, the comment clearly states that, for truck impacts *to roadway surfaces*, 1 truck =1,000 cars. The referenced portion of the EIR instead discusses traffic/ truck volume impacts, not necessarily impacts to roadway surfaces.

- Response to LA-2 does not respond to the comment made which inquires which mitigation measures were found to be infeasible and will not be required of this project.
- Response to LA-3 is unresponsive to the comment made. The comment inquires what protection measures against Diesel PM will be implemented for the warehouse workers, and the response merely states that the impacts to on-site workers are not analyzed in the EIR. Nonetheless, mitigation measures, conditions, and project design may implement *protection* measures. Also CAL/OHSA may require additional worker protection measures. The FEIR is thus unresponsive to the comment made.
- Response LA-4 is conclusory and states, without reference to any evidence in the record that, "No potentially hazardous materials, beyond those described [paint, solvents, fertilizers, etc.] are anticipated to be handled at the site." There is simply no basis for this conclusion. The remainder of the commenter's concerns regarding spills and smoke plumes are unaddressed.
- Response to LA-5 states that the level of LEED certification cannot be determined as the tenants and uses are unknown. However, it would be feasible to require at least LEED silver certification by contract specification. If a higher LEED certification was deemed possible, there is no bar from achieving that higher level.
- Response to GB-2 is unresponsive to the comment made. Namely, the commenter merely asked what "environmental aspects" of the site are missing from the Geotechnical investigation. This question remains unanswered in the response.
- Responses to GB-5, GB-7, and GB-9 neither make needed changes to the EIR nor provide good faith, reasoned responses for determining not to make those changes. Specifically, the commenter asked why the Casa Loma fault was not included in the EIR when it is proximate to the project. The responses ignore the EIR's role as an informational document and determined that, since the project would nonetheless comply with the California Building Code, such information could be omitted. This is contrary to the information disclosure requirements of CEQA. Likewise, the response at GB-5 notes that the Casa Loma fault was likely not included in the UBCSEIS database. None of these three responses, however, support a determination that the project will not be impacted by this fault.
- Response to GB-8 is unresponsive to the comment made.
- Response to GB-10 neither makes needed changes to the EIR nor provides good faith, reasoned responses for determining not to make those changes. The commenter points out scenic resources which were unincorporated into the EIR and the DEIR description, and the response seems to concur that these scenic resources are significant and were omitted. Beyond such concurrence, however, no changes are made to the EIR or explanation given for determining not to make those changes.
- Response to CCA-1 is unresponsive to the comment made. The commenter specifically asks what mitigation will occur for cumulative traffic and diesel impacts. No response to this inquiry is given.
- Response to CCA-2 is likewise unresponsive to the inquiries made regarding noise impacts and mitigation for cumulative impacts.
- Response to CCA-3 does not evidence that the project adopted all feasible mitigation. Comment CCA-3 recommended additional and certain mitigation which was not discussed in the response and not determined to be infeasible. Such measures as retrofit

all trucks and phase them in over a period of time must be included to reduce the project's air quality impacts.

- Response to FNSJ-3 is unresponsive to the comment made. The commenter stated that agricultural impacts for this project were deemed potentially significant and should be mitigated through the purchase of conservation easements. The response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc. (Guidelines § 15152) Here, the commenter plainly states that such potentially significant impacts could be reduced through purchase of conservation easements, and the comment should be given substantial consideration.
- Response to FNSJ-4 does not find that it is infeasible to require that off-road heavy construction to meet CARB Tier III or better certification. Such mitigation is feasible and would significantly reduce the project's air quality impacts. The measure must be required.
- Response to FNSJ-7 combines many comments and provides conclusory, unreasoned, and unresponsive responses. The response ignores the comment calling for a discussion of air quality impacts to health risks and impacts to biological resources.
- Response to FNSJ-8 combines the response to at least four comments into one, and goes on to ignore several of the comments made. For instance, there is not response made to the comment that growth inducing impacts on air quality were not evaluated.
- Response to FNSJ-12 does not evince a good faith, reasoned response to the comments made that impacts from global warming on the project must be analyzed; potentially exacerbated project impacts as a result of climate change must be analyzed; and global warming impacts on water supply and flooding must be analyzed.
- Response to FNSJ-16 does not respond to the question raised regarding onsite eating facilities.
- Responses to FNSJ regarding mitigation measures (FNSJ-18-20) seem to state that the *commenter* need to demonstrate that mitigation is either required or a nexus such that mitigation is necessary. This is not a showing required of a commenter in proposing mitigation; this is a requirement of the measure itself to be determined by the lead agency, as discussed above. (Guidelines 15126.4(a)(4) and (5).)
- Response to FNSJ-22 notes that four of the alternative sites considered are not available, yet irrationally concludes that by considering four unavailable and impossible alternative sites, a reasonable range of alternatives was considered. None of these "alternatives" may be included in the range of alternatives considered when, in fact, only Alternative Site 5 was considered. The response also does not address the issue of quantification of impacts raised by the commenter.
- Response to SG-1 is unresponsive to the comment made. The commenter notes the potential for blight in the area due to unoccupied buildings, aesthetic impacts, and long term growth inducing impacts from the zone change. No response is made to these issues.
- Response to SG-8 does not respond to the issue raised of reinforcing the roof and installing solar panels.

- Response to HF-1 is unresponsive to the comments made and fails to demonstrate a good faith, reasoned response.
- Response to SM-3 is conclusory and fails to provide reasoning. Likewise, NDN-5. The project fails to incorporate feasible mitigation recommended previously by Johnson & Sedlack, discussed above, including mitigation recommended in the Noise Impact Study.
- Response to DR1-6 is unresponsive to the comment made suggesting an alternative site by March Global Port.
- Response to SC-4 does not respond to what time of day truck trips are expected, merely that the project is assumed to be operation 24/7. This is unresponsive to the comment made and fails to provide any hourly expectations, particularly during peak hours.
- Response to TT-7 does not find it infeasible to require additional wall offsets in order to mitigate for aesthetic impacts. Instead, the response purports to defer this potential mitigation to a later time. This is improper and this mitigation measure must be required of the project.
- Response to TT-11 does not incorporate or find infeasible the mitigation recommended including requiring that a percentage of the fleet vehicles of tenants be low or zero emission and requiring soot filters or the latest available technology.
- Response to RJ-C-1 is unresponsive to the comment made.

Mitigation Monitoring Plan:

The following comments on the MMP are in addition to comments made previously in the "Text Revisions" section.

Traffic:
Many of the traffic mitigation measures state that the improvement will be funded through participation in the TUMF, DIF, or other fair share program. It is unclear in the MMP, however, whether the applicant need only pay into the program prior to issuance of the first building permit, or whether the improvements must be completed prior to issuance of the first building permit in order to mitigate for the traffic impacts listed. This should be clarified so that mitigation is certain and enforceable in the monitoring program.

Air Quality:
Not all feasible mitigation has been adopted to reduce air quality impacts from the project.

MM 4.3.2 in the MMP does not make the alterations stated in the responses to comments and text revision section (removing "during smog season", etc.) Moreover, trucks should be limited from idling beyond 3 minutes.

MM4.3.4 requires that contractors for the project will use CARB Tier 2 equipment or better. It is feasible to require at least Tier 3 certified or better.

For MM 4.3.6, it is feasible to require that only existing electrical power sources may be used; no diesel or gasoline powered generators shall not be utilized for project construction.

For MM 4.3.8, the language creates uncertain and unenforceable. Measures must only be included in plans and bid documents which may be subsequently altered and are not required of the project itself as written. The language must be changed to delete the introductory statement such that the mitigation measures apply directly to the project. Also, at bullets 6, 8, 9, and 10 which state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically possible." Likewise, at bullet 12, the "greatest extent practical" language must be deleted. As currently written, such mitigation measures are unenforceable and contrary to CEQA. Finally, bullet 14 states that all forklifts used in the operation of the Project shall be electric or natural gas powered, where MM 4.3.8 applies only to construction and construction contracts. This measure should be repeated elsewhere to reduce operation air quality impacts of the project.

MM 4.3.10 represents only one half of the mitigation measure- the posting of signs. An additional mitigation measure and/or monitoring program must be adopted for the second half of the mitigation measure-enforcement of the measures by the on-site facilities manager (or equivalent.) As written, this mitigation measure is uncertain and unenforceable.

MM 4.3.11 requires less mitigation than stated in the EIR. Namely, the EIR and responses to comments have repeatedly stated that the project will surpass Title 24 standards by 20%, yet the mitigation measure actually requires this surpassing of Title 24 by 20% only for "water heating and space heating and cooling." This limitation must be removed from the language of the mitigation measure. It is feasible to require that the project surpass Title 24 by 20% for the project as a whole, and in fact, feasible to surpass Title 24 by 30%.

MM 4.3.13 bullet 7 is completely uncertain and unenforceable. The measure provides that lease/purchase documents shall *note* that tenants are "encouraged" to provide incentives to realize mitigation measures. This introductory language must be removed and the mitigation measures required of the *project itself* through lease/purchase contracts. Moreover, most of the mitigation measures included in MM4.3.13 bullet 7 would reduce air quality emissions, namely Diesel PM, not merely GHGs as stated.

Noise:
Mitigation measures adopted for noise require that "Project plans and specifications shall include a statement that…" Again, no mitigation or monitoring is actually required of the project itself, only the written documents. No mitigation of project impacts is certain to occur.

MM4.4.2 is unenforceable, as the language of the measure requires that equipment be staged in areas that will create the "greatest distance" between noise and off-site receptors. A minimum distance or performance standard must be required to ensure that the distance chosen mitigates noise impacts.

MM 4.4.3 is uncertain, as it requires that haul routes not pass sensitive land uses or residences "[t]o the extent feasible." This feasibility language must be removed so that this measure is certain and enforceable.

MM4.4.4 is unenforceable as it provides for the "maximum reduction for noise sensitive uses." Some performance standard or specific type of noise curtain must be specified to ensure that the maximum reduction for noise sensitive uses actually occurs.

Water Supply:
There is no monitoring plan for MM 4.5.4.

Cultural Resources:
The mitigation and monitoring for MM 4.7.2 must occur throughout excavation and grading activities, not "Prior to issuance of first Certificate of Occupancy."

Alternatives:
A substantial number of comments concern the consideration of an inadequate range of alternatives, namely the *consideration of only one viable alternative site*. Alternative Sites Nos.1-4 are unavailable and were presumably included in the EIR in order to deceive the public and decision-makers into believing that an adequate range of alternatives was considered. The responses to comments concur that only Alternative Site No.5 was a viable alternative. (*See,* Response to FNSJ-22) Additional alternative sites must be considered for this project in order for there to have been consideration of a reasonable range of alternatives.

Statement of Overriding Considerations:
A statement of overriding considerations is improper with this project as the project will have extensive environmental impacts, as discussed above, yet only minimal project benefits. The project will have adverse impacts to/from the following: aesthetics, air quality, noise, and transportation/traffic. This includes substantial concerns for human health, including health risks from air pollutant emissions and health risks from excessive noise. These are major environmental risks which must be deemed offset by the economic, legal, social, technological, or other benefits of the project. (Guidelines § 15093(a).) This project will generally only benefit the developer of the warehouse. Yes, the project could create some new jobs in the area and generate some annual taxable sales, yet as noted by many commenters, warehouses already developed in the area remain vacant. These speculative benefits are comparatively insubstantial when compared to project risks. A statement of overriding considerations cannot be adopted for this project.

Thank you for your consideration of the above comments.

Sincerely,

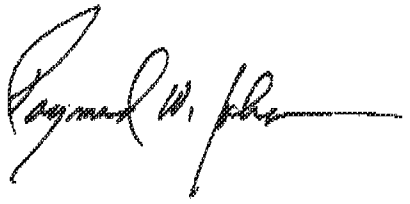

Raymond W. Johnson
JOHNSON & SEDLACK

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MV00115012

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: May 12, 2011 May 12, 2011
jeffreyb@moval.org

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Final Environmental Impact Report (Final EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be considered prior to certifying the Final Environmental Impact Report (Final EIR) as appropriate.

The proposed project will result in at least 856 trucks per day serving a warehouse that is approximately one million square feet. As a result, the AQMD staff is concerned about the significant air quality impacts and elevated cancer risk impacts to sensitive receptors (i.e., residences adjacent to the project site) from the high volume of diesel truck traffic generated by the proposed project. On December 10, 2010 the AQMD staff provided comments on the draft EIR regarding these impacts and expressed specific concern about the project's air quality analysis and health risk assessment (HRA). Further, AQMD staff suggested a list of mitigation measures to reduce the project's significant air quality impacts.

On May 2, 2011 the AQMD staff received the response to comments in the most recent staff report. Upon review of this document we continue to have concerns regarding the project's significant air quality impacts, potential deficiencies in the health risk assessment, mitigation measures and land use compatibility. Specifically, the AQMD staff recommends that the lead agency revisit the operational profile in the HRA to ensure that it is consistent with the traffic study. Also, given that the proposed warehouse project will require a significant number of trucks that travel adjacent to residential land uses the AQMD staff recommends that the lead agency provide additional mitigation to

reduce the project's significant truck emissions and revisit the size of the proposed setback between the trucks serving the project and future and current residential uses. Details regarding these concerns are enclosed.

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC110428-02
Control Number

1. Health Risk Assessment Methodology

AQMD staff originally commented on potential methodological deficiencies in the HRA presented in the Draft EIR. We appreciate the response to those comments, and have the following comments based on those responses. AQMD staff is still concerned that the HRA methodology in the Draft EIR may underestimate potential health risks to nearby sensitive receptors based on the following points.

- The HRA source geometry does not reflect the layout of the proposed building as detailed in Figure 3.5-4 of the Draft EIR and Exhibit 5-4 of the Transportation Impact Analysis (TIA) appendix. The primary difference between the modeled approach and the project description in the EIR is the location of truck entrances to the facility. The project description and TIA indicate that up to 80% of the truck traffic serving this facility will travel along the future Eucalyptus Avenue, just south of the site. However the HRA assumes that the majority of truck traffic enters the facility through eastern and western entrances, and that Eucalyptus Avenue only accommodates 29.7% of all truck traffic. This discrepancy yields an underestimation of approximately 430 truck trips per day travelling along Eucalyptus Avenue. Without considering the diesel emissions from these trips, the risk reported for the residential receptors located closest to the facility just south of Eucalyptus Avenue will be underestimated.

- The HRA underestimates the amount of trucking activity that will occur onsite by not including onsite traveling emissions. Given the significant size of the project, each truck can be expected to travel approximately ¼ mile in the southern truck entrances and loading areas onsite and nearly ¾ mile in the northern loading areas and western entrance. With 856 truck trips per day, this omission yields an underestimate of approximately 200 miles of onsite trucking activity per day. Without including the diesel emissions from this activity, the health risk reported in the Final EIR is underestimated.

- The proposed mitigation measure of reducing idling to a total of 3 minutes onsite for each truck may not be achievable given the description included in the EIR. For example, it is unclear how the project proponent will enforce the measure with 856 trucks per day (equal to approximately two truck trips onsite each minute of a 24 hour day) on a 50+ acre site with 173 docks and 175 truck parking stalls. The lead agency should either include specific provisions that establish how this measure will be enforced (e.g., onsite staff dedicated solely to monitoring diesel activities), or revise the HRA to include a more realistic composite onsite idling time of 15 minutes per truck (5 minutes entering, 5 minutes onsite, 5 minutes exiting).

2. Land Use Compatibility Mitigation

AQMD staff appreciates the inclusion of the proposed amendment of Municipal Code 9.05 as a part of this project. This amendment requires that industrial and warehouse projects greater than 50,000 square feet in size be separated from any residential district

by a distance established by an air quality or noise analysis, with a minimum of a 250-foot setback. This is a forward-thinking measure; however, its overall effect may be substantially reduced by not including a cumulative analysis of the primary truck route serving the facility in the distance measurement. For example, in the current project over 680 truck trips per day serving this facility will pass adjacent to a residential district south of the future Eucalyptus Avenue. This significant trucking activity may produce emissions that surpass those produced in the southern loading area. However, as written the setback area is measured from the loading area, not the truck route. AQMD staff recommends that the lead agency include truck routes within this amendment.

3. Regional and Localized Air Quality Mitigation

AQMD staff appreciates the addition of a mitigation measure in the Final EIR to address diesel emissions from trucks. However, given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.13 to ensure that these impacts are minimized. Specifically, the lead agency should revise the aforementioned measure to extend this requirement to any fleet owners/operators that serve the proposed project; therefore, the measure should be revised as follows:

- Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.

- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project and/or fleet owners and/or operators that serve the proposed project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.

Information about various funding programs can be found the following websites:

- http://www.aqmd.gov/tao/Implementation/index.htm and

- http://www.arb.ca.gov/msprog/truckstop/azregs/fa_resources.php

From: Paul Claxton
Sent: Wednesday, May 11, 2011 5:42 PM
To: Jeffrey Bradshaw; John Terell; Grace Espino-Salcedo
Subject: West Ridge Commerce Center

Mr. Bradshaw, Mr. Terell, and Ms Espino-Salcedo,

I am writing to express my concern about plans to put in another nearly one million square foot warehouse.

I bought my home ten years ago in a very different Moreno Valley. I work at March Air Force Base and when we moved here from Washington state my family looked at a number of towns in the area – Corona, Riverside, and Moreno Valley among others. What struck me about Moreno Valley was the beautiful east end of ranches and open land. The city struck me as a pleasant bedroom community to raise my family, grow old, and retire in. That's no longer the case. The city seems hell bent into becoming another Ontario or San Bernadino full of warehouses, lower wage jobs, traffic, noise, pollution, crime, and high taxes. Sorry, I am at a point in my career that I can afford to pull out and move if I have to and it is very apparent to this frog that the pot is on the range top and the water is getting warmer. The crime rate is already soaring with the violence brought here by the gangs and the drugs they freely peddle on our streets without having to drive out more tax payers for additional renters and section 8 housing.

I live just a couple short miles away from this second stake into the heart of the valley. The Sketcher's warehouse has yet to open and I can hardly wait for 200 semi-trucks an hour to roll down the 60 freeway, Ironwood and other side streets creating noise and pollution. This warehouse hasn't created another job in the city yet, I find it hard to imagine that people would sell their homes in Ontario and move here to be 15 miles closer to work, unlikely.

Paul Claxton
Moreno Valley

ATTACHMENT 28

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MV00115018

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **ADOPT** Ordinance No. 2011-831, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

ADVISORY BOARD RECOMMENDATIONS

On April 14, 2011, the Planning Commission conducted a public hearing to review proposed revisions related to lighting for general site, street and athletic field/park lighting citywide. At the conclusion of the public hearing and Commissioner debate, the Commission unanimously recommended that the City Council not amend lighting provisions within the Municipal Code to include a dark sky emphasis for general site, street and athletic field/park lighting.

The Planning Commission stated a number of reasons for their recommendation for denial including, but not limited to, their belief that the proposed dark sky ordinance revisions to existing Municipal Code lighting standards would be intrusive to both residential homeowners and commercial/industrial projects, curfew lighting having the potential to create reduced lighting conditions and the potential for reduced lighting within parking lot peripheries. The Commissioners mentioned that the reduction of lighting in the later night hours may lead to potential public safety issues and that some provisions such as the night lighting curfew and light wattage requirements may be difficult to enforce.

BACKGROUND

On October 20, 2009, the City Council provided direction for staff to review existing lighting standards and provide proposed dark sky provisions for consideration. The review of existing lighting ordinance standards is a direct result of the settlement agreement reached on January 7, 2010, between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project and the Skechers warehouse building.

The current City of Moreno Valley Municipal Code lighting requirements include provisions to curb on-site lighting such as the current limit for lighting at property lines to a maximum of 0.5 foot candle and residential lighting fixture limit of twelve feet in height. Some of the current lighting standards however, do not facilitate a dark sky approach or assist in promoting energy efficiency. For example, the City currently requires that parking lots and other public spaces be lit “from dusk to dawn” which exceeds the hours of operation for most retail and non-retail properties, especially office and religious establishments.

Research conducted by the Planning Division found that only a few cities had adopted dark sky ordinances. Surrounding cities such as Riverside, Perris and Redlands have not adopted dark sky ordinances. Although the settlement agreement suggested utilizing standards from the City of Palm Desert, a combination of ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas, San Diego and other cities were reviewed. Standards within these ordinances and draft guidance standards by the International Dark-Sky Association were the basis for the revised lighting provisions.

The primary purposes of changing current lighting practices and drafting a dark sky ordinance include**:**

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the negative effects of night lighting.

DISCUSSION

Pursuant to the direction provided by the City Council, staff developed revised onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields for City Council consideration. Based on provisions within the settlement agreement, staff was to report back to City Council with draft lighting requirements and recommendations for consideration without commitment to adopt an ordinance.

Some of the major modifications proposed to the existing lighting standards include:

- Revised development and performance standards including maximum wattage of light bulbs for single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);
- All lighting to include full cutoffs to prevent excess trespass for residential-multiple family and all non-residential properties.
- A further reduction of permitted light trespass or spillover lighting on adjacent properties for all non-residential and multi-family residential properties to not exceed 0.25 foot candle minimum maintained lighting measured from within five (5) feet of any property line consistent with language in the Palm Desert ordinance. This compares with the existing ordinance standard to not exceed 0.50 foot candle at the property line.
- The inclusion of height limits for hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet; and non-residential lighting height limits of 30 feet, except within 100 feet of a residential use, where the maximum height would be 20 feet and walkway/courtyard lighting with a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting for non-residential uses requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.
- The addition of athletic field lighting standards to include horizontal cutoffs to reduce vertical lighting above the fixture for new lighting and retrofit fixtures and a maximum lighting value for lighting recreational athletic fields to be an average maintained 50 foot-candles.

- The modification of existing street light standards to indicate that the installation of street lighting is solely for the purpose of illuminating the public right of way in conformance to the city street lighting standards, which include the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

In the process of updating current lighting standards, staff established a subcommittee with members from the departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utility and Parks and Community Services. All department representatives of the subcommittee assisted in drafting revised lighting language, reviewed draft dark sky lighting standards, and have agreed to the proposed modifications as presented and attached to this report in cross-out/underline and clean copy formats.

ALTERNATIVES

1. Based on the recommendation of the Planning Commission, reject the proposed draft dark sky lighting modifications and not take action on the ordinance.

2. Approve the proposed draft dark sky lighting ordinance as written.

3. Approve the proposed draft dark sky lighting ordinance with modifications. The Council could elect to remove or modify items such as the lighting curfew, provisions modifying additional spill-over lighting adjacent to adjoining properties or restricting wattage of lighting for residential and/or non-residential properties.

4. Return the proposed dark sky lighting ordinance back to the Planning Commission with further direction.

NOTIFICATION

Public notice of the proposed Municipal Code Amendment was published in the local newspaper as a 1/8 page display ad on June 24, 2011, and was mailed to the Sierra Club.

ATTACHMENTS

1. Public hearing notice
2. City Council Ordinance, including clean copies of the Ordinance amendment
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.
8. Planning Commission Report dated April 14, 2011, excluding attachments
9. Planning Commission Minutes of April 14, 2011

Prepared By:
Mark Gross, AICP,
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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MV00115024

NOTICE
OF
CITY COUNCIL
PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT (PA10-0022) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS", AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The amendment would modify current lighting provisions including, but not limited to the refinement of existing code standards for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties and a dark sky approach citywide.

The City Council may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk or City Council on or before the following meeting date:

Tuesday, July 12, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

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MV00115026

ORDINANCE NO. 831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use.

ATTACHMENT 2

All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting should not cause nuisance levels of light or glare on adjacent properties.

2. **Conformance with Zoning Regulations –** The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

   FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

3. **Health, Safety and Welfare –** The proposed modifications to the Municipal Code will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as residential hillside and open space areas. Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environmental, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to

adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

EXHIBIT A

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be

beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type_and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of maintained lighting.

2. Aisles and passageways related to and within a building complex, during the hours of darkness, shall be illuminated with a maximum of one-half (0.50) to one (1) foot candles of maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure not to exceed a height of eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

2. Lighting should improve the visual identification of residences and businesses.

3. Energy efficient lighting of buildings is encouraged.

4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements.

5. The location, color and intensity of private lighting should relate to and complement public lighting.

6. Lighting fixture design should complement the overall design theme of the project in which they are located.

7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare.

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

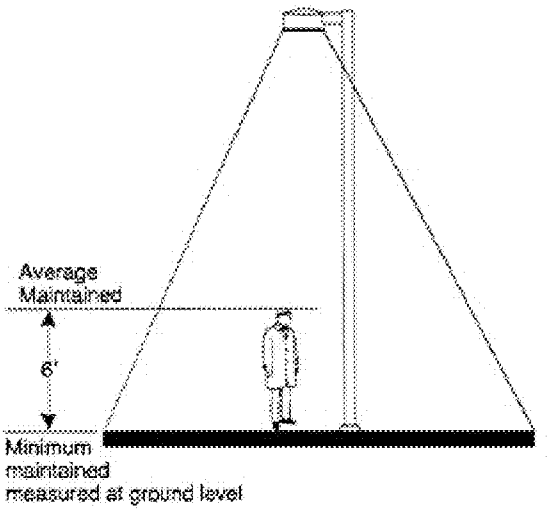

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

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MV00115044

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. ~~Each~~ Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to ~~these~~ illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

ATTACHMENT 3

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

~~A.~~ a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the nonresidential use~~ measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

~~B.~~ a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface ~~from dusk until dawn~~, unless otherwise approved, for visibility and security ~~over the entire parking surface~~. ~~Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines~~. ~~Each parking area of five or more spaces existing prior to the effective date of the ordinance codified in this chapter which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements.~~ Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the non-residential use~~ measured from within

five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of ~~minimum~~ maintained lighting.

2. Aisles and passageways ~~and recesses~~ related to and within a building complex, during the hours of darkness, shall be illuminated ~~to~~ with a maximum of one-half (0.50) to one (1) foot candles of ~~minimum~~ maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

~~7. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor

light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

~~C. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:~~

~~1. The operation of searchlights for advertising purposes; and~~

~~2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.~~

~~D. Overhead roof lighting is prohibited.~~

~~E. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.~~

~~F. All exterior commercial doors during the hours of darkness shall be illuminated with one footcandle, minimum maintained of light on the surface.~~

~~G. Aisles, passageways and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to one-half footcandle, minimum maintained on the surface.~~

~~H. All lighting shall be enclosed in vandal-resistant fixtures~~.

~~I. General Guidelines.~~

~~1. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.~~

~~2. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.~~

~~3. All exterior lighting shall be shielded to prevent spillover onto adjacent properties.~~

~~4. Industrial and manufacturing developments shall provide adequate lighting for safe and secure on-site parking, loading, storage, receiving and pedestrian areas.~~

~~5. All exterior doors on commercial structures shall be illuminated with a "minimum maintained" of one footcandle of light on the door surface during hours of darkness.~~

~~6. Aisles, passageways and recesses within a building complex shall be illuminated with a "minimum maintained" of one-half footcandle of light during hours of darkness.~~

~~7. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~8. In multifamily developments, laundry rooms shall be well-lit at all times they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.~~

~~9. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

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MV00115054

~~9.08.190 Street lighting.~~

~~A. Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~B. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~1. A utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~2. A municipally-owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~C. If a utility-owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~D. If a municipally-owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~E. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility-owned system and the public works director. (Ord. 359 (part), 1992)~~

ATTACHMENT 4

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MV00115056

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

ATTACHMENT 5

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure ~~of not more than~~ not to exceed a height of ~~twelve (12~~) eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

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MV00115060

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

~~2. Parking lot and walkway lighting fixture height and brightness should conform to the following table:~~

~~Table 9.16.280A~~

~~Site Lighting~~

-

~~Lamp Types and Characteristics~~

~~Type~~	~~Characteristics~~
~~Low Level~~	~~Heights below eye level~~
-	~~Very finite patterns with hour wattage capabilities~~
-	~~Incandescent, fluorescent~~
-	~~Lowest maintenance requirements, but highly susceptible to vandals~~
~~Mall and Walkway~~	~~10′ – 15′ heights average~~
-	~~Multi-use because of extreme variety of fixtures and light pattern~~
-	~~Incandescent, high pressure sodium~~
-	~~Susceptible to vandalism~~
~~Special Purpose~~	~~20′ – 30′ heights average~~
-	~~Recreational, commercial, residential, industrial~~
-	~~Metal halide, high or low pressure sodium~~
-	~~Fixtures monitored by sentry~~

ATTACHMENT 6

~~3.~~ 2. Lighting should improve the visual identification of residences and businesses. ~~Within commercial areas, lighting should help to create a festive atmosphere by encouraging nighttime pedestrian use.~~

~~4.~~ 3. Energy efficient lighting of buildings is encouraged.

~~5~~. 4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements. ~~and should be de-signed either to uplight structures from the ground or to downlight structures from projecting or detached architectural elements.~~

~~6.~~ 5. The location, color and intensity of private lighting should relate to and complement public lighting.

~~7~~. 6. Lighting fixture design should complement the overall design theme of the project in which they are located.

~~8. Fixtures should be placed so that light patterns overlap at a height of seven feet, which is sufficiently high to illuminate a person's body vertically. This is a particularly important consideration now that lighting fixture manufacturers are designing luminaries with highly controlled light patterns.~~

~~9~~ 7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

~~10~~ 8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare. ~~Most eye levels occur between three feet eight inches (for wheelchair users) and six feet for standing adults.~~

~~11. When walkway lighting is provided primarily by low fixtures, there should be sufficient peripheral lighting to illuminate the immediate surroundings. Peripheral lighting provides for a better feeling of security for individuals because they can see into their surroundings to determine whether passage through an area is safe. Such lighting should be approached from one of two ways:~~

~~a. By lighting the area so that an object or person may be seen directly; or~~

~~b. By lighting the area to place an object or a person in silhouette. (Ord. 698 § 3.1(g), 2005; Ord. 359 (Attach. 2 (part)), 1992)~~

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

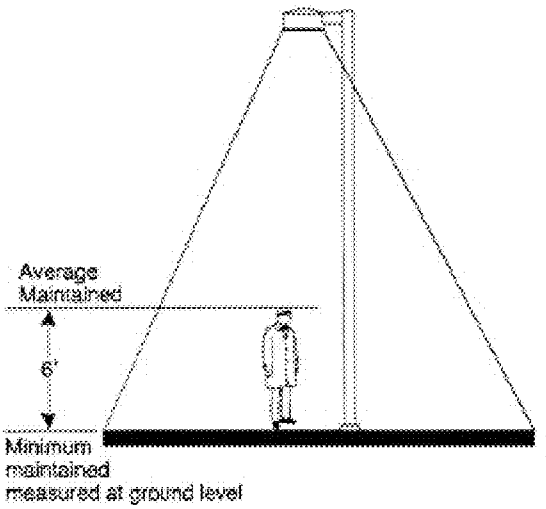

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

ATTACHMENT 7

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MV00115064

PLANNING COMMISSION STAFF REPORT

Case:	PA10-0022
Date:	April 14, 2011
Applicant:	City of Moreno Valley
Representative:	Same as above
Location:	Citywide
Proposal:	Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general site, street and athletic field/park lighting citywide.
Redevelopment Area:	N/A
Recommendation:	Recommend ordinance amendment to City Council

SUMMARY
The Planning Division of the City of Moreno Valley proposes modifications to various sections of Title 9 of the Municipal code to refine existing lighting standards to provide for better viewing of the night sky ("dark sky"). The amendment proposes modifications to onsite, athletic field/park and street lighting to minimize light pollution and trespass. All newly establish developments citywide will be subject to the proposed revisions to the code.

BACKGROUND

At the October 20, 2009, Study Session, the City Council provided direction to review the City's lighting standards based on the International Dark-Sky Association (IDA) recommendations and dark sky ordinances from other communities. This review was identified in the Settlement Agreement between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project. The review also reflects previous development review projects located within the rural and hillside residential areas within the north and east portions of the City.

The underlying principles of the proposed lighting standards/dark sky ordinance are to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky;
- Curtail and reverse degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Based on information from the IDA, the assumption that more light always results in better safety and security is not supported. Only the right amount of light, in the right place, at the right time should be necessary. In most instances, providing more light or creating bright areas often leads to glare and reduced visibility as well as wasted light and energy. The IDA recommendations call for the use of the lowest feasible wattage lamp. The maximum wattage recommended for most commercial applications is 250 watts of high intensity discharge lighting.

The current City Municipal Code includes provisions to curb on-site lighting. The Municipal Code requires that "lighting shall be adequate to help ensure a safe environment, but not cause excessive glare or intense light." All non-residential lighting is required to be shielded to avoid glare and prevent light spillage over property lines or into the public right of way. The lighting at property lines is limited to a maximum of 0.5 foot candle. The minimum lighting required in parking lots, pedestrian walkways and other areas accessible to the general public is 1 foot-candle and the maximum is 8 foot-candle to provide adequate nighttime visibility without creating excessive glare. Lighting standards are verified by a review of a point by point lighting plan showing the foot-candle lighting for closely spaced points across a site based on the fixtures proposed for the on-site use. Residential lighting is limited to twelve feet in height, below the typical eave line for a house. Finally, the stated intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are an inherently characteristic of hillside areas.

PROJECT ANALYSIS

In order to comply with the direction provided by the City Council at their October 20, 2009 Study Session meeting and the Settlement Agreement between the Sierra Club, Highland Fairview and the City of Moreno Valley, staff is presenting the Planning Commission with revised Municipal Code standards for lighting. Staff has included specific updated standards relating to onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields.

Research conducted by the Planning Division found that very few cities had adopted dark sky ordinances. For example, surrounding cities such as Riverside, Perris and Redlands did not have adopted dark sky ordinances. The majority of the cities who have adopted dark sky ordinances were found to be more rural, desert and tourist areas where climate conditions more easily allow the viewing of the stars and night sky. While the Settlement Agreement specifically identified consideration of standards from the City of Palm Desert, staff also reviewed ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas and San Diego and other cities, and the IDA recommendations.

Based on the review of existing Municipal Code standards and other communities dark sky ordinances, staff has proposed updated standards in Attachment 3 of this report. Many of the standards in the existing ordinance were used; however a number of items from IDA recommendations and ordinances such as Palm Desert's were utilized to incorporate dark sky practices. The major modifications to the existing lighting ordinance include:

- Revised development and performance standards to include maximum wattage for light bulbs on single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);

- All lighting designed with full cutoffs to fully shield light fixtures on residential-multiple family and all non-residential properties.

- A further reduction of permitted light trespass or spillover lighting onto adjacent properties for all non-residential (commercial and industrial) and multi-family residential properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle. The revised standard is consistent with language provided within the Palm Desert Ordinance.

- The inclusion of lighting height limits on hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet. Non-residential lighting height limits shall be a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.

- The addition of athletic field lighting standards to include horizontal cutoffs to reduce lighting above the fixture for new and retrofit lighting designs and a maximum lighting value used in lighting recreational athletic fields of an average maintained 50 foot-candles.

- The modification of existing street light standards to include the installation of street lighting solely for the purpose of illuminating the public right of way and conformance to the city street lighting standards, including the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

The dark sky standards would apply to all new development and to existing development/parking areas that are enlarged or altered. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to review of a new or revised point by point photometric lighting plan.

Specific language of the above sections of the Municipal Code can be found in Attachment 3 of this report, which includes a strikeout/underline version of the language added and subtracted.

REVIEW PROCESS

Staff originally presented the item to the City Council at the October 20, 2009, Study Session meeting as in conjunction an overall review of City efforts included in the Highland Fairview Corporate Park Settlement Agreement. During the study session meeting, existing and proposed standards were discussed, with the City Council recommending that staff bring back proposals to incorporate guidelines of the International Dark Sky Association and exterior lighting standards of jurisdictions such as Palm Desert which have created dark sky ordinances.

Subsequently, staff established a subcommittee of members from various internal departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utilities and Parks and Community Services. Collectively, all internal departments and representatives of the subcommittee have drafted revised lighting language and/or reviewed draft dark sky lighting standards. All members of the subcommittee have agreed to modify the ordinance as is presented and attached to this report.

The next step in the process is to have the Planning Commission review the proposed amended lighting standards and recommend to the City Council for final review and action.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA10-0022) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines in that there is no possibility that the proposed activity and the modification of existing light standards to further prevent light spillover into adjacent properties and the night sky would create the potential for a significant impact upon the environment.

NOTIFICATION

A 1/8 page public hearing notice for this development code amendment was published in the local newspaper. The Sierra Club was also notified of the meeting.

REVIEW COMMENTS

Staff sent out the final draft of the modified lighting ordinance to eleven (11) lighting designers and experts in the field that have previously submitted photometric lighting plans to the City, inviting any comments on the draft language to be provided. Staff did not receive any comments during or since the 30 day transmittal period.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Prepared by:	Approved by:
Mark Gross, AICP Senior Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-10
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code.
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for

non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.
Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the

proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things

through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I

even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not

changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule

saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old

business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a

stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could

recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of

inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

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MV00115092

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 12, 2011

TITLE: Approval of Concessionaire Agreement with Pacifica University, Inc., for the Cottonwood Golf Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

BACKGROUND

The City has owned the Cottonwood Golf Center since incorporation. During this time, the City has contracted with two concessionaires to operate the clubhouse/pro shop portion of the course. Whether operated by contract or in-house the golf course has always shown an annual deficit. At one time the operational deficit at the Center was more than $350,000 per year. While the deficit has been reduced significantly, it is anticipated that the deficit will be approximately $199,000 for the current fiscal year.

The City has been operating Cottonwood for the last nine years and has been able to somewhat reduce the deficit; however, we have been unable to make the course cost effective. The proposed contract with Pacifica University indicates their interest in being the concessionaire at Cottonwood including the operation and maintenance of the golf course and the management and operation of the adjacent banquet facility. The proposal, if approved, will immediately reduce the deficit by approximately $70,000 and will completely create a self sufficient golf course within four to five years.

DISCUSSION

At the City Council Study Session in April 2010, staff was directed to retain the maintenance and operation of the Cottonwood Golf Center, while trying to reduce the deficit it incurs. For fiscal year 2009/10, expenditures at the golf course were $336,726 while revenues came in around $71,000 for an annual deficit of $265,726. With some aggressive maintenance changes, staff immediately reduced the fiscal year 2010/11 expenditure budget to approximately $289,886. This reduced the overall annul deficit to $199,886.

Staff met regularly with a newly established Golf Course Committee, comprised of residents that utilize the golf course. Working with this committee, the City adjusted the fee schedule, improved marketing to increase play, and brainstormed as to what would be best for the Cottonwood Golf Center. Along with this staff repaired a massive drainage problem, originally projected to cost more than $300,000, but was completed for approximately $20,000.

On February 23, 2011 staff advertised a request for proposal, subsequently receiving four inquiries. Staff and elected members from the Golf Course Committee conducted in person interviews with all interested parties which resulted in a unanimous decision to begin negotiations with Pacifica University.

Pacifica University is a newly formed athletic and sports management institution currently based in Riverside. Staff has a positive working relationship with the college as their men's basketball and baseball teams have been renting the gymnasium at the Conference and Recreation Center as well as Sunnymead Park's Salas Field. Pacifica University is in the midst of forming women's basketball, soccer, and volleyball along with men's soccer and rugby with more teams on the horizon. The proposal from Pacifica University involves the college golf team assuming responsibility for the maintenance and operation of the golf course as well as responsibility for the adjacent banquet area.

There are many advantages to this unique opportunity including the following:

1. Pacifica University will relocate to Moreno Valley with the name Pacifica University of Moreno Valley.
2. Upon expansion the college will be leasing other facilities within the City for their classrooms.
3. Pacifica University has other money backing this endeavor (tuition and investors) which gives the City an opportunity to have a golf course out of debt.
4. Staff at the course (golf team) will have knowledge of this sport which will be great for the players that frequent Cottonwood.
5. Pacifica University is enthusiastic about immediately helping the CSD in constructing a practice hitting area and eventually improving the kitchen to serve prepared food.

6. The University golf team will be promoting the course in the community especially amongst our youth, providing tournaments and leagues in hopes of increasing play at Cottonwood.
7. Lastly the university students and staff will be frequenting Moreno Valley restaurants, stores, and gas stations which obviously help the City's economy.

The details of the proposed agreement are attached but in short allows the University to retain all revenues for the first three years while freeing up staff expenditures, contractual services, and supply expenses currently incurred by City.

It will be necessary for staff to address certain building deficiencies to get this facility up to code and operating efficiently, while the University will be constructing improvements that will make Cottonwood a more inviting place to visit.

ALTERNATIVES

1. Approve the Concessionaire Agreement with Pacifica University, Inc., to maintain and operate Cottonwood Golf Center for a period of five (5) years with a renewal opportunity for 20 additional years.

2. Not approve the Concessionaire Agreement and direct staff to identify alternatives to reduce funding deficit.

FISCAL IMPACT

By approving staff's recommendation, Cottonwood Golf Center will reduce annual expenses by approximately $70,000 this fiscal year, while eventually eliminating the deficit at the course for the first time in the history of its existence.

SUMMARY

Staff and the Golf Course Committee believe the City has a unique and creative opportunity that benefits the entire community and will help the Cottonwood Golf Center become a successful, more attractive area for residents and non-residents to spend their leisure time. Pacifica University is excited about not only operating the course but also becoming part of Moreno Valley.

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A: Proposed Concessionaire Agreement with Pacifica University

Prepared By:
Michael McCarty
Director of Parks and Community Services

Department Head Approval:
Michael McCarty
Director of Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT A

CONCESSION SERVICES AGREEMENT BETWEEN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND PACIFICA UNIVERSITY, INC.
(Cottonwood Golf Center)

THIS AGREEMENT is made and entered into this 1st day of August, 2011, by and between the Moreno Valley Community Services District, a Municipal corporation (hereinafter called the "CSD") and Pacifica University, Inc. (hereinafter called the "Concessionaire") whereby said parties agreed upon the following terms and conditions:

RECITALS.

CSD owns a golf course facility and recreation center and related facilities and property located at 13671 Frederick Street in the City of Moreno Valley, County of Riverside, State of California, known as Cottonwood Golf Center ("Golf Course"). The Golf Course includes a 9-hole golf course consisting of fairways, roughs, sand traps, driving range, water areas, maintenance yard, fencing, lawn, restroom facilities, a golf clubhouse, a pro shop, a parking lot, and the adjacent banquet room. Concessionaire will not have use or be permitted into the two rooms north of the banquet room, and the restrooms in this area can only be utilized until outside restrooms at the Golf Course are repaired. Upon repair the restrooms located inside banquet facility will be closed or reconstructed as monies allow.

Concessionaire represents that it is qualified in the management, operation, supervision, and maintenance of all aspects of golf course properties and their related facilities, and that Concessionaire is qualified to manage, operate, supervise, and maintain the Golf Course.

CSD desires Concessionaire to manage, operate, supervise, and maintain the Golf Course on behalf of the CSD, and Concessionaire desires to and has agreed to do so upon the terms and conditions hereinafter set forth.

AGREEMENT.

1.1 Agreement to Manage and Operate Golf Course.

CSD hereby appoints Concessionaire, and Concessionaire hereby accepts such appointment as the operator of the Golf Course during the Term, with full power and authority to carry out all the duties and responsibilities specified herein, upon the terms and subject to conditions hereinafter set forth.

1.2 Standards of Performance; Fiduciary Duty.

Concessionaire acknowledges that there is a relationship of trust and confidence between Concessionaire and CSD, and that Concessionaire has a fiduciary duty to CSD pursuant to this Agreement. Concessionaire shall use Concessionaire's best skill and judgment in performing its duties and obligations hereunder, and shall at all times provide such management, operating, supervision, and maintenance services in a manner which maintains the good name of the CSD; perform its duties and obligations under this Agreement in an efficient, expeditious, prudent, and economical manner, consistent with the best interest of the CSD, in accordance with generally approved practices and standards followed by similarly situated public golf courses in California.

2.1 General Duties and Obligations.

A. Throughout the term, subject to any restrictions or limitations set forth elsewhere in this Agreement and subject to CSD's approval, Concessionaire shall, at a minimum, do the following:

(1) Fully comply, and cause the Golf Course and all Equipment and Supplies and operation thereof to fully comply with all legal requirements including all laws, statutes, ordinances, codes, orders, rules, regulations, permits, licenses, authorizations, entitlements, and conditions imposed by all federal, state, and local governmental

regulatory agencies and authorities which are applicable as of the date hereof and hereafter become applicable to the Golf Course, the Equipment and Supplies, or the operation thereof, including without limitation, environmental laws.

(2) Apply for, obtain, and maintain in full force and effect, at Concessionaire's expense, all permits, licenses, and authorizations required, whether by CSD, City of Moreno Valley, or by any other governmental agency, that are necessary or appropriate for the management, operation and maintenance of the Golf Course.

(3) Obtain and maintain in full force and effect all insurance required to be maintained by Concessionaire pursuant to this Agreement.

(4) Concessionaire shall diligently and faithfully perform the following services (among others) during the term of this Agreement:

(a) Promote the sport of golf in such a manner that will encourage, and thereby cause, the public to engage in such sport at the Golf Course.

(b) Promote, manage, and arrange for golf tournaments and recreation programs related to the sport of golf at Golf Course.

(c) Manage and conduct the play of golf at Golf Course in such a manner that will permit the public to play in an orderly and non-obtrusive fashion at said golf course.

(d) Operate a pro shop and practice hitting/driving area including, but not limited to, sale and/or rental of golf equipment, non-motorized golf carts, motorized golf carts, and golf-related apparel items.

(e) Maintain an adequate stock of golf merchandise, supplies, and equipment necessary for the operation of a golf shop and in keeping with the demand.

(f) All golf merchandise, supplies, and equipment used in the pro shop operation and practice hitting/driving area shall be the responsibility of the

Concessionaire.

(g) Be responsible for selection, training, and supervision of all pro shop personnel described herein. All payroll related costs, including workers compensation insurance, sick leave, and vacation pay shall be the sole responsibility of the Concessionaire.

(h) Provide close liaison between pro shop management and CSD management in order to aggressively develop methods to improve golf service and build a high level of customer satisfaction.

(i) Generate sufficient revenue to cover expenses of the pro shop operation with a pricing structure partially established by CSD resolution with respect to greens fees, with related prices to be justified by current local market conditions comparable from facility to facility within the county, as per City Council.

(j) Charge and collect from all members of the public who desire to use and play upon said golf course, greens, practice hitting/driving area, and/or lesson fees as from time to time may be established by resolution of the City Council. Fees established by the City Council shall be the maximum fee charged to use and play upon said golf course. Concessionaire may from time to time, with the approval of the Director of Parks and Community Services or his/her representative, provide "discount" and/or "special" rates as a marketing tool to attract additional play. Concessionaire shall not permit, or cause to be permitted, any members of the public to play upon said golf course unless such established greens fees have been collected in advance from such persons.

(k) Concessionaire to maintain a "tee sheet" listing type of fee paid and player's name. Concessionaire shall provide each customer with a receipt for their transaction.

(l) Provide for the sale of food and beverages including beer and

wine in the pro shop located at the Golf Course. Drinking of beer and wine shall be limited to the pro shop/restaurant and not be permitted on the course.

2.2. Throughout the Term, Concessionaire shall, subject to any restrictions or limitations set forth elsewhere in this Agreement, perform or cause to be performed all tasks necessary or appropriate in connection with the ongoing operation, management, supervision, maintenance, repair, and upkeep of the Golf Course. In performing such tasks Concessionaire shall, at a minimum, do each of the following:

Golf Course

A. Be responsible for and control the play at the Golf Course, including making reservations, starting players, supervision of all of Concessionaire's personnel on the Golf Course, and all other aspects involving use of the Golf Course by members of the public.

B. Provide and supervise all personnel necessary to properly fulfill Concessionaire's requirements under this Agreement, including but not limited to golfing instructors, pro shop staff, driving range staff, putting green staff, and any other persons necessary for the successful and efficient operation of the Golf Course. Concessionaire shall take care to ensure that all staff persons are qualified for their positions and have the ability to relate to the public in the context of a municipal golf course.

C. Concessionaire shall also perform the following services under the direction and supervision of CSD staff as needed:

(1) Water greens, tees, fairways, practice range and landscaped areas.

(2) Change cup locations daily.

(3) Rake traps and repair divots daily.

(4) Edge all sand traps twice monthly.

(5) Verticut all greens not less than four times per year, and more frequently if required.

(6) Aerate greens twice annually, or more if required.

(7) Top dress all greens twice per year.

(8) Mow greens at least four times per week in the months of March through October, and at least twice per week in the months of November through February, or more if required.

(9) Fertilize greens and heavy traffic areas every eight weeks.

(10) Repair tees, including divots, and move tee markers daily.

(11) Spray greens as needed.

(12) Mow fairways twice weekly during the months of March through October, and at least once a week during the months of November through February, or more if required.

(13) Operate the Golf Course and all related facilities during all daylight hours, seven days per week, on all days when the Golf Course is playable. The course may be closed or hours adjusted as per authorization from Director of Parks and Community Services or his/her representative.

Golf Course General Maintenance and Repair.

A. Maintain the clubhouse, pro shop, golf cart storage building, banquet facility, and all other facilities related to the Golf Course in a safe, neat, and orderly condition.

B. Maintain all restroom facilities to ensure that they are constantly and fully equipped and in a clean, sanitary, safe, and orderly condition. Concessionaire shall provide all supplies and materials reasonably necessary for the proper maintenance of

restroom facilities by Concessionaire.

C. Maintain and perform minor repairs to the premises, including but not limited to greens, fairways, tees, roughs, driving range, water areas, maintenance yard, irrigation systems, landscaping, shrubs, trees, planter areas, fencing, lawns, restroom facilities, golf clubhouse, pro shop, parking lot, all personal property related thereto, and all other portions of the grounds and related facilities in accordance with industry standards and established minimum maintenance levels for the Golf Course.

Pro Shop

Concessionaire shall manage and operate the pro shop consistent with the following requirements:

A. At all times maintain a reasonable and adequate inventory of new and used golfing equipment in order to provide Golf Course patrons with a reasonable variety of golfing equipment for purchase or rent. All of the inventory in the pro shop shall be purchased by Concessionaire at Concessionaire's sole cost and expense, and shall be owned by Concessionaire.

B. Maintain the pro shop in neat, clean, safe, and orderly condition

C. Provide golf instruction and other services typically provided to a golf course.

D. Maintain adequate, qualified, and competent supervision of the Golf Course and all related facilities at all times.

2.3 Equipment and Supplies.

A. Equipment.

(1) Definition of Equipment. An inventory of the minimum equipment necessary for the performance of this Agreement by Concessionaire (hereafter

"Equipment") pertains to the following list: one of each, Gang Mower 5 Reel Ground master, Sidewinder 3 Reel Toro, Greens Mower 3250 3 Reel Green master, Tee Mower 3200 Green master, Cushman 01-770, Reel Sharpener. Said inventory may be updated from time to time by written agreement between Concessionaire and the CSD.

(2) Maintenance and Repair. CSD and Concessionaire agree that the inventory of Equipment currently located at the Golf Center is all the equipment and parts necessary for the performance of this Agreement by Concessionaire. Concessionaire shall keep all such Equipment in good maintenance and repair throughout its useful life. Equipment and parts damaged by the Concessionaire shall be repaired or replaced by Concessionaire, at Concessionaire's sole expense.

(3) Maintenance Buildings. Concessionaire is hereby permitted to utilize the maintenance buildings on the Golf Course to store Equipment and Supplies for the maintenance and repair of the Golf Course and related facilities, and Concessionaire shall keep these buildings in neat, safe, clean, and orderly conditions. Concessionaire shall maintain and repair these maintenance buildings, and all damage to said buildings shall be repaired by Concessionaire at Concessionaire's sole expense.

B. Supplies.

Concessionaire shall, at Concessionaire's sole expense, purchase all of the supplies, including but not limited to: gas, oil, grease, all small tools, shovels, rakes, hoes, brooms, fertilizers, weed control products, chemicals, grass seed, cups, flags, flagpoles, tee markers, trash receptacles, sand, special tools to maintain Equipment, and all top dress materials. Concessionaire may purchases such supplies from CSD inventory, if available.

2.4 Additional Repairs and Improvements.

Notwithstanding anything to the contrary in this Agreement, in the event Concessionaire is engaged to perform improvements that are outside the scope of this Agreement, such as installation of kitchen improvements and banquet facility enhancement. CSD and Concessionaire shall agree to the terms of such engagement.

CSD shall be responsible for and bear the cost of all major improvements including but not limited to parking lot improvements, exterior restroom improvements, building access improvements from public right away installation of driving range area, and completion of roof improvements. Concessionaire shall be responsible to provide labor for all minor Equipment repairs, tune-ups, grinding, belt and chain replacements, and all scheduled or manufacturer recommended servicing of Equipment.

Concessionaire and CSD will work together on adding patio cover in back area of golf course, trim scraping, and building paint as needed.

2.5 Utilities.

The Concessionaire shall pay for all utilities and services necessary to carry out Concessionaire's obligations of this Agreement, including but not limited to pest control and janitorial services. Furthermore, internet service, television cable or satellite service, and similar non-essential utilities shall be furnished at the sole cost and expense of Concessionaire.

2.6 Alterations and Fixtures.

A. Concessionaire shall have the right to install and maintain in the pro shop display cases and all other fixtures reasonably necessary for proper operation of the pro shop. Before installing any such fixtures or making any alteration to the pro shop,

Concessionaire shall submit plans and designs for the installation to the CSD for its approval which shall not be unreasonably withheld. Concessionaire shall maintain an up-to-date list of all fixtures, alterations, and improvements installed at the pro shop and shall furnish a copy to the CSD each time Concessionaire removes a fixture or improvement so that both parties have a current list of all alterations and fixtures installed by Concessionaire. At the end of the Term, at CSD's sole discretion, Concessionaire shall restore the pro shop to the same condition as before the alterations and fixtures, as required by the CSD, and Concessionaire will indemnify and defend CSD for all liens, stop notices, claims, or damages caused by the alterations, improvements, fixtures, additions, and removal thereof from the pro shop. In the event Concessionaire fails to remove all of Concessionaire's fixtures and alterations as requested by CSD within five (5) business days of the end of the Term, and restore the pro shop to its original condition, all such fixtures, alterations, and improvements shall become the property of the CSD.

B. Concessionaire shall design to CSD's reasonable satisfaction and approval a fully enclosed practice hitting/driving area. Such improvements, and any other improvements, alterations, and installation of fixtures, to be undertaken by Concessionaire, shall have the prior written approval of the CSD after Concessionaire has submitted to the CSD proposed construction plans and specifications therefore, in writing. Such approval by the CSD shall not be unreasonably withheld. Upon such approval, Concessionaire shall complete such improvements in strict compliance with said plans and specifications.

(1) Following completion of such improvements, Concessionaire shall submit to the CSD:

(a) Itemized statements showing the entire cost of such

improvements, alterations, and fixtures, and

(b) A complete set of "as-built" drawings showing every detail, latent or otherwise, of such improvements, alterations, and fixtures, including, but not limited to, electrical circuitry and plumbing.

(c) All such improvements, alterations, and fixtures (except trade fixtures as that term is used in Section 1019 of the Civil Code) shall be the property of the CSD; provided, however, that Concessionaire may remove, at its expense, such trade fixtures at or prior to the expiration of this Agreement and restore the premises to its original shape and condition as nearly as practicable. In the event Concessionaire does not so remove such trade fixtures, they shall become the property of the CSD for no further consideration of any kind, and Concessionaire shall execute any documents that may be required or necessitated in conveying their interest in such improvements, alterations, and fixtures to the CSD.

2.7 Revenue and Compensation.

A. For the first three (3) years of this agreement, the Concessionaire shall keep all revenues generated at Golf Course including all green fees, hitting area revenue, sale of food and beverages, sale of golf products, and all rentals.

B. In years four (4) and five (5), Concessionaire shall remit to the CSD the following amounts.

(1) Ten percent (10%) of all revenues generated from green fees, sale of food, beverages, golf related products, and by rentals.

(2) Fifty percent (50%) of all revenues generated from City installed driving range area.

C. The CSD shall have no responsibility for collection of any monies due the Concessionaire as a result of pro shop operations. The Concessionaire may offer promotional programs and other financial incentives in order to generate additional participation and/or sales including promotional green fees.

2.8 Taxes, Licenses, Permits and Fees.

The Concessionaire shall be responsible for payment of any taxes, duties, fees, or other governmental charges levied or assessed on the food service operation or property. The Concessionaire shall also be required to purchase any applicable permits and licenses (including City business license and any licenses required for alcohol).

2.9 Prohibited Activities.

Concessionaire shall not do, nor cause nor permit to be done, any of the following:

A. Lease, sell, transfer, assign, convey, pledge, encumber or otherwise dispose of the Golf Course, related facilities, Equipment, or Supplies.

B. Violate any of the legal requirements or engage in or permit, suffer, or allow the occurrence of, any storage, holding, release, emission, discharge, generation, abatement, disposition, handling, or transportation of any hazardous substance.

C. Make any deletion, modification, alteration, or improvement to the Golf Course or related facilities other than expressly authorized.

D. Except for fertilizers, pesticides, and fuel and motor oil reasonably necessary for operation and maintenance of the Golf Course, and except for any other substances and materials reasonably necessary for the operation and maintenance of the Golf Course (all of which shall be used, installed, kept, and maintained in compliance with all applicable legal requirements), place or cause to be placed in, on, under or around the Golf Course or

any related facilities any hazardous substance. Concessionaire hereby agrees to indemnify, defend (through counsel reasonably satisfactory to the CSD), and hold CSD harmless from any cost, expense, loss, damage, or other liability, including all costs of testing, monitoring, and remediation incurred by CSD as a result of any breach of Concessionaire of its obligations under this section.

3.1 Books and Reports.

A. Throughout the Term, Concessionaire shall maintain in accordance with generally accepted accounting principles, consistently applied, full and separate books and records for the Golf Course with entries supported by documentation sufficient to allow CSD to ascertain the accuracy of such books and records. Concessionaire shall provide legible, complete copies of such books and records to CSD at such times at CSD request. Concessionaire shall ensure the necessary control over accounting and financial transactions as is necessary to protect CSD's assets from theft, error or fraudulent activity by Concessionaire's staff.

B. Concessionaire shall prepare and submit to CSD, no later than ninety (90) days after the end of each fiscal year, an Annual Operating Report for the immediately preceding fiscal year which shall be in such form and contain such information as CSD may require.

3.2 CSD's Right to Audit.

All books, records, and supporting documentation maintained by Concessionaire pursuant to this Agreement and/or relating to the Concessionaire's operation of the Golf Course, shall be the sole and exclusive property of the CSD, and shall be made available to CSD at CSD's request at reasonable times during normal business hours. CSD may

examine all books, records, and supporting documentation maintained by Concessionaire relating to the Golf Course.

3.3. Annual Meeting.

During each fiscal year, Concessionaire and CSD shall meet a minimum of one time to establish such things as the contract details relating to maintenance and operation and fee structure.

4. Indemnity.

To the maximum extent permitted by law, Concessionaire and Concessionaire's Parties ("Concessionaire's Parties" mean Concessionaire and Concessionaire's officers, shareholders, partners, trustees, members, agents, employees and independent contractors, as well as all persons and entities claiming through any of these persons or entities) and hold CSD (including CSD's officers, employees, agents, representatives, and their respective successors and assigns) harmless from, and CSD shall not be liable from any and all liability, loss, cost, expense or damage (including but not limited to damage to CSD's property, third party claims, and CSD's attorneys' fees and expenses) resulting from or arising out of (a) the negligent acts or omissions or willful misconduct in the performance by the Concessionaire or Concessionaire's staff or agents hereunder, or (b) any acts by Concessionaire or Concessionaire's staff or agents which are beyond the scope of authority which Concessionaire reasonably believes it has been granted pursuant to this Agreement in connection or relating to Concessionaire's performance of its obligations under this Agreement. Concessionaire shall be obligated to indemnify CSD as described in this paragraph, whether or not there is concurrent negligence on the part of the CSD, but shall not be so obligated to the extent that a court of competent jurisdiction

has established that said liability was caused by CSD's sole active gross negligence or willful misconduct.

5. EXEMPTION OF CSD FROM LIABILITY.

To the fullest extent permitted by law, Concessionaire, and on its behalf and on behalf of all Concessionaire Parties, as a material part of the consideration to CSD, hereby waives all claims (in law, equity, or otherwise) against CSD arising out of, knowingly and voluntarily assumes the risk of, and agrees that CSD shall not be liable to Concessionaire or Concessionaire Parties for (i) injury to or death of any person; or (ii) loss of, injury or damage to, or destruction of any tangible or intangible property, including the resulting loss of use, economic losses, and consequential or resulting damage of any kind from any cause, including without limitation for injury to CSD property or vehicles, or other property or vehicles of the public, and to Concessionaire or Concessionaire's Parties business, or any loss of income there from, or for damage to the goods, wares, merchandise, or other property of Concessionaire or Concessionaire's Parties, or any other person in or about the Golf Course, whether such damage or injury is caused by or results from theft, fire, steam, electricity, gas, earthquake, water or rain, or from the breakage, leaking, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, of from any other cause, whether said damage or injury results from conditions arising on or around the Golf Course or from other sources or places, or from construction or repair, alteration or improvement of any part of the Golf Course or any related structures, or of the equipment, fixtures or appurtenances applicable thereto, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Concessionaire or Concessionaire's Parties. CSD shall not be liable for

any damages arising from any act or neglect of any occupant or user of the Golf Course, nor from the failure of Concessionaire or Concessionaire's Parties to comply with the provisions of this Agreement. CSD shall not be liable regardless of whether liability results from any active or passive act, error, omission or negligence of CSD or any of its officers, employees or agents. The foregoing exculpation shall (a) not apply to claims against CSD to the extent that a final judgment of a court of competent jurisdiction establishes that the injury, loss, damage, or destruction was proximately caused by fraud, willful injury to person or property or violation of law by CSD, or (b) not be interpreted or construed as an attempt by CSD to be relieved of liability arising out of a non-delegable duty on the part of the CSD.

6.1 Commercial General Liability Insurance.

Concessionaire shall, at no expense to CSD, maintain commercial general liability insurance, including products liability and completed operation, and contractual liability coverage, in the amount of Three Million Dollars ($3,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage, arising from or related to the Golf Course, or directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement. This insurance shall be a per occurrence policy. The policy shall also cover Operations, Independent Contractors, Products and Completed Operations, Contractual Liability covering Concessionaire's indemnity obligations contained in this Agreement, severability, and cross liability clauses. The limits of liability of the insurance coverage specified in this paragraph may be provided by any combination of primary and excess liability policies carried by Concessionaire.

6.2 Automobile Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain business automobile insurance in the amount of One Million Dollars ($1,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage arising from or caused, directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement and covering the use of all automobiles, trucks and other motor vehicles utilized by Concessionaire or Concessionaire's Parties in connection with this Agreement. This insurance shall be a per occurrence policy.

6.3 Additional Insured Endorsement.

Under the public liability, property damage, and automobile liability insurance required in this Agreement, the CSD and the City of Moreno Valley, their officers, agents, and employees shall be named as additional insured by endorsement and as to such additional insured, the insurance shall be primary and the policies shall contain by endorsement a cross liability clause.

6.4 Workers' Compensation and Employer's Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain workers' compensation insurance, as required by law, and employer's liability insurance (at a minimum limit of One Million Dollars ($1,000,000) for all Concessionaire's officers, agents, employees, and staff.

6.5 Comprehensive Dishonesty, Destruction, and Disappearance Coverage.

Concessionaire shall, at no expense to the CSD, maintain coverage for comprehensive dishonesty, destruction, and disappearance or the equivalent crime or other coverage, in an amount not less than Twenty-five Thousand Dollars ($25,000), covering, at a minimum, depositor's forgery and theft and dishonesty by all

Concessionaire's employees or agents or staff who may handle funds or property in connection with the Agreement.

6.6 Deductible Self-Insurance Retention.

Any deductible or self-insurance retention shall be certified on a certificate of insurance and approved by the CSD. CSD may require Concessionaire either (1) reduce or eliminate such deductible or self-insurance retention as it applies to the CSD, or (2) procure a bond guaranteeing payment of losses and all costs associated with investigation, administration and defense of claims and/or lawsuits. The bond shall be in a form acceptable to the CSD.

6.7 Certificates.

The insurance required above shall be evidenced by certificate(s) submitted to the CSD which shall be executed by the insurance company or companies involved and which shall state that this insurance may not be terminated without 30 days prior written notice being received by CSD. The certificates shall be submitted to CSD before or at the time Concessionaire executes this Agreement.

6.8 No Representation of Adequate Coverage.

CSD makes no representation that the limits or forms of coverage of insurance specified in this Agreement are adequate to cover Concessionaire's obligation under this Agreement.

7.1 Term of Agreement.

The term of this Lease Agreement will be August 1, 2011 through July 31, 2016. Options to extend this agreement are available upon both parties agreeing on terms for up to 20 additional years.

7.2 Early Termination Without Cause.

Either party may terminate this Agreement upon one hundred eighty (180) days advance written notice to the other party, without penalty or cause.

7.3 Termination Upon Default by Concessionaire.

Upon the occurrence of an Event of Default by Concessionaire, as described herein, CSD may, at its option, and in addition to any and all other rights to which it may be entitled under this Agreement or applicable law, elect to terminate this Agreement. Any such termination shall be effective on the date specified by the CSD in such election; provided, however, in no event shall such date be later than thirty (30) days following the date CSD elects to terminate this Agreement.

The following shall constitute an Event of Default with respect to Concessionaire under this Agreement:

A. Any failure by Concessionaire to perform any of the terms, conditions, or covenants of this Agreement to be observed or performed by Concessionaire within thirty (30) days after written notice from CSD.

B If Concessionaire shall become insolvent or files any debtor proceedings, or any adjudication of bankruptcy is rendered against Concessionaire, or if Concessionaire takes or there is taken against Concessionaire in any court pursuant to any statute of the United Stated or of any state a petition in bankruptcy or insolvency, or for reorganization or for the appointment of a receiver or trustee of all or a portion of Concessionaire's property, and if the foregoing proceedings are not discharged within sixty (60) days thereof.

C. If Concessionaire makes an assignment for the benefit of creditors, or petitions for or enters into an arrangement of its debts, or it Concessionaire shall permit or

suffer this Agreement to be taken under any writ of attachment or execution, and the same is not discharged within thirty (30) days thereafter;

D. If Concessionaire assigns this Agreement in violation thereof.

7.4 Actions Following Termination.

A. Immediately following any termination of this Agreement for any reason whatsoever, Concessionaire shall assign, convey, transfer, and deliver to CSD, pursuant to an assignment in form and content satisfactory to CSD, all of Concessionaire's right, title, and interest in and to all Operating Contracts then in effect and in Concessionaire's name with respect to the Golf Course as requested by CSD, and Concessionaire shall transfer to CSD possession of all Equipment and Supplies owned by, purchased by or supplied by CSD.

B. Upon any termination of this Agreement for any reason whatsoever, Concessionaire shall, for a period of two (2) months following such termination, assist, and cooperate with CSD to the extent deemed necessary by CSD to ensure an orderly and efficient transfer of the operations of the Golf Course by Concessionaire to CSD or to CSD's designee. This covenant of Concessionaire contained herein shall survive and remain in full force and effect following any such termination of this Agreement.

C. Upon termination of this Agreement for any reason whatsoever, Concessionaire shall surrender the Golf Course and all related structures, improvements, and alterations, in good condition, and in accordance with all other provisions of this Agreement regarding fixtures, alteration, and improvements.

8. Transfer and Assignment.

Concessionaire may not, voluntarily or involuntarily, sell, convey, assign, transfer,

hypothecate, pledge, or otherwise dispose of (or agree to do any of the foregoing) all or any part of its interest, if any, in this Agreement, or any contractual rights or obligations related hereto without the prior written consent of CSD, which may be granted or withheld in CSD's sole discretion. Any assignment by Concessionaire without CSD's consent shall be considered any Event of Default and the assignment shall be of no force or effect.

9. Prohibition of Advertising and Certain Displays.

Concessionaire shall not display, nor shall Concessionaire permit the displaying of any advertising or any other postings at the Golf Course that are unrelated to golfing activities, without the prior written consent of CSD, in CSD's sole discretion.

10. Warranties and Representations.

Concessionaire hereby represents and warrants that in entering into this Agreement, Concessionaire has not relied on any statements from CSD or any representative thereof, and has conducted such due diligence and investigations as Concessionaire deems appropriate before entering into this Agreement.

11. Independent Contractor.

Concessionaire and CSD hereby acknowledge and agree that Concessionaire, in performing this Agreement, will be and will at all times act as an independent contractor in the performance of its duties and responsibilities set forth herein, and that Concessionaire will have control of its work and the manner in which it is performed. Concessionaire shall not be considered as an agent or employee of the CSD or the City of Moreno Valley. None of the provisions of this Agreement are intended to nor shall they be interpreted to create a partnership or joint venture between Concessionaire and CSD with respect to the Golf Course or otherwise, and neither party shall have the power to bind or obligate the other

party, except as expressly set forth in this Agreement. Concessionaire shall timely pay all taxes and impositions and for all other benefits required by law and relating to Concessionaire's staff.

12. Right to Inspection.

The CSD shall have the right to enter and inspect the Golf Course and the buildings and the premises as well as any Concessionaire-operated equipment, at any time during business hours.

13. Applicable Law.

This Agreement and all provisions hereof, irrespective of the place of execution or performance, shall be construed and enforced in accordance with the laws of the State of California. The sole and exclusive venue for any legal action under this Agreement or in any way related to the Golf Course shall be the Superior Court in and for the County of Riverside, and CSD and Concessionaire agree to submit to the jurisdiction of such court.

14. Savings Clause.

Any Provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefit by any party hereunder, or substantially increase the burden on any party hereto, shall be held to be invalid or unenforceable to any extent, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

15. Attorneys' Fees and Expenses.

In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement, or any part thereof, the losing party shall pay all costs, charges, fees, and expenses (including reasonable attorneys' fees and costs) paid or

incurred by the prevailing party, regardless of whether any such litigation is prosecuted to judgment.

16. Non- Waiver.

The waiver by the CSD of any breach of any term, covenant, or consideration herein contained shall not be deemed to be a waiver of such term, covenant, or consideration or any subsequent breach of the same or any other term, covenant, or condition therein contained. No covenant, term, or condition of this Agreement shall be deemed to have been waived by CSD or Concessionaire, unless such waiver is in writing signed by the party against whom such waiver is asserted.

17. Compliance with Applicable Laws.

In the performance of services hereunder, Concessionaire shall comply with all applicable local, state, and federal statutes, regulations, ordinances, and orders now in force or which may be hereafter in force, to include public health sanitation requirements.

18. Equal Employment/Discrimination.

A. Concessionaire shall not discriminate in its recruiting, hiring, promotion, demotion, or termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, physical handicap, medical condition, or marital status with respect to the services to be performed hereunder, and Concessionaire shall comply with the provisions of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1964 (P.L. 88-352), and all amendments thereto, Executive Order No. 11246 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issues pursuant to said Acts and Orders.

B. Concessionaire shall not discriminate against or cause the segregation of any person or group of persons on account of race, color, creed, national origin, or ancestry with respect to the services to be performed hereunder, nor shall the Concessionaire or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the services to be performed hereunder.

19. Food and Beverage Laws.

With respect to any food or beverage sales or distribution operation conducted by Concessionaire as a golf play related service, Concessionaire shall keep the pro shop premises in a neat and sanitary condition and shall comply with the California Restaurant Act (Section 28529, et. seq. of the Health and Safety Code) and all applicable laws regarding the sale or distribution of intoxicating liquors. Health grade shall not be lower than an "A" rating.

20. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties, or to such other addresses as from time to time shall be designated by the respective parties, as set forth as follows:

CSD:
City of Moreno Valley
Parks and Community Services Department
14075 Frederick Street
Post Office Box 88005
Moreno Valley, Ca 92552-0805

CONCESSIONAIRE:
Pacifica University, Inc.
Attention: William Meyers
2764 Ridgeline Dr #101
Corona, Ca 92882

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement on the 1st day of August, 2011_.

MORENO VALLEY
COMMUNITY SERVICES DISTRICT
Municipal Corporation

BY: _____

TITLE: _____

DATE: _____

ATTEST:

_____
City Clerk, in the capacity of Secretary to the Board of Directors of the Moreno Valley Community Services District

Approved as to form this

____ day of

City Attorney, in the capacity of general legal counsel to the Moreno Valley Community Services District

PACIFICA UNIVERSITY, INC.

BY: _____

TITLE: _____

DATE: _____

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MV00115122

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: "BEST PLACE TO DO BUSINESS" ACTION STEPS

RECOMMENDED ACTION

Staff recommends that the City Council approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

ADVISORY BOARD RECOMMENDATION

On June 8, 2011 the Economic Development Subcommittee approved the recommended "Best Place to do Business" Action Steps.

BACKGROUND

The City of Moreno Valley is moving to improve the economic condition of the community through a variety of methods.

On March 22, 2011, the City Council reviewed and provided input for an Economic Development Plan- Areas of Opportunity brought forth by the Community & Economic Development Department. The twelve specific Areas of Opportunity provide a broad roadmap for the City of Moreno Valley to become a major business development area by creating major employment hubs, successful retail centers and pursuing redevelopment opportunities.

Continuing the process of refining and developing a short-term Economic Development Plan, on April 26, 2011 the City Council adopted a 2-year Economic Development Action Plan containing five initiatives focusing economic development efforts on the Areas of Opportunity that include TownGate, Centerpointe Business Park, South Industrial Area, East Moreno Valley-Rancho Belago, and City Center. Included in the adoption of the 2-year Action Plan was the re-sequencing of specified Capital

Improvement Program projects bolstering the economic impacts within the five key initiatives.

Prior to, and in conjunction with the adoption of the Economic Development Action Plan, many economic development activities were in motion including:

- Reformation of the City Council Economic Development Subcommittee
- Updating of the City's Housing Element
- Conduct a Developer's Workshop
- Collaboration with key Developers to advance development projects
- Study of best practices to make Moreno Valley a "Best Place to do Business"

DISCUSSION

The study of best practices to make Moreno Valley a "Best Place to do Business" was undertaken to identify attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations that are identified for use as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

The following searches were used to identify the communities that were reviewed and the practices that were identified:

- Economic Development best practices
- Economic Development award winners
- Cities recognized for being a best place to do business

Of the hundreds of cities considered in the search, thirty communities across the U.S. were selected based on similar populations and/or those within California. They were representative of top U.S. communities utilizing best practices or receiving awards and/ or recognition for being a "Best Place to do Business". Of the thirty communities studied, the Economic Development Subcommittee evaluated 5 cities including Austin, TX; Chico, CA; Raleigh, NC; Santa Clarita, CA; and Seattle WA. Examples of the program ideas shared by these cities include: e-permitting, user-friendly (yet content rich) websites, social media, targeted and effective marketing programs, incentive programs, workforce training, fast-track development services, local vendor preference programs, industry groups, and methods to improve overall quality of life creating a "sense of place".

The recommendations listed on Attachment A are based on the evaluations of the programs and characteristics of those five cities and direction from the Economic Development Subcommittee.

ALTERNATIVES

1) Approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff recommends this alternative.*

2) Do not approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff does not recommend this alternative.*

FISCAL IMPACT

The implementation of the Action Steps to make Moreno Valley a "Best Place to do Business" will create a positive environment whereby businesses can thrive and quality development can occur, thus improving the potential for a stronger local economy. Specific actions including implementing program changes related to the Action Steps shall be further analyzed on a case by case basis consistent with appropriate funding sources.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and polices to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

SUMMARY

As part of the effort to improve the City's efforts with economic development, the Community & Economic Development Department studied best practices to make Moreno Valley a "Best Place to do Business". The study identified attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations, with the help of the Economic Development Subcommittee, that are recommended shall be used as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

ATTACHMENTS/EXHIBITS

Attachment A: Recommendations for Action Steps to make Moreno Valley a "Best Place to do Business".

Prepared By:
Shanna Palau
Management Analyst

Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Recommendations for Action Steps

to Make Moreno Valley a "Best Place to do Business"

Development Services

- Implement the use of "E-permitting" to accelerate the process of doing business in Moreno Valley

- Expand and strengthen business and development ombudsperson program to include new or expanding small businesses.

- Host quarterly workshops with contractors and developers aimed at improving development processes in Moreno Valley.

- Improve Pre-Project Review Staff Committee (PRSC) and PRSC process to include project management services to small business.

- Create consistent explanation (website and handouts) of codes and processes, and to provide clarity and coordination of development services processes.

Business Attraction

- Identify and form key industry leadership groups to create industry specific synergy in the community helping to mitigate any obstacles to business attraction and help develop strategies to attract industry related business and workforce, improve city processes, and evaluate policies that may require updating to support the objectives outlined in the Economic Development Action Plan.

- Explore policy development for the creation of a tiered Moreno Valley Electric Utility "Economic Development" rate structure and incentive program.

Business Retention and Expansion

- Develop ways to expand the Shop MoVal campaign to provide more exposure for local business and encourage increased business-to-business relationships.

- Pursue ways to increase local vendor preference, including expanding existing procurement policy.

- Implement a new meeting program with local businesses to discuss business opportunities. The Program would be held once a year in each Council District and include the opportunity to talk to the Councilmember, City Manager, and Community & Economic Development Director. The Program will compliment the existing Business Roundtable.

- Enhance the Business Resource Guide.

Marketing and Communication

- Perform an audit of the City's website to ensure that it is user friendly and data rich, and identify areas where processes can be clarified.

- Develop a re-tooled marketing plan to incorporate the following:
    - Cooperative marketing opportunities with targeted area developers to attract tenants
    - Identifying the City as a medical community
    - Brand the City as a job center

- Create an e-newsletter or explore other communication methods to improve residents' and business' knowledge about what's happening in the City.

- Increase use of social media.

- Create and maintain a community calendar to include business networking and education opportunities as well as community events and meetings.

- Explore use of Smartphone apps for improved communication and connectivity.

- Encourage on going feedback (How are we doing?) by posting regular surveys on the city's website.

Community Vitality

The best places to do business also reflect characteristics of the best places to live. These places tend to exude a "sense of place" reflected in aspects of quality of life including activity, arts and culture, and beauty in the environment.

- Explore additional community events- things to do.

- Explore idea of annual corporate sponsorship programs to create marketing value for local business and provide funding for community events.

- Enhance neighborhood groups by implementing community update meetings.

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: Appointment of City Council Ad Hoc Subcommittee for the Purpose of Reestablishing July 4th Events for 2012

RECOMMENDED ACTION

Staff recommends that the City Council appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

BACKGROUND

City Resolution 2003-17 enacted the *Rules of Procedure for Council Meetings and Related Functions and Activities.* Section 9.3 Other Committees states "The City Council may by resolution create other standing committees and by motion or resolution may appoint ad hoc committees for particular temporary purposes."

DISCUSSION

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to a significant budget deficit. The budget for the annual July 4th activities in previous years has exceeded $100,000. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012. By definition Ad Hoc Subcommittees are appointed for particular temporary purposes. The proposed Ad Hoc Subcommittee would seek donations to fund the July 4th events and work with Parks and Community Services staff in planning the events.

ALTERNATIVES

1) Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff recommends this alternative as the proposed Ad Hoc Subcommittee would provide fund raising and planning to reestablish the City's annual July 4th community activities.*

2) Not appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012. *Staff does not recommend this alternative as the City's annual July 4th community activities are important to the City's image and promoting community spirit.*

FISCAL IMPACT

Appointing an Ad Hoc Subcommittee will have no fiscal impact to the City.

SUMMARY

During the development of the Fiscal Year 2010/11 budget, the City Council removed funding for the annual July 4th parade and Family Fun Fest due to budget challenges. At the June 14th Council meeting the Mayor and City Council directed City staff to bring back for their consideration options to form a planning and fund raising committee in hopes of resuming the July 4th activities in 2012. Staff recommends the City Council appoint two of its members to an Ad Hoc Subcommittee for the purpose of reestablishing July 4th events for 2012.

COUNCIL GOALS

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Community Image, Neighborhood Pride and Cleanliness. Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Mike McCarty
Parks and Community Services Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

CITY MANAGER'S REPORT

(Informational Oral Presentation only – not for Council action)

Item No. G.5

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MV00115132

*REVISED AGENDA

CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES

July 12, 2011

SPECIAL PRESENTATIONS – 6:00 P.M.
REGULAR MEETING – 6:30 P.M.

City Council Closed Session
First Tuesday of each month – 6:00 p.m.
City Council Study Sessions
Third Tuesday of each month – 6:00 p.m.
City Council Meetings
Second and Fourth Tuesdays – 6:30 p.m.

City Hall Council Chamber - 14177 Frederick Street
Teleconference: Phoenix Park Hotel, LLC
520 North Capitol Street, N.W.
Federal City Room
Washington, D.C. 20001

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator, at 951.413.3027 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Richard A. Stewart, Mayor

Jesse L. Molina, Mayor Pro Tem
Robin N. Hastings, Council Member
Marcelo Co, Council Member
William H. Batey II, Council Member

***REVISED AGENDA**
CITY COUNCIL OF THE CITY OF MORENO VALLEY
July 12, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Officer of the Quarter presentation to Officer Kevin Dixon

2. Proclamation Recognizing Soroptimist International of Moreno Valley

3. Spotlight Business

MV00115134

***REVISED AGENDA**
JOINT MEETING OF THE
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

REGULAR MEETING - 6:30 PM
JULY 12, 2011

CALL TO ORDER

(Joint Meeting of the City Council, Community Services District, Community Redevelopment Agency, and the Board of Library Trustees - actions taken at the Joint Meeting are those of the Agency indicated on each Agenda item)

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Diane Gardner

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS ON THE AGENDA WILL BE TAKEN UP AS THE ITEM IS CALLED FOR BUSINESS, BETWEEN STAFF'S REPORT AND CITY COUNCIL DELIBERATION (SPEAKER SLIPS MAY BE TURNED IN UNTIL THE ITEM IS CALLED FOR BUSINESS.)

PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL WILL BE HEARD PRIOR TO CITY COUNCIL REPORTS AND CLOSING COMMENTS. IN THE EVENT THAT THE AGENDA ITEM FOR SUCH PUBLIC COMMENTS HAS NOT BEEN CALLED BY 9:00 P.M., IT SHALL BE CALLED AS THE NEXT ITEM OF BUSINESS FOLLOWING THE CONCLUSION OF ANY ITEM BEING HEARD AT 9:00 P.M. Those wishing to speak should submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

JOINT CONSENT CALENDARS (SECTIONS A-D)

All items listed under the Consent Calendars, Sections A, B, C, and D are considered to be routine and non-controversial, and may be enacted by one motion unless a member of the Council, Community Services District, Redevelopment Agency or the Board of Library Trustees requests that an item be removed for

MV00115135

separate action. The motion to adopt the Consent Calendars is deemed to be a separate motion by each Agency and shall be so recorded by the City Clerk. Items withdrawn for report or discussion will be heard after public hearing items.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 22 - July 5, 2011.

A.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.3) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of

Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.5 APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE (Report of: Public Works Department)

Recommendation:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue;

2. Authorize the City Manager to execute a contract with Transtech;

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties; and

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

A.6 P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129. DEVELOPER - WESTERN PACIFIC HOUSING, INC. IRVINE, CA 92606 (Report of: Public Works Department)

Recommendation:

MV00115137

1. Approve Tract Map No. 35760; and

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

A.7 AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129) (Report of Public Works Department)

Recommendation:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system;

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc.;

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

A.8 AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY RIVERSIDE SUPERIOR COURT CASE RIC 524877 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500);

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for Los Angeles Engineering, Inc. v. City of Moreno Valley Riverside Superior Court Case RIC 524877; and

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

A.9 TRACT MAP 32707 - REDUCE FAITHFUL PERFORMANCE BOND AND

ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM - DEVELOPER: REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION, TEMECULA, CA 92590 (Report of: Public Works Department)

Recommendation:

1. Adopt Resolution No. 2011-72 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system; and

   Resolution No. 2011-72

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Tract Map 32707 and Accepting the Portion of Lasselle Street Associated with the Project Into the City's Maintained Street System

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.10 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883;

2. Direct the City Clerk to record the Notice of Completion within ten (10)

calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.11 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM C.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to

release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

A.12 FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division;

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC; and

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

A.13 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM C.5) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.14 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

A.15 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL

CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM C.6) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.16 RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988. (Report of: Fire Department)

Recommendation:

Adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief

MV00115143

and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

Resolution No. 2011-73

A Resolution Of The City Council Of The City Of Moreno Valley, California, Rescinding Resolution No. 2005-30, And Re-Designate And Authorize Certain City Officials To Execute Applications And Documents For Purposes Of Obtaining Financial Assistance Under Section 404 Of Public Law 93-288, As Amended By The Robert T. Stafford Disaster Relief And Emergency Act Of 1988

A.17 FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis;

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS; and

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

A.18 AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC; and

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services"

has been signed by all parties.

A.19 FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC. (Report of: Public Works Department)

Recommendation:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects;

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA; and

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

A.20 RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD) (Report of: Public Works Department)

Recommendation:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

Resolution No. 2011-74

A Resolution of the City Council of the City of Moreno Valley, California, Finding and Determining that the Public Interest and Convenience Require the Sale of a Remainder Parcel Excess to Public Use

A.21 APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY ELECTRIC UTILITY (Report of: Public Works Department)

Recommendation:

Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility.

Resolution No. 2011-75

A Resolution of the City Council of the City of Moreno Valley, California, to Amend the Electric Rates, and Electric Service Rules, Fees, and Charges for Moreno Valley Utility

A.22 APPROVE THREE-YEAR AGREEMENT WITH CANON BUSINESS SOLUTIONS TO EXTEND THE CURRENT COPIER CONTRACT (Report of: Financial & Administrative Services Department)

Recommendation:
Approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

A.23 STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES (Report of: City Manager's Office)

Recommendation:
Approve the proposed staff assignments in support of Council Member participation with regional agencies.

A.24 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.25 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

A.26 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD, DEVELOPER: CITY OF

MV00115147

MORENO VALLEY, MORENO VALLEY, CA 92552 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

A.27 PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.28 PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.29 PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.30 PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF

LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed; and

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.31 PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553. (Report of: Public Works Department)

Recommendation:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY

Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C.3 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.4) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

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3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.4 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION (ALSO LISTED AS AGENDA ITEM A.11) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

C.5 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO

ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM (ALSO LISTED AS AGENDA ITEM A.13) (Report of: Public Works Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code;

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

C.6 AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM (ALSO LISTED AS AGENDA ITEM A.15) (Report of: Public Works

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Department)

Recommendation:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project; and

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

C.7 AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS - PROJECT NO. 08-89791725 (Report of: Public Works Department)

Recommendation:

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement on behalf of the Community Redevelopment Agency; and

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

E. PUBLIC HEARINGS

Questions or comments from the public on a Public Hearing matter are limited to five minutes per individual and must pertain to the subject under consideration. Those wishing to speak should complete and submit a GOLDENROD speaker slip to the Bailiff.

E.1 A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING, AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES (Continued from March 22, 2011 and May 24, 2011) (Report of: Community & Economic Development Department)

Recommendation:

Introduce Ordinance No. 823, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

Ordinance No. 823

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an Approved Project Encompassing Tentative Tract Map No. 36340 and a Conditional Use Permit/Planned Unit Development Consisting of 275 Residential Lots, a Recreational Building and Private Open Space on Approximately 29 acres in the R15 (Residential 15) and OS (Open Space) Land Use Districts

E.2 PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010,

316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
That the City Council, after conducting the individual Public Hearings and accepting public testimony:

a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

Recommendation: That the CSD:
That the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and APN listing;

c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and

d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

E.3 A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE

PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC. (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

   If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

   ADOPT City Council Resolution No 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution;

   Resolution No. 2011-76

   A Resolution of the City Council of the City of Moreno Valley, California, Denying a Change of Zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an Approximate 55 acre site, Located within Assessor's Parcel Numbers 488-330-003 through -006 and -026

2. OR

   If the City Council elects to overturn the Planning Commission decision, and approve the project:

   ADOPT City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

   Resolution No. 2011-77

   A Resolution of the City Council of the City of Moreno Valley,

California, Certifying the Final Environmental Impact Report (P08-133), Adoption of the Findings and Statement of Overriding Considerations, and Approval of the Mitigation Monitoring Program for the West Ridge Commerce Center Project, Generally Located on the South Side of State Route 60, on the North Side of Fir Avenue/Future Eucalyptus Avenue and Approximately 650 Feet West of Redlands Boulevard

3. INTRODUCE Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

Ordinance No. 829

An Ordinance of the City Council of the City of Moreno Valley, California, Approving Zone Change Application PA08-0098 to Change the Zone From Business Park to Light Industrial for a 55 Acre Site (Assessor's Parcel Numbers 488-330-003 Through -006 and -026)

4. INTRODUCE Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

Ordinance No. 830

An Ordinance of the City Council of the City of Moreno Valley, California, approving Application PA10-0017 Amending the Municipal Code to Make Changes to Chapter 9.05 Industrial Districts

5. ADOPT City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

Resolution No. 2011-78

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Plot Plan PA08-0097 for Development of a 937,260 Square Foot Warehouse Distribution Facility on 55 Acres Located Within Assessor's Parcel Numbers 488-330-003 Through -006 and -026

6. ADOPT City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the

resolution as Exhibit A

Resolution No. 2011-79

A Resolution of the City Council of the City of Moreno Valley, California, for Approval of Tentative Parcel Map 36207 (PA09-0022) to Combine the Existing Five Parcels Located Within the Project Site into a Single 55 Acre Parcel

E.4 A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY (Report of: Community & Economic Development Department)

Recommendation: That the City Council:

1. Conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

   RECOGNIZE that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. INTRODUCE Ordinance No. 831 approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

   Ordinance No. 831

   An Ordinance of the City Council of the City of Moreno Valley, California Approving PA10-0022 to Amend Title 9 of the Moreno Valley Municipal Code, Chapter 9.08, Section 9.08.100 "Lighting" and Section 9.08.190 "Street Lighting", Chapter 9.16, Article IV

Applications for Hillside Development Section 9.16.235 "Hillside Design Guidelines", Article VI Applications for Lighting and Section 9.16.280, "General Requirements" and Chapter 9.15, Section 9.15.030 "Definitions" Relating to Modifications of General Site, Street and Athletic Field/Park Lighting with an Emphasis on Dark Sky Standards Citywide

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a) Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

G.2 APPROVAL OF CONCESSIONAIRE AGREEMENT WITH PACIFICA UNIVERSITY, INC., FOR THE COTTONWOOD GOLF CENTER (Report of: Parks and Community Services)

Recommendation: That the City Council:
Acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

G.3 "BEST PLACE TO DO BUSINESS" ACTION STEPS (Report of: Community & Economic Development Department)

Recommendation: That the City Council:
Approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

G.4 APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PURPOSE OF REESTABLISHING JULY 4TH EVENTS FOR 2012 (Report of: City Manager's Office)

Recommendation: That the City Council:
Appoint an Ad Hoc Subcommittee for the temporary purpose of reestablishing July 4th events for 2012.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action)

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION - NONE

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS ON ANY SUBJECT NOT ON THE AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Those wishing to speak should complete and submit a BLUE speaker slip to the Bailiff. There is a three-minute time limit per person. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Materials related to an item on this Agenda submitted to the City Council/Community Services District/Community Redevelopment Agency or the Board of Library Trustees after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.

MV00115161

CLOSED SESSION

A Closed Session of the City Council, Community Services District and Community Redevelopment Agency of the City of Moreno Valley will be held in the City Manager's Conference Room, Second Floor, City Hall. The City Council will meet in Closed Session to confer with its legal counsel regarding the following matter(s) and any additional matter(s) publicly and orally announced by the City Attorney in the Council Chamber at the time of convening the Closed Session.

• PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council member, staff member or other person.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property:	Fire Station No. 65 Replacement Site
APN:	APN 297-170-077
Owner:	Group V San Bernardino
City's/Buyer's Negotiator:	Chris Vogt
Under Negotiation:	Price and terms of payment

4 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia

Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

ADJOURNMENT

MV00115163

MINUTES
CITY COUNCIL OF THE CITY OF MORENO VALLEY
JUNE 28, 2011

CALL TO ORDER

SPECIAL PRESENTATIONS

1. Recognition of Morning Optimist Club of Moreno Valley

2. Volunteers of the Year 2010 - Steven Morel, Jarrett Wegelin, Trent Terrell, Jarred Endres, Kyle Dagenhart, and Tim Barnes

3. Spotlight Business

MINUTES
REGULAR MEETING OF CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
COMMUNITY REDEVELOPMENT AGENCY
OF THE CITY OF MORENO VALLEY
BOARD OF LIBRARY TRUSTEES
SPECIAL MEETING OF MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

JUNE 28, 2011 - 6:30 PM

CALL TO ORDER

Joint Meeting of the City Council of the City of Moreno Valley, Moreno Valley Community Services District, the Community Redevelopment Agency of the City of Moreno Valley and the Board of Library Trustees was called to order at 6:36 p.m. by Mayor Stewart in the Council Chamber located at 14177 Frederick Street.

PLEDGE OF ALLEGIANCE – Pledge of Allegiance was led by Mayor Stewart

INVOCATION - Deacon Richard Heames, St. Patrick's Roman Catholic Church

ROLL CALL

Council:

Richard A. Stewart	Mayor
Jesse L. Molina	Mayor Pro Tem (left at 9:45 p.m.)
William H. Batey II	Council Member
Marcelo Co	Council Member
Robin N. Hastings	Council Member

Staff:

Jane Halstead	City Clerk
Ewa Lopez	Deputy City Clerk
Henry T. Garcia	City Manager
Richard Teichert	Financial and Administrative Services Director
Robert Hansen	City Attorney
Michelle Dawson	Assistant City Manager
John Anderson	Police Chief
Steve Curley	Fire Chief
Barry Foster	Community & Economic Development Director
Chris Vogt	Public Works Director
Sonny Morkus	Human Resources Director
Mike McCarty	Parks & Community Services Director

JOINT CONSENT CALENDARS (SECTIONS A-D) OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND THE BOARD OF LIBRARY TRUSTEES

Mayor Stewart opened the agenda items for the Consent Calendars for public comments, which were received from Pete Bleckert.

A. CONSENT CALENDAR-CITY COUNCIL

A.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

A.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

A.3 CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES (Report of: City Clerk Department)

Recommendation:
Receive and file the Reports on Reimbursable Activities for the period of June 8-21, 2011.

A.4 WASTE MANAGEMENT OF THE INLAND EMPIRE FY 2011/2012 RATE ADJUSTMENT (Report of: Public Works Department)

Recommendation:
Approve the Waste Management of the Inland Empire proposed Fiscal Year (FY) 2011/2012 Rate Adjustment.

A.5 NOTICE OF COMPLETION AND ACCEPTANCE OF THE DRACAEA AVENUE SIDEWALK IMPROVEMENTS BETWEEN MORRISON STREET AND MASCOT LANE PROJECT NO. 10-12567129 (Report of: Public Works Department)

Recommendation:

1. Accept the work as complete for the Dracaea Avenue Sidewalk Improvements between Morrison Street and Mascot Lane, constructed by Mamco, Inc., 16840 Van Buren Boulevard, Suite 200, Riverside, CA 92504;

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days at the Office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code;

3. Authorize the Financial and Administrative Services Director to release the retention to Mamco, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project; and

4. Accept the improvements into the City's maintained road system.

A.6 APPROVAL OF CHECK REGISTER FOR APRIL, 2011 (Report of: Financial & Administrative Services Department)

Recommendation:

Adopt Resolution No. 2011-63, approving the Check Register for the month of April, 2011 in the amount of $13,104,818.91.

Resolution No. 2011-63

A Resolution of the City Council of the City of Moreno Valley, California, approving the Check Register for the Month of April, 2011

A.7 RESOLUTION TO RATIFY THE APPLICATION FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT AND TO ACCEPT THE $91,557 ALLOCATION TO THE CITY (Report of: Community and Economic Development Department)

Recommendation:

Approve Resolution No. 2011-64 to ratify the application by the Code & Neighborhood Services Division for the Edward Byrne Memorial Justice Assistance Grant and to accept the $91,557 allocated to the City.

Resolution No. 2011-64

A Resolution of the City Council of the City of Moreno Valley, California, Approving the Grant Application Submitted by the Code & Neighborhood Services Division to the Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant and Accept the $91,557 Allocation

A.8 ORDINANCE NO. 827 - AN ORDINANCE AMENDING TITLE 8 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 8.10 STORM WATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS, AND CHAPTER 8.21 GRADING REGULATIONS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011, BY A 5-0 VOTE) (Report of: Public Works Department)

Recommendation:

Adopt Ordinance No. 827 - An Ordinance of the City Council of the City of Moreno Valley, California amending Title 8 of the City of Moreno Valley Municipal Code (MVMC), repealing and reenacting Chapter 8.10 Storm Water/Urban Management and Discharge Controls and Chapter 8.21 Grading Regulations.

Ordinance No. 827

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 8 of the City of Moreno Valley Municipal Code by Repealing and Reenacting Chapter 8.10 Storm Water/Urban Runoff Management and Discharge Controls and Chapter 8.21 Grading Regulations

A.9 SECOND AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - MELAD & ASSOCIATES (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Second Amendment of Independent Contractor Agreement with Melad & Associates for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Melad & Associates to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.10 THIRD AMENDMENT OF INDEPENDENT CONTRACTOR AGREEMENT FOR PLAN CHECK SERVICES - WILLDAN (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Third Amendment of Independent Contractor Agreement with Willdan for Plan Check Services;

2. Authorize the Mayor to execute the Amendment;

3. Authorize the City Manager to approve the annual purchase orders

through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

4. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to Willdan to cover the estimated costs for providing services for the Building & Safety Division for FY2011/2012.

A.11 APPROVAL OF AN AGREEMENT WITH DATATICKET, INC. FOR PARKING CONTROL PROGRAM SERVICES; AUTHORIZE THE CITY MANAGER TO APPROVE ANNUAL PURCHASE ORDERS THROUGH THE TERM OF THE AGREEMENT; AND AUTHORIZE THE PURCHASING & FACILITIES MANAGER TO ISSUE ANNUAL PURCHASE ORDERS (Report of: Community & Economic Development Department)

Recommendation:

1. Approve the Agreement with DataTicket, Inc. for Parking Control Program Services for the City of Moreno Valley;

2. Authorize the City Manager to approve the annual purchase orders through the term of the Agreement at the budget amount approved by the City Council during the annual budget process; and

3. Upon approval of the annual purchase order by the City Manager, authorize the Purchasing & Facilities Division Manager to issue the purchase order to DataTicket, Inc. to cover the estimated costs for ticket processing, ticket printing, and other miscellaneous costs associated with the Parking Control Program for FY 2011/2012 and future years under the Agreement.

A.12 PA07-0090 – EXONERATION OF ROUGH GRADING AGREEMENT AND BOND, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

Contingent upon completion of the remaining public improvements, authorize the City Engineer to execute the exoneration of the Faithful Performance security associated with the project PA07-0090 rough grading improvements.

A.13 AUTHORIZING THE SUBMITTAL OF APPLICATIONS FOR CYCLE 3 OF

THE FEDERAL SAFE ROUTES TO SCHOOL GRANT PROGRAM (Report of: Public Works Department)

Recommendation:

1. Review and approve project recommendations for Cycle 3 of the federal Safe Routes to School (SRTS) grant program; and

2. Adopt Resolution No. 2011-71 authorizing the submittal of applications for Cycle 3 of the federal Safe Routes to School (SRTS) Grant Program.

Resolution No. 2011-71

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Submittal of Applications for Cycle 3 of the Federal Safe Routes to School (SRTS) Grant Program

A.14 PA07-0090 – REDLANDS ROUGH GRADING – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE REDLANDS DRAINAGE IMPROVEMENTS AS COMPLETE AND INTO THE CITY'S MAINTAINED SYSTEM, BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, adopt the proposed Resolution authorizing the acceptance of the Redlands Drainage public improvements within project PA07-0090 as complete and into the City's maintained system.; and

Resolution No. 2011-67

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete Within Project Number PA07-0090 and Accepting the Redlands Drainage Improvements Associated with the Project into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.15 PA07-0090 – EUCALYPTUS ELECTRICAL IMPROVEMENTS – ELECTRICAL UTILITY INFRASTRUCTURE – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE ELECTRICAL UTILITY INFRASTRUCTURE AS COMPLETE AND ACCEPTING THE UTILITY ELECTRICAL INFRASTRUCTURE INTO THE CITY'S MAINTAINED SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained system the Electrical Utility Infrastructure for PA07-0090 - Eucalyptus Electrical Improvements upon acceptance by the City Engineer as complete; and

   Resolution No. 2011-68

   A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Utility Electrical Infrastructure for the Eucalyptus Electrical Improvements as Complete Within Project PA07-0090, and Accepting the Utility Electrical Infrastructure into the City's Maintained System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.16 PA07-0090 – THEODORE STREET IMPROVEMENTS - REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THEODORE STREET INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THE THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Adopt the proposed Resolution accepting into the City's maintained street system the Theodore Street public improvements within project PA07-0090 upon acceptance by the City Engineer as complete; and

MV00115171

Resolution No. 2011-69

A Resolution of the City Council of the City of Moreno Valley, California, Authorizing the Acceptance of the Public Improvements as Complete within Project Number PA07-0090 and Accepting the Portion of Theodore Street Associated with the Project into the City's Maintained Street System

2. Authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.17 PA07-0090 – SINCLAIR OFF-SITE WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Sinclair Off-Site Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.18 PA07-0090 – REDLANDS SEWER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Sewer Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.19 PA07-0090 – REDLANDS WATER IMPROVEMENTS – REDUCE FAITHFUL PERFORMANCE BOND AND ACCEPT THE PUBLIC IMPROVEMENTS AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM; BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET - DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Contingent upon completion of the remaining public improvements, accept the Redlands Water Improvements as complete but not into the City's maintained street system within project PA07-0090; and

2. Authorize the City Engineer, upon approval and acceptance of the improvements, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

A.20 PA07-0090 (PM 35629) – ACCEPT DEVELOPMENT IMPACT FEE (DIF) IMPROVEMENT CREDIT AGREEMENT #D11-001 FOR PARCEL MAP NO. 35629 PHASE 1 IMPROVEMENTS ASSOCIATED WITH THE HIGHLAND FAIRVIEW LOGISTICS CORPORATE PARK BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET; DEVELOPER: HF LOGISTICS – SKX T1, LLC, MORENO VALLEY, CA 92553 (Report of: Public Works Department)

Recommendation:

1. Accept the Development Impact Fee Improvement Credit Agreement #D11-001 (DIF Agreement) for Parcel Map No. 35629 Phase 1 improvements and right-of-way dedications; and

2. Authorize the Mayor to execute the DIF Agreement.

B. CONSENT CALENDAR-COMMUNITY SERVICES DISTRICT

B.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

B.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

C. CONSENT CALENDAR - COMMUNITY REDEVELOPMENT AGENCY

C.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

C.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

D. CONSENT CALENDAR - BOARD OF LIBRARY TRUSTEES

D.1 ORDINANCES - READING BY TITLE ONLY
Recommendation: Waive reading of all Ordinances.

D.2 MINUTES - REGULAR MEETING OF JUNE 14, 2011 (Report of: City Clerk Department)

Recommendation:
Approve as submitted.

Motion to Approve Joint Calendar Items A1 – D2 by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

ADJOURNED THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY TO THE SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

SPECIAL MEETING OF THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC)

CALL TO ORDER

CALL TO ORDER - The Special meeting of the Moreno Valley Public Facilities Financing Corporation was called to order at 6:50 p.m. by President Stewart in the Council Chamber located at 14177 Frederick St.

ROLL CALL

Board of Directors:

Richard A. Stewart	President
Jesse L. Molina	Vice-President
William H. Batey II	Board Member
Marcelo Co	Board Member
Robin N. Hastings	Board Member

PUBLIC COMMENTS ON THE SPECIAL MEETING AGENDA

President Stewart opened the agenda item for public comments, which were received from Pete Bleckert.

G. REPORTS

G.1 CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD; DEVELOPER: CITY OF MORENO VALLEY (Report of: Public Works Department)

Recommendation:

1. Authorize the President of the Board of Directors of the Moreno Valley Public Facilities Financing Corporation (MVPFFC) to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard; and

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

Motion to pull the item from the agenda by m/Mayor Pro Tem Jesse L. Molina, s/Council Member William H. Batey II
Approved by a vote of 5-0.

ADJOURNED THE MORENO VALLEY PUBLIC FACILITIES FINANCING CORPORATION (MVPFFC) TO THE JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AT 6:53 P.M.

RECONVENED JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, MORENO VALLEY COMMUNITY SERVICES DISTRICT, AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY

E. PUBLIC HEARINGS

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder (opposes).

Recommendation: That the CSD:

1. After conducting the public hearing for Tracts 19862, 19912, 20941, 21737, 22371, and 31591:

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

President Stewart opened the public testimony portion of the public hearing. Public testimony was received from Jeffrey Giba and Deanna Reeder.

Recommendation: That the CSD:

1. After conducting the public hearing for Zone E-1 (Towngate), Zone E-2 (Hidden Springs), Zone E-3A (Lasselle Powerline Parkway), and Zone E-4 (Moreno Valley Ranch-East):

   Direct the Secretary of the CSD Board (City Clerk) to tabulate the returned ballots for the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4;

Motion to Approve by m/Board Member William H. Batey II, s/Vice President Jesse L. Molina
Approved by a vote of 5-0.

Item continued to a later time in the Council meeting to give the City Clerk the opportunity to tabulate the ballots.

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

E.3 PUBLIC HEARING FOR DELINQUENT RESIDENTIAL SOLID WASTE ACCOUNTS (Report of: Public Works Department)

Recommendation: That the City Council:

1. Approve placing the submitted list of delinquent solid waste accounts, available in the City Clerk's office, on the Fiscal Year (FY) 2011/2012 Riverside County property tax roll for collection; and

2. Direct the City Clerk to file with the Riverside County Auditor a certified copy of Resolution 2007-72 and the list of delinquent solid waste accounts as required by Section 5473.4 of the California Health

MV00115177

and Safety Code and Section 6.02.030 of the City of Moreno Valley Municipal Code.

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Deanna Reeder.

Motion to Approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

E.4 A PUBLIC HEARING FOR AN APPEAL OF A PLANNING COMMISSION DENIAL OF PA09-0027, A CONDITIONAL USE PERMIT REQUEST TO SELL ALCOHOL AND BEER AT A AN EXISTING CONVENIENCE STORE AT 21748 COTTONWOOD AVENUE. THE APPLICANT IS SOON-YI CHOI. (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Resolution No. 2011-66 approving PA09-0027, a Conditional Use Permit based on the findings in the Resolution.

Resolution No. 2011-66

Resolution of the City Council of the City of Moreno Valley Denying PA09-0027, A Conditional Use Permit to Allow Alcohol Sales (Beer and Wine) at the Existing Convenience Store Located at 21748 Cottonwood Avenue APN # 263-160-037

Mayor Stewart opened the public testimony portion of the public hearing. Public testimony was received from Bob Walker (opposes), Maricela Lopez (opposes), and Justin Kim (representing applicant).

RECESS
RECONVENED

Motion to Approve as amended to allow alcohol sale during the hours between 8:00 a.m. and 8:30 p.m. by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

F. ITEMS REMOVED FROM CONSENT CALENDARS FOR DISCUSSION OR SEPARATE ACTION - None

G. REPORTS

G.1 CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES (Informational Oral Presentation - not for Council action)

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

Mayor Stewart reported that a nice reception for Mr. Holland, Deputy Secretary of the Air Force for Facilities, was held at Supervisor Marion Ashley's home; Mr. Holland was given a tour of March Joint Powers area and the base; a formal meeting with wing commander and military personnel, Joint Powers members and civil engineers will be held to discuss several issues, including the potential for the developer to actually relocate BX and the commissary to inside the base at the developer's expense and use that area for expansion of medical facilities.

G.2 APPOINTMENTS TO THE CITY COUNCIL ADVISORY BOARDS AND COMMISSIONS (Report of: City Clerk's Department)

Recommendation: That the City Council:

1. Review the ballots for appointments to various City Council Boards and Commissions (to be provided by the City Clerk) and mark your choices where appropriate; or

2. Appoint those applicants who received majority vote by the City Council;

3. If vacancies are not filled by a majority vote of the City Council, authorize the City Clerk to re-advertise the positions as vacant and carry over the current applications for reconsideration of appointment at a future date.

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to make following appointments for terms expiring June 30, 2014:

The Arts Commission: Lorna Kendrick, Lauretta Phillips and Nina Heirs;
The Environmental & Historical Preservation Board: Gerald Michael Budlong and Gregory A. Hagans;
The Library Commission: Beverly A. Crockett, Kristina Dixon and Cathy Merkt;
The Parks & Recreation Commission: Bill Alvarez and George Brummer;
The Recreational Trails Board: Margie Breitkreuz and Gilbert Brooks;
The Senior Citizens' Board: Delorise Anderson, Donna Annetta and Thelma Dunn;
The Traffic Safety Commission: Lawrence Baird, Mary C. Cole and Arthur W. Higgs.

Motion to approve by m/Council Member William H. Batey II, s/Council Member Marcelo Co
Approved by a vote of 5-0.

G.3 PUBLIC MEETING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M (Report of: Public Works Department)

Recommendation: That the City Council:
Accept public comments regarding the mail ballot proceeding for First Industrial—Assessor Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for approval of the National Pollutant Discharge Elimination System (NPDES) maximum commercial/industrial regulatory rate.

Recommendation: That the CSD:
Accept public comments regarding the mail ballot proceeding for First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 for inclusion into and approval of the annual charges for CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance).

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

No action required.

G.4 AFFORDABLE HOUSING AGREEMENT BY AND BETWEEN THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF MORENO VALLEY AND MV HEMLOCK LP (Report of: Community & Economic Development Department)

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Recommendation: That the City Council:

1. Adopt Resolution No. 2011-70 consenting to the approval by the Community Redevelopment Agency of the City of Moreno Valley of an Affordable Housing Agreement by and between the Agency and MV Hemlock LP, a limited partnership; and

Resolution No. 2011-70

A Resolution of the City Council of the City of Moreno Valley Consenting to the Approval by the Community Redevelopment Agency of the City of Moreno Valley with MV Hemlock Limited Partnership, a California Limited Partnership and Approving and Authorizing Execution of an Affordable Housing Agreement (Home) Between the City and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Council Member Robin N. Hastings, s/Council Member Marcelo Co
Approved by a vote of 5-0.

2. Approve an Affordable Housing Agreement for HOME by and between the City of Moreno Valley and MV Hemlock LP, a limited partnership; and

Recommendation: That the RDA:
Adopt Resolution No. RDA 2011-10 approving an Affordable Housing Agreement by and between the Agency and MV Hemlock LP.

Resolution No. RDA 2011-10

A Resolution of the Community Redevelopment Agency of the City of Moreno Valley Approving an Affordable Housing Agreement by and Between the Agency and MV Hemlock Limited Partnership, a California Limited Partnership

Motion to approve by m/Agency Member Robin N. Hastings, s/Agency Member Marcelo Co
Approved by a vote of 5-0.

G.5 CITY MANAGER'S REPORT (Informational Oral Presentation - not for Council action) - none

H. LEGISLATIVE ACTIONS

H.1 ORDINANCES - 1ST READING AND INTRODUCTION - NONE

H.2 ORDINANCES - 2ND READING AND ADOPTION

H.2 .1 ORDINANCE NO. 825 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE AQUABELLA DEVELOPMENT AGREEMENT (P11-029) TO REMOVE PLANNING AREA 2 (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of:

Community & Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 825, for adoption of the First Amendment to the Aquabella Development Agreement (P11-029).

Ordinance No. 825

An Ordinance of the City Council of the City of Moreno Valley, California, Approving a First Amendment to the Aquabella Development Agreement (P11-029) to Remove Planning Area 2

Mayor Stewart opened the agenda item for public comments, which were received from Deanna Reeder.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.2 .2 ORDINANCE NO. 826 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AMENDING TITLE 9 OF THE CITY OF MORENO VALLEY MUNICIPAL CODE REGARDING SECTIONS 9.03 RESIDENTIAL DEVELOPMENT, 9.08 GRADING, 9.11 PARKING, PEDESTRIAN AND LOADING, 9.16 DESIGN GUIDELINES AND 9.17, LANDSCAPE REQUIREMENTS AND LANDSCAPE STANDARDS (RECEIVED FIRST READING AND INTRODUCTION ON JUNE 14, 2011 ON A 4-0-1 VOTE, HASTINGS ABSENT) (Report of: Community and Economic Development Department)

Recommendation: That the City Council:

Adopt Ordinance No. 826 approving PA10-0035, amending sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17 Landscape Requirements of Title 9 of the City of Moreno Valley Municipal Code (Attachment 3) and Landscape Standards (Attachment 4).

Ordinance No. 826

An Ordinance of the City Council of the City of Moreno Valley, California, Amending Title 9 of the City of Moreno Valley Municipal Code Regarding Sections 9.03 Residential Development, 9.08 Grading, 9.11 Parking, Pedestrian and Loading, 9.16 Design Guidelines and 9.17, Landscape Requirements and Landscape Standards

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

Motion to approve by m/Council Member William H. Batey II, s/Mayor Pro Tem Jesse L. Molina
Approved by a vote of 4-0-1, Council Member Robin N. Hastings abstained.

H.3 ORDINANCES - URGENCY ORDINANCES - NONE

H.4 RESOLUTIONS - NONE

PUBLIC COMMENTS **ON ANY SUBJECT NOT ON THE AGENDA** UNDER THE JURISDICTION OF THE CITY COUNCIL

Marie Hyta
1. Spending priorities; building a new fire station on Morrison; Station 58; salary of city administrator

Deanna Reeder
1. Redevelopment fund for the Aquabella project
2. Conduct during council meetings

Alicia Espinoza
1. DUI check points

Kenny Bell
1. Meetings of Home Owners Associations
2. Citizens' input/contributions

Librada Murillo
1. in Spanish

Jeffrey Giba
1. Increase of theft from recycle bins; thanked police officers for great job

Sue Gilchrist
1. Residents' contribution/input
2. Retirement benefits
3. Rancho Belago signs

Louise Palomarez
1. Red light camera on Day Street
2. Commended the Council for awarding alcohol business license and for supporting businesses
3. Rancho Belago signs

Victoria Baca
1. Fourth of July celebration
2. Cultural events in the City
3. Wished everyone a safe and happy 4th of July

Joe Bautista
1. Budget - reorganization in the City Clerk's Office

Pete Bleckert
1. Gate at Hemlock Street

CLOSING COMMENTS AND/OR REPORTS OF THE CITY COUNCIL, COMMUNITY SERVICES DISTRICT, OR COMMUNITY REDEVELOPMENT AGENCY

Council Member Batey
1. Congratulated Council Member Hastings for being installed as the new Chair of the Western Riverside Council of Governments

Council Member Co
1. Inquires about the incident with the tow truck company and a lost car
2. Attended WRCOG General Assembly reception with Condoleezza Rice as a speaker; was very impressed with the speaker, who talked about real things in life, is very humble and direct when talking to people

Council Member Hastings
1. Thanked Mr. Bell for his kind comments and for attending the Moreno Valley Crime Prevention meeting; thanked Chief Anderson for attending the meeting to address concerns about the crime, and what can be done about it; it was a very productive and well-attended meeting; appreciates the opportunity to meet with residents
2. Will be participating in the July 12 City Council meeting via teleconference; will attend a WRCOG meeting in Washington, DC, for the AB 811 program; more information about the program can be found on WRCOG Web site; anticipates that applications will be available at the end of this month
3. Appreciates the support for the 4th of July program; Thanked City Manager Garcia for the seed money; encouraged residents to volunteer
3. Addressed speaker's comments opposing shooting rangers – stated that this is a valuable program - payment of fees will allow the center to stay open; emphasized that residents' comments are not ignored and they are appreciated

Mayor Stewart
1. Responded to speaker's comment regarding Redevelopment Agency's support for the Burlington Coat Factory; said that the City is assisting new and existing businesses, as businesses generate sales tax revenue; the Economic Development Plan was developed to improve infrastructure and to retain existing

businesses
2. Fourth of July celebration with fireworks is expensive; the City is going to work very hard to have the celebration the next year
3. Regarding concerts - last concert he attended a few weeks ago was a patriotic concert at the Conference and Recreation Center, and it was a standing room only; it is provided for free four times a year; other cultural events are also held in the City
4. The Council received only three applications for three openings on the Arts Commission - encouraged residents to apply, get involved and help out
5. Addressed comments regarding clapping during council meetings - we don't allow outburst of support or opposition, as it is intimidating to speakers

Adjourned to Closed Session at 9:41 p.m.

CLOSED SESSION

PUBLIC COMMENTS ON MATTERS ON THE CLOSED SESSION AGENDA UNDER THE JURISDICTION OF THE CITY COUNCIL

Mayor Stewart opened the agenda item for public comments; there being none, public comments were closed.

The Closed Session will be held pursuant to Government Code:

1 SECTION 54956.9(b)(1) - CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION

Number of Cases: 5

2 SECTION 54956.9(c) - CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION

Number of Cases: 5

3 SECTION 54957.6 - LABOR NEGOTIATIONS

a) Agency Representative: Henry T. Garcia
Employee Organization: MVCEA

b) Agency Representative: Henry T. Garcia
Employee Organization: MVMA

c) Agency Representative: Henry T. Garcia
Employee Organization: Moreno Valley Confidential Management Employees

REPORT OF ACTION FROM CLOSED SESSION, IF ANY, BY CITY ATTORNEY

None

RECONVENED Regular City Council Meeting at 10:02 p.m.

E.1 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR SELECTED TRACTS FOR A PROPOSED INCREASE IN THE CSD ZONE D (PARKWAY LANDSCAPE MAINTENANCE) ANNUAL CHARGE (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract 19862:	"Yes" - 3;	"No" - 6;	Invalid - 7	-failed
Tract 19912:	"Yes" - 7;	"No" - 24;	Invalid - 0	-failed
Tract 20941:	"Yes" - 10;	"No" - 14;	Invalid - 0	-failed
Tract 21737:	"Yes" - 0;	"No" - 3;	Invalid - 1	-failed
Tract 23371:	"Yes" – 3;	"No" - 7;	Invalid - 0	-failed
Tract 31591:	"Yes" – 1;	"No" - 6;	Invalid - 0	-failed

2. Verify and accept the results of the mail ballot proceedings as identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone D annual charges for Tracts 19862, 19912, 20941, 21737, 22371, and 31591.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

E.2 PUBLIC HEARING TO CONSIDER PUBLIC COMMENTS REGARDING THE MAIL BALLOT PROCEEDINGS FOR A PROPOSED INCREASE IN THE CSD ZONE E (EXTENSIVE LANDSCAPE MAINTENANCE) ANNUAL PARCEL CHARGE FOR SELECTED SUB-ZONES (Report of: Public Works Department)

The Secretary announced the results as follows:

Tract No. E-1:	"Yes" - 440;	"No" - 542;	Invalid – 6;	-failed
Tract No. E-2:	"Yes" - 139;	"No" - 257;	Invalid – 11;	-failed
Tract No. E-3A:	"Yes" - 34;	"No" - 66;	Invalid – 2;	-failed
Tract No. E-4:	"Yes" - 212;	"No" - 393;	Invalid – 14;	-failed

2. Verify and accept the results of the mail ballot proceedings as

MV00115186

identified on the Official Tally Sheet;

3. Receive and file with the City Clerk's office the accepted Official Tally Sheet; and

4. If approved, authorize and impose the proposed increase in the CSD Zone E annual charges for Zone E-1, Zone E-2, Zone E-3A, and Zone E-4.

Motion to approve by m/Board Member William H. Batey II, s/Board Member Robin N. Hastings
Approved by a vote of 4-0-1, Vice President Pro Tem Molina absent.

Motion to Adjourn by m/Council Member William H. Batey II, s/Council Member Marcelo Co. Approved by a unanimous vote.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 10:10 p.m. by unanimous informal consent.

Submitted by:

_____
Jane Halstead, City Clerk, CMC
Secretary, Moreno Valley Community Services District
Secretary, Community Redevelopment Agency of the City of Moreno Valley
Secretary, Board of Library Trustees

Approved by:

_____
Richard Stewart, Mayor
President, Moreno Valley Community Services District
Chairperson, Community Redevelopment Agency of the City of Moreno Valley
Chairperson, Board of Library Trustees
enl

Report to City Council

TO: Mayor and City Council

FROM: Jane Halstead, City Clerk

AGENDA DATE: July 12, 2011

TITLE: CITY COUNCIL REPORTS ON REIMBURSABLE ACTIVITIES

RECOMMENDED ACTION

Staff recommends that the City Council receive and file the Reports on Reimbursable Activities for the period of June 22 – July 5, 2011.

Reports on Reimbursable Activities June 22 – July 5, 2011		
Council Member	Date	Meeting
William H. Batey II		None
Marcelo Co		None
Robin N. Hastings	6/22/11	Moreno Valley Chamber of Commerce Wake-Up Moreno Valley
	6/23/11	Leadership Moreno Valley
Jesse L. Molina		None
Richard A. Stewart	6/23/11	Leadership Moreno Valley

Prepared By:
Cindy Miller
Executive Assistant to the Mayor/City Council

Department Head Approval:
Jane Halstead
City Clerk

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On July 13, 2010, the City Council awarded a construction contract to Riverside Construction Company, Inc. and authorized the issuance of a purchase order in the amount of $4,124,375.14. The work consisted of the construction of Storm Drain Line H along Ironwood Avenue from the Ironwood Avenue/Heacock Street intersection to the Davis Street/Ironwood Avenue intersection, then southerly in Davis Street to the Indian Detention Basin. The work also included construction of street improvements on the south side of Ironwood Avenue from Heacock Street to Nita Drive, completion of missing portions of Storm Drain Line H-1A from the Davis Street/Ironwood Avenue intersection to the Indian Detention Basin and in Ironwood Avenue between Indian Street and Hubbard Street, and minor clearing for SCE poles on the north side of Ironwood Avenue between Heacock Street and Perris Boulevard. On July 13, 2010, the City Council also approved the Reimbursement Agreement for the Eastern Municipal Water District improvements which appropriated sufficient funds from EMWD for relocation of four conflicting water lines.

The City issued a Notice to Proceed to Riverside Construction to start the work on October 4, 2010. The length of the contract is one hundred seventy (170) working days, which has been adjusted by Contract Change Order due to weather and other approved work. Riverside Construction anticipates completing the project by mid July 2011.

On April 26, 2011, the City Council approved a Cooperative Agreement with Riverside County Flood Control and Water Conservation District (RCFC&WCD) which set forth the City's responsibilities and the District's responsibilities for post-construction maintenance of the facilities.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company by mid July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $3,850,000 which is not expected to exceed the approved purchase order amount of $4,124,375.14. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after

the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *These alternatives will result in delaying payment to the Contractor, thereby delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). The project is also partially

funded with 2005 Lease Revenue Bonds (Account No. 501.82625), Development Impact Fee (DIF) program funds (Account No. 416.78727), and the EMWD water line facilities were reimbursed by EMWD through a revenue set-aside in fund 414 (Account Nos. 414.80423 and 414.80424). The funds utilized for this project were designated for the Indian Basin and Ironwood Avenue capital improvements only. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91726)	$3,153,000
Fiscal Year 2010/2011 (Account No. 501.82625)	$933,000
Fiscal Year 2010/2011 (Account No. 416.78727)	$962,000
Fiscal Year 2010/2011 (Account No. 414.80423)	$185,000
Fiscal Year 2010/2011 (Account No. 414.80424)	$109,000
Total Budgeted Funds	$5,342,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$3,850,000
Design Support Costs during Construction	$109,000
Construction Geotechnical Services	$95,000
Construction Survey Services	$55,000
Project Administration and City Inspection*	$190,000
Total Project Construction Costs	$4,299,000

*Public Works staff provided project administration and primary inspection services.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Staff anticipates Riverside Construction Company will complete construction of the Indian Detention Basin Drainage Improvements and Ironwood Avenue Street Improvements from Heacock Street to Nita Drive improvements by mid July 2011. Staff requests the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are

completed, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, authorize the release of retention money to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Margery A. Lazarus, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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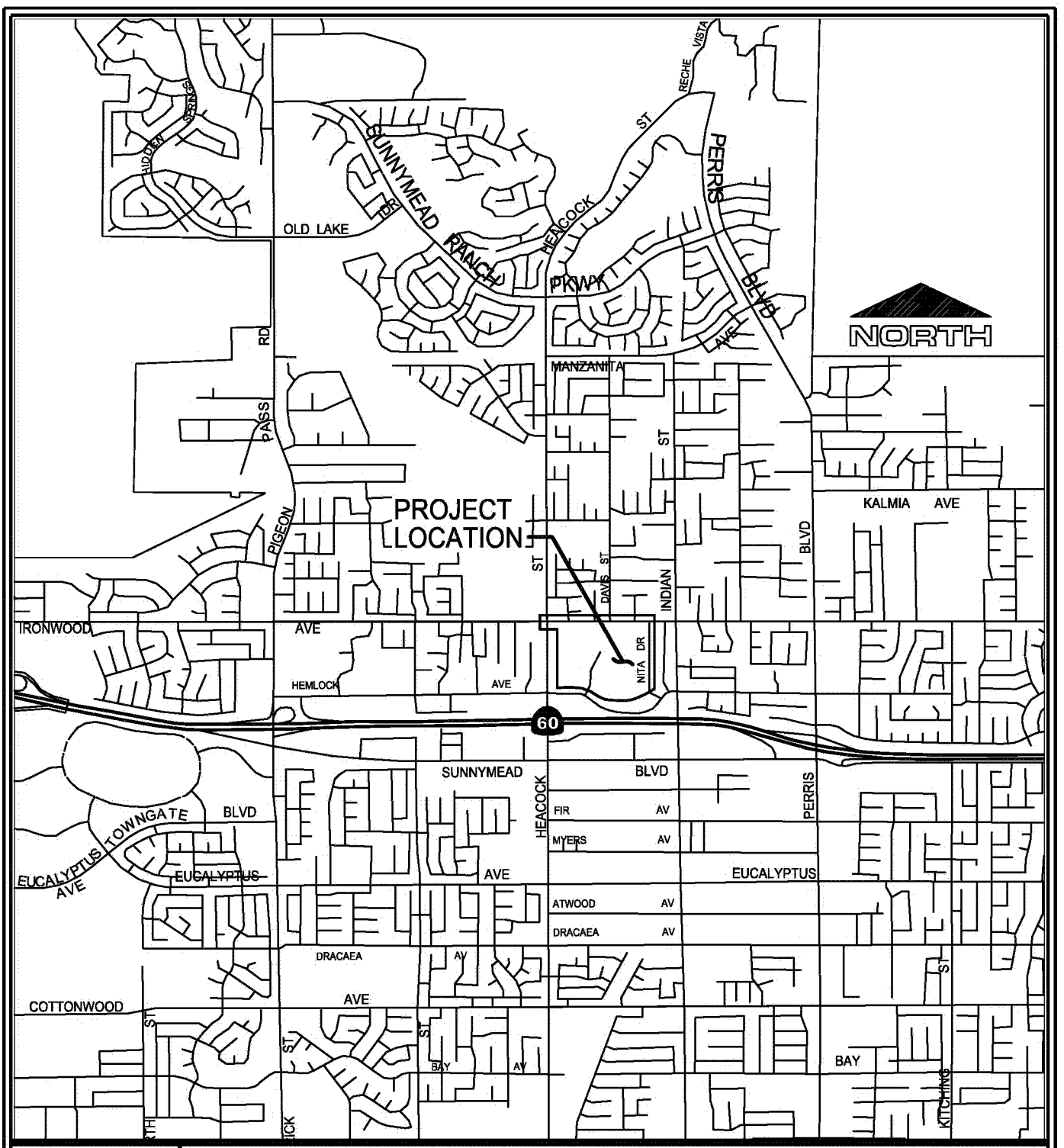

LOCATION MAP

Public WorksDepartment Capital Projects Division	INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS AND IRONWOOD AVE FROM HEACOCK STREET TO NITA DRIVE (SOUTH SIDE) PROJECT NUMBER 09-89791726
Scale: None	
ATTACHMENT "A"	

MV00115194

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 20111

TITLE: APPROVE AGREEMENT FOR PROFESSIONAL CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES WITH TRANSTECH ENGINEERS, INC. FOR STREET IMPROVEMENTS ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services with Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue.

2. Authorize the City Manager to execute a contract with Transtech in the form attached hereto.

3. Authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties.

4. Authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney.

BACKGROUND

On April 26, 2011, the City Council approved an Economic Development Action Plan that re-sequenced Capital Improvement projects to fast-track the street improvements on Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

On May 24, 2011, City Council authorized the City Engineer / Public Works Director to execute the Program Supplement Agreement with the California Department of Transportation (Caltrans) for the Cactus Avenue Improvements project. This agreement established the policies and procedures for Caltrans reimbursement of $1 million funding for the State-Local Partnership Program (SLPP) grant program.

On June 14, 2011, City Council approved the FY 11/12 budget pending funding for Cactus Avenue between Lasselle Street and Nason Street, and the extension of Nason Street southerly to connect Cactus Avenue with Iris Avenue.

DISCUSSION

The project consists of street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). Because these street segments are considered very strategic to the City's Economic Development Plan, the City is taking a proactive approach in assisting with the completion of the plans, specifications, and estimate (PS&E). The City will coordinate the bidding and construction of the project once HFP provides the City with full biddable plans. In general, the proposed improvements are intended to include curb, gutter, street pavement reconstruction and widening, street lights, sidewalk, water, sewer, reclaimed water and master planned storm drain improvements, traffic signal work, a bridge along Nason Street over flood control channel Line F and construction of a portion of flood control channel Line F.

On May 25, 2011, staff solicited proposals from professional consultants. Approximately 200 consultants in the Public Works Department database were notified of the availability of the City's request for proposal. Eight (8) proposals were received in response to the City's Request for Proposals. The scope of work for the project includes project management, constructability review of PS&E, construction management, and construction inspection for the project. Subsequently, the project management tasks of the overall project is being proposed to be performed by the City's in-house consultant VAS Associates to ensure higher levels of project controls and improved efficiencies resulting in cost savings. A selection review committee comprised of City staff representatives from the Public Works Department reviewed and rated each prospective firm based on their proposals and presentations. After interviewing the three top-ranked firms, Transtech was selected as the most qualified firm to undertake the project.

The final scope of work focuses on constructability review of PS&E, construction management, and construction inspection. Transtech will provide highly skilled and experienced team of three professionals on a full time basis for the duration of construction phase of the project, ensuring quality construction and timely completion of the project. Prior to finalization of the project Plans, Specifications and Estimates (PS&E) and bidding of the project, Transtech will perform a detailed constructability review of the PS&E including on-site field check to ensure that conflicts that results in costly delays during construction are minimized. During construction, a Construction Manager will coordinate with all project stakeholders, ensure that the project is progressing in accordance with the contract documents leading to timely completion of the project within budget, minimize inconvenience to travelling public, and in his capacity as a Bridge Engineer, will inspect the technical aspects of the bridge construction. An experienced Public Works inspector will ensure that quality construction is carried out in accordance with the project plans and specifications; while an Office Engineer will assist the project team with other necessary tasks including satisfying the SLPP grant's requirements for this fast paced and multi-faceted construction project.

ALTERNATIVES

1. Approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, authorize the City Manager to execute a contract with Transtech in the form attached hereto, authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will allow for much needed improvements that are integral to the City's Economic Development Plan.*

2. Do not approve the Agreement for Professional Construction Management and Construction Inspection Consultant Services to Transtech Engineers, Inc. (Transtech) 413 MacKay Drive, San Bernardino, CA 92408, for Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue, do not authorize the City Manager to execute a contract with Transtech in the form attached hereto, do not authorize the issuance a Purchase Order to Transtech in the amount of $999,200 ($868,870 for the agreement plus the 15% contingency amount of $130,330) when the Agreement has been signed by all parties, and do not authorize the City Engineer to execute any subsequent amendments to the Agreement with Transtech, up to but not to exceed the Purchase Order contingency, subject to the approval of the City Attorney. *This recommendation will delay much needed improvements that are integral to the City's Economic Development Plan.*

FISCAL IMPACT

The funding sources for this project are: RDA Tax Increment Fund 892 ($6M through an Agreement with Riverside County Flood Control and Water Conservation District), borrowed DIF Library and Corporate Yard Fund 412 ($6.5M), DIF Arterial Streets Fund 416 ($2.5M) - re-sequenced from Kitching Street Improvements project from Cactus Avenue to Gentian Avenue, General Fund 412 ($1.3M) - re-sequenced from Heacock Street and Cactus Avenue Channel Improvements, DIF Traffic Signals Fund 417 ($0.27M), Measure "A" Fund 125 ($3.1M) - re-sequenced from Reche Vista Drive Realignment project, and anticipated SLPP Grant monies Fund 125 ($1M). Total available funding is $20,672,000. Assumptions for this project include that the adjacent property owners will dedicate and be credited for an estimated $1M towards right of way.

BUDGETED FUNDS FOR DESIGN AND CONSTRUCTION:
Fiscal Year 2011/2012 Budget (Account No. 125.New) $20,672,000

ESTIMATED PROJECT COSTS:
Consultant Construction Management and Inspection Costs..... $999,000
City's Plan Check and Project Management Administration * $881,000
Construction Phase Technical Services (Survey, Geo, Design Support, etc.) .. $950,000
Construction and Utility Relocation Costs $17,842,000
Total Estimated Project Costs $20,672,000

* Public Works and in-house consultant staff will provide Plan Check and Project Administration.

ANTICIPATED PROJECT SCHEDULE:
Complete PS&E .....Fall 2011
Public Bid and Award of Construction .....Three Months Thereafter
Complete Construction.....Approximately Twelve Months

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

This project implements an initiative of the Economic Development Action Plan. The proposed improvements consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. Staff is requesting that City Council approve the Agreement with Transtech for Professional Construction Management and Inspection Consultant Services so that these improvements can move forward.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Agreement for Professional Services

Prepared By:
Viren A. Shah, P.E.
City's Program Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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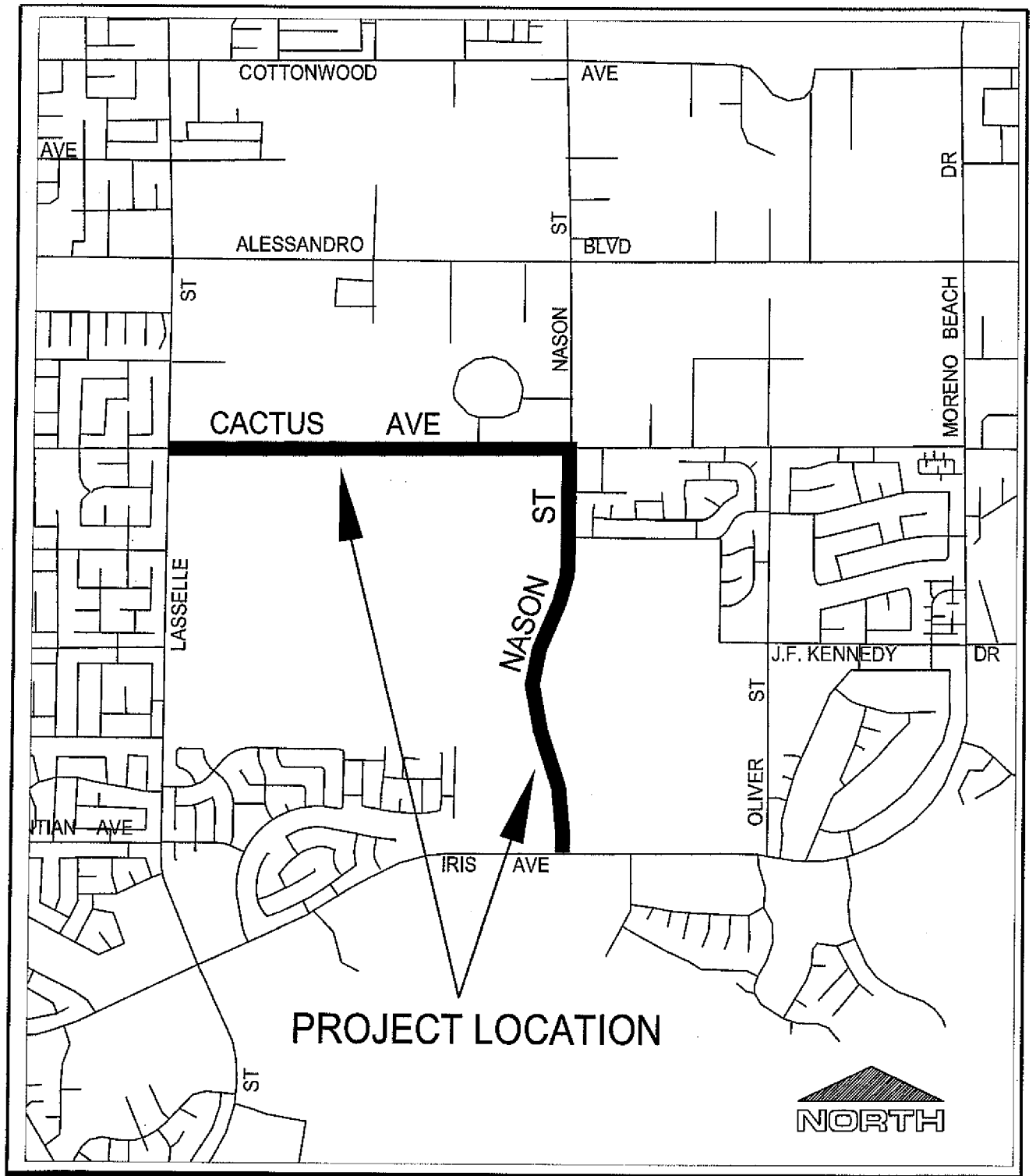

CITY OF MORENO VALLEY
DECEMBER 3, 1984

CAPITAL IMPROVEMENTS PROJECT

Public Works Department
Capital Projects Division

LOCATION MAP

STREET IMPROVEMENTS
CACTUS AVENUE AND NASON STREET

ATTACHMENT "A"

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Transtech Engineers, Inc., a California corporation, partnership, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Request for Proposal) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

DESCRIPTION OF PROJECT

1. The Project is described as professional consultant Construction Management and Construction Inspection services for:

Street Improvements along Cactus Avenue between Lasselle Street and Nason Street and along Nason Street between Cactus Avenue and Iris Avenue

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Request for Proposal shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $995,595.00 in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on **June 30, 2013** unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the design schedule as stated in the Notice to Proceed.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10 (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation

to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with all applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

(b) The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of

the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(c) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property

Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno

Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are legally employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, immediately upon request in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings at all times and during all phases of the project. The City reserves the right to ask for a hard copy and/or an electronic copy of the documents developed to date at any time during the period of this agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other projects without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without cause on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination.

(b) Upon notice of termination, the Consultant shall deliver to the Public Works Director/City Engineer of the City or his/her designated representative, in both hard copy and electronic format, all documents, drawings, models, presentation materials, renderings, calculations, specifications, permits and permit-related documents, surveys, materials tests, geotechnical reports, etc., if available, developed to date for the City's project and any other City-provided documents, which shall become the property of the City. The Consultant may retain for its files, at its expense, copies of any and all materials, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement. It shall be understood that the City shall be the owner of all project-related documents and drawings, regardless of the completeness of said documents.

(c) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any, for professional services related to the City's project.

(d) The City agrees to hold the Consultant harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant. Consultant acknowledges that Consultant work product produced under this Agreement may be public record under State law.

(e) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall

assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. Subject to the provisions of Section 19 (a) above, all plans, drawings, specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon demand by the City, be delivered to and become the property of the City for the limited use as set out above, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

Transtech Engineers, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

Attachments: Exhibit "A" – City's Request for Proposal
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

REQUEST FOR PROPOSAL
FOR PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES
FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET AND
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE
FOR
THE CITY OF MORENO VALLEY'S CAPITAL PROJECTS DIVISION

I. INVITATION

You are hereby invited to submit a Proposal for: 1) Project Management Consultant (PMC) Services, Part 1; and 2) Construction Management Consultant (CMC) Services, Part 2, 3) Construction Inspection Consultant (CIC) Services, Part 3, associated with the above referenced project.

Five (5) copies (one of the copies shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on compact disk (CD) of your Proposal shall be submitted before **5:00 p.m., June 8, 2011** addressed to City of Moreno Valley, Capital Projects Division, 14177 Frederick Street (hand delivery), P.O. Box 88005, Moreno Valley, California 92552-0805 (mail delivery), Attention: Viren Shah, City's Program Manager.

II. GENERAL PROJECT DESCRIPTION

The project in general consists of the ultimate width street improvements along 1) Cactus Avenue between Lasselle Street and Nason Street and 2) Nason Street between Cactus Avenue and Iris Avenue. The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market. Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project. In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping" (see attachments for more details). As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

III. PROJECT BUDGET AND SCHEDULE

The funding for both projects have been tagged at slightly below $20 Million including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this

EXHIBIT "A"

Consultant contract.

The Tentative Schedule is as follows:
Anticipated Award of this Consultant Contract: Early July 2011
Biddable PS&E Complete: Early Fall 2011 or sooner
Public Bid and Award of Construction Contract(s): 3 months thereafter
Construction: Approximately 12 months

IV. SCOPE OF SERVICES

The Consultant shall perform all project management services necessary for a professionally completed project including but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end. The scope of work outlined below must be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

DETAILED PROJECT DESCRIPTION:

The following scope of work is not a complete listing; it is intended to aid the consultant to identify a complete and comprehensive scope of work.

PART 1: PROJECT MANAGEMENT CONSULTANT (PMC) SERVICES

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.
2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.
3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
4. Schedule, facilitate, and attend public meetings as necessary.
5. Provide progress reports at a minimum on a monthly basis.
6. Compose all correspondences to keep the project on schedule.
7. Attend and present the project to City Council as required.
8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).
11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.
12. Prepare agreements and assist with issuance of Purchase Orders.
13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.
14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.
15. Prepare project update write-ups for distribution to media and public.
16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.
17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.
18. Issue all necessary Notices to Proceed (NTP).
19. Assist with review and process of all invoices (City staff will approve).
20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.
21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.
25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:

    a. Various City Council Staff Reports.

    b. Utility correspondence letters and e-mails.

    c. Federal, State and local correspondence.

    d. Federal, State and local documentation required for the project.

    e. Right-of-way related documents and correspondence.

    f. Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and biddability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding

purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a) Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b) Prepare bid packages for distribution as necessary.

    c) Maintain plan holder's list

    d) Schedule and conduct pre-bid meetings and site visits, if held.

    e) Provide responses to bidders' questions.

    f) Prepare and issue addenda if required.

    g) Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h) Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i) Check references and licenses of bidders.

    j) Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k) Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l) Prepare, coordinate, and process Notice of Award, Agreements, and

Purchase Order.

m) Review insurance, bonding, and other required documents.

n) Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

PART 2: CONSTRUCTION MANAGEMENT CONSULTANT (CMC) SERVICES

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project.

The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

**FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES**

General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.
2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.
3. Schedule, facilitate, and attend public meetings as necessary.
4. Attend and present the project to City Council as required.
5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.
6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.
7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.
8. Prepare agreements and assist in processing Purchase Orders.
9. Issue all necessary Notices to Proceed (NTP).
10. Review and process all invoices (City staff will approve).
11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.
12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.
13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.
14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.
15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.
16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other

construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.
   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.
   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.
   d. Submit recommendations to the City relative to change order requests.
   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.
   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.
    b. Permits.
    c. SWPPP and WQMP
    d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.
    e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)
    f. Progress payments, inventories, and applicable codes.
    g. Contractor's reports, correspondence, certified payrolls, and accident reports.
    h. Survey and layout data and certifications, photographs of as-built

locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

PART 3: CONSTRUCTION INSPECTION CONSULTANT (CIC) SERVICES

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements,

such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the

field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

V. CONSULTANT'S PROPOSAL AND COMPENSATION

The Consultant's Proposal shall be no more than 50 pages. The page limits exclude a cover letter of up to two pages, resumes up to two pages per person, dividers, certificates, and appendices. Resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the appendices. Proposals failing to provide sufficient information and assurances of performance to accurately assess each category of the required services and failing to comply with requirements and conditions of the Request for Proposal will not be given further consideration.

At a minimum, the Proposal shall include the following sections:

A. **Project Understanding:** This section should clearly convey clear understanding of the nature of the work, identification of major project issues, and proposed solutions thereof, from both the Consultant and the sub-consultants (consultant team).

B. **Approach and Management Plan:** This section provides the consultant team's proposed approach and management plan for providing services. Include an organization chart showing proposed relationship among consultant team/staff as well as any other parties that may have significant role in the delivery of this project.

C. **Qualifications and Experience:** Provide qualifications and experience of the team for this project. Emphasize the specific qualifications and experience from projects similar to this project for the key team members including references. Identify and provide in-depth information for the proposed PMC, CMC & CIC's qualifications, track record and relevant experience. A rate schedule *must* be submitted with the Proposal. The rate schedule must list titles, names, roles, and hourly billing rates in rows. A statement that said hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

D. **Staffing Plan:** Discuss staffing plan, the workload, both current and anticipated, for all key team members, and their capacity to perform the requested services according to the proposed schedule. Discuss the firm/team's approach for completing the services required for this project within budget and schedule. The plan should show flexibility and consideration in resource loading due to the inherent variability in the schedule and performance of third parties. A resource allocation matrix *must* be submitted with the Proposal. The resource allocation matrix must list detailed tasks in rows and the appropriate individual (Job Title Only) as well as the

number of hours that these individuals (including administrative support services) will be working on each task listed, included in adjacent columns.

E. **Work Plan and Schedule:** Include a description of how each task of the project will be conducted, identification of deliverables for each task and implementation schedule. The work plan should include sufficient detail to demonstrate a clear understanding of the project. Discuss the consultant team's approach for completing the project taking into consideration how extra work is anticipated and incorporated into the contract from the onset. **An itemized cost breakdown for the work described herein must be submitted in a separate sealed envelope as part of the Proposal submittal**.

F. **Quality Control and Assurance:** Discuss QA/QC proposed for each phase/deliverable for this project, including various independent reviews and 95% plan biddability/constructability/claims avoidance reviews.

G. **Additional Relevant Information:** Provide additional relevant information that may be helpful in the selection process (not to exceed two pages).

The Consultant's Proposal shall include the following statements:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. **The City's standard Agreement will be executed without any proposed changes.**

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact. If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

VI. GENERAL COMPLIANCE WITH LAWS AND WAGE RATES

The Consultant shall be required to comply with all federal, state, and local laws and ordinances applicable to the work. This includes compliance with prevailing wage rates and their payment in accordance with California Labor Code, Section 1775.

The Consultant is required to submit certified payrolls weekly. This applies to all applicable field personnel working on the project. In accordance with Section 1771.5 (b) (5) of the California Labor Code, the City will withhold payments when the payroll records are delinquent or inadequate.

VII. FEDERAL EMPLOYEE BENEFIT

No member of, or delegate to, the Congress of the United States, and no Resident Commissioner shall be admitted to any share or part of the Agreement to the said project or to any benefit to arise from the same.

The Consultant shall complete and include the "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and "Disclosure of Lobbying Activities" forms (attached) with the Proposal.

VIII. PAYMENT TO CONSULTANT

A. This work is to be performed for a "Not-to-Exceed Fee."

B. The Consultant shall provide a "Project Fee Schedule" indicating the fee for individual tasks with a "Not-to-Exceed Fee" which shall be the sum of all tasks by Part, phase, and milestone.

C. Tasks shall include, but not be limited to, all Professional Consultant Services (including administrative support services) necessary to complete the work covered by this Proposal.

D. The City will pay the Consultant for work completed based on milestones completed and accepted by the City. These Milestones are:

1. Work associated with Project Constructability Review only is completed.
2. PS&E completed and advertised.
3. Project Bidding and City Council award of contract.

4. PMC Services on a monthly basis once construction starts.
5. CMC Services on a monthly basis.
6. CIC Services on a monthly basis.
7. Any other additional authorized work on a task successfully completed and accepted basis.

The City shall make sole and final determination if a milestone as described above is complete and acceptable for payment. Unless otherwise specifically mentioned, there will be no monthly payments until the milestone is reached at which point all applicable charges will be reviewed for applicability prior to payment. Consultant billing/invoices will commensurate with the pace of the construction work activities. The final 10% of the Consultant contract amount will be held back until all phases of the project is successfully closeout. The Consultant will not receive additional compensation for non-compliance or punch list items that were not identified in a timely manner in order to be addressed by the construction contractor(s).

E. All invoices will specifically identify job title, person-hours, and costs incurred by each task. Lump sump payments will not be accepted as all charges must be documented and justified.

F. Reimbursement costs such as mileage, computer usage, vehicle rates, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fee." However, all overhead and reimbursement costs must be included in the personnel hourly rate for all services rendered upon commencement of the construction phase.

G. All tasks including labor and reimbursable costs such as printing, postage, and delivery shall have supporting documentation presented at the time payment is requested.

H. The City will pay the Consultant for all acceptable services rendered in accordance with the "Agreement for Professional Consultant Services."

I. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Agreement for Professional Consultant Services," an "Amendment to the Agreement" will be executed between the City and Consultant.

J. The Consultant shall receive no compensation for any re-work necessary as result of the Consultant's errors or oversight.

IX. INSURANCE

A. The Consultant shall provide Errors and Omissions Professional Insurance. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

B. The Consultant shall have Public Liability and Property Damage Insurance in the amounts as follows:

GENERAL LIABILITY		
Bodily Injury	$1,000,000	per occurrence
Property Damage	$ 500,000	per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

C. The Consultant shall have Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment in the amount of not less than $1,000,000.

D. The Consultant shall have Workers' Compensation Insurance in the amounts as will fully comply with the laws of the State of California.

E. A Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers and employees and agents, under any third party liability policy."

F. Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

G. The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverage's nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the Agency, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amount established.

H. It is the consultant's responsibility to ensure that all subconsultants comply with the following: Each subconsultant that encroaches within the City's right-of-way **and** affects (i.e., damages or impacts) City infrastructure must comply with the liability insurance requirements of the City's Land Development Division. Examples of such subconsultant work include soil sample borings, utility potholing, etc.

The "Application for Encroachment Permit" form (four pages), including "Application for Encroachment Permit Liability Insurance Requirements," is available in the Land Development Division and must be completed and submitted in full to the City. It is the Consultant's responsibility to ensure that all subconsultants submit the appropriate encroachment permit and insurance documentation at the same time

that the Consultant's insurance documentation is submitted.

X. INDEMNIFICATION

A. To the maximum extent allowable by law, the Consultant, when functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Community Redevelopment Agency of the City of Moreno Valley (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the negligence or willful misconduct of the City, RDA and CDS, their officers, agents or employees.

B. The consultant, when not functioning in the capacity of a design professional, agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

C. The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents or employees.

XI. TERMINATION FOR CONVENIENCE OF THE CITY

The City reserves the right to terminate the "Agreement for Professional Consultant Services" for the "convenience of the City" at any time by giving ten (10) days written notice to the Consultant of such termination and specifying the effective date thereof. All finished or unfinished drawings, maps, documents, field notes and other materials produced and procured by the Consultant under the said aforementioned Agreement is, at the option of the City, City property and shall be delivered to the City by the Consultant within ten (10) working days from the date of such termination. The City will reimburse the Consultant for all acceptable work performed as set forth in the executed Agreement.

XII. INDEPENDENT CONTRACTOR

The Consultant's relationship to the City in the performance of the Consultant's services for this project is that of an independent Contractor. The personnel performing the said Services shall at all times be under the Consultant's exclusive direction and control and shall be employees of the Consultant and not employees of the City. The Consultant shall pay all wages, salaries and other amounts due his employees in connection with the performance of said work shall be responsible for all employee reports and obligations, including but not necessarily restricted to, social security, income tax withholding, unemployment compensation, and Workers' Compensation.

XIII. CONTRACT

The Contract includes the Agreement for Professional Consultant Services, City's Request for Proposal, Consultant's Proposal, and Exhibits. **No changes to the City's standard Agreement will be entertained since there will be no time for negotiations between attorneys to establish a revised acceptable agreement.** All Consultants are required to have a City of Moreno Valley Business License in order to conduct business in the City.

The Political Reform Act and the City's Conflict of Interest Code require that consultants be considered as potential filers of Statements of Economic Interest. Consultants, as defined by Section 18701, may be required to file an Economic Interest Statement (Form 700) within 30 days of signing a Consultant Agreement with the City, on an annual basis thereafter if the contract is still in place, and within 30 days of completion of the contract.

XIV. GENERAL CONDITIONS

A. Pre-contractual expenses are defined as expenses incurred by the Consultant in: (1) preparing the Proposal; (2) submitting the Proposal to the City; (3) presentation during selection interview; (4) negotiating with the City any matter related to this Proposal; (5) any other expenses incurred by the Consultant prior to an executed Agreement.

   The City shall not, in any event, be liable for any pre-contractual expenses incurred by the Consultant.

B. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any Agreement will be awarded to any Consultant responding to this RFP. The City expressly reserves the right to postpone reviewing the Proposal for its own convenience and to reject any and all Proposals responding to this RFP without indicating any reasons for such rejection(s).

C. The City reserves the right to reject any or all Proposals submitted. Any Contract awarded for these Consultant engagements will be made to the Consultant who, in the opinion of the City, is best qualified.

XV. SELECTION CRITERIA

FOR PROFESSIONAL PROJECT MANAGEMENT,
CONSTRUCTION MANAGEMENT AND
CONSTRUCTION INSPECTION CONSULTANT SERVICES

The Proposals will be rated/ranked according to the following criteria:

1. The Firm's General Experience and Qualification Information (20 points) – Information about the company (and all sub-Consultants) including professional licenses held; ability to furnish required insurance and meet stipulations of the City's "boiler plate" agreement; details about comparable projects completed by the firm, as well as local experience; and its ability to provide the required services in an efficient and expeditious manner.

2. Experience of Key Personnel (40 points) – Background on key personnel (including all sub-consultants) qualifications, abilities, familiarity with state and federal procedures, local experience on comparable projects and length of service with the firm, reference information preferably with General Law City agencies, and proven track record and depth of understanding/ knowledge of the proposed PMC, CMC & CIC.

3. Project Approach/Understanding (40 points) – Understanding of project, discussion of major issues identified on the project and how the Consultant team plans to address them; the management approach and organization necessary to complete the specific project; and outline quality control measures to ensure delivery of a quality product on time, within budget that provides a cost efficient, timely and predictable execution of the project construction.

4. Expedited Schedule and Cost Controls (20 point bonus) – Elaborate based on experience with similar projects as to how the two projects can be completed based on an expedited schedule (please identify the shortened delivery timeline). Elaborate how the Consultant team can confidently deliver the project on time and within budget with specific focus that the Consultant can deliver this project within their executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Due to the accelerated nature in retaining a Consultant for this project sometime in early to mid July 2011, interviews may not be conducted in selecting the preferred firm. However, if an interview is deemed needed to make the final selection, the Consultant must be prepared to gather the proposed team likely within 24 hours of notification. Only the key individuals assigned to have a significant role in the project will be allowed to make the presentation at the interview

Exhibits incorporated by reference:

1. City Standard Consultant Agreement (no changes to this agreement will be allowed)
2. Nason-Cactus CIP Exhibits dated April 10, 2011 - Compilation of Plans based on current status of completion
3. Improvement Plans Status Summary dated May 4, 2011
4. Addendum to Moreno Valley Field Station EIR and Supplemental EIR

Submitted to:

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah
City's Program Manager

TECHNICAL PROPOSAL

PROFESSIONAL PROJECT MANAGEMENT CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS

1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Submitted by:

TRANSTECH/MAPCO
Contact Person for this proposal:
David Mlynarski, Project Principal
E-mail: david.mlynarski@transtech.org
T: 909-384-7464; F: 909-384-7475
413 MacKay Drive, San Bernardino, CA 92408

EXHIBIT "B"

Due Date: June 8, 2011, 5 p.m.
Submittal Requirement: 5 copies. 1 copy shall be unbound and paper clipped, with no tabs, holes, perforations, or cardboard inserts, suitable for copying with an automatic-feed copy machine and one copy shall be on CD. (As required, Fee Proposal is submitted in a separate envelope)

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH
MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Thank you for the opportunity to present our qualifications to the City and for the subsequent meetings and discussions to develop a cost efficient approach for the subject project.

It is very obvious that the city desires to establish professional relationships with consultants and carry out projects in an efficient and practical fashion. We also see the value to the overall community and business environment that will result with the inducement of these public improvements.

We understand this project will require an efficient coordination with various public and private parties, including City of Moreno Valley, developer, design engineers (RBF, Psomas, Butsko, Arcon), Riverside County Flood Control District, EMWD and Utility Companies. Furthermore, it is also important to coordinate with the Riverside County Hospital (Trauma Center) and the County EMS to maintain emergency vehicle access to the hospital along Cactus Avenue during construction.

Our goal is to provide our services in an efficient manner and minimize inconveniences and deliver the project to the City and public in a cost effective manner.

Our original fee submitted with the proposal was $1,114,000. Based on the meetings with and clarifications provided by the City, we made necessary adjustment in our scope, and our fee was reduced to $914,600. We then provided an additional 5% reduction in our fees as a good will, which resulted in a final adjusted fee of $868,870.

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Also, we made appropriate adjustments in the staffing allocation as follows:

- We will assign Kurt Pegg as the Project CM, RE and Bridge Structural Rep, and Mike Schnepf as the Project Inspector. We understand the City desires a commitment that these staff members will be assigned to this project. As we indicated in our proposal, and subsequent communications, our firm is fully committed to assign these staff members to this project. Also, you had indicated that in the event any of these staff members leave our employment for reasons beyond our control, the City would have the right to approve any replacement, and if the City is not satisfied with the proposed replacement, the City would have the right to terminate the contract.
- The level of effort is based on 12 month duration for construction and project closure after start of Construction and under a single construction contract (prime contractor) for both Cactus and Nason Street Projects.
- We allocated additional support that may be need during construction to support Kurt Pegg and Mike Schnepf.
- We deleted general project management services, as this task will be performed by City CIP staff as you indicated.
- The City will hire construction surveying, materials testing and specialty inspection firms under separate contracts.
- The City will have separate contracts with the design firms for the preparation of final PS&E Bid Package, as well as engineering support during construction.

The attached Resource Allocation Table provides detailed breakdown by task and staff as you requested.

Our staff and project team are very excited about the potential of delivering our best effort in support of this project.

Thank you again for your thoughtful consideration.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
ali.cayir@transtech.org
C: 714-883-8677; T: 909 595-8599, Ext. 121
www.transtech.org

F:\WPROCESS\PROPOSALS\2011\P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ DUE 060811 5 PM\PROPOSAL\UPDATED FEE, 6-23-11\RESOURCE ALLOCATION BY TASK, STAFF, HRS, P-11.065 MORENO VALLEY CACTUS & NASON STREETS IMP. PROJ.DOC

RESOURCE ALLOCATION

Task	Staff	Rate	Hrs	Fee
Constructability and PS&E Review, including field walk by Project RE, Inspector, and coordination with design team	*Sr Level Staff*	$145	160	$23,200
	Inspector Level Staff	$95	160	$15,200
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	70	$4,550
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	70	$10,150
	Subtotal		460	$53,100
Allocation to address unknown issues prior to finalization of PS&E	*Sr Level Staff*	$145	140	$20,300
	Inspector Level Staff	$95	60	$5,700
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	60	$3,900
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	60	$8,700
	Subtotal		320	$38,600
Bidding Phase Services to support City Proj Manager, PS&E Engineers for review of questions, field check, etc.	*Sr. Level Staff*	$145	40	$5,800
	Admin Support (minimal, City will assign in-house Project Management Staff)	$65	10	$650
	Principal In Charge Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	10	$1,450
	Subtotal		60	$7,900
Construction Phase (12 month duration assumed)	*Project CM, RE, and Bridge Structural Rep:* Kurt Pegg, PE	$145	2,200	$319,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project CM, RE, and Bridge Structural Rep	$145	200	$29,000
	Project Public Works Inspector: Mike Schnepf	$95	2,200	$209,000
	IF NEEDED, EXTENDED HRS BUDGET ALLOCATION: Project Public Works Inspector	$95	200	$19,000
	Office Eng, Insp Support, State Funding Compliance Staff: Selim Bouhamidi	$65	2,200	$143,000
	Principal Time for Support (minimal, City will assign in-house Project Management Staff, and retain PS&E Design Consultants for Eng Support during construction)	$145	400	$58,000
	Subtotal		7,400	$777,000
Budget for Additional Inspections	*Budget for Additional Inspections during heavy work periods*	$95	400	$38,000
	Subtotal		400	$38,000
TOTALS			8,640	$914,600
Additional Reduction in Fee as a good will			5%	$45,730
TOTAL REDUCED FEE				$868,870

Original Fee submitted with the Proposal	$1,114,000
Final Submitted Fee after Meeting with City staff to fine tune scope, including adjustment in Project Management effort as the City will assign an in-house PM and plus an additional 5% reduction in the fee	$868,870
Total reduction in dollars between Originally submitted Fee and Final adjusted Fee	$245,130
Total reduction in % between Originally submitted Fee and Final adjusted Fee	22.00%

TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 20, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TRANSTECH/MAPCO
PROPOSAL FOR CONSULTING SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

This letter serves as a follow up to our conversation regarding company legal name.

As indicated, our operating brand name in Inland Empire is Transtech/Mapco. The legal name of the corporation from which the Insurance will be provided is Transtech Engineers, Inc.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org
C: 909-841-0071; T: 909 384 7464, Ext. 106
www.transtech.org

Ali Cayir, PE, Principal
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TRANSTECH/MAPCO ENGINEERS, INC.
413 Mackay Drive | San Bernardino CA 92408 | T 909 384 7464 | F 909 384 7475 | Transtech.org

TRANSTECH MAPCO

June 8, 2011

CITY OF MORENO VALLEY
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552-0805
Attention: Viren Shah, City's Program Manager

Subject: TECHNICAL PROPOSAL
PROFESSIONAL PROJECT MANAGEMENT, CONSTRUCTION MANAGEMENT AND CONSTRUCTION INSPECTION CONSULTANT SERVICES FOR STREET IMPROVEMENTS
1) ALONG CACTUS AVENUE BETWEEN LASSELLE STREET AND NASON STREET
2) ALONG NASON STREET BETWEEN CACTUS AVENUE AND IRIS AVENUE

Dear Mr. Shah:

Transtech/Mapco is pleased to submit this proposal for the subject project.

We are a multi-disciplinary engineering consulting firm which provides professional and technical services in engineering, planning and construction to governmental agencies, educational institutions and private sector. We serve as turn-key program manager/contractor on large and complex engineering projects by providing full service capability. We have managed and successfully delivered a number of similar assignments.

Our key project team members have extensive experience working for Public Agencies in capacities, such as Contract Building Official, Plans Examiner, Inspector, City Engineer, Planner, Construction Manager and Inspector. As contract City Engineer and Building Official for a number of Agencies, we manage all aspects project as Agency representatives, and provide turn-key services.

Our staff members are licensed as professional engineers, surveyors, plan checkers, building officials and inspectors. We are also licensed as General Contractor A (General Engineering) and B (General Building), and have the ability to function like a General Contractor and coordinate all aspects of construction of similar projects.

Our Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of the projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance, DBE/WBE.

Also, one of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

We also provide our expertise in the construction field to law firms for construction claims. Some of our key staff members served as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State.

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

We understand the importance of providing services that can respond to the project needs based on work load and demand by adjusting level of staffing as necessary, and provide the services in an efficient and cost effective manner without sacrificing the quality and responsiveness.

We have extensive experience in managing similar complex and multi faceted/phased projects. We will develop an expedited schedule to deliver these projects in an efficient and expeditious manner, and within the executed contract agreement amount avoiding time consuming administrative efforts in processing contract amendments.

Our team has extensive experience in all aspects of similar projects, from design concept, design and regulatory agency approvals through construction. We have gained a solid reputation in the industry for delivering cost-efficient projects that are on schedule, within budget, and to the full satisfaction of the client. We have assembled an outstanding group of individuals we believe will provide the Agency with the precise services requested; combining strong technical skills, excellent communication, sensitivity to community values and efficient use of resources.

We have staff and resources readily available for the project.

Thank you for the opportunity to submit this proposal. If you have any questions or need additional information, please contact the undersigned.

Sincerely,

David Mlynarski, Principal
david.mlynarski@transtech.org; T: 909 384 7464, Ext. 106 F: 909 384 7475; www.transtech.org

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SECTION A:	**Project Understanding**	**A.1 – A.1**
SECTION B:	**Approach and Management Plan**	**B.1 – B.2**
SECTION C:	**Qualifications and Experience**	**C.1 – C.5**
SECTION D:	**Staffing Plan**	**D.1 – D.1**
SECTION E:	**Work Plan and Schedule**	**E.1 – E.17**
SECTION F:	**Quality Control and Assurance**	**F.1 – F.1**
SECTION G:	**Additional Relevant Information**	**G.1 – G.1**
APPENDIX		**Appendix 1 – Appendix 19**

City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, states that resumes, billing rates, project schedule, resource matrix, certificates, and other required forms shall be attached in the Appendix Section of the proposal. Based on this requirement, the following applicable information is included in the Appendix:

Resumes	**Appendix 1 – Appendix 14**
Billing Rates	**Appendix 15 – Appendix 15**
Resource Matrix	**Appendix 16 – Appendix 16**
Other Required Forms (Required Statements per the RFP)	**Appendix 17 – Appendix 19**

SECTION A: Project Understanding

The project in general consists of the ultimate width street improvements along:

1. Cactus Avenue between Lasselle Street and Nason Street, and
2. Nason Street between Cactus Avenue and Iris Avenue

The adjacent property owner and developer, Highland Fairview Properties (HFP), has been coordinating the preparation of the design plans for the ultimate street improvements as part of the 760 acre Aquabella Specific Plan (formerly Moreno Valley Field Station Specific Plan). The Aquabella development is on an indefinite hold due to the current depressed housing market.

Because these street segments are considered very strategic to the City's Economic Development Plan approved by City Council in April 2011, the City is taking a proactive approach in assisting with the completion of the plans, specifications and estimate (PS&E). The intent is for the current designers to complete their PS&E in accordance with the "Greenbook" and consistent with the California Public Contract Code. The City will coordinate the bidding and construction of the project.

In general, the proposed improvements are intended to be the "full street improvements with all dry and wet utilities included but no landscaping". As the plans and specifications are being finalized and an accurate cost estimate is established, the project may be scaled down due to funding limitations.

The funding for both projects have been estimated at slightly below $20 Million, including $1 Million in anticipated State Local Partnership Program (SLPP) grant monies for the Cactus Avenue project. Although the City intends to put both projects out to bid as one large project to take advantage of the anticipated "economies of scale", there is a possibility that the project may be bid as two separate projects with some time lag due to project readiness and therefore, the Consultant's proposal should reflect both possible scenarios. The goal is to complete the project construction within two years or less from the award date of this Consultant contract.

The Tentative Schedule is as follows:

- Anticipated Award of this Consultant Contract: Early July 2011
- Biddable PS&E Complete: Early Fall 2011 or sooner
- Public Bid and Award of Construction Contract(s): 3 months thereafter
- Construction: Approximately 12 months

The general scope of work to be provided by the selected Consultant includes all project management services necessary for a professionally completed project, including, but not limited to coordinating with all applicable design consultants, agencies and utilities to compile a final set of PS&E for the public bid process, award of construction contract(s), provide oversight during construction including construction management and/or construction inspection services and close out of the project at the end.

The scope of work will be performed in accordance with City of Moreno Valley's processes and procedures, "Greenbook" and California Public Contract Code requirements.

SECTION B: Approach and Management Plan

B.1. APPROACH AND MANAGEMENT PLAN

Our goal is to deliver the project to the City in an efficient and cost effective manner.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects.

Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance program to prevent design errors and construction change orders.

Schedule control and management is a critical element. Our project manager conducts weekly in-house meetings with staff to review work progress, discuss any potential issues, and adjust staff resources as necessary to keep the project on schedule.

One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies. Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

In summary, our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and within budget. Our staff members have a strong educational background and are licensed and certified as engineers and inspectors.

B.2. PROJECT ORGANIZATION CHART

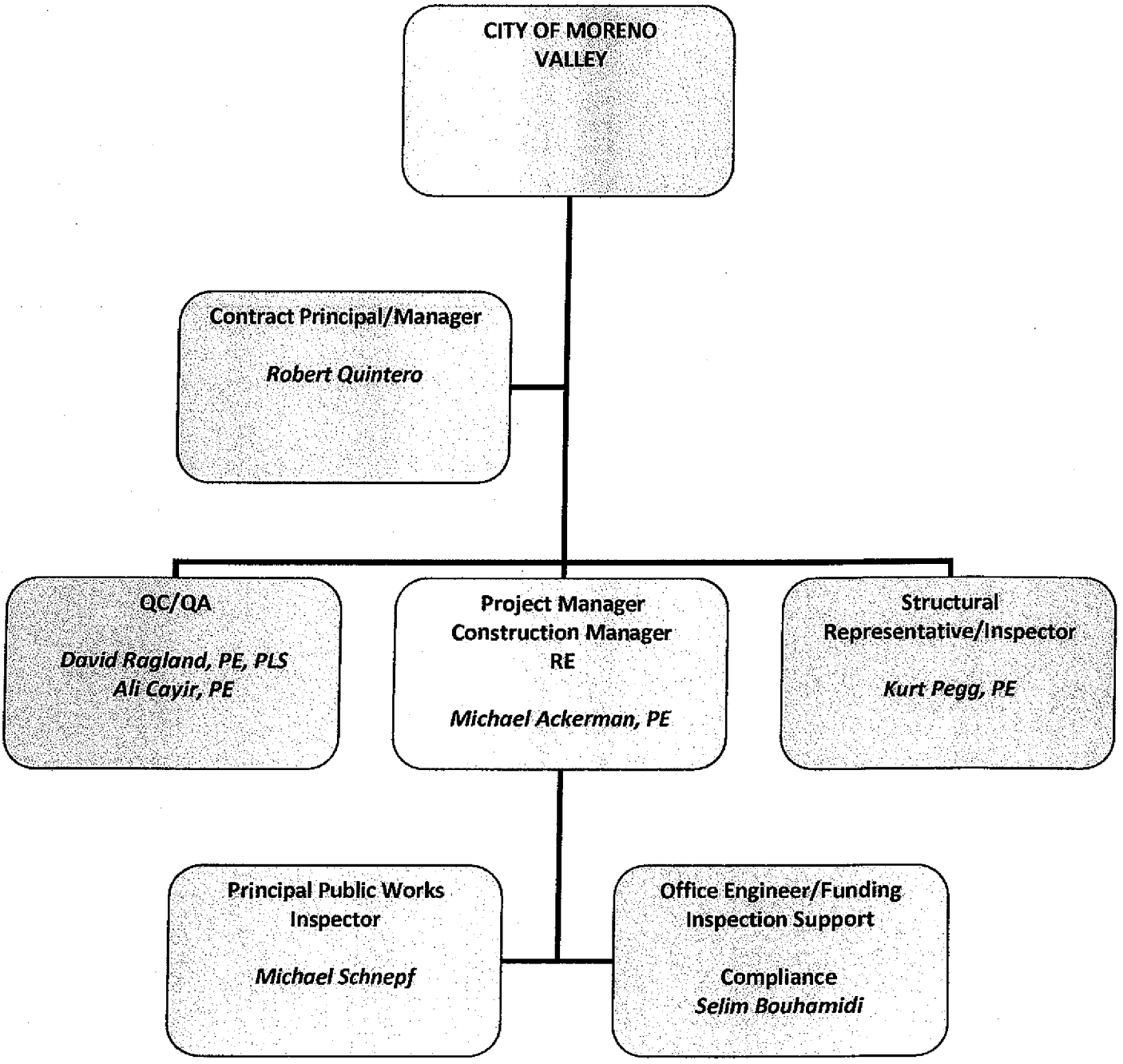

SECTION C: Qualifications and Experience

C.1. SIMILAR SERVICE EXPERIENCE

Following is a partial listing of similar projects where our firm provided similar services requested for this project:

- **Via Duct Boulevard Alignment and Reconstruction, Metrolink San Bernardino Parking Facility Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost: $10m
- **Valley Boulevard Widening Project:** Served as Construction Manager/Resident Engineer. Federally funded project. Cost $5m.
- **State Route 710 Interim Improvements and Fremont Ave. Widening/Realignment:** Prepared PS&E as well as provided construction management and inspection services for 3 federally funded projects in Alhambra. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. The project involved coordination with Caltrans and encroachment permit processing/approval, as portions of the project was in Caltrans jurisdiction. These projects were all federally funded, requiring processing for E-76 through Caltrans Local Assistance. The total cost for 3 projects was $20m.
- **Mission Boulevard Widening:** Prepared PS&E as well as provided construction management and inspection services for Mission Boulevard widening and reconstruction. Improvements included street, water, sewer, storm drain, landscape, street lighting, traffic signal, and signing and striping plans. Transtech also provided construction management and inspection services for the project. The project involved coordination with Caltrans, and was federally funded and required processing for E-76 through Caltrans Local Assistance. Cost $3m.
- **City of Torrance Crenshaw and Skypark Reconstruction Projects:** Prepared PS&E as well as provided construction management and inspection services for Federally Funded reconstruction/rehabilitation of Crenshaw Boulevard and Skypark Avenue (2 separate projects). Cost: $3m.
- **Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino:** For the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution.
- **CSUSB (Cal State SB University) San Bernardino Campus Access Road:** Prepared PS&E as well as provided construction administration for the project. Improvements included approximately 1 mile street, water, landscape, grading, drainage, street lighting and various other improvements. Cost $6M.
- **Mission Bl and Rte 71 Grade Separation Project (currently under construction):** Serving as the Construction Manager for this regional project. The Mission Boulevard/State Route 71 Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40,000,000.
- **Alhambra Civic Library Project:** The project involved construction of a 45,000 SF 2 story library with 2 levels of underground parking garage. The project also included off-site improvements, such as streets, curb, gutter, utilities, fiber optic communication. Transtech provided construction management services. Project Cost $30m.
- **Riverside County Transportation Commission, Corona Main Street Metrolink Parking Structure and Pedestrian Bridge:** Served as Construction Manager. The project involved construction of a 6 level, approximately 1,000 space parking structure, and a pedestrian bridge over rail road tracks, and various offsite improvements, such as pavement, curb, gutter, drainage, sewer, electrical.

Project cost $24,000,000.

- **Alhambra Renaissance Plaza Parking Structure and Entertainment Center:** Served as Turn-key Program Manager from initial design thru construction of the Project. The project involved construction of a 5 level, approximately 600 space parking structure, as well as a 10 plex movie theater, and 3 restaurants and retail stores. Total project value was $40m.

Experience in Federally Funded Projects and with Caltrans Local Assistance Procedures Manual:
A majority of the projects were federally funded. Transtech administered all projects through Caltrans' Local Assistance in compliance with the Local Assistance Procedures Manual (LAPM). Authorization to Proceed (E76) was successfully obtained for each project as well. Our scope in these projects involved public relations, including providing information flyer, setting up a web-site for public access to provide up to date information, community meetings, and responding to questions and complaints and making sure impacts to public is minimized. Communication and coordination with public is an important element on this project as well.

Experience in Working with Caltrans/Encroachment Permit Department:
Several of these projects also involved close coordination with Caltrans and encroachment permit processing/approval, as portions of some of the projects were in Caltrans jurisdiction.

C.2. PROJECT STAFF

The following table provides summary information for project staff:

Key Person	Project Role	Yrs of Exp	Yrs w Firm
Robert Quintero	Contract Principal/Manager	20	5
Michael Ackerman, PE	Project Manager, Construction Manager, RE	15	4
Kurt Pegg, PE	Structural Representative/Inspector	20	2
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	30	12
Michael Schnepf	Principal Public Works Inspector	30	9
Selim Bouhamidi	Office Engineer/Funding Compliance and Inspection Support	5	3

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, Billing Rates, Resource Matrix, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

C.3. REFERENCES

City of Rialto
Ahmad Ansari, Director of Public Works/City Engineer
909-772-1518

City of Alhambra
James Funk, Development Services Director
626-570-5041

City of Pomona
Daryl R. Grigsby, Director of Public Works
909-620-2261

CSUSB, Cal State University
Hamid Azhand, Director of Capital Planning and Design
909-537-5000

C.4. COMPANY QUALIFICATIONS

Established in 1989, the firm provides consulting engineering services to several municipalities throughout Southern California. The municipal services provided by our firm include Building and Safety, Plan Check, Inspection, Code Enforcement, City Engineering, City Traffic Engineering, CIP Design, Project and Construction Management, Program Management, Utility Company Coordination and Management, CDBG, HUD and Federally/State Funded Project Management, Services.

- *Service Capabilities:*

Municipal Consulting Services	City Engineer; City Traffic Engineer; Capital Improvement Projects; Development Review; Plan Check/Counter Services
Building and Safety	Inspection; Plan Check; City Building Official; Code Enforcement
Program and Construction Management	Contract Administration; Construction Inspection; Labor Compliance; Design-built Engineering and Construction
Civil Engineering	Freeways and Interchanges, Local Streets and Roads Design; Sewerage, Water and Storm Drain Design; Pavement Management System; Grading Studies, Design and Earthwork Analysis
Traffic and Transportation Planning and Engineering	Traffic Signal and Control Systems; Parking Facilities Study and Design; Street Lighting; Speed Zone Surveys; Traffic Control; Intelligent Vehicle Highway Systems; Signing and Striping; Traffic Management Plans; Bicycle and Pedestrian Facilities; Neighborhood Traffic Control

Water Resources Engineering	Hydrologic Studies, Hydraulic Design Best Management Practices Storm Water Pollution Prevention (SWPPP) Low Impact Development Design Sediment, Erosion Control & Detention Facilities Urban Water Quality Retrofit Hydrologic Rainfall/ Runoff Watershed Simulations Hydro modification Studies, Water Quality Management Plans (WQMP) Storm Drainage Infrastructure Design Floodplain Analysis, Mapping Preparation of FEMA Requests for Letters of Map Revisions
Surveying and Mapping	ALTA, Topographic, Boundary Surveys; Construction Surveying/Staking; Aerial Mapping; GIS; Right-of-way Engineering
Planning	Master Plan Circulation Studies; Transportation Planning and Modeling; Capacity Evaluations; Impact Assessments; Site Planning; Specific Plans
Land Development	Subdivision/Master-Planned Communities; Commercial and Industrial Development
Governmental Permit Processing	Support services to coordinate and process permits through governmental agencies .

- *Experience in Working with Local Cities:* Our key staff members have served public agencies in various capacities including City Engineer, City Traffic Engineer, Building Official, Project Manager, Planner, and Inspector. We are accustomed to working with governmental agencies in every facet of planning, building, and public works, and our staff has an unparalleled understanding of public agency issues, procedures, and policies.

- *Turn-Key Service Capability:* The Firm serves as turn-key program and construction manager on large and complex engineering projects by providing a full service capability of comprehensive services to its clients from initial planning and design, systems engineering and technical assistance, permitting, program and construction management, and operations and maintenance services. The Firm has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects, including Public Works and Infrastructure Improvements; Institutional Buildings; Commercial and Retail Buildings; Transportation and Parking Facilities; Sports and Recreational Facilities; Residential Development.

- *Experience in Federal and State Funding Programs and Requirements:* The Firm is recognized as one of the foremost expert firms in the State and Federal funding programs and procedures. We have managed numerous projects under HUD/CDBG, FTA, DOT, FHWA Federal requirements. On most of these projects, our services were provided from design, through construction, including enforcement and monitoring of Davis-Bacon Act Wages, Labor Compliance. The Firm's Grant Writing and Funds Management services enable our municipal and agency clients of any size to find potential funding sources, and to prepare competitive applications. Additionally, after funds are awarded to a client, The Firm can ensure compliance with state and federal funding requirements. In the past few years, The Firm has facilitated over $100 million in funds for our clients' public works projects and transportation improvements.

- *Experience in Construction Claims:* The Firm staff also provides their expertise in the construction

field to law firms and universities. Some of our key staff members serve as expert witnesses for construction claims and defects, and teach Engineering, Land Development, Planning, Construction and Project Management class at the Cal State San Bernardino University, International studies.

- *Quality Control/Quality Assurance (QC/QA):* The Firm has a proven track record in providing high quality engineering services which result in minimal problems during implementation of projects. Our extensive experience coupled with our in-house QA/QC program prevents design errors and change orders. Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become problems. This requires extensive hands-on knowledge, experience and management skills of the people involved in managing and inspecting the project. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on time and budget

- *Federally Audit and Approved Accounting System:* Our firm is involved in major projects with various governmental agencies, including Federal Government. Our accounting system is audited and approved by federal Government and found in compliance with Generally Accepted Accounting Principles (GAAP), all applicable provisions of federal, state, and local laws, statues, ordinances, rules, regulations, and procedural requirements including Federal Acquisition Regulations (FAR).

SECTION D: Staffing Plan

Due to the inherent variability in the schedule and performance of third parties, our staffing approach is flexible. While we have assigned and are prepared full staffing as necessary to the project, our staff will work as necessary and flexible manner. We will adjust staffing levels as the project progresses and as needed, but, we will be responsive and add additional staffing when there is a need to ensure the project is managed in the most cost effective and efficient manner.

Our team members have the capacity to perform the requested services according to the proposed schedule, and complete the services required for this project within budget and schedule.

Our approach is to be responsible and accountable for all aspects of the project. This will involve the appropriate level of communication with City Staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before they result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City Staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

BILLING RATES AND RESOURCE MATRIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, Resumes, **Billing Rates**, **Resource Matrix**, and Other Required Forms (Required Statements per The RFP) are attached in the appendix section of the proposal.

SECTION E: Work Plan and Schedule

E.1. PROJECT MANAGEMENT AND DELIVERY APPROACH

Our approach is to be responsible and accountable for all aspects of the project in order to deliver the project on-time and on-budget. This will involve the appropriate level of communication with city staff required to address issues that may impact the project's delivery in a manner that will address any scope, schedule, or budget related issues in a prompt and efficient manner before the result in any major impacts to the project's delivery. Clear and well maintained channels of communication between Transtech and City staff will be critical in the efficient management of this project so that Transtech staff is provided with sufficient information and direction in a manner that does not overburden City staff.

We have a structured approach to execute projects in an efficient manner that makes Transtech capable of providing the client with the highest quality product. Transtech has established guidelines and policies, including written manuals on quality control, project management, and design procedures for its staff. These guidelines ensure a consistent approach to the execution of assignments undertaken by our organization. They provide Project Managers specific instructions on critical items to check/recheck and allow them to efficiently finalize projects. The following paragraphs describe our approach to deliver projects in an efficient and cost effective manner:

- **Project Management:** Our approach is to provide proactive management to control every aspect of a project in detail to identify potential issues and problems in advance and take corrective actions before they become major problems. This requires extensive hands-on knowledge, and management skills of the people involved in the project's management and inspection. Our team members have extensive experience and proven track record in managing such complex projects and bringing them to a completion on-time and on-budget. Our staff members have educational background and are licensed and certified as engineers and inspectors. They have been represented both public agencies and private developers/contractor on similar projects. They are seasoned industry veterans, and will manage this project in the most efficient manner. Key project team members will attend regularly-scheduled project status meetings with the City and other involved agencies throughout the project's duration. We will keep a detailed record of communication that will include directions given by City staff and actions taken by our team. These systems are structured such that recall of critical information is readily available. We will provide project status reports which updates, at a minimum, the status on the project's scope, schedule, budget, and pending issues requiring attention.

- **Quality Control and Assurance Program:** Quality Control and Assurance is an important process in our project management approach. This process provides for the objective and thorough review of completed work products at multiple levels. We provide an extensive check of the plans before each milestone submittal. This check is provided by senior engineers with experience in the applicable field. We have an extensive in-house Quality Control and Assurance Program to prevent design errors and construction change orders.

- **Design Review:** Our multi-disciplinary team of design professionals with extensive professional experience in similar projects. Our preferred approach is to engage in review documentation, response/reconciliation meeting cycle for each design phase. Each cycle's receipt of design documentation is the basis of design, plans, specifications and calculations. The documents are reviewed by each discipline along with the construction manager to validate design team approach to the project program requirements and identify code element, buildability items for consideration, adjustment and/or incorporated by the Design Team. Review comments are documented with our

web based review program and made available to the entire team through the web browser access and electronic files. After a short review period for the Design Team, a coordination/information meeting is held to discuss comments and ensure that the Design Team and other parties fully understand the intent and essence of the comments. Our teams early "catches" of these and similar design compliance issues have presented significant late phase document modification on numerous projects we have reviewed.

- **Constructability Reviews:** Our constructability reviews follow a similar process to design support review with a different focus. We prefer to do both reviews concurrently for efficiency, with early phase focus on design support issues moving to predominantly constructability, buildability and coordination in later phases. Our comprehensive database offers management tools that will allow all team members to review drawings simultaneously and track design progress and comment resolution.

- **Value Engineering:** We approach value engineering as a continuous and evolving function throughout the entire preliminary and design phases. Value engineering is treated as an integral part of developing design criteria and ultimate incorporation into the project plans, specifications and estimates. Integrating value engineering throughout the project significantly reduces the chance of a major design alternative being identified by a "value engineering team" after the project is designed, which would cause a tremendous redesign effort and considerable time delays.

- **Cost Estimating:** We use a variety of methods to generate accurate cost estimates. These include "Check Bids" developed from both internal and external private sources. Our estimators all have construction field backgrounds and pull in that additional perspective to cost estimating from project concept/feasibility through change orders to address your specific needs. A methodology of communication, technical resources, and analytical thinking shaped by experience is used to reflect projects in terms of costs. Our estimating database, based on our experience at construction, is continually reviewed and updated for current labor rates, equipment rates, and material pricing. We also utilize the construction schedule to determine cost escalation over the course of construction. Typically escalation is included to the mid-point of the construction schedule. We will work closely with our procurement team in order to track the trends in volatile materials such as steel and concrete. We also monitor local construction labor markets and unions to forecast trends in labor rates. These costs are tracked throughout the estimating process to insure there are no last minute surprises.

- **Third Party Coordination Public and Regulatory Agencies:** One of the most common schedule delays occurs during the review and approval process with the public and regulatory agencies . Our approach is to initiate communications with agency staffs early in the project development. Meeting with agency staff during design development and in order to gain a clear understanding of their specific requirements and standards, is key to avoiding any major revisions or conflicts in later project phases that may result in costly scope revisions. This early communication also establishes an understanding of the project schedule, when the plans will be submitted, so that the local approval agencies can plan ahead to review and approve the project plans in a timely manner.

- **Methodology for communication to inform City on work progress:** Key project team members will attend regularly scheduled project status meetings with City staff throughout the project's duration. All project-related directions, and commitments made by city staff will be incorporated into the project's record of communication and the status of each issue.

- **Approach to Cost Control and Change Orders**
  Two feasible methods exist for practical control of publicly funded construction costs. One is *proactive* and the other is *reactive*.
  - *Proactive* cost control is achieved by putting sufficient effort into the plan and specification preparation to minimize potential change orders.
  - *Reactive* cost control occurs during the review of change order requests submitted by the contractor. A variety of techniques are employed when reviewing submitted change order requests.

  We evaluate monthly costs/expenditures based on an actual field review and documentation. The documentation is used as both criteria for evaluating the accuracy of costs/expenditures, and as input for review of the cost-loaded monthly progress schedule. An accurate schedule of values and baseline schedule are fundamental to this analysis. Base contract work, as well as changes to the work, is also progressed and quantified. Any differences between the original estimates and actual costs/expenditures are identified. We evaluate project costs and develop feasible mitigation measures to minimize additional costs. We work as a team to solve problems or make modifications in the field to address unforeseen conditions or owner generated changes in a cost effective manner.

- **Approach to Scheduling and Timely Completion of Project and Schedule Recovery**
  Understanding how the component pieces of a Project and the necessary sequencing are critical to the successful completion of the Project. We use various project management software depending on the nature of the Project to ensure proper schedule development, document control, including RFI's, submittals and plan review. The regular maintenance and updating of the schedule quickly identifies areas that can be accelerated, and those items that may need additional attention and oversight. We ensure that the contractor's construction baseline schedule has properly identified the project scope, critical path, project milestones, target dates, phases, and sequences of work, activity durations, activity float and relationships between activities. Interrelationships with various projects phases, and interfaces with Owner activities are verified to ensure proper coordination with the existing operations. We ensure that the baseline schedule considers access coordination; staging and lay-down areas and seamless transition and interfaces between the new and existing facilities, and any operation to be maintained on-site. When significant activities show that they are slipping from the baseline, we work with the contractor to develop "recovery plans" and verify that the plans are achievable and are implemented to have the desired effect. We incorporate progress information recorded on the Inspector's Reports to verify actual progress in the monthly schedule. These reports clearly identify and document if any delays occurred and what caused the delays. This approach enables all involved parties to anticipate potential delays early in order to proactively manage the schedule.

- **Methodology for Generating Bidder Interest**
  The bids are advertised in various trade publications, such as McGraw-Hill Construction Dodge-Green Sheets, Contractors Info Network, Bid America, Reed Construction Data. We also contact qualified contractors and inform them of the upcoming project. By the time the construction documents area ready for bid advertisement we have a data base of contractors who have known about this project in advance. This increases bidder interest and participation significantly.

- **Promote participation in the bidding by local subcontractors and vendors**

Often, on large and complex projects, small local subcontractors and vendors do not participate in the bidding. We work with local Chamber of Commerce and organizations and conduct outreach to promote participation of local businesses in the bidding process as subcontractors and vendors, so that some project funds can be kept in local economy, resulting in the creation of more local jobs.

- **Contractor prequalifying**
  If desired by the City, we can conduct a contractor pre-qualifying process. Public Contract Code section 20101 authorizes local public agencies to prequalify contractors before allowing them to bid for public works projects. The key points are:
  - A public agency may require contractors to submit standardized questionnaires which seek information necessary to determine whether the contractors have met prequalifying standards. Uniform subjective rating systems must be used to determine the minimum requirements permitted for qualification to bid.
  - Agency must have procedures in place which allow contractors to appeal decisions that they are not qualified to bid, which will result in review and conclusion prior to the submission of bids.

- **Construction web-site:** If the City desires, we can establish a construction web-site and web-cams for real time monitoring of construction progress on internet. The following is a sample of our current website for the State Route 71 and Mission Interchange construction project. www.mission71project.com.

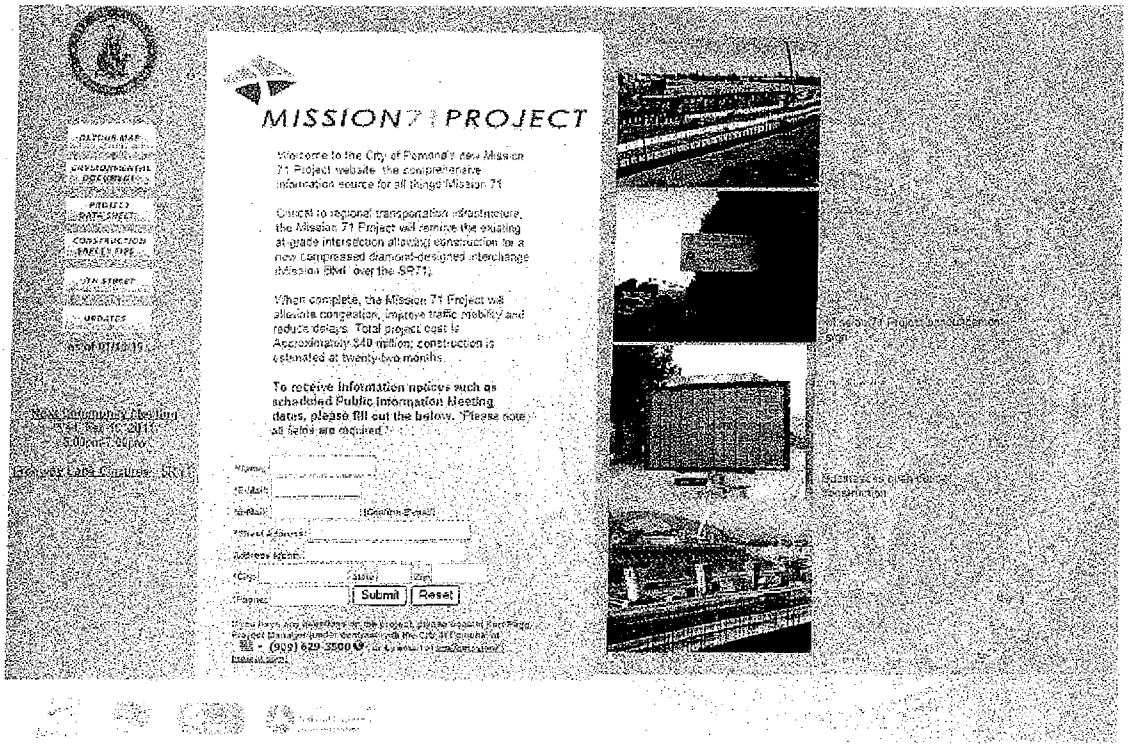

- **Quality Control and Assurance**
  Quality Control and Assurance will be consistently and thoroughly applied throughout project's duration. Assigned Quality Control and Assurance staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities.

A detailed description for Quality Control and Assurance is provided in Section F of the proposal.

E.2. SCOPE OF WORK

E.2.1. Project Management Consultant (PMC) Services

The designated Consultant Project Manager, under the general direction of the City Program Manager, shall be responsible for overseeing all aspects of project development and coordination.

Typical Project Management Services shall include, but not be limited to:

1. Prepare and maintain a project schedule identifying the critical path for expeditious project completion.

2. Conduct and attend all applicable meetings with all applicable stakeholders. At the conclusion of each meeting the Consultant shall prepare and distribute meeting minutes, within three (3) working days, to the satisfaction of the City Program Manager.

3. Schedule and conduct Project Development Team (PDT) meetings and other necessary meetings; prepare agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

4. Schedule, facilitate, and attend public meetings as necessary.

5. Provide progress reports at a minimum on a monthly basis.

6. Compose all correspondences to keep the project on schedule.

7. Attend and present the project to City Council as required.

8. Check all contract documents to ensure compliance with the Caltrans Local Assistance Procedure Manual (LAPM) and funding requirements, as required for the SLPP grant.

9. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

10. Prepare reimbursement requests and invoices to Caltrans for the SLPP grant in accordance with the City - State Program Supplemental Agreement (PSA).

11. Prepare staff reports to City Council for authorization of agreements, amendments, Closed Session action items, etc.

12. Prepare agreements and assist with issuance of Purchase Orders.

13. Coordinate with all applicable agencies/utilities including the preparation of inter-agency agreements.

14. Coordinate with funding agencies and prepare reports, updates, funding reports, and grant applications as necessary for project funding.

15. Prepare project update write-ups for distribution to media and public.

16. Assist with annual Capital Improvement Program (CIP) budget update or funding programming where necessary.

17. Investigate and coordinate all utility conflicts with utility owners. Prepare applicable utility notices and coordinate with utility companies for relocation of interfering utilities.

18. Issue all necessary Notices to Proceed (NTP).

19. Assist with review and process of all invoices (City staff will approve).

20. Compose Requests for Proposals (RFP), Notices Inviting Proposals (NIP), and Scopes of Services to retain other related support services, services of specialty Consultants/Contractors needed during construction, such as Surveying, Geotechnical, Material Testing, Deputy Inspection, etc.; coordinate and schedule these services; and review proposals as necessary.

21. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager.

22. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local requirements.

23. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

24. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

25. Oversee and provide review and concurrence of all applicable reports i.e. Geotechnical Report, Traffic Study, Environmental Documents, Final PS&E packages, SWPPP Plan, Appraisal Reports, Legal and Plats, Easements incl. temporary construction easements and all other applicable project documents. The Consultant shall prepare the Notice of Intent (NOI) for the SWPPP Plan through the Regional Water Quality Control Board.

26. Ensure that all appropriate communication, correspondence, and reports are completed on an ongoing basis in a timely manner to the satisfaction of the City. The following is a list of some, but not necessarily all, of the documents that the Consultant shall be responsible to provide in the course of the work:
    - Various City Council Staff Reports.
    - Utility correspondence letters and e-mails.
    - Federal, State and local correspondence.
    - Federal, State and local documentation required for the project.
    - Right-of-way related documents and correspondence.
    - Necessary communication and reports to the funding agencies.

27. Arrange and participate in a detailed independent review of the 95% PS&E package, with in-depth field review and bidability, constructability, and claims avoidance emphasis.

    a. Review of existing geotechnical/geologic maps, reports or other related documents to ensure that the project Plans and Specifications have adequately addressed geotechnical evaluation and recommendations on, including, but not limited to, grading, earthwork, settlement, surface and subsurface drainage, foundation/column/slab design, slope stability, pavement design, trench backfill, retaining wall design, environmental concerns, removal of unsuitable materials, etc

    b. Verify that the plans and specifications adequately address the drainage and utility challenges of the project site.

    c. Confirm that the existing field topography conditions are correctly addressed in the final PS&E

    d. Evaluate the plans and specifications for ADA compliance

    e. Confirm all necessary rights of way needed for the project have been acquired and provide independent review of property surveys, plats, and legal descriptions to ensure accuracy of the documents.

    f. Confirm that all permit (incl. environmental mitigations) requirements are adequately addressed. The Consultant shall identify all environmental concerns for the specific improvements and coordinate with the applicable agencies for requirements to be addressed in the plans and specifications for applicable project conformance.

    g. Confirm that all traffic control requirements are adequately addressed in accordance with the latest update of the MUTCD.

    h. Confirm that the bid schedules including any additive alternatives adequately captures all scope of work required of the contractors.

    i. Confirm that the engineer's estimate for the various bid schedule items adequately reflect the ballpark costs for the work item at the time the project is advertised for bid.

    j. Confirm the PS&E package is complete and ready for public bidding purposes. The latest edition of the Greenbook (Standard Specifications for Public Works Construction and subsequent amendments) shall be used on the project, except for traffic signals, striping, and traffic signs. The technical portion of the Caltrans Standard Specifications shall be used for the traffic signals, striping, and traffic signs

28. Coordinate and ensure that all stakeholders and City Divisions and Departments complete plan check of all appropriate project documents.

29. Review the Aquabella development's Conditions of Approval for conditions applicable to the street improvement designs.

30. Provide plan check summary update at each plan check level and meet with the City Program

Manager to review appropriate plan check redlines/comments.

31. Coordinate and ensure that updates necessary as a result of plan check review are communicated and incorporated to ensure a comprehensive set of Final PS&E is prepared ready for bid.

32. Consultant shall coordinate any adjustments to the final design plans and corresponding documents with the applicable design consultant/utility to reduce the scope of work to match available budget in accordance with City-specified priorities.

33. The PMC shall be responsible for administrating the advertising for construction bids and attending the bid opening of the project according to the California Public Contract Code for municipal agencies and shall provide support during bidding and construction. The required Design and Project Management Consultant Services shall include, but not be limited to:

    a. Prepare and coordinate bid notices to be advertised and posted at various plan rooms, trade publications and on the City's website.

    b. Prepare bid packages for distribution as necessary.

    c. Maintain plan holder's list

    d. Schedule and conduct pre-bid meetings and site visits, if held.

    e. Provide responses to bidders' questions.

    f. Prepare and issue addenda if required.

    g. Coordinate and attend construction bid opening at the City Clerk's Office. Evaluate and check all bids submitted are complete and consistent with established requirements.

    h. Evaluate and check all bids to establish the lowest responsive and responsible bidder.

    i. Check references and licenses of bidders.

    j. Draft City Council Staff Report for award of construction contract and process the contract agreement with the lowest responsible bidder.

    k. Attend the City Council meeting for award of the contract, available to answer questions, and defend the project.

    l. Prepare, coordinate, and process Notice of Award, Agreements, and Purchase Order.

    m. Review insurance, bonding, and other required documents.

    n. Answer questions regarding the Technical Provisions, the design drawings or conflicts in the design during bidding process and pre-construction meeting. The Project Manager Consultant shall coordinate with the applicable Design Consultant in preparation of addenda necessary due to omissions or conflicts in the design.

34. Provide all applicable project management oversight of the CMC (in accordance with Part 2 herein), CIC (in accordance with Part 3 herein), construction contractors, utilities, agencies and all construction related activities. This must include coordination of all conflicts in the design that may have been identified during the construction as well. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

35. Review and process all reports, invoices, agreements, contracts, contract/construction change orders, request for information, claims, notices and other applicable documents during construction to ensure project is running smoothly within budget and on time. Coordinate and follow-up on all claims, notices, non compliance issues, etc. that may have occurred during the construction phase.

36. Coordinate all close-out activities after construction is completed including coordination with all jurisdictional environmental agencies, permitting agencies, utilities, etc.

37. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

38. Present the City with a complete project close-out file including performing such other project related duties as may be required by the City.

39. Perform warranty walk within one (1) year of the Notice of Completion and coordinate all follow-up activities needed to ensure successful closure of project issues.

E.2.2. Construction Management Consultant (CMC) Services

The Construction Management Services shall include general project management activities to project closure as well as full-service construction management during the construction phase of the project. The Construction Management Services may also include Inspection Services or oversight of the Inspection Services. If more than one inspector is required to oversee the work, it is the responsibility of the Construction Manager to anticipate the need and to provide or recommend the additional services required. The City Program Manager will make the final decision with regard to utilizing the Inspection Services, or to select an Inspector through other accepted means.

E.2.2.1. General Services

General Construction Management Services duties shall include, but not be limited to:

1. Prepare and maintain construction related specific schedule identifying the critical path for expeditious project completion.

2. Schedule and conduct the pre-construction meeting with all stakeholders, including preparations of agendas and minutes; and distribute to all applicable entities (not just attendees) within three (3) working days.

3. Schedule, facilitate, and attend public meetings as necessary.

4. Attend and present the project to City Council as required.

5. Check all contract documents to ensure compliance with the Caltrans LAPM and funding requirements, as required for the SLPP grant.

6. Prepare all submittals to Caltrans Local Assistance in accordance with the LAPM and other Caltrans requirements, as required for the SLPP grant.

7. Prepare reimbursement requests and invoices for Caltrans and other funding agencies for the SLPP grant.

8. Prepare agreements and assist in processing Purchase Orders.

9. Issue all necessary Notices to Proceed (NTP).

10. Review and process all invoices (City staff will approve).

11. Compose RFP's, NIP's, and Scopes of Services to retain other related design services, services of specialty Consultants/Contractors needed during construction, such as Design Review, Surveying, Special Inspection, Geotechnical, Material Testing, etc.; coordinate and schedule these services; and review proposals as necessary.

12. Maintain all project files in accordance with the City boiler format or as otherwise directed by the City Program Manager. At a minimum, Project files will be organized to include the information indicated below:
    - Project Personnel
    - Correspondence
    - Weekly record of working days
    - Materials Data
    - Engineer's Daily Reports
    - Contract Item Pay Quantity Documents
    - Contract Change Orders
    - Extra Work Reports
    - Progress Pay Estimates and Status of Funds
    - Labor Compliance and EEO records
    - Contractor's Payrolls
    - Final Report
    - Materials Certificate
    - DBE Records

13. Maintain consistent communication (daily or weekly, depending on project activity/complexity) with the City Program Manager.

14. Facilitate, coordinate, and oversee the ongoing daily actions required to completely provide the full level of intended services and ensure that the project meets all applicable Federal, State, and local

requirements.

15. Oversee and ensure that all measures of the specific project's scope of services are completed in a timely and professional manner with an emphasis on providing the City with a high quality project.

16. Report directly to the City Program Manager and act as a liaison between the City and all project stakeholders in order to accomplish the full project services intended by the City.

E.2.2.2 Construction Management Services

Typical Construction Management services shall include, but not be limited to:

1. Provide contract administration for the project and coordinate with other construction, as required.

2. Coordinate and participate in pre-construction contract award activities, including conducting pre-construction meeting, and issuance of Notice to Proceed in accordance with the City's procedures.

3. Establish and maintain project controls and provide administrative, management, and related services necessary to coordinate the work of the Contractor and all sub-contractors in order to facilitate timely completion of the project in accordance with contract documents and City objectives.

4. Assist the Contractor in obtaining all building, grading, and other construction permits necessary for the project.

5. Provide, manage, coordinate, and ensure timely completion/approvals in response to all Requests for Information (RFI), shop drawings, product data samples, submittals, Change Notices, Intend to File Change Notices, and Construction Change Orders (CCO), as well as review, negotiations and issuance of the CCO to the Contractor.

   Follow the established City procedures in processing CCO. Following is a brief outline of the City's procedures:

   a. Review requests for CCO received from the Contractor to ensure validity and applicability of costs based on the scope of work.

   b. Recommend necessary or desirable project changes to the City with Design Consultant's concurrence.

   c. Assist the City with concurrence of the Design Consultant in CCO negotiations.

   d. Submit recommendations to the City relative to change order requests.

   e. Prepare the CCO, obtain project designer's concurrence, and obtain Contractor and Design Consultant's signature on the CCO forms for the City's consideration, review, and approval.

   f. Prepare staff report(s) for City Council approval of CCO, if necessary.

6. Ensure that contractor's daily work effort is documented.

7. Prepare agenda, conduct weekly construction progress meetings and distribute minutes within three (3) working days.

8. Ensure adequate inspection coverage for the project, coordinate and oversee project inspector(s).

9. Schedule Building and Safety inspection of Electrical Service/Cabinets, footings, specialty retaining walls, applicable structural components or as otherwise required.

10. Coordinate and schedule SCE service for applicable appurtenances.

11. Coordinate and schedule telephone service with the City's Telecommunications Engineer or directly with Verizon.

12. Coordinate and schedule needed water service, water meter(s), and re-location of water line etc. with the local water purveyor as necessary for the project.

13. Schedule with the City's Traffic Operations Supervisor to inspect new and modified traffic signals. The Consultant shall be responsible to document all work, including the Traffic Supervisor's inspection in the Consultant's Daily Diary.

14. Provide administrative, management, and related services as required to coordinate work and to complete the project in accordance with the City's objectives for cost, time, and quality. The Consultant shall provide sufficient qualified personnel and management to carry out the requirements of the Project.

15. Schedule and conduct pre-construction and construction progress meetings to discuss such matters as procedures, progress, problems, scheduling, and coordination and other project related items. The Consultant shall coordinate with the utility companies for the relocation of any of their facilities that conflict with the proposed improvements and continue coordination until the utility conflict is resolved. General construction progress meetings may be required on a weekly basis until the project is completed. Primary attendees will include: Utilities, Agencies, the City of Moreno Valley, and the Contractor. Prepare meeting agendas, and minutes for all meetings. The minutes shall be prepared and distributed to all attendees within three (3) working days after the meeting. The minutes shall include, but not be limited to, list of attendees with phone numbers and e-mail, synopsis of discussion items, any pertinent information, action items, and follow-up to the action items.

16. Obtain building permits and special permits for the improvements. The Consultant shall verify that the applicable fees and assessments have been paid, and shall assist in obtaining approvals from authorities having jurisdiction over the permits.

17. Maintain continuous 24-hour telephone accessibility during construction activity for emergency use.

18. Maintain the record copies of the following:

    a. Plans, specifications, and contract documents with all changes and modifications.

b. Permits.

c. SWPPP and WQMP

d. Addenda(s), change order(s), shop drawings, product data, submittals, and samples.

e. Material testing and certification reports in accordance with the City's Quality Assurance Program (found on City's website)

f. Progress payments, inventories, and applicable codes.

g. Contractor's reports, correspondence, certified payrolls, and accident reports.

h. Survey and layout data and certifications, photographs of as-built locations and depths.

i. List of addresses, telephone and license numbers of General Contractor, all sub-contractors, material suppliers, and utility agencies.

19. Determine whether the work of the Contractor is being performed in accordance with the requirements of the contract documents, and endeavor to guard the City against defects and deficiencies in such work. The Consultant shall make recommendations to the City's Program Manager regarding special inspection or testing of work not in accordance with the provisions of the contract documents whether or not such work is then fabricated, installed or completed. The Consultant shall also inform the City of work that does not conform to the requirements of the contract documents. The Consultant shall review the Contractor's recommendations for corrective action on observed non-conforming work.

20. Consult with the Design Consultant and City Program Manager if any contractor requests interpretations of the meaning and intent of the PS&E, and shall assist in the resolution of questions which may arise.

21. Identify and report potential contractor claims and recommend resolution.

22. Prepare the weekly statement of working days and send to the Contractor on a weekly basis.

23. Conduct interviews with the Contractor's and subcontractor's employees to ensure labor compliance.

24. Compare Certified Payrolls with Inspection Reports, employee interview forms, and the Prevailing Wage Rates, and verify proper payment in compliance with the project Specifications.

25. The Consultant does not have authority to make changes or deviations from the Plans and Specifications, except as authorized by the City Program Manager with concurrence from the Design Consultant.

26. Incorporate approved changes as they occur.

27. Review, comment and recommend processing of invoices for progress and final payments.

28. Endeavor to achieve satisfactory performance from each of the contractors and recommend courses of action to the City Program Manager when requirements of a contract are not being fulfilled and the non-performing party will not take satisfactory corrective action from the CMC.

29. Provide regular monitoring of the approved estimates of Total Construction Cost, showing actual costs for activities in progress, and estimates for uncompleted tasks. The Consultant shall identify variances between actual and budgeted or estimated costs, and inform the City Program Manager whenever Project costs exceed budgets or estimates.

30. Maintain cost accounting records on authorized work performed under unit costs, additional work performed on the basis of actual costs of labor and materials, or other work requiring accounting records.

31. Ensure that safety programs are developed by the Contractor as required by their contract documents, and coordinate the safety programs for the project.

32. The Consultant shall not be responsible for the construction means, methods, techniques, sequences and procedures employed by the Contractor in performance of their contract with the City. The Consultant shall also not be responsible for the failure of the Contractor to carry out their work in accordance with the contract documents. The Consultant shall be responsible, however, for any reports, advice or information provided to the Design Consultant regarding the Project and the work of the Contractor, including any information regarding the compliance of their work with the contract documents.

33. The Consultant shall provide documentation (e.g. memorandum, letter, email, etc.) to the Contractor, City Program Manager, etc., regarding all important issues, decisions, and discussions within three (3) working days or immediately if the situation warrants.

34. The Consultant shall be required to document and submit weekly written progress reports to the PMC and City Program Manager on multiple construction phases of the project, which shall include information on the Contractor and the Contractor's work, as well as the entire Project.

35. Verify the Contractor's check-out of utilities, operational systems and equipment for readiness, and assist in their initial start-up and testing.

36. Determine when the Contractor's work or a designated portion thereof is complete. The Consultant shall prepare a list of incomplete or unsatisfactory items (punch list) and a schedule for their completion. The Consultant shall coordinate the correction and completion of the Work.

37. Evaluate the completion of the work of the Contractor and make recommendations to the City Program Manager when work is ready for final inspection. The Consultant shall assist the City Program Manager in conducting final inspections and shall secure and transmit to the City Program Manager required guarantees, affidavits, releases, and waivers. The Consultant shall also deliver keys, manuals, and record drawings to the City.

38. Perform any necessary management services during the warranty period of the construction

contract.

39. Address any business owner's and property owner's concerns and inquiries.

40. Coordinate close-out of the project, obtain necessary operation manuals, warranties, guarantees, and other applicable necessary information. Provide all documentation in a well-organized (binders, folders, CDs, etc.) manner in both electronic and hard copies.

41. Obtain all releases and warranty bonds from the Contractor and sub-contractors. Provide all documentation in a well organized (binders, folders, CDs, etc.) manner in electronic and hard copies.

42. Deliver a final completed project to the City which is in compliance with the PS&E package, and all applicable codes, standards and requirements.

43. Coordinate all red-line comments prepared by the Contractor and project inspector through the Design Consultant to place as-built information on the Mylars. The as-built drawings must be obtained from the contractor prior to the release of the final retention payment.

44. Prepare status report for project close-out, prepare Staff Report for project acceptance and assist with filing of Notice of Completion.

45. Prepare and submit GASB 34 documentation in the City's format along with the as-built drawings

46. Present the City with a complete project close-out file.

47. Perform such other project related duties as may be required by the City.

48. Perform warranty walk within one (1) year of the Notice of Completion.

49. The extent of the duties, responsibilities, and limitations of authority of Consultant as a representative of the City during the construction shall not be modified or extended without the written consent of the City Program Manager.

E.2.3. Construction Inspection Consultant (CIC) Services

In general, the Consultant Construction Inspector shall have the necessary experience and know-how of construction equipment, materials, methods, and workmanship for the specific work to be performed on the projects. The Consultant Inspector shall be able to understand and interpret Plans and Specifications and shall be familiar with the Greenbook (Standard Specifications for Public Works Construction), Caltrans Standard Specifications, City Standards, and OSHA Construction Safety Orders. The Consultant Inspector shall be able to interact professionally with contractors, engineers, property owners, business owners, and the public at large; coordinate with other City personnel; promote quality customer service; and respond promptly and courteously to requests. The Consultant Inspector shall be able to follow verbal and written instructions, communicate clearly and concisely, both orally and in writing.

Typical Consultant Inspection services shall include, but not be limited to:

1. Review the Plans and Specifications thoroughly prior to the pre-construction meeting.

2. Establish effective communications with the Contractor, other agencies, utilities, and business and property owners.

3. Ensure compliance with the Plans, Specifications, and other requirements, such as, but not limited to, the Contract, Traffic Control, Cal/OSHA Standards, CCO, Permits, Standard Plans, checking line, grade, size, elevation, and location of improvements.

4. Monitor extra work.

5. Perform project oversight for the monitoring of traffic control, damage to infrastructure, and replacement of infrastructure to City Standards.

6. Attend the weekly construction meetings.

7. Keep daily dairies (log), fill out Incident (accident) Reports, and take pictures of the project. A daily Inspection Report identifying work done by the Contractor shall be submitted to the PMC, CMC and City Program Manager by the next business day. The Consultant shall also keep a daily log containing a record of weather, the Contractor, work on the site, number of workers, craft or trades, equipment, subcontractors, work accomplished, problems encountered, and other similar relevant data as the PMC, CMC and City Program Manager may require. The Consultant shall make the log available to the City.

8. Document all Contractor delays, reasons for delay, length of time for delay, and Phases of work.

9. Monitor and provide supporting documentation on the personnel and equipment that is involved with any extra work performed by the Contractor.

10. Coordinate and schedule with geotechnical, survey and special inspection firms or City Building and Safety inspectors based on project construction progress and contractors' requests.

11. During the course of inspection and monitoring of the work, if the Consultant Inspector observes an unsafe situation, he shall notify the Contractor of the violation and provide written notification of such infraction to the Contractor. If the Contractor refuses to comply, the Consultant Inspector shall notify the City and Cal OSHA.

12. Measure and tabulate contract quantities.

13. Review the Contractor's invoices and independently verify completed work and all quantities.

14. Prepare a list of items for correction (punch list) and prepare redlined as-built plans.

15. The Consultant Inspector does not have the authority to allow deviations from the Contract Plans and Specifications.

16. Possess a digital camera, and shall provide digital images of the project to the City of Moreno Valley in "jpg" format.

17. Possess a lap top with internet to access emails and electronic files in the field.

18. Possess a vehicle and a mobile phone for immediate contact by the City, show proof of a valid California's driver's license, and insurance.

19. Normal working hours are from 7:00 a.m. to 3:30 p.m. with a ½ hour lunch break; however, the Contractor may be allowed to start earlier to minimize disruption to business and intersection work may be performed at night with written authorization from the City.

20. Perform other related duties as required.

SECTION F: Quality Control and Assurance

Quality Control and Assurance (QC/QA) will be consistently and thoroughly applied throughout project's duration. Assigned QC/QA staff will be technically qualified to conduct the appropriate level of oversight, and demonstrate a concerted and sustained commitment to provide a high quality product. Concise written records will be maintained by the Consultant on all activities. Firms considering proposal submittals are requested to have an in-house technical level of expertise to professionally address all aspects of the project.

Project Design meetings will be held twice a month. The Consultant will be responsible for preparing meeting agendas, minutes, and presentation materials. A Critical Path Method (CPM) network, based on activities to support all project milestones and subtasks will be prepared. The information will be in the form of a bar chart and show a deliverables schedule and other relevant data needed for the control of work, for City review of the work status and accomplishments occurring each month. Monthly updates will be furnished to the City's Project Manager.

The main objective of the Quality Control process for design projects is to provide a mechanism by which all construction plans can be subject to a systematic and consistent review. This process' outcome is the production of design plans and construction documents that accurately reflect the City's scope, schedule, and budget expectations for the project.

A secondary goal of the Quality Control process is to provide for a thorough documentation of the project's design process. A properly documented project file is a by-product of the quality control process. This will enable the City to substantiate its position from properly documented project files if any legal, political, or procedural issues arise regarding the project.

The Quality Control process includes comprehensive project planning, providing clear decisions and directions, constant supervision, immediate review of completed activities for accuracy and completeness, and documenting all decisions, assumptions and recommendations. Quality Control does not solely consist of a review after a product is completed. It is an approach and a realization that a product's ultimate quality is based on the quality of its production process.

As part of the initial project development, we will submit to the City for review and approval, a Project Specific Quality Control Plan, which will detail the proposed methods or processes of providing quality control for all work products. This plan will be kept current with the work requirements. The plan will include, but is not limited to, the following areas:

- Organization.
- Quality Control Reviews.
- Proposed method of documentation of comments, coordination responses and quality assurance records.

Submittals will be checked prior to presentation to the City for review. The review will include the following activities:

- Compliance with project requirements.
- Technical accuracy and adequacy.
- Compatibility with other associated project documents.
- Compliance with previous review comments.

In summary, our QC/QA is a systematic and documented review of each submittal phase/level, which will achieve a complete biddability/constructability/claims avoidance review and necessary revisions incorporated in the bid package at the 95% level completion.

SECTION G: Additional Relevant Information

TRANSTECH'S UNIQUE EXPERTISE AND SUCCESS IN FUNDING AND GRANTS

One of our unique expertise is in the area of public funds administration as demonstrated in our successfully track record in working with cities and local government agencies to secure funding for various local projects and programs. Since 2005, Transtech has secured approximately $100,000,000 in public funding for its clients.

Our practice and approach in this area involves maintaining an extensive knowledge and understanding of current regional, state, and federal funding programs and procedures, and monitoring the development of future program or funding opportunities.

We use this knowledge base to work with our clients to improve their ability to secure and administer project financing, and to implement the resulting projects in a timely and cost-effective manner. The approach differs significantly from a more traditional approach where consultant assistance is used merely to prepare competitive grant applications in hope of securing funding for a specific project. We feel that an agency's ability to secure funding for a project depends on several factors including the project's level of completeness (having a well defined and defensible budget, scope, and schedule), the level of consistency between the proposed project and local policies and a funding program's guidelines and requirements, the quality of the information contained in a grant application, and an agency's ability to implement the project in a timely manner. This approach, as a result, focuses on improving the ability of our clients to successfully compete for funding through a competitive process rather than simply providing assistance to complete the required funding requests.

APPENDIX

As required by the City's RFP, Section V. CONSULTANT'S PROPOSAL AND COMPENSATION, **Resumes**, **Billing Rates**, **Resource Matrix**, and **Other Required Forms (Required Statements per The RFP)** are attached in the appendix section of the proposal.

ROBERT QUINTERO
Contract Principal/Manager

EDUCATION

Master of Business Administration Degree, University of Redlands.

Bachelor of Science Degree in Urban and Regional Planning, California State Polytechnic University (Cal Poly), Pomona.

Edison International Executive Leadership Program

REGISTRATION

California Licensed General Contractor, B

SUMMARY

Mr. Quintero has approximately 20 years of experience in urban planning, management of municipal public works projects and operations, CIP (Capital Improvement Program), city administration, public and governmental affairs. He served as Principal Project Manager for the design, construction and management of a variety of Public Works and Infrastructure projects.

Prior to joining Transtech, Mr. Quintero worked for the City of Commerce and Southern California Edison (SCE), one of the largest energy utility firms in the world.

His experience at the City Commerce included working in various positions, including as Planner, Assistant to the City Administrator, Assistant Director of Public Services/Public Works, and finally as the City's Acting Director of Public Services/Public Works, and managed a department budget and infrastructure worth approximately $500 million.

At SCE, Mr. Quintero served as the company's Regional Manager for the Port of Long Beach and the cities of Avalon, Signal Hill, and Long Beach the fifth largest city in California and home to one of the largest commercial ports in the world.

As Vice President at Transtech, Mr. Quintero is responsible for corporate operations, business development, client relations, public and governmental affairs, project development and management oversight. With his ardent analytical and strategic management skills, Mr. Quintero provides strong leadership and exemplary public relations etiquette. Mr. Quintero develops and collaborates with primary contacts to protect and to enhance Transtech's position in specific proceedings; he ensures coordination with corporate policy and objectives on a broad range; he protects and transacts all phases of the company and customer business, and governmental affairs activities at the corporate level; and he facilitates and maintains close, long-term working relationships with governmental agencies.

PRIOR EXPERIENCE

City Of Commerce

Mr. Quintero started his professional career with the City of Commerce. While with the City, Mr. Quintero acquired an extensive management portfolio of economically, environmentally and technologically sound projects under the titles of Assistant Planner, Associate Planner, Assistant

Director of Public Services/ Public Works, Assistant to the City Administrator and finally as the City's Acting Director of Public Services/ Public Works. Robert was also responsible for representing the City of Commerce at the State Capitol in Sacramento as an advocate on legislative matters concerning land use, transportation, gaming and public works, are just a few of the myriad ways in which Mr. Quintero's leadership benefited the City of Commerce. In addition, Mr. Quintero was the Liaison and Political Ambassador to the City of Commerce/Aguascalientes Mexico Sister City Association.

Southern California Edison (SCE)

After several years with the City of Commerce, in 2002, Mr. Quintero joined Southern California Edison (SCE), as Region Manager of Public Affairs. At SCE, Mr. Quintero served as the company's representative to the Port of Long Beach and the cities of Avalon, Signal Hill and Long Beach, the fifth largest city in California and home to one of the largest commercial ports in the world. He managed the development of the company's position on federal, out-of-state and local legislative matters. He represented SCE before legislators, and industry organizations with regard to legislative and public affairs policy. He assists with the advocacy of the Company's position to provide advance notice of potentially significant legislative actions that may impact the company and took the necessary actions to protect the company's interests. He also organizes and coordinated with internal staff and resources, as well as took the lead in designing and implementing strategies to resolve issues affecting the company and its customers. As a SCE Region Manager, Mr. Quintero set standards of excellence with which the SCE name is proudly synonymous through his active support of and participation in programs that improve the lives of citizens in the community that SCE services. At SCE, Mr. Quintero successfully completed Leadership @ EIX Program. The Leadership @ EIX Program features a structural career development process for high performing employees who exhibit the corporate leadership competencies and may, with development, advance to a manager and senior leadership position.

Associations and Community Service

Founding Vice-President and currently serves as Senior Vice President to Embracing Latina Leadership Alliances (ELLAS) and is Vice President of the California Corporate Hispanic Council Leadership Institute (CCHCLI).

His memberships include the American Planning Association (APA), the American Public Works Association (APWA) and the American Water Works Association (AWWA).

MICHAEL ACKERMAN, PE
Project Manager, Construction Manager, RE

EDUCATION
- Bachelor of Science in Engineering, the University of Iowa

REGISTRATION
- Registered Civil Engineer

CERTIFICATIONS
- Resident Engineer Academy, Caltrans
- Water Pollution Control Compliance on Construction Sites for Resident Engineers, Caltrans
- Asphalt Pavement Fundamentals: Design, Construction, and Rehabilitation
- Construction Program Management Workshop, FHWA
- Field Office Procedures Course, Caltrans
- California Work Zone Inspection – High Speed, Caltrans
- Asphalt Concrete Inspection and Rehabilitation Strategies, Caltrans

HIGHLIGHTS
- Experience includes working for Caltrans.

SUMMARY

Mr. Ackerman has approximately 15 years of experience and participated on numerous multi-disciplinary teams dealing with the design and construction of civil and transportation engineering, urban and rural development, and public works projects. His prior experience includes working for the City of San Bernardino and Caltrans, District 8 in San Bernardino.

Recently, Mr. Ackerman has served as Deputy RE and Deputy Construction Manager for the State Route 71 and Mission Boulevard Grade Separation Project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.

PROFESSIONAL EXPERIENCE

City of San Bernardino: At the City of San Bernardino, Mr. Ackerman held the position of Associate Engineer under the City Engineer of the Division of Public Works in the Department of Development Services. There he was involved in a number of projects, including Development Review and Plan Check, design and review of Street Improvement Plans, Rough and Precise Grading Plans, Sewer Plans, Storm Drain Plans, Street Lighting Plans, Storm Water Pollution Prevention Plans, Water Quality Management Plans, Geotechnical Reports, and Hydrology/Hydraulic Studies, land development, industrial, commercial, residential, and transportation development projects including Tract and Parcel Maps. He also directed and performed plan check of improvement plans submitted by developers to the City. Also, he represented the City of San Bernardino at the South Tehachapi Management Team meetings, coordinated with San Bernardino County Flood Control and FEMA for the certification of City levees and updating of the Flood Insurance Rate Maps (FIRM), and oversaw permitting and tracking of Land Development Projects through the Division of Public Works/Engineering. In addition to this, Mr. Ackerman has worked intimately with Planning and Building and Safety Divisions on Land Development Projects.

Caltrans District 8: Mr. Ackerman was a civil transportation engineer for Caltrans District 8 where he was involved in the design and construction of various projects.

- ***Design Division:*** Designed plans, specifications, and estimates for the

rehabilitation of Route 10 freeway from the Riverside/San Bernardino County line to Beaumont.

- ***Traffic Operations Division:*** Performed studies and analyses to interpret and mitigate above average accident volume areas on highways and freeways. Also, he performed stop sign and traffic signal warrant studies.
- ***Construction Division:*** In the Construction Division, Mr. Ackerman was Resident Engineer for various projects including Watson Wash Bridge Replacement Right (Rte 40), Replacement of Drains and Earthwork (Rte 40), and Fenner Overhead Bridge Replacement (Replacement of two bridges over BNSF Railroad, Rte 40).

Mr. Ackerman served as Project Engineer and/or Construction Manager/Resident Engineer on a number of roadway projects. Recent similar projects include:

- City of San Bernardino, Via Duct Boulevard/2nd Street Realignment Project: Prepared PS&E and served as Construction Manager/Resident Engineer. Cost $1.5M.
- City of Alhambra, Polar Boulevard Rehabilitation Project: Federally funded project as part of Stimulus Program. Served as Construction Manager/Resident Engineer. Cost $1.2M.
- City of Baldwin Park, Francisquito Avenue Overlay Project; Ramona Boulevard Overlay Project: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3.5M.
- City of Commerce, Garfield Avenue Telegraph Road to Malt Avenue Street Improvements; Eastern Avenue Pavement Overlay Stevens Thru City Boundary; Garfield Avenue and Slauson Avenue Intersection Improvements; Washington/Ayers Intersection: Federally funded projects as part of Stimulus Program. Prepared PS&E. Cost $3M.
- CSUSB (Cal State SB University) San Bernardino Main Access Road: Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- City of Alhambra, Alhambra Road Rehabilitation and SRTS Project: Served as Construction Manager/Resident Engineer. Cost $1.2M.

KURT PEGG, PE
Structural Representative/Inspector

EDUCATION
- B.S. Civil Engineering, University of Calgary, Alberta, Canada

REGISTRATION
- Registered Civil Engineer

SUMMARY

Mr. Pegg has over 20 years of construction engineering experience related to highways, roadways and interchanges. He has served as a Senior Project Manager, Senior Estimator, Resident Engineer and Structural Representative. Mr. Pegg has been responsible for some of the largest freeway projects in Southern California, supervision of technical and field staff, change order negotiation and preparation, contract administration, critical path schedule development and review, storm water pollution prevention plan preparation and compliance, claims preparation and mitigation, cost estimating, reviewing and designing structure-related shop drawings, and assuring compliance with plans and specifications.

PROFESSIONAL EXPERIENCE

- **State Route 71 and Mission Boulevard Grade Separation Project:** Served as the Resident Engineer for this regional project. The State Route 71/Mission Boulevard Interchange project involves removing the existing at-grade Mission Boulevard/State Route 71 intersection and constructing an interchange by grade separating Mission Boulevard over State Route 71. Scope includes full construction and program management services as well as public relations, maintaining a construction website, and coordination will all parties. Cost $40m.
- **215/60 Riverside Interchange, Riverside, CA ($317 Million):** Senior Project Manager for the construction of 4 miles of high occupancy vehicle (HOV) lanes and widening of freeways on I-215, SR60 and SR91; Approximately 80 new sound walls and retaining walls throughout the project; major structural improvements at 8 local interchanges; 2 sweeping 'flyover' connector ramps between the I-215/SR60 and the SR91; Improvements to local drainage systems; new truck bypass connector leading from the eastbound SR 60 to the southbound I-215; new bridges at Linden, Iowa and Blaine Avenues providing better access to the University of Riverside. Funding for the project came from a combination of federal, state and local sources.
- **5/805 Interchange and Freeway Widening, San Diego, CA ($176 Million):** Project Manager for the construction of a separate freeway by-pass system from the junction of Interstate 5 and 805 to the Del Mar Heights Road Interchange. The Project also included the construction of a diamond type Interchange at Carmel Mountain Road, and adding of Auxiliary lanes to the existing main lanes. The projects goals were to reduce traffic through the corridor, improve safety through the addition of the by-pass system, and improve access to SR-56 and local roadway systems. Project innovations included building bridge foundations to better withstand earthquakes, eliminate merging and weaving traffic by separating SR-56 and local interchange

traffic from I-5 main lanes. Caltrans partnered with Contractors to ensure the project enabled cost effective construction methods and efficient staging in the interest of time saving to contractors and minimizing travel impact to motorists.

- **SR91/SR57 Interchange Widening, Anaheim, CA ($75 Million):** Project Manager for the construction of the widening of SR91 and SR57 freeways to construct a HOV connector almost a mile in length. The projects goal was to eliminate the weaving of traffic through the interchange caused by the transition from one freeway to the other of the HOV lanes. In order to accomplish this both freeways had to be widened and this required new bridges to be constructed at State College Boulevard, Placentia Avenue Overcrossing, Sunkist Avenue Overcrossing, Mira Loma Overcrossing, and La Jolla Overcrossing. New retaining walls and soundwalls were necessary to support the widening of the freeways along with new drainage improvements. The Contractor was awarded the gold medal in partnering from Caltrans for working through difficult construction issues and to expedite project bringing it in on time and under budget.
- **SR 55 Widening, Orange, CA ($40 Million):** Project Manager for the construction of approximately two and a half miles of freeway widening on SR 55. This project required the construction of two new bridges, retaining walls and soundwalls. Improvements were made to the interchange at Lincoln Ave and SR 55 to support the widening and the end result was an increase in traffic flow and a decrease in congestion on the SR 55 freeway.
- **Ave "H" Overcrossing, Lancaster, CA ($10 Million):** Project Manager for the construction of Avenue "H" Overcrossing. This project was part of the ever increasing development of the outer LA area. The project required street and drainage improvements to support the new bridge over SR 14 freeway.
- **I-10 Freeway at Palm Drive/Gene Autry Trail Interchange Project, Palm Springs, CA ($16 Million):** Resident Engineer / Structure Representative for the construction of a new cast in place post tensioned box girder bridge over the I-10 Freeway. A precast "I" girder widening over the BNSF railway tracks and the roadway widening of Palm Dr.

MICHAEL J. SCHNEPF
Principal Public Works Inspector

EDUCATION
- SDSU, CA 1977
- SDSU Extension: Construction Technology

Awards:
- Best Project, American Concrete Institute for The Falls at Rancho Bernardo

SUMMARY
Mr. Schnepf has approximately 30 years of experience in general engineering/public works and building construction projects. In these capacities, he has been responsible for more than $500 million worth of private and public works construction projects in Type A and Type B construction. He has inspected numerous federally funded projects in compliance with Local Assistance Procedures Manual, as well as projects under Caltrans' jurisdiction.

PROFESSIONAL EXPERIENCE
- **General Public Works Inspection:** Worked at various Cities under Transtech contracts as Senior Public Works Inspector. Projects inspected include, all aspects of new infrastructure construction and reconstruction, parks, ball fields, landscape aquatic facilities, fire stations, piers, skate parks, airports, coastal and recreational facilities, playgrounds, water and sewerage systems (including distribution mains (to 120 inch), mainlines, service laterals, lift & pump stations, domestic and reclaimed water systems, fire lines, backflows, pressure reducing stations, valve cut ins, line stops, line freezing, gravity and force mains and grease interceptors.
  - **Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra:** Served as the Principal Inspector and Construction Manager for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.
  - **Avenida Pico Widening, San Clemente:** Widening of Avenida Pico from I-5 to Avenida Del Cerro including improvements to San Clemente High School. Widened arterial roadway within very limit time frame on a 24 hour a day schedule. High School kept open as were all businesses. Was

accepted by State Architect to perform all onsite inspection of improvements on school property.

- **Smart Corridor, Washington Avenue Culver City:** Coordinated and inspected the integrated Smart Corridor consisting of 51 fully reconstructed and signalized intersections with interconnect and monitoring in Culver City. Interfaced with Caltrans along the I-405 corridor.
- **Skypark Signalization and Widening, Torrance:** Provided construction management and inspection for widening and signalization of Skypark Drive and Madison Street. Interfaced with Edison for relocation of high voltage primary lines and street lighting, FAA personnel at Zamperini Field Airport and Administrative Staff at Torrance Memorial Medical Center. Twenty four hour access to all businesses and facilities were maintained.
- **City of San Clemente, multiple locations:** Provided inspection, design review and plan check for new and retrofits at over 40 intersections during a span of eleven years. Interconnect and camera detection systems. Interfaced with Caltrans along the I-5 corridor.

- **Grading:** Provided grading inspection from initial clearing & grubbing through rough grade and precise grading on projects ranging from 4,000 sq. ft. lots to 3200 acre master planned subdivisions. In many cases provided or assisted in engineering plan check processes. Provided all aspects of inspection for caissons, tie-backs, geotextiles, sub-drains, de-watering wells, wicking systems, benching, buttressing, minor & mass grading operations. Worked closely with Paleontologists and Archaeologists during grading operations. Sites have included the most fossil-rich find in Orange County. Retaining walls have included gravity/friction segmental walls, cmu, cast-in-place concrete and shotcrete applications.
- **Traffic Signals:** Project construction management and inspection of traffic signals and interconnect systems in conjunction with widening and total reconstruction of one of the most heavily utilized intersections in Los Angeles County, 190th & Crenshaw in the City of Torrance. Inspection, design review and plan check for new and retrofits at over 140 intersections during a span of eleven years. Interfaced with Caltrans along the I-5, I-10 and I-405 corridors.
- **Reservoir:** Reconstruction of Reservoir 5A and 8, San Clemente: Assisted in drafting specifications for the restoration, reconstruction of two reservoirs in San Clemente. Provided construction inspection services for all stages of construction and monitored deputy coating inspection team.
- **Storm drain systems:** Channel drains, local depressions, catch basins, main lines, head walls, box culverts, lined channels, desilters, detention basins, clarifiers, energy dissipaters, environmental containment, hydrocarbon filtration, in field testing.
- **Other Utilities:** All overhead and underground electrical, water, sewers, communications, gas, and fuel lines including storage facilities.

DAVID RAGLAND, PE, LS
QC/QA

EDUCATION
- Humboldt State University, CA, Bachelor of Science

REGISTRATION
- Registered Civil Engineer
- Licensed Land Surveyor

SUMMARY

Mr. Ragland is a civil engineer and land surveyor with approximately 30 years of diverse experience in a wide variety of projects in civil engineering. He has managed numerous multi-disciplinary teams dealing with the planning, engineering, entitlement, environmental permitting, development and construction of urban and rural development, and public works projects. His experience also includes special emphasis on complex grading and hillside developments (has worked on the civil engineering and development of more than 40,000 acres of hillside properties), preparation of due diligence and project feasibility analysis, through conceptual planning and design to entitlement and construction. Estimated valuation of projects that Mr. Ragland has been involved is approximately $1,000,000,000.

PROFESSIONAL EXPERIENCE

General Civil Engineering Projects:

- **CSUSB (Cal State SB University) San Bernardino Main Access Road:** Prepared PS&E and provided construction administration for the project. Project involved design of a new roadway for a length of approximately 1.5 miles, and include street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Campus Parkway Roadway:** Design of a new roadway for a length of approximately 2 miles, and included street, medians, landscape, lighting, traffic signals, water, sewer, storm drain and various other utilities.
- **Cannon Roadway and Sewer:** Design of approximately 2 miles of roadway and 36 inch sewer pipe and pump station. This project required careful consideration to pipe buckling due to the extreme soils conditions of the Agua Hedionda Lagoon. Special bedding techniques were used along with special coupling of the pipes to allow for potential deflection as the bridge abutment and road fill settled.
- **Lopez Canyon Roadway and Sewer:** Design and construction of over 5 miles of roadway sewer ranging up to 36 inches in diameter.
- **Sorrento Valley Boulevard:** Design and construction of 4 miles of roadway.
- **University Development:** Development of a 135 acre site in association with the City of San Bernardino, Watson Development and Cal-State SB for the development of 200 residential, mixed use, live-work, retail, office and educational and training facilities and offices for Cal State SB University.
- **San Elijo Hills Development:** Development of 2000 acre master

planned community including golf course and hotel. Project included preparation of Specific Plan, TM, Final Map, construction plans for all necessary infrastructure, environmental permits and Communities Facilities District.

- **Parkway Business Centre:** Design and construction of the 460 Acre industrial park including South Poway Parkway for ADI Properties, Inc. Also served as Assessment Engineer for Communities Facilities District.

Drainage And Sewer Projects:

- **City of Commerce:** Master Sewer Study Telegraph Corridor re-vitalization project. Documentation of existing system. Design capacity analysis based upon land use designations. Produced master plan study report for the project along with cost estimates.
- **University Park Storm Drain Design:** Design of storm drain system with pipes ranging in size from 18 to 60 inches and trapezoidal channel design for 4500 cfs.
- **University of Riverside:** West Campus Infrastructure, including sewer, storm drain, water, design.
- **San Elijo Ranch Drainage, Sewer and Water Master Plan, San Marcos:** 2,000 acre / 3400 unit master planned community. The project included literally miles of storm drain, sewer and water lines, sedimentation areas, pump stations, booster stations, water reservoirs and force mains. Cannon Road Trunk Sewer and Pump Station - Design of 8-12 inch gravity sewer, 6 and 8 inch force main, pump station and wet well. City of Carlsbad
- **Penasquitos Canyon Trunk Sewer:** PS&E for two miles 36-inch gravity sewer including design study reports. City of San Diego
- **Otay River hydrology study and dam breach analysis:** 22,000 acre Otay Ranch project in Chula Vista. Flows up to 33,000 cfs were studied for the Otay River.

Water Projects:

- **City of San Diego:** Green Valley Water line design and construction. 5000 feet, 30" Reinforced concrete water line and pressure reducing station and details for connection to a 60-inch San Diego County Water Authority Pipeline. Structural arch and encasement designs for road crossings over various SDCWA pipelines up to 108 inches in diameter. Design and construction of Mercy Road pressure booster.
- **City of San Bernardino:** Design and construction management of 3500 feet of 20 to 36 inch ductile iron water transmission main in the City of San Bernardino for the development of University Park. Design of over 10,000 feet of 8 thru 12 inch DIP water main for water distribution. Structural arch design for road crossing over the Dept of Water Resources 109-inch Santa Ana pipeline.
- **City of Riverside:** Water distribution analysis and computer modeling for University of California Riverside West Campus expansion infrastructure project.

ALI CAYIR, PE
QC/QA

EDUCATION
- BS Engineering
- MBA, Project/Construction Management, UC Irvine

REGISTRATION
- Registered Civil Engineer
- Licensed Gen Contractor A
- Licensed Gen Contractor B

HIGHLIGHTS
- Served as Contract City/Traffic Engineer for Cities.
- Federally Funded Project Experience: Extensive experience in the state and federal programs and procedures, and in the management of federally and/or state funded projects in compliance with the Local Assistance Procedures Manual.
- Diversified experience in both design and construction.

SUMMARY

Mr. Cayir has approximately 30 years of experience in engineering and construction. He served as contract City Engineer/City Traffic Engineer for a number of municipalities in Southern California. He has a broad knowledge of municipal government operations, including preparation and presentation of staff reports/resolutions to city councils, committees and interaction with public, various city departments, city council and other governmental agencies. He has participated on numerous multi-disciplinary teams dealing with the planning and development of civil and traffic engineering, urban and rural development, and public works projects.

PROFESSIONAL EXPERIENCE

Civil Engineering Experience

- Project Principal for I-710 Freeway Interim Improvements and Fremont Widening and Reconstruction: Transtech provided Turn-key Services, including Program Management, Construction Management, Design, Surveying, Right-of-Way Engineering, and Environmental. The project included major roadway improvements, removal/demolition of various buildings for additional right-of-way and reconstruction of buildings behind new right-of-way, traffic signals, infrastructure, utilities, pavement, drainage, water, sewer, landscape, street lighting, traffic signal, pavement improvements. Project was funded by Federal Funds, and was managed and inspected in compliance with Caltrans Local Assistance Procedures Manual. (Cost $20m).
- Project Principal for University Park Development/San Bernardino: The project included 2 miles of new roadway, sewer, water, utility and extensive hill side grading for a master planned residential and commercial development on 130 acre site across from the San Bernardino State University. (Cost $20m).
- Project Principal for $20 m Carlsbad to San Diego Rail Trail Project Report, which is funded by State and Federal funds and required complete project and environmental report, including Right-of-Way, Relocation, SHPO, NEPA, SEQA, Noise, Parking, Economic, Hazardous Materials technical studies, and processed through Caltrans and FHWA.
- Alameda Corridor Agency East (ACE) Rail Grade Crossing Improvement Project encompassing 6 agencies and 14 locations in Los Angeles County. Work involved roadway realignment and reconstruction, signalization, traffic control, and construction phasing as well as related improvements such as storm drain, water, sewer landscaping, underground utilities, etc. Construction cost $5,000,000.

Construction Management Experience

- Project Principal for City of San Bernardino, Santa Fe Historic Train Depot

Renovation. Transtech is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $13m

- Project Principal for City of Alhambra, Valley Boulevard Widening. Preparation of funding application, securing $5 million Federal, State and County funding, and design, and is currently providing construction management services, including inspection, surveying, resident engineer, federal compliance, labor compliance. Construction Cost $5m
- Project Principal for City of Commerce, Rosewood Community Center. Transtech was retained by the City to take over the management of this multimillion dollar facility which was 2 years behind schedule. Within 5 months, Transtech brought the construction to substantial completion level allowing the City start the move-in process, and 2 months after, the facility was opened to public use. Currently, Transtech is assisting the City in claims analysis and change order resolution. Construction Cost: $15m.
- Project Principal for City of Alhambra Chapel, First St and Garfield Parking Structures: Transtech served as turn-key project manager, including management of design, construction, building plan check and inspection, federal funds, labor compliance for 3 parking structure projects. Chapel: 4 story, 300 space structure; First Street: 4 story, 276 space structure; Garfield: 5 story, 800 space structure. (Cost $15m)

Traffic Engineering Experience

- Design and management of a variety of traffic and transportation engineering projects, including traffic signals (more than 1000 locations), traffic signal interconnect system, street lighting, traffic control, signing and striping design; signal timing and coordination studies; traffic signal management studies; traffic safety projects (OTS) including traffic control device inventories and speed surveys; traffic impact and parking studies for more than 100 projects; and feasibility studies for traffic control measures, freeway access, bikeways and street improvements. Mr. Cayir has also served as consultant Traffic Engineer for various agencies in Southern California.
- Project Manager/Engineer for the preparation of ramp metering, count station, traffic signal, highway lighting, sign lighting, construction signing, pavement delineation, communication, and other traffic related plans for several state highways and freeway improvement projects involving Caltrans Districts 7, 8 and 12.
- Project Manager for the preparation of traffic signal modifications for various arterials in Los Angeles County including Garvey Avenue, El Segundo Boulevard, Crenshaw Boulevard, Slauson Avenue, Rosecrans Avenue, Arrow Highway and Huntington Drive/Alosta Avenue/Foothill Boulevard.

SELIM BOUHAMIDI
Office Engineer/Funding Compliance and Inspection Support

EDUCATION
- MA, Urban Planning, University of California, Los Angeles.
- BA, Anthropology, University of California, Los Angeles

HIGHLIGHTS
- Extensive experience in federal funds and grants and working with Caltrans Local Assistance and local agencies.
- Well versed in Caltrans and Local Assistance construction filing and document system.
- As the primary coordinator of Transtech's federal-aid internal procedural tracking system, Mr. Bouhamidi has been and is responsible for the direction and coordination of several federally funded projects having worked with numerous local agencies including the cities of Inglewood, Baldwin Park, Pomona, Lawndale, and Long Beach.
- Also worked with the City of Riverside Urban Planning Department.

SUMMARY

Mr. Bouhamidi has approximately 5 years of experience, and provides office support to Project Managers and Resident Engineers. He is well versed in Caltrans and Local Assistance construction filing and document system. He also works closely with various Funding Agencies, including Caltrans Local Assistance, and local agencies to successfully secure federal-aid for various construction projects. Mr. Bouhamidi has also worked with the City of Riverside Urban Planning Department. He was responsible for updating the city's property database recording architectural descriptions, and recent demolitions.

PROFESSIONAL EXPERIENCE

- Valley Boulevard Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $2,000,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the 710 Freeway ramps under Caltrans Encroachment Permit. Project was completed in various phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- New Avenue, from North to South City Limit Rehabilitation Project (Federally Funded), Alhambra: Served as Office Engineer, provided Federal and Labor Compliance services and served as assistant inspector to support the principal inspector for this federally funded, approx. $1,300,000 project, which involved reconstruction, pavement overlay, medians, landscape, curb and gutter, sidewalk, traffic signals and other misc. improvements. Project was inspected and managed in compliance with Caltrans Local Assistance Procedures Manual. Project also involved coordination with Caltrans for work at the I-10 Freeway ramps under Caltrans Encroachment Permit. Project was completed in 7 phases, including nigh time construction for several phases, to minimize inconvenience to public on this heavily travelled major Arterial.

- City of Alhambra, Josylin Community Center Renovation Project funded by Federal Energy Efficiency and Conservation Block Grant: Served as office support engineer and provided labor compliance services.

- City of Alhambra, Valley Boulevard Reconstruction, Federally Funded Project: Served as office support engineer and provided labor compliance services.

- City of Pomona, Rte 71/Mission: Provided funding support, assisted in E76 processing of various phases, and assisted in labor compliance.

- Office Engineer Federal- and State-Aid Internal Procedural Tracking System: Development of an internal electronic procedural tracking system to fast-track, coordinate, and organize federally-aided projects. This multi-layered, holistic system is process-oriented and developed over a timeline—a steady departure from the topically based and more general approach of the Caltrans Local Assistance Procedures Manual. The system provides swift results by ensuring that a project stays fully on track and is carried out in a timely and efficient manner, while providing personnel with all key reference points, timelines, and resources to complete and track the various ongoing projects. Responsible for tracking all aspects of a federal- or state-funded project beginning with the initial submittal of the funding packet application and signatures. Every step in the transmittal process is reviewed, tracked, and updated. The tracking system also includes follow-ups on federal application forms, which are subject to change after submittal and must be updated so as not to hold up authorization of funding. Working closely with Caltrans Local Assistance procedures, responsible for managing, tracking, and monitoring various transportation projects from a diverse number of cities.

The following are Billing Rates for project staff:

Key Person	Project Role	Billing Rate
Robert Quintero	Contract Principal/Manager	$145
Kurt Pegg, PE	PM/CM, Resident Engineer, Structural Representative	$145
Michael Ackerman, PE	Deputy PM, CM, RE	$145
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	$145
Michael Schnepf	Principal Public Works Inspector	$95
Selim Bouhamidi	Office Engineer/Funding Compliance	$65

As required in the RFP, we are providing the following billing statement:

The above hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred shall also be included. All extra work will require prior approval from the City.

The following is the Resource Matrix showing hrs per task for each project staff:

Resource Matrix		Project Management Consultant (PMC) Services	Construction Management Consultant (CMC) Services	Construction Inspection Consultant (CIC) Services	**Totals**
Staff	Position	Hrs	Hrs	Hrs	**Hrs**
Robert Quintero	Contract Principal/Manager	250	250	0	**500**
Michael Ackerman, PE	Project Manager, Construction Manager, RE	1,000	1,500	500	**3,000**
Kurt Pegg, PE	Structural Representative and Inspector	100	300	800	**1,200**
David Ragland, PE, PLS Ali Cayir, PE	QC/QA	500	100	0	**600**
Michael Schnepf	Principal Public Works Inspector	200	250	2,000	**2,450**
Selim Bouhamidi	Office Engineer, Funding Compliance and Inspection Support	100	1,000	750	**1,850**
Totals		**2,150**	**3,400**	**4,050**	**9,600**

MV00115295

The following are the required Statements to be included in the proposal per the City's RFP:

1. A statement that this Request for Proposal shall be incorporated in its entirety as a part of the Consultant's Proposal.
   We agree with the above statement.

2. A statement that this Request for Proposal and the Consultant's Proposal will jointly become part of the Agreement for Professional Consultant Services for this project when said Agreement is fully executed by the Consultant and the Mayor or City Manager of Moreno Valley. The City's standard Agreement will be executed without any proposed changes.
   We agree with the above statement.

3. A statement that the Consultant's Services to be provided, and fees therefore, will be in accordance with the City's Request for Proposal except as otherwise specified in the Consultant's Proposal under the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."
   We agree with the above statement, and do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

4. A single and separate section with the heading "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL" containing a complete and detailed description of all of the exceptions to the provisions and conditions of this Request for Proposal upon which the Consultant's Proposal is contingent and which shall take precedent over this Request for Proposal for Professional Consultant Services.
   We do not have any "ADDITIONS OR EXCEPTIONS TO THE CITY'S REQUEST FOR PROPOSAL."

5. A statement of qualifications applicable to this project including the names, qualifications and proposed duties of the Consultant's Staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   If one or more of the Consultant's staff should become unavailable, the Consultant may substitute other staff of at least equal competence only after prior written approval by the City.
   We agree with the above statement.

6. A statement of sub-consultant's (include relief personnel) qualifications applicable to this project including the names, qualifications and proposed duties of the sub-consultant's staff to be assigned to this project; a listing of recent similar projects completed including the names, titles, addresses, and telephone numbers of the appropriate persons whom the City could contact.
   The above requested information is provided in "SECTION C: Qualifications and Experience" of our proposal.

   A statement that the Consultant acknowledges and understands that the Consultant will not be allowed to change the sub-consultant without written permission from the City.
   We agree with the above statement.

7. A statement that all charges for Consultant services is a "Not-to-Exceed Fee" which must include conservatively estimated reimbursable expenses, as submitted with and made a part of said Consultant's Proposal.
   We agree with the above statement.

8. A statement that the Consultant will document and provide the results of the work to the satisfaction of the City. This may include preparation of field and final reports, or similar evidence of attainment of the Agreement objectives.
   We agree with the above statement.

9. A statement that the Consultant will immediately document and notify the City of any defects or hazardous conditions observed in the vicinity of the project site prior, during, or after the construction work.
   We agree with the above statement.

10. A statement that the Consultant's hourly rate schedule is part of the Consultant's Proposal for use in invoicing for progress payments and for extra work incurred that is not part of this Request for Proposal. All extra work will require prior approval from the City.
    We agree with the above statement.

11. A statement that the Consultant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.
    We agree with the above statement.

12. A statement that all federal laws and regulations shall be adhered to notwithstanding any state or local laws and regulations. In a case of conflict between federal, state or local laws or regulations the strictest shall be adhered to.
    We agree with the above statement.

13. A statement that the Consultant shall allow all authorized federal, state, county, and City officials access to place of work, books, documents, papers, fiscal, payroll, materials, and other relevant contract records pertinent to this special project. All relevant records shall be retained for at least three years.
    We agree with the above statement.

14. A statement that the Consultant shall comply with the Davis-Bacon Fair Labor Standards Act (40 USC 276-a through a-7), and the implementation regulations issued pursuant thereto (29 CFR Section 1, 5), any amendments thereof and the California Labor Code. Pursuant to the said regulations, entitled "Federal Labor Standards Provisions," Federal Prevailing Wage Decision" and State of California prevailing wage rates, respectively.
    We agree with the above statement.

15. A statement that the Consultant shall comply with the Copeland Anti-Kickback Act (18 USC 874) and the Implementation Regulation (29 CFR 3) issued pursuant thereto, and any amendments thereof.
    We agree with the above statement.

16. A statement that the Consultant offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC Sec. 15) or under

the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to the public works or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Consultant, without further acknowledgment by the parties.

We agree with the above statement.

EXHIBIT C

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT D

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $868,870.00.
2. The Consultant will submit an invoice to the City based on milestones completed and accepted by the City, which documentation evidencing milestones completed to date (refer to milestones identified in Section VIII, Payment to Consultant in Exhibit "A" – City's Request for Proposal). At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

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Revised 10/13/09

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: P07-144 – APPROVE TRACT MAP NO. 35760, A SIX-LOT RESIDENTIAL SUBDIVISION OF TRACT MAP NO. 31129

NORTHWEST CORNER OF CACTUS AVENUE AND LANDON ROAD

DEVELOPER: WESTERN PACIFIC HOUSING, INC.
16755 VON KARMAN, SUITE 200
IRVINE, CA 92606

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Tract Map No. 35760.

2. Authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On September 30, 2008, the Community Development Department of the City of Moreno Valley approved Tentative Tract Map No. 35760 as a revision to Tract Map No. 31129. The tentative tract map is a proposal to subdivide a 1.83-acre portion of previously approved Tract Map No. 31129 into six residential lots. The tentative tract map will allow for the subdivision of six lots, the elimination of a detention basin (Lot L of

Tract Map No. 31129), and the adjustment to existing lot lines previously approved on Tract Map No. 31129.

DISCUSSION

Tract Map No. 35760 is in conformance with the tentative tract map. The developer has requested that the tract map be approved for recordation. Most public street improvements were completed under Tract Map No. 31129. The remaining trail improvements adjacent to Lot 6 of Tract Map No. 35760 on Cactus Avenue and those along the west map boundary of Tract Map No. 35760 and Tract Map No. 31129 will be completed prior to occupancy of Tract Map No. 35760. The trail improvements include but are not limited to three-rail PVC fence, gates, bollards, decomposed granite, concrete curb, and related grading and drainage.

ALTERNATIVES

1. Approve Tract Map No. 35760 and authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would allow the developer to proceed with the recordation of the six-lot subdivision.*

2. Do not approve Tract Map No. 35760 nor authorize the City Clerk to sign the map and transmit said map to the County Recorder's Office for recordation. *This alternative would not allow the developer to proceed with their proposed residential subdivision development.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of agenda.

EXHIBITS

Exhibit "A" - Vicinity Map

Prepared By
Clement Jimenez, P.E..
Senior Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E..
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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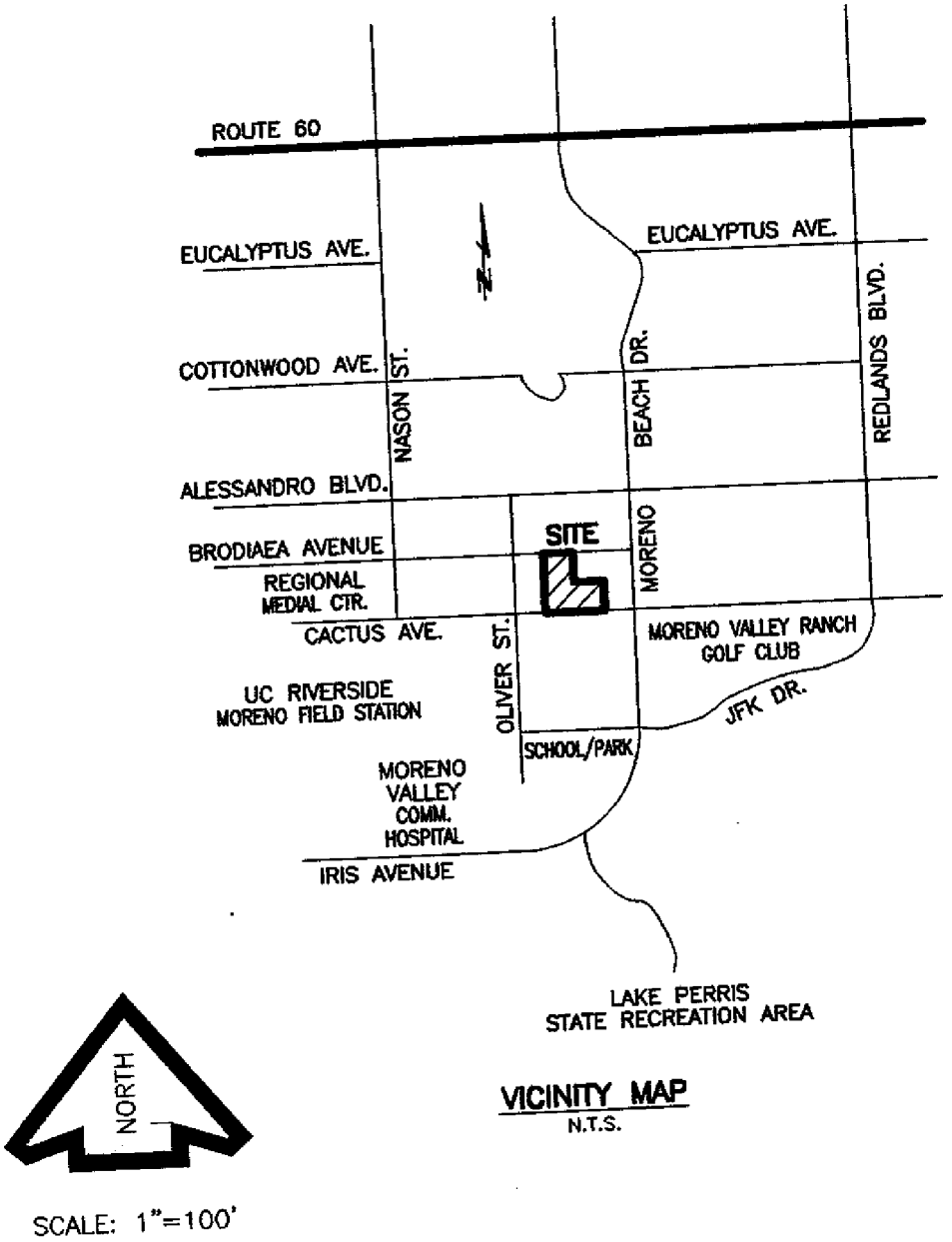

VICINITY MAP
N.T.S.

SCALE: 1"=100'

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**P07-144** **LOCATION MAP**

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZATION TO AWARD AGREEMENT FOR CENTRAL TRAFFIC CONTROL SOFTWARE SERVICES IN SUPPORT OF THE TRANSPORTATION MANAGEMENT CENTER (PROJECT NO. 10-13768129)

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system.

2. Authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto.

3. Authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000.

4. Authorize the Public Works Director to execute any subsequent amendments related to this agreement.

BACKGROUND

Local traffic congestion has become increasingly prevalent as the City continues to grow. Congestion hot spots are well-known and include most intersections adjacent to freeway interchanges and several arterial corridors. The current recession has slightly improved conditions, but as the economy improves, and travel increases once again, traffic flow optimization will increase in importance to the community. In the long term, Moreno Valley's population will almost double, substantially increasing the traffic loading on our roadways. To address current and future traffic demand, staff has proposed

implementation of Intelligent Transportation Systems (ITS) technology to systematically manage and optimize traffic flow.

In 2009, the City completed an ITS Master Plan which provided recommendations for a systems-based approach to updating the City's traffic control infrastructure. The Transportation Management Center (TMC) is an integral component of the ITS Master Plan.

The City's current traffic signal control system was procured in 1991. The platform, which consists of field controllers and a computer in City Hall, is obsolete. The controllers are no longer available for purchase, and the central software (which is MS-DOS-based) cannot be run on newer operating systems. Therefore, City staff has planned for a replacement system consisting of a TMC and new central traffic control software, new traffic signal controllers to be deployed in the field over time, and a citywide communication network.

DISCUSSION

A TMC provides the ability to centrally monitor roadway conditions and adjust traffic signal timing to optimize vehicle flow. Monitoring is accomplished through the use of closed-circuit television cameras, and data from traffic detectors used to display real-time vehicle speeds. Control is accomplished via fiber optic communication facilities which will be steadily deployed over time.

The TMC would be linked to the City of Riverside and Caltrans District 8 TMC's via high-bandwidth data connections, allowing Moreno Valley the capability of viewing video from those agency's CCTV cameras, as well as coordinating response in the event of incidents. Other nearby agencies with fully operational TMC's include Temecula, Corona, and Fontana. In other parts of Southern California, virtually all agencies with populations over 50,000 maintain active TMC's.

With existing staff levels, Public Works is capable of operating and maintaining the TMC as an extension of their current duties, so no additional employees would be required. The TMC would produce net labor savings by reducing the need to deploy field personnel to diagnose and correct traffic signal equipment problems. The TMC would enable faster response for maintenance issues through the use of standard features such as automated paging/emailing of alerts and remote access capability.

The TMC would have secondary benefits, in that an ITS deployment better positions Moreno Valley for grant funds since it represents a higher level of commitment to improving mobility. The TMC would be located in the current Fishbowl Conference Room adjacent to the entrance lobby of City Hall.

In January 2011, City staff released a Request for Qualifications for central traffic control software, which was mailed to nine firms known to provide such software, and was also advertised on the City's Web site. Eight submittals were received, indicating a high level of interest. A panel of four persons, including one representative from the

City's Technology Services Division and an expert in traffic control system deployment from outside the City, reviewed and scored the submittals. Based on the scoring of the responses, four firms were invited to interviews, which consisted of a live software system demonstration and presentation. The same panel scored the interviewees. All four panelists ranked Kimley-Horn and Associates highest. The panel felt that the system will be state of the art for years to come and thus represents an excellent investment. Kimley-Horn has deployed this software system for numerous Southern California agencies, including Beverly Hills, Culver City, Los Angeles County, Claremont, San Dimas, and the City of Commerce.

ALTERNATIVES

1. Approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and authorize the Public Works Director to execute any subsequent amendments related to this agreement. *This is the recommended alternative.*

2. Do not approve the agreement with Kimley-Horn and Associates, Inc., 7878 N. 16th Street, Phoenix, Arizona 85020, to provide a central traffic control software system; do not authorize the City Manager to execute said Agreement with Kimley-Horn and Associates, Inc., in the form attached hereto; do not authorize the issuance of a Purchase Order to Kimley-Horn and Associates, Inc., in the amount of $315,000; and do not authorize the Public Works Director to execute any subsequent amendments related to this agreement. *Staff does not recommend this alternative.*

FISCAL IMPACT

The Transportation Management Center Project (TMC) is included in the Fiscal Year 2011/2012 Capital Improvement Program budget and will be financed by the Traffic Signals Development Impact Fee fund (Fund 202) and the Air Quality Management Fund (Fund 137). These funds can only be used for traffic signal and air quality improvement purposes. There is no impact to the General Fund. FY 2011/2012 budget amounts are estimated, since final financial data for FY2010/2011 are not yet available.

AVAILABLE FUNDS

FY 2011/2012 Development Impact Fees— Account No. 417.79528	$	220,000
FY 2011/2012 Air Quality Management— Account No. 137.68129	$	215,000
Available Funds	**$**	**435,000**

ESTIMATED COSTS

Central Traffic Control System Software Contract	$	315,000
Modifications to Fishbowl Conference Room	$	40,000
Video display units, furniture and Incidentals	$	60,000
Staff time	$	20,000
Total:	**$**	**435,000**

ANTICIPATED PROJECT SCHEDULE

Prepare plans for space reallocation by:	October 2011
Complete software integration by:	March 2012
Complete space reallocation by:	March 2012

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Services

Prepared By:
John Kerenyi, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Eric Lewis, P.E., T.E.
City Traffic Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 10-13768129

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and Kimley-Horn and Associates, Inc., a North Carolina Corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "B" (Consultant's Scope of Work) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

DESCRIPTION OF PROJECT

1. The Project is described as the City of Moreno Valley Transportation Management Center (Project No. 10-13768129).

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "A" attached hereto and incorporated herein by this reference.

3. The City's responsibility is described on Exhibit "B" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $315,000.00 in accordance with the payment terms provided on Exhibit "C" attached hereto and incorporated herein by this reference.

TIME FOR PERFORMANCE

5. The Consultant shall commence services upon receipt of written direction to proceed from the City.

6. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth in Exhibit "D" attached hereto and incorporated by this reference.

7. The Consultant and the City agree that the schedule in Paragraph 6 above represents their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

8. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for

performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

9. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

10. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

11. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no obligation to pay any subconsultant for services rendered on the Project.

12. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

13. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

14. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

15. (a) The Consultant shall procure and maintain, at its sole expense, throughout

the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

	General Liability
Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and

agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Moreno Valley Community Redevelopment Agency, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

16. During the performance of this Agreement, the Consultant will not unlawfully discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

17. Consultant and subconsultants shall pay prevailing wage rates when required by the

Labor Laws of the State of California.

18. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

19. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the

Agreement unless the notice of termination authorizes such further work.

20. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

21. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

22. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

23. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

24. The City and the Consultant agree, that to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

25. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

26. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

27. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement. Venue shall be vested in the Superior Court of the State of California, County of Riverside.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

Contractor/Consultant Name

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

INTERNAL USE ONLY

ATTEST:

_____
City Clerk

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

EXHIBIT B

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

MV00115321

EXHIBIT C

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed $315,000.00.
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time and materials expended in furnishing authorized professional services during the preceding calendar month. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of the invoice for same.
4. Any fees for authorized professional services furnished by the Consultant which have not been paid or contested by the City within thirty (30) days of the City's receipt of the invoice for such services will be subject to a late charge of one percent (1%) of the unpaid amount for each month for which payment has not been received by the Consultant.

EXHIBIT C

MORENO VALLEY ATMS

Statement of Work

Prepared by:

Kimley-Horn and Associates, Inc.

For Review by:

City of Moreno Valley

Version 4.2

June 28, 2011

Exhibit A

MV00115324

PROJECT SCOPE

The following scope of services is for deployment and integration of KITS to meet the mandatory elements listed in KHA's response to the City's RFQ submitted on February 3, 2011.

SCOPE OF SERVICES

Task 1: Project Management

KHA's Project Manager shall act as the principal contact for the City and other involved agencies. KHA's Project Manager will be responsible for the completion of activities associated with the performance of this project. Additional responsibilities include management of project planning activities and tracking of resources associated with each aspect of the project. The Project Management task will be invoiced monthly based on percent complete. Target percentages should be outlined to ensure all parties understand the value of each task executed. KHA's Project Manager shall oversee and participate in the activities of the project.

Prepare Project Status Reports

KHA shall prepare and submit written monthly project status reports. The reports shall include the following information including a schedule outlining target dates for completion of items:

- Period covered by the report.
- Overview of the reporting period.
- Tasks, subtasks, deliverables, goods, services and other work scheduled for the reporting period which were completed.
- Action Items
- Updated Deliverables chart and completion schedule, if necessary.

KHA shall also prepare claims, invoices, billings, and other financial information for review and approval by the City, as required by this agreement.

Task 2: Preliminary Engineering

KHA will meet with City staff to discuss the existing condition of the City's internal network and field network along with future migration plans and schedule. KHA will provide input on communication equipment that the City is considering.

KHA shall collaborate with the City to determine the CCTV and signal controller hardware/firmware specifications for the pilot corridor. It is expected that the City will deploy a signal controller firmware protocol and CCTV encoder that has already been deployed with KITS. KHA will review and demonstrate existing KITS functionality currently deployed for specific firmware/hardware options. A document will be created that summarizes all of City's preliminary engineering decisions.

(continues)

Deliverables:
2.1 Communication Review
2.2 Firmware Specification and Existing Functionality Review
2.3 Signal Controller Hardware and Firmware Recommendations
2.4 CCTV Specification

Task 3: Procurement
Based on the information gathered during meetings with the City's Engineering and IT staff, KHA shall deliver complete equipment list ("Bill of Materials") for full system deployment and submit to the City for review. KHA will review options and provide input on reusing existing City server hardware and software licenses to fulfill the needs of the project. Upon KHA's approval of the equipment list and all system configurations, the City will procure system components, including supporting third party software, system hardware, network equipment, and peripherals. The equipment will remain at the City. The City will assist with the configuration of remote access into the network to enable authorized KHA staff to remotely diagnose the system. Using funds outside of this agreement, the City will purchase 3rd party software that is required for the deployment of the Integrated System. Anticipated software includes:

- SQL Server 2008
- ESRI ArcGIS
- MS Visio Standard
- Notepage PageGate

The workstations will be deployed on Windows XP or 7 and the servers on Windows Server 2008. The Integrated System will utilize SQL Server 2008 as its central database. The specific versions of the tools will be determined in conjunction with City IT preference.

Deliverables:
3.1 Identification of 3rd party software and hardware

Task 4: System Integration
Integration of KITS shall be performed in stages. The following sequence of events details the staged implementation of the KITS system.

1. KHA and the City will conduct multiple meetings to finalize the pilot corridor equipment.
2. The City will procure designated equipment.
3. Based on the City's preference for controller firmware and CCTV equipment, KHA will create a version of KITS that integrates existing modules to support the specified equipment and desired functionality. The source code, reports, registry, and database to support the functionality of the City's modules will be placed under configuration management and version control processes. No new software development is anticipated under this task.
4. A lab configuration will be created and maintained in KHA's facility to simulate the deployment environment.

MV00115326

5. An installation procedure will be generated by KHA. This will be a functional self-contained installation and automate many of the procedures used to install the KITS user interface. This automated installation will include most of the required 3rd party tools and may reference other supporting 3rd party documentation.
6. KHA will come to Moreno Valley to assist City personnel with the installation and configuration of the equipment and required 3rd party software.
7. A backup server will be identified by City staff and configured by KHA for backup and disaster recovery purposes.
8. City personnel, with assistance from KHA, will be responsible for converting and entering signal timing and configuration data into the system database. Preliminary testing will utilize controllers installed in the TMC and/or maintenance facility.
9. KHA will assist City personnel with the installation of 5 compatible BI Tran 233 intersections by assisting with the intersection graphics and configuration of these field signals within the Integrated System and by monitoring the operation of the System at the control center. This assistance will include preliminary training on the graphic configuration within the System.
10. KHA will demonstrate continuous successful communication with the traffic signal controllers and pan-tilt-zoom cameras.
11. KHA will configure compatible mobile devices with the KHA Mobile Performance Metric Collection application. This will allow up to 10 users to generate, high-resolution arterial performance metric data. Authorized users will be able to view and generate reports through a web browser. The arterial performance data will be stored on a server maintained by KHA.

Deliverables:

4.1 Software Configuration
4.2 KITS Installation Program and Procedures
4.3 Software Installation at City TMC
4.4 System Configuration and Integration for 5 Intersections
4.5 CCTV Integration
4.6 Mobile Performance Metrics Integration

Task 5: Documentation

KHA will provide KITS documentation for the City in the following form:

- System User's Manual – provides an overview description of the system, its components, how they are used or accessed by the operators as well as how to use the GUI's for all aspects of the system.
- Quick Start Guide – describes initial configuration and setup of the system. This brief document references the User's Guide, but presents the information in a simple format. The document focuses on data entry, map customization, and initial configuration.

Electronic copies of the final documentation will be provided.

MV00115327

Training topics include:

- On-line help
- Installing software updates
- Intersection phase configuration
- Data integrity
- Naming conventions
- System components
- Effective Monitoring

Deliverables:
5.1 Electronic copies of the System User's Manual and Quick Start Guide for KITS
5.2 Initial Operator Training

Task 6: Remote access configuration
KHA will facilitate meetings with City transportation and IT department to review cost-efficient solutions to allow authorized staff to view relevant signal system information remotely. KHA will assist with the implementation of a remote desktop solution to view and exchange relevant information.

Deliverables:
6.1 Documentation and Configuration Settings for Remote Access

Task 7: Final Training
The final training will be a comprehensive, hands-on review of all previous training sessions. In addition, the City may request additional topics that were not previously covered. The following topics will be discussed:

- Operation and Management of the Integrated System
- Overview of the KITS System
- Operations and System Maintenance
- Security
- Configuration and Customization
- Advanced Functionality

A training schedule will be delivered 2 weeks prior to the comprehensive training sessions that will detail the date and time for each topic. The City can provide input that will help determine the amount of time that is spent on each topic.

(continues)

Deliverables:
7.1 Electronic Copies of Training Documentation (syllabus, manuals, visual presentation materials)
7.2 Hands-on Two Day Workshop

Task 8: Warranty, Support, and Maintenance
The Consultant shall provide a warranty, support, and maintenance for the supplied software for a period of two years. Any ATMS software bugs found during this period will be corrected at no additional cost to the City. New functionality, additions, and enhancements made to the software, that do not constitute a separately packaged and marketed version or module of the system, developed by the Consultant during this period shall be offered to the City at no additional license fee. Upon approval by the City, these enhancements shall be installed and integrated based on current hourly rates.

The Consultant shall provide maintenance services, which will include phone and e-mail support during City's working hours. The Consultant shall perform periodic check-ups and tune-ups several times a year to validate System performance.

Deliverables:
8.1 Two Year Warranty, Support, and Maintenance

Project Deliverables
KHA shall use the standard City software set forth below when preparing deliverables. KHA shall provide deliverables in the appropriate file format (by downloads and/or via e-mail) as follows:

- Microsoft Word or Adobe PDF – Word Processing
- Microsoft Excel – Spreadsheet
- Microsoft PowerPoint – Presentation Materials

The City shall provide comments in electronic format using the same software as outline above.

Optional Operational Support
Other services may be provided in support of the system, its operations or the communication infrastructure for the City as additional services. Authorization by City is required prior to beginning any of these tasks. Services that are not included in this contract, but that may be provided as additional services may include but are not limited to:

- Integration services for additional intersections
- Database population
- Additional intersection graphic configuration
- Communication troubleshooting and integration
- Corridor retiming
- Before and after studies that quantify improvement from deploying the System

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE A CHANGE ORDER TO INCREASE THE PURCHASE ORDER WITH GIBBS, GIDEN, LOCHER, TURNER & SENET, LLP FOR LEGAL SERVICES FOR *LOS ANGELES ENGINEERING, INC. V. CITY OF MORENO VALLEY* RIVERSIDE SUPERIOR COURT CASE RIC 524877

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute a Change Order to increase Purchase Order No. 36928 to Gibbs, Giden, Locher, Turner & Senet, LLP by the amount of $100,000 for a total not-to-exceed amount of $196,000 (Account No. 461.65325.7500).

2. Authorize payment to Gibbs, Giden, Locher, Turner & Senet, LLP in an amount of up to $196,000 for legal services for *Los Angeles Engineering, Inc. v. City of Moreno Valley* Riverside Superior Court Case RIC 524877.

3. Authorize an appropriation of $100,000 from the unencumbered fund balance of Parkland Facilities DIF (Fund 205) to Account No. 461.65325 to allow for said increase to Purchase Order No. 36928.

BACKGROUND

In 2007, the Community Services District awarded a contract to Los Angeles Engineering to renovate the Moreno Valley Community Park soccer fields. Five

Contract Change Orders were issued for various changes in the scope of the work and as a result of weather delays. Los Angeles Engineering completed the project later than the allowed and refused to process the last three Change Orders. Los Angeles Engineering filed a claim and then a lawsuit in 2009 alleging extra work and extended overhead cost. Gibbs, Giden, Locher, Turner & Senet (GGLTS) were retained to defend the lawsuit and bring the cross-complaint against Los Angeles Engineering.

DISCUSSION

Gibbs, Giden, Locher, Turner & Senet were retained as outside counsel for this case. In January 2009, the City issued a Purchase Order using unencumbered project funds for general legal services for the Moreno Valley Community Park Soccer Field Rehabilitation. Due to the ongoing nature of the litigation, the current Purchase Order is not sufficient to continue the defense of the case and the pursuit of the cross-complaint. Increasing the Purchase Order would allow the City to retain GGLTS to reach a conclusion in the lawsuit. Three sources of funding were used for the project: a State of California grant, Park Improvement Development Impact Fees, and Quimby In-Lieu Fees. In order to use Park Improvement Development Impact Fees for a project, the City must establish a nexus between the development projects paying the fees and the facilities being financed with the fees and the service level to be provided by the facility. Because the soccer fields were expanded by more than 50%, it was reasonable to fund half of the project with Park Improvement Development Impact Fees. The lawsuit is a direct result of the rehabilitation and expansion of the soccer fields. The use of Park Improvement Development Impact Fees for the City to continue to defend the lawsuit and pursue the cross-complaint is established as the result of the project's construction activities. Therefore, the use of Park Improvement Development Impact Fees for legal services against a claim resulting from the Soccer Field Renovations' construction activities is reasonable.

ALTERNATIVES

1. This alternative will allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel to continue the litigation.

2. This alternative will not allow Gibbs, Giden, Locher, Turner & Senet LLP, to be retained as legal counsel and may affect the outcome of potential litigation.

FISCAL IMPACT

Staff requests that an appropriation from Park Improvement Development Impact Fees (Fund 205) in the amount of $100,000 be authorized to allow for the purchase order increase and subsequent payments to GGLTS. There is no impact to the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2011/2012 Budget (Account No. 461.65325) $100,000
Total Available Funds $100,000

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Due to the ongoing litigation with Los Angeles Engineering, Inc. over the Moreno Valley Community Park Soccer Field Rehabilitation Project, Staff recommends an appropriation of $100,000 from Parkland Development Impact Fees (Fund 205) to allow for an increase to the Purchase Order to Gibbs, Giden, Locher, Turner and Senet, LLP. This increase will allow for the continuing payment of legal fees and costs due to the litigation with Los Angeles Engineering.

ATTACHMENTS

None

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: TRACT MAP 32707 – REDUCE FAITHFUL PERFORMANCE BOND AND ADOPT THE RESOLUTION AUTHORIZING ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

DEVELOPER – REDHAWK COMMUNITIES, INC. A CALIFORNIA CORPORATION
ONE BETTERWORLD CIRCLE, SUITE 300
TEMECULA, CA 92590

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Adopt Resolution No. 2011-79 authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system.

2. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

Tract Map 32707 is a 137-lot single family residential development to be constructed in the City of Perris just south of Moreno Valley's City limits, with a portion of Lasselle Street being improved within the City of Moreno Valley. The project was conditionally approved requiring construction of certain public improvements. The public improvements included asphalt paving, curb, gutter, sidewalk, landscaping, and sewer work. Those improvements received on-going inspection during the construction process. Upon completion of the improvements, Public Works/Land Development performed an inspection, and a punch list was generated. The required corrective actions have been completed, and the improvements are now eligible for acceptance into the City's maintained street system.

DISCUSSION

The completed improvements have received a final inspection, and the improvements were completed in accordance with the approved plans and the standards of the City of Moreno Valley. In accordance with the Streets and Highway Code, the method for acceptance of improvements, per Section 1806, (a), and (b), is by action of the governing body, by resolution. It is therefore appropriate to accept those improvements into the City's maintained street system and to provide a 90% reduction to the Faithful Performance Bond of $95,000 issued by Developers Surety and Indemnity Company. Ninety days after City Council approves the Faithful Performance Bond reduction, the Material and Labor Bond will be exonerated by the City Engineer provided there are no stop notices or liens on file with the City Clerk. The remaining 10% of the bond will be held for the one-year guarantee and warranty period. At the end of the guarantee and warranty period the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

2. Do not adopt the proposed Resolution authorizing the acceptance of the public improvements within Tract Map 32707 as complete and accepting the portion of Lasselle Street associated with the project into the City's maintained street system. Do not authorize the City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley Standards and therefore should be included in the City's maintained street system.*

FISCAL IMPACT

The acceptance of these street improvements into the City's maintained street system will create an additional fiscal impact to the street maintenance program of the City (Fund 121-Gas Tax, Fund 125-Measure "A", and Fund 152-NPDES. Fund 121 is restricted to the construction and maintenance of streets and roadways. Fund 125 is restricted for transportation projects only for the purposes of construction, maintenance and operation of streets and roadways. The County Service Area (CSA) levy collected from property owners support current NPDES Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the CSA 152 annual levy are restricted for use only within the Storm Water Management program).

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" - Vicinity Map
Exhibit "B" - Proposed Resolution

Prepared By
Anitra N. Holt
Management Analyst

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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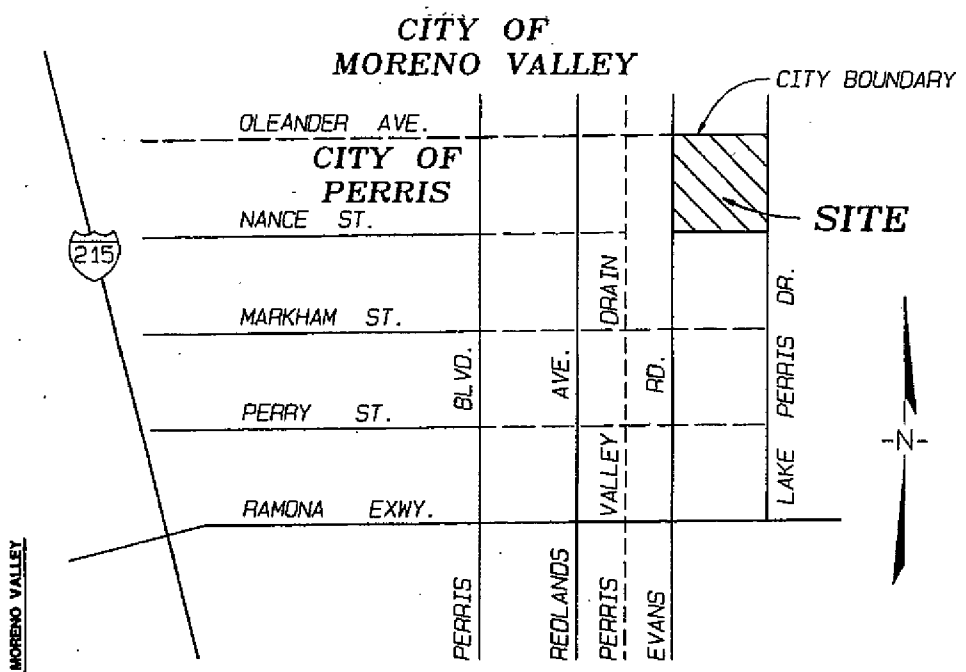

VICINITY MAP

NOT TO SCALE

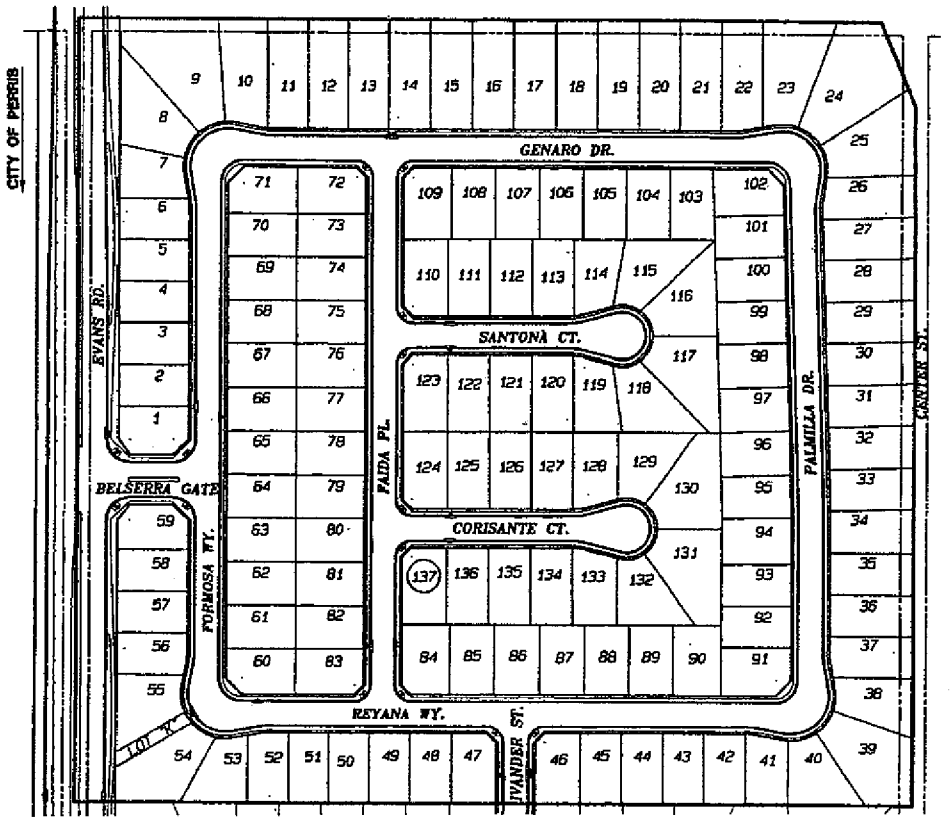

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** **EXHIBIT "A"**	**TRACT 32707** **VICINITY MAP**

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RESOLUTION NO. 2011-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE PUBLIC IMPROVEMENTS AS COMPLETE WITHIN TRACT MAP 32707 AND ACCEPTING THE PORTION OF LASSELLE STREET ASSOCIATED WITH THE PROJECT INTO THE CITY'S MAINTAINED STREET SYSTEM

WHEREAS, the City Engineer has determined that the public improvements constructed by Redhawk Communities. on the portion of Lasselle Street associated with the project were constructed according to the approved plans on file with the City of Moreno Valley, and

WHEREAS, the City Engineer has determined that those improvements were inspected during construction and were completed in an acceptable manner, and

WHEREAS, the City Engineer has requested that the City Council authorize the acceptance of said public improvements as complete within Tract Map 32707 and accept the portion of Lasselle Street associated with the project into the City's maintained street system, and

WHEREAS, it is in accordance with Streets and Highway Code, Section 1806, (a) and (b), for City Council to perform this action by resolution,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS: that the public improvements within Tract Map 32707 are complete, and the portion of Lasselle Street associated with the project are accepted into the City's maintained street system.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

EXHIBIT "B"

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM, PROJECT NO. 11-22679828, DIRECT THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract to Beador Construction Company, Inc. (Beador) and authorized the issuance of a purchase order in the amount of $243,960 for the 2011 Citywide Bridge Maintenance Program.

DISCUSSION

The 2011 Bridge Maintenance Program involved the application of Methacrylate Deck Treatment to three (3) bridges including Cactus Avenue Bridge, west side of Kitching Street (Bridge No. 56C0407), Bay Avenue Bridge, 0.25 mile east of Kitching Street, (Bridge No. 56C0401), Oliver Street Bridge, 500 feet north of John F. Kennedy Drive (Bridge No. 56C0559). Work on the remaining five (5) bridges included cold mill and pave back the existing asphalt concrete over the bridge deck and the bridge approaches at the following bridges: Cottonwood Avenue Bridge, 0.2 mile east of Heacock Street (Bridge No. 56C0214), Dracaea Avenue Bridge, 0.14 mile west of Indian Street (Bridge No. 56C0274), Cactus Avenue Bridge, 0.5 mile west of John F. Kennedy Drive (Bridge No. 56C0420), Cactus Avenue Bridge, 0.2 mile west of John F. Kennedy Drive (Bridge No. 56C0421), and Perris Boulevard Bridge Approaches, 1.0 mile south of Iris Avenue (Bridge No. 56C0464).

At the time of preparation of this Staff Report, the project is anticipated to be complete by June 30, 2011. Subsequently, staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost will not exceed the approved purchase order amount of $243,960. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, and authorize the release of retention money to Beador thirty five (35) calendar days after the date of recordation of the Notice of Completion, and accept the improvements into the maintained road system. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside

County, as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in payment to the contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when determined that all contract requirements and punch-list items are completed for the 2011 Citywide Bridge Maintenance Program, constructed by Beador Construction Company, Inc. (Beador), 26320 Lester Circle, Corona CA 92883, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County, as required by Section 3093 of the California Civil Code, do not authorize the Financial and Administrative Services Director to release the retention to Beador Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion, if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

This project is included in Fiscal Year 2010-2011 Capital Improvement Project Budget and is funded with Proposition 1B (Fund 226) monies. The funding for this project is restricted for transportation projects and cannot be utilized for other activities. There is no impact to the General Fund.

AVAILABLE FUNDS:

Fiscal Year 2010/2011 Budget (Account No. 226.79828)	$420,000
Total Available Funds	**$420,000**

ESTIMATED PROJECT COSTS:

Contractor Construction Costs*	$244,000
Project Administration, Design, and Inspection	$45,000
Miscellaneous Costs	$2,000
Total Estimated Project Costs	**$291,000**

*Staff anticipates that Contractor Construction Costs will not exceed purchase order amount.

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

Beador is anticipated to complete the 2011 Citywide Bridge Maintenance Program project by June 30, 2011. The City Council is requested to authorize the Public Works Director / City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the release of retention to Beador, and accept the improvements into the City's maintained road system.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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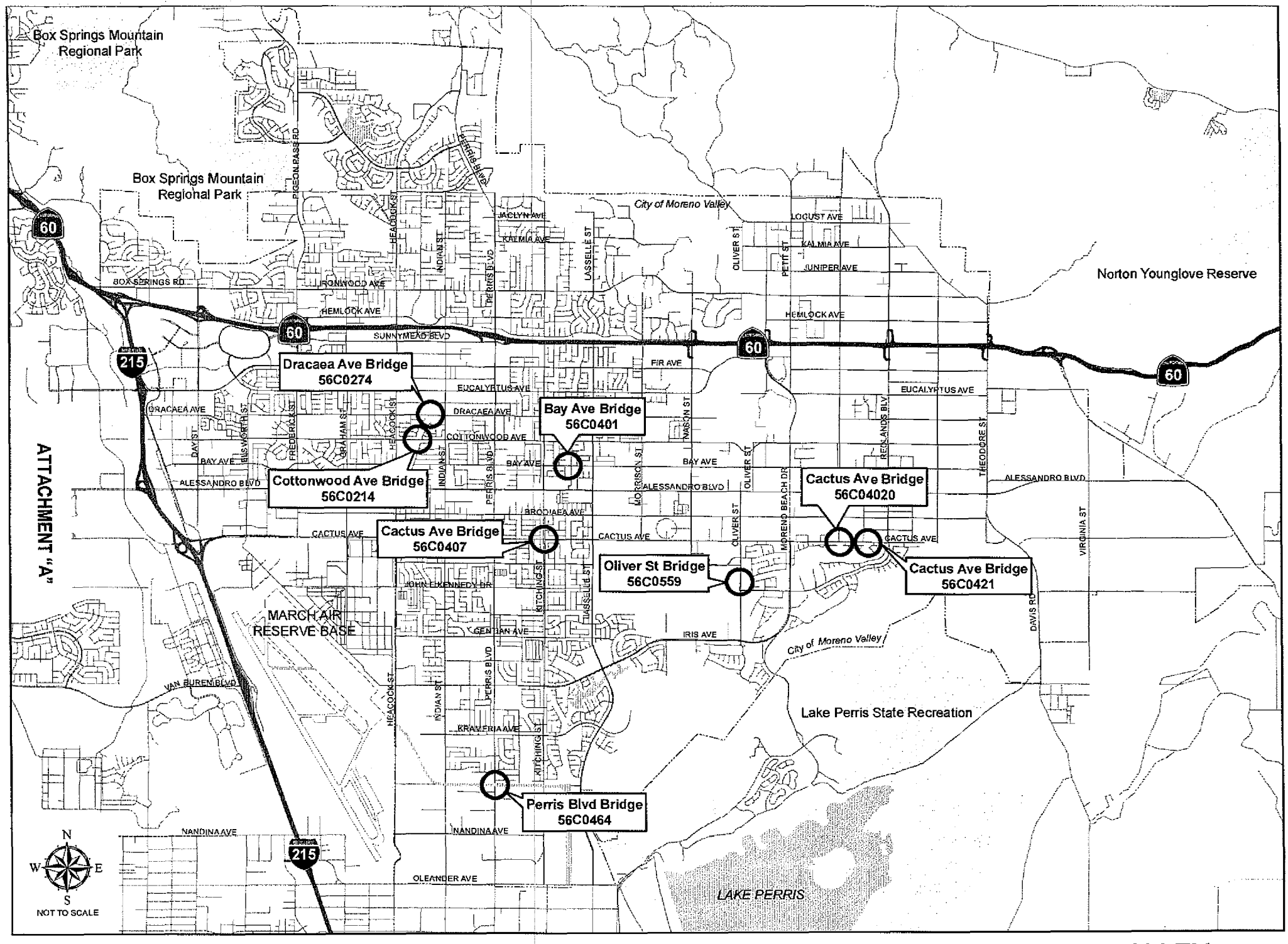

VICINITY MAP: 2011 CITYWIDE BRIDGE MAINTENANCE PROGRAM - MORENO VALLEY

MV00115345

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Community and Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date

of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

BACKGROUND

On June 22, 2010, the City Council awarded a contract in the amount of $706,716 to San Pedro Sign Company (SPESCO) and authorized the issuance of a purchase order in the amount of $812,724 for the construction of the Moreno Valley Auto Mall Freeway Pylon Sign.

DISCUSSION

The City and the Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase business advantageous by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The pylon sign is an integral element of the plan. The sign is located on the south side of the SR60 freeway, east of Moreno Beach Drive. This project replaced the existing aged and worn freeway sign with a new up-to-date high-tech two (2) sided sign that includes a larger video display. The sign is in conformance with the "Specific Plan No. 5 Sign," and is 31 feet wide and stand approximately 85 feet in height, as seen from the freeway.

At the time of preparation of this Staff Report, the construction of the pylon sign is anticipated to be completed at end of June 2010. Subsequently, Staff will process all necessary paperwork and negotiate any remaining change orders to finalize the project quickly. The final contract cost is estimated at approximately $725,000 which does not exceed the approved purchase order amount of $812,724. Since the City Council will not meet on next two meetings after the July 12 meeting, staff is requesting the City Council and the Redevelopment Agency to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, authorize the recordation of the Notice of Completion at the County Recorder, authorize the release to retention money to SPESCO thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the pylon sign to the Moreno Valley Dealers Advertising Association. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public

Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will allow for timely payment to the Contractor and the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Auto Mall Freeway Pylon Sign Project which was constructed by San Pedro Sign Company, 701 Lakme Avenue, Wilmington, CA 90744, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements, and delaying the release of the Pylon Sign to the Moreno Valley Auto Mall Dealers Association.*

FISCAL IMPACT

The Moreno Valley Auto Mall Improvements construction phase of this project is included in Fiscal Year 2010/2011 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). **These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

AVAILABLE FUNDS:
Fiscal Year 2010/2011 Budget (Account No. 897.91725)..... $1,512,000

CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	$725,000
Project Administration, Design Support, and Inspection Costs*	$ 46,000
Construction Support Services and Miscellaneous Costs	$ 15,000
Total Construction Related Costs	**$786,000**

CITY COUNCIL GOALS

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

SUMMARY

SPESCO has completed the Moreno Valley Auto Mall Freeway Pylon Sign project. The City Council and the Community Redevelopment Agency is requested to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed, direct the City Clerk to record the Notice of Completion, authorize the Financial & Administrative Services Director to release the retention to San Pedro Sign Company thirty five (35) calendar days after the date of recordation of the Notice of Completion, and authorize the Community and Economic Development Director to release the Pylon Sign to the Moreno Valley Dealers Advertising Association.

ATTACHMENTS

Attachment "A" – Vicinity Map

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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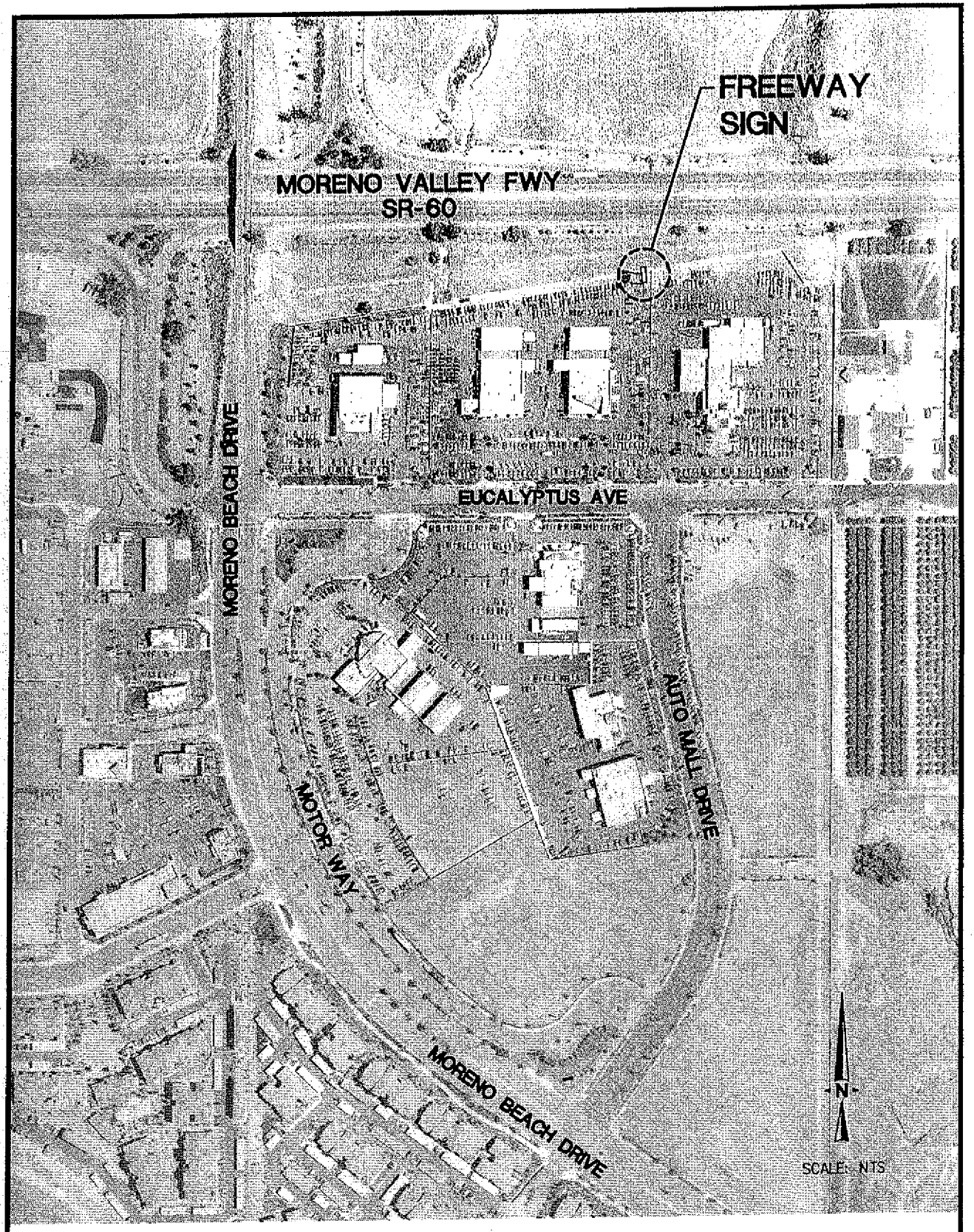

VICINTY MAP

ATTACHMENT "A"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT WITH OVERLAND, PACIFIC AND CUTLER, INC. FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division.

2. Authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto.

3. Authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526).

BACKGROUND

On July 13, 2010, City Council approved a Project Agreement in the amount of $99,000 with OPC for a one year period.

DISCUSSION

Due to the vacant City staff "Senior Real Property Agent" position, as well as an increase in project related right of way activities, additional resources are necessary. As a temporary solution to assist in expediting the completion of projects, the Capital Projects Division seeks to extend their Project Agreement with OPC.

OPC staff has an excellent track record of providing right of way services for budgeted capital improvement projects including, but not limited to, Kitching Street Improvements, Day Street Improvements, and Lasselle Street Widening Improvements. In the upcoming fiscal year, OPC staff will continue to work on right of way for projects such as the Perris Boulevard from PVSD Lateral "B" to Cactus Avenue Improvements, Perris Boulevard from Ironwood Avenue to Manzanita Avenue, acquisition of property for the future Industrial Fire Station and Fire Station No. 65, and other budgeted capital projects as assigned.

Staff recommends issuing an increase to the purchase order and executing the "First Amendment to Agreement for Professional Consultant Services" with OPC for a continuation of their services. The purchase order increase for $85,000 allows for additional right of way services by the in-house consultant staff on an as-needed basis with a revised contract expiration date of December 31, 2012.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for Professional Consultant Services" with Overland, Pacific and Cutler, Inc. (OPC) to provide Professional Consultant Right of Way Services for various projects of the Capital Projects Division, do not authorize the City Manager to execute the "First Amendment to Agreement for Professional Consultant Services" with OPC, in the form attached hereto, and do not authorize an increase to the purchase order to OPC, in the amount of $85,000 when the Project Agreement has been signed by all parties (Account No. 416.78526). *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The "Project Agreement for Professional Consultant Services" with OPC will be fully expended in September 2011. This First Amendment increases the purchase order by $85,000 to extend the as-needed temporary professional staffing services to December 31, 2012. Adequate funding is provided through the various budgeted capital improvement projects assigned to the temporary staff. The agreement provides the City

the ability to terminate the agreement by giving at least ten days written notice to the consultant.

As costs are incurred against this purchase order, the expenditures will be transferred to the capital projects for which services were performed. The anticipated associated costs for the purchase order increase will be funded through DIF Arterial Streets (Fund 416), TUMF Capital Projects (Fund 415), Fire Station Funds (Fund 434), and Measure "A" (Fund 125):

Perris Boulevard from PVSD Lateral "B" to Cactus Avenue (416.78526)..... $30,000
Perris Boulevard from Ironwood Avenue to Manzanita Avenue (415.78726)..... $29,000
Industrial Fire Station (434.67930)..... $11,000
Fire Station No. 65 (434.72526)..... $11,000
Highland Fire Station (434.67830)..... $4,000
Total..... $85,000

These funds are restricted to Capital Improvement Projects and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

Due to the need for in-house right of way services on a variety of projects, the "First Amendment to Agreement for Professional Consultant Services" with OPC is necessary to continue the temporary professional staffing services for the Capital Projects Division. Staff recommends that the City Council authorize the execution of the Amendment and increase to the purchase order to OPC in the amount of $85,000.

ATTACHMENTS

Attachment "A" – First Amendment to Project Agreement for On-Call Professional Consultant Services

Prepared By:
Lorenz R. Gonzales
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT AGREEMENT
FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES
VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and Overland, Pacific and Cutler, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT for ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 22, 2010.

Whereas, the Consultant is providing Consultant Real Property and Right of Way Services for Various Projects of the Capital Projects Division (and other Divisions as needed).

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 13, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as Exhibit "A" and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended to December 31, 2012.

1.2 Exhibit "B" to the Project Agreement is hereby amended by adding to the scope of

work section described in Exhibit “A”, entitled "Consultant Proposal.”

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B”, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $85,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “B”.

1.5 The total “Not to Exceed” fee for this contract is $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley	Overland, Pacific and Cutler, Inc.
BY: _____ City Manager	BY: _____
DATE: _____	TITLE: _____ (President or Vice President)
	BY: _____
	TITLE: _____ (Corporate Secretary)

Attachments: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

Revised Dec 2010

MV00115357

OVERLAND
PACIFIC &
CUTLER, INC.

www.OPCservices.com

2280 Market Street, Suite 340, Riverside, CA 92501
phone: (951)683-2353, fax: (951)683-3901

June 13, 2011

Ms. Kimberly Jester
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

RE: Continuation of In-House Right of Way Consulting Services 2011

Dear Ms. Jester:

In response to your request, Overland, Pacific & Cutler, Inc. (OPC) is pleased to present the City of Moreno Valley with this brief fee proposal for the continuation of in-house staffing services under our existing Professional On-Call Services Agreement.

OPC is proposing to continue with the existing arrangements and will assign Mr. Michael Green to the City for another one (1) year term beginning January 1, 2012 and expiring December 31, 2012. Mr. Green will be working at a rate of $105 per hour, Tuesdays and Thursdays, from 8:00 AM to 5:00 PM. At 16 hours per week for the year, we estimate the total annual cost to be $87,360, plus any reimbursable expenses pursuant to the Professional On-Call Services Agreement. Should the actual hours increase or decrease over the coming year, the estimated cost will adjust accordingly.

Should you have any questions or would like to discuss further, please do not hesitate to call me at (951) 683-2353.

Sincerely,

Overland, Pacific & Cutler, Inc.

Joey Mendoza, SR/WA
Principal/Vice-President

EXHIBIT "A"

COST SUMMARY

1. The Consultant's compensation shall not exceed $184,000 ($99,000 for the Original Agreement, plus $85,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.

EXHIBIT "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and the Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 12, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $1,768,222.35 to Riverside Construction Company, Inc., for the Ironwood Avenue improvements from Day Street to Barclay Drive. The project construction work began on December 6, 2010.

DISCUSSION

Staff anticipates that all work will be completed by Riverside Construction Company, Inc. by July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final contract cost will be approximately $1,675,000 which is not expected to exceed the approved purchase order amount of $1,768,222.35. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion with the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally consisted of widening the south side of Ironwood Avenue from Day Street to Barclay Drive with the addition of one (1) lane plus a right turn lane, which included concrete curb, gutter, and sidewalk covering approximately 1,600 linear feet. Improvements included approximately 1,402 feet of new waterline in Ironwood Avenue beginning at Day Street and connecting to an existing waterline east of Athens Drive, a masonry block retaining wall along the southerly right of way line between Day Street and Athens Drive, storm drain improvements in Ironwood Avenue at the intersection of Athens Drive, a traffic signal modification at Day Street and Ironwood Avenue, a new traffic signal at Athens Drive and Ironwood Avenue, street lighting, and interconnect improvements. The modifications facilitate a smooth transition through the intersections for east and west bound traffic on Ironwood Avenue and Box Springs Road, and improve the flow for northbound traffic turning east off of Day Street onto Ironwood Avenue. Ironwood Avenue becomes Box Springs Road just west of Day Street.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, direct the City Clerk to record the Notice of Completion

within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the Ironwood Avenue improvements from Day Street to Barclay Drive, constructed by Riverside Construction Company, Inc., 4225 Garner Road, Riverside, CA 92501, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to Riverside Construction Company, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained system, and incurring extra cost to the City.*

FISCAL IMPACT

The Ironwood Avenue improvements from Day Street to Barclay Drive were included in the Fiscal Year 2010/2011 budget, and financed by 2007 RDA Tax Allocation Bonds (Account No. 897.91727). In accordance with the terms of the Reimbursement Agreement, EMWD deposited $100,273 to pay for its portion of the waterline being upsized and relocated within Ironwood Avenue through fund 414 (Account No. 414.80422); this amount may be adjusted based on final construction costs for this portion of the work. The funds utilized for this project are designated for capital improvements for the Ironwood Avenue improvements project and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 897.91727)	$2,585,000
Fiscal Year 2010/2011 (Account No. 414.80422)	$150,000
Total Budgeted Funds	$2,735,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Costs	**$1,675,000**

Design Support Costs during Construction	$60,000
Construction Geotechnical Services	$30,000
Construction Survey Services	$30,000
Project Administration and City Inspection*	$80,000
SCE Costs (Utility, Streetlights, and Permits)	$32,000
Total Project Construction Costs	**$**1,907,000

*Public Works staff provided project administration and primary inspection services. Additional consultant inspection support was provided for supplemental inspection.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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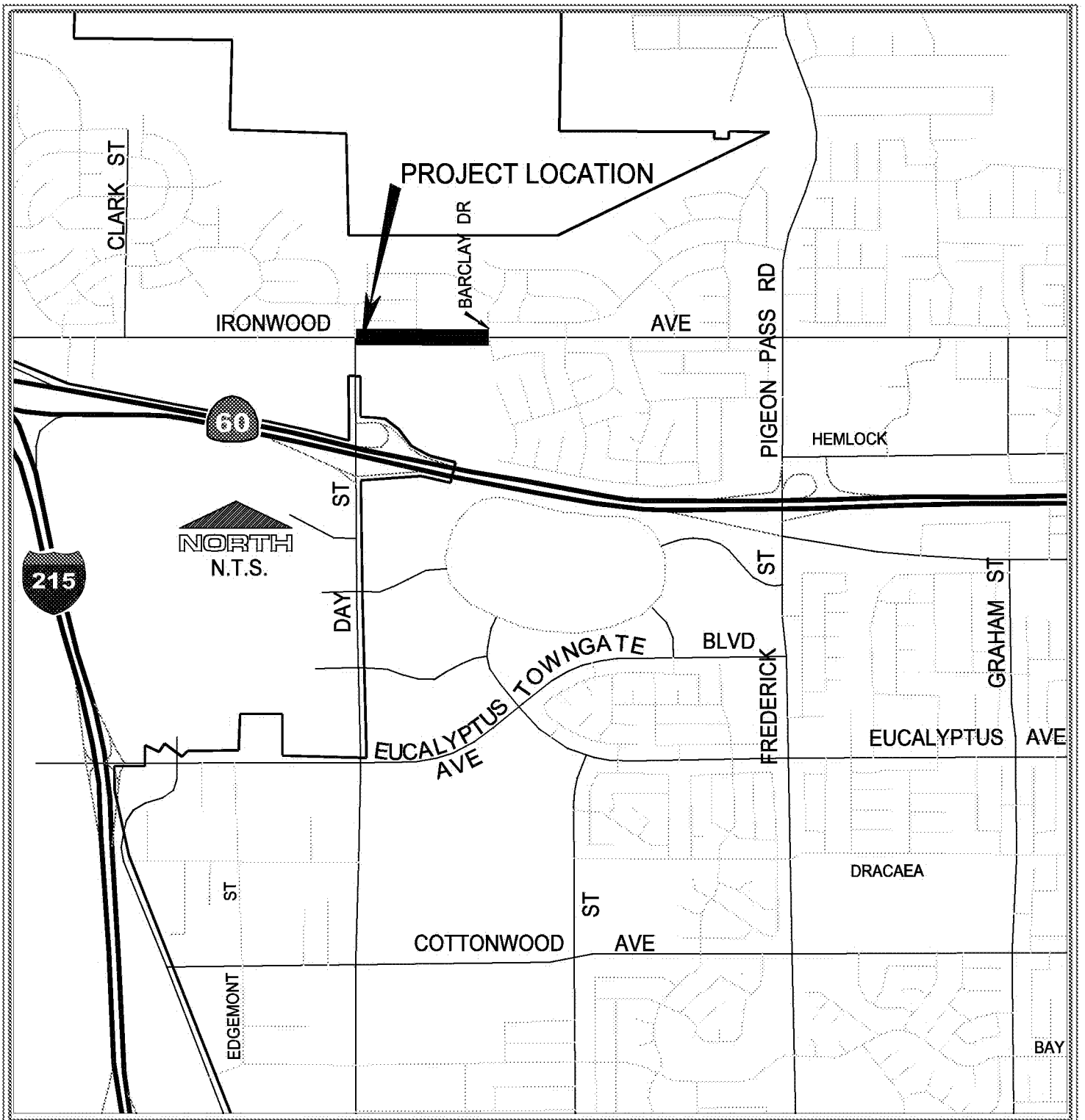

LOCATION MAP

LOCATION MAP
Public Works Department
Capital Projects Division

Attachment "A"

Ironwood Avenue Improvements,
From Day Street to Barclay Drive
Project No. 10-41570027

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE TRAFFIC SIGNAL IMPROVEMENTS ON SUNNYMEAD RANCH PARKWAY AT VILLAGE ROAD (EAST) INTERSECTION PROJECT NO. 10-41779229, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AND AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code.

3. Authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete.

BACKGROUND

On October 26, 2010, the City Council awarded the construction contract and issued a purchase order in the amount of $207,299 to SoCal Engineers, Inc., for the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east). The project construction work began on January 24, 2011.

DISCUSSION

Staff anticipates that all work will be completed by SoCal Engineers, Inc. in July 2011. Staff is in the process of negotiating Contract Change Orders and anticipates the final construction cost will be approximately $205,000 which is not expected to exceed the approved purchase order amount of $207,299. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff requests the City Council authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion after the Public Works Director/City Engineer accepts the improvements as complete with the County Recorder, and authorize the release of retention to the Contractor thirty-five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

The project generally involved the installation of a new traffic signal at the intersection of Sunnymead Ranch Parkway and Village Road (east). The work also included the removal and construction of new asphalt concrete pavement, curb and gutter, sidewalk, access ramps, interconnect conduit, and a residential driveway approach, as well as restriping of the intersection, and the installation of signage.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the

improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in timely payment to the Contractor and acceptance of the improvements into the City's maintained system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for construction of the traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east), constructed by SoCal Engineers, Inc., 17595 Harvard, Suite C2160, Irvine, CA 92614, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the office of the County Recorder of Riverside County as required by Section 3093 of the California Civil code, do not authorize the Financial and Administrative Services Director to release the retention to SoCal Engineers, Inc., thirty-five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra cost to the City.*

FISCAL IMPACT

The traffic signal improvements on Sunnymead Ranch Parkway at Village Road (east) were included in the Fiscal Year 2010/2011 budget, and financed by DIF Traffic Signal Capital Projects (Fund 417). The funding for this project is restricted to traffic signal capital improvements and cannot be used for operational activities. There is no impact to the General Fund.

AVAILABLE BUDGETED FUNDS:

Fiscal Year 2010/2011 (Account No. 417.79229)	$249,000

FINAL CONSTRUCTION RELATED COSTS:

Contractor Construction Cost	$205,000
Construction Surveying Cost	$2,000
Construction Geotechnical Cost	$2,000
City Furnished Equipment	$19,000
Project Administration and Inspection Services	$21,000
Total Project Construction Costs	**$249,000**

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
John Kerenyi
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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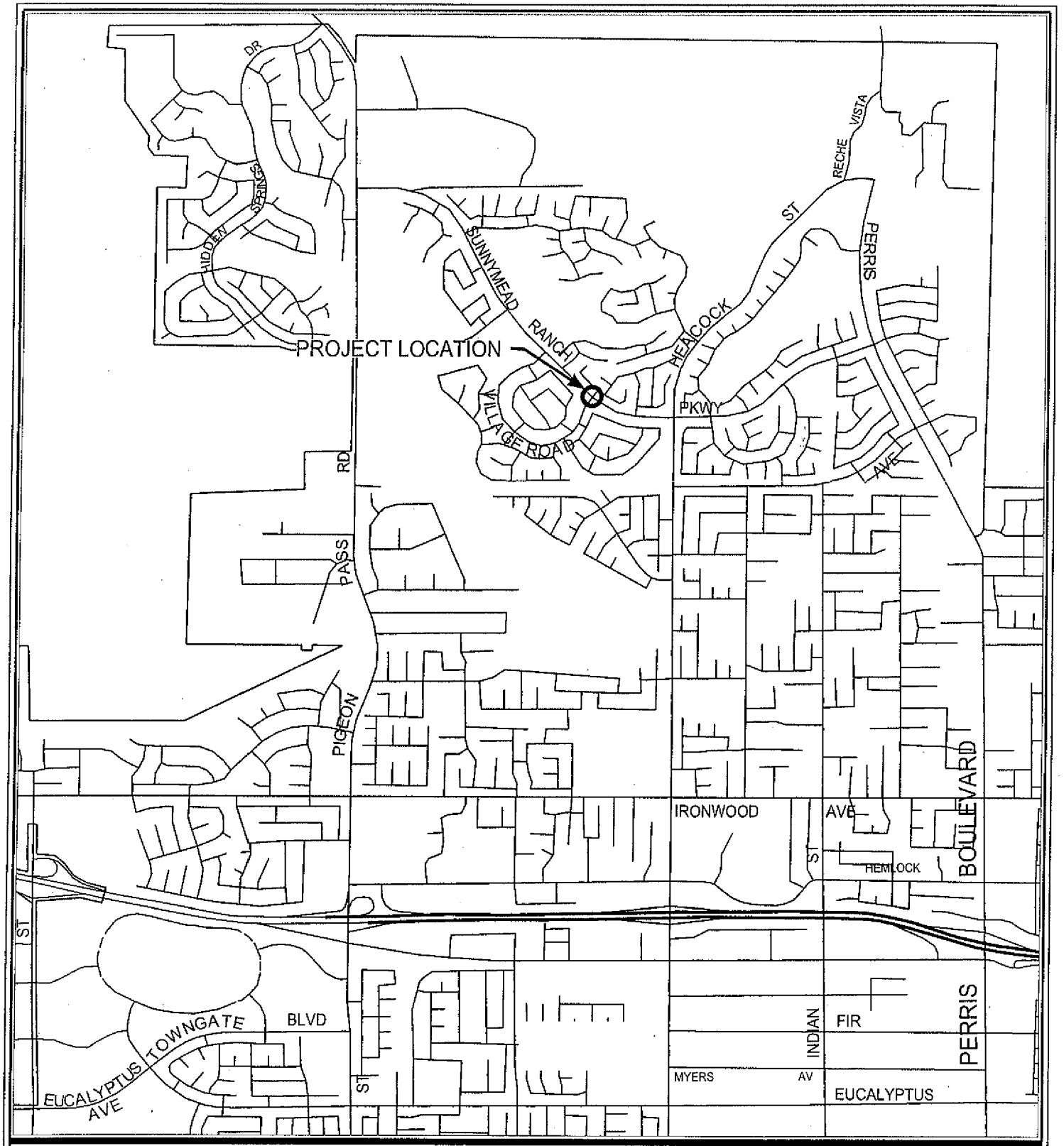

ATTACHMENT "A" - LOCATION MAP

Public Works Department Capital Projects Division	PROJECT NO. 10-41779229 TRAFFIC SIGNAL AT SUNNYMEAD RANCH PKWY AND VILLAGE RD (EAST)
Scale: None	
THOMAS GUIDE - PAGE 687, SECTION D6	

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and Redevelopment Agency Chairperson and Board of Directors

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council and Community Redevelopment Agency:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On May 25, 2010, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,912,608.76 to Hillcrest Contracting, Inc. The work consisted of the construction of street, signing, striping, waterline, utility relocation, and other related road improvements on Day Street between Alessandro Boulevard and Cottonwood Avenue. The City issued a Notice to Proceed to Hillcrest Contracting, Inc. to start work on July 13, 2010.

On February 22, 2011, City Council and the Community Redevelopment Agency were informed that a design error was discovered pertaining to the design and construction of a portion of the street curb and gutter tied to a cross gutter to facilitate surface drainage, located on a short segment of the northerly end of Day Street, just south of Cottonwood Avenue. City Council also authorized an increase of the Purchase Order to a total amount of $2,104,608.76.

Staff is diligently working to resolve the drainage issue independently of this construction contract as part of a second phase of improvements for Day Street. This second phase, Storm Drain Improvements on Day Street South of Cottonwood Avenue, is included in the Fiscal Year 2011–12 CIP, which City Council adopted on June 14, 2011.

DISCUSSION

Hillcrest Contracting, Inc. completed all construction work per the plans and specifications in April 2011. In accordance with the contract documents, however, the date of acceptance of the work for this project by the City Council is contingent upon the satisfactory conclusion of the 90 day maintenance period, which is scheduled for the end of July 2011.

Staff is in the process of negotiating the final Contract Change Order and anticipates the final contract cost will be approximately $1,953,000.00 which does not exceed the approved purchase order amount of $2,104,608.76. Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice

of Completion. These actions must be completed in a timely manner upon completion of the contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue, which was constructed by Hillcrest Contracting, Inc., 1467 Circle City Drive, Corona, CA 92879, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included in Fiscal Year 2010-2011 Budget and is financed by RDA 2007 Tax Allocation Bonds (TABS) funds (Fund 897). **These funds have been allocated for the Day Street from Alessandro Boulevard to Cottonwood Avenue Improvements project and cannot be utilized for operational activities.** There is no impact on the General Fund.

FISCAL YEAR 2010-2011 BUDGETED FUNDS (ACCOUNT NO. 897.91724):
RDA 2007 Tax Allocation Bonds (TABS) $2,413,377

FINAL CONSTRUCTION RELATED COSTS:

Design Support Services during Construction	$15,000
Anticipated Contractor Construction Costs	$1,953,000
Construction Geotechnical Services	$15,000
Construction Survey Services	$45,000
Construction Inspection Services	$12,000
Project Administration and City Inspection	$90,000
Total Project Construction Costs	$2,130,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hillcrest Contracting, Inc. completed construction of the Day Street Roadway Improvements from Alessandro Boulevard to Cottonwood Avenue at the end of April 2011 and, anticipating the successful completion of the 90 day maintenance period, the project will be complete at the end of July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hillcrest Contracting, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Lorenz R. Gonzales, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Department Head Approval:
Barry Foster
Community &Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Larry - 02-89266920 - Day St\CC Reports\NOC Staff Report (CC 07-12-11)\Staff Report - NOC Day Street (CC 07-12-11) Revised 062711.doc

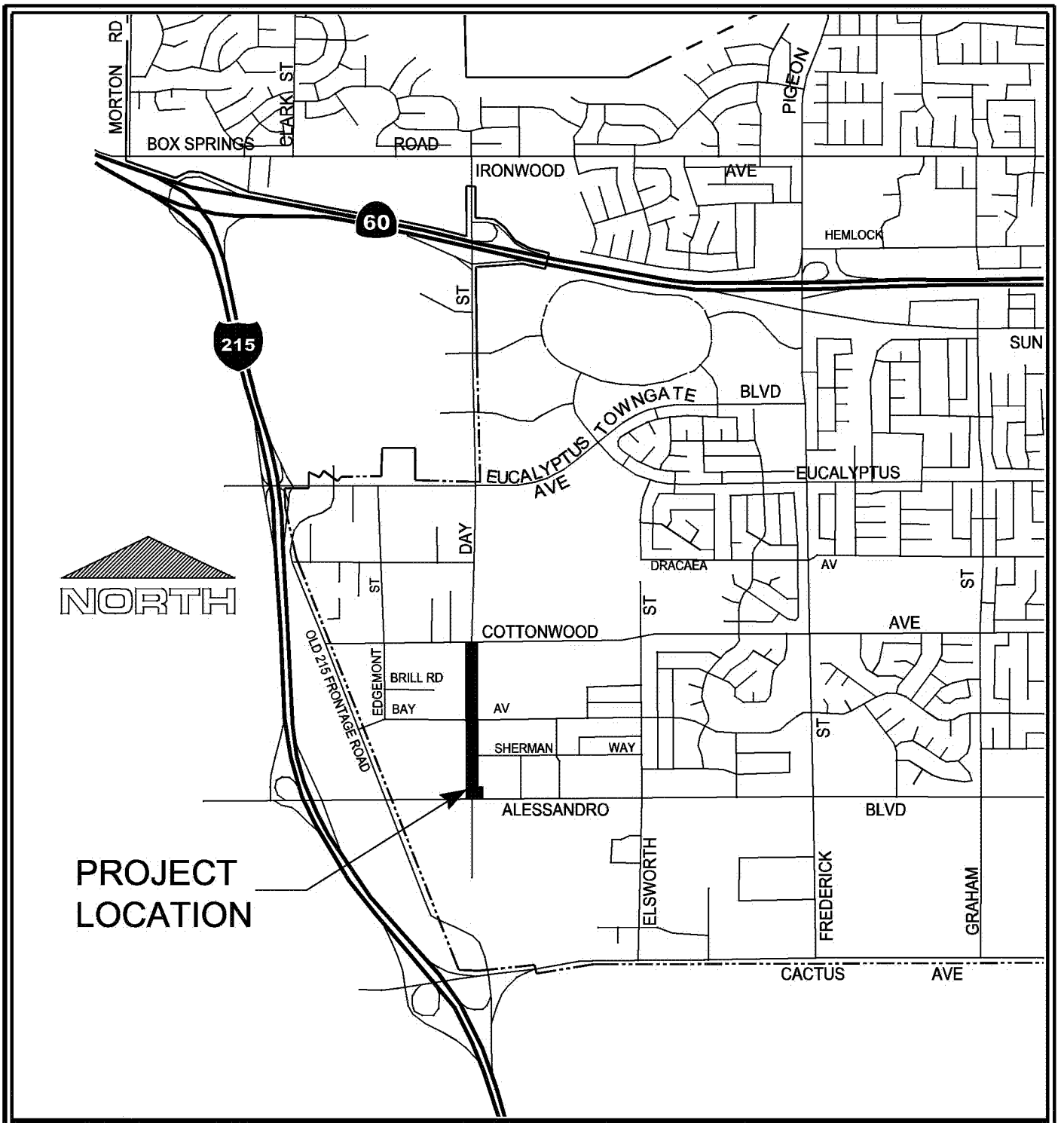

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

Public WorksDepartment
Capital Projects Division

Scale: None

ATTACHMENT "A"

STREET IMPROVEMENTS FOR DAY STREET
FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE
PROJECT NUMBER 02-89266920

MV00115375

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Steve Curley, Fire Chief

AGENDA DATE: July 12, 2011

TITLE: RESCIND RESOLUTION NO. 2005-30 AND RE-DESIGNATE AND AUTHORIZE SIGNATURE AUTHORITIES TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

RECOMMENDED ACTION

Staff recommends that the City Council adopt Resolution No. 2011-73, rescinding Resolution No. 2005-30, and designating and authorizing certain City officials to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

On April 12, 2005, Moreno Valley City Council adopted Resolution No. 2005-30, authorizing the City Manager, Assistant City Manager and the Public Works Director/City Engineer to execute documents on behalf of the City of Moreno Valley for the purpose of obtaining federal and state financial assistance.

California Emergency Management Agency has required that Moreno Valley City Council adopt a new resolution in place of Resolution No. 2005-30, designating and authorizing City officials to execute applications and documents.

DISCUSSION

To apply for and receive disaster relief and other financial funding offered under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and/or under the California Disaster Assistance Act, the City of Moreno Valley must designate City officials who are authorized to execute applications and documents on behalf of the City. Resolution No. 2011-xx rescinds Resolution 2005-30 and authorizes the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer to execute documents on behalf of the City.

ALTERNATIVES

1. Adopt the proposed amended Resolution re-designating and authorizing signature authorities to execute applications and documents for purposes of obtaining financial assistance under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, and/or financial assistance under the California Disaster Assistance Act. **Staff recommends this alternative.**

2. Do not adopt the proposed Resolution. This alternative would prevent the City from receiving disaster relief and other financial funding.

3. Provide staff with further direction.

FISCAL IMPACT

Without a new Resolution, the City would not be eligible to receive disaster relief and other financial funding.

CITY COUNCIL GOALS

Public Safety:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

NOTIFICATION

Publication of the Council Agenda.

ATTACHMENTS/EXHIBITS

Exhibit “A” - Proposed Resolution

Prepared By:
Name LeAnn M. Coletta, CEM
Title Office of Emergency Management Program Manager

Department Head Approval:
Name Steve Curley
Title Fire Chief

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

RESOLUTION NO. 2011-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, RESCINDING RESOLUTION NO. 2005-30, AND RE-DESIGNATE AND AUTHORIZE CERTAIN CITY OFFICIALS TO EXECUTE APPLICATIONS AND DOCUMENTS FOR PURPOSES OF OBTAINING FINANCIAL ASSISTANCE UNDER SECTION 404 OF PUBLIC LAW 93-288, AS AMENDED BY THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ACT OF 1988.

WHEREAS, Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Act of 1988, requires a signature resolution designating and authorizing certain city officials to execute applications and documents necessary to obtain financial assistance; and

WHEREAS, the City Council of the City of Moreno Valley heretofore adopted Resolution No. 2005-30, designating and authorizing certain city officials to execute said applications and documents; and

WHEREAS, the California Emergency Management Agency has required that the Moreno Valley City Council update Resolution No. 2005-30 in order to be eligible for financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. That the City Manager, Assistant City Manager, Fire Chief or Public Works Director/City Engineer, is hereby authorized to execute for and on behalf of the City of Moreno Valley, a local government established under the laws of the State of California, applications and other related documents for filing in the California Emergency Management Agency for purpose of obtaining financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or financial assistance under the California Disaster Assistance Act.

2. That the City Council of the City of Moreno Valley, a local government established under the laws of the State of California, hereby authorizes its agent(s) to provide to the California Emergency Management Agency for all matters pertaining to such state disaster assistance the assurances and agreements required.

APPROVED AND ADOPTED this 12th day of July, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: FIRST AMENDMENT TO AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES WITH VAS ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis.

2. Authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto.

3. Authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties.

BACKGROUND

On September 14, 2010, City Council approved an "Agreement for On-Call FY 10/11 Project Management Services" with VAS Associates, Inc. for $285,000 for various projects of the Capital Projects Division.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

VAS will serve as the Project Manager for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. These fast-tracked projects are part of the April 26, 2011 City Council approved Economic Development Action Plan. Furthermore, VAS will continue to work in the capacity of Consultant Project Manager for the Perris Boulevard Widening from Ironwood Avenue to Manzanita Avenue, which is anticipated to begin construction in the fall of 2011.

VAS currently provides Consultant Project Management services to the City for several design and construction projects under an existing professional consultant service contract. This action is necessary due to on-going heavy workload and shortage of qualified, experienced, and knowledgeable Project Managers to complete budgeted capital improvement projects funded by various revenue sources as depicted in the FY 11/12 CIP budget.

VAS staff possesses a unique combination of skills as well as 30-plus years of industry experience. Their in-depth knowledge of the Public Contract Code, Green Book Specifications, and public works contracting practices, coupled with a vast network of contacts and experience with various Riverside County regional agencies has contributed to the successful execution of many complex public works projects. Two of the projects completed for the City by VAS staff received the Project of the Year Award from the American Public Works Association, Southern California Chapter.

VAS has a long-standing and proven track record of managing high-profile construction projects that are completed on time and within budget. Within the recent past, VAS has successfully completed the Kitching Street Improvements from Cactus Avenue to Alessandro Boulevard, which improved 2,800 linear feet of roadway segment to its General Plan width of four (4) travel lanes; the Lasselle Street Widening project, the widening of a one-mile stretch of roadway to its ultimate General Plan width of four (4) travel lanes; and the 2011 Citywide Bridge Maintenance Program, a project that repaired eight (8) bridges within the City. Previously, VAS constructed Pigeon Pass Road Widening, which completed improvements for missing segments of a two-mile section of roadway. VAS successfully completed several traffic signal construction projects such as the traffic signals at Cottonwood Avenue and Pattilynn Drive, Lasselle Street and Bay Avenue, and Lasselle Street and Cottonwood Avenue.

ALTERNATIVES

1. Approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all

parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "First Amendment to Agreement for On-Call Project Management Services" with VAS Associates, Inc. (VAS), 571 Ruth Circle, Corona, CA 92879 to provide temporary professional project management services for budgeted Capital Improvement Plan (CIP) projects on an as-needed basis, do not authorize the City Manager to execute said "First Amendment to Agreement for On-Call Project Management Services" with VAS, in the form attached hereto, and do not authorize a purchase order to VAS in the amount of $312,000 when "First Amendment to Agreement for On-Call Project Management Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

The current Agreement for Professional Consultant Services with VAS will be fully expended in by late 2011/early 2012. This new amendment to agreement in the amount of $312,000 is for on-going services throughout the anticipated duration of the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvement Projects. The new agreement termination date is June 30, 2013. Adequate funding is provided through the various budgeted capital improvement projects assigned to the consultant. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Avenue budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Amendment to Agreement for Professional Consultant Services will be funded through TUMF Capital Projects (Fund 415).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$196,000
Perris Boulevard Widening (Account No. 415.70225)	$116,000
Total	**$312,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for additional temporary project management consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, the First Amendment to Agreement for Professional Consultant Services with VAS is necessary to extend temporary professional staffing services to the Capital Projects Division. Staff recommends issuance of a purchase order to VAS in the amount of $312,000.00.

ATTACHMENT

Attachment "A" – First Amendment to Project Agreement for On-Call Project Management Services for Various Projects of the Capital Projects Division

Prepared By:
Kimberly Jester
Consultant Contract Administrative Assistant

Department Head Approval:
Chris A. Vogt, P.E
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FIRST AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

This First Amendment to Project Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and VAS Associates, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "PROJECT AGREEMENT FOR ON-CALL FY 10/11 PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION," hereinafter referred to as "Agreement," dated September 21, 2010.

Whereas, the Consultant is providing consultant Project Management services for budgeted Capital Improvement Plan (CIP) projects of the Capital Projects Division.

Whereas, it is desirable to amend the Project Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this First Amendment.

Whereas, the Consultant has submitted a Proposal dated June 14, 2011, for expansion of the scope of work to be performed. A copy of said Proposal is attached as “Exhibit A -- First Amendment” and is incorporated herein by this reference.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The Project Agreement termination date is extended from March 31, 2012 to June 30, 2013.

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

1.2 Exhibit “B” to the Project Agreement is hereby amended by adding to the scope of work section described in Exhibit “A” -- First Amendment, entitled "Consultant Proposal."

1.3 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “B” -- First Amendment, entitled “Cost Summary.”

1.4 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed” fee of $312,000, as set forth in the above-referenced Cost Summary, in consideration of the Consultant's performance of the work set forth in Exhibit “A” - First Amendment.

1.5 The total “Not to Exceed” fee for this contract is $597,000 ($285,000 for the original Agreement plus $312,000 for the First Amendment to Project Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

MV00115387

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROJECT MANAGEMENT SERVICES FOR VARIOUS PROJECTS OF THE CAPITAL PROJECTS DIVISION

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Amendment to Project Agreement.

City of Moreno Valley

BY: _____
City Manager

DATE: _____

APPROVED AS TO LEGAL FORM:

_____
City Attorney

DATE: _____

VAS Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

BY: _____

TITLE: _____
(Corporate Secretary)

Attachment: Exhibit "A" – Consultant Proposal
Exhibit "B" – Cost Summary

Revised Dec 2010

VAS Associates, Inc.
571 Ruth Circle
Corona, CA 92879-8088
(951) 314 2288
Viren50@hotmail.com

June 14, 2011

Prem Kumar, PE
Deputy Public Works Director/Assistant City Engineer
City of Moreno Valley
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Annual On-Call Professional Consultant Services-Project Management for Capital Improvements. Expansion of Services.

Dear Mr. Kumar:

VAS Associates, Inc. (VAS) is pleased to submit this proposal that expands services based on our recent discussions that identified needs of Capital Projects Division of Public Works Department based on recently adopted new set of priorities for the division in accordance with the following:

A) It is our understanding that previous assignment to VAS as identified in VAS letter dated August 2, 2010 to the City has now been expanded/revised to include the following projects:

- Design, Right of Way, Utilities Relocations and Construction phases for Perris Boulevard Widening from Ironwood to Manzanita Project.
- Completion of PS&E, Utilities Coordination and Construction phases for Cactus Avenue widening from Lasselle Street to Nason Street project.
- Completion of PS&E, Utilities Coordination and Construction phases for Nason Street improvements from Iris Avenue to Cactus Avenue project.
- Close out of 2011 Citywide Bridge Maintenance Program project.
- Completion of PS&E and Major Utilities Relocations for Kitching Street Improvements-Phase II from Gentian to Cactus project.
- Completion of PS&E including Utilities Relocation design for Reche Vista Drive Realignment project.

B) Our staff hourly billing rate will be $120/Hour. Standard Work Week will be based on a 40 Hours/Week.

EXHIBIT "A"

C) VAS services are requested at least until June 30, 2013 to ensure completion of the above-mentioned project assignments.

D) All other terms of the "Agreement for Annual On-Call Professional Consultant Services – Project Management for Capital Improvements" between the City of Moreno Valley and VAS will remain in force.

We look forward to continue to provide quality project management services to the City of Moreno Valley. If you have any questions, please do not hesitate to contact me at 951.314.2288.

Sincerely,

Viren Shah, PE
Principal

COST SUMMARY

1. The Consultant's compensation shall not exceed $597,000 ($285,000 for the original Agreement, plus $312,000 for the First Amendment to Agreement).
2. The consultant will submit an invoice to the City once a month for work completed and accepted by the City. At no time will the City pay for more services than have been satisfactorily completed, and the City Engineer's (or his/her representative's) determination of the amount due for any progress payment shall be final.
3. The Consultant's invoice shall include all subconsultant invoices for the same period as the Consultant's invoice.
4. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of receipt of invoice.

EXHIBIT "B"

APPROVALS	
BUDGET OFFICER	caf
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director / City Engineer

AGENDA DATE: July 12, 2011

TITLE: AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES WITH DMC DESIGN GROUP, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto.

3. Authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties.

BACKGROUND

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require

dedicated, knowledgeable, and efficient support with experience in assisting with these types of projects.

The Capital Projects Division currently receives Consultant Administrative Specialist services for several design and construction projects under an existing professional consultant service contract with RLZ Engineering, Inc. which is anticipated to be fully expended shortly. The key individual with RLZ Engineering, Inc. will be moving over to DMC Design Group, Inc. (DMC) and proposes to provide similar services through a new agreement with DMC.

Consultant staff will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with coordinating weekly meetings, permit and license processing, utility coordination, tracking consultant, vendor, and contractor progress, ensuring contract requirements are met, processing agreements and amendments, writing purchase requisitions and change orders, processing invoices for payment, labor and DBE compliance, as well as construction legal requirements.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes proficient review of certified payroll and vast knowledge of Department of Industrial Relations requirements, long-standing and proven history of processing contractor payments within 30 days including dealing with Stop Notices and release of retention in line with City financial and accounting procedures, understanding of the public bidding procedures and contract administration per the Public Contract Code, as well as processing Stop Notices and fulfilling Public Records requests in coordination with the City Clerk's Office. The Consultant staff has five years experience in Capital Projects and an additional five years experience in the construction engineering field for the private sector.

Consultant staff has a long-standing and proven track record of providing administrative support to on-time and on-budget projects such as the Lasselle Street Widening, Kitching Street Phase I Improvements, and the last two cycles of the Annual Bridge Maintenance Program. In addition to the services provided for the Cactus Avenue and Nason Street projects, the consultant staff will assist with the contract administration, accounting, invoice processing, as well as the development of the Five-Year CIP Budget for other approved projects on an as-needed basis.

The consultant staff will work on a full-time, 36-hour per week schedule. The Agreement termination date is June 30, 2013. DMC has acknowledged the current economic downturn that the City faces, and has reduced the hourly rate by approximately 2%.

ALTERNATIVES

1. Approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted

Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. T*his alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Agreement for Professional Consultant Administrative Services" with DMC Design Group, Inc. (DMC), 170 N. Maple Street, Corona, CA 92880-1703, to provide Professional Consultant Administrative Services for budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Agreement for Professional Consultant Administrative Services" with DMC, in the form attached hereto, and do not authorize a purchase order to DMC in the amount of $139,000 when said "Agreement for Professional Consultant Administrative Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted City capital improvement projects.*

FISCAL IMPACT

This proposed "Agreement for Professional Consultant Administrative Services" with DMC in the amount of $139,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$80,000
Perris Boulevard Widening (Account No. 415.70225)	$40,000
Moreno Beach Widening (Account No. 416.83428)	$7,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$139,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant administrative services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Agreement for Professional Consultant Administrative Services with DMC Design Group, Inc. Staff also recommends issuance of a purchase order to DMC in the amount of $139,000.00.

ATTACHMENT

Attachment "A" – Agreement for Professional Consultant Administrative Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File
W:\CapProj\CapProj\hirestaffconsultant\DMC Design Group\DMC Agreement Staff Report 7-12-11.DOC

AGREEMENT FOR PROFESSIONAL
CONSULTANT ADMINISTRATIVE SERVICES

This Agreement is by and between the City of Moreno Valley, California, a municipal corporation, hereinafter described as "City," and DMC Design Group, Inc., a California corporation, hereinafter described as "Consultant." This Agreement is made and entered into effective on the date the City signs this Agreement.

RECITALS

WHEREAS, the City has determined it is in the public interest to proceed with the work hereinafter described as "Project"; and

WHEREAS, the City has determined the Project involves the performance of professional and technical services of a temporary nature as more specifically described in Exhibit "A" (City's Scope of Work) and Exhibit "B" (Consultant's Proposal) hereto; and

WHEREAS, the City does not have available employees to perform the services for the Project; and

WHEREAS, the City has requested the Consultant to perform such services for the Project; and

WHEREAS, the Consultant is professionally qualified in California to perform the professional and technical services required for the Project;

THEREFORE, the City and the Consultant, for the consideration hereinafter described, mutually agree as follows:

AGREEMENT FOR PROFESSIONAL CONSULTANT ADMINISTRATIVE SERVICES

DESCRIPTION OF PROJECT

1. The project involves temporary administrative services for the Capital Projects Division associated with applicable capital improvements. The work will include administrative and accounting support services and other project-related duties as assigned.

SCOPE OF SERVICES

2. The Consultant's scope of service is described on Exhibit "B" attached hereto and incorporated herein by this reference. In the event of a conflict, the City's Scope of Services shall take precedence over the Consultant's Proposal.

3. The City's responsibility is described on Exhibit "C" attached hereto and incorporated herein by this reference.

PAYMENT TERMS

4. The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of **$139,000** in accordance with the payment terms provided on Exhibit "D" attached hereto and incorporated herein by this reference.

TERM OF AGREEMENT

5. This agreement will terminate on June 30, 2013 unless the termination date is extended by an amendment to the agreement.

TIME FOR PERFORMANCE

6. The Consultant shall commence services upon receipt of written direction to proceed from the City.

7. The Consultant shall perform the work described on Exhibit "A" in accordance with the schedule set forth herein.

8. The Consultant and the City agree that the schedule in Paragraph 7 above represents

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their best estimates with respect to completion dates, and both the Consultant and the City acknowledge that it will not unreasonably withhold approval of the Consultant's requests for extensions of time in which to complete the work required of the Consultant hereunder.

9. The Consultant shall not be responsible for performance delays caused by others or delays beyond the Consultant's reasonable control, and such delays shall extend the time for performance of the work by the Consultant. Delays caused by non-performance or unjustified delay in performance by a subconsultant of the Consultant are not considered to be beyond the Consultant's reasonable control.

10. (a) The Consultant agrees that the personnel, including the principal Project manager, and all subconsultants assigned to the Project by the Consultant, shall be subject to the prior approval of the City.

(b) No change in subconsultants or key personnel shall be made by the Consultant without written prior approval of the City.

SPECIAL PROVISIONS

11. It is understood and agreed that the Consultant is, and at all times shall be, an independent contractor and nothing contained herein shall be construed as making the Consultant or any individual whose compensation for services is paid by the Consultant, an agent or employee of the City, or authorizing the Consultant to create or assume any obligation or liability for or on behalf of the City.

12. The Consultant may also retain or subcontract for the services of other necessary consultants with the prior written approval of the City. Payment for such services shall be the responsibility of the Consultant. Any and all subconsultants employed by the Consultant shall be subject to the terms and conditions of this Agreement, except that the City shall have no

obligation to pay any subconsultant for services rendered on the Project.

13. The Consultant and the City agree to use reasonable care and diligence to perform their respective services under this Agreement. Unless hereinafter specified, neither party shall be responsible for the services of the other or any subcontractor or sub-consultant employed by the other party.

14. The Consultant shall comply with applicable federal, state, and local laws in the performance of work under this Agreement.

15. (a) The Consultant agrees to indemnify, defend, and save the City, the Moreno Valley Community Redevelopment Agency (RDA), and the Moreno Valley Community Services District (CSD), their officers, agents and employees harmless from any and all liability, claims, demands, damages, or injuries to any person, including injury to the Consultant's employees and all claims which arise from or are connected with the negligent performance of or failure to perform the work or other obligations of the Consultant under this Agreement, or are caused or claim to be caused by the negligent acts of the Consultant, its officers, agents or employees, or its subconsultant(s) or any person acting for the Consultant or under its control or direction; provided, however, that this indemnification and hold harmless shall not include claims arising from the sole negligence or willful misconduct of the City, RDA, and CSD, their officers, agents or employees.

(b) The City agrees to indemnify, defend and save the Consultant and their officers, agents and employees harmless from any and all liability, claims, damages or injuries to any person, including injury to the City's, RDA's and CSD's employees and all claims which arise from or are connected with the negligent performance or failure to perform the services or other obligations of the City under this Agreement, or are caused or claim to be caused by the negligent

acts of the City, RDA and CSD, their officers, agents or employees, or its subcontractor(s) or any person acting for the City or under its control or direction; provided, however, that this indemnification and hold harmless shall not include any claims arising from the negligence or willful misconduct of the Consultant, its officers, agents, or employees.

16. (a) The Consultant shall procure and maintain, at its sole expense, throughout the term of this Agreement and any extension thereof, Professional Errors and Omission Insurance coverage in the form and substance and with carriers acceptable to the City. Such coverage limits shall not be less than $1,000,000 per claim and aggregate.

(b) During the entire term of this Agreement, the Consultant agrees to procure and maintain General Liability Insurance in form and substance and with carriers acceptable to the City at its sole expense to protect against loss from liability imposed by law for damages on account of bodily injury, including death therefrom, suffered or alleged to be suffered by any person or persons whomever, resulting directly or indirectly from any act or activities of the Consultant, its sub-consultant or any person acting for the Consultant or under its control or direction, and also to protect against loss from liability imposed by law for damages to any property of any persons caused directly or indirectly by or from acts or activities of the Consultant or its subconsultants, or any person acting for the Consultant or under its control or direction.

(c) Such General Liability Insurance shall be maintained in full force and effect throughout the terms of the Agreement and any extension thereof in the minimum limits provided below:

GENERAL LIABILITY

Bodily Injury	$1,000,000 per occurrence
Property Damage	$ 500,000 per occurrence

A combined single limit policy with aggregate limits in the amount of $2,000,000 will be considered equivalent to the above minimum limits.

(d) If the operation under this Agreement results in an increased or decreased risk in the opinion of the City Manager, then the Consultant agrees that the minimum limits hereinabove designated shall be changed accordingly upon request by the City Manager.

(e) The Consultant shall procure and maintain, at its sole expense, and throughout the term of this Agreement and any extension thereof, Public Liability and Property Damage Insurance coverage for owned and non-owned automotive equipment operated on City premises. Such coverage limits shall not be less than $1,000,000 combined single limit.

(f) The Consultant shall procure and maintain, at its sole expense, Workers' Compensation Insurance in such amounts as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both the Consultant and the City, RDA and CSD against any loss, claim, or damage arising from any injuries or occupational diseases happening to any worker employed by the Consultant in the course of carrying out the Agreement.

(g) The City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents shall be named as additional insured on all policies of insurance except errors and omissions and worker's compensation.

(h) A Certificate of Insurance and appropriate additional insured endorsement evidencing the above insurance coverage shall be submitted to the City Clerk prior to the execution of this Agreement on behalf of the City.

(i) The Certificate of Insurance or an appropriate binder shall bear an

endorsement containing the following provisions:

> "Solely as respect to services done by or on behalf of the named insured for the City of Moreno Valley, it is agreed that the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, their officers, employees and agents are included as additional insured under this general liability policy and the coverage(s) provided shall be primary insurance and not contributing with any other insurance available to the City of Moreno Valley, the Community Redevelopment Agency of the City of Moreno Valley, and the Moreno Valley Community Services District, its officers, employees and agents, under any third party liability policy."

(j) Insurance companies providing insurance hereunder shall be rated (A minus: VII - Admitted) or better in Best's Insurance Rating Guide and shall be legally licensed and qualified to conduct insurance business in the State of California.

(k) The terms of the insurance policy or policies issued to provide the above insurance coverage shall not be amended to reduce the above required insurance limits and coverages nor shall such policies be canceled by the carrier without thirty (30) days prior written notice by certified or registered mail of amendment or cancellation to the City, except that cancellation for non-payment of premium shall require ten (10) days prior written notice by certified or registered mail. In the event the said insurance is canceled, the Consultant shall, prior to the cancellation date, submit to the City Clerk new evidence of insurance in the amounts established.

17. During the performance of this Agreement, the Consultant will not unlawfully

discriminate against any employee or applicant for employment because of race, religion, creed, color, national origin, sex, or age. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, religion, creed, color, national origin, sex, or age.

18. Consultant and subconsultants shall pay prevailing wage rates when required by the Labor Laws of the State of California.

19. (a) The Consultant shall deliver to the Public Works Director/City Engineer of the City or his designated representative, fully completed and detailed project-related documents which shall become the property of the City. The Consultant may retain, for its files, copies of any and all material, including drawings, documents, and specifications, produced by the Consultant in performance of this Agreement.

(b) The Consultant shall be entitled to copies of all furnished materials for his files and his subconsultants, if any.

(c) The City agrees to hold the Consultant free and harmless from any claim arising from any unauthorized use of computations, maps, and other documents prepared or provided by the Consultant under this Agreement, if used by the City on other work without the permission of the Consultant. Consultant acknowledges that Consultant work product produced under this agreement may be public record under State law.

20. (a) The City may terminate this Agreement without fault on the part of Consultant by giving at least ten (10) days written notice to the Consultant. The written notice shall specify the date of termination. Upon receipt of such notice, the Consultant may continue services on the project through the date of termination, provided that no service(s) shall be commenced or continued after receipt of the notice, which is not intended to protect the interest of

the City. The City shall pay the Consultant within thirty (30) days after the date of termination for all non-objected to services performed by the Consultant in accordance herewith through the date of termination. Such termination may be effective immediately.

(b) Either party may terminate this Agreement for cause. In the event the City terminates this Agreement for cause, the Consultant shall perform no further service(s) under the Agreement unless the notice of termination authorizes such further work.

21. This Agreement is binding upon the City and the Consultant and their successors and assigns. Except as otherwise provided herein, neither the City nor the Consultant shall assign, sublet, or transfer its interest in this Agreement or any part thereof without the prior written consent of the other.

22. A City representative shall be designated by the City and a Consultant representative shall be designated by the Consultant. The City representative and the Consultant representative shall be the primary contact person for each party regarding performance of this Agreement. The City representative shall cooperate with the Consultant, and the Consultant's representative shall cooperate with the City in all matters regarding this Agreement and in such a manner as will result in the performance of the services in a timely and expeditious fashion.

23. This Agreement represents the entire and integrated Agreement between the City and the Consultant, and supersedes all prior negotiations, representations or Agreements, either written or oral. This Agreement may be modified or amended only by a subsequent written Agreement signed by both parties.

24. Where the payment terms provide for compensation on a time and materials basis, the Consultant shall maintain adequate records to permit inspection and audit of the Consultant's time and materials charges under this Agreement. The Consultant shall make such records

available to the City at the Consultant's office during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records. Except as may be otherwise required by law, such records will be available only to the City. Such records shall be maintained by the Consultant for three (3) years following completion of the services under this Agreement.

25. The City and the Consultant agree that, to the extent permitted by law, until final approval by the City, all data shall be treated as confidential and will not be released to third parties without the prior written consent of both parties.

26. The Consultant shall employ no City official or employee in the work performed pursuant to this Agreement. No officer or employee of the City shall have any financial interest in this Agreement in violation of federal, state, or local law.

27. All Plans, drawings, Specifications, reports, logs, and other documents prepared by the Consultant in its performance under this Agreement shall, upon completion of the project, be delivered to and be the property of the City, provided that the Consultant shall be entitled, at its own expense, to make copies thereof for its own use.

28. The laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement, and shall also govern the interpretation of this Agreement.

SIGNATURE PAGE FOLLOWS

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

DMC Design Group, Inc.

BY: _____

TITLE:_____
(President or Vice President)

_____
Date

BY:_____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Scope of Work
Exhibit "B" – Consultant's Proposal
Exhibit "C" – City's Responsibility
Exhibit "D" – Terms of Payment

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

Revised 10/13/09

EXHIBIT “D”

SCOPE OF WORK

Contract Administration Specialist

The Contract Administration Specialist is responsible for working with appropriate technical staff in overseeing, coordinating, administrating, and managing public works projects. The Contract Administration Specialist shall provide necessary services to assist technical staff on capital improvement projects in various phases of design and construction. Typically, these projects involve street, storm drain, traffic signal, and public facility improvements.

Duties consist of compiling, administering, and monitoring public works contracts and projects; administering project budgets; coordinating and mailing RFP's, addendums and documents for bidding; performing vendor solicitations; organizing pre-bid conferences; evaluating bids, performing reference checks and preparing recommendations for contract award; organizing and participating in meetings including preparation and distribution of minutes; coordinating and scheduling required inspections, surveys and geotechnical tests; monitoring and updating project schedules; obtaining necessary permits; tracking project progress ensuring compliance with project standards and specifications including California Construction law in labor compliance and DBE requirements; processing, transmitting and tracking plan checks, RFI's, submittal reviews, progress payments, change orders, punch lists, warranty issues and contractor claims; coordinating project website development; researching and preparing final reports to support billings to County, State & Federal agencies to support a variety of funding obligations; maintaining detailed project files and preparing project status reports; reviewing and processing consultant, contractor, and vendor invoices for payment; processing journal entries; and reviewing project expenditures. The Specialist will also assist in development of procedures, policies, record keeping and duties as required related to overall administration of Capital Improvement Projects.

June 15, 2011

Prem Kumar, PE
City of Moreno Valley
Public Works Department
Capital Projects Division
14177 Frederick Street
Moreno Valley, CA 92552

SUBJECT: Temporary Staffing for Professional Administrative Consultant Services

Dear Mr. Kumar:

DMC Design Group, Inc. is pleased to submit this proposal for Temporary Staffing for Professional Consultant Services for the City of Moreno Valley.

Kimberly Jester is currently providing Consultant Contract Administrative Specialist services through an agreement with RLZ Engineering, Inc. Ms. Jester has provided these services through RLZ as well as a City employee since October 2006. As of September 1, 2011, Ms. Jester proposes to begin performing through DMC Design Group, Inc. (DMC).

Scope of Services and Fees:

Ms. Jester will provide consultant administrative specialist services, on a full-time (36 hours per week) basis at a rate of $61.00 per hour (inclusive of all miscellaneous reimbursable expenses, such as mileage, mobile phone calls, etc.) or at Not to Exceed Fee of $139,000 for approximate fifteen months of service. Authorized work beyond normal 36 hours workweek will also be billed at $61.00 per hour.

Fees will be invoiced monthly based on actual time expended. Payment will be based on actual time expended in furnishing authorized professional services during the preceding calendar month and will include an hourly cost breakdown of assigned project numbers.

If you have any questions regarding this proposal, please contact me at 951.549.8100.

Sincerely,

Donna A. Cosper

Enclosure: Kimberly Jester Resume

Exhibit "B'

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@hotmail.com ▼ 858.775.9318

EXPERIENCE

2008 - Present **City of Moreno Valley – *Contract Administration Specialist, RLZ Engineering, Inc.***
2006 – 2008 **City of Moreno Valley – *Management Assistant, City Staff***

- Prepare project-specific expenditure analyses; including routine review of reports to ensure available budget versus expenditures balance.
- Develop and utilize spreadsheets, databases and other computer applications to assist with assigned studies, projects and reports.
- Perform analytical and administrative assignments in connection with preparation and management of division budgets and grant-funded programs.
- Perform administrative, management, program and other analysis assignments in accordance with established procedures and practices.
- Write contracts for services and goods for approval by Department Head through City Manager approvals.
- Prepare and process purchase requisitions and change orders for services and goods for approval by Department Head through City Manager approvals.
- Process contractor and service invoices for payment; including detailed review and analysis of invoice to ensure that charges are correct and consistent with work done.
- Review certified payroll reports for construction projects.
- Write staff reports for presentation to City Council.
- Review, edit and proofread other staff members' reports for presentation to City Council.
- Prepare exhibits and attachments for staff reports, with high attention to the accuracy of detailed data from multiple sources.
- Conduct research, analyze data and draft policy and procedure documents to address identified needs and issues

2003 - 2006 **Masson & Associates, Inc. – *Operations Manager***
Civil Engineering and Land Surveying Firm

- Create, write, edit and enforce standard operating procedures managing daily operations and the activities of administrative personnel including standard operating procedures for all business correspondence.
- Engage in promoting good will for the company by writing or selecting favorable publicity material and releasing it through various communications media.
- Research market conditions in local, regional, or national areas to determine potential sales of services.
- Provide training and assistance on a daily basis to ensure proper procedures are followed.
- Proofread and edit all business correspondence, checking for grammatical, punctuation, style and formatting errors.
- Provide quality assurance reviews of all marketing materials.
- Ensure all technical documents such as Due Diligence Reports are free of any typographical, grammatical, and punctuation errors.
- Write, edit, place and track job advertisements.
- Write, edit and format Corporate Statement of Qualifications and routinely revise based on target client.
- Responsible for maintaining updated database of all departmental job descriptions for existing positions and creating new ones for new position.
- Assist in the analysis of data from survey sources to determine salary competitiveness.
- Maintain electronic and manual employee benefits records for employees.
- Maintain employee manual and update as needed to ensure compliance.
- Suggest advertising placement.
- Organize special events.

Exhibit "B-2"

MV00115412

Kimberly J. Jester
25572 Mountain Glen Circle
Sun City, CA 92585
kj_jester@hotmail.com ▼ 858.775.9318

1998-2003 **Mentus, *Office Manager***
Biotechnology Marketing Firm

- Proofread and edited all written material.
- Provided administrative support to five partners.
- Assisted with the dissemination of press releases four times monthly.
- Assisted media buyer with preliminary calls to publications for mechanical specifications, ad rates and editorial calendars.
- Assisted in creation of media plans.
- Assisted in client and product naming on a project basis.
- Coordinated travel for five employees, including CEO and Vice President of Creative, on a monthly basis.
- Organized special events for employees, clients and vendors, including, but not limited to annual holiday party for more than 60 guests.
- Created FileMaker Pro databases for prospecting new clients, travel coordination, and directory sales.
- Organized direct mailings to over 1,000 contacts.
- Facilitated, in conjunction with CFO, accounts payable and receivable, deposits, and the collection of past due accounts.
- Conducted ongoing Internet research for competitors of 30-plus current clients as well as researched industry trends.
- Coordinated weekly direct mailings to prospective clients for marketing team.
- Conducted orientation and training of newly hired employees.
- Updated Media Map and Online Media Atlas databases (web based data management program).

Education

San Diego State University, San Diego, CA

- Certification in Event and Meeting Planning
- Certification in Strategic Marketing in Action

University of San Diego, San Diego, CA
Sarah Lawrence College, Bronxville, NY

Professional Training Seminars

- Effective Proofreading and Business Writing, SkillPath Seminars
- Winning Proposals and Presentations, PSMJ
- Notary Public, State of California through 2010
- Strategies for Public Sector Contracting, Metropolitan Water District/San Diego County Water Authority
- Navigating the Maze of Leaves of Absence, Strategic HR
- Improving Employee Performance through Coaching, Strategic HR
- How to Manage the Front Desk, Skill Path Seminars

Computer Skills

Microsoft Office (including Project 2003, Publisher, Word, Excel, Outlook, PowerPoint), Adobe Acrobat, Internet, JD Edwards OneWorld

MV00115413

CITY - SERVICES TO BE PROVIDED

TO CONSULTANT

1. Furnish the Consultant all in-house data which is pertinent to services to be performed by the Consultant and which is within the custody or control of the City, including, but not limited to, copies of record and off-record maps and other record and off-record property data, right-of-way maps and other right-of-way data, pending or proposed subject property land division and development application data, all newly developed and pertinent design and project specification data, and such other pertinent data which may become available to the City.
2. Provide timely review, processing, and reasonably expeditious approval of all submittals by the Consultant.
3. Provide timely City staff liaison with the Consultant when requested and when reasonably needed.

EXHIBIT "C"

TERMS OF PAYMENT

1. The Consultant's compensation shall not exceed **$139,000.**
2. The Consultant will submit an invoice to the City once a month for progress payments along with documentation evidencing services completed to date. The progress payment is based on actual time or tasks performed and materials expended in furnishing authorized professional services during the preceding calendar month. Monthly invoices will specifically identify job title, person-hours and costs incurred by each task. At no time will the City pay for more services than have been satisfactorily completed and the City Engineer's determination of the amount due for any progress payment shall be final.
3. The City shall pay the Consultant for all invoiced, authorized professional services within thirty (30) days of completing the referenced milestones as determined by the City.
4. Any payment request determined not to be a proper payment request suitable for payment may be returned as soon as seven calendar days, after receipt, specifying the reasons that the payment request is not a proper payment request.

Revised 10/13/09

EXHIBIT "D"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES WITH SA ASSOCIATES, INC.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects.

2. Authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto.

3. Authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties.

BACKGROUND

On July 8, 2008, the City Council approved the "Agreement for Professional Consultant Services" with SA in the amount of $350,000 for temporary professional consultant services for the Capital Projects Division. On February 10, 2009, City Council approved the "First Amendment to Agreement for Professional Consultant Services" with SA for an additional $350,000. On November 11, 2009, the City executed the "Second Amendment to Agreement for Professional Consultant Services" with SA for a time extension only. On November 18, 2010, the City executed the "Third Amendment to Agreement for Professional Consultant Services" with SA for an additional time extension, extending the termination date of the contract to December 31, 2011.

On June 14, 2011, the City Council approved an $85.773 million CIP Budget. Adequate personnel resources are required to ensure that these projects are successfully managed and completed in a timely manner and within budget.

DISCUSSION

On April 26, 2011, City Council approved the Economic Development Action Plan that re-sequenced a number of Capital Improvements Projects, allowing for the funding of Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects identified to cost up to $23 million. On June 14, 2011, City Council approved the FY 11/12 CIP budget including funding for the two referenced projects. These fast-tracked projects will require dedicated, knowledgeable, and efficient technical engineering support with experience in assisting with these types of projects.

SA Associates staff, in the capacity of in-house technical consultant, will directly assist the Project Manager for the Cactus Avenue and Nason Street projects with mapping including plot preparation and reproduction, preparation of project schedules, utility coordination, and other technical engineering related tasks as necessary for the successful completion of the projects. Such technical services will be rendered for other funded CIP projects on an as-needed basis.

Consultant staff has a unique background and skill set that is essential to the Division. Key experience includes extensive designing and drafting utilizing Auto Cad 3D Civil software, preparation of legal descriptions, plats, and boundary closures in coordination with right of way agents, and preparation of engineering cost estimates for multiple uses including the Development Impact Fee (DIF) Nexus Study Report. In addition, consultant staff has been integral in the securing of $1.3 million in grant monies including $900,000 for the Highway Safety Improvement Program (HSIP), $170,000 for the Bicycle Transportation Account (BTA), and $254,000 for the Safe Routes to School Program (SR2S).

The consultant staff has a long-standing and proven track record of providing exceptional support to projects such as the School Walkway Infill, Public Safety Building Tenant Improvements and Expansion, Emergency Operations Center construction, and Iris Street Improvements. The consultant staff also provides technical services for the 5-year Capital Improvements Plan (CIP) and will continue to assist with the design of Street Improvement Program (SIP) and Citywide Annual Pavement Resurfacing Program Plans.

The consultant will work on a full-time, 36-hour per week schedule. The Agreement termination date is extended to June 30, 2013.

ALTERNATIVES

1. Approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and authorize a Change Order to increase the

Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will provide resources to assist staff to complete budgeted City capital improvement projects.*

2. Do not approve the "Fourth Amendment to Agreement for Professional Consultant Services" with SA Associates, Inc. (SA), 1130 W. Huntington Drive, Unit 12, Arcadia, CA 91007 to provide Professional Consultant Services budgeted Capital Improvement Plan (CIP) projects, do not authorize the City Manager to execute said "Fourth Amendment to Agreement for Professional Consultant Services" with SA, in the form attached hereto, and do not authorize a Change Order to increase the Purchase Order to SA in the amount of $185,000 when "Fourth Amendment to Agreement for Professional Consultant Services" has been signed by all parties. *This alternative will delay the design and construction of budgeted capital improvement projects.*

FISCAL IMPACT

The current Amendment to the Agreement for Professional Consultant Services will be expended by September 2011. This proposed "Fourth Amendment to Agreement for Professional Consultant Services" with SA in the amount of $185,000 is for on-going services throughout the anticipated duration of the Cactus Avenue and Nason Street projects. The new agreement termination date is June 30, 2013. The agreement provides the City with the ability to terminate the agreement by giving at least ten days written notice to the consultant.

Sufficient funds are available in the Cactus Avenue and Nason Street budgets (Account No. 125.New) to encumber the purchase order. As costs for projects other than Cactus Avenue and Nason Street projects are incurred, the expenditures will be transferred to the capital projects for which services were performed. The remaining associated costs for the Agreement for Professional Consultant Services will be funded through Measure A Funds (Fund 125), TUMF Capital Projects (Fund 415), and DIF Arterial Streets (416).

Consultant Service Funding Allocation in FY 11/12

Cactus Avenue and Nason Avenue (Account No. 125.New)	$75,000
Perris Boulevard Widening (Account No. 415.70225)	$32,000
Perris Boulevard Widening (Account No. 415.70125)	$32,000
SR 60 Nason and Moreno Beach Improvements (Account No. 415.70024)	$24,000
Moreno Beach Widening (Account No. 416.83428)	$10,000
Heacock Street Bridge Rehabilitation (Account No. 125.66825)	$12,000
Total	**$185,000**

Funding for this project is restricted to capital improvements and cannot be utilized for operational activities. There is no impact on the General Fund.

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Due to the need for experienced consultant services for the Cactus Avenue between Lasselle Street and Nason Street and Nason Street between Cactus Avenue and Iris Avenue Improvements Projects, staff recommends authorizing the Fourth Amendment to Agreement for Professional Consultant Services with SA Associates, Inc. Staff also recommends issuance of a purchase order to SA in the amount of $185,000.00.

ATTACHMENT

Attachment "A" - First Amendment to Agreement for Professional Consultant Services

Prepared By:
Viren A. Shah, P.E.
Consultant Project Manager

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director / City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director / Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

c: File

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FOURTH AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

This Fourth Amendment to Agreement is by and between the CITY of MORENO VALLEY, a municipal corporation, hereinafter referred to as "City," and **SA Associates, Inc.**, a California corporation hereinafter referred to as "Consultant." This Fourth Amendment to Agreement is made and entered into effective on the date the City signs this Amendment.

RECITALS:

Whereas, the City and Consultant entered into an Agreement entitled "AGREEMENT for PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Agreement," dated July 29, 2008.

Whereas, the Consultant is providing professional consultant services for various projects of the Capital Projects Division.

Whereas, the Agreement was amended on February 10, 2009 to extend the professional consultant services in the First Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 11, 2009 to extend the termination date for professional consultant services in the Second Amendment to Agreement for Professional Consultant Services.

Whereas, the Agreement was amended on November 18, 2010 to extend the termination date for professional consultant services in the Third Amendment to Agreement for Professional Consultant Services.

Whereas, it is desirable to amend the Agreement to expand the scope of the work to be performed by the Consultant as is more particularly described in Section 1 of this Fourth Amendment.

Attachment "A"

AMENDMENT TO AGREEMENT FOR
PROFESSIONAL CONSULTANT SERVICES

Whereas, it is desirable to amend the Agreement termination date as is more particularly described in Section 1 of this Fourth Amendment.

SECTION 1 AMENDMENT TO ORIGINAL AGREEMENT:

1.1 The Agreement termination date is extended from December 31, 2011 to June 30, 2013 by this Amendment.

1.2 Exhibit "A" to the July 29, 2008 Agreement is hereby amended by adding to the "Scope of Work" section described in Exhibit "A" to this Fourth Amendment, entitled "Amended Scope of Work".

1.3 The City agrees to pay the Consultant and the Consultant agrees to receive a "Not-to-Exceed" fee of $185,000.00, as set forth in the above-referenced "Amended Scope of Work", in consideration of the Consultant's performance of the work set forth in Exhibit "A" to this Fourth Amendment.

1.4 The total "Not to Exceed" fee for this contract is $885,000.00 ($350,000.00 for the original Agreement plus $350,000.00 for the First Amendment to Agreement, plus $0.00 for the Second and Third Amendments to Agreement, plus $185,000.00 for the Fourth Amendment to Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

AMENDMENT TO AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement.

City of Moreno Valley

BY: _____
City Manager

_____
Date

INTERNAL USE ONLY

APPROVED AS TO LEGAL FORM:

_____
City Attorney

_____
Date

RECOMMENDED FOR APPROVAL:

_____
Department Head

_____
Date

SA Associates, Inc.

BY: _____

TITLE: _____
(President or Vice President)

_____
Date

BY: _____

TITLE: _____
(Corporate Secretary)

_____
Date

Attachments: Exhibit "A" – Amended Scope of Work

Revised Feb 2009

Amended Scope of Work

Summary Scope of Work for Professional Consultant Services

SA Associates, Inc. staff will work as directed by the City Engineer in accordance with Page 1 of Exhibit "A" (inclusive of all miscellaneous reimbursable expenses, such as mileage, phone calls, etc.). The City may assign a variety of projects and tasks to the assigned SA Associates, Inc. staff members. The City Engineer has the right to review any proposed personnel replacement or additions and associated rate changes.

In addition to the scope of work defined in Exhibit "A" of the July 29, 2008 Agreement for Professional Consultant Services, the scope of work is amended as follows:

Tasks

1) Work on a variety of tasks and projects as assigned by the City Engineer.

2) The total "Not-to-Exceed" fee for the aforementioned services is $885,000 ($350,000 for original Agreement in July 2008, plus $350,000 for First Amendment to Agreement in February 2009, plus $0.00 for the Second and Third Amendments to Agreement in November 2009 and November 2010 respectively, plus $185,000 for the Fourth Amendment to Agreement).

3) The current assignment involves Deepak Solanki, Technical Consultant, at $75 per hour on an as-needed basis.

EXHIBIT "A"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: RESOLUTION DECLARING THE REAL PROPERTY AS EXCESS AND SETTING A PUBLIC HEARING AUTHORIZING SALE FOR REMAINDER OF PARCEL - APN 475-272-054 (PART OF IRONWOOD AVENUE IMPROVEMENTS FROM HEACOCK STREET TO PERRIS BOULEVARD)

RECOMMENDED ACTION

Staff recommends that the City Council:

Approve and adopt Resolution No. 2011-74 to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property.

BACKGROUND

On May 25, 2010 the City Council approved acquisition of the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. The City acquired title to the property on July 29, 2010. The house on the property was demolished in May 2011 to make way for the proposed improvements. The property was acquired utilizing TUMF funds due to the direct transportation corridor related improvements that are required.

DISCUSSION

The improvements fronting this property along Ironwood Avenue and Davis Street will include a new curb ramp, sidewalks, and the relocation of power poles fronting Ironwood Avenue. The ultimate public right of way will be 44 feet from the centerline

along Ironwood Avenue and 33 feet from the centerline along Davis Street at the northwest corner.

The original lot size was 7,759 square feet, and purchased at $124,500. The ultimate improvements at the northwest corner of Ironwood Avenue and Davis Street, abutting to this property will occupy 2,534 square feet. The remaining vacant land, with an area of 5,225 square feet, is excess, not needed for public purposes, and considered a substandard residential lot in the current zone R5. The potential use and development of this remaining land is very limited but a single family home may be constructed subject to review and approval of a variance by the Planning Division. If the City retains ownership and the land remains vacant, it will require periodic on-going maintenance and weed abatement services most likely funded with General Fund monies as the surplus property is not needed for transportation related purposes. Therefore, City Council is being asked to set a public hearing date for August 23, 2011 at 6:30 p.m. at City Hall to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222. If there are no issues identified at the public hearing, the property would be offered for sale to qualified public agencies within a 60-day time frame. If there is no interest from a qualified public agency, the City could but would not be obligated, to put the property up for sale to the public at the expiration of the 60-day period.

The hearing is required by California Government Code, Section 37422. If City Council approves setting the hearing date, the Resolution will be published in the Press Enterprise, and the Resolution will be posted at the real property.

ALTERNATIVES

1. Adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative would allow the City to have a hearing to potentially sell the excess land.*

2. Do not adopt the Proposed Resolution to declare the real property, APN 475-272-054, as excess, set a public hearing to identify any issues with the sale of the remainder parcel, and authorize staff to solicit offers for the purchase of said real property. *This alternative will result in delaying or stopping the potential sale of excess land.*

FISCAL IMPACT

There is no material fiscal impact to the adoption of the Proposed Resolution.

SUMMARY

The City acquired the entire property APN 475-272-054, located at 11987 Davis Street in Moreno Valley in order to attain the required right of way for the

Ironwood Avenue street improvements project from Heacock Street to Perris Boulevard and the Southern California Edison power pole relocation. Once the improvements are constructed, the remaining property area of 5,225 square feet can be disposed of as surplus property. If the City retains ownership of this property, it would require periodic on-going maintenance and weed abatement services. Therefore, City Council is being asked to set a public hearing date to allow for the potential selling of the property as surplus land in accordance with Government Code section 54222.

ATTACHMENTS

Attachment "A" – Location Map
Attachment "B" – Proposed Resolution

Prepared By:
Henry Ngo
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\CapProj\CapProj\PROJECTS\Henry - 06-50182625 Ironwood - Heacock to Perris\CC Reports\Real Property\7-12-11 Resolution for Surplus Land Sale APN 475-272-054 b.doc

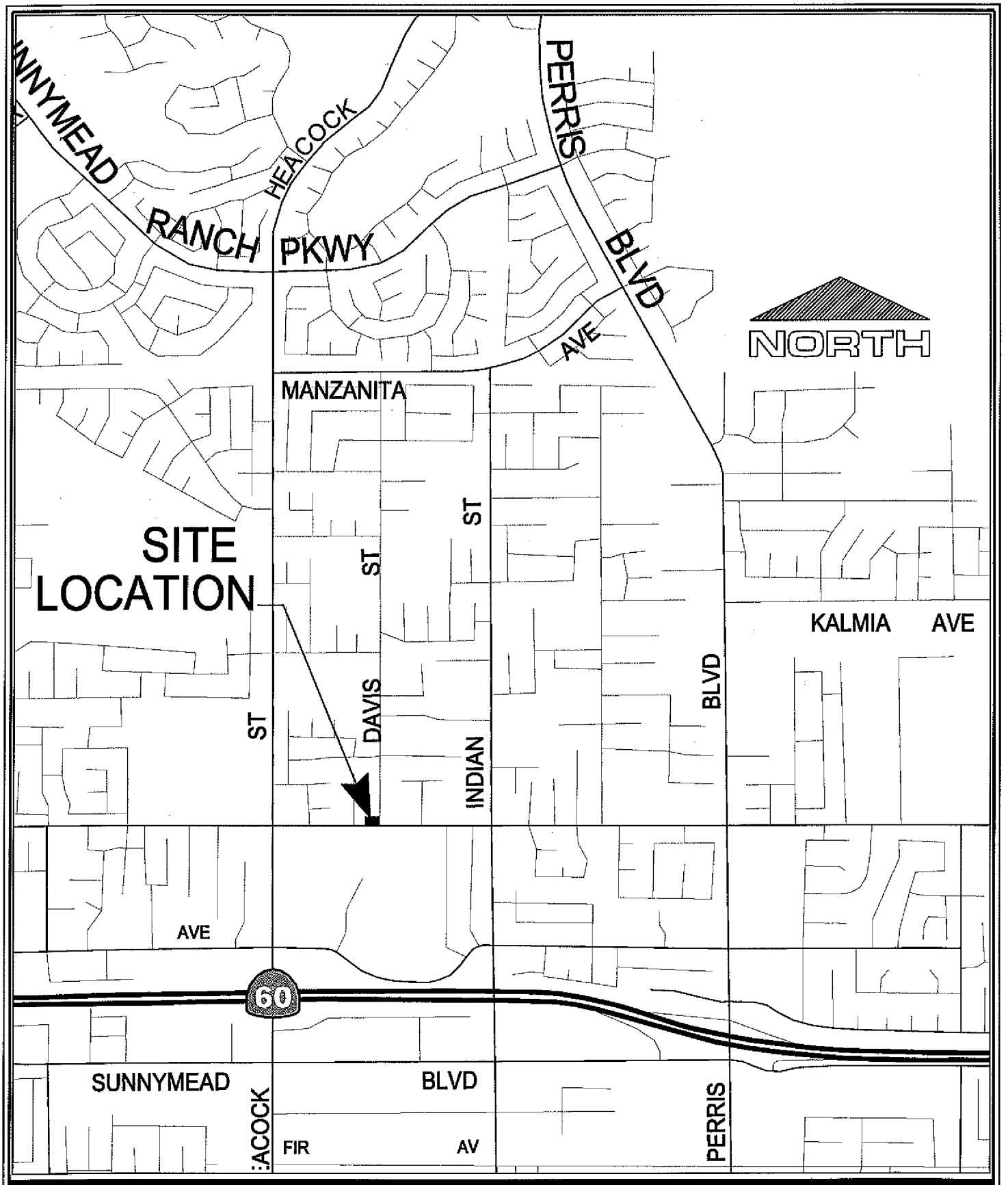

LOCATION MAP

Scale: None	11987 DAVIS STREET APN 475-272-054
ATTACHMENT "A"	EXCESS PROPERTY- 0.12 ACRES

MV00115427

RESOLUTION N0. 2011-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FINDING AND DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF A REMAINDER PARCEL EXCESS TO PUBLIC USE.

WHEREAS, the City Council of the City of Moreno Valley desires to sell the remainder parcel APN 475-272-054, total area of 5,225 square feet, as described in Exhibit "A", that is attached hereto; and

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY FIND, DETERMINE, RESOLVE, DECLARE AND ORDER as follows:

1. The time and place for hearing protests to the sale of said real property shall be held on August 23, 2011, at 6:30 p.m. at City Hall, located at 14177 Frederick Street, Moreno Valley, California.
2. The City Council finds that the public interest and convenience require the sale of the subject real property for the following reasons:
    a) The real property is excess to that needed for public purposes; and
    b) There is an on-going cost to maintain and weed abate if ownership is retained by the City; and
    c) It is advantageous to return the property to private ownership for use and maintenance.
3. The City Clerk shall publish a copy of this Resolution in the Press Enterprise, a daily newspaper and shall cause a copy of said Resolution to be posted at the real property.

Resolution No. 2011-74
Date Adopted: July 12, 2011

Attachment "B"

4. At the hearing, any interested person may protest to the proposed sale. Any protests must be overruled by a 4/5ths vote of the Council members.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

LEGAL DESCRIPTION

In the City of Moreno Valley, that remainder parcel of land being a portion of lot 63 as shown on the map of Moreno Acres, filed in Book 11 of Maps, Page 53, records of the County of Riverside, State of California, more particularly described as follows:

BEGINNING at the southwestly corner of the east half of the east half of said lot 63; thence North 00°07'15" East, a distance 14 feet to a point 44 feet northly of the centerline of Ironwood Avenue, said point being the **TRUE POINT OF BEGINNING**;

Thence North 00°07'15" East, 41.50 feet along the east property line; thence N 89°50'30" East, 132.48 feet along the north property line to a point on a line parallel with and distant 33.00 feet westerly of Davis Street centerline; thence South 00°06'30" West, 18.66 feet along said line; thence Southwestly, a distance of 33.13 feet to a point on a line parallel with and distant 44.00 feet northerly of Ironwood Avenue centerline; thence South 89°50'30" West, a distance of 108.60 feet, more or less, along said last mentioned parallel line to the **TRUE POINT OF BEGINNING.**

The land described herein contains approximately 5,225 square feet (0.12 acres).

See Sheet 2 of 2 for a plat depicting the above described property.

APN: 475-272-054

CITY OF MORENO VALLEY,
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
POR. LOT 63 ON MAP OF MORENO ACRES
BOOK 11 PAGE 53

EXHIBIT "A"
SHEET 2 OF 2

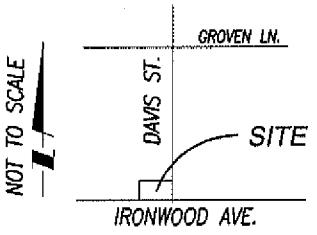

VICINITY MAP

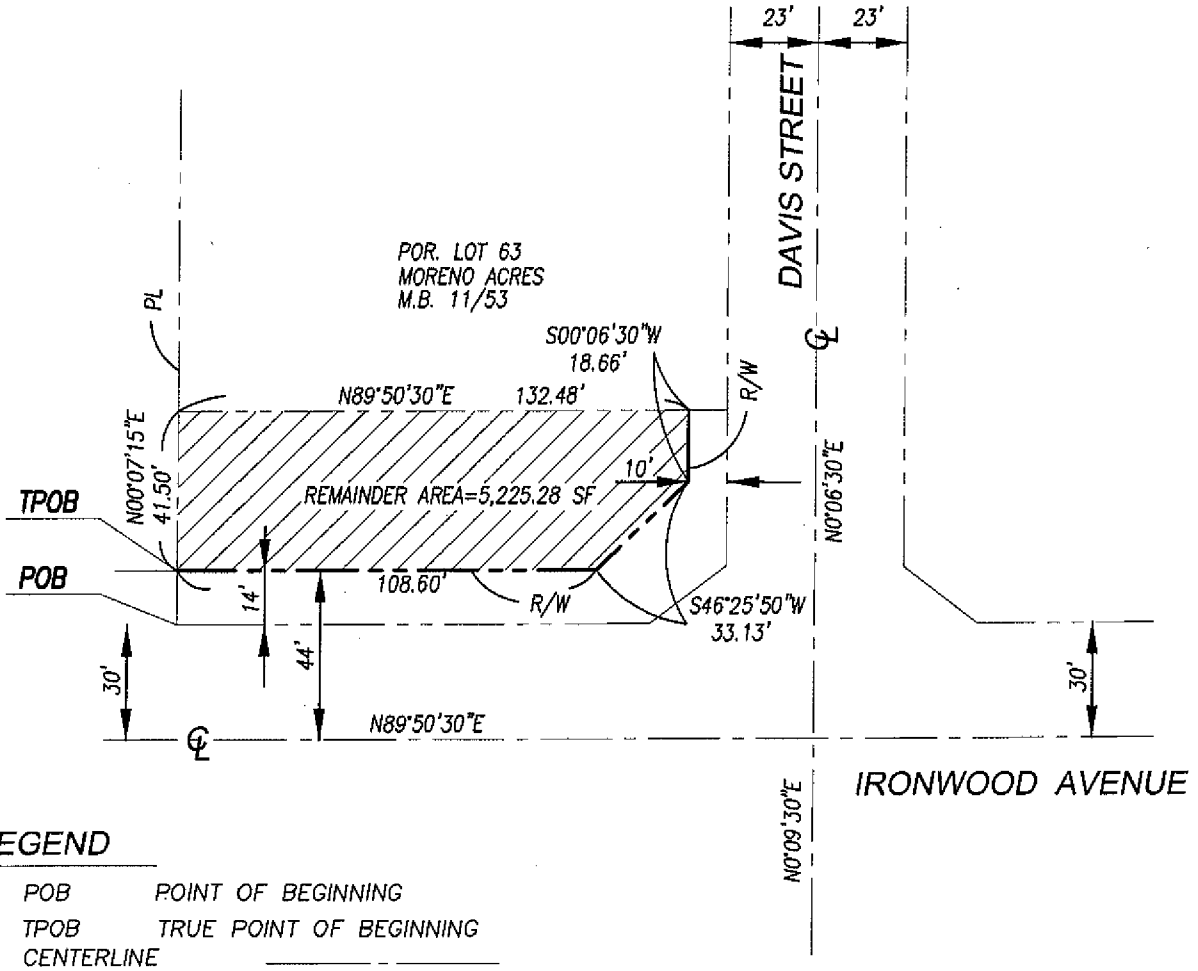

LEGEND

1. POB — POINT OF BEGINNING
2. TPOB — TRUE POINT OF BEGINNING
3. CENTERLINE
4. EXISTING ROW
5. NEW ROW
5. PROPERTY LINE

REMAINDER AREA = 5,225.28 SF

SCALE: 1"=50'

CITY OF MORENO VALLEY	PREPARED FOR: PLAT MAP FOR 11987 DAVIS STREET APN 475-272-054

File: Y:\Henry - 05-50182625 Ironwood - Heacock to Perris\Design Phase\Auto CAD\Phase II ROW\Exhibit A 11987 Davis St.dwg Jun 14, 2011

MV00115432

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: APPROVE A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES FOR MORENO VALLEY UTILITY

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Approve Resolution No. 2011-75 amending the Electric Rates for Moreno Valley Utility

BACKGROUND

On July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges for the City of Moreno Valley's Electric Utility, or Moreno Valley Utility (MVU). Electric Rule 12 entitled "Rates and Optional Rates" of that document states that the rates to be charged by and paid to the City's utility for electric service will be the rates legally in effect and on file with the Electric Utility Division, Department of Public Works. At its meeting on December 9, 2003, the City Council approved Ordinances 650 and 651 providing for the establishment and adjustment of electric rates by resolution.

DISCUSSION

Consistent with Ordinances 650 and 651, the resolution considered in this action amends MVU's Electric Rates. A complete copy of the proposed *Electric Rates* document is available for review in the Public Works Department, Electric Utility Division office. To ensure the City's rates are just and reasonable and to ensure that the City's rates are set at a level sufficient to cover the utility's costs, it will be necessary for the City Council to approve an adjustment of the rates that MVU charges customers for

service from time to time. Due to the structure of MVU's rates, the customer's usage will ultimately determine the impact of this proposed rate adjustment on their monthly bill.

For example, the proposed rate adjustment considered in this council action will affect a residential customer who uses 600 kWh in a month differently than a customer who uses 1000 kWh in a month. The proposed rate changes considered in the council action will result in an increase of MVU's rate schedules for both the summer season and winter season. Pursuant to MVU's rates, the summer season begins at 12:00 am on the first Sunday in June and continues until 12:00 am on the first Sunday in October. The winter season begins at 12:00 am on the first Sunday in October, and continues until 12:00 am on the first Sunday in June of the following year. In other words, there are four months in the summer season, and eight months in the winter season.

If the City Council approves the proposed rate adjustments, the impact to each class of customers is described in the tables below:

Average Residential Schedule A	**SUMMER**		**WINTER**	
600 kWh usage	-$1.68	-2.03%	-$3.52	-3.39%
1,000 kWh usage	-$6.56	-3.64%	-$9.02	-4.12%

Average Small Commercial Schedule B	**SUMMER**		**WINTER**	
2,978 kWh usage	-$43.64	-7.86%	-$24.11	-5.74%

Average Large Commercial Schedule C	**SUMMER**		**WINTER**	
24,531 kWh usage, Demand of 100 kW	-$407.22	-7.61%	-$133.35	-4.11%

Average Large Commercial, TOU Schedule TOU-LGS	**SUMMER**		**WINTER**	
386,896 kWh usage, Demand of 865 kW	-$5,369.69	-7.70%		
392,333 kWh usage, Demand of 666 kW			-$2,087.99	-5.48%

Average Traffic Controller Schedule TC-1	SUMMER		WINTER	
364 kWh usage	-$2.83	-4.77%	-$2.83	-4.77%

Average Streetlight	SUMMER		WINTER	
Schedule SL-1 9,500 Lumen (973 lights)	-$147.57	-1.15%	-$147.57	-1.15%
Schedule SL-1 22,000 Lumen (317 lights)	-$160.97	-2.89%	-$160.97	-2.89%
Schedule SL-2 27,500 Lumen (139 lights)	-$103.49	-5.88%	-$103.49	-5.88%
Schedule SL-3 (per lamp)	$2.18	0.51%	$2.18	0.51%

If approved by the City Council, these changes will become effective at 12:00 a.m. on July 13, 2011.

Pursuant to Section 5 of the Professional Services Agreement by and between the City of Moreno Valley and ENCO Utility Services Moreno Valley, LLC, the City is obligated to adjust its rates from time to time so that the City's electric rates remain roughly equivalent to the otherwise applicable investor owned utility rate schedules. This council action will true-up MVU's rates to comply with this obligation, and comply with State law. If adopted, the net impact upon MVU customers will be a reduction in rates.

ALTERNATIVES

1. Approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *The amendment of the Electric Rates will allow the City's utility to recover its costs for service, and to offer competitive rates.*

2. Do not approve proposed resolution amending the Electric Rates for Moreno Valley Utility as on file in the Electric Utility Division, Public Works Department. *This would restrict the City's utility in its ability to recover utility costs, and also its ability to offer competitive rates.*

FISCAL IMPACT

As rates are adjusted, revenues will reflect the adjustments. Utility revenues are projected to decrease if the proposed changes are adopted by the City Council.

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
The municipal electric utility will generate revenues to provide funding for City programs and services over time. These revenues will help achieve important financial goals of the City.

POSITIVE ENVIRONMENT:
The proposed rate adjustments ensures timely changes to the rates of the City's utility, and helps to create a positive environment for economic development within the community. The City of Moreno Valley will offer competitive rates and will help the City create new, well paying jobs.

NOTIFICATION

Posting of the Agenda.

Attachments

Attachment 1 – Proposed Resolution

Prepared By: Jeannette Olko
Electric Utility Division Manager

Department Head Approval: Chris A. Vogt, P. E
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\Electric Utility\Administration - Finance\Staff Reports\2011 SR's\SR - Rate and Rules Adjustments 12 July 2011.doc

RESOLUTION NO. 2011-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, TO AMEND THE ELECTRIC RATES, AND ELECTRIC SERVICE RULES, FEES, AND CHARGES FOR MORENO VALLEY UTILITY

WHEREAS, the City of Moreno Valley (the "City"), a municipal corporation, is authorized pursuant to Article XI, Section 9(a) of the California Constitution to establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication; and

WHEREAS, on June 26, 2001, the City Council of the City of Moreno Valley approved Resolution No. 2001-33 and, as amended by Resolution 2002-46, authorized the formation of a municipally owned utility for the purpose of providing electrical power, storm water, telephone telecommunications, cable TV, water, natural gas, and sanitary sewer; and

WHEREAS, on July 8, 2003, the City Council approved Resolution No. 2003-58 adopting the Electric Service Rules, Fees and Charges document for Moreno Valley Utility which states, in part, that the rates to be charged by and paid to the City for electric service will be the rates legally in effect and on file with the City Council; and

WHEREAS, there are sections of the Electric Service Rules, Fees and Charges document that contain rules which define the terms and conditions under which electric service will be provided to the customer; and

WHEREAS, there are rules, fees, charges, and rates associated with providing the services identified in the document. These rules, fees, charges, and rates are deemed necessary and equitable for services rendered and are required to fund in whole or in part, all of the services required to facilitate the delivery of electric distribution pursuant to the rules; and

WHEREAS, Urgency Ordinance No. 651 was adopted by the City Council on December 9, 2003, allowing for the adoption of rates by resolution.

Resolution No. 2011-75
Date Adopted: July 12, 2011

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council hereby adopts the amended Moreno Valley Utility Electric Rates and Electric Service Rules, Fees, and Charges as on file in the Public Works Department.

APPROVED AND ADOPTED this 12th day of July 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Resolution No. 2011-75
Date Adopted: July 12, 2011

RESOLUTION JURAT

[Clerk's office will prepare]

[**NOTE: Any attachments or exhibits to this resolution should follow this jurat.]**

Resolution No. 2011-75
Date Adopted: July 12, 2011

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Richard Teichert, Financial and Administrative Services Director

AGENDA DATE: July 12, 2011

TITLE: Approve Three-Year Agreement with Canon Business Solutions to Extend the Current Copier Contract

RECOMMENDED ACTION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

SUMMARY

In June of 2006 the City awarded the copier agreement to the Canon Copier Company from the Request for Proposal No. 05/06-08. Canon has worked closely with the city to provide the latest technology for copying, printing and scanning from their machines. Canon support staff is very responsive and work well with city staff on handling any problems or concerns. The current and proposed extension agreement includes both a cost-per-copy and annual maintenance agreement.

BACKGROUND

The Purchasing & Facilities Division has the responsibility to provide copy machines and their necessary maintenance for City offices. The copier fleet consists of 26 machines throughout city facilities. The City utilizes the cost-per-copy method that allows for a not-to-exceed amount of copies per quarter. Payment for all copier operational costs is handled through division operating budgets via the internal service fund charge-back system. When applicable, overage copy counts are added to the base amount on a quarterly basis.

Digital state-of-the-art technology in modern copy machines provide electronic networking which will allow staff to send print to a copier from the desktop when desired. Additionally, scanning to server capabilities is built into the copiers. The agreement provides fixed base pricing for the duration of a three-year period based on a year-by-year annual approved encumbrance in the City budget. The agreement provides that the City may upgrade, add or delete functions, services or products to the program as needs change throughout the contract period.

DISCUSSION

During the city's effort of asking for vendor participation in a 10% pricing reduction, the Canon company offered a 23.75% ($9,538 per month vs. $7,273 per month) overall decrease in exchange for our three-year extension agreement. This represents a monthly savings of $2,265 and translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. Additionally, Canon will exchange a total of six existing older machines for brand new copiers, at no cost to the city, due to excessive meter counts.

ALTERNATIVES

1. Staff recommends that the City Council award the three-year extension agreement to Canon Business Solutions in the total amount of $261,828 as being in the best interest of the City.

2. Elect to not award the three-year extension agreement copier agreement to Canon and provide further direction to staff.

FISCAL IMPACT

Approval of Alternative No. 1 will obligate the City to a base annual expenditure in Account Number 00754.75440.6281 of:

- $174,552 ($87,276 for each of years one and two). These funds are provided for in the City Manager's recommended FY 2011/2012 and FY 2012/2013 budgets.
- $87,276 where budgets are subsequently approved in FY 2013/2014.

Approving this contract extension represents monthly savings of $2,265 from the existing base contract cost. This translates to $27,810 annually or a total of $81,540 over the 3 year contract extension period. This contract directly affects the Internal Service Fund – Facilities.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the three-year agreement to extend the current contract with Canon Business Solutions in the total base amount of $261,828, representing a 23.75% price decrease or total savings of $81,540, as being in the best interest of the City.

ATTACHMENTS/EXHIBITS

Prepared By:
Name Rix Skonberg
Title Purchasing & Facilities Division Manager

Department Head Approval:
Name Richard Teichert
Title Financial & Administrative Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

AMENDMENT TO FACILITIES MANAGEMENT AND SERVICE AGREEMENT

This AMENDMENT No. 4 ("Amendment") is effective as of July 1, 2011 ("Effective Date") and supplements/modifies the Facilities Management and Service Agreement dated June 19, 2006, as amended (collectively, the "Agreement") between Canon Business Solutions Inc. ("CBS") and **the City of Moreno Valley** ("Customer") as follows:

1. All defined terms shall have the meanings set forth in the Agreement unless expressly defined herein.

2. Paragraph 2 of the Preamble of the Agreement is striken in its entirety and superseded by the following: Customer has during the term of the Agreement acquired by lease from a third party (or previously owned) the Items of equipment referenced in Addendum A to the Agreement ("Customer Owned Equipment").

3. As of the effective date, CBS agrees to provide to the Customer equipment ("Equipment") and FM Services for the Equipment and Customer Owned Equipment under the terms and conditions of the Agreement and as supplemented by this Amendment for an additional term of thirty-six (36) months concluding on July 5, 2014. The base quarterly charge shall be increased from $6,667.48 to $21,819.00, plus applicable taxes.

4. CBS will continue to provide the FM Services to the Customer Owned Equipment listed on Exhibit A currently on Customer site(s).

5. CBS will add the following Equipment in connection with the ongoing provision of FM Services under the Agreement :

Location	Model
COD-Graphics Rm 104	IR 6065
Finance Rm 246	IR 6065
Doc Imaging Rm 207	IR 6065
Recreation Center 1st Floor	IR 6065
Police Dept	IR 6065
Employment Resource Center	IR 6065

The configuration for each main unit will be as follows:

Item Description	Item Code
IMAGERUNNER ADVANCE 6065 V2 BASE MODEL	3892B011
STAPLE FINISHER-E1	3894B001
PCL PRINTER KIT-AJ1 ELAN	3905B005
PS PRINTER KIT-AJ1 ELAN	3906B006
ESP NEXT GEN PCS POWER FILTER (120V/15A) XG-PCS-15D	1972V064
ESP NEXT GEN PCS POWER FILTER (120V/20A) XG-PCS-20D	1972V073

6. Customer hereby authorizes CBS to pick up the equipment listed below. Customer acknowledges that this equipment will be shipped to Canon Financial Services, Inc. and CBS' sole obligation is to use commercially reasonable efforts to pick-up and remove the return equipment and to arrange, on your behalf and at CBS' expense and risk (but only to the extent of obvious damage in transit), for the shipment of the equipment to Canon Financial Services, Inc.

Location	Remove Model	S/N
CDD-Graphics Rm 104	IR6570	SLP12175
Finance Rm 246	IR6570	SLP12176
Doc Imaging Rm 207	IR6570	SLP12333
Recreation Center 1st Floor	IR6570	SLP12434
Police Dept	IR6570	SLP12929
Employment Resource Center	IR5000	NRL03962

7. Customer agrees to the following per impression charges :
   $0.00716 per black and white impression in excess of 750,000 impressions per quarter; and
   $0.0484 per color impression in excess of 14,000 impressions per month.

   An 11 X 17 image shall count as two images

8. Customer agrees that CBS will issue a check in the amount of $37,225 ("Buy-Out Reimbursement") which will be paid directly to Canon Financial Services by CBS. The Buy-Out Reimbursement will be paid for the sole purpose of reimbursement of early termination charges or fees and associated expenses payable for early termination of the lease of Customer Owned Equipment noted in Section 6 above and in Exhibit A. Customer acknowledges and agrees that CBS' financial obligation with respect to the Buy-Out Reimbursement is limited to Thirty Seven Thousand Two Hundred Twenty Five ($37,225), and that Customer is responsible for any other obligations, including any charges which are not covered by the Buy-Out Reimbursement. In the event, Customer cancels the Agreement prior to the end of the then current term, Customer agrees to pay CBS the pro-rata amount of the Buy-Out Reimbursement based on the number of months remaining in the then current term.

9. The following supplemental terms and conditions are hereby added to the Agreement:
   i. CBS shall have full and free access to the Equipment and Customer Owned Equipment to provide service thereon and to perform meter readings. In addition, Customer authorizes CBS to use networked features of the Equipment and Customer Owned Equipment including imageWARE Remote to receive software updates, activate features/new licenses and/or transmit use and service data accumulated by the Equipment and Customer Owned Equipment over Customer's network by means of an HTTPS protocol and to store, analyze and use such data for purposes related to servicing the Equipment and product improvement. If CBS does not receive Customer's timely meter readings, Customer agrees to provide meter readings in accordance with the applicable billing cycle for each unit of Equipment and Customer Owned Equipment as specified in this Agreement.
   ii. Customer agrees neither to make any alteration in the Equipment nor to remove it from the location where installed by CBS without prior written approval of CBS. Customer shall bear all risk of loss or damage to Equipment while on Customer's premises. Customer further agrees to return the Equipment at the end of the Term in the same condition as when received except for reasonable wear and tear.
   iii. Title to the Equipment shall remain at all times with CBS, and the Customer agrees that the CBS plaque affixed to the Equipment will not be removed. Customer agrees to keep the Equipment free from all liens, security interests and encumbrances. CBS is hereby authorized to file a financing statement to evidence its ownership in the Equipment in the possession of the Customer.

iv. CBS warrants that it is the owner of the Equipment and that it has the right to perform the Services. Except for the foregoing warranty, CBS' OBLIGATIONS UNDER THIS AGREEMENT ARE IN LIEU OF ALL WARRANTIES, AND CBS EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, RELATING TO THE USE OR PERFORMANCE OF THE EQUIPMENT OR THE SERVICES.

v. Provision of toner includes replenishment of consumables for Equipment and Customer Owned Equipment only. Customer shall be deemed to have materially defaulted under the terms of this Agreement if any supplies provided hereunder are used for other than Equipment and Customer Owned Equipment supplied by CBS or for Customer Owned Equipment under the FM Services of the Agreement. In the event that usage of any such consumable supplies provided hereunder exceeds manufacturer specifications for conventional office imaging coverage by more than 10%, CBS may invoice Customer for such excess usage.

vi. If Customer fails to pay any invoice within thirty days of the invoice date, Customer shall pay a monthly late charge equal to the lesser of one and one-half percent (1.5%) of the overdue amount, or the maximum amount allowed by law.

vii. Customer acknowledges that the hard drive on the Equipment and Customer Owned Equipment may retain images, content or other data during normal operation of the Equipment ("Data") and that exposure or access to the Data by CBS, if any, is purely incidental to the services performed by CBS. Neither CBS nor any of their affiliates has an obligation to erase or overwrite Data upon your return of the Equipment to CBS or any leasing company. Customer is solely responsible for: (i) compliance with applicable law and legal requirements pertaining to data privacy, security, retention and protection; and (ii) all decisions related to erasing or overwriting Data. Without limiting the foregoing, you should, prior to return or other disposition of the Equipment, utilize the Hard Disk Drive (HDD) (or comparable) formatting function (which may be referred to as "Initialized All Data/Settings" function) found on the Equipment to perform a one pass overwrite of Data or, if Customer has higher security requirements, Customer may purchase from CBS at current rates an available option for the Equipment and Customer Owned Equipment, which may include (a) an HDD Data Encryption Kit option which disguises information before it is written to the hard drive using encryption algorithms, (b) a HDD Data Erase Kit that can perform up to a 3-pass overwrite of Data or (c) a replacement hard drive (in which case Customer should properly destroy the replaced hard drive).

10. The following will be of no force or effect if the Customer is not a State or a Political Subdivision of a state within the meaning of Section 103(C) of the Internal Revenue Code of 1986, as amended.

i. The Customer warrants that it has funds available to pay the payments ("Payments") payable pursuant to Agreement between Customer and CBS until the end of its current appropriation period and warrants that it presently intends to make Payments in each appropriation period from now until the end of the Agreement. The officer of the Customer responsible for preparation of Customer's annual budget shall request from its legislative body or funding authority funds to be paid to CBS under the Agreement. If notwithstanding the making in good faith of such request in accordance with appropriate procedures and with the exercise of reasonable care and diligence, such legislative body or funding authority does not appropriate funds to be paid to the CBS for the Equipment, Customer may, upon prior written notice to CBS, effective upon the exhaustion of the funding authorized for the then current appropriation period, return the Equipment to CBS, in accordance with the Agreement, and thereupon, Customer shall be released of its obligations to make Payments to CBS due thereafter, provided: (1) the Equipment is returned to CBS as provided for in the Agreement, (2) the above described notice states the failure of the legislative body or funding authority to appropriate the necessary funds as the reason for cancellation; and (3) such notice is accompanied by payment of all amounts then due to the Lessor. In the event Customer returns the Equipment pursuant to the terms herein, CBS shall retain all sums paid by Customer. Customer's Payment obligations in any fiscal year shall constitute a current expense of Customer for such fiscal year, and shall not constitute indebtedness or a multiple fiscal year obligation of Customer under Customer's state constitution, state law or home rule charter. Nothing in this Agreement shall constitute a pledge by Customer of any taxes or other monies, other than as appropriated for a specific fiscal year for this Agreement and the Equipment.

ii. The undersigned represents and warrants to CBS that all action required to authorize the execution and delivery of this Amendment on behalf of the above referenced Customer by the following signatory has been duly taken and remains in full force and effect.

11. For any and all amendments to the Agreement with regard to the provision of Equipment to Customer, whether entered into before, during or after the effective date of this amendment and where the expiration date of such amendment falls after the expiration date of the Agreement, the expiration date of the amendment shall control, unless the amendment expressly states that it is coterminous with the Agreement.

12. Customer agrees that CBS may accept an electronic image of this Amendment as an original, and that electronic copies of your signature will be treated as an original for all purposes.

13. Except as supplemented/modified hereby, all terms of the Agreement remain in full force and effect and are ratified and confirmed in all respects.

IN WITNESS WHEREOF, each of the undersigned have caused this AMENDMENT to be executed by their duly authorized officials effective the Effective Date, intending to be legally bound hereby.

CANON BUSINESS SOLUTIONS, INC.	City of Moreno Valley
By: [signature]	By:
Name: Timothy Robinson	Name:
Title: VP Operations	Title:
Date: 7/5/11	Date:

Approved Bus Ops
BN
6/29/11

CITY ATTORNEY
Approved as to Form
By: [signature] 6/29/11
Date

Amendment 4 - Exhibit A

Room	Building	Model	Serial
Behind Front Counter	City Hall 1st Floor	IR3570	SKV55637
CDD-I.T side of foyer, Rm 132	City Hall 1st Floor	IR5570	SLQ22472
CDD - Graphics Rm 104		IRC2620	SHP10670
Small rm near Cap Prjcts Rm 253	City Hall 2nd Floor	IR3570	SKV55633
Finance Audit Rm 203	City Hall 2nd Floor	IR3570	SKV65067
City Clerk, outside door		IR2270	SLH27585
Storage next to Dco Img Rm 208		IR5570	SLQ22668
Front Office	City Yard 1st Floor	IR3570	SKV55636
1st Floor	Animal Services	IR3570	SKV55484
1st Floor	Senior Center	IR3570	SKV55491
1st Floor	Public Library	IR2270	SLH27639
	Recreation Center 1st Floor	IR3570	SKV55487
1st Floor Ste 1-3	TS Annex	IR2270	SLH27642
1st Floor Ste 4	Facilities	IR2270	SLH27597
1 st Floor Ste 9	Enterprise Services	IR3570	SKV55645
Whse Office	City Yard 1st Floor	IR2020	KRR05658
Volunteer Services - off chamber lobby	City Hall 1st Floor	IR2020	KRR05565
S.T.A.R.S	Employment Resourse Center	IR3570	SKV55471
Volunteer Services - off chamber lobby	Emergency Operations	IR3035	MUP07387
Police Dept	PD Accounting	IR3035	MUP11450

Approved Bus Ops

Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name:_____ Title:_____	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

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Canon

Canon Financial Services, Inc.

CONVERSION ADDENDUM

RE: Agreement Number See Attachment **(Existing Agreement) and**
Application Number _____ **(New Agreement)**

This Conversion Addendum ("Addendum") is entered into by and between Canon Financial Services, Inc. ("CFS") and City of Moreno Valley ("Customer") and is effective as of the date set forth below (the "Effective Date").

RECITALS

A. CFS and Customer are parties to that certain agreement (whether designated a Lease, Rental Agreement, Master Agreement Schedule, or otherwise) with the agreement number indicated above ("Existing Agreement") for the lease or rental of certain equipment ("Existing Equipment").

B. The initial term of the Existing Agreement has expired or will soon be expiring, and the Existing Agreement is currently or will soon be in a in a renewal term.

C. Canon Business Solutions, Inc. ("CBS") and Customer are also parties to that certain Facilities Management Agreement with the application number indicated above ("New Agreement"; and together with the Existing Agreement, the "Agreements") for the lease or rental of certain other equipment and the provision of certain services ("New Equipment").

D. As of the Effective Date, the New Equipment has not been delivered to Customer, and therefore the lease or rental of the New Equipment and the provision of services under the New Agreement has not commenced.

E. CFS and Customer desire to amend the Existing Agreement and the New Agreement to allow for the equipment lease portion of the Payments (as defined in the Existing Agreement) coming due during the renewal term of the Existing Agreement (collectively, the "Renewal Payments") that are due and paid during the Credit Period (defined below) to be applied to the New Agreement once the New Equipment has been delivered to and accepted by Customer, all pursuant to the terms and conditions of this Addendum.

NOW, THEREFORE, for good and valuable consideration, intending to be legally bound, CFS and Customer agree as follows:

1. During the period beginning on the Effective Date and ending on the date the New Equipment has been delivered to and accepted by Customer under the New Agreement (such period, the "Credit Period"), the Existing Agreement shall remain in effect pursuant to the applicable renewal provisions thereof. Customer shall continue to make its renewal term Payments to CFS under the Existing Agreement during the Credit Period.

2. When the New Equipment is delivered to Customer, Customer shall inspect and accept the New Equipment pursuant to the terms of the New Agreement. At such time, the Existing Agreement shall terminate, Customer shall return or purchase the Existing Equipment pursuant to the terms of the Existing Agreement, and the New Agreement shall commence.

3. Upon termination of the Existing Agreement and commencement of the New Agreement, CFS shall pay over to CBS the equipment lease portion of all Renewal Payments due under the Existing Agreement during the Credit Period and paid to CFS during the Credit Period (collectively, the "Credit Period Payments") to be applied by CBS to the payments that come due under the New Agreement. The Credit Period Payments shall not include (a) any amounts other than the equipment lease portion of the Payments under the Existing Agreement or (b) past due payments that were due prior to the Credit Period but received by CFS within the Credit Period. For example, and not by way of limitation, property taxes, late charges, insurance, overages, maintenance, and other such amounts shall not be deemed Credit Period Payments hereunder. For the avoidance of doubt, only the equipment lease portion of amounts that are both (i) due under the Existing Agreement during the Credit Period and (ii) received by CFS during the Credit Period will be credited to the New Agreement. In addition, if the Existing

Agreement is being upgraded into multiple transactions, only one of which is the New Agreement, only the portion of the payments made under the Existing Agreement with respect to Existing Equipment that is being upgraded to New Equipment under the New Agreement will be credited to the New Agreement. The eligible amount and Existing Equipment are listed below the signature blocks below.

4. Once all of the Credit Period Payments received by CFS have been applied to payments that have come due under the New Agreement, Customer will receive invoices from CBS for amounts due under the New Agreement for the remainder of the term (and any renewal term) of the New Agreement. Customer acknowledges that the first invoice Customer receives from CBS may be for less than a normal full monthly payment under the New Agreement, depending on the total amount of Credit Period Payments being applied; in such a case, the subsequent invoice would be for the normal full monthly payment under the New Agreement.

5. If Customer rejects the New Equipment for any reason, or otherwise cancels the New Agreement prior to its commencement, CFS shall be entitled to retain the Credit Period Payments as consideration for the use of the Existing Equipment during the Credit Period.

It is expressly agreed by the parties that this Addendum is supplemental to the Agreements and that the provisions thereof, unless specifically modified herein, shall remain in full force and effect and shall apply to this Addendum as though they were expressly set forth herein.

In the event of any conflict or inconsistency between the provisions of this Addendum and any provisions of the Agreements, the provisions of this Addendum shall in all respect govern and control.

Customer agrees that CFS may accept a facsimile copy of this Addendum as an original, and that such facsimile copy will be treated as an original for all purposes. THIS ADDENDUM SHALL BE EFFECTIVE WHEN IT HAS BEEN SIGNED BY CUSTOMER AND DEALER AND ACCEPTED BY CFS.

CFS:	Customer:
CANON FINANCIAL SERVICES, INC. By:_____ Title:_____ Date:_____	_____ (Customer Legal Name) By:_____ Printed Name:_____ Title:_____
Acknowledged and Agreed by CBS: **CANON BUSINESS SOLUTIONS, INC.** By:_____ Printed Name: David Dunn Title: Director Business Operations	By:_____ Printed Name:_____ Title:_____

CITY ATTORNEY
Approved as to Form

By: _____ 6/29/11
Date

TO BE COMPLETED BY DEALER:
(check one)

- ☒ All Existing Agreement renewal payments to be credited to New Agreement. (100% Qualifying Equipment)
- ☐ Partial Existing Agreement renewal payments to be credited to New Agreement:
  - Payment amount under Existing Agreement: $_____ per billing period + applicable use taxes
  - Amount eligible as Credit Period Payments: $_____ per billing period + applicable use taxes
    (Contact CFS to verify portion of payment eligible for credit.)

List of eligible Existing Equipment:
See City of Moreno Valley/ Canon Amendment #4

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Michelle Dawson, Assistant City Manager

AGENDA DATE: July 12, 2011

TITLE: STAFF ASSIGNMENTS IN SUPPORT OF COUNCIL MEMBER PARTICIPATION WITH REGIONAL AGENCIES

RECOMMENDED ACTION

Staff recommends that the City Council approve the proposed staff assignments in support of Council Member participation with regional agencies.

BACKGROUND

At their May 18, 2011 Goal Setting Workshop, the City Council identified the organization's Strengths, Weaknesses, Opportunities, and Threats (SWOT). While the City's existing transportation corridors were identified as a strength, the lack of adequate infrastructure and planning was acknowledged as a weakness. The City's regional presence was identified as an opportunity. The Council used the results of their SWOT Analysis to develop five prioritized goals, one of which was to "Maximize Transportation and Infrastructure Opportunities."

DISCUSSION

The third prioritized goal developed by the City Council in their May 18 Goal Setting Workshop was to "Maximize Transportation and Infrastructure Opportunities." Actions identified to help achieve this goal included increasing the City's regional presence. A specific task assigned to City staff was to increase staff assistance to the Council as well as increase participation with regional agencies by assigning staff liaisons to each committee. The proposed staff assignments are included in the "2011 City Council Regional Committees & Staff Assignments" attachment.

ALTERNATIVES

1) Approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff recommends this alternative as the proposed staff assignments will assist the City Council in achieving their prioritized goal to maximize transportation and infrastructure opportunities by increasing the City's regional presence.*

2) Not approve the proposed staff assignments in support of Council Member participation with regional agencies. *Staff does not recommend this alternative as the proposed action is a task related to the Council-adopted goal to maximize transportation and infrastructure opportunities.*

FISCAL IMPACT

The proposed staff assignments in support of Council Member participation with regional agencies will have no fiscal impact to the City.

COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Public Facilities and Capital Projects. Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

ATTACHMENTS

Attachment: "2011 City Council Regional Committees & Staff Assignments"

Prepared By:
Michelle Dawson
Assistant City Manager

Concurred By:
Barry Foster
Community and Economic Director

Concurred By:
Chris Vogt
Public Works Director/City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

	A	B	C
1			
2	**2011 CITY COUNCIL REGIONAL COMMITTEES & STAFF ASSIGNMENTS**		
3			
4	***REGIONAL AGENCY:***		
5	March Joint Powers Commission (JPC)	STEWART/BATEY	CO
6	**Staff: Community and Economic Development Director**		
7	School Districts/City Joint Task Force	STEWART/MOLINA	CO
8	**Staff: City Manager/Asst City Manager**		
9	Riverside County Habitat Conservation Agency (RCHCA)	BATEY	MOLINA
10	**Staff: Planning Official**		
11	Riverside County Transportation Commission (RCTC)	CO	STEWART
12	**Staff: City Manager/Asst City Manager**		
13	Riverside Transit Agency (RTA)	MOLINA	CO
14	**Staff: Public Works Director/Traffic Engineer**		
15	Western Riverside Council of Governments (WRCOG)	HASTINGS	CO
16	**Staff: City Manager**		
17	Western Riverside County Regional Conservation Authority (RCA)	BATEY	MOLINA
18	**Staff: Planning Official**		
19			
20	***WRCOG COMMITTEES:***		
21	Executive Committee	Robin Hastings, Chair	
22	Administration & Finance	Robin Hastings, Chair	
23	Technical Advisory Committee	Henry Garcia, Chair	
24	Planning Directors TAC	John Terell	
25	Public Works Committee	Chris Vogt, Chair	
26	Solid Waste Technical Committee	Robert Lemon	
27	Western Riverside County Clean Air Coalition	Robert Lemon	
28	Air Quality Task Force	Eric Lewis, Jeff Bradshaw	
29			
30	***RCTC COMMITTEES:***		
31	Western Riverside County Programs and Projects Committee	Marcelo Co	
32	San Jacinto Branch Line Ad Hoc Committee	Marcelo Co	
33	Technical Advisory Committee	Chris Vogt	

Attachment 1

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 PAVEMENT RESURFACING PROJECT NO. 11-12556330, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $1,729,200 to Hardy & Harper, Inc. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of the six arterial and collector streets identified in this report.

DISCUSSION

The project included the resurfacing of six (6) streets: Kitching Street from Fir Avenue to Cottonwood Avenue, Fir Avenue from Perris Boulevard to Lasselle Street, Perris Boulevard from Webster Avenue to Sunnymead Boulevard, Cactus Avenue from Commerce Center Drive to Elsworth Street, Indian Street from Ironwood Avenue to Sunnymead Boulevard, and Manzanita Avenue from Heacock Street to Perris Boulevard. Hardy & Harper's contracted work included removing existing asphalt concrete pavement, resurfacing with cold-in-place recycling (CIPR), pavement overlaying with rubberized asphalt concrete, reconstructing a number of access ramps along the listed streets to ADA requirements, re-establishment of traffic signal detector loops, utility covers, manholes, and re-striping. The resurfacing extends the life of the streets and provides a smoother riding surface.

The Contractor has completed all the paving work and anticipates completing the construction by mid July 2011. Staff anticipates the final contract cost will be approximately $1,631,000 which does not exceed the approved purchase order amount of $1,729,000. Since the City Council will not meet on July 26, 2011 and August 9, 2011, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works

Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Pavement Resurfacing Project, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system, and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project was included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:

Annual Pavement Resurfacing Program (Acct. No. 125.56330)	$1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722)	$1,550,000
Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Local Street Pavement Resurfacing Phase 1 (being constructed concurrently)	($2,684,000)
Remaining Funds Available	$2,452,400

PROJECT RELATED COSTS:

Design	$110,000
Anticipated Contractor Construction Costs	$1,631,000
Anticipated Construction Geotechnical Services	$22,000
Anticipated Construction Survey Services	$20,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$1,873,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper anticipates completing the construction of the 2011 Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion. The resurfacing extends the life of the streets and provides a smoother riding surface.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen
Senior Engineer, P.E.

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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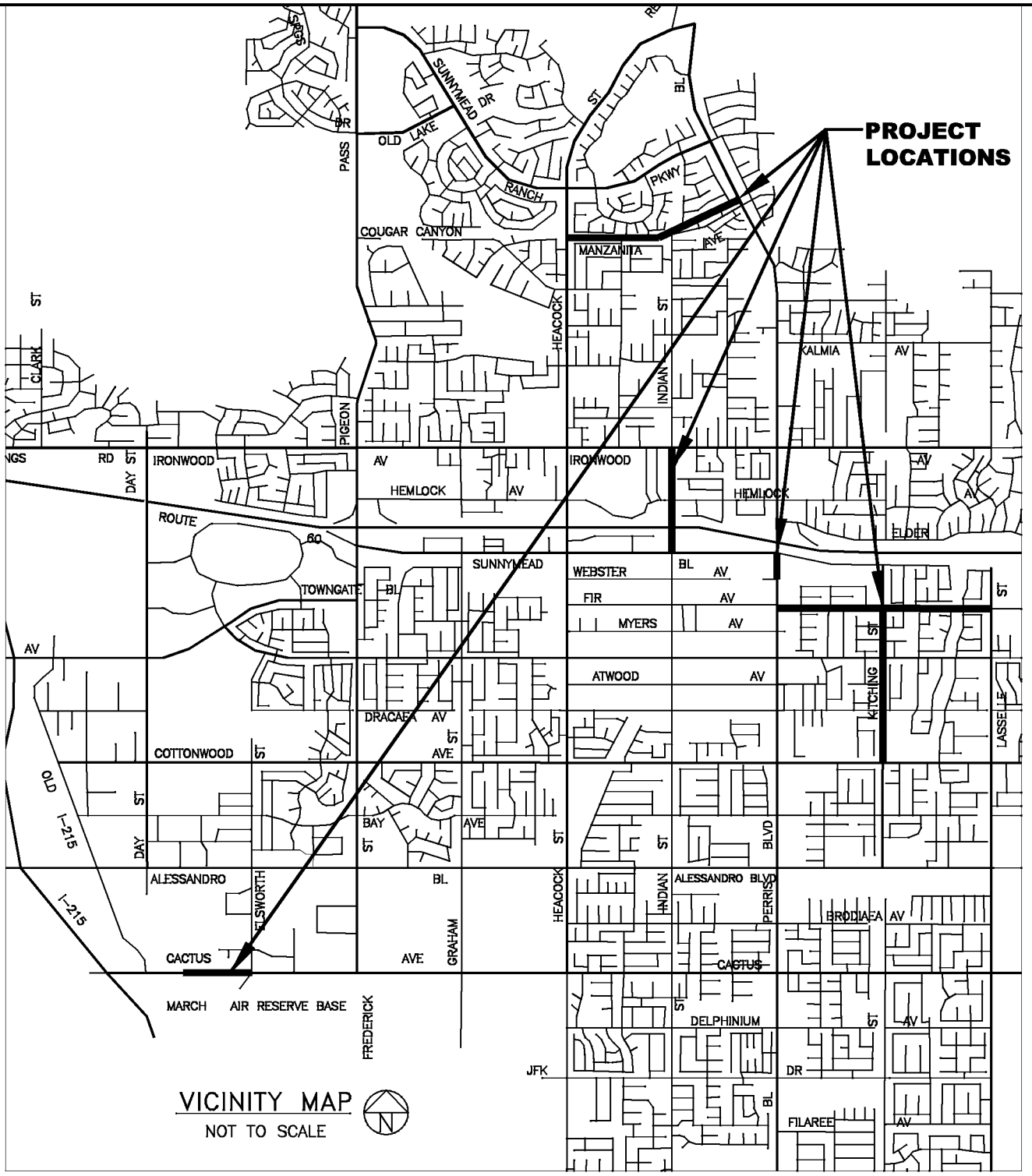

LOCATION MAP

CITY OF MORENO VALLEY
DECEMBER 3, 1984

LOCATION MAP
Public Works Department
Capital Projects Division

Scale: None

ATTACHMENT "A"

PROJECT NO. 11-12556330

2011 PAVEMENT RESURFACING PROJECT

MV00115462

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE 2011 LOCAL STREET PAVEMENT RESURFACING – PHASE 1 PROJECT NO. 11-22679728, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.

2. Direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code.

3. Authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project.

4. Authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete.

BACKGROUND

On March 8, 2011, the City Council awarded a construction contract and authorized the issuance of a Purchase Order in the amount of $2,410,400 to Hardy & Harper, Inc. The project includes the resurfacing a total of twenty six local streets which are included in the Fiscal Year 2010-2011 CIP Budget. The City issued a Notice to Proceed to Hardy & Harper, Inc. to start work on April 12, 2011.

As part of the Fiscal Year 2010/2011 CIP Budget, the City Council approved the use of the remaining Proposition 42 and Proposition 1B monies for pavement rehabilitation of these streets.

DISCUSSION

Hardy & Harper's contracted work includes removing existing asphalt concrete pavement, pavement resurfacing with cold central plant recycling (CCPR), pavement overlaying with rubberized asphalt concrete, reconstructing number of access ramps along the listed streets to ADA requirements, adjusting utility manholes and covers, and re-establishing traffic striping. The Contractor has completed all the paving work and anticipates completing rest of the work by mid July 2011. Staff anticipates the final contract cost will be approximately $2,391,000 which does not exceed the approved purchase order amount of $2,410,400. The resurfacing extends the life of the streets and provides a smoother riding surface.

Three additional streets (Vellanto Way, Mantee Place and Ormista Drive) were added to the original twenty six streets, bringing a total of twenty nine streets being resurfaced (approximately 131,000 square yards of pavement area.) These three streets (also included in the Fiscal Year 2010-2011 CIP Budget for resurfacing) are in the neighborhood of Searson Drive which is one of the original twenty six streets. These streets are added to be constructed at the same time as Searson Drive in an effort to avoid repeat construction disturbance to the neighborhood as these streets were previously approved by City Council for Phase 2 Local Street Pavement Resurfacing Project.

Since the City Council will not meet on the next two meetings after the July 12 meeting, staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the

Notice of Completion. These actions must be completed in a timely manner upon completion of the Contractor's work in accordance with the applicable laws.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, authorize the Financial and Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will allow payment to the Contractor and acceptance of the improvements into the City's maintained road system.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed for the 2011 Local Street Pavement Resurfacing Project – Phase 1, which was constructed by Hardy & Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705, do not direct the City Clerk to record the Notice of Completion within ten (10) calendar days after the Public Works Director/City Engineer accepts the improvements as complete at the Office of the County Recorder of Riverside County as required by Section 3093 of the California Civil Code, do not authorize the Financial & Administrative Services Director to release the retention to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion if no claims are filed against the project, and do not authorize the Public Works Director/City Engineer to accept the improvements into the City's maintained road system upon acceptance of the improvements as complete. *This alternative will result in delaying payment to the Contractor, delaying acceptance of the improvements into the City's maintained road system and incurring extra costs to the City.*

FISCAL IMPACT

The construction phase of this project is included on the Fiscal Year 2010/2011 Capital Improvements Project Budget and financed by Measure A (Fund 125), Proposition 42 (Fund 225), and Proposition 1B (Fund 226). The funding for this project is restricted to street rehabilitation or improvements. There is no impact to the General Fund.

AVAILABLE FUNDS:
Annual Pavement Resurfacing Program (Acct. No. 125.56330) $1,037,100
Annual Pavement Resurfacing Program (Acct. No. 225.68722) $1,550,000

Annual Pavement Resurfacing Program (Acct. No. 226.79728)	$3,793,300
Total 2010/2011 Budgeted Funds	$6,380,400
Completed 2010 Pavement Resurfacing Project Costs	($1,244,000)
2011 Pavement Resurfacing Project Anticipated Costs (being constructed concurrently)	($1,873,000)
Remaining Funds Available	$3,263,400

PROJECT RELATED COSTS:

Design	$93,000
Anticipated Contractor Construction Costs	$2,391,000
Anticipated Construction Geotechnical Services	$73,000
Anticipated Construction Survey Services	$37,000
Anticipated Project Administration and City Inspection	$90,000
Anticipated Total Project Costs	$2,684,000

CITY COUNCIL GOALS

PUBLIC SAFETY:
Provide a safe and secure environment for people and property in the community, control the number and severity of fire and hazardous material incidents, and provide protection for citizens who live, work, and visit the City of Moreno Valley.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

SUMMARY

Hardy & Harper, Inc. anticipates completing the construction of the 2011 Local Street Pavement Resurfacing Project in mid July 2011. Staff is requesting that City Council authorize the Public Works Director/City Engineer to accept the work as complete when all contract requirements and punch-list items are completed and accept the improvements into the City's maintained road system upon acceptance of the improvements as complete, authorize the recordation of the Notice of Completion at the County Recorder after the Public Works Director/City Engineer accepts the improvements as complete, and authorize the release of retention money to Hardy & Harper, Inc. thirty five (35) calendar days after the date of recordation of the Notice of Completion.

ATTACHMENTS

Attachment "A" – Location Map

Prepared By:
Quang Nguyen, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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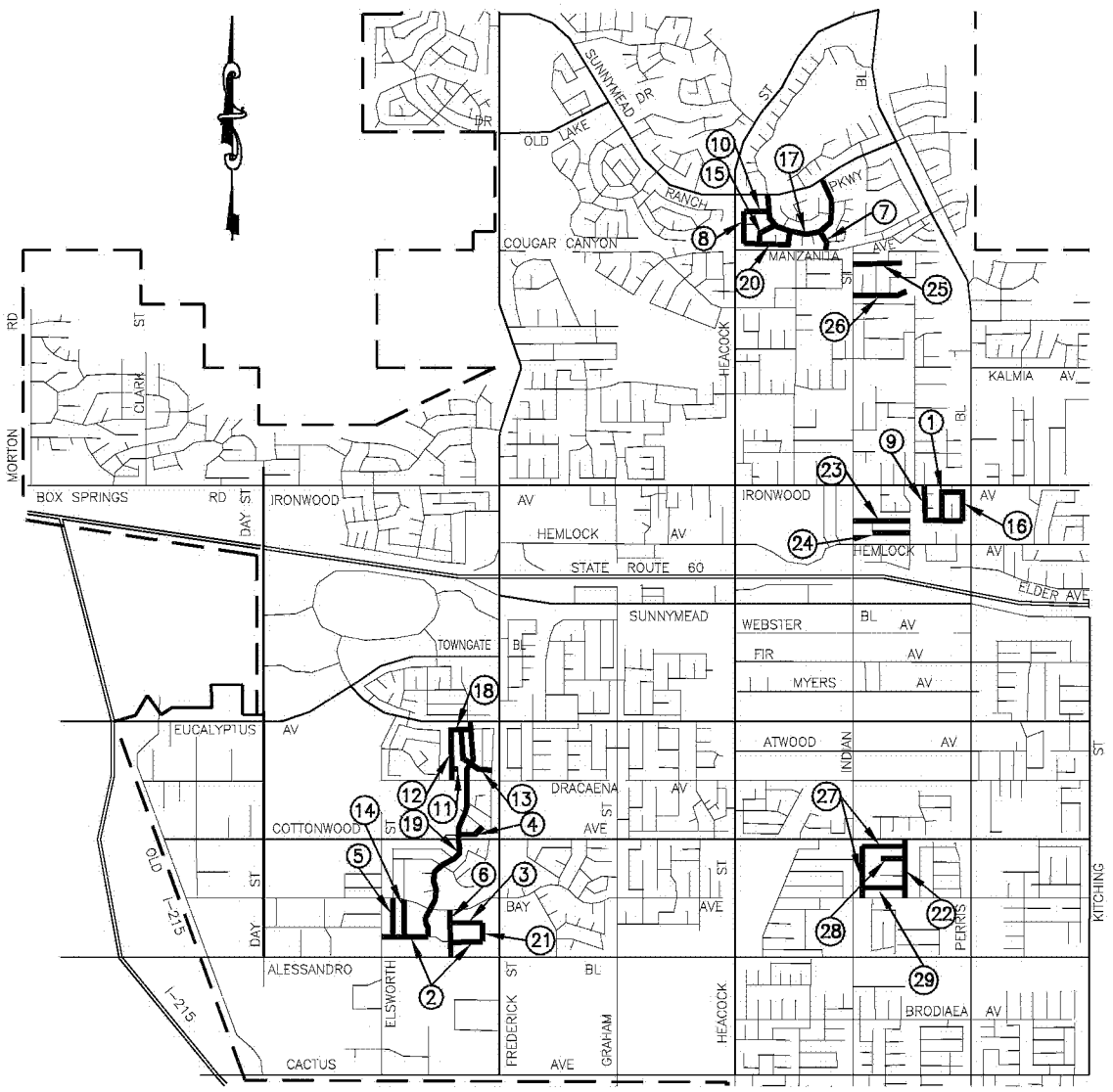

	STREET	LIMITS
1	AARON DR:	GASSEN PL TO HARCLARE DR
2	ADRIENNE AVE:	ELSWORTH ST TO PRIDE LN
3	ALLIES PL:	COURAGE ST TO PRIDE LN
4	BAYWOOD DR:	PAN AM BLVD TO AQUEDUCT WY
5	BOEING ST:	BAY AVE TO ADRIENNE AVE
6	COURAGE ST:	BAY AVE TO ALESSANDRO BLVD
7	DUCKBILL RD:	OLD COUNTRY RD TO MANZANITA AVE
8	FENTON RD:	IRONBARK RD TO PLEASANT RUN RD
9	HARCLARE DR:	ODESSA DR TO IRONWOOD AVE
10	IRONBARK RD:	FENTON RD TO OLD COUNTRY RD
11	KIOWA CT:	KIOWA DR TO EAST END
12	KIOWA DR:	PAHUTE DR TO DRACAENA AVE
13	LAKOTA DR:	PAHUTE DR TO OAK DELL ST
14	MCDONNEL ST;	BAY AVE TO ADRIENNE AVE
15	NOBLEWOOD RD:	OLD COUNTRY RD TO PLEASANT RUN RD
16	ODESSA DR:	GASSEN PL TO HARCLARE DR
17	OLD COUNTRY RD:	SUNNYMEAD RANCH TO SUNNYMEAD RANCH PKY
18	PAHUTE DR:	PAN AM BLVD TO KIOWA DR
19	PAN AM BLVD:	EUCALYPTUS AVE TO ADRIENNE AVE
20	PLEASANT RUN RD:	FENTON RD TO OLD COUNTRY RD
21	PRIDE LN:	ALLIES CT TO ADRIENNE AVE
22	SEARSON DR:	COTTONWOOD AVE TO BAY AVE
23	SINALOA ST:	INDIAN ST TO LEAHY DR
24	SINGER ST:	HANOVER AVE TO LEAHY DR
25	SUMMERFIELD DR:	INDIAN ST TO EAST END
26	SUNNY RIDGE DR:	INDIAN ST TO EAST END
27	VELLANTO WAY:	BAY AVE TO SEARSON DR
28	MANTEE PL:	WEST END TO SEARSON DR
29	ORMISTA DR:	VELLANTO WY TO SEARSON DR

CITY OF MORENO VALLEY
DECEMBER 3, 1984

2011 LOCAL STREET PAVEMENT RESURFACING - PHASE 1

Public Works Department
Capital Projects Division

LOCATION MAP

VARIOUS LOCATIONS
PROJECT NO. 11-22679728

ATTACHMENT "A"

MV00115468

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: CORPORATE YARD OFFICE BUILDING PHASE 1 – OFFER OF DEDICATION – PROJECT NO. 05-4166522 LOCATED ON SANTIAGO STREET EAST OF PERRIS BOULEVARD

DEVELOPER – CITY OF MORENO VALLEY, CALIFORNIA
14177 FREDERICK STREET
MORENO VALLEY, CA 92552

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard.

2. Direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On January 12, 2010, the City Council approved the Agreement for Design Professional Consultant Services to Provide Architectural and Engineering Services (A&E) for the Corporate Yard Phase 1 Office Building and Sewer Line. The Agreement requires that the consultant obtain approval (Planning Application PA10-0013) from the various City departments as part of the design phase of the project. On March 8, 2011, the project received final Conditions of Approval that require the owner (City of Moreno Valley, a municipal corporation) to record an Offer of Dedication for additional right-of-way. The additional right-of-way will be at the two proposed driveway approaches, located on the north side of Santiago Drive east of Perris Boulevard, in accordance with the City Standard for a commercial driveway approach.

DISCUSSION

The owner, the City of Moreno Valley, is required to dedicate four (4) feet of right-of-way around the driveway approaches, at the proposed project entrances on Santiago Drive, to accommodate a public sidewalk for pedestrian circulation in accordance with City Standards. The Offer of Dedication is necessary to construct public improvements along the driveway entrances to match the existing street improvements immediately to the east and west of the project. Once the Offer of Dedication is executed by the City Manager, the document will be forwarded to the City Engineer to execute the Acceptance Certificates as authorized by Resolution 94-5.

ALTERNATIVES

1. Authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and to direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

2. Do not authorize the City Manager to execute the Offer of Dedication on Santiago Drive east of Perris Boulevard and do not direct the City Clerk to forward the Offer of Dedication to the City Engineer to execute the Acceptance Certificate and to transmit the Offer of Dedication with Acceptance Certificate to the County Recorder's office for recordation. *This alternative would not allow for the necessary public improvements for pedestrian circulation at the proposed driveway locations.*

FISCAL IMPACT

No fiscal impact is anticipated.

CITY COUNCIL GOALS

Public Facilities and Capital Projects – Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

NOTIFICATION

Publication of the agenda

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Offer of Dedication

Prepared By
Vince Giron
Associate Engineer

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Clement Jimenez, P.E.
Senior Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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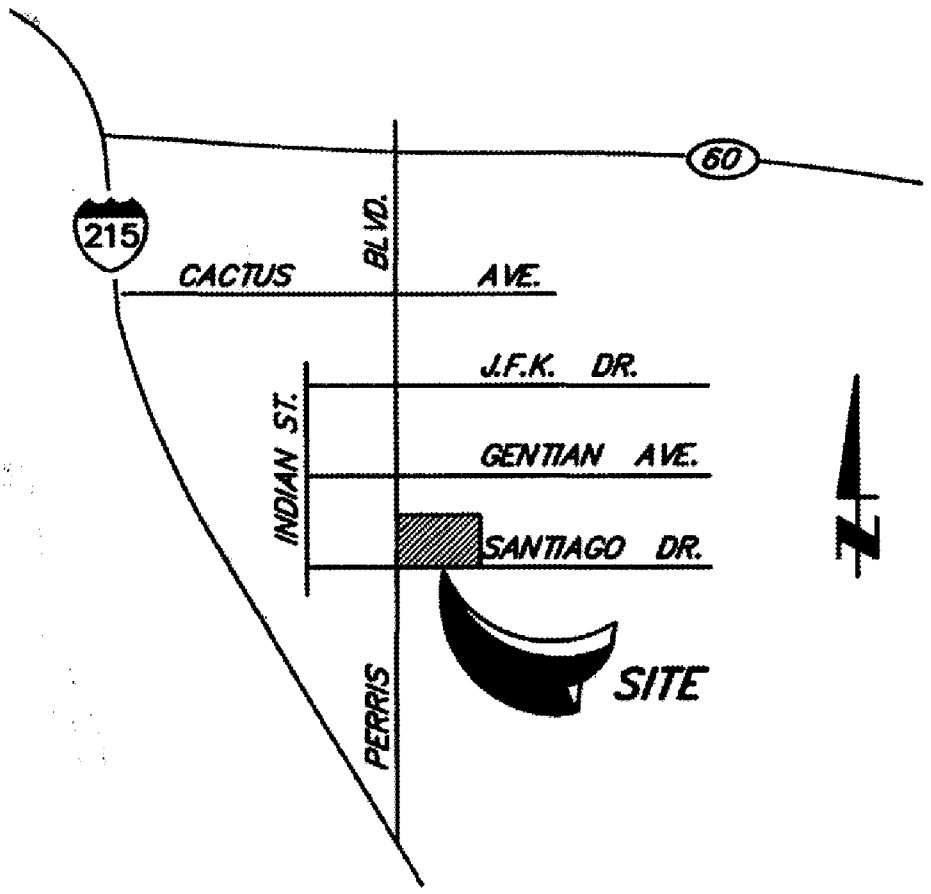

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Attachment "A"	**PA10-0013** **VICINITY MAP**

Recording requested by and when
recorded, mail to:
City Clerk
City of Moreno Valley
P.O. Box 88005
Moreno Valley, CA 92552-0805

Exempt from Recording Fee per
Govt. Code Sec. 6103
City of Moreno Valley
By:
A.P.N. 486-170-021 & 022

(Space above this line for Recorder's use)

DOCUMENTARY TRANSFER TAX IS NONE.

Public Agency exempt.
Revenue and Taxation Code Section 11922

OFFER OF DEDICATION

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF MORENO VALLEY, A MUNICIPAL CORPORATION

GRANTOR(S) hereby irrevocably offer(s) to DEDICATE to the CITY OF MORENO VALLEY, a municipal corporation, for themselves, successors or assigns a perpetual easement and right of way, subject to the completion of improvements, for public highway purposes, including public utility and public service facilities over, under, upon, across, and within the real property in the City of Moreno Valley, County of Riverside, State of California, described as follows:

All as described in the attached legal description and illustrated on the plats attached hereto and marked Exhibits "A" and "B", respectively.

City of Moreno Valley, a Municipal Corporation

By: _____
HENRY GARCIA, City Manager

Date _____

ATTESTS:

JANE HALSTEAD,
Clerk to the City of Moreno Valley

By: _____
City Clerk (SEAL)

Date _____

Attachment "B"

ACCEPTANCE CERTIFICATE

This is to certify that the interest in real property conveyed by the deed or grant dated **July 12, 2011** from the **City of Moreno Valley Moreno, a municipal corporation**, to the City of Moreno Valley, a municipal corporation, in the form attached hereto, is hereby accepted, subject to completion of improvements, and the street improvements being accepted into and becoming a part of the City maintained street system, by the undersigned City Engineer on behalf of the City of Moreno Valley, pursuant to authority conferred by Resolution No. 94-5 of the City Council of Moreno Valley, adopted on January 25, 1994, and the grantee consented to recordation thereof.

Date: _____

By: _____
Chris A. Vogt, P.E.
Public Works Director/City Engineer
City of Moreno Valley

STATE OF CALIFORNIA)
County of _____)ss.
On _____ before me, _____, a Notary Public in and for said State, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

PARCEL A

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF NAN AVENUE AS SHOWN BY MAP OF TRACT NO. 15433-2, ON FILE IN BOOK 151 OF MAPS, PAGES 67 THROUGH 70, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 42.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

PARCEL B

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 15686, ON FILE IN BOOK 93 OF PARCEL MAPS, PAGES 31 AND 32 THEREOF, RECORDS OF RIVERSIDE COUNTY, STATE OF CALIFORNIA, BEING DESCRIBED AS FOLLOWS:

MV00115476

EXHIBIT "A"

OFFER OF DEDICATION

LEGAL DESCRIPTION

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF SANTIAGO DRIVE AND THE CENTERLINE OF COBRA DRIVE AS SHOWN BY MAP OF TRACT NO. 15433, ON FILE IN BOOK 151 OF MAPS, PAGES 71 THROUGH 75, INCLUSIVE, RECORDS OF SAID RIVERSIDE COUNTY, STATE OF CALIFORNIA;

THENCE NORTH 00°06'15" EAST ALONG A LINE BEING AT RIGHT ANGLES TO SAID CENTERLINE OF SANTIAGO DRIVE, A DISTANCE OF 30.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF SAID SANTIAGO DRIVE, BEING THE **POINT OF BEGINNING**;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 30.50 FEET;

THENCE NORTH 45°06'15" EAST, A DISTANCE OF 5.66 FEET, TO A LINE PARALLEL WITH AND DISTANT 4.00' NORTHERLY, MEASURED AT RIGHT ANGLES, OF SAID NORTHERLY RIGHT OF WAY LINE;

THENCE SOUTH 89°53'45" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 47.95 FEET;

THENCE SOUTH 45°02-14" EAST, A DISTANCE OF 5.67 FEET, TO SAID NORTHERLY RIGHT OF WAY LINE;

THENCE NORTH 89°53'45" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.47 FEET, TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 208 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B" ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE DIRECTION OF:

5-3-11

MARISSA CROWTHER, PLS 6152
SB&O, INC.
41689 ENTERPRISE CIRCLE NORTH, SUITE 126
TEMECULA, CA. 92590

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

MV00115477

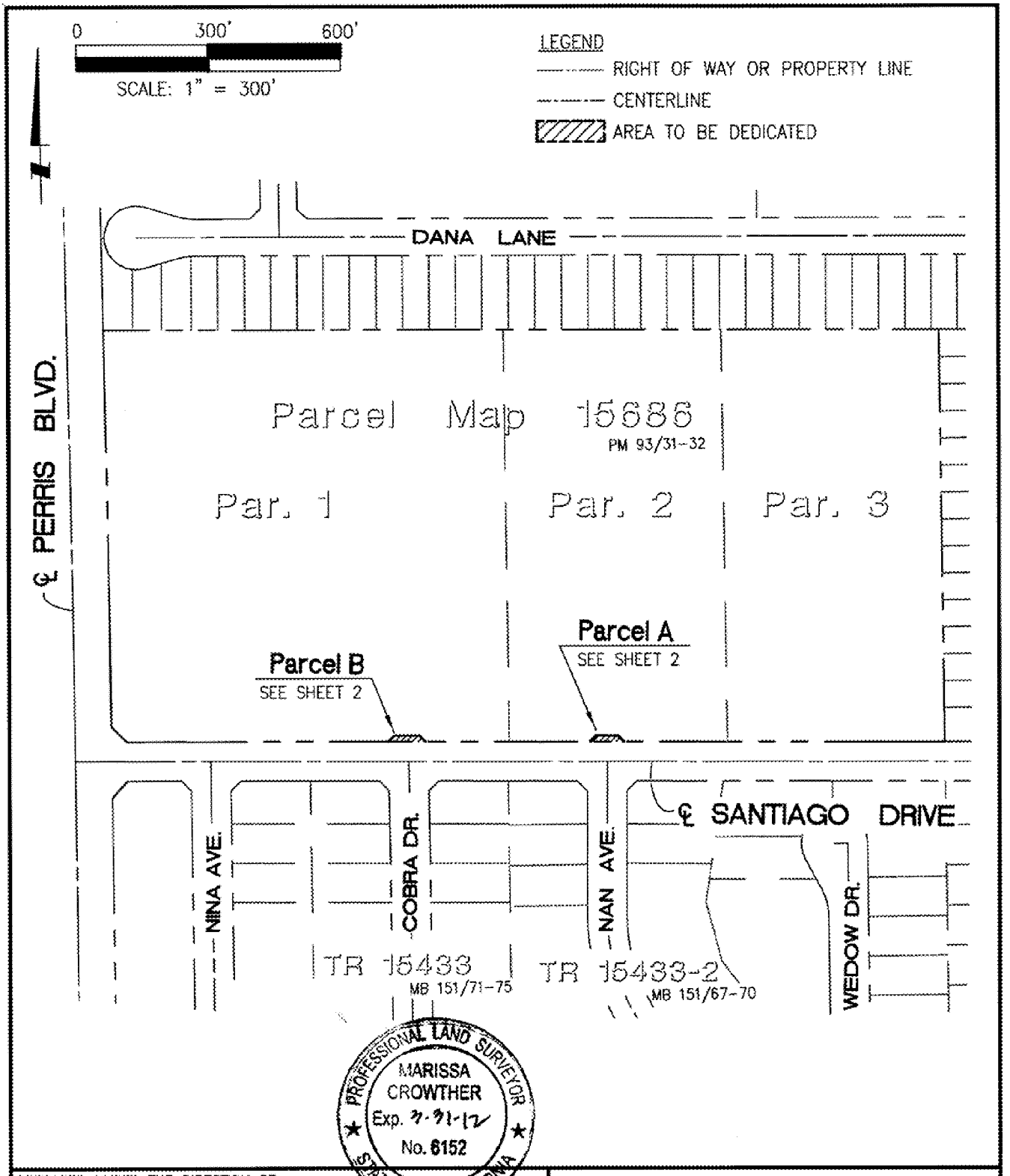

PROFESSIONAL LAND SURVEYOR
MARISSA CROWTHER
Exp. 3-31-12
No. 6152
STATE OF CALIFORNIA

PREPARED UNDER THE DIRECTION OF:
S.B. & O., INC.
41689 ENTERPRISE CIRCLE NORTH
TEMECULA, CA 92590

MARISSA CROWTHER, PLS 6152 (EXP 3-31-12)

5-3-11
DATE

CITY OF MORENO VALLEY
CORPORATE YARD DRIVEWAY EASEMENTS

APRIL 2011	EXHIBIT "B"
SB&O, INC. JN 68251	SHEET 1 OF 2

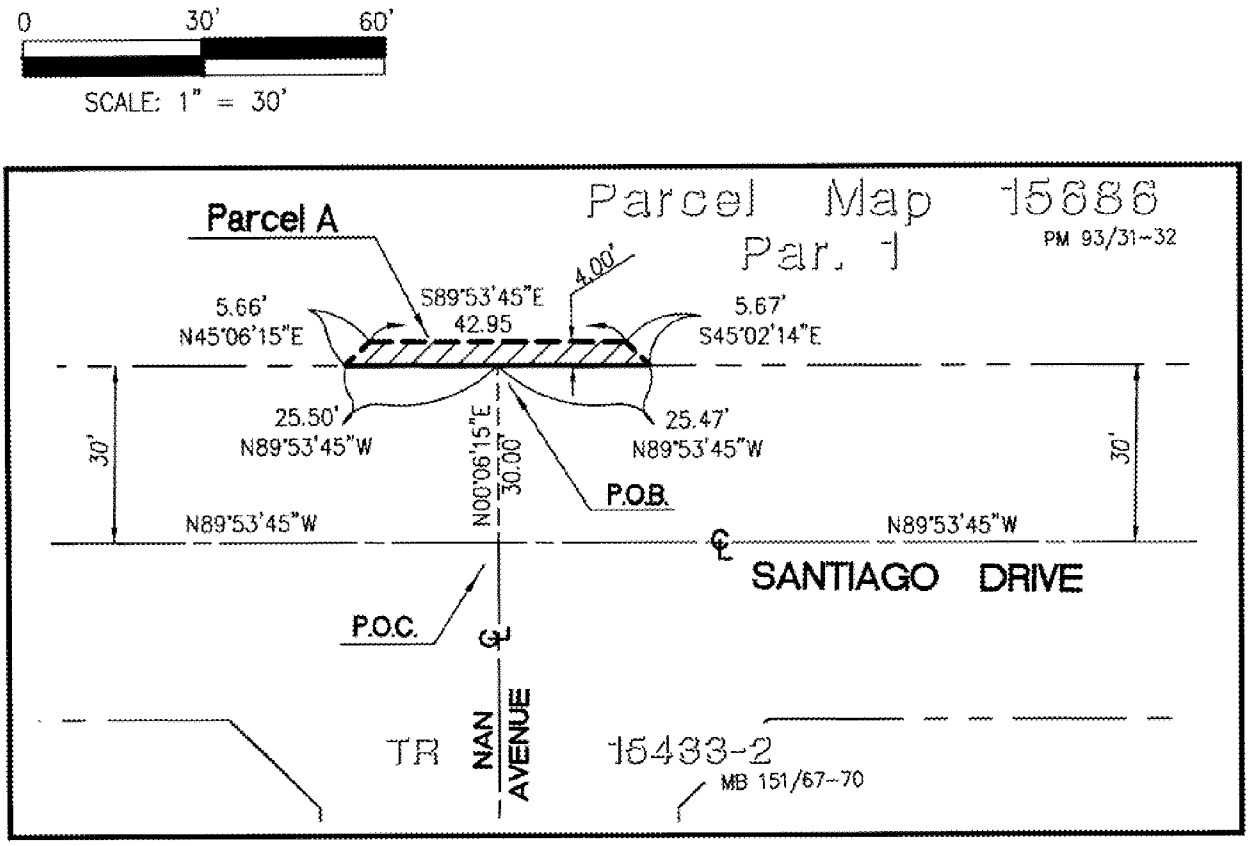

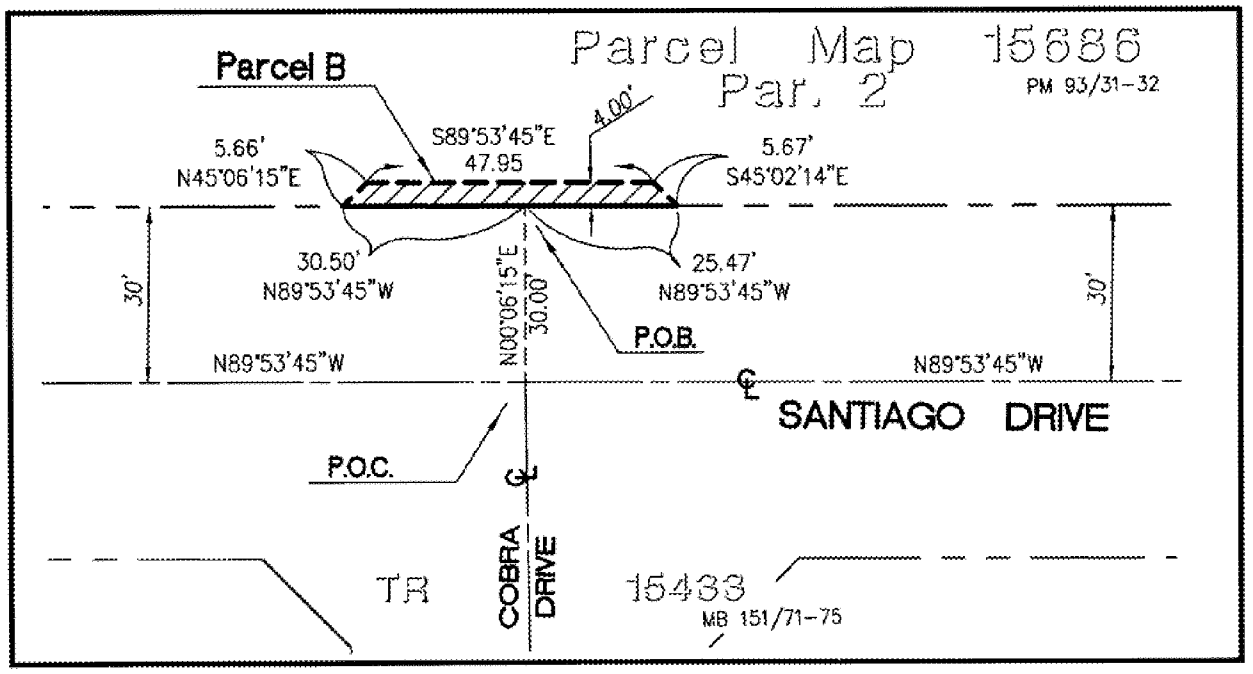

NOTES:

1. BEARINGS ARE BASED ON PARCEL MAP 15686.
2. P.O.C. INDICATES POINT OF COMMENCEMENT.
3. P.O.B. INDICATES POINT OF BEGINNING.

LEGEND

RIGHT OF WAY OR PROPERTY LINE

CENTERLINE

AREA TO BE DEDICATED

EXHIBIT "B"

SHEET 2 OF 2

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS STREET IMPROVEMENTS - AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Street improvements. The Conditions of Approval for this project required that the developer provide surety for street improvements. The security amount for the Eucalyptus Street improvements is Two Million Seven Hundred Seventy-Eight Thousand dollars ($2,778,000.00). The limits of the Eucalyptus Street improvements are within Eucalyptus Street between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: 6-inch thick asphalt concrete over 12-inch thick aggregate base, 8-inch curb and gutter, 6-inch AC curb commercial driveway approaches, sidewalk, street lights, street medians, median drains and landscaping, local depressions, pipe, gates, interconnect conduit, pull boxies, and signing/striping. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a punch list was generated. The required corrective actions have been completed and the improvements are now eligible for acceptance into the City's maintained street system.

On May 3, 2011, the Eucalyptus Street improvements received a 60% reduction. The amount reduced was One Million Six Hundred Sixty-Six Thousand Eight Hundred Dollars ($1,666,800.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved

plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with the Streets and Highway Code.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept the improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Eight Hundred Thirty-Three Thousand Four Hundred dollars ($833,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when

all clearances are received. *Once the required improvements have been completed according to City of Moreno Valley Standards, it will then be appropriate to provide a reduction to the security.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit "A" – Vicinity Map
Exhibit "B" – Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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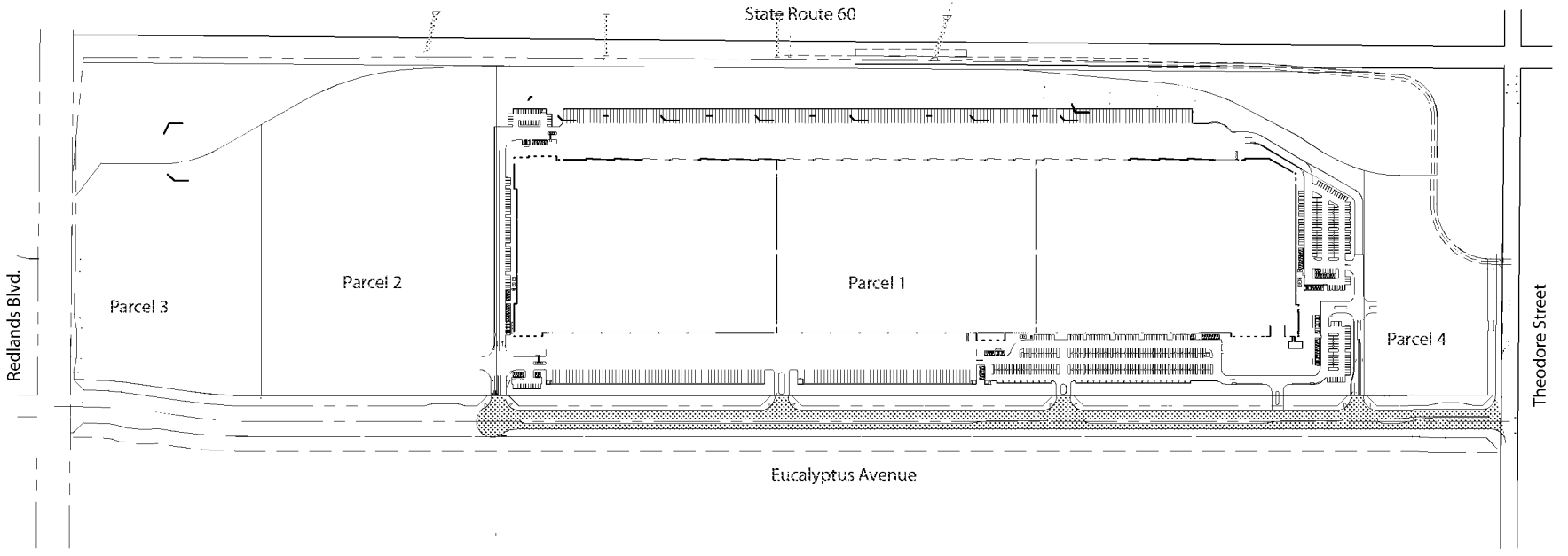

Exhibit "A"

PA07-0090 HFCP-Eucalyptus Phase 1 Street Improvements Vicinity Map

MV00115485

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Street Improvements

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Notify Land Development for inspection request.	
2	A/C Cap Pave	
3	Install Signs/Striping as shown on sheets 11 -12, Eucalyptus St. Imp. Plans	
4	Complete Median Island Pavers Irrigation, Landscape	
5	Complete Irrigation, Landscape N/S Eucalyptus, Install pedestals	
6	Install City-Wide Communication Conduits, Construction Note #16, Eucalyptus S/I plan city std. 421 (Furnish & Install 6 pair No. 19 Interconnect Cable in one conduit (Black Conduit)	
7	Install Monumentation city std.# 601a, b, c, d & e.	
8	Complete swale @ S/S Eucalyptus shoulder.	
9	Submit As-builts	
10	Clearance from Planning Divisions	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS WATER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Water improvements is One Million Fifty Thousand dollars ($1,050,000.00). The limits of the Eucalyptus Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but is not limited to, the following: approximately 5,100 feet of 18-inch water main line, approximately 400 feet of 12-inch water laterals, twelve (12) fire hydrant assemblies, three (3) 4-inch service connections, three (3) 2-inch service connections, approximately 5,100 feet of telemetry (communication) cable, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, valves, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Water improvements received an 80% reduction. The amount reduced was Eight Hundred Forty Thousand dollars ($840,000.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is One Thousand Five Hundred dollars ($105,000.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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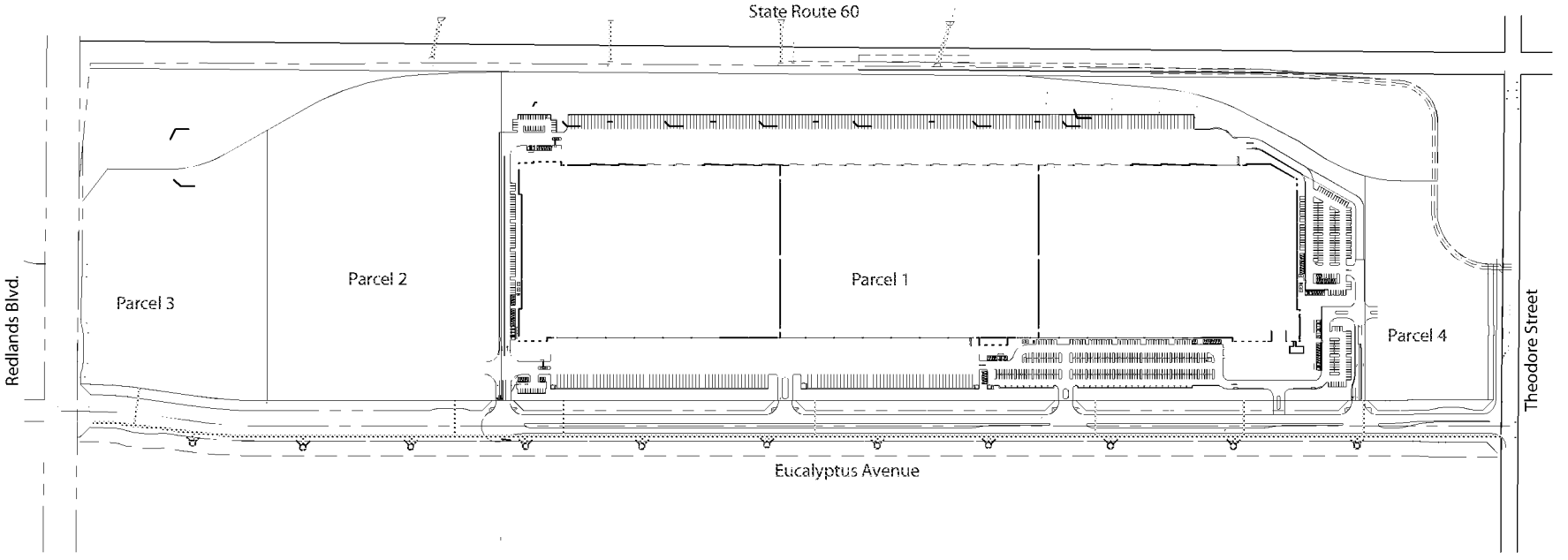

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Water Phase 1 Improvements | Vicinity Map

MV00115492

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-15-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD Clearance Letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS RECYCLED WATER – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Recycled Water improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Recycled Water improvements is Four Hundred Thirty-Four Thousand dollars ($434,000.00). The limits of the Eucalyptus Recycled Water improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 5,100 feet of twelve (12) inch purple water main line, six (6) 2-inch service connections, one (1) 4-inch service connection, various fittings, restraint joints, adaptors, blow-offs, vac/air release assemblies, and backflow prevention devices. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Recycled Water improvements received an 80% reduction. The amount reduced was Three Hundred Forty-Seven Thousand Two Hundred dollars ($347,200.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to accept those improvements and provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Recycled Water improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Three Thousand Four Hundred dollars ($43,400.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. D not authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required*

improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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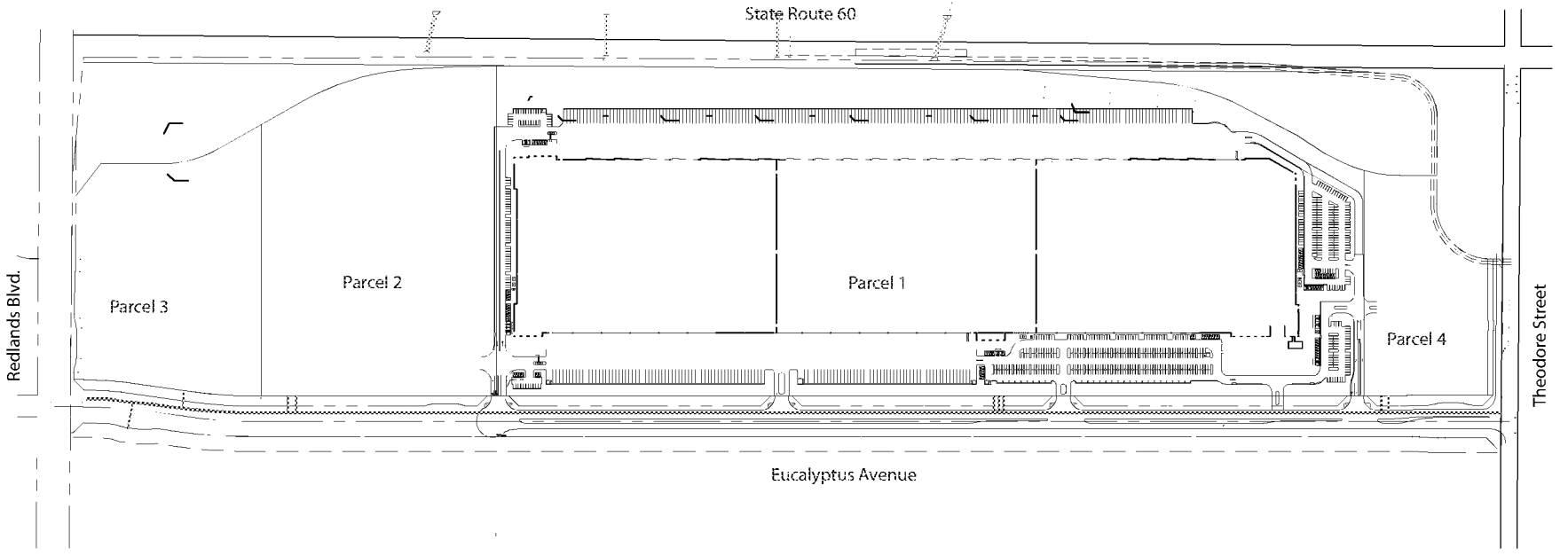

Exhibit "A"

PA07-0090 | HFCP-Eucalyptus Recycled Water Phase 1 Improvements | Vicinity Map

MV00115499

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Recycled Water

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – EUCALYPTUS SEWER IMPROVEMENTS – AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE BUT NOT INTO THE CITY'S MAINTAINED STREET SYSTEM WHEN DETERMINED THAT ALL REMAINING PUBLIC IMPROVEMENTS AND PUNCH-LIST ITEMS ARE COMPLETED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed;

2. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On August 24, 2010 the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Eucalyptus Sewer improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Eucalyptus Sewer improvements is Four Hundred Sixty-Seven Thousand dollars ($467,000.00). The limits of the Eucalyptus Sewer improvements are within Eucalyptus Avenue between Redlands Boulevard and Theodore Street.

The public improvements included, but are not limited to, the following: approximately 1,500 feet of fifteen (15) inch sewer main line, approximately 2,400 feet of twelve (12) inch sewer main line, approximately 650 feet of eight (8) inch sewer main, approximately 150 feet of six (6) inch sewer laterals, and installation of 14 manholes and 2 cleanouts along the sewer line. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Security Reduction Punch List was generated.

On December 15, 2010, the Eucalyptus Sewer improvements received an 80% reduction. The amount reduced was Three Hundred Seventy-Three Thousand Six Hundred dollars ($373,600.00).

DISCUSSION

Upon completion of the Security Reduction Punch List, City staff will perform a final inspection of the improvements and verify that they are in accordance with the approved plans and the standards of the City of Moreno Valley. City staff will also ensure that the improvements are in accordance with Eastern Municipal Water District (EMWD) standards and plans.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the work as complete when all remaining public improvements and punch-list items are completed. It will then be appropriate to provide a reduction to total 90% of the original bond amount to the Faithful Performance Bond issued by Safeco Insurance Company of America. Once accepted by the City and EMWD, the Eucalyptus Sewer improvements will be maintained by EMWD. As there has been one partial reduction provided earlier, the amount remaining to reach the 90% reduction is Forty-Six Thousand Seven Hundred dollars ($46,700.00).

The Faithful Performance Bond will be reduced upon approval and acceptance of the improvements by the Public Works Director/City Engineer. Ninety days after the Public Works Director/City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the Public Works Director/City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the Public Works Director/City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.*

2. Do not authorize the Public Works Director/City Engineer to accept the work as complete but not into the City's maintained street system once the remaining public improvements are completed and punch-list items have been addressed. Do not authorize the Public Works Director/City Engineer to execute the 90% reduction to the Faithful Performance Bond, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *Once required improvements have been completed*

according to City of Moreno Valley and EMWD Standards, it will then be appropriate to provide a reduction to the security.

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map
Exhibit “B” - Security Reduction Punch List

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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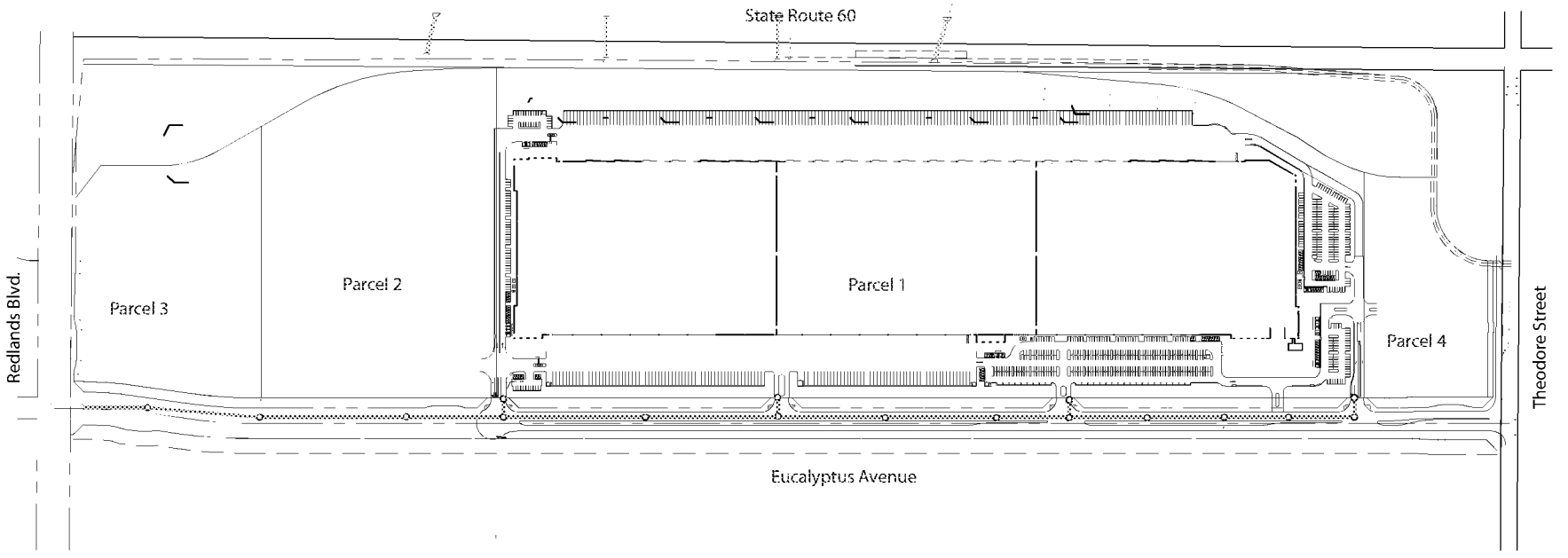

Exhibit "A"

PA07-0090 HFCP-Eucalyptus Sewer Phase 1 Improvements Vicinity Map

MV00115506

Public Works Department
Land Development Division
14177 Fredrick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
TEL (951) 413-3120 FAX (951) 413-3158

SECURITY REDUCTION PUNCH LIST

Project No. : PA07-0090 (PM 35629) – Eucalyptus Sewer

Project Location: Eucalyptus between Redlands and Theodore

Inspection Performed by: Alex Ramirez

Date: 06-28-11

REPRESENTATION

Developer:	**Highland Fairview**
Contact Person/Superintendent:	**Scott Schwarz**
Phone Number:	**(951) 906-8369**

TYPE OF INSPECTION

90% Punch List [X] 10% Final Punch List [ ]

No.	ITEM/DESCRIPTION	COMPLETED
1	Submit EMWD clearance letter	
2	Submit As-builts	
3	Submit clearance letter for RCFC	
4	Clearance from Transportation Division	

Exhibit "B"

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PA07-0090 – LINE F STORM DRAIN IMPROVEMENTS – REQUEST TO RATIFY THE PARTIAL REDUCTION TO THE IMPROVEMENT SECURITY AND AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN PROPER CLEARANCES ARE RECEIVED

BETWEEN STATE ROUTE 60 AND EUCALYPTUS AVENUE, AND REDLANDS BOULEVARD AND THEODORE STREET

DEVELOPER: HF LOGISTICS – SKX T1, LLC
14425 CORPORATE WAY
MORENO VALLEY, CA 92553

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Ratify the partial reduction to the public improvement security provided by the City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090;

2. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District; and

3. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or

liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received.

ADVISORY BOARD/COMMISSION RECOMMENDATION

Not applicable.

BACKGROUND

On February 10, 2009, the City Council of the City of Moreno Valley approved Master Plot Plan No. PA07-0090 and Tentative Parcel Map 35629 and accepted phase-specific Conditions of Approval. The tentative parcel map is a proposal to subdivide the 158-acre site into four parcels, one for establishment of a logistics warehouse development and three for future development. The master plot plan provides for establishment of a business park development consisting of four buildings, internal circulation, parking and various site amenities. The Conditions of Approval for Tract Map 35629 require that the developer provide surety for the required public improvements.

On June 8, 2010, the City Council of the City of Moreno Valley approved the Public Improvement Agreement and security for the Line F Storm Drain improvements. The Conditions of Approval for this project required that the developer provide surety for the improvements. The security amount for the Line F Storm Drain improvements is Six Million Eight Hundred Thirteen Thousand Five Hundred Ninety-Five dollars ($6,813,595.00).

On July 13, 2010, the City Council of the City of Moreno Valley approved the substitution agreement and replacement bonds for the Line F Storm Drain improvements.

The limits of the Line F Storm Drain improvements are within Route 60 to the north, Redlands Boulevard to the west, Eucalyptus Avenue to the south and Theodore Street to the east. The public improvements included, but is not limited to, the following: 2,600 feet of 24-inch RCP, 200 feet of 30-inch Reinforced Concrete Pipe (RCP), 1,900 feet of 36 -inch RCP, 1,500 feet of 42 -inch RCP, 650 feet of 48-inch RCP, 1050 feet of 10-ft by 8-ft Reinforced Concrete Box (RCB), 1,600 feet of 12-ft by 8-ft RCB, pipe inlets/outlets, wing walls, head walls, catch basins, local depressions, manholes, junction structures, transition structures, concrete bulkheads, trash racks, rip rap, fencing and gates. The improvements received on-going inspection during the construction process. Upon completion of improvements, Public Works/Land Development performed an inspection and a Punch List was generated.

On March 3, 2011, the Line F Storm Drain improvements received a 90% reduction. The amount reduced was Six Million One Hundred Thirty-Two Thousand Two Hundred Thirty-Six dollars ($6,132,236.00).

DISCUSSION

Contingent upon receiving the acceptance letter from Riverside County Flood Control and Water Conservation District (District), City Staff will perform a final inspection to ensure that the improvements are in accordance with the approved plans and the standards of the City of Moreno Valley and District.

Staff is requesting the City Council to authorize the Public Works Director/City Engineer to accept the Line F Storm Drain improvements as complete once the proper clearances are provided by the District. A portion of said improvements will be maintained by the District.

In accordance with the Cooperative Agreement approved by the City Council on August 24, 2010 and the storm drain plans approved by the City Engineer on June 14, 2010, the public storm drain improvements being accepted into the City Maintained system are as follows: a portion of Line D, Line G, Laterals F-2-A, F-8-A through F-8-K, F-8-M, F-8-N, F-8-P, F-9, F-9-A through F-9-D, and related appurtenances such as catch basins, inlets, outlets, headwalls, wingwalls, and rip-rap.

Ninety days after the City Engineer approves the improvements, the Material & Labor Bond will be exonerated provided that there are no stop notices or liens on file with the City Clerk.

The remaining 10% of the original bond amount will be held for the one-year guarantee and warranty period. The guarantee and warranty period will commence on the date the City Engineer accepts the improvements. At the end of the guarantee and warranty period, the bond will be released by the City Engineer subject to completion of any defective work that may have appeared during this period.

ALTERNATIVES

1. Ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Authorize the Public Works Director/City Engineer, upon approval and acceptance of the improvements by the Public Works Director/City Engineer, to enter said improvements into the 12 month guarantee and warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all clearances are received. *The required improvements have been completed according to City of Moreno Valley and District Standards*

and it is appropriate to accept the improvements once proper clearances are received.

2. Do not ratify the partial reduction to the public improvement security provided by the Public Works Director/City Engineer on March 3, 2011 for the Line F Storm Drain Improvements for PA07-0090. Do not authorize the Public Works Director/City Engineer to accept the work as complete once the proper clearances are provided by Riverside County Flood Control and Water Conservation District. Do not authorize the City Engineer, upon approval and acceptance of the improvements by the City Engineer, to enter said improvements into the 12 month warranty period, exonerate the Material and Labor Bond in 90 days if there are no stop notices or liens on file with the City Clerk, and exonerate the final 10% of the Faithful Performance Bond in one year when all final approvals are received. *The required improvements have been completed according to City of Moreno Valley and District Standards and it is appropriate to accept the improvements once proper clearances are received.*

FISCAL IMPACT

Not applicable

CITY COUNCIL GOALS

Not applicable

NOTIFICATION

Publication of agenda

EXHIBITS

Exhibit “A” - Vicinity Map

Prepared By
Liz Plazola
Sr. Administrative Assistant

Department Head Approval
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By
Mark W. Sambito, P.E.
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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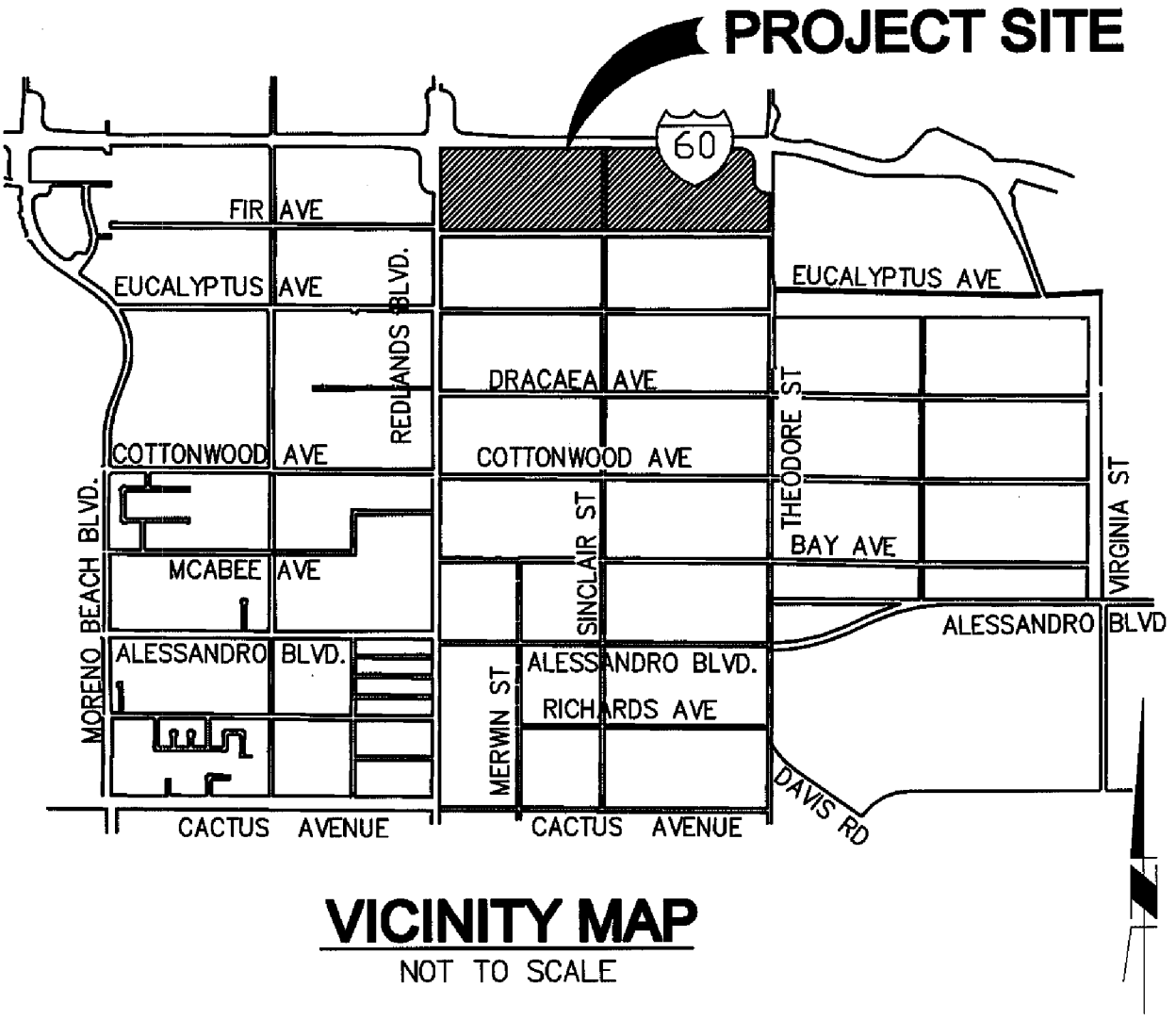

VICINITY MAP

NOT TO SCALE

CITY OF MORENO VALLEY **PUBLIC WORKS - LAND DEVELOPMENT** Exhibit "A"	**PA07-0090** **LOCATION MAP**

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MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

SEE AGENDA ITEM A.4

C3. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE INDIAN DETENTION BASIN DRAINAGE IMPROVEMENTS, AND IRONWOOD AVENUE STREET IMPROVEMENTS FROM HEACOCK STREET TO NITA DRIVE PROJECT NO. 09-89791726, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.4) (**Report of: Public Works Department)

SEE AGENDA ITEM A.11

C4. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE AUTO MALL FREEWAY PYLON SIGN PROJECT, PROJECT NO. 08-89791725, DIRECT THE CITY CLERK TO RECORD THE NOTICE OF COMPLETION, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND AUTHORIZE THE COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR TO RELEASE THE SIGN TO THE MORENO VALLEY DEALERS ADVERTISING ASSOCIATION **(ALSO LISTED AS AGENDA ITEM A.11)** (Report of: Public Works Department

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SEE AGENDA ITEM A.13

C5. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE IRONWOOD AVENUE IMPROVEMENTS FROM DAY STREET TO BARCLAY DRIVE PROJECT NO. 10-41570027, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED SYSTEM **(ALSO LISTED AS AGENDA ITEM A.13)** (Report of: Public Works Department)

SEE AGENDA ITEM A.15

C6. AUTHORIZE THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO ACCEPT THE WORK AS COMPLETE WHEN DETERMINED THAT ALL CONTRACT REQUIREMENTS AND PUNCH-LIST ITEMS ARE COMPLETED FOR THE DAY STREET ROADWAY IMPROVEMENTS FROM ALESSANDRO BOULEVARD TO COTTONWOOD AVENUE PROJECT NO. 02-89266920, AUTHORIZE THE CITY CLERK TO GIVE NOTICE OF SAME, AUTHORIZE THE FINANCIAL AND ADMINISTRATIVE SERVICES DIRECTOR TO RELEASE THE CONTRACT RETENTION TO THE CONTRACTOR, AND ACCEPT THE IMPROVEMENTS INTO THE CITY MAINTAINED ROADWAY SYSTEM **(ALSO LISTED AS AGENDA ITEM A.15)** (Report of: Public Works Department)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Redevelopment Agency Chairperson and Board of Directors

FROM: Barry Foster, Economic Development Director
Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: AUTHORIZE FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT AND AUTHORIZE CHANGE ORDER TO THE PURCHASE ORDER FOR VA CONSULTING, INC. FOR THE MORENO VALLEY AUTO MALL IMPROVEMENTS PROJECT NO. 08-89791725

RECOMMENDED ACTION

Staff recommends that the Community Redevelopment Agency (RDA):

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency.

2. Authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725).

BACKGROUND

On April 28, 2009, City Council authorized VA Consulting, Inc. (VA Consulting) to proceed with the final Auto Mall design plans and specifications. On July 13, 2010, City Council authorized the City Manager to execute a Project Specific Agreement and assign said Project Specific Agreement to the Community Redevelopment Agency. At this same meeting, the Community Redevelopment Agency approved an increase to Purchase Order No. 37386 for $50,000.

DISCUSSION

The Moreno Valley Auto Mall is currently comprised of five (5) auto dealerships and six (6) vacant parcels. The Redevelopment Agency have been working with the Auto Mall dealers to explore various ways to increase public awareness by creating attractive visual displays of dealer products and other aesthetic elements. The goal is to help provide increased awareness and interaction between prospective customers and business owners. The increase in Auto Mall business has the potential to increase additional opportunities for employment and enhance other long term related business benefits for the local community.

The Auto Mall project consists of two phases – the re-construction of the pylon sign and the street improvements. The pylon sign installation was completed on June 20, 2011.

Street improvement enhancements and revitalization are integral elements of the final Automall plans. Recent changes in the Auto Mall ownership and lot line adjustments of the parcels fronting Motor Way necessitate design revisions to the project's street improvement plans. VA Consulting has been retained to provide professional consultant design services under their Project Specific Agreement that expires May 1, 2012. Staff is recommending the First Amendment to the Project Agreement in order to increase the Project Specific Agreement amount by $25,000. The additional monies provide for 1) Finalization of the street improvement plans and specifications to reflect the construction scope of work based on available construction funds after the completion of the pylon sign, 2) bid support services during the advertising of the project for construction, and 3) design support services during the construction of the street improvements.

ALTERNATIVES

1. Authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services, bid design support services, and construction support services (Account No. 897.91725). *This alternative will allow for much needed improvements.*

2. Do not authorize the City Manager, acting in his capacity as the Executive Director for the Community Redevelopment Agency of the City of Moreno Valley, to execute the First Amendment to the Project Agreement in the form attached hereto on behalf of the Community Redevelopment Agency and do not authorize a Change Order to increase Purchase Order No. 37386 for VA Consulting, Inc., in the amount of $25,000 for additional professional consultant design services bid design support services, and construction support services (Account No.

897.91725). *This alternative will delay the completion of much needed improvements.*

FISCAL IMPACT

The Moreno Valley Auto Mall Street Improvements is included in Fiscal Year 2011/2012 Budget and is funded by Fund 897 (RDA 2007 Tax Allocation Bonds). These funds have been allocated for the Moreno Valley Auto Mall Improvements project and cannot be utilized for operational activities. There is no impact on the General Fund.

Fiscal Year 2010/2011 Budget (Account No. 897.91725)	$1,512,000
Pylon Sign Construction Related Costs	$786,000
Construction Related Savings	$726,000

AVAILABLE FUNDS:

Fiscal Year 2011/2012 Budget (Account No. 897.91725)	$726,000
Estimated Additional Design Related Services	$25,000
Remaining Available Balance for Construction of Street Improvements	$701,000

CITY COUNCIL GOALS

REVENUE DIVERSIFICATION AND PRESERVATION:
Develop a variety of city revenue sources and policies to create a stable revenue base and fiscal policies to support essential city services, regardless of economic climate.

PUBLIC FACILITIES AND CAPITAL PROJECTS:
Ensure that needed public facilities, roadway improvements, and other infrastructure improvements are constructed and maintained.

POSITIVE ENVIRONMENT:
Create a positive environment for the development of Moreno Valley's future.

COMMUNITY IMAGE, NEIGHBORHOOD PRIDE AND CLEANLINESS:
Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts and neighborhood restoration.

SUMMARY

The street improvement plans are an integral element of the final conceptual plan to rejuvenate Auto Mall. Staff is recommending that the Community Redevelopment Agency authorize the First Amendment to the Project Specific Agreement and furthermore authorize an increase to Purchase Order No. 37386 with VA Consulting in the amount of $25,000 for additional design services, bid design support services, and construction support services.

ATTACHMENTS

Attachment "A" – First Amendment to Project Specific Agreement

Prepared By:
Guy Pegan, P.E.
Senior Engineer

Department Head Approval:
Chris A. Vogt, P.E.
Public Works Director/City Engineer

Concurred By:
Prem Kumar, P.E.
Deputy Public Works Director/Assistant City Engineer

Concurred By:
Barry Foster
Community and Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

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FIRST AMENDMENT TO PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES MORENO VALLEY AUTO MALL STREET IMPROVEMENTS PROJECT NO. 08-89791725

This First Amendment to Project Specific Agreement is by and between the Community Redevelopment Agency of the City of Moreno Valley, a municipal corporation, hereinafter referred to as "RDA," and VA Consulting, Inc., a California corporation, hereinafter referred to as "Consultant." This First Amendment to Project Specific Agreement is made and entered into effective on the date the RDA signs this First Amendment.

RECITALS:

Whereas, the City of Moreno Valley and Consultant entered into an Agreement entitled "PROJECT SPECIFIC AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES," hereinafter referred to as "Project Agreement," dated November 1, 2010.

Whereas, the City assigned its interest in said Agreement to RDA on November 1, 2010.

Whereas, the Consultant is providing consultant engineering services for the Moreno Valley Auto Mall Street Improvement project.

Whereas, it is desirable to amend the Project Specific Agreement to expand the scope of services as is more particularly described in Section 1 of this First Amendment.

SECTION 1 AMENDMENT TO ORIGINAL PROJECT AGREEMENT:

1.1 The On-Call Agreement termination date of May 1, 2012 is not extended by this Amendment to the Project Agreement.

1.2 Exhibit “D” to the Project Agreement is hereby further amended by adding to the cost proposal section thereof Exhibit “A” -- First Amendment, entitled “Terms of Payment”.

1.4 The RDA agrees to pay the Consultant and the Consultant agrees to receive a "Not-

to-Exceed" fee of $25,000.00 as set forth in the above-referenced Terms of Payment, in consideration of the Consultant's performance of the work set forth in Exhibit "A" - First Amendment.

1.5 The total "Not to Exceed" fee for this Agreement is $64,960.00 ($39,960.00 for the original Agreement plus $25,000.00 for the First Amendment to Project Specific Agreement).

SECTION 2

2.1 Except as otherwise specifically provided in this Amendment, all other terms and conditions of the Project Agreement shall remain in full force and effect.

SIGNATURE PAGE TO FOLLOW

MV00115525

AMENDMENT TO PROJECT AGREEMENT FOR ON-CALL PROFESSIONAL CONSULTANT SERVICES PROJECT NO. 08-89791725

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this First Amendment to Project Agreement.

Community Redevelopment Agency

BY:_____
Executive Director

DATE:_____

VA Consulting, Inc.

BY:_____

TITLE:_____
(President or Vice President)

BY:_____

TITLE:_____
(Corporate Secretary)

RECOMMENDED FOR APPROVAL:

BY:_____
Chris A. Vogt, P.E.
Public Works Director/City Engineer

DATE:_____

APPROVED AS TO LEGAL FORM:

_____
General Counsel of the Community Redevelopment Agency of the City of Moreno Valley

DATE:_____

Attachment: Exhibit "A" – First Amendment (Terms of Payment)
Exhibit "B" – First Amendment (Assignment of Project Agreement)
Exhibit "C" – First Amendment (Project Agreement)

MV00115526

TERMS OF PAYMENT

1. This First Amendment to Agreement shall have a Not-to-Exceed Fee of $25,000 for the First Amendment to the Project Specific Agreement.

2. Tasks shall include, but not be limited to, all Professional Consultant Services necessary to complete the work for the Street Improvements covered by this Proposal including:

    a. Finalize Plans and Specifications to reflect Construction Scope of Work Based on Available Construction Funds.

    b. Bid Support Services During Construction Bid Advertisement

    c. Design Support Services During Construction

3. Work can only commence after this First Amendment to the Agreement has been executed and the City issues a notice to proceed.

4. Monthly invoices will specifically identify job title, person-hours, and costs incurred by each task.

5. Sub-categorization of tasks is permitted to better define the task for payment.

6. Reimbursement costs such as mileage, printing, telephone, photographs, postage and delivery, are to be included in the "Not-to-Exceed Fixed Fee."

7. All tasks including labor and reimbursable costs such as mileage, printing, telephone, photographs, postage, and delivery shall have supporting documentation presented at the time payment is requested.

8. The City will pay the Consultant for all acceptable services rendered in accordance with the "Project Specific Agreement" and this First Amendment.

9. When the Consultant is performing, or is requested to perform, work beyond the scope of service in the "Project Specific Agreement," or this First Amendment an "Amendment to the Agreement" will be executed between the City and Consultant.

10. Payment will be based on hourly rate for work completed associated with each applicable task as identified in the scope of work.

EXHIBIT "A"

MINUTES - REGULAR MEETING OF JUNE 28, 2011 (Report of: City Clerk's Department)

Recommendation: Approve as submitted.

SEE AGENDA ITEM A.2

Beazer Homes

June 15, 2011

John Terell, Planning Director
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Subject: Tract 36340 – Rockcliffe City Council Continuance

Dear Mr. Terell:

Beazer Homes would like to request a continuance from the July 12th City Council meeting regarding our proposed Development Agreement for Tract 36340. Beazer is looking to revisit some of the items within this agreement with the City of Moreno Valley. Beazer would like to be scheduled on the October 11th City Council meeting

Thank you for your time and efforts regarding this project. We look forward to working with the City of Moreno Valley. Should you have any questions, please do not hesitate to contact me at (714) 720-6304.

Sincerely,

Bryan Bergeron
Development Manager
Beazer Homes Southern California Division

Orange County Office

1800 E. Imperial Highway, Suite 200
Brea, CA 92821

O: 714-672-7000
F: 714-285-2925
www.beazer.com

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011 (Continued from May 24, 2011)

TITLE: A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF FIR AVENUE AND EUCALYPTUS AVENUE. THE APPLICANT AND OWNER OF THE SITE IS BEAZER HOMES.

RECOMMENDED ACTION

Staff recommends that the City Council introduce Ordinance No. 2011- ___, for adoption of a development agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 and conditional use permit/ planned unit development consisting of 275 residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use districts.

ADVISORY BOARD/COMMISSION RECOMMENDATION

On February 24, 2011, the Planning Commission reviewed and recommended approval to the City Council of a Development Agreement for a proposed small lot single-family residential project. At that meeting, the Planning Commission also approved PA10-0038 for Tentative Tract Map No. 36340 and PA10-0039 for a conditional use permit and planned unit development to subdivide a 29 acre site into 275 residential lots, a recreation building and multiple private open space lots.

BACKGROUND

The project applicant, Beazer Homes, is requesting using a separate Development Agreement in conjunction with a recently approved subdivision of land and planned unit development consisting of a small lot single-family tract with recreational amenities. Some of the amenities included with the tract include a recreation building, pool, tot lots, turf play areas, picnic and BBQ area and numerous private open space lots.

The recently approved residential project will provide a walkable community and provide pedestrian access to existing regional shopping centers (Stoneridge Town Center and Moreno Beach Plaza) to the north and east of the subject site, while promoting limited automobile trips and a reduction of vehicle miles traveled. The proposed project will also provide innovative residential opportunities of owning a home on a small lot for the first time home buyer and/or senior/empty nester.

As part of the small lot single-family residential project proposal reviewed and approved by the Planning Commission, a development agreement (PA10-0029) has been included to provide a temporary reduction of Development Impact fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the current fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. In return, the applicant proposes to construct all remaining project improvements, provide extensive recreation and open space amenities, and energy efficiency enhancements, all detailed in the Discussion section below.

DISCUSSION

With the proposed Development Agreement, the Developer has proposed a temporary reduction in Development Impact Fees (DIF) as necessary for the financial feasibility of proceeding with the project. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre, which addressed the both direct and indirect impacts on public improvements from the proposed project. Development of the project at this time of economic uncertainty will support the continued vitality and growth of the shopping center as well as the adjacent Moreno Beach Plaza shopping center.

In return, the Developer agrees in part to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, greenbelts a high quality entry statement, perimeter walls and landscape, all remaining public street improvements, and all regional trail system improvements. In addition, the developer proposes to provide energy efficient features with the development which may include, but not be

limited to LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool. The project provides individual energy efficiency for all housing units, which will be at least ten (10%) beyond the requirement of the current Uniform Building code requirements.

The proposed Development Agreement will not change any aspects of the amended project approved under PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) on February 24, 2011 by the Planning Commission. The agreement is also within the scope of the addendum to the Negative Declaration approved for the original amended project and tentative map.

ALTERNATIVES

1. Approve the proposed Development Agreement for Rockcliffe at Stoneridge Ranch as submitted and attached.
2. Approve the proposed amendments to the proposed Development Agreement, with modifications to address City Council concerns.
3. Refer the proposed Development Agreement back to the Planning Commission for further review and revision.
4. Deny the proposed Development Agreement.

FISCAL IMPACT

As included in the Development Agreement, the applicant is requesting temporary reductions of development impact Fees (DIF), which will include a 50% reduction in DIF for the first two years after the commencement of the term of the agreement, a 40% reduction in fees for the third year and a 30% reduction in fees for the fourth year. There are no fiscal impacts from this project associated with the General Fund. The use of the Development Agreement is intended to jump-start the construction of the project. Having more housing develop in this area will ultimately produce more residents and enhance shopping opportunities and potential sales tax revenue in nearby shopping centers.

CITY COUNCIL GOALS

Not applicable.

NOTIFICATION

Notice of the project was provided to property owners within 300 feet of the project and to the general public through local newspaper publishing and on-site postings.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice

2. Development Agreement Ordinance, including Exhibit A, Rockcliffe at Stoneridge Ranch Development Agreement as attached
3. Zoning Map
4. Aerial Map
5. Planning Commission Report, excluding exhibits
6. Planning Commission Minutes of September 24, 2009
7. Reduced copy of illustrative landscape plan for Tentative Tract Map No. 36340

Prepared By:
Mark Gross, AICP
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic
Development Department

Concurred By:
John Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: PA10-0029 (Development Agreement)

APPLICANT: Beazer Homes

OWNER: Beazer Homes

REPRESENTATIVE: MDS Consulting

LOCATION: The project is located on the southeast corner of Fir Avenue and Eucalyptus Avenue.

PROPOSAL: A Development Agreement (PA10-0029) for Rockcliffe at Stoneridge, an approved project encompassing Tentative Tract Map No. 36340 (PA10-0038) and a Conditional Use Permit/ Planned Unit Development (PA10-0039) consisting of 275 single-family residential lots, a recreation building and private open space on approximately 29 acres in the R15 (Residential 15) and OS (Open Space) land use district.

ENVIRONMENTAL DETERMINATION: This development agreement will not have a significant effect on the environment, while the item is within the scope of the approved addendum to the original project Negative Declaration per Section 15164 of the California Environmental Quality Act (CEQA) as adopted under PA10-0038 and PA10-0039.

REDEVELOPMENT AREA: Yes

STAFF RECOMMENDATION: Approval

Any person interested in any listed proposal can contact the Community and Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

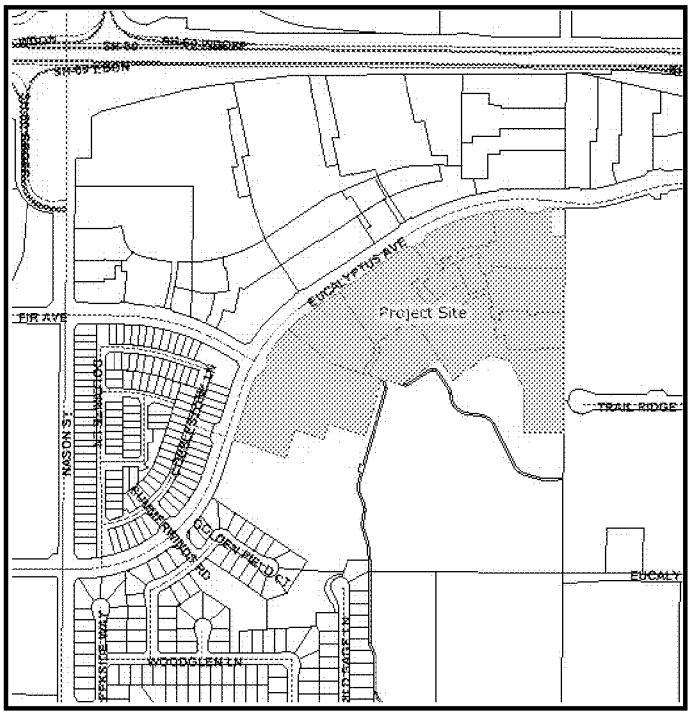

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chambers, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE & TIME: March 22, 2011 at 6:30 P.M.

ATTACHMENT 1

CONTACT PLANNER: Mark Gross
PHONE: (951) 413-3215

ATTACHMENT 1

ORDINANCE NO. 823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (PA10-0029) FOR ROCKCLIFFE AT STONERIDGE, AN APPROVED PROJECT ENCOMPASSING TENTATIVE TRACT MAP NO. 36340 AND A CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT CONSISTING OF 275 RESIDENTIAL LOTS, A RECREATIONAL BUILDING AND PRIVATE OPEN SPACE ON APPROXIMATELY 29 ACRES IN THE R15 (RESIDENTIAL 15) AND OS (OPEN SPACE) LAND USE DISTRICTS

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The development agreement is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on March 22, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **The proposed development agreement is consistent with the goals, objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

   FACT: Tract Map No. 36340 purposes to subdivide an approximate 29 acre parcel into 275 total single-family residential lots for development purposes. The applicant has proposed a development agreement to temporarily reduce development fees. The development agreement will allow for the development of detached single-family residential units consistent with permitted uses in the Residential 15 land use district. In the General Plan and all land uses included in the zoning ordinance.

2. **The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.**

FACT: The applicant has proposed a tentative tract map, for the primary purposes of subdividing an approximate 29 acre site into 275 single-family residential lots consisting of individual common recreation lots and a recreation building. The General Plan land use designation for the site is R15 (Residential - 15) and OS (Open Space), while the project site does not lie within a designated specific plan area. The proposed single-family residential land use is a permitted use in the R15 land use district. The proposed development agreement is compatible with all uses included in the R15 land use district.

3. **The proposed development agreement will not be detrimental to the public health, safety or general welfare.**

FACT: As conditioned, the proposed land division for 275 single-family residential lots and PUD on an approximate 29 net-acre parcel is in conformance with the General Plan and zoning district and would not cause serious public health problems or be materially injurious to properties or improvements in the general vicinity. The proposed development agreement will also not affect or be detrimental to health, safety or general welfare of the subject site or surrounding properties. The development agreement is considered within the scope of the previously approved addendum to the tentative tract map and planned unit development/conditional use permit and would not cause serious health problems or significant environmental impacts to the site or surrounding sites.

4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice.

FACT: The project is consistent in density with current and future developments within the general vicinity. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north. The proposed project and development agreement will allow a small lot single-family development in an area that will have direct pedestrian access to two regional shopping centers and would in turn reduce overall vehicle miles traveled for a multiple family residential project and create good land use practice. As part

of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities such as a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units that are demonstrated to be at least ten (10%) beyond the requirement of the current building code requirements.

5. **The proposed development agreement will not adversely affect the orderly development or the preservation of property values for the subject property or any other property.**

FACT: The proposal to protect the provisions and land uses of the General Plan, allow for the development of permitted uses established in the Municipal Code for the subject site and its subsequent entitlements, and provide provisions for implementation of the entitlements will further support the project's implementation which is compatible with the land uses in the general vicinity. The project is consistent in density with current and future developments within the general vicinity and is also consistent with the residential project approved in 2006 and the revised project approved on February 24, 2011 for the site. This would include surrounding residential land uses to the south and west and commercial/retail directly to the east and across Eucalyptus Avenue to the north.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the development agreement attached hereto as Exhibit A, and does hereby authorize the mayor to sign the development agreement on behalf of the City.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. ____
Date Adopted:

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. ____
Date Adopted:

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Moreno Valley
Attn: City Manager
P.O. Box 88005
Moreno Valley, California 92552-0805

(SPACE ABOVE FOR RECORDER'S USE ONLY)

BEAZER STONERIDGE DEVELOPMENT AGREEMENT

**DEVELOPMENT AGREEMENT BY AND BETWEEN
THE CITY OF MORENO VALLEY
AND
BEAZER HOMES,
RELATIVE TO THE DEVELOPMENT KNOWN AS
ROCKCLIFFE TRACT 36340**

February 24, 2011

EXHIBIT A

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this _____ day of _____, 2011 (the "Effective Date"), by and between the CITY OF MORENO VALLEY, a municipal corporation organized and existing under the laws of the State of California (the "City"), and BEAZER HOMES HOLDINGS CORP., a Delaware corporation (the "Developer"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code. City and Developer may be referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 et seq. of the California Government Code, which authorizes the City to enter into a development agreement with any person or entity having a legal or equitable interest in real property, providing for the development of such property and establishing certain reciprocal rights and obligations related to such development.

B. To implement the above-described state laws, the City adopted Section 9.02.110 of the Moreno Valley Municipal Code, establishing procedures and requirements for considering and approving development agreements.

C. The Developer has a legal and equitable interest in certain real property situated in the City, and therefore satisfies the statutory requirements to enter into this Agreement. This real property comprises the entirety of Tract 36340 (the "Property"), more particularly described in Exhibit "A" attached hereto.

D. The Developer is a sophisticated and experienced real estate developer with substantial experience in the development of high quality residential neighborhoods.

E. The City Council, on July 11, 2006, adopted Resolution No. 2006-84 approving the Moreno Valley General Plan (the "General Plan").

F. The City Planning Commission, on April 14, 2005, approved Tentative Tract Map 36340 ("the Map") and Plot Plan PA04-0176 for the aforementioned entitlements for the Property.

G. The Map and Plot Plan as heretofore approved, comprises the "Project Approvals," and is incorporated herein by this reference. The Developer desires to develop the Property in accordance with the Project Approvals and this Agreement. Such development of the Property, as contemplated by the Project Approvals and subject to any refinements agreed upon by the Parties, is referred to herein as the

"Project."

H. The implementation of this Agreement will provide the City with significant public benefits in the form of facilities, programs and revenues as set forth in Section 5 of this Agreement. Consequently, entering into this Agreement is acknowledged to be to the mutual benefit of the Parties.

I. The City Council, on_____, 2011, made all findings and determinations relating to this Agreement which are required by Municipal Code Section 9.02.110, and approved this Agreement by its adoption of Ordinance No. ___, on _____, 2011. In doing so, the City Council determined that this Agreement is consistent with the General Plan.

J. The City Council finds that execution of this Agreement and the performance of and compliance with the terms and conditions set forth herein by the Parties: (i) is in the best interests of the City; (ii) will promote the public convenience, general welfare and good land use practices in the City; (iii) will provide benefits to the City; (iv) will provide a high-quality residential community; (v) will encourage the development of the Project by providing a reasonable level of incentive to the Developer; and (vi) will provide for orderly growth and development in a manner consistent with the General Plan and other plans and regulations of the City.

NOW, THEREFORE, in consideration of the above Recitals, all of which are expressly incorporated into this Agreement, and the mutual promises and obligations of the Parties set forth herein, the Parties agree as follows:

AGREEMENT

SECTION 1: DEFINITIONS

The following terms when used in this Agreement shall be defined as follows:

1.1 "Agreement" means this Development Agreement.

1.2 "Assignee Developer" means a developer to whom any of the rights, duties or obligations of this Agreement have been assigned in conformity with all assignment provisions contained herein.

1.3 "City" means the City of Moreno Valley, a municipal corporation organized and existing pursuant to the laws of the State of California.

1.4 "City Council" means the City Council of the City of Moreno Valley.

1.5 "Covenants, Conditions and Restrictions" or "CC&Rs" shall mean the restrictions governing the use of real property. CC&Rs include, but are not limited to written rules, limitations and restrictions on use of real property mutually agreed to by all owners of real property in a common interest development as provided for in California Civil Code Section 1351 *et* seq. CC&Rs are enforceable by the homeowners association or by individual owners who can bring lawsuits against violators and are recorded, permanent and "run with the land" so future owners are bound to the same rules. A copy of the CC&Rs shall be recorded with the Riverside County Recorder and be provided to any prospective purchaser.

1.6 "Current Fees" means the September 23rd, 2009 Residential Impact Fees City-wide effective as of the date of this Agreement, as shown on the schedule attached as Exhibit "B" to this Agreement and made a part herein by this reference.

1.7 "Developer" means BEAZER HOMES HOLDINGS CORP., any City approved Assignee or successor in interest to BEAZER HOMES HOLDINGS CORP., and/or any City approved Assignee or successor in interest to the obligations of the Developer set forth in Section -- of this Agreement.

1.8 "Development" means the improvement of the Property for the purposes of completing the structures, improvements and facilities comprising the Project including, but not limited to: grading; the construction of infrastructure and public facilities related to the Project whether located within or outside the Property; the construction of residential dwelling units, buildings and structures; and the installation of landscaping. "Development" does not include the maintenance, repair, reconstruction or redevelopment of any building, structure, improvement or facility after the construction and completion thereof.

1.9 "Development Approvals" means all entitlements for use subject to approval by City in connection with development of the Property including, but not limited to:

1.9.1 Tentative and final subdivision maps;

1.8.2 Conditional use permits, variances, plot plans

1.9 "Development Impact Fees" or "DIF" means all City adopted fees and monetary Exactions that are designed to pay for new or expanded public facilities needed to serve, or to mitigate the adverse effects of, a given development project and that are imposed by the City by ordinance or resolution of general application or as a condition of approval of discretionary or ministerial permits for, or in connection with, the implementation of that development project. The term "Development Impact Fees" (the "DIF") does not include processing fees and charges as described in this Agreement, or regional fees collected by the City and transmitted to other agencies, including but not limited to the Western Riverside Transportation Uniform Mitigation Fee (TUMF) and Riverside County Multiple Species Habitat Conservation Plan Fee (MSHCP).

1.10 "Effective Date" means the effective date of the ordinance approving this Agreement.

1.11 "Exaction" means any requirement of City in connection with or pursuant to any Land Use Regulation or Development Approval for the dedication of land, the construction of improvements or public facilities, or the payment of money in order to provide public benefit or lessen, offset, mitigate or compensate for the impacts of development on the environment or other public interests. The term "Exaction" shall not include City administrative, permit processing or other City-wide imposed fees to cover the estimated or actual costs to City of processing applications for Development Approvals, Subsequent Development Approvals, or costs associated with preparation or implementation of this Development Agreement or for monitoring compliance with any Development Approvals which may be granted or issued pursuant to this Agreement.

1.12 "Existing Project Approvals" means all Project Approvals approved or issued prior to the Effective Date and all other Approvals which are a matter of public record on the Effective Date.

1.13 "Existing Land Use Regulations" means all Land Use Regulations in effect on the Effective Date and all other Development Regulations which are a matter of public record on the Effective Date.

1.14 "Land Use Regulations" means all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction standards and specifications applicable to the development of the Property. By way of example and not limitation, "Land Use Regulations" does not include any City ordinance, resolution, code, rule, regulation or official policy, governing:

1.14.1 The conduct of businesses, professions, and occupations;

1.14.2 Taxes, fees (including, without limitation, Processing Fees and Development Impact Fees) and assessments;

1.14.3 The control and abatement of nuisances;

1.14.4 The granting of encroachment permits and the conveyance of rights and interests which provide for the use of or the entry upon public property;

1.14.5 The exercise of the power of eminent domain.

1.15 "Mortgagee" means a beneficiary or any other security-device lender under a mortgage, deed of trust, sale-and-lease-back, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property, the Developer, or both, and as well as such entities' successors and assigns.

1.16 "Processing Fees" means City Council adopted fees and charges for processing applications for City actions or approvals.

1.17 "Project" means the development of the Property contemplated by the Tract Map and planned development as defined herein which may be further defined, enhanced or modified pursuant to the provisions of this Agreement. This Agreement pertains to Tract 36340, proposed to be developed as a single family planned development with common amenities to be maintained by a Homeowner's Association. The Project contemplates a maximum of two hundred seventy five (275) dwelling units.

1.18 "Project Approvals" means the Tract Map, Planned Development and all Subsequent Development Approvals including without limitation their respective conditions of approval.

1.19 "Property" means the real property described on Exhibit "A" to this Agreement and made a part herein by this reference.

1.20 "Subsequent Development Approvals" means all Development Approvals obtained subsequent to the Effective Date in connection with development of the Property.

1.21 "Subsequent Land Use Regulations" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement.

SECTION 2: GENERAL PROVISIONS

2.1 Duration of Project Approvals. Project Approvals for the Project shall not have any time added to their duration or validity by this Agreement than what is already provided for in the applicable law governing such project approval or permit.

2.2 Term of Agreement.

2.2.1 Term. The Term of this Agreement shall commence twelve (12) months from the Effective Date of the ordinance approving this Agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter, unless this Agreement is earlier terminated, modified or extended in accordance with the provisions of this Agreement.

2.2.2 Termination Upon Completion.

2.2.2.1 If not already terminated by reason of any other provision hereof, this Agreement shall automatically terminate upon: (i) total build-out of the Project pursuant to the Project Approvals and any amendments thereto; (ii) the issuance of all occupancy permits for structures requiring such permits, or final building inspections for improvements on the Property; and (iii) acceptance by the City of all dedications of public rights-of-way and public improvements (to the extent the City elects to accept dedication of public rights-of-way and public improvements).

2.2.2.2 This Agreement shall automatically terminate as to any individual dwelling unit upon close of escrow for a sale to an end user of that dwelling unit and issuance of a certificate of occupancy or final City inspection for that unit.

2.3 Binding Effect of Agreement.

2.3.1 Covenant. This Agreement shall bind, and inure to the benefit of, the respective Parties and their successors in interest, including their heirs, representatives, assigns, partners and investors. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land as to the Property. However, there shall be no third party beneficiaries of this Agreement, except that this Agreement shall be enforceable by the City on behalf of any of its subsidiary or affiliated public agencies or special districts, including without limitation, its Community Redevelopment Agency, Community Services Districts, or Community Facilities Districts.

2.3.2 No Property Interest. Nothing herein shall be construed as a dedication or transfer of any right or interest in, or as creating a lien with respect to, title to the Property.

SECTION 3: PROJECT DEVELOPMENT REQUIREMENTS

3.1 Property Ownership. The Developer represents and covenants that it is the owner of the fee simple title to the Property.

3.2 Development. The Developer shall develop the Project in accordance with the Project Approvals and this Agreement. During the term of this Agreement, the permitted uses within the Project, the density and intensity of use, maximum height and size of buildings, other zoning standards, the requirements for reservation or dedication of land for public purposes, the mitigation requirements and all other terms and

conditions of development of the Project shall be those set forth in the Project Approvals.

3.3 Rules and Regulations. Pursuant to Government Code Section 65866, and except as otherwise provided in this Agreement, the regulations, rules and official policies of the City governing (i) permitted uses within the Project, (ii) density and intensity of use, (iii) design, improvement and construction standards and specifications, and (iv) all other terms and conditions of development of the Project shall be those regulations, rules and official policies which are in effect on the effective date of the ordinance approving this Agreement, except as set forth under the Reservations of Authority below, (the "Applicable Regulations").

3.4 Building Permits. The Developer shall have the right to obtain building permits consistent with the Project Approvals, Land Use Regulations and Subsequent Land Use Regulations as set forth in this Agreement for the entire life of this Agreement and any extensions thereof.

3.5 Timing of Development. The parties acknowledge that the Developer cannot at this time predict when or the rate at which phases of the Property will be developed. Such decisions depend upon numerous factors which are not within the control of the Developer, such as market orientation and demand, interest rates, absorption, completion and other similar factors. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal. 3d 465, that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that the Developer shall have the right to develop the Property in such order and at such rate and at such time as the Developer deems appropriate within the exercise of its subjective business judgment, subject only to any timing or phasing requirements set forth in the Project Approvals.

SECTION 4: RESERVATION OF AUTHORITY

4.1 Subsequent Land Use Regulations and Processing Requirements. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the development of the Property:

4.1.1 City Council amended or adopted Processing Fees and charges applicable to all developments imposed by City to cover the estimated actual costs to City of processing applications for development approvals or for monitoring compliance with any development approvals granted or issued.

4.1.2 City Council amended or adopted DIF, except as otherwise provided for in this Agreement.

4.1.3 Fees adopted by the City Council to implement regional mitigation programs (e.g. Transportation Uniform Mitigation Fee (TUMF), Western Riverside County Multiple Species Habitat Conservation Plan, etc.).

4.1.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure.

4.1.5 Regulations governing construction standards and specifications including, without limitation, the Uniform Building, Plumbing, Mechanical, Electrical, and Fire Codes as adopted, or amended and adopted, by the City.

4.1.6 Regulations which may be in conflict with the Project Approvals but which are reasonably necessary to protect the public health and safety. To the extent possible, any such regulations shall be applied and construed so as to provide the Developer with the rights and assurances provided under this Agreement.

4.1.7 Regulations imposed by State or Federal Law.

4.2 Moratoria. Regulations imposed by the City, whether adopted by City Council action, initiative or otherwise, imposing a development moratorium or limiting the rate or timing of development of the Property shall be deemed to conflict with this Agreement and shall therefore not be applicable to the Development of the Property. Development moratoria imposed by other government agencies or otherwise outside the City's reasonable control, or due to the lack of availability of water or other necessary facilities or services shall not create liability or default under this Agreement.

4.3 Modification or Suspension by State or Federal Law. In the event that State or Federal laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more of the provisions of this Agreement or render the City subject to liability, fine, penalty, charge, cost or restrictions on its authority or powers in order to comply with this Agreement, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations, provided, however, that this Agreement shall remain in full force and effect to the extent such laws or regulations do not render such remaining provisions impractical to enforce.

SECTION 5: OBLIGATIONS OF AND CONTRIBUTIONS BY DEVELOPER

5.1 Acknowledgement. The Developer acknowledges that it receives a substantial benefit by entering into this Agreement. The approval and execution of this Agreement by the City will provide the Developer with substantial vested rights and assurances that it would otherwise not receive as part of the development process,

including without limitation, protection from City-imposed moratoria, and protection from changes in the Land Use Regulations and the Project Approvals that the City could otherwise have imposed in the exercise of its legitimate regulatory powers as a government agency. Under State law related to Development Agreements, by providing the protections of a development agreement, the City is entitled to receive from the Developer consideration in the form of benefits to the public that otherwise would or could not be imposed as conditions of approval for the Project. Therefore, as consideration for this Agreement, in addition to the other terms and conditions of this Agreement, the Developer shall provide to City the public benefits set forth herein.

5.1 Construction of Improvements. The Developer agrees to build all required improvements in accordance with the Project Approvals. The parties acknowledge that these improvements exceed the overall mitigation obligations of the Project for traffic, and agree that the accelerated timing of such improvements are a benefit to the public and a material inducement to the City to enter into this Agreement.

5.2 Operation and Maintenance of Common Areas by the Developer.

5.2.1 The Developer acknowledges that the maintenance and operation of the common area facilities are a matter of public interest to the City in that improper or inadequate maintenance and operation will cause an impact on surrounding public facilities and surrounding home and property owners. The Developer shall operate and maintain all common area facilities during the course of construction of the Project and until such time as a Homeowner's Association (HOA) for the Project shall be formed and the operation and maintenance obligations for such facilities are legally conveyed to and accepted by the HOA (hereinafter referred to as the "Transfer Date").

5.2.2 The Developer shall not be relieved of its obligations for the operation and maintenance of the Project's common area facilities until an HOA has been formed and the operation and maintenance responsibilities for the applicable common area facilities have been legally conveyed to and accepted by the HOA. Upon the Transfer Date, the HOA shall have the obligations described below.

5.3 Recreational Facilities and Trail System.

5.3.1 The Developer is developing the Project as a planned development. The Developer represents it will build will provide other recreational facilities and amenities throughout the Project, including, but not limited to, a recreation building, pool, play areas, seating areas, trails, and greenbelts. The standards for these other recreational facilities and amenities, including timing, size, number, types and quality of amenities and facilities, etc. shall be fully set forth in the planned development approval and shall be subject to the City's discretionary approval and shall be fully conditioned and implemented through the approvals.

5.3.2 The Project's Homeowners Association (HOA) documentation and CC&Rs shall make adequate provision for reasonable maintenance of the facilities.

5.4 Entry Statement. The Developer agrees to construct and provide legal and equitable assurance in the form of agreements, bonds, letters of credit, or other legally enforceable instruments for the construction and perpetual maintenance of a high quality entry statement reasonably acceptable to City. Such entry statement shall be located at the Project's main entry at Eucalyptus and Fir Avenues. The planned development shall require and provide standards and design for the entry statement. Construction of the entry statement shall commence prior to the issuance of any building permits, except for those related to model homes and the first 15 production units, and be completed prior to the issuance of occupancy permits for any production units homes in the Project. Further, the HOA documentation and CC&Rs for the Project shall provide for and financially assure perpetual maintenance of the entry statement.

5.5 Perimeter Walls and Landscaping. The Developer agrees to construct perimeter walls and landscaping consistent with the Project Approvals and provide legal and equitable assurance in the form of HOA documentation, CC&Rs, or other legally enforceable instruments reasonably acceptable to City for the construction and perpetual maintenance of such perimeter walls and landscaping prior to the issuance of occupancy permits for any production units in the Project in an approved phase adjacent or including such perimeter walls and landscaping, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.6 Public Street Improvements. The Developer agrees to complete all remaining public street improvements for the Project, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.7 Regional Trail System. The Developer agrees to complete all regional trail system improvements required of the Project to connect the Stoneridge trailhead to the adjacent Alliance development prior to the issuance of occupancy permits for any production units in the Project, or earlier if required by any entitlement for the Property approved prior to the Effective Date.

5.8 Energy Efficient Features. The Developer shall incorporate energy efficient features into the development in accordance with the Project Approvals, which may include the following: 1) LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; 2) solar water heating for the Project recreation building and pool; and 3) energy efficiency for all housing units that is demonstrated to be at least ten (10%) beyond the requirement of the building code requirements.

5.9 Nexus/Reasonable Relationship Challenges. The Developer consents to and waives any rights it may have as of the Effective Date of this Agreement to challenge the legal validity of the conditions, requirements, exactions, policies or programs required by the Existing Land Use Regulations, the Project Approvals (if already issued and finalized prior to the Effective Date), the DIF, or the Processing Fees including, without limitation, any claim that they constitute an abuse of the police power, violate substantive due process, deny equal protection of the laws, effect a taking of property without payment of just compensation, or impose an unlawful tax. Nothing in this Agreement shall be construed as a waiver of the Developer's right to challenge the Project Approvals (to the extent the same have not been issued and finalized prior to the Effective Date), future conditions, requirements, exactions, policies, or programs required by Subsequent Land Use Regulations, Subsequent Development Approvals, Project Approvals, or subsequently adopted DIF or Processing Fees that are different than those in effect as of the Effective Date of this Agreement. The Developer consents to and waives any rights it may now or in the future have to challenge the legal validity of this Agreement or any of its provisions on any grounds whatsoever.

5.10 Cooperation By The Developer. The Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for the City to carry out its obligations under this Agreement, and cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents therefore.

5.11 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals from other governmental or quasi-governmental agencies having jurisdiction over the Property as may be required for the development of, or provision of services to, the Project.

5.12 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 6: OBLIGATIONS OF CITY

6.1 Processing. Upon satisfactory completion by the Developer of all required preliminary actions and payments of appropriate processing fees, City shall commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development of the Project by the Developer in accordance with the City's ordinances, policies, procedures, protocol, and applicable state and federal law, including, but not limited to, the following:

6.1.1 The holding of all required public hearings; and

6.1.2 The processing of all Development Approvals and related matters as necessary for the completion of the development of the Project. In this regard, the Developer will, in a timely manner, provide City with all documents, applications, plans, and other information necessary for City to carry out its obligations under this Agreement and as required by existing ordinances, policies, procedures, protocol, and applicable state and federal law and shall cause the Developer's planners, engineers, and all other consultants to submit in a timely manner all required materials and documents as therefore required.

SECTION 7: FEES, FEE CREDITS AND REIMBURSEMENT

7.1 General Principles. The Parties recognize that fees which may be imposed by the City upon the Project fall within two categories: (i) fees for processing applications for City actions or approvals ("Processing Fees"); and (ii) fees or other monetary Exactions which are established or contemplated under City ordinances or resolutions in effect as of the Effective Date of this Agreement and which are intended to defray the costs of public facilities or other amenities related to development projects, including but not limited to parks, streets, libraries, traffic controls and other public facilities ("DIF").

7.2 Processing Fees. The Developer or Assignee Developer shall pay Processing Fees for the Project based upon the fees generally applicable to all development in the City at the time of the application for any City action or approval.

7.3 Development Impact Fees (DIF). Except as specifically set forth in this Agreement, the Developer or Assignee Developer shall pay DIF for the Project based upon the fees applicable in accordance with the City's then current ordinances, resolutions and policies in effect at the time such fees are due, including the application of fee credits and reimbursements, in the same manner as applied to projects in the City not subject to a development agreement. It is understood that the sole benefit conferred by this Agreement regarding DIF are reductions in otherwise payable fees as set forth in this Agreement, and that under no circumstances will any payments of monies be due from the City to any party on account of any DIF credit hereunder.

7.3.1 DIF Reduction. In the first two years after the commencement of the Term of the Agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the Effective Date, the DIF shall be reduced by 40% from the Current Fees, and in the fourth year the DIF shall be reduced by 30% from the Current Fees. Any other credits for which the Developer is eligible under current City policy shall remain in-effect, and reductions to these credits due to the mitigation of DIF fees shall be applied per the applicable percentages mentioned above.

7.3.2 Prior to the issuance of the first residential building permit for any phase of the Project, the Developer shall:

7.3.3 Execute and deliver public improvement agreements in form and content reasonably acceptable to the City and the Developer for construction of all such improvements for that phase; and

7.3.4 Furnish bonds, letters of credit and/or other legally enforceable security in form, content, amounts, and with sureties reasonably acceptable to the City and the Developer securing all labor, materials, and the Developer's performance of all obligations for construction of such improvements for that phase; and

7.3.5 All such public improvement agreements and security shall remain in full force and effect until the completion and acceptance of offer of dedication of such improvements to the City.

7.3.6 All such improvements are actually constructed, completed, and accepted for dedication to the City in accordance with the applicable public improvement agreements, the Project Approvals, and this Agreement.

SECTION 8: ASSIGNMENT

8.1 Acknowledgement. The Developer has demonstrated, and the City finds, that the Developer possesses the experience, reputation, and financial resources to develop and maintain the Property in the manner contemplated by this Agreement. It is because of such qualifications, which assure the development of the Property to a high quality standard that the City is entering into this Agreement. Accordingly, restrictions on the right of the Developer to assign the rights and privileges contained in this Agreement are necessary in order to assure the achievement of the objectives of the City and this Agreement.

8.2 No Assignment Without City Consent. Except as otherwise specifically provided for in this Section, the Developer shall not assign any rights, obligations or duties under this Agreement without prior written consent from the City. Such consent shall not be unreasonably withheld by the City and shall be made in accordance with the provisions of this Section.

8.3 Restriction on Assignment. No assignment of any right, duty or obligation under this Agreement shall be made unless it is in conjunction with a sale, hypothecation or other transfer of a legal or equitable interest in the Property, or a portion thereof, including, but not limited to, any foreclosure of a mortgage or deed of trust or of a deed in lieu of foreclosure. However, except as specifically permitted in this Section, any assignment of this Agreement, or any portion of the rights, duties or obligations thereof, by the Developer, voluntary or involuntary, without both the prior written consent of the City and an unconditional assumption of the rights, duties and obligations under this Agreement by the Assignee in form and content reasonably acceptable to the City Attorney, shall constitute a material breach of this Agreement and the Developer shall remain legally liable to the City for all such rights, duties and

obligations. For purposes of this Section, contracting by the Developer or City Approved Assignee Developer for the construction of all or part of the Developer's obligations under Section 5 shall not constitute an assignment and the Developer or City approved Assignee Developer shall remain responsible, and legally liable to the City under this Agreement, for the satisfactory and timely completion of said obligations.

8.4 Restriction on Assignment Not an Unreasonable Restraint on Alienation. The Developer agrees that the restriction on its right to assign any of its rights, obligations or duties under this Agreement is not repugnant or unreasonable in that such a restriction is a material inducement to the City to enter into this Agreement because the restriction guarantees for the City that the Developer will provide those public benefits identified in Section 5 of this Agreement and reserves for the City the power to prevent the assignment of any of the rights, obligations or duties under this Agreement.

8.5 City Council Approval. Upon written request of the Developer for approval of an assignment, the matter shall be referred to the City Council. The City Council, or City Manager or designee on their behalf, may request further documentation from the Developer, and the Developer shall provide such documentation, as the City Council reasonably deems necessary to make its decision The City agrees, to the extent permissible by law, to maintain the confidentiality of any such documentation if requested by the Developer. The City Council shall have sixty (60) calendar days from the date of receipt of such request to approve or deny the requested assignment. Failure of the City Council to act within that sixty (60) calendar-day period shall automatically be deemed an approval of the request; provided however, that if there remains any obligation of the Developer under Section 5 of this Agreement and/or the Project Approvals that was required to be completed under the terms of this Agreement or the Project Approvals as of the date of the request, but has not been completed as of the date of the request, the request shall be deemed denied.

8.6 Conditions and Standards. The conditions and standards upon which consent to assign will be given are as follows:

8.6.1 Such Assignee possesses the experience, reputation and financial resources to cause the Property to be developed and maintained in the manner consistent with the Project Approvals and this Agreement;

8.6.2 Such Assignee enters into a written assumption agreement, in form and content reasonably acceptable to the City Attorney, expressly assuming and agreeing to be bound by the provisions of this Agreement; and

8.6.3 Such assignment will not impair the ability of City to achieve the objectives of the Project Approvals and this Agreement.

8.7 City Manager Approved Assignee Developers. Notwithstanding any other

provision of this Agreement, the City Manager shall have the authority to, and shall approve an assignment of all or part of the Developer's rights, benefits, covenants or obligations under this Agreement to an Assignee Developer, or its parent(s) if the proposed Assignee Developer is a subsidiary, upon the following terms:

8.7.1 The proposed Assignee Developer has developed to completion at least three (3) similarly sized planned residential communities within the immediately preceding ten (10) year period, at least one (1) of which is located within the Southwestern United States; and

8.7.2 The proposed Assignee Developer has a current group net worth of at least $200,000,000 (two hundred million dollars); and

8.7.3 The proposed Assignee Developer has not committed a breach of any development agreement to which the proposed Assignee Developer is a party for any project resulting in termination of such development agreement; and

8.7.4 The proposed Assignee Developer is not currently declared by a legislative body to be in default of any active development agreement to which the proposed Assignee Developer is a party; and

8.7.5 The proposed Assignee Developer provides the City Manager with adequate documentation to make the findings in this Section at the time of the request for assignment; and

8.7.6 The City Manager shall thereafter have thirty (30) calendar days to make a determination on the request for assignment. If the City Manager fails to make a determination within said thirty (30) calendar days, then the assignment shall be deemed approved.

8.8 Financing Exemption. Mortgages, deeds of trust, sales and lease-backs, pledges of ownership interests in the Developer, collateral assignments, or other forms of conveyance required for any reasonable method of financing requiring a security arrangement with respect to the Property are permitted without the consent of the City. The words "mortgage" and "deed of trust," as used herein, include all other modes of financing real estate acquisition, construction and land development commonly used by reputable land developers.

8.9 Notice of Assignment. Upon receiving approval of an assignment, the Developer shall provide City with written notice of such assignment and as part of such notice the Assignee must execute and deliver to City a written assumption agreement in form and content reasonably acceptable to the City Attorney in which the name and address of the Assignee is set forth and the Assignee expressly and unconditionally assumes all obligations of the assigned provisions of this Agreement.

8.10 Unapproved Assignments. If City reasonably makes the determination not to consent to the assignment of the rights, obligations and duties contained in this Agreement, and the Developer assigns this Agreement to a third party, in whole or in part, the Developer shall remain legally liable and responsible for all of the duties and obligations of this Agreement not previously assigned with City approval, in addition to all other rights and remedies the City may have on account of such breach.

8.11 Approved Assignments. If City consents to the assignment, the Developer shall remain liable and responsible for all of the rights, obligations and duties of this Agreement until City receives from the Assignee an executed written assumption agreement in form and content reasonably acceptable to the City Attorney. Upon receipt of an acceptable executed assumption agreement from the Assignee, the Developer shall be relieved of its rights, obligations and duties under this Agreement to the extent that such rights, obligations and duties have been specifically transferred to and accepted by the Assignee. As to those rights, obligations and duties not specifically accepted in writing by the Assignee, the Developer shall remain legally liable therefore to the City.

8.12 Notice of Sale of Property. The Developer shall give written notice to the City, within ten (10) calendar-days after close of escrow, of any sale or transfer of any portion of the Property that is not a Sale to an End User (as defined in Section 8.13), by specifying the name or names of the Purchaser, the Purchaser's mailing address, the amount and location of the land sold or transferred, and the name and address of a single person or entity to whom any notice relating to this Agreement shall be given.

8.13 Termination of Agreement with respect to Individual Lots or Parcels Sold. The provisions of this Section shall not apply to a sale, or lease for a period longer than one year, of individual parcels or lots which have been individually sold or leased to an ultimate end user in accordance with a recorded final tract map (including the sale to a member of the home-buying public or a transfer of title of any portion of the Property to the Project's Homeowners Association (collectively, "Sale to an End User"). Notwithstanding any other provision of this Agreement, this Agreement shall terminate with respect to any lot or parcel that is subject to a Sale to a End User without the execution or recordation of any further document upon satisfaction of the following conditions:

8.13.1 The lot or parcel has been finally subdivided and individually (not in "bulk") sold or leased for a period longer than one year to an ultimate end user; and

8.13.2 A certificate of occupancy or approval of final building inspection by the Building and Safety Division has been issued for a structure on the lot or parcel.

8.14 Material Breach. Failure on the part of the Developer to comply with any provision of this Section shall constitute a material breach of this Agreement. However, this provision is intended to reflect a specific intent with regard to provisions that might

otherwise be later interpreted not to be material and to clarify that they are material inducements to the City entering into this Development Agreement. It shall not be construed to limit what otherwise would be deemed a material breach of this agreement.

SECTION 9: DELAYS IN PERFORMANCE

9.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, the Developer and City shall be excused for performance of their obligations hereunder during any period of delay actually caused by natural disaster, acts of war, civil unrest, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, or restrictions imposed or mandated by governmental entities. Likewise, any delay caused by court action or proceeding brought by any third party to challenge this Agreement, or any other permit or approval required from City or any other governmental entity for development or construction of all or any portion of the Project, whether or not the Developer is a party to or real party in interest in such action or proceeding, shall constitute a Permitted Delay under this Section.

9.2 Effect of Permitted Delays. If written notice of such delay is given to either Party within thirty (30) days of the commencement of such delay, an extension of time for performance of affected obligations for such cause shall be granted in writing for the period of the enforced delay. However, any such delay shall not be deemed to extend the Term of this Agreement or any extension thereof beyond the expiration date of this Agreement.

SECTION 10: DEFAULT

10.1 Enforcement. Unless amended or canceled as herein provided, this Agreement is enforceable by any Party to it notwithstanding a change in the applicable General or Specific Plan or amendments thereto, zoning, subdivision, building regulations or other Land Use Regulations adopted by the City which otherwise would alter or amend the rules, regulations, or policies governing permitted uses of the Property, density, design, improvement, and construction standards and specifications applicable to the Project Approvals.

10.2 Event of Default. Subject to any extensions of time by mutual consent in writing, and subject to the provisions of the Section regarding Permitted Delays, the failure or unreasonable delay by either Party to perform any material term or provision of this Agreement for a period of thirty (30) calendar days after the dispatch of a written notice of default from the other Party shall constitute a default under this Agreement. If the nature of the alleged default is such that it cannot reasonably be cured within such thirty (30) calendar day period, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

10.3 Material Breach Existing at Time of Assignment or Transfer. Any material breach of the provisions of this Agreement by the Developer existing at the time of a proposed assignment shall be grounds for the City to not to approve such assignment. All obligations under this Agreement shall remain the obligations of the Developer unless and until such assignment is approved by the City according to the provisions of this Agreement, and the Assignee expressly accepts such obligation in form and content reasonably acceptable to the City Attorney.

10.4 Notice of Default. The Party claiming default shall provide written notice to the other Party specifying the Event of Default and the steps the other Party must take to cure the default in accordance with the terms and conditions of this Agreement.

10.5 Cure Period. During the time periods herein specified for cure of an Event of Default, the Party charged therewith shall not be considered to be in default for purposes of termination of this Agreement, institution of legal proceedings with respect thereto, or issuance of any building permit with respect to the Project.

10.6 General Default Remedies. After notice and expiration of the thirty (30) calendar day period without cure, the non-defaulting Party shall have such rights and remedies against the defaulting Party as it may have at law or in equity, including, but not limited to, the right to terminate this Agreement pursuant to Government Code Section 65868 or seek mandamus, specific performance, injunctive or declaratory relief.

10.7 Specific Default Remedies. In the Event of Default by the Developer, in addition to the General Default Remedies, City shall be entitled to retain fees, grants, dedications or improvements to public property which it may have received prior to the Developer's default without recourse.

10.8 Remedies Cumulative. Any rights or remedies available to non-defaulting Party under this Agreement and any other rights or remedies that such Party may have at law or in equity upon a default by the other Party under this Agreement shall be distinct, separate and cumulative rights and remedies available to such non-defaulting Party and none of such rights or remedies, whether or not exercised by the non-defaulting Party, shall be deemed to exclude any other rights or remedies available to the non-defaulting Party. The non-defaulting Party may, in its discretion, exercise any and all of its rights and remedies, at once or in succession, at such time or times as the non-defaulting Party considers appropriate.

10.9 Legal Action. Either Party may, in addition to any other rights or remedies, institute legal action to cure, correct or remedy a default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation hereof, or enforce by specific performance the obligations and rights of the Parties hereto.

10.10 No Monetary Damages Relief Against City. The parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from the Developer for any breach thereof. As such, the parties agree that in no event shall the Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as determined by the court, and any fees and cost pursuant to Section 10.14 below.

10.11 Developer Default. The City shall have no obligation to issue any grading, building or other development permit nor accept any permit application for any activity on the Property after the Developer is determined by City to be in default of the provisions and conditions of this Agreement, and until such default thereafter is cured by the Developer or is waived by City. Provided that the delegation or transfer of obligations under this Agreement has been approved by the City, the default of the Developer or an approved Assignee of such obligations shall not be a default by the other parties having separate obligations under this Agreement. In such event, the City shall not be entitled to terminate or modify this Agreement with respect to the non-defaulting Party or the portions of the Property owned by the non-defaulting Party. Nothing in this provision shall limit the City's ability to enforce any condition of approval or other obligation of any of the Project Approvals, public improvement agreements, or bonds for the Project or any part thereof, including withholding of permits for any part of the Project for which any such obligations remain unfulfilled regardless of the party holding the obligation.

10.12 Waiver. All waivers must be in writing, signed by the waiving party, to be effective or binding upon the waiving Party, and no waiver shall be implied from any omission by a Party to take any action with respect to such Event of Default. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party shall not constitute waiver of such Party's right to demand strict compliance by such other Party in the future.

10.13 Scope of Waiver. No express written waiver of any Event of Default shall affect any other Event of Default, or cover any other period of time than that specified in such express waiver.

10.14 Attorney's Fees. Should legal action be brought by either Party for breach of this Agreement or to enforce any provision herein, the prevailing party shall be entitled to reasonable attorneys fees (including attorneys' fees for in-house City Attorney services), court costs and such other costs as may be fixed by the court. Reasonable attorneys' fees of the City Attorney's Office or other in-house counsel shall be based on comparable fees of private attorneys practicing in Riverside County.

SECTION 11: TERMINATION

11.1 Effect of Termination. Upon termination of this Agreement, the rights, duties and obligations of the Parties hereunder shall, subject to the following provision, cease as of the date of such termination.

11.2 Termination by City. If City terminates this Agreement because of the Developer's default, then City shall retain any and all benefits, including money or land received by City hereunder.

SECTION 12: RELATIONSHIP OF PARTIES

12.1 Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project Site is a separately undertaken private development.

12.2 Independent Contractors. The parties agree that the Project is a private development and that neither party is acting as the agent of the other in any respect hereunder.

12.3 No Joint Venture or Partnership. The City and the Developer hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making the City and the Developer joint ventures or partners.

12.4 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit, or be enforceable by any other person whatsoever except for City approved Assignee Developers of all or a portion of this Agreement. However, this Agreement shall be enforceable by the City on behalf of any of its affiliated agencies, including, without limitation, its Community Redevelopment Agency, Community Services District and Community Facilities Districts.

12.5 Ambiguities or Uncertainties. The parties hereto have mutually negotiated the terms and conditions of this Agreement and this has resulted in a product of the joint drafting efforts of both Parties. Neither Party is solely or independently responsible for the preparation or form of this Agreement. Therefore, any ambiguities or uncertainties are not to be construed against or in favor of either Party.

SECTION 13: AMENDMENT OF AGREEMENT

13.1 Amendment or Cancellation of Agreement. This Agreement may be amended or modified in whole or in part only by written consent of all Parties in the manner provided for in Government Code Section 65868.

13.2 Clarification. The Parties acknowledge that refinement and further development of the Project may require Subsequent Development Approvals and may demonstrate that changes are appropriate and mutually desirable in the Existing Project Approvals. In the event the Developer finds that a change in the Existing Project Approvals is necessary or appropriate, the Developer shall apply for a Subsequent Development Approval to effectuate such change and City shall process and act on such application in accordance with the Existing Land Use Regulations, except as otherwise provided by this Agreement including the Reservations of Authority. Unless otherwise required by law, as determined in City's reasonable discretion, a change to the Existing Project Approvals shall be deemed "minor" and not require an amendment to this Agreement provided such change does not:

13.2.1 Alter the permitted uses of the Property as a whole; or

13.2.2 Increase the density or intensity of use of Property as a whole; or

13.2.3 Delete a requirement for the reservation or dedication of land for public purposes within the Property as a whole; or

13.2.4 Constitute a project requiring a subsequent or supplemental environmental impact report pursuant to Section 21166 of the Public Resources Code.

13.3 Implementation Agreement. The foregoing notwithstanding, the Parties acknowledge that implementation of this Agreement will require close cooperation between them, and that, in the course of such implementation, it may be necessary to supplement this Agreement to address details of the Parties' performance and to otherwise effectuate the purposes of this Agreement and the intent of the Parties with respect thereto. If and when, from time to time, the Parties find it necessary or appropriate to clarify the application or implementation of this Agreement without amending any of its material terms, the Parties may do so by means of an implementing agreement which, after execution, shall be attached hereto as an addendum and become a part hereof. Any such implementing agreement may be executed by the City Manager on behalf of the City.

SECTION 14: PERIODIC REVIEW OF COMPLIANCE WITH AGREEMENT

14.1 Annual Review. This Agreement shall be subject to annual review, pursuant to California Government Code Section 65865.1. Within thirty (30) days following each anniversary of the date of recording of this Agreement, the Developer shall submit to the Planning Official of the City written documentation demonstrating

good-faith compliance with the terms of this Agreement ("Annual Report"). Inaction by the City on any such annual review shall not constitute a waiver on the part of the City to take any action or enforce any rights under this Agreement and shall not be a defense to the Developer for failing to perform any of its obligations under this Agreement.

14.2 Contents of Report. The Annual Report and any supporting documents shall describe (i) any permits or other Project Approvals which have been issued or for which application has been made and (ii) any development or construction activity which has commenced or has been completed since the Effective Date hereof or since the preceding annual review. The City shall review all the information contained in such report in determining the Developer's good faith compliance with this Agreement.

14.3 Procedure. The following procedure shall be followed in conducting an Annual Review:

14.3.1 During either an annual review or a special review, the Developer shall be required to demonstrate good faith compliance with the terms of the Agreement. The burden of proof on this issue shall be on the Developer.

14.3.2 During either an annual review or special review, City shall not be prohibited from raising repeated non-compliance with the Project Approvals or this Agreement as evidence of a pattern of non-compliance.

14.3.3 Upon completion of an annual review, the City Manager shall submit a report to the City Council setting forth the evidence concerning good faith compliance by the Developer with the terms of this Agreement and his or her recommended finding on that issue.

14.3.4 If the City Council finds on the basis of substantial evidence that the Developer has complied in good faith with the terms and conditions of this Agreement, the review shall be concluded.

14.3.5 If the City Council makes a preliminary finding that the Developer has not complied in good faith with the terms and conditions of this Agreement, the City Council may terminate this Agreement as provided in this Section and Section 11. Notice of default as provided under Section 11 of this Agreement shall be given to the Developer prior to or concurrent with proceedings under this Section and/or Section 11. Should the City fail to issue a notice pursuant to Section 11 of this Agreement within sixty (60) days of the filing of an annual report by the Developer, the Developer may demand in writing a response from City. Should City fail to respond to the Developer's written demand within fifteen (15) days of such demand, the Developer shall be deemed to be in good faith compliance with the terms of this Agreement.

14.4 Proceedings Upon Termination. If, upon a finding under this Section, City determines to proceed with termination of this Agreement, City shall give written notice to the Developer of its intention so to do. The notice shall be given at least ten (10) calendar days prior to the scheduled hearing and shall contain:

14.4.1 The time and place of the hearing; and

14.4.2 A statement as to whether or not City proposes to terminate the Agreement; and

14.4.3 Such other information as is reasonably necessary to inform the Developer of the nature of the proceeding.

14.5 Hearing on Termination. At the time and place set for the hearing on termination, the Developer shall be given an opportunity to be heard. The Developer shall be required to demonstrate good faith compliance with the terms and conditions of this Agreement. If the City Council finds, based upon substantial evidence, that the Developer has not complied in good faith with the terms or conditions of this Agreement, the City Council may terminate this Agreement to protect the interests of the City. The decision of the City Council shall be final, subject only to judicial review pursuant to applicable provisions of the California Code of Civil Procedure.

14.6 Estoppel. If City determines that the Developer is in compliance with the terms and provisions of this Agreement in its annual review of a timely filed Annual Report, City shall not be entitled to revisit any such year as grounds for default under this Agreement. As to any year that the Developer does not timely file an Annual Report, City may request at any time, and the Developer shall provide such Annual Report within thirty (30) calendar days of such request. However, as to any year that the Developer fails to file a timely Annual Report, City shall not be estopped from asserting any events of non-compliance for any such year as grounds for default under this Agreement.

14.7 Waiver. The City does not waive any claim of defect in performance by the Developer if, at the time of an annual review, the City does not propose immediately to exercise its remedies hereunder.

SECTION 15: NOTICE

15.1 Form of Notice. All notices between the City and either the Developer or any Assignee, given pursuant to the provisions of this Agreement, shall be in writing and shall be given by personal delivery or certified mail. Notice by personal delivery shall be deemed effective upon the delivery of such notice to the Party for whom it is intended at the address set forth below (or, in the case of an Assignee, at the address specified by such Assignee in a written notice to the City). Notice by mail shall be deemed effective

two (2) business days after depositing such notice, addressed as set forth below, properly sealed, postage prepaid, certified, return receipt requested, with the United States Postal Service, regardless of when the notice is actually received. The addresses to be used for purposes of Notice shall be:

To City: City of Moreno Valley
Attn: City Manager & Community Development Director
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3210 and (951) 413-3469

With a copy to: City Attorney
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552
Facsimile: (951) 413-3034

To Developer: Beazer Homes Holdings Corp.
1800 E. Imperial Highway, Suite 200
Brea, CA 92821
Facsimile: (866) 823-7480
Attn: Bryan Bergeron

15.2 Change of Address. Any Party (and any Assignee) may change the address to which notices are to be sent (and/or the person to whose attention notices are to be directed) at any time by giving written notice of such change in the manner provided above.

SECTION 16: INDEMNITY

16.1 Indemnity. The Developer shall indemnify, defend and hold City, its officers, agents, affiliated agencies and employees and independent contractors (the "City Parties") free and harmless from any claims or liability based or asserted upon any act or omission of the Developer, its officers, agents, employees, subcontractors and independent contractors for property damage, bodily injury, or death (the Developer's employees included) or any other damage of any kind or nature, relating to or in any way connected with or arising from the activities of Developer in building the Development as contemplated in this Agreement. The Developer shall defend, at its expense, including payment of reasonable attorneys' fees, the City Parties in any legal action based upon such alleged acts or omissions, except to the extent such claims are the result of the gross negligence or willful misconduct by any of the City Parties. City may, in its discretion, participate in the defense of any such legal action, and may

choose its own legal counsel, the costs of which shall be subject to this indemnification by the Developer.

16.2 Defense of Agreement & Project Approvals. The Developer shall defend, indemnify and hold the City, its officers, agents, affiliated agencies and employees harmless from any claims or liability based upon or arising from the approval, adoption and/or implementation of this Agreement, the Project Approvals, and/or any other approval, permit or other action undertaken by the City in approving or carrying out any part of the Project, including without limitation, actions based on the California Environmental Quality Act or other state statute or any provision of the California or United States Constitution.

16.3 Environmental Indemnity. The Developer shall defend, indemnify and hold the City Parties free and harmless from any claims or liability based upon or arising from the presence of any Hazardous Substance on any of the Property located in the Project, except to the extent such claims or liability are the result of acts or omissions by the City Parties. As used herein, "Hazardous Substance" shall mean any "hazardous substances," "toxic substance," "hazardous waste," or "hazardous material" as defined in one or more Environmental Laws, whether now in existence or hereinafter enacted; provided, however, that "Hazardous Substance" shall (i) include petroleum and petroleum products (other than naturally occurring crude oil and gas) and (ii) include radioactive substances which are not naturally occurring, and (iii) include any friable or non-friable asbestos or asbestos-containing material contained in or affixed to a structure existing on the Property or otherwise located in, on or about the Property as of the date of this Agreement. As used herein, "Environmental Laws" shall mean any and all federal, state, municipal and local laws, statutes, ordinances, rules, and regulations which are in effect as of the date of this Agreement, or any and all federal, or state laws, statutes, rules and regulations which may hereafter be enacted and which apply to the Property or any part thereof, pertaining to the use, generation, storage, disposal, release, treatment or removal of any Hazardous Substances, including without limitation, the Comprehensive Environmental Response Compensation Liability Act of 1980, 42 U.S.C. Sections 9601, et seq., the Resource Conservation and Recovery Act of 1976, 42 U.S.C. Sections 6901, et seq., ("RCRA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., and California Health and Safety Code Section 25100, et seq. Notwithstanding anything herein to the contrary, the Developer shall have no obligation to indemnify the City as herein provided with respect to any Hazardous Substances which are proven by the Developer to have been first brought onto the Property subsequent to sale by the Developer of the Property, or the affected portions thereof.

SECTION 17: MORTGAGEE PROTECTIONS

17.1 Right to Encumber. The Parties agree that nothing in this Agreement shall prevent or limit the Developer or Assignee Developer, in its sole discretion, from encumbering the Property, or any portion thereof, including without limitation any private improvements thereon, by any mortgage or other security device to a Mortgagee as

defined in Section 1.20 of this Agreement. The City acknowledges that the Mortgagee providing such financing may request certain modifications to this Agreement and the City agrees, upon request from time to time, to meet with the Developer, Assignee Developer, and/or such representatives of a Mortgagee to negotiate in good faith regarding such request for modification.

17.2 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property, or any portion thereof, including the lien of any mortgagee. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgagee made in good faith and for value and any acquisition or acceptance of title or any right or interest in or with respect to the Property, or any portion thereof, by a Mortgagee shall be subject to all of the terms and conditions contained in this Agreement.

17.3 Mortgagee Not Obligated. No Mortgagee of the Developer or Assignee Developer shall in any way be obligated by any provisions of this Agreement, nor shall any covenant or any other provision of this Agreement be construed or interpreted to obligate such Mortgagee. However, any provision or covenant of this Agreement to be performed by the Developer or Assignee Developer as a condition precedent to the performance of a provision or covenant of this Agreement by the City shall continue to be a condition precedent to City's performance under this Agreement.

17.4 Notice of Default to Mortgagee. If City receives written notice from a Mortgagee of the Developer or Assignee Developer requesting a copy of any notice of default given to the Developer or Assignee Developer under this Agreement and specifying the address for service thereof, then City shall deliver to such Mortgagee, concurrently with service thereon to the Developer or Assignee Developer, any notice given to the Developer or Assignee Developer with respect to any claim by City that the Developer or Assignee Developer has not complied in good faith with the terms of this Agreement or has committed an event of default. City shall only be obligated to serve such notice on any Mortgagee actually giving notice as provided for herein, and only at the address actually given by the Mortgagee in said notice. Mortgagees shall be required to provide City with a notice of change of address in the same manner as the original request for service of notice.

17.5 Mortgagee Rights and Obligations. Notwithstanding any default by the Developer or Assignee Developer, this Agreement shall not be terminated and any Mortgagee to whom notice has been given may assume all of the rights, benefits and obligations of the Developer or Assignee Developer in this Agreement as to the Property, or portion thereof, upon which the Mortgagee has a security interest if:

17.5.1 The Mortgagee notifies the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default;

17.5.2 The Mortgagee thereafter commences to effectuate a cure of the default relative to the proportionate share of the Developer's or Assignee Developer's

obligation this Agreement allocable to that part of the Property in which the Mortgagee has an interest and diligently pursues completion of the cure within sixty (60) calendar days if the Mortgagee elects to cure without acquiring and obtaining possession of the Property, or any portion thereof; and

17.5.3 If the cure requires the Mortgagee to obtain title or possession of the Property, or any portion thereof, the Mortgagee shall:

17.5.3.1 Notify the City in writing within sixty (60) calendar days of the date the City gives notice of default to the Mortgagee of its intent to cure the default relative to the proportionate share of the Developer's or Assignee Developer's obligation under this Agreement allocable to that part of the Property in which the Mortgagee has an interest;

17.5.3.2 Commence foreclosure proceedings within sixty (60) calendar days of the date of the Mortgagee's written notice to City of intent to cure;

17.5.3.3 Diligently pursue foreclosure proceedings to conclusion and obtain title and/or possession of the Property, or portion thereof, on which the cure is to be effectuated; and

17.5.3.4 Diligently pursue to effectuate and complete a cure in a timely manner.

17.5.4 Subject to the foregoing and there being no notice of default given by the City, any Mortgagee of the Developer or Assignee Developer who records a notice of default as to its mortgage or other security instrument, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said Mortgagee. As to any purchaser of the Property, or any portion thereof, at a foreclosure or trustee sale, and there being no default of the Developer or Assignee Developer under this Agreement, City shall consent to the assignment of all of the Developer's or Assignee Developer's rights, benefits, covenants and obligations under this Agreement to said purchaser. If there is any event of default of this Agreement as to the Property, or portion thereof, acquired by the purchaser at a foreclosure or trustee sale, the purchaser shall be required to cure the event of default according to the provisions of this Section prior to the City consenting to such assignment. The Developer shall remain liable, however, for any obligations under the Amended Agreement unless the Developer is released by City or the applicable portion of the Property is transferred with the consent of the City in accordance with Section 8 of this Agreement, provided that such Mortgagee or other purchaser assumes the Developer's obligations under this Agreement.

17.5.5 If the Mortgagee or foreclosure-sale purchaser complies with the provisions of this Section, the City shall approve an Assignment of this Agreement to the Mortgagee or foreclosure-sale purchaser as it affects the Property, or portion thereof, upon which the Mortgagee or foreclosure-sale purchaser has obtained title and/or possession if the Mortgagee so requests.

17.5.6 Notwithstanding the foregoing, as to the Property or portion thereof to which the Mortgagee has acquired title, if the Mortgagee elects to develop the Property, or any portion thereof, in accordance with the Project Approvals, the Mortgagee shall be required to assume and perform the obligations and other affirmative covenants of the Developer or Assignee Developer under this Agreement.

17.6 Developer Remains Liable. Unless expressly released by the City in writing, the Developer or Assignee Developer shall remain legally and contractually liable to the City for all of the Developer's or Assignee Developer's, respectively, covenants and obligations under this Agreement as to the Property, or portion thereof, that is acquired by a Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale. Upon an approved Assignment of this Agreement to a Mortgagee or subsequent purchaser at a foreclosure or trustee sale, City shall release in writing the Developer or Assignee Developer from its covenants and obligations under this Agreement that are expressly assigned to or assumed by the Mortgagee or subsequent approved purchaser at a foreclosure or trustee sale as to the Property, or portion thereof, that is acquired.

17.7 Bankruptcy. Notwithstanding the foregoing provisions of this Section 18, if any Mortgagee of the Developer or Assignee Developer is prohibited from commencing or prosecuting foreclosure or other appropriate proceedings in the nature thereof by any process or injunction issued by any court or by reason of any action by any court having jurisdiction of any bankruptcy or insolvency proceeding involving the Developer or Assignee Developer, the times specified in Section 18.5 for commencing or prosecuting foreclosure or other proceedings shall be extended for the period of the prohibition, provided that such Mortgagee is proceeding expeditiously to terminate such prohibition and in no event for a period longer than one (1) year.

17.8 No Automatic Assignment to Mortgagee. Notwithstanding the foregoing provisions of this Section 18, no Mortgagee of the Developer or Assignee Developer shall become a party to this Agreement, or obtain any rights, privileges or obligations of this Agreement, except as provided for in this Section 18.

17.9 Assignment to Mortgagee. A Mortgagee or foreclosure-sale purchaser of the Developer or Assignee Developer who complies with the requirements of Section 17.5 shall be approved as an assignee of all the rights, benefits and obligations of this Agreement as it pertains to the Property, or portion thereof, that the Mortgagee or foreclosure-sale purchaser acquires.

17.10 Amendment. There shall be no amendment to or modification of this Agreement except as provided for in Section 13 of this Agreement governing amendments.

SECTION 18: INTERPRETATION AND ENFORCEMENT OF AGREEMENT

18.1 Complete Agreement. This Agreement represents the complete understanding between the Parties, and supersedes all prior agreements, discussions and negotiations relating to the subject matter hereof. No amendment, modification or cancellation of this Agreement shall be valid unless in writing and executed by the Parties.

18.2 Severability. If any terms, provisions, covenants or conditions of this Agreement shall be determined invalid, void or unenforceable, the remainder of this Agreement shall not be affected thereby to the extent such remaining provisions are not rendered impractical to perform taking into consideration the purposes of this Agreement. Notwithstanding the foregoing, the provisions for development of the Property as set forth in this Agreement, including without limitation the payment of the fees and provision of improvements set forth therein, are essential elements of this Agreement and City and the Developer would not have entered into this Agreement but for such provisions and if determined to be invalid, void or unenforceable, this entire Agreement shall be null and void and of no force and effect whatsoever.

18.3 Interpretation and Governing Law. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning to achieve the objectives and purposes of the parties hereto, and the rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be employed by interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

18.4 Applicable Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State of California and any applicable laws of the United States of America.

18.5 Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

18.6 Jurisdiction and Venue. Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Riverside, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court.

18.7 Authority of Signatories. All the Parties represent and warrant that the persons signing this Agreement on their behalves have full authority to bind the respective Parties.

18.8 Waiver and Delays. Failure by either Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or failure by either Party to exercise its rights upon a default by the other Party, shall not constitute a waiver of any right to demand strict performance by such other Party in the future.

18.9 Third Party Actions. Nonperformance by either Party shall not be excused because of a failure of a third person, except as specifically provided herein.

18.10 Estoppel Certificates. Any Party may, at any time and from time to time, deliver written notice to another Party requesting certification in writing that, to the knowledge of the certifying Party: (i) this Agreement is in full force and effect and a binding obligation of the Parties; (ii) this Agreement has not been amended, or, if so amended, identifying the amendments; and (iii) the requesting Party is not in default in the performance of its obligations under this Agreement, or, if in default, describing the nature and extent of any such default. A Party receiving a request hereunder shall execute and return a certificate within thirty (30) days following the receipt thereof. The City Manager of the City shall have the authority to execute any such certificate requested by the Developer in form reasonably acceptable to the City Manager. The City acknowledges that a certificate hereunder may be relied upon by transferees and mortgagees.

18.11 Exhibits. All exhibits referred to in, and attached to, this Agreement are incorporated herein by such reference.

18.12 Adoption of Agreement. Adoption of this Agreement by the City shall be by ordinance.

18.13 Recording of Agreement. Within ten (10) days following the adoption by the City of the ordinance approving this Agreement, or any subsequent amendment hereof, the City Clerk shall submit for recordation a fully executed copy hereof with the County Recorder of Riverside County, State of California.

18.14 Further Assurances. The Parties each agree to do such other and further acts and things, and to execute and deliver such instruments and documents (not creating any obligations additional to those otherwise imposed by the Agreement) as either may reasonably request from time to time in furtherance of the purposes of this Agreement.

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK. SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the Parties have executed this Agreement, to be effective as of the date set forth in the first paragraph hereof.

"DEVELOPER"

Beazer Homes Holdings Corp.,
a Delaware corporation

By:_____

Name: _____

Its: _____

"CITY"

CITY OF MORENO VALLEY,
a municipal corporation

By: _____

_____, Mayor

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

CURRENT FEES

Schedule Effective September 23, 2009

[attached]

Zoning Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Zoning
- Commercial
- Industrial/Business Park
- Large Lot Residential
- Multi-family
- Office
- Open Space/Park
- Planned Development
- Public Facilities
- Residential 2 Dwellings/Acre
- Residential Agriculture 2 Dwellings/Acre
- Suburban Residential
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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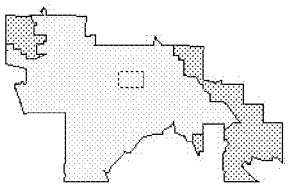

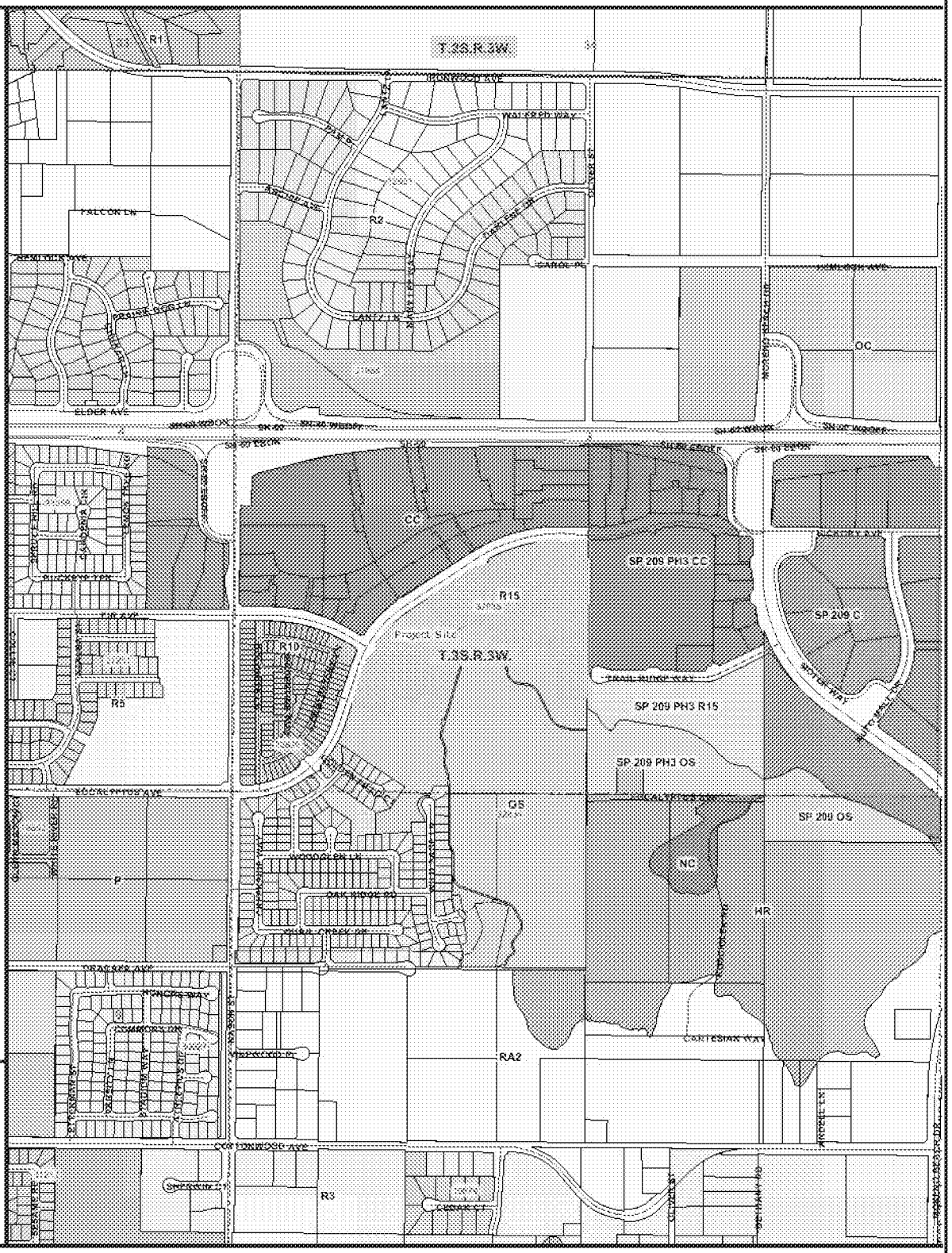

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 3

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MORENO VALLEY
WHERE DREAMS SOAR

Aerial Map

PA10-0038, 0039, 0029

Legend

- Selected Features
- Highways
- Townships
- Sections
- Parcels
- Roads
- Tracts
- Sphere of Influence
- Waterbodies
- City Boundaries
- Calimesa
- Moreno Valley
- Perris
- Riverside

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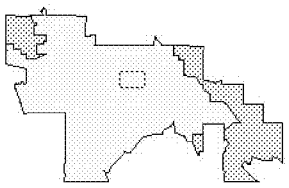

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ATTACHMENT 4

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MORENO VALLEY
WHERE DREAMS SOAR

PLANNING COMMISSION
STAFF REPORT

Case:	PA10-0038 (Tentative Tract Map No. 36340), PA10-0039 (Conditional Use Permit) and PA10-0029 (Development Agreement).
Date:	February 24, 2011
Applicant:	Beazer Homes
Representative:	MDS Consulting
Location:	Southeast corner of Fir Avenue and Eucalyptus Avenue.
Proposal:	A Tentative Tract Map No. 36340 (PA10-0038) and Conditional Use Permit (PA10-0039) for a 275 small lot single-family residential detached Planned Unit Development (PUD) to include a community recreation building, private open space, drainage and various community open space lots on a 29.27 acre portion of land in the R15 (Residential 15) and OS (Open Space) land use districts. A development agreement (PA10-0029) is included with the project.
Redevelopment Area:	Yes
Recommendation:	Approval

SUMMARY

The applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 for a 275 lot single-family residential detached subdivision on 29 acre site to include a community recreation facility with pool. The applicant is also requesting a Conditional Use Permit (CUP) for the approval of a Planned Unit Development (PUD) to include small residential lots with common open space lots for recreational opportunities within the R15 (Residential 15) land use district and the protection of existing rock outcroppings, private open space and a drainage basin within the OS

(Open Space) land use district. The project will include a proposed development agreement and is consistent with surrounding land use density requirements.

ATTACHMENT 5

BACKGROUND

A map (Tentative Tract Map No 32825) was originally approved at the same location under PA04-0146 in 2005, with a final condominium map recorded in 2006. This included approval of 276 condominium units and various open space, recreation and drainage lots on virtually the same amount of acreage. The site was graded and the construction of a condominium model home complex was commenced. Said model was demolished by Beazer in 2010. The applicant is requesting to revise the 276 unit condominium project approved in 2005 with a 275 unit single-family detached small lot community.

PROJECT DESCRIPTION

Project

The project consists of three discretionary components. The first component includes a tentative tract map (PA10-0038) with small lot single-family residential subdivision of approximately 29 acres of land. The second component is a proposed Conditional Use Permit or Planned Unit Development (PA09-0039) that provides standards for the small lot single family subdivision and also protects natural rock outcroppings and provides common open space and private/common recreational opportunities. The third component is a Development Agreement providing reductions in certain development impact fees in exchange for construction of the project in accordance with the current proposal.

The following summarizes the three (3) discretionary components for the project:

Tentative Tract Map

Tentative Tract Map No. 36340 is the mechanism to legally subdivide the project site into individual lots. The 29 acre site is broken up into two land use districts, Open Space (OS) and Residential-15 (R15). The following further summarizes the project from a zoning and land use perspective:

A. Open Space (OS)

Approximately four (4) acres of the site lies in the OS land use district, located primarily within the center of the tract. The OS land use district is limited to environmentally sensitive land uses and does not permit any housing development. A small rock outcropping is embedded between the two residential portions of the tract, and will remain intact as private open space labeled as “Nature Park” on the map. An existing multi-use trail and drainage basin with a point of access is located within the southern portion of the OS zone. In all cases, the proposed residential development portion of the tract map will occur at the base of the hill and would not encroach into the OS land use district or affect the steepest areas included on the map.

B. Residential 15 (R15)

Approximately 25 acres of the site lies within the R15 land use district. The site will consist of individual lots with detached single-family homes, common open space areas, and private access roads. The common open space includes a recreation building and pool area. A total of 275 developable lots are proposed in this portion of the plan. The 275 lots/units include a density of approximately eleven (11) units per acre within the R15 land use district portion of the development.

The minimum lot size under the R15 land use district for multiple-family residential development is one acre. There are no specific minimum lot sizes imposed for single-family residential uses, which are allowed in multiple-family districts. Although individual lots within the tract will be small and range from 1,846 square feet to 3,181 square feet, the extension of open space surrounding the lots will provide additional space for recreational purposes and act as an extension of open space areas included on individual lots. Flexibility in lot size and design is allowed through a planned unit development as long as the density does not exceed the maximum for the district (fifteen units per acre in this case).

Planned Unit Development

To pursue the varied single-family residential design of the proposed small lot development, the applicant is proposing a conditional use permit (CUP) for a Planned Unit Development (PUD). The PUD section of the Municipal Code (Section 9.03.060) requires specific goals or design accomplishments of the project, while the proposed development adheres to the following finding:

- **Greater innovation in housing development and diversity of housing choices than would otherwise be possible according to the strict application of the site development regulations contained in this title.**

In the case of PA10-0038 (Tentative Tract Map 36340) and PA10-0039 (Conditional Use Permit), the proposed project meets the criteria established above, as it will include a mix of home sites, which includes a small single-family row concept at the density and with the amenities of a multiple family development. The concept will include two story homes between 1,377 to 1981 square feet, while adding many recreational opportunities as well as protecting the highest hillside/rock outcropping areas and other natural resources in the general vicinity. The dense residential development project will allow for a walkable community and pedestrian access to existing regional shopping centers to the east and north of the subject site. Pedestrian access will be provided at all three (3) driveways to Eucalyptus Avenue and will allow residents to enjoy surrounding retail amenities while at the same time limiting some automobile trips and vehicle miles traveled. The applicant is providing on-site recreation facilities such as private/common open space, a community center, a pool and tot lots. The proposed project will offer residential opportunities of owning a home on a small lot for the first time home buyer and/or senior.

The following are certain allowances for those developments approved under a planned unit development concept, or Section 9.03.060 of the Municipal Code, and a synopsis of how the proposed development concurs within the established language:

- **Permitted Uses and Density. Only those uses permitted within the applicable zoning district shall be allowed within any planned unit development. The average density of any planned unit development shall not exceed the number of dwelling units per acre allowed under the applicable zoning district regulations**.

First of all, the project will include detached single-family residential homes, a permitted use in an R15 land use district. Secondly, the proposed project will meet housing needs provided within the City's Housing Element of the General Plan by expanding the range of housing options in the community. Moreover, the project design and proposed density at 11 units per acre will not exceed the number of dwelling units per acre allowed under the R15 land use district. Due to the project including over 4 acres within the Open Space (OS) land use district, the protection of a natural rock outcropping and addition of a required drainage area, and with the addition of common open space areas designated for play grounds, recreation and a pool site, the applicant was unable to meet the minimum 12 units per acre of density currently required by the Municipal Code for the R15 land use district. Since the density remains consistent from what was approved with the original residential project in 2005, staff recommends approving the proposed eleven (11) units per acre density for land within the R15 land use district. No significant loss of density would be created by approval of the current proposal.

- **Deviations from Site Development Standards. Planned unit developments may deviate from the site development standards set forth in the applicable zoning district regarding lot area, lot dimensions, lot coverage, setbacks and building height. Any such deviation(s) shall be to the minimum degree necessary to achieve one or more of the purposes listed in the section**.

Deviations from the Municipal Code with the proposed project include lot area, lot dimensions, maximum floor area ratio, lot coverage and all setbacks. A Development Standards chart highlighting revised development standards/deviations has been included under the Planned Unit Development/ Conditional Use Permit (Attachment No. 3). Staff believes that proposed deviations for the project site are justified since the tract does not exceed the maximum density standards allowed under the underlying land use districts, provides community recreation opportunities and meets criteria established under Section 9.03.060 (Planned Unit Developments) of the Municipal Code.

<u>Other Design Considerations</u>

The design guideline of providing a minimum of five (5) feet of variation of residential units from their front and side yard setbacks along streetscapes would not be met for most units contained within the proposed small lot residential tract. In addition, street trees would not be able to be placed in all internal planter areas adjacent to the streetscape due to the size of the lot and limited front yard area. In order to break up the massing or housing product along streetscapes, corner housing units provide enhanced elevation details and embellishments. In addition, a variation of landscape materials, including larger shrub materials, will compensate for the lack of street trees along private streets and allow continual break-up of the project massing. In addition, street trees will be clustered in strategic locations such as on corner lots, adjacent to guest parking stalls and within visual common areas to further break up product massing and provide an attractive environment.

Site line distance along Eucalyptus Avenue has been determined to be based on a 50 miles per hour design, as specified by the City Traffic Engineer. Although the condition included by the Transportation Engineering Division to review street site line distance was required to be completed prior to map recordation, the site line study was conducted by the applicant prior to entitlement. In most instances, trees and some walls may need to be modified, however Lots 120 and 129 would also most likely be affected with lots required to be adjusted to the south or possibly eliminated to provide appropriate distance from the sight line. A condition of approval has been added to address any modifications prior to the final map.

As part of the conditional use permit application for a PUD, the applicant has provided conceptual elevation design plans of the single-family homes and recreation building proposed for the tract. Based on the number of lots and homes being proposed, a minimum of eleven (11) footprints and four (4) elevations is required per the Municipal Code Design Guidelines. Overall, the project meets or exceeds the minimum requirements for footprints and elevations. The Planning Commission has the opportunity to conceptually review and approve the proposed architectural renderings for the tract. Color elevations of the model homes are included within Exhibit 4 of this report and will be available at the Planning Commission meeting in larger context. If approved, the applicant will also be required to submit an administrative model home complex application that will include final architectural model plans.

Development Agreement

The applicant has proposed a development agreement (PA10-0029) with the small lot residential project. The term of this agreement shall commence twelve (12) months from the effective date of the final ordinance approving the development agreement or the date of the issuance of the first building permit, whichever occurs first, and shall extend for a period of four (4) years thereafter unless said agreement is earlier terminated or amended.

As part of the proposed development agreement, the Developer agrees to build all required improvements in accordance with project approvals, including, but not limited to recreational facilities to include a recreation building, pool, play areas, seating areas, trails, and greenbelts. The Developer will also construct a high quality entry

statement reasonably acceptable to City, perimeter walls and landscaping, all remaining public street improvements, including the ultimate design traffic signal at Fir and Eucalyptus Avenues, and all regional trail system improvements. In addition, the developer will incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, including exterior lighting on the front of housing units; solar water heating for the recreation building and pool; as well as providing energy efficiency for all housing units which will be at least ten (10%) beyond the requirement of the current building code requirements.

With the proposed development agreement, the Developer will get a reduction in Development Impact Fees (DIF). In the first two years after the commencement of the term of the agreement, the DIF shall be reduced by 50% from the Current Fees. In the third year after the effective date, the DIF shall be reduced by 40% from the current fees, while in the fourth year the DIF shall be reduced by 30% from the current fees. The applicant has identified the DIF reductions as necessary for the financial feasibility of proceeding with the project at this time. The applicant has previously provided substantial public improvements in the vicinity of the project including improvements necessary to facilitate the development of the adjacent Stoneridge Towne Centre. Development of the project at this time will support the continued vitality and growth of that shopping center as well as the also adjacent Moreno Beach Plaza.

Site/Surrounding Area

The site consists of vacant parcels that were previously graded. Model homes for the previous condominium project were constructed on site, and have since been demolished due to the change in residential product.

In addition, the site was previously graded but did contain some weedy vegetation upon inspection. A rock outcropping and hilly terrain was included within the OS land use portions of the tract. Based on a staff site inspection of the site, there was no concentrated vegetation evident and no natural drainage area bisecting the site.

Many opportunities for recreation will be included within the tract and on the periphery of the development. Various lettered lots within the proposed tract will include common open space areas that are proposed to contain open turf play areas, tot lots, shade structures and picnic/BBQ areas. Improvements and easements for a multi-use trail will be included along the southern portion of the tract. In addition, a community center with pool is proposed for the interior of the tract.

Surrounded land uses include primarily residential and commercial development. Specifically, land uses include vacant land and single-family residential uses to the west, open space land immediately to the south with an apartment complex to the southeast, and regional commercial shopping centers to the north and east.

Access/Parking

Three (3) points of access have been provided for the tract from Eucalyptus Avenue. All proposed interior streets, drive aisles and courtyard areas would be gated off from

general outside public access and will be maintained by a homeowners association. Pedestrian access will also be provided by gates to Eucalyptus Avenue.

Parking requirements for the project includes 2.5 spaces per unit or lot. The housing product will contain required minimum enclosed 20x20 two (2) car garages. A condition of approval has been added to require an adjustment of all 20x20 dimensioned garages to exclude any appurtenant structures such as water heaters and washer/dryers. Although street parking will be prohibited on internal roadways, an additional 138 guest parking stalls will be scattered throughout the site, providing the remaining 0.5 space per unit parking requirement.

Design/Landscaping

As development in the tract will only occur within the R15 portion, the site meets development standards as allowed under Section 9.03.060 (Planned Unit Developments) of the Municipal Code. For example, all walls and fences are conditioned to be consistent with the provisions for community walls and fences within the Municipal Code. The plans include a mixture of six (6) foot high solid decorative block wall with pilasters and a cap and open decorative wrought iron/tubular steel fence with pilasters along exterior and interior street frontages. A decorative wall with a cap and pilasters would be required to be extended along the eastern perimeter adjacent to the regional shopping center. Open fencing would be established for most areas adjacent to designated common open space areas. Internal fencing between units will include a poly-vinyl fencing material.

A minimum 10-foot wide on-site landscape area in addition to the right of way landscape is required to be installed along Eucalyptus Avenue. All frontage landscape and common open space landscape in the tract will be maintained by a homeowners association.

Conceptual designs of the proposed housing product are included as part of the project. A condition of approval has been included that requests administrative review of the recreation building elevations if not provided for review as part of the Planning Commission public hearing.

A water quality basin, for water quality and flood control was originally established within the OS district and is currently constructed. Landscape, including trees, shrubs and groundcover, as well as irrigation shall be installed and maintained by the HOA for all sides and or slopes of the basins and bio-ponds. A hydroseed mix with an irrigation system is acceptable for the bottom of all bio-ponds. A decorative wrought iron or tubular steel fence, or other fence/wall approved by the Community & Economic Development Director, is required at the top of basin/pond slopes to provide full security.

REVIEW PROCESS

The proposed project has undergone some design changes since the submittal of the initial application on to the Planning Division on October 27, 2010. The Project Review

Staff Committee (PRSC) first reviewed the project application on November 16, 2010 within a staff only meeting and December 1, 2010 with the applicant present. After various redesigns, corrections were provided by the applicant. The revised map, along with the submittal of the required PUD, constituted an addition meeting with PRSC staff on January 19, 2011. Various comments throughout the review process included enhancements to product type and product embellishments, review of deviations provided by the project under the PUD standards and placement of required street trees. The applicant has since addressed the initial concerns identified by the reviewing departments, or certain items have been provided through project conditions of approval.

ENVIRONMENTAL

A tentative tract map (PA04-0146 – Tentative Tract Map No. 32835) was originally approved for a 276 unit condominium complex and various open space components on April 4, 2005, while the site was previously graded. At that time, a Negative Declaration was adopted pursuant to California Environmental Quality Act (CEQA) guidelines.

Historically, the project site was part of the Stoneridge Specific Plan (SP No. 211). The plan included 236 acres located south of Highway 60 in the central portion of Moreno Valley and included a mixture of commercial, office and medical–related land uses. On November 16, 2004, SP 211 and the associated environmental document were repealed. Projects including a 205 unit single-family residential Planned Unit Development (PUD) and a 139 unit small lot single-family residential Planned Unit Development were then developed to the west of the subject site. In addition the Stoneridge Towne Centre and Moreno Beach Plaza retail centers were developed to the east and north of the subject site.

The original project included 276 residential condominium units housed in multi-story buildings within the R15 portion of the 29 acre site. The proposed project (PA10-0038/39 – Tentative Tract Map No. 36340) includes approximately 275 single-family residential lots on the same amount of acreage disturbed. Grading previously occurred shortly after project entitlements were approved in 2005. Approval of a drainage basin and private open space will remain with this project in the OS land use district portion. Based on the comparisons of the two projects, the proposed project is not considered more intensive than the original project approved in 2005.

Pursuant to Section 15164 of CEQA, an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15161 calling for the preparation of a subsequent EIR or negative declaration have occurred. No substantial changes have occurred from the original project which would require major revisions of the environmental document or prior negative declaration, and no new significant environmental effects have been identified with the proposed 275 unit single-family residential project on roughly 29 gross acres of land.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the Press Enterprise newspaper on February 11, 2011 (Attachment No.1).

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all potentially affected reviewing agencies.

Agency	Response Date	Comments
1. The Gas Company	December 28, 2010	No Comments
2. Riverside County Flood Control and Water Conservation District	November 30, 2010	The project would require applicable fees to be paid. The District would consider accepting ownership of any proposed channels, storm drains etc.

STAFF RECOMMENDATION

That the Planning Commission:

APPROVE Resolution Nos. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration: and,

2. **APPROVE** PA10-0038 (Tentative Tract Map No. 36340) and PA10-0039 (Conditional Use Permit/Planned Unit Development) for a 275 lot single-family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential -15) and OS (Open Space) land use districts, based on the findings included in the resolutions, subject to the attached conditions of approval included as Exhibit A to the resolutions (Attachments 2 and 3); and,

3. **RECOMMEND** that the City Council **APPROVE** PA10-0029 (Development Agreement) based on the findings included in the resolution (Attachment 4).

Prepared by: Approved by:

Mark Gross, AICP John C. Terell, AICP

Senior Planner Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-05, with attached Conditions of Approval.
3. Planning Commission Resolution No. 2011-06 with attached Conditions of Approval and Development Standards Chart
4. Planning Commission No. 2011-07 with attached development agreement

5 Zoning Map
6. Aerial Map
7. Reduced Tentative Tract Map No 36340
8. Reduced Preliminary Grading Plan
9 Reduced Plot Plan/Planned Unit Development Maps
10. Reduced Preliminary Landscape Plans

EXHIBITS:

1. Tentative Tract Map No. 36340
2. Preliminary Grading Plan
3. Site Development Plan
4. Preliminary Landscape Plan
5. Recreation building floor and elevation plans (provided in reduced format in Exhibit 6).
6. Tentative Tract Map No. 36340 Information Booklet.

2. Case Number: PA10-0038 Tentative Tract Map. No. 36340
PA10-0039 Conditional Use Permit
PA10-0029 Development Agreement

CHAIR DE JONG – Staff report please

SENIOR PLANNER GROSS – Yes, good evening Chair De Jong and members of the Planning Commission. I'm Mark Gross, Senior Planner, here to provide a report on the proposed residential project here before you this evening, which has definitely been a rarity around these parts for a while. The Applicant, Beazer Homes is requesting the approval of Tentative Tract Map No. 36340 as well as a Conditional Use Permit and a Planned Unit Development for a 275 lot single family residential small lot detached subdivision on 29 acres to include individual home sites and community recreation facilities within two land use districts; one of them the R15 land use district which is where the home sites will be located and then you have a protection of existing rock outcroppings and drainage basin which is existing on the OS (open space) land use district.

The project is located on the southeast corner of Eucalyptus and Iris and consists of a revision to an existing 276 unit condominium project approved back in 2005 for Beazer Homes and is consistent with surrounding land use density requirements and with current smaller lot single family and surrounding multiple family developments in the vicinity. The design and location of the project will allow for walkable communities; actually, a walkable community to two surrounding regional commercial centers which would likely reduce vehicle miles and trips, where it gives that walk ability to these particular sites. Conceptual plans of the models, map and the plot plan are located there on the far wall. The Applicant has also I believe and you should have this as a copy, booklets with additional elevation plans and project details and I believe that is in Exhibit 6 of the report.

Now what I'd like to do briefly is just summarize the three discretionary components of the project before you this evening. The first item is the Tentative Tract Map which is delineating land uses into approximately four acres within the OS land use district; again that is in the center of the tract to include open space and drainage basin uses and then you have the 25 acres within the R15 land use district, which would include the 275 individual lots for single family ownership and then you also have a number of lettered lots for common and private open space type areas.
The second component of the project is the Conditional Use Permit/Planned Unit Development. Now the project is meeting allowable Planned Unit Development requirements; will not exceed the maximum density of 15 units per acre and does provide for many amenities found which you would typically find in multiple family developments and that would include again the private open space, tot lots, community recreation building, a pool, picnic and barbecue areas and numerous turf play areas. Now the small lot single family development will provide in this

ATTACHMENT 6

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case a greater innovation of housing and choice of ownership most likely in this case for the first time home buyer or senior.

Now the developer is asking for allowable deviations which are allowed within the Planned Unit Development portion and that is as long as amenities are included in the project, and I think there are quite a few amenities within this particular project. The deviations that we are talking about do include lot area, lot dimension, lot coverage and setbacks. Now an example of the size of the lots; we're talking the lots ranging from about 1,846 square feet to approximately 3,181 square feet; while the unit square footage will range from anywhere 1,377 square feet to 1,981 square feet.

The third component of this particular project is the development agreement. Now the developer had previously provided substantial public improvements in the vicinity of the original project necessary to facilitate the development of the adjacent Stone Ridge Town Center which is directly to the north. The Applicant has identified a temporary, in this case with the Development Agreement, a temporary reduction of development impact fees as necessary for the financial feasibility of providing with this revised project during this time of economic uncertainly. Now as part of the proposed agreement, the developer agrees to build all required improvements including a recreation building and I think some of the things we talked about; pool, play area; seating areas, trails, green belts, parking and such.

The developer will also incorporate energy efficient features into the development which may include LED or similar energy efficient lighting in common areas, solar water heater for heating for the recreation building and pool as well as providing energy efficiency for all housing units, which will be at least ten percent beyond the requirement of current building code requirements. Now the environmental determination for this project does include an addendum to the previous Negative Declaration in accordance with California Environmental Quality Act Guidelines. No substantial changes have occurred from the project which would require major revisions of the environmental document and no new significant environmental effects have been identified with this 275 unit residential single family project versus the 276 unit which is just one additional unit for the multiple family project which was previously approved out on that site.

The Public Notice was sent to all property owners on record surrounding the site, published in the newspaper and posted on site. Staff did not receive any public inquiries on the project. Now as a reminder this evening, Planning Commission will be making a decision on the Tentative Map and the Conditional Use Permit and will provide a recommendation to the City Council on the Development Agreement. The Development Agreement will then tier off from this and be presented to the City Council as an Ordinance. That concludes the Planning Division's portion of the report. At this time I'd like to turn it over Clement

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Jimenez, the Senior Engineer to discuss a couple of minor modifications to Land Development Project conditions of approval.

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Hi, good evening Chair and members of the Planning Commission. My name is Clement Jimenez with the Land Development Division. In addition to the green sheet before you which revises one of our conditions of approval, to make it more applicable to this particular project where the maintenance of the water quality basin in going to be borne by the HOA and not by the City. We have eliminated some sections of our special standard condition of approval there as you can see and struck out font and in addition to that we have other conditions of approval that we would like to revise to reflect the currently submitted map before you, which we got after we wrote the conditions of approval and one of the conditions that we would like to revise is LD57(c). We would like it to read, "private storm drain easement retained by owner, his successors and assigns for storm drain line improvements from the end of Canyon Rock Court to the Eucalyptus Avenue south right-of-way". It is basically going to be a private storm drain versus a public storm drain as was previously stated. The other change is also to LD57 (g). We propose that that subsection be deleted entirely. It was a typo and then the other condition is LD65. That condition is no longer applicable because of the revised map before you. Before this latest version of the Tentative Map there was a two foot strip along the not a park area shown on sheet 3 of the Tentative Map. That no longer exists because of the negotiations that Beazer has had with the Eastern Municipal Water District, so it is no longer applicable and we are proposing to delete that condition and that concludes the changes from Land Development. Thank you.

CHAIR DE JONG – Okay thank you. Okay are there any Commissioner questions of staff? I have a question. Mark is there, I didn't see, is there a physical connection from the development to the public use trail and if not could there be one? I didn't see one.

PLANNING OFFICIAL TERELL – My understanding is that there is not and that is a standard or a preference on the part of the Parks and Recreation Department.

CHAIR DE JONG – They don't want a connection?

PLANNING OFFICIAL TERELL – They don't; they prefer not to have private connections right into the trail. If it's possible, if there is going to be one, I'm sure that has already been arranged with the prior approval, so the Applicant might be able to help us out because they worked more directly with the Parks and Recreation than Planning did.

CHAIR DE JONG – It just seems a shame that they can't have direct access to it at some point; it is such a large development.

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PLANNING OFFICIAL TERELL – Right, there are access points but they are further around the corner.

CHAIR DE JONG – I know and my other question is that I noticed there is a lot of existing utilities and fire hydrants in place. Will those have to be relocated or are they sufficient for this development?

PRINCIPAL LAND DEVELOPMENT ENGINEER SAMBITO – Hello Mr. Commissioner. The answer to that is yes. Some of them will need to be modified to accommodate the new layout but the Applicant made a very good attempt to leave as many as they could in place to accommodate their new design.

CHAIR DE JONG – It makes sense, good. Are there any other questions?

COMMISSIONER GELLER – Yes, why are the DIF fees being reduced?

PLANNING OFFICIAL TERELL – Primarily due to the investment in the infrastructure Beazer already made in excess of what is required for their project. They put in a lot of infrastructure related to the development of Stone Ridge Shopping Center for which they could not get credit or reimbursement. The other is obviously to induce the project because Staff feels that it will have a beneficial impact on those two shopping centers and their continued growth.

COMMISSIONER GELLER – Okay

COMMISSIONER DOZIER – I was looking at the new condition where any of the bio-swales or any of the water treatment on the property is going to be paid for by the homeowners through the HOA. Is that typical to have the HOA pay for that?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – Yes, for multi-family residential projects that is typical as well as this project.

COMMISSIONER DOZIER – Alright because I noticed then there was dedicated maintenance easements the City of Moreno Valley, and then if they are taking care it the City is not taking care of it, so they don't need an easement. Do I understand that correctly?

SENIOR LAND DEVELOPMENT ENGINEER JIMENEZ – That's correct

COMMISSIONER DOZIER – I gotcha, okay

CHAIR DE JONG - Okay seeing no more questions I'll go ahead and open Public Testimony and call the Applicant forward. Good evening.

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APPLICANT – Good evening Chair, Commissioners and Staff. First of all I want to thank you for your time today. I want to say a special thanks to Mark and John and the rest of the City Staff to inspect this review. Beazer has just finished off about 400 units just adjacent to this property and also helped build all the main infrastructure along Nason, Eucalyptus and Fir along with the commercial center and as Mark was mentioning before, this is a new development for us here. We started back in 2005. We actually built a model there; everything tanked and we find out now that condo's are hard to get financing for now so that's why we came up with this new detached single lot home. Beazer is really excited to be here. This is our third project here recently, so we hope this will be successful and hope that you guys are in favor of it also.

CHAIR DE JONG – Okay thank you. Are there any questions?

COMMISSIONER GELLER – I am concerned and I just want you to think about it. I am concerned with the left elevations. I understand I guess supposedly they are going to be back to back on the houses but I just don't think that's what we had in mind when we talked about four-sided architecture. I'm not sure that there is anything that we should do but I just wanted to bring that to your attention at this moment.

APPLICANT – If I could speak on that…

COMMISSIONER GELLER – Sure

APPLICANT – The reason why the left elevation is blank on that wall below the fence line is basically because the other parties patio is going to be right there, so it's kind of weird having a window looking out to your adjacent neighbor's patio. So it's kind of a privacy thing…

CHAIR DE JONG – That is in all cases?

APPLICANT – In all cases and then if see on the left elevation end units it is on the top. That's where we provided the additional windows on the elevation.

CHAIR DE JONG – So the blank wall would never be facing a street or a drive?

APPLICANT – Never be facing a street or a drive…

CHAIR DE JONG – Okay, does that make any difference down there?

COMMISSIONER GELLER – You know it's hard till you actually drive by them. That's been said many times and you drive through some of these neighborhoods and they look absolutely abysmal because you can see clearly between the houses and just all these blank walls. I'm not suggesting you put more windows in. I don't know, I just… the theory that no one sees it just never

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seems to… but again I don't have the ability to visualize driving through the complex, but that's exactly what I didn't want to have to see.

PLANNING OFFICIAL TERELL – Yes we did and unfortunately that was so long ago I don't think I saved, but there were pictures… Beazer has built a similar project up in Sacramento and we had the opportunity to see pictures of it and what they had done there is they provided street scenes and in looking down the street what you could normally see was kind of the return on the houses and you can see on certainly the top one, the detailing is closest to the end of the unit where it's most likely to be seen, so we did as for that. Originally as I recall there was nothing on those walls, so it's a faux window, it's not a real window or a window with the shutters closed, so it's a little more detailed than you can see, but we tried to focus those on the ends of the units where you are most likely to see between the units. The difference between… there are probably some that are wider but the typical distance between them is feet between units. The typical distance between say single family tracts, where we realize you can see much more is 15 feet between homes, so it's much, much closer.

CHAIR DE JONG – And houses with 15 feet between them really do have the four-sided architecture addressed and that's a different story.

PLANNING OFFICIAL TERELL – Well we haven't see any since the Ordinance was… but that's the intent; yes; in those cases you would have windows on all four sides and those windows would all have detailing similar to what is on the front.

COMMISSIONER GELLER – I have a couple other questions. Is the HOA going to be responsible for the front yard maintenance?

APPLICANT – That is correct

COMMISSIONER GELLER – Okay, I know that had been done on many of these so they will have a consistent look. And how much guest parking is there and how far is it? I mean if someone has a party, where are the people going to park?

APPLICANT – There is a half-unit per… there is a half-space per resident and they are bay parking, so it's like in a standard parking lot and they are scattered pretty well throughout the site.

SENIOR PLANNER GROSS – There is a total I believe of 138

COMMISSIONER GELLER – They are well hidden

PLANNING OFFICIAL TERELL – When you start counting, there is like three here and four there and six there and it's up to 138.

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COMMISSIONER GELLER – Okay that's all I have

CHAIR DE JONG – Thank you. Are there any Commissioners of the Applicant? Okay, I don't have any right now either

APPLICANT – Thank you

CHAIR DE JONG – Okay I'm going to close Public Testimony and open Commissioner Debate.

COMMISSIONER GELLER – Well I guess I'll go first to go last. Yes other than the left elevations, you know if they are always only going to be six feet apart I guess you're not going to see them. I'm certainly not going to have somebody do something for nothing; just you know again looking at the pictures they don't… but I think this is for whole array of reasons and all the reasons specified, that this is the development concept of the future in terms of keeping the costs down; keeping the energy efficiency down; walkability; closeness to the shopping center. I mean I'd say I think this is for a whole array of reasons probably the building style of the future and the PUD is a great concept to allow far more flexibility than just having rows and rows of identical lots of somewhat identical houses and I know this area well. I've spent the last 20 years hiking through there. I've been watching the trails develop over the years and trying to figure out how to get around the houses, but you know I certainly know this area well and like I say I think this kind of innovative design is really the future of detached houses as a practical matter. Nobody is going to be able afford anything else and I think they've done an excellent job. I think it is going to be a nice looking center and the other work that they have done in that center you know exceeded my expectations in terms of overall and I approved that whole thing a long, long time ago, so I'm in support of the project and I have no objection to the amendments to the conditions.

CHAIR DE JONG – Okay, George…

COMMISSIONER SALAS – Well I'm not happy with… I don't like the six feet houses every three feet apart or six feet apart, but I agree with Commissioner Geller on the economic times that I guess this is going to be what we are looking at. They've done a real good job of presentation and the elevations are nice looking, so I'll support the project.

COMMISSIONER GELLER – And lastly no one has to buy them, I mean if they don't want neighbors that close they don't buy this product.

CHAIR DE JONG – That's a better way to put it.

COMMISSIONER GELLER – Yes, that's what I meant to say. I wasn't…

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COMMISSIONER DOZIER – I was very pleased to see this come forward because I thought that it was going to stay vacant for a longer period of time as the development community tried to figure out where the market was going to be, so I'm happy to see it come forward at this time. It's kind of the light at the end of tunnel kind of thing. We get some construction going in town and we take an area that is now vacant and looks unfinished and it gets finished and it will certainly improve the prospects for additional business for the center which is right across the street and around the corner. All of those are positives for the City. We are talking about jobs; we're talking about capital investment and this is a sign of the economic times. You can't pencil out the same kinds of projects that were penciled out just three years ago or four years ago in a different economy and I think these look very, very good and I've seen other projects like it that are designed similarly where the people work it out. They are happy to own their own home. They are happy and they show pride of ownership. The problems that you have with parking and closeness… actually the closeness forces you almost to know your neighbor a little better and so people just work it out. They have a big party; they work it out. They say hey I'm going to have a party this Saturday and I need your space and your space and your space and if it's okay for a few hours they work it out, so I'm happy to see it and I certainly am supportive of it. It is coming a lot sooner than I thought.

VICE CHAIR BAKER – Yes I think this is a great project for the area and we're moving towards getting some housing for people that is affordable. They are not going to have to mortgage the farm to get in here. In looking at this, there are a lot of amenities for these people in this close to 30 acres. I see there is a spa in there; a pool; a big open space. This is a great deal, so I'm behind it 100 percent and I see all those parking spaces in here when I go to the colored layout, which there is probably way over a hundred, so I'm always concerned when I see something like this because parking is a real problem when you have a couple of guests and they are sprinkled out here pretty nicely. I like the remote gated access; that is always good, so there are a lot of plusses to this project, so I'm for it and I think we need to move forward with it. Thank you

CHAIR DE JONG – I too am in support. I think this is another great product to our housing portfolio in the City. It's just another different product that people can choose from and I think that's what makes it so great. It is a sign of the times; the reduced size and the smaller side yards, but that is what a lot of people are going to be wanting. I had a question for Traffic. Is this going to put a pinch on the end of Eucalyptus there where it kind of dead ends to the right there down by Walmart? I know that is more out of our hands; it is more in Cal Trans getting that end of the street off-ramp kind of thing redesigned. Is that going to move forward any time soon any faster than was originally planned?

TRAFFIC ENGINEER LEWIS – Good evening; Eric Lewis, City Traffic Engineer. There aren't immediate plans to get that work done. It is a lot of money to build the interchange obviously so thankfully though Nason is moving along very

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quickly here and so they'll be some bumps in the road so to speak for a little while and then a lot of progress and then the next phase will probably be Moreno Beach.

CHAIR DE JONG – Good, okay, I didn't mean to divert much on that. I really like keeping the open space. I'm glad that we as a City have decided to maintain the rocky boulder open spaces. I think it is going to be a great product and if I may bring my fellow Commissioner attention to this elevation here where it shows along the street, it has windows along the bottom of it, so it's a different elevation, so that's good. I was happy to see that too. With that I think we're ready for a motion.

COMMISSIONER DOZIER – When you alluded to traffic patterns, I just want to go on the public record and say we sometimes as planners, people say why did you approve all of those homes and all of those cars before the street intersections were done? This is some of the reason why. There is a need to move forward with kind of project and there are so many plusses for it that we can't wait to do those intersections; one, because of the cost and the times today and trying to get that money to do those kinds of improvements. Sure we would like to do them ahead of time and if we had the money and the power it would already be done before the project is approved, so for a little while it is going to be a little inconvenient. I know that stop light at Nason going onto the freeway; that bridge overpass is going to get backed up from time to time but the local residents are going to have to try to avoid it and go around it and figure out another way to traverse through there, but I want to go on record and say that we're aware of it; we know it; we're not doing this in a void, but sometimes things have to go forward first before we can get in a position to make it so that is really, really convenient for everybody.

CHAIR DE JONG – Well said

PLANNING OFFICIAL TERELL – Following onto that point, the development agreement as proposed, there are no reductions in the TUMF fee; the regional fee and those are the fees that really pay for those big improvements like interchanges as in the case of Nason and the design work for Moreno Beach which is actually pretty far along.

CHAIR DE JONG – Good, glad to hear that. Who would like to make a motion tonight or are we ready for one? I think we're ready for it.

COMMISSIONER GELLER – Well I'll make it since…

CHAIR DE JONG – Well this will be the last time

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COMMISSIONER GELLER – Yes you won't have me to kick around so… alright… I'd like to make a motion that we **APPROVE** Resolution No. 2011-05, 2011-06 and 2011-07 and thereby:

1. **ADOPT** an Addendum to a Negative Declaration; and,
2. **APPROVE** PA10-0038 Tentative Tract Map No. 36340, PA10-0039 Conditional Use Permit/Planned Unit Development for a 275 lot single family residential development with common and natural open space areas and a community recreation building with pool on an approximately 29 gross-acre site in the R15 (Residential 15) and OS (Open Space) land use districts, based on the findings included in the Resolutions, subject to the attached conditions of approval as amended included as Exhibit A to the resolution, Attachments 2 and 3; and,
3. **RECOMMEND** that the City Council **APPROVE** PA10-0028 Development Agreement based on the findings included in the resolution, (Attachment 4).

VICE CHAIR BAKER - Second

CHAIR DE JONG – Thank you and we have a second. Is there any discussion? All those in favor?

Opposed – 0

Motion carries 5 – 0

CHAIR DE JONG – Staff wrap up please

PLANNING OFFICIAL TERELL – Yes the Tentative Tract Map and the Conditional Use Permit shall become final... Those approvals unless appealed to the City Council within 15 days or actually 10 days; I'm sorry, there is a Tentative Tract Map included and then the Development Agreement will go forward to the City Council for final review and action and that is scheduled for March 22nd.

CHAIR DE JONG – Okay thank you very much. Thank you and good luck.

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ATTACHMENT 7

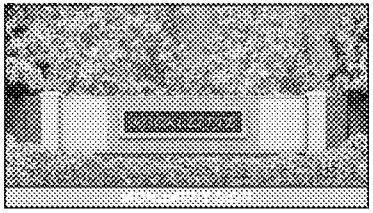

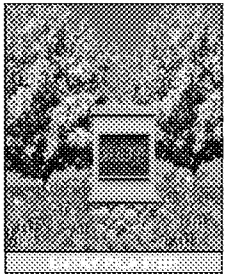

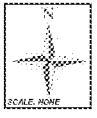

8' HIGH WROUGHT IRON FENCE
6' HIGH SPLIT FACE CONCRETE BLOCK WALL
5'-0" HIGH VINYL FENCE (COURT YARDS)

STANDARD SPACES	
ACCESSIBLE SPACES	
TOTAL SPACES	131
TOTAL SPACES REQUIRED	89

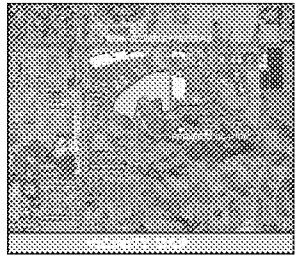

ROSEKILL/BEAUMONT/STONERIDGE RANCH

AECOM

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PLANTING CONCEPT
Residential alleyway will be enhanced with various sizes of colorful shrubs and groundcovers to define streetscape theme and to screen portions of the building architecture.

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PLANTING CONCEPT
Typical front yard landscape concept provides a private courtyard and accent landscaping in common areas. Common area landscaping includes colorful accent trees and shrubs to define areas and provides an aesthetically pleasing experience.

PLANTING CONCEPT
Corner lot streetscape landscape concept will consist of colorful accent trees and shrubs of various sizes to create a layered landscape to define street circulation, screen portions of corner lot buildings and provide a visually pleasing landscape experience.

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APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council and the City Council Acting in their Capacity as the President and Members of the Board of Directors of the Moreno Valley Community Services District ("CSD")

FROM: Chris A. Vogt, P.E., Public Works Director/City Engineer

AGENDA DATE: July 12, 2011

TITLE: PUBLIC HEARING REGARDING THE MAIL BALLOT PROCEEDING FOR FIRST INDUSTRIAL—APNS 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, AND 316-200-029 BALLOTING FOR NPDES AND CSD ZONE M

RECOMMENDED ACTION

1. Staff recommends that the City Council, after conducting the individual Public Hearings and accepting public testimony:

   a. Direct the City Clerk to tabulate the National Pollutant Discharge Elimination System (NPDES) ballots for First Industrial;
   b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
   c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
   d. If approved, authorize and impose the NPDES maximum commercial/industrial regulatory rate to Assessors Parcel Numbers (APNs) 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

2. Staff recommends that the Mayor and City Council, acting in their capacity as President and Members of the Board of Directors of the CSD ("CSD Board"), after conducting the Public Hearing and accepting public testimony:

   a. Direct the Secretary of the CSD Board (City Clerk) to tabulate the CSD Zone M ballot for First Industrial;

b. Verify and accept the result of the mail ballot proceeding as identified on the Official Tally Sheet and attached APN listing;
c. Receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing; and
d. If approved, authorize and impose the annual CSD Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance) charge to APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029.

ADVISORY BOARD/COMMISSION RECOMMENDATION

N/A

BACKGROUND

To comply with the 1972 Federal Clean Water Act, Land Development, a division of the Public Works Department, requires that new development projects participate in the appropriate NPDES regulatory rate to fund federally mandated programs. The City Council adopted the residential regulatory rate on June 10, 2003, and the commercial/industrial regulatory rate on January 10, 2006.

The CSD was formed simultaneously with City incorporation in 1984. The designation of zones within the CSD was established to allocate the costs of special services to those parcels receiving the benefit. The City's Arterial Median Maintenance Policy, adopted by the CSD February 2003 and subsequently amended January 2006, requires that certain commercial, industrial, and multifamily developments be conditioned to fund the maintenance of arterial medians.

First Industrial—APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 has Conditions of Approval that require them to provide a funding source to help support the Stormwater Management program and the CSD Zone M program. Approving the NPDES maximum commercial/industrial regulatory rate and the CSD Zone M annual charge through a mail ballot proceeding shall fulfill these requirements.

DISCUSSION

In compliance with Proposition 218, which requires that any new or proposed increase in property-related assessments, fees, or charges be submitted to property owners for approval, a mail ballot proceeding is being conducted to give the property owners the option to approve or oppose the NPDES maximum commercial/industrial regulatory rate and the annual charges for the CSD Zone M program. The property owners are given two opportunities to address the legislative body. These two opportunities are the Public Meeting on June 28, 2011 and the Public Hearing on July 12, 2011, when the results of the ballot proceeding will be announced.

New development projects are subject to the current NPDES Permit requirements for stormwater management as mandated by the Federal Clean Water Act. Public agencies

are to obtain Permits to discharge urban stormwater runoff from municipally owned drainage facilities, including streets, highways, storm drains, and flood control channels. If approved by the property owner, the City will annually inspect site design, source and treatment control Best Management Practices, monitor maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State. Provided the mail ballots are approved, the City will also be authorized to levy the NPDES maximum commercial/industrial regulatory rate on the annual property tax bill or as a monthly charge on a utility bill.

Special Districts, a division of the Public Works Department, manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. Landscape maintenance includes, but is not limited to pruning, trimming, fertilizing, replacing plant material(s) as necessary, litter removal, maintenance of the irrigation systems, weed control, payment of the water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians. The CSD Zone M annual charges are levied on the property tax bill.

The CSD Zone M annual charges for APNs 316-200-003, 316-200-009, 316-200-010, 316-200-011, 316-200-012, 316-200-013, 316-200-014, 316-200-018, 316-200-028, and 316-200-029 were estimated based on the proposed Perris Blvd. median adjacent to the parcels. Upon future development, parcels adjacent to the proposed median shall be conditioned to provide a funding source for the annual maintenance. At which point, the annual charges for balloting APNs shall be proportionally adjusted.

ALTERNATIVES

1. **Conduct the Public Hearing,** tabulate the ballots, verify, and accept the results of the mail ballot proceeding for First Industrial, receive and file with the City Clerk's office the accepted Official Tally Sheet and APN listing, and if approved, authorize and impose the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M annual charges for First Industrial. *This alternative will fulfill the 45-day noticing period and Public Hearing requirements as mandated by Proposition 218.*

2. **Do not conduct the Public Hearing,** tabulate the ballots, verify, or accept the results of the mail ballot proceeding for First Industrial. *This alternative would be contrary to Proposition 218 mandates and may not allow the property owners to comply with their conditions of approval.*

FISCAL IMPACT

For fiscal year (FY) 2010/11, the NPDES annual regulatory rate and estimated CSD Zone M charges for First Industrial are as follows:

Property Owner	NPDES Maximum Commercial/Industrial Rate	CSD Zone M Annual Charge
First Industrial		
APN 316-200-003 (and any division thereof)	$205	$494.31
APN 316-200-009 (and any division thereof)	205	492.14
APN 316-200-010 (and any division thereof)	205	516.09
APN 316-200-011 (and any division thereof)	205	489.96
APN 316-200-012 (and any division thereof)	205	2,184.13
APN 316-200-013 (and any division thereof)	205	520.44
APN 316-200-014 (and any division thereof)	205	520.44
APN 316-200-018 (and any division thereof)	205	1040.89
APN 316-200-028 (and any division thereof)	205	435.52
APN 316-200-029 (and any division thereof)	205	1,796.51

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

The NPDES rates collected from property owners support the current Permit programs and reduce the level of General Fund support necessary to remain in compliance with unfunded federal mandates, as administered by the State. Funds collected from the NPDES rates are restricted for use only within the Stormwater Management program.

There is no impact in the General Fund for the ongoing maintenance of the proposed median on Perris Blvd, north of Nandina Ave. The CSD Zone M annual charge, paid by the adjacent new developments, provides the necessary funding for the maintenance of newly constructed medians within the CSD. The collection of the CSD Zone M annual charge is restricted for use for the maintenance and administration of the improved medians within the CSD Zone M program.

CITY COUNCIL GOALS

Advocacy
Management of the stormwater will ensure that water pollutants are discharged in compliance with federal mandates and City policies.

Community Image, Neighborhood Pride, and Cleanliness
The Zone M program allows the CSD an opportunity to enhance the appearance of newly developed areas within the City.

Revenue Diversification and Preservation
The CSD Zone M annual charge and the NPDES maximum commercial/industrial regulatory rate provide funding for program costs, which include maintenance and administration.

SUMMARY

The action before the City Council/CSD Board is to accept public testimony, tabulate the returned ballots, verify, and accept the results of the mail ballot proceeding for First Industrial.

NOTIFICATION

On May 17, 2011, a ballot packet was mailed to the owner of each parcel associated with Tentative Parcel Map 35859. The packets included a notice to the property owner, map of the project area, the NPDES commercial/industrial rate schedule, instructions, ballots, and postage-paid envelopes for returning the ballots to the City Clerk. (See Attachment 1.)

Newspaper advertising for the June 28, 2011, Public Meeting and July 12, 2011, Public Hearing was published in The Press-Enterprise on June 9, 2011. Additionally, the Public Hearing notification was published on June 23 and again on June 30, 2011.

ATTACHMENT

Attachment 1: First Industrial sample mail ballot packet

Prepared by:
Jennifer A. Terry,
Management Analyst

Department Head Approval:
Chris A. Vogt, P.E.,
Public Works Director/City Engineer

Concurred by:
Candace E. Cassel,
Special Districts Division Manager

Concurred by:
Mark Sambito,
Engineering Division Manager

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

W:\SpecialDist\jennifert\Ballots for FY 10.11\Zone M NPDES\PA07-0165 First Industrial (TPM 35859)\Stfrpt PH 07.12.11.doc

TEL: 951.413.3480
FAX: 951.413.3498
WWW.MORENO-VALLEY.CA.US

MORENO VALLEY
WHERE DREAMS SOAR

14325 FREDERICK STREET, SUITE 9
P. O. BOX 88005
MORENO VALLEY, CA 92552-0805

First Industrial
c/o First Industrial Realty Trust
Jeff Evans, Operations Director
898 N. Sepulveda Blvd., Suite 750
El Segundo, CA 90245

May 17, 2011

NOTICE TO PROPERTY OWNER-MAIL BALLOT PROCEEDING FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MAXIMUM COMMERCIAL/INDUSTRIAL REGULATORY RATE AND COMMUNITY SERVICES DISTRICT (CSD) ZONE M (COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY IMPROVED MEDIAN MAINTENANCE) FOR APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029

******* OFFICIAL BALLOT ENCLOSED *******

Llame al 951.413.3480 para obtener información verbal en Español

Introduction

In November of 1996, California voters passed Proposition 218 ("The Right to Vote on Taxes Act"). As a result, any new or proposed increase in a property-related charge requires approval of the charge by the property owner of record. In compliance with Proposition 218 legislation, the City of Moreno Valley Special Districts Division is conducting a mail ballot proceeding to provide the owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) the opportunity to express support or opposition to the approval of the NPDES regulatory rate and services and inclusion into and approval of the annual charges for the CSD Zone M program.

Background

NPDES Maximum Commercial/Industrial Regulatory Rate

The City shall provide the services necessary to meet mandates of the Federal Clean Water Act. The current NPDES Permit, as administered by the State, regulates the volume and amount of pollutants in stormwater runoff from all development types. NPDES Maximum Commercial/Industrial Regulatory Rate provides financial support for inspecting site design, source and treatment control Best Management Practices, monitoring maintenance records for those on-site facilities, and performing annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge

The CSD was formed simultaneously with City incorporation and established Zones to allocate the costs of special benefit services to those parcels designated to receive selective programs. The CSD Zone M program provides ongoing maintenance to improved medians adjacent to commercial, industrial, and multifamily developments in designated areas of the City. Commercial, industrial, and multifamily developments along designated arterial streets are conditioned to participate in the improved median maintenance program in compliance with the Citywide Arterial Median Maintenance Policy approved by the CSD Board in March 2003 and revised in January 2006.

ATTACHMENT 1

Services Provided

NPDES Maximum Commercial/Industrial Regulatory Rate
In compliance with the Federal Clean Water Act, the City of Moreno Valley shall annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

CSD Zone M Charge
Special Districts' staff manages private landscape maintenance firms to ensure that landscape preservation activities are completed on a regular schedule. The CSD Zone M annual charge was established to cover administration and service costs for the landscape maintenance. Services include, but are not limited to: trimming, pruning, fertilizing, replacing plant material(s) as necessary, litter removal, weed control, maintenance of the irrigation system, payment of water and electric utility charges, staff support, and other items necessary for the satisfactory maintenance of the landscaped medians.

How is the Amount of the Charge Determined?

NPDES Maximum Commercial/Industrial Regulatory Rate
Each fiscal year (FY), the City of Moreno Valley shall determine the type of services necessary to comply with NPDES Permit requirements and levy the rate applicable for that service. The rate levied shall not exceed the rate previously approved by the property owners.

CSD Zone M Charge
The annual CSD Zone M charge includes maintenance and administration costs. The CSD Zone M charge shall be proportionally adjusted if APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 are subdivided. If APNs are merged then the annual charges for those APNs shall be combined. The charge levied shall not exceed the charge previously approved by the property owners.

Proposed Charge

NPDES Maximum Commercial/Industrial Regulatory Rate
For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. The total amount of the NPDES rates levied for FY 2010/11 for the program as a whole is $392,575.

CSD Zone M Charge
The CSD Zone M annual charge for FY 2010/11 for the proposed Perris Blvd. median is $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. The total amount of the CSD Zone M charges levied for FY 2010/11 for the program as a whole is $141,530.98.

Annual Adjustment

Beginning in FY 2011/12, the NPDES Maximum Commercial/Industrial Regulatory Rate and the CSD Zone M charge shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics.

Duration of the Charge

Upon approval of the NPDES Maximum Commercial/Industrial Regulatory Rate, the annual levy

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amount will be assessed to APN 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof) and shall be placed on the 2011/12 Riverside County property tax bill or as a monthly charge on a utility bill. The CSD Zone M annual levy amount shall be assessed on the Riverside County property tax bill as planning of the median occurs. The NPDES Maximum Commercial/Industrial regulatory rate and the CSD Zone M charge will be levied each following year at the proposed rate, which may include an annual inflation adjustment.

Public Hearing

To provide information concerning this mail ballot proceeding the City/CSD has scheduled one (1) Public Meeting and one (1) Public Hearing, which will be held at the **Moreno Valley City Hall Council Chamber located at 14177 Frederick Street, Moreno Valley.**

Public Meeting	Public Hearing
Tuesday, June 28, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)	Tuesday, July 12, 2011 6:30 P.M. (Or As Soon Thereafter As The Matter May Be Called)

Tabulation of all returned ballots will commence after the close of the Public Hearing. All ballots received shall be tabulated under the direction of the City Clerk/Secretary of the CSD Board of Directors in compliance with the current Policy For Conducting Mail Ballot Proceedings Policy #1.12.

Effect if Inclusion into and Approval of the Charges is Approved

Approval of the NPDES Maximum Commercial/Industrial maximum regulatory rate will be confirmed if a simple majority (50%+1) of the ballots are marked in favor of the NPDES rate. Inclusion into the CSD Zone M program and approval of the annual charge will be confirmed if a simple majority of the returned valid weighted ballots approve the annual charge.

Effect if Inclusion into and Approval of the Charges is Not Approved

NPDES Maximum Commercial/Industrial Regulatory Rate

Not approving the NPDES commercial/industrial regulatory rate to meet federally mandated NPDES Permit requirements shall result in noncompliance with the Conditions of Approval. If there is a tie or if a majority of the returned valid ballots oppose the NPDES rate, then the rate will not be levied on the property tax bill.

CSD Zone M Charge

If there is a tie or if a majority of the returned valid weighted ballots oppose the CSD Zone M annual charge, then the annual charge will not be levied on the property tax bills and noncompliance of the Conditions of Approval shall result.

For More Information

If you have any questions about the proposed programs, the annual charges, or about the mail ballot proceeding process, please contact Jennifer Terry, Management Analyst, Special Districts, a Division of the Public Works Department, Monday through Thursday from 7:30 a.m. to 5:30 p.m. at 951.413.3505.

Completing Your Ballot

Property owner may submit the enclosed ballots to the City Clerk in support of or opposition to the proposed programs and annual charges. Please follow the instructions listed below to complete and

MV00115607

return your ballots. Procedures for the completion, return, and tabulation of the ballots are also on file in the City Clerk's office.

1. Mark the enclosed ballots in support of or opposition to the proposed programs and annual charges **by placing a mark in the corresponding box.**
2. Sign your name on the ballots. Ballots received without signature(s) will be considered invalid *and will not be counted.*
3. Mail or personally deliver your ballots in a sealed envelope to the City Clerk's office, 14177 Frederick Street, Moreno Valley, California, 92553. For your convenience, two postage-paid envelopes have been included for return of the ballots.
4. Ballot(s) must be **received** by the City Clerk prior to the close of the Public Hearing to be held on **Tuesday, July 12, 2011**, at the Moreno Valley City Hall Council Chamber. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called. Ballots received after the close of the Public Hearing cannot be legally counted.

Ballot Marks

Appropriate ballot markings include any one of the following for either the YES/Approved or NO/Not Approved blank box:

A check mark substantially inside a box;

An X mark substantially inside a box;

A dot or oval mark substantially inside a box;

A completely shaded or filled mark substantially inside a box;

A line, single or dashed, or combination of lines, through the box area. Lines may be any one of the following marks: horizontal, vertical, or diagonal. The mark may either run from side to side or corner to corner. All valid lines must be substantially within the box area and not marking any part of another blank box on the ballot;

A circle around the box and/or associated clause; or

A square or rectangle around the box and/or associated clause.

Balloting marks shall not extend past one box area into any portion of another nor surround the perimeter or any portion of more than one box area. Markings that extend past one box area into any portion of another or surround the perimeter or any portion of more than one box area shall be considered invalid and not counted.

Ballot Mark Revisions (Changes): An error or desire to revise (change) a selection made on the ballot may be completed and returned any time **prior** to the conclusion of public testimony at the Public Hearing. **The revision must be initialed by the record owner(s) of property. Initials must be clearly printed and placed at the right top corner of the revised selection.**

OFFICIAL MAIL BALLOT for ASSESSOR PARCEL NUMBERS (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

Moreno Valley Community Services District (CSD) Zone M (Commercial, Industrial, and Multifamily Improved Median Maintenance)

YES* — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029 (and any division thereof), **I approve** the annual CSD Zone M charges for FY 2010/11 for the proposed Perris Blvd. median of $494.31 for APN 316-200-003, $489.96 for APN 316-200-011, $435.52 for APN 316-200-028, and $1,796.51 for APN 316-200-029. Beginning FY 2011/12, the annual CSD Zone M charges shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The CSD Zone M annual levy amounts shall be assessed on the Riverside County property tax bills as planning of the Perris Blvd median occurs. The CSD Zone M charges shall be proportionally adjusted if said APNs are subdivided. If parcels are merged then the annual charges for those parcels shall be combined.

NO** — as the property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the CSD Zone M annual parcel charges. I understand that not incorporating said APNs into the CSD Zone M program is a violation of the Conditions of Approval. The CSD Zone M charges shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	CSD Zone M Annual Charge*
316-200-003 (and any division thereof)	☐	☐	$494.31
316-200-011 (and any division thereof)	☐	☐	$489.96
316-200-028 (and any division thereof)	☐	☐	$435.52
316-200-029 (and any division thereof)	☐	☐	$1,796.51

*The weighted value for each APN is equal to its proposed annual charge. The total proposed charge for TPM 35859 is $8,490.43.

This ballot must be received by the Secretary of the Board of the CSD (City Clerk) prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

OFFICIAL MAIL BALLOT for Assessor Parcel Numbers (APNs) 316-200-003, 316-200-011, 316-200-028, and 316-200-029

National Pollutant Discharge Elimination System (NPDES) Maximum Commercial/Industrial Regulatory Rate

YES* — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I approve** the NPDES maximum commercial/industrial regulatory rate and services. For FY 2010/11, the NPDES maximum commercial/industrial regulatory rate is $205 per parcel. Upon approval of the maximum regulatory rate, the annual levy amount shall be placed on the Riverside County property tax bill or as a monthly charge on a utility bill. Beginning FY 2011/12, the maximum regulatory rate shall be subject to an annual adjustment based on the percentage change calculated for the previous calendar year in the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics. The City will annually inspect site design, source and treatment control Best Management Practices, verify monitoring and maintenance records for those on-site facilities, and perform annual inspections of the affected areas to ensure compliance with federally mandated NPDES Permit requirements, as administered by the State.

NO** — as property owner of APNs 316-200-003, 316-200-011, 316-200-028, and 316-200-029, **I do not approve** the NPDES maximum commercial/industrial regulatory rate and services. I understand that not approving the NPDES maximum commercial/industrial regulatory rate to fund federally mandated NPDES Permit requirements shall result in noncompliance with the project's Conditions of Approval. The NPDES maximum commercial/industrial regulatory rate shall not be levied on the Riverside County property tax bill.

Assessor Parcel Number	YES*	NO**	NPDES Maximum Commercial/Industrial Regulatory Rate
316-200-003 (and any division thereof)	☐	☐	$205 per parcel
316-200-011 (and any division thereof)	☐	☐	$205 per parcel
316-200-028 (and any division thereof)	☐	☐	$205 per parcel
316-200-029 (and any division thereof)	☐	☐	$205 per parcel

This ballot must be received by the City Clerk of the City of Moreno Valley prior to the close of the Public Hearing to be held on July 12, 2011, at the Moreno Valley City Hall Council Chamber, 14177 Frederick Street, Moreno Valley, California. The Public Hearing will be held at 6:30 p.m. or as soon thereafter as the matter may be called.

_____

PROPERTY OWNER SIGNATURE DATE

Please remember to mark the appropriate box, sign and date the ballot and return to the City Clerk's office in the enclosed envelope

Llame al 951.413.3480 para obtener información verbal en Español

COMMON INTEREST, COMMERCIAL, INDUSTRIAL AND QUASI-PUBLIC USE NPDES RATE SCHEDULE
Adopted by the City Council on January 10, 2006

LEVEL 1			LEVEL II		
NPDES Administration			**Site Design, Source Control and Treatment Control BMPs Monitoring and Maintenance**		
(Not covered by CSA 152) Costs associated with personnel, administration and management of the storm water management program. Administrative tasks include development and filing of various stormwater reports and data collection and management. Level I is levied on all parcels conditioned for the NPDES Rate Schedule.			Costs associated with stormwater and non-stormwater runoff monitoring, inspection of the project's site design, source control and treatment control BMPs; evaluation of site stormwater compliance activities, review of site-specific technical reports and treatment control BMP maintenance records.		
Fiscal Year (FY) 2005/2006 - Base Year Calculation, subject to an annual inflation factor based on the Los Angeles-Riverside-Orange County Regional Consumer Price Index for All Urban Consumers, as published by the Department of Labor's Bureau of Labor Statistics					
PROPOSED PARCEL RATE	**Per Month**	**Per Year**	**PROPOSED PARCEL RATE**	**Per Month**	**Per Year**
	$2.67	**$32.00**		**$12.58**	**$151.00**

Inflation Factor Adjustments

FY 2006/2007 - 4.5% = ($33.00 & $158.00)
FY 2007/2008 - 3.1% = ($34.00 & $163.00)
FY 2008/2009 - 4.2% = ($35.00 & $170.00)
FY 2009/2010 - no change = ($35.00 & $170.00)
FY 2010/2011 - no change = ($35.00 & $170.00)

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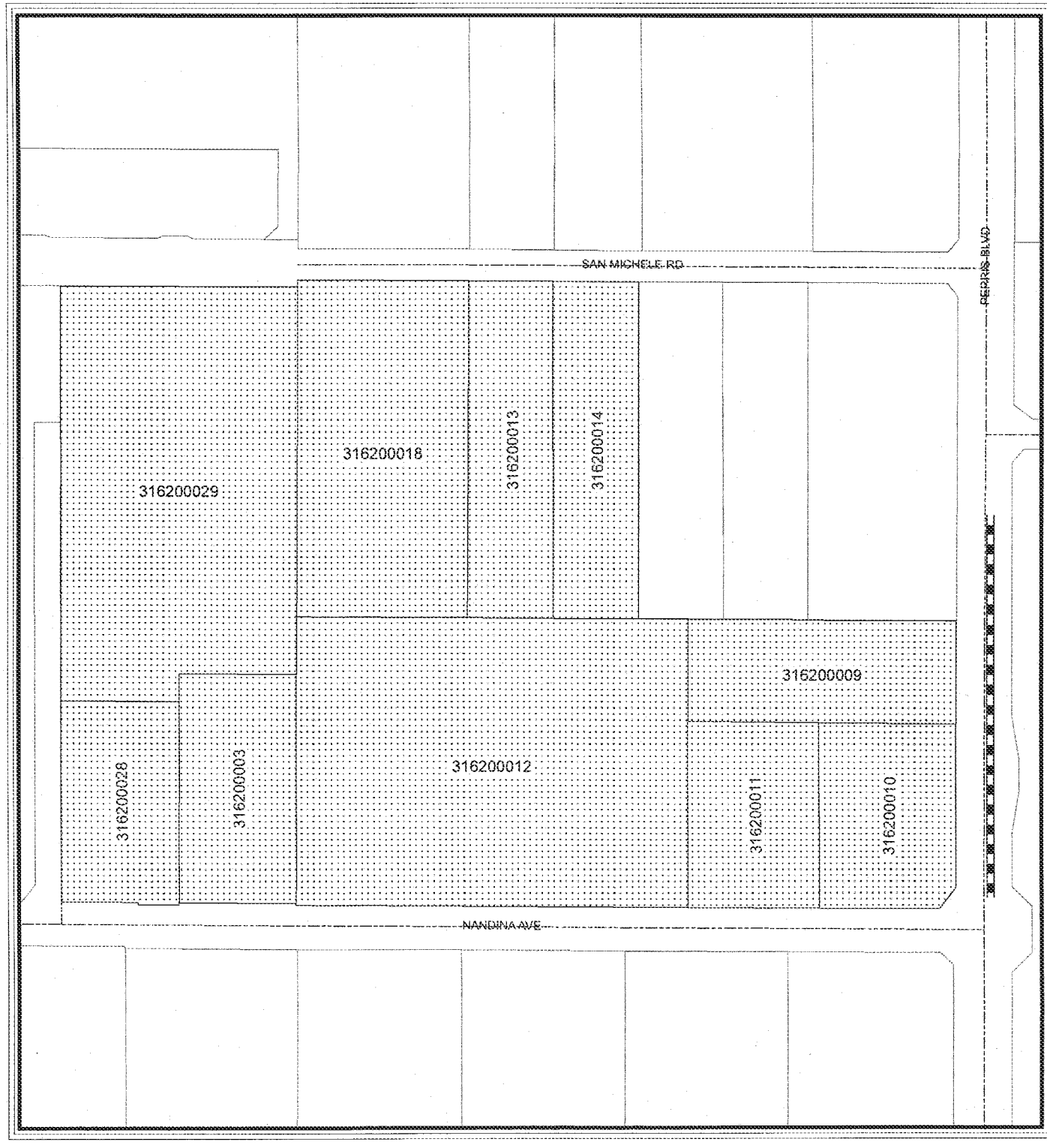

TPM 35859

APN

- 316200003
- 316200009
- 316200010
- 316200011
- 316200012
- 316200013
- 316200014
- 316200018
- 316200028
- 316200029
- Roads
- Parcels
- City Boundary
- Median
- Landscaped Areas

N

Map reflects all changes indicated on Riverside County Assessor Maps as of May 11, 2011.

0 150 300 450 600 Feet

G:\AVP\SDA\TPM 35859 PA07-0165.mxd

The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Data and information on this map is subject to update and modification. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses or damages resulting from the use of this map. This map is not to be recopied or resold.

MORENO VALLEY
WHERE DREAMS SOAR

MV00115612

RIDGE PROPERTY TRUST

201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

June 29, 2011

Mr. John Terell
Planning Official
City of Moreno Valley
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805

Re: Case P08-133, PA08-0098, PA10-0017, PA08-0097, and PA09-0022
Applicant: Ridge Rancho Belago, LLC
Owner: Ridge Rancho Belago, LLC

Dear John,

As you know, on May 12, 2011 the City of Moreno Valley Planning Commission disapproved adoption of Resolution No. 2011-13 recommending to the Moreno Valley City Council the following items:

1. Approval of P08-133 (Approval and Certification of the EIR for the WestRidge Commerce Center project),
2. Approval of PA08-0098 (Zone Change),
3. Approval of PA10-0017 (Municipal Code Amendment),
4. Approval of PA08-0097 (Plot Plan), and
5. Approval of PA09-0022 (Tentative Parcel Map 36207)

On May 18th, Ridge Rancho Belago LLC formally appealed (see the attached letter) the decision of the Moreno Valley Planning Commission to the 5 member Moreno Valley City Council.
Our appeal to the Moreno Valley City Council Members was then scheduled for the July 12, 2011 City Council meeting.
Per this letter, I respectfully request a continuance of our appeal to the City Council meeting scheduled for August 23, 2011.

Thank you for your consideration and please call me if you have any questions.

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Cc: Jeff Bradshaw, City of Moreno Valley
Gil Saenz, Inland Empire Development Services

MV00115613

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
p (562) 856-3819 | f (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at Westridge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the Westridge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

MV00115614

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

MV00115615

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (If any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 85 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet east of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Ranch Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3520

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dricelp@gmail.com

Contact Person: Derek Rice

OWNER Name: same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services LLC — Telephone: (951) 845-1003 cell 951-315-4930

Address 931 Monarch Court — Fax No. (951) 845-9225

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gilsarch@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belgo LLC am the owner of the property described in this application and hereby authorize
Print Name

Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature — Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature — Date: 5-18-2011

MV00115617

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	CHECK NUMBER		
5-17-11	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	CHECK NUMBER		
5-17-11	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A GOLDREED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1330

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60608

24710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK—HOLD AT AN ANGLE TO VIEW

⑈00001194⑈ ⑆071000136⑆954942 3⑈

MV00115618

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING REGARDING AN APPEAL OF THE PLANNING COMMISSION DENIAL OF A ZONE CHANGE (PA08-0098) FROM BUSINESS PARK (BP) TO LIGHT INDUSTRIAL (LI) FOR A 55 ACRE SITE FOR THE WEST RIDGE COMMERCE CENTER PROJECT. THE PROJECT ALSO INCLUDES A PLOT PLAN (PA08-0097) FOR A 937,260 SQUARE FOOT WAREHOUSE FACILITY; TENTATIVE PARCEL MAP NO. 36207 (PA09-0022) TO CREATE A SINGLE PARCEL; AND A MUNICIPAL CODE AMENDMENT TO PROVIDE A MINIMUM SEPARATION/BUFFERING OF WAREHOUSE/INDUSTRIAL FACILITIES OVER 50,000 SQUARE FEET FROM ADJACENT RESIDENTIAL DISTRICTS. AN ENVIRONMENTAL IMPACT REPORT HAS BEEN PREPARED FOR THE PROJECT. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF EUCALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD. THE APPLICANT IS RIDGE RANCHO BELAGO, LLC.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing for review of an appeal of the Planning Commission denial of Zone Change application PA08-0098, and take one of the following actions:

If the City Council elects to uphold the Planning Commission's denial of Zone Change application PA08-0098:

1. **ADOPT** City Council Resolution No. 2011-76 denying Zone Change application PA08-0098, based on the findings in the Resolution.

OR

If the City Council elects to overturn the Planning Commission decision, and approve the project:

1. **ADOPT** City Council Resolution No. 2011-77 APPROVING AND CERTIFYING that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Attachment 1) has been completed in compliance with the California Environmental Quality Act;

2. **INTRODUCE** Ordinance No. 829 APPROVING Zone Change application PA08-0098 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit A;

3. **INTRODUCE** Ordinance No. 830 APPROVING Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial buildings from adjacent residential zones, based on the findings in the City Council Ordinance;

4. **ADOPT** City Council Resolution No. 2011-78 APPROVING Plot Plan PA08-0097, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A; and

5. **ADOPT** City Council Resolution No. 2011-79 APPROVING Tentative Parcel Map No. 36207 (PA09-0022), based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

ADVISORY BOARD/COMMISSION RECOMMENDATION

The Planning Commission, on May 12, 2011, denied the proposed Zone Change required to allow the project. The Planning Commission adopted Resolution No. 2011-13 (Attachment 21) on June 9th documenting the denial by a vote of 3-2 with two commissioners absent or abstaining. Individual Planner Commissioners stated concerns with increased truck traffic on Redlands Boulevard, impacts to aesthetics and views from State Route 60, and the lack of a specified tenant for the project.

Appeal

An appeal of the Planning Commission's denial was submitted on May 19, 2011, by the applicant, Ridge Rancho Belago, LLC. The appeal was received within the required 15 day appeal period. The appeal letter has been included as Attachment 22.

The letter listed the following as the reasons for the appeal:

- The project's architecture is consistent with prior approvals for warehouse buildings of similar size;
- Requiring a project to have a signed lease agreement prior to approval of the land use is not a standard practice.
- Redlands Boulevard is currently identified as a truck route in the City's General Plan. The traffic study identified intersection and roadway segments that required mitigation to meet or improve General Plan levels of service requirements and the project has been conditioned to complete/install infrastructure in the immediate vicinity and off-site to mitigate operational impacts to the City's circulation system.

BACKGROUND

West Ridge Commerce Center

The applicant, Ridge Rancho Belago, LLC, submitted five applications for development of the West Ridge Commerce Center Project (Zone Change, Municipal Code Amendment, Plot Plan, Tentative Parcel Map, and Environmental Impact Report), in order to develop a 937,260 square foot warehouse facility on a 55-acre site located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard is presented as a Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was an issue reviewed for the project. Future Eucalyptus Avenue separates the proposed project from residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site.

In order to provide compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone

of 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

The Municipal Code Amendment would add a standard to the Light Industrial zone to require industrial and warehouse structures greater than 50,000 square feet to be separated from any residential district as determined by an air quality and noise impact analysis. The minimum separation distance would be 250 feet between the residential district and the building, truck court or loading area. Attachment 18 provides the proposed Amendment text. The proposed amendment would be effective City-wide.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility on 55 acres. The warehouse facility is a permitted use in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas on the northern and southern elevations and are screened by perimeter concrete tilt-up walls and slopes with a tree row required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide parking lot and setback landscape to include ground cover, shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will include curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, the Draft EIR was prepared by Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the Draft EIR for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required responsible agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. Two letters were received after the end of the review period.

Final Environmental Impact Report

The Draft EIR and Response to Comments constitute the Final EIR. Responses to the comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Final EIR was mailed to all interested parties and responsible agencies on April 28, 2011, in excess of the minimum notice period of 10 days required by CEQA. As was the case with the Draft EIR, the Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of

potential impacts cannot be reduced to a less than significant level. As identified in the document, these impacts are considered to be significant and unavoidable.

Although certain identified impacts cannot be reduced to less than significant levels, CEQA allows the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs. If the decision making body determines that the benefits of a proposed project outweigh its unavoidable adverse environmental effects, it may adopt a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant and do not require mitigation. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

Typically, the Planning Commission would take public testimony on the EIR and project and forward a recommendation to City Council. However, since the Planning Commission voted 3-2 denying approval of the requested Zone Change, effectively denying the project, no review or recommendation on the EIR was required.

Before the proposed project can be acted upon, the City Council must review the final EIR, receive public testimony and either certify or reject the Final EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

The proposed Municipal Code Amendment is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

DISCUSSION

Planning Commission Public Hearing

Prior to the Planning Commission public hearing on May 12, 2011, staff received three emails from the Sierra Club commenting on the project and the related EIR. An email was also submitted by Paul Claxton, along with letters from the South Coast Air Quality Management Board and Johnson & Sedlack (Attachments 23-28). Copies of the referenced correspondence were provided to the Planning Commission.

A public hearing for the project was conducted on May 12, 2011. Following presentation of the staff report, the applicant spoke and answered Commissioner questions related to building architecture, notification efforts by the applicant, and pre-leasing the building prior to approval of the land use.

There were three speakers at this meeting. Concerns raised by the speakers included increased truck traffic on Redlands Boulevard and Ironwood Avenue, too frequent changes to the General Plan Land Use Element, the City's policy for notification of a public hearing, opposition to the Zone Change request, preservation of the rural east end of City, air quality and Commissioner objectivity.

The Planning Commission asked the applicant whether they would agree to change the architecture or guarantee a tenant or buyer. The applicant indicated that securing a tenant or buyer prior to approval of the project was not a possibility. The applicant was not willing to make changes to the architecture and asserted that the proposed architecture meets current City design criteria. Planning staff stated that the proposed architecture is consistent with both the Municipal Code and prior City warehouse approvals.

Following public testimony, the Planning Commissioners discussed the project, and then voted 3-2 to deny the Zone Change, effectively denying the project based on concerns with the project's design and potential impacts. There was no discussion of the Environmental Impact Report and no recommendation action taken on project's environmental documents.

ALTERNATIVES

1. The City Council could deny the project by adopting the denial resolution included as Attachment 2.

2. The City Council could approve the project by adopting the resolutions and ordinances included as Attachments 3 through 7.

3. The City Council could modify the project as presented.

4. The City Council could refer the project back to the Planning Commission with direction.

SUMMARY

This report addresses the appeal of the Planning Commission's May 12, 2011 denial of Zone Change application PA08-0098 to change the zone from Business Park to Light Industrial for a 55 acre site for the West Ridge Commerce Center project. The project also includes applications for Plot Plan PA08-0097 for a 937,260 square foot warehouse facility on 55 acres; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum

separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal. Staff has provided recommended actions that would permit City Council to either uphold the Planning Commission denial or overturn that action and approve the proposed project.

NOTIFICATION

Notice of the appeal of the proposed West Ridge Commerce Center project was provided to all property owners of record within 300' of the properties covered under these applications as well as agencies and interested parties that requested notification of public meetings for this project. The public hearing notice for this project was also posted on the property site and published in the local newspaper.

ATTACHMENTS/EXHIBITS

1. Public Hearing Notice
2. City Council Denial Resolution No. 2011-76
3. Environmental Impact Report Resolution No. 2011-77, including Statement of Overriding Considerations and Mitigation Monitoring Program
4. Ordinance No. 829 - Zone Change
5. Ordinance No. 830 - Municipal Code Amendment
6. Resolution No. 2011-78 - Plot Plan PA08-0097
7. Resolution No. 2011-79 - Tentative Tract Map 36207
8 Planning Commission Staff Report excluding exhibits
9. Planning Commission Minutes from May 12, 2011 meeting
10. Environmental Impact Report
11. Site Plan
12. Elevations
13. Color Rendering
14. Cross Sections – Line of Sight
15. Preliminary Landscape Plan
16. Tentative Parcel Map 36207
17. Aerial Photograph
18. Revisions to Municipal Code Chapter 9.05 Industrial Districts
19. Response to SCAQMD comments
20. Response to Tom Hyatt comments
21. Planning Commission Denial Resolution No. 2011-13
22. Appeal letter from Ridge Rancho Belago, LLC dated 05/19/11
23. Sierra Club email dated 05/05/11
24. Sierra Club email dated 05/09/11
25. Sierra Club email dated 05/11/11
26. Johnson & Sedlack comment letter dated 05/12/11
27. South Coast Air Quality Board comment letter dated 05/12/11
28. Email comments from Paul Claxton date 05/11/11

Prepared By:
Jeff Bradshaw
Associate Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Notice of
PUBLIC HEARING

This may affect your property. Please read.

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Moreno Valley on the following item(s):

CASE: P08-133 – Environmental Impact Report
PA08-0098 – Zone Change
PA10-0017 – Municipal Code Amendment
PA08-0097 – Plot Plan
PA09-0022 – Tentative Parcel Map No. 36207

APPLICANT: Ridge Rancho Belago, LLO

OWNER: Ridge Rancho Belago, LLC

REPRESENTATIVE: Inland Empire Development Services

LOCATION: South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard

PROPOSAL: A public hearing regarding an appeal of the Planning Commission's May 12, 2011 denial of a Zone Change (PA08-0098) from Business Park (BP) to Light Industrial (LI) for a 55 acre site for the West Ridge Commerce Center project. The project also includes a Plot Plan (PA08-0097) for a 937,260 square foot warehouse facility; Tentative Parcel Map No. 36207 (PA09-0022) to create a single parcel; and a Municipal Code Amendment to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the project.

ENVIRONMENTAL DETERMINATION: Environmental Impact Report

COUNCIL DISTRICT: 3

Any person interested in any listed proposal can contact the Community & Economic Development Department, Planning Division, at 14177 Frederick St., Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday) or may telephone (951) 413-3206 for further information. The associated documents will be available for public inspection at the above address.

In the case of Public Hearing items, any person may also appear and be heard in support of or opposition to the project or recommendation of adoption of the Environmental Determination at the time of the Hearing.

The City Council, at the Hearing or during deliberations, could approve changes or alternatives to the proposal.

If you challenge any of these items in court, you may be limited to raising only those items you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

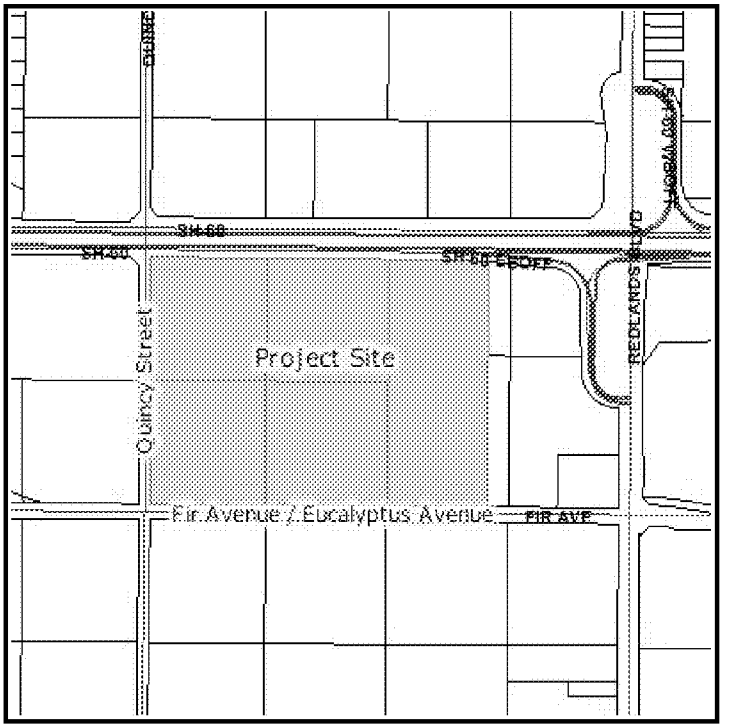

LOCATION N ↑

CITY COUNCIL HEARING

City Council Chamber, City Hall
14177 Frederick Street
Moreno Valley, Calif. 92553

DATE AND TIME: July 12, 2011 at 6:30 PM

CONTACT PLANNER: Jeff Bradshaw

PHONE: (951) 413-3224

ATTACHMENT 1

RESOLUTION NO. 2011-76

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on June 9, 2011, the Planning Commission adopted a resolution by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider an appeal of the Planning Commission's denial of the Zone Change application.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the City Council voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor.

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The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources. The proposed project includes a 937,260 square foot warehouse industrial building which exceeds the maximum building area of 50,000 square feet permitted by the current zoning designation of Business Park. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

2. The proposed warehouse industrial buildings would increase the amount of heavy truck traffic on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic would be incompatible with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building would be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, DENYING a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00115631

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

MV00115632

RESOLUTION NO. 2011-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (P08-133), ADOPTION OF THE FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVAL OF THE MITIGATION MONITORING PROGRAM FOR THE WEST RIDGE COMMERCE CENTER PROJECT, GENERALLY LOCATED ON THE SOUTH SIDE OF STATE ROUTE 60, ON THE NORTH SIDE OF FIR AVENUE/FUTURE ECUALYPTUS AVENUE AND APPROXIMATELY 650 FEET WEST OF REDLANDS BOULEVARD.

WHEREAS, on July 12, 2011, the City Council of the City of Moreno Valley held a public hearing to consider the Environmental Impact Report and all related environmental documentation for the proposed project, which includes a Plot Plan for a 937,260 square foot distribution warehouse facility on 55 acres. The warehouse building includes 173 dock doors and provides parking for 307 employees/visitors and 175 trailer parking spaces within the enclosed truck court. The project site is currently zoned Business Park which limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial is required to allow the larger building proposed by the project. Tentative Parcel Map No. 36207 proposes to combine the multiple parcels of the project site into a single parcel This project also requires approval of a Municipal Code amendment to Chapter 9.05 Industrial Districts to require a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. The proposed amendment will be effective citywide;

WHEREAS, the project includes applications for a Change of Zone (PA08-0098), Municipal Code Amendment (PA10-0017), a plot plan (PA08-0097) and a tentative parcel map (PA09-0022). All the applications are related but shall not be approved unless the Environmental Impact Report (P08-133) is certified and approved.

WHEREAS, a Draft Environmental Impact Report (DEIR) was initially prepared for this project. Said DEIR was initially circulated for review on October 22, 2010, while the review period ended on December 6, 2010. A Final EIR, (including the Draft EIR and responses to comments), has been completed and is being recommended for certification, prior to the approval of discretionary permits related to the project.

WHEREAS, on April 28, 2011, the City published a notice in the local newspaper (Press Enterprise) and distributed copies of the draft Final EIR with complete responses to comments to the State Clearinghouse, local agencies and other interested parties;

ATTACHMENT 3

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider a Final EIR for this project.

WHEREAS on July 12, 2011, the City Council reviewed in full the Final EIR, the Statement of Overriding Considerations and Mitigation Monitoring Program;

WHEREAS, the draft and final EIR concerning the proposed West Ridge Commerce Center Project were prepared in sufficient detail and duly circulated in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the City of Moreno Valley Rules and Procedures to Implement CEQA;

WHEREAS, the Final EIR recommended to the City Council includes all responses to comments thereon;

WHEREAS, the final EIR includes a review of potential impacts associated with the implementation of the West Ridge Commerce Center Project, including, but not limited to aesthetics, air quality, biological resources, cultural resources, hydrology and water quality, land use, noise, transportation/traffic, and utilities/service systems;

WHEREAS, a Mitigation Monitoring Program has been completed to ensure that all of the mitigation measures outlined in the final EIR are implemented, and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Moreno Valley does hereby resolve as follows:

1. The City Council certifies that the final Environmental Impact Report (EIR) for the West Ridge Commerce Center Project on file with the Community & Economic Development Department, incorporated herein by this reference, has been completed in compliance with the California Environmental Quality Act, that the City Council reviewed and considered the information contained in the final EIR and that the final EIR reflects the City's independent judgment and analysis; and

2. The City Council hereby adopts the Findings and Statement of Overriding Considerations regarding the final EIR for the West Ridge Commerce Center Project, attached hereto as Exhibit A; and

3. The City Council hereby approves the Mitigation Monitoring Program for the final EIR for the proposed West Ridge Commerce Center Project, attached hereto as Exhibit B.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

Facts, Findings and Statement of Overriding Considerations Regarding the Environmental Effects and the Approval of the Westridge Commerce Center Project (State Clearinghouse No. 2009101008)

I. INTRODUCTION

The City Council of Moreno Valley (this "Council"), in certifying the EIR for the Westridge Commerce Center Project and approving Tentative Parcel Map 36207 and a Plot Plan authorizing the construction of up to 937,260 square feet of light industrial/distribution warehouse uses (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, unless specifically identified, the Notice of Preparation ("NOP"), Notice of Availability & Completion ("NOA/NOC"), Draft EIR ("DEIR"), Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR ("FEIR"), and the Mitigation Monitoring and Reporting Program ("MMRP") will be referred to collectively herein as the "EIR." These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project is located in the City of Moreno Valley. The Project site consists of approximately 54.66 acres of vacant and undeveloped land, located southeasterly of the SR-60 interchange with Redlands Boulevard. Specifically, the Project is bounded by SR-60 to the North, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the

EXHIBIT A

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west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east.

Properties to the west of the Westridge Commerce Center Project site, across the Quincy Channel, are currently in agricultural production; however, a development proposal has been submitted to the City for this adjacent site, involving six (6) distribution warehouse facilities totaling approximately 2.25 million square feet on 117 acres, and an EIR is currently being prepared for this project. To the south, across the Fir (future Eucalyptus) Avenue alignment, properties are currently vacant with the exception of one residence located near the southeasterly corner of the Project site. No active development proposals exist for southerly adjacent properties, which have a General Plan Land Use designation of "R2," allowing two dwelling units (DU) per acre. Properties immediately to the east of the Project site are designated for commercial use, though no development proposal is currently on file. Further to the east, across Redlands Boulevard, the Highland Fairview Corporate Park project is currently under construction. At buildout, this Project would involve approximately 2.6 million square feet of warehouse distribution uses and 200,000 square feet of commercial uses on approximately 158 acres located south of SR-60, between Redlands Boulevard and Theodore Street.

2. Project Description

The Project consists of construction and operation of an approximately 937,260 square foot light industrial/distribution warehouse facility, with onsite parking, circulation, and all required infrastructure. The Project site is currently designated for Business Park/Light Industrial uses in the City's General Plan, and its zoning designation is Business Park. The development of the Project requires a change of zone, from Business Park to Light Industrial zoning, to allow for the proposed light industrial/distribution warehouse uses configured in a single structure greater than 50,000 square feet. A Municipal Code text amendment to Section 9.05.020 B is also required by the Project, to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

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3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- A zone change from Business Park to Light Industrial;
- Amendment to Municipal Code Section 9.05.020 B [Light Industrial Districts];
- Tentative Parcel Map approval (PM 36207);
- Development Plan Review and Plot Plan approval for the entire Project;
- Construction, grading, and encroachment permit approvals;
- Vacation and/or dedication of public rights-of-way and easements;
- Approval of the Final Water Quality Management Plan (WQMP); and
- Any other City of Moreno Valley approvals that may be necessary pursuant to applicable laws and regulations.

B. PROJECT OBJECTIVES

The Project Objectives include the following:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

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III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City has conducted an extensive review of this Project which included the DEIR, FEIR and supporting technical studies, along with a public review and comment period first during the circulation of the NOP/Initial Study and then through the circulation of the DEIR. The following is a summary of the environmental review of this Project:

- On October 1, 2009 the City circulated a Notice of Preparation ("NOP") and the Initial Study that identified the environmental issues that the City anticipated would be analyzed in the Project's DEIR to the State Clearinghouse, responsible agencies, and other interested parties.
- On October 28, 2009, the City conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the DEIR.
- The NOP public review period ran for 30 days, from October 1 to October 30, 2009. Written comments on the NOP were received from 26 different agencies, organizations, and individuals. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics; agricultural resources; air quality; biological resources; geology and soils (seismic risk); hazardous materials; hydrology/water quality; land use; noise; solid waste generation; traffic and circulation; water supply; alternatives selection; cumulative impacts; growth inducement; and the use of green building standards and solar energy.
- Based on the Initial Study, included in the DEIR in Appendix A, and comments received pursuant to the NOP, it was determined that some issues need not be addressed in depth in the DEIR because previous studies of other analyses provided sufficient information and analysis to conclude that there was little or no potential for significant impacts. These environmental topics included: (1) Agricultural Resources; (2) Geology and Soils; (3) Hazards/Hazardous Materials; (4) Mineral Resources; (5) Population/Housing; (6) Public Services; (7) Recreation; and, (8) Utilities and Service Systems.

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- On October 21, 2010, the NOA/NOC was filed with the Riverside County Recorder and the State Clearinghouse and the DEIR was circulated for the 45 day public review, which ended December 6, 2010.
- The City received a total of six (6) comment letters from public agencies; five (5) from local business or community organizations; and thirteen (13) from individuals. The City prepared specific responses to all comments. The responses to comments are included in Section 3.0 of the FEIR.
- On December 2, 2010, the City held a publicly noticed meeting to provide additional information about the Project and the EIR.
- On April 29, 2011 in accordance with *Public Resources Code* Section 21092.5, the City provided written proposed responses to public agencies that commented on the DEIR.
- On May 12, 2011, the City Planning Commission conducted a public hearing to consider the Project. After public testimony presented at the hearing, the Planning Commission denied the requested Zone Change for the Project, effectively denying the Project.
- On May 19, 2011, an appeal letter and application were submitted to the City by the applicant, Ridge Rancho Belago, LLC, appealing the Planning Commission's denial of the Project to the City Council.
- On June 30, 2011, Notice of the City Council hearing to consider the Project was provided in the following newspaper(s) of general and/or regional circulation: Press Enterprise.
- On July 12, 2011, this Council approved a continuance to August 23, 2011.
- On August 23, 2011, this Council held a public hearing to consider the Project and staff recommendations. The City, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Facts, Findings and the Statement of Overriding

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Considerations, and the further recommendations in the Staff Report, and approved the Project, including the requested change of zone, Municipal Code Amendment, and PM 36207 (collectively the "Approvals").

IV. INDEPENDENT JUDGMENT FINDING

The Applicant retained the independent consulting firm of Applied Planning, Inc. ("Applied Planning") to prepare the EIR for the Project. Applied Planning has prepared the EIR under the supervision, direction and review of the City with the assistance of an independent peer review (Willdan Associates). The City of Moreno Valley is the Lead Agency for the preparation of the EIR, as defined by CEQA CPRC Section 21067 as amended. The City Council has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project.

Finding: The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with *Public Resources Code* Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

A. GENERAL FINDING ON MITIGATION MEASURES

In preparing the Approvals for this Project, City staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Approvals do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Approvals are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

Finding: Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures

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recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 4.0 and 5.0 of the DEIR and Section 4.0 of the FEIR. Responses to comments on the DEIR, along with copies of the comments, are provided in Chapter 3.0 of the FEIR.

The EIR evaluated nine major environmental categories for potential impacts including Aesthetics, Air Quality, Biological Resources, Cultural Resources, Hydrology and Water Quality, Land Use, Noise, Traffic and Circulation and Water Supply. Both Project-specific and cumulative impacts were evaluated. Of these nine major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Sections V.A and V. B below either are less-than-significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section V.C, overriding considerations exist which make these potential impacts acceptable to this Council.

A. LESS-THAN-SIGNIFICANT ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION

The Moreno Valley City Council hereby finds that the following potential environmental impacts of the Project are less-than-significant and therefore do not require the imposition of mitigation measures.

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1. Land Use

a. General Plan Consistency

Potential Significant Impact: Whether the Project is consistent with applicable provisions of the City's General Plan.

Findings: Potential impacts of the Project related to consistency with the General Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to General Plan consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's General Plan Land Use designation is "Business Park/Light Industrial." The warehouse and distribution uses proposed by the Project are permitted or conditionally permitted by, and therefore are considered to be consistent with, applicable General Plan Land Use Plans and Policies. (DEIR, pg. 4.1-17) Accordingly, impacts associated with General Plan consistency would be less-than-significant and no mitigation is required.

b. Zoning Consistency

Potential Significant Impact: Whether the Project would conflict with the applicable zoning.

Findings: Potential impacts of the Project related to consistency with zoning are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to zoning consistency will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site's existing zoning designation of Business Park (BP) does not allow for development of distribution warehouse uses within single structures of more than 50,000 square feet, as proposed by the Project. As such, a zone change from BP to Light Industrial (LI) is requested in order to accommodate the Project. The proposed LI zoning designation is consistent with the site's underlying General Plan Land Use designation of Business Park/Light Industrial. In order to ensure compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses, a Municipal Code Amendment is also proposed that would require a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as

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required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. (DEIR, pgs. 4.1-20 to 4.1-24) Accordingly, with approval of the Project's requested zone change and Municipal Code Amendment, impacts associated with zoning consistency would be less-than-significant and no mitigation is required.

c. Consistency with SCAG Plans and Policies

Potential Significant Impact: Whether the Project would conflict with any applicable Southern California Association of Governments (SCAG) plan or policy.

Findings: Potential impacts of the Project related to consistency with the applicable SCAG plans and policies are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impacts related to inconsistency with SCAG's regional plans or policies areas will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a SCAG member agency, and is subject to applicable Policies of SCAG's regional plans. The DEIR assessed the Project and found it to be consistent with applicable SCAG Policies on Growth Management, Air Quality, Open Space and Conservation, and Water Quality, Regional Transportation. The Project was also found to be consistent with SCAG's Regional Transportation Plan and Compass Growth Visioning Principles. (DEIR, pgs. 4.1-24 to 4.1-30) Accordingly, any impact associated with SCAG plan or policy consistency would be less-than-significant and no mitigation is required.

d. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with applicable Habitat Conservation Plans or other natural community conservation plans.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

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Facts in Support of the Findings: The Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and the Stephens' Kangaroo Rat Habitat Conservation Plan. The Project complies with all applicable provisions of the MSHCP. The Project site is not within an MSHCP Criteria Cell, nor is the site within 1,000 feet of an identified Criteria Cell. No MSHCP conservation areas or habitat linkages occur onsite. (DEIR, pg. 4.1-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required.

Prior to the implementation of the MSHCP, Riverside County adopted a separate HCP for the Stephens' kangaroo rat (SKR, Dipodomys stephensi), which are federally listed as endangered and state listed as threatened. As with the MSHCP, participants of the SKR HCP can incorporate projects into the incidental "take" permit for SKR if the project complies with the requirements of the SKR HCP implementing agreement. Payment of the mitigation fees and compliance with the SKR HCP requirements provides full mitigation under CEQA for impacts to SKR. (DEIR, pg. 4.8-14)

e. Potential to Divide an Established Community

Potential Significant Impact: Whether the Project would physically divide an established community.

Findings: Potential impacts of the Project related to the potential division of an established community are discussed in detail in Section 4.1 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the physical division of an established community will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is located within, and continues the business park/light industrial land uses that exist or are proposed along the City's southerly SR-60 frontage, consistent with land use and development patterns reflected in the Moreno Valley General Plan Land Use Map. Adjacent parcels to the east and south are currently vacant, with the exception of a single family residence to the south of Fir (future Eucalyptus) Avenue near the Project site's southeasterly corner. Parcels adjacent to this residence are designated for Rural Residential (RA-2) uses. However, with the exception of the single existing residence south of Fir (future Eucalyptus) Avenue, this adjacent, residentially designated area is not yet

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developed, and as such, does not constitute an "established community." Implementation of the Project will realize light industrial/warehouse distribution uses that are compatible with, and similar to, anticipated development to the east and west of the Project as part of the approved Highland Fairview Corporate Park project, and the proposed ProLogis project. (DEIR, pgs. 4.1-32 to 4.1-33) Accordingly, any impacts related to the division of an established community would be less-than-significant and no mitigation is required.

f. Cumulative Impacts Related to Land Use

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to land use.

Findings: Potential cumulative impacts of the Project related to land use are discussed in detail in Section 5.1.1.1 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to land use will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. While it is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area, the proposed land use is consistent with the City's General Plan Land Use Element. The Project is also consistent with SCAG's regional plans and policies and the Western Riverside County MSHCP. With approval of the requested zone change (from Business Park to Light Industrial) and Municipal Code Amendment, in addition to approval of the discretionary actions identified in Section II (A)(3) of these Findings, the Project's contributions to potential cumulative land use impacts related to General Plan, Zoning, and Regional Plan consistency are less-than-significant. There are no known or probable off-site development proposals that would not, or could not, comply with applicable General Plan provisions; or that would otherwise adversely compound land use approvals requested by the Project, and so be determined to be cumulatively significant. It is assumed that other development projects within the cumulative impact area will also request appropriate discretionary land use approval where necessary, thereby reducing potential cumulative impacts. (DEIR, pgs. 5-5 to 5-7) Accordingly, any impacts to land use would not be cumulatively considerable and no mitigation is required.

MV00115647

2. Traffic and Circulation

a. Increase in Roadway Hazards

Potential Significant Impact: Whether the Project would substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Potential impacts of the Project related to increased roadway hazards are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to increased hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: To ensure appropriate design and implementation of all Project access improvements, the final design of the Project site plan, to include locations and design of proposed driveways, shall be reviewed and approved by the City Traffic Engineer. Efficient and safe operations of the Project are provided by on-site and localized circulation and intersection improvements included as components of the Project. The safety of bicyclists and pedestrians shall be taken into consideration during the final design of future intersections within the vicinity of the Project. Additionally, sight distance at each Project access point shall be reviewed with respect to standard Caltrans/City of Moreno Valley sight distance standards at the time of preparation of final grading, landscape and street improvement plans. Temporary and short-term traffic detours and traffic disruption that may result during Project construction is adequately addressed through the submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours. Implementation of the approved construction area traffic management plan and resulting construction traffic control measures reduces potential circulation system impacts during construction to levels that are less-than-significant. (DEIR, pgs. 4.2-84 to 4.2-85) Therefore, no mitigation is required.

MV00115648

b. Emergency Access

Potential Significant Impact: Whether the Project would result in inadequate emergency access or access to nearby uses.

Findings: Potential impacts of the Project related to emergency access are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to emergency access will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Implementation of the construction area traffic management plan/construction traffic control measures will assure adequate emergency access during the construction of the Project. Adequate emergency access will be provided upon completion of the Project improvements and mitigation measures. Prior to buildout of the local roadway system, which will ultimately include a bridge over the Quincy Channel, analysis included in the DEIR indicates that emergency vehicles serving the Project vicinity will be able to meet or exceed Moreno Valley Fire Protection Agency objectives for a five-minute response time using any of three alternate routes. Additionally, buildout of the local roadway system will improve overall emergency response to the area. (DEIR, pgs. 4.2-86 to 4.2-88) Accordingly, any impacts related to emergency access would be less-than-significant and no mitigation is required.

c. Alternative Transportation

Potential Significant Impact: Whether the Project would conflict with adopted policies supporting alternative transportation.

Findings: Potential impacts of the Project related to alternative transportation are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to alternative transportation will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Riverside Transit Agency (RTA) currently provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. City staff has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project. However, the Project does not propose elements or aspects that would interfere or conflict with

MV00115649

the future provision of transit services. The Project will provide pedestrian and bikeway facilities consistent with City Municipal Code requirements to be identified in the Project Conditions of Approval, thereby reducing potential impacts below significance thresholds. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pg. 4.2-89) Therefore, no mitigation is required.

d. Air Traffic Patterns

Potential Significant Impact: Whether the Project would increase or otherwise affect existing air traffic patterns.

Findings: Potential impacts of the Project related to air traffic patterns are discussed in detail in Section 4.2 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any change in air traffic patterns will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an Airport Area of Influence or Airport Land Use Plan (ALUP). The March Inland Port/March Air Reserve Base is the airport located nearest the Project site, approximately five miles to the southwest. The Project does not propose elements that would affect, or be affected by, air traffic facilities. Accordingly, the potential for the Project to conflict with policies supporting alternative transportation is determined to be less-than-significant. (DEIR, pgs. 4.2-89 to 4.2-90) Therefore, no mitigation is required.

3. <u>Air Quality</u>

a. Air Quality Management Plan Consistency

Potential Significant Impact: Whether the Project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Potential impacts of the Project related to the applicable air quality plan are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable air quality plan and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project is consistent with, and will not impede or otherwise conflict with implementation of the Air Quality Management Plan ("AQMP"). The

MV00115650

Project is consistent with AQMP Consistency Criterion No. 1 because it will not cause a potential increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP. (DEIR, pgs. 4.3-51 to 4.3-52) The Project will not exceed the California Ambient Air Quality Standards ("CAAQS") for localized criteria pollutants during construction operations. While operational emissions will be generated in excess of SCAQMD's regional threshold criteria, these emissions are already accounted for in the AQMP since the Project is consistent with the land uses and development intensities reflected in the City General Plan and incorporated in the adopted AQMP. Consistent with intent and provisions of the AQMP, the Project will implement all feasible mitigation, and comply with all applicable SCAQMD rules developed to reduce air pollutant emissions. The Project is also consistent with AQMP Consistency Criterion No. 2 because the extent of air pollutant emissions generated by the Project would be no greater than is reflected in the current General Plan and incorporated in the adopted AQMP. Because the Project is consistent with the General Plan Land Use designation of Business Park/Light Industrial, it does not exceed growth projections contained in the City's General Plan, and is consistent with growth assumptions in the AQMP. (DEIR, pgs. 4.3-52 to 4.3-53) Accordingly, impacts related to consistency with the applicable air quality plan will be less-than-significant and no mitigation is required.

b. Objectionable Odors

Potential Significant Impact: Whether the Project would create objectionable odors affecting a substantial number of people.

Findings: Potential impacts of the Project related to objectionable odors are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to objectionable odors and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose land uses typically associated with emitting objectionable odors. Potential odors during Project construction may result from heavy equipment exhaust and the application of asphalt and architectural coatings. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon

MV00115651

completion of the respective phase of construction and is thus considered less-than-significant. Project-related operational odor sources such as vehicle exhaust and routine painting/ maintenance activities are typical of industrial/commercial activities and would be localized to the immediate Project vicinity, with little or no off-site effects. (DEIR, pg. 4.3-88) Accordingly, impacts related to objectionable odors will be less-than-significant and no mitigation is required.

c. Greenhouse Gas Emissions

2. Potential Significant Impact: Whether the Project would directly or indirectly generate greenhouse gas emissions that may have a significant impact on the environment.

3. Findings: Potential impacts of the Project related to greenhouse gas emissions are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to the direct or indirect creation of greenhouse gas emissions and, therefore, no mitigation is required. Nonetheless, in order to reduce Project-related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, the following Mitigation Measures 4.3.11 through 4.3.13 will be implemented through the MMRP.

4.3.11 *Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.*

- *Increase in insulation such that heat transfer and thermal bridging is minimized;*
- *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*
- *Incorporate dual-paned or other energy efficient windows;*

MV00115652

- *Incorporate energy efficient space heating and cooling equipment;*
- *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;*
- *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.*
- *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.*
- *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*

4.3.12 *The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.*

4.3.13 *GHG emissions reductions measures shall also include the following:*

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan*

MV00115653

approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;

- *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.*
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*
- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*
    - *Implementation of compressed workweek schedules;*
    - *SmartWay partnership;*

MV00115654

- *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*
- *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*
- *Use of fleet vehicles conforming to 2010 air quality standards or better.*
- *Installation of catalytic converters on gasoline-powered equipment.*
- *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;*
- *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;*
- *Provision of preferential parking for EV and CNG vehicles;*
- *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;*
- *Use of electric (instead of diesel or gasoline-powered) yard trucks; and*
- *Use of SmartWay 1.25 rated trucks.*

Facts in Support of the Findings: As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the DEIR's analysis demonstrates that the Project will not exceed the proposed quantitative thresholds of CARB or the SCAQMD. Accordingly, Project greenhouse gas emissions impacts are considered less-than-significant. (DEIR, pgs. 4.3-88 to 4.3-94)

MV00115655

a. Greenhouse Gas Emission Reduction Plan Consistency

Potential Significant Impact: Whether the Project would conflict with any applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases.

Findings: Potential impacts of the Project related to consistency with greenhouse gas emission reduction plans are discussed in detail in Section 4.3 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to inconsistencies with the applicable greenhouse gas emissions reduction plans and, therefore, no mitigation is required.

Facts in Support of the Findings: In the absence of approved guidelines or thresholds, the Project's consistency with the State's goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change Scoping Plan. As documented in the DEIR, the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. Additionally, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures. (DEIR, pgs. 4.3-94 to 4.3-110) Accordingly, impacts related to consistency with applicable greenhouse gas emissions reduction plans will be less-than-significant and no mitigation is required.

4. Noise

a. Ground-Borne Vibration/Ground-Bourne Noise

Potential Significant Impact: Whether the Project would result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

Findings: Potential impacts of the Project relating groundborne vibration and groundborne noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to ground-borne vibration and groundborne noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. (DEIR, pg. 4.4-28) Although

MV00115656

heavy equipment employed during Project construction could potentially generate groundborne vibration resulting in annoyance at area residential land uses, the only sensitive receptor close enough to the Project site to experience disturbance is the single residence located at 28855 Fir Avenue. Vibration-producing activities at this location are unlikely to be sustained during the entire construction period, but will occur rather only during the times that heavy construction equipment in the vicinity of this residence at the Project site perimeter. (DEIR, pgs. 4.4-27 to 4.4-28) Accordingly, potential groundborne vibration impacts due to Project construction or operations are less-than-significant and no mitigation is required.

b. Aircraft Noise

Potential Significant Impact: Whether the Project would result in significant impacts related to aircraft noise.

Findings: Potential impacts of the Project related to aircraft noise are discussed in detail in Section 4.4 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to aircraft noise will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within an airport land use plan or within two miles of a public airport, public use airport, or private airstrip. While occasional aircraft overflight noise from regional air facilities is expected to occur, the Project would not expose people residing or working in the Project area to excessive noise levels from aircraft operations. (DEIR, pg. 4.4-28) Accordingly, impacts related to aircraft noise will be less-than-significant and no mitigation is required.

5. Water Supply

a. Effect on Groundwater Supplies

Potential Significant Impact: Whether the Project would substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

Findings: Potential impacts of the Project in regard to groundwater supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required.

MV00115657

Facts in Support of the Findings: The Project does not propose nor require direct ground water withdrawals. Water to be provided to the Project will be supplied from imported water through MWD, with no impact to groundwater supplies. As such, the Project would not substantially deplete groundwater supplies. Nor will the Project substantially interfere with groundwater recharge capabilities. No designated groundwater recharge facilities exist within or proximate to the Project site, nor does the Project propose elements or operations that would directly or indirectly affect any designated groundwater recharge facilities. The Project will establish open space areas and landscaping allowing for potential capture, retention and infiltration of storm waters to the groundwater table. Accordingly, Project-related impacts relative to groundwater supply and recharge are less-than-significant. (DEIR, pgs. 4.5-26 to 4.5-27) Therefore, no mitigation is required.

b. Require New Water Supplies

Potential Significant Impact: Whether the Project would require new or expanded water supplies.

Findings: Potential impacts of the Project in regard to water supply are discussed in detail in Section 4.5 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to groundwater supply will occur as a result of development of the Project and, therefore, no mitigation is required. Nonetheless, in order to further reduce the Project's overall water use, ensure ongoing availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project Water Supply Assessment (WSA), the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measure 4.5.1 through 4.5.4. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.

4.5.1 *Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.*

MV00115658

4.5.2 *The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.*

4.5.3 *The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.*

4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.*

Facts in Support of the Findings: As required under SB 610/221, a WSA has been prepared for the Project. The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, Eastern has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. With the implementation of these conditions, incorporated in the DEIR as Mitigation Measures 4.5.1 through 4.5.4, Project-related impacts relative to water supply are less-than-significant. (DEIR, pgs. 4.5-27 to 4.5-29)

c. Cumulative Impacts Related to Water Supply

Potential Significant Impact: Whether the Project would result in cumulatively considerable impacts related to water supply.

MV00115659

Findings: Potential cumulative impacts of the Project related to water supply are discussed in detail in Section 5.1.1.5 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to water supply will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential cumulative or areawide impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. It is assumed that other development projects within the cumulative impact area will also be realized consistent with development anticipated by the adopted Urban Water Management Plan (UWMP), and, like the Project, be required to pay connection and use fees providing for improvement and maintenance of serving water systems, thereby reducing potential cumulative impacts. Based on the preceding discussion, the Project's potential contribution to cumulative impacts in regard to water supply is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-17) Therefore, no mitigation is required.

6. <u>Hydrology and Water Quality</u>

a. Violate Water Quality Standards

Potential Significant Impact: Whether the Project would violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality.

Findings: Potential impacts of the Project related to water quality are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to any exceedance of water quality or waste discharge standards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Potential erosion and siltation impacts related to Project construction will be addressed through the preparation and implementation of a City-approved Storm Water Pollution Prevention Plan (SWPPP), which is required to identify sources of sediments and other pollutants that could affect the quality of storm water discharge, and associated Best Management Practices (BMPs) such as the installation of filter fabric fences, sandbars, and checkdams to reduce pollutants within storm water discharge consistent with City,

MV00115660

County, and Regional Water Quality Control Board (RWQCB) performance standards. To prevent or reduce the effects of urban runoff that could result from long-term Project operations, a Project-specific Water Quality Management Plan (WQMP) will be implemented consistent with the requirements of Riverside County's National Pollutant Discharge Elimination System (NPDES) permit. The Project WQMP will incorporate selected BMPs approved by the City, the Riverside County Flood Control and Water Conservation District, and the Santa Ana RWQCB to establish a program and means to prevent or minimize potential storm water pollutant discharges over the life of the Project. As such, the potential for the Project to violate any water quality standards or waste discharge requirements; result in erosion or siltation on- or off-site; or otherwise substantially degrade water quality is determined to be less-than-significant. (DEIR, pgs. 4.6-16 to 4.6-22) Accordingly, no mitigation is required.

b. Flooding on- or off-site

Potential Significant Impact: Whether the Project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems; or provide substantial additional sources of polluted runoff.

Findings: Potential impacts of the Project relating flooding and stormwater management are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flooding or excess runoff will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project's drainage facilities will maintain existing drainage patterns (trending from northwest to southeast) will be maintained, and no stormwater runoff from the Project site will be directed to the Quincy Channel. Project storm water management improvements will be implemented to accommodate existing off-site flows in combination with increased onsite storm water discharge rates/volumes, and to address Project-related urban storm water pollutants. These include construction of a concrete cut-off wall protection barrier along the westerly edge of the Project area, to be located and designed so as not to impact any Delineated Jurisdictional Areas along the eastern bank of Quincy Channel,

MV00115661

and to help prevent any further erosion caused by migrating flows from the Quincy culvert crossing the SR-60 freeway. Along the south side of the Project, within the Fir (future Eucalyptus) Avenue right-of-way, drainage facilities will be installed consistent with Riverside County's Moreno Area Drainage Plan (ADP) line D-3. Along the east side of the property, the existing 60-inch culvert will remain in place to convey the runoff from north of the freeway to the existing drainage ditch on the west side of Redlands Boulevard. (DEIR, pgs. 4.6-23 to 4.6-25)

On-site, a series of underground pipes has been designed to collect the runoff from around the proposed facility. The underground pipes will be routed to the proposed bio-retention basins and detention basin at the south side of the facility. These basins would reduce storm water discharge from the site to levels equivalent to pre-development conditions, thereby precluding incremental impacts to receiving storm drain facilities. The on-site detention basin system will be designed to detain the differential runoff created due to the development of the site for the 2, 5, 10 and 100 year; 1, 3, 6 and 24 hour storm events. The detention basins will be equipped with an overflow structure that will release runoff into the public storm drain facility (Line D-3) and will ultimately drain to the drainage ditch along the west side of Redlands Boulevard.

Prior to issuance of grading permits, detailed final grading and drainage plans will be reviewed and approved by the City, in compliance with City, County, and SARWQCB requirements. Implementation of approved Project drainage improvements ensures that the Project would appropriately convey storm water runoff without adversely affecting upstream or downstream drainage characteristics. Further, pursuant to the Project SWPPP and WQMP (which, as discussed previously, are designed to minimize potential hydrologic and water quality impacts), Project-generated storm water runoff would not constitute a substantial pollutant source. (DEIR, pgs. 4.6-24 to 4.6-25) Accordingly, the Project would not substantially alter existing drainage patterns and has been developed in a manner that will assure that future runoff does not create any flooding issues, or otherwise exceed the capacity of stormwater drainage systems. Accordingly, any impacts related to flooding and stormwater management would be less-than-significant and no mitigation is required.

MV00115662

c. Place Structures or Housing within a 100-Year Floodplain

Potential Significant Impact: Whether the Project would place housing or structures that would impede or redirect flood flows within a 100-year flood hazard area.

Findings: Potential impacts of the Project related to hydrology and flooding are discussed in detail in Section 4.6 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the placement of structures or housing within a 100-year floodplain will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a 100-year flood hazard area, nor is the Project site located within a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 100-year floodplain. Further, the Project does not propose the construction of housing. Implementation of new drainage facilities will ensure adequate flood carrying capacity for storm drainage generated on-site, as well as existing runoff entering the Project site from adjacent properties. As such, the potential for the Project to place housing or structures within a 100-year flood hazard area which would impede or redirect flood flows is less-than-significant. (DEIR, pg. 4.6-27) Accordingly, no mitigation is required.

d. Other Flood Hazards

Potential Significant Impact: Whether the Project would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or inundation by seiche, tsunami, or mudflow.

Findings: Potential impacts of the Project related to flood hazards discussed in detail in Section II-E of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to flood hazards will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The Project site is not located within a dam inundation area, nor does the Project site lie within a General Plan-designated 100-year flood hazard area or FIRM 100-year floodplain area. Notwithstanding, in order to preclude potential flood damage, the Project will be designed to provide protection of the proposed buildings and Project employees for the 100-year flood event by ensuring that the finished floor is set a minimum of one foot above the 100-year on-site flood elevation. Further, the proposed Project site is not

MV00115663

located within the vicinity of a hazardous coastal area, large water body, or unstable hills or slope. As such, the Project would not expose people to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or by inundation from a seiche, tsunami, or mudflow. (DEIR, pg. 4.6-28) Accordingly, no mitigation is required.

e. Cumulative Impacts Related to Hydrology and Water Quality

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts related to hydrology and water quality.

Findings: Potential cumulative impacts of the Project related to hydrology and water quality are discussed in detail in Section 5.1.1.6 of the DEIR. Based on the entire record before us, this Council finds that no significant cumulative impacts related to hydrology and water quality will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area within the jurisdiction of the Santa Ana RWQCB. In accordance with NPDES requirements, the Project proponent will be required to prepare a construction activities erosion control plan to alleviate potential sedimentation and construction storm water discharge contamination impacts of the Project. The Project incorporates storm water management components, including drainage facilities and BMPs, which collectively act to ensure that post-development storm water discharge rates and volumes do not exceed pre-development conditions. Moreover, the Project's proposed storm water management systems will be designed, constructed and maintained so as to ensure compliance with City, RCFCWQCD, and RWQCB storm water quality requirements. In these regards, prior to issuance of building permits, all proposed storm water management components are subject to review and approval by the City, RCFCWQCD, and RWQCB. Ancillary facilities will also be subject to reviewed and approved by Caltrans. Storm water management components to be implemented by the Project, in combination with mandated compliance with State, RWQCB, and City storm water management requirements ensures that adequate storm water conveyance and treatment facilities will be provided to support development and operations of the Project. (DEIR, pgs. 5-18 to 5-19) Accordingly, the Project's potential contribution to cumulative

MV00115664

hydrology and water quality impacts would not be considerable, and the cumulative effects of the Project are less-than-significant.

7. Cultural Resources

a. Disturbance of Human Remains

Potential Significant Impact: Whether the Project would disturb any human remains, including those interred outside of formal cemeteries.

Findings: Potential impacts of the Project related to the potential disturbance of human remains are discussed in detail in Section 4.7 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to the disturbance of human remains will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The likelihood of encountering human remains in the course of Project development is remote; however, as required by California Health and Safety Code Section 7050.5, should human remains be found, no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are found to be prehistoric, the coroner would coordinate with the California Native American Heritage Commission as required by State law. Based on compliance with these existing regulations, the Project's potential to adversely disturb human remains is considered unlikely. (DEIR, pg. 4.7-14) Accordingly, any impacts associated with the disturbance of human remains would be less-than-significant and no mitigation is required.

b. Cumulative Impacts Related to Cultural Resources

Potential Significant Impact: Whether the Project would result in cumulative considerable impacts to cultural resources.

Findings: Potential cumulative impacts of the Project on cultural resources are discussed in detail in Section 5.1.1.7 of the DEIR. Based on the entire record before us, this Council finds that no cumulatively significant impacts related to cultural resources will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The cumulative impact area for prehistoric, archaeological, and historic resources generally includes the Perris Plain/Perris Valley area (including the Cities

MV00115665

of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within this area would be site-specific. In the event that potentially significant resources are encountered at any development sites within the cumulative impact area, specific mitigation measures would be applied before construction activities could proceed. There are no known or probable potentially significant off-site development proposals that would interact with, or compound Project-related cultural resources impacts, that could be determined to be cumulatively significant. To the extent that each development proposal within the cumulative impact area provides appropriate mitigation during landform modification activities, cumulative impacts to cultural resources are reduced below significance thresholds. Based on the preceding, the Project's potential contribution to cumulative cultural resources impacts is not considerable, and the cumulative effects of the Project are less-than-significant. (DEIR, pg. 5-19) Therefore, no mitigation is required.

8. Biological Resources

a. Federally Protected Wetlands

Potential Significant Impact: Whether the Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Findings: Potential impacts of the Project related to federally protected wetlands are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to federally protected wetlands and, therefore, no mitigation is required.

Facts in Support of the Findings: No federally protected wetlands, as defined by Section 404 of the Clean Water Act, exist in the Project area. The Quincy Channel, an ephemeral drainage that runs along the western edge of the Project site, and an existing off-site drainage channel on the west side of Redlands Boulevard contain Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdictional areas, but these channels do not contain federally protected wetlands, as defined by Section 404 of the Clean Water Act. Nor does the Project propose uses or facilities that would otherwise substantively and adversely affect Section 404 federally protected wetlands. Accordingly, potential impacts would be less-than-significant. (DEIR, pg. 4.8-29) Therefore, no mitigation is required.

MV00115666

b. Wildlife Movement, Migration, and Nursery Sites

Potential Significant Impact: Whether the Project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Findings: Potential impacts of the Project related to wildlife movement, migration, and nursery sites are discussed in detail in Section 4.8 the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to wildlife movement, migration, and nursery sites and, therefore, no mitigation is required.

Facts in Support of the Findings: During preparation of the MSHCP, wildlife corridors and habitat linkages throughout western Riverside County were analyzed extensively. No MSHCP wildlife habitat linkages or movement corridors were identified at the Project site. Nor does the Project propose facilities or activities that would substantively and adversely affect any offsite designated wildlife habitat linkage or movement corridor. On this basis, the potential for the Project to interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, is determined to be less-than-significant. (DEIR, pgs. 4.8-29 to 4.8-30) Therefore, no mitigation is required.

c. Local Policies or Ordinances Protecting Biological Resources

Potential Significant Impact: Whether the Project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Findings: Potential impacts of the Project related to local policies or ordinances protecting biological resources are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts related to local policies or ordinances protecting biological resources and, therefore, no mitigation is required.

Facts in Support of the Findings: No local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, have been identified as applicable to the Project. (DEIR, pg. 4.8-30) Accordingly, impacts related to local policies or ordinances protecting biological resources will be less-than-significant and no mitigation is required.

MV00115667

f. Consistency with Applicable Habitat Conservation Plans

Potential Significant Impact: Whether the Project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Findings: Potential impacts of the Project related to consistency with the applicable Habitat Conservation Plan are discussed in detail in Section 4.8 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to consistency with applicable Habitat Conservation Plan policies will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: The City of Moreno Valley is a participating agency in the Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP). As such, only projects consistent with the MSHCP will be developed within the City. The Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project "is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009." These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. As such, the Project is in compliance with the MSHCP. (DEIR, pg. 4.8-31) Accordingly, any impacts related to consistency with the MSHCP would be less-than-significant and no mitigation is required. This species has not been recorded within the Project area in the past and is presumed absent from the site. Additionally, the Project is consistent with the Habitat Conservation Plan for the Stephens' Kangaroo Rat, which allows for incidental take of Stephens' Kangaroo Rat for projects located within the plan area. With payment of the appropriate mitigation fee, which the City requires as a standard procedure during the processing of development applications, any potential impacts to Stephens' kangaroo rat would be less-than-significant.

d. Cumulative Impacts Related to Biological Resources

Potential Significant Impact: Whether the Project would result in cumulatively significant impacts to biological resources.

Findings: Potential cumulative impacts of the Project related to biological resources are discussed in detail in Section 5.1.1.8 of the DEIR. Based on the entire record before us, this

MV00115668

Council finds that no cumulatively significant impacts related to biological resources will occur as a result of development of the Project.

Facts in Support of the Findings: Implementation of mitigation measures proposed in the MMRP would reduce potential impacts to biological resources to levels that are less-than-significant. In this regard, mitigation of Project-specific biological resources impacts will also reduce the Project's potential incremental contributions to cumulative biological resources impacts within the region such that no additional mitigation for cumulative biological resources impacts is required. To the extent that each development proposal within the cumulative impact area(s) provides appropriate mitigation, cumulative impacts to biological resources are reduced to levels that are less-than-significant. Pursuant to the provisions of CEQA, each development project within the cumulative impact area that requires a discretionary action by a public agency will be assessed for its potential impacts on biological resources. Appropriate biological resources mitigation will also be required of other projects within the cumulative impact area(s). In this regard, it is noted that because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in the DEIR. With the application of the mitigation measures identified in the MMRP, the Project's potential contribution to cumulative impacts in regard to biological resources is not considerable, and the cumulative effects of the Project are determined to be less-than-significant. (DEIR, pgs. 5-20 to 5-23) Accordingly, no mitigation is required.

9. Aesthetics

a. Scenic Resources

Potential Significant Impact: Whether the Project would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a State scenic highway.

Findings: Potential impacts of the Project related to scenic resources are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to scenic resources will occur as a result of development of the Project and, therefore, no mitigation is required.

MV00115669

Facts in Support of the Findings: The Project site is comprised of vacant disturbed property and does not contain designated scenic resources. No rock outcroppings or historic buildings are located onsite. Although the City's General Plan designates SR-60 as a local scenic road, this highway is not included in the California Department of Transportation's list of Officially Designated Scenic Highways. The Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements. (DEIR, pg. 4.8-19) Accordingly, impacts to scenic resources would be less-than-significant and no mitigation is required.

b. Visual Character

Potential Significant Impact: Whether the Project would substantially degrade the existing visual character or quality of the site and its surroundings.

Findings: Potential impacts of the Project related to visual character are discussed in detail in Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to visual character will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Determinations of visual character and quality are inherently subjective by nature. The DEIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. It is further noted that development of the subject site with business park and/or light industrial uses reflects buildout of the area anticipated under the General Plan, resulting in substantial visual change of the area, whether under the Project, or some other unspecified development proposal. To provide a visual transition and buffer between southerly adjacent properties (zoned for large lot residential uses) and the Project site, the Project incorporates a 250-foot landscaped setback along its southerly boundary. Masonry walls (which would be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti) are also proposed to screen the Project's operations from surrounding land uses. As supported by the preceding discussions, and with implementation of

MV00115670

the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant. (DEIR, pgs. 4.8-20 to 4.8-21) Accordingly, any impacts to the area's visual character would be less-than-significant and no mitigation is required.

c. Light or Glare

Potential Significant Impact: Whether the Project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings: Potential impacts of the Project related to light and glare are discussed in detail Section 4.9 of the DEIR. Based on the entire record before us, this Council finds that no significant impacts related to light and glare will occur as a result of development of the Project and, therefore, no mitigation is required.

Facts in Support of the Findings: Onsite lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance, including but not limited to Section 9.08.100, "Lighting." Project lighting will be designed and implemented so as to illuminate the site without causing undue light or glare, and to avoid light overspill on adjacent properties. (DEIR, pgs. 4.9-23 to 4.9-25) Accordingly, any impacts related to light and glare would be less-than-significant and no mitigation is required

B. ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

I. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

II. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

III. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and

MV00115671

overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Certain of the following issues from the environmental categories analyzed in the EIR, including Traffic and Circulation, Cultural Resources, and Biological Resources, were found to be potentially significant, but can be mitigated to a less-than-significant level with the imposition of mitigation measures. This Council hereby finds pursuant to *Public Resources Code* Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

1. <u>Traffic and Circulation</u>

a. Substantial Increase in Traffic

Potential Significant Impact: The EIR evaluated and concluded that the Project-related traffic could contribute to level of service (LOS) exceedances under Opening Year conditions at the intersection of Redlands Boulevard at the SR-60 westbound ramps, and at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

Finding: Implementation of the following mitigation measures will reduce potential Opening Year traffic impacts at affected intersections:

4.2.1 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

MV00115672

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

Facts in Support of the Finding: Based on analysis performed as part of the Project Traffic Impact Analysis (TIA), the Project would contribute additional traffic to preexisting Opening Year Ambient Condition deficiencies occurring at the intersection of Redlands Boulevard at the SR-60 westbound ramps. Also, with the addition of Project traffic, the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue would perform unacceptably during peak hours. (DEIR, pgs. 4.2-31 through 4.2-34) However, with implementation of the roadway improvements identified in Mitigation Measures 4.2.1 and 4.2.2, these impacts will be reduced to a less-than-significant level. (DEIR, pg. 4.2-35)

2. <u>Cultural Resources</u>

a. Archaeological/Historic Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unknown or unrecorded archaeological or historic resources which may be present in a buried context.

Finding: Implementation of the following mitigation measures will reduce potential impacts to archaeological and/or historic resources to a less-than-significant level:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert*

MV00115673

equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2., resources shall be left in an undisturbed state. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

Facts in Support of the Finding: No known cultural resources of significance exist within the Project site. Additionally, no significant evidence of the early twentieth century occupation of the property was identified by the Project Cultural Resources Investigation. Nonetheless, some potential exists for resources to be located onsite in a buried context. Implementation of Mitigation measures 4.7.1 and 4.7.2 will ensure that archaeological and/or historic resources that may be unearthed during Project construction will be identified and preserved consistent with the recommendations of the Cultural Resources Study and California law. Accordingly, the Project's potential to impact archaeological or historic resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-11 through 4.7-13)

b. Paleontological Resources

Potential Significant Impact: The EIR evaluated and concluded that the Project construction activities could potentially disturb unique paleontological resources which may be present in a buried context.

MV00115674

Finding: Implementation of the following mitigation measure will reduce potential impacts to paleontological resources to a less-than-significant level:

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage and record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

Facts in Support of the Finding: Based on information presented in the Cultural Resources Investigation, the Project area is considered to have a moderate level of sensitivity for paleontological resources, indicating that paleontological resources may be encountered within the Project site. The area consists of older Quaternary alluvial deposits that have been associated with fossil specimens, which are covered by surficial deposits of younger Quaternary alluvium. In the course of Project site preparation activities, paleontological specimens may be uncovered. Mitigation Measure 4.7.3 requires paleontological monitoring during ground-disturbing activities that would exceed the relative depths of the younger alluvium on-site. Implementation of this mitigation measure would ensure that paleontological resources which may be present within

MV00115675

subsurface areas of the site are adequately identified and preserved. Accordingly, the Project's potential to impact paleontological resources is less-than-significant as mitigated. (DEIR, pgs. 4.7-13 through 4.7-14)

3. Biological Resources

a. Vegetation Communities and Special Status Plant Species

Potential Significant Impact: The EIR evaluated and concluded that the Project's construction activities could have an adverse effect on CDFG and Corps jurisdictional areas, including riparian habitat areas existing on-site within the Quincy Channel, and off-site within the existing drainage channel adjacent to Redlands Boulevard.

Finding: Implementation of the following Mitigation will reduce potential impacts to jurisdictional areas to a less-than-significant level:

4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

MV00115676

4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 Prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

Facts in Support of the Finding: Design of the Project includes a buffer area to provide physical separation between the developed site and the adjacent Quincy Channel, in order to

MV00115677

minimize direct impacts to the Channel's habitat areas and associated vegetation communities and special status plant species. However, construction of the "scour wall" that would be implemented to prevent further erosion along the Quincy Channel could result in direct, temporary impacts to approximately 0.003 acres (22 lineal feet) of mulefat vegetated riparian habitat determined to be within California Department of Fish & Game (CDFG) jurisdictional areas. (DEIR pgs. 4.8-18 through 4.8-20) Additionally, implementation of drainage improvements associated with the Project could result in a potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat located in the existing drainage channel adjacent to Redlands Boulevard (DEIR, pgs. 4.8-21 to 4.8-22). This 0.08 acres has been determined to be jurisdictional under the Army Corps of Engineers (Corps), CDFG, State Water Resources Control Board (SWRCB), and MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Indirect impacts to proximate candidate, sensitive, or special status plant species could occur through the introduction of invasive plant species as a result of Project implementation. (DEIR pg. 4.8-23) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to vegetation communities and sensitive plant species will be reduced to a less-than-significant level.

b. Nesting Birds

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on nesting birds, which are protected under both the Migratory Bird Treaty Act and California Fish and Game Code.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the nesting birds to a less-than-significant level:

4.8.6 *If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning*

MV00115678

Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

Facts in Support of the Finding: The removal of existing vegetation within the Project site as part of construction could affect nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act. In addition, nests and eggs are protected under California Fish and Game Code Section 3503.5. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. (DEIR, pg. 4.8-25) Therefore, implementation of Mitigation Measure 4.8.6 is required to ensure that potential Project impacts related to nesting birds are reduced to a less-than-significant level.

c. Burrowing Owls

Potential Significant Impact: The EIR evaluated and concluded that the Project could have an adverse effect on the Burrowing Owl, a special-status wildlife species.

Finding: Implementation of the following mitigation measure will reduce potential impacts to the Burrowing Owl to a less-than-significant level:

4.8.7 *Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.*

Facts in Support of the Finding: The Project area is located within the MSHCP burrowing owl survey area. Focused burrowing owl surveys are required during the owl breeding season (April through August), pursuant to Section 6.3.2 and Appendix E, "Summary of Species Survey

MV00115679

Requirements. (DEIR, pgs. 4.8-25 to 4.8-26) Therefore, implementation of Mitigation Measure 4.8-7 will reduce Project impacts related to the Burrowing Owl to a less-than-significant level.

d. Riparian Habitat

Potential Significant Impact: The EIR evaluated and concluded that the Project could adversely affect riparian habitat/CDFG jurisdictional areas.

Finding: Implementation of the preceding Mitigation Measures 4.8.1 through 4.8.5 will reduce potential impacts to riparian habitat to a less-than-significant level.

Facts in Support of the Finding: Construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat riparian habitat/CDFG jurisdictional areas. The Project will have no direct impacts to any other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Potential indirect impacts may occur to proximate sensitive natural communities should invasive plant species be introduced to the area through Project implementation. (DEIR pg. 4.8-28) With implementation of Mitigation Measures 4.8.1 to 4.8.5, Project impacts related to riparian habitat will be reduced to a less-than-significant level.

C. ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS-THAN-SIGNIFICANT

The Moreno Valley City Council finds the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures: cumulative traffic impacts to study area intersections and roadway segments; cumulative traffic impacts to mainline freeway segments; short-term construction air quality impacts; long-term operational air quality impacts; cumulative air quality impacts; short-term construction noise impacts (individually and cumulatively); and change to scenic vistas (individually and cumulatively).

In accordance with CEQA Guidelines Section 15092(b)(2), the City Council of the City of Moreno Valley cannot approve the project unless it first finds (1) under *Public Resources Code* Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social technological, or other considerations, including provisions of employment

MV00115680

opportunities to highly trained workers make infeasible the mitigation measures or project alternatives identified in the FEIR; and (2) under CEQA Guidelines section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein.

1. Traffic and Circulation

a. Intersection Operations

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain intersection locations under Opening Year cumulative conditions and cumulative General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.3 through 4.2.8, addressing Opening Year cumulative conditions, and Mitigation Measures 4.2.9 through 4.2.17, addressing cumulative General Plan buildout conditions, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative intersection operation impacts are considered significant and unavoidable.

4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:

- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

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4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:

- *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.*

The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF,

MV00115682

thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.

4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:

- *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;*
- *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements*

MV00115683

would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.

- *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.*

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*

MV00115684

- *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*

4.2.8 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;*
- *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and*
- *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.9 *Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:*

- *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;*
- *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These*

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improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

- *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and*
- *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

4.2.10 *Moreno Beach Drive at SR-60 Westbound Ramps Improvements:*

- *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection);*
- *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;*
- *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and*
- *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way*

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from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.

4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:

- *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;*
- *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;*
- *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and*

MV00115687

- *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.*

The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.

4.2.12 *Quincy Street at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a stop-control on the south leg of the intersection;*
- *Construct a northbound shared left-or-right-turn lane;*
- *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and*
- *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.*

These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.

4.2.13 *Redlands Boulevard at SR-60 Westbound Ramps Improvements:*

- *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);*
- *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side*

MV00115688

of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;

- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and*
- *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.*

The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.

4.2.14 *Redlands Boulevard at SR-60 Eastbound Ramps Improvements:*

- *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;*
- *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side*

MV00115689

of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and

- *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.*

These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.

4.2.15 *Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:*

- *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2).*
- *Construct a northbound left turn lane with 200-feet of storage and a second through lane for a northbound lane configuration of one left turn lane, one through lane and one shared through right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*
- *Construct a southbound left turn lane with 250-feet of storage, a second left turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right-turn pocket length that extends the full length of the segment. These improvements would require the dedication of*

MV00115690

right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through Fair Share Fees;

- *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and*
- *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.*

The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate

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General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.

4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

- *Install a traffic signal. This improvement would be funded through participation in the DIF Program;*
- *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*
- *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way with from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

MV00115692

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.

4.2.17 *Redlands Boulevard at Cottonwood Avenue Improvements:*

- *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;*
- *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;*
- *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*

MV00115693

- *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*

The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.3 through 4.2.17, acceptable levels of service would be realized at all Study Area intersections under cumulative Opening Year and General Plan buildout conditions with the Project. (See DEIR Tables 4.2-10 and 4.2-11) Improvements necessary to mitigate potentially significant intersection impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, ramp and interchange improvements affecting the SR-60 are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. The Project's contribution to intersection impacts is therefore determined to be cumulatively significant and unavoidable notwithstanding mitigation. (DEIR, pgs. 4.2-36 to 4.2-55).

MV00115694

b. Roadway Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards, affecting certain roadway segments under Opening Year cumulative conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.2.18 and 4.2.19 are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, cumulative roadway segment impacts are considered significant and unavoidable.

4.2.18 *Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:*

- *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.

4.2.19 *Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) Avenue east of Redlands Boulevard Improvements:*

- *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.*

The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between

MV00115695

the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Facts in Support of the Finding: With completion of the improvements recommended under Mitigation Measures 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Implementation of the previously identified Mitigation Measure 4.2.7 would ensure acceptable conditions at the segment of Redlands Boulevard located north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue. (See DEIR Table 4.2-13) Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-60 through 4.2-67)

MV00115696

c. Freeway Mainline Segments

Significant Unavoidable Impact: The EIR evaluated and concluded that Project-related traffic would cumulatively exceed established level of service standards at study area freeway segments under General Plan buildout conditions.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to Study Area freeway mainline segments under General Plan buildout conditions will remain significant and unavoidable.

Facts in Support of the Finding: The EIR determined that implementation of the Project would contribute additional traffic to segments of SR-60 within the Study Area that under General Plan buildout conditions (with or without the Project) are projected to operate under deficient conditions. While it is foreseeable that improvements to SR-60 in the Project vicinity will be completed prior to General Plan Buildout, timely completion of these improvements cannot be definitively assured. Further, SR-60 mainline improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. As such, there are no feasible mitigation measures that will reduce the Project's roadway segment impacts under Opening Year cumulative conditions below significance thresholds. (DEIR, pgs. 4.2-79 to 4.2-80) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

2. <u>Air Quality</u>

a. Short-Term Construction Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project's construction source emissions would temporarily exceed SCAQMD regional and localized significance thresholds, thereby potentially violating an air quality standard or contributing to an existing or projected air quality violation.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9 are incorporated into the MMRP for

MV00115697

the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, construction emissions-related air quality impacts are considered significant and unavoidable.

4.3.1 *Consistent with URBEMIS modeling inputs and to effect implementation of Rule SCAQMD Rule 403, the following measures shall be incorporated:*

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce* PM_{10} *and* $PM_{2.5}$ *fugitive dust haul road emissions.*
- *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.*
- *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);*
- *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*

4.3.2 *The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's*

MV00115698

specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

4.3.3 *The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).*

4.3.4 *Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.*

4.3.5 *In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

4.3.6 *During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

4.3.7 *The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

4.3.8 *Grading plans, construction specifications and bid documents shall also include the following notations:*

- *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels l fuel would void the equipment warranty;*
- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*

MV00115699

- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*
- *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*

4.3.9 *Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and*

MV00115700

cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, Project construction activities would temporarily exceed SCAQMD regional emissions thresholds for volatile organic compounds (VOC) and oxides of nitrogen (NOx); and would also temporarily exceed localized emissions thresholds for particulate matter (PM_{10} and $PM_{2.5}$). (See DEIR Tables 4.3-9 and 4.3-10) Project construction-related emissions in exceedance of SCAQMD's regional and localized significance thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-53 through 4.3-65).

b. Long-Term Operational Emissions

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially exceed SCAQMD daily emissions significance thresholds.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation. The Council finds that Mitigation Measure 4.3.10 is incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of this mitigation measure, operational emissions-related air quality impacts are considered significant and unavoidable.

4.3.10 *All Project entrances shall be posted with signs which state:*

- *Truck drivers shall turn off engines when not in use;*
- *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and*
- *Telephone numbers of the building facilities manager and CARB, to report violations.*

MV00115701

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measure 4.3.10, as well as Mitigation Measures 4.3.11 through 4.3.13 enumerated in Section V(A)(3)(c) above, Project operational activities will exceed SCAQMD daily emissions thresholds for VOC and NOx. (DEIR Table 4.3.13) Project operational-related impacts that exceed long-term, operational emissions thresholds are therefore determined to be significant and unavoidable air quality impacts notwithstanding mitigation. (DEIR, pgs. 4.3-65 to 4.3.73)

c. Sensitive Receptors

Significant Unavoidable Impact: The EIR evaluated and concluded that Project construction activities could temporarily expose sensitive receptors to potentially substantial pollutant concentrations.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.9, enumerated in Section C(2)(a) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.9, the Project's construction source emissions could result in the temporary exposure of sensitive receptors to PM_{10} and $PM_{2.5}$ emissions in excess of applicable SCAQMD localized significance thresholds. Existing sensitive receptors are identified as a single developed residential use located at 28855 Fir Avenue. Although additional parcels zoned for residential land uses (potential future sensitive receptors) are present within the area of LST exceedance, they are largely undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. (DEIR, pgs. 4.3-73 through 4.3-76)

MV00115702

d. Cumulative Air Quality Impacts

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.3.1 through 4.3.13, enumerated in Sections A(3)(c) and C(2)(a) & (b) above, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, the Project will result in cumulatively significant and unavoidable air quality impacts.

Facts in Support of the Finding: The Project is located within non-attainment areas for PM_{10}, $PM_{2.5}$, and ozone (VOC and NOx are ozone precursors). Even after compliance with applicable SCAQMD Rules and implementation of Mitigation Measures 4.3.1 through 4.3.13, the Project will result in the following cumulatively significant and unavoidable air quality impacts: (1) Short-term Project construction activities that exceed the regional thresholds for VOC and NOx emissions are cumulatively significant for the duration of construction activities; (2) Short-term Project construction activities that exceed the localized significance thresholds for PM_{10} and $PM_{2.5}$ emissions are cumulatively significant for the duration of construction activities; (3) Long-term operations of the Project that exceeds the regional thresholds for VOC and NOx are cumulatively significant; and (4) The Project's operational VOC and NOx emissions, in combination with VOC and NOx emissions generated by other sources affecting the encompassing ozone non-attainment areas, will result in a cumulatively considerable net increase of this pollutant within the nonattainment areas. (DEIR, pgs. 5-12 to 5-13)

3. <u>Noise</u>

a. Short-Term Construction Noise (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could potentially result in the exposure of persons to or generation of noise levels in excess of

MV00115703

standards established in the local general plan or noise ordinance, or applicable standards of other agencies; and potentially result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant but will be reduced to the extent feasible through mitigation measures. The Council finds that Mitigation Measures 4.4.1 through 4.4.4, presented below, are incorporated into the MMRP for the Project, and will be implemented as specified therein. However, the Council finds that even with application of these mitigation measures, short-term construction-related noise impacts are considered significant and unavoidable, and are determined cumulatively considerable for the duration of Project construction activities.

4.4.1 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.2 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.*

4.4.3 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on*

MV00115704

weekends or Federal holidays. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

Facts in Support of the Finding: Even with implementation of Mitigation Measures 4.4.1 through 4.4.4, the Project's construction activities would result in a temporary exceedance of applicable noise level standards and a temporary increase in ambient noise levels in the Project vicinity. Because construction noise levels are conservatively estimated to exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), construction noise is considered a significant and unavoidable impact of the Project. (DEIR, pgs. 4.4-15 to 4.4-21). Cumulative noise impacts for the duration of construction activities are also recognized as significant. (DEIR, pg. 5-14) As such, short-term construction noise impacts are determined to be individually and cumulatively significant notwithstanding mitigation.

4. Aesthetics

a. Scenic Vistas (Individual and Cumulative)

Significant Unavoidable Impact: The EIR evaluated and concluded that the Project could have an adverse effect on a scenic vista.

Finding: Based on the entire record before us, this Council finds that this impact is potentially significant as there are no known feasible mitigation measures that could reduce this impact to a level of less than significant. Accordingly, Project-related impacts to scenic vistas will remain significant and unavoidable.

MV00115705

Facts in Support of the Finding: The EIR determined that implementation of the Project would potentially result in the restriction or interruption of near and distant scenic vistas. The Project proposes a single large structure (more than 970,000 square feet), that would alter and or/obstruct views through the currently undeveloped Project area. View obstruction will be limited to some extent by engineering and grading requirements that will establish the Project's building pad considerably below the grade of the adjacent SR-60. The Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks. Similarly, the proposed Project intends to serve a market need for users that demand a large, integrated facility. As such, the concept of substantially reducing the size of the building, or creating multiple buildings in lieu of one single building would compromise a basic objective of the Project. As such, there are no feasible mitigation measures that will reduce the Project's potential aesthetic impacts on scenic vistas below significance thresholds. (DEIR, pgs. 4.9-10 through 4.9-19) In combination with other known or probably development projects in the vicinity, the Project would also result in the cumulatively considerable restriction or interruption of near and distant scenic views. (DEIR, pgs. 5-23 to 5-15) As such, the Project's potential to adversely affect scenic vistas is determined to be individually significant and cumulatively considerable.

D. ADEQUACY OF THE RANGE OF PROJECT ALTERNATIVES

The EIR analyzed three alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. At the direction of the City of Moreno Valley, two different "No Project" scenarios have been evaluated. The first, referred to as the No Project/No Build Alternative, assumes the site would remain in its current undeveloped state. The second, referred to as the No Project/Existing Zoning Alternative, makes a reasoned assessment as to the future development of the subject site should the Project under consideration not be developed. A Reduced Intensity Alternative was also selected for analysis. CEQA

MV00115706

requires the evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives, the Project Objectives must be considered when this Council is evaluating the alternatives.

1. Alternative 1 – No Project/No Build Alternative

Description: Under the No Project/No Build Alternative (hereinafter referenced as the "No Build" Alternative), it is presumed that if the Project or some similar development proposal is not implemented on the subject site, then there would be no other known or probable scenarios for the subject property, the site would likely remain in its current undeveloped state for the foreseeable future. (DEIR, pg. 5-31)

Impacts: The No Build Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-65) Similar to the Project, the No Build Alternative would result in less than significant impacts in the following areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources. No discretionary actions or zone change would be required under the No Build Alternative. (DEIR, pg. 5-48) In addition, the Project's significant and unavoidable traffic impacts, construction noise impacts, construction and operational air quality impacts, and impacts to scenic vistas would not occur. (DEIR, pgs. 5-50 to 5-65) Under the No Build Alternative, potential traffic/transportation impacts would be representative of existing conditions. The No Build Alternative would reduce the aggregate amount of fee contributions available for long-term traffic improvements when compared to fee contributions realized under the Project. Additionally, the No Build Alternative would not realize Project-specific road widening/lane reconfiguration and signalization improvements as detailed in the Project Traffic Impact Analysis. Significant freeway mainline segment deficiencies would persist with or without the Project. (DEIR, pg. 5-49). Visual attributes of the Project site would remain in their current state. (DEIR, pg. 5-63)

Objectives: Under the No Build Alternative, the subject site would remain in its current undeveloped state, and none of the Project Objectives would be achieved. (DEIR, pg. 5-64)

Finding: Under the No Build Alternative, no development would occur. This Alternative would avoid all of the significant and unavoidable impacts associated with traffic, air quality, noise and aesthetics that have been identified within the DEIR. However, the City Council finds

MV00115707

that the No Build Alternative would not fulfill any of the Project Objectives. Because the No Build Alternative will not fulfill the Project Objectives, the City Council hereby rejects the No Build Alternative.

2. Alternative 2 – No Project/Existing Zoning Alternative

Description: The No Project/Existing Zoning Alternative (hereinafter referenced as the "No Project" Alternative), considers the environmental conditions that would occur if the subject site were developed consistent with its existing Business Park zoning designation. To allow for quantified comparison of potential traffic impacts and related vehicular source air quality and noise impacts, the No Project Alternative assumes the site is developed consistent with assumptions employed in the City's General Plan Buildout traffic modeling, which was projected to be approximately four (4) times higher than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project.. (DEIR, pgs. 5-31 to 5-32)

Impacts: The No Project Alternative would result in a significant lessening of impacts when compared to the proposed Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the No Project Alternative, a zone change would not be required. (DEIR, pg. 5-48) The Project's significant and unavoidable construction noise impacts and construction source air quality impacts would likely be similar to those of the Project. (DEIR, pgs. 5-52 and 5-56) Potential traffic impacts could be substantively increased under the No Project Alternative, due to the increased traffic associated with Business Park land uses. Significant mainline freeway segment impacts under General Plan Buildout conditions would persist, and due to increased traffic generation under the No Project Alternative, would likely be exacerbated. (DEIR, pgs. 5-50 to 5-51) Associated vehicular (operational) air pollutant emissions would similarly be increased when compared to the Project; however, the vehicle mix under the No Project Alterative would likely reflect decreased heavy truck traffic. Significant VOC and NOx emissions thresholds exceedances occurring under the Project would be incrementally greater under the No Project Alternative. (DEIR, pg. 5-53). Vehicular noise would also likely increase under the No Project Alternative based on increased trip generation. However, as with the Project, it is considered unlikely that sensitive receptors would be affected by potential vehicular

MV00115708

noise levels based on their physical separation from roadways and the presence of intervening noise-attenuating walls. (DEIR, pg. 5-57) Potential impacts to viewsheds may be reduced under the No Project Alternative, since the Business Park zoning designation would limit maximum individual building areas to 50,000 square feet. This limitation on individual building sizes could allow for configurations of the developed site that would provide additional or varied views through the Project site to off-site scenic resources. (DEIR, pg. 5-63)

Objectives: Business Park/Light Industrial uses that could be implemented under the No Project Alternative could substantially achieve the Project's development objectives for the site. Like the Project, it is anticipated that new development under the No Project Alternative would be designed and implemented so as to be compatible with neighboring land uses. The No Project Alternative would effectively capitalize on the site's regional freeway accessibility and visibility. New jobs, including light industrial, office, limited support commercial, or research and development employment opportunities would be created by the No Project Alternative. This Alternative would also provide additional tax revenues available to the City. (DEIR, pgs. 5-64 to 5-65)

Finding: Under the No Project Alternative, development of a business park development with a similar scale to that of the Project would occur. This Alternative would reduce the Project's potential aesthetic impacts, in that a series of smaller buildings could be constructed in place of the Project's single structure, allowing views through the site. However, none of the Project's remaining significant and unavoidable environmental impacts would be reduced under the No Project Alternative. Conversely, increased trip generation under a business park land use would likely lead to increased traffic, with correlating increases in air pollutant emissions and vehicular noise. Although the No Project Alternative could substantially achieve the Project's Objectives, because the No Project Alternative would not reduce the majority of the Project's significant and unavoidable impacts, the City Council hereby rejects the No Project Alternative.

MV00115709

3. Alternative 3 – Reduced Intensity Alternative

Description: The Reduced Intensity Alternative assumes the same general land use type as the Project, but at a development intensity scoped to reduce the extent of regional threshold exceedances for VOC based on operational emissions that would otherwise result from the Project. In that the same type of development is proposed, most if not all the Project Objectives would be achieved to a certain extent. (DEIR, pg. 5-33) Implementation of the Reduced Intensity Alternative would yield approximately 684,200 square feet of development, a reduction of approximately 27 percent or approximately 253,060 square feet, when compared to the approximately 937,260 square-foot Project analyzed in the EIR. (DEIR, pg. 5-48).

Impacts: The Reduced Intensity Alternative would result in similar, albeit slightly lessened, impacts when compared to the Project. (DEIR, pgs. 5-25 through 5-72; EIR topical areas: Land Use; Water Supply; Hydrology and Water Quality; Cultural Resources; and Biological Resources.) Under the Reduced Intensity Alternative, maximum construction-related emissions from site preparation and grading would likely be the same as for the Project, though it would occur within a shorter time frame due to the reduced development area. In this regard, the maximum daily site disturbance and amount of equipment employed concurrently would likely be similar to the construction scenario envisioned for the Project. As with the Project, mitigated construction-related emissions would still exceed SCAQMD emissions thresholds. Because the scope of development would be reduced under this Alternative, the duration of construction activities and resulting construction emissions and noise may be reduced when compared to the Project. (DEIR, pgs. 5-51 and 5-57) Based on its reduced scope of development and associated reductions in vehicle trips and vehicular emissions, long-term operations under the Reduced Intensity Alternative would be reduced by approximately 27 percent when compared to the Project. Operational NOx, PM_{10}, and $PM_{2.5}$ emissions under this Alternative would, however, still exceed applicable SCAQMD thresholds. Accordingly, as with the Project, this Alternative would result in cumulatively significant emissions contributions to existing non-attainment conditions for ozone and particulates. (DEIR, pgs. 5-53 to 5-55) The Reduced Intensity Alternative would result in an approximate 27 percent reduction in development intensity, with a commensurate reduction in trip generation when compared to the Project. The extent of area-wide traffic improvements and required traffic impact mitigation realized under the Project would also be reduced. Significant freeway mainline traffic impacts projected to occur under

MV00115710

General Plan buildout conditions would persist with or without development under the Reduced Intensity Alternative. As such, freeway impacts under this scenario would be less than the Project, but likely still be considered significant. (DEIR, pg. 5-51) The reduced area of development under the Reduced Intensity Alternative would also incrementally reduce significant viewshed impacts otherwise occurring under the Project. (DEIR, pg. 5-64)

Objectives: The Reduced Intensity Alternative would, to some degree, realize the Project Objectives. However, because the scale of the development would be diminished under this Alternative, the resulting generation of sales tax, the number of jobs created, and potential second tier economic benefits to the City and region (e.g. wholesale/retail support sales; temporary and long-term construction jobs, and facilities maintenance employment opportunities) would likely be reduced when compared to the Project. (DEIR, pg. 5-65)

Finding: Under the Reduced Intensity Alternative, a light industrial warehouse/ distribution facility reduced by approximately 27 percent (or 263,000 square feet) would be realized as compared to the Project. The City Council hereby finds that the Reduced Intensity Alternative will not avoid or substantially reduce the significant and unavoidable construction noise impacts and construction and operational air quality impacts identified in the EIR. This Alternative would not meet Project Objectives to the same extent as the Project. Furthermore, the scale of the reduction in intensity would not maximize or realize the economic potential of the site. Based on the reduced scope of development, the Reduced Intensity Alternative would diminish capacities and capabilities to satisfy existing and projected unmet market demands within the trade area. The Reduced Intensity Alternative would also result in comparatively fewer opportunities to provide jobs, as compared to the Project. Therefore, the City Council rejects the Reduced Intensity Alternative on the basis that it fails to avoid or substantially reduce the significant and unavoidable impacts of the Project and does not meet the Project Objectives as well as the Project. The City Council also finds that each of these considerations constitutes a ground for rejecting this alternative that is independently sufficient to support the City Council's rejection of this alternative.

4. <u>Alternatives Considered and Rejected</u>

A variety of additional alternatives were considered as part of the DEIR's Alternatives Analysis. (DEIR, pgs. 5-32 through 5-41) An Extended Construction Alternative

MV00115711

and Multiple Building Design Alternative were considered and ultimately rejected based on infeasibility. Additionally, four Alternative Site locations were considered within the DEIR. The criteria for identifying potential alternate sites included:

- Location within the City of Moreno Valley;
- Appropriate General Plan and zoning designations, or the ability to be so-designated;
- Minimum size of 50 acres and a roughly rectangular shape;
- Location proximate to locate transportation corridors or at a regional transportation hub;
- Currently undeveloped or underutilized;
- Currently available;
- Access to existing or planned adequate serving infrastructure; and
- Able to support operations in a manner compatible with other proximate land uses.

Each of the four sites that were analyzed met the general requirements in that each was currently vacant, more than 50 acres and roughly a rectangular configuration; each was zoned for industrial uses and served by nearby utilities and infrastructure. Alternative Sites 1 through 4 are locally accessible and also located near the I-215 freeway, a regional transportation corridor. (DEIR, Figure 5.2-1) Upon further analysis, each of these sites was found to be currently unavailable. Alternative Site 1 currently has applications under review by the City for 1.6 million square feet of distribution warehouse uses, while development plans have been submitted and approved for Alternative Sites 2, 3 and 4.

5. <u>Environmentally Superior Alternative</u>

Based on comparative reductions in traffic generation, and associated reductions in noise and air emissions, and generally reduced scale, among the Alternatives considered, the Reduced Intensity Alternative would result in the greatest reduction in environmental effects, and is thus considered the environmentally superior alternative. (DEIR, pg. 5-65). The Reduced Intensity Alternative would also generally reduce other environmental effects of the Project, and

MV00115712

to a limited degree, realize attainment of the basic Project Objectives. (DEIR pgs. 5-47 to 5-65) Development of the Project or the Reduced Intensity Alternative would contribute to area employment and the City's overall tax base. However, because scope of land uses would be substantively reduced under the Reduced Intensity Alternative, the resulting effective realization of the Project Objectives, to include economic benefits to the City and region, would likely be similarly diminished. (DEIR, pg. VI-40)

E. GROWTH-INDUCING IMPACTS

CEQA requires a discussion of ways in which the proposed Project could be growth inducing. Specifically, CEQA Guidelines Section 1512602(d) states than an EIR must describe the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The types of employment opportunities offered by the Project (both management and regular employees) are relatively common throughout Southern California and are unlikely to generate significant population migration (if any). Any Project-related employment demands would likely be filled by the existing surplus personnel pool within the Moreno Valley area, and/or neighboring communities, especially with the currently low jobs per household ratio in the City, and regionally high unemployment rates. The Project would not foster growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning. (DEIR, pgs. 5-67 to 5-68)

Currently, the Project site is vacant and undeveloped. However, expansions of water and wastewater systems, along with other urban utilities, are programmed to serve the vicinity consistent with anticipated development of the City and region. In order to accommodate forecasted growth of the City and region over the long term, it is anticipated these improvements will be implemented regardless of the City's ultimate decision on the Westridge Commerce Center Project. The Project is not considered to provide an inducement to other lands within its vicinity to undertake unanticipated development due to the availability of new or expanded infrastructure systems. (DEIR, pgs. 5-68 to 5-69)

Notwithstanding, development of the Project as envisioned will entail upgrade/modification of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage

MV00115713

conveyance facilities. Infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. However, the characteristics and intensities of development that could occur on these properties are governed by the Moreno Valley General Plan. Development of these properties within the context of the approved General Plan should not result in unforeseen impacts or impacts that cannot be mitigated. (*Id.*)

Additionally, it is recognized that provision of services, e.g., utilities, fire protection, and law enforcement, may be expanded or otherwise enhanced to meet additional demands of the Project. Project design and payment of impact mitigation fees reduces individual and cumulative impacts in these regards. Services expansion or enhancements based on incremental demands of the Project will not result in substantial additional capacity that could be considered growth inducing. (*Id.*)

Investment in the Project would have local and regional economic impacts which may result in indirect growth-inducing effects. The Project's potential economic benefits could indirectly result in employment growth in the region. This growth, in combination with other anticipated employment growth in the region, could indirectly result in population growth and an increased demand for housing. (*Id.*) Such growth has a variety of potential effects on the physical environment, including but not limited to, effects on air quality, ambient noise levels, traffic impacts, and water quality. It is not anticipated that the additional employment opportunities created by the Project would be substantial enough to produce noticeable population growth within the City and region. (DEIR, p. 5-68)

F. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Public Resources Code Section 21100(b)(2)(B) and CEQA Guidelines Sections 15126(c), 15126.2(c), and 15127, require that for certain types or categories of projects, an EIR must address significant irreversible environmental changes that would occur should the project be implemented. As presented at CEQA Guidelines Section 15127, the topic of Significant Irreversible Environmental Changes needs to be addressed in EIRs prepared in connection with any of the following activities:

(a) The adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency;

MV00115714

(b) The adoption by a local agency formation commission of a resolution making determinations; or

(c) A project which will be subject to the requirements for preparing of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. Sections 4321-4347.

The Project qualifies under Guidelines §15127 (a) in that a zone change is required in order to implement the Project. As such, this EIR analysis addresses any significant irreversible environmental changes which would be involved in the proposed action should it be implemented [Guidelines, Sections 15126(e) and 15127]. An impact would fall into this category if:

- A project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of a project would generally commit future generations to similar uses;
- A project involves uses in which irreversible damage could result from any potential environmental incidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project results in wasteful use of energy).

With regard to the above considerations, various natural resources, in the form of construction materials and energy resources, will be used in the construction of the Project, but their use is not expected to result in shortfalls in the availability of these resources. The Project presents no significant possibility of irreversible environmental damage "from any potential environmental incidents associated with the project." The Project does not propose facilities or uses that would result in potentially significant environmental incidents. Moreover, all feasible mitigation is incorporated in the Project to reduce its potential environmental effects. As discussed herein, the Project will not result in or cause unwarranted or wasteful use of resources, including energy. (DEIR, pgs. 5-73 to 5-74)

MV00115715

9. STATEMENT OF OVERRIDING CONSIDERATIONS

The Moreno Valley City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Traffic Impacts – Intersections and Roadway Segments (Cumulative); and
2. Traffic Impacts – Mainline Freeway Segments (Cumulative).
3. Short-Term Construction Air Quality Impacts (Individual and Cumulative);
4. Long-Term Operational Emissions (Individual and Cumulative);
5. Short-Term Construction Noise (Individual and Cumulative); and
6. Aesthetic Impacts – Change to Scenic Vistas (Individual and Cumulative)

The Moreno Valley City Council hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered "acceptable."

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(D) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

MV00115716

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific economic, social or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project will provide development consistent with the General Plan and in conformance with municipal standards, codes and policies;
- The Project provides development that improves and maximizes economic viability of a vacant site by transitioning the Project site into a productive light industrial use;
- The Project is located at the intersection of a major street and an interstate freeway, maximizing access opportunities for the convenience of operations;
- The Project creates additional employment-generating opportunities for the City of Moreno Valley and surrounding communities; and
- The Project provides adequate infrastructure and public amenities, including upgrading and widened streets, signal upgrades and utility improvements.

As the CEQA Lead Agency for the proposed action, the City of Moreno Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section V(E) above, and finds that approval of the Project is appropriate.

MV00115717

This Council has identified economic and social benefits and important policy objectives, Section V(H) above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency…" Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

10. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Moreno Valley City Council finds that it has reviewed and considered the FEIR in evaluating the Project, that the FEIR is an accurate and objective statement that fully complies with CEQA and the CEQA Guidelines, and that the FEIR reflects the independent judgment of the City Council.

The City Council declares that no new significant information as defined by CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the DEIR that would require recirculation. All of the information added to the FEIR merely clarifies,

MV00115718

amplifies or makes insignificant modifications to an already adequate DEIR pursuant to CEQA Guidelines Section 15088.5(b).

The City Council hereby certifies the EIR based on the following findings and conclusions:

A. <u>Findings</u>

1. CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Proposed Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

2. Significant Unavoidable Impacts/Statement of Overriding Considerations:

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. The following significant environmental impacts have been identified in the FEIR and will require mitigation but cannot be mitigated to a level of insignificance as set forth in Section V(D) of these Findings: Traffic Impacts – Intersections and Roadway Segments (Cumulative); Traffic Impacts – Freeway Mainline Segments (Cumulative); Short-Term Construction Air Quality Impacts (Individual and Cumulative); Long-Term Operational Emissions (Individual and Cumulative); Short-Term Construction Noise (Individual and Cumulative); and Aesthetic Impacts – Changes to Scenic Vistas (Individual and Cumulative). The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

MV00115719

3. Conclusions

a. All potentially significant environmental impacts from implementation of the proposed Project have been identified in the FEIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less-than-significant level, except for the impacts identified in Section V(D) above.

b. Other reasonable alternatives to the proposed Project that could feasibly achieve the basic objectives of the proposed Project have been considered and rejected in favor of the proposed Project.

c. Environmental, economic, social and other considerations and benefits derived from the development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

11. ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to *Public Resources Code* Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP set forth in Section 4.0 of the Final EIR. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control, except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.

MV00115720

4.0 MITIGATION MONITORING PLAN

4.1 INTRODUCTION

To ensure that the mitigation measures contained in this EIR are properly implemented, a monitoring program has been developed pursuant to State law. This Mitigation Monitoring Plan (MMP) identifies measures incorporated in the Project which reduce its potential environmental effects; the entities responsible for implementation and monitoring of mitigation measures; and the appropriate timing for implementation of mitigation measures. As described in *CEQA* § 15097, this MMP employs both reporting on, and monitoring of, Project mitigation measures.

The objectives of the MMP are to:

- Assign responsibility for, and ensure proper implementation of, mitigation measures;
- Assign responsibility for, and provide for monitoring and reporting of, compliance with mitigation measures;
- Provide the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs.

Mitigation monitoring and reporting procedures incorporated in the Project are presented in the following Section 4.2. Specific mitigation measures incorporated in the Project, mitigation timing, and implementation and reporting/monitoring responsibilities are presented at Table 4.2-1.

EXHIBIT B

MV00115721

4.2 MITIGATION MONITORING AND REPORTING

Mitigation Monitoring and Responsibilities

As the Lead Agency, the City of Moreno Valley is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The City will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project area. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof.

If during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the City shall be immediately informed, and the City will then inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
Traffic and Circulation				
4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal.* *This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department, California Department of Transportation	Before issuance of first Certificate of Occupancy
4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: *Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:* • *Install a traffic signal;* • *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and* • *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right-turn lane as an exclusive left-turn lane,*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115723

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.3 (cont'd) *for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*				
4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps. These improvements would be funded through Project participation in the TUMF Program. Although the intersection of Moreno Beach Drive at SR-60 Westbound Ramps is anticipated to operate at an acceptable LOS, the coordination of traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps would ensure continued satisfactory operations.* *The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115724

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Westbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115725

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;* • *Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115726

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF[1] improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection. Construction of the northbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program.* • *Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

[1] With specific regard to Project payment of Development Impact Fees (DIF), it is recognized that the City, as an interim and temporary measure, has reduced required DIF payments by 50%. Notwithstanding, the reduced DIF payment program is considered to have sufficient funds to construct prioritized improvements necessary to alleviate traffic impacts. That is, over time, the City's DIF structure, allocation of fees, and prioritization of improvements is able to flexibly respond to traffic demands within the City such that funding for all necessary improvements is available in a timely manner. It is further noted that should supplemental funds be required, the City is able to secure these funds through other sources including but not limited to: state and federal grants, redevelopment funds and Measure A gas tax funds.

MV00115727

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd)				
participation in the TUMF program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fee contributions.				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program.*				
• *Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east*				

MV00115728

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.7 (cont'd) *leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.*				
4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;* • *Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and* • *Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, facilitating construction of new intersection improvements at Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115729

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements: • *Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;* • *Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;* • *Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and* • *Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements: • *Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115730

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.10 (cont'd) • *In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;* • *Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and* • *Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at SR-60 Westbound Ramps.*				
4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements: • *Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115731

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.11 (cont'd) *right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;* • *Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;* • *Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and* • *Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.* *The Project will pay required DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Moreno Beach Drive at Fir (future Eucalyptus) Avenue.*				

MV00115732

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements: • *Install a stop-control on the south leg of the intersection;* • *Construct a northbound shared left-or-right-turn lane;* • *Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and* • *Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.* *These improvements would be funded through participation in the DIF Program. The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Quincy Street at Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements: • *Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);* • *Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115733

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.13 (cont'd) *Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.* *The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1. The remaining improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at Redlands Boulevard at SR-60 Westbound Ramps.*				
4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements: • *Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;* • *Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115734

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.14 (cont'd) *require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and* • *Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.* *These improvements would be funded through participation in the TUMF Program. The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at SR-60 Eastbound Ramps.*				
4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements: • *Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);* • *Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115735

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd)				
• *Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;*				
• *Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation*				

MV00115736

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.15 (cont'd) *Measure 4.2.2. The remaining improvements would be funded through participation in the DIF Program; and* • *Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.* *The Project will pay required TUMF, DIF and fair share fees, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Fir (future Eucalyptus) Avenue.*				
4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements: • *Install a traffic signal. This improvement would be funded through participation in the DIF Program;* • *Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115737

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd)				
would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the TUMF Program;				
• *Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;*				
• *Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and*				
• *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.*				

MV00115738

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.16 (cont'd) *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Eucalyptus (future Encilia) Avenue.*				
4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements: • *Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;* • *Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;* • *Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115739

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.17 (cont'd) *way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and* • *Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.* *The Project will pay required TUMF and DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate General Plan Buildout traffic impacts at the intersection of Redlands Boulevard at Cottonwood Avenue.*				
4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements: • *Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts at the segment of Quincy Street south of Fir (future Eucalyptus) Avenue.*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development	Before issuance of first building permit

MV00115740

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.2.19 (cont'd) • *Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.* *The Project will pay required DIF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year cumulative traffic impacts affecting the segment of Fir (future Eucalyptus) Avenue between the Auto Mall and the westerly Project Boundary, and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.*			Department	
Air Quality *To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.3 below, and shall be incorporated in all Project plans, specifications and contract documents.*				
4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated : • *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.* • *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least*	Ongoing throughout construction	Contractor	City Building Official, SCAQMD	Ongoing throughout construction

MV00115741

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.1 (cont'd) *three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.* • *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.* • *Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.* • *Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).* • *In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.*				
4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00115742

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
Additional mitigation required of the Project is identified below, and shall be shall be incorporated in all Project plans, specifications and contract documents.				
4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction
4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00115743

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.7 (cont'd) *(HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*				
4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations: • *Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;* • *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;* • *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;* • *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;* • *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;* • *High pressure injectors shall be provided on diesel construction equipment where feasible;*	Ongoing throughout construction	Contractor	City of Moreno Valley Building Official, SCAQMD	Ongoing throughout construction

MV00115744

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.8 (cont'd) • *Engine size of construction equipment shall be limited to the minimum practical size;* • *Substitute gasoline-powered for diesel powered construction equipment where feasible;* • *Use electric construction equipment where feasible;* • *Install catalytic converters on gasoline-powered equipment where feasible;* • *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;* • *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;* • *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;* • *All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.*				
4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.	Throughout Project construction	Applicant	City of Moreno Valley Development Department	Throughout Project construction

MV00115745

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.10 All Project entrances shall be posted with signs which state: • *Truck drivers shall turn off engines when not in use;* • *Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and* • *Telephone numbers of the building facilities manager and CARB, to report violations.* *These measures shall be enforced by the on-site facilities manager (or equivalent).*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
Although potential Project-related Global Climate Change (GCC) impacts would be less-than-significant, the following Mitigation Measures 4.3.11 through 4.3.14 are provided to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources.				
4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent. • *Increase in insulation such that heat transfer and thermal bridging is minimized;* • *Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;*	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115746

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.11 (cont'd) • *Incorporate dual-paned or other energy efficient windows;* • *Incorporate energy efficient space heating and cooling equipment;* • *Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights when they are not needed shall be implemented;* • *To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.* • *Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.* • *All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.*				
4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit

MV00115747

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 GHG emissions reductions measures shall also include the following: • *The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;* • *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;* • *The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.* • *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);* • *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall*	Prior to issuance of first Certificate of Occupancy	Contractor	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy

MV00115748

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd)				
provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;				
• *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*				
• *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:*				
o *Implementation of compressed workweek schedules;*				
o *SmartWay partnership;*				
o *Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.*				
o *Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.*				
o *Use of fleet vehicles conforming to 2010 air quality standards or better.*				

MV00115749

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.3.13 (cont'd) o *Installation of catalytic converters on gasoline-powered equipment.* o *Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;* o *Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;* o *Provision of preferential parking for EV and CNG vehicles;* o *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;* o *Use of electric (instead of diesel or gasoline-powered) yard trucks;* o *Use of SmartWay 1.25 rated trucks.*				
4.4 Noise				
4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00115750

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit
4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00115751

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5 Water Supply				
To further minimize the Project's overall water use, ensure on-going availability and reliability of water supplies within the EMWD service area, and provide for timely, monitored compliance with requirements stipulated in the Project WSA, the following EMWD Conditions of Approval are incorporated as EIR Mitigation Measures. Prior to building permit issuance, the developer shall provide a will-serve letter from EMWD demonstrating compliance with the following Conditions of Approval.				
4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.	Prior to issuance of first grading or building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading or building permit

MV00115752

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.				
Cultural Resources				
4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.	Ongoing throughout site excavation and grading activities	Applicant	City of Moreno Valley Development Department	Ongoing throughout site excavation and grading activities

MV00115753

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.	Prior to issuance of first Certificate of Occupancy	Applicant	City of Moreno Valley Development Department	Before issuance of first Certificate of Occupancy
4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints: • *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;* • *A paleontological mitigation-monitoring plan shall be developed before grading begins;* • *Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid*	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00115754

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.7.3 (cont'd) *construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;* • *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and* • *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.*				
4.8 Biological Resources				
4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00115755

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.2 (cont'd) *of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*				
4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.	Prior to issuance of first building permit	Applicant	City of Moreno Valley Development Department	Before issuance of first building permit
4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit
4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00115756

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.5 (cont'd) *CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:* • *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;* • *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and* • *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and* • *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*				
4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00115757

Table 4.2-1
Westridge Commerce Center Project
Mitigation Monitoring Plan

Mitigation Measures	Mitigation Timing	Implementation Entity	Monitoring/ Reporting Entity	Monitoring/Reporting Frequency
4.8.6 (cont'd) *retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.*				
4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.	Prior to issuance of first grading permit	Applicant	City of Moreno Valley Development Department	Before issuance of first grading permit

MV00115758

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING ZONE CHANGE APPLICATION PA08-0098 TO CHANGE THE ZONE FROM BUSINESS PARK TO LIGHT INDUSTRIAL FOR A 55 ACRE SITE (ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026).

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed application PA08-0098, requesting an amendment of the City' Official Zoning Atlas as described in this ordinance.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 An Environmental Impact Report is proposed for the project under California Environmental Quality Act (CEQA) guidelines.

SECTION 2 FINDINGS:

2.1 Based upon substantial evidence presented to this City Council on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes a change to the Zoning Atlas for properties located within Assessor's Parcel Numbers 488-330-003 through -006 and -026 from Business Park (BP) to Light Industrial (LI). Potential impacts to traffic and air quality have been examined through the preparation of a Final Environmental Impact Report. Subject to approval of the Final Environmental Impact Report, the proposed Zone Change is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

ATTACHMENT 4

FACT: The proposed Zone Change will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the Zone Change in accordance with the provisions of the California Environmental Quality Act (CEQA). Subject to approval of the Final EIR, the proposed Zone Change will not have a significant affect on public health or be materially injurious to surrounding properties or the environment as a whole.

3. Conformance with the Zoning Regulations – The proposed pre-zoning is consistent with the purposes and intent of Title 9 of the City of Moreno Valley Municipal Code.

   FACT: The applicant has met the City's Municipal Code and other regulations to change the zone. As proposed, the zone change from BP to LI for the 55 acre project site is consistent with the purposes and intent of Title 9.

SECTION 3 AMENDMENT OF THE OFFICIAL ZONING ATLAS:

3.1 The City of Moreno Valley Official Zoning Atlas, as adopted by Ordinance No. 359, on April 14, 1992, of the City of Moreno Valley, and as amended thereafter from time to time by the City Council of the City of Moreno Valley, is further amended by placing in effect the zone or zone classification as shown on the attached map (marked "Exhibit A" and included herein by reference and on file in the office of the City Clerk).

SECTION 4 EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5 NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6 EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 829
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

Ordinance No. 829
Date Adopted: _____

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, APPROVING APPLICATION PA10-0017 AMENDING THE MUNICIPAL CODE TO MAKE CHANGES TO CHAPTER 9.05 INDUSTRIAL DISTRICTS.

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1 GENERAL:

1.1 The applicant, Ridge Rancho Belago, LLC, has filed Municipal Code Amendment application PA10-0017, requesting an amendment to the City's Municipal Code, which proposes revisions to Chapter 9.05 of Title 9 to provide a minimum separation/buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts.

1.2 Pursuant to the provisions of the law, a public hearing was held before the City Council on July 12, 2011.

1.3 The matter was fully discussed, and the public and other agencies presented testimony and documentation.

1.4 Although the proposed amendment will be effective citywide, it addresses minor land use matters and does not have the potential to adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

SECTION 2: FINDINGS

2.1 With respect to the proposed Municipal Code Amendment, and based upon substantial evidence presented to the City Council during the public hearing on November 30, 2010, including written and oral staff reports, and the record from the public hearing, the City Council hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed Municipal Code Amendment is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The project proposes changes to Permitted Uses Table 9.02.020-1 of the Municipal Code. The proposed Municipal Code Amendment is consistent with and does not conflict with the goals, objective, policies or programs of the General Plan.

ATTACHMENT 5

2. Health, Safety and Welfare – The proposed amendment will not adversely affect the public health, safety or general welfare.

FACT: The proposed Municipal Code Amendment will not adversely affect the public health, safety or general welfare. As a minor alteration to land use limitations, the Municipal Code Amendment is determined to be exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption. No land use changes on specific parcels of land are included in the proposed Municipal Code Amendment.

3. Conformance with Title 9 – The proposed Municipal Code Amendment is consistent with the purposes and intent of Title 9.

FACT: The proposed amendment meets all applicable Municipal Code requirements. As proposed, the amendment is consistent with the purposes and intent of Title 9.

SECTION 3 MUNICIPAL CODE AMENDMENT:

3.1 Chapter 9.02 of Title 9 of the City of Moreno Valley Municipal Code is hereby revised as follows:

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or

center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP / LI[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.

*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

SECTION 4: EFFECT OF ENACTMENT:

4.1 Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

4.2 All prior enactments of the City, which are in conflict with this Ordinance, are hereby repealed, effective upon the date which this Ordinance becomes effective and operative.

SECTION 5: NOTICE OF ADOPTION:

5.1 Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

6.1 This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Ordinance No. 830
Date Adopted: _____

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

RESOLUTION NO. 2011-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF PLOT PLAN PA08-0097 FOR DEVELOPMENT OF A 937,260 SQUARE FOOT WAREHOUSE DISTRIBUTION FACILITY ON 55 ACRES LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of PA08-0097, a plot plan for a 937,260 square foot warehouse distribution facility on 55 acres, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. Conformance with General Plan Policies – The proposed use is consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The General Plan encourages a mix of industrial uses to provide a diversified economic base and ample employment opportunities.

   ATTACHMENT 6

   Stated policies require the avoidance of adverse impacts on surrounding properties and the screening of industrial uses to reduce glare, noise, dust, vibrations and unsightly views. The project as designed and conditioned would achieve the objectives of the City of Moreno Valley's General Plan. The proposed project is consistent with the General Plan

MV00115770

and do not conflict with the goals, objectives, policies, and programs established within the Plan.

2. Conformance with Zoning Regulations – The proposed use complies with all applicable zoning and other regulations.

   FACT: The project site is current zoned BP. The project proposes a Zone Change to LI to allow for a building larger than 50,000 square feet. Subject to approval of the related Zone Change application (PA08-0098) the proposed use will comply with all applicable zoning other regulations. The project is designed in accordance with the provisions of Chapter 9.05 Industrial Districts of the City's Municipal Code.

3. Health, Safety and Welfare – The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The proposed 937,260 square warehouse facility as designed and conditioned will not adversely affect the public health, safety or general welfare. A Final EIR has been prepared to address the potential environmental impacts of the project in accordance with the provisions of the California Environmental Quality Act (CEQA).

4. Conformance with City Redevelopment Plans – The proposed use conforms with any applicable provisions of any city redevelopment plan.

   FACT: This project is not located within the boundaries of the City of Moreno Valley Redevelopment Project Area, so conformance with applicable provisions of the redevelopment plan is not a requirement.

5. Location, Design and Operation – The location, design and operation of the proposed project will be compatible with existing and planned land uses in the vicinity.

   FACT: The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the freeway with BP zone land to the west and Community Commercial zone land to the east. South of the facility on the other side of Fir Avenue/Future Eucalyptus Avenue is vacant RA-2 zone land with tract homes in the RA-2 zone approximately ¾ miles further south. The proposed warehouse distribution facility is a permitted use in both the BP and LI zones, but the size proposed by the project requires a Zone Change and the proximity to the Residential district to the south requires a Municipal Code Amendment to establish a minimum separation or buffering of warehouse facilities over 50,000 square feet from adjacent Residential districts. As designed and conditioned and subject to

approval of the above mentioned Zone Change and Municipal Code Amendment, is compatible with existing and proposed land uses in the vicinity.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA08-0097, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Plot Plan PA08-0097 for a 937,260 square foot warehouse distribution facility on a 55 acre site, based on the findings in the Resolution, and the conditions of approval as attached to the resolution as Exhibit A.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR
PLOT PLAN PA08-0097 FOR A WAREHOUSE DISTRIBUTION FACILITY
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
_X_ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Approval of Plot Plan PA08-0097 is subject to adoption of a Zone Change (PA08-0098) from the Business Park zone to the Light Industrial zone for the project site and adoption of a Municipal Code Amendment (PA10-0017) to establish a minimum buffering/separation from buildings over 50,000 square in area and adjacent residential zoned land.

P2. Plot Plan PA08-0097 has been approved for development of a 937,260 square foot warehouse distribution facility, to be built on a 55 acre site within Assessor's Parcel Numbers 488-330-003 to -006 and -026. The facility includes 173 dock doors and 14,000 square feet of office. Required parking for this use equates to a total of 307 employee/visitor parking spaces and 173 truck/trailer parking spaces.

P3. Development of the warehouse facility is subject to approval of Tentative Parcel Map No. 36207 and the subsequent recordation of this map.

P4. A mitigation monitoring fee, as provided by City ordinance, shall be paid by the applicant within 30 days of project approval. No City permit or approval shall be issued until such fee is paid. (CEQA)

P5. Bicycle racks shall be provided at a minimum of five (5) percent of the required vehicular parking and shall be located near the designated office area(s).

P6. The gates into truck loading and parking areas that are within view of a public street shall be of solid metal construction or wrought iron with mesh to screen the interior of the loading area.

P7. This project shall comply with South Coast Air Quality Management District (SCAQMD) rules related to dust generation (Rule 403) and the use of architectural coatings (Rule 1113).

P8. The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.

P9. Screening walls of decorative block or concrete tilt-up construction shall be provided to fully screen the truck loading and parking area for from view from Fir/Eucalyptus Avenue.

P10. Enhanced landscape shall be provided in the planter areas near each driveway and near the office portions of the facilities.

P11. All loudspeakers, bells, gongs, buzzers or other noise attention devices installed on the project site shall be designed to ensure that the noise level at all property lines will be at or below 55 dBA for consistency with the Municipal Code.

P12. Loading or unloading activities shall be conducted from the truck bays or designated loading areas only. (MC 9.10.140, CEQA)

P13. No outdoor storage is permitted on the project site, except for truck and trailer storage in designated areas within the screened truck courts.

P14. If the proposed project requires blasting, it shall be used only as a last resort. In such cases, it shall be approved by the Fire Marshall, and the developer shall comply with the current City ordinance governing blasting. (Ord)

P15. This approval shall expire three years after the approval date of this project unless used or extended as provided for by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever. Use means the beginning of substantial construction contemplated by this approval within the three-year period, which is thereafter pursued to completion, or the beginning of substantial utilization contemplated by this approval. (MC 9.02.230)

P16. PA08-0097 shall be developed in accordance with the approved plans on file in the Community & Economic Development Department - Planning Division, the Municipal Code regulations, General Plan, and the conditions contained herein. Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City Planning Official. (MC 9.14.020)

P17. The developer, or the developer's successor-in-interest, shall be responsible for maintaining any undeveloped portion of the project site in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P18. A drought tolerant, low water using landscape palette shall be utilized throughout the project to the extent feasible.

P19. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

P20. Any signs indicated on the submitted plans are not included with this approval. Any signs proposed for this development shall be designed in conformance with the sign provisions of the Municipal Code or approved sign program, if applicable, and shall require separate application and approval by the Community & Economic Development Department - Planning Division. (MC 9.12.020)

Prior to Issuance of Grading Permits

P21. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P22. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area

will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community & Economic Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

P23. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. (GP Objective 1.5, MC 9.08.080, DG)

P24. (GP) Prior to approval of any grading permit, the developer shall submit for review and approval of a tree plan to the Planning Division. The plan shall identify all mature trees (4 inch trunk diameter or larger) on the subject property, City right-of-way or Caltrans right-of-way. Using the grading plan as a base, the plan shall indicate trees to be relocated, retained, and removed. Replacement trees shall be: shown on the plan; be a minimum size of 24 inch box; and meet a ratio of three replacement trees for each mature tree removed or as approved by the Community Development Director. (GP Objective 4.4, 4.5, DG)

P25. (GP) Prior to approval of any grading permit, local and master-planned multi-use trail easements shall be shown in accordance with the City's Master Trail Plan.

P26. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P27. (GP) For projects abutting State Highway 60, a sixteen foot reservation for future right-of-way shall be provided.

P28. (GP) Prior to approval of any grading permits, plans for any security gate system shall be submitted to the Community Development Department - Planning Division for review and approval.

P29. (GP) If a median is required, then prior to approval of any grading permits, final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P30. (GP) Prior to issuance of any grading permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein.

P31. (GP) Prior to the issuance of grading permits, the grading plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P32. (GP) Prior to the issuance of a grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P33. (GP) Prior to the issuance of grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

P34. (GP) Prior to the issuance of grading permits, a "no touch" area shall be staked along the westerly limit of project development as defined by the scour wall and a City approved Biologist be retained to monitor construction activities to ensure protection and preservation of Channel areas. Upon the completion of the above mitigation measure an on-site grading permit may be issued for project work to commence.

P35. **(GP) Prior to any physical disturbance of any natural drainage course, or any wetland determined to contain riparian vegetation, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to both the Planning Division and the Public Works Department - Land Development Division. (CEQA, State and Federal codes)**

P36. **(GP) Prior to the approval of any precise grading permits, the developer shall submit written documentation and a planting coverage map/plan to the Planning and Land Development Divisions for all parcels identified as future State Highway 60 right-of-way as well as specifications for an erosion control/wildflower hydroseed mixture appropriate to the site's climate zones and soils to be applied at a time and in a manner that optimizes germination and coverage of the parcels consistent with the erosion control requirements for the site. Said landscape shall be maintained free of weeds and overgrowth by the developer or successor in interest until such time as the parcels are transferred to the City or Caltrans.**

P37. **(GP) Prior to issuance of grading permits, landscape plans (trees, shrubs and groundcover) for basins maintained by an POA or other private entity shall be submitted to the Planning Division for review and approval for the sides and/or slopes. A hydroseed mix with irrigation is acceptable for the bottom of all the basin areas. All detention basins shall include trees, shrubs and groundcover up to the concreted portion of the basin. A solid decorative wall with pilasters, tubular steel fence with pilasters or other fence or wall approved by the Community Development Director is required to secure all water quality and detention basins more than 18 inches in depth.**

P38. **(GP) Prior to issuance of grading permits, the developer shall submit wall/fence plans to the Planning Division for review and approval as follows:**

- **A.** **A maximum 3 foot high decorative wall in lieu of a hedge or berm may be placed in setback areas adjacent to a parking lot.**
- **B.** **Any proposed retaining walls shall also be decorative in nature, while the combination of retaining and other walls on top shall not exceed the height requirement for the specific plan and/or Municipal Code.**
- **C.** **A 14 foot tall solid wall of decorative block with pilasters and a cap or concrete tilt-up construction shall be provided to screen the trucks, parked trailers and the loading areas and loading docks from view from Fir/Eucalyptus Avenue and at the northeast corner of the site.**
- **D.** **Wrought iron/tubular steel fence is required along portions of the northern, western and eastern property lines.**

E. A four foot tall three rail fence to match adjacent trail fencing is required to enclose the basins located along Fir/Eucalyptus Avenue.

F. **An 8 foot tall coated chain link fence is required along the western property line along the Riverside County Flood Control maintenance road.**

Prior to Issuance of Building Permits

P39. (BP) Prior to issuance of building permits, the Community & Economic Development Department - Planning Division shall review and approve the location and method of enclosure or screening of transformer cabinets, commercial gas meters and back flow preventers as shown on the final working drawings. Location and screening shall comply with the following criteria: transformer cabinets and commercial gas meters shall not be located within required setbacks and shall be screened from public view either by architectural treatment or with landscaping; multiple electrical meters shall be fully enclosed and incorporated into the overall architectural design of the building(s); back-flow preventers shall be screened by landscaping that will provide complete screening upon maturity. (GP Objective 43.30, DG)

P40. (BP) Prior to issuance of building permits, screening details shall be addressed on plans for roof top equipment and trash enclosures submitted for Community & Economic Development Department - Planning Division review and approval. All equipment shall be completely screened so as not to be visible from public view, and the screening shall be an integral part of the building. For trash enclosures, landscaping shall be included on at least three sides. The trash enclosure, including any roofing, shall be compatible with the architecture for the building(s). (GP Objective 43.6, DG)

P41. (BP) Prior to issuance of building permits, two copies of a detailed, on-site, computer generated, point-by-point comparison lighting plan, including exterior building, parking lot, and landscaping lighting, shall be submitted to the Community & Economic Development Department - Planning Division for review and approval. The lighting plan shall be generated on the plot plan and shall be integrated with the final landscape plan. The plan shall indicate the manufacturer's specifications for light fixtures used and shall include style, illumination, location, height and method of shielding. The lighting shall be designed in such a manner so that it does not exceed 0.5 foot candles illumination beyond at the property line. The lighting level for all parking lots or structures shall be a minimum coverage of one foot-candle of light with a maximum of eight foot-candles. After the third plan check review for lighting plans, an additional plan check fee will apply. (MC 9.08.100, DG)

P42. (BP) Prior to issuance of building permits or as permitted by current City policy, the developer or developer's successor-in-interest shall pay all applicable impact fees, including but not limited to Transportation Uniform Mitigation fees (TUMF), Multi-species Habitat Conservation Plan (MSHCP) mitigation fees, and the City's adopted Development Impact Fees. (Ord)

P43. (BP) Prior to issuance of building permits, final landscaping and irrigation plans shall be submitted to the Community & Economic Development Department - Planning Division for review. All landscape plans shall be approved prior to the release of any building permits for the site. After the third plan check review for landscape plans, an additional plan check fee shall apply. The plans shall be prepared in accordance with the City's Landscape Standards and Specifications and shall include:

A. A landscape berm, hedge or a maximum 3 foot decorative wall is required adjacent to parking areas along public rights-of-way.
B. All finger and end planters shall be included at an interval of one per 12 parking stalls, be a minimum 5' x 16', and include additional 12" concrete step-outs and 6" curbing. (MC9.08.230, City's Landscape Standards)
C. All diamond planters shall be included at an interval of one per 3 parking stalls.
D. Drought tolerant landscape shall be provided. Sod shall be limited to public gathering areas only and not be included along the perimeter of the project site.
E. On site trees shall be planted at an equivalent of one (1) tree per thirty (30) linear feet of building dimension. Trees may be massed for pleasing aesthetic effects.
F. **Enhanced landscaping shall be included at all driveway and corner locations as well as along Highway 60 to provide proper screening of trucks.**
G. All site perimeter and parking lot landscape and irrigation shall be installed prior to the release of certificate of any occupancy permits for the site or pad in question.
H. The review of all utility boxes, transformers etc. shall be coordinated to provide adequate screening from public view. (Landscape Guidelines)
I. Landscaping on three sides of trash enclosures shall be provided.
J. **Dense landscape (spacing of one tree per 20 feet) shall be placed in front of the wall along all designated yard areas and vines shall be planted at the base of the wall and be directed along said wall.**
K. **A minimum size of 24" box mature trees shall be placed along the freeway or northern elevations of the building. Trees shall be in a double row or closely spaced as shown on the preliminary landscape plan?**
L. **Minimum 24 inch box Eucalyptus Nicholii shall be used for the street trees along the Eucalyptus Avenue frontage. Spacing of trees shall be limited to 80 foot on center for parkways and medians in sight line distance areas noted on the plans; however trees to the equivalency of 40 foot on center shall be planted in the parkway for the entire site. Additional denser parkway tree placement (between 25 to 30 feet on center) would be required for areas outside of the line of sight. A preferred alternative to placing trees only on the designated parkway landscape areas would be to widen the four foot landscape separation between the sidewalk and trail to 8 feet and reduce the parkway landscape to 8 feet in site line distance areas to provide additional trees within the designated line of sight areas alternating at 80 foot spacing to**

achieve the overall 40 foot spacing requirement.

M. **Focal entries of the site on Eucalyptus Avenue are void of trees and or shrubs on the preliminary landscape plan and they shall be shown on the plans, or alternatively document on the landscape and tree plans that the equivalency of one tree per 30 linear feet of building dimension visible from the parking lot and all public rights of away in addition to on tree per 30 linear feet of parking lot adjacent to the interior property is being met.**

N. **The design of all swales and basins that are visible from the public right-of-way shall be integrated with the surrounding landscape areas.**

P44. (BP) Prior to the issuance of building permits, the landscape plans shall include landscape treatment for trash enclosures located outside of a truck court, to include landscape on three sides, and trash enclosures shall include decorative enhancements such as an enclosed roof and other decorative features that are consistent with the architecture of the proposed commercial buildings on the site, subject to the approval of the Community & Economic Development Director.

P45. (BP) Prior to the issuance of building permits, all fences and walls required or proposed on site, shall be approved by the Community & Economic Development Director. (MC 9.08.070)

P46. (BP) Prior to the issuance of building permits, downspouts will be interior to the building, or if exterior, integrated into the architecture of the building to include compatible colors and materials to the satisfaction of the Community & Economic Development Director.

P47. (BP) Prior to the issuance of building permits the building site plan shall include decorative concrete or pavers for all driveway ingress/egress locations for the project.

P48. (BP) Prior to issuance of building permits for a final map for Tentative Parcel Map No. 36207 (PA09-0022) must be approved and recorded and all conditions of approval related to the parcel map must be satisfied.

P49. (BP) Prior to issuance of any building permits, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA)

<u>Prior to Issuance of Certificate of Occupancy or Building Final</u>

P50. (CO) Prior to issuance of any Certificates of Occupancy or building final, mitigation measures contained in the Mitigation Monitoring Program approved with this project shall be implemented as provided therein. (CEQA) (Advisory)

P51. (CO) Prior to the issuance of Certificates of Occupancy or building final, all required and proposed fences and walls shall be constructed according to the approved plans on file in the Community & Economic Development Department – Planning Division. (MC 9.080.070).

P52. (CO) Prior to issuance of Certificate of Occupancy or building final, installed landscaping and irrigation shall be reviewed by the Community & Economic Development Department - Planning Division. The landscaping shall be installed in accordance with the City's Landscape Standards and the approved landscape plans.

P53. (CO) All rooftop equipment shall be appropriately screened and not visible from the Highway 60 or Eucalyptus/Fir Avenue rights of way.

MITIGATION MEASURES

P54. MM 4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

P55. MM 4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:
• Install a traffic signal;
• Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and
• Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.

P56. MM 4.2.3 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct an eastbound right-turn lane and re-stripe the shared left-or-righ turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way from the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P57. MM 4.2.4 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Coordinate traffic signal timing with the signal at the intersection of Moreno Beach Drive at SR-60 Eastbound Ramps.

P58. MM 4.2.5 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);

• Construct a second northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way on the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection; and
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection.

P59. MM 4.2.6 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct a second northbound through lane for a northbound lane configuration of one left turn lane and two through lanes. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and restriping of all lanes on the south leg of the intersection;
• Construct a second southbound through lane, for a southbound lane configuration of one left-turn lane and two through lanes. These improvements would require the dedication of right-of-way on the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct an eastbound right-turn lane and re-stripe the shared left-or-right turn lane as an exclusive left-turn lane, for an eastbound lane configuration of one left-turn lane and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P60. MM 4.2.7 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a northbound left-turn lane with 200 feet of storage and a second through lane, for a northbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection.
• Construct a southbound left-turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound Ramps, a second through lane, and a right-turn lane with overlap phasing and a pocket length that is the full length of the segment, for a southbound lane configuration of two left-turn lanes, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing to this right-turn lane will be added when determined appropriate by the City Traffic Engineer,
• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require

the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.

- **Construct a westbound left-turn lane, a second through lane, and a right-turn lane with overlap phasing, providing 200 feet of storage for both the left-turn and right-turn lanes, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through fair share fee participation.**

P61. MM 4.2.8 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane. Quincy Street should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction;
• Construct an eastbound shared through-or-right-turn lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction; and
• Construct a westbound left-turn lane and through lane. The Fir (future Eucalyptus) Avenue extension should be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P62. MM 4.2.9 Moreno Beach Drive at SR-60 Eastbound Ramps Improvements:
• Construct the SR-60 eastbound on- and off-ramps, designed as a standard diamond and consistent with the proposed SR-60 Freeway/Moreno Beach Drive interchange design, and install a traffic signal at the new intersection;
• Construct a third northbound through lane, for a northbound lane configuration of three through lanes and a right-turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;
• Construct the SR-60 eastbound off-ramp with an eastbound lane configuration of one left-turn lane and dual right-turn lanes; and
• Construct the SR-60 eastbound on-ramp on Moreno Beach Drive with a minimum of two travel lanes.

P63. MM 4.2.10 Moreno Beach Drive at SR-60 Westbound Ramps Improvements:
• Construct a second northbound through lane, for a northbound lane configuration of two through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection;

• In addition to the planned on-ramp for southbound vehicles which is part of the future SR-60/Moreno Beach Drive interchange design, a second southbound through lane and a right-turn lane, for a southbound lane configuration of two through lanes and a right-turn lane. These improvements would require dedication on the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection;
• Construct the SR-60 westbound on-ramp for vehicles traveling southbound on Moreno Beach Drive with a minimum of one travel lane; and
• Construct a second westbound left-turn lane, for a westbound lane configuration of two left-turn lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection.

P64. MM 4.2.11 Moreno Beach Drive at Fir (future Eucalyptus) Avenue Improvements:
• Construct dual northbound left-turn lanes and re-stripe the northbound right-turn lane as a shared through-or-right turn lane for a northbound lane configuration of two left-turn lanes, two through lanes and a shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Moreno Beach Drive and re-striping of all lanes on the south leg of the intersection. Restriping of the northbound right-turn lane as a shared through-or-right turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation;
• Construct a southbound left-turn lane and a right-turn lane with overlap phasing, for a southbound lane configuration of two left-turn lanes, three through lanes and a right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the west side of Moreno Beach Drive and re-striping of all lanes on the north leg of the intersection, and would be funded through fair share fee participation;
• Construct the new eastbound leg of this intersection with dual left-turn lanes, a through lane, and a shared through-or-right-turn lane. Construction of one eastbound left-turn lane, the eastbound through lane, and the eastbound shared through-or-right-turn lane would be funded through participation in the DIF Program. Remaining improvements would be funded through fair share fee participation; and
• Construct a westbound through lane and implement overlap phasing on the right-turn movement, for a westbound lane configuration of one left-turn lane, two through lanes, and a right-turn lane with overlap phasing. This improvement would be funded through fair share fee participation.

P65. MM 4.2.12 Quincy Street at Fir (future Eucalyptus) Avenue Improvements:
• Install a stop-control on the south leg of the intersection;
• Construct a northbound shared left-or-right-turn lane;
• Construct the eastbound approach of the Fir (future Eucalyptus) Avenue extension with a through lane and a shared through-or-right-turn lane; and

• Construct the westbound approach of the Fir (future Eucalyptus) Avenue extension with a left-turn lane, a through lane, and a shared through-or-right-turn lane.

P66. MM 4.2.13 Redlands Boulevard at SR-60 Westbound Ramps Improvements:
• Install a traffic signal (a TUMF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.1);
• Construct a northbound through lane and a right-turn lane with overlap phasing, for a northbound lane configuration of one left-turn lane, two through lanes and one right-turn lane with overlap phasing. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection;
• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of two left-turn lanes and a through lane, and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Construct a westbound left-turn lane and a right-turn lane, for a westbound lane configuration of one left-turn lane, one shared left-through lane and a right-turn lane. These improvements would require the dedication of right-of-way from the north side of the SR-60 Westbound Ramps and re-striping of all lanes on the east leg of the intersection. The traffic signal noted above will be constructed by the Project pursuant to Mitigation Measure 4.2.1.

P67. MM 4.2.14 Redlands Boulevard at SR-60 Eastbound Ramps Improvements:
• Construct two northbound through lanes, for a northbound lane configuration of one left-turn lane and three through lanes, with the pocket length for the northbound left-turn lane at the full length of the segment. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and restriping of all lanes on the south leg of the intersection;
• Construct two southbound through lanes, for a southbound lane configuration of two through lanes and a shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard and re-striping of all lanes on the north leg of the intersection; and
• Re-stripe the shared eastbound left-or-right-turn lane as an exclusive left-turn lane, for an eastbound lane configuration of two left-turn lanes and one right-turn lane. These improvements would require the dedication of right-of-way on the south side of the SR-60 Eastbound Ramps and re-striping of all lanes on the west leg of the intersection.

P68. MM 4.2.15 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements:
• Install a traffic signal (a DIF improvement to be constructed by the Project pursuant to Mitigation Measure 4.2.2);
• Construct a left-turn lane with 200 feet of storage and a second through lane for a northbound lane configuration of one left-turn lane, one through lane and one shared through right-turn lane. These improvements would require the

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dedication of right-of-way from the east side of Redlands Boulevard. Restriping of all lanes on the south leg of the intersection, and construction of the northbound through lane would be funded through participation in the TUMF Program. Remaining improvements would be funded through participation in the DIF Program;

• Construct a southbound left turn lane with 250 feet of storage, a second left-turn lane that extends back to the SR-60 Eastbound ramps, a second through lane and a right turn lane with overlap phasing for a southbound lane configuration of two left turn lanes, two through lanes and one right turn lane with overlap phasing, with a right turn pocket length that extends the full length of the segment. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program. Construction of one southbound left-turn lane would be funded through participation in the DIF program. The noted right-turn southbound lane would be constructed by the Project pursuant to Mitigation Measure 4.2.2. Overlap phasing for this right-turn lane will be added when determined appropriate by the City Traffic Engineer, and will be funded through fair share fee participation. Remaining improvements would also be funded through fair share fees;

• Construct dual eastbound left-turn lanes with 300 feet of storage and a second through lane, for an eastbound lane configuration of two left-turn lanes, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the west leg of the intersection. A single eastbound turn lane with 300 feet of storage will be constructed by the Project under Opening Year Ambient Conditions pursuant to Mitigation Measure 4.2.2.; and

• Construct a westbound left-turn lane, one through lane, and a right-turn lane with overlap phasing, for a westbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane with overlap phasing [these improvements would require the dedication of right-of-way from the north side of Fir (future Eucalyptus) Avenue, and restriping of all lanes on the east leg of the intersection]. Construction of the westbound left and through lanes would be funded through participation in the DIF Program; remaining improvements would be funded through participation in the fair share fee assessments.

P69. MM 4.2.16 Redlands Boulevard at Eucalyptus (future Encilia) Avenue Improvements:

• Install a traffic signal. This improvement would be funded through participation in the DIF Program;

• Construct a northbound left-turn lane and a shared through-or-right-turn lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard and re-striping of all lanes on the south leg of the intersection. Construction of the northbound left-turn lane would be funded through participation in the DIF

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Program; remaining improvements would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane, a through lane, and a right-turn lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF program;

• Re-stripe the eastbound right-turn lane as a through lane and construct an additional shared through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Eucalyptus (future Encilia) Avenue and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Eucalyptus (future Encilia) Avenue, and the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P70. MM 4.2.17 Redlands Boulevard at Cottonwood Avenue Improvements:

• Construct a northbound through lane, for a northbound lane configuration of one left-turn lane, one through lane and one shared through-or-right turn lane. These improvements would require the dedication of right-of-way from the east side of Redlands Boulevard, and the re-striping of all lanes on the south leg of the intersection, and would be funded through participation in the TUMF Program;

• Construct a southbound left-turn lane and a through lane, for a southbound lane configuration of one left-turn lane, two through lanes, and one right-turn-lane. These improvements would require the dedication of right-of-way from the west side of Redlands Boulevard, and the restriping of all lanes on the north leg of the intersection. Construction of the southbound through lane would be funded through participation in the TUMF Program; remaining improvements would be funded through participation in the DIF Program;

• Re-stripe the eastbound right-turn lane as a through lane, and construct an additional through-or-right-turn lane, for an eastbound lane configuration of one left-turn lane, one through lane, and one shared through-or-right-turn lane. These improvements would require the dedication of right-of-way from the south side of Cottonwood Avenue, and the re-striping of all lanes on the west leg of the intersection, and would be funded through participation in the DIF Program; and

• Construct the westbound approach with one left-turn lane, one through lane, and one shared through-or-right-turn-lane. These improvements would require the dedication of right-of-way from the north side of Cottonwood Avenue, and

the re-striping of all lanes on the east leg of the intersection, and would be funded through participation in the DIF Program.

P71. MM 4.2.18 Quincy Street south of Fir (future Eucalyptus) Avenue Improvements:
• Construct Quincy Street south of Eucalyptus Avenue as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P72. MM 4.2.19 Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary and Fir (future Eucalyptus) east of Redlands Boulevard Improvements:
• Construct the Fir (future Eucalyptus) Avenue extension from the current terminus near the Auto Mall to Quincy Street, and connecting to Fir (future Eucalyptus) Avenue at the westerly project boundary. Continue Fir (future Eucalyptus) Avenue east of Redlands Boulevard. Fir (future Eucalyptus) Avenue is to be constructed as a two-lane undivided roadway with a minimum of one travel lane in each direction.

P73. MM 4.3.1 Consistent with URBEMIS modeling inputs and to effect implementation of SCAQMD Rule 403, the following measures shall be incorporated :
• All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.
• The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.
• The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.
• Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.
• Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more).
• In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

P74. MM 4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to

manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).

P75. MM 4.3.3 The contractor shall ensure use of low-sulfur diesel fuel in construction equipment as required by the California Air Resources Board (CARB) (diesel fuel with sulfur content of 15 ppm by weight or less).

P76. MM 4.3.4 Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

P77. MM 4.3.5 In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.

P78. MM 4.3.6 During Project construction, existing electrical power sources (e.g., power poles) shall be utilized to power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.

P79. MM 4.3.7 The Applicant shall use "Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.

P80. MM 4.3.8 Grading plans, construction specifications and bid documents shall also include the following notations:

- **Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;**
- **Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;**
- **Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;**
- **The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;**
- **The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;**
- **High pressure injectors shall be provided on diesel construction equipment where feasible;**
- **Engine size of construction equipment shall be limited to the minimum**

practical size;
• Substitute gasoline-powered for diesel powered construction equipment where feasible;
• Use electric construction equipment where feasible;
• Install catalytic converters on gasoline-powered equipment where feasible;
• Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;
• Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;
• Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;
• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

P81. MM 4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM10 (fugitive dust) generation or other construction-related air quality issues.

P82. MM 4.3.10 All Project entrances shall be posted with signs which state:
• Truck drivers shall turn off engines when not in use;
• Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes; and
• Telephone numbers of the building facilities manager and CARB, to report violations.
These measures shall be enforced by the on-site facilities manager (or equivalent).

P83. MM 4.3.11 Buildings shall surpass incumbent California Title 24 Energy Efficiency performance standards by a minimum of 20 percent for water heating and space heating and cooling. Verification of increased energy efficiencies shall be documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Any combination of the following design features may be used to fulfill this mitigation measure provided that the total increase in efficiency meets or exceeds 20 percent.
• Increase in insulation such that heat transfer and thermal bridging is minimized;
• Limit air leakage through the structure or within the heating and cooling distribution system to minimize energy consumption;
• Incorporate dual-paned or other energy efficient windows;
• Incorporate energy efficient space heating and cooling equipment;
• Interior and exterior energy efficient lighting which exceeds the California Title 24 Energy Efficiency performance standards shall be installed, as deemed acceptable by the City of Moreno Valley. Automatic devices to turn off lights

when they are not needed shall be implemented;
• To the extent that they are compatible with landscaping guidelines established by the City of Moreno Valley, shade producing trees, particularly those that shade buildings and paved surfaces such as streets and parking lots and buildings shall be planted at the Project site.
• Paint and surface color palette for the Project shall emphasize light and off-white colors which will reflect heat away from the buildings.
All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design.

P84. MM 4.3.12 The Project shall be designed to facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing easily accessible areas that are dedicated to the collection and storage of recyclable materials including: paper, cardboard, glass, plastics, and metals. Locations of proposed recyclable materials collection areas are subject to review and approval by the City. Prior to Final Site Plan approval, locations of proposed recyclable materials collection areas shall be delineated on the Project Site Plan.

P85. MM 4.3.13 GHG emissions reductions measures shall also include the following:
• The Project shall provide secure, weather-protected on-site bicycle storage/parking consistent with City of Moreno Valley requirements;
• The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;
• The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.
• Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);
• The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information; The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;
• The Project shall provide at least two electric vehicle charging stations.

Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.

- **Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:**
  - **Implementation of compressed workweek schedules;**
  - **SmartWay partnership;**
  - **Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.**
  - **Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.**
  - **Use of fleet vehicles conforming to 2010 air quality standards or better.**
  - **Installation of catalytic converters on gasoline-powered equipment.**
  - **Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;**
  - **Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;**
  - **Provision of preferential parking for EV and CNG vehicles;**
  - **Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;**
  - **Use of electric (instead of diesel or gasoline-powered) yard trucks;**
  - **Use of SmartWay 1.25 rated trucks.**

P86. MM 4.4.1 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that during all Project site construction, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. And further that the construction contractor shall place all stationary construction equipment so that emitted noise is directed away from off-site receptors nearest the Project site. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P87. MM 4.4.2 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that the construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and off-site receptors nearest the Project site during all Project construction. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P88. MM 4.4.3 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that construction activities, including haul truck operations, shall be limited to the hours between 7:00 a.m. and 8:00 p.m. Monday through Friday. No Project-related construction activities shall occur on weekends or Federal holidays. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings. The statement in the plans and specifications shall be reviewed and approved by the City of Moreno Valley Planning Department, or their designee.

P89. MM 4.4.4 Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.

P90. MM 4.5.1 Prior to the issuance of building permits, the Project Applicant shall contribute funding toward the acquisition of new water supplies, new treatment or recycled water facilities, and water efficiency measures for existing customers to develop new water supplies. The extent of additional funding shall be determined by the EMWD and may take the form of a new component of connection fees or a separate charge.

P91. MM 4.5.2 The Applicant shall install water efficient devices and landscaping according to the requirements of EMWD's water use efficiency ordinance(s) effective at the time of Project construction.

P92. MM 4.5.3 The Applicant shall meet with EMWD staff at the earliest feasible date to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water facilities requirements to serve the Project, to be constructed by the Applicant.

P93. MM 4.5.4 Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008. The Project Applicant shall maintain communication with EMWD on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA. The demand for the Project will not be considered in assessments for future projects, and the assessment provided within the Project WSA shall be considered invalid.

P94. MM 4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/or record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays, consistent with the requirements of California Public Resources Code Section 21083.2. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.

P95. MM 4.7.2 Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, all recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/ historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

P96. MM 4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- **Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontological resources by a qualified paleontological monitor or his/her representative must take place;**
- **A paleontological mitigation-monitoring plan shall be developed before grading begins;**
- **Paleontological monitors shall be equipped to salvage and/or record the location of fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;**
- **Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and**
- **Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources**

P97. MM 4.8.1 Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.

P98. MM 4.8.2 Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

P99. MM 4.8.3 Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

P100. MM 4.8.4 Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.

P101. MM 4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

• A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;

• A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and

• Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas

temporarily disturbed by construction and regular maintenance and monitoring activities to ensure the success of the mitigation plan; and

• Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.

P102. MM 4.8.6 If possible, all vegetation removal activities shall be scheduled from August 1 to February 1, which is outside the general avian nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly. If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds within 72 hours prior to clearing. All surveys shall be performed by a qualified Project biologist to be retained by the Applicant and vetted by the City. The survey results shall be submitted by the Project Applicant to the Planning Division. If any active nests are detected, the nest(s) shall be flagged in the field and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the Project biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the Project biologist will be present on the site to monitor vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

P103. MM 4.8.7 Within 30 days of site clearing activities, a pre-construction burrowing owl survey shall be conducted to document the presence/absence of any occupied owl burrows. Any owls present shall be passively or actively relocated following CDFG approved protocols, and with CDFG permission, prior to commencement of clearing. The survey shall be submitted to the Planning Division prior to issuance of a grading permit.

<u>Building and Safety Division</u>

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the

Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

SCHOOL DISTRICT

S1. (BP) Prior to issuance of building permits, the developer shall provide to the Community Development Director a written certification by the affected school district that either: (1) the project has complied with the fee or other exaction levied on the project by the governing board of the district, pursuant to Government Code Section 65996; or (2) the fee or other requirement does not apply to the project.

UNITED STATES POSTAL SERVICE

PO1. (BP) Prior to the issuance of building permits, the developer shall contact the U.S. Postal Service to determine the appropriate type and location of mailboxes.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all commercial buildings shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;

f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and
h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact

Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

Prior to Grading Plan Approval or Grading Permit

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries. For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

Prior to Map Approval or Recordation

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or

ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.

b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.

e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

Prior to Certificate of Occupancy

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The

drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

d. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.

e. Any necessary corner cutback right-of-way dedications per City Standard 208.

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

c. The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.

d. A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.

e. A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.

f. An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.

g. Corner cutback right-of-way dedications per City Standard 208.

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5 foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

c. **"A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.**

d. **The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.**

e. **Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.**

f. **The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.**

LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. **Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).**

b. **Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs**

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.

d. That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of*

Moreno Valley Public Works Department Landscape Design Guidelines. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

Prior to Certificated of Occupancy or Building Final

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

Prior to Acceptance of Streets Into The City-maintained Road System

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements

shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

- **a.** Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.
- **b.** The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.
- **c.** All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under <u>no</u> circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

RESOLUTION NO. 2011-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, FOR APPROVAL OF TENTATIVE PARCEL MAP 36207 (PA09-0022) TO COMBINE THE EXISTING FIVE PARCELS LOCATED WITHIN THE PROJECT SITE INTO A SINGLE 55 ACRE PARCEL.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of Tentative Parcel Map No. 36207 (PA09-0022), to combine the existing five parcels located within the project site into a single 55 acre, as described in the title of this Resolution.

WHEREAS, on July 12, 2011, the City Council held a public hearing to consider the project.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinances;

WHEREAS, pursuant to Government Code Section 66020(d)(1), NOTICE IS HEREBY GIVEN that this project is subject to certain fees, dedications, reservations and other exactions as provided herein.

NOW, THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

A. This City Council hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

ATTACHMENT 7

MV00115836

1. Conformance with General and Specific Plans – That the proposed land division is consistent with applicable general and specific plans.

   FACT: The proposed tentative parcel map is consistent with the General Plan designation of Business Park for the project site. The proposed parcel map will combine the existing five parcels located within the project site into a single 55 acre parcel. The proposed land division is consistent with existing goals, objectives, policies and programs of the general plan.

2. Design Conformance with General and Specific Plans – That the design or improvement of the proposed land division is consistent with applicable general and specific plans.

   FACT: The tentative parcel map as designed and conditioned will provide improvements that are consistent with the requirements of the project site's General Plan land use designation of Business Park.

3. Physically Suitable for Proposed Development – That the site of the proposed land division is physically suitable for the type of development.

   FACT: The project site is comprised of multiple vacant rectangular shaped parcels that are mostly flat. The project is located on the south side of State Route 60 and east of the Moreno Valley Auto Mall. Land uses to the north include the adjacent freeway with Office zoned land north of the freeway. Land uses to the east include a mix of vacant Business Park, and residential zoned land. Land uses to the east include vacant Community Commercial zoned land. Land uses to the south include vacant RA-2 zone land on the other side of Fir Avenue/Future Eucalyptus Avenue with developed tract homes located approximately ¾ miles to the south. Overall, the project site is well suited for future development of industrial land uses.

4. Physically Suitable for Proposed Density – That the site of the proposed land division is physically suitable for the proposed density of the development.

   FACT: The project site is mostly flat and at grade along Fir Avenue/Future Eucalyptus Avenue. The parcel map is designed in accordance with the provisions of the City's Municipal Code. The project site is physically suitable for the subdivision.

MV00115837

5. Protection of Fish or Wildlife Habitat – That the design of the proposed land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.

   FACT: A Final EIR has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), concluding that with mitigation and as conditioned and designed, the proposed subdivision would result in less than significant impacts to Fish and Wildlife resources. The project has also been determined to be consistent with the Multiple Species Habitat Conservation Plan (MSHCP).

6. Health, Safety and Welfare – That the design of the proposed land division or the type of improvements are unlikely to cause serious public health problems.

   FACT: As conditioned, the proposed parcel map would not cause serious public health problems. The Eastern Municipal Water District will provide water and sewer services to the project site. There are no known hazardous conditions associated with the property, the design of the land division or the type of improvements.

7. Easements – That the design of the land division or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

   FACT: The tentative parcel map has been designed to accommodate and not conflict with existing easements on the subject site including utility and storm drain easements.

8. Consistent with Applicable City Ordinances – That the proposed land division and the associated design and improvements are consistent with applicable ordinances of the city.

   FACT: The tentative parcel map is designed in accordance with the provisions of the City's Municipal Code.

9. Passive or Natural Heating and Cooling – That the design of the land division provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

FACT: The design of this parcel map, to the extent feasible, allows solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. Regional Housing – That the effect of the proposed land division on the housing needs of the region were considered and balanced against the public service needs of the residents of Moreno Valley and available fiscal and environmental resources.

FACT: The project does not propose housing. The project would not increase the demand for housing beyond that anticipated in the City's Housing Element or the associated public service demand, or the demand for environmental resources envisioned by the Moreno Valley General Plan. The project will supplement the City's fiscal resources by paying impact fees for public facilities. Additionally, the project and/or its tenants and employees will pay Community Services District fees, property tax, sales tax and other taxes and fees that will be used to provide landscape maintenance as well as police, fire and other public services.

C. FEES, DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

1. FEES

Impact, mitigation and other fees are due and payable under currently applicable ordinances and resolutions. These fees may include but are not limited to: Development Impact Fee, Transportation Uniform Mitigation Fee (TUMF), Multi-species Habitat Conservation Plan (MSHCP) Mitigation Fee, Stephens Kangaroo Habitat Conservation fee, Underground Utilities in lieu Fee, Area Drainage Plan fee, Bridge and Thoroughfare Mitigation fee (Future) and Traffic Signal Mitigation fee. The final amount of fees payable is dependent upon information provided by the applicant and will be determined at the time the fees become due and payable.

Unless otherwise provided for by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 3.32 of the City of Moreno Valley Municipal Code or as so provided in the applicable ordinances and resolutions. The City expressly reserves the right to amend the fees and the fee calculations consistent with applicable law.

2. DEDICATIONS, RESERVATIONS, AND OTHER EXACTIONS

The adopted Conditions of Approval for PA09-0022, incorporated herein by reference, may include dedications, reservations, and exactions pursuant to Government Code Section 66020 (d) (1).

3. CITY RIGHT TO MODIFY/ADJUST; PROTEST LIMITATIONS

The City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law.

Pursuant to Government Code Section 66020(d)(1), NOTICE IS FURTHER GIVEN that the 90 day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020(a) and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project and it does not apply to any fees, dedication, reservations, or other exactions of which a notice has been given similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired.

BE IT FURTHER RESOLVED that the City Council HEREBY APPROVES Resolution No. 2011-_____, APPROVING Tentative Parcel Map No. 36207 (PA09-0022) to combine the existing five parcels located within the project site into a single 55 acre, subject to the attached conditions of approval included as Exhibit A.

MV00115840

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

MV00115841

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. _____ was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____ day of_____, _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

MV00115842

CITY OF MORENO VALLEY
CONDITIONS OF APPROVAL FOR PA09-0022
TENTATIVE PARCEL MAP NO. 36207
ASSESSOR'S PARCEL NUMBERS: 488-330-003 TO -006 AND -026

APPROVAL DATE:
EXPIRATION DATE:

_X_ Planning (P), including Building (B), School District (S), Post Office (PO)
_X_ Fire Prevention Bureau (F)
_X_ Public Works – Land Development (LD)
_X_ Public Works – Special Districts (SD)
_X_ Public Works – Transportation Engineering (TE)
_X_ Public Works – Moreno Valley Utilities (MVU)
___ Parks & Community Services (PCS)
_X_ Police (PD)

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects.

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

Planning Division

P1. Tentative Parcel Map No. 36207 is approved for the purposes of re-configuring the existing five parcels located within the project site and creating a single 55 acre parcel with lettered lots for a storm drain channel and a future off-ramp for State Route 60.

P2. Development within Tentative Parcel Map No. 36207 shall be under separate review and approval of a plot plan or a conditional use permit application(s) and shall be subject to the requirements of the City's Municipal Code.

P3. This approval shall comply with all applicable requirements of the City of Moreno Valley Municipal Code.

P4. This tentative map shall expire three years after the approval date of this tentative map unless extended as provided by the City of Moreno Valley Municipal Code; otherwise it shall become null and void and of no effect whatsoever in the event the applicant or any successor in interest fails to properly file a final map before the date of expiration. (MC 9.02.230, 9.14.050, 080)

EXHIBIT A

MV00115843

P5. The site shall be developed in accordance with the approved tentative map on file in the Community & Economic Development Department -Planning Division, the Municipal Code regulations, General Plan, the Moreno Valley Industrial Area Plan and the conditions contained herein. (MC 9.14.020)

P6. All undeveloped portions of the site shall be maintained in a manner that provides for the control of weeds, erosion and dust. (MC 9.02.030)

P7. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash and debris. (MC 9.02.030)

Prior to Issuance of Grading Permits

P8. (GP) Prior to issuance of grading permits, the developer shall pay the applicable Stephen's' Kangaroo Rat (SKR) Habitat Conservation Plan mitigation fee. (Ord)

P9. (GP) All site plans, grading plans, landscape and irrigation plans, fence/wall plans, lighting plans and street improvement plans shall be coordinated for consistency with this approval.

P10. (GP) If potential historic, archaeological, or paleontological resources are uncovered during excavation or construction activities at the project site, work in the affected area will cease immediately and a qualified person (meeting the Secretary of the Interior's standards (36CFR61)) shall be consulted by the applicant to evaluate the find, and as appropriate recommend alternative measures to avoid, minimize or mitigate negative effects on the historic, prehistoric, or paleontological resource. Determinations and recommendations by the consultant shall be implemented as deemed appropriate by the Community Development Director, in consultation with the State Historic Preservation Officer (SHPO) and any and all affected Native American Tribes before any further work commences in the affected area.

If human remains are discovered, work in the affected area shall cease immediately and the County Coroner shall be notified. If it is determined that the remains are potentially Native American, the California Native American Heritage Commission and any and all affected Native American Indians tribes such as the Morongo Band of Mission Indians or the Pechanga Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented. (GP Objective 23.3, DG, CEQA).

MV00115844

P11. (GP) Prior to the issuance of grading permits, final erosion control landscape and irrigation plans for all cut or fill slopes over 3 feet in height shall be submitted to the Planning Division for review and approval for the phase in process. This shall include slopes associated with swales and basins. The plans shall be designed in accordance with the slope erosion plan as required by the City Engineer for that phase. Man-made slopes greater than 10 feet in height shall be "land formed" to conform to the natural terrain and shall be landscaped and stabilized to minimize visual scarring. Graded slopes shall have variations that do not exceed 2:1 (GP Objective 1.5, MC 9.08.080, DG)

P12. (GP) Prior to approval of any grading permits, any required final median enhancement/landscape/irrigation plans shall be submitted to the Community Development Department - Planning Division and Public Works Department – Special Districts for review and approval by each division. Timing of installation shall be determined by PW- Special Districts. (GP - Circulation Master Plan)

P13. (GP) Prior to the issuance of a precise grading permit, the plan shall show decorative concrete pavers for all driveway ingress/egress locations of the project. Accessible pedestrian pathways interior to the site cannot be painted. If delineation is necessary, then an alternative material is required.

P14. (GP) Prior to the issuance of a precise grading permit, all required planter areas, curbs, including twelve-inch concrete step outs, and required parking space striping shall be shown on the precise grading plan.

P15. (GP) Prior to the issuance of any grading permits, the following burrowing owl survey requirements shall be incorporated into the grading plans in accordance with the Riverside County Multi-Species Habitat Conservation Plan: Within 30 days of and prior to disturbance, a burrowing owl focused survey shall be conducted by a qualified biologist using accepted protocols. The survey shall be submitted to the Planning Division for review and approval.

<u>Prior to Recordation of Final Map</u>

P16. (R) Prior to final map recordation, subdivision phasing (including any proposed common open space or improvement phasing, if applicable), shall be subject to the Planning Division approval. Any proposed phasing shall provide for adequate vehicular access to all lots in each phase as determined by the City Transportation Engineer or designee and shall substantially conform to all intent and purpose of the subdivision approval. (MC 9.14.080)

MV00115845

Building and Safety Division

B1. The above project shall comply with the current California Codes (CBC, CEC, CMC and the CPC) as well as all other city ordinances. All new projects shall provide a soils report. Plans shall be submitted to the Building Department as a separate submittal.

COMMERCIAL, INDUSTRIAL, MULTI-FAMILY PROJECTS INCLUDING CONDOMINIUMS, TOWNHOMES, DUPLEXES AND TRIPLEX BUILDINGS REQUIRE THE FOLLOWING:

Prior to final inspection, all plans will be placed on a CD Rom for reference and verification. Plans will include "as built" plans, revisions and changes. The CD will also include Title 24 energy calculations, structural calculations and all other pertinent information. It will be the responsibility of the developer and or the building or property owner(s) to bear all costs required for this process. The CD will be presented to the Building Department for review prior to final inspection and building occupancy. The CD will become the property of the Moreno Valley Building Department at that time. In addition, a site plan showing the path of travel from public right of way and building to building access with elevations will be required.

B2. (BP) Prior to the issuance of a building permit, the applicant shall submit a properly completed "Waste Management Plan" (WMP), as required, to the Compliance Official (Building Official) as a portion of the building or demolition permit process.

FIRE PREVENTION BUREAU

1. **Prior to building permits being issued, the applicant shall complete the proposed pipeline improvements shown on EMWD WO#12713. These improvements include proposed pipeline additions on site and off.**
2. The following Standard Conditions shall apply.

With respect to the conditions of approval, the following fire protection measures shall be provided in accordance with Moreno Valley City Ordinances and/or recognized fire protection standards:

F1. Final fire and life safety conditions will be addressed when the Fire Prevention Bureau reviews building plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code (CFC), and related codes, which are in force at the time of building plan submittal.

MV00115846

F2. The Fire Prevention Bureau is required to set a minimum fire flow for the remodel or construction of all commercial buildings per CFC Appendix B and Table B105.1. The applicant/developer shall provide documentation to show there exists a water system capable of delivering 4000 GPM for 4 hour(s) duration at 20-PSI residual operating pressure. The required fire flow may be adjusted during the approval process to reflect changes in design, construction type, or automatic fire protection measures as approved by the Fire Prevention Bureau. Specific requirements for the project will be determined at time of submittal. (CFC 508.3, Appendix B and MVMC 8.36.100 Section D) A 50% reduction in fire flow was granted for the use of fire sprinklers throughout the facility. The reduction shall only apply to fire flow; hydrant spacing shall be per the fire flow requirements listed in CFC Appendix B and C prior to credits being granted.

F3. Industrial, Commercial, Multi-family, Apartment, Condominium, Townhouse or Mobile Home Parks. A combination of on-site and off super enhanced fire hydrants (6" x 4" x 4" x 2 ½") shall not be closer than 40 feet and more than 150 feet from any portion of the building as measured along approved emergency vehicular travel ways. The required fire flow shall be available from any adjacent fire hydrant(s) in the system. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, super or enhanced fire hydrants as determined by the fire code official shall be provided at spacing not to exceed 500 feet of frontage for transportation hazards. (CFC 508.5.7 & MVMC 8.36.050 Section O and 8.36.100 Section E)

F4. Prior to issuance of Building Permits, the applicant/developer shall provide the Fire Prevention Bureau with an approved site plan for Fire Lanes and signage. (MVMC 8.36.050 and CFC 501.3)

F5. Prior to construction and issuance of building permits, all locations where structures are to be built shall have an approved Fire Department emergency vehicular access road (all weather surface) capable of sustaining an imposed load of 80,000 lbs. GVW, based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.4 and MVMC 8.36.050 Section A)

F6. Prior to construction and issuance of Building Permits, fire lanes and fire apparatus access roads shall have an unobstructed width of not less than or thirty (30) feet as approved by the Fire Prevention Bureau and an unobstructed vertical clearance of not less the thirteen (13) feet six (6) inches. (CFC 503.2.1.1 and MVMC 8.36.050)

F7. Prior to construction, all roads, driveways and private roads shall not exceed 12 percent grade. (CFC 503.2.7 and MVMC 8.36.050)

F8. If construction is phased, each phase shall provide an approved emergency vehicular access way for fire protection prior to any building construction. (CFC 501.4 and MVMC 8.36.050 Section A)

F9. Prior to construction, all locations where structures are to be built shall have an approved Fire Department access based on street standards approved by the Public Works Director and the Fire Prevention Bureau. (CFC 501.3 and MVMC 8.36.050)

F10. Prior to building construction, dead end roadways and streets which have not been completed shall have a turnaround capable of accommodating fire apparatus. (CFC 503.2.5 and MVMC 8.36.050)

F11. Prior to issuance of Building Permits, the applicant/developer shall participate in the Fire Impact Mitigation Program. (Fee Resolution as adopted by City Council)

F12. Prior to issuance of Building Permits, the applicant/developer shall furnish one copy of the water system plans to the Fire Prevention Bureau for review. Plans shall:

a) Be signed by a registered civil engineer or a certified fire protection engineer;
b) Contain a Fire Prevention Bureau approval signature block; and
c) Conform to hydrant type, location, spacing of new and existing hydrants and minimum fire flow required as determined by the Fire Prevention Bureau.

After the local water company signs the plans, the originals shall be presented to the Fire Prevention Bureau for signatures. The required water system, including fire hydrants, shall be installed, made serviceable, and be accepted by the Moreno Valley Fire Department prior to beginning construction. They shall be maintained accessible.

Existing fire hydrants on public streets are allowed to be considered available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads. (CFC 508.1 and MVMC 8.36.100)

F13. Prior to issuance of Certificate of Occupancy or Building Final, "Blue Reflective Markers" shall be installed to identify fire hydrant locations in accordance with City specifications. (CFC 510.1)

F14. Prior to issuance of Certificate of Occupancy or Building Final, all <u>commercial buildings</u> shall display street numbers in a prominent location on the street side and rear access locations. The numerals shall be a minimum of twelve (12) inches in height for buildings and six (6) inches in height for suite identification on a contrasting background. Unobstructed lighting of the address(s) shall be by means approved by the Fire Prevention Bureau and Police Department. In

MV00115848

multiple suite centers (strip malls), businesses shall post the name of the business on the rear door(s). (CFC 505.1)

F15. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire sprinkler system based on square footage and type of construction, occupancy or use. Fire sprinkler plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9)

F16. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall install a fire alarm system monitored by an approved Underwriters Laboratory listed central station based on a requirement for monitoring the sprinkler system, occupancy or use. Fire alarm panel shall be accessible from exterior of building in an approved location. Plans shall be submitted to the Fire Prevention Bureau for approval prior to installation. (CFC Chapter 9 and MVMC 8.36.070)

F17. Prior to issuance of a Certificate of Occupancy or Building Final, a "Knox Box Rapid Entry System" shall be provided. The Knox-Box shall be installed in an accessible location approved by the Fire Chief. The Knox-Box shall be supervised by the alarm system and all exterior security emergency access gates shall be electronically operated and be provided with Knox key switches for access by emergency personnel. (CFC 506.1)

F18. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer shall be responsible for obtaining underground and/or above ground tank permits for the storage of combustible liquids, flammable liquids, or any other hazardous materials from both the County of Riverside Community Health Agency Department of Environmental Health and the Fire Prevention Bureau. (CFC 3401.4 and 2701.5)

F19. Prior to issuance of Certificate of Occupancy or Building Final, the applicant/developer must submit a simple plot plan, a simple floor plan, and other plans as requested, each as an electronic file in .dwg format, to the Fire Prevention Bureau. Alternate file formats may be acceptable with approval by the Fire Chief.

F20. The angle of approach and departure for any means of Fire Department access shall not exceed 1 ft drop in 20 ft (0.3 m drop in 6 m), and the design limitations of the fire apparatus of the Fire Department shall be subject to approval by the AHJ. (CFC 503.2.7 and MVMC 8.36.050 Section I)

F21. Prior to issuance of the building permit for development, independent paved access to the nearest paved road, maintained by the City shall be designed and constructed by the developer within the public right of way in accordance with City Standards. (MVMC 8.36.050)

F22. Complete plans and specifications for fire alarm systems, fire-extinguishing systems (including automatic sprinklers or standpipe systems), clean agent systems (or other special types of automatic fire-extinguishing systems), as well as other fire-protection systems and appurtenances thereto shall be submitted to the Moreno Valley Fire Prevention Bureau for review and approval prior to system installation. Submittals shall be in accordance with CFC Chapter 9 and associated accepted national standards.

F23. A permit is required to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permits shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law. Applications for permits shall be made to the Fire Prevention Bureau in such form and detail as prescribed by the Bureau. Applications for permits shall be accompanied by such plans as required by the Bureau. Permits shall be kept on the premises designated therein at all times and shall be posted in a conspicuous location on the premises or shall be kept on the premises in a location designated by the Fire Chief. Permits shall be subject to inspection at all times by an officer of the fire department or other persons authorized by the Fire Chief in accordance with Appendix Chapter 1 and MVMC 8.36.100.

F24. Approval of the safety precautions required for buildings being constructed, altered or demolished shall be required by the Fire Chief in addition to other approvals required for specific operations or processes associated with such construction, alteration or demolition. (CFC Chapter 14 & CBC Chapter 33)

F25. Prior to issuance of Certificate of Occupancy, permits are required to store, dispense, use or handle hazardous material. Each application for a permit shall include a hazardous materials management plan (HMMP). The location of the HMMP shall be posted adjacent to (other) permits when an HMMP is provided. The HMMP shall include a facility site plan designating the following:

a) Storage and use areas;
b) Maximum amount of each material stored or used in each area;
c) Range of container sizes;
d) Locations of emergency isolation and mitigation valves and devises;
e) Product conveying piping containing liquids or gases, other than utility-owned fuel gas lines and low-pressure fuel gas lines;
f) On and off positions of valves for valves which are of the self-indicating type;
g) Storage plan showing the intended storage arrangement, including the location and dimensions of aisles. The plans shall be legible and

approximately to scale. Separate distribution systems are allowed to be shown on separate pages; and

h) Site plan showing all adjacent/neighboring structures and use.

NOTE: Each application for a permit shall include a hazardous materials inventory statement (HMIS).

F26. Before a Hazardous Materials permit is issued, the Fire Chief shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Prevention Bureau, joint approval shall be obtained from all departments concerned. (CFC Appendix H)

F27. Construction or work for which the Fire Prevention Bureau's approval is required shall be subject to inspection by the Fire Chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. (CFC Section 106)

F28. The Fire Prevention Bureau shall maintain the authority to inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the Fire Chief for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this code and of any other law or standard affecting fire safety. (CFC Section 106)

F29. Permit requirements issued, which designate specific occupancy requirements for a particular dwelling, occupancy, or use, shall remain in effect until such time as amended by the Fire Chief. (CFC Section 104)

F30. In accordance with the California Fire Code Appendix Chapter 1, where no applicable standards or requirements are set forth in this code, or contained within other laws, codes, regulations, ordinances or bylaws adopted by the jurisdiction, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved shall be deemed as prima facie evidence of compliance with the intent of this code as approved by the Fire Chief. (CFC Section 102.7)

F31. Any alterations, demolitions, or change in design, occupancy and use of buildings or site will require plan submittal to the Fire Prevention Bureau with review and approval prior to installation. (CFC Appendix Chapter 1)

F32. Emergency and Fire Protection Plans shall be provided when required by the Fire Prevention Bureau. (CFC Section 105)

F33. Prior to construction, all traffic calming designs/devices must be approved by the Fire Marshal and City Engineer.

MV00115851

PUBLIC WORKS DEPARTMENT – LAND DEVELOPMENT DIVISION

The following are the Public Works Department – Land Development Division Conditions of Approval for this project and shall be completed at no cost to any government agency. All questions regarding the intent of the following conditions shall be referred to the Public Works Department – Land Development Division.

General Conditions

LD1. (G) The developer shall comply with all applicable City ordinances and resolutions including the City's Municipal Code (MC) and if subdividing land, the Government Code (GC) of the State of California, specifically Sections 66410 through 66499.58, said sections also referred to as the Subdivision Map Act (SMA). (MC 9.14.010)

LD2. (G) If the project involves the subdivision of land, maps may be developed in phases with the approval of the City Engineer. Financial security shall be provided for all improvements associated with each phase of the map. The boundaries of any multiple map increment shall be subject to the approval of the City Engineer. The City Engineer may require the dedication and construction of necessary utilities, streets or other improvements outside the area of any particular map, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public. (MC 9.14.080, GC 66412 and 66462.5) If the project does not involve the subdivision of land and it is necessary to dedicate right-of-way/easements, the developer shall make the appropriate offer of dedication by separate instrument. The City Engineer may require the construction of necessary utilities, streets or other improvements beyond the project boundary, if the improvements are needed for circulation, parking, access, or for the welfare or safety of the public.

LD3. (G) It is understood that the tentative map and plot plan correctly shows all existing easements, traveled ways, and drainage courses, and that their omission may require the map or plans associated with this application to be resubmitted for further consideration. (MC 9.14.040)

LD4. (G) In the event right-of-way or offsite easements are required to construct offsite improvements necessary for the orderly development of the surrounding area to meet the public health and safety needs, the developer shall make a good faith effort to acquire the needed right-of-way in accordance with the Land Development Division's administrative policy. In the event that the developer is unsuccessful, he shall enter into an agreement with the City to acquire the necessary right-of-way or offsite easements and complete the improvements at such time the City acquires the right-of-way or offsite easements which will permit the improvements to be made. The developer shall be responsible for all costs associated with the right-of-way or easement acquisition. (GC 66462.5)

MV00115852

LD5. (G) If improvements associated with this project are not initiated within two years of the date of approval of the Public Improvement Agreement, the City Engineer may require that the improvement cost estimate associated with the project be modified to reflect current City construction costs in effect at the time of request for an extension of time for the Public Improvement Agreement or issuance of a permit.

LD6. (G) The developer shall monitor, supervise and control all construction and construction supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:

(a) Removal of dirt, debris, or other construction material deposited on any public street no later than the end of each working day.

(b) Observance of working hours as stipulated on permits issued by the Public Works Department.

(c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

(d) All dust control measures per South Coast Air Quality Management District (SCAQMD) requirements shall be adhered to during the grading operations.

Violation of any condition or restriction or prohibition set forth in these conditions shall subject the owner, applicant, developer or contractor(s) to remedies as noted in the City Municipal Code 8.14.090. In addition, the City Engineer or Building Official may suspend all construction related activities for violation of any condition, restriction or prohibition set forth in these conditions until such time as it has been determined that all operations and activities are in conformance with these conditions.

LD7. (G) The developer shall protect downstream properties from damage caused by alteration of drainage patterns, i.e., concentration or diversion of flow. Protection shall be provided by constructing adequate drainage facilities, including, but not limited to, modifying existing facilities or by securing a drainage easement. (MC 9.14.110)

LD8. (G) A detailed drainage study shall be submitted to the City Engineer for review and approval at the time of any improvement or grading plan submittal. The study shall be prepared by a registered civil engineer and shall include existing and proposed hydrologic conditions. Hydraulic calculations are required for all drainage control devices and storm drain lines. (MC 9.14.110). Prior to approval of the related improvement or grading plans, the developer shall submit the

MV00115853

approved drainage study, on compact disk, in (.pdf) digital format to the Land Development Division of the Public Works Department.

LD9. (G) Prior to final map approval, commencing applicable street improvements, or obtaining the first building permit, the developer shall enter into a Development Impact Fee (DIF) Improvement Credit Agreement to secure credit and reimbursement for the construction of applicable arterial street, traffic signal, and/or interchange improvements. If the developer fails to complete this agreement prior to the timing as specified above, no credits or reimbursements will be given. The applicant shall pay Arterial Streets, Traffic Signals, and Interchange Improvements development impact fees adopted by the City Council by resolution. (Ord. 695 § 1.1 (part), 2005) (MC 3.38.030, .040, .050)

LD10. (G) The final conditions of approval issued by the Planning Division subsequent to Planning Commission approval shall be photographically or electronically placed on mylar sheets and included in the Grading and Street Improvement plan sets on twenty-four (24) inch by thirty-six (36) inch mylar and submitted with the plans for plan check. These conditions of approval shall become part of these plan sets and the approved plans shall be available in the field during grading and construction.

LD11. (G) Upon approval of the tentative tract map and plot plan by the Planning Commission, the Developer shall submit the approved tentative tract map or plot plan on compact disk in (.dxf) digital format to the Land Development Division of the Public Works Department.

~~Prior to Grading Plan Approval or Grading Permit~~

LD12. (GPA) Prior to approval of the grading plans, plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD13. (GPA) Prior to approval of grading plans, the developer shall ensure compliance with the City Grading ordinance, these Conditions of Approval and the following criteria:

a. The project street and lot grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage area and outlet points. Unless otherwise approved by the City Engineer, lot lines shall be located at the top of slopes.

b. Any grading that creates cut or fill slopes adjacent to the street shall provide erosion control, sight distance control, and slope easements as approved by the City Engineer.

MV00115854

c. A grading permit shall be obtained from the Public Works Department Land Development Division prior to commencement of any grading outside of the City maintained road right-of-way.

d. All improvement plans are substantially complete and appropriate clearance and at-risk letters are provided to the City. (MC 9.14.030)

e. The developer shall submit a soils and geologic report to the Public Works Department – Land Development Division. The report shall address the soil's stability and geological conditions of the site.

LD14. (GPA) Prior to grading plan approval, the developer shall select and implement treatment control best management practices (BMPs) that are medium to highly effective for treating Pollutants of Concern (POC) for the project. Projects where National Pollution Discharge Elimination System (NPDES) mandates water quality treatment control best management practices (BMPs) shall be designed per the City of Moreno Valley guidelines or as approved by the City Engineer.

LD15. (GPA) Prior to approval of the grading plans for projects that will result in discharges of storm water associated with construction with a soil disturbance of one or more acres of land, the developer shall submit a Notice of Intent (NOI) and obtain a Waste Discharger's Identification number (WDID#) from the State Water Quality Control Board (SWQCB). The WDID# shall be noted on the grading plans prior to issuance of the first grading permit.

LD16. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall submit two (2) copies of the final project-specific Water Quality Management Plan (WQMP) for review by the City Engineer that :

a. Addresses Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizes directly connected impervious areas to the City's street and storm drain systems, and conserves natural areas;
b. Incorporates Source Control BMPs and provides a detailed description of their implementation;
c. Incorporates Treatment Control BMPs and provides information regarding design considerations;
d. Describes the long-term operation and maintenance requirements for BMPs requiring maintenance; and
e. Describes the mechanism for funding the long-term operation and maintenance of the BMPs.

A copy of the final WQMP template can be obtained on the City's Website or by contacting the Land Development Division of the Public Works Department.

MV00115855

LD17. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall record a "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," to provide public notice of the requirement to implement the approved final project-specific WQMP and the maintenance requirements associated with the WQMP.

A boilerplate copy of the "Stormwater Treatment Device and Control Measure Access and Maintenance Covenant," can be obtained by contacting the Land Development Division of the Public Works Department

LD18. (GPA) Prior to the grading plan approval, or issuance of a building permit, if a grading permit is not required, the Developer shall secure approval of the final project-specific WQMP from the City Engineer. The final project-specific WQMP shall be submitted at the same time of grading plan submittal. The approved final WQMP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format prior to grading plan approval.

LD19. (GPA) Prior to the grading plan approval, or issuance of a building permit as determined by the City Engineer, the approved final project-specific WQMP shall be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.

LD20. (GPA) Prior to grading plan approval, the developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the state's Construction Activities Storm Water General Permit. A copy of the current SWPPP shall be kept at the project site and be available for review upon request. The SWPPP shall be submitted to the Storm Water Program Manager on compact disk(s) in Microsoft Word format.

LD21. (GPA) Prior to the approval of the grading plans, the developer shall pay applicable remaining grading plan check fees.

LD22. (GPA/MA) Prior to the later of either grading plan or final map approval, resolution of all drainage issues shall be as approved by the City Engineer.

LD23. (GP) Prior to issuance of a grading permit, or building permit when a grading permit is not required, for projects that require a project-specific Water Quality Management Plan (WQMP), a project-specific final WQMP (F-WQMP) shall be approved. Upon approval, a WQMP Identification Number is issued by the Storm Water Management Section and shall be noted on the rough grading plans as confirmation that a project-specific F-WQMP approval has been obtained.

LD24. (GP) Prior to the issuance of a grading permit the developer shall submit recorded slope easements from adjacent landowners in any areas where grading resulting in slopes is proposed to take place outside of the project boundaries.

MV00115856

For all other offsite grading, written permission from adjacent property owners shall be submitted.

LD25. (GP) Prior to issuance of a grading permit, if the fee has not already been paid prior to map approval or prior to issuance of a building permit if a grading permit is not required, the developer shall pay Area Drainage Plan (ADP) fees. The developer shall provide a receipt to the City showing that ADP fees have been paid to Riverside County Flood Control and Water Conservation District. (MC 9.14.100)

LD26. (GP) Prior to issuance of a grading permit, security, in the form of a cash deposit (preferable), letter of credit, or performance bond shall be required to be submitted as a guarantee of the completion of the grading required as a condition of approval of the project.

LD27. (GP) Prior to issuance of a grading permit, the developer shall pay the applicable grading inspection fees.

~~Prior to Map Approval or Recordation~~

LD28. (MA) Prior to approval of the map, all street dedications shall be irrevocably offered to the public and shall continue in force until the City accepts or abandons such offers, unless otherwise approved by the City Engineer. All dedications shall be free of all encumbrances as approved by the City Engineer.

LD29. (MA) Prior to approval of the map, security shall be required to be submitted as a guarantee of the completion of the improvements required as a condition of approval of the project. A public improvement agreement will be required to be executed.

LD30. (MA) Prior to approval of the map, the developer shall enter into an agreement with the City and Riverside County Flood Control and Water Conservation District establishing the terms and conditions covering the inspection, operation and maintenance of Master Drainage Plan facilities required to be constructed as part of the project. (MC 9.14.110)

LD31. (MR) Prior to recordation of the map the developer shall comply with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District regarding the construction of County Master Plan Facilities. (MC 9.14.110)

LD32. (MR) Prior to recordation of the final map, this project is subject to requirements under the current permit for storm water activities required as part of the National Pollutant Discharge Elimination System **(NPDES)** as mandated by the Federal Clean Water Act. In compliance with Proposition 218, the developer shall agree

MV00115857

to approve the City of Moreno Valley NPDES Regulatory Rate Schedule that is in place at the time of recordation. Following are the requirements:

a. Select one of the following options to meet the financial responsibility to provide storm water utilities services for the required operation and maintenance monitoring and system evaluations in accordance with Resolution No. 2002-46.
    i. Participate in the mail ballot proceeding in compliance with Proposition 218, for the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule and pay all associated costs with the ballot process; or
    ii. Establish an endowment to cover future City costs as specified in the Common Interest, Commercial, Industrial and Quasi-Public Use NPDES Regulatory Rate Schedule.
b. Notify the Special Districts Division of the intent to record the final map 90 days prior to City Council action authorizing recordation of the final map and the financial option selected. (California Government Code & Municipal Code)

LD33. (MR) Prior to recordation of the Final Map, the Grading Plan (s) and Landscape and Irrigation Plan (s) prepared for the "Water Quality Ponds/Bio-Swales" shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer or other registered/licensed professional as required. The developer, or the developer's successors or assignees shall secure the initials of the Engineering Division Manager or his designee on the mylars prior to the plans being approved by the City Engineer. (MC 9.14.100.C.2)

LD34. (MR) Prior to recordation of the map, the developer shall submit the map, on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

<u>Prior to Improvement Plan Approval or Construction Permit</u>

LD35. (IPA) Prior to approval of the improvement plans, the improvement plans shall be drawn on twenty-four (24) inch by thirty-six (36) inch mylar and signed by a registered civil engineer and other registered/licensed professional as required.

LD36. (IPA) Prior to approval of the improvement plans, the developer shall submit clearances from all applicable agencies, and pay all outstanding plan check fees. (MC 9.14.210)

LD37. (IPA) All public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer in order for the Public Improvement Agreement and accompanying security to be executed.

MV00115858

LD38. (IPA) Prior to approval of the improvement plans, securities and a public improvement agreement shall be required to be submitted and executed as a guarantee of the completion of the improvements required as a condition of approval of the project.

LD39. (IPA) The street improvement plans shall comply with all applicable City standards and the following design standards throughout this project:

a. Corner cutbacks in conformance with City Standard 208 shall be shown on the final map or, if no map is to be recorded, offered for dedication by separate instrument.

b. Lot access to major thoroughfares shall be restricted except at intersections and approved entrances and shall be so noted on the final map. (MC 9.14.100)

c. The minimum centerline and flow line grades shall be one percent unless otherwise approved by the City Engineer. (MC 9.14.020)

LD40. (IPA) Prior to approval of the improvement plans, the plans shall be based upon a centerline profile, extending beyond the project boundaries a minimum distance of 300 feet at a grade and alignment approved by the City Engineer. Design plan and profile information shall include the minimum 300 feet beyond the project boundaries.

LD41. (IPA) Prior to approval of the improvement plans, the plans shall indicate any restrictions on trench repair pavement cuts to reflect the City's moratorium on disturbing newly-constructed pavement less than three years old and recently slurry sealed streets less than one year old. Pavement cuts for trench repairs may be allowed for emergency repairs or as specifically approved in writing by the City Engineer.

LD42. (IPA) Prior to approval of the improvement plans, the developer is required to bring any existing access ramps adjacent to and fronting the project to current ADA (Americans with Disabilities Act) requirements. However, when work is required in an intersection that involves or impacts existing access ramps, those access ramps in that intersection shall be retrofitted to comply with current ADA requirements, unless approved otherwise by the City Engineer.

LD43. (IPA) Prior to approval of the improvement plans, any drainage facilities with sump conditions shall be designed to convey the tributary 100-year storm flows. Secondary emergency escape shall also be provided. (MC 9.14.110)

LD44. (IPA) Prior to the approval of the improvement plans, the hydrology study shall show that the 10-year storm flow will be contained within the curb and the 100-year storm flow shall be contained within the street right-of-way. In addition, one

MV00115859

lane in each direction shall not be used to carry surface flows during any storm event for street sections equal to or larger than a minor arterial. When any of these criteria is exceeded, additional drainage facilities shall be installed. (MC 9.14.110 A.2)

LD45. (IPA) The project shall be designed to accept and properly convey all off-site drainage flowing onto or through the site. All storm drain design and improvements shall be subject to review and approval of the City Engineer. In the event that the City Engineer permits the use of streets for drainage purposes, the provisions of the Development Code will apply. Should the quantities exceed the street capacity or the use of streets be prohibited for drainage purposes, as in the case where one travel lane in each direction shall not be used for drainage conveyance for emergency vehicle access on streets classified as minor arterials and greater, the developer shall provide adequate facilities as approved by the Public Works Department – Land Development Division. (MC 9.14.110)

LD46. (CP) All work performed within the City right-of-way requires a construction permit. As determined by the City Engineer, security may be required for work within the right-of-way. Security shall be in the form of a cash deposit or other approved means. The City Engineer may require the execution of a public improvement agreement as a condition of the issuance of the construction permit. All inspection fees shall be paid prior to issuance of construction permit. (MC 9.14.100)

LD47. (CP) Prior to issuance of a construction permit, all public improvement plans prepared and signed by a registered civil engineer in accordance with City standards, policies and requirements shall be approved by the City Engineer.

LD48. (CP) Prior to issuance of construction permits, the developer shall submit all improvement plans on compact disks, in (.dxf) digital format to the Land Development Division of the Public Works Department.

LD49. (CP) Prior to issuance of construction permits, the developer shall pay all applicable inspection fees.

Prior to Building Permit

LD50. (BP) Prior to issuance of a building permit (excluding model homes), an approval by the City Engineer is required of the water quality control basin(s). The developer shall provide certification to the line, grade, flow test and system invert elevations.

LD51. (BP) Prior to issuance of a building permit, all pads shall meet pad elevations per approved plans as noted by the setting of "Blue-top" markers installed by a registered land surveyor or licensed engineer.

LD52. (BP) Prior to issuance of a building permit, the developer shall submit for review and approval, a Waste Management Plan (WMP) that shows data of waste tonnage, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies and/or landfill and disposal companies. The Waste Management Plan shall contain the following:

a. The estimated volume or weight of project waste to be generated by material type. Project waste or debris may consist of vegetative materials including trees, tree parts, shrubs, stumps, logs, brush, or any other type of plants that are cleared from a site. Project waste may also include roadwork removal, rocks, soils, concrete and other material that normally results from land clearing.
b. The maximum volume or weight of such materials that can be feasibly diverted via reuse and recycling.
c. The vendor(s) that the applicant proposes to use to haul the materials.
d. Facility(s) the materials will be hauled to, and their expected diversion rates.
e. Estimated volume or weight of clearing, grubbing, and grading debris that will be landfilled .

Approval of the WMP requires that at least fifty (50) percent of all clearing, grubbing, and grading debris generated by the project shall be diverted, unless the developer is granted an exemption. Exemptions for diversions of less than fifty (50) percent will be reviewed on a case by case basis. (AB939, MC 8.80)

~~Prior to Certificate of Occupancy~~

LD53. (CO) Prior to issuance of a certificate of occupancy, if the project involves a non-residential subdivision, the map shall be recorded.

LD54. (CO) Prior to issuance of the last certificate of occupancy or building final, the developer shall pay all outstanding fees.

LD55. (CO) The City of Moreno Valley has an adopted Development Impact Fee (DIF) nexus study. All projects unless otherwise exempted shall be subject to the payment of the DIF prior to issuance of occupancy. The fees are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD56. (CO) The City of Moreno Valley has an adopted area wide Transportation Uniform Mitigation Fee (TUMF). All projects unless otherwise exempted shall be subject to the payment of the TUMF prior to issuance of occupancy. The fees

MV00115861

are subject to the provisions of the enabling ordinance and the fee schedule in effect at the time of occupancy.

LD57. (CO) Prior to issuance of a certificate of occupancy or building final, the developer shall construct all public improvements in conformance with applicable City standards, except as noted in the Special Conditions, including but not limited to the following applicable improvements:

a. Street improvements including, but not limited to: pavement, base, curb and/or gutter, cross gutters, spandrel, sidewalks, drive approaches, pedestrian ramps, street lights, signing, striping, under sidewalk drains, landscaping and irrigation, medians, redwood header boards, pavement tapers/transitions and traffic control devices as appropriate.

b. Storm drain facilities including, but not limited to: storm drain pipe, storm drain laterals, open channels, catch basins and local depressions.

c. City-owned utilities.

d. Sewer and water systems including, but not limited to: sanitary sewer, potable water and recycled water.

e. Under grounding of existing and proposed utility lines less than 115,000 volts.

f. Relocation of overhead electrical utility lines including, but not limited to: electrical, cable and telephone.

LD58. (CO) Prior to issuance of a certificate of occupancy or building final, all existing and new utilities adjacent to and on-site shall be placed underground in accordance with City of Moreno Valley ordinances. (MC 9.14.130)

LD59. (CO) Prior to issuance of a certificate of occupancy or building final, in order to treat for water quality the sub-area tributary to the basin, the Developer must comply with the following:

a. The water quality basin and all associated treatment control BMPs and all hardware per the approved civil drawing must be constructed, certified and approved by the City Engineer including, but not limited to, piping, forebay, aftbay, trash rack, etc.) Landscape and irrigation plans are not approved for installation at this time.
b. Provide the City with an Engineer's Line and Grade Certification.
c. Perform and pass a flow test per City test procedures.

LD60. (CO) Prior to issuance of a certificate of occupancy or building final for any Commercial/Industrial facility, whichever occurs first, the owner may have to

MV00115862

secure coverage under the State's General Industrial Activities Storm Water Permit as issued by the State Water Resources Control Board.

Prior to Acceptance of Streets into the City Maintained Road System

LD61. (AOS) Aggregate slurry, as defined in Section 203-5 of Standard Specifications for Public Works Construction, may be required just prior to acceptance of the entire tract street(s) into the City maintained road system at the discretion of the City Engineer. If slurry is required, the developer/contractor must provide a slurry mix design submittal for City Engineer approval. The latex additive shall be Ultra Pave 70 (for anionic – per project geotechnical report) or Ultra Pave 65 K (for cationic – per project geotechnical report) or an approved equal. The latex shall be added at the emulsion plant after weighing the asphalt and before the addition of mixing water. The latex shall be added at a rate of two to two-and-one-half (2 to 2½) parts to one-hundred (100) parts of emulsion by volume. Any existing striping shall be removed prior to slurry application and replaced per City standards.

Special Conditions

LD62. Prior to approval of the rough grading plan, this project shall demonstrate, via a final drainage study, that the increased runoff resulting from the development of this site is mitigated. During no storm event shall the flow leaving the site in the developed condition be larger than that of the pre-developed condition. The drainage study shall analyze the following events: 1, 3, 6 and 24-hour duration events for the 2, 5, 10 and 100-year storm events. The applicant understands that additional detention measures, beyond those shown on the tentative map and preliminary drainage study, may be required.

LD63. Prior to approval of the precise grading plan, the developer shall obtain the following offsite dedications from the adjacent property owner(s), per separate instrument, and submitted to the City for review and approval. The offsite area referenced is located between the project's east boundary line and Redlands Boulevard.

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) starting from this project's east boundary line east to Redlands Boulevard to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. A 39-foot half street right-of-way dedication on the entire east side of "A" Street within the adjacent offsite properties 488-330-027 and 488-330-028 to ensure a centerline to east right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.

MV00115863

c. **A 2-foot public access easement for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

d. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue from this project's east property line east to Redlands Boulevard.**

e. **Any necessary corner cutback right-of-way dedications per City Standard 208.**

LD64. Prior to approval of the precise grading plans, the plans shall show any proposed trash enclosure as dual bin; one bin for trash and one bin for recyclables. The trash enclosure shall be per City Standard Plan 627.

LD65. Prior to approval of the precise grading plans, the grading plans shall clearly show that the parking lot conforms to current City and ADA standards. The parking lot shall be 5% maximum, 1% minimum, 2% maximum at or near any disabled parking stall and travel way. Ramps, curb openings and travel paths shall all conform to current ADA standards as outlined in Department of Justice's "ADA Standards for Accessible Design", Excerpt from 28 CFR Part 36. (www.usdoj.gov) and as approved by the City's Building and Safety Division.

LD66. Prior to precise grading plan approval, the plans shall show roof drains directed to a landscaped area rather than being routed directly to the parking lot. Alternatively, roof drain flows can be directed to private storm drains which will connect to the treatment control best management practice. This shall be shown in the approved F-WQMP.

LD67. Prior to approval of the grading and/or improvement plans, the plans shall show the relocation of the existing water line near State Highway 60 so that it is located outside of the lettered lot being conveyed to the City for future highway expansion purposes. Ideally, the water line shall be relocated within the Eucalyptus Avenue right-of-way. The developer shall coordinate with the utility purveyor Eastern Municipal Water District (EMWD) and the City. The developer will be responsible for quitclaiming the existing abandoned easement as well as obtaining any necessary new easements.

LD68. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing Quincy Channel, along the entire west side of the project and any off-site upstream or downstream improvements, as necessary. The design shall be approved by both Riverside County Flood Control and Water Conservation

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District (RCFC&WCD) and the City. The improvements shall consist of, but not be limited to, construction of a scour wall including soil removal and recompaction and a maintenance access road including a driveway approach from Eucalyptus Avenue. The developer will be responsible for obtaining the appropriate permit(s) and clearance(s).

LD69. Prior to approval of the grading and/or improvement plans, the plans shall show the design for the proposed improvements to the existing ditch located on the west side of Redlands Boulevard. Improvements may include, but not be limited to, the reconstruction of the existing headwall, the installation of energy dissipater(s), and a proposed pipe culvert under Eucalyptus Avenue.

LD70. Prior to the issuance of a grading permit, the developer shall secure all necessary off-site drainage easements for the proposed offsite drainage improvements. All easements shall be plotted and labeled on the design plans. Written permission must be obtained from off-site property owner(s) for all off-site grading and easements.

LD71. Prior to approval of the improvement plans, the plans shall show the design for the installation of storm drain Line D-3 of RCFC&WCD's Moreno Area Drainage Plan (ADP). The plans shall show all accompanying drainage improvements such as catch basins, laterals, etc. to properly collect and convey storm flows to Line D-3. Line D-3 shall connect to the existing ditch located on the west side of Redlands Boulevard. The design shall be approved by both RCFC&WCD and the City.

LD72. Prior to approval of the parcel map, the map shall show the appropriate dedication along State Highway 60, shown as a lettered lot, and conveyed to the City, for future highway expansion, consistent with Caltrans' current expansion plans, as approved by the City Engineer.

LD73. Prior to approval of the parcel map, the map shall show the area near the Quincy Channel, shown as a lettered lot, to be dedicated to RCFC&WCD, for drainage improvement construction, maintenance and access purposes. The area to be dedicated shall be coordinated with and approved by both RCFC&WCD and the City.

LD74. Prior to approval of the parcel map, the map shall show the following:

a. A 10-foot street right-of-way dedication on the north side of Eucalyptus Avenue (formerly Fir Avenue) along project's south frontage to ensure a centerline to north right-of-way distance of 50 feet for an Arterial, City Standard 104A.

b. **A 39-foot half street right-of-way dedication on the entire west side of "A" Street along this project's east frontage to ensure a centerline to west right-of-way distance of 39 feet for an Industrial Collector, City Standard 106.**

c. **The appropriate street right-of-way dedication for a cul-de-sac at the northern terminus of "A" Street per City Standard Plan 123.**

d. **A 4-foot minimum pedestrian right-of-way dedication behind any driveway approach per City Standard 118C, on both Eucalyptus Avenue and "A" Street.**

e. **A 2-foot public access easement to the City for the portions of sidewalk which are outside of the public right-of-way, along the north side of Eucalyptus Avenue.**

f. **An 11-foot multi-use trail easement to the City adjoining and north of the 2-foot public access easement listed above for trail purposes, along the north side of Eucalyptus Avenue.**

g. **Corner cutback right-of-way dedications per City Standard 208.**

LD75. Prior to approval of the parcel map, the Developer shall guarantee the construction of the following improvements by entering into a public improvement agreement and posting security. The improvements shall be completed prior to occupancy of the first building or as otherwise determined by the City Engineer.

a. **Redlands Boulevard, <u>future</u> Divided Arterial, City Standard 103A (110-foot RW / 66-foot CC) shall not be constructed to its ultimate half-width improvements with this project. However, it is acknowledged that some level of interim improvements will be required to facilitate the orderly development of this project. This project shall install the required interim improvements as directed by the City's Land Development and Transportation Engineering Divisions during design plan check. Improvements might consist of, but not be limited to, pavement, base, street widening to include an auxiliary lane from the SH-60 E/B off-ramp south to Eucalyptus Avenue, redwood header, curb and/or AC berm, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.**

b. **Eucalyptus Avenue (formerly Fir Avenue), Arterial, City Standard 104A (100-foot RW / 76-foot CC) shall be constructed to half-width plus an additional 18 feet south of the centerline, with an additional 5**

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foot gravel shoulder south of the 18 feet, along the entire project's south frontage and continuing offsite easterly to Redlands Boulevard. A 10-foot right-of-way dedication on the north side of the street, along the project's south property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, redwood header, gravel, curb, gutter, sidewalk, a multi-use trail as approved by the City's Parks and Community Services Department, landscaping, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, removal/relocation and/or undergrounding of any power poles with overhead utility lines less than 115,000 volts, and dry and wet utilities.

c. "A" Street, Industrial Collector, City Standard 106 (78-foot RW / 56-foot CC) shall be constructed to half-width plus an additional 18 feet minimum east of the centerline, along the project's east property line, however, per the planning level documents, the applicant has opted to construct full-width improvements. A 39-foot right-of-way dedication on the west side of the street, along the project's east property line, shall be shown on the parcel map. Required offsite dedications shall be per separate instrument. Improvements shall consist of, but not be limited to, pavement, base, curb, gutter, sidewalk, driveway approaches, drainage structures, any necessary offsite improvement transition/joins to existing, streetlights, pedestrian ramps, dry and wet utilities.

d. The developer shall ensure adequate turn-around on Eucalyptus Avenue at the west end of the project, east of Quincy Channel, as approved by the City's Land Development, Transportation Engineering and Fire Prevention Divisions/Department.

e. Driveway approaches shall be constructed per City Standard No. 118C. The parcel map shall show an additional 4-foot right-of-way dedication behind driveway approaches. No decorative pavers shall be placed within the public right-of-way.

f. The developer shall install all necessary on-site and off-site drainage improvements to properly collect and convey drainage entering, within and leaving the project. This may include, but not be limited to on-site and perimeter drainage improvements to properly convey drainage within and along the project site, and downstream off-site improvements of master plan storm drain lines. The developer shall construct the following storm drain lines: Line D-3 in Eucalyptus Avenue of the Moreno Master Drainage Plan.

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LD76. The Applicant shall prepare and submit for approval a final, project-specific water quality management plan (F-WQMP). The F-WQMP shall be consistent with the approved P-WQMP and in full conformance with the document; "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006, errata corrected 1-22-09. The F-WQMP shall be submitted and approved prior to application for and issuance of grading permits or building permits. At a minimum, the F-WQMP shall include the following: Site design BMPs; Source control BMPs; Treatment control BMPs; Operation and Maintenance requirements for BMPs; and sources of funding for BMP implementation.

LD77. The Applicant shall select and implement treatment control BMPs that are medium to highly effective for treating Pollutants of Concern (POC) for the project. POC include project pollutants associated with a 303(d) listing or a TMDL for receiving waters.

a. Project POC include Nutrients, Oxygen Demanding Substances, and Pathogens (Bacteria and Viruses).

b. Exhibit C of the document, "Riverside County Water Quality Management Plan for Urban Runoff" dated July 24, 2006 shall be consulted for determining the effectiveness of proposed treatment BMPs

LD78. The Applicant has proposed to incorporate the use of bioretention systems. Final design details of the bioretention System and pervious concrete system must be provided in the first submittal of the F-WQMP. The size of the treatment control BMPs are to be determined using the procedures set forth in Exhibit C of the Riverside County Guidance Document. The Applicant acknowledges that more area than currently shown on the plans may be required to treat site runoff as required by the WQMP guidance.

LD79. The Applicant shall substantiate the applicable Hydrologic Condition of Concern (HCOC) (WQMP Section IV) in the F-WQMP. The HCOC designates that the project will comply with Condition A; therefore, the condition must be addressed in the F-WQMP.

LD80. The Applicant shall, prior to building or grading permit closeout or the issuance of a certificate of occupancy, demonstrate:

a. That all structural BMPs have been constructed and installed in conformance with the approved plans and specifications.

b. That all structural BMPs described in the F-WQMP have been implemented in accordance with approved plans and specifications.

c. **That the applicant is prepared to implement all non-structural BMPs included in the FWQMP, conditions of approval, and building/grading permit conditions.**

d. **That an adequate number of copies of the approved F-WQMP are available for the future owners/occupants of the project.**

PUBLIC WORKS DEPARTMENT – SPECIAL DISTRCITS DIVISION

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Special Districts' Conditions of Approval for project PA08-0097; this project shall be completed at no cost to any Government Agency. All questions regarding Special Districts' Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Special Districts Division of the Public Works Department 951.413.3480. The applicant is fully responsible for communicating with each designated Special Districts staff member regarding their conditions.

General Conditions

SD1. The parcel(s) associated with this project have been incorporated into the Moreno Valley Community Services Districts Zones A (Parks & Community Services) and C (Arterial Street Lighting). All assessable parcels therein shall be subject to annual Zone A and Zone C charges for operations and capital improvements.

SD2. **If a median is required to be constructed then**, plans for parkway, median, slope, and/or open space landscape areas designated on the tentative map or in these Conditions of Approval for incorporation into Moreno Valley Community Services District **Zone M**, shall be prepared and submitted in accordance with the *City of Moreno Valley Public Works Department Landscape Design Guidelines*. Contact the Special Districts Division of the Public Works Department to obtain copies of this document.

SD3. **If a median is required to be constructed then**, the developer, or the developer's successors or assignees shall be responsible for all parkway and/ or median landscaping maintenance until such time as the District accepts maintenance duties.

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SD4. **If a median is required to be constructed then**, plan check fees for review of parkway/median landscape plans for improvements that shall be maintained by the Moreno Valley Community Services District are due upon the first plan submittal. (MC 3.32.040)

SD5. **If a median is required to be constructed then**, inspection fees for the monitoring of landscape installation associated with Moreno Valley Community Services District maintained parkways/medians are due prior to the required pre-construction meeting. (MC 3.32.040)

SD6. Any damage to existing landscape easement areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the Moreno Valley Community Services District.

Prior to Building Permit Issuance

SD7. (BP) This project has been identified to be included in the formation of a Map Act Area of Benefit Special District for the construction of **major thoroughfares and/or freeway** improvements. The property owner(s) shall participate in such District, and pay any special tax, assessment, or fee levied upon the project property for such District. At the time of the public hearing to consider formation of the district, the property owner(s) will not protest the formation, but the property owners(s) will retain the right to object if any eventual assessment is not equitable, that is, if the financial burden of the assessment is not reasonably proportionate to the benefit which the affected property obtains from the improvements which are to be installed. (Street & Highway Code, GP Objective 2.14.2, MC 9.14.100)

SD8. (BP) This project has been identified to be included in the formation of a Community Facilities District (Mello-Roos) for **Public Safety** services, including but not limited to Police, Fire Protection, Paramedic Services, Park Rangers, and Animal Control services. The property owner(s) shall not protest the formation; however, they retain the right to object to the rate and method of maximum special tax. In compliance with Proposition 218, the developer shall agree to approve the mail ballot proceeding (special election) for either formation of the CFD or annexation into an existing district that may already be established. The Developer must notify Special Districts of intent to request building permits 70 days prior to their issuance. (California Government Code)

SD9. *Commercial* (BP) If Land Development, a Division of the Public Works Department, requires this project to supply a funding source necessary to provide, but not limited to, stormwater utilities services for the monitoring of on site facilities and performing annual inspections of the affected areas to ensure compliance with state mandated stormwater regulations, the developer must notify Special Districts 90 days prior to the City's issuance of a building permit

and the financial option selected to fund the continued maintenance. (California Government Code)

SD10. (BP) **If a median is required to be constructed then**, final median, parkway, slope, and/or open space landscape/irrigation plans for those areas designated on the tentative map or in these Conditions of Approval for inclusion into Community Services District shall be reviewed and approved by the Community Development Department – Planning Division, and the Public Works Department – Special Districts and Transportation Divisions prior to the issuance of the first Building Permit.

Prior to Certificate of Occupancy

SD11. (CO) **If a median is required to be constructed then**, this project is conditioned to provide a funding source for the capital improvements and/or maintenance for the Fir Ave. (Future Eucalyptus Ave.) median landscape. In order for the Developer to meet the financial responsibility to maintain the defined service, one of the following options shall be selected:

a. Participate in the mail ballot proceeding in compliance with Proposition 218, for Moreno Valley Community Services District Zone M (Commercial, Industrial and Multifamily Improved Median Maintenance), and pay all associated costs with the ballot process; or
b. Establish an endowment to cover the future maintenance costs of the landscaped area.

The developer must notify Special Districts of intent to request building permits 90 days prior to their issuance and the financial option selected to fund the continued maintenance.

SD12. (CO) Prior to release of building permit, the developer, or the developer's successors or assignees, shall record with the County Recorder's Office a **Declaration of Covenant and Acknowledgement of Assessments** for each assessable parcel therein, whereby the developer covenants and acknowledges the existence of the Moreno Valley Community Services District, its established benefit zones, and that said parcel(s) is (are) liable for payment of annual benefit zone charges and the appropriate National Pollutant Discharge Elimination System (NPDES) maximum regulatory rate schedule when due. A copy of the recorded Declaration of Covenant and Acknowledgement of Assessments shall be submitted to the Special Districts Division.

For a copy of the Declaration of Covenant and Acknowledgement of the Assessments form, please contact Special Districts, phone 951.413.3480.

SD13. (CO) Prior to issuance of a Certificate of Occupancy or building final, the developer shall submit a letter to Special Districts from the Utility service

responsible for providing final electrical energy connections and energization of the streetlights for the development project. The letter must identify, by pole number, each streetlight in the development and state the corresponding date of its electrical energization.

SD14. (CO) **If a median is required to be constructed then**, all parkway and/or median landscaping specified in the tentative map or in these Conditions of Approval shall be constructed prior to the issuance of the Certificate of Occupancy/Building Final for this project.

SD15. (CO) Prior to the issuance of the first Certificate of Occupancy or building final for this project, the developer shall pay Advanced Energy fees for all applicable Zone B (Residential Street Lighting) and/or Zone C (Arterial Street Lighting and Intersection Lighting) streetlights required for this development. The developer shall provide a receipt to the Special Districts Division showing that the Advanced Energy fees have been paid in full for the number of streetlights to be accepted into the CSD Zone B and/or Zone C program. Payment shall be made to the City of Moreno Valley, as collected by the Land Development Division, based upon the Advanced Energy fee rate at the time of payment and as set forth in the current Listing of City Fees, Charges and Rates, as adopted by City Council. Any change in the project which may increase the number of streetlights to be installed will require payment of additional Advanced Energy fees at the then current fee.

~~PUBLIC WORKS DEPARTMENT – TRANSPORTATION ENGINEERING DIVISION~~

GENERAL CONDITIONS

TE1. Future Eucalyptus Avenue is classified as an Arterial (100'RW/76'CC) per City Standard Plan No. 104A. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility. Sidewalk shall be curb separated. The project shall construct pavement improvements from the eastern property boundary to Redlands Boulevard consistent with Land Development Condition LD76b.

TE2. Future Collector Street is classified as an Industrial Collector (78'RW/56'CC) per City Standard Plan No. 106. Any modifications or improvements undertaken by this project shall be consistent with the City's standards for this facility.

Prior to Grading Permit

TE3. (GP) Prior to issuance of a grading permit, the project applicant shall submit conceptual striping plans for street improvements along Eucalyptus Avenue as well as Redlands Boulevard.

Prior to Improvmeent Plan Approval or Construction Permit

TE4. The driveways less than 40 feet in width shall conform to Section 9.16.250, and Table 9.16.250A of the City's Development Code - Design Guidelines, and City Standard Plan No. 118C. Driveways wider than 40' shall be designed as intersections with pedestrian access ramps per City standards.

TE5. Prior to the final approval of the street improvement plans, a signing and striping plan shall be prepared per City of Moreno Valley Standard Plans - Section 4 for all streets with a cross section of 66'/44' and wider.

TE6. Prior to issuance of a construction permit, construction traffic control plans prepared by a qualified, Registered Civil or Traffic engineer shall be required.

TE7. Sight distance at driveways and on streets shall conform to City Standard Plan No. 125 A, B, and C at the time of preparation of final grading, landscape, and street improvements.

TE8. Prior to final approval of the street improvement plans, interim and ultimate alignment studies shall be approved by the City Traffic Engineer.

TE9. Prior to the final approval of the street improvement plans, the project applicant shall prepare traffic signal design plans for the following intersections:

- **Redlands Boulevard/SR-60 Westbound Ramp (The City has an approved design and Caltrans permit for this intersection. The applicant shall utilize the City design for construction.)**
- **Redlands Boulevard/Future Eucalyptus Avenue**

TE10. Prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane (additional southbound lane) from the SR-60 Eastbound Ramp to Future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16'.

TE11. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and Eucalyptus Avenue to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One through lane, one right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE12. Prior to the final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Eastbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane
Southbound: One shared through/right turn lane
Eastbound: One left turn lane, one right turn lane
Westbound: N/A

NOTE: All curb return radii shall be 50 feet.

TE13. Prior to final approval of the street improvement plans, the project applicant shall design the intersection of Redlands Boulevard and SR-60 Westbound Ramp to provide the following geometrics:

Northbound: One left turn lane, one through lane, one right turn lane
Southbound: One left turn lane, one shared through/right turn lane
Eastbound: One shared left turn/through/right turn lane
Westbound: One shared left turn/through/right turn lane

NOTE: The City has an approved design and Caltrans permit for these improvements. The applicant shall utilize the City design for construction.

TE14. Prior to issuance of a construction permit, the project applicant shall pay to the City all applicable "Fair Share" impact fees per the findings of the Environmental Impact Report.

<u>Prior to Certificated of Occupancy or Building Final</u>

TE15. (CO) Prior to issuance of a certificate of occupancy, all approved signing and striping shall be installed per current City Standards and the approved plans.

TE16. (CO) Each gated entrance from a public street will be provided with the following, or as approved by the City Engineer:

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A. A storage lane with length sufficient to support the queuing predicted by the traffic study (minimum of 75 feet).
B. Signing and striping at the gate, including no parking signs.
C. A separate pedestrian entry, if pedestrian access is necessary.
D. Presence loop detectors (or another device) within 1 or 2 feet of the gates that ensures that the gates remain open while any vehicle is in the queue.

All of these features must be kept in working order.

TE17. (CO) Prior to issuance of a certificate of occupancy, the project applicant shall construct the intersection/roadway improvements identified in TE9, TE10, TE11, TE12, and TE13 per the approved plans.

<u>Prior to Acceptance of Streets Into The City-maintained Road System</u>

TE18. Prior to the acceptance of streets into the City-maintained road system, all approved traffic control and signing and striping shall be installed per current City Standards and the approved plans.

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PUBLIC WORKS DEPARTMENT – MORENO VALLEY UTILITY

Note: All Special Conditions, Modified Conditions, or Clarification of Conditions are in bold lettering. All other conditions are standard to all or most development projects.

Acknowledgement of Conditions

The following items are Moreno Valley Utility's Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Moreno Valley Utility's Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from Moreno Valley Utility (the Electric Utility Division) of the Public Works Department 951.413.3512. The applicant is fully responsible for communicating with Moreno Valley Utility staff regarding their conditions.

Prior to Recordation of Final Map

MVU1.(R) For single family subdivisions, a three foot easement along each side yard property line shall be shown on the final map and offered for dedication to the City of Moreno Valley for public utility purposes, unless otherwise approved by the City Engineer. If the project is a multi-family development, townhome, condominium, apartment, commercial or industrial project, and it requires the installation of electric distribution facilities within common areas, a non-exclusive easement shall be provided to Moreno Valley Utility to include all such common areas. All easements shall include the rights of ingress and egress for the purpose of operation, maintenance, facility repair, and meter reading.

Prior to Issuance of Building Permit

MVU2.(BP) **City of Moreno Valley Municipal Utility Service – Electrical Distribution**: Prior to issuance of building permit, the developer shall submit a detailed engineering plan showing design, location and schematics for the utility system to be approved by the City Engineer. In accordance with Government Code Section 66462, the Developer **shall** execute an agreement with the City providing for the installation, construction, improvement and dedication of the utility system following recordation of final map and concurrent with trenching operations and other subdivision improvements so long as said agreement incorporates the approved engineering plan and provides financial security to guarantee completion and dedication of the utility system.

The Developer **shall** coordinate and receive approval from the City Engineer to install, construct, improve, and dedicate to the City, or the City's designee, all utility infrastructure (including but not limited to conduit, equipment, vaults, ducts, wires, switches, conductors, transformers, resistors, amplifiers, and "bring-up" facilities including electrical capacity to serve the identified development and

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other adjoining/abutting/ or benefiting projects as determined by Moreno Valley Utility) – collectively referred to as "utility system" (to and through the development), along with any appurtenant real property easements, as determined by the City Engineer to be necessary for the distribution and /or delivery of any and all "utility services" to each lot and unit within the Tentative Map. For purposes of this condition, "utility services" shall mean electric, cable television, telecommunication (including video, voice, and data) and other similar services designated by the City Engineer. "Utility services" shall not include sewer, water, and natural gas services, which are addressed by other conditions of approval. Properties within development will be subject to an electrical system capacity charge and that contribution will be collected prior to issuance of building permits.

The City, or the City's designee, shall utilize dedicated utility facilities to ensure safe, reliable, sustainable and cost effective delivery of utility services and maintain the integrity of streets and other public infrastructure. Developer shall, at developer's sole expense, install or cause the installation of such interconnection facilities as may be necessary to connect the electrical distribution infrastructure within the project to the Moreno Valley Utility owned and controlled electric distribution system. Alternatively, developer may cause the project to be included in or annexed to a community facilities district established or to be established by the City for the purpose of financing the installation of such interconnection and distribution facilities. The project shall be deemed to have been included in or annexed to such a community facilities district upon the expiration of the statute of limitations to any legal challenges to the levy of special taxes by such community facilities district within the property.

The statute of limitations referred to above will expire 30 days after the date of the election by the qualified electors within the project to authorize the levy of special taxes and the issuance of bonds.

MVU3. This project may be subject to a Reimbursement Agreement. The project may be responsible for a proportionate share of costs associated with electrical distribution infrastructure previously installed that directly benefits the project. The project may be subject to a system wide capacity charge in addition to the referenced reimbursement agreement. Payment(s) shall be required prior to issuance of building permit(s).

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PARKS AND COMMUNITY SERVICES DEPARTMENT

Acknowledgement of Conditions

The following items are Parks and Community Services Department Conditions of Approval for project PA08-0097. This project shall be completed at no cost to any Government Agency. All questions regarding Parks and Community Services Department Conditions including but not limited to, intent, requests for change/modification, variance and/or request for extension of time shall be sought from the Parks and Community Services Department 951.413.3280. The applicant is fully responsible for communicating with the Parks and Community Services Department project manager regarding the conditions.

PCS1. A multi-use trail shall be designated for PA08-0097/98. The trail shall be 11' wide, located along the north side of Eucalyptus Avenue (Fir Ave.). The trail requires a crossing over Quincy Street on the north side of Eucalyptus Avenue. The trail shall be designed similar to the Highland Fairview project east of Redlands Blvd. The trail shall be dedicated as an easement to the CSD.
Additionally, a multi-use trail shall be located along the west side of Quincy Channel.

If the applicant's property includes this area, the applicant shall install the trail. The trail shall match the trail on Quincy Street, south of Cottonwood Avenue. This trail is approximately 14' wide, plus another 2' concrete step out from adjoining street (or parking lot). The applicant shall coordinate this trail with RCFC. The trail shall be dedicated as an easement to the CSD.

On November 19, 2008, the Trail Board recommended that the trail be located to the north side of Eucalyptus Avenue, being consistent with the Highland Fairview project.

Standard Trail Conditions

PCS2. Parks and Community Services Department

a. Trail construction shall adhere to: The City's Standard Plans, 'The Greenbook Standard Specifications for Public Works Construction', 'California Code of Regulations Title 24' (where applicable), and the Park and Community Services Specification Guide.

b. The General Contractor shall be a State of California Class 'A' General Engineering Contractor, per the Business and Professions Code Section 7056, or a combination of State of California Class 'C' licenses for which the work is being performed. Licenses must be current and in good standing, for the duration of the project.

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c. All utility easements shall not interfere with the trail or its fencing. A map of all easements and the corresponding easement rights shall be presented to Parks and Community Services prior to scheduling the Tentative Map for approval.

d. (R) A restriction shall be placed on lots that are adjacent to the trail, preventing openings or gates accessing the trail. This shall be done through Covenants, Conditions, and Restrictions (CC&R's). A copy of the CC&R's with this/her restriction noted shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the recordation of the Final Map.

e. Trails shall not be shared with any above ground utilities, blocking total width access.

f. The following plans require Parks and Community Services written approval: Tentative tract/parcel maps; rough grading plans (including all Delta changes); Final Map; precise grading plans; street improvement plans; traffic signal plans; fence and wall plans; landscape plans for areas adjacent to trails; trail improvement plans.

g. (GP) A detailed rough grading plan with profile for the trail shall be submitted and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of grading permits.

h. Grading certification and compaction tests are required, prior to any improvements being installed.

i. A minimum two-foot graded bench is required where trails adjoin landscaped or open space areas.

j. (R) Prior to the approval of the Final Map, a detailed map of the trail and areas adjacent to the trail shall be submitted to the Director of Parks and Community Services or his/her designee prior for review and written approval.

k. (R) All necessary documents to convey to the City and/or the Community Services District any required dedications for parks or open space, as specified on the tentative map or in these Conditions of Approval shall be submitted by the developer to Parks and Community Services, prior to the recordation of the final map.

l. (R) Prior to recordation of the Final Map, the developer shall post security (bonds) to guarantee construction of the trail to the City's standards. Copies of the bonds shall be provided to Parks and Community Services, prior to the approval of the Final Map.

m. (BP) Prior to the issuance of the first Building Permit, final improvement plans (mylars and AutoCAD & PDF file on a CD-ROM) shall be reviewed and approved by the Community Development Department – Planning Division; the Public Works Department – Land Development and Transportation Division; Fire Prevention; and Parks and Community Services Department. Landscaped areas adjacent to the park shall be designed to prevent water on the park.

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n. Eight sets of complete trail improvement plans shall be submitted to Parks and Community Services for routing. Adjacent landscaping and walls shall be shown on the plans. Final construction plans and details require wet stamped and signed Mylars, eight sets of bond copies and one Mylar copy from the City signed mylars, the AutoCAD file on CD, and a PDF file on CD. As-builts for the trails have the same requirements as final plan submittals.

o. All street crossings shall be signed with approved 'STOP' signs, trail signs, and posts. All improved equestrian trail crossings at signalized intersections that are constructed at their ultimate locations shall have high mounted push buttons. These shall be coordinated through the Transportation Division.

p. CSD Zone 'A' plan check fees shall be paid prior to the second plan check.

q. CSD Zone 'A' inspection fees shall be paid prior to signing of Mylars.

r. (BP) The trail shall be surveyed and staked by the developer. The trail shall be inspected and approved by the Director of Parks and Community Services or his/her designee prior to the issuance of any building permits for production units.

s. Any damage to trails or fencing during construction shall be repaired by the developer and inspected by the Director of Parks and Community Services or his/her designee; prior to the last phase of building permit issuance.

t. A minimum 38' radius shall be incorporated on all trails where a change of direction occurs (minor or major). Additionally, widening of the trail is necessary in most situations. This is only necessary where trails share Fire Prevention access.

u. Drive approaches shall adhere to City Std. Plan #118C.

v. Concrete access areas to trails with decomposed granite surfaces shall be rough finished concrete (typically raked finish). The access shall extend to the main trail flat surface.

w. (BP) In order to prevent the delay of building permit issuance, any deviation from trail fencing materials or trail surface materials shall be submitted to Director of Parks and Community Services or his/her designee and approved in writing 60-days prior to the commencement of trail construction.

x. Any unauthorized deviation from the approved plan, specifications, City Standard Plans, or Conditions of Approval may result in the delay of building permit issuance and/or building Finals/ Certificate of Occupancy of the project conditioned for improvements.

y. Where required, decorative solid-grouted block wall (no precision block, stucco, veneer finishes, PVC, or wood fencing) with a minimum height of 72" on the trailside shall be installed along lots that adjoin the trail. Block walls shall be located solely on private property. If landscaping is to be utilized between the block wall and the trail, a PVC fence shall be installed along the trail separating the landscaping from the trail (where required). All block walls that have public view shall have an anti-graffiti coating per Parks and Community Services specifications. Combination block/tubular steel fences shall only be utilized where approved by Parks and Community Services. Tubular steel shall comply with Parks and Community Services standards. Coating for tubular steel shall be anti-graffiti coating for metal per Parks and

MV00115880

Community Services specifications. If alternate products are requested, the requested material(s) shall be presented to the Director of Parks and Community Services or his/her designee for review and approval. Under no circumstances can alternate products be utilized without prior written authorization from the Director of Parks and Community Services or his/her designee.

z. Any damage to existing landscape or hardscape areas due to project construction shall be repaired/replaced by the developer, or developer's successors in interest, at no cost to the City or Community Services District.

aa. All inspections shall be requested two (2) working days in advance from the Parks and Community Services Department at the time of rough and precise grading; fence and gate installation; curb and drainage; flatwork; D.G. installation; graffiti coating; and final inspection.

bb. (BP)Trail construction in single family developments shall commence prior to 30% of total building permit issuance. Trail completion and acceptance (single family developments) for maintenance shall be completed prior to 70% of total building permit issuance.

cc. (CO)Trail construction in multi-family or commercial developments shall commence with the rough grading. Trail completion and acceptance for maintenance shall be completed prior to the issuance of 50% of the total certificates-of-occupancy (for multi-family and/or commercial developments).

POLICE DEPARTMENT

Note: All Special conditions are in bold lettering. All other conditions are standard to all or most development projects

Standard Conditions

PD1. Prior to the start of any construction, temporary security fencing shall be erected. The fencing shall be a minimum of six (6) feet high with locking, gated access and shall remain through the duration of construction. Security fencing is required if there is: construction, unsecured structures, unenclosed storage of materials and/or equipment, and/or the condition of the site constitutes a public hazard as determined by the Public Works Department. If security fencing is required, it shall remain in place until the project is completed or the above conditions no longer exist. (MC 9.08.080)

PD2. (GP) Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the following:

a. The name (if applicable) and address of the development.

MV00115881

b. The developer's name, address, and a 24-hour emergency telephone number. (MC 9.08.080)

PD3. (CO) Prior to the issuance of a Certificate of Occupancy, an Emergency Contact Information Form for the project shall be completed at the permit counter of the Community & Economic Development Department - Building Division for routing to the Police Department. (MC 9.08.080)

MV00115882

PLANNING COMMISSION STAFF REPORT

Case:	PA08-0098 – Zone Change PA10-0017 – Municipal Code Amendment PA08-0097 – Plot Plan PA09-0022 – Tentative Parcel Map No. 36207 P08-133 – Environmental Impact Report
Date:	May 12, 2011
Applicant:	Ridge Rancho Belago LLC
Representative:	Dennis Rice
Location:	South side of State Route 60, on the north side of Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard
Proposal:	Plot Plan for a 937,260 square foot warehouse facility on 55 acres; a Zone Change from Business Park to Light Industrial; Tentative Parcel Map No. 36207 to create a single parcel; and a Municipal Code amendment to Chapter 9.05 Industrial Districts to provide a minimum separation or buffering of warehouse/industrial facilities over 50,000 square feet from adjacent residential districts. An Environmental Impact Report has been prepared for the proposal.
Redevelopment Area:	No
Recommendation:	Approval

SUMMARY

This project proposes the development of a 937,260 square foot warehouse facility on 55 acres. The project requires approval of a tentative parcel map, Zone Change and a Municipal Code Amendment, and certification of a Final EIR.

ATTACHMENT 8

PROJECT DESCRIPTION

The applicant, Ridge Rancho Belago, LLC, has submitted five applications for development of the West Ridge Commerce Center Project, which include a Zone Change, a Municipal Code Amendment, a Plot Plan, a Tentative Parcel Map, and an Environmental Impact Report, in order to develop a 937,260 square foot warehouse facility on a 55-acre site (Assessor's Parcel Numbers 488-330-003 through -006 and -026) located on south side of the Moreno Valley Freeway, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

Zone Change

The project site is currently zoned Business Park (BP) with a Business Park (BP) General Plan land use designation. The Business Park zone limits warehouse buildings to no more than 50,000 square feet. A Zone Change to Light Industrial (LI) is required to allow the larger building proposed by the project. Both the BP and LI zones are compatible with the BP General Plan land use designation.

Land uses to the west include a mix of BP and various residential zones and to east properties are zoned Community Commercial and Light Industrial. Land uses to the south across future Eucalyptus are Residential 2 (Residential – up to 2 units per acre). In other portions of the City, the BP zone provides a buffer between the LI zone and residential zones. In providing for this separation or buffering for the proposed project, a new standard within Chapter 9.05 Industrial Districts of Title 9 and is presented as Municipal Code Amendment in the following section.

Municipal Code Amendment

Buffering of the proposed warehouse/industrial development from the residentially zoned properties to the south was a concern raised and reviewed for the project. Future Eucalyptus Avenue will separate the proposed project from the residentially zoned properties to the south. There is an existing single family residence immediately to the south of the project site, this residence and the vacant residential property to the south have been reviewed as sensitive receptors.

In order to provide greater compatibility between current and proposed land uses, the air quality study included in the project Environmental Impact Report (EIR) proposes a buffer zone of approximately 250 feet from the project's truck court to the residential zone to the south (centerline of Fir Avenue/Future Eucalyptus Avenue).

The Municipal Code currently identifies the Business Park (BP) district as the zone to "provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses".

Application PA10-0017 for a Municipal Code Amendment proposes to add a standard to the Light Industrial zone that would require industrial and warehouse structures greater than 50,000 square feet in building area to be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

If approved, the proposed amendment would be effective City-wide.

Please see Exhibit E to Planning Commission Resolution No. 2011-13 for a copy of the proposed revisions to Chapter 9.05 Industrial Districts of Title 9.

Plot Plan

The Plot Plan is for a 937,260 square foot warehouse distribution facility, to be located on 55 acres located south of the Moreno Valley Freeway and approximately 650 east of Redlands Boulevard. The warehouse facility is a permitted use in the existing Business Park zone and also permitted in the proposed Light Industrial zone. The building is set back 435 from the centerline of Fir/Future Eucalyptus Street while the adjacent truck court is set back 250 from the centerline of Fir/Future Eucalyptus Street.

The warehouse facility includes 173 loading docks with roll-up doors, truck staging and parking areas for 175 trailers within the enclosed truck court, two office areas and 307 parking spaces for employees and visitors. Proposed parking exceeds the City's requirements for truck and employee/visitor parking for a warehouse use.

The loading and truck parking areas have been placed on the northern and southern elevations and are screened by perimeter concrete tilt-up walls with slopes with a tree row also required along the State Route 60 frontage. The lettered lot at the northeast corner of the site will be planted with groundcover and maintained by the applicant/developer until the property is transferred to Caltrans for future development of the reconfigured Redlands Boulevard offramp.

The project has been conditioned to provide standard parking lot and setback landscape to include ground cover shrubs and trees. Two on-site detention/water quality basins will be extensively landscaped. The project's Fir Avenue/Future Eucalyptus Avenue frontage will be developed with curb, gutter, parkway, sidewalk and a segment of multi-use trail.

Tentative Parcel Map

Tentative Parcel Map No. 36207 is proposed to combine the five parcels located within the project site into a single 55 acre parcel with lettered lots to convey property to Caltrans for future development of a new off-ramp and to Riverside County Flood Control for maintenance of a portion of the adjacent Quincy Channel.

Site

The project site is comprised of vacant land that is mostly level and at grade with Fir Avenue/Future Eucalyptus Avenue and at or below grade of adjacent State Route 60. There are no trees, rock outcroppings or existing structures located within the limits of the project site. The project site includes a portion of the Quincy Channel which includes some riparian vegetation.

Surrounding Area

The project is located in an area that includes a mix of business park, office, commercial, residential and agricultural uses. Developed land within proximity to the project site includes citrus groves, the Moreno Valley Auto Mall and Moreno Beach Plaza (Walmart) center to the west at Moreno Beach Drive, the 1.8 million square foot Highland Fairview Business Park (Skechers) warehouse facility under construction to the east between Redlands and Theodore and large lot subdivisions approximately 1/4 mile to the south in the RA-2 zone. Developed uses to the north on the other side of State Route 60 include an RV storage site, a telecommunications antenna, a residence and a feed store.

The vacant 120 acre site to the west is currently proposed for development of a 2.2 million square foot industrial park by ProLogis, The site for this neighboring project is currently zoned Business Park, Business Park Mixed Use, R15, R5, and RA-2. That applicant is proposing a General Plan Amendment and Zone Change from existing zoning to Light Industrial.

Access

The project site will be accessed directly from Fir Avenue/Future Eucalyptus Avenue via Redlands Boulevard and State Route 60. This portion of Fir Avenue/Future Eucalyptus Avenue would be constructed by the applicant/developer as a condition of the project.

The driveways and interior drive aisles associated with the project have been approved by the Fire Prevention Bureau for fire truck access and turnaround. The site has also been designed for adequate truck maneuvering and turnaround within the designated loading zones located on the north and south elevations of the building.

Design

Site design of the proposed warehouse distribution facility is consistent with requirements of the City's Municipal Code.

The architectural design of the building is a concrete tilt-up construction. Building and wall colors include earthtones, with varying amounts of accent colors and vertical

features to break up the architecture of building. Roof top equipment will be screened from public view by parapet walls.

Staff worked with the applicant to ensure that all sides of the building include architectural treatment. The loading bays and trailer storage areas along the northern and southern elevations have been screened from view. The screen wall along the south elevation is a fourteen (14) foot wall of concrete tilt-up construction which will match the building design and colors.

Landscaping for the site is proposed at around 13% of the site area including the water quality/detention basins. The City's Municipal Code does not require a minimum percentage of landscape on a site. Instead, there are requirements for landscape setback areas along perimeter streets, parking lot landscape, street trees and landscape treatments around the perimeter of the buildings where visible from the public right-of-way. The project as designed meets the City's current landscape criteria.

Signs are not a part of this approval and will be reviewed and approved under separate administrative permit.

REVIEW PROCESS

In the review of this project, consideration was given to the potential impact to surrounding land uses by the proposed Zone Change and Municipal Code Amendment as well as the Plot Plan for the warehouse facility.

Upon review at PRSC on November 19, 2008, modifications were required to the site plan. Comments from staff included revisions to the layout of the parking lot, access from adjacent roads, screening, architecture, typical street sections, grading and the submittal of required technical studies.

Subsequent PRSC reviews occurred in May and September 2009, and April, August and November 2010. Upon review of a final draft of the site plan and completion of the Final Environmental Impact Report, a determination was made to schedule this project for a Planning Commission public hearing on May 12, 2011.

The applicant held a community meeting on February 27, 2008, to present the project to neighboring property owners. There were approximately 30 people in attendance. Concerns raised at the meeting were related to the proposed land use changes, traffic, noise, light and glare, aesthetics, quality of life, impacts to property values, air quality, crime, and storm runoff.

ENVIRONMENTAL

Initial Study/Notice of Preparation

An Initial Study was completed after all discretionary applications were deemed complete. Based on the information within the Initial Study, an Environmental Impact Report (EIR) was recommended to be prepared. A Notice of Preparation for the EIR was issued on October 1, 2009, with the public comment period beginning on October 5, 2009 and ending on November 3, 2009. A public meeting to receive input on the issues to be covered by the EIR was held at City Hall on October 28, 2009.

Draft Environmental Impact Report

Subsequent to that meeting, draft environmental documents were prepared by the applicant's consultant Applied Planning and submitted to the City and its peer consultant for review.

City staff and the peer review consultant reviewed the draft environmental documents for compliance with the California Environmental Quality Act (CEQA) Guidelines and required revisions to address identified questions and concerns. After revisions were incorporated into the document, the Draft EIR was circulated for a 45-day public review period, starting on October 22, 2010, and ending on December 6, 2010. A public information meeting was held during the comment period on December 2, 2010

The Draft EIR was sent to all required State and local agencies and numerous interested parties on October 18, 2010, as well as to the City's Environmental and Historical Preservation Board. Twenty-four comment letters were provided during the 45-day review period. An additional two letters were received after the end of the review period.

Final Environmental Impact Report

Responses to the twenty-four comments received during the 45 day review period are included in the Response to Comments. Comment letters were received on December 10, 2010, from the South Coast Air Quality Management District and from a resident, Tom Hyatt. Due to the lateness of the letters, they were not included in the Response to Comments and instead have been addressed in a separate attachment to this staff report.

The Response to Comments and related documents were mailed to all interested parties and responsible agencies on April 28, 2011, to allow for their review prior to Planning Commission hearing, in excess of the minimum notice period of 10 days

required by CEQA. As was the case with the Draft EIR, the draft Final EIR was provided for public review at City Hall, the City Library and posted on the City's website.

Significant and Unavoidable Impacts

Analysis presented in the EIR indicates that the proposed project will have a number of potentially significant impacts, either as direct result of the proposed project or cumulatively with other proposed projects on traffic and circulation, air quality, noise, and aesthetics. The EIR includes a number of proposed mitigation measures to reduce or eliminate potential significant impacts. Even with proposed mitigation, a number of potential impacts cannot be reduced to a less than significant level. As identified in the document, these noted impacts above are considered to be significant and unavoidable.

Although impacts to traffic and circulation, air quality, noise, and aesthetics cannot be reduced to less than significant levels, CEQA allows a decision making body to consider a statement of overriding considerations and findings. CEQA requires the decision making agency to balance the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental impacts when determining whether to approve the proposed project. This would include project benefits such as the creation of jobs or other beneficial project features versus project impacts that cannot be mitigated to less than significant levels. If the decision making body determines that the benefits of a proposed project outweigh the unavoidable adverse environmental effects, it may approve a statement of overriding considerations and approve the project.

Mitigation Measures

The EIR includes mitigation measures intended to reduce project-specific and cumulative impacts for Traffic and Circulation, Air Quality/Greenhouse Gas Emissions, Noise, Water Supply, Cultural Resources, and Biological Resources. All other environmental effects evaluated in the EIR are considered to be less than significant, or can be adequately mitigated below significant thresholds.

Mitigation measures are included to reduce the environmental impacts where possible, even where the impacts could not be reduced to less than significant levels. All mitigation measures have also been included as conditions of approval for the project.

Approval and Certification

The Planning Commission will take public testimony on the EIR and project and forward a recommendation to City Council. Before the proposed project can be acted upon, the City Council will need to review the final environmental document, receive public testimony and either certify or reject the EIR and project Mitigation Monitoring Program.

Municipal Code Amendment

Although the proposed Municipal Code Amendment will be effective Citywide, it is considered a minor alteration to land use limitations which qualifies as exempt under California Environmental Quality Act Guidelines, per Section 15305, as a Class 5 Categorical Exemption.

NOTIFICATION

Public notice was sent to all property owners of record within 300' of the project. The public hearing notice for this project was also posted on the project site and published in the local newspaper. As of the date of report preparation, staff had received no public inquiries in response to the noticing for this project.

REVIEW AGENCY COMMENTS

Staff received the following responses to the Project Review Staff Committee transmittal; which was sent to all responsible reviewing agencies.

Agency	Response Date	Comments
Southern California Edison	October 27, 2008	No Issues
Riverside County Flood Control	December 1, 2008	District Master Plan Facilities

Conditions of approval have been included to address concerns from the responding agencies.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. 2011-13 and thereby recommend that the City Council take the following actions:

1. **APPROVE AND CERTIFY** that the Environmental Impact Report (EIR) for the West Ridge Commerce Center Project (Exhibit A) has been completed in compliance with the California Environmental Quality Act; and

2. **APPROVE** Zone Change PA08-0097 for 55 acres from Business Park (BP) to Light Industrial (LI) as shown on Exhibit B;

3. **APPROVE** Municipal Code Amendment PA10-0017 to provide for setbacks and buffering of warehouse/industrial building from adjacent residential zones as shown on Exhibit C;

4. **APPROVE** PA08-0097 (Plot Plan), subject to the attached conditions of approval included as Exhibit D; and

5. **APPROVE** PA09-0022 (Tentative Parcel Map No. 36207), subject to the attached conditions of approval included as Exhibit E.

Prepared by:

Jeff Bradshaw
Associate Planner

Approved by:

John C. Terell, AICP
Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-13
   Exhibit A - Final Environmental Impact Report
   Exhibit B – Zone Change Map
   Exhibit C – Municipal Code Amendment
   Exhibit D – Plot Plan Conditions of Approval
   Exhibit E – Parcel Map Conditions of Approval
3. Site Plan
4. Elevations
5. Color Rendering
6. Cross Sections – Line of Sight
7. Preliminary Landscape Plan
8. Tentative Parcel Map 36207
9. Aerial Photograph
10. Response to SCAQMD comments
11. Response to Tom Hyatt comments

3. Case Number:	**P08-133**	**Environmental Impact Report**
	PA08-0097	**Plot Plan**
	PA08-0098	**Zone Change**
	PA09-0022	**Tentative Parcel Map No. 36207**
	PA10-0017	**Municipal Code Amendment**

Case Planner: **Jeff Bradshaw**

ASSOCIATE PLANNER BRADSHAW – Thank you. Good evening Vice Chair Baker and members of the Planning Commission. My name is Jeff Bradshaw. I'm an Associate Planner with the Planning Division. The item before you this evening is proposed by the Applicant; Ridge Rancho Belago. They have submitted five applications as part of this proposal. They include a Zone Change, a Municipal Code Amendment, Plot Plan, Tentative Parcel Map and an Environmental Impact Report and those applications are all part of a proposal to develop a 937,260 square foot warehouse distribution facility on a 55 acre site. This is located in the east part of Moreno Valley on the south side of the Moreno Valley Freeway, on the north side of Fir or future Eucalyptus Avenue and about 650 feet west of Redlands Boulevard. I am going to try to present the information to you as succinctly as I can. This is a fairly large project and somewhat complicated project so I hope you'll bear with me as I present the information and I want to make sure it is clear to you; both the Commission and the public.

Starting with the Zone Change, the project is currently zoned Business Park or BP. The General Plan designation for this site is consistent with that. It also has a Business Park General Plan designation. One of the standards of the Business Park zone is the limitation that it places on warehouse structures that are developed within that zone and there is a limit on individual structures being no larger than 50,000 square feet. The Zone Changes proposed in this case to allow for the building that is being proposed; a single structure that would exceed that limitation, so the change proposed is to go from Business Park to Light Industrial Zone and that will allow for the larger building. It is important to note that both the present Business Park Zone as well as the proposed Light Industrial Zone are both consistent with the underlying General Plan designation that is there on that site.

The Municipal Code Amendment that is proposed and if I could provide just a little background on that proposal…Under the current… one of the current standards again under the Business Park Zone is this concept that that district would act as a buffer or transition area between Business Park development and adjacent residential zoning and other sensitive land uses. Even though this site would be separated from property to the south by Eucalyptus Avenue, it is still in its present location located in proximity to residential zoning and so what is proposed by the applicant is to establish in addition to the Business Park

ATTACHMENT 9

MV00115892

separation concept; to establish an alternative or another way of buffering sensitive land use from these larger warehouse sites and so the proposal is a new standard or change to Chapter 9.05 of Title 9, the Industrial District Section and the concept is to add a requirement within the Light Industrial Zone that would require warehouse structures that are larger than 50,000 square feet be separated from any adjacent residential zoning by a minimum separation distance of 250 feet and that would be between the residential district boundary and any warehouse building or truck court loading area and that is a minimum. At the same time the language also suggests that that separation or buffering distance be determined by the results of Air Quality and Noise Impact Studies, so while 250 feet might be the minimum, we might have a project where the studies may actually ask for more than that and so the accompanied Municipal Code Amendment offers another way for development to occur in close proximity or adjacent to residential zoning. And for reference purposes the revised language that is being proposed to that section is attached to Planning Commission Resolution 2011-13 and that is included as Exhibit E for reference.

With regards to the development of the building, the structure that is proposed again is 937,260 square feet. The construction type that is being proposed is concrete tilt-up with architectural treatments on all four sides of the building. The colors for the building and the perimeter walls are earth tones with varying amounts of accent colors and vertical features to help break up the architecture. The facility as designed provides parking for both the trucks and for the employees and visitors to the site. There are 173 loading dock doors. This facility and the project as designed exceeds the City's requirements for parking for trucks, employees and visitors. The loading and truck areas would be screened from view from offsite. The truck court is enclosed by 14 foot tall perimeter concrete tilt-up walls that would screen the loading activities on both the north and south sides of the building. In addition to that, the activity there is screened by slopes and a tree row that also has been conditioned and required of the project along the State Route 60 frontage of the property. You might have noted on the Site Plan there is some area at the northeast corner of the property that extends out into what would be future Cal Trans right-of-way and that area will be maintained by the Applicant with some interim landscape until such time that the property convey to Cal Trans for development of future off-ramp improvements at Redlands Boulevard. As noted on the Site Plan the project has been conditioned and designed to accommodate required landscaping for the parking lot, the project's perimeter, the water quality basins and retention basins that are on site. All those areas will be landscaped to be consistent with the City standards. The future Eucalyptus Avenue frontage will include parkway, a sidewalk and there is also a segment of multi-use trail that will be built by the developer to satisfy City General Plan requirements.

I also wanted to point out some of the obligations that the Applicant has or the developer rather for street improvements associated with this project. They are required to construct at the Eucalyptus Avenue frontage across their site and that

MV00115893

improvement actually extends from their property eastward to Redlands Boulevard. They would be responsible for constructing Street A which is along the eastern property line of the project to a half-width. They are responsible for traffic signal improvements at Redlands Boulevard at the westbound off-ramp as well as at the intersection of Redlands and Eucalyptus Avenue. They will also be responsible for constructing an additional southbound lane on Redlands Boulevard that extends from the eastbound off-ramp down to Eucalyptus and finally they are also required to work with the City to construct turning lanes at a number of intersections there at Redlands Boulevard and the on and off ramps at the 60 freeway, so all of those are required of the project and must occur before occupancy permits are allowed for the building.

The project site is comprised of multiple parcels and so there is a Parcel Map that accompanies this development. The intent of that map would be to combine the five parcels into a single usable parcel so they can develop the 55 acres. It would also allow for the opportunity to convey property to both Cal Trans in the future for off-ramp improvements as well as the Riverside County Flood Control District to complete storm drain or channel improvements in the Quincy Channel along the western property line.

I want to provide just some background on the Environmental that is required for this project because of the scale and size of this project and the potential impacts that would result from its construction. An Environmental Impact Report was required for this project and going back to when this project was submitted, Staff had the opportunity to work with an Environmental Consultant to prepare an Initial Study Check List and out of that Check List it was determined that there were some CEQA categories that needed to be examined further. There was a Notice of Preparation of an EIR that was circulated in October of 2009. The result of that was the City was able to receive responses from various responsible agencies and members of the community. Here they identified concerns that they had with that document. And were able to hold a public meeting in October of 2009 for their input. That information was used in the preparation of a draft document that was prepared and routed to Staff and to a third party; a peer review consultant that was hired by the City to assist in the review of that document and over the course of the next year we worked with the consultant in the preparation of that document. When that document was complete and ready, it was made available; the draft of that document was made available to the public for comment and that was a period that began in October of 2010 and ended on December 6th, 2010.

Again as part of that process we held another community meeting and were able to receive comments from the community as well as other responsible agencies about that document. Following that response period City Staff worked with the consultant to prepare responses to those comments and was able to complete the final EIR and make the response to comments available and distribute those in April of this year.

MV00115894

The Staff Report when it was circulated to you included both the draft document as well as the response to comments and hopefully you had an opportunity to be able to review that information. Another effort the City made to be able to put the information out and have it available for the public was placing it online on the City's website for access as well as making it available in a hardcopy format at both the City and at the library. Again as we examined the project, there were a number of categories that were identified as having the potential for having impacts and through the review of the project it was determined that mitigation measures were required in some instances. Those have been introduced in the document and are included to help reduce impacts where possible. There are categories or instances where the impacts were not reduced to less than significant levels but in all instances mitigation measures have been applied and the impacts reduced to the extent possible.

The EIR did include mitigation measures for the following categories and the intent again to reduce impacts and those are for traffic and circulation, air quality, greenhouse gas emissions, noise, water supply, cultural resources and biological resources as well. The analysis in the EIR indicated that the project would have a number of potentially significant impacts and again in some of those categories and those include traffic circulation, air quality, noise and aesthetics. The EIR identifies mitigation measures to help reduce those, but even with mitigation the categories that I just listed do result in some impacts that can't be reduced to a less than significant level. The California Environmental Quality Act does allow for the decision body which would be the City Council to ultimately consider in instances like this a Statement of Overriding Consideration and make findings in response to that situation and if the decision making body were to determine that the benefits of the project outweigh the adverse environmental effects, it could approve the project with a Statement of Overriding Consideration.

The project presented this evening; standard notification was completed for this project. A Display notice was published in the newspaper; the site was posted as well as notices being sent to all property owners within 300 feet of the property and of this evening I had received 6 comment letters connected to this evening's public hearing and this would be in addition to any comments that were provided through the review of the environmental document. I believe copies of that correspondence was provided to you and there should be copies on the dais and those were letters that were submitted to us from the Sierra Club; from South Coast Air Quality Management District; from Johnson and Sedlack which is an Attorney that represents some residents here in town; some organizations and then also from an individual named Paul Claxton and so all that information has been made available for you.

Additionally there was a memo prepared this evening. It is the yellow correspondence that you have and the intent of that memo is to identify some corrections that Staff noted that needed to be made to the Resolution and was one of those was a correction to some text that shouldn't have been in the

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Resolution; it was an oversight. It was text from another project that needed to be deleted and the other was some additional language that we felt made your action this evening, if you choose to approve the project or recommend approval rather, to make that action more complete. I believe that Transportation had one correction that they were going to suggest to the Conditions of Approval, so I'll give some time to Michael Lloyd from Transportation.

TRANSPORTATION ENGINEER LLOYD – Good evening Commissioners, this is Michael Lloyd with Transportation Engineering. I'd like to provide some clarification on Condition TE10. The condition was intended for Redlands Boulevard and the way it was worded initially wasn't clear, so I'd like to amend the condition such that it would read "prior to the final approval of the street improvement plans, the project applicant shall design a southbound auxiliary lane, additional southbound lane on Redlands Boulevard from the State Route 60 eastbound ramp to future Eucalyptus Avenue. The minimum width of the auxiliary lane shall be 16 feet". Thank you.

PLANNING OFFICIAL TERELL – Yeah and with that I believe that the Community and Economic Development Director wanted to follow-up on Jeff's report.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Thank you. I'm Barry Foster. I'm the Community and Economic Development Director. I just wanted to offer up some ideas from an economic development standpoint and offer my support for this project. I hope that you got a copy; I actually gave out a table. Did you all get a copy of that? I hope you are aware that a couple of weeks ago the City Council actually approved an Economic Development Action Plan and with that Action plan we're looking at accelerating and doing a number of different things in the next two years to really help with development in the community, but most importantly we are looking to increase employment opportunities; create jobs in this community. We think that the driving force in improving the economy in Moreno Valley is to help with the job market; is to address the fact that we've got a 16.2 percent unemployment rate.

A lot of our residents that do have employment have to leave the community for work. I think in the past couple of years, we've done a fairly good job of creating jobs. We've created over 3,600 jobs in the last few years in some very challenging economic times but we really need to do a lot more and so really the focus of that Economic Development Plan is to look at opportunities at a number of areas in the community to try to create more jobs; more employment opportunities for our residents and I think that if you look at these charts they are pretty eye opening in looking at the challenges that we face and kind of where we are at right now. If you look at the top one we are looking at a number of communities in the Inland Region that are fairly similar in size to Moreno Valley with the exception of maybe Chino in terms of population, but you can look really at the work force that is currently there in those other communities versus the

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housing units in those communities and that is really what you striving to do is you are looking for a balance between the number of housing units and the jobs that you have in your community. That is not the number of people; that is not your residents that have jobs; that is the jobs that you have in your community; that are situated in your community. If you look at that list, the only community that is upside down is Moreno Valley. We really need to do a lot better job at creating employment opportunities here in this community and really try to improve that balance. We are significantly out of balance right now. If you drop down to the second group on that table, you can look at those same communities and look at the inventory that is currently developed for Industrial and Business Park in those communities and jobs again; and again we are very lacking in terms of inventory.

With opening of Skechers, we'll have 10.1 million square feet in this community. That is very low in comparison with those other communities that are very similar in size and population. Even the City of Chino which has half the population that we have has 30 million more square feet than we have right now. We need to provide opportunities to have industrial distribution logistics in this community. That is the one way that we are going to help stimulate and produce new employment opportunities and jobs in this community that our residents desperately need to have. If you go down and look at the last part at the survey; that is a current survey that shows the zoning that is currently in place. The project that you are looking at tonight has a Business Park zoning already in place and we're also looking at Industrial, so even including the zoning that you already have in terms of the Business Park, we have 9 percent. At the height; at the top there is Ontario with 25 with the vast majority of those communities are somewhere in the middle there. What is the sweet spot? Where should we be?

I'm not offering any ideas now, but it is certainly should be higher than what we have, so that Economic Development Action Plan that we are really advocating is looking at ways to re-zone areas that are undeveloped to produce jobs. If you look enough people would counter and say we'll got all this property in the south part of town in the Industrial Specific Plan area; you've got some property across the street here. If you develop what is currently zoned there and there are a lot of projects that are being looked at in those areas, you will probably have another 12 million square feet that you could do fairly easily. You still are only doubling what we currently have. You are still nowhere near where the rest of these communities are at. You are really selling yourself short in terms of having available undeveloped land for opportunities with zoning for distribution, light manufacturing and logistics. You are really selling yourself short to have those opportunities for that kind of development, so that's why we are looking at and trying to stress that there are opportunities in the east part of Moreno Valley in that Rancho Belago area where this property is located in to look at opportunities; to make sure that we have property that is zoned properly that can produce jobs.

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The real question with this project is it is currently zoned Business Park, so you are not allowed to do a building greater than 50,000 square feet. It is the same situation that Highland Fairview had with Skechers. It had the same zoning in place. It is do you want a number of small buildings or one large building that can be master designed with four sided architecture and all those kinds of things… with this property if you kept it in place with the way it is you could do 19 or more smaller buildings 50,000 square feet or less. That market is not here. I really don't know when that market will come back. That market of those small industrial buildings it is just not here and I really don't know when and if it will come back again.

The opportunity where the large retailers are looking for is what Skechers did. It is taking 5 buildings that they currently have in Ontario and Mira Loma and putting them into one 1.8 million square foot facility that is better planned and better designed. Skechers saves 15 million dollars annually on their operating costs by moving to that facility. It is state of the art in terms of automation and everything else. It still produces 1,100 jobs; different kinds of jobs. They are not the old school fork lift and all that kind of thing. It is higher tech. It is all computers and that and that is really the direction that logistics is going to, but they are consolidated into one large building and saving money. That is what a number of retailers have seen and that is what they are looking and they need more product; they need opportunities to have those kinds of buildings and that is what the developer is proposing, is one 965,000 square foot building rather than 19 or more smaller buildings. The developer has a solid track record. They have built a lot of projects across the street. They are a national developer. They brought in Serta Mattress; Minka Lighting, ResMed, Frazee Paint and we are working on tentative improvements for Harbor Freight right now. They brought in National…Very respected companies that have produced jobs for this community.

That is really what we need. We need to look at opportunities and make sure that we the proper zoning in place, so this project has done all the EIR's; they've done… there are 80 pages of conditions of approval for this project. They have a significant buffer from the residential, but really the question is do you want 19 or more smaller buildings or do you want one large building. That really is the question, so with that I think from an economic development standpoint, certainly we support the project and I'm happy to answer any questions.

VICE CHAIR BAKER – Are there any Commissioner with questions for Staff?

COMMISSIONER OWINGS – Could I start up?

VICE CHAIR BAKER – Go for it Tom

COMMISSIONER OWINGS – Okay first of all I'd like to clarify something for the new Commissioners so should I address you Mr. Bradshaw?

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ASSOCIATE PLANNER BRADSHAW – I'd be happy to try to answer any questions that you have.

COMMISSIONER OWINGS – Because this Applicant is asking for a Zone Change, doesn't the Planning Commission have the absolute discretion as to whether or not to grant approval for this zone change? In other words take for example last week… a guy comes in and he has a little 16 house housing unit and it meets all the standards; it meets all the criteria; the Planning Commission would be hard pressed to not approve that without a really proper statement of findings, but in this particular case isn't it true that we have absolute discretion whether or not to approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – This type of a change along with the Municipal Code Amendment starts with the Staff presentation to the Planning Commission and their role is to review the information and make a recommendation.

COMMISSIONER OWINGS – No I'm not questioning that, I'm just trying to find our proper role. We have absolute discretion don't we whether or not we approve the Zone Change?

ASSOCIATE PLANNER BRADSHAW – The result of this evening would be a recommendation to Council.

COMMISSIONER OWINGS – Right, but we have absolute discretion, correct?

PLANNING OFFICIAL TERELL – That's correct Commissioner… this is what is called a discretionary review and therefore the Commission has as you said absolute discretion to recommend approval, denial or something in between.

COMMISSIONER OWINGS – So if you have absolute discretion we could potentially bargain for something that would go some standard in excess of the current standards for our approval, correct?

PLANNING OFFICIAL TERELL – You can ask…

COMMISSIONER OWINGS – We'll that's a bargain. Both parties have to agree right… we established that earlier

PLANNING OFFICIAL TERELL – That's correct

COMMISSIONER OWINGS - Okay I can tell that I'm not going to be a second term Commissioner. Can you tell that right now? You know first of all has there been a tenant identified for this?

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PLANNING OFFICIAL TERELL – Well that's really a question for the Applicant but our understanding is there is not a tenant.

COMMISSIONER OWINGS – So this is a spec building so we have no idea what type of business that is going to be housed in this 930,000 square foot building, correct?

PLANNING OFFICIAL TERELL – The specific type; no. It would have to be a range of business that is permitted in that zone.

COMMISSIONER OWINGS – So I looked at the South Coast Air Quality thing and you guys are the experts on all of this and this is a bit above my pay grade in terms of understanding some it, so we have to rely on you to make sure that I do and I do trust the City Staff to make the proper direction or to make the proper responses, but isn't a little hard to ascertain what the traffic would be on Redlands Boulevard if we don't know what type of business is going to go in that 900,000 square foot building.

PLANNING OFFICIAL TERELL – Well I'll defer to Michael Lloyd to answer that question but typically this is a term of our… we look at what is called the reasonable; it's often called worst case development based on agreed standards and I'll let Michael kind of explain exactly how…

COMMISSIONER OWINGS – Well I don't really want to get into lengthy detail, what I just really want to do…

PLANNING OFFICIAL TERELL – Oh it will be short

COMMISSIONER OWINGS – Okay, I just want a general answer to the question in general. Wouldn't it be kind of hard to ascertain the impact to the community both on traffic or pollution? It seems like I read through all of these people's concerns. They seem to center around traffic on the 60 center, traffic on Redlands Boulevard and they center on overall air quality as a result of the trucks etc, so it seems to me that it is a bit difficult to ascertain with any degree of accuracy unless we know what type of person is going to go into it and I'm just looking for sort of a general idea of whether you agree with that or not.

PLANNING OFFICIAL TERELL – Well the assessment was done as this being a warehouse facility, so it is a facility that has a certain number of truck docks and there are averages; accepted standards, but again I'll defer to Michael to talk about that.

COMMISSIONER OWINGS – Okay Michael… you know because there seems to be quite a bit of difference between and take for an example a Big 5 in Riverside across from Raceway Ford and the Skechers plant up here. You know Skechers has lots of truck bays. They may not be all used at one time. They

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may be used sort of for storage until they are filled or until they are directed. The Big 5 is not quite like that and you know from an honest observation of a neighbor of Big 5 which is close to a million square feet, I never see a truck go in or out of it. I would say the impact to the traffic in front of Raceway is almost negligible if any. The employees create more of a traffic problem than the trucks or anything so that is quite a different plant than maybe might or warehoused or might be placed in this particular project, correct.

TRANSPORTATION ENGINEER LLOYD – Correct… there is variation from warehouse to warehouse but as John indicated the standards that we follow are based upon averages, so the calculations are based upon observations as you indicated where there are some warehouses that have lower truck volumes versus warehouses that would have higher truck volumes and we develop averages and then apply it to the proposed project's total square footage and then distribute that traffic onto that street system for analysis.

COMMISSIONER OWINGS – Okay thank you. John it is my understanding that Fairview Highland is prohibited from any traffic on Redlands Boulevard as a result of an agreement between Highland Fairview and the Sierra Club. Is that correct?

PLANNING OFFICIAL TERELL – They are… there is a preclusion of opening up the road that connects to Redlands Boulevard until a future phase of that development and there is a restriction on the …

COMMISSIONER OWINGS - … truck traffic on Redlands Boulevard, right? That is why all truck traffic in Highland Fairview is directed to Theodore?

PLANNING OFFICIAL TERELL – Well as part of Phase 1, it is all directed to there because there is no connection to Redlands in Phase 1, but by Phase 3 there will be a connection and trucks will be directed to Theodore. Obviously once a truck leaves that facility it can't be prohibited from going to Redlands because Redlands is actually a truck route, but the intent and the agreement as you said with the Settlement Agreement subsequent to the approval of that project did kind of give a proactive requirement on the part of Highland Fairview as the landlord to direct trucks towards Theodore.

COMMISSIONER OWINGS – So you say you know Redlands Boulevard is a truck route, so if you know could you please tell me the basis on which the Sierra Club made that part of their agreement with Highland Fairview. I mean what was the purpose of it; what was their concern and how did the agreement resolve their concern or address their concern?

PLANNING OFFICIAL TERELL – Well I can't speak for them. I think there was a concern of adding a lot of truck traffic to a route that is heavily used for commuter traffic primarily from Moreno Valley to the freeway or from Moreno

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Valley to and from Redlands, so there was a concern about if trucks go to Redlands they might be more likely to drive north to and through San Timoteo Canyon to get to the 10 freeway, so I think that was as I recall was their major concern was that trucks needed to be directed towards the freeway.

COMMISSIONER OWINGS – That concern would be just as valid for this proposed project wouldn't it as it was for Highland Fairview?

PLANNING OFFICIAL TERELL – I can't speak for them…

COMMISSIONER OWINGS – In your opinion

PLANNING OFFICIAL TERELL - … but I would suspect they might have a similar concern as I think is expressed maybe in some of their comment letters in the Environmental Impact Report.

COMMISSIONER OWINGS – So maybe impossible to direct traffic from the new project to Theodore but is there a similar possibility of a solution that Sierra Club was able to work out with the developer of Highland Fairview with the current developer of this proposed project?

PLANNING OFFICIAL TERELL – There are not the same options for this property. Obviously this property is much smaller than the Highland Fairview project. It is roughly a third the size of that and truck traffic can go towards Redlands or at some future date could go towards Moreno Beach, which I'm not sure that is a better alternative.

COMMISSIONER OWINGS – Okay, when addressing Tom Hyatt's concerns in your packet in locating the warehouse to another area, the City Staff recommended five alternative sites and reasons why the five alternative sites were not suitable. Noticeably absent from the list was Highland Fairview's property which has approximately 20 to 40 million square feet of available warehouse space. Is there a reason the Staff did not include Highland Fairview in the analysis?

PLANNING OFFICIAL TERELL – Are you referencing in the alternative section of the EIR? I think the…

COMMISSIONER OWINGS – Well in your response to Tom Hyatt's letter, you stated that you had Staff look at the available sites and there were five and there were actually four but you added a fifth one and that none of those sites were really suitable for this project, so I was just wondering why Highland Fairview was not on …

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PLANNING OFFICIAL TERELL – The reason is because other than the Skechers facility, the Highland Fairview property to the south does not currently permit this kind of development on it.

COMMISSIONER OWINGS – Well neither did some of the sites that you proposed as alternate sites, so I don't see that as a criteria for excluding it. You even mentioned in one of your comments that some of those sites would require a zone change.

PLANNING OFFICIAL TERELL – Well I guess I need you to reference the particular page because I am not the person that responded to that.

COMMISSIONER OWINGS – It was actually Jeff because it is unfair to put you on the hot seat. But anyhow is there any reason why Highland Fairview was not included as a potential alternate for a site when you were responding to Mr. Hyatt.

PLANNING OFFICIAL TERELL – I can't think of a particular reason why it would not have been included or it was not included.

COMMISSIONER OWINGS – Okay, alright, this question is for both I think for you John and for you Mr. Foster. It is my understanding the City and you just kind of eluded to that fact, just to prove a City Development Plan or I think that is probably the wrong terminology but you get the idea… what is it; the Action Plan last month and you know from what I read off of the website it was approved by City Council 5 – 0 which designated the area east of Redlands Boulevard as the future corporate park development. How does this project fit into that development plan? Why doesn't it? If the City Council directs in their plan that this type of development would be placed east of Redlands Boulevard, why are we recommending approval for this plan at its current location?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I'm not sure specifically mentioned east of Redlands. It talked about the Rancho Belago area and that's a much bigger area.

COMMISSIONER OWINGS – It does mention that particularly east of Redlands Boulevard.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – I think it was specifically talking about the Moreno Highlands Plan.

COMMISSIONER OWINGS – Let me ask you a question. If it says, if the current plan approved by the City Council says that this type of development should occur east of Redlands Boulevard, would that alter the Planning Staff's opinion of the project?

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PLANNING OFFICIAL TERELL – No, I believe and if I can speak to the most recent action by the City Council; that related to creating additional General Plan designated areas where industrial development could occur and this particular site is already in the General Plan allowing industrial uses.

COMMISSIONER OWINGS – Well it is not allowing the use that they are asking right now or we wouldn't be talking about it.

PLANNING OFFICIAL TERELL – That's correct, but it does allow industrial uses.

COMMISSIONER OWINGS – Alright, I'm bordering on arguing here and I'm sorry. Did the Planning Staff give consideration to require the consistent architectural design consistent with Highland Fairview's building be made a condition of this project to prevent the area from becoming a hodge-podge of building designs. If you look at the industrial site on Sycamore Canyon between Alessandro and Box Springs, it looks like a checkerboard. It looks like somebody said let's try this and let's try that, let's try this and you know this is going to be visible from the freeway and if we are trying to make Rancho Belago into a up-scaled community development park why wouldn't higher standards be required of this building, so the simple question is did you consider it?

PLANNING OFFICIAL TERELL – Well I'm not quite sure what you mean by higher than what?

COMMISSIONER OWINGS – Well you know I'm not talking but beauty is in the eye of the beholder, whether it is a pretty building or it is an ugly building, but it seems to me that there could have been some consideration given and I just want to know if you did to making this project a condition of approval for the zone change that this builder; that this development be consistent in its architectural design with Highland Fairview.

PLANNING OFFICIAL TERELL – And I guess the quick answer to that is no. This is not part of a Specific Plan that has established a particular type of design. Staff did look at this and wanted a high quality of design and also if you look at it, it includes of similarities. The color palette is similar. It is basically white. Most of the building is white and it also includes the spandrel glass which is a material that is very prevalent on the corners of the Skechers building.

COMMISSIONER OWINGS – But there would be nothing that would prevent this Planning Commission to make that a condition of approval, would it?

PLANNING OFFICIAL TERELL – I guess if we could define what that meant…

COMMISSIONER OWINGS – Well at least consistent with the project. I think that's pretty clear. I have seen that lots in Planning Commissions.

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PLANNING OFFICIAL TERELL – I would ask for clarification of it because we would not… I mean Planning Staff would never recommend that this building look exactly like the Skechers building. Probably different than Sycamore Canyon which I agree there is quite a variety of architecture over there and colors; is the Ontario Business Park east of the Airport. It is actually a Specific Plan but you look at the buildings and they are sort of different but they all kind of blend in.

COMMISSIONER OWINGS – John you know there is no standard for Moreno Valley for this; there is no City standard, so the Planning Commission has to act as that standard. Wouldn't you agree? We have to be the one that set the standards.

PLANNING OFFICIAL TERELL – You need to provide direction to set the standards. That is correct.

COMMISSIONER OWINGS – So if we want to have an upscale development park there, shouldn't some consideration be given to creating a building that is consistent with the largest building in the City?

PLANNING OFFICIAL TERELL – And I guess my contention would be that it is.

COMMISSIONER OWINGS – So then Mr. Foster I just was wondering instructionally, could you tell me what the definition of work force is on the chart you passed out.

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – It is all jobs in that community. I don't have a break down on types. It is total work force.

COMMISSIONER OWINGS – When you say all jobs is that all jobs held by people who live in Moreno Valley or is that all jobs held by anybody?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No, those are jobs that are currently in Moreno for all types and that is the same thing with those other communities.

COMMISSIONER OWINGS – So for example taking Ontario, we don't really know if anybody that works; that 107,000 do we know if they live in Ontario?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – We don't, so that might be an unfair comparison right?

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COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No what we are looking at is a jobs balance of housing units…

COMMISSIONER OWINGS – But it really doesn't measure employment in Moreno Valley does it?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No it does not.

COMMISSIONER OWINGS – Thank you. Alright, Industrial Business Park down here where you have these percentages is for each of those, are you trying to equate Industrial Business Park square footage with the percent with employment? Is that what you are saying that there is a direct correlation?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – That's the percentage of Industrial and Business Park zoning in Moreno Valley and those other communities and there is a correlation between the jobs that you can produce from that kind of development.

COMMISSIONER OWINGS – But there might be other factors that might cause Moreno Valley for example to be less than Ontario that are not taken into consideration in this analysis?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes there is

COMMISSIONER OWINGS – Thank you and there could be many factors, right?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Thank you… so the real question is my opinion… Let me ask you a question too. What is your official title for the City?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Community and Economic Development Director

COMMISSIONER OWINGS – So are you John's boss?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – Yes

COMMISSIONER OWINGS – Do you feel a bit funny about advocating so heavily for this in front of this Planning Commission when in fact they are supposed to be the City Staff and take an objective look?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – My comments were from an economic development standpoint.

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COMMISSIONER OWINGS – Well I appreciate that you are wearing that hat, but when you are back in the office does that present a problem?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER OWINGS – Thank you. So that's about it. Thank you.

COMMISSIONER VAN NATTA – I wrote a list of questions and you have hit most of them already but I do have a question. Isn't there plans in the future for a school over on that side of town like maybe north of the freeway north off of Ironwood someplace or sometime in the future?

PLANNING OFFICIAL TERELL – The School District is considering two potential sites for a future High School. They have not yet made a determination. One of those is on Ironwood west of Redlands and the other is at Ironwood and Nason.

COMMISSIONER VAN NATTA – Okay would it be likely that students from the south side of the freeway would be attending that school?

PLANNING OFFICIAL TERELL – It's hard to tell but one of the other things that I participate in is the School Attendance Boundary Committee as a representative and the intent of the School District Staff in looking for High School 5 is really to have all students north of the freeway go to a high school north of the freeway. Valley View High School which is the closest High School in that location, half of their students come from north of the freeway, so one of the thoughts about having High School 5 north of the freeway is that they could have the freeway as a dividing line for school attendance boundaries, but there is nothing to say that students south of the freeway might not attend there just like students north of the freeway now attend Valley View.

COMMISSIONER VAN NATTA – Okay because I'm looking at the traffic patterns here and I'm concerned about people who are going to the north side to the south side, whether it is for work or whether they are driving through San Timoteo to get to work or something like that because if Redlands is now going to be used as a truck route in and out of this location and Moreno Beach is a very busy intersection there with all the businesses and everything and Theodore is being used by trucks, that really limits the amount of access that people south of the freeway have to north of the freeway or to that route up there through the hills to go to work in San Bernardino or Redlands or any place up there and I remember all the debate that went on about building the Highland Fairview project and people concerned about traffic and I remember how strongly it was emphasized that oh no it is not going to be a problem. All that traffic is going to in and out of Theodore and I even saw I thought at one point an architectural rendition showing how it was going to be developed along the future Eucalyptus Avenue to where the trucks could not even go through there to get back onto the

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freeway, they would have to leave the Highland Fairview project, go to Theodore and get on the freeway, so this comment about them being able to use Redlands in the future was a little puzzling to me because I thought it was really clear that the truck traffic was going to be on Theodore.

PLANNING OFFICIAL TERELL – That is the intent of that project and that is the commitment of the developer of that project. The graphic that was shown that I think showed kind of and looked at what is similar across Sunnymead Boulevard as you get up at Frederick, but that is not a requirement of that project. It was just a suggestion that they had or something that might prohibit or you know really make it physically impossible for trucks to go towards to Redlands. The reality is that they've made an affirmative commitment to direct to director traffic to Theodore, but in the final analysis, they can't. It would be very difficult to never have a truck go that way, but your question I think was what is the impact on Redlands Boulevard relative to truck traffic and I'm going to defer to Michael Lloyd because that is an element of the Traffic Study to identify how many trucks and motor vehicles would be accessing Redlands Boulevard to get to the freeway and what is the mitigation to make sure that with that additional truck traffic, should it be approved, that street still operates at a safe and appropriate level consistent with our General Plan.

COMMISSIONER VAN NATTA – And as an add-on to that question I would ask other than I heard you speak about a traffic lane on Redlands Boulevard, but I didn't hear about any specific improvements that this developer would be contributing to on the Redlands interchange. I think it is going to need more than just adding a simple traffic lane to do that and recalling again what we went through on the approval. I mean I watched all the meetings and everything like that and all the things that were required for the development for Highland Fairview. Are there similar mitigations being required of this developer? How much money is going to be put into developing freeway on-ramps and off-ramps and that whole interchange there that is going to be chargeable to this site which isn't a third of the Highland Fairview but more like 40 percent?

PLANNING OFFICIAL TERELL – Well Highland Fairview is actually approved for 2.4 million square feet of industrial and then it has its commercial in addition to that, so it is the total and not just the current building, but yes there are similar mitigation measures and I'll defer to Michael to kind of list those briefly.

TRANSPORTATION ENGINEER LLOYD – Good evening again; Michael Lloyd with Transportation Engineering. Based on the Traffic Study that was conducted for this project, the project applicant would be required to install a traffic signal at Redlands Boulevard and the State Route 60 westbound ramp. They would also be required to install a traffic signal at Redlands Boulevard and Eucalyptus Avenue. The applicant would be required to construct an additional southbound auxiliary lane along Redlands Boulevard between State Route 60 eastbound ramp down to Eucalyptus Avenue. The applicant would also be required to

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improve the intersection of Redlands and Eucalyptus to include turn lanes; that includes a northbound left as well as a southbound right turn lane. The project applicant would also be required to improve the intersection of Redlands Boulevard and State Route 60 eastbound ramp to provide turn lanes. Currently there is a northbound left turn lane. This project would be required to install in the eastbound direction a left turn lane as well as a right turn lane. Currently there is only one lane there, so this would be required to put in an additional turn lane to accommodate the right turning trucks and cars. This project would also be required to install improvements at Redlands and the State Route 60 westbound ramp. I don't recall off the top of my head and I apologize what turn lanes are out there currently today, but I believe there is a northbound through lane; a southbound through lane and this project would be required to construct a northbound right turn lane again to accommodate traffic from south of freeway turning onto the ramp and those are the specific improvements that this project would be required to construct.

PLANNING OFFICIAL TERELL – And those would be similar but not the same as the improvement that Highland Fairview is doing on Theodore.

COMMISSIONER VAN NATTA – Uh huh, so that is in anticipation of a great number of trucks going up and down on Redlands which still doesn't address the fact of what about people going in private cars north and south of the freeway. That still doesn't leave us a safe and easy way to get across without being subject to additional traffic there, but okay I see…

PLANNING OFFICIAL TERELL – There will be additional traffic and there will be truck traffic, so I think the Traffic Study shows that it would meet the standards for the City of Moreno Valley for its General Plan, but again it is obviously going to be more traffic than is there today and trucks that are not there today.

COMMISSIONER VAN NATTA – But what is difficult is gauging the amount of traffic because we were able to take a look at and you know count how many trucks was Skechers going to use because we knew who the tenant was going to be and what are their plans and when do they run and everything else like that, but this still leaves a lot of questions about that. My other question has to do with the chart that you gave us and you are comparing several different communities here to Moreno Valley, but then when you get down into the Industrial and Business Park zoning who have included a couple of other communities. I just want to make sure John was listening because I had a question.

PLANNING OFFICIAL TERELL – I'm sorry… I was just checking because we were thinking that the Traffic Consultant that prepared the study; obviously Michael reviewed it and is very well versed in the City's standards, but it is our understanding that the Traffic Engineer who prepared the Study that was reviewed by Michael is also here, so if we need him I just wanted to verify that but I'm sorry, your question…

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COMMISSIONER VAN NATTA – Okay… yeah but just in response to that, that still is using supposed numbers of maybe and we don't know until we know who the tenant is going to be on that property how it is going to be affected.

PLANNING OFFICIAL TERELL – Right and the reason we do that is because first of all a tenant is not… let me go back. For the Highland Fairview project, the analysis was done the same way as the analysis for this project. The added information was for Skechers as they had more specific information which was lower than what the study indicated, so it was just more information, but the standard; that project was actually reviewed based on the same standard of an average and Skechers identified their truck traffic is lower than the average and whether that changed the decision or not I'm not sure, but the other thing to take into account is once a building is built, we can't assume that the same tenant will be there until the building is torn down or redeveloped, so that's why we have to look at it at this average.

COMMISSIONER VAN NATTA – I understand that when you have somebody in with a 20 year lease or something, at least you know you have some certainty of what is going on for the next 20 years. In looking at your chart here with your Industrial Business Park zoning and the other cities that have been added here and you said there is correlation to employment levels and the amount of Industrial and Business Park zoning in a city, does that mean that Perris with 21.7 percent of Industrial and Business Park zoning as compared to Moreno Valley's with 9 percent has a lower unemployment rate?

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – No

COMMISSIONER VAN NATTA – I didn't think so

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – We didn't have the work force numbers for those three communities so we didn't include those.

COMMISSIONER VAN NATTA – Because it is my understanding that Perris' unemployment level is just as disastrous as Moreno Valley's and yet they have more than double the amount of Industrial and Business Park zoning within their City, which there again we get back into we don't who the tenant is and it is kind of like if I wanted to rent out a room in my house because I need more money, I'm going to very, very careful who I rent to because I want to protect my children and I want to make sure it is safe and everything like that and knowing who is going to be moving in is kind of a nice thing to know if we have it and in this case we don't have it. All we know is that it is going to increase truck traffic on a street that we as the residents were told before was going to be protected from truck traffic. I guess I'm arguing and I should be just asking questions. Okay that was all I had to know.

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COMMISSIONER SALAS – I'm kind of confused. Are we adding a lane to the ramp or are they going to add a lane or are they going to widen the ramp… I mean the bridge over the freeway? Are they widening that?

TRANSPORTATION ENGINEER LLOYD – They would not be conditioned to widen the bridge structure.

COMMISSIONER SALAS – So in other words we're going to add lanes that are going to funnel down to one lane because that is only a one lane going across. Is that correct?

TRANSPORTATION ENGINEER LLOYD – That is correct

COMMISSIONER SALAS – That's not good

COMMISSIONER OWINGS – Just to follow-up to your question, when you say you know if they have been moved out 12 years; a tenant moves out in 10 years, John wouldn't they still be bound by the conditions of approval if they moved in 20 years from now or 30 years and then they'd be right back here asking us to amend those conditions, so it's not really an accurate analogy is it?

PLANNING OFFICIAL TERELL – As long as they can continue to meet the conditions of approval and typically the environmental is done for this broader range of possibilities and not just a specific tenant. That was my point.

COMMISSIONER OWINGS – If Big 5 went out of business tomorrow in their distribution center across from our dealership, any potential tenant would be bound by any of the conditions of approval for that project and they would have to come here or to the Planning Commission in Riverside to seek changes to it, so it's not like it's open season when someone moves out.

PLANNING OFFICIAL TERELL – No, they still have to comply with the conditions of approval and again the conditions of approval, other than special conditions that might have been added are based on the averages. They are not based the specific tenant.

COMMISSIONER OWINGS – So and then on these Industrial Business Park zoning statistics we really probably should have a breakdown between the Industrial and the Business Park portion of it; right, the large buildings versus the small buildings for each of those cities before we can make any real beginning of any kind of analysis as to which one of those types of businesses produces the most business. Now I understand now that the current business climate says you know the bigger buildings are more in favor than the smaller buildings, but there is no real correlation between the size of the building and jobs created are there?

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COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOSTER – There is not and cities will differ in terms of what they classify as a Business Park. Not every city is unique to what Moreno Valley does where they require that 50,000 square feet or smaller. There are a lot of communities that would have Business Park zoning that would require a larger building.

COMMISSIONER OWINGS – You know I just, if by manner of just reminding everybody the definition of average; it is the best of the worse and worst of the best, so depending on where you fit in on that average, it could be good or it could be bad, so that is just more of a comment.

VICE CHAIR BAKER – Okay, is there anyone else for comments to the Staff?

COMMISSIONER OWINGS – I do have one. I hate to belabor it but intellectual honesty demands me to ask you this question. Paul Claxton writes and he says I can hardly wait for 200 semi trucks an hour to roll down the 60 Freeway, Ironwood and other streets creating the noise and the pollution. That is not a factual statement is it?

PLANNING OFFICIAL TERELL – That is related to the Skechers warehouse, right; the comment…

COMMISSIONER OWINGS – Well right, but even that… is that factual?

PLANNING OFFICIAL TERELL – No

COMMISSIONER OWINGS – It is not factual, so what would that actual number be?

PLANNING OFFICIAL TERELL – Something less than 200… There was a number there and I thought it was something of over a little over a thousand was the average… kind of the… It wasn't related to the specific… I believe with Skechers it was a very low number because they knew exactly how many trucks that would be coming in and out of there…

COMMISSIONER OWINGS – And they certainly wouldn't be on Ironwood would they?

PLANNING OFFICIAL TERELL – No, Ironwood is not a truck route is it?

TRANSPORTATION ENGINEER LLOYD – That is correct. Ironwood in this particular area is not a truck route and so they would be prohibited from using Ironwood.

COMMISSIONER OWINGS – Well he goes onto say this warehouse hasn't created a single job in the City. That's not true either is it?

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PLANNING OFFICIAL TERELL – Well it has created construction jobs certainly already.

COMMISSIONER OWINGS – Alright… Well I just think everybody should be honest in their comments.

VICE CHAIR BAKER – Okay, moving on. Does anyone else want to comment? At this point I think we'd like to bring the Applicant forward. Would you please state your name and address for the record.

APPLICANT RICE – Sure my name is Dennis Rice and I reside at 201 Covina, Long Beach, California. I'm with Ridge Property Trust and we're the developer of the proposed project which we call West Ridge Commerce Center. By way of background, Ridge Property Trust is a private real estate investment trust. It was mentioned earlier that we are a national company. We are headquartered in Chicago. We have an office here in Southern California, one in Dallas, Texas and one in Monterey, Mexico and we've done some other work in the City of Moreno Valley and also here in the East Inland Empire. Specifically we have developed about half of the Centerpoint Business Park Project across the street here, which is bounded by Frederick to the west; Cactus to the south; Alessandro to the north and Heacock to the east there. We've built five buildings totaling about 1.85 million square feet. They are all 100 percent leased right now and we have about six more buildings to build there, totaling about just under 1.2 million square feet and that will finish out that project. It is 162 acres. We also have a building down in Perris that we developed. It was 1,310,000 square feet and that was leased out to Hanes Brands and we have room down there to do about another 2.6 million square feet in addition to the building that we're proposing today of 937,000 square feet.

One thing I'd like to point out with the Hanes Brands because we have talked about truck traffic and averages and the best of the worst and the worst of the best, is Hanes again is 1,310,000 square feet. They have and depending on their season; right now they are in their back to school season. They employ between 800 and 900 people in that facility. They average throughout the year 25 inbound trucks and they average 40 trucks per day that are outbound, so a total of about 65 trucks per day on average, which kind of goes to some degree with what Mr. Owings was saying with the Big 5 facility over there near the Raceway Ford Dealership. Before I go any further, I'd like to thank the City Staff; especially Jeff and John. We've worked really hard on this project to get it to this point. Also, I appreciate all the input of the other Planning groups and all the different departments within Public Works, Parks and Community Services and the Police and Fire folks. We've owned this property now for a little over 4 years. We bought it in March of 2007.
One thing I would like to talk a little bit more about the project. I think Jeff did a great job of explaining all the particulars about the project, but one thing we did

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and I believe you may have gotten this package from me is we did a Community Outreach Program that we started about a year ago in June of 2010 and what we did with that program is we mailed about 20,000 project brochures to the residents on the east side. It was a four page color brochure that had a tear away card that people could mail back in and what we got out of that was about 154 responses out of the 20,000. Six of those went undecided; 29 were in opposition of the project and 119 were in support of the project. Back in October of 2010 we hosted a project Open House at our Centerpoint Project where we invited all the people that replied to the cards, various community leaders within the City of Moreno Valley and also the different Moreno Valley Chamber of Commerce's and back then in November we did a promotion to make the community aware of the Public Hearing/Public Information Meeting that was going to take place on December 2nd and also on November 13th and December 11th, we walked door to door on that east end of town and handed out about 800 project brochures on this particular project here and engage with people and answered any questions that they might have with regards to the project within the packages all the response cards that we got in the mail and again some were in opposition and some were in favor and there were some good comments and we have a project website that people can go and refer to.

We have a link to the Draft EIR and also the Final EIR. We also have a 1-800 number they can call and can leave a message and we get back to them and try to answer any questions they may have or discuss any issues that they have. With that we've got our team here that put together the EIR; Ross Geller and Charlie Wray with Applied Planning and are here to answer any questions and also we've got Eric Affith(?) with Urban Crossroads to answer any questions with regards to the Traffic Study that was done.

COMMISSIONER OWINGS – Mr. Chairman may I ask a few questions?

VICE CHAIR BAKER – Yes

COMMISSIONER OWINGS – Mr. Rice my name is Tom Owings; welcome.

APPLICANT RICE – Thank you

COMMISSIONER OWINGS – You know my view of this job is I don't have a dog in the hunt. I am not on anyone's payroll except my own and I feel that our job as Commissioners is just to make sure that everybody in the audience has their questions answered that they would ask if they were sitting here, so I hope you will take my questions in that spirit.

APPLICANT RICE – Sure

COMMISSIONER OWINGS – This is a very impressive book and in fair disclosure/ full disclosure I live on Canterbury Downs Way, which is not within

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300 feet of your project, but I do live within a close proximity to it, so I did get one of these beautiful folders that you sent; questionnaires. I looked it over from head to toe and I couldn't find anywhere in here where you said how large this building was going to be in this brochure. There is nowhere in this brochure does it say it's a million square feet and now I do have to tell you that I've had two cataracts repaired since then or prior to that so I have may have missed it, but I don't see it and I just wondered why it wasn't mentioned when you got the public response.

APPLICANT RICE – Yeah, I don't know the answer to that Commissioner. I believe there were references to the website where you could gather that information.

COMMISSIONER OWINGS – Well you know the question just is begging you know if it is going to create a lot of jobs and have all the positive attributes or things to the community that are attributed by the size of it, that we would mention the size, but that is okay. So then the other thing that I noticed in it was that there were like 19 people who said they were against your project and they basically talked about traffic congestion. You know there were a few vague illusions to you know livability of the neighborhood but really I just don't know, I can't put a finger on what that is… Traffic we all know; pollution we all know and congestion around it by trucks, we all know, so of the people that said that they in favor of it, other than the fact that they didn't realize it was a million square feet. I didn't see a lot of comments about it. There were a few that said jobs, so I wondered if you could address how many jobs will be brought to the community as a result of it, since we don't even know who is going occupy it.

APPLICANT RICE – That is a great question. I don't know the number of jobs. All I can tell you is…

COMMISSIONER OWINGS – Okay, but you do allude to it in your brochure as 300.

APPLICANT RICE – That is based on the number of parking stalls that are available

COMMISSIONER OWINGS – The parking stalls respectfully don't equate to jobs.

APPLICANT RICE – True

COMMISSIONER OWINGS – Especially in the days where they stress so much carpooling

APPLICANT RICE – Right and I'll give you an example of that down in Perris at the Hanes Brand building, they have 800 to 900 jobs. We have 375 stalls associated with that building.

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COMMISSIONER OWINGS – But there again, those are all estimates. You say to the Planning Staff that we are going to have 300 jobs and they tell you how many parking spots you need.

APPLICANT RICE – No, I think that is based on…

COMMISSIONER OWINGS – Well it is based on a Code

PLANNING OFFICIAL TERELL – It is based on the square footage of the building

COMMISSIONER OWINGS – Right, so it is a formula

APPLICANT RICE – Right

COMMISSIONER OWINGS – It doesn't necessarily equate to jobs

APPLICANT RICE – You could have more or you could have less

COMMISSIONER OWINGS – So what I'm asking you is you know it doesn't that that 300 number in this brochure really equates to anything except parking spaces. Is that a fair analysis?

APPLICANT RICE – I guess so, yes

COMMISSIONER OWINGS – And another thing I noticed is that a hundred and something people that said they were in favor of the project, many of them didn't say what zip code they were in and there were a lot of different streets. Was any attempt made on your part on your behalf to determine how many of the people in favor of this project were really living within proximity to the building?

APPLICANT RICE – No, we did not do that

COMMISSIONER OWINGS – So there could be people that aren't even in the same zip code responding that they are support of it. Is that an accurate statement?

APPLICANT RICE – It could be accurate. We could give you a copy of the mailing list if you'd like

COMMISSIONER OWINGS – Well I understand it, but that's a lot of time for me to get a map out and find out where all these people are. I'm just asking did you make any attempt to determine the proximity.

APPLICANT RICE – No we did not

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COMMISSIONER OWINGS – So there could be people who are saying they are in favor of it that live on the other end of town.

APPLICANT RICE – Well the mailing list was pretty much directed to the east end of town.

COMMISSIONER OWINGS – Okay, but I noticed there is one in here for 95551 and it would seem that this building is in 95555, which is the largest zip code in the city.

APPLICANT RICE – Okay

COMMISSIONER OWINGS – So my point is there obviously were people who were mailed this survey… I'm not trying to be argumentative; I'm trying to figure how much weight I should give this survey.

APPLICANT RICE – What I think I'll do is I'll get you a copy of the list and…

COMMISSIONER OWINGS – No, I'm asking you to tell me now.

APPLICANT RICE – I don't have that information with me here…

COMMISSIONER OWINGS – The question is simple. Let me finish the question and then you can answer it. There is a possibility that people said they were in favor of this that do not in close proximity to the building. Is that a correct statement?

APPLICANT RICE – If you say it is, then I'll agree with you.

COMMISSIONER OWINGS – I'm asking you. You did the study.

APPLICANT RICE – We mailed it out to 20,000 people Commissioner…

COMMISSIONER OWINGS – So a fair response is would be you don't know
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APPLICANT RICE – I don't know and what I'll do…

COMMISSIONER OWINGS – I can accept I don't know

APPLICANT RICE – Okay, what I'll do is I'll go back and we'll pull those cards and we'll map those 119 people were.

COMMISSIONER OWINGS – So you mentioned Hanes… I like your example of Hanes, but that is not the tenant here, right?

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APPLICANT RICE – That's correct

COMMISSIONER OWINGS – Okay, so their usage really might not relate to the potential use/potential tenant here.

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – So have you ever signed as a developer; have you ever signed a lease for the development of a large building and then gone to the City and sought entitlements?

APPLICANT RICE – No, because I don't think I could build the building without…

COMMISSIONER OWINGS – Well you sign the lease conditioned on entitlements, right? Have you ever done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – Okay, so that is not a practice among builders of large buildings?

APPLICANT RICE – No and I don't think there is really any tenants in the market that would ever sign a lease conditioned on entitlements because there is no guarantee that they are going to be able to get that building.

COMMISSIONER OWINGS – Are you familiar with Skechers?

APPLICANT RICE – Sure

COMMISSIONER OWINGS – Did they sign a lease prior to having all their entitlements?

APPLICANT RICE – I don't know
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COMMISSIONER OWINGS – I think they did. John do you know?

PLANNING OFFICIAL TERELL – Well that was what…that was said and…

COMMISSIONER OWINGS – So to the best of your knowledge Skechers signed a lease prior to having its entitlements?

PLANNING OFFICIAL TERELL – Yeah, but I will say that is very unusual

COMMISSIONER OWINGS – That's unusual, but that's what happened, right?

PLANNING OFFICIAL TERELL – Yes

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COMMISSIONER OWINGS – Okay, but you have never done that?

APPLICANT RICE – No

COMMISSIONER OWINGS – So it would make it more difficult to get somebody to sign on without entitlements?

APPLICANT RICE – It would. If you weren't able to get the entitlements they obviously would want a right to cancel the lease

COMMISSIONER OWINGS – But right; I agree with that. That would be obvious. My point is this; you know this is kind of a pig in a poke to us and it would sure… and I'd probably vote for it in a nanosecond if I knew who was going in there and the City had some way of really having a better estimate of all the impact that it could have to the City and the residents around and so you know I'm just trying to get to that point to I can vote for your project, so I'm just wondering could we or how uncomfortable you'd be to say come back to us after you've had a tenant in mind or even…

APPLICANT RICE – And then seek entitlements then…

COMMISSIONER OWINGS – Well seek the zoning change, yes

APPLICANT RICE – Um, I think it would be very difficult because there are other opportunities for those tenants to do those build to suits with a guarantee that they can get that building and there is obviously a lot involved planning wise for a user of that size to know that they are guaranteed a building there or not.

COMMISSIONER OWINGS – Would you have any objections to my earlier comments to making the building consistent to the Skechers building architecturally?

APPLICANT RICE – I think like you said, the beauty is in the eye of the beholder and I think this building is just as good or if not better than the Skechers building.

COMMISSIONER OWINGS – Well in terms of the standard of construction, would you say it is going to be the same standard of construction?

APPLICANT RICE – What is standard of construction mean?

COMMISSIONER OWINGS – Well the level of construction; excuse me; wrong term. Would it be the same level of…?

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APPLICANT RICE – Yes, it will be a concrete tilt-up; extensive amount of glass. It has got a lot of that metal that you see on the Skechers building around the square windows.

COMMISSIONER OWINGS – Yeah but, okay, but it does look totally different than the Skechers building to me. Would you have an objection to a condition that would require you to make it more consistent with the Skechers building?

APPLICANT RICE – I think I would, yeah

COMMISSIONER OWINGS – Fair enough

APPLICANT RICE – Skechers is Skechers and we don't want to be like Skechers and we don't want to be like Highland Fairview. We want to have our own identity and I think it is better for the City too.

COMMISSIONER OWINGS – Well you know it seems to me that you are going to want people to move or whatever tenant comes into that particular building is going to want people to live where they work, right?

APPLICANT RICE – Yes

COMMISSIONER OWINGS – So we have to have an eye to protecting the visual impact that this building will have in the very area in which we're going to ask these people to live. Would you agree with that?

APPLICANT RICE – Absolutely

COMMISSIONER OWINGS – You know, initially when Skechers opens, it is my understanding that most of the people that will be employed there probably still live in Ontario, so it is our job as a City to seek those people to come over here and live here so that there being here means something; taxes; spending their money here; etc, etc., so it would seem to me that we don't want to have an eyesore from one end of the 60 freeway to the other of these large buildings that all look alike, so I'm hard pressed to understand while consistency in architectural design is so objectionable, but with that I'll just pass it on to the other Commissioners.

COMMISSIONER VAN NATTA – I had a little time on my hands while I was watching Dancing with the Stars the other night and I went through a couple of pages of the comments, just where you had the addresses and stuff of the people and I did mark down on a map. I used red for the people who were against it and green for the people who said yes they would like it and I know you probably can't see too much of that here and this isn't all of them by any means, but it might not surprise you to know that the closer they were to the project and the more rural or larger the properties that they lived in, the more likely they were

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to say they did not want the project there and that most of the responses that said yes they liked the project were clear down along the south side of town along LaSalle, south of Iris; some of them over in the 92551 area and so it seems like those that are most impacted with the project and have the biggest objection to the traffic and everything else like that were the ones that were closer, so just kind of respond to what you were asking him about that and that does kind of give a feel there, but also I circled in purple on this from your report here when you said that you did door to door in a particular area and with one exception and that was clear down on this side of here, just going through those first couple of pages where there were yeses and no's, all the ones that were within that area that you seem to feel that were most impacted where the ones that said they didn't like the idea of the project there, but that was just to elaborate on what you were talking about where it was. I didn't really have any other questions beyond that except for your hotline and I'm looking at what you gave us on your hotline and the answers that they were allowed to give after name, phone number, email address, their options were yes, undecided and looking for work. There wasn't anything there that said no, so if they did call into the hotline and it is interesting that almost everybody that said yes, also marked the looking for work, which might have impacted their answer yes, but why wouldn't the hotline have an opportunity to say they didn't like it rather than yes or undecided.

APPLICANT RICE – I don't know the answer to that question

COMMISSIONER VAN NATTA – Okay, fair enough, thank you.

VICE CHAIR BAKER – Is there anyone else? Okay, Commissioner Crothers has a quick question?

COMMISSIONER CROTHERS – I just want to thank my fellow Commissioners for bringing up some of the issues that I also have while going over these proposed projects and I just want to thank you for being so efficient and thorough.

VICE CHAIR BAKER – Is there anyone else for questions to the Applicant?

COMMISSIONER OWINGS – You know Mr. Rice I wonder is there anything that we should have asked you that we didn't that you'd like to elaborate on or any of the people that you brought with you that could inform us of the traffic situations beyond or any of the other concerns that you would like to address tonight?

APPLICANT RICE – No I think you did a pretty good job. Nothing comes to mind that I would want to ask you right now. We have put a lot of work into this and I appreciate your consideration. I guess I could ask my team if they have got anything they'd like to contribute.

COMMISSIONER OWINGS – Certainly, with your permission Mr. Chairman

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APPLICANT RICE – We'll wait until Public Comments. Okay, thank you

PLANNING OFFICIAL TERELL – Yeah Chair, at this time and I don't know if this might be an appropriate time to take a short break if you like or not before we start the Public Comments. I do know that Commissioner Crothers has to leave to go to work, so…

VICE CHAIR BAKER – That's fine, do we need a…

COMMISSIONER OWINGS – Maybe we should just soldier on

PLANNING OFFICIAL TERELL – That's up to you, but I just wanted to give Commissioner Crothers…

VICE CHAIR BAKER – She is going to work, so if want to keep moving forward, I'm with you on it okay.

PLANNING OFFICIAL TERELL – Obviously we'll have a tape of these minutes, so should a decision not be made tonight you would have an opportunity to review those and still participate.

VICE CHAIR BAKER – Oh do you want to take a break?

COMMISSIONER SALAS – No go ahead

VICE CHAIR BAKER – You're okay… We'll open the Hearing up for Public Comments on Item No. 3.

PLANNING OFFICIAL TERELL – If we can just hold off allowing Commissioner Crothers to leave and then we can start so she is not walking in front of somebody that is speaking.

VICE CHAIR BAKER – Thank you. Okay our first speaker will be Susan Zeitz; excuse me and we do have a three minute limit. Please state your name and address.

PLANNING OFFICIAL TERELL – Yeah unfortunately those are the rules that have been established, so…

SPEAKER ZEITZ – My name is Susan Zeitz and I've lived here since 1984 at 26386 Ironwood Avenue here in Moreno Valley; unfortunately on Ironwood. I'd like to address a few of the things that you guys have been talking about versus my original thing; high schools. The majority of students who go to Valley View come north from the north side come from the north west and that's where the High School needs to be. Putting a High School on site number one or two, but especially number one is like a Cinderella story. They are trying to fit the land to

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the project instead of the project to the land. Additional traffic is going to be a nightmare. Two High Schools so close together with more than 3,000 hormonally challenged teenagers is not a good idea.

VICE CHAIR BAKER – Would you address the subject matter here

SPEAKER ZEITZ - I'm getting there.

VICE CHAIR BAKER – Okay you've got three minutes

SPEAKER ZEITZ – You guys covered all this stuff too. Yes you did, I heard High School and I heard all kinds of stuff; traffic; bridges; gas prices over there; the truckers are not going to stick with the freeway routes, they are going to go the shortest route. They are going to be on Ironwood. Any increase on big rig traffic north on Redlands Boulevard is going to be a nightmare for the people who live on the other side of the side hill. There is already a problem and people trying to go around these rigs on Ironwood and on Redlands Boulevard and different places are going to have more head on collisions, so traffic is already bad on Ironwood; it is already bad on Redlands Boulevard. The bridge is a nightmare on Nason trying to get to the High Schools because improvements weren't done when those projects were approved other at Target and all that.

The same thing with Skechers; narrow bridge; wide roads on either side; it is a no-brainer. It is going to be a problem. They already exceed the speed limit on all of that area over there. I don't know why the planners let them put in the buildings before they make all of the improvements. The warehouses on the northeast and southeast are ludicrous, they should be near the freeway interchanges and not on the end of the town where they are going to try to take shortcuts and they are going to impact not only the people immediately there but a lot of other people too.

The State of California requires that every City and County have an adopted General Plan to provide guidance and direction, but it doesn't say they should continuously manipulate it to suit those with monitorial resources beyond the means of most of its citizens. Some of our citizens like us moved into this area because it is largely rural. Some moved into this area because they liked the original General Plan. Everyone can understand a General Plan will change a little over time but not to the extent that our City becomes unrecognizable from the first plan. Every time someone wants a petition to change or amend the General Plan the City Council should first take into consideration the City's original General Plan and not it's most recent predecessor. We purchased our home in 1984 before the incorporation and went to the City meetings and the planning meetings and we liked the way the plan was made, but every time someone comes; every time a developer comes in and waves money in front of you and the City Council, bam, we have an amended General Plan.

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Often the only people that are notified are those people within 300 feet. It is ludicrous because what happens in Moreno Valley truly affects every taxpaying citizen and the City is sneaky. I feel that any time there is a petition to change or modify the original and I do mean the first one General Plan that written notice should go out to every taxpaying citizen and not just those within the 300 feet. This buyer; these people; they bought this building for almost 3 million dollars knowing that it's not for what they want. They want to put a warehouse there but they didn't buy it… they bought it knowing it wasn't zoned for that, so they are feeling pretty certain that they are going to come in front of Moreno Valley and they are going to be able to change it. You know if they thought you'd say no, they'd still have spent that money for a piece of property that they can't build a warehouse on; I don't know. The Press Enterprise quotes Darryl Hill who is the Vice President of the Dom Commercial Real Estate services sold the property; it says obviously they wouldn't have purchased this property if Skechers hadn't happened. It is wrong to come into an area of rural homes and farmlands and build something not in keeping with the area. You should have never allowed Skechers.

Don't compound the mistake by allowing more warehouses or commercial properties to ruin the rest of the northeast and southeast end of our Valley. Keep the industry to the east of Perris Boulevard. Stipulate that before pristine land can be plowed under and covered in concrete that the unused or underused commercial areas be utilized first until there just isn't anyplace left to expand. Don't make our valley one continuous gigantic concrete city. Development should be done where it has the least amount of impact both on land and its citizens. Draw the line. Stand your ground. Once pristine land is covered in cement it is gone forever. Preserve what is left of our rural areas of our valley for future generations. I hadn't spoken up about this before because I just found out about it because I live more than 300 feet away and I'm against or any other warehouses being built on the northeast or southeast end of our valley. Thank you for giving me the time.

VICE CHAIR BAKER – You're welcome. Our next Speaker is Deanna Reeder. State your name and address for the record please.

SPEAKER READER – My name is Deanna Reeder and I live in District 3 and I appreciate Mr. Owings and Ms. Van Natta; your questions very much because we need to question the things that we do. Mr. Ramirez, I'm going through these comment cards here and you have a comment card here that you were for the West Ridge Warehouse, which means that you probably should exclude yourself from voting on this because you are not an unbiased party. You are a very biased party. You've already participated in getting it here. Mr. Baker, the last City Council meeting I was at you sat whispering in Mr. Benzeevi's ear through the meeting. I don't think you are very unbiased either. If you are going to be up there making decisions on people projects maybe you should show just a little more discretion on where you hang out and who you hang out with. You should

MV00115924

at least put on an air that you are unbiased about it. Now in case you didn't know Mr. Rice is on the Rancho Belago Economic Council, Board of Directors along with Benzeevi and you know some of his good old boy club and that's fine; it is his project, but you all need to be doing your jobs in representing the people of this City. I believe most of you were appointed because they expected you to vote the way Mr. Benzeevi wants you to vote. Now that might not happen and that's not a bad thing. Like I said I appreciate the questions; surprised as all whatever, but I do appreciate it. I watched… well I send out emails to people and urge them to send out emails or contact or go to meetings or what have you; you have one email that is in there by Mr. Hyatt and I know there was a lot more emails so I'm just wondering where they were at, because most of the people that I contacted that sent emails on, actually explain why.

On the Skechers project; if you read their emails, most of them were weenie jobs. Well you know what, when they built Skechers, they had what a thousand people working there and the unemployment in Moreno Valley went up the entire time. Guess what; what jobs now; didn't happen and the people that are going to work there aren't from Moreno Valley. Now by attrition, eventually some of them will be from Moreno Valley, but jobs now didn't; it is not going to happen; tax base that's not going to happen. That's a pile of crap too. We have a 14 million dollar deficit and Skechers is supposed to contribute 190 thousand dollars a year in economic benefit; so in three years that is 570 thousand dollars. How come we can't get 14 million from them because it is not going to happen? You know what when we say jobs and we say economic benefit, these are empty promises. Please do not approve a speculative building. I mean even the ones that aren't speculative aren't giving us what they said they were. It obstructs the view more than they said. It is not going to have the landscaping they promised. You try to get out of the other stuff and… Mr. Rice I approve of the things that you put in District 4 just so everybody knows where I live at. Through my backyard I look at a big blue Walgreen's building. Now Skechers was put where it was supposed to be I would be looking at it every day. I don't look at it every day because it is not where is supposed to be. Now if this building was put where it is supposed to be I would be looking at this, so you know these people that tell me this nimbi crap; that's crap because if you put it where it is supposed to be I would be looking at it from my backyard and I don't have a problem doing that because that is where it is supposed to go, so the next person that tells me nimbi, you can do whatever with it; I'm not going to say it but you get the idea, so that is not the case.

Things are planned. You need to put things where are they are planned. You need to approve them where they are planned. Mr. Benzeevi bought his approval and just like in San Bernardino, eventually I'm he is going to pay for it. In fact I'm very sure eventually he is going to pay for it. But you know what, it has been what six years since what they did in San Bernardino happened and are just now getting indicted. Things take time; but don't worry, it will happen. Please don't let him buy an approval and then start getting other warehouses where they don't belong. This warehouse does not belong there and just like I

MV00115925

told Mr. Benzeevi and I did. I said if you put the warehouse where it supposed to go I will support it. I did. I offered to support the Skechers if it where it was supposed to go and I am not anti-warehouses. Now if Mr. Rice will put the building where it should go, I will support it. I will not support over there and I will ask that you listen to the citizens of the City; not the 500 that Mr. Benzeevi paid to show up in buses, but the actual people that live here. Thank you.

VICE CHAIR BAKER – Thank you. The next Speaker we have is Alisha Zeitz. Please state your name for the record and your address.

SPEAKER ZEITZ – Hello my name is Alisha Zeitz and I live at 26386 Ironwood Avenue. I am the face of the youth who will need a future job. I will need to apply to College and jobs in the next year, so if this Skechers building is bringing in 1,100 jobs that are mostly technology based, how am I or any of my 3,000 plus piers going to get a job with this expertise at Skechers. I begin with this question. It has been brought to my family's attention that the City of Moreno Valley City Council per their City of Moreno Valley Deficit Elimination Plan has removed funding from our Moreno Beach Fire Station 58 at Eucalyptus Avenue and Moreno Beach Drive in the Auto Center across from Walmart. This cut eliminates 8 sworn firefighters and truck 58; our City's only paramedic truck company. Calls will be assigned to the remaining stations in the City which they expect will drop their response time to 60 percent efficiency, which can be the difference between life and death. Yet you propose adding more industry which increases the change of industrial accidents where those services will be needed the most and increase the number of big rigs coming and going in and out of our valley, which increases the unfortunate, but likely chance of negative interaction between those tens of thousands of ton trucks with our family vehicles.

The northeast and the southeast end of the valley will be affected the most because we will now be the furthest from help0. This is another good reason to keep the northeast and southeast areas of our valley rural and not allow further commercial or warehouse industry into this area. Also the City of Moreno Valley is located with the South Coast Air Basin. The basin is a physical unit that due to low wind speeds and prevailing inversion layers retains pollutants for substantial periods. This slow dispersal of pollutants results in high concentrations of primary pollutants including carbon monoxide. The basin also supports the formation of the ozone. The atmospheric haze created by the presence of these pollutants is known as smog. Adding more industry to the northeast and southeast end of the valley will further pollute our homes. Please don't change the zoning to allow more warehouses. Let's retain rural areas of our valley. Thank you.

VICE CHAIR BAKER – Thank you. As it sits here I have no more Speaker Slips for this item, so I'm going to close the Public Hearing.

MV00115926

PLANNING OFFICIAL TERELL – At this time I think if you could leave the Public Hearing open and call the Applicant back.

VICE CHAIR BAKER – Okay, sorry about that. We'll open the Public Hearing up and let's do that. Mr. Rice do you want to come forward and rebuttal some of those comments.

APPLICANT RICE- Yeah I think just a couple of clarifications. Susan had mentioned purchasing the property for 3 million dollars. That wasn't our particular site; the site immediately east of us between our east boundary and Redlands was sold; my understanding in reading a newspaper article less than 30 days ago and I believe the price was 2 or 3 million dollars or so. It wasn't our site and then Ms. Reeder had mentioned something about me being on the Board with Iddo; on a Rancho Belago Board, which I have no idea what she is talking about because I'm on no Board for Rancho Belago.

VICE CHAIR BAKER – Okay, thank you

APPLICANT RICE – You bet

PLANNING OFFICIAL TERELL – So are you going to close the Public Hearing?

VICE CHAIR BAKER – Yeah, I'll close that.

PLANNING OFFICIAL TERELL - I wanted to kind of have the City Attorney comment on one of the comments that was made.

DEPUTY CITY ATTORNEY BRYANT – One of the comments supposed that a Commissioner may have pre-judged the item. I just wanted to remind the Commissioners that if anybody has pre-judged an item before the finding, they might want to recuse themself from making a decision if they have pre-judged it. Perhaps more facts have come out but as long as you can keep an open mind and think you can go ahead and make a decision on the item.

COMMISSIONER OWINGS – I think it is important to note that he wrote that card before he was a member of the Planning Commission. So are we into…

VICE CHAIR BAKER – So what we do next is we are into Commissioner's Debate over the project.

COMMISSIONER OWINGS – Mr. Chairman or Mr. Commissioner could I… I'm probably going to hate myself for these comments but… I would like to first all say that I trust every person at this dais. I trust your motives and the people who are against this project or any project who use ad hominem attacks to discredit a project really are hurting themselves and I think that this City will never get to a point where it will grow in a positive way if we don't stop all of this; this non-fact

MV00115927

base of personal attacks. Whether or not Iddo Benzeevi is a good person or a bad person, he has certain rights in this City and they should be obeyed or they should be respected. Every person in this room has certain rights that need to be respected by Mr. Benzeevi and everybody else and we need to live by those rules, so I would really just encourage everyone and I know this is going to fall on deaf ears, but we need to stop this.

There is not a single person involved in this Planning Commission that has dishonorable motives and if they do you know it is not our place to judge them. Let their votes and their comments stand for that, so I apologize to you and I know that today I didn't receive any but I know that next week I might, so I would just hope that we could all restrain ourselves from those types of attacks and especially to you Mr. Rice and I apologize for myself. In terms of the question that is before us, you know I believe that I heard everything that was said by the people who were here speaking.

I do believe that markets change and I think that these folks bought this property with the intent to do something with it that was consistent with the current zoning and I think that the market no one could foresee 2009 and the market changed and so now they want to do something different with it and unlike the earlier situation, this is not a contractual agreement, this is a matter of property rights, so I agree that they have the right to ask for this and I happen to agree that under certain circumstances it should probably be granted, but I personally cannot vote for the project until I know who the tenant is and I especially can't vote for it when there is 40,000 square feet or 40 million square feet of potential space somewhere else or within eyeshot of the building, so until we know who is there, I feel that it is impossible to judge the exact impact to the community and therefore

I will vote no, but I will tell you this Mr. Rice, if you bring a tenant here and can bring this thing down to more manageable numbers and be more persuasive about actual jobs and impacts to the area you'd have my vote in two seconds and that is the situation that I find myself in tonight and I appreciate everybody listening.

COMMISSIONER RAMIREZ – I just want to address what was mentioned about me earlier. Again as Commissioners we take this obligation as a privilege to serve the people. We are here to provide a non-biased, but yet intelligent perspective opinion on what is presented to us. The future of our community is basically our responsibility; our State. Wherever we build today is going to be here well after we are gone; it is going to be for our kids; for our future, so having said that I am going to say clearly I am here to vote against this and the reason why is because the traffic situation on Redlands Boulevard jeopardizes the security of everyone there. I believe the future of our community if we are to develop in an economic and industrial way, we have to do it in an efficient, logistical manner. I think Theodore Boulevard is the ideal location to route traffic in and out of the City. I think we should protect our citizens, especially those that

MV00115928

live off of Redlands north and south of the freeway, so the concern that I have also is that I agree with Commissioner Owings is that it is hard for us to say yes; let's go ahead and vote for this when we don't have a tenant that will bring jobs. It is all speculative. You know the other projects that they have south of the City; those have tenants already. I would like to see a tenant that will come into our community that would be basically at the cutting edge of the economic industry; basically like Skechers in other words; a tenant that is willing to be here for the long haul that is committed to help this community prosper and thrive. That's all I have to say. Thank you.

COMMISSIONER VAN NATTA – I don't think that we can always expect that when somebody is building an industrial building that they are going to know who in advance who the tenant is going to be and I think that is an unrealistic expectation and usually isn't going to happen. They may have some perspective tenants but it not going to be that often that somebody does a project of this size that's build to suit like the Highland Fairview project did for the Skechers tenant, but my objection to this project has to do with fact that it was very, very clear when Highland Fairview was putting their application in for their huge building in on the east end of town that that was a major paradigm shift for a lot of people; that that was not what a lot of people saw that was going to happen on that end of town and even though it may end up being the best thing for the City it was only approved after a lot of people were convinced that it was going to be pretty much curtailed to that area from Redlands east and that it wasn't going to increase truck traffic coming through the residential area there along Redlands and that future development of this type was going to be encouraged to be other high end tenants like the Skechers project and that that was the only way that we could tolerate that kind of development on the east end of town, was if it was upscale; if it was somewhat contained and so forth. This project is lovely as a warehouse as it is, looks just the same as the other big box warehouses that are in other areas of town. I don't think it reflects the level of or the type of building that we want to see on the east end of town, but more than that it puts truck traffic onto Redlands Boulevard and for no other reason than that I would vote against this project just because of the impact that it is going to have on the residents of that area and their somewhat semi-rural even though much less rural than it used to lifestyle.

COMMISSIONER SALAS – I like the project. I like idea of the project. I agree with Barry on that we need it, but again the only thing that I don't like about this project is traffic. If Mr. Rice would come to me and tell me that they are going to improve the off-ramp and widen it when we could actually have a car and a truck going at the same time both directions, because it is going to be another Nason and the 60 freeway there. It is just going to be backed up. The cars are going to be backed up. There is going to be a stop sign there or a light or whatever is going to be there. It is going to be horrible. The traffic is going to be backed up forever. That is where everybody goes to San Timoteo to get out of town to go to

MV00115929

Redlands and stuff, so that's what is going to keep me from supporting this project. Thank you.

VICE CHAIR BAKER – No they leave it to me. You know this is a double-edged sword here. We need to get some community development going here and you can't do it without putting… and the problem we've got here in Moreno Valley in the proportion of roof-tops to commercial property is way out of whack and I don't know how to get it back. I mean we've got to get some commercial property in this town and no one wants it in their area. I mean you know obviously these fellows own the land and they say go to the south. Well they don't own the land in the south part of Moreno Valley or they don't own the property out there by Gilman Springs or Theodore, so I don't know. It seems like to me and this is just me talking, we're really stymieing ourselves here and I understand all the traffic problems; the smog and everything you are considering but somewhere we are going to have to bite the bullet and go forward with this. Obviously I'm probably in the minority here. I don't whether we ought to vote on this. We've got two Commissioners absent. This is a big hit here. Looks like right now it is going to fail and John you may give us some guidance on this. Do whatever you like.

PLANNING OFFICIAL TERELL – Well you have the option to continue it if you like so that the other two Commissioners could participate. You also have the ability to continue to ask the Applicant if he would like to continue it, if he would like to provide additional information that might address some of your concerns that came tonight. Based on your comments though, I can count to four and it looks there are four Commissioners that are not in favor of recommending this project and therefore that is a majority.

VICE CHAIR BAKER – Well you know and I don't know if it's proper or not and I don't know how on earth, because I've been in property rentals and stuff, how you can have a spec property and that deal with Skechers was really a strange deal where he had a tenant lined up and lease signed before he even built the building and I don't know, I'd sure like to talk or have Mr. Rice address that if that is even possible. I don't know, is that out of line to bring the Applicant back up?

PLANNING OFFICIAL TERELL – You can do that. I can give you… I'll just let you know should you choose not to recommend this project, by the Code your action is final unless appealed. The options that are available to Ridge Realty are they can choose to appeal this and send it to the City Council. It won't automatically go there.

COMMISSIONER OWINGS – No but given the current makeup of the City Council, they stand a very good chance of success and so you know if I were advising them, that's what I would advise them to do, but I'm not advising them so…

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PLANNING OFFICIAL TERELL – Yes, that certainly was the circumstance of Skechers, so I wouldn't say that would happen this time but the options that are available to the Commission are to continue it if you like and I'd say continue it if you'd like more information that you think you would change your decision and if that is not the case then I would suggest you take the action tonight and Ridge Realty has the opportunity to appeal that decision should they choose to do so.

COMMISSIONER OWINGS – Well it seems like let's just do a quick poll. I know that I'm not going to be persuaded to by any new information at this point unless of course it was really earth shattering.

COMMISSIONER VAN NATTA – I can't see anything that would change unless they had some other route of getting on the freeway other than using Redlands and I don't see any way that they are going to be able to do that.

VICE CHAIR BAKER – Let me ask you this. How is this every going to get straightened out there? I mean somebody is going to move in there eventually whether you put 19 buildings in there or you put one big one in.

COMMISSIONER SALAS – That's true too

VICE CHAIR BAKER – I mean you're going to have some traffic there…

COMMISSIONER OWINGS – It is different traffic though and we don't know what it is going to be and that's point. You know if we made exceptions for every zoning change that comes before us on the basis of my God that is the only way we are going to fill that property then we may as well not have zoning laws.

COMMISSIONER VAN NATTA – There might be another use for that that is more palatable. All I know what is being proposed right now is not to me palatable and there might be a better use for the land than a single big warehouse that brings a lot of trucks in and out. Business Park… maybe there isn't a call for Business Park right now. Maybe we'll be asked to consider some other type of zoning change for something else there. That's you know; we just have to look at the project we have before us.

COMMISSIONER OWINGS – You know Mr. Chairman, just back to where we were; John and I both agree that there are probably four votes against three. You know if we wait for next meeting and put it over, they have to wait a whole month and then the vote might be 7 to 4 or 7 to 0, in which case the City Council would be more persuaded to uphold our decision. I think what is best for the Applicant at this time is to just for us to move forward with the four vote Commission. It will come out 4 – 1 and two people not here. That doesn't really give a clear indication of where we are at and City Council is going to do what they are going to do and my guess is they are going to override our recommendation.

MV00115931

VICE CHAIR BAKER – Let me ask you this. In the zoning deal how did you come with 50,000 square feet? That isn't even a Home Depot and I imagine a Target is more. I know it's more than 50,000.

PLANNING OFFICIAL TERELL – It was based on…

VICE CHAIR BAKER – What do you get for 50,000? Is that a Best Buy?

PLANNING OFFICIAL TERELL – Well let me clarify it. The 50,000 square foot limit is not the limit on any building, it's the limit on a warehouse industrial building and as I think has been mentioned, the type of traffic in a large warehouse is different than the traffic in a small warehouse. There is more traffic with smaller buildings. Nineteen smaller buildings would have more traffic but they would have more cars and fewer trucks. The larger the building gets the more trucks you have and fewer passenger vehicles, so the overall traffic is actually less with the larger the building but the truck traffic is higher.

COMMISSIONER SALAS – Okay, so he could come back to us and say I've decided to put 17 buildings there instead and make a Business Park there, right?

PLANNING OFFICIAL TERELL – Under the current zoning and if he did that, pretty much like the tract you had at your last meeting you more or less and I won't say you have to approve it, but your options are less because there is a right to build that size building. The current opportunity; there is not an opportunity to build this building currently without a zone change.

COMMISSIONER SALAS – Okay with that said I'm going to change my mind. I'm going to support the project.

COMMISSIONER OWINGS – So we probably need to just call the question.

PLANNING OFFICIAL TERELL – So I guess somebody needs to make a…

VICE CHAIR BAKER – Okay, let's go for the vote on this and I want to make it clear here that the way that I'm feeling about this no one has bought my vote or twisted my ear. It is just strictly the way I feel on you know on moving Moreno Valley forward. I don't know. I don't totally understand a lot of this, I really don't.

COMMISSIONER OWINGS – You know Mr. Chairman I bet Mr. Rice would agree with me, if we were to vote this project or the zoning change down, there would be a little celebration over at Iddo's headquarters tomorrow, so it is kind of interesting that the supporters of it are so anti-Skechers would really probably be helping that you know by voting it down. We're probably helping Iddo. It is his project because you know we are pushing things over that direction, so with that being said let's call the question.

MV00115932

VICE CHAIR BAKER – Okay let's get to the… we're going to have to have a move and a second on this. Is somebody in a position because you've got quite a bit of stuff here to read off?

PLANNING OFFICIAL TERELL – Okay and I'll kind of give you a little bit of guidance on that. If someone wants to make a recommendation to approve, read what is in the Staff Report. If someone wants to make a recommendation to not recommend; basically for denial, then just make that recommendation of a denial. We'll have to bring back a resolution to you that states; that matches your action at your next meeting; not that Ridge Realty can't appeal it in the meantime, but we'll need a resolution approved by you before we actually go to Council. But you don't need to take all those actions about every single little thing. Basically if you recommend denial of the Zone Change you are precluded from recommending approval of any of the other actions that are before you, so it is just… If I perceive what that might be, it would to deny the Zone Change.

COMMISSIONER OWINGS – Would a simple motion then to just simply say I move to **DENY** the Zone Change be appropriate.

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER OWINGS – So moved

COMMISSIONER VAN NATTA – Second

VICE CHAIR BAKER – Okay to the vote; all in favor?

Opposed – 3 (Commissioner Owings, Commissioner Van Natta, Commissioner Ramirez)

Motion carries 3 – 2 – 2, (with 2 Absent – Commissioner Dozier, Commissioner Crothers)

PLANNING OFFICIAL TERELL – So with that the wrap up on that is that this action shall become final unless appealed to the City Council within 15 days.

VICE CHAIR BAKER – Thank you

MV00115933

Westridge Commerce Center
Final Environmental Impact Report

Prepared for:
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552
City Case # P08-133

Prepared by:

appliedplanning inc

April 2011

ATTACHMENT 10

FINAL ENVIRONMENTAL IMPACT REPORT

for the

Westridge Commerce Center Project

State Clearinghouse Number:
2009101008

Prepared for:

The City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553
City Case No. P08-133

Prepared by:

Applied Planning, Inc.
5817 Pine Avenue, Suite A
Chino Hills, CA 91709

April 2011

Table of Contents

Section **Page**

1.0 Introduction 1-1
1.1 Overview 1-1
1.2 Content and Format 1-1
1.3 Draft EIR Commentors 1-1
1.4 Point of Contact 1-3
1.5 Project Summary 1-3

2.0 Revisions and Errata Corrections 2-1
2.1 Introduction 2-1
2.2 Text Revisions 2-1
2.3 Revisions to Graphic Illustrations 2-11

3.0 Comments and Responses 3-1
3.1 Introduction 3-1

4.0 Mitigation Monitoring Plan 4-1
4.1 Introduction 4-1
4.2 Mitigation Monitoring and Reporting 4-2

Appendix A: Attachments to Comments and Reponses
Attachment 1: Attachments to Comments Provided by Johnson and Sedlack
Attachment 2: *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions*

MV00115936

List of Tables

Table **Page**

1.3-1 Draft EIR Commentors 1-2
3-1 Draft EIR Commentors 3-2
4.2-1 Mitigation Monitoring Plan 4-3

MV00115937

1.0 Introduction

MV00115938

1.0 INTRODUCTION

1.1 OVERVIEW

This document, combined with the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the Westridge Commerce Center Project (Project). The Draft EIR describes existing environmental conditions relevant to the proposal, evaluates the Project's potential environmental effects, and identifies mitigation measures to reduce or avoid the potentially significant impacts. The Draft EIR was circulated for public review and comment from October 21, 2010 through December 6, 2010.

1.2 CONTENT AND FORMAT

Subsequent to this introductory section, Section 2.0 of this document contains corrections and errata to the Draft EIR. Section 3.0 contains copies of each comment letter received on the Draft EIR, along with annotated responses to each comment contained within the letters. The Project Mitigation Monitoring Plan, which includes additional measures developed as a part of this Final EIR, is presented in Section 4.0.

1.3 DRAFT EIR COMMENTORS

A total of twenty-four (24) comment letters were received from various agencies and organizations. Additionally, four comment cards were received at a December 2, 2010 public meeting that was held to discuss the Project. The following Table 1.3-1 identifies the Draft EIR commentors. For reference purposes, comments are numbered and may be referred to by an acronym within the Responses to Comments (Final EIR Section 3.0). These acronyms, along with the dates of correspondence received, are also included in Table 1.3-1. Comments denoted with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not provided responses within Section 3 of this Final EIR. The Lead Agency has, however, attached these late comments and their corresponding responses to the Project staff report.

MV00115939

Table 1.3-1
Draft EIR Commentors

Commentor	Acronym	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

MV00115940

1.4 POINT OF CONTACT

The Lead Agency for this Project is the City of Moreno Valley. Any questions or comments regarding the preparation of this document, its assumptions, or its conclusions, should be referred to:

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

1.5 PROJECT SUMMARY

The following information is summarized from the Project Description in the Draft EIR. For additional detail in regard to Project characteristics and Project-related improvements, along with analyses of the Project's potential environmental impacts, please refer to Draft EIR Sections 3.0 and 4.0, respectively.

1.5.1 Project Location

The Project site is located southwesterly of the State Route 60/Redlands Boulevard interchange, within the easterly portion of the City of Moreno Valley. The approximately 55-acre site is bounded to the north by State Route 60 (SR-60), to the west by the Quincy Channel, to the south by Fir Avenue (future Eucalyptus Avenue), and by a vacant parcel to the east. The Project's easterly boundary parallels Redlands Boulevard, which is located approximately 700 feet to the east.

1.5.2 Project Overview

The subject of this EIR is the proposed development of the Westridge Commerce Center, which has been initiated by the Project proponent, Ridge Property Trust. Together with supporting improvements, the Project will provide for approximately 937,260 square feet of new light industrial warehouse/distribution uses.

In addition, the Project includes the development of supporting infrastructure, including roadway improvements, all necessary utilities including storm water management detention/retention basins, and paved, on-site parking areas.

1.5.3 Project Objectives

Primary objectives of the Project, as identified by the Project Applicant, are as follows:

- Transition the existing site into a productive use;
- Develop a project that is sensitive to the surrounding land uses;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community;
- Capitalize on the site's regional freeway access; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

1.5.4 Discretionary Actions

Necessary discretionary actions, permits, and consultations allowing for implementation and operation of the Project will include, but are not limited to, the following.

1.5.4.1 Lead Agency Discretionary Actions and Permits

- **Certification of the EIR (City Case # P08-133).** The proposed development is a Project under CEQA, and may result in significant environmental impacts. Lead Agency certification of the Project EIR is required;

- **A zone change from Business Park to Light Industrial (City Case # PA08-0098).** The proposed zone change will allow for construction and operation of the Project's distribution warehouse uses as configured;

- **Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts],** to provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property to ensure the protection of the health, safety and welfare of future residents;

- **Parcel Map Approval (City Case # PA09-0022)** to consolidate and reconfigure existing parcels defining the Project site, and to provide necessary easements and dedications;

- **Development Plan Review (City Case # PA08-0097)** pursuant to City of Moreno Valley Municipal Code Section 9.02.030 [Development Review Process], et al.;

- **Construction, grading, and encroachment permits** allowing implementation of the Project facilities within City of Moreno Valley jurisdictional areas; and

- **Vacation and/or dedication of public rights-of-way and easements** as elements of the proposed parcel map, or independent of the map. Rights-of-way and easements will provide public access, and ensure appropriate alignment of and access to infrastructure and utilities.

1.5.4.2 Responsible and Trustee Agency Discretionary Actions, Permits, and Consultation

- **Permitting and Consultation through the California Department of Fish and Game (CDFG)**, to include:

  - **Lake and Streambed Alteration Agreement (LSA)** addressing potential CDFG jurisdictional area impacts resulting from the Project; and
  - **Consultation** regarding the possible relocation of resident burrowing owls (if burrowing owls are determined to be present on the subject site during required pre-construction surveys).

- **CWA Section 404 and Army Corps of Engineers (ACOE) permitting** will be required for Project activities affecting off-site ACOE jurisdictional areas. CWA Section 404 permitting may also be required should the Project riparian habitat mitigation plan involve or require use of off-site federal jurisdictional areas;

MV00115943

- **Permitting required by/through CWA Section 401 and Santa Ana Regional Water Quality Control Board (SARWQCB)** pursuant to requirements of the National Pollutant Discharge Elimination System (NPDES) Permit;

- **Permitting required by/through the South Coast Air Quality Management District (SCAQMD)** for certain equipment to be temporarily employed within the Project during construction, and/or permanently installed and used over the life of the Project; and

- **Permitting by/through the California Department of Transportation (Caltrans**) for improvements within or that may affect Caltrans rights-of-way.

1.5.4.3 City Development Applications

In support of requested discretionary approvals and permits noted above, development applications submitted by the Project Applicant include:

- **Plot Plan** for a 937,260 square foot warehouse distribution facility;

- **Zone Change** from Business Park to Light Industrial;

- **Tentative Parcel Map** No. 36207 to combine the Project's five parcels into a single parcel; and

- **Application to Amend the City Municipal Code.** The Project Applicant is requesting a Municipal Code text Amendment to Section 9.05.020 B. The requested Amendment would provide objective standards for the development of Light Industrial uses adjacent to residentially-zoned property in order to ensure the protection of the health, safety and welfare of future residents.

2.0 Revisions and Errata Corrections

2.0 REVISIONS AND ERRATA CORRECTIONS

2.1 INTRODUCTION

Based on the comments received on the Draft EIR (which are provided in full in Section 3.0 of this Final EIR), this Section presents revisions to the text and graphic illustrations of the Draft EIR. For text corrections, additional text is identified by **bold underlined text**, while deletions are indicated by ~~strikeout font~~. All text revisions affecting mitigation measures have been incorporated into the Mitigation Monitoring Plan presented in Section 4.0 of this Final EIR. It should be noted that the revisions and corrections provided here expand and clarify analyses previously provided, and do not constitute substantive new information. Conclusions of the Draft EIR are not affected by these revisions.

2.2 TEXT REVISIONS

2.2.1 Text Revisions to Draft EIR Section 3.0, Project Description

Consistent with the comments provided by Thomas Thornsley, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include notation of screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

MV00115946

these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. **Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls** . . .

2.2.2 Text Revisions to Draft EIR Section 4.3, Air Quality

A typographical error appearing in the first paragraph of Draft EIR Page 4.3-68 is corrected as follows, providing consistency with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

Additionally, in response to correspondence from the South Coast Air Quality Management District and others, the Draft EIR's Air Quality Mitigation Measures are revised as follows.

> *4.3.1* ***Consistent with URBEMIS modeling inputs and to effect*** ~~***The following measures shall be incorporated as***~~ *implementation of* ***SCAQMD*** *Rule 403****, the following measures shall be incorporated****:*

MV00115947

- *All clearing, grading, earth-moving, or excavation activities shall cease when winds exceed 25 mph per SCAQMD guidelines in order to limit fugitive dust emissions.*
- *The contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are watered at least three times daily during dry weather. Watering, with complete coverage of disturbed areas, shall occur at least three times a day, preferably in the mid-morning, afternoon, and after work is done for the day.*
- *The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 miles per hour or less to reduce PM10 and PM2.5 fugitive dust haul road emissions.*
- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***
- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***
- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.***

~~*4.3.4 Construction contractors shall use only lowpolluting paints and coatings as defined in SCAQMD Rule 1113.*~~

4.3.5~~4~~ Contractor(s) shall ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better.

MV00115948

*4.3.~~6~~**5** In order to reduce localized Project impacts to sensitive receptors in the Project vicinity during construction, construction equipment staging areas shall be located at least 300 feet away from sensitive receptors.*

*4.3.~~7~~**6** During Project construction, existing electrical power sources (e.g., power poles) shall be ~~provided for~~ **utilized to** power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

*4.3.~~8~~**7** The Applicant shall use ~~Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications~~ **"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113 (not to exceed 150 grams/liter; 1.25 pounds/gallon). High Pressure Low Volume (HPLV) applications of paints, coatings, and solvents shall be** consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

*4.3.~~9~~**8** Grading plans, construction specifications and bid documents shall **also** include ~~notation that off-road construction equipment shall utilize biodiesel fuel (a minimum of B20), except for equipment where the use of biodiesel fuel would void the equipment warranty.~~ **the following notations:***

- ***Off-road construction equipment shall utilize alternative fuels e.g., biodiesel fuel (a minimum of B20), natural gas (CNG), liquefied natural gas (LNG), propane, except for equipment where use of such fuels would void the equipment warranty;***

MV00115949

- *Gravel pads shall be provided at all access points to prevent tracking of mud onto public roads;*
- *Install and maintain trackout control devices at all access points where paved and unpaved access or travel routes intersect;*
- *The contractor or builder shall designate a person or person(s) to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite;*
- *The contractor or builder shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The contact person shall take corrective action within 24 hours;*
- *High pressure injectors shall be provided on diesel construction equipment where feasible;*
- *Engine size of construction equipment shall be limited to the minimum practical size;*
- *Substitute gasoline-powered for diesel powered construction equipment where feasible;*
- *Use electric construction equipment where feasible;*
- *Install catalytic converters on gasoline-powered equipment where feasible;*
- *Ride-sharing program for the construction crew shall be encouraged and shall be supported by contractor(s) via incentives or other inducement;*
- *Documentation shall be provided to the City of Moreno Valley indicating that construction workers have been encouraged to carpool or otherwise reduce VMT to the greatest extent practical, including providing information on available park and ride programs;*
- *Lunch services shall be provided onsite during construction to minimize the need for offsite vehicle trips;*

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• All forklifts used during construction and in subsequent operation of the Project shall be electric or natural gas powered.

4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide* ***secure, weather-protected*** *on-site bicycle storage/parking.~~ Bicycle storage parking/quantity and location shall be~~ consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;*

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***
  - ***Use of fleet vehicles conforming to 2010 air quality standards or better.***
  - ***Installation of catalytic converters on gasoline-powered equipment.***
  - ***Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;***
  - ***Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;***
  - ***Provision of preferential parking for EV and CNG vehicles;***
  - ***Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;***

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- ***Use of electric (instead of diesel or gasoline-powered) yard trucks; and***
- ***Use of SmartWay 1.25 rated trucks.***

2.2.3 Text Revisions to Draft EIR Section 4.5, Water Supply

In response to correspondence from the Eastern Municipal Water District, Mitigation Measure 4.5.3 is revised as follows:

> *4.5.3 The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project****, to be constructed by the Applicant****.*

2.2.4 Text Revisions to Draft EIR Section 4.7, Cultural Resources

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

> *4.7.1 A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and/****or*** *record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays****, consistent with the requirements of California Public Resources Code Section 21083.2****. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

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4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring.* ***Resources shall be left in an undisturbed state where feasible. Where preservation in place is infeasible, a****~~A~~ll recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

4.7.3 *Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and/or record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*

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- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

2.2.5 Text Revisions to Draft EIR Section 4.8, Biological Resources

In response to correspondence from the California Department of Fish and Game, Mitigation Measure 4.8.5 is revised as follows:

4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan****; and***

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- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

2.3 REVISIONS TO GRAPHIC ILLUSTRATIONS

In response to comments received from Gerald M. Budlong, a City of Moreno Valley Environmental and Historical Preservation Board member, several geologic maps, which were used as points of reference in the preparation of the Project Geotechnical Investigation, are incorporated on the following pages as "Plates 1 through 4."

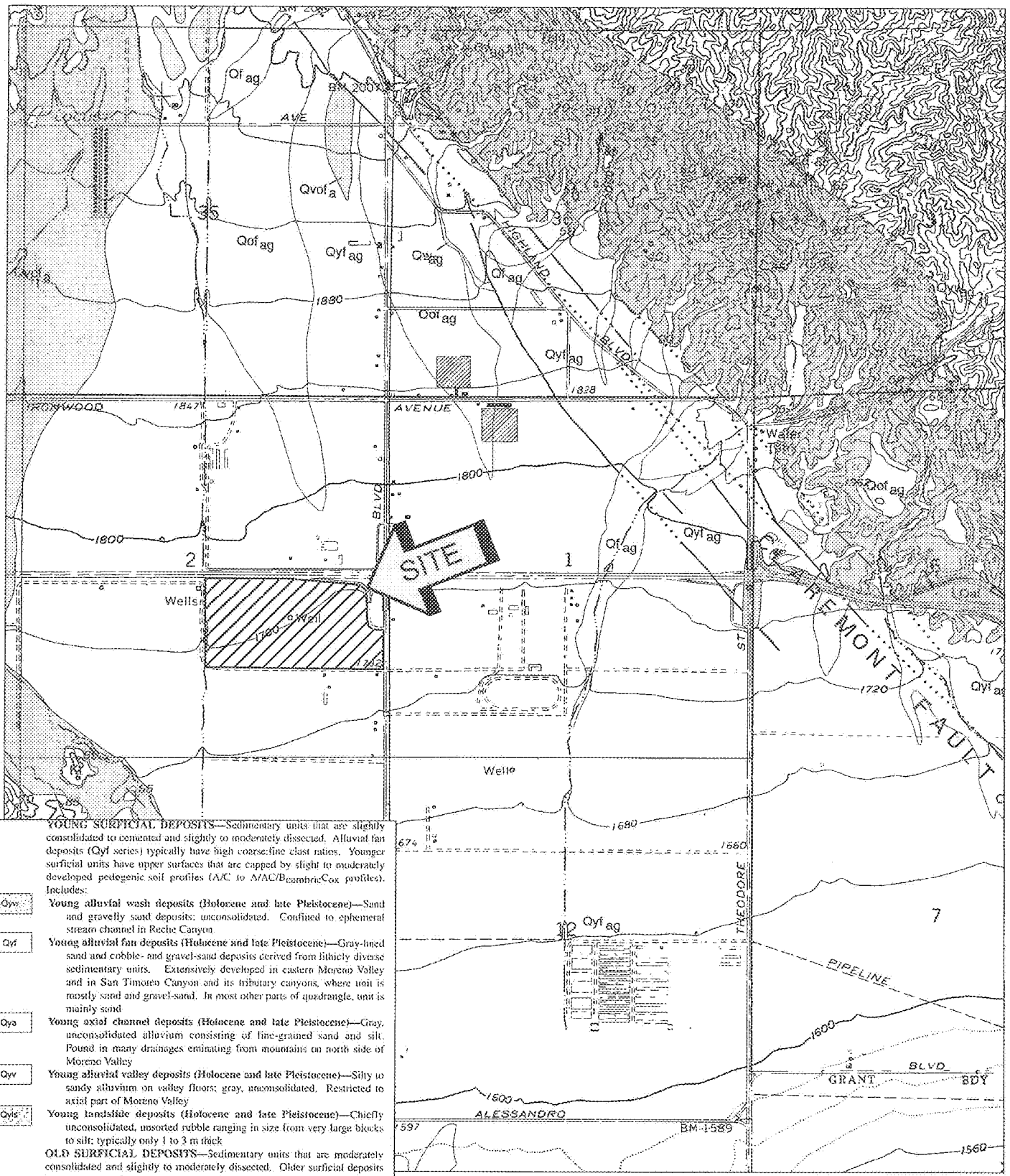

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to $A/AC/B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils ($A/AB/B/C_{ox}$ profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

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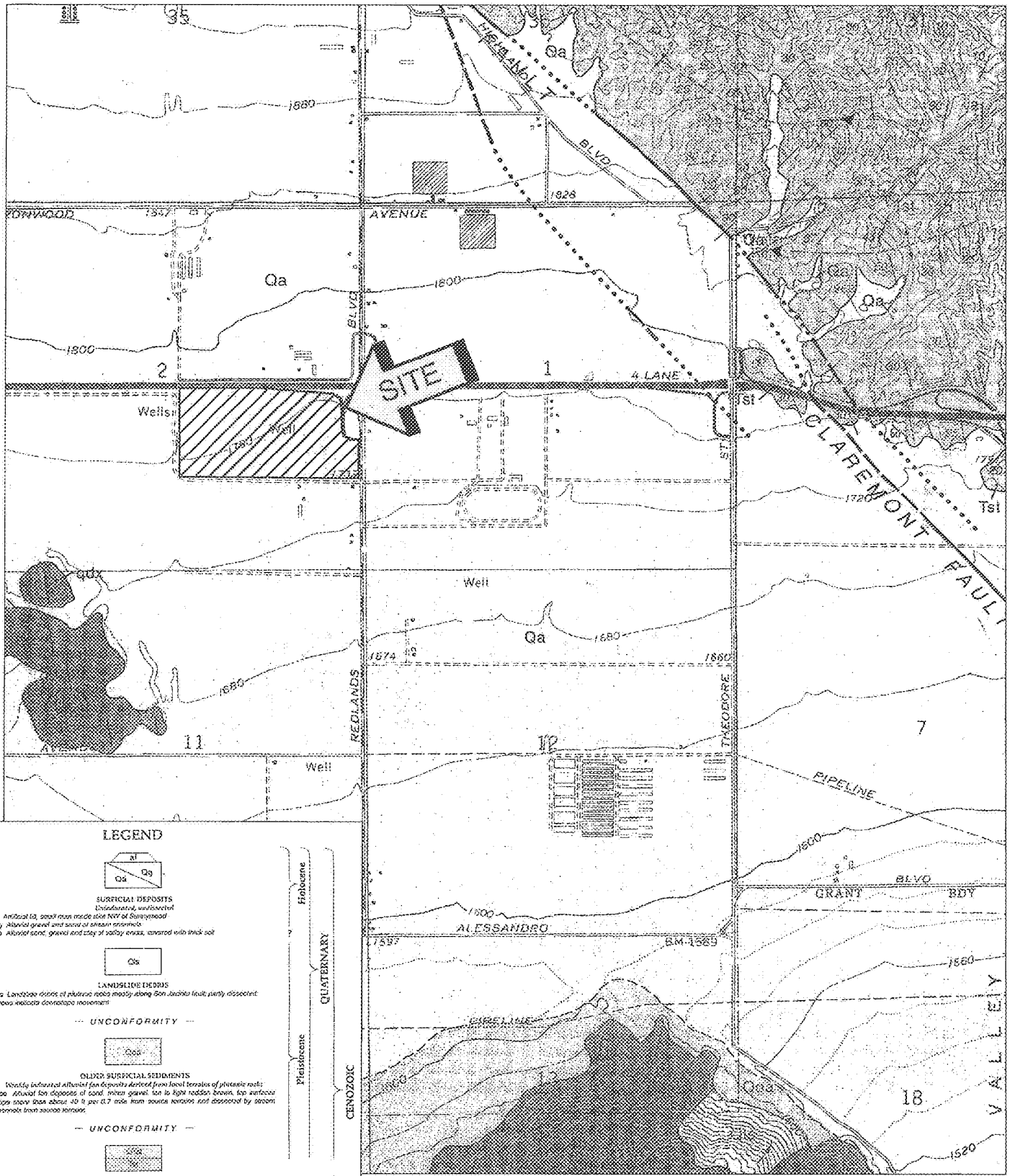

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af Artificial fill, small mass made due NW of Sunnymead

Qg Alluvial gravel and sand of stream channels

Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:

Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terrains and dissected by stream channels from source terrains

— UNCONFORMITY —

SAN TIMOTEO FORMATION

(San Timoteo Sets of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); mainly part referred to late of Pliocene age (Morton and Miall, 2004)

QTst Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone; unconformably (?) overlain by Qoa in this quadrangle

Tst Main part (pebble part of Morton and Miall, 2004), lithologically similar to upper part; within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Epoch	Period	Era
Holocene	QUATERNARY	CENOZOIC
Pleistocene	QUATERNARY	CENOZOIC
Pliocene	TERTIARY	CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'

DRAWN: DRK
CHKD: JAS

SCG PROJECT
06G285-2

PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

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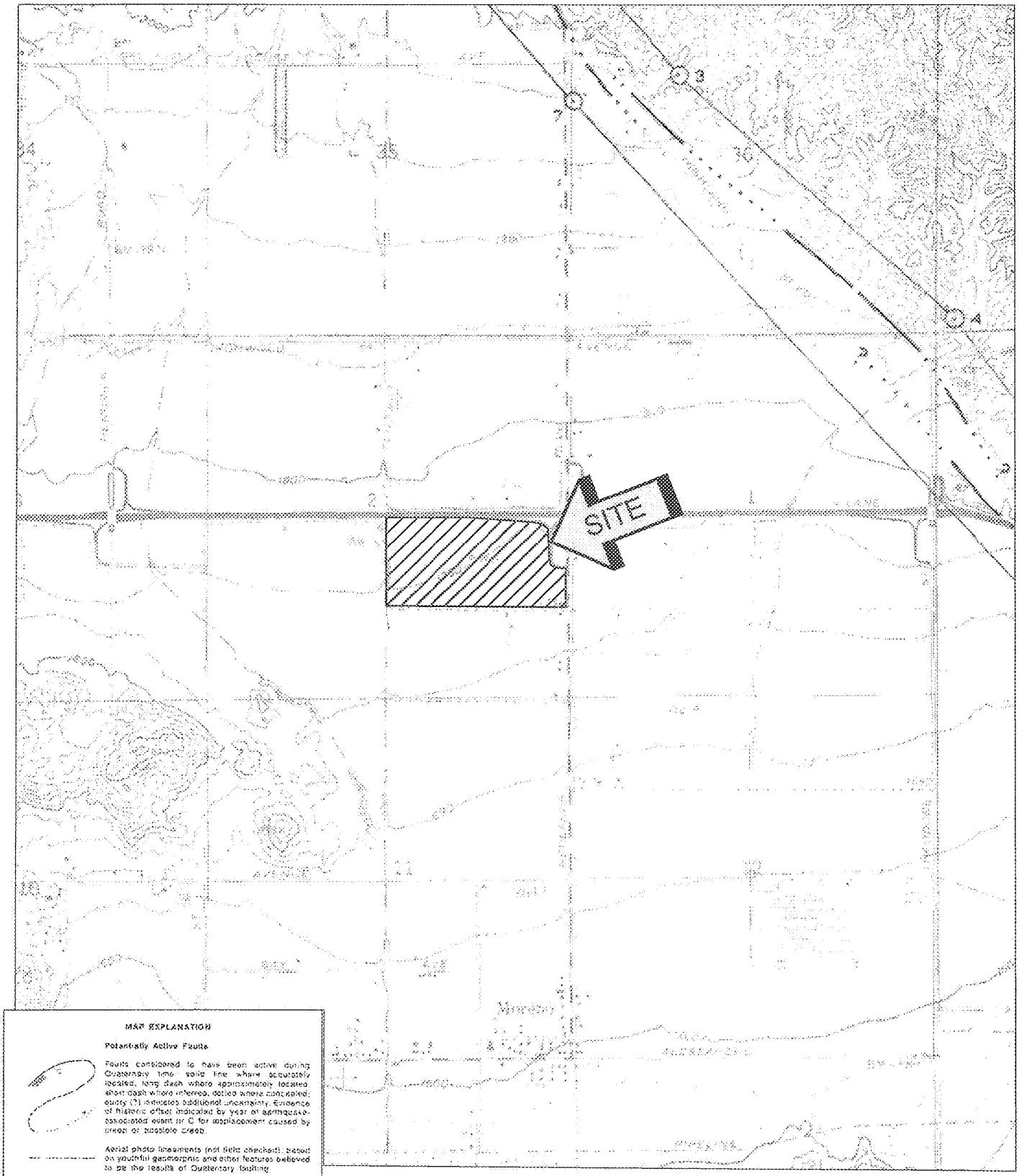

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

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FAULT ZONES
03/15/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

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3.0 Comments and Responses

3.0 COMMENTS AND RESPONSES

3.1 INTRODUCTION

The City of Moreno Valley's Responses to Comments on its Draft EIR for the Westridge Commerce Center are presented herein as required by California Code of Regulations, title 14 (hereinafter, "State *CEQA Guidelines*") Sections 15089, 15132, and 15088. Specifically, *CEQA Guidelines* Section 15088, subd. (a) requires that: "[t]he lead agency . . . evaluate comments on environmental issues received from persons who reviewed the draft EIR and . . . prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments." The 45-day comment period on the Draft EIR commenced on October 21, 2010 and concluded December 6, 2010.

Additionally, and as required by Section 15088, the City of Moreno Valley will provide written responses to all comments on the Draft EIR received from public agencies during the 45-day public review period at least 10 days prior to the proposed certification of the Program EIR.

In summary, the City's written responses describe the disposition of significant environmental issues raised and any revisions to the Draft EIR made as a result of the comments. Additionally, the City's written responses provide a good faith, reasoned analysis of all environmental issues raised and cite to specific factual and legal support for the Draft EIR's conclusions.

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3.1.1 Comments Received

The following section presents a list of the comment letters received during the Draft EIR public review period. Comment letters have been organized by State agencies, County and regional agencies, and comments received from local organizations and individuals. Each letter has been assigned an identifying designation (generally an acronym or name abbreviation), and topical items within each letter have been numbered. Table 3-1 lists all commentor letters received by the City in regard to the Draft EIR, and the designation assigned to each. Comments with an asterisk * were received subsequent to the stated close of comments date (December 6, 2010), and are therefore not included with the provided responses herein. The Lead Agency has, however, included these late comments and their corresponding responses in the Project staff report.

Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
State Agencies		
Office of Planning & Research - State Clearinghouse	SCH	12/7/10
California Department of Fish and Game	CDFG	12/3/10
California Department of Transportation	DOT	12/6/10
County and Regional Agencies		
Eastern Municipal Water District	EMWD	12/6/10
Riverside County Flood Control and Water Conservation District	RCFC	11/29/10
South Coast Air Quality Management District	AQMD	12/10/10*
Local Organizations and Individuals		
Marcia Amino	MA	12/5/10
Lynne Ashley	LA	12/5/10
Gerald M. Budlong	GB	12/2/10
Center for Community Action and Environmental Justice	CCA	12/6/10
Paul Claxton	PC	12/5/10
Stephen Crews	SCR	12/6/10
Friends of the Northern San Jacinto Valley	FNSJ	12/6/10

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Table 3-1
Draft EIR Commentors

Commentor	Acronym Assigned	Correspondence Date
Susan Gilchrist	SG	12/6/10
Highland Fairview	HF	12/6/10
Tom Hyatt	TH	12/10/10*
Johnson & Sedlack, on behalf of Residents for a Liveable Moreno Valley, and Moreno Valley Group of Sierra Club.	JS	12/6/10
Shelly Mesa	SM	12/6/10
Ned and Dawn Newkirk	NDN	12/6/10
Deanna Reeder, Letter 1	DR1	12/6/10
Deanna Reeder, Letter 2	DR2	12/6/10
Residents for a Liveable Moreno Valley	RLMV	12/3/10
Sierra Club	SC	12/6/10
Thomas Thornsley	TT	12/6/10
Comment Cards Received at the City of Moreno Valley Public Meeting, December 2, 2010		
Amora Johnson	AJ-C	12/2/10
Richard Johnson	RJ-C	12/2/10
Deanna Reeder	DR-C	12/2/10
Sierra Club	SC-C	12/2/10

* Comments received after the stated close of comments date (12/06/10).

The comment letters and the corresponding numbered responses are presented on the following pages.

MV00115964

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Cathleen Cox
Acting Director

December 7, 2010

RECEIVED
DEC 13 2010
CITY OF MORENO VALLEY

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
SCH#: 2009101008

Dear Jeff Bradshaw:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 6, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office. SCH-1

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2009101008
Project Title PA08-0097 (Plot Plan), PA08-0098 (Zone Change), PA09-0022 (TPM 36207, & PA10-0017 (Code Amendment)
Lead Agency Moreno Valley, City of

Type EIR Draft EIR

Description The West Ridge Commerce Center project proposes a 937,260 square foot industrial warehouse building on approximately 55 acres located on the south side of State Route 60, on the north side of Eucalyptus Avenue and ~650 feet west of Redlands Boulevard. The proposed warehouse use requires a change of zone from the Business Park land use district to the Light Industrial land use district. The project also requires approval of Tentative Parcel Map No. 36207 to combine the project parcels into a single parcel and a Municipal Code Amendment to establish a minimum buffering distance between warehouse distribution activities in the LI zone and adjacent residential zones. THe Quincy Channel, which is a segment of the City's Master Plan of Drainage, runs along the west site boundary and the project will be responsible for some channel improvements.

Lead Agency Contact

Name Jeff Bradshaw
Agency City of Moreno Valley
Phone (951) 413-3224 **Fax**
email
Address 14177 Frederick Street
City Moreno Valley **State** CA **Zip** 92553

Project Location

County Riverside
City Moreno Valley
Region
Lat / Long 33° 56' 7.7" N / 117° 09' 34.5" W
Cross Streets Fir/Eucalyptus Avenue, Redlands Boulevard
Parcel No. 488-330-003 to 006 & 026
Township 3S **Range** 3W **Section** 2 **Base** SBB&M

Proximity to:

Highways SR 60
Airports No
Railways No
Waterways No
Schools No
Land Use GPD: Business Park
Z: Business Park

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Landuse; Noise; Public Services; Soil Erosion/Compaction/Grading; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 8; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 8; Native American Heritage Commission

Date Received 10/21/2010 **Start of Review** 10/21/2010 **End of Review** 12/06/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
STATE CLEARINGHOUSE
SCH No. 2009101008

Response SCH-1

State Clearinghouse receipt of the Westridge Commerce Center Draft EIR is acknowledged, as is distribution of the Draft EIR to the listed State Agencies. The State-assigned Clearinghouse reference number (SCH No. 2009101008) and dates of the public review period for the Draft EIR (October 21, 2010 through December 6, 2010) are also acknowledged.

MV00115967

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-200
Ontario, CA 91764
(909) 484-0167

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

RECEIVED
DEC - 7 2010
CITY OF MORENO VALLEY

December 3, 2010

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Re: Draft Environmental Impact Report for Westridge Commerce Center
SCH No. 2009101008

Dear Mr. Bradshaw:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Westridge Commerce Center. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake and Streambed Alteration Agreement (Section 1600 *et seq.*) or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2080 and 2080.1). CDFG-1

For this project the Department will be acting as a Trustee and Responsible Agency. As per Section 15096 of the California Environmental Quality Act statute, as a Responsible Agency the Department is obligated to focus its comments on any shortcomings in the CEQA document, the appropriateness of the CEQA document utilized, and additional alternatives or mitigation measures which the CEQA document should include.

The site is located in the City of Moreno Valley, County of Riverside and is bounded on the north by SR-60 and Spruce Avenue, on the south by Eucalyptus Avenue, on the east by vacant land and Redlands Boulevard, and on the west by the Quincy Channel and agricultural land. Surrounding development consists of vacant and agricultural land. CDFG-2

The proposed project consists of a 937,260 square foot industrial warehouse building on 55 acres. The Quincy Channel runs along the western boundary and will require improvements.

MSHCP

The project is located within the boundary of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and is subject to the provisions and policies of that plan. The MSHCP is a Natural Communities Conservation Plan that provides coverage for 146 species and up to 510,000 acres. Participants in the MSHCP are issued take authorization for covered species and do not require Federal or State Endangered Species Act Permits. The City of Moreno Valley is an MSHCP participant. CDFG-3

The project is not within Cell Criteria Areas and does not require additional surveys and narrow endemic surveys, however, burrowing owl surveys are required. Initial surveys showed that burrowing owl was not present. CDFG-3 cont'd.

Recommendations

Per section 15096 of the CEQA statute, as a Responsible Agency the Department is obligated to focus its comments on any inadequacies of the CEQA document and additional alternatives or mitigation measures which should be included in the CEQA document. As a Responsible Agency the Department will be obligated to consult the final CEQA document to prepare a Lake and Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit. If the final CEQA document fails to identify and adequately mitigate all of the impacts of the proposed project and any alternatives, the project proponents will be required to reinitiate the CEQA process at their expense, or fund another CEQA process under the direction of the Department to identify and adequately mitigate all impacts associated with any Department discretionary actions.

The Department recommends that the Lead Agency clarify the issues raised below and provide a response to these comments in the Final Environmental Impact Report (FEIR) or subsequent CEQA document. CDFG-4

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant revegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

Biological Resources

A biological assessment was conducted in October, 2008. Biological Resources Assessments for the project site include the following: Burrowing Owl surveys in July, 2009, an off-site biological assessment in May, 2010 and a wetland jurisdictional delineation in February, 2010. CDFG-5

Biological habitat communities on the site include mulefat riparian, ruderal and agricultural. The site is highly disturbed and was formerly utilized for agricultural purposes. No focused biological surveys were required. Two southern black walnut trees were found on site.

Impacts and Mitigation

Section 14(a) of Appendix G of the CEQA Guidelines provides an outline for significant biological impacts. Section (a) asks whether the project will have a substantial adverse effect "...either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species...". CDFG-6

Section (b) asks, in part, whether the project will have a substantial adverse effect on any riparian habitat or other sensitive natural community identified by the California Department of Fish and Game.

Impacts to terrestrial biological resources are minimal. Mitigation for these impacts is provided for by participation in the MSHCP. The project is also located within the fee area for the Stephens Kangaroo Rat Habitat Conservation Plan. No burrowing owl were found on the site. CDFG-6 cont'd

Streambed Alteration Agreements and CEQA

The site is located adjacent to the Quincy Channel. Potential receiving waters from Quincy Channel are the Heacock Channel, Perris Valley Storm Drain and the San Jacinto River. The project site is not within the 100-year floodplain. The Channel is 1,295 linear feet with 2.4 acres of riparian habitat. Sheet flow from the site drains to the east to the jurisdictional channel along the west side of Redlands Boulevard. Both channels collect runoff from SR-60 and north of SR-60. The applicant is proposing to construct a scour wall adjacent to this channel. Along with the scour wall will be a maintenance road and a 50-150 foot buffer between the development and the Channel. The stream is an eroded earthen channel that collects runoff from three five foot wide culverts under SR-60. CDFG-7

Impacts to Quincy Channel will be from a channel crossing, not the scour wall. Impacts will also occur to an off-site channel. Permanent impacts are .003 acres to the Quincy Channel and 0.08 acres to the channel to the east (off-site). The applicant is proposing to mitigate impacts to jurisdictional State waters and riparian habitat by replacing riparian habitat at a 1:1 ratio, success criteria, and a three year maintenance and monitoring plan. CDFG-8

If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream or lake, as well as avoidance and mitigation measures need to be discussed within this CEQA document. CDFG-9

The Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. CDFG-10

We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 430-7924.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating this information to avoid subsequent CEQA documentation and project delays:

1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
2) Discussion of avoidance measures to reduce project impacts; and,
3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

CDFG-11

Section 15370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

1) Avoiding the impact altogether by not taking a certain action or parts of an action,
2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
5) Compensating for the impact by replacing or providing substitute resources or environments.

CDFG-12

In the absence of specific mitigation measures in the CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts was not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific impacts and mitigation measures are that will reduce those impacts.

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist

cc: Michael Flores

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

Letter Dated December 3, 2010

Response CDFG-1

The commentor notes CDFG's status as a responding Trustee Agency for California's fish and wildlife resources, and as a Responsible Agency for CDFG discretionary actions and permits. For the Project under consideration, the commentor notes that CDFG provides comments as both a Trustee and Responsible Agency. The commentor notes further that, pursuant to *CEQA Guidelines* Section 15096, comments provided by Responsible Agencies should focus on shortcomings on an EIR, and on additional alternatives or mitigation to be included in the EIR.

Trustee and Responsible Agency status of CDFG is recognized. The *CEQA Guidelines* Section 15096 directions for comments on EIRs to be provided by Responsible Agencies are acknowledged. It is noted further the *CEQA Guidelines* Section 15096 requires that Responsible Agencies limit their comments to ". . . those project activities which are in the agency's area of expertise or which are required to be carried out or approved by the agency or which will be subject to the exercise of powers by the agency."

Response CDFG-2

The Project location and scope as summarized by the commentor is materially correct. Please refer also to the detailed Project Description presented in Draft EIR Section 3.0.

Response CDFG-3

The commentor notes location of the Project within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).Attributes of the MSHCP and species "take" authorization for MSCHP participants are noted by the commentor. The commentor identifies the City of Moreno Valley as a participant in the MSHCP. The

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commentor states further that the Project does not lie within [MSHCP] Cell Criteria Areas, and does not require surveys other than for burrowing owls. The commentor notes that initial [Draft EIR] surveys conducted for the Project indicate that owls are not present on the subject site.

Provisions of the MSHCP are noted, as is the City's status as an MSHCP participant. Species survey requirements for the Project, as stated by the commentor, are consistent with surveys conducted in conjunction with preparation of the Draft EIR. Results of the Project Burrowing Owl Survey (Survey) are summarized in Draft EIR Section 4.8, "Biological Resources," and the Survey is provided at Draft EIR Appendix G.As noted by the commentor, the initial Survey results indicate that burrowing owls are not present on the Project site. The Survey notes that "[n]o burrowing owls or their sign were detected during the surveys and there was no evidence that any burrowing owls occur onsite. In addition, this species has not been recorded from the project area in the past." [Survey, Page 6.] Further, the Draft EIR notes that "[t]he Project area does provide suitable burrowing owl foraging habitat; however, no burrowing owls or their sign were detected during the Project burrowing owl survey." (Draft EIR, Page 4.8-8.)

<u>Response CDFG-4</u>

The commentor reiterates *CEQA Guidelines* Section 15096 provisions and requirements. The commentor notes that CDFG will consult the EIR for the purposes of preparing a Lake and Streambed Alteration Agreement and/or issuance of an Incidental Take Permit. The commentor lists three (3) issues to be clarified in the Final EIR:

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters;
2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan;
3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department.

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The following responses are provided to the issues/requirements cited by the commentor.

1. Submittal of a 1600 Lake or Streambed Alteration Agreement Notification form for impacts to State jurisdictional waters. Draft EIR Mitigation Measure 4.8.4 requires that a lake and streambed alteration agreement (Section 1600 permit) or waiver be obtained prior to the issuance of any grading permit and that written verification of the permit or waiver be provided to the Lead Agency (Community Development Department-Planning Division and the Public Works Department-Land Development Division).In support of the Permit, the Draft EIR identifies estimated impacts at CDFG jurisdictional areas and habitat, and identifies responding mitigation. This information will be included in subsequent Section 1600 Permit documentation for the Project. Relevant EIR text is excerpted below:

> [T]he channel is jurisdictional under the U.S. Army Corps of Engineers, the California Department of Fish and Game, the California Regional Water Quality Control Board and the MSHCP Riverine/Riparian Habitat (as defined under Section 6.1.2 of the MSHCP) programs. Under a maximum potential impact scenario, construction of off-site improvements could result in permanent disturbance and alteration of approximately 0.08 acres (710 lineal feet of 5-foot wide channel, or a total of 3,550 square feet) of un-vegetated riparian habitat. Consultation and permits from these agencies will be required prior to any disturbance of this channel (Draft EIR, Page 4.8-10).

As summarized in Draft EIR Section 4.8 and presented in detail in the Project Jurisdictional Delineation, construction of the Project's proposed scour wall in the westerly portion of the Project site, adjacent to the Quincy Channel, will result in the temporary disturbance of an estimated 0.003 acres (22 lineal feet) of vegetated mulefat

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riparian habitat/CDFG jurisdictional areas. This is a potentially significant impact, as acknowledged on Draft EIR Page 4.8-23.

The following mitigation measures addressing potential impacts to jurisdictional/ habitat areas were incorporated in the Draft EIR, and will be reflected in subsequent Section 1600 Permit documentation.

4.8.1 *Prior to the issuance of a grading permit, a "no touch" area shall be staked along the westerly limit of Project development as defined by the alignment of the scour wall proposed along the Quincy Channel. Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Prior to the issuance of a grading permit, a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*

4.8.2 *Prior to issuance of a grading permit, the proposed scour wall to be located between the developed Project site and the Quincy Channel shall be shown on the grading plans. Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.*

4.8.3 *Prior to issuance of a building permit, landscape and irrigation plans shall be approved which demonstrate that no invasive, non-native plants will be*

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planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel.

4.8.4 *Prior to the issuance of <u>any</u> grading permits and prior to any physical disturbance of any jurisdictional areas, the applicant shall obtain a stream bed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit, from both the California Department of Fish and Game and the U.S. Army Corps of Engineers. Written verification of such a permit or waiver shall be provided to the Community Development Department - Planning Division and the Public Works Department - Land Development Division.*

4.8.5 *Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:*

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, and regular maintenance and monitoring activities to ensure the success of the mitigation plan*

(Draft EIR Pages 4.8-23 through 4.8-24).

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The commentor incorrectly states subsequently (please refer to Comment CDFG-8) that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." Potential impacts from a future crossing of the Quincy Channel at Fir (future Eucalyptus) Avenue are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project. As noted in Footnote 2 on Draft EIR Page 4.8-19, repeated here for ease of reference:

> The EIR Jurisdictional Delineation also acknowledges jurisdictional impacts and associated mitigation and permitting requirements associated with the future bridge crossing of Fir (Eucalyptus) Avenue at the Quincy Channel, located southwesterly adjacent to the Project site. This bridge crossing, to be implemented by the City or others at a future date as a part of areawide circulation system improvements, will permanently impact an estimated 0.47 acres of CDFG jurisdictional areas, with temporary impacts to an additional 0.06 acres of CDFG jurisdictional area. Affected CDFG jurisdictional areas encompass ACOE and RWQCB jurisdictional areas. These are not Project-related impacts, but are however considered in this EIR and CEQA within the context of cumulative impacts. Please refer also to EIR Section 5.1.1.8, Cumulative Biological Resources impacts (Draft EIR Page 4.8-19).

2. Include native plant re-vegetation for areas temporarily disturbed by construction in the maintenance and monitoring plan. The last bullet point at Mitigation Measure 4.8.5 is amended as follows to include native plant re-vegetation for areas temporarily disturbed by construction.

- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal,* ***native plant re-vegetation for areas temporarily disturbed by construction,*** *and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

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3. Submit a copy of the maintenance and monitoring plan for the review and approval of the Department. As noted above at Mitigation Measure 4.8.5 (as amended):

> *[The Project] HMMP shall, at a minimum, meet the following requirements:*
> - *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
> - *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat; and*
> - *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal**, native plant re-vegetation for areas temporarily disturbed by construction,** and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*

While the Draft EIR presents a reasoned best estimate of impacts and proposed responsive mitigation based on Project design concepts, details such as monitoring and maintenance of mitigation for impacts to jurisdictional areas and affected habitat are more effectively developed based on final Project designs including detailed grading plans, utility plans design and final building designs. As matter of clarification, the following bullet point is added to Mitigation Measure 4.8.5:

- ***Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.***

With these revisions, Mitigation Measure 4.8.5 in total will be worded as presented below. These revisions will be reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

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4.8.5 Prior to issuance of a grading permit, the Applicant shall develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) to restore impacted riparian (mulefat) habitat. Prior to implementation, the HMMP shall be reviewed and approved by the CDFG. If in its final design, the CDFG-approved HMMP involves use or restoration of USACE or RWQCB jurisdictional areas, USACE and/or RWQCB approval shall also be obtained. The HMMP shall, at a minimum, meet the following requirements:

- *A habitat replacement and/or enhancement ratio of at least 1:1 for temporary impact;*
- *A success criterion of at least 80 percent cover of native riparian vegetation for replaced habitat;*
- *Additional requirements, including a 3-year establishment period for the replacement habitat, regular trash removal, native plant re-vegetation for areas temporarily disturbed by construction, and regular maintenance and monitoring activities to ensure the success of the mitigation plan.*
- *Prior to the issuance of a grading permit, as part of the Project HMMP, appropriate maintenance and monitoring protocols will be developed in concert with CDFG based on final Project designs, and the ultimate scope, location, and type of mitigation reflected in the HMMP as approved by CDFG.*

<u>Response CDFG-5</u>

The commentor notes biological resources surveys conducted for the Project, and comments further that no focused surveys were required. Surveys and survey results noted by the commentor are materially correct. No further response is required.

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Response CDFG-6

The commentor cites *CEQA Guidelines* Appendix G suggested threshold considerations addressing habitat modifications and potential impacts to candidate, sensitive or special status species, riparian habitat, or other sensitive natural communities. The commentor notes that [Project] impacts to terrestrial biological resources are minimal, and that mitigation for these impacts is provided for through participation in the encompassing MSHCP. The Project also lies within the fee area for the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan. Potential impacts to SKR are addressed though fee payments consistent with provisions of the SKR Habitat Conservation Plan. The above statements provided by the commentor are materially correct. No further response is required.

Response CDFG-7

The commentor summarizes physical characteristics of the Quincy Channel (Channel), located westerly of the Project site. The commentor notes that the Project Applicant proposes to construct a scour wall adjacent to the Channel. A maintenance road will be constructed on the easterly (developed side) of the wall and an approximate 50-150 foot buffer area will be provided between the wall and the developed warehouse areas.

The commentor's summary descriptions of the Channel and Applicant-initiated improvements are materially correct. No further response is required.

Response CDFG-8

The commentor incorrectly states that "[i]mpacts to the Quincy Channel will be from a channel crossing, not the scour wall." As noted in the preceding Response CDFG-4, potential impacts from a future crossing of the Quincy Channel at Fir (Future Eucalyptus) are described in the Project Jurisdictional Delineation; however, this crossing is not part of the Project and is not required to support the Project.

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As noted by the commentor, the Draft EIR acknowledges that the Project will result in or cause approximately 0.003 acres of *temporary* [emphasis added] impact to CDFG jurisdictional area along the Quincy Channel due to construction of the scour wall. Impacts arising from eventual future crossing of the Channel are not Project-specific and no mitigation is proposed by the Project. Potential cumulative impacts of the crossing are discussed at Draft EIR Section 5.1.1.8:

> . . .[I]t is noted that the ultimate design of Fir (future Eucalyptus) Avenue includes the construction of a crossing to span Quincy Channel. This future channel crossing is not considered a component of the proposed [P]roject and is contingent on vicinity development, which may occur in the next several years. The future construction of a channel crossing could result in permanent and temporary impacts on [the] Quincy Channel. These potential impacts are identified within Section 5.2.2 of the Jurisdictional Delineation Report in Draft EIR Appendix G. Because the future extension of Fir (future Eucalyptus) Avenue to the west across Quincy Channel is not a part of the proposed Project, the future crossing activities will require separate regulatory permits and approvals as well as specific mitigation for impacts, similar to the mitigation included in this EIR. It is further noted, however, that the ultimate extension of Eucalyptus Avenue, including the construction of a Quincy Channel crossing, is included in the City's General Plan Circulation Element, and as such, has been considered as a part of the City's General Plan EIR. Cumulative Project impacts are not affected by the extension of Fir (future Eucalyptus) Avenue or the construction of a Quincy Channel crossing (Draft EIR Pages 5-22 through 5-23).

<u>Response CDFG-9</u>

The commentor states that"[i]f the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources and provide adequate avoidance,

MV00115981

mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Agreement."

The commentor's statement/concern is recognized; however, such concerns are not germane to the Project or to the Draft EIR. Potential Project-related impacts to lakes, streams, and associated resources are fully disclosed and discussed in the Draft EIR and supporting technical studies presented in Draft EIR Appendix G. A summary of impacts and proposed mitigation is provided in preceding responses CDFG-1 through CDFG-8. Please refer also to the detailed discussions presented in Draft EIR Section 4.8, "Biological Resources," and supporting technical studies provided in Draft EIR Appendix G, "Biological Resource Assessments." Moreover, all areas of potential jurisdictional impacts are avoided to the extent possible and mitigated where complete avoidance is infeasible. The discussion provided as part of Draft EIR Mitigation Measures 4.8.1 through 4.8.3, as excerpted below, requires and promotes avoidance. The complete text of these mitigation measures is provided in the preceding Response CDFG-4.

> *. . . Importantly, the westerly limits of development shall be established so as to preclude potential permanent impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel . . . a City-approved Project biologist shall be retained to initiate and supervise monitoring of construction activities to ensure protection and preservation of adjacent Channel areas.*
>
> *. . .Alignment of the scour wall shall be field-determined and physically delineated by the Project biologist in consultation with the City. Importantly, the scour wall alignment shall be established so as to preclude potential impacts to CDFG and/or Corps Jurisdictional Areas within the westerly adjacent Quincy Channel. Ongoing monitoring of construction activities shall be maintained*

MV00115982

throughout implementation of the scour wall to ensure protection and preservation of adjacent Channel areas.

. . . [N]o invasive, non-native plants will be planted or seeded within 150 feet of the avoided riparian habitat along the Quincy Channel (Draft EIR Page23).

Response CDFG-10

The commentor states that "[t]he Department opposes the elimination of drainages, lakes and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:l replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors."

The Project does not propose elimination of drainages, lakes and their associated habitats. Mitigation is proposed for the Project's temporary impact to 0.003 acres of riparian (mulefat) habitat.[1]The ultimate scope and location of mitigation will be determined in consultation with CDFG through the Streambed Alteration Agreement Notification/Permit process (or waiver), to be completed prior to the issuance of any grading permits and prior to any physical disturbance of any jurisdictional areas. Notification/Permit processes will be initiated by the Applicant at the earliest practicable date. Given the nominal scope of habitat impact (0.003 acres), its relative distance from proposed areas of development, and intervening buffering areas provided, no substantive alteration of the Project is proposed nor anticipated to be

[1] Total impacts to jurisdictional areas are estimated at 0.083 acres: 0.003 acres temporary impact to jurisdictional mulefat habitat; 0.08 acres permanent impact to non-habitat jurisdictional areas.

MV00115983

required in order to successfully mitigate the Project's temporary impacts to riparian habitat. Contact information provided by the commentor is noted.

Response CDFG-11

The commentor notes the following informational requirements for a Streambed Alteration Agreement, and recommends its incorporation in CEQA documents:

> 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
> 2) Discussion of avoidance measures to reduce project impacts; and,
> 3)Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

The above information is provided in the Draft EIR and supporting jurisdictional delineation information presented at Draft EIR Appendix G. Excerpted germane Draft EIR discussions are presented below, and the commentor is referred to full detailed discussions presented in the body of the Draft EIR, specifically, within Section 1.0, Summary; Section 4.8, Biological Resources; and Section 5.0, Other CEQA Considerations. Supporting technical studies are provided at Draft EIR Appendix G, Biological Resource Assessments.

1. **Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type).**The Draft EIR states that "[p]roject construction activities will result in the following potentially significant impacts: Potential direct temporary impacts to 0.003 acres, (22 lineal feet) of mulefat vegetated riparian habitat; and Potential direct permanent impact to 0.08 acres of un-vegetated riparian habitat" (Draft EIR Page 1-77, et al.).

MV00115984

2. **Discussion of avoidance measures to reduce project impacts.** The Draft EIR states that "[a]maintenance road will be provided along the easterly edge of the scour wall, and Westerly of the scour wall, a buffer area averaging in width from approximately 50 feet to 150 feet will be established, providing separation between the developed site and the adjacent Quincy Channel. This physical separation between the developed site and the Channel habitat areas minimizes or precludes direct impacts to the Channel and its associated vegetation communities and special status plant species." (Draft EIR Page 4.8-18, *et al.*) Please refer also to the preceding Response CDFG-9.

3. **Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.** Please refer to Draft EIR Mitigation Measures 4.8.1 through 4.8.5 (as amended through these responses), presented in the preceding Response CDFG-4.

Response CDFG-12

The commentor cites *CEQA Guidelines* Section 15370, which describes/defines mitigation, and states that CDFG cannot fulfill its obligations absent defined impacts and proposed mitigation. CDFG point of contact information is provided.

Project impacts are fully and appropriately defined and disclosed as summarized in the preceding responses and presented in detail in the Draft EIR (0.08 acres permanent impact to non-habitat jurisdictional areas; 0.003 acres temporary impact to jurisdictional mulefat habitat). Mitigation is proposed for impacts determined to be potentially significant. Mitigation includes restoration/replacement habitat at a minimum 1:1 ratio. The Lead Agency considers the defined area of impact and proposed mitigation to be consistent with CDFG requirements, and supports the Department's obligations and responsibilities as a Trustee and Responsible Agency. Project impacts, as mitigated, are considered to be less-than-significant. Mitigation as revised herein is included in

MV00115985

response to CDFG comments. CDFG staff were contacted (phone conversation 12.16.10) to clarify information provided in the DEIR and discuss CDFG concerns. Subsequent to that conversation, a draft of these responses was emailed to CDFG staff. As indicated in the following email response from CDFG, CDFG staff concurs with the substance of these responses and proposed revisions to the Draft EIR text.

MV00115986

From: Robin Maloney-Rames <RMaloney@dfg.ca.gov>
Date: December 29, 2010 9:13:07 AM PST
To: <cray@appliedplanning.com>
Subject: Re: Westridge Draft EIR-CDFG Comments and Responses (Draft)

Hello Charly:

I took a look at the letter and response to comments. It seems to be in order. If you could include this with the Response to Comments I would appreciate it.

thanks
Robin

Environmental Scientist
Dept. of Fish and Game
Eastern Sierra Inland Deserts Region 6
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 980-3818

Thank you for contacting the California Department of Fish and Game. Pursuant to Governor's Executive Order S-12-10, we are closed on the second, third and fourth Friday of each month.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 8
PLANNING
464 WEST 4th STREET, 6th Floor MS 725
SAN BERNARDINO, CA 92401-1400
PHONE (909) 383-4557
FAX (909) 383-6890
TTY (909) 383-6300

Flex your power!
Be energy efficient!

December 6, 2010

Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

Westridge Development Draft Environmental Impact Report (October 2010). SCH: 009101008.
Riv-60-PM19.0/20.4

Dear Mr. Bradshaw,

We have completed our review for the above noted project which is located south of State Route 60 (SR-60) east of Quincy Channel, and north of Fir Avenue in the City of Moreno Valley. The project proposal comprises of the construction of 937,260 square feet of new light industrial warehouse/distribution area.

As the owner and operator of the State Highway System (SHS), it is our responsibility to coordinate and consult with local jurisdictions when proposed development may impact our facilities. As the responsible agency under the California Environmental Quality Act (CEQA), it is also our responsibility to make recommendations to offset associated impacts with the proposed project. Although the project is under the jurisdiction of the County of Riverside due to the Project's potential impact to State facilities it is also subject to the policies and regulations that govern the SHS. DOT-1

We have the following comments:

Traffic Operations

1. Please include a Stacking Distance analysis for the Moreno Beach Road . DOT-2

2. Traffic Impact Study (page 124, Table 6-11); under Redlands Blvd at SR-60 Westbound Ramp, please include: WBL, WBR, EBL & EBR. Additionally, under SR-60 at eastbound Ramps, please include: SBR. DOT-3

3. Due to the potential high volumes of truck traffic, please ensure that the ramp intersection will accommodate STAA truck turning movements. DOT-4

4. Please include the ramp merge/diverge analysis for SR-60 at Moreno Beach Dr. and at Redlands Blvd. DOT-5

Hydrology

1. Although the proposed improvements should have no significant effect on Caltrans facilities, the documentation submitted did not give specific details how the runoff from the freeway SR-60 will be captured and contained. We would expect the developer's engineer to address this issue during the design and permit approval process. DOT-6

Permit Requirements:

1. Any proposed alterations to existing improvements within State right-of-way may only be performed upon issuance of a valid encroachment permit and must conform to current Caltrans design standards and construction practices.
2. Review and approval of street, grading and drainage construction plans will be necessary prior to permit issuance. Information regarding permit application and submittal requirements may be obtained by contacting:

Office of Encroachment Permits
Department of Transportation
464 West 4th Street, 6th Floor, MS-619
San Bernardino, CA 92401-1400
(909) 383-4526

DOT-7

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Joe Shaer at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,

DANIEL KOPULSKY
Office Chief
Community Planning/IGR-CEQA

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION, DISTRICT 8

Letter Dated December 6, 2010

Response DOT-1

Caltrans jurisdiction and statutory responsibilities in regard to the proposed Project's potential effects on SR-60 are acknowledged. Agency review of the Draft EIR is appreciated.

Response DOT-2

The commentor requests a stacking distance analysis for Moreno Beach Road. Within the context of the Caltrans Guide for the Preparation Traffic Impact Studies (State Of California Department Of Transportation), December 2002, the traffic impact analysis consultant, guided by local input and expertise of the Lead Agency, established the parameters and extent of the Project Traffic Impact Analysis (TIA). The Project is anticipated to contribute nominal[2] traffic to Moreno Beach Road for opening year conditions; and would contribute less than 50 peak hour trips to Moreno Beach Road under long-range conditions.

Pursuant to applicable CMP TIA guidelines (see Caltrans TIS Guidelines, Page 2), it is typically unnecessary for projects generating less than 50 peak hour trips to assess potential impacts in regard to stacking or progression through an interchange area. The Lead Agency has not indicated special circumstances or other considerations that would indicate a requirement for a stacking distance analysis for Moreno Beach Road, nor is such the conclusion of the TIA consultant.

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[2] Nominal traffic contributions are defined less than 50 vehicles per day (Project TIA Page 44, et al.)

MV00115990

Response DOT-3

The commentor requests specific analysis of the westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps. Analysis of the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps is also requested.

The westbound left-turn, westbound right-turn, eastbound left-turn, and eastbound right-turn movements at the Redlands Boulevard/SR-60 Westbound Ramps were not individually reported since they are shared lanes, and the queues associated with these movements are reflected in the 95th percentile queue presented for the westbound and eastbound through movements, respectively. Similarly, the southbound right-turn movement at Redlands Boulevard/SR-60 Eastbound Ramps was not reported individually since it is a shared movement with the southbound through lane. Please refer also to TIA Table 4-1 (Intersection Analysis for Existing Conditions).

Response DOT-4

As noted in the discussion of regional access (Draft EIR Section 4.2.2.2 on Page4.2-8), the Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. (Please refer to Figure 3.5-1, Site Plan Concept). The Project would, upon approval, be responsible for payment of Traffic Uniform Mitigation Fee (TUMF) contributions; however, interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. When designed, reviewed and constructed, it is presumed that the ramps will be required to be consistent with Caltrans design standards, and will accommodate STAA truck turning movements.

Response DOT-5

According to the Transportation Research Board's *Highway Capacity Manual*, the influence area for a merge junction is 1,500 feet downstream, and the influence area for a

MV00115991

diverge junction is 1,500 feet upstream. The distance between the ramps at Redlands Boulevard and Moreno Beach Boulevard is approximately 6,600 feet. There are no other merge/diverge junctions (i.e., interchanges) within the 1,500-foot influence areas of the ramps at Moreno Beach Boulevard and Redlands Boulevard, and as such, merge and diverge analyses were determined unwarranted as part of the Project TIA.

Response DOT-6

As noted by the commentor, specific concerns in regard to the design of collectors for runoff from the SR-60 onto the site will be addressed as part of the design and permit approval process. In general, as discussed in Draft EIR Section 4.6, "Hydrology and Water Quality," storm water will be collected onsite through a series of catch basins and clarifiers, and directed to a municipal drainage system, connections for which would be constructed adjacent to the site within the rights-of-way of Fir (future Eucalyptus) Avenue and Redlands Boulevard.

Response DOT-7

The required review of street, grading and drainage construction plans by Caltrans personnel prior to the issuance of encroachment permits is acknowledged. The address and contact information provided is appreciated.

MV00115992

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

December 6, 2010

Jeff Bradshaw, Associate Planner
City of Moreno Valley
Development Department
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: West Ridge Commerce Center Project
Draft Environmental Impact Report
SCH No. 2009101008

Dear Mr. Bradshaw:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) for the above referenced project. The project is generally described as a plot plan for development of a 937,260 square foot warehouse distribution on building on a 55 acre site, Related applications include a Zone Change from Business Park to Light Industrial, a tentative parcel map to combine five parcels into a single parcel and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment to establish a buffering distance between warehouse distribution land uses in the light industrial zone and adjacent residential zones. EMWD-1

Eastern Municipal Water District (EMWD) offers the following comments with respect to this DEIR document:

1- Please revise Mitigation Measure 4.5.3, on page 4.5-29, as follows (revisions indicated in ***bold italics***): EMWD-2

4.5.3 ***In this East Moreno Valley area, existing water, sewer and recycled water facilities are not adequate to accommodate the Project. Therefore, from a facilities perspective, the Project would be conditioned to construct off-site and on-site water, sewer and recycled facilities needed to serve the***

Mailing Address: Post Office Box 8300 Perris, CA 92572-8300 Telephone: (951) 928-3777 Fax: (951) 928-6177
Location: 2270 Trumble Road Perris, CA 92570 Internet : www.emwd.org

City of Moreno Valley
December 6, 2010
Page 2

Project. Accordingly, a Plan of Services (POS) must be completed and submitted by the Applicant, for EMWD's approval. As soon as possible, the Applicant shall meet with EMWD staff to develop a Plan Of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water ***facilities*** requirements to serve the project, ***to be constructed by the Applicant. Additionally, there could be temporary service impacts while constructing or extending facilities required for this Project, which should be evaluated in the Final EIR.*** EMWD-2 cont'd.

2- Please note the Water Supply Assessment (WSA) expiration date is June 4, 2011. EMWD-3

Again, EMWD appreciates the opportunity to comment on this project. Please forward future environmental documents for this project and the response to the above comments prior to EIR certification to the attention of Karen Hackett at the mailing address shown on page one. If you have questions concerning these comments, please feel free to contact Karen Hackett at 951 928-3777, Ext. 4462, or myself at Ext. 4455. EMWD-4

Sincerely,

Joseph B. Lewis
Director of Engineering Services

JBL:ME:RR:KAH

cc: E. Lovsted

Encl.

Board of Directors

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Director of the Metropolitan Water District of So. Calif.
Randy A. Record

Legal Counsel
Redwine and Sherrill

Developers/Engineers

Will your project require service from Eastern Municipal Water District for water, sewer or recycled water?

EMWD requires beginning dialogue with the applicant at an early point in site design and development of a project, in order to assess the infrastructure needs. Accordingly, we offer to meet with developers/engineers for one initial due-diligence meeting, without requiring a deposit. This meeting is to review your project and determine potential service from EMWD. The objective is to provide a forum to resolve any questions about our development process and help to determine if there are any potential issues that may exist in the area concerning EMWD facilities (water, sewer or recycled water). Afterward, should you decide to pursue your project(s) with EMWD, we will require you to deposit funds and open a Work Order. This Work Order is used to cover staff time and research required to generate a Plan of Service. No improvement plans will be accepted until this pre-project phase is completed and an EMWD Plan of Service has been approved.

In an ongoing effort to develop a dependable and reliable water supply for its customers, EMWD's goal is to maximize the use of recycled water, for landscape demands. All projects that include landscaped areas are carefully considered for recycled water use. This process needs to begin early to avoid unnecessary delays. EMWD-5

In order to set up a Due Diligence meeting we need:

1- A completed Due Diligence questionnaire.
2- Your proposed agenda for the due-diligence meeting
3- Location Map
4- Proposed development plan layout if available (hard copy and JPEG format)

I encourage developers/engineers to become familiar with EMWD New Development processes, while designing your project. They have been developed over many years and serve a great importance as they can prevent complications and save time.
More information can be found at http://www.emwd.org/new_biz/new-biz-dev.html

If at any point in time there are questions or concerns, please do not hesitate to contact me

Sincerely,

Linda H. Petersen
Development Coordinator ex. 4310
Petersel@emwd.org

EASTERN MUNICIPAL WATER DISTRICT

Letter Dated December 6, 2010

Response EMWD-1

The commentor has accurately summarized the general aspects of the proposed Project and required discretionary actions.

Response EMWD-2

As discussed in the EIR, the Project's impacts to water supplies is less-than-significant. Notwithstanding, mitigation is provided to ensure timely construction of service lines/facilities necessary to serve the Project. In this regard, the Lead Agency acknowledges the District's desire to clarify the referenced Mitigation Measure 4.5.3, which is discussed in Draft EIR Section 4.5, "Water Supply." Accordingly, the language of this mitigation measure has been amended as follows.

> 4.5.3 *The Applicant shall meet with EMWD staff* ***at the earliest feasible date*** *to develop a Plan of Service (POS) for the Project. The POS shall detail water, wastewater and recycled water* ***facilities*** *requirements to serve the Project,* ***to be constructed by the Applicant****.*

Related to the Project POS, preliminary information provided by EMWD indicates that provision of adequate fire flows for the area west of Redlands Boulevard and south of SR-60 will require construction of a 24-inch water line within the Fir (future Eucalyptus Avenue) extending westerly from Redlands Boulevard to connect to an existing 24-inch line at the approximate alignment of Petit Street. The extent of the actual construction of the line is not known at this time and is ultimately dependent on the timing of improvements constructed as a part of adjacent proposals. Regardless of these other projects, Certificate of Occupancy for the Project is conditioned on the provision of

MV00115996

adequate fire flows whether achieved by this new line, or by other means acceptable to EMWD and the City Fire Department.

To ensure monitoring and enforcement, this revision to Mitigation Measure 4.5.3 is reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata. Additional explanatory language provided by the commentor is not considered appropriate for inclusion in this mitigation measure.

The Applicant's responsibility for the construction of all required infrastructure to serve the Project, including but not limited to the extension of off-site and on-site water, wastewater, and recycled water facilities, is acknowledged. As noted in the discussion of Water/Sewer Services on Draft EIR Page 3-21, "[a]lignment of service lines, and connection to existing services will be as required by EMWD."

The possibility of temporary service impacts during the construction or extension of facilities is acknowledged. Coordination with the District in regard to planned or proposed construction actions will occur as part of the preparation of the required POS (identified in Mitigation Measure 4.5.3, above). Additionally, notification of potential utility service disruptions would be provided to existing residents and/or business owners in the area by the developer, acting to minimize their effects. The results and conclusions of the Draft EIR are not affected.

<u>Response EMWD-3</u>

As noted in Draft EIR Mitigation Measure 4.5.4 (excerpted below), the upcoming expiration date of the Project's Water Supply Assessment is acknowledged.

> 4.5.4 *Until the Project begins construction, the Project Water Supply Assessment shall be reviewed for its continued accuracy and adequacy every three (3) years, commencing on the WSA approval date of June 4, 2008.The Project Applicant shall maintain communication with EMWD*

MV00115997

on the status of the Project, and the lead agency shall request the referenced three-year periodic review and update of the WSA. If neither the Project applicant nor the lead agency contacts EMWD within three (3) years of approval of this WSA, it shall be assumed that the Project no longer requires the estimated water demand as calculated in the WSA.

Response EMWD-4

As requested, and pursuant to Public Resources Code §21092.5, the District will receive a written response to these comments at least ten days prior to the certification of this EIR.

Response EMWD-5

EMWD provides a standardized Notice to Developers and Engineers outlining EMWD requirements and processes necessary to ensure adequate and timely provision of services.

The Notice to Developers and Engineers (Notice) attached to the above-referenced comment letter is acknowledged, and has been incorporated in this Final EIR for ease of reference. The Applicant consulted with EMWD early in the planning process (due diligence meeting conducted with EMWD staff on January 27, 2009) in order to determine the likely scope and type of improvements required. At the earliest feasible date, the Applicant will coordinate with EMWD in developing the POS for the Project consistent with provisions of the Notice.

MV00115998

WARREN D. WILLIAMS
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
FAX 951.788.9965
www.rcflood.org

134314

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

November 29, 2010

RECEIVED
DEC - 6 2010
CITY OF MORENO VALLEY

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

~~Dear Mr.~~ Bradshaw:

Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

This letter is written in response to the Notice of Availability West Ridge Commerce Center Project Draft Environmental Impact Report. The purpose of the proposed project is to develop a 937,260 sq. ft. warehouse distribution building on a 55 acre site located near Eucalyptus Avenue and Redlands Boulevard. The project also requests a zone change of five parcels from Business Park to Light Industrial, combining the five parcels into one and a lettered lot that would be dedicated to the Riverside County Flood Control District for storm channel improvements, and a Municipal Code Amendment. RCFC-1

The Riverside County Flood Control and Water Conservation District (District) has reviewed the DEIR and has the following comments:

This project involves District Master Drainage Plan facilities, namely Moreno Line G-7 and D-3. The District will accept ownership of such facilities on written request of the City. Facilities must be constructed to District standards and District plan check and inspection will be required for District acceptance. Plan check and administrative fees will be required. RCFC-2

This project is located within the limits of the District's Moreno Area Drainage Plan for which drainage fees have been adopted; applicable fees should be paid by cashier's check or money order only to the Flood Control District or City prior to issuance of grading permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

The District is signatory to the Western Riverside County Municipal Species Habitat Conservation Plan (MSHCP). If it is anticipated that the City will request that the District own, operate and maintain the above referenced facilities, the applicant will need to demonstrate that all construction related activities within the District right-of-way or easement are consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide adequate mitigation in accordance with all applicable MSHCP requirements. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP. RCFC-3

134314

Mr. Jeff Bradshaw -2- November 29, 2010
City of Moreno Valley
Re: Notice of Availability
West Ridge Commerce Center Project
Draft Environmental Impact Report

General Information

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation or other final approval of the project, and a Letter of Map Revision (LOMR) prior to occupancy. RCFC-4

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Game and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Edwin Quinonez

EDWIN QUINONEZ
Senior Civil Engineer

c: Riverside County Planning Department
Attn: Kathleen Browne

AJK:EQ:blj

RIVERSIDECOUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Letter Dated November 29, 2010

Response RCFC-1

The commentor has accurately summarized the general aspects of the proposed Project and its required discretionary actions.

Response RCFC-2

The District's requirements in regard to transfer of ownership, standards for construction, inspection and fees are acknowledged.

Response RCFC-3

The assessment of the Project's potential to conflict with any applicable habitat conservation plan or natural community conservation plan (Draft EIR Page 4.1-31), indicates that the Project site is within the jurisdiction of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).The Project's compliance with all referenced sections of the MSHCP is documented within the *Report on Habitat Assessments and Biological Surveys for the Westridge Project Site* (Pages 42-43, Draft EIR Appendix G).

Response RCFC-4

RCFC provides general information addressing: National Pollutant Discharge Elimination System (NPDES) permit requirements; Federal Emergency Management Agency (FEMA) requirements for projects or actions within or affecting FEMA-mapped floodplains; and Army Corps of Engineers (ACOE)/California Department of Fish and Game (CDFG) requirements for projects or actions within or affecting natural watercourses or mapped floodplains.

The Lead Agency appreciates the general information on permitting requirements provided by the District. As noted in the Draft EIR's discussion of stormwater

permitting (Section 4.6.3.3, Pages 4.6-10 through 4.6-13), the Project is required to obtain clearance from the State Water Resources Control Board pursuant to the NPDES Statewide Industrial Storm Water Permit for General Construction activities. The Project does not lie within, nor would it otherwise affect any mapped floodplain areas. As such, the Project is not subject to FEMA floodplain requirements. As required through Project Mitigation Measure 4.8.4, the Applicant is required to obtain a streambed alteration agreement or permit, or a written waiver of the requirement for such an agreement or permit prior to physical disturbance of any jurisdictional areas.

MV00116002

December 5, 2010

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division
City of Moreno Valley
14177 Frederick Street
Moreno Valley 92552

Re: PROPOSED WAREHOUSE PROJECT, WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133

Dear Mr. Bradshaw:

I am a Moreno Valley resident, and have looked at the Westridge Commerce Center Draft Environmental Report and feel compelled to comment on this proposed project. I believe the proposed project; a 937,260 square foot warehouse distribution building on a 55-acre site located on the north side of Eucalyptus Avenue, approximately 650 feet west of Redlands Boulevard will negatively impact the overall quality of life in Moreno Valley. **I ask that this project be denied and not be built to the scope/size requested or in the area Ridge Property Trust is asking for it to be built on.** MA-1

The preamble to our City's General Plan states, "The City of Moreno Valley embraces the interests of its residents and strives to meet their needs by creating a sense of community. The commitment to this vision encourages attractive amenities and a full range of public services while promoting **a safe and healthy environment. It is the goal of the City to improve the quality of life ...**" and after reviewing the EIR it is apparent that this project will negatively affect: Air Quality, Traffic Congestion, Destroy Aesthetics, Impact Water, Incur Large amounts of Solid Waste, Bring More Light and Noise that overall will result in a deterioration of the quality of life enjoyed by residents of our city overall and in particular residents living on the East Side of our City and also hurt the children in our city by these negative impacts. MA-2

A survey taken for the City's General Plan also found out that **47% of our residents wanted to retain the rural character of northeast Moreno Valley** (10% disagreed). This project destroys that rural character, and it would be in the best interests of the residents of our City to honor that desire by denying this project. MA-3

I do not agree with the philosophy that for economic development to occur and for there to be jobs that I must lower my standard of living to achieve this. The 900 jobs that the EIR for this project suggests will occur, are in no way guaranteed to meet that number nor are they guaranteed to even go to a portion of Moreno Valley residents and this is a tactic that is playing upon the need for jobs in our City by promises that may not be kept, because there is no written contract that will guarantee this job number or that they go to local residents. MA-4

The EIR states repeatedly that the effects of this project are minimal and not significant in magnitude, however, if this were true this developer would not have to ask for a Zone Change from Business Park to Light Industrial because the proposed warehouse/distribution center at 937,260 sq. ft. exceeds Business Park footage in our City's General Plan of 50,000 sq. ft. This request in no way benefits the health, safety or welfare of current residents much less future residents as stated in the EIR. MA-5

This EIR also uses the approval of the 2.6 million square feet for the Highland Fairview Project as a tool for their requests to be granted. Due to the approval and development of Highland Fairview's mega warehouse and approval of the ProLogis project, any additional project(s) that incur additional MA-6

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
2

truck traffic, and diesel particulate matters into the air, as well as changing the scenic view by building another mega warehouse that will be open 24 hours per day, the accompanying lighting, noise, air pollution, traffic congestion, MUST be factored into the overall effect and impact of the Highland Fairview and ProLogis Projects to determine the real effects that will occur to the residents in the area of this development and the City as a whole. MA-6 cont'd.

With the State of California, Riverside County, and Moreno Valley all suffering from large budget deficits it is unknown when the necessary funds to upgrade the freeway, overpasses, roads will be able to be completed, and with numerous diesel trucks that will come from this project, the damage to local roads, streets, and increased congestion, as well as increased dirty air and diesel particulate will hurt our city's overall quality of life and could result in increased traffic accidents and costs to our police and fire as a result. MA-7

Again, our City's General Plan states, "The image of the community is perceived from freeways, streets and the point of view of the pedestrian. The viewer forms an impression about the beauty and safety of the community as he or she views the surrounding buildings …" If mega warehouses and distribution centers continue to be built along the eastern portion of our city and exceptions to the business park/light industrial maximum square footage of 50,000 sq. ft. continues to be ignored our city will suffer from negative impressions because we are allowing ourselves to become a warehouse ghetto, and that will also hurt property values of the residents surrounding this project as well as the others of the same ilk, and ultimately will cause depressed property values to continue if not decrease even more than they already have. By denying this project you will be protecting our home values and our city's image rather than letting the 60 freeway become a vision of mega warehouse distribution centers that were never intended to be built en masse in this part of our city. MA-8

In section 5.3.2.2 Industrial Development of the Moreno Valley General Plan it says, "Industrial and business park development is concentrated in the southern part of the City, generally located south of Iris Avenue and north of San Michele Road to the Perris city limits." Approving this project, as the others that have been approved, goes against what was to be an orderly and organized location for industrial and business park developments, not the east end of our city that was to have the rural characteristics valued and protected.

Although this project says it will get water from MWD and that there is no problem, I would point out that EMWD is still in a Stage 2 Water Shortage and goes on to say in their newsletter, that all EMWD customers are required to eliminate water waste, so how does approving mass warehouses help to not add more stress to our lack of water? And in their 10/21/10 newsletter, MWD says, "Southern California's water reserves are still low
Southern California continues to face significant water supply challenges in 2010 and beyond. … During the past three years, Metropolitan has tapped its reserves to maintain deliveries to its 26 member agencies and 19 million Southern Californians. Our reserves are down by about 50 percent. With water uncertainties facing the state, the challenge ahead is to continue to lower demand and stretch our reserve supplies as much as possible … Approving mega warehouse projects does not help in our struggle to maintain adequate water supplies whether it be from EMWD resources or MWD resources. This is another reason this project should be denied. MA-9

Regarding the increase diesel truck traffic that will occur if this project is approved, in a presentation, Truck Management Strategies in Los Angeles, by Susan Bok, AICP a Senior Transportation Planner, MA-10

Los Angeles it was noted that "Trucks often pass through or near residential areas en route to … distribution centers… safety, air pollution, vibration and noise impacts on residents. Truck impacts on roadway surfaces: 1 truck = 10,000 cars" which is a negative health and safety impact that will be incurred on the resident of Moreno Valley if this project is approved. MA-10 cont'd.

In an article from: Contemporary Economic Policy | January 1, 2007 | Bluffstone, Randall A.; Ouderkirk, Brad | Copyright:

"II. THE ENVIRONMENTAL ISSUES

Diesel exhaust is made up of gas and particulates. Gases include hydrocarbons, carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur oxides, but particulates are of special concern because they are associated with a variety of cancers and cardiopulmonary problems that have been shown to increase the risk of mortality. Relative to gasoline engines, heavy-duty diesel trucks, such as those used in the logistics industry, typically emit at least 24 times more fine particulate matter per mile traveled (Kirchstetter et al., 1999). Health effects associated with these particles fall disproportionately on vulnerable populations, such as the young, elderly, and those who already have compromised respiratory systems.

Recently, the toxic and especially carcinogenic effects of diesel particulate matter (DPM), much of which comes from trucks, have been highlighted. The State of California and the U.S. Environmental Protection Agency (USEPA) have identified more than 40 toxic pollutants in diesel emissions, and in 1998 the California Air Resources Board (CARB) named it a toxic air contaminant (CARB, 2000; Lippmann et al., 2003; Ostro and Chestnut, 1998; SCAQMD, 2003). MA-11

Particulates are classified according to their diameters. Those less than 2.5 [micro]m ([PM.sub.2.5]) pose the greatest threat to human health because smaller size allows deeper penetration into lung tissues as well as longer float times (as much as several days under dry conditions) and therefore wider deposition. DPM is particularly light, with a mean particle diameter of 0.2 [micro]m, but as much as 20% of DPM can be less than 0.05 [micro]m, which floats longer and penetrates deeper than larger particles. DPM also has a large surface area, making it an ideal carrier for a variety of toxic compounds. DPM typically makes up 10-30% of total [PM.sub.2.5] concentrations. The federal limit for [PM.sub.2.5] is 15 [micro]g/[m.sup.3] average annual concentration and 65 [micro]g/[m.sup.3] maximum concentration during any 24-h period. California has a stricter annual average concentration standard of 12 [micro]g/[m.sup.3]. DPM-specific standards do not exist.

The eastern Inland Empire and particularly the I-215, I-10, and I-15 freeway corridors have very high particulate concentrations. In 2003, Riverside and San Bernardino counties ranked first and second, respectively, in the nation for total particulate pollution (CARB/American Lung Association, 2004). For example, at the Rubidoux monitoring station in Riverside, during the period 2000-2002 the average annual [PM.sub.2.5] concentration was 28.9 [micro]g/[m.sup.3], which is about 1.75 times the federal limit and

Jeff Bradshaw, Associate Planner
Moreno Valley Planning Division

Re: PROPOSED WAREHOUSE PROJECT
WESTRIDGE COMMERCE CENTER
CITY CASE #P08-133
4

> more than twice the state …Warehouses, trucks, and [PM.sub.2.5]: human health and logistics industry growth in the eastern Inland Empire.(Report)"

This article spells out the health dangers from increased diesel truck traffic to our elderly, children, and our overall population, and this is a very real and dangerous and I might add, unnecessary and unacceptable health risk(s) and as such, this project should be denied as this should not be the price we have to pay for "900 jobs". MA-11 cont'd.

Sincerely,

Marcia Amino
10363 Crest Brook Drive
Moreno Valley 92557
951-247-8225

MARCIA AMINO

Letter Dated December 5, 2010

Response MA-1

The commentor, a Moreno Valley resident, expresses concern regarding the impact of the Project on the overall quality of life within the City and requests the Project be denied as proposed. These opinions are acknowledged.

Response MA-2

The commentor provides an excerpt of the City's General Plan regarding City goals and offers that the Project is not in keeping with the stated goals of the General Plan. Notwithstanding the commentor's opinions, Project consistency with the applicable provisions of the General Plan are substantiated within each EIR topical section (Land Use-Pages 4.1-17 through 4.1-20; Traffic/Circulation-Pages 4.2-23, 4.2-24; Air Quality-Page 4.3-18; Noise-Pages 4.4-10, 4.4-11; Water Supply-Pages 4.5-24, 4.5-25; Hydrology and Water Quality-Pages 4.6-13, 4.6-14; Cultural Resources-Page 4.7-10; Biological Resources-Pages 4.8-11, 4.8-12; and Aesthetics-Page 4.9-5 through 4.9-7. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-3

The commentor references a survey of opinion (regarding the City's General Plan) of Moreno Valley residents, wherein 47 percent of residents want to retain the rural character of the area. Notwithstanding poll results offered by the commentor, development of the site with industrial/business park uses is anticipated under the site's current General Plan land Use designation (Business Park/Light Industrial). Please refer also to the discussion of Project consistency with existing land use plans and policies (DEIR Pages 4.1-17 through 4.1-30). Moreover, design and visual attributes of the Project are consistent with General Plan (Community Development Element) Objectives

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and Policies generally addressing design and aesthetic considerations (please refer to DEIR Pages 4.9-5 through 4.9-7). The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-4

The commentor's assertion that there is no written guarantee that the entire number of jobs referenced in the Draft EIR (approximately 900 jobs)[3] will be filled by Moreno Valley residents is accurate. However, the types of warehousing employment offered by the Project are not considered growth-inducing, as these types of jobs typically draw from the local employment pool and do not induce long commutes.

Response MA-5

Contrary to the commentor's assertion that "the EIR states repeatedly that the effects of this project are minimal and not significant in magnitude," the Draft EIR contains 50 mitigation measures, specifically developed to reduce the identified potentially significant impacts. Additionally, the environmental topics of traffic, air quality, and noise were found to have significant and unavoidable impacts, even after the implementation of all feasible mitigation. Please refer to Table 1.10-1 of the Draft EIR for a summary all of Project-related impacts.

The commentor also states an opinion regarding the Project's requested zone change. The General Plan's limitation of square footage (50,000) is per building. It is important to note that the total square footage and uses proposed by the Project are allowed under the site's current General Plan land use designation. The zone change is required to

[3] Based on one (1) job per 1,030 square feet of development, Riverside County General Plan Appendix E, Buildout Assumptions and Methodology, Page 6, Light Industrial employment multiplier (*See* DEIR, Page 5-44).

allow the proposed uses to be contained within a building larger than 50,000 square feet.

Response MA-6

The commentor expresses concern regarding the cumulative effects of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response MA-7

While the State-wide budget deficit is out of the scope of the EIR, it should be noted that the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements. The Project's impacts on traffic, air quality, and public services are addressed in the EIR.

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Response MA-8

The commentor expresses an opinion regarding the Project's role in what she perceives as the degradation of property values and the City's image as a whole. The commentor also asserts that the Project, along with other similar vicinity projects, is a direct contrast of the vision of the General Plan. The project's impacts on aesthetics and consistency with the City's General Plan are addressed in the EIR. The commentor's statements and opinions regarding the Project will be forwarded to the decision-makers for their consideration.

Response MA-9

As required under SB 610/221, a Water Supply Assessment (WSA) has been prepared by the serving water purveyor, Eastern Municipal Water District (EMWD). The Project WSA demonstrates water supply sufficiency from existing and planned resources, and under conditions that are even more restrictive than the single-year and multiple-dry year scenario standards of SB 610. Within the WSA, EMWD has stipulated Conditions of Approval ensuring implementation and operation of the Project in a manner that provides for efficient use of available water supplies. The commentor is referred to Section 4.5, "Water Supply" and Appendix E of the Draft EIR.

Response MA-10

The commentor references a Los Angeles County presentation regarding diesel truck management strategies. Specifically, the commentor excerpts a portion of the presentation regarding diesel truck trips through residential neighborhoods.

It should be noted that Project traffic will not pass through residential neighborhoods. The Project's proximity to State Route 60 minimizes the amount of truck trips occurring on residential streets. Trucks will exit Redlands Boulevard (passing properties designated for commercial and warehouse distribution uses), then turn right on Fir Avenue (future Eucalyptus) to access the site. Properties located south of Fir Avenue (future Eucalyptus) are designated for residential uses; however, trucks will not require

MV00116010

the use of internal neighborhood streets. Ultimate configuration of Redlands Boulevard under its current General Plan designation is a four-lane, divided arterial roadway. Fir Avenue (future Eucalyptus) is designated as an arterial roadway with a 104-foot right-of-way from west of Moreno Beach Drive to east of Redlands Boulevard. Please refer also to DEIR Section 4.3, Air Quality; and DEIR Section 4.4, Noise.

The basis for the statement "1 truck = 10,000 cars" noted in the presentation is unclear. As presented in Section 4.2, "Traffic and Circulation" of the Draft EIR, "passenger car equivalent" (PCE) factors were utilized in the analysis. Specifically, Page 4.2-19 of the Draft EIR states:

> "As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour."

The PCE factors employed within the Draft EIR were derived from San Bernardino Associated Governments (SANBAG). SANBAG is the metropolitan planning organization for the County, with policy makers consisting of mayors, councilmembers, and county supervisors, and the funding agency for the county's transit systems.

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Response MA-11

The commentor excerpts an article regarding the health dangers of diesel truck traffic. Similarly, Section 4.3, "Air Quality" of the Draft EIR presents background information, including the dangers of criteria pollutants. Additionally, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). Results of the Health Risk Assessment (HRA) are summarized at Draft EIR Pages 4.3-80 through 4.3-86, and the HRA is presented in its entirety at Appendix C to the Draft EIR.

Mitigation was developed to address DPM generation (Mitigation Measure 4.3.10). The Draft EIR concluded that, with mitigation, no sensitive receptors or off-site workers will be exposed to DPM-source cancer risks exceeding the SCAQMD's significance criteria. Additionally, the commentor expresses an opinion that the dangers are "unnecessary and unacceptable" and requests that the Project be denied. These opinions will be forwarded to the decision-makers for their consideration.

MV00116012

From: Lynne Ashley [lynneashley70@yahoo.com]
Sent: Sunday, December 05, 2010 8:52 AM

Dear Jeffrey,

I live on the North side of the freeway, Ironwood and Moreno Beach, I am very concerned about the health risks for myself and my family with the possibility of more warehouses coming to the East end of Moreno Valley, please see my concerns below.

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? LA-1

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? LA-2

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? LA-3

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? LA-4

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? LA-5

How will this project be growth inducing for similar projects? LA-6

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, Westridge Commerce Center and Pro Logis are in full operation? LA-7

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? LA-8

Sincerely,

Lynne Ashley
12285 Deep Valley Trail
Moreno Valley, CA 92555

LYNNE ASHLEY

Email Dated December 5, 2010

Response LA-1

The commentor expresses concerns about the effect of diesel truck emissions on the future sensitive receptors located on the south side of Fir Avenue. A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for

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the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [3]

Response LA-2

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, as summarized at DEIR Pages 1-18 and 1-19, the Project will result in certain significant and unavoidable air quality and noise impacts.

---

3 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

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Response LA-3

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> If a facility must also comply with RCRA/CERCLA HRA requirements, health effects to on-site workers may also need to be addressed. The DTSC's Remedial Project Manager should be consulted on this issue. In some cases it may be appropriate to evaluate risks to on-site receptors. The district should be consulted about special cases for which evaluation of on-site receptors is appropriate, such as facilities frequented by the public or where people may reside (e.g., military facilities).
>
> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

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Response LA-4

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

Response LA-5

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating

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system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response LA-6

The commentor expresses concern regarding the growth-inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To

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this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth, and would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response LA-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10).

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This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

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Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***
>
> - Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;
>
> - Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

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- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

It is further noted that with specific regard to Redlands Boulevard, this road is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard. The commentor's remarks are forwarded to the decision-makers for their consideration.

Response LA-8

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

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The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

MV00116023

RECEIVED
DEC - 2 2010
CITY OF MORENO VALLEY

CITY OF MORENO VALLEY
ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD
COMMENTS OF BOARD MEMBER GERALD M. BUDLONG
24821 Metric Drive
Moreno Valley, CA 92557
December 2, 2010

SUBJECT: WESTRIDGE COMMERCE CENTER DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
STATE CLEARINGHOUSE NUMBER 2009101008

COMMENT GLOBAL TO ALL APPLICABLE DEIR FIGURES: Why are the applicable figures throughout the DEIR not drawn to scale? How can the reader duplicate the science when for instance the maps and plans are not drawn to scale? GB-1

1.0 SUMMARY page 1-8 Geology and Soils. The DEIR addresses the Checklist Category "Geology and Soils" in a Geotechnical Investigation prepared for the Project site and is designated Appendices H. Geotechnical Investigation in the EIR. Therefore comments on the CEQA Geology and Soils Category will be addressed below in the Appendices H.

APPENDICES H. GEOTECHNICAL INVESTIGATION, Project No. 06G258-1, Proposed West Ridge Business Center, January 10, 2007, Southern California Geotechnical, Inc.

2.0 SCOPE OF SERVICES, page 3.

"The scope of services performed for this project was in accordance with our Proposal No. 06P420, dated November 20, 2006. The scope of services included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundation, building floor slabs, and parking lot pavements along with site preparation recommendations and construction considerations for the proposed development. The evaluation of the environmental aspect of this site was beyond the scope of services for this geotechnical investigation." GB-2

COMMENT: The subject geotechnical investigation appears to consist of a foundation analysis for future foundations for buildings and parking lot pavements. The scope does not evaluate the environmental aspect of this site. Please define what environmental aspects of the site are missing from this report? Is one of the missing environmental aspects a detailed seismic study of this site which defines buried fault(s) and their potential of rupturing the ground surface above them?

3.3 Previous Studies, page 5.

"As part of our investigation of the site, we were provided with one geotechnical report prepared by LGC Inland, Inc. pertaining to the north east portion of the site. The report is summarized below:"

COMMENT: I cannot find a copy of the LGC Inland, geotechnical report in the DEIR , Appendices or anywhere else in the DEIR? Should not the DEIR Appendices contain a complete copy of this study rather than just a one-paragraph summary?

GB-3

6.1 Seismic Design Parameters, page 9

"Faulting and Seismicity
Research of available maps indicates that the subject site is not located with an Alquist-Priolo Earthquake fault zone. Therefore, the possibility of significant fault rupture on the site is not located with an Alquist-Priolo Earthquake Fault Zone. Therefore, the possibility of significant fault rupture of the site is considered to be low."

COMMENT: I cannot find a list of references with subject Appendix H. What are your references used to research the faulting and seismicity conclusions in this study?

GB-4

UBCSEIS
Version 1.03
COMPUTATION OF 1997 UNIFORM BUILDING CODE SEISMIC DESIGN PARAMETERS, JOB NUMBER: 06G258-1, JOB NAME: West Ridge Business Center, DATE: 12-30-2006, FAULT-DATA-FILE NAME: CDMGUBRC. DAT lists the nearest type A fault as the San Andreas fault 19.8 km away and the nearest type B fault as the San Jacinto-San Jacinto Valley fault 1.0 km away. This table lists faults up to 1000 km away from the site.

COMMENT: Why is the Casa Loma fault missing from this table? Within the city jurisdiction of San Jacinto, the Casa Loma fault is very prominent with a displacement approximately of 20 vertical feet and designated as an Alquist-Priolo Earthquake Fault Zone and proceeds northwest to the vicinity of the San Jacinto Wildlife Area where the State Earthquake Zone terminates.

GB-5

The following study provides geologic evidence of the continuance of the Casa Loma fault located northwest of the State Earthquake Zone. R M Environmental, Inc. prepared a Preliminary Geotechnical Investigation on January 19, 2004, under Project No03-406 for a proposed 347 lot single-family-residential development, 120 +- acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015), near the intersection of Pettit Street and Highway 50 in the City of Moreno Valley. This site abuts the West

Ridge Business Center site on the east side of the single-family residential development site. GB-5, cont'd

Page 1 of this Geotechnical Investigation presents a scope of work presented in the form of six (6) bullets. The second bullet states"Geologic Mapping of the site by our geologist".

COMMENT: Why does the scope of the West Ridge Business Center geotechnical investigation omit the geologic mapping of the site by a geologist? GB-6

Page 4 of the R M geotechnical study states "the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located with an Alquist Priolo Earthquake Studies Zone for fault rupture hazard."

"Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto faults, the Casa Loma fault may be considered as active."

"The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present."

Page 6, 5.2 Ground Rupture states: "A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present." GB-7

"The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on Plate 1."

The inferred trace of the Casa Loma fault as delineated by the geologist of RM Geotechnical enters the vicinity of the northwest corner of the West Ridge Center property and extends southeast across the property, leaving the property midway at the southern boundary of the site. The recommended hazard zone delineated by the RM Geotechnical geologist covers approximately two-thirds of the proposed footprint of the proposed 937,260 square foot building of West Ridge Center.

For more than 20 years I have been an appointed member of the City Ecological Protection Advisory Committee (name changed to Environmental and Historical Preservation Board) except for the 2.5 years where I served as a member of the City Planning Commission. During my tenure I have always expressed the need for detailed

geologic fault investigations to be conducted to delineate the trace of the Casa Loma fault and to evaluate if faulting has occurred on the site and the activity of faulting.
Also since the availability of the U.S. Geological Survey (USGS) Earthquake Hazards Program, I have monitored the recorded earthquake events in Moreno Valley. This USGS program records all earthquakes occurring in the United States for the past 7-days, having a magnitude of 1. I have shared to the Environmental and Historical Preservation Board, Planning Commission and the School Board of the regular USGS records of mini earthquakes along the trace of the Casa Loma fault within the city.

The most recent seismic event occurring along the Casa Loma fault recorded by the USGS was Event No. CI 14870228. This event occurred at 1:49:08 P.M., on October 28, 2010. The USGS recorded the magnitude at 1.1, at a depth of 9 miles, with the epicenter located southwest of Ironwood and Nason. GB-7, cont'd

COMMENT: Why doesn't the City of Moreno Valley require a geologic fault investigation and evaluate if faulting has occurred on the site and the activity of the faulting and present the evidence in the DEIR?

COMMENT: Why didn't Applied Planning Inc., review the City's copy of the R M Environmental Geotechnical Report and utilize the geological, faulting, and mapping data in the West Ridge Commerce Center DEIR? GB-8

COMMENT: In the past I was an Associate Instructor at San Jacinto Community College, where I conducted Physical Geography 101 classes at night and summer sessions. My final exams always had this question. "Why do you never ever build a building for human occupancy across an active fault?" Would you please answer this question, because the proposed building footprint will over lay the Casa Loma fault defined by R M Environmental Inc., a potentially active fault? GB-9

An appendix containing pages of the R M Environmental Inc. geotechnical report including the eastern part of plate 1 is included with these comments on the DEIR.

4.9 AESTHETICS

4.9.2 SETTING, page 4.9-3 Last paragraph concerns "Major Scenic Resources" addresses the badlands to the east and the Mount Russell and foothill areas to the east. GB-10

COMMENT: Why is the San Jacinto Valley containing the agricultural lands, riversidean sage habitat, and the wetlands of the State San Jacinto Wildlife Area, including Mystic Lake not included as a major scenic resource?

COMMENT: Figure 4.9-1 Major Scenic Resources delineates the San Jacinto Valley with the visual scenic resource symbol, why the inconsistency mentioned in proceeding comment. Also the San Jacinto Wildlife Area is mislabeled as Preserve rather than Area. GB-11

COMMENT: page 4.9-19 Level of Significance: Significant and Unavoidable. The California Department of Transportation's (CALTRANS) list of Officially Designated Scenic Highways is a legislative mandate upon this state agency. The state legislature also mandates cities and counties to address scenic roads and highways in their general plans. CALTRANS recognizes the importance of local scenic roads and highways. For instance, CALTRANS objected to the installation of a billboard adjacent to the right of way of U. S. Route 395(Highway 395) in the unincorporated town of Big Pine in Inyo County. Highway 395 at this location is outside of the CALTRANS Officially Designated Scenic Highway System, however the highway is a county scenic highway. CALTRANS at Inyo County Superior Court stated that the Scenic Highway Element of the Inyo County General Plan designated U.S. Route 395 as a county scenic highway as evidence for removing the billboard. The court in its decision ordered the defendant to remove the billboard in favor of CALTRANS. GB-12

What are your sources or evidence concerning the scenic values of CALTRANS Officially Designated Scenic Highways having scenic values rated higher than local scenic highways? For instance county scenic Highway 395 at Big Pine is located in the Owens Valley with the White Mountains to the east and the Sierra Nevada, including the Palisade Glacier to the west. The nickname of Owens Valley is the "Deepest Valley" the valley at 4000 feet and the surrounding mountains at 14,000 feet.

COMMENT: page 4.9-19 Why isn't the blocking of the view scape from SR-60 of the visual scenic resources consisting of the San Jacinto Valley a significant impact? Have you ever viewed the reflections of the wetlands of the San Jacinto Wildlife Area? GB-13

APPENDIX

R M Environmental, Inc., Preliminary Investigation dated January 19, 2004

COVER PAGE; Page 1- INTRODUCTION, including project scope;
Page 4 -4.0 Geology and 4.1 Regional Geologic Setting;
Page 6- 5.0 Seismicity, 5.2 Ground Rupture;
Figure 1- Location Map;
Plate 1 Site Plan with geological mapping containing projected Casa Loma fault and its recommended hazard zone. Contains only the mapped area east of the logical extension of Quincy Street, contained in three pages:
- Page 1: SR- 60 south;
- Page 2: Logical extension of Eucalyptus Avenue;
- Page 3: Title Block

GB-14

R M Environmental, Inc.

Geology - Environmental - Geotechnical Engineering

January 19, 2004
Project No. 03-406

Mr. Jeff Palmer
5511 Calumet Ave.,
La Jolla, CA., 92037

SUBJECT: PRELIMINARY GEOTECHNICAL INVESTIGATION
Proposed 347 Lot Single-Family Residential Development
120± Acres, Assessors Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015)
Near the Intersection of Petit Street and Highway 60
City of Moreno Valley, California

Dear Mr. Palmer:

In accordance with your request, we have completed a Preliminary Geotechnical Investigation for the proposed development of the site. This report presents our findings regarding the site geotechnical conditions and recommendations for the anticipated earthwork and geotechnical design of the project.

For this investigation, we were provided with a 100-scale Site Plan/topographic map of the site titled "Eucalyptus Site, Moreno Valley, CA." This map was utilized as the base map for our Geotechnical Investigation of the site and is presented as **Plate 1**.

Provided the recommendations presented in this report are implemented during site development, the proposed project is feasible from a geotechnical standpoint.

This opportunity to be of service is sincerely appreciated. If you have any questions, please call us at (909) 446-0041.

Sincerely,

Robert C. Manning, CEG #1768/RCE #58565
President

Travis Meier
Staff Geologist

Post Office Box 878 • Calimesa, California 92320 • Telephone (909) 446-0041 • Fax (909) 446-0136

1.0 INTRODUCTION

This report presents the findings of our Preliminary Geotechnical Investigation for the proposed development of 347 single-family residential lots located southeast of the intersection of Pettit Street and Highway 60, City of Moreno Valley, California.

The site is identified as Assessor Parcel Numbers (APNs) 477-120-(001, 006, 007, 008, 014, 015). The site consists of approximately 120± acres of land located on the south side of Highway 60, southeast of the intersection of Pettit Street and Highway 60, Moreno Valley, California. The geographic setting of the site is shown on **Figure 1** - Site Location Map.

This report presents our findings regarding the site geotechnical conditions and general recommendations for the anticipated earthwork and geotechnical design of the project.

E M Environmental's scope of work for this investigation included the following:

- Review of selected background information, aerial photographs, and site reconnaissance;
- Geologic Mapping of the site by our geologist;
- Subsurface exploration by means of nine exploratory borings;
- Laboratory testing of selected soil samples obtained to evaluate geotechnical properties;
- Analysis of site conditions and test results; and
- Preparation of this report presenting our findings, conclusions, and recommendations.

1.1 Proposed Development

The proposed development of the site includes 347 single-family residential lots with associated streets and infrastructure.

It is our understanding, the proposed structures will be one to two story, wood framed, single family homes. Foundation designs are anticipated to consist of continuous and isolated shallow footing foundation systems, or utilization of post-tension type foundations. Maximum foundation loads using a continuous and isolated shallow footing foundation design are not anticipated to exceed 4 kips and 2 kips per foot for isolated and continuous footings, respectively.

4.0 GEOLOGY

4.1 Regional Geologic Setting

The site is located in the east portion of the Moreno Valley, which is part of the Perris Block area of the Peninsular Ranges Geomorphic Province of southern California. The regional geology of the site includes the San Timoteo Badlands to the northeast, Mt. Moleno to the south and southwest, and the San Jacinto Valley to the east.

Lateral displacement and uplift of the region have occurred on a series of major, northwest-trending faults which are thought to be related to the regional tectonic framework. These faults include the San Jacinto Fault zone located approximately 1 mile to the northeast, the San Andreas Fault zone located approximately 11 miles to the northeast, and the Casa Loma Fault zone inferred to be located on or within 500 feet of the northeast corner of the site. The site is not located within an Alquist Priolo Earthquake Studies Zone for fault rupture hazard.

Based on review of the Riverside County Seismic Safety Element (Environ, 1976), the Casa Loma has been inferred as trending in a northwest to southeast direction near the northeast corner of the site. The inferred trace of the Casa Loma fault has been based on the projection of the Reche Canyon Fault to the northwest with the Hemet-San Jacinto fault zone located to the southeast. Based on prior investigation of the Reche Canyon and Hemet-San Jacinto faults, the Casa Loma fault may be considered as active.

The projected fault location and the recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**. Prior to development of the site in this zone, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

4.2 Local Geology

Locally, the site is underlain by at least 50 feet of recent alluvial deposits consisting of slightly moist to very moist, loose to medium dense, soft to very stiff, slightly clayey silts, sandy silts, clayey silts, silts, and fine to medium sands.

The in-situ dry density of the encountered soils varied from approximately 93 pounds per cubic foot (pcf) to 120 pcf. The measured in-situ moisture contents varied from approximately 1.7 to 18.3 percent.

The exploratory boring logs are presented in **Appendix B**. The exploratory boring locations are shown on **Plate 1**. The laboratory test results of the in-situ soils are presented in **Appendix C**.

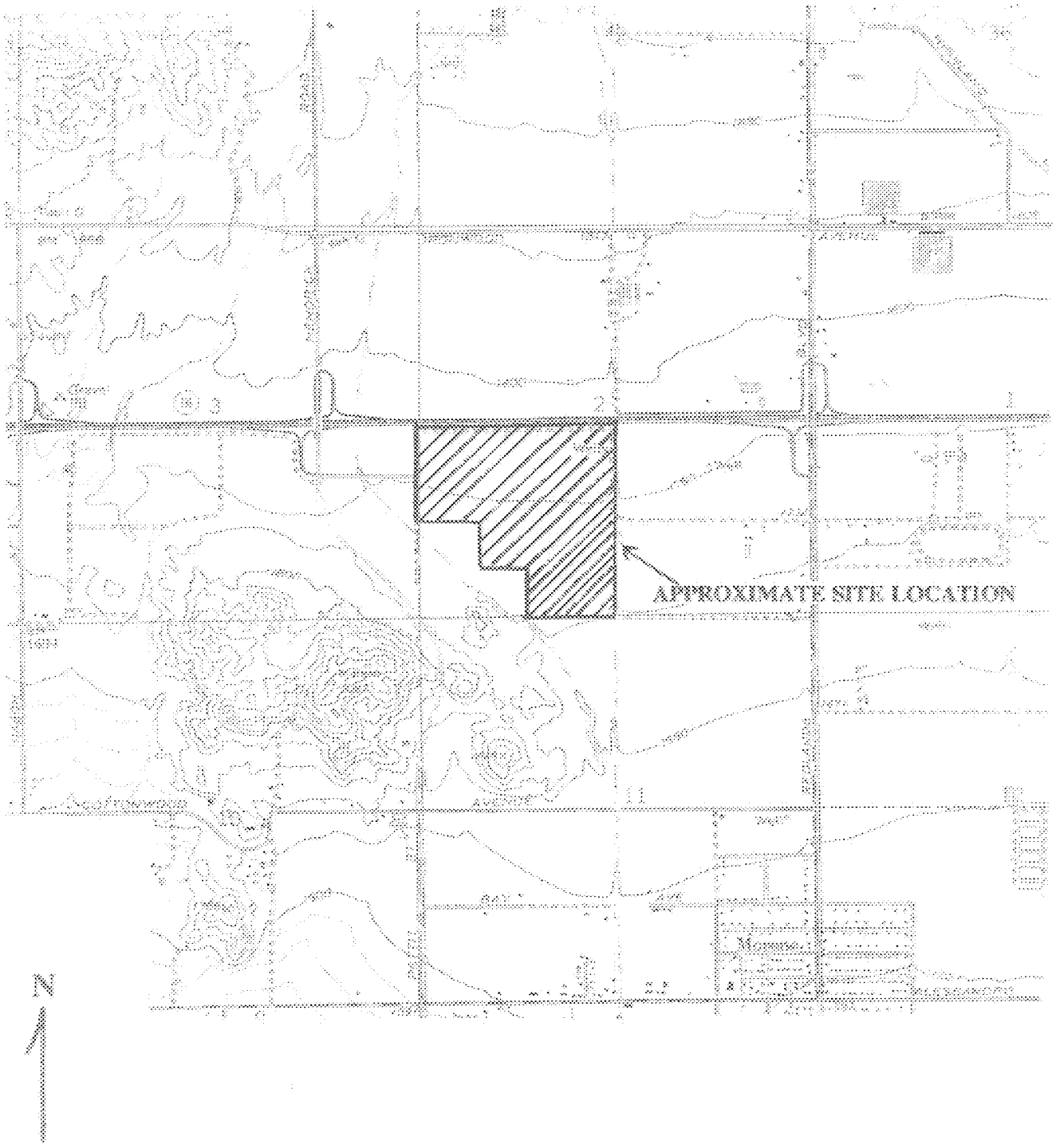

Scale: 1" = 2,000'

References: U.S.G.S., 1967, PR 1980, Sunnymead, California Quadrangle, 7.5 Minute Series

LOCATION MAP - 130± Acres, Near the Intersectin of Pettit Street and Highway 60, City of Moreno Valley, California

Project No. 03-406-geo	*DATE: January 2004*	*FIGURE 1*

5.0 SEISMICITY

5.1 Regional Seismicity

The site is located in a region of generally high seismicity which includes essentially all of southern California. During the design life-span of the project, the site is expected to experience ground motions from earthquakes on regional and/or local causative faults.

The site is located within Seismic Zone 4, which can be related to an "effective" peak acceleration of 0.40g, or a peak acceleration of 0.60g.

5.2 Ground Rupture

A potential for ground rupture exist in the northeast portion of the site. The Casa Loma fault has been mapped as projecting from a northwest to southwest direction near the northeast corner of the site. Prior to development of the northeast portion of the site, a geologic fault investigation should be conducted to the evaluate if faulting has occurred on the site, and the activity of faulting, if present.

The projected fault location and recommended hazard zone for the Casa Loma fault in the site are shown on **Plate 1**.

5.3 Liquefaction

Soil liquefaction is the loss of soil strength due to increased pore water pressures caused by a significant ground shaking. Liquefaction typically consists of the re-arrangement of the soil particles into a denser condition resulting, in this case, in localized areas of settlement, sand boils, and flow failures. Areas underlain by loose to medium dense soils where groundwater is within 40 to 50 feet of the surface are particularly susceptible when subject to ground accelerations such as those due to earthquake motion. Groundwater at the site is greater than 50 feet is depth; therefore, the potential of liquefaction affecting site development may be considered as low.

5.4 Geologic Lineament Analysis

For this investigation, a geologic lineament analysis was performed. This analysis included review of the referenced aerial photographs pertinent to the site. Based on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed.

The site and surrounding areas have been farmed for over 50 years. Aerial photographs were not available prior to the observed farming activities. Therefore, the use of aerial photographs to evaluate geologic lineaments in the vicinity of the site was limited.

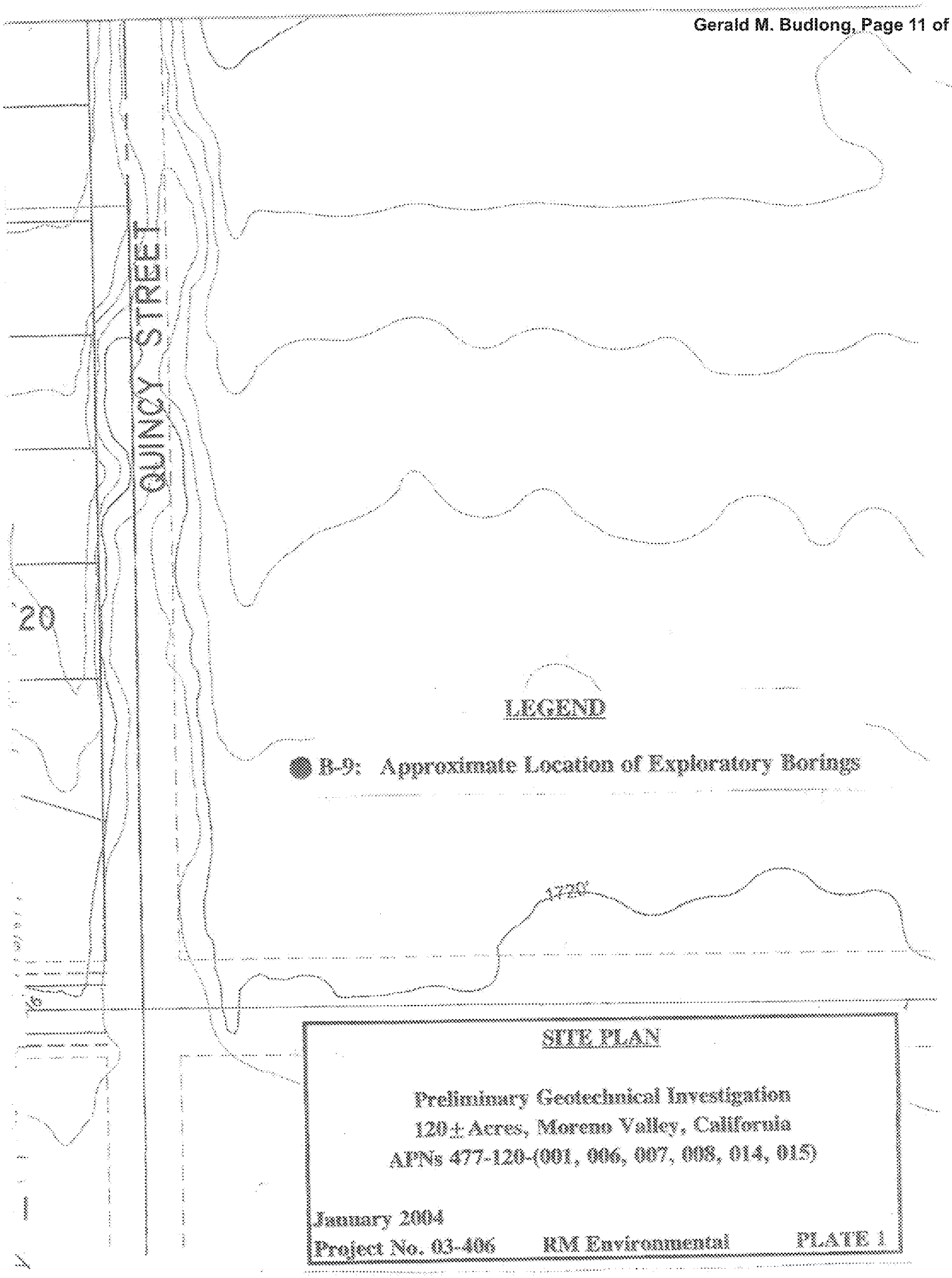

SITE PLAN

Preliminary Geotechnical Investigation
120± Acres, Moreno Valley, California
APNs 477-120-(001, 006, 007, 008, 014, 015)

January 2004
Project No. 03-406 RM Environmental PLATE 1

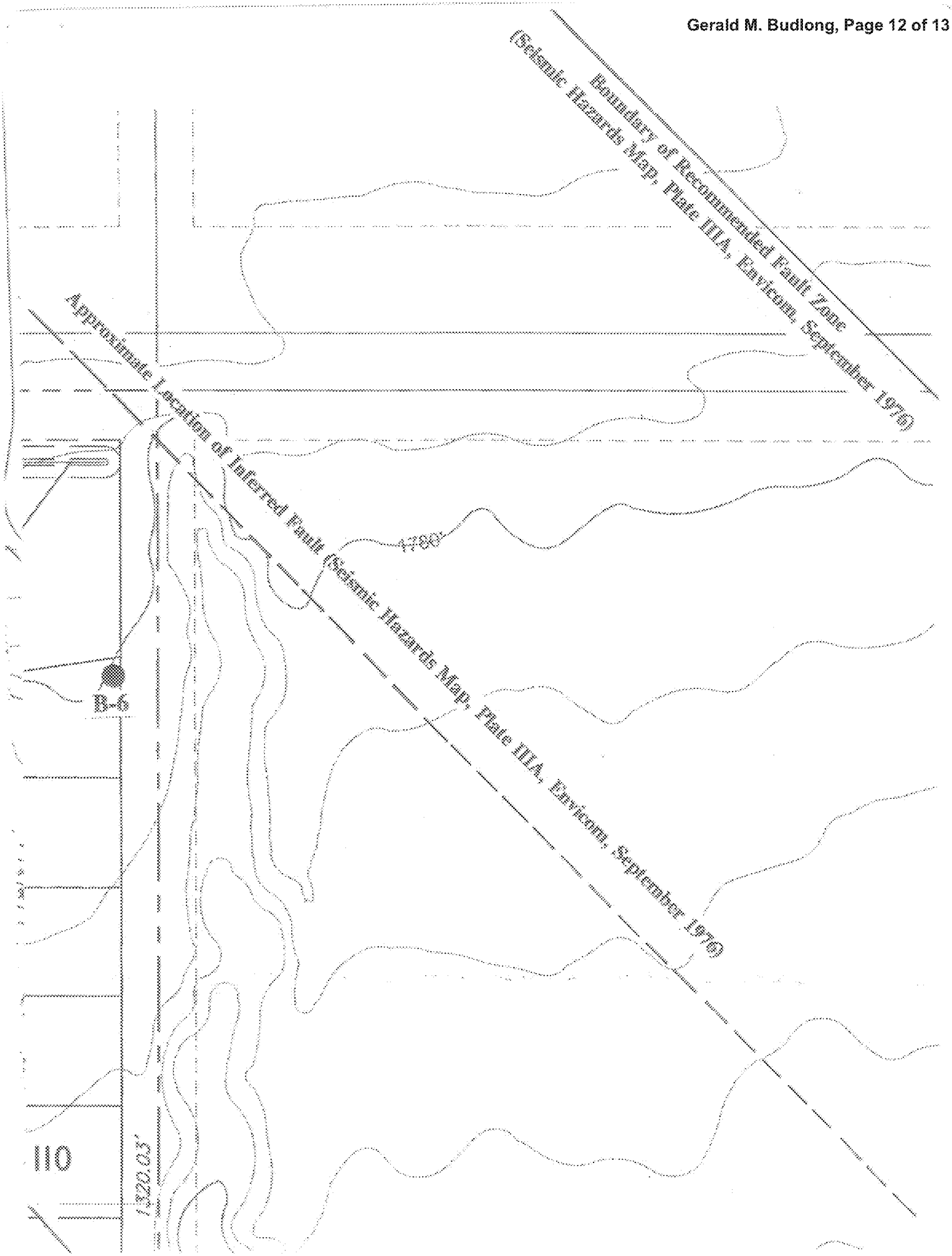
Boundary of Recommended Fault Zone
(Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
Approximate Location of Inferred Fault (Seismic Hazards Map, Plate IIIA, Earthcom, September 1976)
1780'
B-6
1320.03'
110

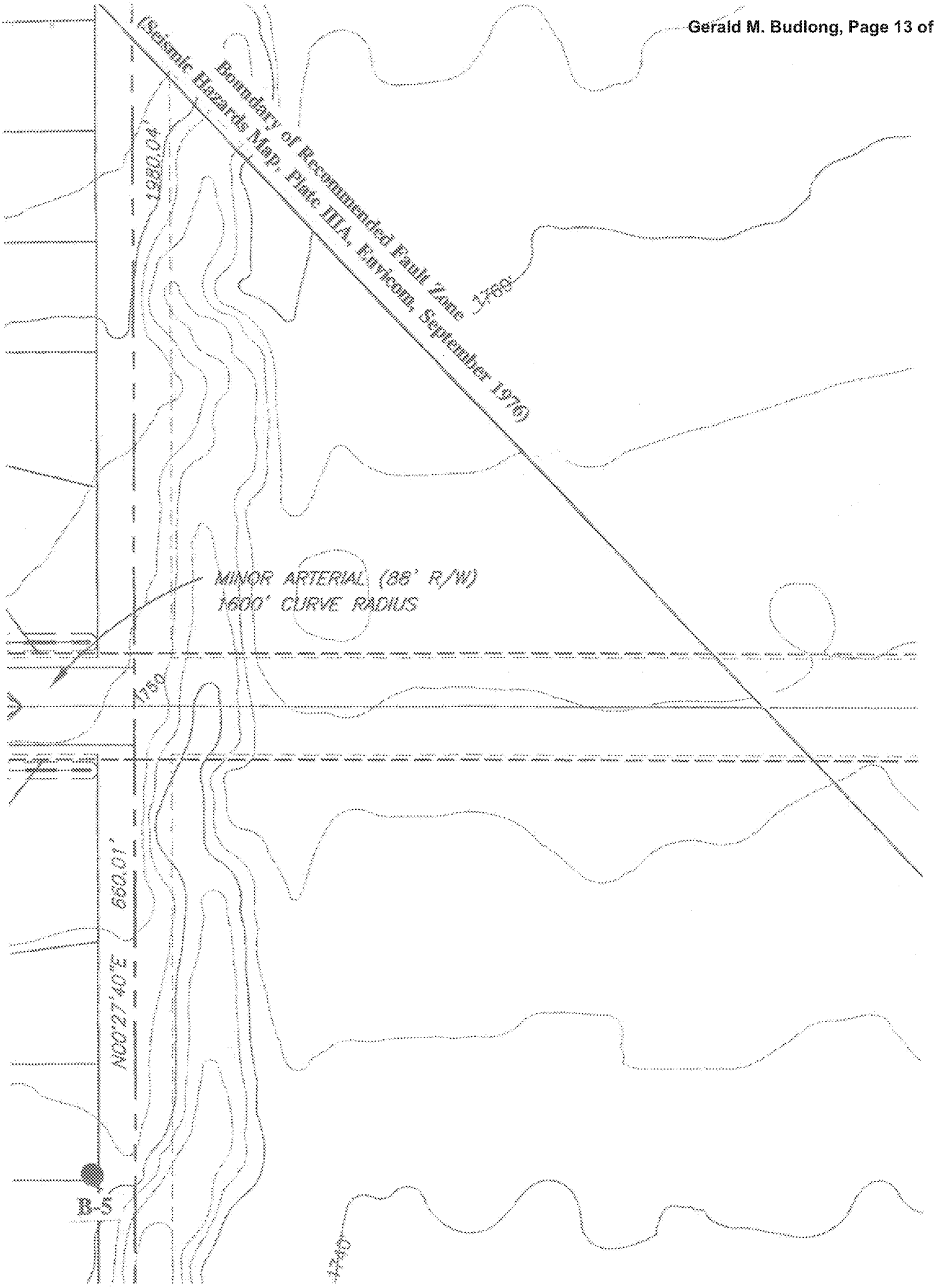
Boundary of Recommended Fault Zone
Seismic Hazards Map, Plate IIIA, Harrison, September 1976
1920.04'
1769'
MINOR ARTERIAL (88' R/W)
1600' CURVE RADIUS
1760
660.01'
N00°27'40"E
1740

GERALD M. BUDLONG
CITY OF MORENO VALLEY ENVIRONMENTAL AND HISTORICAL PRESERVATION BOARD MEMBER

Letter dated December 2, 2010

Response GB-1

The process of reproducing maps and plans at the size required for inclusion in the Draft EIR generally involves a substantial reduction from larger source documents. Where feasible, distances are indicated within the Draft EIR's illustrations; however, for accurately scaled plans, the reader is referred either to the document's Technical Appendices, or to full-sized copies of plans and maps available at the City of Moreno Valley Planning Department.

Response GB-2

The commentor correctly describes the Project Geotechnical Investigation (prepared by Southern California Geotechnical in January 2007, and included in its entirety as Draft EIR Appendix H), and its scope of services, which included a visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide recommendations in regard to building design criteria, site preparation, and construction. The Project Geotechnical Investigation was not intended to provide an environmental evaluation of the Project site; rather, the Phase I Environmental Site Assessment (Project ESA), included in Draft EIR Appendix I, addresses other environmental conditions affecting the Project site.

Both the Project ESA and the Geotechnical Investigation reference a fault study for a portion of the Project site that was prepared prior to the proposed Project application. The *Preliminary Geotechnical Investigation and Fault Study for the Proposed 31-1/2-Acre Residential Development, South of SR-60 and West of Redlands Boulevard, Assessor's Parcel Numbers 477-120-004 and 477-120-005, Moreno Valley, California (Project No. I05876-10)* was prepared by LGC Inland, Inc. (LGC) on September 12, 2005. The LGC Fault Study

states that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." A detailed fault study was not prepared, because it was determined unnecessary based upon Southern California Geotechnical's review of the LGC Fault Study along with other mapping of the Project site (detailed in the following Response GB-4), and their on-site reconnaissance, which found no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas).

Response GB-3

The LGC report is available through the Lead Agency (a copy is available at the Planning Department), and was considered incorporated by reference into the Project Geotechnical Investigation. As discussed in the preceding Response GB-2, because no evidence of faulting or other geologic hazard was identified in this report, it was not determined necessary for inclusion.

Response GB-4

In addition to the LGC report referenced in the preceding Responses GB-2 and GB-3, several geologic maps were used as points of reference in the preparation of the Project Geotechnical Investigation. These include the following:

- Geologic Map of the Sunnymead 7.5' Quadrangle, Riverside County, California, by Douglas M. Morton and Jonathan C. Matti, 2001;
- Geologic Map of the Sunnymead/South ½ of Redlands Quadrangles, San Bernardino and Riverside County, California, by Thomas W. Dibblee, Jr., 2003;
- Alquist-Priolo Earthquake Fault Zones Map of the Sunnymead Quadrangle; and
- Riverside County Land Information System – Fault Zone Map.

Copies of these maps are included on the following pages for ease of reference, and have also been incorporated in Final EIR Section 2.0, Revisions and Errata.

MV00116038

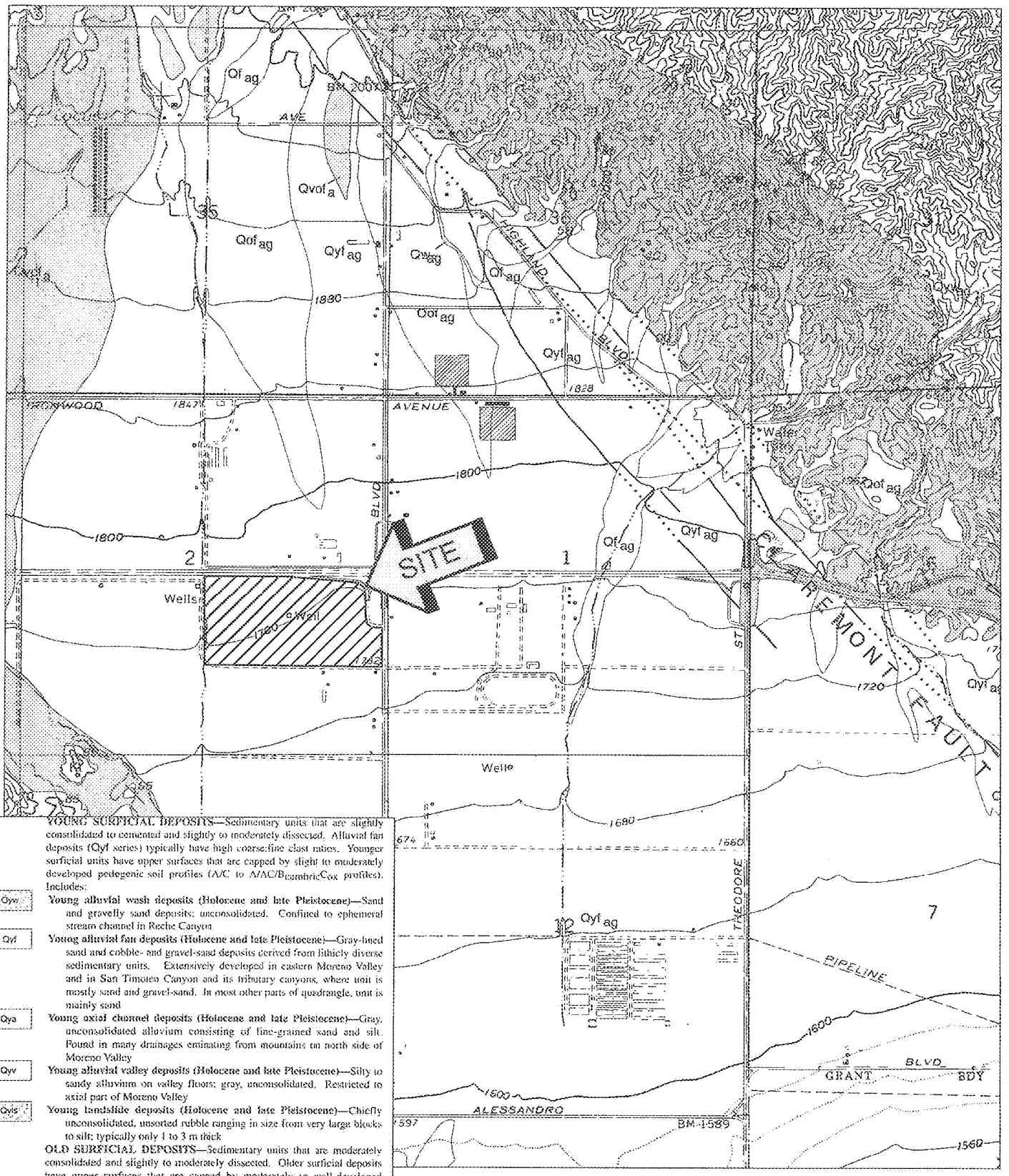

YOUNG SURFICIAL DEPOSITS—Sedimentary units that are slightly consolidated to cemented and slightly to moderately dissected. Alluvial fan deposits (Qyf series) typically have high coarse:fine clast ratios. Younger surficial units have upper surfaces that are capped by slight to moderately developed pedogenic soil profiles (A/C to A/AC/$B_{cambric}C_{ox}$ profiles). Includes:

Qyw — **Young alluvial wash deposits (Holocene and late Pleistocene)**—Sand and gravelly sand deposits; unconsolidated. Confined to ephemeral stream channel in Reche Canyon.

Qyf — **Young alluvial fan deposits (Holocene and late Pleistocene)**—Gray-hued sand and cobble- and gravel-sand deposits derived from lithicly diverse sedimentary units. Extensively developed in eastern Moreno Valley and in San Timoteo Canyon and its tributary canyons, where unit is mostly sand and gravel-sand. In most other parts of quadrangle, unit is mainly sand.

Qya — **Young axial channel deposits (Holocene and late Pleistocene)**—Gray, unconsolidated alluvium consisting of fine-grained sand and silt. Found in many drainages emanating from mountains on north side of Moreno Valley.

Qyv — **Young alluvial valley deposits (Holocene and late Pleistocene)**—Silty to sandy alluvium on valley floors; gray, unconsolidated. Restricted to axial part of Moreno Valley.

Qyls — **Young landslide deposits (Holocene and late Pleistocene)**—Chiefly unconsolidated, unsorted rubble ranging in size from very large blocks to silt; typically only 1 to 3 m thick.

OLD SURFICIAL DEPOSITS—Sedimentary units that are moderately consolidated and slightly to moderately dissected. Older surficial deposits have upper surfaces that are capped by moderately to well-developed pedogenic soils (A/AB/B/C_{ox} profiles and Bt horizons as much as 1 to 2 m thick and maximum hues in the range of 10YR 5/4 and 6/4 through 7.5YR 6/4 to 4/4 and mature Bt horizons reaching 5YR 5/6). Includes:

Qof — **Old alluvial fan deposits (late to middle Pleistocene)**—Indurated, sandy and gravelly alluvial fan deposits, found on south side of San Timoteo Badlands and in Reche Canyon. Slightly to moderately dissected; reddish-brown. Some deposits include thin, discontinuous surface layer

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD 7.5' QUADRANGLE, RIVERSIDE COUNTY, CALIFORNIA" MORTON AND MATTI, 2001

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 1

SOUTHERN CALIFORNIA GEOTECHNICAL

MV00116039

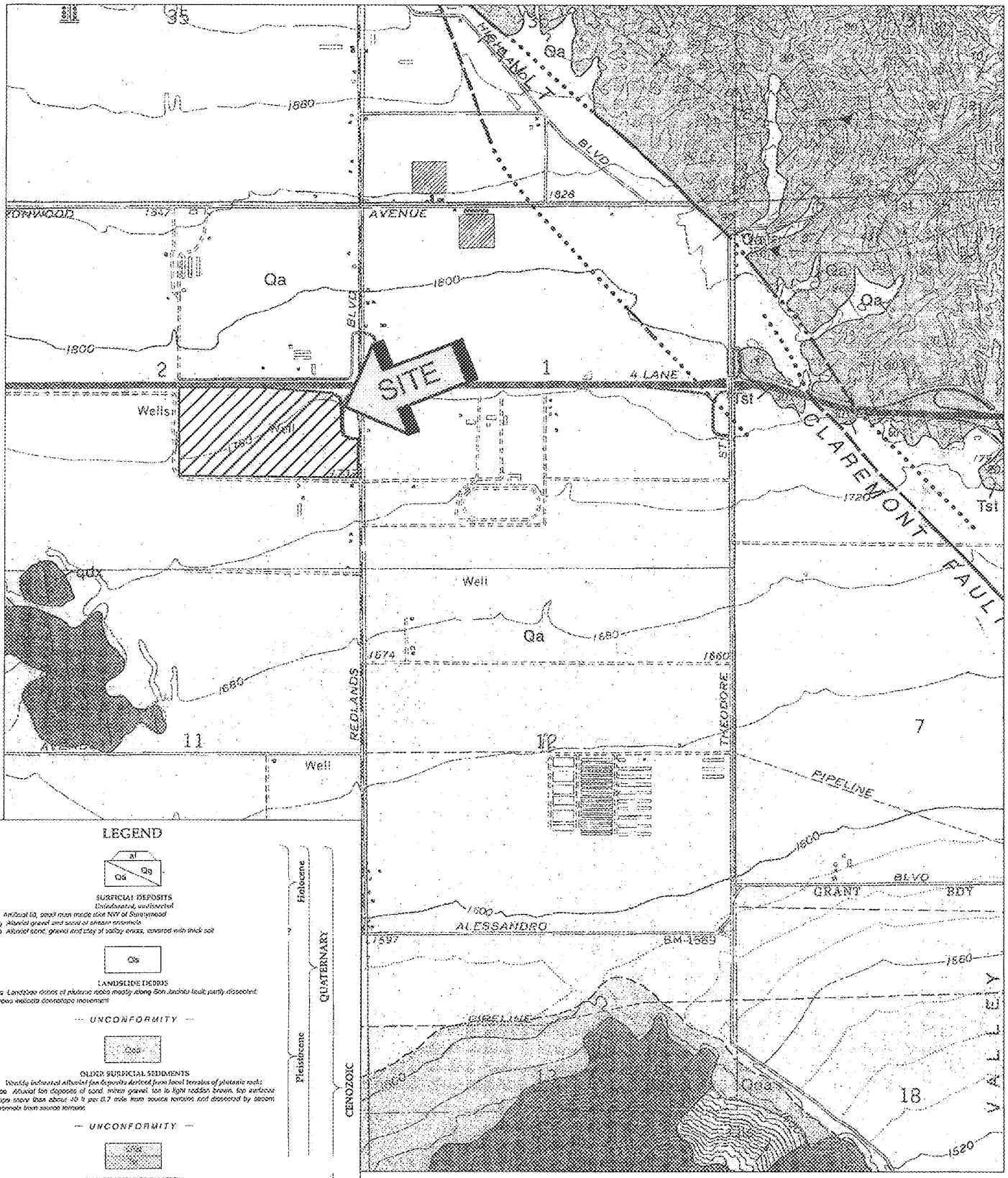

LEGEND

SURFICIAL DEPOSITS
Unconsolidated, undissected

af Artificial fill, small mass made due NW of Sunnymead
Qg Alluvial gravel and sand of stream channels
Qa Alluvial sand, gravel and clay of valley areas, covered with thick soil

LANDSLIDE DEBRIS

Qls Landslide debris of plutonic rocks mostly along San Jacinto fault; partly dissected; arrows indicate downslope movement

— UNCONFORMITY —

OLDER SURFICIAL SEDIMENTS

Weakly indurated Alluvial fan deposits derived from local terraces of plutonic rocks:
Qoa Alluvial fan deposits of sand, minor gravel, tan to light reddish brown, top surfaces slope more than about 40 ft per 0.7 mile from source terraces and dissected by stream channels from source terraces

— UNCONFORMITY —

SAN TIMOTEO FORMATION

(San Timoteo Hills of Frick, 1921) stream-laid alluvial sediments of detritus derived from plutonic and metamorphic rocks of San Bernardino Mountains area, weakly indurated, upper part yielded vertebrate fauna diagnostic of Blancan Stage, Plio-Pleistocene (Frick, 1921, Savage, et. al. 1951), or Irvingtonian 1 Stage, earliest Pleistocene (Reynolds, 1991); strata part referred to late of Pliocene age (Morton and Miall, 2004)

QTst Upper part, conglomerate, light gray to tan, fine to coarse grained, arkosic, bedded and minor conglomerate of pebbles and cobbles of mostly granitic outcrop, some of gneissic rocks and quartzite; includes thin layers of soft greenish to light reddish clay claystone, tentatively (?) overlain by Qoa in this quadrangle
Tst Main part (pebble part of Morton and Miall, 2004), lithologically similar to upper part; within 1 km of San Jacinto fault includes more conglomerate; base not exposed in this quadrangle

Qa, Qg, af	Holocene	QUATERNARY
Qoa, Qls	Pleistocene	QUATERNARY
QTst	Pliocene	TERTIARY
Tst	Pliocene	TERTIARY

CENOZOIC

SOURCE: "GEOLOGIC MAP OF THE SUNNYMEAD/SOUTH ½ OF REDLANDS QUADRANGLES, SAN BERNARDINO AND RIVERSIDE COUNTY, CALIFORNIA" DIBBLEE, 2003

GEOLOGIC MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'
DRAWN: DRK
CHKD: JAS
SCG PROJECT 06G285-2
PLATE 2

SOUTHERN CALIFORNIA GEOTECHNICAL

MV00116040

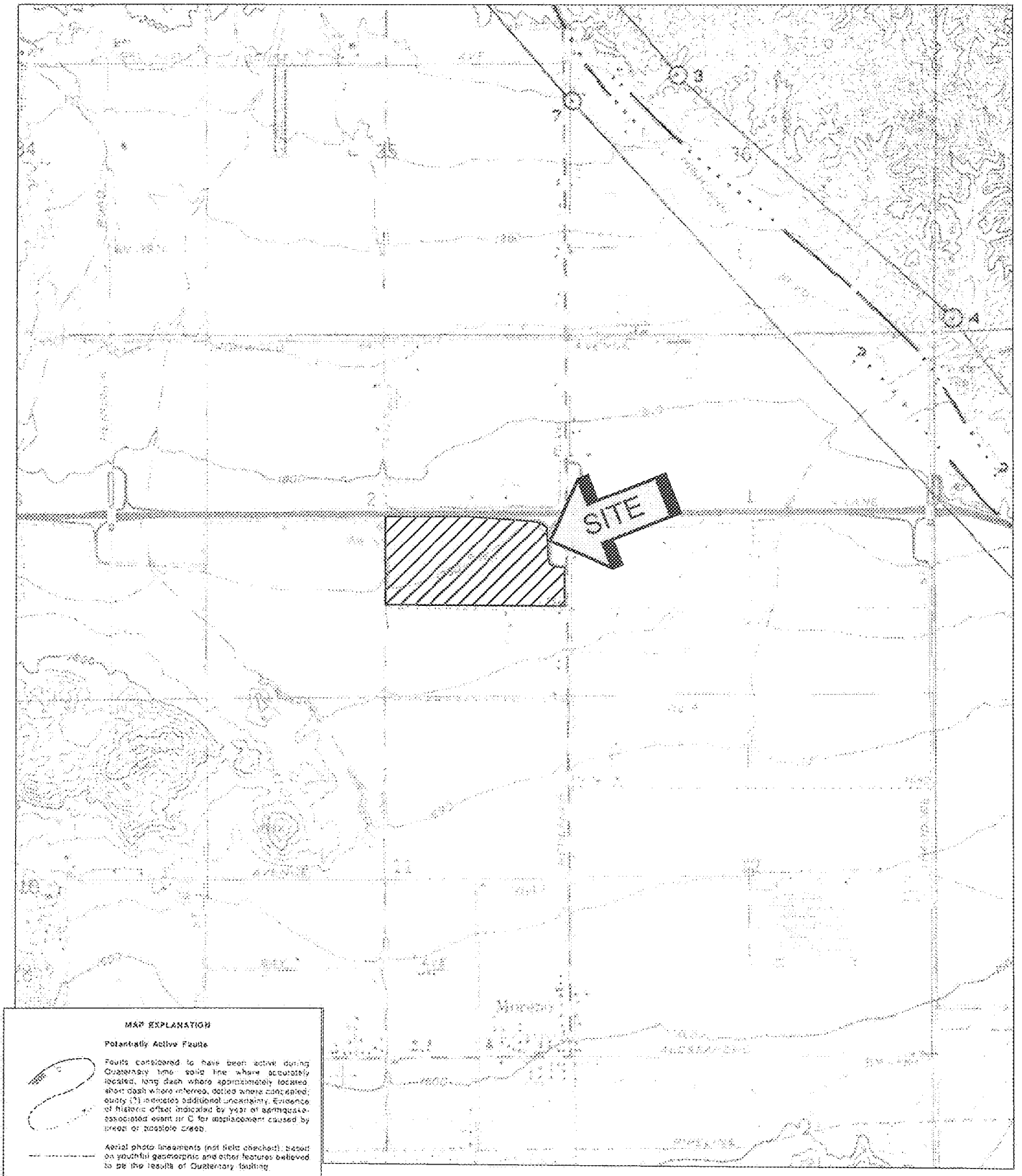

SOURCE: "ALQUIST-PRIOLO EARTHQUAKE FAULT ZONES MAP, SUNNYMEAD QUADRANGLE"

ALQUIST-PRIOLO EARTHQUAKE FAULT ZONE MAP

PROPOSED WEST RIDGE BUSINESS CENTER

MORENO VALLEY, CALIFORNIA

SCALE: 1" = 2000'	
DRAWN: DRK CHKD: JAS	
SCG PROJECT 09G285-2	
PLATE 3	

SOUTHERN CALIFORNIA GEOTECHNICAL

MV00116041

FAULT ZONES
03/15/2010

- INTERSTATES
- HIGHWAYS
- PARCELS
- ALQUIST-PRIOLO
- RIVERSIDE COUNTY
- COUNTY FAULT ZONE
- SAN JACINTO FAULT ZONE
- CITY

SOURCE: "RIVERSIDE COUNTY LAND INFORMATION SYSTEM - FAULT ZONES"

RIVERSIDE COUNTY FAULT ZONES MAP
PROPOSED WEST RIDGE BUSINESS CENTER
MORENO VALLEY, CALIFORNIA
SCALE: 1" = 2000'
DRAWN: DRK CHKD: JAS
SCG PROJECT 06G285-2
PLATE 4

SOUTHERN CALIFORNIA GEOTECHNICAL

MV00116042

Response GB-5

As noted on Page 9 of the Project Geotechnical Investigation (Draft EIR Appendix H), "The 1997 UBC/2001 CBC Design Parameters have been generat[ed] using UBCSEIS, a computer program published by Thomas F. Blake (January 1998)." It is assumed that the fault parameters were not available for the Casa Loma fault at the time the UBCSEIS program was published.

It may be noted that the building code has changed since the Project Geotechnical Investigation was issued. New development must now be designed in accordance with the requirements of the incumbent edition of the California Building Code (CBC). The CBC provides procedures for earthquake resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. The seismic design parameters are based on the soil profile and the proximity of known faults with respect to the subject site. The 2007 CBC Seismic Design Parameters are now generated using *Earthquake Ground Motion Parameters*, a software application developed by the United States Geological Survey (USGS). This software application, available at the USGS website, calculates seismic design parameters in accordance with the 2007 CBC, utilizing a database of deterministic site accelerations at 0.01 degree intervals. Since the UBCSEIS is no longer used to calculate the seismic design parameters for the proposed development, it is not considered relevant that the Casa Loma fault is not listed in the UBCSEIS database.

Please refer to the following Response GB-7 in regard to the referenced Preliminary Geotechnical Investigation for the property westerly adjacent to the Project site, prepared by RM Engineering.

Response GB-6

Please refer to the geologic maps referenced as part of the preceding Response GB-4.

MV00116043

Response GB-7

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering (RME) is acknowledged. The site addressed by this report is located westerly adjacent to the Project site. Although RME recommended that a fault investigation be conducted prior to development within the portion of the site within the zone designated by the Riverside County Seismic Safety Element (Envicom, 1976), RME provided no data or evidence that an active fault was located on the site or adjacent sites. In fact, RME performed a geologic lineament analysis and concluded (on Page 6 of the referenced report) that, "[b]ased on the aerial photograph review, no significant topographic or vegetation alignments indicating potential faulting on or projecting into the site were observed." The recommendation by RME to perform a fault study was solely based on the Envicom report.

As referenced in the Project Geotechnical Investigation, Southern California Geotechnical reviewed the LGC report referenced in the preceding Response GB-2. LGC performed a fault study in the southeast portion of the Project site. The fault trench was approximately 400 feet in length and trended S48W (perpendicular to the projection of the nearest faults). The trench was excavated to a maximum depth of approximately 14 feet. LGC stated that "[n]o evidence of fracturing, offsets, or any discernable characteristics related to faulting was observed." It should also be noted that no evidence of surficial features indicating faulting (i.e., fault scarps, fault line scarps, sag ponds, fractures, or vegetated areas) were observed on the subject site at the time of the original geotechnical investigation. In addition, the two geological maps presented as part of the preceding Response GB-4 (Plates 1 and 2) indicate that the closest fault to the subject site is the Claremont Fault Section of the San Jacinto Fault Zone, located 3,700 feet northeast of the site. The mapped active portion of the Casa Loma fault is located approximately 4.5 miles southeast of the Project site.

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone (Plate 3), nor is it located within a Riverside County designated fault zone (Plate 4). Based on

MV00116044

information from the previous LGC report and published geologic maps, it is not considered likely that the Casa Loma fault, located more than four miles southeast of the Project site, would cause on-site surface rupture.

Response GB-8

Applied Planning utilized the Project-specific Geotechnical Investigation provided in the Draft EIR, and its assessment of on-site conditions.

Response GB-9

As detailed in the preceding Response GB-7, despite the commentor's assertions to the contrary, as documented in the Project-specific Geotechnical Investigation, there is no indication that the Project building footprint will overlay any active fault, nor is there evidence of potential fault rupture.

Response GB-10

The Draft EIR's description of major scenic resources is focused primarily on those views that would be potentially affected by the Project. It may be noted that, on Draft EIR Page 4.9-3, the reader is referred to Draft EIR Figure 4.9-1, which is based on an exhibit from the Moreno Valley General Plan. This figure does indicate views of the San Jacinto Wildlife Preserve among the City's major scenic resources. As can also be seen from this figure, the San Jacinto Wildlife Area is located approximately 3.5 miles to the southeast of the Project site. Although not identified in the illustration, the California Department of Fish and Game (http://www.dfg.ca.gov/lands/wa/region6/sanjacinto/maps.html) identifies Mystic Lake as being located adjacent to the eastern boundary of the San Jacinto Wildlife Area.

Response GB-11

As noted on Draft EIR Page 4.9-3, Figure 4.9-1 is the Draft EIR is a reproduction of Moreno Valley General Plan Figure 5.11-1, and as such, reflects the labeling used in the General Plan.

Response GB-12

The Draft EIR acknowledges, on Page 4.9-10, that the Project site lies within an established view corridor adjacent to the SR-60, and that SR-60 has been locally designated in the Moreno Valley General Plan as a scenic route. Primarily on this basis, the Project was found to have a substantial adverse effect on a scenic vista, which is considered a significant and unavoidable impact. The CEQA thresholds differentiate effects on a "scenic vista" from potential impacts to "scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway." Although SR-60 has not been designated as a "State scenic highway," its local importance has been acknowledged in the Draft EIR.

Response GB-13

The Draft EIR acknowledges that the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact.

Response GB-14

The commentor's inclusion of the referenced excerpts from the Preliminary Investigation prepared by RM Engineering is acknowledged.

MV00116046

From: Rachel Lopez [rachel.lopez@ccaej.org]
Sent: Monday, December 06, 2010 2:19 PM
To: Jeffrey Bradshaw
Subject: Project Description 105-131
Environmental Impact Analysis 132-135

Land Use and Planning 136-169

Air Quality 261-372

Noise 373-401

This is in response to the Project # 105-131.

Mitigations for the cumulative exposure from projects that have already been approved and those that are in the process of being will have a significant effect on traffic and diesel exposure to residents within the impacted area and fall short of lowering the impacts to residents in close proximity of these projects. How can you mitigate this to include the other projects impacts. CCA-1

The Environmental Impact Analysis does not indicate or give a true picture of projected truck trips taking into account the other projects and the new Sketchers project. What types of mitigation are being initiated for these projects when they reach full capacity and are taken into account. The noise impacts to the surrounding community and its residents must also be mitigated especially with the additional projects that are in the planning process. What will those mitigations look like on a cumulative level. CCA-2

There must be in the mitigation of this project stipulations from the projected/future tenants that only 2010-compliant truck fleet cleanest trucks be allowed into the facility and create incentives or a schedule to phase in a clean truck fleet. The project should also consider other alternatives which might be to consider alternatives such as a portion of the fleet might be retrofitted or repowered and be phased in over a period of time which could reduce the air quality health risks and may be more economically feasible. CCA-3

Cumulatively Significant and Unavoidable for PM10, PM2.5, VOC and NOx exceedances; and long term VOC and *NO exceedances* this phrase is repeated several times in the Draft EIR we must not continue to approve projects in our communities that continue to impact our residents with health risks that can be avoidable with mitigation that should be implemented even before projects are proposed for review. The fact that we see unavoidable and significant in the EIRs is great concern that these projects will continue to be approved with overriding considerations or approved regardless of the impacts to existing or future residents. CCA-4

There are designated proposed residential projects being proposed along side these industrial facilities with no significant buffer areas dedicated. The SCAQMD and the Air Resources board indicate a buffer zone of not less than 1,000 ft. between a sensitive receptor and a diesel source. These issues must be addressed and mitigated with what ever means are available to the lowest levels possible with **sufficient buffer zones of not less than 1,000** to lessen those impacts. The DEIR have buffers of 250 or 300 how can the developer include/mitigate buffer zones of 1,000 ft. CCA-5

Rachel Lopez

Community Organizer

Center for Community Action and Environemtal Justice

Centro de Accin Comunitaria y Justicia Ambiental

Office - 951-360-8451 / Fax - 951-360-5950

rachel.l@ccaej.org

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE
RACHEL LOPEZ

Email Dated December 6, 2010

Response CCA-1

The commentor expresses concern regarding the cumulative effects of the Project's contributions to impacts from traffic and diesel emissions when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 discrete related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Highland Fairview and ProLogis"). Additionally, the cumulative analysis reflects generalized disaggregated regional growth not otherwise attributable to specific development proposals.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Response CCA-2

As noted in the preceding Response CCA-1, the Draft EIR did consider the effects of cumulative projects including potential cumulative truck trips, including the Highland Fairview ("Skechers") project.

With specific regard to truck traffic, estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor. Vehicular noise impacts from all Project and cumulative traffic are also addressed in the DEIR, and are determined to be less-than-significant. Please refer to DEIR at Pages 4.4-21 through 4.4-23; and 5-14 through 5-17.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour intersection passenger car equivalent (PCE) traffic volumes. As noted subsequently in this response, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of

MV00116050

mitigation, Project-related diesel emissions will not result in significant adverse health risks.

The commentor is also referred to Section 4.2, "Traffic and Circulation," of the Draft EIR, which includes the following excerpted discussion:

> As seen in Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour. (Draft EIR Page 4.2-18.)

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19, acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the

MV00116051

required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging the Project's individually and/or cumulatively significant environmental impacts.

Mitigation that addresses identified cumulative impacts was provided in the Draft EIR, and has been incorporated in the Project's Mitigation Monitoring Program, included in Final EIR Section 4.0. It is further noted that other development projects are required to address their own specific impacts, and projects subject to CEQA EIR mandates are also required to address cumulative impacts. In this regard, cumulative impacts are likely

MV00116052

overstated as these estimated impacts do not necessarily reflect or assume mitigation applied by other projects within the affected cumulative impact area.

Response CCA-3

The commentor expresses concern about emissions from diesel trucks associated with the Project. Mitigation Measure 4.3.13 has been revised to incorporate the following requirement.

> ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
>
> ***• Use of fleet vehicles conforming to 2010 air quality standards or better.***

These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0.

Response CCA-4

The commentor correctly reflects the Draft EIR's finding that the Project would have a cumulatively significant air quality impact in regard to the referenced criteria pollutant exceedances (temporary construction-related PM_{10}, $PM_{2.5}$, VOC and NOx exceedances; and long-term operational VOC and NOx exceedances). The commentor's opinions regarding the possible approval of the Project with overriding considerations will be forwarded to decision-makers for their consideration.

Response CCA-5

As acknowledged in the Draft EIR (Pages 4.1-7 through 4.1-9), currently undeveloped properties to the south of Fir (future Eucalyptus) Avenue, and to the west of the Quincy Channel are designated for residential uses. Despite the commentor's assertion to the

MV00116053

contrary, the City has no currently active proposals for residential development on any parcels adjacent to the Westridge Commerce Center Project site.

The 1,000 foot buffer zone referenced by the commentor has been offered by the California Air Resources Board as a planning guideline, to be implemented in cases where site-specific analysis has not been conducted.[4] In the case of the Westridge Commerce Center Project, a Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

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[4] Please refer to the CARB *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005, Page ES-2, at the following website: http://www.arb.ca.gov/ch/handbook.pdf.

MV00116054

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24-hour exposure for a 30- or 70- year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

MV00116055

From: Paul Claxton [paul1960@verizon.net]
Sent: Sunday, December 05, 2010 10:02 AM

To: Jeffrey Bradshaw

Subject: Moreno Valley Warehouses/Ridge Project

I am concerned about the efforts to rush into construction the millions of square feet worth of warehouses in the east end of Moreno Valley. These projects can do nothing positive to the natural environment of the area. My biggest concern is turning Moreno Valley into another Ontario with hundreds of diesel trucks lumbering down our roads spewing pollution, creating noise, and traffic. That additional traffic will add to commute times creating additional pollution. The 60 freeway east of this project is not contusive to big rig traffic. I've been a resident here for just nine years and I intentionally bought on the more rural east side to avoid the traffic of the 215 freeway. This project drives a stake into the heart of the city. I'm planning on leaving to seek a better managed city. PC-1

Paul Claxton
Moreno Valley CA

PAUL CLAXTON

Email Dated December 5, 2010

Response PC-1

The commentor's general concerns regarding the Project's location and the cumulative impacts of the Project when combined with other vicinity projects are noted. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A thorough discussion of the cumulative impacts is presented at Draft EIR Section 5.1.

Similarly, the commentor's generalized concerns regarding the increased traffic, air quality and noise impacts are discussed in the EIR. Specifically, traffic impacts are addressed in Draft EIR Section 4.2, air quality impacts at Draft EIR Section 4.3 and noise impacts at Draft EIR Section 4.4.

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

MV00116057

COMMENTS AND QUESTIONS REGARDING THE DEIR AND LAND USEAGE IN GENERAL FOR WESTRIDGE COMMERCIAL CENTER, A.K.A. "THE RIDGE PROJECT"

Stephen Crews, Moreno Valley, CA

1. It is evident from current zoning, that lands designated commercial south of SR60, from Moreno Beach Dr. to Redlands Blvd., including land devoted for the Westridge Center, do not extend southerly for a great distance, and thus any commercial development there is not intended as a part of an extensive commercial region. In fact, for this reason, it appears this land serves as a buffer for the residentially zoned areas to the south. Thus, it is incumbent on planners and developers to ensure that properties developed in these commercially zoned areas are in keeping with aesthetics, appearance, landscape, geographic culture, and the sentiments of future residents of the predominant land use in the area, residential. This warehouse structure, with its massive edifice and size could not possibly conform to nor compliment Rancho Belago, "the land of ranches and lakes". SCR-1

   Has any consideration been given to the degradation of future residential developments in the area by the construction of an eyesore across the street?

2. One can only presume that there is a cumulative effect of air pollution from SR60, diesel trucks on the site of Westridge, and those travelling on nearby surface streets, as well as these types of contributors to air pollution from future similar developments along the freeway, and that this would have a deleterious effect on the health of citizens residing in residential neighborhoods. SCR-2

   Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?

3. **The proposed project sits on the mouth of the entrance into the badlands heading east on SR 60, a highway that is essentially a rural route at this point, and one that is treacherous for traffic. At what point does the added introduction of truck traffic become dangerous? The route on SR60 west is extremely congested and practically at a standstill, caused by the incompletion of recent freeway construction, growth, and lack of capacity. At what point does the introduction of further truck traffic become untenable?** SCR-3
4. **The local surface roads and overpasses servicing the area of the project are dilapidated and are residential in nature. Will roads be brought up to standards, and who will pay for the inevitable degradation of heavy wear trucks cause on roads, with the potential of harm to automobile motorists?** SCR-4

STEPHEN CREWS

Letter Dated December 6, 2010

Response SCR-1

The commentor expresses an opinion regarding the land use designations (and the conformation of the proposed Project with the intent of those designations) of the properties located south of the SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

The commentor also expresses concern regarding the consideration of nearby residential uses. It is assumed that, in this instance, the commentor is referring to aesthetic consideration. Indeed, the Draft EIR contains a detailed analysis of the Project's aesthetic attributes and impacts within Section 4.9. Specifically, the analysis examined whether the Project would:

- Have a substantial adverse effect on a scenic vista;
- Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway;
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As supported by the analysis, the Project would obstruct views of off-site scenic resources, and would therefore have a substantial adverse effect on a scenic vista. This is a significant and unavoidable impact. All other potential aesthetic impacts of the

MV00116059

Project were determined to be less-than-significant. The commentor is also referred to Figures 4.9-2 through 4.9-8 of the Draft EIR, which illustrate line of sight and view simulations of the Project.

Response SCR-2

The commentor expresses concern regarding the cumulative effects (air pollution) of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, eleven (11) distinct related projects were included within the Draft EIR cumulative analysis.

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region. The commentor is referred to Section 5.0, "Other CEQA Topics" of the Draft EIR.

Cumulatively significant air quality impacts are summarized at DEIR Page 1-18, 1-19 and are discussed at DEIR pages 5-12 through 5-14.

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

MV00116060

Response SCR-3

The commentor characterizes location of the Project "on the mouth of the entrance into the badlands heading east on SR-60." Location of the Project and proximity of the badlands are noted in the Draft EIR:

> 3.2 PROJECT LOCATION AND BOUNDARIES
>
> The Project site is located in the eastern portion of the City of Moreno Valley, in western Riverside County. Please refer to Figure 3.2-1, "Regional Location." The Project will be developed within a 54.66-acre site, which is located near the SR-60/Redlands Boulevard interchange. The site is bounded by SR-60 to the north, Fir Avenue (future Eucalyptus Avenue) to the south, the Quincy Channel to the west, and vacant land designated for commercial use between the Project's east boundary and Redlands Boulevard, approximately 700 feet to the east. Please refer also to the Project site aerial, Figure 3.2-2, "Project Vicinity" (Draft EIR Page 3-1).
>
> General Plan Final EIR Figure 5.11-1, "Major Scenic Resources," reproduced in this Draft EIR as Figure 4.9-1, indicates the Project site is located along the SR-60 scenic corridor. The Badlands area, located approximately one mile to the north, and the Mount Russell foothills and associated rock outcroppings, located approximately two miles southerly of the site (Draft EIR Page 4.9-3).

The commentor offers that SR-60 "is essentially a rural route at this point, and one that is treacherous for traffic."

Existing and programmed SR-60 configurations proximate to the Project are accurately and appropriately described in the EIR:

MV00116061

Regional Access

State Route 60 (SR-60), adjacent to the Project site's northerly boundary, provides regional access to the subject property and vicinity. Connection to SR-60 is provided via Redlands Boulevard, located less than one-quarter mile east of the Project site. The Project has been designed to accommodate future interchange improvements planned by Caltrans at Redlands Boulevard and the SR-60, which would upgrade the existing rural configuration to a standard diamond interchange. These interchange improvements would be constructed by Caltrans, and are not a part of the proposed Project. As demonstrated in the analysis presented in this Section, with implementation of the improvements identified subsequently (and in the Project TIA, EIR Appendix B),the existing rural interchange at Redlands Boulevard and the SR-60 will accommodate existing and anticipated future traffic, including Project-related traffic, at Opening Year and beyond. The upgrade of this interchange is included as part of the regional Western Riverside County TUMF improvement program.

The commentor provides no supporting evidence indicating any substantive potential safety concerns along the segment of SR-60 proximate to the project site. Moreover, Caltrans, the Responsible Agency for actions and projects affecting SR-60, has not suggested or indicated any significant safety issues for this segment of highway (Draft EIR, Page 4.2-8).

In response to the commentor's concerns regarding traffic on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these

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impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

The commentor also provides opinions regarding traffic and safety along SR-60. These statements and opinions will be forwarded to the decision-makers for their consideration.

Response SCR-4

The commentor expresses concern regarding the nature and condition of vicinity roadways. Section 3.0, "Project Description" of the Draft EIR includes a complete list of roadway improvements to be implemented by the Project. Roadway improvements to be implemented by the Project prior to issuance of the first Certificate of Occupancy are summarized below:

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- Fir Avenue (future Eucalyptus Avenue) will be constructed to its ultimate half-section width (one-half of 104-foot right-of-way section improvements pursuant to City Standard No. 104B) as an arterial roadway from the westerly Project boundary, extending to Redlands Boulevard to the east. Signalization and turn lane improvements will be provided at the intersection of Fir Avenue (future Eucalyptus Avenue) at Redlands Boulevard consistent with City standards and requirements. At the westerly terminus of Fir Avenue (future Eucalyptus Avenue), full cul-de-sac improvements will be provided to allow for vehicle turnaround.

- An auxiliary lane along the westerly side of Redlands Boulevard will be constructed between Fir Avenue (future Eucalyptus Avenue) and the SR-60 eastbound off-ramps.

- The proposed public street (Street "A") at the Project's easterly boundary will be constructed to its ultimate half-section width (one-half of 78-foot right-of-way section improvements pursuant to City Standard No. 106) as an industrial collector roadway from the proposed northern terminus of the road to Fir Avenue (future Eucalyptus Avenue) in conjunction with development. Full improvements will be provided at the cul-de-sac "bulb" to allow for vehicle turnaround.

All roadway improvements proposed by the Project will conform with City engineering standards thereby reducing future maintenance responsibilities for these improvements. The Project will contribute fees and tax revenues to the City that may be directed to the repair and maintenance of area roads.

More specifically, the Project will pay nearly $6 million in fees for local school, library, fire, and police facilities and local street improvements. Additionally, the Project will invest nearly $1 million in regional transportation improvements. Implementation will also produce nearly $1 million for regional water, sewer and flood control improvements.

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6 December 2010

Via e-mail: Jeffreyb@moval.org

Mr. Jeff Bradshaw, Associate Planner
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552-0805

Dear Mr. Bradshaw:

Re: Westridge Commerce Center Draft Environmental Impact Report (DEIR)—State Clearing House Number 2009101008

The Friends of the Northern San Jacinto Valley are a local conservation group dedicated to preserving and protecting the Northern San Jacinto Valley, the San Jacinto Wildlife Area, and Mystic Lake. We are a 501(c)(3) organization. Since 1991, we have sponsored monthly nature walks at the wildlife area, reviewed and commented on numerous environmental documents, attended community events to share information about the wildlife area, and we have a long history of supporting public land acquisition at the San Jacinto Wildlife Area.

We have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center and are very discouraged by the poor quality of the environmental document. To a great extent, the Draft EIR presupposes that the Moreno Valley Planning Commission and City Council will adopt a statement of overriding consideration for a number of the identified project impacts. This erroneous presumption allows the preparer of the California Environmental Quality Act (CEQA) document, Applied Planning, Inc., to avoid necessary consideration of feasible mitigation measures and to avert meaningful consideration of project alternatives to reduce or avoid significant environmental impacts. The Draft EIR incorrectly asserts that the following significant project impacts are unavoidable and the City's only prerogative is to make CEQA findings of overriding consideration. FNSJ-1

Aesthetics - Loss of Scenic Vista: Perhaps the most spectacular scenic vista from within the City of Moreno Valley is the view of Mystic Lake with the San Jacinto Mountains in the background which motorists can see while traveling east on Highway 60. This project proposes to block this scenic vista with the side of a warehouse building and summarily omits from consideration potential mitigation measures and a project alternative (Alternative Site) FNSJ-2

capable of avoiding or minimizing this aesthetic impact. The project proponents have the ability to buy land anywhere for this warehouse which will not be built until the have a tenant and this makes feasible several mitigation opportunities to avoid or lessen the loss of a scenic vista this project will incur. The pad level of the warehouse buildings is proposed to be 25 feet below the grade of Highway 60. *A project design mitigation measure limiting the building height to 25 feet would preserve the present scenic vista from the highway.* In our view, other building design mitigation measures are feasible and can be incorporated into the project to avoid or minimize the loss of this scenic resource. FNSJ-2 (cont'd)

Agriculture - Loss of Farmland of Local Importance: The Project will convert Farmland of Local Importance to nonagricultural uses and these losses will be cumulatively significant. The Draft EIR fails to consider mitigation for the loss of agricultural land this project will incur and merely dismisses mitigation measures included in the City's General Plan intended to stem the loss of agricultural land. Preservation can be a feasible means of reducing or eliminating the impact of agricultural land loss. The City's General Plan indicates agricultural lands subject to conversion can be mitigated through the purchase or transfer of development rights or the purchase of conservation easements. We believe the Loss of Agricultural lands of Local Importance must be thoroughly discussed and mitigated in the EIR. FNSJ-3

Air Quality: The project will generate long-term operational project emissions during operation that will exceed the South Coast Air Quality District's regional thresholds for a number of pollutants detrimental to community health. A recent Press-Enterprise newspaper article (September 11, 2008) indicates most of the cancer risk from Southern California air pollution is from diesel exhaust. The article also notes the Inland area still has the region's worst fine-particle pollution, which is linked to early deaths, heart attacks and, in children, stunted lung development. Diesel soot is the most toxic major ingredient of fine particle pollution. The Inland region is also recognized as having the worst ozone pollution, which causes nausea, fatigue and headaches, and aggravates asthma and other respiratory conditions. The project Draft EIR makes no attempt to mitigate or avoid these long-term operational emissions and instead asks the City Council to make findings of overriding consideration for this air quality impact. The Draft EIR fails to even consider feasible mitigation measures to reduce community exposure to these harmful long-term project pollutants. A feasible mitigation measure worthy of consideration would be for the developer and future warehouse tenant to commit to operating the facility with trucks equipped only with the latest air pollution abatement technology including diesel soot filters. Since Highland Fairview Corporate Center/Skechers project has been able to have 80% of all off-road heavy-duty construction equipment utilized during construction activity *certified as* CARB Tier III or better, your project and analysis must do at least as well. FNSJ-4

Climate Change and Greenhouse Gases: AB 32 requires that California's greenhouse gas emissions be reduced to 1990 levels by the year 2020. The Draft EIR indicates greenhouse gas emissions from the operation of the Westridge Commerce Center project will result in a significant and unavoidable impact to climate change because emissions will hinder or delay California's ability to meet the reduction targets contained in AB 32. The Draft EIR limits its consideration of emission reduction to on-site measures and will request the City Council make FNSJ-5

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findings of overriding consideration for the project failure to achieve the reduction targets in AB 32. This approach is incorrect in that the CEQA analysis also needs to consider offsite mitigation remedies such as emission trading regimes and/or carbon sequestration to offset the emissions this project will generate. Given the urgency of climate change solutions, the project proponent's reliance on a finding of overriding consideration is misplaced. FNSJ-5 (cont'd)

THE EIR MUST ADEQUATELY ANALYZE AND MITIGATE AIR QUALITY IMPACTS

The EIR fails to adequately analyze and mitigate the significant impacts to air quality resulting from the project. Californians experience the worst air quality in the nation, with annual health and economic impacts estimated in at 8,800 deaths (3,000–15,000 probable range) and $71 billion ($36–$136 billion) per year (Cayan 2006). Ozone and particulate matter (PM) are the pollutants of greatest concern (maximum levels are about double California's air quality standards) and the current control programs for motor vehicles and industrial sources cost about $10 billion per year. In light of these underlying conditions it is critical that the air quality analysis be rigorous. The EIR is required to properly analyze the Projects' direct, indirect, and cumulative contribution to deteriorating air quality. FNSJ-6

A. SIGNIFICANT AIR QUALITY HAZARDS IN RIVERSIDE COUNTY

Riverside County has the dubious distinction of being one of the most polluted areas in the country. (American Lung Association 2005; American Lung Association 2008). The Project will directly result in an increase in construction emissions and vehicle trips per day which will increase the level of a broad number of criteria pollutants under the Clean Air Act. The Project will result in significant impacts to air quality that result from significant levels of emissions of Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), and Particulate Matter of 10 microns and 2.5 microns or less (PM10 and PM2.5). Increased diesel exhaust is particularly detrimental to long term human and lung health.

Ozone (O_3) is the chief component of the common pollutant known as "smog." Ozone is formed when emissions including reactive organic gases (ROG) and oxides of nitrogen (NOx) undergo photochemical reactions in sunlight and are transformed to O_3. Ozone irritates lung airways and causes inflammation much like a sunburn. Ozone causes wheezing, coughing, pain when taking a deep breath, and breathing difficulties during outdoor activities. The American Lung Association focuses on ozone as one of the most hazardous of the common air pollutants. (American Lung Association 2008). Repeated exposure to ozone pollution for several months may cause permanent lung damage. Children, the elderly, and those with respiratory problems are most at risk, but anyone who spends time outdoors may be affected. Even at very low levels, ozone triggers a variety of health problems including aggravated asthma, reduced lung capacity, and increased susceptibility to pneumonia and bronchitis. Ozone also interferes with the ability of plants to produce and store food, which makes them more susceptible to disease, insects, and weather, and damages the leaves of trees and plants, ruining the appearance of cities, national FNSJ-7

parks, and recreation areas. Ozone also reduces crop yields, and is, in fact, responsible for 98% of air quality related crop damage in California. A revised EIR must discuss the proposed project's production of ozone precursor emissions and the direct, indirect, and cumulative impact both on human health and on vegetation and wildlife habitat, especially habitat for threatened, endangered, and sensitive species.

Particulate matter (PM) is a category of pollutant which includes the respirable particles suspended in the the air. PM is classified into "coarse" particles, PM_{10}, or those under 10 microns in diameter, and "fine" particles, $PM_{2.5}$, or those under 2.5 microns in diameter, and comes from a variety of sources including diesel exhaust, windblown dust from agriculture and construction and motor vehicles. Because the human respiratory system's ability to filter out harmful particles decreases as particles size decreases, the smallest particles lodge deepest in the lungs and are especially dangerous. PM can contain at least 40 toxic chemicals including heavy metals, nitrates, sulfates, and aerosols, as well as soot, soil, and dust. FNSJ-7 (cont'd)

PM is associated with extreme health consequences. PM causes premature death, aggravates asthma, increases coughing, painful breathing, and chronic bronchitis, and decreases lung function. Lung inflammation caused by inhaling PM can also lead to changes in heart rhythm, constriction of blood vessels, blood coagulation, and increased risk of heart attacks. Unlike what is believed about some other air pollutants, there is no "safe" level of PM pollution: even very low levels of PM lead to health impacts. (EWG 2002 at 25). One study found that in Riverside County alone, 353 deaths per year are due to current PM10 levels, and 42,149 asthma attacks per year are due to current PM10 levels. (EWG 2002 at 19). The EIR's failure to address basic information on the link between air quality, health impacts, and impacts to biological resources render it inadequate. This and other information must be analyzed in a revised EIR so that the project's air quality impacts can be analyzed in the full environmental context.

B. THE EIR FAILS TO ADEQUATELY DESCRIBE THE PROJECT AND ENVIRONMENTAL SETTING

The EIR must provide a stable and accurate project description in order to properly inform decision makers and the public, as well as provide a proper basis for analysis of impacts and mitigation to address those impacts. Here the EIR fails to fully disclose and analyze the air quality impacts from diesel emissions. One of the project objectives is to "transition the existing site into a productive use" provided by over 900,000 square feet of industrial warehouse/distribution. (DEIR at 3-4). Presumably much of the transportation and traffic associated with industrial warehouse and distribution facilities will be diesel truck traffic, which poses a much greater threat to human health due to the carcinogenic effects of diesel exhaust and fine particulates associated with diesel emissions. However, the EIR fails to describe what types of vehicles will be accessing the facility, in what volumes, at what frequency, and during what times. The EIR must fully disclose the types of vehicles that will be associated with the Project because those different vehicles pose very different threats and must be analyzed and mitigated in different fashions. FNSJ-8

The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The EIR also fails to adequately describe the environmental baseline of the area affected and regional setting in order to properly inform the CEQA process. CEQA Guidelines § 15125(a) &(c). The Project is located across Fir Street from land that is zoned residential. The diesel trucks will enter and exit the project by using Fir and therefore will significantly impact future residents. Setting the building 250 feet back from these residential uses does not protect them from each and every diesel truck that enters and exit the Project. The direct, indirect and growth inducing impacts of this project have not been thoroughly analyzed – especially for the future residents immediately south of the project. The 2,000,000 sq. foot Highland Fairview Corporate Center/Skechers project and also the proposed 2,000,000 square foot ProLogis are on either side of this project and will also probably use Fir Street. The California Air Resources Board and others confirm that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. (CARB 2005). Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. Id. In addition to the respiratory health effects, proximity to freeways increases potential cancer risk. Id. FNSJ-8 (cont'd)

Some land uses are considered more sensitive to air pollution than others due to the types of population groups or activities involved. The South Coast Air Quality Management District ("SCAQMD") includes in its list of sensitive receptors, residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities. Sensitive population groups include children, the elderly, and the acutely and chronically ill, especially those with cardiorespiratory diseases. Residential areas are also considered to be sensitive to air pollution because residents tend to be home for extended periods of time, resulting in sustained exposure to any pollutant present. The Project fails to adequately identify the number and their distance from the 240 daily (24-7) moving diesel trucks related to this project as well as that of ProLogis and Highland Fairview Corporate Center/Skechers.

C. THE EIR FAILS TO ADEQUATELY EXAMINE THE PROJECT'S HEALTH RISKS

The EIR air quality analysis fails to adequately address the Project's effect on the community's health. Although the DEIR acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to conduct this critical study of demonstrating what the qualitative or quantitative risk is associated to nearby residents as result of the Project. The Project can lead to increased rates of asthma, decreased, lung or cardiac function, and other threats, but there is no analysis of what that means for the regional residents or visitors. As with other important impact analyses it appears that the EIR authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA. Without this information, it is all but impossible to accurately and effectively gauge the severity and extent of the health', effects that would result from building the proposed Project. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Envt'l Planning and Information Council of W.* FNSJ-9

El Dorado County v. County of El Dorado (1982) 131 Cal. App. 3d 350,357. It is critically important that the EIR emphasize the cumulative impacts of negative air quality and not simply dismiss those issues without thorough analysis and mitigation. FNSJ-9 (cont'd)

D. THE EIR FAILS TO ADEQUATELY ANALYZE AND IMPOSE MITIGATION MEASURES FOR SIGNIFICANT IMPACTS TO AIR QUALITY

In an attempt to subvert the procedural requirements of CEQA the EIR fails to adopt feasible mitigation measures that would have substantially lessened significant environmental impacts resulting from the Project. To effectuate its overarching purpose of reducing environmental harm, CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen" a Project's significant environmental effects. Pub. Res. Code § 21002; Guidelines 15021. CEQA's substantive mandate is clear, "each public agency shall mitigate or avoid the significant effects on the environment of projects that it caries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b) (emphasis added).. Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). FNSJ-10

There are numerous mitigation measures that could be adopted to reduce the significant air quality impacts associated with this project. Many of the mitigation measures outlined to reduce the significant impacts associated with greenhouse gas emissions can reduce criteria pollutants. Therefore the EIR should fully analyze all greenhouse gas and criteria pollutant mitigation measures in order to reduce the significant impacts to air quality, or describe why those mitigation measures are infeasible.

I. THE EIR MUST ADEQUATELY ADDRESS THE IMPACTS OF GLOBAL WARMING AND CLIMATE CHANGE

The Draft EIR must thoroughly evaluate alternatives and mitigation measures that would reduce the Project's greenhouse gas emissions. Curbing greenhouse gas emissions to limit the effects of climate change is one of the most urgent challenges of our time. Fortunately, the California Environmental Quality Act ("CEQA"), Cal. Pub. Res. Code §§ 21000 et seq., 14 Cal. Code Regs. § 15000 et seq. ("Guidelines"), set forth a clear and mandatory process to address the Project's greenhouse gas and global warming impacts. This letter sets forth how this analysis should be completed. FNSJ-11

A. THE EIR MUST ADDRESS THE IMPACT GLOBAL WARMING WILL HAVE ON THE PROJECT

Unfortunately, the EIR fails to address the impacts of global warming on the Project contrary to the requirements under CEQA. California's temperatures are expected to rise "dramatically" over the course of this century (Cayan 2007). These factors will impact the planned project, as well as exacerbate its own environmental impacts. Global warming will affect California's climate, resulting in such impacts as increased temperatures and wildfires, and FNSJ-12

a reduction in snowpack and precipitation levels and water availability. These factors will impact development under any Moreno Valley General Plan Update, as well as exacerbate its own environmental impacts. Therefore, these factors must be considered in the EIR. *See* Guidelines § 15126.2(a) (an EIR "shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.") The EIR must use its best efforts to find out and disclose all it reasonably can about the impacts of climate change on the environment and—most importantly—use that information to form an educated opinion about how to plan and adapt for the impacts of climate change. (California Attorney General 2009). Examples of how global warming will impact development under the Moreno Valley General Plan and intensify the environmental impacts it will already have are discussed below. It is not an exhaustive list.

The rise in temperatures resulting from global warming will create a more conducive environment for air pollution formation (Cayan 2007). This will intensify the adverse effects the proposed project will already have on air quality in the project area and threaten residents' health (Cayan 2007).

Significantly for the state, as well as the project area, is global warming's impact on water supply. The IPCC specifically identified the American West as vulnerable, warning, "Projected warming in the western mountains by the mid-21st century is very likely to cause large decreases in snowpack, earlier snow melt, more winter rain events, increased peak winter flows and flooding, and reduced summer flows" (IPCC 2007b). Recently, researches found that an increase in atmospheric greenhouse gases has contributed to a "coming crisis in water supply for the western United States" (Barnett 2008). Using several climate models and comparing the results, the researches found that "warmer temperatures accompany" decreases in snow pack and precipitation and the timing of runoff, impacting river flow and water levels (Barnett 2008). These researchers concluded with high confidence that up to 60 percent of the "climate related trends of river flow, winter air temperature and snow pack between 1950-1999" are human-induced (Barnett 2008). This, the researchers wrote, is "not good news for those living in the western United States" (Barnett 2008). FNSJ-12 (cont'd)

The California Center on Climate Change has also recognized the problem global warming presents to the state's water supply and predicts that if greenhouse gas emissions continue under the business-as-usual scenario, this snowpack could decline up to 70-90 percent, affecting winter recreation, water supply and natural ecosystems (Cayan 2007). Global warming will affect snowpack and precipitation levels, and California will face significant impacts, as its ecosystems depend upon relatively constant precipitation levels and water resources are already under strain (Cayan 2007). The decrease in snowpack in the Sierra Nevada will lead to a decrease in California's already "over-stretched" water supplies (Cayan 2007). It could also potentially reduce hydropower and lead to the loss of winter recreation (Cayan 2007). All of this means "major changes" in water management and allocation will have to be made (Cayan 2007). Thus, global warming may directly affect the City's ability to supply clean, affordable water to the residents, or force the City to change how it will utilize water, and it may also impact other activities outside the project area, such as agriculture.

Scientists indicate that climate change will also exacerbate the problem of flooding by increasing the frequency and magnitude of large storms, which in turn will cause an increase in the size and frequency of flood events (NRDC 2007). The increasing cost of flood damages and potential loss of life will put more pressure on water managers to provide greater flood protection (NRDC 2007). At the same time, changing climate conditions (decreased snowpack, earlier runoff, larger peak events, etc.) will make predicting and maximizing water supply more difficult (NRDC 2007). These changes in hazard risk and water supply availability must be considered during environmental review.

Water quality, in addition to water quantity and timing, will also be impacted. Changes in precipitation, flow, and temperature associated with climate change will likely exacerbate water quality problems (NRDC 2007). Changes in precipitation affect water quantity, flow rates, and flow timing (Gleick 2000). Shifting weather patterns are also jeopardizing water quality and quantity in many countries, where groundwater systems are overdrawn (Epstein 2005). Decreased flows can exacerbate the effect of temperature increases, raise the concentration of pollutants, increase residence time of pollutants, and heighten salinity levels in arid regions (Schindler 1997). FNSJ-12 (cont'd)

These are only examples of how global warming will impact the proposed project and intensify the environmental impacts the project will already have. It is not an exhaustive list. Thus, when assessing the impact of the Project on air quality, water supply, flood hazards, and biological resources, the EIR must take into account global warming. To ignore the impact of global warming on the Project and the resources impacted by the Project significantly understates the Project's impacts.

B. The EIR's Significance Determination is Flawed

i. The EIR Fails to Properly Frame the Question of the Significance of the Project's Greenhouse Gas Impacts

As the EIR properly recognizes, the greenhouse gas emissions generated by the Project constitute a significant impact. (DEIR at 4.3-110). However, the DEIR improperly limits the consideration of its determination of significance to whether the project would significantly hinder or delay California's ability to meet reduction targets contained in AB 32. While the emission reduction targets set by AB 32 are important, they are only a first interim step toward a longer emission reduction pathway necessary to avoiding dangerous anthropogenic interference (DAI) with the climate system. While Project impacts remain significant, the significance criteria should be revised to recognize California's long term emission targets set by Executive Order S-3-05 and consider the extent to which these reductions are consistent with the emission reduction pathway necessary to avoid DAI. FNSJ-13

The relevant environmental objective with regard to a project's impact on global warming is stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference ("DAI") with the climate system. Framing the objective of a threshold of significance in the context of preventing DAI with the climate system

is consistent with the policy of CEQA. As set forth in Public Resources Code Section 21000(d), "The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached." With regard to climate change, the prevention of DAI is the critical threshold to protect the health and safety of the people of California. The prevention of DAI with the climate is also the objective adopted by the international community. As set forth in the United Nations Framework Convention on Climate Change, to which the United States is a party: "The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system."[1]

Dangerous anthropogenic interference with the climate system is a defined concept from which a threshold of significance under CEQA can be derived. While environmental impacts from global warming are already being experienced, dangerous anthropogenic interference has typically been defined at temperature increases above 2°C from pre-industrial levels, or a 450 ppm atmospheric concentration of CO_2 eq. (Union of Concerned Scientists 2007). 2050 is the time frame commonly set by scientists in which to achieve the emission reductions necessary for climate stabilization. The emission reduction scenario set by AB 32 and Executive Order S-3-05, whereby emissions are reduced to 1990 levels by 2020 and then to 80% below 1990 levels by 2050, is consistent with a stabilization scenario in the +/- 450 ppm range.[2] FNSJ-13 (cont'd)

However, climate scientists, including NASA's premier climatologist, James Hansen, are increasingly calling for more stringent stabilization targets in order to sufficiently reduce the risk of catastrophic outcomes. The best available scientific evidence now indicates that a 2°C temperature increase from pre-industrial levels is well past the point where severe and irreversible impacts will occur. It is now estimated that a mean global temperature increase of 1.5°C above pre-industrial levels has the potential to trigger irreversible melting of the Greenland ice sheet, a process that would result in an eventual 7m sea level rise over and above that caused by thermal expansion of the oceans, and potentially causing an additional sea level rise of 0.75m as soon as 2100. (Warren 2006 at 95). Specific consequences of a 2°C temperature rise from pre-industrial levels include the loss of 97% of the world's coral reefs and the transformation of 16% of global ecosystems. Approximately one to three billion people would experience an increase in water stress, sea level rise and cyclones would displace millions from the world's coastlines and agricultural yields would fall in the developed world. (Warren 2006). In the Arctic, ecosystem disruption is predicted owing to complete loss of summer sea ice, with only 42% of the tundra remaining stable. This would destroy the Inuit hunting culture and cause the extinction of the polar bear and large losses in global populations of birds. Moreover, because

1 United Nations Framework Convention on Climate Change (UNFCCC), art. 2, May 9, 1992, *available at* http://unfccc.int/essential_background/convention/background/items/1349.php.

2 While the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004).

Arctic ice functions to reflect heat back into the atmosphere, its loss would allow more sunlight to heat the Arctic Ocean and further accelerate the buildup heat and the melting of the Greenland ice sheet. In the Antarctic, key marine mollusks are predicted to become extinct with damaging ramifications for the rest of the Antarctic marine ecosystem. (Warren 2006). As the devastating and irreversible impacts resulting from a 2°C mean global temperature rise are far in excess of any reasonable definition of "dangerous" interference with the climate, a 2°C target is not an acceptable objective for climate policy.

Moreover, equating a particular atmospheric concentration of greenhouse gases with a specific temperature increase involves a significant degree of uncertainty. This is because climate sensitivity – the extent to which temperatures will rise as a result of increasing concentrations of heat-trapping gases – depends on Earth's response to certain physical processes that are not fully understood. (Cayan 2007 at 4). For example, as greenhouse gas emissions cause temperatures to rise, the atmosphere can hold more water vapor, which traps heat and raises temperatures further – a positive feedback. Clouds created by this water vapor could absorb and re-radiate outgoing infrared radiation from Earth's surface (another positive feedback) or reflect more incoming shortwave radiation from the sun before it reaches Earth's surface (a negative feedback). (Cayan 2007). Thus, due to uncertainty in climate sensitivity, scientists estimate that the mean probability of exceeding 2°C where stabilizing greenhouse gases at a CO_2eq level of 450 ppm is 54% with a 30% probability that global average temperature would rise more than 3°C. (Cayan 2007; Union of Concerned Scientists 2007). This is effectively the equivalent of flipping a coin in the hopes that our children and grandchildren will not be confronted with the displacement of millions of people due to sea level rise, irreversible loss of entire ecosystems, and the triggering of multiple climatic "tipping points" wherein climate change begins to feed on itself and spin rapidly out of control. FNSJ-13 (cont'd)

As noted by the Attorney General in a recent guidance on the treatment of climate change in general plans, "the targets set by AB 32 and Executive Order S-3-05 can inform the CEQA analysis." (California Attorney General 2009 at 4). However, while the emission reduction targets embodied in AB 32 and Executive Order S-3-05 can inform a determination of significance thresholds, this is because they reflect scientific data on needed emissions reductions. *See* Guidelines § 15064(b) ("[t]he determination of whether a project may have a significant effect on the environment calls for careful judgment … based to the extent possible on scientific and factual data."). Under CEQA, regulatory standards can serve as proxies for significance only to the extent that they accurately reflect the level at which an impact can be said to be less than significant. *See, e.g., Protect the Historic Amador Waterways v. Amador Water Agency*, 116 Cal. App. 4th 1099, 1109 (2004). Thus, to properly address the question of the significance of Project impacts, the EIR should set forth the environmental objective of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent DAI with the climate system, discuss California's emission reduction targets and the extent to which these targets are sufficient to meet avoid DAI. In this manner, the EIR will set forth the issues related to the significance of Project impacts in a manner that accurately informs decision makers and the public.

ii. To Properly Evaluate Significance and Fulfill Its Informational Mandate, the EIR Must Compare Project Emissions with Emission Reduction Targets Set by AB 32 and Executive Order S-3-05

Although the EIR asserts that the Project would interfere with the goals of AB 32, the EIR fails to provide any data on Project emissions as compared with 1990 levels. Accordingly, it is impossible to analyze the extent to which the Project exceeds AB 32 emission reduction mandates. The EIR must be revised to provide this data.

FNSJ-14

Moreover, in a failure to adequately describe the Project, the EIR fails to note the year for which the Project envisions build-out. Should the next Moreno Valley General Plan update contemplate growth past 2020, its significance analysis should evaluate the extent to which the Project complies with Executive Order targets. While the trajectory of reductions under Executive Order S-3-05 has not been definitely established, the EIR should make an appropriate assumption, such as a linear decrease to 2050 to determine significance criteria for the undisclosed year of build-out. Thus, if Moreno Valley's General Plan is intended to accommodate growth until 2030, then the EIR could compare Project emissions with emissions approximately 27% below 1990 levels.

C. THE EIR MUST ANALYZE AND ADOPT ALL FEASIBLE MITIGATION MEASURES TO REDUCE THE PROJECT'S GREENHOUSE GAS EMISSIONS

In addition to thoroughly evaluating project alternatives, because it is clear that the project's greenhouse gas emissions will cumulatively contribute to global warming, "the EIR must propose and describe mitigation measures that will minimize the significant environmental effects that the EIR has identified." *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors*, 91 Cal.App.4th 342, 360 (2001). CEQA requires that agencies "mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so." Pub. Res. Code § 21002.1(b). Mitigation of a project's significant impacts is one of the "most important" functions of CEQA. *Sierra Club v. Gilroy City Council*, 222 Cal.App.3d 30, 41 (1990). Therefore, it is the "policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures which will avoid or substantially lessen the significant environmental effects of such projects." Pub. Res. Code § 21002. Importantly, mitigation measures must be "fully enforceable through permit conditions, agreements, or other measures" so "that feasible mitigation measures will actually be implemented as a condition of development." *Federation of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal.App.4th 1252, 1261 (2000).

FNSJ-15

There are any number of feasible measures that can be incorporated into a Climate Action Plan to reduce vehicle miles traveled, energy use, waste, water consumption and other sources of emissions. The California Air Pollution Control Officer's Association (CAPCOA) White Paper on CEQA and Climate Change identifies existing and potential mitigation measures that could be applied to projects during the CEQA process to reduce a project's GHG emissions. (CAPCOA 2008 at Appendix B). The California Office of the Attorney General also has developed a list of reduction mechanisms to be incorporated through the CEQA process. (California Office of the

Attorney General 2008b). These resources provide a rich and varied array of mitigation measures to be incorporated in both the programmatic and project level. Furthermore, substantial federal funding is available to implement these projects so that implementation of greenhouse gas mitigation measures is economically feasible.3 Because CEQA requires the adoption of all feasible mitigation measures to reduce significant impacts like climate change the Project must adopt all feasible mitigation measures to reduce GHGs or provide substantial evidence as to why the mitigation measures are infeasible. Pub. Res. Code § 21081(a)(3). FNSJ-15 (cont'd)

i. Land Use Measures Reducing Traffic Flow

The development plan for the proposed project should incorporate public transit into the project design and should attempt to facilitate the use of public transit. (California Office of the Attorney General 2008). Significant effort needs to be shown as to how carpooling will be instituted and alternative fueled cars will be encouraged with special onsite parking location/electrical plug-ins. Will there be on-site eating facilities with food in order to limit driving off site? FNSJ-16

ii. Land Use and Energy

The EIR should consider mitigation measures that will ensure the Project will use energy efficiently and conservatively. In doing so, it should analyze incorporating "green building" in the development. Green buildings are those buildings that lower energy consumption, use renewable energy, conserve water, harness natural light and ventilation, use environmentally friendly materials and minimize waste (Commission for Environmental Cooperation 2008).

Buildings create environmental impacts throughout their lifecycle, from the construction phase to their actual use to their eventual destruction (Commission for Environmental Cooperation 2008). In the United States, buildings account for 40 percent of total energy use, 68 percent of total electricity consumption, and 60 percent of total non-industrial waste (Commission for Environmental Cooperation 2008). Buildings also significantly contribute to the release of greenhouse gases. In the U.S. they account for 38 percent of total carbon dioxide emissions (Commission for Environmental Cooperation 2008). More specifically, residential buildings cause up to 1,210 megatons of carbon dioxide, while commercial building create approximately 1,020 megatons (Commission for Environmental Cooperation 2008). This is because buildings require a lot of energy for their day to day operations. Most of the coal-fired power plants – one of the biggest sources of greenhouse gas emissions – slated for development in the United States will supply buildings with the energy they need. In fact, 76 percent of the energy these plants produce will go to operating buildings in the U.S. (Commission for Environmental Cooperation 2008). FNSJ-17

3 Energy Efficiency and Conservation Block Grants are offered by the U.S. Department of Energy to municipalities in order to meet the following purposes: reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; reduce the total energy use of the eligible entities; and improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors. (US DOE 2009). See http://www.eecbg.energy.gov/

Using green building techniques, however, can substantially reduce buildings' influence in increasing greenhouse gas emissions. Green buildings help reduce the amount of energy used to light, heat, cool and operate buildings and substitute carbon-based energy sources with alternatives that do not result in greenhouse gas emissions (Commission for Environmental Cooperation 2008). Currently green buildings can reduce energy by 30 percent or more and carbon emissions by 35 percent. (Commission for Environmental Cooperation 2008). The technologies available for green building are already in wide-use and include "passive solar design, high-efficiency lighting and appliances, highly efficient ventilation and cooling systems, solar water heaters, insulation materials and techniques, high-reflectivity building materials and multiple glazing (IPCC 2007c). Additionally, the U.S. Green Building Council (USGBC), a private, nonprofit corporation, has established a nationwide green building rating system, called Leadership in Energy and Environmental Design ("LEED"). The LEED standard supports and certifies successful green building design, construction and operations. It is one of the most widely used and recognized systems, and to obtain LEED certification from the USGBC, project architects must verify in writing that design elements meet established LEED goals. We expect the project's minimum LEED certification to be Silver. And the EIR needs to explain why this would not be your goal. FNSJ-17 (cont'd)

Specific mitigation for the greenhouse gas emissions generated by the Project's energy consumption include, but are not limited to:

- Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.
- Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.;
- Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.
- Reducing the use of pavement and impermeable surfaces;
- Requiring water re-use systems;
- Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting FNSJ-18
- Limiting the hours of operation of outdoor lighting
- Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees;
- Ensure that the Project is fully served by full recycling and composting services;
- Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.
- Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible;
- Installing solar water heating systems to generate all of the Project's hot water requirements;
- Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging

stations to reduce emissions from vehicle trips. FNSJ-18 (cont'd)

iii. Mitigation Related to Project Construction

- Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials;
- Minimize, reuse, and recycle construction-related waste; FNSJ-19
- Minimize grading, earth-moving, and other energy-intensive construction practices;
- Landscape to preserve natural vegetation and maintain watershed integrity;
- Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.

iv. Transportation Mitigation Measures

- Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles;
- Create a car sharing program within the planned community;
- Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system; FNSJ-20
- Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations;
- Provide a shuttle service to public transit within and beyond the planned community;
- Incorporate bicycle lanes and routes into the planned community's street systems.

v. Carbon Offsets

After all measures have been implemented to reduce emissions in the first instance, remaining emissions that cannot be eliminated may be mitigated through offsets. Preference should be given to offset mitigation measures in that are in close proximity to the project. (SCAQMD 2008). In other words project applicants should prioritize first on mitigation onsite, then on mitigation in the neighborhood or air district, next in state, then finally out of state. (SQAQMD 2008). Care should be taken to ensure that offsets purchased are real (additional), permanent, and verified, and all aspects of the offsets should be discussed in the EIR. As demonstrated by the Office of the Attorney General and SCAQMD offsets are a feasible CEQA mitigation measures[4] once all feasible mitigation measures have been adopted to reduce the Project's carbon footprint and produce energy using renewable sources. (SCAQMD 2008). FNSJ-21

4 The California Attorney General's Office has adopted CEQA settlements calling for the auditing, reduction, and offsetting of greenhouse gas emissions related with a Project demonstrating that offsets are a feasible way to reduce a Project's negative environmental effects on global warming. See http://ag.ca.gov/newsalerts/release.php?id=1466&category=global%20warming See generally http://ag.ca.gov/globalwarming/ceqa.php

II. THE EIR MUST CONSIDER A REASONABLE RANGE OF ALTERNATIVES

The EIR failed to consider a meaningful analysis of reasonable alternatives to the Project in order to lessen or avoid the Project's significant impacts. CEQA mandates that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d). A rigorous analysis of reasonable alternatives to the project must be provided to comply with this strict mandate. "Without meaningful analysis of alternatives in the EIR, neither courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal.3d 376, 404 (1988). Moreover, "[a] potential alternative should not be excluded from consideration merely because it 'would impede to some degree the attainment of the project objectives, or would be more costly" even when that alternative includes Project development on an alternative site. *Save Round Valley Alliance v. County of Inyo*, 157 Cal. App. 4th 1437, 1456-57 (2007) (quotations omitted).

In analyzing the no-project alternative, the EIR must discuss the need for this project and whether the uses that would potentially utilize the Project can be accommodated in existing areas. As CAPCOA states in its white paper, one way local governments can avoid significant increases in greenhouse gas emissions and help solve the problem of global warming is to "facilitate more efficient and economic use of the lands" already developed within the community (CAPCOA 2008). Reinvesting in existing communities is "appreciably" more efficient than new development and may even result in a net reduction of greenhouse gases (CAPCOA 2008). The EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands in order to support the reduction of vehicle trips, promote alternatives to individual vehicle travel, and encourage efficient delivery of services and goods (Office of the California Attorney General 2008). The Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty. FNSJ-22

An analysis of alternatives should also quantify the estimated greenhouse gas emissions, quantified impacts to biological resources, water resources including water quality and water availability, and traffic resulting from each proposed alternative.

Biological Resources: To a great extent the Draft EIR avoids an actual on the ground biological resource impact assessment. Instead the Draft EIR makes the claim that the cumulative wildlife resource impacts of this project will be mitigated by the payment of the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP) mitigation fee and the Multi-Species Habitat Conservation Plan (MSHCP) mitigation fee. It is important to recognize neither the SKRHCP nor the MSHCP exempts this project from full compliance with the requirements of CEQA. The Draft EIR does not indicate the amount of the SKRHCP mitigation fee or the amount of the MSHCP mitigation fee the project proponent will pay in order to reduce the cumulative wildlife resource impacts of this project to a less than significant level. Nor does the document indicate the mitigation fee amounts the City has collected thus far for SKRHCP and MSHCP wildlife mitigation and to FNSJ-23

what extent those fees have been used to mitigate cumulative wildlife resource impacts from previously approved projects within the jurisdiction. A lead agency, in this case the City of Moreno Valley, must provide supporting facts and provide analysis to support its conclusion that the payment of SKRHCP and MSHCP mitigation fees will render the project cumulative wildlife resource impacts to less than significant. Absent this analysis, the cumulative wildlife resource impacts this project will incur must be viewed as cumulatively considerable. FNSJ-23 (cont'd)

Thank you for the opportunity to comment on the Draft EIR for this project. The Friends would like to be informed of all documents, meetings and public hearings related to this project. Please provide us with a copy of the final EIR and other pertinent documents related to this project. Please contact us at our mailing address which is listed on the first page of this letter. FNSJ-24

Sincerely

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FNSJ-25 (cont'd)

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FNSJ-25 (cont'd)

MV00116083

FRIENDS OF NORTHERN SAN JACINTO VALLEY

Letter Dated December 6, 2010

Response FNSJ-1

The commentor's opinions in regard to the "quality of the environmental document" will be forwarded to decision-makers for their consideration. The Draft EIR has been prepared to identify the environmental impacts that could result from Project implementation and, where feasible, provides mitigation measures to substantially lessen or avoid the significant effects on the environment. The City of Moreno Valley, the Lead Agency for this Project, is required to consider the Project in its entirety before determining whether to approve the adoption of overriding considerations. As noted in *CEQA Guidelines* § 15093:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The commentor concludes by correctly noting the Draft EIR's finding that the Westridge Commerce Center Project will result in certain significant and unavoidable impacts in regard to scenic vistas and air quality, but erroneously includes agriculture and global climate change in its summary of Project-related impacts. Specific topical concerns are addressed in the following Responses FNSJ-2 through FNSJ-5.

Response FNSJ-2

As discussed in the Draft EIR (Page 4.9-11), "[n]otwithstanding the proposed depressed building pad area, as illustrated in Figures 4.9-4 through 4.9-8, the Project will nonetheless interrupt the expansive views of open space and mountains from SR-60, Redlands Boulevard, Fir (future Eucalyptus) Avenue, and other areas surrounding the Project site. The building will be visible from higher elevations to the north, east, and south, and the rooftop of the building may be visible at a distance from higher elevations." This "interruption" of scenic views has been identified in the Draft EIR (Page 4.9-19 *et al.*) as an individually and cumulatively significant Project impact.

As further noted on Draft EIR Page 4.9-11, "[t]he Project's intent is to create a regional-serving warehouse/logistics facility. In order to minimize the viewshed impacts of the Project, the building height or overall scale would need to be substantially reduced. Reducing the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." A tenable high-cube warehouse design with a 25-foot building height (estimated internal clear height of 15-20 feet) such as offered by the commentor, does not exist, and is contrary to the very term "high cube." The high-cube warehouse building height concept defines the viability of its internal operations,

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which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint. The suggested 25-foot high building offered by the commentor is untenable and infeasible.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives, including alternative sites. The text on Draft EIR Pages 5-37 through 5-44 provides the basis upon which each of the considered alternative sites was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-3

As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. Despite the commentor's assertions that the Draft EIR "dismisses mitigation measures included in the City's General Plan," the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning

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area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required. The commentor's opinions to the contrary will be forwarded to decision-makers for their review. The results and conclusions of the Draft EIR are not affected.

Response FNSJ-4

The Draft EIR acknowledges the Project's potential impacts in regard to long-term operational exceedance of SCAQMD standards for the emission of the criteria pollutants VOC (volatile organic compounds) and NOx (oxides of nitrogen). Despite the commentor's assertions to the contrary, the Draft EIR addresses the Project's potential to result in health risks relative to diesel emission exposure on Pages 4.3-79 through 4.3-86. As discussed at Draft EIR Page 4.3-84, with implementation of Mitigation Measure 4.3-10, which would be implemented to control on-site idling, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant. It may be noted that Mitigation Measure 4.3.5, as discussed in the Draft EIR (Page 4.3-62 *et al.*), specifically requires Project contractor(s) to ensure that all off-road heavy-duty construction equipment utilized during construction activity shall be CARB Tier 2 Certified or better. Additional mitigation is proposed within this Final EIR addressing operational and construction-source emissions (please refer to revised mitigation presented within the EIR Mitigation Monitoring Program, Final EIR Section 4.0. The commentor erroneously contends that "Since Highland Fairview Corporate Center Skechers project has been able to have 80 % of all off-road heavy-duty construction equipment utilized during construction activity certified as CARB Tier III or better, your project and analysis must do at least as well."

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There is no requirement that the Project implement a given mitigation measure simply because it was applied elsewhere. Such an approach discounts appropriate nexus between impacts and mitigation.

Response FNSJ-5

The commentor misrepresents and misstates the findings of the Draft EIR with regard to the potential significance of the Project's GHG emissions impacts and the Project's potential GCC impacts.

In the Draft EIR's analysis of cumulative impacts (Page 5-13 to 5-14), it is specifically noted that "[i]n regard to the emission of greenhouse gases, the Project's Climate Change Analysis indicated that with the implementation of all Project design features and mitigation measures, greenhouse gas emissions would be reduced, and that the Project is consistent with state strategies to reduce greenhouse gases, including the California Air Resources Board (CARB) Scoping Plan's recommended measures, and the greenhouse gas emission reduction strategies set forth in the 2006 Climate Action Team (CAT) report.

Therefore, the Project would not hinder or delay implementation of AB 32. On this basis, the Project's individual and cumulative impact on climate change is less-than-significant. With specific regard to a cumulative-level analysis of GCC impacts, it is acknowledged that climate change is a global issue and the contribution of each greenhouse gas generated by the Project may have a cumulative effect. As noted in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." Moreover, the EIR qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

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The commentor cites various GHG/GCC mitigation schemes, none of which are required in this case since the Project's GHG/GCC individual and cumulative impacts are less-than-significant. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-6

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's air quality analysis. Detailed analysis of the Project's potential air quality impacts are presented at EIR Section 4.3, "Air Quality." Supporting technical studies [*Westridge Commerce Center Air Quality Impact Analysis, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; *Westridge Commerce Center Health Risk Assessment, City of Moreno Valley, California* (Urban Crossroads, Inc.), February 3, 2010; and *Westridge Commerce Center Climate Change Analysis, City of Moreno Valley*, California (Urban Crossroads, Inc.), February 3, 2010] specifically. The cited analyses address the direct, indirect ,and cumulative impacts of the Project..

As detailed in the following responses FNSJ-7 through FNSJ-21, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative air quality impacts, including potential impacts related to global climate change, have been proposed within the Draft EIR. Appropriate mitigation measures have been carried forward into the Mitigation Monitoring Program included at Section 4.0 within this Final EIR. For each proposed mitigation measure, the MMP identifies: mitigation timing, the responsible mitigation implementation entity, the responsible mitigation monitoring/reporting entity, and mitigation monitoring/reporting frequency. In combination, these provision act to ensure mitigation enforceability.

Response FNSJ-7

The Draft EIR describes, at considerable length (Pages 4.3-4 through 4.3-10), the criteria air pollutants referenced by the commentor, including the possible health effects that have led to the monitoring and control of these pollutants as part of the environmental

review process. With specific regard to commentor-expressed ozone concerns, the Lead Agency has adopted SCAQMD regional thresholds for the ozone precursors NOx and VOC. These thresholds are based on the highest level of permitted emissions, and exceedance of these thresholds indicates that mitigation measures should be applied, not that specific health or other environmental damage would occur. The Project applies all feasible mitigation measures to reduce potentially significant Project-related ozone precursor emissions (NOx and VOCs). Significant NOx and VOC impacts resulting from the Project (regional threshold exceedances) are summarized at DEIR Page 1-17, 1-18. The Project will not exceed applicable localized significance thresholds for NO_2 (DEIR at Page 4.3-61 et al.). The AQMD has not established localized significance thresholds for VOC emissions.

Project NOx and VOC emissions are predominantly generated by mobile sources beyond control of the Lead Agency and/or the Applicant [approximately 99.9 percent of Project NOx emissions (by weight) are from vehicles; approximately 92.5 percent of Project VOC emissions (by weight) are from vehicles). Even after compliance with SCAQMD rules and regulations, and the application of EIR mitigation measures, operational pollutant emissions would exceed applicable SCAQMD regional emission thresholds for VOC and NOx. These impacts are therefore considered to be individually significant. It is noted however, that the Project land use and proposed development are consistent with development and associated air pollutant emissions impacts reflected in and anticipated by the applicable Air Quality Management Plan (AQMP).].

The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards. Collectively, these are referred to as localized significance thresholds (LSTs). The additional potential secondary effects of ozone to plants and habitat cited by the commentor are noted. There is no demonstrable evidence or support indicating that the Project would cause or substantively contribute to adverse effects to plants or habitat, and to conclude otherwise is speculative.

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Lastly, it is noted that the Project is consistent with the applicable Air Quality Management Plan (see EIR at Pages 4.3-49 through 4.3-53) indicating that it would not interfere with projected downward-trending ozone levels within the SCAQMD.[5]

The commentor also provides information regarding $PM_{10}/PM_{2.5}$ characteristics. Applicable $PM_{10}/PM_{2.5}$ thresholds are established by the SCAQMD. Potential effects of Project-related temporary localized construction-source $PM_{10}/PM_{2.5}$ emissions impacts are discussed and disclosed in the EIR:

> For modeling purposes, receptors were conservatively placed at a distance of 25 meters (approximately 82 feet) from the site, which is the most conservative distance recommended for use by the SCAQMD. As previously discussed, even with application of all feasible mitigation measures, localized PM_{10} and $PM_{2.5}$ construction-source emissions will exceed applicable LSTs. More specifically, during construction activity (after mitigation), PM_{10} emissions concentrations will exceed applicable LSTs at receptors located 71 meters (approximately 233 feet) or nearer, and $PM_{2.5}$ emissions concentrations will exceed applicable LSTs at receptors located 35 meters (approximately 115 feet) or nearer.
>
> These LST exceedances represent a potentially significant impact to sensitive receptors in the Project vicinity for short-term construction activity. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely

[5]*Summary Of The Ozone Air Quality Forum and Technical Roundtable*(Frederick W. Lurmann Sonoma Technology, Inc. for the South Coast Air Quality Management District) January 2007, Pages 2-5, 2-6.

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> undeveloped. All other study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter.
>
> It is noted that these exceedances would occur temporarily and intermittently during site preparation and grading processes, and would not substantively affect any receptors at greater distances from the emissions source. Moreover, in that construction emissions are short-term and intermittent, they will not result in any chronic or long-term impacts (Draft EIR, Page 4.3-75).

The Project will not result in or cause long-term exceedance of applicable SCAQMD localized and/or regional thresholds $PM_{10}/PM_{2.5}$ emissions.

The commentor's opinions and statements will be forwarded to decision-makers for their review. Results and conclusions of the Draft EIR are not affected.

Response FNSJ-8

The commentor expresses concern about emissions from diesel trucks associated with the Project. A Health Risk Assessment (HRA) of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The HRA was prepared in accordance with the document *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* (SCAQMD 2003). The HRA is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety at Appendix C to the Draft EIR.

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Contrary to the commentor's assertions otherwise, diesel and DPM emissions impacts are specifically evaluated and addressed in the DEIR (See DEIR at Pages 4.3-79 through 4.3-86, and the Project Health Risk Assessment (HRA) included at DEIR Appendix C.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).
[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

As indicated in this summary of the Project's trip generation, approximately 75 percent of the Project's daily trips, on average, will be attributable to trucks. As noted at Draft EIR Page 4.3-79, the Project Air Quality analysis assumed, in order to ensure a conservative analysis, that all trucks associated with the Project will be diesel-powered.

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In that vehicle class and type directly affect DPM emissions, the Project HRA (please refer to DEIR Appendix C, Table 1, Project Truck Trips) also explicitly defines anticipated daily truck trips (by type) entering/exiting the Project site, as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

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Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [6]

Contrary to commentor assertions otherwise, baseline (setting) information is provided throughout the EIR. For example, general air quality setting information is presented at EIR Pages 4.3-10 through 4.3-16. Additional applicable specific baseline/setting information is also presented where it is beneficial to related discussions, e.g., the GCC Regulatory Setting is introduced at EIR Page 4.3-24 within the context of GCC/GHG considerations.

The commentor requests analysis of mobile-source DPM emissions for transient vehicles traveling along area roadways. With regard to air quality impacts generated by Project traffic along area roads, regionally significant NOx emissions impacts would result as disclosed in the EIR and discussed here. However, no locally significant operational air quality impacts would result from the Project. In this latter regard, the

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6 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution, Appendix D, Page D-3).

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Project Operational Localized Significance Threshold (LST) analysis considers potential worst case exposure by evaluating criteria pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by stationary sources. As discussed in the Draft EIR, these emissions concentrations would not exceed applicable LST thresholds.

Draft EIR Table 4.3-12 (Page 4.3-69) presents the results of the Project operational LST analysis, indicating unmitigated conditions. As shown, results of the analysis indicate that long-term operational emissions will not exceed localized emissions thresholds established by the SCAQMD. Other operational mitigation measures presented in the EIR would act to further reduce already less-than-significant potential operational LST impacts.

Similarly, consistent with SCAQMD protocols and methodologies, the Project Health Risk Assessment considers maximum probable exposure to DPM concentrations, resulting from the entering, exiting and idling diesel vehicles within the Project site. Moreover, the analysis reflects long-term constant exposure (70 year, 24 hours per day) for residential receptors. With application of mitigation, even under this potential maximum exposure scenario, exposure to DPM concentrations would not exceed applicable SCAQMD thresholds (please refer to Draft EIR Table 4.3-17, Page 4.3-86).

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to

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TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [7]

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7 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

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Response FNSJ-9

Despite the commentor's assertion to the contrary, the Project has addressed the Project's potential to expose sensitive receptors to substantial pollutant concentrations. The analysis included in the Draft EIR (Pages 4.3-73 to 4.3-86) addresses (1) the potential effects of construction-source emissions at sensitive receptors; (2) potential carbon monoxide (CO) hotspots; and (3) the health risks of diesel particulate emissions. A Health Risk Assessment was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed above, Project and cumulative diesel emissions impacts are less-than-significant. Project impacts in regard to CO "hotspots" are similarly determined less-than-significant; while temporary construction-source emissions are acknowledged as significant. Please refer also to DEIR Section 4.3, Air Quality and supporting technical air quality studies presented at DEIR Appendix C.

Response FNSJ-10

As discussed in the following responses FNSJ-15, FNSJ-16, and FNSJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

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Response FNSJ-11

The referenced citations are acknowledged and addressed at Response FNSJ-12. Additionally, it is noted that the Project's GHG emissions impacts (as presented at Draft EIR Page 4.3-90) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-12

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. It is also noted that CEQA directives allow for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the *Guidelines*. The EIR analysis of GHG emissions/GCC impacts (DEIR Pages 4.3-90 through 4.3-11; DEIR Appendix C, Project Climate Change Analysis) is consistent with Section 15064.4 of the *Guidelines*.

Response FNSJ-13

The commentor misinterprets analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the EIR analysis concludes that *greenhouse gas emissions generated by the Project constitute a significant impact.*

Such is not the case, as evidenced in germane excerpted GCC discussions presented below:

> **1.4 Summary of Findings**
>
> Results of the analysis indicate that the Project would generate GHG emissions that *may* [emphasis added] have a significant impact on the environment. However, the Project is consistent with, or otherwise not in conflict with (1) recommended measures and actions in the California Air Resources Board (CARB) December 2008 Scoping Plan (CARB Scoping Plan) setting forth strategies and measures to implement in order to achieve the GHG reductions goals set forth in the Global Warming Solutions Act of 2006 (AB 32); and (2) the GHG emission reduction strategies set forth in the 2006 Climate Action Team

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(CAT) Report, prepared in response to Executive Order S-3-05, which established total GHG emission targets for the State.

As such, the Project GHG emissions are not cumulatively considerable. Further, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. This analysis takes no credit for such GHG emissions reductions. Thus, this analysis conservatively estimates the overall Project impacts on climate change from GHG emissions and the actual impacts will be less than what is calculated herein (Westridge Commerce Center Climate Change Analysis, Pages 1-2).

To further clarify, germane suggested CEQA Guidelines topical questions include:

Would the project:
a) Generate greenhouse gas emissions, either directly or indirectly, that *may* [emphasis added] have a significant impact on the environment?

Language in the Project GCC study paraphrases and responds the Guidelines language. As also discussed in the Project GCC Study, it is likely that any GHG emissions reductions achieved locally and within the State will be offset by emissions increases in developing countries such as Brazil, Russia, India and China and that significant effects of climate change, such as global warming and sea level rise, will nevertheless occur due to the continuing effects of past and existing levels of emissions. In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts [beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see Climate Change Analysis, Page 42).

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The commentor suggests alternative analysis/threshold considerations for evaluation of GCC/GHG impacts. Thresholds established in the Draft EIR are consistent with applicable provision of CEQA.

> **Findings and Recommendations**
>
> As indicated in Section 15064(b) of the CEQA Guidelines, the determination of significance of greenhouse gases is not "ironclad;" rather, the "determination of whether a project may have a significant effect on the environment calls for careful judgment" by the City "based to the extent possible on scientific and factual data." The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less-than-significant (Draft EIR, Pages 4.3-93, 4.3-94).

Additionally, mitigation measures are required for the Project that would further reduce GHG emissions associated with the Project beyond what is calculated herein. The Draft EIR's analysis takes no credit for such GHG emissions reductions. Thus, the Draft EIR's analysis conservatively estimates the overall Project impacts on climate change from GHG emissions, and the actual impacts will be less than what is calculated in the Draft EIR and associated Westridge Commerce Center Climate Change Analysis, included as part of Draft EIR Appendix C.

<u>Response FNSJ-14</u>

Despite the commentor's statement to the contrary, the Draft EIR does not "assert that the Project would interfere with the goals of AB-32." On the contrary, the Draft EIR notes (on Page 4.3-95) that "[t]he Project's consistency with the AB 32 goals for reducing GHG emissions is assessed by determining whether the Project is consistent with or obstructs the 39 Recommended Actions identified by CARB in its Climate Change

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Scoping Plan which includes nine Early Action Measures (qualitative approach). In addition, the analysis considers the numeric level of emissions generated by the Project to determine whether the emissions are cumulatively significant (quantitative approach)." Following a detailed presentation of the assessment criteria and analysis of the Project's consistency with these criteria, the Draft EIR finds (on Page 4.3-109) that "a project that is consistent with CAT strategies is consistent with the strategies suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32, and therefore the Project will result in a less-than-significant cumulative impact on GCC."

In regard to the Project's "build-out" year, as discussed in the Draft EIR Project Description (Page 3-4), "construction is proposed to occur in one phase, with infrastructure and building construction following site preparation operations." As such, the Project would be effectively "built out" in its opening year, which is identified as 2011, as discussed at Draft EIR Page 4.2-15.

Response FNSJ-15

As discussed in the following Responses FNSJ-16 and FSNJ-18 through FNSJ-20, additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are reduced to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. It is also noted that air quality mitigation measures presented in the EIR will peripherally act to reduce GHG emissions. However, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

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Response FNSJ-16

The commentor suggests that the Project should incorporate provisions for public transit, carpooling, and other measures as a means of reducing VMT and associated GHG emissions.

Mitigation Measure 4.3.13 has been revised, as indicated below, to include additional VMT/GHG emission reduction measures. For ease of reference, the text of this measure in its entirety is provided. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant. Added measures are indicated as ***underline bold italicized*** font.

4.3.13 GHG emissions reductions measures shall also include the following:

- *The Project shall provide secure, weather-protected on-site bicycle storage/parking. Bicycle storage parking/quantity and location shall be consistent with City of Moreno Valley requirements;*
- *The Project shall provide pedestrian and bicycle connections to surrounding areas, consistent with provisions of the City of Moreno Valley General Plan. Location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan;*
- ***The Project shall provide onsite showers (one for males and one for females). Lockers for employees shall be provided.***
- *Any traffic signals installed as part of the Project will utilize light emitting diodes (LEDs);*
- *The Project will establish a Transportation Management Association (TMA). The TMA will coordinate with other TMAs within the City to encourage and coordinate carpooling among building occupants. The TMA will advertise its*

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services to building occupants, and offer transit and/or other incentives to reduce GHG emissions. Additionally, a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit. A plan will be submitted by the TMA to the City within two months of Project completion that outlines the measures implemented by the TMA, as well as contact information;

- *The Project shall provide preferential parking for carpools and vanpool. Locations and configurations of proposed preferential parking for carpools and vanpools are subject to review and approval by the City. Prior to Final Site Plan approval, preferential parking for carpools and vanpools shall be delineated on the Project Site Plan;*
- *The Project shall provide at least two electric vehicle charging stations. Locations and configurations of proposed charging stations are subject to review and approval by the City. Prior to issuance of the first building permit, stub outs for charging stations shall be indicated on the Project building plans.*
- ***Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:***
  - ***Implementation of compressed workweek schedules;***
  - ***SmartWay partnership;***
  - ***Achievement of at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidated trips carried by SmartWay carriers until it reaches a minimum of 90 %of all long haul trips carried by SmartWay 1.0 or greater carriers.***
  - ***Achievement of at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers.***

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- ***Use of fleet vehicles conforming to 2010 air quality standards or better.***
- ***Installation of catalytic converters on gasoline-powered equipment.***
- ***Inclusion of electric powered and/or compressed natural gas fueled trucks and/or vehicles in fleets;***
- ***Establishment and use of carpool/vanpool programs, complemented by parking fees for single-occupancy vehicles;***
- ***Provision of preferential parking for EV and CNG vehicles;***
- ***Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance;***
- ***Use of electric (instead of diesel or gasoline-powered) yard trucks; and***
- ***Use of SmartWay 1.25 rated trucks.***

Response FNSJ-17

As discussed on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may

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be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response FNSJ-18

The commentor proposes numerous additional measures (presented in the following Table) as means to reduce Project-related greenhouse gas emissions relative to energy consumption. While the suggested measures may in part act to generally reduce Project energy consumption, none of the measures are required in order to achieve the mitigation of impacts identified in the Draft EIR. That is, since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed

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measures and their implied environmental benefit vis-à-vis Project impacts. Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation.

Additionally, in some instances, the commentor proposes measures that would further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may impose these additional requirements; typically through Project Conditions of Approval.

Suggested Measure	Response
Analyzing and incorporating the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) or comparable standards for energy- and resource-efficient building during pre-design, design, construction, operations and management.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 3-16), the Westridge Commerce Center Project reflects design and operational criteria established under the LEED Green Building Rating System.
Designing buildings for passive heating and cooling, and natural light, including building orientation, proper orientation and placement of windows, overhangs, skylights, etc.	
Designing buildings for maximum energy efficiency including the maximum possible insulation, use of compact florescent or other low-energy lighting, use of energy efficient appliances, etc.	
Reducing the use of pavement and impermeable surfaces.	**Replicates existing requirements.** As noted in the Draft EIR (Page 4.6-13), onsite bio-retention and detention basins, along with selected areas of pervious concrete and perimeter landscape areas are provided throughout the Project site. Additional detail is included in Draft EIR Appendix F, "Water Quality Management Plan."

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Suggested Measure	Response
Requiring water re-use systems.	**Replicates existing requirements.** The Project is reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Nonetheless, as noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."
Installing light emitting diodes (LEDs) for traffic, street and other outdoor lighting.	**Replicates existing requirements.** Use of LEDs is currently required pursuant to EIR Mitigation Measure 4.3.13.
Limiting the hours of operation of outdoor lighting.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655, which includes restrictions in regard to hours of outdoor lighting operations. See also: www.clerkoftheboard.co.riverside.ca.us/ords/600/655.htm
Maximizing water conservation measures in buildings and landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.	**Replicates existing requirements.** Project landscaping will be provided pursuant to the requirements of the Moreno Valley Municipal Code (Section 9.17.030), which specifies a variety of options to meet the drought tolerant needs of the area while ensuring an aesthetically pleasing landscape. Shade trees will be provided pursuant to the requirements of Municipal Code Section 9.17.050 subd. (d)(3).
Ensure that the Project is fully served by full recycling and composting services.	**Replicates existing requirements.** As noted on Draft EIR Page 3-14, "[p]rior to issuance of a grading permit, the Project will have in place a City approved Solid Waste Diversion and Recycling Plan that demonstrates the diversion and recycling of all salvageable and re-useable wood, metal, plastic and paper products used during Project construction. A similar plan will be in place prior to occupancy that demonstrates the diversion and recycling of all wood, metal, plastic and paper products during ongoing operation of the warehouse and office portions of the Project. The plans will include the name of the waste hauler, their assumed destination for all waste and recycled materials, and the procedures that will be followed to ensure implementation of this measure.
Ensure that the Project's wastewater and solid waste will be treated in facilities where greenhouse gas emissions are minimized and captured.	**Not required.** As discussed in the Draft EIR (Pages 3-21 and 3-22), treatment of the Project's wastewater and solid waste will be accomplished by regional providers (i.e., Eastern Municipal Water District and Waste Management of the Inland Empire), and is outside the control of the Applicant and the City of Moreno Valley.

MV00116108

Suggested Measure	Response
Installing the maximum possible photovoltaic array on the building roofs and/or on the project site to generate all of the electricity required by the Project, and utilizing wind energy to the extent necessary and feasible	**Not required.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics or "wind energy."
Installing solar water heating systems to generate all of the Project's hot water requirements.	
Installing solar or wind powered electric vehicle and plug-in hybrid vehicle charging stations to reduce emissions from vehicle trips.	

Response FNSJ-19

As discussed in the preceding Response FNSJ-18, the commentor's suggested mitigation measures to reduce Project impacts in regard to construction activities are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Utilize recycled, low-carbon, and otherwise climate-friendly building materials such as salvaged and recycled-content materials for building, hard surfaces, and non-plant landscaping materials.	**Not required.** Consistent with the Project's pursuit of LEED accreditation, the recommended building materials will be utilized to the extent available and feasible.
Minimize, reuse, and recycle construction-related waste.	**Replicates existing requirements.** As noted in the Draft EIR (Page 3-5), "[a]ny residual materials resulting from site preparation processes will be appropriately disposed of and/or recycled in accordance with the City's Source Reduction and Recycling Element (SRRE)."

MV00116109

Suggested Measure	Response
Minimize grading, earth-moving, and other energy-intensive construction practices.	**Not required, no nexus with significant impacts.** The Project will not cause or result in individually or cumulatively significant GHG/GCC impacts. There is no requirement to reduce construction-source GHG emissions. Moreover, within the context of Project-specific requirements (e.g., placement of structures approximately 25 feet below the existing grade of SR-60, and proper fill and re-compaction procedures to ensure proper foundation support, consistent with the recommendations of the Project Geotechnical Investigation, included as Draft EIR Appendix H), construction contractor(s) employ techniques and procedures so as to provide for the most efficient use of earth-moving and grading equipment as a matter of course.
Landscape to preserve natural vegetation and maintain watershed integrity.	**Replicates existing requirements.** Landscape improvements will be provided for the Project as required under the City's Zoning Code Section 9.17, "Landscape Requirements." To minimize risk of invasive non-native plants entering into the riparian habitat along the Quincy Channel, the Project includes mitigation (Measure 4.8.3) that prohibits the use of invasive non-native plant species within 150 feet of the Channel.
Utilize alternative fuels in construction equipment and require construction equipment to utilize the best available technology to reduce emissions.	**Incorporated** at revised Mitigation Measure 4.3.8.

Response FNSJ-20

As discussed in the preceding Response FNSJ-19, the commentor's suggested mitigation measures to reduce Project impacts in regard to transportation are addressed in the following table. It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Suggested Measure	Response
Encourage and promote ride sharing programs through such methods as a specific percentage of parking spaces for ride sharing vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13.

MV00116110

Suggested Measure	Response
Create a car sharing program within the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Create a light vehicle network, such as a neighborhood electric vehicle (NEV) system.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide necessary facilities and infrastructure to encourage residents to use low or zero-emission vehicles, for example, by developing electric vehicle charging facilities and conveniently located alternative fueling stations.	**Incorporated** at revised Mitigation Measure 4.3.13.
Provide a shuttle service to public transit within and beyond the planned community.	**Incorporated** at revised Mitigation Measure 4.3.13.
Incorporate bicycle lanes and routes into the planned community's street systems.	**Replicates existing requirements.** The Project is required to provide pedestrian and bicycle connections to surrounding areas consistent with provisions of the City of Moreno Valley General Plan pursuant to the existing Mitigation Measure 4.3.13. This measure notes that the location and configurations of proposed pedestrian and bicycle connections are subject to review and approval by the City. Prior to Final Site Plan approval, pedestrian and bicycle connections shall be indicated on the Project Site Plan.

Response FNSJ-21

The commentor suggests that carbon offsets be purchased to address "remaining [greenhouse gas] emissions that cannot be eliminated." It is again noted that since the Project's potential GHG/GCC impacts are (individually and cumulatively) substantiated to be less-than-significant, specific mitigation of potential GHG/GCC impacts is not required. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Response FNSJ-22

The Lead Agency disagrees with the commentor's assertions regarding the adequacy of the Draft EIR's analysis of alternatives. As further presented in the *CEQA Guidelines* Section 15126.6, subd. (a), an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation.

MV00116111

To this end, the *CEQA Guidelines* indicate that the range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of most Project objectives.

The commentor's suggestion that "[t]he EIR should consider an alternative that relies more on higher-density mixed commercial/residential development projects on existing disturbed lands" is inconsistent not only with the Project objectives, but with the site's existing General Plan land use designation and zoning. Additionally, it is unclear that such an alternative would result in a lessening of the Project's environmental effects, particularly since commercial uses typically generate considerably higher average daily rates of traffic per square foot than light industrial uses, with correlating increases in air emissions. See for example Trip Generation 7th Edition (Institute of Traffic Engineers)trip generation rate for Specialty Retail (ITE Code 814), 44.32 trips/thousand square feet; vis-à-vis the Project trip generation rate of 3.12 trips/thousand square feet. On a related note, the EIR specifically considers a "No Project" alternative which assumes development consistent with site's current Business Park zoning designation. As with the mixed use concept proposed by the commentor, substantially increased trip generation could be expected if developed with business park uses when compared to industrial uses proposed under the Project.

> In this regard, for Traffic Analysis Zone (TAZ) 209 encompassing the Project site, the General Plan Buildout traffic model reflects development of the subject site with Business Park/Light Industrial uses, and projects approximately 4.18 times the trip generation for TAZ 209 than would otherwise be generated by logistics/distribution warehouse uses such as those proposed under the Project. The No Project Alternative considered

MV00116112

herein approximates trip generation for the subject site under the General Plan Buildout Scenario at four (4) times that of the Project (Draft EIR, Page 5-32).

Based on the preceding, the commentor's suggested alternative concept fails as feasible alternative to the Project, and does not merit further analysis as part of the Project EIR.

In regard to the question of whether the Project could be accommodated elsewhere, the Draft EIR addresses, at length, the possible alternative sites that were considered as part of the review of Project alternatives (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

MV00116113

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it

MV00116114

is not currently owned or controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor's states that "[t]he Westridge Commerce Center does not have a tenant and the Project proponent does not plan to build the Project until they do. They already have at least one warehouse that sits empty." No specific tenant(s) for the Project are currently under contract. Results and conclusions of the EIR are not affected.

The Draft EIR (on Pages 5-49 to 5-62) does provide a comparative analysis of the potential impacts of each alternative in regard to greenhouse gas emissions, biological resources, water supply, water quality, and traffic. As required under *CEQA Guidelines* Section 15126.6, subd. (d), this evaluation includes "sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project."

<u>Response FNSJ-23</u>

The City disagrees with the commentor's assertion that "the Draft EIR avoids an actual on the ground biological resource impact assessment." Draft EIR Appendix G presents the Biological Resources Survey prepared for the Project, which consists of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements, as identified in the following Figure 4.8-1;

MV00116115

- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- A jurisdictional delineation, which was prepared pursuant to the requirements of the California Department of Fish and Game and the Army Corps of Engineers.

As further discussed in the Draft EIR (Page 4.8-14), "[p]ayment of the mitigation fee and compliance with the requirements of the MSHCP are intended to provide full mitigation under CEQA, although certain areas within the MSHCP boundaries require additional surveys to determine the presence or absence of specific MSHCP-covered resources, including sensitive plants, burrowing owls, and riparian or riverine areas." Although focused surveys for threatened, endangered and sensitive plant and wildlife species were not conducted as part of the Project's general Biological Assessment, protocol surveys were subsequently performed to determine the presence or absence of burrowing owls within areas of potential disturbance. The *Report on Burrowing Owl Surveys for the West Ridge Project Site* (Harsmworth Associates, July 2009) is also included in Draft EIR Appendix G.

In addition, implementation of Draft EIR Mitigation Measure 4.8.7, included in the Mitigation Monitoring Program presented in Final EIR Section 4.0, will ensure that a pre-construction survey be conducted to document the location of any occupied burrows on-site. With the implementation of this mitigation measure, as well as compliance with the requirements of the MSHCP, the Project's potential to impact burrowing owls is reduced to a less-than-significant level.

MV00116116

The City of Moreno Valley's current schedule of non-residential impact fees indicates that the Project would be subject to an MSHCP fee of $6,597 per acre, and an additional $500 per acre SKR (Stephens' kangaroo rat) mitigation fee. On this basis, the Project would contribute approximately $390,335 to meet its fair-share responsibility for regional plant and wildlife impacts. The amount collected by the City for wildlife mitigation to date, along with the effectiveness of such fee collections, is outside the scope of the Project's environmental analysis. The Draft EIR (Page 4.8-31) notes that "[t]he Project Biological Resources Assessment includes a discussion of MSHCP compliance, and determines that the Project 'is in full compliance with the Western Riverside County MSHCP, assuming the focused burrowing owl surveys are conducted in spring 2009.' These surveys were conducted in July 2009, and found no burrowing owls or evidence of their occupation on-site. This species has not been recorded within the Project area in the past and is presumed absent from the site. As such, the Project is in compliance with the MSHCP." The results and conclusions of the Draft EIR are not affected.

Response FNSJ-24

The commentor requests receipt of future information regarding the Project, and as such, has been added to the Project distribution list at the referenced address. A copy of the Project's Final EIR has also been provided to the commentor, as requested.

Response FNSJ-25

The commentor lists numerous publications and resources exhibits incorporated by reference. With the exception of certain web-linked publications, exhibits listed "as incorporated by reference" have not been provided. Nor has their disposition, availability, or specific relevance been otherwise identified.

From: sgcricket@aol.com
Sent: Monday, December 06, 2010 3:20 PM
To: Jeffrey Bradshaw
Subject: Western Ridge Commerce Center DEIR

Comments Regarding: West Ridge Commerce Center
From: Susan Gilchrist

The project under consideration requires a zoning change from Business Park to Light Industrial. It is my understanding that this is a speculative project and there is no tenant identified. This presents a problem for the residents of the eastern portion of the City. There are currently many unoccupied warehouse buildings on Cactus and along the 215 as well as many in other Inland Empire cities. The only logical reason for presenting this project at this time is to "ride the coattails" of Highland Fairview/Skechers and get approval for another megalithic structure. Since the City permitted a building 36 times the size of the General Plan recommendation, what will prevent the Council from approving another oversized structure? The only solution will be to retain the General Plan and wait for the economy to improve so that the long range goals of a diverse job base can be reached. SG-1

Ten to fifteen years ago, business park zoning was successful and in the future it will be that way again. If zoning changes could be reversed, this would be more acceptable, but they are not. It will never revert to Business Park zoning from Light Industrial and the vision of the eastern portion of the City will be changed forever. Those driving through Moreno Valley will think the City consists of warehouses and sound walls...how attractive!

Questions for the developer:

1. Is this a speculative project or is there a tenant ready to occupy a 900,000 sq ft building? SG-2

2. What benefit is there to the residents and the City for approving a zone change at this time? SG-3

3. Why is the City moving away from the General Plan without bringing the entire process back to the residents? Moreno Valley seems to be willing to accept anything offered rather than have high standards and long range goals. The desperation is obvious and not very reassuring. Surrounding cities of Temecula, Murrieta, Menifee, Riverside, and Redlands are constructing buildings with more style and substance than is seen in Moreno Valley. These cities are attracting a variety of businesses while our City accepts the dregs. SG-4

4. Should the Council change the zoning, will the property be sold to another developer? SG-5

5. As a condition for the zone change, will the developer be willing to put an appropriate buffer of 1500 feet on the south side of Fir and develop it as a City park with a block wall on the north side of the park? SG-6

6. Could the traffic flow from both Skechers and Western Ridge be restricted from Redlands Blvd? SG-7

7. Will the building be constructed to LEEDS standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved? SG-8

8. What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility? SG-9

Sincerely,
Susan Gilchrist

SUSAN GILCHRIST

Email dated December 6, 2010

Response SG-1

The commentor correctly notes that approval of the Westridge Commerce Center Project would involve a change of zone for the Project site, from Business Park to Light Industrial. The commentor's opinions regarding the proposed zone change will be forwarded to decision-makers for their consideration.

Response SG-2

The commentor inquires: "Is this a speculative project or is there a tenant ready to occupy a 900,000 square foot building?" At this time, no specific tenant(s) for the Project are under contract.

Response SG-3

The commentor inquires: "What benefit is there to the residents and the City for approving a zone change at this time?" The benefits of a project are not germane to an EIR pursuant to CEQA. Nevertheless, certain potential benefits to the residents and the City are reflected in the Project Objectives. More specifically, as noted at Draft EIR Page 3-4, the Primary Objectives of the Project as identified by the Project Applicant include the following:

- Transition the existing site into a productive use;
- Provide jobs-producing, light industrial uses to the City of Moreno Valley and local community; and
- Increase economic benefits to the City of Moreno Valley through increased tax generation and job creation.

Response SG-4

The commentor inquires: "Why is the City moving away from the General Plan without bringing the entire process back to the residents?" The commentor offers opinions on City development review and approval processes, and the character of local and regional development.

As discussed in the Draft EIR (Pages 4.1-6 through 4.1-9), implementation of the Project would not propose or require a change in the Project site's General Plan land use designation. The commentor's opinions in regard to the City's approval process and the character of local and regional development will be forwarded to decision-makers for their consideration.

Response SG-5

The commentor inquires: "Should the Council change the zoning, will the property be sold to another developer?" Should the Project be approved, it is the applicant's intention to develop the site as proposed. However, there are no restrictions to prohibit the sale of the subject property. It may be noted that, regardless of ownership, Project-specific mitigation measures and other applicable regulations relative to the Project's construction and operations, including those identified in the Draft EIR, would remain in force.

Response SG-6

The commentor inquires: "As a condition of the requested zone change, will the developer be willing to put an appropriate buffer of 1,500 feet on the south side of Fir (future Eucalyptus) Avenue and develop it as a City park with a block wall on the north side of the park?" As a point of clarification, the requested zone change cannot be lawfully conditioned as suggested. Moreover, there is no codified requirement or environmental impact nexus that would require or suggest a 1,500 setback or the creation of a park southerly of the Project site. The commentor's remarks are forwarded to the decision-makers for their consideration.

MV00116120

Response SG-7

The commentor inquires: "Could the traffic flow from both Skechers and Western Ridge [the proposed Westridge Project] be restricted from [using] Redlands Boulevard?" Direct and practical access to the Project site is provided via Redlands Boulevard, located less than one-quarter mile easterly of the Project site. The Project provides all necessary improvements to mitigate its direct traffic impacts affecting Redlands Boulevard to levels that are less-than-significant. Additionally, appropriate mitigation is provided for all potentially significant cumulative traffic impacts affecting Redlands Boulevard.

Opening Year access to and from the SR-60 to the Westridge Project site was assumed to utilize Redlands Boulevard exclusively. The Project TIA (included as Draft EIR Appendix B) does account for the fact that, upon the development of Eucalyptus Avenue to the ultimate configuration identified in the Moreno Valley General Plan Circulation Element, Project-related traffic could also access the SR-60 at Moreno Beach Drive.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

MV00116121

Response SG-8

The commentor inquires: "Will the building be constructed to LEED standards to include reinforcing the roof and installing solar panels? Will the LEEDS standards equal or exceed the Highland Fairview/Skechers building? Will the developer be conditioned to lower the building so that views will be preserved?" Similar to the recently approved Highland Fairview/Skechers project, the Westridge Commerce Center will be built to LEED standards. The following discussion at Draft EIR Page 3-16 is presented here for ease of reference.

> The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

MV00116122

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification. There is no requirement that LEED standards implemented by the Highland Fairview/Skechers development be similarly implemented by the instant Project.

As further described in the Aesthetics section of the Draft EIR (Page 4.9-11) and illustrated in Draft EIR Figure 4.9-3, the Project's building foundation is planned to be located approximately 25 feet lower in elevation than the existing elevation of SR-60. Substantial reduction of the height of the building is considered infeasible, since the facility's height is largely dictated by the logistics use, and the need to provide standard "dock-high" bays for the loading and unloading of trucks." The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment.

In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured for example as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000 square foot building would have to be at least 1.7 million square feet in size in order to accommodate a comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be substantial additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy efficiencies associated with such a large building footprint.

MV00116123

Response SG-9

The commentor inquires: "What restrictions in hours of operation will be enforced? Will trucks move during daylight hours, night hours or both? How many trucks are estimated to use the facility?" As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations." Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site include:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions as presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

MV00116124

HIGHLAND FAIRVIEW

14225 Corporate Way
Moreno Valley, CA 92553
Tel: 951.867.5300

December 6, 2010

Mr. Jeff Bradshaw
Associate Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

SUBJECT: Westridge Commerce Center – Comments on Draft EIR

Dear Jeff,

Highland Fairview has reviewed the Draft EIR and is concerned with the manner in which the document addresses a number of environmental issues. As you know, the city imposed numerous mitigation measures and conditions of approval on the Highland Fairview Corporate Park (HFCP) project many of which are not applied to this project, despite the similarities of the two projects. Among these issues are air quality, water quality, freeway landscaping treatment, architectural design, sustainability, hazardous materials, biology, global climate change and many other environmental areas.

To address these concerns, we request a meeting with the City planning, traffic and engineering departments to review the proposed mitigations included in the Draft EIR. We are particularly concerned about the following subject areas:

1. The project's contribution to improvements to SR60 mainline and interchanges. HF-1
2. The project's contribution to improvements on Redlands Boulevard. HF has other projects in the area and insufficient improvements by this project should not be allowed.
3. Architectural standards and design comparable to that of the HFCP Skechers building should be articulated from the freeway.
4. The landscape treatment of the interface between the project and SR60 should be comparable to that required by the City for HFCP and should be consistent.
5. The need for a significant commitment from the project to address the visual relationship between the project and the SR60. For example, the HFCP project was lowered 25 feet so that its visual impact could be softened.

We request a meeting with City staff as soon as possible to address these concerns.

Sincerely,

Wayne Peterson
Vice President, Community Planning

HIGHLAND FAIRVIEW

Letter Dated December 6, 2010

Response HF-1

The subject line of this letter indicates that it contains comments on the Westridge Commerce Center Draft EIR; however, these comments do not appear to be intended to address the Draft EIR's technical analysis or findings. Instead, the comments focus on the Westridge Commerce Center's "contribution to improvements," and express concerns regarding the equity of mitigation between the Westridge Commerce Center Project and the recently approved Highland Fairview Project (a 2.6 million-square-foot light industrial/commercial development located south of SR-60 east of Redlands Boulevard). A meeting with City staff is requested "to address these concerns."

On this basis, specific technical responses are not warranted. Mitigation for the Project's potential impacts was included in the Draft EIR, and is detailed in the Project's Monitoring Program, provided in Final EIR Section 4.0. Further, the Project's architectural compatibility with City design standards, and with the Highland Fairview project, is addressed on Draft EIR Page 4.9-6.

The commentor's concerns will be forwarded to decision-makers, as requested. City staff will be pleased to meet with the commentor to discuss their concerns.

MV00116126

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December 3, 2010

City Council
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA U.S. MAIL

RE: Draft Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Draft Environmental Impact Report.

General Comments:

The California Environmental Quality Act ("CEQA") was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the document as an informational document.

Unfortunately, the **DEIR for this Project fails as an informational document** as it fails to adequately and accurately consider cumulative impacts throughout the document. The DEIR also misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The DEIR is often conclusory and does not provide the analysis required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusion. This includes often omitting to provide the information required to properly assess impacts. JS-1

Moreover, CEQA requires that where feasible mitigation exists which can substantially lessen the environmental impacts of a project, **all feasible mitigation must be adopted**. In this way

CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. This has not been done with this Project. Moreover, all mitigation measures required in the EIR must be fully enforceable and certain to occur. This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable approximations of mitigation measures. The Project is also inconsistent with the City of Moreno Valley General Plan. This is unacceptable. JS-1 (cont'd)

Project Overview:

The Westridge Commerce Center is a proposal, sponsored by ProLogis, for the construction of a 937,260 sq. ft. warehouse-distribution facility on approximately 54.66 acres of mostly undeveloped agricultural land located on the north side of Eucalyptus Avenue, west of Redlands Boulevard, near the SR-60/Redlands Boulevard interchange. The project will include approximately 173 loading docks and 14,000 square feet of office space to be divided between the southeast and southwest corners of the building. The future occupants and uses of the property are unknown at this time.

The project would require the removal of approximately 70,000 cubic yards of soil. The project would require the discretionary approval of a zone change (City Case # PA08-0098) from business park to light industrial. The project would also require an amendment to City of Moreno Valley Municipal Code section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts] due to the Project sites adjacency to residentially-zoned property and approval of Tentative Parcel Map No. 36207 (City Case # PA09-023). Adjacent to the project site is SR-60 to the north and Eucalyptus Avenue to the south. Properties to the south of the project are zoned Rural Residential ("RA-2") and designated Primary Animal Keeping Overlay ("PAKO") Zone. A residence is located near the southeasterly corner of the project site. To the west of the project site, although properties are currently under agricultural production, a proposal, also sponsored by ProLogis, has been made to develop, on 117 acres, six distribution warehouse facilities totaling 2.25 million square feet. Properties immediately to the east are designated commercial. Further east, across Redlands Boulevard, development of the 2.6 million square feet Highland Fairview Corporate Park Project has been approved. Regional access to the Project will be provided by the SR-60/Redlands Avenue interchange. JS-2

The DEIR concludes that aesthetic impacts are significant and unavoidable. Noise impacts are significant and unavoidable for the construction phase. Air quality impacts are significant and unavoidable for construction and operation phases. The DEIR also concludes cumulative aesthetic, air quality, construction noise, and traffic impacts are significant.

Cumulative Impacts:

The cumulative impact analysis is brief, lacking in evidence and data, and generally insufficient. CEQA requires that in order to adequately discuss and analyze potential significant cumulative impacts, "[a] list of past, present, and probable future projects producing related or cumulative impacts" must be included in the DEIR. (Cal. Pub. Res. C. § 15130(b)(1)(A).) The lead agency must also "define the geographic scope of the area JS-3

affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used." (Cal. Pub. Res. C. § 15130(b)(2).)

Here, the DEIR looks *only* at the cumulative effects from those "probable development proposals" within a two (2)-mile radius of the Project. **The analysis does not account for any past or present projects as required under CEQA and does not "provide a reasonable explanation" for why the two-mile radius was used.** Although a discussion as to why the Traffic Impact analysis was limited to a two-mile radius was provided in the DEIR, this reasoning does not support a basis for why the Cumulative Impact Analysis section of the DEIR was limited to such a small radius and purely probable future projects. Development within Moreno Valley is occurring on a large scale and the resulting impacts should not be ignored. (See Exhibits 1 – 3.) There is also a great amount of residential development within close proximity to the Project site, yet the impacts from these projects are not included in the analysis. For instance, The Moreno Highlands Specific Plan providing for 7,700 residential units located east of the Project site and the Aqua Belle Specific Plan providing for 2,922 "Active Adult" residential units located southwesterly of the Project site are neither included in the analysis nor mentioned in the DEIR. Also, the Centerpointe Project, a 353,859 square feet distribution center (PA07-0147, PA07-0157) which was approved by the Planning Commission in early 2010 was not included. This failure to analyze any impacts from past and present projects, as well as projects outside of the two-mile radius results in an inadequate analysis of the impacts to traffic, air quality, greenhouse gas emissions, and aesthetics, among others.

JS-3 (cont'd)

Furthermore, the cumulative impact section often fails to recognize that impacts which are less than significant on their own may nonetheless be cumulatively significant. The cumulative impact analysis also fails to summarize "the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available," as is required by CEQA. (Cal. Pub. Res. C. § 15130(b)(4).)

Therefore, the DEIR fails as an informational document as it does not provide an accurate analysis of the cumulative environmental effects that will result and therefore does not allow for sound and informed decision making on behalf of approving agencies.

General Plan Consistency:

CEQA requires that an EIR "discuss any inconsistencies between the proposed project and applicable general plans." (CEQA Guidelines 15125(d).)Yet, the DEIR fails to discuss the inconsistency of the Project with a number of applicable provisions contained within the General Plan.

JS-4

The project is inconsistent with the following General Plan provisions: Goal 2.2; Objective 2.13; and Policies 2.10.14, 2.13.1, and 2.13.3. Goal 2.2 requires that "the optimum degree of health, safety, well-being, and beauty for all areas of the community" be achieved yet the Project has numerous significant and unavoidable impacts to the safety, health and well-being of residents throughout Moreno Valley. Policy 2.10.14 requires that existing mature trees be preserved or relocated and only replaced when they cannot be preserved or relocated. Yet, although the Project will replace those existing mature pine trees along the

northerly boundary with a double-row of new trees, the DEIR fails to discuss whether these mature trees will be relocated and if not, how or why preservation or relocation of these mature trees is infeasible. Policy 2.13.3 of Objective 2.13 requires that "the sponsor of a development project…assure that all necessary infrastructure improvements…needed to support project development are available at the time that they are needed" yet, as will be discussed below, there is nothing to indicate that those improvements that will be required to mitigate for traffic will actually be implemented. JS-4 (cont'd)

Agricultural Impacts:

Although the Project will result in the conversion of farmland to non-agricultural uses the DIER finds that the impact will be less than significant. This finding is not supported by substantial evidence when the Initial Study itself states that the site is designated as Farmland of Local Importance due to the high quality of soil at the site and the Project Description states that the land has actually been used for agricultural production within the last twenty (20) years. As such, mitigation for this loss of prime agricultural land is required. It is well documented that agricultural land is the largest part of Riverside's economy. **The EIR prepared for the City of Moreno Valley General Plan recognizes that due to this loss of agricultural land, impacts are potentially significant and feasible mitigation measures would effectively lessen this significant impact.** (See Exhibit 4.) Therefore, the following mitigation measures must be adopted: JS-5

1. Purchase conservation easements on existing agricultural land to ensure that the land is never converted to urban uses.
2. Donate funds to a regional or statewide program that promotes and implements the use of agricultural land conservation easements.

Land Use and Planning:

This Project will have a significant impact to Land Use and Planning which was not adequately evaluated in the DEIR. The Project involves a zone change from Business Park to Light Industrial as well as an amendment to the Municipal Code as a result of its proximity to residential areas. The effects of the zone change and the amendment to the Muncipal Code are both potentially significant impacts which must be further evaluated and potentially mitigated in the DEIR. JS-6

Additionally, as stated on page 2-4 of the Initial Study land south of the Project site contains a Primary Animal Keeping Overlay Zone ("PAKO Zone") "in order to maintain animal keeping and the rural character of the area" yet this is not even mentioned in the DEIR. The Project's effects on this zoned area and the extent that this Project will disrupt the ability of people to keep animals in this zone must be analyzed and potentially mitigated.

Air Quality and Greenhouse Gas Emissions/Climate Change: JS-7

Air Quality

Air quality impacts will be significant and unavoidable during both the construction and operation phases.

Construction:

The air quality analysis is flawed and underestimates the impact on air quality during construction. The air quality analysis improperly assumes for Phase 2 Grading a value of zero Vehicle Miles Traveled (0 VMT) for on-road truck travel. This is improper as the analysis must account for the VMT by construction workers *to and from* the Project site. JS-7 (cont'd)

Even under the current analysis, without mitigation, construction of the project will result in levels of VOC, NOx, PM10, and PM2.5 exceeding SCAQMD Regional Thresholds, yet all feasible mitigation measures were not adopted to reduce construction related emissions, and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur. For example, MM 4.3.4 does not reduce VOC to the greatest extent feasible. MM 4.3.4 should be modified to require that all paints, coatings, and solvents are zero (0) VOC. JS-8

MM 4.3.1 does not sufficiently mitigate for air quality impacts and is uncertain and unenforceable. In recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM10 and PM2.5 fugitive dust haul road emissions *by approximately 44%*. Yet, MM 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. MM 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%. This measure should also be modified to include the specific measures which the contractor shall take to ensure that traffic speeds on unpaved roads are reduced to 15 miles per hour, such as the placement of signage or other speed controlling devices. Mitigation measures should also be required to include measures which mitigate for and ensure dust control at the dump site where the soil from the project site will be placed. JS-9

MM 4.3.7 should not only require that electrical power sources "be provided" but also require that electrical construction equipment be *actually used* "whenever technically feasible." JS-10

Although the air quality analysis recommends that "[p]rior to issuance of a grading permit, the grading plans shall reference that a sign shall be posted on-site stating that construction workers need to shut off engines after five minutes of idling," this mitigation measure was not included in the DEIR. This is unacceptable, particularly since the DEIR states that air quality emissions are significant and unavoidable, and this mitigation measure is plainly feasible and would reduce air quality emission. Moreover, this measure is required by CARB, in Title 13, Chapter 10, Section 2485, Division 3 of the California Code of Regulations. This mitigation measure must be included in the DEIR. JS-11

The air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas "quickly" should be adopted. Yet, the DEIR fails to include such a mitigation measure. Again, this is unacceptable particularly since the air quality emissions are significant and unavoidable and this mitigation would reduce both PM10 and PM2.5 by JS-12

an additional 10%. Mitigation must be included requiring that landscaping or other vegetation be planted as soon as possible after disturbance. JS-12 (con'd)

In analyzing air quality due to fine site grading activity, the air quality analysis assumes that a maximum of 13.66 acres per day will be disturbed by grading activity. In order to ensure that the effect on air quality from fugitive dust is not greater than that relied upon by the DEIR, a mitigation measure must be adopted that *limits* fine site grading activity to a level below 13.66 acres per day. In fact, an even lower maximum daily acreage should be required in order to further mitigate for these impacts. JS-13

Even after applying mitigation measures, construction air quality impacts are expected to be significant and unavoidable and well above the thresholds of significance for criteria pollutants. For example, with implementation of the mitigation measures listed in the DEIR, emissions of PM10 during construction will amount to 39.51 $\mu g/m^3$ over 24-hours, almost four times the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold, while emissions of PM2.5 during construction will amount to 12.40 $\mu g/m^3$ over 24-hours, well over the 10.4 $\mu g/m^3$ SCAQMD Localized Significance Threshold. Additionally, VOC will reach 205.37 lbs/day, more than two and one half times the 75 lbs/day SCAQMD Regional Significance Threshold and NOx will reach 287.12 lbs/day, almost three times the 100 lbs/day SCQAMD Regional Significance Threshold. Yet, the DEIR suggests adoption of only nine (9) mitigation measures and simply concludes that the remaining unmitigated emission are unavoidable. This is insufficient. In order to further reduce construction air quality emissions, the following additional mitigation measures should be adopted:

1. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.
4. Complete all roadways, driveways, sidewalks, etc., as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.
5. Pave all roads on construction sites as soon as technically possible.
6. Limit fugitive dust sources to 20 percent opacity.
7. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite.
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
9. Require high pressure injectors on diesel construction equipment.*
10. Restrict engine size of construction equipment to the minimum practical size.*
11. Use Electric construction equipment where technically feasible.*
12. Substitute gasoline-powered for diesel-powered construction equipment.*
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane, or biodiesel.*
14. Implement activity management techniques including a) development of a comprehensive construction management plan designed to minimize the number of

JS-14

large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.*

15. Install catalytic converters on gasoline-powered equipment.*
16. Use electricity from power poles rather than temporary diesel power generators.*
17. Alternative diesel fuels exist that achieve PM10 and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM10 compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.*
20. Provide shuttle service to food service establishments/commercial areas.*
21. Provide shuttle service to transit stations/multimodal centers.*
22. Utilize only CARB certified equipment for construction activities.*
23. All forklifts shall be electric or natural gas powered.*
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.

JS-14 (cont'd)

Operational:

The Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. **Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930).** This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts.

JS-15

The DEIR also inaccurately represents the values used in the LST Analysis. The Air Quality Analysis states that the average trip length used was 0.3 miles and the vehicle speed was 10 miles per hour. Yet, the DEIR incorrectly states that the average trip length used in the LST Analysis was 0.5 miles while the vehicle speed was 5 miles per hour. (DEIR, 4.3-68) Again, this failure in the DEIR to accurately reflect the values used in the LST Analysis renders the DEIR inadequate as an informational document.

JS-16

The DEIR and air quality analysis conclude that for long-term operational activities, even after mitigation, VOCs and NO_x will exceed SCAQMD's Regional Significance Thresholds. Without mitigation, the regional emissions of VOCs and NO_x are exceeded for both summer and winter, with NO_x greatly exceeding the threshold of 55 lbs/day with 739.69 lbs/day in the summer and 819.10 lbs/day in the winter. With the mitigation measures, the emissions of

JS-17

NO_x would be reduced by only a meager .03 lbs/day in summer and .17 lbs/day in winter and emissions of VOCs would be reduced by only .01 lbs/day. These reductions are clearly insignificant. **The mitigation measures do not actually mitigate for the significant operational impacts to NOx and VOC.** JS-17 (cont'd)

MM 4.3.11 requires that the project surpass California Title 24 Energy Efficiency performance standards by a minimum of 20 percent. This goal is to be met by using any combination of a number of listed design features. Particularly since NOx emissions are significant this mitigation measure should require that the project surpass California Title 24 Energy Efficiency standards by at least 30 percent. In fact, all design features listed should be required to be implemented as a way to mitigate the significant effects on air quality. JS-18

Additionally, many more operational mitigation measures are feasible and may be implemented through contract requirements in the purchase, sale, or lease agreement. Such mitigation must be required unless the incorporation into the contract of a mitigation measures is shown to be *infeasible*, not merely inconvenient. The following mitigation measures should be required to reduce Project operational impacts:

1. Require the utilization of zero VOC paint, coatings, and solvents.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become SmartWay Partner.*
4. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90% of all long haul trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.*
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve a 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of consolidator trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results, including backup data shall be reported to the Planning Department semi-annually.* JS-19
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.*
7. Install catalytic converters on gasoline-powered equipment.*
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by CARB on January 31, 2001 as achieving a 14% reduction in NOx and a 63% reduction in PM_{10} compared to CARB diesel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines and existing storage, distribution, and vehicle fueling facilities. Operational experience indicates little or no difference in performance and startup time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.

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9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.*
10. Require each user to establish a carpool/vanpool program.*
11. Provide on-site child care or contribute to off-site child care within walking distance.*
12. Provide preferential parking for carpool/vanpool vehicles.*
13. Provide secure, weather-protected bicycle parking for employees.*
14. Provide direct safe, direct bicycle access to adjacent bicycle routes.*
15. Provide showers and lockers for employees bicycling or walking to work.*
16. Short-term bicycle parking for retail customers and other non-commute trips.*
17. Connect bicycle lanes/paths to city-wide network.*
18. Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, eliminate building setbacks, etc.*
19. Prohibit idling of trucks for periods exceeding three minutes.*
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.*
21. Provide shuttle service to food service establishments/commercial areas.*
22. Provide shuttle service to transit stations/multimodal centers.*
23. Implement parking fee for single-occupancy vehicle commuters.*
24. Implement parking cash-out program for non-driving employees.*
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.*
26. Implement a compressed workweek schedule where feasible.*
27. Provide electrical vehicle ("EV") and compressed natural gas ("CNG") vehicles in vehicle fleets.*
28. Install EV charging facilities *for a minimum of 10% of all parking spaces.**
29. Install a CNG fueling facility.*
30. Provide preferential parking locations for EVs and CNG vehicles.*
31. Utilize electrical equipment for landscape maintenance.*
32. Utilize only CARB certified equipment for construction activities.*
33. All forklifts shall be electric or natural gas powered.*
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.*
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.*
36. Utilize low pressure sodium fixtures for exterior lighting including parking lots.
37. Utilize electric yard trucks.*
38. All buildings shall be constructed to LEED Platinum standards.*
39. The operator shall meet SmartWay 1.25 ratings.*
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.*
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.*
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.*
43. The operator shall purchase only green power.*

JS-19 (cont'd)

Climate Change/GHG emissions:

According to the air quality analysis, this Project would generate GHG emissions that will have a significant effect on the environment. However, the DEIR concluded that GHG emissions are less than significant since the Project's emissions will not exceed the thresholds of significance proposed by SCAQMD (stationary source GHG emissions ≥ 10,000 metric tons per year of CO_2E) or CARB (7,000 metric tons per year of CO_2E from non-transportation related GHG sources). Not only is this conclusion improper but the analysis used to determine GHG emissions is also flawed. JS-20

The thresholds for significance for SCAQMD and CARB relate only to *non-transportation/stationary* sources. Therefore, the GHG emission analysis and conclusion of less than significance is deeply flawed as it fails to account for the majority of GHG emissions for the Project which are attributable to non-stationary/mobile sources. Of the total estimated 30,003.39 metric tons/year of CO_2E, 27,858.08 metric tons/year come from mobile sources, whereas only 7% of CO_2E is derived from stationary sources. JS-21

Furthermore, the same reduced number of trips used in the air quality analysis was used for determining the impact on global climate change. For the same reasons previously discussed, this is inappropriate and does not adequately represent the negative impact this Project will have on global climate change. When the 2,930 traffic trips used in the traffic analysis is used rather than the 1,585.22 traffic trips as suggested, the GHG emission for transportation sources increases more than double from 27,858.08 CO_2E to 51,490.77 CO_2E. **Clearly, GHG emissions are far greater than that estimated in the DEIR.** JS-22

The GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project. Where the project consists of a new distribution center and truck parking, the vehicular emissions in fact create a "new" mobile source of emissions as they create new trucking jobs, and do not merely redistribute the existing traffic patterns as this analysis has assumed. JS-23

The DEIR incorrectly concludes that even though GHG emissions from the Project would be significant, since the Project is consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG emissions are not cumulatively considerable. Yet, this project is, in fact, inconsistent with the CARB Scoping Plan. For instance, Action T-7 recommends that trucks/trailers be retrofitted with BAT and/or CARB-approved technology, yet this Project does not require this retrofit. The DEIR also states that the Project is consistent with Action E-4 (Million Solar Roofs) which sets a target for the installation of 3,000 megawatts (MW) of new solar capacity by 2017, yet the Project does not include nor require installation of a photovoltaic solar electricity system. In order to actually work to achieve this goal of new solar capacity, the Project should require, as a mitigation measure, the installation of a photovoltaic solar electricity system Such a system may be required through contract requirements in the purchase, sale, or lease agreement. JS-24

The DEIR also states that the Project is in compliance with 2006 CAT Report GHG Emission Reduction Strategies. Yet, these determinations of compliance are not supported by any *mandatory requirements,* but rather based on mitigation measures which are not fully enforceable or feasible. For example, the DEIR states that vehicles accessing the site will be in compliance with CARB vehicle standards to the "maximum extent feasible," but does not define this or implement any standard of performance. The DEIR also states that compliance JS-25

with the State's goal of achieving 50% Statewide Recycling will be met through including "provisions for tenants to recycle," yet, there is no requirement that this goal be met. Recycling of at least 50% by the future tenant should be mandatory and required as a mitigation measure through contract requirements in the purchase, sale or lease agreement. In stating that the Project is compliant with the requirement for water use efficiency, the DEIR states that implementation of water conserving devices should be required "to the extent feasible." This language is again vague and does not include any enforceable performance standards. Also, the Project does not require compliance with the California Solar Initiative, one of the strategies identified as critical for California to meet its greenhouse gas reduction targets. The Project merely *recommends* adoption of a requirement that "[a]ll buildings be designed to accommodate renewable energy sources, such as pholtovoltaic solar energy systems…" (DEIR, pg. 1-58) Again, this should be a *required*. Furthermore, the project is also inconsistent, and/or determined to not require compliance with several other CAT strategies, notably with respect to Alternative Fuels. JS-25 (cont'd)

The DEIR fails to analyze or provide evidence as to how any alleged compliance with the strategies in the 2006 CAT Report or the CARB Scoping Plan would reduce GHG emissions from this Project so that cumulative GHG impacts would not be significant. Furthermore, the DEIR fails to show how the Project is consistent with statewide goals in AB32 of reducing carbon emissions to 1990 levels 2020 and of Executive Order S-3-05 of reducing carbon emissions to 80% below 1990 levels by 2050, when this project only contributes to and increases these carbon emissions. JS-26

The California Air Pollution Control Officer's Association ("CAPCOA") has analyzed several means of determining the significance of a project's greenhouse gas impacts under CEQA in its CEQA & Climate Change White Paper. CAPCOA determined that a threshold of zero or a quantitative threshold designed to capture 90 percent or more of likely future discretionary projects (a 900-ton CO_2E threshold) are highly effective at reducing emissions and highly consistent with the emission reduction targets set forth under AB 32 and Executive Order S-3-05. (See Exhibit 5.) The Bay Area Air Quality Management District (BAAQMD) has also drafted guidance on the determination of significance for greenhouse gas impacts. BAAQMD has recognized that there is a "gap" between state action to reduce emissions and the need to further reduce emissions from land-use driven sectors in order to reach AB 32 targets. (See Exhibit 6.) After a series of calculations, BAAQMD then determined that projects above 1,100 tons (accounting for approximately 92% of all GHG emissions from new land use development) would be considered significant, thereby requiring the adoption of all feasible mitigation measures and helping to get nearer to meeting AB 32 targets after statewide regulations are taken into account. Additionally, in the EIR for the Highland Fairview project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change. The Project clearly exceeds the zero threshold. Accordingly, all feasible mitigation measures must be implemented and thus all suggested design features in Mitigation Measure 4.3.11 must be required to be implemented in the Project design. JS-27

The DEIR improperly concludes that due to the Project's supposed consistency with the CARB Scoping Plan and the 2006 CAT Report "that the Project's greenhouse gas emissions are not cumulatively considerable." (DEIR, pg. 5-14) As discussed above, even if the Project were consistent with the CARB Scoping Plan and the 2006 CAT Report, GHG JS-28

emissions from the Project are not less than significant. Additionally, the conclusion that GHG emissions are not cumulatively considerable just because the emissions are not individually considerable (although not actually true) completely ignores the concept of cumulative impacts. "'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." Guidelines § 15064(h)(1). As the DEIR admits, climate change is a global issue as emissions from sources worldwide combine to create the most pressing environmental and social problem of our time resulting in increased flooding, decreased water supply, negative impacts to biological resources, as well as numerous other negative effects. These sources may "appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact." *Los Angeles Unified School Dist. v. City of Los Angeles,* 58 Cal.App.4th 1019, 1025 (1997). Here, the cumulative effects on GHG emissions were not adequately analyzed. GHG emissions, which are already estimated at over 30,000 metric tons of CO_2E per year for just this Project, will have a large cumulative effect and this impact must be addressed in the DEIR and be properly mitigated. **Adoption of air quality mitigation measures marked with an asterisk and provided above will help further mitigate GHG emissions.** JS-28 (cont'd)

After all measures have been implemented to reduce emissions, any remaining emissions that cannot be eliminated may be mitigated through off-site measures. The Final Statement of Reasons for CEQA GHG Guidelines specifically contemplates off-site mitigation such as "community energy conservation projects." CAPCOA also found that a potential cost-effective offset and verifiable offset could include an energy-efficient retrofit of existing building stock in the Project area to offset the remainder of the Project's emissions. (See Exhibit 5 at 80.) Offsetting GHG emissions in the project area could also effectively reduce criteria pollutants. JS-29

Noise:

Construction:

Intermittent noise levels due to construction at the Project site are expected to reach 89 dBA at the nearest residential properties, well in excess of the daytime 60 dBA Leq allowable under the Moreno Valley Municipal Code. Even at the more distant residential neighborhoods one quarter mile away from the Project site, noise levels during construction are expected to reach 60 to 65 dBA Leq. The DEIR concludes that even after implementing four mitigation measures, that construction noise will be significant and unavoidable. Yet, the DEIR does *not* adopt all feasible mitigation measures. Also note that Mitigation Measure 4.4.3, which limits constructions activities to between 7:00 a.m. and 8:00 p.m. does *not* mitigate the fact that noise levels of 89 dBA will be in excess of the City's noise ordinance during *daytime* hours. The fact that the ordinance establishes time frames does not eliminate or lessen the environmental impact it merely means that the impacts are not subject to criminal sanctions. The threshold of significance is therefore still exceeded during the day. JS-30

Additionally, Mitigation Measure 4.4.4 merely requires that the Project plans include a statement that "for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be JS-31

installed along the Project's southerly boundary" and should "provide maximum reduction for noise sensitive uses…." The term "maximum reduction" is vague and unenforceable. In order to ensure that this mitigation measure actually reduces the level of noise, the measure should require that these sound barriers, which should also include temporary sound walls, actually **reduce noise at sensitive receptors to no more than 60 dBA Leq.** JS-31 (cont'd)

The Noise Analysis recommends the following feasible mitigation measures which must be adopted:

1. Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.
2. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.
3. Notify surrounding homeowners of expected, specific construction related noise impacts.

JS-32

In addition, the following mitigation measures, not mentioned in the Noise Analysis, should be adopted:

4. When technically feasible, electrical construction equipment should be utilized.
5. During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.

JS-33

Additionally, the DEIR improperly adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA or greater. This is an improper and inaccurate assumption and is certainly not supported by Appendix G of the *CEQA Guidelines* as stated in the DEIR. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance…." Here, 60 dBA is the standard for residential uses and noise levels will be in excess of this standard. JS-34

In terms of ground-borne vibration, there is no evidence pointed to in the DEIR that shows that vibrations would be less than significant even though heavy equipment used during construction "could potentially generate groundborne vibration impacts." Instead the DEIR makes the conclusory statement of insignificance without data or analysis to support such a determination. The DEIR also only mentions vibration impacts to *buildings* when it should also look at impacts to people. Therefore, the DEIR again fails as an informational document. JS-35

<u>Operational - Cumulative Impacts:</u>

As previously discussed, the DEIR fails to look at all cumulatively related projects. This is improper. JS-36

The DEIR finds that the cumulative effects on existing roadways will cause an increase in noise levels of up to 9.5 dB, yet, the DEIR improperly concludes that since the impact from the Project *on its own* is less than 3 dBA that the cumulative impact is not significant. Again, this analysis is completely improper. An increase of 3 dBA is <u>not</u> the threshold of significance adopted for the project. The threshold of significance is whether the project would result in "exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance ...." Again, that standard for residential uses is 60 dBA and noise levels will be in excess of this standard. For example, with the project, noise levels 100 feet from Redlands Boulevard south of the SR-60 eastbound off-ramp will reach 69.3 dBA and noise levels 100 feet from SR-60 will range from 82.1 to 83.9 dBA. Further, the project will cause noise levels to *increase over levels without the project* at numerous roadway segments. This is a significant impact for which all feasible mitigation must be required. JS-37

Additionally, the Noise Analysis uses noise measurements previously taken at the G.I. Trucking facility in Pomona, California, although neither the Noise Analysis nor the DEIR provide information on this facility in order to show that the activity at the G.I. Trucking facility is comparable to that which would occur at this Project. Therefore the analysis is inadequate to determine the accuracy of potential noise impacts. JS-38

The following feasible mitigation measures must be adopted as recommended in the Noise Analysis: JS-39

1. All trucks, tractors and forklifts shall be operated with proper operating and well maintained mufflers.
2. Maintain quality pavement conditions that are free of bumps to minimize truck noise.
3. Limit the number of idling trucks on the southeastern portion of the site.

Traffic and Circulation:

Interstate 15 ("I-15") and Interstate 215 ("I-215") provide access to the Project area and will most certainly be used to access the Project site. Yet, the DEIR fails to assess the impacts this Project will have on I-15 and I-215 and fails to provide feasible mitigation for projected increased traffic congestion to I-15 and I-215. In order to mitigate for the substantial impacts to these Interstates, mitigation must be included which requires the Project to contribute a fair share to CALTRANS in order to support implementation of improvements to the I-15 and I-215. JS-40

Numerous mitigation measures require that the project participate in fee programs, namely the TUMF and DIF Programs. While payment of fair share fees can be appropriate mitigation for cumulative traffic impacts, they are only adequate when there is an existing program, and that program is adequately funded. The DEIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project. The DEIR also fails to provide information as to the availability of existing fee programs and the financial capability of these programs to actually fund the required improvements for this project. JS-41

The traffic impact mitigation relying on the DIF program is inadequate and is not certain to mitigate traffic impacts. The City announced several months ago that the DIF fees were inadequate to actually construct all required improvements. At that time, the DIF fees were underfunded by approximately 50%. In addition, at the August 18, 2009 City Council Hearing, the City further reduced DIF fees, further increasing the shortfall. There is absolutely no evidence in the record to show that the existing program is adequately funded.

Additionally, these measures do not indicate when the fees will be paid. If required to be paid at the time of construction, the amount could be non-representative of the project's "fair share" in the future. Accordingly, there is absolutely nothing to indicate that the traffic mitigation needed can actually be completed, that mitigation will bring levels of service to acceptable levels, or that there will be adequate funding to install the improvements prior to their need. JS-41 (cont'd)

Therefore, the following mitigation measures should also be adopted:

1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.*
2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.*
3. Reroute construction trucks away from congested streets and sensitive receptor areas.*
4. Configure construction parking to minimize traffic interference.*
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.*
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite. *
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.*
8. Provide shuttle service to transit stations/multimodal centers for the construction crew.*
9. Improve traffic flow by traffic synchronization.

JS-42

Again, the cumulative analysis of traffic impacts is insufficient as it fails to consider numerous projects as previously discussed. JS-43

Water Supply/Sewer:

The DEIR improperly looks to potable water demand of the project (44 acre feet per year) to determine less than significant impact on water supply, instead of total water demand. The DEIR states that the "EMWD has determined that it will be able to provide adequate water supply to meet the **potable** water demand for the project…." There is no analysis of the impact of any additional water for the Project on diminishing water supplies for other uses such as agricultural uses, despite the fact that agricultural users have been put on mandatory water reductions because of water shortages. JS-44

The DEIR fails to examine impacts from global warming and climate change to water supplies. Specifically, the DEIR does not account for decreased snow pack, expected levee failure, and salinity intrusion into coastal water tables, especially with the State Water Project. Additionally, the state-wide drought and low availability of water throughout southern California will cause water supply to likely be much lower than projected, and the project may have a very significant impact. JS-45

In order to mitigate for these significant impacts, the following mitigation measures should be adopted: JS-45 (cont'd)

1. Install permeable pavement in car parking areas.
2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.

Hydrology and Water Quality:

As discussed in the Preliminary Hydrology Study, on page 6, in order to mitigate for impacts from runoff, the project should be required to "clean the sediment build up in the existing triple 60" pipes crossing under the 60 freeway as well as the existing 60" Pipe outleting into the Redlands Blvd. westerly drainage ditch. This mitigation measure must be included in the DEIR. JS-46

The DEIR fails to analyze the impact at the southwesterly corner of the Project site if the future drainage improvements that are to eventually be constructed "by others in association with eventual bridged crossing of the Quincy Channel" are not constructed or construction is delayed. The DEIR fails to indicate when these drainage improvements are to be constructed and how they will be funded. JS-47

Cultural Resources:

The DEIR fails to provide adequate information to evaluate whether prehistoric resources will be impacted as a below ground investigation was not conducted, merely a surface study, even though most prehistoric resources would be expected to be discovered underground and prehistoric resources have been identified at numerous sites within one mile of the Project site. JS-48

Additionally, the mitigation measures provided to reduce cultural resources below a level of significance are insufficient and uncertain. CEQA prefers that underground cultural resources be preserved in situ whenever possible, yet this Project fails to account for this or require mitigation which requires that resources be preserved underground. MM 4.7.1 and 4.7.3 permit only temporary halts upon discovery of cultural resources, although longer halts and delays may be necessary to properly record and remove resources. These mitigation measures state that this delay is meant to "avoid construction delays." Therefore, it is likely that the cultural resources located onsite will be unearthed, damaged, improperly recorded, etc. in order to not inconvenience construction. JS-49

Further mitigation is feasible. The mitigation measures should give the cultural resources monitor the power to halt construction for as long as necessary in order to properly unearth and remove resources, not merely do a piecemeal salvage job. Further, some option to preserve the resources in situ should be provided in the event of the discovery of extensive cultural resources. JS-50

Biological Resources:

The DEIR and biological survey conclude, without providing adequate evidence or analysis, that although common wildlife would potentially be impacted by loss of this ruderal agricultural land, that this impact would not be significant. This is a conclusory statement not supported by evidence in the DEIR. The development of farmland and open space results in a loss of habitat and in turn, wildlife. The impacts to biological resources must be accurately analyzed and mitigated. JS-51

Aesthetics:

The Project is expected to change scenic vistas and cause a significant and unavoidable aesthetic impact and cumulatively result in a substantial adverse effect on scenic views in the Project area. In an attempt to mitigate these effects, the Project should be required to conduct off-site mitigation and preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County. JS-52

Project Alternatives:

CEQA requires that an EIR consider a reasonable range of project alternatives that lessen significant project impacts and meet basic project objectives. In this case, the DEIR fails to satisfy this mandate by not analyzing a "reasonable range" of alternatives because besides the no-project alternatives, the DEIR only actually considers the Reduced Intensity Alternative and Alternative Site 5. Further, Alternative Site 5 would not lessen significant project impacts. Although mentioned in the DEIR, Alternative Sites 1, 2, 3, and 4 were not actually considered as these sites are unavailable since other development is already planned for these sites. Further, any rejection of project alternatives has to be supported by findings supported by substantial evidence and this evidence does not appear in the record. JS-53

Thank you for your consideration.

Sincerely,

Raymond W. Johnson, Esq. AICP
JOHNSON & SEDLACK

Encl: Exh (11)

EXHIBITS

(1) Moreno Valley New Project Maps with Commercial Development Activity, New Housing and Planned New Housing. (Accessed from the City of Moreno Valley website, December 2, 2010).

(2) Moreno Valley Residential Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(3) Moreno Valley Commercial Development Projects. (Accessed from the City of Moreno Valley website, December 2, 2010).

(4) Final Environmental Impact Report, Moreno Valley General Plan: 5.8, Agricultural Resources. (July 2006).

(5) California Air Pollution Control Officers Association. (January 2008) *CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act.*

JS-54

(6) Bay Area Air Quality Management District. (December 7, 2009) *California Environmental Quality Act Guidelines Update, Proposed Thresholds of Significance.*

(7) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 4.0 Construction Noise Criteria and Descriptors.*

(8) U.S. Department of Transportation, Federal Highway Administration. (August 2006) *Construction Noise Handbook, Chapter 9.0 Construction Equipment Noise Levels and Ranges.*

(9) U.S. Department of Housing and Urban Development. (March 1985) *The Noise Guidebook.*

(10) Suter, Dr. Alice H., Administrative Conference of the United States. (November 1991) *Noise and Its Effects.*

(11) Federal Interagency Committee on Urban Noise. (June 1980) *Guidelines for Considering Noise in Land Use Planning and Control.*

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Johnson & Sedlack, an Environmental Law firm representing plaintiff environmental groups in environmental law litigation, primarily CEQA.

City Planning:

Current Planning

- Two years principal planner, Lenexa, Kansas (consulting)
- Two and one half years principal planner, Lee's Summit, Missouri
- One year North Desert Regional Team, San Bernardino County
- Twenty-five years subdivision design: residential, commercial and industrial
- Twenty-five years as applicants representative in various jurisdictions in: Missouri, Texas, Florida, Georgia, Illinois, Wisconsin, Kansas and California
- Twelve years as applicants representative in the telecommunications field

General Plan

- Developed a policy oriented Comprehensive Plan for the City of Lenexa, Kansas.
- Updated Comprehensive Plan for the City of Lee's Summit, Missouri.
- Created innovative zoning ordinance for Lenexa, Kansas.
- Developed Draft Hillside Development Standards, San Bernardino County, CA.
- Developed Draft Grading Standards, San Bernardino County.
- Developed Draft Fiscal Impact Analysis, San Bernardino County

Environmental Analysis

- Two years, Environmental Team, San Bernardino County
  - Review and supervision of preparation of EIR's and joint EIR/EIS's
  - Preparation of Negative Declarations
  - Environmental review of proposed projects
- Eighteen years as an environmental consultant reviewing environmental documentation for plaintiffs in CEQA and NEPA litigation

JS-55

Representation:

- Represented various clients in litigation primarily in the fields of Environmental and Election law. Clients include:
  - Sierra Club
  - San Bernardino Valley Audubon Society
  - Sea & Sage Audubon Society
  - San Bernardino County Audubon Society
  - Center for Community Action and Environmental Justice
  - Endangered Habitats League
  - Rural Canyons Conservation Fund
  - California Native Plant Society
  - California Oak Foundation
  - Citizens for Responsible Growth in San Marcos
  - Union for a River Greenbelt Environment
  - Citizens to Enforce CEQA
  - Friends of Riverside's Hills
  - De Luz 2000
  - Save Walker Basin
  - Elsinore Murrieta Anza Resource Conservation District

Education:

- B. A. Economics and Political Science, Kansas State University 1970
- Masters of Community and Regional Planning, Kansas State University, 1974
- Additional graduate studies in Economics at the University of Missouri at Kansas City
- J.D. University of La Verne. 1997 Member, Law Review, Deans List, Class Valedictorian, Member Law Review, Published, Journal of Juvenile Law

JS-55 (cont'd)

Professional Associations:

- Member, American Planning Association
- Member, American Institute of Certified Planners
- Member, Association of Environmental Professionals

Johnson & Sedlack, Attorneys at Law
26785 Camino Seco 12/97- Present
Temecula, CA 92590
(951) 506-9925

Principal in the environmental law firm of Johnson & Sedlack. Primary areas of practice are environmental and election law. Have provided representation to the Sierra Club, Audubon Society, AT&T Wireless, Endangered Habitats League, Center for Community Action and Environmental Justice, California Native Plant Society and numerous local environmental groups. Primary practice is writ of mandate under the California Environmental Quality Act.

Planning-Environmental Solutions
26785 Camino Seco 8/94- Present
Temecula, CA 92590
(909) 506-9825

Served as applicant's representative for planning issues to the telecommunications industry. Secured government entitlements for cell sites. Provided applicant's representative services to private developers of residential projects. Provided design services for private residential development projects. Provided project management of all technical consultants on private developments including traffic, geotechnical, survey, engineering, environmental, hydrogeological, hydrologic, landscape architectural, golf course design and fire consultants.

San Bernardino County Planning Department
Environmental Team 6/91-8/94
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Responsible for coordination of production of EIR's and joint EIR/EIS's for numerous projects in the county. Prepared environmental documents for numerous projects within the county. Prepared environmental determinations and environmental review for projects within the county.

San Bernardino County Planning Department
General Plan Team 6/91-6/92
385 N. Arrowhead
San Bernardino, CA 92415
(909) 387-4099

Created draft grading ordinance, hillside development standards, water efficient landscaping ordinance, multi-family development standards, revised planned development section and fiscal impact analysis. Completed land use plans and general plan amendment for approximately 250 square miles. Prepared proposal for specific plan for the Oak Hills community. JS-55 (cont'd)

San Bernardino County Planning Department
North Desert Regional Planning Team
15505 Civic 6/90-6/91
Victorville, CA
(619) 243-8245

Worked on regional team. Reviewed general plan amendments, tentative tracts, parcel maps and conditional use permits. Prepared CEQA documents for projects.

Broadmoor Associates/Johnson Consulting
229 NW Blue Parkway
Lee's Summit, MO 64063
(816) 525-6640 2/86-6/90

Sold and leased commercial and industrial properties. Designed and developed an executive office park and an industrial park in Lee's Summit, Mo. Designed two additional industrial parks and residential subdivisions. Prepared study to determine target industries for the industrial parks. Prepared applications for tax increment financing district and grants under Economic Development Action Grant program. Prepared input/output analysis of proposed race track Provided conceptual design of 800 acre mixed use development.

Shepherd Realty Co.

Lee's Summit, MO
6/84-2-86

Sold and leased commercial and industrial properties. Performed investment analysis on properties. Provided planning consulting in subdivision design and rezoning.

Contemporary Concepts Inc.
Lee's Summit, MO
9/78-5/84
Owner

Designed and developed residential subdivision in Lee's Summit, Mo. Supervised all construction trades involved in the development process and the building of homes.

Environmental Design Association
Lee's Summit, Mo.

Project Coordinator
6/77-9/78

Was responsible for site design and preliminary building design for retirement villages in Missouri, Texas and Florida. Was responsible for preparing feasibility studies of possible conversion projects. Was in charge of working with local governments on zoning issues and any problems that might arise with projects. Coordinated work of local architects on projects. Worked with marketing staff regarding design changes needed or contemplated. JS-55 (cont'd)

City of Lee's Summit, MO
220 SW Main
Lee's Summit, MO 64063
Community Development Director 4/75-6/77

Supervised Community Development Dept. staff. Responsible for preparation of departmental budget and C.D.B.G. budget. Administered Community Development Block Grant program. Developed initial Downtown redevelopment plan with funding from block grant funds. Served as a member of the Lee's Summit Economic Development Committee and provided staff support to them. Prepared study of available industrial sites within the City of Lee's Summit. In charge of all planning and zoning matters for the city including comprehensive plan.

Howard Needles Tammen & Bergendoff
9200 Ward Parkway
Kansas City, MO 64114
(816) 333-4800 5/73-4/75
Economist/Planner

Responsible for conducting economic and planning studies for Public and private sector clients. Consulting City Planner for Lenexa, KS.

Conducted environmental impact study on maintaining varying channel depth of the Columbia River including an input/output analysis. Environmental impact studies of dredging the Mississippi River. Worked on the Johnson County Industrial Airport industrial park master plan including a study on the demand for industrial land and the development of target industries based upon location analysis. Worked on various airport master plans. Developed policy oriented comprehensive plan for the City of Lenexa, KS. Developed innovative zoning ordinance heavily dependent upon performance standards for the City of Lenexa, KS. JS-55 (cont'd)

JOHNSON & SEDLACK

Letter Dated December 6, 2010

Response JS-1

The City disagrees with the commentor's generalized assertions regarding the adequacy of the Westridge Commerce Center Draft EIR. As detailed in the following responses, appropriate and enforceable mitigation of the Project's potentially significant individual and cumulative impacts has been identified within the Draft EIR. As appropriate, additional measures suggested by the commentor have been incorporated to further reduce impacts, but these changes do not alter the conclusions or analysis contained in the DEIR. These mitigation measures, as amended herein, have been carried forward into the Mitigation Monitoring Plan included as Section 4.0 within this Final EIR. Similarly, the commentor's contention that the Project is inconsistent with the City's General Plan is addressed in the following responses.

Response JS-2

This comment incorrectly identifies the "Project Sponsor" as ProLogis. As noted on Draft EIR Page 2-2, the Project proponent is actually Ridge Property Trust. Otherwise, the commentor has accurately summarized the general aspects of the proposed Project and its significant impacts.

Response JS-3

This comment incorrectly infers that the Draft EIR's analysis of cumulative impacts was limited to a limited geographical area surrounding the Project site. In addition to the eleven existing and planned development projects identified in Draft EIR Table 5.1-1 (please refer to Draft EIR Page 5-2), the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be

considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

Affected Draft EIR discussions at Pages 5-1 through 5-25 are revised, as indicated below by **bold underlined text,** providing clarification of considered parameters and geographic scope for each cumulative impact topic.

5.1 CUMULATIVE IMPACT ANALYSIS

CEQA requires that an EIR identify any significant cumulative impacts associated with a project [Guidelines, Section 15130 (a)]. When potential cumulative impacts are not deemed significant, the document should explain the basis for that conclusion. "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." [*CEQA Guidelines*, Section 15355 (a l)]. Thus, a legally adequate cumulative impact analysis is an analysis of a particular project viewed over time and in conjunction with other related past, present and reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the project at hand. CEQA notes that the discussion of cumulative impacts should be guided by standards of practicality and reasonableness [Guidelines, Section 15130 (b)]. Only those projects whose impacts might compound or interrelate with those of the project under consideration require evaluation. CEQA does not require as much detail in the analysis of cumulative environmental impacts as must be provided for the project alone.

The Guidelines identify two basic methods for satisfying the cumulative impacts analysis requirement: the list-of-projects methodology and the summary-of-projections methodology. Because each environmental resource is affected by its surroundings in different

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ways, either of the two methodologies, or a combination of both, may be applied to the analysis of cumulative impacts to each resource. For example, because the approval process and construction phase of development typically takes at least one to two years, the list-of-projects method is likely to provide a more accurate projection of growth in the near term. This method may overstate potential cumulative impacts because the considered list-of-projects may include proposals that will never be developed. Similarly, because development proposals are rarely publicly known until within five (5) years of the expected development, the summary-of-projections method provides a more accurate projection of growth over the long term. This method may not accurately predict growth in any given year, but aggregates various growth trends over the long term. Unless otherwise noted, potential cumulative impacts of the Project are considered in the context of known or probable development proposals (related projects) as well as anticipated ambient growth of the City and region.

As noted previously, the Guidelines identify "that only those projects whose impacts might compound or interrelate with those of the Project under consideration require evaluation." In this regard, it is recognized that within the context of the cumulative impacts analysis, varied criteria are employed in determining the scope and type of "cumulative projects" to be considered. For example, the analysis of cumulative traffic impacts evaluates the Project's traffic impacts in the context of other known or probable development proposals that would discernibly affect traffic conditions within the Traffic Impact Analysis Study Area, though such projects may not affect other environmental considerations.

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The manner in which each resource may be affected also dictates the geographic scope of the cumulative impacts analysis. For example, cumulative traffic impacts will typically be localized to the vicinity of a given project site because after a relatively short distance, traffic patterns tend to normalize. Similar considerations factor in evaluating potential cumulative impacts for each of the EIR's environmental topics (Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Water Supply, Hydrology and Water Quality, Cultural Resources, Biological Resources, and Aesthetics).

Unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

Potential cumulative impacts of the Project are considered in the context of known or probable development proposals, as well as anticipated generalized ambient growth of the region. As identified at Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" have been identified within the cumulative scope of the Westridge Commerce Center Project. Related projects have been identified in consultation and coordination with the Lead Agency. . . .

. . . It should be noted that, with the exception of specific Project-related traffic, air quality, noise and aesthetic impacts, which are forecast to remain significant and unavoidable even after application of all feasible

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mitigation, implementation of the mitigation measures identified in this Draft EIR (found in Table 1.10-1) would reduce impacts to a level that is considered less-than-significant.

5.1.1 DISCUSSION OF CUMULATIVE IMPACTS

Potential cumulative impacts for each topic of environmental concern considered in this EIR and associated Initial Study are discussed below. Assessments of potential cumulative impacts are based on development scenarios and growth projections presented in the City's General Plan, related analyses of cumulative impacts presented in the General Plan EIR, as well as potential cumulative effects of the previously-identified related projects.

5.1.1.1 Cumulative Impacts Related to Land Use and Planning

The cumulative impact area when considering potential cumulative land use and planning issues generally includes areas that are currently, or are anticipated to be, subject to provisions of the City General Plan and Zoning Ordinance. These areas include the currently incorporated areas of the City of Moreno Valley and unincorporated areas of the County of Riverside lying within the City's Sphere of Influence.

Implementation of the Westridge Commerce Center Project would result in the introduction of a new industrial use in an area of the City that has, until recently, been largely undeveloped. It is acknowledged that development of the Project would result in a permanent change to the perceived rural character of the Project area. . . .

5.1.1.2 Cumulative Impacts Related to Traffic and Circulation

The cumulative impact area for traffic circulation impacts is generally defined by the Traffic Impact Study Area as detailed within the Project

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Traffic Impact Analysis (EIR Appendix B). This Area includes, but is not limited to potentially affected roadways and intersections within the City of Moreno Valley, and also considers all potentially affected Caltrans and Congestion Management Program facilities.

Project-Specific Impacts Are Reduced To Levels That Are Less-Than-Significant

Project-specific traffic impacts are addressed through implementation of on-site improvements and mitigation to be completed prior to issuance of the first Certificate of Occupancy for the Project. . . .

5.1.1.3 Cumulative Impacts Related to Air Quality

The cumulative impact area for air quality considerations is generally defined by the encompassing Air Basin and boundaries of jurisdictional air quality management agency, in this case, the South Coast Air Basin (SCAB) and the South Coast Air Quality Management District (SCAQMD) respectively. Project emissions within the context of SCAQMD's regional emissions thresholds provide an indicator of potential cumulative impacts within the jurisdictional Air Basin. Impacts to air quality from cumulative projects may occur within the entire Air Basin. Due to the defining geographic and meteorological characteristics of the Air Basin, criteria pollutant emissions that would potentially cumulatively impact air quality would be, for practical purposes, restricted to the Air Basin. Accordingly, the Basin geographic area is the appropriate limit for this cumulative Air Quality analysis. Cumulative localized impacts for pollutants are also considered, and reflect Project air pollutant emissions in the context of ambient air quality conditions more immediate to the Project site.

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Global Climate Change impacts are by definition, cumulative and global in scope.

Construction-Source Pollutant Emissions

EIR Section 4.3, "Air Quality," and EIR Appendix C address potential air quality impacts of the Project. As discussed, even after compliance with all rules and regulations, Project-related construction activities will temporarily result in exceedances of applicable SCAQMD regional thresholds for VOC and NOx. . . .

5.1.1.4 Cumulative Impacts Related to Noise

The cumulative impact area for noise considerations is generally defined as surrounding properties that could receive Project-generated noise (either construction or operational), and would also include roadway corridors affected by Project-related traffic and associated vehicular noise (existing EIR discussion at Page 5-14).

5.1.1.5 Cumulative Impacts Related to Water Supply

The cumulative impact area for water is the Eastern Municipal Water District (EMWD) service area and encompassing Metropolitan Water District (MWD) jurisdiction. Water supply issues germane to the Project including cumulative water supply impacts are comprehensively addressed within The Project Water Supply Assessment, (Eastern Municipal Water District) June 4, 2008. The Project Water Supply Assessment is presented at Draft EIR Appendix E.

As discussed in Draft EIR Section 4.5, potential cumulative impacts attributable to water demands of the Project are adequately planned and provided for under local and regional water management plans. . . .

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5.1.1.6 Cumulative Impacts Related to Hydrology and Water Quality

The cumulative impact area for hydrology/water quality impact considerations is generally defined as the area encompassed by the jurisdictional Regional Water Quality Control Board (RWQCB), in this case the Santa Ana Regional Water Quality Control Board. Local oversight is also provided by the City of Moreno Valley and Riverside County.

Potential hydrology and water quality impacts of the Project are addressed in EIR Section 4.6, "Hydrology and Water Quality." As discussed in the EIR, Project-related storm water management will be realized through a system of on-site detention basins and controlled release of storm waters to existing and proposed drainage facilities. . . .

5.1.1.7 Cumulative Impacts Related to Cultural Resources

The cumulative impact area for prehistoric, archaeological, and historic resources is the Perris Plain/Perris Valley area (including the Cities of Moreno Valley and Perris, and surrounding unincorporated communities). Impacts to any cultural resources within the Perris Plain/Perris Valley area would be site-specific. In the event that similar resources are encountered at any other project sites, specific mitigation measures would be applied before development could proceed.

As discussed in Draft EIR Section 4.7, potential impacts to cultural resources are determined to be less-than-significant as mitigated. . . .

5.1.1.8 Cumulative Impacts Related to Biological Resources

The cumulative impact areas for biological resources are generally defined by available habitat, species' range(s), physical constraints, and other

MV00116157

limiting factors as discussed within the Project Biological Resources Assessment, Draft EIR Appendix G (existing discussion at EIR Page 5-20).

5.1.1.9 Cumulative Impacts Related to Aesthetics

The cumulative impact area for aesthetic impact considerations is generally defined as the city of Moreno Valley General Plan Area. More specific to the Project, cumulative impacts of concern are impacts to views and viewsheds along SR-60 in the Project vicinity.

As presented in EIR Section 4.9, "Aesthetics," new industrial uses proposed by the Project will substantially alter the existing visual sense of the subject property, which is currently a vacant site. . . .

Related development proposals that would potentially interact with Project traffic are summarized in the Draft EIR (Draft EIR at Page 4.2-16) and identified graphically at TIA Exhibit 5-11. The developments referenced by the commentor, including the Moreno Highlands Specific Plan (adopted in 1992), the Aqua Bella Specific Plan (adopted in 2005), and Centerpointe Business Park Project (approved in 2006) are reflected in the City's most recent General Plan Amendment, which was adopted in 2006. Traffic generated by these projects is modeled in traffic planning estimates and projections of the Moreno Valley General Plan buildout condition. As clarified previously in these responses, unless otherwise noted herein, the cumulative impact analysis ultimately evaluates effects of the Project within the context of anticipated buildout of the City as envisioned under the General Plan and related regional plans. Specific cumulative projects have also been identified where this information may be different, more detailed than that provided within the General Plan or applicable regional plans, or where such specific information otherwise benefits the cumulative impact analyses.

MV00116158

Response JS-4

The Draft EIR addresses the Project's consistency with applicable General Plan goals, objectives and policies for each topic of analysis (please refer to Draft EIR Land Use Table 4.1-1 on Pages 4.1-18 through 4.1-20; Traffic and Circulation Table 4.2-8 on Pages 4.2-23 and 4.2-24; Air Quality Table 4.3-4 on Page 4.3-18; Noise Table 4.4-3 on Pages 4.4-10 and 4.4-11; Water Supply Table 4.5-10 on Pages 4.5-24 and 4.5-25; Hydrology and Water Quality Table 4.6-2 on Pages 4.6-13 and 4.6.14; Cultural Resources Table 4.7-1 on Page 4.7-10; Biological Resources Table 4.8-1 on Pages 4.8-11 and 4.8-12; and Aesthetics Table 4.9-1 on Pages 4.9-5 through 4.9-7).

The commentor asserts that "the Project has numerous significant and unavoidable impacts to the safety, health, and well-being of residents throughout Moreno Valley." The Project's significant and unavoidable impacts have been identified as follows: cumulative traffic impacts affecting levels of service at certain intersections, roadway segments and freeway mainline segments; individual and cumulative short-term construction source exceedance of localized air quality thresholds for particulates (PM_{10} and $PM_{2.5}$); individual and cumulative long-term operational emissions exceedances for ozone precursors (VOC and NOx); individual and cumulative short-term construction noise impacts; and individual and cumulative aesthetic impacts related to changes to scenic vistas.

The Draft EIR acknowledges that increased air emissions could affect the health of area residents (please refer to Draft EIR Section 4.3, pages 4.3-4 through 4.3-10 *et al.*). The Draft EIR further acknowledges that the Project's temporary exceedance of the South Coast Air Quality Management District's Localized Significance Thresholds (LSTs) represents a potentially significant impact to sensitive receptors in the Project vicinity for the duration of Project construction. It is noted, however, that these exceedances would affect only one existing residence, located to the south of the Project site at 28855 Fir (future Eucalyptus) Avenue. Although parcels designated for residential land uses are present within the area of LST exceedance, they are largely undeveloped. All other

MV00116159

study area receptor locations (existing residences south of Eucalyptus (future Encilia) Avenue and north of SR-60, and area school sites) are well beyond the area of the Project's temporary LST exceedances for particulate matter. Additionally, the Draft EIR included a Health Risk Assessment which was prepared in order to specifically address potential health risks that could result from exposure to Project-generated Diesel Particulate Matter (DPM). No health risks related to DPM were identified, and potential impacts in this regard were found to be less-than-significant (please refer to Draft EIR pages 4.3-79 to 4.3-86).

Similarly, the potential for long-term increases in noise generation to lead to health impacts are acknowledged in the Draft EIR (please refer to Draft EIR pages 4.4-3 through 4.4-4, *et al*. However, the Draft EIR identified no long-term exceedances of existing noise standards due to Project operations (please refer to Draft EIR pages 4.4-21 through 4.4-26). The significant noise impacts identified in the Draft EIR were the result of Project construction activities, and as such, would be temporary and intermittent.

The Project will implement all feasible mitigation as summarized at revised Table 1.10-1. Notwithstanding, significant impacts are anticipated to occur from Project construction and/or operations. These significant impacts are summarized at EIR Table 1.8-1 (Draft EIR Pages 1.1-17 through 1.1-20). CEQA does not prohibit the Lead Agency from approving a project with significant impacts. As provided for under CEQA Section 15093 subd. (a):

> (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits,

MV00116160

> of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable. General Plan goal, objective, and policies cited by the commentor are provided in their entirety in the following table, along with a discussion of the Project's consistency with each of these provisions.

MV00116161

Goal/Objective/Policy	Project Consistency
Goal 2.2: An organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population, and promote the optimum degree of health, safety, well-being, and beauty for all areas of the community, while maintaining a sound economic base.	**Consistent**. The Project is permitted under the site's current General Plan Land Use Designation, reflecting consistency with the City's goal to establish an organized, well-designed, high quality, and functional balance of urban and rural land uses that will meet the needs of a diverse population. The Project establishes contemporary industrial facilities. As noted at EIR Page 3-5, "[f]inal designs of the Project building will be realized consistent with industrial design requirements and standards identified under Municipal Code Section 9.05.040, "Industrial Site Development Standards." Site plan and design concepts are articulated at EIR Section 3.0, Project Description. Moreover, the Project is required to comply with Development Plan Review provisions established within City of Moreno Valley Municipal Code Section 9.02.030. The Project will contribute to a functional balance by affecting the City's economic base through increased property tax revenues based on improvement of the vacant site. The Project proposes new industrial development within the City, and will create additional job opportunities (temporary construction jobs and as well as permanent warehouse staff and management positions)anticipated to be filled from local employment pools. At buildout, the Project is anticipated to generate up to approximately 900 permanent jobs.
Objective 2.13: Coordinate development activity with the provision of public infrastructure and services to eliminate possible gaps in service provision.	**Consistent.** The Project will provide all necessary infrastructure improvements to ensure safe and efficient operations. As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. Please refer also to the discussion of Project infrastructure presented at Draft EIR Pages 3-21 through 3-23. The Project will also be responsible for providing on-site and off-site roadway infrastructure improvements, prior to the issuance of occupancy permits, as presented at Draft EIR pages 3-7 and 3-8.

MV00116162

Goal/Objective/Policy	Project Consistency
Policy 2.10.14: Preserve or relocate existing mature trees and vegetation where practical. Mature trees shall be replaced when they cannot be preserved or relocated.	**Consistent.** The Project design concept as well as programmed Caltrans improvements to adjacent SR-60 would require elimination of certain mature pine trees existing along the existing northerly boundary of the subject property. That is, these trees will be displaced by Project and Caltrans improvements, and cannot be maintained in place. As discussed at Draft EIR Page 4.9-19, the Project will replace the existing, mature pine trees along its northerly boundary (adjacent to SR-60) with a double-row of new trees, in order to visually screen the Project from the view of freeway travelers. Pursuant to the City's criteria for the removal of mature trees, at least three new trees will be planted in the place of each mature tree that is removed. New trees will be drought-resistant, and will be planted and irrigated in coordination with Caltrans and City requirements.
Policy 2.13.1: Limit the amount of development to that which can be adequately served by public services and facilities, based upon current information concerning the capability of public services and facilities.	**Consistent.** As discussed in the Draft EIR (Pages 1-10 to 1-11), no possible gaps in public services or utilities have been identified in regard to Project implementation. The Project's potential to result in Projects-specific impacts due to insufficient roadway infrastructure have been addressed within the Draft EIR (Section 4.3, "Traffic and Circulation," Mitigation Measures 4.2.1, 4.2.2), and are identifies as less-than-significant as mitigated.
Policy 2.13.3: It shall be the ultimate responsibility of the sponsor of a development project to assure that all necessary infrastructure improvements (including system wide improvements) needed to support project development are available at the time that they are needed.	

It is acknowledged that not every provision of the General Plan was addressed within the Westridge Draft EIR; however, the Lead Agency disagrees with the commentor's assertion that the Draft EIR is thus inconsistent with the General Plan. The results and conclusions of the Draft EIR are not affected.

Response JS-5

The commentor correctly notes that the Draft EIR identifies potential impacts regarding the conversion of farmland to non-agricultural uses to be a less-than-significant impact. However, the comment misconstrues the findings of the City's General Plan in regard

MV00116163

to this issue. As referenced in the discussion of Agricultural Resources analysis from the Moreno Valley General Plan Final Program EIR, which was attached to the commentor's letter and identified by the commentor as "Exhibit 4," and has been included in Appendix A of this Final EIR), the potential loss of agricultural land due to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR) as significant and unavoidable. The GPEIR states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. The Project land uses are consistent land uses reflected in the General Plan, and the Project would not result in impacts to farmlands differing substantively from those considered and evaluated in the GPEIR.

Moreover, relevant CEQA threshold considerations address lands defined as "Prime Farmland," "Unique Farmland," or "Farmland of Statewide Significance." In the case of the Project, the subject site does not qualify as any of these.[8] The mitigation measures identified by the commentor are unnecessary. The results and conclusions of the Draft EIR are not affected.

Response JS-6

This comment is unclear about the nature of the significant impact that will result should the Project's proposed zone change and Municipal Code amendment be

[8]State of California Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program Riverside County Important Farmland 2008 (Sheet 1 of 3) identifies the Project site as "Farmland of Local Importance."

MV00116164

adopted. The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23. Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.
>
> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties. This 250-foot minimum separation shall be increased as required to fully mitigate any

MV00116165

potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties (Draft EIR Pages 4.1-22, 23).

The Draft EIR adequately and appropriately considers all potential land use and planning impacts, consistent with the methods set forth in the CEQA Guidelines. To these ends, the Draft EIR considers all pertinent land use plans, policies, regulations. There is no substantiation or indication that the Project would result in or cause potential interference with animal keeping on nearby properties. The Draft EIR acknowledges that "development of the Project would result in a permanent change to the perceived rural character of the Project area" (Draft EIR Page 5-5). Moreover, zone changes and amendments to the municipal code do not trigger any of the thresholds of significance under CEQA Guidelines Appendix G.

However, this change is consistent with the existing General Plan designation for the Project site. Further, potential effects on adjacent land uses are minimized by the 250-foot buffer area that would be provided by the Municipal Code amendment referenced above.

With approval of the Project's requested zone change and requested Municipal Code amendment to establish objective standards for the development of Light Industrial uses adjacent to residentially-zoned property, the Project's potential to result in significant land use impacts was determined to be less-than-significant. The results and conclusions of the Draft EIR are not affected.

Response JS-7

Despite the commentor's assertions to the contrary, the Project's air quality analysis does account for construction worker travel to and from the site. As noted in the Draft EIR (Page 4.3-56), "[c]onstruction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips are also accounted for within the

MV00116166

Project construction emissions modeling." Worker trips for all construction phases are clearly identified and accounted for in the air quality modeling (see URBEMIS construction emission modeling data in Draft EIR Appendix C. Specifically, please refer to Appendix A of the Project Air Quality Impact Analysis). No indication of zero VMT for construction workers is found. The results and conclusions of the EIR are not affected.

Response JS-8

The commentor states that "all feasible mitigation measures were not adopted . . . and the mitigation which was adopted does not sufficiently mitigate the impacts and is uncertain to occur." The commentor requests Mitigation Measure 4.3.4 to specifically include zero VOC applications for all "paints, coatings, and solvents."

Draft EIR Mitigation Measure 4.3.4 serves as a formal restatement a of SCAQMD rules. As noted in the Draft EIR (Page 4.3-61), "[i]n order to facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as mitigation measures, and shall be incorporated in all Project plans, specifications and contract documents." Complementing SCAQMD rule compliance, the Draft EIR incorporates additional requirements as mitigation measures. "Additional mitigation required of the Project is identified below, and shall be incorporated in all Project plans, specifications and contract documents." (Draft EIR Page 4.3-62) Mitigation Measure 4.3.8 currently requires Zero VOC paint applications. In response to the commentor's suggestion, Mitigation Measure 4.3.7 is amended to read as follows:

> ~~*Zero Volatile Organic Compounds paints (no more than 150 grams/liter of VOC) and/or High Pressure Low Volume (HPLV) applications*~~***"Zero-Volatile Organic Compounds" paints, coatings, and solvents with a VOC content lower than required under Rule 1113. The Project shall surpass Rule 1113 minimum requirements through specification that VOC content shall not exceed 150 grams/liter; 1.25 pounds/gallon. High Pressure Low Volume***

MV00116167

(HPLV) applications of paints, coatings, and solvents shall be *consistent with South Coast Air Quality Management District Rule 1113. Alternatively, the Applicant shall use materials that do not require painting or are pre-painted.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Other than suggested language modification of SCAQMD rules, the commentor offers no new or revised mitigation for consideration here. Absent specific suggestions or requested revisions, further response in this regard is not possible. The conclusions of the EIR are not affected.

Response JS-9

The commentor appears to misinterpret Air Quality modeling protocols and outputs, stating that " . . . [i]n recommending this mitigation measure, the air quality analysis stated that traffic speeds should be reduced in order to reduce PM_{10} and $PM_{2.5}$ fugitive dust haul road emissions by approximately 44%. Yet, Mitigation Measure 4.3.1 clearly leaves out this, or an even more stringent, performance standard, as required to make the mitigation measure enforceable. Mitigation Measure 4.3.1 should require that traffic speeds be reduced to a level which will reduce dust emissions by 44%."

To clarify, Mitigation Measure 4.3.1 is a formal restatement of SCAQMD Rule 403 provisions. URBEMIS modeling of the Rule application yields a 44 percent reduction in PM_{10} emissions. As suggested by the commentor, additional language specifying on-site speed controls is added to Mitigation Measure 4.3.1:

- ***In support of Project plan specifications and contract document language; and as means of controlling on-site construction vehicle speeds, for the duration of Project construction activities, speed limit signs (15 mph maximum) shall be posted at entry points to the Project***

MV00116168

site, and along any unpaved roads providing access to or within the Project site and/or any unpaved designated on-site travel routes.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-10

The commentor suggests explicit notation indicating required use of available electrical power during construction activities. In response to the commentor's suggestion, Mitigation Measure 4.3.6 is amended as follows:

> *4.3.6 During Project construction, existing electrical power sources (e.g., power takeoffs from existing or temporary power poles) shall be ~~provided for~~* ***utilized to*** *power electric construction tools including saws, drills and compressors, to minimize the need for diesel or gasoline powered electric generators.*

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-11

Please note that introductory language included prior to the introduction of construction-source emissions mitigation measures states: *"To facilitate monitoring and compliance, applicable SCAQMD and CARB regulatory requirements are restated as Mitigation Measures 4.3.1 through 4.3.4 below, and shall be incorporated in all Project plans, specifications and contract documents."*

Existing Mitigation Measure 4.3.2, which read, "[t]he contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper

MV00116169

tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law)"is deleted and replaced with the following:

> ***4.3.2 The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and by not allowing construction equipment to be left idling for more than five minutes (per California law).***

Response JS-12

The commentor states that "[t]he air quality analysis also states that in order to stabilize the soil and decrease impacts from fugitive dust due to fine and mass grading, a mitigation measure to replace ground cover in disturbed areas 'quickly' should be adopted." In fact, this statement does not appear to be included in the Project Air Quality Analysis. The mitigation input calling for the Project to replace ground cover in disturbed areas quickly is, however, a parameter reflected in the URBEMIS modeling output. Revised Mitigation Measure 4.3.1 is amended to reflect this specific parameter:

- ***Ground cover shall be replaced, and/or non-toxic soil stabilizers shall be applied (according to manufacturers' specifications) to any inactive construction areas (previously graded areas inactive for ten days or more);***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

MV00116170

Response JS-13

The commentor notes that an estimated disturbance area of 13.66 acres per day is reflected in the Air Quality modeling. The commentor suggests that a mitigation measure be included limiting site disturbance to less than 13.66 acres per day. The estimated disturbance of 13.66 acres per day (approximately one-quarter of the Project site) likely overstates actual disturbance and is employed for emissions modeling purposes and to develop mitigation addressing the likely maximum impact scenario. To assume or propose unrealistically limited grading of the site is contrary to CEQA disclosure mandates. Further, due to daily limits on grading, there would be incrementally increased impacts due to extended periods of fugitive dust, extended exposure to construction noise, and extended traffic disturbance. The commentor is referred to EIR Section 5.2.2.1, "Extended Construction Alternative Considered and Rejected," which specifically considers and rejects limited grading of the Project site. To ensure consistency with URBEMIS modeling assumptions, new Mitigation Measure 4.3.1 is revised to include the following specification:

- ***Site disturbance during mass grading and fine grading activities shall not exceed 13.66 acres per day.***

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

Response JS-14

The commentor proposes numerous additional measures (following) as means to reduce Project-related construction-source emissions air quality impacts. Each of these measures is evaluated in the table which follows. Measures offered by the commentor are not required in order to achieve the level(s) of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed

MV00116171

measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

As detailed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to the following text from the Draft EIR:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation (Draft EIR Page 4-2).

It is further noted that in some instances, the commentor proposes additional operational emission measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

MV00116172

Suggested Measure	Response
1. Require the purchase of NOx credits from a qualified broker to offset construction-related air quality impacts.	**Infeasible.** NOx emissions credits are generally applied toward operational emissions at major source facilities (e.g., refineries, power plants, etc.). NOx emissions credits are not commonly used to address short-term construction emissions. It would be impractical to purchase offsets for the Project's construction impacts since the actual amount of construction emissions set forth in the Draft EIR represent an overestimation of actual emissions (i.e., the Air Quality Analysis assumes all construction equipment is operating eight hours per day as a "worst-case" scenario), and because the actual Project construction schedule (duration) is not known with a great deal of certainty and is subject to change based on availability of contractors, equipment, materials, etc. Further, any emission reduction credits would not result in any reduction to construction emissions on-site or in the immediate vicinity of the Project. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
2. Install gravel pads at all access points to prevent tracking of mud onto public roads.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
3. Install and maintain trackout control devices in effective condition at all access points where paved and unpaved access or travel routes intersect.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4. Complete all roadways, driveways, sidewalks, etc. as soon as possible. In addition, lay building pads as soon as possible after grading unless seeding or soil binders are used.	**Incorporated** at revised Mitigation Measure 4.3.1, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. Pave all roads on construction sites as soon as technically possible.	**Infeasible.** It is infeasible and ineffective to pave roads within construction sites or at construction site access points. Such pavement is destroyed in the process of construction and/or is in perpetual state of disrepair. Paving temporary roads within construction areas unnecessarily increases VOC generation, with little or no discernible reduction in other air pollutant emissions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
6. Limit fugitive dust sources to 20 percent opacity.	**Replicates existing requirements.** Please refer to SCAQMD Rule 403.
7. The contractor or builder shall designate a person or person(s) to monitor the dust control program and	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

MV00116173

Suggested Measure	Response
to order increased watering, as necessary, to prevent transport of dust offsite.	
8. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The person shall take corrective action within 24 hours.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Require high pressure injectors on diesel construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Restrict engine size of construction equipment to the minimum practical size.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Use electric construction equipment where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
12. Substitute gasoline-powered for diesel powered construction equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Require use of alternatively fueled construction equipment, using, e.g., compressed natural gas, liquefied natural gas, propane or biodiesel.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Implement activity management techniques including: a) development of construction management plan to minimize the number of large construction equipment operating during any given time period; b) scheduling of construction truck trips during non-peak hours to reduce peak hour emissions; c) limitation of the length of construction work-day period; and d) phasing of construction activities.	**Not required, counterproductive.** Construction contractor(s) employ techniques and procedures so as to provide for the most efficient operation of their construction activities. No demonstrated or suggested nexus between the suggested measures and project impacts. The commentor indicates further that this measure would reduce greenhouse gas emissions; however, none of the measures would demonstrably reduce total greenhouse gas emissions. As also discussed in these responses, measures acting to prolong construction (e.g., restricted use of equipment, limitation of the length of construction work-day period; phasing of construction activities) tend to increase rather than decrease environmental impacts due to extended and periods of disturbance.
15. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
16. Use electricity from power poles rather than temporary diesel power generators.	**Replicates existing requirements.** This requirement is currently reflected at EIR Mitigation Measure 4.3.6, presented , in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South

MV00116174

Suggested Measure	Response
formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	Coast Air Quality Management (District representatives James Koizumi and Steve Smith) confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
18. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ride-sharing program for the construction crew has been encouraged and will be supported by contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
19. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
20. Provide shuttle service to food service establishments/commercial areas.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
21. Provide shuttle service to transit stations/multimodal stations.	**Incorporated.** Shuttle services for construction workers provided pursuant to revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
22. Utilize only CARB certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
23. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan.".

MV00116175

Suggested Measure	Response
24. Extend grading period sufficiently to reduce air quality impacts below a level of significance.	**Infeasible, counterproductive.** Extending the grading schedule would (1) increase the Project's grading costs; (2) hinder effective management, organizing, and scheduling of construction tasks; and (3) result in adverse environmental trade-offs as a result of prolonged disturbance in the Project area, including but not limited to: extended periods of increased noise levels; prolonged generation of fugitive dust and VOCs; increased erosion exposure and associated water quality issues; and additional traffic disturbances associated with on-site construction activities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

Response JS-15

The commentor states: "[t]he Air Quality Analysis for operational emissions fails to note the variances from default values which are standard for the SCAQMD that were used when conducting the URBEMIS Analysis. Further, the total number of trips analyzed in the air quality section (1,585.22) was over 54% less than the total number of trips estimated in the traffic analysis (2,930). This renders the DEIR inadequate as an informational document as it does not allow one to accurately assess the Project impacts."

It appears that the commentor has incorrectly interpreted and applied default URBEMIS values. SCAQMD does not typically conduct project-level URBEMIS modeling for other than their own projects. Moreover, default values are just that, the "default" condition. Changes to default values are appropriate when specific Project attributes or operational characteristics are known, as is the case for the Project. In this regard, the Air Quality analysis specifically recognizes vehicle types and trip generation characteristics of the Project. Known vehicle trip generation characteristics provide a more accurate assessment of Project vehicular-source emissions impacts than does application of default URBEMIS values.

MV00116176

The commentor appears to misinterpret and misapply vehicle trip generation characteristics and their use in developing estimated air pollutant emissions impacts vis-à-vis use of trip generation estimates for the purposes of traffic modeling. More specifically, as noted in the Project Air Quality Analysis, Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. The Project related operational air quality impact centers primarily on the approximate 1,585 net vehicle trips generated by the Project (at project buildout). Trip characteristics available from the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009, included in Draft EIR Appendix B) were utilized in this analysis. It should be noted that the Project's traffic study presents the total Project vehicle trips in terms of Passenger Car Equivalents, or PCEs (the 2,930 PCE value cited by the commentor) in an effort to recognize and acknowledge the effects of heavy vehicles at the study area intersections. For purpose of the air quality study, emissions were calculated based on the type of vehicle (e.g., passenger cars and trucks) a more detailed discussion of how the actual number of vehicles were programmed into the model is presented in Draft EIR Appendix C. Specifically, page 37 of the Project Air Quality Analysis refers to its own Appendix B for review. Parallel information is provided in the Draft EIR, and reprinted below for ease of reference.

> 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and

MV00116177

> acknowledging physical size differences in vehicles and related effects on roadways and at intersections (Draft EIR Page 4.2-19).

Project operational (vehicular) impacts are dependent on both overall daily vehicle trip generation and the effect of the Project on peak hour traffic volumes and traffic operations in the vicinity of the Project. Assessment of the Project's operational air quality impact centers primarily on the approximately 1,585 net vehicle trips generated by the Project (or, the arithmetic sum of truck and passenger vehicle trips). Trip generation characteristics for the Project are presented in Draft EIR Appendix B, the *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads, Inc., October 8, 2009). The results and conclusions of the Draft EIR are not affected.

Response JS-16

The commentor notes discrepancies between the Draft EIR text and the Air Quality Study regarding vehicle trip length and vehicle speed employed in the LST analysis. Notwithstanding, the quantified LST emissions impacts reported in the Draft EIR (Table 4.3-12) are consistent with the LST values presented in the Air Quality Analysis (Table 4-5). The typographic error at Draft EIR Page 4.3-68 is corrected (below) consistent with the described trip length/vehicle speed reported in Air Quality Analysis.

> Therefore, for purposes of the operational LST analysis the average trip length in URBEMIS was altered to ~~0.5~~ **0.3** miles which conservatively characterizes on-site vehicle travel. Additionally, the vehicle speed in URBEMIS was altered to ~~five~~ **ten** miles per hour as a conservative measure to account for on-site vehicular travel.

These corrections have been incorporated in Final EIR Section 2.0, "Revisions and Errata." The results and conclusions of the Draft EIR are not affected.

MV00116178

Response JS-17

The commentor provides opinions regarding the efficacy of mitigation proposed as means of reducing Project operational NOx and VOC emissions. It is important to note that substantially all of the estimated NOx emissions are from mobile sources – principally vehicle exhaust, and vehicle tail pipe source emissions are regulated by CARB and USEPA. The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility.

In addition, the Project is compliant with the SCAQMD's attainment plans, as the use of the site for industrial purposes was included in the previous SCAQMD's ozone and PM attainment plans. The Project implements all feasible mitigation measures and complies with all applicable CARB and SCAQMD Rules directed toward reduction of NOx and VOC emissions. The Lead Agency will however, adopt and implement EIR mitigation measures that minimize vehicle emissions generated on-site and by employees, but those vehicle miles are minor compared with the total vehicle miles used in the studies; and further, URBEMIS does not account for any reductions for those measures.

The Draft EIR clearly states that even with application of proposed mitigation, Project operational NOx and VOC emissions will exceed applicable SCAQMD regional thresholds. Should the Project be approved, the Lead Agency is required to adopt a Statement of Overriding Considerations acknowledging Project exceedances for operational-source NOx and VOC emissions.

Response JS-18

The commentor arbitrarily suggests a 30 percent increase in energy efficiency beyond the requirements provided under Title 24 Building Energy Efficiency Standards, inferring a somehow substantial resultant decrease in NOx emissions. Consistent with the provisions of Executive Order, S-20-04 (CA 2004),which sets a goal of reducing energy use in public and private buildings by 20 percent by 2015 (as compared with

MV00116179

2003 levels), the Project will achieve a minimum 20 percent increase in building efficiencies beyond Title 24 requirements (please refer to Mitigation Measure 4.3.11).

As noted previously, the predominance of Project operational NOx emissions are vehicle-generated, and beyond the control of the Applicant or Lead Agency. Any reduction in NOx emissions resulting from increased building/facility energy efficiencies would be, at best, nominal. Even assuming "zero" NOx emissions from building/area sources, NOx emissions would be reduced by approximately 0.09 to 0.11 percent (0.0009 to 0.0011), and would still exceed applicable SCAQMD regional thresholds. No additional Title 24 enhancements are proposed, nor are any required. Results and conclusions of the EIR are not affected.

Response JS-19

The commentor proposes numerous additional measures as a means to reduce Project-related operational-source air quality impacts. Each of these measures is evaluated in the Table which follows. While the suggested measures may in part act to generally reduce Project impacts, none of the measures are required in order to achieve the levels of mitigation identified in the Draft EIR. Moreover, the commentor provides no indication as to the efficacy of the proposed measures in reducing Project impacts, nor is nexus provided between the proposed measures and their implied environmental benefit vis-à-vis Project impacts.

With specific regard to proposed measures targeting GHG emissions reductions, arguably, the proposed measures may prove of little net benefit, while imposing significant cost and economic burdens. Case studies have indicated that GHG measures implemented to date have yielded marginal benefits when compared to economic costs. Moreover, premature implementation of unproven measures would be detrimental by diverting resources that could be made available to other, more effective strategies. Please refer also to the attached: *The AB 32 Challenge: Reducing*

MV00116180

California's Greenhouse Gas Emissions (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008.

As discussed in the Table which follows, in certain instances, the measures proposed by the commentor would likely result in net increased detrimental environmental effects (e.g., suggested prolonging of construction activities, premature implementation of unproven technologies to address GHG emissions). Certain other suggested "mitigation measures" proposed by the commentor replicate existing policies/requirements/regulations, and are not mitigation. Please refer also to Draft EIR Page 4-2:

> . . . In some cases, these impacts may appear to be potentially significant. However, existing public policies, regulations, and procedures adequately address these potential effects, thereby reducing them to a less-than-significant level, without the need for additional mitigation. . . .

It is further noted that in some instances, the commentor proposes additional measures as means of further reducing environmental impacts that are already determined to be less-than-significant, or less-than-significant with application of measures already included in the Draft EIR. These measures proposed by the commentor are not included as mitigation, though the Lead Agency may, at its discretion, impose these additional requirements; typically through Project Conditions of Approval. Lastly, the Lead Agency's experience with many of the measures suggested by the commentor indicates that while good in concept, the suggested measures prove to be ineffective, or otherwise inordinately cumbersome in their application; to the extent, that the measures cannot be realistically or practically implemented. Accordingly, such measures are noted as recommendations, but are not required.

MV00116181

Suggested Measure	Response
1. Require the utilization of zero VOC paint, coatings and solvents.	**Incorporated.** This requirement is reflected at EIR Mitigation Measure 4.3.7, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan." Mitigation Measure language has been revised as suggested by SCAQMD.
2. Require the purchase of NOx credits from a qualified broker to off-set construction-related air quality impacts.	**Infeasible.** Please refer to Response JS-14, item No. 1.
3. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall become a SmartWay partner.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
4.The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 20% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 90%of all long haul trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
5. The operator of the primary facilities (buildings of 400,000 s.f. or more) shall incorporate requirements or incentives sufficient to achieve at least 15% per year (as a percentage of previous percentage, not total trips) increase in percentage of long haul trips carried by SmartWay carriers until it reaches a minimum of 85% of all consolidator trips carried by SmartWay 1.0 or greater carriers. Results including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. By the end of the year 2012 all fleet vehicles shall conform to 2010 air quality standards or better. Results, including backup data shall be reported to the Planning Department semi-annually.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
7. Install catalytic converters on gasoline-powered equipment.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

MV00116182

Suggested Measure	Response
8. Alternative diesel fuels exist that achieve PM_{10} and NOx reductions. PuriNOx is an alternative diesel formulation that was verified by ARB on January 31, 2001 as achieving a 14 percent reduction in NOx and a 63 percent reduction in PM_{10} compared to CARD diesel fuel. It can be used in any direct-injection, heavy-duty compression ignition engine and is compatible with existing engines in existing storage, distribution, and vehicle fueling facilities. Operational experience indicates that little or no difference in performance and start-up time, no discernable operational differences, no increased engine noise, and significantly reduced visible smoke.	**Infeasible.** The Lead Agency has determined that Lubrizol, the producer of PuriNox ceased production of PuriNox in December 2006. Furthermore, conversations with South Coast Air Quality Management District representatives James Koizumi and Steve Smith confirmed that PuriNox is not expected to be commercially available in the foreseeable future. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
9. Electrical powered equipment must be utilized in-lieu of gasoline-powered engines where technically feasible.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
10. Require each user to establish a carpool/vanpool program.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
11. Provide on-site child care or contribute to off-site child care within walking distance.	**Infeasible, counterproductive.** Childcare facilities are not compatible with the proposed industrial warehouse uses. Moreover, there is no demonstrated nexus with Project-related operational emissions impacts requiring or suggesting implementation of childcare facilities. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
12. Provide preferential parking for carpool/vanpool vehicles.	**Replicates existing requirements.** Preferential parking for carpools/vanpools is currently required pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
13. Provide secure, weather-protected bicycle parking for employees.	**Incorporated** at revised EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
14. Provide direct, safe bicycle access to adjacent bicycle routes.	**Replicates existing requirements.** Direct, safe bicycle access is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
15. Provide showers and lockers for employees bicycling or walking to work.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

MV00116183

Suggested Measure	Response
16. Short-term bicycle parking for retail customers and other non-commute trips.	**Replicates existing requirements.** The Project does not propose retail uses. Bicycle parking is currently provided pursuant to Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
17. Connect bicycle lanes/paths to city-wide network.	**Replicates existing requirements.** Bicycle path connections are currently provided pursuant to EIR Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
18. Design and locate buildings to facilitate transit access, e.g. locate building entrances near transit stops, eliminate building setbacks, etc.	**Infeasible, counterproductive.** No transit stops exist proximate to the Project site such that building orientation would have any material effect on use of, or access to transit. Elimination of building setbacks as suggested would increase potential air quality, noise and visual impacts when compared to the Project as proposed. The suggested measure is not germane to the Project, and is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
19. Prohibit idling of trucks for periods extending three minutes.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.11 currently prohibits the idling of trucks for more than three (3) minutes.
20. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, etc.	**Not required per Responsible Agency.** Riverside Transit Agency (RTA) provides fixed-route bus service regionally along SR-60, and locally via Moreno Beach Drive, allowing for the possibility of future connections near the Project site. The Lead Agency has coordinated with RTA and determined that installation of a bus stop or turn-out will not be required of the Project.
21. Provide shuttle service to food service establishments/commercial areas.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
22. Provide shuttle service to transit stations/multimodal centers.	**Replicates existing requirements.** EIR Mitigation Measure 4.3.13 currently includes provisions for shuttle services.
23. Implement parking fee for single-occupancy vehicle commuters.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
24. Implement parking cash-out program for non-driving employees.	**Not applicable.** In that there is no current or proposed parking subsidy, there is no available parking "cash out" resource or mechanism. As noted herein, other tenable incentives are provided as means of reducing vehicle trips.

MV00116184

Suggested Measure	Response
25. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.	**Replicates existing requirements.** The site is not currently provided transit service, nor is pedestrian access to the nearest transit stop possible at this time. Pursuant to the requirements of the City's Master Plan of Trails, the Project will dedicate and construct an 11-foot wide community trail segment along the southerly Project boundary, on the north side of Fir Avenue (future Eucalyptus Avenue). Upon development of the adjacent parcel(s), the trail is planned to continue off-site to the east and to the west, as part of the future Quincy Channel overcrossing.
26. Implement a compressed workweek schedule where feasible.	**Incorporated** at revised Mitigation Measure 4.3.13.
27. Provide electrical vehicle (EV) and compressed natural gas (CN) vehicles in vehicle fleets.	**Incorporated** at revised Mitigation Measure 4.3.13.
28. Install EV charging facilities for a minimum of 10% of all parking spaces.	**Infeasible.** The Project will provide, at minimum, two EV charging stations, as required by Mitigation Measure 4.3.13. There is no demonstrable evidence that installation of additional EV charging facilities would substantially reduce or eliminate the Project's operational emissions because chargeable electric vehicles represent a small percentage of vehicles on the road. Moreover, on a regional basis, increased power demands at electrical outlets/EV charging stations tend to increase power plant emissions, acting to offset any potential emissions reductions from individual sources such as motor vehicles. Further, it is noted that next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.

MV00116185

Suggested Measure	Response
29. Install a CNG fueling facility.	**Infeasible.** As noted above, next generation transportation technologies are in flux. It is premature, inefficient and counter-productive to assign substantial assets to predetermined transportation solutions. Further, for CNG fuel to be a reasonable alternative to diesel fuel for the logistics industry, a reasonable distribution network must be in place so that drivers can be assured that they can re-fuel when making deliveries across the region. No such distribution system is presently in place nor is one likely to be developed in the near future. The installation of a stand-alone CNG fueling facility at this location would provide no benefit because no reasonable distribution system is in place. CNG-fueled vehicles have been found to be most useful for limited range, closed-circuit usage such as municipal fleets (refuse collection, city vehicles, and buses), taxi fleets, and local delivery services. Lastly, as with the commentor's suggestion for EV facilities, the installation of a CNG fueling facility is unlikely to substantially reduce or eliminate the Project's operational emissions because CNG vehicles represent a small percentage of vehicles on the road. Furthermore, the Draft EIR has not evaluated the potential environmental impacts related to the construction and operation of a CNG fueling facility. A Lead Agency is under no obligation to impose Mitigation Measures that in and of themselves may constitute a new "project" for purposes of CEQA. (See e.g., *Concerned Citizens of South Central L.A. v. Los Angeles Unified School District*, 24 Cal.App.4th, 826 (1994)). The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
30. Provide preferential parking locations for EVs and CNG vehicles.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
31. Utilize electrical equipment for landscape maintenance.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
32. Utilize only CARB-certified equipment for construction activities.	**Replicates existing requirements.** As a matter of California law, all construction equipment, whether or not it is used for this Project, is required to meet California Air Resources Board (CARB) emissions standards.
33. All forklifts shall be electric or natural gas powered.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
34. Provide subsidies or incentives to employees who use public transit or carpooling, including preferential parking.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

MV00116186

Suggested Measure	Response
35. Plant shade trees in parking lots to provide minimum 50% cover to reduce evaporative emissions from parked vehicles.	**Replicates existing requirements.** Please refer to City of Moreno Valley Municipal Code 9.17.050 (D) (3).
36. Utilize low pressure sodium fixtures for exterior lighting, including parking lots.	**Replicates existing requirements.** As stated on Draft EIR Page 3-17, the Project site is located within a 45 mile radius of Mt. Palomar Observatory. Consequently, the Project must comply with County Ordinance 655 which requires that all outdoor lighting within the Project area will be provided by low-pressure sodium hooded lights.
37. Utilize electric yard trucks.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
38. All buildings shall be constructed to LEED Platinum standards.	**Not required, no nexus with significant impacts.** As discussed on Pages 3-18 and 5-79 of the Draft EIR, the Project, as a whole, will be developed as a LEED-certified facility. LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). Additionally, the LEED rating system is not the appropriate standard for determining building efficiency. The California Title 24 Building Energy Efficiency Standards are the appropriate baseline. As set forth in the Draft EIR, the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards. There is no requirement for LEED certification as mitigation of Project impacts. While LEED-certified facilities may tend to reduce various environmental effects, LEED certification is a voluntary exercise to be pursued by the Applicant outside of and independent of CEQA mandates.
39. The operator shall meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
40. The operator shall use only freight companies that meet SmartWay 1.25 ratings.	**Incorporated** at revised Mitigation Measure 4.3.13, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
41. The developer shall install photovoltaic solar systems sufficient to offset all electrical usage.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project electrical consumption through use of photovoltaics.

MV00116187

Suggested Measure	Response
42. The developer shall install photovoltaic solar systems sufficient to offset all vehicular emissions.	**Not required, no nexus with significant impacts.** As currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." There is no requirement or demonstrated nexus requiring full offset of Project vehicular emissions through use of photovoltaics.
43. The operator shall purchase only green power.	**Infeasible, not required, no nexus with significant impacts.** Power to the Project will be provided from the locally available electrical grid. The term "green power" is undefined, and moreover the Lead Agency has no practical way to require that power be provided from specified sources, "green" or otherwise. The suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible. There is no requirement or demonstrated nexus requiring the Project to "purchase only 'green power'."

Results and conclusion of the Draft EIR are not affected.

Response JS-20

The commentor appears to misinterpret analysis and conclusions provided in the Project GCC Analysis. More specifically, the commentor misstates that the analysis concludes that the Project ***will*** *[emphasis added]* have a significant effect on the environment.

To further clarify, germane suggested CEQA Guidelines topical questions include:

> Would the project:
>
> a) Generate greenhouse gas emissions, either directly or indirectly, that ***may*** *[emphasis added]* have a significant impact on the environment?

In the absence of worldwide reduction commitments that are fully funded, any project level reduction measures cannot assure that significant effects on global temperatures and sea levels will be fully mitigated. That is, due to the potential global impacts

MV00116188

[beyond the control of the Project] significant GCC impacts may occur even with implementation of the measures set forth in CARB's AB 32 Scoping Plan (see *Climate Change Analysis*, Page 42).

The commentor states that the finding of "less-than-significant" Project GCC impacts is based on non-exceedance of (draft) CARB and SCAQMD GHG emissions thresholds. Though this is the case, the GCC Study clearly states that these thresholds are not applicable to the Project:

> CARB's Draft Threshold Of Significance For Industrial Projects Has Not Been Finalized And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 40).
>
> SCAQMD's Adopted GHG Threshold Applies Only To Projects Where It Is The Lead Agency And Is Not Applicable To The Proposed Project (*Climate Change Analysis*, Page 41).

As discussed in the *Climate Change Analysis*, there are no adopted quantitative GHG emissions thresholds applicable to the Project. Absent such quantified thresholds, the CARB and SCAQMD GHG emissions standards nonetheless provide an indication of current policies and strategic approaches employed in evaluating and addressing GHG emissions and potential GCC impacts, and may portend similar future statewide, regional, and/or local quantified thresholds. The clearly stated threshold considerations applicable to the Project are:

1. Would the proposed project generate GHG that may have a cumulatively significant impact on the environment; and

2. Would the proposed project conflict with GHG reduction measures identified in CARB's AB 32 Scoping Plan.

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As concluded in the *Climate Change Analysis*, the answer to both of the preceding questions is "no," yielding the conclusion that the Project GCC impacts are less-than-significant. Moreover, as also discussed in the *Climate Change Analysis*, Project GHG emissions would not exceed either CARB or SCAQMD GHG emissions thresholds, further supporting the conclusion that the Project GCC impacts are less-than-significant. As a matter of clarification, the abbreviated conclusion presented at Draft EIR Page 4.3-94 is expanded/revised as follows:

> ~~Nonetheless, the Project will not exceed the CARB or SCAQMD proposed quantitative thresholds. Therefore, Project GHG emissions impacts are considered less than significant.~~ **As noted in the preceding discussions, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.**
>
> **In evaluating the potential global climate change impacts of the Project, every attempt has been made to accurately and comprehensively quantify the greenhouse gas emissions associated with the Project. However, a number of inherent limitations are unavoidable in compiling or estimating project-level GHG emissions. Among these limitations, the use of models that measure overall emissions increases without accounting for existing emissions tend to substantially overstate the GHG emissions impacts of a new development projects. This makes an accurate analysis of GHG emissions substantially different from other air quality impacts, where the "addition" of redistributed emissions can make a substantial difference to overall air quality. Notably, not all the vehicular trips that result from the Project will be "new" vehicle trips, but that a majority of these trips already occur elsewhere, and currently generate GHG**

MV00116190

emissions within a global context. For example, the Project will not create entirely new truck trips (globally). However, implementation of the Project would establish a new destination point for trucks already utilizing the area roadway system. Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory.

The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is inferred by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Based on the preceding discussions and supporting analysis provided in the Project Global Climate Change Analysis included at EIR Appendix C, the Project's potential to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment is less-than-significant.

This revision has been reflected in Final EIR Section 2.0, "Revisions and Errata," and incorporated in the Final EIR's Mitigation Monitoring Program, presented at Section 4.0. Results and conclusions of the EIR are not affected.

MV00116191

Response JS-21

The commentor reiterates the Draft EIR discussion that the CARB and SCAQMD GHG emissions thresholds consider only non-transportation sources. To clarify, the thresholds address all stationary GHG sources, but do not include mobile sources. To a certain extent this limitation on threshold considerations reflect the previously noted limitations involved in attempting to estimate "new" emissions associated with vehicle trips to/from new facilities. Nonetheless, the thresholds and their interpretation and application are correct as stated in the EIR and Project *Climate Change Analysis* (included at EIR Appendix C).

Contrary to the commentor's assertion, the *Climate Change Analysis* is not "deeply flawed" through an omission of mobile-source GHG emissions. Mobile-source emissions are clearly identified and quantified at *Climate Change Analysis,* Page 45, Table 2-4 (27,858.08metric tonsCO2E) and at Draft EIR Table 4.3-18 (Page 4.3-92). Mobile source emissions are not however, by CARB and SCAQMD-defined thresholds, utilized by those agencies in determining GHG emissions significance for their facilities. Project facilities emissions of GHG would not exceed GHG thresholds established by CARB and SCAQMD for their facilities. As noted above, this fact is considered within the entirety of the Climate Change Analysis, and in evaluating the Project's potential GCC impact significance, which is, as correctly concluded in the EIR, less-than-significant.

Response JS-22

The commentor reiterates incorrect calculation and interpretation of Project vehicle trip generation. Please refer to Responses JS-15, JS-20, and JS-21. Results and conclusions of the EIR are not affected.

Response JS-23

The commentor states that "[t]he GHG emission analysis is also deeply flawed in assuming that no new mobile source of emissions will be created by this Project." This

MV00116192

opinion, along with the commentor's related statements and conclusions, are addressed in preceding Responses JS-15, JS-20 and JS-21, which provide clarification regarding mobile-source GHG emissions evaluated and addressed in the EIR. The Draft EIR analyzes both the mobile and stationary GHG emissions associated with the Project. The EIR analysis conservatively does not assume mere redistribution of existing GHG emissions, particularly with regard to vehicle emissions when considered in a global context. Results and conclusions of the EIR are not affected.

Response JS-24

The commentor provides opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable. Commentor opinions and statements are forwarded to the decision-makers for their consideration.

Contrary to commentor opinions and statements, in point of fact, an exhaustive and accurate assessment of the Project's GHG emissions impacts and related potential GCC impacts are presented in the Draft EIR (Pages 4.3-23 through 4.3-47, Pages 4.3-88 through Pages 4.3-111, at al.), and supporting technical Global Climate Change Analysis included at Draft EIR Appendix C. These discussions not only establish Project consistency with the CARB Scoping Plan (one component of the EIR analysis), but also provide detailed discussion of the sources and effects of GHG emissions, consider and evaluate the Project in the context of existing and proposed GHG emissions reductions strategies, and provides an analysis of Project GHG emissions vis-à-vis adopted and anticipated thresholds. Importantly, the analysis provided in the EIR is consistent with applicable CEQA directives:

> Based on the direction provided in Section 15064.4 of the *Guidelines*, a lead agency should make a good-faith effort, based on available information, to describe, calculate, or estimate the amount of greenhouse gas emissions associated with a project. Because the methodologies for

MV00116193

performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

1. Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The lead agency has discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should also include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

2. Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions (Draft EIR Page 4.3-35).

Substantial evidence provided in the Draft EIR, as summarized above, supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

The commentor notes *recommended* [emphasis added] CARB Scoping Plan Actions, and misinterprets these as Project requirements. The commentor cites specifically, **Action T-7**: Sector-Transportation; Recommended Action-Heavy Duty Vehicle Greenhouse Gas Emission Reduction Measure - Aerodynamic Efficiency; and **Action E-4**: Sector-Electricity and Natural Gas-Recommended Action-Million Solar Roofs. As noted in the Draft EIR (Pages 4.3-99, 4.3-100), the Project will not conflict with applicable recommended Actions. Consistent with other revisions proposed herein, Action T-7, Action E-4 applicability discussions at Page 4.3-102 are deleted and replaced with the following:

MV00116194

- Action T-7 **recommends existing trucks/trailers to be retrofitted with the best available technology and/or CARB-approved technology. Implementation of such a standard is not within the purview of the Project. GHG emissions reductions would be achieved however through standards compliance by vehicles accessing the Project. Further, pursuant to EIR Mitigation Measure 4.3.13, tenants are encouraged to provide incentives to realize Smartway certification, and to use fleet vehicles conforming to CARB 2010 emissions standards or better, thereby reducing GHG emissions. The Project supports, and would not interfere with Action T-7.**

  Action E-4 **promotes solar generated electricity. As discussed within this EIR, the Project design accommodates renewable energy sources, such as photovoltaic solar electricity systems. (Draft EIR Mitigation Measure 4.3.11 requires in part that: *"All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design."*) The Project supports, and would not interfere with Action E-4.**

It is further noted that the AB-32 Scoping Plan merely sets forth concepts, the implementation of which will be refined during the rulemaking process contemplated under AB-32. Thus, merely because Action T-7 recommends that existing trucks/trailers be retrofitted with the best available technology and/or CARB-approved technology; and/or that Action E-4 promotes solar generated electricity does not mean that a given project must require best available technology retrofits; nor install PV solar panels on its roof in order to be consistent with the Scoping Plan.

Please refer also to the complete discussion of Project consistency with applicable recommended CARB Scoping Plan Actions presented at Draft EIR Pages 4.3-98 through 4.3-103. The results and conclusions of the EIR are not affected.

MV00116195

Response JS-25

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor disagrees with finding that Project GHG emissions are not cumulatively considerable, but provides no supporting analysis or evidence. In point of fact, as supported by the discussion in the EIR, the project will not result in significant GHG/GCC emissions impacts, and no mitigation is required. Measures included in the EIR, including those addressing recycling, water conservation, and solar energy systems, therefore further reduce GHG/GCC impacts that, even absent mitigation, are less-than-significant. Commentor's citation to EIR statements that: *"vehicles accessing the site will be in compliance with CARB vehicle standards to the maximum extent feasible"* are not found. Adopted applicable CARB standards are regulatory in nature, and required of all vehicles. Please refer also to the preceding Response JS-24.

Response JS-26

The commentor reiterates opinions on GHG emissions thresholds and GHG emissions reductions strategies. The commentor cites various 2006 CAT Report GHG Emission Reduction Strategies, contending the Project does not support applicable strategies. The commentor incorrectly interprets the strategies as requirements of the Project. Specific citations of the commentor include compliance with CARB vehicle standards, source reduction and recycling, California solar initiative recommendations, and the use of alternative fuels.

The approach suggested by the commentor is not required under the CEQA Guidelines, and is not the approach employed by the Lead Agency here. Comparison of this Project with the CAT strategies and AB-32 Scoping Plan concepts is made for the purpose of evaluating whether the project conflicts with an applicable plan, policy, or regulation adopted for the purposes of reducing emissions of greenhouse gases. That is the applicable threshold under the CEQA Guidelines. Upon determining that the Project does not conflict with these plans, the Lead Agency appropriately concluded

MV00116196

that the impacts are less than significant, and therefore, no mitigation is required. Project support of, and compliance with, applicable 2006 CAT Report GHG Emission Reduction Strategies is presented at Draft EIR Pages 4.3-103 through 4.3-110. With specific regard to Project compliance with CARB vehicle standards, search of the EIR text does not yield the phrase "maximum extent feasible" as suggested by the commentor. EIR discussions of strategies noted by the commentor as excerpted from Draft EIR Table 4.3-20, are presented below.

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Air Resource Board	
Vehicle Climate Change Standards AB 1493 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the CARB in September 2004.	Enforcement of State regulation is beyond the scope of the Project. The Project will not interfere or conflict with AB 1493 (Pavley).
Other Light Duty Vehicle Technology New standards would be adopted to phase in beginning in the 2017 model.	Enforcement of State standards for Light Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Light Duty Vehicles.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy-duty vehicles and an education program for the heavy-duty vehicle sector.	Enforcement of State standards for Heavy Duty Vehicles is beyond the scope of the Project. The Project will not interfere or conflict with new standards adopted for Heavy Duty Vehicles.
Diesel Anti-Idling In July 2004, the CARB adopted a measure to limit diesel-fueled commercial motor vehicle idling.	Heavy-duty diesel trucks that access the Project site will be required to limit idling to no more than three (3) minutes (EIR Mitigation Measure 4.3.10).
Alternative Fuels: Biodiesel Blends CARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	When CARB adopts regulations for the use of biodiesel fuel in heavy duty trucks, trucks supplying the commercial uses will comply with this measure.
Hydrogen Highway The California Hydrogen Highway Network (CA H2 Net) is a State initiative to promote the use of hydrogen as a means of diversifying the sources of transportation energy.	Not Applicable.

MV00116197

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
Integrated Waste Management Board	
Achieve 50 percent Statewide Recycling Goal Achieving California's 50 percent waste diversion mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48 percent has been achieved on a statewide basis. Therefore, a 2 percent additional reduction is needed.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Zero Waste - High Recycling Additional recycling beyond the State's 50 percent recycling goal.	In support of AB 939, the Project will comply with requirements of the City of Moreno valley Source reduction and Recycling Element (SRRE), to include additional waste reduction/waste recycling measures as may be implemented by the City. Project design will include provisions for tenants to recycle.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions.	In support of water Use Efficiency strategies, the Project will implement U.S. EPA Certified WaterSense labeled or equivalent faucets and high-efficiency toilets (HETs), and implement water-conserving shower heads to the extent feasible.
California Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and additions to and alterations to existing buildings).	As required through the EIR air quality mitigation measures noted herein, and based on energy efficiency/sustainability attributes of the Project presented in the EIR Project Description (EIR Section 3.0), energy efficiencies achieved by the Project will surpass incumbent Title 24 Energy Efficiency Standards by at least 20 percent. Verification of increased energy efficiencies is documented in Title 24 Compliance Reports provided by the Applicant, and reviewed and approved by the City prior to the issuance of the first building permit. Energy efficient Project designs and operational programs will facilitate Applicant-initiated LEED Certification actions.

MV00116198

Table 4.3-20
Project Compliance with Applicable 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Applicability/Compliance
California Solar Initiative Installation of 1 million solar roofs or an equivalent 3,000 MW by 2017 on homes and businesses; increased use of solar thermal systems to offset the increasing demand for natural gas; use of advanced metering in solar applications; and creation of a funding source that can provide rebates over 10 years through a declining incentive schedule.	In support of the California Solar Initiative, the Project design accommodates potential future installation and use of renewable energy sources, such as photovoltaic solar energy systems. (See EIR Section 3.0, Project Description).

Contrary to the commentor's assertions, as indicated at Table 4.3-20, the Project complies with and supports applicable 2006 CAT Report Greenhouse Gas Emission Reduction Strategies. There is no mandate or specific requirement or singular methodology for strategy compliance as suggested by the commentor. The results and conclusions of the EIR are not affected.

Response JS-27

The commentor cites various recommended or adopted thresholds of other agencies addressing GHG emission and GCC impacts. The commentor erroneously states that "in the EIR for the Highland Fairview Project, the City adopted a zero emissions threshold for the assessment of impacts of GHG on climate change."

Other agency approaches to evaluation and mitigation of GHG emissions impacts are noted. The commentor is referred to previous responses and CEQA directives allowing for each Lead Agency to evaluate and address GHG emissions impacts within the context of Section 15064.4 of the Guidelines. The EIR analysis of GHG emissions/GCC impacts is consistent with Section 15064.4 of the Guidelines. Please refer also to response JS-24.

No "zero emissions threshold" for GHG emissions neither appears, nor was applied, in the EIR for the Highland Fairview Project. The commentor is referred to *Draft*

MV00116199

Environmental Impact Report Highland Fairview Corporate Park PA07-0088 (CZ), PA07-0089 (GPA), PA07-0090 (TPM 35629), and PA07-0091 (PP) City of Moreno Valley, Riverside County, California State Clearinghouse No. 2007101132 (Michael Brandman Associates) August 4, 2008, Page 5.16-5:

> AB 32 states that, "global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Although it is unknown if AB 32 alone is enough to reduce California's fair-share contribution to global greenhouse gas inventory, it is currently the only well-defined and widely accepted benchmark for greenhouse gas emissions in California. Therefore, for purposes of this analysis, the following significance thresholds have been used:
>
> **Impact GCC-1** Does the project comply with the provisions of an adopted Greenhouse Gas Reduction Plan or Strategy? If no such Plan or Strategy is applicable, would the project significantly hinder or delay California's ability to meet the reduction targets contained in AB 32?
>
> **Impact GCC-2** Would the impacts of climate change significantly impact the project?

The Highland Fairview Project EIR concluded that project had the potential to significantly hinder California's ability to meet the reduction targets contained in AB 32, and therefore reached a conclusion of "potentially significant" GHG emissions impacts for that project.

Such is not the case for the proposed Westridge Commerce Center Project as supported by the analysis presented in the Westridge Commerce Center Project EIR and supporting Global Climate Change analysis.

MV00116200

Continuing at Page 5.16-6, the Highland Fairview EIR also importantly notes that:

> The thresholds and the analysis contained below *may not be relevant to other projects. This analysis does not establish thresholds for the City or set precedents for the type of analysis in a climate change analysis, as this discipline is still evolving. [emphasis added]*

Clearly, whatever thresholds and analysis may have been employed in the Highland Fairview EIR were for that project only, and not intended or necessarily applicable to the proposed Westridge Commerce Center Project. The results and conclusions of the EIR are not affected.

Response JS-28

The commentor considers the term "cumulatively considerable" established under the *CEQA Guidelines* Section 15064, subd. (h)(1), and appears to misapply it in evaluating Project GHG emissions and potential Project-related Global Climate Change impacts. In total, *CEQA Guidelines* Section 15064, subd. (h)(1) cited by the commentor, and excerpted below, provides guidance as to whether an EIR is required based on the potential for a given project to cause or result in cumulatively considerable impacts.

> (h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

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The Lead Agency had previously determined through the Initial Study process that an EIR is required for the Project, to include an analysis of all potential cumulatively considerable impacts, including potential GHG/GCC impacts.

The EIR analysis supports the conclusion that Project-specific GHG/GCC impacts are individually less-than-significant and not cumulatively considerable (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C). To this end, not only are the Project's incremental GHG/GCC impacts substantiated to be less-than-significant. As noted in the Draft EIR, with regard to global climate change, it is generally accepted that the magnitude of global climate change effects is so substantial and the contribution of an individual project to global climate change is so extremely minuscule that direct significant adverse impacts would be highly unlikely.

Within the scope of limitations and considerations noted herein, a Project GHG emissions inventory has been prepared as recommended under OPR's technical advisory. The City of Moreno Valley has not adopted a numeric threshold of significance for emissions of greenhouse gases. However, guidance and an indication of the potential significance of the Project's GHG emission impacts is assessed by comparing Project GHG emissions levels against germane proposed or adopted GHG emissions impacts thresholds. To this end, Project GHG emissions have been compared to GHG emissions thresholds developed by state Responsible Agencies charged with oversight and regulation of air pollutant emissions, the SCAQMD and CARB. As indicated herein, Project GHG emissions would not exceed the thresholds developed by those agencies.

Additionally, as discussed in the Draft EIR . . . "to facilitate their monitored implementation throughout Project development and operations, design features and operational attributes of the Project are incorporated into this EIR as Mitigation

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Measures 4.3.10 through 4.3.13 . . . These measures act to reduce Project-related operational source air pollutants and GHG emissions, and promote sustainability through conservation of energy and other natural resources" (Draft EIR at Page 4.3-94). As amended in these Responses, additional mitigation has been also been provided, further reducing already less-than-significant Project GHG emissions levels. Please refer also to previous discussions at Responses JS-20 through JS-27, substantiating less-than-significant Project GHG/GCC impacts.

As provided for under *CEQA Guidelines* Section 15064(h)(2), "[w]hen a project might contribute a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures . . . [the supporting analysis] shall briefly indicate and explain how the contribution has been rendered less than cumulatively considerable." Design features, operational programs, and mitigation measures included in the Draft EIR (see EIR Section 3.0, Project Description, Pages 3-17 through 3-20; EIR Section 4.3, Air Quality, Pages 4.3-88 through 4.3-110; EIR Section 5.0, Other CEQA Considerations, Pages 5-13, 5-14; and Global Climate Change Analysis included at EIR Appendix C) render the Project's potential contribution to Global Climate Change impacts to levels that are less than cumulatively considerable.

As further provided under *CEQA Guidelines* Section 15064(h)(3), . . . "a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make

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specific the law enforced or administered by the public agency. When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable."

The general arena of GHG emissions regulations remains preliminary and still formative, and there are no plans (as yet) with the effect of law that would be applicable to the Project. Notwithstanding, the CARB Scoping Plan and 2006 CAT Report are considered indicative of likely future guidelines and requirements. The Project supports and is consistent with CAT strategies and other means suggested to reduce California's emissions to the levels proposed by Executive Order S-3-05 and AB 32. Qualitative assessment of the Project's impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report (Draft EIR Pages 4.3-94 through 4.3-110) supports the conclusion that the Project's greenhouse gas emissions are not cumulatively considerable.

Continuing, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative GCC impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

It is further noted cumulative effects of Global Climate Change would be considered significant irrespective of any increment of GHG emissions generated by, or reduced through, implementation of the Project. Moreover, absent similar commitments worldwide, even full state-level reduction of GHGs as provided for under California

MV00116204

statute would not notably or discernibly affect a difference in global climate change. In this regard, the World Resources Institute estimates California GHG emissions comprised an estimated 1.3 percent of worldwide GHG emissions as of 2000.[9] Further, whereas California since 2000 continued to implement further energy efficient technologies and other means that directly or indirectly reduce GHG emissions and thereby reduce its proportionate impacts, these reductions have been more than offset by increasing growth and industrialization worldwide. This speaks to *CEQA Guidelines* Section 15064(h) (4) provisions, which provide that the mere existence of significant cumulative GCC impacts caused by other projects (worldwide growth and industrialization) alone does not constitute substantial evidence that the Westridge Commerce Center Project's incremental GCC effects are cumulatively considerable.

Based on the preceding the project will not result in or cause cumulatively considerable GCC impacts. Results and conclusions of the EIR are not affected.

Response JS-29

The commentor summarizes various provisions of the *Final Statement of Reasons for Regulatory Action* (California Natural Resources Agency) December 2009 which allow for off-site mitigation of GHG impacts.

As substantiated in the EIR and discussed in these Responses, Project-related GHG emissions impacts are less-than-significant and are not cumulatively considerable. Off-site mitigation is not proposed nor is it required. Results and conclusions of the EIR are not affected.

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9 *The AB 32 Challenge: Reducing California's Greenhouse Gas Emissions* (Gregory Freeman, Nancy D. Sidhu, PhD, Myasnik Poghosyan) January 2008, Page 8.

MV00116205

Response JS-30

Temporary and intermittent significant construction-source noise impacts noted by the commentor are fully discussed and disclosed in the Draft EIR:

> **Level of Significance after Mitigation:** Mitigation Measures 4.4.1 through 4.4.4 will qualitatively reduce construction-source noise and its perceived impacts to the extent feasible. The proposed use of noise curtains during the most noise intensive activities (grading/site preparation) may reduce received noise levels by 10-20 dBA at the nearest receptors. Nonetheless, it is anticipated that construction-source noise received at the nearest affected residential receptor adjacent may temporarily and periodically reach the maximum anticipated exterior noise level of 89 dBA Leq. This condition would occur in particular when heavy equipment is used for the construction of adjacent Fir (future Eucalyptus) Avenue. At more distant residential neighborhoods, the maximum received noise level is conservatively estimated at 60 to 65 dBA Leq. As such, even with the application of proposed mitigation, Project construction equipment activities would exceed the City's maximum permissible sound level for daytime hours as received at a residential land use (60 dBA Leq), and consequently would be considered a substantial temporary and periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project (Draft EIR Page 4.4-20).

Mitigation of construction-source noise impacts is addressed in the following responses JS-31 and JS-32. Results and conclusions of the Draft EIR are not affected.

Response JS-31

The commentor provides opinions on Draft EIR Mitigation Measure 4.4.4, which is presented in its entirety here:

MV00116206

4.4.4 *Prior to the issuance of any grading or building permit, the Project plans and specifications shall include a statement that for the duration of grading and site preparation activities, temporary construction noise curtains or similar line-of-sight noise reduction measures shall be installed along the Project's southerly boundary. Noise curtains shall be installed so as to provide maximum reduction for noise sensitive uses (at present a single residence located southerly of the Project site) and shown on the grading plans prepared for the Project.*

The commentor states that the mitigation language "[n]oise curtains shall be installed so as to provide maximum reduction for noise sensitive uses" is "unenforceable." The commentor fails to note or recognize that construction activities by their nature are fluid and mitigation addressing such activities is similarly fluid. The stipulation that noise curtains be installed so as to achieve the maximum reduction in noise accommodates site and use-specific variations in construction activities and construction noise that may affect proximate sensitive receptors. As discussed at Draft EIR Page 4.4-18, "[t]he closest noise sensitive receptor that will be subject to potential construction noise impacts is the residence located at 28855 Fir Avenue (future Eucalyptus Avenue),approximately 150 feet southerly of the Project site's southernmost boundary. Because roadway improvements along future Eucalyptus Avenue are also part of Project development, an overall grading noise level of 89 dBA at 50 feet has been used as the worst-case, maximum exterior noise level when heavy equipment is nearest this sensitive receptor. At the nearest residential neighborhood, located more than one-quarter mile from the Project site, received construction-related noise levels would be reduced by 30 decibels or more based on physical separation between these residences and the Project site.

As also noted in the Draft EIR, the noise curtains required pursuant to Mitigation Measure 4.4.4 would conservatively provide an estimated 10 to 20 dBA of noise

MV00116207

reduction acting to reduce noise at proximate receptors. Worst-case construction noise levels (estimated to be 89 dBA at 50 feet) would occur as roadway improvements occur along future Eucalyptus Avenue. To ensure that the single residential use would not be temporarily and intermittently exposed to construction noise levels exceeding 60 dBA would in effect require construction of a barrier along the southerly edge of the Fir (future Eucalyptus Avenue) right-of-way, extending at a minimum the length of the affected receptor property line (approximately 620 feet) providing line-of sight interruption of noise yielding a 29 dBA noise reduction. Alternatively, an encapsulating 620 foot by 620 foot, 29 dBA noise-reducing barrier could be constructed around the receptor property in question.

For construction equipment with a 12-foot high exhaust stack, and not accounting for grade differentials, line of-sight noise protection would require a minimum 15 foot high wall (noise source height plus three feet).Under laboratory conditions a 4-inch thick concrete wall (or equivalent @ 30 lbs./s.f.) would provide approximately 37 dB noise attenuation (one side of a barrier to the other); and under uncontrolled exterior conditions could hypothetically provide 29 dBA noise reduction in protected areas immediately adjacent to the wall, within the noise "shadow zone." However noise diffracted over the top of or sides of the wall would still affect more distant unprotected receptors. Moreover, a 4-inch thick concrete wall, 15 feet in height is not structurally stable without significant reinforcing (envision a 15-foot high freestanding brick wall); and in practical application would constitute a permanent structure with anchoring footings or caissons.

The commentor suggests that "temporary sound walls" be implemented. As indicated, such walls would not be temporary. Moreover, construction of the "temporary" walls themselves, as well as their demolition, would generate noise levels equaling or exceeding those resulting from the Project. That is, the noise barrier's own construction and its subsequent demolition, would occur at the southerly right of-way line, and would require use of construction equipment in addition to, and for periods of time

MV00116208

greater than, that otherwise required to implement the Project. This would arguably increase rather than decrease net adverse effects construction noise.

Response JS-32

Please refer to the following Response JS-33.

Response JS-33

The commentor's suggested additional measures to reduce construction-source noise are addressed below.

Suggested Measure	Response
1.Prepare and implement a noise mitigation program and designate whom is responsible for implementing the program, when such a program must be implemented and planned, and include such actions as noise monitoring at selected noise sensitive locations, monitoring complaints, and identification of the major sources of noise.	**Not required, no nexus with significant impacts.** The Noise Impact Analysis states that this program is merely recommended not required. Nor are the recommended measures reflected in or required to attain the "mitigated condition" presented in the Draft EIR. The Lead Agency may, at its discretion, impose additional Conditions of Approval (such as recommendations within studies) supplementing the EIR Mitigation Measures. The Draft EIR contains comprehensive mitigation to address noise impacts of the Project. These measures are included as part of the Mitigation Monitoring Plan, presented in Section 4.0 of this Final EIR. The Mitigation Monitoring Plan: 1) assigns responsibility for, and ensures proper implementation of Mitigation Measures; 2) assigns responsibility for, and provides for monitoring and reporting of compliance with Mitigation Measures; and 3) provides the mechanism to identify areas of noncompliance and need for enforcement action before irreversible environmental damage occurs. The City will monitor and report on all mitigation activities.
2.The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.	**Incorporated** at revised EIR Mitigation Measure 4.4.3.

MV00116209

Suggested Measure	Response
3.Notify surrounding homeowners of expected, specific construction-related noise impacts.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations vis-à-vis noise-related requirements. The public, including surrounding homeowners, has been notified of the Project via direct mailing and public notice, consistent with the provisions of the City of Moreno Valley Municipal Code. Copies of the Draft EIR are available upon request.
4.When technically feasible, electrical construction equipment should be utilized.	**Incorporated** at revised Mitigation Measure 4.3.8.
5.During project construction, the developer shall require all contractors to turn off all construction equipment and delivery vehicles when not in use or prohibit idling in excess of 3 minutes.	**Replicates existing requirements.** Mitigation Measure 4.3.10, as currently presented in the Draft EIR, prohibits the idling of trucks for more than three (3) minutes.

Response JS-34

The commentor appears to misinterpret and/or misapply noise limitations established under the City's Noise Ordinance, noise standards provided for under the General Plan, and their application within the EIR. The commentor erroneously states " . . . *the DEIR . . . adopts as a threshold of significance, an audible increase in noise levels of 3.0 dBA greater*." The commentor suggests that the City Noise Ordinance threshold of 60 dBA Leq be universally applied irrespective of existing conditions, noise source, or noise duration.

To clarify, as noted in the Draft EIR . . . "[t]he City's Noise Ordinance applies to 'stationary source' noise occurring on one property, which may affect a neighboring property (Draft EIR at Page 4.4-13). Mobile source (roadway noise) is not regulated under the City Noise Ordinance. The Noise Ordinance is directed toward discrete, identifiable stationary or area source noise. Noise thresholds established in the Ordinance are expressed in Leq, acknowledging noise levels occurring within a limited and defined time frame (in this case one-hour).

MV00116210

As described and discussed in the EIR, the Noise Ordinance's most restrictive threshold conditions of 60 dBA Leq daytime/55 dBA Leq nighttime for residential land uses are appropriately applied in evaluating discrete area/stationary source noise generated by the Project and received at proximate residential land uses. As discussed in the Draft EIR (Pages 4.4-23 through 4.4-26), at receiving residential land uses, Project operational stationary/area source noise will not exceed 60 dBA Leq daytime /55 dBA Leq nighttime.

The Noise Ordinance is not intended or constructed to address modeled areawide ambient noise levels increases, such as occur over time due to ambient increases in areawide traffic. Nor is it appropriate to evaluate or consider long term increases in ambient noise levels (such as increases in roadway corridor noise) in terms of Leq. It is the 24-hour average weighted noise level (CNEL) that accurately and appropriately describes the effective ambient noise condition, and indicates whether there would be a substantial permanent increase in noise levels due to the effects of a given project.

CNEL guidelines applicable to increases in ambient noise conditions, including noise generated by Project-related mobile sources (traffic) are established under the City General Plan Noise Element. As discussed in the Draft EIR:

> The Safety Element of the City's General Plan discusses noise and future projected noise levels within the City. For planning purposes, the City employs a 65 CNEL standard for noise-sensitive outdoor areas (e.g., rear yards of single family homes), and an indoor noise standard of 45 CNEL for residential developments (Draft EIR Page 4.4-14).

As supported by analysis presented in the EIR (see EIR Section 4.0, Noise; EIR Appendix D, noise Impact Analysis) the Project will not result in or cause operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

MV00116211

Response JS-35

The commentor states that "*. . . the Draft EIR makes a conclusory statement of insignificance without data or analysis . . .*" with regard to potential vibration impacts of the Project. The commentor also states that the Draft EIR only addresses vibration impacts to buildings, but fails to address such impacts to people.

For ease of reference, the EIR discussion of vibration impacts is excerpted below:

> **Impact Analysis:** Groundborne vibration refers to groundborne noise and perceptible motion. Typical sources of groundborne vibration include the use of heavy-duty construction equipment to be employed at the Project site. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where motion may be discernible but without the accompanying effects (e.g., the shaking of a building).
>
> Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Vibration-caused building damage is not a factor for normal projects, with the occasional exception of blasting and pile driving during foundation construction, neither of which is anticipated as part of construction of the Project considered here.
>
> The City of Moreno Valley does not currently have adopted vibration regulations. Notwithstanding, germane vibration criteria has been established by the California Department of Transportation (Caltrans) and is employed in analyses presented here.

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> The Project does not propose activities or uses that would result in long-term substantial or even perceptible vibration levels. However, heavy equipment employed during Project construction could potentially generate groundborne vibration impacts at adjacent land uses. Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. Occasionally, proximate operations of large bulldozers and loaded trucks can cause perceptible vibration levels, notwithstanding, according to the *Transportation and Construction-Induced Vibration Guidance Manual* prepared for Caltrans, groundborne vibration from construction activities and equipment such as such as D-8 and D-9 Caterpillar bulldozers, earthmovers and haul trucks at distances of 10 feet do not create vibration amplitudes that would cause structural damage to nearby structures. The proposed Project is not anticipated to employ any pile driving equipment, nor require blasting activities. Further, the nearest heavy equipment operations would occur at a distance of 40 to 50 feet from the nearest residential use (28855 Fir Avenue). Impacts from construction-source groundborne vibration are therefore anticipated to be less-than-significant (Draft EIR Pages 4.4-27 to 4.4-28).

As indicated above, the City has no adopted vibration thresholds, much less a threshold adopted to address speculative "vibration impacts to people" suggested by the commentor. Structural damage is a defined concern addressed by Caltrans, and would be considered to constitute excessive groundborne vibration or groundborne noise levels. This concern is likewise is considered in the EIR. Occasional perceptible vibration levels should they occur, do not constitute excessive groundborne vibration or groundborne noise levels. Any vibration impacts perceived at off-site locations would, as noted, be temporary and intermittent due to transient construction vehicles.

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There are no sensitive historic structures or instruments located proximate to the Project that would somehow be affected by temporary and transient construction-source vibration.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels. Results and conclusions of the EIR are not affected.

Response JS-36

Please refer to the following Response JS-37.

Response JS-37

The commentor again appears to misinterpret and/or misapply noise thresholds, now within a cumulative analysis context, and incorrectly states threshold considerations applicable to the Project.

In brief, the City Noise Ordinance regulates stationary/area source noise generated by the Project will not result in operational noise that would exceed Ordinance Standards (60 dBA Leq daytime/55 dBA Leq nighttime). Ambient noise increases, including traffic noise generated by the Project would not exceed the applicable 65 CNEL residential standard established by the General Plan. (The commentor misstates the threshold as 60 dBA Leq). Noise levels of less than 65 dBA CNEL are acceptable. In the instance noted by the commentor, vehicular noise levels due to cumulative growth (including noise generated by the Project traffic) would increase by 9.8 dBA CNEL over time, totaling an estimated 61.1 dBA CNEL at General Plan Buildout. Vehicular noise levels of 61.1 dBA CNEL are less than the threshold condition of 65 dBA CNEL, and impacts are therefore not cumulatively considerable. In instances where pre-existing noise levels exceed 65 dBA CNEL, or such traffic noise levels would occur due to cumulative growth absent the Project, the Project's incremental contribution would

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range from 0.0 dBA to 0.4 dBA, and would not be discernible. In these instances, perceived noise conditions would the same with, or without the Project. As noted previously in these responses, *CEQA Guidelines* Section 15064(h) (4) importantly provides that . . . "[t]he mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." The commentor's assertion that because cumulative noise impacts exist or are likely to occur, the project's incremental impacts in this regard must be cumulatively considerable is not supported by CEQA.

Project operational source noise would not exceed applicable standards established under the Noise Ordinance and/or General Plan. In no instance would Project noise cause a transition from acceptable ambient conditions to conditionally acceptable conditions or from conditionally acceptable conditions to unacceptable conditions.

As supported by the preceding and the analysis presented in the EIR, the Project will not result in or cause cumulatively considerable operational noise levels exceeding applicable standards established under the Noise Ordinance and/or General Plan. Results and conclusions of the EIR are not affected.

Response JS-38

The commentor notes that modeling of noise based on measurements taken at the G.I trucking facility (Pomona CA) may not yield noise levels comparable to those that would be generated by the Project.

The G.I. trucking facility conducts logistics warehousing operations, including acceptance and dispatch of big-rig long-haul and consolidated freight trucks, similar to operations anticipated under the Project. The G.I. trucking facility noise measurements are not intended to precisely replicate noise generated by the Project operations site on any given day or at any given time. The empirical data collected does however provide a real world snapshot of anticipated noise sources and noise conditions typical of

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heavy-duty, long-haul trucking operations conditions, and is considered superior to an assumed estimate of noise sources and noise levels. Results and conclusions of the EIR are not affected.

Response JS-39

The commentor's suggested additional measures to reduce operational-source noise are addressed below.

Suggested Measure	Response
1. All truck, tractors and forklifts shall be operated with proper operating and well-maintained mufflers. 2. Maintain quality pavement conditions that are free of bumps to minimize truck noise. 3. Limit the number of idling trucks on the southeastern portion of the site.	**Not required, no nexus with significant impacts.** Please refer to preceding discussion of recommendations in Response JS-32 vis-à-vis noise-related requirements. As noted in the Noise Impact Analysis, all operational noise impacts are less-than-significant. No additional mitigation of operational noise impacts is required.

Response JS-40

The commentor incorrectly states that "Interstate 15 (I-15) and Interstate 215 (I-215) provide access to the Project are and will most certainly be used to access the Project site." It is noted that I-215 was constructed to run roughly parallel to I-15 between Murrieta (approximately 30 miles south of the Project site) and Devore (located approximately 25 miles to the north of the Project site). In the vicinity of Moreno Valley, while I-215 is acknowledged as providing access, I-15 is located approximately 20 miles to the west. At these distances, I-15 does not provide direct access to the Project site, and on this basis, was not considered as part of the Project's traffic analysis.

With respect to commentor's concerns regarding potential Project-related impacts to I-215, a basic freeway segment analysis has been conducted between Box Springs

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Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the Project's Traffic Impact Analysis (TIA Appendix 7.8, included as part of Draft EIR Appendix B). As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. Nor is there an established fair share fee program for potentially affected SR-60 freeway segments. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

<u>Response JS-41</u>

Despite the commentor's assertion that "[t]he Draft EIR does not provide any data to quantify roadway costs, projected revenues, or adequacy of funds for the improvements needed to mitigate traffic impacts for this project," the Project TIA (Draft EIR Appendix B) provides a summary of the Project's fee obligations in Table 8-

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2. The application of fee-based mitigation is summarized at Draft EIR Pages 4.2-25 to 4.2-26; and discussed in greater detail at TIA Pages 200 through 206. The majority of the required improvements identified in the Draft EIR involve Caltrans facilities, improvement of which is outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The commentor's concerns regarding the adequacy of these funding mechanisms will be forwarded to decision-makers for their consideration.

Response JS-42

The commentor's suggested additional measures to reduce traffic-circulation impacts are addressed below. The results and conclusions of the Draft EIR are not affected.

Suggested Measure	Response
1. Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow. 2. Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site. 3. Reroute construction trucks away from congested streets and sensitive receptor areas.	**Replicates existing requirements.** As discussed in the Draft EIR (Page 4.2-85), "[i]t is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours." No additional mitigation is required.
4. Configure construction parking to minimize traffic interference.	**Replicates existing requirements.** Construction parking is one of many components considered in the required construction traffic management plan. No additional mitigation is required.
5. Prior to the issuance of a grading and building permit, the applicant shall submit verification that a ridesharing program for the construction crew has been encouraged and will be supported by the contractor via incentives or other inducements.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
6. Minimize construction worker trips by requiring carpooling and providing for lunch onsite.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."

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Suggested Measure	Response
7. Provide shuttle service to food service establishments/commercial areas for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
8. Provide shuttle service to transit stations/ multimodal centers for the construction crew.	**Incorporated** at revised Mitigation Measure 4.3.8, presented in Final EIR Table 4.2-1, "Mitigation Monitoring and Reporting Plan."
9. Improve traffic flow by traffic synchronization.	**Replicates existing requirements.** Signal synchronization is currently effected by the City, beyond control or purview of the Applicant. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.

Response JS-43

Please refer to the preceding Response JS-3.

Response JS-44

Contrary to the commentor's assertion, the Project's total water demand is disclosed in the Draft EIR. As discussed in Draft EIR Section 4.5, "Water Supply," and supported by the Water Supply Assessment prepared for the Project by Eastern Municipal Water District (EMWD), the Project's estimated maximum water demand would be 44 acre-feet per year (please refer to Draft EIR Table 4.5-8 on Page 4.5-17). As noted in the Draft EIR, "[w]ater demand for this Project is calculated for planning purposes only, and reflects potential maximum demand conditions. Actual water use will be reduced through conservation, use of water efficient devices, and use of recycled water as it becomes available" (Draft EIR Page 4.5-17).

Response JS-45

The commentor's suggested additional measures to reduce hydrology/water resources/impacts are addressed below.

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Suggested Measure	Response
1. Install permeable pavement in car parking areas. 2. Implement concave pooling areas in the landscaping to allow for groundwater recharge.	**Not required, no nexus with significant impacts.** As discussed in the Draft EIR, potential water supply and hydrology/water quality impacts are less-than-significant as mitigated. No additional mitigation is required. The Lead Agency may, at its discretion, impose additional Conditions of Approval supplementing the EIR Mitigation Measures.

Response JS-46

Maintenance of municipal storm drains is not customarily the responsibility of surrounding property owners. Sediment collected within the SR-60 culverts, which are located upstream from the Project site, is removed in the course of regular maintenance activities performed under the direction of the Riverside County Flood Control and Water Conservation District.

In the interest of accuracy, it may be noted that the Project's Hydrology study actually states, "[t]he development may be conditioned to clean the existing sediment build up in the existing triple 60-inch pipes crossing under the 60 Freeway as well as the existing 60-inch pipe [discharging]into the Redlands Boulevard westerly drainage ditch." City Engineering staff may, as part of pre-construction review, include this recommendation as a condition of Project approval. However, despite the assertions of the commentor, the removal of sediment in culverts upstream of the Project is not required "to mitigate for impacts from runoff." Nor would any such requirement be rationally related to impacts by the Project. Potential Project-related drainage impacts are addressed in Draft EIR Section 4.6, Hydrology and Water Quality. No significant impacts requiring mitigation have been identified in regard to hydrology or storm water management.

Response JS-47

As noted on Pages 4.6-22 through 4.6-23 of the Draft EIR, the Project's drainage plan was purposely designed to ensure that runoff from the site does not enter the Quincy Channel. Future drainage improvements associated with the Quincy Channel and its

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proposed overcrossing will not affect, nor be affected by, implementation of the Project. The future improvements are noted in the Draft EIR merely as a point of reference.

Response JS-48

The Cultural Resources Investigation prepared for the Project included a records search and above-ground reconnaissance survey, which is customary for pre-development review. No underground investigation is required under the CEQA guidelines, or any federal, state, or local laws or regulations.

The Cultural Resource Investigation and the Draft EIR acknowledge the possibility of historic and/or prehistoric cultural resources being present on the site in a buried context, but no evidence exists to indicate the probability of any on-site archeological or paleontological resources or human remains. Mitigation is provided that requires the use of professional monitors during all Project-related excavation and grading activities. Relevant text from the Draft EIR (Pages 4.7-11 through 4.7-13) has been included below for ease of reference.

> The Project Cultural Resources Investigation report notes that "there was early occupation in the area and evidence of this occupation may be present in a buried context – e.g., evidence of the water well in the center of the property, buried refuse deposits, privies, irrigation systems, foundations, etc. If evidence of such remains is uncovered during the grading of this property, the proponent should contact a qualified archaeologist to assess the find(s) and to make recommendations for a monitoring program to oversee the remainder of the grading program." The report further notes that "the paleontological monitor [discussed below] can also serve to oversee archaeological monitoring and negate the need for two monitors." The following mitigation measures will ensure that the recommendations of the Project Cultural Resources Investigation are implemented during Project development.

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Mitigation Measures:

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. All recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.*

The results and conclusions of the Draft EIR are not affected.

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Response JS-49

The commentor appears to misconstrue the intent of Mitigation Measure 4.7.1, the text of which is provided as part of the preceding Response GB-48. As stated in this measure, the monitor is to be adequately "equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays." Further, no time limit or emphasis on urgency is placed on the "temporary" halt on construction activities. Rather, Measure 4.7.1 states, "[t]he monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification." Mitigation Measure 4.7.3, included below for ease of reference, contains wording similar to that of Measure 4.7.1, specifically in regard to the potential occurrence of paleontological resources.

> *4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:*
>
> - *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
> - *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
> - *Paleontological monitors shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
> - *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
> - *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon*

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exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.

In order to ensure that, where appropriate, cultural resources are preserved in place, the following amendments to Mitigation Measures 4.7.1, 4.7.2, and 4.7.3 have been incorporated.

4.7.1 *A professional cultural resources monitor (Project Paleontological Monitor) shall conduct full-time monitoring throughout site excavation and grading activities. The monitor shall be equipped to salvage and record the location of historic and/or archaeological resources as they may be unearthed to avoid construction delays,* ***consistent with the requirements of California Public Resources Code Section 21083.2.*** *The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens or finds and to allow the preparation of recovered resources to a point of identification. One monitor for both archaeological and paleontological resources is sufficient if the monitor is qualified in both disciplines to the satisfaction of the City of Moreno Valley.*

4.7.2 *Should historic or prehistoric resources of potential significance be identified, a qualified archaeologist shall be contacted to assess the find(s) and make recommendations in regard to further monitoring. Consistent with the requirements of Public Resources Code section 21083.2.,* ***resources shall be left in an undisturbed state. Where preservation in place is infeasible, a~~A~~ll*** *recovered resources shall then be curated in an established, accredited museum repository with permanent retrievable archaeological/historic resource storage. A report of findings shall also be prepared by a qualified archaeologist, and shall include an itemized inventory of any specimens recovered. The report and confirmation of curation of any recovered resources from an accredited museum*

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repository shall signify completion of the program to mitigate impacts to archaeological/historic resources. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

4.7.3 Prior to the issuance of a grading permit, a City-approved Project Paleontologist shall be retained to initiate and supervise paleontological mitigation-monitoring in all areas of the Project site, subject to the following certain constraints:

- *Once excavations reach ten (10) feet in depth, monitoring of excavation in areas identified as likely to contain paleontologic resources by a qualified paleontologic monitor or his/her representative must take place;*
- *A paleontological mitigation-monitoring plan shall be developed before grading begins;*
- *Paleontological monitors shall be equipped to salvage* ***and record the location of*** *fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates;*
- *Monitors must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens; and*
- *Monitoring may be reduced if the potentially fossiliferous units described herein are not present, or, if present, are determined upon exposure and examination by qualified paleontologic personnel to have low potential to contain fossil resources.*

To ensure monitoring and enforcement, these revisions to Mitigation Measures are reflected in the Project Mitigation Monitoring Plan (Final EIR Section 4.0), and in Final EIR Section 2.0, Revisions and Errata.

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Response JS-50

As noted in the preceding response JS-49, despite the commentor's assertions to the contrary, Draft EIR Mitigation Measures 4.7.1 and 4.7.3 do not include restrictions or limitations on the time that would be allowed for adequate monitoring and recording of cultural resources. As further discussed in the preceding response JS-49, the wording of these measures has been amended to clarify that, if found, cultural resources would be preserved in place where appropriate.

Response JS-51

Despite the commentor's assertions to the contrary, the Project's potential effects on common wildlife species have been addressed in *Report On Habitat Assessments and Biological Surveys for the West Ridge Project Site* (Harmsworth Associates) October 2008, presented at Draft EIR Appendix D. Relevant text is excerpted below for ease of reference.

> **5.8 Direct impacts to wildlife**
>
> **5.8.1 Common Wildlife**
>
> The primary impacts of the project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. These impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated

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in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Report on Habitat Assessments, Page 36).

This same material discussion appears in the body of the Draft EIR.

Common Wildlife Species

The primary impacts of the Project on common wildlife species/resources are the removal and disruption of habitat and the loss and displacement of wildlife, resulting in a potentially less diverse and less abundant local faunal population. Adverse significant impacts to wildlife are generally associated with the degree of habitat loss and fragmentation from the standpoint of physical character, quality, diversity, and abundance of vegetation. Implementation of the Project would result in the loss of ruderal agricultural land. The removal of this habitat would potentially impact common wildlife species. However, these impacts would not be expected to reduce general wildlife populations below self-sustaining levels within the region, given the large blocks of contiguous preserved open space in Riverside County associated with the MSHCP. Impacts to common wildlife species would not represent a significant impact when evaluated in the context of the substantial areas of open space preserved in Riverside County under the MSHCP (Draft EIR Page 4.8-25).

No potentially significant impacts have been identified, and no mitigation is required. The results and conclusions of the Draft EIR are not affected.

Response JS-52

The commentor recommends additional measures to be implemented to reduce the Project's adverse effect on scenic views in the Project area. The Draft EIR acknowledges, in Section 4.9, "Aesthetics," that implementation of the Project would obstruct or alter views from major roadways and surrounding areas, and would therefore have a

MV00116227

substantial adverse effect on a scenic vista, which is a significant individual and cumulative impact.

No feasible mitigation measures were identified within the Draft EIR which would reduce this loss of viewshed. All other potential aesthetic impacts of the Project were determined less-than-significant.

The particular mitigation measure suggested by the commentor is presented and responded to below:

1) *Preserve a separate off-site scenic area within Moreno Valley, or if not feasible, within Western Riverside County.*

The City does not currently conduct a program that would allow for the purchase of off-site areas for "scenic preservation," as suggested by the commentor, nor is it aware of other such programs offered by agencies or organizations within the Western Riverside County area. Moreover, preserving another existing scenic view elsewhere would not serve to mitigate the impacts of this Project. While the value of off-site mitigation for certain environmental impacts (e.g., biological habitat areas) has been demonstrated, the application of the proposed measure in regard to aesthetic impacts is considered infeasible.

<u>Response JS-53</u>

As noted in the Draft EIR (Pages 5-25 and 5-26), §15126.6 of the *CEQA Guidelines* states that an EIR must describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain the Project objectives, but would avoid or substantially lessen any of the significant environmental effects of the proposal. As further presented in the *CEQA Guidelines*, an EIR need not consider every conceivable alternative, but rather, the discussion of alternatives and their relative merits and impacts should be provided in a manner that fosters informed decision-making and public participation. To this end, the *CEQA Guidelines* indicate that the

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range of alternatives selected for examination in an EIR should be governed by "rule of reason," and requires the EIR to set forth only those alternatives necessary to permit an informed decision. Consistent with the provisions of the *CEQA Guidelines*, the Draft EIR's analysis of a No Project/No Build Alternative, a No Project/Existing Zoning Alternative, and a Reduced Intensity Alternative present a "reasonable range" of alternatives to the Project that would potentially lessen its environmental effects while allowing for attainment of Project Objectives.

Despite the commentor's assertions to the contrary, the Draft EIR does address, at length, the alternatives that were considered and rejected as part of the review of Project alternatives. The text on Draft EIR Pages 5-35 through 5-44 provides the basis upon which each of the considered alternatives was rejected from further consideration. The results and conclusions of the Draft EIR are not affected.

Response JS-54

The exhibits identified by the commentor and provided as part of these comments have been included in Appendix A of this Final EIR.

Response JS-55

The commentor attaches various professional references. No response is required.

MV00116229

From: Shelly Mesa [shellymesa@roadrunner.com]
Sent: Monday, December 06, 2010 1:35 PM
To: Jeffrey Bradshaw

Subject: Questions about Sketchers, Westridge Commerce Center and Pro Logis projects.

Dear Jeffrey,

Hello, I am a concerned homeowner my name is Shelly Mesa, we bought out here 5-years ago and have been enjoying our beautiful view of the Badlands as well San Bernadino Mountains. I am concerned about all the changes that are taking place around us! I have been active an obtaining signatures against this project, just to be disappointed in our City Officials who over rode the City"s Planning Commision Votes, because their back pockets were padded by Mr. Benzeevi, as well as The Sequoia Club being bought, who had an active interest as well about the Enviromental Impact this will have on our "Beautiful Land." I intended to be out here thru our "Retirement Years". But what is to become of the East end of Moreno Valley? SM-1

1. How will the toxic diesal truck emmisions affect the people who will live on the south side of Fir when both the Warehouse and Pro Logis as well as Sketchers are at full operation? SM-2

2. What measures could be implemented during the construction and operation of this warehouse which could lesson the impact on noise, air quality and global warming, but which you are not going to put in place? SM-3

3. What will you do to protect the Warehouse Wokers from the effects of toxic diesal pollution? SM-4

4. How many toxic diesal trucks do you calculate to use Redlands Blvd. to come north out of town when Sketchers, Westridge Commerce Center and Pro Logis are in full operation? SM-5

I am concerned that if we don't take a stand we will have nothing but warehouses and low income apartments here in our community! SM-6

Sincerely
Shelly Mesa

SHELLY MESA

Email Dated December 6, 2010

Response SM-1

The commentor's concerns and opinions will be forwarded to decision-makers for their consideration.

Response SM-2

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant with mitigation, on both an individual and cumulative basis (i.e., with the Project alone and with the development of the ProLogis and Highland Fairview project, as well as other anticipated cumulative growth). Please refer also to Responses LA-1, FNSJ-8, *et al.* addressing diesel emissions impacts.

Response SM-3

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have otherwise been employed within the Draft EIR to reduce any potentially significant impacts. As discussed at FEIR Section 2.0, additional/revised mitigation has been incorporated based on comments received on the Draft EIR. Inclusion of these measures does not however, materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

MV00116231

As disclosed in the DEIR, even with the application of mitigation, the Project will result in certain significant and unavoidable air quality and noise impacts. A summary of significant impacts is presented at DEIR Pages 1-17 through 1-20.

Response SM-4

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpt from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response SM-5

Opening Year Cumulative Conditions for area roadway segments, including Redlands Boulevard, are identified in the Draft EIR at Table 4.2-13 (Pages 4.2-61 to 4.2-62). Section 4.2 of the Draft EIR further identifies the number of trucks that will be accessing the site

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and vicinity projects on Page 4.2-18. This discussion is presented below for ease of reference.

> As seen in [Draft EIR] Table 4.2-5, "passenger car equivalent" (PCE) factors, ranging from 1.5 to 3.0, have been applied to ensure that truck volumes are accurately accounted for in terms of their proportional contributions to traffic impacts. More specifically, the Project Trip Generation Forecast equates two-axle trucks to 1.5 passenger cars. Three-axle trucks are considered the equivalent of two (2) passenger cars; and trucks with four (4) or more axles are counted as the equivalent of three passenger cars. Employing these PCE factors, the Project is anticipated to generate 2,930 Passenger Car Equivalent (PCE) trips per day, with 191 PCE trips occurring during the AM peak hour, and 225 PCE trips occurring during the PM peak hour.

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

MV00116233

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Response SM-6

The commentor's concerns will be forwarded to decision-makers for their consideration.

MV00116234

From: ned newkirk [ned_newkirk@verizon.net]
Sent: Monday, December 06, 2010 3:00 PM
To: Jeffrey Bradshaw
Subject: Proposed West Ridge Commerce Center

Name: Ned and Dawn Newkirk Phone: 951-242-3055 Address: 29080 Dracaea Avenue--MorenoValley, Ca. 92555
Email Address: ned_newkirk@verizon.net

How does the the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan? NDN-1

As new warehouses such as Skechers and the proposed West Ridge Commerce Site are very near to residential areas, what measures will be required to reduce the size and starkness of the warehouses that are very close to these residential areas? If you do not require measures for warehouses to esthetically fit into the neighborhood, residential property values could be dramatically affected and reduced. NDN-2

How will the toxic diesel truck emissions affect the people who will live on the south side of Fir when both this warehouse and Pro Logis as well as Skechers are at full operation? NDN-3

What warehouses are under consideration for the Eastern end of the City of Moreno Valley consisting of the area from Moreno Beach to Gilman Springs Road and Ironwood Ave to south of Alessandro Blvd? NDN-4

What measures could be implemented during the construction and operation of this warehouse which could lessen the impact on noise, air quality and global warming, but which you are not going to put into place? NDN-5

What will you do to protect the warehouse workers from the effects of toxic diesel pollution? NDN-6

What will you do to protect nearby residents from the effects of toxic diesel pollution? NDN-7

I understand that you do not have a tenant for the building and do not plan to build until you do. Are there any large amounts toxic materials which you would allow to be warehoused at this location? This includes materials which become toxic when burning. If such tenants do occupy this warehouse what are you planning to do in order to protect the residents/workers from the smoke plumes and spills? NDN-8

Why are you not making sure this almost 1,000,000 sq foot building is built to Leadership in Energy and Environmental Design (LEED) standards? The very minimum should be Silver. Please explain why your company will not build and advertise that this will be at least a LEED Silver project and reject any attempt by the tenant to prevent such building standards? NDN-9

How will this project be growth inducing for similar projects? NDN-10

How many toxic diesel trucks do you calculate to use Redlands Blvd to come/go north out of town that are either coming or going from your warehouse? How many large diesel trucks do you calculate will use Redlands Blvd to come/go north out of town when Skechers, WestRidgeCommerceCenter and Pro Logis are in full operation? NDN-11

Since there is only one lane that allows drivers to continue west out of town-- the other forces you off at Central Ave-- how will this project impact the merger to this single lane? How many diesel trucks will come form your project, Skechers and Pro Logis combined during a typical 24 hour day? How will these trucks impact that single lane heading west? What Level of Service (LOS) presently exists and what will the LOS be as a result of these three warehouses? NDN-12

NED AND DAWN NEWKIRK

Email Dated December 6, 2010

Response NDN-1

The commentor inquires: "How does the building of numerous warehouses in one area at the eastern end of Moreno Valley fit in with the Moreno Valley Beautification Plan."

The commentor's inquiry is not specific to the Project or the EIR and absent further explanation, does not allow for on-point response. Moreover, there is no formal adopted "Moreno Valley Beautification Plan." Notwithstanding, as discussed in the Draft EIR (Pages 4.1-17 to 4.1-20), uses proposed by the Project are consistent with applicable General Plan Land Use Policies. It is presumed that other projects proposed for development within the Project area (warehouses or other uses) will be subject to a similar consistency analysis.

Individually and cumulatively significant aesthetic impacts of the Project are also acknowledged in the Draft EIR.

AESTHETICS **Project-Specific Significant Impacts**

Change to Scenic Vistas

Construction of the proposed Project would result in interrupted or obstructed views of off-site scenic areas. This is recognized as a significant and unavoidable aesthetic impact.

Cumulatively Significant Impacts

The Project will restrict or interrupt both near and distant views in the Project area, and in combination with other vicinity development, will cumulatively result in a substantial adverse effect on scenic views in the Project area. The cumulative effects of the Project in regard to scenic vistas are determined to be significant.

(Source: Draft EIR Table 1.8-1, Pages 1-19, 1-20)

MV00116236

Should the Project be approved, the Lead Agency is required to adopt Findings of Fact and a Statement of Overriding Considerations acknowledging the Project's significant environmental impacts, and substantiating that the Project benefits outweigh the unavoidable adverse environmental effects, such that the adverse environmental effects may be considered acceptable.

Response NDN-2

The Draft EIR's discussion of Aesthetics (Section 4.9) addresses the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings. The Draft EIR acknowledges that the proposed alteration of the Project site from its current undeveloped state to light industrial development will represent a noticeable change in baseline visual characteristics. However, the analysis concludes that no potentially significant impacts would occur in this regard. The relevant text from Draft EIR Page 4.9-22 is provided here for ease of reference.

> Properties to the south of Fir (future Eucalyptus) Avenue are currently zoned for large lot residential uses. To provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary. This wall will be planted with vines on the public-facing sides to provide a landscape screen and deter graffiti.
>
> As supported by the preceding discussions, and with implementation of the Project's design features, the Project's potential to substantially degrade the existing visual character or quality of the site and its surroundings is less-than-significant.

MV00116237

Response NDN-3

The commentor expresses concerns about the effect of diesel truck emissions on the sensitive receptors located on the South side of Fir Avenue.

A Health Risk Assessment of Diesel Particulate Emissions was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk

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shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, and as noted above, the Project DPM emissions levels are not significant.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [10]

Response NDN-4

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. These include the recently approved Highland Fairview Corporate Park, and the proposed ProLogis warehouse project. To date, no further inquiries, applications, or other proposals have been received by the City in regard to development of the types of land uses referenced by the commentor.

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10 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

MV00116239

It may be noted that a "Logistics Modified General Plan" development concept was included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16). This development concept addressed the possible future development of a substantial number of warehouse facilities in the eastern end of the City.

For the purposes of the Westridge Commerce Center Draft EIR analysis, the City does not consider the "Logistics Modified General Plan" (LGMP) proposal included within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development concept was not included among those identified as "related projects" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

Response NDN-5

The commentor asks if there are additional mitigation measures not currently contained within the Draft EIR which would lessen noise, air quality, and global warming impacts of the Project. It should be noted that no significant Project-related impacts regarding global warming have been identified. All feasible mitigation measures have been employed within the Draft EIR to reduce any potentially significant impacts. However, the Project will result in certain significant and unavoidable air quality and noise impacts.

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Response NDN-6

As discussed in the Draft EIR (Page 4.3-80), South Coast Air Quality Management District (SCAQMD) guidance does not require assessment of the potential health risk to on-site workers. Similarly, the following excerpts from the California Office of Health Hazard Assessment (OEHHA) document *Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act)/CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

> On-site workers are protected by the California Division of Occupational Safety and Health (CAL/OSHA) and do not have to be evaluated under the Hot Spots program, unless the worker also lives on the facility site, or property. Occasionally, facilities like prisons, military bases, and universities have worker housing within the facility. In these situations the evaluation of on-site cancer risks, and/or acute and chronic non-cancer hazard indices is appropriate under the Hot Spots program.

Since none of these provisions apply to the Project, risk to on-site workers was not evaluated in the Draft EIR.

Response NDN-7

As discussed in Draft EIR Section 4.2, the Project's potential to expose sensitive receptors to substantial diesel emission-related pollutant concentrations were identified as less-than-significant as mitigated.

Response NDN-8

The commentor is concerned about the future tenants of the proposed Project, and whether or not hazards materials would be housed at the site. As stated within the

MV00116241

Hazards and Hazardous Materials section of the Project Initial Study, presented as Appendix A to the Draft EIR:

> "During construction activities, the Project will require limited transport of potentially hazardous materials (e.g., paints, solvents, fertilizer, etc.) to and from the Project site. Additionally, operation of the Project could involve the temporary storage and handling of potentially hazardous materials such as pesticides, fertilizers, or paint products that are pre-packaged for distribution and use. This type of storage, transfer, use and disposal of potentially hazardous materials is extensively regulated at the local, State and federal levels. It is not anticipated that the development of the Project would result in conditions that are not currently addressed by existing regulations…"

No potentially hazardous materials, beyond those described above, are anticipated to be handled at the site. Any such materials used/housed on-site will be subject to applicable local, State and federal laws.

<u>Response NDN-9</u>

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.

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> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response NDN-10

The commentor expresses concern regarding the growth inducing effects of the proposed Project. The California Environmental Quality Act (CEQA) requires a discussion of the ways in which a project could be growth-inducing. (Pub. Resources Code, § 21100, subd. (b)(5); CEQA Guidelines, §§ 15126, subd. (d), 15126.2, subd (d).) To this end, Section 5.3, "Growth-Inducing Impacts of the Proposed Action" of the Draft EIR, contains such a discussion.

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As presented on Pages 5-67 through 5-68 of the Draft EIR, it is unlikely that the Project would directly result in any significant population growth. Moreover, the Project is consistent with the adopted General Plan, would not result in population growth for the City beyond that reflected in adopted growth forecasts.

Development of the Project as envisioned will entail upgrade of infrastructure in the immediate Project vicinity, including abutting roadways, the local water distribution and sewer collection systems, and storm drainage conveyance facilities. It is acknowledged within the Draft EIR that infrastructure improvements necessitated by the implementation of the Project may facilitate and encourage development of nearby properties. The City will review all proposed development to ensure compatibility with evolving City and regional land use plans acting to reduce or avoid potentially adverse effects of growth.

Response NDN-11

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or

MV00116244

anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways. Further, there is no suggested or demonstrated environmental benefit that would result from restricting use of Redlands Boulevard by Project traffic. The commentor's remarks are forwarded to the decision-makers for their consideration.

Notwithstanding the above-cited average daily truck/traffic volumes, the more germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

Additionally, with regard to cumulative traffic impacts, Page 4.2-67 of the Draft EIR states:

> As indicated at Table 4.2-13, with completion of the improvements recommended under Mitigation Measure 4.2.7, 4.2.18 and 4.2.19,

MV00116245

acceptable V/C and LOS conditions would be realized at all Study Area roadway segments under Opening Year Cumulative Conditions with the Project. Improvements necessary to mitigate potentially significant Opening Year Cumulative Condition roadway segment impacts would be accomplished in part by the Project, with the balance of required improvements realized under combined TUMF, DIF, and fair share fee traffic improvement programs. However, timely completion of the required improvements in total cannot be assured based on Project participation in mandated traffic impact fee programs (TUMF, DIF, and fair share). Further, roadway segment improvements at or affecting the SR-60 at Redlands Boulevard interchange improvements are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency. ***The Project's incremental contributions to Opening Year Cumulative Traffic Impacts at, or affecting, the following roadway segments are therefore considered cumulatively significant and unavoidable:***

- Redlands Boulevard north of the SR-60 Westbound Ramps to Eucalyptus (future Encilia) Avenue;

- Quincy Street south of Fir (future Eucalyptus) Avenue (future street); and

- Fir (future Eucalyptus) Avenue west of Quincy Street to the westerly Project boundary (future street) and Fir (future Eucalyptus) Avenue east of Redlands Boulevard.

<u>Response NDN-12</u>

In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR

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Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

MV00116247

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:16 PM
To: Jeffrey Bradshaw; John Terell
Subject: DEIR Comments for Ridge-1
To: Jeff Bradshaw,

These are my comments and questions concerning the Westridge Commerce Center Project.

My biggest concern and questions are regarding the cumulative effects of the 35 million square feet of warehousing proposed for this area of the city. The law requires that the FEIR address the cumulative impacts of the entire known proposal. The Agency (the city of Moreno Valley) is well aware of the fact the developer that owns most the raw land in this area wants to turn this area into another Mira Loma type warehouse district encompassing 35 million square feet of warehousing. The city has an obligation to make sure that the impacts of all 35 million square feet are addressed in this document. It is not acceptable for the city to pretend it doesn't know about these other planned warehouses. The fact they have not submitted an application yet has no bearing on the known intended plan. I will include the Press-Enterprise article in which these35 million square feet warehousing plan was detailed. DR1-1

There is only one actual lane on the westbound 60that leaves Moreno Valley and continues to Riverside. How are all these trucks going to affect the traffic going west on the 60? How is the truck traffic from the other 30 million square feet of warehouses going to affect the truck traffic?Is the city going to let this developer lie about the traffic the way they let Highland Fairview lie? Is this developer going to be allowed to show unrealistic videos of dream traffic or they going to be required to tell the truth? What is the impact of the additional truck traffic from this approximately one million square foot warehouse on the one actual lane that leaves Moreno Valley and continues to Riverside?What is the impact of the truck traffic from all 35 million square feet of warehousing on the one lane of the 60 that leaves Moreno Valley and continues to Riverside? DR1-2

We know we are not going to meet our 2015air quality targets. How are we going to meet them by adding warehousing that is not even required to meet LEED standards? Why would we add anything that is not required to meet LEED standards? How much farther over our target will we be with the addition of a one million square foot warehouse? How much farther will we be over our target with the entire 35 million square feet of warehousing proposed? DR1-3

The City of Moreno Valley has some of the most beautiful vistas in the Inland Empire. Why does the consortium this developer belongs to think it is ok to rape the views of this city when other locations would serve the same function without doing so? Why does this consortium of developers think so little of the beauty of Moreno Valley that they would destroy it just to make a couple extra bucks? There are plenty of parcels in the flat area where warehousing was intended to go. I know because my home overlooks this area. Why is this consortium of developers destroying the vistas of people who have lived in their homes many over 20 years when they don't have to? Nobody that cared for our city would so callously destroy it! Why would we want to do business with developers who care nothing for our city? DR1-4

Why is this consortium of developers building off the 60 when the 215 is a much better location? The 215 has millions of federal money spent and planned to be spent on it. The 60 has no plans to add more than the one and only west bound lane that leaves the city and continues into Riverside. March Global Port by the 215 has an airport and is nearer to the railroad. Why isn't this warehouse being proposed in the area of the city that was intended for a warehouse? Why not the March Global Port? DR1-5

The Skechers project caused animosity that still has not been resolved. This developer knows that. Why does this developer and the consortium he is aligned with think it is ok to emotionally tear a city apart? Why doesn't this developer care about the quality of life of the residents most affected by this project?

Knowing how you feel and knowing what you want to say is much easier than typing it. I sincerely hope you will answer all my concerns about this project. DR1-6

PS. I referenced newspaper articles that I will send separately

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno Valley CA 92555

DEANNA REEDER, LETTER 1

Email Dated December 6, 2010

Response DR1-1

The commentor expresses concern regarding "the cumulative effects of the 35 million square feet of warehousing proposed . . . ," citing an article from the *Press Enterprise* newspaper dated August 21, 2008 which references a "Logistics Modified General Plan" development concept included in the Highland Fairview Draft EIR (available for review at the City of Moreno Valley Planning Department, addressed on Pages 8-2 through 8-16).

The *CEQA Guidelines* (Section 15130, subd. (b)(1)(A)) state that "a list of past, present and probable future projects" may be used to provide an adequate discussion of significant cumulative impacts. No active application exists for Logistics Modified General Plan (LGMP) proposal. Nor does the City consider the LGMP proposal cited within the Highland Fairview Draft EIR to be a probable future project. On this basis, this development is not included as a "related project" for analysis in either the Highland Fairview Draft EIR or the Westridge Commerce Center Project Draft EIR. As stated in the Highland Fairview Draft EIR (Page 8-2), "[a]s no pre-application or application filing for such a concept has been made with the City, a LGMP is not included in Section 6, Cumulative Impacts, for comparative analysis with the Existing GP [General Plan]. The logistics modified concept does not represent a specific development proposal; however, it is included for public information as an alternative plan that may ultimately be proposed and processed as an amendment to the [Moreno Highlands Specific Plan] MHSP."

To date, no further inquiries, applications, or other proposals have been received by the City in regard to the possible amendment of the General Plan or the Moreno Highlands Specific Plan to support the type of development referenced by the commentor. As

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identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the adopted City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region" (Draft EIR Page 5-4).

The commentor's concerns and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

Response DR1-2

In regard to cumulative traffic impacts, please refer to the preceding Response DR1-1. In response to the commentor's concerns regarding the levels of service on westbound State Route 60, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As

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noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response DR1-3

Contrary to the commentor's assertion that the Project will not be built to Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.

MV00116251

> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20 percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

Although the ultimate level of LEED certification cannot be determined at this time, since the tenant and therefore specific environmental strategies to be employed at the facility, are unknown, it is important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

The commentor refers to "our 2015 air quality targets" but does not quantify or otherwise specify "our targets." The Project is consistent with land uses plans, and emissions reductions programs, and emission control strategies outlined in the applicable Air Quality Management Plan (DEIR at Pages 4.3-49 through 4.3-52). The Project further incorporates all feasible measures to reduce its air quality impacts. Please refer also to the preceding Response DR1-1. The commentor's statements are forwarded to the decision-makers.

Response DR1-4

The Draft EIR addresses the Project's potential aesthetic impacts in Section 4.9, and acknowledges that implementation of the Project would have a substantial adverse effect on scenic vistas, which is considered a significant and unavoidable impact. The suggested relocation of the Project is addressed in the following Response DR1-5. The commentor's statements and opinions regarding future development within the City are forwarded to the decision-makers for their consideration.

MV00116252

Response DR1-5

In regard to the commentor's suggestion that the Project be located in another area of the City, several alternative sites were analyzed as part of the Draft EIR (this discussion is found beginning on Draft EIR Page 5-37). As stated in the *CEQA Guidelines*, Section 15126.6 subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

MV00116253

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is adequately served by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million square foot warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or

MV00116254

substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

Response DR1-6

The commentor's concerns and opinions are forwarded to decision-makers for their consideration.

MV00116255

From: Late98765@aol.com
Sent: Monday, December 06, 2010 5:23 PM
To: Jeffrey Bradshaw
Subject: DEIR Comments Ridge-2
To Jeff Bradshaw,

This is the article I referenced in the first email.

Sincerely,
Deanna Reeder
17351 Riva Ridge Dr
Moreno valley CA 92555

DR2-1

More distribution centers proposed for Moreno Valley's eastern side

Download story podcast

10:00 PM PDT on Thursday, August 21, 2008

By DAN LEE
The Press-Enterprise

MORENO VALLEY - Highland Fairview Properties, the developer of the Aquabella residential project and the Skechers logistics facility, is considering plans to build as much as 35 million square feet in distribution centers on the eastern side of town.

That potential scenario was included in the draft environmental impact report that the Michael Brandman Associates consulting firm prepared for the Skechers project. It would affect about 1,800 acres south of Highway 60 and between Redlands Boulevard and Gilman Springs Road, reducing the number of homes allowable in the Specific Plan in the area and increasing the land devoted to industrial uses.

Although the 1.8 million-square-foot Skechers building is a separate project, Highland Fairview President Iddo Benzeevi said the scenario was included in the report because residents had asked what might happen if that area, known as the Moreno Highlands, was developed into a business park. Highland Fairview has not formally submitted any proposal for logistic centers in the Moreno Highlands area.

Story continues below

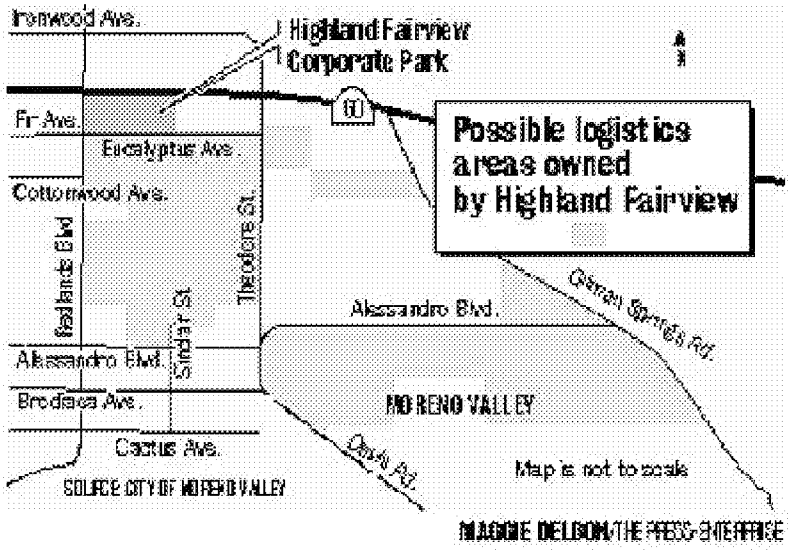

"It is an alternative that will be evaluated," Benzeevi said by phone. "We're looking at every possibility."

Any such proposal would require revising the Moreno Highlands Specific Plan, which would require the city Planning Commission and the City Council to hold public hearings prior to approval, city Planning Official John Terell said by phone.

Jobs

The City Council had approved the Moreno Highlands plan in 1992. The 3,000-acre, master-planned community would include 7,700 homes, a 600-acre business park, schools, golf courses and 120 acres of city parks. It would add as many as 30,000 new residents to Moreno Valley and 21,000 jobs, according to city estimates at the time.

Environmental activists sued the city over the plan, claiming that traffic, air pollution and potential earthquake hazards were not adequately addressed. They also argued that the planned community threatened the nearby San Jacinto Wildlife Area.

Although the projects' developers decided not to shelve their construction plans in June 1993, citing the economic downturn at that time, a judge in May 1994 ruled that the city had approved the Moreno Highlands plan properly. The Moreno Highlands community remains unbuilt.

Benzeevi said it is critical that Moreno Valley develop more of an employment base: Only about 3 percent of Moreno Valley's land can generate jobs, compared with the 10-20 percent in most cities. Without sufficient local jobs, residents are forced to commute out of town for work, creating traffic and causing them to have less time with their families, he said.

"It is just not acceptable," Benzeevi said. "We need to build sustainable communities."

A big part of the original Highlands plan already was intended for industrial uses, the developer added. With the addition of distribution centers the Moreno Highlands area could generate more than 26,700 jobs, according to Michael Brandman Associates.

Jamil Dada, chairman of the Moreno Valley Chamber of Commerce, said he agrees that Moreno Valley needs jobs. Dada has supported the Skechers project and proposals by ProLogis and First Industrial Trust to build distribution centers nearby.

Dada added, however, that he would like to see city officials determine what Moreno Valley residents want on the eastern end. He also said he would like to know what the environmental impact of the proposed changes might be.

'Still a Mess'

A new grassroots group called Residents for a Livable Moreno Valley is expressing concern about the proposed distribution centers. Spokesman Bob Franz said he is not opposed to growth or creating more jobs, but building distribution centers in eastern Moreno Valley does not make sense, given the traffic and pollution.

"It's already still a mess heading west (on Highway 60)," Franz said by phone. "I don't think it's a good idea taking trucks east through the Badlands."

The addition of logistics buildings to the Moreno Highlands would result in less traffic and overall pollution emissions than the land uses under the existing plan, according to Michael Brandman Associates. However, it would result in increased diesel emissions, the consulting firm found in its report.

Benzeevi said any logistics or distribution centers built in the Moreno Highlands area would be built to the same standard as the Skechers building, which is seeking the highest rating under the Leadership in Energy and Environmental Design standards. The developer added that Highland Fairview would take the necessary steps to minimize the effects on air quality and traffic as much as possible.

The logistics proposal and the future of eastern Moreno Valley are expected to be issues in the Nov. 4 election for the 3rd Council District seat, which represents the area.

Incumbent Frank West has said his constituents are concerned about building distribution centers on the eastern end of Moreno Valley. But West has four challengers: Robin Hastings, Mike Rios, Ray Carbajal Jr. and Robert Burks.

Moreover, the Moreno Valley Taxpayers Association has spent about $120,000 on a campaign to oust West and fellow incumbent Councilman Charles White. Highland Fairview Properties has contributed $60,000 to the effort, according to the most recent campaign finance reports that have been submitted.

Reach Dan Lee at 951-763-3457 or dlee@PE.com

DEANNA REEDER, LETTER 2

Email Dated December 6, 2010

Response DR2-1

Receipt of the article referenced in the commentor's preceding correspondence (referenced in this document as "Deanna Reeder, Letter 1") is acknowledged. The preceding responses DR1-1 through DR1-6 are provided to address the commentor's specific concerns.

MV00116259

From: sgcricket@aol.com
Sent: Friday, December 03, 2010 11:58 AM
To: Jeffrey Bradshaw
Subject: Public Comment on West Ridge Commerce Center

Comments: West Ridge Commerce Center Draft EIR
From: Residents for a Livable Moreno Valley

Residents for a Livable Moreno Valley is concerned that the City of Moreno Valley is not moving in the direction as stated in the General Plan. The eastern end of the City has the potential to develop into something the residents can be proud to share. There are mountain views, Lake Perris Recreational Area, Riverside County Conservation Area land, San Jacinto Wildlife Area and San Timoteo State Park surrounding this portion of Moreno Valley. The pathway chosen by Council and reflected in past General Plan changes is a concern. The City must:

1. Increase employment
2. Improve high school and college graduation rates
3. Raise the median income of the City
4. Provide a variety of housing for the residents
5. Protect the health and safety of the residents

Warehousing provides none of these benefits to the citizens. The number of employees per square foot of warehouse is minimal, the education requirements are marginal, the salary of a warehouse employee will not provide a middle/upper middle class life style, the location of warehouses will discourage construction of large, estate homes, the accumulated pollution will create health hazards for residents, and the dangerous conditions on SR 60 will not be addressed. RLMV-1

My questions to the developer (and Council, which has power to approve General Plan amendments):

1. Employment
   How many permanent employees per square foot will be working on site after construction? How many employees per square foot are employed at a Business Park designation?
   If the public wants to know the number of employees, will the tenant's personnel offer to provide this?
   If Moreno Valley residents are expected to tolerate the pollution, traffic and noise associated with warehouses, what percentage of City residents will be hired for the facility and will personnel make proof of residency available?

2. Education
   If the education needed for a warehouse position does not require a high school diploma or equivalency, how will this project improve the incentive for students to graduate?
   What percentage of positions will require post-high school education?
   What percentage of positions will require a 4 year college degree?
   What support will the employees receive to attend RCC or trade schools?

3. Income
   What will be the median and average salaries for the proposed warehouse employees?
   Will the median and average be above or below the median and average income for Moreno Valley?
   If the median and average is below that of the current City income, how will the warehouse help to raise that statistic?

4. Housing
   Where in Moreno Valley will the "estate" housing be built?
   Warehousing presents a stigma for the development of upper end housing. How will this provide a positive direction for the City?
   For every apartment unit built for homeless and low income warehouse employees, why isn't a home built that is above the average home cost?
   How will warehousing stop the downward spiral of low cost housing that is not balanced with an increase in upper end homes?
   What will stop the median home cost from going down and making the City look less attractive to those with money to buy?

RLMV-2

5. Health and Safety
   Why is Caltrans not being tasked to provide safe improvements to Highway 60 BEFORE the increase in truck traffic?
   Why are overpass improvements considered sufficient to improve traffic flow?
   Why is the cumulative effect of future development not considered?

RLMV-3

Why are two lanes in each direction considered sufficient when they are immediately impacted by one truck passing another?
Why is the one lane merge from the 60 to the 215 considered a final solution when accidents occur daily and deaths occasionally? What amount of "backup" is considered tolerable? RLMV-3 (cont'd)

What buffer is provided between residential zoning and the project? Business Park is considered a buffer between Light Industrial and residential. Does this mean that should the zoning be changed to Light Industrial to accommodate the project, the land south of the project will be rezoned as BP? RLMV-4

Sincerely,
Residents for a Livable Moreno Valley
3 December 2010

RESIDENTS FOR A LIVEABLE MORENO VALLEY

Letter Dated December 3, 2010

Response RLMV-1

The commentor's views in regard to the City's direction and potential, along with their concerns regarding warehouse development, are forwarded to decision-makers for their consideration.

Response RLMV-2

The purpose of the California Environmental Quality Act (CEQA) is to identify and determine the significance of the environmental effects caused by a project. As noted in *CEQA Guidelines* Section 15064 subd. (e), "[e]conomic and social changes resulting from a project shall not be treated as significant effects on the environment."

No physical changes resulting from the Project's potential economic or social changes have been identified, and as such, the Project's potential economic effects were not addressed within the Draft EIR. While outside the scope of the Draft EIR, the commentor's questions regarding employment, education, income and housing are forwarded to decision-makers. It may be noted that no amendment to the General Plan is proposed as part of the Westridge Commerce Center Project, nor would a General Plan amendment be required in order to approve the Project.

Response RLMV-3

The timing of roadway improvements on the SR-60, which are jurisdictionally controlled by Caltrans, is outside the control of the Applicant and the Lead Agency (the City of Moreno Valley). It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area.

The commentor's question in regard to overpass improvements appears to misconstrue the findings of the Draft EIR. The commentor is referred to Draft EIR Section 4.2, "Traffic and Circulation," which identifies a combination of Project improvements and mitigation measures mitigation to address the Project's potentially significant traffic impacts. While the overpass improvements identified in the Project's Traffic Impact Analysis (and summarized in Draft EIR Table 4.2-15) are expected to improve traffic flow, the Project was found to result in significant cumulative traffic impacts that cannot be sufficiently addressed by overpass improvements alone.

The Draft EIR considers, at some length, the cumulative effects of future development. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. A discussion of the Project's potential cumulative impact is included in each of the Draft EIR's topical analysis sections, and potential impacts are summarized in Section 5.1, "Cumulative Impact Analysis" (Pages 5-1 through 5-25).

The number of lanes required for local streets within the Project vicinity is determined by the City of Moreno Valley General Plan Circulation Element, which is available for review at the City's Planning Department, or online at the following website: http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/gp/5-circu.pdf.

In regard to the referenced "one lane merge from the 60 to the 215," the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be

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nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Effects of cumulative development of concern to the commentor are addressed at DEIR Section 5.1, "Cumulative Impact Analysis." Topical areas considered therein include:

- Cumulative Impacts Related to Land Use and Planning;
- Cumulative Impacts Related to Traffic and Circulation;
- Cumulative Impacts Related to Air Quality;
- Cumulative Impacts Related to Noise;
- Cumulative Impacts Related to Water Supply;
- Cumulative Impacts Related to Cultural Resources;
- Cumulative Impacts Related to Biological Resources; and
- Cumulative Impacts Related to Aesthetics.

MV00116264

Response RLMV-4

As presented in the Draft EIR (Page 4.9-22), "[t]o provide a visual transition and buffer between southerly adjacent properties and the Project site, the Project incorporates a substantial landscaped setback along its southerly boundary (please refer to EIR Section 3.0, Project Description, Figure 3.5-1, Site Plan Concept). The proposed buffer/setback incorporated in the Project design also provides physical separation between the Project's operational activities and southerly adjacent land uses, acting to reduce potential environmental impacts (e.g. noise and air quality impacts) received at off-site land uses. This setback area extends approximately 250 feet northerly from the southerly Project boundary, continuing to the 14-foot high masonry screenwall which defines the Project's southerly loading area boundary."

Related to design and implementation of the Project setback described above, the Project includes a discretionary action (Amendment to Municipal Code Section 9.05.020 B (City Case # PA10-0017) [Light Industrial Districts]. The proposed code amendment requires buffering between Residential districts and industrial and warehouse structures greater than 50,000 square feet in building area (such as the Project). More specifically, as provided under proposed Code Section 9.05.040 Industrial Site Development Standards, Section B, 9. :

> 9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

The above requirements would apply to the Project and would act to ensure the protection of the health, safety and welfare of future residents. While it is acknowledged that the Project proposes a change of zone from Business Park to Light Industrial, no other zone changes are proposed.

MV00116265

From: George Hague [gbhague@gmail.com]
Sent: Monday, December 06, 2010 4:52 PM
To: Jeffrey Bradshaw
Subject: Please confirm = II Additional Sierra Club comments to Westridge Commerce Center's DEIR

From: George Hague [mailto:gbhague@gmail.com]
Sent: Monday, December 06, 2010 11:40 AM
To: Jeffrey Bradshaw
Subject: Additional Sierra Club comments to Westridge Commerce Center's DEIR

Good morning Mr Bradshaw,

Please use these comments instead of what I sent you at 11:40 am today.

Re: Comments to the Westridge Commerce Center Draft Environmental Impact Report (DEIR)

During Thursdays Informational meeting the Consultant said that Appendix B would show that the Moreno Highlands project would be included. Using cumulative development from Chpater 5 and appendix B one does not find the Moreno Highlands Project. You do not even include Moreno Highlands at build out, but instead use 2013 as some magical date. Based on this standard if Moreno Highlands is not build for another 20 years then we can just approve all other lands with projects which would use all of SR 60 capacity-without factoring Moreno Highlands into the equation. SC-1

How can Moreno Valley allow what is shown on Exhibit 7-2 where the SR-60 westbound traffic is Four times the present level in 25 years? SR-60 can not handle the traffic we presently have. The Final EIR will be inadequate unless you can show the LOS at the point where SR-60 & I- 215 connect heading west with today's traffic, with this project added and 25 years from now with its ultimate improvement according to the RCTC. The same needs to be done heading east on SR-60 at the point it passes over Pigeon Pass/Frederick Street. The City then needs to explain how anyone will want to do business in a city that doesn't allow you to move through except at a crawl. SC-2

Whenever Skechers or the Highland Fairview project is mentioned you need to include both approved warehouses on their site as well as all the other commercial and land uses approved-- not just the single Skechers warehouse. This is true for not only for all Sierra Club comments, but all other comment letters on this project-- or your EIR will be inadequate. SC-3

How many diesel truck trips are expected to/from this project site and during what times of the day? Please respond to all question submitted to this DEIR within the Final EIR and not redirecting the public to someplace in the DEIR. SC-4

Building to LEED certification is good, but explain why the project will not try for at least Silver. There are many good ideas which could be designed/built into this huge warehouse to make it a environmentally superior and healthier project for Moreno Valley. The FEIR must list all those ideas which you will not incorporate into the project and fully explain why not. This must include those ideas which would lessen the projects impacts on Air Quality, Greenhouse Gas, and Global Warming. How will this project either help meet the goals of AB 32 or hinder our City's fair share in meeting its goals and standards? SC-5

The Sierra Club believes the impacts to Agricultural resources are considerable and need to be thoroughly discussed in the FEIR. The Lands of Local importance can not be just dismissed. Your project is growth inducing and could lead to the destruction of one of the last citrus groves in our city with the approval of Pro Logis. SC-6

How many diesel Trucks trips are calculated to use Redlands Blvd to enter/exit the city from your project? When combined with Skechers and ProLogis how many truck trips are calculated to use Redlands Blvd to enter/exit Moreno Valley. When you combine all three of these warehouses, operating a full capacity, with the existing background traffic, how many diesel trucks trips will use Redlands Blvd to enter/exit our city? SC-7

Since all diesel trucks must use Fir Street to enter/exit the project, how can you say the project is a safe distance from the property zoned residential across the street from your project? How will all the diesel trucks impact these future residents during your 24-7 operation? How does the toxic diesel emissions change during acceleration/deceleration as the trucks enter/exit the project? Your analysis of impacts must take this into consideration. With your growth inducing impacts how many diesel trucks will be using the improved Fir Street, adjacent to your project and future residents, when both approved warehouses at the Highland Fairview project, and Pro Logis are in full operation? SC-8

Please explain why reclaimed water will not be used? Between this project and Skechers you should be able to bring it north to serve both the needs of both sites. SC-9

The Sierra Club believes the DEIR fails to fully explain all the direct, indirect, growth inducing and cumulative impacts. The cumulative development list is not complete. The alternatives need to be further developed--especially since this project will not be built for perhaps years and there are existing warehouses sitting unoccupied. SC-10

The Sierra Club appreciates the opportunity to continue to add comments to this project's environmental documents. Please keep me informed of all future meetings and documents by using the address below. SC-11

Sincerely,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

26711 Ironwood Ave
Moreno Valley Ca. 92555

SIERRA CLUB (GEORGE HAGUE)

Email Dated December 6, 2010

Response SC-1

It is presumed that the commentor's references to the "Moreno Highlands project" are intended to mean the Moreno Highlands Specific Plan, which was approved in 1992. Because approval of this Specific Plan preceded the adoption of the City's existing General Plan, the land uses approved as part of the Specific Plan are reflected in the adopted General Plan land use designations, which were the basis for the Draft EIR's consideration of ambient growth.

The year 2013 is utilized within the Project's Traffic Impact Analysis (TIA) and identified in the Draft EIR as the Project's anticipated opening year. As noted on Draft EIR Page 4.2-15, "[t]he City requires development TIAs to analyze a horizon year that is a minimum of five (5) years from baseline existing (2008) conditions reflected in the TIA. Accordingly, the potential traffic impacts of the Project are determined for 2013 ("Opening Year") conditions. This includes the application of an assumed background growth factor, to which traffic generated by known or probable 'related projects' was added."

Response SC-2

In regard to the commentor's concerns regarding traffic growth on SR-60, the Project TIA (included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather

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to analyze the current and future projected operations within the segment based on freeway lane geometrics."

The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

Response SC-3

As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. Included for the Highland Fairview Corporate Park were the following anticipated land uses: Logistics (2,410,000 square feet); Retail/Outlet Center (10,000 square feet); and Community Commercial (200,000 square feet). A review of the Highland Fairview Draft EIR (available at the City of Moreno Valley Planning Department) indicates that this is the maximum development scenario for this recently approved project.

MV00116269

Response SC-4

Estimated opening-year average daily Project-generated truck trips ingressing/egressing the Project site via Redlands Boulevard are as follows:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Cumulative opening year average daily traffic along Redlands Boulevard north of Fir (future Eucalyptus) Avenue is estimated at 30, 400 trips (see TIA Page 115, Exhibit 6-10), This is inclusive of all trips/all vehicle categories generated by existing, proposed or anticipated development, and includes trips generated by the Westridge Project, Skechers, and Pro Logis cited by the commentor.

Total anticipated trip generation of the Project, including a quantification of the types of vehicles expected to access the site, is identified at Draft EIR Table 4.2-6 (Page 4.2-19). This Table has been reproduced below for ease of reference.

MV00116270

Table 4.2-6
Westridge Commerce Center Trip Generation

Project Description	AM Peak Hour			PM Peak Hour			Daily
	Enter	Exit	Total	Enter	Exit	Total	PCE
High Cube Warehouse (937.260 thousand square feet)							
Passenger Cars	26	22	47	22	34	56	729
Truck Trips (PCE):							
2-axle	5	4	9	4	7	11	145
3-axle	16	13	29	13	21	34	440
4+axle	57	48	105	48	76	124	1,616
Net Truck Trips (PCE)	78	65	143	65	104	169	2,201
Total Trips (PCE)	**104**	**87**	**191**	**87**	**139**	**225**	**2,930**[1]

Source: *Westridge Commerce Center Traffic Impact Analysis* (Urban Crossroads) May 20, 2010 (Revised).

[1] 2,930 PCE trips = 1,585 net vehicle trips (the raw arithmetic number of truck and passenger vehicle trips) generated by the Project. It should be noted that because different classes of vehicles (e.g., passenger cars, light trucks, heavy duty trucks) exhibit differing emissions characteristics that for the purposes of quantifying and evaluating air quality impacts, vehicle trips are quantified and segregated by vehicle type. In comparison, the Project's traffic study evaluates the effects of traffic at intersections and roadways, and therefore presents the total vehicle trips in terms of Passenger Car Equivalents (PCEs), thereby recognizing and acknowledging physical size differences in vehicles and related effects on roadways and at intersections.

The germane issue with regard to potential truck traffic impacts is peak hour passenger car equivalent (PCE) intersection traffic volumes. As substantiated in the Draft EIR, all Project-specific traffic impacts, inclusive of truck traffic impacts, are reduced to levels that are less-than-significant. If the commentor's concerns are not really truck traffic volumes, but rather truck-generated diesel emissions, the Project Health Risk Assessment (HRA) summarized at EIR Section 4.4, "Air Quality," and discussed in detail in the Project HRA Study (included at EIR Appendix C) substantiates that with application of mitigation, Project-related diesel emissions will not result in significant adverse health risks.

As noted in the Draft EIR (Page 3-4), "[f]or the purposes of the EIR analysis, the Project is assumed to be operational 24 hours per day, seven (7) days per week, except as may be otherwise limited by applicable codes or regulations."

MV00116271

Response SC-5

The ultimate level of LEED certification cannot be determined at this time, since the tenant(s) for the Project, and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

As noted on Draft EIR Page 4.3-110, "the Project is consistent with, or otherwise not in conflict with the CARB Scoping Plan recommended measures and actions and the GHG emission reduction strategies set forth in the 2006 CAT Report. As such, a qualitative assessment of the Project impacts based upon consistency with the CARB Scoping Plan and the 2006 CAT Report, supports the conclusion that the Project GHG emissions are not cumulatively considerable. [Draft EIR] Table 4.3-21 identifies the various sources of guidance for determining the significance of impacts from GHG emissions, and the applicability of each source to this Project. Further, Project GHG emissions will be further reduced with implementation of the Project design features and mitigation measures."

Contrary to the commentor's assertion otherwise, the FEIR need not list and evaluate all mitigation measures offered. With specific regard to potential GHG/GCC impacts (and measures offered to reduce potential GHG/GCC impacts), the Project's individual and cumulative impacts GHG/GCC impacts are substantiated to be less than-significant (DEIR Pages 4.3-88 through 4.3-11; DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and

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Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

Response SC-6

Despite the commentor's assertions, the Draft EIR does not "just dismiss" potential impacts to agricultural resources. As discussed in the Draft EIR (Pages 1-7 to 1-8), potential impacts regarding the conversion of farmland to non-agricultural uses were considered as part of the Draft EIR and found not to be potentially significant. The potential loss of agricultural land throughout the City attributable to General Plan implementation was acknowledged in the General Plan Final Program EIR (GPEIR, available for review at the City of Moreno Valley Planning Department) as significant and unavoidable. The GPEIR (Page 5.8-10) states that, "[s]ince the feasible mitigation measures that are available to reduce the impact to loss of farmland within the planning area are not consistent with the project objectives and land uses of the General Plan alternatives, no mitigation measure is proposed and the impact will be significant and unavoidable." Certification of the GPEIR required the City to adopt overriding considerations in regard to all impacts determined significant and unavoidable, including the potential for loss of agricultural lands. On this basis, the Project's Initial Study correctly concluded that the Project would not have the potential to result in significant impacts beyond those already addressed in the City's GPEIR. Because the Project's potential impacts are less-than-significant in this regard, no mitigation is required.

The commentor's opinions in regard to the potential impacts of the proposed ProLogis project are forwarded to decision-makers for their consideration.

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Response SC-7

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Exhibit 5-4 in the Project TIA (Draft EIR Appendix B) identifies the truck trip distribution anticipated at General Plan Buildout, which includes traffic generated by the Project, the Projects referenced by the commentor, and all other known and probable development that is anticipated to occur at the SR-60/Redlands Boulevard Interchange.

Response SC-8

The commentor expresses concerns regarding diesel emissions from vehicles traveling along Fir (future Eucalyptus Avenue) and their potential impacts at adjacent residential uses. A Health Risk Assessment of Diesel Particulate Emissions was prepared to

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address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment (HRA) was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA arguably consider potential worst case cancer risk exposure by evaluating pollutant concentrations at the Project site, which include pollutant emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, and a portion of each 24-hour cycle is spent indoors. In addition, individuals and families at a given location for 70 or even 30 years would be considered the exception rather than the norm. The California OEHHA has indicated that based on EPA studies, the EPA

MV00116275

recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

In response to the commentor's specific concerns regarding potential cumulative effects of DPM emissions, regionally, the SCAQMD has conducted a cumulative analysis of the toxic air contaminants (including DPM emissions) and their resulting health risks for all of Southern California. This study, Multiple Air Toxics Exposure Study in the South Coast Air Basin, or MATES III, indicates the average excess cancer risk level from exposure to TACs is approximately 1,200 in one million basin-wide. These estimates were based on monitoring data collected at ten fixed sites within the South Coast Air Basin.

None of the fixed monitoring sites are within the immediate Project area. However, MATES III has extrapolated cancer risk levels throughout the Basin by using grid-specific modeling. In this regard, MATES III grid modeling predicted a cancer risk of 524 in one million for the Project area. DPM is included in this cancer risk along with all other TAC sources, and accounts for the predominance (83.6 percent) of the total risk shown in MATES III. The Project will not contribute cumulatively to TACs other than DPM, however, the Project DPM emissions levels are not significant. That is, as

MV00116276

discussed in Section 4.3 of the Draft EIR, the SCREEN3 screening analysis prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million.

Though the Project DPM emissions would add to existing levels of DPM within the basin, the Project's contribution and associated MICR as mitigated is not individually significant and is not cumulatively considerable. [11] Please refer also to Response SC-4.

Response SC-9

Developments within the Project area are reliant on the Eastern Municipal Water District (EMWD) for the provision of reclaimed water, as well as potable water. Ultimate timing and provision of recycled water to the Project will be determined by EMWD, not the Applicant or the Lead Agency. To assert or assume otherwise is speculative. As noted on Draft EIR Page 4.5-25, "[t]he Project will use non-potable water for irrigation to the extent that such water sources are available to the Project. In

11 [T]he AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (*South Coast Air Quality Management District White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution*, Appendix D, Page D-3).

MV00116277

anticipation of reclaimed/recycled water availability, the Project will design and implement all irrigation systems per EMWD recycled water facilities standards."

Response SC-10

The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration during deliberations on the Project. The cumulative project list was compiled in consultation with City staff, and includes Projects that are consistent with those of other EIRs that have been prepared by the City for development proposals in the vicinity of the Project. The commentor is also directed to Draft EIR Section 5.2, which includes a comprehensive discussion of the potential for other approved warehouse projects to serve as an alternative to the proposed Project site.

Response SC-11

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings.

MV00116278

Thomas Thornsley
29177 Stevens Street
Moreno Valley, CA 92555

December 5, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
14177 Frederick Street/P.O. Box 88005
Moreno Valley, California 92552

Via e-mail: JeffreyB@moval.org

Dear Mr. Bradshaw:

Re: Draft Environmental Impact Report (DEIR) Westridge Commerce Center, SCH#: 2009101008

As a concerned residents on the east end I have reviewed the Draft Environmental Impact Report (DEIR) for the proposed Westridge Commerce Center. I can not agree with some of the conclusions because it appears that some impacts are being written off because the City simply has not taken a progressive stand on potential development impacts or adopted stricter criteria for development (i.e.: enhanced development standard and limited design guidelines, or full improvements with future restitution.). As with most projects requirinig EIRs this project has some significant impacts that, quite simply, are being written off because the impact can not be completely mitigated to below a level of significance. However, several impacts could be lessened with further mitigated than what is proposed; most notable with regard to Traffic Impacts. In these instances it would be prudent to impose mitigation(s) to further lessen those impacts, thereby, leaving a smaller intensity of impacts that to be overridden by the City Council. TT-1

Project Description – So much of this document reads like "boilerplate text" and it fails to provide complete account of the entire project in any one location. The full project description is hard to quantify without looking in several places in two separate chapters. Even then the proposed Amendment to the Municipal Code related to providing "objective standards for the development of Light Industrial uses adjacent to residentially zoned property," fails to be detailed anywhere in the text and I am unable to determine what changes are being made. So therefore I ask: TT-2

- Why are you not providing a detailed description of the code amendment?
- What are the details of the proposed amendment? (Provide current text and proposed text.)

Aesthetics

Loss of Scenic Vista – The DEIR states that there is no feasible way to reduce impact (lost view of the surrounding hills) below a level of significance which may be true, but man-made enhancements along the 60-Freeway can offer a new pleasurable scenic vista thus mitigating a substantial amount of the loss. As such this issue should be addressed in greater detail to enhance what is lost for the community. TT-3

- Why is this project not offing to better enhance and screen the view from 60-Freeways with more extensive architectural relief, landscaping and a screen wall? TT-3 cont'd.

The photo simulations in the DEIR fails to depict the actual view from the roadways or what the view would be like for passing motorist after freeway expansion. Each simulation is a straight ahead view from each particular roadway/highway. Since the 60-Freeway is a General Plan designated Scenic Corridor true views are 360 degrees (and primarily southward as shown in Figure 4.9-1) and as such this document needs to be amended to <u>show the impacted views from the 60 Freeway looking south across the project site</u> to show how the building and loading docks will be buffered and compliment by landscaping and the screen wall as required by the development code. TT-4

- Why doesn't this document show a true view southward across the site as it would be viewed from the 60-Freeway by passing motorist?
- Why doesn't this document show the screening method of the building and loading docks?
- Why isn't there a visualization of the site screening method at full build-out of the Freeway?

Under the current zoning, building sizes are limited to 50,000 s.f. thus offering the opportunity for smaller buildings, greater elevation variations, and views through and between buildings if built and scattered across the same project area. So far the warehouse projects approved and proposed along the 60-Freeway corridor far exceed the original zoning building size limitations and as proposed are creating what will appear to be a mile long wall blocking almost all vistas to the south. TT-5

- Why is it not feasible to create smaller buildings for what is a speculative project at this time in a down economy?

<u>Recommendation</u>: **Mitigation measures** should be added to this project to require a sufficient landscape area and screen wall along the 60-Freeway to effectively screen the building and the loading dock and to act as an alternate aesthetic feature in place of the lost Scenic Vista. TT-6

<u>Building</u> – It is hard to understand the need for such a tall building unless it contains multiple internal stories which would then conflict with the floor area ratio (another issue). Under the existing zoning it was much more likely that the site would develop with smaller buildings and thus lower building profiles. One method to better preserve the scenic vistas would be limiting the overall building height to 25-30 feet. This would permit the building to go almost unnoticed if is truly built 20 plus feet below grade. As such a **<u>mitigation measure reducing the height of the structure to preserve some of the scenic vistas should be imposed.</u>** Thus, mitigating the impact to scenic vistas may not require the City to override this impact as proposed. Additionally, building relief (offsets) appears to be non existent on all elevations with limited compliance with General Plan Policy 2.10.3. Mitigation measures should be included requiring greater wall offsets relative to the expanse (1,300 foot length) of the building elevation. TT-7

- Building function is not necessarily compromised by building plane variations so why are there not more telling offsets to the building exterior? This applies to all four sides.

<u>Light and Glare</u> – The east end of Moreno Valley as enjoyed a rural atmosphere for decades and as such would be significantly impacted if project site lighting is not controlled. Additionally, this area falls just within the Mount Palomar Observatory Dark Skies area and should comply with their limitation to prevent light pollution. The International Dark-Sky Association web site at: <u>www.darksky.org</u> lists lighting fixtures and methods to meet dark sky specifications. <u>Add a Mitigation Measure</u> (beyond city policy) to assure that site lighting is compatible with "Dark-Sky" specifications or limit lighting to only the use of low pressure sodium lights, full shielding above a horizontal plain and no building or pole mounted lighting fixtures that project light outward horizontally beyond the property boundary to TT-8

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eliminate the potential for nighttime light glare to motorist. This last request is especially relevant to freeway motorist.

- Why is there not a mitigation measure include with this project that assures full compliance and extra measure beyond the basic restrictions listed in the city?

TT-8, cont'd

<u>*Screen Walls*</u> – Page 3-9 makes mention of an 8-foot screen wall along the 60-Freeway yet there is no mention of this wall in Section 3.5.12. Neither the site plan nor the cross sections in this document list any screen wall along the 60-Freeway frontage. Since the City's General Plan Policies (2.10.2, 2.10.4, 2.10.5) and Development Code requires the screening of loading areas a **Mitigation Measure** needs to be added that will assure a wall of sufficient height will be installed along the project's north property line to screen the view down into the loading dock from the 60-Freeway and the eastbound off-ramp. Additionally, due to the massive length of this wall the screen wall should have significant vertical wall plain offsets and other variations (texture, style, height) to avoid visual monotony along the freeway.

- What type of adequate full screening method will be provide along the north property boundary adjacent to the 60-Freeway in compliance with city code?

<u>*Landscaping*</u> – Extensive landscaping is provided along the southern boundary of the project as a buffer for visibility of the project. The same level of treatment should be provided along the north property line in compensation for the lost Scenic Vista. The northern most landscaping provided on site is on what appears to be a 2:1 slope dropping immediately from the freeway right-of-way down to the parking and loading area. Since all of this landscaping is below freeway grade it will provide little complimentary relief to the massive building. Additionally, city code requires screening of parking and loading areas with a minimum 10-foot landscape buffer utilizing walls and burms to screen these elements.

TT-9

- Why is there not a sufficient landscape buffer and screen wall along the northern most project boundary along the freeway right-of-way?
- How does this project proposes to meet the 10-foot landscape requirement for buffering if all of this area is below grade?

Traffic

The DEIR states that "the Project cannot feasibly construct the required improvements and/or Payment of fees will not assure their timely completion" and "Pending completion of required improvements the Project's incremental contributions to Opening Year Cumulative traffic impacts at or affecting (certain) intersections are considered cumulatively significant and unavoidable." Since most of the studied intersection are not currently impacted this project will be the ultimate source causing them to be impacted and as such this project should be held responsible to further eliminate those impacts beyond just "paying the TUMF" and letting the improvement happen when they may. The following passage, "The Project will pay required TUMF, thereby satisfying its proportional fee responsibilities for improvements required to mitigate Opening Year Cumulative traffic impacts," is utilized time and again in MMs 4.2.3 through 4.2.9 in what appears to be the project proponents out for making some simple fixes such as stripping for right-turn lanes. These types of simple fixes should be the responsibility of the development.

TT-10

Since it appear that it could be quite some time before full improvement are made to connect Fir Avenue through from Redlands Boulevard to the terminus of Eucalyptus Avenue the added traffic burden to Redlands Boulevard will greatly impact travel and completely diminish the level of service currently available The project proponent needs to provide a supplemental or alternative analysis in the form of a

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tiered level of improvements that can be made that diminishes the impacts at Opening Year. Additionally, the cost burden undertaken by the developer should be determined for reimbursement.

- What additional improvements can be made prior to building occupancy that will address the immediate impact at Redlands Boulevard and the 60-Freeway in exchange for fees paid for improvements elsewhere?
- Since the city will reimburse developers for improvement costs beyond those associated with their project why is this project not proposing to make the extra improvements to lessen the impacts and better serve its future users and the neighboring community? TT-10 (cont'd)

If these improvements are not made by the time the project is in its Opening Year what will be the timelines for making these improvements and what criteria (money, Caltrans approval, other projects…) have to be met before the mitigation measure are carried out?

- How will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Air Quality

There is no doubt that any urban development on the project site will generate long-term operational emissions that will exceed the South Coast Air Quality District's regional thresholds. However, the types of pollutants vary by the activities associated with different land uses, some of which may not be as hazardous to the health of those in the surrounding community. Since most of the cancer risk from air pollution is from diesel exhaust it would be best to rethink the land uses of a community as a whole and limit those that pose the greatest risk to health. Maintaining the existing zoning would prevent uses such as this distribution center which requires extensive use of trucks burning diesel fuel. Under the current zoning the range of business permitted are likely to generate more vehicle trips but fewer emissions by trips from diesel fueled vehicles.

This type of project would also be best suited for a location where it could utilizes rail transport for the massive daily volume of trips associated with warehouses or logistic centers. For this reason alone, the City should not approve the zone change and this project should locate to a site with more efficient transportation infrastructure better suited to meet speculative users' needs with fewer environmental impacts. TT-11

It is unrealistic for the City of Moreno Valley and the project proponent to disregard the cumulative impacts this project will have on this area when utilizing a scenario where much of the surrounding area is converted to industrial and warehouse uses. This analysis should be undertaken so as to find what level of incremental increase this project will have on the overall community.

- Why in there now effort made to look at the real possibility of cumulative impacts from this project and the likely land use changes surrounding this project site?

However, because I believe that the City will approve this project; additional tougher mitigation should be added to offset local and regional impacts to the fullest extent possible before overriding what can not be achieved. If these mean reducing the size of the project to reduce environment impacts, as a suggested in the alternatives, then it should be seriously considered. Also, there should be mitigation measures requiring a percentage of the fleet vehicle (diesel trucks) of future tenants to be low to zero emission vehicles. Also, diesel trucks delivering to the site shall include soot filters or the latest technological equipment available.

Additionally, MM 4.3.11 addresses improvements to the project that will allow the project to exceed Title 24 standards by 20 percent. This is a nice thing but more should be offered. The final item on the list of improvements states that the building should be structurally designed to handle the installation of roof mounted solar panels. This should be mitigation measure unto its own along with requiring the project proponent to work with energy providers and vendors to install such equipment to offset fuels used to generate electricity. There are numerous vendors and utilities interested in joint projects to install these systems, and they are always looking for places to install systems, and this should be made a part of this project. This measure also works well to mitigate the issues associated with greenhouse gases.

- Why can't this project be required to have all buildings designed forthwith to accommodate renewable energy sources such as photovoltaic solar electricity systems appropriate to their architectural design?
- Why is there no mention of the project proponent working to insure the opportunity to utilize this structure is know in the industry?

TT-11 (cont'd)

As stated in the Traffic section may intersection improvements will not be undertaken by the project but will instead only be mitigated through the payment of improvement fees. If this is true the project will create traffic impacts that do not currently exist.

- Therefore, how will Air Quality suffer by not actually completing the necessary traffic improvements which will lead to traffic congestion and excessive idling for prolongs time periods?

Climate Change and Greenhouse Gases

Since the state has enacted legislation to lower greenhouse gas emissions any and all possible measures to lower emissions that could be undertaken by this project should be listed, discussed and analyzed for their effectiveness, not just a list of improvements that will exceed Title 24 by 20 percent. The City should then include mitigation measures that significantly reduce (though they may not entirely mitigate impacts) associated impacts prior to any consideration to override them as the DEIR suggests.

TT-12

- Why is the project not being designed to meet some of the highest LEEDS standards and only offering to exceed Title 24 by 20 percent?

Thank you for the opportunity to comment on the Draft EIR for this project. I request to be informed of all meetings and public hearings related to this project or other consideration in east end of Moreno Valley. Please let me know if it is possible to review a copy of the project plans so that I may provide constructive comments related to the development proposal prior to its next appearance before the Planning Commission or City Council. I would also like to request copies of any follow-up documents related to this project (2nd DEIR and/or Final EIR). Feel free to contact me if you have any questions regarding my comments.

TT-13

Sincerely,

Thomas Thornsley
909-797-1397
e-mail: tomthornsley@msn.com

THOMAS THORNSLEY

Letter Dated December 6, 2010

Response TT-1

The City disagrees with the commentor's assertion that potentially significant impacts of the Project are being "written off." As required by CEQA, the Draft EIR identifies the feasible and enforceable mitigation measures that have been determined necessary to reduce the Project's potentially significant environmental impacts. The commentor's references to additional traffic mitigation are addressed more specifically in the subsequent Response TT-10. The commentor's opinions in regard to the Draft EIR's adequacy are forwarded to decision-makers for their consideration.

Response TT-2

The commentor's opinions in regard to the Draft EIR's organization are forwarded to decision-makers for their consideration. The actual wording of the proposed Municipal Code Amendment was not available at the time the Draft EIR was completed. The proposed amendment will be crafted by City staff and made available prior to its consideration by Planning Commission or City Council, consistent with the City's standard procedures for the adoption of Municipal Code Amendments.

For the purposes of the Draft EIR's analysis, the code section to be amended is identified (Section 9.05.020 B, City Case # PA10-0017) on Draft EIR Page 3-24. Further, the intent of the proposed code amendment is summarized as follows.

> The proposed Code Amendment would mandate minimum separation/ buffer requirements (250 feet) between proposed light industrial use and residentially-zoned properties. As further required under the proposed Code Amendment, this setback/buffer area shall be increased should the minimum 250-foot separation/buffer prove insufficient to eliminate

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significant health risks or project operational noise impacts as reflected in project-specific air quality and noise analysis (Draft EIR Page 4.1-19, *et al.*).

The proposed code amendment provides additional protection of residential uses in instances where industrial uses may be proposed within adjacent zone districts. The amendment would apply City-wide. The Code Amendment Application is on file with the City.

Response TT-3

As acknowledged in the Draft EIR's analysis of the Project's potential aesthetic impacts, "[d]eterminations of visual character and quality are inherently subjective by nature." The commentor's suggestion that "man-made enhancements along the 60-Freeway" be utilized to mitigate the Project's adverse effect on scenic vistas could be perceived as exacerbating the potential change to existing views. It is further noted that land adjacent to SR-60 is within a Caltrans easement, and is reserved for future freeway improvements that are outside the jurisdictional authority of the Applicant or the City of Moreno Valley. The Project has nonetheless proposed a wall of trees at the property line along the top of the slope to further soften views of the Project from the adjacent SR-60. The trees will be configured and planted in a double row the northwestern portion of the site, and in a single row along the future off-ramp.

The Project's potentially significant visual impacts are attributable to potential view obstruction, not architectural design or appearance of the Project (please refer to the summary of significant aesthetic impacts presented at DEIR Pages 1-19, 1-20). Architectural revisions or additional screening suggested by the commentor do not act to review the project's identified view obstruction. Moreover, as described on Draft EIR Page 4.9-21, "[i]n order to ensure visually acceptable and compatible development, and subject to the proposed change of zone from Business Park to Light Industrial, the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05,

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Industrial Districts. To these ends, the Project site plan, landscaping, and architectural concepts provided at EIR Section 3.0, Project Description demonstrate consistency with Municipal Code Section 9.05.040, B., Special Site Development Standards."

Response TT-4

The Draft EIR acknowledges the designation of SR-60 as a scenic route, and the Project's location within a scenic view corridor (Draft EIR Page 4.9-10). Despite the commentor's assertions to the contrary, the Draft EIR's view simulations provide actual pre-development views from the SR-60, with post-development photo simulations reflecting the facilities and landscape screening of the Project. A direct southerly view of the Project from Ironwood Avenue, located approximately 2,500 feet north of the freeway, is provided in Draft EIR Figure 4.9-8. The Project's landscape screening has been conceptually illustrated in Draft EIR Figures 3.5-4 and 3.5-5, and is reflected in the previously referenced Draft EIR's Post-Development View Simulations (Draft EIR Figures 4.9-4 through 4.9-8). It may be noted that because the Project's facilities will be located approximately 25 feet below the grade of the SR-60, the loading docks will not be visible from the SR-60, or from other properties not located at a considerably higher elevation than SR-60. (Draft EIR Figures 4.9-2, 4.9-3)

In regard to the commentor's concerns regarding views in the Project vicinity following freeway expansion, it is noted that although the Project has been designed to accommodate future interchange improvements planned by Caltrans, these improvements will be constructed by Caltrans, and are not a part of the proposed Project. Improvements adjacent to the Project site have been neither programmed nor funded at this time. The preparation of view simulations incorporating these improvements would be speculative, and as such, were not undertaken as part of the Draft EIR.

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Response TT-5

As discussed in the Draft EIR's analysis of alternatives (Pages 5-36 to 5-37), the possibility of limiting the Project's building size was considered, but rejected as infeasible. The relevant discussion is presented below for ease of reference.

> In order to potentially avoid or reduce view obstruction/view interruption resulting from the large consolidated warehouse structure proposed under the Project, an alternative site design employing multiple smaller structures of 50,000 square feet (per the site's current Business Park zoning requirements) was considered. However, the intent of the Project is to achieve full utility of the available site while providing region-serving logistic warehouse facilities. Feasibility and function of the proposed regional warehouse is dependent on its size and configuration, allowing for centralized and consolidated storage and transfer of large (numerically and dimensionally) inventories serving smaller local and end-use facilities. Division of the proposed building into substantively smaller components (50,000 square feet maximum buildings) is not practically or economically feasible.
>
> Moreover, such division of the Project would act to unnecessarily duplicate or expand serving utilities, would result in multiple and redundant internal operations (e.g., intersite transfer of inventories), would restrict flexibility of warehouse operations and use of warehouse space; and may necessitate additional access to adjacent roadways in order to serve the individual buildings, with potentially increased circulation/access impacts. Lastly, it is noted that the Project design is typical of other regional distribution warehouses implemented within the City, surrounding Riverside County, and throughout southern California. Empirical evidence indicates that the Project design is an established functional and efficient format for regional distribution warehouse

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facilities. For these reasons, an alternative based on a compartmentalized building design scenario resulting in multiple smaller buildings was not further considered.

The commentor's concerns in regard to the Project's feasibility in the current economic climate are forwarded to decision-makers for their consideration.

Response TT-6

Please refer to the preceding Response TT-3. The commentor's opinions in regard to the provision of an 'alternate aesthetic feature' are forwarded to decision-makers for their consideration.

Response TT-7

The commentor requests explanation of the proposed building design, and specifically the proposed building height.

The high-cube warehouse building height concept defines the viability of its internal operations, which are realized through closely-consolidated and easily-accessible warehoused goods, and use of efficient, high-lift material handling equipment. While multiple stories are not proposed, the high-cube building design typically requires internal clear heights of 30 feet or more. In another context, in order to accommodate the same volume of warehoused goods and logistics traffic, the floor area of a 45-foot high warehouse would have to be increased by a minimum of 80 percent if reconfigured as a 25-foot high structure. In the case of the Westridge Project, the currently proposed approximately 940,000-square-foot building would have to be at least 1.7 million square feet in size in order to accommodate comparable volume of warehoused goods. This increase in area does not even account for necessary additional internal aisle ways, utilities, service areas, vestibules, etc. Moreover, if constructed as a substantively larger but lower building footprint there would be the additional construction costs, expanded areas of disturbance, increased infrastructure costs, and decreased operational/energy

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efficiencies associated with such a large building footprint. The suggestion that architectural "offsets" be required is forwarded to decision-makers for their consideration.

Response TT-8

The Project's potential to create a new source of substantial light or glare which would adversely affect day or nighttime views in the area is addressed in Draft EIR Section 4.9. As noted on Draft EIR Page 4.9-22, "[o]n-site lighting, including parking lot and loading dock lighting, will be required to comply with all applicable sections of the City's zoning ordinance," which are detailed within this discussion. As further noted on Draft EIR Page 3-17, "[t]he Project lies within 45 miles of the Mt. Palomar Observatory, and would comply with applicable provisions of County of Riverside Ordinance 655 which addresses protection of the night sky from light pollution that would interfere with astronomical observations." Additional mitigation suggested by the commentor has not been included because no potential impacts relative to the Project's potential to create light or glare have been identified. Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

It is further noted that the City is considering a "Dark Sky" ordinance that would act to prevent or reduce light pollution.

Response TT-9

Consistent with the commentor's observation, the text at DEIR Section 3.5.12, Page 3-17 (excerpt following) is amended to also include screening discussed previously at DEIR Page 3-9:

> **3.5.12 Screening**
>
> Screening within the Project site will be provided for under Zoning Code Section 9.08.150, "Screening Requirements," and Section 9.10.160, "Outdoor Storage, Trash Areas, and Service Areas." As required under

MV00116289

> these portions of the Code, the Project final site plan and building designs shall incorporate screening of mechanical equipment and trash areas. Southerly facing loading docks and adjacent truckyard areas will be screened from off-site views by an approximately 14-foot high screenwall spanning approximately 1,200 feet, across the length of southerly-facing truckyard areas. ***Project loading areas will be screened from view on the north and the northernmost portion of the east side by 8-foot high masonry screenwalls*** . . . .

Results and conclusions of the DEIR are not affected.

As noted on Draft EIR Page 4.9-21, "the Project will be designed and constructed consistent with applicable Light Industrial design and performance standards articulated at Municipal Code Chapter 9.05, Industrial Districts." The landscape buffer proposed along the Project's northernmost boundary, adjacent to SR-60, is, as noted by the commentor, a landscaped slope, with a depth of approximately 41 feet, or more than four times the required ten-foot landscape buffer. Additionally, as noted in the preceding Response TT-3, the Project also includes the planting of a double row of trees along the site's northwestern property line. As demonstrated in the line of sight illustration provided as Draft EIR Figure 4.9-3, loading areas on the north side of the Project will not be visible from SR-60. The commentor's opinions in regard to the adequacy of the Project's proposed landscape screening are forwarded to decision-makers for their consideration.

<u>Response TT-10</u>

It appears that the commentor is unclear in regard to which potential traffic-related impacts are considered significant due to the Project, and those that are forecast to occur as a result of cumulative growth. As discussed in the Draft EIR (Pages 4.2-15 to 4.2-16), , the Project's Traffic Impact Analysis (TIA) identifies ambient growth using a standard annual growth factor of two percent per year to account for non-specific development

MV00116290

within the Study Area, as well as anticipated growth in traffic volumes generated by projects outside the Study Area. The ambient growth factor of two percent per year was applied to existing Year 2008 traffic volumes, yielding a ten percent (10%) growth in existing volumes over the five intervening years until the Project Opening Year, 2013. As discussed in the Draft EIR (Pages 4.2-34 to 4.2-35), under the "Opening Year Ambient Condition" defined above, only two intersections would be affected by Project-related traffic. Mitigation for impacts at these two intersections is provided in Draft EIR Mitigation Measures 4.2.1 and 4.2.2, which are provided below for ease of reference.

4.2.1 Redlands Boulevard at SR-60 Westbound Ramps Improvements:

- *Install a traffic signal.*

This improvement is currently approved, programmed, and permitted by Caltrans. If not otherwise completed prior to Project opening, the required traffic signal shall be constructed by the Applicant prior to issuance of the first Certificate of Occupancy.

4.2.2 Redlands Boulevard at Fir (future Eucalyptus) Avenue Improvements - Prior to issuance of the first Certificate of Occupancy, the Applicant shall construct the following improvements:

- *Install a traffic signal;*
- *Construct a southbound right turn auxiliary lane which extends the full length of the segment of Redlands Boulevard between the SR-60 Eastbound Ramps and Fir (future Eucalyptus) Avenue for a southbound lane configuration of one shared left-through lane and one right turn lane; and*
- *Construct an eastbound left-turn lane with 300 feet of storage for an eastbound lane configuration of one left-turn lane and one shared through-or-right-turn-lane.*

MV00116291

With implementation of these mitigation measures, the Project's potential impacts are identified as less-than-significant. All other traffic-related impacts identified in the Draft EIR occur in the cumulative condition, which is defined (on Draft EIR Page 4.2-16) as including other known or probable related projects assumed to be occupied and operational by the Project's opening in 2013. A map of the approved and pending projects is included in EIR Section 5.1 (Cumulative Impacts Analysis). Additional detail regarding the trip generation of these related projects is also presented in the Project TIA (EIR Appendix B).

Despite the commentor's assertion that "simple fixes should be the responsibility of the development," it is noted that the majority of the required improvements are within Caltrans facilities, which are outside the control of the Applicant or the City of Moreno Valley. The payment of TUMF and DIF is considered the appropriate mechanism for the Project to contribute to future off-site roadway improvements. The application of fee-based mitigation is discussed further in the Draft EIR on Pages 4.2-25 to 4.2-26. The commentor's opinions regarding "alternative analysis in the form of a tiered level of improvements" will be forwarded to decision-makers for their consideration.

The Draft EIR's air quality analysis (Section 4.3) is based on the Project TIA, and as such, comprehensively addresses the Project's potential traffic-related impacts, along with other potential effects on air quality. The commentor speculates that required traffic improvements will not be completed. Please refer to the discussion of improvements programs and the implementation of improvements required pursuant to those programs presented in detail in the Project TIA at TIA Pages 205-208. As noted therein, the TUMF program was implemented to ensure timely completion of region-serving transportation improvements. Locally, the City has an established, proven track record with respect to implementing the City's DIF Program. Many of the roadway segments and intersections included within the study area for this Traffic Impact Analysis are at various stages of widening and improvement based on the City's collection of DIF fees. Under this Program, as a result of the City's continual monitoring of the local

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circulation system, the City insures that DIF improvements are construction prior to when the level of service would otherwise fall below the City's established performance criteria. The commentor's statements are forwarded to the decision-makers.

Response TT-11

The commentor's opinions related to the best use of the Project site in regard to air quality considerations will be forwarded to decision-makers for their consideration. With regard to statements concerning diesel emissions, please refer to response FNSJ-8, et al. presented herein.

With regard to comments addressing air quality, alternatives, and maintaining the site's existing zoning designation, the Draft EIR includes a "No Project Alternative" analysis which assumes development of the subject site consistent with the existing Zoning Designation of "Business Park." A comparative analysis of operational air quality emissions under each of the Project's alternatives is provided on Draft EIR Page 5-53 – acknowledges that "the vehicle mix under the No Project Alterative would likely reflect incrementally decreased heavy truck traffic, with related decreases in diesel particulate emissions when compared to the Project." However, as also noted on Draft EIR Page 5-53, the Project's significant operational air quality impacts consist of exceedances of SCAQMD regional thresholds for VOC and NOx emissions. As noted on Draft EIR Page 4.3-84, potential environmental impacts from Project-related diesel particulate emissions were determined to be less-than-significant with mitigation. On this basis, the suggested continuance of the site's existing Business Park zoning would not necessarily result in a lessening of environmental impacts.

Evaluation of Alternative Sites (also of concern to the commentor) is presented in the DEIR (DEIR at Pages 5-38 through 5-34). As substantiated in the DEIR four (4) of the considered Alternative Sites (Sites 1-4) were ultimately determined infeasible. Alternative Site 5 would not result in the avoidance or substantive reduction of Project related impacts, this Alternative Site was also rejected from further consideration.

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The commentor incorrectly states that cumulative impacts are disregarded. Please refer to DEIR Section 5.1, Cumulative Impact Analysis, DEIR Pages 5-1 through 5-25. With specific regard to energy consumption and potential GHG/GCC impacts (and measures offered to reduce potential energy/GHG/GCC impacts), the Project's individual and cumulative impacts are substantiated to be less than-significant (DEIR Section 5.6 Energy Conservation; DEIR Pages 4.3-88 through 4.3-11 (GHG/GCC impacts); and DEIR Appendix C, Global Climate Change Study). Mitigation measures are not required for effects which are not found to be significant. CEQA Guidelines § 15126.4, subd. (a) (3).

Additional mitigation has been incorporated through the Final EIR process, to ensure that the Project's air quality and global climate change impacts are lessened to the extent feasible. These revisions are reflected in Final EIR Section 2.0, "Revisions and Errata," as well as in the Mitigation Monitoring Plan presented in Final EIR Section 4.0. Inclusion of these measures does not materially or substantively affect analysis or conclusions of the DEIR. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

In regard to the use of photovoltaics, as currently noted under EIR Mitigation Measure 4.3.11: "All buildings shall be designed to accommodate renewable energy sources, such as photovoltaic solar electricity systems, appropriate to their architectural design." As such, the Project supports, and would not interfere with use of solar energy. The commentor's opinions regarding "joint projects" will be forwarded to decision-makers for their considerations.

Traffic concerns have been addressed in the preceding Response TT-10.

<u>Response TT-12</u>

The commentor's opinions in regard to further lowering the Project's greenhouse gas emissions are forwarded to decision-makers for their consideration. It may be noted that

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because the Project's Global Climate Change Analysis identified no significant impact on the environment, overriding considerations in regard to greenhouse gas emissions would not be required. Further, mitigation measures 4.3.11 through 4.3.13 were provided as part of the Draft EIR in order to reduce Project related operational source air pollutants and greenhouse gas emissions to the extent feasible, and to promote sustainability through conservation of energy and other natural resources, rather than to reduce potentially significant impacts.

In regard to the commentor's concerns regarding Leadership in Energy and Environmental Design (LEED) standards, the following discussion can be found on Page 3-16 of the Draft EIR:

> "The Westridge Commerce Center Project reflects design and operational criteria established under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, a program developed by the United States Green Building Council. This program includes a rating system that can be applied to new construction as well as tenant improvement projects with performance goals in multiple environmental categories.
>
> LEED certification is contingent, among other requirements, on demonstrated and documented conservation and efficient use of available resources. It is recognized that not all LEED performance standards are applicable or appropriate for the Project, and that different standards may be utilized by the Project's end user(s). However, the Project, as a whole, will be developed as a LEED-certified facility.
>
> In support of LEED-certification, resources conservation, reduction in energy consumption and associated reductions in air pollutant emissions and greenhouse gases (GHGs), the Project will achieve a minimum of 20

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> percent in energy efficiencies beyond incumbent Title 24 Energy Efficiency standards, as well as compliance with other applicable state and federal energy standards."

The ultimate level of LEED certification cannot be determined at this time, while the tenant and therefore specific environmental strategies to be employed at the facility, are unknown. It is also important to note that no significant impacts have been identified in regard to the energy conservation attributes of the Project; nor would any of the identified significant impacts of the Project be reduced based on a certain level of LEED certification.

Response TT-13

As requested, the commentor will be included on the City's distribution list for future noticing related to Project review and public hearings. As requested, noticing of other projects in the area will also be provided. Project plans are available for review at the City of Moreno Valley Planning Department.

MV00116296

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): AMORA JOHNSON Phone:

*Address (Required): 13301 McGahee Dr. Moreno Valley 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☑ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. AJ-C-1

Please provide your comments below:

Date: 12-6-2010

My main concern would be the effect on the wildlife in the area, with more vehicles - especially the diesel trucks' output - the wildlife's preservation attempts thus far will be undermined by the construction activities and the afterward effect will be detrimental to what good work the preservation has in humans' quality of life, too.

Being able to enjoy those migrating birds and all the other animals that most of us can't see within the cities, anywhere, will give younger generation appreciation of the existence of some rare animals, birds, creatures, bugs and other micro organism. Taking children to enjoy our open spaces, clean, clear air and to watch those rare creatures are much more important than seeing these block buildings that can be seen everywhere else, whereas the San Jacinto Wildlife Area can be made into a destination for younger generation. AJ-C-2

City of Moreno Valley needs to see the future, not just the $ for the present by ignoring the future of the next generations. -

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

AMORA JOHNSON

Via Public Comment Card

Response AJ-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response AJ-C-2

The commentor expresses concern regarding the effects of the Project on wildlife in the area.

The biological assessment for the Project consisted of the following surveys and analysis, conducted throughout the Project area:

- General biological assessment of Project site and nearby off-site areas that could be affected by utility and circulation system improvements;
- General plant and wildlife surveys;
- Habitat assessment to examine potential for special status plant species;
- Habitat assessment to examine potential for special status wildlife species;
- Habitat assessment for burrowing owl (*Athene cunicularia*), following the recommendations of the California Department of Fish and Game, the burrowing owl survey protocol (CBOC 1993), and the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) Section 5.3.2 and MSHCP burrowing owl survey instructions; and
- Jurisdictional delineation.

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As supported by the analysis presented in Section 4.8, "Biological Resources" of the Draft EIR, with application of proposed mitigation measures, the Project's potential impacts to biological resources are less-than-significant.

Additionally, the commentor references the San Jacinto Wildlife Area. It is noted that this area is located approximately 3.5 miles to the southeast of Project site, and will not be affected by the Project.

MV00116299

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): Richard Johnson Phone: 951-243-0804
*Address (Required): 13301 McGEHEE Dr. MV 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☐ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings.

Please provide your comments below:

Date: 12/8/2010

I believe the project will overburden the present areas infrastructure, from the streets to the 60 FWY and beyond the 215 as well. The estimates along with future planning seems to set no limit for continued development of the area and it will be a very dangerous roadway system to be driving in this area. Future warehouse building will make it a very difficult place to drive a car. The vision of this area has now been lost. These buildings and the businesses may turn out to be a continued trend for dumbing down the area overall. RJ-C-1

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

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RICHARD JOHNSON

Via Public Comment Card

Response RJ-C-1

The commentor's concerns regarding the effects of the Project on regional traffic safety and opinions regarding development trends within the City are forwarded to decision-makers for their consideration.

MV00116301

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): Deanna Reeder Phone:

*Address (Required): 17351 Riva Ridge Rd E-Mail: late98765@aol.com

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. DR-C-1

Please provide your comments below:

Date: 12/2/2010

I want to know the cumulative impacts of this and all proposed projects as well the entire 35 million sq ft of warehouses that are proposed for this area.

This report must include all the impacts of all 35 million sq ft in order to be of actual value to the community. DR-C-2

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

DEANNA REEDER

Via Public Comment Card

Response DR-C-1

Commentor's contact information is noted and will be added to the Project mailing list to receive any subsequent environmental documentation for this Project and/or notification of any future public hearing(s) to consider the Project and EIR.

Response DR-C-2

The commentor expresses concern regarding the cumulative impacts of the Project and all proposed projects in the vicinity. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, eleven existing and planned development projects were identified within the cumulative scope of the Westridge Commerce Center Project. In addition, the Draft EIR notes that "the cumulative impacts analysis assumes development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considers potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region." Please also refer to the preceding Response DR1-1 (Draft EIR Page 5-4).

The commentor's statements and opinions regarding the Project are forwarded to the decision-makers for their consideration.

MV00116303

City of Moreno Valley
Public Information Meeting for West Ridge Commerce Center Project
Draft Environmental Impact Report (DEIR)
PUBLIC COMMENT CARD

Thank you for your interest in the proposed West Ridge Commerce Center project for a warehouse distribution building of 937,260 square feet located on the south side of State Route (SR) 60 and 650 west of Redlands Boulevard on the north side of Eucalyptus Avenue. The applicant for this project is Ridge Rancho Belago, LLC. Please provide your comments below and submit this card during the public information meeting or mail/fax to the numbers listed below by 5:30 p.m. on Monday, December 6, 2010. This will conclude the required 45 day comment period for the project's Draft Environmental Impact Report. Please attach additional pages, if necessary. Your participation and comments are appreciated.

*Name (Required): George B. Hague (Sierra Club) Phone:

*Address (Required): 26711 Ironwood Ave MV 92555 E-Mail:

***Note: Your name and contact information will become part of the public record for this project.**

☒ Yes, I would like to be added to your project mailing list to receive information on the EIR notice of availability and future public hearings. SC-C-1

Please provide your comments below:

Date: 12-2-10

Comments to DEIR

Comment of 250' buffer to land zoned for housing is not enough because the trucks will use Fir and therefore impact the homes to be built. USC + UCLA studies show that 250' would not be enough. SC-C-2

Your Traffic study needs to show the amount of Truck Traffic that will use Redlands Blvd. SC-C-3

Hwy 60/215 ultimate RETC improvements will allow only two lanes heading west and the traffic analysis needs to show this. Right now we have only one lane that continues West - the other lane forces you off at Central Ave. SC-C-4

Thank you for your comments. Please submit this form by 5:30 p.m. on Monday, December 6, 2010 to:

City of Moreno Valley
Community Development Department/Planning Division
ATTN: Jeff Bradshaw
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
Jeffreyb@moval.org
Fax: (951) 413-3210

SIERRA CLUB

Via Public Comment Card

Response SC-C-1

The commentor requests to receive future information regarding the Project, and as such, has been added to the Project distribution list.

Response SC-C-2

The commentor offers information from unknown, unvetted "USC & UCLA studies" however, the commentor does not provide adequate citation to allow meaningful response to the contention that the Project setback of 250 feet [from the ultimate northerly right-of-way for Fir/future Eucalyptus Avenue] "would not be enough."

This 250 foot setback is designed to provide adequate separation between the Project's highest activity areas (the most intense "worst case" sources of DPM emissions) and adjacent residential properties, so that with incorporation of mitigation, diesel emissions impacts are reduced to levels that are less-than-significant.

Moreover, as discussed in the DEIR:

> Key to compatibility of the Project's proposed Light Industrial zoning with adjacent residentially zoned land uses is design, implementation, and operation of the Project in a manner consistent with the high performance standards required of uses proposed within the City's Light Industrial zone district. Supporting the proposed zone change, and codifying design solutions proposed the Project, a Municipal Code Amendment is also proposed. The proposed Municipal Code Amendment requires a minimum separation of 250 feet between light industrial uses and residentially-zoned properties.

> This 250 foot minimum separation shall be increased as required to fully mitigate any potentially significant health risks and/or potentially significant operational noise impacts at adjacent residential properties. In addition to reducing potential air quality and noise impacts, this required setback would tend to diminish visual impacts of the Project as seen from southerly vantages and while increasing the extent of potential viewsheds (DEIR, Page 5-24).

In order to evaluate the potential effects of Project diesel emissions (of noted concern to the commentor) a Health Risk Assessment (HRA) was prepared to address Diesel Particulate Matter (DPM) generated by diesel trucks and the operation of heavy duty equipment. The Health Risk Assessment was prepared in accordance with the document Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003). The Health Risk Assessment is summarized within the Draft EIR (see Page 4.3-80) and presented in its entirety as Appendix C to the Draft EIR.

As discussed in Section 4.3 of the Draft EIR, the HRA prepared for the Project indicates that the maximally impacted modeled receptor would be exposed to a mitigated inhalation cancer risk of no more than 8.6 in 1 million, which is less than the SCAQMD exposure threshold of 10 in 1 million. The Project HRA considers and evaluates maximum potential exposure to maximum DPM concentrations consistent with established SCAQMD methodologies. The methodology considers not only DPM source emissions (the highest concentrations of which would occur on the Project site) but also considers other exposure/risk determinants including but not limited to: relative distance to and location of receptors, wind patterns, and topography.

With specific regard to DPM emissions air quality impacts generated by Project traffic along area roads, the Project HRA considers potential worst case cancer risk exposures by evaluating pollutant concentrations at the Project site, which include pollutant

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emissions generated by all vehicles within the site in combination with emissions generated by on-site stationary sources. It is further noted that the cancer risk exposure scenario is in and of itself a conservative assessment of potential cancer risks arising from DPM exposure. That is, pursuant to the adopted SCAQMD/EPA methodologies, calculated DPM-source cancer risks are predicated on extended 70-year/30-year exposure scenarios. Both the 70-year and 30-year cancer risk assessments considered in the Draft EIR represent estimates of theoretic DPM-source cancer risks, and are based on the assumption that a person is exposed to the emission source 24 hours a day for 365 days a year for the entire length of the assumed exposure period. Individuals are typically not stationary at any given outdoor location, spending a portion of each 24-hour cycle indoors. In addition, individuals and families remaining at a given location for 70 or even 30 years would be considered the exception rather than the norm.

The California OEHHA has indicated that based on EPA studies, the EPA recommends a central tendency estimate of 9 years for residency at a given location, and a high-end estimate of 30 years for residency time. Thus, the methodologies used to determine cancer risk (e.g., the assumption of a 24- hour exposure for a 30 or 70 year period) represent a maximum theoretic cancer risk, and is not intended to account for or represent DPM exposures based on residency and occupancy tendencies. As discussed in the Draft EIR, with application of mitigation, applicable cancer risk thresholds are not exceeded. Draft EIR Table 4.3-17 (Page 4.3-86) summarizes maximum mitigated potential cancer risk exposures.

In comparison, DPM emission concentrations generated by Project vehicles traveling along area roads (such as Fir Avenue noted by the commentor) would be substantively reduced in that they reflect only a portion of transient vehicle traffic/emissions, and these emissions are dispersed through vehicle movements and localized winds.

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Response SC-C-3

Estimated opening-year average daily Project-generated truck traffic ingressing/ egressing the Project site via Redlands Boulevard includes:

- 97 two-axle trucks;
- 220 three-axle trucks; and
- 539 four-axle trucks.

Please refer also to detailed trip generation and trip distribution analyses and supporting discussions are presented in the Project TIA (EIR Appendix B, TIA Pages 51-76).

Redlands Boulevard is a designated truck route in the County and a direct route to San Timoteo Canyon Road through Redlands (also designated as a truck route). It is appropriate for Redlands Boulevard to convey Project-related and area truck traffic. To maintain the continuity between affected agencies, the truck route designation for Redlands Boulevard cannot be practically removed. Moreover, there is no feasible means to restrict Redlands Boulevard to local truck trips only, given its direct connection, with no alternative routes, to the previously mention roadways.

Response SC-C-4

In response to the commentor's concerns regarding traffic at the intersection of SR-60 and I-215, the Project's Traffic Impact Analysis (TIA, included as Draft EIR Appendix B) examined performance on the SR-60 as part of Appendix 7.8. The City of Moreno Valley requested that a basic freeway segment analysis be conducted between Box Springs Road/Fair Isle Drive and the I-215 Freeway along the SR-60 Freeway, and included in the TIA. As indicated in the Introduction to this Study (Page 7.8-3), "[i]t should be noted that this analysis was not requested due to potential impacts from the project itself, as these impacts would be nominal, but rather to analyze the current and future projected operations within the segment based on freeway lane geometrics."

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The study concludes that "[a]s vehicular traffic increases on the freeway mainline under each of the future analysis scenarios, the densities on each basic freeway segment are anticipated to increase and peak hour level of service operations are anticipated to progressively worsen." It is in part on this basis that the Draft EIR acknowledges significant cumulative traffic impacts affecting freeway segments in the Project area. As noted in the summary of mitigation on Draft EIR Page 1-51, "[u]nder Opening Year Cumulative Conditions and General Plan Buildout Conditions, cumulative LOS impacts of traffic generated by the project in combination with traffic generated by ambient growth and other development projects will result in potentially significant cumulative traffic impacts affecting SR-60 freeway segments within the Study Area." Because freeway mainline improvements such as widening are jurisdictionally controlled by Caltrans and cannot be autonomously initiated by the Applicant or the Lead Agency, no mitigation was identified that could be feasibly implemented. As such, the Draft EIR found that the Project would have a significant and unavoidable impact in regard to exceedance of LOS thresholds on certain study area freeway segments.

MV00116309

APPENDICES

Please refer to accompanying CD-ROM

MV00116310

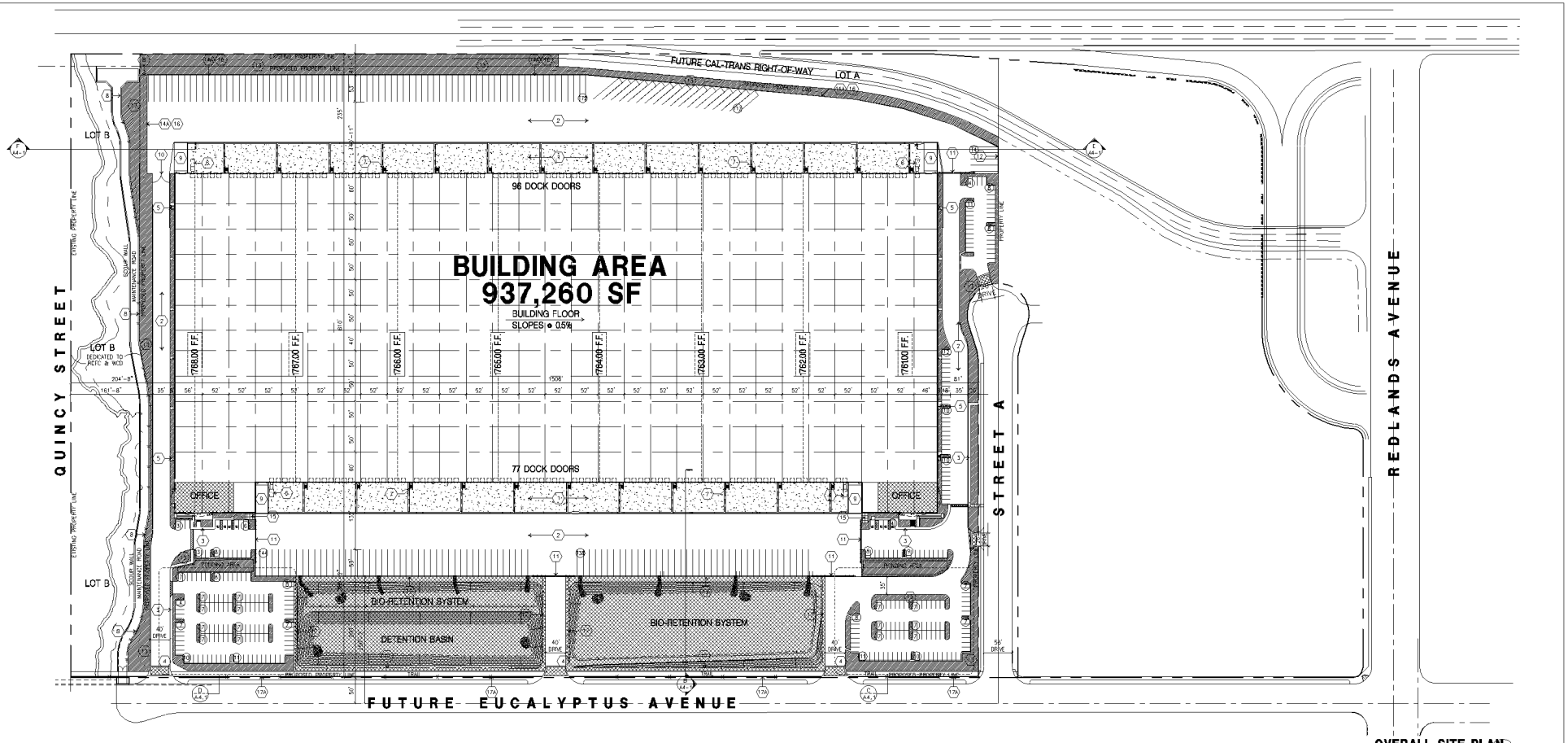

OVERALL SITE PLAN

scale: 1" = 80'-0"

1" = 80'-0"

0 80 160 240

NORTH

TYPICAL STREET SECTIONS

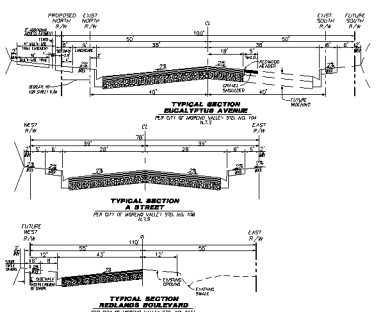

PROJECT TABULATIONS

TABULATION	Bldg 1	Channel	Grand Total
Gross site area (in s.q.ft.)		111,865	2,380,905
Gross site area (in acres)		2.57	54.68
Net site area (in s.q.ft.)	2,269,040		2,251,964
Net site area (in acres)	52.09		51.68
Warehouse area	923,260		
Office area	14,000		
Total building area	937,260		
Coverage (Gross)			
Coverage (Net)	42%		
Landscape required (10%)	226,904		
Landscape provided	305,038		
% of landscape provided	13%		
Parking required			
1st. 20k @1/1,000 s.f.	20		
2nd. 20k @1/2,000 s.f.	10		
above 40k @1/4,000 s.f.	221		
office @1/250	56		
Total parking required	307		
Parking provided			
Standard	307		
Trailers	175		

KEYNOTES - SITE PLAN

1. HEAVY BROOM FINISH CONC. PAVEMENT. SEE "C" & "S" DWGS.
2. ASPHALT CONCRETE (AC) PAVING. SEE "C" DWGS.
3. CONCRETE WALKWAY. SEE "L" DRAWINGS.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD 118C. NO DECORATIVE PAVING WITHIN RIGHT-OF-WAY. SEE "L" DWGS.
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAIN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO PUBLIC WAY OR DRIVE WAY W/ 1:20 MAX. AS REQ. BY CITY INSPECTOR.
6. 7' SIDE X 15' LONG TRASH COMPACTOR W/ 8' WIDE X 22' LONG REFUSE CONTAINER.
7. EXTERIOR CONC. STAIR.
8. 8' H. COATED CHAIN-LINK FENCE OR OTHER AS APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR.
9. CONCRETE RAMP.
10. 8' H. METAL SWING GATE.
11. 8' H. METAL SLIDING GATE.
12. 14' H CONCRETE SCREENWALL. PAINTED.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. 8' H. WROUGHT IRON FENCE.
14A. 14' H. WROUGHT IRON FENCE.
15. COURTYARD PATIO AREA.
16. RETAINING WALL. SEE "C" DWGS.
17. 4' H. THREE RAIL FENCE.
17A. 4' H. THREE RAIL FENCE AS PER COMMUNITY DEVELOPMENT DIRECTOR.

GENERAL NOTES - FLOOR PLAN

A. THE SOILS REPORT PREPARED BY ASSOCIATED SOILS ENGINEERING SHOULD BE A PART OF THESE CONTRACT DOCUMENTS.

B. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.

C. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL. FACE OF CONCRETE CURB OR GRID LINE U.N.O.

D. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES.

E. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM

F. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.

G. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.

H. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.

I. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.

J. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.

K. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.

L. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.

M. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.

N. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.

O. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB

P. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

PROJECT INFORMATION

Owner / Applicant

PIERCE RANCHO BELLAGIO, LLC
c/o PIERCE PROPERTY TRUST
301 CONVAL AVE. - STE #8
LONG BEACH, CA 90803
TEL: (562) 856-3619
CONTACT: DENNIS PICE

Architect

HPA, INC.
18831 BARDEEN AVE. SUITE #100
IRVINE, CA 92612
TEL: (949) 863-1770
CONTACT: INDRI CHANG

Applicant's Representative

INLAND EMPIRE DEVELOPMENT SERVICES, INC.
531 MONROE COURT
BEAUMONT, CA 92223
TEL: (909) 845-1003
CONTACT: GIL SWENT

Civil Engineer

HUITT ZOLLARS
1101 S. MILIKEN - STE.G
ONTARIO, CA 91761
TEL: (909) 390-9400
CONTACT: MAURICE MURAD

Legal Description

ALL OF LOTS 3,4,5,6 BLK. 35 AND A PORTION OF LOTS 2 AND 7 BLK. 35 LYING WITHIN MAP NO. 1 OF BEAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY IN THE COUNTY OF RIVERSIDE, STATE OF CALIF. AS PER MAP RECORDED IN BOOK 11, PG. 10 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Zoning

ZONING: EXISTING - BP
PROPOSED - LI

Assessors Parcel Number

APN 488-330-003
APN 488-330-004
APN 488-330-005
APN 488-330-006
APN 488-330-026

SITE LEGEND

- LANDSCAPED AREA
- WQMP AREA
- AC PAVING - SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 18')
- HANDICAP PARKING STALL (9' X 18')
- OFFICE AREA
- PROPERTY LINE
- ADA PATH OF TRAVEL
- (#) PARKING STALL COUNT

CIVIL LINETYPES

- DW — PROPOSED DOMESTIC SERVICE
- FW — PROPOSED FIRE SERVICE
- W — PROPOSED WATER LINE
- S — PROPOSED SEWER LINE
- RIGHT OF WAY/SITE BOUNDARY
- EXTND RIGHT OF WAY/SITE BOUNDARY
- R — PROPOSED RIDGE LINE
- SD — PROPOSED STORM DRAIN
- PROPOSED GRATING INLET

UTILITY INFORMATION

TELEPHONE
VERIZON
1980 ORANGE TREE LANE, STE 100
REDLANDS, CA 92374
PHONE: (909) 748-6839
CONTACT: TINA CARSON

ELECTRIC
MORENO VALLEY UTILITIES
14177 FREDERICK ST.
MORENO VALLEY, CA 92552
PHONE: (951) 413-3450
CONTACT: DARCY RAMIREZ

WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928 - 3777
CONTACT: NEW BUSINESS

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92571
PHONE: (951) 928-3777
CONTACT: NEW BUSINESS

GAS
SOUTHERN CALIFORNIA GAS CO.
25500 TRUMBLE ROAD SC 6058
ROMOLAND, CA 92380
PHONE: (951) 335-3502
CONTACT: DAVE MULLIGAN

CABLE - TV
TIME WARNER CABLE
1500 AUTO CENTER DR.
ONTARIO, CA 91761
PHONE: (909) 975-3380
(909) 390-4777
CONTACT: MARK DALENHAUER

VICINITY MAP

N.T.S.

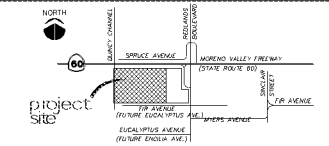

PLOT PLAN
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

WestRidge
Commerce Center
MORENO VALLEY, CALIFORNIA

RIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

HPA# 6342

NOVEMBER 5, 2010

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

A1.1

ATTACHMENT 11

MV00116311

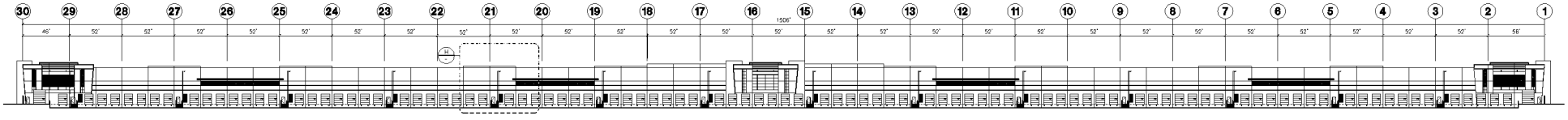

NORTH ELEVATION (A)
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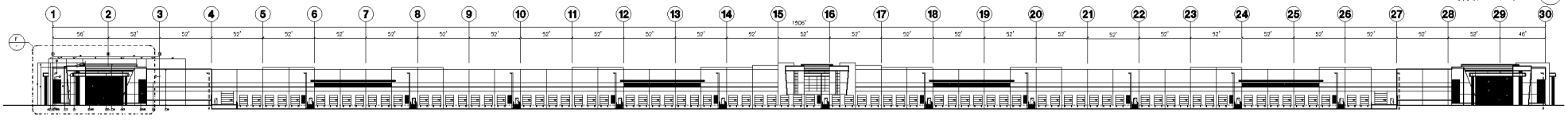

SOUTH ELEVATION (B)
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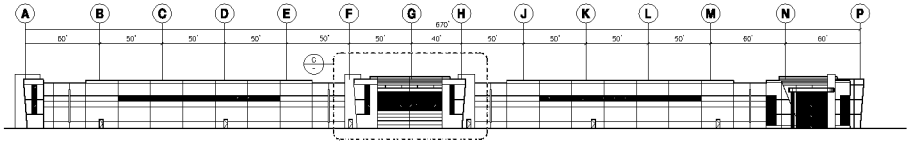

WEST ELEVATION (D)
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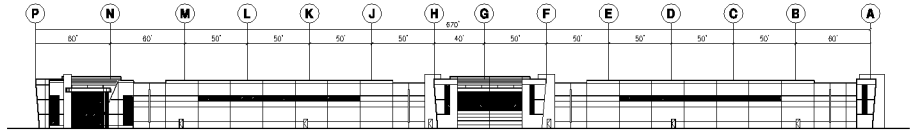

EAST ELEVATION (C)
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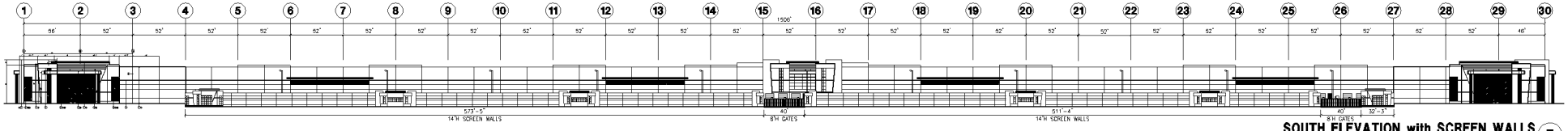

SOUTH ELEVATION with SCREEN WALLS (E)
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SCALE: 1"=40'
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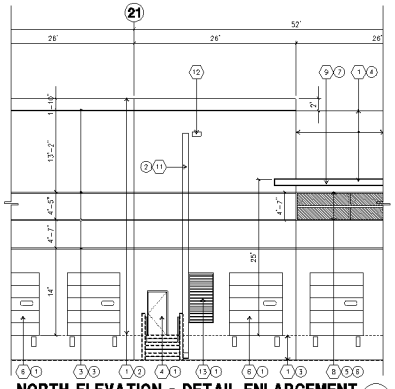

NORTH ELEVATION - DETAIL ENLARGEMENT (H)
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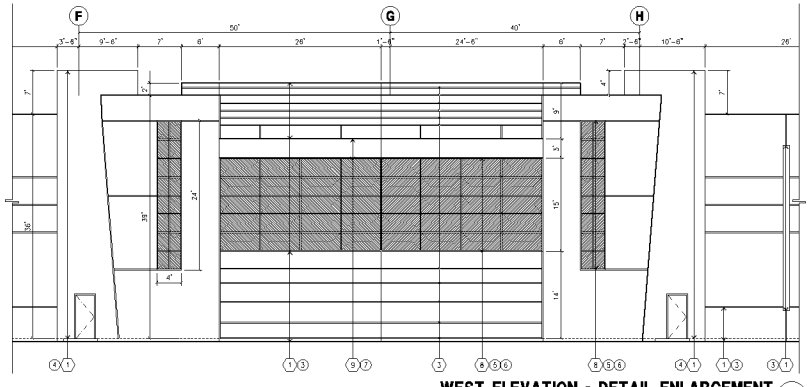

WEST ELEVATION - DETAIL ENLARGEMENT (G)
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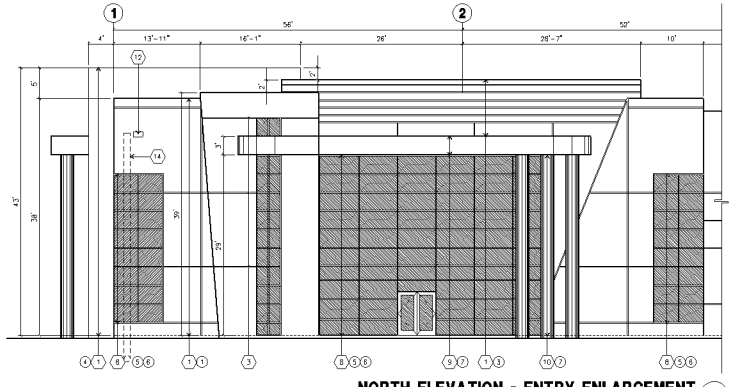

NORTH ELEVATION - ENTRY ENLARGEMENT (F)
scale: 1/8"=1'-0"

SCALE: 1/8"=1'-0"
0 8' 16' 24'

KEYNOTES - ELEVATION

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL.
4. HOLLOW METAL DOORS.
5. OVERHEAD DOOR @ DRIVE THRU.
6. OVERHEAD DOOR @ DOCK HIGH.
7. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL.
8. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
9. DECORATIVE CANOPY.
10. DECORATIVE COLUMN SUPPORT FOR CANOPY.
11. EXTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER. PAINT TO MATCH BUILDING COLOR.
12. 9" X 18" OPENING METAL SCUPPER @ 2" ABOVE FINISHED ROOF.
13. 4'W. X 8'H METAL LOUVER PAINT TO MATCH BUILDING COLOR.
14. INTERIOR METAL DOWNSPOUT AND OVERFLOW SCUPPER.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.

B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.

C. T.O.P.= TOP OF PARAPET ELEVATION.
F.F.= FINISH FLOOR ELEVATION.

D. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 105 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.

E. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.

F BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.

G FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.

H. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.

J. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULES - ELEVATIONS

1	CONCRETE PANEL	PAINT BRAND	FRAZEE 001 WHITE
2	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3171W SILVER LINING
3	CONCRETE PANEL	PAINT BRAND	FRAZEE CL3173M EXCALIBUR
4	CONCRETE PANEL	PAINT BRAND	FRAZEE CL2566A DEUCE
5	MULLIONS	ALUMINUM	CLEAR ANODIZED
6	GLAZING	COLOR	BLUE REFLECTIVE
7	CANOPY	PAINT BRAND	FRAZEE PRECISION COATINGS INC. SILVER MIST METALLIC FLAT

GLAZING LEGEND

- SPANDREL GLASS
- VISION GLASS
- TEMPERED SPANDREL GLASS
- TEMPERED VISION GLASS

ELEVATIONS
CASE NUMBER: PA06-0097/0098
MARCH 24, 2009

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

WESTRIDGE PROPERTY TRUST
EXCEPTIONAL RESULTS...WITHOUT EXCEPTION

NOVEMBER 5, 2010

A3.1

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

ATTACHMENT 12

MV00116312

HPA

18831 Bardeen Ave. - Suite #100
Irvine, CA 92612
(949)863-1770
www. hparchs.com

WestRidge Commerce Center

Moreno Valley, California

RIDGE PROPERTY TRUST

August 9, 2010/Job#8418

ATTACHMENT 13

MV00116313

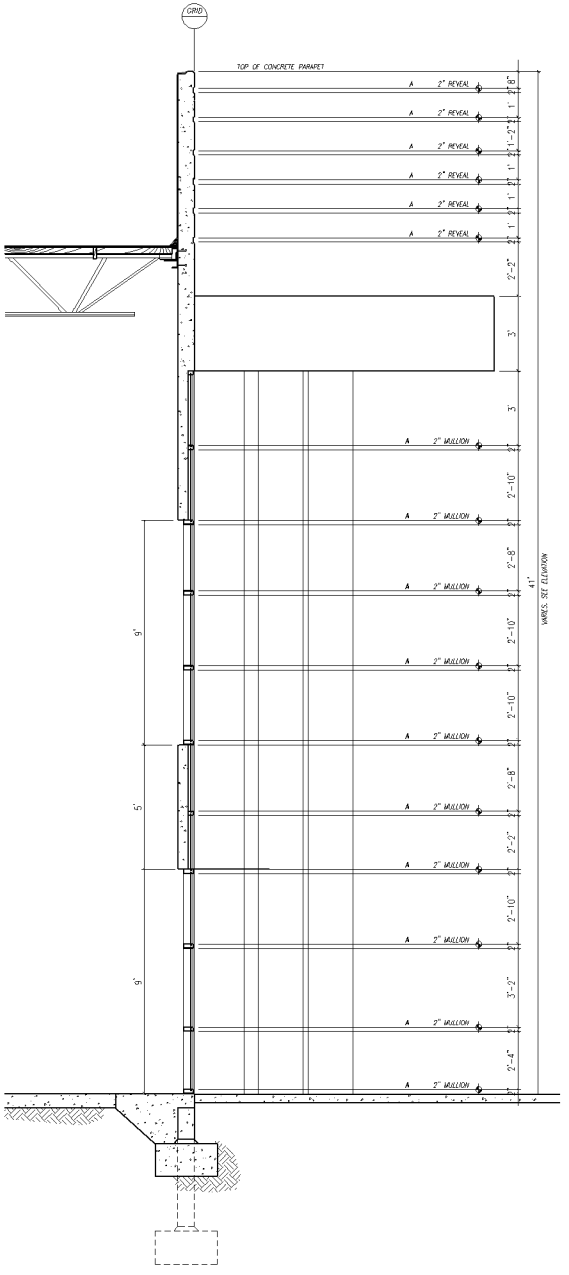

BUILDING SECTION @ OFFICE AREA (A)
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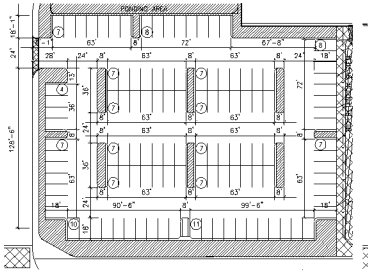

ENLARGED SITE PLAN @ SOUTHWEST (D)
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1" = 40'-0"
0 40 80 120
NORTH

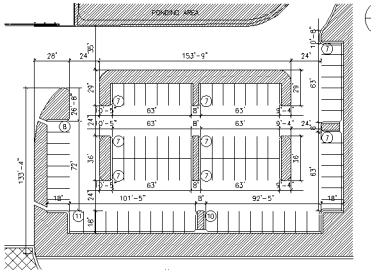

ENLARGED SITE PLAN @ SOUTHEAST (C)
scale: 1" = 40'-0"

1" = 40'-0"
0 40 80 120
NORTH

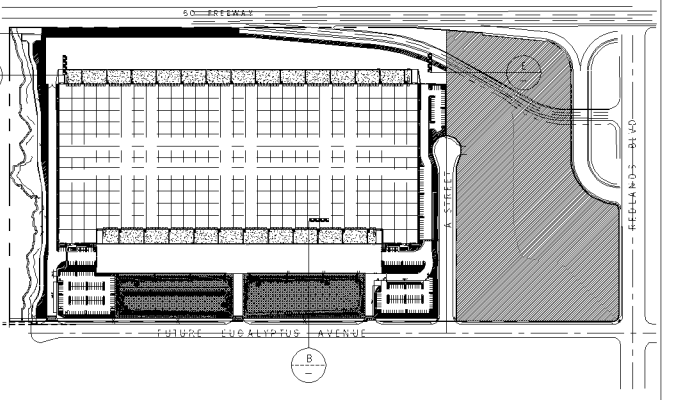

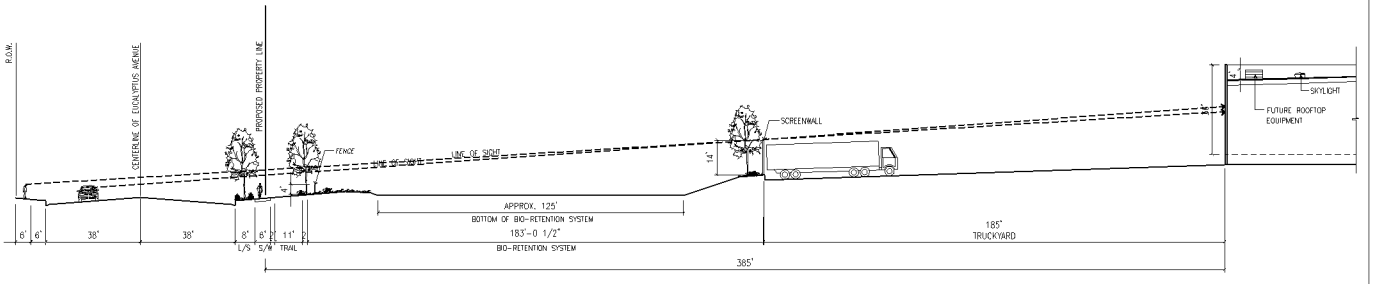

LINE OF SIGHT (B)
scale: 1" = 20'-0"

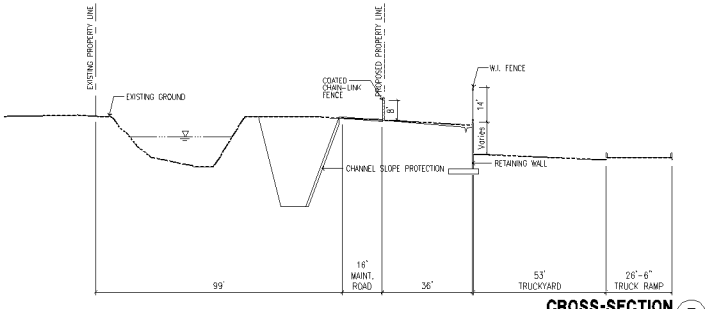

CROSS-SECTION (F)
scale: 1" = 20'-0"

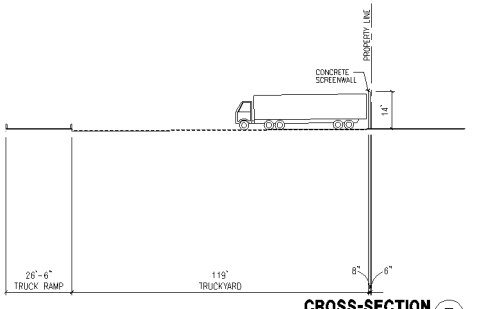

CROSS-SECTION (E)
scale: 1" = 20'-0"

WestRidge Commerce Center
MORENO VALLEY, CALIFORNIA

SITE ANALYSIS
CASE NUMBER: PA08-0097/0098
MARCH 24, 2009

HPA, INC.
18831 BARDEEN AVENUE, IRVINE, CA 92612
(949) 863-1770

NOVEMBER 5, 2010

A4.1

ATTACHMENT 14

MV00116314

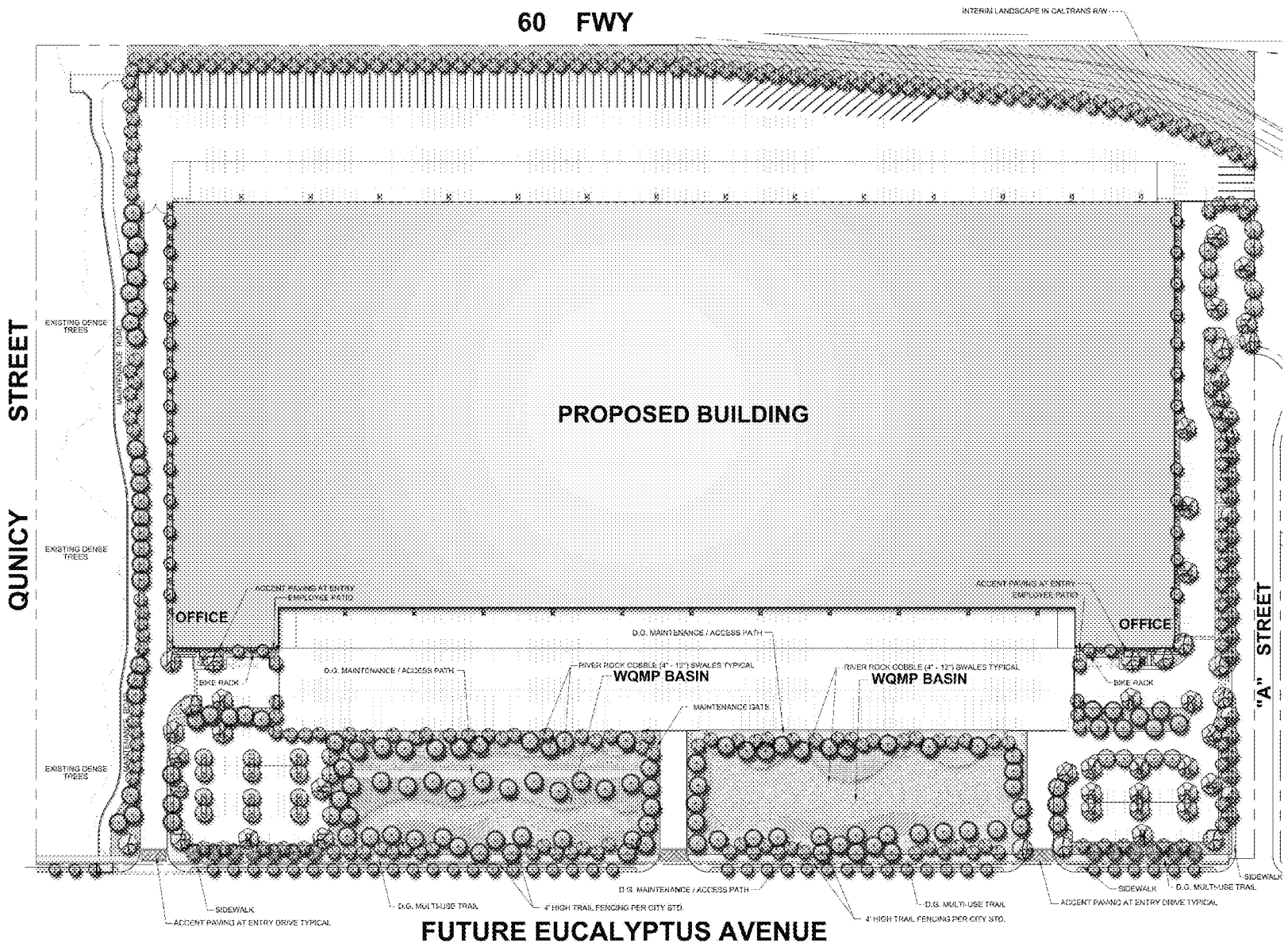

PLANT PALETTE

TREES

SYMBOL	TREE	SIZE	QUANTITY
	Quercus suber (Cork Oak)	15 GAL 24" BOX	30 51
	Eucalyptus sideroxylon (Red Ironbark)	24" BOX	79
	Tilia cordata (Crimean Linden)	48" BOX	16
	Ulmus americana (Liberty elm) Pink or Pistacia atlantica (Atlantic Pist)	15 GAL 24" BOX	150 104
	Platanus acerifolia 'Bloodgood' (London Plane Sycamore) (Includes Street Tree)	24" BOX	13
	Pinus canariensis (Canary Island Pine)	15 GAL	152
	Pistacia chinensis 'Keith Davey' (Includes Street Tree)	24" BOX	21
	Quercus agrifolia (Coast Live Oak)	24" BOX	24
	Rhus lancea (African Sumac)	15 GAL	27

ROOT BARRIER NOTE

ALL TREES WITHIN 5' OF HARDSCAPE SHALL BE 24" X 8' GRANTOWN ROOT BARRIER 24" HIGH

SHRUBS

PLANT NAME	SIZE	SPACING
Abelia grandiflora 'full Scarlet' (ACR)	5 gallon	30" o.c. spacing
Acacia cf. (Sunset Trails Acacia)	5 gallon	8' o.c. spacing
Adenanthos sericeus (Woolly Bush)	1 gallon	12" o.c. (Staggered)
Agave americana (Century Plant)	5 & 15 gallon	8' o.c. spacing
Agave attenuata (Fleece Agave)	5 gallon	4' o.c. spacing
Aloe Species	5 gallon	5' o.c. spacing
Anigozanthos flavidus (Kangaroo Paw)	5 gallon	5' o.c. spacing
Arbutus unedo (Strawberry Tree)	5 gallon	5' o.c. spacing
Arctostaphylos (Manzanita)	5 gallon	5-6' o.c. spacing
Asparagus ophyllus (Sprengeri's Asparagus)	5 gallon	3' o.c. spacing
Baccharis pilularis (Pacific Dwarf)	5 gallon	4' o.c. spacing
Carex texensis (Texas sedge)	5 gallon	4' o.c. spacing
Cistus species (Rockrose)	5 gallon	3' o.c. spacing
Cotyledon orbiculata (Pig's Ear)	5 gallon	3' o.c. spacing
Dianella species (Flax Lily)	5 gallon	3' o.c. spacing
Elaeagnus pungens (Silverberry)	5 gallon	4' o.c. spacing
Fragaria chiloensis (Strawberry Sunset)	5 gallon	4' o.c. spacing
Galvezia speciosa (Island Bush Snapdragon)	5 gallon	3' o.c. spacing
Heteromeles arbutifolia (Red Berry)	5 & 15 gallon	8' o.c. minimum
Juniperus species (Juniper)	1 and 5 gallon	varies
Leucadendron species (Conebush)	1 and 5 gallon	24" o.c. to 48" o.c. spacing
Leucospermum cordifolium 'Pincushion'	5 gallon	4' o.c. spacing
Leucospermum tottum 'Golden Gem' (Trailing Pin Cushion)	5 gallon	4' o.c. spacing
Ligustrum lucidum (Wax Leaf Privet)	5 gallon	30" o.c. spacing
Macadamia integrifolia and tetraphylla (Macadamia Nut)	5 gallon	24" o.c. spacing
Mahonia aquifolium (ACR)	5 gallon	24" o.c. spacing
Muhlenbergia capillaris (Pink Muhly Grass)	5 gallon	24" o.c. spacing
Myrtus communis (Species Myrtle)	5 gallon	24" o.c. spacing
Nandina domestica (Heavenly Bamboo)	5 gallon	24" (3' o.c. spacing)
Pittosporum tobira (Tobira Pittosporum)	5 gallon	4-6' o.c. spacing
Polygala myrtifolia	5 gallon	4-6' o.c. spacing
Rhaphiolepis indica (Indian Hawthorne)	5 gallon	4-6' o.c. spacing
Rhamnus californica (Coffeeberry)	5 gallon	4-6' o.c. spacing
Rosa species (Roses)	5 gallon	varies
Rosmarinus officinalis (Rosemary)	1 & 5 gallon	30" (2' o.c. spacing)
Salvia clevelandii (Autumn Sage)	5 gallon	5' o.c. spacing
Verbena lilacina (Lilac Verbena)	5 gallon	4-6' o.c. spacing
Xylosma congestum (Shiny Xylosma)	5 gallon	4-6' o.c. spacing

GROUNDCOVERS

PLANT NAME	SIZE	SPACING
Acacia redolens (ACR)	1 and 5 gallon	48" o.c. spacing min.
Baccharis pilularis (Coyote Brush)	1 gallon	48" o.c. spacing min.
Carex divulsa (Berkeley)	1 gallon	42" o.c. spacing min.
Delosperma cooperi (Trailing Ice Plant)	1 gallon	24" o.c. spacing min.
Gazania species (Trailing Gazania)	1 gallon	24" o.c. spacing
Hedera species (Ivy)	1 gallon	30" o.c. spacing
Lantana montevidensis (Trailing Lantana)	1 gallon	18" o.c. spacing
Myoporum parvifolium 'Putah Creek' (Myoporum)	1 gallon	24" (2' o.c. spacing)
Rosmarinus species (Rosemary)	1 gallon	48" o.c. spacing
Santolina chamaecyparissus (Lavender Cotton)	1 gallon	48" o.c. spacing
Trachelospermum jasminoides (Star Jasmine)	From and 1 gallon	18" o.c. spacing

INTERIM LANDSCAPE IN THE CALTRANS R/W - PLANT 1 GAL., ACHIEVE BEGOLENE 12" O.C. WITH 3" INNER LAYER OF DECOMPOSED GRANITE. TRANSITION TO BE IRRIGATED WITH DRIP IRRIGATION.

SIDEWALK VINE - INVISIBLE NON-SEMI-SEE-PURGE-EESONG INC.

0.25 AC	ACTINIDIA CHINENSIS	
0.25 AC	MASDEVALLIA CORNUTA	
0.25 AC	MONEMBRYSON DUBIUS	
0.25 AC	MONSTERA ADANSONII	
0.25 AC	MONSTERA DELICIOSA	
0.25 AC	OLEARIA ARGOPHYLLA	
0.25 AC	PELARGONIUM SPECIOSUM	

VINES FOR SCREENWALLS

SYMBOL	PLANT NAME	SIZE	SPACING
	Ficus pumila (Creeping fig)	1 gallon	12" o.c. spacing
	Bougainvillea (Bougainvillea) (Cascade)	1 gallon	12" o.c. spacing

VINES FOR W.I. FENCING AROUND BASIN

SYMBOL	PLANT NAME	SIZE	SPACING
	Dendrobenthamia (Red Flowering Dogwood)	5 gallon	8' o.c. spacing

NOTE: VINES ARE REQUIRED ON ALL SCREENWALLS & W.I. FENCING AROUND BASIN

MULCH NOTE

ALL PLANTER AREAS TO RECEIVE A 3" LAYER OF COVER MULCH AVAILABLE FROM MATERIALS DIST. 951-924-7266

West Ridge Commerce Center

Moreno Valley, CA

Ridge Property Trust

PRELIMINARY LANDSCAPE PLAN

NORTH

SCALE: 1" = 60' - 0"

SHEET L-1

DATE: 6-9-10

ATTACHMENT 15

MV00116315

TENTATIVE PARCEL MAP NO. 36207

IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF PORTIONS OF LOTS 2, 3, 4, 5, 6 & 7 INDUSTRIE, BLOCK 35, OF MAP NO. 1 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE CITY OF MORENO VALLEY, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13 PAGE 71, OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF RIVERSIDE.

HUITT–ZOLLARS

NOVEMBER, 2010

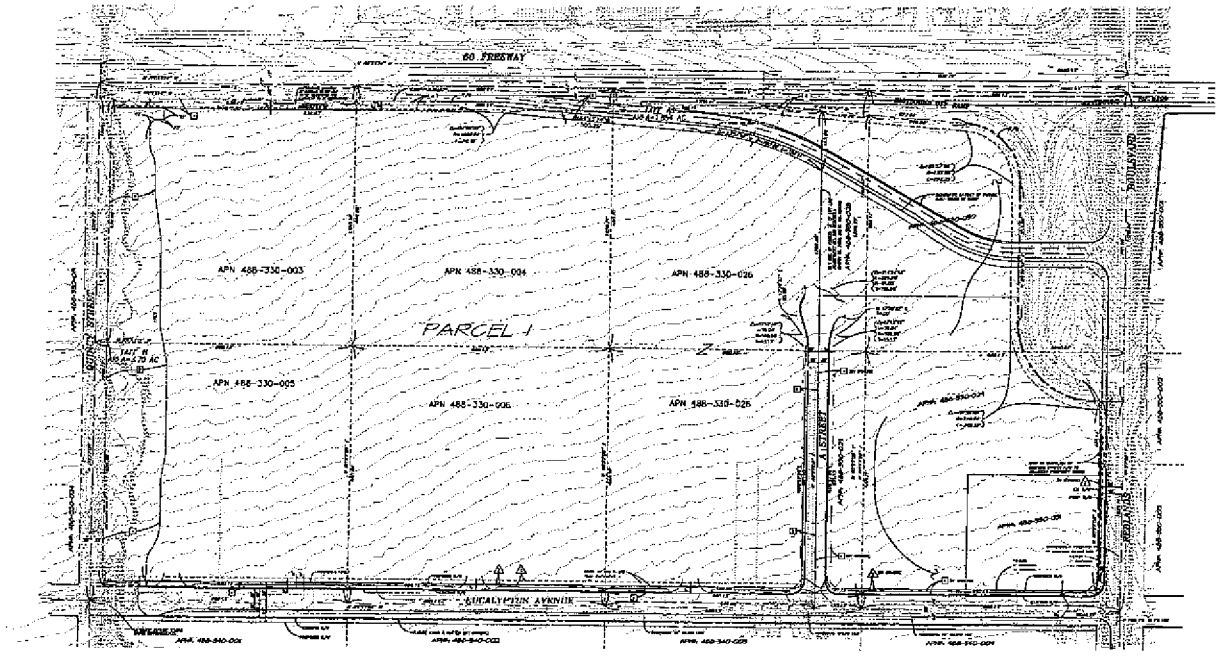

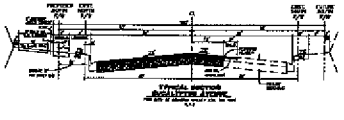

TYPICAL SECTION
EUCALYPTUS AVENUE

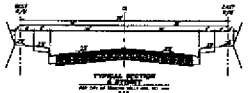

TYPICAL SECTION
A STREET

TYPICAL SECTION
MORENO BEACH DRIVE

EASEMENT NOTES

(A) EASEMENTS FOR THE PURPOSES SHOWN ON THE MAP WHICH INCLUDE, BUT ARE NOT LIMITED TO:

GRANTEE: EASTERN MUNICIPAL WATER DISTRICT
PURPOSE: WATER AND SANITARY SEWER
RECORDING: DOCUMENT NO. 1994-0000000, OFFICIAL RECORDS

PROPOSED EASEMENT

1. 17' EASEMENT FOR MULTI-USE TRAIL TO BE CITY OF MORENO VALLEY.
2. 5' EASEMENT FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF SIDEWALK TO THE CITY OF MORENO VALLEY.

PROPOSED DEDICATION

1. DEDICATE 30' HISTORICAL STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY.
2. DEDICATE 30' STREET RIGHT-OF-WAY TO THE CITY OF MORENO VALLEY.
3. PLOT A DEDICATE TO BE THE CITY OF MORENO VALLEY FOR FUTURE CONSTRUCTION.
4. DEDICATE A DEDICATE TO BE A PUBLIC FOR SAFETY CHANNEL R/S. PER SEPARATE DOCUMENT.

LINE DATA		
LINE	BEARING	DISTANCE
L1	N 00°00'00" E	0.00'
L2	N 00°00'00" E	30.00'
L3	N 00°00'00" E	30.00'
L4	N 00°00'00" E	30.00'
L5	N 00°00'00" E	30.00'
L6	N 00°00'00" E	30.00'
L7	N 00°00'00" E	30.00'
L8	N 00°00'00" E	30.00'
L9	N 00°00'00" E	30.00'
L10	N 00°00'00" E	30.00'

PARCEL TABULATION TABLE	
PARCEL 1	14.00 ACRES
TOTAL	14.00 ACRES

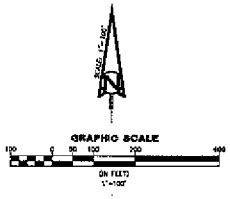

GENERAL NOTES

1. EXISTING LAND USE: VACANT
2. ADJACENT LAND USE: INDUSTRIAL, AND IS PARALLEL TO THE 60 FREEWAY, ADJACENT TO THE SOUTH, BETWEEN THE 60 FREEWAY AND EUCALYPTUS, TO THE EAST
3. GROSS LOT SIZE: 14 ACRE
4. EXISTING ZONING: IP1 PROPOSED ZONING: IP1
5. FLOOD ZONE: X PANEL NO. 06065C0765G EFF. DATE: AUGUST 28, 2008
6. PROPOSED LAND USE: LIGHT INDUSTRIAL / WAREHOUSE DISTRIBUTION
7. PROPOSED WATER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
8. PROPOSED SEWER SERVICE WILL BE PROVIDED BY: EASTERN MUNICIPAL WATER DISTRICT
9. ALL UTILITIES SHALL BE UNDERGROUNDED:
   GAS: SOUTHERN CALIFORNIA GAS COMPANY
   ELECTRIC: CITY OF MORENO VALLEY ELECTRIC UTILITY
   TELEPHONE: VERIZON TELEPHONE COMPANY
10. ALL SLOPES SHALL BE CONSTRUCTED AT A MAXIMUM RATIO OF 2:1 UNLESS OTHERWISE PERMITTED
11. ALL STREETS WILL BE CONSTRUCTED PER CITY OF MORENO VALLEY STANDARDS.
12. GRADE TOPOGRAPHY PROVIDED BY: SYDOW MAPPING INC.
13. ANY PUBLIC EASEMENT TO BE ABANDONED SHALL BE DONE ON THE PARCEL MAP.
14. AREA=14.0AC ±

PREPARED FOR OWNER/DEVELOPER
RIDGE RANCHO MORENO, LLC
[illegible]

PREPARED IN THE OFFICE OF
HUITT–ZOLLARS, INC.
[illegible]

UTILITY PROVIDERS
WATER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

GAS
SOUTHERN CALIFORNIA GAS COMPANY
[illegible]

SEWER
EASTERN MUNICIPAL WATER DISTRICT
2270 TRUMBLE ROAD
PERRIS, CA 92570
(951) 928-3777

TELEPHONE
VERIZON
[illegible]
ROLLING, CA 92374

ELECTRIC
MORENO VALLEY UTILITIES
14075 PERRIS ST.
MORENO VALLEY, CA 92553
(951) 413-3500

CABLE – TV
MEDIACOM COMMUNICATIONS
[illegible]
[illegible]

LAND USE

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

EARTHWORK

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

LEGEND / ABBREVIATIONS

[illegible]	PROPOSED BOUNDARY LINE
[illegible]	PROPOSED CURB BREAK LINE
[illegible]	PROPOSED DIMENSIONS BETWEEN LINE
[illegible]	PROPOSED SEWER LINE
[illegible]	PROPOSED STORM DRAIN
[illegible]	EXISTING GAS LINE
[illegible]	EXISTING SEWER LINE
[illegible]	EXISTING STORM DRAIN
[illegible]	STORM DRAIN INLET
[illegible]	CATCH BASIN
[illegible]	[illegible]
[illegible]	EXISTING RIGHT OF WAY/SITE BOUNDARY
[illegible]	CENTERLINE
[illegible]	LOT LINE
[illegible]	FIRE HYDRANT

LEGAL DESCRIPTIONS

THE DESCRIPTIONS SHOWN BELOW HAVE BEEN CONTRACTED FROM A PRELIMINARY TITLE REPORT PROVIDED BY [illegible] COMPANY [illegible] DATED [illegible] FILE NO. [illegible] PURSUANT TO SECTION 66445(b) OF THE SUBDIVISION MAP ACT.

PARCEL 1:

LOT 2, BLOCK 35 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NORTHERLY [illegible] MINERAL RIGHTS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED DECEMBER 30, 1948 IN BOOK 1246, PAGE 184 OF OFFICIAL RECORDS.

PARCEL 2:

LOT 3, BLOCK 35 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, TOGETHER WITH THE SOUTH 30.00' OF EUCALYPTUS AVENUE, LYING EASTERLY AND ADJACENT TO SAID LOT 3, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT NORTHERLY [illegible] MINERAL RIGHTS GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED DECEMBER 30, 1948 IN BOOK 1246, PAGE 184 OF OFFICIAL RECORDS.

PARCEL 3:

LOT 4, BLOCK 35 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, TOGETHER WITH THE SOUTH 30.00' OF EUCALYPTUS AVENUE, LYING EASTERLY AND ADJACENT TO SAID LOT 4, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 4:

LOT 5, BLOCK 35 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT COMPANY, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, TOGETHER WITH THE SOUTH 30.00' OF EUCALYPTUS AVENUE, LYING EASTERLY AND ADJACENT TO SAID LOT 5, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 5:

A PORTION OF LOTS 6 AND 7 BLOCK 35 OF REAR VALLEY AND ALESSANDRO DEVELOPMENT CO., IN THE CITY OF MORENO VALLEY, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 13, PAGE 71, OF MAPS, TOGETHER WITH THE SOUTH 30.00' OF EUCALYPTUS AVENUE, LYING EASTERLY AND ADJACENT TO SAID LOT 6, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPTING THEREFROM THE WEST PORTION OF SAID LOT 6 LYING WITHIN THE BOUNDARY OF THE PARCEL MAP, RECORDED IN BOOK 131, PAGES 1 AND 2 OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

CITY CASE NO. PADS-0022

HUITT–ZOLLARS
HUITT-ZOLLARS, INC.
[illegible] STREET, SUITE 450 • ORANGE, CALIFORNIA 92868 • (949) 988-7994

DESIGNED BY: [illegible]	SHEET 1 OF 1
DRAWN BY: [illegible]	
CHECKED BY: [illegible]	DATE: [illegible]
P.O.B.	
JOB NO. [illegible]	

ATTACHMENT 16

MV00116316

West Ridge Commece Center Project

Legend

- Highways
- Parcels
- Roads
- March Installation Area
- Waterbodies
- Sphere of Influence
- Ortho Photography

City Boundaries

- Calimesa
- Moreno Valley
- Perris
- Riverside

Powered By GeoSmart.net

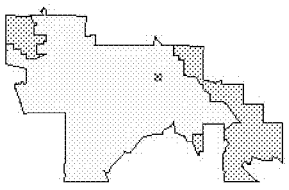

City of Moreno Valley
14177 Frederick St
Moreno Valley, CA 92553

DISCLAIMER: The information shown on this map was compiled from the Riverside County GIS and the City of Moreno Valley GIS. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Riverside County and City of Moreno Valley will not be held responsible for any claims, losses, or damages resulting from the use of this map.

ATTACHMENT 17

N

0 300 600 1200ft

Printed: 5/4/2011 11:52:36 AM

MORENO VALLEY
WHERE DREAMS SOAR

Chapter 9.05 INDUSTRIAL DISTRICTS

9.05.010 Purpose and intent.

A. The primary purpose of the industrial districts is to provide a sound and diversified economic base and ample employment opportunities for the citizens of Moreno Valley. It is the further intent of this chapter to accomplish this through the establishment of a specific, well-defined pattern of industrial activities which is compatible with residential, commercial, institutional and open space uses located elsewhere in the community; has good access to the regional transportation system; accommodates the personal needs of workers and business visitors; and which meets the service needs of local businesses.

B. In addition to the above, it is the further intent of the industrial districts:

1. To reserve appropriately located areas for industrial use and protect these areas from inharmonious uses;

2. To protect residential, commercial and nuisance-free nonhazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectional influences and from fire, explosion, radiation and other hazards potentially related to certain industrial uses;

3. To provide sufficient open space around industrial structures to protect them and surrounding areas from hazard and to minimize the impact of industrial plants on nearby residential or commercial districts; and

4. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings and structures of excessive size in relation to the size of the buildable parcel. (Ord. 359 (part), 1992)

9.05.020 Industrial districts.

A. Business Park District (BP). The primary purpose of the business park (BP) district is to provide for light industrial, research and development, office-based firms and limited supportive commercial in an attractive and pleasant working environment and a prestigious location. This district is intended to provide a transition between residential and other sensitive uses and more intense industrial and warehousing uses.

B. Light Industrial District (LI). The primary purpose of the light industrial (LI) district is to provide for light manufacturing, light industrial, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for light industrial uses that can meet high performance standards. This district requires buffering between residential districts and industrial and warehouse structures greater than 50,000 square feet in building area within the LI district. Please refer to the Special Site Development Standards in Section 9.05.040.B.9.

C. Industrial (I). The primary purpose of the industrial (I) district is to provide for manufacturing, research and development, warehousing and distribution and multitenant industrial uses, as well as certain supporting administrative and professional offices and commercial uses on a limited basis. This district is intended as an area for industrial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development parks.

D. Business Park-Mixed Use (BPX). The purpose of the business park-mixed use (BPX) district is to provide locations for limited convenience commercial and business support services within close proximity to industrial and business park uses. (Ord. 693 § 2 (part) (Exh. B), 2005: Ord. 590 § 2 (part), 2001; Ord. 359 (part), 1992)

9.05.030 Permitted uses for industrial districts.

For the industrial district, unless otherwise expressly provided in this title, permitted uses are limited to those described in the Permitted Uses Table 9.02.020-1 in Section 9.02.020 of this title. (Ord. 359 (part), 1992)

9.05.040 Industrial site development standards.

A. General Requirements.

1. The following table sets forth minimum property development standards for all land, buildings and structures constructed within the specified industrial districts. All sites shall conform to the dimensions set forth in this section. A development or center may, however, be a combination of many parcels totaling at least the required site size, but its design must be integrated and unified.

2. In addition, projects must comply with the special requirements enumerated in Section 9.05.040(B), the performance standards included in Chapter 9.10 and any other applicable city ordinances, policies and programs.

Table 9.05.040-8

Industrial Site Development

Minimum Standards

Requirement	BP /II[1]	BPX	I
1. Minimum site area (in acres)	1	1	5
2. Minimum site width (in feet)	200	200	300
3. Minimum site depth (in feet)	200	200	300
4. Minimum front building setback area (in feet)	20	20	20
5. Minimum interior side building setback area (in feet)*	*(see note below)	*(see note below)	—
6. Minimum street side building setback area (in feet)	20	20	20
7. Minimum rear building setback area (in feet)*	*(see note below)	*(see note below)	—

[1]See Special Site Development Standards 9.05.040.B.9 for unique separation requirements for structures greater than 50,000 square feet in building area.
*Structures shall be constructed on the property line or a minimum of three feet from the property line.

B. Special Site Development Standards.

1. When any industrial district abuts a property in any residential district, a minimum building setback equal to the building height, but not less than of twenty (20) feet shall be required from such residential district. Further, the ten (10) feet of such setback nearest the district boundary line shall be landscaped.

2. Where off-street parking areas industrial districts are visible from any street, screening in the form of a landscaped earthen berm, shrubs, or decorative wall three feet in height shall be erected between the required landscape area and the parking area.

3. In all industrial districts, required front building setback areas shall be landscaped. The landscaping shall consist predominantly of plant materials except for necessary walks and drives.

4. Except as otherwise permitted, a street side building setback area in any industrial district shall be used only for landscaping, pedestrian walkways, driveways or off-street parking. Where off-street parking in any industrial district is located within building setback areas, a minimum landscaped area ten (10) feet in depth shall be provided between the property line and parking area, with an additional minimum landscaped area ten (10) feet in depth required between the parking area and the building.

5. Except as otherwise permitted, required rear and interior side building setback areas in any industrial district shall be used only for landscaping, pedestrian walkways, driveways, off-street parking or loading, recreational activities or facilities, and similar accessory activities.

6. Parking for each use shall comply with the requirements of Chapter 9.11 and this section.

7. The land uses planned for each development shall be specified on the approved site plans. No use shall be established unless the development where it is located has adequate parking facilities to accommodate such use and any planned uses that share parking facilities with such use.

8. In the BP, LI and I districts, the retail sales of goods produced or warehoused in connection with a manufacturing, assembly or warehouse use may be conducted, provided that no more than fifteen (15) percent of the gross floor area of the space occupied by such use is devoted to retail sales. Any merchandise storage or display areas to which the public has access shall be considered as committed to the percentage of building area used for retail purposes.

9. In the LI district, industrial and warehouse structures greater than 50,000 square feet in building area shall be separated from any Residential district as determined by an air quality and noise impact analysis. The minimum separation distance for such uses shall be 250 feet between the Residential district and the building, truck court or loading area.

~~9~~10. The parcelization of a business complex for marketing, financing or other purpose shall not establish separate privileges with respect to the maximum percentage of floor area specified in this section with respect to the BPX district. (Ord. 643 § 2.2, 2003; Ord. 616 § 2.2.5, 2005; Ord. 590 § 2 (part), 2001; Ord. 497 §§ 1.1, 1.2, 1.3, 1996; Ord. 464 §§ 1.2, 1.3, 1995; Ord. 405 §§ 1.1, 1.2, 1993; Ord. 359 (part), 1992)

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: December 10, 2010
jeffreyb@moval.org

December 10, 2010

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document, including with an extended review period. The following comments are meant as guidance for the lead agency and should be incorporated into the final Environmental Impact Report (final EIR) as appropriate.

Based on a review of the draft EIR the AQMD staff is concerned about the significant regional and localized air quality impacts from the proposed project. In addition, AQMD staff is concerned that the health risks are underestimated in the draft EIR due to calculation errors and the use of low trip generation rates. Given the project's close proximity to sensitive land uses and the significant air quality impacts demonstrated in the air quality analysis, the AQMD staff strongly recommends that the lead agency provide additional mitigation measures to minimize the air quality impacts from the proposed project. AQMD-1

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

ATTACHMENT 19

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC101021-01
Control Number

1. Health Risk Assessment Emission Calculations

The Health Risk Assessment (HRA) prepared in the Draft EIR relies on emission rates calculated for each roadway segment serving the project. These emission rates are based on heavy duty diesel truck emission factors derived from EMFAC software and are input into the dispersion model after adjusting for the number of trucks using each roadway link. However, the emission calculations provided in the Draft EIR use a unitary truck traffic rate of one vehicle per hour for each roadway link serving the project site. This unitary trip rate does not appear to be adjusted upward prior to deriving the health risk values. As several hundred heavy duty diesel trucks will use each roadway link, the health risk values appear to be substantially underestimated, perhaps by more than one order of magnitude. AQMD-2

In addition, the emission rate calculated for the idling area sources onsite appear to be miscalculated. For example, the idling mitigated emission rate of 6.459 E-6 grams per second does not include the total number of trucks idling per day, it does not include the emissions from onsite truck travel, and it includes one too many conversions of seconds to hours. If the calculation is corrected, the idling emission rate should be approximately 30 times higher at 1.952 E-4 grams per second (assuming half of the trucks use each area source). AQMD staff strongly recommends that the lead agency revisit the emissions calculations and rerun the dispersion model to derive more accurate health risk estimates. If health risks are found to be significant after revising the analysis, mitigation measures should be pursued that would reduce any health risk to a less than significant level (see comment #3 below). AQMD-3

2. Warehouse Trip Rates

As stated on page 51 of the Traffic Impact Analysis prepared for the Draft EIR, the trip generation rates are "hybrid rates" based on two recent traffic studies of high-cube warehouses conducted in the Inland Empire region. The final rate used in the Draft EIR is 1.69 trips per thousand square feet of warehouse space. AQMD staff has recently researched the referenced trip generation studies and others and has concluded that the average trip rates presented in these studies may be underestimated due to the inclusion of potentially vacant warehouses, warehouses served by rail, and the use of average trip rates. In order to provide a reasonable worst case analysis of potential air quality impacts, AQMD staff calculated and recommends that lead agencies utilize a 95th percentile trip generation rate of 2.59 trips per thousand square feet for individual warehouse projects that are not directly serviced by rail lines. The fleet mix described in the Fontana Truck Trip Generation Study is appropriate to determine the proportion of heavy duty vehicles servicing the project. AQMD-4

3. Regional and Localized Operational Air Quality Impacts

Given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff strongly recommends adding AQMD-5

the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible:

- Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks,[1]
- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded,
- Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/distribution center,
- Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors,
- Develop, adopt and enforce truck routes both in an out of city and in and out of facilities,
- Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,
- Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride,
- Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes,
- Require or provide incentives for particulate traps that meet CARB certified level 3 requirements,
- Electrify all service equipment at the facility, and
- Improve traffic flow by signal synchronization.

AQMD-5 cont'd.

4. Regional and Localized Construction Air Quality Impacts

Given that the lead agency's construction air quality analysis demonstrates significant air quality impacts from VOC, NOx, PM10 and PM2.5 emissions the AQMD staff recommends that the lead agency provide additional mitigation pursuant to CEQA Guidelines §15370. Specifically, AQMD staff recommends that the lead agency minimize or eliminate significant adverse air quality impacts by adding the mitigation measures provided below.

- Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation,
- Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,

[1] An example clean truck program for a similar project approved by another lead agency can be found here (beginning on page 183 of 254):
http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf

- Reroute construction trucks away from congested streets or sensitive receptor areas, and
- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).

Further, AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.5 as follows:

- All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards according to the following:

  - ✓ *April 1, 2010, to December 31, 2011:* All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - ✓ *January 1, 2012, to December 31, 2014*: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  - ✓ *Post-January 1, 2015*: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

  A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

AQMD-5 cont'd.

Also, the lead agency should consider encouraging construction contractors to apply for SCAQMD "SOON funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program accelerates clean up of off-road diesel vehicles, such as heavy duty construction

AQMD-6

equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm

AQMD-6 cont'd.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Letter Dated December 10, 2010

Response AQMD-1

The commentor provides introductory agency remarks, and expresses concern about significant Project-related localized and regional air quality impacts, and potential (DPM-source) health risks. The commentor alleges errors in the EIR's air quality modeling, which are further detailed in the District's specific comments on the following pages. Responses to specific issues are addressed below at Responses AQMD-2 to AQMD-7. AQMD suggests that additional mitigation be incorporated in the EIR as means of reducing significant air quality impacts.

The comments provided by AQMD were submitted after the close of comments period, and while the Lead Agency may elect to respond to late comments, no response is required, pursuant to Pub. Resources Code Section 21091, subd. (d)(2)(A); *CEQA Guidelines* § 15088, subd. (a). Notwithstanding, in order to provide clarification of baseline issues and assumptions; and in consideration of disclosure and ultimate mitigation of potentially significant impacts, responses to AQMD's comments are provided herein. Feasible mitigation offered by AQMD has been incorporated.

Response AQMD-2

This comment appears to incorrectly interpret the Project's Health Risk Assessment (HRA) data and modeling (DEIR Appendix C, Project HRA), with resulting erroneous conclusions. The Unitary truck traffic rate cited by the commentor was used only in deriving the model input value in grams per second per truck (per day). As reflected in the ISCST3 model output summary sheets, the ISCST3's Model Scalar Option was enabled and hourly truck rates were adjusted upward accordingly (DEIR Appendix C, Project HRA, Attachment A). Additionally, the "Hourly Trucks.xls" file that was previously provided to AQMD by Urban Crossroads, preparer of the Project's Air

MV00116328

Quality Analysis, provides a breakdown of the hourly trucks as they are input in the model's scalar option. The EIR conclusions and results are not affected.

Response AQMD-3

This comment appears to incorrectly interpret the Project emission rate calculations and modeling, with resulting erroneous conclusions. As noted in the preceding Response AQMD-2, the ISCST3's Model Scalar Option was enabled, and hourly truck values were entered accordingly. The emissions from on-site truck travel are included as multiple volume sources in the model and therefore do not need to be included in the area source algorithm.

Additionally, the "Model Emission Rate" provided as 6.459E-06 is representative of grams per second per truck (per day), and is input into the model as a unitized rate. The unitized rate is then adjusted upward based on the model's scalar option. Based on a thorough review, as detailed here, this calculation does not need to be corrected. The vehicle idling time is presented in seconds and the idling rate from EMFAC is in grams per hour. Therefore, the first conversion is to identify the grams per hour a given truck would emit during idle events. This is achieved by first converting the idling time from seconds to hours. In this case, for mitigated emissions, 180 seconds is divided by 3,600 seconds (60 minutes per hour x 60 seconds per minute). The next step is to multiply the resulting value by the EMFAC grams per hour rate, which provides an emission factor in grams per hour for a given truck per day. In order to input this value into the model as a unitized rate, this value is then converted from grams per hour for a given truck per day to grams per second for a given truck per day. This is achieved by taking the grams per hour rate and dividing by 3,600 seconds per hour, which yields the resulting 6.459E-06 grams per second rate that is modeled. Please refer also the DEIR Appendix C, Project HRA, Attachment A-ISCST3 Summary Output, Attachment B-Emissions Rate and Risk Calculations. The EIR conclusions and results are not affected.

MV00116329

Response AQMD-4

AQMD offers alternative trip generation rates for use in the Draft EIR. AQMD cites its own research and conclusions.

Notwithstanding AQMD suggested trip generation rates, trip generation rates and vehicle mix employed in the Draft EIR are supported by definitive studies of high-cube warehouse trip generation characteristics (*City of Fontana Truck Trip Generation Study*, and *San Bernardino/Riverside County Warehouse/Distribution Center Vehicle Trip Generation Study).* Both of these studies are available through Lead Agency (a copy of each is available at the Planning Department). The trip generation rates and ranges from these studies were used to define the trip rate employed in the DEIR. This same rate is employed in analyses for similar projects in the City, and is considered by the Lead Agency to be appropriate and accurate. Relevant discussion from the Draft EIR is excerpted below:

> Trip generation characteristics of the Project were derived from studies which reflect the trip generation rates of warehouse facilities storing and transporting international goods imported into the country from the Ports of Los Angeles and Long Beach. These include the *City of Fontana Truck Trip Generation Study* commissioned in 2003 (Fontana Study), and the updated 2007 *National Association of Industrial and Office Properties (NAIOP) Trip Generation Study*. The NAIOP Study included data collected from 13locations within Riverside County, and provides trip generation rates that are use-specific to warehouse distribution projects such as that proposed by the Project. The recent date and geographic orientation of the Study contribute further to its utility and applicability in estimating the likely trip generation characteristics of the Westridge Commerce Center Project. Using data from the NAIOP Study, the City's Transportation Department approved the use of "hybrid" trip generation rates for the Project's trip generation forecast . . . (Draft EIR Page 4.2-17).

MV00116330

The trip generation rates provided by AQMD are noted; however, no revisions to the trip generation rates employed in the Draft EIR are proposed, nor are any required.

Response AQMD-5

AQMD states, "given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM_{10} and $PM_{2.5}$ emissions the AQMD staff strongly recommends adding the following mitigation measures to minimize potentially significant air quality impacts from the operational phase of the project, if feasible . . ."

Each of the measures suggested by AQMD are addressed in the following table, and have either been incorporated, or determined infeasible, not applicable, and/or replicate existing requirements, as indicated in the remarks below. The State Legislature has defined "feasible," for purposes of CEQA review, as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." [Public Resources Code Division 13, Chapter 2.5. Definitions, Subd. 21061.1.] In those instances where additional mitigation has been incorporated or mitigation has been revised, incremental reduction in impacts may be realized. However, results and conclusions of the EIR are not affected. That is, impacts that were previously determined to be less-than-significant remain less-than-significant; and impacts that were previously determined to be significant remain significant.

MV00116331

AQMD-Suggested Measures	Remarks
Operational-source Emissions	
Restrict operation to "clean" trucks by implementing a program requiring the use of 2010 and newer diesel haul trucks (AQMD offers citation of an example clean truck program at [the following website]: http://www.ci.banning.ca.us/archives/30/July%2013,%202010%20City%20Council%20Agenda.pdf. If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, require tenants of the project to apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB and to use those funds if awarded.	**Incorporated.** Mitigation Measure 4.3.13 has been revised to incorporate the following requirement (please refer to Final EIR Section 4.0). • *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.* • *If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.*
Prohibit siting any new sensitive land uses within 1,000 feet of the warehouse/ distribution center.	**Infeasible.** Development of the Project is consistent with City General Plan Land Use designations, and the General Plan currently includes residential land uses within 1,000 feet (0.19 miles) of the Project site. Moreover, as supported by the EIR analysis, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. The measure suggested by AQMD is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental and technological factors and is therefore infeasible.
Design the warehouse/distribution center such that entrances and exits discourage trucks from traversing past neighbors or other sensitive receptors.	**Not Required.** There are no significant and/or unmitigable operational air pollutant emissions impacts related to or resulting from the site plan configuration. As noted above, the 250-foot setback separating Project warehouse activity areas from the nearest residential property reduces localized operational emissions impacts to levels that are less-than-significant. It is further noted that the access concept proposed by the Project has been reviewed and preliminarily approved by the Lead Agency. The measure suggested by AQMD is not necessary.

MV00116332

AQMD-Suggested Measures	Remarks
Develop, adopt and enforce truck routes both in an*[d]* out of city and in and out of facilities.	**Replicates existing requirements.** Designated truck routes exist within the City. As noted in the City's General Plan, "Chapter 12.36 of the City Municipal Code regulates the travel and access of trucks on the City road system, and designates official truck routes. Designated truck routes change over time as new arterials are built, and commercial and industrial projects are completed." [City of Moreno Valley General Plan Circulation Element, Page 5-4.] The Applicant will comply with all designated truck route regulations and ordinances, both in and out of the City. Compliance with existing regulations and ordinances does not constitute mitigation.
Have truck routes clearly marked with trailblazer signs, so trucks will not enter residential areas,	**Replicates existing requirements.** Truck routes are marked by the City consistent with City sign regulations. The Applicant will comply with all City sign regulations and ordinances. Compliance with existing regulations and ordinances does not constitute mitigation.
Identify or develop secure locations outside of residential neighborhoods where truckers that live in the community can park their truck, such as a Park & Ride.	**Replicates existing Project design.** Adequate, secure parking areas are provided onsite for the use of Project-related trucks. No off-site parking is required or proposed.
Re-route truck traffic by adding direct off-ramps for the truck or by restricting truck traffic on certain sensitive routes.	**Infeasible.** Current location of the Project adjacent to the SR-60 minimizes non-freeway truck travel, and minimizes travel along residential streets. Addition of direct SR-60 off-ramps for trucks access the Project site is contrary to reasoned freeway design which by its nature limits freeway access and exit points. Within the State, Caltrans ultimately determines freeway access and exit locations and related ramp designs. The proposed measure would result in potentially significant and increased jurisdictional, traffic/circulation, and land use impacts when compared to the Project. Further, the suggested measure is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and is therefore infeasible. The Applicant will comply with designated truck routes reducing truck traffic along sensitive routes.
Require or provide incentives for particulate traps that meet CARB certified level 3 requirements.	**Replicates existing requirements.** As a matter of California law, all on-road vehicles, whether or not they are used for the Project, are required to meet California Air Resources Board (CARB) emissions standards. Moreover, future tenancy of the Project is not yet known, and that trucks using the facility may include independent truckers. There is no feasible enforcement mechanism by which the operator of the facility could meaningfully enforce pollution control equipment requirements above and beyond state law requirements.

MV00116333

AQMD-Suggested Measures	Remarks
Electrify all service equipment at the facility.	**Incorporated.** Mitigation Measure 4.3.8 has been revised to incorporate the following requirement: • *All service equipment used during construction and in subsequent operation of the Project shall be electric or natural gas powered.* Similar to use of electrical equipment, use of natural gas equipment alternatively allowed under this mitigation measure acts to generally reduce localized criteria pollutant emissions. Natural gas equipment may in some cases be the only available alternative to diesel/gasoline powered equipment. Further, Mitigation Measure 4.3.13 has been revised to incorporate the following requirements (please refer to Final EIR Section 4.0). *Lease/purchase documents shall identify that tenants are encouraged to provide incentives to realize the following:* • *Use of electrical equipment (instead of gasoline-powered equipment) for landscape maintenance; and* • *Use of electric (instead of diesel or gasoline-powered) yard trucks.*
Improve traffic flow by signal synchronization.	**Replicates existing requirements.** Signal synchronization is currently administered by the City. Modification of signal synchronization (if required) based on additional Project traffic will be accomplished by the City based on observed traffic conditions.
Construction-source Emissions	
Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. "It is also recognized that temporary and short-term traffic detours and traffic disruption will result during Project construction activities. These impacts are adequately addressed through the preparation and submittal of a construction area traffic management plan as required by the City Engineer. The required construction area traffic management plan will identify traffic control for any street closure, detour, or other disruption to traffic circulation. The plan also identifies construction vehicle access routes, hours of construction traffic, traffic controls and detours" (Draft EIR Page 4.2-85).

MV00116334

AQMD-Suggested Measures	Remarks
Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM_{10} generation.	**Incorporated.** The following new mitigation measure has been created, and will be included in the Mitigation Monitoring Plan (please refer to Final EIR Section 4.0). *4.3.9 Throughout Project construction, a construction relations officer/community liaison, appointed by the Applicant, shall be retained on-site. In coordination and cooperation with the City, the construction relations officer/community liaison shall respond to any concerns related to PM_{10} (fugitive dust) generation or other construction-related air quality issues.*
Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine if and where dedicated turn lanes for construction equipment and trucks are required. Please refer to the preceding construction traffic management remarks.
Reroute construction trucks away from congested streets or sensitive receptor areas.	**Replicates existing requirements.** Construction traffic management is a standing City requirement as discussed in the Draft EIR. The City, as one element of the required construction area traffic management plan will determine appropriate construction truck routes. Please refer to the preceding construction traffic management remarks.
Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks, soil export).	**Otherwise Addressed.** Contractors will employ available equipment to include any 2010 and newer vehicles. Restricting the pool of suitable diesel haul trucks solely to model years 2010 or newer unreasonably limits the pool of available contractors and equipment. Moreover, there is no demonstrated nexus between construction model-year requirements and potential reductions in air quality impacts. Arguably, meaningful reductions in air pollutant emissions are achieved as much or more through efficient and appropriate operation of equipment as required herein (see for example Mitigation Measure*4.3.2: The contractor shall minimize pollutant emissions by maintaining equipment engines in good condition and in proper tune according to manufacturer's specifications and during smog season (May through October) by not allowing construction equipment to be left idling for more than five minutes (per California law).* Further, all equipment (regardless of model-year) is required to comply with applicable CARB emissions standards, the appropriate gauge for emissions levels.

MV00116335

AQMD-Suggested Measures	Remarks
All off-road construction equipment shall be electrified. In the event that the use of electric off-road equipment is not feasible the operator shall ensure that any diesel powered off-road equipment meets EPA Tier 2 or higher emissions standards.	**Incorporated.** Electric construction equipment is not commonly or widely available or used in Southern California. Requiring sole use of electric construction equipment would effectively preclude participation by most, if not all, locally-based construction contractors. This would act to unnecessarily exclude otherwise qualified contractors, restrict the pool of available construction resources, increase costs through diminished competition. Mitigation Measure 4.3.8 has been revised to incorporate the following requirement(please refer to Final EIR Section 4.0): • *Use electric construction equipment where feasible.*

Response AQMD-6

AQMD suggests that the Lead Agency consider encouraging construction contractors to apply for SCAQMD Surplus Off-Road Opt-In for NOx (SOON) program funds.

- The following notation (incorporated at Mitigation Measure 4.3.9), shall appear on all construction document and plans:

> *Contractors are encouraged to apply for funding/assistance under the AQMD SOON program.*
> *See also www.aqmd.gov/tao/Implementation/SOONProgram.htm*

AQMD contact information is noted.

MV00116336

From: Tom Hyatt [cdftom@aol.com]
Sent: Friday, December 10, 2010 9:18 PM
To: Jeffrey Bradshaw
Cc: Deanna Reeder
Subject: Warehouse

My neighbors and I oppose this project. After having the Mega Sketchers warehouse shoved down our throats by a corrupt developer and a city council that will flip their skirt up for him without questior we are vehemently against more unchecked commercial development. The City Council went to the trouble to re-name this end of the city "Rancho Belago", claiming it would be the upscale end of town yet the approve these ugly polluting warehouses when the zoning should be for 1/2 to 1 acre lots and upscale retail etc... How about a nice softba and swimming sports complex??? Why don't you go lease/ purchase some of the vacant warehouse space that can't even be filled in the south end of town?? How many diesel truck trips will this project generate on top of the Super Walmart and Sketchers projects already do??? Can't wait to see the cumulative air pollution totals! TH-1

Signed,

Tom H.
Moreno Valley Citizen

ATTACHMENT 20

TOM HYATT

Email Dated December 10, 2010

Response TH-1

The commentor states his opposition to the Project, presents his opinion regarding recent unrelated project approvals in the area, and suggests a "nice softball and swimming sports complex" be developed on-site. These opinions are acknowledged.

The basis for the commentor's statement that "the zoning should be for ½ to 1 acre lots and upscale retail, etc." is unclear. The existing zoning for the site is Business Park, which allows the types of uses proposed by the Project; however, would not allow for buildings of the size proposed by the Project. For this reason, the Project has requested a change of zone to Light Industrial. The Draft EIR addresses the proposed zone change and Municipal Code amendment as part of the Land Use analysis (please refer to Draft EIR Pages 4.1-20 through 4.1-23). Specifically, the following discussion appears in regard to this topic.

> The Project proposes a change of zone from Business Park to Light Industrial, and the City General Plan envisions and allows for extensive implementation of either or both types of land uses along the southerly edge of SR-60 as it traverses the City. While both types of uses (business park and/or light industrial, including distribution warehouse uses) are provided for under the General Plan, the site's current Business Park zoning designation does not permit these uses within single structures of more than 50,000 square feet. The Light Industrial zone designation requested by the Applicant does permit single structures of more than 50,000 square feet. The impetus of the zone change requested by the Project Applicant is to therefore to allow for construction of a single warehouse use greater than 50,000 square feet in size.

MV00116338

The commentor suggests locating the Project in another area of the City. Several alternatives were analyzed as part of the Draft EIR, including, beginning on Draft EIR Page 5-37, alternative sites. As stated in Guidelines Section 15126.6,subd. (f)(1)(2)(A), the "key question and first step in [the] analysis [of alternative locations] is whether any of the significant effects of the project would be avoided or substantially lessened by putting the Project in another location."

An alternative site within the City would be considered generally viable if it were located along a regional freeway transportation corridor or at a regional transportation hub; was also locally accessible; was underutilized and currently available; could be developed and operated in a manner that was compatible with other proximate land uses; and was provided, or could feasibly be provided, adequate serving utilities infrastructure. Also supporting location of the Project elsewhere, an Alternative Site should have an appropriate size and configuration (approximately 50 acres and roughly rectangular); and either exhibit appropriate General Plan and Zoning designations or could be feasibly so-designated.

Only locations that would avoid or substantially lessen significant effects of the Project need be considered. To this end, four (4) possible alternative sites were located, as follows:

- Alternative Site 1: 70 acres located between Perris Boulevard and Grove View Road, and south of Indian Avenue to the southern City limits (APNs 316-210-071, -073, -075 and -076);

- Alternative Site 2: 92 acres located between Heacock Street and Indian Street, south of Cardinal Avenue and north of San Michele Road (APNs 316-180-010, 316-170-001, -002, -004, -006, -007, -008, -010, -013, and -014);

MV00116339

- Alternative Site 3: 72 acres located west of Indian Street between Iris Avenue and Krameria Avenue (APNs 316-020-002, -003, -004, -005, -012, -013, -014, -015, -016, -017, -018 and -019); and

- Alternative Site 4: Approximately 69 acres located at the southeast corner of Heacock Street and Iris Avenue (APNs 316-020-001, -006, -007, -028, and -010).

Each of the four (4) sites is currently vacant; is more than 50 acres in size and of a roughly rectangular configuration; is zoned for industrial use; and is served adequately by nearby utilities and infrastructure. Further, Alternative Sites 1 through 4 are proximate to the I-215 regional transportation corridor, and are also locally accessible. Notwithstanding, these sites are all currently unavailable. Alternative Site 1 currently has applications under review for a 1.6 million s.f. warehouse distribution facility, while development plans have been submitted and approved for sites 2, 3 and 4.

Other potentially suitable and available properties are located easterly of the current Project site, along the SR-60 corridor. For the purposes of the Alternative Site analysis, the vacant property located southeasterly of the intersection of SR-60 at Theodore Street was selected for analysis, and is identified as Alternative Site 5 (shown in Figure 5.2-2 of the Draft EIR). This property exhibits an appropriate Business Park/Light Industrial General Plan Land Use designation; is of adequate size and is appropriately configured; and is provided access to regional and local roadways. Utilities and services are generally available to the site. The site appears to be available for purchase; however, it is not currently controlled by the Project Applicant, and a zone change from "Business Park" to "Light Industrial," would be required, similar to the change of zone requested by the Project.

MV00116340

Although development of the Project on Alternative Site 5 could achieve the Project's objectives, none of the Project's potentially significant impacts would be avoided or substantially reduced. Because Alternative Site 5 would not result in the avoidance or substantive reduction of Project-related impacts, this Alternative Site was also rejected from further consideration within the Draft EIR.

The commentor expresses concern regarding the cumulative traffic and air quality impacts of the Project when combined with other vicinity projects. As identified at Draft EIR Table 5.1-1, and illustrated in Figure 5.1-1, a number of current or anticipated "related projects" were identified within the cumulative scope of the Westridge Commerce Center Project. In total, 11 related projects were included within the Draft EIR cumulative analysis, including both projects referenced by the commentor ("Super Walmart and Sketchers*[sic]*").

In addition to the identified related projects, the cumulative impacts analysis assumed development of the area in a manner consistent with the City of Moreno Valley General Plan, and reflecting the anticipated growth of the region. The analysis of cumulative impacts considered potentially significant impacts that could be considered cumulatively considerable when viewed in the context of known related projects and generalized ambient growth of the City and region.

The commentor is referred to Table 4.2-6 of the Draft EIR for the specific trip generation of the Project. Additionally, Draft EIR Section 5.0 presents a detailed discussion of the cumulative impacts of the Project. Specifically, cumulative impacts related to traffic and circulation are discussed at Draft EIR Pages 5-7 through 5-12. Cumulative impacts related to air quality are discussed on Draft EIR Pages 5-12 through 5-14. Results and conclusions of the Draft EIR are not affected.

MV00116341

PLANNING COMMISSION RESOLUTION NO. 2011-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORENO VALLEY DENYING A CHANGE OF ZONE (PA08-0098) FROM BP (BUSINESS PARK) TO LI (LIGHT INDUSTRIAL) FOR AN APPROXIMATE 55 ACRE SITE, LOCATED WITHIN ASSESSOR'S PARCEL NUMBERS 488-330-003 THROUGH -006 AND -026.

WHEREAS, the applicant, Ridge Rancho Belago, LLC, has filed an application for the approval of a change of zone (PA08-0098) from BP (Business Park) to LI (Light Industrial) for an approximately 55 acre site located on the south side of State Route 60, on the north side of Fir Avenue/Future Eucalyptus Avenue and approximately 650 feet west of Redlands Boulevard.

WHEREAS, on May 12, 2011, the Planning Commission of the City of Moreno Valley held a meeting to consider the Zone Change application.

WHEREAS, on May 12, 2011, the Planning Commission passed a motion by a vote of 3 to 2 to deny the proposed Change in Zone.

WHEREAS, the project also includes applications for an Environmental Impact Report (EIR) (P08-133), a Municipal Code Amendment (PA10-0017), a Plot Plan (PA08-0097) and Tentative Parcel Map No. 36207 (PA09-0022). Since the Planning Commission voted to deny the Change of Zone, no action on the related project applications is required, since the applications are moot.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT HEREBY FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Moreno Valley as follows:

A. This Planning Commission hereby specifically finds that all of the facts set forth above in this Resolution are true and correct.

B. Based upon substantial evidence presented to this Planning Commission during the above-referenced meeting on May 12, 2011, including written and oral staff reports, and the record from the public hearing, this Planning Commission hereby specifically finds as follows:

1. The Moreno Valley General Plan designates State Route 60 (SR-60) as a local scenic road (Policy 7.7.3). In addition, Figure 5.11-1, "Major Scenic Resources," illustrates that the Project site is located within a view corridor. The proposed Change of Zone may not be consistent with the General Plan's policy regarding protection of scenic resources.

ATTACHMENT 21

MV00116342

The proposed project includes a 937,260 square foot warehouse industrial building which far exceeds the maximum building area of 50,000 square feet as permitted by the current zoning designation of Business Park. A business park comprised of smaller buildings (50,000 square feet or less) might afford opportunities for view corridors between the structures.

The proposed architectural design of the facility is not consistent with that of other approved warehouse facilities in the vicinity. A change of zone to LI would allow for buildings greater than 50,000 square feet in size. Adequately designing a building elevation(s) that is visible along a scenic corridor might prove difficult due to the scale and massing of a single large warehouse building.

2. The proposed warehouse industrial buildings would dramatically increase the amount of heavy truck traffic both onsite as well as on adjacent Redlands Boulevard leading from the project to Highway 60. Potential conflicts may be created with the mixing of heavy trucks and residential and business park traffic. The increase in heavy truck traffic may be inconsistent with the lower intensity business park uses and residential uses identified on the General Plan Land Use Element for this area. The proposed warehouse industrial building may be better suited to areas in the City that provide better access to the freeway system through upgraded roadways and freeway interchanges.

BE IT FURTHER RESOLVED that the Planning Commission **HEREBY APPROVES** Resolution No. 2011-13, **DENYING** a Change of Zone (PA08-0098) for an approximate 55 acre site from BP (Business Park) to LI (Light Industrial).

APPROVED this 12th day of May, 2011.

Ray L. Baker
Vice-Chair, Planning Commission

ATTEST:

John C. Terell, Planning Official
Secretary to the Planning Commission

APPROVED AS TO FORM:

Deputy City Attorney

MV00116343

RIDGE PROPERTY TRUST
201 Covina Avenue, Suite 8 | Long Beach, CA 90803
t: (562) 856-3819 | f: (562) 856-3820
www.rptrust.com

City of Moreno Valley City Council Members
c/o City of Moreno Valley Planning Division
14177 Frederick Street
Moreno Valley, CA 92553

Re: P08-133, PA08-0097, 0098, 0022 and PA08-0017

Dear Council Members Stewart, Batey, Hastings, Molina and Co:

Please accept this letter as our formal appeal of the City of Moreno Valley Planning Commission denial of the proposed Westridge Commerce Center Project (the "Project") at the Planning Commission Meeting held on May 12, 2011. Specifics of the Project are as follows:

Case Description:
Plot Plan for a 937,260 square foot warehouse facility on 55 acres, Tentative Parcel Map No. 36027, Zone Change from BP to LI, a Municipal Code Amendment and an Environmental Impact Report.

Pursuant to the denial, there were many questions and discussions centered on the following:
1) Aesthetics (the Architecture of the building).
2) The uncertainty of a known lessee at this time.
3) Traffic
Our position and basis for our appeal relating to the above are:
1) We have constructed buildings in Centerpointe Business Park (across Frederick Street from City Hall) that are similar to what we are proposing at WestRidge Commerce Center and we have received many compliments from past planning commissions and city councils. This issue is totally personal, subjective, and without merit. We worked hard with staff to make this building appealing and to the level of standards Moreno Valley can be very proud of. In fact, the WestRidge Commerce Center architect, HPA, is the same architect for the Skechers building.
2) It is a very rare situation to have a lessee sign a lease for a building without the entitlements in place. The fact that Skechers signed a lease without entitlements is rare. Considering Skechers is a partner in the building with Highland Fairview and the fact there are very few, if any, sites available in the Inland Empire of a size to accommodate the large Skechers building.

ATTACHMENT 22

3) Intersections and roadway improvements were clearly identified in the traffic analysis as being necessary to maintain or improve operational levels of service for this Project and General Plan. This Project will build all required improvements in the immediate vicinity as well as other off-site infrastructure required by the development. Furthermore, Redlands Blvd is a city designated truck route and the planning commission stated they did not want trucks mixing with automobiles.

Applicant:
Ridge Rancho Belago, LLC

Owner:
Ridge Rancho Belago, LLC

Sincerely,

Dennis Rice, President
Ridge Rancho Belago, LLC
By: Ridge Property Trust II, a Maryland real estate investment trust

Community & Economic Development Department
Planning Division
14177 Frederick Street
P.O. Box 88005
Moreno Valley, CA 92552-0805
(951) 413-3206
(951) 413-3210 FAX

PROJECT APPLICATION

No.:

Application must be completely filled out to be accepted.

TYPE OF APPLICATION

(One Application Form Required for Each Type of Application)

☐ Administrative Plot Plan	☐ Development Agreement	☐ Specific Plan
☐ Administrative Variance	☐ Development Code Amendment	☐ Specific Plan Amendment
☐ Amended Conditional Use Permit	☐ Extension of Time	☐ Tentative Parcel Map
☐ Amended Plot Plan	☐ General Plan Amendment	☐ Tentative Tract Map
☐ Change of Zone	☐ Plot Plan	☐ Variance
☐ Conditional Use Permit	☐ Pre-Application Review	☒ Other Appeal

APPLICATION INFORMATION

Project/Business Name (if any): West Ridge Commerce Center

Project Description: The project proposes the development of a 937,260 SF warehouse facility on 55 acres. This application is to appeal the Planning Commission denial of the project on May 12, 2011.

Property Address/Location: South of SR60 on the north side of Eucalyptus Ave and approximately 650 feet west of Redlands Blvd

Assessor's Parcel Number(s): 488-330-003 Through -006 and -026

Gross Area:	Net Area:	Proposed # of Lots/Parcels:	Proposed # of Residential Units:

Related Application(s): Specific Plan Name/No. :

CONTACT PERSONS

APPLICANT Name: Ridge Rancho Belago LLC — Telephone: (562) 856-3819

Address: 201 Covina Ave, Suite 8 — Fax No. (562) 856-3820

City: Long Beach — State: CA — Zip: 90803 — E-mail Address: dave@rptrust.com

Contact Person: Dennis Rice

OWNER Name: Same as above — Telephone: ( )

Address: — Fax No. ( )

City: — State: — Zip — E-mail Address:

Contact Person:

REPRESENTATIVE Name: Inland Empire Development Services — Telephone: (951) 845-1003 cell 909-325-0430

Address 931 Monarch Court — Fax No. (951) 845-9775

City: Beaumont — State: CA — Zip: 92223 — E-mail Address: gibson2@msn.com

Contact Person:

APPLICATION CONTINUES ON REVERSE

PROJECT INFORMATION

Existing Zoning and General Plan Designations	
Proposed Zoning and General Plan Designations (if applicable)	
Existing Uses and/or Structures on Site	
Surrounding Uses: North	
South	
East	
West	
Lot Size(s) (Sq. Ft.) (Smallest/Largest)	Graded Area (sq. ft.)
Total Building Size (Sq. Ft.)	Impervious area (sq. ft.)
Setbacks: Front	Flood Zone
Side (interior)	
Side (street side)	
Rear	
Maximum Building Height	
Total No. of Parking Stalls:	
Standard	
Handicapped	

N/A

APPLICATION PROCESSING

Each application must be submitted with the required processing fee and all applicable submittal requirements. Additional information or materials may be needed before an application is accepted as complete. An incomplete application may be closed if it remains inactive for 180 days or more.

OWNER'S SIGNATURE

I, Ridge Ranch Belago LLC am the owner of the property described in this application and hereby authorize
Print Name

Dennis S. Rice to act on my behalf on matters pertaining to this application.
Applicant/Representative Name

Property Owner's Signature — Date: 5-18-2011

Note: If more than one owner, a separate page must be attached, listing the names and addresses of all persons (if a corporation, list officers and principals) having interest in the property ownership.

APPLICANT'S SIGNATURE

I certify under penalty of perjury that all the foregoing information is true and correct, and recognize that any false or misleading information shall be grounds for denial of this application. I also acknowledge that I am aware of and agree to indemnify the City in any legal proceedings pertaining to this request for discretionary land use approval. Section 9.02.310 of the Moreno Valley Municipal Code.

Applicant's Signature — Date: 5-18-2011

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

RIDGE RANCHO BELAGO, LLC CTYMORENO CITY OF MORENO VALLEY

DATE	INVOICE NO	DESCRIPTION	INVOICE AMOUNT
5-16-11	51611	APPEAL PROCESS APP FEE	750.00

CHECK DATE	5-17-11	CHECK NUMBER	1194	TOTAL >	750.00

PLEASE DETACH AND RETAIN FOR YOUR RECORDS

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

RIDGE RANCHO BELAGO, LLC
8430 WEST BRYN MAWR AVE
SUITE 400
CHICAGO, IL 60631
773-695-1250

JP MORGAN CHASE BANK, N.A.
CHICAGO, IL 60603

2-1/710

DATE	CHECK NO.	AMOUNT
May 17, 2011	1194	**********$750.00

Pay:**********Seven hundred fifty dollars and no cents

PAY TO THE ORDER OF
CITY OF MORENO VALLEY
14177 Frederick Street
PO Box 88005
Moreno Valley, CA 92552

THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK---HOLD AT AN ANGLE TO VIEW

⑈00000 1194⑈ ⑆071000013⑆ 719549123⑈

MV00116348

From: george hague
Sent: Thursday, May 05, 2011 2:55 PM
To: John Terell
Cc: Jeffrey Bradshaw
Subject: Please send my letter to all the Planning Commissioners today (5-5-11) concerning the West Ridge Commerce Center FEIR

Good afternoon Planning Commissioner,

I hope the planning department has helped those of you who are not use to reading Final Environmental Impact Reports (FEIR). I am sure it would help with the West Ridge Commerce Center FEIR.

In 2009 some Moreno Valley residents responded to a Notice of Preparation (NOP) for this project. These comments were to let those who prepare the document know what we wanted studied and answered in the Draft Environmental Impact Report (DEIR). You should realize that those who do the studies are paid for by the developer and realize that if they want a good reputation among the development community that their report must be favorable to the project. It would be better if we would go back to Moreno Valley's previous system where the report from consultants goes directly to the Moreno Valley Planning department instead of first passing through the hands of the developer where it many times gets massaged.

Last Fall The DEIR was made available which you should read. Different agencies/groups/individuals used the 45 days they were given to read and make comments on the adequacies of the West Ridge Commerce Center's DEIR. They turned in their comments during the first part of last December.

Section three of the FEIR has these commenters original letters which you will notice have been blocked off. You should make an effort to read each of these letters and only then read the responses which immediately follow the original letters. Many of those who write letters believe the responses do not do justice to their concerns and questions. On projects like this it is good to study what the Department of Transportation(DOT) and the South Coast Air Quality Management District (SCAQMD) wanted from this project and the responses they received. These and other agencies are to help protect us and guide us towards better planning. It is sad when responses to their letters are not serious, but just pass the buck.

In section two of the FEIR you will see what I call weasel words which require nothing. Words like "where feasible", "shall encourage", and "greatest extent practical" are just a few examples. These may sound good, but usually result in little, if any, mitigation. Words like "shall" and "will" instead of "should" are more binding and therefor avoided.

Section four has the Mitigation Monitoring Plan which should also be read in order that they are mitigating those items which are brought up in the comment letters.

Usually they bury at the end of some document that which they call "Overriding Considerations". These are the impacts to Moreno Valley which could not be mitigated. This could be such things as toxic diesel air pollution (pm 10 and pm 2.5) which cause significant health effects. It is very sad when projects make the air more toxic to breath-- especially for children and the elderly.

ATTACHMENT 23

Appendix A points out some of these air pollution problems and they should be read by decision makers.

Since I am sure most of you have regular jobs, I find it very sad that you have not been given time to do justice to this FEIR. It must be especially difficult when a couple of our weekends prior to your meeting have holidays that many people enjoy to celebrate. You should ask the planning department for more time to educate yourself by reading the document.

Your responsibility is to "protect the health, safety and welfare" of the residents of Moreno Valley. Only after you have read this document can you fulfill your responsibility.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

From: george hague
Date: May 9, 2011 11:03:09 AM PDT
To: John Terell <JohnT@moval.org>
Cc: Jeffrey Bradshaw <JeffreyB@moval.org>, gracee@moval.org
Subject: West Ridge Commerce Center Experts & Editorial on Tortoises & Solar threat | Press-Enterprise Editorials | PE.com | Southern California News | News for Inland Southern California

Good afternoon/evening Planning Commissioner,

Lat week I sent you an email about reading the environmental documents for the West Ridge Commerce Center warehouse. I mentioned in that email how developer consultants/experts sometimes supply reports which benefit the proposed project---even when they are selected from an "approved" list. The last line of the second paragraph of this past Saturday's Editorial does a nice job of pointing this out where it reads "studies commissioned by the developer". I hope you will read this editorial and realize this happens on many projects. It is only when agencies like the Department of Transportation, South Coast Air Quality Management District and as well as others who job it is to help you plan for our city respond to DEIRs that you get a much more unbiased/independent view. I hope you will remember this when West Ridge Commerce Center and other developers respond in their FEIRs to these agencies letters.

Take care,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

Solar threat

08:24 PM PDT on Friday, May 6, 2011

The discovery of far more desert tortoises than expected near a planned solar power plant in the Mojave Desert should prompt federal officials to rethink the project. And the incident should spur federal officials to require independent environmental studies before bulldozers roll on future solar projects.

Last week, a U.S. Bureau of Land Management assessment found the $2.1 billion BrightSource Energy Co. project near Primm, Nev., would disturb up to 3,000 tortoises and kill as many as 700 young ones. That far exceeds an estimate of 32 of the threatened species at the site -- a number derived from studies commissioned by the developer.

ATTACHMENT 24

After biologists relocated 39 tortoises -- the maximum allowed -- BLM officials last month ordered BrightSource to stop work on two-thirds of the 5.6-square-mile site. U.S. Fish and Wildlife Service officials will decide soon if completing the second and third phases of the Ivanpah Solar Electric Generating System -- which would nearly double the amount of solar electricity produced in the country -- would jeopardize the species.

The clean energy generated by this project is no excuse for federal officials to allow shoddy surveys that underestimate the tortoise population. A developer rushing to qualify for hundreds of millions in federal "stimulus" funding is hardly an objective source about issues that could obstruct construction. Federal officials should have required an independent biological survey before grading and construction work began in October. And that approach should be standard for the numerous solar projects now proposed for desert land.

In this case, the sheer number of the animals that would be killed or disturbed by the solar plant justifies a significant downsizing -- eliminating one or both of the last two phases. Federal officials could have avoided such backtracking had they had the right information before BrightSource broke ground.

Wildlife officials are likely under political pressure to let the developer proceed with much of the project. But even a compromise such as relocating large numbers of the animals would be highly risky. In 2008, the U.S. Army suspended a tortoise relocation effort at Fort Irwin after about 90 of the 556 tortoises moved died, mostly killed by coyotes.

The Mojave Desert, with endless sunny days, is not a bad place for solar power plants. But federal officials need to do a better job of surveying the native wildlife before construction starts. Green projects should not, ironically, degrade the very environment they are meant to help sustain.

From: george hague
Sent: Wednesday, May 11, 2011 10:29 PM
To: John Terell
Cc: Jeffrey Bradshaw; Grace Espino-Salcedo
Subject: PLEASE READ re West Ridge Commerce Center Final Environmental Impact Report (FEIR)
Good evening Planning Commissioners,

YOU NEED TO ASK TONIGHT NOT WHAT THE OPENING-YEAR TRUCK TRAFFIC WILL BE, BUT WHAT IS THE PROJECT DESIGNED FOR AND WHAT WILL THE TRUCK TRAFFIC BE WHEN THE PROJECT IS USED TO ITS FULLEST CAPACITY AND NOT LIMITED TO JUST REDLANDS BLVD IN FUTURE YEARS.

"Estimated opening-year average daily Project-generated truck traffic ingressing/egressing the Project site via Redlands Boulevard includes:

97 two-axel trucks;

220 three-axel trucks; and

539 four-axel trucks." (FEIR p 3-58 & p 3-88 & p 3-163 & other pages)

THESE NUMBERS ARE A DISSERVICE TO YOU AND THE PUBLIC. THE FULL IMPACTS ON TRAFFIC AND AIR QUALITY ARE NOT FULLING EXPLAINED AS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THEREFORE THE FEIR IS INADEQUATE. THEY ARE REQUIRED TO BE EASILY UNDERSTOOD BY THE PULIC AND MITIGATED BEYOND WHAT WEST RIDGE COMMERCE CENTER TRULLY HAS COMMITTED TO IMPLEMENT.

You should not vote on this or any other project unless you have read the documents. You should never just rely on Staff Reports. The Planning Commission should represent all the many varied interests/concerns of the residents of Moreno Valley. I believe if you read all the letters from the agencies as well as the public and groups you will see that many of their legitimate CEQA concerns were not answered or the buck was passed.

Thank you,

George Hague
Sierra Club
Moreno Valley Group
Conservation Chair

ATTCHMENT 25

Johnson & Sedlack
ATTORNEYS at LAW

Raymond W. Johnson, Esq. AICP
Carl T. Sedlack, Esq. Retired
Abigail A. Broedling, Esq.
Kimberly Foy, Esq.

26785 Camino Seco, Temecula, CA 92590

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Facsimile: 951-506-9725

May 12, 2011

Planning Commission
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

Community Development Director
City of Moreno Valley
14177 Frederick St.
Moreno Valley, CA 92552-0805

VIA US MAIL AND FACSIMILE

RE: Final Environmental Impact Report for Westridge Commerce Center, State Clearinghouse No. 2009101008.

Greetings:

This firm submits the following comments on behalf of Residents for a Livable Moreno Valley, the Moreno Valley Group of the Sierra Club, and area residents after reviewing the Final Environmental Impact Report (FEIR) for the Westridge Commerce Center.

The California Environmental Quality Act (CEQA) was adopted as a disclosure and transparency document. The theory is that by providing a document that adequately describes the environmental consequences of a project to decision makers and the public, the decision makers will make a rational decision based upon the true environmental consequences of the project and if they do not, the electorate can hold them accountable for their decisions. The core of this statutory structure is the adequacy of the EIR as an informational document.

Unfortunately, the FEIR for this Project fails as an informational document. The EIR misleads decision makers and the public as to the extent and severity of the Project's environmental impacts. The FEIR is also internally inconsistent, with statements and conclusions made from one section to another in conflict with one another.

On top of these inadequacies, the FEIR is almost constantly conclusory, and does not provide the analysis or examination required by CEQA to inform the public and decision makers of the analytical pathway taken from facts to conclusions.

CEQA also requires that ***where feasible mitigation exists which can substantially lessen the environmental impacts of a project, all feasible mitigation must be adopted.*** In this way CEQA goes beyond its informational role to require that projects substantively lessen their negative effects on the environment. It is critical to proper drafting of an EIR that all feasible mitigation measures be required of a project. For this project, the FEIR concludes that *unavoidable* adverse impacts will result to/from the following: aesthetics, air quality, noise, and transportation/traffic.

ATTACHMENT 26

Feasible mitigation measures exist which would reduce these impacts, and ***which have not been required of this project.*** This is contrary to the requirements of CEQA, and the additional feasible mitigation provided in the comments must be required of this project.

Moreover, all mitigation measures required in the FEIR ***must be fully enforceable and certain to occur.*** This Project fails to ensure that all feasible mitigation will occur with this Project and instead provides vague, uncertain, and unenforceable mitigation measures. While it appears that substantial mitigation was incorporated into the project, ***very little mitigation is actually enforceable and required.*** Also, some mitigation measures are included in the text revisions section, yet have not been incorporated into the Mitigation Monitoring Plan. This is unacceptable.

The FEIR fails to make findings supported by substantial evidence in the record. CEQA requires that an agency must make specific findings, based on substantial evidence in the record, where a project has been determined to have significant environmental effects. Here, the findings are nothing more than conclusory statements, and there is no attempt to trace the path from evidence to the conclusions reached. The findings made are not supported by substantial evidence in the record as discussed herein and in our previous comments on the DEIR.

The FEIR lastly fails to adequately respond to the significant environmental points raised in public comments pursuant to CEQA Guidelines. Particularly, Guidelines § 15088 (c) requires that a response to comments evince a "good faith, reasoned analysis." "Conclusory statements unsupported by factual information will not suffice." (Guidelines § 15088 (c).) The FEIR fails to properly respond to comments and often ignores comments altogether. Also, the responses tend to generalize specific comments made by the commenter. For instance, a comment regarding cumulative air pollution impacts which asks: "Has this been taken into consideration, and wouldn't it be advisable to restrict commercial land use to less concentrated populations of heavy polluters, such as diesel trucks?" is responded to generally: "The commenter expresses concerns regarding the cumulative effects (air pollution) of this Project when combined with other vicinity projects." (Comment and response for SCR-2) These generalizations tend to result in responses which do not respond to the comments and questions presented. This is contrary to the policies of CEQA.

In additional to the general comments above, the below specific inadequacies were discovered upon review of the FEIR:

Text Revisions:

- Revision to 3.5.12 Screening: It is unclear why the sentence ends in an ellipsis. Was more intended to be included here?
- The language of Air Quality Mitigation 4.3.8 is uncertain and vague.
    - The introductory statement is unclear and should be omitted, as discussed below.
    - Where the mitigation measures state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically feasible" so that the mitigation measures are certain and enforceable.

- At Mitigation Measure 4.3.13 for GHG's, lease/ purchase documents must require, not merely encourage lessors or purchasers to comply with the measures provided.
- Mitigation Measure 4.7.2 states that artifacts will be curated where preservation in place is infeasible. This measure should require that this determination of infeasibility be made by a qualified archaeologist and approved by the City.
- At Mitigation Measure 4.7.3: the paleontological mitigation-monitoring plan must be developed prior to project approval so it may be determined that such mitigation is sufficient to reduce paleontological impacts. As is, the paleontological mitigation-monitoring plan is impermissibly deferred per CEQA and case law. Also at the third bullet, the word "salvage" should be changed to something which implies that fossils are being properly cared for. Likewise, "to avoid construction delays" should be removed: the purpose is to mitigate for potentially significant paleontological impacts, *not* to remove all impediments to construction as quickly and haphazardly as possible.
- Mitigation Measure 4.8.5 should require that all habitat replacement, revegetation and mitigation for impacts to riparian habitat be implemented by an approved biological monitor. The measure should also require that, if in 3 years the success criterion of 80% has not yet been achieved, revegetation and other mitigation shall continue until such criterion is achieved.

Responses to Comments:

Responses to Johnson & Sedlack Comments:

Response to JS-5 does not evidence a good faith, reasoned response. First, the response states that despite a finding of significant and unavoidable impacts to agriculture in the GPEIR, the agricultural impacts of this project are less than significant. To the contrary, a reasoned outlook would find project impacts to be significant and unavoidable as detailed and considered in the GPEIR, and for which a statement of overriding consideration was necessary. Second, the response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are *susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc.* (Guidelines § 15152) Here, Johnson & Sedlack has provided two possible mitigation measures, namely conservation easements or donation of funds, which would reduce the project's impacts to agriculture and therefore must be considered.

Response to JS-6 does not provide a reason for failing disclose that the project is located in a PAKO zone. The response also states, without substantiation, that there is no indication that the project would interfere with animal keeping, where the project would plainly alter the rural nature of the area. (DEIR p. 5-5)

Response to JS-7 is incorrect. Specifically, the comment stated that the assumption of zero VMT for on road truck travel was erroneously assumed in the Air Study. At Appendix A, page 1 Phase: Fine Grading 7/1/2009-7/15/2009 (Phase 2 Grading), the air study plainly states On Road Truck Travel as zero. The air quality analysis remains flawed and understates impacts from fine grading.

Response to JS-14 and other comments apply a too strict standard for evaluating mitigation measures proposed by commenters on a DEIR. A commenter need not demonstrate the quantitative efficacy of a measure nor a nexus between each mitigation measure presented and its benefit. This demonstration of need and nexus is a requirement of the measure itself to be determined by the lead agency. (Guidelines 15126.4(a)(4) and (5).) Rather, a commenter need only suggest specific alternatives and/or mitigation measures that would avoid or mitigate a significant effect. (Guidelines § 15204(a).) The comment states that measures proposed will reduce construction air quality emissions.

Moreover, the mitigation measures deemed "incorporated" per JS-14 are not actually incorporated as project mitigation at MM 4.3.8. Namely, the "mitigation" does not apply to the project itself, but instead must be notated in "Grading plans, construction specifications and bid documents…" The measures may not be implemented for construction of the project itself while still complying with the terms of MM4.3.8, namely by adding a notation within the construction documents. Hence, this supposed incorporation of mitigation measures does not actually occur, and not all feasible mitigation has been required of this project. MM4.3.8 is uncertain and unenforceable.

JS-14 number 20 is not included in MM 4.3.13 in the Mitigation Monitoring Plan, despite the statement to the contrary. Moreover, MM4.3.13 generally applies to operational impacts and not construction impacts, as evidenced by the timing of monitoring, "Before issuance of first Certificate of Occupancy," and thus will not mitigate for construction emissions. Number 21 is included, but with the limit that "a shuttle will be provided during any one hour period where more than 20 employees or construction workers utilize public transit." This is a severe limitation on the measure recommended and such limitation is not disclosed in the response to comments. The mitigation measure *as recommended* must be adopted.

Response to JS-15 is unresponsive to the comment made regarding the need to note variances from URBEMIS defaults for informational purposes. The comment does not state that variances from defaults are improper, as the response asserts, but merely that they must be disclosed.

Response to JS-17 alleges that, "The Lead Agency cannot control emissions from the tailpipes of vehicles traveling to/from the facility." This is simply untrue. The lead agency may adopt mitigation measures, such as those recommended by the commenter requiring that lessees/purchasers become SmartWay partners, meet 2010 air quality standards or better, etc.

Response to JS-19 has the same problems as the response to JS-14, ***namely that almost all of the mitigation measures deemed "incorporated" at MM4.3.13 are not actually incorporated as certain and enforceable mitigation measures of the project.*** Instead, MM4.3.13, bullet 7, merely requires that, "Lease/purchase documents shall identify that tenants are *encouraged* to provide incentives to realize the following…" [emphasis added]. Hence all that is required is a *written provision* in the lease/purchase documents *encouraging* the use of incentives, not any actual requirement that mitigation be implemented. These repeated untruths in the response to comments cause the FEIR to fail as an informational document and are completely contrary to CEQA policy that mitigation be certain and enforceable.

Likewise, JS-19 number 19 is not incorporated into mitigation as stated in the Response and is vague and uncertain. In 4.3.10 (not 4.3.11 as stated), the mitigation required is that "All entrances shall be *posted with signs* which state: ...Diesel delivery trucks servicing the Project shall not idle for more than three (3) minutes..." [emphasis added] The mitigation does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-30 is unresponsive to the comment made regarding insufficient project noise mitigation. Response to JS-31 provides no reason for failing to incorporate the performance standard of noise barriers which will reduce noise at sensitive receptors to no more than 60dBA Leq, particularly.

Response to JS-33 (1) refuses to incorporate mitigation measures which would reduce significant construction noise impacts without finding that such mitigation is infeasible. Instead, the response merely states that such mitigation is not required, but is only recommended, by the Noise Impact Analysis. CEQA provides that agencies may not approve projects for which feasible mitigation measures exist which would reduce a project's significant environmental effects. Here, the comment suggested feasible mitigation to reduce construction noise impacts which were, in turn, recommended in the Noise Impact Analysis. Such mitigation is not shown to be infeasible, and therefore must be incorporated in the project. At (4), the mitigation at 4.3.8 is inadequate and unenforceable. At (5), MM 4.3.10 does not prohibit the idling of trucks in excess of three minutes, but instead merely requires the posting of signs to that effect prior to the first Certificate of Occupancy.

Response to JS-34 incorrectly insinuates that, in determining a projects noise impacts, the noise from transportation/trucks should be omitted. While ambient noise may not be included to determine a project's noise impacts, impacts directly related to the project's operations must be included in the EIR's determination, as they are incorporated into the whole of the project. This response is also greatly unresponsive to the comment made.

Response to JS-35 merely restates the EIR and does not evidence a good faith response to the comment made. Specifically, the comment notes that the EIR does not provide data regarding groundbourne vibration levels nor evaluate potential impacts to people. The response repeats these issues, but fails to address them in the EIR, or alternatively to provide a reason for failing to correct the EIR.

Response to JS-39 does not evidence a good faith, reasoned response to the comment made and does not adopt feasible mitigation to reduce project noise impacts.

Response to JS-40 is unresponsive to the comment made regarding impacts to 1-215. The response instead dissolves into a discussion of SR-60.

Response to JS-42 (5) and (6) are included at MM 4.3.8, but in a manner which is unenforceable and requires zero actual mitigation to occur, as discussed above regarding JS-14. Numbers (7)

and (8) are not included at MM 4.3.8 at all, despite the statement to the contrary in the response to comments.

Response to JS-53 is conclusory and does not evidence a good faith, reasoned response to the comments made.

Other Responses to Comments

Please note that many responses to comments are repeated throughout the FEIR. The evaluation of inadequate responses below will often refer only to the first time the response is given, where such responses are repeated. Moreover, such inadequacies are likely discussed with regards to responses to Johnson & Sedlack's comments above.

- Response to CDFG-10 does not provide a good faith reason for failing to require a 3:1 replacement ratio of riparian habitat as recommended by CDFG. Specifically, CDFG stated that, "The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or offsite at a minimum 3:1 replacement-to-impact ratio…" The response cites no reason based on substantial evidence in the record for failing to incorporate this mitigation.
- Response to EMWD-2 is inadequate and conclusory. The commenter noted that impacts from construction will likely create impacts to service which must be evaluated in the EIR. However, the response states, based on no evidence in the record, that the conclusions of the Draft EIR are not affected by the inclusion of this potential impact in the EIR's analysis. Such analysis must first be conducted in order for this conclusion to be made.
- Response to RCFC-3 does not respond to the comment made. The commenter stated that the Project must *demonstrate consistency* with the MSHCP, not that the project must comply with the MSHCP requirements. A project may comply with the MSHCP requirements and still be inconsistent.
- Response to MA-4 is conclusory and not based on reasoning or evidence in the record.
- Response to MA-7 is unresponsive to the comment made regarding impacts to freeways, overpasses, and roads which will not receive the fees paid by this project for improvements and for which improvements are uncertain. The response also seems to suggest that the project will be gifting massive sums of money to the state and region for improvements. This response fails to state, however, that the fees to be paid by this project are for the purpose of mitigating this project's environmental impacts.
- Response to MA-10 is contradictory and does not respond to the comment made. The response states that project traffic will not pass through residential neighborhoods, while noting that properties adjacent to the access road to the site are designated residential. Moreover, the comment made stated that trucks often pass through "or near residential areas." Also, the comment clearly states that, for truck impacts *to roadway surfaces*, 1 truck =1,000 cars. The referenced portion of the EIR instead discusses traffic/ truck volume impacts, not necessarily impacts to roadway surfaces.

- Response to LA-2 does not respond to the comment made which inquires which mitigation measures were found to be infeasible and will not be required of this project.
- Response to LA-3 is unresponsive to the comment made. The comment inquires what protection measures against Diesel PM will be implemented for the warehouse workers, and the response merely states that the impacts to on-site workers are not analyzed in the EIR. Nonetheless, mitigation measures, conditions, and project design may implement *protection* measures. Also CAL/OHSA may require additional worker protection measures. The FEIR is thus unresponsive to the comment made.
- Response LA-4 is conclusory and states, without reference to any evidence in the record that, "No potentially hazardous materials, beyond those described [paint, solvents, fertilizers, etc.] are anticipated to be handled at the site." There is simply no basis for this conclusion. The remainder of the commenter's concerns regarding spills and smoke plumes are unaddressed.
- Response to LA-5 states that the level of LEED certification cannot be determined as the tenants and uses are unknown. However, it would be feasible to require at least LEED silver certification by contract specification. If a higher LEED certification was deemed possible, there is no bar from achieving that higher level.
- Response to GB-2 is unresponsive to the comment made. Namely, the commenter merely asked what "environmental aspects" of the site are missing from the Geotechnical investigation. This question remains unanswered in the response.
- Responses to GB-5, GB-7, and GB-9 neither make needed changes to the EIR nor provide good faith, reasoned responses for determining not to make those changes. Specifically, the commenter asked why the Casa Loma fault was not included in the EIR when it is proximate to the project. The responses ignore the EIR's role as an informational document and determined that, since the project would nonetheless comply with the California Building Code, such information could be omitted. This is contrary to the information disclosure requirements of CEQA. Likewise, the response at GB-5 notes that the Casa Loma fault was likely not included in the UBCSEIS database. None of these three responses, however, support a determination that the project will not be impacted by this fault.
- Response to GB-8 is unresponsive to the comment made.
- Response to GB-10 neither makes needed changes to the EIR nor provides good faith, reasoned responses for determining not to make those changes. The commenter points out scenic resources which were unincorporated into the EIR and the DEIR description, and the response seems to concur that these scenic resources are significant and were omitted. Beyond such concurrence, however, no changes are made to the EIR or explanation given for determining not to make those changes.
- Response to CCA-1 is unresponsive to the comment made. The commenter specifically asks what mitigation will occur for cumulative traffic and diesel impacts. No response to this inquiry is given.
- Response to CCA-2 is likewise unresponsive to the inquiries made regarding noise impacts and mitigation for cumulative impacts.
- Response to CCA-3 does not evidence that the project adopted all feasible mitigation. Comment CCA-3 recommended additional and certain mitigation which was not discussed in the response and not determined to be infeasible. Such measures as retrofit

all trucks and phase them in over a period of time must be included to reduce the project's air quality impacts.

- Response to FNSJ-3 is unresponsive to the comment made. The commenter stated that agricultural impacts for this project were deemed potentially significant and should be mitigated through the purchase of conservation easements. The response ignores the fact that, where an EIR tiers off of a broader EIR, CEQA requires that effects of later projects should be evaluated if they are susceptible to substantial reduction or avoidance by the choice of specific revisions in the project, the imposition of conditions, etc. (Guidelines § 15152) Here, the commenter plainly states that such potentially significant impacts could be reduced through purchase of conservation easements, and the comment should be given substantial consideration.
- Response to FNSJ-4 does not find that it is infeasible to require that off-road heavy construction to meet CARB Tier III or better certification. Such mitigation is feasible and would significantly reduce the project's air quality impacts. The measure must be required.
- Response to FNSJ-7 combines many comments and provides conclusory, unreasoned, and unresponsive responses. The response ignores the comment calling for a discussion of air quality impacts to health risks and impacts to biological resources.
- Response to FNSJ-8 combines the response to at least four comments into one, and goes on to ignore several of the comments made. For instance, there is not response made to the comment that growth inducing impacts on air quality were not evaluated.
- Response to FNSJ-12 does not evince a good faith, reasoned response to the comments made that impacts from global warming on the project must be analyzed; potentially exacerbated project impacts as a result of climate change must be analyzed; and global warming impacts on water supply and flooding must be analyzed.
- Response to FNSJ-16 does not respond to the question raised regarding onsite eating facilities.
- Responses to FNSJ regarding mitigation measures (FNSJ-18-20) seem to state that the *commenter* need to demonstrate that mitigation is either required or a nexus such that mitigation is necessary. This is not a showing required of a commenter in proposing mitigation; this is a requirement of the measure itself to be determined by the lead agency, as discussed above. (Guidelines 15126.4(a)(4) and (5).)
- Response to FNSJ-22 notes that four of the alternative sites considered are not available, yet irrationally concludes that by considering four unavailable and impossible alternative sites, a reasonable range of alternatives was considered. None of these "alternatives" may be included in the range of alternatives considered when, in fact, only Alternative Site 5 was considered. The response also does not address the issue of quantification of impacts raised by the commenter.
- Response to SG-1 is unresponsive to the comment made. The commenter notes the potential for blight in the area due to unoccupied buildings, aesthetic impacts, and long term growth inducing impacts from the zone change. No response is made to these issues.
- Response to SG-8 does not respond to the issue raised of reinforcing the roof and installing solar panels.

- Response to HF-1 is unresponsive to the comments made and fails to demonstrate a good faith, reasoned response.
- Response to SM-3 is conclusory and fails to provide reasoning. Likewise, NDN-5. The project fails to incorporate feasible mitigation recommended previously by Johnson & Sedlack, discussed above, including mitigation recommended in the Noise Impact Study.
- Response to DR1-6 is unresponsive to the comment made suggesting an alternative site by March Global Port.
- Response to SC-4 does not respond to what time of day truck trips are expected, merely that the project is assumed to be operation 24/7. This is unresponsive to the comment made and fails to provide any hourly expectations, particularly during peak hours.
- Response to TT-7 does not find it infeasible to require additional wall offsets in order to mitigate for aesthetic impacts. Instead, the response purports to defer this potential mitigation to a later time. This is improper and this mitigation measure must be required of the project.
- Response to TT-11 does not incorporate or find infeasible the mitigation recommended including requiring that a percentage of the fleet vehicles of tenants be low or zero emission and requiring soot filters or the latest available technology.
- Response to RJ-C-1 is unresponsive to the comment made.

Mitigation Monitoring Plan:

The following comments on the MMP are in addition to comments made previously in the "Text Revisions" section.

Traffic:
Many of the traffic mitigation measures state that the improvement will be funded through participation in the TUMF, DIF, or other fair share program. It is unclear in the MMP, however, whether the applicant need only pay into the program prior to issuance of the first building permit, or whether the improvements must be completed prior to issuance of the first building permit in order to mitigate for the traffic impacts listed. This should be clarified so that mitigation is certain and enforceable in the monitoring program.

Air Quality:
Not all feasible mitigation has been adopted to reduce air quality impacts from the project.

MM 4.3.2 in the MMP does not make the alterations stated in the responses to comments and text revision section (removing "during smog season", etc.) Moreover, trucks should be limited from idling beyond 3 minutes.

MM4.3.4 requires that contractors for the project will use CARB Tier 2 equipment or better. It is feasible to require at least Tier 3 certified or better.

For MM 4.3.6, it is feasible to require that only existing electrical power sources may be used; no diesel or gasoline powered generators shall not be utilized for project construction.

For MM 4.3.8, the language creates uncertain and unenforceable. Measures must only be included in plans and bid documents which may be subsequently altered and are not required of the project itself as written. The language must be changed to delete the introductory statement such that the mitigation measures apply directly to the project. Also, at bullets 6, 8, 9, and 10 which state that a measure shall be used "where feasible," this language must omitted or changed to read where "technologically possible." Likewise, at bullet 12, the "greatest extent practical" language must be deleted. As currently written, such mitigation measures are unenforceable and contrary to CEQA. Finally, bullet 14 states that all forklifts used in the operation of the Project shall be electric or natural gas powered, where MM 4.3.8 applies only to construction and construction contracts. This measure should be repeated elsewhere to reduce operation air quality impacts of the project.

MM 4.3.10 represents only one half of the mitigation measure- the posting of signs. An additional mitigation measure and/or monitoring program must be adopted for the second half of the mitigation measure-enforcement of the measures by the on-site facilities manager (or equivalent.) As written, this mitigation measure is uncertain and unenforceable.

MM 4.3.11 requires less mitigation than stated in the EIR. Namely, the EIR and responses to comments have repeatedly stated that the project will surpass Title 24 standards by 20%, yet the mitigation measure actually requires this surpassing of Title 24 by 20% only for "water heating and space heating and cooling." This limitation must be removed from the language of the mitigation measure. It is feasible to require that the project surpass Title 24 by 20% for the project as a whole, and in fact, feasible to surpass Title 24 by 30%.

MM 4.3.13 bullet 7 is completely uncertain and unenforceable. The measure provides that lease/purchase documents shall *note* that tenants are "encouraged" to provide incentives to realize mitigation measures. This introductory language must be removed and the mitigation measures required of the *project itself* through lease/purchase contracts. Moreover, most of the mitigation measures included in MM4.3.13 bullet 7 would reduce air quality emissions, namely Diesel PM, not merely GHGs as stated.

Noise:
Mitigation measures adopted for noise require that "Project plans and specifications shall include a statement that…" Again, no mitigation or monitoring is actually required of the project itself, only the written documents. No mitigation of project impacts is certain to occur.

MM4.4.2 is unenforceable, as the language of the measure requires that equipment be staged in areas that will create the "greatest distance" between noise and off-site receptors. A minimum distance or performance standard must be required to ensure that the distance chosen mitigates noise impacts.

MM 4.4.3 is uncertain, as it requires that haul routes not pass sensitive land uses or residences "[t]o the extent feasible." This feasibility language must be removed so that this measure is certain and enforceable.

MM4.4.4 is unenforceable as it provides for the "maximum reduction for noise sensitive uses." Some performance standard or specific type of noise curtain must be specified to ensure that the maximum reduction for noise sensitive uses actually occurs.

Water Supply:
There is no monitoring plan for MM 4.5.4.

Cultural Resources:
The mitigation and monitoring for MM 4.7.2 must occur throughout excavation and grading activities, not "Prior to issuance of first Certificate of Occupancy."

Alternatives:
A substantial number of comments concern the consideration of an inadequate range of alternatives, namely the *consideration of only one viable alternative site*. Alternative Sites Nos.1-4 are unavailable and were presumably included in the EIR in order to deceive the public and decision-makers into believing that an adequate range of alternatives was considered. The responses to comments concur that only Alternative Site No.5 was a viable alternative. (*See,* Response to FNSJ-22) Additional alternative sites must be considered for this project in order for there to have been consideration of a reasonable range of alternatives.

Statement of Overriding Considerations:
A statement of overriding considerations is improper with this project as the project will have extensive environmental impacts, as discussed above, yet only minimal project benefits. The project will have adverse impacts to/from the following: aesthetics, air quality, noise, and transportation/traffic. This includes substantial concerns for human health, including health risks from air pollutant emissions and health risks from excessive noise. These are major environmental risks which must be deemed offset by the economic, legal, social, technological, or other benefits of the project. (Guidelines § 15093(a).) This project will generally only benefit the developer of the warehouse. Yes, the project could create some new jobs in the area and generate some annual taxable sales, yet as noted by many commenters, warehouses already developed in the area remain vacant. These speculative benefits are comparatively insubstantial when compared to project risks. A statement of overriding considerations cannot be adopted for this project.

Thank you for your consideration of the above comments.

Sincerely,

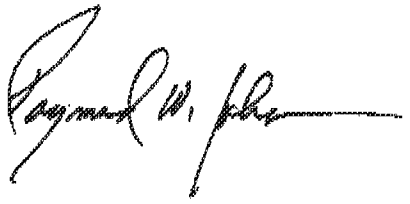

Raymond W. Johnson
JOHNSON & SEDLACK

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-Mailed: May 12, 2011 May 12, 2011
jeffreyb@moval.org

Mr. Jeff Bradshaw
City of Moreno Valley
Community Development Department
14177 Frederick Street
Moreno Valley, CA 92553

Review of the Final Environmental Impact Report (Final EIR) for the Proposed West Ridge Commerce Center Project

The South Coast Air Quality Management District (AQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be considered prior to certifying the Final Environmental Impact Report (Final EIR) as appropriate.

The proposed project will result in at least 856 trucks per day serving a warehouse that is approximately one million square feet. As a result, the AQMD staff is concerned about the significant air quality impacts and elevated cancer risk impacts to sensitive receptors (i.e., residences adjacent to the project site) from the high volume of diesel truck traffic generated by the proposed project. On December 10, 2010 the AQMD staff provided comments on the draft EIR regarding these impacts and expressed specific concern about the project's air quality analysis and health risk assessment (HRA). Further, AQMD staff suggested a list of mitigation measures to reduce the project's significant air quality impacts.

On May 2, 2011 the AQMD staff received the response to comments in the most recent staff report. Upon review of this document we continue to have concerns regarding the project's significant air quality impacts, potential deficiencies in the health risk assessment, mitigation measures and land use compatibility. Specifically, the AQMD staff recommends that the lead agency revisit the operational profile in the HRA to ensure that it is consistent with the traffic study. Also, given that the proposed warehouse project will require a significant number of trucks that travel adjacent to residential land uses the AQMD staff recommends that the lead agency provide additional mitigation to

reduce the project's significant truck emissions and revisit the size of the proposed setback between the trucks serving the project and future and current residential uses. Details regarding these concerns are enclosed.

AQMD staff is available to work with the lead agency to address these air quality issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

SBC110428-02
Control Number

1. Health Risk Assessment Methodology

AQMD staff originally commented on potential methodological deficiencies in the HRA presented in the Draft EIR. We appreciate the response to those comments, and have the following comments based on those responses. AQMD staff is still concerned that the HRA methodology in the Draft EIR may underestimate potential health risks to nearby sensitive receptors based on the following points.

- The HRA source geometry does not reflect the layout of the proposed building as detailed in Figure 3.5-4 of the Draft EIR and Exhibit 5-4 of the Transportation Impact Analysis (TIA) appendix. The primary difference between the modeled approach and the project description in the EIR is the location of truck entrances to the facility. The project description and TIA indicate that up to 80% of the truck traffic serving this facility will travel along the future Eucalyptus Avenue, just south of the site. However the HRA assumes that the majority of truck traffic enters the facility through eastern and western entrances, and that Eucalyptus Avenue only accommodates 29.7% of all truck traffic. This discrepancy yields an underestimation of approximately 430 truck trips per day travelling along Eucalyptus Avenue. Without considering the diesel emissions from these trips, the risk reported for the residential receptors located closest to the facility just south of Eucalyptus Avenue will be underestimated.

- The HRA underestimates the amount of trucking activity that will occur onsite by not including onsite traveling emissions. Given the significant size of the project, each truck can be expected to travel approximately ¼ mile in the southern truck entrances and loading areas onsite and nearly ¾ mile in the northern loading areas and western entrance. With 856 truck trips per day, this omission yields an underestimate of approximately 200 miles of onsite trucking activity per day. Without including the diesel emissions from this activity, the health risk reported in the Final EIR is underestimated.

- The proposed mitigation measure of reducing idling to a total of 3 minutes onsite for each truck may not be achievable given the description included in the EIR. For example, it is unclear how the project proponent will enforce the measure with 856 trucks per day (equal to approximately two truck trips onsite each minute of a 24 hour day) on a 50+ acre site with 173 docks and 175 truck parking stalls. The lead agency should either include specific provisions that establish how this measure will be enforced (e.g., onsite staff dedicated solely to monitoring diesel activities), or revise the HRA to include a more realistic composite onsite idling time of 15 minutes per truck (5 minutes entering, 5 minutes onsite, 5 minutes exiting).

2. Land Use Compatibility Mitigation

AQMD staff appreciates the inclusion of the proposed amendment of Municipal Code 9.05 as a part of this project. This amendment requires that industrial and warehouse projects greater than 50,000 square feet in size be separated from any residential district

by a distance established by an air quality or noise analysis, with a minimum of a 250-foot setback. This is a forward-thinking measure; however, its overall effect may be substantially reduced by not including a cumulative analysis of the primary truck route serving the facility in the distance measurement. For example, in the current project over 680 truck trips per day serving this facility will pass adjacent to a residential district south of the future Eucalyptus Avenue. This significant trucking activity may produce emissions that surpass those produced in the southern loading area. However, as written the setback area is measured from the loading area, not the truck route. AQMD staff recommends that the lead agency include truck routes within this amendment.

3. Regional and Localized Air Quality Mitigation

AQMD staff appreciates the addition of a mitigation measure in the Final EIR to address diesel emissions from trucks. However, given the project's significant regional and localized operational air quality impacts from VOC, NOX, PM10 and PM 2.5 emissions the AQMD staff recommends that the lead agency revise Mitigation Measure 4.3.13 to ensure that these impacts are minimized. Specifically, the lead agency should revise the aforementioned measure to extend this requirement to any fleet owners/operators that serve the proposed project; therefore, the measure should be revised as follows:

- Lease/purchase documents shall identify that tenants are encouraged to provide incentives to use of fleet vehicles conforming to 2010 air quality standards or better.

- If trucks older than 2007 model year will be used at the facility, within one year of signing a lease, tenants of the project and/or fleet owners and/or operators that serve the proposed project shall apply in good faith for diesel truck replacement/retrofit grant programs such as those offered by AQMD or ARB, and shall use those funds if awarded.

Information about various funding programs can be found the following websites:

- http://www.aqmd.gov/tao/Implementation/index.htm and

- http://www.arb.ca.gov/msprog/truckstop/azregs/fa_resources.php

From: Paul Claxton
Sent: Wednesday, May 11, 2011 5:42 PM
To: Jeffrey Bradshaw; John Terell; Grace Espino-Salcedo
Subject: West Ridge Commerce Center

Mr. Bradshaw, Mr. Terell, and Ms Espino-Salcedo,

I am writing to express my concern about plans to put in another nearly one million square foot warehouse.

I bought my home ten years ago in a very different Moreno Valley. I work at March Air Force Base and when we moved here from Washington state my family looked at a number of towns in the area – Corona, Riverside, and Moreno Valley among others. What struck me about Moreno Valley was the beautiful east end of ranches and open land. The city struck me as a pleasant bedroom community to raise my family, grow old, and retire in. That's no longer the case. The city seems hell bent into becoming another Ontario or San Bernadino full of warehouses, lower wage jobs, traffic, noise, pollution, crime, and high taxes. Sorry, I am at a point in my career that I can afford to pull out and move if I have to and it is very apparent to this frog that the pot is on the range top and the water is getting warmer. The crime rate is already soaring with the violence brought here by the gangs and the drugs they freely peddle on our streets without having to drive out more tax payers for additional renters and section 8 housing.

I live just a couple short miles away from this second stake into the heart of the valley. The Sketcher's warehouse has yet to open and I can hardly wait for 200 semi-trucks an hour to roll down the 60 freeway, Ironwood and other side streets creating noise and pollution. This warehouse hasn't created another job in the city yet, I find it hard to imagine that people would sell their homes in Ontario and move here to be 15 miles closer to work, unlikely.

Paul Claxton
Moreno Valley

ATTACHMENT 28

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: A PUBLIC HEARING FOR CONSIDERATION OF THE REVISION OF TITLE 9, CHAPTER 9.08, SECTION 9.08.100, "LIGHTING", SECTION 9.08.190, "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV, "APPLICATIONS FOR HILLSIDE DEVELOPMENT, SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES" ARTICLE VI, APPLICATIONS FOR LIGHTING, SECTION 9.16.280 "GENERAL REQUIREMENTS, AND CHAPTER 9.15 SECTION 9.15.030, "DEFINITIONS" RELATING TO DARK SKY PROVISIONS FOR GENERAL ON-SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING CITYWIDE. THE APPLICANT IS THE CITY OF MORENO VALLEY.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing on the proposed lighting standards. Should the City Council choose not to adopt the new standards, no action is required. Should the City Council choose to adopt the new standards, the following actions are required:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **ADOPT** Ordinance No. 2011-831, approving revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

ADVISORY BOARD RECOMMENDATIONS

On April 14, 2011, the Planning Commission conducted a public hearing to review proposed revisions related to lighting for general site, street and athletic field/park lighting citywide. At the conclusion of the public hearing and Commissioner debate, the Commission unanimously recommended that the City Council not amend lighting provisions within the Municipal Code to include a dark sky emphasis for general site, street and athletic field/park lighting.

The Planning Commission stated a number of reasons for their recommendation for denial including, but not limited to, their belief that the proposed dark sky ordinance revisions to existing Municipal Code lighting standards would be intrusive to both residential homeowners and commercial/industrial projects, curfew lighting having the potential to create reduced lighting conditions and the potential for reduced lighting within parking lot peripheries. The Commissioners mentioned that the reduction of lighting in the later night hours may lead to potential public safety issues and that some provisions such as the night lighting curfew and light wattage requirements may be difficult to enforce.

BACKGROUND

On October 20, 2009, the City Council provided direction for staff to review existing lighting standards and provide proposed dark sky provisions for consideration. The review of existing lighting ordinance standards is a direct result of the settlement agreement reached on January 7, 2010, between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project and the Skechers warehouse building.

The current City of Moreno Valley Municipal Code lighting requirements include provisions to curb on-site lighting such as the current limit for lighting at property lines to a maximum of 0.5 foot candle and residential lighting fixture limit of twelve feet in height. Some of the current lighting standards however, do not facilitate a dark sky approach or assist in promoting energy efficiency. For example, the City currently requires that parking lots and other public spaces be lit “from dusk to dawn” which exceeds the hours of operation for most retail and non-retail properties, especially office and religious establishments.

Research conducted by the Planning Division found that only a few cities had adopted dark sky ordinances. Surrounding cities such as Riverside, Perris and Redlands have not adopted dark sky ordinances. Although the settlement agreement suggested utilizing standards from the City of Palm Desert, a combination of ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas, San Diego and other cities were reviewed. Standards within these ordinances and draft guidance standards by the International Dark-Sky Association were the basis for the revised lighting provisions.

The primary purposes of changing current lighting practices and drafting a dark sky ordinance include**:**

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the negative effects of night lighting.

DISCUSSION

Pursuant to the direction provided by the City Council, staff developed revised onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields for City Council consideration. Based on provisions within the settlement agreement, staff was to report back to City Council with draft lighting requirements and recommendations for consideration without commitment to adopt an ordinance.

Some of the major modifications proposed to the existing lighting standards include:

- Revised development and performance standards including maximum wattage of light bulbs for single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);
- All lighting to include full cutoffs to prevent excess trespass for residential-multiple family and all non-residential properties.
- A further reduction of permitted light trespass or spillover lighting on adjacent properties for all non-residential and multi-family residential properties to not exceed 0.25 foot candle minimum maintained lighting measured from within five (5) feet of any property line consistent with language in the Palm Desert ordinance. This compares with the existing ordinance standard to not exceed 0.50 foot candle at the property line.
- The inclusion of height limits for hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet; and non-residential lighting height limits of 30 feet, except within 100 feet of a residential use, where the maximum height would be 20 feet and walkway/courtyard lighting with a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting for non-residential uses requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.
- The addition of athletic field lighting standards to include horizontal cutoffs to reduce vertical lighting above the fixture for new lighting and retrofit fixtures and a maximum lighting value for lighting recreational athletic fields to be an average maintained 50 foot-candles.

- The modification of existing street light standards to indicate that the installation of street lighting is solely for the purpose of illuminating the public right of way in conformance to the city street lighting standards, which include the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

In the process of updating current lighting standards, staff established a subcommittee with members from the departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utility and Parks and Community Services. All department representatives of the subcommittee assisted in drafting revised lighting language, reviewed draft dark sky lighting standards, and have agreed to the proposed modifications as presented and attached to this report in cross-out/underline and clean copy formats.

ALTERNATIVES

1. Based on the recommendation of the Planning Commission, reject the proposed draft dark sky lighting modifications and not take action on the ordinance.

2. Approve the proposed draft dark sky lighting ordinance as written.

3. Approve the proposed draft dark sky lighting ordinance with modifications. The Council could elect to remove or modify items such as the lighting curfew, provisions modifying additional spill-over lighting adjacent to adjoining properties or restricting wattage of lighting for residential and/or non-residential properties.

4. Return the proposed dark sky lighting ordinance back to the Planning Commission with further direction.

NOTIFICATION

Public notice of the proposed Municipal Code Amendment was published in the local newspaper as a 1/8 page display ad on June 24, 2011, and was mailed to the Sierra Club.

ATTACHMENTS

1. Public hearing notice
2. City Council Ordinance, including clean copies of the Ordinance amendment
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.
8. Planning Commission Report dated April 14, 2011, excluding attachments
9. Planning Commission Minutes of April 14, 2011

Prepared By:
Mark Gross, AICP,
Senior Planner

Department Head Approval:
Barry Foster
Community & Economic Development Director

Concurred By:
John C. Terell, AICP
Planning Official

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

NOTICE
OF
CITY COUNCIL
PUBLIC HEARING

THE CITY COUNCIL WILL CONSIDER A CITYWIDE AMENDMENT (PA10-0022) TO THE CITY OF MORENO VALLEY MUNICIPAL CODE, TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV "APPLICATIONS FOR HILLSIDE DEVELOPMENT", SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI "APPLICATIONS FOR LIGHTING", SECTION 9.16.280, "GENERAL REQUIREMENTS", AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The amendment would modify current lighting provisions including, but not limited to the refinement of existing code standards for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties and a dark sky approach citywide.

The City Council may consider any appropriate modifications or alternatives to the amendment or environmental determination. The amendment is exempt under California Environmental Quality Act Guidelines Section 15061 in that there is no possibility that the proposed activity may have potential for a significant impact upon the environment.

Any person interested in the proposed project may contact Mark Gross at (951) 413-3215 or at the Community & Economic Development Department at 14177 Frederick Street, Moreno Valley, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday – Thursday).

If you challenge any of these items in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City Clerk or City Council on or before the following meeting date:

Tuesday, July 12, 2011
6:30 P.M.
City Council Chamber
14177 Frederick Street.
Moreno Valley, CA 92552-0805

ATTACHMENT 1

ORDINANCE NO. 831

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA APPROVING PA10-0022 TO AMEND TITLE 9 OF THE MORENO VALLEY MUNICIPAL CODE, CHAPTER 9.08, SECTION 9.08.100 "LIGHTING" AND SECTION 9.08.190 "STREET LIGHTING", CHAPTER 9.16, ARTICLE IV APPLICATIONS FOR HILLSIDE DEVELOPMENT SECTION 9.16.235 "HILLSIDE DESIGN GUIDELINES", ARTICLE VI APPLICATIONS FOR LIGHTING AND SECTION 9.16.280, "GENERAL REQUIREMENTS" AND CHAPTER 9.15, SECTION 9.15.030 "DEFINITIONS" RELATING TO MODIFICATIONS OF GENERAL SITE, STREET AND ATHLETIC FIELD/PARK LIGHTING WITH AN EMPHASIS ON DARK SKY STANDARDS CITYWIDE

The City Council of the City of Moreno Valley does ordain as follows:

SECTION 1: RECITALS

1.1 Pursuant to the provisions of law, public hearings were held before the City of Moreno Valley Planning Commission and the City Council.

1.2 The matter was fully discussed and the public and other agencies presented testimony and documentation.

1.3 The ordinance amendment is attached hereto and incorporated herein as Exhibit A.

SECTION 2: FINDINGS

2.1 Based upon substantial evidence presented to this City Council during the above-referenced meeting on July 12, 2011, including written and oral staff reports, and the record from the public hearing, this City Council hereby specifically finds as follows:

1. **Conformance with General Plan Policies –** The proposed modifications to the Municipal Code are consistent with the General Plan, and its goals, objectives, policies and programs.

   FACT: The citywide project consists of modifications to existing lighting standards established in the City of Moreno Valley Municipal Code. Numerous sections of the Code will be modified regarding lighting for general site, athletic field and street lighting to provide a further reduction of light spillover onto adjacent properties, a dark sky approach and a reduction of overall energy/electricity use.

ATTACHMENT 2

All of the proposed clarifications and modifications included within the Municipal Code amendment are consistent with, and do not conflict with the goals, objectives, policies, and programs established within the General Plan. Particularly, Objective 2.10.7 of the General Plan indicates that on-site lighting should not cause nuisance levels of light or glare on adjacent properties.

2. **Conformance with Zoning Regulations –** The proposed modifications to the Municipal Code comply with all applicable zoning and other regulations.

   FACT: The primary purpose of modifying current lighting ordinance practices is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night, curtail and reverse any degradation of the nighttime visual environment and the night sky, minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary and conserve energy. The amendments to the Municipal Code are consistent with applicable zoning standards and all other regulations within the Code. The newly established language within the amendment are internally consistent and compatible with the purpose and intent of Title 9, and will refine the language within the existing lighting and design standards within the various sections of the Code. The amendments are also internally compatible with other regulations established within the Moreno Valley Development Code.

3. **Health, Safety and Welfare –** The proposed modifications to the Municipal Code will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

   FACT: The modification and enhancement of existing Municipal Code general and design standards for on-site and street lighting with an emphasis on maintaining dark night skies creates a positive environment for the development of Moreno Valley's future and allows for the preservation of night skies and reduction of glare and light in more environmental sensitive land use areas such as residential hillside and open space areas. Pursuant to Section 15061 of the CEQA Guidelines, the project meets requirements for project exemption as there is no possibility that the modification of existing light standards to further prevent light spillover into adjacent properties and into the night sky may have a significant effect on the environmental, while the activity is not subject to CEQA requirements. The proposed amendment also does not have the potential to

adversely affect the public health, safety or welfare of the population residing in the City of Moreno Valley or surrounding jurisdictions.

SECTION 3: ADOPTION

Based on the foregoing recitals and findings, the City Council of the City of Moreno Valley does hereby adopt and approve the ordinance amendment attached hereto as Exhibit A.

SECTION 4: EFFECT OF ENACTMENT:

Except as specifically provided herein, nothing contained in this ordinance shall be deemed to modify or supersede any prior enactment of the City Council which addresses the same subject addressed herein.

SECTION 5: NOTICE OF ADOPTION:

Within fifteen days after the date of adoption hereof, the City Clerk shall certify to the adoption of this ordinance and cause it to be posted in three public places within the city.

SECTION 6: EFFECTIVE DATE:

This ordinance shall take effect thirty days after the date of its adoption.

APPROVED AND ADOPTED this _____ day of _____, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

ORDINANCE JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, _____, City Clerk of the City of Moreno Valley, California, do hereby certify that Ordinance No. _____ had its first reading on _____, _____ and had its second reading on _____, _____, and was duly and regularly adopted by the City Council of the City of Moreno Valley at a regular meeting thereof held on the _____day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(Council Members, Mayor Pro Tem and Mayor)

_____

CITY CLERK

(SEAL)

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

EXHIBIT A

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface, unless otherwise approved, for visibility and security. Such lighting shall not exceed one quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be

beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type_and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of maintained lighting.

2. Aisles and passageways related to and within a building complex, during the hours of darkness, shall be illuminated with a maximum of one-half (0.50) to one (1) foot candles of maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure not to exceed a height of eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

2. Lighting should improve the visual identification of residences and businesses.

3. Energy efficient lighting of buildings is encouraged.

4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements.

5. The location, color and intensity of private lighting should relate to and complement public lighting.

6. Lighting fixture design should complement the overall design theme of the project in which they are located.

7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare.

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

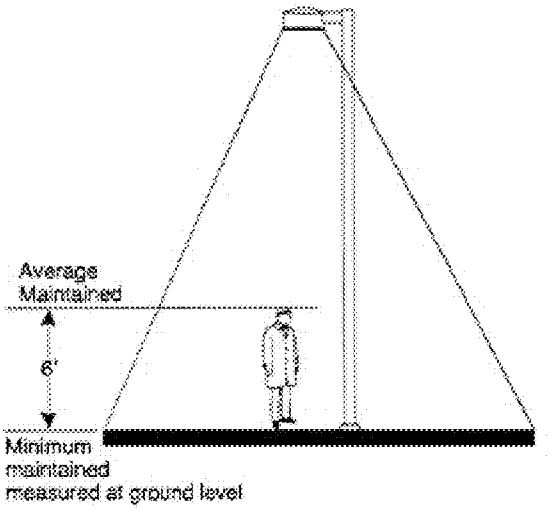

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

9.08.100 Lighting.

A. Purpose and Intent. The purpose of this section is to establish regulations and standards for outdoor lighting which will reduce light pollution and trespass generated by residential and non-residential lighting fixtures and devices, while maintaining dark skies. It is also the intent of this section to encourage, through the regulation of the types, construction, installation and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, security and productivity.

B. Applicability. Lighting standards included in this chapter shall apply to:

1. All new development

2. ~~Each~~ Any existing development or parking area providing five or more spaces, which is enlarged, reconstructed, altered or changed from its previous configuration shall be subject to ~~these~~ illumination requirements included in this chapter.

3. Existing land uses are exempt from specific lighting requirements included in this chapter, except that they are subject either to general lighting intensity standards (i.e. foot candle requirements) in place prior to the effective date of this ordinance or standards of a prior point by point or photometric lighting plan approved by the City. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to the regulations provided in the entirety of this chapter as determined by the submittal and review of a new or revised photometric lighting plan.

C. Minimum Development and Performance Standards. All exterior lighting shall meet the following requirements:

1. Single Family Residential Uses.

a. In all single family residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

b. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except for recreational courts.

c. Lighting standards for recreational courts are subject to Section 9.09.190 "Swimming pools, spas and recreational courts", while approval of all recreational court lighting is subject to a point by point photometric lighting plan submittal.

ATTACHMENT 3

2. Multiple Family Residential Uses.

a. All outdoor lighting associated with residential uses shall be fully shielded and directed away from adjacent residential properties. Such lighting shall not exceed one-quarter (0.25) foot candle minimum maintained lighting measured from within five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness.

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass.

c. The maximum wattage for residential lighting shall be 100 watts incandescent and 26 watts compact fluorescent, except as allowed for parking lot lighting and recreational courts.

d. Parking lot lighting for designated multiple family residential parking areas shall meet the requirements included in item (4) (a-c) below.

3. Non-Residential Uses.

~~A.~~ a. All outdoor lighting associated with nonresidential uses shall be fully shielded and directed away from surrounding residential uses. Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the nonresidential use~~ measured from within five feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for non residential uses shall be 250 watts of high intensity discharge (HID) lighting.

4. Off-Street Parking.

~~B.~~ a. All parking lots or structures providing more than five spaces for use by the general public and their pedestrian links shall be provided with a minimum coverage of one (1) foot candle of light with a maximum of eight (8) foot candles on the parking or walkway surface ~~from dusk until dawn~~, unless otherwise approved, for visibility and security ~~over the entire parking surface~~. ~~Wiring shall be underground unless existing overhead lines can serve the need without any additional overhead lines~~. ~~Each parking area of five or more spaces existing prior to the effective date of the ordinance codified in this chapter which is enlarged, constructed, altered, or changed from its previous configuration shall be subject to these illumination requirements.~~ Such lighting shall not exceed ~~one-half (0.50)~~ one quarter (0.25) foot candle minimum maintained lighting ~~beyond the property containing the non-residential use~~ measured from within

five (5) feet of any property line, and shall not blink, flash, oscillate or be of unusually high intensity or brightness. All wiring shall be underground;

b. All lighting installations shall be designed and installed with full cutoff and be fully shielded to reduce glare and light trespass;

c. The maximum wattage for parking lot lighting shall be 250 watts of high intensity discharge (HID) lighting;

5. Public Parks, Trails and Athletic Field Lighting.

a. The illumination of outdoor public recreational (sports) facilities, unless a specific recreational activity requiring the lighting is already in progress is prohibited between midnight and dawn. Lighting shall be provided as specified in this chapter. All lighting shall be designed and installed in compliance with the Parks and Community Services document titled "LIGHTING STANDARDS FOR PARKS AND RELATED PUBLIC FACILITIES".

b. Public Parks: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. New lighting for parks and related facilities should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

c. Trails: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. Lighted trails not incorporated in the roadway shall be illuminated with a minimum maintained twenty-five one-hundredths (0.25) foot-candles of light at ground level during the hours of darkness. New lighting for trails should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

d. Athletic Field Lighting: New lighting designs and retrofit fixtures shall contain horizontal cutoff to reduce vertical lighting above the fixture. The maximum lighting value that shall be used in lighting recreational athletic fields shall be an average maintained 50 foot candles. Minimum lighting values shall be per Parks and Community Services Standards. New lighting for athletic fields should have a maximum of twenty-five one-hundredths (.25) foot-candles at five (5) feet from property line*. Due to geographic difficulties or areas that require higher lighting levels for security, a maximum output of five-tenths (0.5) foot-candles of light at ground level at property line may be utilized.

*Where the adjacent property line is another City facility, the foot-candles may exceed the maximum requirements.

6. Street Lighting

a. Purpose. The purpose of this section is to establish a set of guidelines with which to regulate the installation, operation and maintenance of overhead street lighting in the City. The City seeks to make provisions for street lighting that will be beneficial to City residents, and to provide for this lighting in an orderly, efficient and equitable manner. This section serves to establish a uniform standard for location of lights and illumination levels within the City, and clarifies responsibilities for payment of the various costs involved.

b. General Requirements. Unless otherwise waived by the public works director/city engineer for developments within the OS, HR, RR and R1 districts, the provision of streetlights shall be a requirement of all development proposals. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system. The following specifications apply to all street lighting in the City, on all public and private roadways. The City has adopted the Southern California Edison (SCE) scheduled rates LS-1, LS-2 and LS-3 or comparable Moreno Valley Utility (MVU) rate standards. Prior to any planning, design, or installation of street lighting, the developer shall confirm the applicable rate schedule with the City. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by either SCE or MVU and the public works director/city engineer. (Ord. 359 (part), 1992). The developer will pay all costs related to the installation of the street lighting and establish a method for the payment of maintenance and operations. All street lighting installed shall be solely for the purpose of illuminating the public way and shall conform to the city street lighting standards.

c. Luminaire and Lamp Requirements.

1. All street lighting in residential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

2. All street lighting in nonresidential areas shall not exceed 9,500 lumen (one hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

3. All street lighting for arterial roadways shall not exceed 22,000 lumen (two hundred watt), high pressure sodium vapor (HPS) lamps, or equivalent, unless otherwise approved by the public works director/city engineer.

4. All street lighting shall utilize full-cutoff luminaries and be fully shielded.

5. All street lighting shall meet the current City street lighting standards, unless otherwise approved by the public works director/city engineer.

d. Specific Warrants for Lighting Locations.

The City street lighting standards shall be used to determine locations for all street lighting, unless otherwise approved by the public works director/city engineer.

D. Lighting Height Limits

1. Hillside Residential Areas – Outdoor on-site lighting on hillside residential properties, except for street lighting, shall be mounted on a post with full cutoff not to exceed eight (8) feet above finished grade, or on a building wall or structure not to exceed eight (8) feet above finished grade and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to a single family residential structure shall not exceed the height of the roof eave.

2. All Other Residential Areas – Outdoor on-site lighting within all other residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height and fully shielded. Such lighting shall be designed to project downward and shall not create glare on adjacent properties. Lighting attached to all residential structures shall not exceed the height of the roof eave.

3. Non-Residential Areas – Outdoor on-site lighting on commercial and industrial properties, except for street lighting, shall be mounted on a post and fully shielded not to exceed a maximum height of thirty (30) feet, except within 100 feet of a residential use, where the post shall not exceed a maximum height of twenty (20) feet. Posts shall be appropriately scaled for small buildings and lots. All lighting fixtures shall be in scale with the proposed building height. Lighting attached to a building shall not exceed the height of the roof eave or twenty feet, whichever is less.

4. Walkway and Courtyard Lighting - Outdoor on-site lighting for all residential and non-residential walkway and courtyard lighting shall be directed downward and mounted on a post or adjacent structure not to exceed a maximum height of twelve (12) feet or the height of the eaves, whichever is less.

E. Light Trespass Standards. Light trespass shall be minimized by complying with the following standards:

1. Light spillover or trespass for all multiple family residential and non-residential properties shall not exceed one-quarter (0.25) foot candle minimum maintained of illumination measured from within five (5) feet of any property line.

2. All exterior lighting shall be full-cutoff type and fully shielded to prevent spillover onto adjacent properties.

3. All wall pack lighting shall be full-cutoff type and non-adjustable, with light directed away from surrounding properties. Wall packs shall incorporate internal house (wall) side shields, baffles or reflectors to minimize wall brightness.

F. General Guidelines

1. All exterior commercial doors during the hours of darkness shall be illuminated with one (1) to a maximum of three (3) foot candles of ~~minimum~~ maintained lighting.

2. Aisles and passageways ~~and recesses~~ related to and within a building complex, during the hours of darkness, shall be illuminated ~~to~~ with a maximum of one-half (0.50) to one (1) foot candles of ~~minimum~~ maintained lighting.

3. All lighting shall be enclosed in vandal-resistant fixtures.

4. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.

5. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated.

6. In multifamily developments, laundry rooms shall be well-lit at all times as they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.

~~7. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

G. Lighting Curfew

1. Except as specified elsewhere in this Section, outdoor lighting systems in non-residential areas shall be turned off or reduced by at least fifty percent (50%) beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier. The reduction of lighting shall be determined as an overall average for the parcel. When possible, the lighting system shall be turned off rather than reduced in lighting levels. Lighting shall be equipped with controls for photocell on and timer off.

2. All walkway, security and street lighting may remain on all night.

H. Lighting Prohibitions

1. Overhead roof lighting is prohibited.

2. The installation of mercury vapor outdoor lighting fixtures is prohibited.

3. Adjustable outdoor lighting fixture mounts are prohibited. All fixtures shall be permanently installed so as to maintain shielding requirements, except that landscape and ornamental lighting may use flexible or adjustable mounting systems.

4 Lighting fixtures mounted in such a way as to aim only towards a property line are prohibited.

5. Lighting which interferes with the safe operation of a motor vehicle as determined by the Police Chief or City Engineer is prohibited.

6. Billboard lighting which is pointed upward is prohibited.

I. Lighting Exemptions. The following lighting is exempt from this Chapter:

1. Swimming pool lighting

2. Lighting for exit signs and other illumination required by the building code

3. Lighting for exterior stairs and ramps, as required by the building code

4. Decorative lighting, as approved by the Community and Economic Development Director

5. Holiday and temporary lighting

6. Low voltage landscape lighting

7. Lights used for the illumination of flags as required by law.

8. Portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

9. Motion detector lighting fixtures are exempt provided that there is no light trespass onto adjacent residential properties.

10. Exposed string outdoor lighting is exempt provided that:

a. Lighting shall consist exclusively of white light with a clear bulb;

b. Installation of such lighting shall be limited to the lighting of living landscape features (shrubs and trees) in outside dining areas or within parking areas of a commercial center or plaza.

J. Lighting plans and evidence of lighting compliance. The application for any required city approval involving residential and non-residential nonexempt outdoor

light fixtures shall include evidence that the proposed work will comply with this chapter. The submission shall contain the following:

1. The location of the site where the outdoor light fixtures will be installed;

2. Plans showing the location and type of all fixtures, both existing and proposed, on the premises, including point by point photometric lighting levels;

3. A description of the outdoor light fixtures including, but not limited to manufacturer's catalog cuts, photometric reports with candela distribution, drawings, and shielding information;

4. Submittal drawings shall be signed by a licensed professional engineer or by the licensed electrical contractor that is performing the work. This engineer or contractor shall be held responsible for the content and accuracy of the submittal design. Submittals must contain the name of the company that prepared the drawings and the name, title, and telephone number of the person that performed the design work.

5. All plans resubmitted for approval shall include a written description of all changes and comments attached to the plan check comments.

~~C. Use of the following forms of outdoor lighting shall be prohibited between midnight and dawn:~~

~~1. The operation of searchlights for advertising purposes; and~~

~~2. The illumination of outdoor public recreational facilities, unless a specific recreational activity requiring the lighting is already in progress. Security lighting shall be provided.~~

~~D. Overhead roof lighting is prohibited.~~

~~E. Outdoor lighting within residential areas, except for street lighting, shall be on poles or other supports not exceeding twelve (12) feet in height. Such lighting shall be designed to project downward and shall not create glare on adjacent properties.~~

~~F. All exterior commercial doors during the hours of darkness shall be illuminated with one footcandle, minimum maintained of light on the surface.~~

~~G. Aisles, passageways and recesses related to and within a building complex, during the hours of darkness, shall be illuminated to one-half footcandle, minimum maintained on the surface.~~

~~H. All lighting shall be enclosed in vandal-resistant fixtures~~.

~~I. General Guidelines.~~

~~1. Lighting shall be adequate to help ensure a safe environment, but not to cause excessive glare or intense light.~~

~~2. For safety, identification and convenience, the entrances of building and parking areas shall be illuminated. All illumination of streets, parking areas and other project areas shall provide a variety of light quality and intensity, emphasizing areas of high vehicular and pedestrian activity with increased light intensity.~~

~~3. All exterior lighting shall be shielded to prevent spillover onto adjacent properties.~~

~~4. Industrial and manufacturing developments shall provide adequate lighting for safe and secure on-site parking, loading, storage, receiving and pedestrian areas.~~

~~5. All exterior doors on commercial structures shall be illuminated with a "minimum maintained" of one footcandle of light on the door surface during hours of darkness.~~

~~6. Aisles, passageways and recesses within a building complex shall be illuminated with a "minimum maintained" of one-half footcandle of light during hours of darkness.~~

~~7. All lighting shall be enclosed in vandal-resistant fixtures.~~

~~8. In multifamily developments, laundry rooms shall be well-lit at all times they are intended for tenant use. Lights shall be placed on photo cell or automatic timers, and no switches shall be available to tenants to turn the lights off.~~

~~9. All residential dwellings shall display street numbers in a prominent location on the street side of the residence in such a position that the numbers are easily visible to approaching emergency vehicles. The numbers shall be consistently located on each dwelling throughout the development. The numerals shall be no less than four inches in height and shall be of low voltage lighted address fixtures. (Ord. 698 § 3.1(d), 2005; Ord. 359 (part), 1992)~~

~~9.08.190 Street lighting.~~

~~A. Unless otherwise waived by the public works director for developments within the OS, HR, RR and R1 districts, the provision of street lights shall be a requirement of all development proposals.~~

~~B. Prior to acceptance and approval of a final map, a developer shall construct or enter into an agreement to construct a street lighting system of either:~~

~~1. A utility-owned ornamental system consisting of standard ornamental electroliers customarily furnished by the utility or other design approved by the utility and the public works director; or~~

~~2. A municipally-owned ornamental system consisting of reinforced concrete or steel standards with underground wiring or other design approved by the public works director.~~

~~C. If a utility-owned ornamental system is installed, the developer shall be liable for and shall pay all charges attributable to such installation.~~

~~D. If a municipally-owned underground ornamental system is installed, the developer shall be liable for and shall pay all costs incurred in installing the entire system.~~

~~E. Installation of street lighting shall comply with the provisions of Chapter 9.14 for underground utility installation and shall be in accordance with the specifications of and plans approved by the utility-owned system and the public works director. (Ord. 359 (part), 1992)~~

ATTACHMENT 4

9.16.235 Hillside design standards.

A. Site Plan Design. Each structure shall be located in the most accessible, least visually prominent, most geologically stable portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site. Locating structures in the least prominent locations is particularly important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features. In addition, the following standards shall apply:

1. Significantly visible rock outcroppings should be preserved and incorporated into the site plan.

2. All pads and driveways shall, to the fullest extent practicable, follow and utilize the natural contours of the land to minimize disturbance and shall not be located on the crest of a natural ridgeline.

3. Clustering of development on flatter areas of the site is strongly encouraged.

4. Dwelling units and structures shall be sited in a manner that will:

a. Retain outward views from each unit;

b. Preserve or enhance vistas and ridgelines, particularly those seen from public places and rights-of-way in the valley below;

c. Preserve natural hydrology, native plant materials and areas of historic significance.

5. In areas adjacent to a ridgeline or in moderate slope areas, dwelling units and structures shall be sited to:

a. Use the natural ridgeline as a backdrop for structures;

b. Use landscape plant materials as a backdrop;

c. Use the structure to conceal cut slopes;

d. Retain major natural skyline profiles;

e. The topmost point of a proposed structure and all site grading shall be at least thirty (30) feet below the top of the nearest ridge or knoll.

ATTACHMENT 5

6. Encourage smaller pad to lot size ratios for all dwelling units.

7. Streets, both public and private, shall be developed below the crest of a natural ridgeline.

B. Architectural Design. The following architectural design standards shall apply:

1. Building development color palettes, including roofing, fencing and exterior building materials, shall be "earth tones" compatible with the natural color of the terrain and vegetation, and shall be approved by the community development director.

2. The design of the structure should give consideration to the lot's size and configuration in order to avoid the appearance of overbuilding and to minimize the blocking of views.

3. Large expanses of a single material on walls, roofs or paving areas should be avoided. Create interesting small scale patterns by breaking up building mass, varying building materials, etc. Building plans and elevations should be varied throughout a development to avoid a monotonous "cookie-cutter" look.

4. Horizontal and vertical architecture detailing of building articulation, such as overhangs, projections, alcoves, varied roof-plains, building offsets, etc. should be used to avoid large expanses of a wall in a single plain and to create light and shadow.

5. Brightly colored structures and roofs and reflective glass or building materials are expressly prohibited. Materials and colors shall blend with the natural hillside environment to the greatest degree feasible. Specific materials that are encouraged are those with natural colors and textures, including stone, wood, textured stucco and brick.

6. Where it will not result in increased grading and landform alteration, the limitation of structures to a single story is strongly encouraged.

7. The use of undulating walls that follow the land form are highly encouraged.

8. Detaching the garage shall be encouraged, while retaining walls shall be integrated into the garage walls on sloping lots to reduce grading and minimize visibility of walls.

9. Include architectural enrichments and variations in roof massing. Roofs should have low profiles to minimize their visual impact. On sloping land, the roof pitch should follow the slope of the hillside, instead of being perpendicular to the hillside or opposing hillside slope. Upper stories should not be cantilevered out of the opposite direction of the hillside slope.

C. Lighting Design. The intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are inherently characteristic of hillside areas. The following lighting design standards shall apply:

1. Lights shall not be located on the portion(s) of the site that has not been disturbed.

2. Lights mounted on dwellings, buildings or structures shall be fully shielded and directed away from adjacent developments.

3. All light fixtures should be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of light fixtures.

4. All lighting shall be low scale and low intensity and directed downward and away from the view of others.

5. Road, driveway and walkway lights should be located on the "downhill" side and aimed toward the "uphill" side and should be fully shielded from below and only light the driveway surface.

6. Lighting fixtures on properties should be mounted on a post not to exceed a height of eight (8) feet above finished grade, or on a building wall not to exceed a height of eight (8) feet above finished grade and fully shielded, or on a structure ~~of not more than~~ not to exceed a height of ~~twelve (12~~) eight (8) feet above finished grade and fully shielded for security lighting.

7. Street lighting shall be limited to the greatest degree feasible to maintain a "dark sky" environment. Typically, streetlights should be limited to street intersections or other locations where safety concerns predicate the need for illumination. (Ord. 773 § 3, 2008)

9.16.280 General requirements.

A. Purpose and Intent Lighting shall serves both safety and aesthetic purposes, while reducing unnecessary light pollution and maintaining dark skies. Effective lighting will highlight building features, and add emphasis to important spaces and entryways, while limiting glare and light trespass onto adjacent properties. The intent of these guidelines is to encourage effective and innovative lighting as an integral design component of a project.

B. General Guidelines.

1. Exterior lighting should relate to the design the project, highlighting architectural elements and details without deflecting unnecessary light and glare onto surrounding properties.

~~2. Parking lot and walkway lighting fixture height and brightness should conform to the following table:~~

~~Table 9.16.280A~~

~~Site Lighting~~

-

~~Lamp Types and Characteristics~~

~~Type~~	~~Characteristics~~
~~Low Level~~	~~Heights below eye level~~
-	~~Very finite patterns with hour wattage capabilities~~
-	~~Incandescent, fluorescent~~
-	~~Lowest maintenance requirements, but highly susceptible to vandals~~
~~Mall and Walkway~~	~~10′ - 15′ heights average~~
-	~~Multi-use because of extreme variety of fixtures and light pattern~~
-	~~Incandescent, high pressure sodium~~
-	~~Susceptible to vandalism~~
~~Special Purpose~~	~~20′ - 30′ heights average~~
-	~~Recreational, commercial, residential, industrial~~
-	~~Metal halide, high or low pressure sodium~~
-	~~Fixtures monitored by sentry~~

ATTACHMENT 6

~~3.~~ 2. Lighting should improve the visual identification of residences and businesses. ~~Within commercial areas, lighting should help to create a festive atmosphere by encouraging nighttime pedestrian use.~~

~~4.~~ 3. Energy efficient lighting of buildings is encouraged.

~~5.~~ 4. High-intensity security lighting fixtures should be concealed by landscaping or building architectural elements. ~~and should be de-signed either to uplight structures from the ground or to downlight structures from projecting or detached architectural elements.~~

~~6.~~ 5. The location, color and intensity of private lighting should relate to and complement public lighting.

~~7.~~ 6. Lighting fixture design should complement the overall design theme of the project in which they are located.

~~8. Fixtures should be placed so that light patterns overlap at a height of seven feet, which is sufficiently high to illuminate a person's body vertically. This is a particularly important consideration now that lighting fixture manufacturers are designing luminaries with highly controlled light patterns.~~

~~9.~~ 7. At hazardous locations such as changes of grade, low level supplemental lighting units should be used.

~~10~~ 8. Where low level lighting (below five feet) is used, fixtures should be placed so that they do not produce glare. ~~Most eye levels occur between three feet eight inches (for wheelchair users) and six feet for standing adults.~~

~~11. When walkway lighting is provided primarily by low fixtures, there should be sufficient peripheral lighting to illuminate the immediate surroundings. Peripheral lighting provides for a better feeling of security for individuals because they can see into their surroundings to determine whether passage through an area is safe. Such lighting should be approached from one of two ways:~~

~~a. By lighting the area so that an object or person may be seen directly; or~~

~~b. By lighting the area to place an object or a person in silhouette. (Ord. 698 § 3.1(g), 2005; Ord. 359 (Attach. 2 (part)), 1992)~~

"Land use ordinance" means the city of Moreno Valley development code as amended.

Lighting (Minimum Maintained). "Minimum maintained lighting" means a method of measuring light at the ground level.

9.15.030

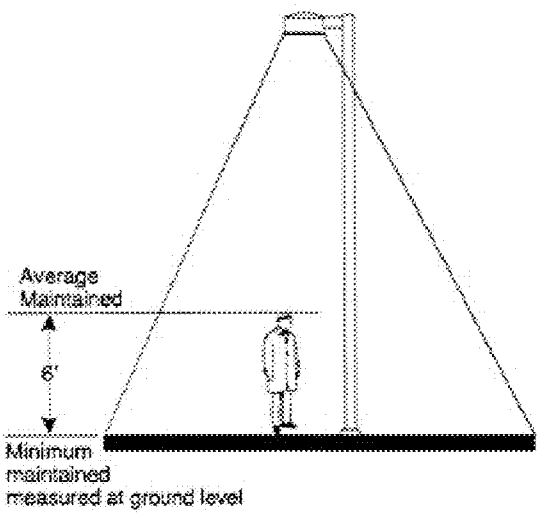

Figure 9.15.030-10

Lighting (Minimum Maintained)

"Light Trespass" means any artificial light or glare from a light fixture onto neighboring property that interferes with viewing of the night sky, or eliminates the ability to have darkness on the adjacent property, or shines into neighboring windows, properties or structures.

"Livestock" means and includes cows, bulls, calves and heifers, except pigs.

"Live/work unit" means a residential dwelling unit where there is one or more rooms containing working space located within, adjacent to, or near the residential unit, and one or more individuals living in the residential unit regularly use the working space to earn their livelihood, usually in professional or design related activities.

PLANNING COMMISSION STAFF REPORT

Case:	PA10-0022
Date:	April 14, 2011
Applicant:	City of Moreno Valley
Representative:	Same as above
Location:	Citywide
Proposal:	Revision of Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general site, street and athletic field/park lighting citywide.
Redevelopment Area:	N/A
Recommendation:	Recommend ordinance amendment to City Council

SUMMARY
The Planning Division of the City of Moreno Valley proposes modifications to various sections of Title 9 of the Municipal code to refine existing lighting standards to provide for better viewing of the night sky ("dark sky"). The amendment proposes modifications to onsite, athletic field/park and street lighting to minimize light pollution and trespass. All newly establish developments citywide will be subject to the proposed revisions to the code.

ATTACHMENT 8

BACKGROUND

At the October 20, 2009, Study Session, the City Council provided direction to review the City's lighting standards based on the International Dark-Sky Association (IDA) recommendations and dark sky ordinances from other communities. This review was identified in the Settlement Agreement between the Sierra Club, Highland Fairview and the City regarding approval of the Highland Fairview Corporate Park Project. The review also reflects previous development review projects located within the rural and hillside residential areas within the north and east portions of the City.

The underlying principles of the proposed lighting standards/dark sky ordinance are to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night sky;
- Curtail and reverse degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

Based on information from the IDA, the assumption that more light always results in better safety and security is not supported. Only the right amount of light, in the right place, at the right time should be necessary. In most instances, providing more light or creating bright areas often leads to glare and reduced visibility as well as wasted light and energy. The IDA recommendations call for the use of the lowest feasible wattage lamp. The maximum wattage recommended for most commercial applications is 250 watts of high intensity discharge lighting.

The current City Municipal Code includes provisions to curb on-site lighting. The Municipal Code requires that "lighting shall be adequate to help ensure a safe environment, but not cause excessive glare or intense light." All non-residential lighting is required to be shielded to avoid glare and prevent light spillage over property lines or into the public right of way. The lighting at property lines is limited to a maximum of 0.5 foot candle. The minimum lighting required in parking lots, pedestrian walkways and other areas accessible to the general public is 1 foot-candle and the maximum is 8 foot-candle to provide adequate nighttime visibility without creating excessive glare. Lighting standards are verified by a review of a point by point lighting plan showing the foot-candle lighting for closely spaced points across a site based on the fixtures proposed for the on-site use. Residential lighting is limited to twelve feet in height, below the typical eave line for a house. Finally, the stated intent of lighting standards for designated hillside properties is to preserve the low light level conditions that are an inherently characteristic of hillside areas.

PROJECT ANALYSIS

In order to comply with the direction provided by the City Council at their October 20, 2009 Study Session meeting and the Settlement Agreement between the Sierra Club, Highland Fairview and the City of Moreno Valley, staff is presenting the Planning Commission with revised Municipal Code standards for lighting. Staff has included specific updated standards relating to onsite and parking lot lighting, lighting required on streets and right of ways and lighting provided for sports activities within parks and athletic fields.

Research conducted by the Planning Division found that very few cities had adopted dark sky ordinances. For example, surrounding cities such as Riverside, Perris and Redlands did not have adopted dark sky ordinances. The majority of the cities who have adopted dark sky ordinances were found to be more rural, desert and tourist areas where climate conditions more easily allow the viewing of the stars and night sky. While the Settlement Agreement specifically identified consideration of standards from the City of Palm Desert, staff also reviewed ordinances from the cities of Palm Desert, Beaumont, Palm Springs, Encinitas and San Diego and other cities, and the IDA recommendations.

Based on the review of existing Municipal Code standards and other communities dark sky ordinances, staff has proposed updated standards in Attachment 3 of this report. Many of the standards in the existing ordinance were used; however a number of items from IDA recommendations and ordinances such as Palm Desert's were utilized to incorporate dark sky practices. The major modifications to the existing lighting ordinance include:

- Revised development and performance standards to include maximum wattage for light bulbs on single-family residential, multiple-family residential (100 watts) and non-residential (commercial and industrial) properties (250 watts);

- All lighting designed with full cutoffs to fully shield light fixtures on residential-multiple family and all non-residential properties.

- A further reduction of permitted light trespass or spillover lighting onto adjacent properties for all non-residential (commercial and industrial) and multi-family residential properties to a maximum of 0.25 foot candle maintained lighting measured from within five (5) feet of any property line. The existing City standard is 0.50 foot candle. The revised standard is consistent with language provided within the Palm Desert Ordinance.

- The inclusion of lighting height limits on hillside residential lighting of 8 feet, with all other residential areas not to exceed 12 feet. Non-residential lighting height limits shall be a maximum of 30 feet, except within 100 feet of a residential use, where lighting shall be reduced to a height of 20 feet and walkway/courtyard lighting to a maximum of 12 feet in height.

- The addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10:00 p.m. or the close of business, whichever is later, until dawn or the start of business, whichever is earlier.

- The addition of athletic field lighting standards to include horizontal cutoffs to reduce lighting above the fixture for new and retrofit lighting designs and a maximum lighting value used in lighting recreational athletic fields of an average maintained 50 foot-candles.

- The modification of existing street light standards to include the installation of street lighting solely for the purpose of illuminating the public right of way and conformance to the city street lighting standards, including the provision that the developer will pay all costs related to the installation of street lighting and establish a method for the payment of maintenance and operations.

The dark sky standards would apply to all new development and to existing development/parking areas that are enlarged or altered. Any general modifications to existing on-site lighting structures or fixtures and/or intensity of lighting may be subject to review of a new or revised point by point photometric lighting plan.

Specific language of the above sections of the Municipal Code can be found in Attachment 3 of this report, which includes a strikeout/underline version of the language added and subtracted.

REVIEW PROCESS

Staff originally presented the item to the City Council at the October 20, 2009, Study Session meeting as in conjunction an overall review of City efforts included in the Highland Fairview Corporate Park Settlement Agreement. During the study session meeting, existing and proposed standards were discussed, with the City Council recommending that staff bring back proposals to incorporate guidelines of the International Dark Sky Association and exterior lighting standards of jurisdictions such as Palm Desert which have created dark sky ordinances.

Subsequently, staff established a subcommittee of members from various internal departments involved with lighting, including Land Development, Transportation, Police, Special Districts, Moreno Valley Utilities and Parks and Community Services. Collectively, all internal departments and representatives of the subcommittee have drafted revised lighting language and/or reviewed draft dark sky lighting standards. All members of the subcommittee have agreed to modify the ordinance as is presented and attached to this report.

The next step in the process is to have the Planning Commission review the proposed amended lighting standards and recommend to the City Council for final review and action.

ENVIRONMENTAL

The proposed Municipal Code Amendment (PA10-0022) is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines in that there is no possibility that the proposed activity and the modification of existing light standards to further prevent light spillover into adjacent properties and the night sky would create the potential for a significant impact upon the environment.

NOTIFICATION

A 1/8 page public hearing notice for this development code amendment was published in the local newspaper. The Sierra Club was also notified of the meeting.

REVIEW COMMENTS

Staff sent out the final draft of the modified lighting ordinance to eleven (11) lighting designers and experts in the field that have previously submitted photometric lighting plans to the City, inviting any comments on the draft language to be provided. Staff did not receive any comments during or since the 30 day transmittal period.

STAFF RECOMMENDATION

APPROVE Planning Commission Resolution No. 2011-10 and thereby **RECOMMEND** that the City Council:

1. **RECOGNIZE** that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061 of the CEQA Guidelines; and

2. **APPROVE** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

Prepared by:	Approved by:
Mark Gross, AICP Senior Planner	John C. Terell, AICP Planning Official

ATTACHMENTS:

1. Public Hearing Notice
2. Planning Commission Resolution No. 2011-10
3. Strikeout/underline version of Chapter 9, Section 9.08.100 "Lighting" of the Municipal Code.
4. Strikeout/underline version of Chapter 9, Section 9.08.190, "Street Lighting" of the Municipal Code
5. Strikeout/underline version of Chapter 9.16, Article IV, "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines" of the Municipal Code
6. Strikeout/underline version of Chapter 9.16, "Applications for Lighting" Section 9.16.280 "General Requirements" of the Municipal Code.
7. Strikeout/underline version of Chapter 9.15, Section 9.15.030 "Definitions" of the Municipal Code.

2. Case Number: PA10-0022 Modifications to Title 9 of the Municipal Code for Dark Sky

Case Planner: Mark Gross, Senior Planner

ASSOCIATE PLANNER GROSS – Good evening Vice Chair Baker and members of the Planning Commission. I'm Mark Gross, Senior Planner. Staff is presenting the proposed amendment to current lighting standards found in five sections of the Municipal Code. The amendments relate to additions of dark sky, provisions for the general site street and recreational lighting Citywide. Now you may ask why we're actually going through the provisions of updating our Code. There are a number of reasons actually why we are doing this at this particular time.

First of all, the lighting standard modifications are a direct result of a settlement agreement reached in January 2010 between the Sierra Club, Highland Fairview and the City of Moreno Valley regarding the approval of the Highland Corporate Park Project and so we had to actually come back and look at the current lighting standards and see what we can do to make it a little more dark sky in this particular instance. It is also the result of review of concerns of various development projects located in more hillside residential areas in the north and east portions of the City.

Now the addition of the modification of existing lighting standards in this case is going to, for the most part, curtail and revise any degradation of the night time visual environment; the night sky. It is going to minimize or help to minimize glare and obtrusive light by eliminating outdoor lighting that is either misdirected or excessive or in some instances unnecessary. It will also conserve energy and resources to the greatest extent possible and it is also going to help protect the natural environment from the damaging effects of night lighting.

Staff has in this process reviewed existing standards and local jurisdiction and dark sky ordinances and there were a few out there; not a lot of dark sky ordinances out there, but what we did is we focused on a couple of items. First of all, the international dark sky ordinance, and there were sample ordinances that the settlement agreement looked at which wanted us to look at Palm Desert, and there were other cities out east of us that actually had dark sky ordinances, but again few and far between. What I would like to do at this point in time is just to highlight some of the changes that you are going to see with this particular lighting ordinance amendment.

Now the first item that it is going to provide is it is going to revise the development and performance standards to include maximum wattage of light bulbs for single family residential and multiple family residential and that would be 100 watts of incandescent lighting and 26 watts of fluorescent and also for

non-residential; the commercial and industrial properties there will be a maximum lighting standard of 250 watts of high intensity discharge lighting. The design of all the lighting will be with full cutoffs; so you are going have any lighting with projects that would have full cutoffs and would be fully shielded for residential, multiple family and non-residential properties; so that would be industrial and commercial type properties.

There will be further reduction of light trespass from one property to another so you'll get again a reduction of spill-over lighting from adjacent properties for all non-residential, commercial and industrial and multiple family residential, which is currently measured from within five feet of the property line, and it is now going to be at a quarter foot candle minimum maintained lighting for that area.

Now this does differ from the standard that we have currently, which the measurement is actually at the property line and it is a half a foot candle, so it is reducing the lighting. It is also going to include height limits on hillside residential lighting and not exceeding eight feet with all other residential areas; excuse me that would be hillside residential areas and then all other residential areas not to exceed twelve feet. Non residential lighting height limits shall be a maximum of thirty feet except within 100 feet of the residential use where lighting shall be reduced to a height of 20 feet and there will be a reduction of courtyard and walkway lighting, which would be a maximum of twelve feet in height.

Now in addition, there are going to be a couple of modifications into the general lighting section of the code and two additions you are going to have for lighting for parks, athletic field and trails and it is pretty much taking the standards of what we have and it is minimizing the spillover of lights and it is also going to be providing fully shielded lighting and horizontal cutoffs that would be required and you also have the street lighting section that is actually moving over from one section in 9.08.190 to actually this section, which will again include installation of street lighting solely for the purpose of illuminating public right-of-way and conformance to the City street lighting standards.

Now there will be provisions in this particular code for the addition of lighting curfews for outdoor lighting systems in non-residential areas requiring all lighting to be reduced by 50 percent beginning at 10 pm or the close of business, whichever is later and until dawn or the start of business, whichever is earlier and I did want to stress with these particular standards that we are looking at, the standards in this ordinance is applying only to new projects and existing projects that are either modified, enlarged, reconstructed or changed from previous configurations. So again, existing standards or existing development will not have to meet these particular standards, they will meet what is in place currently before this standard would go into effect.
Now tonight the Planning Commission would be required to review and provide a recommendation to City Council on the proposed lighting development code amendment. I did want to mention that based on the environmental review of the

proposed amendment, the item is exempt from California Environmental Quality Act, CEQA Guidelines, pursuant to Section 15061 in that there is no possibility that the proposed activity may have the potential for a significant impact upon the environment.

Noticing was provided for this amendment as a 1/8th page display ad in the local newspaper. A copy of the notice was also mailed to Sierra Club and George Hague who was involved in the initial law suit and subsequent settlement agreement and we did tonight or today I should say, receive a couple of… we actually had one call and we had two emails and I believe you would have gotten a couple of those emails. One actually is from the Sierra Club that pretty much is recommending support of the ordinance amendment as recommended by Staff and presented this evening. That concludes Staff's Report and I'll be happy to answer any questions.

COMMISSIONER OWINGS – Mr. Chairman, may I address some questions?

VICE CHAIR BAKER – Yes, surely

COMMISSIONER OWINGS – Mr. Gross, just some background information for this; for my behalf and maybe possibly for the other Commissioners just to clarify. Out of the lawsuit, it was agreed with the City or in the settlement agreement that we would just look at these standards. I notice in your Staff Report that you made a survey of several cities; surrounding cities; Redlands, Riverside I believe do not have a similar ordinance. In your survey of those cities was there any information from the staff of those cities why they do not have this?

SENIOR PLANNER GROSS – Well that is correct, that the surrounding cities did not have a dark sky ordinance. They were some provisions like Riverside I think have some very minor provisions in their Code, but I did not see anything or any specific dark sky requirements for the other two cities.

COMMISSIONER OWINGS – Were any of those concerns possibly potentially public safety concerns or economic impact and development concerns that cities do not have these because who is against dark skies, so there must be some reason why the cities around us have chosen not to adopt these standards.

SENIOR PLANNER GROSS – Well, I think you are seeing more and more opportunity to provide these types of standards. I think in my review of what I looked at as far as a survey, the majority of the cities that I looked at other than Beaumont which is very close to us, there was a full dark sky ordinance involved with that city. Of course Palm Desert and some of the desert communities had it. From what I see the majority of the areas that actually provided these standards were more rural in nature and they were more of a kind of I guess recreational-type community. John may want to add to that.

PLANNING OFFICIAL TERELL – Yes, if I can interject…we're calling this a dark sky ordinance. If you've been to some place like Prescott, Arizona or Sedona, Arizona, this is not that type of a dark sky ordinance. The minimum and maximum foot candle in the proposed ordinance is exactly the same thing as the proposed ordinance, so we're not reducing any amount of light but basically directing and shielding it. There is a proposal in here which actually matches what we do in City parks currently which is a reduction of 50 percent of the lighting after a business is closed. That is exactly what happens in the city parks today.

COMMISSIONER OWINGS – Mr. Terrell has there been any estimation about the additional cost to the City in terms of enforcement. In yours and my tours of the City, it seems like the City is so strapped in terms of enforcement that it can't even enforce the City sign ordinances, so every block you go to you see a violation of the City's current sign ordinances, so has there been any estimation about the additional cost placed on the City for enforcement and also has there been any study done in terms of public safety. I mean this is a community that is much different than Prescott, Arizona…

PLANNING OFFICIAL TERELL – Yes and that's why I was pointing out that it was different. The Police Department was part and Mark didn't say this but it was I think in his report, we had an inter-staff committee that included members from the Police Department, our street lighting folks, public works; all the folks that are involved and some parks and recreation and so this was vetted through them. There was not a particular concern from the Police Department that this was going to cause issues as long as there was still lighting over doorways and entrance ways and that is not required to reduce by 50 percent at night.

COMMISSIONER OWINGS – Was there any survey or study done that would give us some indication as to the possible or the potential cost to the new developers to the community who are thinking about developing here? If you can go to Redlands and not meet these standards or you can go here and have to meet the standards. Was there any type of discussion along those lines?

PLANNING OFFICIAL TERELL – We did not. The other thing that is in Mark's report was we did send this out to all the lighting companies that have done business in the City in the last three years with a copy of the ordinance requesting their input and unfortunately none of them chose to provide any input, which you can say they were too busy or you can say they didn't have a major concern, so we can't interpret why they didn't respond, but we did make that outreach. I would pause it that since we're reducing the lighting requirements potentially, that it is not increasing the costs. There is a cost for shielding the lights. We already require shielding of lights so this is just putting it in the code something that is pretty much required on every development already, so I understand your concern. If I had to pause at a reason why say the City of Redlands doesn't have this, it is probably because they require these things

through some other venue or they have a very old code. I don't believe that there is anything in Redlands or Riverside where you drive through neighborhoods and there are glaring light problems there, so this is not meant to be revolutionary. I was at and you are correct though, this is the study; this Staff's recommendation based on looking at these other communities, it our recommendation on reducing lighting levels to potentially create a better aesthetic and not affect public safety, because that was very important and that's why we included the Police Department in the review of this ordinance.

COMMISSIONER OWINGS – Well thank you very much, I appreciate it.

COMMISSIONER DOZIER – I didn't understand full cutoff? Could you explain what that means by full cutoff? I assumed it just meant cutting the light off but you know…

COMMISSIONER OWINGS – It has to do with cutting the lighting off and shielding yes.

COMMISSIONER DOZIER – Okay, so full cutoff versus what half cutoff.... I mean…

PLANNING OFFICIAL TERRELL – It means that and if you look at most lighting fixtures in newer developments or even in older developments like Town Gate Project, it means that there is a shield that goes around the four sides of the light. There certainly are lights where they are cutoff; ball field lighting is a good example where it doesn't have full cutoffs because they are trying to cover a much wider area and full cutoff is like this; ball field lights or some other lights you might find something like this. The opposite of that is the kind of lights that people have that tilt up and shine directly out and that's not a full cutoff, so the idea is that all four sides of the light focus the light down towards the ground where you are trying to provide visibility.

COMMISSIONER DOZIER – I think I understand that. Now if you are taking a light bulb that is 250 watts and you are putting full cutoff and you are directing the looms down to the ground you are getting less lighting out around that, so if I'm in a parking lot the light is coming down but it's not necessarily going out in that direction. I understand the desire to want to cut and diffuse lights so that we can see the sky; I guess that's the Sierra Club's position. In some of our newer shopping centers I think we've used this full cutoff lighting and I get a little concerned because in a parking lot where people have to go some distance to their car, it does cut down on the visibility within that parking lot.
In some parking lots and I'm going to use an example; I'm going to use Fresh N Easy on Iris and Perris. I've been in that shopping center in the evenings and it is very dimly lit once you leave the light even around the store. Even around the store there is not a lot of lighting, so I find it a little hard to accept that there wouldn't be a problem with Police enforcement because it's just not as lit and I

even have concerns about my wife if she is parked too far away from the front of that Fresh N Easy getting to her car because the looms are different and the lighting is different from other shopping centers that don't have those.

So I kind of would feel a lot more comfortable if someone would categorically say to me that cutting in a public shopping center, the ability to light that parking center parking lot that that is not increasing the potential for more crime or illegal activity. Everybody would like to see the sky but we would also like to be safe when we go out at night. A lot of the communities that we used as an example are more rural and they are out in the desert, they have clear skies and they see more stars than we might ever see, so it might be little unfair to use those cities who are trying to get that view, especially if you got out to Arizona or places in the desert. I just feel more comfortable if I thought that the overall policy wasn't going to cause situations that would put the public perhaps in more peril because of the lack of light at night. I don't get that based on what I read in your report. I understand the reason for it and I understand why the Sierra Club is pushing for it, but I'm not so convinced that the safety factor is there.

COMMISSIONER OWINGS – Mr. Chairman, I follow your remarks. It's not only in the urban areas or in the developed areas because there is plenty of examples of what you are talking about; the new Target on Nason. There are parts of that area out there you know, you could probably steal the bank and no one would know, but talking that a step further to your own personal residence, shouldn't you be the judge of what wattage or lighting is necessary for your home to be protected and be safe and this ordinance seems to take or these changes to the proposed ordinance seem to take those discretions away from the homeowner and the property owner. Now I was a 23 year resident of Redlands; you're a resident of Redlands now, there are plenty of areas in Redlands that have just as many problems as this City has and those are people with the main deterrent of crime in those areas is well lit properties and you can into those areas of Redlands and you will see they are lit and I'm sure it's the same in Moreno Valley, so I think it's more broad than just a question of the developed areas. It is the personal safety of the people in their own homes.

PLANNING OFFICIAL TERELL – But again to respond I guess, is that we did have the Police Department review this proposal. They did not express any particular concerns. Their main concern was lighting as far as crime, lighting over doorways. The minimum lighting standard isn't changing based on this ordinance.

COMMISSIONER OWINGS – But Mr. Chair it does have a minimum on the property owner for I think you said it was 100 watt.

PLANNING OFFICIAL TERELL – Well the minimum lighting that is required is one foot candle in a commercial center, so I think that was Commissioner Dozier's concern in a commercial center. The minimum lighting standard is not

changing. As far as yes on single family residential, there is a maximum wattage. You asked about compliance and the cost of doing that, like any ordinance that we have; voluntary compliance is 99 percent of what occurs. This would only most likely come into play; this would only come into play for obviously industrial and commercial where we would actually review the lighting the plans and make sure they meet the standards and that is not changing, but on single family residential, we don't have lighting plans for single family residential unless they are building something like a lighted tennis court and then in fact the code has always had a requirement plan where people are putting in a lighted tennis court.

COMMISSIONER OWINGS – So to clarify, is this portion just a revision, redundant, unnecessary or all of the above.

PLANNING OFFICIAL TERELL – Redundant… it provides an opportunity for people that are bothered by high light levels to have a fixed standard so that when there is a complaint, we actually have something; a specific standard to…

COMMISSIONER OWINGS – And that comes to my next point, because if you are not willing to take care and enforce the thing across the board to all people concerned, then I really have a problem with ordinances and laws that go unenforced. I don't believe we really need a law that isn't enforced. Your comments to me about the sign ordinance; why have one if we don't enforce it. I think there are a lot of priorities in the City that should come first before this priority and I intend to vote no on this and I appreciate the Staff's work on it and your honest portrayal of it. Thank you.

VICE CHAIR BAKER – Okay who is up next?

COMMISSIONER VAN NATTA – I kind of see some truth in what he is saying there. I was listening to this and you know you are saying eliminate unnecessary lighting and you're talking about residential lighting and I'm like who decides what is unnecessary. If we're going to put something in place that enables my neighbor to call in for enforcement because they feel that my porch light is a little too bright, you know it is getting a little bit too intrusive and I didn't write down what you said was the maximum watts allowed in residential, but what was it; 110 or 120…

PLANNING OFFICIAL TERELL – 100 per light bulb.

COMMISSIONER VAN NATTA – 100 watts?

PLANNING OFFICIAL TERELL – Yes 100 watt light bulb

COMMISSIONER VAN NATTA – I don't like that. I mean if I want a really bright light in my house I should be able to have it without having some sort of rule

saying that I'm not going to, but if you are going to tell me that and you're not going to enforce it anyway, why even put it in. That doesn't make sense. The other question that I had is how is this going to affect somebody who is going to bring a business in and then they are told or by the way you may feel it is necessary to leave the exterior of your building well lit at night to cut down on vandalism and graffiti and trespassing and all that kind of stuff, but we're going to tell you that at 10 o'clock you are going cut that way down. The same was mentioned about the parking lot lights. Maybe we don't have numbers that say that a less well lit parking lot is going to reduce crime, but if I'm walking through a parking lot, I like to be able to see where I'm going and not worrying about tripping and can I see what I'm doing when I'm putting my groceries in my trunk and things like that. It's all very well and good to say that as a City when we are installing the City lights; the street lights; the exterior lights and everything; those be shielded, but is it really necessary to put all of these restrictions that might affect the willingness of somebody to bring more business to the City.

PLANNING OFFICIAL TERELL – Yes I agree. This is from our research, I anticipated that requiring the reduction of the lights after 10 o'clock might be one of the more controversial elements of this and it is certainly within the purview of the Planning Commission to make that voluntary rather than mandatory or to say we're not going to do it at all, but the current standard requires people to have their lights on all night long even if their business is closed, so this is kind of saying going the other way that we're going to require that you lower the light levels for energy conservation, but certainly the Planning Commission if you so chose could say don't do it at all or make it voluntary. You're the advisory board and we're just making the recommendation.

COMMISSIONER VAN NATTA – Well then if it is not necessary to have the lights on all night long, why can't you just make that simply optional; you can have your lights at night or you can turn them off. It is your choice as a business owner how well you want to have your building lit and how much you want to pay for your electricity.

COMMISSIONER OWINGS – Well I think as a business owner; speaking as a business owner, we have the ability to make those decisions on our own without the City telling us and as having the distinction of having the single largest one day loss in the history of American road insurance; 625 thousand dollars for 23 vehicles stolen, lighting is certainly proven to be… it was the silliest conservation thing we've ever done was to cut the lighting off at midnight and suffer a 625 hundred thousand dollar catastrophic loss of which the insurance covered it, but the deductible was several hundred thousand dollars and so I think each businessman has to make that consideration.

The second thing is this, a new business coming into town, you said you'd grandfather certain businesses; well lighting for fast food and things of that nature is certainly a plus for a new business would be at a disadvantage to an old

business as a result of the fact that one business across the street would be able to brightly light himself through all his hours of operation and a guy across the street might not. So those are all considerations and it is a little bit like getting closing the barn door after the cows are gone. This is a City of 150 to whatever estimate you believe thousand and to start making these now you know in anticipation of us doubling or tripling I think is unrealistic.

COMMISSIONER CROTHERS – I definitely like the idea of the dark sky for communities where you go to expect to see the dark sky. Communities such as Palm Desert, Palm Springs, Beaumont, Encinitas and San Diego; those are all cities where you go specifically to see the dark sky; to see the ocean; to see the views; to see Tempe, Arizona where you see all the rocks around you and those formations. This City is not like those cities. This City is very well populated and there are businesses all over our City and I think my main concern is safety and security. I don't want the light in the parking lot facing down and shining on my feet. That is not where the person's face is that may potentially attack me. I want that face well lit so that you know if anything happens there is a camera around and that face can be caught on camera. I don't think that me being a single female you know, working and shopping in our City, I don't think it is safe to cut off the lights. I can't get over that and I can't vote for this project knowing that I could be putting people at risk and I think that the lighting standards that we have already in place are doing just fine. I don't think that I've ever been somewhere and thought to myself oh my gosh it is just so bright and I wish they would cut these lights off at 10 pm. In fact in a lot of places at 10 pm I'm thinking to myself I wish there were a lot more lights around here because I don't feel safe getting out of my car or driving around the neighborhood.

PLANNING OFFICIAL TERELL – I'm sorry I didn't mean to interrupt but we're not in the deliberation stage of it yet, we're in the question stage, but understood, but I will remind everybody that the cutoffs are a current standard. They're not a new standard and the lights are at 20 or 30 feet in a shopping center, so the idea is the coverage is I believe it is a one foot candle at a certain distance above the pavement. It is not at the pavement, so just to clarify, but we are still in the question/answering stage and I believe you may have a Speaker Slip so we need to kind of avoid deliberation yet.

COMMISSIONER CROTHERS – Okay I think I have one more question.

VICE CHAIR BAKER – Okay one more question here.

COMMISSIONER VAN NATTA – So a couple of things you say we already have this in place and we already have that in place, can you maybe very simply tell us exactly what is changing with this rather than just reading the whole thing because now you are saying we already have a cutoff at 10 o'clock or whatever. What is different; what part is different?

PLANNING OFFICIAL TERELL – I think Mark identified those and I'll reiterate them. The first change is limiting specifically the wattage of the bulbs that can be used in residential and commercial. So that is a change. Currently we rely on the minimum and maximum foot candle, so the minimum and maximum foot candle aren't changing but the type of fixture you can have is limited by this proposal. So that's a proposed change.

The second is this concept right now we allow a half foot candle at the property line. This would reduce that to a quarter foot candle five feet back from the property line. That is usually the landscaping, so that is a standard that is more stringent than the current code.

The third I believe has to do with the height of the fixtures. In a hillside area I believe it is currently 12 feet and we're suggesting 8 feet as the maximum height of a light fixture in a hillside area. The residential limit of 12 feet isn't changing. The maximum in a shopping center of 30 feet isn't changing. The stepping it down to 20 feet closer to the property line is a change and for courtyards; we usually refer to this as pedestrian level lighting in the courtyard of an apartment building, that would be a maximum of 12 feet and the current standard is 15 feet.

Reducing the lighting by 50 percent at 10pm or when the business closes, whichever is later, that is a change. The current standard actually requires the lights to be on all night long, so the property owner doesn't have the option of turning them off or reducing them under the current code. Adding in specific standards for public parks; we have standards for public parks but they are in the Public Works Code but this adds it into the code to kind of provide consistency and so the public can go and say what is the standard for that and it will be in the code, so that's not a change, but we're putting it in the code. The street lighting is not changing at all. That is a section of the code that we're moving from one area of the code to another. The wording is changed slightly but again street lighting is a public works standard and…

COMMISSIONER OWINGS – Mr. Terrell, not to interrupt your thoughts…

PLANNING OFFICIAL TERELL – No, those are all of them

COMMISSIONER OWINGS – But how would this affect future development in the Moreno Valley Auto Mall?

PLANNING OFFICIAL TERELL – The Auto Mall is exempt because it is in a Specific Plan that has its own lighting standards, but the lighting standards currently in the Auto Mall don't meet the City standards. They were unique standards specifically because of the use that is there, so they are exempt from this.

COMMISSIONER VAN NATTA – So basically we could make all these changes and because existing things are exempt and certain specific areas are exempt, it really wouldn't make much change at all except for in a few places.

PLANNING OFFICIAL TERELL – The changes I would say are relatively minor but there a few of those points that you all have had some significant discussion on, so we're starting to get into deliberations so I'm trying to stop short of that, but I just wanted to point out what the specific changes are and as Mark said they do only affect new development. There a few areas that are exempt and the Auto Mall is specifically one that is exempt and it is primarily for new development but those areas that I mentioned, those are the areas that are changing. The other thing we tried to do here is really integrate the whole lighting standard so they are all in one place just to make easier for people to find them. That has nothing to do with dark sky; it has to do with making it a more accessible code section.

COMMISSIONER VAN NATTA – Okay so the full cutoff and the full shielding and stuff you were talking about, that isn't a change that is already in place?

PLANNING OFFICIAL TERELL – Correct

COMMISSIONER VAN NATTA – Okay so if you have full cutoff for full shielding, what is the difference between an 8 foot light and a 12 foot light as far as the dark sky is concerned?

PLANNING OFFICIAL TERELL – Well obviously the closer you have the light to the ground the less spillage you have because the light is still going to spill out, but it doesn't make a big difference. Having a lower standard on a hillside is… when you are a hillside and our hillside ordinance is very stringent; the idea is that if you look up at the hill you will more likely see the lights of the houses as opposed to street lights or lights sticking up above them. That is not a significant change, but it is meant to reduce the light levels in the hillside areas only.

COMMISSIONER VAN NATTA – But doesn't that bring the light down to where like you know maybe a vehicle passing under them can hit them or I mean I can reach 8 feet myself and touch a light. Wouldn't that be more prone to damage or something if it was shorter?

PLANNING OFFICIAL TERELL – Well it doesn't refer to street lighting, so street lighting standards are different, but the private lighting; yes even a 12 foot light… there are vehicles that certainly could hit those but the intent is that most lighting in a residential area neighborhood is either on a post that it is on the front yard or along the side of the driveway or it is on the building itself and it just lowers it a little bit. The 12 foot standard for single family has always been in the code and that's typically right over the garage door would be about 12 feet.

COMMISSIONER VAN NATTA – But then if you lower that to 8 feet then they wouldn't be able to put it in the eave of a house to eliminate the backyard…

PLANNING OFFICIAL TERELL – That is correct. In the hillside area that would be restricted so that's certainly something that you may want to consider.

VICE CHAIR BAKER – Are there any other questions? Okay we're going to open this item up to our Public Comments. The first one will be Michael Geller.

SPEAKER GELLER – Good evening. You know this is a time when you just say no. This kind of garbage; this is extortion by the environmentalists who don't care about anybody but themselves. The light is out of the bottle. Who is kidding who? You're not going to see the sky in this City. Anyone who thinks they are, are living in fantasy land. You can pass all these new ordinances to just make it harder for anyone to develop; create a double standard or so called double standard; create an enforcement nightmare and you're still not going to see any stars. You know get out and look.

I was here 26 years ago when you used to be able to see the stars. It's gone. It's done. I regret it to some extent although we didn't have any street lights; that's why we could see the stars. There were no street lights and the street was pitch black. We've chosen public safety over some things and that's the way it goes, but you know this extortion by these environmentalists to force the cities to do things that aren't necessary; aren't needed; don't need to be here; just adding new enforcement mechanisms and new little games to play and more ways to challenge developments is not a positive way to move things along.

We need to tell people if you want to get an ordinance passed then fine lobby and get it passed, but hold a gun to someone's head to try to get an ordinance passed and that's exactly what happened here. The Sierra Club held a gun to try and prevent development in the City. Enough is enough. Tell them no. The City did their part. All the Settlement Agreement said was you had to look at it; you've looked at it; say no; recommend to City Council and turn it down in full and be done with it and you know let's show that the residents in the City; not the three members of Sierra Club are going to run the City and tell the City what to do and you know we have rights too. You know all the rest of the residents; our Sierra Club members also have rights; people that own land have rights and enough is enough. You know there is nothing wrong with saying no.

You have a lot of legitimate concerns, but the biggest thing is that it is unneeded; it is unnecessary. It is not going to serve one iota of good. We're not going to see any stars. You know if they want to see the stars they are going to have to go out to the desert. It is an unfortunate truth. It's just the way it is, but this isn't going to change it and why do get into these fantasies that we're going to fix problems that can't be fixed by all these band aid ordinances. All it does is to make… instead of 400 conditions, they'll be 500 conditions of approval to get a

stupid project approved and you know you can say enough. The City has done its part and I would hope that you'll just tell the City Council no and if they want to pass it then they'll pass it, it's ultimately their choice, but you know it is your choice to tell them we don't think it's needed. Anyway thank you and I have to go pick my wife up from the airport.

VICE CHAIR BAKER – Thank you Michael. Our next speaker is Steve Jiannino. If you just state your name and address so we can have that on the record.

SPEAKER JIANNINO – Okay I'm Steve Jiannino and my address is 24701 Valley Ranch Road, Moreno Valley and I have to disagree with Mr. Geller. I can see the stars. I live in the hillside. I live off of Ritchie Vista. I can see the stars and I would like to continue to see the stars. It's a wonderful thing, so I want you to recommend approval of this to the City Council. Thank you.

VICE CHAIR BAKER – Okay, thank you. Okay we have no more Speaker Slips, so I'll close Public Testimony and now we are going to go into Commissioner Debate.

COMMISSIONER CROTHERS – I won't take up too much time saying what I've already said at the wrong time in the meeting, however my standing is that in cities such as Palm Springs, Encinitas and San Diego; those are the cities where you really go to see the dark sky; you go to see… you know if you went to the desert and didn't see the stars, you would be sorely disappointed in your visit in the desert. That is just one of the attractions to it. I think that Moreno Valley as a whole has a good lighting position already in place and I don't think that this will serve to provide any more dark sky to the people who already live here. For Mr. Jinnino I envy you, I wish I could see the stars from my house, however you know I live in the middle of a development and I'm not lucky enough to live on the outskirts or in the hills; maybe someday, if I'm here that long. But you know, I do have to say that we've looked it; I've read it and I'm going to have to say no.

COMMISSIONER RAMIREZ – Thank you. In the wake of the most recent events that have taken place in our community, I'm very concerned that eliminating or reducing any kind of lighting is going to help our community as far as security goes. Having served in the Marines and having served in combat I know that strategically in order to operate efficiently it is easier to do it in the dark where you can't be seen. That's where you can operate and get away with things, so reducing lighting is not only going to promote crime but I believe it is going to make it more difficult for people to witness crimes as well, so I understand all sides and I can hear all sides of the discussion, but as a whole and for the utmost security of our community and given the wake of things that have happened and transpired in the last six months, I don't believe that reducing any lighting is going to help us here, so that's all I have to say and therefore I will be voting no against this. Thank you.

COMMISSIONER DOZIER – Well the first condition or the first change was limiting the bulb wattage for residences. I think that's kind of intrusive. I think I agree with my fellow Commissioner Mr. Thomas Owings that that is intrusive and I don't like that. I just feel like for my own personal safety and the safety of my family that I should be able to decide how much light I need in my front or my back, so I don't agree with the first change right there and you know if you pass an ordinance like this, the Home Depot and all of the different stores are going to know that ordinance exists and they are going to change their stock and they are going to make it more difficult for me to light my house the way I want to light it. I just don't see; I just couldn't go along with that I'm going to vote it down even just for that one reason. I don't hold any avarice against a Sierra Club for trying to save the natural world so to speak; that's their mission; that's what they do; but there are some limitations. There are some limitations when they are forcing some of us who aren't quite as passionate about some of those issues as they are and they certainly have tried to impose some of those on us that I think in this case affect our personal liberties and some of our choices and I don't appreciate that. I think you can be over-zealous and you can love something with so much of a passion that you infringe on the rights of others to make those decisions for them and that's unfortunate. I think that is happening in this case and I will vote against it as well.

VICE CHAIR BAKER – Thank you

COMMISSIONER VAN NATTA – I think I already said it too. I think we'll begin learning when to ask questions and when to debate, but this is our first night so we're granted a little bit of leeway I think. Yes just going through the points where changes are being made, I don't see any need; any reason for these changes. I don't personally have any 100 watt bulbs in my house, but I reserve to put one in if I want to or 150 watt or whatever I can find if I decide for some reason I want more light. I think when you start cutting down the amount of lighting that the business owner can have around the perimeter; around their building or restricting the owners decision about when to have lights on and not to have lights on around their business, that should be the business owner's decision. I don't like the current requirement that they keep them on all night long either; you know let the business owner decide how much light they need for protection of their premises and as for the hillsides; if I have a two story house or even a one story house on a hillside and I want to put a light where I can illuminate my landscaping or my patio area or whatever and I'm restricted to putting it at 8 feet which is just a couple feet above the top of my head, you know it is very restrictive. I'd have to put in twice as many lights to get the coverage for my landscaped backyard or whatever for those patio parties and all that, so I just don't need to say anything more about it. I don't like it.

VICE CHAIR BAKER – Thank you

COMMISSIONER SALAS – Yes I'll be short. I just don't… I'm not behind approving an ordinance that I think it is impossible to enforce. How are we going to enforce this? We don't have enough code enforcement and for a lot of other stuff that is a lot more important than this, so I'm not for it either.

COMMISSIONER OWINGS – I just would like to address the City Staff that lifted an eyebrow when they thought that my comments were slipping and away from questioning and into deliberation. Those were rhetorical remarks and meant to be rhetorical questions. You know one thing you said when you were talking to me in the questioning period when the real questioning period was, that there was some consolidation and Staff felt comfortable about those consolidations of getting all these type of lighting type issues into one area. You know I would really recommend and support a move to do that because anything that makes it easier and clarifies those things for developers and citizens makes sense, so I would hope that we wouldn't have to come to one of these type of ordinances in order to do those kind of consolidations and would recommend that Staff do that whenever possible and bring those to the Planning Commission and the City Council on their own volition when those changes need to be addressed. I've already made myself clear as to how I'm going to vote against recommending this to City Council and thank you very much for your good work.

VICE CHAIR BAKER – Okay on this lighting ordinance I'm of the position that more light is better than less for our security issue and with things that happen. We need the lighting level. I can appreciate maybe consolidating some of that together. I don't know how we do that without rearranging our ordinance or something. How is that done? I can see if you move something over from public works into the lighting deals but do you have to change the whole ordinance to do it?

PLANNING OFFICIAL TERELL – Yes well based on your discussion and this is the kind of discussion that we are supposed to have at Planning Commission, so what I would recommend for your consideration is that you approve the ordinance excluding of the provisions that increase the regulation; so those specific changes that I mentioned. You can approve the consolidation aspect and the wordsmithing; what I call wordsmithing and fortunately based on staffing levels this is when we have the opportunity to suggest some of these things because there is urgency to do something so we can… when we look at an ordinance, we don't sit back and say they want a recommendation on dark sky and that's all we're going to do; we kind of look at where we can fix what is not necessarily broken but might not be as clear as it could be, so I mean I would suggest that you might want to approve the consolidation aspect of the ordinance and delete those items that are changes that increase the regulation on the lighting levels and based on that the Council can agree or disagree, but then what we would do is we would go back and revise the ordinance and this is maybe what we might want to do now, is we could take your input into consideration; revise this ordinance; bring it back to you and then you could

recommend that ordinance to the City Council. They would also see the original proposal and they could decide Plan A or Plan B.

VICE CHAIR BAKER – I think that makes a lot of sense.

COMMISSIONER OWINGS – I think that makes more sense because I would not want to be in a situation where we are sending mixed messages to the Council. The message this Planning Commission should send to the Council is this. We don't want the Dark Sky Ordinance period but we do recognize that Staff needs to have some consolidations of these. It is unfortunate that you chose this as the vehicle to do that in my opinion. I appreciate your situation…

VICE CHAIR BAKER – Part of it we were mandated by the Sierra Club right, so that was part of it.

COMMISSIONER OWINGS – But it was our choice to try to and consolidate ordinances using it as a vehicle. It was an opportunity that presented itself to you guys to do something that needed to be done and for that you should be applauded. But I just really wouldn't want to put the same message out to the City Council that we liked it in any way shape or form.

PLANNING OFFICIAL TERELL – And again as I said you choose to, you could ask Staff take your comments into consideration and come back with a revised ordinance that incorporates those comments and then you get to review it again and you could recommend that there is no urgency for it go…

COMMISSIONER OWINGS – Speaking for myself, I would prefer not to do that. I would prefer to vote the recommendation down with the recommendation that the Staff come back with those consolidation efforts in a second ordinance.

PLANNING OFFICIAL TERELL – The only reason I'm suggesting doing it this way is because we've got to go Council anyway, so we're going to Council and then theoretically they would generally, I think support…

COMMISSIONER OWINGS - I know you guys think is form over substance but really the message has to be clear from the Planning Commission that it doesn't in my opinion; that it does not want this ordinance and mixed messages in any way shape or form. It just needs to make a clear statement that that is what we stand for and if you guys want to consolidate those types of ordinances we can do those separately. I realize that it is more efficient your way but I think it sends the wrong message.

VICE CHAIR BAKER – We're not under the hammer to move on. I mean we can deny this tonight and then at a later date if you want to bring that back like Tom says to consolidate, we can look at that at a different time. We can get this thing off the board here.

PLANNING OFFICIAL TERELL – Yes you can do that but you're making a recommendation of denial so for us is potentially…

VICE CHAIR BAKER – We're going to need some help here whoever makes this because if we move to approve then we move against the approval.

PLANNING OFFICIAL TERELL – No, we'll work on that in a minute

VICE CHAIR BAKER – It gets a little hairy in these deals

PLANNING OFFICIAL TERELL – You can take whatever action you like to send, but the message you're sending… you're recommendation is going to City Council and…

VICE CHAIR BAKER – They can override that too

PLANNING OFFICIAL TERELL – They can override that or change that, yes

VICE CHAIR BAKER – And they have before

COMMISSIONER VAN NATTA – The only thing that I wanted to say that I didn't; that I would like to see that is kind of hinted to in this is that the lighting being reduced after the business closes and you're saying the current code requires them to stay open to stay lit all night long; that they have the option of reducing their lighting after closing or after 10 pm, whichever is later or whichever is earlier; sorry.

PLANNING OFFICIAL TERELL – Okay and as you know and any… we do verbatim minutes of the meeting, so whatever you said tonight will be in the packet for the City Council, so we'll see all your discussion.

COMMISSIONER OWINGS – We have to hope that they read that though

PLANNING OFFICIAL TERELL – And certainly to the extent and Mark is an expert at this; what we would do as part of the Staff Report is we would highlight the concerns and certainly that one or more Commissioners mentioned this or that. We try to characterize that in there, so it's very helpful to note that there is something there that is maybe a current change from the code that you might want to recommend.

COMMISSIONER VAN NATTA – If everyone else feels the same way as I do about it.

COMMISSIONER OWINGS – So some housekeeping here a little bit… when the Planning Commission as a group wishes the Staff to take a look at these types of

inconsistencies in the ordinances and to try to correct those is there a mechanism that you suggest we do in terms of do we pass a resolution; do we…

PLANNING OFFICIAL TERELL – No pretty much what we do is when we have discussions like this; I have a list in my office. I write things on my list and someday when we get to them. Literally that is what happens because we try to do what I call a cleanup ordinance. We used to be able to do them every year and now it is like every other year, so we add these kind of clarifications in with that, so it will go on the list regardless, so you don't need to take a formal action.

COMMISSIONER OWINGS – So then in terms of just a matter of procedure for my knowledge, when you have a negative, I noticed the previous minutes there is just this tremendous agonizing over how to vote yes when you are meaning no and can a simple motion to deny; couldn't someone make a simple motion here to recommend that the City Council not approve this ordinance pure and simple?

PLANNING OFFICIAL TERELL – Yes you can and what you'll need to do based on that is we'll bring back a resolution for validation at your next meeting that is I guess…

COMMISSIONER OWINGS – That would be more reflective of our thoughts

PLANNING OFFICIAL TERELL – … that you're not recommending and so your action tonight if I understand and I think I pretty well understand and the consensus here is that you would deny the proposed… so it's really deny… well don't deny the resolution; basically recommend; take number 2 there and change approve to deny and that's what you do and then based on that we'll bring back a resolution that reflects that action. You'll adopt that resolution of recommending denial and then we'll bring that forward to City Council.

COMMISSIONER SALAS – So we approve to deny

PLANNING OFFICIAL TERELL – No you would just read number 2 and your' action would be to deny the revisions and so it's that number 2 and then based on that we'll bring back a resolution that reflects your viewpoint and then you'll approve that resolution.

COMMISSIONER RAMIREZ – In essence that motion then would not read the preamble and the number 1, you would just move to and then start reading number 2 with the word deny to accomplish what you are asking.

VICE CHAIR BAKER – Okay so are we ready for a motion to move forward on that?

COMMISSIONER SALAS – So I'm going to read 2, right?

VICE CHAIR BAKER – Change Approve to deny

COMMISSIONER SALAS – Okay… **DENY** revisions to Title 9, Chapter 9.08, Section 9.08.100, "Lighting", Section 9.08.190, "Street Lighting", Chapter 9.16 Article IV "Applications for Hillside Development", Section 9.16.235 "Hillside Design Guidelines", Article VI, Applications for Lighting, Section 9.16.280 "General Requirements", and Chapter 9.15 Section 9.15.030, "Definitions" relating to dark sky provisions for general on-site, athletic field/park and street lighting citywide.

VICE CHAIR BAKER – Very good; do we have a second?

COMMISSIONER OWINGS – Second

VICE CHAIR BAKER – Okay, do a wrap up vote; all in favor?

Opposed – 0

Motion carries 7 – 0

VICE CHAIR BAKER – Staff wrap-up…

PLANNING OFFICIAL TERELL – Okay I have a question and I just want to just kind of a… on Commissioner Van Natta's suggestion, is there general support for doing that or allowing flexibility in having a property owner able to reduce their lighting after they close their business or is that not a consensus?

COMMISSIONER OWINGS – I need to ask a question of you? The purpose of that ordinance is that for public safety; was that the intent of it to cause businesses to keep their lights on so that it would aid in law enforcement?

PLANNING OFFICIAL TERELL – We're not sure because when we posed that question to the representative of the Police Department, they said it wasn't their requirement, so it may have been someone's intent to do that but…

COMMISSIONER OWINGS – Well would it have been their recommendation I guess would have been the appropriate response from them would have been, it's not their requirement but we would like to see it. Guessing would it be their…

PLANNING OFFICIAL TERELL – No, actually in talking with the Police Department the amount of lighting wasn't the key, it was that it was the type of lighting. They were very concerned about the type of fixtures so that you know it was a white light that actually…

COMMISSIONER OWINGS – Right, as opposed to the amber…

PLANNING OFFICIAL TERELL - … amber and the most critical was when businesses are closed, the most critical was the lighting over the doorways and that's what they were very concerned about. They weren't concerned about…

COMMISSIONER OWINGS – But they would like to see that on 24 hrs. a day if they could or at least at night time.

PLANNING OFFICIAL TERELL – Well the idea is this doesn't recommend that the lights be turned off, it just allows them to reduce to 50 percent. If you want to go further and say you know you can turn the lights off…

COMMISSIONER OWINGS – I think it requires further… I like the spirit of the Commissioners, but I think we really need to look into that.

PLANNING OFFICIAL TERELL – Yes, so if the consensus is just to kind of leave that as kind of a suggestion and not as recommendation. I just wanted to clarify that.

COMMISSIONER VAN NATTA – Well I think what you had said earlier when you were speaking to the representatives from the Police Department; they said their only concern was that the doorways be lit, that I think that could be something we could say give the business owner the option after closing or after 10 o'clock to reduce the lighting as long as the doorways remain lit.

COMMISSIONER OWINGS – That's closer to being agreeable.

PLANNING OFFICIAL TERELL – Okay, yes. Does that seem like a general consensus? Just nod.

COMMISSIONER OWINGS – But you probably should put the provison on it that you do have this discussion with the Police Department and make sure that is the way.

PLANNING OFFICIAL TERELL – Right and any final recommendation; any final ordinance should be reviewed, because that is somewhat of a change from what we suggested, so we would still want to review that with the Police Department before anything was actually adopted. So with that, what we'll do is this item will be coming back to you at your next meeting with a resolution that reflects your action tonight and then based on that then we'll go forward to City Council.

VICE CHAIR BAKER – Okay, thank you.

CITY COUNCIL REPORTS ON REGIONAL ACTIVITIES

a. Mayor Richard A. Stewart report on March Joint Powers Commission (MJPC)

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District

FROM: Michael McCarty, Director of Parks and Community Services

AGENDA DATE: July 12, 2011

TITLE: Approval of Concessionaire Agreement with Pacifica University, Inc., for the Cottonwood Golf Center

RECOMMENDED ACTION

Staff recommends that the City Council, acting in their capacity as President and Board of Directors of the Moreno Valley Community Services District, approve a long-term Concessionaire Agreement between the Moreno Valley Community Services District and Pacifica University, Inc., to maintain and operate the City's Cottonwood Golf Center and adjacent banquet facility.

BACKGROUND

The City has owned the Cottonwood Golf Center since incorporation. During this time, the City has contracted with two concessionaires to operate the clubhouse/pro shop portion of the course. Whether operated by contract or in-house the golf course has always shown an annual deficit. At one time the operational deficit at the Center was more than $350,000 per year. While the deficit has been reduced significantly, it is anticipated that the deficit will be approximately $199,000 for the current fiscal year.

The City has been operating Cottonwood for the last nine years and has been able to somewhat reduce the deficit; however, we have been unable to make the course cost effective. The proposed contract with Pacifica University indicates their interest in being the concessionaire at Cottonwood including the operation and maintenance of the golf course and the management and operation of the adjacent banquet facility. The proposal, if approved, will immediately reduce the deficit by approximately $70,000 and will completely create a self sufficient golf course within four to five years.

DISCUSSION

At the City Council Study Session in April 2010, staff was directed to retain the maintenance and operation of the Cottonwood Golf Center, while trying to reduce the deficit it incurs. For fiscal year 2009/10, expenditures at the golf course were $336,726 while revenues came in around $71,000 for an annual deficit of $265,726. With some aggressive maintenance changes, staff immediately reduced the fiscal year 2010/11 expenditure budget to approximately $289,886. This reduced the overall annul deficit to $199,886.

Staff met regularly with a newly established Golf Course Committee, comprised of residents that utilize the golf course. Working with this committee, the City adjusted the fee schedule, improved marketing to increase play, and brainstormed as to what would be best for the Cottonwood Golf Center. Along with this staff repaired a massive drainage problem, originally projected to cost more than $300,000, but was completed for approximately $20,000.

On February 23, 2011 staff advertised a request for proposal, subsequently receiving four inquiries. Staff and elected members from the Golf Course Committee conducted in person interviews with all interested parties which resulted in a unanimous decision to begin negotiations with Pacifica University.

Pacifica University is a newly formed athletic and sports management institution currently based in Riverside. Staff has a positive working relationship with the college as their men's basketball and baseball teams have been renting the gymnasium at the Conference and Recreation Center as well as Sunnymead Park's Salas Field. Pacifica University is in the midst of forming women's basketball, soccer, and volleyball along with men's soccer and rugby with more teams on the horizon. The proposal from Pacifica University involves the college golf team assuming responsibility for the maintenance and operation of the golf course as well as responsibility for the adjacent banquet area.

There are many advantages to this unique opportunity including the following:

1. Pacifica University will relocate to Moreno Valley with the name Pacifica University of Moreno Valley.
2. Upon expansion the college will be leasing other facilities within the City for their classrooms.
3. Pacifica University has other money backing this endeavor (tuition and investors) which gives the City an opportunity to have a golf course out of debt.
4. Staff at the course (golf team) will have knowledge of this sport which will be great for the players that frequent Cottonwood.
5. Pacifica University is enthusiastic about immediately helping the CSD in constructing a practice hitting area and eventually improving the kitchen to serve prepared food.

6. The University golf team will be promoting the course in the community especially amongst our youth, providing tournaments and leagues in hopes of increasing play at Cottonwood.
7. Lastly the university students and staff will be frequenting Moreno Valley restaurants, stores, and gas stations which obviously help the City's economy.

The details of the proposed agreement are attached but in short allows the University to retain all revenues for the first three years while freeing up staff expenditures, contractual services, and supply expenses currently incurred by City.

It will be necessary for staff to address certain building deficiencies to get this facility up to code and operating efficiently, while the University will be constructing improvements that will make Cottonwood a more inviting place to visit.

ALTERNATIVES

1. Approve the Concessionaire Agreement with Pacifica University, Inc., to maintain and operate Cottonwood Golf Center for a period of five (5) years with a renewal opportunity for 20 additional years.

2. Not approve the Concessionaire Agreement and direct staff to identify alternatives to reduce funding deficit.

FISCAL IMPACT

By approving staff's recommendation, Cottonwood Golf Center will reduce annual expenses by approximately $70,000 this fiscal year, while eventually eliminating the deficit at the course for the first time in the history of its existence.

SUMMARY

Staff and the Golf Course Committee believe the City has a unique and creative opportunity that benefits the entire community and will help the Cottonwood Golf Center become a successful, more attractive area for residents and non-residents to spend their leisure time. Pacifica University is excited about not only operating the course but also becoming part of Moreno Valley.

NOTIFICATION

Posting of the agenda.

ATTACHMENTS/EXHIBITS

Attachment A: Proposed Concessionaire Agreement with Pacifica University

Prepared By:
Michael McCarty
Director of Parks and Community Services

Department Head Approval:
Michael McCarty
Director of Parks and Community Services

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

ATTACHMENT A

CONCESSION SERVICES AGREEMENT BETWEEN THE MORENO VALLEY COMMUNITY SERVICES DISTRICT AND PACIFICA UNIVERSITY, INC.
(Cottonwood Golf Center)

THIS AGREEMENT is made and entered into this 1st day of August, 2011, by and between the Moreno Valley Community Services District, a Municipal corporation (hereinafter called the "CSD") and Pacifica University, Inc. (hereinafter called the "Concessionaire") whereby said parties agreed upon the following terms and conditions:

RECITALS.

CSD owns a golf course facility and recreation center and related facilities and property located at 13671 Frederick Street in the City of Moreno Valley, County of Riverside, State of California, known as Cottonwood Golf Center ("Golf Course"). The Golf Course includes a 9-hole golf course consisting of fairways, roughs, sand traps, driving range, water areas, maintenance yard, fencing, lawn, restroom facilities, a golf clubhouse, a pro shop, a parking lot, and the adjacent banquet room. Concessionaire will not have use or be permitted into the two rooms north of the banquet room, and the restrooms in this area can only be utilized until outside restrooms at the Golf Course are repaired. Upon repair the restrooms located inside banquet facility will be closed or reconstructed as monies allow.

Concessionaire represents that it is qualified in the management, operation, supervision, and maintenance of all aspects of golf course properties and their related facilities, and that Concessionaire is qualified to manage, operate, supervise, and maintain the Golf Course.

CSD desires Concessionaire to manage, operate, supervise, and maintain the Golf Course on behalf of the CSD, and Concessionaire desires to and has agreed to do so upon the terms and conditions hereinafter set forth.

AGREEMENT.

1.1 Agreement to Manage and Operate Golf Course.

CSD hereby appoints Concessionaire, and Concessionaire hereby accepts such appointment as the operator of the Golf Course during the Term, with full power and authority to carry out all the duties and responsibilities specified herein, upon the terms and subject to conditions hereinafter set forth.

1.2 Standards of Performance; Fiduciary Duty.

Concessionaire acknowledges that there is a relationship of trust and confidence between Concessionaire and CSD, and that Concessionaire has a fiduciary duty to CSD pursuant to this Agreement. Concessionaire shall use Concessionaire's best skill and judgment in performing its duties and obligations hereunder, and shall at all times provide such management, operating, supervision, and maintenance services in a manner which maintains the good name of the CSD; perform its duties and obligations under this Agreement in an efficient, expeditious, prudent, and economical manner, consistent with the best interest of the CSD, in accordance with generally approved practices and standards followed by similarly situated public golf courses in California.

2.1 General Duties and Obligations.

A. Throughout the term, subject to any restrictions or limitations set forth elsewhere in this Agreement and subject to CSD's approval, Concessionaire shall, at a minimum, do the following:

(1) Fully comply, and cause the Golf Course and all Equipment and Supplies and operation thereof to fully comply with all legal requirements including all laws, statutes, ordinances, codes, orders, rules, regulations, permits, licenses, authorizations, entitlements, and conditions imposed by all federal, state, and local governmental

regulatory agencies and authorities which are applicable as of the date hereof and hereafter become applicable to the Golf Course, the Equipment and Supplies, or the operation thereof, including without limitation, environmental laws.

(2) Apply for, obtain, and maintain in full force and effect, at Concessionaire's expense, all permits, licenses, and authorizations required, whether by CSD, City of Moreno Valley, or by any other governmental agency, that are necessary or appropriate for the management, operation and maintenance of the Golf Course.

(3) Obtain and maintain in full force and effect all insurance required to be maintained by Concessionaire pursuant to this Agreement.

(4) Concessionaire shall diligently and faithfully perform the following services (among others) during the term of this Agreement:

(a) Promote the sport of golf in such a manner that will encourage, and thereby cause, the public to engage in such sport at the Golf Course.

(b) Promote, manage, and arrange for golf tournaments and recreation programs related to the sport of golf at Golf Course.

(c) Manage and conduct the play of golf at Golf Course in such a manner that will permit the public to play in an orderly and non-obtrusive fashion at said golf course.

(d) Operate a pro shop and practice hitting/driving area including, but not limited to, sale and/or rental of golf equipment, non-motorized golf carts, motorized golf carts, and golf-related apparel items.

(e) Maintain an adequate stock of golf merchandise, supplies, and equipment necessary for the operation of a golf shop and in keeping with the demand.

(f) All golf merchandise, supplies, and equipment used in the pro shop operation and practice hitting/driving area shall be the responsibility of the

Concessionaire.

(g) Be responsible for selection, training, and supervision of all pro shop personnel described herein. All payroll related costs, including workers compensation insurance, sick leave, and vacation pay shall be the sole responsibility of the Concessionaire.

(h) Provide close liaison between pro shop management and CSD management in order to aggressively develop methods to improve golf service and build a high level of customer satisfaction.

(i) Generate sufficient revenue to cover expenses of the pro shop operation with a pricing structure partially established by CSD resolution with respect to greens fees, with related prices to be justified by current local market conditions comparable from facility to facility within the county, as per City Council.

(j) Charge and collect from all members of the public who desire to use and play upon said golf course, greens, practice hitting/driving area, and/or lesson fees as from time to time may be established by resolution of the City Council. Fees established by the City Council shall be the maximum fee charged to use and play upon said golf course. Concessionaire may from time to time, with the approval of the Director of Parks and Community Services or his/her representative, provide "discount" and/or "special" rates as a marketing tool to attract additional play. Concessionaire shall not permit, or cause to be permitted, any members of the public to play upon said golf course unless such established greens fees have been collected in advance from such persons.

(k) Concessionaire to maintain a "tee sheet" listing type of fee paid and player's name. Concessionaire shall provide each customer with a receipt for their transaction.

(l) Provide for the sale of food and beverages including beer and

wine in the pro shop located at the Golf Course. Drinking of beer and wine shall be limited to the pro shop/restaurant and not be permitted on the course.

2.2. Throughout the Term, Concessionaire shall, subject to any restrictions or limitations set forth elsewhere in this Agreement, perform or cause to be performed all tasks necessary or appropriate in connection with the ongoing operation, management, supervision, maintenance, repair, and upkeep of the Golf Course. In performing such tasks Concessionaire shall, at a minimum, do each of the following:

Golf Course

A. Be responsible for and control the play at the Golf Course, including making reservations, starting players, supervision of all of Concessionaire's personnel on the Golf Course, and all other aspects involving use of the Golf Course by members of the public.

B. Provide and supervise all personnel necessary to properly fulfill Concessionaire's requirements under this Agreement, including but not limited to golfing instructors, pro shop staff, driving range staff, putting green staff, and any other persons necessary for the successful and efficient operation of the Golf Course. Concessionaire shall take care to ensure that all staff persons are qualified for their positions and have the ability to relate to the public in the context of a municipal golf course.

C. Concessionaire shall also perform the following services under the direction and supervision of CSD staff as needed:

(1) Water greens, tees, fairways, practice range and landscaped areas.

(2) Change cup locations daily.

(3) Rake traps and repair divots daily.

(4) Edge all sand traps twice monthly.

MV00116445

(5) Verticut all greens not less than four times per year, and more frequently if required.

(6) Aerate greens twice annually, or more if required.

(7) Top dress all greens twice per year.

(8) Mow greens at least four times per week in the months of March through October, and at least twice per week in the months of November through February, or more if required.

(9) Fertilize greens and heavy traffic areas every eight weeks.

(10) Repair tees, including divots, and move tee markers daily.

(11) Spray greens as needed.

(12) Mow fairways twice weekly during the months of March through October, and at least once a week during the months of November through February, or more if required.

(13) Operate the Golf Course and all related facilities during all daylight hours, seven days per week, on all days when the Golf Course is playable. The course may be closed or hours adjusted as per authorization from Director of Parks and Community Services or his/her representative.

Golf Course General Maintenance and Repair.

A. Maintain the clubhouse, pro shop, golf cart storage building, banquet facility, and all other facilities related to the Golf Course in a safe, neat, and orderly condition.

B. Maintain all restroom facilities to ensure that they are constantly and fully equipped and in a clean, sanitary, safe, and orderly condition. Concessionaire shall provide all supplies and materials reasonably necessary for the proper maintenance of

MV00116446

restroom facilities by Concessionaire.

C. Maintain and perform minor repairs to the premises, including but not limited to greens, fairways, tees, roughs, driving range, water areas, maintenance yard, irrigation systems, landscaping, shrubs, trees, planter areas, fencing, lawns, restroom facilities, golf clubhouse, pro shop, parking lot, all personal property related thereto, and all other portions of the grounds and related facilities in accordance with industry standards and established minimum maintenance levels for the Golf Course.

Pro Shop

Concessionaire shall manage and operate the pro shop consistent with the following requirements:

A. At all times maintain a reasonable and adequate inventory of new and used golfing equipment in order to provide Golf Course patrons with a reasonable variety of golfing equipment for purchase or rent. All of the inventory in the pro shop shall be purchased by Concessionaire at Concessionaire's sole cost and expense, and shall be owned by Concessionaire.

B. Maintain the pro shop in neat, clean, safe, and orderly condition

C. Provide golf instruction and other services typically provided to a golf course.

D. Maintain adequate, qualified, and competent supervision of the Golf Course and all related facilities at all times.

2.3 Equipment and Supplies.

A. Equipment.

(1) Definition of Equipment. An inventory of the minimum equipment necessary for the performance of this Agreement by Concessionaire (hereafter

"Equipment") pertains to the following list: one of each, Gang Mower 5 Reel Ground master, Sidewinder 3 Reel Toro, Greens Mower 3250 3 Reel Green master, Tee Mower 3200 Green master, Cushman 01-770, Reel Sharpener. Said inventory may be updated from time to time by written agreement between Concessionaire and the CSD.

(2) Maintenance and Repair. CSD and Concessionaire agree that the inventory of Equipment currently located at the Golf Center is all the equipment and parts necessary for the performance of this Agreement by Concessionaire. Concessionaire shall keep all such Equipment in good maintenance and repair throughout its useful life. Equipment and parts damaged by the Concessionaire shall be repaired or replaced by Concessionaire, at Concessionaire's sole expense.

(3) Maintenance Buildings. Concessionaire is hereby permitted to utilize the maintenance buildings on the Golf Course to store Equipment and Supplies for the maintenance and repair of the Golf Course and related facilities, and Concessionaire shall keep these buildings in neat, safe, clean, and orderly conditions. Concessionaire shall maintain and repair these maintenance buildings, and all damage to said buildings shall be repaired by Concessionaire at Concessionaire's sole expense.

B. Supplies.

Concessionaire shall, at Concessionaire's sole expense, purchase all of the supplies, including but not limited to: gas, oil, grease, all small tools, shovels, rakes, hoes, brooms, fertilizers, weed control products, chemicals, grass seed, cups, flags, flagpoles, tee markers, trash receptacles, sand, special tools to maintain Equipment, and all top dress materials. Concessionaire may purchases such supplies from CSD inventory, if available.

MV00116448

2.4 Additional Repairs and Improvements.

Notwithstanding anything to the contrary in this Agreement, in the event Concessionaire is engaged to perform improvements that are outside the scope of this Agreement, such as installation of kitchen improvements and banquet facility enhancement. CSD and Concessionaire shall agree to the terms of such engagement.

CSD shall be responsible for and bear the cost of all major improvements including but not limited to parking lot improvements, exterior restroom improvements, building access improvements from public right away installation of driving range area, and completion of roof improvements. Concessionaire shall be responsible to provide labor for all minor Equipment repairs, tune-ups, grinding, belt and chain replacements, and all scheduled or manufacturer recommended servicing of Equipment.

Concessionaire and CSD will work together on adding patio cover in back area of golf course, trim scraping, and building paint as needed.

2.5 Utilities.

The Concessionaire shall pay for all utilities and services necessary to carry out Concessionaire's obligations of this Agreement, including but not limited to pest control and janitorial services. Furthermore, internet service, television cable or satellite service, and similar non-essential utilities shall be furnished at the sole cost and expense of Concessionaire.

2.6 Alterations and Fixtures.

A. Concessionaire shall have the right to install and maintain in the pro shop display cases and all other fixtures reasonably necessary for proper operation of the pro shop. Before installing any such fixtures or making any alteration to the pro shop,

Concessionaire shall submit plans and designs for the installation to the CSD for its approval which shall not be unreasonably withheld. Concessionaire shall maintain an up-to-date list of all fixtures, alterations, and improvements installed at the pro shop and shall furnish a copy to the CSD each time Concessionaire removes a fixture or improvement so that both parties have a current list of all alterations and fixtures installed by Concessionaire. At the end of the Term, at CSD's sole discretion, Concessionaire shall restore the pro shop to the same condition as before the alterations and fixtures, as required by the CSD, and Concessionaire will indemnify and defend CSD for all liens, stop notices, claims, or damages caused by the alterations, improvements, fixtures, additions, and removal thereof from the pro shop. In the event Concessionaire fails to remove all of Concessionaire's fixtures and alterations as requested by CSD within five (5) business days of the end of the Term, and restore the pro shop to its original condition, all such fixtures, alterations, and improvements shall become the property of the CSD.

B. Concessionaire shall design to CSD's reasonable satisfaction and approval a fully enclosed practice hitting/driving area. Such improvements, and any other improvements, alterations, and installation of fixtures, to be undertaken by Concessionaire, shall have the prior written approval of the CSD after Concessionaire has submitted to the CSD proposed construction plans and specifications therefore, in writing. Such approval by the CSD shall not be unreasonably withheld. Upon such approval, Concessionaire shall complete such improvements in strict compliance with said plans and specifications.

(1) Following completion of such improvements, Concessionaire shall submit to the CSD:

(a) Itemized statements showing the entire cost of such

improvements, alterations, and fixtures, and

(b) A complete set of "as-built" drawings showing every detail, latent or otherwise, of such improvements, alterations, and fixtures, including, but not limited to, electrical circuitry and plumbing.

(c) All such improvements, alterations, and fixtures (except trade fixtures as that term is used in Section 1019 of the Civil Code) shall be the property of the CSD; provided, however, that Concessionaire may remove, at its expense, such trade fixtures at or prior to the expiration of this Agreement and restore the premises to its original shape and condition as nearly as practicable. In the event Concessionaire does not so remove such trade fixtures, they shall become the property of the CSD for no further consideration of any kind, and Concessionaire shall execute any documents that may be required or necessitated in conveying their interest in such improvements, alterations, and fixtures to the CSD.

2.7 Revenue and Compensation.

A. For the first three (3) years of this agreement, the Concessionaire shall keep all revenues generated at Golf Course including all green fees, hitting area revenue, sale of food and beverages, sale of golf products, and all rentals.

B. In years four (4) and five (5), Concessionaire shall remit to the CSD the following amounts.

(1) Ten percent (10%) of all revenues generated from green fees, sale of food, beverages, golf related products, and by rentals.

(2) Fifty percent (50%) of all revenues generated from City installed driving range area.

C. The CSD shall have no responsibility for collection of any monies due the Concessionaire as a result of pro shop operations. The Concessionaire may offer promotional programs and other financial incentives in order to generate additional participation and/or sales including promotional green fees.

2.8 Taxes, Licenses, Permits and Fees.

The Concessionaire shall be responsible for payment of any taxes, duties, fees, or other governmental charges levied or assessed on the food service operation or property. The Concessionaire shall also be required to purchase any applicable permits and licenses (including City business license and any licenses required for alcohol).

2.9 Prohibited Activities.

Concessionaire shall not do, nor cause nor permit to be done, any of the following:

A. Lease, sell, transfer, assign, convey, pledge, encumber or otherwise dispose of the Golf Course, related facilities, Equipment, or Supplies.

B. Violate any of the legal requirements or engage in or permit, suffer, or allow the occurrence of, any storage, holding, release, emission, discharge, generation, abatement, disposition, handling, or transportation of any hazardous substance.

C. Make any deletion, modification, alteration, or improvement to the Golf Course or related facilities other than expressly authorized.

D. Except for fertilizers, pesticides, and fuel and motor oil reasonably necessary for operation and maintenance of the Golf Course, and except for any other substances and materials reasonably necessary for the operation and maintenance of the Golf Course (all of which shall be used, installed, kept, and maintained in compliance with all applicable legal requirements), place or cause to be placed in, on, under or around the Golf Course or

MV00116452

any related facilities any hazardous substance. Concessionaire hereby agrees to indemnify, defend (through counsel reasonably satisfactory to the CSD), and hold CSD harmless from any cost, expense, loss, damage, or other liability, including all costs of testing, monitoring, and remediation incurred by CSD as a result of any breach of Concessionaire of its obligations under this section.

3.1 Books and Reports.

A. Throughout the Term, Concessionaire shall maintain in accordance with generally accepted accounting principles, consistently applied, full and separate books and records for the Golf Course with entries supported by documentation sufficient to allow CSD to ascertain the accuracy of such books and records. Concessionaire shall provide legible, complete copies of such books and records to CSD at such times at CSD request. Concessionaire shall ensure the necessary control over accounting and financial transactions as is necessary to protect CSD's assets from theft, error or fraudulent activity by Concessionaire's staff.

B. Concessionaire shall prepare and submit to CSD, no later than ninety (90) days after the end of each fiscal year, an Annual Operating Report for the immediately preceding fiscal year which shall be in such form and contain such information as CSD may require.

3.2 CSD's Right to Audit.

All books, records, and supporting documentation maintained by Concessionaire pursuant to this Agreement and/or relating to the Concessionaire's operation of the Golf Course, shall be the sole and exclusive property of the CSD, and shall be made available to CSD at CSD's request at reasonable times during normal business hours. CSD may

examine all books, records, and supporting documentation maintained by Concessionaire relating to the Golf Course.

3.3. Annual Meeting.

During each fiscal year, Concessionaire and CSD shall meet a minimum of one time to establish such things as the contract details relating to maintenance and operation and fee structure.

4. Indemnity.

To the maximum extent permitted by law, Concessionaire and Concessionaire's Parties ("Concessionaire's Parties" mean Concessionaire and Concessionaire's officers, shareholders, partners, trustees, members, agents, employees and independent contractors, as well as all persons and entities claiming through any of these persons or entities) and hold CSD (including CSD's officers, employees, agents, representatives, and their respective successors and assigns) harmless from, and CSD shall not be liable from any and all liability, loss, cost, expense or damage (including but not limited to damage to CSD's property, third party claims, and CSD's attorneys' fees and expenses) resulting from or arising out of (a) the negligent acts or omissions or willful misconduct in the performance by the Concessionaire or Concessionaire's staff or agents hereunder, or (b) any acts by Concessionaire or Concessionaire's staff or agents which are beyond the scope of authority which Concessionaire reasonably believes it has been granted pursuant to this Agreement in connection or relating to Concessionaire's performance of its obligations under this Agreement. Concessionaire shall be obligated to indemnify CSD as described in this paragraph, whether or not there is concurrent negligence on the part of the CSD, but shall not be so obligated to the extent that a court of competent jurisdiction

MV00116454

has established that said liability was caused by CSD's sole active gross negligence or willful misconduct.

5. EXEMPTION OF CSD FROM LIABILITY.

To the fullest extent permitted by law, Concessionaire, and on its behalf and on behalf of all Concessionaire Parties, as a material part of the consideration to CSD, hereby waives all claims (in law, equity, or otherwise) against CSD arising out of, knowingly and voluntarily assumes the risk of, and agrees that CSD shall not be liable to Concessionaire or Concessionaire Parties for (i) injury to or death of any person; or (ii) loss of, injury or damage to, or destruction of any tangible or intangible property, including the resulting loss of use, economic losses, and consequential or resulting damage of any kind from any cause, including without limitation for injury to CSD property or vehicles, or other property or vehicles of the public, and to Concessionaire or Concessionaire's Parties business, or any loss of income there from, or for damage to the goods, wares, merchandise, or other property of Concessionaire or Concessionaire's Parties, or any other person in or about the Golf Course, whether such damage or injury is caused by or results from theft, fire, steam, electricity, gas, earthquake, water or rain, or from the breakage, leaking, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning or lighting fixtures, of from any other cause, whether said damage or injury results from conditions arising on or around the Golf Course or from other sources or places, or from construction or repair, alteration or improvement of any part of the Golf Course or any related structures, or of the equipment, fixtures or appurtenances applicable thereto, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Concessionaire or Concessionaire's Parties. CSD shall not be liable for

any damages arising from any act or neglect of any occupant or user of the Golf Course, nor from the failure of Concessionaire or Concessionaire's Parties to comply with the provisions of this Agreement. CSD shall not be liable regardless of whether liability results from any active or passive act, error, omission or negligence of CSD or any of its officers, employees or agents. The foregoing exculpation shall (a) not apply to claims against CSD to the extent that a final judgment of a court of competent jurisdiction establishes that the injury, loss, damage, or destruction was proximately caused by fraud, willful injury to person or property or violation of law by CSD, or (b) not be interpreted or construed as an attempt by CSD to be relieved of liability arising out of a non-delegable duty on the part of the CSD.

6.1 Commercial General Liability Insurance.

Concessionaire shall, at no expense to CSD, maintain commercial general liability insurance, including products liability and completed operation, and contractual liability coverage, in the amount of Three Million Dollars ($3,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage, arising from or related to the Golf Course, or directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement. This insurance shall be a per occurrence policy. The policy shall also cover Operations, Independent Contractors, Products and Completed Operations, Contractual Liability covering Concessionaire's indemnity obligations contained in this Agreement, severability, and cross liability clauses. The limits of liability of the insurance coverage specified in this paragraph may be provided by any combination of primary and excess liability policies carried by Concessionaire.

MV00116456

6.2 Automobile Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain business automobile insurance in the amount of One Million Dollars ($1,000,000) per occurrence on account of bodily or personal injuries, including death, or on account of property damage arising from or caused, directly or indirectly, by Concessionaire's acts or omissions in the performance of this Agreement and covering the use of all automobiles, trucks and other motor vehicles utilized by Concessionaire or Concessionaire's Parties in connection with this Agreement. This insurance shall be a per occurrence policy.

6.3 Additional Insured Endorsement.

Under the public liability, property damage, and automobile liability insurance required in this Agreement, the CSD and the City of Moreno Valley, their officers, agents, and employees shall be named as additional insured by endorsement and as to such additional insured, the insurance shall be primary and the policies shall contain by endorsement a cross liability clause.

6.4 Workers' Compensation and Employer's Liability Insurance.

Concessionaire shall, at no expense to the CSD, maintain workers' compensation insurance, as required by law, and employer's liability insurance (at a minimum limit of One Million Dollars ($1,000,000) for all Concessionaire's officers, agents, employees, and staff.

6.5 Comprehensive Dishonesty, Destruction, and Disappearance Coverage.

Concessionaire shall, at no expense to the CSD, maintain coverage for comprehensive dishonesty, destruction, and disappearance or the equivalent crime or other coverage, in an amount not less than Twenty-five Thousand Dollars ($25,000), covering, at a minimum, depositor's forgery and theft and dishonesty by all

Concessionaire's employees or agents or staff who may handle funds or property in connection with the Agreement.

6.6 Deductible Self-Insurance Retention.

Any deductible or self-insurance retention shall be certified on a certificate of insurance and approved by the CSD. CSD may require Concessionaire either (1) reduce or eliminate such deductible or self-insurance retention as it applies to the CSD, or (2) procure a bond guaranteeing payment of losses and all costs associated with investigation, administration and defense of claims and/or lawsuits. The bond shall be in a form acceptable to the CSD.

6.7 Certificates.

The insurance required above shall be evidenced by certificate(s) submitted to the CSD which shall be executed by the insurance company or companies involved and which shall state that this insurance may not be terminated without 30 days prior written notice being received by CSD. The certificates shall be submitted to CSD before or at the time Concessionaire executes this Agreement.

6.8 No Representation of Adequate Coverage.

CSD makes no representation that the limits or forms of coverage of insurance specified in this Agreement are adequate to cover Concessionaire's obligation under this Agreement.

7.1 Term of Agreement.

The term of this Lease Agreement will be August 1, 2011 through July 31, 2016. Options to extend this agreement are available upon both parties agreeing on terms for up to 20 additional years.

MV00116458

7.2 Early Termination Without Cause.

Either party may terminate this Agreement upon one hundred eighty (180) days advance written notice to the other party, without penalty or cause.

7.3 Termination Upon Default by Concessionaire.

Upon the occurrence of an Event of Default by Concessionaire, as described herein, CSD may, at its option, and in addition to any and all other rights to which it may be entitled under this Agreement or applicable law, elect to terminate this Agreement. Any such termination shall be effective on the date specified by the CSD in such election; provided, however, in no event shall such date be later than thirty (30) days following the date CSD elects to terminate this Agreement.

The following shall constitute an Event of Default with respect to Concessionaire under this Agreement:

A. Any failure by Concessionaire to perform any of the terms, conditions, or covenants of this Agreement to be observed or performed by Concessionaire within thirty (30) days after written notice from CSD.

B If Concessionaire shall become insolvent or files any debtor proceedings, or any adjudication of bankruptcy is rendered against Concessionaire, or if Concessionaire takes or there is taken against Concessionaire in any court pursuant to any statute of the United Stated or of any state a petition in bankruptcy or insolvency, or for reorganization or for the appointment of a receiver or trustee of all or a portion of Concessionaire's property, and if the foregoing proceedings are not discharged within sixty (60) days thereof.

C. If Concessionaire makes an assignment for the benefit of creditors, or petitions for or enters into an arrangement of its debts, or it Concessionaire shall permit or

suffer this Agreement to be taken under any writ of attachment or execution, and the same is not discharged within thirty (30) days thereafter;

D. If Concessionaire assigns this Agreement in violation thereof.

7.4 Actions Following Termination.

A. Immediately following any termination of this Agreement for any reason whatsoever, Concessionaire shall assign, convey, transfer, and deliver to CSD, pursuant to an assignment in form and content satisfactory to CSD, all of Concessionaire's right, title, and interest in and to all Operating Contracts then in effect and in Concessionaire's name with respect to the Golf Course as requested by CSD, and Concessionaire shall transfer to CSD possession of all Equipment and Supplies owned by, purchased by or supplied by CSD.

B. Upon any termination of this Agreement for any reason whatsoever, Concessionaire shall, for a period of two (2) months following such termination, assist, and cooperate with CSD to the extent deemed necessary by CSD to ensure an orderly and efficient transfer of the operations of the Golf Course by Concessionaire to CSD or to CSD's designee. This covenant of Concessionaire contained herein shall survive and remain in full force and effect following any such termination of this Agreement.

C. Upon termination of this Agreement for any reason whatsoever, Concessionaire shall surrender the Golf Course and all related structures, improvements, and alterations, in good condition, and in accordance with all other provisions of this Agreement regarding fixtures, alteration, and improvements.

8. Transfer and Assignment.

Concessionaire may not, voluntarily or involuntarily, sell, convey, assign, transfer,

hypothecate, pledge, or otherwise dispose of (or agree to do any of the foregoing) all or any part of its interest, if any, in this Agreement, or any contractual rights or obligations related hereto without the prior written consent of CSD, which may be granted or withheld in CSD's sole discretion. Any assignment by Concessionaire without CSD's consent shall be considered any Event of Default and the assignment shall be of no force or effect.

9. Prohibition of Advertising and Certain Displays.

Concessionaire shall not display, nor shall Concessionaire permit the displaying of any advertising or any other postings at the Golf Course that are unrelated to golfing activities, without the prior written consent of CSD, in CSD's sole discretion.

10. Warranties and Representations.

Concessionaire hereby represents and warrants that in entering into this Agreement, Concessionaire has not relied on any statements from CSD or any representative thereof, and has conducted such due diligence and investigations as Concessionaire deems appropriate before entering into this Agreement.

11. Independent Contractor.

Concessionaire and CSD hereby acknowledge and agree that Concessionaire, in performing this Agreement, will be and will at all times act as an independent contractor in the performance of its duties and responsibilities set forth herein, and that Concessionaire will have control of its work and the manner in which it is performed. Concessionaire shall not be considered as an agent or employee of the CSD or the City of Moreno Valley. None of the provisions of this Agreement are intended to nor shall they be interpreted to create a partnership or joint venture between Concessionaire and CSD with respect to the Golf Course or otherwise, and neither party shall have the power to bind or obligate the other

party, except as expressly set forth in this Agreement. Concessionaire shall timely pay all taxes and impositions and for all other benefits required by law and relating to Concessionaire's staff.

12. Right to Inspection.

The CSD shall have the right to enter and inspect the Golf Course and the buildings and the premises as well as any Concessionaire-operated equipment, at any time during business hours.

13. Applicable Law.

This Agreement and all provisions hereof, irrespective of the place of execution or performance, shall be construed and enforced in accordance with the laws of the State of California. The sole and exclusive venue for any legal action under this Agreement or in any way related to the Golf Course shall be the Superior Court in and for the County of Riverside, and CSD and Concessionaire agree to submit to the jurisdiction of such court.

14. Savings Clause.

Any Provision of this Agreement, the deletion of which would not adversely affect the receipt of any material benefit by any party hereunder, or substantially increase the burden on any party hereto, shall be held to be invalid or unenforceable to any extent, the same shall not affect in any respect whatsoever the validity or enforceability of the remainder of this Agreement.

15. Attorneys' Fees and Expenses.

In the event of any dispute or litigation concerning the enforcement, validity, or interpretation of this Agreement, or any part thereof, the losing party shall pay all costs, charges, fees, and expenses (including reasonable attorneys' fees and costs) paid or

MV00116462

incurred by the prevailing party, regardless of whether any such litigation is prosecuted to judgment.

16. Non- Waiver.

The waiver by the CSD of any breach of any term, covenant, or consideration herein contained shall not be deemed to be a waiver of such term, covenant, or consideration or any subsequent breach of the same or any other term, covenant, or condition therein contained. No covenant, term, or condition of this Agreement shall be deemed to have been waived by CSD or Concessionaire, unless such waiver is in writing signed by the party against whom such waiver is asserted.

17. Compliance with Applicable Laws.

In the performance of services hereunder, Concessionaire shall comply with all applicable local, state, and federal statutes, regulations, ordinances, and orders now in force or which may be hereafter in force, to include public health sanitation requirements.

18. Equal Employment/Discrimination.

A. Concessionaire shall not discriminate in its recruiting, hiring, promotion, demotion, or termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, physical handicap, medical condition, or marital status with respect to the services to be performed hereunder, and Concessionaire shall comply with the provisions of the California Fair Employment Practice Act (commencing with Section 1410 of the Labor Code), the Federal Civil Rights Act of 1964 (P.L. 88-352), and all amendments thereto, Executive Order No. 11246 (30 Federal Register 12319), as amended, and all Administrative Rules and Regulations issues pursuant to said Acts and Orders.

MV00116463

B. Concessionaire shall not discriminate against or cause the segregation of any person or group of persons on account of race, color, creed, national origin, or ancestry with respect to the services to be performed hereunder, nor shall the Concessionaire or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the services to be performed hereunder.

19. Food and Beverage Laws.

With respect to any food or beverage sales or distribution operation conducted by Concessionaire as a golf play related service, Concessionaire shall keep the pro shop premises in a neat and sanitary condition and shall comply with the California Restaurant Act (Section 28529, et. seq. of the Health and Safety Code) and all applicable laws regarding the sale or distribution of intoxicating liquors. Health grade shall not be lower than an "A" rating.

20. Notices.

Any notices required or desired to be served by either party upon the other shall be addressed to the respective parties, or to such other addresses as from time to time shall be designated by the respective parties, as set forth as follows:

CSD:
City of Moreno Valley
Parks and Community Services Department
14075 Frederick Street
Post Office Box 88005
Moreno Valley, Ca 92552-0805

CONCESSIONAIRE:
Pacifica University, Inc.
Attention: William Meyers
2764 Ridgeline Dr #101
Corona, Ca 92882

IN WITNESS HEREOF, the parties have each caused their authorized representative to execute this Agreement on the 1st day of August, 2011_.

MORENO VALLEY
COMMUNITY SERVICES DISTRICT
Municipal Corporation

BY: _____

TITLE: _____

DATE: _____

ATTEST:

_____
City Clerk, in the capacity of Secretary to the Board of Directors of the Moreno Valley Community Services District

Approved as to form this

____ day of

City Attorney, in the capacity of general legal counsel to the Moreno Valley Community Services District

PACIFICA UNIVERSITY, INC.

BY: _____

TITLE: _____

DATE: _____

APPROVALS	
BUDGET OFFICER	
CITY ATTORNEY	
CITY MANAGER	

Report to City Council

TO: Mayor and City Council

FROM: Barry Foster, Community & Economic Development Director

AGENDA DATE: July 12, 2011

TITLE: "BEST PLACE TO DO BUSINESS" ACTION STEPS

RECOMMENDED ACTION

Staff recommends that the City Council approve the Action Steps formulated to help establish a foundation for making Moreno Valley a "Best Place to do Business".

ADVISORY BOARD RECOMMENDATION

On June 8, 2011 the Economic Development Subcommittee approved the recommended "Best Place to do Business" Action Steps.

BACKGROUND

The City of Moreno Valley is moving to improve the economic condition of the community through a variety of methods.

On March 22, 2011, the City Council reviewed and provided input for an Economic Development Plan- Areas of Opportunity brought forth by the Community & Economic Development Department. The twelve specific Areas of Opportunity provide a broad roadmap for the City of Moreno Valley to become a major business development area by creating major employment hubs, successful retail centers and pursuing redevelopment opportunities.

Continuing the process of refining and developing a short-term Economic Development Plan, on April 26, 2011 the City Council adopted a 2-year Economic Development Action Plan containing five initiatives focusing economic development efforts on the Areas of Opportunity that include TownGate, Centerpointe Business Park, South Industrial Area, East Moreno Valley-Rancho Belago, and City Center. Included in the adoption of the 2-year Action Plan was the re-sequencing of specified Capital

Improvement Program projects bolstering the economic impacts within the five key initiatives.

Prior to, and in conjunction with the adoption of the Economic Development Action Plan, many economic development activities were in motion including:

- Reformation of the City Council Economic Development Subcommittee
- Updating of the City's Housing Element
- Conduct a Developer's Workshop
- Collaboration with key Developers to advance development projects
- Study of best practices to make Moreno Valley a "Best Place to do Business"

DISCUSSION

The study of best practices to make Moreno Valley a "Best Place to do Business" was undertaken to identify attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations that are identified for use as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

The following searches were used to identify the communities that were reviewed and the practices that were identified:

- Economic Development best practices
- Economic Development award winners
- Cities recognized for being a best place to do business

Of the hundreds of cities considered in the search, thirty communities across the U.S. were selected based on similar populations and/or those within California. They were representative of top U.S. communities utilizing best practices or receiving awards and/ or recognition for being a "Best Place to do Business". Of the thirty communities studied, the Economic Development Subcommittee evaluated 5 cities including Austin, TX; Chico, CA; Raleigh, NC; Santa Clarita, CA; and Seattle WA. Examples of the program ideas shared by these cities include: e-permitting, user-friendly (yet content rich) websites, social media, targeted and effective marketing programs, incentive programs, workforce training, fast-track development services, local vendor preference programs, industry groups, and methods to improve overall quality of life creating a "sense of place".

The recommendations listed on Attachment A are based on the evaluations of the programs and characteristics of those five cities and direction from the Economic Development Subcommittee.

ALTERNATIVES

1) Approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff recommends this alternative.*

2) Do not approve the Action Steps to make Moreno Valley a "Best Place to do Business". *Staff does not recommend this alternative.*

FISCAL IMPACT

The implementation of the Action Steps to make Moreno Valley a "Best Place to do Business" will create a positive environment whereby businesses can thrive and quality development can occur, thus improving the potential for a stronger local economy. Specific actions including implementing program changes related to the Action Steps shall be further analyzed on a case by case basis consistent with appropriate funding sources.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies and corporations.

Revenue Diversification and Preservation. Develop a variety of City revenue sources and polices to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

SUMMARY

As part of the effort to improve the City's efforts with economic development, the Community & Economic Development Department studied best practices to make Moreno Valley a "Best Place to do Business". The study identified attributes of successful U.S. cities and some of the methods used to create that success. The results of the study led to the formation of recommendations, with the help of the Economic Development Subcommittee, that are recommended shall be used as the foundation for establishing a broad array of program and/or process changes or new program developments. The recommendations (Attachment A) will be further developed for more specific application to the City of Moreno Valley ensuring they align with the established priorities and goals established by the City Council.

ATTACHMENTS/EXHIBITS

Attachment A: Recommendations for Action Steps to make Moreno Valley a "Best Place to do Business".

Prepared By:
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Department Head Approval:
Barry Foster
Community & Economic Development Director

Council Action	
Approved as requested:	Referred to:
Approved as amended:	For:
Denied:	Continued until:
Other:	Hearing set for:

Recommendations for Action Steps

to Make Moreno Valley a "Best Place to do Business"

Development Services

- Implement the use of "E-permitting" to accelerate the process of doing business in Moreno Valley

- Expand and strengthen business and development ombudsperson program to include new or expanding small businesses.

- Host quarterly workshops with contractors and developers aimed at improving development processes in Moreno Valley.

- Improve Pre-Project Review Staff Committee (PRSC) and PRSC process to include project management services to small business.

- Create consistent explanation (website and handouts) of codes and processes, and to provide clarity and coordination of development services processes.

Business Attraction

- Identify and form key industry leadership groups to create industry specific synergy in the community helping to mitigate any obstacles to business attraction and help develop strategies to attract industry related business and workforce, improve city processes, and evaluate policies that may require updating to support the objectives outlined in the Economic Development Action Plan.

- Explore policy development for the creation of a tiered Moreno Valley Electric Utility "Economic Development" rate structure and incentive program.

Business Retention and Expansion

- Develop ways to expand the Shop MoVal campaign to provide more exposure for local business and encourage increased business-to-business relationships.

- Pursue ways to increase local vendor preference, including expanding existing procurement policy.

- Implement a new meeting program with local businesses to discuss business opportunities. The Program would be held once a year in each Council District and include the opportunity to talk to the Councilmember, City Manager, and Community & Economic Development Director. The Program will compliment the existing Business Roundtable.

- Enhance the Business Resource Guide.

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Marketing and Communication

- Perform an audit of the City's website to ensure that it is user friendly and data rich, and identify areas where processes can be clarified.

- Develop a re-tooled marketing plan to incorporate the following:
    - Cooperative marketing opportunities with targeted area developers to attract tenants
    - Identifying the City as a medical community
    - Brand the City as a job center

- Create an e-newsletter or explore other communication methods to improve residents' and business' knowledge about what's happening in the City.

- Increase use of social media.

- Create and maintain a community calendar to include business networking and education opportunities as well as community events and meetings.

- Explore use of Smartphone apps for improved communication and connectivity.

- Encourage on going feedback (How are we doing?) by posting regular surveys on the city's website.

Community Vitality

The best places to do business also reflect characteristics of the best places to live. These places tend to exude a "sense of place" reflected in aspects of quality of life including activity, arts and culture, and beauty in the environment.

- Explore additional community events- things to do.

- Explore idea of annual corporate sponsorship programs to create marketing value for local business and provide funding for community events.

- Enhance neighborhood groups by implementing community update meetings.

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